

Ordinance No. 2023-28

**AN ORDINANCE APPROVING THE 1120 EMPIRE AVENUE PLAT AMENDMENT,
LOCATED AT 1120 EMPIRE AVENUE, PARK CITY, UTAH**

WHEREAS, the owner of the property located at 1120 Empire Avenue petitioned the City Council for approval of the 1120 Empire Avenue Plat Amendment; and

WHEREAS, on April 26, 2023, notice was published in the *Park Record* and on the City and Utah Public Notice websites; and

WHEREAS, on April 25, 2023, courtesy notice was mailed to property owners within 300 feet of 1120 Empire Avenue; and

WHEREAS, on May 10, 2023, the Planning Commission reviewed the application and held a public hearing; and

WHEREAS, on May 10, 2023, the Planning Commission forwarded a positive recommendation for City Council's consideration on June 15, 2023; and

WHEREAS, on June 15, 2023, the City Council reviewed the proposed plat amendment and held a public hearing; and

WHEREAS, the plat is consistent with the Park City Land Management code including § 15-7.1-3(B), § 15-12-15(B)(9), and Chapters 15-2.2 and 15-7.

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City, Utah, as follows:

SECTION 1. APPROVAL. The 1120 Empire Avenue Plat Amendment, located at 1120 Empire Avenue, as shown in Attachment 1, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact

Background:

1. The property is located at 1120 Empire Avenue.
2. The property is listed with Summit County as Parcel number SA-181-A and consists of all of Lots 26 and 27, and the north 0.5 feet of Lot 28, Block 17, Snyder's Addition to Park City.
3. The property is in the Historic Residential – 1 (HR-1) Zoning District.
4. No easement is vacated or amended as a result of the plat amendment.
5. The LMC regulates Lot and Site Requirements per LMC § 15-2.2-3.
6. Duplex Dwellings are a Conditional Use in the HR-1 Zoning District and require a minimum Lot size of 3,750 square feet. The combined Lot size is 3,787.5 square feet.
7. The minimum Lot width in the HR-1 Zoning District is 25 feet. The proposed width of the Lot is 50.5 feet.
8. The required Front Setback is ten feet (10').

9. The required Side Setback is five feet (5').
10. The required Rear Setback is ten feet (10').
11. Building Height in the HR-1 Zoning District is 27 feet.
12. The existing structure is Non-Conforming with the Building Pad and Building Footprint requirements for the HR-1 Zoning District.
13. The existing structure is not compliant with existing LMC requirements regarding Setbacks. The Structure encroaches onto the south side Property line and encroaches by approximately two feet into the Rear Setback.
14. The two-unit structure was built with the Parking Spaces required by the LMC in effect at the time of construction.
15. The existing driveway is not compliant with current Off-Street Parking Requirements. The LMC requires four Parking Spaces for a Duplex Dwelling, and the existing structure only has two Non-Conforming parking spaces. Any new construction must comply with the current parking requirements in effect in the LMC at the time of application submittal.

Conclusions of Law

1. There is Good Cause for removing two Lot lines common to Lots 26 and 27 and for addressing the nominal discrepancy between Lots 27 and 28 to create one Lot because present land Uses and the Character of the HR-1 Zoning District are retained and it resolves existing issues and non-conformities.
2. The Plat Amendment is consistent with the Park City Land Management Code, including LMC Chapter 15-2.2 *Historic Residential – 1 (HR-1) Zoning District*, and LMC § 15-7.1-6 *Final Subdivision Plat*.
3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the Plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The Applicant shall record the plat at the County within one (1) year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this Plat approval will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. The plat shall note that fire sprinklers are required for all new construction.
4. The Structure at 1120 Empire Avenue may be repaired, maintained, or renovated, provided that such repair, maintenance, or renovation shall neither create any new non-compliance nor shall increase the degree of the existing non-compliance of all or any part of such Structure. See LMC § 15-9-5 and LMC § 15-9-6.

- 5. City Engineer review and approve all Lot grading, utility installation, public improvement, and drainage plans for compliance with City standards prior to issuance of any building permits.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 15th day of June, 2023.

PARK CITY MUNICIPAL CORPORATION

DocuSigned by:

Nann Worel

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Nann Worel, MAYOR



ATTEST:

DocuSigned by:

Michelle Kellogg

E5F905BB533F431...

City Recorder

APPROVED AS TO FORM:

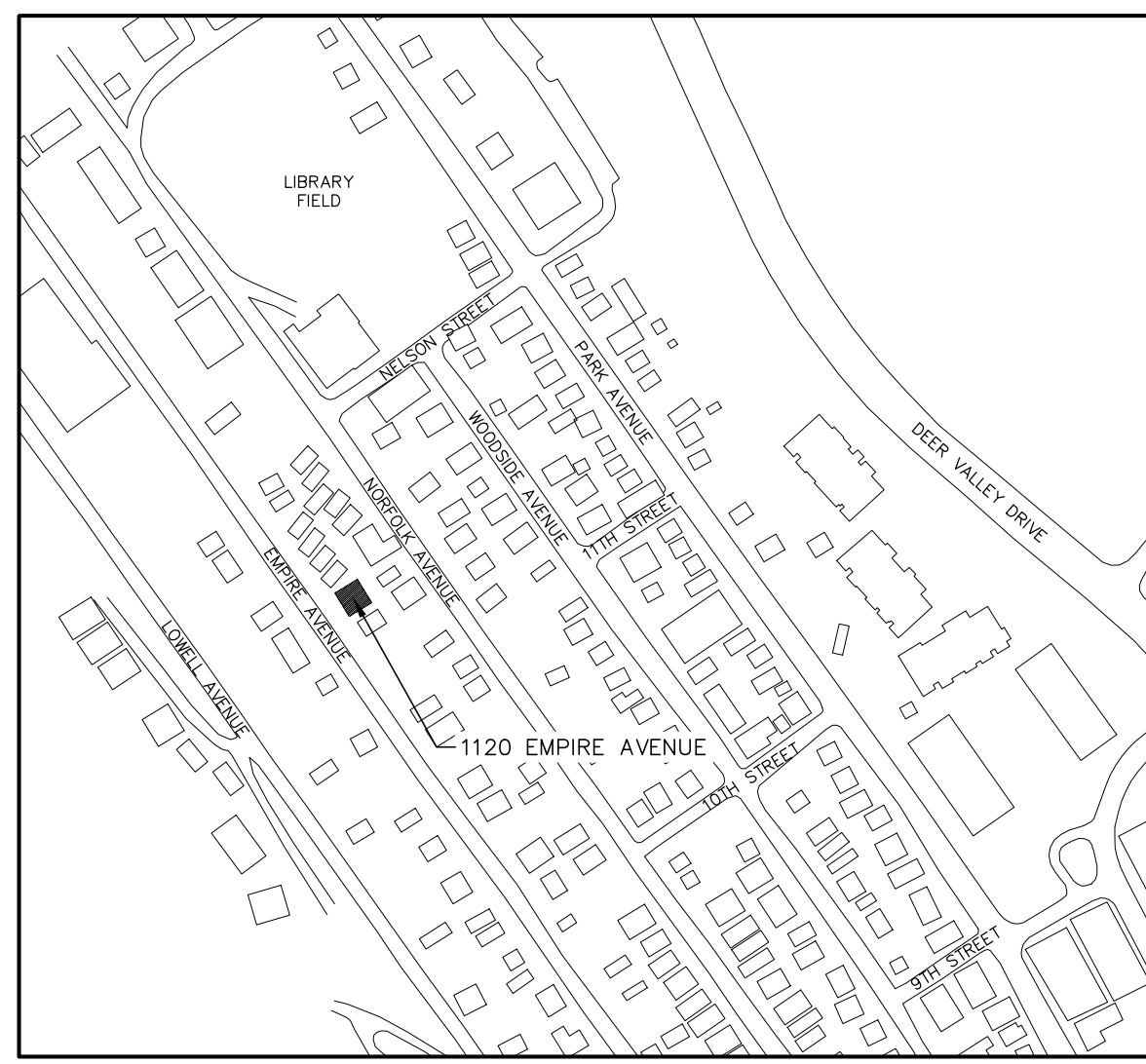
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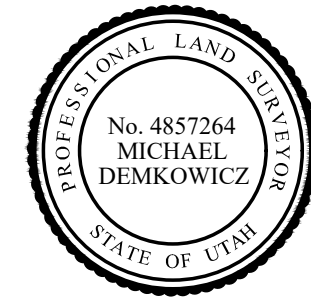
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City Attorney

Attachment 1 – Proposed Plat



VICINITY MAP



SURVEYOR'S CERTIFICATE

I, Michael Demkowicz, do hereby certify that I am a Professional Land Surveyor in the State of Utah and that I hold License No. 4857264 in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act. I further certify that I have completed a survey and have referenced a record of survey map of the existing property boundaries in accordance with Section 17-23-17 and have verified the boundary locations and have placed monuments as represented on the plat. I do further certify that by authority of the owners, I have prepared this plat amendment of the property described hereon, hereafter to be known as 1120 EMPIRE AVENUE PLAT AMENDMENT.

LEGAL DESCRIPTION

Parcel 1:
Lots 26, 27, and the north .5 feet of Lot 28, Block 17, Snyder's Addition to Park City, according to the official plat thereof, recorded in the office of the county recorder of Summit County.
Parcel 2:
Together with a right of way for sewer and water lines over and across the south five feet of Lot 6, Block 17, Snyder's Addition to Park City, Summit County as disclosed in that certain Amended Grant of Easement for Private Lateral Sewer and Waterlines recorded February 11, 2021, as Entry No. 1155406, in Book 2640, at Page 1782, Summit County Recorder's Office.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL BY THESE PRESENTS that the undersigned is the owner of the above described tract of land, and hereby causes the same to be unified into one lot of record, together with easements as set forth to be hereafter known as 1120 EMPIRE AVENUE PLAT AMENDMENT and does hereby dedicate for the perpetual use of the public the areas shown on this plat as intended for public use. The undersigned owner also hereby conveys any easements as shown on this plat to the parties indicated and for the purposes shown hereon.

In witness whereof, the undersigned set his hand this _____ day of _____, 2023.

Fasque, LLC, a Utah limited liability company

By: _____
Name: Joseph E. Tesch

Title: Attorney-in-Fact for Damian Roche as Manager of Fasque LLC, a Utah limited liability company

ACKNOWLEDGMENT

STATE OF _____

: ss.

COUNTY OF _____

On this _____ day of _____, 2023, Joseph E. Tesch personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, did say that he is the Manager of Fasque, LLC, a Utah limited liability company, and that said document was signed by him on behalf of said limited liability company by authority of its Operating Agreement or Resolution of its Members, and he acknowledged to me that he executed the 1120 EMPIRE AVENUE PLAT AMENDMENT.

By: _____
Notary Public

Printed Name _____

Residing in: _____

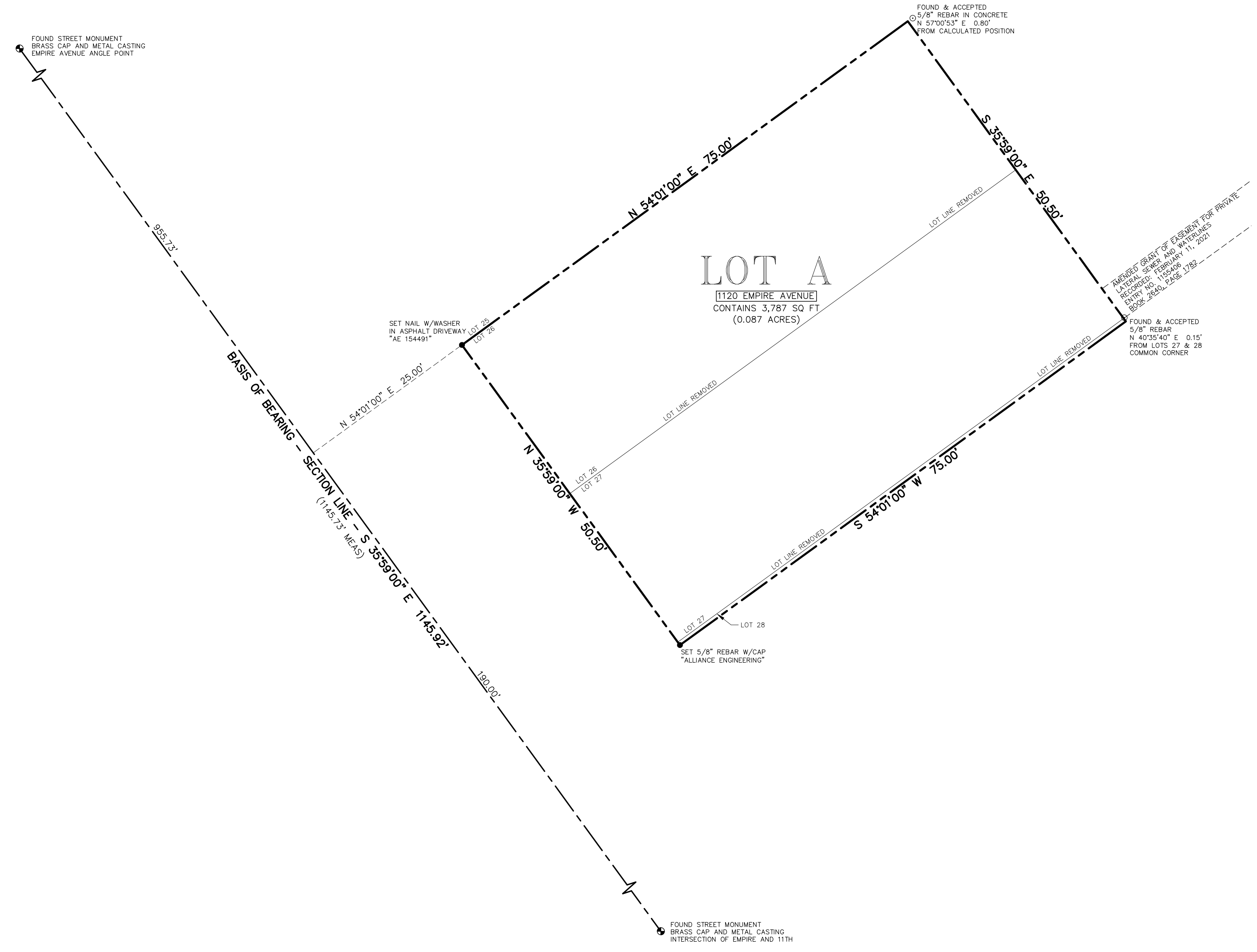
My commission expires: _____

Commission No. _____

NOTES

- 1. This plat amendment is subject to the Conditions of Approval in Ordinance 2023-_____
- 2. See Record of Survey S-xxxx in the Office of the Recorder, Summit County, Utah.
- 3. Snow Shed Easement Agreements, with no dimensions, affecting the south property line are recorded in the Office of the Recorder, Summit County, Utah as follows:

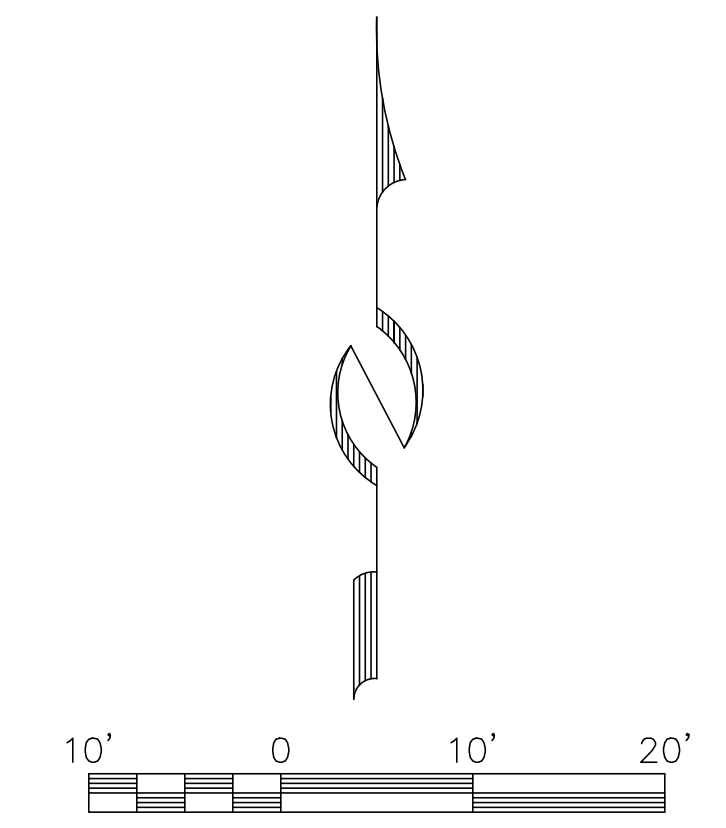
- Entry No. 854334, recorded September 8, 2008 in Book 1948 at Page 358
- Entry No. 854335, recorded September 8, 2008 in Book 1948 at Page 360
- Entry No. 862244, recorded January 9, 2009 in Book 1962 at Page 983



(435) 649-9467
Alliance Engineering Inc.
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

1120 EMPIRE AVENUE PLAT AMENDMENT

LOCATED IN THE NORTHWEST QUARTER OF SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH



SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2023 BY _____ ENGINEERING DEPARTMENT	PLANNING COMMISSION RECOMMENDED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2023 BY _____ CHAIR	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2023 BY _____ PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2023 BY _____ PARK CITY ATTORNEY	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2023 BY _____ MAYOR	CERTIFICATE OF ATTEST I CERTIFY THIS PLAT WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2023 BY _____ PARK CITY RECORDER	PUBLIC SAFETY ANSWERING POINT APPROVAL APPROVED THIS _____ DAY OF _____, 2023 BY _____ SUMMIT COUNTY GIS COORDINATOR	RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ FEE _____ RECORDER _____ TIME _____ DATE _____ ENTRY NO. _____
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