

Ordinance No. 10-08

**AN ORDINANCE APPROVING THE 1440 EMPIRE AVENUE SUBDIVISION LOCATED AT
1440 EMPIRE AVENUE, PARK CITY, UTAH**

WHEREAS, the owner of the property located at 1440 Empire Avenue have petitioned the City Council for approval of the 1440 Empire Avenue Replat subdivision; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on October 14, 2009, to receive input on the 1440 Empire Avenue Replat subdivision;

WHEREAS, the Planning Commission, on October 14, 2009, forwarded a positive recommendation to the City Council; and,

WHEREAS, the City Council held a public hearing on October 29, 2009, to receive input on the 1440 Empire Avenue Replat subdivision;

WHEREAS, the City Council remanded the Plat back to Planning Commission on October 29, 2009; and,

WHEREAS, the Planning Commission held a public hearing on December 9, 2009, to receive input on the 1440 Empire Avenue Replat subdivision;

WHEREAS, the Planning Commission, on December 9, 2009, forwarded a positive recommendation to the City Council; and,

WHEREAS, the City Council held a public hearing on February 25, 2010, to receive input on the 1440 Empire Avenue Replat subdivision;

WHEREAS, it is in the best interest of Park City, Utah to approve the 1440 Empire Avenue Replat subdivision.

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

SECTION 1. APPROVAL. The 1440 Empire Avenue Replat subdivision as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 1440 Empire Avenue in the Recreation Commercial (RC) zoning district.
2. The subject property encompasses parcels 1, 2 and 3 into Lot A 1440 Empire Avenue Replat
3. The proposed amended plat would result in one lot of record of 12,882.62 square feet.

4. The proposed plat dedicates a snow storage easement on the west side of the lot, identifies a public utility easement also on the west side, and identifies an existing 3' snow shed easement to the south.
5. The proposed subdivision will not create substandard lots on the neighboring lots.
6. The applicant is proposing the combination of the parcels in order to facilitate a Conditional Use Permit for a Multi-Unit Dwelling.
7. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.
8. The proposed lot size is compatible with the zone and other developments in the area.

Conclusions of Law:

1. There is good cause for this subdivision.
2. The subdivision is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.
3. Neither the public nor any person will be materially injured by the proposed subdivision.
4. Approval of the subdivision, 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 Attorney and City Engineer will review and approve the final form and content of the subdivision for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the subdivision at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. A 10 foot wide public snow storage easement shall be dedicated along the properties frontage to Empire Avenue.
4. The location of the drive entrance will be evaluated by the City Engineer to minimize conflicts with existing streets and drives.

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

PASSED AND ADOPTED this 25th day of February, 2010.

PARK CITY MUNICIPAL CORPORATION



Mayor Dana Williams

Attest:



Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney



