

Ordinance No. 2017-36

AN ORDINANCE APPROVING THE FAB MAIN STREET PLAT AMENDMENT LOCATED AT 442/444 MAIN STREET, PARK CITY, UTAH.

WHEREAS, the owner(s) of the property located at 442/444 Main Street have petitioned the City Council for approval of the Plat Amendment; and

WHEREAS, on May 31, 2017, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on May 31, 2017, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on June 14, 2017, to receive input on the plat amendment; and

WHEREAS, the Planning Commission, on June 14, 2017, forwarded a recommendation to the City Council; and,

WHEREAS, on June 29, 2017, the City Council held a public hearing and continued the item; and,

WHEREAS, on July 13, 2017, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the FAB Main Street Plat Amendment.

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

SECTION 1. APPROVAL. The FAB Main Street Plat Amendment, 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 442/444 Main Street.
2. The subject property consists of all of Lot 12, Block 23, Amended Plat of the Park City Survey, and two (2) metes and bounds parcels to the east that fall within the Millsite Reservation.
3. The property is located within the Historic Commercial Business (HCB) District.
4. The proposed plat amendment combines the three (3) existing parcels into one (1) lot of record, removing two (2) interior lot lines.

5. The site contains a historic commercial structure listed on Park City's Historic Sites Inventory (HSI) and designated as Significant, which has a non-historic rear addition that was constructed in 1989.
6. The existing structure is oriented in a way that results in a 4.34 square foot encroachment onto 450 Main Street to the north, and a 76.30 square foot encroachment onto 440 Main Street to the south. The Planning Director has determined that the 4.34 square foot encroachment onto 450 Main Street is de minimus and will not require an encroachment agreement with that property owner.
7. The HCB District has no minimum required front, rear, or side yard setback areas. All future development will be entirely contained within the property boundary.
8. The HCB District has a minimum lot size of 1,250 square feet. The proposed lot exceeds the minimum lot size requirement at 3,125 square feet.
9. The required minimum lot width is 25 feet. The proposed lot has a width of 25 feet, meeting this requirement.
10. The required minimum lot depth is 50 feet. The proposed lot has double-frontage, thus, exceeds the minimum lot depth requirement at 125 feet.
11. A Quit Claim Deed document was recorded at Summit County on October 5, 1994, which transferred the ownership of the easternmost metes and bounds parcel (PC-304-C) from Park City Municipal to the owner of 442/444 Main Street. The City retained a public utility easement over the entire parcel area.
12. A façade preservation easement was executed between a former property owner and the City and recorded on October 5, 1994—this easement perpetually runs with the land.
13. Most recently, the current property owner submitted a Historic District Design Review (HDDR) pre-application on April 14, 2016, to evaluate the feasibility of constructing a new addition on the Swede Alley site of the proposed lot.
14. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.
15. The property is located in a FEMA flood zone A.

Conclusions of Law:

1. There is good cause for this Plat Amendment.
2. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
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 will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this

approval for the plat 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.

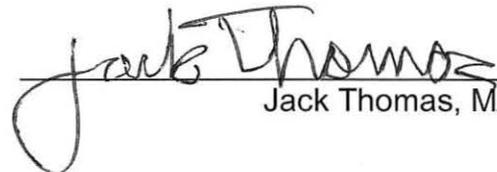
3. The property owner shall revise the recorded encroachment agreement with 440 Main Street to eliminate reference to new construction over property lines prior to recordation of this plat amendment.
4. New construction shall comply with all applicable parameters of Land Management Code §15-2.6 regarding floor area ratio, maximum building volume and height, architectural review, Swede Alley development criteria, parking regulations, etc.
5. New construction shall not occur within parcel PC-304-C unless Park City Council approves the vacation of the public utility easement that exists within it.
6. Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final Mylar prior to recordation.
7. New construction must comply with all flood plain regulations per the City Engineer.
8. New construction shall comply with all requirements outlined in the property's recorded façade preservation easement.

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

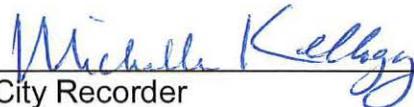
PASSED AND ADOPTED this 13th day of July, 2017.

PARK CITY MUNICIPAL CORPORATION

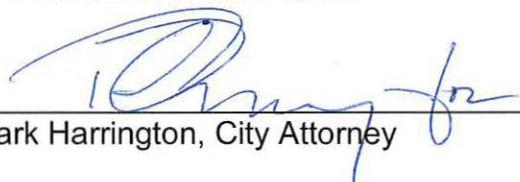



Jack Thomas, MAYOR

ATTEST:

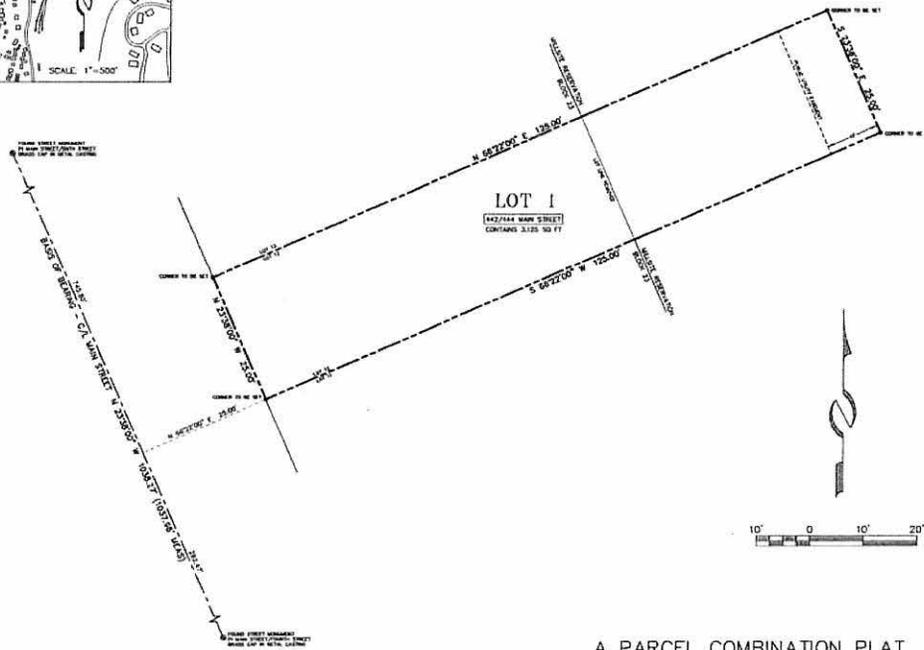
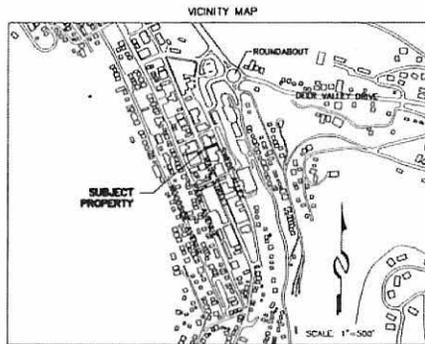

City Recorder

APPROVED AS TO FORM:


Mark Harrington, City Attorney

Attachment 1 – Proposed Replat

Exhibit A, Attachment 1 - Replat



SURVEYOR'S CERTIFICATE
 I, Martin A. Morrison, certify that I am a Registered Land Surveyor and that I hold Certificate No. 4938729, as prescribed by the laws of the State of Utah, and that by authority of the owner, I have prepared this plat amendment of the FAB MAIN STREET PLAT AMENDMENT and that the same has been or will be monumented on the ground as shown on this plat. I further certify that the information on this plat is accurate.

BOUNDARY DESCRIPTION
PARCEL 1:
 All of Lot 12, Block 23, Amended Plat of Park City Survey, according to the official plat thereof on file and of record in the Office of the Summit County Recorder.
PARCEL 2:
 Beginning at the southeast corner of Lot 12, Block 23, Amended Plat of Park City Survey, and running thence North 88°34' East 40 feet; thence North 23°31' West 25 feet; thence South 66°34' West 40 feet; thence South 23°31' East 25 feet to the point of beginning.
PARCEL 3:
 Beginning at a point North 66°34' East 40 feet from the southeast corner of Lot 12, Block 23, Park City Survey, and running thence North 66°34' East 10 feet; thence North 23°31' West 25 feet; thence South 66°34' West 10 feet; thence South 23°31' East along the westerly line of said Lot 12, 25 feet to the point of beginning.

OWNER'S DEDICATION AND CONSENT TO RECORD
 KNOW ALL MEN BY THESE PRESENTS that FRANK ANDREW BUILDING, L.C., a Utah limited liability company, the undersigned owner of the herein described tract of land, to be known hereafter as FAB MAIN STREET PLAT AMENDMENT, does hereby certify that it has caused this Plat Amendment to be prepared. FRANK ANDREW BUILDING, L.C., a Utah limited liability company, hereby consents to the recordation of this Plat Amendment.
 In witness whereof, the undersigned has his hand this ____ day of _____, 2017.
 FRANK ANDREW BUILDING, L.C., a Utah limited liability company

ACKNOWLEDGMENT
 State of _____
 County of _____
 On this ____ day of _____, 2017, J.F. Lanvers, personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly affirmed, did say that he is a Managing Member of FRANK ANDREW BUILDING, L.C., 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 FAB MAIN STREET PLAT AMENDMENT.

A Notary Public Commissioned in _____
 Printed Name _____
 Residing in _____
 My commission expires: _____

NOTES
 1. This plat amendment is subject to the Conditions of Approval in Ordinance 2017-_____
 2. A Grant of Preservation of Easement, recorded October 5, 1994, as Entry No. 416368 affects the property.

NARRATIVE
 Discrepancies between the bearings contained in the boundary descriptions of Parcels 2 and 3 and the bearings shown on the Amended Plat of Park City and the plat of Subdivision No. 1 of Millie Reservation, Park City. The bearing of the westerly line of Parcel 2 as described creates a gap between Parcel 2 and the westerly line of Lot 12 (Parcel 1). The bearings of Lot 12 for the boundary lines of Parcels 2 and 3 preserve the intent of not creating a gap, and is supported by the Park City Millie survey extension, prepared for Park City Municipal Corporation by J.J. Johnson and Associates, dated October 9, 1982.

A PARCEL COMBINATION PLAT
 IN BLOCK 23, PARK CITY SURVEY
FAB MAIN STREET PLAT AMENDMENT

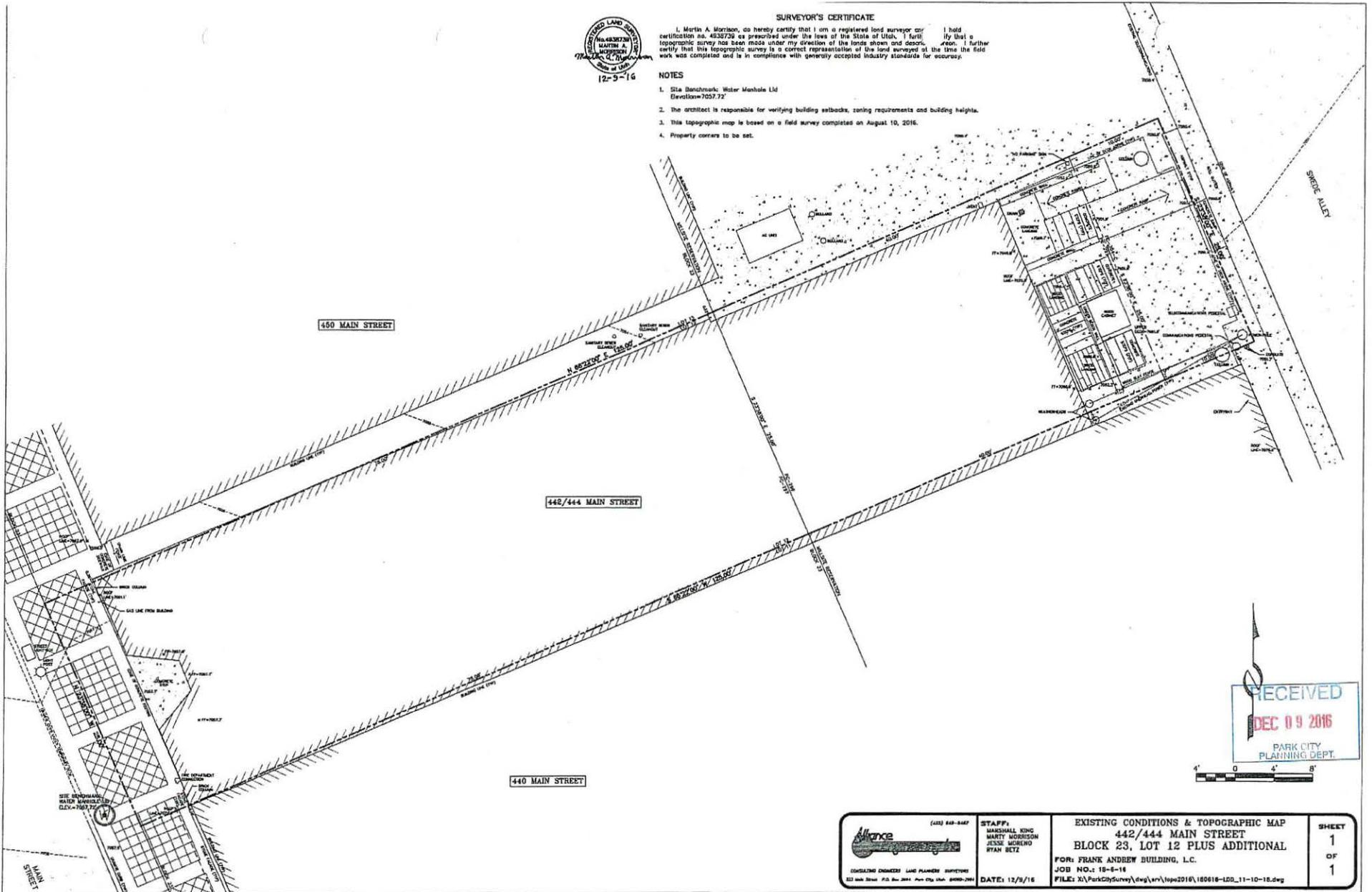
LOCATED IN THE SOUTHEAST QUARTER OF SECTION 16
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
 PARK CITY, SUMMIT COUNTY, UTAH



SHEET 1 OF 1

 (435) 648-0487 CONSULTING ENGINEERS LAND PLANNING SURVEYORS 323 Main Street, P.O. Box 2664, Park City, Utah 84302-2664	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2017 BY _____ S.B.W.R.D.	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2017 BY _____ CHAIR	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____, 2017 BY _____ PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2017 BY _____ PARK CITY ATTORNEY	CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2017 BY _____ PARK CITY RECORDER	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2017 BY _____ MAYOR	RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ ENTRY NO. _____ FEE _____ RECORDER _____
	JOB NO.: 16-6-16 FILE: X:\ParkCitySurvey\deq\ar\pl2016\160616.dwg						

Exhibit B - Survey of Existing Conditions



SURVEYOR'S CERTIFICATE

I, Martin A. Morrison, do hereby certify that I am a registered land surveyor or I hold a certification no. 4832739 as prescribed under the laws of the State of Utah. I further certify that this topographic survey has been made under my direction of the lands shown and depicts the same. I further certify that this topographic survey is a correct representation of the land surveyed at the time the field work was completed and is in compliance with generally accepted industry standards for accuracy.

NOTES

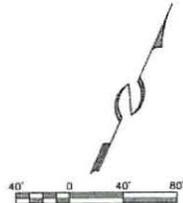
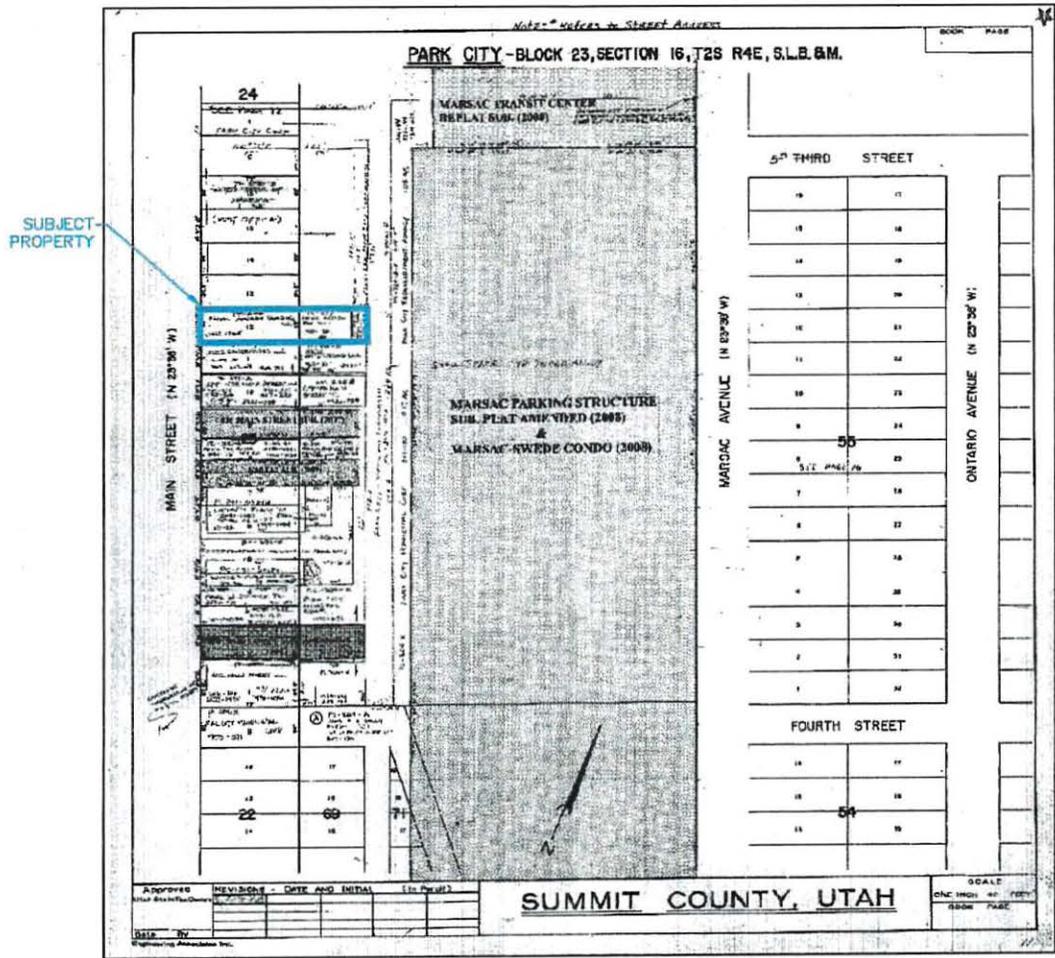
1. Site Benchmark: Water Manhole Lid Elevation=7027.72'
2. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
3. This topographic map is based on a field survey completed on August 10, 2016.
4. Property corners to be set.

RECEIVED
 DEC 09 2016
 PARK CITY
 PLANNING DEPT.



<p>(435) 848-8447 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 102 Main Street, P.O. Box 2004, Park City, Utah 84099-2004</p>	<p>STAFF: MARSHALL KING MARTY MORRISON JESSE MORENO STAN SELTZ</p>	<p>EXISTING CONDITIONS & TOPOGRAPHIC MAP 442/444 MAIN STREET BLOCK 23, LOT 12 PLUS ADDITIONAL</p>	<p>SHEET 1 OF 1</p>
	<p>DATE: 12/9/16</p>	<p>FOR: FRANK ANDREW BUILDING, L.C. JOB NO.: 18-8-16 FILE: X:\ParkCitySurvey\dwg\arr\topo2016\180618-LD0_11-10-16.dwg</p>	

Exhibit C - Current Plat



RECEIVED
 DEC 09 2016
 PARK CITY
 PLANNING DEPT.

	(435) 349-8447 STAFF: MARSHALL KING RYAN BETZ	OWNERSHIP PLAT 442/444 MAIN STREET BLOCK 23, LOT 12 + ADDITIONAL FOR: FRANK ANDREW BUILDING, L.C. JOB NO.: 18-6-16 FILE: X:\ParkCitySurvey\08\Exhibits\442-444 main street-ownership map.dwg	SHEET 1 OF 1
	CONSULTING ENGINEER LAND PLANNER SURVEYOR 400 Main Street, P.O. Box 2000, Park City, Utah 84302-0200	DATE: 12/3/16	