

Ordinance No. 2017-44

AN ORDINANCE APPROVING THE 277 MCHENRY PLAT AMENDMENT LOCATED AT 277 MCHENRY AVENUE, PARK CITY, UTAH

WHEREAS, the owner of the property located at 277 McHenry Avenue has petitioned the City Council for approval of the Plat Amendment; 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 July 26, 2017, to receive input on Plat Amendment; and

WHEREAS, the Planning Commission, on July 26, 2017, forwarded a recommendation to the City Council; and,

WHEREAS, on August 17, 2017, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, there is good cause and it is in the best interest of Park City, Utah to approve the 277 McHenry Avenue Plat Amendment.

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

SECTION 1. APPROVAL. 277 McHenry Avenue 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 277 McHenry Avenue in the Historic Residential-Low Density (HR-L) District.
2. The property consists of all of Lot 12 and half of Lot 11 of Block 60 of the Park City Survey.
3. On May 3, 2016, the City received a Plat Amendment application for the 277 McHenry Plat Amendment which was deemed complete on May 25, 2016.
4. On July 10, 2017, the property was posted and notice was mailed to affected property owners within 300 feet.
5. Legal notice was published in the Park Record on July 12, 2017.
6. Adjacent land uses are residential single-family homes.
7. The minimum lot size in the HR-L zone is 3,750 sf.
8. The subject site contains a total of 4,381 square feet, not including the road.
9. The western portion of 277 McHenry is a total of 2,557 square feet and is identified

as "Lot 1."

10. The eastern portion of 277 McHenry is a total of 1,824 square feet and is identified as "Parcel A."
11. The portion of the lot with the road is a total of 452 square feet.
12. The existing duplex is 2,100 sq. ft. with a footprint of 700 sq. ft. The maximum footprint allowed on the lot is 1,712.2 square feet, based on the total lot area (minus the road). No variance to the maximum footprint has been requested.
13. In the HR-L zone, an accessory apartment is a Conditional Use.
14. The existing Duplex was built in 1973 over two property lines. No building permits could be located.
15. The existing Duplex is a legal non-conforming use in the HR-L zone.
16. Front and rear yard setbacks are 10 feet minimum and 20 feet combined for section of the lot (east and west) measured separately.
17. Two frontages are created with McHenry Avenue bisecting the property.
18. The property on both sides of McHenry Avenue are addressed as 277 McHenry Avenue.
19. Side yard setbacks for both sections of the lot are 3 feet minimum on each side and 6 feet combined. The existing structure and the proposed accessory apartment structure meet the side yard setback requirements.
20. Parking requirements for a Single Family home are 2 spaces per dwelling unit.
21. Parking requirements for a Duplex dwelling is 2 spaces per dwelling unit.
22. Parking requirements for an accessory apartment are 1 space per bedroom.
23. The existing duplex structure has 2 parking spaces which will remain if it is converted into a Single Family dwelling.
24. If an accessory apartment is approved with the 2-car garage (as proposed) and the duplex becomes a single-family dwelling, each unit will comply with all applicable parking requirements.
25. The existing duplex does not meet current parking requirements providing 2 spaces with 4 spaces required.
26. A variance to allow an accessory apartment with a floor area greater than 1/3 of the floor area of the main dwelling unit up to 1,000 square feet has been granted to the applicant at the March 21, 2017 Board of Adjustment meeting.
27. A variance to allow an accessory apartment with a floor area greater than 1/3 of the floor area of the main dwelling unit up to 1,166 square feet at this address has been denied at the March 21, 2017 Board of Adjustment meeting.
28. A variance to reduce the rear yard setback from 10 feet to 5 feet on Parcel A has been denied at the May 16, 2017 Board of Adjustment meeting.
29. The location of the McHenry Road, splitting the subject site in two, does not allow any construction in that same location.

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 Subdivisions.
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.

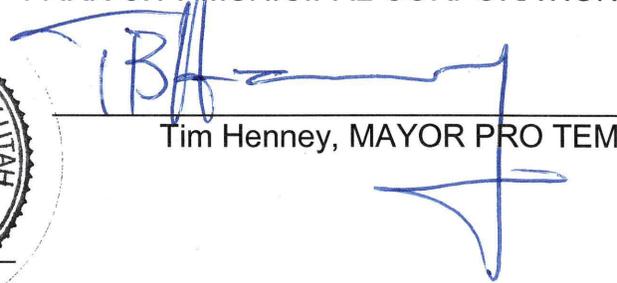
Conditions of Approval:

1. The City 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. A ten feet (10') wide public snow storage easement will be required along the front of both sides of the property.
4. Fire sprinklers shall be required for all new construction or substantial renovations, as determined by the Park City Building Department during building permit review.
5. A utility easement is required on the plat 10 feet from the sewer line located in McHenry Avenue on the uphill side of the road.
6. McHenry Avenue will be dedicated to Park City Municipal Corporation on the plat.
7. The density cannot increase on this lot. If the applicant wants to apply for an accessory apartment, the duplex will need to be converted to a single-family dwelling.
8. Parcel A is appurtenant to Lot 1. This lot can never be further subdivided or sold separately. The property on both sides of the road will always be 277 McHenry Avenue. This shall be noted on the plat prior to recordation.

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

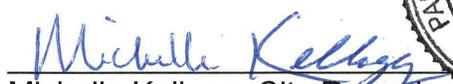
PASSED AND ADOPTED this 17th day of August, 2017.

PARK CITY MUNICIPAL CORPORATION



Tim Henney, MAYOR PRO TEM

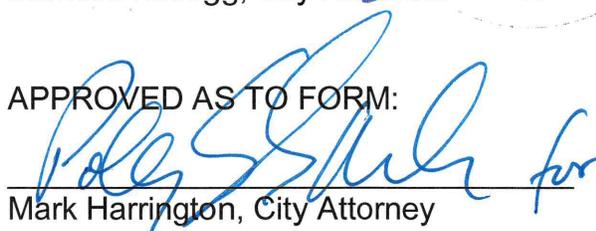
ATTEST:



Michelle Kellogg, City Recorder



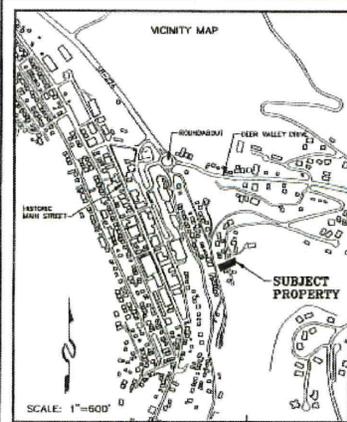
APPROVED AS TO FORM:



Mark Harrington, City Attorney

Attachment 1 – Proposed Plat

Exhibit A - Proposed Plat



SURVEYOR'S CERTIFICATE

I, Martin A. Morrison, certify that I am a Registered Land Surveyor and that I hold Certificate No. 4938736, as prescribed by the laws of the State of Utah, and that by authority of the owners, this Record of Survey map of 277 McHENRY AVENUE PLAT AMENDMENT has been prepared under my direction and that the same has been monumented on the ground as shown on this plat. I further certify that the information on this plat is accurate.

BOUNDARY DESCRIPTION

The North 1/2 of LOT 11 and All of LOT 12, BLOCK 60, PARK CITY SURVEY, according to the official plat thereof on file and of record in the Summit County Recorder's Office.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that Michael Eric Kaplan, and Michael Eric Kaplan, Trustee of the 66TH Trust dated January 8, 2015, as their interests appear, hereby certifies that he has caused this Plat Amendment to be prepared and hereby consents to the resubmission of the 277 McHenry Avenue Plat Amendment.

Michael Eric Kaplan

Michael Eric Kaplan,
Trustee of the 66TH Trust dated January 8, 2015

ACKNOWLEDGMENT

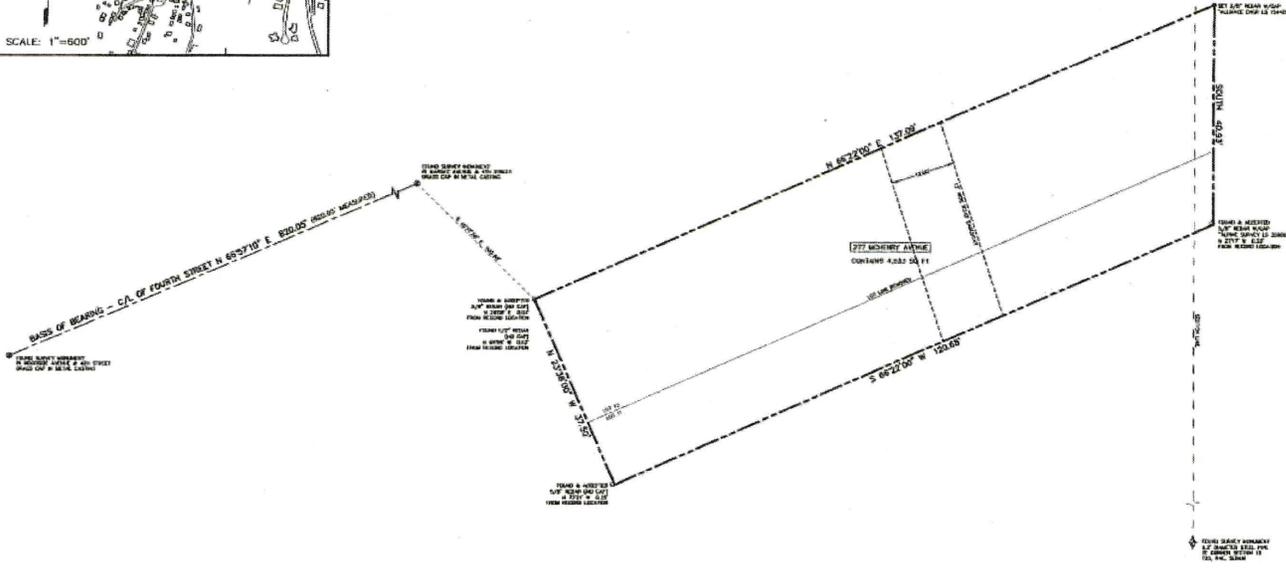
State of _____
County of _____

on this _____ day of _____, 2016, Michael Eric Kaplan personally appeared before me, the undersigned Notary Public, in and for said state and county, having been duly sworn, Michael Eric Kaplan acknowledged to me that he is the owner of the tract described herein, and Trustee of the 66TH Trust dated January 8, 2015, and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

A Notary Public commissioned in _____
Printed Name: _____
Residing at: _____
My commission expires: _____
Commission No.: _____

NOTE

This subdivision is subject to the Conditions of Approval in Ordinance 15-_____

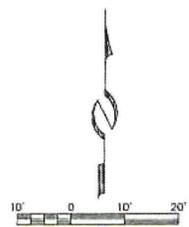


A COMBINATION OF LOT 12 AND THE NORTH HALF OF LOT 11 IN BLOCK 60, PARK CITY SURVEY

277 McHENRY AVENUE 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

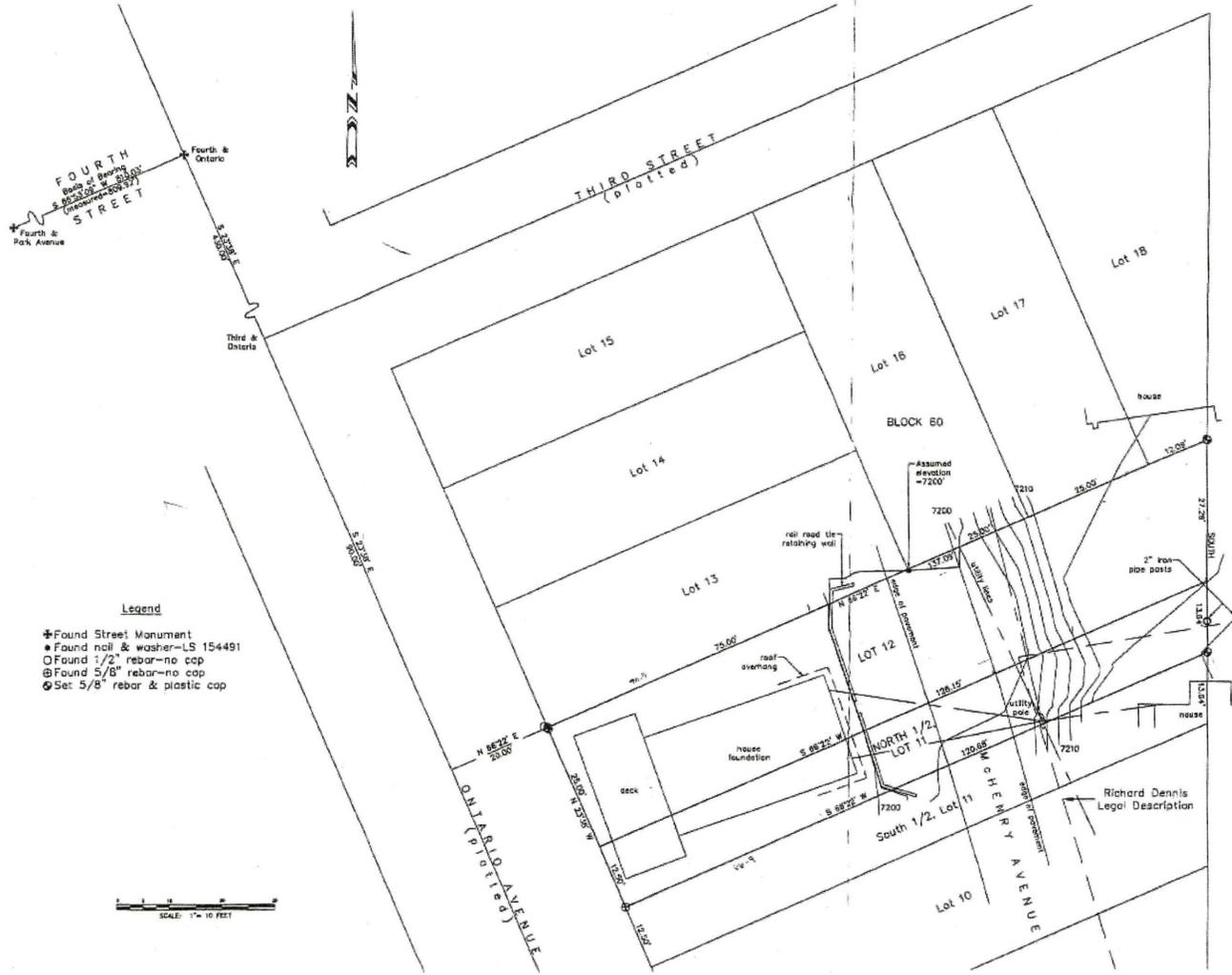
MAY 03 2016



SHEET 1 OF 1

| | | | | | | | |
|---|--|--|---|--|--|--|--|
| CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 222 West Center Street, Suite 200, Park City, Utah 84302-2000 | SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2016 BY _____ S.R.W.B.D. | PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2016 BY _____ CHAIR | ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2016 BY _____ PARK CITY ENGINEER | APPROVAL AS TO FORM I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2016 BY _____ PARK CITY ATTORNEY | COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2016 BY _____ MAYOR | CERTIFICATE OF ATTEST I CERTIFY THIS PLAT MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2016 BY _____ PARK CITY RECORDER | RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ ENTRY NO. _____ FEE _____ REC'D _____ |
| | APPROVAL NOB FORM 4-3-16 FILE: R:\ParkCitySurvey\dwg\map\2016\2016_040316.dwg | | | | | | |

Park City Survey, Block 60,
Lot 12 & the North 1/2 of Lot 11



- Legend**
- ✦ Found Street Monument
 - Found nail & washer-LS 154491
 - Found 1/2" rebar-no cap
 - ⊗ Found 5/8" rebar-no cap
 - ⊙ Set 5/8" rebar & plastic cap

NARRATIVE

1. Survey requested by Michael Kaplan.
2. Purpose of survey: locate the specified topographic relief.
3. Basis of survey: found Street Monuments, according to the amendment of Sheet #3 of the Park City Monument Control Map by Bush & Guggell, Inc., on file and of record in the office of the Summit County Recorder.
4. Date of survey: May 31, 2002.
5. Property corners found as shown.
6. Located in the Southeast Quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base & Meridian.
7. The owner of the property should be aware of any items affecting the property that may appear in a title insurance report.
8. For the previous breakdown of Lot 11 see the record of survey No. S-406 by Alliance Engineering, on file in the office of the Summit County Recorder.
9. The Richard Dennis Legal Description as shown encroaches on the property but has a questionable validity. Further title research is recommended.
10. An assumed elevation of 7200 feet was assigned to the nail and washer in the asphalt street at the southwesterly corner of Lot 15, as shown.

LEGAL DESCRIPTION

All of Lot 12 and the North 1/2 of Lot 11, Park City Survey, according to the official plat thereof, on file and of record in the office of the Summit Co. Recorder; containing ±0.11 acres.

SURVEYOR'S CERTIFICATE

I, J.D. Gallej, a Registered Land Surveyor as prescribed by the laws of the State of Utah and holding License No. 359005, do hereby certify that I have supervised a survey of the hereon described property and that this plat is a true representation of said survey.

Date: May 27, 2002

J.D. Gallej License No. 359005



Alpine Survey, Inc.
19 Prospecter Drive
Park City, Utah 84060
(435) 655-8016

MAY 03 2016