

## **Ordinance No. 2018-25**

AN ORDINANCE APPROVING THE GARDNER PARCEL-FIRST AMENDED SUBDIVISION LOCATED AT 943-945 NORFOLK AVENUE, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 943-945 Norfolk Avenue has petitioned the City Council for approval of the Plat Amendment; and

WHEREAS, on April 21, 2018, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on April 25, 2018, proper legal notice was published according to requirements of the Land Management Code and courtesy letters were sent to surrounding property owners; and

WHEREAS, the Planning Commission held a public hearing on May 9, 2018, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on May 9, 2018, forwarded a positive recommendation to the City Council; and,

WHEREAS, on May 31, 2018, 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 Gardner Parcel-First Amended located at 943-945 Norfolk Avenue.

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

**SECTION 1. APPROVAL.** The Gardner Parcel-First Amended located at 943-945 Norfolk 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:**

1. The property is located at 943-945 Norfolk Avenue.
2. The historic house at 945 Norfolk Avenue was constructed in 1896 by Nathaniel J. Williams.
3. In July 1994, the Historic District Commission (HDC) approved the construction of a new addition that included a four-car parking garage and 1,200 square foot apartment to the south of the historic house. The design mimicked the roof form, dormers, materials, and detailing of the historic house.
4. At the time of the HDC's approval, the use was considered a "duplex" and the house and garage. The garage and accessory apartment are in a detached structure, separate from the historic house.

5. In 1995, the Park City Council approved Ordinance 95-13, a plat amendment to combine "All of Lots 10, 11, & 12, Blk 15, Snyders Addition to Park City." The Gardner Parcel was recorded with the Summit County Recorder on July 16, 1996.
6. In 2009, this site was listed on Park City's Historic Sites Inventory (HSI) and was designated as Landmark.
7. The applicant submitted a Historic District Design Review (HDDR) application on March 13, 2018; it was deemed complete on March 19, 2018. The HDDR application is currently under review by the Planning Department.
8. The Historic Preservation Board reviewed and approved the Material Deconstruction on May 2, 2018. They determined that the contemporary site improvements were not historic and approved the removal of rock and stone retaining walls, sidewalks, landscaped stairs, driveway, and other improvements.
9. The current application proposes to subdivide the lot into two legal lots of record. Lot A (945 Norfolk Avenue) will contain 2,963 square feet; while Lot B (943 Norfolk Avenue) will contain 2,662 square feet.
10. On April 17, 2018, the applicant submitted a build permit to demolish the detached garage structure and non-historic landscape improvements at 943 Norfolk Avenue. The permit has not yet been issued.
11. Along the front (east) side of the property, there are retaining walls that encroach into the city right-of-way.
12. Between the two buildings there are a concrete walkway, wood and concrete steps, and a portion of the covered porch at 943 Norfolk Avenue that will encroach over the proposed subdivision line.
13. Along the rear (west) yard, there is an existing retaining wall that encroaches onto the 945 Norfolk Avenue property from 950 Empire Avenue. Survey note #10 states, "There is a rock wall encroaching in the property pertinent to the construction of the adjacent property."
14. In the rear yard, there is also a retaining wall that extends from 945 Norfolk Avenue into the property to the north at 955 Norfolk, as well as a series of retaining walls that cross over the proposed subdivision line between 943 and 945 Norfolk Avenue.
15. LMC § 15-2.2-4 indicates that historic structures that do not comply with building setbacks are valid complying structures.
16. Per LMC 15-2.2-3 (A), the minimum Lot Area is 1,875 square feet for a Single Family Dwelling; Lot A will comply at 2,963 square feet, and Lot B will comply at 2,662 square feet.
17. Per LMC 15-2.2-3 (D), the building footprint is based on the Lot Size. Lot A will produce an allowable footprint of 1,254.275 square feet; it currently has a footprint of 1,186.875 square feet. Lot B will produce an allowable footprint of 1,146.079 square feet; it currently has a footprint of 960 square feet.
18. Per LMC 15-2.2-3(E), the minimum Front and Rear Yard setbacks for Lots with a depth up to 75 feet, such as these proposed lots, is 10 feet. Following the subdivision, Lot A containing the Historic House will have a front yard setback of 7 feet and a rear yard setback of 19 feet; historic structures are valid non-complying buildings. With the existing structure, Lot B will have a front yard setback of 17 feet and a rear yard setback of 16 feet.

19. Per LMC 15-2-2-3(H), the minimum side yard increases for lots greater than 37.5 feet in width. Lot A has a proposed lot width of 39.50 and will require side yard setbacks of 5 feet for a total of 10 feet; with the Historic house, the site will have a 2 foot side yard setback on the north side and a 6 foot side yard setback on the south side. Lot B has a proposed lot width of 35.50 and will require 3 foot setbacks for a total of 6 feet; with the existing detached garage-accessory apartment structure, the site will have 0 ft. setback on the north side and 12 foot setback on the south side.
20. Per LMC 15-2.2-5 Building Height, no structure shall be erected to a height greater than 27 feet from Existing Grade. The Historic house has a height of 26.1 feet and the 1994 garage-accessory apartment addition has a height of 23.9 feet. The historic house was constructed prior to the requirement of a 10 foot horizontal step in the downhill façade; it is a valid non-complying structure. The detached garage-accessory apartment was built in 1994 prior to the requirement of a 10 foot horizontal step in the downhill façade; it is legal non-complying.
21. The 1994 garage-accessory apartment addition to the site is legal non-complying; however, the applicant has proposed to demolish it and redevelop Lot B. It does not cross the proposed subdivision line, but would have a 0 foot setback if the building were to remain.
22. The 1995 plat amendment approval included a five foot (5') snow storage easement along the Norfolk Avenue right-of-way. The City has since been consistent in requiring a 10 foot snow storage easement.
23. The Park City Planning Department received the plat amendment application on March 6, 2018; the application was deemed complete on March 8, 2018.
24. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

**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. Residential fire sprinklers will be required for all new construction per requirements of the Chief Building Official.

4. A 10 foot wide public snow storage easement along the frontage of Norfolk Avenue is required and shall be provided on the plat.
5. There are non-historic retaining walls that encroach into the right-of-way in front of both 943 and 945 Norfolk Avenue. The applicant shall remove these encroachments prior to recording the plat.
6. Prior to recording the plat, the applicant shall remove the non-historic encroachments between the two properties, including the concrete deck and stairs as well as the series of stone retaining walls in the backyard.
7. The applicant shall either remove the contemporary rock retaining walls or enter into an encroachment agreement with the neighbor at 950 Empire Avenue for the rock retaining wall that extends from 950 Empire Avenue into 945 Norfolk Avenue prior to recording the plat.
8. The applicant shall remove the contemporary rock retaining walls that extend from 945 Norfolk Avenue into the property directly north prior to recording the plat.
9. The applicant shall demolish the garage-accessory apartment structure at 943 Norfolk Avenue prior to recording the plat.

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

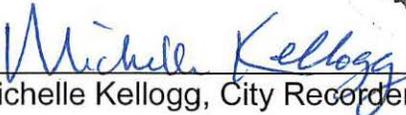
PASSED AND ADOPTED this 31<sup>st</sup> day of May, 2018.

PARK CITY MUNICIPAL CORPORATION

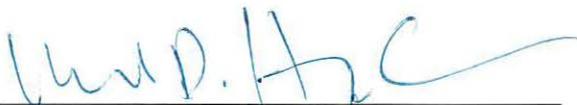
  
\_\_\_\_\_  
Andy Beerman, MAYOR

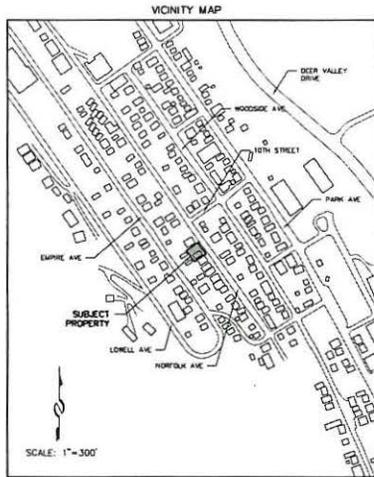


ATTEST:

  
\_\_\_\_\_  
Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Mark Harrington, City Attorney



**SURVEYOR'S CERTIFICATE**

I, Charles Galati, do hereby certify that I am a Professional Land Surveyor and that I hold License No. 724885, as prescribed by the laws of the State of Utah, and that by authority of the owner, THE GARDNER PARCEL-FIRST AMENDED has been reviewed under my direction, 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.

**LEGAL DESCRIPTION**

All of The Gardner Parcel Subdivision, 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 SUNSHINE ROSE, INC., the undersigned owner of the herein described tract of land, to be known hereafter as THE GARDNER PARCEL-FIRST AMENDED, does hereby certify that it has caused this plat amendment to be prepared, and does hereby consent to the recordation of this plat amendment.

In witness whereof, the undersigned set his hand this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

By: Theodore Wong, Manager  
SUNSHINE ROSE, INC.

**ACKNOWLEDGMENT**

State of \_\_\_\_\_  
County of \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 2018, Theodore Wong 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 SUNSHINE ROSE, INC., and that said document was signed by him on behalf of said corporation by authority of its Board, or Resolution of its Board of Directors, and he acknowledged to me that he executed THE GARDNER PARCEL-FIRST AMENDED.

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 2018-\_\_\_\_\_
2. All Conditions of Approval of The Gardner Parcel, recorded July 26, 1996, as Entry No. 439013 continue to apply and remain in full force and effect.



**THE GARDNER PARCEL-FIRST AMENDED**

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

Job No. 11-10-17 FILE: X:\SnydersAddition\dwg\w\plat2017\111017.dwg

 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2884 Park City, Utah 84060-2884 (435) 849-9427	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2018 BY _____ S.B.W.R.D.	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2018 BY _____ CHAIR	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2018 BY _____ PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2018 BY _____ PARK CITY ATTORNEY	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2018 BY _____ MAYOR	CERTIFICATE OF ATTEST I CERTIFY THIS PLAT MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2018 BY _____ PARK CITY RECORDER	STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ FEE _____ RECORDER _____ TIME _____ DATE _____ ENTRY NO. _____
	RECORDED						

# THE GARDNER PARCEL SURVEY

LOCATED IN THE NORTH HALF OF SECTION 16  
TOWNSHIP 2 SOUTH, RANGE 4 EAST,  
SALT LAKE BASE AND MERIDIAN  
RECORD OF SURVEY—EXISTING CONDITIONS  
SUMMIT COUNTY, UTAH



### SURVEYOR'S CERTIFICATE

I, Charles Galati, certify that I am a Professional Land Surveyor and that I hold Certificate No. 724891, as prescribed by the laws of the State of Utah. I further certify that under my direct supervision a survey has been performed on the herein described property and that to the best of my knowledge this plat is a correct representation of said survey.

### LEGAL DESCRIPTION

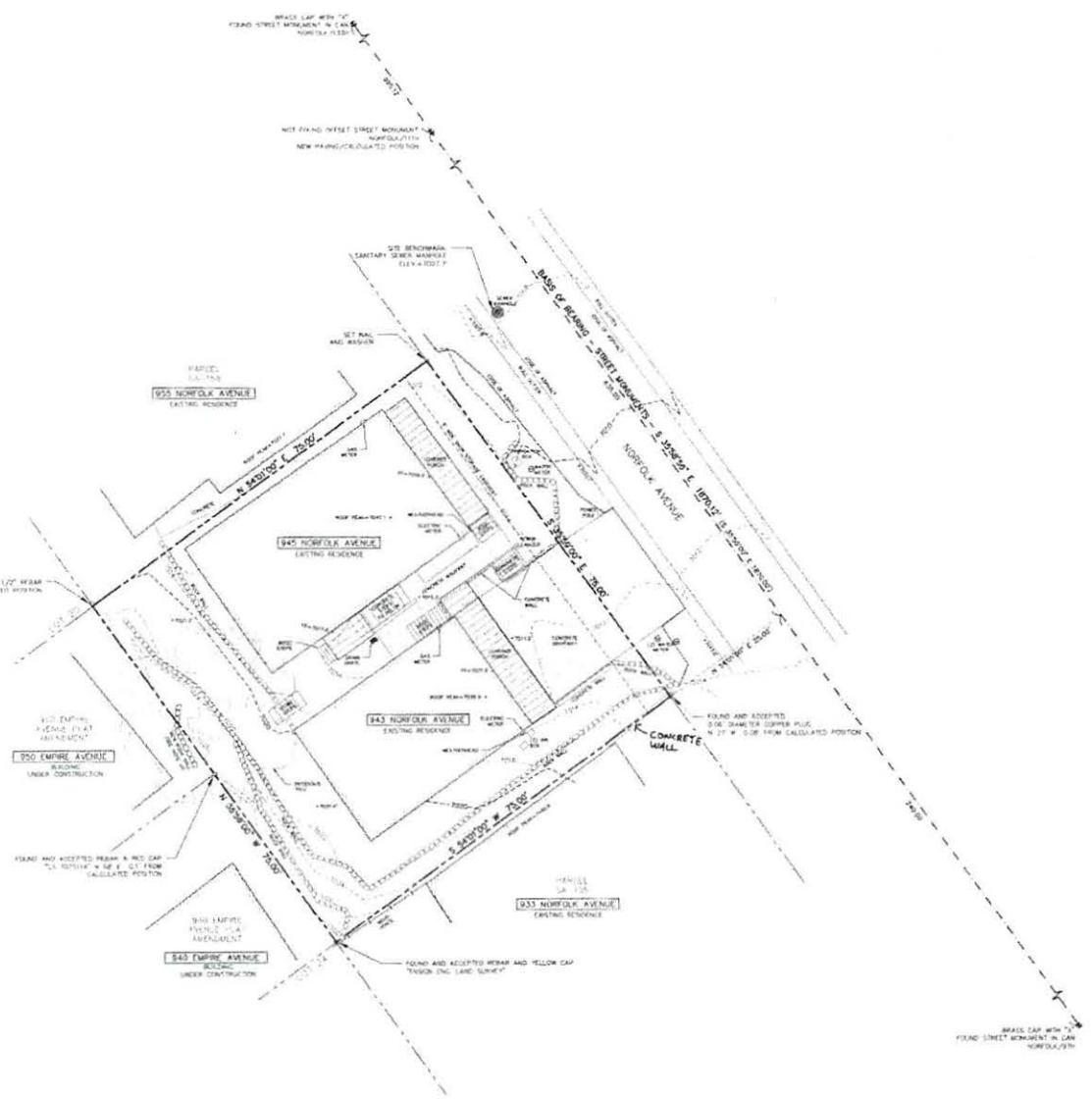
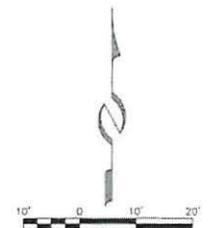
All of The Gardner Parcel Subdivision according to the official plat recorded as entry No. 459013 on file in the Summit County Recorder's Office.  
Contains 5,625 SQ. FT.

### NOTES

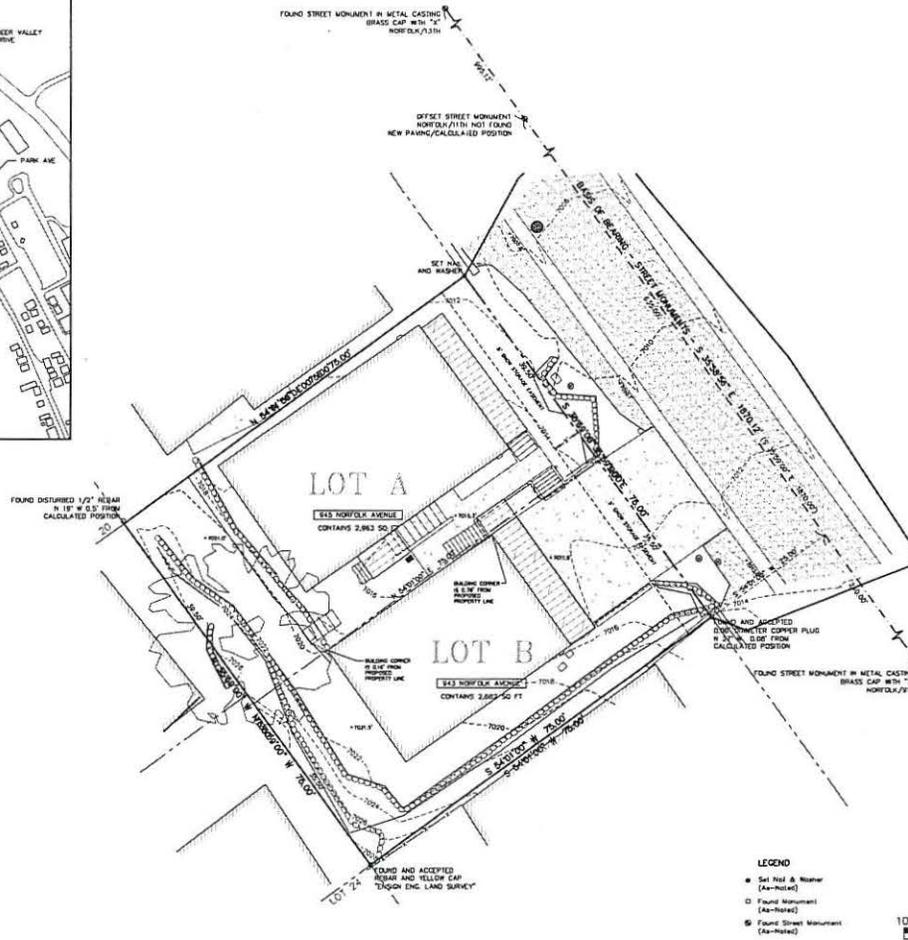
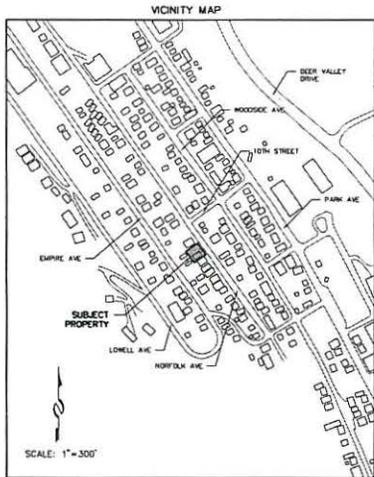
1. Base of Bearing for this survey is between the found brass cap street monuments as shown on this plat.
2. Field work for this survey was performed August 17, 2017, and is in compliance with generally accepted industry standards for accuracy.
3. The purpose of this survey was to locate and monument the boundary in addition to performing an Existing Conditions and Topographic survey for the future subdivision of the property.
4. A Title Report was not provided to the surveyor and only easements shown on The Gardner Parcel Subdivision were located as part of this survey. Other easements may exist.
5. Recorded deeds, the Gardner Parcel Subdivision, 940 Empire Avenue Plat Amendment, 950 Empire Avenue Plat Amendment, recorded surveys S-1770, S-1516, S-1129, S-6015, S-8155, S-8220 and physical evidence found in the field were all used to determine the boundary as shown on this plat.
6. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
7. Property corners were set or found as shown.
8. Record bearing and distances when different than measured are in parenthesis ( ).
9. Site Benchmark, Sanitary Sewer Manhole Deviation=700.7' as shown.
10. There is a rock wall encroaching in the property pertinent to the construction in the adjacent property.

### LEGEND

- Set Nail & Marker (As-Noted)
- Found Monument (As-Noted)
- Found Street Monument (As-Noted)



	<b>STAFF:</b> CHARLES GALATI JUAN CARRASCO STEVE CONANT CHIP TOMSLUND JASON WYHIE	<b>EXISTING CONDITIONS &amp; TOPOGRAPHIC MAP</b> <b>THE GARDNER PARCEL</b> <b>943 &amp; 945 NORFOLK</b>	<b>SHEET</b> 1 OF 1
	<b>DATE:</b> 8/13/17	<b>FOR:</b> RENEE KIDD <b>JOB NO.:</b> S-8-17 <b>FILE:</b> K:\SystemAdmin\dwg\env\2017\050817-Gardner Parcel Survey	



**SURVEYOR'S CERTIFICATE**

I, Charles Galati, do hereby certify that I am a Professional Land Surveyor and that I hold License No. 724851, as prescribed by the laws of the State of Utah, and that by authority of the owner, THE GARDNER PARCEL—FIRST AMENDED has been reviewed under my direction, 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.

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In witness whereof, the undersigned set his hand this \_\_\_\_\_ day of \_\_\_\_\_ 2018.

By: Thaddeus Wong, Manager  
SUNSHINE ROSE, INC.

**ACKNOWLEDGMENT**

State of \_\_\_\_\_  
County of \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_ 2018, Thaddeus Wong 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 SUNSHINE ROSE, INC., and that said document was signed by him on behalf of said corporation by authority of its Bylaws, or Resolution of its Board of Directors, and he acknowledged to me that he executed THE GARDNER PARCEL—FIRST AMENDED.

A Notary Public commissioned in \_\_\_\_\_  
Printed Name \_\_\_\_\_  
Residing in: \_\_\_\_\_  
My commission expires: \_\_\_\_\_

**NOTES**

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 (435) 649-9487 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 222 Main Street P.O. Box 2844 Park City, Utah 84060-2844	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____ 2018 BY _____ S.B.W.R.D.	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____ 2018 BY _____ CHAIR	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____ 2018 BY _____ PARK CITY ENGINEER	APPROVAL AS TO FORM THIS _____ DAY OF _____ 2018 BY _____ PARK CITY ATTORNEY	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____ 2018 BY _____ MAYOR	CERTIFICATE OF ATTEST I CERTIFY THIS PLAT MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____ 2018 BY _____ PARK CITY RECORDER	RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ FEE _____ RECORDER _____ TIME _____ DATE _____ ENTRY NO. _____
	JOB NO.: 11-10-17 FILE: X:\SnydersAddition.dwg\svr\plot2017\111017.dwg						