

## **Ordinance No. 2018-33**

AN ORDINANCE APPROVING THE 1011 EMPIRE AVENUE PLAT AMENDMENT LOCATED AT 1011 EMPIRE AVENUE, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 1011 Empire Avenue has petitioned the City Council for approval of the Plat Amendment; and

WHEREAS, on May 9, 2018, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on May 5, 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 23, 2018, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on May 23, 2018, forwarded a positive recommendation to the City Council; and,

WHEREAS, on June 21, 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 1011 Empire Plat Amendment located at the same address.

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

**SECTION 1. APPROVAL.** The 1011 Empire 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 1011 Empire Avenue.
2. The property consists of all of Lots 3, 4, 5, and 6 of Block 28 of Snyders Addition to Park City.
3. The property is in the Historic Residential (HR-1) District.
4. This site is listed on Park City's Historic Sites Inventory (HSI) and is designated as Significant.
5. The Plat Amendment removes two (2) interior lot lines.
6. The proposed Plat Amendment combines the property into two (2) lots: Lot 1 which includes the historic house will include 2,812.5 square feet. Lot 2 will contain 2,812.5 square feet.

7. The minimum lot area for a single-family dwelling is 1,875 square feet in the HR-1 zone. The proposed lots meet the minimum lot area for single-family dwellings.
8. A single-family dwelling is an allowed use in the District.
9. The minimum width of a Lot is 25 feet measured 15 feet back from the Front Lot Line. The proposed lot widths are The proposed lots meet the minimum lot width requirement with widths of 37.50 feet.
10. LMC § 15-2.2-4 indicates that historic structures that do not comply with building setbacks are valid complying structures.
11. The applicant proposes to maintain and renovate the historic house on Lot 1 of the 1011 Empire Avenue Subdivision and develop the other lot.
12. The minimum front/rear yard setbacks are 10 feet (10'); the minimum total front plus rear yard setbacks are twenty feet (20'). The historic house, located on Lot 1 of the proposed plat amendment, has a front yard setback of 19 feet and a rear yard of 8 feet. The 8' rear setback is valid non-complying. There is an existing non-historic garage which is non-historic which has 0' front setback and encroaches in the City right of way. The owner has indicated he will remove the garage.
13. The minimum side yards for all three (3) proposed lots are 3 feet for a total of 6 feet for each lot.
14. There are several existing encroachments on site. The existing non-historic garage, constructed in the 1970s, encroaches three feet (3') into the City right-of-way. There are also stacked stone retaining walls that encroach approximately two feet (2') into the right-of-way.
15. The area behind the curb is not landscaped and has become an illegal, gravel parking space.
16. The applicant stipulates to abandoning the Bed and Breakfast use approved in 1991 and 1999 by the Park City Planning Commission.
17. The Park City Planning Department received the plat amendment application on July 26, 2017; the application was deemed complete on August 14, 2017. The applicant then amended his plat amendment and submitted a revised request on March 6, 2018.
18. On April 18, 2018 the Historic Preservation Board approved the Material Deconstruction associated with the HDDR at 1011 Empire, this included approval to remove the non-historic garage and stone retaining walls in the public ROW.
19. 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. The existing garage encroaches approximately three feet (3') into the right-of-way. The applicant shall remove the existing garage encroachment prior to recordation of this plat amendment.
4. The existing stone retaining walls encroach approximately three feet (3') into the right-of-way. The applicant shall remove the existing retaining walls encroachment prior to recordation of this plat amendment.
5. Residential fire sprinklers will be required for all new construction per the requirements of the Chief Building Official.
6. Ten foot (10') public snow storage easement shall be granted along the Woodside Avenue right-of-way.
7. The "Reserved Parking" signs within the right-of-way shall be removed as street parking is public and not exclusively reserved for 1011 Empire Avenue.
8. Prior to plat recordation, the applicant shall remove the illegal gravel parking pads behind the curb and landscape this area to prevent future parking.
9. The Owner stipulates that he is abandoning the Bed and Breakfast Use at the location.

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

PASSED AND ADOPTED this 21<sup>st</sup> day of June, 2018.

PARK CITY MUNICIPAL CORPORATION



Andy Beerman  
 Andy Beerman, MAYOR

ATTEST:

Michelle Kellogg  
 City Recorder

APPROVED AS TO FORM:

Mark D. Harrington  
 Mark Harrington, City Attorney

**Attachment 1 – Proposed Plat**



VICINITY AND ZONING MAP  
NOT TO SCALE



**1011 EMPIRE AVENUE PLAT AMENDMENT**  
 AMENDMENT TO LOTS 4, 5 & 6  
 BLOCK 28 SNYDERS ADDITION TO PARK CITY  
 LOCATED IN THE NORTHWEST QUARTER OF SECTION 16  
 TOWNSHIP 2S RANGE 4E  
 SALT LAKE BASE AND MERIDIAN

**SURVEYOR'S STATEMENT**

I GREGORY J. FERRARI OF PARK CITY, UTAH, CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF UTAH, HOLDING LICENSE NO. 5480008. THIS PLAT AMENDMENT WAS PREPARED UNDER MY DIRECTION IN ACCORDANCE WITH THE REQUIREMENTS OF THE PROPERTY MUNICIPAL CORPORATION. I FURTHER CERTIFY THAT THIS PLAT ACCURATELY REPRESENTS THE SURVEYED PROPERTY.



**OWNER'S DEDICATION AND CONSENT TO RECORD**

KNOW ALL MEN BY THESE PRESENTS THAT 1011 EMPIRE AVENUE LLC, THE UNDERSIGNED OWNERS OF THE ABOVE DESCRIBED TRACT OF LAND, HAVE CAUSED SAME TO BE SUBDIVIDED INTO LOTS AND STREETS TO BE HEREINAFTER KNOWN AS THE 1011 EMPIRE AVENUE PLAT AMENDMENT. SOCS HEREBY CERTIFY THAT THEY HAVE CAUSED THIS PLAT AMENDMENT TO BE PREPARED, 1011 EMPIRE AVENUE LLC HEREBY CONSENTS TO THE RECORDATION OF THIS PLAT AMENDMENT.

1011 EMPIRE AVENUE LLC, A NEW YORK LIMITED LIABILITY COMPANY

BY: \_\_\_\_\_  
 PRINTED NAME: \_\_\_\_\_  
 TITLE: \_\_\_\_\_

**LIMITED LIABILITY COMPANY NOTARY ACKNOWLEDGMENT**

STATE OF : UT  
 COUNTY OF : 155  
 ON THIS \_\_\_ DAY OF \_\_\_, 20\_\_\_, PERSONALLY APPEARED BEFORE ME, JUSTIN S. STEINBERG, 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/SHE IS THE \_\_\_\_\_ (TITLE OR OFFICE) OF 1011 EMPIRE AVENUE LLC, A NEW YORK LIMITED LIABILITY COMPANY, AND THAT SAID DOCUMENT WAS SIGNED BY HIM/HER IN BEHALF OF SAID LIMITED LIABILITY COMPANY BY AUTHORITY OF ITS OPERATING AGREEMENT OR RESOLUTION OF ITS MEMBERS, AND HE/SHE ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE 1011 EMPIRE AVENUE PLAT AMENDMENT.

MY COMMISSION EXPIRES \_\_\_\_\_  
 NOTARY PUBLIC  
 RESIDING IN \_\_\_\_\_

**LEGAL DESCRIPTION:**

LOT 1:  
 ALL OF LOT 4 AND THE SOUTHERLY 1/2 OF LOT 5, BLOCK 28, SNYDERS ADDITION TO PARK CITY, ACCORDING TO THE OFFICIAL PLAT THEREOF, ON FILE AND OF RECORD AT THE SUMMIT COUNTY RECORDERS OFFICE.  
 LOT 2:  
 ALL OF LOT 6 AND THE NORTHERLY 1/2 OF LOT 5, BLOCK 28, SNYDERS ADDITION TO PARK CITY, ACCORDING TO THE OFFICIAL PLAT THEREOF, ON FILE AND OF RECORD AT THE SUMMIT COUNTY RECORDERS OFFICE.

**LEGEND:**

- PROPERTY LINE
- ADJOINING PROPERTY LINE
- CENTER LINE
- EASEMENT
- LOT LINE TO BE REMOVED
- XXX STREET ADDRESS ON EMPIRE AVE.
- 5/8" REBAR & CAP 1.55046906
- 1/2" REBAR NO CAP
- STREET MONUMENT

**NOTES:**

1. MODIFIED 13-0 SPRINKLERS WILL BE REQUIRED FOR NEW CONSTRUCTION AS REQUIRED BY THE CHIEF BUILDING OFFICIAL AT THE TIME OF REVIEW OF THE BUILDING PERMIT SUBMITTAL.
2. THIS PLAT AMENDMENT IS SUBJECT TO THE CONDITIONS OF APPROVAL OF ORDINANCE XE-XX.



SNYDERVILLE BASIN WATER RECLAMATION DISTRICT  
 REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS \_\_\_ DAY OF \_\_\_, 2017 A.D.  
 BY: \_\_\_\_\_  
 S.B.W.R.C.

PLANNING COMMISSION  
 APPROVED BY THE PARK CITY PLANNING COMMISSION THIS \_\_\_ DAY OF \_\_\_, 2017  
 BY: \_\_\_\_\_  
 CHAIRMAN

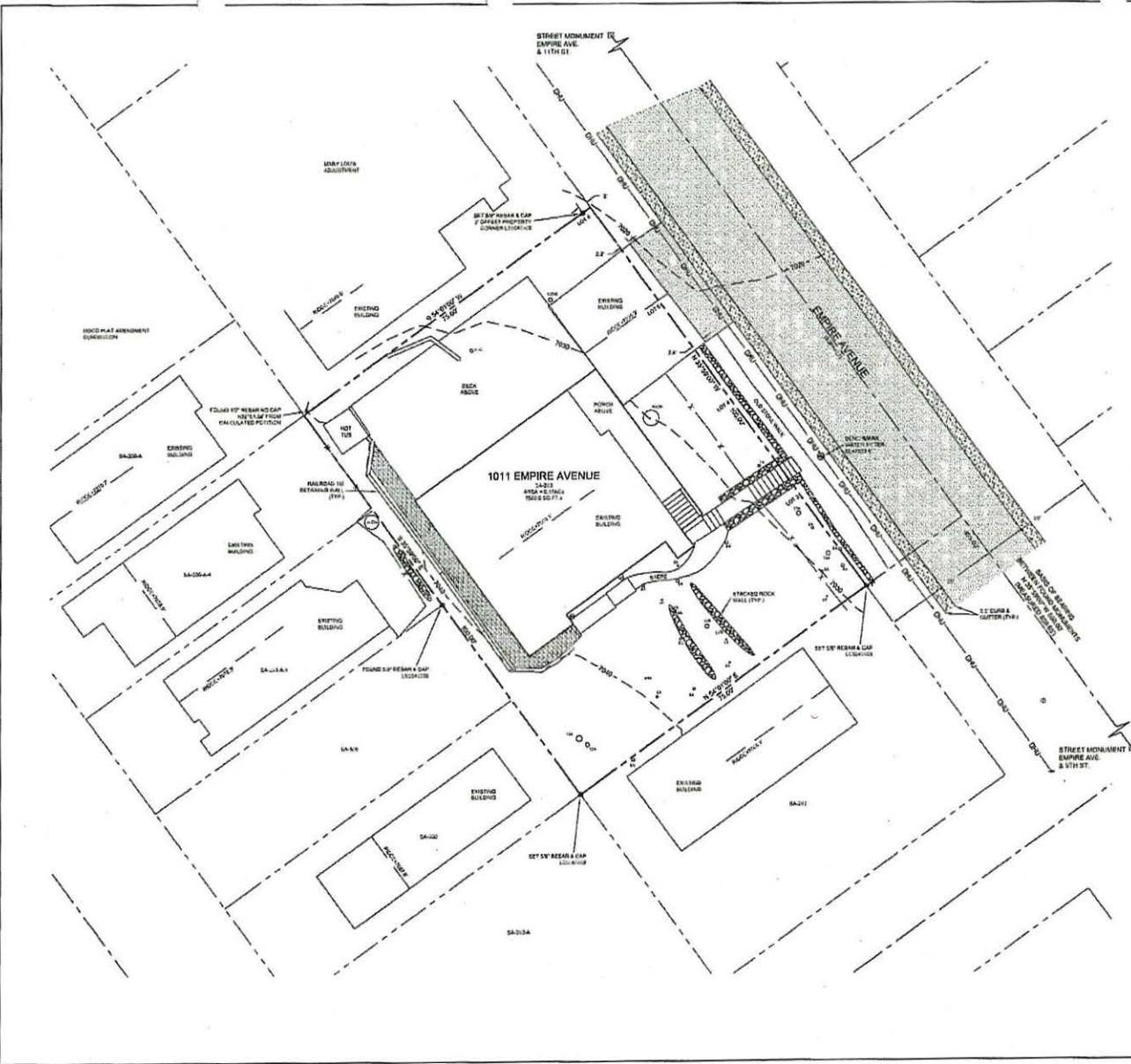
ENGINEER'S CERTIFICATE  
 I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS \_\_\_ DAY OF \_\_\_, 2017 A.D.  
 BY: \_\_\_\_\_  
 PARK CITY ENGINEER

APPROVAL AS TO FORM  
 APPROVED AS TO FORM THIS \_\_\_ DAY OF \_\_\_, 2017 A.D.  
 BY: \_\_\_\_\_  
 PARK CITY ATTORNEY

CERTIFICATE OF ATTEST  
 I CERTIFY THIS RECORD OF PLAT AMENDMENT WAS APPROVED BY PARK CITY COUNCIL THIS \_\_\_ DAY OF \_\_\_, 2017 A.D.  
 BY: \_\_\_\_\_  
 PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE  
 APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS \_\_\_ DAY OF \_\_\_, 2017 A.D.  
 BY: \_\_\_\_\_  
 MAYOR

RECORDED  
 STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF \_\_\_\_\_  
 DATE \_\_\_ TIME \_\_\_ BOOK \_\_\_ PAGE \_\_\_  
 FEE \_\_\_ RECORDER



**RECORD OF SURVEY & TOPOGRAPHICAL MAP**  
 1011 EMPIRE AVENUE  
 PARCEL SA-293, BLOCK 28 SNYDER'S ADDITION TO PARK CITY  
 LOCATED IN THE NORTHWEST QUARTER OF SECTION 16  
 TOWNSHIP 2S RANGE 4E  
 SALT LAKE BASE AND MERIDIAN



**SURVEYOR'S STATEMENT**

I GREGORY J. FERRARI OF PARK CITY, UTAH, CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH, HOLDING LICENSE NO. 804988. THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME, OR UNDER MY DIRECTION, OF THE INTEREST DESCRIBED PROPERTY AND THAT TO THE BEST OF MY KNOWLEDGE IT IS A CORRECT REPRESENTATION OF THE LAND SURVEYED.

GREGORY J. FERRARI, LICENSED PROFESSIONAL SURVEYOR  
 UTAH LICENSE NO. 804988, EXPIRES MARCH 31, 2019

| INITIAL | REVISIONS | DATE | REV |
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P.O. BOX 683001  
 PARK CITY, UT 84068

**LEGAL DESCRIPTION:**

LOTS 3, 4, 5, & 6, BLOCK 28, SNYDER'S ADDITION TO PARK CITY, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD AT THE SUMMIT COUNTY RECORDERS OFFICE.

RELEASE OF DOCUMENT: THIS DOCUMENT IS THE SOLE & EXCLUSIVE PROPERTY OF FERRARI SURVEYING, LLC. NO PART OF THIS DOCUMENT IS TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, WITHOUT THE WRITTEN AUTHORIZATION OF FERRARI SURVEYING, LLC.

**LEGEND:**

|       |                         |   |                            |
|-------|-------------------------|---|----------------------------|
| ---   | CLIENT PROPERTY LINE    | ● | PROPERTY CORNER (AS NOTED) |
| - - - | ADJOINING PROPERTY LINE | ○ | FIRE HYDRANT               |
| ---   | CENTERLINE              | ○ | WATER MANHOLE              |
| ---   | MAJOR CONTOUR           | ○ | SEWER MANHOLE              |
| ---   | MINOR CONTOUR           | ○ | GAS VALVE                  |
| ---   | FENCE                   | ○ | SEWER CLEANOUT             |
| ---   | LOT LINE                | ○ | POWER POLE                 |
| ---   | OVER HEAD UTILITY       | ○ | ELECTRIC METER             |
| ---   | STREET MONUMENT         | ○ | STREET MONUMENT            |

**PROJECT INFORMATION:**

CLIENT: VAN SICKLE DESIGN  
 PARK CITY, UT 84068  
 PROJECT ADDRESS: 1101 EMPIRE AVENUE  
 PARK CITY, UT 84068  
 SERIAL NO: SA-293  
 RECORD INFORMATION: LOTS 3, 4, 5, & 6, BLOCK 28 SNYDER'S ADDITION TO PARK CITY

**NOTES:**

- THE PURPOSE OF THIS SURVEY IS LOCATE THE BOUNDARIES OF THIS PROPERTY ON THE GROUND AND CREATE A TOPOGRAPHICAL MAP AT THE REQUEST OF BILL VAN SICKLE.
- THE EVIDENCE OF BOUNDARY SHOWS HEREON IS TAKEN FROM RECORD INFORMATION COMPILED FROM SNYDER'S ADDITION TO PARK CITY SUBDIVISION.
- NO INVESTIGATION CONCERNING ENVIRONMENTAL & SUBSURFACE CONDITIONS, OR THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONTAINERS OR FACILITIES WHICH MAY AFFECT THE USE OR DEVELOPMENT OF THIS PROPERTY WAS MADE AS A PART OF THIS SURVEY.
- NO INVESTIGATION CONCERNING THE LOCATION OF OR EXISTENCE OF UTILITY SERVICE LINES TO THIS PROPERTY WAS MADE AS A PART OF THIS SURVEY.
- ALL UTILITY LOCATIONS SHOULD BE FIELD VERIFIED PRIOR TO ANY DESIGN OR CONSTRUCTION.
- DATE OF FIELD WORK APRIL 21, 2017.
- VERTICAL DATUM IS ASSUMED.
- BUILDING SETBACKS MUST BE CONFIRMED WITH THE COUNTY HOMEOWNER'S ASSOCIATION, ARCHITECTURAL COMMITTEE, OR SIMILAR ADVISORY GROUP, IF ANY.
- THE OWNER OF THE PROPERTY SHOULD BE AWARE OF ANY ITEMS AFFECTING THE PROPERTY THAT MAY APPEAR IN A TITLE INSURANCE REPORT.
- BASE OF BEARING SHOWN HEREON.

RECORD OF SURVEY AND TOPOGRAPHICAL MAP  
 BLOCK 28 SNYDER'S ADDITION TO PARK CITY  
 VAN SICKLE DESIGN  
 1101 EMPIRE AVENUE  
 PARK CITY, UTAH  
 SUMMIT COUNTY

RECEIVED  
 JUL 26 2017  
 PARK CITY PLANNING DEPT.  
 2017.43