

Ordinance No. 2018-36

AN ORDINANCE APPROVING AN EXTENSION OF THE MAY 25, 2017 APPROVAL OF THE 166 MAIN STREET PLAT AMENDMENT LOCATED AT 166 MAIN STREET, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 166 Main Street has petitioned the City Council for approval of an extension of the 166 Main Street Plat Amendment approval; and

WHEREAS, on June 6, 2018, 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;

WHEREAS, the Planning Commission held a public hearing on April 26, 2017, to receive input on plat amendment located at the aforementioned address;

WHEREAS, the Planning Commission, on the aforementioned date, forwarded a recommendation to the City Council to approve the proposed condominium plat according to the Findings of Fact, Conclusions of Law and Conditions of approval as stated herein;

WHEREAS; the City Council, held a public hearing on May 25, 2017, and approved the 166 Main Street Plat Amendment;

WHEREAS; the City Council, held a public hearing on June 21, 2018 and approved an extension of the plat approval to May 25, 2019;

WHEREAS, it is in the best interest of Park City, Utah to approve the extension of the 166 Main Street Plat Amendment approval to allow time to resolve issues of interest to the City that are also required to be complied with prior to plat recordation.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The 166 Main Street Plat Amendment as shown in Exhibit A 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 166 Main Street.
2. The property consists of most of Lot 3 and all of Lot 4 of Block 20 of the Park City Survey.

3. Lot 3 consists of 1,409 square feet and Lot 4 consists of 1,687 square feet; the total lot size is 3,096 square feet.
4. The property is in the Historic Residential (HR-2) District Sub-Zone B.
5. This site is not listed on Park City's Historic Sites Inventory (HSI).
6. The Plat Amendment removes one interior lot line which bisects the existing home.
7. The proposed Plat Amendment combines the property into one (1) lot measuring 3,096 square feet.
8. A single-family dwelling is an allowed use in the District.
9. The house on this lot was constructed in 1997 on a vacant lot at this location.
10. At the time of construction, the house complied with all requirements of the Land Management Code.
11. The proposed amendment also complies with the existing Land Management Code.
12. The minimum lot area for a single-family dwelling is 1,875 square feet in the HR-2 zone. The proposed lots meet the minimum lot area for single-family dwellings. The proposed lot would not accommodate a duplex dwelling as it would be less than 3,750 square feet in area.
13. The proposed lot width is approximately 50 feet along Main Street.
14. The minimum lot width required is twenty-five feet (25'). The proposed lot meets the minimum lot width requirement.
15. The setback requirements in this zone are as follows: front and rear yards – 10 feet; side yards – 5 feet.
16. At the time of approval, setback requirements in the HR-1 zone which applied to this property were as follows: front and rear yards – 10 feet; side yards – 3 feet.
17. The proposed lot has front and rear yard setbacks of 10 feet and side yard setbacks of 5 feet and 4.5 feet.
18. The proposed lot meets the setback requirements of the HR-1 zone which applied to this property at the time the house was constructed. No changes to setbacks from front, side, and rear lot lines are proposed.
19. House size has consistently been interpreted to mean the Gross Residential Floor Area as defined by the Land Management Code. No changes to house size are proposed with this application.
20. The deck at the rear of the house and a portion of the hot tub encroaches into Park City property to the east by approximately 1.5 feet.
21. The cinder block retaining wall at the south of this property encroaches into the neighboring property at 158 Main Street by approximately 3 feet.
22. The wood deck and stone patio to the rear of the home encroaches onto City property.
23. The wood steel fence to the rear of the property encroaches on to City property.
24. A remnant parcel exists at the north of Lot 3 which belongs to 170 Main Street which accommodates the Landmark Historic home which sits on the original lot line between Lots 2 and 3 of Block 20 of the Park City Survey.
25. The remnant parcel on the north side of Lot 3 of Block 20 of the Park City Survey is a part of 170 Main Street and shall be incorporated into that lot with a plat amendment if the property owners of 170 Main Street choose to alter the lot or the historic home in any way.
26. A portion of this property sits in FEMA Flood Zone A.

27. This plat amendment does not change any exterior lot lines of this parcel.
28. This plat amendment does not change any setback, lot size, or other requirements for this zone as applied to this parcel and the existing single family dwelling.
29. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.
30. City Council approved the 166 Main Street Plat Amendment as Ordinance 2017-24 on May 25, 2017.
31. On May 22, 2018, the applicant submitted a written request for an extension of the approval to allow additional time to address the required conditions of approval that have to be completed prior to plat recordation. The application for extension was deemed complete on May 22, 2018.
32. There have been no changes of circumstance of either the property, the Land Management Code, or the zoning map, since the date of approval, that create the need to make additional changes to the proposed plat prior to action on the extension request.
33. The Land Management Code allows for the City Council to approve extensions of plat approvals.

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 encroachment of the cider block retaining wall must be resolved with the neighbor at 158 Main Street as the retaining wall encroaches over the south property line into their property.
4. The property owner shall resolve the encroachment of the deck with the hot tub over the east property line into the adjacent City owned property to the rear of the house by removing the portion of the deck which encroaches on the City property.
5. The property owner shall resolve the encroachment of the additional detached deck and the stone patio which encroaches over the east property line into the adjacent City owned property by removing the encroaching structures.

6. The property owner shall resolve the encroachment of the wood steel fence which encroaches onto the properties to the north into 170 Main Street, south into 158 Main Street, and east into City owned property by removing the fence.
7. A Hydraulic and Hydrology study is required before the applicant may submit for a building permit because the property is in FEMA Flood Zone A. If the flood zone changes by more than 1 foot, a Letter of Map Revision (LOMR) will also be required to be submitted to FEMA.

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

PASSED AND ADOPTED this 21st day of June, 2018.

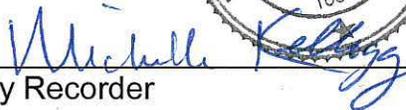
PARK CITY MUNICIPAL CORPORATION



Andy Beerman, MAYOR



ATTEST:



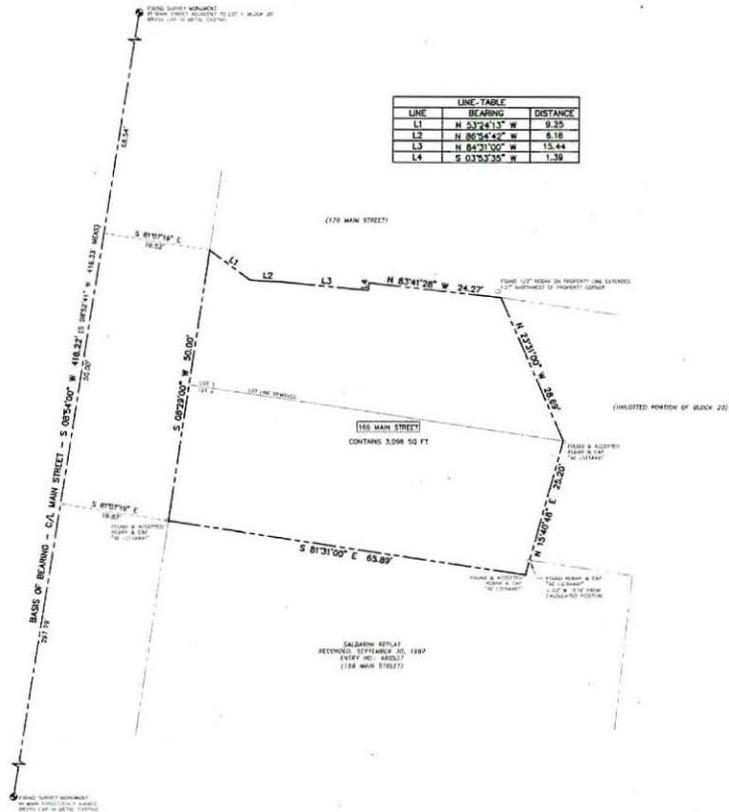
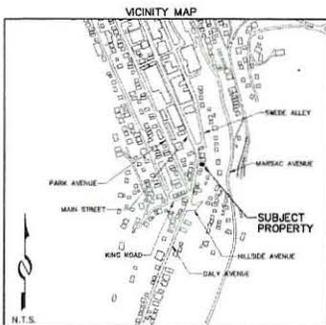
Michelle Kelly
City Recorder

APPROVED AS TO FORM:



Mark Harrington, City Attorney

Attachment 1 – Proposed Plat



SURVEYOR'S CERTIFICATE

I, Charles Galati, do hereby certify that I am a Professional Land Surveyor, and that I hold Certificate No. 724889, as prescribed under the laws of the State of Utah. I further certify that by authority of the owner, I have made a survey of the tract of land into a lot, hereafter to be known as 166 MAIN STREET PLAT AMENDMENT and that the same has been correctly surveyed and monumented on the ground as shown on this plat.

BOUNDARY DESCRIPTION

LOTS 3 and 4, Block 20, Park City Survey, according to the official plat thereof on file and of record in the Summit County Recorder's Office.

Less and excepting:

A portion of land located in Lot 3, Block 20, Park City Survey, according to the official plat thereof on file and of record in the office of the Recorder of Summit County, Utah:

Beginning at the northwest corner of Lot 3, Block 20, Park City Survey, according to the official plat thereof on file and of record in the Office of the Recorder of Summit County, Utah; and running thence along the northerly line of Lot 3 South 81°31'00" East 53.43 feet to the northeast corner of Lot 3; thence along the westerly line of Lot 3, South 2°33'00" East 0.79 feet; thence North 83°41'28" West 24.27 feet; thence South 03°53'30" West 1.39 feet; thence North 84°31'00" West 15.44 feet; thence North 86°54'42" West 6.16 feet; thence North 53°24'13" West 9.25 feet to the point of beginning.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, Robert A. Dixon, Trustee of Robert A. Dixon Trust, dated December 20, 2006, as amended and restated October 21, 2010, and March 14, 2014, hereby certifies that he has caused a survey to be made and this Plat Amendment to be prepared and hereby consents to the recordation of this Plat Amendment.

In witness whereof, the undersigned set his hand this 11 day of May, 2018.

By: Robert A. Dixon, Trustee

ACKNOWLEDGMENT

State of Utah

County of Summit

On this 11 day of May, 2018, Robert A. Dixon 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 Trustee of Robert A. Dixon Trust, dated December 20, 2006, as amended and restated October 21, 2010, and March 14, 2014, and that said document was signed by him on behalf of said Trust by authority of the Trust, and he acknowledged to me that he executed the 166 Main Street Plat Amendment.

A notary public commissioned in Utah

Printed Name: Robert J. [Signature]

Residing in: Cremerville, Utah

My commission expires: 6-22-21



NOTES

- This plat amendment is subject to the Conditions of Approval in Ordinance 2017-24.
- In order for a building permit to be issued, the following encroachments must be removed as promulgated in the Conditions of Approval in Ordinance 2017-24:
 - the portion of the deck and hot tub over the west property line into city owned property
 - the detached deck and stone patio over the east property line into city owned property
 - the wood steel fence to the north into 170 Main Street, south into 158 Main Street and split into city owned property
- An Encroachment Agreement recorded April 19, 2018, as Entry No. 1090012 in Book 2458 at Page 1378 affects the southerly boundary of this property.
- A Record of Survey has been performed and is on file in the Summit County Recorder's Office.

LEGEND
 ○ Found Monument (As-Noted)
 ● Found Street Monument (As-Noted)



A COMBINATION OF LOTS 3 & 4 IN BLOCK 20, PARK CITY SURVEY
166 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

 (435) 648-6467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 222 Main Street, 4th Floor, Park City, Utah, 84301-2004	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS <u>14</u> DAY OF <u>May</u> , 2017 BY: <u>[Signature]</u> S.B.W.R.D.	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 26TH DAY OF APRIL, 2017 BY: _____ CHAIR	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2017 BY: _____ PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2017 BY: _____ PARK CITY ATTORNEY	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 25TH DAY OF MAY, 2017 BY: _____ MAYOR	CERTIFICATE OF ATTEST I CERTIFY THIS PLAT MAP WAS APPROVED BY PARK CITY COUNCIL THIS 25TH DAY OF MAY, 2017 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.: 7-11-16 FILE: K:\PCS\dwg\lcr\proj2016\071116.dwg						