

Ordinance No. 2018-37

AN ORDINANCE APPROVING THE DALY DELIGHT PLAT AMENDMENT LOCATED AT 180 DALY AVENUE AND 182 DALY AVENUE, PARK CITY, UTAH.

WHEREAS, the owners of the properties located at 180 Daly Avenue and 182 Daly Avenue have petitioned the City Council for approval of the Plat Amendment; and

WHEREAS, on May 30, 2018, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on May 26, 2018 proper legal notice was sent to all affected property owners and published in the Park Record and on the Utah Public Notice Website; and

WHEREAS, the Planning Commission held a public hearing on June 13, 2018, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on June 13, 2018, forwarded a unanimous positive recommendation to the City Council; and,

WHEREAS, June 26, 2018 and July 12, 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 the Daly Delight Plat Amendment located at 180 Daly Avenue and 182 Daly Avenue.

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

SECTION 1. APPROVAL. The Daly Delight Plat Amendment located at 180 Daly Avenue and 182 Daly 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 properties are located at 180 Daly Avenue and 182 Daly Avenue are in the Historic Residential-1 Density (HR-1) District.
2. The proposed site location consists of 180 Daly Avenue ("Significant" Single-Family Dwelling) and 182 Daly Avenue (Garage Structure). The Garage on 182 Daly Avenue will be demolished (See Condition of Approval #7).
3. The property currently consists of the southerly 48 feet of Lot 26 and Lot 27, Block 74, Park City Survey, and is currently taxed under two tax parcel numbers.
4. Adjacent to and a part of the property is one-half of vacated Anchor Avenue.
5. Existing Ridge Avenue occupies a portion of the west side (rear) of the property.
6. In 1990 two (2) Building Permits were issued for 180 Daly Avenue. One (1) Building Permit was for a re-roof and one (1) Building Permit was for new siding.

7. In 1992 a Historic District Review and Building Permit were issued for the construction of the existing garage structure at 182 Daly Avenue.
8. This applicant proposes to remove the existing lot line between Lots 26 and 27 and the block line on the easterly side of vacated Anchor Avenue. A new lot line will create two (2) lots.
9. Lot A will consist of the "Significant" single-family dwelling and Lot B will be a vacant lot (the existing detached garage will be demolished – see Condition of Approval #6).
10. At the southernmost corner of the property, there is an eight square foot (8 SF) portion of the property that occupies the existing asphalt of Daly Avenue. This 8 SF portion of the property will be dedicated to Park City Municipal Corporation as Right-of-Way.
11. Existing Ridge Avenue occupies as portion of the west side of the property with a remnant of the property encompassing the steep grade west of Ridge Avenue. The total area of Ridge Avenue and the steep grade west of Ridge Avenue is 1,887 SF. Both Ridge Avenue and the steep grade to the west of it will be dedicated to Park City Municipal Corporation as Right-of-Way.
12. The proposed Plat Amendment application was application was deemed complete on April 16, 2018.
13. The Single-Family Dwelling located at 180 Daly Avenue is listed as Significant on the Historic Sites Inventory (HSI). Renovate the existing historic Single-Family Dwelling and construct an addition.
14. A Single-Family Dwelling is an Allowed Use in the HR-1 Zoning District.
15. The garage located on 182 Daly Avenue is non-historic. The applicant is proposing to demolish the existing non-historic garage (see Condition of Approval #6) and construct a Duplex Dwelling on the vacant lot.
16. A Duplex Dwelling Use is a Conditional Use in the HR-1 Zoning District. A Conditional Use Permit for a Duplex Dwelling Use at 182 Daly Avenue was deemed complete on December 12, 2017. The application is for the construction of a new Duplex Dwelling on a vacant lot. The CUP is on hold, pending submittal of updated plans that comply with the LMC and Design Guidelines.
17. The minimum lot width in the HR-1 District is 25 feet; the lot width of Lot A is 44.24 feet and the lot width of Lot B will be 58.78 feet.
18. For lots over 100 feet in depth, the required Front and Rear Yard Setback is a minimum of 12 feet and a total of 25 feet. This applies to both Lot A and Lot B.
19. The required Side Yard Setback for Lot A is 5 feet for a total of 10 feet.
20. The required Side Yard Setback for Lot B is 5 feet for a total of 14 feet.
21. The maximum Building Footprint for Lot A is 1539 SF.
22. The maximum Building Footprint for Lot B is 1975 SF.
23. A Steep Slope Conditional Use Permit application for 182 Daly Avenue was deemed complete on December 11, 2017. The application is for the construction of a Duplex Dwelling on a slope greater than 30%.
24. A Historic District Design Review Application for 182 Daly Avenue was deemed complete on December 11, 2017. The application is for the construction of a Duplex Dwelling on a vacant lot.
25. A Historic District Design Review Application for 180 Daly Avenue was deemed

- complete on December 12, 2017. The application is for the restoration of the "Significant" single-family dwelling and construct an addition. This application is on hold pending submittal of updated plans.
26. A Steep Slope Conditional Use Permit for 180 Daly Avenue was deemed complete on December 12, 2017. The application is for the construction of an addition on a slope greater than 30%.
 27. A Shared Parking Structure Conditional Use Permit for 180 and 182 Daly Avenue was deemed complete on December 12, 2017. The application was a proposal to create a single-car garage attached to the Single-Family Dwelling and located on both 180 and 182 Daly Avenue. The application was withdrawn by the applicant on May 15, 2018.
 28. Staff finds good cause for this Plat Amendment as interior lot lines and the block line on the easterly side of Anchor Avenue will be removed for both 108 and 182 Daly Avenue creating two (2) legal lots of record. In addition, ten foot (10') snow storage easements along Daly Avenue and Ridge Avenue will be granted to the City. Also, portions of the property will be dedicated to Park City Municipal Corporation for Daly Avenue and Ridge Avenue Right-of-Ways.
 29. The site is not located within the Sensitive Lands Overlay District. There are no known physical mine hazards.
 30. On May 30, 2018, the property was properly noticed and posted according to the requirements of the Land Management Code. On May 26, 2018 proper legal notice was sent to all affected property owners and published in the Park Record and on the Utah Public Notice Website.
 31. On June 13, 2018 the Planning Commission reviewed the proposed plat amendment and forwarded a unanimous positive recommendation to City Council.
 32. On June 26, 2018, the City Council continued the proposed Plat Amendment to July 12, 2018 pending review of an updated submittal by the applicant.
 33. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law:

1. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
2. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
3. 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 year's 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 applicant shall show and label all easements with Snyderville Basin Water Reclamation District (SBWRD) on the plat amendment.
4. A ten feet (10') wide public snow storage easement will be required along the Daly Avenue and Ridge Avenue frontage of the property.
5. All development will have to provide elevation certificates certifying compliance with the minimum FEMA Flood Zone requirements.
6. The detached garage located on Lot B shall be demolished prior to plat recordation.

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

PASSED AND ADOPTED this 12th day of July, 2018.

PARK CITY MUNICIPAL CORPORATION



Andy Beerman, MAYOR



ATTEST:



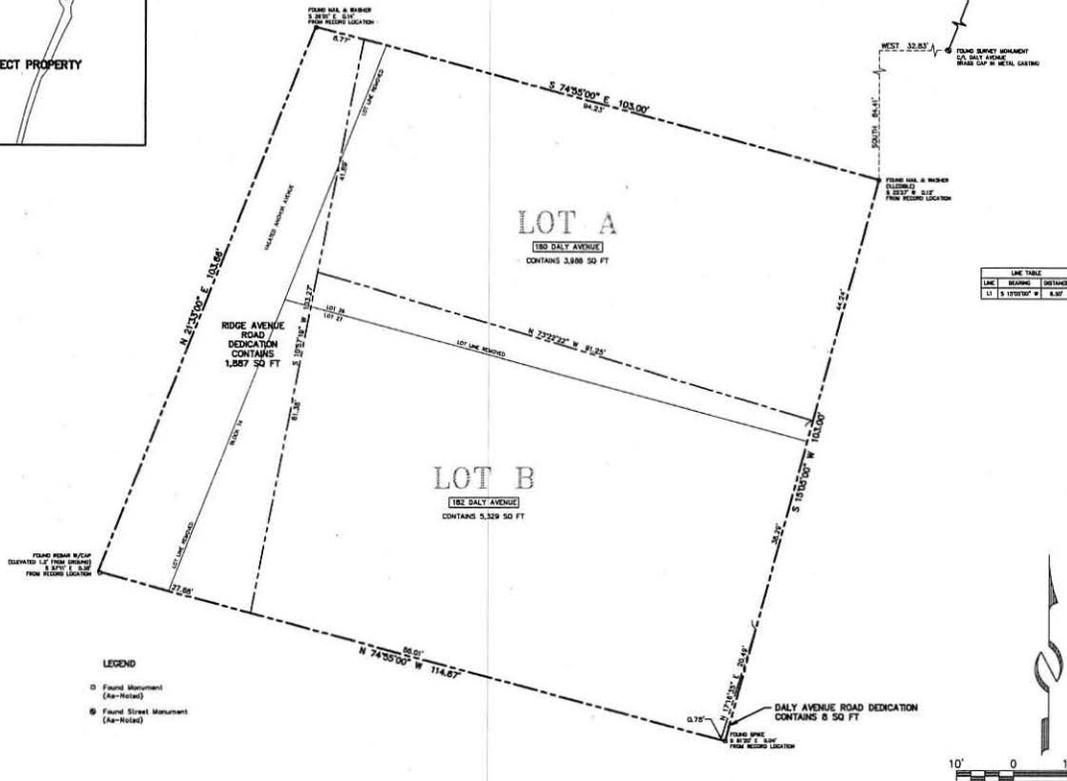
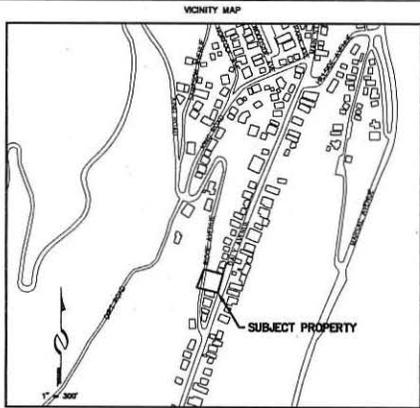
Michelle Kellogg
City Recorder

APPROVED AS TO FORM:



Mark Harrington, City Attorney

Attachment 1 – Proposed Plat



SURVEYOR'S CERTIFICATE

I, Charles Dalati, do hereby certify that I am a professional land surveyor and that I hold License No. 73480 as prescribed by the laws of the State of Utah. I further certify that by industry of the owner, I have made a survey of the tract of land shown on this plat and described herein, and have subdivided said tract of land into lots, together to be known as DALY DELIGHT PLAT AMENDMENT with amendments, hereafter and that the same have been surveyed and monumented on the ground as shown on the plat.

PARCEL 1:
Being part of First Mileite Reclamation and known as South 48 feet of Lot 28 and North 4 feet of Lot 27 of Block 74 of Park City Survey, according to the official plat thereof on file and of record in the Summit County Recorder's Office.
Also the Eastern half of vacated Anchor Avenue adjacent to said lot.

PARCEL 2:
All of Lot 27, except the Northern 4 feet of Lot 27, Block 74, Mileite Reclamation, Park City Survey, according to the official plat thereof on file and of record in the Summit County Recorder's Office.
Also the Eastern half of vacated Anchor Avenue adjacent to said lot.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that 1055 NORFOLK, LLC SERIES 182 DALY, a Utah limited liability company, as its Partner 1, do hereby present to the DALY DELIGHT PLAT AMENDMENT, 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.

1055 NORFOLK, LLC SERIES 182 DALY, a Utah limited liability company
By Corbiner Capital, LLC
Its Manager
Van Greenfield, Manager

ACKNOWLEDGMENT

On this _____ day of _____ 2018, Van Greenfield 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 Corbiner Capital, LLC, Manager of 1055 NORFOLK, LLC SERIES 182 DALY, 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 DALY DELIGHT PLAT AMENDMENT.

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

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that 1055 NORFOLK, LLC SERIES 182 DALY, a Utah limited liability company, the undersigned owner of Parcel 2 of the herein described tract of land, to be known hereafter as DALY DELIGHT PLAT AMENDMENT, 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.

1055 NORFOLK, LLC SERIES 182 DALY, a Utah limited liability company
By Corbiner Capital, LLC
Its Manager
Van Greenfield, Manager

ACKNOWLEDGMENT

On this _____ day of _____ 2018, Van Greenfield 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 Corbiner Capital, LLC, Manager of 1055 NORFOLK, LLC SERIES 182 DALY, 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 DALY DELIGHT PLAT AMENDMENT.

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

NOTES
1. This plat amendment is subject to the Conditions of Approval in Ordinance 2018-_____.

AMENDING LOT 27 & PART OF LOT 26 IN BLOCK 74, PARK CITY SURVEY
DALY DELIGHT PLAT AMENDMENT

LOCATED IN THE NORTHEAST QUARTER OF SECTION 21
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 322 Main Street P.O. Box 2884 Park City, Utah 84002-2884 (435) 649-9487	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 RECORD OF SURVEY 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. _____
	4/16/2018 11:11-11:15 FILE: K:\ParkCitySurvey\dep\am\plat2018\111115.dwg						