

Ordinance No. 2018-39

AN ORDINANCE APPROVING THE 835 EMPIRE AVENUE PLAT AMENDMENT LOCATED AT 835 EMPIRE AVENUE, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 835 Empire Avenue has petitioned the City Council for approval of the Plat Amendment; and

WHEREAS, on June 13, 2018, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on June 9, 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 June 27, 2018, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on June 27, 2018, forwarded a positive recommendation to the City Council; and,

WHEREAS, on 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 approve the 835 Empire Avenue plat amendment located at 835 Empire Avenue.

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

SECTION 1. APPROVAL. The 835 Empire Avenue Plat Amendment located at 835 Empire 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 835 Empire Avenue.
2. The site is designated as Landmark on the City's Historic Sites Inventory.
3. The house was listed on the National Register of Historic Places in 1984.
4. On May 15, 2018, the applicant submitted a plat amendment application; it was deemed complete on May 15, 2018.
5. The plat amendment proposes to combine all of Lot 5 and the south half of Lot 6, Block 20, Snyder's Addition to Park City to create one (1) lot of record measuring 2,812.5 square feet.

6. An existing set of concrete stairs extend beyond the front (east) property line and into the Empire Avenue right-of-way, and there are also two tiers of railroad tie retaining walls constructed in the Empire Avenue right-of-way.
7. Per LMC 15-2.2-4 Existing Historic Structures that do not comply with Building Footprint, Building Height, Building Setbacks, Off-Street parking, and driveway location standards are valid Complying Structures.
8. The minimum Lot Size in the HR-1 Zoning District is 1,875 square feet; the applicant is proposing a lot size of 2,812.5 square feet.
9. The maximum allowed Footprint for a lot of this size in the HR-1 Zoning District is 1,200.7 square feet; the existing historic house has a footprint of 756 square feet.
10. The required front yard setback is 10 feet; the historic house has a 15 foot front yard setback.
11. The required rear yard setback is 10 feet; the historic house has a rear yard setback of 19 feet.
12. The required side yard setback is 3 feet, for a total of 6 feet. The historic house has a 10 foot north side yard setback and a 0 foot south side yard setback. However, in accordance with LMC 15-2.2-4 Historic Structures that do not comply with Building Setbacks are valid Complying Structures. The eave of the historic house extends over the south lot line onto 829 Empire Avenue.
13. The Zone Height is 27 feet and requires a 10 foot horizontal step on the downhill side that occurs at 23 feet above Existing Grade. The current height of the historic structure is 21.5 feet.
14. 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 Empire Avenue is required and shall be provided on the plat.

5. There are non-historic retaining walls and concrete landscape steps that encroach into the Empire Avenue right-of-way in front of 835 Empire Avenue. The applicant shall remove these retaining walls prior to recording the plat. The applicant shall enter into an encroachment agreement with the City Engineer for any landscape steps needed to access the property that are located within the right-of-way.
6. No building permit for any work that expands the footprint of the home, or would first require the approval of an HDDR, shall be granted until the plat amendment is recorded with the Summit County Recorder's office.
7. The owner shall request to formalize the encroachment of the historic roof eaves with an encroachment agreement from their neighbor to the South.

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

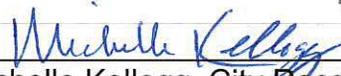
PASSED AND ADOPTED this 12th day of July, 2018.

PARK CITY MUNICIPAL CORPORATION



Andy Beerman, MAYOR

ATTEST:



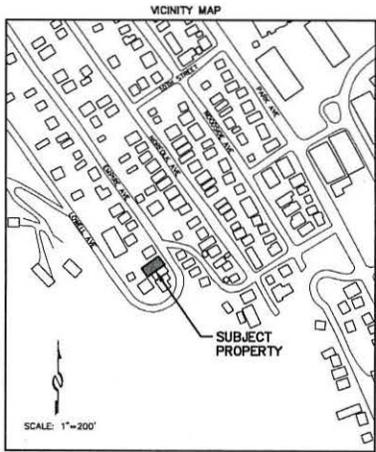
Michelle Kellogg, City Recorder



APPROVED AS TO FORM:



Mark Harrington, City Attorney



SURVEYOR'S CERTIFICATE

I, Charles Galati, do hereby certify that I am a Professional Land Surveyor, and that I hold License No. 7248891, as prescribed under the laws of the State of Utah. I further certify that by authority of the owners, I have made a survey of the tract of land shown on this plat and described hereon, together with easements, hereafter to be known as 835 EMPIRE AVENUE PLAT AMENDMENT and that the same has been monumented on the ground as shown on this plat.

LEGAL DESCRIPTION

All of Lot No. 5 and the South half of Lot No. 6, Block 30, Snyder's Addition to Park City, Summit County, State of Utah, according to the plat thereof on file in the office of the Recorder of Summit County, State of Utah.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that, Regis McHugh and Jamie McHugh, as joint tenants, hereby certify that they have caused this Plat Amendment to be made and hereby consent to the recording of this Plat Amendment.
 ALSO, the owner hereby irrevocably offers for dedication to the City of Park City of the easements shown on this plat in accordance with an irrevocable offer of dedication.

In witness whereof, the undersigned set his hand this ____ day of _____, 2018.
 By: Regis McHugh
 In witness whereof, the undersigned set her hand this ____ day of _____, 2018.
 By: Jamie McHugh

ACKNOWLEDGMENT

State of _____
 : ss.
 County of _____

On this ____ day of _____, 2018, Regis McHugh 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, acknowledged to me that he executed the 835 EMPIRE AVENUE PLAT AMENDMENT.

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

ACKNOWLEDGMENT

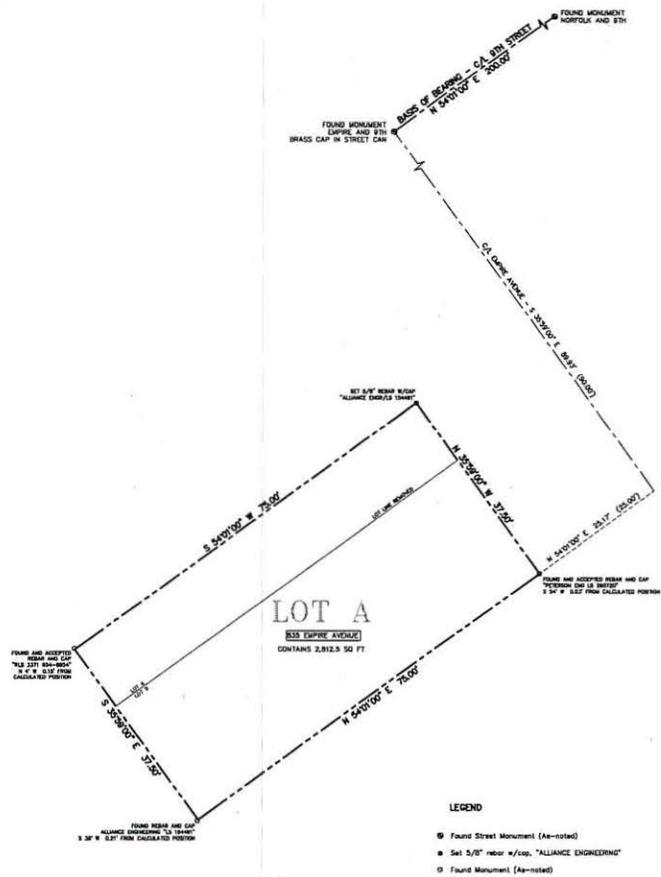
State of _____
 : ss.
 County of _____

On this ____ day of _____, 2018, Jamie McHugh 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, acknowledged to me that she executed the 835 EMPIRE AVENUE PLAT AMENDMENT.

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

NOTES

- This plat amendment is subject to the Conditions of Approval in Ordinance 2018-_____
- See Record of Survey S-9043.
- Record bearings and distances, when different from measured, are shown in parentheses ().



835 EMPIRE AVENUE PLAT AMENDMENT

LOT 5 AND THE SOUTH HALF OF LOT 6,
 BLOCK 30, SNYDER'S ADDITION TO PARK CITY SURVEY

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

<p>CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2004 Park City, Utah 84302-2004</p>	<p>(435) 948-9487</p> <p>SNYDERVILLE BASIN WATER RECLAMATION DISTRICT</p> <p>REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2018</p> <p>BY: _____ S.B.W.R.D.</p>	<p>PLANNING COMMISSION</p> <p>APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2018</p> <p>BY: _____ CHAIR</p>	<p>ENGINEER'S CERTIFICATE</p> <p>I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2018</p> <p>BY: _____ PARK CITY ENGINEER</p>	<p>APPROVAL AS TO FORM</p> <p>APPROVED AS TO FORM THIS _____ DAY OF _____, 2018</p> <p>BY: _____ PARK CITY ATTORNEY</p>	<p>COUNCIL APPROVAL AND ACCEPTANCE</p> <p>APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2018</p> <p>BY: _____ MAYOR</p>	<p>CERTIFICATE OF ATTEST</p> <p>I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2018</p> <p>BY: _____ PARK CITY RECORDER</p>	<p>RECORDED</p> <p>STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____</p> <p>FEE _____ RECORDER _____</p> <p>TIME _____ DATE _____ ENTRY NO. _____</p>
	<p>7/27/18 JOB NO.: 12-4-18 FILE: X:\SnyderAddition\dwg\rv\plot2018\120418.dwg</p>						

835 EMPIRE AVENUE
 LOCATED IN THE NORTHEAST QUARTER OF SECTION
 TOWNSHIP 2 SOUTH, RANGE 4 EAST,
 SALT LAKE BASE AND MERIDIAN
 BLOCK 30 SNYDER'S ADDITION
 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 find Certificate No. 72488(1) 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 plot is a correct representation of said survey.

LEGAL DESCRIPTION

All of Lot No. 5, and the South part of Lot No. 6, Block 30, SNYDER'S ADDITION TO PARK CITY, Summit County, State of Utah, according to the plot thereof on file in the office of the Recorder of Summit County, State of Utah.

EXCEPTING THEREFROM all oil, gas and mineral rights.

SUBJECT TO easements, restrictions and rights of way existing at the date hereof in law and equity and taxes for the year 1971 and thereafter.

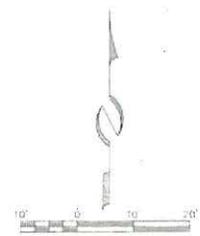
Contains 2,811 square feet more or less.

NOTES

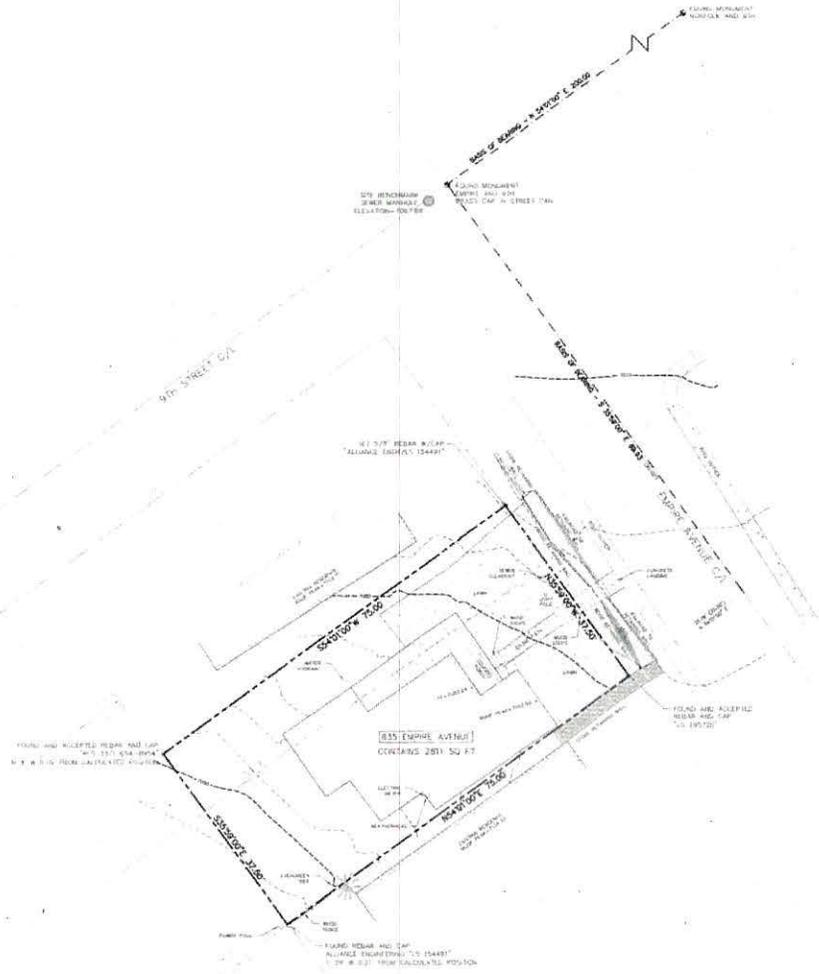
1. Basis of Bearing for this survey is between the found brass cap street monuments as shown on this plot.
2. Field work for this survey was performed April 27, 2017 and is in compliance with generally accepted industry standards for accuracy.
3. The purpose of this survey was to locate and monument the boundaries in addition to performing an Existing Conditions and Topographic survey for the possibility of future improvements to the property.
4. A Title Report was not provided to the surveyor and no easements were located as part of this survey.
5. Recorded deeds, Snyder's Addition Subdivision Plat, Minnugh Report, Records of Survey Nos. 5-5726 and 5-7091 all on file and of record at the Summit County Recorder's Office and physical evidence found in the field were all used to determine the boundaries as shown on this plot.
6. Site Benchmark, Sanitary Sewer Manhole Elevation—706.768 (NAVD 85) in Empire Avenue as shown.
7. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
8. Property corners were set or found as shown.
9. Record bearings and distances when different than measured are in parentheses.

LEGEND

- 1. Found Monument (As-Found)
- 2. Found Street Monument (As-Found)
- 3. Set 3/8" REBAR W/CHIP "ALLIANCE ENGINEERING, INC." (UNLESS NOTED OTHERWISE)



FILE NO. S0009043



<p>(435) 849-4427 CONSULTING ENGINEERS, LAND PLANNERS, SURVEYORS 222 East Street, P.O. Box 2084, Park City, Utah 84060-2084</p>	STAFF: CHARLES GALATI TANDY CHAPMAN CHIP TOMSVUDEN STEVE CONANT	EXISTING CONDITIONS & TOPOGRAPHIC MAP 835 EMPIRE AVENUE	SHEET 1 OF 1
	DATE: 5/2/17	FOR: JAN RILEY JOB NO.: 9-4-17 FILE: X:\SnydersAddition\dwg\env\srvy2017\090417-835_Empire\090417-835_Empire.dwg	59043