

Ordinance No. 2018-41

AN ORDINANCE APPROVING THE 1117 PARK AVENUE PLAT AMENDMENT LOCATED AT 1117 PARK AVENUE, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 1117 Park 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 1117 Park Avenue 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 1117 Park 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 1117 Park Avenue.
2. The property consists of the north half of Lot 3 and Lot 4, Block 5, of the Snyder's Addition to Park City.
3. The property is in the Historic Residential (HR-1) District.
4. This site is not designated as historic on the City's Historic Sites Inventory.
5. The Plat Amendment seeks to remove 1.5 lots of record into a single lot of record measuring 2,812.5 square feet.
6. The existing house was constructed in 1979. A rear addition was added in 2005. The existing house has been determined to be non-complying as a 1993-1994 addition was constructed with a 2.5 foot side yard setback. The applicant has

proposed to rotate the house 2 degrees in order to comply with the 3 foot side yard setback requirements.

7. On December 7, 2017, the applicant submitted a Historic District Design Review (HDDR) application for the renovation of the house that included an addition. The application was deemed complete on January 18, 2018.
8. The applicant submitted a plat amendment application on May 2, 2018; it was deemed complete on May 16, 2018.
9. 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 as it will measure 2,812.5 square feet. The lot does not meet the minimum size for a duplex.
10. A single-family dwelling is an allowed use in the District.
11. The minimum width of a Lot is 25 feet measured 15 feet back from the Front Lot Line. The proposed lot width meets the minimum requirement as it is 37.50 feet wide.
12. The minimum front yard setbacks for a lot of this depth in the HR-1 Zoning District are 10 feet; the proposal complies and has a front yard setback of 26 feet.
13. The minimum rear yard setbacks for a lot of this depth in the HR-1 Zoning District are 10 feet; the proposal complies and has a rear yard setback of 9 feet. It is an existing non-complying structure.
14. The minimum side yard setback for a lot of this width is 3 feet for a total of 6 feet in the HR-1 zoning district. The existing house is legal non-complying and has a 6 foot north side yard setback and a 2.5 foot south side yard setback.
15. The maximum building footprint for a lot measuring 2,812.5 square feet in the HR-1 Zoning District is 1,200.7 square feet. The existing house complies as it has a footprint of 910 square feet.
16. The maximum building height for the HR-1 zoning district is 27 feet from Existing Grade; the existing house is 20.5 feet tall.
17. The only encroachment on this site is a fence that wraps around the backyard. Portions of the fence encroach over the rear lot line and into the property at 1110 Woodside Avenue to the west and 1109 Park Avenue to the south.
18. 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:

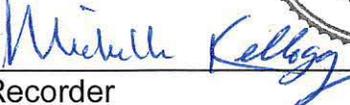
1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one 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 and shall be noted on the plat.
4. The fence in the backyard that encroaches into the properties at 1110 Woodside Avenue and 1109 Park Avenue shall be demolished or relocated within the property boundaries of 1117 Park Avenue.
5. The City Engineer will also require the dedication of ten foot (10') wide public snow storage easements along Park Avenue
6. The applicant shall rotate the house by 2 degrees in order to comply with required 3 foot side yard setbacks of the HR-1 District. The applicant shall provide an updated certified survey following the rotation to verify that the setbacks have been met. No Certificate of Occupancy (CO) will be issued nor will the plat amendment be recorded until the house has been rotated to comply with the required 3 foot side yard setbacks.

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

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

PARK CITY MUNICIPAL CORPORATION

ATTEST:



City Recorder





Andy Beerman, MAYOR

APPROVED AS TO FORM:



Mark Harrington, City Attorney

Attachment 1 – Proposed Plat



VICINITY AND ZONING MAP
NOT TO SCALE

1117 PARK AVENUE PLAT AMENDMENT
 AMENDMENT TO A PORTION OF BLOCK 5
 SNYDERS ADDITION TO PARK CITY
 LOCATED IN THE NORTH HALF OF SECTION 16
 TOWNSHIP 2S RANGE 4E
 SALT LAKE BASE AND MERIDIAN

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT LERRK WESTERLUND, TRUSTEE OF THE LANCE ERK WESTERLUND TRUST DATED JANUARY 2, 2007 AS TO AN UNDIVIDED 80% INTEREST, THE UNDIVIDED OWNERS OF THE ABOVE DESCRIBED TRACT OF LAND, DOES HEREBY CERTIFY THAT THEY HAVE CAUSED THIS PLAT AMENDMENT TO BE PREPARED. LERRK WESTERLUND, TRUSTEE OF THE LANCE ERK WESTERLUND TRUST HEREBY CONSENTS TO THE RECORDATION OF THIS PLAT AMENDMENT.

IN WITNESS WHEREOF THE UNDERSIGNED SET HIS HAND THIS ____ DAY OF _____, 2018
 L ERK WESTERLUND, TRUSTEE

ACKNOWLEDGMENT

STATE OF :)
 COUNTY OF :) SS

ON THIS ____ DAY OF _____, 2018,

L ERK WESTERLUND PERSONALLY APPEARED BEFORE ME, WHOSE IDENTITY IS PERSONALLY KNOWN TO ME OR PROVEN ON THE BASIS OF SATISFACTORY EVIDENCE, AND WHO BY DULY SWORN/AFFIRMED, DID SAY THAT HE/SHE IS THE TRUSTEE OF THE LANCE ERK WESTERLUND TRUST DATED JANUARY 2, 2007 AS TO AN UNDIVIDED 80% INTEREST, AND THAT SAID DOCUMENT WAS SIGNED BY HIM/HER ON BEHALF OF SAID TRUST BY AUTHORITY OF THE TRUST, AND HE/SHE ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE 1117 PARK AVENUE PLAT AMENDMENT.

NOTARY PUBLIC

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT SUSAN S. WESTERLUND, ALSO KNOWN AS S. WESTERLUND, AS TRUSTEE OF THE SUSAN SCHRAUFER WESTERLUND TRUST DATED JANUARY 2, 2007, AS TO AN UNDIVIDED 80% INTEREST, THE UNDIVIDED OWNERS OF THE ABOVE DESCRIBED TRACT OF LAND, DOES HEREBY CERTIFY THAT THEY HAVE CAUSED THIS PLAT AMENDMENT TO BE PREPARED. SUSAN S. WESTERLUND, ALSO KNOWN AS S. WESTERLUND, AS TRUSTEE OF THE SUSAN SCHRAUFER WESTERLUND TRUST HEREBY CONSENTS TO THE RECORDATION OF THIS PLAT AMENDMENT.

IN WITNESS WHEREOF THE UNDERSIGNED SET HIS HAND THIS ____ DAY OF _____, 2018
 SUSAN S. WESTERLUND, ALSO KNOWN AS S. WESTERLUND, TRUSTEE

ACKNOWLEDGMENT

STATE OF :)
 COUNTY OF :) SS

ON THIS ____ DAY OF _____, 2018,

SUSAN S. WESTERLUND, ALSO KNOWN AS S. WESTERLUND PERSONALLY APPEARED BEFORE ME, WHOSE IDENTITY IS PERSONALLY KNOWN TO ME OR PROVEN ON THE BASIS OF SATISFACTORY EVIDENCE, AND WHO BY DULY SWORN/AFFIRMED, DID SAY THAT HE/SHE IS THE TRUSTEE OF THE SUSAN S. WESTERLUND, ALSO KNOWN AS S. WESTERLUND, AS TRUSTEE OF THE SUSAN SCHRAUFER WESTERLUND TRUST DATED JANUARY 2, 2007, AS TO AN UNDIVIDED 80% INTEREST, AND THAT SAID DOCUMENT WAS SIGNED BY HIM/HER ON BEHALF OF SAID TRUST BY AUTHORITY OF THE TRUST, AND HE/SHE ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE 1117 PARK AVENUE PLAT AMENDMENT.

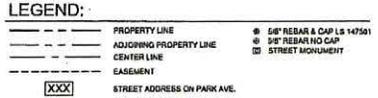
NOTARY PUBLIC

LEGAL DESCRIPTION:

LOT 1, ALL OF LOT 1 AND THE NORTHERLY 1/2 OF LOT 3, BLOCK 5, SNYDERS ADDITION TO PARK CITY, ACCORDING TO THE OFFICIAL PLAT THEREOF, ON FILE AND ON RECORD AT THE SUMMIT COUNTY RECORDERS OFFICE.

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 2006.



GRAPHIC SCALE
1 INCH = 10 FEET

SURVEYOR'S STATEMENT

I GREGORY J. FERHART OF PARK CITY, UTAH, CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF UTAH, HOLDING LICENSE NO. 54860. THIS PLAT AMENDMENT WAS PREPARED UNDER MY DIRECTION IN ACCORDANCE WITH THE REQUIREMENTS OF THE PARK CITY MUNICIPAL CORPORATION. I FURTHER CERTIFY THAT THIS PLAT ACCURATELY REPRESENTS THE SURVEYED PROPERTY.

GREGORY J. FERHART, S. LICENSE EXPIRES
MARCH 31, 2018



P.O. BOX 683001
PARK CITY, UT 84068

<p>SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS ____ DAY OF _____, 2018 A.D. BY: S.B.W.R.C.</p>	<p>PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 23rd DAY OF MARCH, 2018 BY: CHAIRMAN</p>	<p>ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ____ DAY OF _____, 2018 A.D. BY: PARK CITY ENGINEER</p>	<p>APPROVAL AS TO FORM APPROVED AS TO FORM THIS ____ DAY OF _____, 2018 A.D. BY: PARK CITY ATTORNEY</p>	<p>CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF PLAT AMENDMENT WAS APPROVED BY PARK CITY COUNCIL THIS 14th DAY OF APRIL, 2018 A.D. BY: PARK CITY RECORDER</p>	<p>COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 14th DAY OF APRIL, 2018 A.D. BY: MAYOR</p>	<p>RECORDED STATE OF UTAH, COUNTY OF SUMMIT, UNDIVIDED AT THE REQUEST OF DATE: MAY 02 2018 FEE: RECORDED BY: PLANNING DEPT.</p>
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