

Ordinance No. 2018-45

AN ORDINANCE APPROVING THE ROADHOUSE SUBDIVISION LOCATED AT 1900 PARK AVENUE, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 1900 Park Avenue has petitioned the City Council for approval of the Subdivision; and

WHEREAS, on June 27, 2018, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on June 23, 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 July 11, 2018, to receive input on subdivision; and

WHEREAS, the Planning Commission, on July 11, 2018, forwarded a unanimous positive recommendation to the City Council; and,

WHEREAS, on August 2, 2018, the City Council held a public hearing to receive input on the subdivision; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Roadhouse Subdivision located at 1900 Park Avenue.

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

SECTION 1. APPROVAL. The Roadhouse Subdivision, 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 1900 Park Avenue.
2. The site consists of one metes and bounds parcel located south of the Snow Creek Crossing Subdivision.
3. There are four existing easements that will be memorialized with recordation of this Subdivision.
4. The property is in the General Commercial (GC) District.
5. The property is in the Frontage Protection Zone (FPZ).
6. The property is within the FEMA Flood Zone X.
7. There is an existing commercial building at this location.
8. On June 27, 2018, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record and the

Utah Public Notice Website on June 23, 2018, according to requirements of the Land Management Code.

9. The City received a Plat Amendment application for the Roadhouse Subdivision on May 18, 2018. The application was deemed complete on June 12, 2018.
10. The proposed plat will create a one-lot subdivision measuring approximately 44,866.8 square feet in size.
11. The existing building was constructed in approximately 1977.
12. The existing commercial building is currently used as a restaurant, which is an allowed use in the GC district.
13. In the GC District, the minimum front yard setback is twenty feet (20'). The existing building is located at least fifty-one feet (51') behind the front property line.
14. In the GC District, the minimum rear yard setback is ten feet (10'). The existing building is at least twenty three feet (23') from the rear property line.
15. In the GC District, the minimum side yard setback is ten feet (10') on each side. The existing building is at least seventy-nine (79') from the side property line.
16. In the FPZ, all structures shall be at least thirty feet from the nearest highway Right-of-Way. The existing structure is at least fifty-one feet (51') behind the nearest highway Right-of-Way.
17. In the FPZ, a Conditional Use Permit is required for all construction between thirty feet (30') and one hundred feet (100') from the nearest Right-of-Way. The applicant has an existing Conditional Use Permit for site improvements and an additional outdoor deck which will comply with all Setback requirements.
18. The Transportation Planning Department identified a Public Trail that runs along the south and southeast boundaries of the Lot. The applicant shall grant and record a Public Trail Easement along the existing trail.
19. The proposed Subdivision will not cause undo harm to adjacent property owners.
20. 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 Subdivision.
2. The Subdivision is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.
3. Neither the public nor any person will be materially injured by the proposed Subdivision.
4. Approval of the Subdivision, 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 subdivision 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 and an extension is granted by the City Council.

3. A five foot (5') wide public snow storage easement along the frontage of Park Avenue is required and shall be provided on the plat.
4. Utility structures such as ground sleeves and transformers and other dry utility boxes must be located on the lot.
5. Non-exclusive public utility easements (PUE) shall be indicated on the plat prior to recordation as approved by the City Engineer and SBWRD, including drainage easements.
6. A financial security to guarantee for the installation of any required public improvements is required prior to plat recordation in a form approved by the City Attorney and in an amount approved by the City Engineer.
7. Fire sprinklers are required for new construction per the Chief Building Official at the time of review of the building permit. A note stating this shall be on the plat.
8. No certificate of occupancy shall be issued on the proposed improvements until recordation of this plat.
9. The property is subject to MS4 storm water requirements, and a MS4 permit is required for all land disturbance activities.
10. An eight feet (8') wide Public Trail Easement for trail access shall be granted along the south and southeast boundaries of the Lot prior to Plat recordation.

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

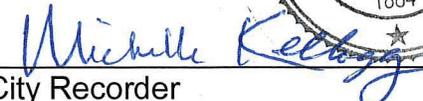
PASSED AND ADOPTED this 2nd day of August, 2018.



PARK CITY MUNICIPAL CORPORATION


MAYOR ANDY BEERMAN

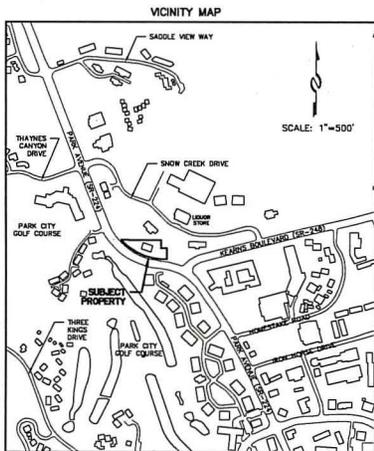
ATTEST:


City Recorder

APPROVED AS TO FORM:


City Attorney

Attachment 1 – Proposed Plat



OWNER'S CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that, Poly Bros. LLC, a Utah limited liability company, owner of the herein described tract of land, hereby certifies that it has caused this subdivision plat to be made and hereby consents to the recordation of this subdivision plat.
 In witness whereof, the undersigned set his hand this _____ day of _____, 2018.



SURVEYOR'S CERTIFICATE

I, Charles Galati, do hereby certify that I am a Professional Land Surveyor, and that I hold License No. 7248899, 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 shown on this plat and described hereon, together with easements, hereafter to be known as ROADHOUSE SUBDIVISION and that the same has been correctly surveyed and monumented on the ground as shown on this plat.

By _____
 Tim T. Polychronis, Manager

ACKNOWLEDGMENT

State of _____

: ss.

County of _____

On this _____ day of _____, 2018, Tim T. Polychronis 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 Poly Bros. LLC, 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 ROADHOUSE SUBDIVISION.

A Notary Public commissioned in Utah

Printed Name _____

Residing in: _____

My commission expires: _____

Commission No: _____

LEGAL DESCRIPTION

Beginning at the East quarter corner of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian, and running thence South 89°44'40" East 227.39 feet along the section line; thence South 0°33'00" East 72.85 feet; thence East 50.00 feet; thence South 0°33'00" East 93.99 feet to a point on a 523.70 foot radius curve to the right (center bears North 31°3'07" West of which the central angle is 30°31'22"); thence along the arc of said curve 461.79 feet; thence South 89°37'02" East 134.35 feet to the point of beginning.

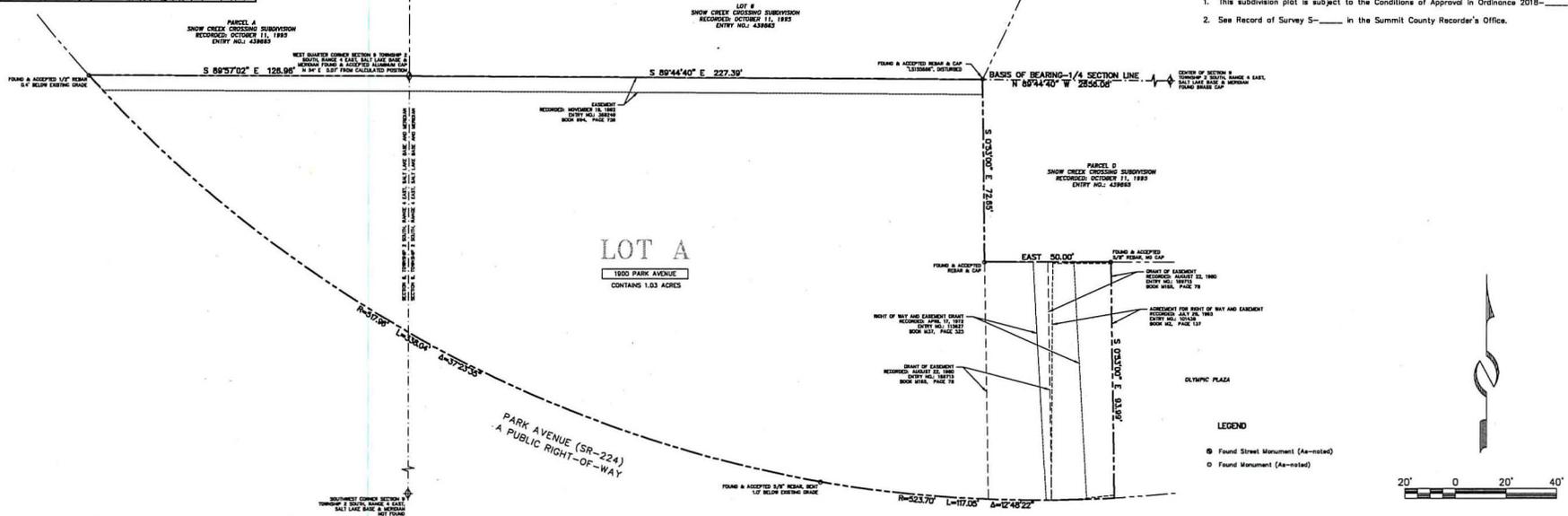
Less and excepting therefrom those portions conveyed to Utah Department of Transportation in that certain Special Warranty Deed recorded November 29, 1991 as Entry No. 350762 in Book 635 at Page 23 more particularly described as follows:

A parcel of land in fee for the widening of State Route 224 known as Project No. 060, being part of an entire tract of property situate in the Northwest quarter of the Southwest quarter of Section 9 and Northeast quarter of the Southeast quarter of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian. The boundaries of said parcel of land are described as follows:

Beginning at a Northwest corner of said entire tract, which point is 134.5 feet deed distance (148.72 surveyed distance) North 89°37'02" West from the East quarter corner of said Section 8; thence Southeasterly and Easterly 474.57 feet along the arc of a 522.96 foot radius curve to the left (Note: Tangent to said curve at its point of beginning bears South 42°15'06" East); thence North 82°11'12" West 89.00 feet to a point of tangency with a 517.96 foot radius curve to the right; thence Westerly and Northwesterly 301.02 feet along the arc of said 517.96 foot radius curve to the northerly boundary line of said entire tract; thence North 89°37'02" West 21.76 feet along said northerly boundary line to the point of beginning as shown on the official map of said project on file in the office of the Utah Department of Transportation.

NOTES

1. This subdivision plat is subject to the Conditions of Approval in Ordinance 2018-_____
2. See Record of Survey S-_____ in the Summit County Recorder's Office.



ROADHOUSE SUBDIVISION

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 8
 AND THE SOUTHWEST QUARTER OF SECTION 9
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
 PARK CITY, SUMMIT COUNTY, UTAH

<p>(435) 842-8487 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 222 Main Street, P.O. Box 2684, Park City, Utah 84060-2684</p>	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. _____
	<p>DATE: 10/26/18 FILE: X:\Prospector\dwg\er\p10216\180418.dwg</p>						