

**Ordinance No. 2019-14**

**AN ORDINANCE APPROVING THE 139 MAIN STREET PLAT AMENDMENT  
LOCATED AT 139 MAIN STREET, PARK CITY, UTAH.**

WHEREAS, the owner of the property located at 139 Main Street has petitioned the City Council for approval of the Plat Amendment; and

WHEREAS, on February 13, 2019, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on February 13, 2019, proper legal notice was published according to requirements of the Land Management Code and courtesy letters were sent to surrounding property owners on February 13, 2019; and

WHEREAS, the Planning Commission held a public hearing on February 27, 2019, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on February 27, 2019, forwarded a positive recommendation to the City Council; and,

WHEREAS, on April 4, 2019, 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 139 Main Street Plat Amendment located at 139 Main Street.

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

**SECTION 1. APPROVAL.** The 139 Main Street 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 139 Main Street.
2. The property consists of the entirety of Lot 10 and the southerly half of Lot 11 of Block 13 of the Park City Survey.
3. The property is in the Historic Residential – 2B (HR-2B) District.
4. The property is vacant.
5. The proposed lot is 2,332 square feet in size.
6. The proposed lot meets the minimum lot area of 1,875 square feet for a single-family dwelling.
7. This lot will not be large enough to accommodate a duplex use which requires 3,750 square feet.

8. The proposed lot size is compatible with existing lots in the neighborhood and in the overall Historic District. The lots average 0.05 acres in size with the smallest at 0.01 acres and the largest at 0.17 acres.
9. The proposed lot is the average size for a lot in this vicinity at 0.05 acres.
10. The City received a complete Plat Amendment application for the 139 Main Street Plat Amendment on January 15, 2019.
11. Along the south side of the lot, the neighboring property has three stone retaining walls, each approximately 1.5 feet wide, which encroach onto this property by 1 to 3 feet, and one railroad tie retaining wall which encroaches onto this property by approximately 6 inches. These walls are present in the Historic Sites Inventory report for 133 Main Street and require an encroachment agreement.
12. Along the west side of the lot, the adjacent property also has 17.5 feet of a railroad tie retaining wall which encroaches onto this property up to 2.5 feet from the rear property line.
13. The minimum lot width of 25 feet is also met as the proposed width is 39 feet.
14. The proposed lot will also be between 58 and 67 feet deep.
15. The minimum Front and Rear Setbacks are 10 feet each.
16. The minimum Side Setbacks are 5 feet each.
17. The maximum building footprint is 1022.79 square feet.
18. A Historic District Design Review application is required for any new construction proposed at the existing site.
19. With the proposed lot size, an Administrative CUP for development on steep slopes will be required for any structure exceeding 200 square feet on or projecting over an existing slope of thirty percent (30%) or greater.

**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 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 will be required along Main Street unless the existing retaining wall needs to remain.

5. An encroachment agreement needs to be recorded for all encroachments, or all encroachments need to be removed, including the stone retaining walls and railroad tie wall to the south and the railroad tie retaining wall to the west.

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

PASSED AND ADOPTED this 4th day of April, 2019.

PARK CITY MUNICIPAL CORPORATION



Andy B  
MAYOR

ATTEST:

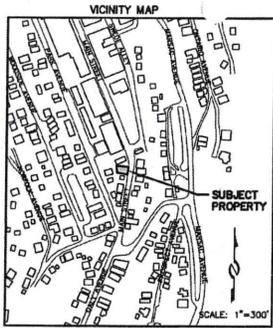
Michelle Kelley  
City Recorder

APPROVED AS TO FORM:

M.D.H.  
City Attorney

**Attachment 1 – Proposed Plat**

Exhibit A - Proposed Plat



**SURVYOR'S CERTIFICATE**

I, Charles Galati, do hereby certify that I am a Professional Land Surveyor, and that I hold License 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 shown on this plat and described herein, hereafter to be known as 139 MAIN STREET PLAT AMENDMENT and that the same has been or will be monumented on the ground as shown on this plat.

**LEGAL DESCRIPTION**

All of Lot 10 and a southerly portion of Lot 11, Block 13, Amended Plat of the Park City Survey, according to the official plat thereof, an file and of record in the Office of the Summit County Recorder, said southerly portion of Lot 11, being more particularly described as follows:  
Beginning at the southeasterly corner of Lot 11, Block 13, Amended Plat of the Park City Survey; and running thence along the southerly boundary of said Lot 11, North 81°06'00" West 84.58 feet to the southwesterly corner of Lot 11; thence along the westerly boundary of said Lot 11, North 05°39'57" West 10.50 feet; thence South 84°22'00" East 87.33 feet to the easterly boundary of said Lot 11; thence along said easterly boundary of Lot 11, South 05°4'00" West 14.00 feet to the point of beginning.

**OWNER'S DEDICATION AND CONSENT TO RECORD**

KNOW ALL BY THESE PRESENTS THAT, Barry Turner and Cheryl Sandy, Trustees of the PATRIOT FAMILY TRUST DATED SEPTEMBER 28, 2017, hereby certify that they have caused this plat amendment to be made and hereby consent to the recordation of this plat amendment.

In witness whereof, the undersigned set his hand this \_\_\_\_ day of \_\_\_\_\_, 2019. In witness whereof, the undersigned set her hand this \_\_\_\_ day of \_\_\_\_\_, 2019.  
By: Barry Turner, Trustee By: Cheryl Sandy, Trustee

**ACKNOWLEDGMENT**

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ ) ss.

On this \_\_\_\_ day of \_\_\_\_\_, 2019, Barry Turner, 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 a trustee of the PATRIOT FAMILY TRUST DATED SEPTEMBER 28, 2018, 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 139 MAIN STREET PLAT AMENDMENT.

By: \_\_\_\_\_  
Notary Public  
Printed Name \_\_\_\_\_  
Residing in: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_  
Commission No.: \_\_\_\_\_

**ACKNOWLEDGMENT**

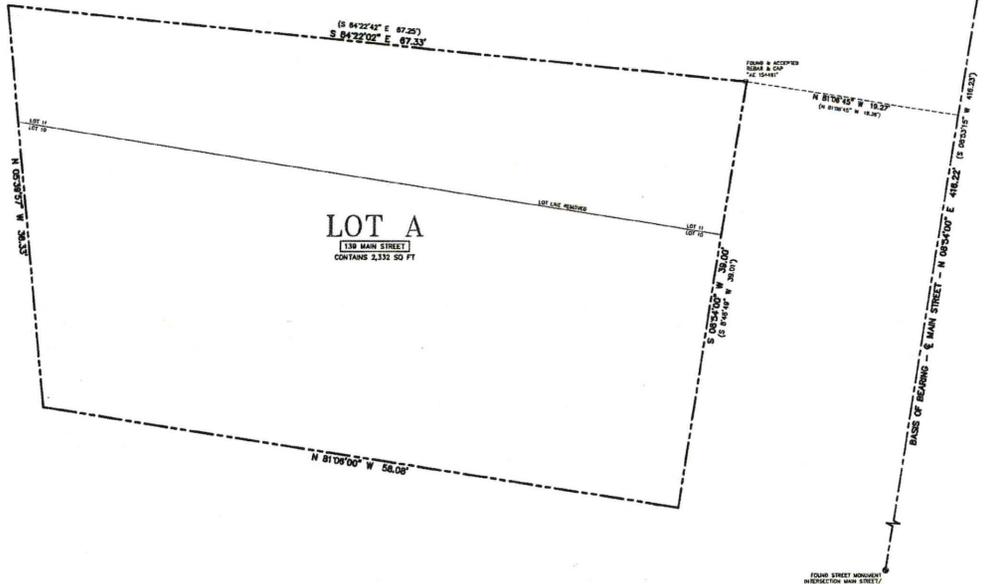
STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ ) ss.

On this \_\_\_\_ day of \_\_\_\_\_, 2019, Cheryl Sandy, 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 she is a Trustee of the PATRIOT FAMILY TRUST DATED SEPTEMBER 28, 2018, and that said document was signed by her on behalf of said Trust by authority of the Trust, and she acknowledged to me that she executed the 139 MAIN STREET PLAT AMENDMENT.

By: \_\_\_\_\_  
Notary Public  
Printed Name \_\_\_\_\_  
Residing in: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_  
Commission No.: \_\_\_\_\_

**NOTES**

1. This plat amendment is subject to the Conditions of Approval in Ordinance 2019-\_\_\_\_\_.
2. Measured bearings and distances, when different from record, are shown in parenthesis ( ).



A LOT COMBINATION PLAT  
BLOCK 13, PARK CITY SURVEY  
**139 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

**LEGEND**

- Found Monument (As-Noted)
- ⊙ Found Street Monument (As-Noted)

RECEIVED

JAN 02 2019

PARK CITY PLANNING DEPT

SHEET 1 OF 1

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 (435) 648-9467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 223 Main Street, P.O. Box 2861 Park City, Utah 84302-2861	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2019 BY: S.B.W.R.D.	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2019 BY: _____ CHAIR	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2019 BY: _____ PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2019 BY: _____ PARK CITY ATTORNEY	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2019 BY: _____ MAYOR	CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2019 BY: _____ PARK CITY RECORDER	RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ FEE _____ RECORDER _____ TIME _____ DATE _____ ENTRY NO. _____
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