

Ordinance No. 2019-18

AN ORDINANCE APPROVING THE 269 DALY AVENUE PLAT AMENDMENT FIRST AMENDED, LOCATED AT 269 DALY AVENUE, PARK CITY, UTAH.

WHEREAS, the property owners of the property located at 269 Daly Avenue have petitioned the City Council for approval of the Plat Amendment; and

WHEREAS, on February 13, 2019, proper legal notice was published according to requirements of the Land Management Code; and

WHEREAS, on February 13, 2019, the site was properly noticed and posted according to the 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 February 27, 2019, to receive input on the proposed Plat Amendment; and

WHEREAS, the Planning Commission on February 27, 2019, continued the Plat Amendment to the March 13, 2019 Planning Commission meeting; and,

WHEREAS, the Planning Commission on March 13, 2019, forwarded a recommendation to the City Council; and,

WHEREAS, on April 18, 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 269 Daly Avenue Plat Amendment First Amended, located at 269 Daly Avenue.

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

SECTION 1. APPROVAL. The 269 Daly Avenue Plat Amendment First Amended 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 subject property is located at 269 Daly Avenue.
2. The site is within the Historic Residential (HR-1) District.
3. The property is shown on the Historic Sites Inventory as a "Significant Site" and includes a 720 square foot mining era home constructed in 1901.
4. The Plat Amendment requests to relocate an existing platted Maximum Development Line approximately ten feet (10') to the east.
5. The Plat Amendment is necessary in order for the applicant to obtain a building permit for the proposed addition to the rear of the existing home.

6. The Plat Amendment will not change the size of the existing lot.
7. Per LMC 15-2.2-3(E), Accessory Buildings listed on the Park City Historic Structures Inventory that are not expanded, enlarged or incorporated into the Main Building, shall not count in the total Building Footprint of the Lot.
8. The existing Historic home and Historic garage cannot be moved or relocated to another site on the Lot.
9. Any addition to the home would require review by the Design Review Team and any exterior remodels or additions would be reviewed for compliance with the adopted 2009 Design Guidelines for Historic Districts and Historic Sites.
10. Staff finds that there is good cause for this Plat Amendment.
11. 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 Plat Amendments.
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 shall 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. The plat shall note, prior to recordation, that the maximum Gross Floor Area, as defined by the Land Management Code, will not exceed 2,000 square feet.
4. Prior to recordation, the Maximum Development Line shall be relocated as shown on the proposed Plat, Attachment 1, placed parallel to the front Property Line and located approximately one hundred and three feet (103') to the east from the front Property Line.
5. Prior to plat recordation, the plat shall note that the area east of the Maximum Development Line is a no build zone. All conditions from the previous approvals shall be maintained.
6. No Building Permits for the rear addition will be granted until the Plat Amendment final plat is recorded with the Summit County Recorder's Office.
7. The plat shall note that fire sprinklers are required for all new or renovation construction on this lot, to be approved by the Chief Building Official.
8. The ten foot (10') wide Public Snow Storage Easement along the frontage of the property will be maintained.

9. The property is located outside the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore not regulated by the City for mine related impacts. If the property owner does encounter mine waste or mine waste impacted soils they must handle the material in accordance to State and Federal law.
10. All development shall provide elevation certificates certifying compliance with the minimum FEMA Flood Zone Requirements.
11. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
12. Any addition to the home would require review by the Design Review Team and any exterior remodels or additions would be reviewed for compliance with adopted 2009 Design Guidelines for Historic Districts and Historic Sites.
13. All other Conditions of Approval from the 269 Daly Avenue Plat Amendment, recorded December 12, 2012, as Entry No. 959006, remain in full force and effect.

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

PASSED AND ADOPTED this 18th day of April, 2019.

PARK CITY MUNICIPAL CORPORATION



Andy Beerman, MAYOR

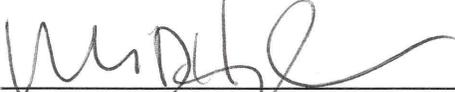
ATTEST:





Michelle Kellogg, City Recorder

APPROVED AS TO FORM:



Mark Harrington, City Attorney

Exhibits

Attachment 1 – 269 Daly Avenue Plat Amendment First Amended (Proposed)



SURVEYOR'S CERTIFICATE

I, Charles Galati, do hereby certify that I am a Professional Land Surveyor and that I hold License No. 7245591, as prescribed by 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, hereafter to be known as 269 DALY AVENUE PLAT AMENDMENT—FIRST AMENDED, and that the same has been monumented on the ground as shown on this plat.

LEGAL DESCRIPTION

All of lot A, 269 Daly Avenue Plat Amendment; according to the official plat thereof, on file and of record in the office of the Summit County Recorder's office.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that David S. Henry and Harriet W. Henry, husband and wife, as joint tenants, the undersigned owners of the herein described tract of land, do hereby certify that they have caused this plat to be prepared, and do hereby consent to the recordation of this plat.

In witness whereof, the undersigned set their hand this _____ day of _____, 2019.

By: David S. Henry _____

By: Harriet W. Henry _____

ACKNOWLEDGMENT

STATE OF _____) ss.
COUNTY OF _____)

On this _____ day of _____, 2019, David S. Henry 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, that he acknowledged to me that he executed the 269 DALY AVENUE PLAT AMENDMENT—FIRST AMENDED.

Notary Public _____

Printed Name _____

Residing in: _____

My commission expires: _____

Commission No. _____

ACKNOWLEDGMENT

STATE OF _____) ss.
COUNTY OF _____)

On this _____ day of _____, 2019, Harriet W. Henry 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, that she acknowledged to me that she executed the 269 DALY AVENUE PLAT AMENDMENT—FIRST AMENDED.

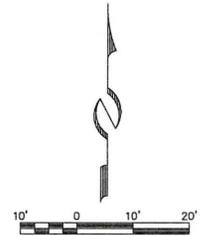
Notary Public _____

Printed Name _____

Residing in: _____

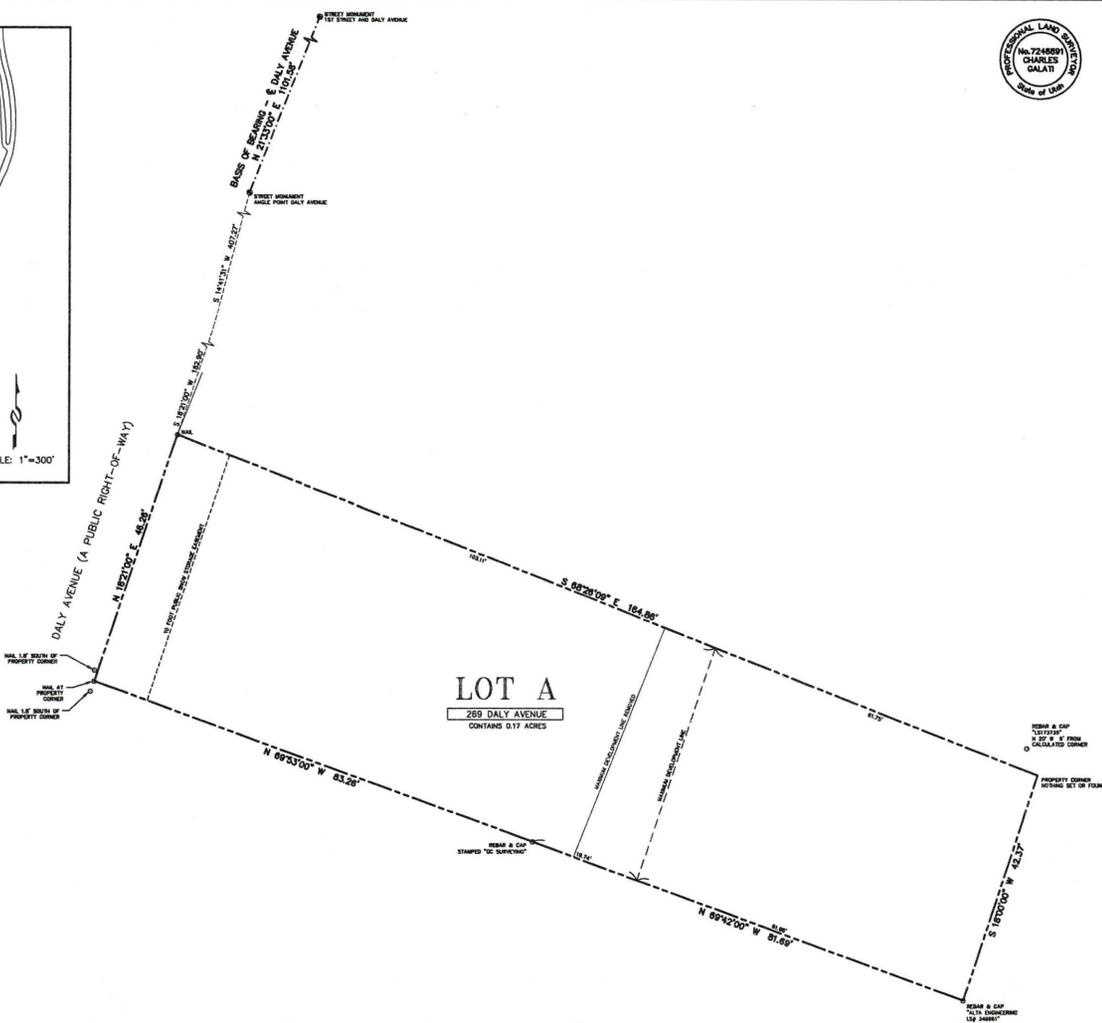
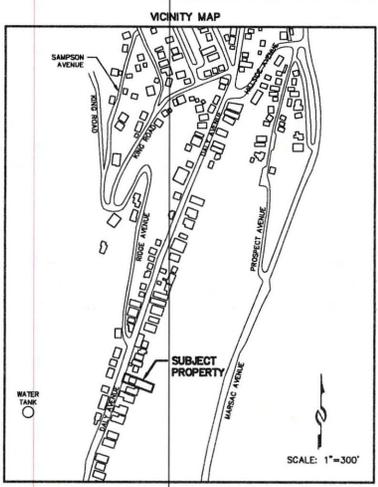
My commission expires: _____

Commission No. _____



NOTES

1. This plat amendment is subject to the Conditions of Approval in Ordinance 2019-____ and adjusts the Maximum Development Line.
2. All conditions of approval of the 269 Daly Avenue Plat Amendment, recorded December 12, 2012, as Entry No. 959006 remain in full force and effect.
3. The maximum gross floor area as defined by the land management code will not exceed 2,000 square feet.
4. The area east of the maximum development line is a no build zone.
5. Fire sprinklers are required for all new or renovation construction on this lot, to be approved by the Chief Building Official.



269 DALY AVENUE PLAT AMENDMENT FIRST AMENDED

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

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| <small>CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2854 Park City, Utah 84302-2854</small> | <p>(435) 648-9467</p> <p>SNYDERVILLE BASIN WATER RECLAMATION DISTRICT</p> <p>REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2019</p> <p>BY _____ S.B.W.R.D.</p> | <p>PLANNING COMMISSION</p> <p>APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2019</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 _____, 2019</p> <p>BY _____ PARK CITY ENGINEER</p> | <p>APPROVAL AS TO FORM</p> <p>APPROVED AS TO FORM THIS _____ DAY OF _____, 2019</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 _____, 2019</p> <p>BY _____ MAYOR</p> | <p><small>3/4/18 JOB NO.: 10-9-18 FILE: X:\ParkCitySurvey\dwg\ar\plat2018\100918.dwg</small></p> <p>CERTIFICATE OF ATTEST</p> <p>I CERTIFY THIS PLAT MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2019</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 _____ TIME _____ DATE _____ ENTRY NO. _____</p> |
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