

Ordinance No. 2019-21

AN ORDINANCE APPROVING THE 84 DALY PLAT AMENDMENT LOCATED AT 84 DALY AVENUE, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 84 Daly Avenue has petitioned the City Council for approval of the Plat Amendment; and

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

WHEREAS, on March 13, 2019, 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 March 27, 2019, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on March 27, 2019, forwarded a positive 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 84 Daly Plat Amendment located at 84 Daly Avenue.

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

SECTION 1. APPROVAL. The 84 Daly 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 84 Daly Avenue.
2. The property consists of the majority of Lot 11, a portion of Lot 12, and a portion of vacated Anchor Avenue of Block 74 of the Millsite Reservation to Park City.
3. The property is in the Historic Residential (HR-1) District.
4. There is an existing non-historic structure at this address.
5. The applicant proposes to combine the subject lots into one lot of record.
6. The original structure on this site was constructed on this site between 1899 and 1900 according to the Summit County Records, and it first appeared on the 1900 Sanborn Fire Insurance map.

7. The existing home was constructed in 1989. A Building Permit dated August 21, 1989 was issued for the demolition of the historic structure and the construction of a new single-family dwelling in the same location as the historic structure.
8. On February 5, 2019, the City received a complete Plat Amendment application for the 84 Daly Plat Amendment.
9. Along the southeast corner of the lot, the larger of the two existing sheds encroaches onto the neighboring property at 96 Daly Avenue by 0.7 feet.
10. The existing home is a single-family dwelling which is an allowed use in the HR-1 district.
11. The minimum lot area for a single-family dwelling is 1,875 square feet. The proposed lot has an area of 3,858 square feet.
12. This lot size is large enough to permit a duplex with a required Conditional Use Permit application and approval.
13. The minimum lot width in the HR-1 zone is 25 feet. The proposed lot meets the requirements of this zone at 42 feet wide.
14. The proposed lot will also be 91.87 feet deep.
15. The minimum front setback is 12 feet. The existing house has a 13 foot front setback.
16. The minimum rear setback is 12 feet. The existing house has a 44 foot rear setback.
17. The minimum side setback is 5 feet on each side. The existing house has a 0.3 foot side setback on the north side and a 13.5 foot side setback on the south side.
18. The only setback requirement which is not currently met is the north side setback. The existing structure is between 0.3 to 1.5 feet from the property line along the north side of the lot which does not comply with the 5 foot requirement.
19. All new construction is required to meet the current LMC lot and site requirements including setbacks.
20. LMC Section 15.2.2-3(K) Snow Release requires that "site plans and building design must resolve snow release issues to the satisfaction of the Chief Building Official." This may require a snow shedding agreement with the property to the north at the time of any building permit application, due to proximity of the existing structure to the north property line with a roof that sheds in the direction of that neighboring property.
21. All new construction is required to meet the current LMC lot and site requirements including setbacks.
22. The maximum building footprint for a lot this size is 1,553.04 square feet. The existing footprint meets this standard at approximately 551.5 square feet.
23. The proposed lot size of 3,858 square feet is compatible with existing lots in the neighborhood.
 - a. This lot is directly adjacent to the Daly Doubles Condominiums to the south, which is comprised of 4 units on a lot 8,427 square feet in size, and a vacant lot 3,443.12 square feet in size to the north, which was a part of the 74 & 80 Daly Avenue Plat Amendment.
 - b. This lot also sits across the street from another vacant lot at 81 Daly Avenue comprised of Lots 11, 12, and a majority of Lot 13 of Block 73 of the Millsite Reservation.

- c. There are a mix of single-family structures and multi-family duplexes and condominiums in the immediate vicinity of this lot on Daly Avenue.
24. A Historic District Design Review will be required, and any changes to the site must be conducted in accordance with the Land Management Code and with the Historic District Design Guidelines.
25. Any development to the rear of the lot may require an Administrative Conditional Use Permit for development on a steep slope if more than 200 square feet of building footprint is located on or projecting over an existing Slope of 30 percent 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. New construction shall meet site and lot requirements of the HR-1 District per the Land Management Code in effect at the time of application submittal.
5. A Historic District Design Review application is required for any new construction proposed at the existing site, and any development to the rear of the lot may require an Administrative Conditional Use Permit for development on a steep slope if more than 200 square feet of building footprint is located on or projecting over an existing Slope of 30 percent or greater.
6. A 10 foot wide public snow storage easement will be required along Daly Avenue.
7. An encroachment agreement is required for the shed along the southeast corner of the property which encroaches onto the neighboring property at 96 Daly Avenue by 0.7 feet, or the encroaching portion of the shed needs to be removed before the plat can be recorded.

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

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

PARK CITY MUNICIPAL CORPORATION


MAYOR

ATTEST:


City Recorder

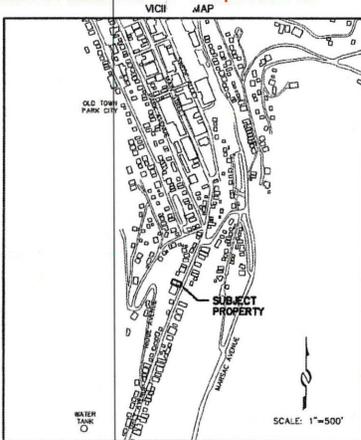


APPROVED AS TO FORM:


City Attorney

Attachment 1 – Proposed Plat

Exhibit A: Attachment 1 - Proposed Plat



SURVEYOR'S CERTIFICATE

I, Charles Galati, do hereby certify that I am a Professional Land Surveyor, and that I hold License No. 724899, 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, and have subdivided said tract of land into lots and streets, together with easements, hereafter to be known as 84 DALY PLAT AMENDMENT and that the same has been correctly surveyed and monumented on the ground as shown on this plat.

LEGAL DESCRIPTION

The South 34 1/2 feet of Lot No. 11 and the North 7 1/2 feet of Lot 12, Block 74, Millsite Reservation in Park City according to the official plat thereof on file and of record in the Office of the Summit County Recorder.

Together with 1/2 of vacated Anchor Avenue.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL BY THESE PRESENTS that Kevin Lao Reilly and Karleen Reilly, as Trustees of The Reilly Family Trust dated May 21, 2018, the undersigned owner 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 hands this _____ day of _____ 2019.

By: Kevin Lao Reilly, Trustee

By: Karleen Reilly, Trustee

ACKNOWLEDGMENT

STATE OF _____

County of _____

On this _____ day of _____ 2019, Kevin Lao Reilly 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 Reilly Family Trust dated May 21, 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 84 DALY PLAT AMENDMENT.

By: _____
Notary Public

Printed Name _____

Residing in: _____

My commission expires: _____

Commission No. _____

ACKNOWLEDGMENT

STATE OF _____

County of _____

On this _____ day of _____ 2019, Karleen Reilly 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 Reilly Family Trust dated May 21, 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 84 DALY PLAT AMENDMENT.

By: _____
Notary Public

Printed Name _____

Residing in: _____

My commission expires: _____

Commission No. _____

NOTES

- This plat amendment is subject to the Conditions of Approval in Ordinance 2019-_____.
- See Record of Survey S-_____.
- A Snow Shed Easement Agreement affecting this property was recorded June 28, 2018, as Entry No. 1094220 in Book 2488 at Page 1443, in the Office of the Recorder, Summit County, Utah.

RECEIVED

MAR 22 2019

SHEET 1 OF 1

<p>CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street, P.O. Box 2664, Park City, Utah 84002-2664</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>CERTIFICATE OF ATTEST</p> <p>I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2019</p> <p>BY: _____ PARK CITY RECORDER</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>1/25/18 JOB NO.: 3-12-18 FILE: X:\ParkCitySurvey\2018\3-12-18\031218.dwg</p>						