

Ordinance No. 2019-39

**AN ORDINANCE APPROVING THE 440 MAIN STREET PLAT AMENDMENT,
LOCATED AT 440 MAIN STREET, PARK CITY, UTAH.**

WHEREAS, the property owners of the property located at 440 Main Street have petitioned the City Council for approval of the Plat Amendment; and

WHEREAS, on May 29, 2019, proper legal notice was published according to requirements of the Land Management Code; and

WHEREAS, on May 29, 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 June 12, 2019, to receive input on the proposed Plat Amendment; and

WHEREAS, the Planning Commission on June 12, 2019, forwarded a positive recommendation to the City Council; and,

WHEREAS, on July 11, 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 440 Main Street Plat Amendment, located at 440 Main Street.

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

SECTION 1. APPROVAL. The 440 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 subject property is located at 440 Main Street.
2. The site is within the Historic Commercial Business (HCB) District.
3. The property is shown on the Historic Sites Inventory as a "Landmark Site" and includes an existing footprint of approximately 2,711 square feet.
4. The Plat Amendment application is a request to combine Lot 11 of Block 23 with two metes and bounds parcels into one (1) legal lot of record.
5. The minimum Lot Size within the Historic Commercial Business is 1,250 square feet.
6. The existing Lot consists of three parcels. According to the survey, Lot 11 of Block 23 is 1,875 square feet, Parcel 2 is 1,255 square feet, and the sliver of Parcel 3 is 150 square feet.

7. The new proposed Lot consists of 3,280 square feet.
8. The proposed Lot Size is compatible with existing lots in the neighborhood and in the overall Historic District. The surrounding lots that have been combined range in size from 0.06 acres to 0.1 acres, or 2,613.6 square feet to 4,356 square feet.
9. The HCB District does not have any required Front, Rear, or Side Setback.
10. The maximum Floor Area Ratio (FAR) within the HCB District is 4.0.
11. The existing building has a Floor Area Ratio of 1.455, based on the lot area depicted in the survey.
12. Since the Building was constructed prior to 1984, per the [Land Management Code \(LMC\) 15-2.6-9\(D\)](#), the Pre 1984 Parking Exception applies.
13. The Lot was current in the assessment to the Main Street Parking Special Improvement District as of January 1, 1984, and thus is exempt from the parking obligation for a Floor Area Ratio of 1.5.
14. So long as the Building maintains a FAR of 1.5 or less, no additional off-street parking is required.
15. The Plat Amendment is necessary in order for the applicant to obtain a building permit for the proposed remodel of the building.
16. Any remodel or addition to the Historic Structure would require review by the Design Review Team and any exterior remodels or additions would be reviewed for compliance with the adopted Design Guidelines for Historic Districts and Historic Sites.
17. Staff finds that there is good cause for this Plat Amendment in that remnant parcels are combined into one platted lot of record, lot lines are cleaned up and encroachments are resolved..
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 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. No Building Permits for changes to the exterior of the Building will be granted until the final plat is recorded with the Summit County Recorder's Office.

4. 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.
5. The property is located within the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore it is 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.
6. A note shall be added to the Plat stating that a portion of the Site is located within the FEMA Flood Zone A.
7. All development shall provide elevation certificates certifying compliance with the minimum FEMA Flood Zone Requirements.
8. 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.
9. Any remodel or addition to the Historic Structure would require review by the Design Review Team and any exterior remodels or additions would be reviewed for compliance with adopted 2019 Design Guidelines for Historic Districts and Historic Sites.

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

PASSED AND ADOPTED this 11th day of July, 2019.

PARK CITY MUNICIPAL CORPORATION



Andy Beerman, MAYOR

ATTEST:



Michelle Kellogg, City Recorder

APPROVED AS TO FORM:



Margaret Plane, Special Counsel

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. 7248891, 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 and described hereon, hereafter to be known as 440 MAIN STREET PLAT AMENDMENT and that the same has been correctly surveyed and monumented on the ground as shown on this plat.

LEGAL DESCRIPTION

PARCEL 1
All of Lot 11, Block 23, PARK CITY SURVEY, AMENDED, according to the official plat thereof, on file and of record in the office of the Summit County Recorder, Summit County, Utah.

PARCEL 2
Beginning at the Southeast corner of Lot 11, Block 23, PARK CITY SURVEY, AMENDED, and running thence along the Easterly line of said Block 23 North 23'38" West 25.00 feet to the Northeast corner of Lot 11; thence leaving said block line and running North 66'22" East 50.00 feet to a point on Swede Alley as currently constructed; thence South 23'38" East along Swede Alley 25.00 feet; thence South 86'22" West 50.00 feet to the point of beginning.

PARCEL 3
Beginning at the Southwest corner of Lot 11, Block 23, PARK CITY SURVEY, AMENDED, and running thence along the Southerly line of said Lot 11 North 66'22" East 75.00 feet to the Southeast corner of said Lot 11, said point also being on the East line of said Block 23; thence leaving said Block line and running North 66'22" East 50.00 feet to a point on Swede Alley as currently constructed; thence South 23'38" East 1.85 feet; thence South 86'44'33" West 125.00 feet; thence North 23'18" West 43 feet to the point of beginning.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL BY THESE PRESENTS that 440 MAIN, LLC, a Utah limited liability company, the undersigned owner of the herein described tract of land, to be known hereafter as 440 MAIN STREET PLAT AMENDMENT, does hereby certify that it has caused this plat amendment to be prepared and does hereby consent to the recordation of this plat amendment.

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

440 MAIN, LLC
a Utah limited liability company
By: SOCC Manager, LLC
a Delaware limited liability company
By: Jeffrey S. McKibben, Manager

ACKNOWLEDGMENT

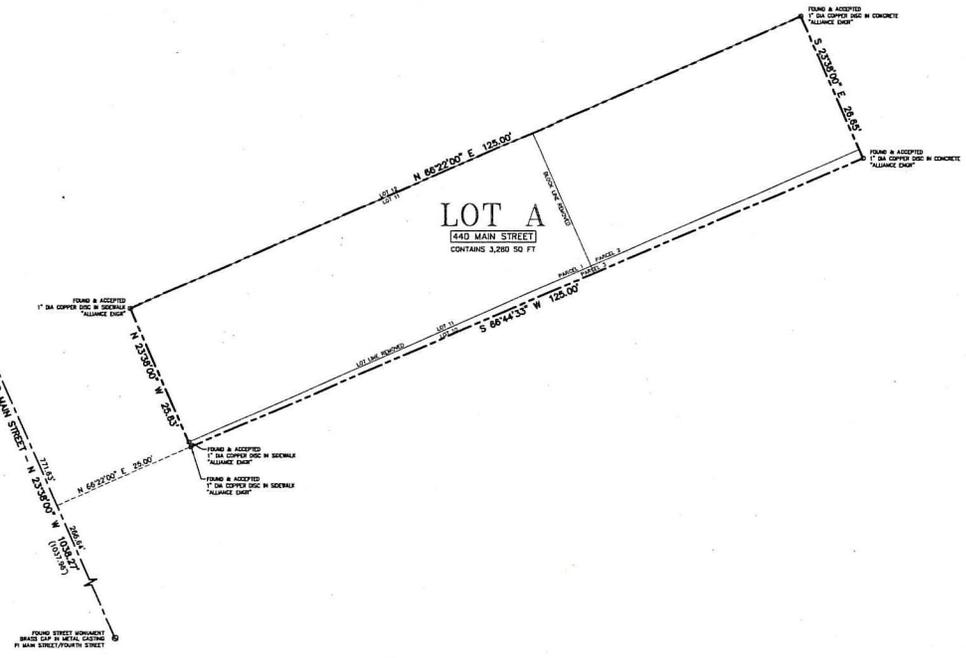
STATE OF _____)
COUNTY OF _____) ss.

On this _____ day of _____ 2019, Jeffrey McKibben 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 440 MAIN, 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 440 MAIN STREET PLAT AMENDMENT.

By: _____
Notary Public
Printed Name _____
Residing in: _____
My commission expires: _____
Commission No. _____

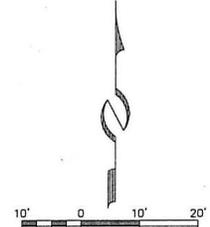
NOTES

1. This plat amendment is subject to the Conditions of Approval in Ordinance 2019-_____
2. An encroachment agreement affecting the north boundary of the property was recorded October 31, 2017, as Entry No. 1080731 in Book 2435 at Page 843.
3. See Record of Survey S-_____ in the Office of the Recorder, Summit County, Utah.
4. Measured bearings and distances, when different from measured, are shown in parenthesis ().



440 MAIN STREET PLAT AMENDMENT

BLOCK 23, PARK CITY SURVEY
LOCATED IN THE SOUTHEAST QUARTER OF SECTION 16,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH



 (435) 948-9487 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 223 Main Street, P.O. Box 2864 Park City, Utah 84060-2864	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. _____
	JOB NO.: 14-1-19 FILE: X:\ParkCitySurvey\dwg\arr\plat2019\140119.dwg						