

Ordinance No. 2019-43

AN ORDINANCE APPROVING AN EXTENSION OF THE JUNE 21, 2018 APPROVAL OF THE 1011 EMPIRE AVENUE PLAT AMENDMENT LOCATED AT 1011 EMPIRE AVENUE, PARK CITY, UTAH

WHEREAS, the owner of the property located at 1011 Empire Avenue has petitioned the City Council for approval of the Plat Amendment; and

WHEREAS, on July 18, 2019, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on July 17, 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 May 23, 2018, to receive input on plat amendment located at the aforementioned address;

WHEREAS, the Planning Commission, on the aforementioned date, forwarded a recommendation to the City Council to approve the proposed condominium plat according to the Findings of Fact, Conclusions of Law and Conditions of approval as stated herein;

WHEREAS, on June 21, 2018, the City Council held a public hearing and approved the 1011 Empire Avenue Plat Amendment;

WHEREAS, the City Council held a public hearing on August 1, 2019 and approved an extension of the plat approval to August 1, 2020.

WHEREAS, it is in the best interest of Park City, Utah to approve the 1011 Empire Plat Amendment located at the same address.

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

SECTION 1. APPROVAL. The 1011 Empire Avenue 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 1011 Empire Avenue.
2. The property consists of all of Lots 3, 4, 5, and 6 of Block 28 of Snyders Addition to Park City.
3. The property is in the Historic Residential (HR-1) District.
4. This site is listed on Park City's Historic Sites Inventory (HSI) and is designated as Significant.
5. The Plat Amendment removes two (2) interior lot lines.

6. The proposed Plat Amendment combines the property into two (2) lots: Lot 1 which includes the historic house will include 2,812.5 square feet. Lot 2 will contain 2,812.5 square feet.
7. The minimum lot area for a single-family dwelling is 1,875 square feet in the HR-1 zone. The proposed lots meet the minimum lot area for single-family dwellings.
8. A single-family dwelling is an allowed use in the District.
9. The minimum width of a Lot is 25 feet measured 15 feet back from the Front Lot Line. The proposed lot widths are The proposed lots meet the minimum lot width requirement with widths of 37.50 feet.
10. LMC § 15-2.2-4 indicates that historic structures that do not comply with building setbacks are valid complying structures.
11. The applicant proposes to maintain and renovate the historic house on Lot 1 of the 1011 Empire Avenue Subdivision and develop the other lot.
12. The minimum front/rear yard setbacks are 10 feet (10'); the minimum total front plus rear yard setbacks are twenty feet (20'). The historic house, located on Lot 1 of the proposed plat amendment, has a front yard setback of 19 feet and a rear yard of 8 feet. The 8' rear setback is valid non-complying. There is an existing non-historic garage which is non-historic which has 0' front setback and encroaches in the City right of way. The owner has indicated he will remove the garage.
13. The minimum side yards for all three (3) proposed lots are 3 feet for a total of 6 feet for each lot.
14. There are several existing encroachments on site. The existing non-historic garage, constructed in the 1970s, encroaches three feet (3') into the City right-of-way. There are also stacked stone retaining walls that encroach approximately two feet (2') into the right-of-way.
15. The area behind the curb is not landscaped and has become an illegal, gravel parking space.
16. The applicant stipulates to abandoning the Bed and Breakfast use approved in 1991 and 1999 by the Park City Planning Commission.
17. The Park City Planning Department received the plat amendment application on July 26, 2017; the application was deemed complete on August 14, 2017. The applicant then amended his plat amendment and submitted a revised request on March 6, 2018.
18. On April 18, 2018 the Historic Preservation Board approved the Material Deconstruction associated with the HDDR at 1011 Empire, this included approval to remove the non-historic garage and stone retaining walls in the public ROW.
19. 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 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 date and an extension is granted by the City Council.
3. The existing garage encroaches approximately three feet (3') into the right-of-way. The applicant shall remove the existing garage encroachment prior to recordation of this plat amendment.
4. The existing stone retaining walls encroach approximately three feet (3') into the right-of-way. The applicant shall remove the existing retaining walls encroachment prior to recordation of this plat amendment.
5. Residential fire sprinklers will be required for all new construction per the requirements of the Chief Building Official.
6. Ten foot (10') public snow storage easement shall be granted along the Woodside Avenue right-of-way.
7. The "Reserved Parking" signs within the right-of-way shall be removed as street parking is public and not exclusively reserved for 1011 Empire Avenue.
8. Prior to plat recordation, the applicant shall remove the illegal gravel parking pads behind the curb and landscape this area to prevent future parking.
9. The Owner stipulates that he is abandoning the Bed and Breakfast Use at the location.

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

PASSED AND ADOPTED this 1st day of August, 2019.

PARK CITY MUNICIPAL CORPORATION




Andy Beerman, MAYOR

ATTEST:


Michelle Kellogg, City Recorder

APPROVED AS TO FORM:


Mark Harrington, City Attorney

Margaret Plane, Special Counsel



VICINITY AND ZONING MAP
NOT TO SCALE



1011 EMPIRE AVENUE PLAT AMENDMENT
 AMENDMENT TO LOTS 4.5 & 6
 BLOCK 28 SNYDERS ADDITION TO PARK CITY
 LOCATED IN THE NORTHWEST QUARTER OF SECTION 16
 TOWNSHIP 2S RANGE 4E
 SALT LAKE BASE AND MERIDIAN

SURVEYOR'S STATEMENT

I GREGORY J. FERRARI OF PARK CITY, UTAH, CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF UTAH, HOLDING LICENSE NO. 5040008. THIS PLAT AMENDMENT WAS PREPARED UNDER MY DIRECTION IN ACCORDANCE WITH THE REQUIREMENTS OF THE PARK CITY MUNICIPAL CORPORATION. I FURTHER CERTIFY THAT THIS PLAT ACCURATELY REPRESENTS THE SURVEYED PROPERTY.



OWNER'S DEDICATION AND CONSENT TO RECORD

I KNOW ALL MEN BY THESE PRESENTS THAT 1011 EMPIRE AVENUE LLC, THE UNDERSIGNED OWNERS OF THE ABOVE DESCRIBED TRACT OF LAND, HAVE CAUSED SAME TO BE SUBDIVIDED INTO LOTS AND STREETS TO BE HEREAFTER KNOWN AS THE 1011 EMPIRE AVENUE PLAT AMENDMENT. DOES HEREBY CERTIFY THAT THEY HAVE CAUSED THIS PLAT AMENDMENT TO BE PREPARED. 1011 EMPIRE AVENUE LLC HEREBY CONSENTS TO THE RECORDATION OF THIS PLAT AMENDMENT.

940 EMPIRE AVENUE LLC, A NEW YORK LIMITED LIABILITY COMPANY

BY: _____
 PRINTED NAME: _____
 TITLE: _____

LIMITED LIABILITY COMPANY NOTARY ACKNOWLEDGMENT

STATE OF _____)
 COUNTY OF _____) SS
 ON THIS ____ DAY OF _____, 20____, PERSONALLY APPEARED BEFORE ME, JUSTIN S. STENBERG, 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/SHE IS THE _____ (TITLE OR OFFICE) OF 1011 EMPIRE AVENUE LLC, A NEW YORK LIMITED LIABILITY COMPANY, AND THAT SAID DOCUMENT WAS SIGNED BY HIM/HER IN BEHALF OF SAID LIMITED LIABILITY COMPANY BY AUTHORITY OF ITS OPERATING AGREEMENT OR RESOLUTION OF ITS MEMBERS, AND HE/SHE ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE 1011 EMPIRE AVENUE PLAT AMENDMENT.

MY COMMISSION EXPIRES _____
 NOTARY PUBLIC
 RESIDING IN _____

LEGAL DESCRIPTION:

LOT 1:
 ALL OF LOT 4 AND THE SOUTHERLY 1/2 OF LOT 5, BLOCK 28, SNYDERS ADDITION TO PARK CITY, ACCORDING TO THE OFFICIAL PLAT THEREOF, ON FILE AND OF RECORD AT THE SUMMIT COUNTY RECORDERS OFFICE.
 LOT 2:
 ALL OF LOT 5 AND THE NORTHERLY 1/2 OF LOT 5, BLOCK 28, SNYDERS ADDITION TO PARK CITY, ACCORDING TO THE OFFICIAL PLAT THEREOF, ON FILE AND OF RECORD AT THE SUMMIT COUNTY RECORDERS OFFICE.

LEGEND:

- PROPERTY LINE
- ADJOINING PROPERTY LINE
- CENTER LINE
- EASEMENT
- LOT LINE TO BE REMOVED
- XXX STREET ADDRESS ON EMPIRE AVE.
- 5/8" REBAR & CAP L50489008
- 1/2" REBAR NO CAP
- STREET MONUMENT

NOTES:

1. MODIFIED 13-D SPRINKLERS WILL BE REQUIRED FOR NEW CONSTRUCTION AS REQUIRED BY THE CHIEF BUILDING OFFICIAL AT THE TIME OF REVIEW OF THE BUILDING PERMIT SUBMITTAL.
2. THIS PLAT AMENDMENT IS SUBJECT TO THE CONDITIONS OF APPROVAL OF ORDINANCE XX-XX.



FERRARI SURVEYING, LLC
 P.O.B. 883001 PARK CITY, UT
 (435) 640-0412

<p>SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS ____ DAY OF ____ 2017 A.D. BY: S.B.W.A.C.</p>	<p>PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS ____ DAY OF ____ 2017 BY: CHAIRMAN</p>	<p>ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ____ DAY OF ____ 2017 A.D. BY: PARK CITY ENGINEER</p>	<p>APPROVAL AS TO FORM APPROVED AS TO FORM THIS ____ DAY OF ____ 2017 A.D. BY: PARK CITY ATTORNEY</p>	<p>CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF PLAT AMENDMENT WAS APPROVED BY PARK CITY COUNCIL THIS ____ DAY OF ____ 2017 A.D. BY: PARK CITY RECORDER</p>	<p>COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ____ DAY OF ____ 2017 A.D. BY: MAYOR</p>	<p>RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE ____ TIME ____ BOOK ____ PAGE ____ FEE ____ RECORDER ____</p>
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