

## **Ordinance No. 2020-13**

### **AN ORDINANCE APPROVING THE 182 & 184 DALY AVENUE PLAT AMENDMENT LOCATED AT 182 & 184 DALY AVENUE, PARK CITY, UTAH.**

WHEREAS, the owner of the properties located at 182 and 184 Daly Avenue has petitioned the City Council for approval of the Subdivision Plat; and

WHEREAS, on January 8, 2020, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on January 4, 2020, 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 January 22, 2020 to receive input on the Subdivision Plat; and

WHEREAS, the Planning Commission, on January 22, 2020, forwarded a positive recommendation to the City Council; and,

WHEREAS, on February 27, 2020, the City Council held a public hearing to receive input on the Subdivision Plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 182 & 184 Daly Avenue Plat Amendment, located at 182 & 184 Daly Avenue.

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

**SECTION 1. APPROVAL.** The 182 & 184 Daly 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 182 Daly Avenue.
2. The property consists of Lot B, Daly Delight Plat Amendment, according to the official plat thereof on file and of record in the office of the Summit County Recorder.
3. The Historic District Design Review (HDDR) application was approved on October 25, 2018 (PL-15-02961) with an extension granted on October 22, 2019.
4. The Steep Slope Conditional Use Permit was approved October 24, 2018 (PL-16-03084).
5. The Duplex Dwelling Conditional Use Permit was approved October 24, 2018 (PL-17-03708)
6. The property is located within the Historic Residential (HR-1) District and meets the purpose of the zone.
7. This is an uphill lot with an average slope of approximately 44%.
8. Access to the property is from Daly Avenue, a public street.

9. Two (2) parking spaces are provided for each unit. The southerly unit provides one (1) parking space in the garage and one (1) parking space in the driveway. The northerly unit provides two (2) parking spaced in a tandem configuration in the garage. The entire site provides a total of four (4) parking spaces.
10. Minimum footprint is 1875 sq ft, both Lots comply. Lot B1 contains 2,871 sq ft and Lot B2 contains 2,458 sq ft.
11. Per Condition of Approval #9 the Maximum Building Footprint for Lot B1 is 1,020 square feet and the Maximum Building Footprint for Lot B2 is 955 square feet.
12. The proposed Structure complies with both Front and Rear Setbacks. The minimum front and rear yard setbacks are 12 feet, for a total of 25 feet; the applicant is proposing a 12 foot front yard and 19 foot rear yard setback, for a total of 31 feet.
13. Proposed Exterior Side Setbacks minimum of 3 feet, complies as they are proposed between 6 feet and 11 feet.
14. LMC 15-2.2-3(l) Lot and Site Requirements: A Side Setback between connected Structures is not required where Structures are designed with a common wall on a Property Line, each Structure is located on an individual Lot, the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official, all applicable Building and Fire Code requirements are met, and the Use is an Allowed or Conditional Use in the Zoning District.
  - a. Exterior Side Setbacks shall be based on the required minimum Side Setback for each Lot; however the Planning Commission may consider increasing exterior Side Setbacks during Conditional Use Permit review to mitigate potential impacts on adjacent Property. Side Setback exceptions continue to apply.
  - b. Building Footprint shall be based on the total lot Area of the underlying Lots. The Planning Commission may consider decreasing Building Footprint during Conditional Use Permit review to mitigate potential impacts on adjacent Property.
    - *The Conditional Use Permit for the Duplex Dwelling was reviewed by the Planning Commission on October 24, 2018 and no additional setbacks or Building Footprint decreases were imposed.*
15. The property was posted and notice was mailed to property owners within 300 feet on January 8, 2020. Legal notice was also published in the Park Record in accordance with requirements of the Land Management Code on January 4, 2020.
16. The Findings in the Analysis section of this report are incorporated herein.

#### **Conclusions of Law:**

1. There is good cause for this Subdivision Plat.
2. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding Subdivision Plats.
3. Neither the public nor any person will be materially injured by the proposed Subdivision Plat.
4. Approval of the Subdivision Plat, 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, and the Land

Management Code, and the conditions of approval, prior to recordation of the Plat.

2. The applicant will record the Subdivision 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. Modified 13-D fire sprinkler system is required.
4. A party wall agreement in a form approved by the City Attorney and Chief Building Official is required.
5. All Conditions of Approval from the October 24, 2018 Steep Slope Conditional Use Permit continue to apply.
6. All Conditions of Approval from the October 24, 2018 Duplex Dwelling Conditional Use Permit continue to apply.
7. All Conditions of Approval from the October 25, 2018 HDDR Action Letter continue to apply.
8. This property shall not be further subdivided.
9. The Maximum Building Footprint for Lot B1 is 1,020 square feet and the Maximum Building Footprint for Lot B2 is 955 square feet.

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

PASSED AND ADOPTED this 27<sup>th</sup> day of February, 2020.

PARK CITY MUNICIPAL CORPORATION



Andy Beerman  
Andy Beerman, MAYOR

3/16/20  
Date

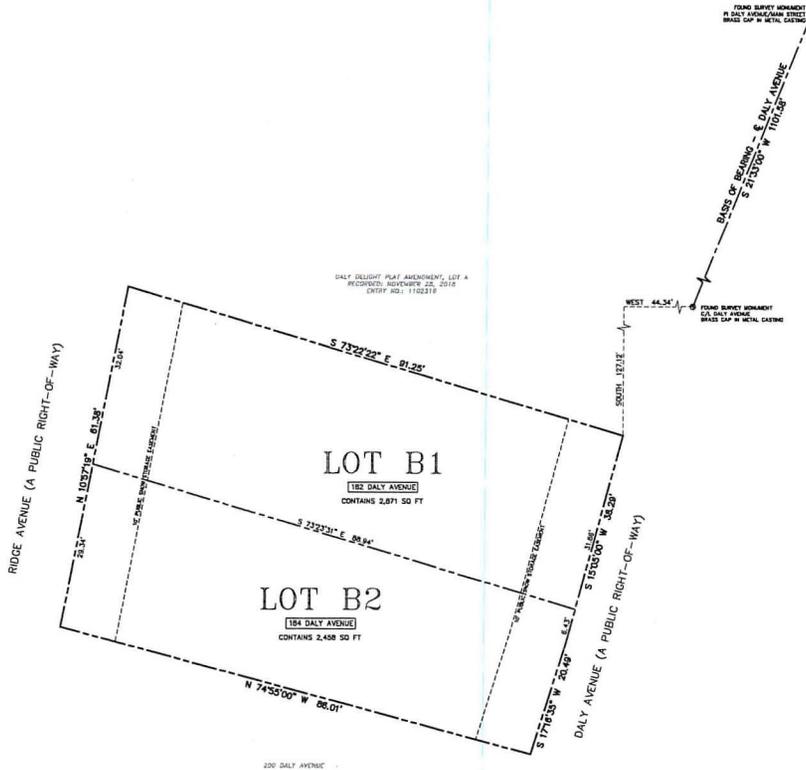
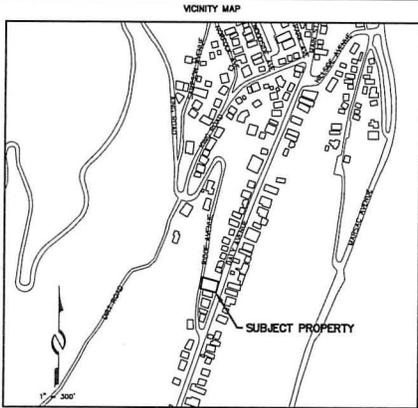
ATTEST:

Michelle Kellogg  
City Recorder

APPROVED AS TO FORM:

Margaret Plane  
Margaret Plane, Special Counsel

**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. 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 on this plat and described hereon, and have subdivided said tract of land into lots, together with easements, to be known hereafter as 182 & 184 DALY AVENUE PLAT AMENDMENT and that the same has been surveyed and monumented on the ground as shown on this plat.

**LEGAL DESCRIPTION**

LOT B, DALY DELIGHT PLAT AMENDMENT, according to the official plat thereof on file and of record in the office of the Summit County Recorder.

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

KNOW ALL MEN BY THESE PRESENTS that 1055 NORFOLK, LLC SERIES 182 DALY, a Utah limited liability company, the owner of the herein described tract of land, to be known hereafter as 182 & 184 DALY AVENUE 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.

ALSO, the owner hereby dedicates for the perpetual use of the public areas shown on this plat as intended for public use. The undersigned owner also hereby conveys any easements as shown on this plat for the purposes shown hereon.

In witness whereof, the undersigned set his hand this \_\_\_\_\_ day \_\_\_\_\_, 2020.

1055 NORFOLK, LLC SERIES 182 DALY, a Utah limited liability company

By: Carabrier Capital, LLC, a New York limited liability company  
Its Manager

Van Greenfield, Manager

**ACKNOWLEDGMENT**

State of \_\_\_\_\_

County of \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 2020, Van Greenfield 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 Carabrier Capital, LLC, a New York limited liability company, Manager of 1055 NORFOLK, LLC SERIES 182 DALY, 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 182 & 184 DALY AVENUE PLAT AMENDMENT.

Notary Public \_\_\_\_\_

Printed Name \_\_\_\_\_

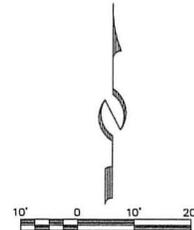
Residing In: \_\_\_\_\_

My commission expires: \_\_\_\_\_

Commission No.: \_\_\_\_\_

**NOTES**

1. This plat amendment is subject to the Conditions of Approval in Ordinance 2020-\_\_\_\_\_
2. The property is located in Zone A, as shown on the Flood Insurance Rate Map of the Federal Emergency Management Agency, Panel 938, Map Number 49043C0938C, and has an effective date of March 16, 2005.
3. See "Declaration of Covenants and Party Wall Agreement for 182 & 184 Daly Avenue", recorded \_\_\_\_\_ in City No. \_\_\_\_\_ in Book \_\_\_\_\_ at Page \_\_\_\_\_
4. All development will have to provide elevation certificates certifying compliance with the minimum FEMA Flood Zone requirements.

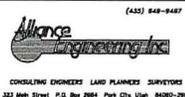


# 182 & 184 DALY AVENUE PLAT AMENDMENT

SUBDIVIDING LOT B, DALY DELIGHT PLAT AMENDMENT

IN BLOCK 74, PARK CITY SURVEY  
LOCATED IN THE NORTHEAST QUARTER OF SECTION 21  
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN  
PARK CITY, SUMMIT COUNTY, UTAH

SHEET 1 OF 1



**PUBLIC SAFETY ANSWERING POINT APPROVAL**  
APPROVED THIS \_\_\_\_\_ DAY  
OF \_\_\_\_\_, 2019  
BY \_\_\_\_\_  
SUMMIT COUNTY GIS COORDINATOR

**SNYDERVILLE BASIN WATER RECLAMATION DISTRICT**  
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER  
RECLAMATION DISTRICT STANDARDS ON THIS \_\_\_\_\_  
DAY OF \_\_\_\_\_, 2020  
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 \_\_\_\_\_, 2020  
BY \_\_\_\_\_  
PARK CITY ENGINEER

**APPROVAL AS TO FORM**  
APPROVED AS TO FORM THIS \_\_\_\_\_  
DAY OF \_\_\_\_\_, 2020  
BY \_\_\_\_\_  
PARK CITY ATTORNEY

**COUNCIL APPROVAL AND ACCEPTANCE**  
APPROVAL AND ACCEPTANCE BY THE PARK CITY  
COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020  
BY \_\_\_\_\_  
MAYOR

**CERTIFICATE OF ATTEST**  
I CERTIFY THIS RECORD OF SURVEY  
MAP WAS APPROVED BY PARK CITY  
COUNCIL THIS \_\_\_\_\_ DAY  
OF \_\_\_\_\_, 2020  
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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