

Ordinance No. 2020-32

**AN ORDINANCE APPROVING THE 802 EMPIRE AVENUE SUBDIVISION,
PARK CITY, UTAH.**

WHEREAS, the owner of the property located at 802 Empire Avenue petitioned the City Council for approval of the two-lot 802 Empire Avenue Subdivision; and

WHEREAS, on December 18, 2019, the property was posted and notice was mailed according to the requirements of the Land Management Code; and

WHEREAS, legal notice was published in the Park Record on December 21, 2019, according to requirements of the Land Management Code; and

WHEREAS, on January 29, 2020, the property was re-posted, notice was mailed and legal notice was re-published in the Park Record, according to requirements of the Land Management Code; and

WHEREAS, on April 29, 2020, the property was re-posted, notice was mailed and legal notice was re-published in the Park Record, according to requirements of the Land Management Code; and

WHEREAS, the Planning Commission opened a Public Hearing on January 8, 2020, to receive input on the 802 Empire Avenue Subdivision and continued the Public Hearing on February 12, 2020, and continued the Public Hearing again on May 13, 2020 and again on June 10, 2020; and

WHEREAS, the Planning Commission forwarded a positive recommendation to City Council; and

WHEREAS, on July 9, 2020, City Council held a Public Hearing to receive input on the Subdivision Plat; and

WHEREAS there is good cause and it is in the best interest of Park City Utah, to approve the Subdivision Plat.

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

SECTION 1. APPROVAL. The Subdivision Plat 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 802 Empire Avenue.
2. The subject property is located within the Historic Residential (HR-1) Zoning District.
3. On December 17, 2019, the Subdivision Plat application was deemed complete.
4. The two-lot (2) Subdivision is made up of seven (7) parcels including portions of Lot 19, all of Lot 20, and all of Lot 21, none of which are large enough to be developed on their own.
5. All seven (7) parcels are vacant of structures.
6. The applicant has worked with the City to complete and record Quit Claim Deeds and resolve a number of surveying errors.
7. The lots are considered "through-lots" with Frontage on both Crescent Tram and Empire Avenue.
8. Due to the Unusual Lot Configuration the Planning Director determined that Frontage can be measured on Crescent Tram in order to meet the Minimum Lot Width even though vehicular access will be restricted to Empire Avenue.
9. Both new lots meet the minimum Lot and Site Requirements for Single Family Dwellings.
10. Due to existing steep grades, limited sight lines, proximity of existing curb cuts on Crescent Tram and its narrow street width, the applicant has been encouraged by the City to access the lots from Empire Avenue and has submitted a simultaneous request for a Conditional Use Permit (CUP) to locate a shared driveway over the City's Platted Unbuilt Right-of-Way in order to provide vehicular access to the two lots from Empire Avenue and not Crescent Tram.
11. The Planning Commission approved a CUP for a shared driveway over Platted Unbuilt Empire Avenue on June 10, 2020, by a vote of 4-0, to provide access to this 2-Lot Subdivision.
12. Existing gravel areas on both the north and south side of the shared concrete driveway are noted to be removed.
13. The proposal allows for adequate snow storage.
14. The intersection of the shared driveway and Empire Avenue is roughly perpendicular which is an improvement compared to the existing conditions.
15. The proposed driveway width of 15 feet complies with the minimum requirement specified in LMC Section 15-3-3 (H).
16. The proposed driveway is spaced approximately 33 feet from the nearest existing driveway and approximately 122 feet from the intersection of Empire and Crescent Tram.
17. The maximum slope of the driveway is shown to be 12%.
18. Based on the facts listed above and the challenges of access from Crescent Tram, the Engineering Division approves a slope greater than 2% within the transition area noted in LMC Section 15-3-3, General Parking Area and Driveway Standards.
19. It is expected that the applicant will also need to seek a Steep Slope CUP and submit Historic District Design Review applications for the proposed houses as development progresses.
20. The Subdivision does not preclude the creation of a future pedestrian connection on PCMC Parcel PC-364-A-X, immediately south of the subject property, connecting Empire Avenue to the Crescent Tram pedestrian pathway.

Conclusions of Law:

1. There is Good Cause for the Subdivision which created two developable lots in keeping with development patterns in the surrounding neighborhood.
2. The Subdivision is consistent with the 2014 Park City General Plan and the Park City Land Management Code including Sections 15-7.1-3(C) and 15-12-15(B)(4) and (9) and applicable State Law regarding Subdivision Plats.
3. Neither the public nor any person will be materially injured by the proposed Subdivision.
4. Approval of the Subdivision 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 Subdivision 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. A Plat Note shall indicate that both lots shall have vehicular access from a shared driveway from Empire Avenue only and that no vehicular access from Crescent Road shall be permitted.
4. The City Engineer shall review and approve all grading, utility installation and public improvements prior to building permit issuance.
5. A Plat Note shall indicate that the grade of the proposed shared drive shall not exceed 10% within the platted unbuilt right of way.
6. A Plat Note shall indicate that backing out of the shared drive shall be forbidden. A swept path analysis showing a vehicle turn-around from both lots shall be provided to the City Engineer for review and approval prior to building permit issuance.
7. If necessary, a separate encroachment agreement for the portion of shared drive encroaching on PCMC Parcel PC-364-A-X will be required prior to building permit issuance.
8. A Plat Note shall indicate that no parking or obstacles shall be permitted within the portion of shared driveway located within the platted unbuilt right of way.
9. A Plat Note shall indicate that neither the shared driveway nor the future houses shall prohibit pedestrian access of a future 8th Street public pathway, located just south of the 802 Empire Avenue Subdivision, connecting Empire Avenue to the Crescent Tram pedestrian pathway.
10. A Plat Note shall indicate that the applicant or his assignees will not oppose, and will work with the City, if it is determined that a staircase or other form of public access connecting Crescent Tram to Empire Avenue, adjacent to the subject property, is determined to be appropriate at some point in the future. The applicant agrees to include an offer of dedication for the connection if requested by the City Engineer on the applicable future application.

- 11. A Plat Note shall indicate that no building permit may be issued until City Council approval of an Encroachment Agreement for the driveway located within the Public Right-of-Way.
- 12. A Plat Note shall indicate that if at some point in the future Empire Avenue is re-aligned, the applicant will be responsible for the removal of all portions of the driveway within the ROW at their sole expense and in an expeditious manner (within 90 days of written notice).
- 13. Prior to the issuance of a building permit, a Construction Mitigation Plan that includes consideration of how construction related parking will be managed shall be submitted to the Building, Engineering and Planning Departments for review and approval.
- 14. A Plat Note shall indicate that no height exemptions from the Land Management Code shall be permitted for any buildings within the 2-Lot Subdivision.
- 15. A Plat Note shall indicate that no vehicular access gates shall be permitted within the 2-Lot Subdivision.

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

PASSED AND ADOPTED this JULY 9, 2020.

PARK CITY MUNICIPAL CORPORATION

DocuSigned by:

 0340104CDC42481...
 Andy Beerman, MAYOR

ATTEST:



DocuSigned by:

 55F905BB533F43J...
 City Recorder

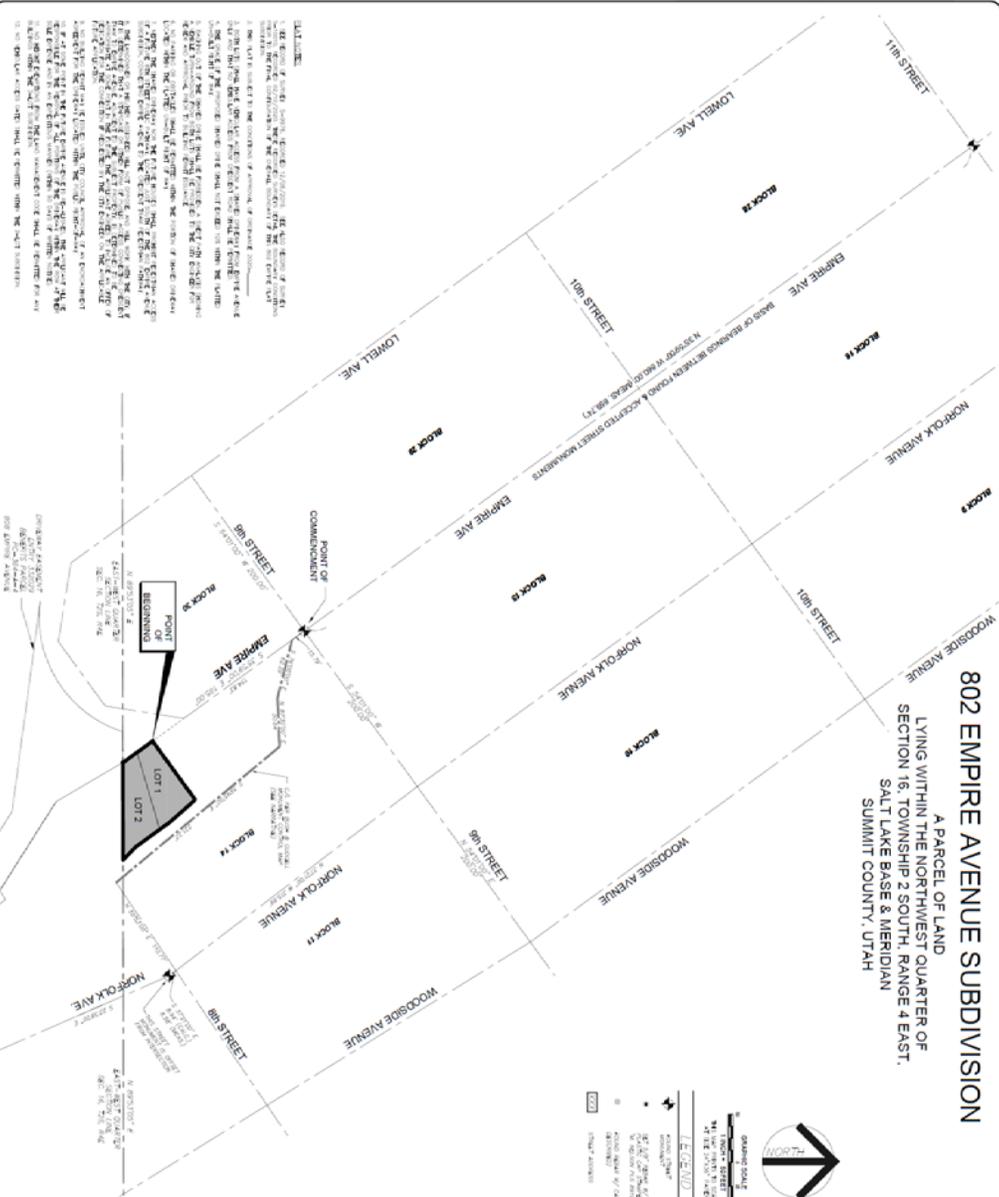
APPROVED AS TO FORM:

DocuSigned by:

 B7478B7734C7490...
 City Attorney's Office

Attachment A – Approved Plat

802 EMPIRE AVENUE SUBDIVISION
 A PARCEL OF LAND
 LYING WITHIN THE NORTHWEST QUARTER OF
 SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST,
 SALT LAKE BASE & MERIDIAN
 SUMMIT COUNTY, UTAH



DEVELOPER'S DECLARATION AND CERTIFICATE OF THE SUBDIVISION

I, the undersigned, being duly qualified, do hereby certify that the above described subdivision is in accordance with the provisions of the Utah Subdivision Map Act, Chapter 2, Title 20, Utah Code Annotated, 1993, and the rules and regulations of the Utah State Office of Public Safety, Division of Motor Vehicle Services, and the rules and regulations of the Utah State Office of Public Safety, Division of Motor Vehicle Services, and the rules and regulations of the Utah State Office of Public Safety, Division of Motor Vehicle Services.

I hereby certify that the subdivision is in accordance with the provisions of the Utah Subdivision Map Act, Chapter 2, Title 20, Utah Code Annotated, 1993, and the rules and regulations of the Utah State Office of Public Safety, Division of Motor Vehicle Services, and the rules and regulations of the Utah State Office of Public Safety, Division of Motor Vehicle Services.

 Date: _____

DEVELOPER'S DECLARATION

I, the undersigned, being duly qualified, do hereby certify that the above described subdivision is in accordance with the provisions of the Utah Subdivision Map Act, Chapter 2, Title 20, Utah Code Annotated, 1993, and the rules and regulations of the Utah State Office of Public Safety, Division of Motor Vehicle Services, and the rules and regulations of the Utah State Office of Public Safety, Division of Motor Vehicle Services.

I hereby certify that the subdivision is in accordance with the provisions of the Utah Subdivision Map Act, Chapter 2, Title 20, Utah Code Annotated, 1993, and the rules and regulations of the Utah State Office of Public Safety, Division of Motor Vehicle Services, and the rules and regulations of the Utah State Office of Public Safety, Division of Motor Vehicle Services.

 Date: _____

STATEMENT OF BENEFIT

The undersigned, being duly qualified, do hereby certify that the above described subdivision is in accordance with the provisions of the Utah Subdivision Map Act, Chapter 2, Title 20, Utah Code Annotated, 1993, and the rules and regulations of the Utah State Office of Public Safety, Division of Motor Vehicle Services, and the rules and regulations of the Utah State Office of Public Safety, Division of Motor Vehicle Services.

I hereby certify that the subdivision is in accordance with the provisions of the Utah Subdivision Map Act, Chapter 2, Title 20, Utah Code Annotated, 1993, and the rules and regulations of the Utah State Office of Public Safety, Division of Motor Vehicle Services, and the rules and regulations of the Utah State Office of Public Safety, Division of Motor Vehicle Services.

 Date: _____

	COUNCIL APPROVAL & ACCEPTANCE APPROVED AND ACCEPTED BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2000.	PARK CITY PLANNING COMMISSION APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2000.	CERTIFICATE OF ATTEST I, _____, being duly qualified, do hereby certify that the above described subdivision is in accordance with the provisions of the Utah Subdivision Map Act, Chapter 2, Title 20, Utah Code Annotated, 1993, and the rules and regulations of the Utah State Office of Public Safety, Division of Motor Vehicle Services, and the rules and regulations of the Utah State Office of Public Safety, Division of Motor Vehicle Services.	SPONSOR'S EASON MASTER RECLAMATION DISTRICT I, _____, being duly qualified, do hereby certify that the above described subdivision is in accordance with the provisions of the Utah Subdivision Map Act, Chapter 2, Title 20, Utah Code Annotated, 1993, and the rules and regulations of the Utah State Office of Public Safety, Division of Motor Vehicle Services, and the rules and regulations of the Utah State Office of Public Safety, Division of Motor Vehicle Services.	ENGINEER'S CERTIFICATE I, _____, being duly qualified, do hereby certify that the above described subdivision is in accordance with the provisions of the Utah Subdivision Map Act, Chapter 2, Title 20, Utah Code Annotated, 1993, and the rules and regulations of the Utah State Office of Public Safety, Division of Motor Vehicle Services, and the rules and regulations of the Utah State Office of Public Safety, Division of Motor Vehicle Services.	APPROVAL AS TO FORM I, _____, being duly qualified, do hereby certify that the above described subdivision is in accordance with the provisions of the Utah Subdivision Map Act, Chapter 2, Title 20, Utah Code Annotated, 1993, and the rules and regulations of the Utah State Office of Public Safety, Division of Motor Vehicle Services, and the rules and regulations of the Utah State Office of Public Safety, Division of Motor Vehicle Services.	RECORDED FILED IN THE _____ COUNTY OF _____, UTAH, THIS _____ DAY OF _____, 2000.
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