

**Ordinance No. 2020-50**

AN ORDINANCE APPROVING THE 331 MCHENRY AVENUE SUBDIVISION – FIRST AMENDED LOCATED AT 327 MCHENRY AVENUE and 320 ONTARIO AVENUE, PARK CITY, UTAH.

WHEREAS, the owner of the properties located at 327 McHenry Avenue and 320 Ontario Avenue has petitioned the City Council for approval of the Subdivision Plat; and

WHEREAS, on October 10, 2020, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on October 13, 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 October 28, 2020 to receive input on the Subdivision Plat; and

WHEREAS, the Planning Commission, on October 28, 2020, forwarded a positive recommendation to the City Council; and,

WHEREAS, on November 19, 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 331 McHenry Avenue Subdivision – First Amended, located at 327 McHenry Avenue and 320 Ontario Avenue.

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

**SECTION 1. APPROVAL.** The 331 McHenry Avenue Subdivision – First Amended, as shown in Attachment 1, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

**Findings of Fact**

***Background:***

1. On October 1, 2020, the Planning Department received a complete Plat Amendment application.
2. The applicant is proposing to combine Lot B and C of the 331 McHenry Avenue Subdivision into One (1) Lot of Record which contains 7,501 square feet.
3. The property is located at 327 McHenry Avenue and 320 Ontario Avenue.

***Zoning District:***

4. The property is located in the Historic Residential- Low (HRL) Zoning District.

**Public Notice Requirements:**

5. Staff published notice on the City's website and the Utah Public Notice website, and posted notice to the property on October 14, 2020. Staff mailed courtesy notice to property owners within 300 feet on October 13, 2020. The *Park Record* published notice on October 14, 2020.

**Lot and Site Requirements**

6. All future development on the proposed Lot complies with the HRL Zoning District Requirements outlined in LMC § 15-2.1:
  - a. Minimum Lot Area is 1,875 square feet. The proposed Lot contains 7,501 square feet.
  - b. Minimum Lot Width is 25 feet. The proposed Lot Width is 47'-6".
  - c. The Lot Depth is 132'-7".
  - d. The Maximum Building Footprint is 2,460.5 square feet. Any development will comply.
  - e. The Minimum Front Setback is 15 feet. Any development will comply.
  - f. The Minimum Rear Setback is 15 feet. Any development will comply.
  - g. The Minimum Side Setback is 5 feet. Any development will comply.
  - h. The Maximum Building Height is 27 feet. Any development will comply.
  - i. Parking Regulations – Single Family Dwelling – 2 per Dwelling Unit. Any development will comply.

**Subdivision Requirements:**

7. The proposal complies with LMC § 15-7.1-6.
8. The proposal complies with LMC § 15-7.3-1(A-E) Conformance to Applicable Rules and Regulations.
9. The proposal complies with LMC § 15-7.3-2(A-N) General Subdivision Requirements.
10. The proposal complies with LMC § 15-7.3-3(A-K) General Lot Design Requirements.
11. 15-7.3-4 (A-I) Road Requirements and Design. The proposal does not create any new Roads nor alter any existing Roads.
12. 15-7.3-5 (A-C) Drainage and Storm Sewers. The proposal does not create any new Drainage and/or Storm Sewer nor alter any existing Drainage and/or Storm Sewer.
13. 15-7.3-6 (A-B) Water Facilities. The proposal does not extend nor create a new water-supply system.
14. 15-7.3-7 (A-B) Sewer Facilities. The proposal does not create any new sanitary sewer facilities.
15. 15-7.3-8 (A) Sidewalks, Hiking Trails, Bike Paths, and Horse Trails. The proposal does not create nor alter any Sidewalks, Hiking Trails, Bike Paths, or Horse Trails.
16. 15-7.3-9 (A-B) Utilities. Any future construction on this site proposed will connect into existing utilities in McHenry Avenue. The Development Review Committee reviewed the proposal and did not identify any utility connection issues.
17. 15-7.3-10 (A-B) Public Uses. Not required. The proposal does not consist of a Major or Minor Subdivision.
18. The proposal complies with 15-7.3-11 (A) Preservation of Natural Features and Amenities
19. 15-7.3-12 (A-B) Nonresidential Subdivisions does not apply.
20. The Development Review Committee and Planning, Engineering, and Legal

Departments reviewed this application.

21. Staff did not receive any public input at the time this report was published.

### **Conclusions of Law**

1. There is Good Clause for this Plat Amendment.
2. The Plat Amendment is consistent with the Park City Land Management Code, including LMC § 15-2.1 Historic Residential (HRL) District, LMC § 15-7.1-3(B) Plat Amendment, LMC § 15-7.1-6 Final Subdivision Plat, LMC § 15-7.3 Requirements for Improvements, Reservations, and Design.
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. 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.
4. A ten foot (10') public snow storage easement on McHenry Avenue shall be noted on the Plat.
5. The property is not located within the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore it is not regulated by the City for mine related impacts. However, 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. 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.
7. Any future development on the Lot shall have a single vehicular driveway accessed from McHenry Avenue.

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

PASSED AND ADOPTED this 19<sup>th</sup> day of November, 2020.

PARK CITY MUNICIPAL CORPORATION

DocuSigned by:

*Andy Beerman*

11/25/2020

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Andy Beerman, MAYOR

Date

ATTEST:



DocuSigned by:

*Michelle Kellogg*

E5F905BB533F431

City Recorder

APPROVED AS TO FORM:

DocuSigned by:

*Mark Harrington*

B7478B7734C7490...

City Attorney's Office

**Attachment 1 – Proposed Plat and Existing Conditions Survey**

**SURVEYORS CERTIFICATE**

I, Charles Abbott, do hereby certify that I am a Professional Land Surveyor and that I hold License No. 24889 in the State of Utah. I have made a survey of the land shown on this plat and described hereon, and I have caused the same to be reduced to this plat and to be recorded in the office of the Summit County Recorder. I have caused the same to be recorded in the office of the Summit County Recorder. I have caused the same to be recorded in the office of the Summit County Recorder. I have caused the same to be recorded in the office of the Summit County Recorder.



**LEGAL DESCRIPTION**

All of Lots B and C, 331 McHenry Avenue Subdivision, 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 BY THESE PRESENTS that the undersigned is the owner of the above described land, and hereby causes the same to be dedicated to the public use of the public for the purposes and terms hereon set forth. I, the undersigned, do hereby certify that the above described land is dedicated to the public use of the public for the purposes and terms hereon set forth. I, the undersigned, do hereby certify that the above described land is dedicated to the public use of the public for the purposes and terms hereon set forth. I, the undersigned, do hereby certify that the above described land is dedicated to the public use of the public for the purposes and terms hereon set forth.

331 McHenry, LLC, a Utah limited liability company

By: Jerry Fish, Member

**ACKNOWLEDGMENT**

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ )  
I, Notary Public \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2020, Jerry Fish 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 Member of 331 McHenry, LLC, and that he is the duly authorized signatory of the above described land, and that he is the limited liability company by authority of its Operating Agreement or Resolution of its Members, and he acknowledged to me that he executed 331 McHenry Avenue Subdivision—FIRST AMENDED.

By: Notary Public \_\_\_\_\_

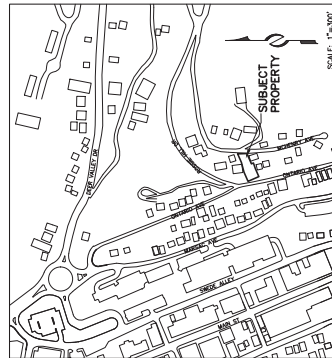
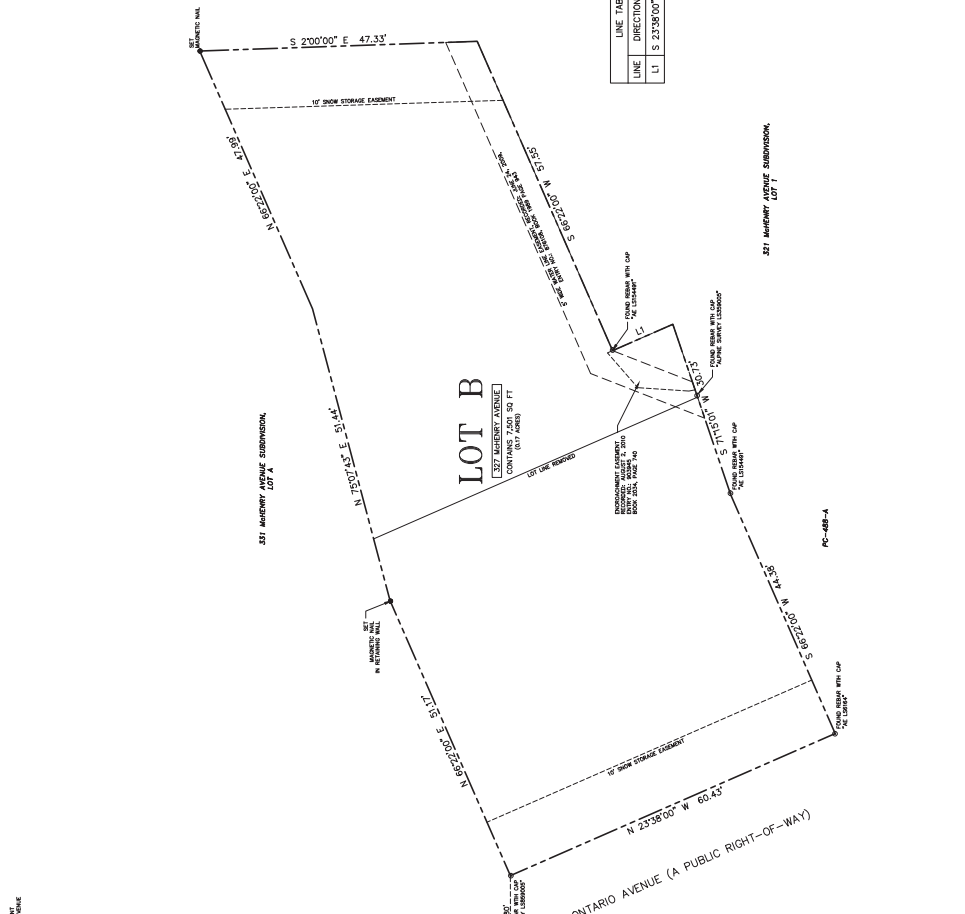
Printed Name \_\_\_\_\_  
Residing In: \_\_\_\_\_  
My commission expires: \_\_\_\_\_  
Commission No. \_\_\_\_\_

**NOTICES:**

- This plat amendment is subject to the Conditions of Approval in Ordinance 2020-\_\_\_\_\_.
- The property is located in Zone X, as determined to be outside the 0.2% annual absence Agency, Panel 938, Map Number 4804320938C, and has an effective date of March 16, 2006.



McHENRY AVENUE (A PUBLIC RIGHT-OF-WAY)



**331 McHENRY AVENUE SUBDIVISION—FIRST AMENDED**

LOCATED IN THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 16  
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALIN LAKES BASE AND MERIDIAN  
PARK CITY, SUMMIT COUNTY, UTAH

FILE: X:\ParkCity\Summit\2020\10020-049

SHEET 1 OF 1

<p><b>ANSWERING POINT APPROVAL</b> APPROVED THIS _____ DAY OF _____, 2020 BY: SUMMIT COUNTY GIS COORDINATOR _____</p>	<p><b>ENGINEERING DEPARTMENT</b> BY: _____ CHAIR _____</p>	<p><b>PLANNING COMMISSION</b> APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2020</p>	<p><b>ENGINEER'S CERTIFICATE</b> THIS ENGINEER'S CERTIFICATE IS FILED IN MY OFFICE THIS _____ DAY OF _____, 2020 BY: _____ PARK CITY ENGINEER _____</p>	<p><b>APPROVAL AS TO FORM</b> APPROVED AS TO FORM THIS _____ DAY OF _____, 2020</p>	<p><b>COUNCIL APPROVAL AND ACCEPTANCE</b> APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2020 BY: _____ MAYOR _____</p>	<p><b>CERTIFICATE OF ATTEST</b> I, _____, CLERK OF THE PARK CITY COUNCIL, DO HEREBY CERTIFY THAT THIS WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2020 BY: _____ PARK CITY RECORDER _____</p>	<p><b>RECORDED</b> STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ FEE _____ DATE _____ ENTRY NO. _____</p>
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**ALTYCE**  
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS  
333 Main Street, P.O. Box 2664 Park City, Utah 84002-2664  
(435) 644-2447

# LOTS B & C 331 MCHENRY AVENUE SUBDIVISION

LOCATED IN THE SOUTHEAST QUARTER OF SECTION  
TOWNSHIP 2 SOUTH, RANGE 4 EAST,  
SALT LAKE BASE AND MERIDIAN  
LOTS B & C, BLOCK 59 PARK CITY SURVEY  
RECORD OF SURVEY  
SUMMIT COUNTY, UTAH

**SURVEYOR'S CERTIFICATE**

I, Michael Demkowicz, certify that I am a Professional Land Surveyor and that I hold License No. 4827264, as prescribed by the laws of the State of Utah. I further certify that under my direct supervision and control, I have prepared this plat in accordance with the laws of the State of Utah and to the best of my knowledge this plat is a correct representation of said survey.



**LEGAL DESCRIPTION**

All of Lots B and C, 331 Mchenry Avenue Subdivision, according to the official plat thereof on file and of record in the office of the Summit County Recorder.

**NARRATIVE/NOTES**

1. The basis of bearing for this survey is between the found street monuments as shown.
2. Field work for this survey was completed September 21, 2020, and is in compliance with general accepted industry standards for accuracy.
3. The purpose of this survey was to perform an Existing Conditions and Topography survey for the possibility of future improvements to the property.
4. Easements according to the subdivision plat are shown as part of this survey. The owner of the property is responsible for the maintenance of easements shown on this survey. No other easements were found except as shown herein.
5. County tax maps, recorded deeds, 331 Mchenry Avenue Subdivision Entry No. 902780 (all aforementioned documents on file and of record in the Summit County Recorder's Office) and other information found in this field were all considered when determining the boundaries as shown on this plat.
6. Site Benchmark, Sanitary Sewer Mainhole, Elevation=7199.12'
7. The applicant is responsible for verifying building setbacks, zoning requirements and building height.
8. Property corners were set or found as shown.



STAFF:  
CHARLES GALATI  
JACOB BETZER  
TOM LUND

CONSULTING ENGINEER: LAMP ENGINEERS SURVEYORS  
212 Main Street, P.O. Box 2048, Park City, Utah 84302-0204  
(435) 649-6647

DATE: 9/29/2020

FOR: CHRISTENSEN DEVELOPMENT  
JOB NO.: 21-S-20  
FILE: AV\VerCitySurvey\cgs\lump\mch0200\011920-337 Mchenry\311920.dwg

EXISTING CONDITIONS & TOPOGRAPHIC MAP  
331 MCHENRY AVENUE SUBDIVISION

SHEET 1 OF 1