

Ordinance No. 2022-13

AN ORDINANCE APPROVING THE 45 DALY AVENUE SUBDIVISION, LOCATED AT 45 DALY AVENUE, SUMMIT COUNTY, PARK CITY, UTAH

WHEREAS, the owner of the property located at 45 Daly Avenue petitioned the City Council for approval of the 45 Daly Avenue Subdivision; and

WHEREAS, on March 29, 2022, the Park Record published notice for the Planning Commission and City Council public hearing; and

WHEREAS, on March 29, 2022, staff mailed courtesy notice to property owners within 300 feet, posted notice to the Utah Public Notice Website and City Website, and posted notice to the property for the Planning Commission and City Council public hearings; and

WHEREAS, on April 13, 2022, the Planning Commission reviewed the proposed Subdivision Plat, held a public hearing, and forwarded a positive recommendation to the City Council;

WHEREAS, on April 27, 2022, the Park Record published notice for the City Council public hearing; and

WHEREAS, on April 27, 2022, staff mailed courtesy notice to property owners within 300 feet, posted notice to the Utah Public Notice Website and City Website, and posted notice to the property for the City Council public hearing; and

WHEREAS, on May 12, 2022, the City Council reviewed the 45 Daly Avenue Subdivision and held a public hearing; and

WHEREAS, the 45 Daly Avenue Subdivision is consistent with the Park City Land Management Code, including § 15-7.1-3(A)(1), § 15-7.1-6, and Chapters 15-2.2, and 15-7.

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

SECTION 1. APPROVAL. The 45 Daly Avenue Subdivision is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. The plat is located at 45 Daly Avenue within the Historic Residential (HR-1) District.
2. The 45 Daly Avenue Subdivision Plat consists of Lot 4 of Block 72 and five feet of Lot 5.
3. On January 11, 2022, the current owner and applicant submitted an application for a Subdivision Plat to combine two existing lots into 1 legal lot of record containing a total of 3300 square feet.
4. The Subdivision Plat application was deemed complete on March 28, 2022.
5. The subject parcel PC-603-B (at 45 Daly Avenue) currently has a Fence built near property lines.
6. The HR-1 zone requires a minimum lot area of 1,875 square feet for a single-family dwelling. The proposed lot area meets the minimum lot area for a single-family dwelling.
7. The proposed lot area does not meet the requirement for a duplex (minimum lot size of 3,750 square feet), which is a Conditional Use in the HR-1 zone.

8. The minimum lot width allowed in the district is twenty-five feet (25'). The proposed combined lot width is 33'. The lot depth is 100'.
9. The minimum side yard setbacks for a 33' wide lot is 3 feet (3'), six feet (6') total.
10. The proposed plat amendment will not cause undo harm to adjacent property owners.
11. There are no existing encroachments on the affected parcels.
12. The proposed lot area of 2,973 square feet is a compatible lot combination as the entire Historic Residential-1 District has an abundance of sites with the same or similar dimensions and lot area.
13. The maximum footprint allowed in the HR-1 zone is 1370.7 square feet for the proposed lot.
14. As conditioned, the proposed plat amendment does not create any new non-complying or non-conforming situations. The existing remainder of partial Lot 5 has not been approved as part of this plat amendment and is not vested for any development without further approvals in compliance with state and LMC subdivision regulations.

Conclusions of Law

1. There is Good Cause for this Subdivision Plat because the combination of the two lots.
2. The Subdivision Plat is consistent with Land Management Code § 15-7.1-3(A)(1), § 15-7.1-6, and Chapters 15-2.2, and 15-7.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
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, the Land Management Code, and the Conditions of Approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. No building permit for any work shall be issued until the plat is recorded and until the Historic District Design Review, if required, application is submitted and approved for the lot.
4. The property is not located within the Park City Soil Ordinance Boundary and therefore it is not regulated by the City for mine-related impacts. However, if the property owner encounters mine waste or mine waste impacted soils, they must handle the material in accordance with State and Federal law.
5. New construction must comply with Setbacks.
6. The Applicant shall adjust or replace the existing Fence to reflect the new Lot's property lines prior to recordation of the plat.

- 7. Any construction on the property requires a Historic District Design Review through the Planning Department and a building permit through the Building Department.
- 8. City Engineer review and approval of all lot grading, utility installations, public improvements, and drainage plans for compliance with City standards for new construction is a condition precedent to building permit issuance.
- 9. No remnant partial lot resulting from this approval is separately developable without a plat amendment in conformance with applicable zoning at the time of application.

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

PASSED AND ADOPTED this 12th day of May, 2022.

PARK CITY MUNICIPAL CORPORATION

DocuSigned by:

Nann Worel

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Nann Worel, MAYOR



ATTEST:

DocuSigned by:

Michelle Kellogg

E5F005BB533F431...

Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

DocuSigned by:

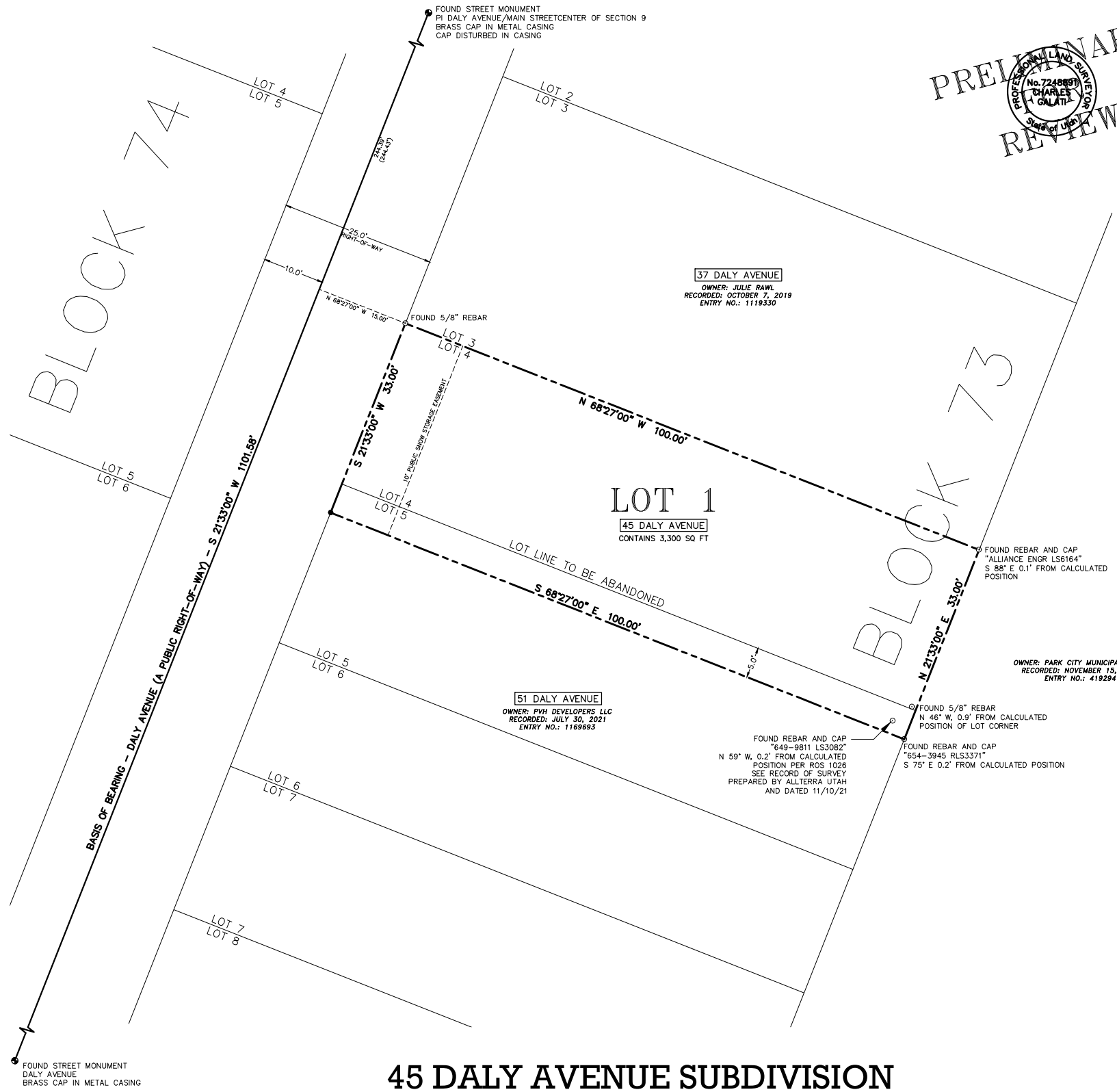
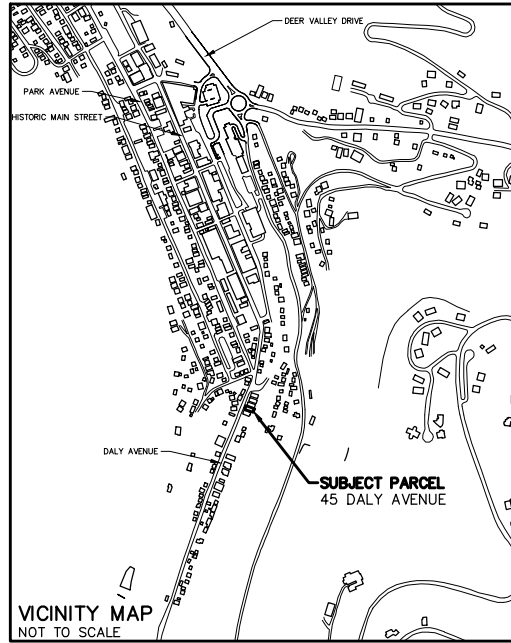
Mark Harrington

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City Attorney's Office

Exhibits

Exhibit 1 – 45 Daly Avenue Subdivision



PRELIMINARY REVIEW

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 combined said tract of land into one (1) lot, together with easements, hereafter to be known as 45 DALY AVENUE SUBDIVISION and that the same has been correctly surveyed and monumented on the ground as shown on this plat.

LEGAL DESCRIPTION
 Lot 4, Block 73, and the North 5 feet of Lot 5, First Millsite Reservation, Park City Survey, 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 tract of land, and hereby causes the same to be combined into one (1) lot of record, together with easements as set forth to be hereafter known as 45 DALY AVENUE SUBDIVISION and does hereby dedicate for the perpetual use of the public the area shown on this plat as intended for public use. The undersigned owner also hereby conveys to any and all public utility companies a perpetual, non-exclusive easement over any public utility easements shown on this plat, the same to be used for installation, maintenance and operation of utility lines and facilities. The undersigned owner also hereby conveys any other easements as shown on this plat to the parties indicated and for the purposes hereon.

In witness whereof, the undersigned set his hand this _____ day of _____, 2022.
 Deborah A. Kirby, and her successors, as Trustee of the Deborah A. Kirby Trust
 By: _____
 Deborah A. Kirby, authorized signer

ACKNOWLEDGEMENT

STATE OF UTAH)
) ss:
 COUNTY OF SUMMIT)

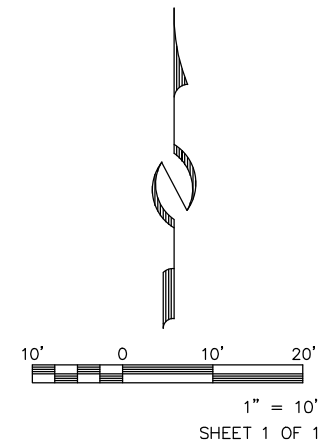
On this _____ day of _____, 2022, Deborah A. Kirby personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, did say that he/she is the authorized signer for Deborah A. Kirby, and her successors, as Trustee of the Deborah A. Kirby Trust.

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

- NOTES**
- This plat amendment is subject to the Conditions of Approval in Ordinance 2022- _____.
 - See Record of Survey performed by Allterra Utah and dated 11/10/21.
 - Measured bearings and distances, when different from record, are shown in parenthesis ().

45 DALY AVENUE SUBDIVISION
 AMENDING LOT 4, AND A PORTION OF LOT 5
BLOCK 73, MILLSITE RESERVATION, 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

- LEGEND**
- Set 5/8" rebar w/cap "ALLTERRA UTAH" (Unless noted otherwise)
 - ⊙ Found Monument (As-Noted)
 - Found Street Monument (As-Noted)



PROFESSIONAL LAND SURVEYING AND CONSULTING
ALLTERRA UTAH, LLC
 435-640-4200
 463 SCENIC HEIGHTS ROAD, FRANCIS, UTAH 84036

<p>PUBLIC SAFETY ANSWERING POINT APPROVAL</p> <p>APPROVED ON THIS ____ DAY OF _____, 2022</p> <p>BY _____ SUMMIT COUNTY GIS COORDINATOR</p>	<p>SNYDERVILLE BASIN WATER RECLAMATION DISTRICT</p> <p>REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS ____ DAY OF _____, 2022</p> <p>BY _____ ENGINEERING DEPARTMENT</p>	<p>PLANNING COMMISSION</p> <p>RECOMMENDED BY THE PARK CITY PLANNING COMMISSION THIS ____ DAY OF _____, 2022</p> <p>BY _____ CHAIR</p>	<p>ENGINEER'S CERTIFICATE</p> <p>I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ____ DAY OF _____, 2022</p> <p>BY _____ PARK CITY ENGINEER</p>	<p>APPROVAL AS TO FORM</p> <p>APPROVED AS TO FORM THIS ____ DAY OF _____, 2022</p> <p>BY _____ PARK CITY ATTORNEY</p>	<p>COUNCIL APPROVAL AND ACCEPTANCE</p> <p>APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ____ DAY OF _____, 2022</p> <p>BY _____ MAYOR</p>	<p>CERTIFICATE OF ATTEST</p> <p>I CERTIFY THIS PLAT WAS APPROVED BY THE PARK CITY COUNCIL THIS ____ DAY OF _____, 2022</p> <p>BY _____ PARK CITY RECORDER</p>	<p>RECORDED</p> <p>STATE OF UTAH, COUNTY OF SUMMIT AND FILED AT THE REQUEST OF _____</p> <p>FEE _____ SUMMIT COUNTY RECORDER BOOK _____ PAGE _____</p> <p>TIME _____ DATE _____ ENTRY NO. _____</p>
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