

Ordinance No. 2023-37

AN ORDINANCE APPROVING AN EXTENSION OF CITY COUNCIL'S JULY 21, 2022, APPROVAL OF ORDINANCE NO. 2022-26, AN ORDINANCE APPROVING THE 949 EMPIRE AVENUE PLAT AMENDMENT, LOCATED AT 949 EMPIRE AVENUE, PARK CITY, UTAH

WHEREAS, the owners of the property located at 949 Empire Avenue petitioned the City Council for approval of the 949 Empire Avenue Plat Amendment Located at 949 Empire Avenue, Park City, Utah; and

WHEREAS, on April 13, 2022, the Planning Commission held a public hearing and continued the discussion to June 22, 2022; and

WHEREAS, on June 22, 2022, the Planning Commission reviewed the application and held a public hearing; and

WHEREAS, on June 22, 2022, the Planning Commission forwarded a positive recommendation for City Council's consideration on July 21, 2022; and

WHEREAS, on July 21, 2022, the City Council approved Ordinance No. 2022-26, An Ordinance Approving the 949 Empire Avenue Plat Amendment, Located at 949 Empire Avenue, Park City, Utah; and

WHEREAS, on June 15, 2023, the property owner of 949 Empire Avenue submitted an application to the Planning Department to request a one-year extension of the City Council's approval of Ordinance No. 2022-26; and

WHEREAS, on July 13, 2023, staff legally noticed the City Council July 27, 2023, public hearing; and

WHEREAS, on July 27, 2023, the City Council reviewed the proposed plat approval extension, held a public hearing, and approved a one-year extension for the 949 Empire Avenue Plat Amendment through July 27, 2024; and

WHEREAS, it is in the best interest of Park City, Utah to approve the extension of the 949 Empire Avenue Plat Amendment through July 27, 2024.

WHEREAS, the plat is consistent with the Park City Land Management Code, including §15-7.1-3(B), § 15-12-15(B)(9), 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 above recitals are hereby incorporated as Findings of Fact. City Council's July 21, 2022, approval of the 949 Empire Avenue Plat Amendment,

Attachment 1, is hereby extended through July 27, 2024, subject to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact

Background:

1. The property is located at 949 Empire Avenue.
2. The property is listed with Summit County as Parcel number SA-301-B and consists of a portion of Lots 12 and 13 in Block 29, Snyders Addition to Park City Survey in the Historical Residential-1 (HR-1) Zoning District.
3. The proposed Plat Amendment removes the internal lot line to create one Lot containing 3,030 square feet.
4. Demolition of a housing Structure in 2013 left the property vacant.
5. Restrictive Covenants were recorded with Summit County in 1967 against 949 Empire Avenue and Lots 12-22 of Block 29, Snyders Addition (Entry No. 105853).
6. No easement is vacated or amended as a result of the plat amendment.
7. The Land Management Code (LMC) regulates Lot and Site Requirements for the HR-1 Zoning District per LMC §15-2.2-3.
8. A Single-Family Dwelling is an allowed Use in the HR-1 Zoning District and requires a minimum lot size of 1,875 square feet. The proposed Lot is 3,030 square feet.
9. The minimum Lot width in the HR-1 Zoning District is 25 feet. The proposed Lot complies with this requirement.
10. The required Front Setback for Lot depths of 75 feet is ten feet (10'). The proposed Lot complies with this requirement.
11. The required Rear Setback is ten feet (10'). The proposed Lot complies with this requirement.
12. The required Side Setback is five feet (5'). The proposed Lot complies with this requirement.
13. The Maximum Building Footprint in the HR-1 Zoning District = $(\text{Lot Area}/2) \times 0.9^{\text{Lot Area}/1875}$. The maximum Building Footprint for this Lot is 1,278 square feet.
14. Due to difficulties in negotiating encroachments with neighboring property owners, the Applicant cannot complete the Conditions of Approval 9 through 11 outlined in Ordinance No. 2022-26 and requests more time to comply.
15. On May 10, 2023, the Planning Commission issued a Pending Ordinance on Lot Combinations in the Historic Zoning Districts. This plat amendment results in a Lot with an Area of 3,030 square feet, 540 square feet less than the allowed maximum in the Pending Ordinance.
16. Staff mailed courtesy notice to property owners within 300 feet on July 13, 2023.
17. Staff posted notice to the site on July 13, 2023.
18. The *Park Record* published notice on July 10, 2023.

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, including LMC Chapter 15-2.2 *Historic Residential (HR-1) Zoning District* and LMC § 15-7.1-6 *Final Subdivision Plat*.
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 non-exclusive ten foot (10') public snow storage easement on Empire Avenue shall be dedicated on the plat.
5. The portion of the garage on Parcel SA-301-B shall be demolished prior to recordation of the Plat.
6. The Applicant shall include a Plat note indicating the maximum Building Footprint for the Lot is 1,278 square feet.
7. The Applicant shall include the Setbacks as determined by the Planning Director on March 30, 2022, on the final Plat.
8. Any new construction shall comply with the Land Management Code at the time of Application submittal.
9. The Applicant shall gain permission and approval from the owner of Parcel SA-301-E to encroach onto their Property to demolish the southern portion of the double garage on SA-301-B.
10. The Applicant shall enter into an encroachment agreement to the owner of Parcel SA-301-E for the portion of the garage that encroaches onto the front of the Lot, or the encroachment shall be removed prior to Plat recordation.
11. The Applicant shall enter into an encroachment agreement to the owner of Parcel SA-308 for the portion of the rock retaining wall that encroaches onto the Lot or the encroachment shall be removed prior to Plat recordation.
12. 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.

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

PASSED AND ADOPTED this 27th day of July. 2023.

PARK CITY MUNICIPAL CORPORATION

DocuSigned by:

Nann Worel

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Nann Worel, MAYOR



ATTEST:

DocuSigned by:
Michelle Kellogg
E5F905BB533F431...

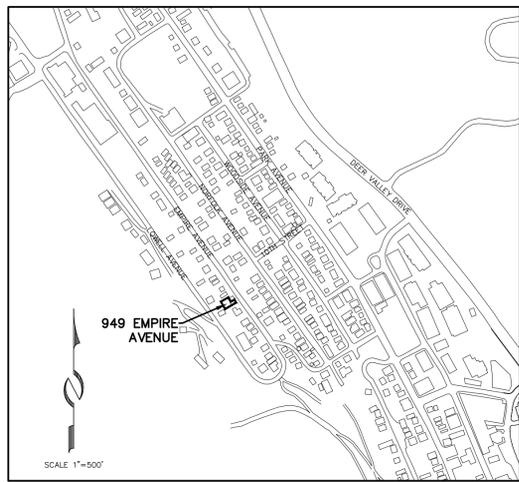
City Recorder

APPROVED AS TO FORM:

DocuSigned by:
Mark Harrington
B7478B7734C7498...

City Attorney

Attachment 1 – Proposed Plat



VICINITY MAP



SURVEYOR'S CERTIFICATE

I, Michael Demkowicz, do hereby certify that I am a Professional Land Surveyor and that I hold License No. 4857264 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 land shown on this plat and described hereon, and have combined said land into one (1) lot, hereafter to be known as 949 EMPIRE AVENUE PLAT AMENDMENT and that the same has been correctly surveyed and monumented on the ground as shown on this plat.

LEGAL DESCRIPTION

Beginning at the southwesterly corner of Lot 12, Block 29, Snyder's Addition to Park City, and running thence North 54°01' East 51 feet; thence North 35°59' West 50 feet; thence South 54°01' West 51 feet; thence South 35°59' East 50 feet to the point of beginning, being the westerly 51 feet of Lots 12 and 13 of said Block 29, Snyder's Addition.

Also, a garage area described as follows; beginning at the southeasterly corner of Lot 12, Block 29, Snyder's Addition, and running thence North 35°59' West 20 feet to the center of a partition, thence South 54°01' West 24 feet; thence South 35°59' East 20 feet to the center of a partition; thence North 54°01' East 24 feet to the point of beginning.

Subject to and together with a right-of-way over the following for the use and benefit of the owner or owners of Lots 12, 13, 14, 15, 17, 18, 19, 20, 21, and 22, Block 29, Snyder's Addition to Park City, in Summit County, Park City, Utah; Beginning at the southeasterly corner of Lot 18, Block 29, Snyder's Addition to Park City, and running thence South 35°59' East 20 feet; thence North 54°01' East 51 feet; thence North 35°59' West 45 feet; thence North 54°01' East 4 feet; thence South 35°59' East 100 feet; thence South 54°01' West 4 feet; thence North 35°59' West 45 feet; thence South 54°01' West 51 feet; thence South 35°59' East 20 feet; thence South 54°01' West 10 feet; thence North 35°59' West 50 feet; thence North 54°01' East 10 feet to the point of beginning.

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 unified into one lot of record, together with easements as set forth to be hereafter known as 949 EMPIRE AVENUE PLAT AMENDMENT and does hereby dedicate for the perpetual use of the public all roads and other areas 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 the public utility easements shown on this plat, the same to be used for the 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 shown hereon.

In witness whereof, the undersigned set his hand this _____ day of _____, 2022.

Terence Scheckter

ACKNOWLEDGMENT

STATE OF _____
: ss.
COUNTY OF _____

On this _____ day of _____, 2022, Terence Scheckter 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, that he acknowledged to me that he executed the 949 EMPIRE AVENUE PLAT AMENDMENT.

By _____
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 2022-_____.
2. See recorded survey S-_____ in the Office of the Summit County Recorder.
3. Fire sprinklers are required for all new construction on this lot, to be approved by the Chief Building Official.
4. The maximum building footprint for the lot is 1,278 square feet.



949 EMPIRE AVENUE PLAT AMENDMENT

LOCATED IN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

(435) 649-9467
Alliance Engineering Inc.
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

<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 _____</p>	<p>PLANNING COMMISSION</p> <p>RECOMMENDED BY THE PARK CITY PLANNING COMMISSION THIS 22ND DAY OF JUNE, 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 21ST DAY OF JULY, 2022</p> <p>BY _____ MAYOR</p>	<p>CERTIFICATE OF ATTEST</p> <p>I CERTIFY THIS PLAT WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2022</p> <p>BY _____ PARK CITY RECORDER</p>	<p>PUBLIC SAFETY ANSWERING POINT APPROVAL</p> <p>APPROVED THIS _____ DAY OF _____, 2022</p> <p>BY _____ SUMMIT COUNTY GIS COORDINATOR</p>	<p>RECORDED</p> <p>STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____</p> <p>_____ FEE _____ RECORDER</p> <p>TIME _____ DATE _____ ENTRY NO. _____</p>
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