

Ordinance No. 2023-54

**AN ORDINANCE APPROVING THE NORTH NORFOLK PLAT AMENDMENT,
LOCATED AT 1325 EMPIRE AVENUE (KNUDSON LOT C) AND PARCEL SA-200,
PARK CITY, UTAH**

WHEREAS, the owners of the property known as Knudson Lot C/1325 Empire Avenue and Parcel SA-200 have petitioned the City Council to amend the Knudson Subdivision and Parcel SA-200, located in the Recreation Commercial Zoning District, and re-subdivide it into four Single-Family Lots known as the North Norfolk Subdivision; and

WHEREAS, on February 8, 2023, staff posted notice to the property and according to the requirements of the Land Management Code; and

WHEREAS, staff mailed courtesy notice to all affected property owners on February 8, 2023, and legal notice was published in the Park Record and on the Park City and Utah Public Notice websites; and

WHEREAS, the Planning Commission, on February 22, 2023, held a public hearing and continued the discussion to April 12, 2023;

WHEREAS, on April 12, 2023, the Planning Commission reviewed the application, held a public hearing, and continued the discussion to May 10, 2023; and

WHEREAS, on May 10, 2023, the Planning Commission reviewed the application, held a public hearing, and continued the application to a date uncertain; and

WHEREAS, on June 23, 2023, staff re-posted notice to the property and according to the requirements of the Land Management Code; and

WHEREAS, on June 23, 2023, staff re-mailed courtesy notice to all affected property owners, and legal notice was published in the Park Record and on the Park City and Utah Public Notice websites; and

WHEREAS, on July 12, 2023, the Planning Commission reviewed the application, held a public hearing, and continued the application to September 27, 2023; and

WHEREAS, on September 27, 2023, the Planning Commission forwarded a positive recommendation to the City Council; and

WHEREAS, on November 1, 2023, staff re-mailed courtesy notice to all affected property owners, and legal notice was published in the Park Record and on the Park City and Utah Public Notice websites; and

WHEREAS, on November 16, 2023, the City Council reviewed the application and held a public hearing; and

WHEREAS, on November 30, 2023, the City Council voted to reopen the public hearing on December 14, 2023, limited to those unable to provide online comment on November 16, 2023;

WHEREAS, on December 14, 2023, the City Council reopened the public hearing and re-approved the Ordinance;

WHEREAS, it is in the best interest of Park City, Utah, to approve the North Norfolk Plat Amendment; and

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

SECTION 1. APPROVAL. The North Norfolk 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. On October 16, 1980, the City Council passed a resolution to close a portion of the Norfolk Avenue right-of-way.
2. On April 22, 1982, that closed portion of Norfolk Avenue was sold by the City.
3. In 2014, a Plat Amendment was submitted for three lots, located at 1314 & 1350 Empire Avenue known as the Knudson Plat.
4. On January 29, 2014, the Planning Commission forwarded a positive recommendation to the City Council, and on February 13, 2014, City Council approved the Knudson Plat.
5. The Knudson Plat was recorded with Summit County on February 27, 2014.
6. The property within the Knudson Plat was not developed.
7. In May of 2022, the Applicant submitted a Plat Amendment, proposing to subdivide vacant Lot C of the Knudson Plat and adjacent Parcel SA-200 into four Lots to eventually be developed with four Single Family Dwellings.
8. The proposed four Lots comply with the minimum lot size requirements for the Recreation Commercial (RC) Zoning District requirements outlined in LMC Chapter 15-2.16.
9. The Proposed Lots will be accessed via a private shared driveway across Norfolk Avenue.
10. The minimum width of a 19-foot-wide private Shared Driveway is in keeping with the historical context of Old Town.
11. There is Good Cause for this Plat Amendment because it will allow for development that promotes density that is consistent with the Resort Neighborhood and purposes of the Recreation Commercial (RC) Zoning District.

Conclusions of Law:

1. Neither the public nor any person will be materially injured by the proposed plat amendment.
2. Approval of the plat amendment, subject to the conditions of approval, will not adversely affect the health, safety, and welfare of the citizens of Park City.
3. The proposal complies with the Recreation Commercial (RC) Zoning District requirements outlined in LMC Chapter 15-2.16, and the Subdivision Procedures outlined in LMC Chapter 15-7.1.

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 (1) year from the date of City Council approval. If recordation has not occurred within one year, 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. Prior to submitting for building permits, the Applicants must provide a geotechnical report and storm drainage storage plan for the site including for snow storage. Construction of basements may be limited on the recommendation of a Licensed Geotechnical engineer and the City Engineering Department. All drainage must be retained on site, and the storm drainage storage plan shall be reviewed and approved by the City Engineering and Building Departments.
4. A Plat Note shall indicate that before any combustible material is delivered to the site, emergency access stairs required by the Park City Fire District must be completed and approved by the Fire District. The Fire Access Easement shown on the proposed Plat must be recorded with the County before or concurrent with the recordation of the Plat. The Applicant and their successors and assigns shall be responsible for maintaining the private stairs and keeping them clear of snow so that they are available for emergency access at all times.
5. If an agreement is made for the construction of a public staircase on 1330 Empire Avenue that accesses the North Norfolk Subdivision, and satisfies the Building, Housing, Engineering, and Planning Departments as well as the Park City Fire District requirements, then that may satisfy COA 4 above, and shall not require a Plat Amendment, as long as those stairs are complete and access the North Norfolk Subdivision. Public Stairs shall be maintained and cleared of snow by the City.
6. Prior to the recordation of this Plat, a 30-Foot Non-Exclusive Utility Easement, as shown on the proposed Plat, must be recorded with Summit County.
7. A Plat Note shall indicate that no Buildings can be built within the 30-foot Non-Exclusive Utility Easement. Landscaping and driveways may be constructed but owners should be aware that these items can be removed at any time and the Lot owners will be responsible for any replacements within the easement area.
8. Parking is not allowed on the private shared driveway, and the owners shall place signs that indicate it is private and parking on the shared driveway is prohibited.
9. A Plat Note shall indicate that Lot D shall have two Front Setbacks, with the Western

Setback being 12 feet and the Southern Setback being 13 feet, the North Setback being a rear setback of 12 feet, and the East Setback a side setback of 3 feet. All setbacks for Lot D shall be measured from the property lines. Primary access will be from the South Side.

10. A Plat note shall indicate that the Setbacks for Lots A, B, and C shall be measured from the private shared driveway and shall be indicated on the final recorded plat.
11. A Plat Note shall indicate that in the event of construction of a public stair with access to the North Norfolk property, four feet of the 19-foot-wide private shared driveway shall be used to allow public pedestrian access to the public stairs. That access will be designated by signage posted in a location to be approved by the Planning, Engineering, and Trails and Open Space Departments and must be constructed with a material visually distinct from the rest of the private shared driveway.
12. Prior to recordation of this plat, the Applicant shall record documents obliging the owners of each Lot to be financially responsible for maintaining the private shared driveway serving the Lots including snow removal and storage. This condition may be satisfied by either: (i) Applicant's formation of a homeowners' association whose recorded governing documents shall establish responsibility for such maintenance; or (ii) if Applicant does not form a homeowners' association, another recorded form of covenants to be recorded prior to or contemporaneous with the recordation of the plat which binds each Lot owner to contribute twenty-five percent (25%) of the cost of such maintenance.
13. The Applicant shall submit a trash receptacle management plan in a form approved by the City Engineer.
14. Prior to plat recordation, the Applicant shall enter into a new encroachment agreement outlining the Applicant's responsibilities for maintenance and snow removal of Norfolk Avenue north of 13th Street with the Engineering Department in a form approved by the City Attorney's Office.
15. Prior to the issuance of the Certificate of occupancy for the 4th Lot or last house to be constructed, the Applicant shall be responsible for seal coating Norfolk Avenue between 13th Street and the subject property to repair any damage to the roadway due to construction activity. The Building and Engineering Department shall review and approve any permits necessary for seal coating the public Right-of Way.
16. A Plat Note shall indicate that this Plat is subject to Ordinance 2023-54.

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

PASSED AND ADOPTED this December 14, 2023.

PARK CITY MUNICIPAL CORPORATION

DocuSigned by:
Nann Worel

57776BCB46414F6

Nann Worel, MAYOR

ATTEST:



DocuSigned by:
Michelle Kelly
E5F905BB533F431...

City Recorder

APPROVED AS TO FORM:

DocuSigned by:
Mark Harrington
B7478B7734C7490

City Attorney's Office

Attachment 1: Plat

OWNER'S DEDICATION AND CONSENT TO RECORD

FOR ALL THESE REASONS, the undersigned, the owner of the above described property, hereby agrees to execute and record this instrument and to execute and record any other instrument that may be required to carry out the intent of this instrument. The undersigned understands that the recording of this instrument is a public act and that the recording of this instrument is a public record. The undersigned understands that the recording of this instrument is a public act and that the recording of this instrument is a public record. The undersigned understands that the recording of this instrument is a public act and that the recording of this instrument is a public record.

ACKNOWLEDGMENT

I, the undersigned, do hereby acknowledge that I am the owner of the above described property and that I am executing this instrument of my own free will and without any duress, coercion, or undue influence.

STATE OF _____
 COUNTY OF _____

By _____
 My Commission Expires _____

NOTES:
 1. This plat amendment is subject to the Ordinance of Approval # Ordinance 2023-____.

LEGAL DESCRIPTION

Parcel 1: _____

Parcel 2: _____

OWNER'S DEDICATION AND CONSENT TO RECORD

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STATE OF _____
 COUNTY OF _____

By _____
 My Commission Expires _____

NOTES:
 1. This plat amendment is subject to the Ordinance of Approval # Ordinance 2023-____.

NORTH NORFOLK PLAT AMENDMENT

LOCATED IN THE NORTHWEST QUARTER OF SECTION 16
 TOWNSHIP 2 SOUTH, RANGE 10 EAST, MERIDIAN
 PARK CITY, SUMMIT COUNTY, UTAH

ENGINEER'S CERTIFICATE	I HEREBY CERTIFY THAT THE PLAT FILED IN ACCORDANCE WITH THE PROVISIONS OF THE UTAH PLAT ACT IS CORRECT AND ACCURATE.	APPROVAL AS TO FORM	APPROVED BY THE PLANNING COMMISSION ON _____ DAY OF _____ 2023.	APPROVAL AND ACCEPTANCE BY THE TOWN COUNCIL	APPROVED BY THE TOWN COUNCIL ON _____ DAY OF _____ 2023.	CERTIFICATE OF ATTEST	I HEREBY CERTIFY THAT THE PLAT FILED IN ACCORDANCE WITH THE PROVISIONS OF THE UTAH PLAT ACT IS CORRECT AND ACCURATE.	PUBLIC SAFETY	APPROVED BY THE PUBLIC SAFETY OFFICIAL ON _____ DAY OF _____ 2023.	ANSWERING POINT APPROVAL	APPROVED BY THE ANSWERING POINT OFFICIAL ON _____ DAY OF _____ 2023.	RECORDED	STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE CLERK'S OFFICE ON _____ DAY OF _____ 2023.	FILED	FILED AT THE CLERK'S OFFICE ON _____ DAY OF _____ 2023.	RECORDED	STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE CLERK'S OFFICE ON _____ DAY OF _____ 2023.
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