

Ordinance No. 2021-45

**AN ORDINANCE APPROVING THE 402 PARK AVENUE PLAT AMENDMENT,
LOCATED AT 402 PARK AVENUE, PARK CITY, UTAH**

WHEREAS, the owners of the property located at 402 Park Avenue petitioned the City Council for approval of the 402 Park Avenue Plat Amendment to create one Lot of Record; and

WHEREAS, on September 29, 2021, the *Park Record* published notice for the Planning Commission public hearing; and

WHEREAS, on September 29, 2021, 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 public hearing; and

WHEREAS, on September 29, 2021, the *Park Record* published notice for the City Council public hearing; and

WHEREAS, on September 29, 2021, 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 October 13, 2021, the Planning Commission reviewed the proposed 91 & 95 King Road Plat Amendment and held a public hearing; and

WHEREAS, on October 12, 2021, the Planning Commission forwarded a positive recommendation for City Council's consideration on November 18, 2021; and

WHEREAS, on November 18, 2021, the City Council reviewed 91 & 95 King Road Plat Amendment and held a public hearing; and

WHEREAS, the 402 Park Avenue Plat Amendment is consistent with the Park City Land Management Code, including Chapters 15-2.3, and Sections 15-7.3-2 and 15-7.3-3.

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

SECTION 1. APPROVAL. The 402 Park Avenue Plat Amendment is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. On September 22, 2021, the Planning Department received a complete Plat Amendment Application.

2. The property is located at 402 Park Avenue.
3. 402 Park Avenue is described by metes and bounds and include Lots 31 and 32, Block 10, the Park City Survey. PC-162-A.
4. 402 Park Avenue was constructed across Lot lines.
5. The current configuration of these lots has been in place since 1899.
6. Prior to 1979, 402 Park Avenue was in the R-1 Zoning District.
7. From 1979 to 1983, the property was in the HR-2 Zoning District.
8. From 1983 to 2000, the property was in the HR-2 Zoning District, and the Historic Transition Overlay (HTO).
9. Since 2000, the property has been in the HR-2A Zoning District.
10. In addition to creating two Lots, this Plat Amendment accommodates the dedication of King Road, a Public Right-of-Way.
11. On June 29, 1993, the Board of Adjustments granted 402 Park Avenue Variances for Rear and Side Setbacks of the Detached Accessory Garage.
12. The Applicant proposes the 402 Park Avenue Plat Amendment to create an 3,893 square foot Lot in the Historic Residential – 2A Zoning District.
13. The proposed Plat Amendment complies with the purposes of the Historic Residential – 2A Zoning District.
14. The proposed Subdivision complies with the Lot and Site requirements for the Historic Residential – 2A Zoning District.
15. The proposed Subdivision complies with Land Management Code Section 15-7.3-2, as outlined in the staff report, and conditioned below.
16. The proposed Subdivision complies with Land Management Code Section 15-7.3-3, as outlined in the staff report, and conditioned below.
17. Plat Amendments shall be reviewed according to Section 15-7.1-6 Final Subdivision Plat and approval shall require (a) a finding of Good Cause, and (b) a finding that no Public Street, Right-of-Way, or easement has been vacated or amended.

Conclusions of Law

1. There is Good Cause for this Subdivision because the removal of the Lot lines resolves existing issues, and encourages orderly and beneficial Development to comply with the Land Management Code.
2. The Subdivision complies with Land Management Code Chapters 15-2.3, as well as Sections 15-7.3-2 and 15-7.3-3.
3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. Approval of the Subdivision, 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 years, this approval

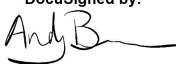
will be void, unless the applicant submits a request for an extension in writing prior to the expiration date and an extension is granted by the City Council.

3. The plat shall note that fire sprinklers are required for all new construction, to be approved by the Chief Building Official. Interior and exterior fire sprinkler systems may be required by the Park City Fire District at the time of Building Permit review.
4. Any additions to the existing Structures and all new Structures must comply with the required Setbacks of the Zoning District.
5. The property is not located within the Soils Ordinance 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.
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. All Significant Vegetation that is removed shall be replaced in kind.
8. Existing natural drainage shall be maintained. Future improvements to the hardscape of the property should include porous paving or the removal of hardscape in order to abate surface water runoff and heat island effect.
9. Site plans and Building designs shall resolve snow release issues to the satisfaction of the Chief Building Official.
10. Lot drainage shall be laid out to provide positive drainage away from the Single-Family Dwelling in accordance with the International Building Code.
11. All disturbed areas on the Lot shall be covered with topsoil and revegetated.
12. No cut trees, timber, debris, earth, rocks, stones, soil, junk, rubbish, or other waste materials of any kind shall be buried in any land or left or deposited on the Lot at the time of a Certificate of Occupancy.

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

PASSED AND ADOPTED this 18th day of November, 2021.


PARK CITY MUNICIPAL CORPORATION

DocuSigned by:

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Andy Beerman, MAYOR


ATTEST:



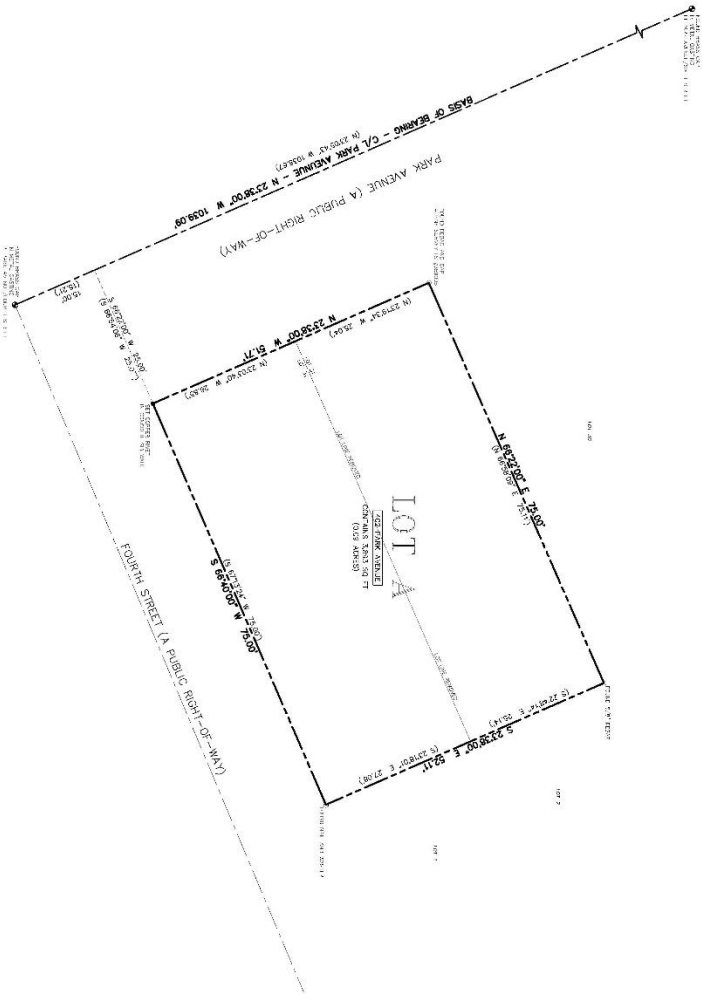
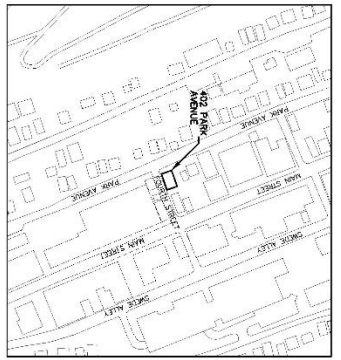
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City Recorder

APPROVED AS TO FORM:

DocuSigned by:

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City Attorney's Office



402 PARK AVENUE PLAT AMENDMENT

BLOCK 10, PARK CITY SURVEY
 LOCATED IN THE SOUTHEAST QUARTER OF SECTION 16
 TOWNSHIP 2 SOUTH, RANGE 14 EAST
 PARK CITY, SUMMIT COUNTY, UTAH



SURVEYORS CERTIFICATE

I, Charles D. White, do hereby certify that I am a Professional Land Surveyor and that I have prepared this plat in accordance with the laws of the State of Utah, and that the same has been correctly surveyed and measured on the ground as shown on this plat.

LEGAL DESCRIPTION

Lot A, Block 10, Park City Survey, according to the official plat thereof on file in the office of the Summit County Recorder.

OWNERS DEDICATION AND CONSENT TO RECORD

KNOW ALL BY THESE PRESENTS that the undersigned is the owner of the above described land, and hereby dedicates and consents to the recording of this plat, and that the same shall be recorded for the public use of the public for the purpose of the public use of the land shown on this plat. The undersigned hereby dedicates and consents to the recording of this plat, and that the same shall be recorded for the public use of the public for the purpose of the public use of the land shown on this plat. The undersigned hereby dedicates and consents to the recording of this plat, and that the same shall be recorded for the public use of the public for the purpose of the public use of the land shown on this plat.

402 Park Avenue, LLC, a Utah limited liability company

By: Geoffrey White
 Geoffrey White
 Manager

ACKNOWLEDGMENT

STATE OF _____)
 COUNTY OF _____)
 I, _____)
 do hereby certify that _____)
 is the owner of the above described)
 land, and that the same shall be)
 recorded for the public use of the)
 public for the purpose of the public)
 use of the land shown on this)
 plat.

On this _____ day of _____, 2021, Geoffrey White, Manager of 402 Park Avenue, LLC, a Utah limited liability company, and I, _____, do hereby certify that the above described land is the property of 402 Park Avenue, LLC, and that the same shall be recorded for the public use of the public for the purpose of the public use of the land shown on this plat.

By: Geoffrey White
 Geoffrey White
 Manager

NOTES

- This plat is subject to the conditions of approval in Ordinance 2021-_____.
- The plat is subject to the conditions of approval in Ordinance 2021-_____.



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| CONSULTING ENGINEER: JAMES HANSEN, LICENSED PROFESSIONAL ENGINEER 222 WEST MAIN STREET, SUITE 200, SUMMIT, UTAH 84301-2000 4342 344-4444 ENGINEERING DEPARTMENT | PLANNING COMMISSION RECOMMENDED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2021 BY: _____ CLAIR | ENGINEER'S CERTIFICATE I, _____, ENGINEER, THIS PLAT TO BE IN ACCORDANCE WITH REGULATION ON FILE IN OFFICE THIS _____ DAY OF _____, 2021 BY: _____ PARK CITY ENGINEER | APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2021 BY: _____ PARK CITY ATTORNEY | COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2021 BY: _____ MAYOR | CERTIFICATE OF ATTORNEY I, _____, ATTORNEY AT LAW, DO HEREBY CERTIFY THAT THIS PLAT WAS APPROVED BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2021 BY: _____ PARK CITY RECORDER | PUBLIC SAFETY ANSWERING POINT APPROVAL APPROVED THIS _____ DAY OF _____, 2021 BY: _____ SUMMIT COUNTY GIS COORDINATOR | RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ FEE _____ DATE _____, 2021 RECORDER J.H.R. NO. _____ |
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