AN ORDINANCE APPROVING THE 15 ANCHOR AVENUE SUBDIVISION PLAT LOCATED AT 15 ANCHOR AVENUE, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 15 Anchor Avenue (also known as 55 Anchor Avenue), has petitioned the City Council for approval of the plat amendment; and

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

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on August 27, 2014, to receive input on the proposed subdivision;

WHEREAS, on August 27, 2014, the Planning Commission forwarded a positive recommendation to the City Council; and,

WHEREAS, on September 18, 2014 the City Council held a public hearing on the proposed plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the proposed 15 Anchor Avenue Subdivision.

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. The 15 Anchor Avenue Subdivision 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. The property is located at 15 Anchor Avenue within the Historic Residential (HR-1) Zoning District.
- The applicants are requesting combine Lots 47, 48, 49, 50, 51, 54, 55, 56, 57, 58, 59, and 60 of the Amended Plat of the Park City Survey into two (2) legal lots of record.
- 3. The plat amendment is necessary in order for the applicant to move forward with a Historic District Design Review (HDDR) application for the purpose of renovating the historic house and adding an addition.
- 4. The amended plat will create two (2) new lots that measure 5,367.5 sf (Lot 1) and 4,435.8 sf (Lot 2) in size. Minimum lot size in the HR-1 zone is 1,870 sf.

- 5. The site is identified as "Landmark" on the City's Historic Sites Inventory (HSI). The existing house was in poor, deteriorated condition as documented on the 2009 Historic Sites Inventory.
- 6. The historic shed structure encroached over the east property line and into the neighboring property. The structure would not be permitted to be relocated on the property unless the relocation meets the criteria outlined in LMC 15-11-13.
- 7. The renovation of the house will require a review under the adopted 2009 Design Guidelines for Historic Districts and Historic Sites through the HDDR process. At this time, no HDDR application has been submitted to the Planning Department in order to renovate the house and add a small addition.
- 8. The maximum allowed building footprint allowed on Lot 1 is 1,985.0 square feet and on Lot 2 is 1,728.6 square feet. The applicant intends to construct a new rear addition and renovate the historic structure on Lot 1. A new single family house will be constructed on Lot 2.
- 9. This plat amendment will create two (2) legal lots of record that are slightly larger than adjacent properties in the HR-1 District, but remain comparable in size to the neighborhood overall.
- 10. The historic house and shed have a front and rear yard setback of 0 feet, a north side yard setback of 5 feet, and a south side yard setback of 4 feet. Historic structures that do not comply with building setbacks are valid complying structures.
- 11. New additions to the rear of the historic home require adherence to current setbacks as required in the HR-1 District, as well as be subordinate to the main dwelling in terms of size, setback, etc., per the requirements of the adopted 2009 Design Guidelines for Historic Districts and Historic Sites.
- 12. Any new development on Lot 2 of the 15 Anchor Avenue Subdivision will be required to meet the current setbacks, footprint, and height restrictions as required by the HR-1 District.
- 13. On June 16, 2014, the applicant applied for a plat amendment. The application was deemed complete on June 19, 2014.
- 14. In 1985, Park City Municipal Corporation entered into an Agreement to Provide Emergency Access with the owners of lots in Block 75 of the Park City Survey. The agreement stipulated that the property owners would widen the width of the access easement agreement to sixteen feet (16') and pave an area at least twelve feet (12') in width within the easement in order to accommodate emergency vehicles.
- 15. There is an existing easement between the applicant and Anchor Development allowing the applicant to access her property via a private driveway extending approximately 185 feet from the north property line of 55 King Road to the built King Road and measuring sixteen feet (16') in width. The paved driveway built within the easement is twelve feet (12') in width.
- 16. In 1996, City Council approved the 55-57 King Road Plat Amendment which created the adjacent lots at 55 and 57 King Road. This plat amendment included provisions negating the further subdivision and/or the development of additional units beyond the two (2) units for that subdivision to ensure that the private driveway and limited access were not further burdened by increased development.
- 17. The applicant has reviewed and agreed to the Conditions of Approval.

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 and applicable State law regarding subdivisions.
- 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 Attorney and City Engineer will review and approve the final form and content of the plat amendment 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 (1) 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 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 that expands the footprint of the home, or would first require the approval of an HDDR, shall be granted until the plat amendment is recorded with the Summit County Recorder's office.
- 4. Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final Mylar prior to recordation.
- 5. The addition of a plat note specifying that further subdivision and/or the development of additional units beyond the two (2) single family houses on Lots 1 and 2 shall be prohibited.
- 6. The plat shall contain a note referencing the 2008 access agreement for the private driveway.
- 7. The applicant shall change the addresses of Lots 1 and 2 of the 15 Anchor Avenue Subdivision to the satisfaction of the City Engineer and the addresses shall be identified on the plat prior to plat recordation.
- 8. An encroachment agreement for the historic shed is recommended.
- 9. The Resource Conservation and Recovery Act (RCRA), (40 CFR Part 261) requires a classification of any excavated soil or waste to be disposed of off-site as hazardous waste, solid waste, or exempt from State and Federal regulation. The owner is responsible for disposal in accordance with the determination of the above classification.
- 10. Lot 1 shall provide off-easement parking as required for a single-family dwelling prior to issuance of a Certificate of Occupancy for development on Lot 1.

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

PASSED AND ADOPTED this <u>*b*</u> day of September, 2014.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

City Recorder

APPROVED AS TO FORM: Mark Harrington, City Attorney



