

**AN ORDINANCE APPROVING THE 115 SAMPSON AVENUE SUBDIVISION  
LOCATED AT 115 SAMPSON AVENUE, PARK CITY, UTAH.**

WHEREAS, the owner of the property located at 115 Sampson Avenue, has petitioned the City Council for approval of the plat amendment known as 115 Sampson Avenue Subdivision; 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 October 9, 2013, and February 12, 2014 to receive input on the proposed subdivision;

WHEREAS, on February 12, 2014 the Planning Commission forwarded a positive recommendation to the City Council; and,

WHEREAS, on March 6, 2014 the City Council held a public hearing on the proposed subdivision; and

WHEREAS, it is in the best interest of Park City, Utah to approve the proposed 115 Sampson Avenue Subdivision plat amendment.

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 115 Sampson 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 115 Sampson Avenue within the Historic Residential Low-Density (HRL) Zoning District.
2. The applicants are requesting to combine portions of eight (8) Old Town lots into one Parcel. Currently the property includes Old Town Lot 6, and portions of Lots 5, 7, 8, 51, 52, 53, 54, 55 of Block 78 of the Park City Survey.
3. The plat amendment is necessary in order for the applicant to move forward with an HDDR for the purpose of repairing and restoring the historic house on the significant site, as well as potentially adding a new addition.
4. The amended plat will create one new 7,692 square foot lot.
5. The existing historic home is listed as "Significant" on the Historic Sites Inventory (HSI) and has a footprint of 831.7 square feet.

6. The existing historic structure straddles Lots 6, 7, 53, and 54 of the Park City Survey and is a valid complying structure.
7. Any proposed additions to the existing historic home will require a review under the adopted 2009 Design Guidelines for Historic Districts and Historic Sites through the HDDR process.
8. Due to water damage, the Building Department issued a Notice and Order to Repair and Vacate the building in 2010 and at that time the mothballing of the house was permitted.
9. The severe decline and deterioration of the vacant structure resulted in a second Notice and Order on April 10, 2013.
10. A Pre-Historic District Design Review (Pre-HDDR) was submitted to the Planning Department on April 9, 2013, following the Notice and Order. The Design Review Team (DRT) met with the applicants' representative on May 1, 2013, to discuss the potential redevelopment of the property. No Historic District Design Review (HDDR) application has yet been submitted.
11. The rear of the structure is the west elevation, facing Sampson Avenue. The façade faces east.
12. On September 16, 2013, the Planning Director made the determination to increase the required setbacks of the site to include a fifteen foot (15') front yard setback, ten foot (10') south side yard setback, fifteen foot (15') rear yard setback, and ten foot (10) north side yard setback.
13. On January 16, 2014, the Planning Director waived the requirement for the applicants' to subdivide the contiguous properties at 125 Norfolk Avenue and 115 Sampson Avenue.
14. The southwest corner of Lot 51 and the northwest corner of Lot 52 contain a portion of Sampson Avenue.
15. The maximum building footprint allowed is 2,490 per the HR-L LMC requirements for a lot of this size. The current footprint of the historic structure is 831.7 square feet and the footprint of the three (3) shed accessory structures is approximately 224 square feet. This would allow a maximum footprint addition of approximately 1,434 square feet. The portion of the street dedication was considered in determining the allowed footprint, and approximately thirty-five (35) square feet was reduced from the overall lot size.
16. Staff does not recommend adding a condition of approval that reduces the allowed footprint of the lot. The LMC's footprint formula reduces the allowed footprint as the lot size increases. The Planning Director has also increased the setbacks of the site, limiting the buildable area further.
17. Per LMC 15-2.1-4, existing historic structures that do not comply with building setbacks are valid complying structures. The historic structure is a valid complying structure, though it does not comply with the required ten foot (10') north side yard setback along the north property line as it is only eight feet nine inches (8'9") from the property line.
18. New additions to the rear of the historic home would 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.

19. The property at 115 Sampson Avenue is contiguous with the property at 125 Norfolk Avenue. 125 Norfolk Avenue is located directly to northeast of the 115 Sampson Avenue site.
20. The applicant submitted an application for a plat amendment on August 15, 2013.
21. The Planning Commission reviewed the application for a one (1) lot subdivision on October 9, 2013.
22. Staff learned that Silver Potato LLC owned the contiguous property at 125 Norfolk Avenue on October 9, 2013.
23. Silver Potato LLC has directly expressed interest in not subdividing both lots at 115 Sampson Avenue at 125 Norfolk Avenue. The property at 125 Norfolk Avenue is already developed and the owner does not intend to redevelop this property at this time.
24. The parcel at 125 Norfolk Avenue is comprised of all of lots 8, 9, and 10; the south half of lot 11, and a portion of Lot 7 of Block 78 of the Millsite Reservation. There are existing structures on the 125 Norfolk Avenue metes and bounds parcel.
25. Silver Potato LLC purchased 125 Norfolk Avenue on August 8, 2005, and 115 Sampson Avenue on January 29, 2010.

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 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 that expands the footprint of the home, or would first require the approval of an HDDR, shall be granted until the plat amendment and historic preservation guarantee are recorded with the Summit County Recorder's office.
4. All new construction will require modified 13-D sprinklers as required by the Building Department.
5. One (1) 10 foot (10') wide public snow storage easement is required along the street frontage of the lot along Sampson Avenue.
6. The applicant shall dedicate the portion of Lots 51 and 52 that include Sampson Avenue to the City.

7. Encroachments across property lines must be addressed prior to plat recordation and shall either be removed or addressed through an encroachment agreement.
8. The applicant can either remove the existing parking pad from the public right-of-way, or enter into an encroachment agreement with the City. New on-site parking shall be provided out of the Sampson Avenue right-of-way.
9. The surveyor must establish physical corners on this site prior to plat recordation with Summit County. This must include all ownership of Lots 51 and 52 that contain Sampson Avenue.
10. Final location of the edge of Sampson Avenue will be dedicated based on Emergency Access needs, as approved by the City Engineer.

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

PASSED AND ADOPTED this 6<sup>th</sup> day of March, 2014.

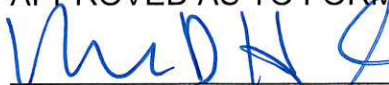
PARK CITY MUNICIPAL CORPORATION

  
\_\_\_\_\_  
Jack Thomas, MAYOR

ATTEST:

  
\_\_\_\_\_  
Marci S. Heil, City Recorder

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Mark Harrington, City Attorney



SURVEYOR'S CERTIFICATE



I, John Demetrios, certified land 1 em a Registered Land Surveyor and hold 1 hold Certificate No. 12499, State of Utah. I am duly sworn and this map of the 115 Sampson Avenue Subdivision and that the same has been prepared and is based on the information shown on the plat. I further certify that the information on this plat is accurate.

BOUNDARY DESCRIPTION

ALL OF LOT 6 AND PART OF LOTS 5, 7, 8, 51, 52, 53, 54 AND 55, ALL IN BLOCK 78 OF THE MILSIE RESERVATION TO PARK CITY, SUMMIT COUNTY, UTAH, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at a point which is distant North 88°12'32" West 312.02 feet from the corner of the intersection of the north and west lines of Lot 5, Block 78, to a point on the westerly line of said Lot 5; thence South 23°02'07" East along said Lot 5 to the northeast corner of said Lot 6; thence South 77°28'37" East 48.61 feet; thence South 80°02'07" East 114.00 feet; thence North 23°02'07" West 48.61 feet to a point on the westerly line of said Lot 6; thence South 77°28'37" East 48.61 feet to the northeast corner of said Lot 6; thence South 88°12'32" West 312.02 feet to the northwest corner of said Lot 6; thence South 88°12'32" West 312.02 feet to the point of beginning.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that Steve Patena, LLC, a Utah Limited Liability Company, the undersigned owner of the herein described tract of land, do hereby dedicate and consent to record this plat to be prepared and does hereby consent to its recordation as this plat.

In witness whereof, the undersigned will her hand this \_\_\_ day of \_\_\_\_\_, 2013.

Member

ACKNOWLEDGMENT

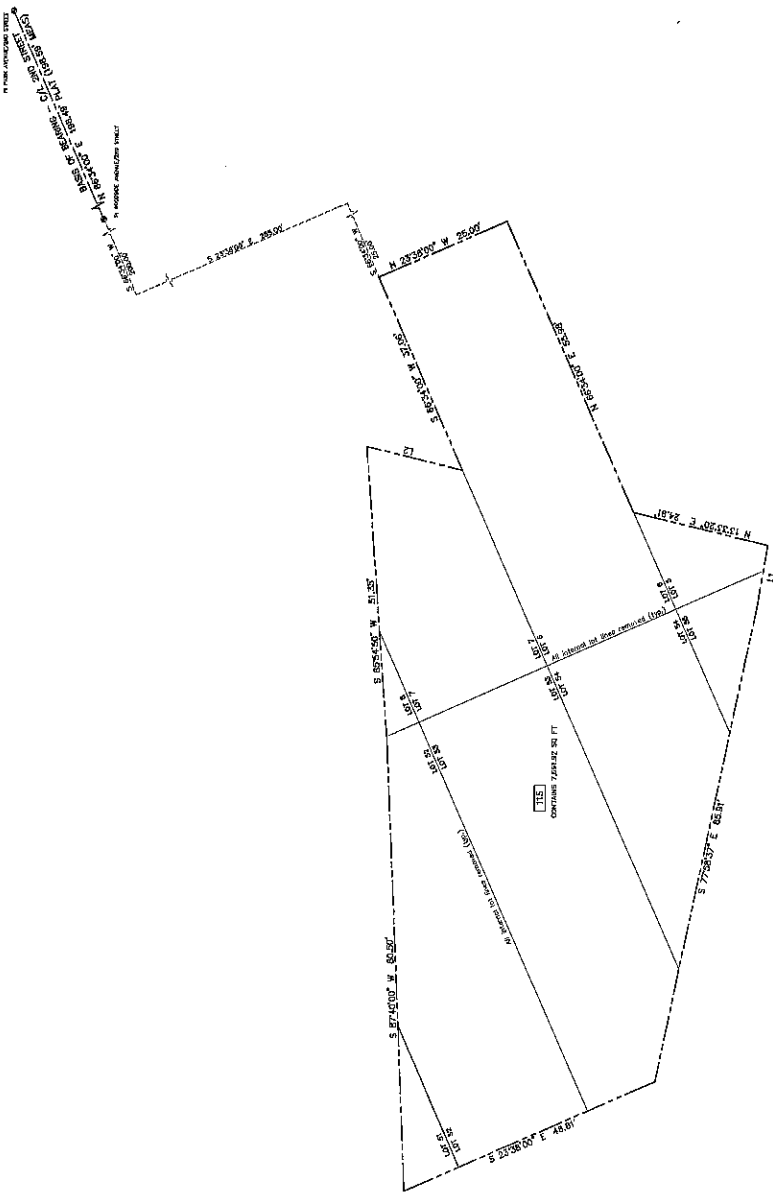
State of \_\_\_\_\_, County of \_\_\_\_\_, City of \_\_\_\_\_, Steve Patena, LLC, a Utah Limited Liability Company, being duly sworn, do hereby acknowledge to me that the foregoing is the true and correct statement of facts, and that she signed the above Owner's Dedication and Consent to Record freely and voluntarily.

A Notary Public commissioned in Utah

Printed Name \_\_\_\_\_

Residing in \_\_\_\_\_

My commission expires \_\_\_\_\_



A PARCEL COMBINATION PLAT  
A COMBINATION OF ALL OF LOT 6 AND PORTIONS OF LOTS 5, 7, 8, 51-55 OF BLOCK 78  
115 SAMPSON AVENUE SUBDIVISION

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

LEGEND

- Found survey monument.
- Property corners were set or found. See recorded survey # 2-2116.
- S&M SPT mark w/ date, ALLIANCE 002/03/08 124991
- Found above 6' top

<p>1453 446-4482 CONSULTING ENGINEERS LAND PLANNING SURVEYING 203 West Street, 2nd Floor, Park City, Utah 84301-2036</p>	<p>SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS DATE OF _____, 2013 A.D. BY _____ S.E.W.R.D.I.</p>	<p>PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS DATE OF _____, 2013 A.D. BY CHAIR _____</p>	<p>ENGINEER'S CERTIFICATE I END THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON THIS MAP AS SHOWN ON THIS DATE OF _____, 2013 A.D. BY _____ PARK CITY ENGINEER</p>	<p>APPROVAL AS TO FORM APPROVED AS TO FORM THIS DATE OF _____, 2013 A.D. BY _____ PARK CITY ATTORNEY</p>	<p>CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____, 2013 A.D. BY _____ PARK CITY RECORDER</p>	<p>COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____, 2013 A.D. BY _____ MAYOR</p>	<p>STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ BOOK _____ PAGE _____ ENTRY NO. _____ FEE _____ RECORDER _____</p>
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