

Ordinance No. 2017-12

AN ORDINANCE APPROVING A SECOND EXTENSION OF THE MARCH 3, 2016 APPROVAL OF THE 1043 & 1049 PARK AVENUE PLAT AMENDMENT LOCATED AT 1043 & 1049 PARK AVENUE, PARK CITY, UTAH.

WHEREAS, the owners of property located at 1043 & 1049 Park Avenue have petitioned the City Council for approval of an extension of the 1043 & 1049 Park Avenue Plat Amendment approval;

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

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

WHEREAS, the Planning Commission held a public hearing on February 10, 2016, to receive input on plat amendment located at the aforementioned address;

WHEREAS, the Planning Commission, on the aforementioned date, forwarded a recommendation to the City Council to approve the proposed condominium plat according to the Findings of Fact, Conclusions of Law and Conditions of approval as stated herein;

WHEREAS; the City Council, held a public hearing on March 3, 2016, and approved the 1043 & 1049 Park Avenue Plat Amendment;

WHEREAS; the City Council, held a public hearing on March 30, 2017 and approved an extension of the condominium plat approval to March 3, 2018;

WHEREAS, it is in the best interest of Park City, Utah to approve the extension of the 1043 & 1049 Park Avenue Plat Amendment approval to allow time to resolve issues of interest to the City that are also required to be complied with prior to plat recordation.

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 1043 & 1049 Park Avenue Plat Amendment as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The properties are located at 1043 and 1049 Park Avenue.
2. City Council approved the plat amendment on March 3, 2016, as Ordinance 16-12.
3. The properties are located in the Historic Residential (HR-1) District.
4. The subject property consists of all of the 1049 Park Avenue Subdivision, recorded in 2013, as well as 1043 Park Avenue, which contains the north half (1/2) of Lot 11, the south 20 feet of Lot 12, and the north half (1/2) of Lot 22, Block 4, Snyder's Addition to Park City.
5. The applicant is proposing to add the north five feet (5') of Lot 12 to Lot 13, changing the location of the lot line between 1049 and 1043 Park Avenue so that each historic house on its own lot. Additionally, this will remove the lot line which runs through the historic house at 1043 Park Avenue.
6. The house at 1043 Park Avenue is listed as "Significant" on Park City's Historic Sites Inventory; the house at 1049 Park Avenue is listed as "Landmark."
7. The proposed Plat Amendment creates two (2) lots of record from the existing one (1) lot, two (2)-half (1/2) lots, and one partial lot.
8. The Plat Amendment removes one (1) lot line going through the historic house at 1043 Park Avenue, and the interior lot line separating Lots 11 and 22.
9. The Plat Amendment also resolves the encroachment of the historic house at 1049 Park Avenue encroaching over the existing property line and into the 1043 Park Avenue property.
10. The proposed Plat Amendment combines the property into two (2) lots. 1043 Park Avenue (Lot 2) will contain 2,994.7 square feet and 1049 Park Avenue (Lot 1) will contain 2,630.4 square feet.
11. A single-family dwelling is an allowed use in the District.
12. The minimum lot area for a single-family dwelling is 1,875 square feet. The proposed lots meet the minimum lot area for single-family dwellings.
13. The minimum lot width required is twenty-five feet (25'). The proposed lots meet the minimum lot width requirement.
14. At 1043 Park Avenue, the maximum building footprint allowed based on proposed lot size of 2,994.7 square feet is 1,265.43 square feet.
15. At 1049 Park Avenue, the maximum building footprint allowed based on the proposed lot size of 2,630.4 square feet is 1,134.49 square feet.
16. The minimum front/rear yard setback for 1043 Park Avenue is fifteen feet (15') based on the lot depth. The minimum total front/rear yard setback is thirty feet (30').
17. The minimum front/rear yard setback for 1049 Park Avenue is twelve feet (12') based on the lot depth. The minimum total front/rear yard setbacks for both lots are twenty-five feet (25').
18. The minimum side yard setbacks for both lots are three feet (3') based on the lot width. 1043 Park Avenue currently has side yard setbacks of seven feet (7') on the north and 0 feet on the south. 1049 Park Avenue currently has a side yard setback of three feet (3') on the north and 0 feet on the south. Both historic houses encroach over their prospective south property lines.
19. Per LMC § 15-2.2-4 indicates that historic structures that do not comply with building setbacks are valid complying structures. 1043 and 1049 Park Avenue are valid complying structures.

20. At 1043 Park Avenue, the existing historic house encroaches approximately two feet (2') over the south property line and into the 1035 Park Avenue property. The hot tub and block patio also encroach two feet (2') over the west (rear) property line.
21. At 1049 Park Avenue, the existing historic house encroaches approximately 3 feet (3') over the south property line and into the 1043 Park Avenue property. There is a deck, constructed in 2015, that encroaches five feet (5') over the current property line.
22. 1043 and 1049 Park Avenue are located in a FEMA Flood Zone X.
23. On February 27, 2017, the applicant submitted a written request for an extension of the approval to allow additional time to address the required conditions of approval that have to be completed prior to plat recordation.
24. There have been no changes of circumstance of either the property, the Land Management Code, or the zoning map, since the date of approval, that create the need to make additional changes to the proposed plat prior to action on the extension request.
25. The Land Management Code allows for the City Council to approve extensions of plat approvals.

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 lot combinations.
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 will 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 extension of 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. A ten feet (10') wide public snow storage easement will be required along the Park Avenue and Woodside Avenue frontages of 1043 Park Avenue; the existing public snow storage easements along Park Avenue at 1049 Park Avenue shall remain.
4. At 1043 Park Avenue, the applicant shall address the encroachment of the historic house onto the 1035 Park Avenue site.
5. At 1043 Park Avenue, the applicant shall also remove or enter into an encroachment agreement for the encroaching hot tub and block patio prior to plat recordation.
6. 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.
7. At 1043 Park Avenue, vehicular access to the site shall be limited to Woodside Avenue.

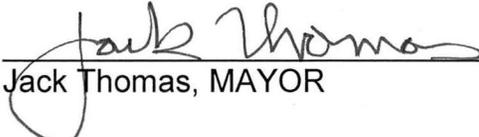
8. A portion of the new deck at 1049 Park Avenue shall be removed to the property line in order to resolve the encroachment. Decks, not more than thirty inches (30") in height above Final Grade are permitted in the setback, and this deck does not exceed thirty inches (30") in height.

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

PASSED AND ADOPTED this 30th day of March, 2017.

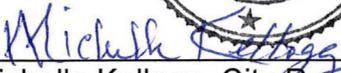
PARK CITY MUNICIPAL CORPORATION





Jack Thomas, MAYOR

ATTEST:



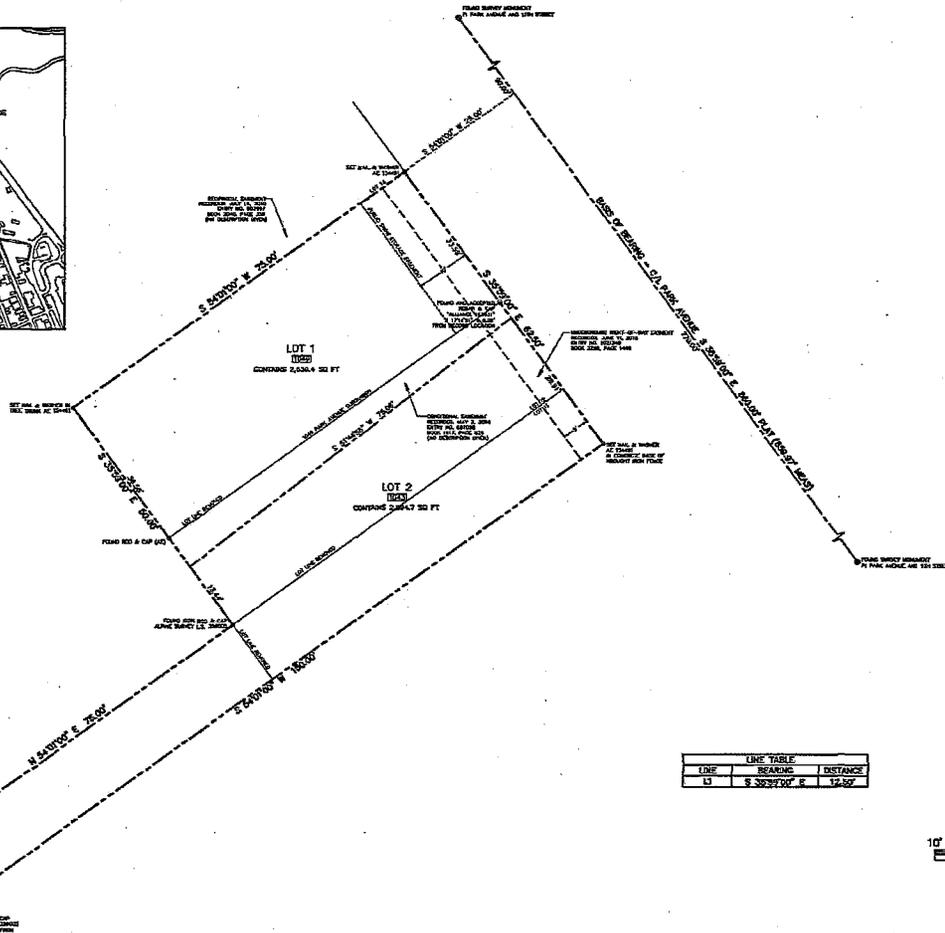
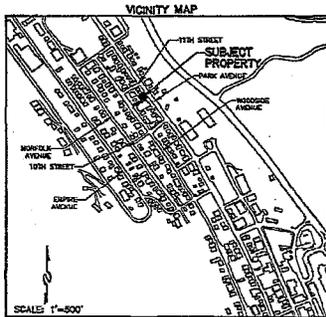
Michelle Kellogg, City Recorder

APPROVED AS TO FORM:



Mark Harrington, City Attorney

Attachment 1 – Proposed Plat



LINE	BEARING	DISTANCE
13	S 30°27'00" E	152.62'



A RE-SUBDIVISION OF PLATTED LOTS
IN BLOCK 4, SNYDER'S ADDITION TO PARK CITY SURVEY
1043 & 1049 PARK AVENUE PLAT AMENDMENT

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



SURVEYOR'S CERTIFICATE
I, Jeffrey Standard Place, a Registered Land Surveyor and that I hold Certificate No. 40327, as provided by the laws of the State of Utah, and that by authority of the aforesaid Board of Surveyors in Utah Public Accountant PLAT AMENDMENT has been prepared under my direction and that the same has been or will be transmitted as the aforesaid is shown on this plat. I further certify that the information on this plat is correct.

BOUNDARY DESCRIPTION
PARCEL 1:
The South 1/2 of Lot 11, the South 1/2 of Lot 12, and the North 1/2 of Lot 22, Block 4, SNYDER'S ADDITION TO PARK CITY, according to the official plat thereof on file and on record in the Summit County Surveyor's Office.
PARCEL 2:
All of Lot 1, 1049 Park Avenue Subdivision, according to the official plat thereof on file and on record in the Summit County Surveyor's Office.

OWNER'S DEDICATION AND CONSENT TO RECORD
KNOW ALL MEN BY THESE PRESENTS that 1043 PARK AVENUE HOLDINGS, LLC on its behalf, the undersigned owner of the herein described tract of land, to be known hereinafter as 1043 & 1049 PARK AVENUE PLAT AMENDMENT, does hereby certify that it has caused this Plat Amendment to be prepared, and does hereby consent to the recordation of this Plat.
In witness whereof, the undersigned set his hand this _____ day of _____, 2016.

Jeffrey Standard Place, Manager
1043 PARK AVENUE HOLDINGS, LLC

ACKNOWLEDGMENT
State of _____
County of _____
On this _____ day of _____, 2016, Jeffrey Standard Place, personally appeared before me, the undersigned Notary Public, to read the said title and contents, being said title and contents, Jeffrey Standard Place, acknowledged to me that he is the Defendant and Consent to Record truly and voluntarily.

A Notary Public commissioned in _____
Witness Name _____
Reading to _____
My commission expires: _____

OWNER'S DEDICATION AND CONSENT TO RECORD
KNOW ALL MEN BY THESE PRESENTS that Jeffrey Standard Place, as to Parcel 2, the undersigned owner of the herein described tract of land, to be known hereinafter as 1043 & 1049 PARK AVENUE PLAT AMENDMENT, does hereby certify that he has caused this Plat Amendment to be prepared, and does hereby consent to the recordation of this Plat.
In witness whereof, the undersigned set his hand this _____ day of _____, 2016.

Jeffrey Standard Place, an undersigned man

ACKNOWLEDGMENT
State of _____
County of _____
On this _____ day of _____, 2016, Jeffrey Standard Place, personally appeared before me, the undersigned Notary Public, to read the said title and contents, being said title and contents, Jeffrey Standard Place, acknowledged to me that he is the owner of the herein described tract of land, and that he signed the above Owner's Dedication and Consent to Record truly and voluntarily.

A Notary Public commissioned in _____
Witness Name _____
Reading to _____
My commission expires: _____

NOTE
This subdivision is subject to the Conditions of Approval in Ordinance 16-_____.

LEGEND
[Symbol] Street address on Park Avenue

<p>(435) 643-3447 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 South Street, P.O. Box 2084, Park City, Utah 84302-2084</p>	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2016 BY _____ S.B.W.E.D.	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2016 BY _____ CHAIR	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2016 BY _____ PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2016 BY _____ PARK CITY ATTORNEY	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2016 BY _____ MAYOR	CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2016 BY _____ PARK CITY RECORDER	RECORDED STATE OF UTAH, COUNTY OF SUMMIT, and FILED AT THE REQUEST OF _____ DATE _____ TIME _____ ENTRY NO. _____ FEE _____ RECORDER
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