

Ordinance No. 2018-26

AN ORDINANCE APPROVING THE ANDERSON PLAT AMENDMENT
LOCATED AT 1203 PARK AVENUE, PARK CITY, UTAH.

WHEREAS, the owners of the property located at 1203 Park Avenue have petitioned the City Council for approval of the Plat Amendment; and

WHEREAS, on April 25, 2018, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on April 25, 2018, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on May 9, 2018, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on May 9, 2018, forwarded a positive recommendation to the City Council; and,

WHEREAS, on May 31, 2018, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Anderson Plat Amendment at 1203 Park Avenue.

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

SECTION 1. APPROVAL. The Anderson Plat Amendment at 1203 Park Avenue, 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 1203 Park Avenue.
2. The property is in the Historic Residential-Medium (HRM) District.
3. The subject property consists of all of Lot 1 and the south ½ of Lot 2, Block 6, Snyder's Addition to Park City. The proposed plat amendment creates one (1) lot of record.
4. Though constructed prior to 1938 and over fifty (50) years old, the site is not designated as historic on the Park City Historic Sites Inventory (HSI) as it does not meet the criteria for either Landmark or Significant. The house has been significantly altered by non-historic additions that have significantly altered the house's Essential Historical Form and diminished its historic integrity.

5. On December 14, 2014, the City notified the property owner at 1203 Park Avenue via certified mail that the area on his side of the fence was owned by the City and the City would give permission to use this property; however, the owner of 1203 Park Avenue did not have any "permanent right, title, or interest of any kind" vested in the area to the east of the fence as the "City may, at some future date, elect to remove the fence and not have City property on your side of the fence." The letter indicated that the owner waived any right to compensation for the loss of improvements made to the east side of the fence as this property did not belong to him.
6. In 2016, the applicant submitted a Historic District Design Review Pre-application to discuss development opportunities and renovation of the house. As a follow-up to the Design Review Team (DRT) meeting, staff informed the applicant via email on September 1, 2016, that the lot size did not meet the minimum requirements for a duplex and that additional research would be needed to show the duplex was constructed legally. The applicant has not provided any additional evidence to show the applicant was constructed legally, nor has staff uncovered any additional documentation verifying the legal construction of the duplex.
7. On March 24, 2017, the City received a Plat Amendment application for the Anderson Plat Amendment located at 1203 Park Avenue; the application was not complete as staff requested the applicant provide additional required information in order to move forward with processing the application.
8. During staff's review of the materials submitted, staff reaffirmed that the building is an illegal duplex. In the HRM Zoning District, Duplexes are an Allowed Use only when a minimum lot size of 3,750 square feet is provided; the applicant's lot size is 2,812.5 square feet. Staff continued to work with the owners' representative, architect Michael Stoker, through June 2017, emphasizing that staff could not move forward on this plat amendment unless the applicant either consented to a Condition of Approval to remove the illegal duplex use or the applicant prove the use had been approved.
9. On January 11, 2018, Code Enforcement received a formal complaint from a member of the public that had tried to rent the apartment, but had discovered that it was an illegal duplex. Code Enforcement Officer Shelley Hatch emailed the owner a copy of the Notice of Violation on January 30, 2018, and posted the property on the same day.
10. On February 20, 2018, the applicant submitted updated information for the plat amendment application. The application was complete on March 9, 2018.
11. No HDDR application has been submitted at this time. There has been no evidence or proof submitted in order for the Planning Director to make a determination that this was a legally constructed duplex; at this time, Building and Planning Department staff have moved forward with correcting the illegal duplex use.
12. The Plat Amendment removes one (1) lot line going through the existing structure.
13. The property currently contains 2,812.5 square feet. The property abuts Park Avenue on the east side of the house and 12th Street to the south.
14. The proposed Plat Amendment combines the property into one (1) lot measuring 2,812.5 square feet.

15. The existing house is an illegal duplex as it does not meet the lot size requirements for a duplex in the HRM zoning district and no evidence was presented with the application indicating that the duplex was allowed legally, nor has owner requested a determination that the use was a legal non-conforming use. The applicant has proposed to redevelop the house into a single-family dwelling; however, no Historic District Design Review (HDDR) application has been submitted at this time.
16. A Duplex is defined by the LMC as a Building containing two (2) Dwelling Units.
17. A Dwelling Unit is defined by the LMC as a Building or portion thereof designed for Use as the residence or sleeping place of one (1) or more Persons or families and includes a Kitchen, but does not include a Hotel, Motel, Lodge, Nursing Home, or Lockout Unit.
18. A single family dwelling is an allowed Use in the HRM zoning district and requires a minimum lot size of 1,875 square feet; the lot size complies with this requirement.
19. A duplex dwelling is an allowed Use in the HRM zoning district and requires a minimum lot size of 3,750 square feet; the lot size does not comply with this requirement.
20. The minimum lot width in the HRM zoning district is 37.5 feet; this lot complies with a lot width of 37.5 feet.
21. The required front yard setback is 10 feet; the existing front yard complies at 15 feet.
22. The required rear yard setback is 10 feet; the existing rear yard setback does not comply at 0 feet as the garage encroaches over the west property line.
23. The required side yard setbacks are 5 feet; the existing side yard setbacks do not comply as the house is 2 feet along the north property line and the garage has a 0 foot setback along the south property line.
24. There are several encroachments on this site that have been verified by the existing conditions survey. The existing garage and concrete pathways encroach into the 12th Street right-of-way. Along the west property line, a portion of the garage encroaches onto the neighboring City-owned property at 1255 Park Avenue (Park City Library).
25. In 1992, the City constructed the fence in order to prevent cars parked in the Library parking lot from shining lights into the houses to the east.
26. There is no maximum building footprint requirement in the HRM zoning district. The house has to meet the required setbacks.
27. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

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 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 12th Street frontages of the property and shall be shown on the plat.
4. The property owner shall remove the portions of the c.1974 garage that encroaches into the City-owned property at 1255 Park Avenue along the west elevation as well as the portion of the garage that encroaches onto the 12th Street right-of-way on the south elevation. This shall be completed prior to recordation of the plat amendment with the Summit County Recorder's Office.
5. The applicant shall enter into a written agreement with the City specifying that the second Kitchen will be removed no later than June 29, 2018, and the duplex unit will not be rented individually;
6. The illegal duplex use shall be removed prior to recording the plat with Summit County Recorder's Office.
7. A note shall be added to the plat stating that residential fire sprinklers will be required for all new construction per requirements of the Chief Building Official.

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

PASSED AND ADOPTED this 31st day of May, 2018.

PARK CITY MUNICIPAL CORPORATION


 Andy Beerman, MAYOR



ATTEST:


 City Recorder

APPROVED AS TO FORM:


 Mark Harrington, City Attorney

Attachment 1 – Proposed Plat

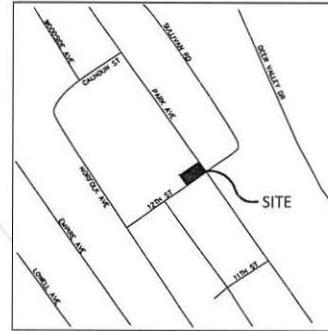


ANDERSON PLAT AMENDMENT

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

SURVEY MONUMENT IN INTERSECTION OF 14TH STREET AND PARK AVENUE

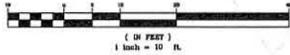
VICINITY MAP



SYMBOL LEGEND	
	STREET CENTER LINE
	LOT AND BLOCK LINES
	LOT LINE TO BE REMOVED
	STREET MONUMENT



GRAPHIC SCALE



SURVEYOR'S CERTIFICATE

IN ACCORDANCE WITH SECTION 10-9a-403 OF THE UTAH CODE, I, CHAD A. ANDERSON, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR HOLDING LICENSE NUMBER 7736336 IN ACCORDANCE WITH TITLE 58, CHAPTER 22, OF THE PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS LICENSING ACT.

I FURTHER CERTIFY THAT THIS PLAT AMENDMENT WAS PREPARED BY ME AND UNDER MY DIRECTION IN ACCORDANCE WITH THE REQUIREMENTS OF THE PARK CITY MUNICIPAL CORPORATION.

CHAD ANDERSON
PROFESSIONAL LAND SURVEYOR

DATE _____

7736336
CHAD A. ANDERSON
STATE OF UTAH
SURVEYOR'S SEAL

DEED DESCRIPTION

ALL OF LOT 1 AND THE SOUTH 1/2 OF LOT 2, BLOCK 4, SNYDERS ADDITION TO PARK CITY, ACCORDING TO THE OFFICIAL PLAT THEREOF, ON FILE AND OF RECORD IN THE SUMMIT COUNTY RECORDER'S OFFICE.

BOUNDARY DESCRIPTION

ALL OF LOT 1 AND THE SOUTH 1/2 OF LOT 2, BLOCK 4, SNYDERS ADDITION TO PARK CITY, ACCORDING TO THE OFFICIAL PLAT THEREOF, ON FILE AND OF RECORD IN THE SUMMIT COUNTY RECORDER'S OFFICE.

BASIS OF BEARING

THE BASIS OF BEARING IS NORTH 55°59'00" WEST BETWEEN THE SURVEY MONUMENT IN THE INTERSECTION OF PARK AVENUE AND 12TH STREET AND THE SURVEY MONUMENT IN THE INTERSECTION OF PARK AVENUE AND 14TH STREET.

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT (I/WE) THE UNDERSIGNED OWNER(S) OF THE TRACT(S) OF LAND SHOWN AND DESCRIBED ON THIS SUBDIVISION PLAT, HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, STREETS AND EASEMENTS TO BE HEREAFTER KNOWN AS THE MAYNES SUBDIVISION AMENDED, DO HEREBY DEDICATE FOR THE PERPETUAL USE OF THE PUBLIC ALL PARCELS OF LAND SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND THIS ____ DAY OF _____, 20__.

TEE OWNER (OR AGENT) _____ PRINTED NAME _____ DATE _____

TEE OWNER (OR AGENT) _____ PRINTED NAME _____ DATE _____

ACKNOWLEDGEMENT

STATE OF _____ S.A.

COUNTY OF _____

ON THIS ____ DAY OF _____, 20__, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID COUNTY OF _____, IN SAID STATE OF _____, THE SIGNER OF THE ABOVE OWNER'S DEDICATION, WHO AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT HE SIGNED THE OWNER'S DEDICATION FREELY AND VOLUNTARILY FOR AND IN BEHALF OF SAID CORPORATION FOR THE PURPOSES MENTIONED AND THAT SAID CORPORATION EXECUTED THE SAME.

MY COMMISSION EXPIRES: _____

SEAL _____ SIGNATURE - NOTARY PUBLIC _____ RESIDING IN _____ COUNTY, _____

ELEMENT LAND SURVEYING 2296 SOUTH 270 EAST, HEBER CITY UT 84032 801-592-5975 & 801-657-8748



SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS

ON THIS ____ DAY OF _____, 2017.

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

PLANNING COMMISSION

APPROVED BY THE PARK CITY PLANNING COMMISSION

ON THIS ____ DAY OF _____, 2017.

CHAIRMAN _____

ENGINEER'S CERTIFICATE

I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE.

ON THIS ____ DAY OF _____, 2017.

PARK CITY ENGINEER _____

APPROVAL AS TO FORM

APPROVED AS TO FORM.

ON THIS ____ DAY OF _____, 2017.

PARK CITY ATTORNEY _____

CERTIFICATE OF ATTEST

I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL.

ON THIS ____ DAY OF _____, 2017.

PARK CITY RECORDER _____

COUNCIL APPROVAL AND ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL.

ON THIS ____ DAY OF _____, 2017.

CLERK _____

RECORDER

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____

DATE _____ TIME _____ BOOK _____ PAGE _____

FEE _____

SIGNATURE - SUMMIT COUNTY RECORDER _____

