

Ordinance No. 2019-44

**AN ORDINANCE APPROVING AN EXTENSION OF THE JULY 12, 2018
APPROVAL OF THE 1304 PARK AVENUE PLAT AMENDMENT LOCATED AT
1304 PARK AVENUE, PARK CITY, UTAH.**

WHEREAS, the owner of property located at 1304 Park Avenue have petitioned the City Council for approval of an Extension of the 1304 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 June 13, 2018, to receive input on Plat Amendment located at the aforementioned address;

WHEREAS, the Planning Commission, on the aforementioned date, forwarded a positive recommendation to the City Council to approve the proposed 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 July 12, 2018, and approved the 1304 Park Avenue Plat Amendment;

WHEREAS; the City Council, held a public hearing on August 15, 2019 and approved an Extension of the Plat approval to July 12, 2020;

WHEREAS, it is in the best interest of Park City, Utah to approve the Extension of the 1304 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 1304 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 property is located at 1304 Park Avenue.
2. The property consists of a metes and bounds parcel of Snyder's Addition to Park City.
3. The property is in the Historic Residential – Medium Density (HRM) District.

4. This site is listed on Park City's Historic Sites Inventory (HSI) and is designated as Landmark.
5. The Plat Amendment removes one (1) block line that runs through the existing house.
6. The proposed Plat Amendment converts the metes and bounds parcel into one (1) Lot of record, which will include 4,125 square feet.
7. The minimum Lot Area for a single-family dwelling is 1,875 square feet in the HRM zone. The proposed Lot meets the minimum Lot Area for single-family dwellings.
8. A single-family dwelling is an allowed Use in the District.
9. The minimum width of a Lot is thirty seven and a half feet (37.50') measured fifteen feet (15') back from the Front Lot Line. The proposed Lot meets the minimum Lot width requirement with width at fifty five feet (55').
10. LMC § 15-2.4-6 indicates that Historic structures that do not comply with building setbacks are valid Non-Complying Structures.
11. The Applicant proposes to maintain and renovate the Historic house at 1304 Park Avenue.
12. The minimum Front/Rear Yard Setbacks are 10 feet (10'); the minimum total Front plus Rear Yard Setbacks are twenty feet (20'). The Historic house is encroaching over the Front Property Line approximately one foot (1'), and is valid Non-Complying. There is an existing non-historic shed which has one foot (1') Rear Setback.
13. The minimum Side Yard Setbacks for the Site are five feet (5'). The house is setback fourteen and a half feet (14.5') from the south Side Yard and four feet (4') from the north Side Yard, which is valid Non-Complying.
14. There are several existing encroachments on site. The existing Historic home, constructed in 1885, encroaches approximately one foot (1') over the Front Property Line. There is an existing fence that runs along both Sides and the Rear Property Lines, which crosses over the Property Line into the Cottages on the Park property. There is a concrete retaining wall that encroaches seven feet (7') into the City Right-of-Way in front of the 1304 Park Avenue Property Line (southwest corner, adjacent to the gravel driveway) and onto the Coalition Lodge Condominium property at 1300 Park Avenue.
15. The application was complete on April 28, 2017.
16. All Findings within the Analysis section and the recitals above are incorporated herein as Findings of Fact.
17. City Council approved the 1304 Park Avenue Plat Amendment as Ordinance 2018-40 on July 12, 2018.
18. On July 2, 2019, the applicant submitted a written request for an Extension of the Plat approval to allow additional time to address the required Conditions of Approval that have to be completed prior to Plat recordation.
19. 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.
20. The Land Management Code allows for the City Council to approve Extensions of Plat approvals.

21. 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 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 (1) year from the date of City Council approval for Extension (July 12, 2020). If recordation has not occurred within one (1) year's time, this approval for the Plat will be void, unless a complete Request for Extension is made in writing prior to the expiration date and an Extension is granted by the City Council.
3. Ten foot (10') public snow storage easement shall be granted along the Park Avenue Right-of-Way.
4. The fence encroaches at multiple points over the Property Line into the neighboring Cottages on the Park Subdivision. The applicant shall either remove the existing fence or enter into an encroachment agreement with the neighbor if the fence is to remain in its existing location. To be completed prior to recordation of this Plat Amendment.
5. The existing concrete retaining wall encroaches approximately seven feet (7') into the Right-of-Way. The applicant shall remove the encroachment of the existing retaining wall prior to recordation of this Plat Amendment.
6. The existing main building and front porch encroach approximately one foot (1') into the Right-of-Way. The applicant will work with the City Engineer to enter into an encroachment agreement for this structure, given the Historic designation.
7. Residential fire sprinklers will be required for all new construction per the requirements of the Chief Building Official.

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

PASSED AND ADOPTED this 15th day of August, 2019.

PARK CITY MUNICIPAL CORPORATION



Andy Beerman, MAYOR

ATTEST:

Michelle Kellogg
Michelle Kellogg, City Recorder



APPROVED AS TO FORM:

Margaret Plane
Margaret Plane, Special Counsel

