

Ordinance No. 2020-29

**AN ORDINANCE APPROVING THE 1064 PARK AVENUE CONDOMINIUM PLAT,
LOCATED AT 1064 PARK AVENUE, PARK CITY, UTAH.**

WHEREAS, the property owner of the property located at 1064 Park Avenue have petitioned the City Council for approval of the Condominium Plat; and

WHEREAS, on April 8, 2020, proper legal notice was published according to requirements of the Land Management Code; and

WHEREAS, on April 8, 2020, the site was properly noticed and posted according to the requirements of the Land Management Code; and courtesy letters were sent to surrounding property owners; and

WHEREAS, the Planning Commission held a public hearing on April 22, 2020, to receive input on the proposed Condominium Plat; and

WHEREAS, the Planning Commission on April 22, 2020, forwarded a positive recommendation to the City Council with a recommendation for additional Conditions of Approval; and

WHEREAS on June 18, 2020, the City Council held a public hearing to receive input on the Condominium Plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 1064 Park Avenue Condominium Plat, located at 1064 Park Avenue.

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

SECTION 1. APPROVAL. The 1064 Park Avenue Condominium Plat 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. All findings within the Analysis section and the recitals of the Staff Report are incorporated herein as findings of fact.

Background:

2. The subject property is located at 1064 Park Avenue.
3. A duplex is currently under construction on this site.
4. On May 1, 2007, the Planning Department received a Determination of Significance (DOS) application, requesting to deem the Structure historically insignificant.

5. On July 16, 2007, the Historic Preservation Board reviewed the DOS application and found the Site historically insignificant.
6. On October 11, 2007, the City received a Demolition Permit to demolish the Structure at this Site. The Structure was demolished and has remained vacant.
7. On June 7, 2018, the Sunshine Ski Home Plat Amendment was approved by City Council (Entry No. 1101664).
8. On May 31, 2018, the Planning Department received a complete Historic District Design Review (HDDR) Application to construct a duplex on this Lot.
9. On November 13, 2018, Planning Staff approved the HDDR and on December 17, 2018, a building permit was issued.
10. On March 24, 2020 the Applicant submitted a Plat Amendment application.
11. On March 24, 2020, Staff notified the Applicant that the application was complete.
12. The Applicant proposes to create a two (2) unit condominium from the duplex.
13. The Development Review Committee reviewed the proposed Application and no further issues were brought up at that time.
14. On April 22, 2020, the subject Plat Amendment was reviewed by the Planning Commission.
 - a. The Planning Commission was concerned about parking, specifically for Unit B. Staff explained that Parking requirements were being met for the current Use of the Building as a Duplex.
 - b. The Commission discussed potentially conditioning the Condominium Conversion to not allow the Accessory Structure to be turned into an additional livable Dwelling Unit. Staff explained that adding an additional Dwelling Unit to a Condominium would require additional parking. The Commission debated the possibility of not allowing Nightly Rentals in the Accessory Structure.
 - c. The Commission also discussed the concern about parking on 11th Street and potentially blocking the access to a trail nearby. The City Attorney explained that the trail access was not physically on the subject property and therefore could not be conditioned. Staff also added that parking on 11th Street would be a Code Enforcement issue, and not something that could be conditioned on a Plat.
 - d. The Commission returned to the issue of residential Uses in the Accessory Structure and suggested adding a Condition that the additional space above the garage could not be used for residential habitation. The Planning Director was not supportive of this Condition without a Finding of Fact that explains why it would not comply either with the Condominium Act or the Condominium Conversion, because there are Uses that are allowed in the Zone. The Planning Director suggested a condition that would limit additional Uses on the Lot by requiring parking to be met.
15. Ultimately, the Planning Commission unanimously forwarded a positive recommendation to City Council with the understanding that Staff would include an additional Condition of Approval to alleviate parking concerns.

Zoning District:

16. The site is within the Historic Residential Medium Density (HRM) District and complies with Land Management Code (LMC) [Chapter 15-2.4](#).
17. The proposal meets the standards in LMC [§ 15-2.4-2](#) as a Duplex is an Allowed Use.
18. The Accessory Building currently holds a Wine Room, a Bathroom, a Yoga Room, a Kitchenette, and a Garage. It does not currently have a Bedroom, is not considered a separate Dwelling Unit, and cannot be used as a Nightly Rental.
19. While the current Floor Plan of the Accessory Building would prevent any Nightly Rentals in the Accessory Building, the main Dwelling Unit (Unit B) could be used as a Nightly Rental, as could Unit A.
20. The maximum Building Height in this zone is twenty-seven feet from Existing Grade. The Planning Director determined that the Existing Grade had been significantly altered and determined the estimated Natural Grade for the Site. The Duplex is not more than twenty-seven feet from the Natural Grade.

Lot and Site Requirements:

21. The Lot consists of 6,855 square feet and meets minimum Lot Size of 3,750 sf for a Duplex Dwelling.
22. The Lot measures fifty feet (50') wide and meets the minimum Lot Width of 37.5' in HRM.
23. The proposed Lot Size is compatible with existing lots in the neighborhood and in the overall Historic District.
24. The minimum required Front Setback is fifteen feet (15') and the existing duplex is located fifteen feet (15') from the Front Lot Line.
25. The minimum required Rear Setback is ten feet (10') for the Main Structure and one foot (1') for the Accessory Structure. The Main Structure of the Duplex is located approximately twenty-eight feet and eight inches (28'8") from the Rear Lot Line and the Accessory Structure is located one foot (1') from the Rear Lot Line.
26. The minimum Side Setback is five feet (5') with a minimum ten feet (10') required on Street facing sides. The existing duplex is located ten feet (10') from the Side Lot Line that abuts 11th Street and five feet (5') from the interior Side Lot Line.

Other Applicable LMC Requirements:

27. The proposal complies with LMC [§ 15-3-3](#), as a Duplex requires two (2) parking spaces per Dwelling Unit (four total) and the Applicant has proposed a total of four (4) parking spaces.
28. While the Use is not currently proposed to change, if the Accessory Building were converted to a Secondary Living Quarter or an Accessory Apartment, it would require additional parking be provided on Site.
29. The proposal complies with LMC [§ 15-5-2](#), as the Structure has undergone design review by the Planning Department for compliance with the Design Guidelines and LMC [§ 15-11-12](#).
30. The proposal complies with LMC [§ 15-5-5](#) as it is an Existing Structure that has gone through a Historic District Design Review (HDDR). Any future exterior changes would need to go through a new HDDR and Architectural Review.

Public Notice Requirements:

31. Staff published notice on the City's website and the Utah Public Notice website on May 27, 2020.
32. Staff mailed courtesy notice to property owners within 300 feet on May 26, 2020.

Conclusions of Law:

1. The proposal complies with LMC [§ 15-4-12](#), *Condominium Conversion*, as the Planning, Engineering, and Building, and Legal Departments have reviewed the proposal and the Council is currently reviewing the Condominium Plat for approval.
2. The proposal complies with LMC [§ 15-7.1-6](#), *Final Subdivision Plat*, as the Planning Commission has reviewed the proposal, and City Council is currently reviewing the proposal for approval.
3. The proposal complies with LMC [§ 15-12-15](#), *Review By Planning Commission*, The Planning Commission has reviewed the proposal and found substantial compliance with the provisions of the state statute on recording of plats and all previously imposed conditions of approved have been satisfied.

Conditions of Approval:

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat and CC&Rs for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat. The CC&Rs shall include a methodology for tie break.
2. The applicant shall 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. The plat shall note that fire sprinklers are required for all new or renovation construction on this lot, to be approved by the Chief Building Official.
4. The current Use of a Duplex meets Parking requirements per LMC [§ 15-3-3](#) of two (2) Parking Spaces per Dwelling Unit, for a total of four (4) Parking Spaces on Site. Any future additional Uses shall meet parking requirements on Site.
5. The ten foot (10') public snow storage easement on both street fronts shall be maintained and noted on the Plat.
6. A note shall be added stating that the Site is subject to all Plat Notes from the underlying Plat – Sunshine Ski Home (Entry No. 11101664), Ordinance 2018-29.
7. A note shall be added describing the current Federal Emergency Management Agency (FEMA) Flood Zone information.
8. The Applicant has agreed to add a Plat Note that prohibits Nightly Rentals in the Accessory Structure.

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

PASSED AND ADOPTED this 18th day of June, 2020.

PARK CITY MUNICIPAL CORPORATION

DocuSigned by:

0340104CDC42481

Andy Beerman, MAYOR

ATTEST:

DocuSigned by:

5459318E53F43


Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

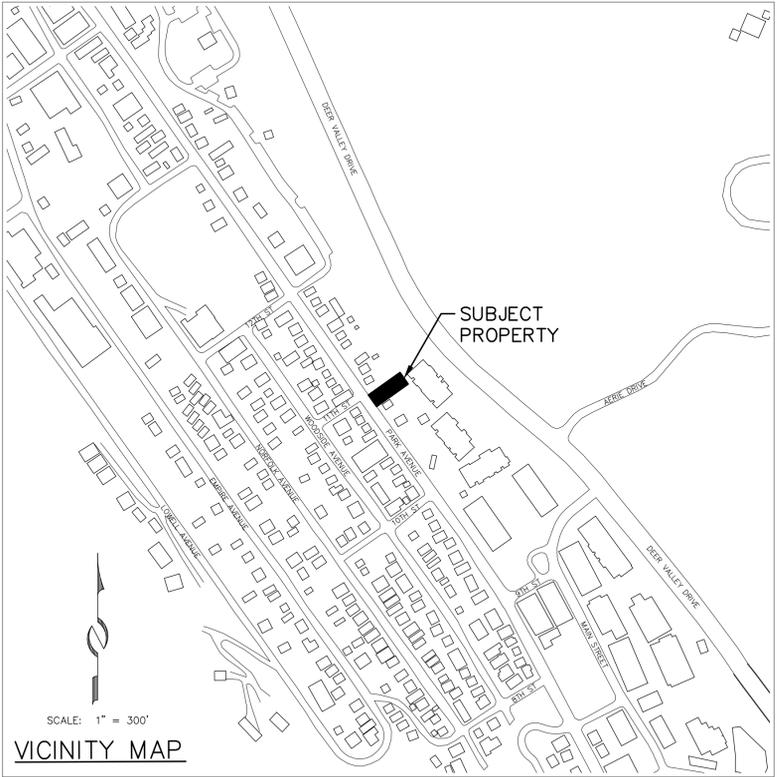
DocuSigned by:

41520E9F3101489

City Attorney's Office

Exhibits

Attachment 1 – 1064 Park Avenue Condominium Plat (Proposed)



SURVEYOR'S CERTIFICATE

I, Charles Galati, certify that I am a Professional Land Surveyor and that I hold License No. 7248891, as prescribed by the laws of the State of Utah and that I have caused to be made under my direction and by the authority of the owner, 1064 PARK AVENUE CONDOMINIUMS, a Utah Condominium Project in accordance with the provisions of the Utah Condominium Act. I further certify that the information shown hereon is correct.

BOUNDARY DESCRIPTION

Lot A, SUNSHINE SKI HOME PLAT AMENDMENT, according to the official plat thereof on file and of record in the office of the Summit County Recorder.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL BY THESE PRESENTS that SKIHOME, LCC, a Texas limited liability company, the undersigned owner of the above described land, to be known hereafter as 1064 PARK AVENUE CONDOMINIUMS, does hereby certify that it has caused this plat to be prepared, and does hereby consent to its recordation.
 ALSO, the owner or its representative hereby dedicates for the perpetual use of the public as intended for public use all the easements shown on this plat in accordance with an irrevocable offer of dedication.

In witness whereof, the undersigned set his hand this _____ day of _____, 2020.

By: Kevin Burns, Manager
 SKIHOME, LLC, a Texas limited liability company

ACKNOWLEDGMENT

State of _____
 County of _____

On this _____ day of _____, 2020, Kevin Burns personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, did say that he is the Manager of SKIHOME, LLC, a Texas limited liability company, and that said document was signed by him on behalf of said corporation by authority of its Bylaws, or Resolution of its Board of Directors, and he acknowledged to me that he executed 1064 PARK AVENUE CONDOMINIUMS.

A Notary Public commissioned in _____
 Printed Name _____
 Residing in: _____
 My commission expires: _____

NOTES

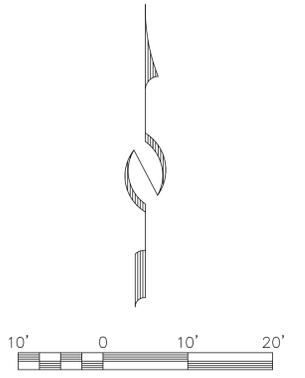
- This plat is subject to the Conditions of Approval in Ordinance 2020-_____.
- Record bearings and distances, when different from measured, are shown in parenthesis ().
- Refer to Records of Survey S-9326 and S-9470.

OWNERSHIP LEGEND



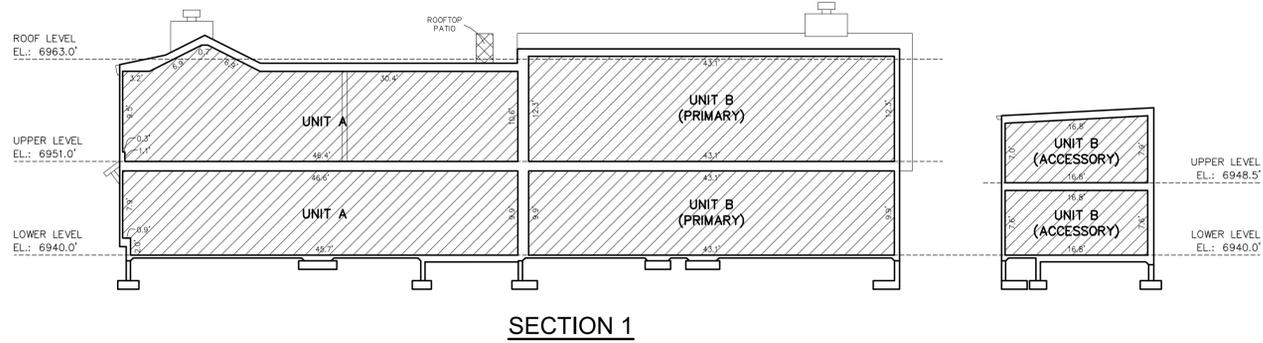
1064 PARK AVENUE CONDOMINIUMS

A UTAH CONDOMINIUM PROJECT
 LOCATED IN BLOCK 55, SNYDER'S ADDITION TO PARK CITY
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
 PARK CITY, SUMMIT COUNTY, UTAH

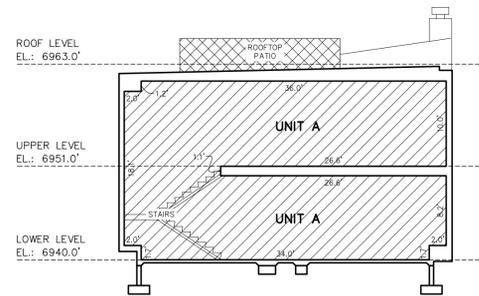


(435) 649-9467
Alliance Engineering Inc.
 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

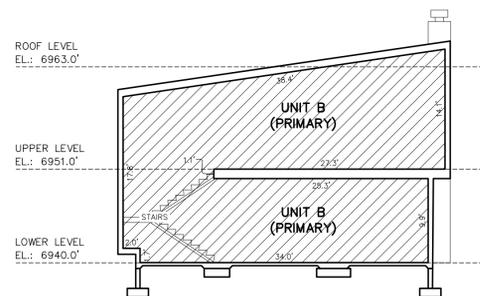
PUBLIC SAFETY ANSWERING POINT APPROVAL APPROVED THIS _____ DAY OF _____, 2020 BY _____ SUMMIT COUNTY GIS COORDINATOR		SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2020 BY _____ SNYDERVILLE BASIN WATER RECLAMATION DISTRICT		PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2020 BY _____ CHAIR		ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2020 BY _____ PARK CITY ENGINEER		APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2020 BY _____ PARK CITY ATTORNEY		COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2020 BY _____ MAYOR		CERTIFICATE OF ATTEST I CERTIFY THIS CONDOMINIUM PLAT WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2019 BY _____ PARK CITY RECORDER		RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ FEE _____ RECORDER _____ TIME _____ DATE _____ ENTRY NO. _____	
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SECTION 1



SECTION 2



SECTION 3

LOWER LEVEL
SQUARE FOOTAGE TABLE

UNIT NUMBER	SQUARE FOOTAGE
UNIT A	1,481 SF
UNIT B (PRIMARY)	1,477 SF
UNIT B (ACCESSORY)	457 SF

UPPER LEVEL
SQUARE FOOTAGE TABLE

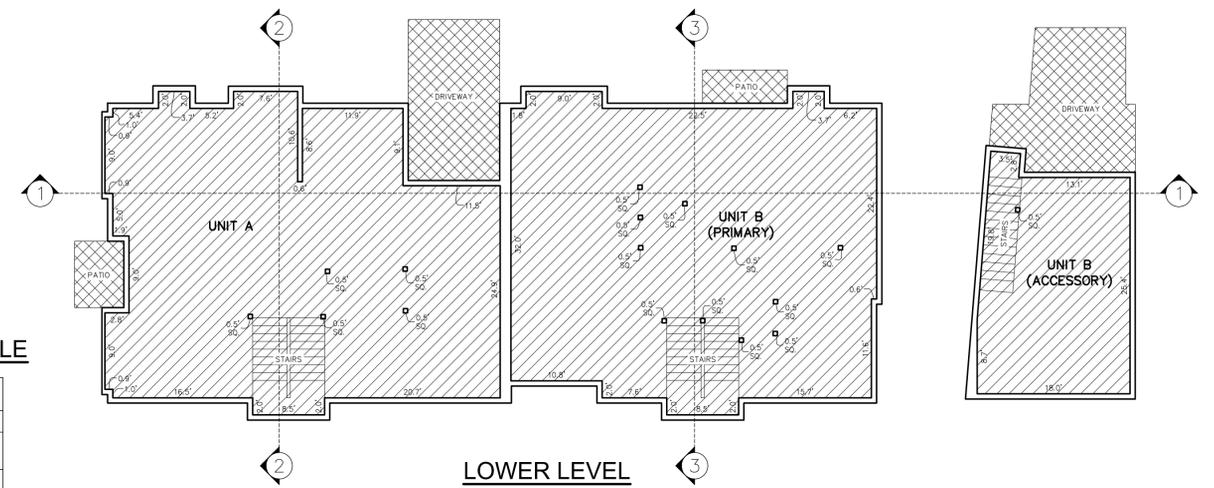
UNIT NUMBER	SQUARE FOOTAGE
UNIT A	1,382 SF
UNIT B (PRIMARY)	1,401 SF
UNIT B (ACCESSORY)	525 SF

TOTAL UNIT
SQUARE FOOTAGE TABLE

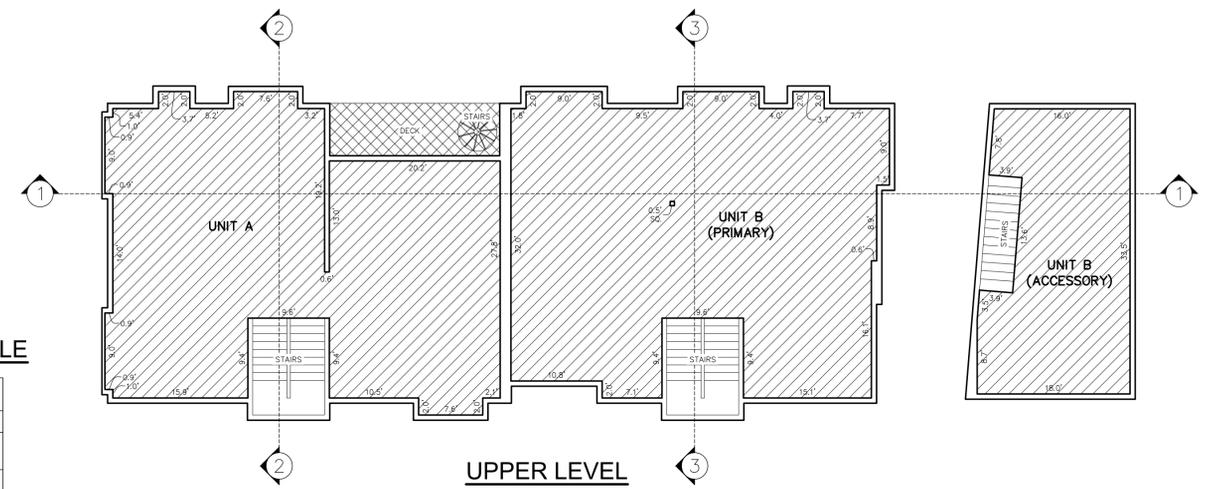
UNIT NUMBER	SQUARE FOOTAGE
UNIT A	2,863 SF
UNIT B	3,860 SF

OWNERSHIP LEGEND

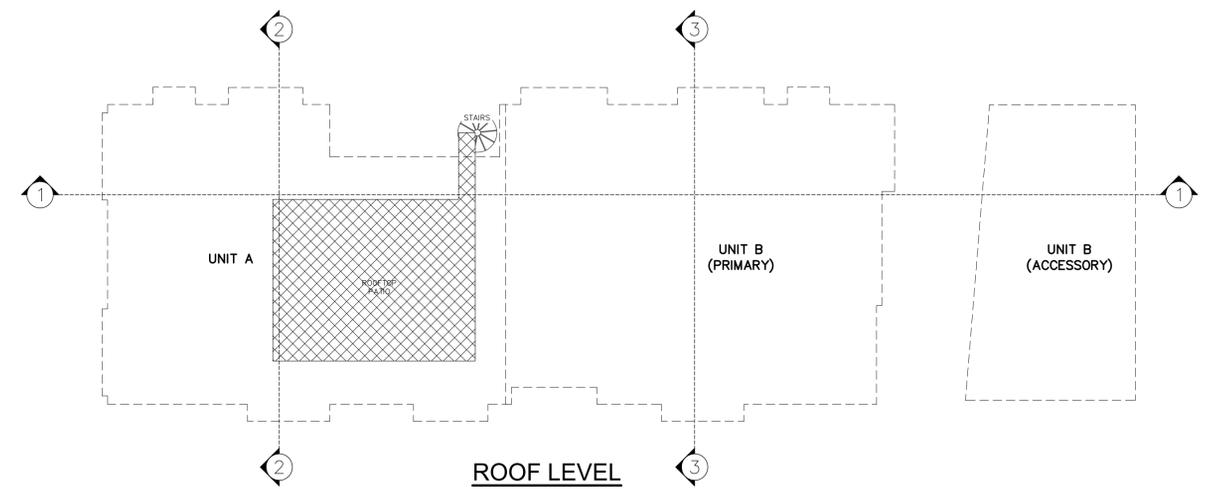
-  COMMON
-  LIMITED COMMON
-  PRIVATE OWNERSHIP



LOWER LEVEL



UPPER LEVEL



ROOF LEVEL

1064 PARK AVENUE CONDOMINIUMS

A UTAH CONDOMINIUM PROJECT
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 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
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