

**Ordinance No. 2023-07**

**AN ORDINANCE APPROVING THE VACATION OF A PORTION OF THE PLATTED  
13<sup>TH</sup> STREET RIGHT-OF-WAY AND THE 1301 PARK AVENUE SUBDIVISION,  
LOCATED AT 1301 PARK AVENUE, PARK CITY, UTAH**

WHEREAS, the owner of the property located at 1301 Park Avenue petitioned the City Council for approval of the 1301 Park Avenue Subdivision; and

WHEREAS, the owner of the property located at 1301 Park Avenue petitioned the City Council for a vacation of 355 square feet of the platted 13<sup>th</sup> Avenue; and

WHEREAS, on December 24, 2022, notice was published in the *Park Record* and on the City, and Utah Public Notice websites; and

WHEREAS, on December 28, 2022, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on December 28, 2022, courtesy notice was mailed to property owners within 300 feet of 1301 Park Avenue; and

WHEREAS, the requirements of State Code 10-9a-609.5 Vacating a Street, Right-of-Way, or Easement were followed; and

WHEREAS, the guidelines provided in Resolution 08-98 were followed in analyzing the request for vacation; and

WHEREAS, on December 14, 2022, the Planning Commission held a Work Session and requested additional information from the City Engineer; and

WHEREAS, on January 11, 2023, the Planning Commission reviewed the proposal and held a public hearing; and

WHEREAS, on January 11, 2023, the Planning Commission forwarded a positive recommendation for City Council's consideration on February 16, 2023; and

WHEREAS, on February 16, 2023, the City Council reviewed the proposal and held a public hearing; and

WHEREAS, the Subdivision is consistent with the Park City Land Management Code, including § 15-7.1-3(B), § 15-12-15(B)(9), and Chapters 15-2.4 and 15-7.

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

**SECTION 1. APPROVAL.** The 1301 Park 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 1301 Park Avenue.
2. Lot 2 will be known as 190 13<sup>th</sup> Street.
3. The property is listed with Summit County as Parcel number SA-274.
4. The existing Historic Structure at 1301 Park Avenue is listed as “Landmark” on the Park City Historic Sites Inventory.
5. On March 14, 2022, the Applicant petitioned Park City to vacate a portion of the 13<sup>th</sup> Street Right-of-Way.
6. On March 16, 2022, staff determined the application was complete.
7. The proposed Subdivision memorializes the petition to vacate a 355 square foot portion of the 13<sup>th</sup> Street Right-of-Way and the dedication of 266 square feet public access easement for the existing sidewalk and bike lane along Park Avenue.
8. No easement is vacated or amended as a result of the Subdivision.
9. The property is in the Historic Residential – Medium Density (HRM) Zoning District.
10. LMC § 15-2.4-3 regulates HRM Lot and Site Requirements.
11. The Subdivision creates two Lots: Lot 1 contains a non-Historic A-Frame Single-Family Dwelling; Lot 2 contains a Historic Landmark Structure currently designated as a Duplex.
12. A Single-Family Dwelling is an allowed Use in the HRM Zoning District and requires a Minimum Lot Size of 1,875 square feet. Lot 1 contains 2,539 square feet.
13. A Duplex is an allowed Use in the HRM Zoning District and requires a Minimum Lot Size of 3,750 square feet. Lot 2 contains 3,533 square feet.
14. The Applicant petitions the City to vacate 355 square feet of the 13<sup>th</sup> Street Right-of-Way. The Lot Area of Lot 1 will increase to 2,695 square feet and the Lot Area of Lot 2 will increase to 3,750 square feet.
15. Lot 1 and Lot 2 comply with the Minimum Lot Width.
16. The required Front Setback for Lot 1 and Lot 2 is 15 feet. Lot 1 is legal non-complying with a 12-foot setback. Lot 2 is exempt as a Historic Landmark Structure and contains two Front Setbacks, eight feet and ten feet.
17. The required Rear Setback is ten feet. Lot 1 and Lot 2 comply with this requirement.
18. The required Side Setback is five feet. Lot 1 is legal non-complying with Side Setbacks of 4.7 feet and 11 feet. Lot 2 is exempt as a Historic Landmark Structure with a Side Setback of 2.7 feet.
19. The analysis section of the staff report is included herein.

### **Conclusions of Law**

1. The Plat Amendment is consistent with the Park City Land Management Code, including LMC Chapter 15-2.4 Historic Residential-Medium Density (HRM) Zoning District and LMC § 15-7.1-6 Final Subdivision Plat.
2. Neither the public nor any person will be materially injured by the proposed Subdivision.
3. Approval of the Subdivision, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

4. The Vacation of Right-of-Way is consistent with Resolution 8-98, Resolution Adopting a Policy Statement Regarding the Vacation of Public Right-of-Ways within Park City, Utah, and Utah State Code 10-9a-609, Petition to vacate a public street.

### **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 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) year's 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 Lot 1 and Lot 2, to be approved by the Chief Building Official.
4. The final plat shall show the approved vacation of Right-of-Way.
5. Any addition or new construction on Lot 1 requires the property owner to provide two off-street parking spaces pursuant to LMC § 15-3-6(A) and shall adhere to the Parking Area and Driveway standards in LMC § 15-13-8(B)(1)(h) and LMC Chapter 15-3.
6. Any additions or new construction on either Lot must comply with Building Setbacks, Building Footprint, driveway location standards, and Building Height.
7. A non-exclusive ten-foot (10') public snow storage easement on 13<sup>th</sup> Street and Park Avenue shall be dedicated on the plat.
8. The Applicant shall obtain HDDR approval prior to construction on either Lot.
9. A separate sewer connection from the A-Frame Structure to the main sewer lateral is required by Snyderville Basin Water Reclamation District.
10. High water tables are an issue in this area and the City Engineering Department requires further study to identify permissible depth if basement additions are proposed.
11. The Applicant shall include an irrevocable offer of dedication for an access easement in a form approved by the City Attorney on the final plat granting a public access easement adjacent to the 13<sup>th</sup> Street Right-of-Way. The City may accept the dedication for an access easement if future improvements are made to the vacated portion of the 13<sup>th</sup> Street Right-of-Way.
12. City Engineer review and approval of all lot grading, utility installations, public improvements, and drainage plans for compliance with City standards is a condition precedent to building permit issuance.

**SECTION 2. VACATION APPROVAL.** The vacation is approved as shown in Attachment 1.

**SECTION 3. EFFECTIVE DATE.** This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 16<sup>th</sup> day of February, 2023.

PARK CITY MUNICIPAL CORPORATION

DocuSigned by:

*Nann Worel*

57775BCB46414F6...

Nann Worel, Mayor

ATTEST:



DocuSigned by:

*Michelle Kellogg*

E5F905BB533F431...

City Recorder

APPROVED AS TO FORM:

DocuSigned by:

*Mark Harrington*

B7478B7734C7490...

City Attorney's Office

**Attachment 1** – Proposed Plat and Survey of Right-of-Way Vacation

