

Ordinance No. 13-10

**AN ORDINANCE APPROVING THE FIRST AMENDED 315 PARK AVENUE
SUBDIVISION, PARK CITY, UTAH**

WHEREAS, the owner of property located at 315 Park Avenue petitioned the City Council for approval of the First Amended 315 Park Avenue Subdivision; and

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

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

WHEREAS, the Planning Commission held a public hearing on February 13, 2013 to receive input on the 315 Park Avenue Subdivision plat amendment;

WHEREAS, the Planning Commission, on February 13, 2013, forwarded a positive recommendation to the City Council;

WHEREAS, the City Council held public hearings on February 28th and March 21st, 2013; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 315 Park Avenue Subdivision plat amendment to reconfigure the existing platted lots, to resolve encroachment issues, reduce the potential density from a potential of four units to three units, reduce the potential parking requirement from eight off-street spaces to six off-street spaces, and to secure public snow storage easements across the frontage of the proposed lots.

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 First Amended 315 Park Avenue Subdivision 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 315 Park Avenue and consists of three lots of record, namely Lots A, B, and C of the 315 Park Avenue Subdivision.
2. The property is located within the Historic Residential (HR-1) zoning district.
3. The lots are currently vacant and undeveloped with the exception of low rock walls, railroad tie and concrete retaining walls, and a sliver of a shed encroaching on these lots from adjacent lots.
4. Constructed across the underlying Park City Survey lot lines, a house previously stood at 315 Park Avenue.

5. On May 7, 2007, the house was determined by the Historic Preservation Board to be a non-historically significant structure.
6. On June 6, 2007 a demolition permit was issued and the structure was removed. The house was not listed on the Park City Historic Sites Inventory.
7. The existing lots were created during the plat amendment approval for 315 Park Avenue Subdivision, being a replat of Lots 4, 5, 6, 27, 28, and 29, Block 3 of the Park City Survey.
8. Lots B and C have frontage on Woodside Avenue and Lot A has frontage on Park Avenue.
9. Existing Lot A contains 3,037.5 square feet, Lot B contains 1,875 square feet, and Lot C contains 3,750 square feet. Existing Lots A and B are of sufficient lot area for a single family house. Existing Lot C has sufficient lot area for a duplex.
10. A duplex requires a Conditional Use permit and single family homes are an allowed use in the HR-1 zone.
11. The 315 Park Avenue Subdivision was approved by the City Council on March 16th, 2006, extended on June 28th, 2007 and recorded at Summit County on September 24th, 2007.
12. On November 27, 2012 the owner submitted an application for a plat amendment to reconfigure the property lines for the three existing lots.
13. The application was deemed complete on January 2, 2013.
14. The application is a request to reconfigure the three existing Lots A, B, and C into three lots that are more equal in size and have more uniform property boundaries. The request is to create Lot A amended to contain 2,812.5 sf, Lot B amended to contain 3,037.5 sf, and Lot C amended to contain 2,812.5 sf.
15. All three amended lots are of sufficient lot area for a single family house in the HR-1 zone and no lot is of sufficient lot area for a duplex.
16. The HR-1 zone requires a minimum lot area of 1,875 square feet. All lots meet this minimum lot size.
17. No changes are proposed to the access with amended Lots B and C having access and fronting onto Woodside Avenue and amended Lot A having access and fronting onto Park Avenue.
18. There is a reduction in the both the potential density and the potential parking required to be provided as the existing plat allowed one of the lots to be a duplex, due to the size of the lot. Potential density of the existing plat is 4 dwelling units and potential density with the re-plat is 3 dwelling units. The off-street parking requirement for 4 dwelling units is 8 spaces and for 3 units it is 6 spaces.
19. The lots are subject to the Park City Design Guidelines for Historic Districts and Historic Sites.
20. The proposed plat amendment does not create any new non-conforming situations as the lots are vacant.
21. There are existing encroachments onto the proposed lots that will need to be resolved prior to recordation of the plat. There are rock walls from adjacent Lot 30 onto Lot C, as well as a concrete retaining wall across the frontage of Woodside Avenue onto adjacent Lot 30 from amended Lot C. There are also railroad tie retaining walls and a sliver of a shed from adjacent Lot 6 onto amended Lot A. There are low rock walls on amended Lot B that do not encroach onto adjacent lots and do not required resolution.

22. The maximum building footprint allowed for amended Lots A and C is 1,200.66 square feet per the HR-1 LMC requirements and the maximum building footprint allowed for amended Lot B is 1,280.46 sf. Setbacks may be increased during the Steep Slope CUP review per LMC Section 15-2.2-6(B) (7).
23. The plat amendment secures public snow storage easements across the frontage of the lots.
24. Location of the sewer main may require a privately owned and maintained wastewater ejector pump for wastewater services, with final determination to be made at the time of the building permit application.
25. There is good cause to reconfigure the existing platted lots to create property boundaries preferred by the applicant, to resolve encroachment issues, reduce the potential density from four units to three units, reduce the potential parking requirement from eight off-street spaces to six off-street spaces, and secure public snow storage easements across the frontage of the proposed lots.

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 subdivisions.
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 amendment 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 amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Approval of an HDDR application is a condition precedent to issuance of a building permit for construction on the lots.
4. Approval of a Steep Slope Conditional Use Permit application is a condition precedent to issuance of a building permit for construction on all three Lots, if the proposed development, including access, is proposed to be located on areas of 30% or greater slope and if the proposed house is greater than 1000 square feet, including any garage. Setbacks may be increased during the Steep Slope CUP review per criteria outlined in LMC Section 15-2.2-6(B) (7).
5. Modified 13-D sprinklers will be required for new construction as required by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final plat prior to recordation.
6. A 10 foot wide public snow storage easement is required along the frontage of the lots with Park Avenue and Woodside Avenue and shall be shown on the plat.

7. Encroachments across property lines must be addressed prior to plat recordation and shall either removed or encroachment easements shall be provided.
8. The Snyderville Basin Water Reclamation District requests that a note shall be added to the plat prior to recordation of the final mylar stating the following, "Lots B and C may require a privately owned and operated wastewater ejector pump for wastewater services". As a condition precedent to plat recordation the SBWRD shall review and sign the plat.
9. As stipulated by the applicant, a plat note shall be added prior to recordation of the final plat indicating that the 10' by 22.50' area at the rear of Lot B shall be restricted to landscaping and fencing as permitted by the LMC and that construction of an accessory structure on this portion of Lot B shall not be permitted.

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

PASSED AND ADOPTED this 21 day of March, 2013.

PARK CITY MUNICIPAL CORPORATION




Dana Williams, MAYOR

ATTEST:


Jan Scott, City Recorder



APPROVED AS TO FORM:


Mark Harrington, City Attorney