

**AN ORDINANCE APPROVING THE 573 MAIN STREET PLAT AMENDMENT
EXTENSION LOCATED AT 573 MAIN STREET, PARK CITY, UTAH.**

WHEREAS, the owner of the property located at 573 Main Street, All of Lots 16, 17, 18, 29, 30, 31 and the South 19 feet of Lot 19 and the Southerly 18.98 feet of the Easterly 20 feet of Lot 28, Block 9, PARK CITY SURVEY, AMENDED, according to the official plat thereof on file and of the record in the Summit County Recorder's Office. PC-133, have petitioned the City Council for approval extension of the 573 Main Street Plat Amendment; and

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

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

WHEREAS, the Planning Commission held a public hearing on April 25, 2012, June 28, 2012, July 11, 2012, to receive input on the 573 Main Street Plat Amendment;

WHEREAS, the Planning Commission, on July 11, 2012, forwarded a positive recommendation to the City Council on the 573 Main Street Plat Amendment; and,

WHEREAS, on July 26, 2012, the City Council conducted a public hearing on the 573 Main Street Plat Amendment; and

WHEREAS, on September 12, 2013 and September 26, 2013, the City Council conducted a public hearing on the 573 Main Street Plat Amendment Extension; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 573 Main Street Plat Amendment Extension.

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 573 Main Street Plat Amendment as shown in Exhibit 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 573 Main Street and 564 & 572 Park Avenue.
2. This is a request to reconfigure six (6) Old Town lots and portions of two lots into three (3) lots of record through a plat amendment request.
3. The entire area is identified with Summit County as parcel no. PC-133.
4. Proposed Lot 1 located off Main Street consists of the site of the Claimjumper

building.

5. Proposed Lots 2 and 3 located off Park Avenue consists of two residential lots.
6. The owner desires to remodel the interior walls to create a night club/bar/restaurant on the basement level, a restaurant with a lobby for access to the living units above on the main level, and the two (2) upper levels for residential use with one (1) living unit on each floor.
7. The Main Street lots are currently within the HCB District.
8. The Park Avenue lots are currently within the HR-2 District.
9. The Claimjumper Hotel building is located on the property and was constructed across existing property lines.
10. The Historic Site Inventory (HSI) identifies the site as a landmark site.
11. The site is listed in the National Register of Historic Places.
12. The property fronts on, and receives legal access from Main Street.
13. The Park Avenue lots currently contain an asphalt parking lot with a concrete gutter.
14. The asphalt parking area is not striped with room for ten (10) parking spaces.
15. The Park Avenue lots also contains portion of the current Claimjumper Building consisting of a newer wooden structure with a walkway, covered entry, and stairs.
16. In March 2007 the Historic Preservation Board (HPB) determined that the structure contained additions that were added in 1987 that were not historically significant.
17. In April 2007 the City Council approved a single lot subdivision over the historic structure, Main Street lots only. This approval was voided because the conditions of approval were not met and the plat was not recorded within a year.
18. In June 2007 the Planning Department reviewed and approved a HDDR application to remove the non-historic additions and replace them with new additions including a roof addition of two (2) penthouse units.
19. The applicant did not meet the condition of approval of obtaining a building permit within a year's time from the approval date and the HDDR approval was voided because the approval expired.
20. In 2009 the City Council approved an ordinance approving amendments to the Land Management Code which changed the criteria for designation of historic sites.
21. The subject site was listed as a contributing building on the National Register of Historic Places in 1979 as part of the *Park City Main Street Historic District*.
22. The historic building was built within the historic period (1868-1929), is associated with the mining era, and retains its historic integrity.
23. The site meets the criteria set forth in LMC Chapter 15-11 in 2009 for designation as a Landmark Site.
24. The minimum lot area within the HCB is 1,250 square feet.
25. The proposed lot area for lot 1 is 8,999.8 square feet.
26. The minimum lot width within the HCB is twenty-five feet (25')
27. The proposed lot width for lot 1 is 94.97 feet.
28. The minimum lot depth within the HCB is fifty feet (50').
29. The proposed lot depth for lot 1 is 95 feet.
30. The proposed building pad equates to 1,101.5 square feet without the parking access easement. Due to the proposed parking easement on these two (2) lots the building pad would be furthered reduced by forty eight (48) square feet, totaling 1,053.5 square feet.

31. The maximum height envelope for the HCB District is thirty feet (30') at property line traversing at a forty-five degree (45°) angle back to a maximum of forty-five feet (45') above existing grade.
32. The existing historic building does not comply with the height envelope and therefore the building is a legal non-complying structure.
33. The existing rear additions to the historic building currently encroach onto the adjacent lots which front onto Park Avenue and are located within the HR-2 zoning district. They consist of a newer wooden structure with a walkway, covered entry, and stairs.
34. The proposed lots are reconfigured so that there are no improvements encroaching over the rear lot line.
35. All commercial access to the Claimjumper Building, 573 Main Street, will be off Main Street.
36. The minimum lot area within the HR-2 is 1,875 square feet.
37. The proposed lot area for lot 2 and 3 is 2,060.97 square feet.
38. The minimum lot width within the HR-2 is twenty-five feet (25')
39. The proposed lot width for lot 2 and 3 is 37.47 feet.
40. It has been estimated that the parking area was built between the late 1980's and early 1990's.
41. The parking area located rear of the building was built to accommodate the various uses in the Claimjumper Hotel building.
42. Currently the HR-2 District allows a *Residential Parking Area or Structure with greater than four (4) spaces* with a conditional use permit.
43. The existing ten (10) car parking area is non-conforming because it does not comply with the current regulation.
44. The property owner proposes to reconfigure the existing ten (10) car parking lot to an area to only consist of two (2) parking spaces total for the exclusive use of the residential units to be located within the Claimjumper interior remodel through a parking easement over the two (2) proposed Park Avenue lots.
45. The proposed parking easement is allowed in the HR-2 District.
46. The building footprint of the two Park Avenue lots will be limited to 917.8 square feet.
47. Each lot will require two (2) off-street parking spaces for their residential use.
48. In 1992 the Claimjumper Hotel building was being threatened with condemnation unless it could be brought up to acceptable safety level.
49. In 1992 the current property owner applied for design review of two (2) additions to the building for stairs, including the addition off the back, to be reviewed by the Historic District Commission (HDC).
50. In 1992 the Chief Building Official advised the HDC that if the additions could not be made to work, the building would have to be demolished.
51. In 1992 the HDC approved the proposed building improvements.
52. In 1992 four existing parking spaces will be lost with the proposed plan but the site plan called for additional parking on the Park Avenue side.
53. In 1992 a design review condition of approval indicated that the additions were to meet all other requirements of the Land Management Code and Building Code.
54. The HR-2 District was created from the HR-1 District in 2000.
55. In 1988 the City created the Historic Residential – Low Intensity Commercial Overlay

(HR-2) District.

56. In this neighborhood when the HR-2 District was created in 2000 it changed the base zone from HR-1 to HR-2 and it removed both the HR-2 (Historic Residential Low Intensity Commercial Overlay and HTO (Historic Transition Overlay) which were both overlay zones at the time.
57. The Claimjumper Building site is current in Main Street Parking Special Improvement District and therefore is exempt from the parking requirement.
58. The parking easement proposed to be dedicated with this plat amendment is for the benefit of the two proposed residential units in the 573 Main Street building.
59. The parking easement consists of two (2) parking spaces and a six foot (6') access straddling the shared common property line of the two (2) Park Avenue lots towards the Main Street lot.
60. The proposed parking area platted as an easement over lot 2 and 3 consist of legal parking space standards measuring nine feet (9') in width and eighteen feet (18') in length.
61. The existing parking lot shall be removed by replacing the current parking surface with landscaping until the structures are built on the HR-2 Lots. A landscaping plan shall be approved by the City, but it shall be sufficient to clearly prohibit parking of any vehicles. The existing parking lot shall be removed prior to plat recordation.
62. The two (2) parking spaces in the HR-2 District shall have a lockable controlled access prohibiting parking of vehicle traffic beyond those spaces.
63. The easement from the two (2) parking spaces on the HR-2 to the HCB shall be for the use by occupants of the residential units only.
64. Only one private access door may exist from the HCB District to the HR-2 District lots. All other exists must be for emergency access only.
65. This plat amendment request complies with the special HR-2A requirements.
66. The development is not part of a Master Planned Development (MPD).
67. There is no request to extend any of the existing buildings toward Park Avenue from its current location.
68. The current additions of the Claimjumper building located on the HR-2 portion of the development were built before this specific regulation and therefore is considered legal non-compliant.
69. The plat amendment complies with this requirement as no access is proposed from Park Avenue including service and delivery.
70. The proposed plat reduces the number of parking spaces from ten (10) to two (2) for the exclusive use of the residential units and not for the commercial use of the site. Staff recommends adding a condition of approval that the existing parking lot be removed as proposed before the plat is recorded.
71. The plat amendment complies with this requirement as no loading docks, service yards, exterior mechanical equipment, exterior trash compounds, outdoor storage, ADA access, or similar use associated with the HCB use is being proposed.
72. Staff recommends that a condition be added so that the property owner donates a preservation easement to the City for the Historic Structure before the plat is recorded.
73. The applicant submitted a Historic District Design Review application which has been approved per LMC Chapter 11.

74. There is no adjoining historic structure under common ownership or control that would trigger a CUP or MPD review.
75. The current additions of the building located on the HR-2 portion of the development were built before this specific regulation and therefore is considered legal non-compliant.
76. There is no request to transfer any residential density.
77. In June 2007 the property owner of that time executed a Covenant Not To Build over a specific area where the building encroaches over the HR-2 District.
78. There are many filed code enforcement issues at the subject site.
79. These complaints have been and are currently handled by the Building Department.
80. The Plat Amendment was approved by the City Council on July 26, 2012.
81. The applicant was to record the plat amendment at the County within one (1) year from the date of City Council approval. If recordation has not occurred within one (1) year's time, the plat amendment 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.
82. Land Management Code § 15-7.1-6(C)(5) indicates that applicants may request time extensions of City Council plat amendment approvals by submitting in writing to the Planning Department prior to the expiration of the approval.
83. On June 20, 2013 a writing request was submitted to the City to asking for a one year extension. The written request was filed prior to the expiration date. The applicant stipulates to the new expiration date of January 15, 2014.
84. The City Council may grant an extension to the expiration date when the applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact or that would result in a finding of non-compliance with the General Plan or the LMC in effect. With the stipulated changes herein there is no unmitigated impact.
85. The plat amendment extension contains no modifications to the approved plat amendment.
86. Staff finds that the findings of fact, conclusions of law and conditions of approval from the approved plat amendment, except as modified herein, are still valid.
87. The owner's representative has stipulated these drafted conditions of approval.

Conclusions of Law:

1. There is good cause for this plat amendment as the historic structure will no longer encroach on the rear lots and the Park Avenue lots will be combined to meet the minimum lot area. The proposed plat amendment will also eliminate a remnant parcel, portion of Lot 19 and Lot 29.
2. The proposed use and renovation of the building will provide an adaptive reuse to one of Park City's most historically significant buildings ensuring its use into the future.
3. As conditioned, the plat amendment is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.
4. The plat amendment is consistent with the Park City Land Management Code HR-2A special requirements.
5. Neither the public nor any person will be materially injured by the proposed plat

amendment.

6. 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.
7. There is good cause for this plat amendment extension as the written request was submitted to the City prior to the expiration date.
8. No change in circumstance results in an unmitigated impact or that would result in a finding of non-compliance with the General Plan or the Land Management Code.


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 by January 15, 2014. If recordation has not occurred, 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. Modified 13-D sprinklers will be required for new residential construction along Park Avenue.
4. A 10 foot wide public snow storage easement shall be provided along Park Avenue.
5. The parking easement on Lots 2 and 3 for the benefit of Lot 1 is only permitted to be used for the residential units. The parking easement shall not be used for commercial purposes.
6. The existing parking lot and chain link fence shall be removed by replacing the current parking surface with landscaping until the residential structures are built on the HR-2 Lots. A landscape plan shall be approved by the City, sufficient to clearly prohibit parking and access of any vehicles and ensure compliance and bonding consistent with the Soils and Landscaping Ordinance. The existing parking lot shall be removed by December 1, 2013. The applicant shall update the Construction Mitigation Plan with the Park City Building Department.
7. The two (2) space parking easement in the HR-2 District shall have a lockable controlled access prohibiting parking and vehicle traffic beyond those spaces.
8. The easement from the two (2) parking spaces on Park Avenue in the HR-2 District to Lot 1 in the HCB District shall be for the use by occupants of the residential units only.
9. Only one private access door for residential use may exist from the HCB District to the HR-2 District lots. All other exits must be for emergency access only.
10. The property owner shall donate a preservation easement to the City for the Historic Structure before the plat is recorded.
11. A chain link lockable construction fence is required on the HR-2 District to prohibit other uses besides construction staging to occur. This fence shall be installed no later than December 1, 2012 and shall remain in place no later than December 1, 2013.
12. There shall be no Special Event permit or Master Festival License activity that allows access through the rear of the property, off Park Avenue.

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

PASSED AND ADOPTED this 26 day of September, 2013.

PARK CITY MUNICIPAL CORPORATION



Dana Williams, MAYOR

ATTEST:



Marci S. Heil, City Recorder



APPROVED AS TO FORM:



Mark Harrington, City Attorney

Exhibit 1 – Proposed Plat Amendment

