

Ordinance 14-10

**AN ORDINANCE APPROVING THE 1049 PARK AVENUE SUBDIVISION PLAT  
LOCATED AT 1049 Park Avenue, PARK CITY, UTAH.**

WHEREAS, the owner of the property located at 1049 Park Avenue, has petitioned the City Council for approval of the plat amendment; 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 26, 2014 to receive input on the proposed subdivision;

WHEREAS, on February 26, 2014 the Planning Commission forwarded a positive recommendation to the City Council; and,

WHEREAS, on March 20, 2014 the City Council held a public hearing on the proposed plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the proposed 1049 Park Avenue Subdivision.

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 1049 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 1049 Park Avenue within the Historic Residential (HR-1) Zoning District.
2. The applicants are requesting to combine the north five (5) feet of Lot 12 and all of Lot 13 of Block 4, Snyder's Addition into one (1) Parcel.
3. The plat amendment is necessary in order for the applicant to move forward with an HDDR for the purpose of a rear yard addition to the historic house.
4. The amended plat will create one new 2,250.04 square foot lot.
5. The existing historic 1,171 square foot home is listed as "Landmark" on the Historic Sites Inventory (HSI).
6. Per Land Management Code (LMC) 15-2.2-4 Historic Structures that do not comply with building setbacks, off-street parking, and driveway location standards are valid

Complying Structures. The historic structure is a valid complying structure, though it straddles the property line that separates Lots 12 and 13.

7. The existing historic structure encroaches into the property at 1043 Park Avenue. The degree of the encroachment increases from two feet (2') to three feet (3') from east to west. The total square footage of the encroachment is 47.5 square feet. A conditional easement currently exists to address this encroachment.
8. Any proposed additions to the existing historic home require a review under the adopted 2009 Design Guidelines for Historic Districts and Historic Sites through the HDDR process.
9. The maximum allowed building footprint allowed on the lot is 991.3 square feet. The applicant intends to construct a new rear addition and renovate the existing historic home. Following the renovation, the total footprint of the house will be 1035.75 square feet; however, only 988.25 square feet of this footprint will be located on the 1049 Park Avenue property. The remaining 47.5 square feet of the encroachment is located at 1043 Park Avenue.
10. The amendment of one and one-half (1.5) lots would be smaller than the average size of lot combinations on Park Avenue and is in keeping with the traditional size of development on the 1000 block of Park Avenue.
11. New additions to the rear of the historic home require adherence to current setbacks as required in the HR-1 District, as well as be subordinate to the main dwelling in terms of size, setback, etc., per the requirements of the adopted 2009 Design Guidelines for Historic Districts and Historic Sites.
12. On May 29, 2013, the Planning Department received a Historic District Design Review (HDDR) application for the renovation of 1049 Park Avenue, which included constructing a new addition at the rear of the historic structure. The HDDR application was approved on July 18, 2013; however, no building permit can be issued prior to the recording of the plat amendment.
13. The approval of the HDDR application was revised on February 10, 2014.
14. There is an existing root cellar and crawlspace beneath the historic building. The applicant intends to replace this makeshift foundation with a new basement foundation. The Planning Director determined that a new basement foundation did not increase the degree of the existing foundation's nonconformity on February 10, 2014. Rather, the replacement of the existing root cellar and foundation with a new basement foundation is maintenance and necessary to ensure the longevity of the historic structure.
15. On January 14, 2014, the applicant applied for a plat amendment in order to move forward with the approved HDDR. The application was deemed complete on February 11, 2014.

#### 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 (1) 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 complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. No building permit for any work that expands the footprint of the home, or would first require the approval of an HDDR, shall be granted until the plat amendment is recorded with the Summit County Recorder's office.
4. Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final Mylar prior to recordation.
5. A 10 foot (10') wide public snow storage easement is required along the street frontage of the lot along Park Avenue and shall be shown on the plat.
6. Encroachments across property lines must be addressed prior to plat recordation and shall either be removed or encroachment easements shall be provided.

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

PASSED AND ADOPTED this 20<sup>th</sup> day of March, 2014.


PARK CITY MUNICIPAL CORPORATION

  
\_\_\_\_\_  
Jack Thomas, MAYOR

ATTEST:

\_\_\_\_\_  
Marci S. Heil, City Recorder

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Mark Harrington, City Attorney



**SENDER'S COMMENT:**

I, John C. Snyder, hereby certify that I am a Registered Land Surveyor and that I have surveyed the above described property in accordance with the laws of the State of Utah and the rules and regulations of the Board of Surveyors and Land Surveyors of the State of Utah and that the same are true and correct and that I am a duly qualified and licensed Land Surveyor.

**OWNER'S DECLARATION AND CONSENT TO RECORD:**

The above is true and correct and I, the undersigned, do hereby certify that I am the owner of the above described property and that I have read and approved the contents of this plat and that I consent to the recording of the same.

**OWNER'S DECLARATION AND CONSENT TO RECORD:**

I, the undersigned, do hereby certify that I am the owner of the above described property and that I have read and approved the contents of this plat and that I consent to the recording of the same.

**APPROVEMENT:**

State of \_\_\_\_\_

County of \_\_\_\_\_

City of \_\_\_\_\_

Mayor \_\_\_\_\_

Recorder \_\_\_\_\_

By \_\_\_\_\_



A PARCEL COMBINATION PLAT  
A COMBINATION OF THE NORTH 5 FEET OF LOT 12 AND ALL OF LOT 13 IN BLOCK 4, SNYDER'S ADDITION  
**1049 PARK AVE. SUBDIVISION**

SWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASIN AND MERIDIAN  
PARK CITY, SUMMIT COUNTY, UTAH

RECEIVED  
JAN 14 2008  
PARK CITY  
PLANNING DEPT.

<p>FOR THE RECORD: THE ABOVE'S SUBDIVISION COMBINATION IS SUBJECT TO THE CITY'S APPROVAL AND ACCEPTANCE AS TO THE RECORD OF THE PLAT, AND THE CITY'S APPROVAL AND ACCEPTANCE OF THE PLAT IS SUBJECT TO THE CITY'S APPROVAL AND ACCEPTANCE OF THE PLAT.</p> <p>DATE OF APPROVAL: _____ BY: _____</p>	<p>RECORDED AS TO THE RECORD OF THE PLAT, AND THE CITY'S APPROVAL AND ACCEPTANCE OF THE PLAT IS SUBJECT TO THE CITY'S APPROVAL AND ACCEPTANCE OF THE PLAT.</p> <p>DATE OF APPROVAL: _____ BY: _____</p>
<p>CHECKLISTS OF ARTIST: I HAVE BEEN ADVISED BY THE ARTIST THAT THE ARTIST HAS APPROVED OF THIS PLAT AND IS WILLING TO SIGN THIS PLAT.</p> <p>DATE OF APPROVAL: _____ BY: _____</p>	<p>APPROVAL AS TO FORM: I HAVE BEEN ADVISED BY THE ARTIST THAT THE ARTIST HAS APPROVED OF THIS PLAT AND IS WILLING TO SIGN THIS PLAT.</p> <p>DATE OF APPROVAL: _____ BY: _____</p>
<p>ENGINEER'S CERTIFICATE: I HAVE BEEN ADVISED BY THE ENGINEER THAT THE ENGINEER HAS APPROVED OF THIS PLAT AND IS WILLING TO SIGN THIS PLAT.</p> <p>DATE OF APPROVAL: _____ BY: _____</p>	<p>PLANNING COMMISSION: I HAVE BEEN ADVISED BY THE PLANNING COMMISSION THAT THE PLANNING COMMISSION HAS APPROVED OF THIS PLAT AND IS WILLING TO SIGN THIS PLAT.</p> <p>DATE OF APPROVAL: _____ BY: _____</p>
<p>SNYDERVILLE BASIN WATER RECLAMATION DISTRICT: I HAVE BEEN ADVISED BY THE SNYDERVILLE BASIN WATER RECLAMATION DISTRICT THAT THE DISTRICT HAS APPROVED OF THIS PLAT AND IS WILLING TO SIGN THIS PLAT.</p> <p>DATE OF APPROVAL: _____ BY: _____</p>	<p>PLANNING COMMISSION: I HAVE BEEN ADVISED BY THE PLANNING COMMISSION THAT THE PLANNING COMMISSION HAS APPROVED OF THIS PLAT AND IS WILLING TO SIGN THIS PLAT.</p> <p>DATE OF APPROVAL: _____ BY: _____</p>

