

Ordinance 14-24

AN ORDINANCE APPROVING THE TOWN LIFT SUBDIVISION, PLAT B1-3, LOT B-3, FIRST AMENDED & 820 PARK AVE SUBDIVISION LOCATED AT 820 PARK AVENUE, PARK CITY, UTAH.

WHEREAS, the owners of the properties located at 820 and 838 Park Avenue have 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 April 23, 2014 to receive input on the proposed subdivision;

WHEREAS, on April 23, 2014 the Planning Commission forwarded a positive recommendation to the City Council; and,

WHEREAS, on May 15, 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 Town Lift Subdivision, Plat B1-3, Lot B-3, First Amended & 820 Park Ave 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 Town Lift Subdivision, Plat B1-3, Lot B-3, First Amended & 820 Park Ave 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 820 Park Avenue within the Historic Recreation Commercial (HRC) Zoning District.
2. The applicant is requesting to combine approximately 229 square feet of City-owned located on the southeast corner of 9th Street and Park Avenue, the metes and bounds parcel at 820 Park Avenue, and approximately 123 square feet of Lot B-3 of the Town Lift Subdivision, Plat B1-3.
3. The existing historic Rio Grande Freight Shed is designated as "Significant" on the City's Historic Sites Inventory (HSI).
4. The applicant submitted a Historic District Design Review (HDDR) application on June 19, 2013. The application was deemed complete on October 17, 2013.

5. The Planning Director and Chief Building Official determined that unique conditions did not exist that warranted the relocation of the historic Rio Grande Building on October 9, 2013. The applicant submitted an appeal to this determination on October 18, 2013, and the Historic Preservation Board (HPB) granted the appeal and reversed staff's determination on November 13, 2013.
6. The Planning Director has granted a height exception based on LMC 15-2.5-5(A)(4) in order to allow the clearstory architectural feature to extend fifty-percent (50%) above zone height, or to forty-eight feet (48'). This architectural feature does not include habitable space.
7. The proposed development will feature a shared party-wall with the Town Lift Condominiums along the south elevation. Land Management Code (LMC) 15-2.5-3(E) states that a side yard between connected structures is not required where the structures are designed with a common wall on a property line and the lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official. The longest dimension of a building joined at the side lot line may not exceed 100 feet, and the applicant is proposing a common wall of approximately twenty feet (20').
8. Indirect access from the Rio Grande development to the Town Lift Plaza will be provided on the fourth floor of the Rio Grande development and through the Town Lift Condominiums.
9. The applicant submitted a Conditional Use Permit (CUP) on June 19, 2013. The application was deemed complete on November 26, 2013. The Planning Commission approved the CUP for a multi-unit dwelling of ten (10) units; commercial retail and service, minor; outdoor dining; café or deli; office (intensive); and a parking structure of twenty-four (24) spaces on February 12, 2014.
10. On March 3, 2014, the applicant applied for a plat amendment; the application was deemed complete on March 11, 2014.
11. The plat amendment is necessary in order for the applicant to move forward with an HDDR for the purpose of developing the site at 820 Park Avenue, which includes renovating the historic Rio Grande freight shed and constructing a multi-use structure on the site.
12. The amended plat will create one new 12,660.06 square foot lot.
13. 838 Park Avenue was included as part of the 1985 Sweeney Master Planned Development (MPD). In December 1993, the Planning Commission approved the MPD and preliminary plat for the Sweeney Town Lift Properties. City Council approved the Sweeney Town Lift Phase B plat amendment through Ordinance 94-7 in December 1993. 838 Park Avenue is included as Lot B-3 of this plat amendment.
14. Staff finds that the loss of approximately 123 square feet of Lot B-3 of the Sweeney Town Lift Subdivision, Plat B1-3 will not affect the property's open space requirement as the amount of open space will continue to exceed 43% as dictated by the 1985 Sweeney MPD.
15. 820 Park Avenue, LLC and Park City Municipal Corporation are entering into a real estate purchase contract for the city-owned parcel, SA-398-X, located along 9th Street.
16. The development is not located within the sensitive lands overlay.

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 frontages of the lot along Park Avenue and 9th Street. This easement shall be shown on the plat.
6. Any encroachments across property lines must be addressed prior to plat recordation and shall either be removed or encroachment easements shall be provided.
7. Access to the development at 820 Park Avenue shall be limited to 9th Street.
8. Rio Grande LLC shall have purchased the City-owned tax parcel SA-398-X and approximately 123 square feet of Lot B-3 of the Town Lift Subdivision, Plat B1-3 prior to recording the plat with Summit County.

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

PASSED AND ADOPTED this 15th day of May, 2014.

PARK CITY MUNICIPAL CORPORATION



Liza Simpson, MAYOR Pro Tem

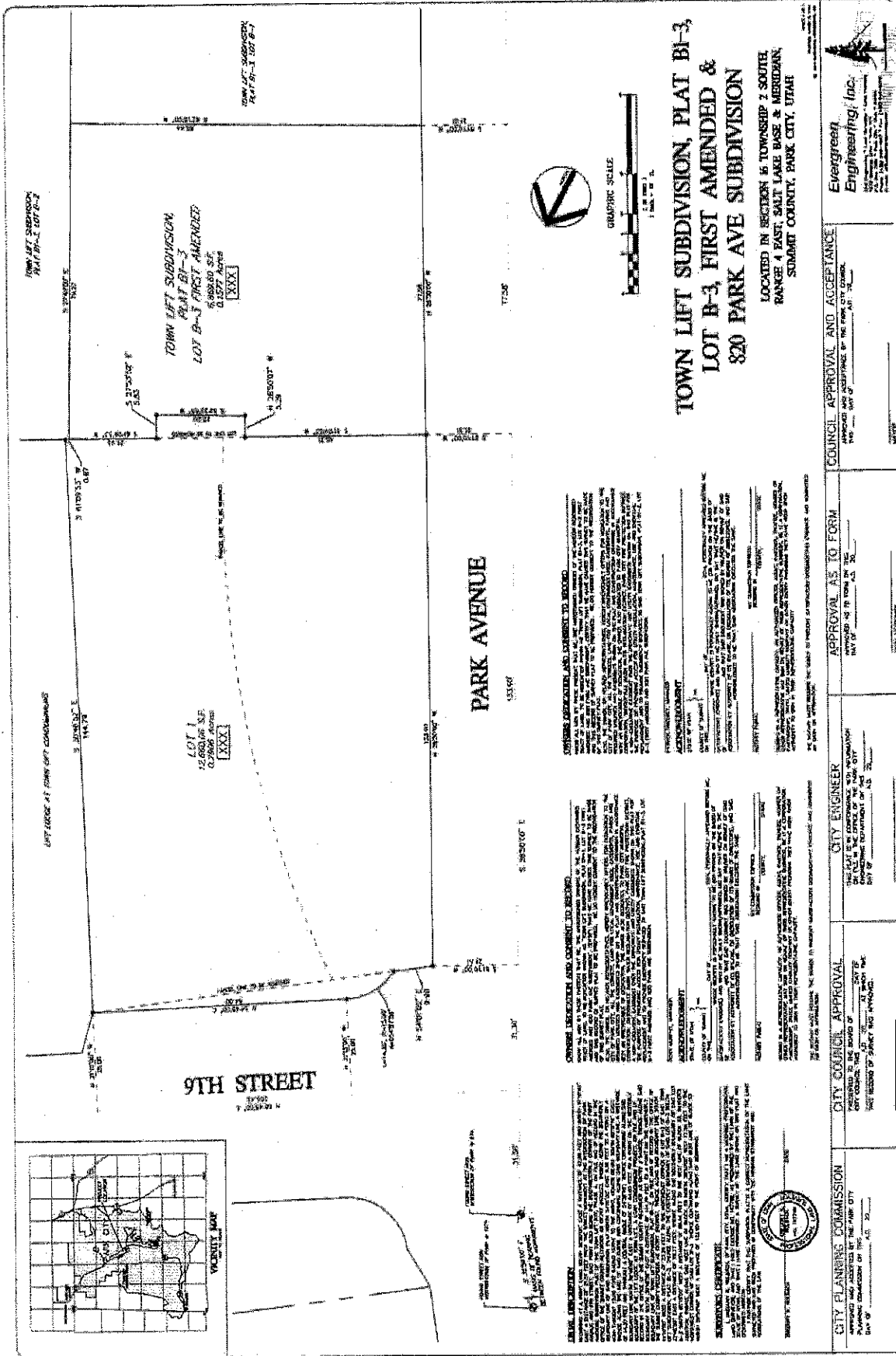
ATTEST:


Marci Heil, City Recorder



APPROVED AS TO FORM:


Mark Harrington, City Attorney



**TOWN LIFT SUBDIVISION, PLAT B-3,
LOT B-3, FIRST AMENDED &
820 PARK AVE SUBDIVISION**

LOCATED IN SECTION 16 TOWNSHIP 2 SOUTH,
RANGE 4 EAST, SALT LAKE BASE & MERIDIAN,
SUMMIT COUNTY, PARK CITY, UTAH



**Evergreen
Engineering, Inc.**
Professional Engineer
No. 21098
605 West 300 South
Salt Lake City, Utah 84119

COUNCIL APPROVAL AND ACCEPTANCE
APPROVED AND ACCEPTED BY THE PARK CITY COUNCIL
THIS _____ DAY OF _____ A.D. 20__

CITY ENGINEER
THIS PLAT IS CONFORMABLE WITH THE PLAT ACT (U.T.A.C. 11) IN THE OFFICE OF THE CITY ENGINEER
DATE OF RECORD OF PLAT AND APPROVAL _____

CITY COUNCIL APPROVAL
APPROVED BY THE CITY COUNCIL ON THIS _____ DAY OF _____ A.D. 20__

CITY PLANNING COMMISSION
APPROVED BY THE CITY PLANNING COMMISSION ON THIS _____ DAY OF _____ A.D. 20__

CITY ENGINEER
APPROVED BY THE CITY ENGINEER ON THIS _____ DAY OF _____ A.D. 20__

CITY COUNCIL APPROVAL
APPROVED BY THE CITY COUNCIL ON THIS _____ DAY OF _____ A.D. 20__

OWNER'S DECLARATION AND COMMENT TO RECORD
I, the undersigned, owner of the above described land, do hereby certify that the information furnished in this plat is true and correct, and that the same is in accordance with the provisions of the Plat Act (U.T.A.C. 11). I further certify that the above described land is not subject to any liens, mortgages, or other encumbrances, and that the same is not included in any other subdivision, and that the same is not subject to any other laws or regulations of the State of Utah.

OWNER'S SIGNATURE

OWNER'S NAME

ADDRESS

ENGINEER'S CERTIFICATE
I, the undersigned, a Professional Engineer in the State of Utah, do hereby certify that I am a duly licensed Professional Engineer in the State of Utah, and that I am a duly licensed Professional Engineer in the State of Utah, and that I am a duly licensed Professional Engineer in the State of Utah.

ENGINEER'S SIGNATURE

ENGINEER'S NAME

ADDRESS
