



Ordinance 14-33

AN ORDINANCE APPROVING THE 820 PARK AVENUE CONDOMINIUMS RECORD OF SURVEY PLAT LOCATED AT 820 PARK AVENUE, PARK CITY, UTAH.

WHEREAS, the owners of property located at 820 Park Avenue have petitioned the City Council for approval of the 820 Park Avenue Condominiums Record of Survey Plat; 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 May 28, 2014 to receive input on the 820 Park Avenue Condominium Record of Survey Plat;

WHEREAS, the Planning Commission, on May 28, 2014, forwarded a positive recommendation to the City Council;

WHEREAS; the City Council, held a public hearing on June 26, 2013; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the 820 Park Avenue Condominiums Record of Survey Plat.

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 820 Park Avenue Condominiums Record of Survey Plat 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) District.
2. City Council approved the Town Lift Subdivision, Plat B1-3, Lot B-3, First Amended and 820 Park Avenue Subdivision plat amendment on May 15, 2014. This plat amendment combined approximately 229 square feet of the City-owned property which was sold to the applicant on the north edge of the lot, the metes and bounds

parcel at 820 Park Avenue, and approximately 123 square feet of Lot B-3 of the Town Lift Subdivision to the south.

3. The sale of the 229 square feet of the City-owned property at the southeast corner of 9th Street and Park Avenue to 820 Park Avenue LLC was ratified by City Council on May 15, 2014.
4. The applicant is currently negotiating the sale of the 123 square feet of Lot B-3 of the Town Lift Subdivision to the south.
5. The Planning Director and Chief Building Official determined unique conditions did not exist to warrant the relocation of the historic Rio Grande building to the southeast corner of 9th Street and Park Avenue on October 9, 2013. This determination was overturned by the Historic Preservation Board during the appeal hearing on November 13, 2013.
6. The Planning Director granted the applicant 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 the zone height, or forty-eight feet (48'). This determination was made on April 14, 2014.
7. The Historic District Design Review (HDDR) was approved by staff on April 14, 2014.
8. The Planning Commission reviewed and approved the applicant's request for a Conditional Use Permit (CUP) on February 12, 2014. The CUP included the following uses: multi-unit dwelling; commercial retail and service, minor; café and deli; outdoor dining; office (intensive); and a parking area or structure with five (5) or more spaces.
9. The applicant intends to redevelop the site into a mixed-use development containing ten (10) residential and four (4) commercial condominium units. It will also include 4,241 square feet of commercial retail and service, minor; café or deli; outdoor dining; office, intensive; and a 24-space underground parking structure accessible from 9th Street.
10. The first level of the development will contain 3,637 square feet of commercial space: Unit C-101 containing 694 square feet; Unit C-102, 602 square feet; Unit C-103, 1,279 square feet; and C-104, 1,062 square feet.
11. The ground level will also have two (2) residential condominium units: Unit 105 containing 938 square feet, and Unit 106, 1,532 square feet.
12. The second level will contain 604 square feet of commercial space on the second story of the historic Rio Grande building as well as four (4) residential condominium units: Unit 201 containing 1,078 square feet; Unit 202, 1,705 square feet; Unit 203, 1,987 square feet; and Unit 204, 1,776 square feet.
13. The third level will contain four (4) residential condominium units: Unit 301 containing 1,078 square feet; Unit 302, 1,705 square feet; Unit 303, 1,993 square feet; and Unit 304, 1,583 square feet.
14. Unit 304 has two (2) stories and 1,010 square feet of its second floor will be located on the fourth floor.
15. Common areas include the exterior plaza space, parking ramp and garage, elevator and stairs, and mechanical areas. The parking level will contain 10,830 square feet of common area; the ground level, 3,512 square feet of indoor and exterior space;

the second level, 953 square feet; the third level, 716 square feet; and the fourth level, 615 square feet.

16. Limited common areas include the spaces directly in front of each storefront, the rear yard to the east, patio areas and the rooftop deck, storage areas, and the interior staircase on the southeast corner of the building. The parking level will contain 795 square feet of limited common area; the ground level, 2,461 square feet; the second level, 358 square feet; the third level, 626 square feet; and the fourth level, 3,228 square feet.
17. One (1) level of underground parking will be constructed, accessible from 9th Street. It will include twenty-four (24) parking spaces. Ten (10) spaces will be reserved for resident parking and five (5) additional spaces for residents' guest parking. The remaining nine (9) spaces will be utilized by the commercial spaces on the ground level.
18. Per Land Management Code 15-2.5-3(G)(1), the floor area ratio (FAR) for non-residential structures built after October 1, 1985, and located east of Park Avenue is 1.0. The proposed FAR of this development is .33, which is less than the allowed maximum FAR of 1.0.
19. The proposed condominium record of survey memorializes each portion of the development as separate units.
20. The proposed development will meet the required front and rear yard setbacks of ten feet (10').
21. The proposed development will meet the required five foot (5') side yard setback along the north property line.
22. The development will have a zero foot (0') side yard setback along the south property line; this is permitted by LMC 15-2.5-3(E) where the structure 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.
23. The applicant submitted a Condominium Record of Survey plat application on April 10, 2014; the application was deemed complete on April 22, 2014.
24. The property was posted and notice was mailed to affected property owners within 300 feet (') of the property on May 13, 2014.
25. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law:

1. The condominium record of survey is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
2. Neither the public nor any person will be materially injured by the proposed condominium record of survey.
3. Approval of the condominium record of survey, 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 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 request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. All original Conditions of Approval for the 820 Park Avenue Subdivision shall apply and shall be noted on the plat.
4. The applicant shall record the 820 Park Avenue Subdivision with the Summit County Recorder's Office prior to recordation of the 820 Park Avenue Condominiums Record of Survey Plat.

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

PASSED AND ADOPTED this 26 day of June, 2014.

PARK CITY MUNICIPAL CORPORATION

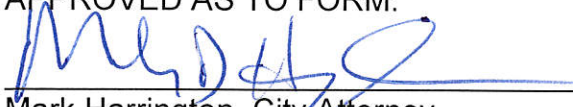


Mayor Pro Tem Liza Simpson

ATTEST:


Marci Heil, City Recorder



APPROVED AS TO FORM:


Mark Harrington, City Attorney

