



Ordinance 14-36

AN ORDINANCE APPROVING THE 257 MCHENRY AVENUE SUBDIVISION PLAT LOCATED AT 257 McHenry Avenue, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 257 McHenry 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 June 25, 2014 to receive input on the proposed subdivision;

WHEREAS, on June 25, 2014 the Planning Commission forwarded a recommendation to the City Council; and,

WHEREAS, on July 10, 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 257 McHenry 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 257 McHenry 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 257 McHenry Avenue within the Historic Residential Low Density (HRL) Zoning District.
2. The applicants are requesting to combine all of Lot 17 and portions of Lots 16 and 18 of Block 60 of the Amended Plat of the Park City Survey.
3. The plat amendment is necessary in order for the applicant to move forward with a Historic District Design Review (HDDR) application for the purpose of reconstructing the historic house and adding an addition.

4. The amended plat will create one new 4,891.75 square foot lot. Minimum lot size in the HRL zone is 3,750 sf.
5. The site is identified as "Significant" on the City's Historic Sites Inventory (HSI).
6. The Building Department issued a Notice and Order due to the dangerous condition of the building on May 14, 2013. The applicant submitted a Historic District Design Review (HDDR) to deconstruct the historic structure on September 5, 2013. The Planning Department approved this application on November 7, 2013, with a condition of approval that a new HDDR application would be submitted in order to reconstruct the historic house. A financial guarantee was recorded with Summit County on January 2, 2014, and provided the applicant two (2) years in which to reconstruct the historic building.
7. The historic structure encroached over the east property line and into the City-owned Virginia Mining Claim open space. The reconstructed structure would not be permitted to be relocated on the property unless the relocation meets the criteria outlined in LMC 15-11-13.
8. The reconstruction of the house will require a review under the adopted 2009 Design Guidelines for Historic Districts and Historic Sites through the HDDR process. At this time, no HDDR application has been submitted to the Planning Department in order to reconstruct the house and add a small addition. A steep slope CUP will be required should the applicant build over 1,000 square feet upon any existing slope of 30% or greater.
9. The maximum allowed building footprint allowed on the lot is 1,858.0 square feet. The applicant intends to construct a new rear addition and reconstruct the historic structure.
10. The amendment of one (1) full and two (2) partial Old Town lots would be smaller than the average size of lot combinations along McHenry Avenue and is in keeping with the traditional size of development on this street and in this neighborhood.
11. New additions to the rear of the historic home require adherence to current setbacks as required in the HRL 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 April 30, 2014, the applicant applied for a plat amendment. The application was deemed complete on May 15, 2014.
13. The existing built McHenry Avenue bisects Lot 16 and forms the western edge of the property.
14. Finding of Fact #6 of Ordinance 05-50 stated that the applicant proposes to dedicate the lot area covered by existing built McHenry Avenue and an additional 10 feet of width measured from the easterly edge of the McHenry Avenue pavement to the City as a public right-of-way. According to High Country Title, the deed and title do not show that the applicant ever owned property that included the built McHenry Avenue or lands to the west of the built McHenry Avenue.
15. Finding of Fact #7 of Ordinance 05-50 stated that any interest the applicant may have in the small remnant portion of Lot 16 located west of the existing built McHenry Avenue will be conveyed to the City for public right-of-way. This portion of McHenry Avenue transferred ownership and was included in the 264 Ontario Avenue Subdivision, recorded in 2013.

16. Ordinance 05-50 was approved by City Council on August 18, 2005; however, the plat amendment was never recorded.

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 the built McHenry Avenue and shall be shown on the plat.
6. The applicant must enter into an Encroachment Agreement with the City Engineer for the portion of the driveway that is located within the platted 3rd Street right-of-way.
7. Any interest the applicant may have in the built McHenry Avenue will be conveyed to the City for public right-of-way.
8. The applicant may not exceed 1,420 square feet in footprint.
9. Nothing in this amendment will prevent the City from entering into an encroachment agreement should the regulatory authority not find unique conditions for relocation.

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

PASSED AND ADOPTED this 10<sup>th</sup> day of July, 2014.

PARK CITY MUNICIPAL CORPORATION

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

ATTEST:

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

APPROVED AS TO FORM:

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



**WARNING NOTICE**

I, the undersigned, being duly qualified and licensed as a Surveyor in the State of Illinois, do hereby certify that the foregoing plat is a true and correct copy of the original filed in my office on this day of May 1914.



**BRIEF DESCRIPTION**

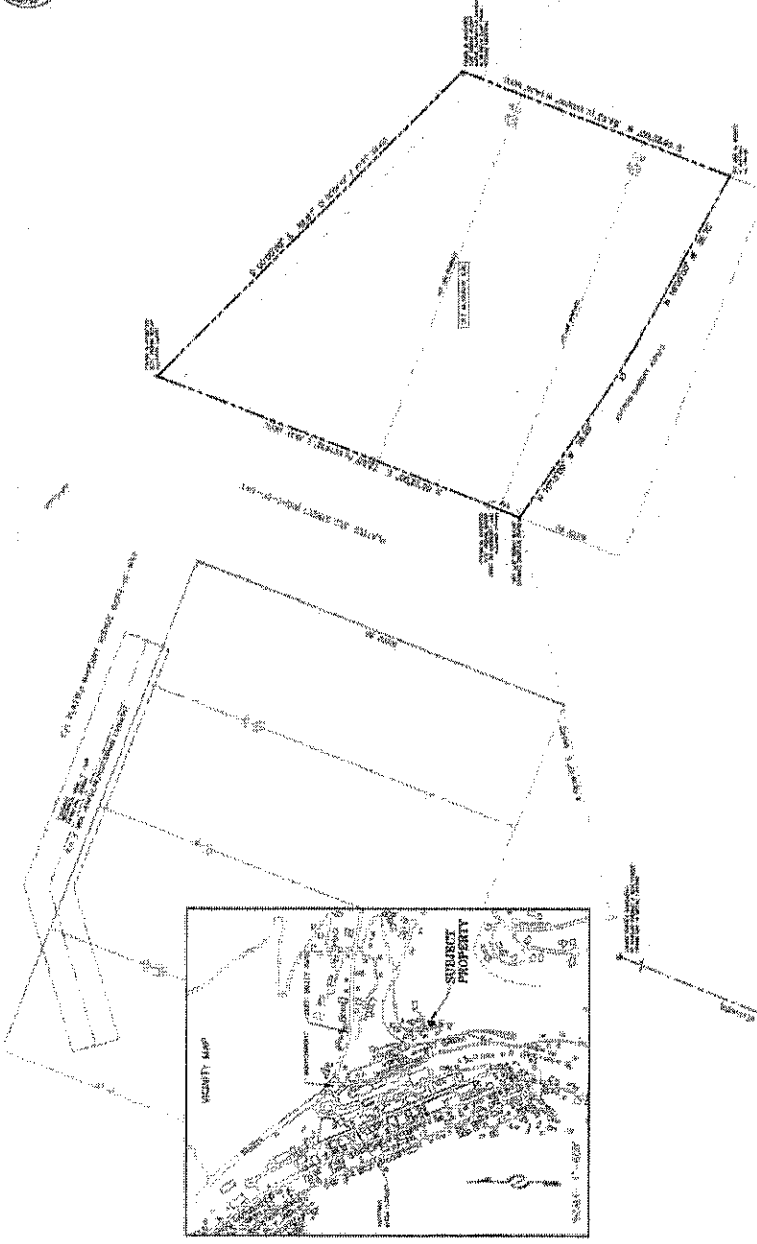
This plat is a subdivision of a parcel of land in Block 60, Park City Survey, containing lots 17, 18 and a portion of lot 16, and is subject to the provisions of the Act in relation to the subdivision of land.

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

I, the undersigned, being the owner of the above described property, do hereby declare that the above described property is not subject to any lien or claim of any kind, and that I consent to the recording of this plat.

**ACKNOWLEDGMENT**

I, the undersigned, being duly qualified and licensed as a Surveyor in the State of Illinois, do hereby certify that the foregoing plat is a true and correct copy of the original filed in my office on this day of May 1914.



A PARCEL COMBINATION PLAT  
A COMBINATION OF LOTS 17, 18 AND A PORTION OF LOT 16 IN BLOCK 60, PARK CITY SURVEY  
**257 McHENRY AVENUE SUBDIVISION**

LOCKED IN SECTION 15 & 16  
TOWNSHIP 3 SOUTH, RANGE 4 EAST, COUNTY OF ILLINOIS

|                                                                                                          |                                                                                                          |                                                                                                          |                                                                                                          |                                                                                                          |                                                                                                          |                                                                                                          |                                                                                                          |                                                                                                          |
|----------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|
| <p>APPROVED BY THE BOARD OF SUPERVISORS OF THE CITY OF ST. LOUIS, MISSOURI, ON THIS DAY OF MAY 1914.</p> | <p>APPROVED BY THE BOARD OF SUPERVISORS OF THE CITY OF ST. LOUIS, MISSOURI, ON THIS DAY OF MAY 1914.</p> | <p>APPROVED BY THE BOARD OF SUPERVISORS OF THE CITY OF ST. LOUIS, MISSOURI, ON THIS DAY OF MAY 1914.</p> | <p>APPROVED BY THE BOARD OF SUPERVISORS OF THE CITY OF ST. LOUIS, MISSOURI, ON THIS DAY OF MAY 1914.</p> | <p>APPROVED BY THE BOARD OF SUPERVISORS OF THE CITY OF ST. LOUIS, MISSOURI, ON THIS DAY OF MAY 1914.</p> | <p>APPROVED BY THE BOARD OF SUPERVISORS OF THE CITY OF ST. LOUIS, MISSOURI, ON THIS DAY OF MAY 1914.</p> | <p>APPROVED BY THE BOARD OF SUPERVISORS OF THE CITY OF ST. LOUIS, MISSOURI, ON THIS DAY OF MAY 1914.</p> | <p>APPROVED BY THE BOARD OF SUPERVISORS OF THE CITY OF ST. LOUIS, MISSOURI, ON THIS DAY OF MAY 1914.</p> | <p>APPROVED BY THE BOARD OF SUPERVISORS OF THE CITY OF ST. LOUIS, MISSOURI, ON THIS DAY OF MAY 1914.</p> |
| <p>ST. LOUIS, MISSOURI</p>                                                                               | <p>ST. LOUIS, MISSOURI</p>                                                                               | <p>ST. LOUIS, MISSOURI</p>                                                                               | <p>ST. LOUIS, MISSOURI</p>                                                                               | <p>ST. LOUIS, MISSOURI</p>                                                                               | <p>ST. LOUIS, MISSOURI</p>                                                                               | <p>ST. LOUIS, MISSOURI</p>                                                                               | <p>ST. LOUIS, MISSOURI</p>                                                                               | <p>ST. LOUIS, MISSOURI</p>                                                                               |