

Ordinance No. 16-12

AN ORDINANCE APPROVING THE 1043 & 1049 PARK AVENUE PLAT AMENDMENT LOCATED AT 1043 AND 1049 PARK, PARK CITY, UTAH.

WHEREAS, the owners of the properties located at 1043 and 1049 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 February 10, 2016, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on February 10, 2016, forwarded a positive recommendation to the City Council; and,

WHEREAS, on March 3, 2016, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 1043 & 1049 Park Avenue Plat Amendment.

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. APPROVAL. 1043 & 1049 Park Avenue Plat Amendment 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 properties are located at 1043 and 1049 Park Avenue.
2. The properties are located in the Historic Residential (HR-1) District.
3. The subject property consists of all of the 1049 Park Avenue Subdivision, recorded in 2013, as well as 1043 Park Avenue, which contains the north half (1/2) of Lot 11, the south 20 feet of Lot 12, and the north half (1/2) of Lot 22, Block 4, Snyder's Addition to Park City.
4. The applicant is proposing to add the north five feet (5') of Lot 12 to Lot 13, changing the location of the lot line between 1049 and 1043 Park Avenue so that each historic house on its own lot. Additionally, this will remove the lot line which runs through the historic house at 1043 Park Avenue.
5. The house at 1043 Park Avenue is listed as "Significant" on Park City's Historic Sites Inventory; the house at 1049 Park Avenue is listed as "Landmark."

6. The proposed Plat Amendment creates two (2) lots of record from the existing one (1) lot, two (2)-half (1/2) lots, and one partial lot.
7. The Plat Amendment removes one (1) lot line going through the historic house at 1043 Park Avenue, and the interior lot line separating Lots 11 and 22.
8. The Plat Amendment also resolves the encroachment of the historic house at 1049 Park Avenue encroaching over the existing property line and into the 1043 Park Avenue property.
9. The proposed Plat Amendment combines the property into two (2) lots. 1043 Park Avenue (Lot 2) will contain 2,994.7 square feet and 1049 Park Avenue (Lot 1) will contain 2,630.4 square feet.
10. A single-family dwelling is an allowed use in the District.
11. The minimum lot area for a single-family dwelling is 1,875 square feet. The proposed lots meet the minimum lot area for single-family dwellings.
12. The minimum lot width required is twenty-five feet (25'). The proposed lots meet the minimum lot width requirement.
13. At 1043 Park Avenue, the maximum building footprint allowed based on proposed lot size of 2,994.7 square feet is 1,265.43 square feet.
14. At 1049 Park Avenue, the maximum building footprint allowed based on the proposed lot size of 2,630.4 square feet is 1,134.49 square feet.
15. The minimum front/rear yard setback for 1043 Park Avenue is fifteen feet (15') based on the lot depth. The minimum total front/rear yard setback is thirty feet (30').
16. The minimum front/rear yard setback for 1049 Park Avenue is twelve feet (12') based on the lot depth. The minimum total front/rear yard setbacks for both lots are twenty-five feet (25').
17. The minimum side yard setbacks for both lots are three feet (3') based on the lot width. 1043 Park Avenue currently has side yard setbacks of seven feet (7') on the north and 0 feet on the south. 1049 Park Avenue currently has a side yard setback of three feet (3') on the north and 0 feet on the south. Both historic houses encroach over their prospective south property lines.
18. Per LMC § 15-2.2-4 indicates that historic structures that do not comply with building setbacks are valid complying structures. 1043 and 1049 Park Avenue are valid complying structures.
19. At 1043 Park Avenue, the existing historic house encroaches approximately two feet (2') over the south property line and into the 1035 Park Avenue property. The hot tub and block patio also encroach two feet (2') over the west (rear) property line.
20. At 1049 Park Avenue, the existing historic house encroaches approximately 3 feet (3') over the south property line and into the 1043 Park Avenue property. There is a deck, constructed in 2015, that encroaches five feet (5') over the current property line.
21. 1043 and 1049 Park Avenue are located in a FEMA Flood Zone X.
22. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

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 lot combinations.
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 Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat 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 (1) years' 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. A ten feet (10') wide public snow storage easement will be required along the Park Avenue and Woodside Avenue frontages of 1043 Park Avenue; the existing public snow storage easements along Park Avenue at 1049 Park Avenue shall remain.
4. At 1043 Park Avenue, the applicant shall address the encroachment of the historic house onto the 1035 Park Avenue site.
5. At 1043 Park Avenue, the applicant shall also remove or enter into an encroachment agreement for the encroaching hot tub and block patio prior to plat recordation.
6. 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.
7. At 1043 Park Avenue, vehicular access to the site shall be limited to Woodside Avenue.
8. A portion of the new deck at 1049 Park Avenue shall be removed to the property line in order to resolve the encroachment. Decks, not more than thirty inches (30") in height above Final Grade are permitted in the setback, and this deck does not exceed thirty inches (30") in height.

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

PASSED AND ADOPTED this 3rd day of March, 2016.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas
Jack Thomas, MAYOR

ATTEST:

Michelle Kellogg
City Recorder



APPROVED AS TO FORM:

Mark Harrington
Mark Harrington, City Attorney

Attachment 1 – Proposed Plat

