

Ordinance No. 16-18

**AN ORDINANCE APPROVING THE 1280 PARK AVENUE CONDOMINIUMS PLAT
LOCATED AT 1280 PARK AVENUE, LOT 1 OF THE 1280 PARK AVENUE
SUBDIVISION, PARK CITY, UTAH.**

WHEREAS, the owner of the property located at 1280 Park Avenue petitioned the City Council for approval of the 1280 Park Avenue Condominiums Plat; and

WHEREAS, the property was properly noticed on March 26, 2016 and posted on March 30, 2016, according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners on March 30, 2016; and

WHEREAS, the Planning Commission held a public hearing on April 13, 2016, to receive input on 1280 Park Avenue Condominiums Plat; and

WHEREAS, the Planning Commission, on April 13, 2016, forwarded a positive recommendation to the City Council; and

WHEREAS, the City Council held a public hearing on April 28, 2016, to receive input on the 1280 Park Avenue Condominiums Plat; and

WHEREAS, it is in the best interest of Park City, Utah, to approve 1280 Park Avenue Condominiums Plat to memorialize common, limited common, and private ownership areas and allow the units to be sold separately.

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 1280 Park Avenue Condominiums Plat shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The duplex dwelling is located at 1280 Park Avenue in the HR-M zone. A duplex dwelling is an allowed use in the HR-M zone.
2. The duplex dwelling consists of a Historic Structure with a non-historic rear addition. The Historic Structure was constructed in 1904 and the new addition is currently under construction.
3. A Historic District Design Review (HDDR) application for the new rear addition to the Historic Structure (creating the duplex dwelling) was approved on July 20, 2015.
4. The Historic Structure is designated as Unit A and the new rear addition is designated as Unit B on the proposed Condominium Plat

5. The site is listed as "Landmark" on Park City's Historic Site's Survey.
6. There are no existing physical encroachments on the site.
7. The minimum lot size for the HR-M is 3,750 square feet for a duplex dwelling. The property is 5,154 square feet. In the HR-M zone no maximum footprint calculation is established, as the size of a structure is determined by the setback and height requirements.
8. The maximum height for a structure is 27 feet above existing grade. The maximum height of the new rear addition is 27 feet and the maximum height of the Historic Structure is 18 feet.
9. A lot line adjustment was approved by City Council on March 27, 2003 creating the 1280 Park Avenue Subdivision. The 1280 Park Avenue Subdivision combined the existing platted lots and remnant parcels into one (1) lot of record and brought the lots into compliance with the minimum lot size for the HR-M zone.
10. Historic Structures that do not comply with Building Setbacks are valid Complying Structures. The north Side Yard Setback of the Historic Structure is 2.9 feet to 3.1 feet (west to east). The south Side Yard Setback of the Historic Structure is 3.7 feet to 3.6 feet (west to east).
11. Under § 15-14-1, the Planning Director may deem existing violations in substantial compliance with the Land Management Code. On April 6, 2016 the Planning Director deemed the south Side Yard Setback violation of the rear addition as 1280 Park Avenue *de minimis*, and in substantial compliance with the LMC.
12. The south wall of the new rear addition is clad in horizontal cedar siding with a two inch (2") profile. The horizontal cedar siding falls under Side Yard Exceptions in LMC § 15-2.4-4. Therefore, the level of non-compliance of the south Side Yard Setback is reduced from 0.25 feet (3 inches) and 0.4 feet (4.8 inches) (west to east) to .083 feet (1 inch) and .24 feet (2.8 inches) (west to east).
13. The error extends a maximum of 2.8 inches (2.8") beyond the vertical plane of the south Side Yard Setback. As no additional square footage was achieved in the rear addition due to this violation, the Planning Director has determined that the violation is *de minimis* and not advantageous to the scope of the development.
14. Any new additions to the structure will have to meet the five foot (5') Side Yard Setback as outlined in § 15-2.4-4 (G) SIDE YARD.
15. Historic Structures are exempt from Off-Street parking requirements provided the addition does not create a Lockout Unit or an Accessory Apartment. The new addition (Unit B) creates a Lockout Unit. The new rear addition (Unit B) has a two-car garage arranged in a tandem configuration accessed from Sullivan Road. In addition, the driveway for Unit B has a one-car parking space. In total, Unit B provides three (3) parking spaces
16. The Historic Structure (Unit A) is exempt from Parking Requirements as defined in LMC § 15-2.4-6; however, the Historic Structure has a driveway (accessed from Park Avenue) which provides a parking space for one (1) vehicle.
17. Vehicular and pedestrian access for Unit A is proposed to come from Park Avenue.
18. Vehicular and pedestrian access for Unit B is proposed to come from Sullivan Road.
19. In 2008, a Conditional Use Permit was approved for a concrete driveway and curb cut located in the rear of the Historic Structure. Staff determined that a new Conditional Use Permit would not be required because the new driveway

accommodating vehicular access for the new rear addition (Unit B) would utilize the existing curb cut and would not intensify the use of the vehicular access.

20. Unit A contains 2,265 square feet (including the lower level).
21. Unit B contains 3,410 square feet (including the garage). Unit B contains 968 square feet of private interior garage space. The driveway of Unit B can accommodate one (1) car and is designated as Limited Common for the Benefit of Unit B.
22. The driveway of Unit A can accommodate one (1) car and is designated as Limited Common for the Benefit of Unit A.
23. A Common Area and Non-Exclusive Utility and Drainage Easement extend along the entire length of the north lot line. The easement extends to the northern exterior facades of Unit A and Unit B.
24. A Non-Exclusive Utility and Drainage Easement extends along the entire length of the south lot line and west lot line. The easement extends to the southern exterior facades of Unit A and Unit B.
25. The property is located in a FEMA Flood Zone A which requires the lowest occupied floor to be equal to or above the base flood elevation.
26. Utilities, including sewer, water, gas, and electricity for both units will originate from Park Avenue, as service is not available from Sullivan Road.
27. The Planning Commission reviewed the Condominium Plat on April 13, 2016 and forwarded a positive recommendation to City Council with a unanimous vote of 6-0 in favor of the Condominium Plat amendment.
28. The findings within the Analysis section of this report are incorporated within.

Conclusions of Law:

1. There is good cause for this Condominium Plat.
2. The Condominium Plat is consistent with the Park City Land Management Code and applicable State law regarding Condominium Plats.
3. Neither the public nor any person will be materially injured by the proposed Condominium Plat.
4. Approval of the Condominium Plat, 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 Condominium Plat and Condominium Documents and CC&Rs for compliance with State law, the Land Management Code, and conditions of approval, prior to recordation of the plat.
2. The applicant will record the Condominium Plat at Summit 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. The CC&Rs shall include a tie breaker mechanism.
4. The CC&Rs shall reflect that the site is listed on the Park City Historic Sites Inventory and any development shall be in substantial compliance with the requirements outlined in the Land Management Code for Historic Sites.

5. A Plat note shall be added and state that the site is listed on the Park City Historic Sites Inventory and any development shall be in substantial compliance with the requirements outlined in the Land Management Code for Historic Sites.

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

PASSED AND ADOPTED this 28th day of April 2016.



PARK CITY MUNICIPAL CORPORATION



Jack Thomas, MAYOR

ATTEST:



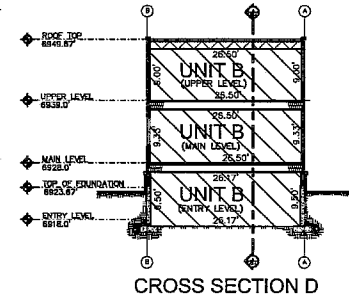
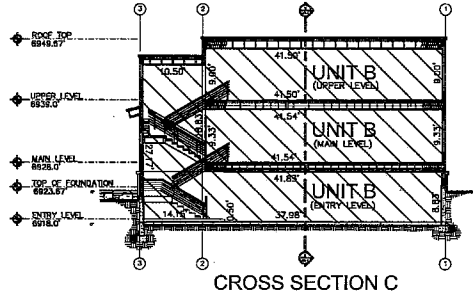
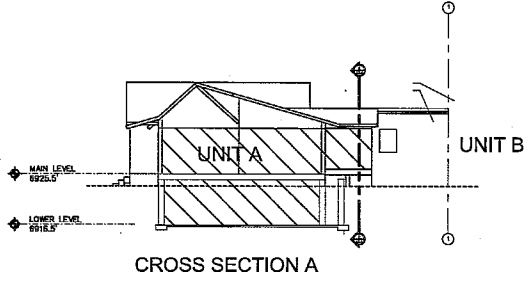
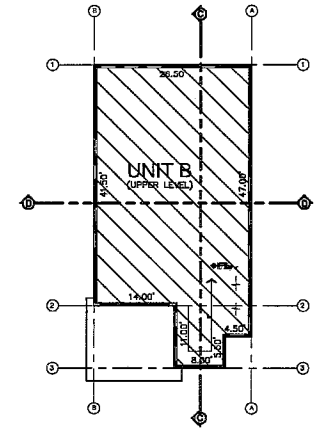
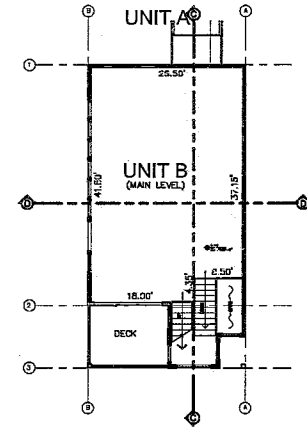
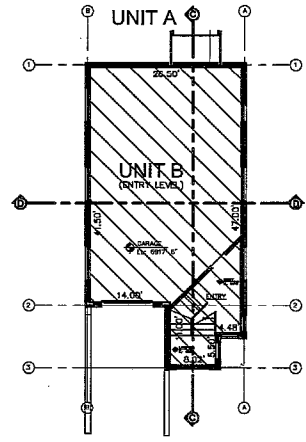
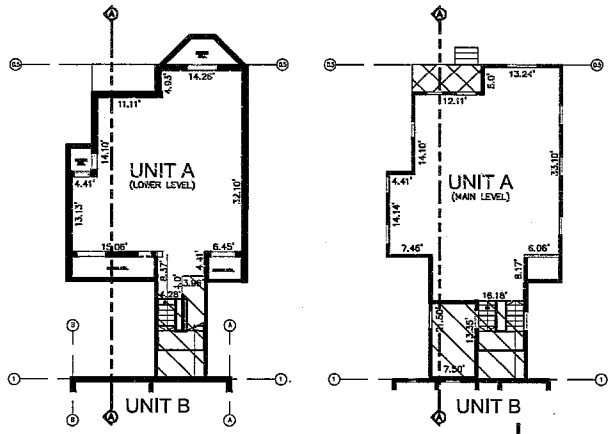
Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

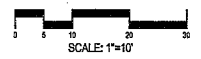


Mark Harrington, City Attorney

Attachment 1 –Condominium Plat



LEGEND
 PRIVATE OWNERSHIP



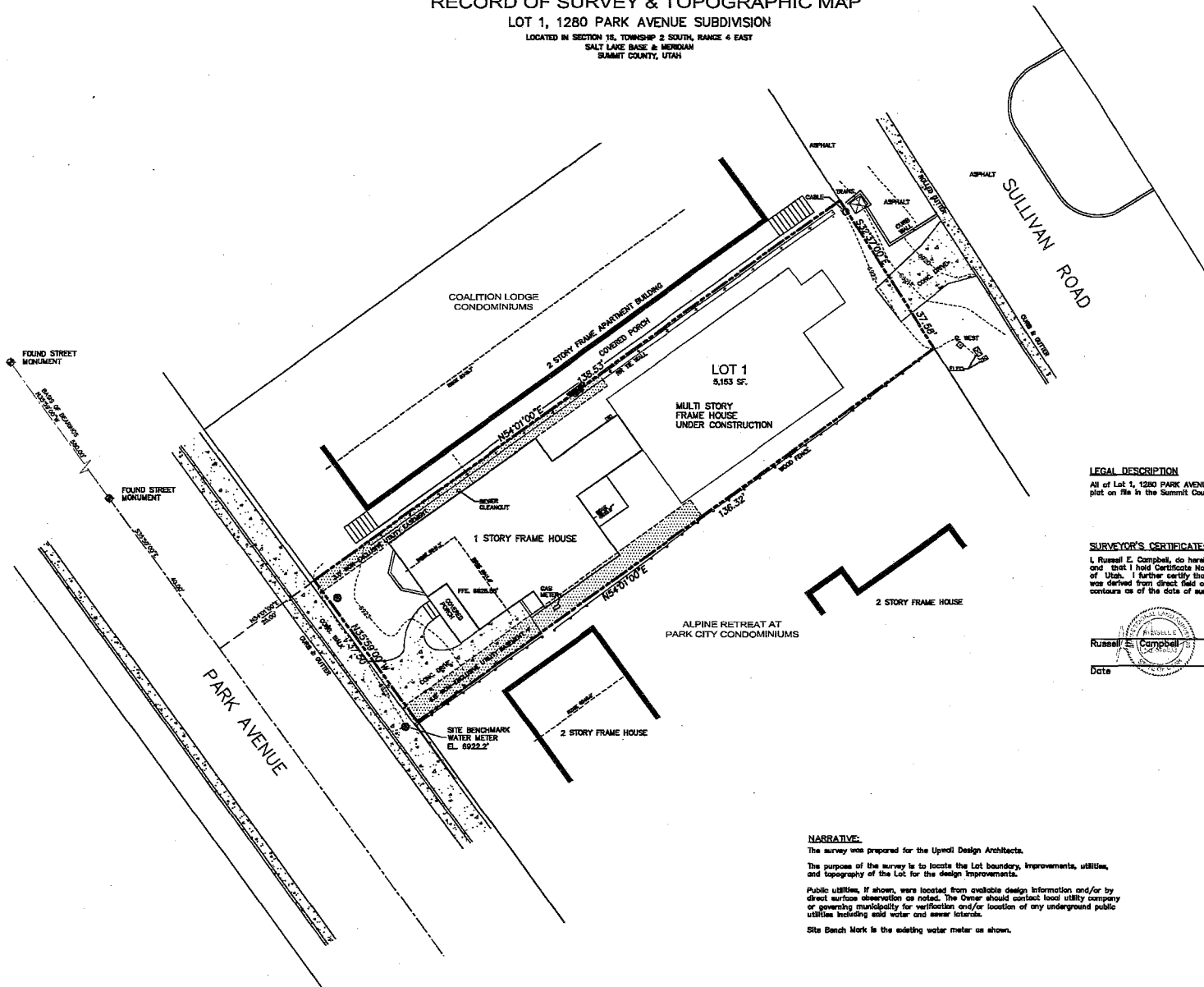
RECORD OF SURVEY MAP
1280 PARK AVENUE
 A UTAH CONDOMINIUM PROJECT

LOCATED IN THE NORTHWEST QUARTER OF SECTION 16
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
 PARK CITY, SUMMIT COUNTY, UTAH

SHEET
2 of 2

RECORDED
 ENTRY NO. _____ BOOK _____ PAGE _____
 STATE OF UTAH COUNTY OF SUMMIT
 DATE _____ TIME _____
 RECORDED AND FILED AT THE REQUEST OF _____
 COUNTY RECORDER

RECORD OF SURVEY & TOPOGRAPHIC MAP
LOT 1, 1280 PARK AVENUE SUBDIVISION
 LOCATED IN SECTION 15, TOWNSHIP 2 SOUTH, RANGE 4 EAST
 SALT LAKE BASE & MENDHAM
 SUMMIT COUNTY, UTAH



LEGAL DESCRIPTION

All of Lot 1, 1280 PARK AVENUE SUBDIVISION Subdivision, according to the official plat on file in the Summit County Records Office.

SURVEYOR'S CERTIFICATE:

I, Russell E. Campbell, do hereby certify that I am a Professional Land Surveyor and that I hold Certificate No. 318633 as prescribed under the laws of the State of Utah. I further certify that the boundary and topographic survey shown herein was derived from direct field observation and represents the existing conditions and contours as of the date of survey: November 25, 2016.

Russell E. Campbell
 Date

LEGEND

- ⊕ FOUND STREET MONUMENT
- FOUND REBAR & CAP (AS NOTED)
- ⊗ EXISTING SANITARY SEWER MANHOLE
- WATER METER
- TELEPHONE BOX
- ⊠ ELECTRICAL BOX

NARRATIVE:

The survey was prepared for the Upwell Design Architects.

The purpose of the survey is to locate the Lot boundary, improvements, utilities, and topography of the Lot for the design improvements.

Public utilities, if shown, were located from available design information and/or by direct surface observation as noted. The Owner should contact local utility company or governing municipality for verification and/or location of any underground public utilities including solid water and sewer laterals.

Site Bench Mark is the existing water meter as shown.



BASELINE SURVEYING, Inc

DATE	BY	REVISIONS/COMMENTS

1284	JOB No.
RC	SURVEY BY
RC	DRAWN BY

BOUNDARY & TOPOGRAPHIC SURVEY
LOT 1, 1280 PARK AVENUE SUBDIVISION
1280 PARK AVENUE; PARK CITY
SUMMIT COUNTY, UTAH