

Ordinance No. 2018-49

AN ORDINANCE APPROVING AN EXTENSION OF THE JUNE 8, 2017 APPROVAL OF THE 243 DALY AVENUE SUBDIVISION LOCATED AT 243 DALY AVENUE, PARK CITY, UTAH.

WHEREAS, the owners of property located at 243 Daly Avenue have petitioned the City Council for approval of an extension of the 243 Daly Avenue Subdivision approval;

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code;

WHEREAS, proper legal notice was sent to all affected property owners;

WHEREAS, the Planning Commission held a public hearing on May 10, 2017, to receive input on plat amendment located at the aforementioned address;

WHEREAS, the Planning Commission, on the aforementioned date, forwarded a recommendation to the City Council to approve the proposed condominium plat according to the Findings of Fact, Conclusions of Law and Conditions of approval as stated herein;

WHEREAS; the City Council, held a public hearing on June 8, 2017, and approved the 243 Daly Avenue Subdivision;

WHEREAS; the City Council, held a public hearing on September 13, 2018 and approved an extension of the plat approval to June 8, 2019;

WHEREAS, it is in the best interest of Park City, Utah to approve the extension of the 243 Daly Avenue Subdivision approval to allow time to resolve issues of interest to the City that are also required to be complied with prior to plat recordation.

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 243 Daly Avenue Subdivision as 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 property is located 243 Daly Avenue.
2. The property is in the Historic Residential (HR-1) District.
3. It is identified by the Summit County Recorder as tax parcels PC-627-A and PC-630-MS. The proposed subdivision creates one (1) lot of record.

4. This site is listed on Park City's Historic Sites Inventory (HSI) and is designated as Landmark.
5. The Subdivision removes one (1) lot line going through the interior of the property.
6. The proposed Subdivision combines the property into one (1) lot measuring 5,552.93 square feet.
7. A single-family dwelling is an allowed use in the District.
8. 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.
9. The proposed lot width is 27.8 feet along Daly Avenue. The minimum lot width required is twenty-five feet (25'). The proposed lot meets the minimum lot width requirement.
10. The maximum building footprint allowed based on proposed lot size of 5,552.93 square feet is 2,032.26 square feet. The historic house equates to a footprint of approximately 974 square feet.
11. LMC § 15-2.2-4 indicates that historic structures that do not comply with building setbacks are valid complying structures.
12. The minimum front/rear yard setbacks are fifteen feet (15'), for a total of 30 feet. The historic house has a front yard setback of 35 feet and a rear yard setback of 82 feet.
13. The minimum side yard setbacks are three feet (3'), for a total of six feet (6'). The existing historic house does not comply as it has a side yard setback of five feet (5') along the north property line and two feet (2') along the south property line.
14. The historic shed at 239 Daly Avenue encroaches over the shared property line and into the 243 Daly Avenue property by one foot (1'). The shed has been designated as Significant on the City's Historic Sites Inventory.
15. There is also a non-historic fence along the shared property line and non-historic railroad tie retaining wall that extend between the two properties at 243 and 239 Daly Avenue.
16. City Council approved the 243 Daly Avenue Subdivision as Ordinance 2017-26 on June 8, 2018.
17. On June 8, 2018, the applicant submitted a written request for an extension of the approval to allow additional time to address the required conditions of approval that have to be completed prior to plat recordation. The application for extension was deemed complete on July 26, 2018.
18. There have been no changes of circumstance of either the property, the Land Management Code, or the zoning map, since the date of approval, that create the need to make additional changes to the proposed plat prior to action on the extension request.
19. The Land Management Code allows for the City Council to approve extensions of plat approvals.
20. 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 Attorney and City Engineer will review and approve the final form and content of the subdivision 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 subdivision at the County within one year from the date of City Council approval for extension (June 8, 2019). If recordation has not occurred within one year's 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. Recordation of this plat and completion and approval of a final Historic District Design Review (HDDR), applications are required prior to building permit issuance for any construction on the proposed lot.
4. 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 subdivision is recorded with the Summit County Recorder's office.
5. A ten feet (10') wide public snow storage easement will be required along the Daly Avenue frontage of the property.
6. The property owner shall resolve the encroachment of the fence and railroad tie retaining walls over the north (side) property line either removing the retaining walls or entering into an encroachment agreement with the neighbor at 239 Daly Avenue.
7. An encroachment agreement for the historic garage at 239 Daly Avenue is recommended.
8. 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.
9. Ten foot (10') public snow storage easements shall be granted along Daly Avenue.
10. New construction shall comply with Land Management Code Section 15-2.2-3 regarding setbacks, building height, building envelope, building footprint, etc.

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

PASSED AND ADOPTED this 13th day of September, 2018.

PARK CITY MUNICIPAL CORPORATION



Andy Beerman, MAYOR

ATTEST:



Michelle Kellogg
Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

Mark Harrington
Mark Harrington, City Attorney

Attachment 1 – Proposed Plat

