

Ordinance No. 11-21

**AN ORDINANCE APPROVING THE 1159 EMPIRE AVENUE CONDIMINIUMS
RECORD OF SURVEY LOCATED WITHIN LOTS 5,6, AND 7 IN BLOCK 27 OF
SNYDERS ADDITION TO THE PARK CITY SURVEY, PARK CITY,
SUMMIT COUNTY, UTAH**

WHEREAS, the owner of the properties known as 1159 Empire Avenue, has petitioned the City Council for approval of a condominium conversion for the existing four plex located within Lots 5, 6, and 7 in Block 27 of Snyder's Addition to the Park City Survey; 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 July 13, 2011, to receive input on the 1159 Empire Ave Condominiums Record of Survey; and

WHEREAS, the Planning Commission, on July 13, 2011, voted unanimously to forward a positive recommendation to the City Council and directed staff to amend the findings of fact and conclusions of law; and

WHEREAS, the Planning Commission, on July 27, 2011 reviewed the amended findings of fact, conclusions of law, and conditions of approval; and

WHEREAS, on August 4, 2011, the City Council approved the 1159 Empire Avenue Condominiums Record of Survey; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 1159 Empire Avenue Condominiums Record of Survey.

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 1159 Empire Avenue Condominiums Record of Survey 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 1159 Empire Avenue.
2. The owners of the property located at 1159 Empire Avenue have petitioned the City Council for approval of the 1159 Empire Avenue Condominiums Record of Survey

Plat

3. The property is located in the Historic Residential (HR-1) District.
4. The structure is a built multi-unit dwelling which contains four units.
5. A building permit was given to build the multi-unit dwelling in 1979.
6. A multi-unit dwelling is currently a prohibited use in the HR-1 district.
7. The multi-unit dwelling is a legal non-conforming use.
8. There is not a minimum lot size for a multi-unit dwelling in the HR-1 because a multi-unit dwelling is a prohibited use.
9. Based on Title 15 LMC, Chapter 2.2, Table 15-2.2, the maximum footprint allowed for this lot is 2,050 square feet, and the footprint of the existing structure is 2,058.5 square feet, making the structure a legal, noncomplying structure.
10. The area of the lot is 5625 square feet.
11. The setback requirements for a seventy-five (75) feet deep by seventy-five feet (75') wide lot are ten feet (10') front yard, ten feet (10') rear yard, and five feet (5') with a combined minimum of eighteen feet (18') side yards. The existing four-plex does not comply with the side yard setback requirements. The structure is located five feet (5') from the property line on each side. The combined minimum of eighteen feet (18') has not been met. Therefore, the structure is a legal, non-complying structure.
12. Parking requirements for the four-plex have been met within the site. The parking ratio requirement for a multi-unit dwelling with units between 650 -1000 sf (LMC § 15-3-6) is 1.5 parking spaces per dwelling unit, requiring a total of six (6) parking spaces. There are six interior parking spaces in the garage and two in front of the building.
13. The total size of the habitable living space is 3,146 square feet, with unit 1 being 769 square feet, unit 2 being 771 square feet, unit 3 being 780 square feet, and unit 4 being 826 square feet.
14. The four-plex is both a legal, non-conforming use and a legal, non-conforming structure. Currently, the four units can not be sold individually.
15. The Condominium Conversion will allow the four units to be sold individually.
16. Per LMC 15-9-1 the purpose of the chapter is to limit enlargement, alteration, restoration, or replacement which would increase the discrepancy between existing conditions and the development standards prescribed by the code. In addition, applications are reviewed to ensure that they are reducing the degree of non-conformity and improving the physical appearance of the structure and site through such measures as landscaping, building design, or the improved function of the use in relation to other uses.
17. LMC Section 15-9-5, regulates that "no non-conforming use may be moved, enlarged, altered, or occupy additional land, except as provided within section 15-9-5. The change in ownership interest is not altering the non-conforming use in a manner which would increase the degree of non-conformity.
18. During the July 13, 2011 Planning Commission meeting, the Commission found good cause for the condominium plat because: the degree of the legal, non-conforming use and the legal, non-complying structure was not being moved, enlarged, expanded, or altered in a manner to increase the non-conformity; the sale of smaller units within Old Town could result in more attainable housing within the Historic District; and the structure is in essence being adaptively reused. Adaptive

reuse of buildings is a green building technique that results in minimal waste, recycling, and minimal new consumption of goods.

19. The findings within the Analysis section are incorporated within.

Conclusions of Law:

1. There is good cause for this condominium Record of Survey.
2. The Record of Survey Plat is consistent with the Park City Land Management Code and applicable State law regarding Condominium Record of Survey Plats.
3. Neither the public nor any person will be materially injured by the proposed condominium record of survey.
4. As conditioned the condominium record of survey is consistent with the Park City General Plan.

Conditions of Approval:

1. The City Attorney and City Engineer must review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval as a condition precedent to recording the plat.
2. The applicant will record the subdivision 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 and the plat will be void.
3. A ten foot wide public snow storage easement is required along the front of the property.
4. No remnant parcels are created.
5. If in the future the owner petitions the City to vacate the condominium plat, the City Council maintains the right to address the maximum footprint and lot size and will review the plat amendment based on the zoning at time of petition.

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

PASSED AND ADOPTED this 4th day of August, 2011.

PARK CITY MUNICIPAL CORPORATION

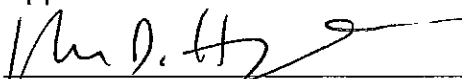

Dana Williams, Mayor

Attest:


Janet M. Scott, City Recorder



Approved as to form:


Mark D. Harrington, City Attorney

SURVEYOR'S CERTIFICATE

I, John Demko, certify that I am a Registered Land Surveyor and that I had authority of the state. I have prepared this Record of Survey map of the 1159 EMPIRE AVENUE CONDOMINIUMS in accordance with the provisions of the Utah Condominium Act, Utah Code Ann. § 33-1-1, et seq. and the information on this plat is accurate.



Date _____
John Demko

BOUNDARY DESCRIPTION

LOTS 5, 6 and 7 of BLOCK 27, SNYDER'S ADDITION TO PARK CITY, according to the official plat thereof on file in the office of the Summit County Recorder.

OWNER'S DEDICATION AND CONSENT TO RECORD

EVERY part of the above described lots, blocks and units, together with the easements, rights and interests therein, have been conveyed to the City of Park City, Utah, by deed, and the City of Park City, Utah, has accepted the same for the use and benefit of the public, and the City of Park City, Utah, has agreed to record this plat and to cause the same to be recorded in the office of the Summit County Recorder, and the City of Park City, Utah, has agreed to record this plat and to cause the same to be recorded in the office of the Summit County Recorder, and the City of Park City, Utah, has agreed to record this plat and to cause the same to be recorded in the office of the Summit County Recorder.

In witness whereof, the undersigned has hereunto set his hand and seal this _____ day of _____, 2011.

Dean Coleman
Dean Coleman
Manager, 1159 Empire Avenue, LLC, a Utah limited liability company

ACKNOWLEDGMENT

State of _____
County of _____

I, _____, being duly sworn, Dean Coleman, Manager, do hereby certify that the above described lots, blocks and units, together with the easements, rights and interests therein, have been conveyed to the City of Park City, Utah, by deed, and the City of Park City, Utah, has accepted the same for the use and benefit of the public, and the City of Park City, Utah, has agreed to record this plat and to cause the same to be recorded in the office of the Summit County Recorder, and the City of Park City, Utah, has agreed to record this plat and to cause the same to be recorded in the office of the Summit County Recorder.

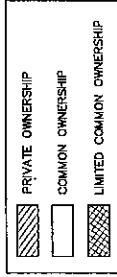
A Notary Public commissioned in Utah

Printed Name _____
Reading to: _____
My commission expires: _____

NOTARY PUBLIC

NOTE:
This plat is subject to the provisions of the Utah Condominium Act, Utah Code Ann. § 33-1-1, et seq. and the information on this plat is accurate.

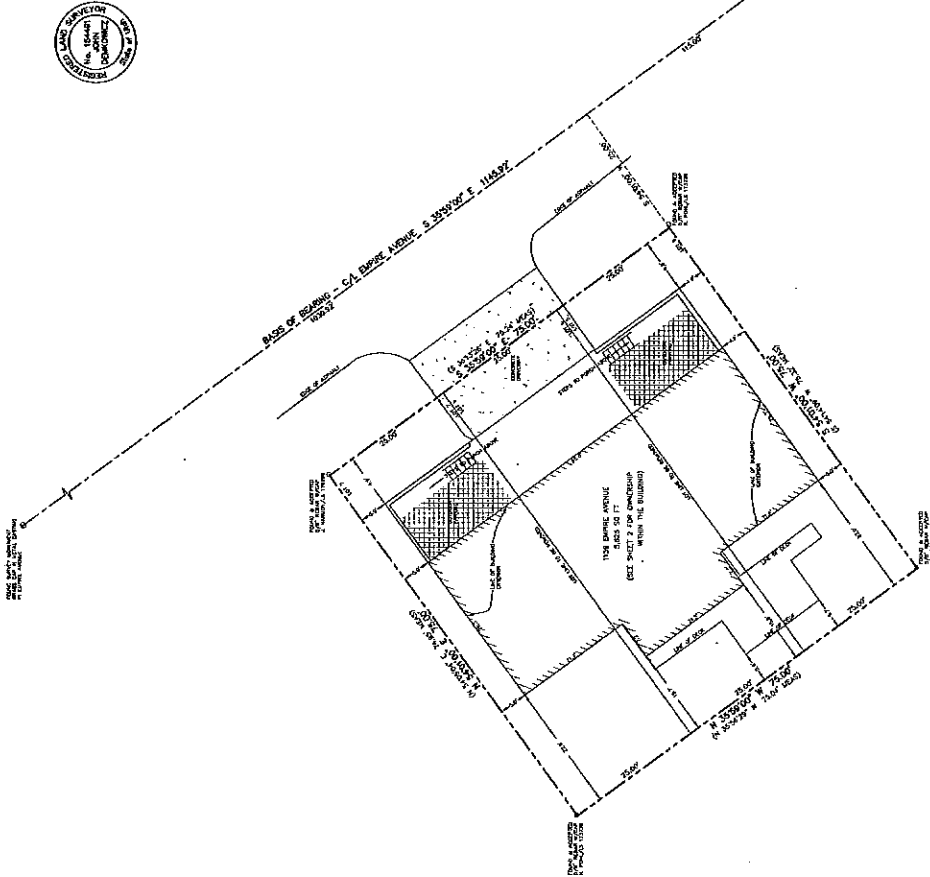
OWNERSHIP DESIGNATIONS



1159 EMPIRE AVENUE CONDOMINIUMS

A COMBINATION OF LOTS 5, 6 AND 7 IN BLOCK 27, SNYDER'S ADDITION TO PARK CITY

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



<p>FILED FOR RECORDING IN THE OFFICE OF THE SUMMIT COUNTY RECORDER</p>	<p>RECORDED</p>	<p>STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ PAGE _____</p>	<p>DATE _____ TIME _____ BOOK _____ PAGE _____</p>	<p>BY _____ MAYOR</p>	<p>BY _____ RECORDER</p>
<p>FILED FOR RECORDING IN THE OFFICE OF THE SUMMIT COUNTY RECORDER</p>	<p>RECORDED</p>	<p>STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ PAGE _____</p>	<p>DATE _____ TIME _____ BOOK _____ PAGE _____</p>	<p>BY _____ MAYOR</p>	<p>BY _____ RECORDER</p>

CERTIFICATE OF ATTEST

APPROVAL AS TO FORM

ENGINEER'S CERTIFICATE

PLANNING COMMISSION

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2011 A.D.

CITY OF PARK CITY

APPROVED AS TO FORM THIS _____ DAY OF _____, 2011 A.D.

FILED IN MY OFFICE THIS _____ DAY OF _____, 2011 A.D.

APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2011 A.D.

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2011 A.D.

BY _____ S.U.W.R.D.

PARK CITY ATTORNEY

APPROVED AS TO FORM THIS _____ DAY OF _____, 2011 A.D.

FILED IN MY OFFICE THIS _____ DAY OF _____, 2011 A.D.

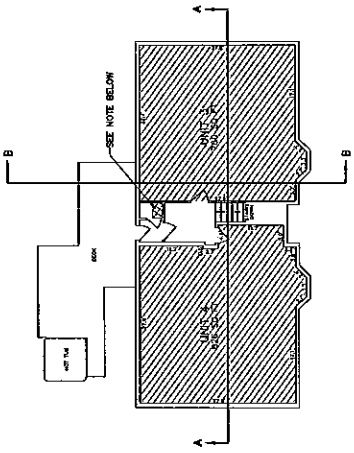
APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2011 A.D.

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2011 A.D.

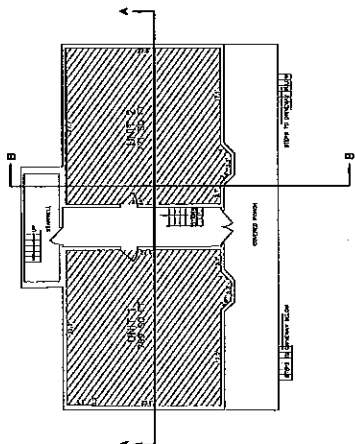
BY _____ S.U.W.R.D.

CONTACT US TODAY! 801-467-4447

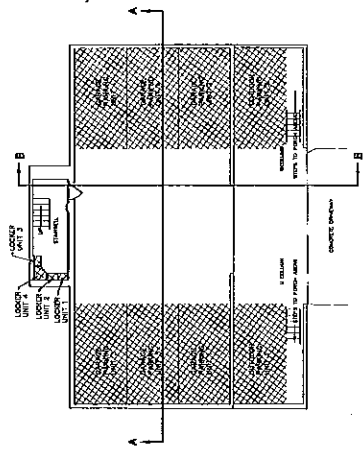
1159 EMPIRE AVENUE CONDOMINIUMS



LEVEL 3

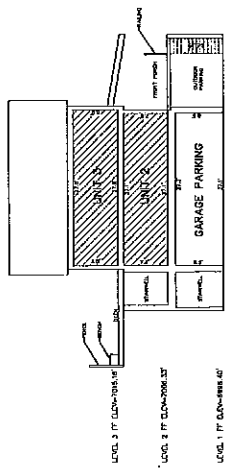
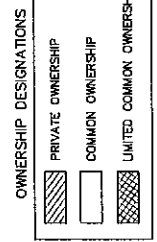


LEVEL 2

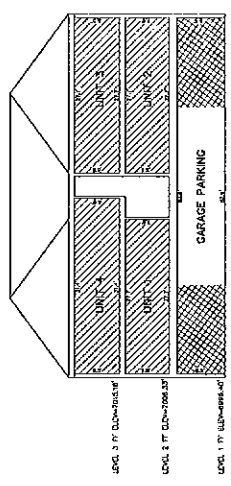


LEVEL 1

NOTE
 The use of Limited, Common, or Private Ownership designations in this plan is for informational purposes only and does not constitute a warranty or representation of any kind. The user of this plan should consult with an attorney for full and complete information.



SECTION B-B



SECTION A-A

SHEET 2 OF 2

RECORDED
 STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
 AT THE REQUEST OF _____ BOOK _____ PAGE _____
 DATE _____ TIME _____
 FEE _____ RECEIVED _____

6425 444-4447

 ALLIANCE PROFESSIONAL SERVICES
 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
 22 East 1000 West, P.O. Box 1000, Provo, Utah 84601