

Ordinance No. 11-20

**AN ORDINANCE APPROVING THE 929 PARK AVENUE SUBDIVISION
LOCATED AT 929 PARK AVENUE, PARK CITY, UTAH**

WHEREAS, the owner of the property located at 929 Park Avenue has petitioned the City Council for approval of the plat amendment combining Lots 7 and 8 and the eastern 25' of Lots 25 and 26, Block 3 of the Park City Survey into one lot of record; 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 property owners within 300 feet; and

WHEREAS, the Planning Commission held public hearings on June 8 and June 22, 2011, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on June 22, 2011, forwarded a positive recommendation with conditions, to the City Council; and,

WHEREAS, on July 21, 2011, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, there is good cause for and it is in the best interest of Park City, Utah to approve the 929 Park Avenue Plat Amendment in order to include the two remnant parcels in a lot of record, remove the non-complying lot line that exists through this deteriorated and mothballed Significant historic structure, to create a single lot of record for the existing historic structure, and to allow this threatened house to be restored, improved and added onto in compliance with the 2009 Historic District Design Guidelines and International Building Code.

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

SECTION 1. APPROVAL. The 929 Park Avenue plat amendment 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 at 929 Park Avenue.
2. The property is located in the Historic Residential (HR-1) District.
3. The proposed lot is 5,000 square feet in area.
4. The minimum lot size within the HR-1 District is 1,875 square feet.
5. The lot width of the proposed lot is fifty feet (50').
6. The minimum lot width within the HR-1 District is twenty-five feet (25').
7. The existing footprint of the structure is 962 square feet.

8. According to the LMC, the maximum footprint for a lot this size is 1,888 square feet and the applicant has agreed to limit the building footprint size to 1,688 square feet.
9. The proposed plat amendment combines Lots 7 and 8 and the eastern 25' of Lots 25 and 26, Block 3 of the Park City Survey into one 5,000 sf lot of record for an existing Significant historic house. The proposed lot is 50' wide and 100' deep.
10. The remnant parcels of Lots 25 and 26 are the result of a 1998 lot line combination of Lots 25 and 26 at 944 Woodside, known as the Helm Replat. The Helm Replat did not include these remnants as they were owned by the 929 Park Avenue property owner at that time.
11. The existing one story historic house at 929 Park Avenue was constructed circa 1889 across the property line between Lots 7 and 8. The existing house is 39' wide and 40' deep.
12. There are no encroachments on this property. The structure does not encroach onto adjacent property.
13. The property is listed as a significant site on the Park City Historic Sites Inventory.
14. There is a 96 sf non-historic accessory shed on the property that will remain on the property. This shed is listed as an improvement to the property.
15. The existing structure complies with the lot and site requirements, with the exception of an existing non-conforming 1 foot setback on the north side yard.
16. The current use of the property is a single family dwelling.
17. The existing house is vacant. In 2009 the house was deemed un-safe and a nuisance by the Chief Building Official. Following approval of a preservation plan on October 16, 2009, the property was "mothballed" in September of 2010.
18. Pending rehabilitation and restoration of the house to meet building codes for a safe, habitable structure, the City and owner signed and recorded a maintenance agreement on September 20, 2010.
19. No remnant parcels of land are created with this plat amendment.
20. According to the compatibility study the average square footage of the structures within 300' is 2,079 sf (excluding condominiums and commercial structures).
21. The proposed building footprint, as conditioned, is consistent with the pattern of development in this neighborhood and the building footprint that results is compatible with the average footprints in the neighborhood that include a mix of historic and contemporary single family homes, duplexes, and condominiums.
22. Any requested additions are required to comply with the adopted Park City Design Guidelines for Historic Districts and Sites and all additional applicable LMC criteria pertaining to additions to historic Significant structures.
23. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.
24. The existing house is approximately 39' wide on the 50' of lot width. The lot is relatively flat with 5' rise in grade from front property line to rear setback line. There is a 3' rise in the area where an addition could be placed. In compliance with the Historic District Design Guidelines, any addition to the historic structure is required to be located behind and off-set from the structure. Compliant additions may not be constructed on top of the historic roofline. The 27' height limit is measured from existing grade and the grade is relatively flat. Therefore, impacts on the existing streetscape, due to this plat amendment, are minimized because the addition must be located to the rear and not over the top of the historic house.

Conclusions of Law:

1. There is good cause for this plat amendment in that the combined lot will remove the lot line going through the historic structure.
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 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 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. A 10' (ten foot) snow storage easement shall be dedicated to Park City across the property's frontage on Park Avenue.
4. Include a note on the plat that modified 13-D sprinklers are required.
5. Upon final restoration, the house shall be returned to the current historic location.
6. The maximum building footprint is 1,688 and the applicant consents to this footprint.

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

PARK CITY MUNICIPAL CORPORATION



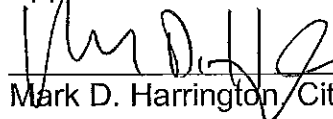
Mayor Dana Williams

Attest:

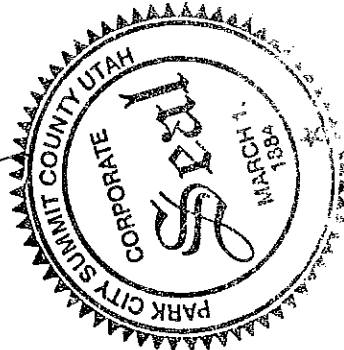


Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney



OWNER'S CERTIFICATE

I, the undersigned, being the owner of the above described property, do hereby certify that the same is being offered for sale or lease in accordance with the provisions of the laws of the State of Utah, and that the same is being offered for sale or lease in accordance with the provisions of the laws of the State of Utah, and that the same is being offered for sale or lease in accordance with the provisions of the laws of the State of Utah.

LEGAL DESCRIPTION

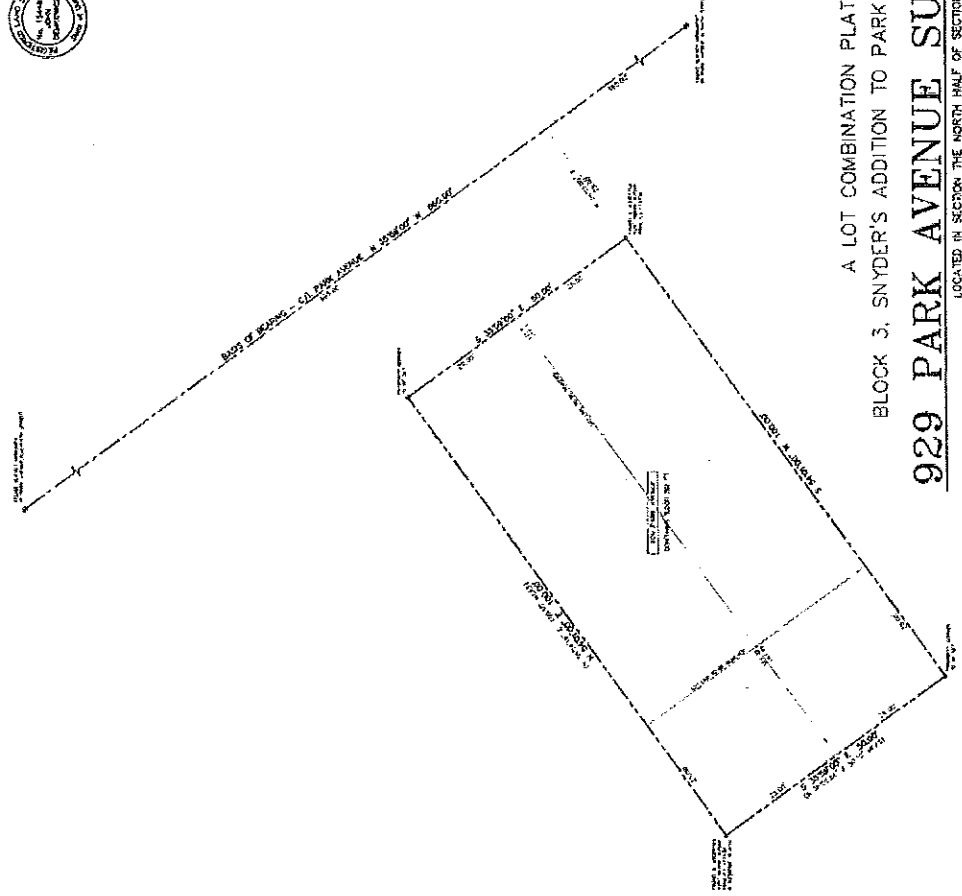
LOTS 1 AND 2 AND THE EASTERN 20 FEET OF LOTS 3 AND 4 IN BLOCK 3, SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASIN AND MERIDIAN

OWNER'S DECLARATION AND CONSENT TO RECORD

I, the undersigned, being the owner of the above described property, do hereby declare and consent to record the same in the public records of the County of Summit, Utah, and to the recording of the same in the public records of the County of Summit, Utah, and to the recording of the same in the public records of the County of Summit, Utah.

ACKNOWLEDGMENT

I, the undersigned, being the owner of the above described property, do hereby acknowledge the recording of the same in the public records of the County of Summit, Utah, and to the recording of the same in the public records of the County of Summit, Utah, and to the recording of the same in the public records of the County of Summit, Utah.



A LOT COMBINATION PLAT
BLOCK 3, SNYDER'S ADDITION TO PARK CITY SURVEY
929 PARK AVENUE SUBDIVISION
 LOCATED IN SECTION THE NORTH HALF OF SECTION 16
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASIN AND MERIDIAN
 PARK CITY, SUMMIT COUNTY, UTAH

APR 04 2011



<p>SYRREVILLE BASIN WATER RECLAMATION DISTRICT FORMED FOR COMPLIANCE TO ANTIPOLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS DATE OF 7/31/10 BY [Signature]</p>		<p>PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS DAY OF 7/31/10 BY [Signature]</p>		<p>ENGINEER'S CERTIFICATE THIS PLAT IS IN ACCORDANCE WITH THE CITY OF PARK CITY, UTAH, AND IS FILED IN THE OFFICE OF THE CITY ENGINEER THIS DAY OF 4/4/11 BY [Signature]</p>		<p>APPROVAL AS TO FORM APPROVED AS TO FORM THIS DAY OF 4/4/11 BY [Signature]</p>		<p>CERTIFICATE OF ATTEST I HEREBY CERTIFY THAT THIS PLAT IS IN ACCORDANCE WITH THE CITY OF PARK CITY, UTAH, AND IS FILED IN THE OFFICE OF THE CITY ENGINEER THIS DAY OF 4/4/11 BY [Signature]</p>		<p>COUNCIL APPROVAL AND ACCEPTANCE APPROVED AND ACCEPTED BY THE PARK CITY COUNCIL THIS DAY OF 4/4/11 BY [Signature]</p>		<p>RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE OFFICE OF THE COUNTY CLERK THIS DAY OF 4/4/11 BY [Signature]</p>	
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