

Ordinance No. 12-28

**ORDINANCE APPROVING THE 429 WOODSIDE AVENUE PLAT AMENDMENT
LOCATED AT 429 WOODSIDE AVENUE, PARK CITY, UTAH**

WHEREAS, the owner of the property located at 429 Woodside Avenue has 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 public hearings on July 11th, July 25th, August 8th, August 22nd, and September 12th, 2012, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on September 12th, 2012, forwarded a positive recommendation to the City Council; and,

WHEREAS, on September 27, 2012, 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 429 Woodside Avenue plat amendment as it combines adjacent property owned in common into a single lot of record; resolves a "land locked" parcel issue; restricts the footprint, height, setbacks, and limits of disturbance of any future development on the parcel; provides a winter ski access across the property for use by neighborhood; and resolves an encroachment and egress issue with an adjacent property.

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

SECTION 1. APPROVAL. The 429 Woodside 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 429 Woodside Avenue.
2. The property is located in the Historic Residential (HR-1) District.
3. The property is subject to the conditions of The Elder Park Subdivision, recorded on January 4, 1996, combined Lots 5 and 6, Block 1 with Lots 1- 4 of Block 29, Park City Survey creating a Lot A (39' by 75') at 421 Woodside and the subject Lot B (60.98' by 75') at 429 Woodside.
4. Access to the property is from Woodside Avenue.
5. The proposed plat amendment combines the 4,573 sf Lot B of the Elder Park Subdivision with a 6,853 sf adjacent metes and bounds described Parcel (PC-364-A-1), resulting in an 11,426 sf lot. The property is located in Block 29 of the Park City Survey.
6. The minimum lot size within the HR-1 District is 1,875 square feet.
7. The minimum lot width within the HR-1 District is twenty-five feet (25').
8. The width of the proposed combined lot does not change with the addition of the Parcel to the rear.
9. The maximum allowed building footprint for the combined lot is 3,006 square feet. The plat

restricts the maximum building footprint to 2,698 sf. The existing Historic house, including proposed additions, is restricted to a maximum footprint of 2,038 sq. ft. (1,768 sf existing and 270 sf of future additions as outlined in the plat amendment application). A future accessory structure is allowed a maximum of 660 sq. ft. of footprint to be located within the platted building envelope.

10. There is a Significant historic home located on Lot B. The home is being reconstructed with an addition, approved in September of 2008 under the previous Historic Design Guidelines and LMC. A Steep Slope CUP was approved by the Planning Commission on September 10, 2008.
11. The submitted certified survey of existing conditions indicates that there is a wooden step associated with the Quittin' Time condominiums that encroaches on the Parcel. There is also an informal foot path on the Parcel that is used by Quittin' Time to access the open space to the north. The applicant agrees to plat an encroachment easement for the wooden step and path and to allow winter ski access across the northwest corner of the Parcel. The survey identifies three evergreen trees on the Parcel that are outside of the building pad.
12. The Snyderville Basin Water Reclamation District (SBWRD) has reviewed the proposed plat and identified that all services for any future accessory structure on the Parcel will have to be extended from the existing house. No individual or separate services, meters, or hook-ups, including water, sewer, or electricity, will be allowed.
13. The property owner will need to comply with the requirements of the Snyderville Basin Water Reclamation District (SBWRD) before the District will sign the plat.
14. Any future accessory structure shall be a detached extension of the main house. The structure may not be attached or separately rented, leased, or sold. Any future accessory structure shall not be used as an accessory dwelling unit, guest house, secondary quarters, or accessory apartment, and all uses shall be accessory to the main house.
15. No remnant parcels of land are created with this plat amendment.
16. All construction in the HR-1 zone that is greater than 1,000 square feet in floor area and proposed on a slope of 30% or greater requires a Conditional Use Permit Application with review by the Planning Commission.
17. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.
18. This application is only to combine the properties and remove the interior lot line and does not provide approvals for the construction of any Structure or addition on the property.
19. Staff finds good cause for the plat amendment as conditioned, including footprint and height restrictions; proposed ski access allowance for historic use by the public; trail and wooden step encroachment easements for the neighbors; and designation of "no-build" zone behind the Quittin Time condominium units.
20. Staff finds good cause in that much of the property will continue to be used as it is today, as visual open space behind the Quittin' Time condos and for winter ski access to Woodside.
21. Staff finds good cause that the plat amendment and easements granted through the amendment resolve an existing issue and non-conforming situation (that a land locked remnant parcel is combined with a lot with access to Woodside and giving an easement to Quittin Time Condominiums for access to the Ski Resort behind their property).
22. Staff finds good cause that proposed restrictions on building footprint, building location, and building height are specifically recommended to address density and preservation of the character of the neighborhood.
23. The applicant consents to all conditions of approval.

Conclusions of Law:

1. There is good cause for this plat amendment in that the combined lot will remove the lot line between the commonly owned Lot and Parcel and will combine into one lot all of the

Property owned by this owner at this location. The plat notes and restrictions resolve encroachments and access issues, limit building pad and footprint, increase setbacks, and preserve significant vegetation.

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) public snow storage easement shall be dedicated to Park City across the property's frontage on Woodside Avenue.
4. The maximum building footprint on the combined Lot shall be restricted to 2,698.5 square feet with a maximum additional footprint for the existing house of 270 sf and a maximum footprint of 660 sf for the accessory structure on the rear parcel.
5. If the 270 sf of footprint allocated for the existing house is not utilized for the existing house, it may not be transferred to the rear parcel, to any structure or any other lot.
6. The building pad for an accessory structure is limited to an area of 804 square feet as depicted on the plat. Any area outside of the limits of disturbance area is a no build zone and must remain in its natural state.
7. If the accessory structure contains more than 660 square feet of Floor Area, as defined by the Land Management Code at the time of building permit application, then a Steep Slope Conditional Use permit is required prior to permit issuance. Historic District Design Review is a condition precedent to building permit issuance for the accessory structure.
8. Modified residential 13-D sprinklers shall be required for all new construction.
9. The property owner shall comply with applicable requirements of the Snyderville Basin Water Reclamation District (SBWRD).
10. The plat shall include an encroachment easement for the Quittin' Time condominiums wooden step and foot path from the step to the north property line.
11. The plat shall contain a note indicating that the northwest area of the Lot is identified as year-round access to adjacent neighbors.
12. Receipt and approval of a Construction Mitigation Plan (CMP) by the Building Department is a condition precedent to the issuance of any building permit. The CMP shall include the method and means of protecting the historic house during construction.
13. All utility services (water, sewer, power, etc.) for any future use or accessory structure are required to be extended from the existing house.
14. A note shall be added to the plat indicating that any detached, accessory structure constructed on the rear portion of the Lot must be used as a part of the existing house and may not be rented, sold, or leased separately from the main house.
15. Conditions of approval of the Elder Subdivision (Ordinance 95-7) and the 429 Woodside HDDR and Steep Slope Conditional Use Permit continue to apply.
16. All standard conditions of approval shall apply.
17. The applicant stipulates to these conditions of approval.

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

PASSED AND ADOPTED this 27th day of September, 2012.

PARK CITY MUNICIPAL CORPORATION

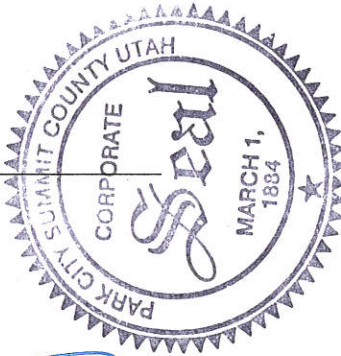


Dana Williams, MAYOR

ATTEST:



Janet M. Scott, City Recorder



APPROVED AS TO FORM:



Mark D. Harrington, City Attorney

