



## City Council Staff Report

**Subject:** 1406 Park Avenue Plat Amendment  
**Author:** Anya Grahn, Historic Preservation Planner  
**Department:** Planning  
**Date:** October 23, 2018  
**Type of Item:** Plat Amendment - Legislative

### Summary Recommendation

Staff recommends City Council hold a public hearing and consider approving the 1406 Park Avenue Plat Amendment, located at the same address, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the attached ordinance.

### Description

**Applicant:** Richard and Janice Ehrenkrook  
**Location:** 1406 Park Avenue  
**Zoning:** Historic Residential Medium (HRM) zoning district  
**Adjacent Land Uses:** Single and multi-family residential structures  
**Reason for Review:** Plat Amendments require Planning Commission review and City Council review and action.

### Executive Summary

The applicant proposes to create a legal lot of record from a metes and bounds parcel measuring 3,557 square feet. This is a developed site containing a house that has been found not to be historic. The site is not designated on the Historic Sites Inventory (HSI). On September 26, the Planning Commission unanimously forwarded a positive recommendation to City Council for the approval of this plat amendment with a vote of 6-0.

### Acronyms

HRM Historic Residential Medium Zoning District  
HPB Historic Preservation Board  
HSI Historic Sites Inventory  
LMC Land Management Code  
ROW Right-of-Way

### District Purpose

The purpose of the Historic Residential Medium Density (HRM) District is to:

- A. allow continuation of permanent residential and transient housing in original residential Areas of Park City,
- B. encourage new Development along an important corridor that is Compatible with Historic Structures in the surrounding Area,
- C. encourage the rehabilitation of existing Historic Structures,

- D. encourage Development that provides a transition in Use and scale between the Historic District and the resort Developments,
- E. encourage Affordable Housing,
- F. encourage Development which minimizes the number of new driveways Accessing existing thoroughfares and minimizes the visibility of Parking Areas, and
- G. establish specific criteria for the review of Neighborhood Commercial Uses in Historic Structures along Park Avenue.

## **Background**

The background of this application was outlined in the September 26, 2018, Planning Commission [Staff Report \(starting page 35\)](#), [Minutes \(starting page 9\)](#), and [Audio](#). On September 26<sup>th</sup>, the Planning Commission unanimously forwarded a positive recommendation to City Council for the approval of this plat amendment with a vote of 6-0.

## **Analysis**

Staff has also outlined the Analysis in the September 26, 2018, Planning Commission [Staff Report \(starting page 35\)](#). Staff has added a number of Conditions of Approval to this plat amendment to address encroachments into the City's Park Avenue ROW as well neighboring properties.

## **Good Cause**

Staff finds good cause for this Plat Amendment as the City will receive a snow storage easement along Park Avenue. This plat will also resolve existing encroachments into the City's right-of-way such as the fence, as well as the encroachment of the fence on to neighboring properties. Furthermore, if the plat is not approved, the applicant will not be able to move forward with their plans to construct a new single family house on this lot.

## **Process**

The approval of this plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC § 15-1-18.

## **Department Review**

This project has gone through an interdepartmental review. No further issues were brought up at that time.

## **Notice**

On September 12, 2018, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record and the Utah Public Notice Website on September 8, 2018, according to requirements of the Land Management Code.

## **Public Input**

No public input has been received by the time of this report.

### **Alternatives for City Council to Consider**

- The City Council may approve the 1406 Park Avenue Plat Amendment, located at the same address; or
- The City Council may deny the 1406 Park Avenue Plat Amendment, located at the same address, and direct staff to make Findings for this decision; or
- The City Council may continue the discussion to a date certain and provide staff with direction to provide additional information necessary in order to make a final decision on the record of survey plat.

### **Significant Impacts**

There are no significant fiscal or environmental impacts from this application.

### **Consequences of not taking the suggested recommendation**

Consequences of not taking the Planning Department's recommendation are that the metes and bounds parcel would not become a legal lot of record. No building permit could be issued to allow the applicant to construct a single family house.

### **Recommendation**

Staff recommends City Council hold a public hearing and consider approving the 1406 Park Avenue Plat Amendment, located at the same address, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the attached ordinance.

### **Attachments**

- Exhibit A – Draft Ordinance with Proposed Plat (Attachment 1)
- Exhibit B – Surveys of Existing Conditions
- Exhibit C – Site Photographs
- Exhibit D – Lot Size Analysis

Exhibit A – Draft Ordinance

**Ordinance No. 2018-53**

AN ORDINANCE APPROVING THE 1406 PARK AVENUE PLAT AMENDMENT LOCATED AT 1406 PARK AVENUE, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 1406 Park Avenue has petitioned the City Council for approval of the Plat Amendment; and

WHEREAS, on September 12, 2018, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on September 8, 2018 proper legal notice was published according to requirements of the Land Management Code and courtesy letters were sent to surrounding property owners; and

WHEREAS, the Planning Commission held a public hearing on September 26, 2018, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on September 26, 2018, forwarded a positive recommendation to the City Council; and,

WHEREAS, on October 23, 2018, 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 1406 Park Avenue plat amendment located at 1406 Park Avenue.

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

**SECTION 1. APPROVAL.** The 1406 Park Avenue Plat Amendment located at 1406 Park Avenue, 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 1406 Park Avenue.
2. The site is not designated as historic on the City's Historic Sites Inventory.
3. On July 26, 2018, the applicant submitted a plat amendment application to the Planning Department to combine the existing metes and bounds parcel into a single lot of record measuring 3,557 square feet. It is Summit County Parcel SA-236.
4. The plat amendment application was complete on July 26, 2018.
5. There are several encroachments on this site. There is a wood fence that wraps the west (front), north (side) east (rear), and south (side) property lines; the fence encroaches over the west, north, and east property lines.

6. The existing house was constructed in 1912 and significantly altered between 1949 and 1982; it does not comply with the required setbacks. The applicant has proposed to demolish this house in order to redevelop the site.
7. The minimum required lot size in the Historic Residential Medium-Density (HRM) zoning district is 1,875 square feet for a single family house and 3,750 square feet for a duplex. The proposed lot size is 3,557 square feet; it complies for a single family house but does not comply for a duplex.
8. In the HRM Zoning District, there is no maximum building footprint. Rather, any new development will need to comply with the required setbacks as outlined in LMC 15-2.4.
9. This property is surrounded by single and multi-family dwellings. There is not a consistent house size in this neighborhood due to the mix of housing developments.
10. The proposed lot at 1406 Park Avenue measuring 3,557 square feet is much smaller than the typical lot sizes in this neighborhood. The average lot size is 18,738.50 square feet overall for lots in the 1300-1500 blocks of Park Avenue within the HRM Zoning District. The largest lot is at the Woodside Park Subdivision at 1353 Park Avenue (20,752 sf) and the smallest was the single-family development at 1323 Park Avenue (2,178 sf).
11. The minimum required lot width in the HRM zoning district is 37.50 feet; the proposed lot complies at 51.42 feet in width.
12. The minimum required setbacks in the HRM zone are 15 feet front yard, 20 feet for front-facing garages; the existing house complies with a 22 foot front yard setback.
13. The minimum required rear yard setback is 10 feet; the existing house does not comply with a 4 foot rear yard setback.
14. The minimum required side yard setbacks are 5 feet; the existing house complies with a 6.4 foot north side yard setback, and does not comply with a 4.9 foot south side yard setback. This is an existing non-complying condition.
15. The maximum building height above existing grade in the HRM zoning district is 27 feet. The existing house complies with a height of 15.8 feet.
16. The plat amendment will not create any new non-complying conditions. All non-complying conditions are currently in existence.
17. 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 Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat 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 at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' 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. Residential fire sprinklers will be required for all new construction per requirements of the Chief Building Official.
4. A 10 foot wide public snow storage easement along the frontage of Park Avenue is required and shall be provided on the plat.
5. There is a wood fence that wraps the west (front), north (side) east (rear), and south (side) property lines; the fence encroaches over the west, north, and east property lines. The applicant shall either remove the fence or relocate the fence within his property lines prior to recording the plat amendment.
6. 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 plat amendment is recorded with the Summit County Recorder's office.

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

PASSED AND ADOPTED this 23rd day of October, 2018.

PARK CITY MUNICIPAL CORPORATION

---

Andy Beerman, MAYOR

ATTEST:

---

Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

---

Mark Harrington, City Attorney