



PLANNING DEPARTMENT

City Council Staff Report

Subject: 84 Daly Avenue Plat Amendment
Author: Tippe Morlan, MS, AICP, Planner II
Date: March 27, 2019
Type of Item: Legislative – Plat Amendment

Project Number:	PL-18-04039
Applicant:	Kevin and Karleen Reilly
Location:	84 Daly Avenue
Zoning:	Historic Residential (HR-1)
Adjacent Land Uses:	Residential – Single-family dwellings and multi-family condominiums
Reason for Review:	Plat Amendments require Planning Commission review and City Council approval.

Proposal

The proposed 84 Daly Plat Amendment seeks to combine portions of two existing lots and a portion of a vacated right-of-way, located at 84 Daly Avenue into one lot of record. The site consists of the majority of Lot 11, a portion of Lot 12, and a portion of vacated Anchor Avenue of Block 74 of the Millsite Reservation to Park City. There is an existing non-historic structure at this address, and the property line between two of the existing lots bisects two non-historic shed structures on the lot. The proposed plat amendment will create a lot of 3,858 square feet in area.

Recommendation

Staff recommends that the City Council hold a public hearing and consider **approving** the 84 Daly Plat Amendment located at 84 Daly Avenue based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance. The Planning Commission also issued a unanimous **positive** recommendation at the regularly scheduled meeting on March 27, 2019.

Background

1900 – The original structure on this site was constructed on this site between 1899 and 1900 according to the Summit County Records, and it first appeared on the 1900 Sanborn Fire Insurance map. This structure was listed on the 2006 Historic Property Inventory as Historically Significant but included a note that “exterior alterations have diminished the characteristics that make the property eligible for listing in the National Register of Historic Places. It appears that the exterior modifications could be reversed.” This structure and any associated sheds were not included on the 2009 reconnaissance level survey of historic sites in Park City.

May, 25, 1965 – Anchor Avenue was officially vacated by the City Council with Ordinance 05/25/65.

1989 – A Building Permit dated August 21, 1989 was issued for demolition of the historic structure and the construction of a new single-family dwelling in the same location as the historic structure.

January 25, 2015 – As a part of an analysis of historic structures not included in the 2009 reconnaissance level survey of historic sites in Park City, staff issued a finding in a memo to the file stating that, “Upon further investigation, staff discovered that the property was reconstructed in 1989 following a rock slide that destroyed the historic structure. Staff found that it was not appropriate to complete a Determination of Significance on this particular property because it is non-historic.” This applies to all existing structures on the lot.

February 5, 2019 – The City received a complete Plat Amendment application for the 84 Daly Plat Amendment.

March 27, 2019 – The Planning Commission issued a unanimous positive recommendation to the City Council for the 84 Daly Avenue Plat Amendment.

Analysis

The purpose of this plat amendment is to combine portions of two existing lots and a portion of vacated Anchor Avenue, addressed at 84 Daly Avenue into one lot of record. The resulting lot is 3,858 square feet in area with a lot width of 42 feet and a depth of 91.87 feet.

There is an existing non-historic structure at this address which was constructed in 1989 (see background above). The applicant has not yet proposed any modifications or development to this site. A Historic District Design Review will be required, and any changes to the site must be conducted in accordance with the Land Management Code and with the Historic District Design Guidelines. Any development to the rear of the lot may require an Administrative Conditional Use Permit for development on a steep slope if more than 200 square feet of building footprint is located on or projecting over an existing Slope of 30 percent or greater.

Encroachments

Along the southeast corner of the lot, the larger of two existing non-historic sheds encroaches onto the neighboring property to the south at 96 Daly Avenue by 0.7 feet. This encroaching portion of the shed needs to be removed or an encroachment agreement will be required before the plat can be recorded.

HR-1 Requirements

The existing home is a single-family dwelling which is an allowed use in the HR-1 district. The minimum lot area for a single-family dwelling is 1,875 square feet, and the minimum lot for a duplex is 3,750 square feet; a duplex would be allowed on this lot with the approval of a Conditional Use Permit. The minimum lot width in this zone is 25 feet. The proposed lot meets the requirements of this zone at 42 feet wide. The

proposed lot will also be 91.87 feet deep. These measurements determine the minimum setback requirements which are as follows:

	Required	Existing
Front/Rear	12 feet each, 25 feet total	Front: 13 feet Rear: 44 feet Total: 57 feet
Side	5 feet each	North: 0.3 feet South: 13.5 feet

The only setback requirement which is not met is the north side setback. The existing structure is between 0.3 to 1.5 feet from the property line along the north side of the lot which does not comply with the 5 foot requirement. All new construction is required to meet the current LMC lot and site requirements including setbacks.

Additionally, LMC Section 15.2.2-3(K) Snow Release requires that “site plans and building design must resolve snow release issues to the satisfaction of the Chief Building Official.” This may require a snow shedding agreement with the property to the north at the time of any building permit application, due to proximity of the existing structure to the north property line with a roof that sheds in the direction of that neighboring property.

The maximum building footprint for a lot this size is 1,553.04 square feet according to the building footprint formula illustrated in Table 15-2.2 of the Land Management Code (LMC). The existing footprint meets this standard at approximately 551.5 square feet, leaving a little more than 1,000 square feet of footprint which can be added to the lot, within lot and site requirements.

The proposed lot size of 3,858 square feet is compatible with existing lots in the neighborhood. This lot is directly adjacent to the Daly Doubles Condominiums to the south, which is comprised of 4 units on a lot 8,427 square feet in size, and a vacant lot 3,443.12 square feet in size to the north, which was a part of the 74 & 80 Daly Avenue Plat Amendment. This lot also sits across the street from another vacant lot at 81 Daly Avenue comprised of Lots 11, 12, and a majority of Lot 13 of Block 73 of the Millsite Reservation. There are a mix of single-family structures and multi-family duplexes and condominiums in the immediate vicinity of this lot on Daly Avenue. This lot will also need to be combined before development can take place.

Good Cause

Staff finds good cause for this plat amendment in that it will clean up the property lines at this location and resolve any issues created by remnant portions of Lot 12 and having an extraneous lot line running through the property. This amendment will allow the property owner to make improvements and changes to the existing house, as allowed by the LMC and Historic District Design Guidelines. Public snow storage easements will be dedicated on the final mylar prior to recordation. This plat amendment will resolve existing encroachment issues.

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. A Historic District Design Review application will need to be submitted for review by Planning Staff prior to issuance of building permits.

Department Review

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

Notice

On March 13, 2019, 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 March 13, 2019, according to requirements of the Land Management Code.

Public Input

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

Alternatives

- The City Council may approve the 84 Daly Plat Amendment as conditioned or amended; or
- The City Council may deny the 84 Daly Plat Amendment and direct staff to make Findings for this decision; or
- The City Council may continue the discussion on the 84 Daly Plat Amendment to a date certain.
- The City Council may remand the decision back to the Planning Commission.

Significant Impacts

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

Consequences of not taking recommended action

The subject property would remain as two separate lots and the existing house would continue to have a lot line running through it.

Exhibits

Exhibit A – Draft Ordinance with Proposed Plat (Attachment 1)

Exhibit B – Survey

Exhibit C – Existing Plat

Exhibit D – Applicant's Project Description

Exhibit E – Site Photographs

Exhibit F – Aerial Photograph

Exhibit A – Draft Ordinance

Ordinance No. 2019-21

AN ORDINANCE APPROVING THE 84 DALY PLAT AMENDMENT LOCATED AT 84 DALY AVENUE, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 84 Daly Avenue has petitioned the City Council for approval of the Plat Amendment; and

WHEREAS, on March 13, 2019, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on March 13, 2019, 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 March 27, 2019, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on March 27, 2019, forwarded a positive recommendation to the City Council; and,

WHEREAS, on April 18, 2019, 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 84 Daly Plat Amendment located at 84 Daly Avenue.

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

SECTION 1. APPROVAL. The 84 Daly Plat Amendment, 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 84 Daly Avenue.
2. The property consists of the majority of Lot 11, a portion of Lot 12, and a portion of vacated Anchor Avenue of Block 74 of the Millsite Reservation to Park City.
3. The property is in the Historic Residential (HR-1) District.
4. There is an existing non-historic structure at this address.
5. The applicant proposes to combine the subject lots into one lot of record.

6. The original structure on this site was constructed on this site between 1899 and 1900 according to the Summit County Records, and it first appeared on the 1900 Sanborn Fire Insurance map.
7. The existing home was constructed in 1989. A Building Permit dated August 21, 1989 was issued for the demolition of the historic structure and the construction of a new single-family dwelling in the same location as the historic structure.
8. On February 5, 2019, the City received a complete Plat Amendment application for the 84 Daly Plat Amendment.
9. Along the southeast corner of the lot, the larger of the two existing sheds encroaches onto the neighboring property at 96 Daly Avenue by 0.7 feet.
10. The existing home is a single-family dwelling which is an allowed use in the HR-1 district.
11. The minimum lot area for a single-family dwelling is 1,875 square feet. The proposed lot has an area of 3,858 square feet.
12. This lot size is large enough to permit a duplex with a required Conditional Use Permit application and approval.
13. The minimum lot width in the HR-1 zone is 25 feet. The proposed lot meets the requirements of this zone at 42 feet wide.
14. The proposed lot will also be 91.87 feet deep.
15. The minimum front setback is 10 feet. The existing house has a 13 foot front setback.
16. The minimum rear setback is 10 feet. The existing house has a 44 foot rear setback.
17. The minimum side setback is 5 feet on each side. The existing house has a 0.3 foot side setback on the north side and a 13.5 foot side setback on the south side.
18. The only setback requirement which is not currently met is the north side setback. The existing structure is between 0.3 to 1.5 feet from the property line along the north side of the lot which does not comply with the 5 foot requirement.
19. All new construction is required to meet the current LMC lot and site requirements including setbacks.
20. LMC Section 15.2.2-3(K) Snow Release requires that "site plans and building design must resolve snow release issues to the satisfaction of the Chief Building Official." This may require a snow shedding agreement with the property to the north at the time of any building permit application, due to proximity of the existing structure to the north property line with a roof that sheds in the direction of that neighboring property.
21. All new construction is required to meet the current LMC lot and site requirements including setbacks.
22. The maximum building footprint for a lot this size is 1,553.04 square feet. The existing footprint meets this standard at approximately 551.5 square feet.
23. The proposed lot size of 3,858 square feet is compatible with existing lots in the neighborhood.
 - a. This lot is directly adjacent to the Daly Doubles Condominiums to the south, which is comprised of 4 units on a lot 8,427 square feet in size, and a vacant lot 3,443.12 square feet in size to the north, which was a part of the 74 & 80 Daly Avenue Plat Amendment.

- b. This lot also sits across the street from another vacant lot at 81 Daly Avenue comprised of Lots 11, 12, and a majority of Lot 13 of Block 73 of the Millsite Reservation.
 - c. There are a mix of single-family structures and multi-family duplexes and condominiums in the immediate vicinity of this lot on Daly Avenue.
24. A Historic District Design Review will be required, and any changes to the site must be conducted in accordance with the Land Management Code and with the Historic District Design Guidelines.
25. Any development to the rear of the lot may require an Administrative Conditional Use Permit for development on a steep slope if more than 200 square feet of building footprint is located on or projecting over an existing Slope of 30 percent or greater.

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 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. New construction shall meet site and lot requirements of the HR-1 District per the Land Management Code in effect at the time of application submittal.
5. A Historic District Design Review application is required for any new construction proposed at the existing site, and any development to the rear of the lot may require an Administrative Conditional Use Permit for development on a steep slope if more than 200 square feet of building footprint is located on or projecting over an existing Slope of 30 percent or greater.
6. A 10 foot wide public snow storage easement will be required along Daly Avenue.
7. An encroachment agreement is required for the shed along the southeast corner of the property which encroaches onto the neighboring property at 96 Daly Avenue by 0.7 feet, or the encroaching portion of the shed needs to be removed before the plat can be recorded.

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

PASSED AND ADOPTED this 18th day of April, 2019.

PARK CITY MUNICIPAL CORPORATION

MAYOR

ATTEST:

City Recorder

APPROVED AS TO FORM:

City Attorney

Attachment 1 – Proposed Plat