

City Council Staff Report

Subject: 269 Daly Avenue Plat Amendment First Amended
Author: Laura Newberry, Planner I
Project Number: PL-19-04092
Date: April 18, 2019
Type of Item: Legislative – Plat Amendment

Summary Recommendation

Staff recommends the City Council review and hold a public hearing for the 269 Daly Avenue Plat Amendment First Amended and consider approving the Plat based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Description

Applicant: David & Harriet Henry
Alliance Engineering, Inc. – Marshall King
Location: 269 Daly Avenue
Designation: Historic (Significant) Site
Zoning: Historic Residential (HR-1)
Adjacent Land Uses: Residential
Reason for Review: Plat Amendments require Planning Commission review and City Council review and action

Proposal/Executive Summary

The applicant requests to relocate an existing Platted Maximum Development Line approximately ten feet (10') to the east, increasing the buildable area by approximately 438 square feet. The intent is to allow for additional excavation for more room at the rear of the proposed Single Family dwelling.

On March 13, 2019, the Planning Commission reviewed the proposed Subdivision and forwarded a unanimous positive recommendation to City Council (see [Planning Commission March 13, 2019 Minutes](#)).

Acronyms

DOS	Determination of Significance
HDDR	Historic District Design Review
HPB	Historic Preservation Board
HSI	Historic Sites Inventory
LMC	Land Management Code
TDR	Transfer of Development Rights

Purpose

The purpose of the Historic Residential HR-1 District is to:

- A. preserve present land Uses and character of the Historic residential Areas of Park City,
- B. encourage the preservation of Historic Structures,
- C. encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods,
- D. encourage single family Development on combinations of 25' x 75' Historic Lots,
- E. define Development parameters that are consistent with the General Plan policies for the Historic core, and
- F. establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.

Background

The subject property, 269 Daly Avenue, was listed on the Park City Historic Sites Inventory (HSI) in 2009 as a Landmark Structure.

In 2010, the Planning Department received a Historic District Design Review for possible reconstruction and relocation of a Landmark building. At that time, 269 Daly consisted of two metes and bounds parcels, with the front parcel measuring 46.26' wide by 77.3' deep and the rear parcel measuring 46.71' wide by 85.77' deep. The house at the time was located six feet from the rear boundary of the front parcel.

The proposal included a single story addition in the rear of the existing house that would cross the property line between the two parcels. The applicant submitted a Plat Amendment application to combine the two parcels.

At the [March 14, 2012 Planning Commission Meeting](#), the original 269 Daly Avenue Plat Amendment was reviewed. At that time, the proposal was to combine two parcels into one legal lot of record. During the meeting, the Planning Commission expressed concerns with increasing the buildable area. The Planning Commission continued the item and directed Staff and the Applicant to consider either adding a Maximum Development Line or pursuing the Transfer of Development Rights (TDR) option.

On [April 11, 2012](#), the Planning Commission reviewed a new proposal that included both a Maximum Gross Floor Area and a Maximum Development Line. This proposed Maximum Development Line was fifteen feet and seven inches (15'7") to the east of the front parcel's rear boundary. The Planning Commission forwarded a positive recommendation and on [April 26, 2012](#), the City Council approved the new proposal (Ordinance 12-10). The approved plat established a Maximum Development Line located approximately 93 feet back from the Front Property Line and included a Maximum Gross Floor Area of 2,000 square feet. The distance between the existing house and the Maximum Development Line was twenty one feet and nine inches (21' 9").

In 2013, the Planning Department received a Determination of Significance (DOS) Application for 269 Daly Avenue. At the [September 18, 2013 Historic Preservation Board \(HPB\) Meeting](#), Staff recommended changing the designation of the Site from Landmark to Significant because of the lack of historic materials that remained on the building. The HPB approved Staff's recommendation and the Site was changed from Landmark to Significant.

On May 20, 2013, the HDDR proposing reconstruction and relocation of the home was approved. Prior to 2015, the Land Management Code (LMC) required the Planning Director and Chief Building Official find unique conditions to allow relocation, but "unique conditions" were not defined. The Planning Department issued a letter to the owner stating that the "Planning Staff, the City's Historic Preservation Consultant, and the Chief Building Official have all concurred with your current assessment of the home and all recommend reconstruction and relocation of the home." Staff went on Site in 2013 and found that very little of the original historic material existed on the exterior of the home. Staff also concluded that the proximity of the home to the hillside made a good case for relocation.

The letter goes on to state that "the proposal to relocate the home by reconstructing the original Hall-Parlor home four feet (4') to the west (closer to the street) is also hereby approved per LMC Section 15-11-13 'Criteria for the Relocation and/or Reorientation of the Historic Building(s) and/or Structure(s) on a Landmark Site or a Significant Site.' "

Based on the 2013 approval to relocate the house four feet towards Daly Avenue, the distance between the new location of the house and the Maximum Development Line was twenty five feet and nine inches (25' 9").

Because the previous owner had not requested or been granted an extension, the previous (2013) approval for reconstruction and relocation of the house expired in 2015 in accordance with [LMC 15-11-12\(E\)](#).

On December 15, 2016, a Notice and Order to Repair was issued. On January 12, 2017, the subject property was declared a dangerous building per the 1997 Uniform Code for the Abatement of Dangerous Buildings.

In 2017, the Planning Department received two Historic District Design Review (HDDR) Applications (PL-17-03481 and PL-17-03554) associated with the subject property. The criteria for relocation and reconstruction had changed significantly from 2013 to 2017, and under the new LMC, the Historic Preservation Board (HPB) was required to review and approve relocation and reconstruction projects. On [January 16, 2018](#), the HPB approved the Material Deconstruction and Reconstruction of the Historic House and Historic Garage at 269 Daly Avenue but continued the discussion on relocation. On [February 7, 2018](#), the Historic Preservation Board (HPB) denied the applicant's request to relocate the home, stating that it did not comply with the Land Management Code (LMC) 15-11-13. The [Staff Report & Exhibits \(beginning on page 15\)](#), contain the Findings of Fact and Conclusions of Law for Denial.

In 2018, the Planning Department received another HDDR Application (PL-18-03854) for the subject property. The new proposal included an addition to the rear of the Historic House, located approximately one to two feet from the existing platted Maximum Development Line. The proposal also included three retaining walls located to the east (rear) of the house and within the existing non-buildable area. This new proposal would require a Plat Amendment to relocate the platted Maximum Development Line to allow for the three retaining walls.

On January 10, 2019, the Planning Department received a complete Plat Amendment Application requesting to relocate the platted Maximum Development Line approximately ten feet (10') to the east (rear) of the Lot.

On March 13, 2019, the Planning Commission reviewed the proposed Subdivision and forwarded a unanimous positive recommendation to City Council (see [Planning Commission March 13, 2019 Minutes](#)).

Analysis

The subject site is located at 269 Daly Avenue. The site is within the Historic Residential (HR-1) District.

The proposed Plat Amendment requests to relocate an existing Platted Maximum Development Line approximately ten feet (10') to the east, increasing the "buildable" area by approximately 438 square feet. However, the addition would still need to meet all required Setbacks and the previous condition regarding Maximum Gross Floor Area of 2,000 square feet. While the proposed addition is still under review and has not been approved yet, it would need to be consistent in size and mass to the surrounding neighborhood.

The existing house is approximately 23 feet from the current Maximum Development Line. Any addition to the house would need to be in the rear of the lot. Because of the steep slope in the rear of the lot, the proposed addition would likely have drainage issues. The applicant is proposing three retaining walls in the rear, to the east of the addition in order to step the grade and mitigate drainage problems. These proposed walls encroach into the existing non-developable area of the lot, but would not encroach into the proposed non-developable area.

Good Cause

Staff finds that there is good cause for this Plat Amendment. The property has a unique condition in that there is an existing Historic House that was originally approved for relocation in 2013. Without an extension, the approval expired in 2014. The applicant reapplied in 2017. Because the LMC criteria for relocation had since changed, the request to relocate the historic house was denied.

The original Plat included a Maximum Development Line that was likely placed in its current location because of the proposed addition at that time, which included relocating

the house four feet closer to Daly Avenue. The applicant is no longer able to relocate the existing house, and the criteria for additions to Historic Houses have changed. Under the current LMC and [Design Guidelines for Historic Districts and Historic Sites](#), the proposed addition to a Historic House requires a transitional element.

Staff finds good cause for approving the proposed Plat Amendment due to the unique conditions of the 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 February 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 February 13, 2019.

Public Input

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

Alternatives

- The City Council may approve the proposed 269 Daly Avenue Plat Amendment First Amended, as conditioned or amended at the meeting; or
- The City Council may deny the proposed 269 Daly Avenue Plat Amendment First Amended, and direct staff to make Findings for this decision; or
- The City Council may continue the discussion on the proposed 269 Daly Avenue Plat Amendment First Amended, and request additional information or analysis in order to make a recommendation.

Significant Impacts

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

Consequences of not taking recommended action

The consequences of not taking the recommended action would be that the applicant could not construct the proposed addition.

Summary Recommendations

Staff recommends the City Council review and hold a public hearing for the 269 Daly Avenue Plat Amendment First Amended and consider approving the Plat based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Exhibits

Exhibit A – Draft Ordinance

Attachment 1 – 269 Daly Avenue Plat Amendment First Amended (Proposed)

Exhibit B – Current Plat: 269 Daly Avenue Plat Amendment

Exhibit C – Applicant's Project description

Exhibit D – Existing Conditions Survey

Exhibit E – Aerial Photograph

Exhibit F – Site Photographs