

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
SEPTEMBER 27, 2012**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, City Council Chambers, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, September 27, 2012.

Closed Session

3:45 pm Personnel, property and litigation

Work Session

5:20 p.m. Council questions and comments

5:25 pm Staff Communications

5:30 p.m. Engagement survey

Pg. 6-26

5:50 p.m. Break

Regular Meeting

6:00 p.m.

I ROLL CALL

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

III PUBLIC INPUT (*Any matter of City business not scheduled on the agenda*)

IV MINUTES OF MEETINGS OF AUGUST 23, 2012 AND SEPTEMBER 13, 2012

Pg. 27-53

V CONSENT AGENDA (*Items that have previously been discussed or are perceived as routine and may be approved by one motion. Listed items do not imply a predisposition for approval and may be removed by motion and discussed and acted upon under "Additional Discussion – Agenda Items"*)

1. Consideration of a construction contract for the Silver Quinn Pathway Paving Project Contract with Morgan Asphalt in the amount of \$200,849, in a form approved by the City Attorney
Pg. 54-57

2. Consideration of a Resolution amending and replacing Resolution No. 20-07, adopting Affordable Housing Guidelines and Standards for Park City, Utah
Pg. 58-73

VI OLD BUSINESS

Consideration of the Ridge Outlook Subdivision, located approximately at 200 Ridge Avenue, Park City, Utah

(a) Public hearing

(b) **Motion to continue October 4, 2012**

VII NEW BUSINESS

1. Consideration of a Real Estate Purchase Contract with Green Park Co-Housing LLC for the purchase of 1450 and 1460 Park Avenue in the amount of \$400,000, in a form approved by the City Attorney
 - (a) Public hearing
 - (b) **Motion to continue to October 4, 2012**
2. Consideration of an Ordinance approving a plat extension for 333 Main Street, Park City, Utah Pg. 74-87
 - (a) Public hearing
 - (b) Action
3. Consideration of an Ordinance approving a plat amendment for 429 Woodside Avenue, Park City, Utah Pg. 88-164
 - (a) Public hearing
 - (b) Action
4. Consideration of an Ordinance approving a plat amendment for 811 Norfolk Avenue, Park City, Utah Pg. 165-182
 - (a) Public Hearing
 - (b) Action
5. Consideration of an Ordinance approving a plat amendment for 817 Norfolk Avenue, Park City, Utah Pg. 183-204
 - (a) Public Hearing
 - (b) Action

VIII ADJOURNMENT

A majority of City Council members may meet socially after the meeting. If so, the location will be announced by the Mayor. City business will not be conducted. Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the City Recorder at 435-615-5007 at least 24 hours prior to the meeting. Wireless internet service is available in the Marsac Building on Wednesdays and Thursdays from 4 p.m. to 9 p.m.

Posted: 09/17/12

See: www.parkcity.org

**PARK CITY COUNCIL MEETING TENTATIVE
SUMMIT COUNTY, UTAH
OCTOBER 4, 2012**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, City Council Chambers, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, October 4, 2012.

Closed Session

Personnel, property and litigation

Work Session

4:40 p.m. Council questions and comments
4:50 p.m. Purchasing policy – local preference
5:20 p.m. Special event update
5:50 p.m. Break

Regular Meeting

6:00 p.m.

I ROLL CALL

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

III PUBLIC INPUT (*Any matter of City business not scheduled on the agenda*)

IV OLD BUSINESS

1. Real Estate Purchase Contract with Green Park Co-Housing LLC for the purchase of 1450 and 1460 Park Avenue in the amount of \$400,000, in a form approved by the City Attorney
2. Consideration of the Ridge Overlook Subdivision, located approximately at 200 Ridge Avenue, Park City, Utah

VI ADJOURNMENT

**PARK CITY REDEVELOPMENT AGENCY
SUMMIT COUNTY, UTAH
OCTOBER 4, 2012**

I ROLL CALL

II PUBLIC INPUT

III MINUTES OF MEETING OF JUNE 21, 2012

IV NEW BUSINESS

1. Consideration of a Resolution extending the Lower Park Avenue Redevelopment Plan

2. Consideration of approving extending the Park City School District Mitigation Agreement

V ADJOURNMENT

A majority of City Council members may meet socially after the meeting. If so, the location will be announced by the Mayor. City business will not be conducted. Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the City Recorder at 435-615-5007 at least 24 hours prior to the meeting. Wireless internet service is available in the Marsac Building on Wednesdays and Thursdays from 4 p.m. to 9 p.m.

Posted: 10/01/12

See: www.parkcity.org

Note: This future meeting schedule is TENTATIVE and subject to change.

October 2012

- 4 See draft agenda
- 11 Rocky Mountain Power – study session
7700 Stein Way, Stein Eriksen Lodge – Amendment to Record of Survey – KW
Special Events Up-date
- 18 **No meeting**
- 24 *Planning Commission – Bonanza Park formed-based code presentation - tentative*
- 25 Bonanza Park update
Extra mile resolution
Pancreatic cancer resolution
Franklin Richards Annexation public hearing
264 Ontario Avenue plat amendment
11398 N Snow Top Road plat amendment
80 Daly Avenue – old business

November 2012

- 1
- 8
- 15
- 22 **Thanksgiving**
- 29 Annual insurance renewals

December 2012

- 6
- 13
- 20
- 27 **Holiday recess**

January 2013

- 3 **Holiday recess**
- 10 Resolutions setting forth annual meeting dates and appointment of officers
- 17 **No meeting - Sundance**
- 24
- 31

Pending Items:

Ice Arena Strategic Plan
Latino Community outreach and engagement – study
RDA and other economic districts strategic plan
Resolution establishing a strategic plan for City-owned property with development potential in Park City, Utah and repealing and replacing Resolution No. 22-05 in its entirety
Quarterly goals update – after adoption of 2030 Plan
Business Recruitment Study
MFL - RAGNAR 2013 – Wasatch Back Relay
Dark skies – work session - Tyler



City Council Staff Report

Subject: Employee Engagement Survey - 2012
Author: Craig Sanchez
Department: Human Resources
Date: September 27, 2012
Type of Item: Informational

Summary Recommendations:

Staff recommends Council review the results of the 2012 employee engagement survey.

Topic/Description: Employee Engagement Survey - 2012

Background:

In January of 2005 Park City retained the services of Altius Corporation to conduct a Citywide employee engagement survey. The first survey was conducted in June of 2005. The first twelve questions were taken from a survey that was developed by Gallup Corporation and can be found in theory in the book "First Break all the Rules" by Marcus Buckingham. These questions were named the Q12. Park City added three additional questions. The added questions are listed below. It was decided that in the third year (2007) the City would manage the implementation of the survey. Craig Sanchez took over as facilitator of the process. It is conducted every June and is mandatory for all departments and employees.

Added questions are:

13. My performance evaluation provides me with valuable professional development input.
14. PCMC provides attractive rewards and opportunities to retain talent and expertise.
15. I am fairly and timely held accountable when my work does not meet expectations.

Analysis:

- This is a summary of the Citywide results for the last 2 years.
- The numbers of respondents were: 2011-296, 2012-305.
- The numbers below are an average of all departments. Managers are provided specific numbers for their departments.
- The questions are scored on a 5 point system.
- Answers are:
 1. Strongly Disagree
 2. Disagree
 3. Neutral
 4. Agree

5. Strongly Agree

- The majority of numbers improved from the previous year, some significantly.
- The decreases were minor (#10 and #11) and are still well above the benchmark numbers. These benchmarks are a Nationwide average provided by Altius, our original consulting firm. The first 4 questions are the foundation questions and are considered the most important. The City has consistently scored well in these areas.

1. I know what is expected of me at work?

2011	2012	Benchmark
4.41	4.46	3.29

2. I have the materials and equipment I need to do my work right?

2011	2012	Benchmark
4.09	4.25	3.15

3. At work, I have the opportunity to do what I do best every day?

2011	2012	Benchmark
4.12	4.20	2.98

4. In the last 7 days, I have received recognition or praise for doing good work?

2011	2012	Benchmark
3.58	3.74	2.91

5. My supervisor or someone at work seems to care about me as a person?

2011	2012	Benchmark
4.15	4.21	3.04

6. There is someone at work who encourages my development?

2011	2012	Benchmark
3.95	4.00	3.11

7. At work, my opinions seem to count?

2011	2012	Benchmark
3.88	3.92	3.05

8. The mission / purpose of PCMC makes me feel my job is important?

2011	2012	Benchmark
4.00	4.07	3.22

9. Are my co-workers committed to doing quality work?

2011	2012	Benchmark
3.42	4.06	3.39

10. Do I have a best friend at work?

2009	2012	Benchmark
3.65	3.50	2.66

11. In the last 6 months, someone at work has talked to me about my progress?

2011	2012	Benchmark
3.89	3.82	3.67

12. This last year I have had the opportunities at work to learn and grow?

2011	2012	Benchmark
3.71	4.10	3.12

13. My performance evaluation provides me with valuable professional development input?

2011	2012	Benchmark
3.71	3.70	NA

14. PCMC provides attractive rewards and opportunities to retain talent and expertise?

2009	2012	Benchmark
3.83	3.73	NA

15. I am fairly and timely held accountable when my work does not meet expectations?

2011	2012	Benchmark
3.94	4.06	NA

Department Review:

The Recreation / Library team, Human Resources, City Manager, and Legal team, have reviewed this report.

Significant Impacts:

By measuring and maintaining above average numbers the City sustains these organizational impacts:

- Employee retention
- Engaged workforce
- Loyal workforce
- Productive employees
- Consistent customer service

Recommendation:

Staff recommends Council review the results of the 2012 employee engagement survey.

Gallup

Park City Q12

+3

The Study

- Gallup interviewed over one million employees to find out:

“What do *talented* employees need from their workplace?”

What do TALENTED
EMPLOYEES need from their
workplace?

- GREAT MANAGERS

Engaged Employees

- Productive

- Loyal

Measures

- Productivity
- Profitability
- Retention
- Customer Service

Most powerful links to: productivity, profitability, retention, customer service

1. I know what is **expected of me** at work.
2. I have the **materials and equipment** I need to do my work right.
3. At work, I have the opportunity **to do what I do best** every day.
4. In the last seven days, I have received **recognition or praise** for doing good work.
5. My supervisor or someone at work seems to **care about me** as a person.
6. There is someone at work who **encourages my development.**

Who influences the most?

- The immediate supervisor.

Base Camp = “What do I get?”

**1. Do I know what is
expected of me at
work?**

11-4.41

12-4.46

**2. Do I have the
materials &
equipment I need to
do my work right?**

11-4.09

12-4.25

Camp 1 =

My contribution and other's perception of it.

**3. At work, do I have
the opportunity to
do what I do best
every day?**

11-4.12

12-4.20

**4. In the last 7 days,
have I received
praise for doing good
work?**

11-3.58

12-3.74

Camp 1 =

My contribution and other's perception of it.

5. Does my supervisor or someone at work seem to care about me as a person?

11-4.15

12-4.21

6. Is there someone at work who encourages my development?

11-3.95

12-4.00

Camp 2 = “Do I belong here?”

**7. At work, do my
opinions seem to
count?**

11-3.88

12-3.92

**8. Does the mission of
my company make
me feel my job is
important?**

11-4.00

12-4.07

Camp 2 = “Do I belong here?”

**9. Are my co-workers
committed to doing
quality work?**

11-3.42

12-4.06

**10. Do I have a best
friend at work?**

11-3.65

12-3.50

Camp 3 = “How can we all grow?”

11. In the last six months, has someone at work talked to me about my progress?

11-3.89

12-3.82

12. This last year, have I had opportunities at work to learn and grow?

11-3.71

12-4.10

PCMC Questions

- 13. My performance evaluation provides me with valuable professional development input.

11-3.71

12-3.70

PCMC Questions

- 14. PCMC provides attractive rewards and opportunities to retain talent and expertise.

09-3.83

12-3.73

PCMC Questions

- 15. I am fairly and timely held accountable when my work does not meet expectations.

11-3.94

12-4.06

Your Questions

?

**PARK CITY COUNCIL WORK SESSION MINUTES
SUMMIT COUTY, UTAH
AUGUST 23, 2012**

Present: Dana Williams; Council members Alex Butwinski; Liza Simpson; Dick Peek; Cindy Matsumoto; Andy Beerman

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Thomas Eddington, Planning Director; Nate Rockwood, Capital Budget, Debt and Grants Manager; Tyler Poulsen, Environmental Sustainability Manager; Bret Howser, Strategic Initiatives Manager

Mayor Dana Williams announced that Council questions/comments and the 2030 Long Term Strategic Plan would be discussed during the regular meeting at 6:00 p.m.

Tricia Lake, new Assistant City Attorney, was introduced to the City Council. Ms. Lake came to Park City from Wasatch County, where she served as the Chief Prosecutor for seven years. Ms. Lake provided a brief background of her professional experience.

1. Resort Communities Sales Tax ballot language. Nate Rockwood, Capital Budget, Debt and Grants Manager, explained that on June 28, 2012 Council passed a resolution for the Resort Community Sales and Use Tax of one-half of a percent and authorized Staff to take the necessary steps to place it on the November 2012 ballot. Staff had reviewed the timeline and ballot language with the County Clerk and now sought final direction from City Council on the ballot language. He noted the report indicated it would be a “yes” or “no” question; however, the Staff was leaning towards a “for” and “against” ballot question. The proposed language reads: *“Shall Park City, Utah be authorized to levy an additional resort community and sales use tax in the amount of .5%, one-half of a percent, for the general purpose of funding capital improvements projects and open space acquisition.”*

Council Member Andy Beerman questioned whether the term “general” was appropriate because the money was dedicated to capital and open space, as opposed to operations. City Attorney, Mark Harrington believed the word “general” provided increased flexibility and recommended that it remain in the language. He recalled that Council agreed that the tax would be generally used for the purposes of capital improvements and open space; and that intent was very clear. If the Council preferred otherwise, he would need to research it further to understand future ramifications.

Council Member Liza Simpson thought it was important to keep the question as simple and straightforward as possible. As an example, using the word “general” in the bond language would give them flexibility to use the money for a conservation easement rather than open space acquisition.

Council Member Alex Butwinski believed the phrase in the second paragraph of the Staff report, “...used for, but not limited to, the following capital projects...” could be

interpreted in several ways. He asked if it was not limited to the capital projects listed, or not limited to capital projects. He understood that the Council wanted to present a positive case as a reason to support the .5% increase. Council Member Simpson pointed out that language in the same sentence states, "...and other capital improvements projects as determined appropriate." Council Member Butwinski agreed that it addressed capital improvements; however, he was not convinced that it conveyed the confidence they were looking for. Mr. Butwinski was not opposed to the language as written, but he thought Council Member Beerman had raised a good point.

Council Member Beerman was concerned that the term "general purpose" conveyed that the general purpose would not be capital projects. City Attorney Harrington suggested revising the language to, "*primarily for the purpose*." Council Member Butwinski felt that was a better description of the intent. Council Member Beerman preferred to strike the language completely, but he was comfortable with the revised language.

The language was revised to read, "...for the primary purpose of funding capital improvement projects and open space acquisition."

Council Member Matsumoto asked about the "con" statement referenced in the Staff report. Mr. Rockwood explained that per the Code, if a member of the public notifies the City before the election that they would like to submit a con statement, that notification must be submitted in writing 50 days prior to the election, which is then forwarded to the County Clerk. If multiple statements are received, the Code specifies the order and process for how statements are selected.

City Attorney Harrington stated that it was good public policy to have a balanced approach and encouraged the City to actively solicit someone to write a con statement. Mr. Rockwood noted that a Friends Group was writing a pro statement.

2. Mid-year Environmental Update. Tyler Poulsen, Environmental Sustainability Manager, noted this update provided an opportunity to review and discuss some of the projects in the environmental realm.

Mr. Poulsen provided an update on the Low Carbon Diet community program launched in 2011. The program targets households and the primary activities that make up a household's carbon footprint. Park City's program is extensive and offers a broad spectrum of action items which allows participation by diverse audiences. He noted the ParkCityGreen.org website was the primary source for communicating the program, although they presented the program to over 1,000 individuals through 56 community events. Thirty-three households have reported a total reduction of approximately 320,000 lbs. of CO₂, the equivalent of removing 320 vehicles from the roads. Staff felt

the program was working in terms of its ability to induce change. At the suggestion of Mayor Williams, Mr. Poulsen agreed to work with the Building Department to obtain listings of homeowners association in the community. In response to Council Member Dick Peek, he was unsure what dollar amount of savings could be attributed to the reduction of consumption.

Mr. Poulsen stated the Municipal Carbon Footprint has been tracked since 2007. In 2009 Council set a goal to be 12% below the business as usual trajectory based on projects that were anticipated to be completed before year-end 2012. The footprint covers energy used in buildings, water operations, vehicle fleet and buses, waste generated from municipal facilities and parks and the employee commute. He reported that building energy had remained steady; there had been a slight decline in water infrastructure due to efficiency gains and a small decrease in overall consumption. Since 2008 the only significant upward trend was with vehicle fleet and transit buses. Major facilities that came on line in late 2011 and early 2012 would have a significant impact on the downward trajectory. Staff proposed completion of an updated professional assessment of all facilities, utilizing funds remaining from the Johnson Controls project budget. Council members were comfortable with the Staff proposal to use the remaining funds to conduct a professional assessment and directed Mr. Poulsen to move forward with the assessment.

Solar Energy Installations have been placed atop City Hall, the Ice Arena, Creekside Park restrooms and the Snow Creek Affordable Housing project. Installation at Police and Public Works will be completed in 2012. He explained the City was part of a Coalition of Local Governments and Organizations in Northern Utah looking to advance solar energy, access to solar, and reducing the soft costs of solar power. Targeted areas include: building permitting and inspections; planning and zoning; financing options; and interconnection with the grid and relationship with Rocky Mountain Power. He noted that Park City had been a leader with building permit fee waivers for renewable energy projects and Staff sought direction from Council on whether to extend the fee waivers, which are set to expire at the end of 2012, through year-end 2013. Council members directed Mr. Poulsen to move forward with a resolution adopting the extension.

Mr. Poulsen explained that Green Building Certification was raised during a recent City Council meeting. Council's current policy is to allow for up to 4% of a total project cost premium on City projects that can go towards green and sustainable measures. The City references LEED standards when building City facilities, but does not obtain program certification. LEED standards typically save energy and result in improved occupant comfort; however, the upfront cost is the primary barrier for doing a LEED certified building. Mr. Poulson explained that the Energy Star rating was an alternative to LEED and there are no costs to apply or certify buildings with the Energy Star rating.

Licensed engineers or architects were required to sign off on the evaluations. Ratings are based on building performance taken from data collected over a twelve-month period and ratings can be applied retroactively to facilities that perform in the top 25%. Staff recommended moving forward with Energy Star assessments of major facilities and to not pursue LEED at this time. The City could continue to maintain the current policy of following LEED standards and assess pursuit of LEED certification for new construction on a project by project basis.

Council Member Simpson referred to the wide range on the hard costs for LEED projects and asked if they would be able to dial in the number when considering upcoming capital projects. She believed a more accurate number would help them make decisions on the direction of each of these projects in the future. Mr. Poulsen replied that the hard costs number could be dialed in on a project by project basis.

Council Member Peek asked about the hard and soft costs for Energy Star. Mr. Poulsen stated that with Energy Star, no one involved in the actual construction of the project needs to be Energy Star certified, and there is no preliminary criterion to get on the Energy Star track. The reason for sign off by a professional architect or engineer is to certify that the 12 months of utility data was accurately collected.

Council Member Beerman remarked that if projects such as the MARC were built to LEED standards, they would have avoided the soft costs by not pursuing the LEED certification, but they would still have incurred some of the hard cost within the 4% premium allowed under City policy. To what extent and how much would be a good analysis to look at.

City Council directed Staff to move ahead with the Energy Star assessment.

Mr. Poulsen noted that Carpool and High Efficiency Parking was brought to the City Council in May 2012 in conjunction with signs that were added at the MARC for carpools and high efficiency parking. Council inquired as to why these signs did not exist on other City facilities and Staff has returned with a proposal to install carpool and high efficiency signs at City Hall, the Ice Arena, and the Library. The Staff recommended a combined sign for both carpool and/or high efficiency vehicles. He explained that signs rely on the honor system. Council directed Staff to move forward with recommended signage for carpool and high efficiency parking.

Mr. Poulsen stated the Environmental Heroes Award was launched in 2010. Andy Beerman and Thea Leonard, Treasure Mountain Inn, were the original and only recipients to date. Staff recently received nominations for two new local Environmental Heroes and would like direction from the City Council on whether to award another Environmental Heroes Award in 2012. In terms of elected officials, Mayor Williams and

Council Member Matsumoto were the representatives on the first selection committee and the Staff asked if the Council wanted to keep those two involved or have other elected officials on the committee. Council directed Staff to move forward with the Environmental Heroes Award for 2012. Mayor Williams and Council member Matsumoto would remain on the selection committee.

3. Old Town Height Discussion – Kimball Arts Center. Mayor Dana Williams explained the discussion would focus on whether the Kimball Arts Center project should be looked at as a Master Planned Development when a formal application is submitted. Other Master Planned Developments in Old Town include the David Belz project and the Sky Lodge. The current Land Management Code states that only properties that cross two zoning areas can be considered for an MPD. The City Council would take public comment this evening but there would be future opportunities for public input and dialogue. Mayor Williams emphasized that there was a desire for dialogue and an interest in the process based on what he had heard from the community; primarily because this would be a major change in terms of the character of downtown.

Planning Director Thomas Eddington explained that without a Master Planned Development process the application would be reviewed as a Conditional Use Permit; however, there would be no discussion about mass and scale due to strict parameters on heights and it would not be presented to the Planning Commission. Alternative processes included seeking a variance from the Board of Adjustment, or requesting a rezone or change to the Land Management code with regard to the zoning district.

Mayor Williams understood that under the current Code, an application of this type would be denied without question. City Attorney Harrington pointed out that the assumption of denial was based on preliminary assessment. He clarified that without an actual application before them, they could not say it would be denied.

Director Eddington introduced representatives of the Kimball Arts Center who would make a presentation following his outline of the staff report and process. He explained that Main Street and the primary commercial historic districts are zoned Historic Recreation Commercial and Historic Commercial Business and the Kimball Arts Center is located in the HRC zone. The thirty commercially zoned acres in the historic core generate approximately \$105 million in total sales annually, second only to Deer Valley.

Mr. Eddington explained the Kimball Arts Center is a 13,000+ square foot building with one story above ground and one story below with 7,584 SF footprint located on approximately .42 acres. The current building was built in 1929 and the interior was renovated in 1976 to be used as an art center. It is a local historic landmark site on the Historic Sites Inventory. The proposed addition has a footprint of 5,600 square feet and would add 22,800 additional square feet of floor area. Open circulation areas that

provide opportunities to hang art would add another 7800 square feet of space within the volume of the building. In total, it could be argued that the building is approximately 33,000 square feet. The height of the proposed building is 80 to 85 feet tall, depending on the view from Main Street or Heber.

Director Eddington stated that an “Arts Center” is not an allowed use in the HRC zone; therefore, it would be classified as a public or quasi-public institution and reviewed as a conditional use. Specific criteria are considered for conditional uses and the Kimball Arts Center would be held to strict parameters regarding height, setbacks and floor area ratio. He talked about the Heber Avenue subzone, which incorporates the area north of Heber for a distance of 150’. It is a unique zone and consists of the Kimball property, the Sky Lodge property and the property to the east of Sky Lodge. The Heber Avenue subzone eliminates the Floor Area Ratio and allows an applicant the opportunity to build a larger building.

Director Eddington explained that Master Planned Developments were first utilized in the City in 1984 for all the zoning districts except HR-2, HRL, and Single Family and ROS zones. Currently MPDs are permitted in all zones; however, they are only permitted in the HR1, HR2 and the HRC and the HCB zones if the property crosses over a zone line. There has been consideration for removing that requirement for the commercial zones to allow the Staff to conduct a more thorough review on larger projects. He added that under an MPD the zone did not dictate a height limit. The Planning Commission reviews a number of criteria to mitigate any proposed changes in height.

Director Eddington went on to explain that open space requirements for MPDs were 60%; however, a redevelopment MPD required 30% open space and it would be impossible for the Kimball Arts Center to meet 30% open space in its current location. He asked Council to consider whether gardens and terraces would be acceptable to meet the open space requirements. He pointed out that Sky Lodge was a project that had met the 30% open space requirements.

Mayor Williams stated that years ago the City went through open space requirements in the business districts and it was eliminated. He also noted that they were trying to better define open space in the new General Plan and the LMC.

Director Eddington reiterated earlier comments that the Kimball Arts Center proposal could not be heard by the Planning Commission because it would not meet the height and setback requirements of the HRC zone. The alternatives would be to request a zone change, look at changes to the LMC with regard to the Heber Avenue subzone or HRC zone, or consider applying for a variance. He again clarified that the Planning Department had not received a formal application for the Kimball Arts Center.

Director Eddington outlined questions from Staff for the Council to consider; 1) whether pursuing a collaborative approach was a good idea; 2) whether the Staff should continue to pursue changes to the MPDs as they look at changes to the LMC; 3) if the Staff should look at specific heights for Master Planned Developments; 4) Whether roof top gardens and terraces should count toward MPD open space requirements in infill redevelopment areas; 4) would the City Council prefer that the Kimball Arts Center pursue a different application that could be reviewed by the Planning Commission and the City Council.

City Attorney Harrington stressed that the questions should be considered in the context of whether the Staff should initiate the process with the Planning Commission with recommendations on each item, and with certain parameters or guidance from the Council as preliminary direction. Mr. Harrington stated that the City had done this in the past when they knew a larger project would benefit from taking advantage of the MPD with respect to underground parking and setbacks. He recommended that the City Council discuss the questions on a general level rather than trying to define the specifics.

Mayor Williams disclosed that he works with many of the representatives from the Kimball Arts Center, although not in an employment capacity. He also disclosed that his father was on the original Board.

Robin Marrouche, the Executive Director for the Kimball Arts Center, stated that before the Council had a policy debate regarding height they needed to understand the underlying reasons for the Kimball Center Arts proposal. The Board had been considering this issue for seven years because they have outgrown their building and they can do much more for the community with an enhanced facility. The Board's vision is to enrich the lives of the citizens and to substantially raise the visitor experience of the Kimball Arts Center. They were fortunate to have five world-renowned architects participate in the design competition. The Kimball Arts Center staff was excited to receive a unanimous jury decision, 100% Board support, and support from the community for the vision moving forward.

Matt Mullin, Chairman of the Kimball Arts Center, presented the general concept of their proposal. They believe a presence on Main Street will help the Kimball Arts Center sustain its art offerings for years to come. The new addition would focus primarily on exhibition spaces, allowing the Kimball to dramatically expand its educational space. He described their process in determining the right configuration, shape and size of the expansion. The vertical solution allows room for tall exhibition spaces, protects the integrity of the historic structure and locates a new entry on the corner of Heber and Main. The roof top decks and viewing areas offer a new perspective to town by opening unprecedented views up Main Street and Heber Avenue from the upper gallery. The

rooftops total more than a quarter acre of open space. They believe the vertical structures will complement, not distract from, the surroundings.

Ms. Marrouche stated that the intent is to build a building that inspires, motivates and celebrates the arts. She asked the City Council to keep in mind that these height considerations are tantamount to raising their profile in the arts and creating a beacon for the community. In her opinion, the issue was less about height and more about enriching lives. They have heard from the community and from their Board, and were interested in hearing from City Council.

Mayor Williams opened the meeting to accept public input.

Mike Sweeney stated that as someone who has worked diligently on lower Main Street for the past 30 years to improve Park City and skiing in Old Town, he strongly supports the Kimball project. Mr. Sweeney remarked that the MPD process is important and gives the public the opportunity to provide input. He felt the design would help remove the barrier so Main Street becomes one street as opposed to upper Main and lower Main.

Jim Tedford, a Park City resident, strongly opposed the present design. He thought everyone would agree that the Kimball Arts Center has done wonderful things and he enjoys going there himself. He was concerned about height as well as the ultra-modern concept. He read excerpts from the Land Management Code to demonstrate why the proposed building would not fit on Main Street.

Michele Aldridge noted that several children were present to speak on behalf of the Kimball Arts Center. She is a parent and a teacher in Park City and she spoke in support of all the programs and the great things the Kimball Arts Center does.

Sadie stated that she has been going to the Kimball Arts Center since she was a little munchkin and she really enjoys it. Making the building bigger would be better for the kids to see all the art and to learn how to make it. Sadie's mom stated their family supports the Kimball Arts Center and their kids have benefitted greatly from the programs. She understood that everyone was debating the size and design, but she felt they all agreed that the Kimball Arts Center is important. She would like to see it continue to grow and continue to be a valuable resource.

Tobiana Aldridge stated that she loves the Kimball Art Center.

Lisa Yoder felt the design was extraordinary and beautiful. In contrast to a previous speaker, she believes it utilizes the materials of old structures in town and it fits in with other structures. It is different and yet so similar to the old vertical structures.

Sara Pearce, with the Sundance Film Festival, stated that the Kimball Arts Center is an incredibly important venue for the Sundance Film Festival. They consider Main Street the heart of the festival and the gathering point. She understood that size was a concern but noted event space with higher ceilings is greatly needed in Park City. She was excited about the project and hoped they could find a win/win solution.

Carl Hendrick was visiting from Sweden and this was his first time to Park City. When he first came to Park City he could not identify the city center because everything is so spread out. When he went to the Kimball Arts Center he was very impressed and understands that their work is very important. When he saw the winning design concept he assumed it would be controversial. Mr. Hendrick remarked that each era sets its perspective in design and architecture. He did not believe that building a new building on this site while trying to copy and paste the older building into the new one would create an outstanding landmark. He loves Park City and would definitely come back. He was interested to see how the City develops and what decision they make.

Mike Ruzak quoted Frank Lloyd Wright, "The mother of art is architecture. Without architecture of our own we have no soul of our own civilization." He stated that this iconic reconstructed design of the Kimball Arts Center would serve as a symbol to their dedication to the arts and symbolized the soul that they have in this town. He felt it was a beautiful building but understood the issues involved with master planned design.

Mark Maziarz, a Park City resident for 23 years, stated that he has been a photographer of this beautiful town for 22 years and has taught photography classes at the Kimball Arts Center for the last three or four years. He believes it is important to support a place that generates emotion and relationships. If they can find a way to foster that it would be a great addition to the town.

Ginger Tolman stated that as a resident of Old Town for 22 years this was one of the most beautiful iterations she has seen proposed for Main Street, and for Park City in general. To have something like this so close to their neighborhood would be fabulous for visitors, families, and tourists. Ms. Tolman offered her support and she would be thrilled to have it in her neighborhood.

Scott Vultaggio stated that this would be a phenomenal icon for the town. They have the ability to make a huge statement and he hoped the Council would carefully consider everything. He added that children are a higher priority than economic benefit.

There were no additional public comments.

Council Member Butwinski asked, when looking at square footage and a large volume of space, if it was customary to anticipate that there are floors where there is open

space. For example, when he built his house, atrium space was counted twice. Director Eddington replied that based on the Code, it is customary to consider interior open space as building volume and include it in the square footage calculation. Council Member Simpson read from page 26 of the Staff report, "An increase in building height does not result in increased square footage or building volume. She believed that was consistent with Director Eddington's answer.

Council Member Matsumoto applauded the Kimball Arts Center for wanting to extend their programs to bring more education to the children and create more opportunities for the citizens and the City. She felt that a Master Planned Development might be the best venue to review the process, and she agreed that additional height would not result in additional square footage. Therefore, if they allow the MPD, she would like an explanation for how this particular design could fit in. Council Member Matsumoto believed there were many positives with the proposal; however, she has heard a lot of negative feedback regarding the mass and scale of the building and many citizens are very concerned.

Tina Lewis, a representative for the Kimball Arts Center, stated that a benefit of the design is the respect that it pays to the Kimball Arts Center. It was not restored in 1976 when Bill Kimball purchased the building. The siding was only taken off recently to reveal what the building actually looks like. Ms. Lewis commented on the unique features of the building that would be emphasized by the proposed restoration. It would be a beautiful example of restoration for a landmark building.

Council Member Simpson echoed Ms. Matsumoto. She was unsure why, but many people who have voiced serious concerns were not present to make their comments. Council Member Simpson could not imagine another situation where she would favor more discussion and public input on a project. If the MPD process is the way to achieve that discussion and input, it might be beneficial to pursue it.

Council Member Beerman thought it made sense to review the project as an MPD primarily because of the process. He recalled that Director Eddington had mentioned a zone change as another alternative and asked which process that would trigger. Director Eddington explained that if a zone change was initiated by the City, they could look at this particular intersection, or they could consider it as part of the General Plan. If it were not initiated by the City, an applicant could apply for a zone change or changes to the LMC. Council Member Beerman asked about the process if an applicant applied for a zone change. Director Eddington replied that it would go to the Planning Commission for review and a recommendation to the City Council for final decision. He clarified that a zone change is a different process than the MPD. With a zone change they first look at the existing context and fabric of the area and begin to identify what might be an appropriate zone, and define the zoning parameters including height,

setbacks, allowed uses, conditional uses, etc. Director Eddington remarked that the process for creating a new zone was very complicated. In his opinion, an MPD with review criteria to mitigate negative impacts was a better approach.

Council Member Peek fully supported the success of the Kimball Arts Center. He noted that the site was across the street from Zooms, one of the true icons; and the Kimball Arts Center is a true icon in town. He believed square footage was less of an issue than compatibility, mass, scale and an addition that meets the Historic District Design Guidelines. He believed the MPD was a viable way to address the limits of the zone and the Heber Subzone, but cautioned against taking too big of a bite out of Main Street until they thoroughly vet the impacts.

Council Member Butwinski expressed concern about the effect it would have on other properties and asked about the impacts of eliminating the requirement for crossing two lots. Director Eddington replied that if they eliminated the requirement, they would be allowing for MPDs in the HRC and the HCB zones up and down Main Street for buildings that would qualify. Mr. Butwinski was concerned about setting precedence if they allow it in the subzone. Director Eddington stated that the subzone is a unique area and he did not believe it would create precedence.

Council Member Simpson felt that looking at allowing MPDs in the Heber Subzone was a good way to have dialogue about this project and that specific location. It would also minimize the risk of unintended consequences by doing it for the entirety of the two historic Main Street zones.

Council Member Matsumoto requested that the Staff come back with an exploration of how the different criteria for a master planned developments could be met in this particular situation, specifically regarding open space. Director Eddington suggested that if they move forward with the MPD process for the area, the open space requirement may need to be reduced because it is difficult to provide 30% of open space in an urban dense corridor area.

Mayor Williams remarked that the Sky Lodge provided open space with their MPD. His concern with rooftop open space versus traditional open space is how the open space is accessed. He understood that the Kimball Arts Center is an open building and people would be allowed on the roof, but it would be a stretch to call it open space. In rewriting the General Plan, they have been looking at urban open space as areas where the public is allowed to hang out. That issue related to some of the comments he has heard from the public.

Mayor Williams noted that an MPD would require a definition specific to the Kimball Arts Center, since it does not fit with any of the current open space definitions. Many times

people make the case that they want to make their project special and want different standards than everyone else. He stated that Council has worked hard to create consistency in the way they plan our community.

Mayor Williams favored looking at the limits of the MPD as a way to avoid future projects that try to usurp what planning and zoning has tried to protect for 40 years. He remarked that open space was the most difficult issue because they have never defined roof space as open space. He was not opposed to looking at it, but it would be very different from the consistent definition of open space; regardless of whether it was rural or urban open space.

Council Member Simpson requested minutes from the Sky Lodge City Council meetings, as well as minutes from Planning Commission meetings where the open space was specifically discussed for Sky Lodge. She was also interested in hearing the direction the Planning Staff was going in the General Plan with the discussion of urban open space.

Tom Bakaly, City Manager, summarized that the City Council was interested in looking at revising the Land Management Code to allow for an MPD in the Heber Subzone. He noted that the process would start with the Planning Commission and that would be a way for the Council to receive the information they requested this evening. Those items would be highlighted and updates would be provided.

Mayor Williams asked if it would be appropriate to have a joint meeting with the Planning Commission to define some of the parameters. Mr. Bakaly thought a joint meeting would be beneficial either at the beginning or after the Planning Commission process has started. Mayor Williams asked Director Eddington to find out what would be best for the Planning Commission.

Council Member Matsumoto encouraged the public who supported or disagreed with the Kimball Arts Center proposal to stay involved with the process to ensure they get a project the community wants. She understood that the Kimball Arts Center did an open process and received public input; however, there has been a lot of community input regarding the Historic District Guidelines and the LMC, as well. Community input is highly valued and truly affects the project.

Prepared by Mary May, Secretarial Services
Reviewed and edited by Sharon Bauman, Senior Recorder/Elections

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY UTAH
AUGUST 23, 2012**

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at 6:00 p.m. at the Marsac Municipal Building on Thursday, August 23, 2012. Members in attendance were Mayor Dana Williams, Alex Butwinski, Liza Simpson, Dick Peek, Cindy Matsumoto, and Andy Beerman. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Tyler Poulsen, Environmental Sustainability Manager; Thomas Eddington, Planning Director; Max Paap, Special Events Coordinator; Brooke Moss, Human Resources Manager; Bret Howser, Strategic Initiatives Manager; Dave Gustafson, Project Manager.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Council Member Liza Simpson thanked Tom Bakaly for his years of hard work and his family's contributions to the community.

Council Member Dick Peek recalled a time when he sat on the Historic District Commission and Tom Bakaly was over Capital Improvements and Projects. He found it interesting to see how Tom's expertise had evolved.

Council Member Alex Butwinski complimented the Staff and the town for a great job on the Tour of Utah. It was a great event and showed the world that Park City knows how to throw a party. Mr. Butwinski had attended a Public Art Advisory Board meeting and they are working on a website page for public art. Mr. Butwinski reported that the Planning Commission elected Nann Worel as Chairwoman and Jack Thomas as Vice-Chair.

Council Member Andy Beerman had attended the final Mountain Transportation meeting and discussions were wrapped up on how to move people in the future through the Cottonwood Canyons and potentially into Park City. The next step in the process would probably be an environmental assessment. He thought it was evident to attendees from the Wasatch Back was that the connections cannot be justified without including Park City in the discussion. Mr. Beerman concurred that the Tour of Utah was a fantastic event and showcased everything great about Park City.

Council Member Beerman stated that he would miss Tom Bakaly, and would like to have had the opportunity to work with him longer. He recounted that ten years ago he came to Mr. Bakaly with a conundrum about his business, and Tom and other staff members had provide valuable assistance. He felt that he owed his career in Park City in part to Tom Bakaly.

Council Member Cindy Matsumoto stated that she experienced the Tour of Utah from in front of her business on Bonanza. She heard good things from members of the community and it was nice to have it back.

Council Member Liza Simpson thanked Human Resources staff for putting on a fabulous employee picnic and party.

Mayor Williams reported that the Director of Mosquito Abatement retired after being there since 1983. Mayor Williams noted that Pace Erickson had resigned from the Board and there was a vacant seat. If they were not able to find someone with a pest control background, it would be opened to others. He reported on a request for a new liaison position for Swaner Eco Center and noted that Andy Beerman had expressed an interest. The Council members supported Mr. Beerman as the liaison.

Mayor Williams commented on the fire the previous weekend and the response from the greater community, and Park City in particular. Everyone involved did a phenomenal job and he was very proud of them.

Mayor Williams stated that he and Tom Bakaly had spent thousands of hours together over the past ten years, and to see how the town has matured and how they both have matured was an amazing feat and a great accomplishment. Mr. Bakaly has been directly responsible for so many things. Particularly important to note was that the City's credit rating has increased 5 points since Mr. Bakaly became City Manager. He should also be credited for Park City's role in development and uses in Quinn's Junction. Tom Bakaly was also instrumental in the City's involvement and relationship with the State. Mayor Williams remarked that Mayor and City Manager can be conflicted positions. In the last six years he and Mr. Bakaly have stood their positions, but the trust they created was truly remarkable and he would never forget it. He personally learned a lot from Tom and he wished him all the best.

III PUBLIC INPUT

Jeff Love, a resident at 615 Woodside, and the property owner at 811 Norfolk, stated that over the course of the last 27 months he has been involved in a land use dispute with the City which was resolved in District Court last month. He had been awarded court costs and had not yet received payment from the respondents. Therefore, he was coming before Council with his request for payment. He discussed the Judge's rulings and stated the City's appeal process was not in compliance.

IV CONSENT AGENDA *(Items that have previously been discussed or are perceived as routine and may be approved by one motion. Listed items do not imply*

a predisposition for approval and may be removed by motion and discussed and acted upon under “Additional Discussion – Agenda Items”)

Dick Peek, “I move that we continue Consent Agenda Item No. 5 to a date uncertain” and approve Consent Agenda items 1-4 and Item No. 6. Liza Simpson seconded the motion. Motion unanimously carried.

1. Consideration of a Resolution designating September as National Preparedness Month in Park City, Utah
2. Consideration of a contract for China Bridge Repairs with Commercial Restoration Services in an amount not to exceed \$86,246.00, in a form approved by the City
3. Consideration of an agreement with the Bureau of Land Management for the renewals/amendment of Right-of-Way UTU-45920, in a form approved by the City Attorney
4. Consideration of a Professional Services Agreement with Horrocks Engineers for the Water Conveyance – 2013 Pipelines Project, Segment A and a Professional Agreement with Bowen Collins & Associates for the Water Conveyance – 2014 Pipelines Project, Segment B in a form approved by the City Attorney
5. Consideration of the rescission of Park City Heights Assessment Ordinance and a Resolution Rescinding Assessment Ordinance 15-12 in a form approved by the City Attorney *Continued to a date uncertain*
6. Consideration of a Resolution appointing representatives to the Park City Redevelopment Agency Tax Entity Committee

V NEW BUSINESS

1. Consideration of an Ordinance approving a plat amendment for 429 Avenue, Park City Utah.

Cindy Matsumoto, “I move that we continue the plat amendment for 429 Woodside to September 13, 2012.” Alex Butwinski seconded the motion. Motion carried unanimously.

2. Consideration of a Master Festival License for Quinn’s Junction Family Funktion to be held September 15, 2012. Max Paap, Special Events Coordinator, explained the Quinn’s Junction Family Funktion would include participants from Quinn’s Sports Complex, NAC, IHC, People’s Health Clinic, USAA, and Park City Clinic and approximately 500 people are expected to attend throughout the day. The event is free and family-oriented.

The application was being reviewed as a Master Festival License due to the request for use of City property and a possible concentration of a large crowd.

Council Member Beerman supported the event, but pointed out that once again the request did not meet the 90 day requirement. Mr. Paap explained that the 90 day requirement is difficult to meet with some events and that issue would be addressed in the events overhaul. Mr. Beerman noted that the Council is charged with following their own rules and they keep making exceptions for these events. Mayor Williams opened the public hearing. There were no comments.

Liza Simpson, "I move we approve the Master Festival license for Quinn's Junction Family Funktion to be held September 15, 2012." Alex Butwinski seconded the motion. Motion carried unanimously.

3. Consideration of a Parking License Agreement for Community Car Sharing Services with U-Haul Car Share in a form approved by the City Attorney. Tyler Poulsen, Environmental Sustainability Manager, noted that Council directed Staff in May 2012 to pursue proposals for car sharing services. Staff released a Request for Proposals in June and U-Haul Car Share was the only respondent. A detailed list of the scope of services was included as an exhibit. Staff recommends that the City enter into a parking license agreement. There is no cost or revenue sharing associated with the program. The agreement is to lease, at no cost, City-owned parking spaces in China Bridge to U-Haul, and also for the City Staff to participate in a joint marketing effort of the program given its contribution towards City transportation goals.

Council Member Simpson was pleased to see that the issue of hauling numerous dogs and other pets had been addressed. She asked about parking during the Sundance Film Festival. Mr. Poulsen explained the team would decide if the current parking location was suitable, or whether they should seek alternative locations. The cars would be available during Sundance.

Council Member Andy Beerman stated that if they intend to enter into an exclusive agreement, they should include a mechanism to add more cars if needed. Tyler Poulsen stated that U-Haul's approach is to start with a small number of vehicles. If the service is successful, they would look for additional parking for more cars. Mr. Beerman referred to a clause in the agreement stating that U-Haul can tow cars out of their space. Because the parking is on City property, he suggested towing would need to be done through the Police Department. Mr. Poulsen would discuss that issue with the Legal Department.

Mayor Williams opened the public hearing. There were no comments and he closed the hearing.

Liza Simpson, "I move we approve a parking license agreement for Community Car Sharing Services with U-Haul Car Share in a form approved by the City Attorney." Andy Beerman seconded the motion. Motion carried unanimously.

4. Consideration of amendments to the Municipal Code- Parking. Mayor Williams noted Staff had requested a continuation.

Andy Beerman, "I move we continue the New Business Item 4 to a date uncertain." Liza Simpson seconded the motion. Motion carried unanimously.

5. Consideration of an amendment to the Sundance Film Festival Supplemental Plan for the 2013 Festival/Lease Extension for Miner's Hospital. – Dave Gustafson, Project Manager, sought approval from the City Council to extend the period of the lease on Miner's Hospital to Sundance for the 2013 Sundance Film Festival. Last year Sundance utilized the building from November to February. Sundance decided to move the ticketing office to Miner's Hospital. Ticketing begins earlier than other functions, and they requested to begin use of the building on September 10, 2012. Miner's would be used for supplemental and pre-sales support. There were no conflicts with special events in Miner's.

Council Member Cindy Matsumoto stated that Park City was appreciative of Sundance, she was glad they could make an under-utilized City building available for their use.

Mayor Williams opened the public hearing. There were no comments and he closed the hearing.

Liza Simpson, "I move we approve an amendment to the Sundance Film Festival Supplemental Plan for the 2013 Festival lease/extension for Miner's Hospital". Dick Peek seconded the motion. Motion carried unanimously.

6. Consideration of an Agreement with Peckham & McKenney for City Manager recruitment services in a form approved by the City Attorney - Human Resource Manager Brooke Moss noted the item had been previously discussed.

Andy Beerman, "I move we enter into an agreement with Peckham & McKenney for City Manager recruitment services in a form approved by the City Attorney". Cindy Matsumoto seconded the motion. Motion carried unanimously.

Council Members returned to Work Session item that had been delayed due to time constraints.

2030 Long Term Strategic Plan - Bret Howser, Strategic Initiatives Manager, noted that bullet points on the first page identified recent changes to the document. He also included

recommendations on additional items. Council had discussed whether to use “excellent” responses or “good and excellent” responses as key indicators and he recommended using both. He requested that Council provide direction and any additional edits to the document prior to bringing it back for adoption.

Liza Simpson was comfortable with all the recommendations. She asked how they determined the seven year number for the updates to the Community Vision. Mr. Howser explained Staff thought it should provide sufficient time to pursue a long-term vision before the vision is changed.

Dick Peek asked whether observations and appendices would be approved as part of the document. Mr. Howser explained the resolution would be specific as to what is being adopted in the plan. The document will be attached to the resolution, but the resolution will specify what Council is adopting.

Mr. Howser pointed out that “support local businesses” was a desired outcome; however, he suggested that “predominance of locally owned business” was a better desired outcome. Liza Simpson felt that raised the issue of Subway, which is a franchise but locally owned. Mr. Howser replied that predominance was not the same as exclusive. The Council agreed on “primarily locally owned businesses”.

VI ADJOURNMENT

With no further business, the regular meeting of the City Council was adjourned. Council announced they were planning to go to Butchers.

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at 12:45 p.m. Members in attendance were Mayor Dana Williams, Andy Beerman, Alex Butwinski, Cindy Matsumoto, Dick Peek and Liza Simpson. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Diane Foster, Deputy City Manager; Tom Daley, Deputy City Attorney; Hugh Daniels, Emergency Manager; Brooke Moss, Human Resources Manager; Bret Howser, Strategic Initiatives Manager. Liza Simpson, “I move to close the meeting to discuss personnel, property and litigation”. Dick Peek seconded. Motion carried unanimously. The meeting opened at approximately 3:30. Andy Beerman, “I move to open the meeting.” Alex Butwinski seconded. Motion carried unanimously.

The meeting for which these minutes were prepared was noticed by posting at least 24 hours in advance and by delivery to the new media two days prior to the meeting.

Prepared by Mary May, Secretarial Services
Reviewed and edited by Sharon Bauman, Senior Recorder/Elections

**PARK CITY COUNCIL WORK SESSION MINUTES
SUMMIT COUNTY, UTAH
SEPTEMBER 13, 2012**

Present: Mayor Dana Williams; Council members Andy Beerman; Alex Butwinski; Cindy Matsumoto; and Dick Peek

**Diane Foster, Interim City Manager; Mark Harrington, City Attorney;
Bret Howser, Special Projects Manager**

Absent: Council member Liza Simpson

1. **Council questions/comments.** Andy Beerman thanked Park City Mountain Resort for building a new trail and investing in this type of improvement. He reported that the City Tour was fantastic and a lot was learned from Las Vegas on several issues. Alex Butwinski agreed that it was a great trip and he commented on visiting Zappos. He attended the Planning Commission meeting where there was a lot of input on proposed amendments to the LMC and most people felt that the Kimball Art Center's application should not be treated as a MPD.

Mayor Williams spoke about the City Tour and expressed that he is very proud of the delegation. He commented on Las Vegas' effective water conservation programs. He congratulated the Leadership Class on producing its Spanish brochure on available services in the community. He stated that Chief Wade Carpenter is being honored Friday night at the St. Regis for his involvement in the anti-bullying campaign.

2. **Significant impact matrix.** Bret Howser explained that the proposed matrix would drop in the existing staff report template. Significant impacts will be tied to Council's priorities and community vision filters. As an example, he displayed the new matrix and explained impacts of a project and how it relates to core values and desired outcomes. It is recommended to use this matrix in staff reports when there are significant policy decisions before Council members. Members were supportive.

Prepared by Janet M. Scott, City Recorder

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
SEPTEMBER 13, 2012**

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, September 13, 2012. Members in attendance were Dana Williams, Andy Beerman, Alex Butwinski, Cindy Matsumoto, and Dick Peek. Liza Simpson was absent and excused. Staff present was Diane Foster, Interim City Manager; Tom Daley, Deputy City Attorney; John Boehm, Transportation Planning Technician; and Kent Cashel, Transportation Manager.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Anti-Bullying Campaign - Mayor Williams pointed out that Leaders for Life will be presenting Chief Wade Carpenter a national award for his involvement in the local Anti-Bullying Campaign. Chief Carpenter spoke about thinking about anti-bullying as a leadership philosophy rather than just a program.

III PUBLIC INPUT (*Any matter of City business not scheduled on the agenda*)

Kimball Art Center Proposed Expansion Project:

Jim Tedford, representing a new group called Preserve Historic Main Street, read a mission statement. *We support the Kimball Art Center and their need for an addition to their current facility. We believe this expansion can and should be accomplished within the existing as of August 2012, the Park City Land Management Code and the Park City Design Guidelines for historic districts and historic sites.* He relayed that at the work session a few weeks ago, the City Council asked the Planning Department to list all the necessary changes that would have to be made in the LMC to allow a MPD in the Heber Avenue subzone. The Planning Commission discussed this last night and he felt that obviously any change to the Code would be strictly for the benefit of the KAC, Sky Lodge, Zooms and/or Poison Creek Mercantile. He stated that it is bad policy to start changing the rules to accommodate one project. The City has spent thousands of dollars and many hours creating a workable LMC and Design Guidelines and it would be too bad to set them aside for one specific project. Mr. Tedford noted that Park City's historic Main Street is an incredible asset and is one of the main reasons thousands of people come to Park City and spend millions of dollars here. We're fortunate to have historic Main Street declared a National Historic District which should not be jeopardized by constructing big ultra-modern buildings. Now that the City is considering changing the rules to accommodate the proposed KAC addition, the group feels it is time for its voice to be heard. He stated that 120 people have signed to oppose the project. They do not want the LMC changed to allow a MPD in the Heber Avenue subzone. Mr.

Tedford stated that the KAC can build a very nice addition and stay within the existing LMC and Design Guidelines for historic sites.

Hope Melville, Old Town resident, indicated that she is a member of KAC which provides great contributions to Park City. She supports the need for an expansion but wonders why there has been no attempt to design a new building that complies with the existing LMC. When the KAC held its international design competition and selected an architect, she understood the 80 foot tower was only conceptual and changes to the design were expected so that it would fit in to Old Town before approval. However, she heard two weeks ago that the 80 foot tower is essentially final and the KAC wants the LMC changed to fit the design. She read in *The New Yorker Magazine* that the architect *knocked out* the design in a week and felt that he could provide another brilliant design but instead the KAC is asking that the LMC be changed to fit the first design for an 80 foot tower. This will have a huge impact on Old Town for other projects that follow and will be allowed under the revised LMC. She stated that she personally likes modern design but it doesn't fit at Heber and Main and there may be another location where it would be compatible. KAC described the design as iconic and there are many places to see modern iconic architecture but there aren't many places like historic Old Town, Park City. Changing the LMC to fit the 80 foot tower will be a watershed event which will have long-lasting impacts on the character of Old Town.

Lila Tedford pointed out the silent people out there who have also expressed their opposition to this design aside from the 120 individuals who endorsed the statement that the expansion project is not right for Park City. There are many others who supported the statement but didn't want their names on the list believing that the design would be modified during the process; so far it's been seven months and only windows have been added. Others are silent because they feel certain that the LMC and Design Guidelines will prevent any such structure from occurring on historic Main Street. She attended the Planning Commission meeting last night and finds it very concerning. There is another silent component of businesses and employees who feel that they can't take a public stance for fear of retribution. She felt another group feels why bother it's going to happen anyway. Ms. Tedford stated that she read in the *Park Record* a comment that some opinions are more valuable than others. She acknowledged that she is not a trained artist but she is not going to keep silent on this and urged the Council to consider denying any changes to the LMC to allow this to occur. People who care about Park City and want to preserve this marvelous historic core need to feel free about expressing their opinions.

Sanford Melville, Old Town resident, stated that he tries to imagine what an 80 foot tower would look like in that space. In his view, the design is a sky scraper compared to adjacent existing buildings. He doesn't feel that many people understand the size and he hoped that the height be mocked up with balloons or something to illustrate the height of the building so that it can be properly vetted by the public. It is important for the future of historic Old Town.

The Mayor interjected that balloons were flown for the Sky Lodge project. He explained that the KAC has not submitted an application and if a n 80 foot tower were proposed, it would be turned down at the staff level but could be appealed to the Board of Adjustment. The idea of allowing the zone to be looked at doesn't give KAC the height, but only gives them the right to apply. The City Council felt it important to provide an opportunity for community dialog rather than denying it at the Planning Department level and holding an appeal before the Board of Adjustment. A consideration of the zone change was intended to provide more of a public process because there wouldn't be much of one otherwise.

Keith Droste, long time resident and member of PHMS, recognized the need for KAC to expand. This project can and should be created within the existing LMC and Design Guidelines. He encouraged the Council to retain the current Code rather than amend it for any special treatment and the MPD process is unnecessary in this area. The design is created with stacked timbers salvaged from railroad trestles to suggest a nostalgic reference to the Coalition Building but there is no relationship there. Main Street is iconic and we shouldn't destroy it.

Janet Goldstein Fuller stated that she moved to Park City in 1970, predating the KAC and then became a member of the KAC. There wasn't much building going on then, there were few amenities and she spoke about the development of Park City. Today there are codes, guidelines and standards which must be followed. The building plans, location and design of the expansion are in conflict and violate Park City's existing codes, guidelines and standards as of August 2012. In order to be approved, exceptions would have to be made to the LMC and Design Guidelines and none of that should be done without critical need. At the moment, the Planning Department is proposing amendments to building requirements. Some of those amendments might be beneficial to the whole community but it appears that many if not most of the changes are being proposed to specifically accommodate the requirements needed for KAC's project to proceed. She emphasized that this is an important issue and special treatment for development designs sets a terrible precedent even though the proposal is made by a worthy organization. Such special treatment is certain to result in similar requests in the future. Some of those applicants will have even less interest or incentive to maintain the historic integrity of Park City. She stated that the time has come to pull in the reins for development even though the entity making the application for change is well respected, well established and beneficial to the Park City community and its visitors.

Patricia Smith, resident, explained that the Preservation Tax Act was introduced in 1976 and benefitted historic properties and their rehabilitations. In cooperation with the Utah State Historical Society, she worked very hard for two years to document the 13 independently recognized buildings in Park City and the Main Street Historic District which was awarded national attention and became protected because it maintained its sense of place. At that time, 80% of Main Street was condemned and the little garage building which became the KAC, was uniquely recognized for its industrial construction

typical of the 1930s with its bow string roof. She stated that any change to a historic building should complement the original structure and she does not feel that the mass, instability of the design, or the materials help Park City's sense of place.

Chris Roon, resident, relayed that he appreciates the Council wanting to open up the issue to public debate and for the KAC for what it contributes and letting their designers aspire. However, the design is wholly disruptive to what we have that can't be replaced. Sundance outgrew its footprint and moved to Park City and perhaps in order for KAC to realize its full potential, it will have to move out of that location. Downtown is special and rather than consume a lot more time, *let it die at the door*.

Hermila McGill, long term resident, spoke about working the first Arts Festival in Park City and as an artist, would like to see KAC's programs expand but does not want Main Street to begin looking like Manhattan. Buildings should not block the view of Treasure Mountain. She asked people in the audience to raise their hands if they are part of the PHMS group and there were many supporters in attendance.

Mia Marden, resident and artist, spoke about exhibiting at the KAC and the benefits it brings to the community. She also worked for architectural firms in Salt Lake City, San Francisco and Washington D.C. The measure of good architecture is how well it fits the site and its purpose and this plan fails on both standards.

Mayor Williams explained that the City Council is an appeal board and members must be careful about commenting on the project. The only decision that has been made by the Council is having the Planning Commission look at this which was continued last night. He complimented the group on organizing and on its civility. There will be many more opportunities for input.

IV MINUTES OF MEETINGS OF AUGUST 9, AND AUGUST 30, 2012

Alex Butwinski noted that he submitted minor corrections to the City Recorder for the August 30th minutes and will be abstaining from the August 9th minutes since he was not in attendance. Andy Beerman, "I move we approve the meeting minutes from August 9 and August 30, as corrected". Cindy Matsumoto seconded. Motion carried.

08/09			08/30
	Andy Beerman	Aye	Aye
	Alex Butwinski	Abstention	Aye
Cindy	Matsumoto	Aye	Aye
	Dick Peek	Aye	Aye
Liza	Simpson	Absent	Absent

V CONSENT AGENDA *(Items that have previously been discussed or are perceived as routine and may be approved by one motion. Listed items do not*

imply a predisposition for approval and may be removed by motion and discussed and acted upon under “Additional Discussion – Agenda Items”)

1. Consideration of a Contract with CRSA for Architectural Consulting Services in the amount of \$72,200, in a form approved by the City Attorney - and

2. Consideration of award of contract to Stanley Consultants in the amount of \$375,127 for the Deer Valley Drive design, in a form approved by the City Attorney – Andy Beerman, “I move to approve Consent Agenda Items Nos. 1 and 2”. Alex Butwinski seconded. Motion carried.

Andy	Beerman	Aye
	Alex Butwinski	Aye
Cindy	Matsumoto	Aye
	Dick Peek	Aye
Liza	Simpson	Absent

I RESIGNATIONS AND APPOINTMENTS

Reappointment of Rich Miller to the Board of Adjustment for a term expiring June 2017 and the appointment of Jennifer Franklin as an Alternate for a term expiring June 2014 – Dick Peek, “I so move”. Andy Beerman seconded. Motion carried.

Andy	Beerman	Aye
	Alex Butwinski	Aye
Cindy	Matsumoto	Aye
	Dick Peek	Aye
Liza	Simpson	Absent

VII NEW BUSINESS

Consideration of an Ordinance approving the 200 Ridge Avenue Subdivision, Park City, Utah – The Mayor opened the public hearing; there was no input. The Mayor requested a motion to continue to September 27th. Cindy Matsumoto, “I so move”. Alex Butwinski seconded. Motion carried.

Andy	Beerman	Aye
	Alex Butwinski	Aye
Cindy	Matsumoto	Aye
	Dick Peek	Aye
Liza	Simpson	Absent

VIII OLD BUSINESS

Consideration of an Ordinance amending Title 9, Parking Code, Section 9-2-1, Parking Prohibited in Certain Places, Section 9-2-7, Parallel Parking, and Section 9-5-3, Types of Permits, of the Municipal Code of Park City, Utah – John Boehm, Transportation Planning Technician, referred to his staff report where several sections are recommended to be amended to comport with state statutes. Staff is requesting that Council approve the amendments to Title 9 including an amendment to Chapter 5, residential permits, to better accommodate residential parking needs within a commercial district.

Andy Beerman understood that six parking spaces will disappear due to the changes based on a formula and not an actual measurement of the street. Mr. Boehm confirmed that a simple formula was used and it appears that one spot will be lost to the extension of the fire hydrant zone and four spaces to the crosswalk at 328 Main Street for a total of five spaces.

Cindy Matsumoto asked if approval will accommodate the issue on Park Avenue. Kent Cashel stated that the amendments deal specifically with the problem on Park Avenue between 9th Street and Heber Avenue. He felt this is a creative solution to a request that was continually raised consuming staff and Council time and he recommended that Council approve the amendments. In response to a question from Cindy Matsumoto about residential parking permits, Kent Cashel explained that the permit system would only apply in areas which are controlled by time zones and the rest of Old Town would remain unchanged.

The Mayor opened the public hearing; there were no comments and the public hearing was closed. Cindy Matsumoto, "I move that we adopt the Ordinance amending Title 9, Parking Code, Section 9-2-1, Parking Prohibited in Certain Places, Section 9-2-7, Parallel Parking, and Section 9-5-3, Types of Permits, of the Municipal Code of Park City, Utah". Dick Peek seconded. Motion carried.

Andy	Beerman	Aye
	Alex Butwinski	Aye
Cindy	Matsumoto	Aye
	Dick Peek	Aye
Liza	Simpson	Absent

IX ADJOURNMENT

With no further business, the regular meeting of the City Council was adjourned.

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 3 p.m. Members in attendance were Mayor Dana Williams, Andy Beerman, Alex Butwinski, Cindy Matsumoto, and Dick Peek. Liza Simpson was absent and excused. Staff present was Diane Foster, Interim

City Manager; Tom Daley, Deputy City Attorney; Joan Card, Environmental Regulatory Manager; Jim Blankenau, Environment Regulatory Program Manager; Phyllis Robinson, Public Affairs Manager; Pace Erickson, Operations Manager; Troy Daley, Streets Manager; Jonathan Weidenhamer, Economic Development Manager; and Bret Howser, Special Projects Manager. Dick Peek, "I move to close the meeting to discuss personnel, property and litigation". Cindy Matsumoto seconded. Motion carried. The meeting opened at approximately 5:20 p.m. Alex Butwinski, "I move to open the meeting". Andy Beerman seconded. Motion carried.

Andy	Beerman	Aye
	Alex Butwinski	Aye
Cindy	Matsumoto	Aye
	Dick Peek	Aye
Liza	Simpson	Absent

The meeting for which these minutes were prepared was noticed by posting at least 24 hours in advance and by delivery to the news media two days prior to the meeting.

Prepared by Janet M. Scott, City Recorder

City Council Staff Report



Author: Heinrich Deters
Subject: Silver Quinn Trail Paving
Project Award of Construction Contract
Date: September 27, 2012
Type of Item: Administrative - Award of Contract

Sustainability

Summary Recommendation –

Staff requests authorization from Council to proceed with the Silver Quinn Trail Paving Project and authorize the City Manager to enter into a construction contract in a form approved by the City Attorney's Office with Morgan Asphalt Inc. in the amount of two hundred thousand eight hundred forty eight dollars and eighty cents. **(\$200,848.80)**

Topic: Silver Quinn Trail Paving Project Construction contract.

Background:

Park City Municipal Corporation is proposing to hard surface an existing soft-surface multi-use path, connecting the Silver Summit area to the Quinn's Recreational Complex. (Exhibit A) This trail has been identified in the Park City Trails Master Plan, as well as, the Snyderville Basin Special Recreation District Trails Master Plan. Furthermore, the trail, which crosses property owned by Intermountain Health Care (IHC), was identified as a hard surface trail during the Park City Medical Center Master Plan Development process. The trail will provide a vital multi-use, multi-season, trail connection and will represent a benefit to all user groups within the community at large.

In 2009, staff submitted a trail grant to the state recreational trail grant committee for the establishment and hard surfacing of the trail but unfortunately was not selected for funding.

In 2010, a first phase of the project, the establishment of a 10' wide 'soft surface' pathway, was built in conjunction with Park City's Lost Canyon waterline. At the same time, Park City Medical Center constructed and funded their portion of the soft surface trail.

In 2012, staff submitted a grant, to the County's Recreation, Arts and Parks (RAP) Tax Committee, in the amount of \$167,210, for hard surfacing the Park City portion of the existing trail. Funding for the project was awarded and approved by the County in August.

Staff has coordinated the hard surfacing project with Park City Medical Center in hopes of completing the project simultaneously.

Analysis:

The Project was publically advertised on September 1st and 5th in the Park Record and August 31st and September 1st in the Salt Lake Tribune. Additionally, the Request for bids was posted on the City's website on August 29th. The project identifies two segments for the project. The portion of the trail located on City property is the base bid for the project, while the portion of the project located on IHC property is identified as an Alternate Bid item. Benefits in combining the two projects are uniformity, timeliness and a cost savings per an economy of scale. IHC is responsible for reimbursing the City for the direct costs of their portion of the project.

The City and IHC will enter into a written 'reimbursement' agreement prior to formal award of the Alternative Bid.

On September 14th, a public bid opening was held at the Marsac building 3rd floor. The bids are as follows:

Bidder	Bid Amount	Alt/Bid Amount
<i>Morgan Asphalt Inc.</i>	<i>\$125,567</i>	<i>\$75,281.80</i>
<i>Staker Parson</i>	<i>\$139,950</i>	<i>\$81,550</i>
<i>Kilgore Contracting</i>	<i>\$196,953</i>	<i>\$114,757.40</i>
<i>Miller Paving</i>	<i>\$150,685</i>	<i>\$91,001.12</i>
<i>Geneva Rock</i>	<i>\$159,302.50</i>	<i>\$97,094.50</i>
<i>Engineer's Estimate</i>	<i>\$127,673</i>	<i>\$76,823</i>

The lowest 'responsible' and responsive bidder was **Morgan Asphalt Inc. at \$125,567**. The engineer's estimate was \$127,673. Construction is scheduled to begin as soon as the agreement is executed and all bonds and insurance requirements are submitted to the City. The substantial completion date for the project is October 15th 2012.

Department Review: This report has been reviewed by representatives of Sustainability, Legal and Executive Departments.

Alternatives:

- A. Approve the request, and authorize the City Manager to enter into a construction contract in a form approved by the City Attorney's Office with Morgan Asphalt Inc. in the amount of \$200,848.80: (Staff recommendation)**
- B. Modify the request: Council could choose to modify the project and re-bid, which would likely delay the schedule of the project.
- C. Deny the request: Council could choose to not continue with the project at this time.
- D. Continue the Item: Council may feel there is not enough information to make a decision, which will delay the project and the proposed schedule.
- E. Do Nothing: Same effect as continuance.

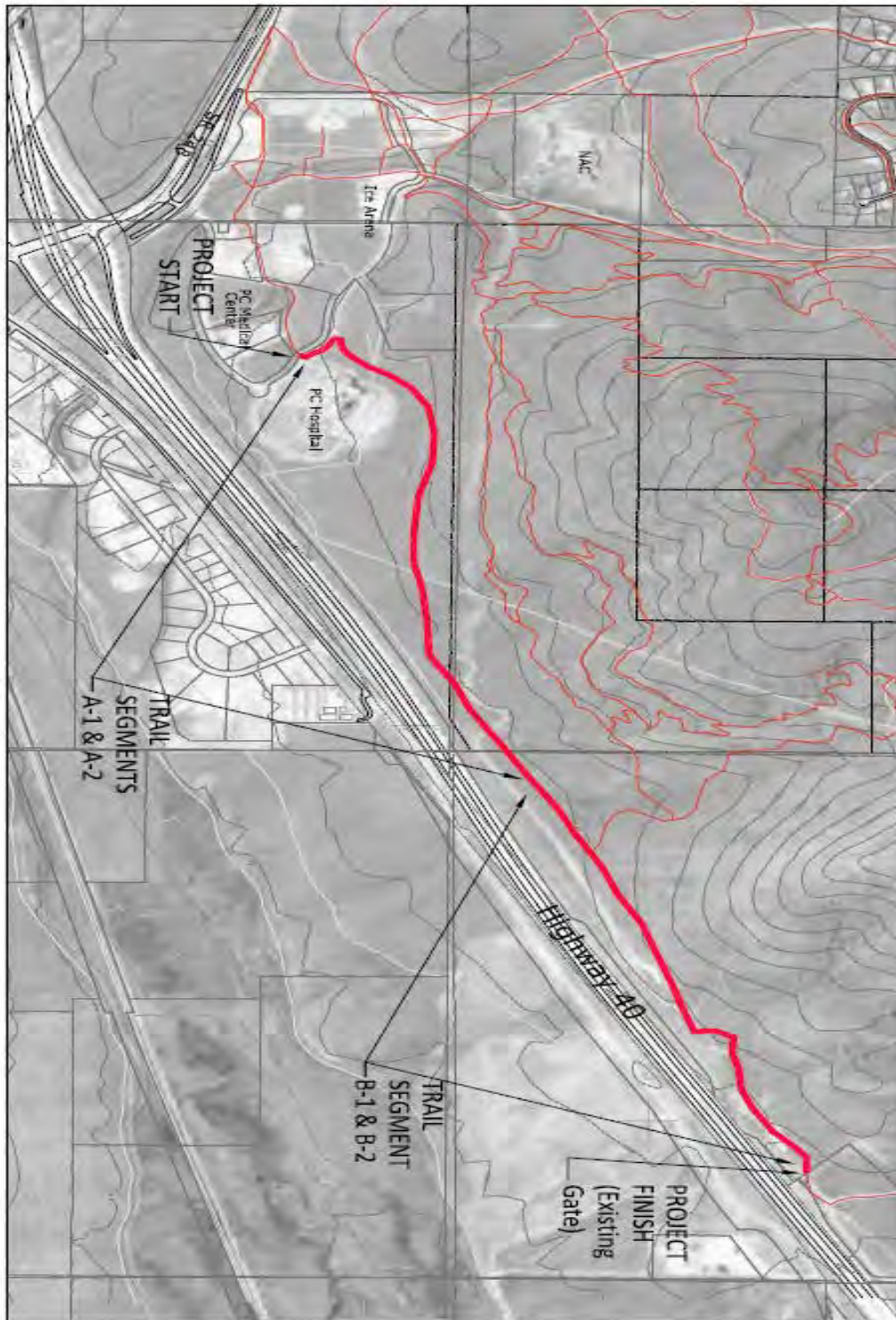
Significant Impacts:

Deadline to utilize grant funds provided by the Recreation, Arts and Parks Committee is March 11, 2014. Hard surfacing the Silver Quinn Trail represents one of the final 'gaps' in the regional multi-use trail system, which encircles Park City and the Snyderville Basin. Recreationalists and commuters may now ride/walk safely from Deer Valley to the Kimball Junction area via the Rail Trail and Highland Drive with numerous walking and biking infrastructure improvements. Users can also utilize the McLoed Creek system returning to town, to complete the twenty mile 'loop'. The trail will also provide a safer option for participants of the burgeoning disabled cycling club at the National Ability Center.

Staff Recommendations:

Staff requests authorization from Council to proceed with the Silver Quinn Trail Paving Project and authorize the City Manager to enter into a construction contract in a form approved by the City Attorney's Office with Morgan Asphalt Inc. in the amount of two hundred thousand eight hundred forty eight dollars and eighty cents. (\$200,848.80)

Exhibits:
Exhibit A – Silver Quinn Trail





City Council Staff Report

Author: Rhoda J. Stauffer, Sustainability Team
Subject: Housing Assessment and Five-Year Plan
Date: September 27, 2011
Type of Item: Legislative

A. Summary Recommendation: Staff requests that Council review, discuss and adopt an updated Housing Resolution.

B. Topic: Updated Housing Resolution

C. Background:

In accordance with City goals and State Law, staff reviews workforce housing needs and demand on a five-year cycle. In conjunction with the assessment, staff also examines the City's Housing Resolution to determine if updates or changes are needed. Staff presented the 2012-2017 Housing Needs Assessment and Plan on August 30, 2012. Today, staff is proposing a number of changes to the 20-07 Housing Resolution.

D. Analysis:

Staff is proposing to amend the 20-07 Housing Resolution to reflect the City's current priorities and meet changing community needs. Staff is proposing changes as follows:

- Simplifying the City's Local Preference definition (Section 16) and
- Establishing formulas for calculating key numbers such as Payment in Lieu, initial sales or rental numbers, and Park City Workforce Wage. These updated numbers will be published to the City's Affordable Housing webpage in April of each year.

Please find the 20-07 Housing Resolution redlined to reflect proposed changes.

E. Department Review: This report was reviewed by Sustainability, Legal, and the Acting City Manager.

Recommendation: Staff requests Council review, discuss and adopt an updated Housing Resolution.

Attachment A: 20-07 Housing Resolution Redlined with Proposed Changes
Attachment B: Minutes from August 30, 2012 City Council Work Session

ATTACHMENT A

Resolution 20-1207

RESOLUTION ADOPTING AFFORDABLE HOUSING GUIDELINES AND STANDARDS FOR PARK CITY, UTAH

WHEREAS, the livability and viability of Park City is directly affected by the availability of a sufficient amount of housing affordable to all residents; and

WHEREAS, the City Council desires to establish policies to ensure a reasonable opportunity for a variety of housing and which bears an essential nexus to maintaining the social, economic and political fabric of the community; and

WHEREAS, the 2005-2012 Park City Housing Assessment and Demand Analysis Plan concluded that ~~the rise of~~ housing costs ~~has continue to~~ outpaced ~~the increase in~~ wages in the service sector areas of the resort-based economy and has resulted in making housing unaffordable to working residents of the City; and

WHEREAS, the 2005-2012 Park City Housing Assessment and Demand Analysis Plan projects ~~in that~~ the Leisure and Hospitality employment sector will continue to drive the demand for additional workforce housing in Park City; and

WHEREAS, it is in the best interest of the community and a legitimate government interest to formulate guidelines and standards to establish a consistent criteria for review of Master Planned Development applications and annexation petitions and other development actions where affordable housing is needed to mitigate the impact of the project on the community; and

WHEREAS, the cost of providing affordable housing and any solutions should equitably apportion the cost based on impact generation, growth inducement and the underlying goal to provide a diversity of housing types and prices in our community in order to maintain a healthy economy and diverse population.

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

SECTION 1. ADOPTED HOUSING STANDARDS AND GUIDELINES. The following housing standards and guidelines are hereby adopted. Unless otherwise defined separately herein, all words and terms shall have the same meaning as defined in the Land Management Code, as amended.

SECTION 2. APPLICABILITY. These standards shall apply to all new Housing and Commercial Development created under Title 15, Chapter 6 Master Planned Developments and Title 15, Chapter 8 Annexations of the Park City Land Management Code. These standards shall apply to prior agreements on density or configuration unless specifically addressed within Development Agreements.

SECTION 3. PURPOSE. The purpose of this Resolution is to ensure that new development does not adversely affect the supply of affordable housing in the City and to maintain ~~Park City's~~ the social, economic and political fabric of ~~its Park City's~~ community character. It is

intended that the requirements imposed herein are roughly proportionate and reasonably related to the impacts of the Development.

SECTION 4. REVIEW. This Resolution shall be reviewed by the City Council at least biennially to ensure that these standards are meeting the housing goals and objectives.

SECTION 5. DEFINITIONS.

- **Affordable Housing:** Housing costs – rent plus basic utilities or mortgage, tax, insurance and/or Homeowners Association payments – that consume no more than 30 percent of a household's income.
- **Affordable Housing Unit:** Dwelling units that are deed restricted to the housing size and type for individuals meeting occupancy guidelines approved by the Park City Council.
- **Affordable Unit Equivalent:** A two-bedroom unit with 900 square feet of Net Livable Space shall be considered one Affordable Unit Equivalent.
- **Bedroom:** Designed to be used for sleeping purposes and which contains closets and meets all applicable City Building Code requirements for light, ventilation, sanitation and egress.
- **Deed Restriction:** A contract entered into between Park City Municipal Corporation and the owner or purchaser of real property identifying the conditions for occupancy and resale.
- **Household:** All related and unrelated individuals occupying a unit.
- **Household Income:** Combined gross income of all individuals who will be occupying the unit regardless of legal status. Adjustments to the gross for business expenses can be made for persons who are self-employed.
- **Net Livable Square Footage:** Is calculated on interior living area and is measured interior wall to interior wall, including all interior partitions. Also included, but not limited to, habitable basements and interior storage areas, closets and laundry areas. Exclusions include, but are not limited to, uninhabitable basements, mechanical areas, exterior storage, stairwells, garages (either attached or detached), patios, decks and porches.
- **Park City Workforce Housing Wage:** The median wage of the core Park City workforce as determined annually by the City Council. See Section 17.G. for calculation method.
- **Studio Unit:** Living quarters designed around a relatively large single room incorporating the features of a living room, bedroom, dining room/kitchen and bathroom.

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SECTION 6. EXEMPTIONS. The development of affordable housing units as defined by the Land Management Code is exempt from the requirements of this Resolution. This may include projects developed by or sponsored by nonprofit organizations and projects for which agreements have been executed that provided affordable housing or land for said purpose.

SECTION 7. FEE WAIVERS. ~~Section-Title 11, Chapter-~~12-13 of the Municipal Code provides that "any part of the fees included in this Title may be waived by the City Council upon recommendation of the City Manager, for those projects which are deemed to serve a beneficial public purpose that would be harmed by the City requiring the payment of such fees, such as low income housing projects." Pursuant to ~~Section-Title 11,- Chapter~~ 13-4(A) of the Municipal Code, the City Council can waive impact fees for construction of affordable housing up to \$5,000 per unit.

SECTION 8. CALCULATION OF MINIMUM AFFORDABLE HOUSING REQUIREMENTS

A. Residential Development.

For projects where units are offered for sale or rent, the Developer shall provide affordable housing units in an amount equal to fifteen percent (15%) of the total residential units

constructed. Affordable units developed on-site in fulfillment of this requirement are not included in the density calculation for the project.

RESIDENTIAL GENERATION CALCULATION EXAMPLE

An Applicant has received approval for a 128 unit Master Planned Development.

1. ~~4~~ 128 units (total units approved) multiplied by .15 (residential mitigation rate) equals 19.2 Affordable Unit Equivalents.
2. ~~2~~ One Affordable Unit Equivalent ~~is equals~~ 900 square feet of net livable space.
3. ~~3~~ The total approved units for this MPD is 128 market rate units plus 19.2 affordable unit equivalents which equals 17,280 total net square feet of additional livable space.

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B. Commercial Development

The Developer shall be required to mitigate 20 percent of the employees generated. For projects with a commercial component, the minimum affordable housing requirements shall be determined according to the following formulas:

Table 1: Employee Generation by Type of Use.

Type of Use	Full Time Equivalents (2080 hours) per 1,000 net leasable square feet
Restaurant/Bar	6.5
Education	2.3
Finance/Banking	3.3
Medical Profession	2.9
Other professional services	3.7
Personal services	1.3
Real Estate/Property management	5.9
Commercial/Retail	3.3
Recreation/amusements	5.3
Utilities	2.9
Lodging/hotel	0.6/room
Condominium Hotel	Greater of lodging/hotel calculation or residential mitigation rate
Overall/General	4.4

The Overall/General Type of Use shall apply to any use not listed in the Employee Generation Table if an Independent Calculation is not performed.

EMPLOYEE GENERATION CALCULATION EXAMPLE

An application for a Master Planned Development of 20,000 square feet of commercial space and 100 hotel rooms has been submitted. The commercial uses include:

- o 10,000 square feet of retail space
- o 5,000 square feet of restaurant/bar space
- o 5,000 square feet of professional services

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1. Using the above Employee Generation Table, the project will generate ~~414~~ 144 employees.
 - *Retail* at 3.3 employees per 1,000 square feet equals 33 employees
 - *Restaurant/Bar* at 6.5 employees per 1,000 square feet equals 32.5 employees
 - *Professional Services* at 3.7 employees per 1,000 square feet equals 18.5 employees
 - *Hotel* at .6 employees per unit equals 60 employees.

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2. 144 (total number of employees) multiplied by .20 (mitigation rate) equals 28.8 employees.

3. 28.8 employees divided by 1.5 (workers per household) equals 19.2 employee unit equivalents required.

~~4. 19.2 employees is equivalent to 9.6 Affordable Unit Equivalents configured as two bedroom, 900 net livable square foot units.~~

~~4.5.~~—The Developer is required to provide ~~9.6~~19.2 Affordable Unit Equivalents or a total of 17,280 net square footage of additional living space in addition to approved commercial and hotel density.

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C. Reduction of Employee Generation for Institutional/Nonprofit Use. The City Council may reduce the base employee generation rate by up to fifty percent for uses that are “non-commercial or non-residential in nature, which provide educational, social or related services to the community and which are proposed by public agencies, nonprofit agencies, foundations and other similar organizations “upon finding that the benefits/impacts of such Development as they relate to other general plan goals and/or action items outweigh the housing impacts.

D. Independent Calculation. An applicant may submit an independent calculation of the number of employees to be generated by a proposed development, to be used in place of the Employee Generation Table. The independent calculation shall be accepted by the City Council if the Council determines the calculation constitutes compelling evidence of a more accurate calculation of employee generation than Table 1: Employee Generation Table. Should the independent calculation not be accepted, then the applicable employee generation factor from the Employee Generation Table shall be applied to the proposed Development. Any acceptance of an Independent Calculation shall be site and use specific, non-transferable and be memorialized in a Development Agreement between the property owner and the City. Such Agreement shall be executed prior to the issuance of any building permit.

E. Redevelopment: Additions and Conversions of Use. Redevelopment or remodeling in an existing use or the change in use from one use to another is exempt from the requirements of this Resolution, provided such activity does not create additional employment generation as determined in *Table 1: Employee Generation by Type of Use*. Only the uses and areas that existed prior to the redevelopment or remodeling shall be exempt from the requirements of this Resolution. Any new area or unit or any change in use which creates additional Employee Generation as determined in *Table 1: Employee Generation by Type of Use* shall be subject to this provisions of this Resolution. Mitigation shall be required for the employees generated by the proposed total square footage (including addition) minus the employment generation of the total structure. If the developer converts one land use to another with higher employment generation rates, the mitigation will be based on the increase in FTEs. For example, a conversion of a 1,000 sq. ft. retail establishment with an employee generation rate of 3.3 FTEs per 1,000 square feet to a private club with a generation rate of 6.5 FTEs per 1,000 square feet results in a net increase in 3.2 FTE and would require additional mitigation.

F. Final Unit Requirement Calculations. The final calculations for the number of inclusionary units and the rental or sales price for these units shall be made prior to the issuance of building permits for the covered project.

SECTION 9. METHODS OF HOUSING REQUIREMENT COMPLIANCE

A. Size and Design Standards for Affordable Housing Units

1. Unit Types: The distribution of dwelling unit types that meet the deed restricted affordable unit requirements of this section shall be as follows:

- **Single Family:** In single family detached dwelling unit developments, the required on-site permanently affordable units shall also be single family detached units.
- **Mixed Unit Type:** In developments where there is a mix of two or more unit types: single-family detached units, attached units, multi-family apartment units, or other dwelling unit types, the required on-site deed restricted units shall be comprised of the different unit types in the same proportion as the market rate dwelling units within the development.
- **Alternative Distribution Ratios:** Different unit distribution among the deed restricted affordable unit types may be permitted if doing so would accomplish additional benefits or result in a better design than not using the distribution of units provided for in this section.

2. Minimum Sizes for Deed Restricted Units: In order to assure livability, the net livable square footage for affordable units shall be as follows:

Dormitory	150 square feet
Single Room Occupancy	275 square feet
Studio	400 square feet
One Bedroom	650 square feet
Two Bedroom	900 square feet
Three Bedroom	1,150 square feet
Four Bedroom	1,400 square feet

The Planning Department prior to the issuance of any building permits for either the free market or employee housing component of the project must verify square footage. The Building Department may check the actual construction of the employee housing units for compliance with the approved building permit plans.

3. Winter Seasonal Units. Pursuant to the applicable City codes, an applicant for a development may, at the sole discretion of the City and subject to certain requirements, satisfy the employee housing requirements by provision of dormitory/lodge units designed for occupancy by seasonal employees. The dormitory/lodge units must satisfy all requirements of the applicable Guidelines and shall be required to meet the following minimum standards:

- Occupancy of a dormitory unit shall be limited to no more than 8 persons.
- There shall be at least 150 square feet of net livable square footage per person, including sleeping and bathroom uses.
- At least one bathroom shall be provided for shared use by no more than four persons. The bathroom shall contain at least one toilet, one wash basin, one bathtub with a shower and a total area of at least 60 net livable square feet.
- A kitchen facility or access to a common kitchen or common eating facility shall be provided subject to the Building Department's approval and determination that the facilities are adequate in size to service the number of people using the facility.
- Use of 20 net leasable square feet per person of enclosed storage area located within, or adjacent to, the unit.

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- Rents for dormitory units will be set by Special Review on a case-by-case basis, given the unique and varying characteristics of dormitory units, with affordability as the key issue.
- Seasonal Lodge Developments may be required to house qualified employees of the community at large.

4. Special Needs Emergency/Transitional Housing. Pursuant to the applicable City codes, an applicant for a development may, at the sole discretion of the City and subject to certain requirements, satisfy a portion of its employee housing requirements by provision of special needs emergency/ transitional housing units through either direct construction, land donation or the donation of existing units. There must be a quantified, demonstrated need for the emergency/transitional housing within the Park City boundaries. The housing must be developed in collaboration with a federally recognized, 501(c)(3) nonprofit organization. The housing must satisfy all requirements of the applicable Housing Guidelines and Standards as well as comply with all applicable local, state and federal requirements. Given the unique and varying characteristics of the population to be served, the rents for emergency/transitional housing must be approved in advance by the City Council.

5. Minimum Green Building Requirements. All new construction or substantial rehabilitation projects developed in fulfillment of the affordable housing obligation must demonstrate that it meets, ~~the NAHB Green Standards or a at minimum,~~ LEED Certification level. All appliances and products including light bulbs shall be Energy Star qualified products for all new construction or substantial rehabilitation.

6. Affordable Unit Amenities. Inclusionary units may differ from the market units with regard to interior amenities and gross floor area provided that:

- These differences, excluding differences related to size differentials are not apparent in the general exterior appearances of the project's units; and
- These differences do not include insulation, windows, heating systems and other improvements related to the energy efficiency of the project's units.
- The gross floor area of the inclusionary units is not less than the following minimum requirements, unless waived by the City.

B. Methods of Meeting Minimum Requirements.

The following methods, in order of priority, may be used to meet the minimum affordable housing mitigation requirements.

- 1. Construction of unit(s) on the site on which the development is proposed.**
Affordable housing units shall be constructed on the project site, unless the developer can demonstrate compelling evidence that an alternative method would result in a better design, enhanced level of affordability or that the construction on-site would adversely affect the design of the project.
- 2. Construction of the unit(s) within the Park City corporate limits provided such land, site or structure had not been previously deed-restricted to affordable housing by Park City or Summit County.**
- 3. Dedication of existing units provided such units have not been previously restricted to employee or affordable housing by Park City or Summit County.** Units shall be located within the City limits unless otherwise approved by the City. Units must

be of equivalent value, quality and size of the deed restricted units that would have been constructed on-site. Existing units must be in move-in condition with appliances, windows, heating, plumbing, electrical systems, fixtures and equipment in good working condition. The value of dedicated existing units will be determined, at the expense of the developer, by an appraiser selected by the developer from a list of certified appraisers provide by the City of by such alternative means of valuation as to which a developer and the City may agree. All units shall be inspected and shall meet applicable Park City building codes. Applicant shall bear the costs and expenses of any required upgrades to meet the above standards as well as any reports required to assess the suitability for occupancy and compliance with the standards of the proposed units. All appliances and products including light bulbs shall be Energy Star qualified products.

4. **Construction of units outside Park City, but within the Park City School District boundary and/or the boundaries of the free transit system.**
5. **Conveyance of land within the Park City School District boundary and/or the boundaries of the free transit system provided such land has not been previously restricted to employee or affordable housing by Park City or Summit County.** The developer may elect to (a) convey land to the City or its designee that is of equivalent value to the cash in lieu contributions that would be required under this Resolution, plus an additional 25 percent to cover costs associated with holding, developing, improving or conveying such land; or (b) convey land to the City or its designee that is of equivalent value (as of the date of conveyance) to that land upon which required units would otherwise have been constructed and properly zoned such as to allow construction of at least that number of units for which the obligation of construction is being satisfied by the dedication of the land. Land conveyance shall occur prior to the issuance of any building permit for the free market portion of the development. Should the City Council later elect to sell the land, all proceeds from the sale of the land shall be placed in a dedicated housing fund.
6. **Payment of Fees in Lieu of Development.** If the City determines that (1) no other alternative is feasible, or (2) such a payment would result in more immediate development of housing or (3) such a payment would leverage additional resources, then a Payment of Fees in Lieu of Development may be accepted. The Payment in Lieu Fee shall be calculated and published annually in April on the City's affordable housing webpage for 2007 is \$160,553. The fees shall be reviewed and updated at least biennially. Updates may occur more frequently at the request of the City Council to reflect changing real estate conditions. Any Fees in Lieu collected ~~The funds,~~ and any interest accrued, shall be used only for the purpose of planning for, subsidizing or developing affordable and employee housing.

The Payment in Lieu Fee is calculated as follows:

- Median market value per square foot for 600 to 1,600 square foot properties sold in prior year (Summit County Assessor's Office provides the data sets);
- Multiply by 900 square feet (AHU equivalent); and
- Subtract out the affordable home sale price for a household earning Park City Workforce Wage (See calculation in Section 17.C);

6.

One-half of the in-lieu fee shall be paid (or a letter of credit posted) prior to issuance of a building permit for all or any part of the MPD. The remainder of the fee shall be paid

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before a certificate of occupancy (temporary or permanent) is issued for any unit in the Residential Development. The remaining fee will be calculated at the in lieu fee rate in effect at the time of payment. The Developer retains the option of paying the fees in full at time of building permit to avoid any increase in fees.

SECTION 10. DEED RESTRICTION. Prior to the plat recordation provisions to ensure continued affordability of inclusionary units shall be embodied in legally binding agreements and/or deed restrictions, which shall be prepared by the developer, but which shall not be recorded or filed until reviewed and approved by the City Attorney with such modifications as it may deem necessary to carryout the purpose of this Resolution. No building permit application shall be accepted in the absence of proof of the execution of requirement agreements and covenants. In the event such restrictions are voided by bankruptcy or other legal action, the City may revoke the Certificate(s) of Occupancy until such time as subsequent owner complies with the standards herein.

SECTION 11. TIMING OF OCCUPANCY. The affordable units shall be ready for occupancy no later than the date of the initial or temporary occupancy of the free market portion of the project. If the free market units are to be developed in phases, then the affordable housing can be developed in proportion to the phasing of the free market units as approved in the Housing Mitigation plan.

SECTION 12. APPLICABILITY OF RESOLUTION TO PRIOR APPROVALS OR PENDING APPLICATIONS.

A. Prior Development Agreements. Developments, which received development plan approvals prior to the adoption of this housing resolution, shall conform to the provisions of the resolution in place at the time of applicable complete application. Any modifications to an existing Development Agreement that results in an increase in housing units or employee generation shall be subject to the provisions of this Resolution.

B. Prior Annexation. Unless otherwise provided in Conditions of Approval or a Development Agreement, Developments subject to affordable housing requirements imposed by annexation agreements entered into prior to the effective date of this Resolution may develop in conformity with the Resolution in place at the time the Annexation Agreement was approved.

C. Pending Project Approval Actions. Developments for which complete applications were filed prior to the effective date of this Resolution, but have not been reviewed by the appropriate body, must conform to the Resolution in place at time of application.

SECTION 13. HOUSING MITIGATION PLAN. The Applicant shall submit a Housing Mitigation Plan. The Housing Mitigation Plan shall be reviewed by the Planning Commission as part of the application to the City for the Annexations or Master Planned Development with a recommendation forwarded to the City Council. The Housing Mitigation Plan shall include the following:

A. Calculation and Method. The calculation of, and method by which housing is to be provided, in compliance with Section 6 "Calculation of Minimum Affordable Housing Requirement" and Section 7 "Method for Providing Housing"

B. Unit Descriptions. If affordable housing units are to be developed, a site plan and building floor plans (if applicable), illustrating the number of units proposed, their location, the number of bedrooms in and square foot of each unit, and the rental/sale mix of the development. The proposed sale prices and rent levels shall also be included.

SECTION 14. CONSTRUCTION TIMING. Affordable units shall be made available for occupancy on approximately the same schedule as a project's market units; except that Certificates of Occupancy (temporary or permanent) for the last ten percent of the market units shall be withheld until Certificates of Occupancy have been issued for all of the inclusionary units. Other phasing agreements may be accepted, if doing so would accomplish additional benefits from the City consistent with the purposes of this Resolution. A schedule setting forth the phasing of the total number of units in a covered project, along with a schedule setting forth the phasing of the required inclusionary units shall be approved prior to the issuance of a building permit.

SECTION 15. GOOD FAITH MARKETING REQUIRED. All sellers or owners of deed restricted affordable units shall engage in good faith marketing efforts each time a deed restricted unit is rented or sold such that members of the public who are qualified to rent or purchase such units have a fair chance of becoming informed of the availability of such units. A public marketing plan shall be submitted by the developer for the initial sale or lease of the units.

SECTION 16. LOCAL PREFERENCE OPTION. ~~The Park City area is defined as the Park City School District limits. The following target groups should be given priority in any deed restricted affordable housing project. In order to address the City's local preference options, any deed restricted affordable housing project shall give preference to full-time employees (a minimum of 30 hours per week) of businesses within the Park City School District boundaries. Preference is also given to Senior Citizens (62 & older) and persons who are physically and/or mentally challenged.~~

- ~~• Full time (30 hours of employment per week) employees of businesses located in the City limits.~~
- ~~• A resident of the City for the prior 24 months.~~
- ~~• An owner or owner's representative of a business within the City limits.~~
- ~~• Senior Citizens~~
- ~~• Physically and/or mentally challenged individuals.~~

SECTION 17. MAXIMUM RENTS AND SALES PRICES. The following provision shall apply to the calculation of rents, selling prices and/or carrying charges of deed restricted affordable units.

A. Occupancy. In calculating the rents or carrying charges of inclusionary units, the following relationship between unit size and household size shall apply:

Dormitory/Single Room Occupancy:	1 person per 150 net livable square feet.
Studio/Efficiency:	1 person per household
One-bedroom:	1.5 person household
Two-bedrooms:	2.5 person household
Three-bedroom:	4 person household
Four-bedroom:	6 person household.

B. Rental Units. Inclusionary rental units in any one development shall be rented at a price, which, on average, is affordable to a household with an annual income of 100% of the Park City Workforce Wage.

C. For Sale Units. The initial sales price for an affordable unit in any one development shall average a price affordable to a household earning 150 percent of Park City Workforce Wage ("Target Household Income"). Sale Price shall be calculated according to the following guidelines: utilities plus mortgage payment for the Owner Occupied Unit, including principal, interest, taxes and insurance ("PITI"), shall not exceed 30% of the Target Household Income. The assumptions used to calculate the sales price shall be: (i) a 5% down payment; (ii) a 30-year term; and (iii) an interest rate equal to the prevailing FirstHome rate, or its program equivalent, of the Utah Housing Corporation (www.utahousingcorp.org) at the time of the offer.

~~The initial sales prices for affordable units in any one development shall average a price affordable to a household earning 150 percent of the Workforce Housing Wage for Park City according to the following guidelines:
An available fixed rate thirty year mortgage, consistent with the First Time Homebuyer Rate offered by the Utah Housing Corporation, plus 50 basis points. A lower rate may be used in calculating affordable prices if the developer can guarantee the availability of a fixed rate, 30-year mortgage at this lower rate for all of the inclusionary units.
A down payment of no more than 5 percent of the purchase price
A calculation of property taxes; and
A calculation of homeowner insurance and/or homeowner association fees.~~

D. Appreciation Limits. Provisions to ensure continued affordability of inclusionary units offered for sale shall include a formula limiting equity appreciation to either a shared percentage of the equity appreciation or a cap on the equity appreciation, with such adjustments for improvements made by the seller and necessary costs of sale as may be approved by the City. The form of the resale restriction shall be determined by the City at the time of approval of the Housing Mitigation Plan.

E. Limitation on Rental Rates and Terms. The rate at which an Owner shall rent the Units shall not exceed the Maximum Rent as established by the City. The Maximum Rent shall be set as affordable to households earning 100% of Park City Workforce Wage and adjusted annually by the percentage increase in the Consumer Price Index for the western region. Allowable increase will be published in April of each year on the City's affordable housing webpage. Unless otherwise approved, the minimum lease term shall be six months.

~~The rate at which the Owner shall rent the Units shall not exceed the Maximum Rent. The Maximum Rent shall be adjusted on January 1 of each year by the annual percentage increase in the Consumer Price Index for the western region using a base year of 2006. Unless otherwise approved, the minimum lease term shall be six months.~~

F. Income Limits. The City reserves the right to place an income/asset limitation for prospective owners or renters as needed to further the goals of this Resolution.

G. Park City Workforce Wage. Park City Workforce Wage for a family of three shall be calculated in April of each year and published on the City's affordable housing webpage. It is based on the prior year's wages as reported by the Utah Division of Workforce Services. Workforce Wage is calculated as follows:

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- o Summit County median wage for prior year;
- o Add six percent for additional earnings such as tips, incentives, bonuses, and overtime as well as other income such as investments and non-cash benefits;
- and
- o Multiply total by 1.5 to account for the average household in Park City having 1.5 workers.

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SECTION 18. TERM OF AFFORDABILITY. The Term of Affordability shall be for a period of not less than forty (40) years. At the expiration of the initial forty (40) year term, this Agreement shall be reviewed for additional consecutive ten (10) year terms, unless the City shall determine, based an independent housing needs assessment, that the Unit is no longer necessary to satisfy the affordable/employee housing needs in Park City.

SECTION 19. WAIVERS. The City Council may waive all or part of the requirements of this Resolution in exchange for enhanced project affordability or livability including but not limited to the incorporation of sustainable building practices and systems in the unit design and development.

SECTION 20. ADMINISTRATIVE RELIEF. The City Council may waive all or part of the requirements of this Resolution where the applicant can establish by clear and convincing financial data and other evidence relating to the character of the development or surroundings that the imposition of the requirements set forth in this article shall create an economic hardship. The Council shall use the same standards that it applies to historic properties in making a determination of economic hardship. A waiver under this section shall be granted only to the extent necessary to relieve the hardship or difficulty that serves as the basis for the requested waiver and shall not be considered precedent for future requests for administrative relief.

SECTION 21. SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate distinct and independent provision and such holding shall not affect the validity of the remaining portions of the Resolution.

SECTION 22. EFFECTIVE DATE. This Resolution shall take effect upon adoption by the City Council. All prior Housing Resolutions and parts of Resolutions in conflict with the provisions of this Resolution are hereby repealed. This Resolution repeals and replaces all prior housing resolutions including Resolution s 37-91, 8-93, 6-94, 7-95, 17-99, ~~and 10-2006~~, and 20-07.

PASSED AND ADOPTED this day of, 2007.

PARK CITY MUNICIPAL CORPORATION

Mayor Dana Williams

Attest:

Jan Scott, City Recorder

Approved as to form:

Mark Harrington, City Attorney

4. Housing assessment and plan. Rhoda Stauffer explained that she will share key indicators but the discussion is intended to focus on policy over the next five years. There has been little change in population, only a 187 net difference since the 2000 Census but more than 700 people have left the community in age groups between 4 – 49 years old. More than 800 people have joined Park City that are 50 years old and above. Median age has changed from 32.7 to 37.4 over ten years. She stated that wages continue to be substantially outpaced by housing costs despite the recession. Thirty-nine percent of the jobs in the community are in the leisure and hospitality fields which pay 30% less than average wages. She illustrated a chart showing the dual bell curve relating to the age of the community. The higher income group and lowest income population are also rising. Families where the parents are 35 to 45 years old are represented in the middle of the dual bell-curve and is the group Park City is losing.

Currently 336 renter households are paying 50% or more which is considered *cost-burden* and more than 500 households who are renting could be owners. The aging stock among deed restricted properties needs attention. She explained that the work force wage is used instead of average median income because AMI is usually 40% higher than what people are actually earning here. Ms. Stauffer reported that by 2005, the City had 369 affordable housing units and from 2005 the focus was turned to home ownership and home ownership units were increased by 47 and another 79 units are coming on the market at Park City Heights as well as some in-town units. She felt the City has made significant progress in newly constructed home ownership.

She relayed that the goal of affordable units as a percentage of the total units in town, is 10% which was discussed in 2005 when the percent was 5.5%. Today, the City is closer to 7% and it is estimated that adding 295 units would fill the gap. Staff used a number of ways to look at the demand including reviewing location substitution which is a concept adopted in 2005.

Park City is the center of employment on a regional basis and the goal is to have 34% of those employees living in town. In 2005, 17% lived in town and today it is at 20% and to get it to 34% would require adding 213 units. Ms. Stauffer reported that 288 rental units are needed to accommodate severely cost burdened households (paying over 50% of income for rent). The demand number is also based on the Balanced Growth Study which recommends 390 units. Ms. Stauffer felt the need is between 200 to 400 units, recognizing that affordable housing needs will never be fully met however it is helpful to know that it's not 4,000 units.

She asked for feedback on the City's efforts in the next five years. The amount of available land is finite in Park City and even with sufficient land it is impossible to build ourselves out of this problem, but helping younger families to remain in Park City will address the dual bell curve and the divided community that is developing. Preserving what we have and helping local work force members to buy existing homes is the ultimate form of recycling.

Rhoda Stauffer stated that the mortgage assistance program is only a concept at this point and staff will return to Council with more details if there is support. There is money in the budget to hire a consultant in the field of equity sharing programs. She invited questions.

Alex Butwinski referred to a proposed amendment to the 2007 Housing Resolution regarding updating the payment in lieu fee and expressed that one of Council's goals for some time was not to accept payments in lieu but to increase the affordable housing product. Ms. Stauffer explained that payment in lieu remains one of the options for satisfying an affordable housing obligation and needs to be updated on a regular basis. There are cases where the affordable housing requirement may be .5 and rather than building half a unit, the applicant could pay cash in lieu. The fee was established in 2007 at \$162,000 and it is proposed to decrease.

Alex Butwinski pointed out the high number of unoccupied units at Kimball Junction which may be a viable option. Ms. Stauffer relayed that one goal is formulating a regional affordable housing plan and a group is being formed with the County to discuss regional approaches to these issues. Those units are priced so close to market that the housing doesn't meet our needs. If there is support from other members, he asked her to explore City assistance on mortgages. Ms. Stauffer explained one of the pieces is looking at current units. She would like to set up a stewardship program to make sure that deed restricted home ownership units are viable well into the future. One proposal is a buy-back program to adjust deed restrictions because of the market and to resell units back into the affordable housing pool.

Liza Simpson made minor corrections to the plan document. She referred to the comment in the report about families leaving but households getting smaller and as the City moves forward on addressing actual housing needs, this should be considered. Recognizing that this is an effort to correct the trend, house sizes should be getting smaller. She asked the last time the housing allowance was updated and Ms. Stauffer stated that she will find out and get back to her.

Ms. Simpson asked how the 34% was reached for the location substitution percentage. Phyllis Robinson explained that the housing resolution should provide a nexus between housing requirements and the actual needs in the community. In 1999, the City began to include specific requirements in the housing resolution and looked at the relationship between jobs and housing in the community and the location substitution percent was set at 34%. Ms. Simpson commented that the community has changed so much in type of housing stock and she wants to make sure that the number is on target with Council's goals given how much the community has changed with second home owners.

In response to questions from Dick Peek, Ms. Stauffer explained that work force wage includes a household factor and median Summit County wage in 2010 is a wage for an individual. Work force wage considers other elements that are added to the number.

Andy Beerman complimented the work accomplished. He recognized that it is much harder to obtain a loan and buy a house in these times and younger people seem less interested in owning houses. He suggested that the emphasis in the short term focus on rentals because that seems to be the growing market because it offers maximum flexibility. Ms. Stauffer believed this is a good point but felt housing has to be balanced. People who come here and invest in the community seem to want to buy here. He understood that the Liberty Apartments are priced too high and asked if it is possible to direct a developer to build less housing but subsidize the rents. Ms. Stauffer responded that this option is included in the resolution.

Ms. Simpson stated that she is looking forward to the discussion of the stewardship program so the housing stock remains in good condition. Stewardship can lead to providing housing management services and Ms. Stauffer agreed that management is key.

Mayor Pro Tem Matsumoto asked if there are concerns about people qualifying for loans for units at Park City Heights. Rhoda Stauffer indicated not so much there because Ivory has its own lending capabilities and expertise. Ms. Matsumoto asked if there is an inventory of homes for sale that may fit the affordable housing niche. Ms. Stauffer felt the asking prices are a little out of reach for work force housing wage earners but there are units out there in the City. Staff will return to Council with more details on the concept. Council members indicated their support of the recommendations in the staff report.

Prepared by Janet M. Scott, City Recorder

City Council Staff Report



Subject: 333 Main Street, Condominium plat
Author: Katie Cattan, AICP
Date: September 20, 2012
Type of Item: Administrative – Condominium Plat
Project Number: PL-12-01636

PLANNING DEPARTMENT

Summary Recommendations

Staff recommends the City Council conduct a public hearing and consider approving the extension of the 333 Main Street Condominium Plat based on the findings of fact, conclusions of law and conditions of approval as stated in the attached ordinance.

Topic

Applicant: NS/CSE PC, LLC
Location: 333 Main Street (Main Street Mall)
Zoning: Historic Commercial Business (HCB) and Historic Residential 2 (HR-2)
Adjacent Land Uses: Main Street retail and residential, Park Avenue residential
Reason for Review: Condominium plats extensions require City Council review and approval.

Proposal

This application is a request for an extension to record the condominium plat for 333 Main Street. The City Council approved the condominium plat on August 11, 2011. Condition of approval #2 required the applicant to record the condominium plat at the County within one year from the date of City Council approval. If recordation had not occurred within one year's time, the approval for the plat will be void, unless an extension request application has been filed with the City prior to expiration. The City received an extension request application on August 7, 2012.

Background

The property is known as the Main Street Mall. The property is located between Main Street and Park Avenue and consists of Lots 7-15 and 18-26, Block 11 of the Amended Park City Survey. The building was constructed across the zone boundary between the Historic Commercial Business (HCB) on the Main Street side and Historic Residential Two (HR2) on the Park Avenue side. Current uses within the HCB are allowed uses in the zone. Current office and retail uses within the HR2 are legal non-conforming uses. Future residential uses within the HCB zone are allowed uses. Future residential uses within the HR-2 zone are allowed uses, however a Master Planned Development is required for future construction of HCB uses into the HR-2 zone (below the street level of Park Avenue) and if single family or duplex homes are constructed fronting Park Avenue at the street level.

On March 26, 2009, the City Council approved a plat amendment to create a single lot of record from the multiple underlying lots for the existing Main Street Mall building. On March 8, 2010, the Council extended the approval for one year to allow the applicants additional time to finalize the plat in preparation for signatures and recordation at Summit County. The 333 Main Street one lot subdivision plat was recorded at Summit County on April 12, 2011 (Exhibit B).

Included with the previous plat amendment were five (5) easements for existing emergency and pedestrian access, utility, and parking easements as described in the title report and land title of survey for 333 Main Street. These easements are also included on the proposed condominium plat. All conditions of the one lot plat amendment continue to apply (Exhibit C).

On May 2, 2011, a revised Historic District Design Review application was approved for modifications to the interior space and exterior skin of the building in compliance with the current revised 2009 Design Guidelines for Historic Districts and Sites (Exhibit D). Under the approved HDDR and as permitted in the zones, they may construct these interior and exterior changes to the building which condo plat will be memorializing)

On June 27, 2011, the City received a complete application for a condominium plat to create 2 (two) condominium units (Unit A and Unit B) and convertible space within the existing space of the Main Street Mall building in conformance with the approved Historic District Design Review. Unit A is all of the space on the basement level combined with all of the space on the two floors above it. Unit B is all of the space above Unit A. This plat provides two separate ownership units that allow the proposed Main Street Mall renovation and financing to occur in separate phases.

On August 11, 2011, the City Council approved the condominium plat. Condition of Approval #2 required the applicant record the condominium plat at the County within one year from the date of City Council approval. Due to change in ownership, the applicant has requested an extension of one additional year.

Analysis

This application is a request for an extension of the condominium plat for 333 Main Street. The City Council approved the condominium plat on August 11, 2011. Condition of approval #2 required the applicant to record the condominium plat at the County within one year from the date of City Council approval. If recordation had not occurred within one year's time, the approval for the plat will be void, unless an extension request application has been filed with the City prior to expiration. The City received an extension request application on August 7, 2012.

The applicant has requested no changes to the condominium plat other than a modification to Condition of Approval #2 to extend the required recording of the condo plat for an additional year. The applicant submitted a written statement (Exhibit B) explaining the reason for the requested extension. The stated reason for the request is a change in ownership.

Good Cause

Staff finds good cause for the extension of the condominium plat as the new owner will need adequate time to review the approved condominium plat and decide if these plans are in line with their business plans. The condominium plat is consistent with the State condominium act and complies with the Land Management Code. The condominium plat is consistent with the approved Historic District Design Review that provides for improved architectural design, building energy efficiency, and a positive visual and vital impact on Main Street.

Department Review

This project has gone through an interdepartmental review on August 14, 2012, and no issues were raised.

Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also put in the Park Record.

Public Input

Staff has not received any public input at the time of this report.

Future Process

Approval of the extension of the condominium plat application by the City Council constitutes Final Action that may be appealed following procedures found in LMC 15-1-18. Prior to issuance of a building permit, a building application and plans must be submitted to the Building Department consistent with the approved HDDR and this plat.

Alternatives

- The City Council may approve the extension of the condominium plat as conditioned or amended, or
- The City Council may deny the extension of the condominium plat and direct staff to make Findings for this decision, or
- The City Council may continue discussion on the extension and provide direction regarding any additional information, findings, or conditions necessary to take final action on the requested plat.

Significant Impacts

There are no negative fiscal or significant environmental impacts to the city from this application.

Consequences of not taking the Suggested Recommendation

The entire building would continue to be owned by one entity and a new application would be required to divide ownership within the building.

Recommendation

Staff recommends the City Council conduct a public hearing and consider approving the extension of the 333 Main Street condominium plat based on the findings of fact, conclusions of law and conditions of approval as stated in the attached ordinance.

Exhibits

Exhibit A- Condominium Plat

Exhibit B – Written Statement from applicant

Ordinance No. 12-

AN ORDINANCE APPROVING THE CONDOMINIUM PLAT LOCATED AT 333 MAIN STREET, PARK CITY, UTAH.

WHEREAS, owners of the property known as the Main Street Mall, located at 333 Main Street, have petitioned the City Council for an extension of the approved condominium plat which creates two non-residential condominium units (Unit A and Unit B) and convertible space within the Main Street Mall building (Exhibit A). Unit A is all of the space on the basement level combined with all of the space on the two floors above it. Unit B is all of the space above Unit A.

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 a public hearing on July 27, 2011, to receive input on the 333 Main Street condominium plat;

WHEREAS, the Planning Commission, on July 27, 2011, forwarded a positive recommendation to the City Council; and,

WHEREAS, on August 11, 2011, the City Council held a public hearing and approved the 333 Main Street condominium plat; and

WHEREAS, condition of approval #2 required the plat to be recorded within one year the City Council approval; and,

WHEREAS, on August 7, 2012, the applicant applied for a one year extension of the 333 Main Street Condominium Plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 333 Main Street condominium plat.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The condominium plat 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 333 Main Street between Main Street and Park Avenue and consists of Lots 7-15 and 18-26, Block 11, of the Amended Park City Survey. There is an existing four story commercial building on the property.

2. The existing building, known as the Main Street Mall, was constructed in 1984 across property lines and zone lines.
3. On March 26, 2009, the City Council approved a plat amendment to create a single lot of record from the multiple underlying lots for the existing Main Street Mall building. On March 8, 2010, the Council extended the approval for one year to allow the applicants additional time to finalize the plat in preparation for signatures and recordation at Summit County. The 333 Main Street one lot subdivision plat was recorded at Summit County on April 12, 2011.
4. The Main Street portion of the building is located in the Historic Commercial Business District (HCB) with access to Main Street and the Park Avenue portion of the building is located in the Historic Residential 2 (HR-2) zoning district with limited access to Park Avenue. The building has legal non-complying side yard setbacks within the HR2 zone.
5. Main Street is important to the economic well being of the Historic Commercial business district and is the location of many activities important to the vitality and character of Park City. The Main Street Mall architecture is out dated and not in compliance with the 2009 Design Guidelines for Historic Sites and Districts and the owners are proposing a renovation and improvement to the building.
6. On May 2, 2011, a revised Historic District Design Review application was approved for modifications to the exterior in compliance with the 2009 Design Guidelines for Historic Districts and Sites.
7. The property is encumbered with a recorded 99 year lease agreement to provide parking for the property at 364 Park Avenue. This lease agreement is identified on the plat because of the duration of the lease. The parking subject to the lease is currently provided within a garage in the Main Street Mall building with access to Park Avenue.
8. Five (5) easements for existing emergency and pedestrian access, utility, and parking easements as described in the title report and land title of survey for 333 Main Street were memorialized with the recorded subdivision plat. These easements are also included on the proposed condominium plat.
9. On June 27, 2011, the City received a complete application for a condominium plat to create 2 two non-residential condominium units (Unit A and Unit B) within the existing space of the Main Street Mall building and consistent with the May 2011, approved Historic District Design Review plans. Unit A is all of the space on the basement level combined with all of the space on the two floors above it. Unit B is all of the space above Unit A. This plat provides two separate ownership units that allow the proposed Main Street Mall renovation and financing to occur in separate phases. No residential uses or condominiums are proposed.
10. No changes to the existing parking are proposed with this condominium plat and all parking agreements and easements continue to apply unless and until they are amended by both parties. A review of parking requirements and parking agreements associated with additions to the building or changes of use of this building shall be reviewed at the time of building permit application.
11. A condominium plat amendment would be required when any convertible space is converted for use and ownership is changed. Some of that space may used to create residential condominium units. As shown, these residential units are within the HCB zoned portion and are allowed uses by the zone. Any residential units

requested for the HR2 zoned portions require a conditional use permit and/or a Master Planned Development.

12. On August 11, 2011, the City Council approved the Condominium Plat for 333 Main Street with a requirement (condition of approval #2) that the plat be recorded within one year of the City Council approval.
13. On August 7, 2012, the applicant requested an extension of one additional year to record the approved Condominium plat due to change in ownership.

Conclusions of Law:

1. There is good cause for the condominium plat.
2. The condominium plat is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed condominium plat.
4. Approval of the condominium plat, 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 condominium plat for compliance with State law, the Land Management Code, the recorded subdivision plat, and any conditions of approval, prior to recordation of the plat.
2. The applicant will record the condominium plat at the County within one year from the date of City Council extension approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a second extension request application has been filed with the City prior to expiration.
3. All conditions of approval of the 333 Main Street Subdivision plat and approved Historic District Design Review shall continue to apply.
4. All new construction at this property shall comply with all applicable building codes and any current non-compliance issues for tenant spaces, such as ADA access and bathrooms, restaurant grease traps, etc. within the building shall be addressed with tenant improvement building permits for those spaces.
5. Prior to issuance of any building permits for reconfiguration of interior spaces that result in additional floor area or residential uses, a detailed parking analysis shall be presented to the Planning Department, identifying compliance with requirements of the 1986 Parking Agreement and the LMC. The parking analysis shall identify and discuss all existing parking agreements associated with the property.

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

PASSED AND ADOPTED this ___th day of ___, 2012.

PARK CITY MUNICIPAL CORPORATION

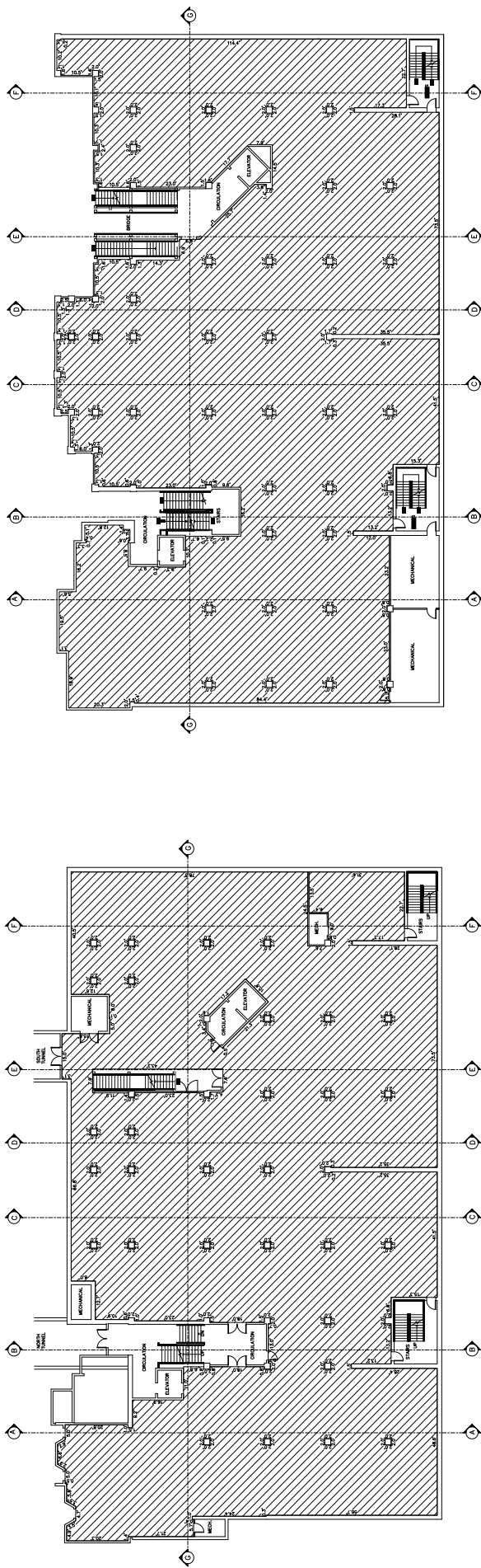
Dana Williams, MAYOR

ATTEST:

Jan Scott, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney



UNIT A-LOWER LEVEL
PRIVATE OWNERSHIP AREA = 22,884 SQ FT

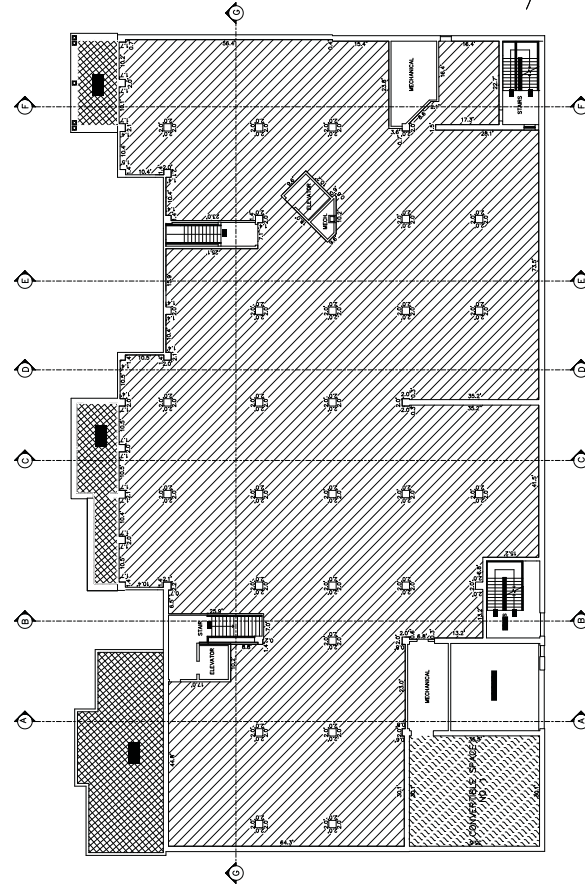
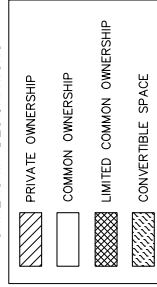
UNIT A-FIRST LEVEL
PRIVATE OWNERSHIP AREA = 22,417 SQ FT

UNIT	AREA	TOTAL
A - LOWER LEVEL	22,884 SQ FT	
A - FIRST LEVEL	22,417 SQ FT	
A - SECOND LEVEL	19,634 SQ FT	
B - THIRD LEVEL	12,859 SQ FT	
B - PENTHOUSE LEVEL	2,347 SQ FT	
		64,335 SQ FT

CONVERTIBLE SPACE	AREA	TOTAL
NO. 1	1,068 SQ FT	
NO. 2	4,206 SQ FT	
NO. 3	242 SQ FT	
		6,206 SQ FT

NOTE
The dimensions of the Units shown on this plot and the areas of the Units are based on the measurements provided by Elliott Workgroup. Therefore, no as-built measurements were taken.

OWNERSHIP DESIGNATIONS



UNIT A-SECOND LEVEL
PRIVATE OWNERSHIP AREA = 19,634 SQ FT
CONVERTIBLE SPACE = 1,068 SQ FT

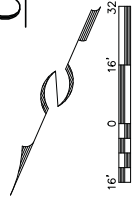
333 MAIN STREET CONDOMINIUMS

JOB NO. 6-1-08 FILE: K:\Projects\Summit.dwg and 080608\081108.dwg
SHEET 2 OF 5

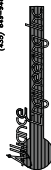
RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
AT THE REQUEST OF _____
DATE _____ TIME _____ BOOK _____ PAGE _____

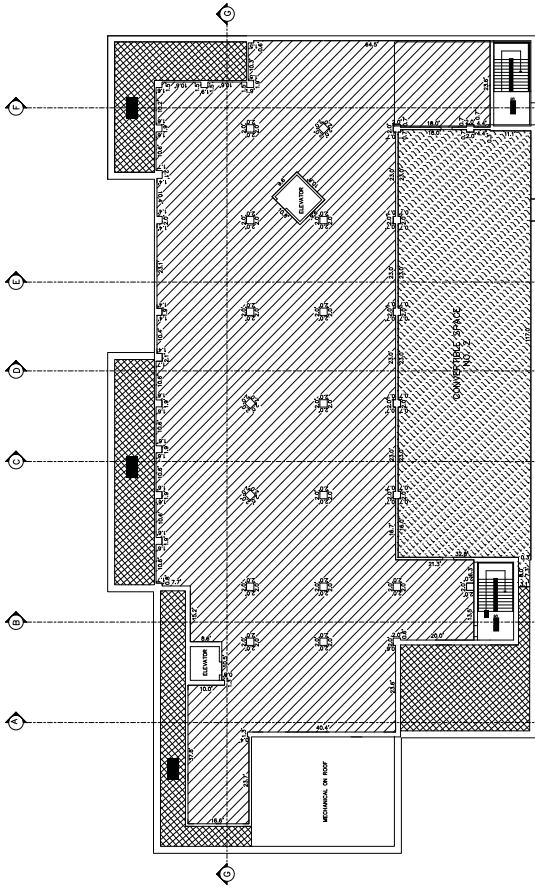
FEE _____
RECORDER _____



(435) 444-4477



SUMMIT ENGINEERING
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
333 Main Street P.O. Box 2664 Park City, Utah 84002-2664



UNIT AREA TABLE

UNIT	AREA	TOTAL
A - LOWER LEVEL	22,884 SQ. FT.	
A - SECOND LEVEL	22,884 SQ. FT.	
A - THIRD LEVEL	12,629 SQ. FT.	64,395 SQ. FT.
B - PENTHOUSE LEVEL	2,347 SQ. FT.	15,176 SQ. FT.

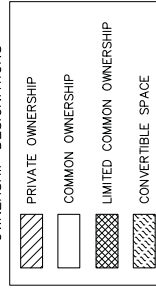
CONVERTIBLE SPACE AREA TABLE

CONVERTIBLE SPACE	AREA	TOTAL
NO. 1	1,068 SQ. FT.	
NO. 2	4,296 SQ. FT.	6,206 SQ. FT.
NO. 3	842 SQ. FT.	

NOTE

The dimensions of the units shown on this plan and the square footage calculations are based on drawings provided by Elliott Workgroup. Therefore, no as-built measurements were taken.

OWNERSHIP DESIGNATIONS

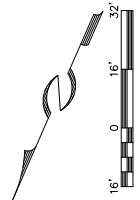


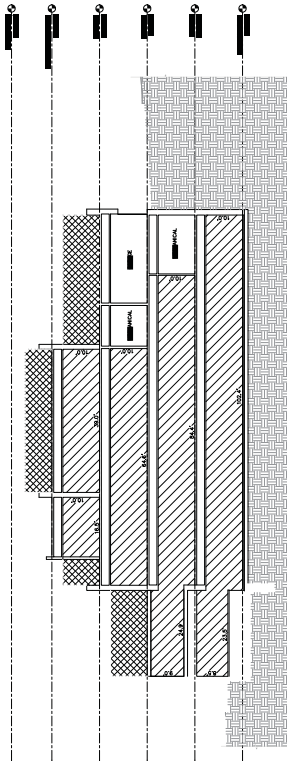
333 MAIN STREET CONDOMINIUMS

JOB NO. 6-11-08 FILE: 333 Main Street.dwg 08/11/08
SHEET 3 OF 5
RECORDED

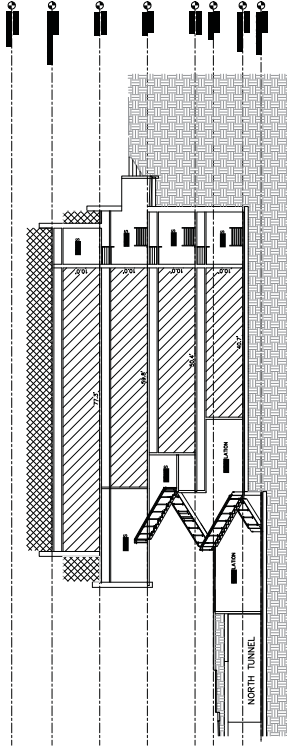
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
AT THE REQUEST OF
DATE TIME BOOK PAGE

FEE RECORDER

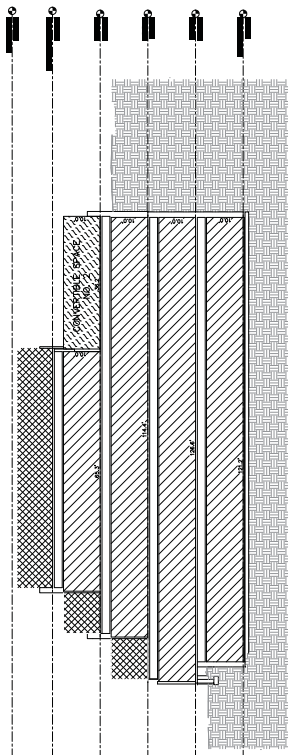




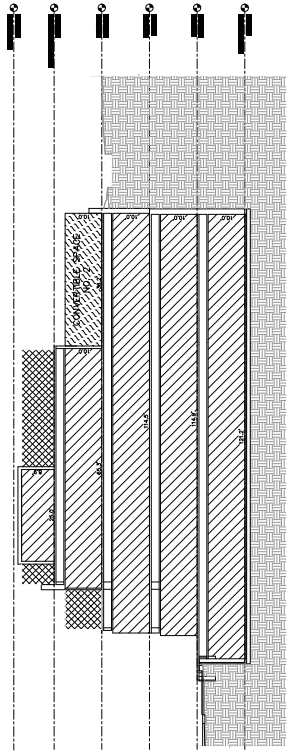
SECTION A



SECTION B



SECTION C

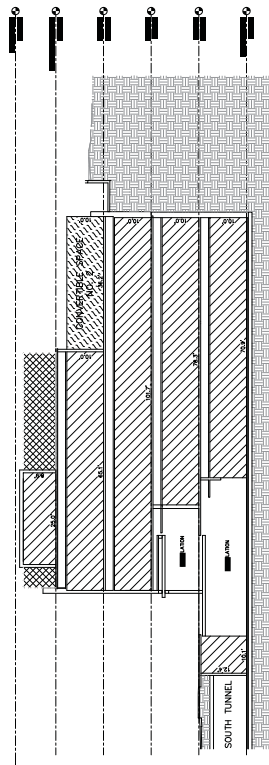


SECTION D

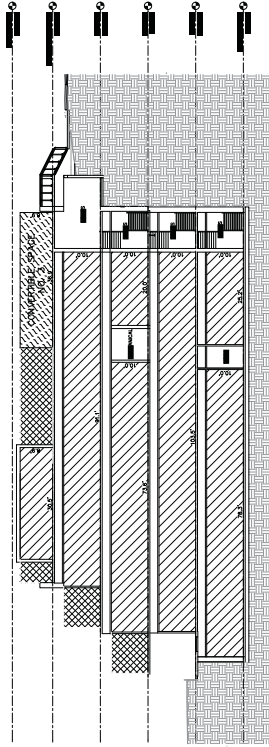
NOTE
The dimensions of the units shown on this plat and the areas of the units are based on the measurements provided by Ernst & Young. Therefore, no default measurements were taken.

OWNERSHIP DESIGNATIONS

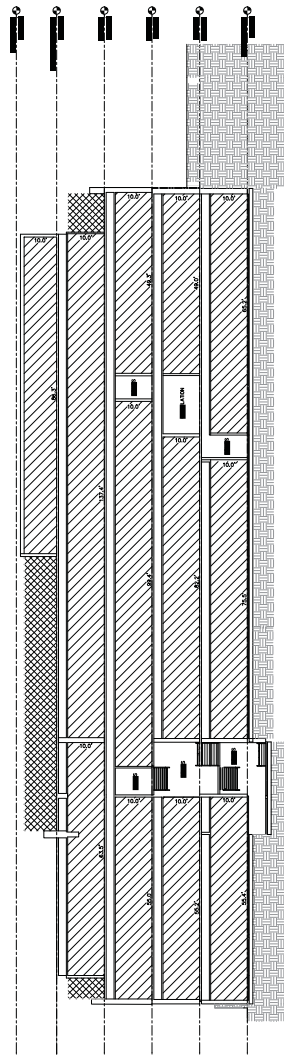
	PRIVATE OWNERSHIP
	COMMON OWNERSHIP
	LIMITED COMMON OWNERSHIP
	CONVERTIBLE SPACE



SECTION E



SECTION F



SECTION G

NOTE:
The dimensions of the building shown on this plot and the
square footage calculations are based on drawings
provided by Elliott Workgroup. Therefore, no as-built
measurements were taken.

OWNERSHIP DESIGNATIONS

	PRIVATE OWNERSHIP
	COMMON OWNERSHIP
	LIMITED COMMON OWNERSHIP
	CONVERTIBLE SPACE

July 16, 2012
Revised: Aug. 20, 2012

Katie Cattan, AICP
Senior Planner
Park City Municipal Corporation
445 Marsac Avenue
PO Box 1480
Park City, Utah 84060

re: 333 Main Street - Condominium Plat PL-11-01293
Request for Extension or Modification of Approval

Katie:

Please accept this letter as our "written statement" of request to extend, for one (1) year, the City Council Action approving the Condominium Plat for 333 Main Street (PL-11-01293). Notice of City Council Action is dated August 11, 2011. Conditions of Approval #2 indicates "The applicant will record the Condominium Plat 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 an extension request application has been filed with the City prior to expiration."

As you may be aware, the ownership of the property has changed and the new Owner has requested this action to support improvements to the property with a minimum of delay. The Owner (applicant) information has been updated on the request for extension as follows:

Name: NS/CSE PC, LLC
Address: 433 East Las Colinas Blvd, Suite 100
Irving Texas 75039
Phone: (972) 865-0445
Attn: Mark Chudik

In reviewing the project with the Owner, PCMC and Alliance Engineering, the Plat final Mylar will need to be updated with this new Owner's information prior to PCMC final review and signatures. The Owner is requesting this extension of approval to allow the time necessary to process and record this Condominium Plat Approval.

Respectfully Submitted,



Steven G. Bruemmer, AIA

City Council Staff Report



Application #: PL-12-01550
Subject: 429 Woodside Ave
Author: Kirsten Whetstone, MS, AICP
Date: September 27, 2012
Type of Item: Administrative – Plat Amendment

Summary Recommendations

Staff recommends the City Council hold a public hearing for the 429 Woodside Avenue plat amendment and consider approving the plat amendment based on the findings of fact, conclusions of law, and conditions of approval as found in the attached ordinance.

Description

Applicant: Steven Koch (owner), represented by David White (architect)
Location: 429 Woodside Avenue
Zoning: Historic Residential (HR-1) District
Adjacent Land Uses: Residential single family, condominiums, open space, ski runs
Reason for Review: Plat amendments require Planning Commission review and City Council action

Proposal

This is a request to amend the Elder Park Subdivision to combine Lot B of the Elder Park Subdivision with a 6,853 sf adjacent metes and bounds described remnant parcel. The property is located within Block 29 of the Park City Survey. The parcel is a vacant, undeveloped, land locked property. Both the Lot and parcel are zoned Historic Residential (HR-1) and are under common ownership.

Purpose

The purpose of the plat amendment is to combine a remnant, landlocked rear parcel with an adjacent Lot (Lot B of the Elder Subdivision) having frontage on Woodside Avenue. The land is owned in common and the owner desires to remove the common lot line in order to consolidate his property.

The purpose of the Historic Residential (HR-I) 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

On June 4, 2012, the City received a complete application for the 429 Woodside Avenue plat amendment. The proposed plat amendment combines Lot B of the Elder Park Subdivision (4,573 sf) with a 6,853 sf adjacent Parcel, resulting in an 11,426 sf lot. The property is located in Block 29 of the Park City Survey.

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 Lot A (2,925 sq. ft.) at 421 Woodside and the subject Lot B (4,573 sq. ft.) at 429 Woodside. (Exhibit M Ordinance-95-8.)

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 (Exhibit I- Minutes of the Planning Commission meetings regarding the 429 Woodside Avenue Steep Slope CUP).

The proposed plat amendment creates one (1) lot from an existing lot and the adjacent landlocked Parcel. Both the Lot and adjacent parcel are within the HR-1 District. Although bounded by open space on three sides, the adjacent Parcel is not a designated open space parcel. The plat amendment will result in an 11,426 square foot lot.

Lots in this neighborhood on the west side of Woodside range in size from 2,925 to 9,375 sq. ft. and lots on the east side of Woodside range in size from 1,875 to 9,375 sq. ft. With the proposed limits of disturbance and the restricted building pad on the parcel, the buildable lot area of the proposed lot is approximately 5,377 sq. ft. with the remainder as unbuildable area.

Other adjacent parcels were owned by the Sweeney Land Company at the time the surrounding area was platted as part of the Treasure Hill Phase One Subdivision plat (1996), and subsequently zoned ROS from HR-1 in accordance with the Sweeney MPD. Norfolk Avenue was vacated during the Sweeney MPD and platting, thus removing street access from lots and parcels fronting on the east side of Norfolk Avenue.

With the exception of the subject Parcel and two other platted lots to the rear of 405 Woodside (commonly owned by 405 Woodside), the remaining lots on Norfolk Ave in this Block were owned by the Sweeney Land Company and are now subject to the Sweeney MPD and the Treasure Hill Subdivisions Phases I and 2.

There is an existing historic structure at 405 Woodside and any proposed additions to

this structure, if proposed to cross existing lot lines, would require a lot combination (plat amendment) to remove interior lot lines.

The rear Parcel behind 429 Woodside was owned by a third party when the previous owner of Parcel B, the Elders, submitted the application for the Elder Park Subdivision.

July 11, 2012 Meeting and Analysis

On July 11, 2012, the Planning Commission conducted a public hearing and discussed the current plat amendment application. No public input was provided. The Commission expressed concerns regarding the rear Parcel and requested staff to research whether this parcel was open space. The Commission also requested the minutes of the Steep Slope Conditional Use permit application meetings, recalling that it was a controversial application that was reviewed over several meetings. The Commission also requested to see a cross-section through the property from the street to the future accessory structure (see Exhibit K) and continued the item to July 25th. On July 25th the Commission continued the item to August 8th. On August 8th the item was continued to August 22nd.

Staff reviewed the status of the rear parcel. The remnant parcel is not designated, platted or zoned as open space according to the County plat maps, Assessor's office records, the title report submitted with the application, or the City Zoning map. The property is not part of the Treasure Hill Subdivision plat as demonstrated on Exhibits F and L. This parcel is identified on the Assessor's plats as PC-364-A-1.

During the 2008 Steep Slope CUP review, the Commission expressed concern with the massing of the addition with respect to the Historic Structure and whether the proposed reconstruction of the historic structure with the addition would allow it to remain on the Historic Inventory. The Planning Commission requested that the Historic Preservation Board (HPB) review the plans. After three reviews by the Planning Commission and two reviews by the HPB, and multiple revisions by the applicant, the Planning Commission approved the Conditional Use Permit. (Exhibit J minutes of the Planning Commission and Historic Preservation Board meetings on the Steep Slope CUP application). (The current owner and current architect were not involved with the Steep Slope CUP) A building permit was pulled on November 11, 2011 for the addition and construction is proceeding according to the approved plans. The house is on the Historic Sites inventory as a Significant Structure (see Exhibit N for approved plans and history of approval).

August 22, 2012 Planning Commission meeting

On August 22, 2012, the Planning Commission conducted a public hearing and discussed the plat amendment application. Public input was provided from an adjacent neighbor who expressed concerns regarding development of the rear parcel and concern about buildings located behind the Quittin Time condominiums.

Applicant agreed to plat notes which would limit the allowed additional footprint due to the larger lot size to an accessory structure whose footprint would not exceed 660

square feet and the main house whose footprint would be limited to an additional 270 square feet for an overall footprint of 2038.5 square feet for the main house. The existing footprint is 1768.5 square feet.

The Commission reviewed the cross-section drawing and expressed concern that by allowing the plat amendment to move forward, any additional structure, such as the proposed accessory structure would not comply with the LMC height restriction of 3 Stories (for houses in the HR-1) zone due to the existence of the historic house on the Lot which is already 3 stories.

The Commission continued the item to a date uncertain and requested Planning Staff to provide information regarding how the additional footprint allowed by a larger lot in the form of an accessory structure would not add to the total number of stories and how it would comply with the LMC. (See Staff interpretation in the Analysis Table 2 below of the restriction in Section 15-2.2-5 Building Height regarding Stories.)

On August 24th the applicant contacted the Planning Department and requested that the item be placed on the September 12th meeting (see Exhibit O). Planning Staff published a new legal notice, re-posted the property and re-sent notices to the surrounding property owners for the September 12th meeting.

September 12, 2012 Planning Commission meeting

On September 12th the Planning Commission further reviewed the plat amendment application and Staff Report. Staff provided the Commission with information regarding the interpretation of whether an accessory structure would add to the number of Stories of the main structure and discussed conditions requested by Staff and agreed to by the Applicant.

The Commission recommended amending several conditions, e.g. regarding public snow storage easements, no-build area to be left in its natural state, clarified that if the 270 sf of density allocated for the house is not utilized for the house it shall not transferred to another structure or lot, and added a condition that a Steep Slope Conditional Use Permit would be required for construction of more than 660 sf of floor area (as opposed to the LMC requirement of 1,000 sf). The applicant stipulated to these conditions. The Commission conducted a public hearing and voted unanimously to forward a positive recommendation to the City Council. The Commission's recommended conditions of approval are represented by the conditions stated in the attached Ordinance.

Analysis

Staff reviewed the proposed plat amendment request and found compliance with the following Land Management Code (LMC) requirements for lot size and width:

Table 1.

	LMC requirement	Existing Lot B	Proposed Lot 1
Minimum lot size	1,875 sq. ft.	4,573	11,426 sq. ft.

Minimum lot width	25 ft.	60.98 ft.	60.98 ft. (no change in width)
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The resulting Lot will meet the minimum lot and site requirements of the HR-1 District. The plat amendment allows further improvements to the existing house, such as a deeper patio, hot tub, stairs, decks, and a revised entry way. The recommended conditions of approval restrict the total square footage of additions on the existing Lot B to 270 square feet.

In addition, the owner has indicated that in the future he would like to construct a detached, accessory structure for the purpose of ski access, ski storage, ski preparation, exercise room, family room, and other uses that would be accessory to the main house at 429 Woodside. The accessory structure is limited to twenty-four feet (24') in height from existing grade per the recommended conditions of approval of this plat.

As conditioned, any accessory structure on the rear parcel, which is the equivalent of 3.65 "Old Town" lots, is restricted to a 660 sq. ft. footprint to fit within a platted 804 square foot building pad located directly behind the existing house, with a 24' height limit.

For comparison, the lot area of the remnant parcel on its own could theoretically yield a building footprint of 2,331 sf based on the lot size and HR-1 building footprint formula. The conditions of approval restrict the building footprint to 660 sf for the accessory structure and 270 sf for the revisions to the historic house for a total of 930 sf.

There is an encroachment of a wooden step associated with the Quittin' Time condominiums onto the rear Parcel (see below and also Exhibit B). There is also an informal path on the property that is not part of the City's Master Trail plan and is not within a recorded trail easement. The applicant proposes to identify the northwest section of the Parcel as "winter ski access permitted". A ski access, trail, and wooden step easement for the benefit of Quittin' Time condominiums is proposed to incorporate the wooden step and informal pathway from the step to the north property line. The informal path is utilized by Quittin' Time residents. Existing evergreen trees as shown on the existing conditions survey will be preserved by the platted limits of disturbance area. The applicant has agreed to plat a maximum future building envelope, limit the area that can be disturbed, limit the total building footprint, increase the north side and rear setbacks, provide the general winter ski access across the northwest corner of the Parcel, and provide a step and trail easement for Quittin' Time condominiums. As proposed and conditioned, the plat amendment complies with the HR-1 zone by limiting the development, providing access to open space, and providing open space by identifying a no-build area.

All utility services (water, sewer, power, etc.) for any future use or accessory structure are required to be extended from the existing house. No separate services, meters, or hook-ups are allowed. Any future accessory structure would be considered an extension of the main house and may not be separately rented, leased, or sold. Any future

accessory structure shall not be an accessory dwelling unit, guest house, secondary quarters, or accessory apartment, but can be accessory to the main house. Accessory buildings and use are an allowed use in the HR-1 zone.

Any construction of more than 1,000 sf of floor area within the platted building pad would require approval of a Steep Slope conditional use permit prior to issuance of a building permit. Future construction on the Parcel would be in accordance with the development standards of the HR-1 District as summarized below:

Table 2.

Parameter	Permitted/Restricted by this plat amendment
Height	27 feet maximum from existing grade (maximum height of accessory structure is 24' from existing grade) Approved addition to the historic house received a 6'1" height exception through the Steep Slope CUP.
Front setback	10 feet minimum (no change to setbacks on Woodside Avenue- due to existing historic house)
Rear setback	30 feet minimum (34.85 feet proposed)
Side setbacks	5 feet minimum (8 feet proposed on south, 49' proposed on north)
Footprint	Maximum for lot combination- 3,006 sq. ft. Maximum for existing lot- 1,768.5 sf. Maximum for rear Parcel based on lot size- 2,331 sf. Restricted total maximum per conditions of approval of this plat amendment- 2,698 sf ft. - Existing house with approved additions-1768 sf - Future possible additions to existing house- Maximum of 270 sf. - Future accessory structure- Maximum of 660 sf.
Building Pad	The plat restricts the Building pad area on the rear parcel to 804 sf. The footprint must fit within the Building Pad.
Parking	No parking required for historic, 2 constructed with approved addition.
Stories/horizontal articulation	The LMC states that "A structure may have a maximum of 3 stories. A basement counts as a First Story within this zone (HR-1)." The proposed accessory

	Structure would be a separate detached structure from the main structure and that under the code as currently written, the stories of the accessory structure are not added to the stories of the main structure. A 10' minimum horizontal step in the downhill façade is required for a third story of a structure, with other stipulations. The applicant is proposing a two (2) story accessory building and has agreed to reduce the height.
Construction on 30% or greater slope	Requires a Steep Slope CUP for construction greater than 1,000 sf of floor area.





Existing Conditions- for illustration only (See Exhibit B for 11" by 17" submitted with packet)

Footprint Analysis

If the 6,853 sf rear parcel were to be separately developed (provided access could be provided) the LMC building footprint formula would allow a footprint of 2,331 sf on the rear parcel. The accessory structure footprint on that rear parcel is limited by recommended conditions of approval to a maximum of 660 sq. ft. within a proposed 804 sq. ft. building pad. The maximum footprint for the lot combination (based on the total lot size and LMC) is 3,006 sq. ft. The maximum footprint for the existing lot is 1,768.5 sf. The maximum footprint for the rear parcel is 2,331 sf. If each were developed separately (provided rear parcel had access) the total footprint could be 4,099.5 sf.

This plat amendment, through the recommended conditions of approval, restricts the total combined footprint to 2,698.5 sf. Footprint is allocated and restricted as follows:

	Footprint per LMC based on Lot Size
Existing Lot	1,768.5 sf
Rear parcel (if developable)	2,331 sf
Lot and Parcel- if combined	3,006 sf

	Footprint restricted per this Plat Amendment
Existing house with approved additions	1,768.5 sf

Max additional footprint for house	270 sf
Max future for rear parcel	660 sf
Total combined as restricted	2,698.5 sf

The total footprint increase for this combination of lots, as restricted by the conditions of approval, is 930 sf, including the 270 sf increase specifically allocated for additions to the existing house as depicted on Exhibit N. Conditional Use Permit (CUP) application is also required per the LMC for construction consisting of more than 1,000 square feet of floor area and on a slope of 30% or greater. The rear property has a slope of greater than 30% and under the LMC a CUP would be required for construction of more than 1,000 square feet. Planning Commission recommended, and the applicant stipulated to a condition of approval that a CUP would be required for any construction with a footprint greater than 660 square feet.

Good Cause

Staff finds good cause for this plat amendment as it will combine all of the property owned by this owner at this location and will adjoin a remnant parcel. As proposed and conditioned with the above stated restrictions, the plat amendment is consistent with the purposes of the zone and complies with the Land Management Code. “Good cause”, is defined in the Land Management Code as “Providing positive benefits and mitigating negative impacts, determined on a case by case basis to include such things as: providing public amenities and benefits, resolving existing issues and non-conformities, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and Park City and furthering the health, safety, and welfare of the Park City community.” The additional conditions of approval, stipulated to by the applicant, further enhance the good cause.

With the proposed plat restrictions, proposed ski access, and trail and wooden step encroachment easement, 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. The area of the Parcel located directly behind the Quittin’ time condos is proposed to be designated as a “no-build” zone. The plat amendment and easements granted through the amendment resolve an existing issue and non-conforming situation (that of 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). The proposed restrictions on building footprint, building location, and building height are specifically recommended to address density and preservation of the character of the neighborhood.

Process

This application is only to combine the properties and remove the interior property line. This process does not approve any future construction. Prior to issuance of any building permits, the applicant would have to submit a Historic District Design Review application, and requires noticing of the adjacent property owners. A Steep Slope Conditional Use Permit (CUP) application is also required per the LMC for construction

consisting of more than 1,000 square feet of floor area and on a slope of 30% or greater. Planning Commission recommended, and the applicant stipulated to a condition of approval that a CUP would be required for any construction with a footprint greater than 660 square feet.

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

Department Review

This project has gone through an interdepartmental review. The Snyderville Water Reclamation District (SBWRD) will review the final plat prior to signing and recordation. Any sewer service for the rear portion of the lot is required to be extended from the current service. No separate service to the rear lot is allowed. Additional sewer and water fees for any proposed construction would be required at the time of building permit issuance. Encroachments have been addressed.

Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record according to requirements of the Land Management Code.

Public Input

The Planning Department received public input from owners of Quittin Time condominiums (see Exhibit H). No further public input was received at the July 11th meeting. Public input was provided at the meeting on August 22nd, from an adjacent neighbor who expressed concerns regarding the development of the rear parcel and concern about buildings located behind the Quittin Time condominiums. Additional public information was presented at the September 12, 2012 meeting by a resident requesting for clarification regarding whether the changes the owner is proposing to make to the house could be done without the plat amendment. Thomas Eddington, Planning Director, stated that the existing house is at the limit in terms of building footprint and that to do the proposed additions does require increasing the lot area.

Alternatives

- The City Council may approve the 429 Woodside Avenue plat amendment as conditioned or amended; or
- The City Council may deny the 429 Woodside Avenue plat amendment and direct staff to make Findings for this decision; or
- The City Council may continue the public hearing and discussion on the 429 Woodside Avenue plat amendment and provide specific direction regarding additional information needed to make a recommendation.

Significant Impacts

There are no significant fiscal or environmental impacts from this application, with the exception that the property will be taxed higher as improved property.

Consequences of not taking the Suggested Recommendation

A separate lot of record for the metes and bounds parcel could not be created unless access to a public or private street (or an easement leading to a public or private street) can be acquired or constructed. The parcel is land locked. No construction could take place across the existing lot lines, all setbacks from existing lot lines would have to be met, and additions to the existing house could not be constructed.

Recommendation

Staff recommends the City Council hold a public hearing for the 429 Woodside Avenue plat amendment and consider approving the plat amendment based on the findings of fact, conclusions of law, and conditions of approval as found in the attached ordinance.

Exhibits

Ordinance

Exhibit A- Proposed Plat

Exhibit B- Existing conditions survey

Exhibit C- Vicinity map

Exhibit D- Aerial Photograph

Exhibit E- Existing subdivision plat

Exhibit F- County plat map

Exhibit G- Photographs

Exhibit H- Letter from the adjacent neighbor

Exhibit I- Minutes of the July 11, 2012 Commission meeting.

Exhibit J- Minutes of the Commission and HPB meetings for the 2008 Steep Slope CUP application

Exhibit K- Cross Section plan from the Street to the future accessory structure

Exhibit L- Treasure Hill plat

Exhibit M- Elder plat Ordinance

Exhibit N- Plan approval and history (Design Options)

Exhibit O- Letter from applicant

Exhibit P- Cross canyon photograph

Ordinance No. 12-__

**AN 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. Any future construction on the rear parcel 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 _____ day of September, 2012.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, MAYOR

ATTEST:

Jan Scott, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney



I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 154491, as prescribed by the laws of the State of Utah, and that by authority of the owner, I have prepared this Record of Survey map of the 429 WOODSIDE AVENUE SUBDIVISION and that the amount has been or will be monumented on the ground as shown on this plat. I further certify that the information on this plat is accurate.

BOUNDARY DESCRIPTION

[illegible]

PARCEL 2: Lot B, Elder Park Subdivision, according to the official plat on file in the Summit County recorder's Office.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that the undersigned owner of the herein described parcel of land, to be known hereafter as 420 WOODSIDE AVENUE SUBDIVISION, does hereby certify that he has caused this Plat to be prepared, and I, Steven Koch, Manager of 420 Woodside Avenue, LLC, an Illinois limited liability company, do hereby consent to the recording of this Plat.

In witness whereof, the undersigned set his hand this _____ day of _____, 2012.

ACKNOWLEDGMENT

Steven Koch
Manager, 429 Woodside Avenue, LLC, an Illinois limited liability company

State of _____, ss:

35

On this _____ day of _____, 2012, Steven Koch personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Steven Koch acknowledged to me that he is the Manager of 429 Woodside Avenue, LLC, an Illinois limited liability company, and that he signed the above Owner's Dedication and Consent to record freely and voluntarily.

A Notary Public commissioned in Utah

Deleted Name:

Residing in:

My commission expires: _____

NOTES

1. Any detached structure constructed on the rear portion must be used as a part of the existing residence and may not be rented, sold, or leased separately.
2. All utilities must be extended from the existing residence to the accessory structure.

EXHIBIT A

BLOCK 29, PARK CITY SURVEY

429 WOODSIDE AVENUE PLAT AMENDMENT

LOCATED IN SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH



1 OF 1

JOB NO. 1-4-12 File: Y:\PartCtsSurvey\dw\dw\dw12012\010412.dwg

RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
AT THE REQUEST OF _____

COUNCIL APPROVAL AND ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK CITY
COUNCIL THIS _____ DAY OF _____,
2012 A.D.

CERTIFICATE OF ATTEST

CERTIFY THIS RECORD OF SURVEY
MAP WAS APPROVED BY PARK CITY
COUNCIL THIS _____ DAY _____

APPROVAL AS TO FORM

PROVED AS TO FORM THIS _____
 DAY OF _____, 2012 A.D.

ENGINEER'S CERTIFICATE

I FIND THIS PLAT TO BE IN
ACCORDANCE WITH INFORMATION ON
FILE IN MY OFFICE THIS _____

PLANNING COMMISSION

APPROVED BY THE PARK CITY
PLANNING COMMISSION THIS
DAY OF 2012 A.D.

HYDROVILLE BASIN WATER RECLAMATION DISTRICT

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER
RECLAMATION DISTRICT STANDARDS ON THIS _____

(435) 649-9487



CONSULTING ENGINEERS, LAND PLANNERS, SURVEYORS
Main Street, P.O. Box 2684, Port City, Utah 84050-2684

SURVEYOR'S CERTIFICATE

I, Martin A. Morrison, do hereby certify that I am a registered land surveyor in the State of Utah. I have personally supervised the survey shown on this map. I further certify that a topographic survey has been made under my direction of the lands shown and that the map is a true and correct representation of the land surveyed at the time the field work was conducted and is in compliance with generally accepted industry standards for accuracy.

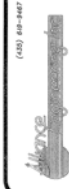
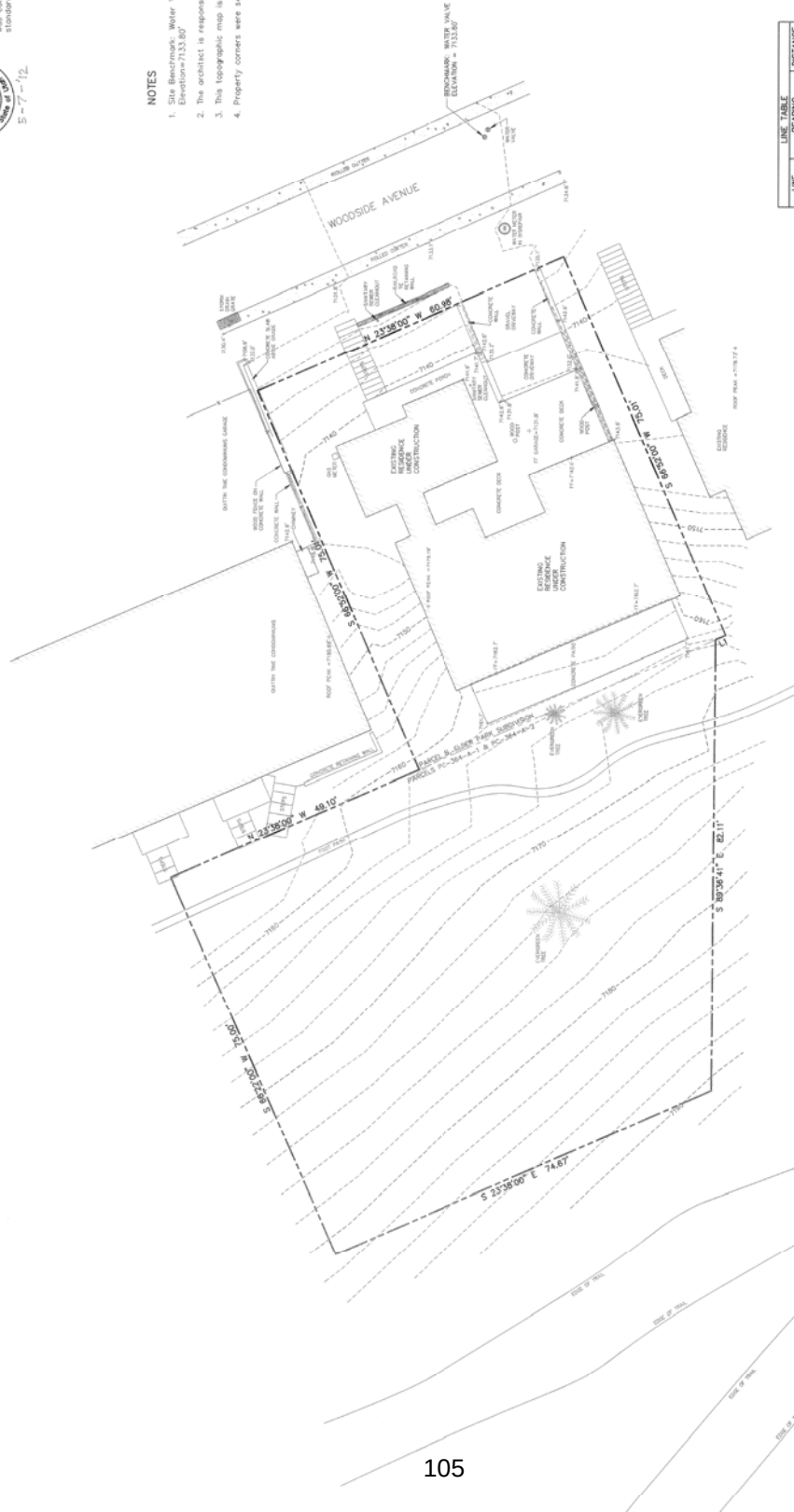


5-7-12

NOTES

1. Site Benchmark: Water Valve
Elevation=7133.85'
2. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
3. This topographic map is based on a field survey performed on April 25, 2012.
4. Property corners were set.

EXHIBIT B



(405) 88-4407

STAFF:
MARTY MORRISON

EXISTING CONDITIONS & TOPOGRAPHIC SURVEY
429 WOODSIDE AVENUE
BLOCK 29, PARK CITY SURVEY

FOR: STEVEN KOCH
JOB NO.: 1-4-12

FILE: X:\ParkCitySurvey\log\log012\log012.dwg

DATE: 5/7/12

SHEET
1
OF
1



Legend

-  Parcels
-  Streets

**429 Woodside Avenue
Vicinity Map**



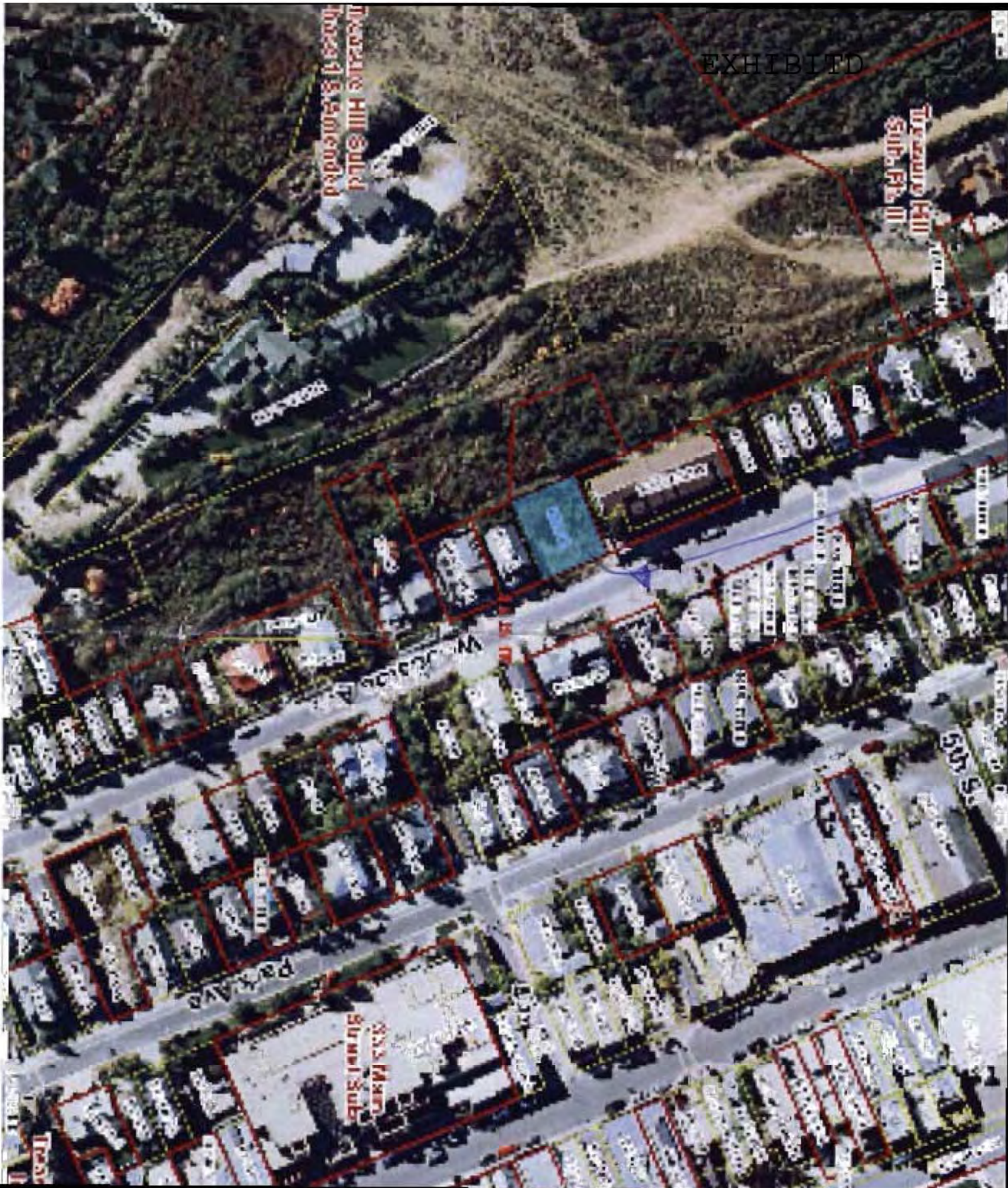
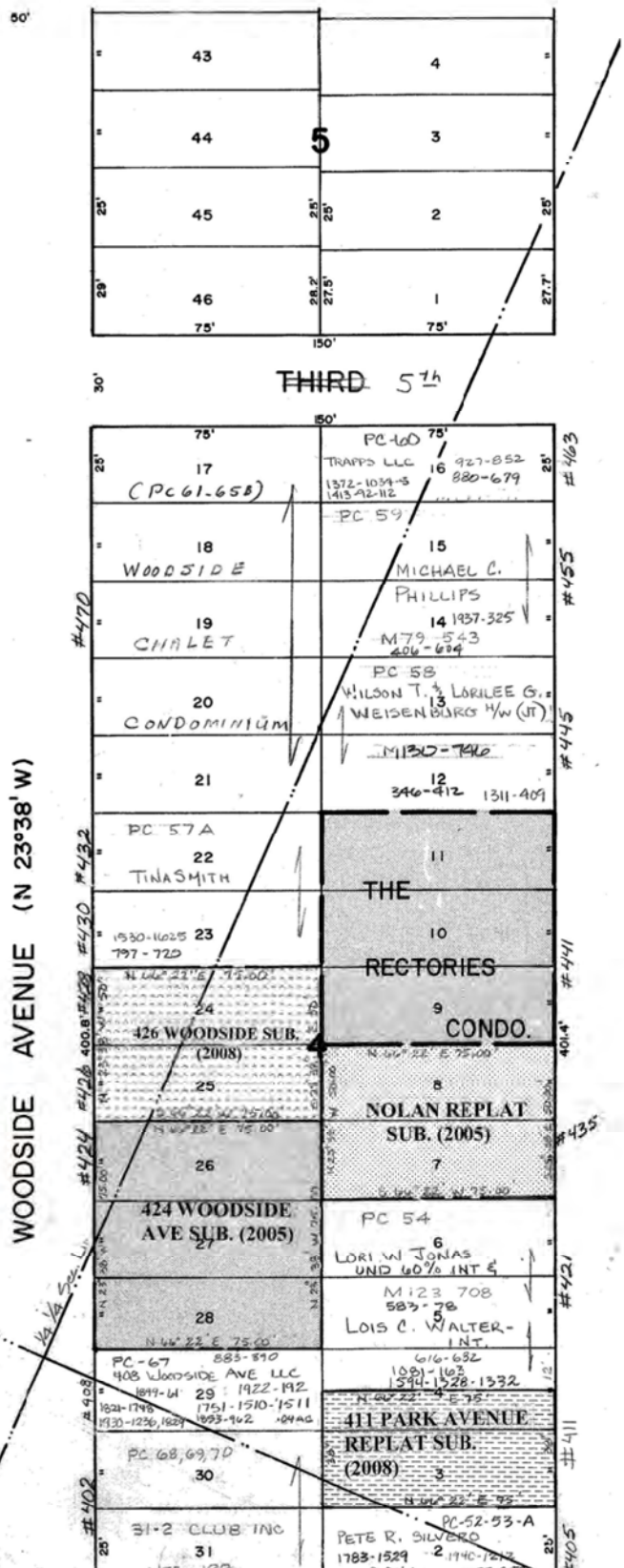
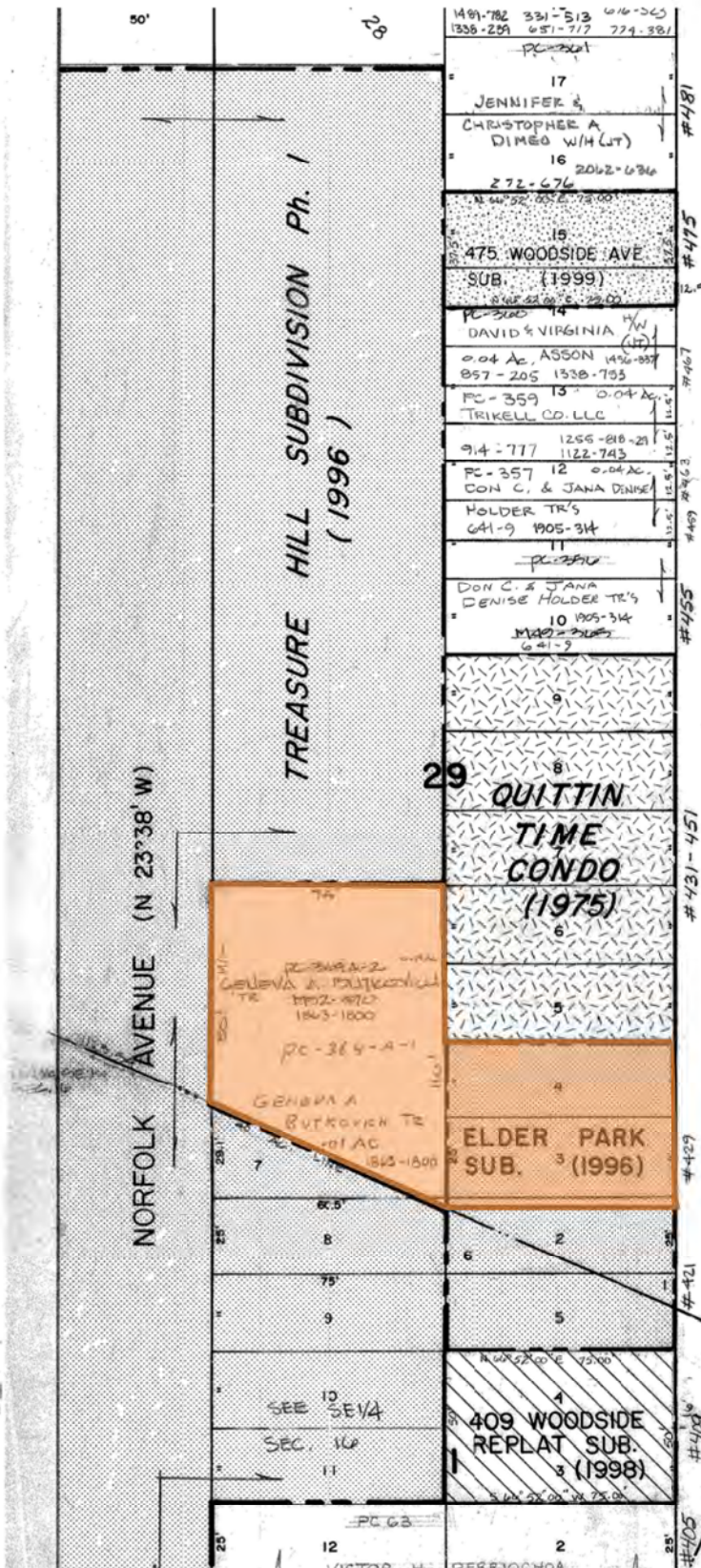




EXHIBIT F



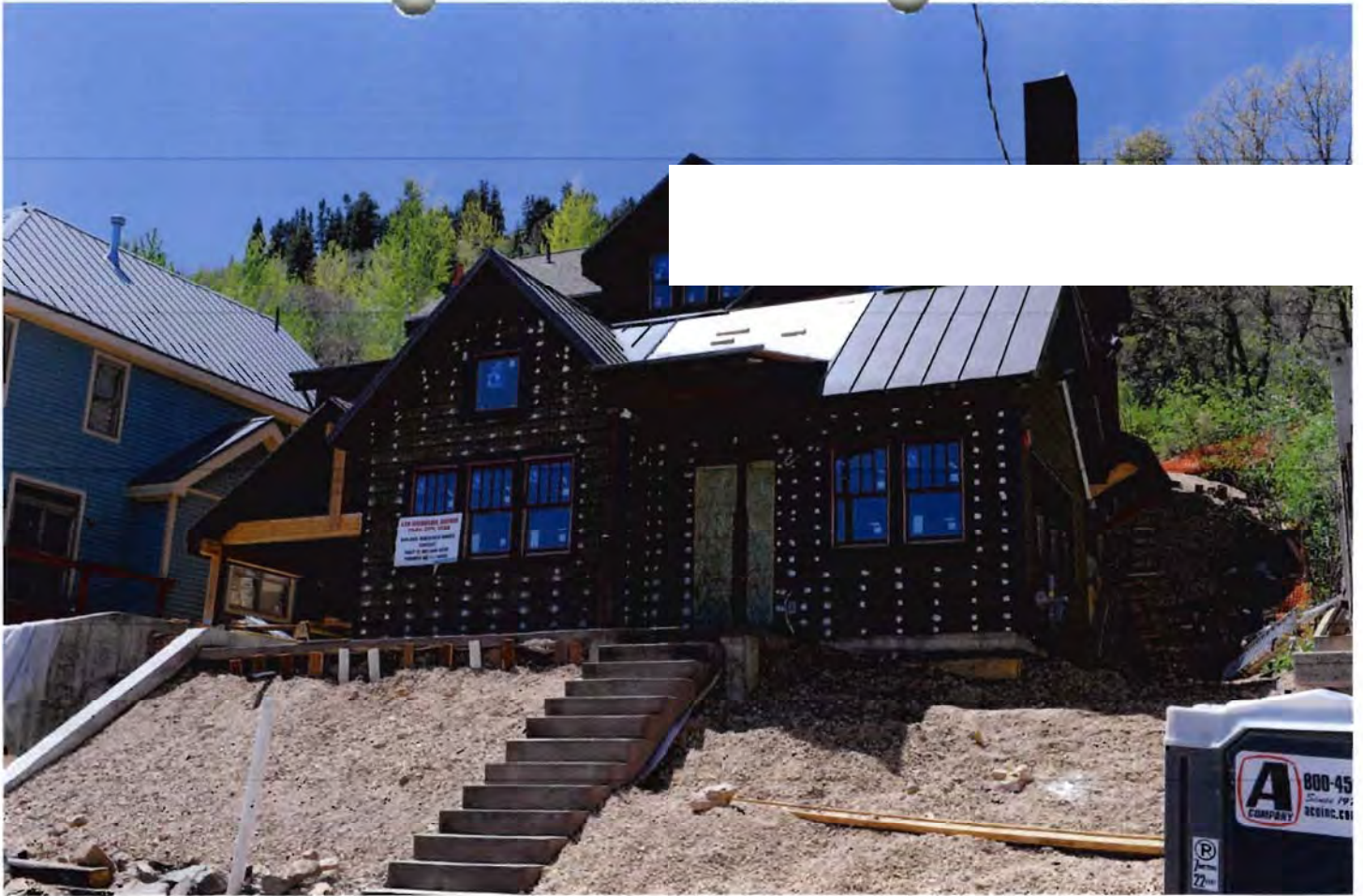






EXHIBIT H

STEVEN KOCH

June 1, 2012

Mr. Christer Whitworth
President
Quittin Time Condominium Home Owners Association
P. O. Box 58549
Salt Lake City, UT 85158

Dear Mr. Whitworth:

Thank you for your letter of May 29. I wanted to correct some of your impressions for our letter seeking consent. I don't know if you will come to agree to give consent, but, at a minimum, as your new next door neighbor, I wanted to make sure you understood what we are doing and why. I also look forward to having the opportunity to meet you in the future.

We are simply seeking to have the lot line that currently exists between the two pieces of contiguous property that I own removed. This would have two main effects on the overall site – both of which I would view as neutral or positive to you.

First, eliminating the lot line allows me to add a small amount of buildable floor area to enclose the center section of the house built at 429 Woodside Avenue. This change is almost entirely invisible from the street, does not increase or in any way affect the perimeter of the existing house on the back, front or sides, and makes the house substantially more livable. I assume that this is not objectionable to you. If you like, I, of course, would be willing to send you a floor plan that illustrates this change from the unfinished house that is on the site now.

Second, we currently, as I understand the legal situation and land use regulations, have the right to build a free standing house on the empty lot that I own that is uphill from 429 Woodside Avenue. Importantly from your perspective, I understand that the effect of eliminating the lot line is to actually decrease the potential size of the structure that I could build now without seeking a variance. I do not currently plan to build a second structure on this lot, but I might at some point in the future.

I certainly understand that the Quittin Time Association might prefer that nothing ever be built on this land, but as the land in question is privately, not publicly, owned, I hope you will appreciate my position of using my land in accordance with the zoning and planning rules that are in place.

I am sympathetic to your interest in wanting to access the ski run. If you would like to discuss this, I would be open to a discussion of exploring how the members of the Quittin Time Association could access the ski run over some portion of my land. Obviously, I am interested in how my land is used, and will act to make sure that I have knowledge of access across my land and control that access.

If you would like to discuss this, I can be reached at (312) 750-3011 (Office) or (312) 848-0447 (Cell).

All the best,



Steven Koch
2012 North Mohawk Street
Chicago, IL 60614

SK:ddp

David G. White, Architect, PC
PO BOX 1313
2703 Estates Drive
Park City, UT 84060

May 29, 2012

Dear Mr. White,

In your letter of 10 May, you asked for the consent of the owners of Quittin Time Condominiums to your proposal to annex lots PC-364A-1&2 to lot ELP-B at 429 Woodside in order increase the allowable footprint of 429 sufficiently for construction of a guest house connected via a covered stairway to the house currently under construction at that address.

This proposal came as quite a shock to us. It has been our understanding that, with the approval by the Planning Commission of the construction of the 2 houses by Pat Sweeney on the southern flank of the Quittin-Time ski run some 25 years ago, there was to be no further construction in the area behind our building.

I am writing this letter on behalf of the Quittin Time Homeowners Association to express our collective opposition to your proposal. It will severely restrict the privacy, view, sunlight, ventilation and ski in/ski out access of at least 3 of our condos -- especially so because they have only front and back exposure -- as well as pose a fire hazard to our building due to the inaccessibility of fire-fighting equipment.

I trust you and the owners of 429 Woodside will respect our concerns, build nothing on Lots PC-364A-1&2, and retain the current amount of open space behind both our buildings.

Sincerely,

Chris Whitworth
President, Quittin Time HOA

David G. White, Architect, PC

PO Box 1313 2703 Estates Drive

Park City, UT 84060

435-649-8379

dgwarch@xmission.com

May 10, 2012

STATEMENT OF INTENT

The intent of this project is to combine the property at 429 Woodside Ave. with the open lot behind. The 429 Woodside lot has an existing home which consists of a re-constructed Historic home with new addition behind. When the two lots are combined, the new owner will have the flexibility to work on the existing home and take advantage of a small increase in allowable footprint. With the increased allowable footprint, the owner would also like to plan for a future small guest quarters on the property to the rear. This structure would be totally separate from the main house and accessed only by a covered stairway on grade. The owner would like to set aside an agreed building pad and footprint for the new guest area and leave the remainder of the rear lot as open space. The owner would also consider granting an easement for a hiking/ski trail access to the adjacent properties.

Kirsten Whetstone

From: Sheldon Lewis <shelewis3@gmail.com>
Sent: Thursday, July 05, 2012 7:13 AM
To: Kirsten Whetstone
Cc: Chris Whitworth; Rob Corson; Kelley Green
Subject: PUBLIC HEARING: PL-112-01550
Attachments: Koch Letter to QTHOA.pdf; White Statement of Intent to QT Owners.pdf

Hi Kirsten,

Chris Whitworth, President of the Quittin Time Homeowners Association, forwarded to me your Notice of Public Hearing regarding Application #: PL-12-01550 for 429 Woodside Avenue. As you know, Sue and I traveling and cannot receive regular mail.

While the Owners of Quittin Time Condominiums have no objection to this Application's stated objective of "combining Lot B of the Elder Park Subdivision with an adjacent parcel" for the purpose of further modification of his "unfinished house" at 429 Woodside, it is our understanding from letters to us from both Mr. Koch and his architect, Mr. White, that Mr. Koch also intends to construct a slab on the adjacent parcel for the purpose of building a "guest house" on it. These letters are attached. It is this, perhaps unstated objective, that we vigorously oppose.

At Mr. Koch's invitation, Chris Whitworth requested more information on his plans. Mr. Koch has not responded. We believe that Mr. Koch's acquisition of this adjacent parcel and his subsequent request to remove the property line between this parcel and 429 Woodside is simply a ruse to codify the completion of his house at 429 Woodside that is larger than was permitted by City Code and then, at a later time, construct yet another house on the previously landlocked adjacent parcel. We have summarized the reasons for our opposition to Mr. Koch's proposal in our previous correspondence with you.

Are we correct in concluding that this Application, if approved without modification and deed restriction, will pave the way for the construction of this second house? We would very much like your advice and counsel on how to proceed in this matter.

EXHIBIT I

Planning Commission Meeting
July 11, 2012
Page 7

**2. 429 Woodside Avenue – Plat Amendment
(Application #PL-12-01550)**

Planner Astorga reviewed the application for a plat amendment to combine Lot B of the Elder Park Subdivision with an adjacent metes and bounds parcel, described in the survey as the rear parcel. The entire area is identified as one tax ID number. The combined area would yield a maximum footprint of 3,006 square feet. The applicant proposed to reduce the maximum footprint by 10% to approximately 2700 square feet.

Planner Astorga noted that page 64 of the Staff report listed the parameters and what is permitted by Code. The existing house is 1768 square feet. The applicant was requesting additions to the existing main structure totaling 270 square feet, which would allow the remaining footprint to be 660 square feet. Planner Astorga remarked that the plat amendment has a platted building envelope to build an accessory structure in the future. The building envelope for the accessory structure is approximately 804 square feet, and it would be further limited to 660 square feet per the remaining footprint on the added restriction. However, the applicant may choose to exercise the right to use that footprint for other additions in the main structure. Planner Astorga clarified that it was not specifically specified that the 660 square feet would be for the accessory structure. It could be one or the other, but not both.

David White, the project architect, clarified that the applicant was not proposing to add more than 270 square feet to the existing structure. Planner Astorga agreed that it was not being proposed. He was only pointing out that the applicant had the right to exercise that option in the future.

Mr. White reminded the Planning Commission that the proposal for a future accessory structure was only behind the existing house. The rest of the lot is a no-build zone. This was done at the request of the Quittin Time Condos, directly to the north. That stipulation would prevent anything from being built behind Quittin Time and nothing could be disturbed. Mr. White stated that an easement was added in the proposal because two rear decks from Quittin Time empty onto this lot. The applicant provided an easement for those two decks to come out and move to the north to property that is designated open space.

Chair Wintzer stated that he was on the Planning Commission when the original project was approved, and he would like to see the minutes and the Staff Reports from that approval. He recalled that the process was long and extensive and he wanted to refresh his memory on the events that led to that approval before making a decision on the plat amendment. He was particularly hesitant about adding 270 square feet to the existing structure and the potential for an accessory building in the rear without a better understanding of the original project.

Mr. White referred to the existing conditions survey and pointed out that the plat of the existing house showed a center portion that was referred to as a concrete deck. He explained that this was the area of the proposed addition. It would only be for the main level and it would not change any of the elevations. Mr. White stated that they were only proposing to work in that center area. If they are allowed to do that, that area would have a flat roof only at the main level area that would not be visible from any other elevation.

Commissioner Savage clarified that the applicant was basically covering an enclosed area. Mr. White replied that they would be covering the center enclosed deck. It currently does nothing for the home and it collects moisture and snow. The owner would like to develop that one portion into living space.

Commissioner Hontz concurred with Chair Wintzer. When she first read the Staff report she assumed there was history and discussion regarding the relationship of the two lots. After hearing from Mr. White, if enclosing the center portion was all that was being proposed, they would not be looking at Exhibit A, which showed a building envelope preserved for the future. That concerned her because in looking at page 77 of the Staff report, it was evident that the entire area, based mostly upon the Treasure Hill subdivision, is probably dedicated open space.

Assistant City Attorney McLean believed that the Treasure Hill area was dedicated open space. Mr. White clarified that this particular lot was not dedicated open space, but anything beyond it was.

Commissioner Hontz stated that she was referring to Exhibit F, page 77 of the Staff report, which clearly delineates the location of the Treasure Hill subdivision versus the subject lot. Looking at that in conjunction with page 75, it is clear that one portion of a structure off of Woodside is in that strip of open space. Commissioner Hontz also requested to see the minutes and some of the history. She was concerned that a building envelope for future development could be in that strip of open space. Commissioner Hontz understood that the applicant believes he has development rights associated with that lot; and if that is true, she wanted to see how they got there.

Planner Astorga remarked that Planner Whetstone was the project planner, and she mentioned in the Staff report that a Steep Slope CUP was approved in September 2008. He assumed that it was for the addition to the historic structure, and those were the minutes that Chair Wintzer was requesting. Chair Wintzer answered yes.

Chair Wintzer clarified that he was not suggesting any wrongdoing. He just wanted to make sure that allowing this plat amendment would not undo something that was done in the past. He recalled a contentious discussion with the applicant and that the Planning Commission thought it was too big for the site. The proposal eventually passed and he did not want to overlook anything. Chair Wintzer referred to the purpose statement of trying to preserve the character of 25' x 75' lots. He was concerned about creating a large L-shaped lot in the back and how that fits with intent of the original approval.

Commissioner Savage stated that the prior approval was for the existing lot configuration. The current requested plat amendment would combine the lots. Chair Wintzer replied that lots were also combined in the original approval. Commissioner Savage understood that the lots combined in the original approval were different lots and it did not involve the subject lot. The applicant now wants to combine the subject lot with the other, and as a consequence of that combination the applicant would then be entitled to some additional square footage. Commissioner Savage understood that the applicant was proposing to restrict the building pad to a modest area relative to what could be done in an effort to preserve the neighborhood.

Commissioner Thomas stated that if the Planning Commission chooses to continue this item, he would like Mr. White to cut a cross section through the site starting from the street all the way through the lots, to give a sense of the grade and where the building pad may occur visually. Mr. White remarked that the back lot is quite steep. He pointed out that the proposed accessory structure would not be attached to the existing house. There would be a patio between the existing house and the new accessory structure. Commissioner Thomas assumed that the accessory structure could be a guest house. Mr. White preferred to call it guest quarters because it would not have a kitchen and it would not be rentable, leasable or sellable. The applicant has a large family and his intent is to have an accessory structure to the main house. He would like ski storage, a possible exercise area and one or two bedrooms. Commissioner Thomas stated that if the accessory structure is connected to the house it would be completely inconsistent with the Code. However, if it is not attached, it would be Code compliant.

Mr. White stated that the applicant also agreed to a reduction in the maximum height from 27' to 24', which would limit it to a maximum of two stories.

Chair Wintzer opened the public hearing.

There was no comment.

Chair Wintzer closed the public hearing.

Commissioner Worel stated that she was not on the Planning Commission at the time of the original approval and she would like more background from the minutes. In her opinion, it appeared that they already had a four story structure, and they were proposing to add another story plus an accessory building. Chair Wintzer pointed out that it was all totally separate. Theoretically they could have two three-story buildings and still meet the Code. That was the difficult part of the process.

MOTION: Commissioner Hontz moved to CONTINUE the 429 Woodside Avenue plat amendment.

Director Eddington did not believe the Staff would have time to pull the requested documents for the July 25th meeting. He recommended Continuing to the August 8th meeting.

Mr. White stated that he only learned the day before that the approval of the lower house had gone through a lot of consternation. He questioned whether that approval was applicable to the request to erase the property line. Chair Wintzer stated that the only way to verify whether or not it was applicable was to research the minutes.

Commissioner Hontz continued her motion to CONTINUE the 429 Woodside Avenue Plat Amendment to August 8, 2012, with direction to Staff to provide any minutes related to the previous approval of the property and direction to Mr. White to provide a cross section through the entire site, including the existing house in its current state. Commissioner Thomas seconded the motion.

Commissioner Savage clarified that this was an application for a lot line amendment. He asked if the application requested any other structure changes or whether it was simply a recommendation to the City Council for a lot line amendment. Director Eddington stated that it was simply a recommendation for the plat amendment that would, based on the applicant's recommendation, set the footprint at a reduced level. A steep slope conditional use permit was not attached to this request. Commissioner Savage understood that anything done on this lot subsequent to the plat amendment would require separate approval. Director Eddington replied that this was correct. Mr. White pointed out that the accessory structure would also come back to the Planning Commission. Commissioner Savage pointed out that the accessory structure was not the subject of this plat amendment. The application was for the lot line amendment only, with the agreement of a reduction in footprint allowance.

Commissioner Savage stated that he was asking the questions because he thought it was important to do whatever they could to help applicants get their applications through. He wanted to make sure the decision to continue this item to a later meeting was based on relevance of this particular application. Chair Wintzer believe it was relevant because once the Planning Commission allows a lot line adjustment they open the door to certain things and it was important to understand what that could be.

VOTE: The motion passed unanimously.

**3. 573 Main Street, Claimjumper – Plat Amendment
(Application #PL-10-01105)**

Planner Astorga reviewed the application for a plat amendment at 573 Main Street for a three lot subdivision consisting of a commercial lot on the Main Street site, known as the Claimjumper building, and the reconfiguration of two lots on Park Avenue for two residential units in the future.

The Planning Commission reviewed the application on June 27, 2012 and directed the Staff to analyze and study the conditions of approval drafted in the Staff report, as well as additional conditions of approval presented by Joe Tesch to address the concerns raised by the neighbors. Mr. Tesch had been retained by a number of residents on Park Avenue to represent them in this matter. Mr. Tesch was not present this evening and his partner, Joseph Barrett was in attendance.

Planner Astorga reported that the Staff received another letter from Tesch Law Offices with an attached exhibit. The Planning Commissioners were handed a copy this evening. The exhibit highlighted suggested minor changes to the conditions of approval contained in the Staff report dated July 11, 2012. Planner Astorga was comfortable with the recommended changes submitted.

Billy Reed, Joe Wrona, Jonathan DeGray, and Evergreen Engineering were present to represent the applicant and answer questions.

The Staff recommended that the Planning Commission review the draft ordinance and the additional exhibit provided by Tesch Law Offices, and forward a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law and Conditions of Approval in the draft ordinance.

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EXHIBIT J

Commissioner Pettit was more comfortable interpreting the term "maximum house size" by using the 1993 LMC definition versus applying the current Code.

Chair O'Hara asked the Planning Commission to voice their opinion on whether or not they would consider changing the plat note.

Commissioner Wintzer did not favor changing the plat note. All Commissioners concurred. Chair O'Hara clarified that he was not in favor of changing the plat note. He also expressed his preference for applying the current Land Management Code to a new application. Commissioners Thomas and Wintzer agreed.

Commissioner Russack pointed out that there was not enough information in the minutes to determine the intent at the time. He believed it was possible that the intent could have been to create a correlation between lot size and house size. Commissioner Russack was not opposed to applying the current LMC to this application. He did not favor adjusting the plat note.

Commissioner Wintzer and Thomas agreed with applying the current Land Management Code.

Planner Robinson stated that the Staff would take the direction given this evening and come back with changes to the Land Management Code and a definition for the maximum house size as defined by the gross floor area.

429 Woodside Avenue - Steep Slope CUP

Planner Milliner reviewed the application for a steep slope conditional use permit for 429 Woodside Avenue. The applicant is the current owner of the historic home. He noted that the Historic Preservation Board determined the structure to be historically significant in December 2006.

Planner Milliner reviewed plans submitted by the applicant. The Staff reviewed the application and had concerns with the massing and the separation between the historic home and the proposed addition. The applicant was requesting direction from the Planning Commission.

William Elder, the applicant, presented their plans. He noted that the proposed materials and design complies with the Historic District Guidelines.

Mr. Elder stated that he and his father are disabled and the house design would accommodate an elevator to facilitate their ability to move about the structure freely without having to negotiate the stairs. Mr. Elder believed the house would be in scale with the Quitting Time Condos on one side and a larger home on the other side.

Planner Milliner stated that because the proposed dwelling square footage is greater than 1,000 square feet and would be constructed on a slope greater than 30%, the applicant was required to file a steep slope CUP.

Chair O'Hara clarified that the Staff and applicant were looking for direction on volume, form, and

scale. He asked for the distance between the applicant's house and the house to the south. Planner Milliner replied that it was a 5 foot side yard.

Commissioner Thomas asked if the vertical element shown on the east elevation was a chimney. Planner Milliner answered yes. He noted that the elevator is located indoors on the north side of the house.

Commissioner Thomas noted that as the cross section of the building steps back there is a stair element and several dormers that step forward, in addition to the chimney element. He assumed the applicant was asking for more verticality towards the front of the house because that is where the elevator is located. Commissioner Thomas did not believe the structure was excessive in context with the rest of the neighborhood. He understood the need for verticality and the need to keep the elevator core forward and near the stairs. Commissioner Thomas felt the building stepped back reasonably well with regard to the south and north elevations.

Commissioner Thomas was unclear about the existing historic building. He would have preferred to see a set of drawings showing how that building morphs into this larger building.

Commissioner Wintzer agreed and requested that as-built drawings be a requirement in the future. He would like to be able to see a point of reference that shows the existing structure in relation to the new addition. As presented, it is hard to delineate between old and new.

Planner Robinson stated that as-built drawings will be added to the requirements for design review of any historic structure that exists on a property. He noted that this application still needed to go through a Historic District Design Review.

Commissioner Russack remarked that his biggest issue is the delineation between old versus new. He understood the needs of the applicant and given the existing streetscape he believed the verticality could work. The question is how to make sure there is a separation between the historic house and the new addition.

Commissioner Wintzer was not totally convinced that the elevator could not be pushed back in the building to allow separation in the design.

Commissioner Pettit understood the need for the elevator; however, she was concerned that the design was a step backwards in their goal for historic preservation. She would like to see the plans modified to create more separation and distinction or be provided with something that visually shows the separation under the current plan. Commissioner Pettit requested additional analysis on whether the elevator shaft could be pushed back.

Commissioner Thomas stated that without the information identified by Commissioner Pettit, it is hard to get a good sense of everything. At this point, he had a problem with the mass of the addition with regard to the historic form. Chair O'Hara agreed. Commissioner Thomas thought it was an exceptionally large and bulky mass in relationship to his perception of what a historic building should be.

Chair O'Hara stated that in the absence of a historic structure on the lot, he would have no problem with the form, mass and scale of the home. His concern was how this addition relates to the historic building.

The Commissioners left the dias to look at the applicant's plans.

Planner Milliner stated that he would work with the applicant to differentiate between the old and the new and revise the design to move the elevator.

MOTION: Commissioner Pettit moved to REMOVE 429 Woodside Avenue from the Consent Agenda for discussion and clarification on some of the criteria. Commissioner Murphy seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Wintzer moved to APPROVE the one remaining item on the Consent Agenda. Commissioner Murphy seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA/PUBLIC HEARINGS

1. 429 Woodside Avenue - Steep Slope CUP

Due to a conflict, Commissioner Peek recused himself from this item.

Planner Katie Cattan reviewed the application for 429 Woodside Avenue Steep Slope CUP. She noted that because the proposed home is larger than 1,000 square feet and will be built upon a slope greater than 30% a conditional use permit is required. Planner Cattan stated that the Staff received this application for a steep slope CUP on March 12, 2007. The current application has been reviewed by Staff and complies with the Historic District Design Guidelines. Planner Cattan noted that many modifications were made during the design review process.

The Planning Commission reviewed this application during a previous work session, at which time they requested that the applicant come back with additional side elevations and drawings. After working with Staff, the applicant chose to go in a different direction and the original design was modified. Planner Cattan explained that the modified design separates the historic home from the new addition with a small connection in-between.

Planner Cattan reported that the applicant was requesting a height exception for the center ridge off the new addition in the back to help break up the massing of the building.

The Staff had reviewed the application and found that it meets the requirements for the Land Management Code for the HR-1 District, with the exception of a small portion that is over the height limit. Planner Cattan noted that the criteria review was included in the Staff report, including the criteria for the height exception.

The Staff recommended that the Planning Commission review the proposed steep slope conditional use permit and consider approving the application based on the findings of fact, conclusions of law and conditions of approval, including the height exception.

Commissioner Pettit requested additional information on the reconstruction since the Planning Commission has not previously seen this aspect. From the Staff report, she thought it was difficult to know what the original home looked like and what aspects of the existing home are not reinstated as part of the reconstruction.

Planner Cattan stated that one of the historic district guidelines speaks to reconstruction when appropriate. The guideline states that you must reconstruct the home to its historic nature. She noted that the applicant used a 1940 photo of the home. The house as it exists today has had so many modifications that a small portion of the front is all that is left of the existing home. Planner Cattan referred to a letter contained in the Staff report from an engineer outlining his concerns with the structural condition of the building.

Planner Cattan stated that she visited the site with the Building Department and they also have concerns about the building sliding off its foundation. Because there is only a small portion of the original material left on the building, the Staff found that this home would be appropriate for reconstruction. Planner Cattan noted that a preservation plan was submitted that documents the historic footprint of the building, the exact dimensions of the original siding and the exact slope of the roof pitches. Every aspect of this building and the materials have been documented to bring it back to its state in 1940.

Commissioner Pettit asked if the 1940 photo was available. Planner Cattan passed around the photo to the Planning Commission. She noted that the preservation plan was also available if the Commissioners were interested. Commissioner Pettit noted that the Staff reported indicated that the home would be moved slightly to the north. She wanted a better understanding of how much movement there would be from the original footprint and why that was being done. Vice-Chair Russack asked what distance a historic structure could be moved. Planner Cattan replied that there is no set in stone rule for moving a house. She believed this proposal was to move the house two to four feet.

Planner Robinson clarified that there is no Code requirement or restriction on how far a historic house may be moved. He recalled that a discussion point for the new design guidelines and LMC changes was how much up and over an existing historic structure should be moved. Planner Murphy understood that the movement for this home at 429 Woodside is minimal. Planner Robinson agreed that the proposal is to move this house a couple of feet to the north.

Commissioner Wintzer remarked that in the past, the biggest issue with reconstruction is the difficulty in making siding look old. He asked about the finish of this building. Planner Cattan stated that the proposal is for lap siding. She noted that in some preservation plans siding has been milled to look old. Commissioner Wintzer stated that a lap siding is made that looks similar to what was used during that period. The problem is that it is new wood versus a piece of wood that has been painted and weathered. He was curious whether there were any restrictions to make the building look older or if it would just be a new building that was made to look like an old photo. Planner Cattan replied that it is a new building built to an old drawing.

Commissioner Murphy appreciated the efforts towards the historic aspect of this project. He visited the site today and it was obvious how much the existing structure has been altered over the years. Commissioner Murphy liked the project and felt the applicants did a nice job of making the historic home the prominent structure and having the addition blend into its surroundings. He thought this was one of the better examples of this type of development he has seen so far.

Commissioner Strachan asked if there was any possibility that the addition could cause the structure to be removed from the historic register. Planner Cattan did not think the addition would have any affect because it is not on top of the structure. She understood that during the original analysis of the historic inventory many building were taken off the list because additions were built on top of the historic structure. This proposed addition will be separated from the historic home. Planner Robinson noted that the Staff directed the applicant to keep the form and shape and scale of the original house with a minor attachment with the addition behind.

Commissioner Murphy pointed out that the new guidelines state that as long as the original structure appears to be a stand alone structure from the streetscape, it would meet the guidelines of the Department of Interior for historic additions. Planner Cattan clarified that this proposal was reviewed under the current guidelines and there is a provision about maintaining the roof and the ridges.

Vice-Chair Russack asked if the Historic Preservation Board had reviewed this application. Planner Cattan replied that the review is conducted at a Staff level during the historic district design review process. An HPB review is not required.

Commissioner Pettit understood that under the steep slope CUP process, the Planning Commission has the ability to refer certain aspects of an application to the HPB for determination. Vice-Chair Russack personally felt the massing was significant and dwarfed the historic home. He thought it was worthwhile for the Planning Commission to seek input from the Historic Preservation Board.

Commissioner Strachan asked if this proposal runs afoul of the moratorium. He asked if reconstructing the home in its entirety would be considered a demolition. Assistant City Attorney, Polly Samuels McLean remarked that the application came in prior to the moratorium so it would not apply. Commissioner Strachan was concerned that the addition could knock the home off the historic register. He agreed with referring this to the HPB since they apply the guidelines regularly and would be the most knowledgeable on whether or not it would have any affect.

Commissioner Murphy did not think it was unreasonable to ask the HPB for their input. He generally supports the proposal but thought it would be beneficial to hear feedback on how the reconstruction affects its historic register status, as well as other issues.

Commissioner Pettit clarified that this home is not on the historic register; however it has been determined to be historically significant as part of the historic inventory. She noted that there is a difference between the two lists.

Assistant Attorney McLean, stated that Vice-Chair Russack comment regarding building form and scale speaks to Criteria 6 and 8 of the steep slope criteria. She needed clarification on the issue and asked if the concern is whether the dwelling volume creates visual massing and difference in scale between the proposed structure and the existing structure. Vice-Chair Russack replied that his concern relates to the relationship of the old structure to the new structure.

Ms. McLean recommended that the Planning Commission continue this item rather than approve the Steep Slope CUP subject to feedback from the HPB since the HPB analysis could result in a different design.

Planner Robinson stated that the Planning Commission could continue this item to a date certain with direction for an HPB review; and the Staff would get it on the HPB agenda as soon as possible.

Planner Cattan asked for specific clarification on what the Planning Commission would like the HPB to review. Commissioner Wintzer noted that the existing home is approximately one-quarter of the entire elevation and he wanted to know if the scale and mass was in keeping with the direction they are taking. Vice-Chair Russack requested input from the HPB on Criteria 8 - the dwelling volume, Criteria 6 - building form and scale, and the relation of the existing versus the proposed.

Planner Cattan noted that Criteria 6 and 8 were matters for the Planning Commission and she was hesitant to take steep slope criteria issues to the HPB. Commissioner Murphy clarified that the Planning Commission was looking for input from the HPB on whether the mass and scale of the addition is appropriate for the existing historic structure. He was also interested in hearing comments from the HPB regarding reconstruction and what it means relative to future designations.

MOTION: Commissioner Murphy moved to CONTINUE 429 Woodside Avenue to August 27, 2008 and forward it to the Historic Preservation Board for their input on how reconstruction affects future designations relative to historic significance; and whether the building mass and scale of the proposed addition is appropriate for the existing historic structure. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously. Commissioner Peek was recused.

2. Silver Lake Drive, Lot 2B of North Silver Lake Subdivision, North Silver Lake Lodges Conditional Use Permit

The Planning Commission discussed this item during work session.

Doug Clyde, representing the applicant, presented a slide presentation of the proposed project and surrounding and adjacent developments. One slide was a rendering taken inside the project looking from the road at the downhill PUD's and townhomes. Mr. Clyde clarified that a duplex is classified as a townhome in this project. Another slide was a rendering taken from the entry way looking into the project.

Kelly Peart, representing the applicant, noted that a few trees that were missing from the rendering would help block the views. He stated that the landscape plan proposed a number of large trees as a buffer from Silver Lake Drive to within the project.

Mr. Clyde presented slides showing the downhill units to the east of the project. These units are slightly larger in the 7,000 square foot range. These are typical downhill units where only one story is visible from the ground level. Mr. Clyde presented a slide with the previously approved plan superimposed over the currently proposed plan to show the difference between the two. He also reviewed section drawings. Mr. Clyde indicated that the taller buildings were moved to the center of the project and 115 feet away from the property line.

PARK CITY MUNICIPAL CORPORATION
HISTORIC PRESERVATION BOARD
MINUTES OF AUGUST 20, 2008

BOARD MEMBERS IN ATTENDANCE: Ken Martz, Todd Ford, Puggy Holmgren, Gary Kimball, Sara Werbelow, David White

EX OFFICIO: Tom Eddington, Brooks Robinson, Kirsten Whetstone, Katie Cattan, Dina Blaes, Gary Hill, Patricia Abdullah, Polly Samuels McLean

WORK SESSION – 6:06 p.m.

429 Woodside Avenue – Advice and Guidance

Planner Katie Cattan reported that last Wednesday she had presented 429 Woodside Avenue to the Planning Commission, at which time they expressed concerns regarding the historic building. Planner Cattan noted that the existing home has had significant alterations and a number of additions have been placed on the building. The applicant would like to reconstruct this historic structure to resemble its historic nature in the 1930's. The applicant is proposing to separate the reconstruction of the new building from the new addition, which would be behind the reconstructed historic building.

Planner Cattan remarked that reconstruction is within the guidelines. The Staff felt this was a good project for reconstruction because there is very little original material left on the building.

Planner Cattan stated that the Planning Commission was looking for guidance from the HPB on whether the mass of the addition is appropriate for the historic structure and whether the historic home would remain on the Park City Building Inventory if the proposed design is approved.

Planner Cattan remarked that in terms of appropriate massing for the historic structure, the Staff had worked with the applicants over the past year and found preliminary compliance with the Historic District Design Guidelines. She noted that the Staff has not yet issued an approval yet pending Steep Slope CUP review by the Planning Commission. Planner Cattan pointed out that there is a clear transition from the historic building to the new addition. In evaluating the proposed design, the Staff found that the historic house was physically and visually distinct from the large addition, thereby maintaining its character in spite of the large-scale addition. She requested direction from the HPB as to whether or not they concur with that finding and if the mass of the addition is appropriate for the historic building.

Planner Cattan commented on the second issue of whether the home will remain on the historic inventory if the design is approved. She outlined the six criteria the HPB would use to make that determination. The Staff believes the historic integrity would not be jeopardized because there is a clear separation between old and new and the reconstructed historic home would still demonstrate a quality of significance for the mining era.

Planner Cattan stated that once the HPB makes their findings she would take that back to the Planning Commission.

Board Member White understood that even though the exterior of the existing historic home has been significantly changed, this home is still on the historic register. Planner Cattan clarified that the structure is on the current Park City Inventory but not on the National Historic Register. She read the evaluation for 429 Woodside Avenue outlining why it was placed on the Historic Inventory.

Chair Martz recalled that the HPB visited the structure at 429 Woodside Avenue two years ago under the determination of significance process. At that time he believed the HPB found the building to be historically significant; although based on the structural and material changes to the building, it was a borderline significance. Chair Martz was surprised this building was placed on the inventory.

Board Member Kimball asked if any of the original siding exists. Planner Cattan replied that some of the original siding still exists on the north elevation. The Board reviewed the plans for reconstruction and the proposed new design.

Board Member Ford felt this home was a candidate for reconstruction because it has been significantly modified. He requested that the applicant utilize an original photo during the reconstruction.

In looking at the tax photo, Board Member Ford indicated what looked like a porch element off the south side of the historic structure. He felt that something like that on the site plan would go over the garage entry and replace the vertical element on the west of the east elevation with a more consistent, lower height elevation for the front. Board Member Ford noted that Guideline 71 and 73 of the current guidelines talks about the typical size and shape of historic facades and that new construction should be of similar widths and heights. It also talks about whether rooflines should be perpendicular or parallel to the street. Board Member Ford stated that in his opinion, the main elevation suffers because the parallel roofline is massive and contributes to the bulk of the structure. He thought it would be helpful to break up the roofline with a more perpendicular roofline. He also found the typical vertical structure over the garage to be distracting and inconsistent with the guidelines. Board Member Ford stated that seeing the porch element on the tax photo presents the idea for keeping the entire front façade at a low profile and not allow the large tower element that is close to the front. The garage can remain where it is. He felt the way to detract from the mass of the east elevation would be to bring a lower, more historically appropriate element to the front. He suggested that they make the entire front façade consistent with the width and height of historic structures and then allow the house to grow off the back. In his opinion, the front façade over the garage is not consistent with #71 of the historic design guidelines.

Board Member White liked the fact that the historic home sits by itself and the proposed addition is completely behind it. He thought it was worth having the applicant's architect look at Board Member Ford's suggestion. Board Member White stated that in looking at the streetscape, he was comfortable that the mass of the addition is appropriate with regards to the existing home. Chair Martz thought another mitigating factor is that the adjoining properties are rather large and not historic.

Board Member Holmgren commented on the complaints regarding noticing and public involvement and she wanted to know why the surrounding properties were not notified. Planner Cattan remarked that the public was noticed for the steep slope conditional use permit with the Planning Commission. Because this item was directed to the HPB by the Planning Commission, any public who attended that meeting would have known that this was coming to the HPB today. Planner Cattan explained that based on the format of the design guidelines, the property is not posted until the Staff finds compliance with the design guidelines.

Board Member Holmgren stated that she was particularly sensitive about this matter. With the moratorium on demolition, she urged the Staff to keep the public informed. Planner Cattan reiterated that anyone within 300 feet was noticed for the steep slope CUP. Board Member Holmgren stated that noticing was a major complaint expressed during the public hearings and she felt they should pay particular attention to what the public wants.

Board Member Ford suggested an amendment to the landscape plan to add tall trees near the entry to detract from the vertical element. Chair Martz suggested that the landscape plan also include a stone retaining wall from the street and a yard surrounding it. He noted that the photo shows a wall and that wall should be put back. Planner Cattan stated that the Staff has been talking to the architect to make sure that the slope as shown on the survey comes back as it exists today.

Planner Cattan understood that there was consensus from the Board that the Staff's findings are accurate concerning the mass but they would like the architect to look at the suggested changes proposed by Board Member Ford regarding the front façade. The Board concurred. The Board Members also supported reconstructing the historic home. If it is reconstructed properly it would not affect its status on the Park City Inventory.

Training

Assistant City Attorney, Polly Samuels McLean, stated that the training this evening was relative to open public meetings Act Annual training. She noted that Utah State law requires the City to provide this training on an annual basis. Ms. McLean explained that open meetings are required as a public policy in Utah. A purpose statement says that all Boards shall make their deliberations in the public eye as part of the public process. Actions and deliberations should be made in open forum. As a public body, the Historic Preservation Board needs to abide by this policy.

Ms. McLean clarified that a chance encounter is not considered a public meeting. If a quorum of Board members find themselves in the same location or event outside of their meetings, they should not discuss HPB matters. Ms. McLean stated that emails are also considered a meeting if it is sent as a group email to everyone. She clarified that any communication on HPB issues should be in an open public meeting. If a Board member needs to email another Board member, they should do so through the Planning Department so they can make sure it is appropriate and does not involve a quorum of Board Members.

Ms. McLean distinguished between public comments versus an open meeting. She clarified that an open meeting means the public has a right to listen to their deliberations. It does not mean they have to take public input. She noted that items such as appeals

do not require a public hearing, although the HPB can choose to allow public comment. Ms. McLean stated that if a member of the public becomes disruptive, the Board has the right to ask them to leave.

Ms. McLean stated that the public is noticed under the law. The requirements for an open meeting is that the property must be posted 24 hours prior to the meeting. Park City has its own noticing requirement, which is a longer period than the 24 hours required by the State law. Ms. McLean noted that all meetings are recorded and minutes are taken, which is all part of the public record.

Ms. McLean stated that if a Board member knowingly or intentionally violates an open public meeting policy, he or she could be liable for a Class B misdemeanor. If a Board member has any questions, their best protection is to contact the legal department for clarification.

REGULAR MEETING

ROLL CALL

Chair Martz called the meeting to order at 6:52 p.m. and noted that all Board Members were present except for Mark Huber who was excused.

PUBLIC COMMUNICATIONS

There was no comment.

STAFF/BOARD MEMBERS COMMUNICATION

Tom Eddington was introduced as the new Planning Director.

Chair Martz requested an update on the building moratorium. Ms. McLean stated that the Temporary Zoning Ordinance (TZO) was adopted by the City Council on August 7, 2008. This TZO places a six month moratorium on all demolitions of buildings built after 1962. Chair Martz asked about the process for enforcing this moratorium.

City Council Member, Liza Simpson stated that the direction from the City Council was for the Staff to compile a contributing list.

Elect Chairperson

Ms. McLean noted that the HPB should have re-elected a new Chair in March 2008. Ken Martz was elected in March 2007 and an election should occur every year. She noted that a Chairperson may not serve for more than two consecutive years. A proposed amendment to the Land Management Code will track the appointment period so future elections will occur in July. Because they are extended beyond the March date for this year, McLean recommended that the HPB hold elections this evening.

Chair Martz stated that due to other commitments, he would like to pass the baton of chairman to another Board member.

MOTION: Chair Martz nominated Todd Ford as the next HPB chairman. Board Member White seconded the motion.

Commissioner Wintzer asked if the public would be noticed on the site visit. Planner Cattan stated that the site visit would be listed on the agenda that is published in the newspaper. She has been in communication with the public and many people who came this evening had asked her about the next step in the process.

Vice-Chair Russack stated that as he thought about the Deer Valley master plan and the density assigned to this parcel, he was struck by the fact that if the project was a hotel the impacts would be much different from the impacts of this proposed project. He understood that the proposal for PUD style homes with stacked flats in the center was an appeasement to the neighborhood. Vice-Chair Russack noted that square footage was not assigned to the density. When the master plan was done in the early 1980's, he believed the vision at that time was probably 3,000 square foot homes and not 5,000+ square foot homes. He understands the assigned density based on the MPD; however, he struggles with the limits of disturbance on the site, which is due to the square footage of the units.

Vice-Chair Russack opened the public hearing.

There was no comment.

Vice-Chair Russack continued the public hearing.

MOTION: Commissioner Peek moved to CONTINUE this item and the public hearing to September 24, 2008. Commissioner Wintzer seconded the motion. Commissioner Thomas was recused.

2. 429 Woodside Avenue - Steep Slope CUP

Due to a conflict of interest, Commissioner Peek recused himself from this item.

Commissioner Thomas resumed the Chair.

Planner Cattan reviewed the application for a steep slope conditional use permit for 429 Woodside Avenue. The Planning Commission discussed this item on August 13th and during that meeting two issues were raised. The first issue was whether the mass of the addition was appropriate for the historic structure. The second issue was whether the historic home would remain on the Park City Historic Inventory if the home is reconstructed.

Planner Cattan stated that the Planning Commission remanded this proposal to the Historic Preservation Board for their input on the two issues of concern. The HPB addressed those issues during their meeting on August 20th. Planner Cattan stated that on the question of whether the mass of the addition is appropriate for the historic structure, the HPB was concerned about the massing above the garage and suggested that it be designed more in context with the historic home. They also had concerns about the existing wall and wanted to make sure the wall was brought back and kept in context with the site. The HPB also requested additional landscaping so the front door would remain as the main entrance to the house.

Planner Cattan stated that based on the HPB recommendations, the architect had provided three options for consideration. Option A was the original plan presented. During the HPB discussion, a recommendation was made to remove the front porch element on the second story above the garage and to add a shed roof. Planner Cattan noted that Option B includes the shed roof element and takes away the second story porch. Planner Cattan remarked that Option C brings back the gable end instead of the shed roof and brings the second story more in line with the historic home.

Planner Cattan remarked that on the issue of whether the historic home would remain on the historic inventory if the home is reconstructed and the current design is approved, the HPB concluded that reconstruction was appropriate due to the alterations that have taken place and the structural integrity of the building. The HPB also found that the addition is in keeping with the criteria for the determination of historic significance based on the separation proposed between the two structures.

Commissioner Wintzer clarified that if the historic home remains on the Park City Historic Building Inventory, any work done on the building after reconstruction would go through the design review process. Planner Cattan replied that this was correct.

The project architect commented on the massing and understood that the HPB and the Planning Commission had concerns with scale and massing. In an effort to address those comments, three options were presented. The architect stated that all three options do not lower the ridgeline; however she felt it still fit nicely with the streetscape. In trying to address the left side of the building they did a shed roof option that extended the roof down. The architect felt that taking away the porch on Option B and putting on a shed roof created a more vertical element, which did not do much towards bringing down the scale. Option C did bring it down so it appears to be a single story structure and relates more to the historic portion. On the other hand, Option C also increases the size of the roof. Therefore, the options exchange two stories of siding for two stories of roof. The architect and the applicant thought the original design was still better than Options B and C. The architect reviewed the three options and identified the pros and cons of each one.

Commissioner Murphy asked if there was a height exception on all three options. The architect replied that the height exception would be made on the central gable on all three designs. She noted that the height exception for Options B and C would be increased by an additional foot in order to make that element work better. She explained the reasons for why that would happen.

Assistant Attorney, Polly Samuels McLean was not comfortable with the Planning Commission discussing options with the architect because it leads the Commissioners to designing the project for the applicant. She advised the Planning Commission to apply the criteria and associate it to any issues they have with the design.

Commissioner Russack noted that the Planning Commission has three options before them and he asked which one they should comment on. Ms. McLean felt it was up to the architect to determine which option they wanted to present for discussion. She noted that the HPB provided their recommendations on the original design. She was nervous about having three options.

The architect stated that in trying to design this house, they are being sensitive to the existing historic portion. They added the gables within the first option to keep the element strong. She felt

the shed roof watered that down. She pointed out that the applicant preferred the first option because the gables relate to the elements of the historic house.

Commissioner Murphy was unclear about the process and asked if the applicant needed to declare which option they wanted the Planning Commission to discuss. Ms. McLean expressed her preference for the Planning Commission to review one option to see if it meets the criteria. She understood that the applicant prefers Option A and suggested that the Planning Commission focus their comments on that design. They can use the other options as examples but the primary review should be for Option A.

Planner Robinson stated that the Planning Commission expressed concerns on Option A at the last meeting and remanded it to the HPB. The HPB offered suggestions that the applicant addressed in Options B and C to meet those concerns.

Chair Thomas opened the public hearing.

There was no comment.

Chair Thomas closed the public hearing.

Commissioner Russack felt the process worked in terms of getting input from the HPB. He thought it was a worthwhile effort. Commissioner Russack asked if the HPB has seen the options that resulted from their comments. Planner Cattin replied that the HPB had not seen Options B and C. Commissioner Russack stated that in his opinion, the concerns related to Option A have not been mitigated. He suggested that either the HPB look at all three options to see if their comments have been addressed or the architect should just choose one option to submit to the Planning Commission. He thought the mass and scale were mitigated in Options B and C but not in Option A.

Commissioner Pettit requested that the applicant provide a massing model to help the Commissioner's get a better sense of the orientation of the historic structure and the connection with the proposed addition. Looking at the plan in one dimension makes it difficult to understand the two elements redesigned in Options B and C and the verticality on the left hand side. Commissioner Pettit still struggled with whether or not the plan meets the criteria, specifically Criteria 6 and 8.

Commissioner Murphy appreciated the efforts of the HPB and the efforts of the applicant to preserve the historic home. Commissioner Murphy was concerned about the height exception and whether or not it is appropriate. He felt the height exception may not be necessary if they made the house smaller.

Commissioner Wintzer felt there was less mass on Option B from the side view. He thought Option B would be a workable design if they could find a way to make the front element shorter and uninterrupted. He was concerned with the amount of snow that would dump on the deck below or on to the driveway.

Chair Thomas agreed that Option A has concerns and considerations. If the applicants thinks that Option A is still the best, he was not satisfied that the concerns have been addressed. Chair Thomas thought Options B and C were a toss up; however, if he had to choose, he would probably

prefer Option C. Chair Thomas thought it was logical to allow the HPB the opportunity to see the response to their input.

MOTION: Commissioner Murphy made a motion to CONTINUE 429 Woodside Avenue until the Historic Preservation Board has had a chance to review the results of the suggestions they made to mitigate some of the questions and concerns relayed at the last public hearing. Commissioner Wintzer seconded the motion.

Planner Robinson asked if the matter could be continued to a specific date. He noted that the HPB meets again on September 3rd.

Commissioner Murphy amended his motion to continue this item to September 10, 2008. Commissioner Wintzer seconded the amended motion.

VOTE: The motion passed unanimously. Commissioner Peek was recused.

3. 1183, 1185, 1195 Empire Avenue - Plat Amendment

Planner Jeff Davis reviewed the application for a plat amendment to combine three and three-fourths lots of record into two lots. The property is located at 1183, 1185 and 1195 Empire Avenue. Currently lot lines cross through two of the properties and runs through an existing duplex located at 1183 and 1185 Empire Avenue. A lot line also runs through the middle of a non-historic home located at 1195 Empire Avenue. The applicant has received a CAD permit for that structure.

Planner Davis noted that the project went through an inter-departmental review and no issues were raised at that time. No public input had been received at the time the Staff report was written. The Staff recommended that the Planning Commission conduct a public hearing and forward a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

Chair Thomas opened the public hearing.

David O'dell, a resident on Lowell Avenue, asked if a height variance is being contemplated. A previous decision provided a height variance for residences in the 1200 Block of Empire and Lowell and he wanted to be pro-active and make that inquiry now.

Planner Davis was not aware of a height variance. Planner Robinson explained that design plans are not part of the plat amendment process. The house plans will be evaluated at the time of the steep slope CUP process. He noted that the steep slope CUP criteria would allow the Planning Commission to grant a height exception if appropriate. Planner Robinson stated that Mr. O'dell would have the opportunity to provide further comment during that public process.

Chair Thomas closed the public hearing.

In looking at the proposed plat, Commissioner Murphy thought the proposed amended plat line bisects the duplex, which is contrary to the language in the Staff analysis.

PARK CITY MUNICIPAL CORPORATION
HISTORIC PRESERVATION BOARD
MINUTES OF SEPTEMBER 3, 2008

BOARD MEMBERS IN ATTENDANCE: Todd Ford, Puggy Holmgren, Mark Huber, Gary Kimball, Ken Martz, David White

EX OFFICIO: Brooks Robinson, Katie Cattan, Kayla Sintz, Dina Blaes, Polly Samuels McLean, Patricia Abdullah

WORK SESSION

Planner Katie Cattan reported that at the last meeting, per the request of the Planning Commission, the HPB discussed two issues related to a project at 429 Woodside Avenue. Following that discussion the HPB provided their recommendations to the Planning Commission. Planner Cattan noted that the Planning Commission wanted to know if the HPB was comfortable with the mass and scale proposed for the project and whether the structure would remain on the Historic Inventory if the proposed addition was allowed to move forward.

Planner Cattan stated that she took the matter back to the Planning Commission on August 27th along with the recommendations from the HPB. During that meeting the applicant presented three options that responded to the recommendations made by the HPB. The Planning Commission felt the correct procedure was to allow the HPB the opportunity to review the options and provide comment.

Planner Cattan stated that Option A was the original proposal. During the last meeting the HPB requested several changes, which included additional landscaping to focus the front as the primary entrance, to remove the porch on the second story above the garage and introduce a shed roof to reduce the massing, and to extend the porch more to the front to change the presence of the garage.

Planner Cattan stated that Option B introduces a shed roof and takes away the porch on the second level. She noted that all three options introduce the requested landscaping. Option B also extends the porch above the garage.

Planner Cattan remarked that Option C removes the porch element on the second story and reintroduces a gable at a lower elevation to break up the massing. This option creates a larger roof over the rear portion of the building.

The Staff recommended that the HPB review the request by the Planning Commission and provide further input.

Board Member White stated that he would like to see a combination of Options B and C. He liked the break in the shed roof at the street in Option B because the unbroken shed roof in Option C is too much. Board Member White also liked the gable over the porch in Option C and how the front of that gable is set back at the rear of the historic house.

Board Member Martz referred to Option C and suggested that a transom over the three doors would break it up better. He thought a transom would work with either of the options. He agreed with Board Member White on the combination of Options B and C with the addition of the transom.

Chair Ford asked if it was architecturally possible to combine Options B and C per Board Member White's suggestions.

Michael Stoker, representing the applicant, felt there was an absolute possibility without manipulating the floor plan. He noted that the owner sent a letter to Planner Cattan indicating that the home needed to be handicap accessible. Mr. Stoker felt the Planning Commission remanded this back the HPB because they did not want to redesign the project and the Assistant City Attorney had recommended that they not choose options. He believed the Commissioners had their personal favorite and Mr. Stoker assumed that the end result would be to combine elements from each option into the design.

Planner Cattan clarified that she could only take one option back to the Planning Commission to be reviewed against the steep slope criteria. Board Member White asked if the combined options could go back to the Planning Commission as Option D.

Assistant City Attorney, Polly Samuels McLean, stated that there needs to be one application for the Planning Commission to consider and it get tricky when there are different options. She believed that an Option D would be acceptable if that is what the applicant wants to present to the Planning Commission. She did not think Option D would need to come back to the HPB as long as they provide specific direction on which elements are necessary to meet the requirements of their review.

Board Member Huber clarified that the HPB favored Option B with the gable over the porch in Option C.

Planner Brooks Robinson did a quick sketch of what he thought the Board was asking for. The Board concurred with the sketch.

Planner Cattan stated that this application is a steep slope conditional use permit and the applicant was requesting a height exception for the center gable. Mr. Stoke noted that there was discussion among the Planning Commission to make that smaller. Planner Cattan reported that the Planning Commission did not agree with the need for a height exception.

Board Member Huber thought the design would look dreary without that height. Chair Ford felt it complies more with the guidelines in trying to get a perpendicular roof line as opposed to one line. Mr. Stoker asked that their comments been included in the report to the Planning Commission so they know that the HPB is comfortable with the height exception.

Planner Cattan noted that the ridge on the original building was one foot under the 27 foot height, but due to architectural changes, the main ridge is now 27 feet. She pointed out that it is within the zone height but there is a one foot change in ridge elevation.

REGULAR AGENDA

identified on the site plan.

4. The portion of the lot which is located under the existing home, the addition or access to the home which can be considered steeper than 30%, is not under the existing home but is located adjacent to the existing historic home whose footprint is not being altered, is approximately 4 feet wide and 5 feet in length and appears to be the result of manipulated conditions (e.g. the existing rock retaining wall). The Planning Director's determination was that the manipulated length of slope less than four feet wide did not meet the requirement as stated above. The entire square footage of the adjacent area is less than 20 square feet. There is also an area of steep slope along the rear property line. This area is not being built upon.
5. The Planning Director made a determination on August 4, 2008, that the proposed structure does not require a Steep Slope Conditional Use Permit pursuant to LMC Section 15-2.2-6(B).
6. The applicant appealed the Planning Director decision on August 13, 2008.
7. A conditional use permit is required for any structure in excess of one thousand square feet if said structure and/or access is located upon any existing slope of thirty percent or greater. The proposed addition is in excess of one thousand square feet. The existing structure, the new addition and access to the structure is **not** located upon an existing slope of 30% or greater according to the site plan submitted with the application.

Conclusions of Law - 130 Sandridge Avenue

1. The Steep Slope Conditional Use Permit is not applicable to this application pursuant to the Park city Land Management Code, specifically Section 15-2.2-6(B).
2. The Planning Director did not err in the application of the Land Management Code.

Order

1. The Planning Directors decision to not require the Steep Slope CUP for 130 Sandridge Avenue is upheld and the appeal for the 130 Sandridge Avenue application of Steep Slope Conditional Use Permit is denied.
6. 429 Woodside Avenue - Steep Slope Conditional Use Permit

Due to a conflict of interest, Commissioner Peek recused himself from this item.

Planner Robinson reported that the Planning Commission has reviewed this application and couple of times. Based on their concerns and pursuant to the LMC, the Planning Commission remanded it to the Historic Preservation Board for their review relative to the Historic District Design Guidelines.

Planner Robinson noted that at the last meeting the applicant had presented several options, which responded to the first review by the Historic Preservation Board. The Planning Commission asked the HPB to look at those options to see which one was more compliant with the guidelines. He stated that the HPB had some preference for Option B and some for Option C. Based on Board member comments, Planner Robinson sketched out a plan during the meeting and asked if that sketch met their intent on the guidelines in terms of breaking up the front facade into smaller components. The HPB agreed with the hand drawn sketch and left it to the architects to draw it up by noon the next day to meet the time line for the Planning Commission packet.

Planner Robinson presented Option D, which was the preferred design by the HPB. Planner Robinson commented on a concern expressed by the Planning Commission regarding a dormer element in the center back of the house that breaks the height restriction. The Staff and the HPB felt this element helped break up a fair amount of roof and they were comfortable that it met the design guidelines. Planner Robinson stated that the Planning Commission has the discretion of whether or not to allow the height exception.

Michael Stoker, representing the applicant, stated that the height breaks the maximum by approximately four feet at the most.

There was some confusion over the options and Chair Thomas explained that Option D was a revised iteration of Option B with the gable element from Option C. The HPB also added a transoms window.

Chair Thomas opened the public hearing.

There was no comment.

Chair Thomas closed the public hearing.

Commissioner Wintzer stated that this was the first since he has been on the Commission that he has heard a response from the HPB. Considering how complicated it became, he felt it would have been easier to involve the HPB at the beginning. Commissioner Wintzer appreciated the process and felt they ended up with a better project.

Commissioner Pettit echoed Commissioner Wintzer and also thanked the applicant for their patience and willingness to work with the HPB.

Chair Thomas thought the elevation worked in terms of the commonality with the historic structure in front and with the adjacent buildings. Commissioner Strachan echoed all comments. He applauded the HPB for working on this in a timely manner.

MOTION: Commissioner Murphy moved to APPROVE the Steep Slope CUP for 429 Woodside Avenue, Option D, as outlined in the Staff report and in accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval in the Staff report. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously. Commissioner Peek was recused.

Findings of Fact - 429 Woodside Avenue

1. The property is Parcel B of the Elder Park Subdivision within Block 29 of the Park City Survey located at 429 Woodside Avenue.
2. The zoning is Historic Residential (HR-1).
3. The property is located within the HR-1 zone. Therefore, all future applications must meet the criteria in the Historic District Design Guidelines, per LMC Section 15-2.16.7(B).
4. Because of the proposed dwelling square footage is greater than 1,000 square feet, and would be constructed on a slope greater than 30%. The applicant is required to file a Conditional Use Permit Application for review by the Planning Commission, pursuant to Section 1502.1-6 of the LMC.
5. The Historic Residential Zone is characterized by a mix of single family homes, multi-family homes and smaller historic homes.
6. There is one existing historic home on the property.
7. Access to the property is from Woodside Avenue.
8. The area of the lot is 4573.5 square feet in size.
9. The minimum lot size for a single family home in the HR-1 zone is 1,875 square feet.
10. The maximum building footprint for the proposed lot is 1,768.5 square feet. The proposed footprint of the home is 1,768.5 square feet.
11. The maximum height limit in the HR-1 zone for a single family home is 27 feet above existing grade. The applicant is requesting a height exception to allow 13 feet of ridge line to exceed the 27 feet height limit. The applicant is requesting a height exception of up to 33 feet 1 inch above existing grade.
12. Setbacks for the lot are 5' minimum on the sides with a combined minimum of 14' and 10' minimum in the front and rear yards.
13. All other facts within the Analysis section of this report are incorporated within.

Conclusions of Law - 429 Woodside Avenue

1. The application complies with all requirements of Section 15-2.1-6 of the Land

Management Code.

2. The proposed use, as conditioned, is compatible with the surrounding residential and commercial structures in use, scale, mass and circulation.
3. As conditioned the use is consistent with the Park City General Plan.

Conditions of Approval - 429 Woodside Avenue

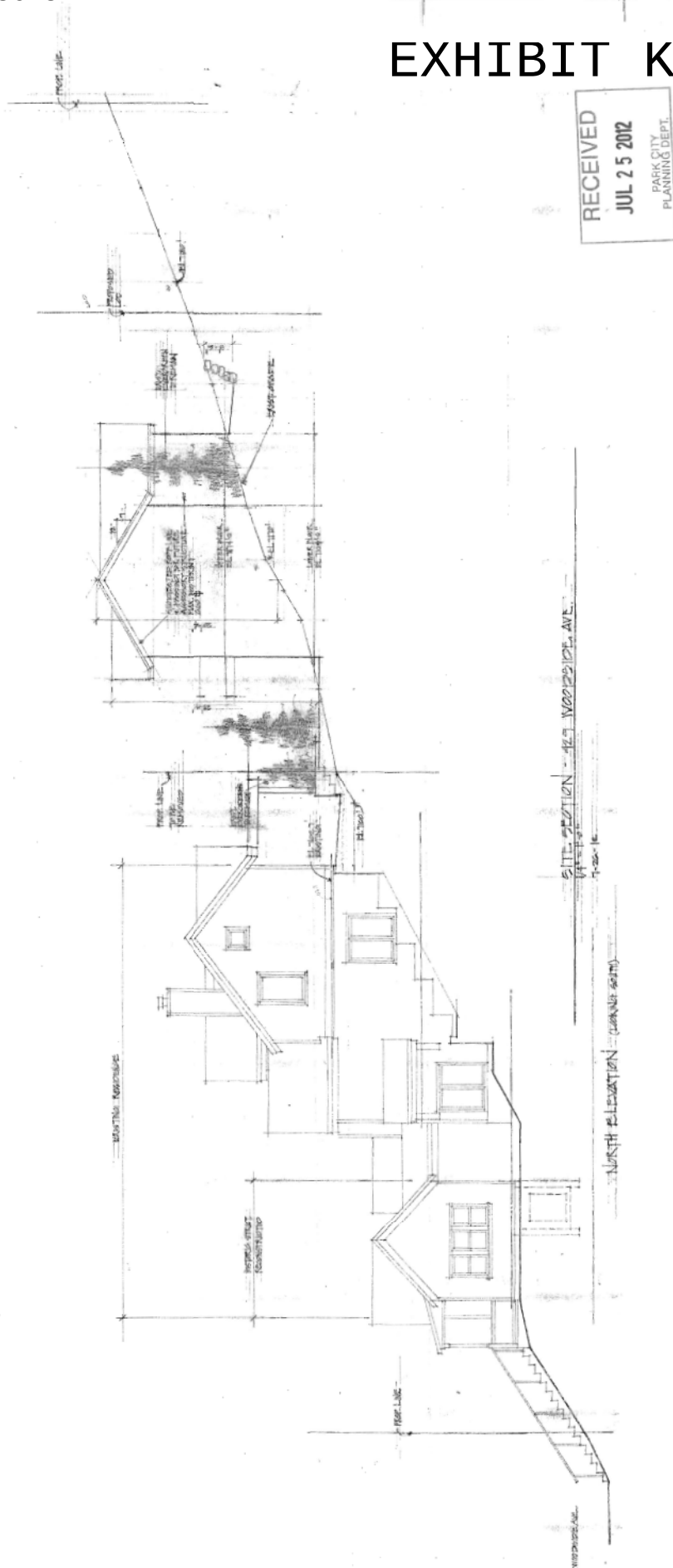
1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. Measures to protect existing vegetation shall be included in the Construction Mitigation Plan (CMP).
3. City Engineer review and approval of all appropriate grading, utility installation, public improvements and drainage plans for compliance with City Standards is a condition precedent to building permit issuance.
4. A landscape plan is required with the Building Permit. Changes to an approved plan must be reviewed and approved prior to landscape installation.
5. No building permits shall be issued for this project unless and until the design of the house is reviewed and approved by the Planning Department Staff for compliance with the Historic District Design Guidelines.
6. A soils study must be submitted to the building department prior to issuance of a full building permit.
7. Prior to the issue of any building permits, the Chief Building Official will require the applicant to submit a structural engineer stamped detailed shoring plan which is in compliance with the International Building Code. This shoring plan will be included in the building permit plans prior to the issue of a building permit. The shoring plan is required to protect the stability of the soil and neighboring properties.
8. This approval will expire on September 10, 2009, if a building permit has not been issued.
9. The height exception is granted for a maximum height of 33 feet 1 inch over existing grade.
10. Approval is based on plans dated September 4, 2008 and reviewed by the Planning Commission on September 10, 2008. Building Permit plans must substantially comply with the reviewed and approved plans.

7. 154 McHenry Avenue - Plat Amendment

EXHIBIT K - CROSS SECTION PLAN OF
ACCESSORY STRUCTURE

EXHIBIT K

EXHIBIT K



RECEIVED
JUL 25 2012
PARK CITY
PLANNING DEPT.

DAVID G. WHITE, ARCHITECT
P.O. BOX 4812 - 2700 COTTONWOOD
PARK CITY, UTAH 84302
TEL: 435-633-0845

James L. Stevens
L.S. No. 5639
Date 4-12-96

PROPERTY DESCRIPTION

[illegible]

Containing 47.514 Acres, more or less.

(Facts of bearing for the above description is the Park City Monuments at the intersections of Park Avenue and 4th Street and Park Avenue and 5th Street whose bearing is South 23°50'00" East)

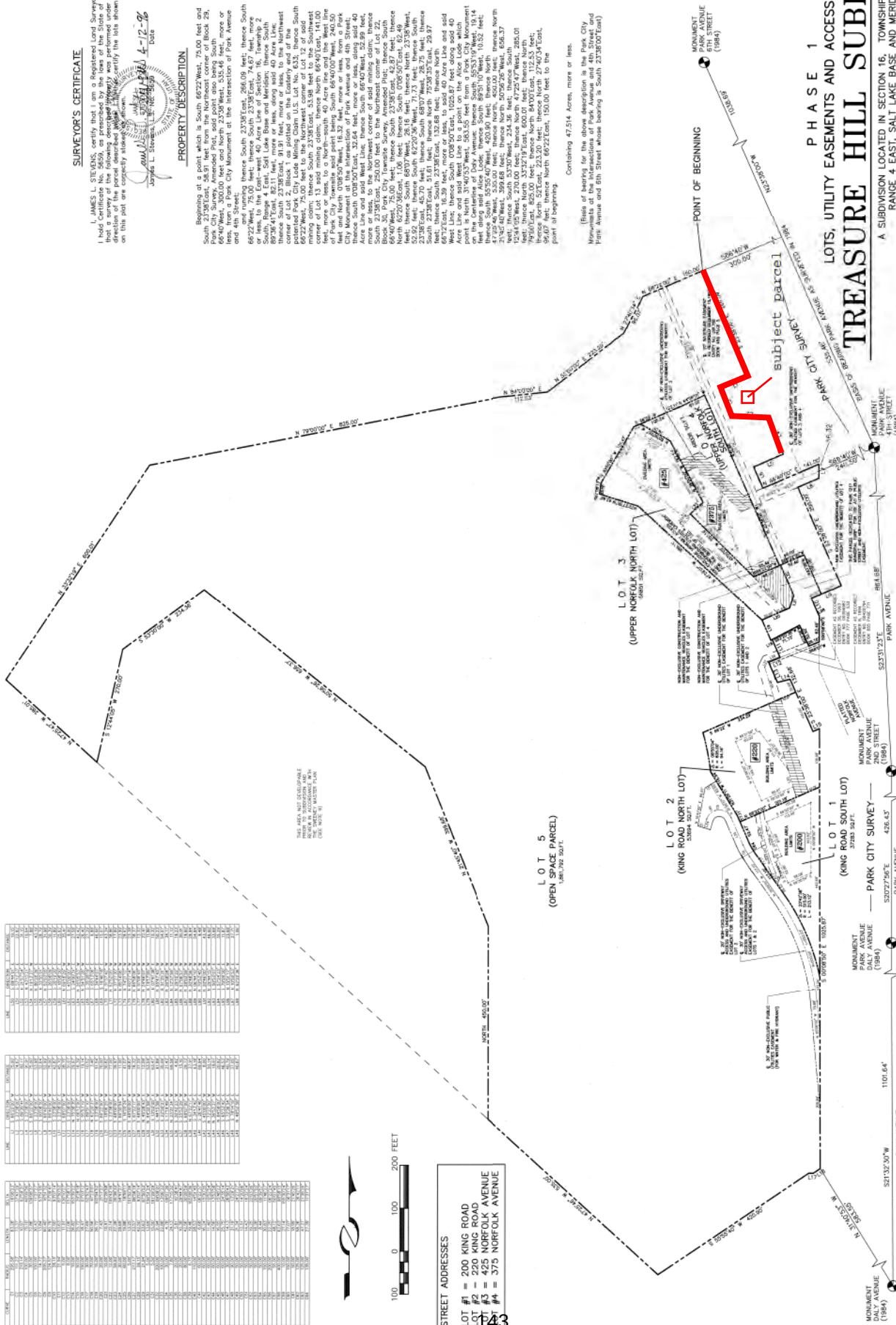


Figure 1: Schematic representation of the experimental design. The figure shows a timeline of the experiment. At the top, 'Stimulus presentation' is indicated by a series of vertical bars. Below this, 'Response' is indicated by a series of vertical bars. The timeline is divided into three main sections: 'Pre-test', 'Test', and 'Post-test'. The 'Pre-test' section includes a 'Pre-test' label and a 'Pre-test' bar. The 'Test' section includes a 'Test' label and a 'Test' bar. The 'Post-test' section includes a 'Post-test' label and a 'Post-test' bar. The timeline is also divided into three main sections: 'Pre-test', 'Test', and 'Post-test'. The 'Pre-test' section includes a 'Pre-test' label and a 'Pre-test' bar. The 'Test' section includes a 'Test' label and a 'Test' bar. The 'Post-test' section includes a 'Post-test' label and a 'Post-test' bar.

The screenshot shows a spreadsheet with the following columns: Item, Description, and Price. The data is organized into three sections, each with a header row and a list of items. The first section has 10 items, the second has 10 items, and the third has 10 items. The items are listed in a repeating pattern of 10 items per section.

Item	Description	Price
1	Item 1	1.00
2	Item 2	2.00
3	Item 3	3.00
4	Item 4	4.00
5	Item 5	5.00
6	Item 6	6.00
7	Item 7	7.00
8	Item 8	8.00
9	Item 9	9.00
10	Item 10	10.00
11	Item 1	1.00
12	Item 2	2.00
13	Item 3	3.00
14	Item 4	4.00
15	Item 5	5.00
16	Item 6	6.00
17	Item 7	7.00
18	Item 8	8.00
19	Item 9	9.00
20	Item 10	10.00
21	Item 1	1.00
22	Item 2	2.00
23	Item 3	3.00
24	Item 4	4.00
25	Item 5	5.00
26	Item 6	6.00
27	Item 7	7.00
28	Item 8	8.00
29	Item 9	9.00
30	Item 10	10.00
31	Item 1	1.00
32	Item 2	2.00
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34	Item 4	4.00
35	Item 5	5.00
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38	Item 8	8.00
39	Item 9	9.00
40	Item 10	10.00
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42	Item 2	2.00
43	Item 3	3.00
44	Item 4	4.00
45	Item 5	5.00
46	Item 6	6.00
47	Item 7	7.00
48	Item 8	8.00
49	Item 9	9.00
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51	Item 1	1.00
52	Item 2	2.00
53	Item 3	3.00
54	Item 4	4.00
55	Item 5	5.00
56	Item 6	6.00
57	Item 7	7.00
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93	Item 3	3.00
94	Item 4	4.00
95	Item 5	5.00
96	Item 6	6.00
97	Item 7	7.00
98	Item 8	8.00
99	Item 9	9.00
100	Item 10	10.00

Figure 1 shows a 12-part musical score for 'The Sound of Music'. The score is written on 12 staves, each with a vocal line and a piano accompaniment line. The staves are labeled: 1. MAMA, 2. PAPA, 3. GRACE, 4. FRANCES, 5. LIESERL, 6. GEORGE, 7. MARTHA, 8. ANNE, 9. JULIA, 10. BRUNO, 11. FRANCES, 12. MAMA. The music is in 4/4 time and features a variety of musical notations including notes, rests, and dynamic markings.

STREET ADDRESSES

LOT #1 = 200 KING ROAD
LOT #2 = 220 KING ROAD
LOT #3 = 425 NORFOLK AVENUE
LOT #4 = 375 NORFOLK AVENUE

143

PHASE 1

LOT, UTILITY EASEMENTS AND ACCESS EASEMENTS
TREASURE HILL SUBDIVISION

A SUBDIVISION LOCATED IN SECTION 16, TOWNSHIP 2 SOUTH,
RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN.

PAGE 1 of 3

414496

Country	Year	Value
China	2000	1.00
China	2001	1.00
China	2002	1.00
China	2003	1.00
China	2004	1.00
China	2005	1.00
China	2006	1.00
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China		

[illegible]

ANNOUNCER **IT'S THE STONE**

ACKNOWLEDGMENTS

NINTENDO COMMUNITY

PROPOZYCJA

CAVITATION IN DIAPHRAGMATIC COMPRESSORS

1

EXHIBIT M

Ordinance No. 95-8

**AN ORDINANCE APPROVING THE AMENDMENT TO THE
PARK CITY SURVEY PLAT
429 WOODSIDE AVENUE, PARK CITY, UTAH**

WHEREAS, the owner of property indicated above, William Elder, petitioned the City Council for approval of the amendment to the Park City Survey Plat; and

WHEREAS, proper notice was sent and the Planning Commission held a public hearing on February 8, 1995 and the City Council conducted a public hearing on February 16, 1995 to receive testimony on the proposed plat amendment; and

WHEREAS, the plat is consistent with the Land Management Code and subdivision ordinance and the newly created parcel exceeds the minimum square footage of 1,875 provided in the Code; and

WHEREAS, it is in the best interest of Park City, Utah to approve the amended plat;

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

SECTION 1. CONCLUSIONS OF LAW. The City Council hereby concludes that there is good cause for the above-mentioned amendment and that neither the public nor any person will be materially injured by the proposed plat amendment.

SECTION 2. PLAT APPROVAL. The amendment of the Park City Survey Plat of 429 Woodside Avenue is approved as shown on the attached Exhibit A with the following conditions:

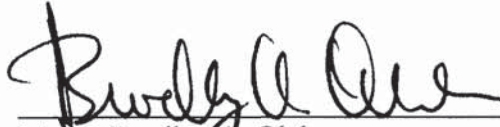
1. The location of the existing structure in relation to the new lot lines shall be verified prior to final plat recordation and minor adjustments to the plat shall be made, if necessary, to remedy any discrepancy between existing conditions and current setback requirements.
2. The City and applicant shall execute the required easement agreements to determine floor area for the undeveloped parcel prior to final plat recordation.

3. All Standard Project Conditions shall apply.

SECTION 3. EFFECTIVE DATE. This Ordinance shall become effective upon adoption.

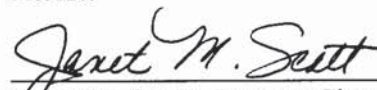
PASSED AND ADOPTED this 16th day of February, 1995.

PARK CITY MUNICIPAL CORPORATION



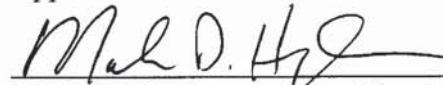
Mayor Bradley A. Olch

Attest:



Janet M. Scott, Deputy City Recorder

Approved as to form:



Mark D. Harrington, Asst. City Attorney



OPTION 'D'
(APPROVED OPTION)



ME
STOKER ARCHITECTURE, INC.
www.stokerarch.com

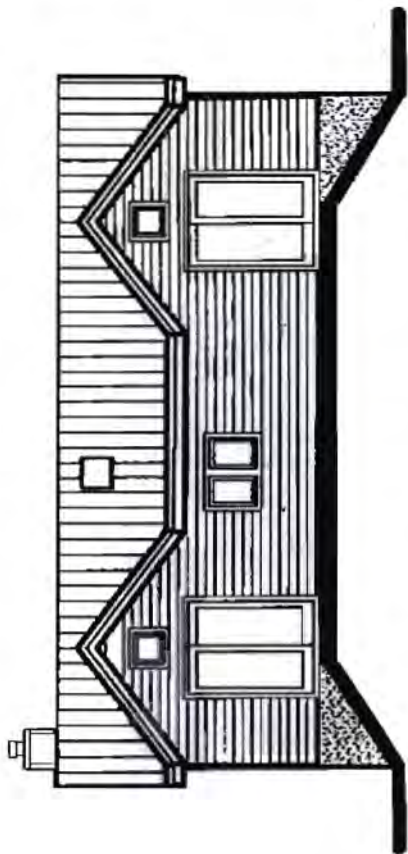
ELDER RESIDENCE
429 WOODSIDE AVENUE

SOUTH ELEVATION

9/1/08

EAST ELEVATION

9/1/08

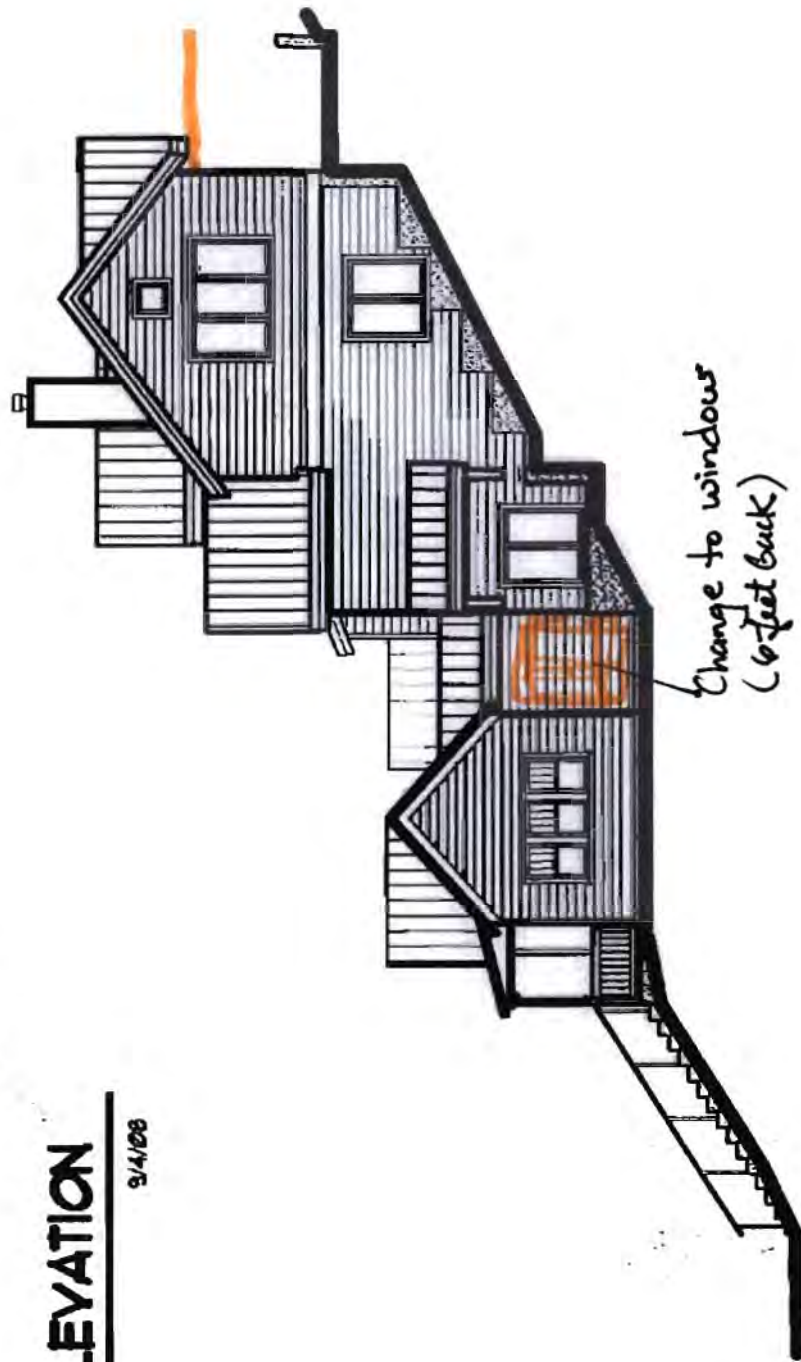


WEST ELEVATION

9/4/08



OPTION 'D'
(APPROVED OPTION)



NORTH ELEVATION

9/4/08



STOKER ARCHITECTURE, INC.
www.stokerarch.com

ELDER RESIDENCE
429 WOODSIDE AVENUE

430 BOODSIDE AVE

LOT AREA - 14,733 SF
 ALLOWED BUILDING FOOTPRINT - 11,683 SF
 ACTUAL BUILDING FOOTPRINT - 7,883 SF
 TOTAL FINISHED SQUARE FOOTAGE - 4,723 SF

GARAGE TO BLAD - 10'4" x 10'4" UCLAS
 LOWER LEVEL TO BLAD - 10'4" x 10'4" UCLAS
 MAIN LEVEL TO PL - 10'0" x 10'0" UCLAS
 UPPER LEVEL TO PL - 10'0" x 10'0" UCLAS
 LOWER LEVEL TO PL - 10'0" x 10'0" UCLAS

SITE NOTES

1. REFER TO SITE SURVEY (SHEET 10-1) PREPARED BY JACK HATCH AND SURVEYED FOR LOCAL DESCRIPTION, BENCHMARKS, UTILITY LINES, CONTIGUOUS VEGETATION, PROPOSED RETAINING WALLS, ETC.
2. EXISTING RESIDENCE AND GARAGE SHOWN ON SITE SURVEY TO BE RETAINED.
3. LIMITS OF DISTURBANCE TO BE DETERMINED BY THE AREA CONTAINED WITHIN THE PROPERTY LINES AND BOUNDARIES AS SHOWN.
4. CONTRACTOR TO PROVIDE SALT FENCE REFER TO DETAIL THIS SHEET.
5. FINISHED GRADE OF DRIVEWAYS NOT TO EXCEED 1% SLOPE.
6. RETAINING WALLS SHALL NOT EXCEED 4 FEET IN HEIGHT WHEN LOCATED WITHIN FRONT YARD. RETAINING WALLS SHALL NOT EXCEED 6 FEET ELSEWHERE.
7. SURFACE WATER SHALL DRAIN AWAY FROM THE HOUSE AT ALL POINTS. DIRECT THE DRAINAGE WATER TO THE STREET OR TO AN ADJACENT LOT. THE CONTRACTOR SHALL VERIFY THE EXISTING PROPERTIES. THE GRADE SHALL BE A MINIMUM OF 6 INCHES (WITHIN THE FIRST 10 FEET) AND 1% SLOPE.
8. CONTRACTOR TO LOCATE UTILITY LINES FROM PUBLIC WAY TO HOUSE.
9. CONTRACTOR TO VERIFY EXISTING SITE CONDITIONS, INCLUDING ELEVATIONS.
10. REFER TO SHEET A-1 FOR GENERAL NOTES.
11. CONTRACTOR TO RESISTANCE LANDSCAPING TO DISTURBED AREAS OF ADJACENT PROPERTIES.

LANDSCAPE LEGEND

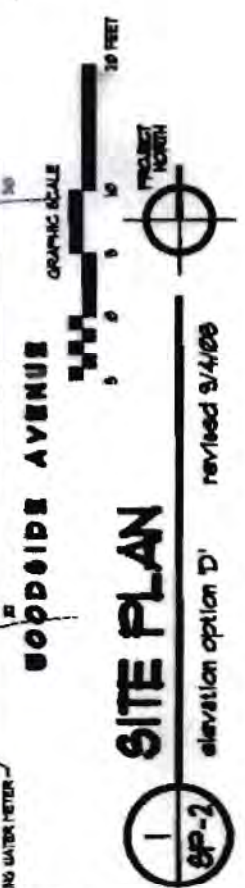
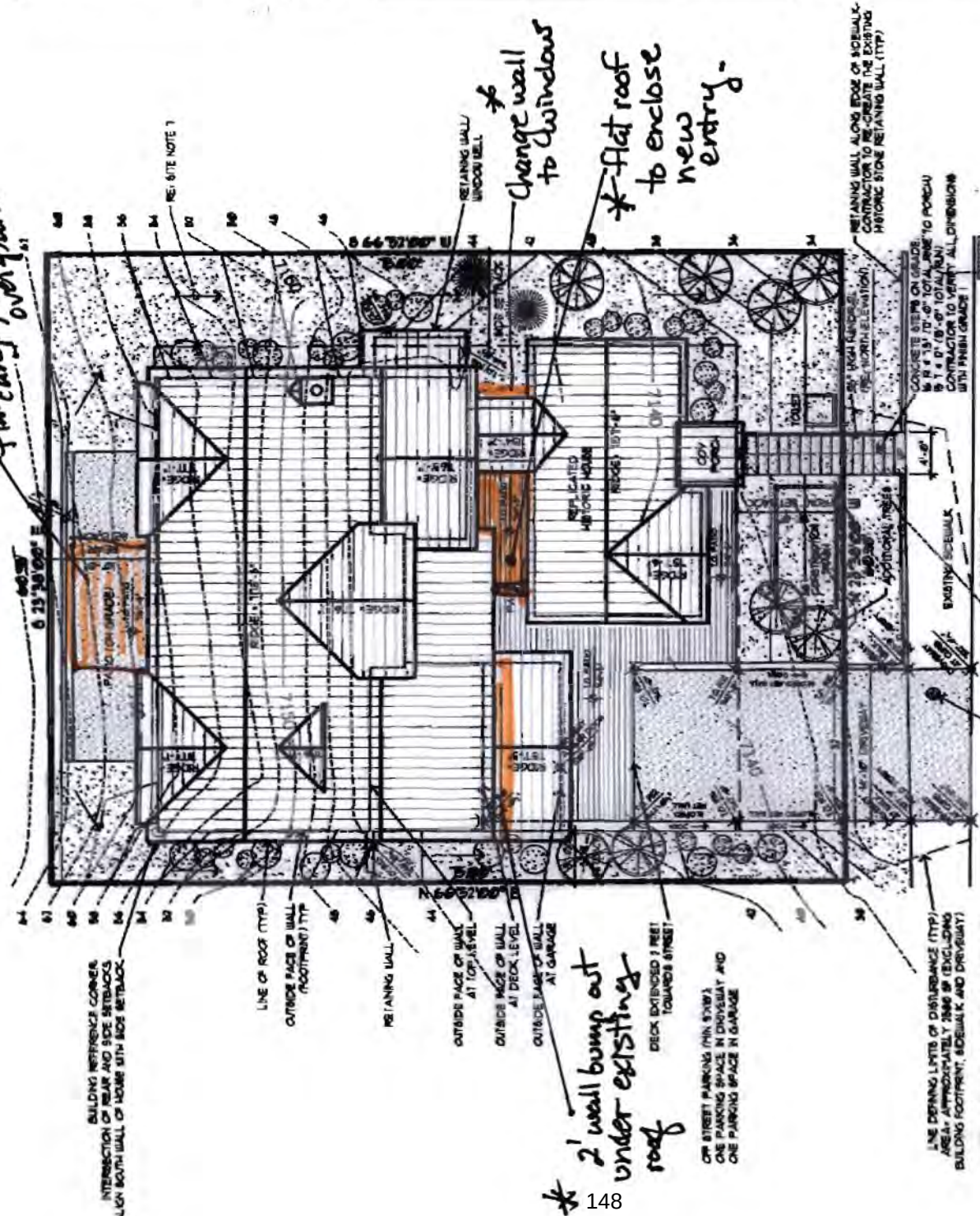


NOTES

1. PREPARED LANDSCAPE PLAN, FINAL LANDSCAPING PLAN TO BE SUBMITTED BY CONTRACTOR FOR APPROVAL BY THE PLANNING DEPARTMENT PRIOR TO INSTALLATION.
2. PLANTER SHALL BE LIMITED TO DECIDUOUS TREES, PLANTS, PERENNIALS, SHRUBS AND BERRIES. CONTRACTOR SHALL BE ACCOUNTABLE FOR THE MAINTENANCE OF THE PLANTING MATERIALS.

* flat canopy over patio

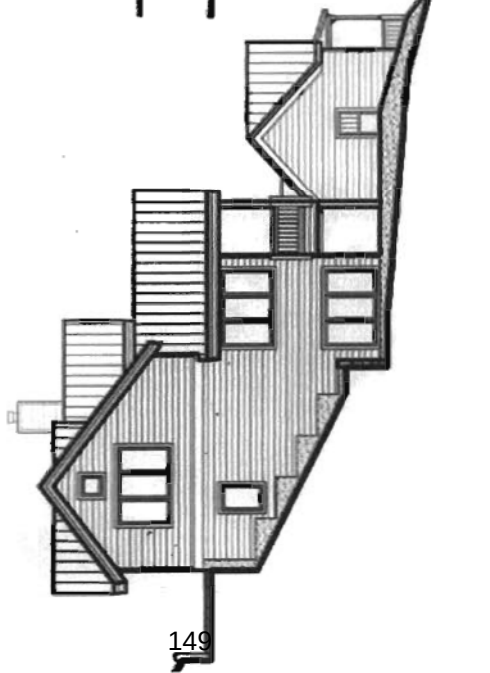
* change wall to windows
 * flat roof to enclose new entry.



SP-2 elevation option D' revised 9/4/08

STOKER ARCHITECTURE, INC.
 www.alcharch.com

OPTION 'A'
(ORIGINAL DESIGN)



SOUTH ELEVATION
1/8/08



EAST ELEVATION
1/8/08

MAS
STOKER ARCHITECTURE, INC.
www.stokerinc.com

ELDER RESIDENCE
425 WOODSIDE AVENUE

AUG. 27 2008



150

○ STREET ELEVATION

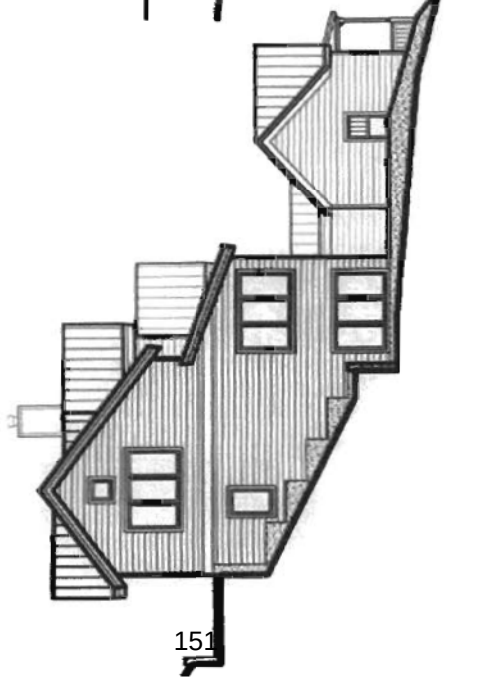
1/4" = 6'

(of OPTION A)



AUG 27 2008 ELDER RESIDENCE
425 WOODSIDE AVENUE

OPTION 'B'



1 SOUTH ELEVATION
A-21 8/26/06

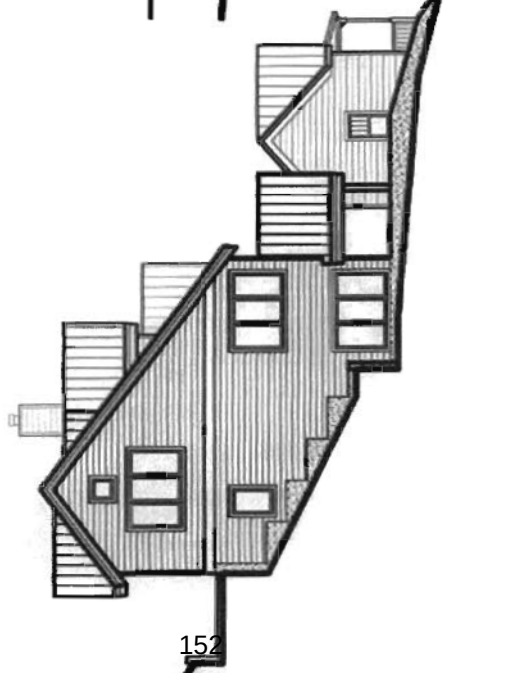


2 EAST ELEVATION
A-21 8/26/06



M&S
 STOKER ARCHITECTURE, INC.
ARCHITECTS
 AUG 27 2006
 ELDER RESIDENCE
 429 WOODSIDE AVENUE

OPTION 'C'



SOUTH ELEVATION

6/26/08

AUG 27 2008



MEYER FISHER & SMITH
ARCHITECTURE, INC.

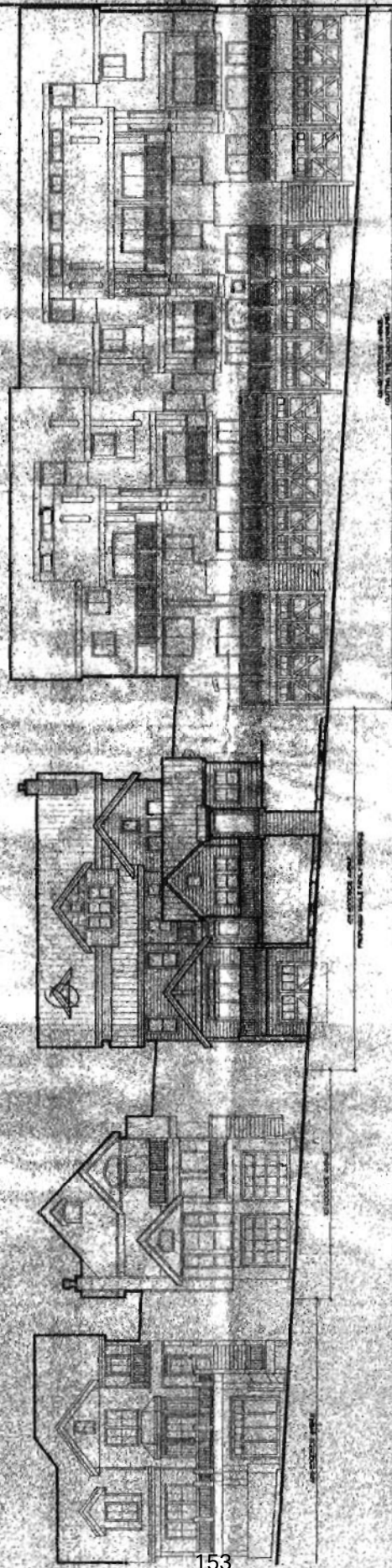
ELDER RESIDENCE
429 WOODSIDE AVENUE



EAST ELEVATION

6/26/08

HADR APPROVAL



PLANNING DEPT.
APPROVED

DATE 12/12/12
APPROVED BY [Signature]
APPROVED BY [Signature]

STREET ELEVATION



STOKER ARCHITECTURE, INC.
1000 PARK AVENUE, SUITE 100
ATLANTA, GA 30309
PH: 404.525.1234
FAX: 404.525.1235
WWW.STOKERARCHITECTURE.COM

STOKER ARCHITECTURE, INC.
1000 PARK AVENUE, SUITE 100
ATLANTA, GA 30309
PH: 404.525.1234
FAX: 404.525.1235
WWW.STOKERARCHITECTURE.COM

ELDER RESIDENCE
A RESIDENCE FOR WILLIAM ELDER
PARCEL B, ELDER PARK SUBDIVISION, 475 WOODBRIDGE AVENUE, PARK CITY, UTAH

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TOPOGRAPHIC MAPPING

ELDER PARK SUBDIVISION
PARCEL "B"
429 WOODSIDE AVENUE

LYING WITHIN THE SOUTHWEST QUARTER
OF SECTION 18, TOWNSHIP 2 SOUTH,
RANGE 4 EAST
SALT LAKE BASIN & MERIDIAN
SUMMIT COUNTY, UTAH

NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO OBTAIN
AN ACCURATE MEASUREMENT OF A CORNER
FOR THE DEVELOPMENT OF THE PARK.

SURVEY COMPLETED 04/01/08

SEE OFFICIAL SALT LAKE CITY SURVEY MAP
FOR ANY EASEMENTS, SETBACK REQUIREMENTS,
BUILDING EXEMPTIONS AND BUILDING
RESTRICTIONS.

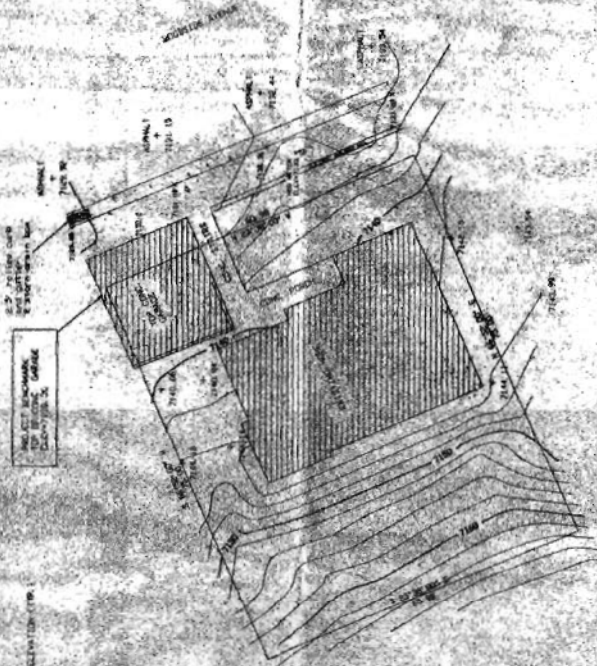
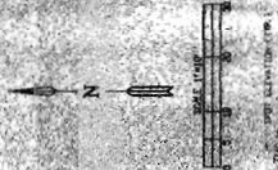
NO. 12, 12000000, 1/100000

THE OWNER OF THE PROPERTY SHOULD BE AWARE
OF ANY ITEMS AFFECTING OR IMPROVING THAT
MAY APPEAR IN A TITLE INSURANCE REPORT.
THE SURVEYOR HAS FOUND NO DIVISIBLE EVIDENCE
OF EASEMENTS, ENCUMBRANCES, OR ENCUMBRANCES
ON THE PROPERTY SURVEYED, EXCEPT AS SHOWN
HEREIN.

JACK HARMON DO HEREBY CERTIFY THAT I AM A
REGISTERED PROFESSIONAL SURVEYOR AND THAT I
HAVE BEEN LICENSED BY THE STATE OF UTAH. I
FURTHER CERTIFY THAT
A SURVEY HAS BEEN MADE OF THE LANDS SHOWN AND
DESCRIBED HEREIN.
I FURTHER CERTIFY THAT THIS SURVEY IS A CORRECT
REPRESENTATION OF THE LAND SURVEYED AND HAS BEEN
PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS



JACK HARMON LAND SURVEYING
725 REDDEN ROAD
PARK CITY, UTAH 84098
435-649-6511



PROJECT: 12000000
DATE: 04/01/08
BY: JACK HARMON
CHECKED BY: [Signature]
DATE: 04/01/08

NOTE:
THE MAPS, PLANS, AND SPECIFICATIONS SHALL BE
CONSIDERED TO BE THE BASIS FOR THE SURVEY.
NO OTHER DATA SHALL BE USED WITHOUT THE
WRITTEN CONSENT OF THE SURVEYOR.



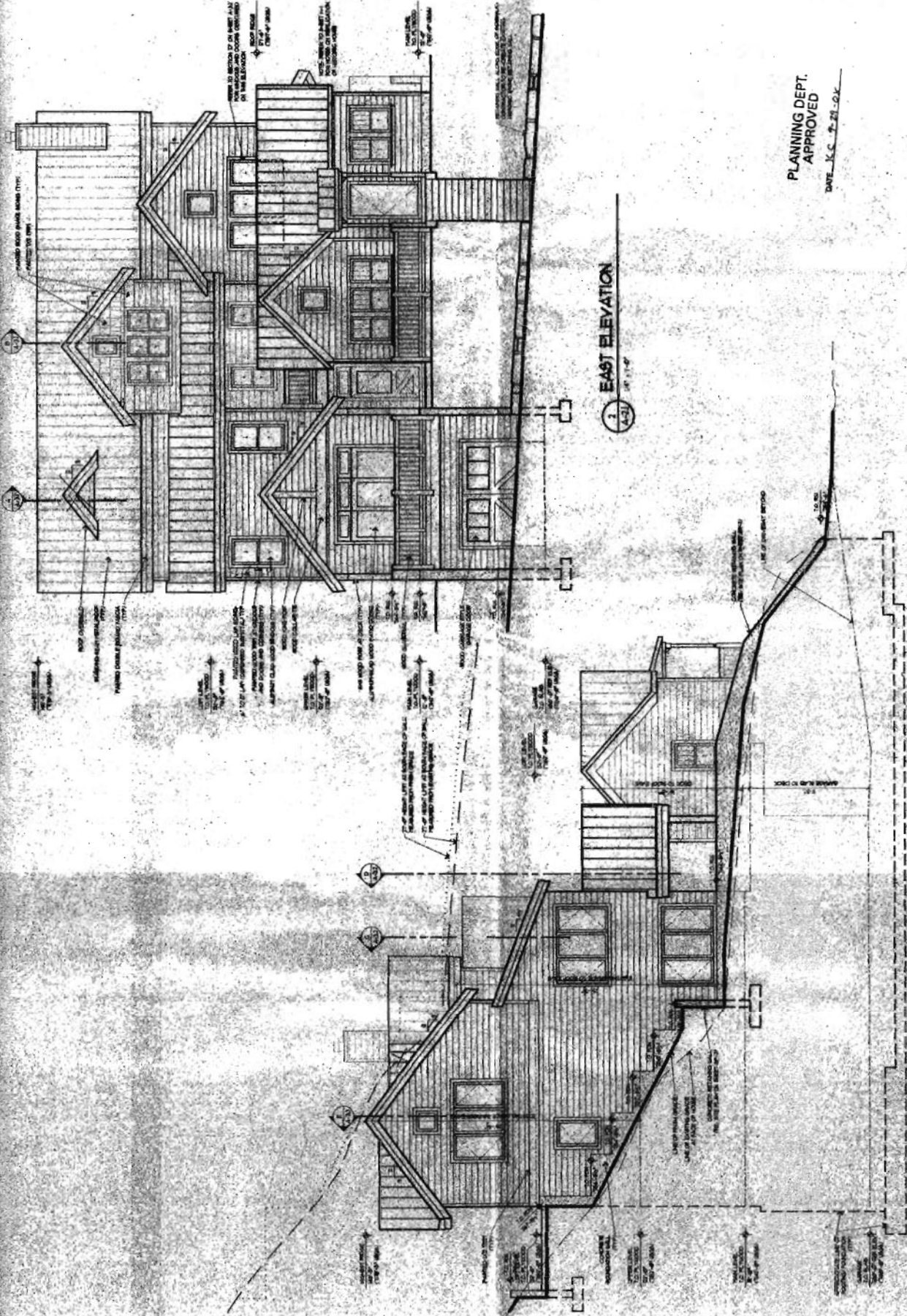
FRANK J. STOKER, AIA - ARCHITECT
1000 WEST 10TH AVENUE
SUITE 100
KANSAS CITY, MO 64108
TEL: 816.234.1111
FAX: 816.234.1112

STOKER ARCHITECTURE, INC.
1000 WEST 10TH AVENUE
SUITE 100
KANSAS CITY, MO 64108
TEL: 816.234.1111
FAX: 816.234.1112

ELDER RESIDENCE
A RESIDENCE FOR WILLIAM ELDER
PARCEL 10, ELDER PARK SUBDIVISION, 4318 WOODSIDE AVENUE, PARK CITY, MO

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A-21





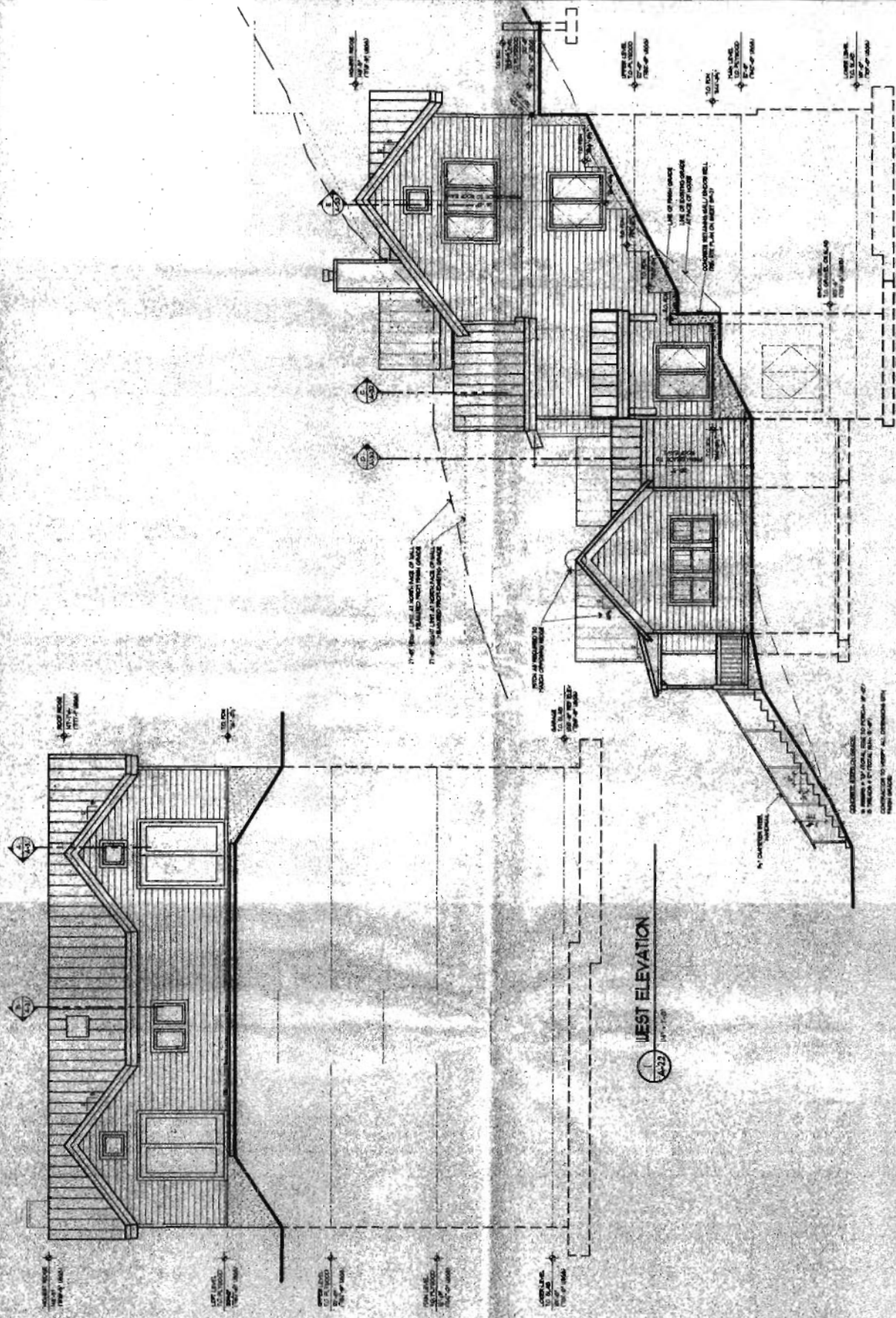
JOHN L. STOKER, AIA - ARCHITECT
110 BUCKINGHAM
KANN, KANN & ASSOCIATES
P.O. BOX 1000
Raleigh, NC 27602
TEL: (919) 833-0000

STOKER ARCHITECTURE, NC
110 BUCKINGHAM
KANN, KANN & ASSOCIATES
P.O. BOX 1000
Raleigh, NC 27602
TEL: (919) 833-0000

ELDER RESIDENCE
A RESIDENCE FOR WILLIAM ELDER
PARCEL B1, ELDER PARK SUBDIVISION, 405 BLOODESS AVENUE, PARK CITY, ILL. 61840

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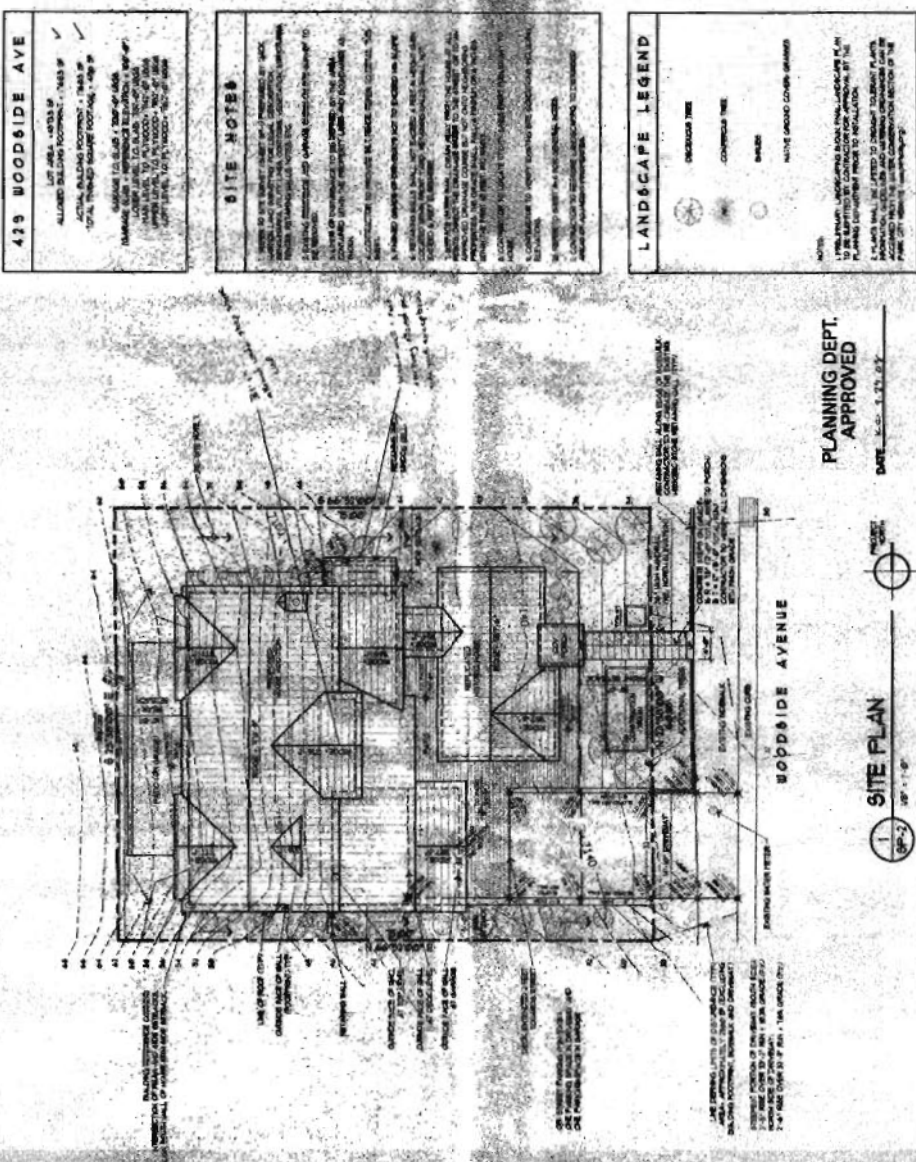
A-22



PLANNING DEPT.
APPROVED
DATE 10/20/88

NORTH ELEVATION

WEST ELEVATION





Following is the final synchroneity of
 several of the final grade
 drawings and is the final synchroneity
 may not exceed 6' above final grade.

Planting dates

Zone 19C1
May 12th - some early in yard. Exception: planted in
under overhanging up to 31st to above existing
grade conditions

Side yard: 5th previous information about 14th
Street side 5th - about 3 days 4th - complete

Front yard: 10th previous

Back yard: 10th previous

Consistent with the results from 2004, 2007, and 2010, the results from 2013 indicate that the proportion of respondents who reported that they had been sexually abused in the past 12 months was 10.1% (95% CI = 8.1%–12.1%).



Joseph E. Tesch
joet@teschlaw.com

314 Main Street - Suite 200
PO Box 3390
Park City, Utah 84060-3390
Tel: (435) 649-0077
Fax: (435) 649-2561

September 6, 2012

VIA E-MAIL ONLY

Park City Planning Commission
PO Box 1480
Park City, Utah 84060

Re: 429 Woodside

Dear Chair and Commissioners:

Thank you for hearing this matter on September 12, 2012. I know your schedules are busy and you have certain items on your agenda which you consider necessary to revisit in light of the current Code and possible interpretations of the number of stories to buildings.

However, whatever that discussion may be, it has no direct bearing on this application for a plat amendment combining two lots. Any structures which may be built as a result of that combination will, of course, need to go through the necessary City processes and the issues, such as number of stories, height and conformance with all other applicable land management and statutory requirements will occur at some later date.

Given the clarity of the Land Management Code, I have to relate that I was quite surprised that it was interpreted by anyone to combine two structures then add up stories to a sum total.¹ The Commission then diverted its inquiry into not whether or not there was good cause for the combination of the two lots, but rather focused on the possible number of stories in an accessory structure totally separate from the current residence, a permit for which has not even been requested. This diversion caused yet another delay.

These several delays have damaged the applicant who is in the process of constructing improvements to the current residence but cannot proceed until this issue is resolved. These delays also raise due process issues. We request a decision by the Planning Commission on September 12, 2012.

¹ For instance, please see Land Management Code Section 15-2.2-5(A) clearly limiting the definition of stories to those in a "structure".

As you know, the single question before you is whether or not the Applicant has shown good cause to combine the lots. The standard of review is, of course, is whether your decision has substantial merit on the record and whether that decision is arbitrary and capricious or contrary to law.

In addition to the facts set forth in the Staff Report which is very thorough and professionally well done, I am attaching a chart to this letter which I think fairly demonstrates good cause and reasonable mitigation of any negative impacts. To the extent there is any negative impact, as the Land Management Code simply requires, there is a showing that it has been reasonably mitigated.

Thank you for your consideration of these issues.

Sincerely,
Tesch Law Offices, P.C.



Joseph E. Tesch

JET/tw

cc: Kirsten Whetstone
Mark Harrington
David White
Steve Koch

POSSIBLE IMPACTS	GOOD CAUSE
— The Current home could have an increased footprint of 270 square feet. — An accessory building instead of sheds could be built at a specific location.	— The permissible increase of 1,237 square feet of footprint to the current residence as a result of the lot combination has been significantly mitigated by reducing the requested increase in the footprint by only 270 sq. ft. In addition, this 270 sq. ft. is almost entirely hidden from view from the street or even from any other reasonable vantage point: For instance, the cross canyon view - although that criteria doesn't even come into play unless a CUP is requested (which is not the case here). This is a significant good cause benefit and a strong mitigation of a greater impact. — Assuming an easement for access, a residence could be built on the current remnant lot which could have a footprint of 2,331 square feet and a total square footage of 6,993 square feet. This impact on Old Town is mitigated by the elimination of a new residence. A significant good cause benefit. — An accessory structure on the combined parcel could have a footprint of 1,237 square feet. By agreeing that the footprint will only be 660 sq. ft. this reduced density is a significant good cause benefit to the nearby residents and to Old Town generally. — In the event of an application for an accessory building, under the Land Management Code it could have a maximum height of 27 feet. The Applicant has, nonetheless, agreed that the maximum height, if any application is made and any approval is sought, of 24 height of feet. A significant good cause benefit. — An accessory structure could be placed anywhere on the combined lots. By agreeing that the footprint be located directly behind and west of the current home and not anywhere else on the combined lot, a direct good cause benefit is received by the neighbors and by Old Town generally.

	— By dedicating approximately 2 ½ standard City blocks as a no build zone including the area immediately west of the proposed accessory building location and, in particular, that area directly west of Quittin Time Condominiums, the owners of the Quittin Time Condominiums and the residence of Park City and Old Town generally are obtaining approximately 2 ½ standard Old Town lots of open space at no cost at all and, because of its location, it is a great benefit. — By providing an easement to the owners of Quittin Time Condominiums for access to the ski areas and by providing an easement to ski over the non buildable open space, the residents of the Quittin Time Condominiums are receiving a benefit which, under ordinary circumstances, they would be required to purchase from the owner of the property. This is a significant benefit to Old Town and to the owners of the Quittin Time Condominiums, again, at no cost. — By granting an easement for an encroaching stairway Quittin Time Condominiums at no cost to them again, Quittin Time Condominium owners are receiving a benefit which ordinarily they would be required to purchase from the Applicant. — The current taxes on the remnant parcel are \$9.12. Obviously, when the remnant parcel is combined with the parcel on which the home exists, the value of that property will significantly increase as will the assessed value of the combined lots for purposes of taxation, an obvious benefit.
--	---

429 Woodside Avenue

City Council Staff Report



Subject: 811 Norfolk Ave. Plat Amendment
Author: Mathew W. Evans, Senior Planner
Date: September 27, 2012
Project Number: PL-10-00988
Type of Item: Administrative – Plat Amendment

Summary Recommendations

Staff recommends the City Council hold a public hearing for the 811 Norfolk Avenue Plat Amendment and approve the same based on the findings of fact, conclusions of law and conditions of approval as found in the attached ordinance.

Topic

Applicant: Jeff Love
Location: 811 Norfolk Avenue
Zoning: Historic Residential (HR-1)
Adjacent Land Uses: Residential

Proposal

The applicant is requesting a plat amendment in order to combine one (1) and a half (1/2) lots of record. An existing historic home listed as a Landmark Structure on the Historic Sites Inventory, located at 811 Norfolk Avenue currently sits on one lot. The Historic Preservation Board (HPB) approved the relocation of the Landmark Home on March 2, 2011. Currently the structure is located across a property line and will be moved 6.5 feet to the south. The proposed plat amendment will allow the applicant to move forward with his future development plans.

Background

On June 7, 2010, the City received a complete application for a plat amendment for the existing property at 811 Norfolk Avenue. The plat amendment combines the north half of Lot 2 and all of Lot 3 in Block 14 of Snyder's Addition to the Park City survey. The resulting lot of record is 37.5 feet wide by approximately 80 feet deep.

The existing home on the lot is shown on the Historic Sites Inventory as a Landmark structure. The existing home crosses over the northerly property line of lot 3 onto adjacent lot 4 and has historically been situated on a portion of Lot 4 by two (2) to four (4) feet. Lot 4 is not owned by the applicant, and will be included in the 817 Norfolk Avenue plat amendment.

A complete application for a Historic District/Site Design Review (HDDR) was received on October 28, 2010. The current 2009 Design Guidelines apply to the HDDR application.

On April 27, 2011, the Planning Commission heard the application and held a public hearing to consider the proposed plat amendment. The Planning Commission minutes from that meeting are attached hereto as Exhibit "E". The Planning Commission voted to continue the application to a date uncertain due to an appeal of the HDDR, which was being reviewed at the same time.

Since the April 27th 2011 meeting, the HDDR application was appealed to the District Court which ruled that the Historic Preservation Board (HPB) decision to allow movement of the house was reinstated. The period to appeal the District Court decision passed on August 21, 2012.

The encroachment issue into Lot 4 can be addressed by the permitted movement of the Landmark Structure 6.5 feet to the south. The existing historic garage is located on the neighboring lot and is not impacted by this application.

The property is located within the Historic Residential (HR-1) zoning district. All future applications must comply with the Land Management Code (LMC) and the Park City Design Guidelines.

The applicant intends to build an addition to the Landmark house but cannot do so without a plat amendment to remove an internal lot line on Applicant's property. A plat amendment must be approved and recorded prior to issuance of a building permit. No future proposals will require a Steep Slope Conditional Use Permit as the property does not exceed thirty percent (30%) slope.

On September 12, 2012, the Planning Commission held a public hearing and took public comment regarding the proposed 811 Norfolk Avenue plat amendment. The Planning Commission voted 2-1 (the chair was present making a quorum but does not vote) to forward a positive recommendation to approve the plat amendment as presented.

Analysis

The application is to create one lot of record at 811 Norfolk Avenue consisting of all of Lot 3 and the northerly half of Lot 2.

The existing Landmark structure has existed across the lot line to the north between Lots 3 and 4 in Block 14 of Snyder's Addition to the Park City survey. If a historic structure exists across a property line, either an encroachment agreement must be recorded or the historic home must be relocated to remove the encroachment. Applicant has an approved Historic District Design Review which permits movement of the house 6.5 feet to the South which will remove the encroachment and allow for the three foot setback as required by the zone. The Landmark structure will not lose its landmark status if moved according to the approved HDDR.

The proposed plat amendment will create one lot of record that is 37.5 feet wide by approximately 80 feet deep. The area of the proposed lot is 3007.3 square feet. The

minimum lot size in the HR-1 zoning district is 1875 square feet. The minimum lot width in the HR-1 zone is 25 feet.



The following table explains the site requirements for lots within the HR-1 zoning district and how the proposals comply with the zoning regulations:

Required	Proposed Lot
Lot Size: Minimum 1875 square feet	3007.3 square feet
Density: Minimum lot size for single family dwelling is 1875 square feet and for a duplex 3,750 square feet.	Single family dwelling is an allowed use.
Front yard. The minimum front yard is twelve feet (12') with minimum 25' combined.	Existing historic home is 17' from front property line.
Rear yard. The minimum rear yard is twelve feet (12') with minimum 25' combined.	Existing historic home is 31' from rear lot line.
Side yard. The minimum side yard is 3 feet (3') on each side.	Existing historic home is 4 feet from south side lot line. Historic home will have a three foot setback from North side lot line after being moved. It currently encroaches over lot line.
Footprint: based on 3007.3 square feet lot area	1270 square feet maximum. Existing footprint of historic house is 668 sf. Proposed footprint with addition 1258.25 sf

Planning Staff finds there is good cause for the plat amendment. The plat amendment will remove internal lot lines to create a single lot of record for an historic house. The

plat amendment will also memorialize the historic property boundary including the remnant parcel (North ½ of Lot 2) and Lot 3. The north ½ of Lot 2 has been historically listed under the tax id number SA-138 in conjunction with Lot 3. Staff did not find evidence in the Summit County records of Lot 2 being owned separately. Historically both lots have been associated with the Landmark Structure. A survey of the street suggests that most of the lots on this end of Norfolk Avenue share similar lot sizes to that which is proposed. The Planning Commission and City Council recently approved the 920 Norfolk Avenue Plat amendment which combined six (6) typical “Old Town” lots into three (3) parcels.

Process

Once the Plat Amendment is approved and recorded, the applicant will have to submit a Building Permit application in order to move forward with the approved HDDR. The approval of this plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18.

Department Review

The Planning Department has reviewed this request. The request was discussed at Internal Development Review meetings where representatives from local utilities and City Staff were in attendance. There are no outstanding issues regarding this plat amendment.

Notice

The property was posted and notice was mailed to property owners within 300 feet in accordance with the requirements in the LMC. Legal notice was also put in the Park Record in accordance with the requirements of the LMC.

Public Input

Several letters have been submitted to the Planning Department regarding this application and concern for the existing historic Landmark structure. These letters have been included as Exhibit “D”. These letters were received for the April 2011 Planning Commission meeting. A new notice was sent to all property owners within 300 feet, the property was noticed, and a legal notice was also placed in the Park Record. As of this date Staff has received one inquiry regarding the plat amendment. Staff was able to answer the question by an adjacent property owner.

Alternatives

- The City Council may approve the proposed 811 Norfolk Avenue Amended Plat; or,
- The City Council may deny the proposed 811 Norfolk Avenue Amended Plat; or,
- The City Council may continue the discussion on the on 811 Norfolk Avenue Plat Amendment to a date certain and provide the applicant and staff direction on additional information or changes needed to make a decision.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The proposed plat amendment would not be recorded and the lots as they exist now would remain.

Recommendation

Planning Staff and the Planning Commission recommend that the City Council consider approving the 811 Norfolk Avenue Plat Amendment according to the findings of fact, conclusions of law, and conditions of approval outlined in the attached ordinance.

Exhibits

Ordinance

Exhibit A – Proposed Plat

Exhibit B – Survey

Exhibit C – Aerial

Exhibit D – Letters from the public

Exhibit E – Minutes from the April 27, 2011 Planning Commission meeting

Ordinance No. 12-

AN ORDINANCE APPROVING THE 811 NORFOLK AVENUE SUBDIVISION LOCATED WITHIN LOT 3 AND THE NORTH HALF OF LOT 2 IN BLOCK 14, SNYDER'S ADDITION TO THE PARK CITY SURVEY, PARK CITY, SUMMIT COUNTY, UTAH

WHEREAS, the owner of the properties known as 811 Avenue, has petitioned the City Council for approval of a plat amendment for the existing Lot 3 and the north half of Lot 2 in Block 14, Snyder's Addition to the Park City Survey; 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 a public hearing on April 27, 2011 and September 12, 2012, to receive input on the 811 Norfolk Avenue Subdivision; and

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

WHEREAS, on September 27, 2012 the City Council conducted a public hearing on the 811 Norfolk Avenue Subdivision; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 811 Norfolk Avenue Subdivision.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The 811 Norfolk Avenue Subdivision as shown in Attachment "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 811 Norfolk Avenue within the HR-1 zoning district.
2. The plat amendment is for the existing Lot 3 and the north half of Lot 2 in Block 14, Snyder's Addition to the Park City Survey.
3. The proposed plat amendment will create one lot of record that is 37.5 feet wide

by approximately 80 feet deep. The minimum lot width in the HR-1 zone is 25 feet.

4. The area of the proposed lot is 3007 square feet. The minimum lot size in the HR-1 zoning district is 1875 square feet.
5. The applicant cannot obtain a building permit to build an addition across an internal lot line. A plat amendment must be recorded prior to issuance of a building permit for a future addition.
6. There is an existing historic Landmark structure on the property that is listed on the Park City Historic Sites Inventory.
7. Historically, the existing Landmark structure has existed across the north lot line between Lots 3 and 4 in Block 14 of Snyder's Addition to the Park City survey.
8. The steps to the historic home on Lot 3 straddle the lot line between Lots 2 and 3.
9. The Landmark Structure encroaches 3.5 feet onto Lot 4 to the north.
10. The approved Historic District Design Review application allows moving the historic home 6.5 feet to the south. The encroachment will no longer exist once the home is moved and all setbacks will be complied with.
11. Maximum footprint with the plat amendment is 1270 square feet. The footprint of the existing landmark structure is 668 square feet. The proposed footprint from the existing structure with the new addition is 1258.25 square feet.
12. The neighborhood is characterized by a mix of single family historic homes, single family non-historic homes, and multi-family homes.
13. All findings within the Analysis section are incorporated herein.

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.
3. The public will not be materially injured by the proposed plat amendment.
4. As conditioned the plat amendment is consistent with the Park City General Plan.

Conditions of Approval

1. The City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the amended record of survey.
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. The plat may not be recorded until the Landmark Structure is moved completely onto Lot 3 or an encroachment agreement is signed by the property owner of Lot 4 to the North.
4. The plat must be recorded prior to issuance of a building permit for any addition to the structure. A permit for movement of the structure will be permitted prior to

- the recordation of the plat.
5. A 10 foot wide public snow storage easement will be located along the property's frontage.
 6. Modified 13-D sprinklers will be required.

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

APPROVED AND ADOPTED this 27th day of September 2012.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, Mayor

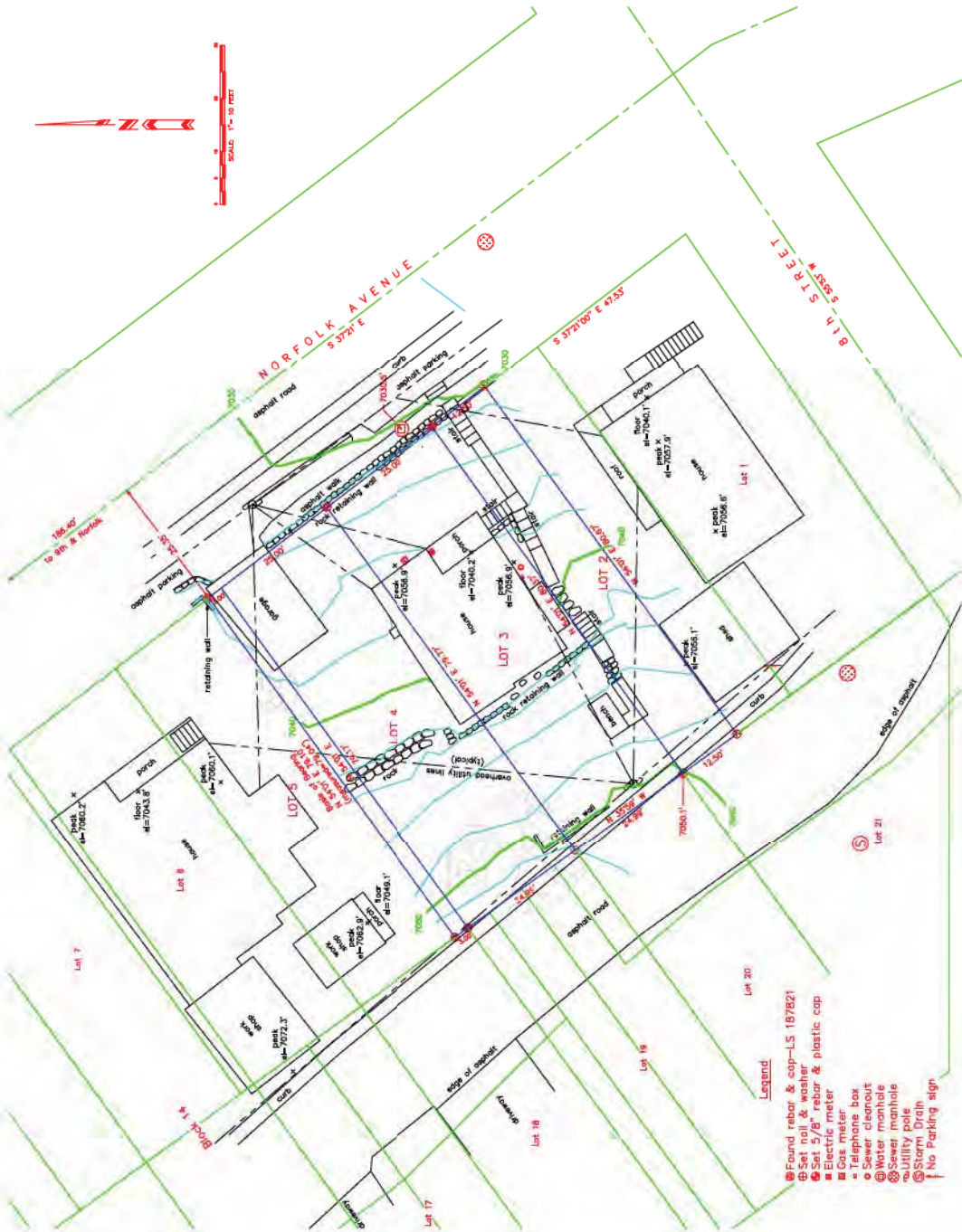
Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington, City Attorney

Snyder's Addition to the Park City Survey, Block 14,
the North Half of Lot 2, all of Lots 3 & 4
and the South 3 feet of Lot 5



NARRATIVE

1. Survey requested by: Jeff Love.
2. Purpose of survey: locate the deed description, improvements and topographic relief.
3. Based on: recorded property monuments as shown, Block dimensions from the Annapolis Park City Monument Control Map by Bush & Giddell, Inc. Recorded as Entry No. 197765 in the office of the Summit County Recorder, Subdivision of Block 14 from the Map of Park City by Caldwell & Richards Engineers, traced from the original map July, 1927.
4. Date of survey: May 5, 2010 and June 2, 2010.
5. Property monuments set or found as shown.
6. Located on the Northeast corner of Lot 1, Township 2 South, Range 4 East, Salt Lake Base & Meridian.
7. See the official plats of Snyder's Addition to the Park City Survey for other possible easements and restrictions.
8. The owner of the property should be aware of any items affecting the property that may appear in a title insurance report.
9. See the previous surveys of the North line of the property recorded in the Summit County Recorder's office as Entry No. 197765 and 197766.
10. Elevations are based on an elevation of 7028.32 feet at the Street Monument at the intersection of 8th & Norfolk, from the Park City Monument Control Map, Sheet 2.

LEGAL DESCRIPTION

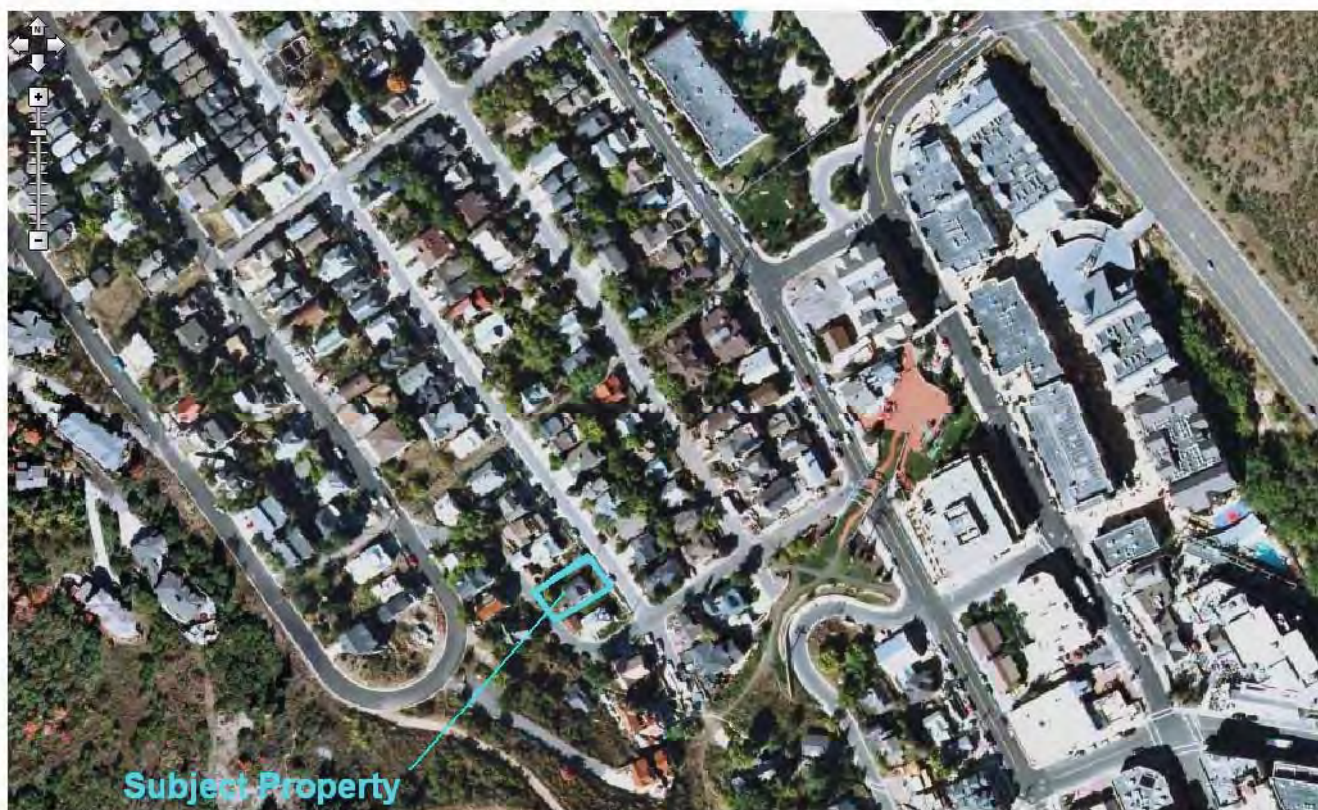
81' Norfolk Avenue (SA-138) The North 1/2 of Lot 2 and all of Lots 3 and 4, Block 14, Snyder's Addition to Park City. Together with: Beginning at the northeast corner of Lot 4, Block 14, Snyder's Addition to Park City and running thence South 54°01' West, 7917 feet to the northwest corner of said Lot 4; thence North 35°59' West, 3100 feet; thence North 54°01' East, 79.10 feet; thence South 37°21' East, 3100 feet to the point of beginning; all Lots containing a total of 3232.6 square feet, more or less.

SURVEYOR'S CERTIFICATE

I, J.D. Galey, a Registered Land Surveyor as prescribed by the laws of the State of Utah and holding License No. 359005, do hereby certify that I have supervised a survey of the hereon described property and that this plat is a true representation of said survey.

Date _____ J.D. Galey RLS#359005





From: [Linda McReynolds](#)
To: [Katie Cattan](#); [Kayla Sintz](#); [Thomas Eddington](#); [Brooks Robinson](#)
Subject: 811 Norfolk Avenue
Date: Friday, June 11, 2010 12:21:47 PM
Attachments: digitalsender@summitsothebysrealty.com 20100611_121650.pdf

Dear Planning Staff: It is with great concern that I write you regarding the recent application to drastically alter the historic streetscape of Norfolk Avenue between 8th and 9th Streets. The relationship and spacing of the six historic homes on the uphill side of the street dates back to 1895 when my home at 843 Norfolk was the last one built - I have a historic photo which shows this which I will provide to you.

The Secretary of the Interior National Parks Service Standards for Rehabilitation clearly states that "...relocating historic buildings or landscape features, thus destroying their historic relationship within the setting" is NOT recommended. See attached.

The Park City Municipal Code has in its Preservation Policy "to encourage the preservation of Buildings, Structures, and Sites of Historic Significance in Park City". Also, under Section 15-11-13 Relocation and/or Reorientation of a Historic Building or Historic Structure, it states "It is the intent of this section to preserve the Historic and architectural resources of Park City through LIMITATIONS on the RELOCATION and/or orientation of Historic Buildings and Sites". See Attached.

811 Norfolk Avenue has been a .12 acre single family site for more than 115 years. The relationship of it to the other homes on the street has been historically pure throughout. All six of our uphill historic homes have always sat on multi platted lots. Mine sits in the middle of two platted lots. This is one of the last remaining original historic streetscapes in the Historic District. To allow the integrity of its spacing and history to be destroyed is against all that preservation stands for.

Since I don't know the details of the new owner's plans I can't speak to specifics; however, I do know that it was marketed and title was transferred as one parcel with one tax ID. See Attached. If the new owner is attempting to divide this parcel into two pieces, he is in effect creating his own encroachment since the home sits in the middle of the parcel. If he has procured another buyer for half the parcel, I question the motivations of any buyer who would buy a piece of property with a house encroaching on it and why.

I urge you to adhere to the intent of the guidelines that were created to protect and preserve our cherished Historic District and were not created for developers to try to manipulate in an attempt to maximize their profits by squeezing in a non-compatible new home that will forever negatively alter the character of this wonderful historic street.

Please distribute this letter with attachments to the Planning Commission and Historic Preservation Board.

Thank you so much for your attention to this matter.

Respectfully,
Linda McReynolds
843 Norfolk Avenue
435-640-6234

From: <digitalsender@summitsothebysrealty.com>
Sent: Friday, June 11, 2010 11:16 AM
To: <linda.mcreynolds@sothebysrealty.com>
Subject: Scanned image from MX-C311

> Reply to: digitalsender@summitsothebysrealty.com
> <digitalsender@summitsothebysrealty.com>
> Device Name: Silver Lake
> Device Model: MX-C311
> Location: Silver Lake
>
> File Format: PDF (Medium)
> Resolution: 200dpi x 200dpi
>
> Attached file is scanned image in PDF format.
> Use Acrobat(R)Reader or Adobe(R)Reader(TM) of Adobe Systems Incorporated
> to view the document.
> Acrobat(R)Reader or Adobe(R)Reader(TM) can be downloaded from the
> following URL:
> Adobe, the Adobe logo, Acrobat, the Adobe PDF logo, and Reader are
> registered trademarks or trademarks of Adobe Systems Incorporated in the
> United States and other countries.
>
> <http://www.adobe.com/>
>

From: [Katherine Matsumoto-Gray](#)
To: [Katie Cattan](#)
Cc: [Ken Martz](#); [Kayla Sintz](#); [Thomas Eddington](#); [Brooks Robinson](#)
Subject: 811/817 Norfolk
Date: Monday, June 14, 2010 7:53:15 AM

Hi Katie (cc'd planning staff and Ken Martz),

My mother told me that you don't have me contact information -- here's my email; my cell number is 901-0405.

I came by and saw the survey of 811 and 817 Norfolk on Friday morning. What really alarms me about this plat amendment proposal, as you know, is that the two property owners are working together to create an encroachment issue in order to alter a landmark historic site. Although I understand that the existing lot line allowed sale of one of the lots, I strongly believe that allowing this plat amendment would grant Mr. Love and Mr. Ludlow another step on their ultimate plan to side step Historic District Guidelines purely for profit. Their profit should not come at our neighborhood's expense.

In reviewing this application, I think it will be important to consider that the lot lines in old town are not reflective of the historic property lines. The lot lines were meant to be cleaned up one-by-one, for the ease of the process. This allows Mr. Love to take advantage of an unintended loophole in selling off one lot in his parcel. The fact that lot lines were never amended to reflect the actual property lines is a coincidence of timing and need. These historic lot lines were crucially not left in place in a way that allowed dismantling of the historic district. Splitting the property at 811 Norfolk is inconsistent with any notion of historic preservation of the neighborhood.

I believe that this notion is included in the Historic District Guidelines implicitly, since it refers to built-to-unbuilt ratio and lot coverage in a number of places. It can't be that this use means lot coverage based on the still-divided plat. It refers to the existing property lines (that the City and Historic District intended to be reflected in the eventual plat of the neighborhood). Below I have listed some guidelines from the HDG that are relevant to this matter:

- Design Guidelines for Historic Sites
 - A.5 Landscaping
 - A.5.3 The historic character of the site should not be significantly altered by substantially changing the proportion of built or paved area to open space.
- Guidelines for New Construction in the Historic District
 - A.2. Lot Coverage
 - A.2.1 Lot coverage of new buildings should be compatible with the surrounding Historic Sites.
 - A.5 Landscaping
 - A.5.4 The character of the neighborhood and district should not be diminished by significantly reducing the proportion of built or paved area to open space.

Finally, I feel it is extremely important for all who are involved in reviewing this

application to understand that Mr. Love and Mr. Ludlow are working together. They are not independent landowners as it appears from the application. They have a preexisting relationship, they have joint plans to construct the two properties, and they are both aware of the encroachment of the Landmark Historic Structure and the prohibitions on moving the historic home. Furthermore, it is my impression from talking to the two men at my home last Thursday that Mr. Ludlow has no plans to construct a home on the new site of 817 Norfolk. It appears from their interactions that Mr. Love is still the man developing the plans and it is entirely his development project; Mr. Ludlow acted like a name on a piece of paper, deferring to Mr. Love for answers to any questions about the future intentions of the property at 817 Norfolk.

Because of this, I believe that the plat amendment application should be denied. It is one property owner/developer, Jeff Love, going around the recommendations and guidelines by setting up a friend as the apparent property owner of part of his new historic purchase thus creating an apparent problem to which the only solution will be to move the Landmark House. In addition, the effect of dividing this property into two platted lots, where there has always been one property, will be to significantly diminish the historic character of a neighborhood with the highest standards of historic preservation in place. Our block, on the uphill side of Norfolk between 8th and 9th has no structure that is not historic. The street view is the same as it was in the 1900s. This is truly a unique neighborhood in this way and I believe that allowing the plat amendment proposal at 811/817 Norfolk to be approved would begin the deterioration of our block's pristine record of historic preservation. Below, I have listed the sites on our street's uphill side from the Historic Site Inventory and their historic status. These are consecutive buildings all listed as significant or landmark:

- 803 Norfolk Avenue - Significant Site
- 811 Norfolk Avenue - Landmark Site
- 823 Norfolk Avenue - Landmark Site
- 827 Norfolk Avenue - Significant Site
- 835 Norfolk Avenue - Significant Site
- 843 Norfolk Avenue - Landmark Site
- 901 Norfolk Avenue - Significant Site

Thank you for your consideration of my comments. I have really appreciated the help and patience of all of the planning and other city staff during this process so far. Please feel free to contact me for further explanation of my issues with this property.

--

Katherine Matsumoto-Gray
University of Utah
Center for American Indian Languages
p (801) 587-0720
m (435) 901-0405
kmatsumotogray@gmail.com

MOTION: Commissioner Savage moved to forward as POSITIVE recommendation to the City Council pertaining to the amendments to the Park City General Plan Land Use map as amended this evening regarding public facilities open space. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously. Commissioner Strachan and Commissioner Pettit were not present.

2. 811 Norfolk Avenue – Plat Amendment
(Application #PL-10-00988)

Planner Cattan reviewed the application for a plat amendment for 811 Norfolk Avenue.

Planner Cattan provided a brief history of prior reviews and approvals that have occurred on 811 Norfolk Avenue. She noted that the applicants were unable to move forward with the plat amendment until the HDDR review was addressed because there was movement on the landmark structure.

Planner Cattan reported that movement of the landmark structure was approved by the Historic Preservation Board. However that decision is being appealed by the neighbors and the appeal will be heard on May 17th. The appeal would not affect this plat in any way. Condition of Approval #3 states, "The plat may not be recorded until the Landmark Structure is moved on to Lot 3 or encroachment agreement is signed by the property owner of Lot 4 to the north". If the BOA allows the structure to be moved, it must be done prior to recording the plat. If movement is denied, an encroachment agreement would have to be signed prior to moving forward with the plat. Considering the history, the Staff placed a condition of approval on the plat amendment.

Mark Kosak, representing the applicant, felt it was important to note that Condition of Approval #4 also helps to address the issue. Condition #4 states, "The appeal on the movement of the house must be resolved prior to recordation".

Planner Cattan reported that Jeff Love, the applicant, owns the south portion of Lot 2 and all of Lot 3. The application this evening is to combine the portion of Lot 2 and all of Lot 3 into one lot of record.

The Staff recommended that the Planning Commission consider forwarding a positive recommendation according to the findings of fact, conclusions of law, and conditions of approval outlined in the ordinance.

Mark Kosak, reiterated that Mr. Love is trying to combine one lot and a partial lot to clean up the plat. Mr. Love stated that he cannot do an addition on the historic structure until the property line between the north half of Lot 2 and Lot 3 is removed. The Building Department will not issue a building permit over a property line. He felt that combining a partial lot with a full lot was a routine plat amendment.

Commissioner Pettit arrived at 6:05.

Chair Wintzer opened the public hearing.

Katherine Matsumoto-Gray, a neighbor next door to the property, provided comments from the perspective of the neighbors involved. She felt it was clear from the series of applications submitted, that the intention is to subdivide a historic site, increase density in a historic neighborhood, and to do infill development within one single historic site, in order to increase the developer's profit from this investment. Ms. Matsumoto-Gray believed it would be to the detriment of the neighborhood. Many neighbors have spoken on this matter several times. They like their historic street and all the historic houses on that side of the street between 8th and 9th Street either significant or landmark structures. Ms. Matsumoto-Gray stated that this plat amendment is part of a process to build the first new infill house within and disrupting one of those historic sites. She remarked that because small pieces have been dealt with between the County, the HPB, and now the Planning Commission, no one has noticed that the larger development plan is not consistent with historic preservation or the guidelines.

Ms. Matsumoto-Gray stated that the pending appeal is well addressed in the conditions of approval for the plat amendment, but she requested that the Planning Commission consider continuing a decision until after the appeal has been heard. She pointed out that even if the appeal is not granted, the house is for sale and another owner may not want to move it. Ms. Matsumoto-Gray stated that approving this plat amendment would subdivide a historic site, and although the Historic District Guidelines do not address that specifically, it is consistent with many of the guidelines. Ms. Matsumoto-Gray had submitted a letter, and in her letter she talked about retaining the built to unbuilt ratio on historic sites, preserving landscape features, preserving the character and the feel of the historic district. She believed that infill construction within a historic site and disrupting the connection between an accessory building and the main building disrupts the character and significantly changes the site.

Ms. Matsumoto-Gray commented on another request that went before the Historic Preservation Board to take an accessory building off of the historic sites inventory. The accessory building was deemed to be historic by the HPB and was saved. She noted that part of their decision was based on the fact that the historic house has a significant tie with Park City history, and the accessory building, the garage, and the house are related. Ms. Matsumoto believed those same issues were relevant in make a decision on the plat amendment. She did not think the two structures should be subdivided away from each other. Preserving sites is something they need to seriously consider.

Ms. Matsumoto explained that one argument in their appeal is that the two owners of the two lots are working together and they are being represented by the same person. It was evident that the guidelines were not read as instructions for how a developer could move a house. She believed that developers can find ways around regulations, but it should not fall to the detriment of the neighbors. Ms. Matsumoto did not believe the property should be allowed to be subdivided because it would negatively impact the historic significance of the neighborhood.

Linda McReynolds stated that she lives three houses down from the house at 811 Norfolk. She reminded everyone that the property was purchased as one parcel. It was

not purchased as four lots or with the possibility of two lots. She noted that the five or six houses on the upper side of Norfolk had this historic spacing prior to 1895. Her house was the last house built in 1895. Ms. McReynolds believed that some of the houses pre-date the mining boom. She read from the design guidelines, "Projects involving landmark sites must adhere to the strictest interpretation of the guidelines". "Maintain existing front and side yard setbacks of historic sites". Ms. McReynolds urged the Planning Commission to explore this matter in depth. She agreed with Ms. Matsumoto-Gray, that everyone has seen a different piece, but it has not been looked at as one application. It is very distressing to the neighbors to see a landmark house moved so casually.

Chair Wintzer closed the public hearing.

Commissioner Strachan arrived at 6:15 p.m.

Commissioner Savage could not understand the boundary conditions associated with the role of the Planning Commission, relative to the comments made by the public. He noted that the decision to move the home is the purview of the HPB and not a decision for the Planning Commission. In addition, there is an appeal pending on that decision. Commissioner Savage remarked that the outcome of that appeal would have meaningful impact on any decision they would make regarding the plat amendment. He recommended that the Planning Commission continue this item until they know the outcome of the appeal.

Commissioner Pettit concurred with Commissioner Savage. Until they know the outcome of the appeal, it is difficult to evaluate some of the conclusions of law they are required to make in considering the plat amendment application. Commissioner Pettit preferred to give the Board of Adjustment a clear record based on action that clearly relates to the issue of the appeal, and not cloud it with approval or denial of the plat amendment.

Commissioner Peek concurred. He felt that an odd sequence of events had created the situation.

MOTION: Commissioner Peek moved to CONTINUE 811 Norfolk Avenue to a date uncertain, based on the appeal with the Board of Adjustment. Commissioner Pettit seconded the motion.

VOTE: 5-0. Commissioner Strachan abstained since he was not present for the applicant's presentation.

3. SA-139-A, 817 Norfolk Avenue – Plat Amendment
(Application #PL-10-00989)

Planner Cattan reviewed the application for a plat amendment for tax ID number SA-139-A. She noted that the property known as 817 Norfolk Avenue has not been given a formal address, which is why the application has the tax ID number.

City Council Staff Report



Subject: 817 Norfolk Ave. Plat Amendment
Author: Mathew W. Evans, Senior Planner
Date: September 27, 2012
Project Number: PL-10-00989
Type of Item: Administrative – Plat Amendment

Summary Recommendations

Staff recommends the City Council hold a public hearing for the 817 Norfolk Avenue Plat Amendment and approve the same based on the findings of fact, conclusions of law and conditions of approval as found in the attached ordinance.

Topic

Applicant: Rod Ludlow
Location: 817 Norfolk Avenue
Zoning: Historic Residential (HR-1)
Adjacent Land Uses: Residential

Proposal

The applicant is requesting a plat amendment to combine all of Lot 4 and a three foot (3') wide portion of Lot 5 in Block 14 of the Snyder's Addition to the Park City Survey located at 817 Norfolk Avenue. The Historic Preservation Board (HPB) approved the relocation of the adjacent Landmark structure (home located at 811 Norfolk) on March 2, 2011, and its decision was later upheld by the 3rd District Court. The plat amendment is necessary due to the fact that an existing garage, also listed on the Historic Sites Inventory as a "Landmark Structure" straddles the lot line between Lot 4 and Lot 5.

Background

On June 7, 2010, the City received a complete application for a plat amendment located at 817 Norfolk Avenue. The plat amendment combines all of Lot 4 and the southerly 3 feet of Lot 5 in Block 14 of Snyder's Addition to the Park City survey. The resulting lot of record is twenty eight feet (28') wide by approximately seventy-nine feet (79') in depth.

There is an existing historic home designated on the Historic Sites Inventory as a "Landmark structure" that encroaches on the property. The Landmark structure is a single family home and is located across the south property line of lot 4. Approximately 3 to 4 feet of the structure has historically existed within Lot 4 extending from Lot 3 to the South. A Historic District Design Review (HDDR) application has been reviewed and approved that will allow the home at 811 Norfolk Avenue to be moved so that it will no longer encroach onto Lot 4.

On April 27, 2011, the Planning Commission reviewed this plat amendment application and held a public hearing. The minutes from the April 27, 2011 Planning Commission meeting are attached hereto as Exhibit "D". The Commission voted to continue the application to a date uncertain based upon an appeal at that time of the HDDR for the structure located at 811 Norfolk. This application was on hold due to litigation regarding the movement of the Landmark Structure at 811 Norfolk Avenue. Now that the Landmark Structure is allowed to move 6.5 feet to the south, the single encroachment issue has been addressed and a plat amendment can be reviewed.

On September 12, 2012, the Planning Commission held a public hearing and took public comment regarding the proposed 817 Norfolk Avenue plat amendment. The Planning Commission voted 3-1 to forward a positive recommendation to approve the plat amendment as presented.



Analysis

The application is to create one lot of record at 817 Norfolk Avenue. Historically, the existing Landmark structure has existed across the lot line between Lots 3 and 4 in Block 14 of Snyder's Addition to the Park City survey. The Landmark Structure will be moved onto Lot 3 removing the existing encroachment. A separate plat amendment for 811 Norfolk Avenue is also being considered.

There is also an existing historic accessory building on the site. The historic accessory structure has been utilized as a garage and is 262 square feet. Accessory buildings listed on the Park City Historic Structures Inventory that are not expanded, enlarged or incorporated into the Main Building do not count toward the building footprint calculation, as stated in the definition of building footprint (LMC Section 15-15.1.34):

*LMC 15-15:1.34. **BUILDING FOOTPRINT.** The total Area of the foundation of the Structure, or the furthest exterior wall of the Structure projected to Natural Grade, not including exterior stairs, patios, decks and Accessory Buildings listed on the Park City Historic Structures Inventory that are not expanded, enlarged or incorporated into the Main Building.*

The proposed plat amendment will create one lot of record that is 28 feet wide by approximately 79.4 feet deep. The area of the proposed lot is 2223.7 square feet. The minimum lot size in the HR-1 zoning district is 1875 square feet. The minimum lot width in the HR-1 zone is 25 feet.

The following table explains the site requirements for lots within the HR-1 zoning district and how the proposals comply with the zoning regulations:

Required	Proposed Lot
Lot Size: Minimum 1875 square feet	2223.7 square feet
Density: Minimum lot size for single family dwelling is 1875 square feet and for a duplex 3,750 square feet.	Single family dwelling is an allowed use.
Front yard. The minimum front yard is twelve feet (12') with minimum 25' combined.	Future development must comply.
Rear yard. The minimum rear yard is twelve feet (12') with minimum 25' combined.	Future development must comply.
Side yard. The minimum side yard is 3 feet (3') on each side.	Future development must comply. With the proposed plat amendment the existing historic garage complies.
Footprint: based on 2223.7 square feet lot area	981 square feet maximum. Historic accessory building (262 square foot) is exempt from footprint calculation.

Good Cause

Planning Staff finds there is good cause for the plat amendment as the plat amendment will create a lot of record reflecting current ownership and remove the remnant parcel of the three feet wide portion of Lot 5. The remaining 22 feet wide portion of Lot 5 is owned by the resident at 823 Norfolk. The resident of 823 Norfolk also owns Lot 6 to the north. No new remnant lot is created by this plat amendment. The plat amendment will allow the applicant to move forward with the reconstruction of the existing historic garage, which was deemed a “dangerous structure” by the previous Interim Building Official. The rebuilding of the garage will be a benefit to the City because of Health, Safety and Welfare issues related to the deteriorating garage which could cause injury to persons or property if the building were to collapse.

Process

Prior to issuance of any building permits for this lot, the applicant will have the HDDR submittal approved. Currently the HDDR application is on hold until such time that the plat amendment is approved. The HDDR application will be reviewed administratively by the Planning Department. The approval of this plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18.

Department Review

The Planning Department has reviewed this request. The request was discussed at internal Staff meetings where representatives from local utilities and City Staff were in attendance. All issues raised during this meeting have been resolved, including the encroachment of the Historic Structure.

Notice

Notice of this hearing was sent to property owners within 300 feet. Legal notice was also placed in the Park Record.

Public Input

Several letters have been submitted to the Planning Department regarding this application and concern for the existing historic Landmark structure. These letters have been included as Exhibit “D”. These letters were received as part of the hearing by Planning Commission on April 27, 2011. The project has since been re-noticed as required. No other correspondence has been received as of this date, and there was no public comments made at the September 12, 2012 Planning Commission Public Hearing.

Alternatives

1. The City Council may approve the 817 Norfolk Avenue Subdivision as recommended by Planning Staff and the Planning Commission according to the findings of fact and conclusions of law in the attached ordinance; or
2. The City Council may deny the 817 Norfolk Avenue Subdivision and direct staff to make new or additional findings to do so; or

3. The City Council may find that additional information is needed in order to make a decision regarding the proposed plat amendment and may continue the 817 Norfolk Avenue Subdivision.

Significant Impacts

There are no significant impacts regarding this application. Lot 4 is a buildable lot in which the property owner has the right to develop the property as provided by in the LMC. However, any reconstruction or alteration of the historic garage which is in disrepair will require the plat amendment and the final HDDR approval.

Consequences of not taking the Suggested Recommendation

The applicant would not be able to utilize the property they own which is the three foot portion of Lot 5, within their future building plans.

Recommendation

Planning Staff and the Planning Commission recommend that the City Council consider approving the 817 Norfolk Avenue Plat Amendment according to the findings of fact, conclusions of law, and conditions of approval outlined in the attached ordinance.

Exhibits

Proposed Ordinance

Exhibit A – Proposed Plat

Exhibit B – Survey

Exhibit C – Aerial

Exhibit D– Minutes from April 27, 2011 Planning Commission meeting and associated letters from the public

Exhibit E – Interim Building Official Letter

Ordinance No. 12-

**AN ORDINANCE APPROVING THE 817 NORFOLK AVENUE SUBDIVISION
LOCATED AT 817 NORFOLK AND INCLUDING ALL OF LOT 4 AND THE
SOUTHERLY 3 FEET OF LOT 5 IN BLOCK 14, SNYDER'S ADDITION TO THE PARK
CITY SURVEY, PARK CITY, SUMMIT COUNTY, UTAH**

WHEREAS, the owner of the properties known as 817 Norfolk Avenue, has petitioned the City Council for approval of a plat amendment for the existing Lot 4 and the southerly 3 feet of Lot 5 in Block 14, Snyder's Addition to the Park City Survey; 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 a public hearing on April 27, 2011 and on September 12, 2012, to receive input on the 817 Norfolk Avenue Subdivision; and

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

WHEREAS, on September 27th, 2012 the City Council held a public hearing on the 817 Norfolk Avenue Subdivision; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 817 Norfolk Avenue Subdivision.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The 817 Norfolk Avenue Subdivision as shown in Attachment "A" is approved subject to the following Findings of Facts and Conclusions of Law:

Findings of Fact:

1. The property is located at 817 Norfolk Avenue within the HR-1 zoning district.
2. The plat amendment is to combine the existing Lot 4 and the southerly 3 feet of Lot 5 in Block 14, Snyder's Addition to the Park City Survey.
3. The proposed plat amendment will create one lot of record that is 28 feet wide by approximately 79 feet deep. The minimum lot width in the HR-1 zone is 25 feet.
4. The area of the proposed lot is 2,223.7 square feet. The minimum lot size in the

HR-1 zoning district is 1875 square feet.

5. The applicant cannot obtain a building permit to build across an internal lot line.
6. There is an existing historic Landmark structure that encroaches approximately 3.5 feet onto lot 4. The Landmark Structure is listed on the Park City Historic Sites Inventory.
7. The approved Historic District Design Review application for 811 Norfolk allows moving the historic home 6.5 feet to the south. The encroachment on Lot 4 will no longer exist once the home is moved.
8. There is an existing historic accessory structure (garage) located on Lot 4 and the southerly 3 feet portion of Lot 5. The garage straddles the lot line.
9. Accessory buildings listed on the Park City Historic Structures Inventory that are not expanded, enlarged or incorporated into the Main Building do not count toward the building footprint as stated in the definition of building footprint (LMC Section 15-15.1.34).
10. Maximum footprint with the plat amendment is 983 square feet.
11. The 262 square foot detached historic garage does not count against the allowed maximum footprint due to its status as a "Landmark" structure on the Historic Sites Inventory.
12. The neighborhood is characterized by a mix of single family historic homes, single family non-historic homes, and multi-family homes.
13. All findings within the Analysis section are incorporated herein.
14. There is Good Cause to approve the proposed plat amendment.

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.
3. The public will not be materially injured by the proposed plat amendment.
4. As conditioned the plat amendment is consistent with the Park City General Plan.

Conditions of Approval

1. The City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the amended plat.
2. The applicant will record the amended plat 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. The plat may not be recorded until the Landmark Structure that encroaches 3.5 feet onto Lot 4 is moved onto Lot 3 or an encroachment agreement is signed by the property owner of Lot 4.
4. The plat amendment must be recorded prior to issuance of a building permit for 817 Norfolk.
5. 10 foot public snow storage easement will be granted along the front of the property.

6. Modified 13-D sprinklers will be required for all new and reconstruction.
7. Any remaining remnant parcels are not separately developable.

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

APPROVED 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

817 Norfolk Avenue Subdivision

A replat of Lot 4, and the Southerly 3 feet of Lot 5, Block 14, Snyder's Addition to the Park City Survey

Legend

- Found rebar & cap—LS 187821
- Set nail & washer
- Set 5/8" rebar & plastic cap
- Street Address (typical)

NARRATIVE

- Survey requested by Rodney C. Ludlow.
- Survey of the property and monuments as shown.
- Date of survey: May 5, 2010.
- Property monuments set or found as shown.
- Found the Northeast Quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Meridian.
- The owners of the property should be aware of any items affecting the property that may appear in a title insurance report.
- Based on the previous boundary survey by Alpine Survey, Inc. recorded in the office of the Summit County Recorder.

LEGAL DESCRIPTION

817 NORFOLK AVENUE SUBDIVISION
AMENDED LOT 4

All of Lot 4 and the Southerly 3 feet of Lot 5, Block 14, Snyder's Addition to the Park City Survey, according to the official plat thereof, on file and of record in the office of the Summit County Recorder; more particularly Beginning at the Southeast corner of Lot 4, Block 14, Snyder's Addition to the Park City Survey, according to the official plat thereof, on file and of record in the office of the Summit County Recorder, and running thence North 35°59' West, 79.77 feet, more or less, to the Southwest corner of said Lot 4; thence North 35°59' West, 27.99 feet, more or less, to a point on said Westerly line of said Lot 4, 3.00 feet from the Southwest corner of said Lot 4; thence North 54°01' East, along the line that is parallel and 3.00 feet North of the Northerly property line of said Lot 4, 79.10 feet, more or less, to a point on the Easterly property line of said Lot 5, 3.00 feet Northerly of the point on the Easterly property line of said Lot 4, 3.00 feet Northerly of the Northerly property line of said Lot 5 and 4, 28.00 feet, more or less, to the point of beginning, containing 2,223.7 square feet, more or less.

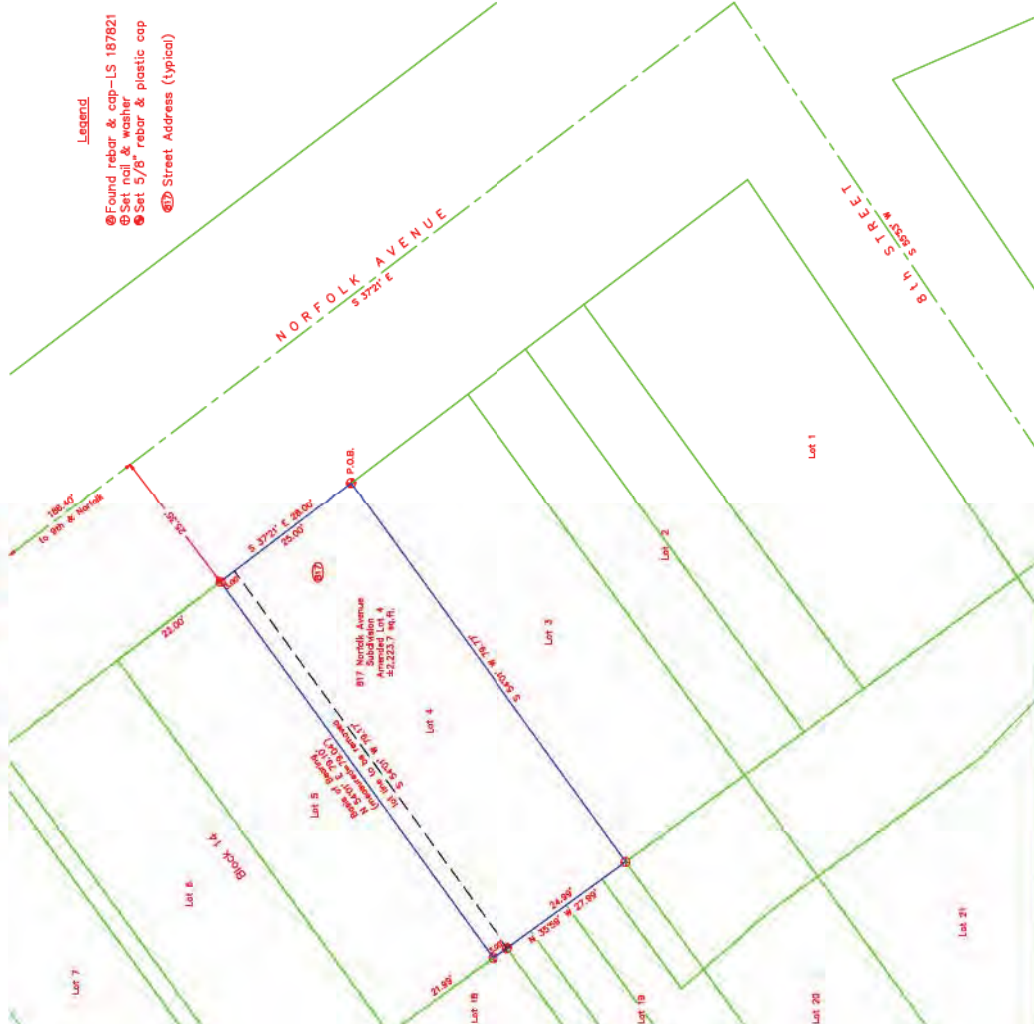
SURVEYOR'S CERTIFICATE

I, J.D. Galey, a Registered Land Surveyor as prescribed by the laws of the State of Utah and holding License No. 359005, do hereby certify that I have supervised a survey of the hereon described property and that this plat is a true representation of said survey.

Date

J.D. Galey RLS#359005

EXHIBIT "A"



OWNER'S DEDICATION AND CONSENT TO RECORD

I, the undersigned, do hereby present to the County of Summit, the owner of Amended Lot 4, 817 Norfolk Avenue Subdivision, Block 14, Snyder's Addition to the Park City Survey, having caused this Plat Amendment to be made, does hereby consent to the recordation of this Record of Survey Plat in the office of the County Recorder of Summit County, Utah in accordance with the laws of the State of Utah. Also, the owner hereby irrevocably offers for dedication to the City of Park City all the streets, land for local government uses, utilities and easements shown on the plat in accordance with an irrevocable offer of dedication. In witness whereof, the undersigned has set his hand this 5th day of

By: _____
Rodney C. Ludlow
Owner

ACKNOWLEDGEMENT

STATE OF UTAH
County of Summit:

On this 5th day of May, 2010, Rodney C. Ludlow personally appeared before me, the undersigned Notary Public in and for said State and County, who after being duly sworn, acknowledged to me that he is the owner of the above described property and that he is the owner of the same and that he has caused this Plat Amendment to be made and that he has caused this Plat Amendment to be recorded in the office of the County Recorder of Summit County, Utah in accordance with the purpose set forth herein.

My commission expires: _____
NOTARY PUBLIC
RESIDING IN _____ COUNTY, _____



SNYDERVILLE BASIN
WATER RECLAMATION DISTRICT
PLANNING COMMISSION
APPROVED BY THE PLANNING COMMISSION THIS DAY OF _____, 2010 A.D.
BY: _____ CHAIRMAN

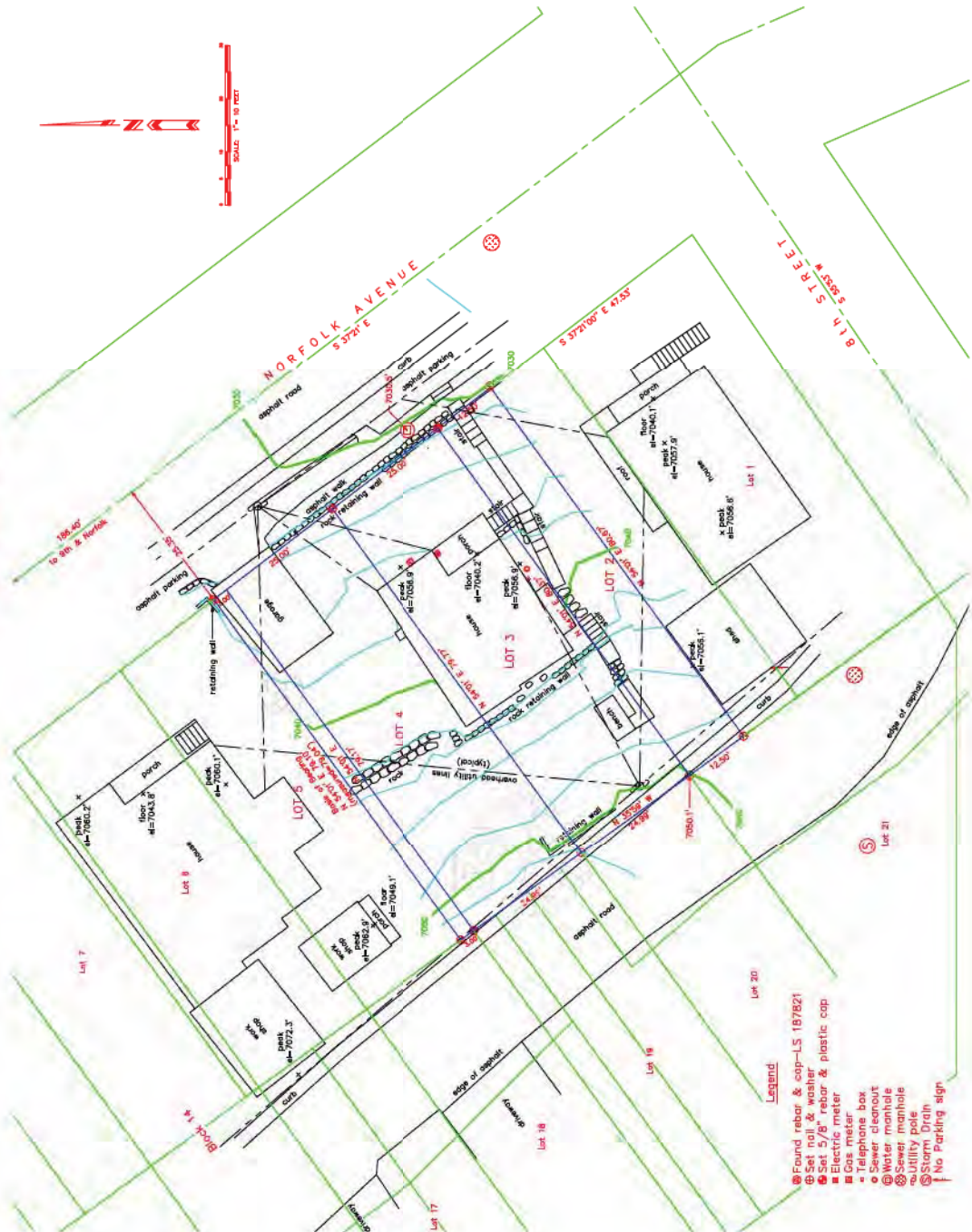
ENGINEER'S CERTIFICATE
I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS DAY OF _____, 2010 A.D.
BY: _____ PARK CITY ENGINEER

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS DAY OF _____, 2010 A.D.
BY: _____ PARK CITY ATTORNEY

CERTIFICATE OF ATTEST
I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS DAY OF _____, 2010 A.D.
BY: _____ PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS DAY OF _____, 2010 A.D.
BY: _____ MAYOR

RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____
DATE: _____ TIME: _____ BOOK: _____ PAGE: _____



1. Survey requested by: Jeff Love.
2. Purpose of survey: locate the deed description, improvements and topographic relief.
3. Basis of survey: found property monuments as shown. Block 14, Township 2 North, Range 4 East, S&T's Addition to the Park City Map by Bush & Guggeli, Inc. Recorded as ENRY No. 197765 in the office of the Summit County Recorder. Subdivision of Block 14 from the Map of Park City by Caldwell & Richards Engineers, traced from the original map July, 1927.
4. Date of survey: May 5, 2010 and June 2, 2010.
5. Location of survey: Northwest Quarter of Section 16, Township 2 North, Range 4 East, S&T's Lake Bass & Weiridon.
7. See the official plats of Snyder's Addition to the Park City Survey for other possible easements and restrictions.
8. The purpose of the survey should be aware of any items affecting the property that may appear in a title insurance report.
9. See the previous surveys of the North line of the property recorded as Survey File No. S-28825 and S-4567 in the office of the Summit County Recorder.
10. The survey is located 7029.32 feet off of the Street Monument at the intersection of 4th & Norfolk, from the Park City Monument Control Map, Sheet 2.

81' Norfolk Avenue (SA-138) The North 1/2 of Lot 2 and all of Lots 3 and 4, Block 14, Snyder's Addition to Park City. Together with:

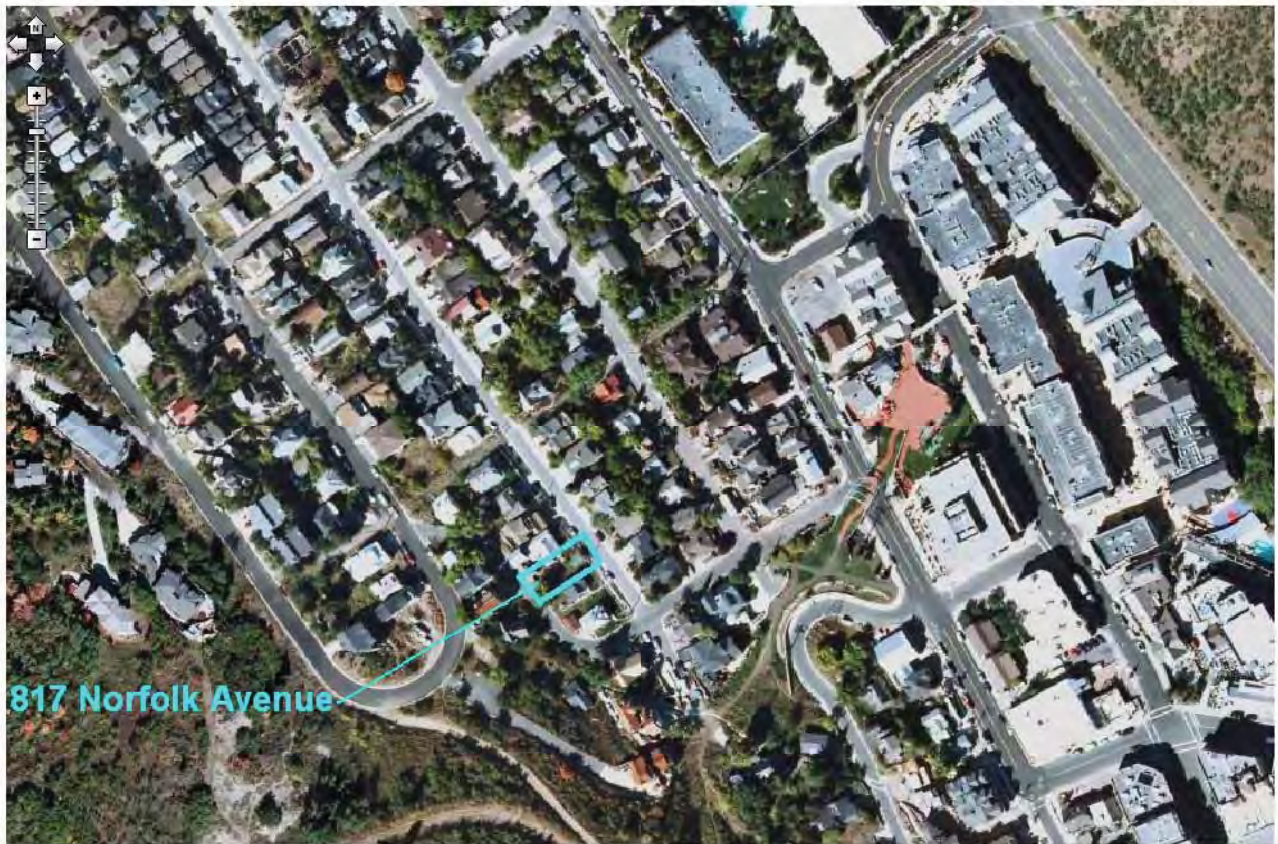
Beginning at the northeast corner of Lot 4, Block 14, Snyder's Addition to Park City and running North 54°01' West, 7917 feet to the northwest corner of Lot 4; thence North 35°59' West, 3,000 feet; thence North 54°01' East, 7910 feet; thence South 37°21' East, 3,000 feet to the point of beginning; all Lots containing a total of 52,626 square feet, more or less.

I, J.D. Galle, a Registered Land Surveyor as prescribed by the laws of the State of Utah and holding License No. 359005, do hereby certify that I have supervised a survey of the hereon described property and that this plot is a true representation of said survey.

J.D. Gailley RLS#359005



Exhibit "C"



not purchased as four lots or with the possibility of two lots. She noted that the five or six houses on the upper side of Norfolk had this historic spacing prior to 1895. Her house was the last house built in 1895. Ms. McReynolds believed that some of the houses pre-date the mining boom. She read from the design guidelines, "Projects involving landmark sites must adhere to the strictest interpretation of the guidelines". "Maintain existing front and side yard setbacks of historic sites". Ms. McReynolds urged the Planning Commission to explore this matter in depth. She agreed with Ms. Matsumoto-Gray, that everyone has seen a different piece, but it has not been looked at as one application. It is very distressing to the neighbors to see a landmark house moved so casually.

Chair Wintzer closed the public hearing.

Commissioner Strachan arrived at 6:15 p.m.

Commissioner Savage could not understand the boundary conditions associated with the role of the Planning Commission, relative to the comments made by the public. He noted that the decision to move the home is the purview of the HPB and not a decision for the Planning Commission. In addition, there is an appeal pending on that decision. Commissioner Savage remarked that the outcome of that appeal would have meaningful impact on any decision they would make regarding the plat amendment. He recommended that the Planning Commission continue this item until they know the outcome of the appeal.

Commissioner Pettit concurred with Commissioner Savage. Until they know the outcome of the appeal, it is difficult to evaluate some of the conclusions of law they are required to make in considering the plat amendment application. Commissioner Pettit preferred to give the Board of Adjustment a clear record based on action that clearly relates to the issue of the appeal, and not cloud it with approval or denial of the plat amendment.

Commissioner Peek concurred. He felt that an odd sequence of events had created the situation.

MOTION: Commissioner Peek moved to CONTINUE 811 Norfolk Avenue to a date uncertain, based on the appeal with the Board of Adjustment. Commissioner Pettit seconded the motion.

VOTE: 5-0. Commissioner Strachan abstained since he was not present for the applicant's presentation.

3. SA-139-A, 817 Norfolk Avenue – Plat Amendment
(Application #PL-10-00989)

Planner Cattan reviewed the application for a plat amendment for tax ID number SA-139-A. She noted that the property known as 817 Norfolk Avenue has not been given a formal address, which is why the application has the tax ID number.

Mr. Kosak explained that like the request for 811 Norfolk, this plat amendment would combine all of Lot 4 and a portion of Lot 5 into one lot. He stated that this is a completely unrelated issue of the HPB's decision, which will be reviewed by the Board of Adjustment on May 17th. He noted that the BOA scope of review on the prior decision will be whether or not that decision is supported by evidence in the record. The BOA does not have the authority to craft a solution and nothing new will come from the appeal process. It will only be a decision of yes or no as to whether the HPB decision stands.

Mr. Kosak remarked that during the HPB meeting he spoke at great length about public clamor. He stated that public comment should be specifically focused on the application of the LMC to a very specific set of facts. That is the role of this body and it was the same for the HPB. Mr. Kosak stated that there is significant case law in Utah that shows that public clamor by enough people at the podium for the purpose of influencing the decision making body is wrong. Mr. Kosak was frustrated because each time they come in good faith with materials to show everyone, and they get a lot of public clamor. The comments heard at the beginning of this process and the ones they hear now are conflicting and inconsistent. Mr. Kosak believed that it comes down to neighbors wanting what they have always had without having to pay to keep it that way. The applicant owns the land and the City has been saying for a year that another house could be built. It is a lot of record and nothing will change that fact. Mr. Kosak stated that the applicants are willing to work with the City at any time. Regarding the comments about bits and pieces, they have had the same planner, the same attorney and the same architect throughout the entire process. It is a holistic approach. He believed the HPB ruled in their favor because they were fond of the project.

Commissioner Pettit stated that in looking at the purpose statements for the HR-1 District, several elements made her question whether she could ever be in a position to make a conclusion of law that the plat amendment is consistent with the purpose statements. She read from the purpose statements; a) to preserve present land uses and the character of the historic residential areas of Park City; b) to encourage the preservation of historic structures; c) to encourage construction of historically compatible structures that contribute to the character and scale of the historic district in maintaining existing residential neighborhoods; d) to encourage single family development on combinations of 25' x 75' historic lots. Commissioner Pettit clarified that those are the types of purpose statements she will be looking at when she evaluates whether the plat amendment application meets the intent of the Land Management Code.

Chair Wintzer noted that the purpose statements regarding subdividing also talk about similar elements, such as compatibility with existing neighbors. He concurred with Commissioner Pettit's comments.

Commissioner Peek stated that he went online to the County website and it appears that the Warranty Deed for the entire site was recorded on 6/2/2010 to Jeff Love. On 6/3/2010, the Warranty Deed was transferred to Rod Ludlow. In his opinion, having a house encroaching on the lot that the Warranty Deed was transferred would put that transaction at risk. Regarding public clamor, Commissioner Peek stated that he has been on the Planning Commission for three years, and the public comment this evening was the most articulated input he has heard. He noted that Ms. McReynolds sat on the

previous Historic District Commission and her argument was welcomed and well-articulated.

Chair Wintzer opened the public hearing.

Jeff Love, the applicant, argued that this plat amendment was not a subdivision. The lots were created in 1880 and they have been separated since that point.

Chair Wintzer asked if Mr. Love would be changing the lot lines. Mr. Love explained that they were trying to eliminate the half lot but they were not subdividing. Chair Wintzer pointed out that in Park City, changing a lot line is considered a subdivision and it falls under the subdivision ordinance.

Regarding Mr. Ludlow's property, Mr. Love found it interesting that in July when the Staff wanted to remove the garage from the Historic Sites Inventory, several people pleaded and begged to save the garage. He pointed out that those same people are now trying to prevent that garage from being reconstructed, because it cannot be reconstructed without a plat amendment. The garage is unsafe and the application clearly states that per the Building Department, an unsafe structure must be taken down. Mr. Love pointed out that Mr. Ludlow cannot obtain a building permit for the garage until the plat amendment is settled.

Mr. Love believed the opposition was a classic case of "not in my neighborhood". The neighbors do not want construction in their neighborhood and they are trying to deny he and Mr. Ludlow their property rights. Mr. Love stated that two of the appellants on his approval are Gary Bush and Linda McReynolds. He noted that in 2005, Gary Bush purchased property and subdivided it into three buildable lots. He moved two historic homes that were eligible for the National Registry and tore down a historic garage. The homes are no longer eligible for the National Register because of how he changed them. Mr. Bush is now appealing the movement of Mr. Love's house 6 feet. Mr. Love pointed out that Linda McReynolds represented Mr. Bush in that transaction and help facilitate the process.

Katherine Matasumoto Gray stated that the comments she made on 811 Norfolk applies to this application.

Chair Wintzer closed the public hearing.

Commissioner Hontz reserved the right to provide her comments until this item comes before them again, per the discussion on 811 Norfolk. However, she concurred with the previous comments made by Commissioner Pettit and Commissioner Peek. Commissioner Hontz felt it was important to listen to the members of the public, particularly when they are calm and articulate and participate in the process. Controlling the emotion and focusing on the issues makes better projects, and that was what she saw that this evening.

MOTION: Commissioner Pettit moved to CONTINUE the SA-139-A on Norfolk Avenue application for a plat amendment until a date that will be determined after the resolution

of the appeal before the Board of Adjustment. Commissioner Hontz seconded the motion.

VOTE: 5-0. Commissioner Strachan abstained since he was not present for the applicant's presentation.

4. 1409 Kearns Boulevard, Coffee Kiosk – Conditional Use Permit
(Application #PL-19-01121)

Planner Cattan reviewed the application for a drive-up coffee kiosk located at 1409 Kearns Boulevard within the General Commercial District, and also the Frontage Protection Zone. Planner Cattan clarified that a drive-up is allowed within the General Commercial Zone. However, because this application is within the Frontage Protection Zone along Kearns Boulevard, a conditional use permit is required.

Planner Cattan reported that Planner Francisco Astorga conducted the analysis on this project and found that the project was in compliance with the CUP criteria.

Ben Buehner, the applicant, stated that he is a long time Park City resident. Mr. Buehner proposed to do a drive-thru coffee kiosk on property owned by Mark Fischer and Mike Sweeney off of Kearns Boulevard. He believed the structure would enhance the area and provide a service to Park City.

Mr. Buehner reviewed the site plan and believed they had addressed the issues that were important to Park City. The issues included the landscape plan and drainage. They also worked with UDOT to address the issues regarding traffic flow and circulation. Mr. Buehner presented the vehicle circulation plan and noted that there would be two drive-up windows on either side of the kiosk. Mr. Buehner stated that he approached Mike Sweeney two years ago and it has taken that long to work through the process to reach this point.

Mike Sweeney stated that after he was approached by Mr. Buehner, he contacted Mark Fischer. Mr. Sweeney clarified that he is not a property owner of that location. He is the agent for Mark Fischer and he has helped with the project. Mr. Sweeney stated and he and Mr. Fischer looked at it as a business opportunity and found that it had two pluses. He noted that every year Mr. Fischer spends a significant amount of money removing all the trash and construction material that gets dumped on this property. This was a way of cleaning up the area without have to install a fence. Having a business in that location would discourage people from dumping on the property. Mr. Sweeney stated that he was also able to convince Mr. Fischer to ask the people who park their equipment on that property to remove it. He did not believe it was appropriate to have the blithe that he looks at every day, and it was counter to their efforts to clean up the area. Mr. Sweeney remarked that the rent revenue would be low, but they would get the property protection that is badly needed.

Mr. Sweeney stated that Mr. Fischer offered other properties to locate the kiosk, but Mr. Buehner preferred this location. Mr. Fischer agreed to let him use the property, subject to an agreement that at the time of redevelopment, the kiosk would be removed. Mr.

From: [Linda McReynolds](#)
To: [Katie Cattan](#); [Kayla Sintz](#); [Thomas Eddington](#); [Brooks Robinson](#)
Subject: 811 Norfolk Avenue
Date: Friday, June 11, 2010 12:21:47 PM
Attachments: [digitalsender@summitsothebysrealty.com_20100611_121650.pdf](#)

Dear Planning Staff: It is with great concern that I write you regarding the recent application to drastically alter the historic streetscape of Norfolk Avenue between 8th and 9th Streets. The relationship and spacing of the six historic homes on the uphill side of the street dates back to 1895 when my home at 843 Norfolk was the last one built - I have a historic photo which shows this which I will provide to you.

The Secretary of the Interior National Parks Service Standards for Rehabilitation clearly states that ..."relocating historic buildings or landscape features, thus destroying their historic relationship within the setting" is NOT recommended. See attached.

The Park City Municipal Code has in its Preservation Policy "to encourage the preservation of Buildings, Structures, and Sites of Historic Significance in Park City". Also, under Section 15-11-13 Relocation and/or Reorientation of a Historic Building or Historic Structure, it states "It is the intent of this section to preserve the Historic and architectural resources of Park City through LIMITATIONS on the RELOCATION and/or orientation of Historic Buildings and Sites". See Attached.

811 Norfolk Avenue has been a .12 acre single family site for more than 115 years. The relationship of it to the other homes on the street has been historically pure throughout. All six of our uphill historic homes have always sat on multi platted lots. Mine sits in the middle of two platted lots. This is one of the last remaining original historic streetscapes in the Historic District. To allow the integrity of its spacing and history to be destroyed is against all that preservation stands for.

Since I don't know the details of the new owner's plans I can't speak to specifics; however, I do know that it was marketed and title was transferred as one parcel with one tax ID. See Attached. If the new owner is attempting to divide this parcel into two pieces, he is in effect creating his own encroachment since the home sits in the middle of the parcel. If he has procured another buyer for half the parcel, I question the motivations of any buyer who would buy a piece of property with a house encroaching on it and why.

I urge you to adhere to the intent of the guidelines that were created to protect and preserve our cherished Historic District and were not created for developers to try to manipulate in an attempt to maximize their profits by squeezing in a non-compatible new home that will forever negatively alter the character of this wonderful historic street.

Please distribute this letter with attachments to the Planning Commission and Historic Preservation Board.

Thank you so much for your attention to this matter.

Respectfully,
Linda McReynolds
843 Norfolk Avenue
435-640-6234

From: <digitalsender@summitsothebysrealty.com>
Sent: Friday, June 11, 2010 11:16 AM
To: <linda.mcreynolds@sothebysrealty.com>
Subject: Scanned image from MX-C311

> Reply to: digitalsender@summitsothebysrealty.com
> <digitalsender@summitsothebysrealty.com>
> Device Name: Silver Lake
> Device Model: MX-C311
> Location: Silver Lake
>
> File Format: PDF (Medium)
> Resolution: 200dpi x 200dpi
>
> Attached file is scanned image in PDF format.
> Use Acrobat(R)Reader or Adobe(R)Reader(TM) of Adobe Systems Incorporated
> to view the document.
> Acrobat(R)Reader or Adobe(R)Reader(TM) can be downloaded from the
> following URL:
> Adobe, the Adobe logo, Acrobat, the Adobe PDF logo, and Reader are
> registered trademarks or trademarks of Adobe Systems Incorporated in the
> United States and other countries.
>
> <http://www.adobe.com/>
>

From: [Katherine Matsumoto-Gray](#)
To: [Katie Cattan](#)
Cc: [Ken Martz](#); [Kayla Sintz](#); [Thomas Eddington](#); [Brooks Robinson](#)
Subject: 811/817 Norfolk
Date: Monday, June 14, 2010 7:53:15 AM

Hi Katie (cc'd planning staff and Ken Martz),

My mother told me that you don't have me contact information -- here's my email; my cell number is 901-0405.

I came by and saw the survey of 811 and 817 Norfolk on Friday morning. What really alarms me about this plat amendment proposal, as you know, is that the two property owners are working together to create an encroachment issue in order to alter a landmark historic site. Although I understand that the existing lot line allowed sale of one of the lots, I strongly believe that allowing this plat amendment would grant Mr. Love and Mr. Ludlow another step on their ultimate plan to side step Historic District Guidelines purely for profit. Their profit should not come at our neighborhood's expense.

In reviewing this application, I think it will be important to consider that the lot lines in old town are not reflective of the historic property lines. The lot lines were meant to be cleaned up one-by-one, for the ease of the process. This allows Mr. Love to take advantage of an unintended loophole in selling off one lot in his parcel. The fact that lot lines were never amended to reflect the actual property lines is a coincidence of timing and need. These historic lot lines were crucially not left in place in a way that allowed dismantling of the historic district. Splitting the property at 811 Norfolk is inconsistent with any notion of historic preservation of the neighborhood.

I believe that this notion is included in the Historic District Guidelines implicitly, since it refers to built-to-unbuilt ratio and lot coverage in a number of places. It can't be that this use means lot coverage based on the still-divided plat. It refers to the existing property lines (that the City and Historic District intended to be reflected in the eventual plat of the neighborhood). Below I have listed some guidelines from the HDG that are relevant to this matter:

- Design Guidelines for Historic Sites
 - A.5 Landscaping
 - A.5.3 The historic character of the site should not be significantly altered by substantially changing the proportion of built or paved area to open space.
- Guidelines for New Construction in the Historic District
 - A.2. Lot Coverage
 - A.2.1 Lot coverage of new buildings should be compatible with the surrounding Historic Sites.
 - A.5 Landscaping
 - A.5.4 The character of the neighborhood and district should not be diminished by significantly reducing the proportion of built or paved area to open space.

Finally, I feel it is extremely important for all who are involved in reviewing this

application to understand that Mr. Love and Mr. Ludlow are working together. They are not independent landowners as it appears from the application. They have a preexisting relationship, they have joint plans to construct the two properties, and they are both aware of the encroachment of the Landmark Historic Structure and the prohibitions on moving the historic home. Furthermore, it is my impression from talking to the two men at my home last Thursday that Mr. Ludlow has no plans to construct a home on the new site of 817 Norfolk. It appears from their interactions that Mr. Love is still the man developing the plans and it is entirely his development project; Mr. Ludlow acted like a name on a piece of paper, deferring to Mr. Love for answers to any questions about the future intentions of the property at 817 Norfolk.

Because of this, I believe that the plat amendment application should be denied. It is one property owner/developer, Jeff Love, going around the recommendations and guidelines by setting up a friend as the apparent property owner of part of his new historic purchase thus creating an apparent problem to which the only solution will be to move the Landmark House. In addition, the effect of dividing this property into two platted lots, where there has always been one property, will be to significantly diminish the historic character of a neighborhood with the highest standards of historic preservation in place. Our block, on the uphill side of Norfolk between 8th and 9th has no structure that is not historic. The street view is the same as it was in the 1900s. This is truly a unique neighborhood in this way and I believe that allowing the plat amendment proposal at 811/817 Norfolk to be approved would begin the deterioration of our block's pristine record of historic preservation. Below, I have listed the sites on our street's uphill side from the Historic Site Inventory and their historic status. These are consecutive buildings all listed as significant or landmark:

- 803 Norfolk Avenue - Significant Site
- 811 Norfolk Avenue - Landmark Site
- 823 Norfolk Avenue - Landmark Site
- 827 Norfolk Avenue - Significant Site
- 835 Norfolk Avenue - Significant Site
- 843 Norfolk Avenue - Landmark Site
- 901 Norfolk Avenue - Significant Site

Thank you for your consideration of my comments. I have really appreciated the help and patience of all of the planning and other city staff during this process so far. Please feel free to contact me for further explanation of my issues with this property.

--

Katherine Matsumoto-Gray
University of Utah
Center for American Indian Languages
p (801) 587-0720
m (435) 901-0405
kmatsumotogray@gmail.com



Building • Engineering • Planning

April 5, 2011

Katie Cattan
Senior Planner
Park City Building Department

Re: Garage – 811 Norfolk Ave.

Katie,

Upon inspection and review of the garage located at 811 Norfolk Ave., I find that the structure meets the criteria of Section 15-11-15 (A) (1 & 2) of the Land Management Code. As the Interim Building Official, I find the garage to be dangerous pursuant to Section 116.1 of the 2009 International Building Code and the structure cannot be made safe and/or serviceable through repair. I have attached a copy of the permit card for the garage with this letter to provide some history.

Sincerely,

A handwritten signature in black ink, appearing to read "Roger R. Evans".

Roger R. Evans
Interim Building Official

Cc: file

ADDRESS 811 Norfolk Ave ZONE _____
SUBDIVISION _____
OWNER Stakes _____
CONTRACTOR _____
TYPE OF USE Roof Gargle _____
FIRE SPRINKLERS ☒ YES ☐ NO
TYPE OF BUILDING _____ TYPE OF CONSTRUCTION _____
NUMBER OF BUILDINGS _____ NUMBER OF STORIES _____
NUMBER OF UNITS _____ OCCUPANCY GROUP _____

CONDITIONAL USE PERMIT _____
BOARD OF ADJUSTMENT _____
OTHER _____

DATE
ISSUED

CERTIFICATE OF
OCCUPANCY

BUILDING PERMIT NO. _____

Roof Gargle BO2-07626 10/7/02

Roof BO2-07756 7/20/02

exploratory Demo BD-1045483 6/11/2010