

City Council Staff Report



Author: Ben Davis and Kirsten Whetstone
Subject: Lot 5 April Mountain Subdivision
Plat Amendment
Date: July 27, 2006
Type of Item: Plat Amendment

**PLANNING
DEPARTMENT**

Summary Recommendations

Staff recommends the City Council conduct a public hearing for the Lot 5 April Mountain Subdivision Plat Amendment, consider any input, and approve the Lot 5 April Mountain Subdivision Plat Amendment based on the findings of fact, conclusions of law and conditions of approval as found in the attached ordinance.

Topic

Applicant: Steve C. McDonald
Location: **1315 Mellow Mountain Road**
Zoning: RD-MPD- Residential Development (April Mountain MPD)
Adjacent Land Uses: ROS- Recreation Open Space
Reason for Review: Plat amendments require Planning Commission review and City Council approval

Background

On May 19, 2006, the City received a completed application for the Lot 5 April Mountain Subdivision plat amendment. The property is located at 1315 Mellow Mountain Road in the Residential Development (RD-MPD) zoning district. The proposed plat moves the platted building area to the northern portion of Lot 5 and adjusts the platted ROS (recreation open space) boundary on Lot 5 to the south to coincide with a large area of existing, native vegetation (see Exhibit A). The existing platted building pad area remains as platted at 34,431 square feet. The existing platted disturbance area is 58,365 sf. And the existing ROS area is 127,279 sf. Lot 5 is 4.262 acres (185,644 sf) in area. An administrative conditional use permit for a wall over 4' in height in the front setback is currently under review.

On July 12, 2006, the Planning Commission conducted a public hearing, received no public input, and voted to forward to City Council a positive recommendation to approval the plat amendment.

Analysis

The applicant applied for a plat amendment to shift the platted building area to allow driveway and utility construction to occur at the north end of Lot 5. The construction disturbance for the driveway, including a retaining wall in the front setback area, is within the current platted ROS area of Lot 5, in an area previously disturbed by

construction of Mellow Mountain Road, utilities, and a storm drainage outfall. The applicant's contractor started the construction in error prior to approval of a plat amendment.

Staff finds good cause for this plat amendment as it shifts the allowed disturbance area to an area of the lot that was previously disturbed (prior to the current driveway construction) and preserves a large, contiguous area of native vegetation within a revised platted ROS boundary (see photos in Exhibit B). This amendment also corrects mistakes made during construction of the driveway and brings the future lot improvements into compliance with the code and locates all construction disturbances within a platted disturbance area.

The lot is located on a hillside with a mixture of oak, sagebrush, grasses and wildflowers. A majority (127,279 sf) of the lot is platted as ROS (open space area). During construction, it was discovered that some excavation occurred on the platted ROS portion at the north end of the Lot. The proposed amendment moves the ROS line of delineation outside of all existing and proposed disturbance on the site, and increases the ROS area to 131,257 sf.

The building pad area remains at 34,431 sf, as platted. Building pad areas are indicated on a Table on the April Mountain subdivision plat, with the actual location of the building pad identified as "approximate building zone area subject to modification by the Community Development (Planning) Department, whose decision shall be final." This plat amendment shifts the building pad location to the north and shifts the ROS delineated line to incorporate more of the undisturbed southern and western portions of the Lot. The amendment therefore shifts the development area out of the portion of the lot that is more environmentally sensitive and valuable from an open space perspective.

Maximum building height of 28' remains unchanged. Setbacks would be 15' in the front, 12' on the sides, and 15' in the rear, or as otherwise limited by the building zone area and ROS delineation.

Department Review

This project has gone through an interdepartmental review at a Staff Meeting on June 13, 2006. Use of the city's access road to the Aerie tank pump house for construction staging and access was discussed and determined to be appropriate. No further issues were brought up at that time.

Notice

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

Public Input

A neighbor to the north expressed concerns regarding the use of the access road for construction. He expressed concerns that the access road should not be utilized for construction of the house, because the access drive was in close proximity to his house

and because he felt the extra construction use was going to further damage the road. He did not have concerns about the amended ROS boundary, provided that the house would not be located further to the north. No additional input has been received by the time of this report.

Alternatives

- The City Council may approve the Lot 5 April Mountain Subdivision plat amendment as conditioned or as amended, or
- The City Council may deny the Lot 5 April Mountain Subdivision plat amendment and direct staff to make findings for this decision, or
- The City Council may continue discussion of this item to a future date.

Significant Impacts

There are no significant fiscal impacts from this application. The positive environmental impact of this amendment is that the undisturbed native vegetation on the southern and western portions of the lot, and a natural drainage area/swale, will remain undisturbed.

Consequences of not taking the Suggested Recommendation

Driveway construction would be required to be shifted to the southern portion of the lot where the largest area of undisturbed native vegetation and a natural drainage swale exists. The proposed disturbance area within the current ROS boundary would need to be returned to a natural state.

Recommendation

Staff recommends the City Council conduct a public hearing for the Lot 5 April Mountain Subdivision Plat Amendment, consider any input, and approve the plat amendment based on the findings of fact, conclusions of law, and conditions of approval as found in the attached ordinance.

Exhibits

- Exhibit A- Lot 5 April Mountain Subdivision plat amendment
- Exhibit B- April Mountain plat
- Exhibit C- Photos of Lot 5

MAY 19 2006
 PARK CITY PLANNING DEPT.

LINE	BEARING	DISTANCE
L1	S 28°54'21" E	41.85
L2	S 62°13'20" W	17.49
L3	N 85°23'49" E	50.25
L4	N 50°19'40" W	45.15
L5	N 47°42'25" W	23.43

SURVEYOR'S CERTIFICATE

I, John Cunningham, certify that I am a Registered Land Surveyor and that I have surveyed the above described land and that the same has been surveyed in accordance with the laws of the State of Utah and that the same has been surveyed in accordance with the laws of the State of Utah and that the same has been surveyed in accordance with the laws of the State of Utah.

John Cunningham

Date

BOUNDARY DESCRIPTION

Lot 5, APRIL MOUNTAIN SUBDIVISION, according to the official plat recorded October 28, 2004, in Book 10, Page 10, of the Salt Lake County Records, contains of the Section Twenty-Nine, Township 2 South, Range 4 East, Salt Lake and Meridian.

OWNER'S DECLARATION AND CONSENT TO RECORD

WE, the undersigned, do hereby certify that we are the owners of the above described land and that we have read and understand the contents of this plat and that we have approved the same and that we have consented to the recording of this plat and that we have consented to the recording of this plat and that we have consented to the recording of this plat.

Steve G. McQuinn, Trustee

By: _____

Date: _____

ACKNOWLEDGMENT

State of _____

County of _____

do hereby certify that the above described land is the property of the undersigned and that the undersigned is the owner of the same and that the undersigned is the owner of the same and that the undersigned is the owner of the same.

Steve G. McQuinn, Trustee

By: _____

Date: _____

A History Public Contribution to Utah

Official Name _____

Residing in _____

My contribution expires _____

SALT LAKE COUNTY PLANNING DEPARTMENT

RECEIVED

MAY 19 2006

PARK CITY PLANNING DEPT.

FIRST AMENDMENT

LOT 5 APRIL MOUNTAIN SUBDIVISION

LOCATED IN THE NORTHWEST QUARTER OF SECTION 18 AND THE NORTHEAST QUARTER OF SECTION 19 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE AND MERIDIAN

PLANNING COMMISSION	ENGINEER'S CERTIFICATE	APPROVAL AS TO FORM	CERTIFICATE OF ATTEST	COUNCIL APPROVAL AND ACCEPTANCE
APPROVED BY THE PARK CITY PLANNING COMMISSION	APPROVED THIS PLAN TO BE IN ACCORDANCE WITH THE PLANNING ACT	APPROVED AS TO FORM THIS DAY OF	I CERTIFY THIS RECORD OF SURVEY IS TRUE AND CORRECT	APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS DAY OF
BY: CHAIRMAN	BY: PARK CITY ENGINEER	BY: PARK CITY ATTORNEY	BY: PARK CITY RECORDER	BY: MAYOR

EXHIBIT A.

APRIL MOUNTAIN SUBDIVISION
 LOCATED IN THE NORTHEAST QUARTER OF SECTION 15, T. 15S. R. 10E. 3rd Meridian.
 SCALE 1" = 400'

PROPERTY DESCRIPTION
 BEING A PART OF THE APRIL MOUNTAIN SUBDIVISION, SECTION 15, T. 15S. R. 10E. 3rd Meridian, as shown on the plat of the April Mountain Subdivision, Section 15, T. 15S. R. 10E. 3rd Meridian, recorded in the public records of the State of Utah, and being more particularly described as follows: ...

LEGEND
 1. LOT 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752,

APRIL MOUNTAIN - LOT 5



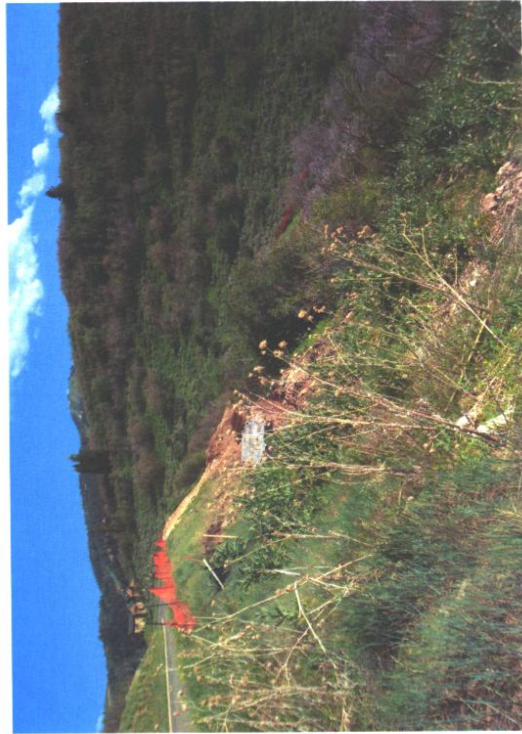
Access Road



North end of LOT



Access road @ Mellow Mtn. Rd.

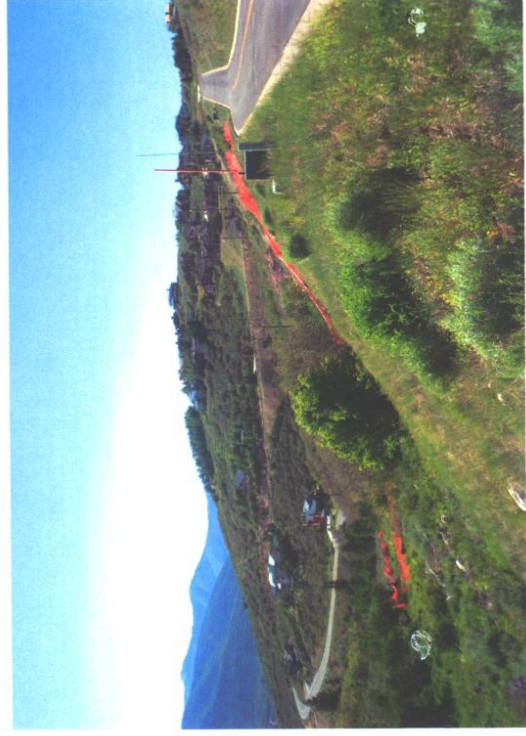


North end of LOT

EXHIBIT C



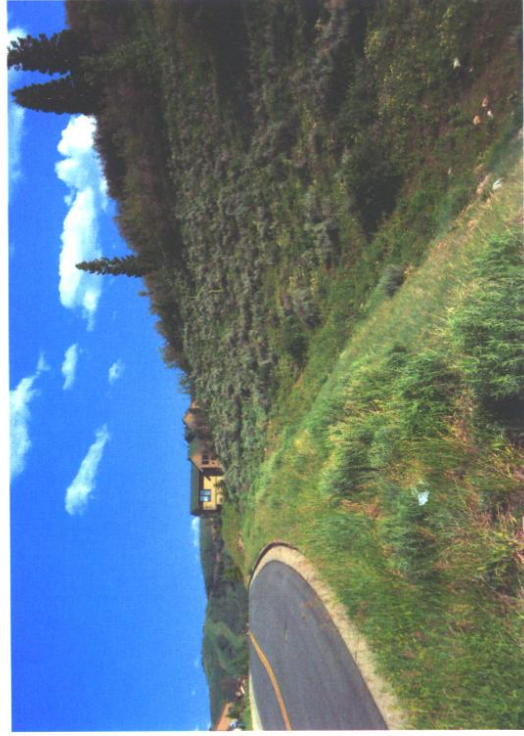
Southern end of Lot



Looking North



Western portion of Lot



Southern part of Lot

Ordinance No. 06- **DRAFT**

**AN ORDINANCE APPROVING THE LOT 5 APRIL MOUNTAIN SUBDIVISION PLAT
AMENDMENT LOCATED AT 1315 MELLOW MOUNTAIN DRIVE,
PARK CITY, UTAH.**

WHEREAS, the owners of the property located at 1315 Mellow Mountain Drive have petitioned the City Council for approval of the Lot 5 April Mountain Subdivision 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 a public hearing on July 12, 2006, to receive input on the Lot 5 April Mountain Subdivision plat amendment;

WHEREAS, the Planning Commission, on July 12, 2006, forwarded a positive recommendation to the City Council; and,

WHEREAS, on July 27, 2006, the City Council approved Lot 5 April Mountain Subdivision plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Lot 5 April Mountain Subdivision plat amendment.

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 Lot 5 April Mountain Subdivision 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 1315 Mellow Mountain Drive.
2. The zoning is Residential Development (RD-MPD), subject to the April Mountain Master Planned Development.
3. The property in question is Lot 5 of the April Mountain Subdivision, recorded on October 29, 2002. Lot 5 is 185,644 sf in area.
4. The April Mountain Subdivision plat includes a table that identifies a building zone area (building pad) for Lot 5 as limited to 34,431 sf in area. The subdivision plat also identifies a maximum site disturbance of 58,365 sf of lot area and identifies an approximate location of the building zone area as indicated by a dashed line with a note

stating the following: “approximate building zone area subject to modification by the community development department, whose decision shall be final.”

5. The area outside of the disturbance area is platted ROS (undisturbed open space) area. Per the April Mountain MPD this area is undisturbed, with exceptions for trails; the City Water tank and access road; and the construction, maintenance, and use of underground utilities and screened above-ground transformers, junction boxes, or other similar uses generally limited to 3’ in height. The area of ROS is currently 127,279 sf.

6. On May 19, 2006, the applicant applied for a plat amendment to shift the platted building area to allow driveway and utility construction to occur at the north end of Lot 5.

7. Construction disturbance for the driveway is within the current platted ROS area of Lot 5, in an area previously disturbed by construction of Mellow Mountain Road, utilities, and a storm drainage outfall.

8. The applicant’s contractor started the construction in error prior to approval of a plat amendment.

9. The lot is located on a hillside with a mixture of oak, sagebrush, grasses and wildflowers. The southern and western portions of the lot contain large expanses of non-disturbed native vegetation. The northern and eastern portion of the lot contains areas previously disturbed with construction of Mellow Mountain Road, a utility access road, and a storm drainage outfall area.

10. The plat amendment shifts the disturbance area to the northern and eastern portions of the lot to allow construction of the driveway in an area of the lot that was previously disturbed. The plat amendment preserves a large, contiguous area of native vegetation within the revised platted ROS boundary.

11. The plat amendment corrects mistakes made during construction of the driveway and brings the future lot improvements into compliance with the code by locating all construction disturbances outside of the revised ROS area. The allowed building zone area of 34,431 sf remains unchanged by this amendment.

12. The amendment increases the size of the ROS area from 127,279 sf to 131,257 sf.

13. Maximum building height is 28’ (LMC exceptions (5’) for a pitched roof are allowed on this lot) and setbacks are as follows: 15’ in the front, 12’ on the sides, and

14. in the rear, or as otherwise limited by the building zone area and ROS boundary delineation.

15. Construction access and staging for the driveway construction is appropriate on the City’s Aerie tank pump house access road, as this area is already disturbed and it would remove some construction activity from Mellow Mountain Road.

16. There is an existing storm water outfall located near the north property line. It is desirable to direct drainage water from Mellow Mountain Road to the natural area of Lot 5, along the north property line.

Conclusions of Law:

1. There is good cause for this plat amendment.

2. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.

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.

3. All conditions of approval of the April Mountain Master Planned Development and April Mountain Subdivision plat shall continue to apply and a note shall be added to the Lot 5 April Mountain Subdivision plat amendment stating this.

4. A note shall be included on the plat indicating that the maximum building height is 28' (with LMC exceptions allowed for a pitched roof) and that the front setbacks are 15', side setbacks are 12', and rear setbacks are 15', or as otherwise limited by the building zone area and ROS boundary delineation.

5. Construction access and staging shall be permitted on the City's pump house access road for the driveway construction. Any additional construction use of the access road shall require specific written approval by the City.

6. The scope of the limits of disturbance guarantee shall include the City's pump house access road and shall be available to make any necessary repairs to said access road caused by disturbance due to construction on Lot 5.

7. A 10' wide, non-exclusive drainage easement is required along the entire north property line, to handle drainage from Mellow Mountain Road and adjacent property.

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

PASSED AND ADOPTED this 27th day of July, 2006.

City Council Staff Report



Author: Ben Davis
Subject: 586 Main Street Plat Amendment
Date: July 26, 2006
Type of Item: Legislative – Plat Amendment

**PLANNING
DEPARTMENT**

Summary Recommendations

Staff recommends the City Council hold a public hearing for the 586 Main Street Plat Amendment and approve the 586 Main Street Plat Amendment, based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Topic

Applicant: Gene Kwon
Location: 586 Main Street
Zoning: Historic Commercial Business (HCB)
Adjacent Land Uses: Historic Commercial Business (HCB)
Reason for Review: Plat Amendments require Planning Commission review and City Council approval.

Background

On May 22, 2006, the City received a completed application for the 586 Main Street plat amendment. The property is located at 586 Main Street in the Historic Commercial Business (HCB) zoning district. The proposed plat combines Lot 22 of Block 24 of the Park City Survey and a metes and bounds parcel behind (to the east), into one lot of record. The property has an existing historic commercial building located on it.

The applicant wishes to combine the property into one lot of record. The building was built across lot lines and the applicant wishes to bring the building into compliance and expand the building in the future. The existing historic building encroaches 0.55' to 0.8 feet into the property to the north and 9' into the metes and bounds parcel.

In 2000, the plat amendment was proposed and approved by the Planning Commission and City Council, but was never recorded. The amendment expired one year from when it was issued and now the applicant wishes to reapply for the plat amendment.

On July 12, 2006 the Planning Commission forwarded a positive recommendation for the 586 Main Street Plat Amendment to the City Council.

Analysis

Within the HCB zone, sites must have at least 25' street frontage. There are no minimum setbacks within the district. The maximum floor area ratio is 4.0 and the building must meet building volume requirements. Any future additions to this building

will be subject to all applicable codes and a historic district design review process. Future additions onto the portion of the building that is currently within the metes and bounds parcel will also be subject to parking requirements or a fee in lieu of having on-site parking.

There is a pedestrian easement running through the Gateway Center property, parallel with the northern property line of the subject property. Future site development cannot compromise this easement. The site has no frontage on Swede Alley. It can be accessed via Swede Alley by a pedestrian walkway through the plaza south of the gateway building.

Staff finds good cause for this plat amendment as several lots will be combined into one lot of record so that the existing historic structure will be not cross existing property lines. The lot size is consistent with the pattern of Main Street development.

	Permitted	Proposed
Height	45'	N/A
Front setback	0'	0'
Rear setback	0'	N/A
Side setbacks	0'	0'
Lot size	1,250 square feet, minimum	2,866.2 square feet
Footprint	Same as lot size	N/A
Parking	None required for Historic Building	None required for Historic Building.

Department Review

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

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

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

Alternatives

- The City Council may approve the 586 Main Street plat amendment as conditioned or amended, or
- The City Council may deny the 586 Main Street plat amendment and direct staff to make Findings for this decision, or
- The City Council may return the 586 Main Street plat amendment to the Planning Commission for further discussion.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The building would remain as is, no construction could take place across the existing lot lines, and the building would continue to encroach over lot lines.

Recommendation

Staff recommends the City Council hold a public hearing for the 586 Main Street Plat Amendment and approve the Plat Amendment based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Ordinance No. 06-

**AN ORDINANCE APPROVING THE 586 MAIN STREET PLAT AMENDMENT
LOCATED AT 586 MAIN STREET, PARK CITY, UTAH.**

WHEREAS, the owners of the property located at 586 Main Street have petitioned the City Council for approval of the 586 Main Street 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 a public hearing on July 12, 2006, to receive input on the 586 Main Street plat amendment;

WHEREAS, the Planning Commission, on July 12, 2006, forwarded a positive recommendation to the City Council; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the 586 Main Street plat amendment.

WHEREAS, on July 26, 2006, the City Council approved 586 Main Street plat amendment; and

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 586 Main Street 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 586 Main Street.
2. The zoning is Historic Commercial Business (HCB).
3. The proposed lot is 2866.2 square feet in size.
4. Height for this lot is 45 feet and there is no setback requirements.
5. There is an existing historic commercial building on the site.
6. There is a pedestrian easement adjacent to the property (running through the Gateway site on the northern property line).

Conclusions of Law:

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.

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.
3. There is a pedestrian easement running through the Gateway Center property, parallel with the northern property line of the subject property. Future site development cannot compromise this easement. The site has no frontage on Swede Alley. It can be accessed via Swede Alley by a pedestrian walkway through the plaza south of the gateway building.

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

PASSED AND ADOPTED this ____ day of July, 2006.

Exhibits

Exhibit A – Record of Survey plat

City Council Staff Report

Author: David Maloney
Subject: Lots 63 and 64, the Oaks at Deer Valley
Date: July 27, 2006
Type of Item: Legislative – Plat Amendment



**PLANNING
DEPARTMENT**

Summary Recommendations

Staff recommends the City Council hold a public hearing for the Lots 63 and 64, the Oaks at Deer Valley approve the plat entitled 'The Lots 63 and 64, the Oaks at Deer Valley' to the City Council based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Topic: Plat Amendment
Applicant: William and Karen Lewis
Location: 3615 & 3605 Oakwood Drive
Zoning: Residential Development (RD) Master Planned Development (MPD)
Adjacent Land Uses: Residential to the east, south and west, and north
Reason for Review: Plat amendments required to void previous plat amendment and return Lots 63 & 64 to their original configurations.

Background

A plat amendment was heard by the Planning Commission on June 23, 2004 and subsequently approved by City Council on July 1, 2004. This plat amendment combined Lot 64 and half of Lot 63, leaving the remaining half of Lot 63 a remnant parcel.

On April 17, 2006 the City received a completed application for the 'Lot 63 and Lot 64 , the Oaks at Deer Valley plat amendment. The property is located at 3615 & 3605 Oakwood Drive in the Residential Development (RD) zoning district and Master Planned Development. The proposed plat voids the July 1, 2004 plat amendment and reverts Lot 63 and Lot 64 back to their originally platted proportions. The lots are part of 'The Oaks at Deer Valley' subdivision which was recorded August 7, 1989.

The proposed plat amendment will result in two lots; Lot 63 and Lots 64. Lot 63 has approximately 106 feet of frontage along Oakwood Drive and about 160 feet of depth. Lot 64 has 109 feet of frontage along Oakwood Drive and between 141 feet of depth (on the southwest side) and 158 feet on the north side. Lot 63 contains 14,600 square feet and Lot 64 contains 14,312 square feet. The lots are currently vacant.

Currently Lot 64 and the remaining half of Lot 63 are under the same ownership. The application was heard at the July 12th, 2006 Planning Commission meeting and was continued to the July 26th, 2006 meeting. The Planning Commission directed staff to

bring forth the minutes from the June 23rd, 2004 Planning Commission meeting, when a plat was approved to combine Lot 64 and half of Lot 63 of 'The Oaks at Deer Valley' subdivision. The minutes, along with the approved council report, ordinance and correspondence between the City and the property owners and neighbors, have been included as exhibits to this report. At the time of the 2004 plat amendment request, William and Karen Lewis, who disputed the original plat amendment, were the owners of adjacent Lot 62 and the other half of Lot 63. Today, the Lewis' also own Lot 64 and the all of what was Lot 63.

The Planning Commission forwarded a positive recommendation to the City Council at the July 26th, 2006 Planning Commission meeting.

Analysis

The property is located within The Oaks at Deer Valley subdivision, which is within the Residential Development – Master Planned Community (RD-MPD) zoning district. The plat amendment would result in the reinstatement of Lot 63 and Lot 64 of The Oaks subdivision as originally platted.

There are no buildings on either proposed lots. New residential construction is subject to the Lot and Site Requirements of LMC 15-2.13-3 which require front yard setbacks of at least 20 feet (25 feet for front facing garages), rear yard setbacks of at least 15 feet for main building and 10 feet for accessory buildings, and side yard setbacks of at minimum 12 feet. Maximum building height of any future house is 28 feet with certain exceptions, as per LMC 15-2.13-4.

Staff finds good cause for this plat amendment as a remnant parcel, half of Lot 63 will be combined with the other half of Lot 63 and become a developable lot.

	Permitted	Proposed
Height	28' (+5' for pitched roof)	N/A
Front setback	20' / 25' (front facing garage)	N/A
Rear setback	15' and 10' (accessory building)	N/A
Side setbacks	12'	N/A
Lot size	N/A	Lot 63: 14,600 sq. ft. Lot 64: 14,312 sq. ft.
Footprint	N/A	N/A
Parking	2	N/A

Landscaping

The proposed lots are predominately sage brush. There is a limits of disturbance line that runs across the proposed lots that will concentrate future site development at the front half of the lots.

Traffic

There are no traffic concerns relating to this plat amendment proposal.

Department Review

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

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

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

Alternatives

- The City Council may forward positive recommendation to the City Council for the Lots 63 and 64, the Oaks at Deer Valley plat amendment as conditioned or amended, or
- The City Council may forward a negative recommendation to the City Council for Lots 63 and 64, the Oaks at Deer Valley plat amendment and direct staff to make Findings for this decision, or
- The City Council may continue the discussion on Lots 63 and 64, the Oaks at Deer Valley plat amendment.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

Half of Lot 63 would continue to be a remnant parcel. No building permits could be issued for that portion of the lot.

Recommendation

Staff recommends the City Council hold a public hearing for the Lots 63 and 64, the Oaks at Deer Valley, and approve the proposed plat based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Ordinance No. 06-

**AN ORDINANCE APPROVING THE LOTS 63 AND 64,
THE OAKS AT DEER VALLEY PLAT AMENDMENT
LOCATED AT 3615 & 3605 OAKWOOD DRIVE, PARK CITY, UTAH**

WHEREAS, the owners of the property located at 3615 & 3605 Oakwood Drive have petitioned the City Council for approval of the Lots 63 and 64, the Oaks at Deer Valley 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 a public hearing on July 12th, 2006, to receive input on the Lots 63 and 64, the Oaks at Deer Valley plat amendment;

WHEREAS, the Planning Commission, on July 26th, 2006, forwarded a positive recommendation to the City Council; and,

WHEREAS, on July 27th, 2006, the City Council approved Lots 63 and 64, the Oaks at Deer Valley plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Lots 63 and 64, the Oaks at Deer Valley plat amendment.

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 Lots 63 and 64, the Oaks at Deer Valley 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 3615 & 3605 Oakwood Drive.
- 2) The property is known as Lot 64 and half of Lot 63, The Oaks at Deer Valley subdivision.
- 3) The zoning is Residential Development (RD) with a Master Planned Development (MPD).
- 4) The proposal is to reinstate the original lot lines defining Lot 63 and Lot 64 of The Oaks at Deer Valley, as recorded in August of 1989.
- 5) This plat amendment will eliminate the lot line that was added July 1, 2004 which joined half of Lot 63 to the existing lot 64.
- 6) Lot 63 contains 14,600 square feet and Lot 64 contains 14,312 square feet.

- 7) The property is currently vacant with sage brush.
- 8) There is a limit of disturbance line running roughly parallel with the rear lot line that will concentrate site development away from the rear of the lots.
- 9) All lot and site requirements of the RD zoning district apply to these lots.
- 10) An ordinance approving the combination of Lot 64 and half of Lot 63, The Oaks at Deer Valley was approved July 1st, 2004.
- 11) Planning Commission forwarded a positive recommendation to City Council on July 26th, 2006 for the proposed plat entitled 'The Lots 63 and 64, the Oaks at Deer Valley'.

Conclusions of Law:

- 1) There is good cause for this plat amendment
- 2) The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding subdivisions
- 3) Neither the public nor any person will be materially injured by the proposed plat amendment.
- 4) Approval of the plat amendment is 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.
- 3) All conditions of approval of The Oaks at Deer Valley Subdivision shall continue to apply.

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

PASSED AND ADOPTED this ---- day of ----, 2006.

Exhibits

Exhibit A – Record of Survey plat
Exhibit B – Planning Commission Minutes 2004
Exhibit C – Council Report 2004
Exhibit D – Approved Ordinance 2004
Exhibit E – Letter from Current Owner 2004
Exhibit F – Letter from Tesch Law 2004
Exhibit G – Department Summary 2004

MOTION: Commissioner Erickson moved to CONTINUE these items to the specific dates reflected on the agenda. Commission Powers seconded the motion.

VOTE: The motion passed unanimously.

6. 3605 Oak Wood Drive - Plat amendment

Planner Kevin LoPiccolo reviewed the application submitted February 26, 2004, for a plat amendment to combined 1-1/2 lots into one lot of record. The proposed lot combination is located at 3605 Oak Wood Drive in The Oaks subdivision at Deer Valley. The subject property is located in the RD zone and is part of an MPD. The property is currently vacant, and the owners would like to construct a single family dwelling at a future date. The Deckers, who are the applicants, own Lot 64 and half of Lot 63. The Lewises own the other half of Lot 63 and oppose the lot combination because they believed when they purchased half of Lot 63 that the entire lot would remain as open space. However, the title report indicates that there is no agreement to that effect. The City does not object to the proposed lot combination provided the applicant complies with the lot combination requirements in the Land Management Code. The Staff sent a letter to the Lewises explaining the Staff's recommendation to the Planning Commission, and the Staff has not received a reply. Planner LoPiccolo noted that the Land Management Code requires that any lot combination in the RD zone not exceed 150% of the house size allowed within a subdivision. The maximum house size in The Oaks is 7,500 square feet. Since the applicant only owns half of Lot 63, the percentage was decreased to 125% of the house size, resulting in a new house size of 9,375 square feet on the lot and a half. The Staff calculated the front, side, and rear yard setbacks and the amount of irrigation the plat allows per lot as part of the conditions of approval. The Staff recommended that the Planning Commission forward a positive recommendation to the City Council for this lot combination.

Chair Volkman asked if the lot combination will leave a remnant lot. Planner LoPiccolo replied that it will create a remnant, but it will not be developable unless the same type of lot combination is pursued in the future by the owners of Lot 62. Director Putt explained that, by condition and by ordinance, development would be prohibited without a lot combination.

Chair Volkman opened the public hearing.

There was no comment.

Chair Volkman closed the public hearing.

MOTION: Commissioner Erickson moved to forward a POSITIVE recommendation to the City Council for the plat amendment at 3605 Oak Wood Drive in accordance with the findings of fact, conclusions of law, and conditions of approval outlined in the staff report. Commissioner O'Hara seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - 3605 Oak Wood Drive

1. The property is located in the Residential Development Master Planned Development (RD-MPD) Zone.
2. The RD-MPD District is a residential zone characterized by large contemporary single-family homes.
3. This plat amendment will combine Lot 64 and half of Lot 63 of the Oaks Subdivision into one lot of record.
4. There are no existing structures on the property.
5. The construction of a single-family home in the RD-MPD zone is an approved use.
6. The maximum square footage for a single-family dwelling within the Oaks Subdivision is 7,500 square feet.
7. Section 15-2.13-6(A) of the Land Management Code allows an owner within a Master Planned Development to combine lots with a designated maximum house size and receive 150% of the maximum size allotted to the lots.
8. The maximum building size for 1-1/2 Lot combination is 9,375 square feet.
9. The property owner has requested an increase in the allowable square footage on the lot up to 9,375 square feet.
10. The LMC Section 15-2.13-6(B) requires that the minimum setbacks for homes on combined lots increase in proportion to the increase in house size.
11. There is a limit of disturbance line traversing both lots.
12. No changes to the limit of disturbance line are proposed as part of this application.
13. The Oaks at Deer Valley plat requires that not more than 10,000 square feet of each lot be irrigated.
14. The amount allowed on the lot may be increased proportionally to the increase in square footage up to a maximum of 125% of the portion of Lot 63.
15. The remaining half of Lot 63 is a remnant lot and is not separately developable, unless a plat amendment to combine 1½ with lot 62 is reviewed and approved by City Council.

Conclusions of Law - 3605 Oak Wood Drive

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.

Conditions of Approval - 3605 Oak Wood Drive

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 plat.
 2. A note shall be added to the plat stating that a single-family home may be constructed on the combined 1-1/2 lots with a maximum square footage of 9,375 square feet.
 3. A note shall be added to the plat stating that setbacks for the home will be calculated in proportion to the increase in the square footage of the home at 125% of the required minimum setbacks, namely front 25', sides 15', and rear 18'9".
 4. The existing platted Limits of Disturbance lines on the property shall remain unchanged.
 5. All existing easements on the property shall remain unchanged.
 6. The remaining remnant portion of Lot 63 is not separately developable, unless a plat amendment to combine 1½ lots with lot 62 is reviewed and approved by the City Council.
 7. A note shall be added to the plat stating that the maximum irrigable area on the property shall not exceed 12,500 square feet.
 8. No building permits shall be issued prior to the final recordation of the plat at the County Recorder's Office.
 9. 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 and the plat will be void.
-
7. **255 Park Avenue - Conditional Use Permit for construction on a slope greater than 30%**
 8. **255 Park Avenue - Conditional Use Permit for lockout unit**

Planner Ray Milliner noted that two CUP applications have been submitted for 255 Park Avenue. The Staff recommends approval of both applications as two separate actions. The applicant has worked extensively with the Staff on the massing and relationship between the proposed building and a historic home located directly north of the proposed building. The Planning Commission reviewed three or four iterations of the building, and the Staff recommends the iteration shown in the staff report. The Staff recommended that the Planning Commission approve the steep slope CUP and lock out CUP based on the findings of fact, conclusions of law, and conditions of approval outlined in the staff reports.

Chair Volkman asked if the staff report contains a streetscape. Planner Milliner replied that all he has is a 3-D drawing submitted by the applicant. Director Putt referred to Page 21 of the staff report which lists the changes and modifications to the massing made to date.

Approved Council
7/1/2004

CITY COUNCIL STAFF REPORT

Date: July 1, 2004
Department: Planning Department
Title: 3605 Oak Wood Drive
Type of Item: Administrative Lot Combination Plat

Recommendation: Staff recommends that the Planning Commission review the proposed lot combination, conduct a public hearing and consider forwarding a positive recommendation to the City Council according to the findings of fact, conclusions of law and conditions of approval as outlined in this staff report.

Project

Applicant: Thomas and Candace Decker
Location: 3605 Oak Wood Drive
Zoning: Residential Development (RD-MPD)
Adjacent Land Uses: Residential
Date of Application: February 26, 2004
Project Planner: Kevin LoPiccolo

Background

The applicants own Lot 64 and half of Lot 63 of the Oaks Subdivision at Deer Valley. The 1½ Lots are currently vacant with a proposal of building a single-family dwelling at a future date. The applicant is requesting a lot combination to combine all of Lot 64 and ½ of Lot 63 into one lot of record. The applicant purchased ½ of Lot 63 without pursuing a subdivision through Park City Municipal Corporation. The property is located in the RD-MPD, Residential Development District-Master Planned Development.

The Planning Commission reviewed this application request and forwarded a positive recommendation to the City Council at their June 23, 2004 meeting.

Analysis

Section 15-2.13-6(A) of the Land Management Code requires that floor areas for combined lots within the RD zone not exceed 150% of the house size allowed. The Oaks Subdivision allows a maximum house square footage of 7,500 square feet on a single lot. Since the applicant is combining one-half lot to a full lot of record, staff is calculating the increase of the proposed house size at 125%, half of what would be allowed if it were a full two-lot combination. The maximum square footage allowed based on 15-2.13-6(A) of the LMC is 11,250. The allowable square footage with 1½ lot combination will be 9,375 square feet. Staff is requesting that the dwelling size, plus an allowance up to 600 square feet for garage be placed as a plat note.

Likewise, Section 15-2.13-6(B) of the LMC requires that setbacks be adjusted proportionally to the increase in the allotted square footage up to a maximum of 150%. Therefore, when the applicant submits plans for a single-family home on the lot, the setbacks will be calculated according to the amount of square footage proposed based

on the lot and a half at 125%. Staff is requesting that the minimum setbacks based on the 125% be placed as a plat note. The proposed setbacks are as follows:

LMC Setback Requirement

Front - 20'
Sides - 12'
Rear - 15'

Lot Combination Setback Requirement

Front - 25'
Sides - 15'
Rear - 18'9"

The plat shows a limit of disturbance line on the upper portion of the Lots. This line will remain in place as previously approved. The Oaks Subdivision limits the amount of irrigation on each lot to 10,000 square feet. Staff is proposing that the amount allowed on the lot be increased proportionally to the increase in square footage up to a maximum of 125% of 10,000, or 12,500 square feet.

Staff has visited the site and reviewed the applicants proposed plans and finds that the lot combination, with conditions, will be compatible with the neighborhood.

Notice

Notice of this hearing was sent to property owners within 300' on June 9, 2004. Staff received a letter (Exhibit B) on April 17, 2004, requesting that the Planning Commission decline this request to combine the 1½ Lots. The adjacent property owner states that there is a mutual understanding that Lot 63 was purchased as an open space lot, and that Lot 63 would not be developed. The applicant contends that there is no agreement to this effect. Whether such an agreement exists between lot owners is a private matter to be resolved between the neighbors and lies outside of the city's jurisdiction to enforce.

Department Review

The Staff Review Committee reviewed this request at their March 26, 2004 meeting. Based on the current Title Report, the applicant does own ½ of Lot 63, but there is no description that outlines any type of agreement that would require Lot 63 to remain as an open space lot. The property owner's will need to address this issue as a separate private matter. As conditioned, the proposed plat amendment meets all necessary Land Management Code and Subdivision requirements. The remaining ½ of Lot 63 is not separately developable unless legally combined with the adjacent lot. The city does not object to the proposed lot combination provided that the applicant complies with the lot combination requirements.

Recommendation

Staff recommends that the City Council approve the proposed 1½ Lot combination, according to the findings of fact, conclusions of law and conditions of approval as outlined in attached ordinance.

EXHIBITS

Exhibit A - Proposed Plat Amendment

Exhibit B - Adjacent property owner's letter

Exhibit C - Draft Ordinance

Ordinance No. 04-

**AN ORDINANCE APPROVING THE PLAT AMENDMENT TO
COMBINE ALL OF LOT 64 AND ½ OF LOT 63 OF THE OAKS AT
DEER VALLEY SUBDIVISION INTO ONE LOT OF RECORD
LOCATED AT 3605 OAK WOOD DRIVE, PARK CITY, UTAH**

WHEREAS, the owners, Thomas Decker and Candace Decker, of the property at 3605 Oak Wood Drive, Park City, Utah have petitioned the City Council for approval for an amendment to the Oaks at Deer Valley Subdivision; and

WHEREAS, proper notice was sent and the property posted according to requirements of the Land Management Code and state law; and

WHEREAS, on June 23, 2004, the Planning Commission held a public hearing to receive public input on the proposed amendment to the Snyder=s Addition and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, a financial guarantee for all public improvements is necessary to ensure completion of these improvements and to protect the public from liability and physical harm if these improvements are not completed by the developer or owner.

WHEREAS, the proposed amendment to the Oaks at Deer Valley Subdivision allows the owners to combine all of Lot 64 and ½ of Lot 63 of the Oaks at Deer Valley Subdivision into one lot of record;

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

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

SECTION 1. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact.

1. The property is located in the Residential Development Master Planned Development (RD-MPD) zone.
2. The Planning Commission forwarded a positive recommendation to the City Council at their June 23, 2004 meeting.
3. The RD-MPD District is a residential zone characterized by large contemporary single-family homes.
4. This plat amendment will combine lot 64 and ½ of lot 63 of the Oaks Subdivision into one lot of record.
5. There are no existing structures on the property.
6. The construction of a single-family home in the RD-MPD zone is an approved use.

7. The maximum square footage for a single-family dwelling within the Oaks Subdivision is 7,500 square feet.
 8. Section 15-2.13-6(A) of the Land Management Code allows an owner within a Master Planned Development to combine lots with a designated maximum house size and receive 150% of the maximum size allotted to the lots. Since the applicant is combining 1½ Lots into one lot, staff will use 125% of the maximum size allotted to the lots.
 9. The maximum building size for 1½ Lot combination is 9,375 square feet.
 10. The property owner has requested an increase in the allowable square footage on the lot up to 9,375 square feet.
 11. LMC Section 15-2.13-6(B) requires that the minimum setbacks for homes on combined lots increase in proportion to the increase in house size.
 12. There is a limit of disturbance line traversing both lots.
 13. No changes to the limit of disturbance line are proposed as part of this application.
 14. The Oaks at Deer Valley plat requires that no more than 10,000 square feet of each lot be irrigated.
 15. The amount allowed on the lot may be increased proportionally to the increase in square footage up to a maximum of 125% of the portion of lot 63.
- The remaining half of Lot 63 is a remnant lot and is not separately developable.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby concludes that there is good cause for the above-mentioned subdivision plat and that neither the public nor any person will be materially injured by the proposed subdivision plat.

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.

SECTION 3. RECORD OF SURVEY. The subdivision plat, known as 3605 Oak Wood Drive, the Oaks at Deer Valley Subdivision, is hereby approved as shown on Exhibit A, with the following conditions:

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 plat.
2. A note shall be added to the plat stating that a single-family home may be constructed on the combined 1½ lots with a maximum square footage of 9,375 square feet.
3. A note shall be added to the plat stating that setbacks for the home will be calculated in proportion to the increase in the square footage of the home at 125% of the required minimum setbacks, namely front 25', sides 15' and rear 18'9".
4. The existing platted Limits of Disturbance lines on the property shall remain

unchanged.

5. All existing easements on the property shall remain unchanged.
6. The remaining remnant portion of Lot 63 is not separately developable.
7. A note shall be added to the plat stating that the maximum irrigable area on the property shall not exceed 12,500 square feet.
8. No building permits shall be issued prior to the final recordation of the plat at the County Recorder's Office.

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 and the plat will be void.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 1st day of July 2004.

8-24-02

From: W. H. & Karen Lewis
170 Banfill Rd.
Santa Rosa Beach, FL 32459

ph.: 850-231-7882
fax: 850-231-7883
wlew3@cs.com

FILE COPY

Re: Lot 63 Oakwood Drive 3625 Oakwood Drive Park City, UT 84060

Attn: Park City Department Of Community Development

This pertains to a letter received a letter from Kevin LoPiccola dated 6-11-04 regarding proposed combining of Lot 64 and 1/2 Lot 63 located on Oakwood Dr. in Deer Valley Resort. The letter was addressed to another address and we only received the letter this past weekend.

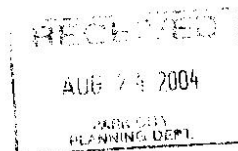
The information within the contents of the letter is contrary to everything we know and understand about this matter. Months ago in no uncertain terms we clearly stated that under no circumstances did we approve of any combining or division of Lot 63 which we are co-owners, unless both owner approve such change to the status of this property. In addition to our written response on this matter, I discussed the same with Kevin LoPiccoll by phone wherein he assured me that no further actions would be taken without our full knowledge and participation. We received no phone calls, no emails, nothing but a late to arrive generic appearing letter to our Alexandria, LA but to an incorrect address apparently causing the delay in receipt.

In addition to improper and late notice of these events, we protest and object to any rezoning or subdividing of our co-owned property Lot 63 on Oakwood Drive due to our legal rights and due to our understanding of agreements in effect between the co-owners Of Lot 63 which prohibit any development or change in legal status of Lot 63 without prior approval of both parties. The Department of Community Development or other entity has no right to divide or combine part or portions of our property without our authorization and without proper legal process..

We will seek the advice of our attorney at this time to act on our behalf in addressing the unauthorized and illegitimate tampering with our personal property without our knowledge and authorization. We request that you take no further actions which may harm our property or further trample upon our rights as citizens, property owners and tax payers. Thank you.

Sincerely,


William H. Lewis



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LAW OFFICES
A Professional Law Corporation

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SALT LAKE CITY

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HEBER CITY

2 South Main Street, Suite 210
Heber City, Utah 84032
Telephone: (435) 654-1553
Facsimile: (435) 654-1554

April 12, 2005

Park City Municipal Corporation
Planning Department
Attn: Renae Rezac
PO Box 1480
Park City, Utah 84060

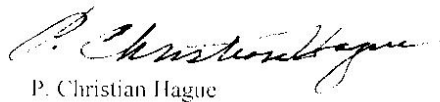
Re: *Buddy and Karen Lewis*

Dear Ms. Rezac,

This will confirm the several discussions my law clerk Stephanie Matsumura has had with you concerning our client Mr. and Mrs. W. H. Buddy Lewis of 3217 Park View Drive, Alexandria, Louisiana 71301. Mr. and Mrs. Lewis own at 3625 Oak Wood Drive, The Oaks at Deer Valley, Park City, Utah. You have sent to Stephanie a copy of a notice dated June 11, 2004 concerning hearings before the Park City Planning Commission and the Park City City Council relating to an application made by Thomas and Candace Decker for their adjoining property at 3605 Oak Wood Drive. You enclosed a copy of the names and addresses of the individuals who would have received mailed notice concerning the Deckers' application. I note that Mr. and Mrs. Lewis are not on that list. You told Stephanie that if they are not on the list, that they would not have been mailed a notice concerning the Deckers' application.

Consequently, Mr. and Mrs. Lewis did not receive proper notification as required by law. Therefore, any approval of the Deckers' application must be rescinded. I would appreciate hearing from your office with regard to rescheduling hearings before the Park City Planning Commission and the Park City City Council.

Very truly yours,
TESCH LAW OFFICES, P.C.


P. Christian Hague

PCH:bb

C:\ACUE@TJ

www.teschlaw.com

DATE: August 26, 2004
TO: Patrick Putt, Jim Twardowski
FROM: ReNae Rezac
SUBJECT: 3605 Oakwood Drive



FILE COPY

I talked to Mrs. Lewis on Monday, August 23. She stated that she and her husband had been out of town and when they returned, there was a letter from Kevin LoPiccolo. The letter was dated June 11, and is the standard courtesy letter the Planning Department sends to any property owner within 300 feet of a proposed project. She expressed her opposition to the lot line adjustment. I explained a public hearing had been held at the June 23rd Planning Commission meeting. Hearing no negative public comment, the Commission voted to forward the lot line adjustment on to City Council with a positive recommendation. The City Council held a public hearing on July 1. There was no negative comment at their meeting and the Council approved the lot line adjustment. I clarified with Mrs. Lewis that the City could not be held responsible for their missing the public hearings because they were out of town.

**RESOLUTION NAMING AND HONORING SALLY ELLIOTT
AS THE MAYOR'S CHOICE FOR THE
2006 MAYORS' AWARDS IN THE HUMANITIES**

WHEREAS, the Mayors' Awards in the Humanities were established to celebrate the Utah Humanities Council's 25th Anniversary, and to honor local champions for their promotion of history, heritage, literacy, literature, and public discussion in their communities; and

WHEREAS, the humanities preserve and promote a deeper understanding of the human condition in our local towns and cities; and

WHEREAS, Sally Elliott has consistently demonstrated her commitment to communicate the importance of diverse traditions, values and ideas through informed open forums; and

WHEREAS, she has always advanced the Utah Humanities Council's mission, philosophy and ethics during her many years of public service as a Park City Councilmember and Summit County Commissioner;

NOW, THEREFORE, BE IT RESOLVED by the Mayor, City Council, and Utah Humanities Council that Sally Elliott is hereby named and honored as the Mayor's Choice for the 2006 Mayors' Award in the Humanities.

PASSED AND ADOPTED this 27th day of July, 2006.



City Council Staff Report

Author: Kirsten Whetstone **Planning Department**
Subject: Land Management Code Amendments –
Chapters 2 (HR-L, HR-1, HR-2) Zoning Districts
Chapter 5 (Architectural Review)
Date: July 27, 2006
Type of Item: LMC Amendments

Summary Recommendations

Discuss proposed revisions to the Land Management Code, conduct a public hearing, and approve revisions to Chapter 2.1 (HR-L District), 2.2 (HR-1 District), 2.3 (HR-2 District), and Chapter 5 (Architectural Review).

Topic

Project Name: LMC Amendments
Applicant: Planning Department
Proposal: Revisions to the Land Management Code- Chapters 2 and 5.

Background

The Planning Department is preparing amendments to the Land Management Code (LMC) to address planning and zoning issues that have come up in the past year. Reorganization of the Community Development Department required language in the Land Management Code to be revised to reflect the new organization. Additional revisions are proposed to address specific LMC issues and substantive revisions that have been identified since the 2000 LMC updates. Legal staff has recommended additional amendments to comport with the revisions to the Utah Code in 2005. Staff is currently redlining the entire LMC to resolve this situation.

Included in this packet are portions of Chapter Two- Zoning Districts and Chapter 5- Architectural Review (see Exhibits A-D). The remaining sections of Chapter 2 and Chapter 15- Definitions will be redlined and submitted for review in August.

On July 12, 2006, the Planning Commission held a public hearing and forwarded a positive recommendation to the City Council on the below described amendments to the Park City Land Management Code.

Analysis

Revisions due to CDD reorganization

Reorganization of the City Departments and the elimination of a Community Development Director (CDD) necessitates revisions to the Land Management Code to replace references to the Community Development Director or CDD and replace them

with either the Planning Department; Planning Director; Planning, Engineering and Building Departments; City Engineer; and/or Chief Building Official. In general, when a decision is strictly a planning matter, "Planning Director" will replace the "CDD Director". When the decision requires a coordinated effort of Building, Planning, and Engineering then "CDD" will be replaced with "Planning, Building and Engineering Departments".

Revisions due to creation of an Historic Preservation Board

Revisions are also made to replace the terms "Historic District Commission" or "HDC" with either, "Historic Preservation Board", "HPB", "Planning Director", "Planning Department", etc. based on the language approved by the 2003 amendments to Chapter 11- Historic Preservation.

Revisions due to adoption of the International Building Code in place of the UBC

Revisions have also been made to replace the language referring to the Uniform Building Code (UBC) with the International Building Code (IBC).

Summary of additional technical and substantive amendments and revisions made to comport with the revised State Code

Chapter Two:

- Sections 15-2.1-6 (B) (10), 15-2.2- 6 (B) (10), and 15-2.3-7(B) (10). Under Steep Slope CUP review for Height exception (in the HR-L, HR-1 and HR-2 districts), the criterion that lot width be greater than 25' to apply for a height exception was deleted. This change provides design opportunities for all historic district lots, not just lots greater than 25' wide. This change allows the Commission to consider heights greater than 27' on lots of all widths, for the purposes of compliance with the Historic District Design Guidelines, architectural interest and character, allows steeper pitched roofs, etc, but does not result in additional floor area. This height exception only applies to Steep Slope Conditional Use Permit applications. Public notice is a requirement of the CUP process. Final decisions are made by the Planning Commission.
- Added maximum building footprint language for large platted lots. (Exhibits E and F- Planning Commission report and minutes.) At the meeting on July 12th the Planning Commission amended the language to read as follows:

(D) BUILDING FOOTPRINT (HRL, HR-1 and HR-2 Districts). The maximum Building Footprint for any Structure located on a Lot, or combination of Lots, not exceeding 18,750 square feet in Lot Area, shall be calculated according to the following Formula for Building Footprint, illustrated in Table 15-2.2. The maximum Building Footprint for any Structure located on a Lot or combination of Lots, exceeding 18,750 square feet in Lot Area, shall be 4,500 square feet; with an exemption allowance of 400 square feet, per dwelling unit, for garage floor area. A Conditional Use Permit is required for all Structures with a proposed footprint of greater than 3,500 sf.

Chapter Five:

- Clarify the types of rock products and simulated rock products that are prohibited (no plastic, vinyl, fiber glass, etc.). The Planning Commission requested further discussion and information on the use of man made concrete products. Staff will return to the Planning Commission at a work session to discuss this issue further.
- Clarify when aluminum or vinyl siding may be used as siding material. Vinyl is only permitted to repair or re-side existing vinyl siding.
- Increase the maximum wattage per fixture for Recreational (metal halide) lighting from 1000 to 1500 watts. This change is per a recommendation from the architectural firm and lighting consultant for the Quinn's Fields complex. Allowing higher wattage will reduce the number of fixtures and provide a uniform, better quality, and more efficient lighting. The architect has provided a specific photometric analysis of both options comparing impacts at the City's field complex. The analysis supports the change and indicates only insignificant light spill or other site impacts. Metal halide lighting is required to be shielded and down directed.
- Change the recommended light source for residential exterior lighting from high pressure sodium to compact fluorescents. High pressure sodium lighting at 50 watts produces more lumens than comparable wattage compact fluorescent bulbs. Compact fluorescent bulbs are readily available and interchangeable with standard incandescent bulbs, and do not require the fixture or ballast be replaced.

Department Review

These amendments have been reviewed by the Planning, Engineering, and Building Departments, as well as by the Legal Department. A draft of these amendments is available at the Planning Department for review.

Notice

Legal notice of the public hearing was posted in the required public spaces and placed in the Park Record.

Public Input

A public hearing was conducted by the Planning Commission on July 12, 2006. There was public comment on the maximum footprint for large platted lots (see Exhibit F).

Alternatives

- Approve the Land Management Code revisions to Chapters 2 and 5 as presented, or as amended, at the meeting.
- Deny the Land Management Code revisions as presented.
- Continue this item to a date uncertain.

Recommendation

Staff recommends the City Council approve the Land Management Code amendments to Chapter 2- Sections 2.1, 2.2, and 2.3 and Chapter 5.

Exhibits: Exhibits under separate cover. For copies, contact the City Recorder's Office 435-615-5007.

Exhibit A- Chapter Two- Section 2.1 (HR-L District)

Exhibit B- Chapter Two- Section 2.2 (HR-1 District)

Exhibit C- Chapter Two- Section 2.3 (HR-2 District)

Exhibit D- Chapter Five- Architectural Review

Exhibit E- Planning Commission Staff report describing LMC amendments to the maximum building footprint allowed on large, platted lots in the Historic District.

Exhibit F- Minutes of the July 12, 2006, Planning Commission meeting.

Draft Ordinance

**AN ORDINANCE APPROVING AMENDMENTS TO
THE LAND MANAGEMENT CODE
OF PARK CITY, UTAH, TO REFLECT RE-ORGANIZATION OF THE COMMUNITY
DEVELOPMENT DEPARTMENT, TO INCLUDE REFERENCES TO THE HISTORIC
PRESERVATION BOARD (HPB), TO REPLACE UNIFORM BUILDING CODE WITH
INTERNATIONAL BUILDING CODE, AND TO ADDRESS SUBTANTIVE
AMENDMENTS,
FOR THE FOLLOWING CHAPTERS:
CHAPTER 2.1 HR-L ZONING DISTRICT, 2.2 HR-1 ZONING DISTRICT, 2.3 HR-2
ZONING DISTRICT, AND CHAPTER 5 ARCHITECTURAL REVIEW**

WHEREAS, the Land Management Code is designed and enacted to implement the objectives of the Park City General Plan; to protect the general health, safety, and welfare of Park City's citizen's and property owners; to maintain the quality of life and experience for its residents and visitors; and to preserve the community's unique character and values;

WHEREAS, the City is in the process of preparing amendments to the entire Land Management Code to address reorganization of the Community Development Department and to ensure that the Park City Land Management Code comports with revisions to the Utah Code in 2005;

WHEREAS, approval of these amendments to the Land Management Code serve to implement amendments to the City's General Plan and to address substantive amendments to the Land Management Code related to architectural review, exterior lighting, exterior siding materials, height exception criteria for steep slope review in the historic districts, and maximum building footprint for lots greater than 18,750 sf in the HR-1, HR-2, and HR-L Districts.

WHEREAS, the Planning Commission duly noticed and conducted a public hearing at its regularly scheduled meeting on July 12, 2006 and forwarded to City Council a positive recommendation on Chapter 2 (Sections 2.1, 2.2, and 2.3) and Chapter 5;

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on July 27, 2006; and

WHEREAS it is in the best interest of the residents of Park City, Utah to amend the Land Management Code to be consistent with the Utah State Code and the Park City General Plan, and to be consistent with the values and identified goals of the Park City community to protect health and safety, maintain the quality of life for its residents, and to preserve the community's unique character.

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

SECTION 1. AMENDMENTS TO CHAPTER 2 OF THE LAND MANAGEMENT CODE. Chapter 2 (Sections 2.1, 2.2, and 2.3) is hereby amended as attached hereto as Exhibits A - C. Any conflicts or cross-references from other provisions of the LMC to Chapter 2 shall be resolved by the Planning Director.

SECTION 2. AMENDMENTS TO CHAPTER 5 OF THE LAND MANAGEMENT CODE. Chapter 5 is hereby amended as attached hereto as Exhibit D. Any conflicts or cross-references from other provisions of the LMC to Chapter 5 shall be resolved by the Planning Director.

SECTION 3. EFFECTIVE DATE. This Ordinance shall be effective upon publication.