

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION
CITY COUNCIL CHAMBERS
July 8, 2015



AGENDA

MEETING CALLED TO ORDER AT 5:30PM

ROLL CALL

ADOPTION OF MINUTES OF June 24, 2015

PUBLIC COMMUNICATIONS – *Items not scheduled on the regular agenda*

STAFF/BOARD COMMUNICATIONS AND DISCLOSURES

WORK SESSION – *Discussion items only, no action taken*

550 Park Avenue - Steep Slope Conditional Use Permit for construction of a new single-family dwelling and a Conditional Use Permit for a parking area with five or more spaces.

PL-15-02451 & 47
PL-15-02471
Planner
Astorga

CONSENT AGENDA – *All items on the consent agenda shall be passed or denied by a single motion at the Commission meeting, unless a motion to remove a specific item is made. If a member of the public or a member of the Planning Commission requests a public hearing on a consent agenda item, then the item shall be removed from the consent agenda and acted on at the same meeting.*

940 Empire Avenue Subdivision – Plat Amendment combining one and a half lots in order to remove the lot line under an existing non-historic home.

Public hearing and possible recommendation to City Council on July 30, 2015

PL-15-02762 127
Planner
Alexander

Lot 20, Block 9, Snyder's Addition, Norfolk Avenue - *The property is located between 1046 Norfolk Avenue and 1102 Norfolk Avenue on a vacant lot.* - Steep Slope Conditional Use Permit for construction of a new single-family dwelling on a vacant lot.

Public hearing and possible action

PL-15-02723 141
Planner
Turpen

52 and 58 Silver Strike Trail - Seventh Supplemental Plat for The Belles at Empire Pass, Units 15 and 16

Public hearing and possible recommendation to City Council on July 30, 2015

PL-15-02775 169
Planner

REGULAR AGENDA – *Discussion, public hearing, and possible action as outlined below*

222 Sandridge Avenue - Plat amendment to combine portions of Lots 19, 20, and 21 in Block 72 of the Park City Survey into one lot of record.

Public hearing and possible recommendation to City Council on July 30, 2015

PL-15-02769 187
Planner
Whetstone

1893 Prospector Avenue – Master Planned Development Application for a new building containing 11 residential units on Lot 25b of the Giga plat Replat of Parking Lot F at Prospector Square.

PL-15-02698 223
Planner
Whetstone

A majority of Planning Commission members may meet socially after the meeting. If so, the location will be announced by the Chair person. City business will not be conducted.

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Park City Planning Department at (435) 615-5060 24 hours prior to the meeting.

Public hearing and possible action

Alice Claim south of intersection of King Road and Ridge Avenue – Alice Claim Subdivision and Plat Amendment	PL-08-00371	327
<i>Public hearing and consideration of applicant request and staff recommendation to continue to July 22, 2015</i>	<i>Planner</i> <i>Alexander</i>	
Alice Claim south of intersection of King Road and Ridge Avenue – Conditional Use Permit for retaining walls up to 10' in height.	PL-15-02669	395
<i>Public hearing and consideration of applicant request and staff recommendation to continue to July 22, 2015</i>	<i>Planner</i> <i>Alexander</i>	

ADJOURN

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PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
JUNE 24, 2015

COMMISSIONERS IN ATTENDANCE:

Chair Adam Strachan, Melissa Band, Preston Campbell, Steve Joyce, John Phillips, Doug Thimm, Nann Worel

EX OFFICIO:

Kayla Sintz, Planning Manager; Kirsten Whetstone, Planner; Francisco Astorga, Planner; Christy Alexander, Planner; Mark Harrington, City Attorney

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REGULAR MEETING

ROLL CALL

Chair Strachan called the meeting to order at 5:35 p.m. and noted that all Commissioners were present except Commissioner Campbell who arrived later.

ADOPTION OF MINUTES

June 10, 2015

Commissioner Band referred to page 66 of the Staff report, page 14 of the minutes and corrected the vote on the motion for 875 Main Street to reflect that she had voted against the motion. The vote should be corrected to read, **The motion passed 4-1. Commissioner Band voted against the motion.**

Commissioner Band referred to page 89 of the Staff report, page 37 of the minutes under the public hearing for Alice Claim and changed Jim Doiling to the correct spelling of Jim **Doilney**.

Commissioner Joyce referred to page 62 of the Staff report, page 10 of the minutes, middle of the first paragraph, and changed “as a designation for residents” to correctly read “**destination** for residents...”

Commissioner Joyce referred to page 82 of the Staff report, page 30 of the Minutes and changed “five 6’ retaining walls add up to 10’ to correctly read “...add up to **30’**.”

MOTION: Commissioner Phillips moved to APPROVE the minutes of June 24, 2015 as amended. Commissioner Joyce seconded the motion.

VOTE: The motion passed. Commissioner Campbell was not present for the vote. Commissioner Worel abstained since she was absent on June 10th.

May 13, 2015

MOTION: Commissioner Phillips moved to APPROVE the minutes of May 13th, 2015 as written. Commissioner Worel seconded the motion.

VOTE: The motion passed. Commissioners Band, Joyce and Thimm abstained since they were absent on May 13th.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Commissioner Phillips disclosed that he lives across the street from 125 Norfolk, the Consent Agenda item, but he did not believe that would impact his decision this evening.

Commissioner Phillips disclosed that he has a non-complying hot tub that would not affect his judgement in the discussion this evening. He would move his hot tub two feet if necessary.

Commissioner Phillips disclosed that he would be recusing himself from 259, 261, 263 Norfolk Avenue due to past professional relationships with the applicant. He was not certain that this association would not affect his judgement.

Commissioner Phillips asked if the City had looked at annexing Snow's Lane either recently or in the past. He was working on a house on that street and noticed hazardous conditions that could cause problems on the City property. He also recalled that someone had applied for a position on the City Council believing that they were within the City limits but later found they were not. Commissioner Phillips suggested that the Staff look at whether or not annexing would make sense.

Planning Manager Sintz offered to research what has historically been done and report back to the Planning Commission. Chair Strachan recalled some discussion about that during the Silver Star development application.

Commissioner Phillips noticed that 259, 261, 263 Norfolk was not posted and has not been posted for some time. Commissioner Band stated that she found the sign in the weeds today and re-staked it. However, the sign was dated March 25th, which was the last time it

was on the agenda. Commissioner Phillips noted that he had made this same comment about the sign at the March 25th meeting. He questioned whether or not was considered proper noticing if the sign was lying down.

City Attorney Mark Harrington pointed out that Commissioner Phillips had recused himself from this item and he should not be making comments. If the other Commissioners had questions regarding signage and public noticing they should make their comments when the item comes up on the agenda.

WORK SESSION

Sign Code Amendment regarding Resort Free-Standing Signs.

Planner Christy Alexander reported that the sign code is part of the Municipal Code and any amendments to the Sign Code go through the City Council as the approval body. However, they value the opinion of the Planning Commission and the purpose of this work session is to hear feedback regarding the proposed sign code amendment.

Planner Alexander stated that the City has been partnering with Deer Valley in working on improvements to the Deer Valley Road right-of-way. The City Engineer has been working with the resort in talking about wayfinding signage, and how to improve and update what currently exists, as well as potential signage for the future. Planner Alexander noted that current language in the sign code states that any free-standing signs are limited to 7-feet in height. With this improvement to the right-of-way the City Engineer and Deer Valley were talking about specific signage, which she presented to the Planning Commission. The intent is to help visitors to the community know when they were actually entering the resort area, since many people do not know where Deer Valley begins.

Planner Alexander stated that the Resort was proposing a free-standing sign up to 20'. However, after looking at signs within the community, what signs the Resorts currently have, and which signs are most visible and legible to both pedestrians and vehicle traffic, the Staff recommended limiting the signage to 14' in height. The City Engineer had requested 16'. Planner Alexander noted that with the changes or proposed amendments to the sign code they would need to amend the height limit, limit the number of signs to two free-standing signs, and reduce the setback from 10' off the property line to 5' off the property line. In addition, if there are right-of-way improvements, any signage within the right-of-way must be approved by the City Engineer.

The Staff requested input from the Planning Commission regarding the height limit, number of signs, and the setbacks.

Commissioner Thimm could find nothing in the amendment that suggested a change in the face area of the sign, which is currently 20 square feet. He questioned how they would measure 20 square feet on the sign Planner Alexander was showing on the screen. He asked whether it would be the text area or the whole sign. Planner Alexander replied that it would be any image and text. Commissioner Thimm clarified that it would just be the logo or decorative portion and the wording. Planner Alexander answered yes.

Commissioner Thimm referred to language regarding special exceptions and noted that Item a) mentions an entrance corridor. He asked if the Code defines an entrance corridor. Planner Alexander believed it was defined somewhere in the Code, but she was unsure how specific it was and suggested that they look at revising the language for clarification. Commissioner Thimm thought it would be easy for people to stretch the limits of the Code without a clear definition.

Planning Manager Sintz asked if Commissioner Thimm thought Item a) that states within 300 feet of the Resort's property needed clarification. She noted that they were interchanging entry exit corridor, but they were honing in on the proximity of the Resort property. Commissioner Thimm thought the language was gray and nebulous. Planner Alexander understood that the concern was that where the property begins is different than the entry corridor. Commissioner Thimm stated that the issue was what might be construed to be an entrance corridor by some but not by others. He thought that needed to be clarified. Planner Alexander agreed.

Commissioner Joyce remarked that a lot of thought went into drafting the current Sign Code. He wanted to know the real motivation behind the proposed amendments and what problem they were trying to solve. Planner Alexander replied that much of the signage was done before the Olympics or for the Olympics and things have changed since then. The City was already looking at amending the Sign Code this year, and with Vail taking over PCMR and wanting to update their signage, the Staff tried to look at providing the best wayfinding signage for the Resort areas to help guide the tourists.

Commissioner Joyce asked if the signage was literally intended to be a directional signage. He did not believe the example Planner Alexander presented as the proposed sign was not directional. He thought it made more sense to have signage at the roundabout directing people to many choices; or to have signage at the base of Deer Valley directing buses, drop-off traffic, etc. to different locations. Commissioner Joyce remarked that the proposed example looked more like a welcome sign that did not meet the needs of wayfinding.

Commissioner Joyce reiterated his consistent concern about making Code exceptions for an individual business. If the issue is that the Resorts are special because they generate so much traffic to one place, he would prefer changing the LMC to have special signage

requirements for a use that generates this volume of traffic. Commissioner Joyce pointed out that the two Resorts were asking for new signage and he was uncomfortable changing the Code for that particular type of business. He believed it was a big mistake. Commissioner Joyce noted that later in the meeting the Planning Commission would be discussing a Code change regarding vertical zoning specifically to eliminate some of the odd exceptions that exist in the Code.

Commissioner Joyce stated that his message to City Council would be that if the intent is to teach people how to get to the base of Deer Valley, a good 7' road sign should be sufficient because they have those same signs all over town for various businesses and they work fine. He was unsure why that would not be adequate for the Resorts. Commissioner Joyce personally believed they were only having this discussion because the City was actively involved in working on the Deer Valley Beautification.

Planner Manager Sintz remarked that the existing signs in place are not in compliance with Sign Code and the intent is to look at all the signs as a whole, recognizing that the City has two large resort destinations that do have an identity and a brand within the City. The Staff thought it was best to look at it in a cohesive manner.

Commissioner Joyce stated that if the answer is that the Sign Code is broken and they made a mistake when they thought 7' was adequate, then the question is whether it should apply to hotels and other businesses. He was willing to have that discussion to determine whether or not there are mistakes in the Sign Code. There are several examples where the Code was changed to fix many non-compliant things and he had no problem with that process. He reiterated that a lot of thought went into the current 7' height and he was uncomfortable picking it apart one sign at a time without good reason and being fair to other businesses. He used hotels as an example. Planner Manager Sintz remarked that hotels are very different than the two major Resort destinations. She stated that the Staff would never recommend a 14' sign for a hotel.

Chair Strachan could not find reference in the Code indicating that the proposed change only applied to ski resorts. He specifically referenced 12.9.1(G). Planner Alexander stated that the Resorts are specifically mentioned in her redlined version. She clarified that the current Code language does not address the Resorts specifically. Chair Strachan asked if the City Attorney could see problems with giving one business a right that is not extended to other businesses.

City Attorney Harrington stated that the more exception based they are, particularly in light of recent federal litigation, the more they put the City at risk. However, they are able to differentiate different classes of signage, but not the content. Mr. Harrington stated that it had not yet been reviewed comprehensively because they first wanted to hear input from

the Commissioners and policy direction. Mr. Harrington thought they could expect a fairly quick return and some broader recommendations on the entire Sign Code, particularly with regard to temporary signage. At that point the Planning Commission would have the opportunity to address non-complying and temporary exceptions. Mr. Harrington believed Commissioner Joyce was accurate in saying that the best basis to distinguish was directional signage. He noted that directional can include arrival. Mr. Harrington emphasized that the more exception based and limited in number, the more at risk they are to be challenged, particularly if it is content based and subject to scrutiny. Mr. Harrington noted that there has been a high degree of voluntary compliance in Park City because people in the community recognize the importance of aesthetic regulations. He stated that there is a functional difference between a UDOT sign and a Resort sign, and there is an analysis that the Staff can draw upon that shows the deficiencies in direction signs. The City receives a high number of complaints regarding directional confusion.

Commissioner Joyce stated that the Staff report talks about wayfinding, but in his opinion the proposed example was not a wayfinding sign.

Commissioner Band concurred with Commissioner Joyce. They were talking about Deer Valley now but they would eventual have this same discussion for PCMR. If they intend to amend the Sign Code they should look at all signs. She was opposed to a piecemeal approach. If the City wanted to make exceptions for the two big ski resorts they could still make that decision.

Commissioner Joyce stated that if exceptions are made for the ski resorts it should be driven by traffic volume rather than use.

Commissioner Worel agreed that the signs needed to be wayfinding. She also was also uncomfortable relating the size of the sign to the perceived importance of what it relates to.

Chair Strachan concurred with Commissioners Band and Joyce. He believed the St. Regis would be the next entity that would request a 14' sign. He thought it needed to be more Code driven. Exceptions could be allowed but it should be for businesses that occupy recreation open space or something similar. He did not favor specifying ski resorts.

Chair Strachan suggested that the Staff re-work the amendment and bring it back to the Planning Commission for further discussion.

CONTINUATIONS (Public Hearing and Continue to date specified.)

1. Land Management Code Amendment regarding Nightly Rentals use in the HR-L (Application PL-15-02817). Chapter 2.1 and green roof definition and application in

HR-L; Chapter 2.1, HR-1 (Application PL-15-02818). Chapter 2.2, HR-2 Chapter 2.3, RC Chapter 2.16, and Definitions Chapter 15.

Chair Strachan opened the public hearing.

Michael Kaplan stated that he is a professor and one of the courses he teaches is Ski Resort Management. He actually did a study on the evolution of ski towns and currently Park City is at a new pulse where businesses will come in and property will be sold to people who are looking for third homes. The businesses will be market businesses. It is a function of the rates and due to the sale and recovery of the economy. Mr. Kaplan thought the City should focus on getting hot beds on Main Street in the form of nightly or long-term rentals. He stated that in general, the ski resorts that are more successful focus growth and density towards the core. Mr. Kaplan remarked that the way the Code reads currently, the developers are making \$2 million condos and they are becoming second, third and fourth homes, which does not add to the energy of Main Street. Mr. Kaplan stated that he is involved with Main Street and there is a great need for hot beds. That should be the direction of the Code as they amend it.

Chair Strachan asked if Mr. Kaplan favored adding nightly rentals in zones or decreasing the number of nightly rentals.

Mr. Kaplan stated that he favored giving an incentive to developers to make nightly rentals. He offered suggestions for incentives to steer developers away from the current model. He suggested that the Code encourage smaller units and remove some of the parking prohibitions and other things that forced the developers in the direction they have taken.

Chair Strachan closed the public hearing.

MOTION: Commissioner Phillips moved to CONTINUE the LMC Amendments regarding nightly rentals and green roofs to July 22nd, 2015. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

CONSENT AGENDA

1. 125 Norfolk Avenue – Hewtex Plat Amendment combining portions of Lots 7, 8, 11 and all of Lots 9 and 10 Block 78 of the Millsite Reservation.
(Application PL-15-02720)

Chair Strachan opened the public hearing. There were no comments.

MOTION: Commissioner Joyce moved to APPROVE the Consent Agenda. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 125 Norfolk Avenue

1. The property is located at 125 Norfolk Avenue.
2. The property is in the Historic Residential-Low Density (HR-L) Zoning District.
3. The subject property consists of Portions of Lots 7, 8, 11 and all of Lots 9 and 10 in Block 78 of the Millsite Reservation.
4. Existing Lots 8, 9, and 10 contain a single-family dwelling built in 1973 and a non-historic detached garage constructed at an unknown date. The building footprint of the single-family dwelling is approximately 672 square feet. The building footprint of the non-historic detached garage is approximately 304.5 square feet.
5. An asphalt driveway is located on Lots 7, 8, 9, and 10.
6. The proposed plat amendment creates one (1) lot of record from the existing three (3) partial lots and two (2) full lots equaling 7,417 square feet.
7. A single-family dwelling is an allowed use in the Historic Residential-Low Density (HR-L) District.
8. The minimum lot area for a single-family dwelling is 3,750 square feet; the lot at 125 Norfolk Avenue will be 7,417 square feet. The proposed lot meets the minimum lot area for a single-family dwelling.
9. The maximum building footprint for a lot this size, 7,417 square feet, is 2,444.5 square feet. Compared to adjacent properties on Sampson Avenue within the HR-L zone, the average lot size is 6,237.5 square feet. The average building footprint of those properties on Sampson Avenue within the HR-L zone is 2,162.29 square feet.
10. The minimum lot width allowed in the HR-L District is thirty-five feet (35'). The proposed lot is one hundred twelve feet six inches (112'6") wide. The proposed lot meets the minimum lot width requirement.
11. The minimum side yard setbacks for a one hundred twelve feet six inch (112'6") wide lot are fifteen feet (15').
12. The minimum front and rear yard setbacks for a lot seventy-five feet (75') in depth are fifteen feet (15') and thirty feet (30') total per Table 15-2.1a in the Land Management Code.
13. The existing non-historic single-family dwelling is thirteen feet (13') from the rear

property line on its southwest corner.

14. The existing non-historic detached garage encroaches into the Public Right-of-Way over the east property line approximately one foot seven inches (1'7") on the northeast corner. The existing non-historic detached garage is approximately one foot three inches (1'3") from the east property line on the southeast corner. The property owner will demolish the non-historic detached garage prior to plat recordation which will eliminate the encroachment.

15. The existing single-family dwelling is a legal non-complying as the structure and does not meet the rear yard setbacks. The Building Department does not keep Building Permits prior to 1979. It is unknown whether or not a Building Permit was obtained to construct the single-family dwelling.

16. The combined side yards setbacks are to be thirty feet (30') per Table 15-2.1 in the Land Management Code.

17. The proposed plat amendment will not cause undo harm to adjacent property owners.

18. The proposed lot area of 7,417 square feet is a compatible lot combination as the entire Historic Residential-Low Density District has abundant sites with comparable dimensions.

19. The applicant submitted a Historic District Design Review (HDDR) Pre-application on October 21, 2014 to construct an addition to the non-historic structure and demolish the existing non-historic detached garage. A Design Review Team meeting occurred on October 29. A second Design Review Team meeting occurred on April 1. Currently, there are no active applications under review.

20. The applicant applied for a Plat Amendment application on March 19, 2015. The Plat Amendment application was deemed complete on April 22, 2015.

21. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law – 125 Norfolk Avenue

1. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.

2. Neither the public nor any person will be materially injured by the proposed Plat Amendment.

3. 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 – 125 Norfolk Avenue

1. The City Attorney and City Engineer will review and approve the final form and

content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.

2. The applicant will record the plat at the County within one year from the date of City Council approval. If the final signed mylar has not been presented to the City for City signatures for recordation within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date of July 9, 2016, and an extension is granted by the City Council.

3. A ten feet (10') wide public snow storage easement will be required along the Norfolk Avenue frontage of the property and shall be shown on the plat prior to recordation.

4. The property owner must demolish the existing non-historic detached garage which encroaches into the Public Right-of-Way on the east side of the property prior to plat recordation.

5. 13-D sprinklers are required for any new construction or significant renovation of existing.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. 534 Park Avenue – Conditional Use Permit Modification to relocate the bed and breakfast's laundry facilities into the non-historic garage on the property. (Application PL-15-02759)

Planner Anya Grahn explained that the Washington School House Bed and Breakfast has an existing laundry room in their basement. They currently outsource the laundry for the facility and they would like to upgrade the laundry facilities by moving them into the garage.

Planner Grahn stated that the existing historic building and the garage are over footprint for what is allowed on the site. Therefore, no addition could be made and the applicant would have to use the existing buildings. In 1983 this bed and breakfast use was approved by the Historic District Commission as part of the renovation. At that time the garage was not included as part of the site. It was acquired in 2000 from John Plunkett. Mr. Plunkett had submitted a letter to the Planning Commission indicating that there was a minor error in what he had appealed in the early 2000s. Planner Grahn stated that in 2001, after the garage had been obtained as part of the site, a plat amendment was done to include the garage.

The Staff report outlined the reasons why the Staff believed the application complies with the Conditional Permit. However, Planner Grahn requested discussion on Item 12, which relates to noise, smells, etc. The applicant plans to install exterior vents on the south side

facing the Washington School house rather than the neighbor on the other side of the building. The applicant also plans to put in a new air condenser on the west side at the rear of the property. Planner Grahn had added Conditions of Approval requiring vegetation; and restricting the hours for using the laundry room between 7:00 a.m. to 10:00.

Planner Grahn reviewed the site plan showing the location of the new vents and the new condenser.

Chair Strachan asked if the compressor was necessary for the laundry machines. A representative for the applicant stated that it was only an air conditioning condenser.

Commissioner Worel referred to page 157 of the Staff report, which stated that the applicant was proposing to install a commercial size washing machine, ironing board and small utility sink in the current garage. She asked if there was a reason why a dryer was omitted. Planner Grahn replied that it was an error and there would be a dryer. Commissioner Worel assumed that the dryer was the reason for venting.

Commissioner Phillips asked how many loads of laundry they anticipated per day. The applicant's representative estimated between three to four loads per day. It is a 12 room bed and breakfast with 13 beds. With the commercial units all the linens could be done in one or two loads per day, and the towel would be a separate load. He estimated four loads on a heavy day.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

Commissioner Thimm clarified that the condenser would only serve the laundry room. He was told that this was correct. The applicant's representative stated that it was a very quiet system.

Commissioner Joyce asked about access from the main building to the laundry. The applicant's representative stated that there is a front entrance off of Park Avenue and the staff would walk back and forth outside. Commissioner Joyce asked if the garage has been used to park cars. The applicant answered no.

Commissioner Joyce noted that Planner Grahn had asked for feedback on Item 12 regarding noise and smell. He assumed the restricted hours for the laundry matched the

pool hours of 7:00 to 10:00. He believed it was more appropriate to match the construction hours which ends earlier in the evening and starts later on the weekend.

Commissioner Joyce suggested adding a condition of approval limiting the scope to one washer and one dryer. Commissioner Joyce referred to page 168 of the Staff report. In looking at redoing the garage door he thought it was odd that the one on the right had wall-mounted heating and air conditioning unit mounted to the opening garage doors. The applicant's representative believed the drawing was incorrect and that it was meant to be above the doors inside on the brick portion. He stated that it still may not go in that exact location. Commissioner Joyce clarified that he only questioned it because of the intent to keep things away from the wall closest to the neighbor.

Commissioner Joyce stated that if they could limit the number to one washer and one dryer and use the standard construction hours for the hours of operation, he was comfortable with the application.

Planner Grahn offered to add a condition of approval with a limitation of one washer, one dryer, one small sink, one iron. She asked if the Commissioners wanted to discuss an end time for daily operation.

Planning Manager Sintz noted that the construction hours are Monday-Saturday 7:00 a.m. to 9:00 p.m. and Sunday 9:00 a.m. to 6:00 p.m. Ms. Sintz referred to Condition #7, which stipulates that the approval is for the laundry room use only. She recommended adding "on-site" to the language. Commissioner Joyce clarified that his concern was with the 10:00 p.m. end time. He asked if the applicant would agree to a time restriction of 7:00 a.m. to 8:00 p.m. The applicant's representative agreed, noting that most of the laundry would be done during business hours.

Commissioner Phillips stated that based on the standards for review he believed the applicant met all four standards listed in the Staff report. He agreed with Commissioner Joyce on the condition to limit the number of washers and dryers. Commissioner Phillips asked how many decibels would be heard on the outside of the building compared to a regular washer and dryer. The applicant's representative was unprepared to answer but offered to ask their sales rep. Commissioner Phillips was only concerned because sometimes the longer the ducts the more turns and the sound coming out the other end could be quieter. He recommended that they ask the sales rep if something could be done to make the machines quieter out of respect to the neighbors. Commissioner Phillips thought there was a definite advantage to this request because not having a laundry service pick up and drop off the laundry eliminates one car on the road.

Commissioner Joyce stated that he was present when they installed the commercial washer and dryer at the Friends of Animals in Brown's Canyon and it did not produce any more noise than other washers and dryers. The applicant's representative pointed out that the building has 10" thick concrete.

Commissioner Thimm noted that Condition #3 talks about fire sprinklers being required for new construction. He stated that the use was being changed and equipment was being added. He asked if they would be required to provide a fire suppression system. Planner Grahn replied that given the equipment in the garage and the fact that the garage is currently not sprinklered, the Building Department was requiring sprinklers. Commissioner Thimm thought it was a good idea to have a fire suppression system, but he thought the language should be changed to say for this project rather than for new construction.

Planner Grahn was comfortable changing the language; however, she believed that the Building Department would view it as new construction because the systems were being updated. Planning Manager Sintz suggested striking the words "for new construction".

MOTION: Commissioner Band moved to APPROVE 543 Park Avenue Conditional Use Permit to relocate the bed and breakfast laundry facilities into the non-historic garage on the property; based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as amended.

VOTE: The motion passed unanimously.

Findings of Fact – 543 Park Avenue

1. The property is located at 543 Park Avenue, and is currently the home of the Washington School House bed and breakfast.
2. The zoning is Historic Residential (HR-1).
3. The proposed Modification to Conditional Use Permit is to permit the construction of on-site laundry facilities consisting of one (1) commercial size washing machine, one (1) commercial size dryer, one (1) commercial ironing board, one (1) small utility sink, and one (1) heating/cooling unit. The on-site laundry facilities are an auxiliary use of the bed and breakfast, in the non-historic accessory garage structure. The garage is north of and adjacent to the Washington School House building and is located within the same lot of record.
4. The Washington School House bed and breakfast is a landmark structure listed on the Park City Historic Sites Inventory (HSI) and the National Register of Historic Places (listed

in 1978). The stone building was constructed in 1889. According to the HSI, the building was vacant and in disrepair at the time of its listing on the National Register in 1978.

5. On September 21, 1983, the Historic District Commission granted a conditional use permit for the site to be rehabilitated and adaptively reused as a bed and breakfast. The site continues to be used as such, and it has twelve (12) guest rooms. The Washington School House provides breakfast, snacks, and other light meals as needed to its guests.

6. On March 22, 1984, Park City Municipal Corporation entered a non-exclusive easement agreement for the parking access and use of the staircase located as the north 21.5 feet of Lot 11 and all of Lot 36, Block 9 of the amended plat of Park City Survey.

7. On October 9, 1984, an easement agreement (entry #225977) granted the Washington School Inn a private easement for the 11 automobile parking spaces.

8. On June 7, 2001, the Park City Council approved a plat amendment to combine seven Old Town lots into one lot of record on the site where the Inn is located.

9. On November 10, 2010, the Planning Commission approved a Conditional Use Permit for a private recreation facility, which included a year-round heated lap pool with connected hot tub and spa located behind the Washington School Inn bed and breakfast

10. Use of the garage as an accessory structure is an allowed use in the HR-1 zone.

11. The garage has a side yard setback of four feet (4') along the north property line; the required side yard setback is three feet (3'). The garage is not historic.

12. The garage measures approximately 21 feet by 23 feet, or approximately 483 square feet. It is currently used as a storage room to support the bed and breakfast use only; it is not currently being used for parking.

13. The property is currently over footprint for the lot configuration with the existing historic structure and non-historic garage, thus no addition could be added to either existing structure, and no new enclosed building could be placed on the site.

14. Additional parking requirements for the site are not affected by this application. Parking by guests or employees shall only occur in designated parking associated with the original Conditional Use Permit for the bed and breakfast. The 1983 CUP approval did not include the garage as part of the site's parking requirement, thus any current use of the garage for private guest parking was an additional, but not required, benefit to the bed and breakfast.

15. The proposed laundry room does not require additional parking per the requirements of the Land Management Code. The relocation of the laundry room to the accessory structure will not displace any existing parking.

16. Adherence to previously approved associated parking with the original bed and breakfast CUP will be followed. Guests and employees will continue to not be permitted to park on Woodside Avenue. Deliveries and servicing of the bed and breakfast as well as its pool will continue to occur off of Park Avenue, per the existing CUP applications. Because the bed and breakfast will no longer be outsourcing their laundry, there will be a reduction to trucks servicing the site to fulfill the bed and breakfast's laundry needs.

17. The laundry facility in the garage will not interfere with existing access routes for emergency vehicles. The most direct emergency access to the laundry room will be from Park Avenue.

18. Minor exterior changes to the non-historic garage will include revising the design and operation of the existing overhead door, as well as new vents and flues on the south elevation of the structure. Laundry facilities are an auxiliary use to the bed and breakfast. Only laundry for the bed and breakfast will be done on site. Any new exhaust vents will not impact the site's existing open space.

19. Ownership of the current business license will not change. The use is limited to owners and guests of the property.

20. The use is proposed to be contained within the existing accessory structure—the garage, and no new structures are proposed at this time. The garage is not located on a Steep Slope, nor is the property located in the Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste and Park City Soils Ordinance.

21. Staff findings in the Analysis section are incorporated herein.

Conclusions of Law – 543 Park Avenue

1. The CUP, as proposed, is not consistent with all requirements of the Park City Land Management Code.

2. The CUP, as proposed, is consistent with the Park City General Plan.

3. Neither the public nor any person will be materially injured by the proposed CUP.

4. Approval of the CUP 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 – 543 Park Avenue

1. The applicant shall apply for a building permit from the City within one (1) year from the date of Planning Commission approval. If a building permit has not been granted within one year's time, this Conditional Use Permit will be void.

2. An approved Historic District Design Review will be required prior to building permit issuance for any exterior work.

3. Fire sprinklers will be required by the Chief Building Official at the time of review of the building permit submittal.

4. Any improvements in the City right-of-way will require an Encroachment Agreement with the City prior to building permit issuance.

5. The needed exterior condenser will comply with LMC 15-2.2-3(I) which requires screened mechanical equipment and similar structures to be located a minimum of 5 feet from the side lot line. Any new exterior exhaust vents and similar equipment shall be screened with vegetation.

6. The laundry room shall only be used between the hours of 7am and 8pm.

7. The approval is for the on-site laundry room use only. Any additional uses would require additional CUP modification and are outside the scope of the 1983 bed and breakfast conditional use permit, the 2010 private recreation facility conditional use permit, and this 2015 modification to CUP.

8. No guest or employee parking shall occur on Woodside Avenue or Park Avenue. Guest and employee parking shall adhere to the 1983 conditional use permit approval. Service and deliveries for the Washington School House Bed and breakfast shall continue along Park Avenue.

9. Any new signage will require a new sign permit.

10. No new lighting is proposed at this time. Any new lighting shall be reviewed and approved by the Planning Department prior to installation.

11. Noise levels shall comply with 6-3-9 of the Park City Municipal Code.

2. **259, 261, 264 Norfolk Avenue – Consideration of the First Amended Upper Norfolk Subdivision Plat – Amending Conditions of Approval on Ordinance No. 06-55. (Application PL-15-02664)**

Commissioner Phillips recused himself and left the room.

Planner Astorga reviewed the application to amend the original ordinance 06-55, which approved the Upper Norfolk subdivision in 2006. Jerry Fiat was representing the three entities that own each lot.

Planner Astorga stated that in 2006 a specific condition of approval indicated that construction access to the lots would be from King Road. In 2009 the applicant lost that access easement and, therefore, they were in violation of the condition of approval. Planner Astorga reported that the Planning Commission first reviewed this amendment to the ordinance on March 25, 2005 and it was continued until this evening. The two conditions of approval requiring access from King Road were outlined on page 190 of the Staff report. The applicant was requesting to amend those two conditions. Planner Astorga noted that the construction easement agreements were granted; however, the one with the access had a specific time frame and it had expired.

Planner Astorga stated that when the Planning Commission reviewed this application on March 25th they talked about construction mitigation and the Steep Slope conditional use that was discussed in the original approval in 2006. Pages 191 and 192 of the Staff report outlined some of the items that were discussed in 2006 regarding the Steep Slope CUP.

Planner Astorga commented on the first part of this application, which was construction mitigation. Exhibit C in the Staff report was the actual letter written by Jerry Fiat concerning the construction mitigation. The first is the desire to build all three units at the same time. The second is that staging area has been secured in the back of the sites on Mr. Sfire's property. An easement agreement was obtained and that agreement expires two years after the start of construction. Planner Astorga noted that in his letter Mr. Fiat indicated that no materials would be staged on the street, that parking will take place in a shared private driveway, and there is sufficient space for cars and trucks to turnaround without having to back up or down Upper Norfolk. Mr. Fiat also indicated in his letter that they intend to encourage carpooling to further reduce traffic. Trucks will not be allowed to queue up on Upper Norfolk. The road would only be closed for specific utility upgrades. Deliveries could be accommodated in the area of the three lots.

Planner Astorga noted that the letter was reviewed by the Building Department. The Building Department does not approve the actual construction mitigation until the building permit is issued; however, they had no issues with what was being proposed. Planner Astorga noted that language was drafted in the Building Department's form and the information was placed on the actual construction mitigation plan, with a disclaimer that it was subject to change at any time. Planner Astorga stated that the Chief Building Official has the ability to amend a construction mitigation plan to address specific concerns that may arise during construction.

Planner Astorga stated it was unfortunate that the applicants lost the access off of King Road because there is no other way to accommodate construction other than through King Road. Based on recommendations by the Building Department, Planner Astorga recommended that the Planning Commission approve the specific ordinance that amends the original plat from 2006. The lots have always been viewed as buildable lots of record, but access would be more difficult.

Planner Astorga commented on the issue regarding construction on steep slope. He explained that as the Staff further examined the minutes from 2006 they found that many questions and concerns were not addressed because they would be discussed with the Steep Slope CUP. He noted that whenever an issue was raised by either the public or the Commissions, the re-occurring answer was that all of the items would be addressed through a Steep Slope Conditional Use Permit.

Planner Astorga noted that Exhibit F showed the actual site with the triplex that has since been demolished. The next Exhibit was the actual survey that was submitted in 2006 that showed a large encroachment of the triplex over the City right-of-way. Planner Astorga presented the existing conditions site plan that was submitted in 2006, as well as a preliminary proposed site plan that was submitted. He pointed to the existing berm and the shared driveway. Planner Astorga stated that the trucks would come in, make the turn and then make an applicable turnaround in that area where it would not affect the neighborhood. Planner Astorga noted that the construction easement he mentioned earlier was behind the lots towards the west.

Planner Astorga presented an Exhibit that was shown in 2006. One image showed the existing conditions with the triplex. Another image represented the proposed with each single family dwelling at approximately the same section cut.

Planner Astorga stated that in June 2010 a memo was written by the Planning Department indicating that this site required a Steep Slope CUP. In August 2010 another memo was written by the Planning Department stating that a Steep Slope CUP was not required. Planner Astorga explained that when the Staff reviewed the site at the applicant's request,

they looked at the plat but failed to look at the Findings of Ordinance 06-55. Finding 13 of the Ordinance indicated that the sites were on steep slopes and required a Steep Slope conditional use permit. Planner Astorga stated that this application was the reason why plat notes are now placed on new plats referencing the actual ordinance recorded with the City. The plat note would direct people to the findings of fact, conclusions of law, and conditions of approval for the plat.

Planner Astorga reviewed the site plan that was recently submitted by the applicant regarding construction mitigation. The area in yellow in the back was the construction staging area, which is the shared driveway. Planner Astorga referred to the survey and verified that the topo lines match the submitted survey. He noted that Lot C, before the area was disturbed, had a slope of 67%. Regarding the other two lots, he indicated a slope of 53% and 38%. Planner Astorga remarked that it could be debated as to whether or not it meets the Steep Slope CUP requirement because of the disturbance that took place. He noted that the survey was done before the triplex was removed, but at that time it had a slope of 67%. Based on that information the Staff recommended that they honor the original Finding of Fact requiring the applicant to come back with a Steep Slope CUP for each lot.

The Staff recommended that the Planning Commission amend the ordinance to allow building three single family dwellings. He reiterated that there is no longer access through King Road and they would have to use Upper Norfolk. Specific conditions of approval address vegetation and changes to the construction mitigation plan. If the construction mitigation plan changes for any reason, the applicant has the responsibility to inform the neighbors. Planner Astorga reported on a technical aspect of the easement in the back that was an error in the survey, and he recommending making that change. Another condition of approval requires a cross access temporary construction easement over the three lots so staging during construction could occur on the three properties.

Planner Astorga clarified that the only way to amend an ordinance is to apply for another ordinance which amends it. A memo by the Planning Director is not sufficient to remove a specific finding, conclusions of law, or condition of approval.

Jerry Fiat, representing the applicants, remarked that the condition regarding access in the rear was not in the plat. They were new owners who were not aware of the condition. A plan was submitted in 2009 to build, at which time the Planning Department discovered the access issue and suggested that they amend the ordinance. He clarified that the applicants had no issue with amending the Ordinance.

Mr. Fiat thought the major issue was the Steep Slope CUP. He recognized that either he or the buyers should have checked for findings of fact, but it was not on the plat and they

had a clear letter from the Planning Director. Mr. Fiat explained that in 2009 plans were submitted to determine whether or not it required the Steep Slope CUP process. After the Planning Department determined that it was steep slope he met with Planner Astorga and former Planning Director Thomas Eddington because he did not think it was right. Mr. Fiat noted that the area on the third lot is steep because they dug it out for parking. It is a disturbed area and not the natural topography of the area. Mr. Fiat stated that in looking at pictures of the triplex, it is evident that the triplex fully extended on to the berm. He noted that the public right-of-way was used for parking and the triplex was also on the public right-of-way. Mr. Fiat emphasized that the site was disturbed. Mr. Fiat remarked that the site was measured which is why the Planning Director which is why the Planning Director wrote another letter in conflict with the first letter.

Mr. Fiat stated that they have been trying to build these lots for a while and they have almost lost this season. They have a letter that was written in good faith stating that a Steep Slope CUP is not required. Mr. Fiat noted that they removed a six unit structure that was 47' in height and encroached on to the public right-of-way. They would like to build three homes and create a better situation on the site.

Commissioner Band asked Planner Astorga to explain the construction mitigation process if the approved construction mitigation plan is changed. Planner Astorga clarified that changes normally do not occur. He added a condition of approval due to the issues related to the narrowness of Norfolk and the expectation of the neighborhood that access would occur off King Road. Planner Astorga stated he followed the same noticing criteria for a plat amendment, which is to notify property owners within 300 feet. The applicants would have to provide an updated list of neighbors within 300 feet and to notify the neighbors that the x-component of their construction mitigation plan has been amended. Planner Astorga stated that the Chief Building Official has the authority to approve, amend or deny construction mitigation plans.

Commissioner Band asked if there was a specific time frame for notifying the neighbors. Planner Astorga offered to include language in the condition requiring that letters be sent the day the amended construction mitigation plan is approved. Commissioner Band thought the neighbors should be noticed a day or due prior to something that would affect them so they would know what to expect and could plan accordingly. Planning Manager Sintz noted that something similar occurred with the construction of the Main Street Mall and a system was put in place that notified property owners when changes would be occurring on the street. She believed they would use that model.

Commissioner Worel noted that pages 193 and 194 talks about construction easements and that two of the legal descriptions were incorrect. She asked if that should be in the conditions of approval. She also noted that in the redlined Condition #5 was struck where

it talks about construction easement agreements. Planner Astorga stated that he wanted the Planning Commission to understand the original findings of fact, conclusions of law and conditions of approval. For example, page 201 contained the existing findings of fact and those were redlined to show the changes proposed for the amended ordinance. On page 202, Conditions 4 and 5 would be struck because Condition #4 addressed the King Road access; and Condition #5 was tied to Condition #4.

To answer Commissioner Worel's first question, Planner Astorga referred to the Condition #6 in the proposed draft ordinance. He noted that the easement was drawn appropriate, but once they looked at distances and angles it did not quite close. The intent is to have the surveyor address that item. Planner Astorga stated that Mr. Fiat was already working on the language to address the technical aspects that were not appropriate drafted in the recorded documents. Planner Astorga referred to Condition #7 and stated that since they would be staging on Mr. Sfire's property, the Planning Department wanted an inventory of the landscaping to make sure it is brought back up to what is was.

Commissioner Thimm stated that if they were making a finding of fact that there is sufficient area on the property to conduct construction staging, he questioned why an off-site area was shown for staging as part of the presentation. Planner Astorga replied that the off-site area is what makes the area sufficient for construction staging. Commission Thimm thought Finding #14 did not reflect that intent. Planner Astorga agreed and revised Finding #14 to read, "There is sufficient area on the property and adjacent to it to conduct construction staging."

Commissioner Joyce thought Finding of Fact #14 should be changed to read, "between the property and the easement there is sufficient property for construction staging."

Chair Strachan opened the public hearing.

Debbie Brabender, a resident at 283 Upper Norfolk, believed her property would be the most impacted by the construction. She emphasized that the applicants have the right to build their house and she encourages it because beautiful homes will improve the neighborhood value. Ms. Brabender stated that her only concern is that the road that comes in in front of these houses would drive on the City property right in front of her guest house that she rents as nightly rentals. She will lose the parking spot and that section will be the turnaround spot for everyone else. Ms. Brabender was not pleased with that prospect. She has spoken with Planner Astorga and there are ongoing discussions with regard to how they can square up their property and not lose the privacy in front of their guest house. Ms. Brabender liked that the Planning Commission was going back to the original documents to make sure everything was being done appropriately. Ms. Brabender reiterated that she was not opposed to the project. As the only person on the end of the

street who lives there full time she understands the traffic situation. She was pleased to see the plans for the driveway, but she disagreed with how the driveway circles around in front of her lot because it would be the turnaround spot.

Michael Kaplan stated that he owns the property at 236 and 238 Upper Norfolk, where it becomes a choke point on the street. Mr. Kaplan cited an incident where cars were parked on both sides of the street and there was an emergency with a toddler, but because the road is narrow the emergency vehicles could not get through. Luckily, everything worked out fine, but since his property is nightly rental he put up signs allowing people to park on one side of the street but not the other. Mr. Kaplan emphasized that the road is very narrow and he requested that everything possible be done to leave room for emergency vehicles. He had done his part and he hoped others would be considerate of the situation.

Chair Worel closed the public hearing.

Commissioner Worel was impressed with the construction mitigation plan and she thought Mr. Fiat was working hard to lessen the impacts on the neighborhood as much as possible. She has always had concerns with Upper Norfolk. She was interested to hear the comment about the shape of the driveway.

Commissioner Joyce referred to the site plan on page 226 of the Staff report and pointed out where the property line comes across for the house next door. Mr. Fiat noted that the hatched areas on the site plan are the areas that were historically used for parking and they were reclaiming it as berm. Mr. Fiat stated that their original intent was to reduce or eliminate the parking that was in the unimproved right-of-way and return some of the berm to screen it better. He was willing to move it more, but they were not trying to create parking because they have the shared driveway for parking.

Mr. Fiat remarked that no one puts together a construction mitigation plan like he does. He believed he was the only developer who rents parking spaces and never uses City parking for construction sites. They always rent parking and they also enforce it. He thought they did an exemplary job of controlling the situation on all of their projects and he could not recall a single complaint. Mr. Fiat understood the comment about losing the parking, but the narrowness of the road is caused by the amount of parking that occurs on the public right-of way and not by the project.

Commissioner Joyce asked if Mr. Fiat had an easement on the City right-of-way that would allow them to turn it into private driveway. Mr. Fiat stated that most of the improved public right-of-ways are not in a platted right-of-way. There is usually a significant difference between the improved right-of-way and the lots and it is typically crossed. He pointed out that this occurs on every project throughout Old Town. He noted that usually it is a single

driveway for each lot. They would prefer a single driveways but they were specifically requested to eliminate the number of driveways. They came in with a proposal for two and they were asked to do one.

Planner Astorga presented an exhibit of the outer edge of the Park City survey. He noted that the red area in the circle represented the subject property. The area above it was the next property and it was not included in the Park City survey. That was the reason for the unique angle. Planner Astorga reviewed the aerial photograph and pointed out that platted Norfolk ends on the angle. Everything north was private property with an easement over those areas to access the other three or four homes. Planner Astorga understood that Commissioner Joyce was questioning whether 283 or 263 would have access. That was the reason why another condition of approval was added stating that any improvements to the right-of-way would have to be filed and appropriately approved by the City Engineer. Planner Astorga clarified that the parking that has taken place was never formalized by the City. He understood that it was illegal parking that has been enjoyed up to this point.

Commissioner Joyce expected that one property would not be allowed to come up in front of another property on the right-of-way. He assumed that the access would be associated with Lot 283 rather than Lot 263. City Engineer Matt Cassel stated that the City tries to keep the driveways within the boundaries of the property lines to avoid causing impacts to the neighbors. There is nothing written prohibiting drives to extend beyond the property lines but it is a guiding principle.

Commissioner Joyce sympathized with the applicants regarding the steep slope issue. However, as he read through all the past minutes, the driveway was the one issue that kept coming up but kept getting pushed to the steep slope CUP. The concerns related to the berms, how amount of cut, retaining walls and other issues. Commissioner Joyce believed that when the previous Planning Commission gave approval for the plat, it was done based on the assumption that they would have a secondary level of approval to shape the plan. Commissioner Joyce was comfortable with the construction mitigation plan and he would like the applicant to be able to move forward, but he was uncomfortable with the driveway piece and making sure it gets done right.

Mr. Fiat noted that they were not disturbing any of the berm. They were actually bringing back and revegetating the berm. With City Engineer approval, Mr. Fiat was willing to move the driveway 90 degrees off the public right-of-way to stay away from being in front of 283 Norfolk. Commissioner Joyce asked if Mr. Fiat was convinced that they could bring the driveway up to the first house and not encounter driveway steepness issues. Mr. Fiat replied that the Code would not allow them to exceed 14%. He commented on a driveway was currently being torn out because the grade was 16%. Mr. Fiat remarked that

everyone in town was very aware of the strict rules. If he moved the driveway he would have to make it work within the 14% requirement.

Commissioner Band asked if they were using the public right-of-way to stage pouring the driveway. She had walked the lot and questioned how they would get everything to the back staging area. Mr. Fiat stated that they would grade the driveway either use a crane over a forklift to move everything to the staging area. He explained that a small crane usually fits within the space. Mr. Fiat realized that the concrete truck would have to be on the road when the last piece of the driveway is poured, but he believed there was sufficient space on-site to build the project. Mr. Fiat stated that relative to other sites this was a very manageable project.

Commissioner Thimm thanked Mr. Fiat for a thorough and detailed construction mitigation plan. In terms of the right-of-way and the driveway, Commissioner Thimm stated that he tends to look at a piece of property from the right-of-way line to the edge of curb or sidewalk as frontage. He favored moving the driveway perpendicular off of Norfolk because it was more in line with how he defines frontage.

Commissioner Thimm commented on the steep slope issue. He agreed with the applicant that a letter is on file saying that it was not steep slope; however, another letter on file says that it is. In addition, the Planning Staff was recommending that the condition of approval having it be a steep slope should remain. Commissioner Thimm asked Planner Astorga if there was an outstanding issue that made the Staff draw that conclusion. Planner Astorga replied that it was the review of the minutes from 2006 and the number of items that were not addressed on the belief that it would be reviewed under a Steep Slope CUP.

Planner Astorga admitted that he had written the last memo on behalf of the former Planning Director and that they had not looked at the ordinance. They only looked at the plat and there was not a plat note. They went on-site but since none of the planners are certified surveyors they made their determination based on what they knew. As a professional planner, after reading all the minutes, he thought it clearly reflected that all of the items regarding the driveway and the design of the house were to be reviewed through the Steep Slope CUP process.

Commissioner Campbell thought there was a perception in the neighborhood that the right-of-way extends perpendicular from the roadway. His only objection was using the triangular section above. He felt that piece should stay with the house to the north. If Mr. Fiat was willing to move it perpendicular and felt comfortable that he could meet the driveway grade, Commissioner Campbell could support it. After driving by the site, he thought the steep slope situation was created by the prior excavation. He believed the natural grade would not have met the steep slope requirement. Commissioner Campbell

pointed out that the previous Planning Commission talked about reviewing a steep slope CUP because they were under the assumption that the property was a steep slope. That does not mean that it actually was a steep slope.

Commissioner Band was inclined to lean towards the Staff recommendation to keep the condition for a Steep Slope CUP because of the minutes from 2006. However, if they choose to remove the condition, she thought it was important to address the issues that were kicked down the road if there was not going to be a Steep Slope CUP process.

Commissioner Campbell questioned whether they were technically able to discuss those issues this evening. City Attorney Harrington replied that the Staff had not framed the issues for discussion. He suggested that the Planning Commission outline the specific issues so the Staff could prepare a recommendation for the next meeting.

Commissioner Band understood that the two options were 1) approve the ordinance as amended, keeping the Steep Slope CUP; or 2) Continue this item to another meeting when the Planning Commission could discuss some of the issues.

Chair Strachan felt this was one circumstance where the equities weigh in favor of the developer. He understood the issue of getting two conflicting letters and the mixed message it sends. In his opinion, where there is a tie it goes to the "runner", and in this case that would be the developer. Chair Strachan remarked that the question was whether or not they could adequately mitigate the potential impacts in the context of a plat amendment application. He believed they could mitigate the impacts without going through the Steep Slope CUP process, especially since the developer was given mixed messages.

Chair Strachan thought the greatest impacts and the ones that could be mitigated related to construction impacts, the driveway, and construction staging. He pointed out that the CUP process would get them to the same point they were at this evening, and many of the conditions that the Planning Commission would end up imposing had already been agreed to by the construction mitigation plan. If Mr. Fiat was willing to take all of the bullet points outlined on page 193 of the Staff report and make them conditions of approval to this plat amendment, Chair Strachan believed that would achieve the goal of mitigating the impacts.

Mr. Fiat agreed to what Chair Strachan was suggesting, and noted that he had originally suggested that it become a condition of approval.

Commissioner Melissa clarified that if the Commissioners agreed they would be removing Finding of Fact #13.

Commissioner Thimm concurred with Chair Strachan. He believed the LMC and the Planning Staff would enforce the mitigation of impacts. Commissioner Thimm liked the adage of the tie going to the runner. He appreciated Mr. Fiat's persistent effort.

Commissioner Band asked if they needed to add language to the construction mitigation plan to address the comment by Planning Manager Sintz that a specific system was in place to notify the neighbors if changes to the Plan occur. Planner Astorga pointed out that the condition should be removed entirely because those items would become conditions of approval and the Chief Building Official would not have the ability to amend the construction mitigation plan.

Chair Strachan suggested that the Planning Commission take a break and move to the next item on the agenda to give Planner Astorga the opportunity to draft the revised findings of fact and conditions of approval and bring it back to the Planning Commission for action this evening. The Commissioners concurred.

Chair Strachan noted that since the majority of the public were present for the LMC amendment regarding Vertical Zoning storefronts, the Planning Commission would move that to the next agenda item.

Commissioner Phillips returned to the meeting.

3. Land Management Code Amendments regarding vertical zoning storefront regulations in Chapter 15-2.5-2 Uses in Historic Recreation Commercial (HRC), Chapter 15-2.6-2 Uses in Historic Commercial Business (HCB), and associated Definitions in Chapter 15-15 Defined Terms (Application PL-15-02810)

Planner Whetstone reviewed the proposed amendments to Chapter 2.5 and 2.6, as well as changes to the definitions in Chapter 15. The Staff recommended that the Planning Commission conduct a public hearing and continue the item to July 22nd to allow time for the Staff to consider input from both the Planning Commission and the public. Planner Whetstone stated that the Staff intends to provide noticing to the business owners prior to the July 22nd, meeting. She noted that every property owner within the area of the vertical zoning ordinance was noticed for this meeting; and it would be beneficial to hear from the businesses.

Planner Whetstone stated that Goal 16 in the General Plan stated, "To maintain Historic Main Street District as the heart of the City for residents and encourage tourism in the District." Objectives talk about limiting uses within the first story of buildings along Main Street to retail and restaurant establishments that are inviting to passing pedestrians. Uses that should be discouraged included office space, real estate, show rooms, parking, etc.

An implementation strategy is to re-examine the City's vertical zoning ordinance that requires commercial retail shops along Main Street and to consider strengthening that ordinance.

Planner Whetstone stated that additionally the City has an economic development strategic plan that includes goals related to maintain and improving a balance of sustainable community goals by going beyond economic initiatives and include social and environmental strategies to preserve Main Street.

Planner Whetstone stated that the proposed amendments pro-actively direct uses that have a more positive impact or effect on the economic and social vitality and activity level of the street to look at street level storefronts. Upper level spaces in the districts in this area can continue to accommodate offices, residential, real estate offices and those types of uses. Planner Whetstone remarked that the proposed amendment expands the reach to Lower Main Street and suggests taking out any areas that were exempt from the existing ordinance. Planner Whetstone summarized that the proposed amendment would amend the table to add additional uses that would not be allowed in storefront properties; to expand the location of the ordinance; and to relook at the definition where a property fronts on a street or a public or private plaza. She noted that a private plaza has its own definition and this amendment would not include a small, personal or private plaza. However, if it is on Main Street it would probably fall under this amendment because it would be within 50 feet of the street.

Planner Whetstone had reviewed the ordinance and read through the minutes of how it was created and why some areas were exempt. She recognized that some areas may still need to be exempt and she anticipated a lot of conversation regarding this issue.

Planner Whetstone requested that the Planning Commission consider adding a requirement that new construction or redevelopment reconstruction shall not be manipulated so as to not create a storefront property.

Planner Whetstone stated that the storefronts are regulated by a footnote to the uses. They added the footnote "any residential use". She pointed out that nightly rental was not mentioned in the list because it was already part of the residential use. A bed and breakfast and a hostel were added, as well as minor hotel rooms. They also added under conditional uses triplex, multi-units, guest houses, and group care facilities. Also added were parking areas or structures, as well as recreation facilities; commercial, public and private. Planner Whetstone clarified that the footnote are uses are prohibited in the HRC zone, storefronts on Main Street, Swede Alley, Heber Avenue and Park Avenue, excluding the HRC zoned areas on the west side of Park Avenue. She noted that three HRC properties across from the Kimball Arts Center are residential buildings. Other historic

buildings on the west side of Park Avenue with different uses back to residential and it seemed appropriate that adaptive reuse of those buildings may be an office. Planner Whetstone remarked that an item for discussion would be to allow a hotel on a Main Street storefront but not the hotel rooms. Hotel lobbies would also be prohibited unless they were open to the public.

Planner Whetstone reviewed the items for discussion outlined on page 480 of the Staff report: 1) Are there Uses that the Commission finds should be excluded or included from the provisions of this Ordinance; 2) How should access to upper and lower level spaces be regulated? Should access and/or lobby areas for hotels, residential condominium properties, offices, private clubs, etc. be limited to a certain percentage of the overall Storefront area? Should these regulations apply to lobbies that are essentially public because they provide access through to public restaurants, bars, and shops; 3) Does the Commission find that expansion of the Ordinance to the lower MainStreet area by a) including Public and Private Plaza areas in the definition of Storefront, and b) by removing the current language that excludes certain properties, further addresses the City's adopted Goals and Objectives and strengthens the existing Ordinance; 4) Are there certain properties or spaces that should be excluded from the provisions of this Ordinance due to existing physical constraints, such as the location or orientation of windows, entry ways or other reasons? Should the properties that front onto the northern interior plaza at Summit Watch continue to be excluded from the Vertical Ordinance, thus allowing non-retail uses to located in that area; 5) Staff has exempted the HRC zoned properties located on the west side of Park Avenue because these properties transition to adjacent residential properties on Woodside. Residential and office uses within Storefront Areas are compatible uses in this transition area. Should this area be included in the Vertical Zoning regulations; 6) Should new development be required to have Storefront Areas if located on Main, Heber, Swede, or east side of Park and within the HRC and HCB Zoning Districts?

Chair Strachan opened the public hearing.

Doug Clyde thought the discussion items were well framed and he intended to stay and listen to their discussion. Mr. Clyde had read the ordinance and believed that it generally accomplishes what they want. However, he had concerns about the plaza issue. He thought it was unclear what the relationship of a plaza is to the specific streets on which the storefronts are regulated. It is unclear when a plaza becomes part of one of those regulated streets. For example, in reading the ordinance one could construe that the 1st Street stairs are a public plaza connected to Park Avenue and perhaps should have storefront all the way up the stairs. He thought the intent of what they were trying to accomplish was good but he cautioned them to consider the unintended consequences.

Mike Sweeney stated that he is one of the owners of a plaza and had a difficult time understanding the thinking with respect to the plazas. Plazas were not involved on Main Street. Mr. Sweeney remarked that he, his brothers and others provide Park City with lower Main Street because until they developed it there was not a lower Main Street. It was a Mill plat and it terminated at Heber Avenue. Mr. Sweeney stated that from his understanding as the President of the HPCA at the time this was going on, they were talking about storefront on the Main Street level. It did not involve his plaza or the Main Street Summit Watch Plaza, which are the only two plazas on Main Street that are 1,000 square feet. Mr. Sweeney stated that the businesses on the interior of the Marriott Summit Watch need all the help they can get because very few businesses have been successful in the 20 years since the plaza was created. Mr. Sweeney noted that he help craft the original language and the fact that it has been expanded to include private plazas does not make any sense. He supported the idea of having commercial retail in storefronts, which includes bars and event centers. Mr. Sweeney stated that the purpose of the ordinance is to make sure that the commercial activity on Main Street is existing. He does not believe in having parking come in on Main Street. He remarked that this came to the attention of the City Council because of how 205 Main Street was designed. The reason for this amendment is to make sure that something like 205 Main Street never happens again. Mr. Sweeney stated that when he was involved with the HPCA they looked at what they thought was right for Main Street to create the commercial activity and the vibrancy they were looking for. He believed that was what they were trying to protect to make sure that 205 did not happen again on Main Street. Mr. Sweeney noted that the real estate firms were asked to leave Main Street and they will not be coming back. Mr. Sweeney wanted to meet with Planner Whetstone to go through in detail what he understands about this particular situation they were in right now.

Eric Nelson agreed that this conversation was triggered by what happened on 205 Main Street, which in his view is a disaster for the City and for Main Street. He believed the City had an opportunity to vitalize that section of Main Street, and so far they have lost that opportunity. Mr. Nelson had read the Staff report and he had no comments on it. However, he did want to comment on process. When a project like 205 Main Street is not reviewed by the Planning Commission and the City Council, and neither body even knew it had been approved, the process is flawed. When the buck stops with the City Council and they knew nothing about it that is a problem. Mr. Nelson stated that someone needed to address the process because 205 Main Street was not the only instance where a project was approved without the Planning Commission or the City Council seeing it; and that is a mistake. Mr. Nelson requested that the Staff and the Planning Commission address that issue.

Chair Strachan closed the public hearing.

Commissioner Campbell agreed that plazas were a separate issue. He was unsure how to address plazas, but he thought they were crafting a shotgun approach to stop 205 Main from happening again. Commissioner Campbell stated that it is only two plazas and both need whatever help they could give them. He did not believe they should be treated the same way as Main Street.

Commissioner Thimm concurred with Commissioner Campbell with regard to looking at plazas differently. He has walked them many times and he sees the struggles. In terms of access, Commissioner Thimm thought having lobbies for offices and hospitality as part of the storefront face for Main Street makes sense. However, it was important to look at it holistically if they intend to make changes to the LMC as opposed to a knee jerk reaction to one project.

Commissioner Band thought the downtown plaza areas have started to change and a lot of the businesses have been there for a while. The more they can encourage good shops to be there the more people will go there. Commissioner Band stated that if the concern was about the vibrancy of that area, taking plazas out of the ordinance will hurt more than it will help. If the intent is to address the lack of vibrancy on lower Main and on this plaza, they should not do it by putting in offices and real estate business. They need to help the area by making it more vibrant and keep the retail and commercial spaces that will bring people in.

Commissioner Joyce asked Planning Manager Sintz not to put the Planning Commission in the same position they were put in for Bonanza Park where owners are caught off guard and blindsided. He wanted to make sure that the people who are the most affected are clearly informed about this amendment. Commissioner Joyce thought a reaction to 205 Main Street was part of the timing, but at the last meeting they discussed a private club at 875 Main that was zoned as an exception, even though it was not a desirable storefront use. Commissioner Joyce noted that what they were really trying to do was make downtown a vibrant place to come. Places that draw people are where the people go because it is interesting. His problem with the plaza are the uses that do not draw people in. He agreed with Commissioner Band that they were not trying to fix Main Street. They were trying to make the whole area a vibrant place to go. He would like to include plaza and make them as vibrant as Main Street. The focus should not be to make sure 205 Main does not happen again, but rather to make sure that Old Town is a vibrant place for people to go.

Commissioner Joyce did not believe the west side of Park Avenue should be an exception. He understood the transition, but trying to explain that transition to a tourist is vague. Commissioner Joyce commented on the idea of allowing a hotel entrance but not the rooms. He thought they needed to be clear about parking lots and entrances. It somehow

needed to be addressed but he was unsure how to do it. He reiterated that he rarely favors exceptions because if they have a rule it should apply to all.

Commissioner Phillips was on the fence for both the exemption for the west side of Park Avenue and the plazas. He was leaning towards the street level plazas but after listening to the different arguments he was still forming his opinion.

Planner Whetstone noted that on the far north end of the plaza there was really nothing happening in that area. However, the Staff looked at the end where Main Street curves and discussed whether or not to exempt that portion. They determined that if the goal is to encourage commercial it should be the whole plaza.

City Attorney Harrington stated that property ownership down there gives alternatives and they may be able to work collaboratively with the owners to get a more specific amendment to the MPD. The previous minutes reflect that the goal was balance. Former Commissioner Wintzer had said, "We do not want to dictate the results down there but we want to turn the tide." Mr. Harrington noted that there was a lot of discussion regarding plazas and thought they needed a good map to know which areas they were talking about. He cautioned them about ruling out doing something specific with the other area because they may want more flexibility in that area.

Commissioner Phillips thought it would be helpful if Planner Whetstone could identify all the plazas for the next meeting. Commissioner Phillips did not want to make it difficult for the property owners to lease their spaces. Commissioner Campbell agreed. If the businesses are having problems leasing space now, they should not cut out half of their potential tenants without collaborating with first collaborating with the owners. Planner Whetstone stated that the Staff would do some outreach with the business owners. It was tentatively scheduled to come back to the Planning Commission on July 22nd, but that could be postponed if the outreach takes longer.

Chair Strachan thought the Planning Commission would agree that a private residence club on those plazas was not acceptable.

Commissioner Worel agreed with her fellow Commissioners. She applauded Commissioner Band for encouraging vibrancy. Commissioner Worel questioned why the City had not reach out to the business owners. She agreed with Commissioner Joyce about the process and not being blindsided like they were with Bonanza Park to find that the owners and tenants were the last to know what was going on and the last to provide input. Commissioner Worel believed the business owners on Main Street would provide valuable input.

Commissioner Worel recognized that it was not a discussion for this evening, but she thought Eric Nelson made an excellent point about the approval process. She thought the Planning Commission should address the process of how projects are approved by Staff to avoid the surprise they had with 205 Main Street. Chair Strachan suggested that it be a work session item.

City Attorney Harrington recalled that the process had more to do with the stakeholder meetings. He noted that past minutes reflect working groups. Mr. Harrington stated that the pendulum swung at one time and the City Council looked at streamlining the process. He noted that process is a policy decision to be made by the Planning Commission and the City Council. The Staff could write the Code to have everything come to the Planning Commission or the HPB and make an appellate body. It was an efficiency that the policymakers could decide.

Chair Strachan personally thought the Planning Commission should review the projects. It was one reason why they were appointed and one reason why the City Council was elected. He did not like leaving the decision to Staff. There are times when Staff approval is appropriate, but a CUP or any project over a small amount of square footage should be reviewed by the Boards and Commissions that the community agreed should have the control. Chair Strachan favored having a work session on the process and which projects could just go to the Staff.

Commissioner Joyce agreed that they do not want to hurt the businesses, but at the same time this is an opportunity to plan and to proactively try to shape what downtown becomes. He recognized that there needs to be a balance, but if they plan to shape the outcome it will require rules and guidance that may not be popular to everyone.

Planner Whetstone reiterated that the outreaches would take place before this comes back to the Planning Commission. However, it was important to get an ordinance published so they would have a broad pending ordinance for the public hearing.

Commissioner Band thought they could all agree that the highest and best use is a vibrant area. She stated that no one will be happy about getting a use taken away and the property owners would want as many broad options as possible. If they want this to be vibrant the City might have to partner with the businesses to bring vibrancy to Main Street. She encourage the Staff to phrase it in that way when they do the outreach so the business owners will be willing to listen.

MOTION: Commissioner Worel moved to CONTINUE the LMC Code Amendments regarding vertical zoning storefront regulations in Chapter 15-2.5-2, Uses in Historic Recreation Commercial and Chapter 15-2.6-2, uses in HCB and associated Definitions in

Chapter 15-15 Defined Terms, to July 22, 2015. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

4. Continued discussion on 259, 261, 263 Norfolk Avenue - Amending Conditions of Approval on Ordinance No. 06-55.

Commissioner Phillips recused himself and left the room.

Planner Astorga stated that the findings and conditions could be revised for the Planning Commission to make a recommendation, but he did not feel the Staff could support it when it goes to City Council based on the fact that Lot 1 on the north has not been disturbed. Therefore, it met the Steep Slope CUP criteria then and the Staff finds that it would still meet the Steep Slope CUP criteria. Planner Astorga pointed out that the Planning Commission addressed a number of items regarding construction mitigation, but the Steep Slope CUP addresses volume, massing, and other items not related to construction mitigation. Planner Astorga stated that if the Planning Commission moves forward this evening, but he wanted the applicant to understand that the Staff would have an alternate recommendation for the City Council. He reiterated that as written in the Code, any development on a slope 30% or greater requires the applicant to submit a Steep Slope CUP application.

Chair Strachan suggested that the Planning Commission stay with their earlier plan to send it to the City Council and let the City Council make the final decision. City Attorney Harrington stated that an alternative would be to clarify that by removing Finding of Fact #13 the Planning Commission was not saying a CUP is or is not required. They were only removing it as a statement of fact and the actual determination would be made during the application when the property is surveyed. Mr. Harrington was unclear as to why so many iterations of determinations were made outside of the normal process.

Commissioner Joyce stated that part of the problem is that when the Planning Commission reviews a plat amendment and they have questions about what it will look like once it is built, often times that discussion is deferred because they know it will go through a CUP process and they will see it again with more detail. He thought it was evident from the minutes that the previous Planning Commission made the same decision thinking that it would be coming back for a Steep Slope CUP. Commissioner Joyce thought the question was whether it is less than 30% because it was disturbed or is it more than 30% because it was disturbed.

City Attorney Harrington understood the argument; however, a Staff determination prior to having a complete application is a preliminary guess and interpretation. In his opinion, the two conflicting letters bear less weight than a final action and a finding of fact and condition of approval that is not appealed by the current applicant at the time. Mr. Harrington recommended that the Planning Commission base their decision to remove the condition for a steep slope CUP on the issues they have identified. At the same time, if the Planning Commission was affirmatively stating that a Steep Slope CUP is not required, that needs to be based on substantial evidence as well. Unless they have a complete application by which that determination is traditionally made, they did not have evidence in the record to make that determination.

Commissioner Campbell thought there was consensus among the Commissioners that the applicant was dealt an unfair hand because of the two letters. He suggested that the Planning Commission take a straw poll to let the applicant know there was support to move forward with the project and they should feel comfortable taking it to the next level of planning.

Commissioner Joyce understood from Mr. Harrington that the Commissioners could remove the Finding of Fact requiring a steep slope, without saying for certain whether or not there is a need for a Steep Slope CUP. If the survey determines that it is a steep slope, then it would come back to the Planning Commission. Commissioner Joyce preferred that approach rather than taking a straw poll. Commissioner Band concurred. Commissioner Worel favored removing Finding #13.

Mr. Fiat stated that there was a finding of fact that it was steep sloped based on a survey that was given when a house was still on the property; and he did not question or comment on it. Then a complete application was submitted and they followed the process to build a house. At that point they received a letter stating that the applicant needed to go through a steep slope CUP. He questioned it at that time and met with the Planner Astorga and former Planning Director Eddington to explain why they disagreed with the determination. After looking through survey and hearing the explanation, Planner Astorga and Director Eddington agreed that it was altered grade and that all the grades were under 30%. Mr. Fiat pointed out that they had followed the correct process and that the second letter was not a letter of confusion. The Planning Department was aware of both letters and they responded with the awareness of both letters. Mr. Fiat remarked that what the Planning Department was not aware of was the finding of fact in the ordinance that it was steep slope, and that is the part that was out of process. The finding of fact from 2006 was not the normal process because it could be easily determined that a lot is not steep slope, but what cannot be determined is whether or not it requires a CUP. Mr. Fiat explained that the criteria for a Steep Slope CUP is whether it or not it is more than 30% grade measuring a 15% distance where the lot is being disturbed. The lot might have a very steep section but

that does not mean it requires a Steep Slope CUP. In his opinion, saying that it is a Steep Slope CUP was wrong in that process. Mr. Fiat thought they had been dealt an unfair hand, but he was willing to follow what Mr. Harrington had suggested. His concern was prolonging the process further.

Chair Strachan informed Mr. Fiat that there was only so much the Planning Commission could do under the Code, but they would try to do the best they could to move this forward; recognizing that it might not be as far as Mr. Fiat would like.

Chair Strachan understood from the comments that if they were to strike Finding of Fact #13 and incorporate the conditions of approval that Planner Astorga had drafted during the break, the Planning Commission could be in a position to make a viable motion. The Commissioner concurred.

Commissioner Band understood that the only revisions were to add the construction mitigation plan to the conditions of approval and to strike Finding #13. Planner Astorga replied that other findings also needed to be removed.

The Commissioners reviewed and amended the findings and conditions and made additional corrections. Findings 23 and 24 were removed. Findings 4 and 5 were removed from the 2006 Ordinance No. 06-55.

Condition of Approval #4 was revised to read, "An agreement must be entered into with the City Engineer concerning any construction staging which occurs within platted but un-built Upper Norfolk Right-of-Way. No access and/or staging shall take place north of a line perpendicular to platted Norfolk Avenue from the northeast corner of 263 Norfolk."

Finding #4 was revised to read, "There is sufficient area on the Lots and the obtained temporary construction easement to conduct construction staging.

Condition #7 was revised to require an existing conditions landscape plan and a survey of the staging plan. Condition #8 was deleted as written and replaced with a new Condition #8 adding the construction mitigation plan in condition format.

Planner Astorga clarified that if the survey reflects 30% or greater slopes, it would be tied to specific LMC criteria. He was told this was correct. Commissioner Joyce pointed out that if the natural grade has been disturbed he believed the numbers would be subjective. Based on earlier comments by his fellow Commissioners, if it is subjective the applicant should be given the benefit of the doubt.

Planner Astorga explained that the next step would be for the applicant to record a document indicating these specific conditions of approval. They would then have to submit for a HDDR, which they would be required to submit a survey with the site plan over that survey to conduct the analysis. The question was whether the 2006 survey would be utilized or whether it should be an updated survey since the demolition of the triplex. Mr. Fiat remarked that he already an updated survey. He did not believe they could interpret anything from the survey because it is just a hole in the ground. Planner Astorga requested that Mr. Fiat provide the updated survey to the Planning Department.

Mr. Fiat was confused about the process. He understood that this would not be a plat recording that requires signatures from the City Engineer, the City Attorney and the Mayor. Planner Astorga replied that it was a full plat. This was done before with an amendment for Risner Ridge. It followed plat format but there were two or three plat notes in the middle without technical drawings that said these conditions of approval shall apply. He had spoken with the Legal Department and the City has consistently followed specific amendments to plats that need to have notes added. Mr. Fiat asked if he needed to prepare a plat. Chair Strachan answered yes.

Chair Strachan agreed that the numbers from the survey would be subjective, but he did not think there was a mechanism to give the benefit of the doubt to the applicant if the Staff concludes that the slope is greater than 30%. Commissioner Joyce agreed that if the determination is that the slope is greater than 30% it should be a Steep Slope CUP without question. However, he believed it would come down to guessing the natural slope of the land. Chair Strachan remarked that the Staff and the applicant were better experienced than the Planning Commission to gather the evidence and find the answer. Commissioner Thimm assumed that Commissioner Joyce's comment was duly noted by Staff in the event that the percentage is slightly close to 30%.

Commissioner Campbell thought it was important that the Planning Commission stay within the bounds of what they are allowed to do, and they do not have the ability to determine steep slope. However, he believed they had the right to tell the applicant that if he has to come back with a CUP they will try to make it as painless as possible. Chair Strachan was uncomfortable making that statement because if the applicant comes back with an application that does not meet the Code they would be held to the same standards as anyone else. Commissioner Campbell agreed. His point was that they would try to move the process along as quickly as possible.

MOTION: Commissioner Melissa moved to forward a POSITIVE recommendation for 259, 261, 263 Norfolk Avenue – Consideration of the first amended Upper Norfolk Subdivision plat, based on the Findings of Fact, Conclusions of Law and Conditions of Approval as amended. Commissioner Worel seconded the motion.

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

Findings of Fact – 259/261/263 Norfolk Avenue

1. The properties are located at 259/261/263 Norfolk Avenue.
2. The three (3) proposed lots would share one (1) driveway.
3. The proposed lots are for the purposes of building single-family houses.
4. There is sufficient area on the Lots and the obtained temporary construction easement to conduct construction staging.
5. Norfolk Avenue is a substandard, narrow street on steep hillside.
6. On-street and off-street parking in the Upper Norfolk Avenue area is significantly limited due to the steep, narrow streets and lack of shoulder areas.
7. Snow removal and emergency access to the Upper Norfolk Avenue neighborhood is frequently difficult to maintain due to the steep, narrow streets and existing high on-street parking demand.
8. LMC § 15-7-6: Subdivisions – General Provisions, Conditions authorizes the City to attach reasonable conditions to land subdivisions which relate to design, dedication, improvement, and restrictive land use so as to conform to the physical and economic development of Park City and to the safety and general welfare of future lot owners in the subdivision and the community at large.
9. In July 2006 the City Council approved the Upper Norfolk Subdivision plat by Ordinance 06-55.
10. The plat was recorded at Summit County on June 01 2007.
11. The property owners request to remove the following two (2) conditions of approval from Ordinance 06-55:
 4. Construction access to the lots is to be from King Road through the adjacent property to the west, as per the submitted construction easement agreements.
 5. The construction easement agreements must be finalized and submitted to the city prior to receiving building permits.

12. All other conditions of approval in Ordinance 06-55 will remain in effect.
13. Conditions of approval 4 and 5 stipulated that construction access would be from King Road via a construction access that would cross separately owned adjacent property.
14. The access was made possible through a temporary construction access easement agreement that expired in December 2009 and the owners have been unable to secure and extension of this easement.
15. The temporary construction access easement agreement was executed and recorded in October 2006. The easement terminated in December 2009.
16. The applicant has indicated that construction for the three (3) single-family dwellings would take place at the same time and that the above statements would be in compliance with the signed agreement.
17. The proposed construction is to terminate in two (2) years or less as the easement agreement indicates such.
18. Cross access easement for the three (3) lots would also need to be executed prior to construction as the lots are built upon the available space is reduced.
19. The dimension of the Lots will not change with this Plat Amendment. The only change to the Upper Norfolk Subdivision by this First Amended Upper Norfolk Subdivision will be the plat notes and conditions of approval as contained herein.
20. The remaining conditions of approval shall continue to apply to the site. These three (3) conditions include:
 - The lots are to be used for the construction of single family houses.
 - A Utility/Grading plan is required to be reviewed and approved by the City Engineer prior to issuance of a building permit.
 - A note shall be added to the plat prior to recordation that prohibits accessory apartments on the newly created lots.
21. Staff recommends adding a condition of approval that indicates that the applicant shall submit a detailed existing conditions landscape plan or survey of the staging area prior to any construction. When the work is finished, the applicant shall be responsible of re-landscaping the disturbed area.
22. The Park City Building Department has reviewed the applicant's proposed mitigation in detail and does not find that any additional items to be addressed at this time.

Conclusions of Law – 259/261/263 Norfolk Avenue

1. There is good cause for this Plat Amendment to amend the conditions of approval of executed ordinance no. 06-55 and add notes to the plat due to the expiration of the recorded temporary construction access easement.
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 – 259/261/263 Norfolk Avenue

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. The remaining conditions of approval from Ordinance No: 06-55 shall continue to apply.
 - The lots are to be used for the construction of single-family houses
 - A Utility/Grading plan is required to be reviewed and approved by the City Engineer prior to issuance of a building permit
 - A note shall be added to the plat prior to recordation that prohibits accessory apartments on the newly created lots
4. An agreement must be entered into with the City Engineer concerning any construction staging which occurs within platted but un-built Upper Norfolk Right-of-Way. No access and/or staging shall take place north of a line perpendicular to platted Norfolk Avenue from the northeast corner of 263 Norfolk.
5. Prior to plat recordation, each lot will grant the other two (2) lots construction access easements which shall be executed and recorded and which will not expire until all single-family dwelling structures are built.

6. Prior to plat recordation, the Temporary Construction Access Easement on 220 King language shall be drafted appropriately, and if necessary, the applicant shall work with the easement signee to record an accurate description of the work area identified as Exhibit D on the Easement.

7. The applicant shall submit a detailed existing conditions landscape plan and survey of the staging area prior to any construction. When the work is finished, the applicant shall be responsible of re-landscaping the disturbed area.

8. Planning Commission Conditions:

- a. The applicant shall request to build all three (3) units at the same time.
- b. Staging area has been secured along the rear of the properties of approximately 2,000 square feet.
- c. Materials shall not be staged on the street.
- d. No parking shall be permitted anywhere other than on the shared private drive and on the lots themselves. Neighborhood parking space shall not be used. The applicant shall not request any street parking passes.
- e. No vehicles shall back up or down Upper Norfolk as there is sufficient room to turn all the vehicles around.
- f. The applicant shall store spoils from the excavation and reuse it for back fill to reduce the loads out of the site.
- g. The applicant shall encourage car-pooling to further reduce traffic.
- h. The applicant shall not allow any vehicles to queue on Upper Norfolk
- i. No road closures other than utility upgrades shall be needed
- j. All deliveries and unloading shall be off the shared driveway, and shall not block the street.
- k. All other normal Construction Mitigation Plan requirements in Old Town shall apply.

5. **Land Management Code Amendments regarding 1) Setbacks for patios and hot tubs in HRL, Chapter 2.1, HR-1 Chapter 2.2, HR-2 Chapter 2.3, RC Chapter 2.16; 2) Annexations procedure and review in Chapter 8; 3) Non-conforming uses and non-complying structures in Chapter 9; 4) Definitions of carports, essential municipal and public utilities, facilities, and uses and others in Chapter 15; 5) Applicability of Steep Slope Conditional Use Permits in HRL, HR-1, and HR-2; 6) Conditional Use Permit review and site requirements in HRM Section 15-2.; 7) Board of Adjustment standard of review and appeals in Chapter 1 and Chapter 10; and 8) Combination of condominium units procedure in Chapter 7. (Application PL-14-02595)**

Commissioner Phillips returned to the meeting.

Planner Whetstone reported that these were a collection of LMC amendments based on an annual review. The Planning Commission had already reviewed some of the amendments and provided direction to the Staff.

Planner Whetstone remarked that there were four substantive changes. The first was setbacks for hot tubs in the HRL, HR-1, HR-2 and HRC zones. The proposal is to reduce the 5' setback to a 3' setback. She noted that the Planning previously discussed this item and the minutes from the previous meeting were included in the Staff report.

The second substantive change was the applicability of the Steep Slope CUPs in the HRL, HR-1 and HR-2 zones. Planner Whetstone stated that there has been confusion in defining 1,000 square feet of construction or 1,000 square feet of structure. The Staff was proposing to eliminate the 1,000 square foot threshold and instead require construction for any structure with a building footprint in excess of 200 square feet. Planner Whetstone stated that the Staff chose the 200 square feet number because it is the size of a single car garage.

Commissioner Phillips pointed out that a single car garage has a 252 square foot footprint.

Planner Whetstone noted that language was also added to require a Steep Slope CUP for any access driveway located on a slope of 30% or greater. As currently written the reference to "access" was not clear.

Commissioner Thimm asked if the 200 square feet needed to be on the area that exceeds the 30%. Planner Whetstone answered yes. He clarified that if the house was on a 30% or greater slope but the garage or addition was not on the slope greater than 30%, this code amendment would not apply. Planner Whetstone replied that he was correct.

Commissioner Thimm read Item 2 from page 297, "A Steep Slope Conditional Use permit is required for construction of any addition to an existing Structure, when the addition has a new Building Footprint in excess of two hundred (200 sq. ft.), if the new Building Footprint is located upon an existing Slope of thirty (30%) or greater." He referred to the last phrase stating that "...if the new building footprint is located on an existing slope of 30% or greater. Based on his interpretation, having a house that is 1,000 square feet and adding 200 square feet to the footprint, means the new building footprint is 1200 square feet.

Planning Manager Sintz understood his point and suggested removing the word "new" from the language. The word "new" was replaced with "the footprint of the addition."

Planner Whetstone stated that the third item is a non-conforming use demolition. She stated that the confusion has always been the question of how much of a non-conforming building could be taken down voluntarily before it is demolished. She noted that the State Code says 50% but that has never been in the Park City LMC. The Staff recommended adding language stating, "More than 50% of gross floor area" to replace "the majority of the structure".

Chair Strachan asked why it was a problem that needed to be solved. Planning Manager Sintz stated that when someone has an existing non-conforming structure, someone removes 99% of the structure and leaves one piece to keep it an existing non-conforming structure. This amendment aligns with the Code regarding use and structure. Planner

Planner Whetstone stated that the other amendments related to process such as appeals to the Board of Adjustment regarding the HDDR if it involves a City project. If the HPB is involved in that review they should not be the review body and the appeal would go to the Board of Adjustment. She noted that the standard of review was also changed to a de Novo review.

Planner Whetstone noted that the changes regarding condo units were driven by the effort to align with the State Code.

Commissioner Campbell referred to page 298 and thought Items 2(a) and 2(b) were redundant. He also thought 2(a) regarding mechanical systems was vague and he explained the reason for his concern. Planner Whetstone believed the language was taken directly from State Code. City Attorney Harrington offered to verify that it was from State Code. If it could be changed the Staff would revise the language to address his concern and bring it back to the Planning Commission for review prior to going to City Council.

Chair Strachan called for additional comments or concerns on the amendments as proposed. Commissioner Phillips asked whether 200 square feet was the correct number for a garage or accessory structure on a steep slope or whether it should be 252 square feet. The Commissioners discussed various scenarios and decided to keep the number at 200 square feet.

Commissioner Campbell referred to page 302, 15-9-8 Appeals, and removed the period after the word "decision" so the wording reads as one sentence. The sentence was revised to read, "The City or any Person with standing adversely affected by a decision of the Board of Adjustment under this Chapter may petition the District Court in Summit County for a review of the decision, and such review shall be made according to the requirements of the Utah State Code."

Planner Whetstone referred to the amendment regarding carports. She noted that a statement in the design guidelines talks about discouraging carports, but “carport” has never been defined in the definitions. The Staff drafted a definition for a standard carport with poles and open sides and a roof. “A carport is a covered parking space attached to the house, or free standing, which is not completely enclosed by walls and does not include garage doors.” Planner Whetstone stated that the definition would be used when the Design Guidelines are reviewed and amended to determine whether or not carports would be appropriate in certain circumstances.

Planner Whetstone noted that definitions were also clarified for light industrial, mixed use, and building footprint.

Planner Whetstone noted that the proposed amendment to the annexation procedure aligns with the State Code language.

The Commissioners discussed setbacks for hot tubs. The Planning Commission had a significant discussion at the last meeting and they thought Staff had captured their comments in the amendments. They had talked about a 3’ setback and no screening except for mechanical. Commissioner Thimm thought the language in Item 8 regarding screening appeared to encompass more than just mechanical. For clarity, the Commissioners agreed to amend Item 8 to read, “Mechanical equipment (which must be screened), hot tubs, or similar Structures located at least three feet (3’) from the Rear Lot Line.”

Chair Strachan opened the public hearing.

Ruth Meintsma, 305 Woodside, stated that most of her comments were addressed in the discussion; however, her primary issue was carports. She thought the definition was too broad and it might eliminate some good possibilities. Due to the late hour, she requested that the Planning Commission exclude the definition of carports from their recommendation this evening, and she could meet with the Staff to work on more specificity for the definition. Ms. Meintsma stated that she also had prepared visuals.

Commissioner Phillips stated that if Ms. Meintsma’s suggestions would substantially change the definition, the Planning Commission should hear what she has to say versus just meeting with the Staff.

The Planning Commission agreed to remove carports from their recommendation and to table it until the July 22nd meeting when Ms. Meintsma could present what she had prepared. Planner Whetstone stated that Chapter 2.4, HRM was noticed for this meeting

but it was not on the agenda because the LMC amendments had not been finalized.

Chair Strachan closed the public hearing.

MOTION: Commissioner Band moved to forward a POSITIVE recommendation to the City Council for Land Management Code amendments regarding 1) Setbacks for patios and hot tubs in HRL; 2) Annexation Procedure and Review; 3) Non-conforming uses and non-complying structures; 5) Applicability of Steep Slope Conditional Use permits; 6) Conditional Use Permit review and site requirements in the HRM; 7) Board of Adjustment standard of review and appeals in Chapter 1 and Chapter 10; and 8) Combination of condominium units procedure in Chapter 7, as amended per their discussion. Commissioner Joyce seconded the motion.

Planner Whetstone noticed that Item 6 was the HRM item she had mentioned that was noticed but the amendments were not yet finalized for discussion this evening.

VOTE: The motion passed unanimously.

The Park City Planning Commission Meeting adjourned at 9:30 p.m.

Approved by Planning Commission: _____

Planning Commission Staff Report



PLANNING DEPARTMENT

Subject: 550 Park Avenue
Project #: PL-15-02451 & PL-15-2471
Author: Francisco Astorga, Senior Planner
Date: July 8, 2015
Type of Item: Work Session – Steep Slope Conditional Use Permit and a Residential Parking Area or Structure with five (5) or more spaces, associated with a residential Building on the same Lot

Summary Recommendations

Staff recommends the Planning Commission review a request for a Steep Slope Conditional Use Permit for the construction of a new single-family dwelling and a Conditional Use Permit for a *Residential Parking Area or Structure with five (5) or more spaces, associated with a residential Building on the same Lot* at 550 Park Avenue. Staff recommends that the Commission provide input and direction to the applicant and staff.

Description

Applicant/Owner: 545 Street Holdings, LLC
represented by Billy Reed and Jonathan DeGray
Location: 550 Park Avenue
Zoning: Historic Residential-2
Adjacent Land Uses: Residential
Reason for Review: Construction of structures greater than 1,000 square feet on a steep slope requires a Conditional Use Permit.
A Residential Parking Area or Structure with five (5) or more spaces, associated with a residential Building on the same Lot requires a Conditional Use Permit.

Proposal

This application is a request for a Steep Slope Conditional Use Permit (CUP) for a new single-family dwelling on a vacant lot of record and a CUP for a *Residential Parking Area or Structure with five (5) or more spaces, associated with a residential Building on the same Lot*. Both uses would be accommodated on the same structure/lot.

Background

On May 13, 2015, the Planning Commission reviewed the requested application. See Exhibit A – 13 May 2015 Planning Commission Meeting Minutes and Exhibit B – 13 May 2015 Planning Commission Staff Report. The Planning Commission provided several comments regarding compliance with the following standards:

- Conditional Use permit criteria – Land Management Code (LMC) § 15-1-10
- Steep Slope Conditional Use Permit criteria – LMC § 15-2.3-6
- Special Requirements for CUPs in HR-2, Sub-zone A – LMC § 15-2.3-8

During the May 13, 2015, meeting the Planning Commission found that the requested Steep Slope CUP did not meet LMC § 15-2.3-6(B)(6), which states the following:

*(6) **Building Form and Scale.** Where Building masses orient against the Lot's existing contours, the Structures must be stepped with the Grade and broken into a series of individual smaller components that are Compatible with the District. Low profile Buildings that orient with existing contours are strongly encouraged. The garage must be subordinate in design to the main Building. In order to decrease the perceived bulk of the Main Building, the Planning Commission may require a garage separate from the main Structure or no garage.*

Discussion

The applicant submitted updated drawings on June 25, 2015, as well as a letter clarifying several items listed below. See Exhibit B – Updated Plans Submitted on 25 June 2015, Exhibit C – 25 June 2015 Letter addressing Staff and Planning Commission comments, and Exhibit D – Model Shots.

1. Model review and garage door material.
2. Public stair access, building code compliance, and reconfiguration.
3. Retaining wall.
4. Proposed landscaping in the City Right-of-Way.
5. Proposed entry reconfiguration and LMC Steep Slope CUP criteria 6 compliance explanation.
6. Intended use of the garage spaces accessed off Park Avenue, entry level floor.
7. Number of parking spaces requested accessed off Main Street, parking level floor).

Staff identifies the following items regarding LMC criteria 6:

- a. The proposed structure contains a flat green roof as a primary roof form.
- b. The green roof has a step towards the middle which breaks up the massing in two (2) smaller components.
- c. The proposed green roof is not accessible and is considered a passive space. The green roof will not act as a patio.
- d. The mid-level at the back contains a deck, which further breaks the pattern.
- e. The mid-level at the front elevation contains three (3) vertical breaks: The entry, porch area, is five and a half feet (5½') wide and is one foot (1') forward of the garage door plane on the left.
- f. The garage door plane on the left is eleven and one half feet (11½') wide.
- g. The garage door plane on the right is twelve feet (12') wide and is recessed two feet (2') from the garage door plane on the left.
- h. The massing of the upper level is follows the same plane of the entry area as it is one foot (1') in front of the garage door plane on the left and three feet (3') from the garage door plane on the right.

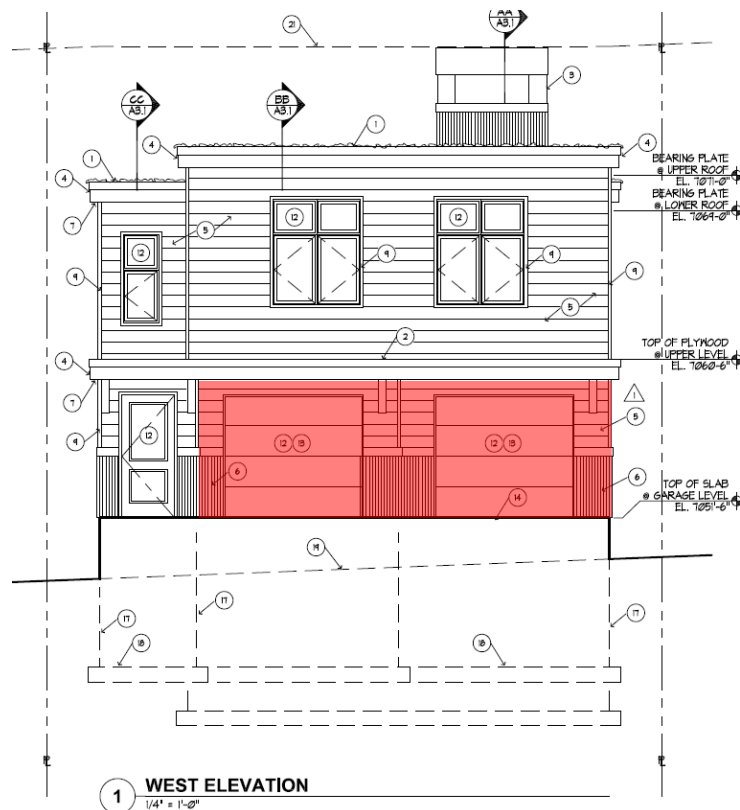
The applicant wrote in their letter the following description regarding compliance with LMC Steep Slope CUP criteria 6:

There was discussion at the last planning commission meeting that the front door was set back and garage doors were set forward. We have changed the front elevation to bring the front door forward and then step the garage doors back. It was also brought up that the garage may not comply with criteria 6 of the steep slope requirements in the LMC. 6. Building Form and Scale says "The garage must be subordinate in design to the main building". Within a 35x75 lot there is little opportunity to do anything with the garage but included it in the mass of the main building. With or without the garage the mass of the front elevation will be as it is shown in the current drawings. The area of the front elevation is 599 sq. ft. of that the garage doors occupy 112 sq. ft. of 18% of the total front elevation. Based on this limited percentage we believe it is fair to say the garage is a subordinate element on the front elevation of the main building.

Staff's analysis:

Staff does not find that the updated proposal as shown on the submittal plans and model meets the criteria 6 Building Form and Scale. Staff does not find the garage to be subordinate in design to the main building and that the impacts of the design are not adequately mitigated, and disagree with the applicant's response. Staff finds that the garage, not the garage doors, takes too much space within the front elevation. Criteria 6 does not indicate that the *garage doors* need to be subordinate in design to the main building, but rather, that the *garage* must be subordinate in design.

There are several percentages/ratios that can be estimated to find a comparison, relationship, proportionality, etc. Staff finds that the area below in red is what should be counted as the garage, as these two (2) planes, both within three feet (3') of the closest plane to the street are the actual garage:



Discussion Point 1: Does the Planning Commission concur with this finding regarding what constitute the garage?

Staff finds that the following percentages/ratios can be calculated based different means of measurement:

- 1. Garage coverage over front elevation: 35%**
Garage coverage: 211.5 SF (shown in red)
Front Elevation coverage: 608.5 SF
- 2. Garage coverage over front elevation entry (mid) floor level: 80%**
Garage coverage: 211.5 SF
Front Elevation entry level coverage: 265.5 SF
- 3. Floor area over upper and entry floor levels: 97%**
Living space and storage (Excluding parking level accessed off Main): 983 SF
Garage accessed off Park Avenue: 957
- 4. Floor area over all floors excluding the lower level parking: 84%**
Living space/storage/mechanical: 1,139 SF
Garage accessed off Park Avenue: 957
- 5. Floor area over all floors: 46%**
Living space and storage: 2,091 SF
Garage accessed off Park Avenue: 957

Staff finds that these percentages/ratios are relevant regarding quantifying the standard that the garage must be subordinate. While the LMC does not quantify a numeric value, staff finds that the most appropriate comparison would be item 2 above, which simply compares the amount of garage façade over the front elevation entry level floor. Another way to look at it, is from linear dimensions as the proposal requests five and a half feet (5½') of pedestrian scale exposure, entry porch, and twenty three and a half feet (23½') of garage area which equates to 81% of linear entry level floor coverage. Staff does not recommend utilizing percentages/ratios based on floor area, items 3 – 5 above, due to the depth and volume which could influence each factor that may not be viewed from the street.

Discussion Point 2: Does the Planning Commission concur with this finding regarding the provided percentages/ratios?

While Staff recognized that the applicant was willing to place the entry area one foot (1') forward of the garage door to the left and three feet (3') forward of the garage door to the right, Staff finds that such design change does not adequately mitigate the impacts of the design. In order to mitigate those impacts, the applicant could expand on the entry area even more as well as making the garage area less prominent, or subordinate to the main building to comply with Steep Slope CUP criteria. Does Planning Commission Agree?

Exhibits

Exhibit A – 13 May 2015 Planning Commission Meeting Minutes

Exhibit B – 13 May 2015 Planning Commission Staff Report

Exhibit C – Updated Plans Submitted on 25 June 2015

Exhibit D – 25 June 2015 Letter addressing Staff and Planning Commission comments

Exhibit E – Model Shots

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apply.

3. **545 Main Street & 550/554/560 Park Avenue – Plat Amendment to create four (4) lots of record from five (5) lots (Application PL-15-02466)**
4. **550 Park Avenue – Steep Slope CUP for construction of a new single-family dwelling and a CUP for a parking area with five or more spaces. (Application PL-14-02541 and PL-15-02471)**

Planner Astorga requested that the Planning Commission discuss the two items together, conduct a public hearing and take two separate actions.

Planner Astorga noted that there were two different zone districts within the plat amendment that includes 545 Main Street, which is the April Inn, and four lots on Park Avenue. He presented a slide showing that Lots 2 and 3 would become larger. Lot 3 would be 32.5 feet in width and the standard 75' deep lot. Lot 2 as proposed would be 32.42 x 75'. Lots 2 and 3 are on Park Avenue and the zoning district on that side of the block is HR-2. Historically the HR-2 was known as the HTO zone, which was the historic transitional overlay from the Main Street uses that tended to spill into the residential HR-1 zone.

Planner Astorga noted that the applicant submitted the plat amendment application, as well as a conditional use permit. He explained that the purpose of combining 550 and 545 Main Street is to accommodate a use that is listed in the HR-2 zone. Planner Astorga stated that the plat amendment and the CUP are related because the special criteria for the HR-2(A) zone applied to both. He stated that the reason for the plat amendment is to accommodate a structure on 550 Park Avenue with a conditional use permit for the structure and residential a parking area with five or more parking spaces for the associated use on the same lot.

Planner Astorga reported that the original application that was submitted was not a plat amendment. It rearranged the lot on Park Avenue but it did not combine the two lots. The applicant had to request a plat amendment to remove the lot line because the use would not work as the April Inn recently received a Historic District Design Review approval to remodel 12 units into 3 units. Planner Astorga pointed out that the April Inn is not a historic building; however when it was approved there was no parking on site. The developer began working with the Staff and paid \$14,000 per parking space in order to move forward with that specific remodel. Planner Astorga remarked that his unique concept was a conditional use permit based upon a building where the main floor and the upper floor would be the single family dwelling, and the lower level would be the parking structure for the uses associated in the HCB zoned lot. The Code allows for this type of request. The

Staff report contained the analysis regarding the special requirements for the HR-2(A). The Staff report for the conditional use permit application outlines the necessary criteria for the Steep Slope CUP, special conditional use requirements, as well as the HR-2(A) criteria. Planner Astorga reported that a few months ago the City Engineer, Matt Cassel, went before the City Council on behalf of the applicant to see if the Council would grant an easement on the alley to use the property for the lowest level of the structure. He noted that people mistakenly think it is a right-of-way because of the layout, but it is actually City owned property. The easement would allow the structure to only be accessed through Main Street. The City Council indicated that the easement would be granted and they were in the process of drafting the final language.

Planner Astorga reported on a letter he received from John Plunkett that was included as public comment in the Staff report.

Chair Strachan understood that there would be six parking spaces in Lot 1; two would be uncovered and four would be covered. He asked if the uncovered spaces would be off of Park Avenue or toward Main Street.

Jonathan DeGray, representing the applicant, replied that they would be toward Main Street. Planner Astorga reviewed the proposed site plan showing where the parking spaces would be located.

Commissioner Phillips thought the two uncovered spaces already exist because people park cars there. Chair Strachan asked if Lots 2 and 3 would eventually be single family homes. Mr. DeGray answered yes. Commissioner Strachan asked if those homes would have garages. Mr. DeGray answered yes. There would be space for one car in the garage and another car in the driveway. Chair Strachan assumed there would be no access from the easement to those lots. Mr. DeGray replied that this was correct. They would be independent lots accessed off of Park Avenue. Planner Astorga clarified that the six parking spaces belong to the April Inn. The main floor of the structure has separate parking for the house.

Chair Strachan referred to the letter from Mr. Plunkett and he asked if the applicants would be willing to a condition stating that none of the parking that may be built on Lots 1, 2, or 3 for the residential uses could ever be used for the April Inn or any commercial use. He noted that Mr. Plunkett was concerned that if the April Inn parking overflows they could potentially tell people to park in the Park Avenue residence parking.

Paul Colton, representing the applicant, noted that the Code already has that requirement and they were not opposed to adding it as a condition. Planner Astorga noted that per

Code the parking must be below the Park Avenue level. The Staff was comfortable adding a condition of approval to reiterate the Code requirement.

Assistant City Attorney McLean suggested a condition to read, "Parking for the April Inn may only be accessed from Main Street". Mr. Colton pointed out that the only physical access to the parking is off of Main Street.

Chair Strachan also favored some of the other conditions that were suggested by Mr. Plunkett. For example, a condition stating that the emergency exit door for the April Inn could not be used as an entrance. Planner Astorga clarified that he had not added language regarding the door because the building permit for the April Inn shows that the door would be eliminated. Chair Strachan asked if there was any access to the April Inn from the Park Avenue side. He was told there was not. Chair Strachan stated that the fine line between the HR1 and the HCB was difficult to work with and he felt this proposal actually works for the commercial side without impacting the residential on Park Avenue. Commissioner Worel thought it was a creative solution. Commissioner Phillips concurred. It also relieves some of the existing parking pressures.

Chair Strachan opened the public hearing for both the plat amendment and the CUP.

Sanford Melville, a resident at 527 Park Avenue, commented on the letter from John Plunkett and he stated for the record that he fully supported the comments and concerns that were raised in the letter. Mr. Melville was concerned about the four tandem parking spaces on the middle level of the Park Avenue home. A one-bedroom residence was being proposed and he thought it was unusual to have four-car parking for a one-bedroom house. He believed it called into question the ultimate use of the parking. If this is approved, Mr. Melville thought a condition of approval should include a statement that the four car parking could only be used for the Park Avenue residents. Mr. Melville was also concerned about the two garage doors facing Park Avenue for the tandem parking. He referred to the elevation on page 190 of the Staff report. He thought it presented a visual wall of garage doors on the street level which is something Park City has been trying to eliminate from recent projects. Mr. Melville found nothing in the proposal to protect the historic retaining wall at the top of the steps on Park Avenue on the City property. He suggested adding a provision to protect or damage or not undermine the historic wall. Mr. Melville was concerned about the re-routing of the steps leading from Park Avenue to the alley and the City property. He thought it appeared that the applicant was proposing to use almost all of the City property up to Park Avenue as entrances to the lower garage level. The exhibit on page 188 illustrates how they intend to re-route the steps. The existing steps go down into the alley. If the steps are re-routed he was concerned that they would become very steep. Mr. Melville was concerned that the public steps would be sacrificed for the project. He noted that the steps are heavily used by the residents of Park Avenue and re-routing them

would be unfortunate. Mr. Melville believed there were inconsistencies in the drawings as far as whether there would be doors on the six parking spaces or whether it would be an open space. It was unclear from the packet how that would look.

Mary Wintzer, a resident at 320 McHenry, stated that she had not studied this particular item; however, after listening to Mr. Melville she agreed that if this is a one bedroom structure it makes no sense to have the parking. She asked the Planning Commission to scrutinize the project and consider the comment about the stairs being used by the public. If all of this is being facilitated by using City property, that also makes no sense because of the Visioning of small town and historic character. If the applicant has to use City property to facilitate all of this development, she would ask the Planning Commission to look at it carefully because that was not what the citizens in Old Town intended in the Visioning.

Chair Strachan closed the public hearing.

Chair Strachan asked if the four spaces built for the single family homes would only be used by the single family residents, or whether they could be used by April Inn. Planner Astorga stated that per Code, the parking spaces that access off Park Avenue could only be used for the single family dwelling. The HCB uses can only spill over into the HR-2 if it is below the Park Avenue level. Therefore the spaces cannot be used as parking for any of the HCB.

Chair Strachan asked the reason for having four spaces for a one-bedroom dwelling. Mr. DeGray explained that the two tandem garages are locked out. Two spaces are required and dedicated for the residents. The other two are for the building owner. When he rents the building he wants to have a lockout to store his vehicles and other things.

Chair Strachan asked if Lots 2 and 3 would have tandem garages side by side. Mr. DeGray stated that Lots 2 and 3 are individual single family lots that have not been designed. Because of the loss of space on the lowest level to facilitate the parking for the residential units at the April Inn, it would be a very small house that would probably be used as a one-bedroom rental facility. Having extra storage for his uses made more sense than having a 1,000 square foot home.

Commissioner Phillips agreed that it was a lot of stalls for one unit, but he understood that the garage could be used for storage, table tennis, or other uses. However, the garage is supposed to be subordinate in design, but he sees a lot of garage doors facing the street with a subordinate entry. He personally did not believe the garages were subordinate.

Mr. DeGray stated that based on the Staff's input during the HDDR review they created stepping in the front elevations and recesses at the entry and at the garage door to create

movement along the front elevation. Mr. Phillips noted that those techniques are typically used. He was unsure how to define subordinate and asked Planner Astorga if he was correct in understanding that the Code requires garages to be subordinate.

Planner Astorga replied that the General Plan defines the word subordinate, but he was unsure whether there was a specific regulation or policy requiring it. Planner Whetstone noted that the Historic District Design Review Guidelines address garages being subordinate.

Commissioner Phillips understood that the second half of the garage was for the building owner. He asked if it was the same owner of the Main Street property, and if so, whether he could park there and walk down the stairs into the other building. Regardless of whether it is the owner or a tenant they were trying to discourage that type of access. Planner Astorga replied that it was actually prohibited. Mr. DeGray noted that during the plat discussion the Planning Commission had talked about adding a condition limiting the use of the parking garage to the residents at 550 Park Avenue.

Assistant City Attorney McLean noted that Criteria #6 for a Steep Slope CUP outlined on page 170 of the Staff report specifically states that the garage must be subordinate in design to the main Building. Criteria #6 also states that in order to decrease the perceived bulk of the main building, the Planning Commission may require a garage separate from the main structure or no garage.

Mr. DeGray asked Planner Astorga to show the streetscape on page 191 of the Staff report because he thought the west elevation of the building was somewhat deceiving as what is seen from the street.

Commissioner Phillips noted that in the past the Planning Commission has requested that applicants step the garage. He referred to the three homes on page 191 and commented on the percentage of garage doors facing the street. He believed the intent of the word "subordinate" was to keep from having the whole face of the house be the garage. Commissioner Phillips pointed out that the existing house has a single car garage with a nice dominant entry. He was concerned that the entry door of the proposed house would not even be seen driving down Park Avenue because it is recessed, and only the garage doors would be visible. Commissioner Phillips felt strongly that the intent of the Code was to prevent that from occurring.

Assistant City Attorney McLean understood that Commissioner Phillips felt that the double garage door impacts the building form and scale. However, those impacts could be mitigated if, for example, there was one garage door. Commissioner Phillips understood the difficulty of having one garage door because there were two separate

garages. He thought adding windows to the side of the garage would help add some interest to the building driving down the street. Commissioner Phillips offered design suggestions for the applicant to consider. Planner Whetstone suggested the possibility of flipping the entrance and the garage so the entrance would be to the front and the garage would be recessed.

Commissioner Campbell thought that because it was already stepped the two garage doors would not present the unified façade that it appeared to be in the drawing. He believed the applicant had already complied with the intent of the Code by making that step and they were giving up garage space to do it. He suggested that they try to camouflage the garage doors in some way to make it look more like the siding of the house. Commissioner Campbell thought a 3-D model would help better visualize the true effect of the garage doors, because he believed the garages were stepped more than what was showing in the drawing.

Commissioner Worel agreed that the garage doors were not subordinate to the house. She also thought a 3-D model would help.

Chair Strachan read from the Code regarding special requirements for MPDs and Conditional Use Permits in Subzone A. "The commercial portions of a structure extending from the HCB to the HR-2 must be designed to minimize the commercial character of the building and use, and must mitigate all impacts on the adjacent residential uses." He pointed out that it was not the classic "reasonably mitigate" the impacts. In these situations all the impacts must be mitigated. Chair Strachan remarked that the owner was using this as a personal garage to forward a commercial use of renting the unit. He pointed out that under that scenario it was a commercial use and not a residential use. The impact to the adjacent residential uses would be the owner driving up and down Park Avenue to park in the garage when he does not live there. Chair Strachan did not believe the purpose and intent of the garage a residential use that complies with the Code.

Mr. DeGray thought Chair Strachan was misrepresenting the intent of the owner. The owner intended to use the garage purely for storage while he was renting the building whether nightly or monthly. The owner would not be using the garage daily. Chair Strachan remarked that the owner may not have that intent but he could use it on a daily basis. Mr. DeGray agreed, but the purpose is to use it as storage space, which is not prohibited by Code. He clarified that it was not for a commercial enterprise.

Chair Strachan clarified that if this was only for a residential unit, the person designing the residential unit would not opt for four parking spaces for a one-bedroom unit. He believed they would opt to have more bedrooms and two parking spaces. Chair

Strachan stated that the extra garage was obviously for the owner of the residential unit on Lot 1 so he could park there and use it for storage in conjunction with the commercial lot that he owns. He pointed out that in combining the lots Lot 1 becomes a commercial lot. It is residential on the top but the rest is commercial.

Assistant City Attorney McLean recommended that the Planning Commission look at Criteria. She understood that their concern was that the impacts of this design do not coordinate with adjacent properties in terms of preserving of natural vegetation, minimizing driveway and parking areas and provide variation of the front yard. Those concerns were addressed in Criteria #5. She also heard concerns related to Criteria #6 regarding the garage must be subordinate in design to the main building. Another issue was addressed in Criteria 8, the dwelling volume.

Commissioner Campbell stated that the perceived bulk of the garage and the house were intertwined. He believed the only issue was the two garage doors. If one of the garage doors looked like siding you would not be able to tell it was a garage door unless you were up close to it.

Mr. DeGray summarized the direction from the Planning Commission for either re-designing the front of the garage or better portraying what was actually designed. He was willing to prepare a 3-D model showing the shade and shadow and how the garages are stepped back. He would look at creating even further stepping between the garage doors and making the entry to the building proud of the garage doors. He asked if that would be acceptable to the Planning Commission if he came back with a proposal that accomplished those three items.

Chair Strachan suggested that the Planning Commission could forward a positive recommendation for the plat amendment this evening because the design for Lot 1 design works as a good way to access the HCB zone. They should continue the CUP for the single family dwelling and approve the CUP for a parking area with five or more spaces.

Assistant City Attorney McLean pointed out that the Findings for both CUPs were intertwined. She recommended that both CUPs be continued and that the Staff draft separate Findings for each CUP application. She noted that the CUP for parking could be a Consent Agenda item at the next meeting.

Commissioner Campbell clarified that he was personally not opposed to having four cars in the garage. However, he would like the applicant to hide the fact that two-thirds of the front of the house is a garage door. Commissioner Phillips concurred.

Mr. DeGray commented on the landscaping element and noted that the curb cut is limited to the front of the northerly garage door. He would also show that as a street view on a 3-D model.

Chair Strachan requested that the applicant also address the public comments regarding the stairs and how they would be re-routed. Assistant City Attorney McLean stated that she was not aware that the stairs were moving. The stairs are on City property and she asked if they had obtained permission from the City engineer to re-route the stairs. Planner Astorga stated that a condition of approval states that any type of work or remodeling of the City stairs would have to be approved by the City Engineer. Planner Astorga understood that the reason for changing the stairs was to allow for a car to pull in and out of the first driveway.

Mr. DeGray stated that the bottom third of the stairs would be remodeled and the number of rise and run would remain the same. The steepness of the stairs would be the same. Mr. DeGray remarked that historic wall that was mentioned would not be affected at all. Planner Astorga noted that the landscaping would also have to be approved by the City Engineer through the encroachment agreement process. Chair Strachan asked Mr. DeGray to address those issues at the next meeting to allay their concerns and the public concerns.

Commissioner Phillips noted that the stairs are heavily used. He asked about the width of the existing paved area of the alley and whether it would be wide enough to paint a line for pedestrians. Assistant City Attorney McLean stated that they were working on the easement to allow the applicant to use the alley. As part of that they could require designating a pedestrian area to make it safer for pedestrians since they were adding parking for six additional cars.

MOTION: Commissioner Phillips moved to forward a POSITIVE recommendation to the City Council for the Plat Amendment at Cardinal Park Subdivision based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance. Commissioner Campbell seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Worel moved to CONTINUE the Steep Slope Conditional Use Permit for construction of a new single-family dwelling at 550 Park Avenue, as well as the Conditional Use Permit for a parking area of five or more spaces to June 10, 2015. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – Cardinal Park Subdivision – Plat Amendment

1. The property is located at 545 Main Street and 550, 554, 560 Park Avenue.
2. The property is in the Historic Commercial Business (HCB) and Historic Residential-2 (HR-2) District, respectively.
3. The subject property consists of Lot 1 of the 545 Main Street Plat and Lot 32, 33, 34, and 35 of Block 9 of the Amended Plat of the Park City Survey.
4. The Main Street lot has a non-historic building known as the April Inn and is recognized by Summit County as Parcel 545-MAIN-1.
5. The four (4) Park Avenue lots are vacant and are recognized by Summit County as Parcels PC-137 (lot 32 & 33), PC-131 (lot 34), and PC-138 (lot 35).
6. The proposed Plat Amendment creates three (3) lots of record from the existing five (5) lots.
7. The four (4) existing Park Avenue lots are to be reconfigured into three (3) lots with a depth of seventy-five feet (75') and a width ranging from 32.42' to 35' and the April Inn lot would be combined with the newly reconfigured lot northwest of it.
8. Lot 1 would have two (2) addresses, one (1) for Main Street, the April Inn, 545 Main Street and one (1) for Park Avenue, 550 Park Avenue.
9. Lot 2 would be addressed 554 Park Avenue.
10. Lot 3 would be addressed 560 Park Avenue.
11. Lot 1 would retain the HR-2 District zoning on the Park Avenue side and the HCB District zoning on the Main Street side with all of their associated rights and restrictions.
12. There are no provisions in the Land Management Code (LMC) which prohibit the two (2) Districts within the same lot.
13. A single-family dwelling is an allowed use in the Historic Residential-2 District.
14. The minimum lot area for a single-family dwelling is 1,875 square feet.

15. The area of proposed Lot 1 is 8,425.5 square feet.
16. The minimum lot area in the HCB District is 1,250 square feet.
17. The proposed area of lot 1 within the HR-2 District is 2,625 square feet.
18. The area of proposed Lot 2 is 2,431.5 square feet.
19. The area of proposed Lot 3 is 2,437.5 square feet.
20. The areas of proposed lots meet the minimum lot area for single-family dwellings in the HR-2.
21. A duplex dwelling is a conditional use in the Historic Residential-2 District.
22. The minimum lot area for a duplex dwelling is 3,750 square feet.
23. The proposed lots, including the HR-2 portion of Lot 1, do not meet the minimum lot area for a duplex dwelling.
24. The minimum lot width allowed in the Historic Residential-2 District is twenty-five feet (25').
25. The proposed lot width of Lot 1 within the HR-2 District is 35 feet.
26. The proposed lot width of Lot 2 is 32.42 feet.
27. The proposed lot width of Lot 3 is 32.5 feet.
28. The proposed lots, including the HR-2 portion of Lot 1, meet the minimum lot width requirement.
29. Any provisions regarding lot size regarding Lot 1 shall be governed by the rights and restrictions of their corresponding zoning Districts.
30. The maximum building footprint of lot 1 shall be 1,132.5 square feet. (HR-2 District).
31. The maximum building footprint of Lot 2 shall be 1,060.5 square feet.
32. The maximum building footprint of Lot 3 shall be 1,062.7 square feet.

33.The rear yard setback for Lot 1 shall be measured from the zone line.

34.The current property owner would own everything within these two areas, proposed lot 1, until a Condominium Record of Survey is submitted by the applicant, reviewed and approved by the City and recorded at the County.

35.The Property Owner must protect Significant Vegetation during any Development activity.

36.Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4 ½ ') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

37.The Property Owner must demonstrate the health and viability of all large trees through a certified arborist.

38.The applicant must submit the required report by the certified arborist and that the loss of significant mitigation is replaced on a like per like basis.

39.LMC § 15-2.3-8 indicates special requirements for Master Planned Development and Conditional Use Permits in Sub-zone A, consisting of lots in the HR-2 District that are west of Main Street, excluding those Lots within Block 13.

40.Special requirements apply to Lots in Sub-Zone A that are part of a Plat Amendment that combines a Main Street, HCB zoned, Lot with an adjacent Park Avenue, HR-2 zoned, Lot for the purpose of constructing a residential dwelling or Garage on Park Avenue.

41.The applicant requests to build a residential parking area for the April Inn below grade of Park Avenue projected across the HR-2 and beneath the main floor of a single-family dwelling, a residential structure facing Park Avenue.

42.The proposed structure within the HR-2 portion of the lot meets the minimum side and front yard setbacks of the HR-2 District as stated.

43.The parking structure below the single-family dwelling does not occupy side yard setbacks other than the access leading to it.

44.The proposed structure within the HR-2 portion of the lot meets the building height

requirements of the HR-2 District as stated.

45.The new structure fronting on Park Avenue does not contain commercial uses.

46.Only the lot area within the HCB portion of the lot shall be used to calculate the commercial floor area.

47.The number of residential units allowed on the HR-2 portion of the Development is limited by the Lot and Site Requirements of the HR-2 District as stated in Section 15-2.3-4.

48.The access for the parking structure underneath the single-family dwelling is off Main Street, HCB District, through an easement. The applicant is not asking for a commercial structure. No emergency access onto the HR-2 portion of the property is proposed.

49.Next to the four (4) parking spaces are four (4) small storage areas and also a small mechanical room. The storage and mechanical areas cannot be seen from elevation except from the south side as they are indeed located on the lowest parking level and access from the interior part of this level.

50.The width of the proposed structure is twenty nine feet (29').

51.There are no historic sites or buildings within the proposed plat amendment.

52.The applicant controls the Claimjumper Building located at 573 Main Street, which already received a Plat Amendment approval by the City in 2012, and these same Special Requirements were analyzed, reviewed, and applied, as findings of fact, conclusions of law, and conditions of approval were met.

53.No density transfer is being proposed.

54.Maximum allowed Building Footprint for the HR-2 Lot is subject to Section 15-6-5(B).

55.All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law – Cardinal Park Subdivision – Plat Amendment

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 – Cardinal Park Subdivision – Plat Amendment

1. The City Attorney and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. A ten feet (10') wide public snow storage easement will be required along the front of the property along Park Avenue.
4. A note shall be added to the Plat Amendment to be approved in a form by the City Attorney which shall indicate that the any provisions regarding lot size regarding Lot 1 shall be governed by the rights and restrictions of their corresponding zoning Districts and for purposes of lot area shall not be added collectively.
5. Fire sprinklers shall be required for all new construction or substantial renovations, as determined by the Park City Building Department during building permit review.
6. The applicant shall submit the report by a certified arborist per LMC § 15-2.3-15 and that the loss of significant mitigation shall be replaced on a like per like basis.
5. **1893 Prospector Avenue – Master Planned Development for a new building containing 11 residential units on Lot 25b of the Giga plat Replat of Parking Lot F at Prospector Square (Application PL-15-02698)**

Planner Whetstone stated that this project has two applications. One is a master planned development and the second is a conditional use permit. The property is located in

Planning Commission Staff Report



Subject: 550 Park Avenue
Project #: PL-15-02451 & PL-15-2471
Author: Francisco Astorga, Senior Planner
Date: May 13, 2015
Type of Item: Administrative – Conditional Use Permits

PLANNING DEPARTMENT

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing and review a request for a Steep Slope Conditional Use Permit for the construction of a new single-family dwelling and a Conditional Use Permit for a *Residential Parking Area or Structure with five (5) or more spaces, associated with a residential Building on the same Lot* at 550 Park Avenue based on the Findings of Fact, Conclusions of Law, and Conditions of Approval for the Commission's consideration.

Staff reports reflect the professional recommendation of the Planning Department. The Planning Commission, as an independent body, may consider the recommendation but should make its decisions independently.

Description

Applicant/Owner: 545 Street Holdings, LLC represented by Billy Reed and Jonathan DeGray
Location: 550 Park Avenue
Zoning: Historic Residential-2
Adjacent Land Uses: Residential
Reason for Review: Construction of structures greater than 1,000 square feet on a steep slope requires a Conditional Use Permit.
A Residential Parking Area or Structure with five (5) or more spaces, associated with a residential Building on the same Lot requires a Conditional Use Permit.

Proposal

This application is a request for a Steep Slope Conditional Use Permit for a new single-family dwelling on a vacant lot of record and a Conditional use Permit for a *Residential Parking Area or Structure with five (5) or more spaces, associated with a residential Building on the same Lot*. Both uses would be accommodated on the same structure/lot.

Background

On April 14, 2015, the City received a completed application for a Conditional Use Permit for "Construction on a Steep Slope" and a Conditional Use Permit for Residential Parking area with five (5) or more spaces, at 550 Park Avenue. The property is located in the Historic Residential-2 District. The property is currently being reviewed as a plat amendment at this same Planning Commission meeting, and is currently being proposed to be re-platted as Lot 1 of the Cardinal Park Subdivision.

This application includes a request for a Conditional Use Permit for construction of a new-single family dwelling. Because the total proposed structure square footage is greater than 1,000 square feet, and would be constructed on a slopes greater thirty percent (30%) or greater, the applicant is required to submit a Steep Slope Conditional Use Permit application for review by the Planning Commission, pursuant to Land Management Code § 15-2.2-6. A Historic District Design Review application is concurrently being reviewed by staff for compliance with the Design Guidelines for Historic Districts.

On August 4, 2014, the Planning Department approved a historic district design Review application at 545 Main Street for a remodel and an addition. The applicant is currently working on this active building permit application. This site is known as the April Inn and is located in the HCB

As indicated on finding of fact no. 10 of the approved HDDR: *“no off-street parking spaces are provided. An FAR of 1.5 is exempt from parking requirements as the property was paid in full per the 1984 Special Improvement District. The remaining FAR is not exempt from parking nor has ever been paid for existing residential uses and the applicant will need to provide for four (4) off-street parking spaces for the three new units. The applicant proposes to pay a fee-in-lieu of \$14,000 per space or provide on-site parking prior to building permit approval.”*

The property owner deposited with the City the parking fee in lieu in the cash amount of \$56,000.00 (4 spaces multiplied by \$14,000.00 per space). The property owner desires to seek approval of the City for the actual creation of six (6) parking spaces on the HR-2 District for the purpose of providing parking for the Main Street site.

The applicants requested use of City property to access the parking area in the form of an easement for the benefit of the April Inn. The City Council approved the easement however the agreement will not be finalized until other applications are approved. See Exhibit H – Draft Fee In Lieu of Parking Agreement 545 Main Street. As indicated on the agreement: “some or all which may be returned to 545 Main depending upon the outcome of the approval process of the 4 parking spaces on the property. The applicant currently requests to provide six (6) parking spaces on the lowest level of the structure also housing a single-family dwelling.

The LMC indicates that the use listed as A Residential Parking Area or Structure with five (5) or more spaces, associated with a residential Building on the same Lot requires a Conditional Use Permit to be reviewed and approved by the Planning Commission. The applicant seeks this approval to be able to accommodate parking and have the \$56,000.00 for the four (4) required parking spaces returned.

Purpose

The purpose of the Historic Residential-2 District is to:

- A. allow for adaptive reuse of Historic Structures by allowing commercial and office Uses in Historic Structures in the following Areas:
 - 1. Upper Main Street;

2. Upper Swede Alley; and
 3. Grant Avenue,
- B. encourage and provide incentives for the preservation and renovation of Historic Structures,
 - C. establish a transition in Use and scale between the HCB, HR-1, and HR-2 Districts, by allowing Master Planned Developments in the HR-2, Subzone A,
 - D. encourage the preservation of Historic Structures and construction of historically Compatible additions and new construction that contributes to the unique character of the Historic District,
 - E. define Development parameters that are consistent with the General Plan policies for the Historic core that result in Development that is Compatible with Historic Structures and the Historic character of surrounding residential neighborhoods and consistent with the Design Guidelines for Park City's Historic Districts and Historic Sites and the HR-1 regulations for Lot size, coverage, and Building Height, and
 - F. provide opportunities for small scale, pedestrian oriented, incubator retail space in Historic Structures on Upper Main Street, Swede Alley, and Grant Avenue,
 - G. ensure improved livability of residential areas around the historic commercial core,
 - H. encourage and promote Development that supports and completes upper Park Avenue as a pedestrian friendly residential street in Use, scale, character and design that is Compatible with the historic character of the surrounding residential neighborhood,
 - I. encourage residential development that provides a range of housing opportunities consistent with the community's housing, transportation, and historic preservation objectives,
 - J. minimize visual impacts of the automobile and parking by encouraging alternative parking solutions, minimize impacts of Commercial Uses on surrounding residential neighborhood.

Analysis- Steep Slope CUP

A single-family dwelling is an allowed use in the Historic Residential-1 District. The proposed single-family dwelling is 1,989 square feet consisting of a one (1) bedroom house with two (2) two-car tandem garages accessed off Park Avenue consisting of 1080 square feet. Below the proposed single-family dwelling is a parking level, accessed off Main Street consisting of 1,105 square feet. The structure is three (3) stories, with most of the house on the upper level, the entry and tandem garages on the street garage level (Park Avenue), and the parking garage in the lowest parking level. The parking level (lowest) only has walls towards the west (Park Avenue), in the form a foundation wall, and a wall towards the north. The parking level is accessed off an alley owned by the City from the south of the lot. See Exhibit I – February 26, 2015 City Council Staff Reports and Exhibit J – February 26, 2015 City Council Meeting Minutes.

This Conditional Use Permit is for the development at 550 Park Avenue, currently a portion of proposed lot 1 of the Cardinal Park Subdivision. The applicant has not requested any changes or amendment through this application for the work currently being worked on the April Inn, which is the other portion of proposed Lot 1 of the requested Cardinal Park Subdivision.

The parking level provides for four (4) covered parking spaces and two (2) non-covered, behind the proposed structure. Staff makes the following Land Management Code related findings:

LMC Requirements	Standard	Proposed
Building Footprint	1,132.5 square feet maximum, (based on <i>proposed</i> lot area)	1,116.08 square feet, <u>complies.</u>
Front/Rear Yard Setbacks	10 feet, minimum	Front: 10'-3", <u>complies.</u> Rear: 23'-1", <u>complies.</u>
Side Yard Setbacks	3 feet, minimum	North: 3 feet, <u>complies.</u> South: 3 feet, <u>complies.</u>
Building (Zone) Height	No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing (<u>natural</u>) Grade.	Various heights all under 27 feet, <u>complies.</u>
Final Grade	Final Grade must be within four vertical feet (4') of Existing Grade around the periphery [...].	4 feet or less, <u>complies.</u>
Lowest Finish Floor Plane to Highest Wall Top Plate	A Structure shall have a maximum height of thirty five feet (35') measured from the lowest finish floor plane to the point of the highest wall top plate [...].	<u>Complies.</u>
Vertical Articulation	A ten foot (10') minimum horizontal step in the downhill façade is required [...].	<u>Complies.</u>
Roof Pitch	Roof pitch must be between 7:12 and 12:12 for primary roofs. A Green Roof may be below the required 7:12 roof pitch as part of the primary roof design.	All primary roof forms contain a green roof. <u>complies.</u>

Land Management Code § 15-2.3-6 provides for development on steep sloping lots in excess of one thousand square feet (1,000 sq. ft.) within the Historic Residential-2 District, subject to the following criteria:

1. **Location of Development.** Development is located and designed to reduce visual and environmental impacts of the Structure. **No unmitigated impacts.**

The proposed structure is located towards the front of the lot at the approximate ten feet (10') from property line at Park Avenue. The rear setback is 23 feet. The side yards setbacks are both at the minimum of three feet (3'). From Park Avenue towards the rear the site, the first twenty feet (20') is considered the steepest part of the site with a slope of forty percent (40%) approximately. The last sixty-five feet (65') contain a flat slope which can be measured at nine percent (9%) approximately. Due to the steepness of the site up front, the applicant maximizes opportunities for parking towards the center and the back of the lot as the proposal asks for six (6) parking spaces, four (4) under the house, and two (2) behind it.

2. **Visual Analysis.** The Applicant must provide the Planning Department with a visual analysis of the project from key Vantage Points to determine potential impacts of the proposed Access, and Building mass and design; and to identify the potential for Screening, Slope stabilization, erosion mitigation, vegetation protection, and other design opportunities. **No unmitigated impacts.**

The applicant submitted plans including a streetscape showing how the three (3) structure will be observed as a two (2) story dwelling when viewed from Park Avenue, due to the character of the slopes towards the front which limits the maximum building height. The proposed structure cannot be seen from the key vantage points as indicated in the LMC Section 15-15-1.283.

3. **Access.** Access points and driveways must be designed to minimize Grading of the natural topography and to reduce overall Building scale. Common driveways and Parking Areas, and side Access to garages are strongly encouraged, where feasible. **No unmitigated impacts.**

The proposed structure has two access points: directly off Park Avenue for the house into the two tandem garages, and from the City owned Alley off Main Street then turning north, into the parking level, the lowest floor of the structure. The Park Avenue, access is by right simply for having frontage over a street recognized on Park City's Streets Master Plan. The side access of the lowest parking level was granted by the City to the applicant in a recent City Council discussion to be finalized in a form approved by the City Attorney and City Engineer. The parking access off Main Street is for the April Inn and has not been considered for the single-family dwelling, as the applicant has made a request to satisfy those parking requirements off Park Avenue on the middle level of the structure.

4. **Terracing.** The project may include terraced retaining Structures if necessary to regain Natural Grade. **No unmitigated impacts.**

The proposal does not including any terracing other than the effect of the structure on the site. The structure capitalizes on the existing grades to have the parking area on the lowest level and the house on the highest two (2).

5. **Building Location.** Buildings, Access, and infrastructure must be located to minimize cut and fill that would alter the perceived natural topography of the Site. The Site design and Building Footprint must coordinate with adjacent properties to maximize opportunities for open Areas and preservation of natural vegetation, to minimize driveway and Parking Areas, and provide variation of the Front Yard. **No unmitigated impacts.**

The proposed structure is located towards the front and center of the lot in order to capitalize the access to both driveways from each one of the access point, one from Park Avenue at the mid-level of the structure and one off Main Street through what would be considered the side of the building at the lowest level of the structure. Due to the topography of the site, from the front elevation, the site resembles a two (2) story building. The maximum building height of 27 feet make the proposed structure follow the perceived natural topography of the site. The front façade is broken up which assists in providing front yard variation.

6. **Building Form and Scale.** Where Building masses orient against the Lot's existing contours, the Structures must be stepped with the Grade and broken into a series of individual smaller components that are Compatible with the District. Low profile Buildings that orient with existing contours are strongly encouraged. The garage must be subordinate in design to the main Building. In order to decrease the perceived bulk of the Main Building, the Planning Commission may require a garage separate from the main Structure or no garage. **No unmitigated impacts.**

The proposed structure contains a flat green roof as a primary roof form. The mid-level at the back contains a deck. The green roof has a step towards the middle which assists in breaking up the massing in two (2) smaller components. The mid-level at the front elevation also contains a step back in front wall plane which breaks up the proposed structure. The proposed green roof is not accessible and is considered a passive space which will not require railings. The green roof will not act as a patio.

7. **Setbacks.** The Planning Commission may require an increase in one or more Setbacks to minimize the creation of a "wall effect" along the Street front and/or the Rear Lot Line. The Setback variation will be a function of the Site constraints, proposed Building scale, and Setbacks on adjacent Structures. **No unmitigated impacts.**

The proposed structure has a ten foot three inch (10'-3") front yard setback. The front has small roof form, small porch, and two (2) foot step back in one of the tandem garage doors which minimize the "wall effect". The rear elevation contains the required ten foot (10') step-back on the third story, and is also broken up as the rear wall of the lowest level is not filled in but is designed with a column on each corner to support the proposed structure.

8. **Dwelling Volume.** The maximum volume of any Structure is a function of the Lot size, Building Height, Setbacks, and provisions set forth in [LMC Chapter 2.2 –

HR-1]. The Planning Commission may further limit the volume of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing Structures. **No unmitigated impacts.**

The proposed structure is both horizontally and vertically articulated and broken into compatible massing components. The design includes setback variations and lower building heights for portions of the structure on the rear elevation. The proposed massing and architectural design components are compatible with both the volume and massing of single-family dwellings in the area comprised of three and four (3 & 4) story dwellings.

9. **Building Height (Steep Slope).** The maximum Building Height in the HR-2 District is twenty-seven feet (27'). The Planning Commission may require a reduction in Building Height for all, or portions, of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing residential Structures. **No unmitigated impacts.**

The entire building ranges in height from twenty to twenty feet (20'-27').

Conditional Use Permit Review for Parking with 5 or more spaces...

Land Management Code (LMC) § 15-2.16-2(B)(11) indicates that a *Residential Parking Area or Structure with five (5) or more spaces, associated with a residential Building on the same Lot* is a conditional use in the HR-2 District. LMC § 15-2.3-3 indicates that the Planning Commission shall review any Conditional Use permit (CUP) Application in the HR-2 District according to Conditional Use permit criteria set forth in Section 15-1-10 as well as the following:

- A. Consistent with the Design Guidelines for Park City's Historic Districts and Historic Sites, Section 15-4. **Complies as conditioned.**

The application is currently being reviewed by staff for compliance with the Design Guidelines.

- B. The Applicant may not alter a Historic Structure to minimize the residential character of the Building. **Not applicable.**

The subject site is not historic.

- C. Dedication of a Facade Preservation Easement for Historic Structures is required to assure preservation of Historic Structures and the Historic fabric of the surrounding neighborhood. **Not applicable**

The subject site is not historic.

- D. New Buildings and additions must be in scale and Compatible with the mass, height, width, and historic character of the surrounding residential neighborhood and existing Historic Structures in the neighborhood. Larger Building masses

should be located to rear of the Structure to minimize the perceived mass from the Street. **Complies as conditioned.**

The application is currently being reviewed by staff for compliance with the Design Guidelines where the scale, compatibility, historic character is thoroughly reviewed.

- E. Parking requirements of Section 15-3 shall be met. The Planning Commission may waive parking requirements for Historic Structures and may consider in-lieu fees for all or a portion of parking requirements for Master Planned Developments. Calculation of in-lieu fees shall be based on the Park City Municipal Code Section 11-12-16 and any adopted City Council fees in effect at the time a complete application is received. The Planning Commission may allow on-Street parallel parking adjacent to the Front Yard to count as parking for Historic Structures, if the Applicant can document that the on-Street Parking will not impact adjacent Uses or create traffic circulation hazards. A traffic study, prepared by a registered Engineer, may be required. **Complies with the parking requirements of Section 15-3.**

Applicant proposes four (4) parking spaces for the residential single-family dwelling access of Park Avenue. Three of the four (3of4) comply with minimum parking area requirements. The Code requires a single family dwelling to have two (2) parking spaces.

- F. All Yards must be designed and maintained in a residential manner. Existing mature landscaping shall be preserved wherever possible. The Use of native plants and trees is strongly encouraged. **Complies as conditioned.**

LMC § 15-2.3-15 indicates that:

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4 ½ ') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist. The Planning Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with Landscape Criteria in LMC Chapter 5.

Staff recommends that the applicant submit the required report by the certified arborist and that the loss of significant mitigation is replaced on a like per like basis.

- G. Fencing and Screening between residential and Commercial Uses may be required along common Property Lines. **Not applicable.**

No fencing is being proposed at this time. The applicant requests to landscape the site. See criterion F above.

- H. All utility equipment and service areas must be fully Screened to prevent visual and noise impacts on adjacent residential Properties and on pedestrians. **Complies as conditioned.**

The applicant shall be responsible of screening utility equipment through their final landscape plan to be approved prior to building permit issuance. Any utility equipment in the Right-of-Way shall also be screened through proper approval and authorization of the City Engineer.

The Planning Commission must review each of the following items when considering whether or not the proposed conditional use mitigates impacts of and addresses the following items as outlined in LMC § 15-1-10(E):

1. Size and location of the site. **No unmitigated impacts.**

The proposed single-family dwelling is 1,989 square feet consisting of a one (1) bedroom house with two (2) two-car tandem garages accessed off Park Avenue consisting of 1080 square feet. Below the proposed single-family dwelling is a parking level, accessed off Main Street consisting of 1,105 square feet. The structure is three (3) stories, with most of the house on the upper level, the entry and tandem garages on the street garage level (Park Avenue), and the parking garage in the lowest parking level.

2. Traffic considerations. **No unmitigated impacts.**

The requested use of the single-family dwelling is off Park Avenue. The requested use of the parking area on the lowest level is off Main Street. From time to time, Main Street may be closed for specific events, such as Miner's Day parade in September, Arts Festival in August, etc., Pursuant to the Easement Agreement the owners of the April Inn during these street closure they may not access their parking garage. The applicant stipulates these street closures and understands that they would have to abide the same restrictions currently faced by other residential property owners and businesses on Main Street.

3. Utility capacity. **No unmitigated impacts.**

No additional utility capacity is required for the requested use.

4. Emergency vehicle access. **No unmitigated impacts.**

Emergency vehicles can easily access the unit and no additional access is required.

5. Location and amount of off-street parking. **No unmitigated impacts.**

The LMC indicates that a single-family dwelling requires a minimum of two (2) parking spaces. The mid-level provides two (2) tandem garages with four (4) parking spaces accessed off Park Avenue. Three of the four parking spaces meet the code in term of minimum parking area. The LMC does not indicate a maximum number of parking spaces. These spaces access of Park Avenue are not to be used for any other site found in the HCB including the April Inn.

The site also has six (6) parking spaces which are to be built for the benefit of 545 Main Street access of Main Street through a drafted easement agreement over City owned property.

6. Internal circulation system. **No unmitigated impacts.**

The single-family dwelling has a driveway accessed directly off Park Avenue. The parking level (lowest floor) is to have its access off Main Street.

7. Fencing, screening and landscaping to separate uses. **No unmitigated impacts.**

Screening and landscaping is proposed at towards the front of the house.

8. Building mass, bulk, orientation and the location on site, including orientation to adjacent buildings or lots. **No unmitigated impacts.**

The applicant requests to build a new single-family dwelling at the Park Avenue elevation. The applicant requests the roof of the structure to be a passive non-accessible green roof, which is allowed.

9. Usable open space. **No unmitigated impacts.**

No useable open space will be affected with the requested use from what is currently found on site. There are stairs on the west end of the City owned alley, which the applicant requests to rebuild and landscape. The applicant will have to receive a separate permit through the City Engineer's office for this work.

10. Signs and lighting. **No unmitigated impacts.**

No signs and lighting are associated with this proposal. Any new exterior lighting is subject to the LMC development standards related to lighting and will be reviewed for compliance with the LMC at the time of application. All signs are subject to the Park City Sign Code.

11. Physical design and compatibility with surrounding structures in mass, scale and style. **No unmitigated impacts.**

The applicant requests to build a new single-family dwelling at the Park Avenue elevation. The applicant requests the roof of the structure to be a passive non-accessible green roof, which is currently allowed. The requested uses will not affect the existing physical design and compatibility with surrounding structures in mass, scale and style. Staff does not find that additional impacts need to be mitigated in terms of this criterion due to the small size of the requested use.

12. Noise, vibration, odors, steam, or other mechanical factors that might affect people and property off-site. **No unmitigated impacts.**

Noise, vibration, odors, steam or mechanical factors are anticipated that are normally associated within the residential district including its intended nature to be a transition between the HR-1 and the HCB.

13. Control of delivery and service vehicles, loading and unloading zones, and screening. **No unmitigated impacts.**

The proposal will not affect any control of delivery and service vehicles, loading/unloading, and screening.

14. Expected ownership and management of the property. **No unmitigated impacts.**

The expected ownership and management of the property is not projected to add impacts that would need additional mitigation. The property is owned by 545 Main Street Holdings LLC. The applicant in the future may request to “condominimize” the 545 Main Street building, April Inn, and the house at 550 Park which may include the parking spaces currently requested on the lowest level.

15. Sensitive Lands Review. **No unmitigated impacts.**

The proposal is not located within the Sensitive Lands Overlay.

Special Requirements

LMC § 15-2.3-8 indicates special requirements for Master Planned Development and Conditional Use Permits in Sub-zone A, consisting of lots in the HR-2 District that are west of Main Street, excluding those Lots within Block 13. The following special requirements apply only to Lots in Sub-Zone A that are part of a Master Planned Development, a Conditional Use Permit, or a Plat Amendment that combines a Main Street, HCB zoned, Lot with an adjacent Park Avenue, HR-2 zoned, Lot or portion of a Lot, for the purpose of restoring an Historic Structure, constructing an approved addition to an Historic Structure, constructing a residential dwelling or Garage on Park Avenue, or expanding a Main Street Business into the HR-2 zoned Lot:

1. All Commercial Uses extending from Main Street into the HR-2 Zone are subject to the Conditional Use Permit review requirements of Section 15-1-10 and the Master Planned Development requirements of Section 15-6 if the development is

part of a Master Planned Development. These Commercial Uses must be located below the Grade of Park Avenue projected across the HR-2 Lot and beneath the Main Floor of a residential Structure or Structures facing Park Avenue. Occupancy of the below Grade Floor Area is conditioned upon completion of the residential structure on the HR-2 Lot. **Complies.**

The applicant requests to build a residential parking area for the April Inn below grade of Park Avenue projected across the HR-2 and beneath the main floor of a single-family dwelling, a residential structure facing Park Avenue.

2. All Buildings within the HR-2 portion of the development must meet the minimum Side and Front Yard Setbacks of the HR-2 District as stated in Section 15-2.3-4, unless the Planning Commission grants an exception to this requirement during the MPD review and the development is consistent with the MPD Section 15-6-5(C). Below Grade Structures, such as parking structures and Commercial Floor Area extending from Main Street beneath a residential Structure or Structures on Park Avenue may occupy Side Yard Setbacks subject to Building and Fire Codes and trespass agreements. **Complies.**

The proposed structure within the HR-2 portion of the lot meets the minimum side and front yard setbacks of the HR-2 District as stated. The parking structure below the single-family dwelling does not occupy side yard setbacks other than the access leading to it.

3. All Buildings within the HR-2 portion of the development must meet the Building Height requirements of the HR-2 District as stated in Section 15-2.3-6. **Complies.**

The proposed structure within the HR-2 portion of the lot meets the building height requirements of the HR-2 District as stated.

4. Existing and new Structures fronting on Park Avenue may not contain Commercial Uses, except as permitted in Section 15-2.3-8 (B) (1). **Complies.**

The new structure fronting on Park Avenue does not contain commercial uses.

5. A Floor Area Ratio of 4.0 shall be used to calculate the total Commercial Floor Area. Only the Lot Area within the HCB Lot may be used to calculate the Commercial Floor Area. **Complies.**

Only the lot area within the HCB portion of the lot shall be used to calculate the commercial floor area.

6. The number of residential units allowed on the HR-2 portion of the Development is limited by the Lot and Site Requirements of the HR-2 District as stated in Section 15-2.3-4. **Complies.**

7. All entrances and Access, including service and delivery, for the Commercial Use must be off of a Street or easement within the HCB District. The Commercial Structure must be designed to preclude any traffic generation on residential Streets, such as Park Avenue. Any emergency Access, as required by the Uniform Building Code (UBC), onto the HR-2 portion of the Property must be designed in such a manner as to absolutely prohibit non-emergency Use. Alarms shall be installed on all emergency doors that provide access to Park Avenue.

Complies.

The access for the parking structure underneath the single-family dwelling is off Main Street, HCB District, through an easement. The applicant is not asking for a commercial structure. No emergency access onto the HR-2 portion of the property is proposed.

8. Commercial portions of a Structure extending from the HCB to the HR-2 District must be designed to minimize the Commercial character of the Building and Use and must mitigate all impacts on the adjacent Residential Uses. Impacts include such things as noise, odor and glare, intensity of activity, parking, signs, lighting, Access and aesthetics.
9. No loading docks, service yards, exterior mechanical equipment, exterior trash compounds, outdoor storage, ADA Access, or other similar Uses associated with the HCB Uses are allowed within the HR-2 portion of the Property, and all such Uses shall be screened for visual and noise impacts. **Complies as conditioned. Discussion requested.**

The applicant proposes four (4) parking spaces underneath the proposed single-family dwelling with another two (2) uncovered parking spaces towards the rear. Next to the four (4) parking spaces are four (4) small storage areas and also a small mechanical room. The storage and mechanical areas cannot be seen from elevation except from the south side as they are indeed located on the lowest parking level and access from the interior part of this level. Staff does not find these areas to be detrimental as they are below the single-family dwelling and would only be viewed from the south side when a vehicle is not parked on the lowest level of the structure. Does the Planning Commission agree with Staff's findings?

10. The Property Owner must donate a Preservation Easement to the City for any Historic Structures included in the Development. **Not applicable.**
11. Any Historic Structures included in the development shall be restored or rehabilitated according to the requirements of the LMC Chapter 11- Historic Preservation. **Not applicable.**
12. Any adjoining Historic Structures under common ownership or control must be considered a part of the Property for review purposes of the Conditional Use permit and/or Master Planned Development. **Not applicable.**

13. The allowed Building Width of any Structure above Final Grade is up to forty (40) feet. Building Widths shall reflect the typical variation, pattern and Historic character of the surrounding residential neighborhood. **Complies.**

The width of the proposed structure is twenty nine feet (29').

14. Residential Density Transfers between the HCB and HR-2 Zoning Districts are not permitted. A portion of the Gross Floor Area generated by the Floor Area Ratio of the HCB Zoning District and applied only to Lot Area in the HCB Zone, may be located in the HR-2 Zone as allowed by this Section. **Complies.**

No density transfer is being proposed.

15. Maximum allowed Building Footprint for the HR-2 Lot is subject to Section 15-6-5(B). **Complies as conditioned.**

Process

Approval of this application constitutes Final Action that may be appealed to the City Council following the procedures found in Land Management Code § 15-1-18. Approval of the Historic District Design Guideline compliance is noticed separately and is a condition of building permit issuance.

Department Review

This project has gone through an interdepartmental review. No further issues were brought up at that time other than standards items that would have to be addressed during building permit review.

Public Input

The City received one public comment on May 8, 2015. See Exhibit K – Public Comment.

Alternatives

- The Planning Commission may approve the requested Steep Slope Conditional Use Permit as conditioned or amended, or
- The Planning Commission may deny the requested Steep Slope Conditional Use Permit and direct staff to make Findings for this decision, or
- The Planning Commission may request specific additional information and may continue the discussion to a date uncertain.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The construction as proposed could not occur. The applicant would have to revise their plans. The applicant would not be able to use their site as parking for the adjacent building.

Recommendation

Staff recommends the Planning Commission hold a public hearing and review a request for a Steep Slope Conditional Use Permit for the construction of a new single-family dwelling and a Conditional Use Permit for a *Residential Parking Area or Structure with five (5) or more spaces, associated with a residential Building on the same Lot* at 550 Park Avenue based on the Findings of Fact, Conclusions of Law, and Conditions of Approval for the Commission's consideration.

Findings of Fact:

1. The property is located at 550 Park Avenue.
2. The Property is located in the HR-2 District.
3. The property is currently being reviewed as a plat amendment this same Planning Commission meeting, and is currently being re-platted as Lot 1 of the Cardinal Park Subdivision.
4. This application is a request for a Conditional Use Permit for construction of a new-single family dwelling.
5. A Historic District Design Review application is concurrently being reviewed by staff for compliance with the Design Guidelines for Historic Districts.
6. On August 4, 2014, the Planning Department approved a historic district design Review application at 545 Main Street for a remodel and an addition. This site is known as the April Inn and is located within the HCB District.
7. An agreement was recorded with the City regarding parking for the April Inn.
8. The property owner deposited with the City the parking fee in lieu in the cash amount of \$56,000.00 (4 spaces multiplied by \$14,000.00 per space).
9. The property owner desires to seek approval of the City for the actual creation of six (6) parking spaces on the HR-2 District for the purpose of providing parking for the Main Street site. As indicated on the agreement: "some or all which may be returned to 545 Main depending upon the outcome of the approval process of the 4 parking spaces on the property.
10. The applicant currently requests to provide six (6) parking spaces on the lowest level of the structure also housing a single-family dwelling.
11. The LMC indicates that the use listed as A Residential Parking Area or Structure with five (5) or more spaces, associated with a residential Building on the same Lot requires a Conditional Use Permit to be reviewed and approved by the Planning Commission.
12. The applicant seeks this approval to be able to accommodate parking and be returned the \$56,000.00 for the four (4) required parking spaces.
13. A single-family dwelling is an allowed use in the Historic Residential-2 District.
14. The proposed single-family dwelling is 1,989 square feet consisting of a one (1) bedroom house with two (2) two-car tandem garages accessed off Park Avenue consisting of 1080 square feet.
15. Below the proposed single-family dwelling is a parking level, accessed off Main Street consisting of 1,105 square feet.
16. The structure is three (3) stories, with most of the house on the upper level, the entry and tandem garages on the street garage level (Park Avenue), and the parking garage in the lowest parking level.
17. The parking level provides for four (4) covered parking spaces and two (2) non-covered, behind the proposed structure.
18. The proposed footprint is 1,116.08 square feet.

19. The maximum footprint is 1,132.5 square feet.
20. The minimum front/rear yard setbacks are ten feet (10').
21. The front yard setback is 10'-3".
22. The rear yard setback is 23'-1".
23. The side yards setbacks are both at the minimum of three feet (3').
24. From Park Avenue towards the rear the site, the first twenty feet (20') is considered the steepest part of the site with a slope of forty percent (40%) approximately.
25. The last sixty-five feet (65') contain a flat slope which can be measured at nine percent (9%) approximately.
26. The applicant submitted plans including a streetscape showing how the three (3) structure will be observed as a two (2) story dwelling when viewed from Park Avenue, due to the character of the slopes towards the front which limits the maximum building height.
27. The proposed structure cannot be seen from the key vantage points as indicated in the LMC Section 15-15-1.283.
28. The proposed structure has two access points: directly off Park Avenue for the house into the two tandem garages, and from the City owned Alley off Main Street then turning north, onto the parking level, the lowest floor of the structure. The Park Avenue, access is by right simply for having frontage over a street recognized on Park City's Streets Master Plan.
29. The side access of the lowest parking level was granted by the City to the applicant in a recent City Council discussion to be finalized in a form approved by the City Attorney and City Engineer.
30. The proposal does not including any terracing other than the effect of the structure on the site.
31. The maximum building height of 27 feet make the proposed structure follow the perceived natural topography of the site.
32. The front façade is broken up which assists in providing front yard variation.
33. The proposed structure contains a flat green roof as a primary roof form.
34. The mid-level at the back contains a deck.
35. The green roof has a step towards the middle which assists in breaking up the massing in two (2) smaller components.
36. The mid-level at the front elevation also contains a step back in front wall plane which breaks up the proposed structure.
37. The front has small roof form, small porch, and two (2) foot step back in one of the tandem garage doors which minimize the "wall effect".
38. The rear elevation contains the required ten foot (10') step-back on the third story, and is also broken up as the rear wall of the lowest level is not filled in but is designed with a column on each corner to support the proposed structure.
39. The proposed structure is both horizontally and vertically articulated and broken into compatible massing components.
40. The design includes setback variations and lower building heights for portions of the structure on the rear elevation.
41. The proposed massing and architectural design components are compatible with both the volume and massing of single-family dwellings in the area comprised of three and four (3 & 4) story dwellings.
42. The entire building ranges in height from twenty to twenty feet (20'-27').
43. The subject site is not historic.

44. The application is currently being reviewed by staff for compliance with the Design Guidelines where the scale, compatibility, historic character is thoroughly reviewed.
45. Applicant proposes four (4) parking spaces for the residential single-family dwelling access of Park Avenue.
46. Three of the four (3 of 4) comply with minimum parking area requirements.
47. The Code requires a single-family dwelling to have a minimum of two (2) parking spaces.
48. The Property Owner must protect Significant Vegetation during any Development activity.
49. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4 ½ ') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.
50. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist.
51. Staff recommends that the applicant submit the required report by the certified arborist and that the loss of significant mitigation is replaced on a like per like basis.
52. No fencing is being proposed at this time.
53. The applicant shall be responsible of screening utility equipment through their final landscape plan to be approved prior to building permit issuance.
54. Any utility equipment in the Right-of-Way shall also be screened through proper approval and authorization of the City Engineer.
55. The requested use of the single-family dwelling is off Park Avenue.
56. The requested use of the parking area on the lowest level is off Main Street.
57. From time to time Main Street may be closed for specific events, such as Miner's Day parade in September, Arts Festival in August, etc., and finds that the applicant understands that during these street closure they may not access their parking garage. The applicant stipulates these street closures and understands that they would have to abide the same restrictions currently faced by other residential property owners and businesses on Main Street.
58. No additional utility capacity is required for the requested use.
59. Emergency vehicles can easily access the unit and no additional access is required.
60. The LMC indicates that a single-family dwelling requires two (2) parking spaces.
61. The mid-level provides two (2) tandem garages with four (4) parking spaces accessed off Park Avenue.
62. The site also has six (6) parking spaces which are to be built for the benefit of 545 Main Street access of Main Street through a drafted easement agreement over City owned property.
63. The single family dwelling has a driveway accessed directly off Park Avenue.
64. The parking level (lowest floor) is to have its access off Main Street.
65. Screening and landscaping is proposed towards the front of the house.
66. The applicant requests the roof of the structure to be a passive non-accessible green roof, which is currently allowed.
67. No useable open space will be affected with the requested use from what is currently found on site.
68. There are stairs on the west end of the City owned alley, which the applicant requests to rebuild and landscape. The applicant will have to receive a separate permit through the City Engineer's office for this work.

69. No signs and lighting are associated with this proposal. Any new exterior lighting is subject to the LMC development standards related to lighting and will be reviewed for compliance with the LMC at the time of application. All signs are subject to the Park City Sign Code.
70. The requested uses will not affect the existing physical design and compatibility with surrounding structures in mass, scale and style.
71. Noise, vibration, odors, steam or mechanical factors are anticipated that are normally associated within the residential district including its intended nature to be a transition between the HR-1 and the HCB.
72. The proposal will not affect any control of delivery and service vehicles, loading/unloading, and screening.
73. The expected ownership and management of the property is not projected to add impacts that would need additional mitigation.
74. The entire lot is owned by 545 Main Street Holdings LLC.
75. The proposal is not located within the Sensitive Lands Overlay.
76. LMC § 15-2.3-8 indicates special requirements for Master Planned Development and Conditional Use Permits in Sub-zone A, consisting of lots in the HR-2 District that are west of Main Street, excluding those Lots within Block 13.
77. There are special requirements that apply only to Lots in Sub-Zone A that are part of a Conditional Use Permit for the purpose of constructing a residential dwelling or Garage on Park Avenue.
78. The applicant requests to build a residential parking area for the April Inn below grade of Park Avenue projected across the HR-2 and beneath the main floor of a single-family dwelling, a residential structure facing Park Avenue.
79. The proposed structure within the HR-2 portion of the lot meets the minimum side and front yard setbacks of the HR-2 District as stated.
80. The parking structure below the single-family dwelling does not occupy side yard setbacks other than the access leading to it.
81. The proposed structure within the HR-2 portion of the lot meets the building height requirements of the HR-2 District as stated.
82. The new structure fronting on Park Avenue does not contain commercial uses.
83. Only the lot area within the HCB portion of the lot shall be used to calculate the commercial floor area.
84. The number of residential units allowed on the HR-2 portion of the Development is limited by the Lot and Site Requirements of the HR-2 District as stated in Section 15-2.3-4.
85. The access for the parking structure underneath the single-family dwelling is off Main Street, HCB District, through an easement. The applicant is not asking for a commercial structure. No emergency access onto the HR-2 portion of the property is proposed.
86. Next to the four (4) parking spaces are four (4) small storage areas and also a small mechanical room. The storage and mechanical areas cannot be seen from elevation except from the south side as they are indeed located on the lowest parking level and access from the interior part of this level.
87. The width of the proposed structure is twenty nine feet (29').
88. No density transfer is being proposed.
89. Maximum allowed Building Footprint for the HR-2 Lot is subject to Section 15-6-5(B).

Conclusions of Law:

1. The Application complies with all requirements of this LMC;
2. The Use will be Compatible with surrounding Structures in Use, scale, mass and circulation;
3. The Use is consistent with the Park City General Plan, as amended; and
4. The effects of any differences in Use or scale have been mitigated through careful planning.

Conditions of Approval:

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.
3. A final utility plan, including a drainage plan for utility installation, public improvements, and drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers prior to issuance of a building permit.
4. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
5. A final landscape plan shall be submitted for review and approval by the City Planning Department, prior to building permit issuance.
6. No building permits shall be issued for this project unless and until the design is reviewed and approved by the Planning Department staff for compliance with this Conditional Use Permit and the Design Guidelines for Historic Districts and Historic Sites.
7. As part of the building permit review process, the applicant shall submit a certified topographical survey of the property with roof elevations over topographic and U.S.G.S. elevation information relating to existing grade as well as the height of the proposed building ridges to confirm that the building complies with all height restrictions.
8. The applicant shall submit a detailed shoring plan prior to the issue of a building permit. The shoring plan shall include calculations that have been prepared, stamped, and signed by a licensed structural engineer.
9. This approval will expire on May 13, 2016, if a building permit has not issued by the building department before the expiration date, unless an extension of this approval has been granted by the Planning Commission.
10. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission, subject to additional changes made during the Historic District Design Review.
11. All Yards shall be designed and maintained in a residential manner. Existing mature landscaping shall be preserved wherever possible. The use of native plants and trees is strongly encouraged.
12. From time to time Main Street may be closed for specific events, such as Miner's Day parade in September, Arts Festival in August, etc., and finds that the applicant understands that during these street closure they may not access their parking garage. The applicant stipulates these street closures and understands that they would have to abide the same restrictions currently faced by other residential property owners and businesses on Main Street.

13. There are stairs on the west end of the City owned alley, which the applicant requests to rebuild and landscape. The applicant shall receive a separate permit through the City Engineer's office for this work to the satisfaction of the City Engineer.
14. The number of residential units allowed on the HR-2 portion of the Development shall be limited by the Lot and Site Requirements of the HR-2 District as stated in Section 15-2.3-4.
15. The maximum allowed Building Footprint for the HR-2 Lot shall be subject to Section 15-6-5(B).
16. The easement agreement for access to the lower parking must be recorded prior to issuance of any building permits.
17. The applicant shall submit the report by a certified arborist per LMC § 15-2.3-15 and that the loss of significant mitigation shall be replaced on a like per like basis.
18. The parking on the lowest level shall only be used for the April Inn site to be finalized through the easement agreement.

Exhibits

- Exhibit A – Applicant's Project Description Steep Slope CUP & CUP
- Exhibit B – Topographic Map
- Exhibit C – Proposed Site Plan & Landscape Plan (Sheet A0.1)
- Exhibit D – Floor Plans (Sheet A1.1)
- Exhibit E – Exterior Elevations (Sheet A2.0)
- Exhibit F – Streetscape Elevations (Sheet A2.1)
- Exhibit G – Building Sections (Sheet A3.0)
- Exhibit H – Fee In Lieu of Parking Agreement 545 Main Street & HDDR Action Letter
- Exhibit I – February 26, 2015 City Council Staff Reports
- Exhibit J – February 26, 2015 City Council Meeting Minutes
- Exhibit K – Public Comment

550 Park Avenue – Conditional Use Permit – Parking

Revised, 12-9-14

Project Description

1.

- a. How will the proposed use “fit-in” with surrounding uses?

The proposed improvements to 545 Main Street and 550 Park Avenue include: conversion of 12 residential units to three units 545 Main Street in the HCB zone and construction of a new single family home at 550 Park Avenue in the HR-2 zone. The lower level of 550 Park Avenue will house 6 parking spaces that serve as off street parking spaces for the three new residential units in 545 Main Street. These spaces will be accessed off Main Street via the existing alley between 537 and 541 Main Street. This existing ally already exclusively serves as access to existing parking for 541 Main Street and the commercial parking structure for 537 Main Street.

The home at 550 Park Ave. access off Park Avenue and will match the use and scale of the other residential units on Park Avenue.

- b. What type of service will it provide to Park City?

The intense hotel use of the 12 units at 545 Main Street will be reduced to a substantially less intensive 3 units. The existing 12 units did not provide any off street parking. Six off street parking spaces will now be provided.

- c. Is the proposed use consistent with the current zoning district and with the General Plan?

Retaining a residential component at 545 Main Street will help to keep a vibrant Main Street where people not only shop but actually live. The single family development of 550 Park Avenue continues the residential character of Park Avenue but, with the unique alley access off Main Street, adds a support element to the residential uses at 545 Main Street. Additionally, 550 Park Avenue sits in the HR2 zone. HR2 is a transition zone. Providing a residential component that relates to Park Ave. and a parking component that access off Main Street and supports residential on Main Street is consistent with the current zoning and is not contrary to the General Plan

- d. Is the proposed use similar or compatible with other uses in the same area?

Yes, see response to item #1a

- e. Is the proposed use suitable for the proposed site?

The residential component at 550 Park Avenue matches size and scale of the other properties on Park Ave and the proposed lower parking becomes part of an alley access that already serves exclusively as access to private parking facilities.

- f. Will the proposed use emit noise, glare dust, pollutants, and odor?

No excessive noise, glare, dust, pollutants, or odor will be emitted from these residential sites. The residential component will be similar in use to all other residential properties in the HR2 zone. The parking component will be below the residence and very difficult to see from Park Avenue. The 6 proposed spaces service residential uses. Frequency of traffic will be residential in nature and not as intense as retail uses.

- g. What will be the hour of operation and how many people will be employed?

The proposed uses are not commercial in nature.

- h. Are other special issues that need to be mitigated?

No

2. Project compliance with development on Steep Slope Criteria per LMC, HR-2, 15-2.3-7

1. Location of Development – *The slope at 550 Park Avenue is similar to other properties on the downhill, east side of Park Avenue. The site rolls off from the street steeply, just over 30% and then flattens out to approx.10%. The garage doors and the windows of the living unit above the garage will face Park Avenue. The home access off Park Ave. and will set into the site so that retaining of the site will be limited to the Park Ave wall. As the site drops away to the east and flattens the side walls of the lower level will daylight requiring no additional retaining.*
2. Visual Analysis - *The home is not visible from any key vantage points.*
3. Access – *Access to the home will be off Park Ave and is via a driveway that is 11% slope from the road down to the garage. The building will be 2 stories off the Park Ave elevation, similar to other newer homes on the street.*
4. Terracing – *There will be retaining walls on either side of the driveway, parallel to the driveway, 3 -4' in height to recapture original grade. Once past the drive the home will sit adjacent to original grade and no retaining will be necessary.*
5. Building Location – *The building will fit in to the existing topography with retaining limited to the driveway area to allow access to Park Avenue from the residential entry and the garage. The proposed ally access parking elevation falls on the ally elevations and requires no additional retaining to work.*
6. Building Form and Scale – *The building form fits into the existing contours and steps down the slope. By stepping the building it is broken into smaller forms that are in keeping with typical residential forms found in the district.*
7. Setbacks – *The lot is 35' wide and the building 29' . The front and rear elevations are composed of two shifted forms that break up the mass of the building.*
8. Dwelling Volume – *Proposed volume of the building is in keeping with adjacent residential forms along Park Ave.*
9. Building Height - *The building height complies with the requirements of the LMC*

FEE IN LIEU OF PARKING AGREEMENT

545 MAIN STREET

THIS FEE IN LIEU OF PARKING AGREEMENT 545 MAIN STREET (the "Agreement"), is made the 23rd day of September 2014, by and between 545 Main Street Holdings, LLC, an Oklahoma limited liability company ("545 Main") and Park City Municipal Corporation ("Park City"), a nonprofit corporation of Utah.

WITNESSTH:

WHEREAS, 545 Main owns the property located at 545 Main Street, Park City, Utah, commonly known as the April Inn (the "Property");

WHEREAS, in connection with that certain Revised Notice of Planning Department Action, Project Number PL-13-02118, dated August 4, 2014 (the "Notice", a copy of which is attached hereto) 545 Main is required to provide parking spaces or pay a fee in lieu of providing such spaces to Park City;

WHEREAS, within the HCB District, the Land Management Code 15-2.6-9 Parking Regulations requires "The parking must be on-site or paid by fee-in-lieu of on-site parking set by Resolution equal to the parking obligation multiplied by the per space parking fee/in-lieu fee."

WHEREAS, Park City, as a result of its revised FAR calculations, has determined that the correct number of required spaces in connection with Paragraph 19 of the Notice is four (4) spaces;

WHEREAS, 545 Main desires to seek approval of Park City for the actual creation of four (4) additional parking spaces on property which adjoins the Property, but desires to obtain a building permit and proceed with the construction referenced in the Notice without any delay that might otherwise be caused by seeking approval of the four (4) parking spaces;

WHEREAS, 545 Main and Park City desire to agree that 545 Main will deposit with Park City the parking fee in lieu in the cash amount of \$56,000.00 (4 spaces multiplied by \$14,000.00 per space), some or all of which may be returned to 545 Main depending upon the outcome of the approval process of the 4 parking spaces on the property adjoining the Property, all in accordance with the terms of this Agreement.

AGREEMENT

NOW, THEREFORE, in consideration of the promises and covenants of the parties contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. **Number of Required Parking Spaces.** Park City has calculated that the number of parking spaces required in connection with the work referenced in the Notice, and specifically Paragraph 19 of the Notice is four (4) parking spaces. For the HCB district, the Land Management Code requires LMC 15-2.6-9 "The parking must be on-site or paid by fee-in-lieu of on-site parking set by Resolution equal to the parking obligation multiplied by the per space parking fee/in-lieu fee."

2. **Fee in Lieu of Parking.** At the time this Agreement is executed, 545 Main shall deliver to Park City a fee in lieu of parking for four (4) parking spaces in the total amount of \$56,000.00 (4 spaces multiplied by \$14,000.00 per space) (the "Fee"). Upon receipt of this executed Agreement and the Fee, the requirement for parking for the Property based upon the Notice shall be satisfied. 545 Main shall submit a complete application for approvals which would allow for the parking at 550 Park Avenue within two months of executing this Agreement and diligently pursue an application to Park City to obtain approval of four (4) parking spaces on property which adjoins the Property, which would satisfy the four (4) parking space requirement of the Notice for the Property. The requirement to submit a complete application shall be satisfied when 545 Main or its agent has delivered the following items to the Park City Planning Department:

- A. a filled out and signed Conditional Use Permit for Planning Commission Review application found on the Park City website at: <http://www.parkcity.org/Modules/ShowDocument.aspx?documentid=4592> (although the approval being sought is not a Conditional Use Permit, the Planning Department Director has determined that the Conditional Use Permit application contains all of the necessary information required to seek the approval that 545 Main seeks). The application shall include 1) a survey of the property; and 2) schematic plans including a scaled site plan and landscape plan showing any retaining walls, dimensions of the four (4) parking spaces, materials to be used in the parking spaces and any hard surfaces, and the width of the driveway onto the lot.
- B. an application fee of \$1,140.00

If, within two years from the date of this Agreement 545 Main obtains approval for the four (4) parking spaces, or any lesser number of spaces, Park City will refund to 545 Main the Fee, if four (4) spaces are approved, or \$14,000.00 per space for each parking space approved if less than four (4) spaces are approved and Park City shall retain the remainder of the Fee. Park City shall not pay any interest on any part of the Fee if refunded. In the event that none of the four (4) spaces are approved within two years of the date of this Agreement, Park City will retain the entire Fee.

3. **Proceeding at Own Risk.** 545 Main acknowledges that it is proceeding with an application to put the parking at 550 Park Ave either through a request to the Planning Commission pursuant to LMC 15-3-2 ("Required parking must be on-site unless the Planning Commission allows such parking on adjacent or nearby deed restricted lots.") or a plat amendment to connect the parking area to the Property with the restriction that the parking be for residential use only pursuant to LMC 15-2.3-2 (A) (11). Park City has not given any assurance or guaranteed any results in these applications.

4. **Successors and Assigns.** This Agreement and all of the covenants, provisions and conditions herein contained shall inure to the benefit of and be binding upon the successors and assigns of each party.

5. **Waiver.** No waiver of any breach of this Agreement shall be deemed a waiver of any subsequent breach of the same or any other condition.

6. **Time of Essence.** Time is of the essence of this Agreement and every term, covenant, and condition herein contained.

7. **Notices.** Any notices or requests to be made under this Agreement shall be by United States Mail, e-mail or facsimile, and sent

to 545 Main at:

545 Main Street Holdings, LLC
501 N. W. Grand Boulevard, 6th Floor
Oklahoma City, OK 73118
Fax: (925)938-3722
E-mail: billy.reed@sbcglobal.net

and to Park City at:

Christy Alexander
P.O. Box 1480, 445 Marsac Ave
Park City, UT 84060-1480
E-mail: Christy.alexander@parkcity.org

8. **Section Headings.** Section headings and numbers are for convenience only, and are not to be considered limitations or modifications or provisions set forth in the body of this Agreement.

9. **Applicable Law.** The parties hereby expressly agree that this Agreement shall be governed and construed in accordance with Utah law and courts of law sitting in Summit

County, State of Utah shall have jurisdiction and venue for purposes of hearing any disputes arising out of this Agreement.

10. Severability. The provisions of this Agreement are severable, and should any provisions hereof be void, voidable, or unenforceable, or invalid, such void, voidable, unenforceable, or invalid provision shall not affect any other portion or provision of this Agreement.

11. Entire Agreement. This Agreement constitutes the entire agreement of the parties with respect to the fee in lieu of parking requirement under the Notice, and supersedes all oral understandings and agreements. Alterations or amendments to this Agreement must be in writing, executed by the parties hereto.
[signature page follows]

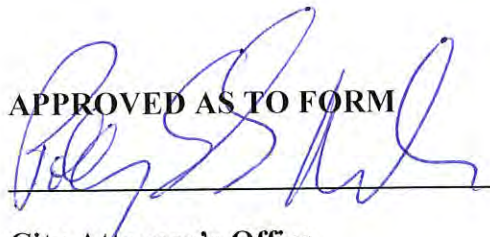
IN WITNESS WHEREOF, on the date first shown above, 545 Main has caused this Fee In Lieu Of Parking Agreement 545 Main Street to be executed, and Park City has caused this Agreement to be accepted and executed in its corporate name by its City Manager.

PARK CITY:

By: 
City Manager

Attest: 
Marci Heil, City Recorder



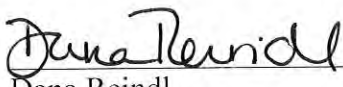

APPROVED AS TO FORM
City Attorney's Office

545 MAIN:

545 Main Street Holdings, LLC,
an Oklahoma limited liability company

By: W.R. Johnston & Co.

Its: Manager

By: 
Dana Reindl
Its: Vice President



August 4, 2014

Billy Reed
115 Jennifer Ct.
Alamo, CA 94507

REVISED NOTICE OF PLANNING DEPARTMENT ACTION

Project Address: 545 Main Street
Project Description: Historic District Design Review
Date of Revised Action: August 4, 2014
Project Number: PL-13-02118

Summary of Staff Action

Staff reviewed this HDDR application for compliance with the June 19, 2009 Historic District Design Guidelines, specifically with 1) Universal Guidelines for New Construction in Historic Districts (#1 through 8) and 2) Specific Guidelines: A. Site Design; B. Primary Structures; D. Off-Street Parking Areas, Garages, & Driveways; G. Exterior Lighting; and I. Sustainability. Staff found that as conditioned the proposed renovation and addition to the existing non-historic building will comply with applicable Guidelines. This letter serves as the revised final action letter and approval for the proposed design for the addition at 545 Main Street. The plans, as redlined, are approved subject to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. The property is located at 545 Main Street.
2. The property is not listed as a historically significant site as defined in the Park City Historic Sites Inventory.
3. The property is located in the Historic Commercial Business (HCB) zoning district and is subject to all requirements of the Park City Land Management Code (LMC) and all the guidelines of the 2009 Historic District Design Guidelines.
4. The parcel is approximately 5,800.5 square feet in size for entire three combined lots. The minimum lot size requirement in the HCB district is 1,250 square feet and the maximum allowable FAR is 4.0.
5. The existing developed site is located on the 545 Main Street plat.

6. The neighborhood is characterized by historic and non-historic commercial retail, office, restaurant uses, apartments, condos and single family homes on average historically-sized lots.
7. The proposed addition is 1,226 square feet. The existing non-historic building is 12,699 square feet and with the addition will have 13,925 square feet total area. The existing FAR is 2.19 and with the proposed addition will have an FAR of 2.4 total.
8. The proposed addition will comply with all setbacks. Hot tubs must be located with a five foot setback in the side and rear yards.
9. Access to the property is from Main Street.
10. No off-street parking spaces are provided. An FAR of 1.5 is exempt from parking requirements as the property was paid in full per the 1984 Special Improvement District. The remaining FAR is not exempt from parking nor has ever been paid for existing residential uses and the applicant will need to provide for four (4) off-street parking spaces for the three new units. The applicant proposes to pay a fee-in-lieu of \$14,000 per space or provide on-site parking prior to building permit approval.
11. The proposed addition meets the height limits and height envelopes for the HCB zoning. The building footprint and setbacks also comply with the zoning requirements.
12. The proposal, as conditioned complies with applicable Universal Design Guidelines for new construction in Historic Districts.
13. The proposal, as conditioned complies with applicable Specific Design Guidelines for new construction, including A- Site Design, B- Primary Structures, D- Off-Street Parking Areas, Garages, & Driveways; G- Exterior Lighting, and I- Sustainability.
14. On April 7, 2014, a Historic District Design Review application was submitted to the Planning Department for the above described work.
15. On April 17, 2014, Staff posted notice of receipt of the HDDR application and sent out notice letters to property owners as required by the Land Management Code. No public comment was provided regarding the addition that was not mitigated.
16. On June 24, 2014, Staff posted notice of final action as required by the Land Management Code. The appeal period runs until 5 pm on July 4, 2014.
17. On August 4, 2014, Staff revised the final action approval to incorporate revisions to the parking requirement.

Conclusion of Law

1. The proposal complies with the 2009 Park City Design Guidelines for Historic Districts and Historic Sites, as conditioned.
2. The proposal complies with the Land Management Code requirements pursuant to the Historic Commercial Business (HCB) District (lot size, setbacks, etc.).
3. The proposed work is consistent with Park City General Plan.

Conditions of Approval

1. 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 consider and mitigate impacts to the existing neighboring structures, and existing infrastructure/streets from the construction. All anticipated road closures shall be described and permitted in advance by the Building Department.
2. Final building plans and construction details shall reflect substantial compliance with the drawings stamped in on June 17, 2014 and approved on June 24, 2014, as redlined. Any changes, modifications, or deviations from the approved design shall be reviewed and approved by the Planning Director prior to construction. Any changes, modifications, or deviations from the approved work that have not been approved by the Planning and Building Departments may result in a stop work order.
3. The designer and/or applicant shall be responsible for coordinating the approved architectural drawings/documents with the approved construction drawings/documents. The overall aesthetics of the approved architectural drawings/documents shall take precedence. Any discrepancies found among these documents that would cause a change in the approved construction shall be reviewed and approved prior to construction.
4. If a complete building permit has not been obtained by August 4, 2015, this HDDR approval will expire, unless an extension is requested prior to the expiration date and granted by the Planning Department.
5. The City Engineer shall review and approve all appropriate grading, utility installation, public improvements, drainage plans, and flood plain issues, for compliance with City and Federal standards, and this is a condition precedent to building permit issuance.
6. Any areas disturbed during construction surrounding the proposed work shall be brought back to its original state.
7. A final Landscape Plan shall be submitted to the City for review prior to building permit issuance. Such plan will include water efficient landscaping and drip irrigation. Lawn area shall be limited in area. Existing trees shall be shown on the final Landscape Plan and shall be maintained, unless permission is granted by the City Engineer and/or City Forester for removal. Mitigation shall be proposed for all Significant Vegetation proposed to be removed.
8. Construction waste should be diverted from the landfill and recycled when possible.
9. All exterior lighting shall meet Park City's lighting ordinance and be downward directed and shielded, including any existing lighting that does not currently comply.
10. All electrical service equipment and sub-panels and all mechanical equipment, except those owned and maintained by public utility companies and solar panels, shall be painted to match the surrounding wall color or painted and screened to blend with the surrounding natural terrain. Roof mounted equipment and vents shall be painted to match the roof and/or adjacent wall color and shall be screened or integrated into the design of the structure.

11. All exterior wood siding shall be painted or stained a solid color, and when possible, a low VOC (volatile organic compound) paint and finish shall be used. Provide a weather protective finish to wood surfaces that were not historically painted.
 12. Stone retaining walls shall consist of square, natural stones, small in size that a miner could carry.
 13. All windows shall be trimmed and the trim shall be consistent on all exterior windows.
 14. All stone veneer should consist of natural stone.
 15. All exterior concrete must be textured.
 16. All exterior metal trim must be non-reflective.
 17. Hot tubs require a building permit and compliance with the zone setbacks.
 18. An encroachment agreement, between the applicant and the City Engineer for the balconies encroaching into the City Right-of-Way, shall be obtained prior to building permit approval.
 19. A fee-in-lieu, of \$14,000 per each four (4) required parking spaces, shall be paid or provide parking on-site prior to building permit approval.
 20. Approval of this HDDR was noticed on June 24, 2014, and any approval is subject to a 10 day appeal period.
 21. All standard conditions of approval shall apply (see attached).
-

If you have any questions about this approval, please do not hesitate to contact me. I can be reached at (435) 615-5068, or via e-mail at christy.alexander@parkcity.org.

Sincerely,



Christy J. Alexander, AICP
Planner II



City Council Staff Report

Subject: Vehicle and Pedestrian Easement for 545 Main Street (April Inn)
Author: Matthew Cassel, City Engineer
Date: February 26, 2015
Type of Item: Legislative

Summary Recommendations:

Staff recommends that City Council grant a non-exclusive vehicle and pedestrian easement across City property for the benefit of April Inn (545 Main Street).

Description:

The Vehicle and Pedestrian Easement would allow the owners of April Inn (545 Main Street) to access the back lot of their property from the City owned alley located between the Cunningham Building (537 Main Street) and the General Store (541 Main Street).

Background:

On April 1, 1940, Summit County conveyed and quit claimed to Park City the alley located between the Cunningham Building (537 Main Street) and the General Store (541 Main Street). The legal description is as follows:

- The north 21.5 feet of Lot 11 and all of Lot 36 of Block 9, Park City Survey.

From Eric DeHaan's Memorandum dated October 11, 1999 (see attachments):

- As the Old Towne Shops and the two-level parking structure immediately west of Old Towne Shops were being developed in 1984, the City and property developer entered into an easement agreement providing for continued vehicular and pedestrian access within the alley,
- The upper level of the parking structure is accessed from Park Avenue while the lower level is accessed from Main Street. The easement agreement provides for the lower level access from Park Avenue if Main Street were ever to become a pedestrian mall.

Specifics of the Easement Agreement include:

- Old Towne Shops (537 Main Street) and Sierra Pacific (543 Park Avenue) entered into a parking agreement with each other which necessitated improvements to the alley,
- City granted a non-exclusive pedestrian and vehicular easement over the alley property to Old Towne Shops,
- City granted a non-exclusive pedestrian and vehicular easement over the alley

- property to Sierra Pacific,
- Old Towne Shop and Sierra Pacific were responsible for improvements in the alley,
- The City would maintain the alley as required for safe pedestrian access. Old Towne Shop and Sierra Pacific may supplement the City's maintenance of the alley.

Right-of-Way – The non-exclusive easement agreement with Old Towne Shop and Sierra Pacific notes that the alley is a Right-of-Way. Despite an thorough review, no records were found that indicated that the alley was ever formally dedicated as Right-of-Way. Staff considers the alley to be City property and thus the requirement to provide a formal easement for April Inn (If the alley was a dedicated public Right-of-Way, a vehicle and pedestrian easement would not be required).

Analysis:

April Inn currently owns lots 13, 14, 15, 32, 33, 34, and 35 of Block 9. April Inn is located on Lots 13, 14 and 15 (545 Main Street), Lots 32, 33, 34 and 35 are currently un-developed and front Park Avenue. April Inn is currently re-modeling their facility from 12 units down to 3 units. They have submitted plans for the development of the lots fronting Park Avenue and are requesting to build a 6 space parking facility to the immediate west of the April Inn, which would be accessible from Main Street via the alley. Two of the parking spaces will be surface while the other four will be covered. The covered parking spaces are proposed to be located under a house; the house's access will be from Park Avenue. These six parking spaces would be on April Inn property and would be dedicated for the use by residents/guests of the April Inn. This easement request would allow access to this parking facility through and across the alley. Because of the differential grade and proposed development, access from Park Avenue would be difficult.

Staff supports the vehicle and pedestrian easement for two reasons:

- April Inn had paid their parking assessment into China Bridge for their commercial uses but not for their residential uses. It is unclear as to where the previous residents/renters of the 12 units parked, but is assumed they were parking within the Main Street corridor. By allowing this vehicle and pedestrian easement, parking for the residential uses of April Inn will be established,
- April Inn has reduced the number of residential units from 12 to 3 and has proposed satisfying their residential parking requirements on site. If Council approves the vehicle and pedestrian easement for April Inn, staff anticipates a slight increase in trips generated from the immediate area near April Inn but an overall reduction in traffic impacts to the Main Street corridor due to the reduction in residential units.

A draft of the easement is included with this staff report. Easement specifics

- Language is inserted to address the closing of Main Street for special events,
- The 1984 easement agreement with Old Towne and Sierra Pacific includes a paragraph stating "City shall maintain the Right-of-Way as required for safe

pedestrian access, but Old Towne and Sierra Pacific may supplement the City's maintenance as they deem necessary or appropriate." Staff interprets this paragraph to indicate that the City will maintain the alley to minimum safety standards for pedestrian access (but not vehicular access). If the grantee would like to add amenities such as more lighting, landscaping, signage, etc, they may upon City approval. A paragraph such as this one will be included in the vehicle and pedestrian easement for April Inn.

An alternative to granting the vehicle and pedestrian easement would be to sell the property to the parties and retain an easement for pedestrian use. Because of the significant grade difference, this alley will never be a thoroughfare and thus will not be part of the City's transportation network. Also, staff does not foresee the future use of this alley to change. The advantage of selling the property would be the shifting of current maintenance program for the alley to the parties purchasing the property. One disadvantage will be the ownership of this parcel by three separate entities and the City resources necessary for the parties to come to an shared ownership agreement.

Department Review:

This report has been reviewed by City Manager, Legal, Sustainability, Public Works, and Planning. All concerns raised by these departments have been incorporated herein.

Alternatives:

A. Approve the Request:

Approving the easement will allow April Inn (545 Main Street) to develop parking on their parcel. This is Staff's recommendation.

B. Deny the Request:

Denying the easement will then not allow April Inn to provide on-site parking accessed from Main Street.

C. Continue the Item:

If the Council desires more information about the easement, the item may be continued.

D. Do Nothing:

This would have the same affect as denying the request for the easement.

Significant Impacts:

	World Class Multi-Seasonal Resort Destination (Economic Impact)	Preserving & Enhancing the Natural Environment (Environmental Impact)	An Inclusive Community of Diverse Economic & Cultural Opportunities (Social Equity Impact)	Responsive, Cutting-Edge & Effective Government
Which Desired Outcomes might the Recommended Action Impact?	+ Safe community that is walkable and bike-able		+ Shared use of Main Street by locals and visitors + Physically and socially connected neighborhoods	
Assessment of Overall Impact on Council Priority (Quality of Life Impact)	Positive 	Neutral 	Positive 	Neutral 
Comments:				

There are no significant or financial impacts arising from the recommended action.

Consequences of not taking the recommended action:

If the easement is not granted, vehicle and pedestrian access to the proposed on-site parking for the April Inn (545 Main Street) cannot occur.

Recommendation:

Staff recommends that City Council grant a non-exclusive vehicle and pedestrian easement across City property for the benefit of April Inn (545 Main Street).

Attachments: Draft Vehicle and Pedestrian Easement,
Exhibit of Easement and Property Ownership.
Eric Dehaan Memorandum dated October 11, 1999 including the
Non-Exclusive Easement Agreement between Park City, Old
Towne Associates and Sierra Pacific

NON-EXCLUSIVE EASEMENT AGREEMENT

THIS NON-EXCLUSIVE EASEMENT AGREEMENT (the “Agreement”) is entered into this ____ day of _____, 2015, by and between 545 Main Street Holdings, LLC, an Oklahoma limited liability company (“545 Main”) and Park City Municipal Corporation (“Park City”), a nonprofit corporation of Utah.

RECITALS

WHEREAS, 545 Main owns the real property located at 545 Main Street and certain property to the rear or west of 545 Main Street, Park City, Utah 84060, more particularly described in **Exhibit A** hereto (“Parcel 1”); and

WHEREAS, Park City owns a lot of record generally known as Lots 11 & 36, Block 9 of the Park City Survey, which fronts Main Street south of 545 Main Street over which 545 Main would like to access Parcel 1, which lot of record is more particularly described in **Exhibit B** hereto (“Parcel 2”); and

WHEREAS, Park City desires to grant to 545 Main a perpetual, non-exclusive easement for ingress and egress over Parcel 2 for the benefit of Parcel 1, subject to closures from time of Parcel 2 by Park City in connection with various special events throughout the year.

AGREEMENT

NOW THEREFORE, in consideration of Ten Dollars (\$10.00), the mutual promises and covenants made herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. **GRANT OF EASEMENT.** Park City hereby grants to the owner of Parcel 1, its successors and assigns, for the benefit of Parcel 1 its successors and assigns, a perpetual, non-exclusive easement over Parcel 2 for the purpose of pedestrian and vehicular ingress and egress to and from Parcel 1, which grant of easement is expressly made subject to Park City’s right, in its sole discretion, to temporarily close Parcel 2 to vehicular access during special events. The easement granted herein shall be effective from and after the date of recording of this Agreement in the official records of the Summit County Recorder.
2. **GOVERNING LAW.** This Agreement shall be interpreted and governed by the laws of the State of Utah.
3. **AMENDMENT OR WAIVER.** This Agreement may be amended only by an instrument in writing signed by the parties hereto. No provision of this Agreement and no obligation of either party under this Agreement may be waived except by an instrument in writing signed by the party waiving the provision or obligation. The waiver of any breach of any

of the terms, covenants or conditions hereof on the part of one party to be kept and performed shall not be a waiver of any preceding or subsequent breach of the same or any other term, covenant or condition contained herein.

4. **ENTIRE AGREEMENT.** This Agreement, including exhibits, contains the entire Agreement and understanding between the parties with regard to the subject matter of this Agreement. All terms and conditions contained in any other writings previously executed by the parties and all other discussions, understandings or agreements regarding the subject matter of this Agreement shall be deemed to be superseded by this Agreement.

5. **SUCCESSORS AND ASSIGNS.** This Agreement shall be binding upon and inure to the benefit of the successors and assigns of the parties.

6. **CONSTRUCTION OF AGREEMENT.** The language and all parts of this Agreement shall be in all cases construed simply according to their fair meaning and not strictly for or against either of the parties hereto. Headings at the beginning of sections and subsections of this Agreement are solely for the convenience of the parties and are not part of this Agreement. When required by the context, whenever the singular number is used in this Agreement, the same shall include the plural, and the plural shall include the singular; the masculine gender shall include the feminine and neuter genders and vice versa; and the word "person" shall include corporations, partnerships or other forms of associations or entities.

7. **COUNTERPARTS.** This Agreement may be executed in any number of counterparts, each of which shall be an original and such counterparts shall together constitute but one and the same instrument.

8. **SEVERABILITY.** Invalidation of any one of the covenants or provisions of this Agreement or any part thereof by judgment or court order shall not affect any other covenant or provision of this Agreement, which shall remain in full force and effect.

9. **NOTICES.** Any notices or requests to be made under this Agreement shall be by United States Mail, e-mail or facsimile, and sent

to 545 Main at:

545 Main Street Holdings, LLC
501 N. W. Grand Boulevard, 6th Floor
Oklahoma City, OK 73118
Fax: (925)938-3722
E-mail: billy.reed@sbcglobal.net

and to Park City at:

E-mail: _____.

10. INCORPORATION OF RECITALS AND ATTACHMENTS. All Recitals in this Agreement and all attachments hereto are hereby fully incorporated by reference herein.

11. NO PARTNERSHIP. Neither this Agreement nor the acts of the parties is intended to create and does not create a joint venture or partnership between the parties.

12. FURTHER ASSURANCES. Each party shall execute and deliver any and all documents that may be reasonably requested by the other party in order to document and perform fully and properly the provisions of this Agreement.

13. COVENANTS TO RUN WITH THE LAND. The respective benefits and burdens of the easement granted herein and the terms hereof shall run with and be appurtenant to Parcel 1 and Parcel 2 and shall inure to the benefit of and be binding on their respective owners, successors in interest and assigns.

IN WITNESS WHEREOF, the undersigned have executed this Non-Exclusive Easement Agreement on the date first above written.

PARK CITY:

By: _____
City Manager

Attest:

Marci Heil, City Recorder

APPROVED AS TO FORM

City Attorney's Office

545 MAIN:

545 Main Street Holdings, LLC,
an Oklahoma limited liability company

By: W.R. Johnston & Co.
Its: Manager

By: _____
Print Name: _____
Its: Vice President

ACKNOWLEDGEMENTS

STATE OF UTAH)
 : ss.
COUNTY OF SUMMIT)

On this _____ day of _____, 2015 before me personally appeared _____, who being by me duly sworn, acknowledged to me that he/she signed the foregoing instrument, as the duly appointed and authorized City Manager of PARK CITY MUNICIPAL CORPORATION.

Notary Public
My Commission Expires: _____

STATE OF _____)
 : ss.
COUNTY OF _____)

On this _____ day of _____, 2015 before me personally appeared _____, who being by me duly sworn, acknowledged to me that he/she signed the foregoing instrument, as the duly appointed and authorized signatory of 545 MAIN STREET HOLDINGS, LLC.

Notary Public
My Commission Expires: _____

EXHIBIT A
Legal Description of Parcel 1

EXHIBIT B
Legal Description of Parcel 2

WASHINGTONSCHOOLINN2

PARKINGGARAGE

PCMCSTRIP

APRILMTNINN

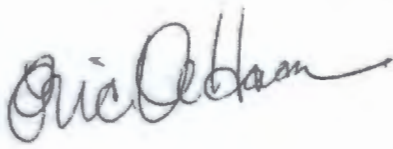
WASHINGTONSCHOOLINN



0 25 50 100 150 200 Feet

MEMORANDUM

To: Honorable Mayor Olch
Members of the City Council

From: Eric W. DeHaan, P.E., City Engineer 

Date: October 11, 1999

Subject: Alley on Main Street next to Hay Charley

Two weeks ago a question was raised about maintenance of the City-owned alley which runs west from Main Street next to Hay Charley. The question came up during the discussion of the Park Avenue pedestrian connection to the Bamberger and Gaddis buildings. This memo will provide background information on the alley, which was the subject of much discussion back in 1984.

The alley consists of a 21.5-foot-wide portion of a platted lot on Main Street and an entire 25-foot-wide platted lot on Park Avenue. The lots meet at their ends, forming the alley. The lots are owned in fee title by Park City Municipal Corporation.

As the Old Towne Shops and the two-level parking structure behind the Old Towne Shops were being developed in 1984, the City and the property developer entered into an easement agreement providing for continued vehicular and pedestrian access within the alley. A copy of the easement agreement is attached. The upper level of the parking structure has always accessed from Park Avenue. Further, the agreement provides for the lower level to access from Park Avenue if Main Street were ever to become a pedestrian mall, although the physical construction of a ramp leading down to the lower floor of the parking structure from Park Avenue would be difficult because of the vertical drop down from Park Avenue.

The City has provided considerable maintenance of the alley, although in the winter the alley tends to become icy because of the tall building on its south side. This summer the Public Works department repaved a portion of the alley, and the staircase connecting the alley to Park Avenue has been reconstructed by the City. There is a provision in the easement agreement for the private beneficiaries to supplement City maintenance of the alley if they so desire.

The alley was at one time proposed to be the secondary access for the Bamberger Building at 545 Main, but because the alley slopes at 11% and carries vehicular traffic, it was not possible for the Bamberger ADA access to be developed to Main Street by way of the alley.

Please let me know if you would like any further information on our Hay Charley alley. My phone number is 615-5075.

NON-EXCLUSIVE EASEMENT AGREEMENT

This Agreement is entered into by and among Park City Municipal Corporation ("City"), Old Towne Associates, a Utah general partnership ("Old Towne"), and Sierra Pacific Financial, a California general partnership ("Sierra Pacific"), as of March ___, 1984.

Recitals:

A. Old Towne is the owner of certain real property located at 537 Main Street, Park City, Utah presently known as the Old Towne Shoppes and more particularly described in Exhibit "A" attached to this Agreement and incorporated by this reference.

B. Sierra Pacific is the owner of certain real property located at 543 Park Avenue, Park City, Utah known as the Washington School and more particularly described in Exhibit "B" attached to this Agreement and incorporated by this reference.

C. Old Towne and Sierra Pacific have entered into a parking agreement which necessitates the improvement of an existing right-of-way connecting Park Avenue and Main Street and more particularly described as the North 21.5 feet of Lot 11, and all of Lot 36, Block 9, of the amended plat of Park City Survey ("the Right-of-Way"). (THE ALLEY BETWEEN OLD TOWNE SHOPPES & HAY CHARLEYS)

D. It is in the best interests of the public health, safety and welfare to improve the Right-of-Way described above and to grant non-exclusive easements to Old Towne and Sierra Pacific appurtenant to each of the properties described in Exhibits "A" and "B", as provided in this Agreement.

Now, therefore, the parties hereto agree as follows:

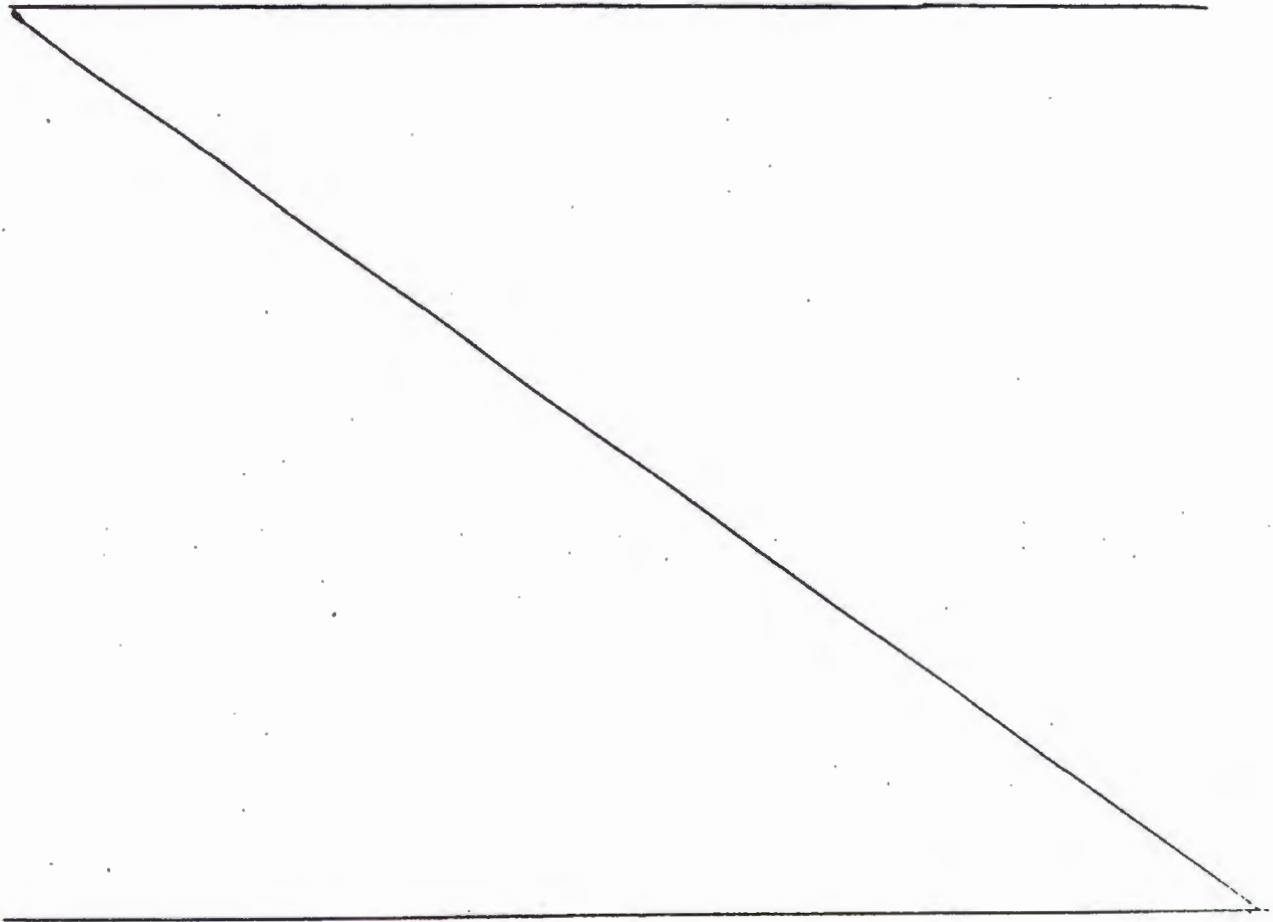
1. City hereby grants to Old Towne a private non-exclusive pedestrian and vehicular right-of-way easement over the Right-of-Way as described above. Such easement shall be appurtenant to the property described in Exhibit "A" and shall run with such property.

2. City hereby grants to Sierra Pacific a private non-exclusive pedestrian and vehicular right-of-way easement over the Right-of-Way as described above. Such easement shall be appurtenant to the property described in Exhibit "B" and shall run with such property.

3. Old Towne and Sierra Pacific shall improve the Right-of-Way by, among other things, rebuilding the existing stairs and installing lights to light the stairs. Such lights shall be hooked into the City's lighting system. All improvements to the Right-of-Way shall be subject to City's prior approval.

4. City shall maintain the Right-of-Way as required for safe pedestrian access, but Old Towne and Sierra Pacific may supplement the City's maintenance as they deem necessary or appropriate.

5. The easement granted hereby shall create no implication or duty by City to provide or allow vehicular access to the Right-of-Way from Main Street. At such time, if any, that motor vehicles are prohibited or restricted from access to the Right-of-Way from Main Street, City shall permit the Right-of-Way to be used in a manner that will permit vehicular access from Park Avenue to the lower level of parking at the rear of the property described in Exhibit "A".

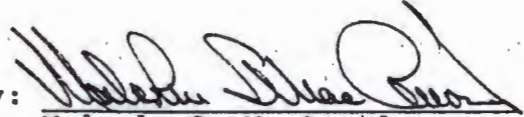


6. This Agreement shall be binding on, and shall inure to the benefit of, the successors and assigns of Old Towne and Sierra Pacific, respectively.

In witness whereof, the parties have entered into this Agreement as of the date first written above.

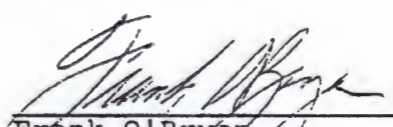
Old Towne Associates,
a Utah general partnership

By The MacQuoid Company,
a Utah corporation

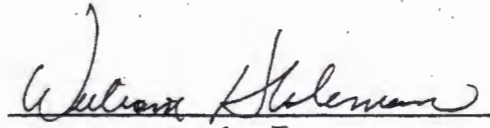
By: 
Malcolm S. MacQuoid,
President

Sierra Pacific Financial,
a California general partnership

By Spring Mountain Enterprises,
a California corporation

By: 
Frank O'Bryan,
President

Park City Municipal Corporation

By: 
Maya Pro Tempore

**PARK CITY COUNCIL MEETING MINUTES
SUMMIT COUNTY, UTAH,
February 26, 2015 P a g e | 4**

IV. CONSIDERATION OF MINUTES FROM THE FEBRUARY 12, 2015 CITY COUNCIL MEETINGS

**Council member Peek moved to approve the
February 12, 2015 City Council minutes
Council member Beerman seconded
Approved unanimously**

V. CONSENT*(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)*

1. Consideration of a request for a non-exclusive vehicle and pedestrian easement across City property for the benefit of April Inn (545 Main Street).

Council member Beerman stated that at the end of the staff report it mentioned selling the property, inquiring if that was something staff was in favor of. Cassel stated that staff is not in favor.

**Council member Beerman moved to approve the consent agenda
Council member Simpson seconded
Approved unanimously**

VI. NEW BUSINESS

1. Main Street Project Discussion

Matt Twombly, Project Manager, discussed the Main Street projects stating that the 2014 improvements have come in at the budget that was analyzed. Stating the streetscape projects are coming in under budget and the plazas are coming in over budget. Twombly will be coming to Council on March 5th with the 2015 Streetscape design plan. Council member Henney expressed frustration with the loss of parking with the City Hall plaza as well as this being a low priority on the HPCA list without addressing their main priority of the Brew Pub plaza. Council member Peek stated that Swede Alley does need the safety and face lift. Council member Matsumoto agreed with Peek that this area needs a face lift and softening the look of the area is a good idea. Council member Beerman stated that the work that has been done so far is great and is pleased with the plaza's so far but he too is frustrated that the HPCA priorities have been leap frogged. Council member Simpson stated that she does not recall this project leap frogging any other project, she agrees with Matsumoto and Peek. Mayor Thomas agrees with Matsumoto, Peek and Simpson.

Mayor Thomas opened the floor for public input.

Alison Butz, HPCA, stated that the biggest worry with the HPCA is that the Council has allocated a certain amount of money and it will run out. They were looking to book end Main

Sub-Exhibit K

May 7, 2015

To: Park City Planning Commission

From: John Plunkett & Barbara Kuhr, 557 Park Avenue

Re: April Inn and Park Ave Plat Amendment and CUP Applications

Dear Planning Commissioners:

We live across the street from this project. We're glad that a single-family house has been proposed for one of the Park Avenue lots, but have some concerns that we hope the Planning Department and Commission can address as Conditions of Approval for both the Plat and CUP applications:

Plat Amendment

There are Special Requirements for CUPs in this Sub-Zone A of Park Avenue. We request that these Special Requirements be included on the Plat, to make enforcement clear for future owners of the property:

— Parking spaces accessed from Main Street are only for use by Residents of the April Inn, and only for parking, not HCB garbage collection.

— The April Inn emergency exit only door cannot be used as an entrance to the HCB building.

— The Park Avenue garage can only be used by the residents of the Park Ave house. This is important because the applicant owns both the Claim-jumper and April Inn buildings in the HCB, and all the Park Avenue lots behind them — The temptation to use Park Avenue for HCB parking or garbage collection is great, but is prohibited by the sub-zone restrictions.

The specific Sub-zone A restrictions include (edited excerpts):

15-2.3-8 (B)

(1)...Commercial Uses must be located...beneath the Main Floor of a residential structure facing Park Avenue

(4)...new Structures fronting on Park Avenue may not contain Commercial Uses...

(7)...emergency Access...onto the HR-2 portion of the Property must be designed...to absolutely prohibit non-emergency Use. Alarms shall be installed on all emergency doors that provide access to Park Avenue.

(9)...No loading docks, service yards, exterior trash equipment, exterior trash compounds, outdoor storage, ADA access, or other similar Uses are allowed within the HR-2 portion of the Property...

CUP Applications

We believe the double-tandem garages, and parking spaces in the rear-yard set-back violate the LMC, and we request that they be brought into compliance. Five Park Avenue parking spaces for a small, one-bedroom house seems excessive, and calls into question their Use by the HCB properties. There is also Significant Vegetation that is half on the City easement and half on the Park Ave lots, that is not shown on the development plans and should be taken into consideration.

The double garage doors violate two of the HR-2 Purposes:

15-2.3-1

(H) encourage and promote Development that supports and completes upper Park Avenue as a pedestrian friendly residential street in Use...

(J) minimize visual impacts of the automobile and parking by encouraging alternative parking solutions”

The parking spaces in the rear-yard setback are another violation, as the LMC states that parking cannot cover more than 50% of the rear-yard area.

Public Utility Boxes, Vegetation

There are several telephone utility boxes that will have to be moved from their Park Ave location behind the Claimjumper. We have been told they will be relocated on the City easement by the stairs, but this is not shown on the Landscape plans for the Park Avenue lot. We request that the plans be revised to include the utility boxes, as well as new Significant Vegetation to replace the mature trees that will be lost in construction.

Thank-you for your consideration.

Sincerely,

John Plunkett & Barbara Kuhr
557 Park Avenue

1. CONTRACTOR TO VERIFY LOCATION OF ALL UTILITIES PRIOR TO INITIATION OF EXCAVATION OR PLANTING OPERATIONS. ANY DAMAGE TO EXISTING UTILITIES ON SITE OR ADJACENT PROPERTY SHALL BE CONTRACTORS RESPONSIBILITY.

3. ALL PLANT MATERIAL SHALL CONFORM TO CURRENT AMERICAN ASSOCIATION OF NURSERYMAN'S STANDARD SPECIFICATIONS.

5. CONTRACTOR SHALL VERIFY ALL QUANTITIES. IN CASE OF A DISCREPANCY, THE IL LOCATIONS SHALL DICTATE COUNT.

6. CONTRACTOR SHALL COORDINATE ALL PLANTING WITH IRRIGATION CONTRACTOR, AS NEEDED.

8. NO SUBSTITUTIONS SHALL BE ALLOWED WITHOUT WRITTEN PERMISSION OF THE ARCHITECT OR OWNER.

10. ALL SHRUB BEDS SHALL HAVE 3" OF DECOMPOSED BARK MULCH INSTALLED.

11. SHRUB BED EDGING SHALL BE PRESSURE TREATED WOOD OR "TREX" EDGING
SEPARATE ALL SHRUB BEDS/ NATIVE GRASS LOCATIONS.

13. ALL ROOT WRAPPING MATERIAL MADE OF SYNTHETICS OR PLASTICS SHALL BE REMOVED AT TIME OF OF PLANTING AND PROPERLY DISCARDED.

15. FOR PLANTING BACK FILL SOIL MIX, SEE SPECIFICATIONS.

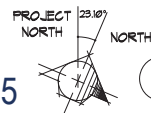
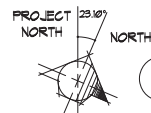
SYMBOL	KEY	QUANTITY	COMMON NAME	SCIENTIFIC NAME	SIZE	SPACING	COMMENTS
DECIDUOUS TREES							
	A	12	Colorado Blue Spruce	<i>Picea pungens</i>	3" Dia.	6'-10'	6' - 8' tall
	B	25	Aspen	<i>Populus tremuloides</i>	3" Dia.	6'-10'	
SHRUBS							
	C	44	Red twig dogwood	<i>Cornus sericea</i> "baileyi"	5 Gal.		Spacing as noted on plan
PERENIAL PLANTS							
	D	19	Bluebells	<i>Campanula</i>	1 Gal.	12"-18"	Distribute Equally
	E	19	Columbine	<i>Aquilegia Scarulea</i>	1 Gal.	12"-18"	Distribute Equally
	F	19	Trailing Daisy	<i>Erigeron Flagellaris</i>	1 Gal.	12"-18"	Distribute Equally
	G	19	Blanket Flower	<i>Gaillardia Aristata</i>	1 Gal.	12"-18"	Distribute Equally
OTHER							
	H	1048	Wood Chips		Small		3" Thick Layer
	J	407 S/F	Native Grass Seed Mix		1 lb/1500	Hydroseed	See seed mix below
	K	0 s/f	Drought Tolerant Fescue	Sheep Fescue			

The seed mix shall be utilized in areas specified for native grasses. This mixture shall be applied at a sufficient rate so that germination and subsequent coverage reaches 80% in a representative 10'x10' area. If coverage does not reach 80% reseeding must occur. Apply at a rate of 80 lbs./acre on the following percentages: 20% Crested Wheatgrass, 10% Streambank Wheatgrass, 20% Pubescent Wheatgrass, 15% Perennial Ryegrass, 15% Mountain Bromegrass, 10% Indian Ryegrass, 10% Alpine Bluegrass.

* In addition, add 10 lbs./ acre each of *Linum lewisii* and *Penstemon Eatonii* with native grass seed mixture.



3 $1'' = 100'$


$$1/\delta'' = 1' - \phi''$$

$$1/\delta'' = 1' - \emptyset'$$

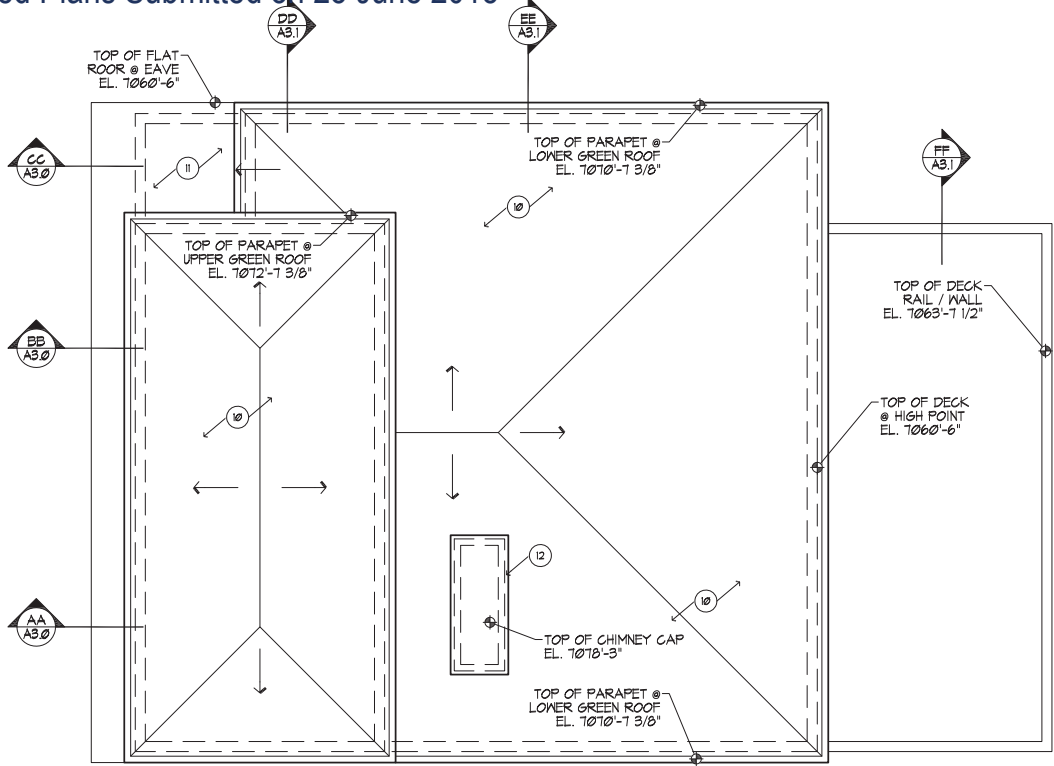
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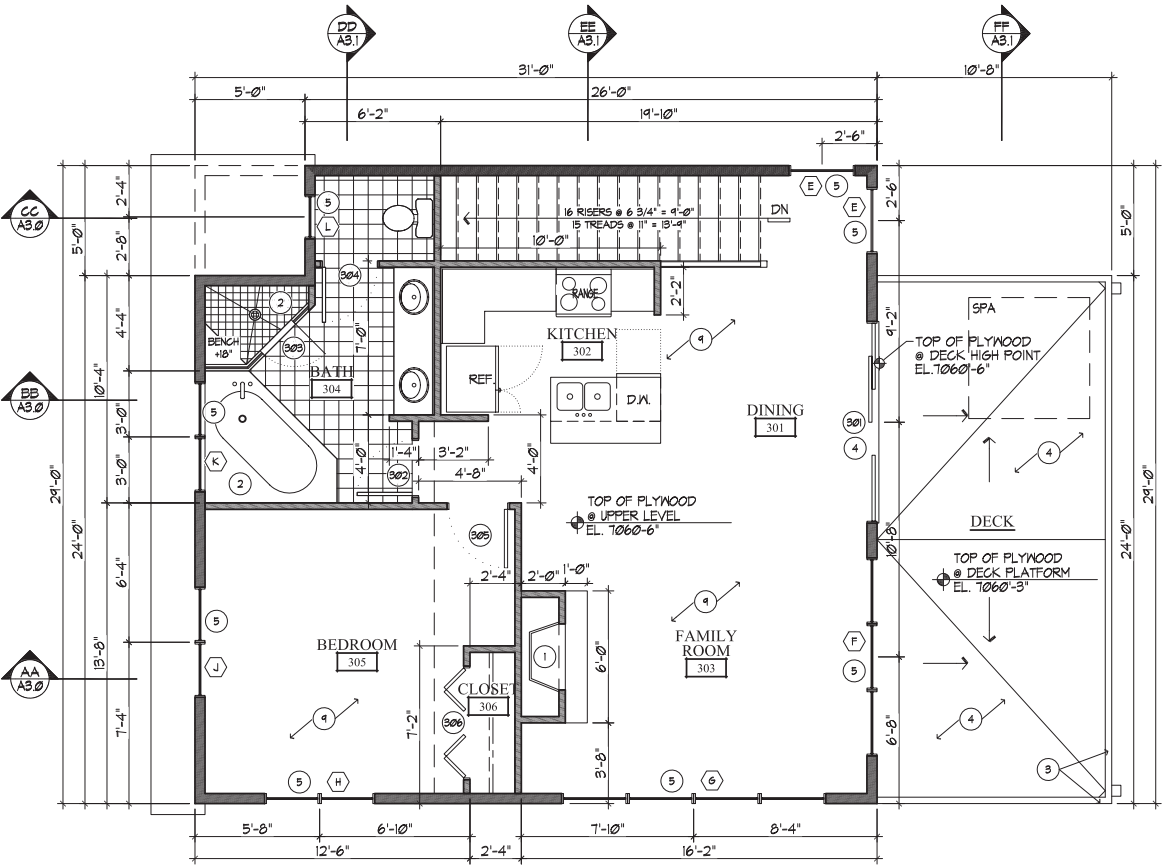
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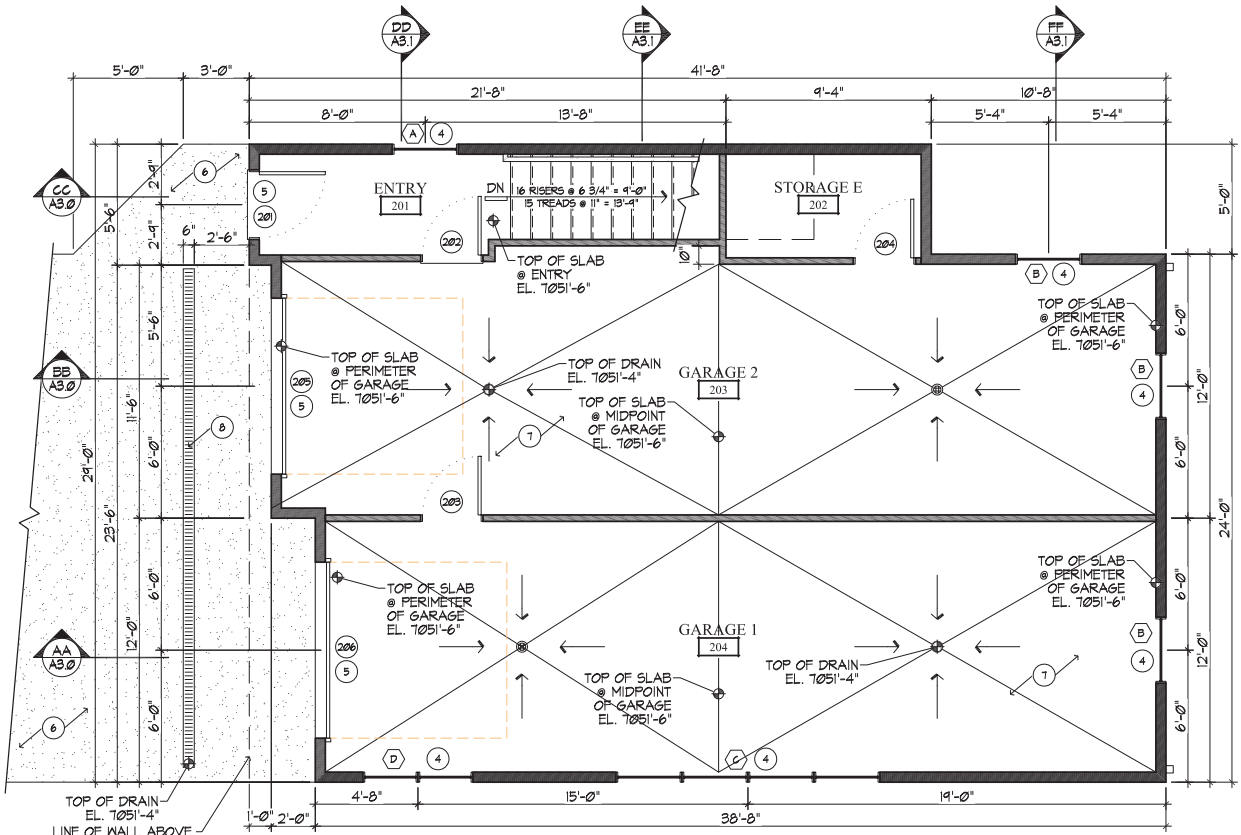
396 A0.1



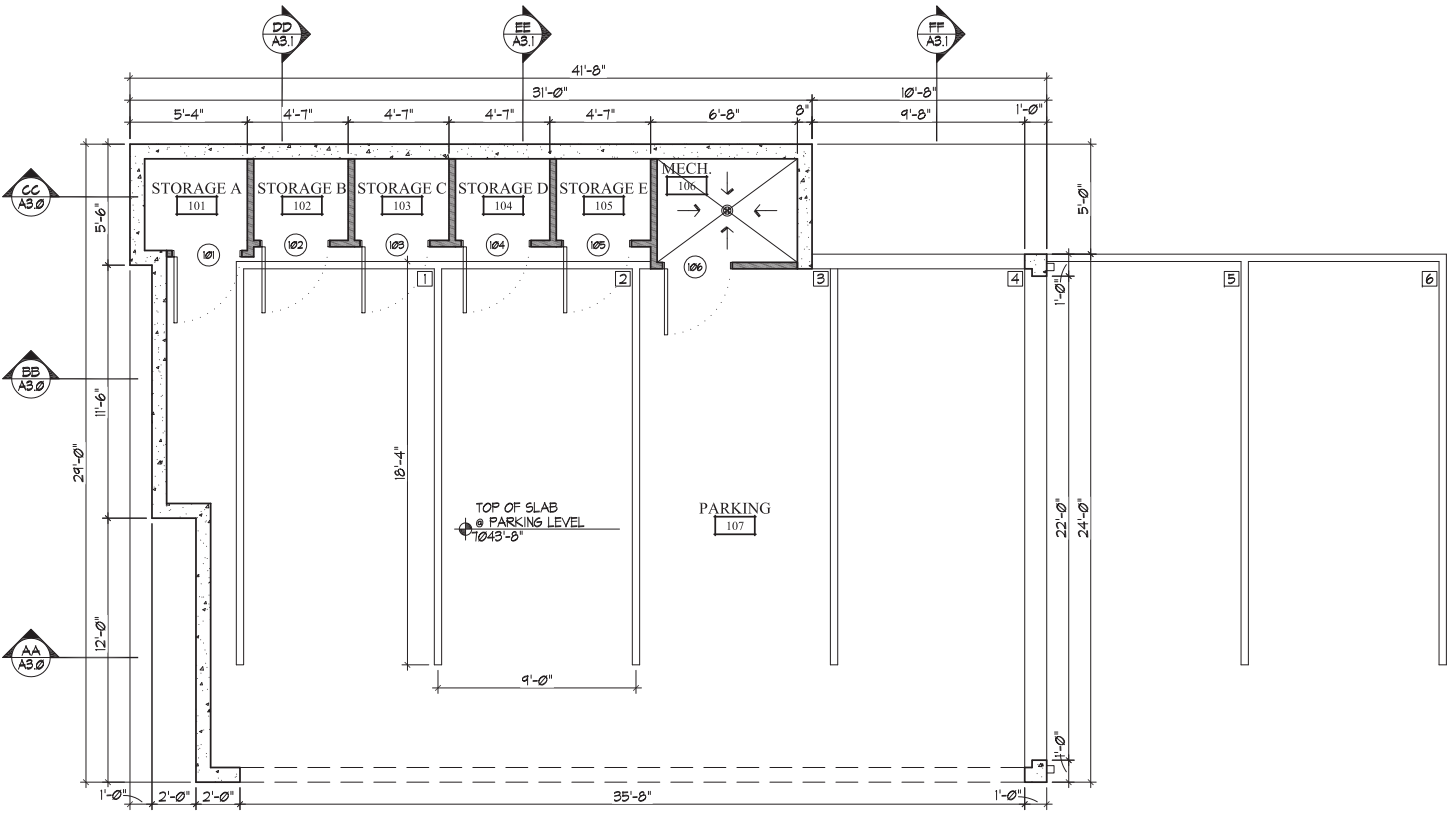
PROJECT NORTH
NORTH
4 ROOF LEVEL PLAN
1/4" = 1'-0"



PROJECT NORTH
NORTH
3 UPPER LEVEL FLOOR PLAN
1/4" = 1'-0"
UPPER LEVEL LIVING SPACE = 874 SQ. FT.



PROJECT NORTH
NORTH
1 STREET LEVEL FLOOR PLAN
1/4" = 1'-0"
STREET LEVEL LIVING SPACE = 60 SQ. FT.
GARAGE = 957 SQ. FT.
STORAGE = 49 SQ. FT.



PROJECT NORTH
NORTH
1 PARKING LEVEL FLOOR PLAN
1/4" = 1'-0"
PARKING = 952 SQ. FT.
STORAGE = 114 SQ. FT.
MECHANICAL = 42 SQ. FT.

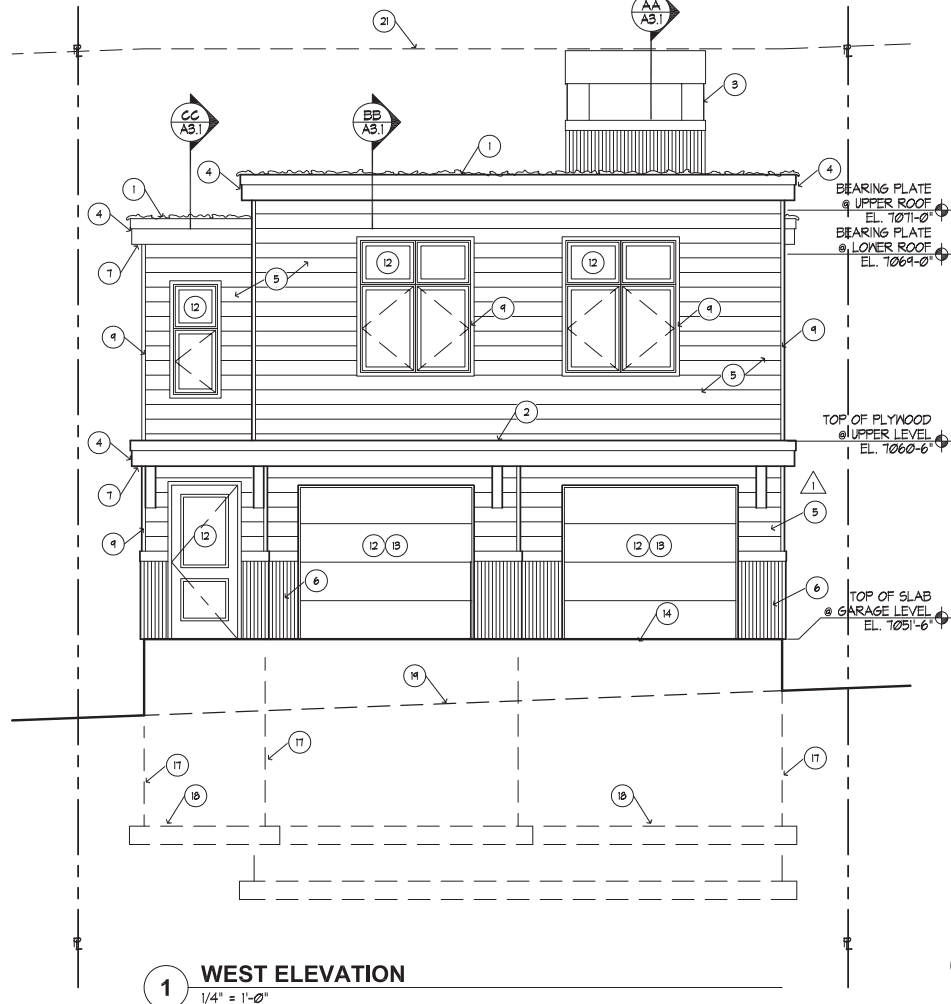
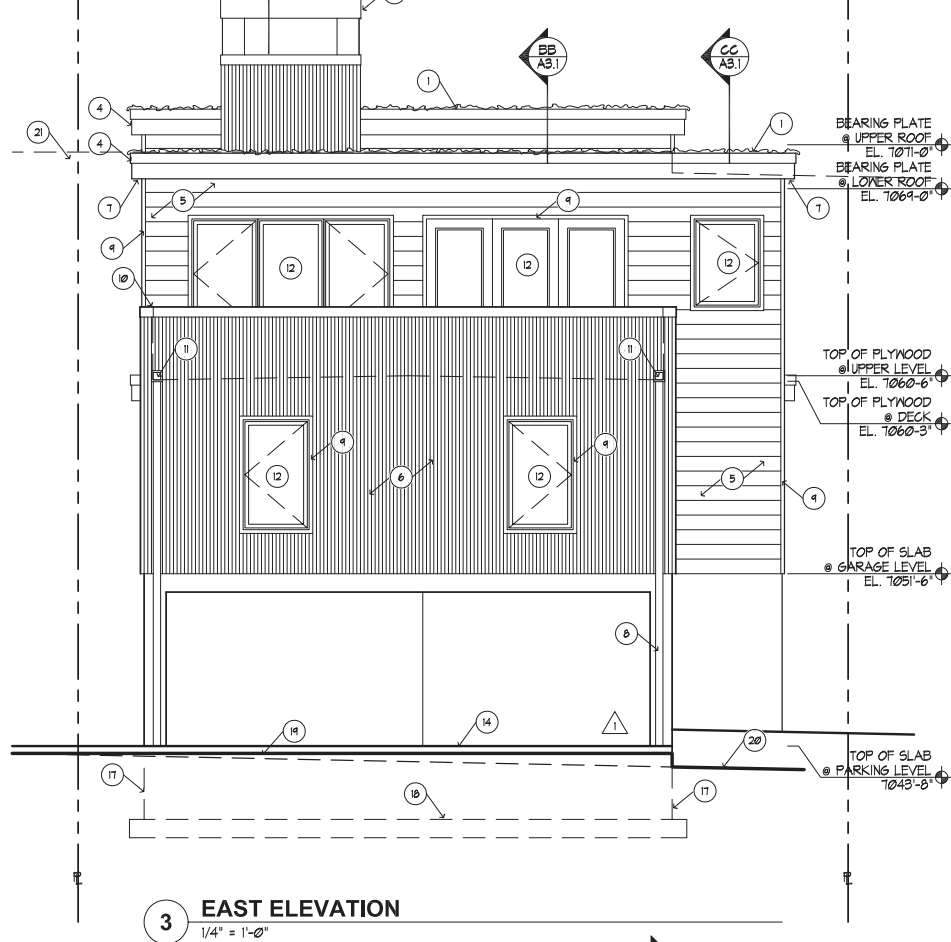
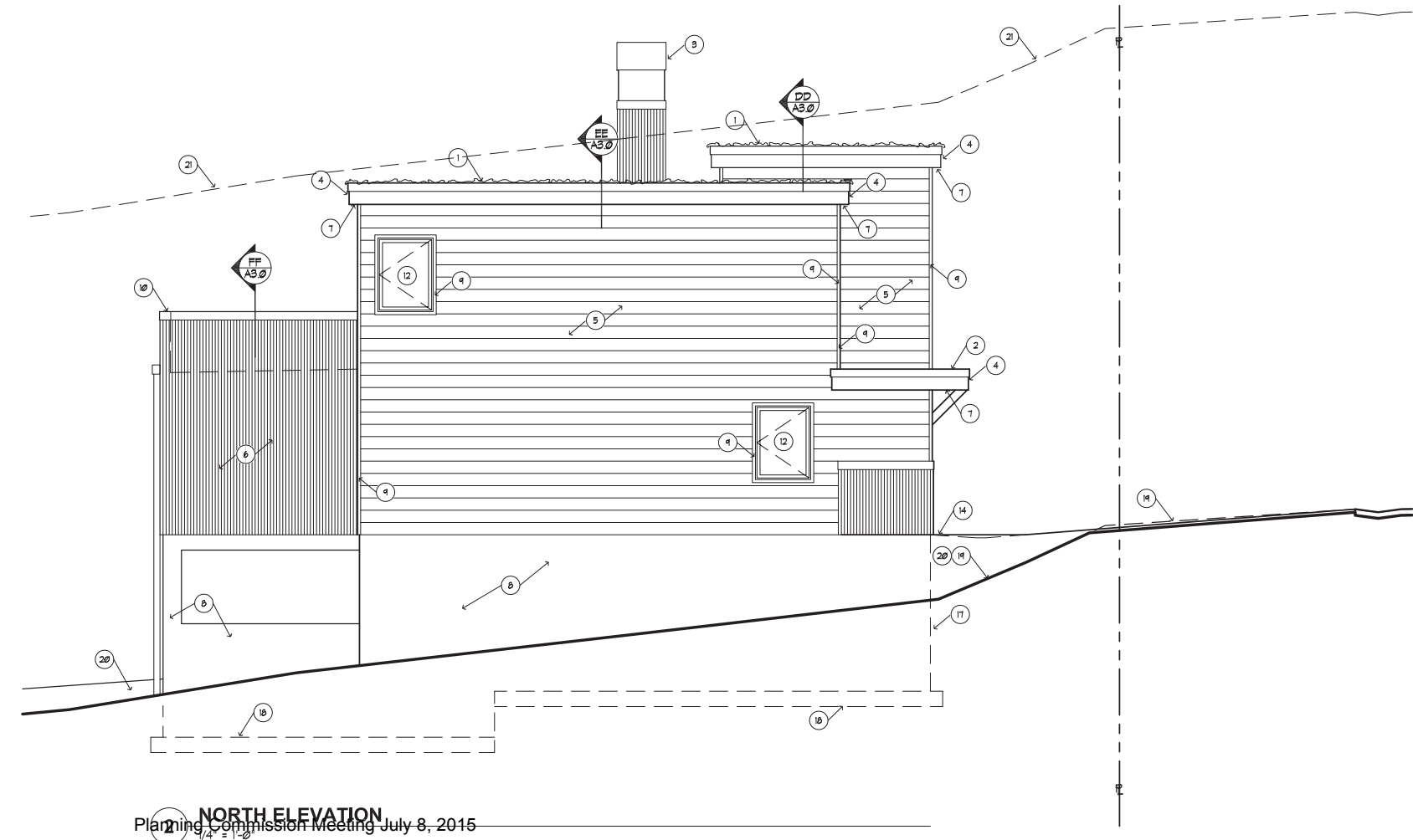
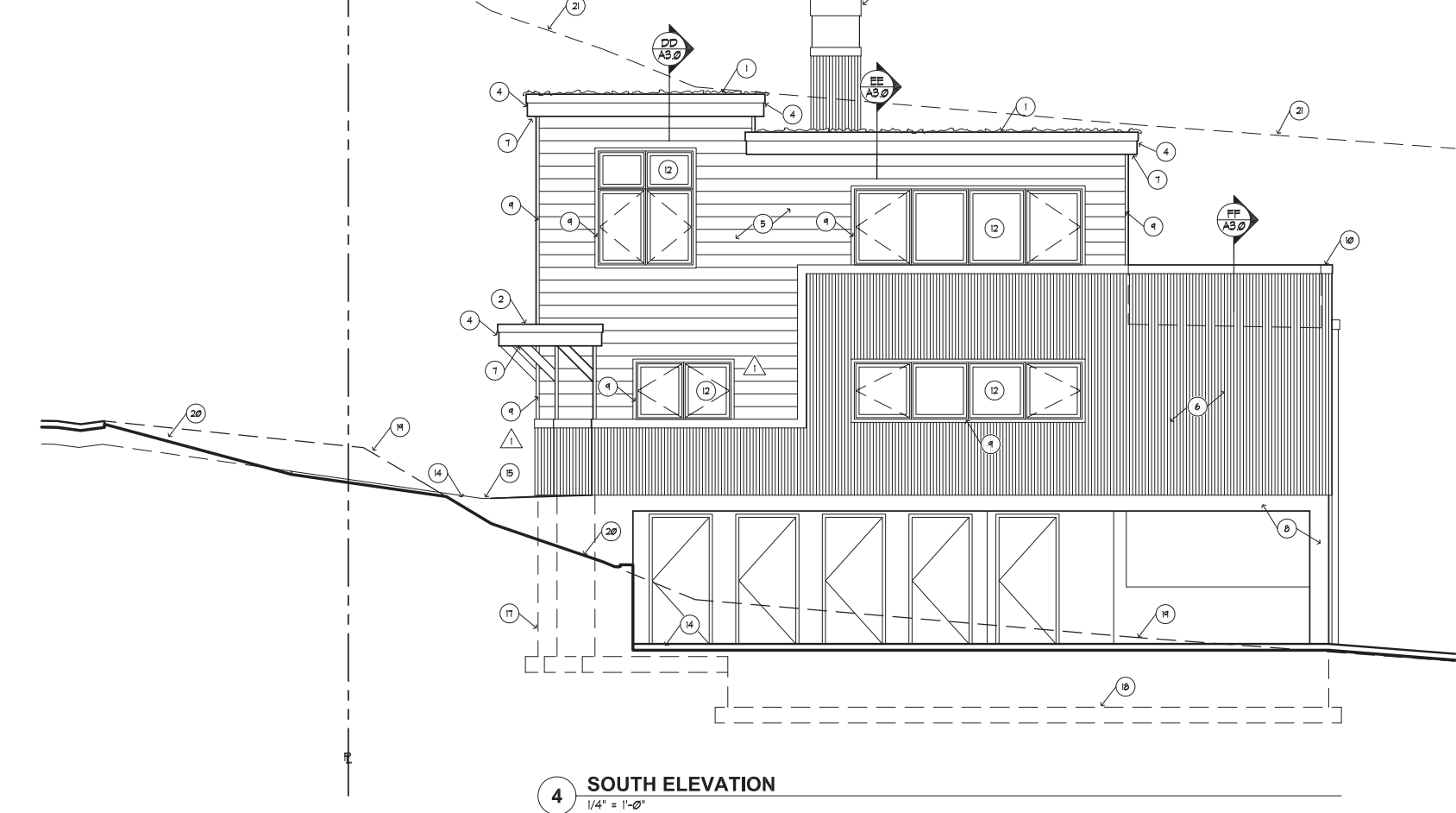
- GENERAL NOTES**
- NEW 2X FRAMED WALL
 - NEW 8" CONCRETE WALL
 - 1- EXTERIOR WALLS TO BE 2X6 FRAMING W/ R-21 INSULATION - TYP. ALL INTERIOR WALLS TO BE 2X4 FRAMING, U.N.O. W/ R-13 INSULATION - TYP. ALL FLOOR JOIST TO BE 11 1/8" TJI FRAMING U.N.O. W/ R-42 INSULATION - TYP. ALL ROOF JOIST TO BE 11 1/8" TJI FRAMING U.N.O. W/ R-42 INSULATION TYP.
- KEYED NOTES**
- 36" ENCLOSED GAS FIREPLACE. OPENING FRAMED ON 10" PLATFORM.
 - TUBS AND SHOWERS WITH TILED WALLS REQUIRE A PORTLAND CEMENT APPLICATION, FIBER-CEMENT OR GLASS MAT GYPSUM BACKER, GREEN BOARD IS NO LONGER ALLOWED IN THIS APPLICATION.
 - DECK RAILING / HALF WALL - ALIGN TOP OF WALL WITH BOTTOM OF ADJACENT WINDOWS - SEE B/A3.0 FOR DETAILS
 - DECK SURFACE TO DRAIN MIN. 1/4" PER 12" TO SCUPPER SEE B/A3.0 FOR DETAIL
 - ALUMINUM GLAD WOOD WINDOWS AND DOORS W/ 1" INSULATED GLASS - SEE SCHEDULE.
 - CONCRETE PORCH/PATIO/DRIVEWAY. BROOM FINISH, NATURAL COLOR. REINFORCED PER ENGINEER.
 - 4" CONCRETE FLOOR SLAB, REINFORCED PER ENGINEER. SLOPE & DRAIN TO SUMP
 - DRIVEWAY TRENCH DRAIN TO SUMP.
 - 1 1/2" CONCRETE TOPPING WITH RADIANT HEAT COILS PER CONTRACTOR SPECS. CONCRETE FINISH T.B.D.
 - GREEN ROOF - SEE A/A3.0 FOR DETAILS
 - FLAT ROOF - SEE A/A3.0 FOR DETAILS
 - RATED METAL CHIMNEY CAP STRUCTURE - SEE A/A2.0 FOR DETAILS

Jonathan DeGray
Architect
P.O. Box 1074, 614 Main Street, Suite 302, Park City, Utah 84060
Tel. 435-648-7253, E-mail: jondegay@jondegayarchitect.com

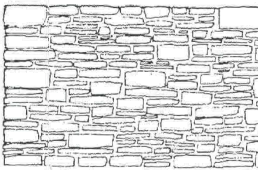
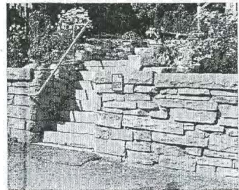
PARK AVENUE - LOT E
550 PARK AVENUE
PARK CITY, UT 84060

FLOOR PLANS
PARKING, STREET, & UPPER LEVELS
& ROOF LEVEL PLAN

DATE: 06/15/15
PROJECT NUMBER:
SHEET NUMBER:



- KEYED NOTES**
- 1 GREEN ROOF - SEE A/A3.0 FOR DETAILS
 - 2 FLAT ROOF - SEE B/A3.0 FOR DETAILS
 - 3 RATED METAL CHIMNEY CAP STRUCTURE - SEE A/A2.0 FOR DETAILS
 - 4 3/4" X 5 1/2" ON 3/4" X 1 1/4" BUILT UP CEDAR FASCIA - STAINED
 - 5 HORIZONTAL CEDAR LAP SIDING - 8" REVEAL - ON TYVEK HOMEWRAP ON 1/2" EXT. SHEATHING ON 2x6 STUDS @ 16" O.C.
 - 6 VERTICAL CORRUGATED CORE 10 METAL SIDING - ON TYVEK HOMEWRAP ON 1/2" EXT. SHEATHING ON 2x6 STUDS @ 16" O.C.
 - 7 T&G CEDAR SOFFIT W/ CONTINUOUS SOFFIT VENT - STAINED
 - 8 RA6 RUBBED CONCRETE FINISH
 - 9 1" X 2" CEDAR TRIM @ HORIZONTAL LAP SIDING 2" X 2" CEDAR TRIM @ VERTICAL SIDING - STAINED
 - 10 DECK RAILING / HALF WALL - ALIGN TOP OF WALL WITH BOTTOM OF ADJACENT WINDOWS - SEE D/A3.0 FOR DETAILS
 - 11 DECK SURFACE TO DRAIN MIN. 1/4" PER 12" TO SCUPPER SEE D/A3.0 FOR DETAIL
 - 12 ALUMINUM CLAD WOOD WINDOWS AND DOORS W/ 1" INSULATED GLASS - SEE SCHEDULE A/6.0
 - 13 CARRIAGE STYLE OVERHEAD GARAGE DOOR - SEE DOOR SCHEDULE A6.0
 - 14 PORCH / PATIO / DRIVEWAY / SIDEWALK. CONCRETE - BROOM FINISH NATURAL COLOR. REINFORCED PER ENGINEER.
 - 15 DRIVEWAY TRENCH DRAIN TO SUMP.
 - 16 STACKED ROCK RETAINING WALL SEE DETAIL A/2.0
 - 17 FOUNDATION LINE SHOWN HIDDEN - SEE STRUCTURAL FOR SIZE AND REINFORCING.
 - 18 FOOTING LINE SHOWN HIDDEN - SEE STRUCTURAL FOR SIZE AND REINFORCING
 - 19 NATURAL GRADE
 - 20 PROPOSED FINAL GRADE
 - 21 21'-0" ABOVE PROPOSED FINAL GRADE



Squared Rubble
A rubble wall built of squared stones of varying sizes and coursed at every third or fourth stone.

STACKED STONE RETAINING WALL
NO SCALE

Jonathan DeGray
Architect

PARK AVENUE - LOT E
550 PARK AVENUE
PARK CITY, UT 84060

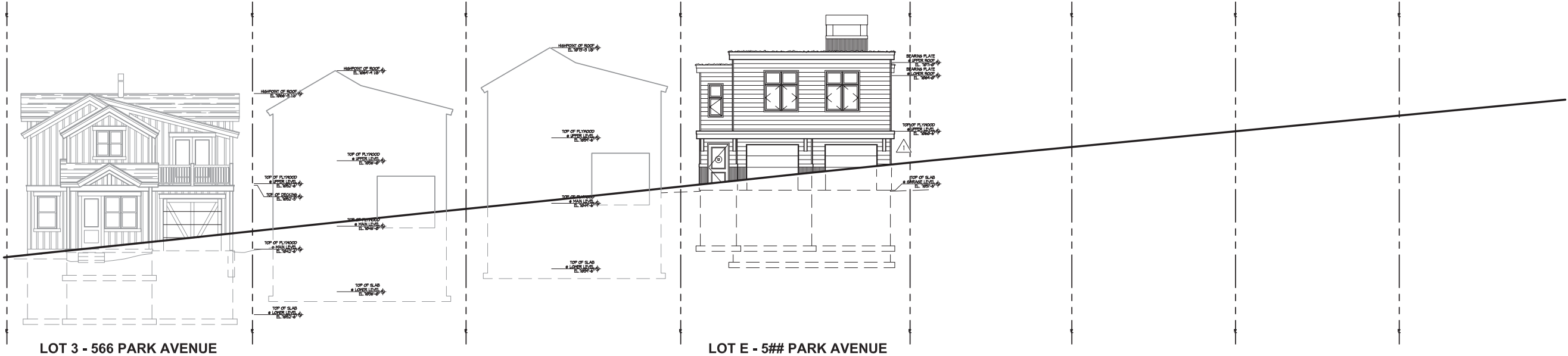
EXTERIOR ELEVATIONS

REVISIONS:

DATE: 06/15/15
PROJECT NUMBER:

SHEET NUMBER:

A2.0



1. STREETScape ELEVATION

Jonathan DeGray
Architect
P.O. Box 1074, 614 Main Street, Suite 302, Park City, Utah 84060
Tel. 435-648-7253, E-mail: jonathan@jonathandegray.com

PARK AVENUE - LOT E
550 PARK AVENUE
PARK CITY, UT 84060

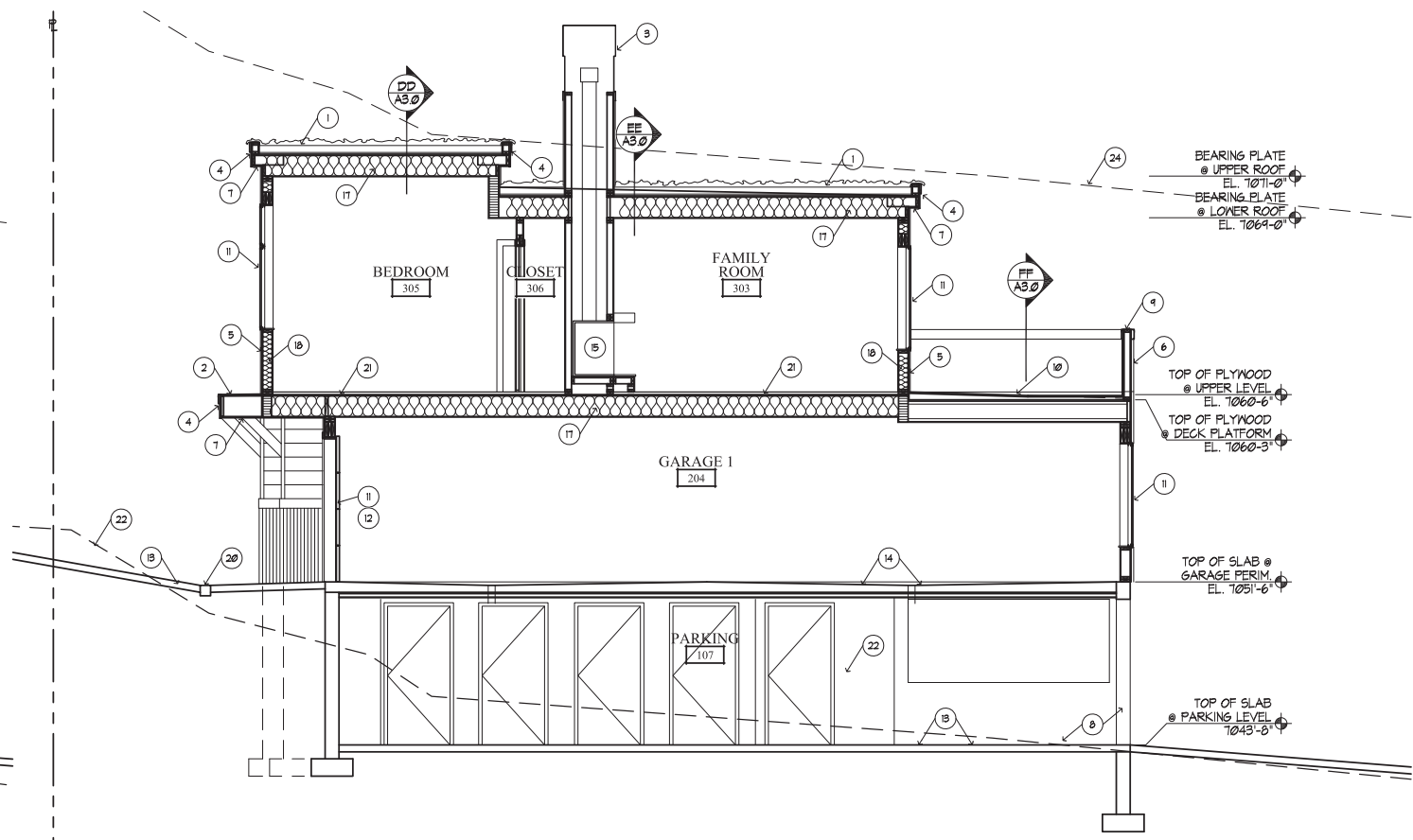
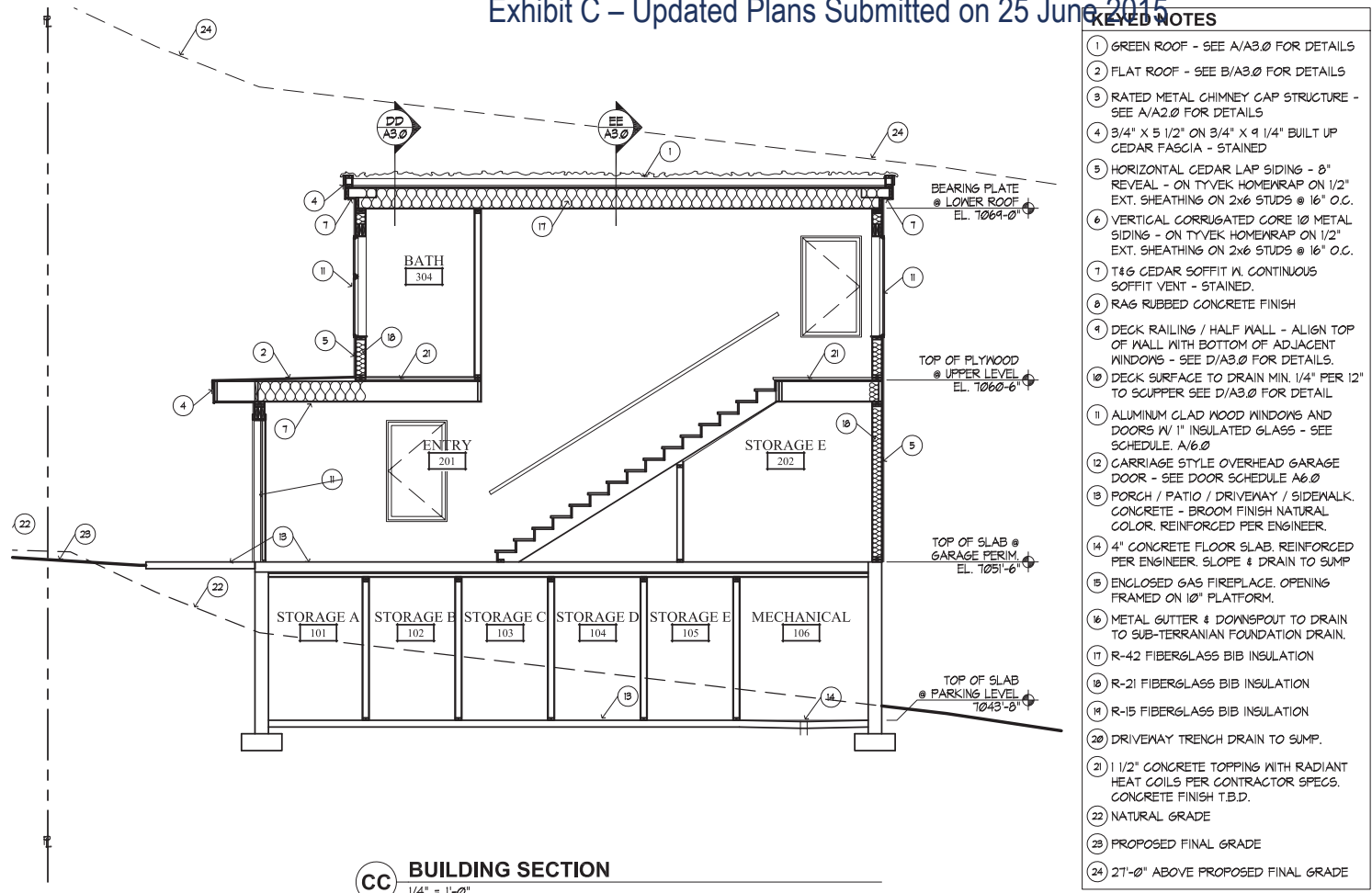
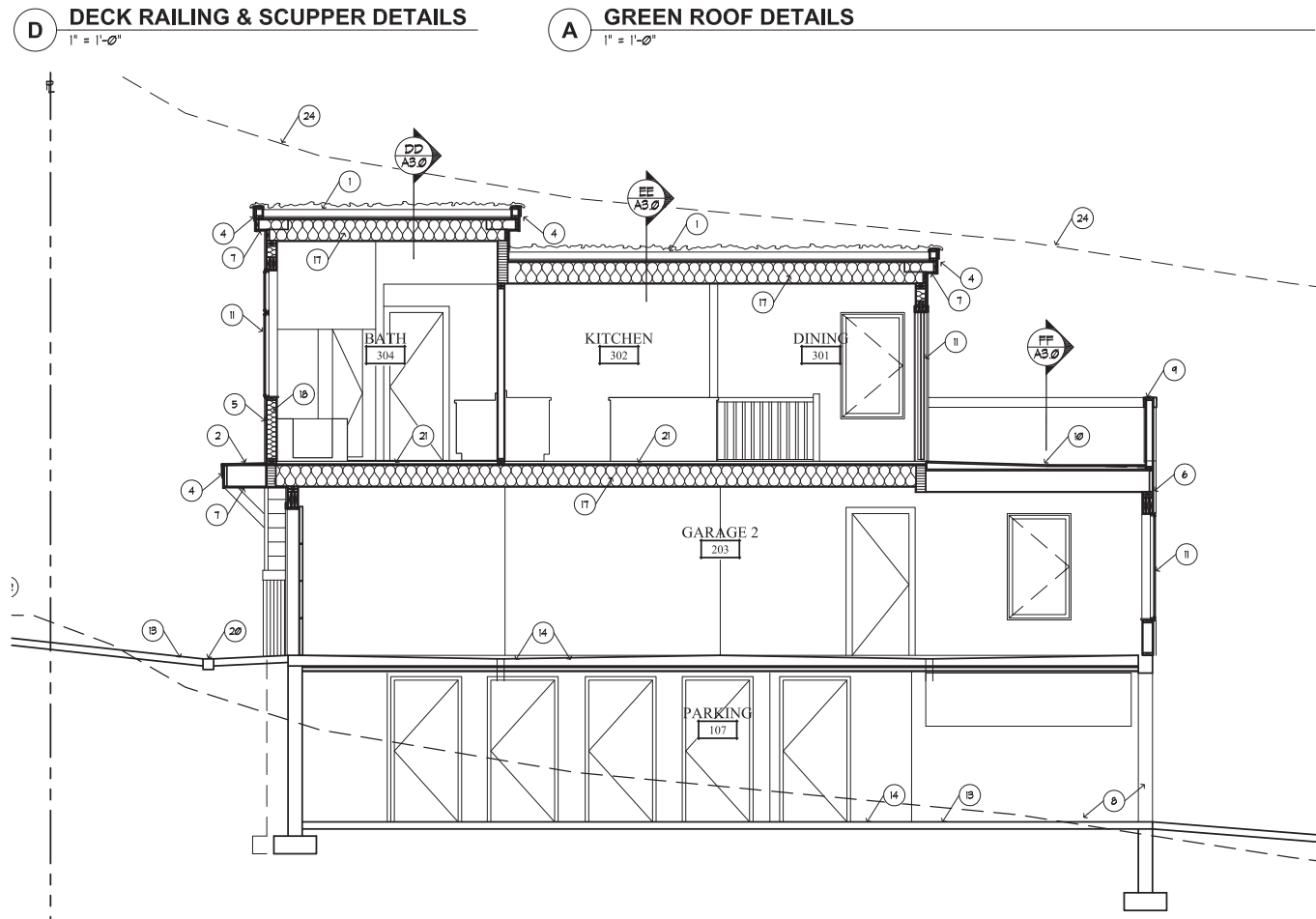
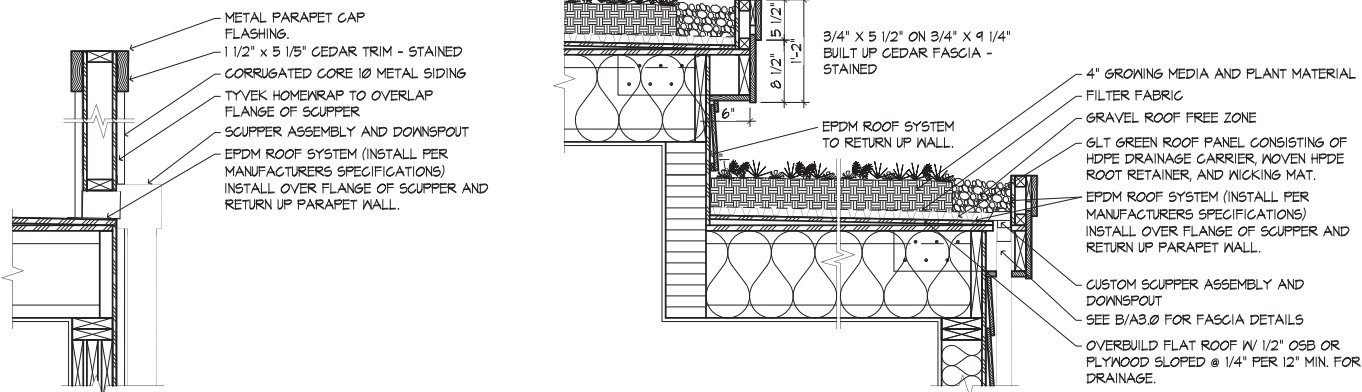
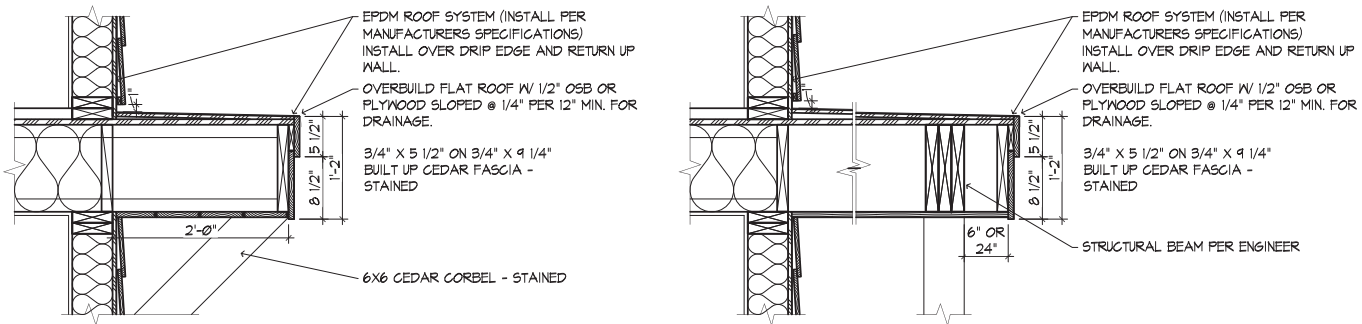
STREETScape ELEVATION

REVISIONS:

DATE:
06/15/15

PROJECT NUMBER:

SHEET NUMBER:
A2.1



- KEYED NOTES**
- 1 GREEN ROOF - SEE A/A3.0 FOR DETAILS
 - 2 FLAT ROOF - SEE B/A3.0 FOR DETAILS
 - 3 RATED METAL CHIMNEY CAP STRUCTURE - SEE A/A2.0 FOR DETAILS
 - 4 3/4" X 5 1/2" ON 3/4" X 1/4" BUILT UP CEDAR FASCIA - STAINED
 - 5 HORIZONTAL CEDAR LAP SIDING - 8" REVEAL - ON TYVEK HOMEWRAP ON 1/2" EXT. SHEATHING ON 2X6 STUDS @ 16" O.C.
 - 6 VERTICAL CORRUGATED CORE 10 METAL SIDING - ON TYVEK HOMEWRAP ON 1/2" EXT. SHEATHING ON 2X6 STUDS @ 16" O.C.
 - 7 T&G CEDAR SOFFIT W/ CONTINUOUS SOFFIT VENT - STAINED.
 - 8 RA6 RUBBED CONCRETE FINISH
 - 9 DECK RAILING / HALF WALL - ALIGN TOP OF WALL WITH BOTTOM OF ADJACENT WINDOWS - SEE D/A3.0 FOR DETAILS.
 - 10 DECK SURFACE TO DRAIN MIN. 1/4" PER 12" TO SCUPPER SEE D/A3.0 FOR DETAIL
 - 11 ALUMINUM CLAD WOOD WINDOWS AND DOORS W/ 1" INSULATED GLASS - SEE SCHEDULE A/6.0
 - 12 CARRIAGE STYLE OVERHEAD GARAGE DOOR - SEE DOOR SCHEDULE A6.0
 - 13 PORCH / PATIO / DRIVEWAY / SIDEWALK CONCRETE - BROOM FINISH NATURAL COLOR, REINFORCED PER ENGINEER.
 - 14 4" CONCRETE FLOOR SLAB, REINFORCED PER ENGINEER, SLOPE & DRAIN TO SUMP
 - 15 ENCLOSED GAS FIREPLACE, OPENING FRAMED ON 10" PLATFORM.
 - 16 METAL GUTTER & DOWNSPOUT TO DRAIN TO SUB-TERRANEAN FOUNDATION DRAIN.
 - 17 R-42 FIBERGLASS BIB INSULATION
 - 18 R-21 FIBERGLASS BIB INSULATION
 - 19 R-15 FIBERGLASS BIB INSULATION
 - 20 DRIVEWAY TRENCH DRAIN TO SUMP.
 - 21 1 1/2" CONCRETE TOPPING WITH RADIANT HEAT COILS PER CONTRACTOR SPECS. CONCRETE FINISH T.B.D.
 - 22 NATURAL GRADE
 - 23 PROPOSED FINAL GRADE
 - 24 21'-0" ABOVE PROPOSED FINAL GRADE

Jonathan DeGray
Architect

P.O. Box 1074, 614 Main Street, Suite 302, Park City, Utah 84060
Tel: 435-648-7263, E-mail: jonathandegrayarchitect@gmail.com

PARK AVENUE - LOT E
550 PARK AVENUE
PARK CITY, UT 84060

BUILDING SECTIONS

DATE: 06/15/15
PROJECT NUMBER:
SHEET NUMBER: A3.0

- KEYED NOTES
- 1

GREEN ROOF - SEE A/A3.0 FOR DETAILS
- 2

FLAT ROOF - SEE B/A3.0 FOR DETAILS
- 3

RATED METAL CHIMNEY CAP STRUCTURE - SEE A/A2.0 FOR DETAILS
- 4

3/4" X 5 1/2" ON 3/4" X 1/4" BUILT UP CEDAR FASCIA - STAINED
- 5

HORIZONTAL CEDAR LAP SIDING - 8" REVEAL - ON TYVEK HOMEWRAP ON 1/2" EXT. SHEATHING ON 2x6 STUDS @ 16" O.C.
- 6

VERTICAL CORRUGATED CORE 10 METAL SIDING - ON TYVEK HOMEWRAP ON 1/2" EXT. SHEATHING ON 2x6 STUDS @ 16" O.C.
- 7

T&G CEDAR SOFFIT W/ CONTINUOUS SOFFIT VENT - STAINED
- 8

RA6 RUBBED CONCRETE FINISH
- 9

DECK RAILING / HALF WALL - ALIGN TOP OF WALL WITH BOTTOM OF ADJACENT WINDOWS - SEE D/A3.0 FOR DETAILS
- 10

DECK SURFACE TO DRAIN MIN. 1/4" PER 12" TO SCUPPER SEE D/A3.0 FOR DETAIL
- 11

ALUMINUM CLAD WOOD WINDOWS AND DOORS W/ 1" INSULATED GLASS - SEE SCHEDULE A/6.0
- 12

CARRIAGE STYLE OVERHEAD GARAGE DOOR - SEE DOOR SCHEDULE A6.0
- 13

PORCH / PATIO / DRIVEWAY / SIDEWALK CONCRETE - BROOM FINISH NATURAL COLOR, REINFORCED PER ENGINEER.
- 14

4" CONCRETE FLOOR SLAB, REINFORCED PER ENGINEER. SLOPE & DRAIN TO SUMP
- 15

ENCLOSED GAS FIREPLACE, OPENING FRAMED ON 10" PLATFORM.
- 16

METAL GUTTER & DOWNSPOUT TO DRAIN TO SUB-TERRANIAN FOUNDATION DRAIN.
- 17

R-42 FIBERGLASS BIB INSULATION
- 18

R-21 FIBERGLASS BIB INSULATION
- 19

R-15 FIBERGLASS BIB INSULATION
- 20

DRIVEWAY TRENCH DRAIN TO SUMP.
- 21

1 1/2" CONCRETE TOPPING WITH RADIANT HEAT COILS PER CONTRACTOR SPECS. CONCRETE FINISH T.B.D.
- 22

NATURAL GRADE
- 23

PROPOSED FINAL GRADE
- 24

21'-0" ABOVE PROPOSED FINAL GRADE

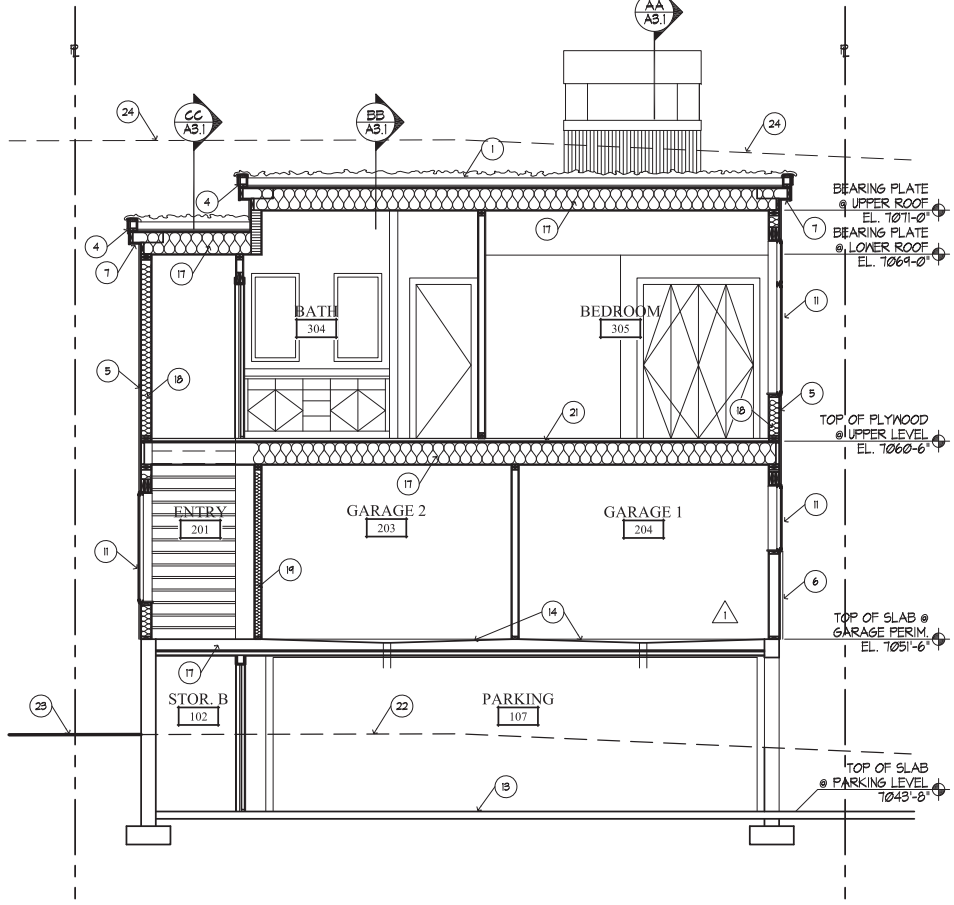
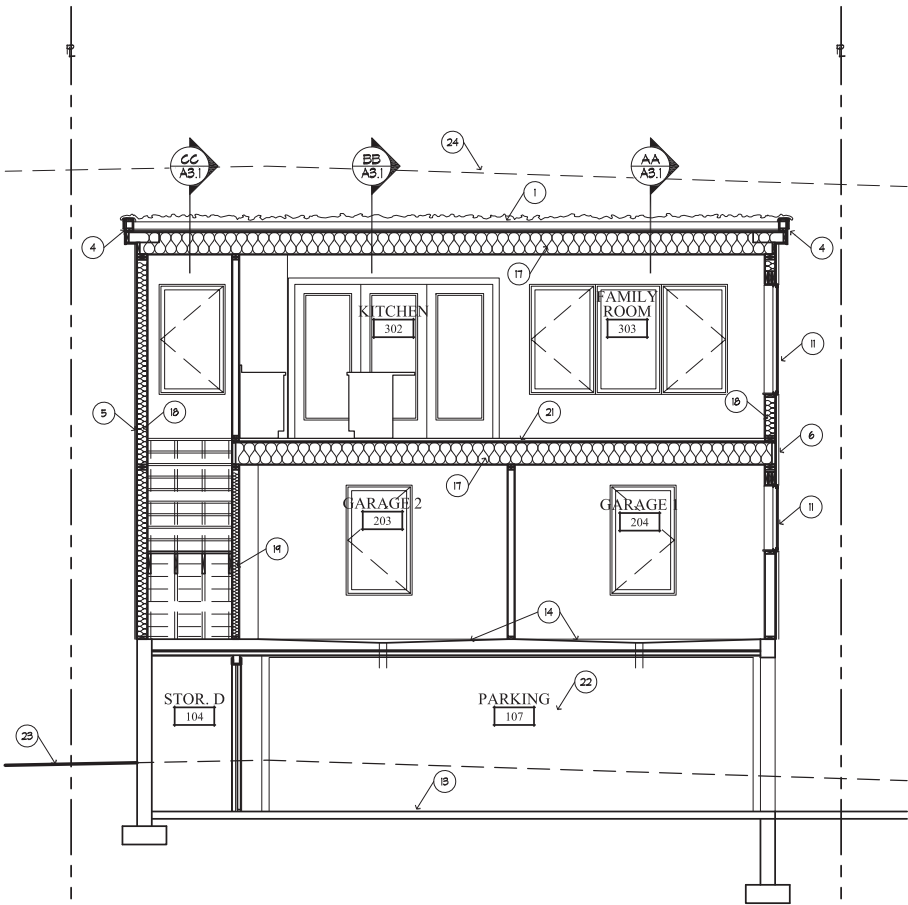
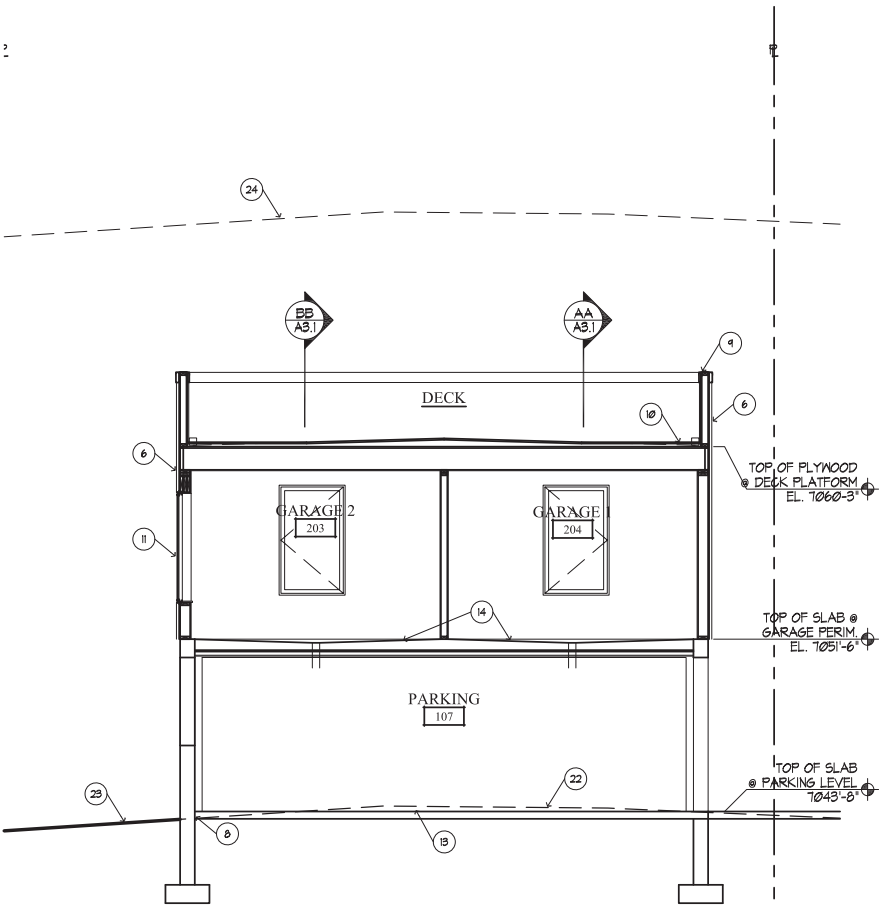


Exhibit D – 25 June 2015 Letter addressing Staff and Planning Commission comments
Jonathan DeGray - Architect

June 25, 2015
Park City Municipal Corporation
443 Marsac Avenue
Park City, Utah

Attn: Francisco Astorga, Planning Department

Re: 550 Park Avenue – Steep Slope CUP
Planning Commission Work Session

Francisco,

In preparation to the work session meeting I wanted to provide an outline of issues we have addressed and material provided to better support the current proposal for a single family home at this location.

1. We have reworked the 3D model and views as discussed with you. Material at the garage door will be wood. We will have a presentation at the work session that will allow multiple view options of the model
2. There has been some comments regarding the public stair. It is our intention to keep the stair access from the alley to Park Avenue. The current stair does not have code compliant riser height and the straight run projects out into the existing parking garage entry by 6'-8". We are proposing to add two landings to shorten the overall run of the stair. This will keep the stair west of the existing garage opening and out of the way for access to the furthest west parking space proposed at 550 Park Ave. This will also correct the riser issue. Please see the revised site plan.
3. There is a wall supporting the public stair and there has been some discussion as to whether or not this wall will be affected by the proposed construction activity. The existing wall is on city property and will not be affected by this proposed work. We will protect the wall to whatever extent the building official of city engineer requires.
4. Regarding the landscaping at 550 Park Avenue. We have provided a landscape plan that includes improvements both on the property at 550 Park and on the adjacent city property next to the public stair. This proposed plan has been reviewed by the city engineer. He has indicated preliminary approval of the plan with the exception that city staff would review the viability of the existing Box Elder tree located on the west end of the common property line and give us direction as to whether or not the city will want to have us try and keep any or all of that tree. Please note that the proposed driveway into 550 Park Ave. is narrowed at the street and that the landscaping is carried out into this peninsula to create a buffer between the street and front of building.
5. There was discussion at the last planning commission meeting that the front door was set back and garage doors were set forward. We have changed the front elevation to bring the front door forward and then step the garage doors back. It was also brought up that the garage may not comply with criteria 6 of the steep slope requirements in the LMC. 6. Building Form and Scale says "The garage must be subordinate in design to the main building". Within a 35x75 lot there is little opportunity to do anything with the garage but included it in the mass of the main building. With or without the garage the mass of the front elevation will be as it is shown in the current drawings. The area of the front elevation is 599 sq. ft. of that the garage doors occupy 112 sq. ft. of 18% of the total front elevation. Based on this limited percentage we believe it is fair to say the garage is a subordinate element on the front elevation of the main building.

614 Main Street, Suite 302
P.O. Box 1674, Park City, Utah 84060 Tel./Fax 435-649-7263
Email: degrayarch@qwestoffice.net Web: www.degrayarchitect.com

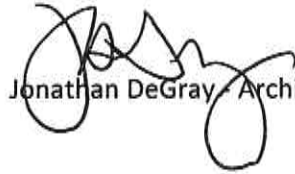


6. There seemed to be some confusion as to the intended use of the garages. I will attempt to clarify. The owner of the building intends to use the residence and to be able to rent it from time to time as a nightly of event, like Sundance, rental. He would like to be able to keep a car on site and the second, owner lock out, garage will allow him to do that while still maintaining a garage, primary garage, for any renter to use.
7. You had asked for clarification as to why we are proposing 6 parking spaces at the ally when only 4 are required by our agreement with the city. The site was required to provide 9 spaces. It was determined the site had credit for 5 and that 4 would need to be either paid for or provided. 550 Park Avenue site will provide the 4 required spaces but is large enough to provide 6. Since this is the case it is the owner's intention is to make the additional spaces available to the residential units in 545 Main Street. This will mean that 6 spaces for 3 residential units will be available providing as many as 2 spaces to each residential unit at 545 Main Street. These two spaces will provide additional parking and reduce impact on Main Street parking demand even further than the four required spaces.

I hope this information along with the updated drawings and model help you to further understand this application.

Please do not hesitate to contact me with any questions.

Sincerely,



Jonathan DeGray Architect



05/29/2015



05/29/2015





05/29/2015

Planning Commission Staff Report



Subject: 940 Empire Avenue Subdivision Plat
Author: Christy J. Alexander, AICP, Planner II
Project Number: PL-15-02762
Date: July 8, 2015
Type of Item: Administrative – Plat Amendment

PLANNING DEPARTMENT

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing and consider forwarding a positive recommendation for the 940 Empire Ave Subdivision plat, based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Staff reports reflect the professional recommendation of the planning department. The Planning Commission, as an independent body, may consider the recommendation but should make its decisions independently.

Description

Applicant: Justin Steinberg, owner/Larry Feldman, representative
Location: 940 Empire Ave
Zoning: Historic Residential (HR-1)
Adjacent Land Uses: Single-family and Duplex homes
Reason for Review: Plat amendments require Planning Commission review and City Council action

Proposal

The applicant is requesting a Plat Amendment for the purpose of combining 1 and a half (1.5) existing lots (Lots 23 & half of Lot 22) into one (1) lot of record located in Block 15 of the Snyder's Addition to the Park City Survey. The applicant currently owns both lots and requests to combine the lots to create one (1) new larger lot on which they plan to demolish the existing A-frame home and build a new single-family home at 940 Empire Avenue.

Purpose

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

- (A) Preserve present land Uses and character of the Historic residential areas of Park City,
- (B) Encourage the preservation of Historic Structures,
- (C) Encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods,
- (D) Encourage single family development on combinations of 25' x 75' Historic Lots,

- (E) Define development parameters that are consistent with the General Plan policies for the Historic core, and
- (F) Establish development review criteria for new development on Steep Slopes which mitigate impacts to mass and scale and the environment.

Background

On May 7, 2015 the applicant submitted a complete application for the 940 Empire Avenue Subdivision plat. The property is located at 940 Empire Avenue in the Historic Residential (HR-1) District.

Currently both Lots 23 and the southerly ½ of 22 contain one A-frame single family home. Both lots are now owned by Justin Steinberg. There have been several lot splits consistently down the same street where others have combined one and a half lots. Only one lot (Lot 23-a standard Old Town lot) currently meets the minimum lot area standards as given for the HR-1 District. The applicant states their intentions are to build a single-family home on the proposed combined lot.

Analysis

The proposed plat amendment creates one (1) lot of record consisting of 2,812.5 square feet. The minimum lot area for a single family dwelling is 1,875 square feet. Both lots currently contain an existing non-historic A-frame single family home. The combined lot area does not meet the minimum lot size of 3,750 square feet for a duplex. The applicant has not yet submitted a Historic District Design Review application or plans for the proposed structure on the lot.

There is currently one (1) existing building on the north side of the proposed lot. The lot to the north (southerly ½ of Lot 22) contains a building with four and a half (4.5') side setbacks on the lot line shared with 940 Empire Ave. The lot to the south (936 Empire Avenue Subdivision) of 940 Empire Ave is a vacant lot. The existing home at 940 Empire Avenue encroaches onto 936 Empire Ave by 0.3 feet. An encroachment agreement was previously recorded between the two property owners.

Any new structure proposed for the combined lot created by this plat amendment would need to meet the current LMC code requirements of 3 feet side yard setbacks (6 total),. Front and rear yard setbacks would need to meet current code standards of a minimum of ten feet (10'). The properties within 200 feet across the street on the west side of Lowell Ave consist of mainly duplex dwellings, larger single-family dwellings and vacant lots.

The minimum lot width allowed in the district is twenty-five feet (25'). The proposed width will be thirty-seven and a half (37.5') feet. The proposed lot will be compatible with the existing neighborhood as the two lots either side of the proposed lot are approximately each thirty-seven and a half (37.5') feet in width as well. The houses

within 200 feet to the north and south on the east side of Empire Ave consist of typical “Old Town” single-family dwellings and vacant lots. The proposed lot combination meets the lot and site requirements of the HR-1 District described below:

Required	Existing	Permitted
Lot Size	2,812.5 square feet	1,875 square feet minimum
Building Footprint	Approximately 1,029 square feet	1,201 square feet maximum (based on the lot area of 2,812.5 square feet)
Front/rear yard setbacks	27 feet front yard setback and 7 feet rear yard setback	10 feet minimum, 20 feet total (based on the lot depth of 75 feet)
Side yard setbacks	13.5 feet northerly side setback and 0 feet southerly side setback	3 feet minimum, 6 feet total (based on the lot width of 37.5 feet); in this case with 6 feet on the northerly side due to existing structure on the property line and 3 feet on the southerly side.
Height	N/A	27 feet above existing grade, maximum. 35 feet above existing grade is permitted for a single car garage on a downhill lot upon Planning Director approval. Plat: cannot exceed eighteen feet (18') in height above the garage floor with an appropriate pitched roof (8:12 or greater). Height exception for the garage may be granted if it meets the preceding criteria.
Height (continued)	N/A	A Structure shall have a maximum height of thirty five feet (35') measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters.
Final Grade	N/A	Final grade must be within four

		(4) vertical feet of existing grade around the periphery of the structure.
Vertical Articulation	N/A	A ten foot (10') minimum horizontal step in the downhill façade is required unless the First Story is located completely under the finish Grade on all sides of the Structure. The horizontal step shall take place at a maximum height of twenty three feet (23') from where Building Footprint meets the lowest point of existing Grade.
Roof Pitch	N/A	Between 7:12 and 12:12. A roof that is not part of the primary roof design may be below the required 7:12 roof pitch.
Parking	Two parking spaces	Two (2) parking spaces per dwelling.

The plat also contains an existing retaining wall to the south and front of the property that encroaches onto the property to the south by approximately one foot. The applicant has already obtained an encroachment agreement for the retaining wall with the adjacent neighbor. This plat amendment is consistent with the Park City LMC and applicable State law regarding plat amendments. Any new structures must comply with current LMC requirements. A steep slope conditional use permit may be required for development on the amended lot. Recordation of this plat and completion and approval of a final Historic District Design Review (HDDR) and Steep Slope CUP application, if required, are required prior to building permit issuance for any construction on the proposed lot.

Good Cause

Planning Staff finds there is good cause for this plat amendment. Combining the lots will allow the existing house to clear up the lot line running underneath the home and any new construction will be on one sole lot. The plat will incorporate a remnant ½ lot into a platted lot. The plat amendment will also utilize best planning and design practices, while preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City community.

Staff finds that the plat will not cause undo harm to adjacent property owners and all future development will be reviewed for compliance with requisite Building and Land Management Code, and applicable Historic District Design Guidelines requirements.

Department Review

This project has gone through an interdepartmental review. There were no issues raised by any of the departments or service providers regarding this proposal that have not been addressed by the conditions of approval.

Notice

The property was posted and notice was mailed to property owners within 300 feet in accordance with the requirements in the LMC on June 24, 2015. Legal notice was also published in the Park Record by June 20, 2015 and on the public notice website in accordance with the requirements of the LMC.

Public Input

Staff has not received public input on this application at the time of this report. Public input may be taken at the regularly scheduled City Council public hearing.

Process

Approval of this application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18. Any new structures may require a Steep Slope CUP and will require a Historic District Design Review. A Building Permit is publicly noticed by posting of the permit.

Alternatives

- The Planning Commission may forward a positive recommendation for approval of the 940 Empire Avenue Subdivision as conditioned or amended; or
- The Planning Commission may forward a negative recommendation for the 940 Empire Avenue Subdivision and direct staff to make findings for this decision; or
- The Planning Commission may continue the discussion on the plat amendment to a date certain and provide direction to the applicant and/or staff to provide additional information necessary to make a decision on this item.

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 one and a half (1.5) existing lots would not be adjoined and would remain as is. The lot at 940 Empire Avenue would remain with an existing home situated on top of a lot line and any new construction would have to comply with the current LMC requirements for any new structures on typical "Old Town" single lots.

Recommendation

Staff recommends the Planning Commission hold a public hearing and consider approving the 940 Empire Avenue Subdivision plat based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

Exhibits

Ordinance

Exhibit A –Proposed Plat

Exhibit B – Existing Conditions Survey

Exhibit C – Vicinity Map/Aerial

Exhibit D – Photographs

**AN ORDINANCE APPROVING THE 940 EMPIRE AVENUE SUBDIVISION PLAT,
LOCATED AT 940 EMPIRE AVENUE, PARK CITY, UTAH.**

WHEREAS, the owners of the property known as the 940 Empire Avenue Subdivision located at 940 Empire Avenue, have petitioned the City Council for approval of the 940 Empire Avenue Subdivision plat; 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 according to the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on July 8, 2015 to receive input on the proposed subdivision;

WHEREAS, on July 8, 2015 the Planning Commission forwarded a positive recommendation to the City Council; and,

WHEREAS, on July 30, 2015 the City Council held a public hearing on the proposed 940 Empire Avenue Subdivision; and

WHEREAS, it is in the best interest of Park City, Utah to approve the proposed 940 Empire Avenue Subdivision 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 940 Empire Avenue Subdivision 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 plat is located at 940 Empire Avenue within the Historic Residential (HR-1) District.
2. The 940 Empire Avenue Subdivision consists of Lots 23 & southerly ½ of 22 of Block 15 of the Snyder's Addition to the Park City Survey.
3. On May 7, 2015, the applicants submitted an application for a plat amendment to combine one and a half (1.5) lots containing a total of 2,812.5 square feet into one (1) lot of record.
4. The application was deemed complete on May 7, 2015.
5. The lots at 940 Empire Avenue currently contain an existing A-frame single family home.

6. The HR-1 zone requires a minimum lot area of 1,875 square feet for a single family dwelling.
7. The maximum footprint allowed in the HR-1 zone is 1,201 square feet for the proposed lot based on the lot area of the lot.
8. The existing home currently has a zero foot (0') southerly side setback and the existing home encroaches onto 936 Empire Avenue by approximately 0.3 feet on the lot line shared with 936 Empire Avenue as well as the existing retaining wall that encroaches approximately one foot onto 936 Empire Avenue.
9. An encroachment agreement was previously recorded between 936 Empire Avenue and 940 Empire Avenue on 2015.
10. The existing side yard setbacks to the north are 13.5 feet which complies with the LMC.
11. The front yard setback is 27 feet which complies with the LMC but the rear yard setback is only 7 feet which makes this structure legal, non-conforming.
12. The plat amendment secures public snow storage easements of ten (10') feet across the frontage of the lot.

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, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Recordation of this plat and completion and approval of a final Historic District Design Review (HDDR) and Steep Slope CUP, if required, applications are required prior to building permit issuance for any construction on the proposed lot.
4. Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final mylar prior to recordation.
5. A ten foot (10') wide public snow storage easement is required along the frontage of the lots with Lowell Avenue and shall be shown on the plat.
6. Snowshed agreements from the northerly neighbor are required prior to plat recordation.

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

PASSED AND ADOPTED this ____ day of _____, 2015

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

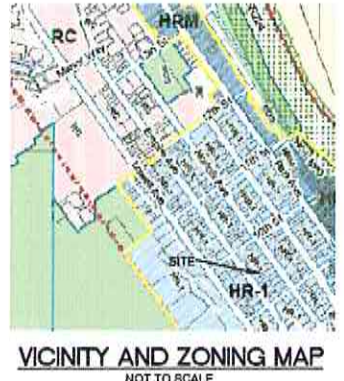
ATTEST:

Marci Heil, City Recorder

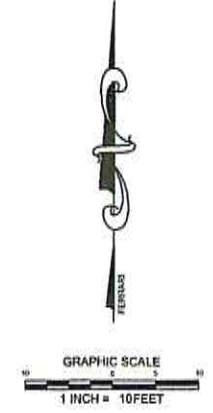
APPROVED AS TO FORM:

Mark Harrington, City Attorney

EXHIBIT A



936 EMPIRE AVENUE RE-PLAT
AMENDMENT TO LOT 1 1185 EMPIRE AVENUE PLAT AMENDMENT SUBDIVISION
BLOCK 27 SNYDERS ADDITION
LOCATED IN THE NORTHWEST QUARTER OF SECTION 16
TOWNSHIP 2S RANGE 4E
SALT LAKE BASE AND MERIDIAN



OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT STEVE L. ROSENBERG, THE UNDERSIGNED OWNERS OF THE ABOVE DESCRIBED TRACT OF LAND, HAVE CAUSED SAME TO BE SUBDIVIDED INTO LOTS AND STREETS TO BE HEREAFTER KNOWN AS THE 936 EMPIRE AVENUE REPLAT, DOES HEREBY CERTIFY THAT THEY HAVE CAUSED THIS PLAT AMENDMENT TO BE PREPARED. STEVE L. ROSENBERG HEREBY CONSENTS TO THE RECORDATION OF THIS PLAT AMENDMENT.

ALSO, THE OWNERS, OR HIS REPRESENTATIVE, HEREBY IRREVOCABLY OFFERS FOR DEDICATION TO THE CITY OF PARK CITY ALL THE STREETS, LAND FOR LOCAL GOVERNMENT USES, EASEMENTS, PARKS AND REQUIRED UTILITIES AND EASEMENTS SHOWN ON THE PLAT AND CONSTRUCTION DRAWINGS IN ACCORDANCE WITH AN IRREVOCABLE OFFER OF DEDICATION.

IN WITNESS WHEREOF THE UNDERSIGNED SET HIS HAND THIS ____ DAY OF ____, 2014

STEVE L. ROSENBERG

ACKNOWLEDGMENT

STATE OF UTAH:)
COUNTY OF SUMMIT:) SS

ON THIS ____ DAY OF ____, 2014, ____

PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID STATE AND COUNTY. HAVING BEEN DULY SWORN, ____ ACKNOWLEDGED TO ME THAT HE IS THE OWNER OF THE HEREIN DESCRIBED TRACT OF LAND, AND THAT HE SIGNED THE ABOVE OWNER'S DEDICATION AND CONSENT TO RECORD FREELY AND VOLUNTARILY.

MY COMMISSION EXPIRES _____
NOTARY PUBLIC
RESIDING IN _____

LEGAL DESCRIPTION:

FORMER PC-155-A: ALL OF LOT 24, AND THE NORTHERLY HALF OF LOT 25, BLOCK 15, SNYDER'S ADDITION TO PARK CITY, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE SUMMIT COUNTY RECORDERS OFFICE.

LOT 1: ALL OF LOT 24, AND THE NORTHERLY HALF OF LOT 25, BLOCK 15, SNYDER'S ADDITION TO PARK CITY, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE SUMMIT COUNTY RECORDERS OFFICE.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 24, BLOCK 15, SNYDER'S ADDITION TO PARK CITY, THENCE NORTH 54°01'00" EAST 75.00 FEET, THENCE SOUTH 35°59'00" EAST 37.50', THENCE SOUTH 51°01'00" WEST 75.00 FEET, THENCE NORTH 35°59'00" EAST 37.50 FEET TO THE POINT OF BEGINNING. CONTAINING 2812.5 SQ. FT.±

NOTES:

1. MODIFIED 13-0 SPRINKLERS WILL BE REQUIRED FOR NEW CONSTRUCTION AS REQUIRED BY THE CHIEF BUILDING OFFICIAL AT THE TIME OF REVIEW OF THE BUILDING PERMIT SUBMITTAL.
2. THIS PLAT IS SUBJECT TO THE CONDITIONS OF APPROVAL IN ORDINANCE OF 14-08

SURVEYOR'S STATEMENT

I GREGORY J. FERRARI OF PARK CITY, UTAH, CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF UTAH, HOLDING LICENSE NO. 5406908. THIS PLAT AMENDMENT WAS PREPARED UNDER MY DIRECTION IN ACCORDANCE WITH THE REQUIREMENTS OF THE PARK CITY MUNICIPAL CORPORATION. I FURTHER CERTIFY THAT THIS PLAT ACCURATELY REPRESENTS THE SURVEYED PROPERTY.

GREGORY J. FERRARI, P.L.S. 5406908 EXPIRES
MARCH 31, 2015

LEGEND:

- PROPERTY LINE
- CENTER LINE
- EASEMENT
- LOT LINE
- STREET ADDRESS ON EMPIRE AVE.
- 5/8" REBAR AND CAP LS 5046908
- 5/8" REBAR AND CAP ENSIGN ENG.
- 5/8" REBAR NO CAP

FERRARI SURVEYING, LLC
P.O.B. 683001 PARK CITY, UT
(435) 640-0412
Planning Commission Meeting July 8, 2015

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT	PLANNING COMMISSION	ENGINEER'S CERTIFICATE	APPROVAL AS TO FORM	CERTIFICATE OF ATTEST	COUNCIL APPROVAL AND ACCEPTANCE	RECORDED
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS ____ DAY OF ____, 2014 A.D. BY: _____ S.B.W.R.C.	APPROVED BY THE PARK CITY PLANNING COMMISSION THIS ____ DAY OF ____, 2014 BY: _____ CHAIRMAN	I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ____ DAY OF ____, 2014 A.D. BY: _____ PARK CITY ENGINEER	APPROVED AS TO FORM THIS ____ DAY OF ____, 2014 A.D. BY: _____ PARK CITY ATTORNEY	I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS ____ DAY OF ____, 2014 A.D. BY: _____ PARK CITY RECORDER	APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ____ DAY OF ____, 2014 A.D. BY: _____ MAYOR	STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE ____ TIME ____ BOOK ____ PAGE ____ FEE Page 106 of 396

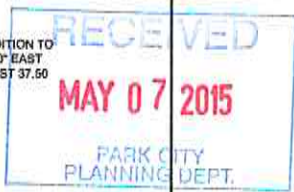


EXHIBIT B

RECORD OF SURVEY & TOPOGRAPHICAL MAP

940 EMPIRE AVENUE
PARCEL SA-161
LOT 23 & THE NORTHERLY 1/2 OF LOT 22, BLOCK 15, SNYDERS ADDITION TO PARK CITY
LOCATED IN THE NORTHEAST QUARTER OF SECTION 16
TOWNSHIP 2S RANGE 4E
SALT LAKE BASE AND MERIDIAN



GRAPHIC SCALE
1 INCH = 10 FEET

SURVEYOR'S STATEMENT

I GREGORY J. FERRARI OF PARK CITY, UTAH, CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH, HOLDING LICENSE NO. 5406908. THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME, OR UNDER MY DIRECTION, OF THE HEREON DESCRIBED PROPERTY AND THAT TO THE BEST OF MY KNOWLEDGE IT IS A CORRECT REPRESENTATION OF THE LAND SURVEYED.

GREGORY J. FERRARI, P.L.S. 5046908 EXPIRES
MARCH 31, 2017



P.O.BOX 683001
PARK CITY, UT 84068

LEGAL DESCRIPTION:

LOT 23 AND THE NORTHERLY HALF OF LOT 22, BLOCK 15, SNYDERS ADDITION TO PARK CITY SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE SUMMIT COUNTY RECORDERS OFFICE.

LEGEND:

 PROPERTY LINE
 MAJOR CONTOUR
 MINOR CONTOUR
 CENTER LINE
 PUBLIC UTILITY EASEMENT

 5/8" REBAR & CAP L57057114
 5/8" REBAR & CAP L85048909
 FOUND NAIL AND WASHER
 STREET MONUMENT
 DRAINAGE INLET
 POWER POLE
 GAS METER
 WATER MANHOLE

PROJECT INFORMATION:

CLIENT:	LARRY FELDMAN 2320 BEAR HOLLOW DRIVE PARK CITY, UT 84098
PROJECT ADDRESS:	940 EMPIRE AVENUE PARK CITY, UT 84090
SERIAL NO:	SA-161
RECORD INFORMATION:	LOT 23 AND THE NORTH 1/2 SHYDERS ADDITION TO PA

NOTES:

1. THE PURPOSE OF THIS SURVEY IS LOCATE THE BOUNDARIES OF THIS PROPERTY ON THE GROUND AND CREATE A TOPOGRAPHICAL MAP AT THE REQUEST OF LARRY FELDMAN.
2. THE EVIDENCE OF BOUNDARY SHOWN HEREON IS TAKEN FROM RECORD INFORMATION COMPILED FROM SNYDERS ADDITION TO PARK CITY SUBDIVISION.
3. NO INVESTIGATION CONCERNING ENVIRONMENTAL & SUBSURFACE CONDITIONS, OR THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONTAINERS OR FACILITIES WHICH MAY AFFECT THE USE OR DEVELOPMENT OF THIS PROPERTY WAS MADE AS A PART OF THIS SURVEY.
4. NO INVESTIGATION CONCERNING THE LOCATION OF OR EXISTENCE OF UTILITY SERVICE LINES TO THIS PROPERTY WAS MADE AS A PART OF THIS SURVEY.
5. ALL UTILITY LOCATIONS SHOULD BE FIELD VERIFIED PRIOR TO ANY DESIGN OR CONSTRUCTION.
6. DATE OF FIELD WORK APRIL 15, 2015.
7. VERTICAL DATUM IS ASSUMED.
8. BUILDING SETBACKS MUST BE CONFIRMED WITH THE COUNTY, HOMEOWNER'S ASSOCIATION, ARCHITECTURAL COMMITTEE, OR SIMILAR ADVISORY GROUP, IF ANY.
9. THE OWNER OF THE PROPERTY SHOULD BE AWARE OF ANY ITEMS AFFECTING THE PROPERTY THAT MAY APPEAR IN A TITLE INSURANCE REPORT.
10. BASIS OF BEARING SHOWN HEREON.

REUSE OF DOCUMENTS
THIS DOCUMENT & THE IDEAS & DESIGNS INCORPORATED HEREIN, AS AN INSTRUMENT OF PROFESSIONAL SERVICE, IS THE PROPERTY OF FERRARI SURVEYING & IS NOT TO BE USED, IN WHOLE OR IN PART, FOR ANY OTHER PROJECT WITHOUT THE WRITTEN AUTHORIZATION OF FERRARI SURVEYING.

RECORD OF SURVEY AND TOPOGRAPHICAL MAP
940 EMPIRE AVENUE
SA-161
LOT 23 AND THE NORTHERLY HALF OF LOT 22,
BLOCK 15, SNYDER'S ADDITION TO PARK CITY
PARK CITY SUMMIT COUNTY UTAH

0		DRAWING	
BAR IS ONE INCH ON ORIGINAL IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY			
SURVEY BY:		GF-TM	
SURVEY DATE:		4-13-15	
DESIGN BY:		OF	
DRAFTING BY:		OF	
CHECKED BY:		OF	
XREFS:		3REF 1	
		KREF 52	
DRAWING:		PRELIMINARY	
DATE:		4-15-15	
SCALE:			
1"=10'			
HORIZONTAL:		OF	
VERTICAL:			
2"=CONTOURS			

MAY 07 2015

PARK CITY UT

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EXHIBIT C

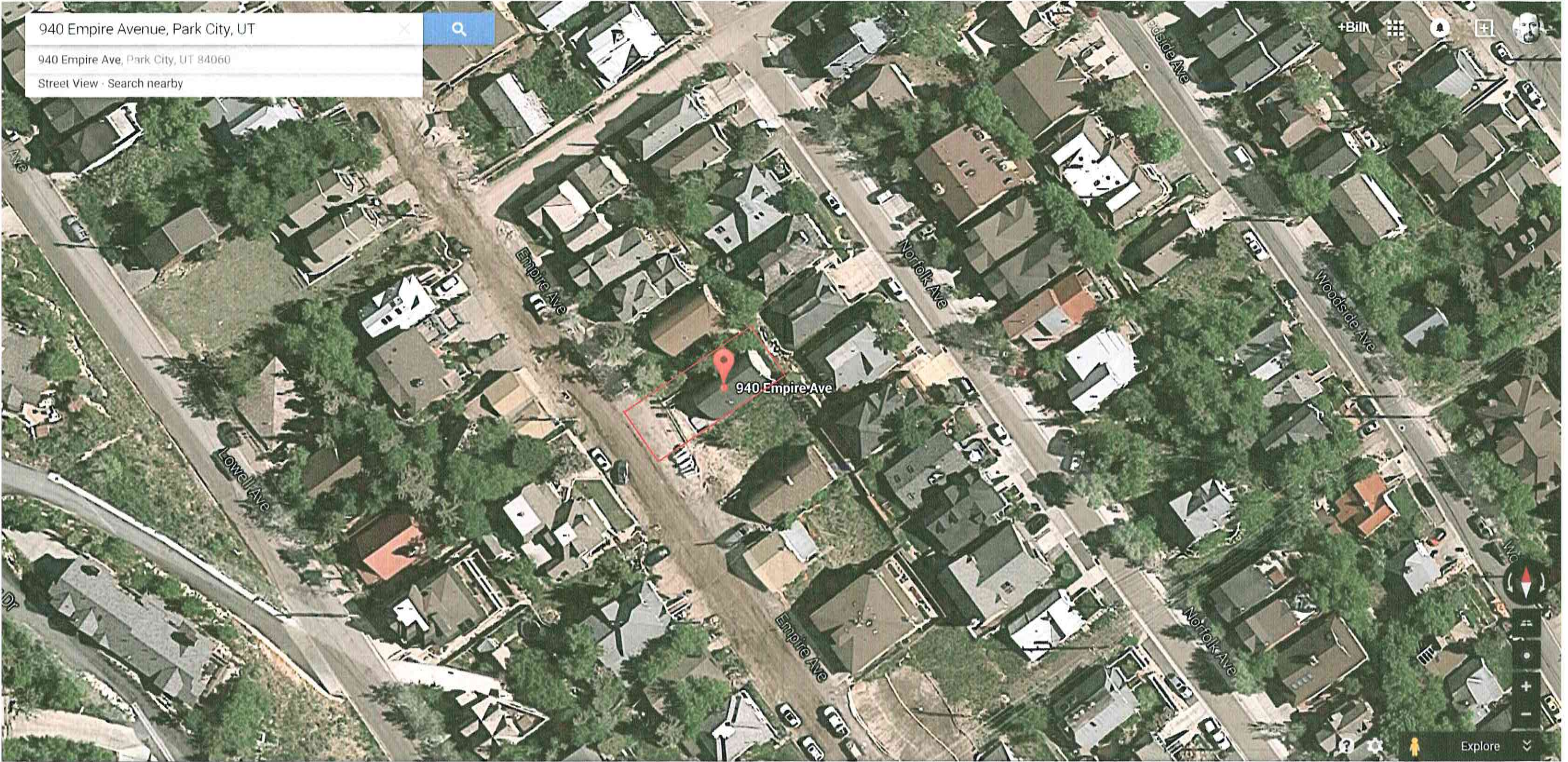
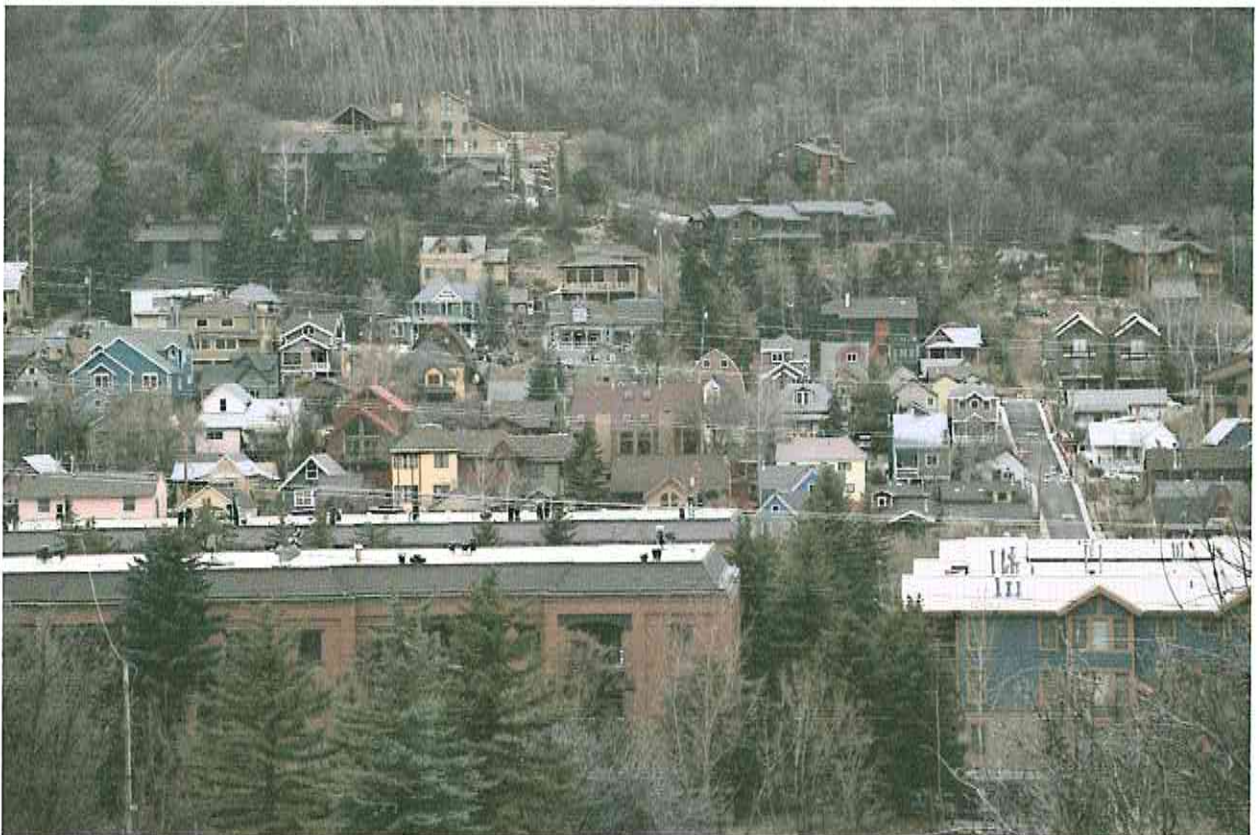


EXHIBIT D





Planning Commission Staff Report



Subject: Lot 20, Block 9, Snyder's Addition, Norfolk Avenue
Project #: PL-15-02723
Author: Hannah Turpen, Planner
Date: July 8, 2015
Type of Item: Administrative – Steep Slope Conditional Use Permit

Summary Recommendations

Staff recommends the Planning Commission review the application for a Steep Slope Conditional Use Permit (CUP) at Lot 20, Block 9, Snyder's Addition, Norfolk Avenue, conduct a public hearing, and approve the Steep Slope CUP for Lot 20, Block 9, Snyder's Addition, Norfolk Avenue. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

Staff reports reflect the professional recommendation of the planning department. The Planning Commission, as an independent body, may consider the recommendation but should make its decisions independently.

Description

Owner/ Applicant: Magnus Floden (represented by Jamie Thomas, contractor)
Location: Lot 20, Block 9, Snyder's Addition, Norfolk Avenue –
The property is located between 1046 Norfolk Avenue and 1102 Norfolk Avenue on a vacant lot.
Zoning: Historic Residential (HR-1) District
Adjacent Land Uses: Residential
Reason for Review: Construction of structures with greater than 1,000 square feet of floor area and located on a steep slope (30% or greater) requires a Conditional Use Permit

Proposal

This application is a request for a Steep Slope Conditional Use Permit (CUP) for a new single family home with a proposed square footage of approximately 2,532 square feet (sf) (including the 252.5 square foot single car garage) on a vacant 1,875 square foot lot located at Lot 20, Block 9, Snyder's Addition, Norfolk Avenue. The total floor area exceeds 1,000 sf and the construction is proposed on a slope of 30% or greater.

Background

On April 14, 2015 the City received a completed application for a Conditional Use Permit (CUP) for "Construction on a Steep Slope" at Lot 20, Block 9, Snyder's Addition, Norfolk Avenue. The property is located in the Historic Residential (HR-1) District. The lot contains 1,875 square feet.

This application is a request for a Conditional Use Permit for construction of new single family dwelling. Because the total proposed structure square footage is greater than 1,000 square feet, and would be constructed on a slope greater than thirty percent (30%), the applicant is required to file a Conditional Use Permit application for review by the Planning Commission, pursuant to Land Management Code (LMC) § 15-2.2-6.

The property is located between 1046 Norfolk Avenue and 1102 Norfolk Avenue on a vacant lot. The property is currently listed as Lot 20, Block 9, Snyder's Addition, Norfolk Avenue. An address will be assigned to the property by the City Engineer at a later date.

A Historic District Design Review (HDDR) application was approved on June 10, 2015 (Exhibit A).

Purpose

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

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

Analysis

The proposed house contains a total of 1,875 square feet, including the 252.5 square foot single car garage proposed on the upper level. The proposed footprint is 844 square feet. The house complies with all setbacks, building footprint, and building height requirements of the HR-1 zone. Staff reviewed the plans and made the following LMC related findings:

Requirement	LMC Requirement	Proposed
Lot Size	Minimum of 1,875 square feet	1,875 square feet, <u>complies.</u>
Building Footprint	844 square feet <u>maximum</u>	844 square feet, <u>complies.</u>
Front Yard	10 feet minimum	13 feet (front) porch, <u>complies</u> ; 18 feet to single-car garage, <u>complies.</u>
Rear Yard	10 feet minimum	Increases from 13'1" to 14'7.5" across rear property line, <u>complies.</u>

Side Yard	3 feet minimum, total 6 feet.	3 feet on each side, <u>complies.</u> Total of six feet, <u>complies.</u>
Height	27 feet above existing grade, <u>maximum.</u>	26'8", ridge of gable on the north elevation, <u>complies.</u>
Height (continued)	A Structure shall have a maximum height of 35 feet measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters.	31 feet, <u>complies.</u>
Final grade	Final grade must be within four (4) vertical feet of existing grade around the periphery of the structure.	Maximum difference is 4 feet on the north, south, east and west elevations, <u>complies.</u>
Vertical articulation	A ten foot (10') minimum horizontal step in the downhill façade is required unless the First Story is located completely under the finish Grade on all sides of the Structure. The horizontal step shall take place at a maximum height of twenty three feet (23') from where Building Footprint meets the lowest point of existing Grade. Architectural features, that provide articulation to the upper story façade setback may encroach into the minimum 10 ft. setback but shall be limited to no more than 25% of the width of the building encroaching no more than 4 ft. into the setback.	The rear roof line measures 23 feet in height, <u>complies.</u>
Roof Pitch	Between 7:12 and 12:12.	The main roofs have 7:12 pitches, <u>complies.</u>
Parking	Two (2) off-street parking spaces required.	One (1) space within a single car garage and one uncovered space on the driveway, within the lot area, compliant with required dimensions, <u>complies.</u>

The overall slope of the lot is roughly 26.6%. The driveway sits on a slope of approximately 40%. The driveway is the only portion of the built structure that sits on a slope greater than 30%.

LMC § 15-2.3-7 requires a Conditional Use permit for development on steep sloping lots (30% or greater) if the structure contains more than one thousand square feet (1,000 sf) of floor area, including the garage, and stipulates that the Conditional Use Permit can be granted provided the proposed application and design comply with the following criteria and impacts of the construction on the steep slope can be mitigated:

Criteria 1: Location of Development.

Development is located and designed to reduce visual and environmental impacts of the Structure. **No unmitigated impacts.**

The proposed single family dwelling is located on the lot in a manner that reduces the visual and environmental impacts. The foundation is stepped with the existing topography to minimize the amount of excavation necessary. The proposed landscape plan incorporates significant vegetation. The proposed footprint complies with that allowed for the lot area. The front and rear setbacks meet all requirements, and are increased for portions of the structure. The hillside within the side yard will be terraced with retaining walls no greater than six feet (6') in height from existing grade. The driveway is the only portion of the built structure that sits on a slope greater than 30%. The majority of the house sits on a slope far less than 30% which allows floor levels to relate closely to existing topography.

Criteria 2: Visual Analysis.

The Applicant must provide the Planning Department with a visual analysis of the project from key Vantage Points to determine potential impacts of the project and identify potential for screening, slope stabilization, erosion mitigation, vegetation protection, and other items. **No unmitigated impacts.**

The applicant submitted a photographic visual analysis, including street views, to show the proposed streetscape and how the proposed house fits within the context of the slope, neighboring structures, and existing vegetation.

The visual analysis and streetscape demonstrate that the proposed design is visually compatible with the neighborhood, similar in scale and mass than surrounding structures, and visual impacts are mitigated. There is minimized excavation because the majority of the house is not located on the grade that dramatically rises to form Norfolk Avenue. Vegetation will be added as necessary and retaining walls will be limited to terracing in the side yards.

Criteria 3: Access.

Access points and driveways must be designed to minimize Grading of the natural topography and to reduce overall Building scale. The garage sits below the street level reducing the fill needed to access the garage and the front door. Common driveways and Parking Areas, and side Access to garages are strongly encouraged; however a side access garage is not possible on this site. **No unmitigated impacts.**

The proposed design incorporates a suspended driveway which will sit approximately two feet (2') above final grade. The driveway will be suspended for a total distance of approximately 11.5 feet west of the single-car garage foundation. The suspended driveway is needed to accommodate the change in the grade from Norfolk Avenue measured at the curb and gutter at an approximate elevation of 6972' and drops to an approximate elevation of 6956' at the front (west) façade of the single-car garage. There is a total elevation change of 16' between the Norfolk Avenue curb and gutter and the front (west) façade of the single-car garage with a total slope of approximately 45.7%. The slope of the driveway will be approximately 8.9%.

Criteria 4: Terracing.

The project may include terraced retaining Structures if necessary to regain Natural Grade. **No unmitigated impacts.**

Minor retaining is necessary to regain natural grade around the proposed structure to provide for egress on the south elevation. Minor and limited retaining is also being requested around the driveway located in the front yard area. Both of these areas will meet the LMC development standards of retaining walls in setback areas which range from four feet (4') to the maximum height of six feet (6') above final grade.

There is a steep grade in the front fifteen feet (15') of the lot and a gentle grade in the remaining sixty feet (60') of the lot. Overall, the slope is 26.6% for the entire lot. The slope increases to 40% in the front fifteen feet (15') of the lot.

Criteria 5: Building Location.

Buildings, access, and infrastructure must be located to minimize cut and fill that would alter the perceived natural topography of the Site. The Site design and Building Footprint must coordinate with adjacent properties to maximize opportunities for open Areas and preservation of natural vegetation, to minimize driveway and Parking Areas, and provide variation of the Front Yard. **No unmitigated impacts.**

The building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography. As previously noted, the house is located on a relatively gentle grade except at the front fifteen feet (15') of the driveway, which sits on the steep slope below Norfolk Avenue. The driveway access was designed to accommodate the significant slope between the Norfolk Avenue curb and gutter and the front (west) façade of the garage.

Terraced stone retaining walls, not exceeding six feet in height from Existing Grade, will be constructed to retain the hillside in the side yards and around the driveway. The Final Grade will be changed no more than four feet (4') from the Existing Grade. The site design and building footprint provide an increased front setback area in front of the garage. Side setbacks and building footprints are maintained consistent with the pattern of development and separation of structures in the neighborhood.

Criteria 6: Building Form and Scale.

Where Building masses orient against the Lot's existing contours, the Structures must be stepped with the Grade and broken into a series of individual smaller components

that are Compatible with the District. Low profile Buildings that orient with existing contours are strongly encouraged. The garage must be subordinate in design to the main Building. In order to decrease the perceived bulk of the Main Building, the Planning Commission may require a garage separate from the main Structure or no garage. **No unmitigated impacts.**

The main ridge of the roof orients with the contours. The size of the lot allows the design to not offend the natural character of the site as seen on the submitted plans. The house steps with the grade and is broken into a series of smaller components that are compatible with the District. The stepping creates rear and side elevations that respect the adjacent properties.

Staff finds that the proposed design is consistent with the Design Guidelines for Historic Districts and Historic Sites. The structure reflects the historic character of Park City's Historic Sites such as simple building forms, unadorned materials, and restrained ornamentation. The style of architecture selected and all elevations of the building are designed in a manner consistent with a contemporary interpretation of the chosen style. The Historic District Design Review (HDDR) application for this project was approved on June 10, 2015

Exterior elements of the new development—roofs, entrances, eaves, chimneys, porches, windows, doors, steps, retaining walls, garages, etc.—are of human scale and are compatible with the neighborhood and even traditional architecture. The scale and height of the new structure follows the predominant pattern of the neighborhood. Further, this style of this house is consistent with the Design Guidelines. It does not detract from nearby historic properties, but rather lends itself to the overall character of the neighborhood.

Criteria 7: Setbacks.

The Planning Commission may require an increase in one or more Setbacks to minimize the creation of a “wall effect” along the Street front and/or the Rear Lot Line. The Setback variation will be a function of the Site constraints, proposed Building scale, and Setbacks on adjacent Structures. **No unmitigated impacts.**

The proposed structure meets the standard LMC setbacks for a lot this size consisting of a minimum of ten feet (10') front/rear yard setbacks. The minimum side yard setbacks are three feet (5') minimum and six feet (6') total.

Front setbacks are increased as the garage portion of the house is setback 18 feet from the property line and thirty five feet (35') from the edge of the street, to accommodate the code required parking space entirely on the lot. No wall effect is created with the proposed design. Side setbacks are consistent with the pattern of development and separation in the neighborhood. The articulation in the front and rear facades reduce the overall mass of the structure and does not create a wall effect along the street front or rear lot line.

The Chief Building Official determined that the rear setback separating the encroaching historic garage (associated with 1053 Woodside Avenue) and the new single-family

dwelling fitted with a NFPA 13 Modified System shall be eight feet (8') (Condition of Approval #11). If no sprinkler system is installed on the new single-family dwelling, the rear setback separation shall be ten feet (10'). The rear setback separation measurement includes eaves and decks. The proposed structure is setback eight feet (8') from the encroaching historic garage.

Criteria 8: Dwelling Volume.

The maximum volume of any Structure is a function of the Lot size, Building Height, Setbacks, and provisions set forth in this Chapter. The Planning Commission may further limit the volume of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing Structures. **No unmitigated impacts.**

The proposed structure is articulated and broken into compatible massing components. The design includes setback variations and lower building heights for portions of the structure. The proposed massing and architectural design components are compatible with both the volume and massing of single family dwellings in the area. The design minimizes the visual mass and mitigates the differences in scale between the proposed house and surrounding structures.

Criteria 9: Building Height (Steep Slope).

The maximum Building Height in the HR-1 District is twenty-seven feet (27'). The Planning Commission may require a reduction in Building Height for all, or portions, of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing residential Structures. **No unmitigated impacts.**

The proposed structure meets the twenty-seven feet (27') maximum building height requirement measured from existing grade at the highest point. The heights of the main ridges range from twenty three feet (23') to twenty six feet eight inches (26'8") above the existing grade. Portions of the house are less than twenty seven feet (27') in height. The tallest ridge (26'8") is not visually apparent from the front, back, or sides of the house.

The applicant also meets the criteria outlined in LMC 15-2.2-5(A) stating that the structure shall have a maximum height of thirty-five feet (35') measured from the lowest finished floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters. The height from the lowest finished floor plane to the highest wall plate is thirty one feet (31').

Process

Approval of this application constitutes Final Action that may be appealed to the City Council following appeal procedures found in LMC § 15-1-18. The applicant has submitted a Historic District Design Review (HDDR) application; however, this has not yet been approved.

Department Review

This project has gone through an interdepartmental review. During the Development Review Committee meeting, it was discovered that there will need to be a separation between the encroaching historic garage (associated with 1053 Woodside Avenue) and the new single-family dwelling. The Chief Building Official determined that the rear setback separating the encroaching historic garage (associated with 1053 Woodside Avenue) and the new single-family dwelling fitted with a NFPA 13 Modified System shall be eight feet (8') (Condition of Approval #11). If no sprinkler system is installed on the new single-family dwelling, the rear setback separation shall be ten feet (10'). The rear setback separation measurement includes eaves and decks. The proposed structure is setback eight feet (8') from the encroaching historic garage. No further issues were brought up other than standards items that have been addressed by revisions and/or conditions of approval.

Notice

The property was posted and notice was mailed to property owners within 300 feet on June 24, 2015. Legal notice was also published in the Park Record in accordance with requirements of the LMC on June 20, 2015.

Public Input

No input has been received regarding the Steep Slope CUP.

Alternatives

- The Planning Commission may approve the Conditional Use Permit for Lot 20, Block 9, Snyder's Addition, Norfolk Avenue as conditioned or amended, or
- The Planning Commission may deny the Conditional Use Permit and provide staff with Findings for this decision, or
- The Planning Commission may request specific additional information and may continue the discussion to a date uncertain.

Significant Impacts

As conditioned, there are no significant fiscal or environmental impacts from this application. The lot is an existing platted residential lot that contains native grasses and shrubs. Due to the site's proximity to the mining sites, the site will be required to submit a soil mitigation plan at the time of their building permit.

Consequences of not taking the Suggested Recommendation

The construction as proposed could not occur and the applicant would have to revise the plans.

Recommendation

Staff recommends the Planning Commission review the application for a Steep Slope Conditional Use Permit at Lot 20, Block 9, Snyder's Addition, Norfolk Avenue and conduct a public hearing. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

Findings of Fact:

1. The property is located on Norfolk Avenue at Lot 20, Block 9 of Snyder's Addition to the Park City Survey.

2. The property is located within the Historic Residential (HR-1) District and meets the purpose of the zone.
3. A single family dwelling is an allowed use in the HR-1 District.
4. The property is described as Lot 20, Block 9 of the Snyder's Addition to the Park City Survey.
5. The lot contains 1,875 square feet.
6. The lot is currently vacant.
7. A Historic District Design Review (HDDR) application was approved by staff on June 10, 2015 for compliance with the Design Guidelines for Historic Districts and Historic Sites adopted in 2009.
8. This is a 25' x 75' "Old Town" lot. There is minimal existing vegetation on this lot. This is a downhill lot.
9. Access to the property is from Norfolk Avenue, a public street.
10. Two parking spaces are proposed on site. One space is located inside a single car garage and one is accommodated by a driveway parking space.
11. The neighborhood is characterized by a mix of historic and non-historic residential structures, single family homes and duplexes.
12. The proposal consists of a single family dwelling of 2,532 square feet, including the basement area and single car garage.
13. The driveway is designed with a maximum width of eleven feet three and-a-half inches (11'3.5") and is approximately thirty five feet (35') in length from the garage to the existing edge of Norfolk Avenue with a minimum of eighteen feet (18') of driveway located on the property. The garage door complies with the maximum height and width.
14. The proposed driveway has an overall slope of 8.9% as measured from the front of the garage to the edge of the paved street.
15. An overall building footprint of 844 square feet is proposed. The maximum allowed footprint for this lot is 844 square feet.
16. The proposed structure complies with all setbacks. The minimum front and rear yard setbacks are ten feet (10'). The minimum side yard setbacks are three feet (3').
17. The Chief Building Official determined that the rear setback separating the encroaching historic garage (associated with 1053 Woodside Avenue) and the new single-family dwelling fitted with a NFPA 13 Modified System shall be eight feet (8') (Condition of Approval #11). If no sprinkler system is installed on the new single-family dwelling, the rear setback separation shall be ten feet (10'). The rear setback separation measurement includes eaves and decks. The proposed structure is setback eight feet (8') from the encroaching historic garage.
18. The proposed structure complies with the twenty-seven feet (27') maximum building height requirement measured from existing grade. Portions of the house are less than twenty seven feet (27') in height.
19. The applicant submitted a visual analysis, cross valley views and a streetscape showing a contextual analysis of visual impacts of this house on the cross canyon views and the Norfolk Avenue streetscape. Staff finds that the proposed house is compatible with the surrounding structures based on this analysis.
20. The building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography. There is no existing significant vegetation on the lot.

21. The site design, stepping of the foundation and building mass, increased articulation, and decrease in the allowed difference between the existing and final grade mitigates impacts of construction on the 40% slope area.
22. The design includes setback variations in the front and back and lower building heights for portions of the structure in both the front and back where facades are less than twenty-seven feet (27') in height.
23. The proposed massing and architectural design components are compatible with both the volume and massing of other single family dwellings in the area. No wall effect is created with adjacent structures due to stepping, articulation, and placement of the house on the lot.
24. The proposed structure follows the predominant pattern of buildings along the street, maintaining traditional setbacks, orientation, and alignment. Lot coverage, site grading, and steep slope issues are also compatible with neighboring sites. The size and mass of the structure is compatible with surrounding sites, as are details such as foundation, roofing, materials, window and door openings, and single car garages.
25. This property is required to have independent utility services for water, sewer, power, etc.
26. No lighting has been proposed at this time. Lighting will be reviewed at the time of the HDDR and Building Permit application for compliance with the LMC lighting code standards.
27. The findings in the Analysis section of this report are incorporated herein.
28. The applicant stipulates to the conditions of approval.

Conclusions of Law

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.2-6(B)
2. The CUP, as conditioned, is consistent with the Park City General Plan.
3. The proposed use will be compatible with the surrounding structures in use, scale, mass, and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval

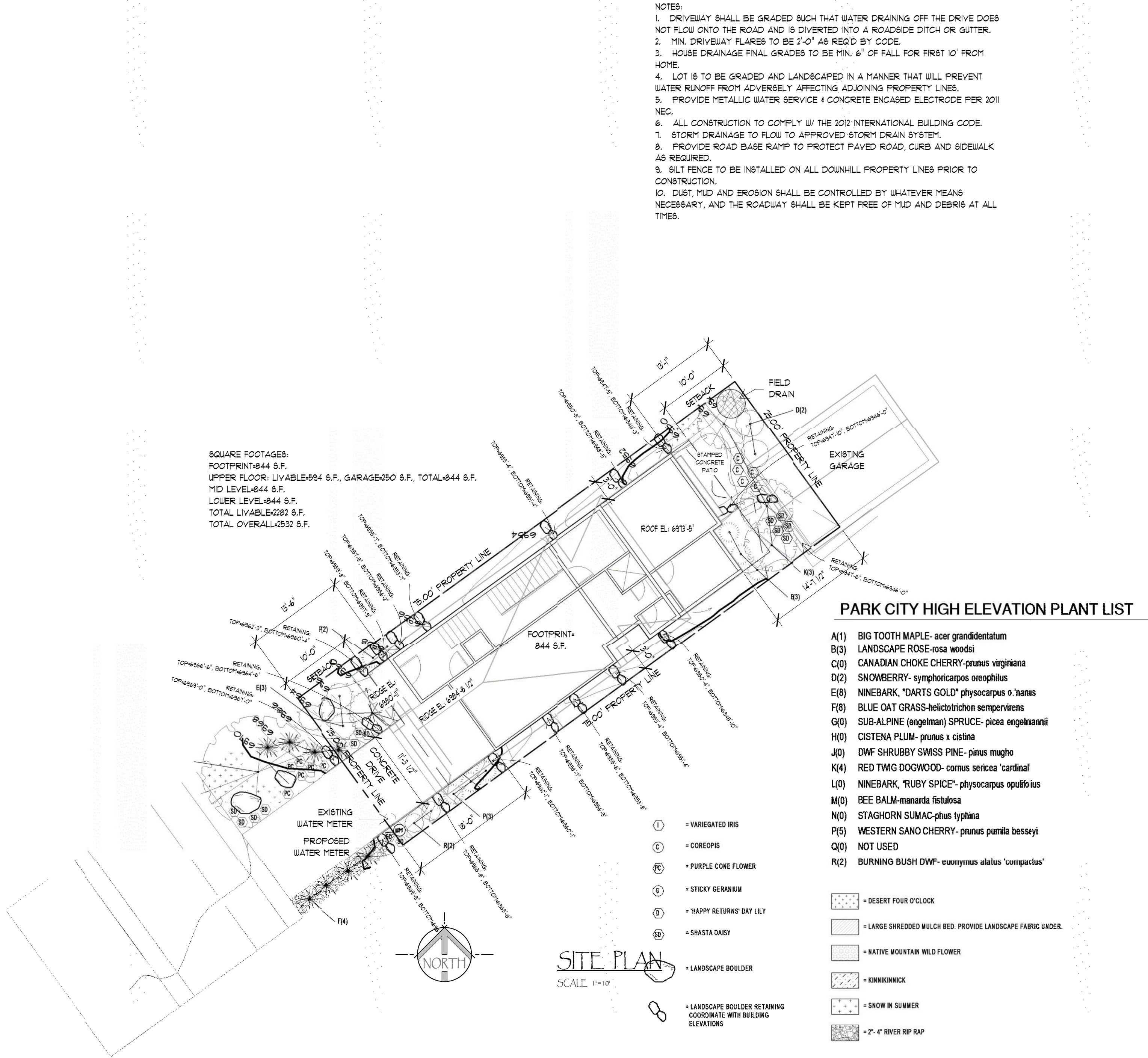
1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. The CMP shall include language regarding the method of protecting the historic house to the west from damage.
3. A final utility plan, including a drainage plan, for utility installation, public improvements, and storm drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers, including Snyderville Basin Water Reclamation District, prior to issuance of a building permit.
4. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
5. A final Landscape Plan shall be submitted to the City for review prior to building permit issuance. Such plan will include water efficient landscaping and drip

irrigation. Lawn area shall be limited in area.

6. If required by the Chief Building Official based on a review of the soils and geotechnical report submitted with the building permit, the applicant shall submit a detailed shoring plan prior to the issue of a building permit. If required by the Chief Building Official, the shoring plan shall include calculations that have been prepared, stamped, and signed by a licensed structural engineer. The shoring plan shall take into consideration protection of the historic structure to the west and the non-historic structure to the north.
7. This approval will expire on June 24, 2016, if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval has been requested in writing prior to the expiration date and is granted by the Planning Director.
8. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission and the Final HDDR Design.
9. All retaining walls within any of the setback areas shall not exceed more than six feet (6') in height measured from final grade, except that retaining walls in the front yard shall not exceed four feet (4') in height, unless an exception is granted by the City Engineer per the LMC, Chapter 4.
10. Modified 13-D residential fire sprinklers are required for all new construction on this lot.
11. The Chief Building Official determined that the rear setback separating the encroaching historic garage (associated with 1053 Woodside Avenue) and the new single-family dwelling fitted with a NFPA 13 Modified System shall be eight feet (8'). If no sprinkler system is installed on the new single-family dwelling, the rear setback separation shall be ten feet (10'). The rear setback separation measurement includes eaves and decks.
12. The driveway width must be a minimum of ten feet (10') and will not exceed twelve feet (12') in width.
13. All exterior lighting, on porches, decks, garage doors, entryways, etc. shall be shielded to prevent glare onto adjacent property and public rights-of-way and shall be subdued in nature. Light trespass into the night sky is prohibited. Final lighting details will be reviewed by the Planning Staff prior to installation.
14. Construction waste should be diverted from the landfill and recycled when possible.
15. All electrical service equipment and sub-panels and all mechanical equipment, except those owned and maintained by public utility companies and solar panels, shall be painted to match the surrounding wall color or painted and screened to blend with the surrounding natural terrain.

Exhibits

- Exhibit A- Plans (existing conditions, site plan, elevations, floor plans)
- Exhibit B- Existing Conditions Survey
- Exhibit C- Visual Analysis/Streetscape
- Exhibit D- Existing Photographs



Drawn By: J Bailey	Engineered By:	Plan #:-	Plan Name:
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Each Sub-Contractor Shall Check And Understand All Dimensions, Notes And Other Aspects Of This Project Applicable To Their Trade And Affecting Other Trades Prior To And During Construction.

Each Sub-Contractor Shall
Coordinate Work With Other Trade
Through The General Contractor.



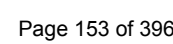
Craig Wall Design, Inc.

707-521 Main Street
 Mendocino, CA 95927
 (801) 269-5885
email_craig@craigwalledesign.com

Lot 20 Norfolk Ave.
Park City, Utah

PRINT DATE
April 7, 2015

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Notes

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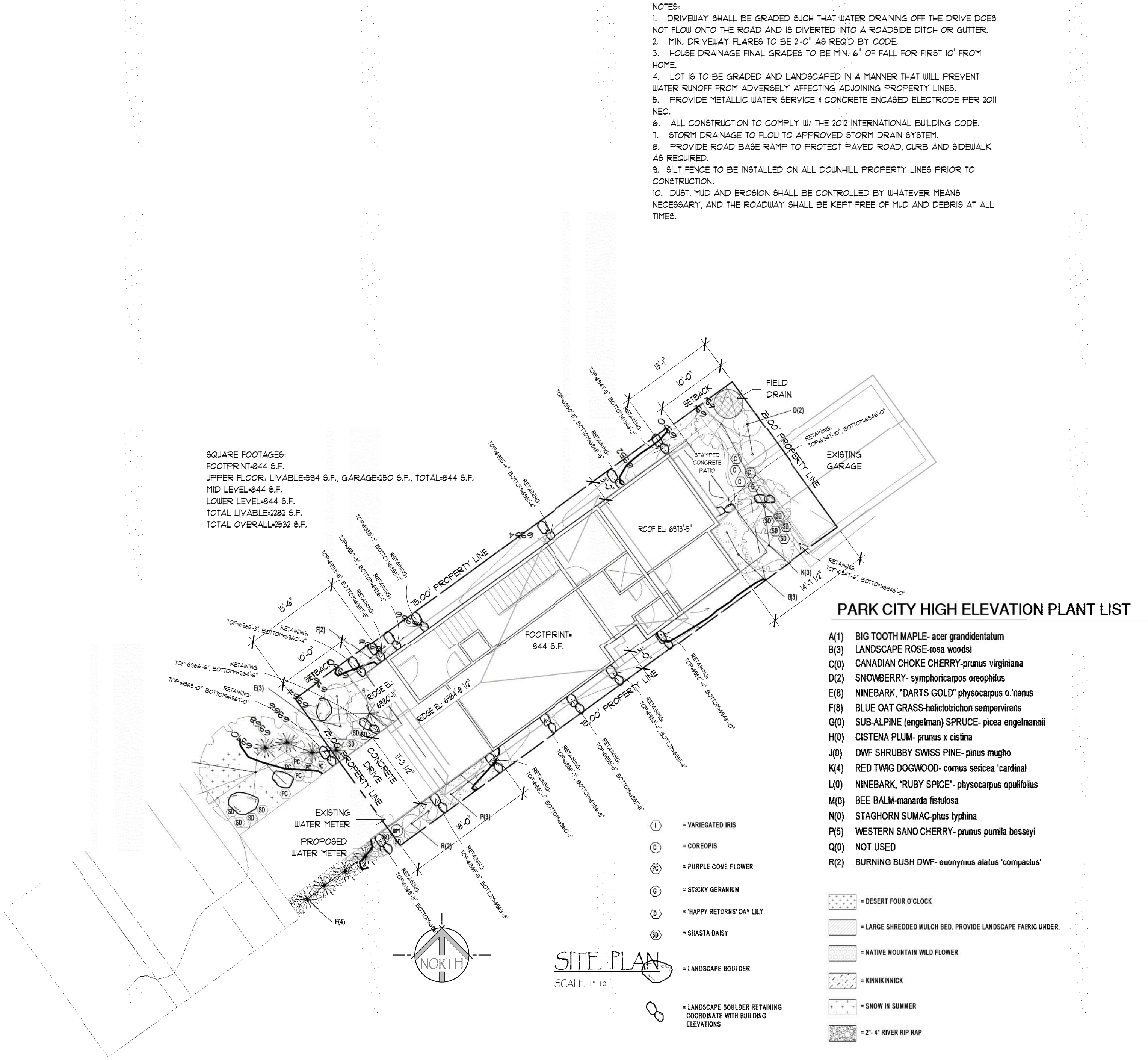
100 S. Main Street
North Salt Lake, UT 84054
(801) 253-8857
email: craig@craigwalldesign.com

Residence for Magnus Floden

Lot 20 Norfolk Ave.
Park City, Utah

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SITE - AERIAL

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April 7, 2015

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Residence for Magnus Floden

Lot 20 Norfolk Ave.
Park City, Utah

Craig Wall Design, Inc.



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North Salt Lake, UT 84054
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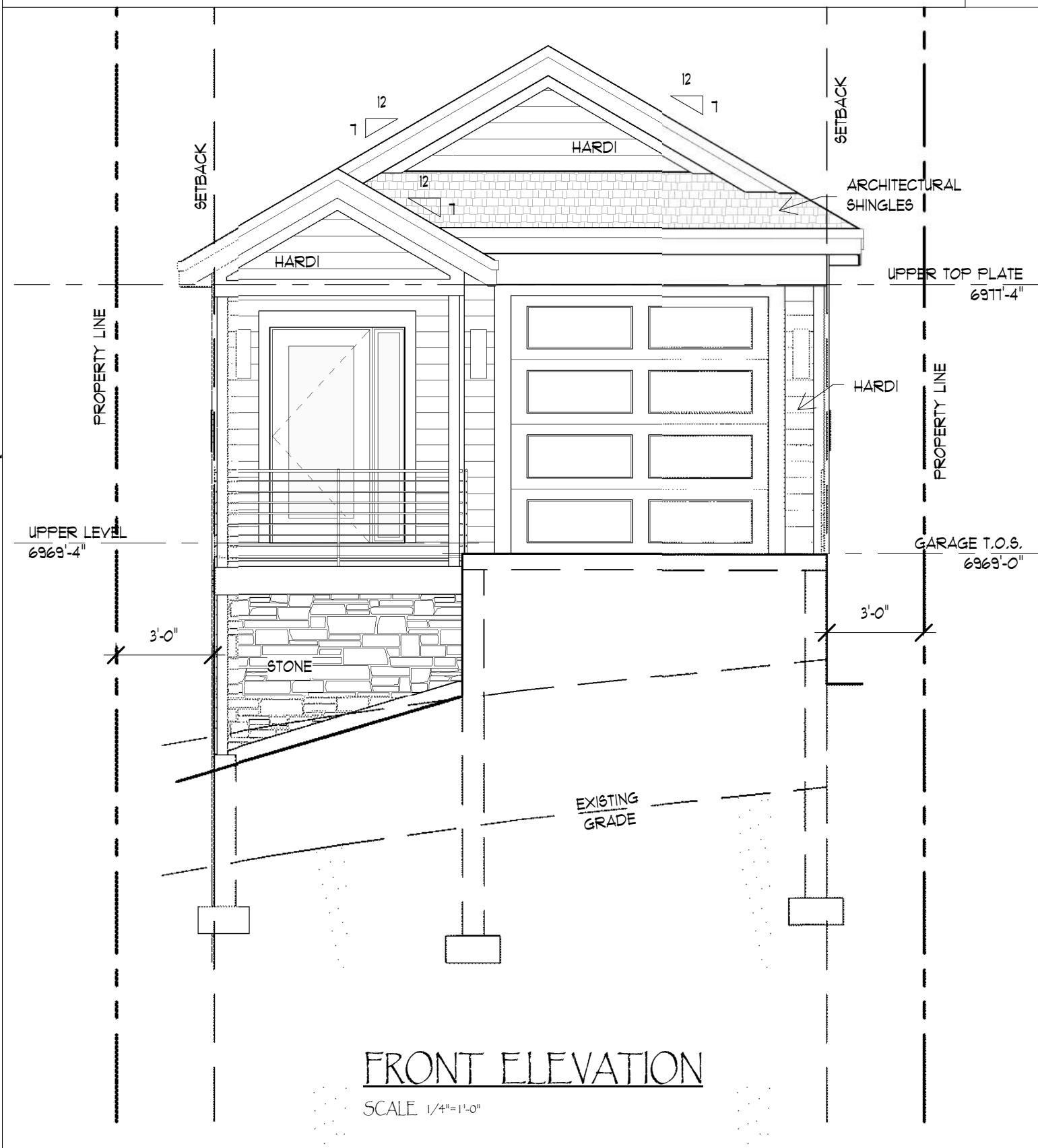
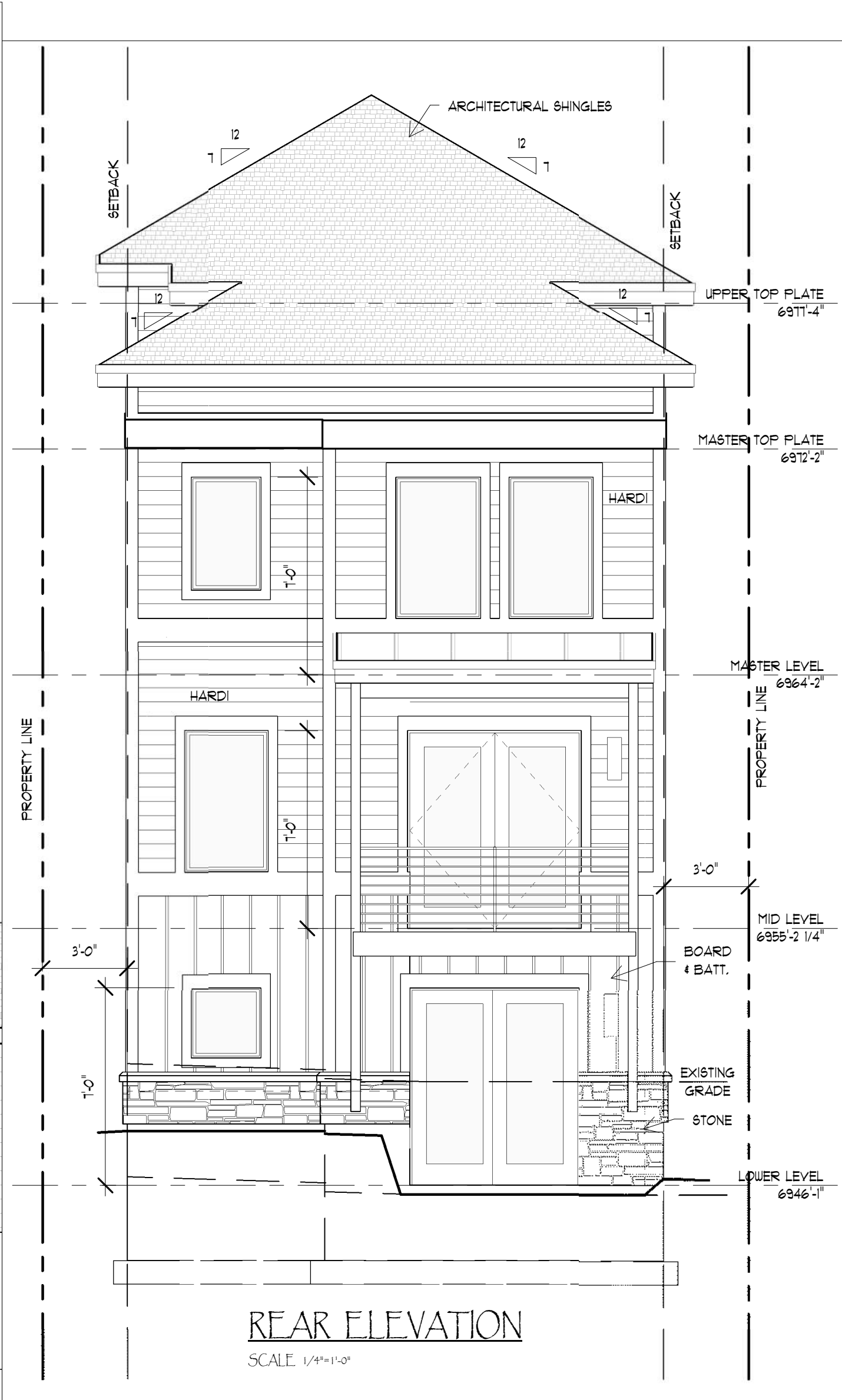
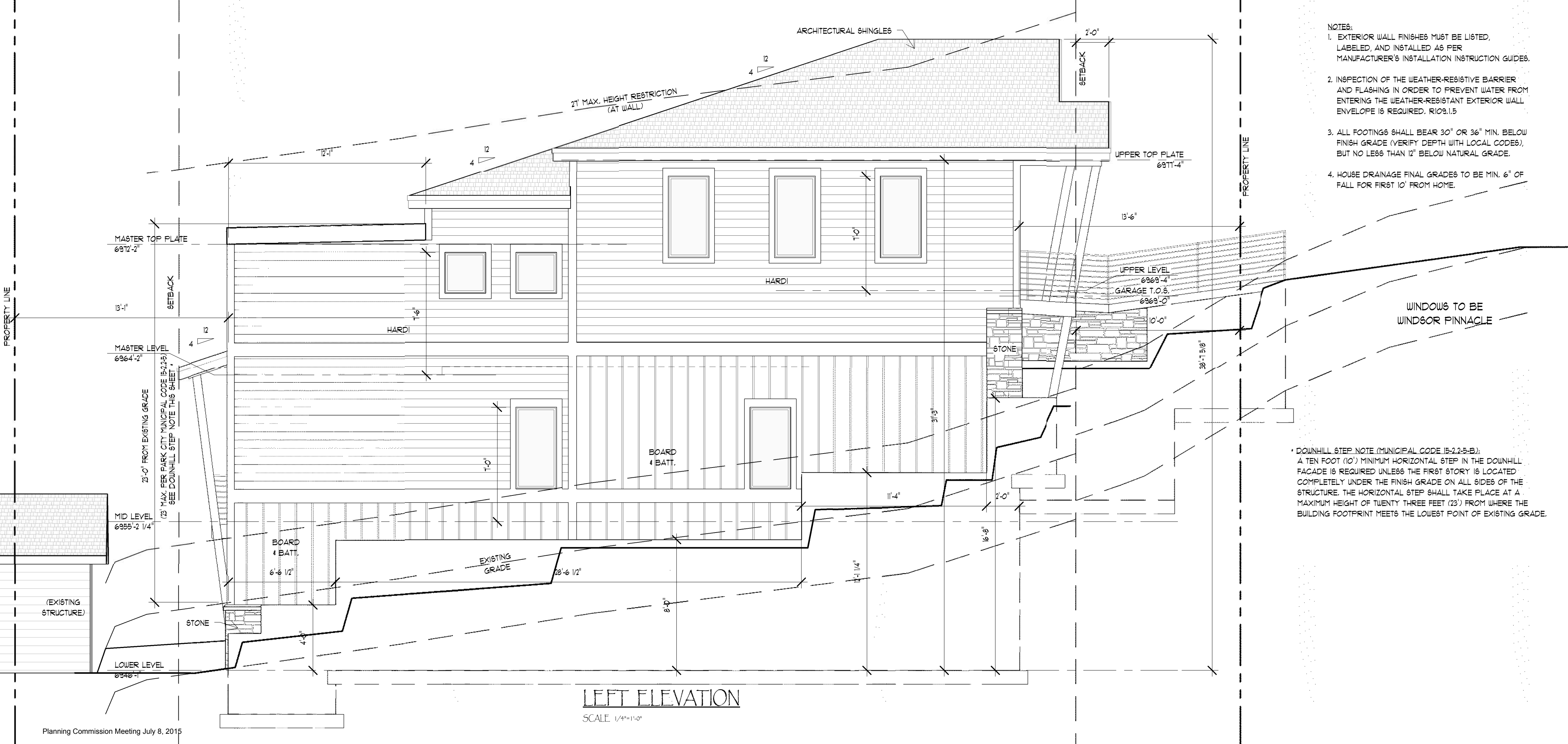
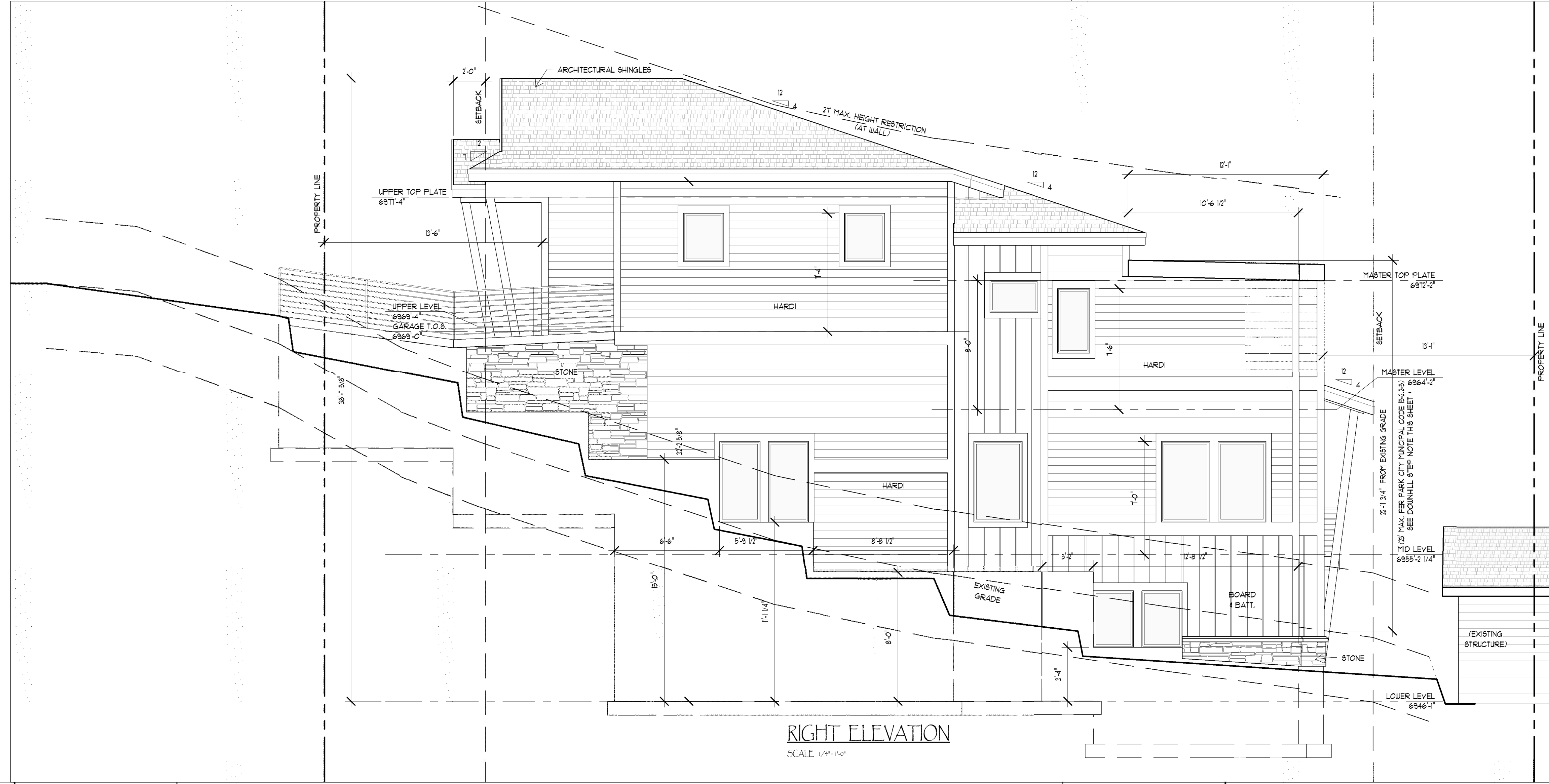
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- NOTES:
1. EXTERIOR WALL FINISHES MUST BE LISTED, LABELED, AND INSTALLED AS PER MANUFACTURER'S INSTALLATION INSTRUCTION GUIDES.
 2. INSPECTION OF THE WEATHER-RESISTIVE BARRIER AND FLASHING IN ORDER TO PREVENT WATER FROM ENTERING THE WEATHER-RESISTANT EXTERIOR WALL ENVELOPE IS REQUIRED. R103.1.5
 3. ALL FOOTINGS SHALL BEAR 30" OR 36" MIN. BELOW FINISH GRADE (VERIFY DEPTH WITH LOCAL CODES), BUT NO LESS THAN 12" BELOW NATURAL GRADE.
 4. HOUSE DRAINAGE FINAL GRADES TO BE MIN. 6" OF FALL FOR FIRST 10' FROM HOME.

* DOWNHILL STEP NOTE (MUNICIPAL CODE 15-2-2-3-B):
A TEN FOOT (10') MINIMUM HORIZONTAL STEP IN THE DOWNHILL FACADE IS REQUIRED UNLESS THE FIRST STORY IS LOCATED COMPLETELY UNDER THE FINISH GRADE ON ALL SIDES OF THE STRUCTURE. THE HORIZONTAL STEP SHALL TAKE PLACE AT A MAXIMUM HEIGHT OF TWENTY THREE FEET (23') FROM WHERE THE BUILDING FOOTPRINT MEETS THE LOWEST POINT OF EXISTING GRADE.

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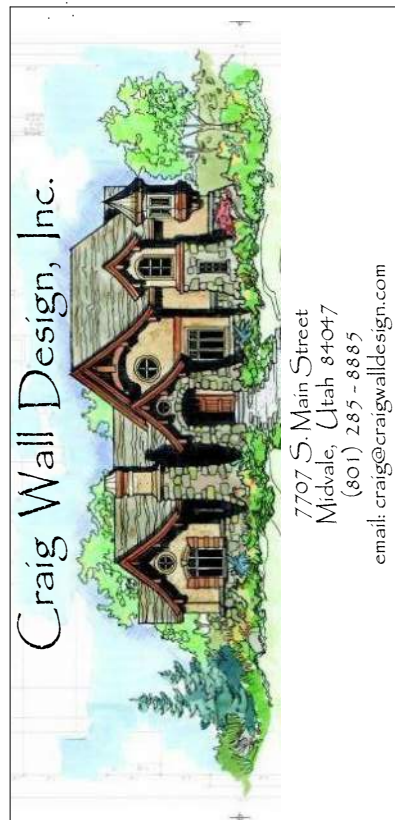
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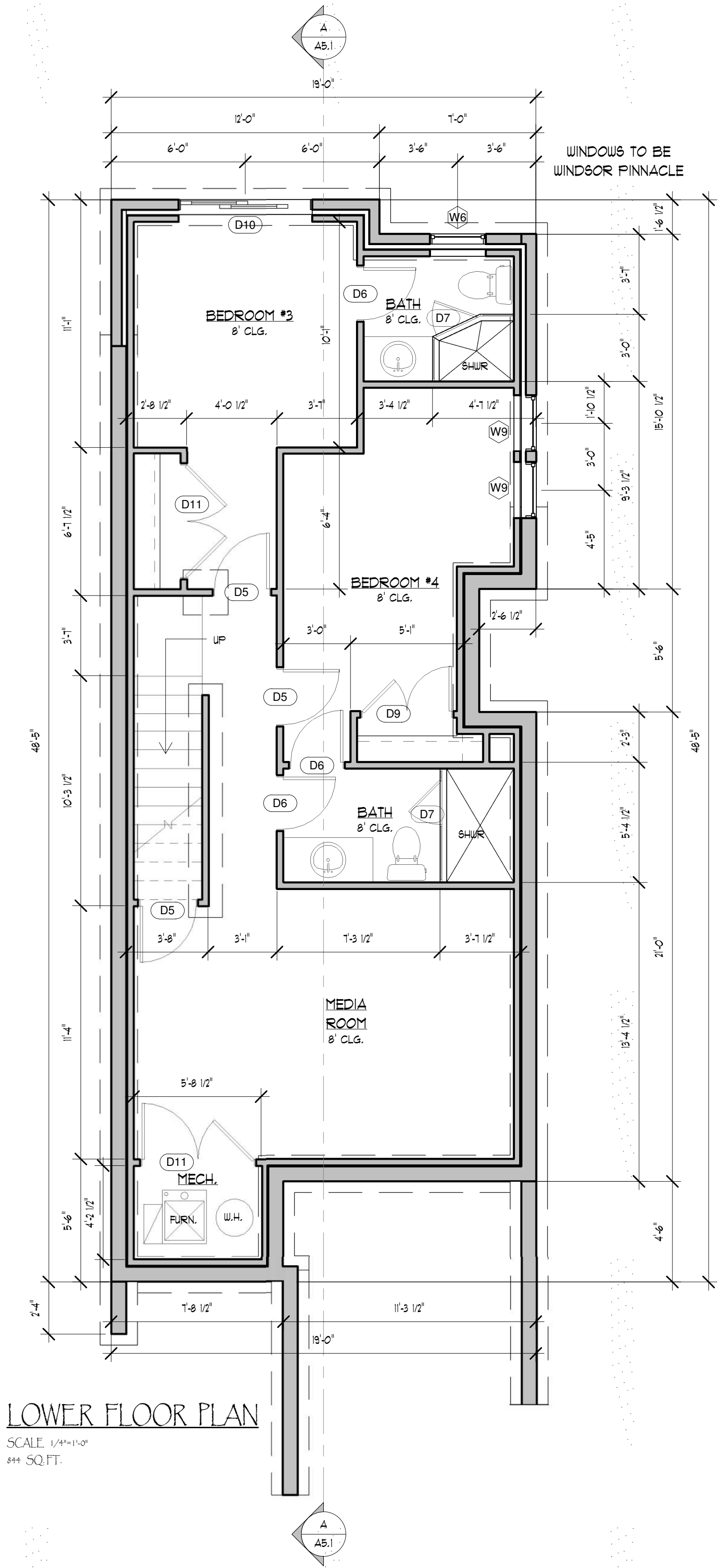
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Residence for Magnus Floden
Lot 20 Norfolk Ave.
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EXTERIOR ELEVATIONS



LOWER FLOOR/FOOTING & FOUNDATION PLAN

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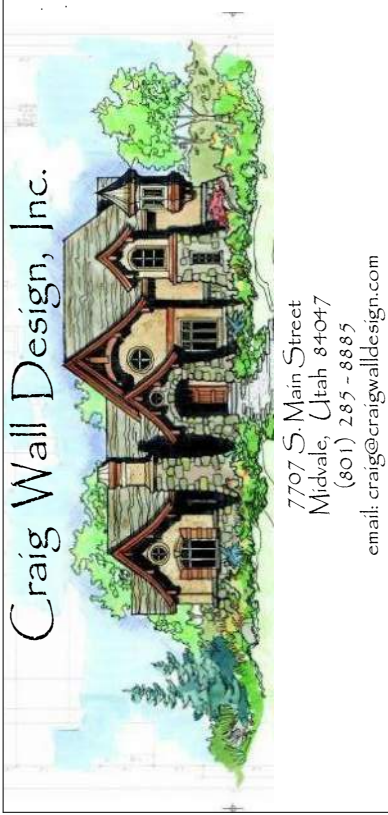
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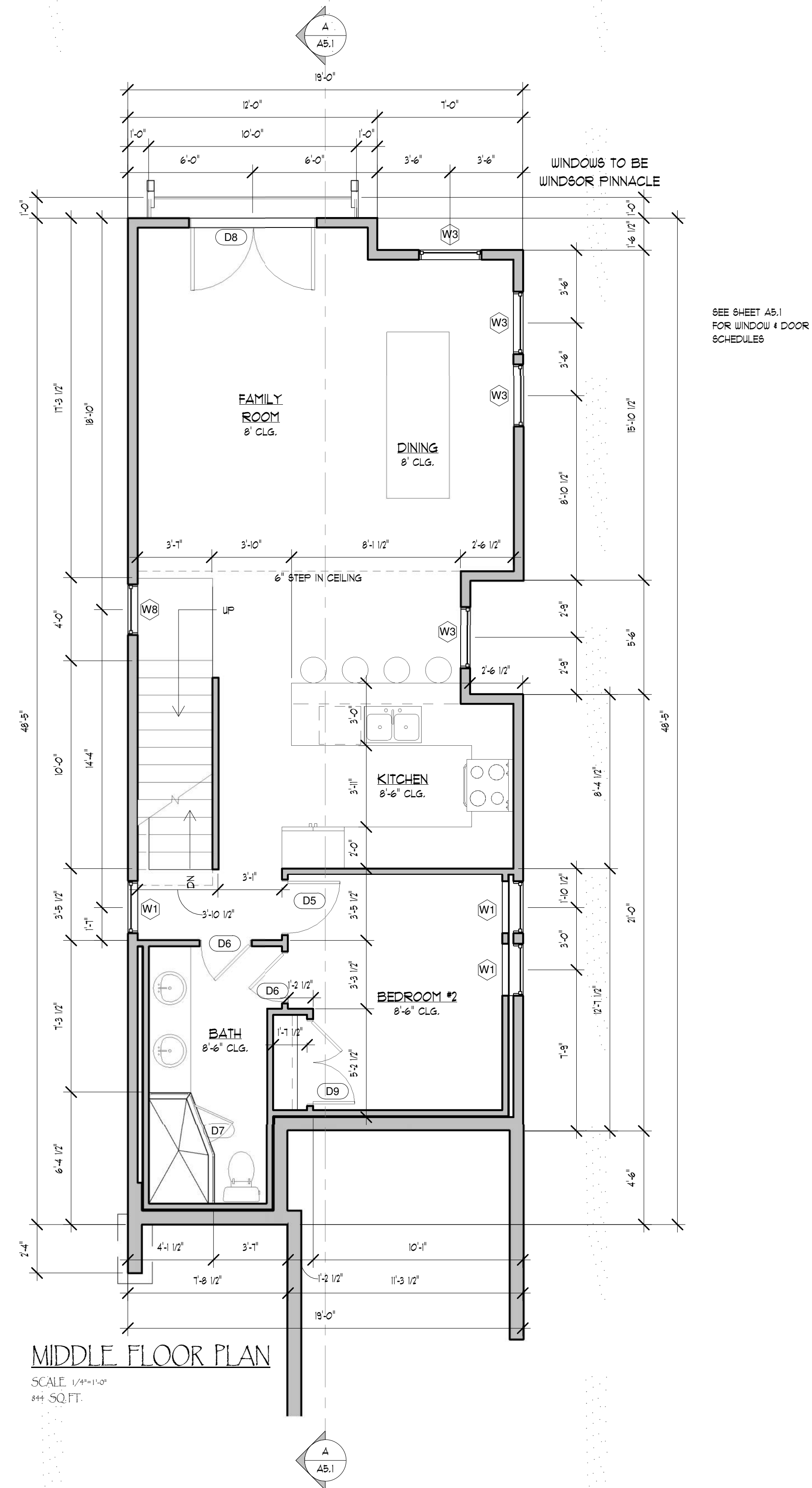


Residence for Magnus Floden

Lot 20 Norfolk Ave.
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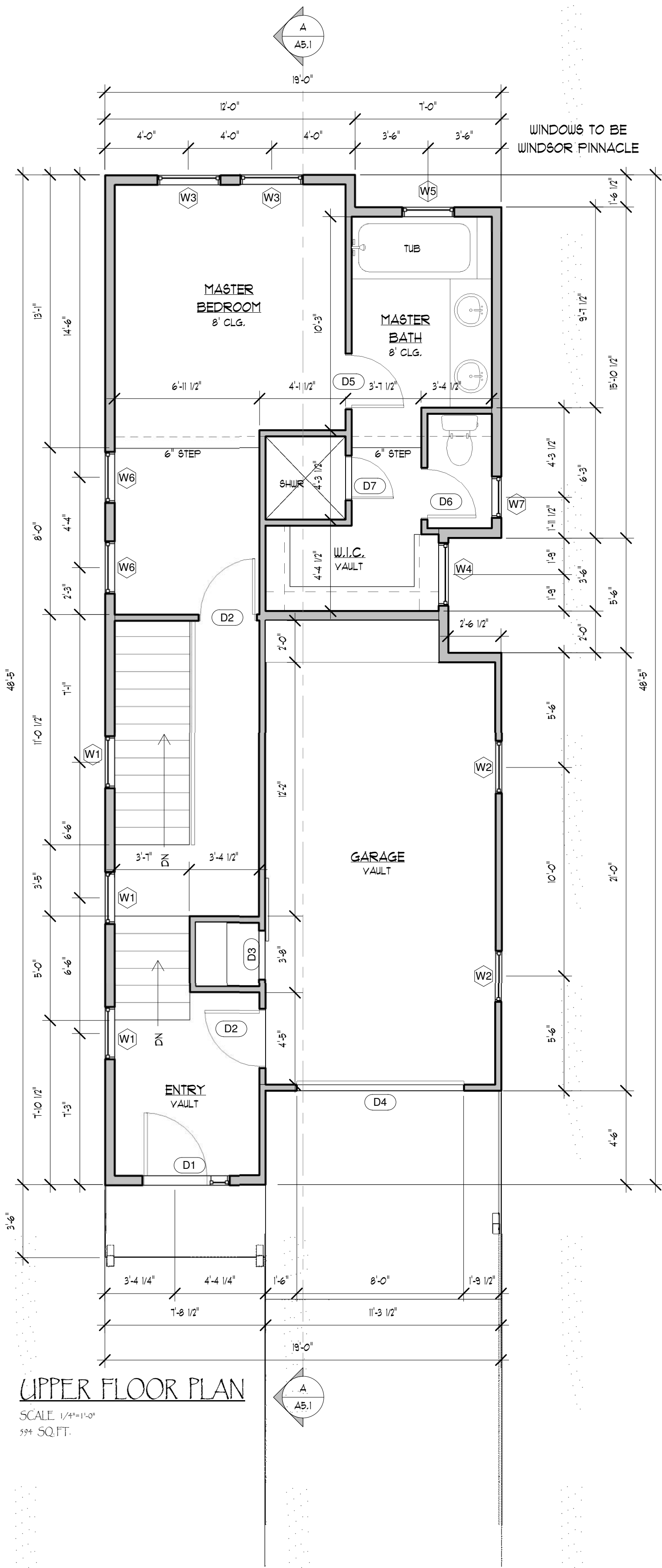
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Residence for Magnus Floden
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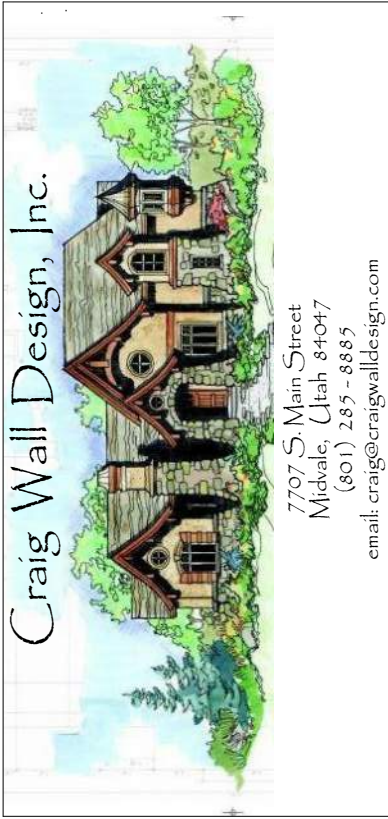


SEE SHEET A3.1
FOR WINDOW & DOOR
SCHEDULES

UPPER FLOOR PLAN

Residence for Magnus Floden

Lot 20 Norfolk Ave.
Park City, Utah



Notes

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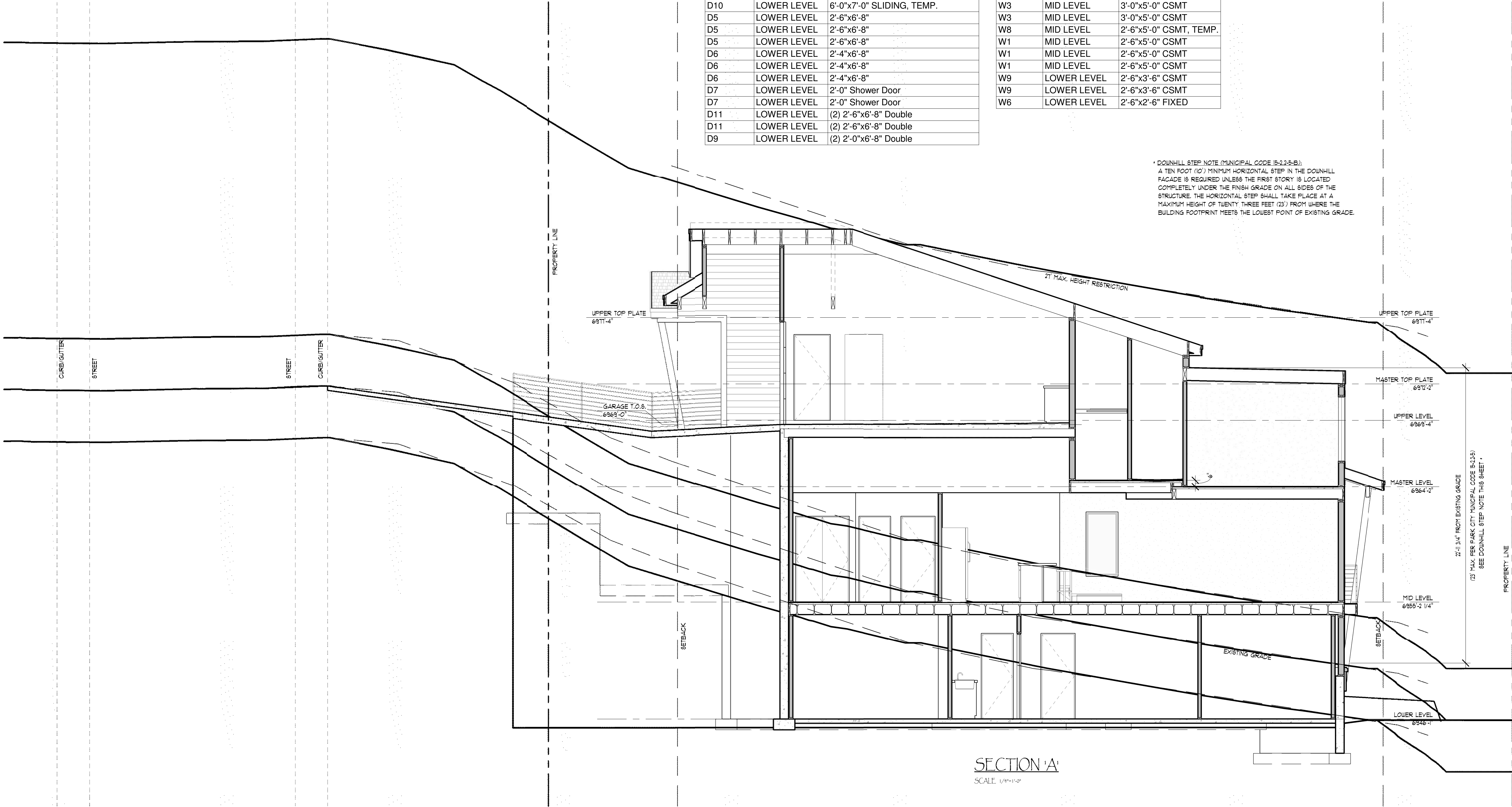
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Drawn By:	Engineered By:
J. Bailey	
Plan #:	Plan Name:
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Door Schedule		
Type Mark	Level	Type
D1	UPPER LEVEL	3'-0"x6'-8" w/ 12" SIDELITE, TEMP.
D2	UPPER LEVEL	2'-8"x6'-8"
D3	UPPER LEVEL	2'-4"x6'-8" Barn-Style Door
D4	GARAGE T.O.S.	8'-0"x8'-0" OVERHEAD
D2	MASTER LEVEL	2'-8"x6'-8"
D5	MASTER LEVEL	2'-6"x6'-8"
D6	MASTER LEVEL	2'-4"x6'-8"
D7	MASTER LEVEL	2'-0" Shower Door
D5	MID LEVEL	2'-6"x6'-8"
D6	MID LEVEL	2'-4"x6'-8"
D6	MID LEVEL	2'-4"x6'-8"
D7	MID LEVEL	2'-0" Shower Door
D8	MID LEVEL	(2) 3'-0"x7'-0" FRENCH, TEMP.
D9	MID LEVEL	(2) 2'-0"x6'-8" Double
D10	LOWER LEVEL	6'-0"x7'-0" SLIDING, TEMP.
D5	LOWER LEVEL	2'-6"x6'-8"
D5	LOWER LEVEL	2'-6"x6'-8"
D5	LOWER LEVEL	2'-6"x6'-8"
D6	LOWER LEVEL	2'-4"x6'-8"
D6	LOWER LEVEL	2'-4"x6'-8"
D6	LOWER LEVEL	2'-4"x6'-8"
D7	LOWER LEVEL	2'-0" Shower Door
D7	LOWER LEVEL	2'-0" Shower Door
D11	LOWER LEVEL	(2) 2'-6"x6'-8" Double
D11	LOWER LEVEL	(2) 2'-6"x6'-8" Double
D9	LOWER LEVEL	(2) 2'-0"x6'-8" Double

Window Schedule		
Type Mark	Level	Type
W1	UPPER LEVEL	2'-6"x5'-0" CSMT
W1	UPPER LEVEL	2'-6"x5'-0" CSMT
W1	UPPER LEVEL	2'-6"x5'-0" CSMT
W2	UPPER LEVEL	2'-6"x3'-0" FIXED
W2	UPPER LEVEL	2'-6"x3'-0" FIXED
W3	MASTER LEVEL	3'-0"x5'-0" CSMT
W3	MASTER LEVEL	3'-0"x5'-0" CSMT
W4	MASTER LEVEL	3'-0"x2'-0" FIXED
W5	MASTER LEVEL	2'-6"x4'-0" CSMT, TEMP.
W6	MASTER LEVEL	2'-6"x2'-6" FIXED
W6	MASTER LEVEL	2'-6"x2'-6" FIXED
W7	MASTER LEVEL	2'-0"x4'-0" CSMT
W3	MID LEVEL	3'-0"x5'-0" CSMT
W3	MID LEVEL	3'-0"x5'-0" CSMT
W3	MID LEVEL	3'-0"x5'-0" CSMT
W8	MID LEVEL	2'-6"x5'-0" CSMT, TEMP.
W1	MID LEVEL	2'-6"x5'-0" CSMT
W1	MID LEVEL	2'-6"x5'-0" CSMT
W1	MID LEVEL	2'-6"x5'-0" CSMT
W9	LOWER LEVEL	2'-6"x3'-6" CSMT
W9	LOWER LEVEL	2'-6"x3'-6" CSMT
W6	LOWER LEVEL	2'-6"x2'-6" FIXED

* DOWNHILL STEP NOTE (MUNICIPAL CODE 15-2-2-5-B):
A TEN FOOT (10') MINIMUM HORIZONTAL STEP IN THE DOWNHILL
FACADE IS REQUIRED UNLESS THE FIRST STORY IS LOCATED
COMPLETELY UNDER THE FINISH GRADE ON ALL SIDES OF THE
STRUCTURE. THE HORIZONTAL STEP SHALL TAKE PLACE AT A
MAXIMUM HEIGHT OF TWENTY THREE FEET (23') FROM WHERE THE
BUILDING FOOTPRINT MEETS THE LOWEST POINT OF EXISTING GRADE.



SECTIONS

Revision					
#	1	2	3	4	5

Drawn By:		Engineered By:		Plan Name:	
J. Bailey					

Notes

Each Sub-Contractor Shall Check And Understand All Dimensions, Notes And Other Aspects Of This Project Applicable To Their Trade And Affecting Other Trades Prior To And During Construction.

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Craig Wall Design, Inc.

100 S. Main Street
Norfolk, Utah 84401
(801) 253-8485
email: craig@craigalldesign.com

Residence for Magnus Floden

Lot 20 Norfolk Ave.
Park City, Utah

PRINT DATE
April 7, 2015

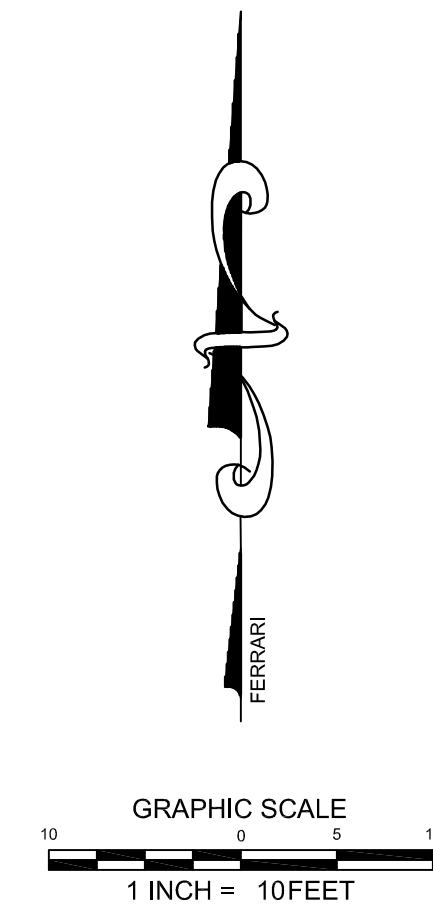
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Exhibit B: Existing Conditions Survey



RECORD OF SURVEY & TOPOGRAPHICAL MAP

LOTS 19 BLOCK 9, SNYDERS ADDITION TO PARK CITY
LOCATED IN THE NORTHWEST QUARTER OF SECTION 16
TOWNSHIP 2S RANGE 4E
SALT LAKE BASE AND MERIDIAN



SURVEYOR'S STATEMENT

I GREGORY J. FERRARI OF PARK CITY, UTAH, CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH, HOLDING LICENSE NO. 5406908. THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME, OR UNDER MY DIRECTION, OF THE HEREON DESCRIBED PROPERTY AND THAT TO THE BEST OF MY KNOWLEDGE IT IS A CORRECT REPRESENTATION OF THE LAND SURVEYED.

GREGORY J. FERRARI, P.L.S. 5046908 EXPIRES
MARCH 31, 2017

LEGEND:

	PROPERTY LINE		PROPERTY CORNER LS6164
	MAJOR CONTOUR		PROPERTY CORNER LSS046908
	MINOR CONTOUR		FIRE HYDRANT
	CENTER LINE		WATER VALVE
	ORIGINAL PLAT LOT LINE		WATER METER
	OVER HEAD UTILITY		SEWER MANHOLE
	FENCE		GAS VALVE
			TELEPHONE PEDESTAL
			STREET MONUMENT
			POWER POLE
			DRAINAGE INLET

PROJECT INFORMATION:

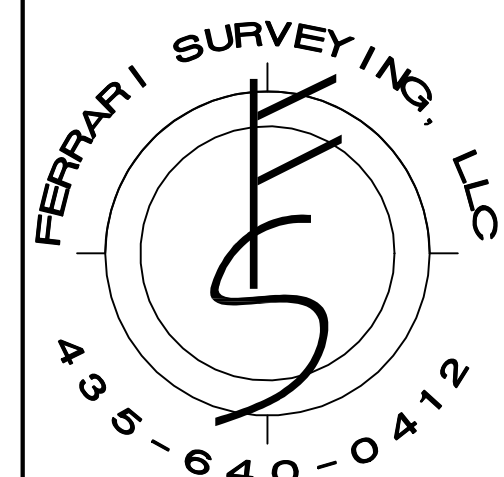
CLIENT:	MAGNUS FLODEN
PROJECT ADDRESS:	NORFOLK AVENUE PARK CITY, UT 84060
SERIAL NO:	LOT 20, BLOCK 9, SNYDER'S ADDITION TO PARK CITY

NOTES:

1. THE PURPOSE OF THIS SURVEY IS LOCATE THE BOUNDARIES OF THIS PROPERTY ON THE GROUND AND CREATE A TOPOGRAPHICAL MAP AT THE REQUEST OF MAGNUS FLODEN.
2. THE EVIDENCE OF BOUNDARY SHOWN HEREON IS TAKEN FROM RECORD INFORMATION COMPILED FROM SNYDERS ADDITION TO PARK CITY SUBDIVISION.
3. NO INVESTIGATION CONCERNING ENVIRONMENTAL & SUBSURFACE CONDITIONS, OR THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONTAINERS OR FACILITIES WHICH MAY AFFECT THE USE OR DEVELOPMENT OF THIS PROPERTY WAS MADE AS A PART OF THIS SURVEY.
4. NO INVESTIGATION CONCERNING THE LOCATION OF OR EXISTENCE OF UTILITY SERVICE LINES TO THIS PROPERTY WAS MADE AS A PART OF THIS SURVEY.
5. ALL UTILITY LOCATIONS SHOULD BE FIELD VERIFIED PRIOR TO ANY DESIGN OR CONSTRUCTION.
6. DATE OF FIELD WORK AUGUST 25, 2013.
7. VERTICAL DATUM IS BASED ON THE STREET MONUMENT AT 11TH & NORFOLK AVE. ELEVATION=6966.13'.
8. BUILDING SETBACKS MUST BE CONFIRMED WITH THE COUNTY, HOMEOWNER'S ASSOCIATION, ARCHITECTURAL COMMITTEE, OR SIMILAR ADVISORY GROUP, IF ANY.
9. THE OWNER OF THE PROPERTY SHOULD BE AWARE OF ANY ITEMS AFFECTING THE PROPERTY THAT MAY APPEAR IN A TITLE INSURANCE REPORT.
10. BASIS OF BEARING SHOWN HEREON.

LEGAL DESCRIPTION:

ALL OF LOT 19 IN BLOCK 9, SNYDERS ADDITION TO PARK CITY, A PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN.

[illegible]

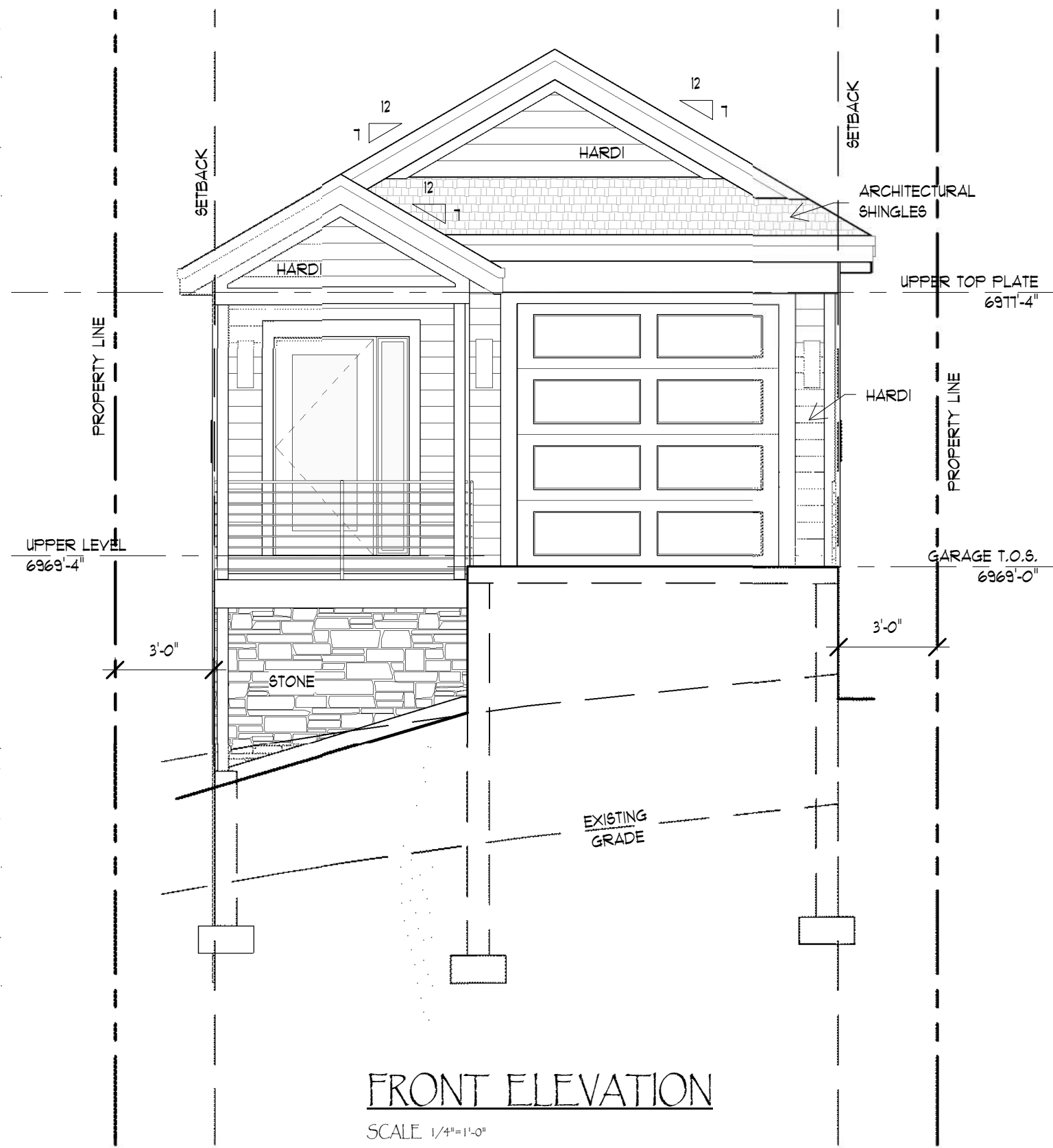
P.O.BOX 683001
PARK CITY, UT 84068

REUSE OF DOCUMENTS

THIS DOCUMENT & THE IDEAS & DESIGNS INCORPORATED HEREIN, AS AN INSTRUMENT OF PROFESSIONAL SERVICE, IS THE PROPERTY OF FERRARI SURVEYING & IS NOT TO BE USED, IN WHOLE OR IN PART, FOR ANY OTHER PROJECT WITHOUT THE WRITTEN AUTHORIZATION OF FERRARI SURVEYING.

RECORD OF SURVEY AND TOPOGRAPHICAL MAP
LOT 19
MAGNUS FLODEN
PARK CITY
SUMMIT COUNTY
UTAH

0  1 BAR IS ONE INCH ON ORIG. DRAWING IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY					
SURVEY BY: _____ GF-TM SURVEY DATE: _____ 8-25-14 DESIGN BY: _____ GF DRAFTING BY: _____ GF CHECKED BY: _____ GF					
XREFS: _____ XREF1 _____ _____ XREF2 _____ _____ SA-30NORFLOK _____					
DATE: _____ 9-3-14					
SCALES: <table border="0"> <tr> <td> 1:10 HORIZONTAL </td> <td> 1 OF </td> </tr> <tr> <td> 2"=CONTOURS VERTICAL </td> <td> 1 PROJECT NO: _____ </td> </tr> </table>		1:10 HORIZONTAL	1 OF	2"=CONTOURS VERTICAL	1 PROJECT NO: _____
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LOT 20 NORFOLK AVENUE
FRONT ELEVATION AND CONTEXT PHOTO



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Drawn By: J. Bailey	Engineered By:
Plan #:	Plan Name:

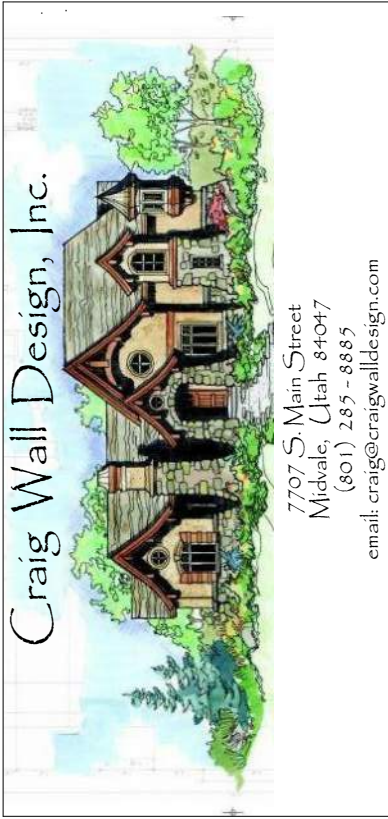
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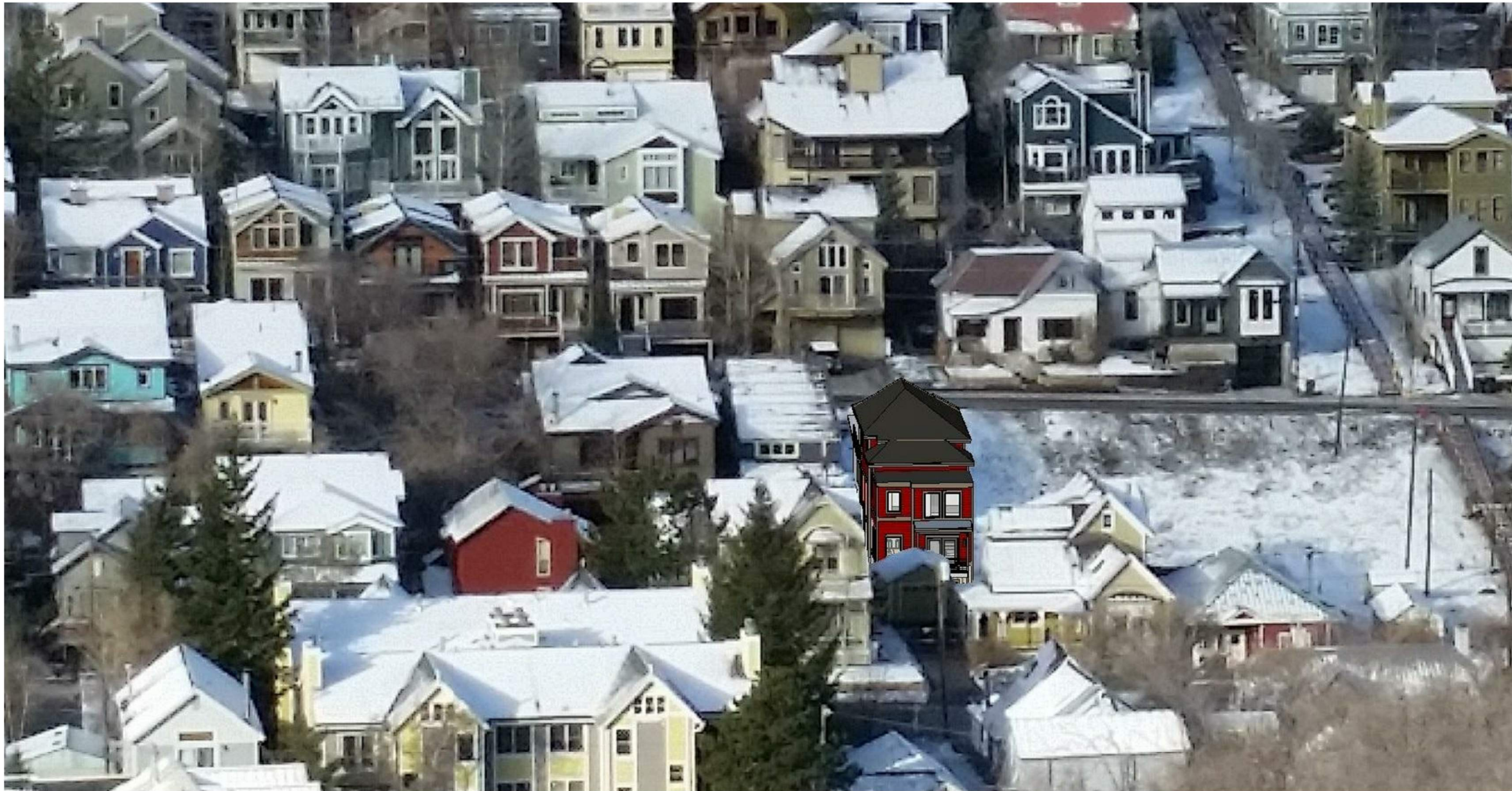
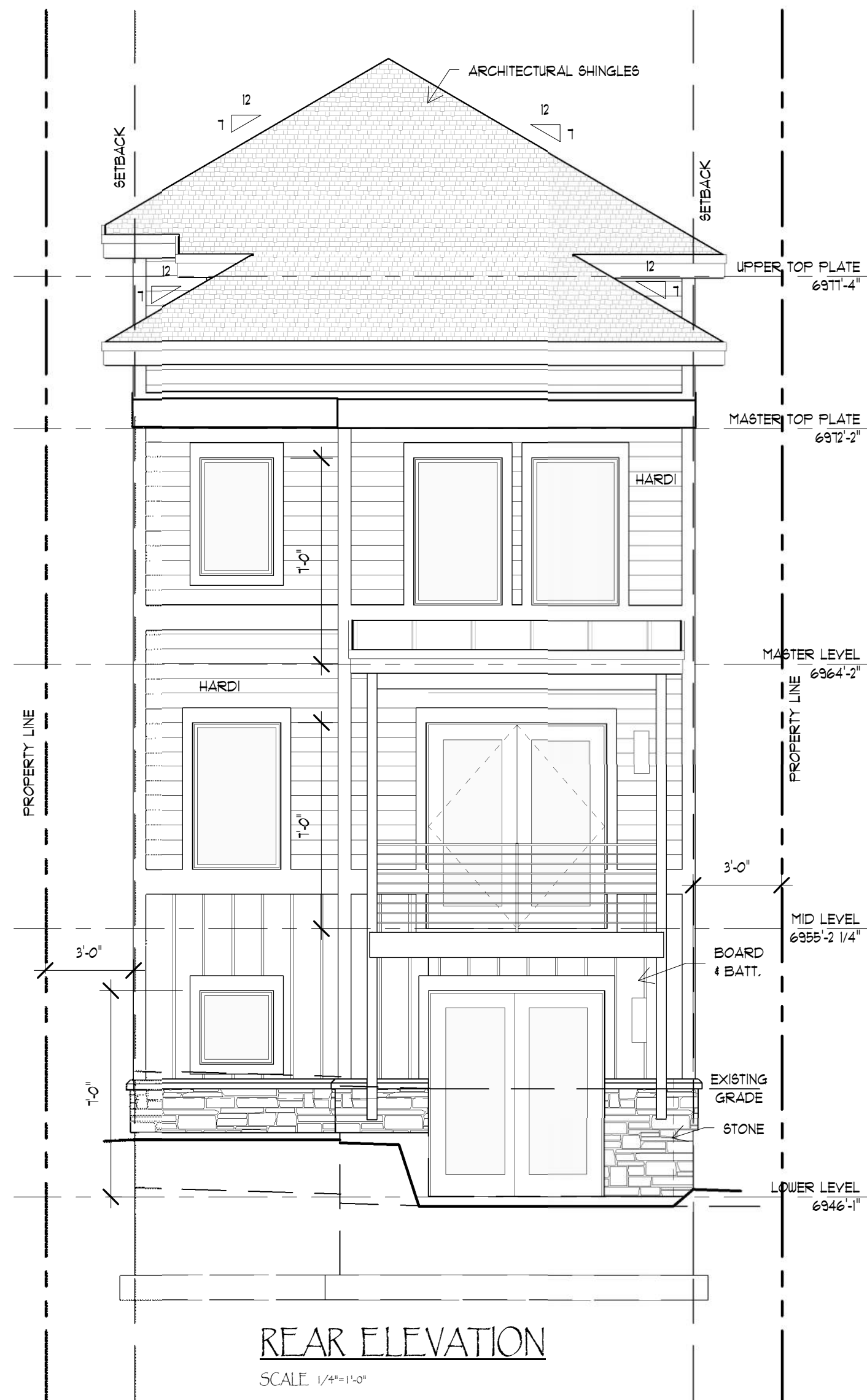
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Residence for Magnus Floden
Lot 20 Norfolk Ave.
Park City, Utah

PRINT DATE April 7, 2015
SHEET A6.0

STREETSCAPE/CONTEXT PHOTO



LOT 20 NORFOLK AVENUE
REAR ELEVATION AND CONTEXT PHOTO

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Drawn By:	Engineered By:
J. Bailey	
Plan #:	Plan Name:

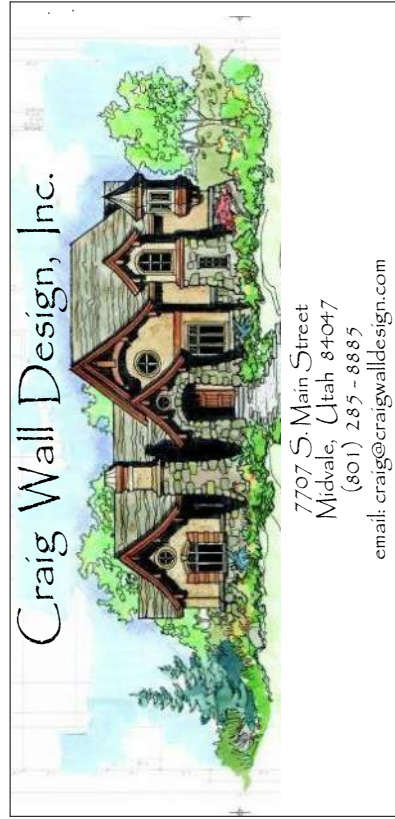
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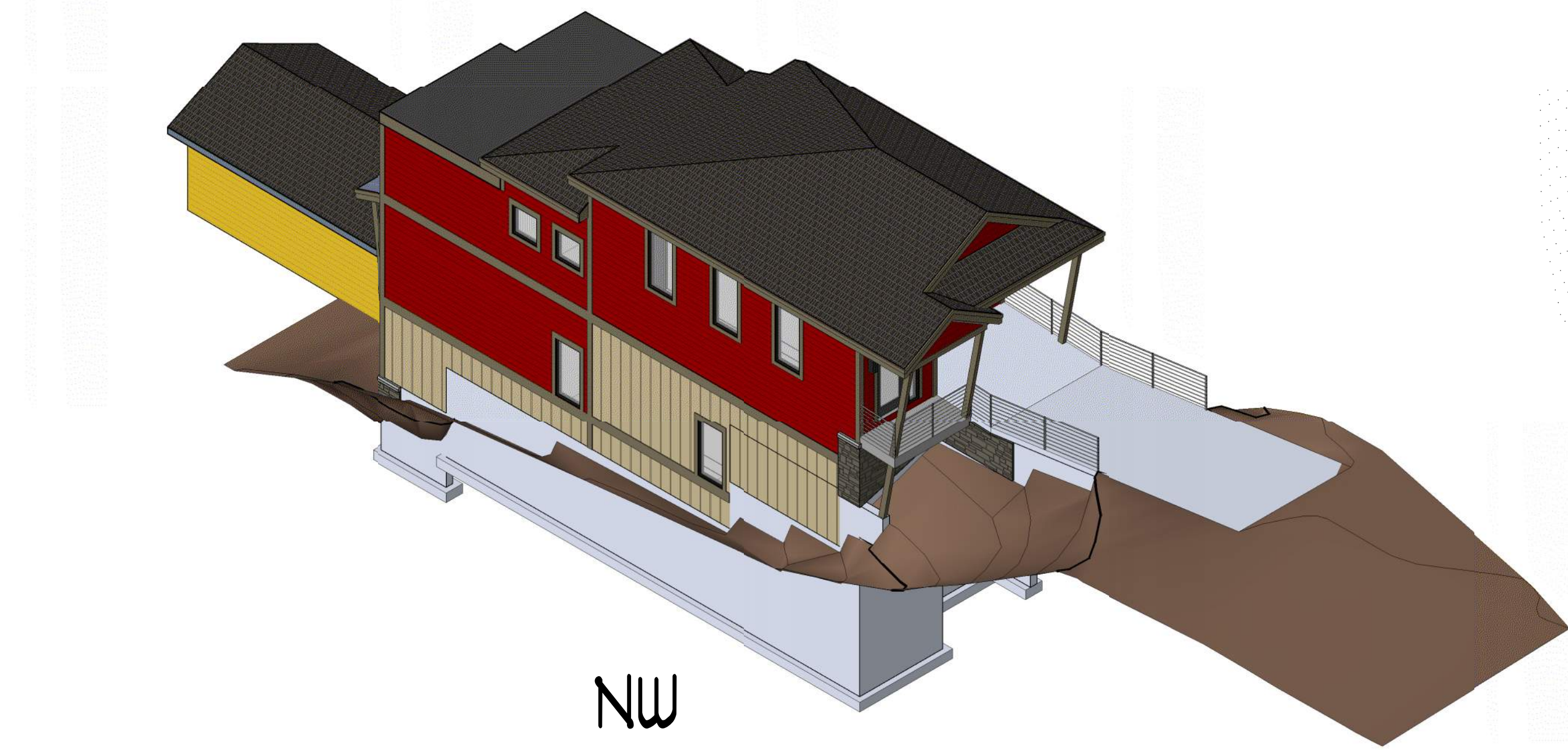
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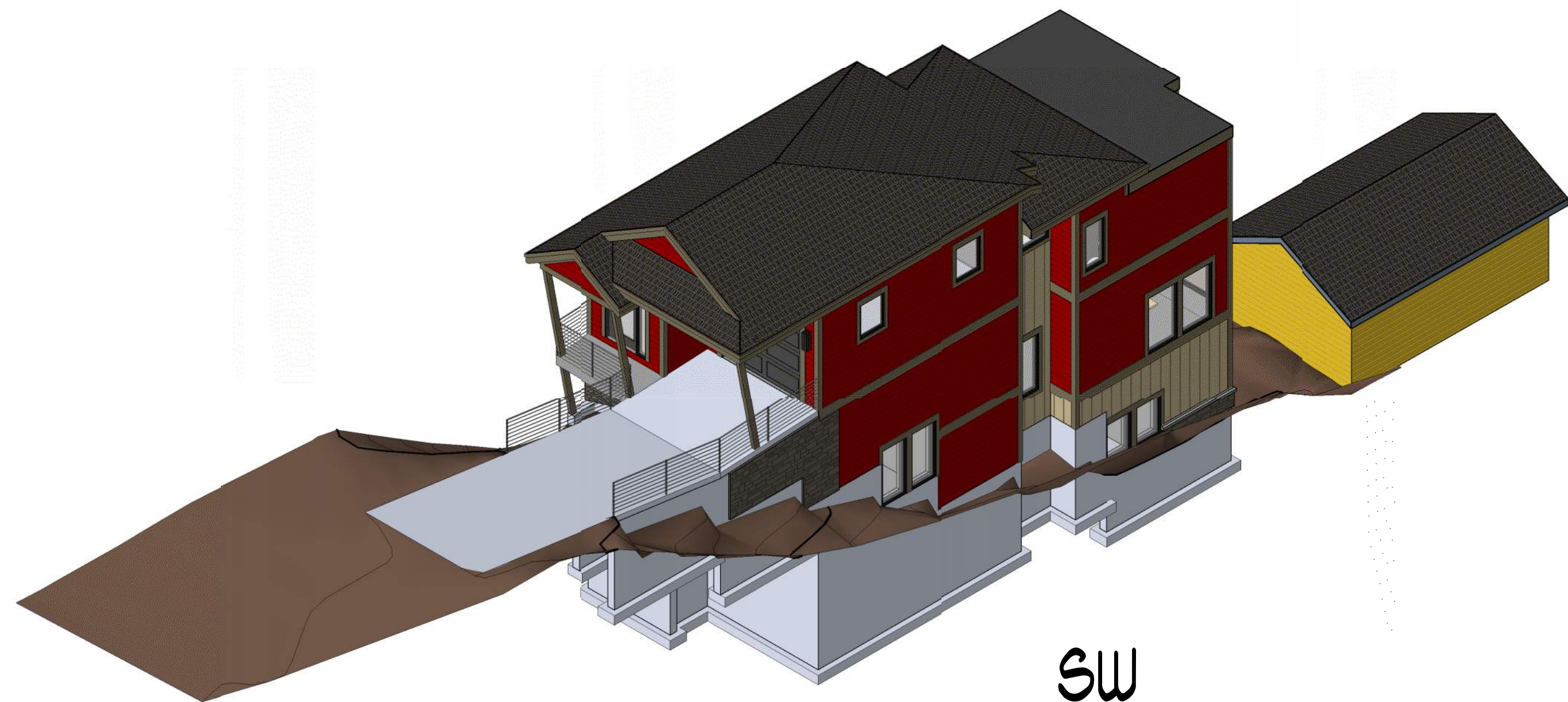
Residence for Magnus Floden
Lot 20 Norfolk Ave. Park City, Utah

PRINT DATE April 7, 2015
SHEET A6.1

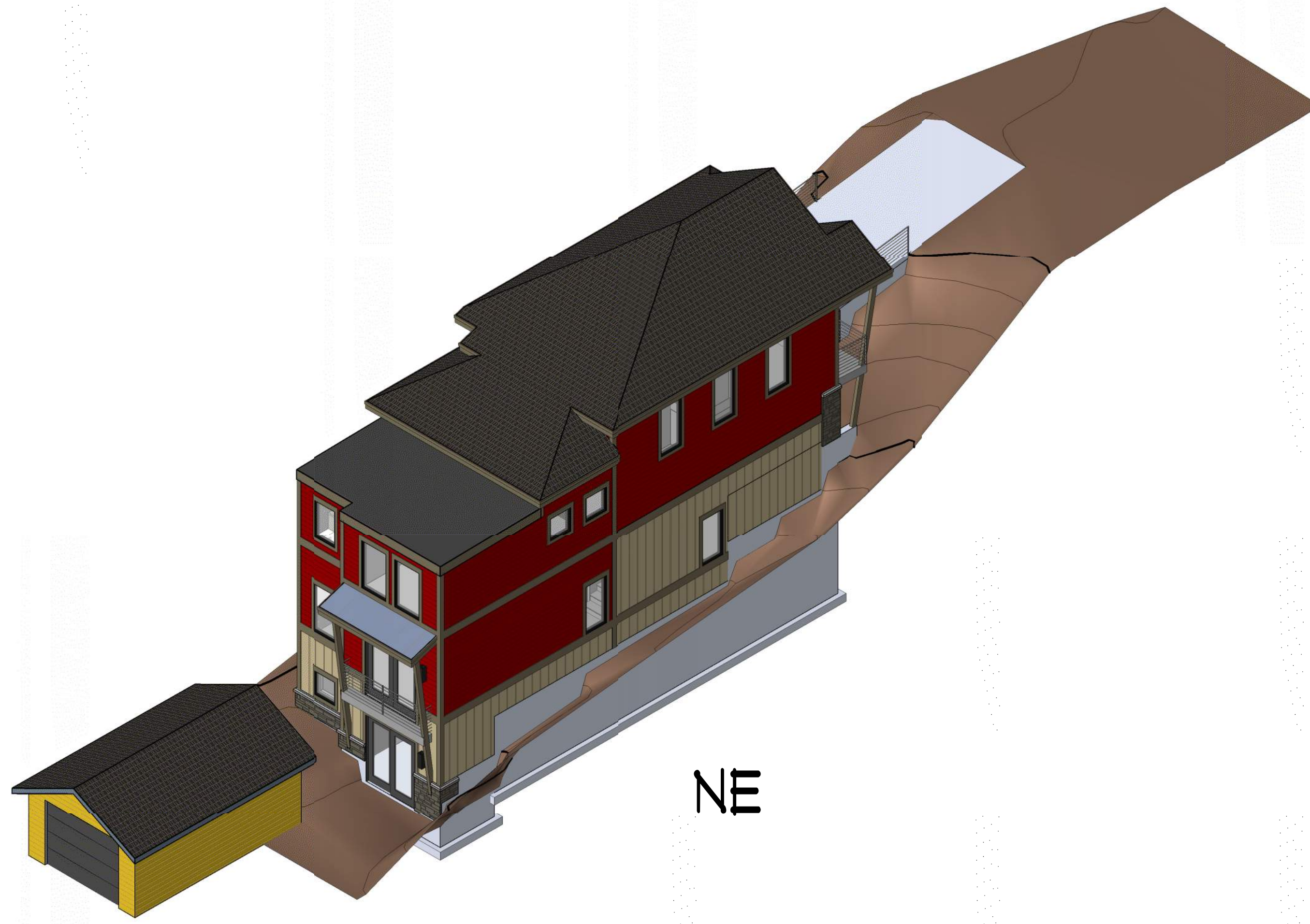
REAR CONTEXT PHOTO



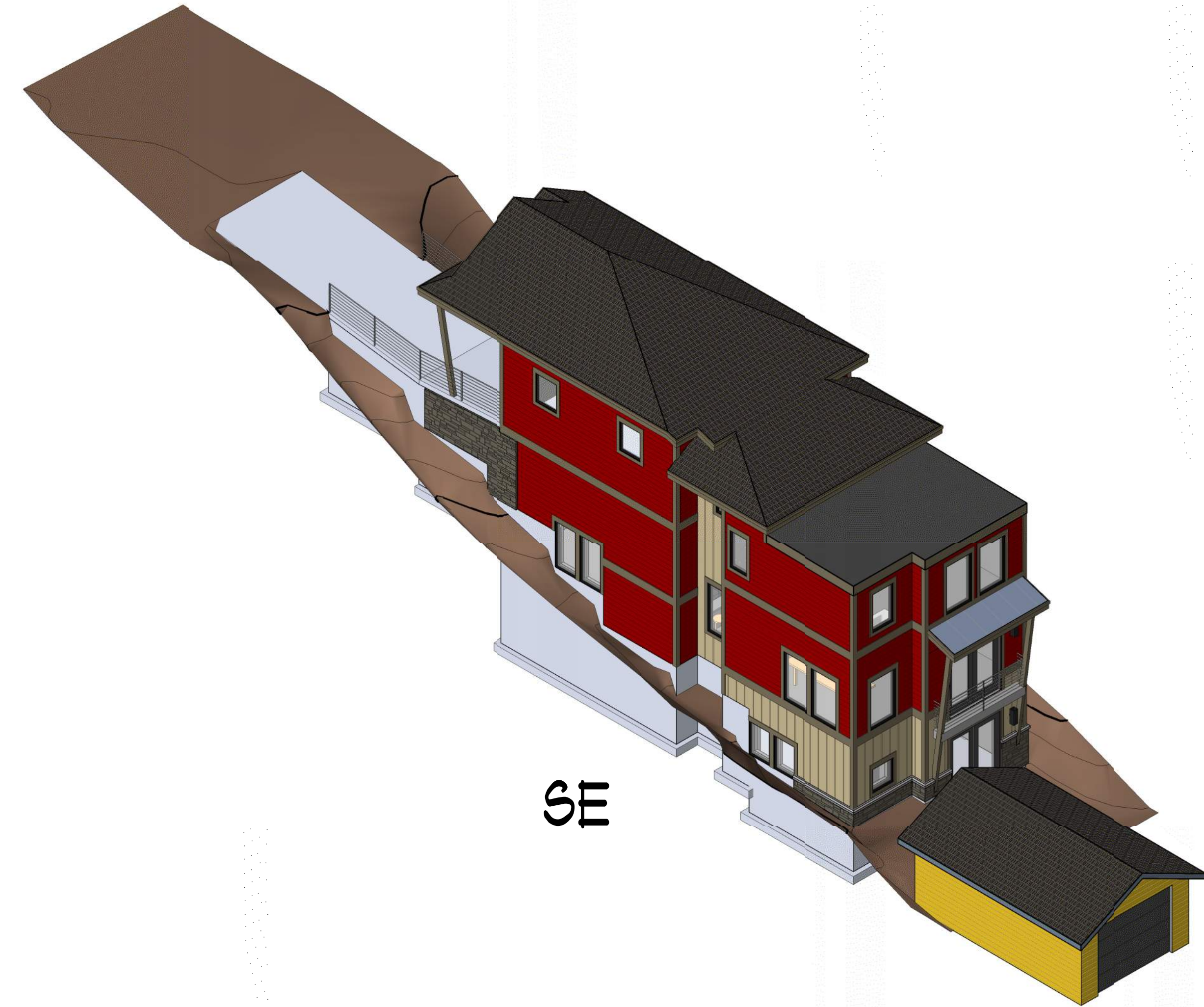
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Drawn By: J. Bailey
 Engineered By: _____
 Plan #: _____
 Plan Name: _____

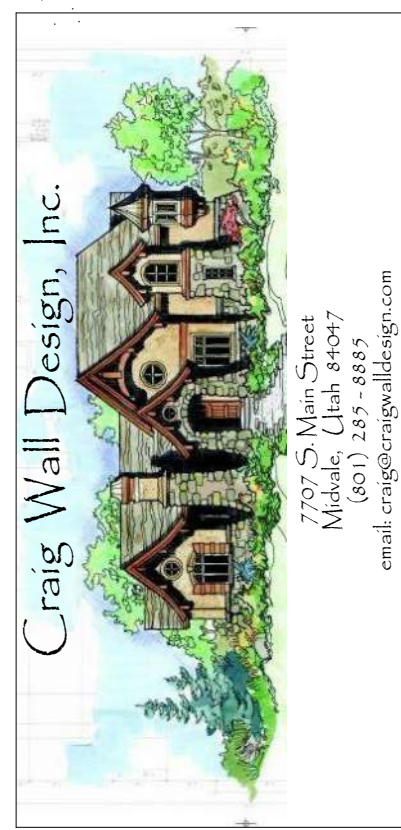
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Residence for Magnus Floden
 Lot 20 Norfolk Ave.
 Park City, Utah

PRINT DATE
 April 7, 2015
 SHEET
A6.2

MASSING AXONOMETRICS









Planning Commission Staff Report



Subject: Seventh Supplemental Plat for Belles at Empire Pass Units 15 and 16
Author: Kirsten A Whetstone, MS, AICP- Senior Planner
Date: July 8, 2015
Type of Item: Administrative – Supplemental Plat (condominium plat amendment)
Project Number: PL-15-02775

PLANNING DEPARTMENT

Summary Recommendations

Staff recommends that the Planning Commission hold a public hearing for the Seventh Supplemental Plat for Constructed Units for the Belles at Empire Pass Condominium plat amending Units 15 and 16 and consider forwarding a positive recommendation to City Council based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Staff reports reflect the professional recommendation of the Planning Department. The Planning Commission, as an independent body, may consider the recommendation but should make its decisions independently.

Topic

Applicant: Belles at Empire Pass HOA and owner of Units 15 and 16
Location: 52 and 58 Silver Strike Trail
Zoning: Residential Development (RD) as part of the Village at Empire Pass MPD
Adjacent Land Uses: Single family condominium units, multi-family condominium units, development parcels of the Village at Empire Pass MPD, ski trails and open space.
Reason for Review: Plat amendments require Planning Commission review and a recommendation with final action by the City Council.

Proposal

The purpose of this application is to plat as-built conditions of constructed Units 15 and 16 and to identify common, limited common and private areas for these Units, as stipulated by the underlying Silver Strike Subdivision plat and the Amended, Consolidated, and Restated Condominium plat of The Belles at Empire Pass condominium plat. A condition of approval of this underlying condominium plat requires that upon completion of the condominium units, a supplemental condominium plat identifying as-built conditions, shall be approved by the City Council and recorded at Summit County as a condition precedent to issuance of a final certificate of occupancy.

Purpose

The purpose of the Residential Development RD District is to:

- A. Allow a variety of Residential Uses that are Compatible with the City's Development objectives, design standards, and growth capabilities,
- B. Encourage the clustering of residential units to preserve natural Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of municipal services,
- C. Allow commercial and recreational activities that are in harmony with residential neighborhoods,
- D. Minimize impacts of the automobile on architectural design,
- E. Promote pedestrian connections within Developments and between adjacent Areas; and
- F. Provide opportunities for variation in architectural design and housing types.

Background

On May 19, 2015, the City received a complete application for this plat to memorialize as-built conditions for Units 15 and 16 of the Amended, Consolidated, and Restated Condominium plat of The Belles at Empire Pass condominium plat that was approved by City Council on March 24, 2011 and recorded at Summit County on November 28, 2011. This supplemental plat is a requirement of the underlying condominium plat.

On June 24, 1999, the City Council adopted Ordinance 99-30 and Resolution 20-99 approving the annexation and development agreement for the 1,655 acre Flagstaff Mountain area. Resolution 20-99 granted the equivalent of a "large-scale" master planned development (MPD) and set forth the types and locations of land use; maximum densities; timing of development; development approval process; as well as development conditions and amenities for each parcel.

On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass, aka Pod A. The MPD identified an area of Pod A as the location for 18 detached single-family homes, similar to the Paintbrush units currently under construction in other parts of Empire Pass. The Development Agreement allowed a total of 60 units (single detached or duplex) within the annexation area and the rest of the units being multi-family (stacked-flat or tri-plex or greater attached). The Belles at Empire Pass condominiums (formerly known as Christopher Homes) utilize 17 of the 60 allocated PUD style units for the Flagstaff Development area.

On June 29, 2006, the City Council approved the Silver Strike Subdivision creating two lots of record within Pod A. Lot 1 is 4.37 acres in size while lot 2 contains 1.99 acres. The plat was recorded on December 1, 2006. The subject units, Units 15 and 16 of the

Belles at Empire Pass are located on Lot 1 of the Silver Strike Subdivision and were originally platted as part of the Christopher Homes condominium plat.

March 24, 2011, the City Council approved the Amended, Consolidated, and Restated Condominium Plat of The Belles at Empire Pass amending, consolidating, and restating the previously recorded Christopher Homes at Empire Pass condominium plats phases I, II, III, and IV. Also on March 24, 2011, the City Council approved the First Supplemental Plat for Constructed Units 1, 2, and 12 of the Belles at Empire Pass Condominiums. These plats were recorded November 28, 2011. A condition of approval of the Amended, Consolidated, and Restated Condominium plat of The Belles at Empire Pass plat requires that upon completion of the condominium units, a supplemental condominium plat identifying as built conditions, shall be approved by the City Council and recorded at Summit County as a condition precedent to issuance of a final certificate of occupancy.

All conditions of the underlying approvals, namely the Village at Empire Pass MPD; Silver Strike Subdivision; and the Amended, Consolidated, and Restated Belles at Empire Pass condominium plat continue to apply and are reflected as conditions of approval and plat notes on this proposed supplemental plat (Exhibit A).

On June 28, 2012, the City Council approved the Second Supplemental Plat for Constructed Unit 9. This plat was recorded on November 20, 2012. There are been four supplemental plats recorded since November 20, 2012 to memorialize construction of all Belles Units constructed to date. Remaining Units include Units 3, 13, and 14.

Analysis

This request for a Seventh Supplemental plat for Constructed Units at The Belles at Empire Pass amends Units 15 and 16 and documents the final as built conditions in accordance with the Utah Condominium Act. The zoning is Residential Development (RD-MPD); subject to the Village at Empire Pass MPD and underlying plats.

The Silver Strike subdivision restricts each unit to a maximum house size of 5,000 square feet of Gross Floor Area as defined in the LMC, excluding 600 square feet for garage area and any basement area that is below final grade.

The Flagstaff Development Agreement requires calculation of unit equivalents (UE) for these units, in addition to maximum house size. The UE formula includes all interior square footage "calculated from the inside surfaces of the interior boundary wall of each completed unit, excluding all structural walls and components, as well as all shafts, ducts, flues, pipes, conduits and the wall enclosing such equipment. Also excluded from the UE square footage are garage space up to 600 square feet per unit and all space designated as non-habitable." Basement area is included in the UE calculations.

A total of 90,000 square feet (45 UE) were approved for the Belles at Empire Pass area (formerly known as the Christopher Homes at Empire Pass condominiums). Within the Flagstaff Development Agreement one residential unit equivalent equals two thousand

square feet of Gross Floor Area, including the basement area. Units 15 and 16 meet the maximum house size requirement in both Gross Floor Area and Unit Equivalent calculation as noted above. Unit 15 contains 4,988.8 sf of Gross Floor Area, excluding basement area and 600 sf garage area and accounts for 3.31 UEs based on the Total Floor area of 6,626.8 sf (includes basement area but not garage area). Unit 16 contains 4,977.8 sf of Gross Floor Area, excluding basement area and 600 sf garage area and accounts for 3.45 UEs based on the Total Floor area of 6,901.8 sf (includes basement area but not garage area). The twelve (12) units platted to date (Units 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 17) utilize 31.07 Unit Equivalents (UE). Adding Units 15 and 16 brings the current total to 37.83 UE (See Exhibit E- UE Chart for the Belles Condominiums).

Site development parameters are as follows:

	Permitted	Approved
Height	28' (+5' for pitched roof)	33' max with pitched roof. No height exception. <u>Units 15 and 16 comply.</u>
Front setback	20', 25' to front facing garage	20' minimum to house 25' minimum to garage. <u>Units 15 and 16 comply.</u>
Rear setback	Setbacks are per the Building Code and MPD (MPD allows zero setback)	10' minimum from Lot boundary. <u>Units 15 and 16 comply.</u>
Side setbacks	Setbacks are per the Building Code and MPD (MPD allows zero setbacks).	10' minimum from Lot boundaries allowed by MPD. <u>Units 15 and 16 comply.</u>
Parking	Two spaces required	2 per unit. <u>Units 15 and 16 comply.</u>
Maximum house size (based on the Silver Strike subdivision and defined per the Land Management Code)	5,000 sf (Gross Floor Area excludes basement area, below final grade, and 600 sf of garage area).	Unit 15 contains 4,988.8 sf Gross Floor Area Unit 16 contains 4,977.8 sf Gross Floor Area <u>Units 15 and 16 comply.</u>
Unit Equivalent (based on the Village at Empire Pass MPD)	Maximum of 45 UE for all of the Belles Condominiums. Gross floor area for UE calculations excludes 600 sf garage and any uninhabitable space, i.e. crawl space, attics, etc. Includes basement area.	Unit 15 – 6626.8 sf which is 3.31 UE. Unit 16 – 6,901.8 sf which is 3.45 UE. <u>Units 15 and 16 comply.</u> Total of all platted units to date is 37.83 UE (All Units except 3, 13, and 14)

Good Cause

Staff finds good cause for this record of survey amendment as it memorializes and documents as-built conditions and UE calculations for this unit. Units 15 and 16 comply with the conditions of approval of the underlying plats, namely the Silver Strike subdivision plat and the Amended, Consolidated, and Restated Condominium plat of The Belles at Empire Pass. In addition the units are consistent with the development pattern envisioned in the Village at Empire Pass MPD and the 14 Technical Reports.

Department Review

This project has gone through interdepartmental review by the Development Review Committee on June 9, 2015. An issue regarding a sewer lateral and sewer easement was raised by the Snyderville Basin Water Reclamation District that will be addressed prior to final plat recordation.

Notice

On June 24, 2015, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record on June 20, 2015.

Public Input

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

Process

Approval of this application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18. A Building Permit is publicly noticed by posting of the permit.

Alternatives

- The Planning Commission may recommend that the City Council approve the application for the Seventh Supplemental plat for Constructed Units at The Belles at Empire Pass for Units 15 and 16, as conditioned or amended, or
- The Planning Commission may recommend that the City Council deny the application and direct staff to make Findings for this decision, or
- The Planning Commission may continue the discussion and provide Staff and the Applicant with specific direction regarding additional information necessary to make a recommendation on this item.

Significant Impacts

There are no significant fiscal or environmental impacts from this application. Water and sewer impact fees, and other fees associated with increased floor area, are evaluated during the building permit process and collected prior to issuance of any building permits.

Consequences of not taking the Suggested Recommendation

No certificate of occupancy for the Units may be granted until the plat is recorded.

Recommendation

Staff recommends that the Planning Commission hold a public hearing for the Seventh Supplemental Plat for Constructed Units for the Belles at Empire Pass Condominium plat amending Units 15 and 16 and consider forwarding a positive recommendation to City Council based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance

Exhibits

Ordinance

Exhibit A- Seventh Supplemental plat for Belles Units 15 and 16

Exhibit B- Amended, Consolidated, and Restated Condominium Plat of the Belles at Empire Pass- recorded plat

Exhibit C- Aerial Photo

Exhibit D- Existing conditions and topography

Exhibit E- UE Chart

Ordinance No. 15-

**AN ORDINANCE APPROVING THE SEVENTH SUPPLEMENTAL PLAT FOR
CONSTRUCTED UNITS AT THE BELLES AT EMPIRE PASS CONDOMINIUMS
AMENDING UNITS 15 AND 16, LOCATED AT 52 AND 58 SILVER STRIKE TRAIL,
PARK CITY, UTAH.**

WHEREAS, the owners of the property known as The Belles at Empire Pass Condominium Units 15 and 16, have petitioned the City Council for approval of the Seventh Supplemental plat for Constructed Units at the Belles at Empire Pass, a Utah Condominium project; and

WHEREAS, on June 24, 2015 the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was published in the Park Record on June 20, 2015, and notice letters were sent to all affected property owners on June 24, 2015, in accordance with the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on July 8, 2015, to receive input on the supplemental plat;

WHEREAS, the Planning Commission, on July 8, 2015, forwarded a recommendation to the City Council; and,

WHEREAS, on July 30, 2015, the City Council held a public hearing on the amended record of survey plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Seventh Supplemental plat for Constructed Units at the Belles at Empire Pass, a Utah Condominium project to document the as-built conditions and constructed Unit Equivalents for constructed Units 15 and 16.

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 Seventh Supplemental plat for Constructed Units at the Belles at Empire Pass, a Utah Condominium project, 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, Units 15 and 16 of the Amended, Consolidated, and Restated Condominium Plat of The Belles at Empire Pass and associated common area, are located at 52 and 58 Silver Strike Trail. The property is located on portions of Lot 1

of the Silver Strike subdivision and is within Pod A of the Flagstaff Mountain Development, in an area known as the Village at Empire Pass.

2. The property is located within the RD –MPD zoning district and is subject to the Flagstaff Mountain Development Agreement and Village of Empire Pass MPD.
3. The City Council approved the Flagstaff Mountain Development Agreement and Annexation Resolution 99-30 on June 24, 1999. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum densities, location of densities, and developer-offered amenities.
4. On July 28, 2004, the Planning Commission approved a Master Planned Development (MPD) for the Village at Empire Pass, aka Pod A. The MPD identified the area of the proposed condominium plat as the location for 18 PUD –style detached single family homes and duplexes.
5. On June 29, 2006, the City Council approved the Silver Strike Subdivision creating two lots of record. Units 15 and 16 are located on a portion of Lot 1 of the Silver Strike Subdivision.
6. On August 17, 2007, the City Council approved 4 units on Lot 2 as the Christopher Homes at Empire Pass Phase I condominium plat. The plat was recorded at Summit County on October 3, 2007.
7. On November 29, 2007, the City Council approved the first amended Christopher Homes at Empire Pass Phase II condominium plat creating an additional 4 units on Lot 2. The plat was recorded at Summit County on February 20, 2008.
8. On April 23, 2008, the City Council approved two more condominium units on Lot 1 of the Silver Strike subdivision as Christopher Homes at Empire Pass Phase III condominium plat. The plat was recorded at Summit County on December 1, 2008.
9. On August 28, 2008, the City Council approved the Christopher Homes at Empire Pass Phase IV plat for eight additional condominium units on Lots 1 and 2, specifically units 5/6, 7/8, 13/14, and 17/18 in duplex configurations. The plat was recorded at Summit County on November 19, 2008.
10. March 24, 2011, the City Council approved the Amended, Consolidated, and Restated Condominium Plat of The Belles at Empire Pass amending, consolidating, and restating the previously recorded Christopher Homes at Empire Pass condominium plats Phases I, II, III, and IV. Also on March 24, 2011, the City Council approved the First Supplemental Plat for Constructed Units 1, 2, and 12 of the Belles at Empire Pass Condominiums. These plats were recorded November 28, 2011.
11. On June 28, 2012, the City Council approved the Second Supplemental Plat for Constructed Unit 9. This plat was recorded on November 20, 2012.
12. On May 9, 2013, the City Council approved the Third Supplemental Plat for Constructed Unit 4 and the Fourth Supplemental Plat for Constructed Units 5 and 6. These plats were recorded on October 28, 2013.
13. On February 6, 2014, the City Council approved the Fifth Supplemental Plat for Constructed Units 10 and 11.
14. On April 3, 2014, the City Council approved the Sixth Supplemental Plat for Constructed Units 7, 8, and 17. On December 11, 2014, the City Council approved an amendment to the Sixth Supplemental Plat.
15. On May 19, 2015 the Planning Department received a complete application for the Seventh Supplemental Plat for Constructed Units 15 and 16.

16. The purpose of the supplemental plat is to describe and document the as-built conditions and the UE calculations for all constructed units at the Belles Condominiums prior to issuance of a certificate of occupancy and to identify private, limited common and common area for this unit.
17. The supplemental plat complies with the conditions of approval of the underlying plats, namely the Silver Strike subdivision plat and the Amended, Consolidated, and Restated Condominium plat of The Belles at Empire Pass. The plat is consistent with the development pattern envisioned by the Village at Empire Pass MPD and the 14 Technical Reports of the MPD and the Flagstaff Development Agreement.
18. Units 15 and 16 are located on a portion of Lot 1 of the Silver Strike subdivision plat.
19. The approved maximum house size is 5,000 square feet of Gross Floor Area, as defined by the LMC. Gross Floor Area exempts basement areas below final grade and 600 square feet of garage area.
20. Unit 15 contains 4,988.8 sf of Gross Floor Area, excluding basement area and 600 sf garage area and accounts for 3.31 UEs based on the Total Floor area of 6,626.8 sf (includes basement area but not 600 square feet of garage area).
21. Unit 16 contains 4,977.8 sf of Gross Floor Area, excluding basement area and 600 sf garage area and accounts for 3.45 UEs based on the Total Floor area of 6,901.8 sf (includes basement area but not 600 square feet of garage area).
22. The twelve (12) units platted to date (Units 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 17) utilize 31.07 Unit Equivalents (UE). Adding Units 15 and 16 brings the current total to 37.83 UE. Units 2, 13, and 14 are yet to be constructed.
23. The Flagstaff Development Agreement requires calculation of unit equivalents (UE) for all Belles units, in addition to the maximum house size. The UE formula includes all interior square footage "calculated from the inside surfaces of the interior boundary wall of each completed unit, excluding all structural walls and components, as well as all shafts, ducts, flues, pipes, conduits and the wall enclosing such facilities. Unit Equivalent floor area includes all basement areas. Also excluded from the UE square footage are garage space up to 600 square feet per unit and all space designated as non-habitable on this plat." Within the Flagstaff Development Agreement one residential unit equivalent equals 2,000 sf.
24. As conditioned, this supplemental plat is consistent with the approved Flagstaff Development Agreement, the Village at Empire Pass MPD, and the conditions of approval of the Silver Strike Subdivision.
25. The findings in the analysis section are incorporated herein.

Conclusions of Law:

1. There is good cause for this supplemental plat as it memorializes the as-built conditions for Units 15 and 16.
2. The supplemental 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 supplemental plat.
4. Approval of the supplemental plat, subject to the conditions of approval stated below, will 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 of the supplemental plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will present the final signed mylar plat to the City, for City signatures and recordation at Summit County, within one year of the date of City Council approval, or this approval will be considered void; unless an extension request is made in writing prior to the expiration date and an extension is granted by the City Council.
3. All conditions of approval of the Village at Empire Pass Master Planned Development, the Silver Strike Subdivision plat, and the Amended, Consolidated, and Restated Condominium Plat of The Belles at Empire Pass shall continue to apply.
4. As a condition precedent to issuance of a final certificate of occupancy for Units 15 and 16, this supplemental plat shall be recorded at Summit County.
5. A note shall be added to the plat prior to recordation stating the following, "At the time of resurfacing of Silver Strike Trail, the Master Association shall be responsible to adjust wastewater manholes to grade according to Snyderville Basin Water Reclamation District Standards".
6. The unit sizes and UEs shall be reflected on the plat.

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

PASSED AND ADOPTED this ___ day of ___, 2015.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

ATTEST:

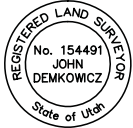
Marci Heil, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

SURVEYOR'S CERTIFICATE

I, John Demkowicz, do hereby 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 I have caused to be made under my direction and by the authority of the owners, this Seventh Supplemental Plat for Constructed Units of THE BELLES AT EMPIRE PASS CONDOMINIUMS, a Utah Condominium Project, in accordance with the provisions of the Utah Condominium Ownership Act. I further certify that the information shown hereon is correct.



BOUNDARY DESCRIPTIONS

(PARCEL 1)

UNITS 15 and 16, of the Amended, Consolidated and Restated Condominium of THE BELLES AT EMPIRE PASS, (formerly known as Christopher Homes at Empire Pass), a Utah expandable condominium project, together with an undivided interest in the common areas and facilities as described in the official plat recorded November 28, 2011, as Entry No. 934780 and the Amended and Restated Declaration of Condominium recorded November 28, 2011, as Entry No. 934781 in Book 2105 at Page 961, Summit County Recorder's Office.

(EASEMENT 1)

Together with a right-of-way and easement for public and private utilities and a private road over the Silver Strike Trail as delineated on the official plat of Banner Wood Subdivision as recorded August 12, 2005, as Entry No. 746718 in the records of the Summit County Recorder.

EXHIBIT A

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, WICHITA, LP, a Utah Limited Partnership, the owner of Units 15 and 16, hereby certifies that it has caused a survey to be made and this Seventh Supplemental Plat for Constructed Units, The Belles at Empire Pass Condominiums to be prepared, and does hereby consent to the recordation of this Fifth Supplemental Plat for Constructed Units and submit to the Utah Condominium Ownership Act.

In witness whereof the undersigned has executed this certificate and dedication this ____ day of _____, 2015.

Wichita, LP
a Utah Limited Partnership
By BelleArbor, Inc.
Its Managing General Partner

By: _____
Mark H. Prothro
President

ACKNOWLEDGMENT

State of _____ ss:
County of _____

This instrument was acknowledged before me this ____ day of _____, 2015, by Mark H. Prothro, the president of Wichita, LP, a Utah Limited Partnership, by BelleArbor, Inc., its Managing General Partner.

Notary Public _____

Printed Name _____

Residing in: _____

My commission expires: _____

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, the undersigned President of The Belles at Empire Pass Homeowners Association, Inc., and as owner of the Common Areas described herein does hereby certify that it has caused this survey to be made and this Seventh Supplemental Condominium Plat for Constructed Units, The Belles at Empire Pass to be prepared and hereby consents to the recordation of this Seventh Supplemental Condominium Plat for Constructed Units, The Belles at Empire Pass and submit to the Utah Condominium Ownership Act. As President, he also certifies that more than 67% of the Owners of the Units have approved this Seventh Supplemental Condominium Plat.

Mark H. Prothro, President
The Belles at Empire Pass Homeowners Association, Inc.

Date _____

ACKNOWLEDGMENT

State of _____ ss:
County of _____

On this ____ day of _____, 2015, personally appeared before me Mark H. Prothro, whose identity is personally known to me (or has proven on the basis of satisfactory evidence) and who by me sworn/affirmed, did say that he is the President of The Belles of Empire Pass Homeowners Association, Inc. and that said document was signed by him on behalf of said Corporation by Authority of its Bylaws (or Resolution of its Board of Directors), and said Mark H. Prothro acknowledged to me that said Corporation executed the same.

Notary Public _____

Printed Name _____

Residing in: _____

My commission expires: _____

NOTES:

- All conditions of approval of The Village at Empire Pass Master Development Plan and the Silver Strike Subdivision plat, and the Amended, Consolidated, and Restated Condominium Plat of the Belles at Empire Pass, recorded November 28, 2011, Entry No. 934780 shall continue to apply.
- A Limited Common Area includes 10' on all sides of the Completed Unit ("Buffer Area") and also includes the patio and driveway for that Unit and a 7' space below the boundary of the Unit for the purpose of providing unit owners with added privacy and the exclusive right to use and occupy such land surrounding their respective Unit. All other lands within the described property shall be Common Area. The use of all Common and Limited Common areas is described in more detail in the Amended Declaration, but shall include pedestrian and ski trails.
- All Common Area is dedicated as a non-exclusive easement to Park City Municipal Corporation, Snyderville Basin Water Reclamation District (SBWRD), Park City Fire Protection District, Summit County and the The Belles At Empire Pass Homeowners for the purpose of providing access for utility and drainage installation, use, maintenance and eventual replacement.
- Units 15 and 16 are served by private wastewater lateral lines. The Empire Pass Master Homeowners Association, Inc. (the "Master Association") shall be responsible for the maintenance and replacement of all sanitary sewer laterals serving the The Belles At Empire Pass Units within the plat. The cost of such maintenance and replacement shall be paid by The Belles At Empire Pass Owners Association, Inc. as part of the Common Expenses.
- Lots designated as Ejector Pump (EP) lots may require privately owned wastewater ejector pumps.
- At the time of resurfacing of Silver Strike Trail, the Master Association shall be responsible to adjust wastewater manholes to grade according to Snyderville Basin Water Reclamation District Standards.
- This plat is subject to the conditions of approval in Ordinance 15-____.
- The UE square footage for Unit 15 is 6,626.8 square feet and the Gross Residential Floor Area is 4,988.8 square feet. The Unit Equivalent for Unit 15 is 3.313.
- The UE square footage for Unit 16 is 6,901.8 square feet and the Gross Residential Floor Area is 4,977.8 square feet. The Unit Equivalent for Unit 16 is 3.451.

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 42°49'03" W	25.35
L2	S 68°07'49" W	40.54
L3	N 89°42'15" W	22.73
L4	N 88°37'11" E	32.23
L5	N 68°43'41" E	17.25
L6	N 86°47'04" W	13.48
L7	S 17°27'15" W	16.26
L8	S 17°13'26" W	23.14
L9	S 49°21'24" W	13.25
L10	S 26°26'16" E	8.61
L11	S 26°26'16" E	9.40
L12	N 62°47'25" E	21.80
L13	S 74°57'35" W	10.56
L14	N 23°26'12" E	6.25
L15	N 00°13'06" E	19.46
L16	N 25°55'04" E	21.09
L17	S 81°44'25" E	13.74

CURVE TABLE				
CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING
C1	196.63	28.67	8°21'19"	N 3°52'54" W
C2	209.75	123.66	33°46'43"	N 8°49'47" E
C3	184.75	108.92	33°46'43"	N 8°49'47" E
C4	221.63	32.32	8°21'19"	N 3°52'54" W
C5	100.00	3.97	2°16'20"	N 33°36'57" W
C6	165.00	39.55	13°43'55"	N 25°38'55" W
C7	23.96	39.22	93°48'03"	N 4°52'16" E
C8	23.96	17.81	42°35'22"	S 87°54'22" E
C9	53.82	27.64	29°25'12"	N 73°49'12" E
C10	80.00	11.35	8°07'32"	N 63°10'22" E

LEGEND:

- XX STREET ADDRESS ON SILVER STRIKE TRAIL
- COMMON OWNERSHIP
- PRIVATE OWNERSHIP
- LIMITED COMMON OWNERSHIP

SEVENTH SUPPLEMENTAL PLAT FOR CONSTRUCTED UNITS

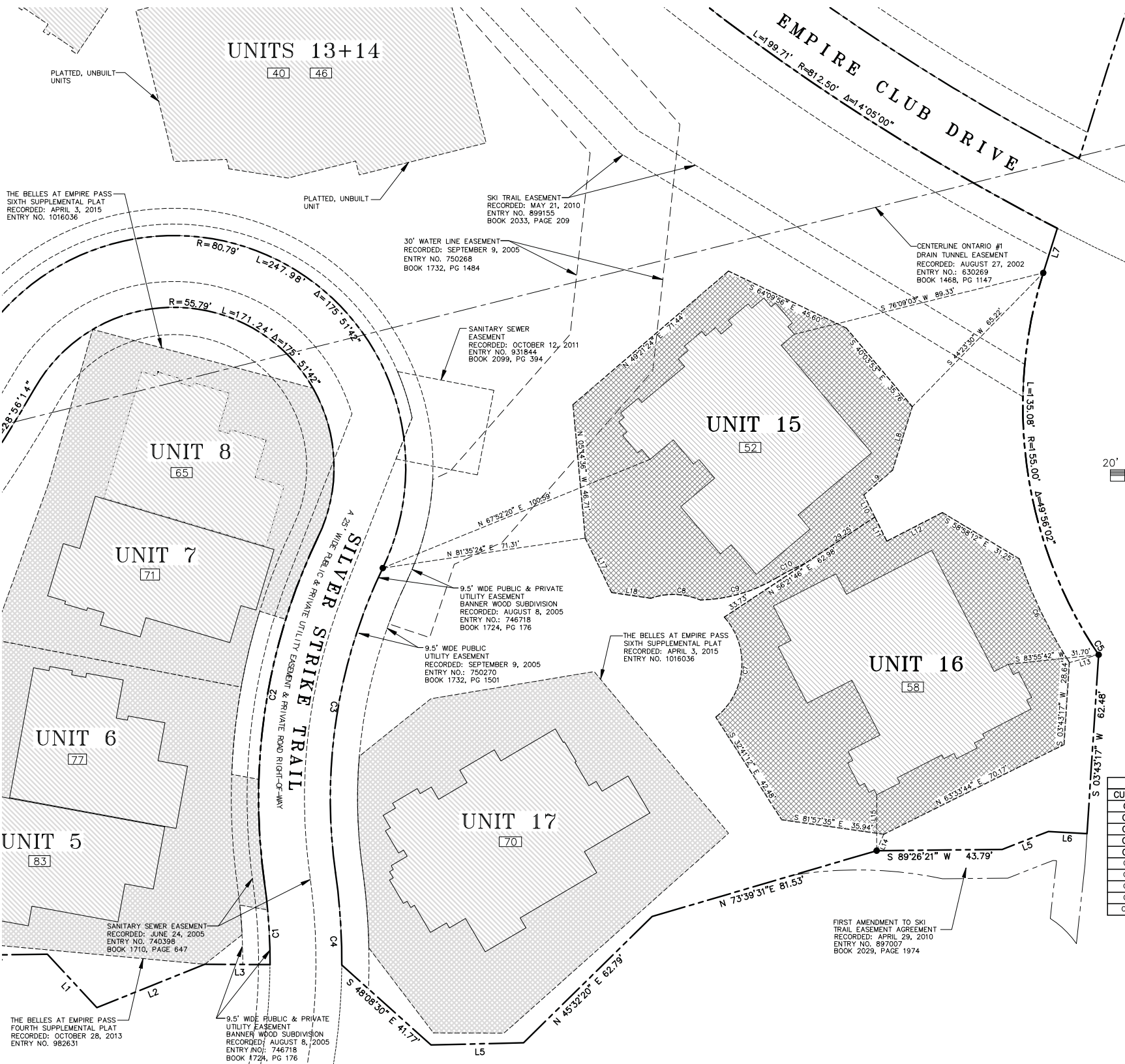
THE BELLES AT EMPIRE PASS

A UTAH EXPANDABLE CONDOMINIUM PROJECT AMENDING UNITS 15 & 16

LOCATED IN SECTION 28, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASIN AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

SHEET 1 OF 3

6/22/15 JOB NO.: 6-6-10 FILE:K:\Empire\dwg\SSS\Plat\Belles\Units15&16\Sh1t Unit 15+16.dwg



(435) 649-9467

Alliance Engineering Inc.

Planning Commission Meeting July 8, 2015

323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

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

DAY OF _____, 2015

BY _____

S.B.W.R.D.

PLANNING COMMISSION

APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____

DAY OF _____, 2015

BY _____

CHAIR

ENGINEER'S CERTIFICATE

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

DAY OF _____, 2015

BY _____

PARK CITY ENGINEER

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS _____

DAY OF _____, 2015

BY _____

PARK CITY ATTORNEY

COUNCIL APPROVAL AND ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2015

BY _____

MAYOR

CERTIFICATE OF ATTEST

I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2015

BY _____

PARK CITY RECORDER

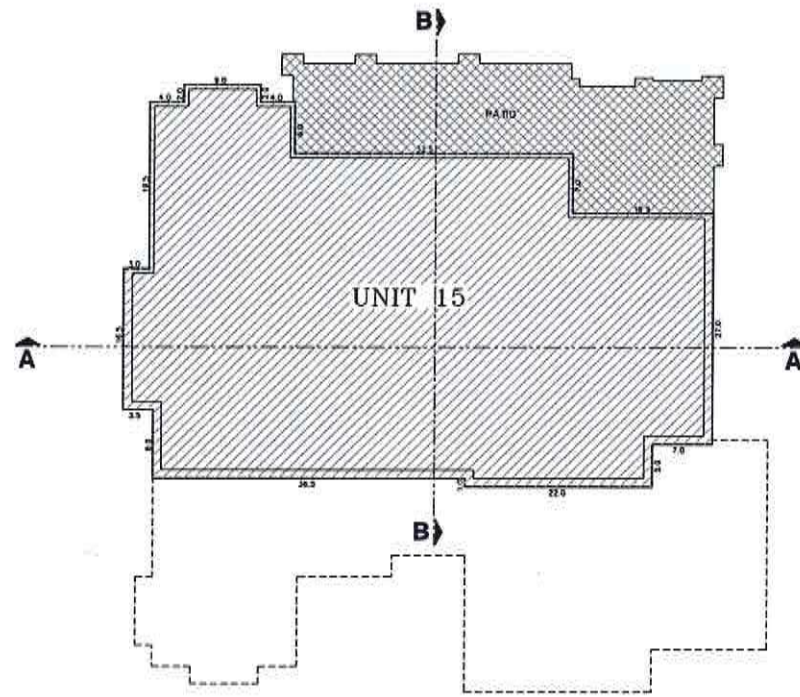
RECORDED

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

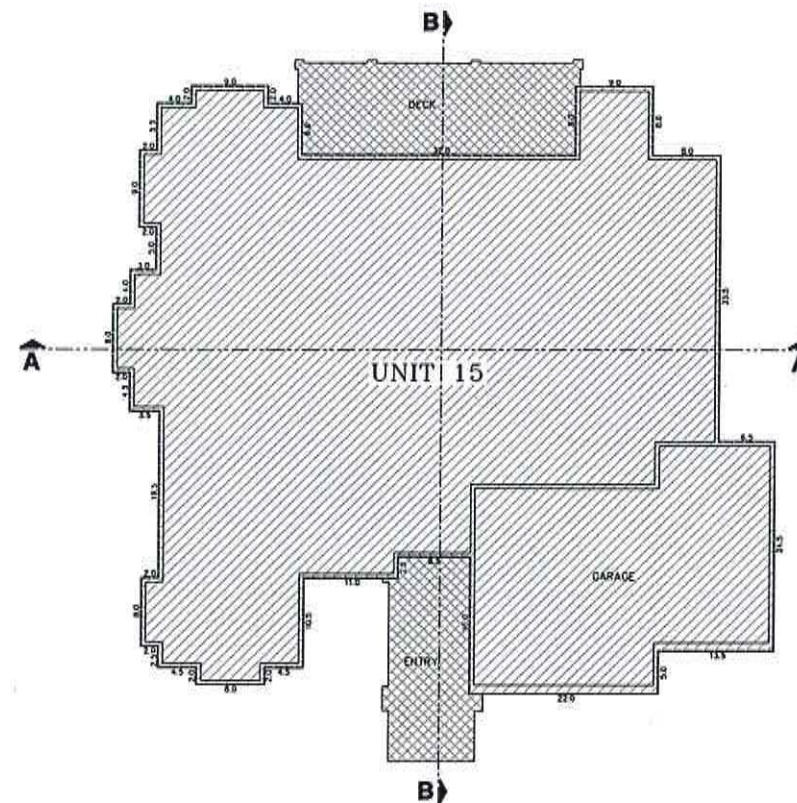
DATE _____ TIME _____ ENTRY NO. _____

Page 179 of 396

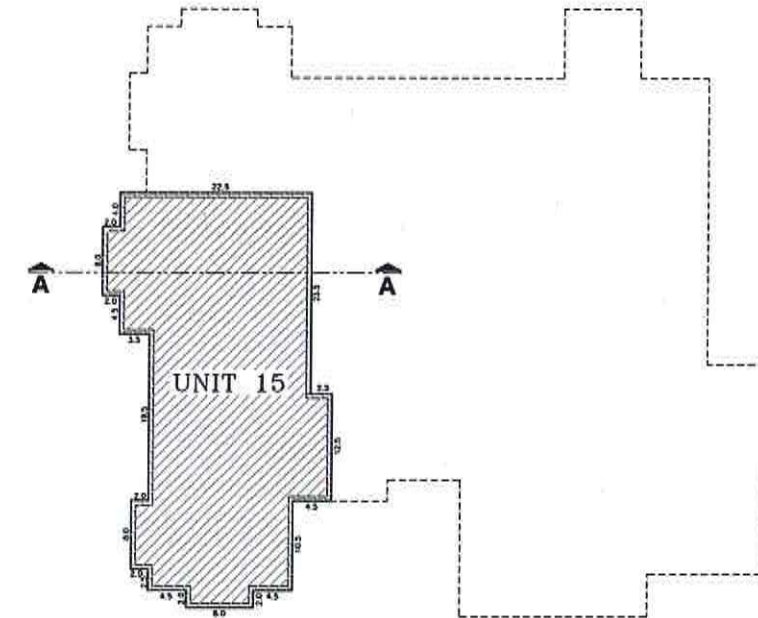
FEE _____ RECORDER _____



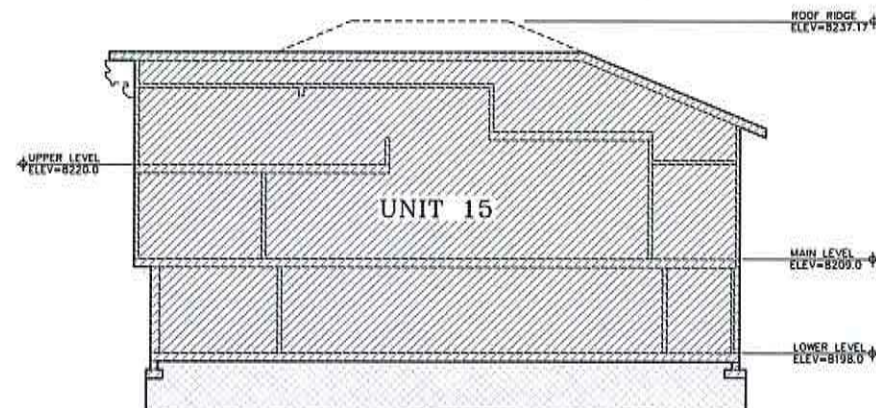
1 LOWER LEVEL AREAS
SCALE: 1" = 10'



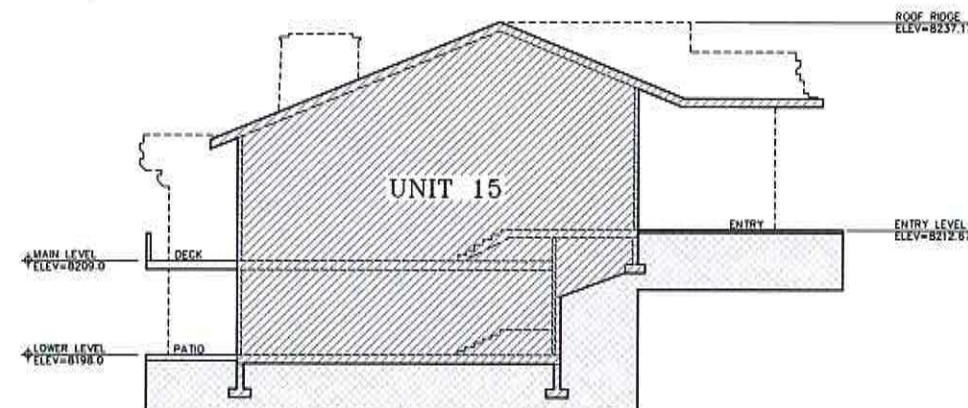
2 MAIN LEVEL AREAS
SCALE: 1" = 10'



3 UPPER LEVEL AREAS
SCALE: 1" = 10'



1 SECTION A-A
SCALE: 1" = 10'



2 SECTION B-B
SCALE: 1" = 10'

The area under the unit extending to 7 feet below the lowest finished floor is designated Limited Common.
See sheet 1 for dimensions of Limited Common area at the perimeter of the unit.

The area under the unit extending to 7 feet below the lowest finished floor is designated Limited Common.
See sheet 1 for dimensions of Limited Common area at the perimeter of the unit.

UNIT 15 SQUARE FOOTAGE TABLE*

LEVELS	UE**	GROSS RESIDENTIAL FLOOR AREA (SF)
LOWER	2,364.5	2,364.5
MAIN	3,157.3	3,157.3
UPPER	814.0	814.0
GARAGE	791.0	791.0
TOTAL SF	7,226.8	7,226.8
Garage Allowance	-600.0***	-600.0***
Basement	No Allowance	-1,838.0****
TOTAL SF	6,826.8	4,988.8

* Per Architectural Drawings
** Per Flagstaff Development Agreement
*** Per Land Management Code
**** Allowance below finished grade on Lower Level per Land Management Code

COMMON AREA
PRIVATE OWNERSHIP
LIMITED COMMON OWNERSHIP
(Limited Common Ownership shown on this sheet denotes improvements including patios, entries, and decks. See Sheet 1 for full extent of Limited Common Ownership associated with each unit.)

SEVENTH SUPPLEMENTAL PLAT FOR CONSTRUCTED UNITS
THE BELLES AT EMPIRE PASS
A UTAH EXPANDABLE CONDOMINIUM PROJECT AMENDING UNITS 15 & 16
LOCATED IN SECTION 22, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

SHEET 2 of 3

JOB NO.: 6-6-10 FILE: K:\Empire\dwg\SSS\Plat\Belles\Units\15\Unit2.dwg

RECORDED

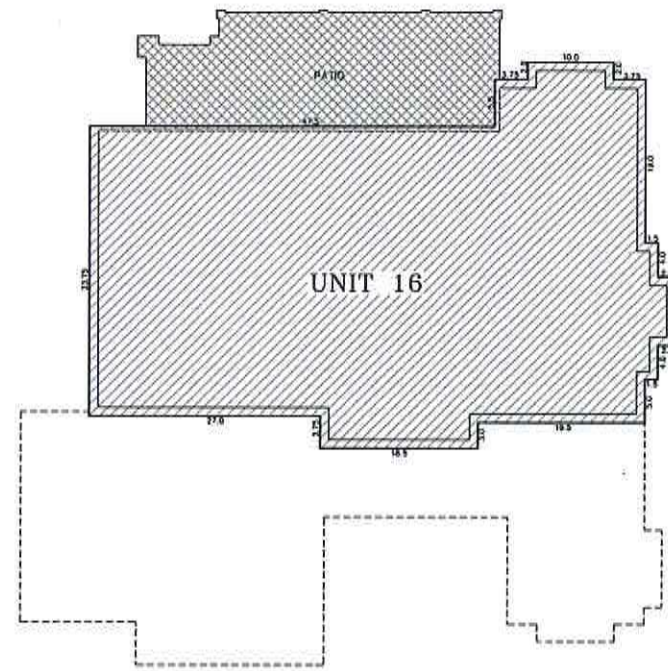
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED

AT THE REQUEST OF _____

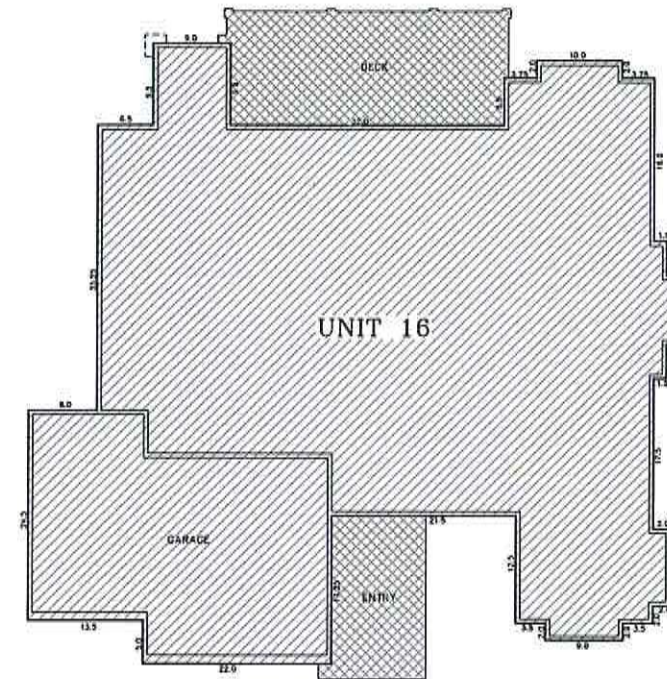
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FEE _____ RECORDER _____

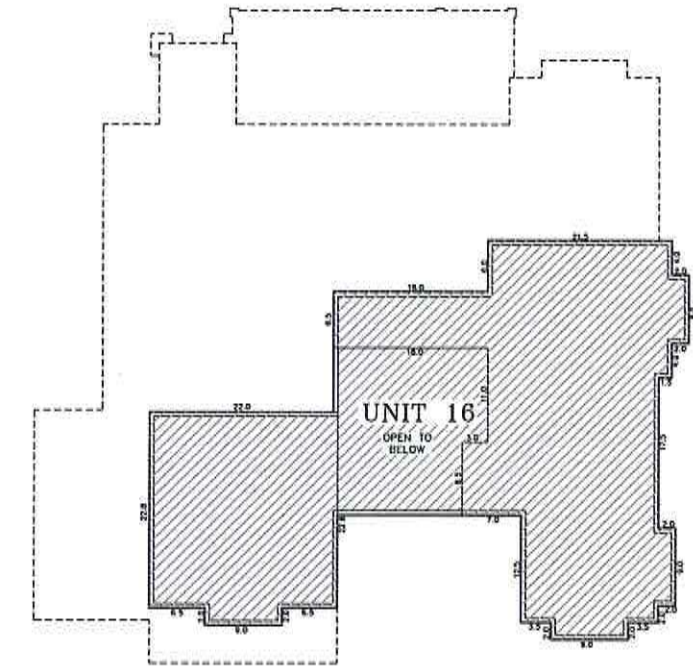
4/24/15



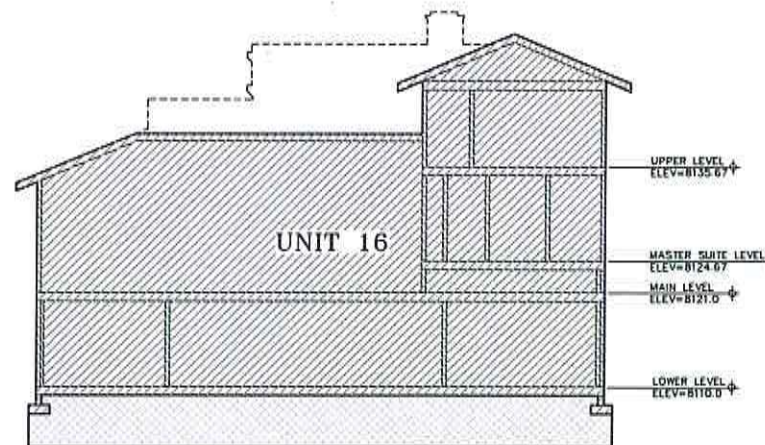
1 LOWER LEVEL AREAS
SCALE: 1" = 10'



2 MAIN LEVEL AREAS
SCALE: 1" = 10'

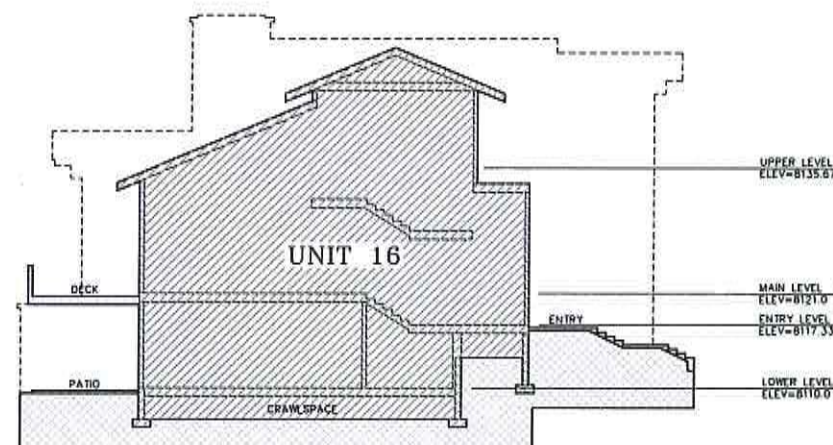


3 UPPER LEVEL AREAS
SCALE: 1" = 10'



1 SECTION A-A
SCALE: 1" = 10'

The area under the unit extending to 7 feet below the lowest finished floor is designated Limited Common.
See sheet 1 for dimensions of Limited Common area at the perimeter of the unit.



2 SECTION B-B
SCALE: 1" = 10'

The area under the unit extending to 7 feet below the lowest finished floor is designated Limited Common.
See sheet 1 for dimensions of Limited Common area at the perimeter of the unit.

UNIT 16 SQUARE FOOTAGE TABLE*

LEVELS	UE** SQUARE FOOTAGE	GROSS RESIDENTIAL FLOOR AREA (SF)
LOWER	2,235.0	2,235.0
MAIN	3,031.0	3,031.0
UPPER	1,444.8	1,444.8
GARAGE	791.0	791.0
TOTAL SF	7,501.8	7,501.8
Garage Allowance	-600.0***	-600.0***
Basement	No Allowance	-1,924.0****
TOTAL SF	6,901.8	4,977.8

* Per Architectural Drawings
** Per Flagstaff Development Agreement
*** Per Land Management Code
**** Allowance below finished grade on Lower Level per Land Management Code

	COMMON AREA
	PRIVATE OWNERSHIP
	LIMITED COMMON OWNERSHIP (Limited Common Ownership shown on this sheet denotes improvements including patios, entries, and decks. See Sheet 1 for full extent of Limited Common Ownership associated with each unit.)

SEVENTH SUPPLEMENTAL PLAT FOR CONSTRUCTED UNITS
THE BELLES AT EMPIRE PASS
A UTAH EXPANDABLE CONDOMINIUM PROJECT AMENDING UNITS 15 & 16
LOCATED IN SECTION 28, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

SHEET 3 of 3
JOB NO.: 6-6-10 FILE: \\Empire\org\555\Proj\Genes\Unit15+16\Unit3.dwg
RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
AT THE REQUEST OF _____
DATE _____ TIME _____ ENTRY NO. _____
FEE _____ RECORDER _____
4/24/15

NOTES

- This Record of Survey map of the Belles At Empire Pass, supersedes, amends, replaces, and consolidates the following:
Christopher Homes at Empire Pass, Phase I, Recorded 10-3-2007, as Entry No. 827065.
Christopher Homes at Empire Pass, Phase II, Recorded 2-20-2008, as Entry No. 838083.
Christopher Homes at Empire Pass, Phase III, Recorded 12-1-2008, as Entry No. 860202.
Christopher Homes at Empire Pass, Phase IV, Recorded 11-19-2008, as Entry No. 859546.
- A Declaration of Condominium for the Belles At Empire Pass (originally Christopher Homes at Empire Pass) was recorded on October 3, 2007 as Entry Number 827065 in Book 1892 at Page 819 in the Office of the Summit County Recorder, as amended by (1) that First Amendment to Declaration of Condominium for Christopher Homes at Empire Pass, recorded February 20, 2008 as Entry Number 838083 in Book 1915 at Page 1364 in the Office of the Summit County Recorder, State of Utah, (2) that Second Amendment to Declaration of Condominium for Christopher Homes at Empire Pass recorded December 1, 2008 as Entry Number 860202 in Book 1958 at Page 1072 in the Office of the Summit County Recorder, State of Utah, and (3) that Third Amendment to Declaration of Condominium for Christopher Homes at Empire Pass recorded November 19, 2008 as Entry Number 859546 in Book 1957 at Page 326 in the Office of the Summit County Recorder, State of Utah (collectively referred to herein as the "Original Declaration and the First Amended and Restated Declaration of Condominium for the Belles At Empire Pass"). All development within the Belles At Empire Pass Condominium Project is subject to said Amended Declaration. The boundary lines of each Unit shown herein are the approximate boundaries of the 16 or constructed Units as set forth on this Plat. After each Unit has been constructed ("Completed Unit") the boundary of that Unit shall automatically be amended to the actual dimensions constructed as the "Completed Unit" and shall include the complete interior and exterior of the Completed Unit for all detached Units and shall include only the interior of the Units for all Town Home Units. The detailed definitions of these terms are more fully set forth in the Amended Declaration. Subject to Park City ordinances in place at the time and unless otherwise more fully defined by the Amended Declaration after construction is complete to reflect the as-built boundaries of the Completed Units, Common Areas and Limited Common Areas.
- The approved maximum house size is 5,000 square feet of Gross Floor Area, as defined by the LMC. Gross Floor Area excludes basement areas below final grade and 600 square feet of garage area. In addition, Unit 2 is limited to a maximum of 974 square feet of Basement Area.

- The Flagstaff Development Agreement requires a calculation of unit equivalents (UE) for these units, in addition to maximum house size. The UE formula includes all interior square footage "calculated from the inside surfaces of the interior boundary wall of each completed unit, including all structural walls and components, as well as all shafts, ducts, flues, pipes, conduits, and the well enclosing such facilities. Unit Equivalent floor area includes all basement areas. Also excluded from the UE square footage is garage space up to 600 square feet per unit and all space designated as non-habitable." A total of 45 UE (90,000 square feet) are permitted for the units designated by this Plat.
- A Limited Common Area includes 10' on all sides of the Completed Unit ("Buffer Area") and also includes the patio and driveway for that Unit and 7' space below the boundary of the Unit for the purpose of providing unit owners with added privacy and the exclusive right to use and occupy such land surrounding their respective Unit. All other lands within the described property shall be Common Area. The use of all Common and Limited Common areas is described in more detail in the Amended Declaration but shall include recreation and all trails.
- All Common Area is dedicated as a non-exclusive easement to Park City Municipal Corporation, Snyderville Basin Water Reclamation District (SDWRD), the Park City Fire Protection District, Summit County and the Belles At Empire Pass Homeowners Association, Inc. for the purpose of providing access for utility and drainage installation, use, and maintenance and eventual replacement.
- All Units are served by private wastewater lateral lines. The Empire Pass Master Homeowners Association, Inc. (the "Master Association") shall be responsible for the maintenance and replacement of all solitary sewer laterals serving the Belles At Empire Pass Units within the plat. The cost of such maintenance and replacement shall be paid by the Belles At Empire Pass Owners Association, Inc., as part of the Common Expenses.
- Lots designated as Ejector Pump (EP) lots may require privately owned wastewater ejector pumps.
- At the time of any resurfacing of Silver Strike Trail, the Master Association shall be responsible to adjust wastewater manholes to grade according to Snyderville Basin Water Reclamation District Standards.
- Access to the units is by private roads and is not warranted by Park City.
- All conditions of approval of the Village at Empire Pass Master Development Plan and the Silver Strike Subdivision plat shall continue to apply.

- A fire protection plan specifying the use of modified 130 sprinklers is required for review by the Park City Building Department prior to issuance (if any permit).
- Under certain limited circumstances as set forth in the Amended Declaration this Plat may be amended by the recording of Supplemental Plats without the consent of 67% of the Unit Owners.
- The recording of Supplemental Plats for Constructed Units shall be the responsibility of the original Declarant, or the Owner thereof, as is more fully set forth in the original Declaration and in the Amended Declaration.
- Construction of units shall comply with all setback, heights and International Building Code (IBC) separation requirements.
- Prior to issuance of a final occupancy permit, the Supplemental Plat for that Unit shall be approved by Park City Council and recorded with the Summit County Recorder.
- All conditions of the Flagstaff Mountain Development Agreement and Amended Declaration shall continue to apply.
- This condominium plat is subject to all conditions of approval of Ordinance 11-10.



SURVEYOR'S CERTIFICATE

I, John Demkowicz, do hereby 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 I have caused to be made under my direction and by the authority of the owner(s), this Amended and Restated Condominium Plat of the BELLES AT EMPIRE PASS CONDOMINIUMS, a Utah Condominium Project, in accordance with the provisions of the Utah Condominium Ownership Act. I further certify that the information shown herein is correct.

John Demkowicz
JOHN DEMKOWICZ, L.S. #154491
July 28, 2011
DATE

BOUNDARY DESCRIPTIONS

(Parcel 1)
Units 1, 2, 3 and 4, Christopher Homes at Empire Pass Condominiums, Phase 1, a Utah Expandable Condominium project, together with an undivided interest in the common areas and facilities as described in the official plat recorded OCTOBER 3, 2007 as Entry No. 827065 and the Declaration of Condominium recorded OCTOBER 3, 2007 as Entry No. 827066 in Book 1892 at Page 819, SUMMIT County Recorder's Office.

(Parcel 2)
Units 5, 10, 11 and 12, Christopher Homes at Empire Pass Condominiums, Phase 2, a Utah Expandable Condominium project, together with an undivided interest in the common areas and facilities as described in the official plat recorded FEBRUARY 20, 2008 as Entry No. 838083, Declaration of Condominium recorded OCTOBER 3, 2007 as Entry No. 827066 in Book 1892 at Page 819, First Amendment to the Declaration of Condominium recorded FEBRUARY 20, 2008 as Entry No. 838084 in Book 1915 at Page 1364, Second Amendment to the Declaration of Condominium recorded DECEMBER 1, 2008 as Entry No. 860203 in Book 1958 at Page 1078 and Third Amendment to the Declaration of Condominium recorded NOVEMBER 19, 2008 as Entry No. 859546 in Book 1957 at Page 386 SUMMIT County Recorder's Office.

(Parcel 3)
Units 15 and 16, Christopher Homes at Empire Pass Condominiums, Phase 3, a Utah Expandable Condominium project, together with an undivided interest in the common areas and facilities as described in the official plat recorded DECEMBER 1, 2008 as Entry No. 860202, Declaration of Condominium recorded OCTOBER 3, 2007 as Entry No. 827066 in Book 1892 at Page 819, First Amendment to the Declaration of Condominium recorded FEBRUARY 20, 2008 as Entry No. 838084 in Book 1915 at Page 1364, Second Amendment to the Declaration of Condominium recorded DECEMBER 1, 2008 as Entry No. 860203 in Book 1958 at Page 1078 and Third Amendment to the Declaration of Condominium recorded NOVEMBER 19, 2008 as Entry No. 859546 in Book 1957 at Page 386 SUMMIT County Recorder's Office.

(Parcel 4)
Units 5, 6, 7, 8, 13, 14, 17 and 18, Christopher Homes at Empire Pass Condominiums, Phase IV, a Utah Expandable Condominium project, together with an undivided interest in the common areas and facilities as described in the official plat recorded DECEMBER 1, 2008 as Entry No. 860202, Declaration of Condominium recorded OCTOBER 3, 2007 as Entry No. 827066 in Book 1892 at Page 819, First Amendment to the Declaration of Condominium recorded FEBRUARY 20, 2008 as Entry No. 838084 in Book 1915 at Page 1364, Second Amendment to the Declaration of Condominium recorded DECEMBER 1, 2008 as Entry No. 860203 in Book 1958 at Page 1078 and Third Amendment to the Declaration of Condominium recorded NOVEMBER 19, 2008 as Entry No. 859546 in Book 1957 at Page 386 SUMMIT County Recorder's Office.

(Easement 1)
Parcels 1, 2, 3 and 4 are together with the following Easement:
Together with a right of way and easement for public and private utilities and a private road over the Silver Strike Trail as delineated on the official plat of Banner Wood Subdivision as recorded August 12, 2005 as Entry No. 780718 in the records of the Summit County Recorder.

The above descriptions are identical with the property contained in Lots 1 and 2, Silver Strike Subdivision, recorded 12-1-2006, Entry # 708134.

OWNER'S DEDICATION AND CONSENT TO RECORD

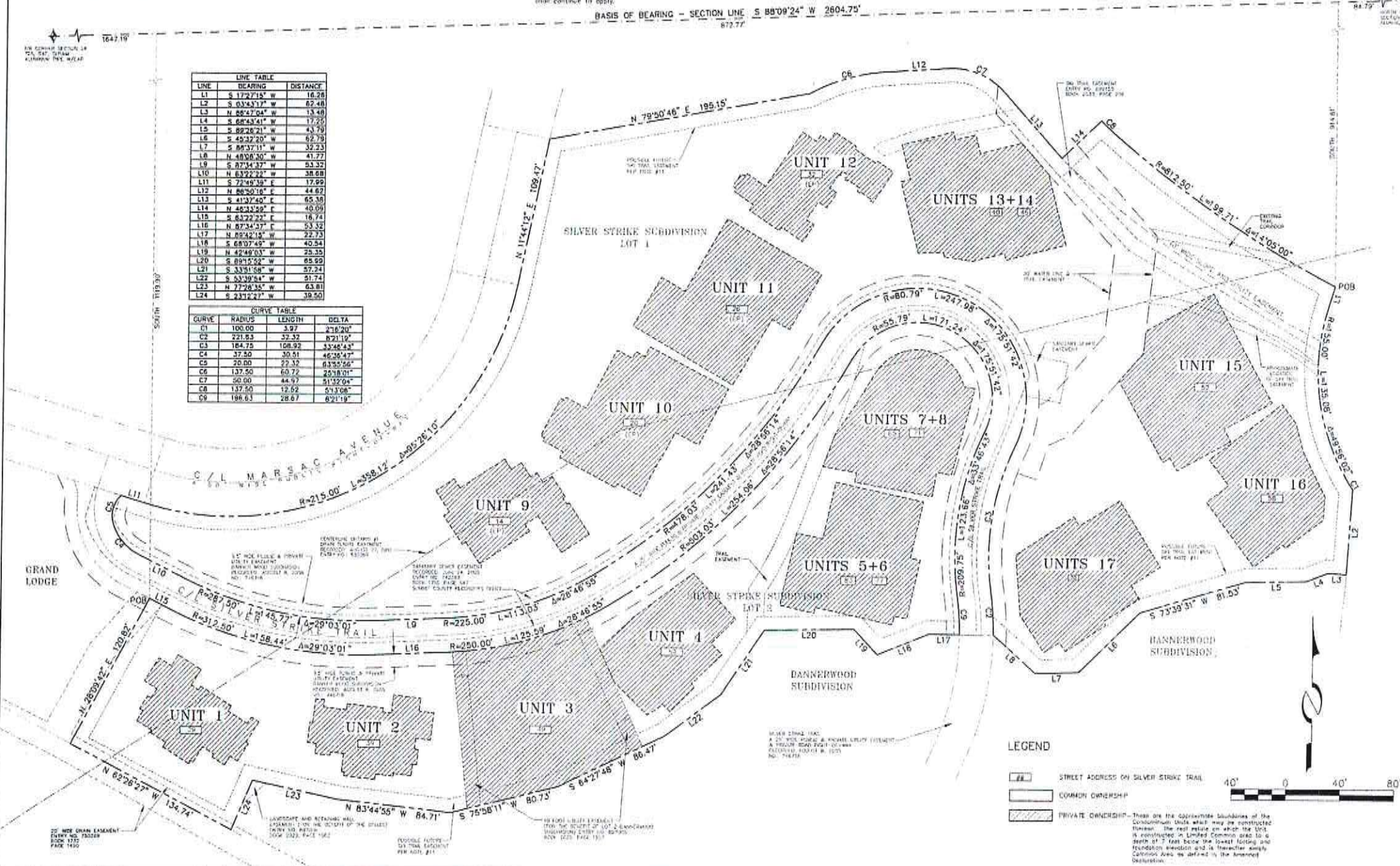
KNOW ALL MEN BY THESE PRESENTS THAT, the undersigned President of the Belles At Empire Pass Homeowners Association, Inc. and as owner of the Common Areas described herein, do hereby certify that it has caused this survey to be made and this Condominium Plat of the Belles At Empire Pass to be prepared and hereby consents to the recording of this First Amended Condominium Plat and submit to the Utah Condominium Ownership Act. As President, he also certifies that more than 67% of the Owners of the Units have approved this First Amended Condominium Plat.

Mark H. Frothing
Mark H. Frothing, President
The Belles At Empire Pass Homeowners Association, Inc.
28 July 2011
DATE

ACKNOWLEDGMENT

State of Utah
County of Summit
This instrument was acknowledged before me this 28th day of July, 2011.
By Mark H. Frothing, President, The Belles At Empire Pass Homeowners Association, Inc.
Sevi Ekstra
Notary Public
Tori Ekstrom
Printed Name
Residing in: Summit County
My commission expires: April 10, 2012

AMENDED, CONSOLIDATED, AND RESTATED CONDOMINIUM PLAT OF
THE BELLES AT EMPIRE PASS
(FORMERLY KNOWN AS CHRISTOPHER HOMES AT EMPIRE PASS)
A UTAH CONDOMINIUM PROJECT
LOCATED IN THE NORTHWEST QUARTER OF SECTION 28
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH



SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS <u>11th</u> DAY OF <u>Oct</u>, 2011 A.D. BY <u>B.D.</u> S.B.W.R.D.	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 23rd DAY OF FEBRUARY, 2011 A.D. BY <u>C. B.</u> CHAIRMAN	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS <u>24th</u> DAY OF <u>November</u>, 2011 A.D. BY <u>John Demkowicz</u> PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS <u>16th</u> DAY OF <u>November</u>, 2011 A.D. BY <u>John Demkowicz</u> PARK CITY ATTORNEY	CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS <u>24th</u> DAY OF <u>November</u>, 2011 A.D. BY <u>John Demkowicz</u> PARK CITY RECORDER	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 24th DAY OF MARCH, 2011 A.D. BY <u>David Williams</u> MAYOR	RECORDED # <u>934780</u> STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF <u>Summit County</u> DATE <u>11/28/11</u> TIME <u>1:44 PM</u> BOOK <u>1958</u> PAGE <u>182</u> FEE <u>677.00</u> <u>Armando Amador</u> Page 182 of 396
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OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, WCHTA, LP, A UTAH LIMITED PARTNERSHIP, the owner of Units 4,5,6,7,8,9,10,11,13,14,15,16,17, and 18, hereby certifies that it has caused this survey to be made and this Condominium Plat of The Belles at Empire Pass to be prepared, and does hereby consent to the recordation of this Amended and Restated Condominium Plat and submit to the Utah Condominium Ownership Act.

The owner certifies that Units the units shown on this plat, but not under construction at the time the plat was recorded, will, when completed, be in conformance with the approved Master Planned Development, Declarations of Condominiums, and the Land Management Code of Park City Municipal Corporation.

In witness whereof the undersigned has executed this certificate and dedication this 28 day of December 2010.

Witness, LP
A Utah Limited Partnership
By Declaration, Inc.
Its Managing General Partner
Mark H. Prothro
President

ACKNOWLEDGMENT

State of Utah
County of Summit
This instrument was acknowledged before me this 28th day of December 2010.
by Mark Prothro, the president of WCHTA LP, a Utah Limited Partnership.
Seri Ekstrom
Notary Public
Teri Ekstrom
Printed Name
Residing in: Summit County
My commission expires: 9/10/2012

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, STEVEN H. LEVINE and CYNTHIA SILVAGNI LEVINE, CO-TRUSTEES of the STEVEN AND CYNTHIA LEVINE LIVING TRUST dated April 16, 1997, the owner of Unit 1, hereby certifies that they have caused this survey to be made and this Amended and Restated Condominium Plat of The Belles at Empire Pass to be prepared, and does hereby consent to the recordation of this Condominium Plat and submit to the Utah Condominium Ownership Act.

In witness whereof the undersigned has executed this certificate and dedication this 28th day of December 2010.

Steven H. Levine
Co-Trustee of the Steven and Cynthia
Levine Living Trust dated April 16, 1997.
Cynthia Silvagni Levine
Co-Trustee of the Steven and Cynthia
Levine Living Trust dated April 16, 1997.

ACKNOWLEDGMENT

State of Utah
County of Summit
This instrument was acknowledged before me this 28th day of December 2010.
by Steven H. Levine and Cynthia Silvagni Levine co-trustees of the STEVEN AND CYNTHIA LEVINE LIVING TRUST dated April 16, 1997.
Seri Ekstrom
Notary Public
Teri Ekstrom
Printed Name
Residing in: Summit County
My commission expires: 9/10/2012

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, VAN D. GREENFIELD AND AMY GREENFIELD, HUSBAND AND WIFE AS JOINT TENANTS, the owners of Unit 2, hereby certifies that they have caused this survey to be made and this Amended and Restated Condominium Plat of The Belles at Empire Pass to be prepared, and does hereby consent to the recordation of this Condominium Plat and submit to the Utah Condominium Ownership Act.

In witness whereof the undersigned has executed this certificate and dedication this 28 day of January 2010.

Van D. Greenfield
Joint Tenant
Amy Greenfield
Joint Tenant

ACKNOWLEDGMENT

State of New York
County of Sullivan
This instrument was acknowledged before me this 08 day of January 2010.
by Van D. Greenfield and Amy Greenfield, Joint Tenants.
Catherine Peshawski
Notary Public
Catherine Peshawski
Printed Name
Residing in: 60 Main St., Southampton, NY
My commission expires: 3/31/11

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, JAY FLATLEY, TRUSTEE OF THE FLATLEY FAMILY TRUST, dated July 18, 2001, the owners of Unit 3, hereby certifies that they have caused this survey to be made and this Condominium Plat of The Belles at Empire Pass to be prepared, and does hereby consent to the recordation of this Amended and Restated Condominium Plat and submit to the Utah Condominium Ownership Act.

The owner certifies that Units the units shown on this plat, but not under construction at the time the plat was recorded, will, when completed, be in conformance with the approved Master Planned Development, Declarations of Condominiums, and the Land Management Code of Park City Municipal Corporation.

In witness whereof the undersigned has executed this certificate and dedication this 6th day of January 2011.

Jay Flatley
Trustee of the Flatley Family Trust

ACKNOWLEDGMENT

State of CALIFORNIA
County of SAN DIEGO
This instrument was acknowledged before me this 10th day of January 2011.
by Jay Flatley, Trustee of the Flatley Family Trust dated July 18, 2001.
J. Fisher
Notary Public
J. Fisher
Printed Name
Residing in: SAN DIEGO COUNTY
My commission expires: 4/16/2014

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, GREGORY D. GOVEN and JANE A. GOVEN, AS TRUSTEES OF THE GOVEN REVOCABLE FAMILY TRUST (DATED MAY 4TH, 2006), the owners of Unit 12, hereby certifies that they have caused this survey to be made and this Condominium Plat of The Belles at Empire Pass to be prepared, and does hereby consent to the recordation of this Amended and Restated Condominium Plat and submit to the Utah Condominium Ownership Act.

In witness whereof the undersigned has executed this certificate and dedication this 28th day of December 2010.

Gregory D. Goven
Trustees of the Goven Revocable Family Trust
dated May 4th, 2006
Jane A. Goven
Trustees of the Goven Revocable Family Trust
dated May 4th, 2006

ACKNOWLEDGMENT

State of Utah
County of Summit
This instrument was acknowledged before me this 28th day of December 2010.
by Gregory D. Goven and Jane A. Goven, Trustees of the Goven Revocable Family Trust.
Seri Ekstrom
Notary Public
Teri Ekstrom
Printed Name
Residing in: Summit County
My commission expires: 9/10/2012

ACKNOWLEDGMENT

State of Utah
County of Summit
This instrument was acknowledged before me this 28th day of December 2010.
by Van D. Greenfield.
Seri Ekstrom
Notary Public
Teri Ekstrom
Printed Name
Residing in: Summit County
My commission expires: April 10, 2012

THE BELLES AT EMPIRE PASS

LOCATED IN THE NORTHWEST QUARTER OF SECTION 28,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

SHEET 2 OF 2

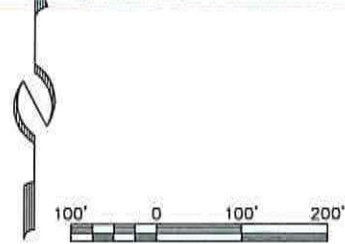
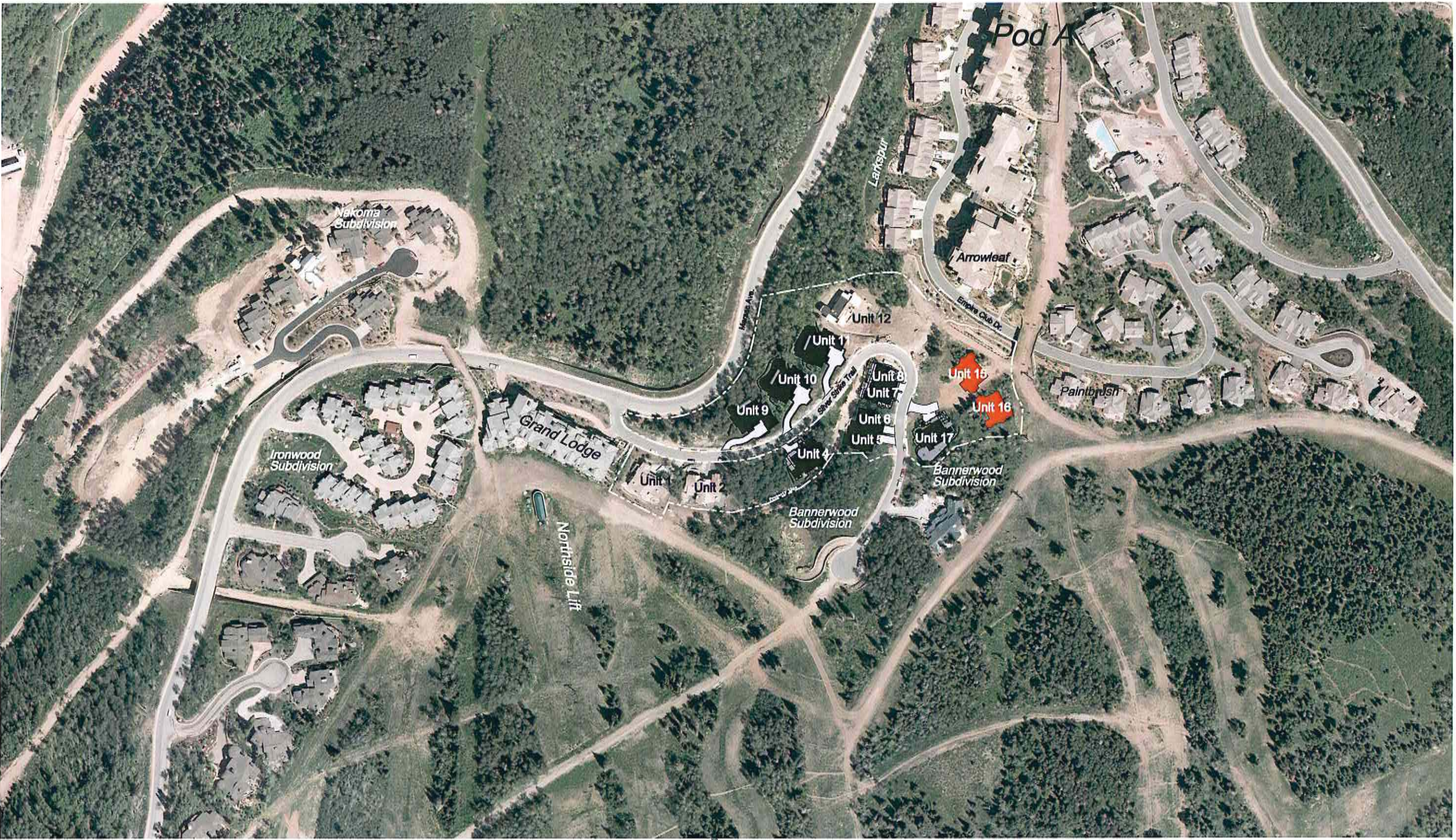
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RECORDED # 931780

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
AT THE REQUEST OF COMMITTEE TITLE
DATE 11/21/10 TIME 1:49 PM BOOK --- PAGE ---

FEE 8770 Plunder & Sons
Page 188 of 396





 (435) 849-9487 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street, P.O. Box 2064, Park City, Utah 84060-2064	STAFF: MARSHALL KING JEFF KITCHEN	AERIAL PHOTOGRAPH THE BELLES AT EMPIRE PASS Units 15 & 16	SHEET 1 OF 1
	DATE: 4/28/15	FOR: Wichita LP JOB NO.: 6-6-10 FILE: X:\empire\dwg\ess\plaf\belles\exhibits\Unit 15+16\airtel-c	

SURVEYOR'S CERTIFICATE

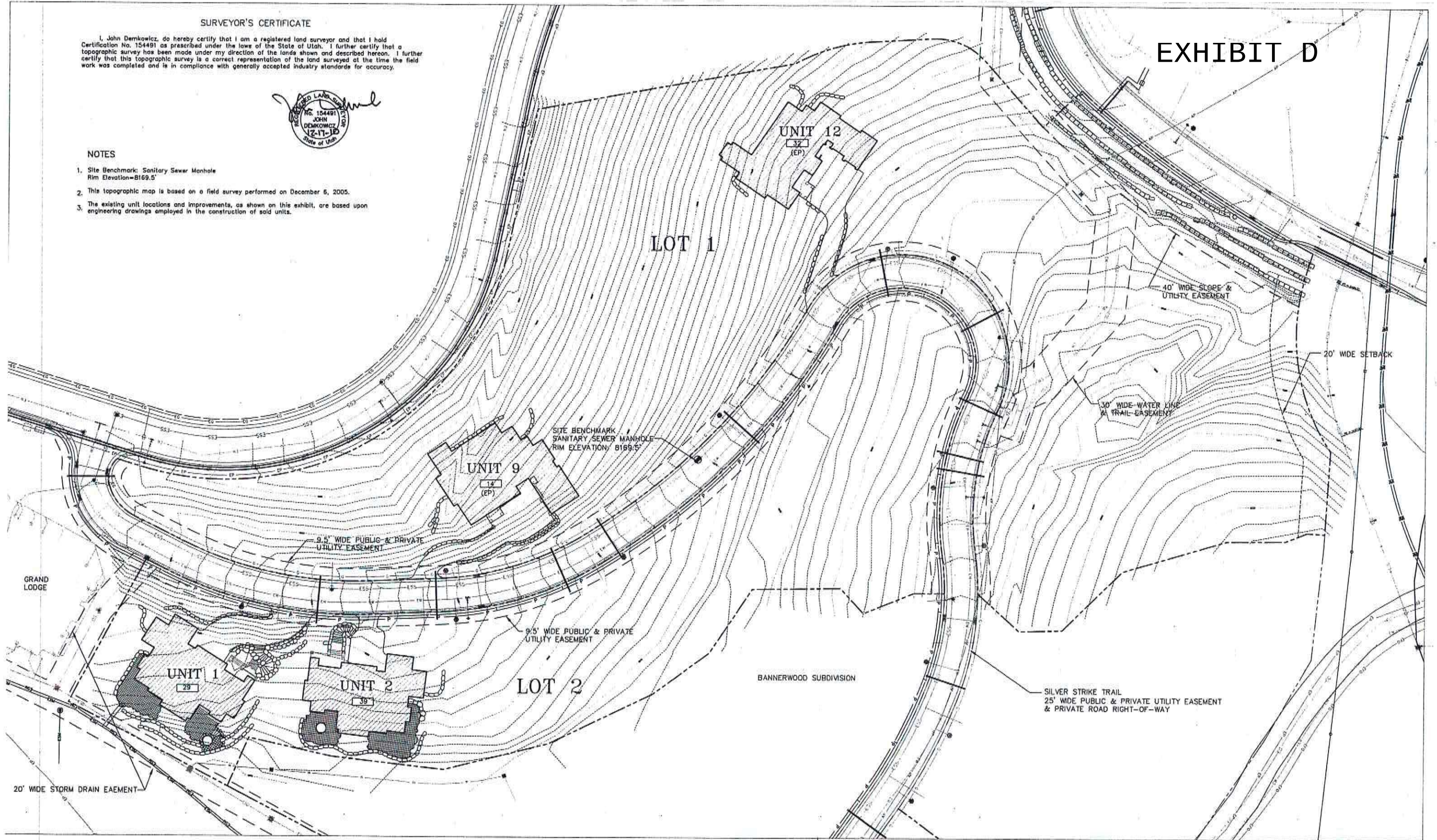
I, John Demkowicz, do hereby certify that I am a registered land surveyor and that I hold Certification No. 154491 as prescribed under the laws of the State of Utah. I further certify that a topographic survey has been made under my direction of the lands shown and described hereon. I further certify that this topographic survey is a correct representation of the land surveyed at the time the field work was completed and is in compliance with generally accepted industry standards for accuracy.



NOTES

1. Site Benchmark: Sanitary Sewer Manhole
Rim Elevation=8169.5'
2. This topographic map is based on a field survey performed on December 5, 2005.
3. The existing unit locations and improvements, as shown on this exhibit, are based upon engineering drawings employed in the construction of said units.

EXHIBIT D



LEGEND

EXISTING SANITARY SEWER	ESS
EXISTING STORM DRAIN	ESD
EXISTING WATER	EW
EXISTING POWER	P
EXISTING TELEPHONE	T
EXISTING GAS	G
EXISTING FIBER OPTICS	EFO
ABANDONED WATER	AW
ABANDONED POWER	AP



STAFF:
J. DEMKOWICZ
M. KING
S. SCHUELER

DATE: 12/15/10

EXISTING CONDITIONS\ TOPOGRAPHIC SURVEY

THE BELLES AT EMPIRE PASS

FOR: Wichita LLP
JOB NO.: 06-06-01
FILE: X:\Emp\dwg\silverstrike\sub\belles\existing topo 11-3-10.dwg

SHEET
1
OF
1

THE BELLES AT EMPIRE PASS

UNIT #	GROSS SQ. FOOTAGE ⁽¹⁾	UNIT EQUIVALENCY ⁽²⁾
Single Family Dwelling		
1 completed	6,010.8 SF	3.005
2 completed	6,614.0 SF	3.307
3 ⁽³⁾ (4)(5)	5,974.0 SF	2.987
4 completed	5,629.0 SF	2.815
Duplex		
5 under construction	4,194.0 SF	2.096
6 under construction	3,673.5 SF	1.836
Duplex		
7 under construction	4,208.0 SF	2.104
8 under construction	3,673.5 SF	1.836
Single-Family Dwelling		
9 completed	5,738.0 SF	2.869
10 under construction	5,754.5 SF	2.877
11 under construction	5,754.5 SF	2.877
12 completed	5,275.8 SF	2.637
Duplex		
13 ⁽⁴⁾ (5)	4,168.2 SF	2.080
14 ⁽⁴⁾ (5)	4,168.2 SF	2.080
Single Family Dwelling		
15 ⁽⁴⁾ (5)	6,626.8 SF	3.313
16 ⁽⁴⁾ (5)	6,907.8 SF	3.450
17 under construction	5,629.0 SF	2.815
TOTAL:	90,000 SF ⁽⁶⁾	45 ⁽⁵⁾

(1) Gross living square footage is based on paint to paint area. There is a 600 sq.ft. allowance for the garage. Any additional garage area will be added to the gross living square footage.

(2) Unit Equivalency (U.E.): One U.E. is equal to 2000 sq.ft. and is based on the Gross Square Footage -see (1)

(3) Unit 3 is owned by a private party. This square footage is an allowance toward a future home. (Max basement area = 974 sq.ft.)

(4) Units Gross Square Footage & Unit Equivalency (UE) are subject to change. However, the maximum allowed UEs for The Belles At Empire Pass is 45 UEs.

(5) Units are allowed a max. of 5,000 sq.ft. based on paint to paint gross area and as defined by the Land Management Code, and per the Silver Strike subdivision notes & conditions.

02-10-11

Rev. 3-11-14

Planning Commission Staff Report

Subject: 222 Sandridge Avenue Subdivision
Author: Kirsten Whetstone, MS, AICP- Senior Planner
Project Number: PL-15-02769
Date: July 8, 2015
Type of Item: Administrative – Plat Amendment

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the 222 Sandridge Subdivision plat amendment located at 222 Sandridge Avenue and consider forwarding 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.

Staff reports reflect the professional recommendation of the Planning Department. The Planning Commission, as an independent body, may consider the recommendation but should make its decisions independently.

Description

Applicant: 222 Sandridge, LLC, represented by David Baglino
Location: 222 Sandridge Avenue
Zoning: Historic Residential-1 (HR-1)
Adjacent Land Uses: Residential
Reason for Review: Plat Amendments require Planning Commission review and City Council review and action

Proposal

The applicant requests to combine portions of Lots 19, 20, and 21, Block 72 of the Park City Survey into one (1) Lot of Record by removing the interior lot lines that separates the lots. A historic structure was constructed across the property lines and the owner desires to restore the historic house and construct an addition.

Background

On May12, 2015, the City received a completed Plat Amendment application for the 222 Sandridge Avenue Subdivision. The property is located at 222 Sandridge Avenue. The property is located within the Historic Residential-1 (HR-1) Zoning District and consists of portions of Lots 19, 20, and 21, Block 72 of the Park City Survey. The property is commonly owned by the applicant and is recognized by Summit County as Parcel PC-600 (Tax ID). Currently, a landmark historic single-family house is located on the property straddling the property line between Lots 19 and 20. According to the Historic Sites Inventory the historic house was constructed circa 1904 (1885 per Utah State Historical Society Site Information Form). The northern shed lean-to addition (4' by 12') was added circa 1940. The City is currently reviewing a Historic District Design Review application for a restoration and addition to the existing historic house.

Purpose

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

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

Analysis

The proposed Plat Amendment creates one (1) lot of record from portions of three (3) lots consisting of 3,553 square feet. A single-family dwelling is an allowed use in the Historic Residential-1 District. The minimum lot area for a single-family dwelling is 1,875 square feet. The proposed lot meets the minimum lot area for a single-family dwelling. A duplex dwelling is a conditional use in the Historic Residential-1 District. The minimum lot area for a duplex dwelling is 3,750 square feet. The proposed lot does not meet the minimum lot area for a duplex dwelling.

The minimum lot width allowed in the Historic Residential-1 District is twenty-five feet (25'). The proposed lot is 31.96 feet wide at the minimum at the frontage on Sandridge Avenue, a prescriptive access roadway. The proposed lot meets the minimum lot width requirement.

According to the title report, existing conditions survey, and surveyors plat the Sandridge Avenue roadway is located to the east of the proposed lot and is not located on subject property. According to the documents provided with the application the proposed plat does not impede access to 228 Sandridge Avenue (See Exhibits D and G). However to be certain, Staff recommends a condition of approval that prior to plat recordation the property owner shall verify that the driveway for 228 Sandridge is not located on subject property (222 Sandridge) and if it is located on 222 Sandridge an access easement shall be provided for the benefit of 228 Sandridge Avenue.

The following table shows applicable development parameters in the Historic Residential-1 District:

LMC Requirements	Requirements
Building Footprint	1,455 square feet, maximum based on lot size.
Front/Rear Yard Setbacks	10 feet minimum based on lot depth. Existing house complies.
Side Yard Setbacks	5 feet minimum, 10 feet total based on lot width. The existing historic house has a zero side yard setback on the north property line. This is a legal non-complying

	condition because the house is historic and this portion of the house was added on circa mid- 1940s. Existing house complies with the south side yard setback.
Building (Zone) Height	No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade.
Final Grade	Final Grade must be within four vertical feet (4') of Existing Grade around the periphery [...].
Lowest Finish Floor Plane to Highest Wall Top Plate	A Structure shall have a maximum height of thirty five feet (35') measured from the lowest finish floor plane to the point of the highest wall top plate [...].
Vertical Articulation	A ten foot (10') minimum horizontal step in the downhill façade is required [...].
Roof Pitch	Roof pitch must be between 7:12 and 12:12 for primary roofs. Non-primary roofs may be less than 7:12.

The property is located within a Flood Plain area identified on the FEMA maps. Staff recommends a condition of approval that an elevation certificate, showing that the lowest occupied floor is at or above the Base Flood Elevation (BFE), be submitted prior to issuance of a building permit. The property is located within the Park City Soils Ordinance boundary and staff recommends a condition of approval that all requirements of the Park City Soils Ordinance are complied with as part of the building permit process for future construction. Establishment of a sewer easement and upgraded sewer laterals are required for this property. The final mylar plat is required to be signed by the Snyderville Basin Water Reclamation District and this ensures that requirements of the District are addressed prior to plat recordation.

Good Cause

Planning Staff finds that there is good cause for this plat amendment as the plat amendment will not cause undo harm to adjacent property owners and all requirements of the Land Management Code for any future development can be met. Combining the Lots will allow the property owner to move forward with an addition and restoration of the historic house. Furthermore, the plat amendment will resolve the existing building encroachments over interior lot lines.

Encroachments

The submitted certified as-built survey shows a tiered historic low rubble stone wall (no foundation, just piled stones) buried in heavy vegetation encroaching a diminimus 3"-4" onto the subject property from the property to the west for approximately five feet (5') along the rear property line. An historic rubble pile of rocks is also located between the subject property and property to the north. It is about 18" high and does not have a foundation. The pile of rocks retains the ground between the two houses. These encroachments are historic and diminimus in nature.

A railroad tie retaining wall is located on the property line between the subject property and adjacent property to the north. The railroad tie wall encroaches from the property to the north onto subject property a diminimus 1"-2" for about five feet (5') in one area and 15" for the width of the wall (5") at a further east location. The railroad tie wall is not

historic. The applicant bears the burden of proper approvals for the railroad wall, which may include providing an encroachment agreement with the neighbor, or the retaining walls may be relocated or removed to be completely on each separate property.

The City staircase between Sandridge Avenue and Swede Alley runs along the south property line of subject property and does not create an encroachment on subject property. The existing house at 222 Sandridge also does not encroach on the property to the north, as the property line follows the foundation of the house in this location. This portion of the house is an older addition (mid 1940's). There is a neighboring house on the northern portion of Lot 19, however the 222 Sandridge Avenue property owner does not own that portion of Lot 19 and no encroachment of the adjacent house exists on this property. Any new construction will have to meet current LMC setbacks.

Process

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

Department Review

This project has gone through an interdepartmental review. Issues raised include flood plain issues that will need to be resolved prior to building permit issuance, sewer service and easements, Park City Soils Boundary regulations, and minor retaining wall encroachments. These issues have been addressed with conditions of approval.

Notice

On June 24, 2015, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record on June 20, 2015, according to requirements of the Land Management Code.

Public Input

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

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council for the 222 Sandridge Avenue Subdivision as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the 222 Sandridge Avenue Subdivision and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on this item.

Consequences of not taking the Planning Department's Recommendation

The site would remain as is. The site would contain one (1) single-family dwelling straddling the property line between Lots 19 and 20 and the portion of Lot 21 would remain a remnant lot.

Summary Recommendation

Staff recommends the Planning Commission hold a public hearing for the 222 Sandridge Avenue Subdivision plat amendment located at 222 Sandridge Avenue and consider forwarding 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.

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Exhibits

Ordinance

Exhibit A – Proposed Plat

Exhibit B – Applicant's Project Description

Exhibit C – Aerial Photograph

Exhibit D – Record of Survey & As-Built Map

Exhibit E – County Tax Map

Exhibit F – Historic Sites Inventory

Exhibit G – Photos

Ordinance No. 15-XX

**AN ORDINANCE APPROVING THE 222 SANDRIDGE AVENUE SUBDIVISION
LOCATED AT 222 SANDRIDGE AVENUE, PARK CITY, UTAH.**

WHEREAS, the owner of the property located at 222 Sandridge Avenue has petitioned the City Council for approval of the Plat Amendment; and

WHEREAS, on June 20, 2015, the property was properly noticed according to the requirements of the Land Management Code and legal notice was published in the Park Record; and

WHEREAS, on June 24, 2015, the property was posted and notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on July 8, 2015, to receive input on Plat Amendment; and

WHEREAS, the Planning Commission, on July 8, 2015, forwarded a recommendation to the City Council; and,

WHEREAS, on July 30, 2015, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, there is good cause and it is in the best interest of Park City, Utah to approve the 222 Sandridge Avenue Subdivision Plat Amendment.

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

SECTION 1. APPROVAL. The 222 Sandridge Avenue 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 222 Sandridge Avenue.
2. The property is in the Historic Residential-1 (HR-1) Zoning District.
3. The subject property consists of portions of Lots 19, 20, and 21, Block 72, Park City Survey.
4. The property is recognized by Summit County as Parcel PC-600 (Tax ID).
5. There is an existing landmark historic structure located on Lots 19 and 20 that straddles the common property line. The house was constructed circa 1904.
6. The proposed Plat Amendment creates one (1) lot of record from portions of three (3) lots consisting of a total of 3,553 square feet.

7. The maximum building footprint for a lot this size is 1,455 square feet.
8. A single-family dwelling is an allowed use in the Historic Residential-1 District.
9. The minimum lot area for a single-family dwelling is 1,875 square feet.
10. The proposed lot meets the minimum lot area for a single-family dwelling.
11. A duplex dwelling is a conditional use in the Historic Residential-1 District.
12. The minimum lot area for a duplex dwelling is 3,750 square feet.
13. The proposed lot does not meet the minimum lot area for a duplex dwelling.
14. The minimum lot width allowed in the Historic Residential-1 District is twenty-five feet (25'). The proposed lot is 31.96 feet wide and meets the minimum lot width requirement.
15. The existing historic house has a zero side yard setback on the north property line. This is a legal non-complying condition because the house is historic and this portion of the house was added on circa mid- 1940s. Existing house complies with the south side yard setback.
16. The submitted certified as-built survey shows a tiered historic low rubble stone wall (no foundation, just piled stones) buried in heavy vegetation encroaching a minimum 3"-4" onto subject property from the property to the west for approximately five feet (5') along the rear property line.
17. An historic rubble pile of rocks is also located between the subject property and property to the north. It is about 18" high and does not have a foundation. The pile of rocks retains the ground between the two houses. This encroachment is historic and minimum in nature.
18. A railroad tie retaining wall is located on the property line between the subject property and adjacent property to the north. The railroad tie wall encroaches from the property to the north onto subject property a minimum 1"-2" for about five feet (5') in one area and encroaches approximately 15" onto subject property at another location to the east.
19. The applicant bears the burden of proper approvals for the railroad wall that encroaches 15", which may include providing an encroachment agreement for the neighbor, or the retaining walls may be relocated or removed to be completely on each separate property.
20. The property is located within the Flood Plain area identified on the FEMA maps.
21. The property is located within the Park City Soils Ordinance boundary.
22. Establishment of a sewer easement and upgraded sewer laterals are required for this property.
23. According to the title report and existing conditions survey, the road, "Sandridge Avenue", is not part of the proposed plat. To ensure that access to 228 Sandridge is not impeded by this proposed plat Staff recommends a condition of approval that prior to recordation of the plat the property owner will verify that the driveway access to 228 Sandridge Avenue is not impeded and if the driveway is located on a portion of 222 Sandridge Avenue then an access easement will be required to be provided for the benefit of 228 Sandridge Avenue.
24. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law:

1. There is Good Cause for this Plat Amendment.

2. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding plat amendments.
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 for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City Council approval. If the final signed mylar has not been presented to the City for City signatures for recordation within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date of July 30, 2016, and an extension is granted by the City Council.
3. All new construction shall comply with LMC setback regulations in effect at the time of building permit issuance.
4. A ten feet (10') wide public snow storage easement will be required along the Sandridge Avenue frontage of the property and shall be shown on the plat prior to recordation.
5. 13-D sprinklers are required for any new construction or significant renovation of existing.
6. The encroaching railroad tie retaining wall on the north property line shall be resolved prior to plat recordation.
7. An elevation certificate, showing that the lowest occupied floor is at or above the Base Flood Elevation (BFE), shall be submitted prior to issuance of a building permit and reviewed by the City Engineer.
8. All requirements of the Park City Soils Ordinance shall be complied with as part of the building permit process for any future construction on this property.
9. All requirements of the Snyderville Basin Water Reclamation District shall be satisfied prior to recordation of the plat.
10. Prior to plat recordation the property owner shall verify that the driveway for 228 Sandridge is not located on subject property (222 Sandridge) and if it is located on 222 Sandridge or a portion thereof, an access easement shall be provided for the benefit 228 Sandridge Avenue.

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

PASSED AND ADOPTED this 30th day of July, 2015.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

ATTEST:

Marci Heil, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Exhibit A- Proposed plat

EXHIBIT A



SURVEYOR'S CERTIFICATE

I, Martin A. Morrison, certify that I am a Registered Land Surveyor and that I hold Certificate No. 4838738, 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 222 SANDRIDGE AVENUE SUBDIVISION and that the same has been or will be monumented on the ground as shown on the plat. I further certify that the information on this plat is accurate.

DEED DESCRIPTION

Beginning at an existing fence corner that is due East 284.47 feet and due South 142.16 feet from the northeast corner of Lot 16, Block 12, Amended Plat of Park City, thence North 77°00'00" East along a fence 28.22 feet; thence North 4° West 1.23 feet; thence North 86° East between two houses 41.0 feet to the westerly side of an existing road; thence South 28° East along said road 36 feet to the extension of the northerly side of a 3 foot wooden driveway; thence South 53° West along said driveway 63 feet to an angle point; thence continuing along said driveway South 39°03' West 26.03 feet to a point on a fence line extended; thence North 11° West along the extension of and the fence line 82.0 feet to the point of beginning.

Less and excepting the following:

Parcels of land located in the southeast quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcels being more particularly described as follows:

- (1) Description found in instrument recorded in Book 646 at Page 407, Summit County Records.
- (2) Beginning at a point that is South 13°40'00" East 7.02 feet and North 71°54'58" East 38.48 feet from the Northwest corner of Lot 20, Block 72, Millite Reservation to Park City Survey, and running thence along the westerly and northerly boundaries of a parcel described in that certain quit-claim deed recorded on April 28, 1987, in Book 428 at Page 254 as Entry No. 270452 the following two (2) courses: 1) North 11°00'00" West 35.10 feet; thence 2) North 77°30'00" East 5.68 feet to the southerly boundary of a parcel described in that certain quit-claim deed recorded May 1, 1998, in Book 1141 at Page 465 as Entry No. 505909; thence along the southerly boundary of said parcel the following two (2) courses: 1) South 48°00'08" East 1.04 feet; thence 2) North 86°06'29" East 3.85 feet to the line of the westerly 50 feet of Lot 19, Block 72, Millite Reservation to Park City Survey; thence along said westerly 50-foot line South 13°34'00" East 32.50 feet; thence South 71°54'58" West 11.67 feet to the point of beginning.
- (3) Beginning at a point that is South 13°34'00" East 7.01 feet and North 73°19'52" East 36.85 feet from the northwest corner of Lot 21, Block 72, Millite Reservation to Park City Survey, and running thence North 73°19'52" East 13.22 feet to the line of the westerly 50 feet of Lot 21, Block 72, Millite Reservation to Park City Survey; thence along the westerly 50-foot line South 13°34'00" East 2.06 feet to the southerly boundary of a parcel described in that certain quit-claim deed recorded on April 28, 1987, in Book 428 at Page 254 as Entry No. 270452; thence along the southerly and westerly boundaries of said parcel the following two (2) courses: 1) South 39°03'00" West 17.28 feet; thence 2) North 11°00'00" West 11.65 feet to the point of beginning.
- (4) Beginning at a point that is South 71°54'58" West 9.34 feet and South 18°05'04" East 18.00 feet from the northernmost corner of Lot 20, Block 72, Millite Reservation to Park City Survey, said point also being on the boundary of a parcel described in a quit-claim deed, Entry No. 512257, recorded September 28, 1983, in the office of the Summit County Recorder, Summit County, Utah; and running thence along the boundary of said quit-claim deed the following two (2) courses: 1) South 53°00'00" West 65.00 feet; thence 2) South 39°03'00" West 6.00 feet; thence North 24°48'19" East 4.43 feet; thence North 35°46'20" East 10.32 feet; thence North 58°25'10" East 5.65 feet; thence North 61°07'01" East 11.87 feet; thence North 54°20'40" East 38.17 feet; thence North 57°23'08" East 11.55 feet to the point of beginning.

SURVEY DESCRIPTION

A parcel of land located in the southeast quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point that is North 23°34'13" West 176.27 feet and North 66°25'47" East 173.28 feet from the street monument at the angle point in Main Street adjacent to Lot 12, Block 13, Park City Survey, and running thence North 11°00'00" West 35.06 feet; thence North 71°54'58" East 11.67 feet; thence North 13°34'00" West 32.50 feet; thence North 86°06'29" East 15.34 feet; thence North 04°12'34" West 2.88 feet; thence North 85°46'44" East 10.12 feet to a point on an existing building; thence along the edge of said existing building the following three (3) courses: 1) North 02°59'41" West 1.18 feet; thence 2) North 85°10'41" East 12.14 feet; thence 3) South 02°30'47" East 1.59 feet; thence North 82°34'44" East 23.55 feet; thence along an existing asphalt driveway South 21°24'00" East 31.98 feet; thence South 57°21'58" West 12.41 feet; thence South 54°20'40" East 28.17 feet to the corner of an existing fence; thence South 81°07'01" West 11.87 feet; thence South 58°25'10" West 5.65 feet; thence South 35°46'20" West 10.32 feet; thence South 24°48'19" West 4.43 feet; thence South 39°03'00" West 2.75 feet; thence North 13°34'00" West 2.06 feet; thence South 73°19'52" West 13.22 feet to the point of beginning.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that 222 SANDRIDGE, LLC, a Utah limited liability company, the undersigned owner of the herein described tract of land, to be known hereafter as 222 SANDRIDGE AVENUE SUBDIVISION, does hereby certify that it has caused this Plat Amendment to be prepared, and does hereby consent to the recording of this Plat.

In witness whereof, the undersigned set his hand this ____ day of _____, 2015.

David Bogino, Chief Executive Officer
222 SANDRIDGE, LLC, a Utah limited liability company

State of Utah)
County of Summit) ss: **ACKNOWLEDGMENT**

On this ____ day of _____, 2015, David Bogino personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, David Bogino acknowledged to me that he is a managing member of 222 SANDRIDGE, LLC, a Utah 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

Printed Name _____

Residing in: _____

My commission expires: _____

NOTE

This subdivision is subject to the Conditions of Approval in Ordinance 15-_____

LEGEND

- Found survey monument
- Property corner to be set
- Found rebar & cap unless otherwise noted

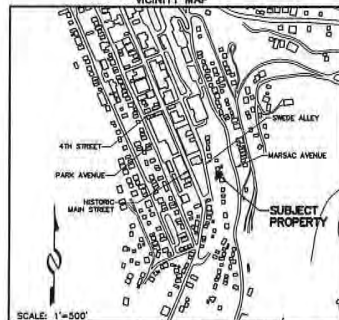
LINE	BEARING	DISTANCE
L1	N 71°54'58" E	11.67
L2	N 86°06'29" E	15.34
L3	N 04°12'34" W	2.88
L4	N 85°46'44" E	10.12
L5	N 02°59'41" W	1.18
L6	N 85°10'41" E	12.14
L7	S 02°30'47" E	1.59
L8	N 82°34'44" E	23.55
L9	S 21°24'00" W	31.98
L10	S 57°21'58" W	12.41
L11	S 54°20'40" W	5.65
L12	S 35°46'20" W	10.32
L13	S 24°48'19" W	4.43
L14	S 39°03'00" W	2.75
L15	N 13°34'00" W	2.06
L16	S 73°19'52" W	13.22



A PARCEL COMBINATION PLAT A COMBINATION OF PORTIONS OF LOTS 19, 20 & 21 IN BLOCK 72, PARK CITY SURVEY

222 SANDRIDGE AVENUE SUBDIVISION

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



MAY 12 2015

SHEET 1 OF 1



SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER
RECLAMATION DISTRICT STANDARDS ON THIS ____
DAY OF _____, 2015
BY _____
S.B.W.R.D.

APPROVED BY THE PARK CITY
PLANNING COMMISSION THIS ____
DAY OF _____, 2015
BY _____ CHAIR

ENGINEER'S CERTIFICATE
I FIND THIS PLAT TO BE IN
ACCORDANCE WITH INFORMATION ON
FILE IN MY OFFICE THIS ____
DAY OF _____, 2015
BY _____
PARK CITY ENGINEER

APPROVAL AS TO FORM THIS ____
DAY OF _____, 2015
BY _____
PARK CITY ATTORNEY

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY
COUNCIL THIS ____ DAY OF _____, 2015
BY _____ MAYOR

CERTIFICATE OF ATTEST
I CERTIFY THIS RECORD OF SURVEY
MAP WAS APPROVED BY PARK CITY
COUNCIL THIS ____ DAY
OF _____, 2015
BY _____
PARK CITY RECORDER

RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
AT THE REQUEST OF _____
DATE _____ TIME _____ ENTRY NO. _____
FEE _____ RECORDER

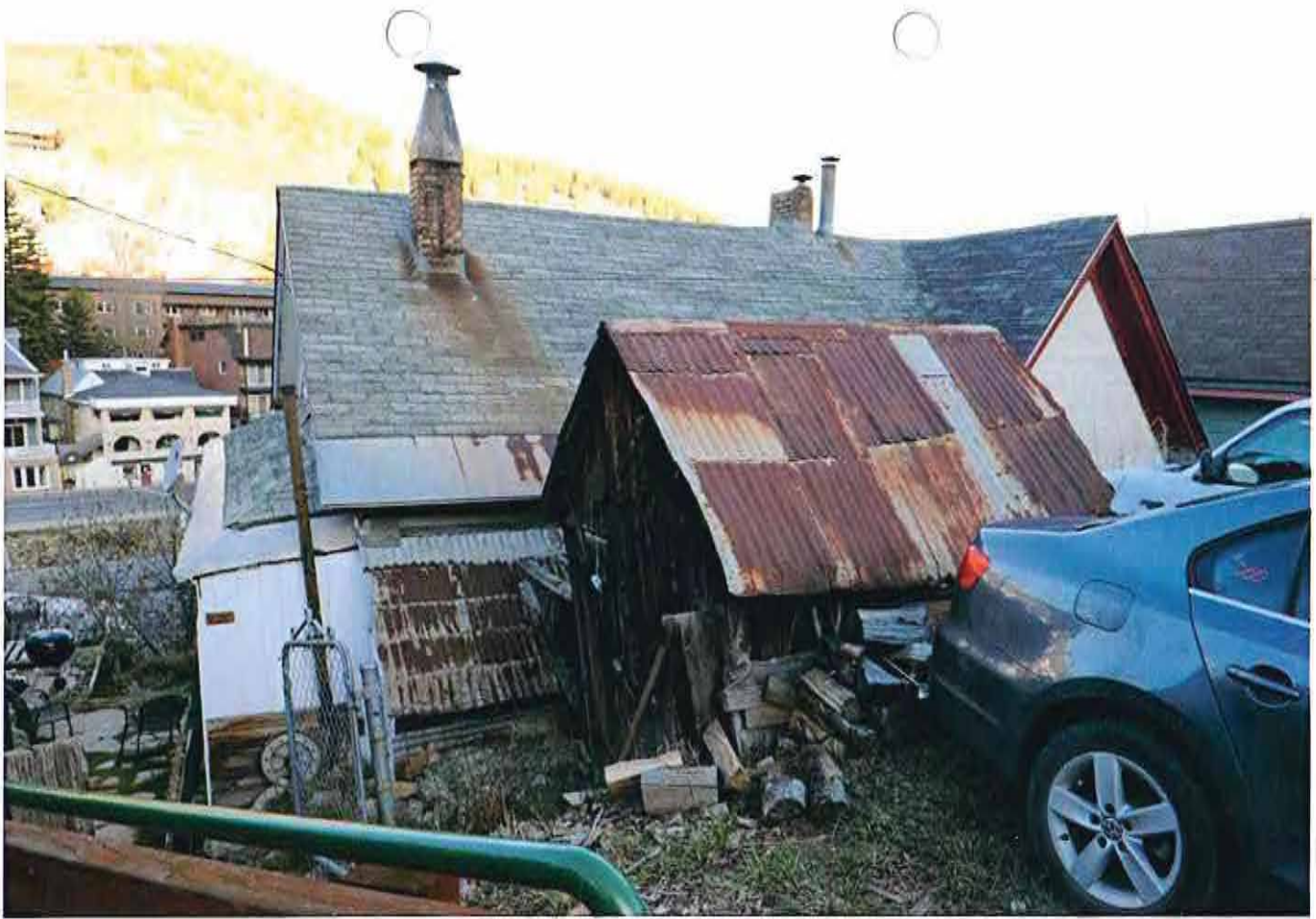
PARK CITY SURVEY, BLOCK 72,
PORTIONS OF LOTS 19, 20 & 21

(222 SANDRIDGE AVENUE)

PROJECT INTENT

✓ The property at 222 Sandridge Avenue includes eastern portions of Lots 19, 20 and 21, Block 72, Park City Survey. An existing residence straddles the lot line common to Lots 19 and 20 as originally platted. In addition, there is a small portion of Lot 21 at the southwesterly corner of the property. The owner desires to unify the property into one lot of record by removing the existing lot lines, with the ultimate goal of renovating the existing residence.

MAY 12 2015



222 Sandridge Avenue looking West

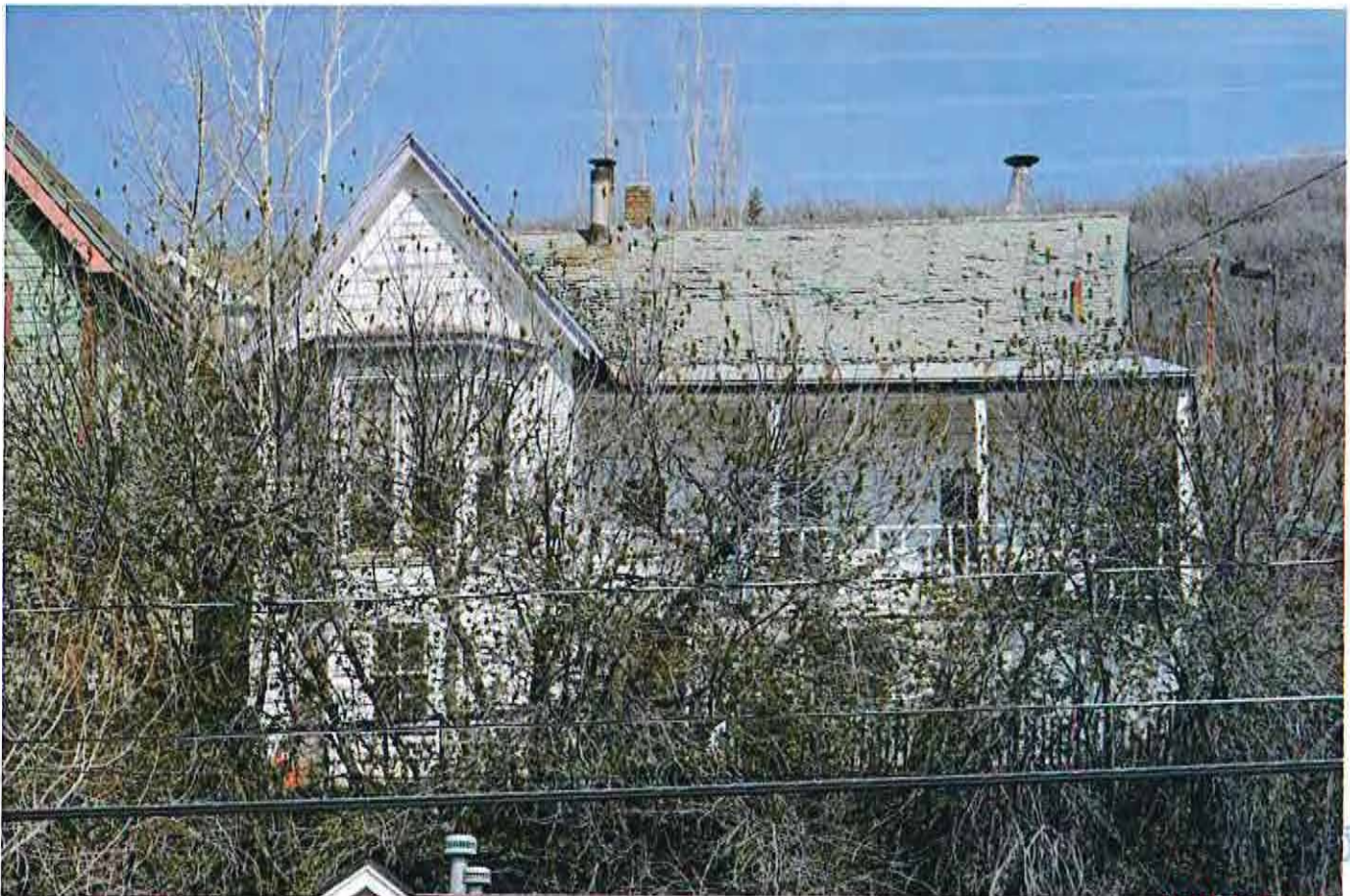


222 Sandridge Avenue looking Northwest

VED
MAY 12 2015
CITY OF DENVER



222 Sandridge Avenue looking North



222 Sandridge Avenue looking East

EXHIBIT C

SURVEYOR'S CERTIFICATE

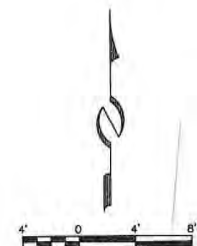
I, Martin A. Morrison, do hereby certify that I am a registered land surveyor and that I hold certification no. 4938738 as prescribed under the laws of the State of Utah. I further certify that a topographic survey has been made under my direction of the lands shown and described hereon. I further certify that this topographic survey is a correct representation of the land surveyed at the time the field work was completed and is in compliance with generally accepted industry standards for accuracy.



NOTES

1. Site Benchmark: Fire hydrant top nut
Elevation=7154.97
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 March 12, 2015.
4. Property corners were found.

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 02°28'41" W	1.18
L2	S 08°30'47" E	1.55
L3	S 89°24'10" W	3.85
L4	S 22°46'12" W	4.43
L5	S 38°53'00" W	2.78
L6	N 13°24'00" W	2.08
L7	N 04°12'34" W	2.89



MAY 12 2015



STAFF:
MARSHALL KING
MARTY MORRISON
JEFF KITCHEN

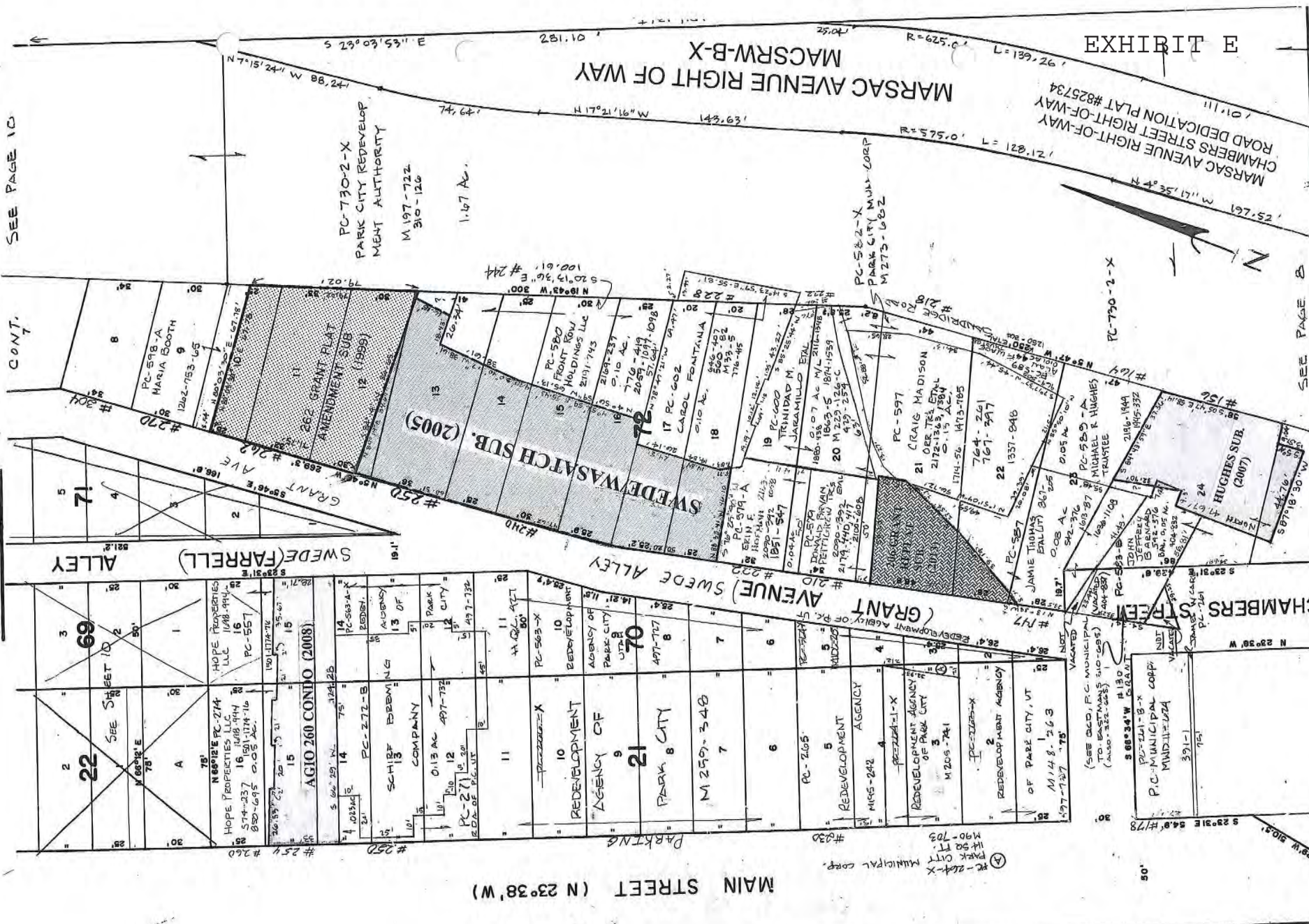
EXISTING CONDITIONS & TOPOGRAPHIC MAP
222 SANDRIDGE
PARK CITY SURVEY

FOR: WASATCH MOUNTAIN BUILDERS
JOB NO.: 7-1-1-15
FILE: X:\ParkCitySurvey\dwg\wp\topo2015\070115.dwg

DATE: 4/21/15

SHEET
1
OF
1





E L I T I H X E

SUMMIT CC

REVISIONS - DATE AND INITIAL (In Pencil)

Approved
Utah State Tax Comm

Date By
Engineering Associates Inc.

HISTORIC SITE FORM - HISTORIC SITES INVENTORY

PARK CITY MUNICIPAL CORPORATION (10-08)

1 IDENTIFICATIONName of Property: **Matilda M. Stromberg House**

Address: 222 Sandridge Road

AKA:

City, County: Park City, Summit County, Utah

Tax Number: PC-600

Current Owner Name: Virginia Jaramillo

Parent Parcel(s):

Current Owner Address: 1812 Forane Street, Barstow, CA 92311

Legal Description (include acreage): 0.07 acres; PARK CITY BLOCK 72 (MILLSITE RES) BLOCK: 72 PLAT: B BUILDING: 0.00FRAME DWELLING HOUSE ON SAND RIDGE E'LY FROM GRANT AVE; ALSO DESC AS BEG AT AN EXISTING FENCE COR THAT IS DUE E 294.47 FT; DUE S 142.16 FT FROM NE COR LOT 16 BLK 12 PARK CITY; TH N 77°50'30" E ALONG FENCE 25.22 FT; TH N 4° W 1.25 FT N 86° E BETWEEN 2 HOUSES 41 FT TO W'LY SD EXISTING RD; TH S 28° E ALONG SD RD 36 FT TO THE EXTENSION OF NW'LY SIDE OF A 3 FT WOODEN STAIRWAY; TH S 53° W ALONG SD STAIRWAY 63 FT TO AN ANGLE POINT; TH CONTINUING ALONG SD STAIRWAY S 39°03' W 26.03 FT TO A PT OF FENCE LINE EXTENDED; TH N 11° W ALONG EXT OF FENCE LINE 82.0 FT TO BEG

2 STATUS/USEProperty Category

- ☒ building(s), main
☐ building(s), attached
☐ building(s), detached
☐ building(s), public
☒ building(s), accessory
☐ structure(s)

Evaluation*

- ☒ Landmark Site
☐ Significant Site
☐ Not Historic

Reconstruction

- Date:
 Permit #:
☐ Full ☐ Partial

Use

- Original Use: Residential
 Current Use: Residential

*National Register of Historic Places: ☐ ineligible ☒ eligible
☐ listed (date:)

3 DOCUMENTATIONPhotos: Dates

- ☒ tax photo:
☒ prints: 1983, 1995 & 2006
☐ historic: c.

Research Sources (check all sources consulted, whether useful or not)

- ☐ abstract of title
☒ tax card
☐ original building permit
☐ sewer permit
☒ Sanborn Maps
☐ obituary index
☐ city directories/gazetteers
☐ census records
☐ biographical encyclopedias
☐ newspapers
- ☒ city/county histories
☐ personal interviews
☐ Utah Hist. Research Center
☐ USHS Preservation Files
☐ USHS Architects File
☐ LDS Family History Library
☐ Park City Hist. Soc/Museum
☐ university library(ies):
☐ other:

Drawings and Plans

- ☐ measured floor plans
☐ site sketch map
☐ Historic American Bldg. Survey
☐ original plans:
☐ other:

Bibliographical References (books, articles, interviews, etc.) Attach copies of all research notes and materials.

Blaes, Dina & Beatrice Lufkin. "Final Report." Park City Historic Building Inventory. Salt Lake City: 2007.

Carter, Thomas and Goss, Peter. *Utah's Historic Architecture, 1847-1940: a Guide*. Salt Lake City, Utah: University of Utah Graduate School of Architecture and Utah State Historical Society, 1991.

McAlester, Virginia and Lee. *A Field Guide to American Houses*. New York: Alfred A. Knopf, 1998.

Roberts, Allen. "Final Report." Park City Reconnaissance Level Survey. Salt Lake City: 1995.

Roper, Roger & Deborah Randall. "Residences of Mining Boom Era, Park City - Thematic Nomination." National Register of Historic Places Inventory, Nomination Form. 1984.

Researcher/Organization: Dina Blaes/Park City Municipal Corporation

Date: November, 08

4 ARCHITECTURAL DESCRIPTION & INTEGRITY

Building Type and/or Style: T/L cottage type / vernacular style

No. Stories: 1

Additions: ☒ none ☐ minor ☐ major (describe below) Alterations: ☐ none ☒ minor ☐ major (describe below)Number of associated outbuildings and/or structures: ☒ accessory building(s), # __1__; ☐ structure(s), # ____.

General Condition of Exterior Materials:

☒ Good (Well maintained with no serious problems apparent.)☐ Fair (Some problems are apparent. Describe the problems.):☐ Poor (Major problems are apparent and constitute an imminent threat. Describe the problems.):☐ Uninhabitable/Ruin**Materials** (The physical elements that were combined or deposited during a particular period of time in a particular pattern or configuration. Describe the materials.):

Site: House is perched on ridge, facing west toward town.

Foundation: 1949, 1958 & 1968 tax cards indicate no foundation, not verified.

Walls: Wood drop siding and asbestos shingles.

Roof: Cross-wing form sheathed in shingles.

Windows/Doors: Narrow double-hung sash type.

Essential Historical Form: ☒ Retains ☐ Does Not Retain, due to:Location: ☒ Original Location ☐ Moved (date _____) Original Location:**Design** (The combination of physical elements that create the form, plan, space, structure, and style. Describe additions and/or alterations from the original design, including dates--known or estimated--when alterations were made): The one-story frame T/L cottage by addition is largely unchanged from the description provided in the 1983 National Register nomination (see Structure/Site Form, 1983).**Setting** (The physical environment--natural or manmade--of a historic site. Describe the setting and how it has changed over time.): The house is perched on the ridge with the primary façade facing west toward Main Street. The setting has not significantly change, though a paved parking area has been added to the east rear yard. A small accessory building, in poor condition, sits just east of the rear lean-to addition. The accessory building is visible in the tax photo (weathered exterior materials suggesting it is not newly constructed in c. 1940), is noted in the 1949 tax photo, but is not seen on the 1907 Sanborn Insurance map.**Workmanship** (The physical evidence of the crafts of a particular culture or people during a given period in history. Describe the distinctive elements.): The physical evidence from the period that defines this as a typical Park City mining era house are the simple methods of construction, the use of non-beveled (drop-novelty) wood siding, the plan type, the simple roof form, the informal landscaping, the restrained ornamentation, and the plain finishes. The asbestos siding on the east façade diminishes the workmanship of the historic era.**Feeling** (Describe the property's historic character.): The physical elements of the site, in combination, convey a sense of life in a western mining town of the late nineteenth and early twentieth centuries.**Association** (Describe the link between the important historic era or person and the property.): The "T" or "L" cottage (also known as a "cross-wing") is one of the earliest and one of the three most common house types built in Park City during the mining era.This site was nominated to the National Register of Historic Places in 1984 as part of the *Park City Mining Boom Era Residences Thematic District*, but was not listed because of the owner's objection. It was built within the historic period, defined as 1872 to 1929 in the district nomination. The site retains its historic integrity and would be

considered eligible for the National Register as part of an updated or amended nomination. As a result, it meets the criteria set forth in LMC Chapter 15-11 for designation as a Landmark Site.

5 SIGNIFICANCE

Architect: ☒ Not Known ☐ Known: (source:)

Date of Construction: c. 1904¹

Builder: ☒ Not Known ☐ Known: (source:)

The site must represent an important part of the history or architecture of the community. A site need only be significant under one of the three areas listed below:

1. Historic Era:

- ☐ Settlement & Mining Boom Era (1868-1893)
- ☒ Mature Mining Era (1894-1930)
- ☐ Mining Decline & Emergence of Recreation Industry (1931-1962)

Park City was the center of one of the top three metal mining districts in the state during Utah's mining boom period of the late nineteenth and early twentieth centuries, and it is one of only two major metal mining communities that have survived to the present. Park City's houses are the largest and best-preserved group of residential buildings in a metal mining town in Utah. As such, they provide the most complete documentation of the residential character of mining towns of that period, including their settlement patterns, building materials, construction techniques, and socio-economic make-up. The residences also represent the state's largest collection of nineteenth and early twentieth century frame houses. They contribute to our understanding of a significant aspect of Park City's economic growth and architectural development as a mining community.²

2. **Persons** (Describe how the site is associated with the lives of persons who were of historic importance to the community or those who were significant in the history of the state, region, or nation):

3. **Architecture** (Describe how the site exemplifies noteworthy methods of construction, materials or craftsmanship used during the historic period or is the work of a master craftsman or notable architect):

6 PHOTOS

Digital color photographs are on file with the Planning Department, Park City Municipal Corp.

Photo No. 1: East elevation. Camera facing west, 2006.

Photo No. 2: South elevation - partial. Camera facing north, 2006.

Photo No. 3: Southwest oblique. Camera facing northeast, 2006.

Photo No. 4: Accessory building. Camera facing southeast, 2006.

Photo No. 5: South elevation - partial. Camera facing north, 1995.

Photo No. 6: West elevation (primary façade). Camera facing east, 1983.

Photo No. 7: East elevation. Camera facing west, tax photo.

¹ Summit County Tax Assessor.

² From "Residences of Mining Boom Era, Park City - Thematic Nomination" written by Roger Roper, 1984.

SERIAL NO.
RE-APPRAISAL CARD (1940 APPR. BASE)

Owner's Name _____
 Owner's Address _____
 Location _____
 Kind of Building RES. Street No. 1391
 Schedule 1 Class 3 Type 1-2-3-4 Cost \$ 1391 X 1.06%

Stories	Dimensions	Cu. Ft.	Sq. Ft.	Actual Factor	Totals
1	x x		688	\$	\$ 1474
	x x2	LEANING	88	\$.80	\$ 70
	x x			\$	\$

No. of Rooms 5 Condition FAIR 1544

Description of Building	Add	Deduct
Foundation—Stone Conc. None ✓		112
Ext. Walls <u>ASBESTOS SHG.</u>		
Insulated—Floors Walls Clgs.		
Roof—Type <u>GAB.</u> Mat. <u>PAT. SHG.</u>		
Dormers—Small Med. Lg.		
Bays—Small <u>FALSE</u> Med. Lg.	18	
Porches—Front <u>176 @ .80</u>	140	
Rear <u>@</u>		
Cellar—Basin't <u>1/4 1/2 1/2 1/2 1/2 full-floor</u> <u>DIRT</u>		
Basement Apts.—Rooms Fin.		
Attic Rooms Fin. Unfin.		
Plumbing { Class <u>1</u> Tub <u>1</u> Trays <u>1</u> Basin <u>1</u> Sink <u>1</u> Toilet <u>1</u> Urns <u>1</u> Ftns. <u>1</u> Shr. <u>1</u> Dishwasher <u>1</u> Garbage Disp. <u>1</u>	315	
Heat—Stove <u>1</u> H. A. <u>1</u> Steam <u>1</u> S. <u>1</u> Blr. <u>1</u> Oil <u>1</u> Gas <u>1</u> Coal <u>1</u>		
Air Conditioned Incinerators		
Radiant—Pipeless		
Finish—{ Hd. Wd. <u>1</u> Floors { Hd. Wd. <u>1</u> Fir. <u>1</u> { Fir. <u>1</u> Conc. <u>1</u>		
Cabinets Mantels		
Tile—{ Walls <u>1</u> Wainscot. <u>1</u> Floors <u>1</u>		
Lighting—Lamp Drops <u>1</u> Fix. <u>1</u>		
<u>WOOD LINED.</u>		125

Total Additions and Deductions 473 237 1544
 Net Additions or Deductions 237 \$ + 236

Age 45 Yrs. by { Est. Owner
Tenant
Neighbors
Records } REPRODUCTION VALUE \$ 1780
 Depr. 1-2-3-4-5-6 58/42% \$ 747
 Reproduction Val. Minus Depr. \$ 747

Remodeled Est. Cost _____ Remodeling Inc. _____%
 Garage—S 8 C Depr. 2% 3% _____ Obsolescence _____
 Cars Walls _____ Out Bldgs. _____
 Roof Size x Age _____
 Floor Cost _____ Depreciated Value Garage _____
 Remarks AT AGE ON OLD CARD 37 YRS. (1941) Total Building Value \$ _____

Location Block 72 E. Pt of Lot 20.
 Kind of Bldg. RES St. No. 222 Sand Ridge
 Class 3 Type 1 2 3 4. Cost \$ 1435 X 100%

Stories	Dimensions	Cu. Ft.	Sq. Ft.	Factor	Totals
1	x x		688		\$ 1435
	x x				
	x x				

Gar.—Carport x Flr. Walls Cl.

Description of Buildings	Additions
Foundation—Stone <u>Conc.</u> None <u>✓</u>	
Ext. Walls <u>Asph/Flt Siding</u>	
Insulation—Floors <u>Walls</u> Clgs. <u>—</u>	
Roof Type <u>Gable</u> Mtl. <u>Flt</u>	
Dormers—Small <u>—</u> Med. <u>—</u> Large <u>—</u>	
Bays—Small <u>—</u> Med. <u>—</u> Large <u>—</u>	
Porches—Front <u>176' @ 100</u>	176
Rear <u>4x10 48 @ 80</u>	32
Porch <u>4x12 48 @ 80</u>	38
Metal Awnings <u>—</u> Mtl. Rail <u>—</u>	
Basement Entr. <u>—</u> @ <u>—</u>	
Planters <u>—</u> @ <u>—</u>	
Cellar Bsmt. — 1/4 1/2 3/4 Full <u>—</u> Floor <u>—</u>	
Bsmt. Apt. <u>—</u> Rooms Fin. <u>—</u> Unfin. <u>—</u>	
Attic Rooms Fin. <u>—</u> Unfin. <u>—</u>	
Plumbing { Class <u>1</u> Tub <u>1</u> Trays <u>—</u> Basin <u>1</u> Sink <u>1</u> Toilet <u>1</u> Wtr. Sfr. <u>—</u> Shr. St. <u>—</u> O.T. <u>—</u> Dishwasher <u>—</u> Garbage Disp. <u>—</u>	350
Built-in-Appliances <u>—</u>	
Heat—Stove <u>✓</u> H.A. <u>✓</u> Steam <u>—</u> Stkr. <u>—</u> Blr. <u>—</u>	
Oil <u>✓</u> Gas <u>✓</u> Coal <u>—</u> Pipeless <u>—</u> Radiant <u>—</u>	
Air Cond. <u>—</u>	
Finish—Fir <u>✓</u> Hd. Wd. <u>—</u>	
Floor—Fir <u>✓</u> Hd. Wd. <u>—</u> Other <u>—</u>	
Cabinets <u>—</u> Mantels <u>—</u>	
Tile—Walls <u>—</u> Wainseot <u>—</u> Floors <u>—</u>	
Storm Sash—Wood D. <u>—</u> S. <u>—</u> ; Metal D. <u>—</u> S. <u>—</u>	
Total Additions	596
Year Built <u>—</u> Avg. <u>54</u> Current Value <u>\$ 2031</u>	
Age <u>—</u> Commission Adj. <u>—</u> %	
Inf. by <u>Owner - Tenant -</u> Bldg. Value <u>—</u>	
<u>Neighbor - Record - Est.</u> Depr. Col. <u>1 2 3 4 5 6 33</u> %	
Remodel Year <u>—</u> Est. Cost <u>—</u> Current Value Minus Depr. <u>\$ 1670</u>	
Garage—Class <u>—</u> Depr. 2% 3% Carport—Factor <u>—</u>	
Cars <u>—</u> Floor <u>—</u> Walls <u>—</u> Roof <u>—</u> Doors <u>—</u>	
Size— <u>x</u> Age <u>—</u> Cost <u>—</u> x <u>—</u> %	
Other <u>—</u>	
Total Building Value	\$

91 600
Serial Number

OF
Card Number

Owners Name

Location Blk 22 EPT of lot 20

Kind of Bldg. Res St. No. 222 Sand Ridge

Class 2 Type 1 2 3 3 Cost \$ X 100 %

Stories	Dimensions	Sq. Ft.	Factor	Totals	Totals
1	x x	724		\$ 2352	\$
	x x				
	x x				

Att. Gar.—C.P. x Flr. Walls Cl.

Description of Buildings Additions Additions

Foundation—Stone Conc. Sills ✓

Ext. Walls sid (A)

Roof Type Gab Mtl. Put

Dormers—Small Med. Large

Bays—Small Med Large

Porches—Front 186 @ 100 186

Rear 40 @ 100 40

Porch 56 @ 100 56

Planters @

Ext. Base. Entry @

Cellar-Bsmt. — $\frac{1}{4}$ $\frac{1}{8}$ $\frac{1}{2}$ $\frac{3}{4}$ Full Floor 40

Bsmt. Gar.

Basement-Apt. Rms. Fin. Rms.

Attic Rooms Fin. Unfin.

Plumbing { Class 1 Tub. 1 Trays 1

Basin 1 Sink 1 Toilet 1

Wtr. Sfr. Shr. St. O.T.

Dishwasher Garbage Disp. 550

Heat—Stove H.A. FA X HW Stkr Elec.

Oil Gas X Coal Pipeless Radiant 323

Air Cond. — Full Zone

Finish—Fir. ✓ Hd. Wd. Panel

Floor—Fir. ✓ Hd. Wd. Other

Cabinets 1 Mantels.

Tile—Walls Wainscot Floors

Storm Sash—Wood D. S.; Metal D. S.

Awnings — Metal Fiberglass

Total Additions 1185

Year Built 1904 Avg. 1911 Replacement Cost 3537

1964 Age 2. Obsolescence

Inf. by Owner Tenant - Adj. Bld. Value

Neighbor - Record - Est. Conv. Factor x.47

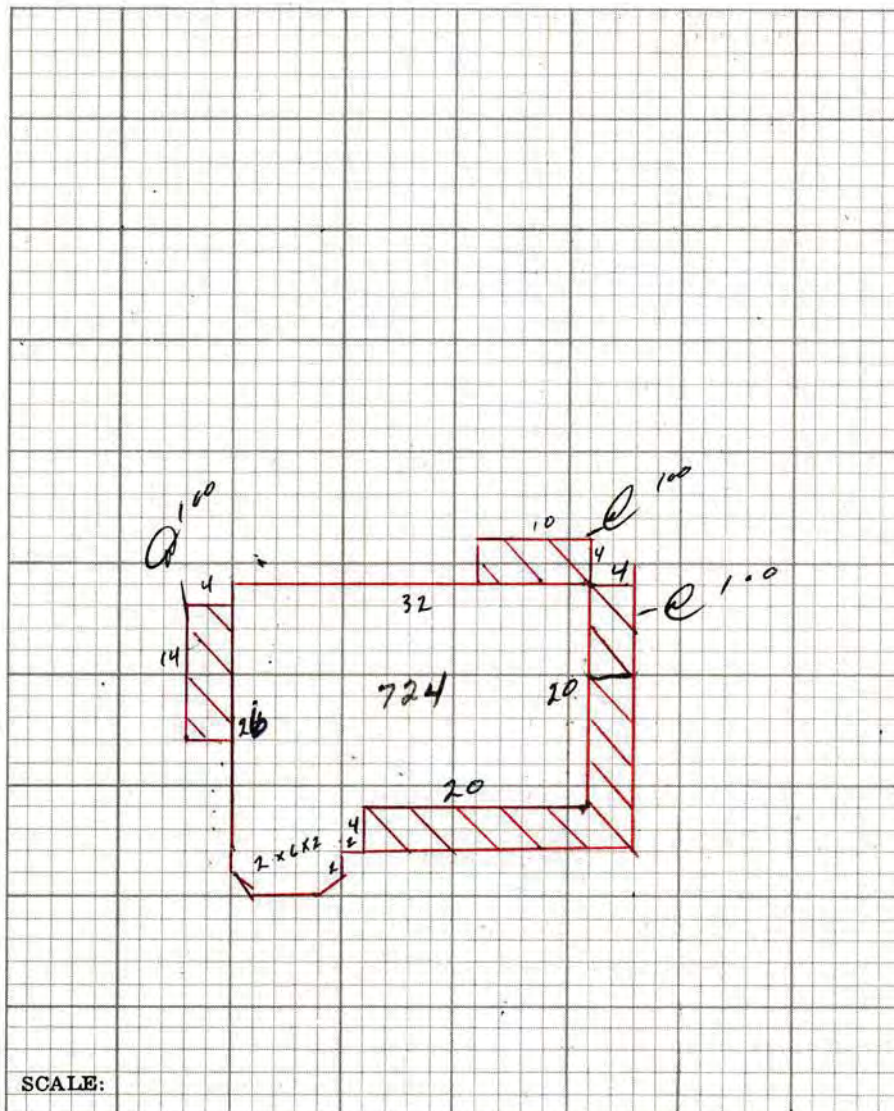
Replacement Cost—1940 Base

Depreciation Column 1 2 3 4 5 6

1940 Base Cost, Less Depreciation

Total Value from reverse side

Total Building Value \$



SCALE:

RESIDENTIAL OUT BUILDINGS	Age	Size	Area	Factor	Cost	Conv. Fac.	Adj. Cost	Depr. Value
		x				.47		
		x				.47		
		x				.47		
		x				.47		
		x				.47		
		x				.47		

Garage — Class _____ Depr. 2% 3% _____

Cars _____ Floor _____ Walls _____ Roof _____ Doors _____

Size _____ x _____ Age _____ Cost _____ x 47% _____

_____ 1940 Base Cost _____ x _____ % Depr. _____

Total _____

REMARKS Average Year of Construction Computation:

Year 1904 \$ 3116 — 88 % X 61 Year = 5368

Year 1964 \$ 413 — 12 % X 1 Year = 112

Average Year of Construction 1911

5380
3



Property Type: _____

Historic Preservation Research Office

Structure/Site Information Form

IDENTIFICATION 1

Street Address: 222 Sandridge
 Name of Structure: Park City, Summit County, Utah
 Matilda M. Stromberg House
 Present Owner: Trinidad Jaramillo
 Owner Address: P.O. Box 433, Park City, Utah 84060

UTM: 12 458320 4498880

T. R. S.

Year Built (Tax Record): _____ Effective Age: _____ Tax #: PC 600
 Legal Description: _____ Kind of Building: _____
 Begin at an east fence corner that is due East 294.47 feet and due South 142.16 feet
 from northeast corner Lot 16 Block 72, Park City, thence North 77 degrees 30 minutes
 East along fence 25.22 feet; thence North 4 degrees West 1.25 feet North 80 degrees
 East between 2 houses 41.0 feet to Westerly side existing road to
 Northwesterly side of a 3 foot wooden stairway, thence South 53 degrees West
 along said stairway 63 feet to an angle point; thence continue along said (see cont. sheet)

STATUS/USE 2

Original Owner: Unknown Construction Date: c. 1885 Demolition Date: _____
 Original Use: Residence Present Use: _____
 Building Condition: Integrity: Preliminary Evaluation: Final Register Status: _____
☐ Excellent ☐ Site ☐ Unaltered ☒ Significant ☐ Not of the ☐ National Landmark ☐ District
☒ Good ☐ Ruins ☐ Minor Alterations ☐ Contributory ☐ Historic Period ☐ National Register ☐ Multi-Resource
☐ Deteriorated ☐ Major Alterations ☐ Not Contributory ☐ State Register ☐ Thematic

DOCUMENTATION 3

Photography: Date of Slides: 1983 Slide No.: _____ Date of Photographs: 1983 Photo No.: _____
 Views: ☐ Front ☐ Side ☐ Rear ☐ Other Views: ☐ Front ☐ Side ☐ Rear ☐ Other

Research Sources:

☒ Abstract of Title ☒ Sanborn Maps ☐ Newspapers ☐ U of U Library
☒ Plat Records/Map ☐ City Directories ☐ Utah State Historical Society ☐ BYU Library
☒ Tax Card & Photo ☐ Biographical Encyclopedias ☐ Personal Interviews ☐ USU Library
☐ Building Permit ☒ Obituary Index ☐ LDS Church Archives ☐ SLC Library
☐ Sewer Permit ☒ County & City Histories ☐ LDS Genealogical Society ☒ Other Census Records

Bibliographical References (books, articles, records, interviews, old photographs and maps, etc.):

Architect/Builder: Unknown

Building Materials: Wood

Building Type/Style: T/L Cottage by Addition

Description of physical appearance & significant architectural features:
(Include additions, alterations, ancillary structures, and landscaping if applicable)

This house is a one story T/L cottage with a gable roof. It is a T/L cottage by addition. A cross-wing was added to an existing hall and parlor house to form a T/L cottage. This was a common and acceptable method of expanding and at the same time updating a small house in Park City. The older folk type, the hall and parlor house, was effectively changed to resemble the popular T/L cottage. On the 1889 Sanborn Insurance Map, the building shows up as a hall and parlor house. By 1900 a cross-wing had been added to the north side of the building. The bump in the roof line where the two sections were joined visually confirms that a change was made. Unlike most T/L cottages by addition, which reflect the traditional hall and parlor arrangement of openings on the stem-wing, this house, instead of having a door between two windows, has the door at one end of the stem-wing flanked by two windows. A porch with square piers and a straight post balustrade spans the facade and wraps around the south end of the building. It terminates at a shed extension that was added to the southeast corner of the building. This type of extension was common in Park City and usually provided space for a wood or coal shed. There is also a small shed extension on the north side of the building. In-period additions are part of Park City's architectural vocabulary. Although in many cases an addition represents a major alteration
(See continuation sheet)

Statement of Historical Significance:

Construction Date: c. 1885

Built c. 1885, the Matilda M. Stromberg House at 222 Sandridge is architecturally significant as one of about 34 extant T/L cottages by addition in Park City, 11 of which are included in this nomination. The T/L cottage was one of three popular Park City house forms that was built in the late nineteenth century. T/L cottages by addition make up 9% of the total number of in-period buildings in Park City, and represent 30% of the total number of houses with T/L plans. The T/L cottage resulted from the addition of a cross-wing to an existing hall and parlor house, and is significant because it documents the most common major method of expanding a small mining town cottage.

The original hall and parlor section of this house was built by at least 1889, according to the Sanborn Insurance Maps, but the exact date of its construction and the name of its original owner are unknown. The earliest owner associated with this house was Matilda M. Stromberg, who, in 1917, sold it to Victor and Rosina Sandstrom. It is not known when Mrs. Stromberg bought this house or whether she lived there or rented it out. Nothing is known about her except that her last name was formerly Leahy.

Victor and Rosina Sandstrom owned the house from 1917 until 1938, when they sold it to Oscar H. and Jennie S. Lowe. In 1945, Trinidad Jaramillo, the current owner, and her husband, Louis, bought the house.

222 Sandridge

Description continued:

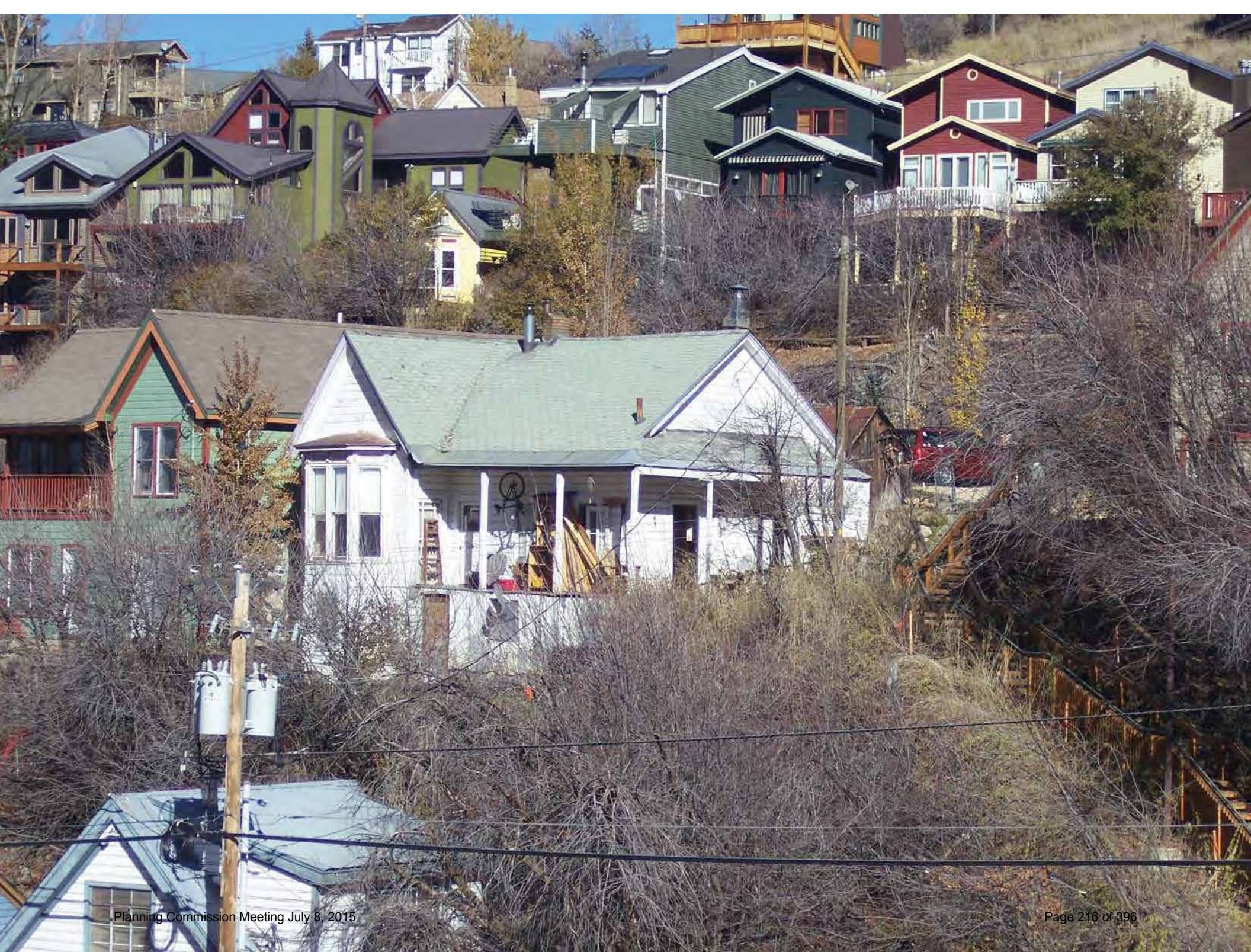
of the original house, it usually contributes to the significance of a house because it documents the most common and acceptable method of expansion of the small Park City house. There was a door in the south end of the building which was shifted west, probably reflecting an internal change. An elaborate Italianate bay is attached to the front of the cross-wing. It has a hip roof, brackets under the eaves, a single one over one double hung sash window on each side and two windows across the front. A window below the crosswing and one under the porch indicate that the house has a basement. It is unknown whether the basement is original or is a later addition. It, however, does not affect the original character of the building. The rear of the house is sided with board and batten siding. The house no longer maintains its integrity as a hall and parlor house. It does maintain its integrity as a T/L cottage, a form it had achieved by 1900. The changes that have been made are minor and do not affect the building's original integrity.

Legal Description continued:

stairway South 39 degrees 03 minutes West 26.03 feet to a point of fence line extended, thence North 11 degrees West along ext. of fence line 82.0 feet to beginning.

Less than one acre.







Looking north from Sandridge Avenue

EXHIBIT G



Looking South from Sandridge Avenue





Looking East from Swede Alley





Rubble wall between
222 and 228 Sandridge

Planning Commission Staff Report

Application #: PL-15-02698
Subject: Central Park City Condominiums MPD
Author: Kirsten Whetstone, MS, AICP- Senior Planner
Date: July 8, 2015
Type of Item: Master Planned Development

Summary Recommendations

Staff recommends that the Planning Commission conduct a public hearing and consider approving the application for a Master Planned Development for eleven residential dwelling units within an approximately 11,279 square foot building to be constructed at 1893 Prospector Avenue. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

Staff reports reflect the professional recommendation of the Planning Department. The Planning Commission, as an independent body, may consider the recommendation but should make its decisions independently.

Description

Applicant: Mr. Peabody LLC, Hank Louis, Ehlias Louis, CDR
Development, owners
Location: 1893 Prospector Avenue
Zoning: General Commercial (GC)
Adjacent Land Uses: Residential condominiums to the west (Suncreek) and east (Prospector), Rail Trail and open space to the south, and condos/commercial/offices to the north and west along Prospector Avenue.
Reason for Review: Master Planned Development applications require Planning Commission review, a public hearing, and final action by the Planning Commission.

Proposal

The applicant requests review of an application for a Master Planned Development for a new multi-unit residential building proposed to be constructed on vacant Lot 25b of the Gigaplat Replat, being a replat of the Prospector Square Subdivision. The project includes an eleven unit, energy efficient, residential project located within the Prospector Square neighborhood. Nine units are proposed as small market rate attainable units and two units are proposed as deed restricted units compliant with the City's Housing Resolution 25-12. The project is located in the General Commercial (GC) zone which requires a Conditional Use Permit for residential uses. A Conditional Use Permit application was approved on May 13, 2015 for residential uses in the GC

Zoning District. **Staff requests discussion of the requested 6'6" height exception and review against the criteria for height increase as outlined in LMC § 15-6-5 (F) of the Land Management Code as outlined below. This item was discussed at the May 13th meeting and the Commission was in general support of this specific height exception and found that it was consistent with the MPD criteria in Chapter 6 of the LMC (see minutes of May 13th Planning Commission meeting in Exhibit K). No vote was taken on this matter at the May 13th meeting.**

Background

The property is located within the General Commercial (GC) zoning district subject to the Prospector Square overlay requirements (Land Management Code § 15-2.18-3(I)). The subject property, located at 1893 Prospector Avenue, consists of a 5,760 square foot platted lot. The lot is amended Lot 25b of the Gigaplat replat, a replat of Lots 25a, 25b, and Parking Lot F of the Prospector Square Supplemental Amended Plat. Amended Lot 25b is a vacant, undeveloped privately owned development lot that is currently part of a 92 space asphalt parking lot.

Parking Lot F is owned by and utilized as a shared parking lot for Prospector Square Property Owners Association (PSPOA). A total of 103 parking spaces will result upon completion of this project and the 1897 Prospector Avenue CUP project, approved for Lot 25a. This includes 12 spaces located under the subject building. The applicant and PSPOA have signed an agreement stipulating that upon completion of this project there will be a total of at least 103 parking spaces (Exhibit I). All of the parking spaces are intended to be shared spaces for the Prospector Square area.

On June 5, 2014, the City Council voted to approve the Gigaplat replat that reconfigures Lots 25a, 25b and Parking Lot F of the Prospector Square Supplemental Amended Plat (Exhibit C). The plat was recorded on May 1, 2015.

On June 25, 2014, the Planning Commission approved a Conditional Use Permit for four residential units within an 11,279 square foot mixed use building proposed to be constructed at 1897 Prospector Avenue, located on Lot 25a of the Gigaplat replat. Lot 25a is located due north of 1893 Prospector Avenue.

A building permit application for the 1897 Prospector project was received by the City in February 2015 and the plans are currently under review. The owners of these two projects intend to coordinate construction of the two projects in order to reduce construction impacts on the neighborhood. The two owners are responsible for reconstruction of Parking Lot F, landscaping, and coordinating of utility installation as well as providing an interim parking plan and other construction mitigation measures during construction. These items will be spelled out in the Construction Mitigation Plans for each individual building permit.

On December 15, 2014, Staff received an application for a pre-MPD for the Central Park City Condominiums project located in the General Commercial zoning district. The application was considered complete on February 24, 2015. On February 24, 2015, the

applicant submitted a complete application for the Conditional Use Permit for residential uses in the GC District. The CUP application was revised on April 13, 2015 to incorporate the required affordable unit, bringing the total number of residential units to eleven.

On March 25, 2015, the Planning Commission conducted a public meeting on the pre-MPD and Conditional Use Permit application. The Commission found that the pre-MPD preliminary concept plans were consistent with the General Plan and GC Zone. The Conditional Use Permit application was reviewed and continued to the April 8, 2015 meeting. On April 8th the item was continued to the May 13, 2015 meeting.

An MPD application for the Central Park City Condominiums was submitted on February 24, 2015, and deemed complete upon submittal of revised plans on April 13, 2015. The CUP application for residential uses within the GC zoning district was approved by the Planning Commission at the May 13, 2015 meeting. On May 13, 2015, the Planning Commission discussed the MPD as well (see Exhibit K- meeting minutes of May 13, 2015). No vote was taken on the MPD application and the Commission continued the item to May 27, 2015 to allow Staff time to review the MPD applicability requirements. On May 27, 2015, the Planning Commission continued the item to July 8, 2015 to allow Staff time to bring forward possible amendments to the LMC regarding Chapter 6- Master Planned Developments.

On June 10, 2015, the Planning Commission conducted a public hearing, received positive input, and forwarded a positive recommendation on LMC Amendments to Chapter 6 regarding applicability of the Master Planned Development process to various types and sizes of developments. On June 25, 2015, the proposed MPD amendments were approved by City Council. The LMC Amendments allow projects smaller than 10 lots or 10 UEs to use the MPD process if desired (see Exhibit L- new LMC language for Chapter 6- Master Planned Developments).

Review against the General Plan

Staff reviewed the MPD for compliance with the General Plan during the pre-MPD review (see Exhibit J) and found that the proposed multi-dwelling building is consistent with the goals and strategies General Plan.

Purpose of the GC Zone

The purpose of the General Commercial (GC) District is to:

- (A) Allow a wide range of commercial and retail trades and Uses, as well as offices, Business and personal services, and limited Residential Uses in an Area that is convenient to transit, employment centers, resort centers, and permanent residential Areas;
- (B) Allow Commercial Uses that orient away from major traffic thoroughfares to avoid strip commercial Development and traffic congestion;
- (C) Protect views along the City's entry corridors;

(D) Encourage commercial Development that contributes to the positive character of the City, buffers adjacent residential neighborhoods, and maintains pedestrian Access with links to neighborhoods, and other commercial Developments;

(E) Allow new commercial Development that is Compatible with and contributes to the distinctive character of Park City, through Building materials, architectural details, color range, massing, lighting, landscaping and the relationship to Streets and pedestrian ways;

(F) Encourage architectural design that is distinct, diverse, reflects the mountain resort character of Park City, and is not repetitive of what may be found in other communities; and

(G) Encourage commercial Development that incorporates design elements related to public outdoor space including pedestrian circulation and trails, transit facilities, plazas, pocket parks, sitting Areas, play Areas, and Public Art.

Process

Approval of this Master Planned Development application by the Planning Commission constitutes Final Action that may be appealed to City Council following procedures found in Land Management Code § 1-18.

Analysis

The project incorporates multi-level design elements, open decks and green roof terrace/garden areas, possible pedestrian connections to the Rail Trail, covered parking and storage located on the first level, no reduction of existing PSPOA shared parking, energy efficient design and construction, distinct architectural design, and a site design that diminishes visual impacts of the existing vast asphalt parking area that is Parking Lot F of the Prospector Square Subdivision (Exhibits A-H). A green planted roof garden and roof top deck provide outdoor space for the residents. Ten (10) units each have two (2) bedrooms, one or two baths, storage areas on the lowest level, and covered parking provided under the building. The units range in size from 810 to 1,017 square feet. One unit is a 500 sf studio unit.

The approximately 11,279 sf building complies with the Prospector Square Floor Area Ratio of 2.0 (11,520 square feet are allowed for the 5,760 sf lot area). The building is three and four stories in height.

The applicant is requesting a height exception through the MPD process as allowed per Land Management Code § 15-6-5 (F). The height exception requested is for approximately six feet six inches (6'6") for approximately 30% of the roof area for the eastern portion of the building. The remaining 70% of the roof area is less than the allowed zone height of 35'. The height exception is discussed in further detail below.

An affordable housing mitigation plan was submitted to the City's Housing Manager.

The project must comply with the Park City Housing Resolution 02-15 which requires a 15% affordable housing obligation. The plan outlines two options: 1) include on site the necessary affordable unit equivalents (AUE) or 2) include one affordable unit for some portion of the required AUE and pay the in-lieu fee for the remaining AUE square footage (Exhibit A2). The applicant's first choice is to provide 9 market rate units and 2 affordable units within the building on site. If the Housing Authority approves some in-lieu fees then the applicant will provide 10 market rate units, 1 affordable unit and the remainder of the obligation as in-lieu fees.

The Park City Housing Authority has final approval authority of the Housing Plan. The Housing Resolution stipulates the size of various types of units and includes requirements for deed restrictions, affordability, occupancy, and other attributes. At least one affordable, deed restricted unit is proposed on the site and is included in the current building layout. If the remaining AUE are provided on site they will be included in the current layout and nine units will be market rate with 2 units as deed restricted affordable units.

Staff recommends a condition of approval that all required affordable housing shall be complete, with certificates of occupancy issued and/or fees in-lieu paid in full, prior to issuance of any certificates of occupancy for the market rate units.

The proposal complies with lot and site requirements of the GC District as described below.

GC Zone	Permitted by LMC for Prospector Overlay of the GC zone 15-2.18-3 (I)
Lot Size	No minimum lot size. Lot is 5,760 sf
Building Footprint- Floor Area Ratio (FAR)	FAR must not exceed two (2) – 11,520 sf exclusive of required affordable housing floor area. All uses except enclosed parking areas are subject to the FAR. Approximately 11,279 sf of building floor area is proposed. One studio unit is 500 sf, 7 units are 2 bd/1ba at 810 sf, 3 units are 2bd/2ba at 1,017 sf. Additional circulation and storage area are included in the total of 11,279 sf of floor area. (FAR of 1.96). This includes the affordable housing floor area.
Front/rear yard setbacks	Zero lot line development permitted.
Side yard setbacks	Zero lot line development permitted.

Building Height	Allowed Building Height is 35' (an additional 5' to 40' would be allowed for a pitched roof; however this building has a flat roof). A 6'6" building Height exception to 41'6" is requested through the MPD for a partial fourth story at the eastern portion of the building. The remainder of the building is less than 35' in height. Building Height exceptions LMC 15-2.18-4 apply. Building height will be verified at the time of Building Permit review for compliance with the MPD approval.
Parking	All parking on the Parking Lots A-K is shared parking for residential and commercial uses in Prospector Square. Additional private parking for specific lots may be provided entirely within the individual lot boundary. The project provides a total of 103 code compliant parking spaces, including the 12 spaces provided under the subject building. There are approximately 91 existing spaces (not all spaces meet current code.) All of the parking is shared parking. Parking will be satisfied for this building but the additional uses will impact the overall parking needs for the Prospector Square area because there currently are times of the day and seasons of the year when there appears to be inadequate parking for the approved uses.
Architectural Design	All construction is subject to LMC Chapter 15-5- Architectural Design Guidelines with final review conducted at the time of the Building Permit. The architecture is distinct yet complementary of the eclectic styles in the neighborhood. A blend of wood, concrete, metal, and glass as well as the flat roofs and open decks provide a contemporary, slightly industrial look.
Uses	All uses listed in 15-2.18-2 (A) Allowed Uses are permitted unless otherwise noted. All uses listed in 15-2.18-2 (B) Conditional Uses, including residential uses, require approval by the Planning Commission. A CUP for residential uses is being reviewed concurrently with the MPD.

Residential Uses in the General Commercial (GC) zoning district are a Conditional Use subject to review of the criteria set forth in the LMC 15-1-10(E). On May 13, 2015, the Planning Commission approved the Conditional Use Permit for residential uses in the GC Zoning District for this proposal (see Exhibit K).

All Master Planned Developments shall be reviewed for the following requirements in accordance with Section 15-6-5 of the Land Management Code.

*(A) **DENSITY.** The type of Development, number of units and Density permitted on a given Site will be determined as a result of a Site Suitability Analysis and shall not exceed the maximum Density in the zone, except as otherwise provided in this section. The Site shall be looked at in its entirety and the Density located in the most appropriate locations.*

The Site Suitability Analysis for this site is straight forward for this 5,760 sf vacant platted lot. The Prospector Square Subdivision allows for zero lot line development and density is restricted by the Floor Area Ratio of 2.0, which allows a maximum density, or floor area, of 11,520 sf. The proposed eleven units and circulation area include a total of 11,279 sf. The density is located entirely on an existing, relatively flat, platted lot that is currently part of an asphalt parking lot. While the parking under the building uses the entire footprint, the building above and the residential density is well articulated with the multi-story building containing open decks, roof top patios and gardens in an "L" shape oriented towards the Rail Trail and mountain views to the south. The Prospector Overlay Zone allows the lot to be developed with a zero lot line development pattern provided the FAR is maintained. **Complies.**

*(B) **MAXIMUM ALLOWED BUILDING FOOTPRINT FOR MASTER PLANNED DEVELOPMENTS WITHIN THE HR-1 DISTRICT. (Not applicable)***

*(C) **SETBACKS.** The minimum Setback around the exterior boundary of an MPD shall be twenty five feet (25') for Parcels greater than one (1) acre in size.*

The property is not greater than one (1) acre in size. **(Not applicable)**

*(D) **OPEN SPACE.***

All Master Planned Developments shall contain a minimum of sixty percent (60%) open space with open space as defined in LMC Chapter 15-15 with the exception of the General Commercial (GC) District, Historic Residential Commercial (HRC), Historic Commercial Business (HCB), Historic Residential (HR-1 and HR-2) zones, and wherein cases of redevelopment of existing Developments the minimum open space requirement shall be thirty percent (30%).

The project is located in the GC zone and is therefore exempt from the open space requirement of the MPD. The lot is currently an asphalt parking area. Development of this lot does not impact existing open space area provided by the Prospector Square Subdivision and the applicant, in conjunction with the adjacent 1897 Prospector CUP, is

providing approximately 6,000 sf of new landscaped areas within the parking lot and along the perimeter of the parking lot. **(Complies)**

(E) OFF-STREET PARKING.

The number of Off-Street Parking Spaces in each Master Planned Development shall not be less than the requirements of this Code, except that the Planning Commission may increase or decrease the required number of Off-Street Parking Spaces based upon a parking analysis submitted by the Applicant at the time of MPD submittal.

The applicant is not requesting an increase or a decrease in the parking that was required for the Prospector Square Subdivision. Parking Lot F will have a total of 103 shared parking spaces upon completion of this project (and the project at 1897 Prospector). There are currently approximately 91 parking spaces, although some along the east property line are not code compliant with regards to length. In particular the spaces along the east property line are shorter than 18' due to the parking from the adjacent condominium project encroaching onto the subject property. The completed parking lot will regain the encroaching area and those spaces will become code compliant spaces. The existing non-paved grassy areas, previously Lots 25a and 25b of the plat before the Gigaplat replat, will be developed with 32 new parking spaces. Providing parking under the subject building provides an additional 12 parking spaces for Parking Lot F. LMC Code parking requirements for the eleven residential units is significantly less than would be required if the building were restaurant, retail or office uses. Parking to meet the requirements of the subject building is provided within the revised shared parking lot. **Complies.**

(F) BUILDING HEIGHT. *The height requirements of the Zoning Districts in which an MPD is located shall apply except that the Planning Commission may consider an increase in height based upon a Site specific analysis and determination. The Applicant will be required to request a Site specific determination and shall bear the burden of proof to the Planning Commission that the necessary findings can be made. In order to grant Building height in addition to that which is allowed in the underlying zone, the Planning Commission is required to make the following findings. Staff requests discussion regarding the request for a 6'6" height increase for the eastern portion of a partial fourth floor for approximately 30% of the building roof. These review criteria were discussed at the May 13th meeting and the Commission was in general support of this specific height exception per the below criteria (see minutes of May 13th Planning Commission meeting in Exhibit K). No vote was taken on this matter at the May 13th meeting.*

(1) The increase in Building Height does not result in increased square footage or Building volume over what would be allowed under the zone required Building Height and Density, including requirements for facade variation and design, but rather provides desired architectural variation, unless the increased square footage or Building volume is from the Transfer of Development Credits;

The requested height increase does not result in increased square footage or Building volume over what would be allowed under the zone. The GC zone allows a 35' building height for flat roofs with an additional 5' for pitched roofs for a total height of 40'. The applicant is requesting a 6'6" height increase for the eastern portion of the partial fourth floor to a maximum height of 41'6" for the flat roofed building. Approximately 30% of the total roof area is subject to height exception request. Other portions (70%) of the building are at 30' in height, which is five feet less than allowed 35' for a flat roof. The building does not exceed the allowable FAR of 11,520 sf. The height exception provides for architectural variation and interest. **Does the Commission find that the increased Building Height does not result in increased square footage or Building volume over what would be allowed under the zone Height and Density?**

(2) Buildings have been positioned to minimize visual impacts on adjacent Structures. Potential problems on neighboring Properties caused by shadows, loss of solar Access, and loss of air circulation have been mitigated as determined by the Site Specific analysis and approved by the Planning Commission;

Adjacent structures are separated in a way that they will not experience potential problems, such as shadowing, loss of solar Access, and loss of air circulation due to the extra 6'6" of building height for the eastern 30% of the building. The neighboring condominium properties to the east and west are located more than 120' away from the subject building. The proposed building at 1897 Prospector is located 50' to the north with the residential units located on the upper floors and the property management shop located on the eastern portion of the building so as to not be affected by shadows, solar access or air circulation. The rail trail, while not an adjacent Structure, is located approximately 65' to the south of the building, and is approximately 12' higher than the parking lot. The building will not cause loss of solar access or air circulation on the rail trail due to the location, orientation, and relationship of the building to the trail. **Does the Commission find that the Buildings have been positioned to minimize visual impacts on adjacent Structures and that potential problems on neighboring Properties caused by shadows, loss of solar Access, and loss of air circulation are mitigated?**

(3) There is adequate landscaping and buffering from adjacent Properties and Uses. Increased Setbacks and separations from adjacent projects are being proposed;

Additional landscaping is proposed that does not currently exist within the parking lot and along the perimeter of Parking Lot F that will provide vegetated buffering between the proposed building and adjacent structures. There is existing vegetation between the rail trail and the site and additional trees will provide screening. Existing landscaping and setbacks create separation between the proposed building and adjacent properties to buffer the adjacent condominium buildings from adverse impacts due to the additional building

height. **Does the Commission find that there is adequate landscaping and buffering from adjacent Properties and Uses and that increased Setbacks and separations from adjacent projects are being proposed?**

(4) The additional Building Height results in more than the minimum Open Space required and results in the Open Space being more usable and publicly accessible; and

There is no requirement of open space in the GC zone, however, additional Building Height results in a more articulated and open building design with the opportunity to provide open decks and patios as useable open areas for the residents as community open space for the project, not just for individual units. The design provides more separation between the building and the Rail Trail with the use of the “L” shape and open decks. **Does the Commission find that the additional Building Height results in more than the minimum Open Space required and results in the Open Space being more usable and publicly accessible?**

(5) The additional Building Height shall be designed in a manner that provides a transition in roof elements in compliance with Chapter 5, Architectural Guidelines or the Design Guidelines for Park City’s Historic Districts and Historic Sites if within the Historic District;

The applicant provided renderings, floor plans, and elevations that demonstrate the transition in roof elements and articulation provided by the additional height for a portion of the building that comply with the façade variation and articulation as required in Chapter 5 Architectural Guidelines. **Does the Commission find that the additional Building Height is designed in a manner that provides a transition in roof elements in compliance with Chapter 5, Architectural Guidelines?**

According to the LMC, if and when the Planning Commission grants additional height due to a Site specific analysis and determination, that additional height shall only apply to the specific plans being reviewed and approved at the time. Additional Building Height for a specific project will not necessarily be considered for a different, or modified, project on the same Site.

(G) SITE PLANNING. *An MPD shall be designed to take into consideration the characteristics of the Site upon which it is proposed to be placed. The project should be designed to fit the Site, not the Site modified to fit the project. The following shall be addressed in the Site planning for an MPD:*

(1) Units should be clustered on the most developable and least visually sensitive portions of the Site with common open space separating the clusters. The open space

corridors should be designed so that existing Significant Vegetation can be maintained on the Site.

Complies. The building is located within a vacant, flat, asphalt lot that was replatted with the Gigaplat replat to break up the vastness of the paved Parking Lot F. The building is oriented and designed with good horizontal and vertical articulation to not present as a solid rectangular block. There is no existing Significant Vegetation on the lot as it is currently a paved asphalt parking lot. However the Significant Vegetation off-site to the south will be protected and maintained.

(2) Projects shall be designed to minimize Grading and the need for large retaining Structures.

Complies. The proposed plan includes minimal grading as the site is currently a mostly level parking lot. No retaining structures are proposed.

(3) Roads, utility lines, and Buildings should be designed to work with the Existing Grade. Cuts and fills should be minimized.

Complies. The proposed utility plans and buildings are designed to work with the Existing Grade. Minimal grading is proposed and no cuts and fills are proposed.

(4) Existing trails should be incorporated into the open space elements of the project and should be maintained in their existing location whenever possible. Trail easements for existing trails are recorded on the subdivision plat. Construction of any new trails will be required consistent with the Park City Trails Master Plan.

Complies. The public Rail Trail located to the south of the property will be maintained and the informal connection to the trail at the southwest corner of Parking Lot F will be maintained. A pedestrian bridge connection from the building to the Rail Trail for the residents is proposed and will require necessary permits from the City and State Parks in order to construct and maintain it.

(5) Adequate internal vehicular and pedestrian/bicycle circulation should be provided. Pedestrian/ bicycle circulations shall be separated from vehicular circulation and may serve to provide residents the opportunity to travel safely from an individual unit to another unit and to the boundaries of the Property or public trail system. Private internal Streets may be considered for Condominium projects if they meet the minimum emergency and safety requirements.

Complies. The building will have significant surface parking being located within Parking Lot F of the Prospector Square Subdivision planning area. Pedestrian sidewalks are located along the frontage of Parking Lot F with Prospector Avenue. Additional pedestrian connections are provided by the HOA walkway to the west and the Rail Trail to the south. The informal connection from Lot F to the Rail Trail will be maintained. Pedestrian walkways are provided for access to the building.

(6) The Site plan shall include adequate Areas for snow removal and snow storage. The landscape plan allows for snow storage Areas. The assumption is that snow should be able to be stored on Site and not removed to an Off-Site location.

Complies. Approximately 6,000 sf of new landscaped areas are provided within the previously solid asphalt parking lot and perimeter areas to allow for snow storage from the parking lot. Snow removal and snow storage is provided by the Prospector Square Owners Association onto land that they own. The proposed MPD does not include any surface parking or snow storage requirements area as the 12 spaces associated with the MPD are located under the building.

(7) It is important to plan for refuse storage and collection and recycling facilities. The Site plan shall include adequate Areas for dumpsters and recycling containers for the future phases. These facilities shall be Screened or enclosed. Pedestrian Access shall be provided to the refuse/recycling facilities from within the MPD for the convenience of residents and guests.

Complies. The site plan includes an existing trash refuse area that the applicant will screen by constructing an enclosure of materials compatible with the building. Recycling facilities for the building will be provided on the lower parking level to be convenient to the residents.

(8) The Site planning for an MPD should include transportation amenities including drop-off Areas for van and shuttle service, and a bus stop, if applicable.

Complies. The property is located within close proximity to the public bus system with stops on Prospector Avenue, Bonanza Avenue, and Kearns Blvd, all located within 100' to ½ mile of the property. There are no additional transportation amenities, such as a shuttle system, proposed. Drop off for private van and shuttle service can be accommodated with the under building parking and circulation area.

(9) Service and delivery Access and loading/unloading Areas must be included in the Site plan. The service and delivery should be kept separate from pedestrian Areas.

Complies. No loading docks are proposed or required for the residential uses. Service and delivery to the units will be provided from the parking lot to the residential units or a separate postal box area located on the lower level.

(H) LANDSCAPE AND STREETScape. *To the extent possible, existing Significant Vegetation shall be maintained on Site and protected during construction. Where new landscaping does occur, it should consist primarily of appropriate drought tolerant species. Lawn or turf will be limited to a maximum of fifty percent (50%) of the Area not covered by Buildings and other hard surfaces and no more than seventy-five percent (75%) of the above Area may be irrigated. Landscape and Streetscape will use native rock and boulders. Plantings will not be mulched with rock. Lighting must meet the requirements of LMC Chapter 15-5, Architectural Review.*

Complies. There is no existing vegetation on the Lot. Significant vegetation off-site to the south will be maintained. As conditioned, the final landscape and irrigation plan must be approved by Planning Department staff with the building permit review. Additional landscaping within the parking lot will be provided to the extent that parking spaces are not diminished. Perimeter plantings are proposed to provide buffers to the adjacent residential properties. Off-site landscaping requires approval of the adjacent property owners. As conditioned, exterior lighting will be reviewed at the time of the building permit review for compliance with the LMC.

*(I) **SENSITIVE LANDS COMPLIANCE.** All MPD Applications containing any Area within the Sensitive Areas Overlay Zone will be required to conduct a Sensitive Lands Analysis and conforms to the Sensitive Lands Provisions, as described in LMC Section 15-2.21.*

Complies as conditioned. The property is not located within the Sensitive Lands Overlay Zone. The property is located within the Park City Soils Ordinance Boundary and adjacent to a stream that contains wetland areas. The property is located within a flood plain zone. No sensitive slopes or ridgelines are identified. Staff recommends conditions of approval to address development within the Soils Ordinance Boundary, adjacent to wetlands, and within a flood plain area.

*(J) **EMPLOYEE/AFFORDABLE HOUSING.** MPD Applications shall include a housing mitigation plan which must address employee Affordable Housing as required by the adopted housing resolution in effect at the time of Application.*

Complies. A housing plan was submitted for review by the City's Housing Manager. The project must comply with the Park City Housing Resolution 02-15 which requires a 15% affordable housing obligation (1.5 AUE at 900 sf per AUE). The applicant's affordable housing mitigation plan outlines two options: 1) include on site the necessary affordable unit equivalents (AUE) or 2) include one affordable unit for a portion of the required AUE and pay the in-lieu fee for the remaining AUE square footage (Exhibit A2). The Park City Housing Authority has final approval authority of the Housing Plan. The applicant's preference is to include all of the required deed restricted units within the building. The Housing Resolution also stipulates the size of various types of units and includes requirements for deed restrictions, affordability, occupancy, and other attributes. At least one affordable, deed restricted unit is proposed on the site and included in the current building layout. If the remaining AUE are provided on site they will be included in the current layout as 2 deed restricted affordable units and 9 market rate units. Staff recommends a condition that the affordable units must be completed and ready for occupancy, or the in-lieu fees paid in full) prior to issuance of a certificate of occupancy for the market rate units.

*(K) **CHILD CARE.** A Site designated and planned for a Child Care Center may be required for all new single and multi-family housing projects if the Planning Commission determines that the project will create additional demands for Child Care.*

Complies with Planning Commission's determination. Staff does not recommend that a Child Care Center be provided on-site. Limited permanent Child Care

demands will be generated by the eleven unit building and there are Child Care facilities within close proximity of the site.

*(L) **MINE HAZARDS.** All MPD applications shall include a map and list of all known Physical Mine Hazards on the property and a mine hazard mitigation plan.*

Complies. The applicant has indicated that there are no Mine Hazards on the site.

*(M) **HISTORIC MINE WASTE MITIGATION.** For known historic mine waste located on the property, a soil remediation mitigation plan must be prepared indicating areas of hazardous soils and proposed methods of remediation and/or removal subject to the Park City Soils Boundary Ordinance requirements and regulations. See Title Eleven Chapter Fifteen of the Park City Municipal Code for additional requirements.*

Complies. The applicant has prepared a soils report for Lot 25b and is working with the City's Soils Ordinance Boundary staff and City Engineer to ensure that all requirements of the Soils Ordinance Boundary are complied with. The applicant proposes minimal grading and a soil capping protocol that will leave the soil on site.

Department Review

This project has gone through an interdepartmental review at a Development Review Committee meeting and issues raised, namely regarding adequate water service to meet fire flow requirements, utility service locations, floodplain, and soils ordinance issues, have been addressed with revised plans and conditions of approval.

Notice

On March 11, 2015, the property was posted and notices of the public hearings for the Pre-MPD and CUP were mailed to property owners within 300 feet. Legal notice of the MPD was published in the Park Record on April 29, 2015. The property posted and notices regarding the public hearing for the MPD were mailed on April 28, 2015. On May 13, 2015 the Planning Commission held a public hearing and continued the item to May 27, 2015. On May 27, 2015 the Commission held a public hearing and continued the item to July 8, 2015.

Public Input

Public input in support of the proposal was provided at the May 13th Planning Commission meeting. No public input was provided at the May 27th meeting.

Alternatives

- The Planning Commission may approve the Master Planned Development application for the Central Park City Condominiums as conditioned or amended.
- The Planning Commission may deny the Master Planned Development application for the Central Park City Condominiums and direct staff to make Findings for this decision.
- The Planning Commission may continue the Master Planned Development application it to a date certain and provide staff and the applicant with

direction on additional information required in order to make a final decision.

Significant Impacts

There are no significant impacts to the City or neighborhood as a result of the proposed Master Planned Development.

Consequences of not taking the Suggested Recommendation

If the MPD is not approved the applicant could revise the plans and could submit a building permit for the proposal as an allowed use in the GC Zoning Districts. The building height would have to comply with the GC Zoning District and no affordable housing would be required.

Recommendation

Staff recommends that the Planning Commission conduct a public hearing and consider approving the application for a Master Planned Development for eleven residential dwelling units within a new building to be located at 1893 Prospector Avenue. Staff has prepared the following findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

Findings of Fact

1. The subject property is located at 1893 Prospector Avenue and consists of Lot 25b of the Gigaplat replat, a replat of Lots 25a, 25b, and Parking Lot F of the Prospector Square Supplemental Amended Plat.
2. The Gigaplat replat was approved by City Council on June 5, 2014. The final mylar was recorded on May 1, 2015.
3. Lot 25b is a vacant, undeveloped privately owned development lot that is currently part of an asphalt parking lot. The lot contains 5,760 sf.
4. The property is located in the General Commercial (GC) zone and within the Prospector Square Subdivision Overlay.
5. On December 15, 2014, Staff received an application for a pre-MPD for the Central Park City Condominiums (fka Central Park City Apartments) project located in the General Commercial zoning district. The application was considered complete on February 24, 2015.
6. On February 24, 2015, the applicant submitted a complete application for the Conditional Use Permit for residential uses in the GC District. The CUP application was revised on April 13, 2015 to incorporate the required affordable unit, bringing the total number of residential units to eleven.
7. The MPD is being processed concurrently with the Conditional Use Permit for residential uses in the General Commercial district.
8. On March 25, 2015, the Planning Commission conducted a public meeting on the pre-MPD and Conditional Use Permit application. The Commission found that the pre-MPD preliminary concept plans were consistent with the General Plan and GC Zone. The Conditional Use Permit application was reviewed and continued to the April 8th meeting where it was continued to the May 13, 2015 meeting.
9. In the General Commercial (GC) zoning district, residential uses, including multi-dwelling units, are required to be reviewed per the Conditional Use Permit criteria in the Land Management Code (LMC) and require approval by the Planning

Commission. Retail, restaurant, bars, offices uses, and similar uses are allowed uses in the GC zone.

10. An FAR of 2 is allowed for buildings within the Prospector Square Subdivision Overlay.
11. The proposed building consists of approximately 11,279 sf of residential uses and circulation area. The proposed FAR is 1.96. There are seven units at approximately 810 sf, three units at 1,017 s, and one studio unit at 500 sf. The units are designed to be smaller, attainable market rate dwelling units for full time residents. At least one, if not two of the units will be deed restricted affordable units to satisfy the required affordable housing obligation required by Resolution 2-15, pending approval by the Housing Authority. The remaining units will be market rate units.
12. Maximum building height in the GC zone is 35' and the applicant has requested through the MPD application, a building height exception of six feet six inches (6'6") for the eastern portion of the building to a height of 41'6". Approximately 30% of the total roof area is subject to the height exception request. The remaining roof areas (70%) of the building less than 35' in height.
13. The building does not exceed the allowable density or maximum floor area ratio (FAR of 2) as allowed by the GC zone based on the total lot area.
14. There are no adjacent structures that will experience potential problems, such as shadowing, loss of solar Access, and loss of air circulation due to the extra 6'6" of building height for the eastern 30% of the building. The neighboring condominium properties to the east and west are located more than 120' away from the subject building. The proposed building at 1897 Prospector is located 50' to the north with the residential units located on the upper floors and the property management shop located on the eastern portion of the building so as to not be affected by shadows, solar access or air circulation. The rail trail, while not an adjacent Structure, is located approximately 65' to the south of the building, and is approximately 12' higher than the parking lot. The building will not cause loss of solar access or air circulation on the rail trail due to the location, orientation, and relationship of the building to the trail.
15. Additional landscaping is proposed that does not currently exist within the parking lot and along the perimeter of Parking Lot F that will provide vegetated buffering between the proposed building and adjacent structures and rail trail as noted in #13 above. There is sufficient setback and separation between the proposed building and the edge of Parking Lot F to buffer the adjacent condominium buildings from adverse impacts due to the additional building height.
16. There is no requirement of open space in the GC zone, however, additional Building Height results in a more articulated and open building design with the opportunity to provide open decks and patios as useable open areas for the residents.
17. The applicant provided renderings, floor plans, and elevations that demonstrate the transition in roof elements and articulation provided by the additional height for a portion of the building that complies with the façade variation and articulation as required in Chapter 5 Architectural Guidelines.
18. Utilities necessary for this use are available at or near the site. A utility plan was approved by the City Engineer and utility providers and utility easements necessary for the use were provided on the plat amendment prior to recordation.
19. Any additional utility capacity, in terms of fire flows and residential fire sprinklers

will be reviewed by the Fire District, Water Department, and Building Department prior to issuance of a building permit and prior to recordation of the subdivision plat. Necessary utilities and upgrades shall be installed as required by the City Engineer.

20. Twelve (12) parking spaces are required for the proposed residential uses. Twelve covered parking spaces are proposed on the main level. Parking within Prospector Square is shared and upon completion of the reconfigured Parking Lot F, there will be a total of 103 parking spaces, including the 12 spaces located under the building, as per the Owner's parking agreement with the Prospector Square Property Owner Association. All 103 parking spaces are intended to be shared parking per the parking agreement. There are approximately 91 spaces currently.
21. A pedestrian bridge connection to the Rail Trail is proposed from the building. The Rail Trail is owned by State Parks and certain permits and/or encroachment agreements will be necessary in order to construct the bridge. The informal connection from Lot F to the Rail Trail will be maintained.
22. The site plan includes an existing trash/refuse area that the applicant will screen by constructing an enclosure of materials compatible with the building. Recycling facilities for the building will be provided on the lower parking level to be convenient to the residents.
23. No outdoor storage of goods or mechanical equipment is proposed.
24. No fencing is proposed.
25. The three and four story building is proposed to be located north of the Rail Trail fully within platted Lot 25b. The Prospector Overlay within the GC zone allows zero setbacks to property lines. The building is oriented towards the Rail Trail and is separated from the Rail Trail and adjacent buildings so as not to cause adverse shadowing on any existing units, or on the Rail Trail.
26. The building includes façade shifts on all elevations. Residential uses are located on the second, third, and fourth floors with common outdoor terraces and green roof elements oriented to the south.
27. No changes to the existing open space within the Prospector Square planned area are proposed with the residential uses. The new building is proposed to be constructed on an existing re-platted lot. Common decks and terraces are provided as open areas for the residents of the units to share.
28. The physical design of the building, in terms of mass, scale, style, design and architectural detailing complies with Title 15-5-5- Architectural Design Guidelines of the Land Management Code and is compatible with the surrounding buildings. The proposed building is contemporary and distinct in design and compliments the variety of building styles in the area. Materials consist of wood, metal, concrete and glass. Green planted roofs and roof terraces provide outdoor space for the residents.
29. No signs are proposed at this time. All signs are subject to the Park City Sign Code.
30. Exterior lighting will be reviewed at the time of the building permit review.
31. The residential uses will not create noise, vibration, odors, steam or other mechanical factors that might affect people and property off-site.
32. The applicants propose to design and construct an enclosure for the existing trash dumpster located at the southwest corner of the parking lot. The service area within the enclosed parking area will include a recycling area.

33. There are no loading docks or delivery bays associated with these uses.
34. The applicant initially intends to own the building and rent the units as long term residences. If the owner desires to sell individual units in the future, a condominium record of survey plat will need to be applied for and recorded at Summit County.
35. The proposal exists within the Park City Soil Ordinance Boundary.
36. The development is located in a FEMA Flood Zone A.
37. The development is located adjacent to a stream with wetlands.
38. The project must comply with the Park City Housing Resolution 02-15 which requires a 15% affordable housing obligation (1.5 AUE at 900 sf per AUE). The applicant's affordable housing mitigation plan outlines two options: 1) include on site the necessary affordable unit equivalents (AUE) or 2) include one affordable unit for a portion of the required AUE and pay the in-lieu fee for the remaining AUE square footage (Exhibit A2). The applicant's preference is to include two required deed restricted units and nine market rate units within the proposed building. The Park City Housing Authority has final approval authority of the Housing Plan.
39. On May 13, 2015, the Planning Commission conducted a public hearing and approved a Conditional Use Permit for residential uses in the GC Zoning District for this project and continued the Master Planned Development to May 27, 2015.
40. On May 27, 2015, the Planning Commission conducted a public hearing and continued the item to July 8, 2015. No public input was provided.
41. The findings in the Analysis section of this report are incorporated herein.

Conclusions of Law

1. The MPD, as conditioned, complies with all the requirements of the Land Management Code.
2. The MPD, as conditioned, meets the minimum requirements of Section 15-6-5 of the LMC Code.
3. The MPD, as conditioned, is consistent with the Park City General Plan.
4. The MPD, as conditioned, provides the highest value of open space, as determined by the Planning Commission.
5. The MPD, as conditioned, strengthens and enhances the resort character of Park City.
6. The MPD, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible.
7. The MPD, as conditioned, is Compatible in Use, scale and mass with adjacent Properties, and promotes neighborhood Compatibility and protects residential neighborhoods and Uses.
8. The MPD provides amenities to the community so that there is no net loss of community amenities.
9. The MPD, as conditioned, is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed.
10. The MPD, as conditioned, meets the provisions of the Sensitive Lands requirements of the Land Management Code. The project has been designed to place Development on the most developable Land and least visually obtrusive portions of the Site.
11. The MPD, as conditioned, promotes the Use of non-vehicular forms of transportation through design and by providing trail connections.

12. The MPD has been noticed and public hearing held in accordance with this Code.
13. The MPD, as conditioned, incorporates best planning practices for sustainable development, including water conservation measures and energy efficient design and construction, per the Residential and Commercial Energy and Green Building programs and codes adopted by the Park City Building Department in effect at the time of the Application.
14. The MPD, as conditioned, addresses and mitigates Mine Waste and complies with the requirements of the Park City Soils Boundary Ordinance.
15. Additional building height, as reviewed by the Planning Commission on July 8, 2015, complies with the criteria for additional building height per LMC Section 15-6-5 (F).

Conditions of Approval

1. All standard conditions of project approval shall apply to this project.
2. Any signs associated with the use of the property must comply with the City's Sign Code.
3. No outdoor storage of goods or mechanical equipment is allowed on-site. The location of the trash dumpster enclosure shall be approved by the Planning Department prior to building permit issuance.
4. Review and approval of a final drainage plan by the City Engineer is required prior to building permit issuance.
5. Review and approval of the final utility plans, including review to ensure adequate fire flows for the building, is required prior to building permit issuance.
6. Prior to issuance of a certificate of occupancy for the building, the reconfigured Parking Lot F shall be completed, including paving, striping, and landscaping.
7. Final building plans, exterior building materials and colors, and final design details must be in substantial compliance with the plans reviewed by the Planning Commission on July 8, 2015 and shall be approved by staff prior to building permit issuance.
8. Building Height will be verified for compliance with the approved MPD plans prior building permit issuance.
9. The Construction Mitigation Plan, submitted prior to building permit issuance, shall include detailed information regarding coordination of utility installation, reconstruction of Parking Lot F, and the provision of an interim parking plan during construction.
10. Prior to construction of the pedestrian bridge connection to the Rail Trail all required permits and/or encroachment easements and agreements shall be obtained from the State Parks property owner and the City. If required permits, easements, and agreements are not obtained the bridge will not be constructed.
11. A stream alteration permit and/or 404 permit will be required for any work in the stream area.
12. An elevation certificate will be required showing that the lowest occupied floor is at or above the base flood elevation.
13. A stream study will be required to determine the upstream and downstream flood plain impacts. Impacts will be required to be mitigated.
14. A wetland delineation study by a certified wetland delineator will be required prior to building permit issuance to verify if any wetlands will be disturbed with construction of

the building.

15. As part of the final utility plan and prior to issuance of a building permit, the water system must be modeled to verify that adequate fire flows and pressures can be provided to this building.
16. All exterior lighting on the terraces and porches shall be reviewed by the Planning Department with the Building Permit application and shall be subdued, down directed, shielded, and with no exposed bare bulbs.
17. A Development Agreement shall be ratified by the Planning Commission within six months of this approval. The Agreement shall reiterate all applicable requirements for Development Agreements in the LMC as well as zoning requirements related to findings, conclusions, and conditions of approval of the MPD.
18. The Affordable Housing Mitigation Plan shall be approved by the Housing Authority and shall be included in the final Development Agreement.
19. All required affordable housing shall be complete, with certificates of occupancy issued and/or fees in-lieu paid in full, prior to issuance of any certificates of occupancy for the market rate units.
20. The building plans shall be reviewed at the time of the building permit review for incorporation of best planning practices for sustainable development, including water conservation measures and energy efficient design and construction, per the Residential and Commercial Energy and Green Building programs and codes adopted by the Park City Building Department in effect at the time of the Application.

Exhibits

- Exhibit A- Applicant's letter
- Exhibit B- Existing Conditions Survey
- Exhibit C- Gigaplat re-plat
- Exhibit D- Grading Plan
- Exhibit E- Utilities Plan
- Exhibit F- Site Plan
- Exhibit G- Floor Plans
- Exhibit H- Elevations
- Exhibit I- General Commercial (GC) zoning district
- Exhibit J- Staff report and Minutes of the March 25, 2015, Planning Commission meeting
- Exhibit K- Minutes of the May 13, 2015 Planning Commission meeting
- Exhibit L- New LMC language—Chapter 6 Master Planned Developments

Park City Municipal Corporation
 Kirsten Whetstone
 c/o Planning Department
 445 Marsac Ave
 PO Box 1480
 Park City, UT 84060



RE: **Amendment** of the Central Park City Condominium Project Master Planned Development Application to include the City's Affordable Housing Requirement direction, submittal requirement #3. The amended information from our previous MPD application is highlighted in yellow (for clarity and efficiency).

Applicant: Mr. Peabody LLC, (Hank Louis, Ehlias Louis, CDR Development)
 Project: Central Park City Condominiums
 Location: 1893 Prospector Ave, Lot 25-B of the Gigaplat Replat

General Project Description

Central Park City Condominiums is a project to build eleven (11) condominium units on Lot 25-B of the Gigaplat Replat of Parking Lot F, 1897 Prospector Square. The aim of the project is to provide housing in Central Park City that promotes its proximity as the main benefit to both the community and owners. With the connection to the Rail Trail and its close proximity to the local bus route, alternative transportation is available decreasing the reliability of automobiles around Park City. The design of the building incorporates multi-level design with vast open/communal space and decks to promote a community within the building. In addition, the project provides a new building with a design incorporating a visual aesthetic to improve the Prospector Avenue corridor.

For reference, Gigaplat Replat is a development agreement between Queeksdraw LLC (Hank Louis, Rhonda Sideris) and the Prospector Square Property Owners Association (PSPOA) to reconfigure parking Lot F, 1897 Prospector Ave. The reconfiguration is an effort to create an organic infill for the developments of Prospector Square Lot F providing a more urban feel for the area. This is accomplished by providing housing infrastructure on the existing "tarmac" like parking lot, therefore providing a natural feel to the area including true circulation and logical building sites. Current zoning of Lot 25-B is General Commercial (GC), however Queeksdraw LLC (Hank Louis & Rhonda Sider) is submitting an application for a Conditional Use Permit for Lot 25-B via the Planning Department.

The conceptual design of the Central Park City Condo building, drawings herein, incorporates the necessary requirements from the development agreement between Queeksdraw LLC & PSPOA, stating that the Gigaplat Replat shall include 103 parking spaces in Lot F (currently 99 spaces). In addition, careful consideration of the F.A.R. (2.0) and benefits to both the surrounding area and potential tenants were balanced. The resulting building has the following design characteristics:

- To conform to the parking space requirement the majority of the building is "on stilts" to provide the necessary parking required in Lot F. 12 parking slots under the building on will be on existing grade with residential units on floor two (2), three (3), and four (4).

- This configuration provides 104 parking slots on parking lot F.
- The eleven (11) units consist of: Three (3) two (2) bedrooms / two (2) bathrooms units, and seven (7) two (2) bedrooms / one (1) bathroom units, and one (1) studio unit.
- Each unit will have a storage closet on grade adjacent to the main circulation column (stairs and elevator to units) and parking stalls.
- The South side of the building includes a bridge, connected walkway, to the Rail Trail path connecting to the main bike/walk paths for Park City.
- The design incorporates natural light through each unit by using a L shape global floor plan allowing corners for windows and views of Park City Mountain Resort, or the "PC" mountain adjacent to Park City's public schools.
- A large common space deck and a common space rooftop deck for the building residents incorporating a green-planted roof garden.

Central Park City Condo building is within the F.A.R. regulation: Lot 25-B is 5760 square feet with a F.A.R. of 2.0, resulting with an allowance of **11,520** square feet.

Unit / Space	Square Feet	# of Units	Total
Studio	500	1	486
Small (2bd/1ba)	810	7	5670
Large (2bd/2ba)	1017	3	3051
Storage Closet	52	11	572
Circulation Area	1500	1	1500
Total			11,279

MPD Applicability

The Central Park City Condo project, upon completion, will result in a building with the following characteristics that align with the purpose of MPD in the Land Management Code (Chapter 6, Section 15-6-1):

- Lot 25-B in Lot F backs up to the Rail Trail and Open Space to the south. Project incorporates both features with views and design to compliment the use.
- Neighborhood consists of Residential Condominiums to the west and east, and commercial/offices and planned residential (Rhonda Sideris project on lot 25-A) to the north and west. Food, residential shops, and Athletic club all within walking distance. Development agreement with PSPOA results in more parking for lot F, from existing 99 spaces to 104 spaces. Gigaplat Replat accommodates the required (1) spot per bedroom. There are 12 parking slots under the building.
- With the connection to the Rail Trail, and location to public transportation bus route, the project promotes the community goals of less automobile usage and community resort feel of Park City.
- A positive contribution to the city through the addition of residential volume on the market. Project promotes the use of the Rail Trail for transportation to the main path artery to Main Street, and Park City Mountain Resort.
- Three different floor plan configurations provide diversity for the potential owners, with the goal of providing housing in Central Park City.

- Project promotes sustainable development through best practices of design through green rooftop, and plans of energy efficient building and appliances. Furthermore, the location and proximity to alternate transportation limiting the need for automobile use via free bus and the Rail Trail link.

Lot 25-B on Parking Lot F is in the General Commercial (GC) zoning designation with zero lot line development permitted. To optimize the Central Park City Condo project for the lot and development agreements (views, parking, flood plain, etc.), the design results in an “L” shape global plan. This allows the majority of the common space to face the Rail Trail and open space to the south. The project is within the F.A.R. limits (2.0), however with exception to the circulation column and storage spaces, all interior space begins on level two (the level connected to the Rail Trail). Therefore the building is four (4) stories on the northeastern corner, level 1 parking (on grade) and levels 2-4 residential, and three (3) stories along the northwestern wing, level 1 parking (on grade) and levels 2-3 residential.

MDP Requirement Applicability

The following is our response and vision to the MPD Requirements listed in Chapter 6, Section 15-6-5.

- **DENSITY:** Maximum density is governed by the F.A.R. Lot 25-B has a F.A.R. of 2.0 resulting in allowable of 11,520 square feet. Central Park City Condo building is within this restriction measuring at 11,279 (see previous chart for details).
- **BUILDING FOOTPRINT IN HR-1 & HR-2:** Not Applicable. Lot 25-B is in a General Commercial (GC) zone.
- **SETBACKS:** Not Applicable. Lot 25-B is in zone GC that allows a Lot-line-to-Lot-line building envelope.
- **OPEN SPACE:** Not Applicable. Lot 25-B is in zone GC, and per definition GC zone is exempt.
- **OFF-STREET PARKING:** Development Agreement between Queeksdrow LLC and PSPOA regulates the Gigaplat Replat to provide no fewer than 99 parking slots for new configured Lot F. The design of Central Park City Condo building is “on stilts” to help conform and exceed the parking slot restriction. With the aid of the 12 slots under Central Park City Condo building the Gigaplat Replat provides 104 parking slots for the reconfigured Lot F.
- **BUILDING HEIGHT:** Central Park City Condo project is asking for a building height exemption. The reason for the request is due to the design solution that allows the building to be constructed and still be in agreement with PSPOA parking slot requirements, and reserve the architecturally interesting aesthetics for the project. The building is using the existing grade as parking, therefore only the circulation column and storage closets are touching the existing grade. Raising the building living floor and the open communal decks provide openness aesthetic and characteristic that will help to provide a new feel for the Prospector Avenue corridor. Residential units comprise of floors 2, 3, and 4. The maximum roof height is 41’-6”, the General Commercial code limit is 35’. Due to the multi-level design approach only a portion of the entire building exceeds the limit. Only the north east section of the building has the 4th level which is the reason for our height exemption request.

- Our request for the height exemption does NOT result in an increase of square footage. Central Park City Condos will NOT exceed current F.A.R. restriction.
- Conceptual design of the building is not believed to create shadows or loss of solar access to adjacent structures. Additionally the Gigaplat Replat positioned Lot 25-B with ample parking lot buffers and circulation for air in the surrounding area.
- Gigaplat Replat incorporates landscaping that currently does not exist on Lot F, and the site plan does provide advantageous buffering to adjacent structures.
- Open space is not affected by the height exemption request.
- Lot 25-B is in a GC zone.
- **SITE PLANNING:** Gigaplat Replat was completed to provide a more organic infill to Lot F to give a more urban feel to any developments on the site. Lot 25-B is both a beneficiary and active participant to this favorable development approach.
 - The building sites were arranged to provide a flow to the area and break up the “tarmac” looks of parking Lot F.
 - Minimal grading is accomplished by using the grade as the parking level.
 - Minimal grading will be performed to improve the flow of water from its current state, around the building and appropriately directed toward existing drainage routes.
 - Central Park City Condo building will be physically connected to the rail trail providing alternate modes of transportation around town.
 - Gigaplat Replat and the development agreement between Queeksdraw LLC and PSPOA has resulted in the addition of pedestrian walkways and improved vehicle flow around Lot F. Additionally, landscaping will be added to the Lot F to help visually direct and soften the developments.
 - Gigaplat Replat has provided the necessary allotment for snow removal and snow storage areas for Lot F.
 - Gigaplat Replat designates the necessary trash collection and recycling facilities for Lot F and Central Park City Condo project.
 - Local bus stop on Prospector Ave. is called out on the site plan.
 - Service and delivery access loading and unloading for the Gigaplat Replat is called out on site plan.
- **LANDSCAPE AND STREET SCAPES:** Gigaplat Replat includes added landscaping for Lot F.
- **SENSITIVE LANDS COMPLIANCE:** Lot 25-B is not in a sensitive lands zone.
- **EMPLOYEE/AFFORDABLE HOUSING:** The Central Park City Condo project is required to provide Affordable Housing Units under the MDP LMC. The project will provide the necessary Affordable Housing with one of the following options, as allowed by the Affordable Housing Resolution 25-12.
 - The project will include, on site, the necessary square feet of required fully compliant Affordable Unit Equivalents (AUE), OR
 - The project will include some AUE compliant square feet on site AND pay the in lieu fee for the remaining square feet (AUE) not provided.

Central Park City Condos priority is to include all required AUE on site under the full compliance of the Housing Resolution, however it is undecided at this time which option above will be chosen. We have followed the necessary steps with the City’s Sustainability Department and have provided the information above via a Affordable Housing mitigation plan document.

This document details our plan (in either case above) with the necessary square footage calculations required to fully comply with the Housing Resolution 25-12.

- **CHILD CARE:** Not applicable.
- **MINE HAZARDS:** Not applicable.
- **HISTORIC MINE WASTE MITIGATION:** Have a soils report for Lot 25-B, using minimal grading and capping techniques and leaving the soil on site.

EXHIBIT A
(see revised)

Park City Municipal Corporation
Planning Department
445 Marsac Ave
PO Box 1480
Park City, UT 84060

RE: Central Park City Condominium Master Planned Development Application, submittal requirement #3.

Applicant: Mr. Peabody LLC, (Hank Louis, Ehlias Louis, CDR Development)

Project: Central Park City Condominiums

Location: 1893 Prospector Ave, Lot 25-B of the Gigaplat Replat

General Project Description

Central Park City Condominiums is a project to build ten (10) two bedroom units on Lot 25-B of the Gigaplat Replat of Parking Lot F, 1897 Prospector Square. The aim of the project is to provide housing in Central Park City that promotes its proximity as the main benefit to both the community and owners. With the connection to the Rail Trail and its close proximity to the local bus route, alternative transportation is available decreasing the reliability of automobiles around Park City. The design of the building incorporates multi-level design with vast open/communal space and decks to promote a community within the building. In addition, the project provides a new building with a design incorporating a visual aesthetic to improve the Prospector Avenue corridor.

Gigaplat Replat is a development agreement between Queeksdraw LLC (Hank Louis, Rhonda Sideris) and the Prospector Square Property Owners Association (PSPOA) to reconfigure parking Lot F, 1897 Prospector Ave. The reconfiguration is an effort to create an organic infill for the developments of Prospector Square Lot F providing a more urban feel for the area. This is accomplished by providing housing infrastructure on the existing "tarmac" like parking lot, therefore providing a natural feel to the area including true circulation and logical building sites. Current zoning of Lot 25-B is General Commercial (GC), however Queeksdraw LLC (Hank Louis & Rhonda Sider) is submitting an application for a Conditional Use Permit for Lot 25-B via the Planning Department.

The conceptual design of the Central Park City Condo building, drawings herein, incorporates the necessary requirements from the development agreement between Queeksdraw LLC & PSPOA, stating that the Gigaplat Replat shall include no fewer than the existing parking spaces in Lot F (99 spaces). In addition, careful consideration of the F.A.R. (2.0) and benefits to both the surrounding area and potential tenants were balanced. The resulting building has the following design characteristics:

- To conform to the parking space requirement the majority of the building is "on stilts" to provide the necessary parking required in Lot F. 12 parking slots under the building on will be on existing grade with residential units on floor two (2), three (3), and four (4). This configuration provides 104 parking slots on parking lot F.



- The ten (10) units consist of: four (4) two (2) bedrooms, two (2) bathrooms units, and six (6) two (2) bedrooms, one (1) bathroom units.
- Each unit will have a storage closet on grade adjacent to the main circulation column (stairs and elevator to units) and parking stalls.
- The South side of the building includes a bridge, connected walkway, to the Rail Trail path connecting to the main bike/walk paths for Park City.
- The design incorporates natural light through each unit by using a L shape global floor plan allowing corners for windows and views of Park City Mountain Resort, or the "PC" mountain adjacent to Park City's public schools
- A large common space deck and a common space rooftop deck for the building residents incorporating a green-planted roof garden.

Central Park City Condo building is within the F.A.R. regulation: Lot 25-B is 5760 square feet with a F.A.R. of 2.0, resulting with an allowance of 11,520 square feet.

MPD Applicability

The Central Park City Condo project, upon completion, will result in a building with the following characteristics that align with the purpose of MPD in the Land Management Code (Chapter 6, Section 15-6-1):

- Lot 25-B in Lot F backs up to the Rail Trail and Open Space to the south. Project incorporates both features with views and design to compliment the use.
- Neighborhood consists of Residential Condominiums to the west and east, and commercial/offices and planned residential (Rhonda Sideris project on lot 25-A) to the north and west. Food, residential shops, and Athletic club all within walking distance. Development agreement with PSPOA results in more parking for lot F, from existing 99 spaces to 104 spaces. Gigaplat Replat accommodates the required (1) spot per bedroom. There are 12 parking slots under the building.
- With the connection to the Rail Trail, and location to public transportation bus route, the project promotes the community goals of less automobile usage and community resort feel of Park City.
- A positive contribution to the city through the addition of residential volume on the market. Project promotes the use of the Rail Trail for transportation to the main path artery to Main Street, and Park City Mountain Resort.
- Two different floor plan configurations provide diversity for the potential owners, with the goal of providing housing in Central Park City.
- Project promotes sustainable development through best practices of design through green rooftop, and plans of energy efficient building and appliances. Furthermore, the location and proximity to alternate transportation limiting the need for automobile use via free bus and the Rail Trail link.

Lot 25-B on Parking Lot F is in the General Commercial (GC) zoning designation with zero lot line development permitted. To optimize the Central Park City Condo project for the lot and development agreements (views, parking, flood plain, etc.), the design results in an "L" shape global plan. This allows the majority of the common space to face the Rail Trail and open space

to the south. The project is within the F.A.R. limits (2.0), however with exception to the circulation column and storage spaces, all interior space begins on level two (the level connected to the Rail Trail). Therefore the building is four (4) stories on the northeastern corner, level 1 parking (on grade) and levels 2-4 residential, and three (3) stories along the northwestern wing, level 1 parking (on grade) and levels 2-3 residential.

MDP Requirement Applicability

The following is our response and vision to the MPD Requirements listed in Chapter 6, Section 15-6-5.

- A. DENSITY: Maximum density is governed by the F.A.R. Lot 25-B has a F.A.R. of 2.0 resulting in allowable of 11,520 square feet. Central Park City Condo building is within this restriction.
- B. BUILDING FOOTPRINT IN HR-1 & HR-2: Not Applicable. Lot 25-B is in a General Commercial (GC) zone.
- C. SETBACKS: Not Applicable. Lot 25-B is in zone GC that allows a Lot-line-to-Lot-line building envelope.
- D. OPEN SPACE: Not Applicable. Lot 25-B is in zone GC, and per definition GC zone is exempt.
- E. OFF-STREET PARKING: Development Agreement between Queeksdrow LLC and PSPOA regulates the Gigaplat Replat to provide no fewer than 99 parking slots for new configured Lot F. The design of Central Park City Condo building is "on stilts" to help conform and exceed the parking slot restriction. With the aid of the 12 slots under Central Park City Condo building the Gigaplat Replat provides 104 parking slots for the reconfigured Lot F.
- F. BUILDING HEIGHT: Central Park City Condo project is asking for a building height exemption. The reason for the request is due to the design solution that allows the building to be constructed and still be in agreement with PSPOA parking slot requirements, and reserve the architecturally interesting aesthetics for the project. The building is using the existing grade as parking, therefore only the circulation column and storage closets are touching the existing grade. Raising the building living floor and the open communal decks provide openness aesthetic and characteristic that will help to provide a new feel for the Prospector Avenue corridor. Residential units comprise of floors 2, 3, and 4. The maximum roof height is 41'-6", the General Commercial code limit is 35'. Due to the multi-level design approach only a portion of the entire building exceeds the limit. Only the north east section of the building has the 4th level which is the reason for our height exemption request.
 - 1. Our request for the height exemption does NOT result in an increase of square footage. Central Park City Condos will NOT exceed current F.A.R. restriction.
 - 2. Conceptual design of the building is not believed to create shadows or loss of solar access to adjacent structures. Additionally the Gigaplat Replat positioned Lot 25-B with ample parking lot buffers and circulation for air in the surrounding area.
 - 3. Gigaplat Replat incorporates landscaping that currently does not exist on Lot F, and the site plan does provide advantageous buffering to adjacent structures.
 - 4. Open space is not affected by the height exemption request.

5. Lot 25-B is in a GC zone.
- G. SITE PLANNING: Gigaplat Replat was completed to provide a more organic infill to Lot F to give a more urban feel to any developments on the site. Lot 25-B is both a beneficiary and active participant to this favorable development approach.
1. The building sites were arranged to provide a flow to the area and break up the "tarmac" looks of parking Lot F.
 2. Minimal grading is accomplished by using the grade as the parking level.
 3. Minimal grading will be performed to improve the flow of water from its current state, around the building and appropriately directed toward existing drainage routes.
 4. Central Park City Condo building will be physically connected to the rail trail providing alternate modes of transportation around town.
 5. Gigaplat Replat and the development agreement between Queeksdraw LLC and PSPOA has resulted in the addition of pedestrian walkways and improved vehicle flow around Lot F. Additionally, landscaping will be added to the Lot F to help visually direct and soften the developments.
 6. Gigaplat Replat has provided the necessary allotment for snow removal and snow storage areas for Lot F.
 7. Gigaplat Replat designates the necessary trash collection and recycling facilities for Lot F and Central Park City Condo project.
 8. Local bus stop on Prospector Ave. is called out on the site plan.
 9. Service and delivery access loading and unloading for the Gigaplat Replat is called out on site plan.
- H. LANDSCAPE AND STREET SCAPES: Gigaplat Replat includes added landscaping for Lot F.
- I. SENSITIVE LANDS COMPLIANCE: Lot 25-B is not in a sensitive lands zone.
- J. EMPLOYEE/AFFORDABLE HOUSING: Not applicable
- K. CHILD CARE: Not applicable.
- L. MINE HAZARDS: Not applicable.
- M. HISTORIC MINE WASTE MITIGATION: Have a soils report for Lot 25-B, using minimal grading and capping techniques and leaving the soil on site.

Park City Municipal Corporation
Planning Department
445 Marsac Ave
PO Box 1480
Park City, UT 84060

RE: Application for Master Planned Development, submittal requirement #2

Applicant: Queeksdraw LLC, (Hank Louis & Rhonda Sideris)
Project: Central Park Apartments
Location: 1917 Prospector Ave, Lot 25b of the Gigaplat Replat

General Project Description

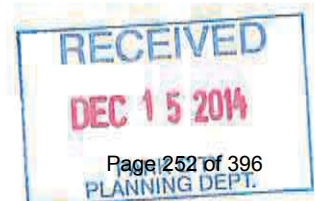
Central Park City Apartments is a project to build ten (10) two bedroom units to be leased with 12-month terms on the Lot 25b of the Gigaplat Replat of Parking Lot F, 1897 Prospector Square. Current zoning of the lot is General Commercial (GC), however Queeksdraw LLC is submitting an application for a Conditional Use Permit via the Planning Department.

The conceptual design, drawings herein, incorporates the necessary requirements from the development agreement between Queeksdraw LLC & PSPOA (Prospector Square Property Owners Association), stating that the Gigaplat Replat shall include no fewer than the existing parking spaces in Lot F (99 spaces). In addition, careful consideration of the F.A.R. (2.0) and benefits to both the surrounding area and potential tenants were balanced. The resulting building has the following design characteristics:

- The entire building is "on stilts" to provide the necessary parking required on Lot F. The parking will be on existing grade with first residential units on floor two (2).
- The ten (10) units consist of: four (4) two (2) bedrooms, two (2) bathrooms units, and six (6) two (2) bedrooms, one (1) bathroom units.
- 12 parking spaces are retained under the building on grade.
- Each unit will have a storage closet on grade adjacent to the main circulation column (stairs and elevator to units) and parking stalls.
- The South side of the building includes a bridge, connected walkway, to the Rails Trails path connecting to the main bike/walk paths for Park City.
- The design incorporates natural light through each unit by using a L shape global floor plan allowing corners for windows and views of Park City Mountain Resort, or the "PC" mountain adjacent to Park City's public schools
- A large second floor (first residential floor) common space deck and a common space rooftop deck for the building residents incorporating a green-planted roof garden.

The goal of the project is to provide needed housing in Central Park City that promotes its proximity as the main benefit to both the community and to the tenants. With the connection to the Rail Trail and its close proximity to the local bus route, alternative transportation is available decreasing the reliability of automobiles around Park City.

MPD Applicability



Central Park Apartments project, upon completion, will result in a building with the following characteristics that align with the purpose of MPD in the Land Management Code (Chapter 6, Section 15-6-1):

- Lot 25b in Lot F backs up to the Rail Trail and Open Space to the south. Project incorporates both features with views and design to compliment the use.
- Neighborhood consists of Residential Condominiums to the west and east, and commercial/offices and planned residential (Rhonda Sideris project on Lot25a) to the north and west. Food, residential shops, and Athletic club all within walking distance. Development agreement with PSPOA results in more parking for Lot F, from existing 99 spaces to 105 spaces. 12 spaces are designed under the project and surplus parking with the additional six (6) from the Replat and the rest of parking lot F to accommodate one (1) spot per bedroom.
- With the connection to the Rail Trail, and location to public transportation bus route, the project promotes the community goals of less automobile usage and community resort feel of Park City. In addition, providing residential space as long-term rentals (12 month leases) for young professionals to live in Central Park City vs. options out towards Kimbal Junction.
- A positive contribution to the city through the addition of residential volume on the market for the City's work force. Project promotes the use of the Rail Trail for transportation to the main path artery to Main Street, and Park City Mountain Resort.
- Two different apartment configurations provide diversity for the potential tenants, with the goal of providing housing to young/new professionals in Central Park City.
- Project promotes sustainable development through best practices of design through green rooftop, and plans of energy efficient building and appliances. Furthermore, the location and proximity to alternate transportation limiting the need for automobile use via free bus and the Rail Trail link.

Lot 25b on Parking Lot F is in the General Commercial (GC) zoning designation with zero lot line development permitted. To optimize the Central Park Apartment project for the lot and development agreements (views, parking, flood plain, etc.), the design results in an "L" shape global plan. This allows the majority of the common space to face the Rail Trail and open space to the south. The project is within the F.A.R. limits (2.0), however with exception to the circulation column and storage spaces, all interior space begins on level two (the level connected to the Rail Trail). Therefore the building is four (4) stories on the northeastern corner, level 1 parking (on grade) and levels 2-4 residential, and three (3) stories along the northwestern wing, level 1 parking (on grade) and levels 2-3 residential.



Kirsten Whetstone

From: Ehlias Louis <ehlias.louis@mac.com>
Sent: Monday, March 16, 2015 10:08 AM
To: Kirsten Whetstone
Cc: Andrew Foster
Subject: Central Park City Condo Project (Affordable Housing Clarification)

Kirsten,

We had a meeting with Rhoda Stauffer in the Sustainable Department to better understand our requirements for providing affordable units in the Central Park City Condo project. Therefore we need to clear up our assumption that was incorrect in the application for the MPD. Detailed below is our response and understanding of our position:

- Per MPD requirement Section 15-6-5, Subsection J, **Affordable Housing:**
 - Central Park City Condo project has 10 units, therefore mandated by the Affordable Housing Resolution 25-12 we have to provide 1.5 Affordable Housing Units (AHU). Using the calculation formula provided in the Affordable Housing Resolution, we will need to provide 1,350 sq. ft.
 - These AHU units will be provided by Central Park City Condo Project by the allowable process outlined in the Resolution.
 - Our general thinking of how to provide the AHU is to either provide the required square footage on-site under deed restricted unit sales, or to pay the in lieu fee outlined in the Resolution, OR a combination of both.
 - If we elect to provide the square footage AHU via on-site deed restricted unit sales, we will not use the AHU square feet in our calculation to abide by the F.A.R. of 2.0 for the project. In other words, the project in whole could be over the 2.0 F.A.R. restriction, however as stated in Section 8 of the Affordable Housing Resolution 25-12, on-site AHU units do not count against density calculations for the project.

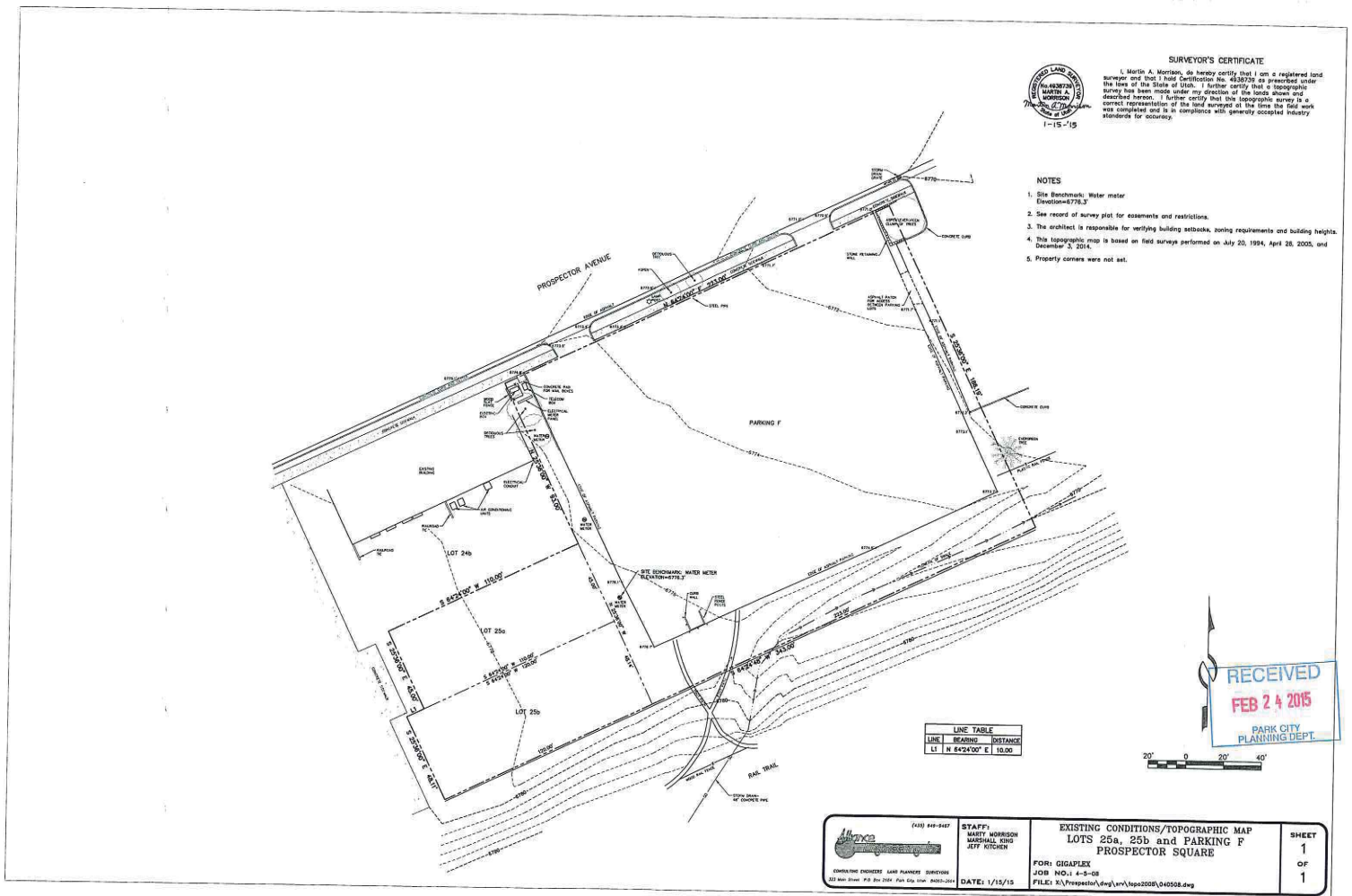
Please don't hesitate to contact either Andrew or me if you have any questions,

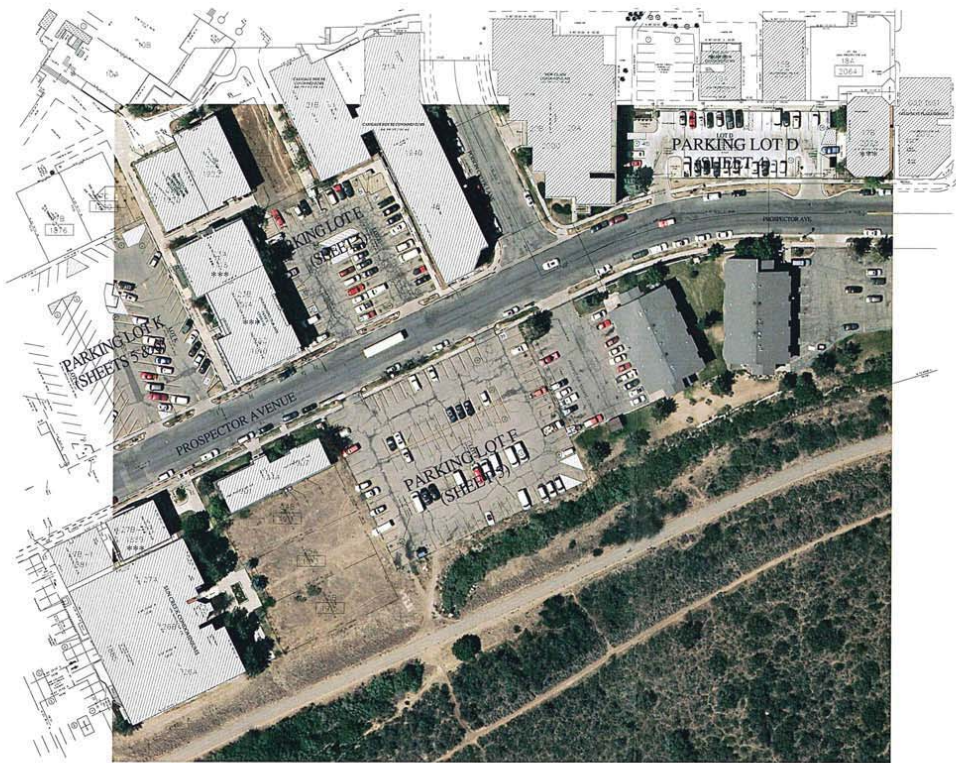
Kindly,

Ehlias

Ehlias Louis
Gigaplex Design
966 Rosemary St.
Denver, CO 80230
720.289.4443
ehlias.louis@mac.com

EXHIBIT B





gtgaplex
 1255 Brubaker Drive,
 2nd level
 PO BOX 3360
 Park City, UT 84060
 P: 435-645-7800
 F: 435-649-6545
 info@gtgaplex.com

QUEEKSDRAW LLC
 1915 PROSPECTOR AVE LOT 238

date:
 12/15/14

dwg title:
 EXISTING
 SITE

dwg #:

A101

⊕ EXISTING SITE
 1" = 40' 0"

RECEIVED
 DEC 15 2014
 PARK CITY
 PLANNING DEPT.

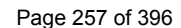


EXHIBIT D

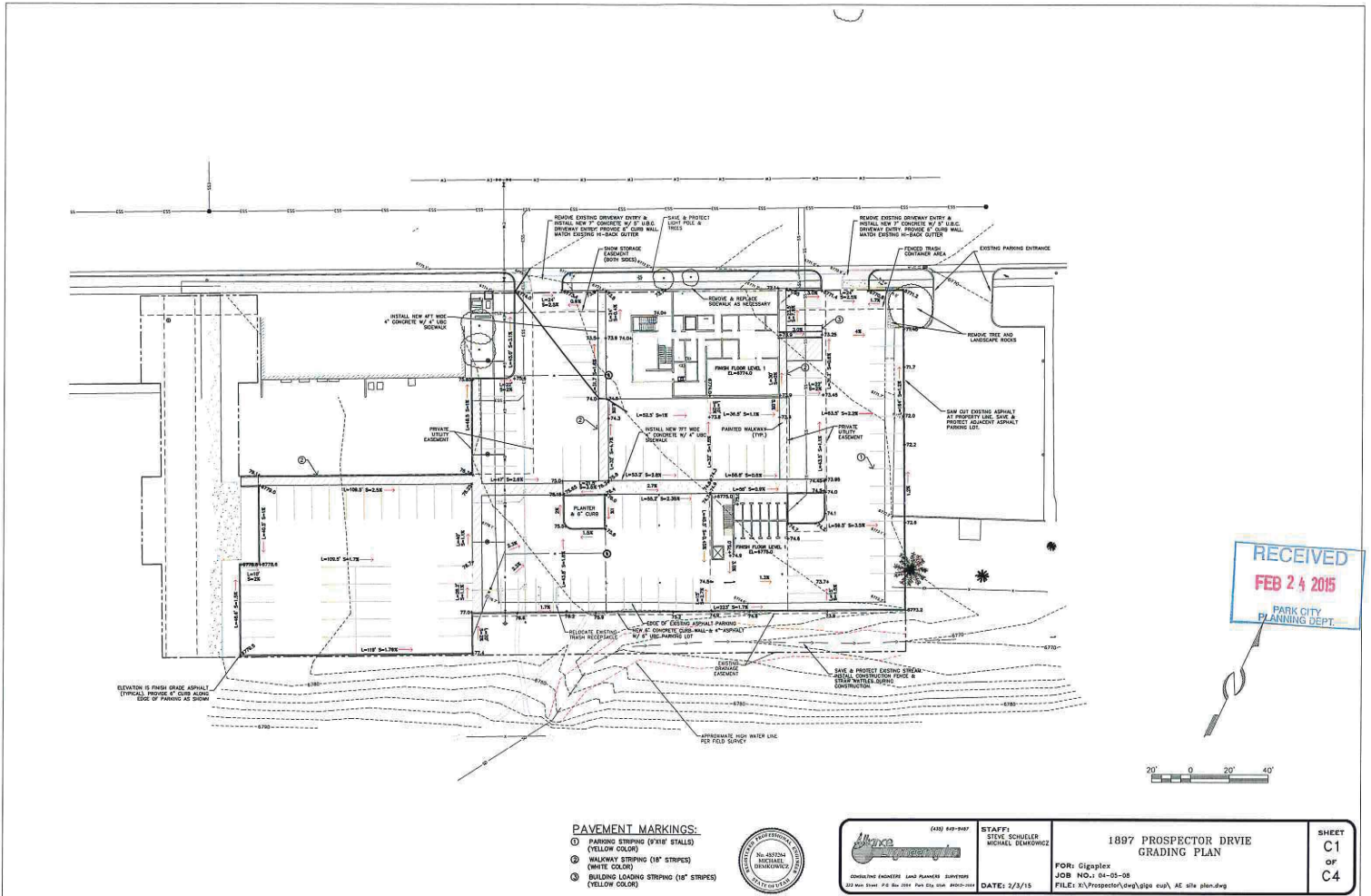


EXHIBIT E

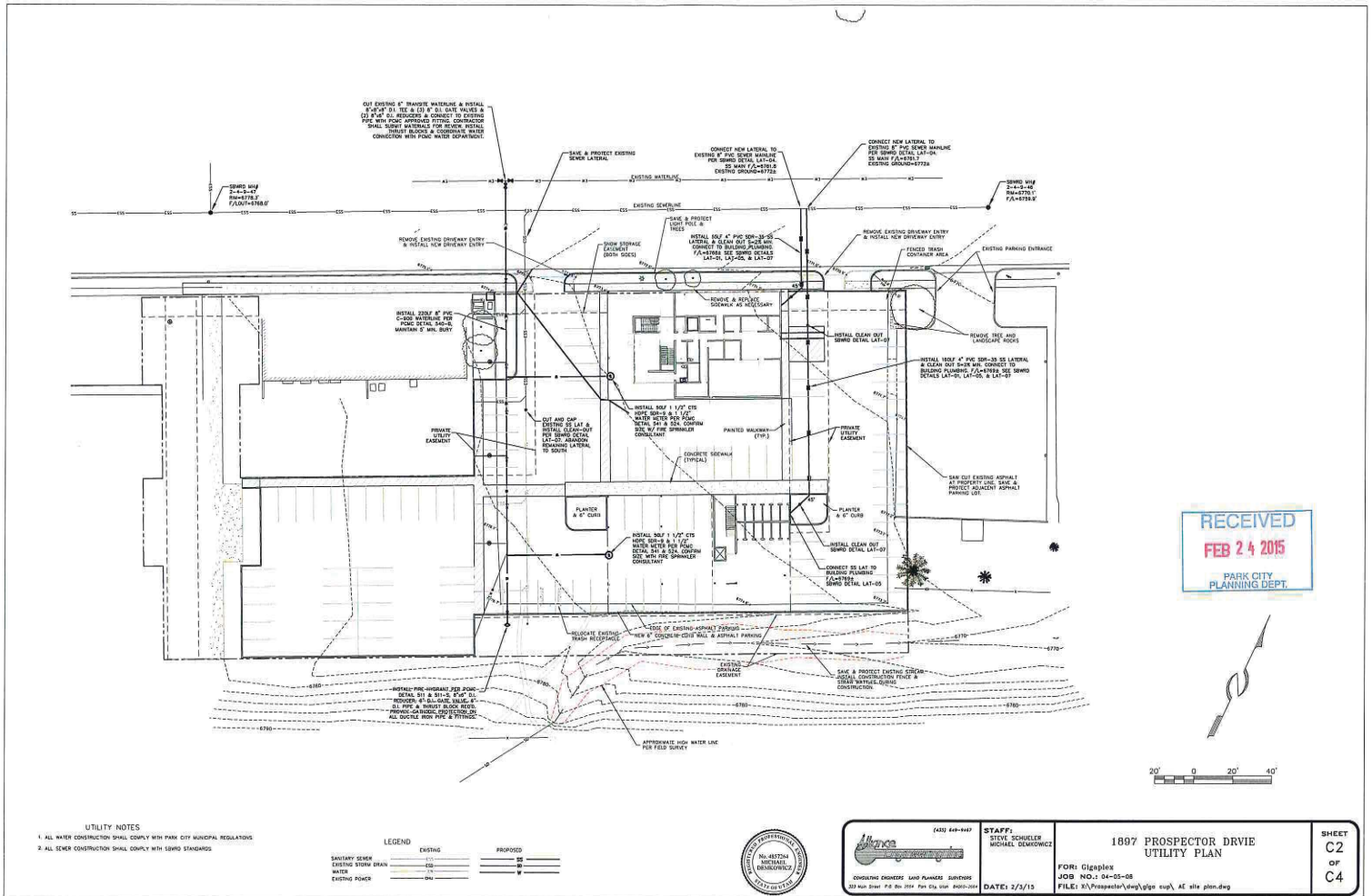
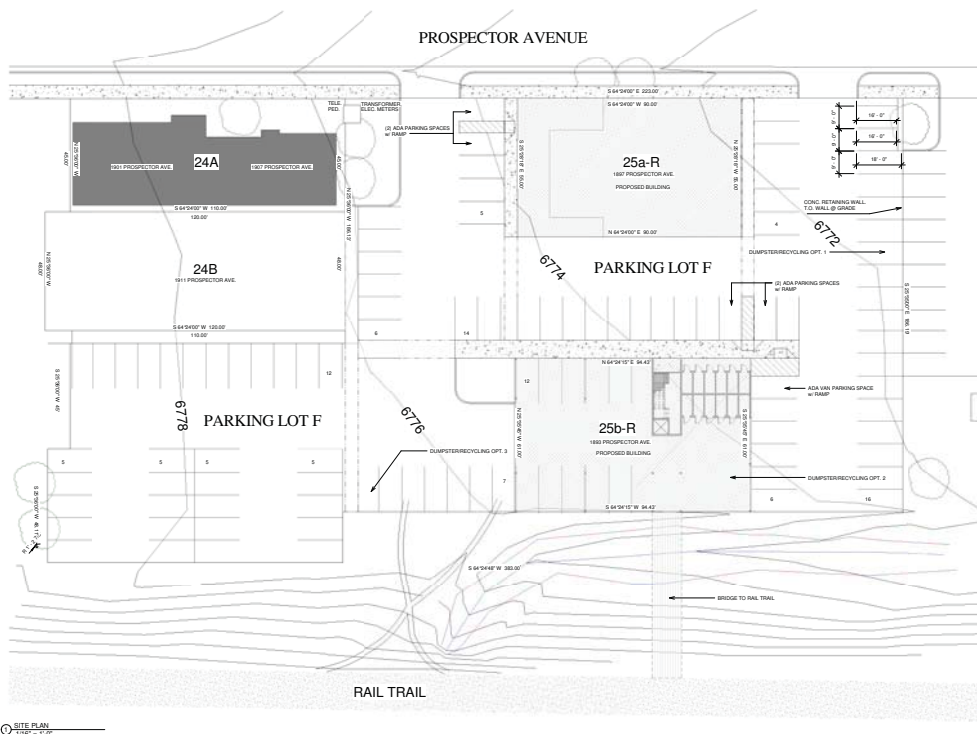


EXHIBIT F



QUEEKSDRAW LLC
1893 PROSPECTOR AVE.
LOT 25b-R

FEB 20, 2015 MPO

CONSULTANT

STAMP

ORIGINAL SIZE 24"x36" IF ALTERNATE SHEET SIZE,
SCALE REDUCED ACCORDINGLY



1255 IRONHORSE DRIVE
P.O. BOX 3360
PARK CITY, UT 84060
F: 435.649.7080
F: 435-649-6545
www.gigaplexdesign.com
office@gigaplexdesign.com

SITE PLAN

JOB NO.	Project Number	SHEET NO.
DATE	2/23/15	A1.01
FIG. #		

gtagaplex
1255 Ingham Drive,
3rd floor
PO BOX 1300
Park City, UT 84060
P: 435-649-7880
F: 435-649-4543
office@gtagaplex.com

QUEEKSDRAW LLC
1915 PROSPECTOR AVE LOT 25B

date:
12/15/14

dwg title:
SITE PLAN

dwg #:

A100

SYMBOLS:
 PARKING LOT
 LANDSCAPING
 EXISTING BUILDINGS
 EXISTING TREES
 STREAM
 RAIL TRAIL
 LOADING ZONE
 SEWER
 NEW WATERLINE/WIRE/UTILITY
 SNOW STORAGE

* 8,760 Sq. Ft.
** 108 TOTAL PARKING SPACES

RECEIVED
DEC 15 2014
PARK CITY
PLANNING DEPT.

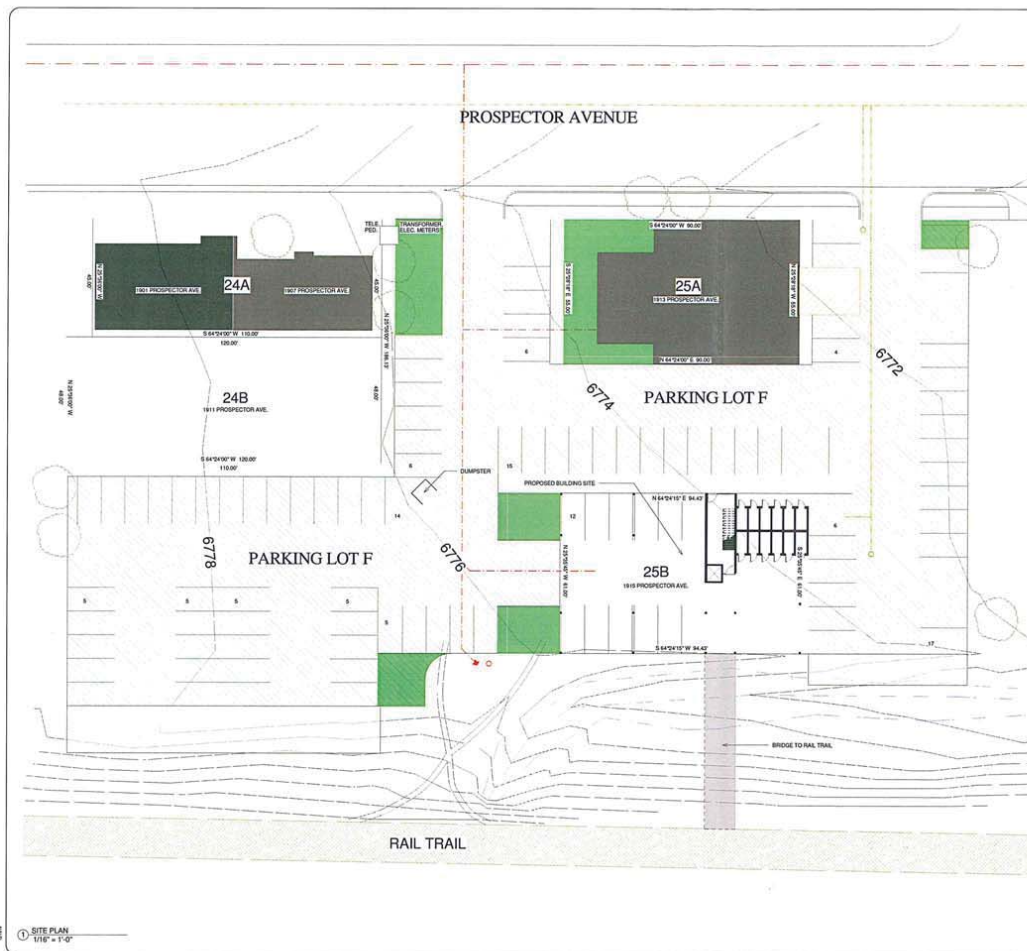
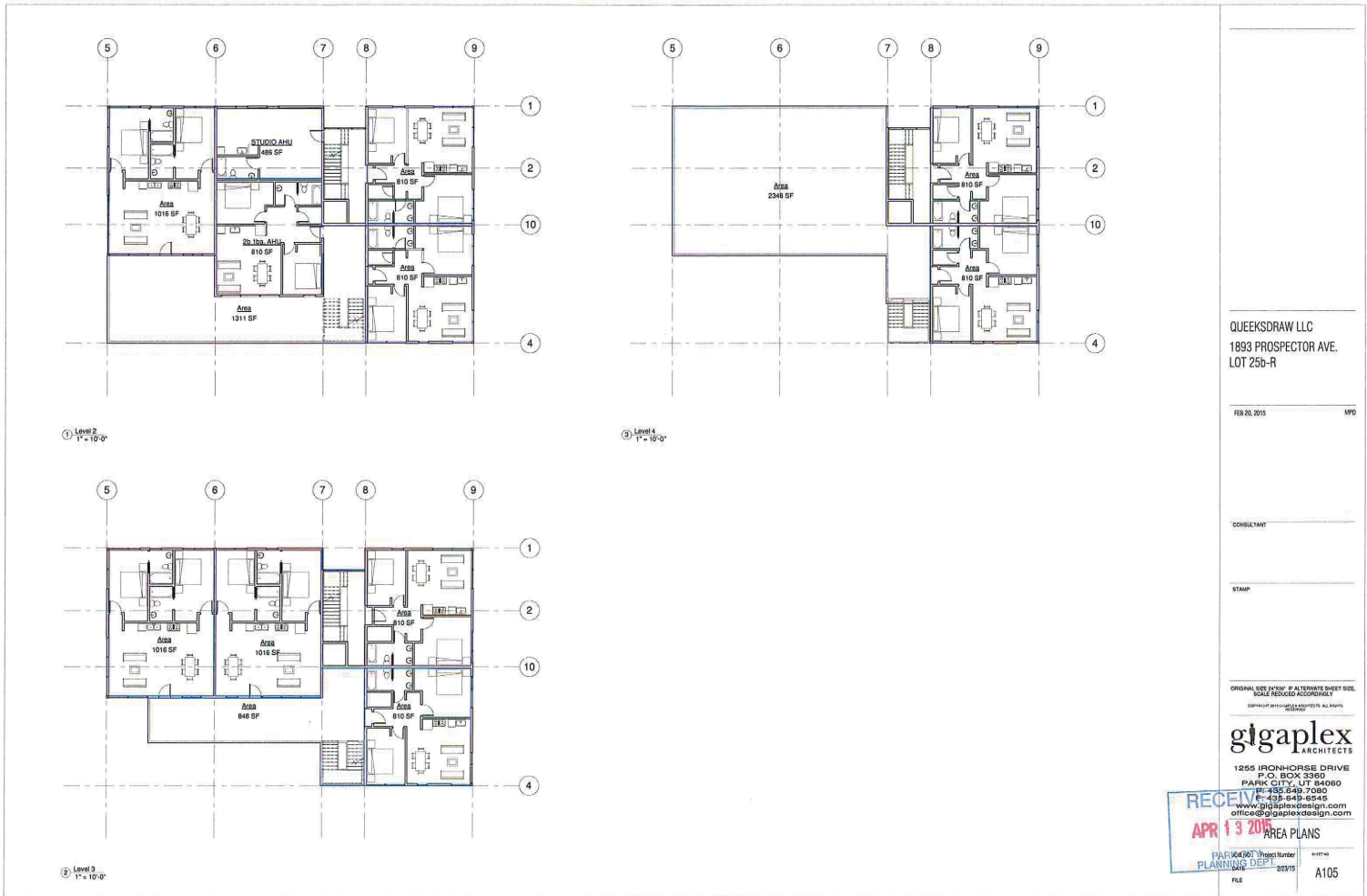


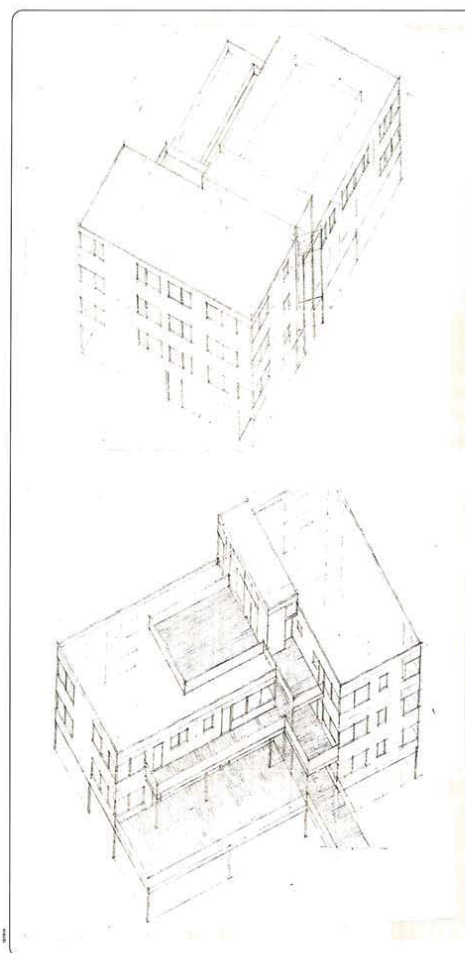
EXHIBIT G



EXHIBIT H







gtgaplex
1255 Ironhorse Drive,
3rd level
PO BOX 3360
Park City, UT 84660
P: 435-649-7880
F: 435-649-6545
www.gtgaplex.com

QUEEKSDRAW LLC
1915 PROSPECTOR AVE LOT 25B

date:
12/15/14

dwg title:
ELEVATIONS

dwg #:

A103



PARK CITY MUNICIPAL CODE
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TITLE 15 - LAND MANAGEMENT CODE

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.18 - GENERAL COMMERCIAL (GC) DISTRICT

Chapter adopted by Ordinance No. 00-51

15-2.18-1. PURPOSE.

The purpose of the General Commercial (GC) District is to:

- (A) allow a wide range of commercial and retail trades and Uses, as well as offices, Business and personal services, and limited Residential Uses in an Area that is convenient to transit, employment centers, resort centers, and permanent residential Areas,
- (B) allow Commercial Uses that orient away from major traffic thoroughfares to avoid strip commercial Development and traffic congestion,
- (C) protect views along the City's entry corridors,
- (D) encourage commercial Development that contributes to the positive character of the City, buffers adjacent residential neighborhoods, and maintains pedestrian Access with links to neighborhoods, and other commercial Developments,

(E) allow new commercial Development that is Compatible with and contributes to the distinctive character of Park City, through Building materials, architectural details, color range, massing, lighting, landscaping and the relationship to Streets and pedestrian ways,

(F) encourage architectural design that is distinct, diverse, reflects the mountain resort character of Park City, and is not repetitive of what may be found in other communities, and

(G) encourage commercial Development that incorporates design elements related to public outdoor space including pedestrian circulation and trails, transit facilities, plazas, pocket parks, sitting Areas, play Areas, and Public Art.

15-2.18-2. USES.

Uses in the GC District are limited to the following:

(A) **ALLOWED USES.**

- (1) Secondary Living Quarters

- (2) Lockout Unit¹
- (3) Accessory Apartment²
- (4) Nightly Rental
- (5) Home Occupation
- (6) Child Care, In-Home Babysitting³
- (7) Child Care, Family³
- (8) Child Care, Family Group³
- (9) Child Care Center³
- (10) Accessory Building and Use
- (11) Conservation Activity
- (12) Agriculture
- (13) Plant and Nursery Stock production and sales
- (14) Bed & Breakfast Inn
- (15) Boarding House, Hostel
- (16) Hotel, Minor
- (17) Hotel, Major
- (18) Office, General
- (19) Office, Moderate Intensive
- (20) Office, Intensive
- (21) Office and Clinic, Medical
- (22) Financial Institution without a drive-up window
- (23) Commercial, Resort Support
- (24) Retail and Service Commercial, Minor
- (25) Retail and Service Commercial, Personal Improvement
- (26) Retail and Service Commercial, Major
- (27) Cafe or Deli

¹Nightly rental of Lockout Units requires Conditional Use permit

²See LMC Chapter 15-4, Supplemental Regulations for Accessory Apartments

³See LMC Chapter 15-4-9 Child Care Regulations

- (28) Restaurant, General
- (29) Hospital, Limited Care Facility
- (30) Parking Area or Structure with four (4) or fewer spaces
- (31) Parking Area or Structure with five (5) or more spaces
- (32) Recreation Facility, Private

(B) **CONDITIONAL USES.**

- (1) Single Family Dwelling
- (2) Duplex Dwelling
- (3) Triplex Dwelling
- (4) Multi-Unit Dwelling
- (5) Group Care Facility
- (6) Public and Quasi-Public Institution, Church, and School
- (7) Essential Municipal Public Utility Use, Facility, Service, and Structure
- (8) Telecommunication Antenna⁴
- (9) Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter⁵
- (10) Timeshare Project and Conversion
- (11) Timeshare Sales Office, off-site within an enclosed Building
- (12) Private Residence Club Project and Conversion⁸

⁴See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunication Facilities

⁵See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

- (13) Financial Institution with a Drive-up Window⁶
- (14) Retail and Service Commercial with Outdoor Storage
- (15) Retail and Service Commercial, Auto Related
- (16) Transportation Service
- (17) Retail Drive-Up Window⁶
- (18) Gasoline Service Station
- (19) Restaurant and Cafe, Outdoor Dining⁷
- (20) Restaurant, Drive-up Window⁶
- (21) Outdoor Event⁷
- (22) Bar
- (23) Sexually Oriented Businesses⁸
- (24) Hospital, General
- (25) Light Industrial Manufacturing and Assembly
- (26) Temporary Improvement⁷
- (27) Passenger Tramway and Ski Base Facility
- (28) Ski tow rope, ski lift, ski run, and ski bridge
- (29) Commercial Parking Lot or Structure
- (30) Recreation Facility, Public
- (31) Recreation Facility, Commercial
- (32) Indoor Entertainment Facility

⁶See Section 2-18-6 for Drive-Up Window review

⁷Requires an administrative Conditional Use permit

⁸See Section 2-17-8 for additional criteria.

- (33) Master Planned Development with moderate housing density bonus⁹
- (34) Master Planned Developments⁹
- (35) Heliport
- (36) Temporary Sales Trailer in conjunction with an active Building permit for the Site.⁸
- (37) Fences greater than six feet (6') in height from Final Grade⁷

(C) **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

(Amended by Ord. Nos. 04-39; 06-76)

15-2.18-3. LOT AND SITE REQUIREMENTS.

Except as may otherwise be provided in this Code, no Building Permit shall be issued for a Lot unless such Lot has the Area, width, and depth as required, and Frontage on a Street shown as a private or Public Street on the Streets Master Plan, or on a private easement connecting the Lot to a Street shown on the Streets Master Plan. All Development activity must comply with the following minimum yards:

(A) **FRONT YARDS.** The minimum Front Yard is twenty feet (20') for all Main and Accessory Buildings and Uses. The twenty foot (20') Front Yard may be reduced to ten feet (10'), provided all on-Site parking

⁹Subject to provisions of LMC Chapter 15-6, Master Planned Development

is at the rear of the Property or underground. The Frontage Protection Overlay Zone (FPZ) requires a minimum landscaped buffer of thirty-feet (30') in width abutting the Street. See Section 15-2.20. The Prospector Overlay allows reduced site requirements for designated Affected Lots. See Section 15-2.18-3(I)

(B) **FRONT YARD EXCEPTIONS.**

The Front Yard must be open and free of any Structure except:

- (1) Fence, walls, and retaining walls not more than four feet (4') in height, or as permitted in Section 15-4-2. On Corner Lots, Fences more than three feet (3') in height are prohibited within twenty-five feet (25') of the intersection at back of curb.
- (2) Uncovered steps leading to the Main Building; provided, the steps are not more than four feet (4') in height from Final Grade, not including any required handrails, and do not cause any danger or hazard to traffic by obstructing the view of the Street or intersection.
- (3) Roof overhangs, eaves, and cornices projecting not more than three feet (3') into the Front Yard.
- (4) Sidewalks, patios, and pathways.
- (5) Decks, porches, and Bay Windows not more than ten feet (10')

wide, projecting not more than three feet (3') into the Front Yard.

(6) Driveways leading to a garage or Parking Area. No portion of a Front Yard, except for driveways, allowed Parking Areas and sidewalks may be Hard-Surfaced or graveled. See Section 15-3-3 General Parking Area and Driveway Standards.

(7) Circular driveways meeting all requirements stated in Section 15-3-4.

(C) **REAR YARD.** The minimum Rear Yard is ten feet (10'). The Prospector Overlay allows reduced site requirements for designated Affected Lots. See Section 15-1-2.18-3(I).

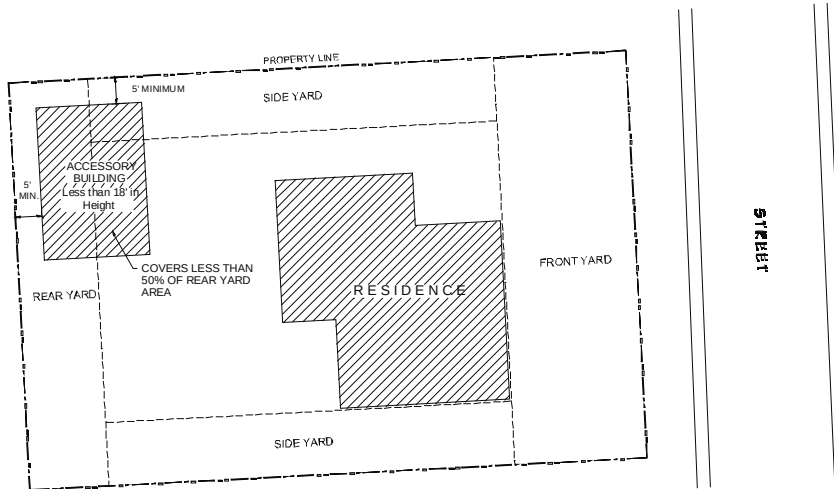
(D) **REAR YARD EXCEPTIONS.**

The Rear Yard must be open and free of any Structure except:

- (1) Bay Window or chimneys not more than ten feet (10') wide, projecting not more than two feet (2') into the Rear Yard.
- (2) Window wells and light wells projecting not more than four feet (4') into the Rear Yard.
- (3) Roof overhangs and eaves projecting not more than three feet (3') into the Rear Yard.
- (4) Window sills, belt courses, cornices, trim and other ornamental

features projecting not more than six inches (6") beyond the window or main Structure to which it is attached.

(5) Detached Accessory Buildings not more than eighteen feet (18') in height and maintaining a minimum Rear Yard Setback of five feet (5'). Such Structures must not cover more than fifty percent (50%) of the Rear Yard. See the following illustration:



(6) Hard-Surfaced Parking Areas subject to the same location requirements as a detached Accessory Buildings and meeting all landscaping requirements stated in Section 15-3-3.

(7) Screened mechanical equipment, hot tubs, and similar Structures located at least five feet (5') from the Rear Lot Line.

(8) Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2. Retaining walls may have multiple steps, however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation.

The Planning Director may approve minor deviations to the height and stepping requirements based on Site specific review.

(9) Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") above Final Grade, provided it is located at least five feet (5') from the Rear Lot Line.

(10) Enclosed porches, including a roof and open on three (3) sides, and similar Structures not more than nine feet (9') into the Rear Yard provided the adjoining Property is dedicated as Natural or Landscaped Open Space and meets minimum International Building Code (IBC) and Fire Code requirements.

(E) **SIDE YARD.**

(1) The minimum Side Yard is ten feet (10').

(2) Side Yards between connected Structures are not required where the Structures are designed with a common wall on a Property Line and the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official.

(3) The minimum Side Yard for a Detached Accessory Building not greater than eighteen feet (18') in height, located at least five feet (5') behind the front facade of the Main

Building must be one foot (1'), except when an opening is proposed on an exterior wall adjacent to the Property Line, at which time the minimum Side Yard must be three feet (3').

(4) On Corner Lots, the Side Yard that faces a Street is considered a Front Yard and the Setback must not be less than twenty feet (20').

(5) The Prospector Overlay allows reduced site requirements for designated Affected Lots. See Section 15-2.18-3(I)

(F) **SIDE YARD EXCEPTIONS.** The Side Yard must be open and free of any Structure except:

(1) Bay Windows and chimneys not more than ten feet (10') wide projecting not more than two feet (2') into the Side Yard.

(2) Window wells and light wells projecting not more than four feet (4') into the Side Yard.

(3) Roof overhangs and eaves projecting not more than three feet (3') into the Side Yard.

(4) Window sills, belt courses, cornices, trim, and other ornamental features projecting not more than six inches (6") beyond the window or main Structure to which it is attached.

(5) Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") above Grade, provided there is at least one foot (1') Setback from the Side Lot Line.

(6) Awnings over a doorway or window extending not more than three feet (3') into the Side Yard.

(7) Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2. Retaining walls may have multiple steps, however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Planning Director may approve minor deviations to the height and stepping requirements based on Site specific review.

(8) Driveways leading to a garage or Parking Area maintaining a three foot (3') landscaped Setback to the Side Lot Line.

(9) Paths and steps connecting to a City stairway, trail, or path.

(10) Screened mechanical equipment, hot tubs, and similar Structures located a minimum of five feet (5') from the Side Lot Line.

(11) Unenclosed porches, including a roof and open on three (3) sides, and similar Structures not more than nine feet (9') into the Side Yard provided the adjoining Property is dedicated as Natural or Landscaped Open Space and meets minimum International Building Code (IBC) and Fire Code requirements.

(G) **SNOW RELEASE.** Site plans and Building design must resolve snow release issues to the satisfaction of the Chief Building Official.

(H) **CLEAR VIEW OF INTERSECTION.** No visual obstruction in excess of two feet (2') in height above Road Grade shall be placed on any Corner Lot within the Site Distance Triangle. A reasonable number of trees may be allowed, if pruned high enough to permit automobile drivers an unobstructed view. This provision must not require changes in the Natural Grade on the Site.

(I) **PROSPECTOR OVERLAY ESTABLISHING A MAXIMUM FLOOR AREA FOR DEVELOPMENT.** The following requirements apply to specific Lots in the Prospector Square Subdivision:

(1) **AFFECTED LOTS.** Lots 2A through Lot 49D, except Lots 40, 41, 42, 43, 44, 45, and 46, and parking Lots A through K as shown on the Amended Prospector Square Subdivision Plat.

(2) **MAXIMUM FLOOR**

AREA RATIO (FAR). The FAR must not exceed two (2.0) for all Affected Lots as specified above. All Uses within a Building, except enclosed Parking Areas, are subject to the Floor Area Ratio (FAR). Parking Lots A - K must have no Use other than parking and related Uses such as snow plowing, striping, repaving and landscaping.

(3) **REDUCED SITE REQUIREMENTS.** In the Prospector Square Subdivision, Front, Side and Rear Yards may be reduced to zero feet (0') for all Affected Lots as specified above. Commercial Lots within the Frontage Protection Zone shall comply with FPZ setbacks per LMC Section 15-2-20. This section is not intended to conflict with the exceptions listed above nor shall it be interpreted as taking precedence over the requirement of Section 15-2.18-3(H) Clear View of Intersection.

(Amended by Ord. Nos. 04-11; 06-76; 13-23)

15-2.18-4. BUILDING HEIGHT.

No Structure shall be erected to a height greater than thirty-five feet (35') from Existing Grade. This is the Zone Height.

(A) **BUILDING HEIGHT EXCEPTIONS.** The following height exceptions apply:

(1) Gable, hip, and similar pitched roofs may extend up to five feet (5') above the Zone Height, if the roof pitch is 4:12 of greater.

(2) Antennas, chimneys, flues, vents, and similar Structures may extend up to five feet (5') above the highest point of the Building to comply with the International Building Code (IBC).

(3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.

(4) Church spires, bell towers, and like architectural features, subject to LMC Chapter 15-5 Architectural Guidelines, may extend up to fifty percent (50%) above the Zone Height, but may not contain Habitable Space above the Zone Height. Such exception requires approval by the Planning Director.

(5) An Elevator Penthouse may extend up to eight feet (8') above the Zone Height.

(6) Ski lift and tramway towers may extend above the Zone Height subject to a visual analysis and approval by the Planning Commission.

(Amended by Ord. Nos. 06-76; 07-25)

15-2.18-5. ARCHITECTURAL

REVIEW.

Prior to the issuance of a Building permit for any Conditional or Allowed Use, the Planning Department must review the proposed plans for compliance with the Architectural Design Guidelines, LMC Chapter 15-5.

Appeals of departmental actions on architectural compliance are heard by the Planning Commission.

(Amended by Ord. No. 06-76)

15-2.18-6. CRITERIA FOR DRIVE-UP WINDOWS.

Drive-up windows require special Conditional Use permit (CUP) to consider traffic impacts on surrounding Streets. The Applicant must demonstrate that at periods of peak operation of the drive-up window, the Business patrons will not obstruct driveways or Streets and will not interfere with the intended traffic circulation on the Site or in the Area.

15-2.18-7. SEXUALLY ORIENTED BUSINESSES.

The purpose and objective of this Section is to establish reasonable and uniform regulations to prevent the concentration of Sexually Oriented Businesses or their location in Areas deleterious to the City, and to prevent inappropriate exposure of such Businesses to the community. This Section is to be construed as a regulation of time, place, and manner of the operation of these

Businesses, consistent with the United States and Utah State Constitutions.

(A) **LOCATION OF BUSINESSES, RESTRICTIONS.** Sexually Oriented Businesses, are Conditional Uses.

No Sexually Oriented Business may be located:

(1) within three hundred feet (300') of any school, day care facility, cemetery, public park, library, or religious institution;

(2) within three hundred feet (300') of any residential zoning boundary; or

(3) within three hundred feet (300') of any liquor store or other Sexually Oriented Business.

(B) **MEASUREMENT OF DISTANCES.** For the purposes of this Section, distances are measured as follows:

(1) The distance between any two (2) Sexually Oriented Businesses is measured in a straight line, without regard to intervening Structures or objects, from the closest exterior wall of the Structure in which each Business is located.

(2) The distance between Sexually Oriented Businesses and any school, day care facility, public park, library, cemetery or religious institution is measured in a straight line, without regard to intervening

Structures or objects, from the closest exterior wall of the Structure in which the Sexually Oriented Business is located, to the nearest Property Line of the premises of the school, day care facility, public park, library, cemetery, or religious institution.

(3) The distance between Sexually Oriented Businesses and any residential zoning boundary is measured in a straight line, without regard to intervening Structures or objects, from the closest exterior wall of the Structure in which the Sexually Oriented Business is located, to the nearest Property Line of the residential zone.

(C) **DEFINITIONS.** Terms involving Sexually Oriented Businesses which are not defined in this Chapter have the meanings set forth in the Municipal Code of Park City, Section 4-9-4.

15-2.18-8. CRITERIA FOR BED AND BREAKFAST INNS.

A Bed and Breakfast Inn is an Allowed Use subject to an Administrative Permit. No permit may be issued unless the following criteria are met:

(A) If the Use is in an Historic Structure, the Applicant will make every attempt to rehabilitate the Historic portion of the Structure.

(B) The Structure has at least two (2) rentable rooms. The maximum number of

rooms will be determined by the Applicant's ability to mitigate neighborhood impacts.

(C) In Historic Structures, the size and configuration of the rooms are Compatible with the Historic character of the Building and neighborhood.

(D) The rooms are available for Nightly Rental only.

(E) An Owner/manager is living on-Site, or in Historic Structures there must be twenty-four (24) hour on-Site management and check-in.

(F) Food service is for the benefit of overnight guests only.

(G) No Kitchen is permitted within rental rooms.

(H) Parking is on-Site at a rate of one (1) space per rentable room. The Planning Commission may waive the parking requirement for Historic Structures if the Applicant proves that:

(1) no on-Site parking is possible without compromising the Historic Structure or Site, including removal of existing Significant Vegetation, and all alternatives for proximate parking have been explored and exhausted; and

(2) the Structure is not economically feasible to restore or maintain without the adaptive Use.

(I) The Use complies with Section 15-1-

10, Conditional Use review.

15-2.18-9. GOODS AND USES TO BE WITHIN ENCLOSED BUILDING.

(A) **OUTDOOR DISPLAY OF GOODS PROHIBITED.** Unless expressly allowed as an Allowed or Conditional Use, all goods including food, beverage and cigarette vending machines must be within a completely enclosed Structure. New construction of enclosures for the storage of goods shall not have windows and/or other fenestration that exceeds a wall-to-window ratio of thirty percent (30%). This section does not preclude temporary sales in conjunction with a Master Festival License, sidewalk sale, or seasonal plant sale. See Section 15-2.18-9(B)(3) for outdoor display of bicycles, kayaks, and canoes.

(B) **OUTDOOR USES PROHIBITED/EXCEPTIONS.** The following outdoor Uses may be allowed by the Planning Department upon the issuance of an Administrative Permit. The Applicant must submit the required application, pay all applicable fees, and provide all required materials and plans. Appeals of departmental actions are heard by the Planning Commission.

(1) **OUTDOOR DINING.**
Outdoor dining is subject to the following criteria:

(a) The proposed seating Area is located on private Property or leased public Property and does not

diminish parking or landscaping.

(b) The proposed seating Area does not impede pedestrian circulation.

(c) The proposed seating Area does not impede emergency Access or circulation.

(d) The proposed furniture is Compatible with the Streetscape.

(e) No music or noise is in excess of the City Noise Ordinance, Title 6.

(f) No Use after 10:00 p.m.

(g) No net increases in the Restaurant's seating capacity without adequate mitigation of the increased parking demand.

(2) **OUTDOOR GRILLS/BEVERAGE SERVICE STATIONS.** Outdoor grills and/or beverage service stations are subject to the following criteria:

(a) The Use is on private Property or leased public Property, and does not diminish parking or landscaping.

(b) The Use is only for the sale of food or beverages in a form suited for immediate consumption.

(c) The Use is Compatible with the neighborhood.

(d) The proposed service station does not impede pedestrian circulation.

(e) The proposed service station does not impede emergency Access or circulation.

(f) Design of the service station is Compatible with the adjacent Buildings and Streetscape.

(g) No violation of the City Noise Ordinance, Title 6.

(h) Compliance with the City Sign Code, Title 12.

(3) OUTDOOR STORAGE AND DISPLAY OF BICYCLES, KAYAKS, MOTORIZED SCOOTERS, AND CANOES.

Outdoor storage and display of bicycles, kayaks, motorized scooters, and canoes is subject to the following criteria:

(a) The Area of the proposed bicycle, kayak,

motorized scooter, and canoe storage or display is on private Property and not in Areas of required parking or landscaped planting beds.

(b) Bicycles, kayaks, and canoes may be hung on Buildings if sufficient Site Area is not available, provided the display does not impact or alter the architectural integrity or character of the Structure.

(c) No more than a total of fifteen (15) pieces of equipment may be displayed.

(d) Outdoor display is only allowed during Business hours.

(e) Additional outdoor bicycle storage Areas may be considered for rental bicycles, provided there are no or only minimal impacts on landscaped Areas, parking spaces, and pedestrian and emergency circulation.

(4) OUTDOOR EVENTS AND MUSIC.

Outdoor events and music requires an Administrative Conditional Use permit. The Use must also comply with Section 15-1-10, Conditional Use review. The Applicant must submit a Site plan and written description of the event, addressing the following:

(a) Notification of adjacent Property Owners.

(b) No violation of the City Noise Ordinance, Title 6.

(c) Impacts on adjacent Residential Uses.

(d) Proposed plans for music, lighting, Structures, electrical signs, etc.

(e) Parking demand and impacts on neighboring Properties.

(f) Duration and hours of operation.

(g) Impacts on emergency Access and circulation.

(5) **DISPLAY OF MERCHANDISE.** Display of outdoor merchandise is subject to the following criteria:

(a) The display is immediately available for purchase at the Business displaying the item.

(b) The merchandise is displayed on private Property directly in front of or appurtenant to the Business which displays it, so long as the private Area is in an

alcove, recess, patio, or similar location that provides a physical separation from the public sidewalk. No item of merchandise may be displayed on publicly owned Property including any sidewalk or prescriptive Right-of-Way regardless if the Property Line extends into the public sidewalk. An item of merchandise may be displayed on commonly owned Property; however, written permission for the display of the merchandise must be obtained from the Owner's association.

(c) The display is prohibited from being permanently affixed to any Building. Temporary fixtures may not be affixed to any Historic Building in a manner that compromises the Historic integrity or Façade Easement of the Building as determined by the Planning Director.

(d) The display does not diminish parking or landscaping.

(e) The Use does not violate the Summit County Health Code, the Fire Code, or International Building Code. The display does not impede pedestrian

circulation, sidewalks, emergency Access, or circulation. At minimum, forty-four inches (44") of clear and unobstructed Access to all fire hydrants, egress and Access points must be maintained. Merchandise may not be placed so as to block visibility of or Access to any adjacent Property.

(f) The merchandise must be removed if it becomes a hazard due to wind or weather conditions, or if it is in a state of disrepair, as determined by either the Planning Director or Building Official.

(Amended by Ord. Nos. 05-49; 06-76)

15-2.18-10. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4.5') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health

and viability of all large trees through a certified arborist. The Planning Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with Landscape Criteria in LMC Chapter 15-3-3(C) and Title 14.

15-2.18-11. SIGNS.

Signs are allowed in the GC District as provided in the Park City Sign Code, Title 12.

15-2.18-12. RELATED PROVISIONS.

- Fences and Walls. LMC Chapter 15-4-2.
- Accessory Apartment. LMC Chapter 15-4.
- Satellite Receiving Antenna. LMC Chapter 15-4-13.
- Telecommunication Facility. LMC Chapter 15-4-14.
- Parking. Section 15-3.
- Landscaping. Title 14; LMC Chapter 15-3-3(D)
- Lighting. LMC Chapters 15-3-3(C), 15-5-5(I).
- Historic Preservation Board. LMC Chapter 15-11.
- Park City Sign Code. Title 12.
- Architectural Review. LMC Chapter 15-5.
- Snow Storage. Section 15-3-3(E)
- Parking Ratio Requirements. Section 15-3-6.



Planning Commission Staff Report

Subject: Central Park Apartments MPD
Author: Kirsten Whetstone, MS, AICP
Project Numbers: PL-14-02586 and PL-14-02584
Date: March 25, 2015
Type of Items: Pre-Master Planned Development and
 Conditional Use Permit

Summary Recommendations

Staff recommends the Planning Commission holds public hearings and considers the applications for 1) a Pre-Master Planned Development and 2) a Conditional Use Permit for ten (10) residential units within a new building to be located at 1893 Prospector Avenue on an existing platted lot of record. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

Note: The posted and mailed notice letters included both the pre-MPD and CUP information, however the published notice included only the pre-MPD and therefore Staff recommends review and action on the Pre-MPD with review and continuation to the next meeting following April 8, 2015, for the CUP.

Description

Applicant: Mr. Peabody LLC, Hank Louis, Ehlias Louis, CDR
 Development, owners
Location: 1893 Prospector Avenue
Zoning: General Commercial (GC)
Adjacent Land Uses: Residential condominiums to the west and east, Rail
 Trail and open space to the south, and
 commercial/offices to the north and west.
Reason for Review: Pre-Applications for MPDs require Planning
 Commission review and a finding of compliance with the
 Park City General Plan prior to submittal of a Master
 Planned Development application. Residential projects
 with 10 or more units require a Master Planned
 Development.
 Residential uses in the General Commercial (GC) zone
 require a Conditional Use Permit (CUP) with review and
 final action by the Planning Commission.

Proposal

The applicant requests review of applications for 1) a pre-Master Planned Development and 2) a Conditional Use Permit for a ten residential unit building proposed to be constructed on Lot 25b of the Gigaplat Replat, a replat of the

Prospector Square Subdivision reviewed by the Planning Commission and approved by the City Council in June of 2014. The Pre-MPD application is submitted for Planning Commission review prior to submittal of the full MPD application. The Conditional Use Permit (CUP) is required for residential uses in the General Commercial (GC) zoning district.

The pre-MPD/CUP proposal is for a ten unit, energy efficient, affordably priced, residential project located within the Prospector Square neighborhood. The project incorporates multi-level design elements, open and green common deck areas, pedestrian connections to the Rail Trail, covered parking located on the first level, no reduction of existing parking, good solar access and building design, and a site design that diminishes the visual impacts of the existing vast parking area that is Park Lot F (Exhibits A-H).

Each of the ten (10) units has two (2) bedrooms, one or two baths, a storage closet on the lowest level, and one (1) covered parking space (twelve (12) total covered parking spaces are provided under the building). The units range in size from 810 to 1,010 square feet.

The approximately 11,500 sf building complies with the Prospector Square Floor Area Ratio of 2.0 (11,520 square feet for the 5,760 sf lot area). The building is three and four stories in height and the applicant is requesting a height exception of approximately six feet six inches (6'6") for the eastern portion of the building with the remainder of the building less than the allowed zone height. A green planted roof garden and roof top deck provide outdoor space for the residents. An affordable housing mitigation plan will be submitted with the MPD application describing how the 15% affordable housing obligation (1.5 Affordable Unit Equivalents (AUE)) will be met.

Background

The property is located within the General Commercial (GC) zoning district subject to the Prospector Square overlay requirements. The subject property, located at 1893 Prospector Avenue, consists of a 5,760 square foot lot, amended Lot 25b of the Gigaplat replat, being a replat of Lots 25a, 25b, and Parking Lot F (Prospector Square) of the Prospector Square Supplemental Amended Plat. Amended Lot 25b is a vacant, undeveloped privately owned development lot.

Parking Lot F is owned by and utilized as a shared parking lot for Prospector Square Property Owners Association (POA). A total of 103 parking spaces will result upon completion of this project, including the 12 spaces located under the building. The applicant and POA have signed an agreement stipulating that upon completion of this project there will be a total of 103 parking spaces.

On June 5, 2014, the City Council voted to approve the Gigaplat replat that reconfigures Lots 25a, 25b and Parking Lot F of the Prospector Square Supplemental Amended Plat (Exhibit C). The final mylar plat is being circulated for signatures and has not yet been recorded at Summit County.

On June 25, 2014, the Planning Commission approved a Conditional Use Permit for residential uses within a mixed use building proposed to be constructed at 1897 Prospector Avenue, located on Lot 25a of the Gigaplat replat. A building permit application for the 1897 Prospector project was received by the City in February and the plans are currently under review. The owners of these two projects would like to coordinate construction of the two projects simultaneously in order to reduce construction impacts on the neighborhood. The two owners are responsible for reconstruction of Parking Lot F and coordinating of utility installation as well as providing an interim parking plan during construction. These items will be spelled out in the Construction Mitigation Plans for each individual building permit.

On December 15, 2014, Staff received an application for a pre-MPD for the ten residential units building located in the General Commercial zoning district. The application was considered complete on February 24, 2015. On February 24, 2015 the applicant submitted a complete application for the Conditional Use Permit for residential uses in the GC District.

Purpose

The purpose of the General Commercial (GC) District is to:

- (A) allow a wide range of commercial and retail trades and Uses, as well as offices, Business and personal services, and limited Residential Uses in an Area that is convenient to transit, employment centers, resort centers, and permanent residential Areas,
- (B) allow Commercial Uses that orient away from major traffic thoroughfares to avoid strip commercial Development and traffic congestion,
- (C) protect views along the City's entry corridors,
- (D) encourage commercial Development that contributes to the positive character of the City, buffers adjacent residential neighborhoods, and maintains pedestrian Access with links to neighborhoods, and other commercial Developments,
- (E) allow new commercial Development that is Compatible with and contributes to the distinctive character of Park City, through Building materials, architectural details, color range, massing, lighting, landscaping and the relationship to Streets and pedestrian ways,
- (F) encourage architectural design that is distinct, diverse, reflects the mountain resort character of Park City, and is not repetitive of what may be found in other communities, and
- (G) encourage commercial Development that incorporates design elements related to public outdoor space including pedestrian circulation and trails, transit facilities, plazas, pocket parks, sitting Areas, play Areas, and Public Art.

Process

A requirement for any Master Planned Development (MPD) (or amendment to an MPD) is a pre-application public meeting and determination of compliance with the Park City General Plan and the specific zoning district (GC zone). The Land Management Code (LMC 15-6-4(B)) describes the pre-Application process as follows:

“At the pre-Application public meeting, the Applicant will have an opportunity to present the preliminary concepts for the proposed Master Planned Development. This preliminary review will focus on General Plan and zoning compliance for the proposed MPD. The public will be given an opportunity to comment on the preliminary concepts so that the Applicant can address neighborhood concerns in preparation of an Application for an MPD.

The Planning Commission shall review the preliminary information for compliance with the General Plan and will make a finding that the project complies with the General Plan. Such finding is to be made prior to the Applicant filing a formal MPD Application. If no such finding can be made, the applicant must submit a modified application or the General Plan would have to be modified prior to formal acceptance and processing of the Application.”

Review of Conditional Use Permit with Pre-MPD

Staff is presenting the Conditional Use Permit application as a work session item simultaneously with the pre-MPD hearing to allow the Commission to review the request for residential uses in the GC zone within the context of the pre-MPD application discussion. The Conditional Use Permit plans requesting approval of residential uses within the GC zone include much of the same information reviewed with the pre-Master Planned Development.

Review of final MPD application

The final MPD application will be presented to the Commission at the next meeting following the April 8, 2015 meeting, provided that the Commission concurs with Staff that the pre-MPD complies with the General Plan and specific requirements of the GC Zone. MPD plans, including site plan and landscape plan details, architectural elevations and height exception analysis, a phasing plan, utility and grading plan, soils and mine hazard review, affordable housing mitigation plan, and other MPD requirements will be reviewed with the final MPD application.

Analysis and Discussion for Pre-MPD

The purpose of the pre-application public meeting is to have the applicant present preliminary concepts and to give the public an opportunity to respond to those concepts prior to submittal of the MPD amendment application. Staff provided the GC Chapter from the Land Management Code (Exhibit I). The Commission should also refer to relevant Goals and Strategies, as well as the Prospector Neighborhood Section, of the General Plan (Exhibit J- Park City General Plan-not attached). Due to the level of detail required for the Conditional Use Permit and the relatively uncomplicated MPD proposal, the pre-MPD contains more detail than typical

preliminary concept plans.

GC Zoning

The purpose of the General Commercial (GC) District is listed above. The GC zone (Exhibit I) allows for a variety of land uses. Residential uses are permitted with a Conditional Use Permit approved by the Planning Commission. The applicant has submitted a Conditional Use Permit for residential uses within the GC zone for simultaneous review with the MPD application. Review of the Conditional Use Permit is outlined in this report and Staff finds that as conditioned, impacts of the proposed residential uses (primarily location and type of residential uses, traffic and parking) can be mitigated. Providing housing opportunities, as proposed with this application, in an area with employment opportunities and in close proximity to open space, trails, the bus system, shopping, recreation, schools, daycare, and dining, promotes the mixed land use concepts and vitality as allowed by the GC zoning and as identified in the new General Plan for this neighborhood.

General Plan

The proposed MPD for 10 residential units is located within the Prospector neighborhood, as described in the new Park City General Plan. Specific elements of the General Plan (Exhibit J) that apply to this project include the following: (*Staff analysis and comments in italics*)

Prospector Neighborhood- The property is located within the Prospector Neighborhood section of the General Plan. Uses contemplated for this neighborhood include a variety of retail commercial and residential uses to create a vibrant mixed use neighborhood.

The proposed MPD proposes energy efficient construction, green roofs, and connections to the trails and open space areas. The close proximity to employment, retail, dining, recreation, trails, schools, and the bus system support goals identified in the Prospector Neighborhood section of the General Plan.

Small Town- Goals include protect undeveloped land; discourage sprawl, and direct growth inward to strengthen existing neighborhoods. Goals also include encourage alternative modes of transportation.

This neighborhood is identified as a Development Node. The proposed MPD includes small, energy efficient residential units that support the desired mix use neighborhood concepts by providing smaller residential units that are in close proximity to employment, retail, dining, recreation, trails, schools, and the bus system. The elements of the proposed development support goals identified in the Small Town sections of the General Plan and maintain the general character of Park City.

Natural Setting- Goals include conserve a healthy network of open space for continued access to and respect for the natural setting. Goals also include energy efficiency and conservation of natural resources.

The proposed MPD is located on an infill property that is an existing platted development lot of record. The proposed MPD proposes energy efficient construction, green roofs, and connections to the trails and open space areas. The close proximity to employment, retail, dining, recreation, trails, schools, and the bus system support goals identified in the Natural Setting section of the General Plan. Additional information related to “green building” strategies for the proposed buildings will be addressed with the MPD application.

Sense of Community- Goals include creation of diversity of housing, including affordable housing; provision of parks and recreation opportunities; and provision of world class recreation and infrastructure to host local, regional, national, and international events while maintaining a balance with the sense of community.

A primary reason for the proposed MPD is to provide energy efficient, smaller affordable housing units in close proximity to employment, retail, dining, recreation, open space, trails, and the bus system. The MPD creates a diversity of housing for Park City and contributes to the sense of community by providing housing for full time residents.

Discussion requested.

Does the Planning Commission find the proposed MPD complies with the General Plan? The Commission should discuss the pre-MPD concept plans, including the request for a height exception to 41’6” for a portion of the building, from the GC allowed height of 35’ (up to 40’ is allowed in the GC zone for pitched roofs), and provide direction to the applicant and staff. The remainder of the building is less than 35’ in height.

Analysis of the Conditional Use Permit

The proposal complies with lot and site requirements of the GC District as described below.

GC Zone	Permitted by LMC for Prospector Overlay of the GC zone 15-2.18-3 (I)
Lot Size	No minimum lot size. Lot is 5,760 sf
Building Footprint- Floor Area Ratio (FAR)	FAR must not exceed two (2). All Uses in the Bldg. except enclosed parking areas are subject to the FAR. Approximately 11,500 sf total of building floor area is proposed (FAR of 1.99). 6 units at approx 810 sf 4 units at approx 1,010 sf
Front/rear yard setbacks	Zero lot line development permitted.
Side yard setbacks	Zero lot line development permitted.

Building Height	Allowed Building Height is 35'. A 6'6" building Height exception to 41'6" is requested through the MPD for the fourth story at the eastern portion of the building. The remainder of the building is less than 35' in height. Building Height exceptions of LMC 15-2.18-4 apply. Building height will be verified at the time of Building Permit review.
Parking	Per Prospector Square Subdivision Overlay all parking on the Parking Lots A-K is shared parking for residential and commercial uses. Additional private parking for specific lots may be provided entirely within the individual lot boundary. There is a Parking agreement with PSOA to maintain a total of 103 parking spaces, including the 12 spaces provided under the building. The 10 residential units require a total of 12 parking spaces, 12 spaces are provided.
Architectural Design	All construction is subject to LMC Chapter 15-5- Architectural Design Guidelines with final review conducted at the time of the Building Permit.
Uses	All uses listed in 15-2.18-2 (A) Allowed Uses are permitted unless otherwise noted. All uses listed in 15-2.18-2 (B) Conditional Uses, including residential uses, require approval by the Planning Commission. Residential projects with 10 or more units require a Master Planned Development.

Residential Uses in the General Commercial (GC) zoning district are a Conditional Use subject to review of the following criteria (potential impacts) set forth in the LMC 15-1-10(E):

1. Size and location of Site:

The 11,500 sf three and four story building is proposed on a 5,760 sf lot within the Prospector Square area. There are six units at approximately 810 sf and four units at 1,010 sf. The units are designed to be smaller, more affordable dwelling units for full time residents. The Prospector Square area is characterized by individual businesses on small lots, as well as larger residential condominium buildings, and mixed use buildings with commercial

on the ground floor and offices and/or residential uses on the upper floors. Within the Prospector Square Overlay district of the GC zone, the maximum Floor Area Ratio (FAR) for all lots is two (2). The proposed building yields a Floor Area Ratio (FAR) of 1.99, which is within the maximum size allowed in the zone. The existing lot is sufficient in size for the proposed residential uses. The lot is ideally located for smaller residential uses. It is located approximately 104' back from the sidewalk along Prospector Avenue and is located adjacent to existing residential uses to the east and west and to the Rail Trail open space to the south. **No unmitigated impacts.**

2. Traffic considerations including capacity of the existing Streets in the area;

At times the streets and intersections in Prospector Square area are congested and development of this vacant lot has the potential to add traffic to this area. The lot is an existing platted lot that is part of the approved planned mixed use Prospector Square neighborhood. This is not unanticipated development.

Allowed development with a floor area ratio (FAR) of 2.0 has been anticipated since approval of the Prospector Square subdivision. The capacity of streets, intersections, and shared parking lots were designed with the Prospector Square planned area to accommodate build out of all the development parcels. This lot is one of the last five or six lots to develop.

The proposed building has an FAR of 1.99 which is within the anticipated Floor Area Ratio and allowed development parameters. Commercial buildings in Prospector Square most often include office uses on the second and third floors. Development on this lot includes only small (800 – 1,010 sf) residential units with no commercial or office uses. Allowing additional smaller, more affordable residential uses in an area of high employment opportunities and within walking distance of the bus lines, shops, restaurants, schools, and recreation amenities is one method of mitigating vehicular trips. **No unmitigated impacts**

3. Utility capacity;

Utilities necessary for this use are available at or near the site. Prior to recordation of the plat amendment for this property a utility plan and utility easements are required to be approved by the City Engineer and utility providers. Final utility plan will be reviewed by the City Engineer prior to issuance of building permits. Existing water service will need to be evaluated for fire requirements for the residential uses, and any required fire sprinkler systems. **No unmitigated impacts.**

4. Emergency vehicle access;

The proposed development will not interfere with existing access routes for emergency vehicles. **No unmitigated impacts.**

5. Location and amount of off-street parking;

The parking spaces located on Parking Lot F are intended for common use by all of the Prospector Square lots in the area. The parking lots were designed to accommodate all anticipated development on all of the Prospector Square lots. This CUP is proposed on an existing, platted lot within the Prospector Square master planned area.

The ten residential units require twelve (12) spaces according to the LMC (1 space up to 1,000 sf and 1.5 for up to 2,000 sf). Twelve covered parking spaces are provided on the main level. These are in addition to the shared spaces located on Parking Lot F. A total of 103 parking spaces will be provided upon reconfiguration of the Parking Lot in compliance with the Parking Agreement between the owner and the Prospector Square Owner Association (PSOA).

Parking demand for an 11,500 sf commercial/office building would be 35 spaces. Parking demand for a one story 5,760 sf restaurant would be 58 spaces. Parking demand (in terms of timing) for residential uses is generally opposite the demand for retail and office uses. The residential uses require significantly less parking than commercial/office/restaurant uses and residential demand times typically occur at different times of the day than retail/office uses.

Staff recommends a condition of approval that prior to issuance of a certificate of occupancy for the building; the reconfigured Parking Lot F shall be completed, including paving, striping, and landscaping.

Staff also recommends as a condition of approval that the Construction Mitigation Plan, submitted prior to building permit issuance, shall include detailed information regarding coordination of utility installation, reconstruction of Parking Lot F, and the provision of an interim parking plan during construction. **No unmitigated impacts, as conditioned.**

6. Internal vehicular and pedestrian circulation system:
Internal vehicular and pedestrian circulation system includes existing sidewalks along Prospector Avenue, a Prospector Association walkway located to the west of the parking lot, and the Rail Trail bike path located to the south, with informal access that will not be altered. Circulation within the Parking Lot will be improved with the reconfigured parking lot. **No unmitigated impacts.**
7. Fencing, Screening, and Landscaping to separate the use from adjoining uses:
No outdoor storage of goods or mechanical equipment is proposed or allowed onsite. No fencing is proposed. Additional landscaping areas are proposed within Lot F to provide areas for trees and landscaping close to the building to buffer and soften the central portion of the parking lot and building. Landscaping on the south side of the building and on the green roofs will be provided for shade as well as to buffer the views from the Rail Trail. **No**

unmitigated impacts.

8. Building mass, bulk, and orientation, and the location of Buildings on the site; including orientation to Buildings on adjoining lots;

The three and four story building is proposed to be located north of the Rail Trail fully within platted Lot 25b. The Prospector Overlay within the GC zone allows zero setbacks to property lines. The building is oriented more towards the Rail Trail than to Parking lot F or adjacent buildings and is well separated from the Rail Trail and adjacent buildings so as not to cause adverse shadowing on existing units, or on the Rail Trail. Covered parking for the units is located on the first level, it is not underground parking. The building includes façade shifts on all elevations. Residential uses are located on the second, third, and fourth floors with common outdoor terraces and green roof elements oriented to the south.

Maximum building height in the GC zone is 35' and the applicant has requested through the MPD application, a building height exception of six feet six inches (6'6") for the eastern portion of the building to a height of 41'6". The remainder of the building is less than the allowed building height. The building would not exceed the allowable density or maximum floor area ratio (FAR of 2) as allowed by the GC zone. **No unmitigated impacts as conditioned.**

This design requires Planning Commission approval of the requested Height Exception as part of the MPD. Staff recommends a condition of approval for the CUP that Building Height shall be verified for compliance with the approved MPD plans prior building permit issuance.

9. Usable open space;

Not applicable there are no changes to the existing open space within the Prospector Square area associated with the residential uses or new building proposed to be constructed on an existing re-platted lot. Common decks and terraces are provided as community open areas for the units to share. **No unmitigated impacts.**

10. Signs and Lighting;

There are no signs or exterior lighting proposed for the building at this time. Any new exterior signs or lighting must be approved by the Planning Department for compliance with the LMC prior to installation. All exterior lighting on the terraces and porches will be down directed, shielded, and will not include bare bulbs. **No unmitigated impacts**

11. Physical Design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing;

The physical design of the building, in terms of mass, scale, style, designs and architectural detailing complies with Title 15-5-5- Architectural Design Guidelines of the Land Management Code and is compatible with the

surrounding buildings. The proposed building is contemporary in design and compliments the variety of building styles in the area. Materials consist of wood, metal, concrete and glass. Green planted roofs and roof terraces provide outdoor space for the residents. Textures, materials, and colors meet architectural design guidelines and will be reviewed for compliance with the Architectural Design Guidelines at the time of building permit submittal. The building is an allowed use in the zone and the CUP is for the residential uses. The smaller, more affordable residential units are compatible with the uses in the neighborhood. **No unmitigated impacts.**

12. Noise, vibration, odors, steam, or other mechanical factors that might affect people and property off-site;

The residential uses will not create noise, vibration, odors, steam or other mechanical factors that might affect people and property off-site. **No unmitigated impacts.**

13. Control of delivery and service vehicles, loading and unloading zones, and screening of trash pickup area;

The applicants propose to design and construct an enclosure for the existing trash dumpster located at the southwest corner of the parking lot. The service area within the enclosed parking area will include a recycling area. There are no loading docks associated with these uses. **No unmitigated impacts.**

14. Expected ownership and management of the project as primary residences, condominiums, time interval ownership, nightly rental, or commercial tenancies, how the form of ownership affects taxing entities;

The entire building will be owned by the applicants and units will be rented. If the owner desires to sell individual units in the future, a condominium record of survey plat will need to be applied for and recorded at Summit County upon approval. **No unmitigated impacts.**

15. Within and adjoining the site, impacts on Environmentally Sensitive Lands, slope retention, and appropriateness of the proposed structure to the topography of the site.

The site exists within the Park City Soil Ordinance Boundary, therefore any soil disturbance or proposed landscaping must adhere to Park City Municipal Code 11-15-1. Failure to comply with the Soil Ordinance is a Class B misdemeanor.

The site is located within a FEMA Flood Zone A. Along with requiring an elevation certificate, a study must be completed to show the effects of the development on the upstream and downstream sections of Silver Creek. Any significant impacts upstream or downstream will need to be mitigated.

The site is located immediately adjacent to a stream with wetlands. Wetland delineation may be required to identify any wetlands. Any excavation within

the stream banks will require a stream alteration permit from the State of Utah and possibly a 404 permit from the Army Corps of Engineers. **No unmitigated impacts, as conditioned.**

Department Review

This project has gone through an interdepartmental review at a Development Review Committee meeting and issues raised, namely regarding adequate water service to meet fire flow requirements, utility service locations, floodplain, and soils ordinance issues, have been addressed with the conditions of approval. No further issues were brought up at that time.

Notice

On March 11, 2015, the property was posted and notices of the public hearings for the Pre-MPD and CUP were mailed to property owners within 300 feet. Legal notice of the pre-MPD public hearing was published in the Park Record on March 7, 2015. The legal published notice did not include specific information about the CUP public hearing. Staff will provide legal published notice of both the CUP and the full MPD for concurrent review at the next meeting following the April 8, 2015 Planning Commission meeting.

Public Input

No public input has been received by the time of this report on either the CUP or the Pre-MPD.

Alternatives for the CUP

- The Planning Commission should hold a public hearing and provide Staff and the applicant with input on the Conditional Use Permit (CUP) and continue the discussion of the CUP to allow for proper legal published notice of the CUP for a public hearing to occur concurrent with the final MPD.

Alternatives for the Pre-MPD

- The Planning Commission may approve the Pre-MPD as conditioned or amended.
- The Planning Commission may deny the Pre-MPD and direct staff to make Findings for this decision.
- The Planning Commission may continue the CUP to a date certain and provide staff and the applicant with direction on additional information required in order to make a final decision.

Significant Impacts

There are no significant impacts to the City or neighborhood as a result of the pre-MPD or proposed Conditional Use Permit for residential uses.

Consequences of not taking the Suggested Recommendation

If the MPD is not approved then the applicant can either amend the project to include fewer than 10 residential units or modify the project to comply with the General Plan

goals. If the CUP is not approved the residential uses would not be allowed, however the building could be constructed for other allowed uses in the GC zone, such as retail, office, restaurant, property management, etc.

Recommendation

Staff recommends the Planning Commission hold a public hearing and consider the applications for 1) a Pre-Master Planned Development and 2) a Conditional Use Permit for ten (10) residential units within a new building to be located at 1893 Prospector Avenue. Staff has prepared the following findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

Staff recommends review and action on the Pre-MPD with review and continuation to the next meeting following April 8, 2015, for the CUP to be reviewed concurrent with the final MPD.

Pre-MPD Application

Findings of Fact for pre-MPD application

1. On December 15, 2014, the Planning Department received a completed application for a pre- Application for a Master Planned Development (MPD) is located at 1893 Prospector Avenue.
2. The proposed MPD is for a ten unit residential building within the Prospector Neighborhood (Prospector Square).
3. Units range in size from 800 square feet to 1,010 square feet.
4. A phasing plan for this MPD is not necessary as the single building will be constructed in one phase.
5. The property is zoned General Commercial (GC) and residential uses require a Conditional Use Permit. The applicant has submitted an application for a Conditional Use Permit for residential uses to be reviewed simultaneously with this pre-MPD.
6. Access to the property is from Prospector Avenue, an existing public street. .
7. The site is described as Lot 25b of the Gigaplat replat of the Prospector Square Amended Subdivision plat. The lot contains 5,760 square feet.
8. A requirement for any Master Planned Development (MPD) is a pre-application public meeting and determination of compliance with the Park City General Plan and the GC zone.
9. The Land Management Code (LMC 15-6-4(B)) describes the pre-MPD application process.
10. The purpose of the pre-application public meeting is to have the applicant present preliminary concepts and give the public an opportunity to respond to those concepts prior to submittal of the MPD amendment application.
11. The property is located in the Prospector neighborhood, as described in the new Park City General Plan. The proposed MPD proposes energy efficient construction, green roofs, and connections to the trails and open space areas. The close proximity to employment, retail, dining, recreation, trails, schools, and the bus system support goals identified in

- the Prospector Neighborhood section of the General Plan.
12. Small Town Goals of the General Plan include protection of undeveloped land; discourage sprawl, and direct growth inward to strengthen existing neighborhoods. Alternative modes of transportation are encouraged.
 13. This neighborhood is identified as a Development Node. The proposed MPD includes small, energy efficient residential units that support the desired mix use neighborhood concepts by providing smaller residential units that are in close proximity to employment, retail, dining, recreation, trails, schools, and the bus system. The development is proposed on an existing development lot as infill development. The elements of the proposed development support goals identified in the Small Town sections of the General Plan and maintain the general character of Park City.
 14. Natural Setting Goals of the General Plan include conserve a healthy network of open space for continued access to and respect for the natural setting. Goals also include energy efficiency and conservation of natural resources.
 15. The proposed MPD is located on an infill property that is an existing platted development lot of record. The proposed MPD proposes energy efficient construction, green roofs, and connections to the trails and open space areas. The close proximity to employment, retail, dining, recreation, trails, schools, and the bus system support goals identified in the Natural Setting section of the General Plan. Additional information related to “green building” strategies for the proposed buildings will be addressed with the MPD application.
 16. Sense of Community Goals of the General Plan include creation of diversity of housing, including affordable housing; provision of parks and recreation opportunities; and provision of world class recreation and infrastructure to host local, regional, national, and international events while maintaining a balance with the sense of community.
 17. A primary reason for the proposed MPD is to provide energy efficient, smaller more affordable housing units in close proximity to employment, retail, dining, recreation, open space, trails, schools, and the bus system. The MPD creates a diversity of housing for Park City and contributes to the sense of community by providing housing for full time residents.
 18. On March 25, 2015, the Planning Commission held a public hearing and discussed the pre-MPD for the residential project at 1983 Prospector Avenue.

Conclusions of Law for the Pre-MPD Application

1. The preliminary MPD plans for the 10 unit residential building proposed to be located at 1893 Prospector Avenue, within the Prospector Neighborhood and the General Commercial (GC) Zone, comply with the Park City General Plan and are consistent with the General Commercial (GC) zoning.

Conditional Use Permit

Staff has provided the following findings of fact, conclusions of law, and conditions of approval for the Planning Commission's review and discussion. Written and posted notice of the public hearing was provided per requirements of the Land Management Code. The published legal notice did not include the Conditional Use permit and therefore Staff recommends the Commission review, provide input and continue the public hearing for the CUP to the next meeting following the April 8, 2015 meeting where the CUP can be reviewed simultaneously with the full Master Planned Development Application.

Findings of Fact for the Conditional Use Permit

1. The subject property is located at 1893 Prospector Avenue.
2. The property is located in the General Commercial (GC) zone and within the Prospector Square Subdivision overlay.
3. Residential uses, including multi-dwelling units, are required to be reviewed per the Conditional Use Permit criteria in the Land Management Code (LMC) and require approval by the Planning Commission.
4. An FAR of 2 is allowed for buildings within the Prospector Square Subdivision overlay.
5. The building consists of a total of approximately 11,500 sf of residential uses and the proposed FAR is 1.99.
6. Twelve (12) parking spaces are required for the proposed residential uses. Twelve covered parking spaces are proposed on the main level. Parking within Prospector Square is shared and upon completion of the reconfigured Parking Lot F, there will be a total of 103 parking spaces, including the 12 spaces located under the building as per the Owner's parking agreement with the Prospector Square Property Owner Association.
7. No outdoor storage of goods or mechanical equipment is proposed.
8. There are no significant traffic impacts associated with the proposed uses as build out of these platted lots is anticipated.
9. The residential uses create a reduced parking impact from the allowed uses of retail and office which have a 34.5 parking space requirement as opposed to 12 parking spaces for the 10 residential units.
10. Any additional utility capacity, in terms of fire flows, will be reviewed by the Fire District, Water Department, and Building Department prior to issuance of a building permit and prior to recordation of the subdivision plat. .
11. The proposed development will not interfere with access routes for emergency vehicles.
12. No signs are proposed at this time.
13. Exterior lighting will be reviewed at the time of the building permit review.
14. The proposal exists within the Park City Soil Ordinance Boundary.
15. The findings in the Analysis section of this report are incorporated herein.
16. The development is located in a FEMA Flood Zone A.

Conclusions of Law

1. The application satisfies all Conditional Use Permit review criteria for

residential uses as established by the LMC's Conditional Use Review process [Section 15-1-10(E) (1-15)] and all requirements of the LMC.

2. The use as conditioned will be compatible with surrounding structures in use, scale, mass, and circulation.
3. The use as conditioned is consistent with the Park City General Plan.
4. The effects of any differences in use or scale have been mitigated through careful planning and conditions of approval.

Conditions of Approval

1. All standard conditions of project approval shall apply to this project.
2. All signs associated with the use of the property must comply with the City's Sign Code.
3. No outdoor storage of goods or mechanical equipment is allowed on-site.
4. Review and approval of a final drainage plan by the City Engineer is required prior to building permit issuance.
5. Review and approval of the final utility plans, including review to ensure adequate fire flows for the building, is required prior to building permit issuance.
6. Prior to issuance of a certificate of occupancy for the building, the reconfigured Parking Lot F shall be completed, including paving, striping, and landscaping.
7. Building Height will be verified for compliance with the approved MPD plans prior building permit issuance.
8. The Construction Mitigation Plan, submitted prior to building permit issuance, shall include detailed information regarding coordination of utility installation, reconstruction of Parking Lot F, and the provision of an interim parking plan during construction.
9. A stream alteration permit and/or 404 permit will be required for any work in the stream area,
10. An elevation certificate will be required showing the lowest occupied floor is at or above the base flood elevation,
11. A stream study will be required to determine the upstream and downstream flood plain impacts. Impacts will be required to be mitigated,
12. A wetland delineation study by a certified wetland delineator will be required prior to building permit issuance to verify if any wetlands will be disturbed with construction of the building.
13. As part of the final utility plan and prior to issuance of a building permit, the water system must be modeled to verify that adequate fire flows and pressures can be provided to this building.

Exhibits

Exhibit A- Applicant's letter
Exhibit B- Existing Conditions Survey
Exhibit C- Gigaplat re-plat
Exhibit D- Grading Plan
Exhibit E- Utilities Plan
Exhibit F- Site Plan

Exhibit G- Floor Plans

Exhibit H- Elevations

Exhibit I- LMC Section 2.18- General Commercial (GC) District

Exhibit J- Park City General Plan (not attached) - available at www.parkcity.org

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consists of Lot 5 and the southerly half of Lot 6 of Block 5 of the Snyder's Addition to Park City. The Owner desires to unify the property into one lot of records by removing the existing interior lot line. The site is listed as a Landmark structure on the Historic Sites Inventory.

The Staff found good cause for this plat amendment as it will eliminate the existing interior lot line and create one legal lot of record from the 1-1/2 existing lots. The existing structure straddles the lot line between Lot 5 and Lot 6. Therefore this plat amendment would allow the structure to be one lot of record. Without the plat amendment any new development would be confined to Lot 5, as no new development would be permitted to straddle an interior lot line.

Planner Turpen noted that the property owner has submitted a Historic District Design Review application. The intent is to renovate the Landmark structure and have an addition.

The Staff recommended that the Planning Commission conduct a public hearing for the 1119 Park Avenue plat amendment and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, Conditions of Approval as found in the draft ordinance.

Chair Strachan asked why the prior owner did not apply for a plat amendment. Planner Turpen was unsure. She noted that the building was sold while improvements were being made to the building. Part of the HDDR will be to fix some of those issues. A Notice in Order was issued and the previous owner was fixing the structure as directed by the Notice in Order.

Dave Beckmina with Wasatch Engineering Contractors, represented the applicant. He believed the application was straightforward. The plat amendment would clean up the interior lot lines as required by the City. He did not believe the prior owner pulled the proper building permits and followed the normal process.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

MOTION: Commissioner Phillips moved to forward a POSITIVE recommendation to the City Council for the subdivision plat amendment located at 1119 Park Avenue, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance. Commissioner Worel seconded the motion.

and the conditions of approval, prior to recordation of the plat.

2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. A ten feet (10') wide public snow storage easement will be required along the Park Avenue frontage of the property and shall be shown on the plat prior to recordation.

4. The applicant can either remove the existing chain link fence and wood slat fence from the properties of 1125 Park Avenue and 1120 Woodside Avenue, or enter into an encroachment agreement with the respective property owners prior to final recordation of this plat.

5. Modified 13-D sprinklers will be required,

6. An elevation certificate will be required for any major modifications verifying the lowest occupied floor is at or above base flood elevation.

2. **1893 Prospector Avenue – Pre-Mater Planned Development for 10 residential units.** (Application PL-14-02586)

1893 Prospector Avenue – Conditional Use Permit for 10 residential units in the GC Zone (Application PL-14-02584)

Planner Astorga noted that Kirsten Whetstone was the project planner and he would be reviewing the application in her absence this evening.

Planner Astorga reported that the application is for a Pre-MPD and conditional use permit. The request for ten units is the maximum threshold for a Master Planned Development. A conditional permit is required in the GC zone.

Planner Astorga commented on a noticing issue as noted in the Staff report. The posted and mailed notice letters included both the pre-MPD and the CUP information; however the published notice included only the pre-MPD. The Planning Commission could review and take action on the Pre-MPD; however, because the CUP was incorrectly noticed, the Staff recommended that the Planning Commission review the CUP this evening but continue it to the next meeting on April 8, 2015.

Planner Astorga stated that the primary purpose of the MPD application is to find compliance with the General Plan, as well as the purposes statements of the specific district, which in this case is the GC zone.

The property owner and the project architect were available to answer questions. Planner Astorga noted that the applicant had created a physical model and he encouraged the Planning Commission to leave the dais to look at the model.

The Staff recommended that the Planning Commission conduct a public hearing for both the Pre-MPD and the conditional use permit, consider approving the pre-master planned development, and review the CUP with a continuation to the next meeting.

Chair Strachan was reluctant to have the Planning Commission provide input on the CUP because it was noticed incorrectly. He believed that their comments could sway public input or that public input could change their thinking, and he preferred to have it clean and noticed properly before anyone comments. The Commissioners concurred.

Assistant City Attorney McLean stated that if the Planning Commission would like additional information regarding the CUP for the next meeting, they should provide that direction to the Staff or applicant this evening.

Ehlias Louis, representing the applicant, presented the project called Central Park City Condominiums, familiarized the Planning Commission with the project and walked through some of the MPD issues. Mr. Louis stated that the conceptual design is 10 units which requires an MPD approval process. It is a residential project in Prospector Square in Parking Lot F. The applicant thinks of it as an organic infill project on Parking Lot F that will provide a more logical arrangement for development in that area.

Mr. Louis stated that the purpose and goal is to provide housing in Central Park City. The lot is located next to the Rail Trail. The ten residential units would be located in Prospector Square in close proximity to food, employment, hotels, the athletic club, and transportation. The demographic would be young professionals who want to move into Park City. Mr. Louis showed the building site as it exists today. It is a large, square parking structure. They have worked out an agreement with the Prospector Square Property Owners Association to replat the lots. Planner Astorga noted that the replat was approved in May 2014. Mr. Louis stated that the current lot is 99 spaces and has a tarmac feel. The original lots did not provide much room for buffer zones with the other residential units.

Mr. Louis presented a slide showing how the plat looks currently. The lot being discussed this evening is the new Lot 25B, which is in the back next to the Rail Trail. He pointed out

how the reconfiguration of the parking lot provides an organic infill project that looks more like what they want in terms of developing the area. Mr. Louis stated that the project expands the parking from 99 parking spaces to 103 spaces. They propose to add landscaping that does not currently exist. He believed that reorganization of the parking lot provides true vehicle circulation versus an open square with no limits. It increases the pedestrian walkways, and where the two lots are located it provides ample buffer against the other residential buildings in the area.

Mr. Louis walked through some of the design concepts. A good livable building has natural light and great views. The building was designed in an L-configuration to capture natural light on every corner in either a bedroom or living space. Extensive decking is provided as communal space for the building residents to provide community and outdoor feeling. The project is connected to the Rail Trail by a bridge which makes it easy to access the Rail Trail for alternative transportation into the City. The design is a multi-level form to give more interest to the building itself. The plan is for green roofing.

Mr. Louis stated that the GC zone has a FAR of 2.0. The lot is 5,760 square feet, and the building area is 11,520 square feet. He noted that upon completion the project would be under that square footage. The configuration of the building is for six smaller, two-bedroom, one bath units; and four larger units of 1,000 square feet. The units calculate to 12 parking spaces, however, the parking in the area is the Prospector Square parking regulations, and the 103 spots around the building are all accessible for the residential units. Mr. Louis pointed out that due to the design of the building on stilts, there will be 12 individual parking spots underneath the building, but those will not be exclusive for the residents due to the parking regulations of Prospector Square.

Mr. Louis presented the elevations and the requested height. He believed the proposed design optimizes the site for the demographics and for the surrounding area. To make it all work within the FAR, they were asking for a flat roof height exemption of 41'6". As shown on the model and on the elevations its height would not be for the entire building. The configuration of the building garners the view of PC Hill and over to the Resort. To comply with the development agreement with the Prospector Square Owners Association to provide 103 parking spaces, the building is designed on stilts, which means that the residential units start on the second floor, or at the Rail Trail elevation.

Mr. Louis stated that the units will be market affordable in the \$400,000 range. The units are smaller, green design, and promote alternative transportation. He reiterated that the targeted demographic is young professionals. They believe it improves Parking Lot F and it gives a true circulation to the parking lot itself. The project adds pedestrian walkways, landscaping and it increases parking. Mr. Louis noted that they were currently working with the City regarding the affordable housing requirement for 15% of the square footage.

There are concept drawings showing how the affordable housing would work with this design. Their desire is to include the affordable housing units on site.

Commissioner Band asked if the twelve parking spots under the building would be unassigned. Mr. Louis answered yes, because they cannot be assigned due to the Prospector parking requirements.

Commissioner Thimm asked whether the request for additional building height was under the purview of their discussion this evening or under the CUP. Planner Astorga replied that the MPD allows the Planning Commission to grant additional height if they can make specific findings to allow it. He clarified that a height exception cannot create additional square footage. It would be tied to the future MPD application after the pre-MPD is approved.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

Chair Strachan recalled that when Henry Sigg developed Lot G he had issues with connecting to the Rail Trail UDOT was the owner and there were also habitat protection issues. Hank Louis, representing the applicant, stated that they had letters from the DNR and the Army Corp of Engineers and everyone wants the connection.

Chair Strachan clarified that the issue for discussion was whether or not this project complies with the General Plan. He informed the applicant that the height may be a problem in the future. Based on his review of the GC zone, it would difficult to meet the criteria for a height exception with a flat roof. Chair Strachan was comfortable with the rest of the project and he welcomed it to the Prospector neighborhood because it was due for some infill.

Commissioner Joyce stated that he was trying to justify the height exception. He gave the applicant the challenge of proving whether or not they could justify the height exception. Commissioner Joyce was not convinced that having to put parking underneath the building to satisfy the agreement for 103 spaces was enough justification to support the Code criteria. Commissioner Joyce asked if keeping the affordable housing within the project included the ten units or if it would be additional units. Mr. Louis stated that currently there was a difference of opinion between the Planning Staff and the Prospector Square Property Owners Association. In his opinion, the ideal solution would be to include the affordable housing in the building, making the project 12 units, with two deed restricted full

affordable housing units per the Affordable Housing Resolution. However, there is a different of opinion of the requirement of affordable housing due to the Prospector Square overlay, and how much the LMC applies. Mr. Louis stated that the applicant was currently working through the process. He had asked Planner Whetstone and the City Housing Specialist, Rhoda Stauffer to provide their opinion so they can begin discussing it with the Prospector Square Property Owners Association.

Commissioner Worel stated that if the two affordable housing units were added, whether additional square footage would be added to the building, or whether the square footage would be taken from existing units. Mr. Louis replied that they would add square footage to accommodate the two units; however, per the Affordable Housing Code, the deed restricted units would not be counted in the FAR. Therefore, the project would still be under the FAR but the square footage of the global project would be increased.

Commissioner Joyce assumed that adding square footage without cutting into the square footage of the ten units would result in more height. Mr. Louis stated that it would extend the building but it would not be higher.

Commissioner Thimm understood that it would be additional fourth level space. Hank Louis stated that they would call it a third level. He noted that there was a flood plain issue and they were actually trading parking lot for parking lot or asphalt for asphalt on the ground level. He stated that architecturally they cut down the mass in order to alleviate the height situation. Without the height exception they could build a box, but he did not think that would be pleasing to anyone.

Chair Strachan pointed out that the applicant and the Planning Commission would be having those discussions during the MPD process.

Commissioner Thimm was concerned about the height and how it complies with the LMC. From the model and some of the images shown he thought it appeared to be a clean, contemporary design. Commissioner Thimm stated that the LMC purpose statement speaks about embracing the Resort feel, and he questioned how this very contemporary, clean line structure would meet that purpose. Mr. Louis stated that his first response to the Resort feel would be the actual use of the building itself versus the aesthetics of the building. The Resort feel is that people come to play. It is about recreation, being outdoors, active lifestyle and mountain lifestyle. Mr. Louis agreed that the design is contemporary, but that brings diversity to a community that spurs discussion and inspiration. The idea is to make sure that young professionals can live there and to promote the mountain living, outside lifestyle.

Commissioner Thimm stated that the same sentence in the LMC talks about creating distinct and diverse solutions. In terms of blending with the Resort feel, he asked if the applicant had talked about materials for the building exterior. Hank Louis replied that materials have been talked about, but they were not delving into it until they know whether or not they can even do this project. Mr. Louis stated that it would definitely be a Resort feel based on their interpretation. He recognized that their interpretation might be different from the Commissioners. Mr. Louis emphasized that they would definitely make it fit with the mountain community.

Chair Strachan stated that the discussion regarding modern contemporary buildings in Park City is an issue that the Staff and the Planning Commission have debated for many years. He thought it was an issue that the Staff should bring to the Planning Commission as a Work Session item. It is not fair to one particular applicant to voice that debate over a broader Park City in the context of a particular application. Chair Strachan felt it was important for the Planning Commission to determine where they stand on that issue so they can address when they are faced with specific applications that are modern and contemporary. In the last five years he has seen more and more contemporary designs come before them and it was time to have that discussion as a Planning Commission.

Planner Manager Sintz stated that the Prospect area is ripe for redevelopment and it does not have an identity. The City was working on a sense of place in this entire overall area. Ms. Sintz agreed that they were seeing a lot more different styles of architecture because people are getting tired of the standard model. She looks at this as a method of which Park City is on the cutting edge of defining new types of architecture for areas outside of the Historic District or areas that already have a context or defined restrictions. Ms. Sintz thought it was appropriate to relook at different architecture and building types that should be under broad consideration.

Commissioner Joyce pointed out that many of the contemporary designs being built have flat roof designs. He thought the Planning Commission should include height and different roof styles in their discussion to see if flat roofs make sense.

Commissioner Campbell felt that if the Planning Commission did not provide further direction that the project would languish for another fifteen years. He did not believe it was fair to send the applicant back with the nebulous that it might or might not be approved. The next generation of plans will be expensive and he thought the Planning Commission should give the applicant more specific direction.

Chair Strachan believed the Planning Commission would have provided that direction this evening if the noticing had been proper done and they could have had the CUP discussion.

Commissioner Campbell asked if the Planning Commission would agree to provide specific direction at the next meeting. The Commissioners agreed.

Commissioner Band thought it was nice to see an apartment building for the first time since the 1980s. She hoped they could find a way within the LMC to grant the height exception or make this project work because it is definitely needed in Park City. In terms of fitting in, she believed it fits well with the Carriage House across the street.

Commissioner Phillips liked this project and the idea of what they were creating. It is the live/work/play that they have all talked about and he hoped they could find a way to make it work because it would be good for Park City. He likes how it engages the Rail Trail and different modes of transportation. It fits the younger generation that will be living there. Commissioner Phillips stated that he personally would like to see more buildings engage the Rail Trail.

Commissioner Worel agreed with her fellow Commissioners. It is an exciting project and it is needed. She asked if the intent is to keep the units as apartments and not turn them into condos eventually. Ehlias Louis stated that the intention is sell them as condominiums. He clarified that if they were apartments the owner would hold and take revenue from the apartments. A condominium is where each unit is labeled as a separate tax ID so they could be sold individually under an HOA. Hank Louis hoped to have them as apartments and revenue property; however they were working on financial models to see how that would work. Commissioner Worel concurred with Commissioner Band that an apartment building was important in this town. She was excited when she thought this came before them as an apartment rather than condominiums.

Assistant City Attorney stated that whether the units are rentals or owned by individuals, the City cannot control or be involved in whether the developer rents the units or sells them. Commissioner Band understood that they were condominium units so they could be potentially be sold later on, but the plan is for the applicant to hold and rent them for a time. Hank Louis stated that it was what they would like to do. However, they intend to legally condominiumize the units from the beginning and it could be a hybrid. The units likely would be sold, but within a window of what would be affordable. Commissioner Band believed the correct term was attainable.

Commissioner Thimm thought this neighborhood could be characterized as eclectic and he thought this design fits nicely within that. He liked the attachment to the rail trail and the fact that it embraces views. He also like the fact that it was a four-sided building. As they press forward with materials, he suggested that they embrace what already exists at this location and what might be done in the future. Hank Louis stated that they were working closely with Alison Butz on how Prospector and Bonanza Park are moving forward.

MOTION: Commissioner Phillips moved to APPROVE the pre-MPD for Central Park Apartments located at 1893 Prospector Avenue. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Phillips to CONTINUE the CUP for Central Park Apartments located at 1893 Prospector Avenue to April 8, 2015. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact 1893 Prospector Avenue – Pre-MPD

1. On December 15, 2014, the Planning Department received a completed application for a pre- Application for a Master Planned Development (MPD) is located at 1893 Prospector Avenue.
2. The proposed MPD is for a ten unit residential building within the Prospector Neighborhood (Prospector Square).
3. Units range in size from 800 square feet to 1,010 square feet.
4. A phasing plan for this MPD is not necessary as the single building will be constructed in one phase.
5. The property is zoned General Commercial (GC) and residential uses require a Conditional Use Permit. The applicant has submitted an application for a Conditional Use Permit for residential uses to be reviewed simultaneously with this pre-MPD.
6. Access to the property is from Prospector Avenue, an existing public street. .
7. The site is described as Lot 25b of the Gigaplat replat of the Prospector Square Amended Subdivision plat. The lot contains 5,760 square feet.
8. A requirement for any Master Planned Development (MPD) is a pre-application public meeting and determination of compliance with the Park City General Plan and the GC zone.

9. The Land Management Code (LMC 15-6-4(B)) describes the pre-MPD application process.

10. The purpose of the pre-application public meeting is to have the applicant present preliminary concepts and give the public an opportunity to respond to those concepts prior to submittal of the MPD amendment application.

11. The property is located in the Prospector neighborhood, as described in the new Park City General Plan. The proposed MPD proposes energy in the Prospector Neighborhood section of the General Plan.

12. Small Town Goals of the General Plan include protection of undeveloped land; discourage sprawl, and direct growth inward to strengthen existing neighborhoods. Alternative modes of transportation are encouraged.

13. This neighborhood is identified as a Development Node. The proposed MPD includes small, energy efficient residential units that support the desired mix use neighborhood concepts by providing smaller residential units that are in close proximity to employment, retail, dining, recreation, trails, schools, and the bus system. The development is proposed on an existing development lot as infill development. The elements of the proposed development support goals identified in the Small Town sections of the General Plan and maintain the general character of Park City.

14. Natural Setting Goals of the General Plan include conserve a healthy network of open space for continued access to and respect for the natural setting. Goals also include energy efficiency and conservation of natural resources.

15. The proposed MPD is located on an infill property that is an existing platted development lot of record. The proposed MPD proposes energy efficient construction, green roofs, and connections to the trails and open space areas. The close proximity to employment, retail, dining, recreation, trails, schools, and the bus system support goals identified in the Natural Setting section of the General Plan. Additional information related to "green building" strategies for the proposed buildings will be addressed with the MPD application.

16. Sense of Community Goals of the General Plan include creation of diversity of housing, including affordable housing; provision of parks and recreation

opportunities; and provision of world class recreation and infrastructure to host local, regional, national, and international events while maintaining a balance with the sense of community.

17. A primary reason for the proposed MPD is to provide energy efficient, smaller more affordable housing units in close proximity to employment, retail, dining, recreation, open space, trails, schools, and the bus system. The MPD creates a diversity of housing for Park City and contributes to the sense of community by providing housing for full time residents.

18. On March 25, 2015, the Planning Commission held a public hearing and discussed the pre-MPD for the residential project at 1983 Prospector Avenue.

Conclusions of Law – 1893 Prospector Avenue – Pre-MPD

1. The preliminary MPD plans for the 10 unit residential building proposed to be located at 1893 Prospector Avenue, within the Prospector Neighborhood and the General Commercial (GC) Zone, comply with the Park City General Plan and are consistent with the General Commercial (GC) zoning.

3. 1345 Lowell Avenue – Amendments to Master Planned Development and Mountain Upgrade Plan; and Conditional Use Permits – Proposed Interconnect Gondola between Canyons and PCMR & Snow Hut on-mountain restaurant expansion (Application PL-14-02600)

Chair Strachan recused himself and left the room. Vice-Chair Joyce assumed the Chair.

Planner Astorga noted that the Planning Commission would be reviewing the MPD Development Agreement and the Mountain Upgrade Plan, as well as a conditional use permit at Park City Mountain Resort for the Interconnect and expansion to the Snow Hut. He reported that the Planning Commission had an extensive discussion regarding this application on February 25, 2015.

Planner Astorga showed the updated rear or west elevation of the Snow Hut as requested by the Planning Commissioner at the last meeting. Commissioner Thimm stated that he had raised the issue at the last meeting and he appreciated the revisions that responded to his suggestion to wrap it around. He believed that making it a four-sided building was a great response. Commissioner Thimm stated that keeping the base of the building as snow piles up against it was logical and he appreciated the applicant's efforts.

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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 – Cardinal Park Subdivision – Plat Amendment

1. The City Attorney and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. A ten feet (10') wide public snow storage easement will be required along the front of the property along Park Avenue.
4. A note shall be added to the Plat Amendment to be approved in a form by the City Attorney which shall indicate that the any provisions regarding lot size regarding Lot 1 shall be governed by the rights and restrictions of their corresponding zoning Districts and for purposes of lot area shall not be added collectively.
5. Fire sprinklers shall be required for all new construction or substantial renovations, as determined by the Park City Building Department during building permit review.
6. The applicant shall submit the report by a certified arborist per LMC § 15-2.3-15 and that the loss of significant mitigation shall be replaced on a like per like basis.
5. **1893 Prospector Avenue – Master Planned Development for a new building containing 11 residential units on Lot 25b of the Giga plat Replat of Parking Lot F at Prospector Square (Application PL-15-02698)**

Planner Whetstone stated that this project has two applications. One is a master planned development and the second is a conditional use permit. The property is located in

Prospector Square on one of the vacant lots at 1893 Prospector Avenue. There is currently development occurring at 1897 Prospector Avenue. Planner Whetstone stated that a plat amendment called the Giga plat amendment that was approved and recorded and that property is under construction for the Park City lodging on the bottom floor and four residential rental units for employees. Planner Whetstone stated that the lot subject to this application is along the Rail Trail.

Planner Whetstone stated that the MPD is a request to approve a Master Planned Development because there are ten or more units and because the applicants have requested a height exception, which is allowed through the MPD portion of the Land Management Code. She noted that the MPD is reviewed through the criteria in Section 15-6-5 as outlined in the Staff report.

Planner Whetstone stated that the conditional use permit was for residential uses in the GC zone. She explained that the GC zone does not allow single-family or duplexes, but it does allow multi-family that requires a conditional use permit. This particular project is a request for 11 residential units with 12 parking spaces on the lower level but not underneath the ground. The structure is proposed to be on stilts with parking underneath.

Ehlias Louis with Gigaplex Architecture introduced the project architect, Andrew Foster, and Brandon and Mike Schoefield with CDR Development.

Planner Whetstone stated that the Staff report identified some of the criteria for review of the Master Planned Development. She noted that one of the requirements of an MPD is for the Planning Commission to review a pre-MPD for compliance or consistency with the General Plan and the goals of the General Plan that would be applicable in this area, as well as the purposes of the GC zone. The Planning Commission reviewed the pre-MPD on March 25th and found that the concept plans were consistent with the General Commercial Zone and the General Plan concepts.

Planner Whetstone stated that the applicant submitted a full MPD application for 11 residential units. The Staff had reviewed the application against the criteria on pages 226-227. However, one item for discussion was the requested height exception. Page 228 of the Staff report outlined the five criteria for granting a height exception. Planner Whetstone stated that the applicant may request an exception and the Planning Commission may consider an increase in height based on the five criteria.

Planner Whetstone reported that the applicant was requesting a height increase of 6'6". The zone height is 35 and allows an additional five feet for a pitched roof. She noted that the proposed design has a flat roof and the proposed building height is 41'6".

Planner Whetstone reviewed the five criteria for a height exception. Criteria #1 is that the increase in height does not result in additional density or additional floor area. She stated that the lot is in the Prospector Square Overlay and has a density that is based on the floor area ratio or two times the lot area. Under that formula the applicant would be allowed 11,520 square feet. The design as proposed is 11,279 square feet. The floor area includes the required affordable housing. Planner Whetstone explained that the applicant originally proposed ten units; however, with an MPD they are required to meet a housing obligation which is why the MPD is for 11 units. She noted that the affordable housing plan was still being reviewed. The question was whether the affordable housing requirement would be satisfied with two units, which would make the project 9 market units and 2 affordable units; or if it would be satisfied with 1 affordable unit allowing for 10 market units. Planner Whetstone stated that the City Housing Authority was scheduled to hear this on May 28th.

Planner Whetstone reviewed the site plan. She noted that in Prospector Square it is zero lot line development due to the way the development area was platted.

Planner Whetstone noted that the applicant was only requesting the height exception for the eastern roof, which is 30% of the total roof area. The height exception allows for more articulation and open roof areas.

With the exception of the height and a resolution on the affordable housing, the Staff found that the project complies with the criteria for an MPD. The Staff requested that the Planning Commission discuss the height exception, conduct a public hearing and consider approving this application according to the Findings of Fact, Conclusions of Law and Conditions of Approval outlined in the Staff report.

Ehlias Louis, representing the applicant, provided a global overview statement on how the design concept came about. He stated that due to the replat they had a development agreement with the Prospector Square HOA, which allowed them to do the replat but to include the parking that existed. In order to do that they agreed to build their building on stilts to preserve the amount of parking required. Mr. Louis stated that with the FAR of two, the easiest solution was to build the building on stilts. The first floor would be the actual dimensions of the lot and with a FAR of 2 they could build two of those and have a perfect rectangle. However, from the standpoint of an architect, a rectangle did not add to the flavor of the target market they were looking with the feel they wanted to provide to the residents. Therefore, they looked at what would make sense. The target market is young professionals and even though the units are small they wanted to take advantage of corner views with natural light coming in. Mr. Ehlias pointed out that rather than a rectangle the building would be L-shaped. Again, to create a community feel because it was a zero lot line, they added as much deck space as possible for the residents. However, in order to

provide the amount of livable space that is allowed in the FAR, the most interesting rendition was a design with a third level residency on the eastern side, which pushes the height above the 35' foot height restriction.

The applicants had prepared a 3-D model to demonstrate their vision of an interesting building with a modern design that provides diversity on the Prospector Avenue corridor. It allows them to bring over the bridge to increase the alternate transportation uses of a resort lifestyle for young professionals. Mr. Louis stated that the design challenge was having 10 units coming to an MPD and using the LMC to request a height exception for the eastern side.

Mr. Louis stated that Gigaplex Architects and their partnership are big proponents of the affordable housing initiative in Park City. The requirement is to add 15% of the square footage into the building and they were happy to do so. He pointed out that there were options to delay the affordable housing to a future development or to pay an in-lieu fee. They also had the ability add the affordable housing on-site in the building, which was their preferred approach. Mr. Louis stated that in order to add 1350 square feet to this building, they changed the number of units from ten to eleven to include a studio and a small apartment. He believed they have designed a great solution to what they think is the spirit of the LMC and the MPD for a project like this. It is interesting, it invites questions, it is a modern design, it has open space, it is communal, and it abides by all of the development agreements to move the lot.

Mr. Louis remarked that the main goal was to provide both affordable units within the building rather than pay an in-lieu fee. That approach affords the ability to add more square footage and density to the complex itself. He noted that they were not going to ask for the extra 13,000 square feet on this building to accommodate the deed restricted units. Therefore, the envelope of the building that the Commissioners saw with the pre-MPD stays the same. The result is less market rate square footage, which they were willing to do to put the affordable units in the building.

Mr. Louis stated that they really like their proposed design and believe it is the best solution for the market they were targeting, as well as the greater community in general.

Commissioner Worel thought the 3-D model was helpful to see the difference in building heights. She asked if the other structures on the model were approved under a different LMC and why one structure had a 44.7 foot height. Mr. Louis stated that it was the Suncreek Apartments. He did not believe there has been new residential development in that area for ten or fifteen years. For that reason he was unable to speculate what the LMC allowed at that time. Mr. Louis remarked that they did their due diligence to compare

heights in the area to give the Commissioners an idea of how the requested height exception would fit with what already exists.

Commissioner Phillips pointed out that the applicant was asking for a height exception for one portion of the building; however, other portions of the roof were below the 35' allowed height. He thought it was safe to assume that the average roof height was at or below the maximum allowed.

Planner Whetstone noted that the height of the building under construction at 1897 Prospector as shown on the 3-D model was actually the height of the penthouse and did not need a height exception. The actual height of the main building is 35'. Mr. Louis agreed that the main building is 35'. He clarified that penthouse did not require a height exception because it is a pop-out for circulation and not habitable space.

Chair Strachan opened the public hearing.

Charlie Wintzer stated that he had not intended to speak on this application. However, as someone who typically speaks out against height exceptions this is the first time he has heard a great cause for it. It is in the right location, it is up against the hillside, the uses are right, and the building fits the neighborhood. Mr. Wintzer encouraged the Planning Commission to grant the height exception.

Lincoln Calder, a 30 year resident of Park City spoke in favor of the project. He is a local realtor and given his age and peer group he works with a lot of younger buys with moderate budgets. Mr. Calder stated that currently there is no product in Park City that appeals to young professional buyers at a moderate price. There is an affordable housing option, but young professionals are not interested in deed restricted housing with a price appreciation cap. They want their primary residence to be an investment for a better future. Currently, the young professionals only have the choice of buying at Kimball Junction or other areas within the County. Mr. Calder pointed out that if the City wants a diverse community in terms of income, age and occupation, this project appeals to that group. He thought the City would gain more by granting a small height exception.

Chair Strachan closed the public hearing.

Commissioner Campbell liked the proposed project. He was nervous about setting a precedent by granting the height exception. However, he concurred with Mr. Wintzer that this was the best case for granting height because it is low impact to the neighbors and adds a lot of positives. Commissioner Campbell referred to the comment about young professionals moving to Kimball Junction. He noted that those same people come to Park City on Friday night and they all drive. He could see the people living in this building

walking to restaurants and the grocery store. Commissioner Campbell thought this project was exactly what they need in Park City.

Commissioner Worel appreciated the models. She thought the project was creative and she liked how they included the heights of the surrounding projects to give them a better perspective. Commissioner Worel pointed out that if they had designed a pitched roof the allowed height would be 40'. Therefore, they were only talking about 1'6" more than what was allowed. Commissioner Worel liked the project and thought it was well-done.

Commissioner Phillips liked how the project engages the Rail Trail. In his opinion this project fits the definition of live/work/play. This proposal was one of the best he has seen in his time on the Planning Commission. He thought they should encourage this type of development as a model for other areas of town being redeveloped. Commissioner Phillips suggested the possibility of having a future discussion about allowing additional height in Bonanza Park for these same reasons.

Chair Strachan echoed the comments of his fellow Commissioners. He remarked that the Planning Commission needed to make findings as to why the height exception was appropriate. He thought the evidence was the 70/30 split and that overall the building height was below the 35' maximum.

Commissioner Campbell had concerns with specifying the 70/30 split. If they approve the height exception based on the average height being below the maximum, the next applicant could have a design with an average below the 35' maximum, but it may not meet the other criteria.

Chair Strachan clarified that the Planning Commission needed to have some evidence on the record as to why the height exception was appropriate for this project. The question is whether the additional height increases the volume. If 70% is lower and only 30% is higher, then the dwelling volume is not increased by the height exception.

Assistant City Attorney McLean commented on a potential problem she had just noticed as she was reading through the Code. Under the MPD Section, there are different ways that an MPD applies. She noted that prior to 2013 an MPD was required for any residential project with ten or more lots or ten or more units. However, in 2013 that was changed to ten or more residential unit equivalents. A residential unit equivalent is defined as 2,000 square feet, which is less than what was being proposed. Ms. McLean clarified that in this case the MPD did not appear to be required and there were no commercial uses proposed.

Assistant City Attorney McLean stated that another section talks about when an MPD is allowed but not required. She read from subsection 2, "The Master Planned Development

process is allowed but is not required when the property is not part of the original Park City Survey or Snyder's Addition to the Park City Survey.....and the proposed MPD is for an affordable MPD consistent with Section 15-6-7 herein." Ms. McLean was unsure whether that was the intent and she wanted the opportunity to look at the amended ordinance when this was suggested to see if there was a typo and that the "and" was supposed to be an "or" for affordable housing.

Assistant City Attorney McLean apologized for not catching this situation sooner, but when she first saw this project she thought the MPD was required because there were more than ten units. She found her mistake when she was reading the Code for another project. Ms. McLean stated that legally she was uncertain whether the City could permit this to be an MPD. She preferred to take the time to research it further to make sure that it was an allowable application.

Planner Whetstone suggested that Ms. McLean look at Section 1, Allowed but not Required, because that was where it fell under when it was discussed with the former Planning Director. Ms. McLean believed there was consensus that the MPD was not required under Item A. Subsection 1 that Planner Whetstone referenced states that, "The Master Planned Development process is allowed but is not required in the historic residential and historic residential HR1 and HR2 zones, only when the HR1 or HR2 zone properties and combined with adjacent HCB or HRC zoned properties. Height exceptions will not be granted for master planned development in those and other zones." Ms. McLean could not see what Planner Whetstone relied on when talking with the former Planning Director.

Chair Strachan clarified that the applicant may not need an MPD and the plat amendment was already approved. Ms. McLean explained that they might not need an MPD, and an MPD may not be allowed or available to them under the Code. She understood that part of the reason for seeking an MPD was the ability to request a height exception. She thought it looked like a great project and again apologized to the applicants and the Commissioners for raising the issue this late in the process. However, she was not comfortable having the Planning Commission vote on something that may not be allowed by Code.

Commissioner Campbell asked if there was another mechanism to allow for a height exception besides the MPD. Ms. McLean could not find another mechanism in the GC zone if the space is habitable.

Commissioner Worel wanted to know how much parking was required for the entire area. Mr. Louis stated that 103 spaces were required by the development agreement with the Prospector Square Property Owners Association. Without parking under the proposed building 12 spaces would be lost, reducing the parking to 91 spaces.

Planner Whetstone noted that there was also a flood plain issue. Mr. Louis stated that the flood plain issue was currently being studied by Gus Sherry. Mr. Louis has been working with Mr. Sherry and Matt Cassel. Mr. Sherry had not completed his study but he did not believe there would be an issue with the flood plain. Mr. Louis remarked that the flood plain was one reason for the stilts concept. They could not build habitable units below the base flood elevation.

Mr. Louis stated that the MPD process was started on December 15th and they were unaware that it would take this long. They understood the process, but they were now on a limited time-frame because of the Park City Lodging building that is under construction. Mr. Louis preferred to have a yes or no answer from the Planning Commission. If the answer is no, unfortunately they would lose the affordable units and possibly the bridge, and they would be forced to build a box with larger condos. Mr. Louis reiterated that they could not afford to wait much longer to start building.

Commissioner Worel asked if the Planning Commission could approve the MPD conditioned on legal findings. For example, if Ms. McLean found that the MPD could move forward the applicants could begin work without coming back to the Planning Commission. If the MPD is not legal then the applicant would know to pursue a different approach.

Assistant City Attorney McLean was hesitant to have the Planning Commission to take an action on something that did not appear to be permissible from the evidence she found this evening. She preferred to continue this item to the next meeting to allow time to see if there was something that could be done to help the applicant. Ms. McLean believed the Staff and other have the mindset that ten units or more requires an MPD; however, that requirement changed in 2013. She recognized that there were a number of benefits for this MPD and she was sorry that neither she nor the Staff had caught the mistake before this.

Assistant City Attorney McLean took a few minutes to pull up the ordinance from 2013 and found that the word "and" was not a typo. She was hoping that the ordinance language would say "or" but it did not. She reiterated her recommendation to continue this item to the next meeting to allow for more research. If it is allowable, the Staff had the findings ready to move forward with an approval.

Assistant City Attorney McLean suggested that the Planning Commission could take action on the CUP this evening because the outcome of the MPD would not affect the CUP. Mr. Louis stated that if they could get approval for the CUP they could at least begin designing the rectangular building, which is what they would most likely build if they could not get the height exception.

MOTION: Commissioner Worel moved to CONTINUE the Central Park City Condos – Master Planned Development for a new building containing 11 residential units on Lot 25B of the Giga Plat replat of Parking Lot F at Prospector Square to May 27, 2015. Commissioner Campbell seconded the motion.

VOTE: The motion passed unanimously.

6. **1893 Prospector Avenue – Conditional Use Permit for residential uses in the General Commercial (GC) zone for a new building containing 11 residential units on Lot 25b of the Giga plat Replat of Parking Lot F at Prospector Square (Application PL-14-02584)**

Chair Strachan opened the public hearing.

There were not comments.

Chair Strachan closed the public hearing.

Chair Strachan stated that based on the MPD discussion, he was comfortable approving a conditional use permit based on the findings of fact, conclusions of law and conditions of approval found in the Staff report. The Commissioners concurred.

MOTION: Commissioner Phillips moved to APPROVE the Conditional Use Permit for residential uses for Central Park City Condominiums based on the Findings of Fact, Conclusions of Law and Conditions of Approval found in the Staff report. Commissioner Worel seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 1893 Prospector Avenue - CUP

1. The subject property is located at 1893 Prospector Avenue and consists of Lot 25b of the Gigaplat replat, a replat of Lots 25a, 25b, and Parking Lot F of the Prospector Square Supplemental Amended Plat.
2. The Gigaplat replat was approved by City Council on June 5, 2014. The final mylar was recorded on May 1, 2015.
3. Lot 25b is a vacant, undeveloped privately owned development lot.

4. The property is located in the General Commercial (GC) zone and within the Prospector Square Subdivision Overlay.
5. On December 15, 2014, Staff received an application for a pre-MPD for the Central Park City Condominiums project located in the General Commercial zoning district. The application was considered complete on February 24, 2015.
6. On February 24, 2015, the applicant submitted a complete application for the Conditional Use Permit for residential uses in the GC District. The CUP application was revised on April 13, 2015 to incorporate the required affordable unit, bringing the total number of residential units to eleven.
7. On March 25, 2015, the Planning Commission conducted a public meeting on the pre-MPD and Conditional Use Permit application. The Commission found that the pre-MPD preliminary concept plans were consistent with the General Plan and GC Zone. The Conditional Use Permit application was reviewed and continued to the May 13, 2015 meeting.
8. In the General Commercial (GC) zoning district, residential uses, including multi-dwelling units, are required to be reviewed per the Conditional Use Permit criteria in the Land Management Code (LMC) and require approval by the Planning Commission. Retail and offices uses are allowed uses in the GC zone.
9. An FAR of 2 is allowed for buildings within the Prospector Square Subdivision Overlay.
10. The building consists of approximately 11,279 sf of residential uses and circulation area. The proposed FAR is 1.96. There are seven units at approximately 810 sf, three units at 1,017 s, and one studio unit at 500 sf. The units are designed to be smaller, attainable market rate dwelling units for full time residents. At least one and potentially two units will be deed restricted affordable unit depending on the Housing Authority's approval.
11. Allowing smaller residential uses in an area of high employment opportunities and within walking distance of the bus lines, shops, restaurants, schools, and recreation amenities is one method of mitigating vehicular trips of residential uses.
12. The capacity of streets, intersections, and shared parking lots were designed with the Prospector Square planned area to accommodate build

out of all the development parcels. There are no significant traffic impacts associated with the proposed uses as build out of these platted lots is anticipated with the Prospector Square Subdivision approval. Office and retail uses are allowed to be constructed on this lot without approval of a Conditional Use Permit.

13. Utilities necessary for this use are available at or near the site. Prior to recordation of the plat amendment for this property a utility plan and utility easements will be approved by the City Engineer and utility providers.

14. Any additional utility capacity, in terms of fire flows and residential fire sprinklers will be reviewed by the Fire District, Water Department, and Building Department prior to issuance of a building permit and prior to recordation of the subdivision plat. Necessary utilities and upgrades shall be installed as required by the City Engineer.

15. The proposed development will not interfere with access routes for emergency vehicles.

16. The residential uses create a reduced parking impact from the allowed uses of retail and office. Parking demand (in terms of timing) for residential uses is generally opposite the demand for retail and office uses.

17. There are 91 existing parking spaces within Parking Lot F. Parking within Prospector Square is shared and upon completion of the reconfigured Parking Lot F, there will be a total of 103 parking spaces, including the 12 spaces located under the building, as per the Owner's parking agreement with the Prospector Square Property Owner Association. All 103 parking spaces are intended to be shared parking per the parking agreement.

18. Internal vehicular and pedestrian circulation system includes existing sidewalks along Prospector Avenue, a Prospector Association walkway located to the west of the parking lot, and the Rail Trail bike path located to the south, with informal access that will not be altered. Circulation within the Parking Lot will be improved with the reconfigured parking lot.

19. A pedestrian bridge connection to the Rail Trail is proposed from the building. The Rail Trail is owned by State Parks and certain permits and/or encroachment agreements will be necessary in order to construct the bridge. The bridge will not be constructed if necessary agreements and easements are not secured.

20. No outdoor storage of goods or mechanical equipment is proposed.

21. No fencing is proposed.

22. The three and four story building is proposed to be located north of the Rail Trail fully within platted Lot 25b. The Prospector Overlay within the GC zone allows zero setbacks to property lines. The building is oriented towards the Rail Trail and is separated from the Rail Trail and adjacent buildings so as not to cause adverse shadowing on any existing units, or on the Rail Trail.

23. The building includes façade shifts on all elevations. Residential uses are located on the second, third, and fourth floors with common outdoor terraces and green roof elements oriented to the south.

24. Maximum building height in the GC zone is 35' and the applicant has requested through the MPD application, a building height exception of six feet six inches (6'6") for 30% of the roof for the eastern portion of the building to a height of 41'6". The remainder of the building roof (70%) is less than the allowed building height. The building would not exceed the allowable density or maximum floor area ratio (FAR of 2) as allowed by the GC zone.

25. No changes to the existing open space within the Prospector Square planned area are proposed with the residential uses. The new building is proposed to be constructed on an existing re-platted lot. Common decks and terraces are provided as open areas for the units to share.

26. The physical design of the building, in terms of mass, scale, style, design and architectural detailing complies with Title 15-5-5- Architectural Design Guidelines of the Land Management Code and is compatible with the surrounding buildings. The proposed building is contemporary and distinct in design and compliments the variety of building styles in the area. Materials consist of wood, metal, concrete and glass. Green planted roofs and roof terraces provide outdoor space for the residents.

27. No signs are proposed at this time. All signs are subject to the Park City Sign Code.

28. Exterior lighting will be reviewed at the time of the building permit review.

29. The residential uses will not create noise, vibration, odors, steam or other

mechanical factors that might affect people and property off-site.

30. The applicants propose to design and construct an enclosure for the existing trash dumpster located at the southwest corner of the parking lot. The service area within the enclosed parking area will include a recycling area.

31. There are no loading docks associated with this use.

32. If the owner desires to sell individual units in the future, a condominium record of survey plat will need to be applied for and recorded at Summit County.

33. The proposal exists within the Park City Soil Ordinance Boundary.

34. The development is located in a FEMA Flood Zone A.

35. The development is located adjacent to a stream with wetlands.

36. The findings in the Analysis section of this report are incorporated herein.

Conclusions of Law – 1893 Prospector Avenue – CUP

1. The application satisfies all Conditional Use Permit review criteria for residential uses as established by the LMC's Conditional Use Review process [Section 15-1-10(E) (1-15)] and all requirements of the LMC.

2. The use as conditioned will be compatible with surrounding structures in use, scale, mass, and circulation.

3. The use as conditioned is consistent with the Park City General Plan.

4. The effects of any differences in use or scale have been mitigated through careful planning and conditions of approval.

Conditions of Approval 1893 Prospector Avenue - CUP

1. All standard conditions of project approval shall apply to this project.

2. Any signs associated with the use of the property must comply with the City's Sign Code.

3. No outdoor storage of goods or mechanical equipment is allowed on-site.

4. Review and approval of a final drainage plan by the City Engineer is required prior to building permit issuance.
5. Review and approval of the final utility plans for 1893 Prospector are required prior to building permit issuance.
6. Prior to issuance of a certificate of occupancy for the building, the reconfigured Parking Lot F shall be completed, including paving, striping, and landscaping.
7. Building Height shall be verified for compliance with the approved MPD plans prior building permit issuance.
8. The Construction Mitigation Plan, submitted prior to building permit issuance, shall include detailed information regarding coordination of utility installation, reconstruction of Parking Lot F, and the provision of any required interim parking during construction.
9. Prior to issuance of a building permit for construction of the proposed pedestrian bridge connection to the Rail Trail all required permits and/or encroachment agreements shall be obtained from the State Parks property owner and the City.
10. A stream alteration permit and/or 404 permit will be required for any work in the stream area.
11. An elevation certificate will be required showing that the lowest occupied floor is at or above the base flood elevation.
12. A stream study will be required to determine the upstream and downstream flood plain impacts. Impacts will be required to be mitigated.
13. A wetland delineation study by a certified wetland delineator will be required prior to building permit issuance to verify if any wetlands will be disturbed with construction of the building.
14. As part of the final utility plan and prior to issuance of a building permit, the water system must be modeled to verify that adequate fire flows and pressures can be provided to this building and whether water line upgrades are required.
15. All exterior lighting on the terraces and porches shall be reviewed by the

Planning Department with the Building Permit application and shall be subdued, down directed, shielded, and with no exposed bare bulbs.

16. All conditions of approval of the Master Planned Development for 1893 Prospector Avenue apply to this Conditional Use Permit.

7. **Land Management Code Amendment regarding Nightly Rentals use in the HR-L Chapter 2.1 and green roof definition and application in HR-L Chapter 2.1, HR-1 Chapter 2.2, HR-2 Chapter 2.3, RC Chapter 2.16, and Definitions Chapter 15**

Nightly Rentals in the HR-L East District

Planner Astorga stated that the Planning Department initiated this request based on many discussions the Staff has had with residents in the HR-L East District. He explained that he was calling it HR-L East because there are two sections in town with HR-L zoning. One is known as the McHenry neighborhood and the other one is by King Road and Sampson Avenue. Because of the proximity to PCMR, the Staff decided not to include the HR-L West district in this discussion. Therefore, only the McHenry neighborhood was being addressed this evening.

Planner Astorga noted that the first page of the Staff report had the definition of a nightly rental. In addition, there were conclusions of law for each conditional use permit and the 15 mitigating review criteria for the CUP. Planner Astorga stated that another relevant point was the parking requirement for a nightly rental, which is triggered by the seventh and eighth bedroom. He explained that a house with six bedrooms has the same parking requirements as the dwelling, which are two spaces, and that has always been a major issue. Planner Astorga remarked that nightly rentals are allowed everywhere in Park City with the exception of the HR-L District, which requires a conditional use permit. They are also prohibited in the SF District where there are some exceptions throughout.

Planner Astorga stated that the Planning Department felt it was time to review nightly rentals to see where the Planning Commission stands on the issues. The Staff will come back on June 24th with a more appropriate analysis. As indicated in the Staff report, the intent is to survey all of the residents in the HR-L District regarding their thoughts on nightly rentals. Planner Astorga noted that if the City decided not to allow nightly rentals they would be creating a legal non-conforming use. The Staff would also come back with a thorough General Plan analysis. Planner Astorga asked the Planning Commission whether other studies or analyses should be conducted.

15-6 -2. APPLICABILITY.

(A) Required. The Master Planned Development process shall be required in all Zoning Districts except in the Historic Residential-Low Density (HRL), Historic Residential (HR-1), Historic Residential 2 (HR-2), Historic Recreation Commercial (HRC), and Historic Commercial Business (HCB) for the following:

- (1) Any Residential project with ten (10) or more Lots.
- (2) Any Residential project with ten (10) or more Residential Unit Equivalents (20,000 square feet).
- (3) Any Hotel or lodging project with ten (10) or more Residential Unit Equivalents (20,000 square feet).
- (4) Any new Commercial, Retail, Office, Public, Quasi-public, Mixed Use, or Industrial project with 10,000 square feet or more of Gross Floor Area.
- (5) All projects utilizing Transfer of Development Rights Development Credits.
- (6) Affordable Housing MPDs consistent with Section 15-6-7 herein.

(B) Allowed but not required.

- (1) The Master Planned Development process is allowed, but is not required, in the General Commercial (GC) and Light Industrial (LI) Zoning Districts, for
 - (a) Residential Development projects with fewer than ten (10) Lots, or fewer than ten (10) Residential Unit Equivalents; or
 - (b) Hotel or lodging projects with fewer than ten (10) Residential Unit Equivalents; or
 - (c) Commercial, Retail, Office, Public, Quasi-public, Mixed Use, or Industrial projects with less than 10,000 square feet of Gross Floor Area.
- (2) The Master Planned Development process is allowed, but is not required in the Historic Residential (HR-1) and Historic Residential 2 (HR-2) zones only when the HR-1 or HR-2 zoned Properties are combined with adjacent HRC or HCB zoned Properties. Height exceptions will not be granted for Master Planned Developments within the HR-1, HR-2, HRC and HCB Zoning Districts. See Section 15-6-5 (F) Building Height.
- (3) The Master Planned Development process is allowed, but is not required, when the Property is not a part of the original Park City Survey or Snyder's Addition to the Park City Survey and the proposed MPD is for an Affordable Housing MPD consistent with Section 15-6-7 herein.

(C) Not Allowed. The Master Planned Development process is not allowed or permitted, except as provided in Sections A and B above or as specifically required by the City Council as part of an Annexation or Development Agreement.

Planning Commission Staff Report



Subject: Alice Claim aka Alice Lode
Subdivision & Plat Amendment
Project Number: PL-08-00371
Author: Christy Alexander, AICP, Planner II
Date: July 8, 2015
Type of Item: Legislative – Subdivision & Plat Amendment

Status Update and Summary Recommendation

Please refer to the June 10, 2015 minutes (below) in which this item was continued for the applicant to submit comments to the Commission by June 24, 2015. Applicant did not submit any comments by that date. Applicant submitted a letter on June 30, 2015 requesting a continuation to July 22, 2015. Staff recommends that the Planning Commission hold a public hearing for the Alice Claim Subdivision and Plat Amendment located at approximately Alice Claim south of intersection of King Road, Ridge Avenue and Sampson Avenue and consider granting the Applicant's request to continue to the July 22, 2015 meeting with a firm deadline that all comments from the Applicant must be submitted to staff by 12 noon on July 13, 2015.

Staff reports reflect the professional recommendation of the Planning Department. The Planning Commission, as an independent body, may consider the recommendation but should make its decisions independently.

Description

Applicant: King Development Group, LLC ("Applicant" or "King Development")
Location: Alice Claim south of intersection of King Road, Ridge Avenue and Sampson Avenue
Zoning: Historic Residential (HR-1) and Estate (E) Districts with Sensitive Lands Overlay (SLO)
Adjacent Land Uses: Open Space and Residential (developed and undeveloped)
Reason for Review: Planning Commission review and recommendation to City Council

Background

Please reference prior staff reports for the history of this application.

At the June 10, 2015 Planning Commission meeting, the Applicant presented and discussed the revised site plan dated May 18, 2015, as depicted in the copies attached as exhibits in that meeting's staff report. The minutes from the June 10, 2015 meeting are attached as Exhibit A to this report.

At the June 10, 2015 meeting the Commission focused on the following concerns:

- The Planning Commission and the City Council have the responsibility to control and shape growth.
- Proposed lots are in the HR-1 District and this proposal should follow the requirements of the HR-1 zoning. The size and layout did not feel like HR-1.
- Too many downsides to the current proposal and there were not enough benefits to meet good cause.
- The proposal of house sizes is 60% to 80% larger than what exists in the HR-1 District in the surrounding streets.
- How detailed all the public comment was that evening and how specific they were in their reasoning.
- The end result is that this parcel is in the HR-1 District but it did not meet the purpose statement for the HR-1 District.
- Health and safety are huge issues.
- The development should either look like HR-1 or the applicants should apply for a rezone. The Planning Commission could not approve this project without setting a precedent.
- There were so many “ifs” that they were trying to draft conditions of approval for such as DEQ approvals, sewer lines, engineer and other issues.
- Many things still needed to be done over and above a simple CUP or a plat amendment or subdivision.
- Tasking the applicant with information gathering at this point.
- Some of the specific plans and studies that still needed to be done.
- The Commissioners were clear on their position and Chair Strachan suggested continuing to a date certain to allow the applicant time to revise the plan per their comments. Another option would be for the Staff to make findings for denial and the applicant could appeal that decision to the City Council.
- Commission preferred that the applicant come back with a proposal that could actually work.
- The cut and fill needed to be minimized and the layout needed to be more compatible with the HR-1 zone.
- Issue goes back to good cause for the density. They are allowed to build one house and they were asking for nine.
- Rather than deny the application they preferred a continuance to give the applicants the opportunity to come back with a more acceptable plan.

The Applicant requested a continuance to the July 8th meeting to allow the Applicant time to respond to the comments and concerns they heard that evening. The Minutes state:

Chair Strachan asked what the applicant intended to come back with at the next meeting. Mr. Cahoon replied that they would provide written response to the comments and concerns. At this point they had no intention of moving lots or reconfiguring the layout.

The Applicant however, did not submit any written comments by the required deadline of June 24, 2015.

The Applicant however submitted a request on June 30, 2015 (Exhibit D) to continue the item to the July 22, 2015 meeting in order to have additional time to submit comments, work on the alternative access and have agreed to a firm submittal date of July 13, 2015 at noon.

The Planning Commission also made several comments at the June 10, 2015 meeting that they had more comments but they would defer those comments until they saw the Applicant's response. Staff recommends that the Planning Commission be prepared to submit those comments on the record at the July 22, 2015 meeting which staff will use as a basis to prepare draft findings of fact and conclusions of law to support the Planning Commission recommendation.

If the Applicant fails to submit any new info by the July 13, 2015 deadline, the Planning Commission still needs to submit all comments which they deferred at the June 10, 2015 meeting, discuss the application, and direct staff to make findings at the July 22, 2015 meeting.

Public Input

Public comment was taken during the various past meetings held to discuss the project. The various Planning Commission meeting minutes will reflect that public input. Any public comment received prior to the meeting will be forwarded to the Planning Commission.

Process

This application is for a major subdivision and plat amendment as defined in 15-7.1-3(A) (2). A major subdivision requires a Preliminary Plat and a Final Plat although the Planning Commission may, at its sole discretion, combine the required hearings for both preliminary and final Subdivision Plat approval. Staff is recommending the hearings be combined and a final Subdivision Plat is considered. The approval or denial of this subdivision and plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18. Any retaining walls over 6 feet will require a CUP. Any new structures may require a Steep Slope CUP and all will require a Historic District Design Review. A Building Permit is publicly noticed by posting of the permit.

Alternatives

- Grant the continuance, as conditioned, to the July 22, 2015 meeting; or
- The Planning Commission may forward a negative recommendation to the City Council for the Alice Claim Subdivision and Plat Amendment and direct staff to make Findings of Fact and Conclusions of Law for this decision; or
- The Planning Commission may forward a positive recommendation to the City Council for the Alice Claim Subdivision and Plat Amendment as conditioned on the June 10, 2015 draft ordinance or amended; or

- The Planning Commission may continue the discussion on the subdivision and plat amendment to a date certain and provide specific direction to the applicant and/or staff to provide additional information necessary to make a recommendation on this item.

Recommendation

Staff recommends that the Planning Commission hold a public hearing for the Alice Claim Subdivision and Plat Amendment located at approximately Alice Claim south of intersection of King Road, Ridge Avenue and Sampson Avenue and consider granting the Applicant's request to continue to the July 22, 2015 meeting with a firm deadline that all comments from the Applicant must be submitted to staff by 12 noon on July 13, 2015..

Exhibits

Exhibit A – Minutes from the June 10, 2015 Planning Commission meeting

Exhibit B – June 10, 2015 PC Staff Report

Exhibit C – The proposed May 18, 2015 Alice Claim Subdivision and Plat Amendment

Exhibit D – Letter dated June 30, 2015 from Applicant's attorney, Brad Cahoon, requesting a continuance to the July 22, 2015 meeting

EXHIBIT A

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
JUNE 10, 2015

COMMISSIONERS IN ATTENDANCE:

Chair Adam Strachan, Melissa Band, Preston Campbell, Steve Joyce, John Phillips, Doug Thimm

EX OFFICIO:

Planning Manager Kayla Sintz, Kirsten Whetstone, Planner; Francisco Astorga, Planner; Christy Alexander Planner; Makena Hawley; Planning Technician; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING

ROLL CALL

Chair Strachan called the meeting to order at 5:35 p.m. and noted that all Commissioners were present except Commissioner Worel who was excused.

ADOPTION OF MINUTES

May 13, 2015

The Planning Commission lacked a quorum of members who had attended the May 13, 2015 Planning Commission Meeting. The minutes were continued to the next meeting

MOTION: Commissioner Phillips moved to CONTINUE the minutes of May 13, 2015 to the next meeting. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

May 27, 2015

Commissioner Joyce moved to APPROVE the minutes of May 27, 2015 as written. Commissioner Thimm seconded the motion.

VOTE: The motion passed. Commissioner Strachan abstained since he was absent from the May 27th meeting.

PUBLIC INPUT

There were no comments.

5. The applicant shall submit to the City Planning Department a three year review of the Club including parking impacts.

3. **Alice Claim south of intersection of King Road and Ridge Avenue – Alice Claim Subdivision and Plat Amendment** (Application PL-08-00371)

4. **Alice Claim south of intersection of King Road and Ridge Avenue – CUP for retaining walls up to 10' in height.** (Application PL-15-02669)

Commissioner Phillips recused himself and left the room.

Assistant City Attorney McLean requested that the Planning Commission take public comment on both items at the same time and discuss the applications together since the Subdivision and Plat Amendment and the CUP were intertwined. However, two separate actions were required.

Planner Christy Alexander noted that the Planner Commission held a site visit and work session on October 8th, 2014. The applicants came back to the Planning Commission in March and April, at which time the Commissioners continued it to allow the applicant to work through the issues.

Planner Alexander outlined the main concerns raised at the April 8th meeting, which included 1) more clustering; 2) change in layout; 3) site suitability with the slopes; 4) possible geo-tech issues and stability issues on the steep slopes; 5) further terracing and mitigation and landscaping of the retaining walls; 6) reducing cut and fill; 7) the need for so many retaining walls; 8) reducing disturbance on each lot; 9) compatibility with the HR-1 zone; 10) Lot 7 concerns; 11) defining open space conservation easement and access. Planner Alexander stated that the applicant heard the concerns and tried to find a better way to layout the subdivision and mitigate the concerns. The applicant submitted revisions to the site plan as noted in the Exhibits. The applicants would explain the revisions during their presentation this evening. Planner Alexander noted that the Planning Commission had major concerns with Lot 7 due to the steepness of the slope, as well as it being a unique position and closer to the ridge, as well as the proposal to bring up the roadway to create a bridge over the City property with extremely large retaining walls. She pointed out that Lot 7 was completely removed from the site and moved to where Lot 5 was located, and the lots were clustered closer together. That revision significantly changed the retaining wall layout. Planner Alexander noted that there was no longer a need for the road which eliminated the bridge. The applicants were also proposing three 10' retaining walls at the access that would terrace back 4' in between each wall as required by Code to allow for vegetation landscaping. The retaining walls in between Lot 2 and 3 and above Lots 5

and 6 were also changed. Therefore, all of the retaining walls in that location would be 6' and under, which does not require a CUP. The only retaining walls required under the CUP are the three 10' walls at the access.

Planner Alexander noted that the neighbor on the corner spoke at the last meeting and he was willing to negotiate an easement to allow access over his property. At this time an agreement has not been negotiated and the applicant was unsure when that would occur. The applicant was asking to put both access ways on the plat in case the plat is approved before the negotiations are finalized. Planner Alexander noted that the Staff would not allow that because only one possibility can be shown on the plat. If the negotiations go through, the Staff believes that access would create a better route and would lessen the need for large retaining. The Staff favored bringing the access over the easement. If the Planning Commission chooses to approve the plat and an easement agreement is reached prior to the plat going to the City Council, Staff requested that the Commissioners allow the applicants to move forward with the preferred access route at the City Council level.

Planner Alexander remarked that regarding the need for more clustering, changing the layout and compatibility with other nearby HR-1 zones within the City, the applicants had proposed to limit the footprints to 2500 square feet. As noted in the HR-1 zone and considering the size of the lot, she did not believe 2500 square feet was limiting the footprint enough. She stated that if the Planning Commission wanted to forward a positive recommendation, they could still require the footprint to be limited even further. The Staff recommended that the homes be limited to two stories to reduce the visibility from cross canyon and other places within Old Town. They also recommended a 25' height maximum.

Planner Alexander noted that the two-story limitation was mentioned in the Staff report but it was not stated in the conditions of approval. The 25' height was laid out in the Conditions but not two-stories. If the Planning Commission decides to forward a positive recommendation on the plat, she recommended revising Condition of Approval 17 to read, "All homes within the HR-1 District in this subdivision shall be limited to a building height maximum of 25 feet from existing grade **and a maximum of 2 floors...**". Planner Alexander noted that currently a 35' interior height is allowed in order to allow homes to stack up on the hillside. Because the Staff did not want to allow the floors to be stacked, she recommended adding "**exterior maximum of 30 feet.**"

Planner Alexander stated that the building pad areas shown on the site plan were listed in the conditions of approval; therefore, the building pads would have to remain in those locations.

Planner Alexander commented on issues with conditions of approval. Condition #32 states, "All Site and Public Improvements shall be completed prior to plat recordation, or if the Applicant submits a finalized and engineered design the Applicant may petition the Planning Commission to allow the Applicant to submit an adequate financial Guarantee for all Site and Public Improvements prior to the expiration of the plat approval."

She also noted that Condition of Approval #3 states, "Recordation of this plat and completion and approval of final Historic District Design Review (HDDR) and Steep Slope CUP, if required, applications are required prior to building permit issuance for any construction of buildings or retaining walls within this subdivision". Planner Alexander pointed out that Conditions #3 and #32 do not comply with one another. The applicant would be allowed to do the retaining walls before the plat is recorded and she requested revising Condition #3 to remove "**or retaining walls**", and a sentence, "**completion and approval of final HDDR applications are required prior to building permit issuance for any construction of retaining walls within the subdivision**". Planner Alexander revised Condition #32 to read, "**Building permits for the grading and retaining walls will be permitted prior to plat recordation, so long as a bond for site restoration and revegetation is put in place**".

Planner Alexander stated that the City Engineer had reviewed the geo-technical report and felt that it met City standards. The site is on bedrock and the soils are the same as other areas within the City that were developed. Planner Alexander pointed out that the mine was filled in as noted in the letter from the applicant's engineer. It would also be noted on the plat with a restriction that no construction can occur within ten feet of the mine site.

Regarding the concerns for terracing and mitigation and landscaping of the retaining walls, Planner Alexander reiterated that all terracing of retaining walls would have to be four feet and set apart horizontally in order to allow for vegetation and landscaping. The height of the retaining walls was lowered. Planner Alexander stated that the Staff was unclear about the limit of disturbance on the lots, but the applicant has informed the Staff that the proposed LODs are the lot lines. It will be noted that the building pads cannot be changed from what was proposed on the site plan and on the plat.

Planner Alexander stated that the open space conservation easement will be dedicated as open space and transferred to a third party in the future.

Planner Alexander requested that the Planning Commission allow the applicant time for their presentation and then open the public hearing.

Chair Strachan asked if the changes to the conditions of approval were revisions to conditions contained in the Staff report, or whether there were new conditions of approval. Planner Alexander clarified that it was only revisions to Conditions 3, 17 and 32. Planning

Manager Sintz noted that story is a defined term in the LMC and she recommended that they use the word “stories” rather than “floors”.

Commissioner Thimm stated that Condition of Approval 30 talks about maintaining a 10’ setback from the mine opening; however, the soils report recommends filling mine openings. He questioned why they were diverging from what the soils report recommended. Planner Alexander replied that the Engineer noted that the mine has been filled.

Greg Brown with DHM Design thanked the Staff for their efforts in helping to revise the plan. He appreciated their time and energy. Mr. Brown introduced Jerry Fiat, with King Development, Brad Cahoon, Legal Counsel; Sheldon Baskin and David Cagen with King Development; Marc Diemer with DHM Design; Kathy Harris, the environmental consultant, Joe Tesch, Legal Counsel, and Peter Duberow with Stantec Engineering.

Mr. Brown gave a power point presentation on the four applications which included the subdivision, the plat amendment, a rear yard setback variance for the Estate Lot, and the CUP application for the entry retaining wall.

Chair Strachan thought the variance was a Board of Adjustment matter. Assistant City Attorney McLean explained that the applicant was requesting a setback reduction which is allowed per the LMC and it was a matter for the Planning Commission because it was not an actual variance.

Mr. Brown noted that in October 2014 they came before the Planning Commission for a work session. The concerns raised at that time related to open lands, the amount of site disturbance, and further mitigating the entry wall. The Staff was asked to compatibility studies with the surrounding neighborhoods. There was also a lot of concern and discussion regarding the Estate lot location. On April 8th the applicants presented suggestions they had for solving some of the problems. They significantly reduced the lot size of the HR-1. Mr. Brown noted that the lot lines were reduced and the .1 acre proposed is the minimum they can go with a 2500 square foot footprint per the LMC. Mr. Brown pointed out that the lots are small enough now that to build the house the disturbance would be within the lot line. Mr. Brown stated that terracing and landscaping were shown at the last meeting and they would show additional terracing and landscaping to mitigate the retaining walls. He noted that the building size and height in the HR-1 District was further restricted based on the Staff recommendation, and the applicant agreed to the 25’ building height for the HR-1 District. Mr. Brown stated that the Estate Lot was relocated from the steep land to the flatter bottom. He presented a plan showing the new location of the Estate Lot. It is lower on the site and the amount of site disturbance is reduced.

Mr. Brown stated that the applicants heard a variety of suggestions at the April 8th meeting and he summarized them into 9 points. The first was site suitable. They were concerns regarding slopes and geo-technical issues in terms of buildability. Marc Diemer with DHM Design had submitted a letter that responded to the 11 criteria items in LMC Section 15-7.3 that talks about the restrictions to development due to the character of the land. The letter was attached to the Staff report as Exhibit L on page 351.

Mr. Brown reviewed the 11 criteria and summarized why they believe they meet the criteria.

1) Flooding - The FEMA mapping stops below the site. There has never been evidence of flooding and the engineer does not believe there is a flood problem. The houses will not have basements and the homes will be located above the drainage channel.

Mr. Brown pointed out that the FEMA map is part of the conditions of approval and the FEMA map will be updated prior to recording the plat. The FEMA map will define the exact location of the flood plain.

2) Improper Drainage – The drainage channel was reconstructed as part of the remediation project. It has been in for six years and does a very good job of carrying the runoff.

3) Steep Slopes – A geo-tech report was included in the Staff report. There were no issues identified in the geo-tech report that prohibits development on this site.

4) Rock Formations – There is an outcrop within the Estate Lot; however, the new Estate Lot location pulls it further away from the rock outcrop. More separation, the road, and the ditch further provides a safety zone.

5) Mine Hazard - The mine was filled during the remediation project. Per the requirement, once filled the setback can be reduced to ten feet.

6) Potentially toxic waste - The remediation project program in 2008 removed and capped the hazardous waste on this project specifically for residential development.

7) Adverse earth formations or topography. The geo-technical report concludes that there are no potential hazards existing on the site.

8) There are no wetlands on the site.

9) Geologic hazards. The geo-tech report provides guidance for construction. Any special construction techniques would be covered by construction detailing.

10) Utility easements. The applicants have been working with the City Engineer and City Staff to make sure the easements were accounted for. Part of the entry road is on City property and easements would be placed for access and utilities. Access easements for the City to access the water tank would be addressed on the plat. The City Engineer has final review and signs the plat to make sure he agrees. That must be done before they can move forward.

11) Ridgelines – Per the City ridgeline map there is not a ridgeline on the site. There was significant discussion at the last meeting about Lot 7, which would have been the lot closest to any ridgeline above. Lot 7 has been relocated and it is now further away from anything that might have been perceived as a ridgeline.

Mr. Brown noted that the relocation of Lot 7 eliminates the driveway through sensitive lands, as well as the retaining wall and the bridge. The home will be accessed from a road that was already in the design. The amount of roadway was reduced and the lots are more clustered, which reduces the overall disturbance within the project.

Mr. Brown presented the current plan which showed where the lots were plotted out in the HR-1 zone and how the lots sizes were reduced and moved down the hill to increase the open space. He pointed out that the spur road to Lot 7 was eliminated when the lot was moved.

Mr. Brown showed samples of the retaining walls and landscaping. Relocating Lot 7 reduced the need for such a large wall. The retaining walls for lots 2, 3, 4 and 5 were lowered. The homes were reconfigured to reduce the site walls and the buildings will be used to retain a lot of slope. The walls were stepped down to six feet to reduce the number of 10' walls. The only walls over 6' will be at the project entry. They had looked at reducing the entry walls to 6' but it would further impact the evergreen trees on the site. The only retaining walls that needed a CUP were the ones at the entry. The remaining retaining walls would be 6' maximum height stacked stone walls with landscape beds in between. Mr. Brown presented photograph examples of similar rock walls around town.

Mr. Brown noted that the Staff had recommended that they increase the landscape by 20% with a minimum tree size of 10'. However, the applicant would like to propose an average tree size of 10' to create a variation of 6' to 14' trees. He requested the ability to work with Staff to see whether or not there could be some flexibility on the percentage of required landscaping. Mr. Brown was concerned about replacing a stone wall with a wall of trees.

Mr. Brown stated that another item of concern was clustering and the layout. He showed a before and after plan identifying the changes that were made. He remarked that a quick calculation showed that the impact to the site is less than 25% of the development area.

Mr. Brown recalled that there was significant discussion at the last meeting regarding compatibility. He presented a graph of some of the zoning in the area and noted that this site is next to a HRL zone. HRL zone roads and houses tend to follow the contours of the land, which is their goal with this development. Mr. Brown stated that the adjacent zoning is HRL zoning and Estate. The applicants see this site as a transitional area between Old Town and the open space beyond. Mr. Brown reviewed a zoning map and pointed to the HRL zone. He noted that the roads that access their site come through the HRL zone. Mr. Brown thought the design for their development should look more like the HRL zone because they were the adjacent neighbor. He felt that forcing a higher density or more of an HR-1 look was inappropriate on a site like this.

Mr. Brown referred to an analysis in the Staff report comparing house sizes in the neighborhood. They had done their own compatibility study and determined that their proposal was more in line with the HRL zone behind them. He presented a list of the 14 houses that were used in the comparison. Of the 14 houses, the average lot size was $\frac{1}{4}$ acre. Their proposed lot size is .18. The average house size is 4,933 square feet and they were requesting 5,000 square feet. Mr. Brown believed their project was compatible with the neighborhood directly adjacent to them.

Mr. Brown noted that currently the plat shows all of the open space parcels and the no disturbance zone in the Estate lot. The plat note states, "No development is allowed in open space parcels for non-disturbance areas." Mr. Brown stated that the goal for the open space is to either deed the open space itself or an easement to a third party conservation organization. Mr. Brown presented a diagram showing the amount of open space on the site and how the lots are clustered down in the lower area.

Mr. Brown remarked that the Planning Commission had talked about putting more teeth in the conditions of approval. He stated that following Planning Commission and City Council approvals all of the conditions must be met. Only then will the Staff and the agencies approve and sign the plat. He pointed out that the lots cannot be sold until the plat is recorded. Mr. Brown believed the process provided enough teeth for the conditions.

Mr. Brown stated that the applicants were also willing to restrict lot sales until the site infrastructure is complete. They have been working with Staff to make sure the conditions are as clear as possible and that both sides are protected.

Mr. Brown commented on Planner Alexander's reference about the unclear limits to the disturbance. He believed they had reduced the lots tight enough around the building footprint that the lot line would be the limit of disturbance line. Mr. Brown commented on

the Woodside Drive option that was mentioned by Planner Alexander. The applicants wanted to have both options shown on the plat, because if an agreement is reached to use Woodside Drive for access it would already be pre-approved. However, since legally both options cannot be on the plat, the applicants would like to create a finding or condition of approval that would allow the City Council to change the access. They would like the process to be as streamlined as possible.

Mr. Brown indicated the small piece of HRL land on the north side of the project that would be deeded to the City. He noted that Sampson Avenue and King Road currently come through the parcel. The Staff report talks about the land being dedicated as a right-of-way. The applicants suggested creating a right-of-way for the existing road, and the remainder of the parcel would become open space with a landscape easement to do landscape improvements. A slope on one side of the road needs stabilization and they would like the ability to do that work.

Mr. Brown commented on the timing of the expirations and their desire to simplify the process. He noted that it relates to Conditions 2, 10, 15 and 32. The applicants would like the plat and the CUP to expire one year from the date of City Council approval unless the extension is granted as allowed by Code. All approvals must be in place before plat recordation. The applicants were willing to a title restriction stating that the lots could not be sold until the infrastructure was in place. The infrastructure would be bonded prior to the issuance of the site improvement building permits. Mr. Brown believed the infrastructure would take longer than one year and he thought two years was a more practical time frame.

Mr. Brown noted that a Finding of Fact talks about the City water line running through the property. He clarified that the City water line was changed and it now runs through the City's property. The prescriptive easement on the road for those utilities is no longer needed. Mr. Brown stated that Finding #13 talks about the FEMA mapping and it implies that the lots are in the flood zone. He wanted to make sure it was clear that the mapping needed to be extended to determine whether it was in the flood zone. Mr. Brown pointed out that language in Finding #14 talks about the front side and rear setbacks and the Estate lot being reduced from 30' to 10'. He stated that the applicant was only asking for the rear setback to be reduced to 10'. The side and front setbacks would remain at 30'. Mr. Brown remarked that Finding #23 talks about the limits of disturbance being the property lines of Lots 2 through 9 and they found that to be appropriate. Finding #25 addresses the compatibility analysis that was done by Staff. The applicant requested adding a sentence stating that "The applicant has demonstrated that the houses nearby the site on King Road, upper Norfolk, Sampson and Ridge Avenue are 4,933 square feet average and the lots are an average of 0.25." Finding #34 states that existing lots 1-7 and 36-40 will be dedicated as right-of-way and open space with a landscape easement.

Mr. Brown referred to Condition #10, which goes back to their concern of having a standard process of plat recording, rather than trying to start some of the construction before the plat is recorded. Mr. Brown requested a change to Condition #15 to read, "All homes within the subdivision shall be limited to the June 10, 2015 LMC required footprint, or 2500 square feet, whichever is lower". He noted that the language as written does not have a date. If the LMC was ever changed they would be affected by the change instead of being locked into the current LMC requirement. Mr. Brown requested that Condition #32 be revised to address the timing of having all the approvals in place, recording the plat and putting in the public improvements.

Mr. Brown referred to Finding of Fact 11b in the conditional use permit and revised the language to read, "If changes occur the applicant will apply for a modification to the CUP." On 11c, he requested flexibility to work with the Staff on a final landscape plan. Mr. Brown revised Condition #10 to state that the CUP will expire one year from the date of recording the plat with the allowance for the one year extension." He explained that their goal would be to have the CUP and the plat in lockstep together. Mr. Brown understood that the Staff had concerns, but he thought it would simplify the tracking and processing if they had to come back for an extension.

Planner Alexander read Finding of Fact #4, "The City Water tank on land owned by the City is adjacent to the subject property on the south end, and a city-owned parcel bisects the subject property. The City Water line does not run within the City owned property but rather is located within a prescriptive easement on the subject property." She asked Roger McLain, the Water Department representative, to clarify the water line location.

Mr. McLain stated that last year the Water Department relocated the existing water line through that section on to the City property. The work was done in conjunction with the Judge raw water pipeline. The section of line that goes up through the existing Alice Claim property up to the tank was abandoned. Mr. McLain remarked that the easement for access to the tank would remain in place because it was not related to the water line. He clarified that the easement has not been vacated but the pipeline was relocated. Mr. McLain suggested that it could be cleaned up during the platting effort to make sure that access to the tank is maintained.

Assistant City Attorney McLean noted that the applicant had said that the City water line was completely on City property. She asked if they also have a recorded easement for water infrastructure. Mr. McLain stated that the new water lines are on City property within that portion of the project. It then conveys down into some of the existing easements and rights-of-way through the adjacent subdivision project down to King Road. Ms. McLean asked when he expected the old water line would be abandoned. Mr. McLain stated that

the water line has physically been abandoned but the line was left in place. He noted that it follows the existing tank access easement and both have gone hand in hand. Mr. McLain believed the priority at this point would be to maintain the tank access easement. With the relocation of the water line he could not see any problems with the road relocation.

Mr. Fiat explained that there is a recorded easement against the property for the access. The recorded easement runs up the existing road all the way to the water tank. In addition, the City took a portion of land which they thought was where the water line ran at one point; however, the water line ran somewhere else. Therefore, the old water line became a prescriptive easement. Mr. Fiat remarked that last year two new water lines were put in down the center of the City property. The water lines currently run from the water tank all the way out to King Road on to City property. The access to the water tank is a recorded easement. He believed the discussion related to the prescriptive easement for the water line that was abandoned, and they were not looking to remove that water line.

Mr. McLain stated that the existing tank access road easement does not follow the proposed roadway through the project. It runs from King Road straight up through the first two lots. Mr. McLain recommended that those be cleaned up at the time of platting. Mr. Brown stated that the new plat grants reciprocal access for the City, the applicant, the users and the public to use the City's property as a road; and the service road continues to be used by the City. He pointed out that there is also recreation access for bike use.

Commissioner Thimm asked if the water line was actually in Alice Court and within an easement that was already in place. Mr. Fiat replied that the water line is in City-owned property.

Chair Strachan asked Mr. McLain what he still needed. Mr. McLain replied that the Water Company needs the easement connection for the tank access road off of the proposed Alice Court as it jogs over on to the existing wishbone piece which ties into the existing access road up through the property. He believed it would be simple to clean up the existing access road from the south end.

Assistant City Attorney McLean revised Finding #4 to read, "A City water tank and land owned by the City is adjacent to the subject property on the south end and a City-owned parcel bisects the subject property." She clarified that the old water line is not within the City property. Commissioner Joyce pointed out that the old line was abandoned and it is no longer relevant. Ms. McLean further read, "The City water line does run within the City-owned property." She asked if Mr. McLain wanted a sentence regarding the tank access. Mr. McLain stated that the tank access was in a separate recorded easement and the access would have to be relocated with the plat. Ms. McLean believed that should be

addressed as a condition of approval. Planner Alexander noted that it was already addressed in Condition #28.

Mr. Fiat presented a larger version of Exhibit A as shown in the Staff report. Mr. McLain showed how the existing access road comes up off the driveway and through the lots up to the tank. He believed the Exhibit showed the new road alignment which would come off of the City property up to the tank. The applicant pointed out the old abandoned line on Exhibit A. They also pointed out how the plat granted an easement for City and public access to that area where the old public water line was located. They also pointed out the new water line and clarified that it was under City property.

Commissioner Joyce commented on the discussion from previous meetings regarding traffic patterns, stop signs and fire turns around the entrance where Sampson and King come together. He had visited the site earlier that day and it was difficult to envision a large truck making the U-turn on to King Road or making a left turn into the subdivision. Commissioner Joyce was concerned because of the steepness where the retaining walls were proposed to be cut. He asked if the City Engineer was comfortable with how the current plat was drawn, and whether there was sufficient room for emergency access. A second issue was that Commissioner Joyce could not think of anywhere else in the City where there was a hodgepodge of interconnected streets. If there is a place, he wanted to know if it works.

City Engineer Cassel stated that there is such a low volume of traffic that it currently works. However, if another drive would be added and they change around how the intersection dynamically works, they need to look at improving it as part of this project. Mr. Cassel noted that the applicant has been working towards that goal. It is a matter of maneuverability, but more importantly a health and safety issue in terms of access for emergency vehicles in and out of the development. Mr. Cassel stated that he and the applicants have been working on ways to make the intersection function a little better. He noted that due to the slopes and unique configuration, it would never be a perfect intersection. However, he expects them to mitigate the problems and get to a point where everyone is comfortable with how it works.

Commissioner Joyce wanted to know who would approve the intersection for fire and safety. Mr. Cassel replied that everyone participates. When something calls for City Engineer approval it is done with immense feedback from the Fire Department, Building Department and the Water Department. They make sure that all the issues are considered.

For many reasons, Commissioner Joyce preferred that they require moving the retaining wall back and up, and that it should be resolved sooner rather than later when it is

recorded on a plat. Mr. Cassel stated that he has been looking at the available alternative for the drive; whether it remains in the current location shown, or whether it moves over to the current dirt road access. He could not see any fatal flaws in any of the alternatives. They all work, but they all need minor tweaking. He agreed that an important element is making sure that the vehicles can make the corners and the turns and that the vehicles do not tip over. He noted that a number of dump trucks have tipped over at that intersection as they come down from King and take the corner. Mr. Cassel reiterated that the goal is to look at the whole intersection in an effort to make it better. At this point he could see nothing that would keep the added drive and the intersection from working.

Commissioner Joyce stated that he was trying to evaluate the retaining wall CUP and the fact that making it work might require noticeable changes to the retaining wall. Mr. Cassel stated that if the Commissioners wanted to add a condition stating that the road could not creep up any higher or change the height of the retaining wall, he believed they could work within that framework.

Commissioner Thimm had read through the geo-tech report and he found no red flags in terms of the soils report.

Commissioner Joyce understood that the mine was filled; however, the geo-tech report talks about the change in setback if it is filled and capped with concrete. He asked if the mine was capped as well as filled. Mr. Fiat replied that the mine was filled with granular material and impacted. There is no concrete cap. He noticed the mine has not settled in six years and it is very solid.

Commissioner Thimm commented on the 10' trees. He is used to looking at Konifers in terms of height and deciduous trees in terms of caliper. He asked if they intended to mix them. Mr. Brown stated that they typically buy multi-stemmed deciduous trees such as Aspen Trees by height. He noted that the single stem Aspen trees are generally sold as a two or three inch caliper. Mr. Brown stated that the rationale for discussing tree height was due to the fact that the wall is 10' high and trying to find something tall enough to soften the wall.

Chair Strachan referred to the slide that shows how they intend to landscape the right-of-way from the existing gravel road that comes off King. He asked Mr. Brown to explain the exact plan for making it look the way they want. He asked if it would be bark and trees or whether there would be actual disturbance. Mr. Brown stated that there was no plan to landscape the right-of-way. Commissioner Joyce understood that in his presentation Mr. Brown was talking about the plats that would be deeded over to the City along King Road and Sampson Road. Planning Manager Sintz agreed. The applicant wanted the ability to have a landscape easement at the entrance.

Mr. Brown stated that a landscape plan had not been done. He noted that the Staff report suggests that it is a right-of-way. The applicant preferred to define the actual right-of-way where the road is and call the rest of it open space with a landscape easement over it. Mr. Fiat explained that when the water lines came in they did not re-vegetate and control the erosion, and the entire bank along King Road is eroding. They were happy to give that land away; however, they first want to stabilize the soil and landscape it because it was left in terrible condition.

Chair Strachan recalled a slide during the applicant's presentation requesting a condition of approval that would streamline the process at the City Council level if the preferred access is negotiated with the neighbor. He asked Mr. Brown to bring up the slide so he could read the exact language that was being proposed.

Assistant City Attorney noted that Finding #6 talks about the access. She suggested adding Finding 6.5 to state that "If the Woodside Gulch access is possible, it would be the preferred access." Ms. McLean explained that under the Code there could not be applications at once. If negotiations are ongoing she understood why they wanted to streamline the process; and she recommended making findings as to whether or not they would support that access.

Chair Strachan asked Mr. Brown if they would build a culvert above Estate Lot 1 if the lot was not there. Mr. Brown replied that they need the culvert where the Alice Claim Court comes up and T's because the stream has to get under that section of road. The culvert would be shorter. Mr. Fiat stated that originally all of that section was in a culvert and when they started to clean it he liked the idea of a stream and the stream was put in. Mr. Brown noted that there is a snow storage area where the road T's and the pipe puts the stream under the snow storage area. He pointed out that it does extend up into the Estate zone a little ways.

Chair Strachan opened the public hearing for the plat amendment and the CUP.

Planner Alexander had forwarded eight letters of public comment to the Planning Commission and to the applicant.

Tom Gadek stated that this is an urban wildland interface. He thought a 10' retaining wall was a lot. In addition, five 6' retaining walls add up to 30'. Mr. Gadek remarked that the pictures of five stacked 6' walls with a house on either side were four or five levels. He noted that a 2500 square foot footprint was not typical in the neighborhood and it is large. Mr. Gadek felt a larger issue than emergency vehicles getting in were people getting out in the event of an emergency. He lived in Oakland, California and in 1991 there was a fire

and eleven people were killed on a road similar to Ridge. There were 25 houses and everybody tried to get out at once and it congested. A policeman was there but 11 people died. Mr. Gadek felt this was a defining point whereby to judge what the future will be on other developments in the area. He noted that Ridge Road is 12' wide with no shoulders. It is impossible to turn a car around or for two cars to pass each other. Mr. Gadek stated that since it is an interface, the construction materials should be burn resistant and a house should resist burning for 45 minutes or longer. Mr. Gadek stated that the Wildfire World details the fire in Oakland with recommendations for the future. The key point was the lesson to resist making concessions on initial development patterns, lot configurations, road alignments, and infrastructure standards. Emergency ingress and resident egress are critical and should not be compromised. Mr. Gadek stated that once the neighborhood is populated they are locked in. This was the chance to think it through.

Elizabeth Cohen, a resident of Upper Daly stated that everyone who goes up Daly and goes to Ridge turns around in her driveway. Ms. Cohen wanted to understand why so many lots were being included in the subdivision. She had read the definition of good cause and believed this project was the opposite of the definition. She had concerns about the size of the development, particularly since it was so close to town and the interface with open lands. Ms. Cohen noted that good cause for a subdivision is to provide positive benefits and mitigate negative impacts. She did not believe this project provided any positive benefits to the community and to the immediate areas surrounding the proposed development. It does not provide public amenities and it creates density issues. Ms. Cohen did not think the development promotes excellent and sustainable design. She had concerns about whether or not Best Design Practices would be used. Ms. Cohen remarked that the development would not further the health and safety of the community. She thought Mr. Gadek made a good point because she had not thought about everyone trying to get out in an emergency. In terms of historic character, Ms. Cohen did not think the proposal fits with the rest of the Daly/Ridge area. A lot of the potential impacts have not been addressed and she asked if there was a plan in place handle increased traffic to the area. She was concerned about water and sewer and whether the pressures would be high enough. She was also concerned about the ecological impacts to streams and sensitive areas. Ms. Cohen was concerned about the precedent this project would set for future development in the area. She asked if there was a plan in place to limit growth or have it be the kind of growth that Park City needs.

Ruth Meintsma, a resident at 305 Woodside, stated that Charlie Wintzer was out of town and he had asked her to read a letter into the record that he had written.

"Re: Alice Claim. Dear Commissioners, I am sorry that I am unable to attend tonight's meeting. The subject at hand is very important to the future of Old Town and Park City. We can all see from the hole being dug at the roundabout that things can get out of hand

very quickly, and time needs to be taken at the planning stage to preserve the character and scale of Old Town that we all love and for which we all have so much pride. Remember at this time there is only one lot of record. If this subdivision is passed there will be nine lots of record with nine times the entitlements and impacts. With only difficult lots left more time is needed to get them right. You have my comments from the last meeting. Because I've been out of town I was unable to read the latest packet to see what changes, if any, have been made. Here is one part of the Code that may give you some guidance. At your last meeting I gave you several points that must be considered, but I think this section sums it up and asks good questions. LMC HR-1, 15-2.2-6. Development on Steep Slopes must be environmentally sensitive to hillside areas carefully planned to mitigate adverse effects on neighboring land and improvements and consistent with the Historic District Guidelines. Once a lot is platted you only have the conditional use permit process to work with, and one can always find a way to argue that they mitigate the impacts. In creating a lot of record, you establish rights for the property owner to have legal access and an approved location. Now is the time to consider these things and determine if these proposed lots work. The Commission should look at each lot for things like access, terracing and retaining, building location, cuts and fills, building form and scale and building height. It is especially important to look at these from the LMC specific vantage points, including the cross-canyon view. Also remember, in HR-1 the building pad is the lot area minus the setbacks. The Commission can reduce the lot sizes so they know exactly where the buildings will go. This is where a site visit will show you the impacts of this project on the hillsides, ridgelines, neighboring lands and neighbors, Old Town and Park City as a whole. You have the tools in the LMC, Historic District Guidelines, and the Street Master Plan to get the project Park City deserves. Thank you for your time and service. Charlie Wintzer”.

Linda Wright a resident on Daly stated that she had four issues regarding Alice Claim . The first was safety and she believed others had covered that issue. She was particularly concerned about emergency vehicles getting in and the residents getting out. The second issue was precedent because if this gets approved it will set a precedent for similar types of building on steep slopes in the area. This type of development in the surrounding areas of Old Town could also be disruptive and dangerous. The third issue was open space. It is beautiful up there all year around and she wanted to know why it could not be open space rather than plotted lots. The fourth issue was wildlife. A lot of birds, deer, elk and moose travel that area development would disrupt their natural habitat.

Tom Bennett stated that he was an attorney representing Lee Gurnstein and Sherry Levington, the owners of a home at 135 Ridge Avenue. Mr. Bennett wanted to confirm for the record that Mr. Gurnstein has met with the developers about the possibility of working out an arrangement for what sounds like the preferred access to this property. He clarified that the parties have not been successful in coming to an agreement but there have been

discussions. On behalf of Mr. Gurnstein, Mr. Bennett stated that the objections and comments Mr. Gurnstein has made in the past are still in effect, and at this point nothing has changed his view of the project. Mr. Bennett noted that the issue of access came up and whether they could consider two possibilities at the same time in this approval. He stated that in looking at the conditions of approval that have been drafted, he believed a number of those conditions appear to be significant items. Mr. Bennett was interested in knowing how that would play out in the future if there was an approval this evening. He thought some of the conditions might result in the need to make significant modifications to the subdivision, which could leave Staff to determine whether it needed to come back to the Planning Commission or go straight to the City Council. Mr. Bennett suggested that the Commissioners consider the magnitude of some of the conditions and how they might impact changes in the future before a plat is ready to come before the City Council, and whether it is important to consider approval now or defer it until some of the issues in the conditions have been resolved in more detail.

Brooke Hontz, a resident on Daly Avenue and a former Planning Commissioner, handed out a letter that she requested to be included in the minutes as part of the record. Ms. Hontz summarized some of the points in her comments. The entire letter can be found at the end of the Alice Claim portion of the Minutes. Ms. Hontz requested that her letter and the eight letters received by Planner Alexander be attached to the record to demonstrate the full information that was provided moving forward.

Ms. Hontz mentioned a letter she submitted at the last meeting because she believed that good cause had still not been established. She commended the changes that were presented this evening; however, she felt there was still no substantial movement to meet the LMC or address the concerns voiced by the Planning Commission and the public. She pointed out that most of the changes benefit the development and the developer. They cost less and reduce impact, but it is a benefit for the project. Ms. Hontz reviewed an Exhibit to explain her comment. She believed there was very little reduction of anything, particularly density. Ms. Hontz requested that the Planning Commission continue the application to a date certain and direct Staff to create findings of denial to be finalized at the next meeting. Ms. Hontz read into the record the definition of good cause. "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, address issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and of Park City, and furthering the health, safety and welfare of the Park City community." Ms. Hontz stated that the discussion points in her letter establish several reasons why good cause is not met in this case. The first is density. This is one metes and bounds parcel governed by two underlying land use zones. As Commissioner Joyce asked at the last meeting, how did they get to nine lots? Ms. Hontz stated that the

simple answer is that the applicant asked for nine lots. Ten lots triggers the MPD Code, which no one wants to go through unless they see a significant financial return and have the appropriate space to do so. She noted that the Planning Commission has never discussed whether or not nine was a reasonable number. However, public input has described many reasons why it was not an acceptable density. Ms. Hontz remarked that currently there is one lot and it needs to be proved via good cause and meeting the General Plan and the LMC that this nine lot subdivision actually works. She believed there has been ample testimony to show that it doesn't. Ms. Hontz thought they were forcing the design to fit the land. A second issue is creating lots that are unbuildable. Ms. Hontz noted that in order to make this work the frontages and setbacks have to be reduced. A third issue is geo-technical issues. She was pleased that some of the Commissioners were able to review the report. She had submitted a GRAMMA request so she could review it herself and respond. Her concern was that it may be too late. Another issue was water delivery. She noted that information contained in the Staff report and on page 2 of her letter, places the burden of the applicant to make the water system work for fire flows and the State required pressures as a condition of approval. Ms. Hontz pointed out that the City already wants to charge the residents living in Old Town and at higher elevations an additional charge to pump the water up to them. She could not see how or why there was good cause to place more uphill demand on a system that is currently not being paid for appropriately. By not dealing with this now they would be setting the City up for failure if the applicant cannot get the water service for the newly subdivided lots. Ms. Hontz stated that even if they agreed with the pressures proposed, the levels of service may still not be good enough for the end user. She remarked that water and sewer providers are not supposed to be telling developers "no". They are supposed to be providing the parameters for a "yes", which still might not make a good cause finding.

Mr. Hontz stated that the fifth issue was significant concern that still remains about the sewer as outlined in the Staff report. Issue number six was the road width. Ms. Hontz stated that the only reason King, Ridge or Daly should be widened would be for the public health, safety and welfare. These streets do not need to be widened unless density is added to what is already allowed. Nine lots under the scope of good cause negatively impacts the public. For example, widening Ridge to 25' it would cut into existing platted lots, triggering eminent domain and taking of the lots by the City. It would result in a huge cost to the citizens, lawsuits over the taking, and a massive and expansive retaining wall on the uphill side of Ridge. The seventh issue was the streets Master Plan. Ms. Hontz quoted from the Streets Master Plan, "It may be appropriate in the most critical areas to prohibit additional development until roadway improvements are assured." The question again is why they were making roads bigger just to allow an applicant to go from one lot to nine lots. She stated that the cumulative impacts of what this project would do to the surrounding lots are even greater than the negative impacts it provides. Issue eight was access. Ms. Hontz thought Commissioner Joyce's comments regarding traffic were

accurate. She was concerned as to who would pay for the modifications to the public roads that come together. Again, it would only need fixing if they put in the nine lots. Ms. Hontz thought it was ludicrous to develop a new driveway into a site, and she was thankful that the people represented by Tom Bennett were still holding out. Emergency was the ninth issue. Ms. Hontz read, "The requirements of emergency access while important for life, health, safety and welfare also demonstrate the unsuitable nature of development in this area where the home sites are placed." She questioned why they were developing in an area that creates a huge burden on emergency services, and making new roads to service development that does not meet the good cause standard. Mr. Hontz referred to Exhibit G and identified platted Ridge Avenue. It is a ridge by definition and she encouraged the Commissioners to walk it. Issue ten is clustering. Ms. Hontz agreed with the Staff analysis in the Staff report that details their significant concerns with the lack of clustering, and that the lot layout does not echo the surroundings nor the HR-1 purpose requirements. Ms. Hontz stated that this was the time to solve the issue by denying the lot layout and configuration. It does not fit the established zoning and the applicant should apply for a rezone if they wanted this configuration. Issue eleven is the restrictions due to the character of the land. Ms. Hontz believed the modifications shown in the presentation this evening address some of the issues. However, as verified in the Staff report, steep slopes, potentially toxic waste and ridgelines still remain as issues that cannot be resolved after the applicants receive a certificate of compliance. Issue twelve – Sensitive Lands. Ms. Hontz stated that the documents required for the Sensitive Lands Ordinance is an enormous amount of information. She had not yet reviewed the documents because she had GRAMA request it. She hoped the Commissioners had read the documents. Issue thirteen is traffic. Ms. Hontz stated that based on IT trip generation, nine lots generate 90 vehicle trips per day on King, Daly and Ridge. That number does not count home services, deliveries, cleaning services, garbage, etc. With the existing lots, Ms. Hontz estimated over 190 trips per day up King or Daly, and that amount is significant.

Ms. Hontz stated that her letter included conclusions of law that she would like the Planning Commission to support. She requested that the Planning Commission consider continuing the application with direction to Staff for denial. Ms. Hontz understood that there was a development right on the property, but it should not be this density or design.

Chair Strachan referred to Ms. Hontz's letter and asked how she came up with the basis for the sentence "It is feasible to assume 390 additional vehicle trips per day. Ms. Hontz replied that it was a crystal ball, but she counted the platted lots and made assumptions because the platted lots cannot be built right now because they are HR-1 size and not HRL. She had divided 390 by ten trips per day. Chair Strachan asked if the ten trips per day was based on her knowledge that people take ten trips per day. Ms. Hontz realized that it sounded ludicrous but she believed it was an acceptable number. She took her information from the Institute of Traffic Engineers Manual Chart of Trips Per Day. Chair

Strachan asked if Ms. Hontz had used any other resource besides the IT Manual. She replied that she just counted lot numbers on the plat. She also made assumptions on the number of lots that were previous applications that had not been approved. Ms. Hontz clarified that she was not trying to be excessive or conservative. She was only trying to make her best guess based on what has been done in the past.

Sanford Melville, an Old Town resident, commented on the Alice Mine shaft. Mr. Melville stated that last Fall he wrote a "way we were" column for the Park Record on the Alice Mine. When he saw this huge development being proposed for the area it spurred his curiosity. Ms. Melville shared some of the history of the Alice Mine based on his research. The claim was initially filed and work was started in the early 1890s. Work continued until 1912. No shipments were made from the property and no Ore in commercial quantities were found. The mine was abandoned and filled in at some later date. Mr. Melville stated that in the course of his research he came across an interesting landmark book on the Geology and Ore Deposits in the Park City District. He read language from 1912. "A shaft which descends immediately beside the road was reported to have reached a depth of 500 feet. From the bottom a drift was stated to have been driven northwest to a north south fisher which opened for 200 feet along its strike, and a drift pushed 400 feet beyond the fisher cutting a baron zone." Mr. Melville thought they could be reasonably certain that there was a substantial shaft there and significant underground work. Mr. Melville referred to page 322 of the Staff report, Finding of Fact #38, which states, "The existing mine shaft on the property is currently filled as stated on the site plan dated May 18th, 2015. Mr. Melville noted that the Staff report did not say when it was filled, who filled it, how it was filled, what materials were used, and what standards were used.

Mr. Melville referred to page 325 of the Staff report, Condition #30, "Any structures built near the existing mine shaft shall be set back at least 10' if the shaft is filled up to the ground surface with soil or gravel." He understood that the shaft is currently filled and there is a 10' setback from the shaft. Mr. Melville referred to page 384 of the Staff report, which is the October 2014 geo-tech engineering report. He read, "The shaft and adit represent a public safety hazard and a potential for property damage resulting from ground subsidence. In our opinion, the opening should be closed to prevent accidental entry and potential subsidence. Typically mine openings are closed by backfilling and capping with concrete. Closure should be performed in accordance with Utah Division of Oil & Gas and Mining Abandoned Mine Reclamation Program Guidelines. Structures should not be located over the closed shaft and adit." Mr. Melville noted that the engineer was very specific and he thought this should be a finding of fact and probably a condition of approval. Mr. Melville stated that a substantial subsidence was experienced in the open shaft at Daly West recently. There is a precedent in Park City for shafts that are backfilled to subside. In May 2011 the American Flag Mine was filled but subsided and the hole is very intimidating. He recalled ten years ago when the Silver King Consolidated Shaft

collapsed in the middle of the Claim Jumper run at PCMR. Skier had been skiing over the shaft for decades and it eventually collapsed. Mr. Melville did not believe they should take lightly the issue of a mine shaft and every effort should be made to cap it properly.

Mr. Melville could not think of any instances in the Park City area where residential housing has been built in such close proximity to a mine shaft. He is a retired engineer but he has no expertise in mining and geology. However, in his engineering experience he learned that when dealing with hazardous situations that can endanger the public, you have to look at what could possibly go wrong and how it could be mitigated.

Jim Doilney stated that he has been a Park City resident for 41 years and he has lived the last twelve years on Sampson Avenue next to Alice Claim. He commended Mr. Fiat and his team for their hard work, but stated that hard work does not grant entitlements. Mr. Doilney requested that the plan be revised to reduce the number of lots, limit homes sizes and cluster the homes per the HR-1 purpose statement, "encourage historically compatible structures that contribute to the character and scale of the historic district, and maintain existing residential neighborhoods." He saw nothing in the application that honors that point. Mr. Doilney stated that nine lots were granted to avoid MPD status. The non-MPD maximum should only be granted if there are compelling community benefits. He pointed out that no community benefits were being offered. Relative to the home size, Mr. Doilney stated that he only followed one number presented by the applicant, which was the square footage of the house at 50 Sampson Avenue, and it was wrong. His house as measured by the City is 3,000 square feet, not the 5,000 square feet that was stated. Mr. Doilney was unsure whether anything else the applicant presented was incorrect, and he was unsure whether the City had enough Staff to verify it. He stated that the average footprint in the Sampson/King/Daly areas was 1475 square feet, not 2500 square feet. In his opinion, 2500 square feet will not blend in with the neighborhood. His Sampson subdivision plat restricts homes to 3,000 square feet of living area. He could not understand why someone getting new entitlements on a newly created subdivision should be granted rights that he was not granted on his platted lot. Mr. Doilney stated that clustering homes must be required appropriate to the HR-1 zone and the neighborhood character. Mr. Doilney requested that the Planning Commission instruct the Staff to prepare a negative recommendation. He would not be opposed if the applicants came back with a reasonable plan that respects the historic HR-1 guidelines, but he could not support the current plan and it would never be approved in Summit County.

Carol Sletta a resident at 135 Sampson stated that she has lived in her house for 35 years. She supported the comments from her neighbors who spoke this evening and thought they did a wonderful job of expressing all the concerns regarding this project. Ms. Sletta hoped the Planning Commission would take a hard look at this project and what it would mean to Historic Park City.

Chair Strachan closed the public hearing.

Commissioner Thimm appreciated the passion expressed by the public not only this evening but dating back to October. He remarked that a lot of work has gone into developing this project. He went back and looked at the various plans that were submitted and became exhibits to the Staff report. Commissioner Thimm thought the plan had evolved in a positive way. It is better clustered than previously shown. Removing the southern extension of the ground and the bridge was a major improvement. He appreciated the idea of changing the configuration of the houses and creating a design where the houses define a street edge. It is an importance principle of planning that often gets neglected. Commissioner Thimm likes how the homes were situated to follow the contours rather than going against them. He liked the idea of using the buildings to take up grade rather than the long retaining walls. The walls between Lots 2 and 3 were evidence of a better design. Commissioner Thimm stated that limiting the building height to 25' was an important concession. As he walked up and stood on each of the building sites, it appeared that 25' was a logical response to the height. Commissioner Thimm was concerned about the size of the homes. He had looked at the footprints of these houses and compared them to the footprints on adjacent sites in the neighborhood. He was not convinced that 5,000 square feet was the proper size and suggested that a smaller size would work better on this site. He suggested that a 4,000 square foot maximum was more reasonable. Commissioner Thimm referenced his earlier question about whether the mine shaft was actually filled in accordance with the soils report, and he was unsure whether that finding was ever made. Commissioner Thimm did not like how the retaining walls at the entrance were in a straight line. He would prefer an organic form and possibly the northerly walls turned to follow the contours. He suggested reconfiguring the entrance walls for a better visual effect.

Commissioner Joyce appreciated the solution for Lot 7 since he was the most vocal about it at the last meeting. Relocating the lot was a definite improvement. Commissioner Joyce stated that as he reviewed the project beginning from October, he struggled with what he was looking at. This parcel is good for building at one house and developing the proposed plan would be adding density and adding development rights. He noted that Summit County was trying to stop adding density until they get a handle on growth. He understood that they are not bound by the County; however, the Planning Commission and the City Council have the responsibility to control and shape the growth. Commissioner Joyce stated that he stopped trying to nit-pick the plan and instead tried to determine what it was that was making him uncomfortable. He came to the realization that it was in the HR-1 District and this proposal should follow the requirements of the HR-1 zoning. He liked what they did in terms of clustering the lots, but the size and layout did not feel like HR-1.

Commissioner Joyce stated that if they were looking at a plan that comes off the existing road, that did not have 30' retaining walls with all the cuts, and the houses would have 1600 square foot footprints, he might be able to support it. He felt there were too many downsides to the current proposal and there were not enough benefits to meet good cause. Commissioner Joyce also questioned the proposed house size and he thought the City provided footprints were more reasonable. He pointed out that the proposal was 60% to 80% larger than what exists in the HR-1 District in the surrounding streets. Commissioner Joyce stated that if the Planning Commission reaches the point of refining the findings and conditions, as well as issues with the plan, he would like the opportunity to work through his list of nit-pick items. However, at this time he could not support a positive recommendation on the current proposal.

Commissioner Band stated that she also had several pages of notes and she did not believe she needed to go through them since most were addressed in public comment. She noticed how detailed all the public comment was this evening and how specific they were in their reasoning. Commissioner Band stated that the end result is that this parcel is in the HR-1 District but it did not meet the purpose statement for the HR-1 District. She did not like the configuration of the lots and health and safety are huge issues. Commissioner Band noted that there are design options for the site and she thought they needed to look carefully at how it could be developed appropriately. She agreed with Commissioner Joyce that there was no reason to nit-pick because the subdivision was not viable for many reasons.

Commissioner Campbell remarked that the developer had a vested right to build one dwelling. Park City is going to grow and he agreed that the Planning Commission has the responsibility to manage the growth. Commissioner Campbell could not support the proposal while it is in the HR-1 zone. In his opinion, the development should either look like HR-1 or the applicants should apply for a rezone. Short of those two options, the Planning Commission could not approve this project without setting a precedent.

Chair Strachan echoed Commissioners Joyce, Band and Campbell. Chair Strachan did not believe this application was ready for action because there were so many "ifs" that they were trying to draft conditions of approval for such as DEQ approvals, sewer lines, engineer and other issues. He pointed out that the Planning Commission had not done a site visit and they had not seen the SLO analysis. Many things still needed to be done over and above a simple CUP or a plat amendment or subdivision.

Commissioner Joyce commented on some of the specific plans and studies that still needed to be done. However, but he was hesitant to ask the applicant to proceed with those plans because this project was not compatible with the HR-1 zone and nothing would change. Chair Strachan pointed out that the SLO is an overlay zone and the Planning

Commission would have to see that analysis regardless. He agreed with Commissioner Joyce about tasking the applicant with information gathering at this point.

Commissioner Thimm stated that his earlier comments were the nit-picky issues, but he agreed with his fellow Commissioners that the project did not look and layout as HR-1.

Commissioner Campbell requested that the Planning Commission give the applicant some choices and direction as opposed to stalling their development. Chair Strachan believed the Commissioners were clear on their position and he suggested continuing to a date certain to allow the applicant time to revise the plan per their comments. Chair Strachan remarked that if it was continued to a date uncertain it would have to be re-noticed. Another option would be for the Staff to make findings for denial and the applicant could appeal that decision to the City Council.

Commissioner Joyce stated that the applicant had put a lot of work and money into this project and he did not want to have to deny it. He preferred that the applicant come back with a proposal that could actually work. Commissioner Joyce stated that the cut and fill needed to be minimized and the layout needed to be more compatible with the HR-1 zone. Another issue goes back to good cause. They are allowed to build one house and they were asking for nine. Commissioner Joyce noted that there needs to be good cause for the density, but the good cause could not be financial gain for the developer. Rather than deny the application he preferred a continuance to give the applicants the opportunity to come back with a more acceptable plan.

Brad Cahoon, Legal Counsel for the applicant, requested a short break to give the applicant time to consider the options. The request was granted.

The applicants returned and requested a continuance to a date certain to allow the applicant time to respond to the comments they heard this evening. The Commissioners agreed to a continuance.

Chair Strachan asked what the applicant intended to come back with at the next meeting. Mr. Cahoon replied that they would provide written response to the comments and concerns. At this point they had no intention of moving lots or reconfiguring the layout.

Assistant City Attorney McLean was unclear on why they were requesting a continuance if the applicant did not intend to change the design to meet the comments made by the Planning Commission. Chair Strachan stated that the reason would be to give the applicant a forum and the opportunity to respond, and to give the Commissioners the opportunity to review their response.

The decision was made to continue to the July 8th meeting to allow the applicant time to prepare their response and for the Staff to analyze the information.

Assistant City Attorney McLean suggested that the Staff also prepare findings for denial based on statements made this evening. If the Planning Commission decided to further consider the proposal, the findings would not be used. However, if there is no common ground and the Planning Commission chose to deny the application, the action could be taken on July 8th based on the prepared findings for denial.

MOTION: Commissioner Band moved to CONTINUE the Alice Claim King Road and Ridge Avenue Subdivision and Plat Amendment July 8, 2015. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Band moved to CONTINUE Alice Claim King Road and Ridge Avenue Conditional Use Permit for retaining walls until July 8, 2015. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

Letter submitted by Brooke Hontz

6/10/15

Alice Claim aka Alice Load Applications in front of the Park City Planning Commission Arguments for Denial.

On April 8, 2015 the first Planning Commission with public comment on this iteration of the Alice Claim project was held. There were numerous comments made by multiple individuals during the public input. Additionally, Planning Commissioners made comments regarding the site plan, layout, density and other concerns. During that meeting I asked specifically if my letter could be included into the minutes, so a record of what was said into the microphone and on paper was provided for historical reference. My recorded comments appear, but my letter does not appear as part of the minutes. I would be fine including submitted written public comment as part of the packet, but as we don't get to see what is submitted until the Friday before these meetings, it is too late to submit comments on the plan discussed here at the meeting. Public comment is important to the process and should be included into the record. I respectfully request that my letter tonight along with all of the written public correspondence submitted regarding the project since the last meeting and up through today be included in the meeting minutes so there is a true record regarding the issues with this project.

One of the reasons why I bring up the testimony provided at the last meeting is because none of it has been addressed in the staff report or by the applicant with changes to the subdivision plat; including the Planning Commission's comments regarding the large density on the site and the location of the lots. Good Cause has not been established.

Please consider tonight all of the concern expressed by the surrounding neighborhood and the facts presented at the last meeting that still haven't been addressed, plus new information provided to make a decision to continue the application to a date certain and direct staff to create findings of denial to be finalized at that next meeting.

There are multiple facets of this project that need to be considered for approval. One of the most important elements is that you need to make findings that say there is good cause to approve the subdivision. The definition of good cause from the Park City Land Management Code: 1.112 GOOD CAUSE. 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 nonconformities, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City community.

Through the discussion points provided below, the Planning Commission cannot find Good Cause in this instance for the following reasons:

1) **Density** - "addressing issues related to density section of good cause. This is one metes and bounds parcel governed by two underlying land use zones. As Commissioner Joyce put it at the last meeting, "How did we get to 9 lots?" The simple answer is because the applicant asked for 9. At 10 lots, it triggers the MPD code which no developer wants to go through unless they get a significant financial return. There has never been a discussion by the Planning Commission if this is a reasonable number; although public input has described (for dozens of reasons to follow below) why it is not an acceptable density. There is one lot right now. It needs to be proved via good cause and meeting the general plan and land management code that this 9 lot subdivision actually works and there has been ample testimony provided that it does not.

2) **Creating Lots that are unbuildable:** Per the Staff report, it is still likely that through steep slopes, actual site geotech findings, and other details this 9 lot subdivisions creates lots that could not be built under current Land Management Code Standards; requiring each lot and home to come back to another City Board for a hardship or a variance.

3) **Geotechnical Issues:** Although the geotech report provides some information, in the Staff report is states that not all of the lots have been tested and each lot will need a study in order to develop. The geotechnical aspect of burdening the hillside with construction that

may or may not be correctly designed is a huge concern for this development, and people around it. The Commission in the past has believed a higher standard was warranted for this site and this standard was supported by the Utah office of the Ombudsman.

4) **Water Delivery:** The information in the Staff report regarding the water supply issues places the burden of the applicant to make the water system work for fire flows and state required water pressures as a condition of approval. We all heard last week that the City wants to charge those of us in Old Town and higher elevations an additional charge to pay to pump water "up" to us. While I have a problem with that concept as a separate issue, I also don't see how or why there is good cause to place more uphill demand on our system that currently isn't being paid for appropriately. I'll say it again, in some cases it seems logical to allow someone to sort out water delivery details post subdivision approval. In this case it is ludicrous. Before the subdivision and CUP can move forward a solution that works for the applicant and water provider needs to be determined, including costs. The effects of the design may impact where homes go, sizes, number of bathrooms, etc. By not dealing with this now you are setting the City up for failure if the applicant feels they cannot get water service they need to serve the newly subdivided lots. Do you agree with the pressures that are proposed - level of service they suggest may still not be good enough for the end user. As you know, the water and sewer providers are not supposed to tell a developer "NO", they are supposed to provide the parameters for a yes, which might not work as part of the "good cause" finding.

"Staff was previously informed by the Park City Water Department, that all of the Alice Claim property proposed for development may not be serviceable by the current City water system due to low water pressure. The low water pressure is due to the small elevation difference between the proposed development's elevation and the Woodside Tank's elevation. The Applicant was informed about this issue and is responsible for modeling the water service to the development and if it is still insufficient they will need to provide a remedy. The Applicant has prepared a water model addressing the limitations of the current water system on the proposed development (including factors such as the ability to meet: acceptable water system pressures and fire flow requirements to each home site (indoor and outdoor pressures are not adequate), the Fire Marshal's site specific requirements, and Division of Drinking Water regulations). Proposed Lots 1-4 and 8 as shown on the proposed plat are likely the lots most affected. The Applicant was to confirm the elevation of each of the proposed building sites to determine the affected sites and either redesign the project accordingly, or work with the Water Department to determine the best solution. At the time of this report, the Water Department, Fire, Building and Engineering have received a revised letter from the Applicant's engineer addressing the previously submitted Water Model that will meet the City's requirements. With the change of location of Lot 7, the Water Department believes this will make the situation better than before. Any revisions to the previously submitted

model will need to meet acceptable water pressure flows in order for the subdivision to meet water requirements. This is listed as a specific condition of approval. The Assistant Fire Chief also required that the Applicant provide water modeling to demonstrate the available pressure for the fire sprinkler system design for Lots #2 and 7 which the Applicant has demonstrated can be achieved." From Staff Report.

5) **Sewer:** There remain significant concerns about sewer that are contained in the staff report. Similar to water, the City should not approve this subdivision prior to the applicant working out a solution with SBWRD and the City Engineer. Some of the solutions proposed may require eminent domain, which SBWRD's board has said they will not consider. Other solutions may require elements of design which the City Engineer has said in the past that he will not approve. The complexities of this site are significant and deserve answers that the LMC and Subdivision regulations require the City to follow.

"Staff was informed by the Snyderville Basin Water Reclamation District that the Applicant has only met with them briefly prior to the April 8, 2015 meeting besides almost 10 years ago when the application was first submitted to discuss utility location and placement within the proposed roadways. The Sewer District has concerns regarding the placement of the sewers in relation to the retaining walls and in relations to other utilities. This will need to be remedied before the proposed plat can be signed by SBWRD prior to plat recordation and is listed as a specific condition of approval. The Applicant is aware of the Sewer Districts concerns and will work to obtain a Line Extension Agreement upon approval of the plat. The sewer design could affect the entire layout of the subdivision and if any changes are made to the layout of the subdivision upon SBWRD's approval, this approval shall be null and void and an application to amend the Ordinance and plat shall need to be submitted and be reviewed and go through the entire process including internal review, planning commission and city council review. Nothing has changed in respect to the Sewer District since the last meeting on April 8, 2A75." From the Staff Report.

6) **Discussion on Road Width:** A significant discussion should be held with the Planning Commission to discuss whether Ridge Avenue should remain a substandard quaint historic street, as is described in our the streets master plan, Visioning Documents, our General Plan, and the purpose statements of BOTH zones; or if it should be a wider, faster road simply to serve new development. The only reason King, Ridge or Daly should be widened would be for the public health safety and welfare - emergency situations serving NEW development – not existing. We don't need any of these streets widened unless you add density on top of what is allowed. 9 lots, under the good cause scope, negatively impacts the public. If that reason to not widen these roads is not enough, if Ridge Ave is widened to 25 feet, it would cut into the existing platted lots - triggering eminent domain and taking of

the lots by the City, a huge cost to the citizens of the City, likely lawsuits over the taking, and a massive and expensive retaining wall on the uphill side of Ridge.

7) **Streets Master Plan:** All roadways near the proposed subdivision are substandard streets. The Streets master plan says that "Roadways which are severely substandard pose real life and safety hazards, which should receive top priority. The most pressing problems exist in the old part of town. It may be appropriate in the most critical areas to prohibit additional development until roadway improvements are assured". Again, why are we making roads bigger simply to allow an applicant to go from L lot to 9. The cumulative impacts of what this project will do to the surrounding lots are even greater than the negative impacts it provides.

8) **Access:** Right-of-way - The proposed King Road r-o-w, versus the existing private driveway, is not a good solution to provide access to the site and is another reason why "good cause" cannot be supported. The city defines Right-of-way as:

1.222 RIGHT-OF-WAY. A strip of land, dedicated to public Use that is occupied or Intended to be occupied by a Street crosswalk, trail, stairway, ski lift, railroad, road, utilities, or for another special Use.

It does not mandate that it provide street access to a private property. The proposed layout creates a 5th point of convergence of 4 existing non-standard streets and creates the need for excavation, vegetation removal and a large retaining wall. Just because an agreement can't be made with the nearby Woodside Gulch private owner doesn't mean the City has to allow access to develop on very steep slopes from a road right-of-way.

Furthermore, the proposed project does not meet the purpose of the HRL zone, notably the first purpose as listed in LMC Section LS-2.L-L(A), which states: "Reduce density that is accessible only by substandard Streets so that Streets are not impacted beyond their reasonable carrying capacity..."

9) **Emergency:** The requirements of emergency access; while important for life, health, safety and welfare, also demonstrate the unsuitable nature of development in the area where the home sites are placed. Why are we developing in an area that is creating a HUGE burden on our emergency services and making new roads simply to service development that does not meet the good cause standard? The fire requirements further the impervious surface required, remove more vegetation and show a future secondary access that should never be approved as dictated by our existing Streets Master Plan. Please see the City Map showing the cumulative impacts of this development on Emergency services and Exhibit G.

Summary of Secondary Access - Ridge Avenue is the "secondary access" named in the staff report, and will be needed by all residents of the area during certain periods of the year for egress.

- Ridge Avenue is a road built outside its platted location.
- Ridge Avenue currently has one home that uses the road for primary access and is a substandard street that is extremely narrow and acts currently as a secondary access to King Road.
- Ridge Avenue is a narrow street that is often covered by debris and mud during the year, especially during runoff in the winter and spring.
- Snow removal on Ridge Avenue may be difficult or delayed during winter months.

- Hazardous vehicle and pedestrian conditions exist on Ridge Ave when snow and/or slippery conditions are present.
- The Streets Master Plan indicates that Ridge Avenue, in the section where the proposed subdivision is located, should be widened by 7.5 feet however the City does not own the land on either side of the road to enlarge it and would need to spend taxpayer money to support the private developers need to widen the road.
- Ridge Avenue should remain narrow to protect the pattern of development in Old Town while also protecting public health, safety and welfare by keeping traffic limited and speed low and as specified in the Streets Master Plan.
- Built Ridge Avenue is adjacent to a very steep cliff and the reasonably anticipated detrimental effects of more traffic on the road cannot be substantially mitigated by the application to achieve compliance with Public Safety and Welfare standards.

10) **Clustering:** I agree with Staffs analysis that details their significant concerns with the lack of clustering and that the lot layout does not echo the surroundings nor the HR-1 purpose requirements. Now is the time to solve this by denying this lot layout and configuration. This density and layout are not conforming to the code; and the density is more than the site can support. Per Good Cause, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and of Park City - the current layout does not work.

"A comparison of clustering of the surrounding neighborhoods had also been provided (Exhibit J from the April 8, 2015 staff report). This exhibit shows that the adjacent HR-L District and homes are clustered much more close together and the similar HR-7 District adjacent to that to have even smaller lot sizes, house sizes and are clustered even closer together than the adjacent HR-L District and the proposed plat which is also within the HR-

7 District. Instead of clustering the homes closer together, the Applicant proposes that the homes will be no more than two (2) stories with no limitation to the height other than the LMC limits and up to 5,000 sq. ft. (maximum total floor area) in size (including basement and garages) and up to 2,500 ft. in footprint; however very few homes within the Historic Districts compare to house size and lot size as is proposed by the Applicant. Staff's opinion is that the layout of the homes". From the Staff report.

11) Restrictions due to the Character of the Land: Land Management Code Section 15-7.3-1(D) shall apply, and states: "Land which the Planning Commission finds to be unsuitable for Subdivision or Development due to flooding, improper drainage, Steep Slopes, rock formations, Physical Mine Hazards, potentially toxic wastes, adverse earth formations or topography, wetlands, geologic hazards, utility easements, or other features, including ridge lines, which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the Subdivision and/or its surrounding Areas, shall not be subdivided or developed unless adequate methods are formulated by the Developer and approved by the Planning Commission, upon recommendation of a qualified engineer, to solve the problems created by the unsuitable land conditions. The burden of the proof shall lie with the Developer. Such land shall be set aside or reserved for Uses as shall not involve such a danger." PG L88 of 4/8115 Staff Report.

No information has been provided by the applicant to address the concerns of the very steep and steep slopes; which are numerous and have been brought up by this planning commission and by at least the previous 2 Commissions. Please be sure to address these issues now so that you don't create a project that is not viable by LMC standards.

According to Brent Bateman (Utah's Office of the Property Rights Ombudsman), who I believe gave the Planning Commission some training recently, related to steep slope development there can be "a compelling countervailing public interest" if analysis deems the proposed development unsafe.

12) Sensitive Lands: Has the Commission reviewed all the documents required per the SLO requirements and if so, do you agree with their analysis? Are there other studies you would like to see completed? I have to GRAMA request that information to be able to even see if it was submitted; much less with appropriate responses. Part of what needs to be completed for the lot within the SLO zone is a Site Suitability Analysis.

As part of the site suitability analysis I would like to see more information on access. In 2006 the applicant was asked to move the location for access away from what appears to be the proposed access due to the creation of major retaining and steep grade. I agree with the Planning Commission's recommendation from 2006 which did not support creating

an alternative access at platted Sampson creating more cuts, fills and visual impacts. It is also unclear why the applicant would want, or PCMC would support an awkward access just a few feet from the existing drive. Would these nightmare roads become part of the City's snow removal and ongoing maintenance responsibility? We keep revisiting the limitations of our Old Town "sub-standard" roads such as King, Sampson, Daly, and Ridge; yet we seem to make no progress on mitigating the impacts of new (or existing) development.

This proposed subdivision will likely set precedent for all the remaining platted, yet undeveloped, lots throughout Old Town. I am very concerned with the prospect of the last pieces of the wildland interface going the way of development based on a map drawn without topography and sight unseen from the East Coast in the late 18@'s. I believe we can create better places and do better planning in Park City in 2009 than to rely on maps and codes that no longer fit the place we have become.

13) **Traffic:** Using Traffic Engineers traffic generator numbers from ITE trip generation manual 9th edition, 9 lots with one single-family residential home per lot will generate 10 trips per day. That means 90 more vehicle trips just from the occupants alone - not counting UPS/Fed Ex, Garbage, Home Services, Cleaning, etc. That's a lot of traffic for a one and a half lane substandard road with a long steep grade and no outlet. This traffic has to go to the end of a dead end and add additional traffic to our roads which residents of Park City found to have unsatisfactory levels of service this winter. Assuming this subdivision would open the door and access to other lots in the area; it is feasible to assume 390 additional vehicle trips a day up and down King, Ridge and Daly.

Conclusions of Law

1. There is no good cause for this plat amendment given the arguments raised and discussed above including that it does not meet the Subdivision Code 15-7-3 Policy (b) as discussed above. Policy B states: Land to be subdivided or resubdivided, or Lot lines that shall be adjusted therein, shall be of such character that it can be used safely for Building purposes without danger to health or peril from fire, flood, landslide, mine subsidence, geologic hazards, or other menace, and land shall not be subdivided, re-subdivided, or adjusted until available public facilities and improvements exist and proper provision has been made for drainage, water, sewerage, and capital improvements such as schools, parks, recreation facilities, transportation facilities, and improvements.

2. It is unknown at this time whether appropriate sewer service or adequate water service can be provided to the proposed lots.

3. Per specific reasons stated above, the plat amendment is not consistent with the Park City Land Management Code, the General Plan, and the Streets Master Plan. See LMC

15-7-3. Policy (c) the proposed public improvements shall conform and be properly related to the proposals shown in the General Plan, Streets Master Plan, Official Zoning Map, and the capital budget and program of Park City.

4. The Subdivision Plat does not meet the purpose statements of the Subdivision regulations, including:

(A) To protect and provide for the public health, safety, and general welfare of Park City.

(B) To guide the future growth and Development of Park City, in accordance with the General Plan.

(C) To provide for adequate light, air, and privacy, to secure safety from fire, flood, landslides and other geologic hazards, mine subsidence, mine tunnels, shafts, adits and dump Areas, and other danger, and to prevent overcrowding of the land and undue congestion of population.

(D) To protect the character and the social and economic stability of all parts of Park City and to encourage the orderly and beneficial Development of all parts of the municipality.

(E) To protect and conserve the value of land throughout the municipality and the value of Buildings and improvements upon the land, and to minimize the conflicts among the Uses of land and Buildings.

(F) To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and other public requirements and facilities.

(G) To provide the most beneficial relationship between the Uses of land and Buildings and the circulation of traffic throughout the municipality, having particular regard to the avoidance of congestion in the Streets and highways, and the pedestrian traffic movements appropriate to the various Uses of land and Buildings, and to provide for the proper location and width of Streets and Building lines.

(H) To establish reasonable standards of design and procedures for Subdivisions, Resubdivisions, and Lot Line Adjustments, in order to further the orderly layout and Use of land; and to insure proper legal descriptions and monumenting of subdivided land.

(I) To insure that public facilities are available and will have a sufficient capacity to serve the proposed Subdivision, Resubdivision, or Lot Line Adjustment,

(J) To prevent the pollution or degradation of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; to minimize Site disturbance, removal of native vegetation, and soil erosion; and to encourage the wise Use and management of natural resources throughout the municipality in order to preserve the integrity, stability, and beauty of the community and the value of the land,

(K) To preserve the natural beauty and topography of Park City and to insure appropriate Development with regard to these natural features, and

(L) To provide for open spaces through the most efficient design and layout of the land, including the Use of flexible Density or cluster-type zoning in providing for minimum width

and Area of Lots, while preserving the Density of land as established in the Land Management Code of Park City.

5. Land Management Code Amendments regarding applicability of Master Planned Developments, Chapter 6. (Application PL-15-02803)

Commissioner Phillips returned to the meeting.

Chair Strachan thought the Planning Commission should discuss the over-arching issue of whether it is a good or bad idea to look at height exceptions outside of the MPD context before hearing the Staff presentation. He believed the policy needed to be addressed before moving forward. Assistant City Attorney McLean understood how the MPD discussion could morph into that discussion, but that specific piece was not noticed on the agenda. Ms. McLean recommended that the Planning Commission discuss the MPD and direct the Staff to come back with amendments regarding that particular policy. Chair Strachan did not believe the policy discussion was outside of the agenda because the two were connected.

Commissioner Joyce stated that he was absent from the meeting where one project had applied for an MPD and a height exception. It was determined that a mistake had been made and that an MPD was not allowed, but no one had caught the mistake until that evening. He understood that this LMC amendment came about as a solution for that project. Commissioner Joyce understood that the root problem was that the applicant designed a good project that was supported by everyone. The requested height exception affected a portion of the building and the only way the height exception could be granted was through the MPD process. He stated that there are times when the Planning Commission sees value in providing a height exception within a limited set of restrictions. Commissioner Joyce felt they were about to throw away the entire MPD process, which is designed for large projects such as Park City Heights and the Hospital.

Commissioner Campbell thought Commissioner Joyce was making it more complicated. He pointed out that the threshold got bigger not smaller over the past few years and the intent is to turn it back. He clarified that they were not forcing anyone into an MPD.

Commissioner Joyce asked if they wanted to create a hurdle where if someone wanted a height exception, the only solution would be to go through the entire MPD process with all the associated requirements. Commissioner Campbell believed the amendment would give the Planning Commission more flexibility. Commissioner Joyce was concerned about the hurdle for the small developer, and the project that started this discussion was a perfect example. He was also concerned about creating a solution for one project. Commissioner Campbell suggested that they solve the problem for one project this evening, and ask the

EXHIBIT B

Planning Commission Staff Report



PLANNING DEPARTMENT

Subject: Alice Claim aka Alice Lode
Subdivision & Plat Amendment
Project #: PL-08-00371
Author: Christy Alexander, AICP, Planner II

Date: June 10, 2015
Type of Item: Legislative – Subdivision & Plat Amendment

Summary Recommendations

Staff recommends that the Planning Commission hold a public hearing for the Alice Claim Subdivision and Plat Amendment located at approximately Alice Claim south of intersection of King Road, Ridge Avenue and Sampson Avenue and consider forwarding 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.

Staff reports reflect the professional recommendation of the Planning Department. The Planning Commission, as an independent body, may consider the recommendation but should make its decisions independently.

Topic

Applicant: King Development Group, LLC ("Applicant" or "King Development")
Location: Alice Claim south of intersection of King Road, Ridge Avenue and Sampson Avenue
Zoning: Historic Residential (HR-1) and Estate (E) Districts with Sensitive Lands Overlay (SLO)
Adjacent Land Uses: Open Space and Residential (developed and undeveloped)
Reason for Review: Planning Commission review and recommendation to City Council

Proposal

The Applicant is proposing that the Planning Commission consider the application of a nine (9) lot Preliminary and Final subdivision on 8.65 acres and a Plat Amendment on 0.38 acres, located at approximately the intersection King Road and Sampson Avenue within the City's Historic Residential (HR-1) and Estate (E) Districts with Sensitive Lands Overlay (SLO). One lot is within the Estate (E) District and is 3.01 acres in size. The other eight (8) lots are within the Historic Residential (HR-1) District and range in size from 7,714 square feet to 7,910 square feet. Because there are less than ten (10) lots being proposed, the Master Planned Development criteria don't apply.

The current plan will also include a plat amendment that will remove existing lot lines on contiguous platted lots encumbered by the existing King Road and Sampson Avenue. If approved, the property will be dedicated to the City as right-of-way.

Background

On May 23, 2005, the City received a completed Plat Amendment application for the Alice Claim Subdivision (also known as "Alice Lode"). The Alice Claim is located within the Historic Residential (HR-1) and Estate (E) Districts with Sensitive Lands Overlay (SLO) zoned property south of the King Road, Sampson Avenue, Woodside Gulch and Ridge Avenue intersection. The property is comprised of 8.65 acres and includes platted lots and a "metes and bounds" parcel.

Contiguous to this site are Historic Residential Low (HRL) zoned lots under the same ownership. The two contiguous lots which are owned by the same owner are Lots 1 and 2 of the Ridge Avenue Subdivision. Lot 1 is improved with a contemporary house, Lot 2 is vacant. The applicant is requesting that these two lots not be part of this subdivision.

The rest of the contiguous Lots are within the Park City Survey (Lots 1-7 and 36-40, Block 77) and are mostly encumbered by existing King Road and Sampson Avenue; thus rendering portions of them undevelopable. The Applicant is requesting the Planning Commission consider the proposed subdivision for the nine (9) proposed lots and a plat amendment for the existing encumbered Lots 1-7 and 36-40, Block 77.

This area, historically known as Woodside Gulch, has some mining history and served as an early access to the Silver King Mine further up the gulch. The City owns an adjacent and bisecting parcel of land where a City-owned potable water tank and water lines are located. The City-owned parcel includes a 30 foot wide strip of land extending from the water tank site to the existing Ridge Avenue Subdivision bisecting the Applicant's proposed subdivision property. The City-owned strip of property contains a raw water pipeline and a potable water transmission line which extends from the water tank to the Ridge Avenue Subdivision. The raw water line and the potable water line continue through the Ridge Avenue Subdivision to King Road within an existing driveway and a public utility easement. A second existing potable water transmission line, which is scheduled to be abandoned upon completion of the new potable water line on City-owned property, extends through the subject property. Additionally, access to the existing water tank and pump station is via an existing unpaved access roadway across the subject property. The access is provided by a recorded grant of easement which will be slightly modified (see Subdivision Layout within Exhibit A).

Please reference the October 8, 2014 Staff Report for the brief subdivision timeline and brief timeline of events related to the Alice Claim property Voluntary Clean-Up Program (VCP).

The applicant has submitted a Draft Site Mitigation Plan to the Utah Department of Environmental Quality, but a Site Management Plan and Environmental Covenant have not been completed. The VCP is still active and the site has not been given a completion letter from the UDEQ. The Applicant will need to receive a final Certificate of Completion for remediated soils from the UDEQ prior to building permit approval. **This has been listed as a condition of approval.**

A summary of the Commissioner's concerns and items requested at the October 8, 2014 Work Session can be referenced in the April 8, 2015 Staff Report.

At the April 8, 2015 Planning Commission meeting, the Applicant presented and discussed the revised site plan dated March 15, 2015, as depicted in the copies attached as exhibits in that meeting's staff report. The minutes from the April 8, 2015 meeting are attached hereto as Exhibit M.

At the April 8, 2015 meeting the Commission focused on the following concerns:

- Need for more clustering/Change layout
- Site suitability with slopes/Possible geotechnical issues/Buildability
- Further terracing, mitigation and landscaping the retaining walls
- Reducing cut and fill and need for so many retaining walls.
- Reduce disturbance on each lot
- Compatibility with HR-1 zone
- Lot 7 concerns
- Request for staff to evaluate building on steep slopes
- Define Open Space conservation easement
- Access

On May 4, 2015 the applicant submitted updates and an amended site plan to their application in response to the April 8th hearing. They updated the site plan, plat, open space and trails, retaining walls and responded to some of the items the Commission requested. Additional Revisions and amendments were submitted on May 18, 2015 which amended the May 4, 2015 submittal in response to staff comments and questions. The attached exhibits show the most up to date submittals and are what the applicant wishes to be reviewed for their application. Staff did not have adequate time to review the May 18, 2015 submittal in time for the May 27, 2015 Planning Commission and therefore decided to continue the item to the June 10, 2015 meeting for proper review.

With the May 4, 2015 submittal, the applicant slightly changed the layout of the subdivision to bring Lot 7 off of the very steep slope and clustered closer to Lot 6 (Exhibits E & G). This change in layout eliminated the need for a drive and the bridge which crossed the City property. It also allowed the Drive B to Lots 2-7 to cross a smaller change in elevation, creating less of a need for high retaining walls. All retaining walls surrounding Lots 2-7 (Exhibit J) will now be 6' and under and allow for further terracing and landscaping to visually mitigate the impacts of the walls. The

applicant also further terraced the retaining walls at the entry to be 3 walls at 10' each (Exhibit I), and providing for further landscaping to mitigate the visual impacts of the walls. The applicant also submitted a Geotech report (Exhibit N) and a geotechnical consultants letter (Exhibit O) in regards to the existing mine shaft which the City Engineer reviewed and indicated that the report showed no issues with site suitability with slopes and buildability of the land for both the mine and the soils.

Purpose of "HR-1" and "E" Zoning Districts

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.

The purpose of the Estate (E) District is to:

- (A) Allow very low density, environmentally sensitive residential Development which:
 - (1) Preserves ridge tops, meadows, and visible hillsides,
 - (2) Preserves large, cohesive, unbroken Areas of Open Space and undeveloped land,
 - (3) Preserves and incorporates wetlands, drainage ways, and intermittent streams as amenities of Development,
 - (4) Mitigates geologic and flood hazards,
 - (5) Protects views along the City's entry corridors, and
 - (6) Decreases fire risk by keeping Development out of sensitive wild land interface Areas.
- (B) Incorporate pedestrian trail linkages between and through neighborhoods; and
- (C) Encourage comprehensive, efficient, Compatible Development which results in distinct and cohesive neighborhoods through application of the Sensitive Lands Ordinance.

Analysis

Estate Lot

The zoning for Lot 1 is Estate and is subject to the following criteria:

Regulation	Permitted	Proposed
Height	No Structure may be	Maximum height is

	erected to a height greater than twenty-eight feet (28') from Existing Grade.	twenty seven eight (28') and no home can exceed this requirement; Applicant has not proposed the height for the estate lot home at the time of this report.
Lot size and density	Lot 1 (Estate): The minimum lot size is three (3) acres. The Planning Commission may reduce the minimum Lot size during review of a subdivision plat to encourage clustering of Density.	Lot 1: 3.01 acres Proposed maximum footprint area (square feet) by the Applicant: Lot 1 (Estate): 2500 sf
Lot width	The minimum Lot Width is one hundred feet (100')	Approximately 120 feet wide.
Front setback	30' for Estate Lot	Applicant is requesting a reduction of the setbacks for Lot 1 within the Estate zone to be 15' for front setback. Planning Commission would need to grant that request based on discussion above.
Rear setback	30' for Estate Lot	Applicant is requesting a reduction of the setbacks for Lot 1 within the Estate zone to be 10' for rear setback. Planning Commission would need to grant that request based on discussion above.
Side setbacks	30' for Estate Lot	Applicant is requesting a reduction of the setbacks for Lot 1 within the Estate zone to be 10' for both side setbacks. Planning

		Commission would need to grant that request based on discussion above.
Parking	Two (2) off-street spaces required for each dwelling	Two (2) spaces proposed.

The Estate District lot (Lot 1) is within the Sensitive Lands Overlay (SLO) and is thus subject to the regulations of LMC 15-2.21. The lot has Steep Slopes (15%-40%), Very Steep Slopes (greater than 40%) and a Stream Corridor. A Slope Analysis map was provided by the Applicant (See Exhibit P: Sensitive Lands Analysis) showing the various slope categories. The following steps need to and have been completed:

LMC 15-2.21-2(A) **SENSITIVE LANDS ANALYSIS.** Applicants for Development within the SLO must identify the Property's sensitive environmental and aesthetic Areas such as Steep Slopes, Ridge Line Areas, wetlands, Stream Corridors, wild land interface, and wildlife habitat Areas, and provide at time of Application a Sensitive Land Analysis. Every annexation must provide a Sensitive Land Analysis. *The Applicant has submitted this as Exhibit P and meets the LMC requirements.*

LMC 15-2.21-2(C) **SITE DEVELOPMENT SUITABILITY DETERMINATION.** Staff shall review the Sensitive Land Analysis, apply the applicable Sensitive Land Overlay (SLO) Regulations, Sections 15-2.21-4 through 15-2.1-9, and shall prepare a report to the Applicant and the Planning Commission identifying those Areas suitable for Development as Developable Land. Staff has determined that the Applicant meets all regulations based on the location of the buildable area being at the low point of the canyon where Lot 1 is proposed, the maximum footprint of 2,500 sf that will not be benched or terraced, retaining walls are addressed within the concurrent CUP and not located near or on Lot 1, the development will have no adverse impact on adjacent properties, the density is compatible with that of adjacent HR-1 properties within the proposed subdivision, Staff has placed a condition of approval that the Applicant **will be required at HDDR application review for the home on Lot 1 to adopt appropriate mitigation measures such as landscaping, screening, etc. to buffer the adjacent properties from the Developable Land.**

The previously proposed location of the house on Lot 1 was on Steep (15% - 40%) and Very Steep Slopes (greater than 40%). After the October 2014 Planning Commission meeting, the Applicant revised the site plan to bring the home on Lot 1 much further down the hillside, as the Commissioners suggested and to meet Code by being off the Very Steep Slopes, and closer to Lots 7 and 8. As proposed Lot 1 is now on a slope of 31% which is only considered Steep and not Very Steep and is the same slope on the May 18, 2015 plans as it was for the April 8, 2015 meeting. Within the SLO, 100% of the Very Steep Slopes shall remain as Open Space (LMC

15-2.21-4(I), no vegetation can be disturbed within fifty (50) vertical feet in elevation of Very Steep Slopes, and no Development can occur within fifty (50) feet, map distance, of Very Steep Slopes unless the Planning Commission makes findings as listed in LMC 15-2.21-4(A): All of the Very Steep Slopes found on Lot 1 now as proposed remain as open space, no vegetation is proposed to be disturbed within 50 vertical feet in elevation of Very Steep Slopes and no development is proposed within 50 feet distance. The home on Lot 1 is approximately 135 feet away from the Very Steep Slopes and the private drive running across Lot 1 is approximately 60 feet away from the Very Steep Slopes.

The Estate Lot in accordance with the May 18, 2015 submittal is lower on the hillside and the Applicant is requesting a reduction in the setback requirements for this lot, from the Planning Commission, to a 15' front, 10' both sides and 10' rear setback from the required 30' front, 30' side and 30' rear setbacks for this District. As per LMC 15-2.10-3 (C) The Planning Commission may vary required yards in Subdivisions. In no case shall the Planning Commission reduce Side Yards to allow less than ten feet (10') between Structures. The Applicant meets these requirements and proposes approximately 68' between structures. Staff recommends granting these reductions in setbacks so that the home on Lot 1 can be placed further down the hillside as shown on the current proposed site plan thus avoiding the Very Steep Slopes.

The applicant has proposed a no disturbance area of the Estate District lot of 2.62 acres, which is 87% of the total 3.01 acre Estate District lot. As per LMC 15-2.21-4 (H): the following Open Space and Density regulations apply:

- (1) 75% of the steep slope area must remain as open space; the applicant proposes 87% and the building pad is illustrated on the site plan.
- (2) 25% of the Steep Slope area may be developed in accordance with the underlying zoning subject to the following conditions:
 - a. The maximum density on developable land within a steep slope area is governed by the underlying zoning and proof that the proposed density will not have a significant adverse visual or environmental effect on the community. *The applicant proposes limiting the footprint to the same size of 2,500 sf to be consistent with the footprints of the other 8 HR-1 lots within the subdivision.*
 - b. The developable land in the steep slope area is that area with the least visual and environmental impacts, including the visual assessment, and considering the visual impact from key vantage points, potential for screening location of natural drainage channels, erosion potential, vegetation protection, Access, and similar site design criteria. *The applicant has proposed development on the lowest and least steep portion of the lot, and based on the building pad and allowed height the proposed location will have the least impacts.*
 - c. The applicant may transfer up to 25% of the densities from the open space portion of the site to the developable land. *The applicant does not propose this transfer.*

- d. The applicant must prove that the development will have no adverse impact on adjacent properties
 - i. The density is compatible with that of adjacent properties. The density of the estate lot is proposed to be the same as adjacent HR-1 properties within the subdivision in regards to footprint size. The height, however, will not be limited as it will be in the HR-1 zone.
 - ii. The architectural detail, height, building materials, and other design features of the development are compatible with adjacent properties. *This will be mitigated during the HDDR process and will need to be part of the CC&Rs for the HOA.*
 - iii. The applicant has adopted appropriate mitigation measures such as landscaping, screening, illumination standards, and other design features to buffer the adjacent properties from the developable land. *This will be mitigated during the HDDR process and will need to be part of the CC&Rs for the HOA.*

The Applicant proposes to deed this open space to a third party. No dedication has occurred at the time of this report. This open space will still remain part of the lot if it is deeded to a third party land conservancy and therefore would have to be a conservation easement. While there is no requirement that the open space be deed in an easement to a third party, staff recommends placing a note on the plat which requires the area outside of the building pad area remain open space with no disturbance or structures.

The stream corridor is also protected within the Sensitive Lands Overlay as provided in the LMC:

LMC 15-2.21-6(C) "No person shall disturb, remove, fill, dredge, clear, destroy or alter any Area, including vegetation, surface disturbance within wetlands and Stream Corridors and their respective Setbacks, except as may be expressly allowed herein."

The setbacks required per LMC 15-2.21-6(F) for stream corridors are a minimum of fifty feet (50') outward from the Ordinary High Water Mark. There is no exception to this 50' setback in the LMC other than Hardship Relief under LMC 15-2.21-2(D) which states: If the Applicant demonstrates that the regulations would deny all reasonable Use of the Property, the Planning Commission may modify application of these (SLO) regulations to provide the Applicant reasonable Use of the Property.

The proposed subdivision creates a driveway for Lot 1 within the fifty foot (50') setback area from the stream corridor within the Estate zone with Sensitive Lands Overlay. In the January 23, 2015 submittal, the Applicant proposed to culvert the stream underground so as to divert from the 50' setback requirement. The culvert will address this problem as the stream will no longer be above ground within 50' of the home on Lot 1 (see Exhibit A). This proposal, like any change to the stream, will

require a Stream Alteration Permit from the State of Utah and may require an amendment to the Voluntary Clean-up Program remediation with the Utah Department of Environmental Quality. The Stream Alteration Permit and the installation of the culvert pursuant to that permit will be required prior to plat recordation. If the Applicant does not obtain the Permit or install the culvert to thereby remove the stream setback violation the plat will not be able to be recorded and any approvals shall be null and void. The applicant would then need to submit a new application with a design that meets the 50' setback requirements. Any amendments to the Voluntary Clean-up Program remediation will be required prior to any Building Permit approvals. **These items have been listed as conditions of approval.**

Historic Residential Zone

The zoning for the Lots 2-9 is HR-1 and is subject to the following criteria:

Regulation	Permitted	Proposed
Height	27 feet above existing grade, maximum. 35 feet above existing grade is an exception permitted for a single car garage on a downhill lot upon Planning Director approval.	Maximum height is twenty seven feet (27') and no home can exceed this requirement; Applicant is proposing 2 stories max; Staff is proposing height limit of twenty five feet (25') max for a 2 story home which will be listed as a condition of approval.
Lot sizes:	Footprint based on lot area based on LMC requirements at time of application.	Proposed maximum total floor area of each home is 5,000 square feet (including basement and garages). Proposed maximum footprint area (square feet) by the Applicant: 2500 sf
Lot 2: 0.18 acres	Lot 2: 2500.3 sf	Lot 2: 2500 sf
Lot 3: 0.18 acres	Lot 3: 2500.3 sf	Lot 3: 2500 sf
Lot 4: 0.18 acres	Lot 4: 2500.3 sf	Lot 4: 2500 sf
Lot 5: 0.18 acres	Lot 5: 2500.3 sf	Lot 5: 2500 sf
Lot 6: 0.18 acres	Lot 6: 2504.7 sf	Lot 6: 2500 sf
Lot 7: 0.18 acres	Lot 7: 2535.8 sf	Lot 7: 2500 sf
Lot 8: 0.18 acres	Lot 8: 2500.3 sf	Lot 8: 2500 sf
Lot 9: 0.18 acres	Lot 9: 2500.3 sf	Lot 9: 2500 sf

Front setback	Depends on lot depth; ranging from a minimum 10' to 15';	
Rear setback	Depends on lot depth; ranging from a minimum 10' to 15';	
Side setbacks	Depends on lot width; ranging from a minimum 3' to 10' and 6' to 30' total;	
Parking	Two (2) off-street spaces required for each dwelling	Two (2) spaces proposed for each dwelling
Final Grade	Final grade must be within four (4) vertical feet of existing grade around the periphery of the structure.	
Vertical Articulation	A ten foot (10') minimum horizontal step in the downhill façade is required unless the First Story is located completely under the finish Grade on all sides of the Structure. The horizontal step shall take place at a maximum height of twenty three feet (23') from where Building Footprint meets the lowest point of existing Grade.	
Roof Pitch	Between 7:12 and 12:12. A roof that is not part of the primary roof design may be below the required 7:12 roof pitch.	

Based on the analysis above, the average lot size (excluding the Estate Lot) is 0.18 acres (7,714 square feet); the average allowed maximum footprint is 2,500 square feet. Based on analysis for other nearby developments (Exhibit S in the April 8, 2015 staff report), the proposed lot size and footprints would far exceed the vast

majority of those within the nearby developed areas (King Road, Sampson Avenue and Ridge Avenue). For example the average lot size on nearby Sampson Avenue is 0.13 acres and the average footprint is 1,314 square feet. Due to the footprint of the homes proposed to be nearly twice the size of the average footprints in the nearby neighborhoods, staff's opinion is that the footprints as proposed do not comply with the HR-1 Purpose Statement, specifically the following:

(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,

In order for the homes to be more compatible with such large footprint, Staff concurs with the applicant's stipulation to placing conditions of approval on the plat that the homes shall be limited to 5,000 square feet maximum total floor area including basement and garages, two stories, and no more than 25 feet maximum building height from existing grade. Staff recommends if the homes are allowed the larger footprint than what is average in the surrounding neighborhoods, then the overall square footage, height and stories should be limited. All homes in the proposed subdivision will need to go through a full Historic District Design Review process and Steep Slope CUP applications if necessary. Applicant stipulates to these conditions.

Access

Currently, legal access to the property is proposed to be gained through the platted but un-built King Road right-of-way. This access point is approximately 50 feet west (off-set) of the King Road – Ridge Avenue intersection where King Road turns north. Ideally, the primary access would be through the existing Woodside Gulch right-of-way, thus avoiding the need to build a new road, however this access isn't possible because legal access has not been secured over the private property at 135 Ridge Avenue. The Applicant states that the King Road right-of-way access (north access) would create a driveway gradient of 14% versus 14.2% for the Woodside Gulch road. The proposed northern access would also require tiered retaining walls (upwards of 10 feet in height) on the western side as the road would cut into the toe of the slope would protect the existing mature trees. Without access over the private property at 135 Ridge Avenue, the Applicant's only proposed access is using the platted King Road right-of-way.

At the April 8, 2015 meeting, the adjacent neighbors stated that they would be interested in working towards an agreement to use the existing access. This has not been resolved at the time of this report and therefore the Applicant desires to move forward as proposed. The Code requires a Conditional Use Permit from the Planning Commission, which is being heard concurrently with this Subdivision application, for any retaining walls over 6 feet in height.

The proposed access to the Alice Claim Subdivision is at a point, although offset, where essentially four existing roadways meet, King Road, Sampson Avenue,

Woodside Gulch, and Ridge Avenue. The proposed Alice Court would be a fifth point of access in the existing intersection.

The Applicant does not propose to dedicate streets within the proposed development to the City but will complete the proposed Alice Court to meet City Standards for emergency access and parking. If the Applicant decides to offer the streets for dedication at a later date, all of the streets will need to meet all City Standards, including right-of-way widths, minimum street widths, cul-de-sac standards, stubbed street standards, grading requirements, etc. (Even if the streets are offered for dedication, the City is not required to accept the dedication) All of the roads within the proposed subdivision are proposed to be private drives at this time. Private drives shall not exceed 14% gradients and the Applicant has shown the drives meeting this requirement at 14%.

The existing City's easement for access has been revised on the plat to incorporate trails and the City's access easement changed by the Alice Court road. The Applicant will need to receive City Council's approval to give them an access over the City's property through Alice Court, which will have water lines, storm drainage, sewer, etc. as well as use of the City Property for the Alice Court road (See Exhibit F). This will need to occur prior to plat recordation and has **been listed as a condition of approval.**

With the May 4, 2015 revision to the site plan, Drive B up to Lots 2-7 is no longer as steep an access and associated retaining walls required to service a single home have become smaller in height and can be terraced at 6' heights. The drive and bridge up to the previous location of Lot 7 has been eliminated altogether.

Slope

According to the Slope Analysis provided by the Applicant (Exhibit P), 2.7% of the land located in the HR-1 zone is under 15% slope, 21.7% is 15-40% slope (defined as a Steep Slope), and 75.6% is over 40% slope (defined as a Very Steep Slope). Below is a table of the average slopes of each lot as revised by the May 4, 2015 submittals:

Lot 1	31%
Lot 2	48%
Lot 3	50%
Lot 4	44%
Lot 5	48%
Lot 6	50%
Lot 7	43%
Lot 8	47%
Lot 9	26%

The proposed building pad areas on proposed Lots 2, 3, 4, 5, 6, 7, and 8 are all on Very Steep Slopes (over 40%). The Applicant has shown on the plat the limits of disturbance as a diagonal line from the proposed footprints to the proposed lot lines which have not been limited since the last meeting and are not legible, Staff recommends a condition of approval that the Applicant clarify the LOD lines to be able to quantify the square footage. Only the proposed building pad area on Lot 9 (and the estate lot, lot 1) is on slopes less than 30%. All of the lots, except the Estate Lot are outside the SLO, however the following Subdivision regulations (LMC 15-7.3-1(D)) should be discussed by the Planning Commission:

“Restrictions Due to Character of the Land: Land which the Planning Commission finds to be unsuitable for Subdivision or Development due to flooding, improper drainage, Steep Slopes, rock formations, mine hazards, potentially toxic wastes, adverse earth formations or topography, wetlands, geologic hazards, utility easements, or other features, including ridgelines, which will be reasonably harmful to the safety, health and general welfare of the present or future inhabitants of the Subdivision and/or its surrounding Areas, shall not be subdivided or developed unless adequate methods are formulated by the Developer and approved by the Planning Commission, upon recommendation of a qualified engineer, to solve the problems created by unsuitable land conditions. The burden of the proof shall lie with the Developer. Such land shall be set aside or reserved for Uses as shall not involve such a danger.”

The Applicant has provided information regarding the mitigation of potential hazards due to the Steep and Very Steep Slopes. Staff had previous concerns on developments over 40% slopes with the soils and massing of homes. The Geotech report reviewed by the City Engineer demonstrated that the soils are acceptable and staff believes the Steep Slope CUPs will mitigate the massing of homes on such a steep slope and the Planning Commission will have full review of those applications just as they have previously with other lots that steep within the HR-1 District. Staff had initial concerns for existing mine hazards that may be open as a historic mine shaft exists on this property to which the Applicant submitted Exhibit O demonstrating that the mine shaft is filled. Any structures near the mine shaft shall be setback 10' if the mine shaft is filled, which the current plans and engineer's letter show that it is filled. The mine shaft needs to be shown on the plat. The City Engineer has reviewed the Geotech report (which addressed the site holistically considering all steep slopes and not individual home locations) and mine shaft conditions report (which is just about the mine) and indicates that the report shows the ground is stable, with bedrock below. The City Engineer found that the report reflects that the ground conditions, existing mine shaft, and slopes are safe to build upon. He will be at the Planning Commission meeting to answer any questions from Commissioners in this regard. Prior to Building permit approval the applicant will be required to submit Geotech reports for individual home sites which meet the City Engineer's approval. After the City Engineer review of the Geotech report and sensitive lands analysis, and future review of each home by the Planning

Commission for Steep Slope CUPs, staff recommends allowing the applicant to develop on such steep slopes with the conditions of approval listed in the ordinance.

The Applicant took the Planning Commission's concerns at the April 8, 2015 meeting into consideration and moved Lot 7 off of the previously proposed Very Steep Slope to a less steep part of the subdivision and clustered it adjacent to Lot 6.

In regards to ridgelines, staff's determination is that the location of Lots 8 and 9 are not on a ridgeline. Primarily, the City Ridgeline Map does not define the locations of Lots 8 and 9 as a ridgeline. The attached City ridgeline map (Exhibit Q) shows a ridgeline (shown as a broad-brush orange line at a distant scale) that ends well before reaching these lot locations, to the best of our ability to interpret this scale map. We feel that a more reasonable site-specific interpretation of the ridgeline's extent is that it stops much farther to the South (and upslope) from Lot 8. On site, it is clear that lots 8 and 9 are situated down near the toe of this slope and could not be visually interpreted as a ridgeline – either on site or from cross-valley vantage points.

In the revised site plan and Plat, the applicant has lowered Lots 8 and 9 further, and removed Lot 7 from the higher slope altogether.

Beyond this City map, the LMC addresses ridgelines in several areas, although a Ridgeline is never specifically defined in the code. Section 15-7.3-1D of the LMC states that development of ridgelines may be potential safety concerns, but the applicant has demonstrated in their previous 'build-ability' submittal that no such safety concerns exist on this site. Section 15-7.3-2D states that ridges should be protected from development that would be visible on the skyline from the designated Vantage Points. The LMC definitions list 11 vantage points. The applicant had reviewed these vantage points with previous planning staff and had been asked to do photo simulations from those points that might have a view of the site. Those photo simulations have been included in previous submittals and as Exhibit R in this packet.

Clustering

The General Subdivision Requirements (LMC 15-7.3-2(E)) Open Space reads:

"Units should be clustered in the most developable and least visually sensitive portions of the Site with common open space corridors separating clusters. This applies to both multi-family and single family projects. The open space corridors should be designed to coincide with Significant Vegetation and in many cases, should be left in the natural state."

The Applicant has provided an existing vegetation plan with the larger conifers to remain as discussed in previous years (Exhibit L: Vegetation Cover from the April 8, 2015 staff report). Outside of the stream channel, the disturbance from previous mining activities and the recent remediation, most of the rest of the site has stands

of oak, maple and aspen in addition to areas of smaller shrubs and grasses. The Applicant has provided a Visual Analysis Study (Exhibit I from the April 8, 2015 staff report).

A change to the home location on the Estate lot was proposed in response to the Planning Commission's prior feedback that the most developable portion of the site is at the bottom of the canyon where utilities, emergency vehicle access, and the least amount of disturbance of the land is best achieved. A comparison of clustering of the surrounding neighborhoods had also been provided (Exhibit J from the April 8, 2015 staff report). This exhibit shows that the adjacent HR-L District and homes are clustered much more close together and the similar HR-1 District adjacent to that to have even smaller lot sizes, house sizes and are clustered even closer together than the adjacent HR-L District and the proposed plat which is also within the HR-1 District.

Instead of clustering the homes closer together, the Applicant proposes that the homes will be no more than two (2) stories with no limitation to the height other than the LMC limits and up to 5,000 sq. ft. (maximum total floor area) in size (including basement and garages) and up to 2,500 ft. in footprint; however very few homes within the Historic Districts compare to house size and lot size as is proposed by the Applicant. Staff's opinion is that the layout of the homes is not as compatible to the historic density and clustering of homes within the nearby HR-1 and HR-L districts as it could be. The Planning Commission also had similar concerns with the proposed lack of clustering homes closely together. For this reason, the applicant brought Lot 7 down and adjacent to Lot 6 to be more clustered. With the footprints as proposed, Staff recommends and has placed conditions of approval that the building height should be limited to 25 feet, homes limited to two stories and maximum total square footage be limited to 5,000 square feet, so as to lower the height of the homes as they are spread out wider than other homes within the nearby HR-1 and HR-L zones.

Water Delivery Issue

Staff was previously informed by the Park City Water Department, that all of the Alice Claim property proposed for development may not be serviceable by the current City water system due to low water pressure. The low water pressure is due to the small elevation difference between the proposed development's elevation and the Woodside Tank's elevation. The Applicant was informed about this issue and is responsible for modeling the water service to the development and if it is still insufficient they will need to provide a remedy. The Applicant has prepared a water model addressing the limitations of the current water system on the proposed development (including factors such as the ability to meet: acceptable water system pressures and fire flow requirements to each home site (indoor and outdoor pressures are not adequate), the Fire Marshal's site specific requirements, and Division of Drinking Water regulations). Proposed Lots 1-4 and 8 as shown on the proposed plat are likely the lots most affected. The Applicant was to confirm the

elevation of each of the proposed building sites to determine the affected sites and either redesign the project accordingly, or work with the Water Department to determine the best solution. At the time of this report, the Water Department, Fire, Building and Engineering have received a revised letter from the Applicant's engineer addressing the previously submitted Water Model that will meet the City's requirements. With the change of location of Lot 7, the Water Department believes this will make the situation better than before. Any revisions to the previously submitted model will need to meet acceptable water pressure flows in order for the subdivision to meet water requirements. **This is listed as a specific condition of approval.**

The Assistant Fire Chief also required that the Applicant provide water modeling to demonstrate the available pressure for the fire sprinkler system design for Lots #2 and 7 which the Applicant has demonstrated can be achieved.

Sewer Utility Issue

Staff was informed by the Snyderville Basin Water Reclamation District that the Applicant has only met with them briefly prior to the April 8, 2015 meeting besides almost 10 years ago when the application was first submitted to discuss utility location and placement within the proposed roadways. The Sewer District has concerns regarding the placement of the sewers in relation to the retaining walls and in relations to other utilities. **This will need to be remedied before the proposed plat can be signed by SBWRD prior to plat recordation and is listed as a specific condition of approval.** The Applicant is aware of the Sewer Districts concerns and will work to obtain a Line Extension Agreement upon approval of the plat. The sewer design could affect the entire layout of the subdivision and if any changes are made to the layout of the subdivision upon SBWRD's approval, this approval shall be null and void and an application to amend the Ordinance and plat shall need to be submitted and be reviewed and go through the entire process including internal review, planning commission and city council review. Nothing has changed in respect to the Sewer District since the last meeting on April 8, 2015.

Good Cause

Planning Staff finds there is good cause for this subdivision with the appropriate items described in the analysis being incorporated as conditions of approval. There may be future geographical visual impacts to the City as a result of this application with respect to additional site stabilization, proposed retaining walls, and other unforeseen issues related to development within steep slope areas that can be addressed at the time of Steep Slope CUP applications.

Department Review

Staff took the project back before the Development Review Committee on September 9, 2014, February 10, 2015, March 24, 2015, and May 12, 2015. Engineering continues to express concerns with the site access, SBWRD continues to express concern with lack of sewer lateral design but the applicant will need to

continue to work with them until all requirements are satisfied in order for SBWRD to sign the plat. Each of these concerns however have been incorporated into conditions of approval. Planning's concerns are appropriate clustering of homes within the HR-1 district and visual impacts of such tall retaining walls in a historic residential district which the applicant has taken an attempt to mitigate.

Notice

The property was posted on February 11, 2015 and notice was mailed to property owners within 300 feet in accordance with requirements of the LMC on February 11, 2015. Legal notice was also published in the Park Record on February 6, 2015 and on the public notice website in accordance with the requirements of the LMC on February 9, 2015.

Public Input

Public comment was taken during the various past meetings held to discuss the project. The various Planning Commission meeting minutes will reflect that public input. Any public comment received prior to the meeting will be forwarded to the Planning Commission.

Process

This application is for a major subdivision and plat amendment as defined in 15-7.1-3(A) (2). A major subdivision requires a Preliminary Plat and a Final Plat although the Planning Commission may, at its sole discretion, combine the required hearings for both preliminary and final Subdivision Plat approval. Staff is recommending the hearings be combined and a final Subdivision Plat is considered. The approval or denial of this subdivision and plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18. Any retaining walls over 6 feet will require a CUP. Any new structures may require a Steep Slope CUP and all will require a Historic District Design Review. A Building Permit is publicly noticed by posting of the permit.

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council for the Alice Claim Subdivision and Plat Amendment as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the Alice Claim Subdivision and Plat Amendment and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on the subdivision and plat amendment to a date certain and provide specific direction to the applicant and/or staff to provide additional information necessary to make a recommendation on this item.

Significant Impacts

There are no immediate significant fiscal impacts to the City from this application. If construction on the site were permitted, it will require a detailed Construction

Mitigation Plan (CMP) to protect existing development located near the proposed subdivision. Site stabilization might also be an important consideration depending upon the amounts of vegetation proposed to be removed as a result of the proposed development. A geotechnical report has been previously submitted and reviewed. Previous mining activities, strong ground motion, slope stability, debris flow and avalanche, shallow bedrock and perched groundwater are the most significant engineering geology and geotechnical aspects which could affect design and construction at the site. Most, if not all of the lots in the HR-1 zone will require Steep Slope Conditional Use Permits. Each home, including the home within the "Estate" zoning designation, will require a Historic District Design Review prior to home design and construction.

Consequences of not taking the Suggested Recommendation

The parcels would remain as is and no construction could take place.

Recommendation

Staff recommends that the Planning Commission hold a public hearing for the Alice Claim Subdivision and Plat Amendment located at approximately Alice Claim south of intersection of King Road, Ridge Avenue and Sampson Avenue and consider forwarding 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.

Exhibits

Exhibit A – Proposed Plat
Exhibit B – Existing Conditions Survey
Exhibit C – Vicinity & Zoning
Exhibit D – Aerial
Exhibit E – Revised Site Plan
Exhibit F – Revised Utility & Grading Plan
Exhibit G – Comparison of Old and Revised Site Plans
Exhibit H – Revised Open Space & Trail
Exhibit I – Revised Retaining Wall Illustrations & Site Sections
Exhibit J – Sample of 6' and 4' Retaining Walls Illustration
Exhibit K – PC Concerns Response Letter
Exhibit L – Buildability Response Letter
Exhibit M – Minutes from April 8, 2015 Planning Commission Meeting
Exhibit N – Geotech Report
Exhibit O – Mine Claim Geotechnical Consultants Letter
Exhibit P – Sensitive Lands Analysis
Exhibit Q – City Ridgeline Map
Exhibit R – Photo Simulations
Exhibit S – April 8, 2015 PC Staff Report
Exhibit T – October 8, 2015 PC Staff Report

Exhibit A – Draft Ordinance with Proposed Plat

Ordinance 15-

AN ORDINANCE APPROVING THE ALICE CLAIM PLAT AMENDMENT AND SUBDIVISION PLAT, LOCATED AT THE INTERSECTION OF KING ROAD, RIDGE AVENUE, WOODSIDE GULCH AND SAMPSON AVENUE (APPROXIMATELY), PARK CITY, UTAH.

WHEREAS, the owners of the property known as the Alice Claim Subdivision located at the intersection of King Road, Ridge Avenue, Woodside Gulch and Sampson Avenue (approximately), have petitioned the City Council for approval of the Alice Claim Subdivision plat; 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 according to the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on October 25, 2006, January 28, 2009, February 25, 2009, April 8, 2015, May 27, 2015, and June 10, 2015 to receive input on the proposed subdivision;

WHEREAS, on June 10, 2015 the Planning Commission forwarded a recommendation to the City Council; and,

WHEREAS, on July 9, 2015 the City Council held a public hearing on the proposed Alice Claim Subdivision; and

WHEREAS, it is in the best interest of Park City, Utah to approve the proposed Alice Claim Subdivision 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 Alice Claim Subdivision 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 plat is located at the intersection of King Road, Ridge Avenue, Woodside Gulch and Sampson Avenue (approximately), within the Historic Residential (HR-1) and Estate (E) Districts and Sensitive Lands Overlay (SLO).
2. The proposal includes nine (9) lots on 8.65 acres which will not be allowed to be subdivided further.

3. The property is a "metes and bounds" parcel with contiguous platted lots.
4. A City water tank and land owned by the City is adjacent to the subject property on the south end, and a City-owned parcel bisects the subject property. The City water line does not run within the City owned property, but rather is located within a prescriptive easement on the subject property.
5. The applicant previously undertook a voluntary remediation of the regulated soils on the site, which included soil remediation both in the Alice Claim 8.49 acre portion and within a 1.7 acre portion of the adjoining City property.
6. The property can only be accessed through the platted King Avenue right-of-way as the owner cannot secure legal access through the Woodside Gulch water tank access easement used by the City. The new roadway would require excavation and retaining walls up to and possibly in excess of ten feet (10') in height.
7. The Woodside Gulch stream runs through the property and any changes to the stream will require a Stream Alteration Permit. The Applicant previously applied for this permit and will need to amend their existing Stream Alteration Permit from the Army Corp of Engineers. Any changes to the stream may also require an amendment to the Voluntary Clean-up Program remediation with the Utah Department of Environmental Quality.
8. The property, which was once the site of the Alice Load Mine, was previously the site of mining activities, which have since undergone recent remediation.
9. A Voluntary Clean Up of the property was initiated by the Applicant.
10. Most of the remainder of the site has mature stands of oak, maple and aspen trees in addition to areas of smaller shrubs and grasses.
11. A culvert for the stream is proposed for Lot 1 primarily in order to meet the 50' setback regulations from streams within the Estate and SLO lot, otherwise the culvert would not be necessary.
12. The applicant has proposed retaining walls in 3 locations up to 10' in height that will be reviewed under a concurrent CUP.
13. This development is located upstream of the FEMA Flood Plain Studies. Lots 1, 5, 6, 7, 8, and 9 at a minimum appear to be in the streams flood plain.
14. The applicant requests a setback reduction from the Planning Commission for Lot 1 to a 15' front, 10' side and 10' rear setback from the required 30' front, 30' side and 30' rear setbacks for this Estate District lot in order to allow the buildable area to be lower on the hill side and off of the Very Steep Slopes.
15. Water Service is available and as proposed can meet required water pressure to all of the proposed development sites (proposed Lots) within the development. The applicant will be responsible to propose acceptable mitigation should the water model or utility plans be further revised.
16. The utility plan does not show how each of the wet and dry utilities will be able to be placed within the drives with required separations or with special conditions as approved by the proper regulatory agencies and approved by the City Engineer.
17. A Debris Flow Study has not been completed for the stream to determine if a debris basin is required.
18. Existing trails are shown on the plat and granted a public easement.
19. Proposed utilities have not been engineered to meet City Engineer's approval but shall be prior to plat recordation.

20. All roads are proposed over 10% grades and will not be eligible to be converted to public ROWs in the future.
21. Because the Estate lot is directly adjacent to the HR-1 zone, the architectural detail, height, building materials and other design features of the development of the Estate Lot must show compatibility with adjacent properties when reviewed under the HDDR application process.
22. The homes within the HR-1 District in this subdivision are proposed to be a maximum of 5,000 square feet total including basement and garages, the footprints of all homes within the subdivision are proposed to be a maximum of 2,500 square feet as stipulated to by the Applicant in order to minimize the visual effects of the homes on the steep slopes.
23. Building pads are shown in Exhibit A. Limits of disturbance as shown on Exhibit A are not legible and need to be revised. All other property as open space should be protected by 3rd party conservation easement to maintain the land.
24. All homes within the HR-1 District in this subdivision are proposed be limited to a building height maximum of 25 feet from existing grade and all other building height exceptions found within the LMC continue to apply, as stipulated to by the Applicant in order to reduce the visual impacts of the homes on the steep slopes.
25. The footprints of the proposed homes are larger than those in nearby streets. The average footprints on Daly Avenue are 1,465.44 square feet, on King Road are 1,342.31 square feet, on Sampson Avenue are 1,619.58 square feet, and on Ridge Avenue are 2,076.72 square feet.
26. Applicant does not have an approved Sewer Service Plan. Sewer Service must be designed to service the proposed development sites in accordance with the Snyderville Basin Water Reclamation District's requirements. The applicant will be responsible to determine this with Snyderville Basin Water Reclamation District prior to plat recordation.
27. Proposed drives with utilities that are not private driveways are required to be 20' wide and are shown as such on the plat. The drive grades are proposed to be 14%. Drives must be 10% in order to be eligible to be converted to public ROWs.
28. Public trails are shown on Exhibit A with a 15' public recreational trail easement.
29. The proposed lots range in size from 3.01 acres within the Estate District and .18 acres (7,714-7,910 square feet) within the HR-1 District.
30. A geotechnical report has been reviewed by the City Engineer for the overall site but individual geotechnical reports have not been submitted for each lot.
31. The applicant owns other adjoining properties within the Historic Residential Low-Density (HRL) District. Two of these contiguous properties are lots 1 and 2 of the Ridge Avenue Subdivision.
32. The Estate District lot (Lot 1) is within the Sensitive Lands Overlay (SLO) and is subject to the regulations of LMC 15-2.21.
33. The proposed building pad areas on proposed Lots 2, 3, 4, 5, 6, 7, and 8 are all on Very Steep Slopes (over 40%). Only the proposed building pad area on Lot 9 (and the Estate lot, Lot 1) is on slopes less than 30%. Lot 1 is 31%, Lot 2 is 48%, Lot 3 is 50%, Lot 4 is 44%, Lot 5 is 48%, Lot 6 is 50%, Lot 7 is 43%, Lot 8 is 47%, and Lot 9 is 26%.

34. The existing encumbered Lots 1-7 and 36-40, Block 77 will be dedicated to the City as right-of-way upon plat recordation as they current have a road over them.
35. The proposed location of the house on proposed Lot 1 is on Steep Slopes (15% - 40%) and not on Very Slopes (greater than 40%), and also more than 50' away from Very Steep Slopes and is thus not subject to review under LMC 15-2.21-2(A) and (C).
36. The lots are positioned as proposed to avoid ridgelines and allow for drives that contour with the topography in order to meet the required grades.
37. Very few homes within the Historic Districts compare in size to the total square footage, footprint and lot size as is proposed by the Alice Claim Subdivision. The layout of the homes is not as compatible to the historic density and clustering of homes within the nearby HR-1 and HR-L districts as it could be designed to meet the smaller average footprint size of other nearby HR-1 districts.
38. The existing mine shaft on the property is currently filled as stated on the site plan dated May 18, 2018.
39. The Applicant has shown on the plat the limits of disturbance as a diagonal line from the proposed footprints to the proposed lot lines which have not been limited since the last meeting and are not legible. The applicant will be required to show this on the plat.
40. The application for the Alice Claim subdivision was deemed "complete" by the Planning Department on May 23, 2005.
41. Between 2006 and 2009, the Planning Commission conducted three work sessions to discuss the project and visited the property during two site visits.
42. On October 8, 2014 the Planning Commission conducted a site visit and work session to discuss the history and 2009 site plan proposed for this project.
43. The Applicant submitted a revised site plan, plat and all required submittals for the subdivision and plat amendment on January 23, 2015.
44. The Applicant submitted further revisions to the plat to address the City's concerns on March 16, 2015.
45. On April 8, 2015 the Planning Commission held a public hearing for this project and continued the item to May 27, 2015 to give the applicant sufficient time to submit revisions to the layout and clarify the concerns brought up by the Commissioners.
46. The Applicant submitted a revised site plan, plat and all required submittals for the subdivision and plat amendment on May 4, 2015.
47. The Applicant submitted further revisions to the plat to correct discrepancies in the May 4, 2015 submittal on May 18, 2015.
48. On May 27, 2015 the Planning Commission held a public hearing for this project and continued the item to June 10, 2015 in order to give staff sufficient time to review the changes submitted on May 18, 2015.
It order to ensure all site improvements are made the applicant must either complete all Site Improvements prior to plat recordation, or if that is not possible, provide adequate financial Guarantees for completion, together with a right of entry to the Property to complete that work be granted to the City.

Conclusions of Law:

1. There is good cause for this subdivision and plat amendment.

2. The subdivision and plat amendment are consistent with the Park City Land Management Code and applicable State law regarding subdivisions and plat amendments.
3. Neither the public nor any person will be materially injured by the subdivision or plat amendment.
4. Approval of the subdivision plat and 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 complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council. If the plat is not recorded within this time period, it shall be null and void and any resubmittal shall be a new application which is subject to all review requirements, zoning restrictions and subdivision regulations at the time of the submittal.
3. Recordation of this plat and completion and approval of final Historic District Design Review (HDDR) and Steep Slope CUP, if required, applications are required prior to building permit issuance for any construction of buildings or retaining walls within this subdivision.
4. The architectural detail, height, building materials, and other design features of the development of the Estate Lot must show compatibility with adjacent properties when reviewed under the HDDR application process and will need to be part of the CC&Rs for the HOA. The applicant must adopt appropriate mitigation measures such as landscaping, screening, illumination standards, and other design features to buffer the adjacent properties from the developable land of the Estate Lot when reviewed under the HDDR application process and will need to be part of the CC&Rs for the HOA.
5. Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final mylar prior to recordation.
6. Snow storage of roads and private drives must be addressed and approved by the City Engineer throughout the development prior to plat recordation. Snow storage sites cannot discharge immediately into the stream.
7. Sewer lateral design and service will need to meet Snyderville Basin's requirements and receive written approval by SBWRD before the proposed plat can be signed by SBWRD. If the sewer lateral design requires a substantial change, as determined by the Planning Director, to the layout of this subdivision plat, this approval shall be null and void and an application to amend the Ordinance and plat shall need to be submitted and be reviewed and go through the entire process including internal review, planning commission and city council review.

8. The submitted water model will need to be revised with the submitted updates to the layout and receive written approval from the Water, Building, Engineering and Fire Departments in order for the subdivision to meet water requirements prior to plat recordation. If the water system requires a substantial change, as determined by the Planning Director, to the layout of this subdivision plat, this approval shall be null and void and an application to amend the Ordinance and plat shall need to be submitted and be reviewed and go through the entire process including internal review, planning commission and city council review.
9. There shall not be any further subdivision of any additional lots in this subdivision. A plat note shall reflect this condition.
10. All state requirements must be met, state permits must be obtained and the culvert must be fully installed prior to plat recordation and owned and maintained by the HOA.
11. This development is located upstream of the FEMA Flood Plain Studies. Lots 1, 5, 6, 8, and 9 at a minimum appear to be in the streams flood plain. A study shall be completed extending the FEMA Flood Plains through this development prior to plat recordation. Any lots located in a FEMA Zone A will require an Elevation Certificate showing the lowest occupied floor is at or above base flood elevation prior to building permit approval.
12. A Stream Alteration Permit from the State will be required for the culvert along with the Flood Plain Study to identify the culverts upstream and downstream impacts prior to plat recordation. The Stream Alteration Permit and Flood Plain Study must be completed and approved prior to Planning and Engineering approval.
13. The culvert inlet shall be at least 50' away from any structure on Lot 1 and the culvert shall be owned and maintained by the HOA.
14. A Debris Flow Study must be completed prior to plat recordation for the stream to determine if a debris basin is required.
15. All homes within this subdivision shall be limited to the LMC required footprint maximums or 2,500 sf, whichever is lower and building pads shall be as shown in Exhibit A.
16. Limits of disturbance as shown on Exhibit A shall be clarified on the plat prior to plat recordation to be able to quantify the square footage upon which shall remain in place and no changes shall be made. All other property shall be restricted as open space and/or protected by 3rd party conservation easement.
17. All homes within the HR-1 District in this subdivision shall be limited to a building height maximum of 25 feet from existing grade and all other building height exceptions found within the LMC continue to apply.
18. The maximum total floor area of all homes within the HR-1 District in this subdivision shall be limited to 5,000 sf including basement and garages.
19. The utility plan will need to be revised to show how each of the wet and dry utilities will be able to be placed within the drives with required separations or with special conditions as approved by the proper regulatory agencies and approved by the City Engineer prior to plat recordation.
20. Any roads over 10% grade will not be eligible to be converted to public ROWs in the future.

21. Drives must provide 20 feet wide of clear space to meet Fire Code. If parking impacts this 20 feet wide clear space, it will not be allowed and shall be signed No Parking.
22. Roads less than 26 feet wide shall be marked NO Parking on both sides of the road.
23. The Applicant will need to receive City Council's approval to give them an access over the City's property for Alice Court and where they may cross water lines, storm drainage, sewer, etc. This will need to occur prior to plat recordation.
24. Applicant must still provide recommendations to the City Engineer for which scenario most satisfies turning movements and minimizes conflicts and implement the recommendations prior to plat recordation.
25. The Applicant will need to receive, from the Utah Department of Environmental Quality ("UDEQ") under the UDEQ Voluntary Cleanup Program, a final Certificate of Completion for remediated soils within the Applicant's property prior to building permit approval.
26. If a Site Management Plan is required for the UDEQ Certificate of Completion for Alice Claim, the UDEQ approved Site Management Plan must be submitted to the Building Department prior to building permit approval.
27. The applicant will need to receive CUP approval for the proposed retaining walls over 6' prior to plat recordation.
28. The applicant shall obtain an easement for use of city property for Alice Court drive prior to plat recordation.
29. Public trails are shown on Exhibit A with a 15' public recreational trail easement.
30. Any structures built near the existing mine shaft shall be setback at least 10' if the shaft is filled up to the ground surface with soil and/or gravel and 40' setback if the shaft is not filled. The mine shaft shall be shown on the plat and the setback noted.
31. If the site plan is substantially altered, as determined by the Planning Director, due to any utility redesign or retaining wall redesign or other unforeseen issues, this approval shall be null and void and an application to amend the Ordinance and plat shall need to be submitted and be reviewed and go through the entire process including internal review, planning commission and city council review.
32. All Site and Public Improvements shall be completed prior to plat recordation or if the Applicant submits a finalized and engineered design the Applicant may petition the Planning Commission to allow the Applicant to submit an adequate financial Guarantee for all Site and Public Improvements prior to the expiration of the plat approval.
33. City utility maintenance access is required across the drives for Lots A & C.
34. Individual water booster or fire sprinkler system pumps to increase water pressure will not be allowed.
35. Individual geotechnical reports will be required for each lot prior to issuance of a building permit.
36. All mature trees that will be lost due to the subdivision, retaining walls, addition of drives and building pads, shall be approved by the Planning Department and be replaced in kind or with three smaller trees as close to the original location as possible within 1 year of tree removal.

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

PASSED AND ADOPTED this ____ day of _____, 2015

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR
ATTEST:

Marci Heil, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

EXHIBIT C

ALICE CLAIM

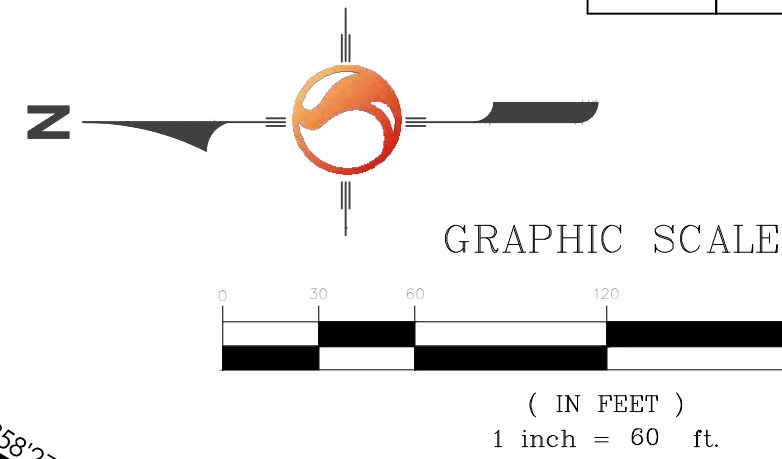
LOCATED IN THE NORTHEAST QUARTER OF SECTION 21,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN
SUMMIT COUNTY, UTAH

ROAD / LOT TABLE		
LOT #	SQ FT	ACRES
LOT A	2,663	0.06
LOT B	14,095	0.32
LOT C	1,261	0.03

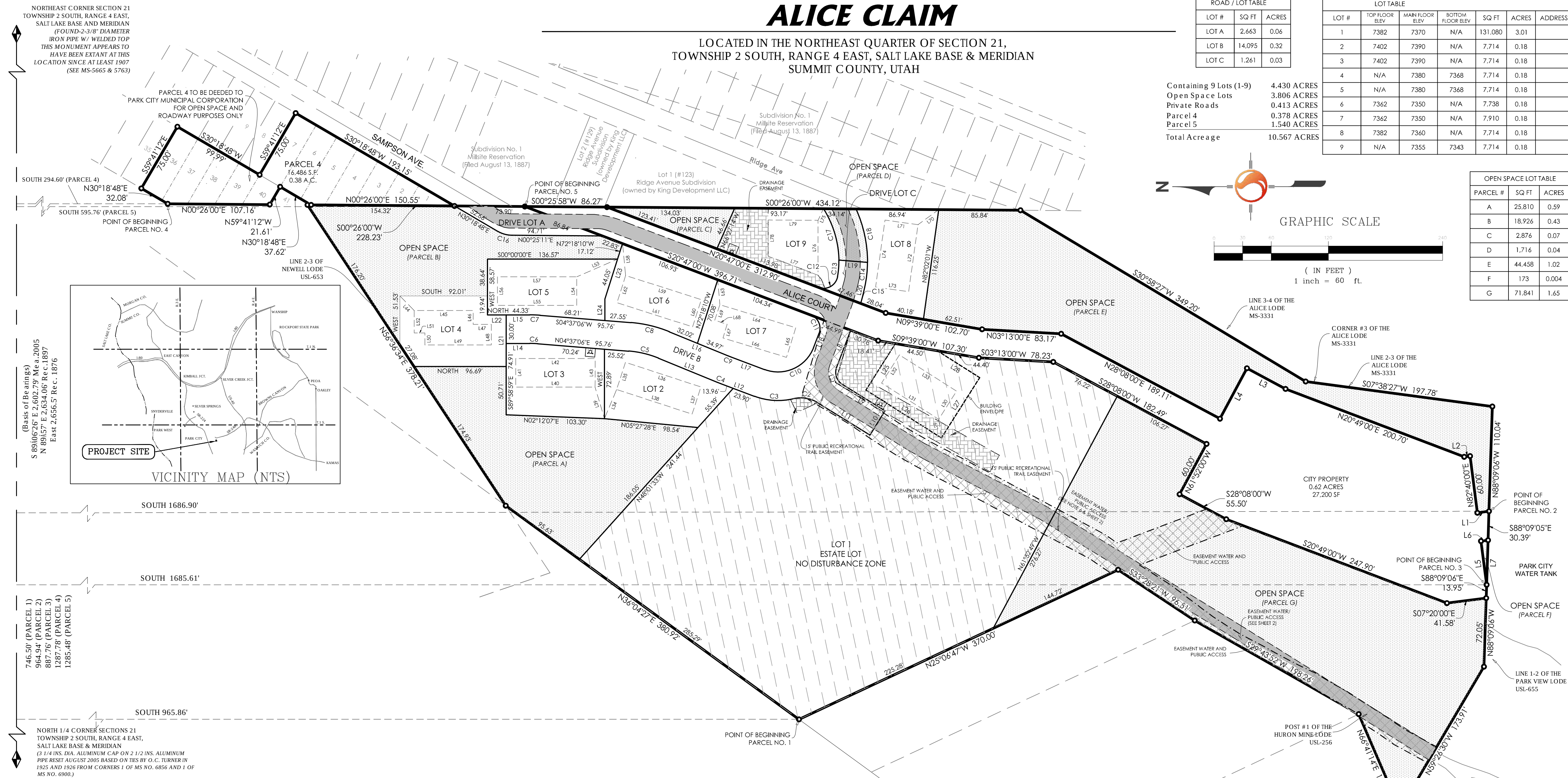
LOT TABLE					
LOT #	TOP FLOOR REV.	MAIN FLOOR REV.	BOTTOM FLOOR REV.	SQ FT	ACRES
1	7382	7370	N/A	131,080	3.01
2	7402	7390	N/A	7,714	0.18
3	7402	7390	N/A	7,714	0.18
4	N/A	7380	7368	7,714	0.18
5	N/A	7380	7368	7,714	0.18
6	7362	7350	N/A	7,738	0.18
7	7362	7350	N/A	7,910	0.18
8	7382	7360	N/A	7,714	0.18
9	N/A	7355	7343	7,714	0.18

Containing 9 Lots (1-9)
Open Space Lots
Private Roads
Parcel 4
Parcel 5
Total Acreage

4.430 ACRES
3.806 ACRES
0.413 ACRES
0.378 ACRES
1.540 ACRES
10.567 ACRES



OPEN SPACE LOT TABLE		
PARCEL #	SQ FT	ACRES
A	25,810	0.59
B	18,926	0.43
C	2,876	0.07
D	1,716	0.04
E	44,458	1.02
F	173	0.004
G	71,841	1.65



- PLAT NOTES:**
- THE MAXIMUM GROSS BUILDING SQUARE FOOTAGE IN THE HR-1 ZONE IS RESTRICTED TO 5,000 SQUARE FEET, INCLUDING GARAGE SPACE.
 - THE MAXIMUM SQUARE FOOTAGE OF A BUILDING FOOTPRINT IN THE ESTATE ZONE AND HR-1 ZONE IS 2,500 SQUARE FEET.
 - LOTS A, B AND C CONTAIN A PUBLIC / PRIVATE EASEMENT ACROSS THE ENTIRE LOT FOR ACCESS AND THE INSTALLATION, OPERATION, & MAINTENANCE OF UTILITIES.
 - THE PUBLIC RECREATIONAL TRAIL EASEMENT SHOWN HEREON IS 15 FEET WIDE AND IS FOR PUBLIC, NON-MOTORIZED ACCESS.
 - THE HOMEOWNERS ASSOCIATION WILL OWN AND MAINTAIN LOTS A, B AND C INCLUDING ASSOCIATED STORM DRAINAGE SYSTEMS AND CULVERTS. LOTS A, B AND C ARE FOR ROADWAY ACCESS AND THE PUBLIC SHALL HAVE THE ABILITY TO USE THESE LETTERED LOTS FOR PEDESTRIAN NON-MOTORIZED ACCESS.
 - THE WATER PUBLIC ACCESS EASEMENT ALLOWS FOR PUBLIC ACCESS THRU THE ALICE CLAIM SUBDIVISION AS WELL AS INSTALLATION, OPERATION, & MAINTENANCE OF THE PUBLIC WATER SYSTEM.
 - HWA WILL MAINTAIN ALL STORM WATER DETENTION FACILITIES.
 - COMPLIANCE WITH RESTRICTIONS OF THE STATE VOLUNTARY CLEANUP CERTIFICATE OF COMPLETION IS REQUIRED, AND NO DEVELOPMENT IS ALLOWED IN OPEN SPACE PARCELS OR NON-DISTURBANCE AREAS.

- WATER SYSTEM NOTES:**
- A fire flow of 1,500 gpm has been approved for the project.
 - Water Service Laterals shall be 20-inch diameter for all lots with 1.50 acres.
 - Lots 1, 2, 3, 4, & 7 require special fire sprinkler design to be approved by the City.
 - Dead end waterlines serving fire hydrants shall be 10-inch diameter.
 - Water system pressures within the development are at the lower limit of acceptability. Building plumbing and fire sprinkler systems shall be designed accordingly. Individual water booster or fire sprinkler system pumps to increase water pressure will not be allowed.
 - All landscaping shall be composed of native plants, trees, and shrubs that do not require irrigation.
 - Relocation of existing City infrastructure, if required, is subject to review and approval of the City's No relocation that adversely affect City systems will be approved.

CORPORATE ACKNOWLEDGMENT

STATE OF UTAH } S.S.
COUNTY OF UTAH }
On this _____ day of _____, A.D., 20____, personally appeared before me, _____, who being duly sworn or affirmed, did say that he/she is the _____ of _____, and that the within owner's dedication was signed by him/her in behalf of the said corporation by authority of its bylaws, or Board of Directors, and that said corporation executed the same.

My commission number: _____
My commission expires: _____

MUNICIPAL ACKNOWLEDGMENT

STATE OF UTAH } S.S.
COUNTY OF UTAH }
On this _____ day of _____, A.D., 20____, personally appeared before me, the undersigned Notary Public, in and for said County of Salt Lake in said State of Utah, _____, who, being by me duly sworn or affirmed, did say that he/she is the _____ of _____, a municipal corporation of the State of Utah, and that he/she signed the Owner's Dedication freely and voluntarily for and in behalf of said municipal corporation, for the purposes therein mentioned, and he/she acknowledged to me that said municipal corporation executed the same.

My commission number: _____
My commission expires: _____

Project Number	205303057	PM	
Filename	03057v.tb.dwg	Plot Date	05/06/15
Designed By	JRI	Drawn By	SRV
Checked By	GAC	Date	05/07/15
No.	1	Total plat revision	SV 5-06-15
Revisions		By	Date

OWNER/SUBDIVIDER:
KING DEVELOPMENT GROUP L.L.C.
P.O. BOX 244
PARK CITY, UTAH 84060

SNYDERVILLE BASIN SEWER DISTRICT

REVIEW FOR CONFORMANCE ON THIS _____ DAY
OF _____, A.D., 20____.
S.B.W.R.D.

MAYOR

APPROVED AND ACCEPTED BY THE SUMMIT COUNTY PLANNING COMMISSION THIS _____ DAY OF _____, A.D., 20____.
MAYOR

PARK CITY ENGINEER

I, _____, PARK CITY ENGINEER, HEREBY CERTIFY THAT THIS PLAT HAS BEEN EXAMINED BY THIS OFFICE AND IT IS CORRECT IN ACCORDANCE WITH INFORMATION ON FILE IN THIS OFFICE.
DATE _____

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS _____ DAY OF _____, A.D., 20____.
ATTORNEY

SHEET
1 OF 2

SURVEYOR'S CERTIFICATE

I, Gregory A. Cates, do hereby certify that I am a Professional Land Surveyor, and that I hold Certificate No. 161226 as prescribed under the laws of the State of Utah. I certify that the boundary and adjoining information of this survey is based on the Mineral Survey Replacement Plat Record of Survey for Alice Lode performed by Loyal D. Olson III. I further certify that by authority of the Owners, I have subdivided said tract of land into lots and streets, hereafter to be known as the _____.

BOUNDARY DESCRIPTION

Parcel No.1
A parcel of land located in the Northeast Quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:
Beginning at a point on Line 6-7 of the Alice Lode, Mineral Survey #3331, said point being also S89106°26'E 745.50 feet, along the Section Line, and South 965.86 feet from the North Quarter Corner of said Section 21, and running thence, along said Line 6-7, N36104°27'E 380.92 feet to a point on Line 2-3 of the Newell Lode USL-653; thence, along said Line 2-3, Newell Lode, N56136°34'E 378.21 feet to a point on the Western Boundary Line of Subdivision No. 1 of Millite Reservation (Filed Aug. 13, 1887); thence, along said Western Boundary Line, S00126°00'W 228.22 feet to a point on the Western Right-of-Way Line of the Park City Water Company Access Road; thence, along said Western Right-of-Way Line, the following four (4) courses: (1) S20147°00'W 396.71 feet, (2) S09139°00'W 107.30 feet, (3) S03113°00'W 78.23 feet, (4) S28108°00'W 182.49 feet to a point on the N09139°00'W 173.09 feet, (4) S20147°00'W 396.71 feet, (4) S28108°00'W 182.49 feet, along said Line 1-2, Huron Mine Lode, N66141°1'E 108.84 feet to Post #1 of said Huron Mine Lode; thence N29143°52'E 198.26 feet; thence N33120°21'E 96.51 feet; thence N25106°47'W 370.00 feet to the Point of Beginning.

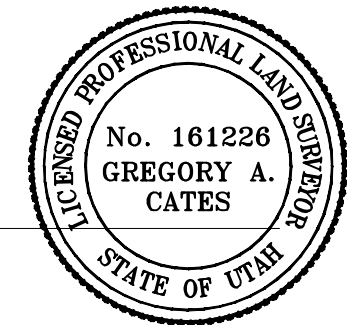
Containing 310,925 square feet or 7.138 acres.
Parcel No.2
A parcel of land located in the Northeast Quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:
Beginning at a point on the Eastern Boundary Line of the Park City Property, said point being also on the Line 1-2 of the Park View Lode USL-655, said point being also S89106°26'E 964.94 feet, along the Section Line, and South 1686.90 feet from the North Quarter Corner of said Section 21, and running thence, along said Eastern Boundary Line, the following six (6) courses: (1) N07120°00'W 12.32 feet, (2) N28108°00'W 60.00 feet, (3) N07120°00'W 6.20 feet, (4) N20149°00'W 200.70 feet, (5) N28108°00'W 45.31 feet, (6) N6152°00'W 60.00 feet to the Eastern Right-of-Way Line of the Park City Water Company Access Road; thence, along said Eastern Right-of-Way Line, the following four (4) courses: (1) N28108°00'W 189.11 feet, (2) N03113°00'E 83.17 feet, (3) N09139°00'W 102.70 feet, (4) N20147°00'W 312.90 feet to a point on the Western Boundary Line of the Subdivision No. 1 of Millite Reservation (Filed Aug. 13, 1887); thence, along said Western Boundary Line, S00126°00'W 434.12 feet to a point on Line 3-4 of the Alice Lode Mineral Survey-3331; thence, along said Line 3-4, Alice Lode, N30158°27'W 349.20 feet to Corner #3 of said Alice Lode MS-3331; thence, along Line 2-3, Alice Lode, S07382°17'W 197.78 feet to a point on said Line 1-2 of the Park View Lode USL-655; thence, along said Line 1-2, Park View Lode, N88109°06'W 110.04 feet to the Point of Beginning.

Containing 65,741 square feet or 1.509 acres.
Parcel No.3
A parcel of land located in the Northeast Quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:
Beginning at a point on the Southern Boundary Line of the Park City Property, said point being also on the Line 1-2 of the Park View Lode USL-655, said point being also S89106°26'E 887.76 feet, along the Section Line, and South 1685.61 feet from the North Quarter Corner of said Section 21, and running thence, along said Southern Boundary Line, the following two (2) courses: (1) N82140°00'E 46.23 feet, (2) Park View Lode, N88109°06'W 46.83 feet to the Point of Beginning.

Containing 173 square feet or 0.004 acres.
Parcel No.4
A parcel of land located in the Northeast Quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:
Beginning at a point on the Western Boundary Line of Subdivision No. 1 of Millite Reservation (dated 06/25/1887), said point being also on the Northwestern Line of Lot 37 of said Millite Reservation, said point being also S89106°26'E 1287.78 feet, along the Section Line, and South 294.60 feet from the North Quarter Corner of said Section 21, and running thence, along said Northwestern Line of Lot 37 and Lot 36, N30118°48'E 32.08 feet to the Northern Corner of said Lot 36, thence along the Northeastern Line of said Lot 36, S59141°12'E 75.00 feet to the Eastern Corner of said Lot 36; thence, along the Southeastern Line of Lot 36 through 39 inclusive of said Millite Reservation, S30118°48'W 99.99 feet to the Northern Corner of Lot 7 of said Millite Reservation; thence, along the Northeastern Line of said Lot 7, S59141°12'E 75.00 feet to the Eastern Corner of said Lot 7; thence, along the Southeastern Line of Lot 7 through 1 inclusive of said Millite Reservation, S30118°48'W 193.15 feet to the Southern Corner of Lot 1 and of said Western Boundary Line of Millite Reservation; thence, along said Western Boundary Line, N00126°00'E 150.55 feet to the Southern Corner of Lot 41 of said Millite Reservation; thence, along the Southeastern and Northeastern Lines of said Lot 41, the following two (2) courses: (1) N30118°48'E 37.62 feet, (2) S59141°12'W 21.63 feet to said Western Boundary Line of Millite Reservation; thence, along said Western Boundary Line, N00126°00'E 107.16 feet to the Point of Beginning.

Containing 16,486 square feet or 0.378 acres.
Parcel No.5
A parcel of land located in the Northeast Quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:
Beginning at a point S89106°26'E 1285.48 feet, along the Section Line, and South 595.76 feet from the North Quarter Corner of said Section 21, and running thence, S00126°00'W 86.27 feet; thence S20147°00'W 312.90 feet; thence S09139°00'W 102.70 feet; thence S03113°00'W 83.17 feet; thence S28108°00'W 189.11 feet; thence S6152°00'W 60.00 feet; thence S28108°00'W 45.31 feet; thence S20149°00'W 200.70 feet; thence S07120°00'W 6.20 feet; thence S82140°00'W 46.23 feet; thence S07120°00'W 12.32 feet; thence N88109°06'W 30.39 feet; thence N07120°00'W 7.47 feet; thence S82140°00'W 46.23 feet; thence N88109°06'W 13.95 feet; thence N07120°00'W 41.58 feet; thence N20149°00'W 247.90 feet; thence N28108°00'W 55.50 feet; thence S6152°00'W 60.00 feet; thence N28108°00'W 182.49 feet; thence N03113°00'E 78.23 feet; thence S09139°00'W 107.30 feet; thence S20147°00'W 396.71 feet to the Point of Beginning.

Containing 67,071 square feet or 1.54 acres.



OWNER'S DEDICATION

Know all men by these presents that _____, the _____ undersigned owner(s) of the above described tract of land having caused same to be subdivided into lots and streets to be hereafter known as _____

ALICE CLAIM

do hereby dedicate for perpetual use of the public all parcels of land, right-of-ways and easements as shown on this plat as intended for Public use.

In witness whereof _____ have hereunto set _____ this _____ day of _____, AD 20____.

KING DEVELOPMENT GROUP L.L.C.

PARK CITY MUNICIPAL CORPORATION
(PARCEL NO. 5 ONLY)

ALICE CLAIM

LOCATED IN THE NORTHEAST QUARTER OF SECTION 21,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN
SUMMIT COUNTY, UTAH

RECORDED # _____

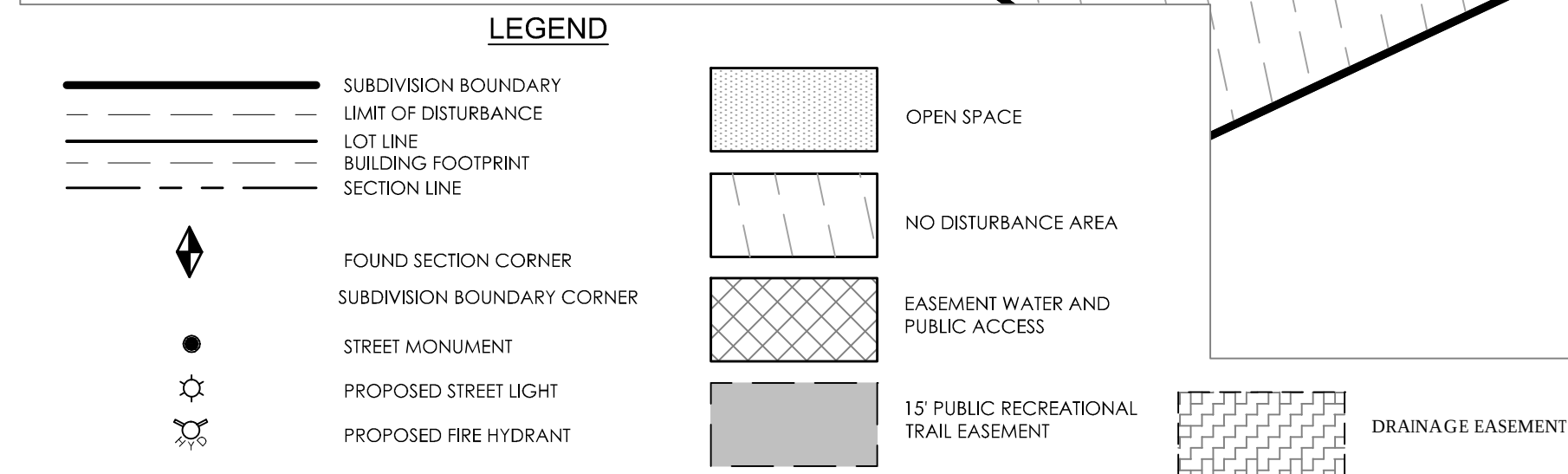
STATE OF UTAH, COUNTY OF SUMMIT, RECORDED AND FILED AT THE
REQUEST OF: _____

DATE: _____ TIME: _____ BOOK: _____ PAGE: _____

FEES

COUNTY RECORDER

LOCATED IN THE NORTHEAST QUARTER OF SECTION 21,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN
SUMMIT COUNTY, UTAH



TRAIL EASEMENT LINE TABLE		
LINE #	DIRECTION	LENGTH
L800	N30°15'05"E	7.04
L801	N20°45'08"E	26.00
L802	N20°45'08"E	34.76
L803	N69°52'36"W	12.22
L804	N74°22'51"W	18.45
L805	S74°22'51"E	19.04
L806	S69°52'36"E	40.58
L807	S69°14'52"E	25.52
L808	S69°14'52"E	1.00
L809	S29°26'05"W	21.69
L810	N69°14'52"W	1.00
L811	N69°14'52"W	26.52
L813	S20°45'08"W	8.97
L814	S20°45'08"W	26.00
L815	S20°45'08"W	26.00
L816	S34°41'50"SW	23.70

LINE / PUBLIC EASEMENT ACCESS LINE	WATER	DIRECTION	LENGTH
1923	58209729'W		19.27
1924	S33°1'44"E		18.16
1925	S32°29'59"W		19.32
1926	S32°53'53"W		13.83
1927	S34°5'19"W		20.81
1928	S28°33'46"W		25.17
1929	S28°43'23"W		13.98
1930	N68°13'47"E		13.33
1931	N68°13'46"E		26.21
1932	N45°31'18"E		21.55
1933	S32°53'57"E		15.44
1934	N32°29'59"E		2.84
1935	N43°21'37"E		26.69
1936	N27°29'25"E		48.95
1937	N27°58'15"E		13.62
1938	N69°52'43"E		23.94
1940	N31°15'14"E		17.96
1941	N33°11'11"E		19.28
1942	N43°44'48"E		22.73
1943	N31°08'34"E		19.13
1944	N20°45'55"E		19.49
1945	N30°51'25"E		20.63

DRAINAGE EASEMENT LINE TABLE		
LINE #	DIRECTION	LENGTH
L600	N20°47'07"E	113.67
L601	S66°27'1"E	46.78
L602	S00°09'07"W	34.88
L603	N89°56'42"W	50.18
L604	S20°53'48"E	56.03
L605	S51°44'23"W	5.88
L606	S68°14'55"W	9.76
L607	S20°47'00"W	30.78
L608	S09°39'00"W	18.41
L609	N57°35'57"E	48.51
L610	S29°26'57"W	155.00
L611	N60°33'05"W	20.00
L612	N20°26'57"E	139.88
L613	N34°45'48"E	10.60
L614	N31°08'34"E	10.17
L615	N29°11'59"W	24.21
L616	N64°48'01"E	15.17
L617	N20°43'55"E	16.95
L618	S73°34'00"E	57.08
L619	S31°38'26"E	0.29

DRAINAGE EASEMENT CURVE TABLE					
CURVE #	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD DISTANCE
C600	15.00'	6.98'	26°40'12"	N07°26.54'E	6.92'
C601	33.00'	26.00'	45°08'32"	S09°04'10"W	25.33'
C602	70.00'	3.17'	2°35'35"	S12°12'19"E	3.17'

ALICE CLAIM

LOCATED IN THE NORTHEAST QUARTER OF SECTION 21,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN
SUMMIT COUNTY, UTAH

RECORDED #

STATE OF UTAH, COUNTY OF SUMMIT, RECORDED AND FILED AT THE
REQUEST OF :

DATE: _____ TIME: _____ BOOK: _____ PAGE: _____

FEE\$	COUNTY RECORDER
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				Project Number	PM
				205303057	JRJ
				Filename	Plot Date
				03057v_fb.dwg	01/22/15
				Designed By	Drawn By
				JRJ	SRV
				Checked By	Date
				GAC	01/22/15
				Scale	Date Issued
				1"= 60'	Date
No.	Revisions		By	Date	

EXHIBIT D

Snell & Wilmer
L.L.P.
LAW OFFICES

Gateway Tower West
15 West South Temple
Suite 1200
Salt Lake City, Utah 84101-1531
801.257.1900
801.257.1800 (Fax)
www.swlaw.com

Bradley R. Cahoon
(801) 257-1948
bcahoon@swlaw.com

DENVER
LAS VEGAS
LOS ANGELES
LOS CABOS
ORANGE COUNTY
PHOENIX
SALT LAKE CITY
TUCSON

June 30, 2015

Mark D. Harrington, Esq.
mark@parkcity.org
Park City Attorney
P. O. Box 1480
Park City UT 84060

Re: *Alice Claim Subdivision & Plat Amendment and Conditional Use Permit
Applications, PL-08-00371, PL-15-02669*

Dear Mark:

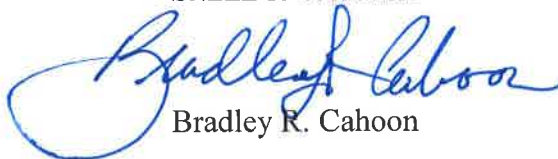
I write on behalf of King Development Group, LLC to document my telephone conversation earlier today with you, acting Planning Director Kayla Sintz, and Assistant City Attorney Polly Samuels McLean. After discussing King Development's forthcoming submittal in response to public comments and Planning Commissioner comments at the June 10, 2015 hearing on the matter captioned above and King Development's continuing negotiations with its neighbor for use of the historic road, we all agreed that there was good cause to set a new submittal date of July 13, 2015 and continue the hearing on this matter to July 22, 2015 before the Planning Commission.

Mark D. Harrington, Esq.
June 30, 2015
Page 2

If you or the Planning Commission disagrees with any of the foregoing, please respond immediately. I appreciate your cooperation and professional courtesy on this matter.

Very truly yours,

SNELL & WILMER



Bradley R. Cahoon

cc: Nann Worel, Planning Commission Chair nann.worel@parkcity.org
Polly Samuels McLean, Assistant City Attorney pmclean@parkcity.org
Kayla Sintz, Acting Planning Director kayla.sintz@parkcity.org
Christy Alexander, AICP, Planner II christy.alexander@parkcity.org
King Development Group, LLC
Joseph Tesch, Esq. joet@teschlaw.com
DHM Design

Planning Commission Staff Report



Subject: Alice Claim - Conditional Use Permit
for Retaining Walls up to 10' in Height
Project Number: PL-15-02669
Author: Christy Alexander, AICP, Planner II
Date: July 8, 2015
Type of Item: Administrative – Conditional Use Permit

PLANNING DEPARTMENT

Summary Recommendation

Staff recommends the Planning Commission conduct a public hearing for the proposed CUP for 3 retaining walls up to 10' in height associated with the proposed Alice Claim Subdivision and Plat Amendment, and consider granting the Applicant's request to continue to the July 22, 2015 meeting with a firm deadline that all comments from the Applicant must be submitted to staff by 12 noon on July 13, 2015 pursuant to the reasons listed in the Subdivision and Plat Amendment Staff Report being heard contemporaneously with this application.

Staff reports reflect the professional recommendation of the Planning Department. The Planning Commission, as an independent body, may consider the recommendation but should make its decisions independently.

Description

Applicant: King Development Group, LLC ("Applicant" or "King Development")
Location: Alice Claim south of intersection of King Road, Ridge Avenue and Sampson Avenue
Zoning: Historic Residential (HR-1) and Estate (E) Districts with Sensitive Lands Overlay (SLO)
Adjacent Land Uses: Open Space and Residential (developed and undeveloped)
Reason for Review: Conditional Use Permits require Planning Commission review and approval

Proposal

The Applicant is requesting approval of a Conditional Use Permit (CUP) for retaining walls up to 10' in height to stabilize cut and fill slopes for roadway and house construction. The walls are proposed to be real blonde sandstone veneer. The wall at the entry of the proposed Alice Claim Subdivision will be the most visible to surrounding neighborhoods and are proposed to be screened with landscaping that is proposed to soften the visual impacts of the stone walls.

Public Input

Public comment was taken during the various past meetings held to discuss the project. The various Planning Commission meeting minutes will reflect that public input. Any public comment received prior to the meeting will be forwarded to the Planning Commission.

Process

The Planning Commission takes final action on Conditional Use permit applications. Approval or denial of a conditional use permit may be appealed to the City Council according to LMC Section 1-18. Prior to building permit issuance, approval of a Historic District Design Review application is required and any conditions of approval of the CUP, if approval is granted, must be met.

Alternatives

- Grant the continuance as conditioned to the July 22, 2015 meeting, or
- The Planning Commission may deny the Conditional Use Permit and direct staff to make Findings for this decision, or
- The Planning Commission may approve the Conditional Use Permit conditioned or amended, or
- The Planning Commission may continue the discussion on the Conditional Use Permit to a date certain and provide direction to the applicant and/or staff to provide additional information necessary to make a decision on this item.

Recommendation

Staff recommends the Planning Commission conduct a public hearing for the proposed CUP for 3 retaining walls up to 10' in height associated with the proposed Alice Claim Subdivision and Plat Amendment, and consider granting the Applicant's request to continue to the July 22, 2015 meeting with a firm deadline that all comments from the Applicant must be submitted to staff by 12 noon on July 13, 2015 pursuant to the reasons listed in the Subdivision and Plat Amendment Staff Report being heard contemporaneously with this application.