



**PARK CITY PLANNING COMMISSION MEETING
SUMMIT COUNTY, UTAH
May 13, 2020**

PUBLIC NOTICE IS HEREBY GIVEN that the PLANNING COMMISSION of Park City, Utah will hold its Regular Planning Commission Meeting at the City Council Chambers, 445 Marsac Avenue, Park City, Utah 84060 for the purposes and at the times as described below on Wednesday, May 13, 2020.

MEETING CALLED TO ORDER AT 5:30 PM.

1.ROLL CALL

2.MINUTES APPROVAL

- 2.A. Consideration to Approve the Planning Commission Meeting Minutes from April 22, 2020.
[PC Minutes 04.22.2020_Pending Approval](#)

3.PUBLIC COMMUNICATIONS

4.STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

5.CONTINUATIONS

- 5.A. 84 Daly Avenue – Steep Slope Conditional Use Permit – The Applicant Proposes to Construct a Single-Family Dwelling on a Lot Containing 3,858 square feet with a Building Footprint in Excess of 200 square feet Projecting Over an Existing Slope of 30% or greater. PL-20-04480.
(A) Public Hearing (B) Continuation to May 27, 2020.
[84 Daly Avenue Steep Slope CUP Continuation Staff Report](#)

6.WORK SESSION

- 6.A. Work Session – Staff Compiled the Planning Commission’s Goals and Priorities for 2020 Land Management Code Amendments and will Present a Schedule for the Commission’s Review.
[2020 Land Management Code Amendments Work Session Staff Report](#)
[Exhibit A: 2020 Land Management Code Amendment Schedule](#)
- 6.B. Work Session – Discussion on Proposed Amendments to Land Management Code Chapter 15-6, Master Planned Developments (MPDs) (1) to Clean Up Remnant Code from Formerly Required Pre-MPDs; (2) to Allow the Planning Director Approval of Minor MPD Modifications and to Outline Substantive MPD Modifications that Trigger Commission

Approval; (3) to Require an MPD and Development Agreement Amendment to Increase Density within an MPD; (4) to Clarify the Conversion of Units to Unit Equivalents; and (5) to Remove Support Commercial, Residential, and Resort Accessory Uses.

[Master Planned Development Work Session Staff Report](#)

[Exhibit A: Land Management Code Chapter 15-6 Redlines](#)

7.REGULAR AGENDA

- 7.A. Land Management Code (LMC) Amendment – Amending LMC § 15-10-5 to Allow the Board of Adjustment Alternate to Count Toward Establishing a Quorum. PL-20-04459
(A) Public Hearing (B) Possible Recommendation for City Council’s Consideration on June 25, 2020

[Board of Adjustment Quorum Amendment Staff Report](#)

[Exhibit A: Land Management Code 15-10-5 Redlines](#)

- 7.B. 1121 Norfolk Avenue – Plat Amendment – The 1121 Norfolk Avenue Plat Amendment Proposes to Combine Lot 6 and Lot 7 of Block 17 of Snyder's Addition into one (1) Lot of Record.
(A) Public Hearing (B) Possible Recommendation for City Council's Consideration on June 11, 2020

[1121 Norfolk Ave Plat Amendment Staff Report](#)

[Exhibit A: Draft Ordinance](#)

[Exhibit B: Current Plat](#)

[Exhibit C: Applicants Project Intent](#)

[Exhibit D: Existing Conditions Survey](#)

[Exhibit E: Aerial Photograph](#)

[Exhibit F: Site Photographs](#)

- 7.C. 802 Empire Ave – Subdivision– The Applicant is Requesting to Combine Multiple Parcels into a New Two (2) Lot Subdivision. PL-18-03949.
(A) Public Hearing (B) Possible Recommendation for City Council's Consideration on June 11, 2020.

[802 Empire Subdivision Staff Report.pdf](#)

[Exhibit A: Planning Commission Minutes](#)

[Exhibit B: Engineering Memorandum](#)

[Exhibit C: Planning Director Determination Letter](#)

[Exhibit D: Park City Surveying Information](#)

[Exhibit E: Record of Survey and Topographic Map](#)

[Exhibit F: 802 Empire Rev Driveway Plan](#)

[Exhibit G: Neighborhood Lot Size Analysis](#)

[Exhibit H: Public Comment](#)

- 7.D. 802 Empire Ave –Conditional Use Permit – The Applicant is Requesting to Construct a Shared Driveway Over the Platted Unbuilt City Right-of-Way. PL-19-04113.
(A) Public Hearing (B) Possible Action

[802 Empire Ave CUP Staff Report](#)

Exhibit A: Planning Commission Minutes
Exhibit B: 802 Empire Rev Driveway Plan
Exhibit C: Public Comment
Exhibit D Engineering Memorandum

8.ADJOURN

A majority of PLANNING COMMISSION members may meet socially after the meeting. If so, the location will be announced by the PLANNING COMMISSION 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 Planning Department at 435-615-5060 or planning@parkcity.org at least 24 hours prior to the meeting. Wireless internet service is available in the Marsac Building on Wednesdays and Thursdays from 4:00 p.m. to 9:00 p.m. Posted: See: www.parkcity.org

***Parking validations will be provided for meeting attendees that park in the China Bridge parking structure.**

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
APRIL 22, 2020

COMMISSIONERS IN ATTENDANCE:

Chair John Phillips, Sarah Hall, John Kenworthy, Laura Suesser, Mark Sletten, Doug Thimm, Christin Van Dine

EX OFFICIO: Planning Director Bruce Erickson; Rebecca Ward, Planner; Alexandra Ananth; Planner; Elizabeth Jackson, Planner; Laura Kuhrmeyer, Planner; Mark Harrington, City Attorney

The Planning Commission meeting was conducted virtually via Zoom.
The public was able to submit eComments during the meeting.

ROLL CALL

Chair Phillips called the meeting to order at 5:35 p.m. and noted that all Commissioners were present.

APPROVAL OF MINUTES

March 11, 2020

Commissioner Sletten referred to page 19 regarding the State control over nightly rentals; and clarified that it was a question he had posed to City Attorney Harrington as to whether or not it would be an issue.

MOTION: Commissioner Suesser moved to APPROVE the Minutes of March 11, 2020. Commissioner Kenworthy seconded the motion.

VOTE: The motion passed. Commissioners Hall, Kenworthy, Sletten, Suesser, and Van Dine voted in favor of the motion. Commissioner Thimm abstained from the vote since he had not attended the March 11th meeting.

PUBLIC COMMUNICATIONS

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Chair Phillips disclosed that he would be recusing himself from the 1209 Park Avenue item on the agenda due to a working relationship with the applicant on that particular property.

Commissioner Kenworthy disclosed that he sits on the HPCA with Puggy Holmgren, the applicant for 1209 Park Avenue. He also previously served with Ms. Holmgren on the Historic Preservation Board. Commissioner Kenworthy did not believe their association would affect his ability to discuss and vote on the 1209 Park Avenue plat amendment on the agenda this evening.

Director Erickson reported that the Planning Commission would hold their regularly scheduled meetings in May. He anticipated that the first meeting on May 13th would again be a virtual meeting. He was unsure how they would conduct the second meeting in May.

Director Erickson expressed appreciation to Sky Robertson, the IT Manager for setting up the meeting this evening. He noted that Jessica Nelson was taking notes for the Minutes this evening because neither ReNae Rezac nor Mary May could be there.

CONTINUATIONS - (Public Hearing and Continue to Date Specified)

- 5.A. Work Session – Staff Compiled the Planning Commission’s Goals and Priorities for Land Management Code Amendments Provided by the Commission in the Work Session on February 26, 2020. Staff will Present a Plan and Schedule of Proposed 2020 Land Management Code Amendments for the Commission’s Review.

Director Erickson reported that Rebecca Ward had done a nice job pulling all the amendments together. The Planning Department was trying to provide the Commissioners with all the information that was compiled on all the issues, including sustainability, traffic, MPDs, and historic preservation. Director Erickson stated that if any of the Commissioners do not receive the information, they should contact him rather than waiting for the normal Staff report, and he would send the information.

Director Erickson recommended that the Planning Commission continue the Work Session to a date uncertain.

MOTION: Commissioner Suesser moved to CONTINUE the Work Session for the Land Management Code Amendments to a date uncertain. Commissioner Kenworthy seconded the motion.

VOTE: The motion passed unanimously.

- 5B. Land Management Code Amendment – Amending LMC Section 15-10-5 to Allow the Board of Adjustment Alternate to Count Toward Establishing a Quorum.
(Application PL-20-04459)

Director Erickson explained that this amendment would bring all the Boards and Commissions in alignment with what is a quorum. The Board of Adjustment is the only Board that has an alternate member that is not allowed to vote unless they lack a quorum.

Director Erickson recommended that Planning Commission open the public hearing and continue this item to a date uncertain.

Chair Phillips opened the public hearing. No comments were submitted. Chair Phillips closed the public hearing.

MOTION: Commissioner Thimm moved to CONTINUE the Amendments to streamline the Appeals and Variance Process to a date uncertain. Commissioner Sletten seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

- 6.A. 445 King Road – Conditional Use Permit – The Applicant is Requesting a Conditional Use Permit for the Construction of a Single-Family Dwelling, Consistent with the Plat and Master Development Plan. This item was Originally Continued from the February 12, 2020 Planning Commission Meeting to the March 25, 2020 meeting, which was cancelled.
(Application PL-19-04373)

Planner Liz Jackson reviewed the application for a conditional use permit for 445 King Road. She noted that the Planning Commission previously reviewed this item on February 12, 2020. At that time, the applicant had submitted updates to the plan and the Staff did not have time to review those updates prior to the meeting. The Planning Commission continued the item to the March 25th meeting, which was later cancelled.

Planner Jackson presented slides showing the proposed changes. She noted that the updated plan reduces the percentage of the height allowance being utilized. The applicant was proposing to reduce the height from 12% to 10%. They were also adding

more shifts in the facade of the structure to create more variation. Planner Jackson reviewed Exhibit B, which included the new plans. She pointed out the new variation in the front facade that was facing the Old Town side on the east elevation. She referred to the red areas on the building height analysis showing the percentage of the horizontal roof area above 25'; and noted that it was lessened to be 10%.

Planner Jackson stated that the applicant was available if the Commissioners had questions.

Planner Jackson clarified that the conditional use permit was for a new single-family dwelling called out on the plat as the Main House. Per the plat, a conditional use permit is required for the final design of the house.

The Staff recommended that the Planning Commission review the CUP for the 445 King Road single-family dwelling Main House and consider approving the CUP according to the findings of fact, conclusions of law, and conditions of approval.

Chair Philips asked Planner Jackson to walk through Phase 3 and explain how it ties into the total square footage. Planner Jackson showed the proposed main structure and pointed to the 1,873 square feet for the addition. She also pointed to the 546 square feet extension. She also indicated the non-exempt portion of the garage at 198 square feet. Planner Jackson stated that the Main House is currently proposed to be 2,617 square feet. The applicant has a little wiggle room to work with because per the plat, the entire Main House building footprint shall not exceed 3500 square feet. Planner Jackson stated that because there was some flexibility in square footage, the Staff decided that the addition could be an Administrative Conditional Use permit reviewed by Staff.

Planner Jackson reported on a clarification from the applicant that she had emailed to the Planning Commission. The first is that instead of Aspens, the trees will be Evergreen and Maple trees. The second clarification addressed recorded easements and agreements. Chair Phillips noted that Planner Jackson had both clarifications pulled up on the screen.

Patrick Sweeney, the applicant and owner, agreed with the Staff report and Planner Jackson's comments this evening. He had nothing further to add.

Commissioner Thimm noted that the Staff report suggested an administrative review of the future phase and he thought that was appropriate. Commissioner Thimm referred to page 6 of the Staff report and noted that the Conclusions of Law was actually written as Conditions of Law and it needed to be corrected.

Commissioner Sletten noted that something he thought was missing on the map was a reference to 555 King Road, which is the property above the Sweeney's current application. He wanted to know if there were any impacts, specifically with respect to road maintenance and such. Planner Jackson stated that 555 King Road is part of its own subdivision. To her knowledge, there would be no impacts to access. She was not aware of any other impacts.

Commissioner Hall was confused about the Main House footprint that was limited to 3500 square feet. She understood that a single caretaker or guest house had a footprint of 1500 square feet. Commissioner Hall wanted to know how the Main House was separated into two structures with the Phase 3 addition. Planner Jackson stated that a CUP was brought forward in the past. She pointed to an existing house that is 1500 square feet that was previously approved as the main house, but with the intention that it would eventually become the caretakers house. At the present time it is considered the caretakers house and the new dwelling will be the Main House.

City Attorney Harrington understood that Commissioner Hall was asking if Phase 3 would be connected to the new Main House. Planner Jackson answered yes. The potential Phase 3 would be a connective portion.

Commissioner Hall asked if an Administrative CUP is common for something like the addition. City Attorney Harrington replied that Administrative CUPs are not uncommon for additions; however, the administrative decision is appealable to the Planning Commission. Mr. Harrington stated that it is unusual for single-family homes to go through a full CUP. However, because of the nature, sensitivity, and uniqueness of the single-family lots within the Treasure Hill original approval, it requires a heightened level of review. He believed the Staff determined that because the addition was subject to the already established square footage and locations requirements, a full-blown CUP was not necessary for the addition.

Commissioner Suesser did not recall a discussion about the addition being an administrative CUP at the last meeting. Planner Jackson stated that it was a minimal discussion. She recalled that Commissioner Suesser had a question about Phase 3, and that Commissioner Thimm had mentioned that he liked the conditions of approval. She thought that was the extent of the discussion. City Attorney Harrington stated that it was just a question on whether there was an appeal right to the Administrative CUP. He agreed that it was not extensively discussed.

Commissioner Hall was looking at the recorded easements, particularly regarding the trails. She asked if that was discussed at the last meeting when she was absent. Chair

Phillips informed Commissioner Hall that it was her time to ask those questions even if they were discussed at the last meeting. Commissioner Hall stated that she was able to look at previous easements that were recorded and found that trails will be maintained and will have minimal impacts from the structures. She asked if there was any anticipated interference from the construction. Planner Jackson stated that at this point would be minimal construction impacts. She understood that construction would utilize the existing access driveway, as well as a storage area near the building.

Pat Sweeney stated that coming off the third switchback on King Road there is a platted trail that goes well beneath the home. It cannot be seen or experienced. The trail then connects with John's Trail, proceeds the northwest, cuts back to the south, and then goes above the house. At that point it is on King Road Estate Lot 1. Mr. Sweeney stated that there are plenty of platted bike/hiking/running trails on the property, but they are well removed from the construction site and none of them conflict with the construction; both physically and visually. Mr. Sweeney remarked that there is a recorded ski easement to the northwest in favor of Park City Mountain Resort and there is a similar easement across the King Road Estate Lot 1. Currently, Park City Mountain Resort has not chosen to open or use those easements.

Commissioner Suesser commented on trails. She noted that part of the conditions of approval from 2003, which was Exhibit F, Ordinance 3-37, was a condition stating that, "all trails indicated on the Treasure Hill Subdivision plat, which have not yet been constructed and approved, shall be completed prior to issuance of a Certificate of Occupancy". Commissioner Suesser wanted to know which trails were indicated on the Treasure Hill subdivision plat, and she asked someone to confirm that those have been constructed and completed to make sure the condition was met.

Mr. Sweeney stated that when the guest house/caretaker house was built approximately ten years ago, all the platted trails shown on the plat as amended were constructed and have been open to the public. Those trails will remain open as they do not conflict with the site.

Commissioner Suesser commented on a reference to an open space easement that was part of the prior condition that the area outside the building pad would forever be preserved in a natural state. She asked if that open space easement had been recorded and reflected on the amended plat. Mr. Sweeney stated that he and City Attorney Harrington drafted the open space easement and it was recorded. He explained that it basically says that everything that is not allowed by the plat in terms of structures and driveway utilities will remain open space. The actual site is approximately one acre and the buildable area is approximately half an acre. The lot is approximately 12 acres. Therefore, the majority of the lot will be preserved as open

space in perpetuity, and the recorded easement says that. Commissioner Suesser asked if that was reflected on the plat. Mr. Sweeney stated that it was not reflected on the plat. As he recalled, the easement was recorded after the plat. City Attorney Harrington thought it was referenced on the plat, even though it was recorded separately. Planner Jackson stated that the title report was not included in the packet; however, in looking at the easements called out on the plat, she could not see where open space was called out specifically. She offered to look into it if the Commissioners would like her to follow up.

Commissioner Thimm stated that if the previous approval was conditioned on a Certificate of Occupancy, he suggested that they add the same condition to this application.

Commissioner Suesser stated that it was a condition for the Certificate of Occupancy, but the open space easement for everything outside the building pad was not part of the conditions for the Certificate of Occupancy. Commissioner Suesser clarified that she was looking at Conditions 7 and 8 of Exhibit F in the Staff report.

Commissioner Suesser was unsure how to address the issue. Chair Phillips suggested adding a condition of approval requiring that it is recorded and have Planner Jackson follow up to find out.

City Attorney Harrington stated that he was not able to find it referenced in the Exhibits, but it should be in the Title Report. Mr. Harrington thought the Planning Commission could add a condition of approval to state, "Prior to CO, the Staff will confirm that Condition #8 of the subdivision ordinance has been fulfilled".

Commissioner Sletten thought it was called out on the plat itself as open space surrounding the building envelope. It was just not called out separately as a plat note. Mr. Harrington was unable to read the language on the plat and thought it should be verified. Mr. Sweeney found that it was recorded as Entry 0073364, Book 01693, Page 1619 on April 20, 2005. Commissioner Suesser asked if it was titled an Open Space Easement. Mr. Sweeney replied that it was called "Cato Trail and Open Space Easement Agreement. Commissioner Hall stated that she had found the same thing that Mr. Sweeney just read.

Chair Phillips clarified that there was no reason to add the additional condition of approval. Commissioner Thimm thought it had already been satisfied. Commissioner Suesser stated that it sounded like it was recorded against the property and would show up on a Title report. It was already of record and there was no reason to further condition it on that requirement. The Commissioners concurred.

Commissioner Van Dine stated that her questions related to trails, conditions, and the surroundings, and those questions had already been answered.

Commissioner Kenworthy had no further comments.

Chair Phillips opened the public hearing.

No comments were submitted.

Chair Phillips closed the public hearing.

Chair Phillips thought this was a unique application for a house. He believed his questions regarding the Phase 3 portion had been adequately addressed. There is a clear plan moving forward, and it was clear that if the applicant wanted to do something else that they would need to come back to the Planning Commission with that request. Chair Phillips was comfortable with the Administrative CUP review knowing that the decision is appealable. He agreed that it would be very unique for an applicant to come to the Planning Commission for an addition on a house.

MOTION: Commissioner Thimm moved to APPROVE the proposed Conditional Use Permit for 445 King Road in the Estate District, in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval as outlined in the Staff report. Commissioner Kenworthy seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 445 King Road

1. The Property is located at 445 King Road, Summit County Parcel Number THILL-3-8-1AM, and is within the Estate (E) Zoning District.
2. The Property is located on Lot 8 of the Treasure Hill Subdivision, Phase 3.
3. Per Plat Note 12, final house design shall be reviewed under the Conditional Use Permit process. Plat Note 1 lists this as the “Main House.” This “Main House” is considered a Single-Family Dwelling per the definition in LMC 15-15-1. The new Single Family Dwelling site is labelled as the “Main House” according to the Treasure Hill Subdivision Phase 3 First Amended Plat and will be referenced as such herein.
4. The proposed “Main House”, a 7,925 square foot residence, is located on a 11.9 acre parcel.
5. The City approved the Sweeney Master Planned Development on October 16, 1986.

The Sweeney Master Plan Approval identifies miscellaneous Properties including, "...a third lot to be situated up on top of Treasure Mountain (possible future access predicated on United Park City Mines Company's plans for development off of King Road). Development would be restricted to single-family homes with no greater than 3,500 square foot Footprints and maximum Building heights of 25 feet." Final house designs are required to be reviewed as Conditional Use Permits in accordance with the Sweeney Properties Master Plan.

6. On July 31, 2013, the City Council approved a Subdivision Plat to create one (1) Lot of record for this 11.9 acre Site. On this same date, Council approved a Zone Change for this Site to be changed from Recreation Open Space (ROS) to the Estate (E) Zoning District.

7. The CUP Application was deemed complete on December 11, 2019.

8. The Application meets the requirements of LMC 15-1-10(E), regarding the Conditional Use Review Process.

9. Per LMC 15-1-10(E)(1), there are no unmitigated impacts of the Site size and location as the Site's size and location are not changing.

10. Per LMC 15-1-10(E)(2), there are no unmitigated impacts regarding the traffic considerations including capacity of the existing Streets in the Area. In the fall of 2019, the Applicant upgraded a portion of King Road to 16' wide asphalt paving, with 2' on either side of compacted gravel to allow for Fire Department Access. This allows for sufficient emergency vehicle access on King Road. This Conditional Use Permit will not alter the required emergency vehicle access.

11. Per LMC 15-1-10(E)(3), there are potential impacts to the utility capacity, including storm water run-off. 445 King Road is currently used as a private residence and the addition of the "Main House" will not significantly change overall utility capacity and storm water run-off. See Condition of Approval 7 for drinking water booster pump requirements if updates to this system are proposed.

12. Per LMC 15-1-10(E)(4), there are no unmitigated impacts to emergency vehicle Access.

13. Per LMC 15-1-10(E)(5), there are no unmitigated impacts to the location and amount of Off-Street parking. Pursuant to LMC 15-3-6(A), three (3) parking spaces are required for this Site – two (2) for the Single-Family Dwelling and one (1) for the Guest House. This proposal meets these requirements. There is an enclosed Garage with two (2) side-by-side parking spaces and at least two (2) tandem parking spaces; and a carport with one (1) parking space.

14. Per LMC 15-1-10(E)(6), there are impacts to the internal vehicular and pedestrian circulation system. There is ample vehicular circulation on the Site, with a private driveway that leads from King Road to the "Building Zone". There is also a circular parking area that can be used as a turning point for vehicles. As this area is expanding, but staff finds it acceptable per the proposed "Main House" location, Condition of Approval 10 will mitigate further expansion of driveway area. The

Property includes trail easements for public access, per the Plat.

15. Per LMC 15-1-10(E)(7), there are no unmitigated impacts to the Fencing, but Screening and Landscaping to separate the Use from the adjoining Uses are proposed to be affected. No Fencing is proposed at this time. Landscaping is proposed to be native grasses to blend in with existing vegetation. The Applicant is requesting that the driveway be restricted to what is proposed in the plans (i.e. not allowed to change locations and further disrupt the Site, adjacent to the existing fire hydrant) and a low demarcation wall be required on the Site to not allow for further landscaping disturbance from development, expansion of driveway, and similar activities in the future. See Conditions of Approval 4 and 10.

16. Per LMC 15-1-10(E)(8), Conditions of Approval are proposed regarding impacts of the Building mass, bulk, and orientation, and the location of Buildings of the Site. The Building mass, bulk, orientation, and location are in accordance with the requirements of the Plat. The Plat (Notes 1, 2, 3, 5, and 6) already has restrictions regarding Footprint, visibility, Building Area (Zone), height, and massing to mitigate impacts the Building's design would have on the Site and adjacent Structures. As conditioned, the proposal is in alignment with restrictions on the Plat. See Condition of Approval 3 for review of the future design of the "Main House".

17. The Building Footprint for the "Main House" can be up to 3,500 square feet with a Guest House of an additional 1,500 square feet, per Plat Note 1. The Building Footprint included in this calculation is 2,617 square feet, as measured. This includes the proposed Phase 2 Addition (1,873 square feet), Phase 2 Extension (546 square feet), and Garage (198 square feet, non-exempt portion per Plat Note 1). A future extension of this Building's Footprint may be up to 883 square feet, per Plat Note 1.

18. The Plat states in Note 5 that "The 'Main House' height... shall be twenty-five (25') feet for roofs and roof elements that generally are parallel to existing Natural Grade and thirty (30') feet for roof ridges that are generally oriented (in the horizontal plane) perpendicular to existing contour lines... Such perpendicularly oriented roof portions located above twenty-five (25) feet shall comprise less than 20 percent of the roof plan." The Applicant has shown this requirement being met in Exhibit B Sheet CU102, including an analysis of the percentage of perpendicularly oriented roof portions that are above 25 feet in height. It is noted as 10% of the roof plan on that sheet. The Structure's physical design is compatible with surrounding Structures.

19. Per LMC 15-1-10(E)(9), there are no unmitigated impacts to the usable Open Space.

The Application is for a private Parcel, although there are easements on the Site for public access, per Plat Note 10. Approximately 74% of the 0.11-acre parcel is landscape. The development of the "Main House" will not significantly impact the Open Space or easements on the Site.

20. Per LMC 15-1-10(E)(10), there are no unmitigated impacts regarding Signs and

lighting. No signs or additional lighting are proposed to be installed.

21. Per LMC 15-1-10(E)(11), staff has proposed Conditions regarding the physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing. See Condition of Approval 3 regarding the materials and final detail design of the Structure. This Site is adjacent to the Historic District, and is required to abide by the Historic District Design Guidelines of LMC 15-13 Design Guidelines For Historic Districts and Historic Sites, per the SPMP. This was reviewed by the Planning Department's Design Review Team and was found to substantially comply with LMC 15-13-8.

22. Per LMC 15-1-10(E)(12), there are no unmitigated impacts regarding noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site. No noise, vibration, odors, steam, or mechanical factors that might affect people and Property are anticipated.

23. Per LMC 15-1-10(E)(13), there are no unmitigated impacts regarding control of deliver and service vehicles, loading and unloading zones, and Screening of trash and recycling pickup areas. No deliveries are anticipated. Residential trash pickup for the Property will be similar to the frequency it is currently at, which is about every 8 weeks. Frequency of pick-up may increase slightly with the new Structure, but staff anticipates not greatly.

24. Per LMC 15-1-10(E)(14), there are no unmitigated impact regarding the ownership and management of the Property. At this time, the Single-Family Dwelling will be the primary residence of the Applicant. The Property cannot be further subdivided per Plat Note 12. Per LMC 15-4-6, Guest Houses may not be sold or leased separate – including Nightly Rentals – from the “Main House”.

25. Per LMC 15-1-10(E)(15), there are no unmitigated impacts regarding Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste and Park City Soils Ordinance, Steep Slopes, and appropriateness of the proposed Structure to the existing topography of the Site. 445 King Road is located outside of the Park City Soils Ordinance Zone, but is within the Sensitive Land Overlay Zone.

26. Per LMC 15-1-10(E)(16), staff recommends that Condition of Approval 3 be added that allows for staff to review the “Future Phase 3 Addition” (as shown in Exhibit B Sheet CU-101 Site plan that depicts a red dashed Footprint of this addition) as an Administrative Conditional Use Permit. Per the Plat for this Site – Plat Note 12 – the final house design shall be reviewed under the Conditional Use process. Staff has determined that the plans submitted by February 27, 2020 (Exhibit B) are in compliance with this requirement and the future final details (phase 3 addition, window and door placement, proposed materials, and similar details) shall be reviewed through an Administrative Conditional Use Permit prior to Building Permit approval.

27. Due to the nature and location of the Site being shielded from the Historic District and a large distance from adjacent properties, staff recommends an allowance of

five (5) years for expiration of this Conditional Use Permit. This will vest restrictions on the Site to limit further Development than what is allowed per the Plat and this CUP, as shown in this report. Staff recommends this be the maximum timeframe for this Permit and no further Extensions be granted. See Condition of Approval 2. 28. The Application was reviewed by the Planning Commission on February 12, 2020 meeting and continued to the March 25, 2020 meeting date, which was cancelled. Cancelled meeting items were noticed as being rescheduled to the April 22, 2020 meeting.

Conclusions of Law – 445 King Road

1. The proposed Application as conditioned complies with the requirements of the Land Management Code.
2. The proposed Structure is compatible with surrounding Structures in Use, scale, mass, and circulation.
3. The proposed Conditional Use Permit is consistent with the Park City General Plan.
4. The Conditional Use Permit is consistent with the Sweeney Master Planned Development.
5. The effects in difference in use or scale of the Conditional Use Permit have been mitigated through careful planning and Conditions of Approval.

Conditions of Approval – 445 King Road

1. All standard project conditions shall apply.
2. This Conditional Use Permit shall expire on April 22, 2025, if the Applicant or any future Site owner has not been issued a Building Permit by that date. As this timeframe is already extending the typical one (1) year expiration period, per LMC 15-1-10(G), further extensions may not be granted for this Permit.
3. Prior to applying for a Building Permit:
 - a. Regarding the “Main House” as it is shown in Exhibit B, material samples and final design details must be approved by staff prior to issuance of any Building Permits. Construction shall be in substantial compliance with plans reviewed by the Planning Commission on April 22, 2020.
 - b. Regarding the “Future Phase 3 Addition” that is shown in Exhibit B, the Applicant shall apply for and receive approval from the Planning Department of an Administrative Conditional Use Permit for final design of the “Main House”. Material samples and final design details must be approved by staff prior to any Building Permit issuance. Construction shall be in substantial compliance with plans reviewed by the Planning Commission on April 22, 2020, regarding Footprint and location. Height shall be in compliance with Plat Note 5.

4. A water efficient (Water-wise) landscape and irrigation plan shall be submitted at the Building Permit phase for staff's review. This shall include information regarding defensible space on the Site. This plan shall abide by the Land Management Code at the time of submittal and will be reviewed by the Fire Marshal and Forestry Manager.
5. Exterior lights shall conform to the Land Management Code at the time of Building Permit submittal.
6. All Conditions of the First Amended Treasure Hill Subdivision Plat Phase 3 continue to apply.
7. Any update to the drinking water booster pump system and/or increase in demand will require Park City Public Utilities to be included in the review and approval process with the Utah Division of Drinking Water. Proof of this approval will need to be submitted at the Building Permit phase.
8. Grading and slope retention must be approved by the City prior to issuance of a Building Permit.
9. Trash pick-up will be by private contractor.
10. The proposed driveway Footprint shall not be expanded or changed. The stone-clad demarcation wall to the east of the new Structure ("Main House") will remain onsite to limit Site disturbance and any further driveway expansion into the naturally vegetated areas.
11. Final design of the "Main House" shall abide by the Plat, the Sweeney Property Master Plan, and the Land Management Code at the time of submittal.
12. Per LMC 15-4-6, Prior to Building Permit issuance, a deed restriction "Notice to Purchaser" stating that the Guest House may not be sold or leased separate from the "Main House", shall be recorded at the County Recorder's Office. Applicant will include a copy of the recorded document in the Building Permit file.

6.B. 1209 Park Avenue – Plat Amendment – The 1209 Park Avenue Plant Amendment Proposes to Combine Lot 3 and the Northern Half of Lot 2 of Block 6 of the Snyder's Addition to Park City into One Lot of Record.
(Application PL-20-04500)

Chair Phillips recused himself and left the room. Vice-Chair Suesser assumed the Chair.

Planner Jackson remarked that this request was a typical plat amendment. It is a lot and a half, and the lot line runs through an existing historic structure. The applicant would like to remove the lot line to enable future work on the lot.

Planner Jackson reviewed the request for the proposed plat amendment at 1209 Park Avenue to combine Lot 3 and the northern half of Lot 2 of Block 6 of the Snyder's Addition into one lot of record.

Planner Jackson presented the Existing Conditions Survey and pointed out the existing historic structure. She indicated other elements, including a concrete walkway, an asphalt driveway, a parking pad area, fencing, and a concrete area in the rear yard. There is a gas meter on the front of the house.

The Planning Department had not received no public input on the project.

The homeowner, Puggy Holmgren, was available to answer questions.

The Staff recommended that the Planning Commission review the proposed plat amendment, open a public hearing, and consider forwarding a positive recommendation to the City Council for their meeting on May 14, 2020, based on the findings of fact, conclusions of law, and conditions of approval in the Staff report.

Commissioner Sletten asked if there were any plans to change the structure itself and the driveway issues that are called. Planner Jackson did not believe there were any plans to change the historic structure; however, there is a potential for an accessory building in the rear yard.

Commissioner Kenworthy found good cause for the proposed plat amendment as presented.

Commissioner Thimm, Commissioner Van Dine, and Commissioner Hall had no issues or comments. Vice-Chair Suesser had no comments.

Vice-Chair Suesser opened the public hearing.

No public comments were submitted.

Vice-Chair Suesser closed the public hearing.

Puggy Holmgren explained that the glitch was found in the title report and she decided it was best to clean it up. That was her only reason for requesting this plat amendment.

Ms. Holmgren emphasized that she loves her house as it is and plans to be there forever. She does not even plan to change the color of the house.

MOTION: Commissioner Van Dine moved to forward a POSITIVE recommendation to the City Council for the plat amendment for 1209 Park Avenue, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance. Commissioner Hall seconded the motion.

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

Findings of Fact – 1209 Park Avenue

1. The subject Property is located at 1209 Park Avenue. It is listed through Summit County as Parcel SA-61-A.
2. The Site is within the Historic Residential-Medium Density (HRM) District.
3. The Site is listed as Landmark on the Park City Historic Sites Inventory (HSI).
4. The Plat Amendment application is a request to combine Lot 3 and the northern half of Lot 2 of Block 6 of Snyder's Addition into one (1) Lot of Record.
5. The proposed Lot Size is compatible with existing Lots in the neighborhood and in the overall Historic District. Per the submitted survey, the Lots on either side of this Site are the same Area as this Lot – a Lot and a half (2,812.5 SF, as measured).
6. The Lot has an existing Historic Structure with a footprint of 954 square feet, as measured. Any new Development will need to come into compliance with the Land Management Code at the time of City permit submittal. See Condition of Approval 4.
7. The Application complies with Lot and Site Requirements of LMC § 15-2.4-4, as represented on the certified survey and as follows:
 - a. The proposed Lot consists of 2,812.5 square feet and meets the minimum Lot Size for a Single-Family Dwelling (1,875 square feet), per LMC.
 - b. The proposed Lot measures thirty-seven and a half feet (37.5') wide and seventy-five feet (75') deep and meets the minimum Lot Width of twenty-five feet (25').
 - c. The minimum required Front and Rear Setbacks for the proposed Lot is ten feet (10').
 - i. The Front Setback Area contains the existing Historic Structure and wood porch, a concrete walkway, and a driveway.
 - ii. The Rear Setback Area contains a foundation wall and concrete patio Area.
 - d. The minimum required Side Setback for the proposed Lot is five feet (5').
 - i. The northwest Side Setback Area has an existing wood slat and chain link fence running along the Lot Line.
 - ii. The southeast Side Setback Area includes a concrete block and the Historic Structure.

- e. The existing Historic Structure is exempt from Setback requirements, per LMC § 15-2.4-6.
8. The maximum Building Height of any new Structure would be twenty-seven feet (27') from Existing Grade. The existing Historic Structure is 21.3 feet in height, as measured.
9. The Historic Site is exempt from parking requirements, per LMC § 15-2.4-6. Any new Structure will need to comply with parking requirements of LMC § 15-3, if said Structure is not a listed exemption of LMC § 15-2.4-6. See Condition of Approval 4.
10. Per LMC § 15-2.4-6, Historic Structures that do not comply with driveway location standards are valid Non-complying Structures. If in the future the driveway's footprint or location is proposed to change, it will need to come into compliance with the LMC at time of permit submittal. See Condition of Approval 5.
11. All findings within the Analysis section and the recitals above are incorporated herein as Findings of Fact.

Conclusions of Law – 1209 Park Avenue

1. The proposed Plat Amendment has been reviewed for compliance with Land Management Code Chapter 15-2.4 and Sections 15-7.1-3(B) and 15-12-15(B)(9).
2. There is good cause for this Plat Amendment in that it will remove an interior Lot Line on a Landmark Site and include a public snow storage easement dedication. The proposed Lot will comply with Zoning requirements for Lot Size, Width, and Depth.
3. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding Plat Amendments.
4. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
5. 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 – 1209 Park Avenue

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the Plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the Plat.
2. The applicant shall 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. The Plat shall note that fire sprinklers are required for all new or renovation construction on this Lot, to be approved by the Chief Building Official.

4. Any future Development on the Site shall abide by the Land Management Code and the Design Guidelines for Historic Districts and Historic Sites. Any new Structure will need to comply with parking requirements of LMC § 15-3, if said Structure is not a listed exemption of LMC § 15-2.4-6.
5. If in the future any changes to the existing driveway's footprint and/or location are proposed, it shall comply with the Land Management Code at the time of City permit submittal.
6. A ten foot (10') public snow storage easement on both street fronts shall be noted on the Plat.
7. This Site is not located within the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore it is not regulated by the City for mine related impacts. However, if the property owner does encounter mine waste or mine waste impacted soils they must handle the material in accordance to State and Federal law.
8. 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.

Chair Phillips returned to the meeting and assumed the Chair.

6.C. 1064 Park Avenue – Condominium Plat – The 1064 Park Avenue Condominium Plat Proposes to Create a Two (2) Unit Condominium Plat from the Duplex That is Under Construction On this Lot.

Planner Laura Kuhrmeyer noted that the plat was not attached to the back of the draft ordinance when the Staff report was printed. She would make sure it is included with the Minutes for the record.

Planner Kuhrmeyer reviewed the application for a condominium plat. The duplex structure was currently being constructed on the lot. The owner decided to sell the units separately and would like to condominiumize the duplex in order to sell the front unit and the rear units individually. Planner Kuhrmeyer presented the proposed plat. Unit B has the back half of the building, as well as a small accessory building in the rear of the lot. Unit A is the side closest to Park Avenue.

Planner Kuhrmeyer corrected a typo in Condition of Approval #6. The word "shell" should actually read "shall".

The Planning Department had received no public comments.

The Staff recommended that the Planning Commission open a public hearing and consider forwarding a positive recommendation to the City Council for the proposed condominium plat, according to the findings of fact, conclusions of law, and conditions of approval found in the Staff report.

Commissioner Thimm, Commissioner Sletten and Commissioner Hall had no comments or questions.

Commissioner Suesser commented on the parking for Unit B and asked if all the parking was underneath. Planner Kuhrmeyer explained that Unit A has a driveway and a garage. Unit B has a driveway in front of the accessory building in the rear, as well as a garage on the lower half of the accessory building. Commissioner Suesser asked if the accessory building has a residential component. Planner Kuhrmeyer thought there was something similar to a yoga room above the garage, but it is not living space. There are no bedrooms or a kitchen.

Chair Phillips stated that in the past, the Planning Commission has conditioned accessory buildings to prevent them from being turned into an additional livable unit with a kitchen. Planner Kuhrmeyer noted that the building was already near completion. She did not believe gas was into the structure currently, and she was willing to add a condition of approval prohibiting gas lines from being added in the future.

Commissioner Suesser asked for the number of bedrooms in Unit B. She thought the parking for Unit B was unclear and she wanted to confirm that the parking was appropriate for both units and whether the yoga studio could potentially be considered a bedroom. Planner Suesser wanted to know the parking requirements and the actual parking for the building.

Commissioner Thimm asked if the parking requirements were satisfied as part of the building permit. Planner Kuhrmeyer answered yes. Two parking spaces are required per dwelling unit. There are four parking spaces and two units; therefore, the requirement has been met.

Chair Phillips clarified that two parking spaces were on each portion of the units. Planner Kuhrmeyer answered yes.

Commissioner Sletten noted that the photograph on page 112 of the Staff report outlines the property and shows the accessory building with the garage is in the very back on the left-hand side. However, he pointed out that it still did not call out a limitation on future residential. Chair Phillips thought it would be wise to make sure that

limitation is captured through a condition of approval stating that the accessory building cannot be used as a rental because it does not have proper parking. Planner Kuhrmeyer reiterated that she would add a condition stating that the rear accessory unit cannot be used as an additional unit for any type of residential or rental use.

Commissioner Hall asked if the Commissioners would consider not allowing the accessory building to be a nightly rental but allow it to be a long-term rental if it complied with the Code. Chair Phillips remarked that the issue is not having enough parking for a long-term rental. Commissioner Hall clarified that parking would be part of Code compliance. Chair Phillips stated that if it could comply with parking or if the Code changes, it could be considered. He asked if the parking issue would be captured in any required permits for a long-term rental.

Planner Kuhrmeyer thought it was better if she could draft the requested condition and bring it back to the Planning Commission to make sure everyone is clear that the language is accurate.

City Attorney Harrington stated that since the Planning Commission was only making a recommendation to the City Council, they could direct the Staff to add a condition of approval that prohibits additional residential use or rental of the accessory space, unless additional Code compliance is achieved. It would be included in the Council Staff report and representative from the Planning Commission can provide additional input at the City Council meeting if the condition was not drafted appropriately. Mr. Harrington preferred that approach rather than delaying approval to another meeting since the applicant was already pushed back due to the circumstances.

Commissioner Sletten was comfortable with that approach as long as they include it in their recommendation to the City Council and the Staff drafts the appropriate language before going to the City Council for final approval. Chair Phillips concurred.

Chair Phillips thought it would be helpful if Planner Kuhrmeyer could email the drafted condition to the Planning Commission so they can provide additional input, if necessary, prior to publishing the Staff report for the City Council meeting. He also suggested that this be standard procedure whenever they direct the Staff to draft additional findings or conditions for the Council.

Commissioner Suesser clarified that the vote this evening would be to forward a recommendation to the City Council, conditioned on the Council considering additional language provided by Planner Kuhrmeyer. Chair Phillips answered yes, noting that the Planning Commission should expect to see that language before the City Council

meeting through an email from Planner Kuhrmeyer. At that time, the Commissioners will have the opportunity to provide additional comments to the City Council.

Commissioner Suesser referred to an access way next to the unit that accesses the Silver Creek bike trail near the river. She believed it is considered a public access way. If it is public, it should be open and not blocked. Commissioner Suesser asked if there was any consideration for keeping that access way clear. Planner Kuhrmeyer was not aware of the trail. City Attorney Harrington referred to page 109 and noted that it did not appear that any part of the access was on the subject parcel. For that reason, it could not be conditioned. He also did not believe the owners have any ability to block it. Commissioner Suesser noted that construction vehicles have blocked the access way during construction. She just wanted to make sure the public access way would not be blocked once construction is completed. Commissioner Suesser clarified that if the property line does not go up that far, the access way should be clear.

Planner Kuhrmeyer pulled up the existing conditions survey and pointed out that the trail was further down from the property. Chair Philips asked Planner Kuhrmeyer to pull up the aerial view. Commissioner Suesser located the access way on the aerial and indicated the parking in that area. She was concerned that the access way might be blocked by the use of the condominium unit. Chair Phillips stated that since it was off the subject property, it would fall under the responsibility of Code Enforcement.

Commissioner Suesser asked for further clarification on the parking. Planner Kuhrmeyer stated that all the parking must be provided on the property. One space will be inside the accessory building and the other space is in the driveway, and all are within the property lines.

Commissioner Van Dine had no comments.

Commissioner Kenworthy stated that in an attempt to simplify, he asked if they could just say that the additional space above the garage is not to be used for overnight occupancy. Regarding the parking concerns, he asked if the spaces off the property were designated as "no overnight" parking. Commissioner Suesser thought it should be "no parking" whatsoever. Planner Kuhrmeyer stated that it is technically 11th Street. It is a platted right-of-way and people should not park there at all. She agreed with Chair Phillips that it was a Code Enforcement issue because it is off the property.

Chair Phillips assumed that area had been disturbed through construction. He wanted to make sure that any disturbance in that area is restored so it does not appear to be on the applicant's property. He was concerned that if the area is not restored, it could lend itself to be used by an occupant if it appears to be a parking spot. Chair Phillips stated

that in looking at the aerial there appears to be different colored gravel and it is important that the contractors clean up that space. He was unsure how that could be accomplished.

City Attorney Harrington suggested that the Planning Commission could make that request that the Staff communicate that concern to the City Engineer and the Building Department and report back to the Planning Commission on the status of that right-of-way post project and how it will be handled. Planner Kuhrmeyer stated that when the Engineering Department does their final inspection, they usually make sure that anything in the right-of-way has been restored to its pre-construction condition.

Commissioner Kenworthy reiterated his suggestion for a simple condition stating that "additional space above the garage is not to be used for overnight occupancy". Commissioner Thimm suggested stating, "The additional space over the garage is not to be used for residential habitation". Commissioner Kenworthy was comfortable with that language.

Director Erickson was uncomfortable with the restriction of additional residential use without a condition or finding of fact as to why this does not comply with either the condominium act or the conditional use permit. He stated that Planner Kuhrmeyer would need more fact in her report if the Planning Commission intends to restrict these uses because they are allowed in the zone subject to conditional use permits and parking.

Commissioner Sletten noted that unless the LMC changed the parking requirements, it would not qualify under the current LMC. Chair Phillips stated that Planner Kuhrmeyer has their input and he trusted her to capture what they were trying to do. He also understood Director Erickson's concern if they prohibit rentals because it is an allowed use. Director Erickson suggested that the Planning Commission consider changing the recommendation to the City Council and instead say, "Parking is limited to the two duplexes and no additional uses will be allowed unless additional parking is delivered in accordance with the Land Management Code". Planner Kuhrmeyer agreed that it would achieve the purpose to just limit it to the parking without specifically saying no other residential uses. Chair Phillips agreed, noting that if the parking changes in the future, they would have the right to use it per the zone. Planner Kuhrmeyer reiterated that she would still email the language to the Commissioners once it is finalized.

Chair Phillips opened the public hearing.

No comments were submitted.

Chair Phillips closed the public hearing.

MOTION: Commissioner Thimm moved to forward a POSITIVE recommendation to the City Council for the 1064 Park Avenue Plat Amendment based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance, including additional language to the City Council outlining the parking requirements and limitations to the use of the accessory building to what is allowed under the LMC. Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 1064 Park Avenue

1. The subject property is located at 1064 Park Avenue.
2. The site is within the Historic Residential Medium Density (HRM) District.
3. A duplex is currently under construction on this site.
4. The Applicant proposes to create a two (2) unit condominium from the duplex.
5. The Lot consists of 6,855 square feet and meets minimum Lot Size of 3,750 sf for a Duplex Dwelling.
6. The Lot measures fifty feet (50') wide and meets the minimum Lot Width of 37.5' in HRM.
7. The proposed Lot Size is compatible with existing lots in the neighborhood and in the overall Historic District.
8. The minimum required Front Setback is fifteen feet (15') and the existing duplex is located fifteen feet (15') from the Front Lot Line.
9. The minimum required Rear Setback is ten feet (10') for the Main Structure and one foot (1') for the Accessory Structure. The Main Structure of the Duplex is located approximately twenty-eight feet and eight inches (28'8") from the Rear Lot Line and the Accessory Structure is located one foot (1') from the Rear Lot Line.
10. The minimum Side Setback is five feet (5') with a minimum ten feet (10') required on Street facing sides. The existing duplex is located ten feet (10') from the Side Lot Line that abuts 11th Street and five feet (5') from the interior Side Lot Line.
11. The maximum Building Height is twenty-seven feet from Existing Grade. The Planning Director determined that the Existing Grade had been significantly altered and determined the estimated Natural Grade for the Site. The Duplex is not more than twenty-seven feet from the Natural Grade.
12. Two (2) Off-Street Parking Spaces per Dwelling Unit are required and the Duplex contains four (4) Parking Spaces.
13. As conditioned, the proposed conversion complies with LMC § 15-4-12; 15-7.1-6 and 15-12-15(B)(9), as well as state law regarding condominium plats. Staff finds good cause for this Condominium Plat as the proposal will comply with zoning

requirements for Lot Size, Width, and Depth, etc. Further, condominium conversion is merely a change in form of ownership and will not have any additional land use/density changes.

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

Conclusions of Law – 1604 Park Avenue

1. There is good cause for this Condominium Plat.
2. The Condominium Plat is consistent with the LMC § 15-4-12; 15-7.1-6 and 15-12-15(B)(9), as well as state law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed Condominium Plat.
15. Approval of the Condominium Plat, subject to the conditions stated below, will not have any additional land use/density changes.

Conditions of Approval – 1604 Park Avenue

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat and CC&Rs for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat. The CC&Rs shall include a methodology for tie break.
2. The applicant shall 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. The plat shall note that fire sprinklers are required for all new or renovation construction on this lot, to be approved by the Chief Building Official.
4. The ten foot (10') public snow storage easement on both street fronts shall be maintained and noted on the Plat.
5. A note shall be added stating that the Site is subject to all Plat Notes from the underlying Plat – Sunshine Ski Home (Entry No. 11101664), Ordinance 2018-29.
6. A note shall be added describing the current Federal Emergency Management Agency (FEMA) Floor Zone information.

- 6.D. **2290 Deer Valley Drive East – Condominium Plat – The applicant is requesting approval of the Snow Park Residences Condominium Plat, Phase 2 of the larger St. Regis Deer Valley project. The Snow Park Residences includes a four-story (4) condominium building with one (1)**

level of underground parking, nine (9) condominium units, meeting spaces, and support commercial space. (Application PL-20-04471)

Planner Alexandra Ananth noted that Tom Bennett, legal counsel for the applicant, was available to answer questions.

Planner Ananth reported that in 2001 the Rosewood CUP approved a hotel with up to 130 residential unit equivalents split between Roosevelt Gap and Snow Park. The CUP was amended a number of times; most recently in 2016, which amended the timing requirements for Phase 2 and 3 of the St. Regis Condominium Project. Planner Ananth stated that both phases are located in the Snow Park area.

Planner Ananth stated that this condominium plat is for the Snow Park Residences, adjacent to the funicular building. It includes a four-story condominium building with one level of underground parking, nine condominium units, meeting space, and support commercial, which total approximately 12.3 residential unit equivalents. It also includes two affordable units. One unit is located in the Phase 2 structure. A second unit is located in the existing funicular building. Planner Ananth reported that in addition to the nine condominium units, approximately 2200 square feet of new amenity club space in this building was recently approved earlier this year as lounge and ski locker space for the Deer Crest Club. A small new restaurant and kitchen totals 2300 square feet on the ground floor; as well as a media and library room for the residents of those nine condo units. Planner Ananth stated that the building remains in compliance with the allowed amount of support commercial and meeting space caps.

The Staff found good cause for this condominium plat, as it is consistent with the density, maximum height, location, and uses identified in the approved Deer Valley Settlement Agreement, the Deer Valley MPD, and the most recently hotel CUP. The project is in keeping with the goals of the General Plan for the Deer Valley neighborhood and adds two additional deed restricted employee units. Approval of the condominium plat will allow for the sale of individual units.

Tom Bennett, representing the applicant, stated that he had nothing to add to the presentation, and he was prepared to answer questions.

Commissioner Thimm had no questions or comments.

Commissioner Sletten thought the Planning Commission had adequately delved into the issues of parking, traffic, etc. with the last application. He had no further comments or questions.

Commissioner Hall stated that she normally rides her bike up there and when she visited the site, she thought it was obvious that one of the main trails was gone. She asked if there was a plan for a new trail connection.

Mr. Bennett was not familiar with the trail Commissioner Hall was referring to. He asked if the trail went through the subject property. Commissioner Hall stated that some people call it the Gap Trail and others call it the Funicular Trail. It is listed on the Deer Valley website for summer trails. The trailhead is maintained by the Deer Crest Association.

Planner Ananth did not have an immediate answer on the trail and offered to research it prior to this project going to the City Council. Commissioner Hall remarked that this trail is important for connecting Snow Park. She noted that the Development Agreement talks about a \$1.1 million offset of fees for the conservation easements for approximately ten miles of the trails. She was unsure how that specifically relates to this parcel because it covers all of Deer Crest.

Chair Phillips asked if Commissioner Hall was saying that the trail has been cut off. Commissioner Hall replied that she knew the trail was gone before today, and she took pictures when she was up there today.

Commissioner Sletten referred to page 129 of the Staff report, and he thought it appeared that the trail goes through the cross-hatched section on the back side of the building. However, it does not show where the trail connects going south.

Commissioner Hall was able to show her photos on the screen. She indicated the main entrance to the Deer Crest funicular, the main trail, and a clear fence. The huge indentation from the parking lot is the trail that would go behind the St. Regis funicular building. She noted that the name of the trail differs on different maps.

Commissioner Suesser was surprised there was no condition about restoring trails. Chair Phillips preferred to hear the applicant's plan for that trail before forwarding a recommendation to the City Council.

Commissioner Sletten asked for clarification on whether the dotted line in the middle of the cross hatched section on page 129 was intended to be the trail, or whether it reflected some other element. Planner Ananth thought it looked like a trail that would connect behind the new building. She suggested that the connection might be restricted currently because of the construction fencing. It is labeled as a trail and she thought it would remain and continue to connect towards the Black Diamond residences.

Tom Bennett offered to follow up on the trail question and provide that information to the City Council. Planner Ananth stated that she would draft a condition of approval to that affect. Chair Phillips was comfortable adding the condition and making sure the City Council receives the proper input from the applicant regarding the trail.

Commissioner Hall was comfortable that the City Council would understand the concern; however, she wanted to provide additional information to the City Council and offered to share the Deer Valley Trail Map and the photos she had taken. Chair Phillips agreed that it was important for the Planning Commission to direct the Staff to make sure the trail issue is well-addressed by the City Council, and that the Staff report include exhibits and at least a statement letter from the applicant.

Commissioner Hall thought the information should include page 47 of the Settlement Agreement because it talks about the offsets of fees in exchange for the conservation easements and fee simple land for recreational open space. She wanted it clear that the developer was given significant offset of fees.

Mr. Bennett did not believe that allocation of open space affected this property. He noted that there are a number of designated open space parcels throughout the Deer Crest subdivision that are preserved as open space, but those are separately designated as open space parcels. The open space is not found in portions of platted lots. Commissioner Hall note that 335 acres was deeded as open space, but 177 acres also have conservation easements. Mr. Bennett was certain there was no conservation easement on the subject property. He would look at page 47 of the Deer Crest Settlement Agreement. Commissioner Hall stated that even if there is no easement connecting this property to the trailhead, she would like Mr. Bennett to find out if there is an easement connecting the trailhead on another piece of property that was developed by this applicant.

Commissioner Hall clarified that her goal was to revive the trail.

Commissioner Suesser requested clarification on the deed restricted employee unit that is currently in the funicular building. She asked if that unit counted towards the new construction and whether it was counted in the past towards other developments. Mr. Bennett stated that it is a new unit. There are currently two affordable housing units in the funicular building. The applicant taking space that is currently used as storage area and converting it into an additional affordable unit as part of this project.

Commissioner Suesser clarified that the new affordable or employee restricted unit would be in the new condominium. Mr. Bennett replied that she was correct. Two units

are being added. One is in the new condominium building and the other one is a change of use of space in the funicular building.

Commissioner Van Dine concurred with all the comments regarding the trail restoration.

Commissioner Kenworthy had no additional comments or questions.

Chair Phillips opened the public hearing.

No comments were submitted.

Chair Phillips closed the public hearing.

MOTION: Commissioner Sletten moved to forward a POSITIVE recommendation to the City Council for 2290 Deer Valley Drive East Condominium Plat, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval contained in the draft ordinance, with the amendment to forward additional information to the City Council as requested by Commissioner Hall for restoration of the trail as reflected on page 129 of the Staff report. Commissioner Van Dine seconded the motion.

Commissioner Suesser asked that the motion clarify that the restoration of the trail is a condition of approval for the condominium plat.

Commissioner Sletten amended his motion to clarify that a condition of approval would be added to the conditions of approval in the existing Staff report.

VOTE: The motion passed unanimously.

Findings of Fact – 2290 Deer Valley Drive East

1. The St. Regis Deer Valley Phase 2 Snow Park Residences Condominium Plat is located at 2290 Deer Valley Drive East.
2. This application is a part of a larger Master Planned Development known as the Deer Crest Annexation MPD and is subject to the 1995 Deer Crest Settlement Agreement, as amended in December of 1998 and also in April 6, 2001, by the City Council.
3. On February 28, 2001 Planning Commission approved the Deer Crest Hotel CUP (formally known as the Rosewood CUP). Amendments to the CUP were approved by the Planning Commission on July 25, 2001, March 24, 2004, May 11, 2005, April 22, 2009, and April 23, 2014, and April 13, 2016. The City Council denied an appeal of the April 22nd approval on June 18, 2009.

4. The density of 99.5 residential unit equivalents at Roosevelt Gap, 30.5 residential unit equivalents for Snow Park (total of 130-unit equivalents) and up to 5% of the gross floor area for support commercial uses with an additional 5% gross floor area for meeting space on the 12.07 acre development site is consistent with the Deer Crest Settlement, as amended.
5. The Hotel is located in the RD (Residential Development) and RC (Resort Commercial) zoning districts subject to the Deer Crest Settlement Agreement and MPD. Phase 2, the Snow Park Residences is located in the RD zone.
6. A total of 105 overnight parking spaces, and up to 41 day use spaces, are allowed at the Roosevelt Gap site. Eight of these spaces are provided as tandem spaces for valet parking. The amended Settlement Agreement, allowed the Planning Commission to approve overnight parking in conjunction with a luxury hotel and upon demonstration that the remainder of the (Deer Crest) project has been modified to result in no net increase of traffic on Keetley Road.
7. A total of 374 parking spaces are required for the entire Hotel, with a maximum of 157 spaces allowed at Roosevelt Gap and the remaining spaces required at Snow Park (north and south sites). The applicant expects to have 444 parking stalls available upon completion of the project and 430 stalls available upon completion of Phase 2.
8. A Traffic and Parking Study by Hales Engineering as part of the 2019 expansion of the Deer Crest Amenity Club at the St. Regis determined that the Hotel has sufficient parking for all of the existing and proposed uses.
9. It is the desire of the applicant to build out the St. Regis in three phases. The first phase is complete and consists of the 105 Roosevelt Gap hotel/condominiums (99.5 UE), including a restaurant, bar, and spa; the funicular and funicular building at Snow Park (the funicular building contains one condominium unit, common area for the hotel lobby and check in, back of house hotel uses, and two affordable housing units); and a temporary sales office with surface parking.
10. This application is for the second phase and consists of the south parking structure at Snow Park (35 stalls) with nine (9) condominium units above (approximately 12.2 UE's). The third phase consists of the north parking structure and condominium units above (approximately 17 UE's). The total density approved for Snow Park is 30.5 UEs.
11. Staff finds Good Cause for this Condominium Plat as it is consistent with the density, maximum height, location and uses identified in the approved Deer Valley Settlement Agreement, the Deer Valley Master Planned Development and the most recently amended Hotel CUP.
12. The project is in keeping with the goals of the General Plan for the Deer Valley neighborhood and adds two additional deed restricted employee units.
13. The applicant is creating a Condominium Plat so that the nine (9) condominium hotel units can be sold as individual units creating the Snow Park Residences.

14. All Conditions of the Hotel CUP's shall continue to apply and remain in full force and effect.

15. All findings within the Analysis section and the recitals above are incorporated herein as Findings of Fact.

Conclusions of Law – 2290 Deer Valley Drive East

1. There is good cause for this Condominium Plat as it will allow for the sale of the nine (9) units and the creation of two (2) affordable units.
2. The Condominium Plat is consistent with the Park City Land Management Code including Sections 15-4-12, 15-7.1-3(C) and 15-12-15(B)(9) and applicable State Law regarding Condominium Plats.
3. Neither the public nor any person will be materially injured by the proposed Condominium Plat.
4. Approval of the Condominium Plat, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – 2290 Deer Valley Drive East

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the Condominium Plat for compliance with State Law, the Land Management Code, 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. All conditions of approval of the 1995 Deer Crest Settlement Agreement, as amended, continue to apply.
4. All conditions of approval of the Deer Crest Hotel CUP approved on February 28, 2001 (then known as the Rosewood CUP) and amended by the Planning Commission on July 25, 2001; March 24, 2004; May 11, 2005; and April 22, 2009 (with final approval by the City Council on appeal on June 18, 2009), April 23, 2014; and April 13, 2016, shall continue to apply.
5. The two (2) new deed restricted housing units shall be a minimum of 449 and 459 sf respectively, to meet the requirement of 1.135 AUE consistent with the 1st Amendment to the Housing Mitigation Plan for Phase 2 of the St. Regis. One AUE is equivalent to 800 sf according to the Development Agreement.
6. Deed Restrictions for the AUEs, approved by the City in accordance with the applicable Housing Resolution, shall be recorded prior to plat recordation, and Certificates of Occupancy shall be issued for these units prior to the issuance of Certificates of Occupancy for any of the market rate units.

7. The CCRs shall limit the HOA dues related to the deed restricted employee housing units in order to ensure the units remains affordable. The CCRs shall reflect a lower par-value to reflect the reduced cost of the unit (or exempt the unit from HOA fees) to ensure that the unit doesn't lose its affordability due to such fees. The CCRs shall be submitted with the Condominium Plat for review and approval by the City prior to final Condominium Plat recordation.

8. The applicant shall clear any obstacles and restore public access to any and all trails located on the St. Regis property.

The Planning Commission Meeting adjourned at 7:09 p.m.

Approved by Planning Commission: _____

PENDING APPROVAL



Planning Commission Staff Report

Subject: 84 Daly Avenue – Steep Slope Conditional
Use Permit (CUP)
Author: Caitlyn Barhorst, Historic Preservation Planner
Department: Planning
Date: May 13, 2020
Type of Item: Administrative

Recommendation

Staff recommends the Planning Commission open a public hearing and continue the 84 Daly Avenue Steep Slope Conditional Use Permit to the May 27, 2020 meeting date. Staff is working with the applicant to edit the design to reduce the visual impacts of the retaining walls on the south side of the property.

Planning Commission Staff Report



Subject: 2020 Land Management Code Amendments
Author: Rebecca Ward, Land Use Policy Planner
Date: May 13, 2020
Type of Item: Work Session – 2020 Plan and Schedule

Summary Recommendation

Staff recommends that the Commission review the schedule of proposed 2020 work sessions and Land Management Code (LMC) amendments and provide input.

Commission Land Management Code Discussions

The Commission requested an opportunity to discuss potential LMC amendments on a quarterly basis. Staff included work sessions for Commission discussions on **July 8** and **September 23**, highlighted in **red** on the proposed schedule.¹

Background

Staff compiled the Commission's goals and priorities for LMC amendments based on input the Commission provided in the February 26, 2020 work session ([Staff Report](#); [Audio](#)). In addition to the LMC [amendments that are in progress](#), the Commission prioritized (I) affordable housing, (II) sustainability, (III) connectivity, (IV) updates to the General Plan, and (V) Transfer of Development Rights.

Additionally, based on Commission input during the March 11, 2020 meeting, staff scheduled a work session on Lot Combinations in Historic Districts and an LMC amendment to cap nightly rentals in the western Historic Residential Low-Density Zoning District.

The Commission requested updated data on population, nightly rentals, build-out, and second homeownership. Staff is working with the GIS Administrator and will provide this information as it becomes available.

(I) AFFORDABLE HOUSING

The Commission requested that staff prepare the next phase of affordable housing amendments for a work session to discuss increasing obligation requirements outlined in Housing Resolution 03-2017, opportunities for more Accessory Dwelling Units, more life-cycle housing that considers the needs of community members who are seniors, potential reductions to parking, and analysis of how affordable housing projects can better connect to transit in more neighborhoods.

¹ Staff will reach out to the Commission in advance of each work session for information on the topics to be discussed and will complete research, prepare a staff report, and provide public notice.

Housing Resolution 03-2017
Work Session – Date to be Determined

Accessory Dwelling Units
Work Session – June 24, 2020

Affordable Housing Phase II – Increased Height & Decreased Parking
Work Session – July 22, 2020

Staff scheduled a work session with the Commission for October 27, 2020, to evaluate progress toward the goals established in the City's [Housing Assessment and Plan](#). The goals include implementing zoning incentives for affordable units, reducing affordable housing parking requirements, and encouraging affordable housing near transit.

2020 Housing Assessment and Plan Evaluation
Work Session – October 28, 2020

(II) SUSTAINABILITY

The Commission requested that staff prepare for a work session on sustainability, especially net zero and regenerative requirements and implementation of strategies outlined in the General Plan. In collaboration with the Sustainability Department, staff is completing research and proposed LMC amendments to address (1) opportunities to require electric vehicle charging station infrastructure for new development; (2) implementation of a stretch code to incentivize developers to achieve net-zero projects; (3) an energy benchmarking and transparency code to incentivize existing building owners to improve energy efficiency; and (4) a potential requirement for developers to submit an analysis of the impact of their proposed Master Planned Development on the environment.

Work Session – June 10, 2020

Staff is also preparing for a later sustainability work session to address the following General Plan strategies:

- Consider the adoption of maximum house sizes for all neighborhoods.
- Require recycling and waste reduction in construction mitigation plans.
- Update the existing Ridgeline Map. Evaluate the addition of new Vantage Points for inclusion in the LMC.
- Encourage opportunities for local food production and sales of food produced regionally.
- Adopt standards to allow community gardens within neighborhoods and subdivisions.

At the request of the Mayor, staff is looking into Tesla roofs to determine whether solar roofs comply with the LMC and Historic District Design Guidelines.

(III) CONNECTIVITY

The Commission requested information on how the LMC can better support regional, local, and neighborhood plans to interconnect transit, bike pathways, trails, and the overall community through active transportation. In the fall of 2019, Summit County—in partnership with Park City, the Utah Department of Transportation, Snyderville Basin Recreation, and the Summit County Health Department—adopted an [Active Transportation Plan](#). Active transportation is defined as human-powered transportation and most commonly refers to biking and walking, but can include other modes for the purposes of transportation like scooters, cross-country skiing, rollerblades, equestrian, etc.

The City's Transportation Department is advancing this active transportation effort through *Park City Forward*, the City's Transportation Master Plan, which will build on the work completed by the partnership, outline the City's active transportation network, and develop street cross sections and standards for active transportation facilities. Staff is working with the Transportation Department to compile past walkability and active transportation studies, current projects, and future plans for opportunities to align the LMC requirements to support active transportation connectivity.

Work Session – August 12, 2020

(IV) GENERAL PLAN

The Commission requested to revise the Bonanza Park section of the General Plan. Throughout 2020, staff will work to implement relevant strategies outlined in the 2014 General Plan through LMC amendments. Staff is also preparing to initiate an overall General Plan update. The results of the City's *Vision 2020* will instigate opportunities for further community outreach and visioning for future land use. To support an overall update to the General Plan, staff is looking into software that will improve staff's ability to compile and analyze land use data.

**Work Sessions – August 12, 2020
November 11, 2020**

(V) TRANSFER OF DEVELOPMENT RIGHTS

On March 31, 2011, City Council adopted [Ordinance 11-12](#) to establish LMC Chapter 15-2.24, *Transfer of Development Rights (TDR) Overlay Zone*. The purpose of the TDR Overlay Zone is to preserve Open Space and protect Steep Slopes, Sensitive Lands, Agricultural lands, and forest areas. TDRs set up a mechanism for the transfer of density into eligible zones. To date, there have been no TDRs. Staff scheduled a work session to discuss TDRs and to explore possible amendments to the TDR Code that may help support the City's affordable housing and General Plan goals.

Work Session – October 14, 2020

(VI) LOT COMBINATIONS IN THE HISTORIC DISTRICTS

On March 11, 2020, the Commission requested a policy discussion on lot combinations in the Historic Districts. Staff is compiling information for the Commission's consideration.

Work Session – July 22, 2020

(VII) LAND MANAGEMENT CODE AMENDMENTS 2021

Staff scheduled an end-of-year work session to evaluate the 2020 LMC amendments and to initiate the process of looking ahead to 2021.

Work Session – December 9, 2020

LAND MANAGEMENT CODE AMENDMENTS

Wildland Urban Interface Amendments

Date to be Determined

In 2016, City Council adopted the 2006 Utah Wildland-Urban Interface (WUI) Code ([Ordinance 2016-31](#)). Council later repealed the WUI Code because it was determined to be too restrictive ([Ordinance 2016-46](#)). Council directed staff to educate community members about WUI and how to prepare properties for a wildfire. Council also directed staff to draft WUI amendments specific to Park City's unique building environment, especially the Historic Districts.

Master Planned Development Amendments

Work Session May 13

Staff recommends amending the Master Planned Development (MPD) Code to (1) clean up remnant language from when Pre-MPD applications were required; (2) allow the Planning Director to approve minor MPD modifications and define substantive MPD modifications that trigger additional Commission review and approval; (3) clarify that MPD and Development Agreement amendments are required to increase Density within an MPD; (4) clarify the conversion of units to Unit Equivalents; and (5) remove Support Commercial, Residential, and Resort Accessory Uses. Staff also recommends non-substantive edits for consistency and clarity.

Urban Park Zoning District Work Session May 27

The Recreation Department recommends creating an Urban Park Zoning District to further protect locations in the *Local Parks Preservation Master Plan* that are currently zoned Recreation Open Space. The proposed Urban Park Zoning District will heighten protections for Rotary Park, Creekside Park, Prospector Park, City Park, and the Municipal Golf Course.

Special Events Work Session June 10; LMC Amendment August 26

City Council amended Title 4A, *Special Events*, in 2016, 2017, and 2018. The LMC Special Events provisions were last amended in 2012. Staff is working with the Special Events Department to align the LMC with the Special Event Code. Staff will also schedule a work session with the City Council before bringing LMC amendments forward.

Amendments to Align the LMC with State Code June 10

Staff is working on amendments to align the LMC with recent land use legislation that was enacted over the past few years.

Homeowner Association Approval and Notice June 10

Staff recommends amending the LMC to require (1) that homeowner association approval for a condominium plat amendment be submitted with the application within a six-month period of approval and (2) that courtesy notice be mailed to all property owners within a condominium project for which a plat amendment is proposed.

Nightly Rentals in the Western Historic Residential Low-Density Zoning District July 8

Staff is working to amend the LMC as requested to by the Commission to cap Nightly Rentals in the Western Historic Residential Low-Density Zoning District.

Historic District LMC Clean-up July 8

Staff proposes LMC amendments to clean up inconsistencies, to codify vinyl as an inappropriate material in the Historic Districts, and to include a maximum Solar Reflective Index to measure reflectivity of metal materials on the exterior of buildings.

De Minimis Planning Director Determinations August 12

Staff recommends amending LMC § 15-14-1, *Zoning Administration And Enforcement*, to define *de minimis* and to authorize the Planning Director to approve *de minimis* changes to approved plans, plats, and administrative permits that conform with the LMC and approval.

Private Driveways in the Platted, Un-Built Rights-of-Way August 12

Based on input from a work session with the City Council on encroachments into the rights-of-way, staff will bring forward a replacement code for private driveways in the platted, un-built rights-of-way that first considers vacation of the right-of-way, retains a public notice process, establishes City Engineer advice to the Commission and Council, retains Planning Commission advice to Council, and places final encroachment discretion with City Council.

Dark Sky Amendments Work Session August 26

Staff is proposing LMC amendments based on the International Dark-Sky Association to mitigate night pollution in the community.

TASK FORCE AMENDMENTS

Additionally, staff will be bringing forward the Community Development Team Task Force recommendations for Land Management Code amendments in the Historic Districts, including maximum driveway requirements and parking requirements. These amendments are not yet scheduled.

Department Review

The Planning, Engineering, and Legal Departments reviewed this staff report.

Notice

Staff published notice on the City's website and the Utah Public Notice website on April 29, 2020. The *Park Record* published notice on April 29, 2020.

Public Input

Staff did not receive any public input at the time this report was published.

Exhibit

Exhibit A: 2020 Land Management Code Amendment Schedule

2020 LAND MANAGEMENT CODE AMENDMENT SCHEDULE

May 13
Work Sessions 2020 Land Management Code Amendment Schedule Master Planned Development Amendments LMC Amendment Board of Adjustment Quorum Amendment
May 27
Work Session Urban Park Zoning District Discussion
June 10
Work Sessions Aligning the LMC with updates to the Special Events Code Sustainability LMC Amendments Amendments to Align the LMC with State Code Homeowner Association Approval and Notice
June 24
Work Session Accessory Dwelling Units
July 8
Work Session Commission Land Management Code Discussion LMC Amendments Historic District Clean-up Nightly Rentals Cap in the Western Historic Residential Low-Density Zoning District
July 22
Work Sessions Affordable Housing – Phase II, Increased Height & Decreased Parking Lot Combinations in the Historic Districts

August 12
Work Sessions Connectivity General Plan Amendment Discussion LMC Amendments Private Driveways in the Platted, Un-Built Rights-of-Way <i>De minimis</i> Planning Director Determinations
August 26
Work Session Dark Sky Amendments LMC Amendment Aligning the LMC with updates to the Special Events Code
September 23
Work Session Commission Land Management Code Discussion
October 14
Work Session Transfer of Development Rights
October 28
Work Session Evaluation of 2020 Housing Assessment and Plan
November 11
Work Session General Plan Amendment Discussion
December 9
Work Session LMC Amendments 2021

Planning Commission Staff Report



Subject: Master Planned Developments
Application: PL-20-04498
Author: Rebecca Ward, Land Use Policy Planner
Date: May 13, 2020
Type of Item: Work Session – Legislative

Summary Recommendations

Staff recommends that the Planning Commission review the proposed amendments to Land Management Code Chapter 15-6, *Master Planned Developments (MPDs)*, and provide direction to staff.

Background

The LMC has outlined a process for MPD approval since the early 1980s to provide flexible and comprehensive designs for developments large in scope. Over the years, the Council enacted substantive amendments to the MPD Chapter, limiting the zones for MPD development and exempting certain Accessory Uses from counting toward the Unit Equivalent Density allocated for MPDs.

The Planning Commission requested that staff prepare a work session to discuss the MPD Unit Equivalent exception for Accessory Uses. Additionally, staff recommends substantive and non-substantive amendments to clarify the MPD code.

(A) Staff recommends the Commission consider the following substantive amendments:

- (1) LMC [§ 15-6-4](#), *Process*, to clean up remnant code from when Pre-MPD Applications were required;
- (2) LMC § 15-6-4(I), *Modifications*, to outline substantive modifications that trigger additional Commission review and approval and to allow the Planning Director to approve minor modifications;
- (3) LMC [§ 15-6-5](#), *MPD Requirements*, to clarify that the Density approved by the Commission for an MPD is the final Density for the project and any request to increase Density for an MPD subject to the underlying Zoning District requires additional review and approval by the Commission and an MPD and Development Agreement amendment;
- (4) LMC [§ 15-6-8](#), *Unit Equivalents*, to clarify the conversion of units to Unit Equivalents; and
- (5) LMC [§ 15-6-8](#), *Unit Equivalents*, to remove Support Commercial, Residential, and Resort Accessory Uses.

(B) Staff recommends the Commission consider non-substantive edits outlined in Section B below for consistency and clarity.

(C) Staff requests that the Commission consider a future work session on potential LMC amendments to help clarify the Conditional Use Permit process and criteria required for Master Planned Development approvals.

Analysis

The Commission has the primary responsibility of reviewing LMC amendments and forwarding a recommendation for City Council's consideration.¹

(A) SUBSTANTIVE AMENDMENTS

(1) Amend LMC [§ 15-6-4](#), *Process*, to clean up remnant code from when Pre-Master Planned Development Applications were required.

In 2017, City Council amended LMC Chapter 15-6 to remove the Pre-MPD Application requirement ([Ordinance 2017-15](#)). However, some Pre-MPD Application processes and requirements remain in the LMC, resulting in conflicting provisions.

Staff recommends amending LMC § 15-6-4, *Process*, to clean up remnant language from the Pre-MPD requirement, to clarify that a pre-application conference with staff is optional, and to outline the Application requirements that must be met prior to scheduling a work session with the Commission.

(2) Amend LMC § 15-6-4(I), *Modifications*, to outline substantive modifications that trigger additional Commission review and approval and to allow the Planning Director to approve minor modifications.

Staff recommends that the following modifications to an approved MPD come before the Commission for review and approval:

- A change in square footage or Use that requires an increase in Parking requirements;
- A change in square footage or Use that generates a 5% or greater traffic increase;
- A reduction to Open Space; or
- A modification to a condition of approval established by the Planning Commission at the time of MPD approval.

Staff recommends amending the LMC to allow the Planning Director to approve minor modifications to an MPD approval that do not constitute substantive modifications. Minor modifications must comply with the LMC, the approved MPD, all conditions of approval,

¹ LMC [§ 15-12-15\(B\)\(3\)](#).

and the Development Agreement. Such decisions would be subject to appeal to the Planning Commission.

(3) Amend LMC § 15-6-5, *MPD Requirements*, to require an MPD and Development Agreement amendment to increase Density.

The 1980s LMC required the applicant of an approved MPD to record a document with the County Recorder describing the approval to put prospective purchasers on notice that the MPD zoning “might be more or less restrictive as to individual parcels than the underlying zoning regulations might imply.” This requirement has since been replaced with the Development Agreement.

The Planning Commission may approve MPD Density that is lower than base zoning. Any application to increase MPD Density to maximize base zoning requires a comprehensive re-evaluation of the full Master Planned Development with Commission review, approval, and an amendment to the Master Planned Development and Development Agreement.

Staff recommends amending the LMC to clarify that an application to increase density to base zoning for property that is part of an approved MPD requires an amendment to the MPD and Development Agreement to reinforce that land use approvals for an MPD are considered in totality of the MPD project, not parcel by parcel.

(4) Amend LMC § 15-6-8, *Unit Equivalents*, to clarify the conversion of units to Unit Equivalents.

LMC [§ 15-6-5\(A\)](#) states that MPDs cannot exceed the maximum Density for the Zoning District unless the MPD (1) donates Open Space in excess of the requirement to the City, (2) includes more than 30% affordable residential units, or (3) designates 80% of the MPD as Open Space. If an Applicant meets one of these requirements, the Commission may grant up to a 10% increase in Density.

The MPD process allows the Applicant flexibility with the Zoning District Density in that the Applicant can propose a project that considers a site holistically that is not restricted to zoning Setbacks for individual parcels within the MPD, with some allowances for Height increases in certain instances. This flexibility is furthered by the Unit Equivalent formula, which allows the Applicant to designate certain square footages for mixed uses in certain zones. One MPD Unit Equivalent equals one Single-Family Lot, 2,000 square feet of residential development (including hotels, lodges, etc.), or 1,000 square feet of commercial development.

The challenge in the LMC is the conversion of Zoning District units to MPD Unit Equivalents. This is because the base Density is calculated differently in the zones. The LMC includes the following Density determinations:

- **Volume-Based** – An envelope within which a project can be developed that is based on Lot size and Setback and Height restrictions, and in some zones, Building Pad requirements.
 - Applies to the HRL, HR-1, HR-2, HRM, E-40, R-1, RM, RC (residential), GC, and LI Zoning Districts.
- **Floor Area Ratio (FAR)** – The maximum allowed Gross Floor Area divided by the Area of the Lot or Parcel.
 - Applies to the RDM (commercial), RC, GC (Prospector Overlay), HRC, and HCB Zoning Districts.
- **Units Per Acre** – Allocates Unit Equivalents based on total acreage within the proposal.
 - Applies to the CT, E, SF, RD, and RDM Zoning District.

The Challenge – Determining what equals one unit in a Zoning District with volume-based Density needs to be clarified so that the conversion of a unit to a Unit Equivalent is a standardized, predictable process for staff, applicants, and the public.

Staff will continue researching potential measures to clarify the conversion of units to Unit Equivalents for volume-based zones. Potential proposals may include establishing a units-per-acre or FAR allocation for MPDs within volume-based zones. Staff welcomes any input the Commission may have.

(5) Amend LMC § 15-6-8, *Unit Equivalents*, Support Commercial, Residential, and Resort Accessory Uses.

LMC [§ 15-6-8](#) establishes a Unit Equivalent (UE) formula for Density within MPDs. This Section of the LMC exempts Support Commercial, Residential, and Resort Accessory Uses from counting toward the total UEs designated for an MPD. An *Accessory Use* is defined as a land Use that is customarily incidental and subordinate to the primary Use located on the same Lot.²

When the MPD process was first established in the LMC in the 1980s, the LMC only allowed Support Commercial Facilities, which were defined as commercial uses oriented toward the internal circulation of the development “for the purpose of serving the needs of the residents or users of that development, and not the general public or persons drawn from off the site of the Master Planned Development.” The definition included examples like barber shops, beauty salons, travel agencies, clothing stores, gift shops, convenience stores, art galleries, auto rentals, camera stores, liquor stores, pharmacies, sporting goods stores, day care nurseries, information centers, tennis or golf pro shops or other hotel lobby type uses.

Each Support Commercial Facility was capped to no more than 2,000 gross square feet of floor area and the total Support Commercial Facilities were capped to no more than

² LMC [§ 15-15-1](#).

10% of the total gross floor area. Signage for Support Commercial could only be visible from within the development. The 1980s LMC also allowed up to 5% of the total floor area to be dedicated to meeting rooms without requiring commercial UEs.

When the City re-wrote the LMC in the early 2000s, the LMC was amended to allow within a hotel or nightly rental condominium up to 5% of the total floor area for Support Commercial and 5% of the total floor area for Meeting Space without counting toward UEs. The 2002 LMC also exempted back of house, administrative Uses, and banquet offices from UEs.

Additionally, the 2002 LMC exempted Residential Accessory Uses from UEs, which included ski lockers, lobbies, registration, concierge, bell stand/luggage storage, maintenance areas, mechanical rooms, laundry facilities, employee facilities, common pools, saunas, and hot tubs not open to the public, telephone areas, public restrooms, administrative offices, hallways and circulation, elevators and stairways, and back of house uses. There is no square footage or percentage cap on Residential Accessory Uses.

The 2002 LMC added Resort Accessory Uses, exempting Lost and found, mountain patrol, mountain administration, mountain maintenance, emergency medical facilities, public lockers, public restrooms, employee restrooms, ski school/day care facilities, ticket sales, ski check, circulation, and hallways from UEs. There is no square footage or percentage cap on Resort Accessory Uses.

These UE exemptions make it difficult to ensure that MPDs are not granted more Density than allocated under the base zoning without meeting the open space or affordable housing requirements. Accessory Uses may not initially trigger additional Parking requirements or other mitigation of impacts to the Site, but over time, the Uses may transition into other Uses that later impact Parking, traffic, and overall Use of the Site. Accessory Uses become problematic over time because it is difficult to retroactively evaluate the Site and ensure that increased Parking requirements and other impacts are mitigated when a new Use is proposed, while still meeting the requirements of the MPD approval to comply with Open Space and other Conditions of Approval. For these reasons, staff recommends removing the Accessory Use exemption from the UE calculation.

Options –

- No change to the Support Commercial, Residential, or Resort Accessory Uses.
- Put a square footage cap on Residential and/or Resort Accessory Uses.
- Remove the UE exemption for some or all Accessory Uses.

(B) NON-SUBSTANTIVE EDITS

The proposed LMC amendment also makes non-substantive edits to comply with:

- Municipal Code of Park City (MCPC) [§ 1-1-1](#) for Code citations
- MCPC [§ 1-1-6](#) to clarify references to Titles, Chapters, and Sections

- LMC [§ 15-15-1](#) to capitalize all terms that are defined

Additional non-substantive amendments include:

- Editing passive voice to active voice
- Consistently using the serial comma
- Re-wording sentence structures for clarity
- Removing LMC § 15-6-3(A), *Density*, which duplicates LMC § 15-6-5(A).
- Removing LMC § 15-6-7(F), *Off Street Parking*, which duplicates LMC § 15-6-5(E)

(C) STAFF REQUESTS THAT THE COMMISSION CONSIDER A FUTURE WORK SESSION ON POTENTIAL LMC AMENDMENTS TO HELP CLARIFY THE CONDITIONAL USE PERMIT PROCESS AND CRITERIA REQUIRED FOR MASTER PLANNED DEVELOPMENT APPROVALS.

MPDs have required a Conditional Use Permit since they were first outlined in the LMC in the early 1980s. The LMC Land Use Tables in the 1980s designated four CUPS for MPDs: (1) MPDs including service and limited retail commercial support services; (2) MPDs with full commercial uses, heavy retail, and services designed for general public use rather than support services; (3) MPDs with residential and transient lodging uses only; and (4) MPDs with moderate income housing density bonus.

As the LMC was amended over the years, the LMC *Uses* Sections for each Zoning District were not updated to reflect the changes. As a result, LMC [§ 15-6-2](#), which outlines zones where MPDs are allowed, and the individual Zoning District *Uses* Sections that require a Conditional Use Permit, are not aligned.

Staff recommends that either the *Uses* Sections for each Zoning District be updated to reflect the CUP requirement to process MPDs, or that the LMC be amended to separate the MPD and CUP process. As state law has evolved over the years to lessen the Commission's discretion on Conditional Uses, separating the MPD approval process from the CUP process may better enable the Commission to approve projects that meet the MPD goals outlined in LMC [§ 15-6-1](#). Staff would work to amend the MPD code to ensure that the CUP criteria are addressed in the MPD review. Staff appreciates direction.

Department Review

The Planning, Engineering, and Legal Departments reviewed this application.

Notice

Staff published notice on the City's website and the Utah Public Notice website on April 29, 2020. The *Park Record* published notice on April 29, 2020.³

Public Input

Staff did not receive any public input at the time this report was published.

³ LMC [§ 15-1-21](#).

Exhibits

Exhibit A: Redlines

15-6 Master Planned Developments

15-6-1 Purpose

15-6-2 Applicability

15-6-3 Uses

15-6-4 Process

15-6-5 MPD Requirements

15-6-6 Required Findings And Conclusions Of Law

15-6-7 Master Planned Affordable Housing Development

15-6-8 Unit Equivalents

15-6-1 Purpose

The purpose of this Chapter is to describe the process and set forth criteria for review of Master Planned Developments ~~((MPDs))~~ in Park City. The Master Planned Development provisions set forth Use, Density, ~~[A]H~~Height, ~~[P]P~~arking, design theme, and general Site planning criteria for larger and/or ~~[more]~~ complex projects having a variety of constraints and challenges, such as environmental issues, multiple ~~[z]Z~~oning ~~[d]D~~istricts, location within or adjacent to transitional areas between different land Uses, and infill redevelopment where the ~~[MPD]~~ Master Planned Development process can provide design flexibility necessary for well-planned, mixed-use developments that are Compatible with the surrounding neighborhood. The goal of this Chapter ~~[section]~~ is to result in projects which:

- A. complement the natural features of the Site;
- B. ensure neighborhood Compatibility;
- C. strengthen the resort character of Park City;
- D. result in a net positive contribution of amenities to the community;
- E. provide a variety of housing types and configurations;
- F. provide the highest value of ~~[O]O~~pen ~~[S]S~~pace for any given Site;
- G. efficiently and cost effectively extend and provide infrastructure;

- H. provide opportunities for the appropriate redevelopment and reuse of existing
[s]Structures/[s]Sites and maintain Compatibility with the surrounding neighborhood;
- I. protect residential [u]Uses and residential neighborhoods from the impacts of non-
residential Uses using best practice methods and diligent code enforcement; [and]
- J. encourage mixed-[u]Use, walkable, and sustainable development and redevelopment
that provide[s] innovative and energy efficient design, including innovative alternatives to
reduce impacts of the automobile on the community[-]; and
- K. [E]ncourage opportunities for economic diversification and economic development
within the community.

HISTORY

Adopted by Ord. [02-07](#) on 5/23/2002

Amended by Ord. [10-14](#) on 4/15/2010

Amended by Ord. [13-23](#) on 7/11/2013

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, [M]mixed-[u]Use, or
[I]Industrial project with 10,000 square feet or more of Gross Floor Area.
 5. All projects utilizing Transfer of Development Rights Development Credits.

6. All 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:

1. Residential Development projects with fewer than ten (10) Lots, or fewer than ten (10) Residential Unit Equivalents (less than 20,000 square feet);

or

2. Hotel or lodging projects with fewer than ten (10) Residential Unit Equivalents (less than 20,000 square feet); or

3. New Commercial, Retail, Office, Public, Quasi-public, ~~M~~mixed-~~U~~use, or ~~I~~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) Zoning Districts 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 in the Historic Residential-Medium (HRM) Density Zoning District for:

1. Residential Development projects with fewer than ten (10) Lots, or fewer than ten (10) Residential Unit Equivalents (less than 20,000 square feet),

or

2. Hotel or lodging projects with fewer than ten (10) Residential Unit Equivalents (less than 20,000 square feet).

Height exceptions will not be granted for Master Planned Developments within the HRM Zoning Districts. See Section 15-6-5(F), Building Height.

4. The Master Planned Development process is allowed, but is not required, when the Property is located in the HR-1 Zoning District and 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.

HISTORY

Adopted by Ord. [02-07](#) on 5/23/2002

Amended by Ord. [04-08](#) on 3/4/2004

Amended by Ord. [06-22](#) on 4/27/2006

Amended by Ord. [10-14](#) on 4/15/2010

Amended by Ord. [11-12](#) on 3/31/2011

Amended by Ord. [13-23](#) on 7/11/2013

Amended by Ord. [15-36](#) on 6/25/2015

Amended by Ord. [2017-46](#) on 8/17/2017

15-6-3 Uses

A. USES. A Master Planned Development ~~[(MPD)]~~ can only contain Uses, which are ~~[Permitted]~~ **Allowed** or Conditional in the ~~[zone(s)]~~ **Zoning District** in which it is located.

~~The maximum Density and type of Development 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, including all adjacent property under the same ownership, and the Density located in the most appropriate locations. When Properties are in more than~~

~~one (1) Zoning District, there may be a shift of Density between Zoning Districts if that Transfer results in a project which better meets the goals set forth in Section 15-6-1 herein. Density for MPDs will be based on the Unit Equivalent Formula, as defined in LMC Chapter 15-15, and as stated in Section 15-6-8 herein.~~

~~**Exception.** Residential Density Transfer 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 Zoning District, may be located in the HR-2 Zoning District as allowed by Section 15-2.3-8.~~

HISTORY

Adopted by Ord. [02-07](#) on 5/23/2002

Amended by Ord. [06-22](#) on 4/27/2006

Amended by Ord. [10-14](#) on 4/15/2010

Amended by Ord. [15-36](#) on 6/25/2015

15-6-4 Process

~~**A. PRE-APPLICATION CONFERENCE.** A pre-Application conference shall be held with the Planning Department staff in order for the Applicant to become acquainted with the Master Planned Development procedures and related City requirements and schedules.~~

~~An Applicant may request a pre-Application conference with Planning Department staff to become acquainted with the Master Planned Development procedures and~~

~~requirements. [The Planning Department staff will give preliminary feedback to the potential Applicant based on information available at the pre-Application conference and will inform the Applicant of issues or special requirements which may result from the proposal.]~~

~~**B. APPLICATION.** An Applicant shall submit a Master Planned Development Application to the Planning Department. The Application must include written consent by all Owners of the Property to be included in the Master Planned Development. The Planning~~

Director shall assign the Application to a staff planner who will review the Application for completeness. The staff planner will inform the Applicant if additional information is required to constitute a complete Application.

C. **PUBLIC OUTREACH.** It is recommended that the Applicant conduct public outreach and that the Applicant host neighborhood meetings prior to submitting an Application for a Master Planned Development.

~~[B]D. [PRE-APPLICATION]WORK SESSION [PUBLIC MEETING]. [In order to provide an opportunity for the public and the Planning Commission to give preliminary input on a concept for a Master Planned Development,]~~ After the staff planner determines a Master Planned Development Application is complete, the Applicant may request a work session ~~[discussion]~~ with the Planning Commission in order to provide an opportunity for the public and the Planning Commission to give preliminary input on a concept for a Master Planned Development.~~], after meeting with the Planning Department. If a work session is held, public input shall be permitted. The Applicant is encouraged to conduct independent public outreach.~~

~~At the pre-Application work session public meeting, the Applicant will have an opportunity to present the preliminary concepts for the proposed Master Planned Development. 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.~~

~~For larger MPDs, it is recommended that the Applicant host additional neighborhood meetings in preparation of filing of a formal Application for an MPD.]~~

[G] **APPLICATION.** The Master Planned Development Application must be submitted with a completed Application form supplied by the City. A list of minimum requirements will accompany the Application form. The Application must include written consent by all Owners of the Property to be included in the Master Planned Development. Once an

Application is received, it shall be assigned to a staff Planner who will review the Application for completeness. The Applicant will be informed if additional information is necessary to constitute a Complete Application.

~~[D.]~~**E. PLANNING COMMISSION REVIEW.** The Planning Commission is the primary review body for Master Planned Developments ~~[and is required to hold a public hearing and take action]~~.

~~[E.]~~**E. PUBLIC HEARING.** ~~[In addition to the possible work session, a formal]~~ The Planning Commission is required to hold a public hearing and take action on ~~[a]~~ Master Planned Developments ~~[is required to be held by the Planning Commission. The Public Hearing will be noticed in accordance with LMC Chapters 15-1-12 and 15-1-21, Notice Matrix.]~~ Multiple ~~[P]~~**p**ublic ~~[H]~~**h**earings~~[, including additional notice,]~~ may be necessary for larger, ~~[or more]~~ complex~~[,]~~ projects. Staff shall notice each public hearing in accordance with Sections 15-1-12 and 15-1-21.

~~[F.]~~**G. PLANNING COMMISSION ACTION.** The Planning Commission shall approve, approve with modifications, or deny a requested Master Planned Development. To approve a Master Planned Development, the Planning Commission shall make the findings outlined in Section 15-6-6. The Planning Commission action shall be in the form of written findings of fact, conclusions of law, and in the case of approval, conditions of approval. Action shall occur only after the required public hearing. ~~[is held. To approve an MPD, the Planning Commission will be required to make the findings outlined in Section 15-6-6 herein.]~~

Appeals of Planning Commission action shall be conducted in accordance with ~~[LMC Chapter]~~ Section 15-1-18.

~~[G.]~~**H. DEVELOPMENT AGREEMENT.** Once the Planning Commission ~~[has]~~ approves~~s[d]~~ ~~[the]~~ a Master Planned Development, the approval shall be put in the form

181 of a Development Agreement~~[- The Development Agreement shall be in a form]~~

182 approved by the City Attorney~~[-]~~ and shall contain, at a minimum, the following:

- 183 1. A legal description of the land;
- 184 2. All relevant zoning parameters, including all findings, conclusions, and conditions
185 of approval;
- 186 3. An express reservation of the future legislative power and zoning authority of the
187 City;
- 188 4. A copy of the approved Site plan, architectural plans, ~~[(L)]~~Landscap~~[e]~~ing plans,
189 Grading plan, trails and ~~[(O)]~~Open ~~[(S)]~~Space plans, and other plans, which are a
190 part of the Planning Commission approval;
- 191 5. A description of all Developer exactions or agreed upon public dedications;
- 192 6. The Developers agreement to pay all specified impact fees; ~~[and]~~
- 193 7. The form of ownership anticipated for the project and a specific project phasing
194 plan~~[-]~~;
- 195 8. A list and map of all known Physical Mine Hazards on the ~~[(P)]~~Property, as
196 determined through the exercise of reasonable due diligence by the Owner, as
197 well as a description and GPS coordinates of those Physical Mine Hazards~~[-]~~;
- 198 9. A map and inventory of all Historic Structures on the Property and a Historic
199 Structures Report prepared by a qualified Historic Preservation Professional.

200 The Development Agreement shall be ratified by the Planning Commission,
201 signed by the ~~[City Council]~~ and the Applicant, and recorded with the Summit
202 County Recorder. The Development Agreement shall contain language~~[-, which~~
203 ~~allows]~~ to allow for minor, administrative modifications ~~[to occur]~~ to the approval
204 without revision of the agreement. The Development Agreement must be
205 submitted to the City within six (6) months of the date the project was approved

by the Planning Commission~~[,]~~ or the Planning Commission approval shall expire.

[H.]I. LENGTH OF APPROVAL. Construction, as defined by the ~~[Uniform]~~ International Building Code, will be required to commence within two (2) years of the date of the execution of the Development Agreement. After construction commences, the ~~[MPD]~~ Master Planned Development shall remain valid as long as it is consistent with the approved ~~[specific]~~ project phasing plan as set forth in the Development Agreement. ~~[It is anticipated that t]~~ The ~~[specific]~~ project phasing plan may require Planning Commission review and reevaluation of the project at specified points in the Development of the ~~[project]~~ Master Planned Development.

The Planning Commission may grant an extension of a Master Planned Development for up to two (2) additional years~~[,]~~ when the Applicant ~~[is able to]~~ demonstrates~~s~~ no change in circumstance that would result in unmitigated impacts or that would result in a finding of non-compliance with the ~~[MPD]~~ Master Planned Development requirements in the ~~[Chapter and the]~~ Land Management Code in effect at the time of the extension request. Change in circumstance includes physical changes to the Property or surrounding~~[s]~~ Properties. Applicants must submit written ~~[E]~~extension requests ~~[must be submitted]~~ to the Planning Department prior to the expiration of the Master Planned Development. ~~[and]~~ Staff shall ~~[be]~~ notice~~d~~ extension request ~~[and processed with a]~~ public hearings~~s~~ according to Sections~~s~~ 15-1-12 and 15-1-21.

[I.]J. MPD MODIFICATIONS.

1. Substantive Modifications. Substantive ~~[Changes in]~~ modifications to an approved Master Planned Development ~~[, which constitute a change in concept, Density, unit type, or configuration of any portion or phase of the MPD will justify]~~ require review of the entire ~~[master plan]~~ Master Planned Development and Development Agreement by the Planning Commission, unless otherwise specified in the Development Agreement. ~~If the~~

modifications are determined to be substantive, the project will be required to go through the pre-Application public hearing and determination of compliance as outlined in Section 15-6-4(B) herein.

a. Substantive modifications include:

i. A change in square footage or Use that requires an increase in Parking for the Master Planned Development;

ii. A change in square footage or Use or an increase in the Floor Area or unit type or configuration within the Master Planned Development that generates a 5% or greater traffic increase;

iii. A reduction in Open Space;

iv. Modification to a condition of approval established by the Planning Commission at the time of Master Planned Development approval.

2. Minor Modifications. The Planning Director may approve minor modifications to the Master Planned Development that the Planning Director determines to be consistent with the Land Management Code, the approved Master Planned Development, and the Development Agreement. Planning Director approval of minor modifications may be appealed to the Planning Commission.

[J.]K. SITE SPECIFIC APPROVALS. Any portion of an approved Master Planned Development may require additional review by the Planning Department and/or Planning Commission as a Conditional Use permit, if so required by the Planning Commission at the time of the ~~[MPD]~~ Master Planned Development approval.

~~[The Planning Commission and/or Planning Department, specified at the time of MPD approval, will review Site specific plans including Site layout, architecture and landscaping, prior to issuance of a Building Permit.]~~

~~[The Application requirements and]~~ Site specific approvals must comply with the review criteria of the Master Planned Development approval and the Conditional Use permit criteria

~~[process must be followed]. [A pre-Application public meeting may be required by the Planning Director, at which time the Planning Commission will review the Application for compliance with the large scale MPD approval.]~~ The Planning Commission and/or Planning Department will review Site specific plans, including Site layout, architecture, and Landscaping plans, prior to issuance of a Building Permit.
~~[K.]~~ **L. PRIOR APPROVALS.** Prior to final approval of a ~~[n-MPD]~~ Master Planned Development that is subject to an Annexation Agreement ~~[or a Large Scale MPD]~~, the Commission shall make findings that the project is consistent with the Annexation Agreement ~~[or Large Scale MPD]~~.

HISTORY

Adopted by Ord. [02-07](#) on 5/23/2002

Amended by Ord. [06-22](#) on 4/27/2006

Amended by Ord. [09-10](#) on 3/5/2009

Amended by Ord. [11-05](#) on 1/27/2011

Amended by Ord. [2016-44](#) on 9/15/2016

Amended by Ord. [2017-15](#) on 3/30/2017

15-6-5 [MPD] Master Planned Development Requirements

All Master Planned Developments shall contain the following minimum requirements. Many of the requirements and standards will have to be increased in order for the Planning Commission to make the necessary findings to approve the Master Planned Development.

- A. **DENSITY.** The Planning Commission shall approve the type of Development, number of units, and Density permitted on a given Master Planned Development Site ~~[will be determined as a result of]~~ based on a Site Suitability Analysis ~~[and]~~. The Master Planned Development shall not exceed the maximum Density in the ~~[zone]~~ Zoning District, except as otherwise provided in this ~~[s]~~ Section. The Site shall be looked at in its entirety, including all adjacent Property under the same ownership, and the Density shall be

located in the ~~[most appropriate]~~ locations that support the goals set forth in Section 15-6-1.

1. Planning Commission approval of a Master Planned Development establishes the final Density for the Master Planned Development. A request to increase the Density for an approved Master Planned Development subject to the underlying Zoning District Density shall require review and approval by the Planning Commission and a Master Planned Development and Development Agreement amendment.

2. Additional Density may be granted within a Transfer of Development Rights Receiving Overlay Zone (TDR-R) within an approved ~~[MPD]~~ Master Planned Development.

3. When Properties are in more than one (1) Zoning District, there may be a shift of Density between Zoning Districts if that ~~[Transfer]~~ shift results in a project that better meets the goals set forth in Section 15-6-1.

a. **Exception.** Residential Density ~~[Transfers]~~ shifts 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 Zoning District, may be located in the HR-2 Zoning District as allowed by Section 15-2.3-8.

4. Density for ~~[MPDs]~~ Master Planned Development ~~[will be]~~ is based on the Unit Equivalent ~~[F]~~ formula, ~~[as]~~ defined in Section 15-6-8 ~~[herein]~~.

a. ~~[EXCEPTIONS]~~ Exceptions. The Planning Department may recommend that the Planning Commission grant up to a maximum of ten percent (10%) increase in total Density if the Applicant:

1. Donates ~~[ø]~~ Open ~~[s]~~ Space in excess of the sixty percent (60%) requirement, either in fee or a less-than-fee interest to either the

City or another unit of government or nonprofit land conservation organization approved by the City. Such Density bonus shall only be granted upon a finding by the Planning Director that such donation will ensure the long-term protection of a significant environmentally or visually sensitive Area; or

2. Proposes a Master Planned Development ~~[(MPD)]~~ in which more than thirty percent (30%) of the Unit Equivalents are employee/ Affordable Housing consistent with the City's adopted employee/ Affordable Housing guidelines and requirements; or

3. Proposes a ~~[n-MPD]~~ Master Planned Development in which more than eighty percent (80%) of the project is ~~[e]Open~~ ~~[s]Space~~ as defined in this ~~[e]Code~~ and prioritized by the Planning Commission.

B. MAXIMUM ALLOWED BUILDING FOOTPRINT FOR MASTER PLANNED DEVELOPMENTS WITHIN THE HR-1 AND HR-2 ~~ZONING~~ DISTRICTS.

1. The Land Management Code sets forth ~~[HR-1 and HR-2 Districts set forth]~~ a ~~[M]m~~ maximum Building Footprint for all Structures in the HR-1 and HR-2 Zoning Districts based on Lot Area. For purposes of establishing the maximum Building Footprint for Master Planned Developments~~[, which]~~ that include Development in the HR-1 and HR-2 Zoning Districts, the maximum Building Footprint for the HR-1 and HR-2 portions shall be calculated based on the conditions of the Subdivision Plat or the Lots of record prior to a Plat ~~[A]a~~ amendment combining the ~~[H]L~~ Lots as stated in Section 15-2.3-4.

a. The Area of below Grade ~~[p]P~~arking in the HR-1 and HR-2 Zoning Districts shall not count against the maximum Building Footprint of the HR-1 or HR-2 ~~[Z]z~~oned Lots.

- b. The Area of below Grade Commercial Use[s] extending from a Main Street business into the HR-2 Subzone A shall not count against the maximum Building Footprint of the HR-2 Lots.
- c. The Floor Area Ratio (FAR) of the HCB Zoning District applies only to the HCB Lot Area and may be reduced as part of a Master Planned Development. The FAR may not be applied to the HR-1 or HR-2 Lot Area.
- d. The Floor Area for a detached, single car Garage, not to exceed two-hundred and twenty square feet (220 [sf] square feet) of Floor Area, shall not count against the maximum Building Footprint of the HR-2 Lot.

C. SETBACKS.

1. The minimum Setback around the exterior boundary of a ~~[an MPD]~~ Master Planned Development shall be twenty-five feet (25') for Parcels greater than two (2) acres in size. The Planning Commission may decrease the required perimeter Setback from twenty-five feet (25') for ~~[MPD]~~ Master Planned Development ~~[a]~~ Applications greater than two (2) acres to the zone-required Setback if it is necessary to provide desired architectural interest and variation.
2. For parcels greater than two (2) acres in size and located inside the HRM, HR-1, HR-2, HR-L, HRC, and HCB Zoning Districts, the minimum Setback around the exterior boundary of a ~~[an MPD]~~ Master Planned Development shall be determined by the Planning Commission in order to remain consistent with the contextual streetscape of adjacent Structures.
3. For parcels two (2) acres or less in size, the minimum exterior boundary Setback[s] shall be the [Z]zone-[R]required Setback[s].
4. In all ~~[MPDs]~~ Master Planned Developments, for either the perimeter ~~[s]~~ Setback[s] or the ~~[s]~~ Setbacks within the project, the Planning Commission may increase Setbacks to retain existing Significant Vegetation or natural features.

~~[or]~~ to create an adequate buffer to adjacent Uses, or to meet ~~[a]~~Historic Compatibility requirements.

5. The Planning Commission may reduce Setbacks within the project boundary, but not perimeter Setbacks, from those otherwise required in the ~~[zone]~~ Zoning District to match an abutting ~~[zone]~~ zone-required Setback, provided the project meets minimum ~~[Uniform]~~ International Building Code and Fire Code requirements, does not increase project Density, maintains the general character of the surrounding neighborhood in terms of mass, scale, and spacing between ~~[houses]~~ Structures, and meets ~~[e]~~Open ~~[s]~~Space criteria set forth in Section 15-6-5(D).

D. OPEN SPACE.

1. **MINIMUM REQUIRED.** All Master Planned Developments shall contain a minimum of sixty percent (60%) ~~[e]~~Open ~~[s]~~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), and the Historic Residential (HR-1 and HR-2) Zoning Districts~~[,], [and wherein cases of]~~
2. The minimum Open Space requirement for redevelopment of existing Developments ~~[the minimum open space requirement]~~ shall be thirty percent (30%).
 - a. For Applications proposing the redevelopment of existing Developments, the Planning Commission may reduce the required ~~[e]~~Open ~~[s]~~Space to thirty percent (30%) in exchange for project enhancements in excess of those otherwise required by the Land Management Code that may directly advance policies reflected in the applicable General Plan sections or more specific Area plans. Such project enhancements may include, but are not limited to, Affordable Housing, greater ~~[l]~~Landscaping buffers

388 along public ways and public/private pedestrian Areas that provide a
389 public benefit, increased landscape material sizes, public transit
390 improvement, public pedestrian plazas, pedestrian way/trail linkages,
391 Public Art, and rehabilitation of Historic Structures.

- 392 3. **TYPE OF OPEN SPACE.** The Planning Commission shall designate the
393 preferable type and mix of ~~[e]Open [s]Space~~ for each Master Planned
394 Development. ~~[This]~~ The Commission's determination ~~[will]~~ shall be based on the
395 guidance given in the ~~[Park City]~~ General Plan. Landscaped ~~[e]Open [s]Space~~
396 may be utilized for project amenities such as gardens, greenways, pathways,
397 plazas, and other similar Uses. Open ~~[s]Space~~ may not be utilized for Streets,
398 roads, driveways, Parking Areas, ~~[e]Commercial Uses~~, or Buildings requiring a
399 Building Permit.

400 E. **OFF-STREET PARKING.**

- 401 1. The number of Off-Street Parking Spaces in each Master Planned Development
402 shall not be less than the requirements of ~~[this code]~~ the Land Management
403 Code, except that the Planning Commission may increase or decrease the
404 required number of Off-Street Parking Spaces based upon a ~~[p]Parking~~ analysis
405 submitted by the Applicant at the time of ~~[MPD]~~ Master Planned Development
406 Application submittal. The ~~[p]Parking~~ analysis shall contain, at a minimum, the
407 following information:

- 408 a. The proposed number of vehicles required by the occupants of the project
409 based upon the proposed Use and occupancy.
- 410 b. A ~~[p]Parking~~ comparison of projects of similar size with similar occupancy
411 type to verify the demand for occupancy ~~[p]Parking~~.
- 412 c. Parking needs for non-dwelling Uses, including traffic attracted to
413 Commercial Uses from Off-Site.

- d. An analysis of time periods of Use for each of the Uses in the project and opportunities for ~~[S]shared [P]parking~~ by different Uses. This shall be considered only when there is Guarantee by Use covenant and deed restriction.
- e. A plan to discourage the Use of motorized vehicles and encourage other forms of transportation.
- f. Provisions for overflow ~~[p]Parking~~ during peak periods.
- g. An evaluation of potential adverse impacts of the proposed ~~[p]Parking~~ reduction and density increase, if any, upon the surrounding neighborhood and conditions of approval to mitigate such impacts.

The Planning Department shall review the ~~[p]Parking~~ analysis and provide a recommendation to the Commission. The Commission shall make a finding during review of the ~~[MPD]~~ Master Planned Development as to whether or not the ~~[p]Parking~~ analysis supports a determination to increase or decrease the required number of Parking Spaces.

- 2. The Planning Commission may permit an Applicant to pay an in-lieu ~~[p]Parking~~ fee in consideration for required on-~~[s]Site [p]Parking~~ provided that the Planning Commission determines that:

- a. Payment in-lieu of the on-Site ~~[p]Parking~~ requirement will prevent a loss of significant ~~[e]Open [s]Space, [y]Yard Area~~, and/or public amenities and gathering Areas;
- b. Payment in-lieu of the on-Site ~~[p]Parking~~ requirement will result in ~~[p]Preservation and [r]Rehabilitation~~ of significant Historic Structures or redevelopment of Structures and Sites;
- c. Payment in-lieu of the on-Site ~~[p]Parking~~ requirement will not result in an increase project Density or intensity of Use; and

d. The project is located on a public transit route or is within three (3) blocks of a municipal bus stop.

The payment in-lieu fee for the required ~~[p]~~Parking shall be subject to the provisions in the ~~[Park City]~~ Municipal Code of Park City Section 11-12-16 and the fee set forth in the current Fee Resolution, as amended.

F. **BUILDING HEIGHT**. The Building Height requirements of the Zoning District~~s~~ in which

a~~n MPD~~ Master Planned Development is located shall apply, except that the Planning Commission may consider an increase in Building Height based upon a Site ~~[specific]~~

Suitability ~~[a]Analysis [and determination]~~. Height exceptions will not be granted for

Master Planned Developments within the HR-1, HR-2, HRC, and HCB Zoning Districts.

The Applicant ~~[will be required to]~~ must request a Site-specific determination and shall

bear the burden of proof to the Planning Commission that the necessary findings for an

increase in Building Height can be made, according to Subsections (1) through (5)

below. In order to grant Building Height in addition to that which is allowed in the

underlying ~~[zone]~~ Zoning District, the Planning Commission ~~[is required to make the~~

~~following findings]~~ must find that:

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 ~~[f]~~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;

2. ~~[Buildings]~~Structures have been positioned to minimize visual impacts on adjacent Structures. Potential problems on neighboring Properties caused by shadows, loss of solar Access, and loss ~~[or]~~ of air circulation have been mitigated as determined by the Site ~~[Specific]~~ Suitability ~~[a]Analysis [and approved by the Planning Commission]~~;

3. There is adequate ~~[L]~~Landscaping and buffering from adjacent Properties and Uses~~[-];~~
4. Increased Setbacks and separations from adjacent projects are ~~[being]~~ proposed;
5. The additional Building Height results in more than the minimum Open Space required and results in ~~[the Open Space being more usable and included]~~ Open Space that is [P]publicly [A]accessible [Open Space];
6. The additional Building Height ~~[shall be]~~ is designed in a manner that provides a transition in roof elements in compliance with Chapter 15-5, Architectural ~~[Guidelines]~~ Review, or the Design Guidelines for Park City's Historic Districts and Historic Sites if the Structure is located within the Historic District~~[-].~~

If and when the Planning Commission grants additional Building Height ~~[due to]~~ based on a Site ~~[Specific]~~ Suitability ~~[a]~~ Analysis ~~[and determination]~~, ~~[that]~~ the approved additional Building Height shall only apply to the specific plans ~~[being]~~ reviewed and approved ~~[at the time]~~ by the Planning Commission. ~~[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**. A~~[n MPD]~~ Master Planned Development 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 Applicant shall address the following ~~[shall be addressed]~~ in the Site planning for a~~[n MPD]~~ Master Planned Development:

1. Units ~~[should]~~ shall be clustered on the most developable and least visually sensitive portions of the Site ~~[with common]~~. ~~[e]Open [s]Space~~ shall ~~[separating]~~ separate the clusters. The ~~[e]Open [s]Space~~ ~~[corridors]~~ should be designed so that existing Significant Vegetation ~~[can be]~~ is maintained on the Site.

2. Projects shall be designed to minimize Grading and the need for large retaining Structures.
3. Roads, utility lines, and ~~[Buildings]~~ Structures ~~[should]~~ shall be designed to work with the Existing Grade. Cuts and fills should be minimized.
4. Existing trails ~~[should]~~ shall be incorporated into the ~~[a]~~Open ~~[s]~~Space elements of the project and ~~[should]~~ shall be maintained in their existing location whenever possible. Applicants may be required to grant the City a [T]rail easement[s] [for] to connect proposed trails with existing trails ~~[may be required]~~. Construction of new trails ~~[will]~~ shall be ~~[required]~~ consistent with the Park City Trails Master Plan.
5. Adequate internal vehicular, ~~[and]~~ pedestrian, ~~[/]~~ and bicycle circulation ~~[should]~~ shall be provided. Pedestrian ~~[/]~~ and bicycle circulations shall be separated from vehicular circulation and ~~[may]~~ shall ~~[serve to]~~ provide ~~[residents the opportunity to travel safely]~~ safe travel ~~[from an individual unit to another unit and to]~~ within the boundaries of the ~~[Property or public trail system]~~ Master Planned Development and safe travel to adjoining public sidewalks, trails, and Rights-of-Way. Private internal Streets may be considered for Condominium projects if they meet the minimum emergency and safety requirements.
6. The Site plan shall include adequate Areas for snow removal and snow storage. The ~~[/]~~Landscape~~[ing]~~ plan shall allow for snow storage Areas. Structures shall be set back from any hard surfaces so as to provide adequate Areas to remove and store snow. ~~[The assumption is that s]~~Snow ~~[should]~~ shall be ~~[able to be]~~ stored on-Site, ~~[and not removed to an Off-Site location]~~ unless otherwise approved by the Planning Commission.
7. ~~[It is important to plan for trash storage and collection and recycling facilities.]~~
The Site plan shall include adequate Areas for trash ~~[dumpsters]~~ and recycling

containers~~[, including an]~~ and shall include adequate circulation area for pick-up vehicles. ~~[These facilities shall be enclosed and shall be included on the site and landscape plans for the Project].~~ Convenient ~~[P]~~pedestrian Access shall be provided within the Master Planned Development to the ~~[refuse/]~~ trash and recycling ~~[facilities from]~~ containers ~~[within the MPD for the convenience of residents and guests].~~

No ~~[final]~~ ~~[s]~~Site plan ~~[for]~~ with a ~~[e]~~Commercial ~~[d]~~Development or ~~[multi-family residential]~~ Multi-Unit Dwelling ~~[development]~~ shall be approved unless there is a mandatory recycling program ~~[put into effect]~~, which may include Recycling Facilities for the ~~[project]~~ Site. Single ~~[f]~~Family Dwellings ~~[residential development]~~ shall include a mandatory recycling program ~~[put into effect including]~~ with curb side recycling, ~~[but]~~ and may also ~~[provide]~~ include Recycling Facilities. The ~~[r]~~Recycling ~~[f]~~Facilities shall be identified on the ~~[final]~~ ~~[s]~~Site plan to accommodate for materials generated by the tenants, residents, users, operators, or owners of such ~~[project]~~ Master Planned Development. Such ~~[r]~~Recycling ~~[f]~~Facilities shall include, but are not ~~[necessarily]~~ limited to, glass, paper, plastic, cans, cardboard, or other household or commercially generated recyclable and scrap materials. ~~[Locations for proposed centralized trash and recycling collection facilities shall be shown on the site plan drawings. Written approval of the proposed locations shall be obtained by the City Building and Planning Department.]~~ Centralized ~~[garbage]~~ trash and recycling ~~[collection]~~ containers shall be located in a completely enclosed ~~[s]~~Structure with a pedestrian door and a truck door or gate. The enclosed Structure shall be designed with materials that are compatible with the principal ~~[building(s)]~~ Structures in the Master Planned ~~[d]~~Development~~[, including a pedestrian door on the structure and a truck door/gate. The structure's design, construction, and~~

materials] and shall be ~~[substantial e.g.]~~ constructed of masonry, steel, or other substantial materials ~~[approved by the Planning Department capable of sustaining active use by residents and trash/recycle haulers]~~. The ~~[s]~~Structure[s] shall be large enough to accommodate a ~~[garbage]~~ trash container and at least two recycling containers to provide for the option of dual-stream recycling. ~~[A conceptual design of the structure shall be submitted with the site plan drawings.]~~

8. The Site plan~~[ning]~~ for a~~[n MPD should]~~ Master Planned Development shall include transportation amenities including drop-off Areas for van and shuttle service, and a bus stop, if applicable.

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.

H. LANDSCAPE AND [STREET-SCAPE] LIGHTING. A complete ~~[L]~~Landscap[e]ing plan must be submitted with the ~~[MPD]~~ Master Planned Development ~~[a]~~Application. The ~~[L]~~Landscap[e]ing plan shall comply with all criteria and requirements of ~~[LMC]~~ Land Management Code Section 15-5-5 ~~[(M)](N)~~. LANDSCAPING. All noxious weeds, as identified by Summit County, shall be removed from the Property in accordance with the Summit County Weed Ordinance prior to issuance of Certificates of Occupancy. Lighting must meet the requirements of ~~[LMC]~~ Land Management Code Chapter 15-5, Architectural Review.

I. SENSITIVE LANDS COMPLIANCE. Applicants for a [All MPD] Master Planned Development ~~[Applications containing]~~ that contains any Area within the Sensitive ~~[Areas]~~ Land Overlay Zone ~~[will be required to]~~ shall conduct a Sensitive Lands Analysis and shall conform to the Sensitive Lands Provisions~~[, as described in LMC Section]~~ in Chapter 15-2.21.

- J. **EMPLOYEE/AFFORDABLE HOUSING.** ~~[MPD Applications]~~ Master Planned Development Applicants shall ~~[include]~~ submit a housing mitigation plan ~~[which must]~~ that addresses employee Affordable Housing ~~[as]~~ required by the adopted housing resolution in effect at the time of a complete Application.
- K. **CHILD CARE.** A Site designated and planned for a Child Care Center may be required for all new ~~[s]~~Single Family Dwellings and ~~[m]~~Multi-~~[f]~~Family ~~[housing projects]~~ Dwellings within a Master Planned Development if the Planning Commission determines that the project will create additional demands for Child Care.
- L. **MINE HAZARDS.** All ~~[MPD]~~ Master Planned Development ~~[a]~~Applications shall include a map and list of all known Physical Mine Hazards on the ~~[p]~~Property and a mine hazard mitigation plan.
- M. **HISTORIC MINE WASTE MITIGATION.** ~~[For known historic mine waste located on the property, a]~~An Applicant for a Master Planned Development with Property that is located within the Park City Soils Ordinance Boundary shall submit a soil remediation mitigation plan and shall ~~[must be prepared indicating]~~ indicate areas of hazardous soils and proposed methods of remediation and/or removal subject to the ~~[Park City Soils Boundary Ordinance]~~ requirements and regulations of ~~[See Title Eleven Chapter Fifteen of the Park City]~~ the Municipal Code of Park City Chapter 11-15 ~~[for additional requirements]~~.
- N. **GENERAL PLAN REVIEW.** ~~[All MPD applications]~~The Planning Commission shall review Master Planned Developments ~~[shall be reviewed]~~ for consistency with the goals and objectives of the ~~[Park City]~~ General Plan; however such review for consistency shall not alone be binding.
- O. **HISTORIC SITES.** All ~~[MPD]~~ Master Planned Development ~~[Applications]~~ Applicants shall ~~[include]~~ submit a map and inventory of Historic Structures and Sites on the Property and a Historic Structures Report~~[, as further described on the MPD application.~~

596 The Historic Structures Report shall be] prepared by a Qualified Historic Preservation
597 Professional.

598 HISTORY

599 *Adopted by Ord. [02-07](#) on 5/23/2002*

600 *Amended by Ord. [04-08](#) on 3/4/2004*

601 *Amended by Ord. [06-22](#) on 4/27/2006*

602 *Amended by Ord. [09-10](#) on 3/5/2009*

603 *Amended by Ord. [10-14](#) on 4/15/2010*

604 *Amended by Ord. [11-05](#) on 1/27/2011*

605 *Amended by Ord. [11-12](#) on 3/31/2011*

606 *Amended by Ord. [13-23](#) on 7/11/2013*

607 *Amended by Ord. [15-36](#) on 6/25/2015*

608 *Amended by Ord. [2016-44](#) on 9/15/2016*

609 *Amended by Ord. [2017-46](#) on 8/17/2017*

610 *Amended by Ord. [2020-09](#) on 1/30/2020*

611 **15-6-6 Required Findings And Conclusions Of Law**

612 The Planning Commission must make the following findings in order to approve a Master
613 Planned Development. In some cases, conditions of approval will be attached to the approval to
614 ensure compliance with these findings. The Master Planned Development, as conditioned:

- 615 A. [~~The MPD, as conditioned,~~] complies with all [the] requirements of the Land
616 Management Code;
- 617 B. [~~The MPD, as conditioned,~~] meets the minimum requirements of Section 15-6-5 [herein];
- 618 C. [~~The MPD, as conditioned,~~] provides the highest value of Open Space, as determined by
619 the Planning Commission;
- 620 D. [~~The MPD, as conditioned,~~] strengthens and enhances the resort character of Park City;
- 621 E. [~~The MPD, as conditioned,~~] compliments the natural features on the Site and preserves
622 significant features or vegetation to the extent possible;

- F. ~~[The MPD, as conditioned,]~~ is Compatible in Use, scale, and mass with adjacent Properties, and promotes neighborhood Compatibility, and Historic Compatibility, where appropriate, and protects residential neighborhoods and Uses;
- G. ~~[The MPD, as conditioned,]~~ provides amenities to the community so that there is no net loss of community amenities;
- H. ~~[The MPD, as conditioned,]~~ is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time ~~[the]~~ staff determined the Application ~~[was filed.]~~ to be complete;
- I. ~~[The MPD, as conditioned,]~~ meets the Sensitive Lands requirements of the Land Management Code~~[-The project]~~ and [has been] is designed to place Development on the most developable land and least visually obtrusive portions of the Site;
- J. ~~[The MPD, as conditioned,]~~ promotes the Use of non-vehicular forms of transportation through design and by providing trail connections; ~~[and]~~
- K. ~~[The MPD has been noticed and]~~ was noticed and the Planning Commission held a public hearing ~~[held]~~ in accordance with this ~~[Code]~~ Chapter[-];
- L. ~~[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 program and codes adopted by the Park City Building Department in effect at the time of the Application~~[-];~~
- M. ~~[The MPD, as conditioned,]~~ addresses and mitigates Physical Mine Hazards according to accepted City regulations and policies~~[-];~~
- N. ~~[The MPD, as conditioned,]~~ addresses and mitigates Historic Mine Waste and complies with the requirements of the Park City Soils Boundary Ordinance~~[-];~~

O. ~~[The MPD, as conditioned,]~~ addresses Historic Structures and Sites on the Property, according to accepted City regulations and policies, and any applicable Historic Preservation Plan.

HISTORY

Adopted by Ord. [02-07](#) on 5/23/2002

Amended by Ord. [06-22](#) on 4/27/2006

Amended by Ord. [10-14](#) on 4/15/2010

Amended by Ord. [13-23](#) on 7/11/2013

Amended by Ord. [2016-44](#) on 9/15/2016

15-6-7 Master Planned Affordable Housing Development

A. PURPOSE. The purpose of the ~~[m]M~~aster ~~[p]P~~lanned Affordable Housing Development is to promote housing for a diversity of income groups by providing Dwelling Units for rent or for sale in a price range affordable by families in the low-to-moderate income range. This may be achieved by encouraging the private sector to develop Affordable Housing. Master Planned Developments, which are one hundred percent (100%) Affordable Housing, as defined by the housing resolution in effect at the time of Application, ~~[would]~~ **may** be considered for a Density incentive greater than that normally allowed under the applicable Zoning District and Master Planned Development regulations with the intent of encouraging quality Development of permanent rental and permanent Owner-occupied housing stock for low and moderate income families within the Park City Area.

B. RENTAL OR SALES PROGRAM. If a Developer seeks to exercise the increased Density allowance incentive by providing an Affordable Housing project, the Developer must agree to follow the guidelines and restrictions set forth by the Housing Authority in the adopted Affordable Housing resolution in effect at the time of Application.

C. MIXED RENTAL AND OWNER/ OCCUPANT PROJECTS. When projects are approved that comprise both rental and Owner/occupant Dwelling Units, the combination and phasing

of the Development shall be specifically approved by the ~~[reviewing agency]~~ Planning Commission and become a condition of project approval. A permanent rental housing unit is one which is subject to a binding agreement with the ~~[Park]~~ City ~~[Housing Authority]~~.

D. MPD REQUIREMENTS. All of the ~~[MPD]~~ Master Planned Development requirements and findings of this ~~[section]~~ Chapter shall apply to Affordable Housing ~~[MPD]~~ Master Planned Development projects.

E. DENSITY BONUS. The ~~[reviewing agency]~~ Planning Commission may increase the allowable Density to a maximum of twenty (20) Unit Equivalents per acre. The Unit Equivalent formula applies.

F. OFF-STREET PARKING.

~~1. The number of Off-Street Parking Spaces in each Master Planned Affordable Housing 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 parking analysis shall contain, at a minimum, the following information:~~

~~a. The proposed number of vehicles required by the occupants of the project based upon the proposed Use and occupancy.~~

~~b. A parking comparison of projects of similar size with similar occupancy type to verify the demand for occupancy parking.~~

~~c. Parking needs for non-dwelling Uses, including traffic attracted to Commercial Uses from Off-Site.~~

~~d. An analysis of time periods of Use for each of the Uses in the project and opportunities for Shared Parking by different Uses. This shall be considered only when there is Guarantee by Use covenant and deed restriction.~~

e. ~~A plan to discourage the Use of motorized vehicles and encourage other forms of transportation.~~

f. ~~Provisions for overflow parking during peak periods.~~

g. ~~An evaluation of potential adverse impacts of the proposed parking reduction and density increase, if any, upon the surrounding neighborhood and conditions of approval to mitigate such impacts.~~

~~The Planning Department shall review the parking analysis and provide a recommendation to the Commission. The Commission shall make a finding during review of the affordable MPD as to whether or not the parking analysis supports a determination to increase or decrease the required number of Parking Spaces.~~

2. ~~The Planning Commission may permit an Applicant to pay an in-lieu parking fee in consideration for required on-site parking provided that the Planning Commission determines that:~~

a. ~~Payment in-lieu of the on-Site parking requirement will prevent a loss of significant open space, yard Area, and/or public amenities and gathering Areas;~~

b. ~~Payment in-lieu of the on-Site parking requirement will result in preservation and rehabilitation of significant Historic Structures or redevelopment of Structures and Sites;~~

c. ~~Payment in-lieu of the on-Site parking requirement will not result in an increase project Density or intensity of Use; and~~

d. ~~The project is located on a public transit route or is within three (3) blocks of a municipal bus stop.~~

e. ~~The payment in lieu fee for the required parking shall be subject to the provisions in the Park City Municipal Code Section 11-12-16 and the fee set forth in the current Fee Resolution, as amended.~~

F. OPEN SPACE. All Master Planned Affordable Housing Developments shall contain a minimum of twenty percent (20%) Open Space as defined in **[LMC]** Chapter 15-15. On-Site amenities, such as playgrounds, trails, recreation facilities, bus shelters, significant landscaping, or other amenities are encouraged. Open Spaces may not be utilized for Streets, roads, or Parking Areas.

The Planning Commission may decrease the required Open Space for projects located within 300 feet (300') of a Public Use, including, but not limited to a public park, Recreation Open Space, public trail, public school, or Public Recreation Facilities.

G. RENTAL RESTRICTIONS. The provisions of the moderate income housing exception shall not prohibit the monthly rental of an individually owned unit. However, Nightly Rentals or timesharing shall not be permitted within Developments using this exception. Monthly rental of individually owned units shall comply with the guidelines and restrictions set forth by the Housing Authority as stated in the adopted Affordable Housing resolution in effect at the time of Application.

HISTORY

Adopted by Ord. [02-07](#) on 5/23/2002

Amended by Ord. [06-22](#) on 4/27/2006

Amended by Ord. [09-10](#) on 3/5/2009

Amended by Ord. [2020-09](#) on 1/30/2020

15-6-8 Unit Equivalents

Density of Development is a factor of both the Use and size of Structures built within a project.

In order to allow for, and to encourage, a variety of unit configurations, Density shall be

calculated on the basis of Unit Equivalents. Unless otherwise stipulated, one (1) Unit Equivalent

equates to one (1) single family Lot, 2,000 square feet of Multi-Family Dwelling floor area, or 1,000 square feet of ~~(e)~~Commercial or ~~(e)~~Office floor area. A duplex Lot equates to two (2) Unit Equivalents, unless otherwise stipulated by the Master Planned Development ~~[(MPD)]~~. The ~~[(MPD)]~~ Planning Commission may stipulate maximum Building Footprint and/or maximum ~~(f)~~Floor ~~(a)~~Area for single family and duplex Lots. Residential Unit Equivalents for Multi-Family Dwellings shall be calculated on the basis of one (1) Unit Equivalent per 2,000 square feet and portions of Unit Equivalents for additional square feet above or below 2,000. For example: 2,460 square feet of a multi-family unit shall count as 1.23 Unit Equivalents.

Affordable Housing units required as part of the ~~[(MPD)]~~ Master Planned Development approval, and constructed on Site do not count towards the residential Unit Equivalents of the Master Planned Development. Required ADA units do not count towards the residential Unit Equivalents.

~~[(Support Uses and accessory meeting space use Unit Equivalents as outlined in Section 15-6-8(C) and (D) below.)]~~

~~A.~~ **A. CALCULATING RESIDENTIAL UNIT SQUARE FOOTAGE.** Unit square footage shall be measured from the interior of the exterior unit walls. All bathrooms, halls, closets, storage and utility rooms within a unit will be included in the calculation for square footage. Exterior hallways, common circulation and hotel use areas, such as lobbies, elevators, storage, and other similar Areas, will not be included. Common outdoor facilities, such as pools, spas, recreation facilities, ice-skating rinks, decks, porches, etc. do not require the Use of Unit Equivalents.

~~B.~~ **B. LOCKOUTS.** For purposes of calculating Unit Equivalents, Lockouts shall be included in the overall square footage of a unit.

~~C.~~ ~~**[SUPPORT COMMERCIAL WITHIN RESIDENTIAL MASTER PLANNED DEVELOPMENTS.**~~ Within a Hotel or Nightly Rental condominium project, the Floor Area of Support Commercial uses may not exceed five percent (5%) of the total Floor Area of

~~the approved residential Unit Equivalents. Any unused support commercial floor area may be utilized for meeting space Uses.]~~

~~D. C. MEETING SPACE.~~ Within a Hotel or Condominium project, Floor Area of meeting space may not exceed five percent (5%) of the total Floor Area of the approved residential ~~[u]Unit [e]Equivalents. [Any unused meeting space floor area may be utilized for support commercial uses within a Hotel or Nightly Rental Condominium project.]~~

~~E. D. COMMERCIAL UNIT EQUIVALENTS.~~ Commercial spaces, approved as a part of a Master Planned Development, shall be calculated on the basis of one (1) Unit Equivalent per 1000 square feet of Net Leasable Floor Area, exclusive of common corridors, for each part of a 1,000 square foot interval. For example: 2,460 square feet of commercial Area shall count as 2.46 Unit Equivalents.

~~F. [RESIDENTIAL ACCESSORY USES.~~ Residential Accessory Uses include typical back of house uses and administration facilities that are for the benefit of the residents of a commercial Residential Use, such as a Hotel or Nightly Rental Condominium project and that are common to the residential project and are not located within any individual Residential unit. Residential Accessory Uses do not require the use of Unit Equivalents and include, but are not limited to, such Uses as:

Ski/Equipment lockers

Lobbies

Registration

Concierge

Bell stand/luggage storage

Maintenance Areas

Mechanical rooms and shafts

Laundry facilities and storage

Employee facilities

801 ~~Common pools, saunas and hot tubs, and exercise areas not open to the public~~

802 ~~Telephone Areas~~

803 ~~Guest business centers~~

804 ~~Public restrooms~~

805 ~~Administrative offices~~

806 ~~Hallways and circulation~~

807 ~~Elevators and stairways~~

808 ~~G. **RESORT ACCESSORY USES.** The following Uses are considered accessory for the~~

809 ~~operation of a resort for winter and summer operations. These Uses are considered~~

810 ~~typical back of house uses and are incidental to and customarily found in connection~~

811 ~~with the principal Use or Building and are operated for the convenience of the Owners,~~

812 ~~occupants, employees, customers, or visitors to the principal resort Use. Accessory~~

813 ~~Uses associated with an approved summer or winter resort do not require the Use of a~~

814 ~~Unit Equivalent. These Uses include, but are not limited to, such Uses as:~~

815 ~~Information~~

816 ~~Lost and found~~

817 ~~First Aid Mountain patrol~~

818 ~~Administration~~

819 ~~Maintenance and storage facilities~~

820 ~~Emergency medical facilities~~

821 ~~Public lockers~~

822 ~~Public restrooms~~

823 ~~Employee restrooms, employee locker rooms, employee break rooms, and employee~~

824 ~~dining areas~~

825 ~~Ski school/day care facilities~~

826 ~~Instruction facilities~~

- 827 Ticket sales
- 828 Equipment/ski check
- 829 ~~Circulation and hallways for these Resort Accessory Uses~~
- 830 HISTORY
- 831 *Adopted by Ord. [02-07](#) on 5/23/2002*
- 832 *Amended by Ord. [06-22](#) on 4/27/2006*
- 833 *Amended by Ord. [09-10](#) on 3/5/2009*
- 834 *Amended by Ord. [10-14](#) on 4/15/2010*
- 835 *Amended by Ord. [11-05](#) on 1/27/2011*

Planning Commission Staff Report



Subject: Land Management Code Amendment
Application: PL-20-04459
Author: Rebecca Ward
Date: May 13, 2020
Type of Item: Legislative

Summary Recommendations

Staff recommends the Planning Commission (1) review a Land Management Code amendment to allow the alternate Board of Adjustment member to count toward a quorum, (2) hold a public hearing, and (3) consider forwarding a positive recommendation for City Council's consideration on June 25, 2020, as outlined in the attached Ordinance.

Description

Applicant: Planning Department
Proposal: Amend Land Management Code § 15-10-5,
Board of Adjustment Organization
Reason for Review: Land Management Code amendments require Commission review and recommendation and Council review and action

Acronyms

BOA Board of Adjustment
LMC Land Management Code

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § [15-15-1](#).

Background

The proposed Land Management Code (LMC) amendment aims to streamline the appeal and variance process by allowing the alternate Board of Adjustment (BOA) member to count toward a quorum.

Analysis

The Mayor appoints five members and one non-voting alternate to the BOA, the City's land use appeal and variance authority. The state establishes a quorum of a public body as "a simple majority of the membership of a public body, unless otherwise defined by applicable law."¹ The LMC requires at least three BOA members to form a quorum. The non-voting alternate may vote when a regular BOA member is absent.² However, the LMC limits the non-voting alternate from counting toward a quorum.³

¹ Utah Code [§ 52-4-103\(11\)](#).

² LMC [§ 15-10-1](#).

³ LMC [§ 15-10-5](#).

Finding a date when three of the five BOA members are available to form a quorum can be challenging, especially because the BOA does not have regularly scheduled meetings. To help provide appeal and variance applicants—as well as the BOA members—more scheduling options, staff recommends amending the LMC so the non-voting alternate can count toward a BOA quorum:

15-10-5 Organization

- A. **CHAIR**. The Board of Adjustment shall elect one of its members to serve as Chair for a term of two (2) years at its first meeting following the date of expiration of terms in June. The Chair may be elected to serve for one (1) consecutive additional term, but not for more than two (2) successive terms. If the Chair is absent from any meeting where a quorum would otherwise exist, the members may appoint a Chair Pro Tem to act as Chair solely at that meeting.
- B. **QUORUM**. No business shall be conducted unless at least three (3) members of the Board~~[, not counting the alternate,]~~ are present.

Department Review

The Planning, Engineering, and Legal Departments reviewed this application.

Notice

Staff published notice on the City's website and the Utah Public Notice website on April 29, 2020. The *Park Record* published notice on April 29, 2020.

Public Input

Staff did not receive any public input at the time this report was published.

Alternatives

- The Planning Commission may forward a positive recommendation to amend LMC § 15-10-5 for City Council's consideration on June 25, 2020;
- The Planning Commission may forward a negative recommendation to amend LMC § 15-10-5 for City Council's consideration on June 25, 2020; or
- The Planning Commission may request additional information and continue the discussion to a later date.

Exhibits

Attachment 1 – Ordinance

Exhibit A: Redlines

**Attachment 1 –
Ordinance No. 2020-XX**

**AN ORDINANCE AMENDING LAND MANAGEMENT CODE § 15-10-5 TO ALLOW
THE ALTERNATE BOARD OF ADJUSTMENT MEMBER TO COUNT TOWARD A
QUORUM**

WHEREAS, the Land Management Code was adopted by the City Council of Park City, Utah, to promote the health, safety, and welfare of the residents, visitors, and property owners of Park City;

WHEREAS, the Land Management Code implements the goals, objectives, and policies of the Park City General Plan to maintain the quality of life and experiences for City residents and visitors;

WHEREAS, Land Management Code Chapter 15-10 establishes the Board of Adjustment as the City's land use appeal and variance authority;

WHEREAS, the Mayor appoints five members and one non-voting alternate to the Board of Adjustment with the advice and consent of the City Council;

WHEREAS, at least three Board of Adjustment members form a quorum;

WHEREAS, the alternate may vote when a regular member is absent, but the alternate cannot count toward a quorum;

WHEREAS, the Board of Adjustment does not have regularly scheduled meetings and it can be difficult to establish a quorum to hold meetings for land use appeal and variance applicants;

WHEREAS, it is in the best interest of Park City, Utah, to amend Land Management Code § 15-10-5 to allow the alternate to count toward a quorum in order to ensure that meetings for appeals and variances may be timely scheduled;

WHEREAS, the Planning Commission duly noticed and conducted a public hearing on May 13, 2020, and forwarded a _____ recommendation to City Council;

WHEREAS, the City Council duly noticed and conducted a public hearing on June 25, 2020.

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

SECTION 1. LAND MANAGEMENT CODE § 15-10-5, ORGANIZATION. The recitals above are incorporated herein as findings of fact. Section 15-10-5 of the Land

Management Code of Park City is hereby amended as outlined in Exhibit A.

SECTION 2. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this 25th day of June, 2020

PARK CITY MUNICIPAL CORPORATION

Andy Beerman, Mayor

Attest:

City Recorder

Approved as to form:

Mark Harrington, City Attorney

EXHIBIT A

1 Section 15-10-5 is amended to read:

2 **15-10-5 Organization**

- 3 A. **CHAIR**. The Board of Adjustment shall elect one of its members to serve as Chair for a term of
4 two (2) years at its first meeting following the date of expiration of terms in June. The Chair may
5 be elected to serve for one (1) consecutive additional term, but not for more than two (2)
6 successive terms. If the Chair is absent from any meeting where a quorum would otherwise
7 exist, the members may appoint a Chair Pro Tem to act as Chair solely at that meeting.
- 8 B. **QUORUM**. No business shall be conducted unless at least three (3) members of the Board ~~[, not~~
9 ~~counting the alternate,]~~ are present.

Planning Commission Staff Report



Subject: 1121 Norfolk Avenue Plat
Amendment
Author: Laura Kuhrmeyer, Planner I
Project Number: PL-20-04465
Date: May 13, 2020
Type of Item: Administrative – Plat Amendment

Summary Recommendations

Staff recommends the Planning Commission review and hold a public hearing for the 1121 Norfolk Avenue Plat Amendment and consider forwarding a positive recommendation to the City Council for their June 11, 2020 meeting, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Description

Applicant: Fasque IV, LLC
Represented by – Alliance Engineering, Inc. – Marshall King
Location: Parcel SA-19 and SA-20
Zoning: Historic Residential (HR-1)
Adjacent Land Uses: Residential
Reason for Review: Plat Amendments require Planning Commission review and City Council review and action

Proposal

The Applicant proposes to combine Lot 6 and Lot 7 of Block 17 of Snyder's Addition into one (1) Lot of Record. The Site currently has one (1) Single Family Dwelling.

Purpose

The purpose of the Historic Residential (HR-1) District can be found in [Land Management Code \(LMC\) § 15-2.2-1](#).

Background

On April 7, 2020, the Planning Department received a complete Plat Amendment Application to combine Lot 6 & 7 of Block 17 of Snyder's Addition into one (1) Lot of Record.

Analysis

The subject parcels (SA-181 and SA-181-B) are located at 1121 Norfolk Avenue. The site is within the Historic Residential (HR-1) District. The proposed Plat Amendment requests to combine Lot 6 and Lot 7 of Block 17 of Snyder's Addition into one (1) Lot of Record. Any future construction on this site must maintain all requirements of the HR-1 zone.

The proposed Lot contains 3,750 square feet and meets the minimum Lot Area for both a Single Family Dwelling (1,875 square feet) and a Duplex (3,750 square feet) which requires a Conditional Use permit. The proposed Lot size is consistent with neighboring properties, as a number of Lots along Norfolk have already been combined into double-wide Lots of 3,750 square feet. The new proposed Lot measures fifty feet (50') wide and seventy-five feet (75') deep and meets the minimum Lot Width of twenty-five feet (25'). These measurements determine the minimum setback requirements which are ten feet (10') for the Front and Rear Setback and five feet (5') for each Side Setback.

There are existing retaining walls that encroach across property lines on the north, south and west sides of the Site. These shall be removed or an Encroachment Agreement recorded prior to the recordation of the Plat.

All existing structures (walls, patios, steps, etc.) within the Setback areas will need to either come into compliance or be removed prior to the recordation of the Plat. Additionally, all encroachments are required to either be removed or to be included in Encroachment Agreements with respective neighboring properties.

The maximum building footprint for a Lot this size is 1,519 square feet according to the building footprint formula illustrated in [Table 15-2.2 of the Land Management Code \(LMC\)](#). The maximum Building Height for this zone is twenty seven feet from Existing Grade. Based on the Survey submitted (Exhibit D), the existing Structure is 28.68 feet from Existing Grade.

Staff recommends approval of the Plat Amendment as it will reduce the nonconformities of this Lot in that the Property Line going through the house will be removed. Further, it will resolve Encroachments and a new Public Snow Storage Easement will be recorded along with the Plat.

Good Cause

Staff finds Good Cause for this Plat Amendment as it will combine two smaller lots into one larger lot potentially allowing for a Single Family Dwelling (or Duplex with a Conditional Use permit) that does not straddle (is not built across) lot lines. The proposed new lot is consistent with the surrounding HR-1 neighborhood and meets the Lot and Site requirements for the zone. Furthermore, encroachment agreements or the removal of encroachments will resolve existing nonconformities. Finally, it is a Condition of Approval that a Public Snow Storage Easement will be recorded with the Plat.

Process

The approval of this Plat Amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC §15-1-18.

Department Review

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

Notice

On April 25, 2020, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record and the Utah Public Notice Website on April 29, 2020.

Public Input

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

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council for the proposed 1121 Norfolk Avenue Plat Amendment, as conditioned or amended at the meeting; or
- The Planning Commission may forward a negative recommendation to the City Council for the proposed 1121 Norfolk Avenue Plat Amendment, and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on the proposed 1121 Norfolk Avenue Plat Amendment, and request additional information or analysis in order to make a recommendation.

Significant Impacts

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

Consequences of not taking recommended action

The consequences of not taking the recommended action would be that the two parcels would remain separate and the Applicant could not construct a home crossing the property line between the two (2) parcels.

Summary Recommendations

Staff recommends the Planning Commission review and hold a public hearing for the 1121 Norfolk Avenue Plat Amendment 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 – Draft Ordinance

Attachment 1 – 1121 Norfolk Avenue Plat Amendment (Proposed)

Exhibit B – Current Plat

Exhibit C – Applicant's Project Intent

Exhibit D – Existing Conditions Survey

Exhibit E – Aerial Photograph

Exhibit F – Site Photographs

Exhibit A – Draft Ordinance
Ordinance No. 2020-XX

**AN ORDINANCE APPROVING THE 1121 NORFOLK AVENUE PLAT AMENDMENT,
LOCATED AT 1121 NORFOLK AVENUE, PARK CITY, UTAH.**

WHEREAS, the property owner of the property located at 1121 Norfolk Avenue has petitioned the City Council for approval of the Plat Amendment; and

WHEREAS, on April 25, 2020, proper legal notice was published according to requirements of the Land Management Code; and

WHEREAS, on April 29, 2020, the site was properly noticed and posted according to the requirements of the Land Management Code; and courtesy letters were sent to surrounding property owners; and

WHEREAS, the Planning Commission held a public hearing on May 13, 2020, to receive input on the proposed Plat Amendment; and

WHEREAS, the Planning Commission on May 13, 2020, forwarded a recommendation to the City Council; and,

WHEREAS, on June 11, 2020, the City Council held a public hearing to receive input on the Plat Amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 1121 Norfolk Avenue Plat Amendment, located at 1121 Norfolk Avenue.

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

SECTION 1. APPROVAL. The 1121 Norfolk Avenue Plat Amendment as shown in **Attachment 1** is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The subject property is located at 1121 Norfolk Avenue.
2. The Site is within the Historic Residential (HR-1) District.
3. The Site is currently improved with a Single Family Dwelling.
4. The Plat Amendment application is a request to combine Lot 6 and Lot 7 of Block 18` of Snyder's Addition into one (1) Lot of Record.
5. The proposed Lot consists of 3,750 square feet and meets the minimum Lot Size for a Single Family Dwelling (1,875 square feet) and for a Duplex (3,750 square feet) which requires a Conditional Use permit.

6. The proposed Lot size is consistent with neighboring properties, as a number of Lots along Norfolk have already been combined into double-wide Lots of 3,750 square feet.
7. The proposed Lot measures fifty feet (50') wide and seventy-five feet (75') deep and meets the minimum Lot Width of twenty-five feet (25').
8. The minimum required Front and Rear Setbacks for the proposed Lot would be 10 feet.
9. The minimum required Side Setback for the proposed Lot would be five feet (5').
10. There are existing retaining walls that encroach across property lines on the north, south and west sides of the Site. These shall be removed or an Encroachment Agreement recorded prior to the recordation of the Plat.
11. The proposed Lot Size is compatible with existing lots in the neighborhood and in the overall Historic District.
12. The maximum building footprint for a Lot this size is 1,519 square feet.
13. The maximum Building Height for this zone is twenty seven feet (27') from Existing Grade. The survey submitted shows the existing Structure at 28.68 feet from Existing Grade.
14. There are existing encroachments on Site that may require an Encroachment Agreement or removal.
15. Staff finds Good Cause for this Plat Amendment as it will combine two smaller lots into one larger lot potentially allowing for a Single Family Dwelling (or Duplex with a Conditional Use permit) that does not straddle (is not built across) lot lines. The proposed new lot is consistent with the surrounding HR-1 neighborhood and meets the Lot and Site requirements for the zone. Furthermore, encroachment agreements or the removal of encroachments will resolve existing nonconformities. Finally, it is a Condition of Approval that a Public Snow Storage Easement will be recorded with the Plat.
16. 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 Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant shall 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. The plat shall note that fire sprinklers are required for all new or renovation construction on this lot, to be approved by the Chief Building Official.
4. A ten foot (10') public snow storage easement along Norfolk Avenue shall be noted on the Plat.
5. The property is not located within the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore it is not regulated by the City for mine related impacts. However, if the property owner does encounter mine waste or mine waste impacted soils they must handle the material in accordance to State and Federal law.
6. 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.

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

PASSED AND ADOPTED this 11th day of June, 2020.

PARK CITY MUNICIPAL CORPORATION

Andy Beerman, MAYOR

ATTEST:

Michelle Kellogg, City Recorder

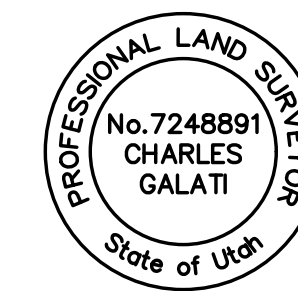
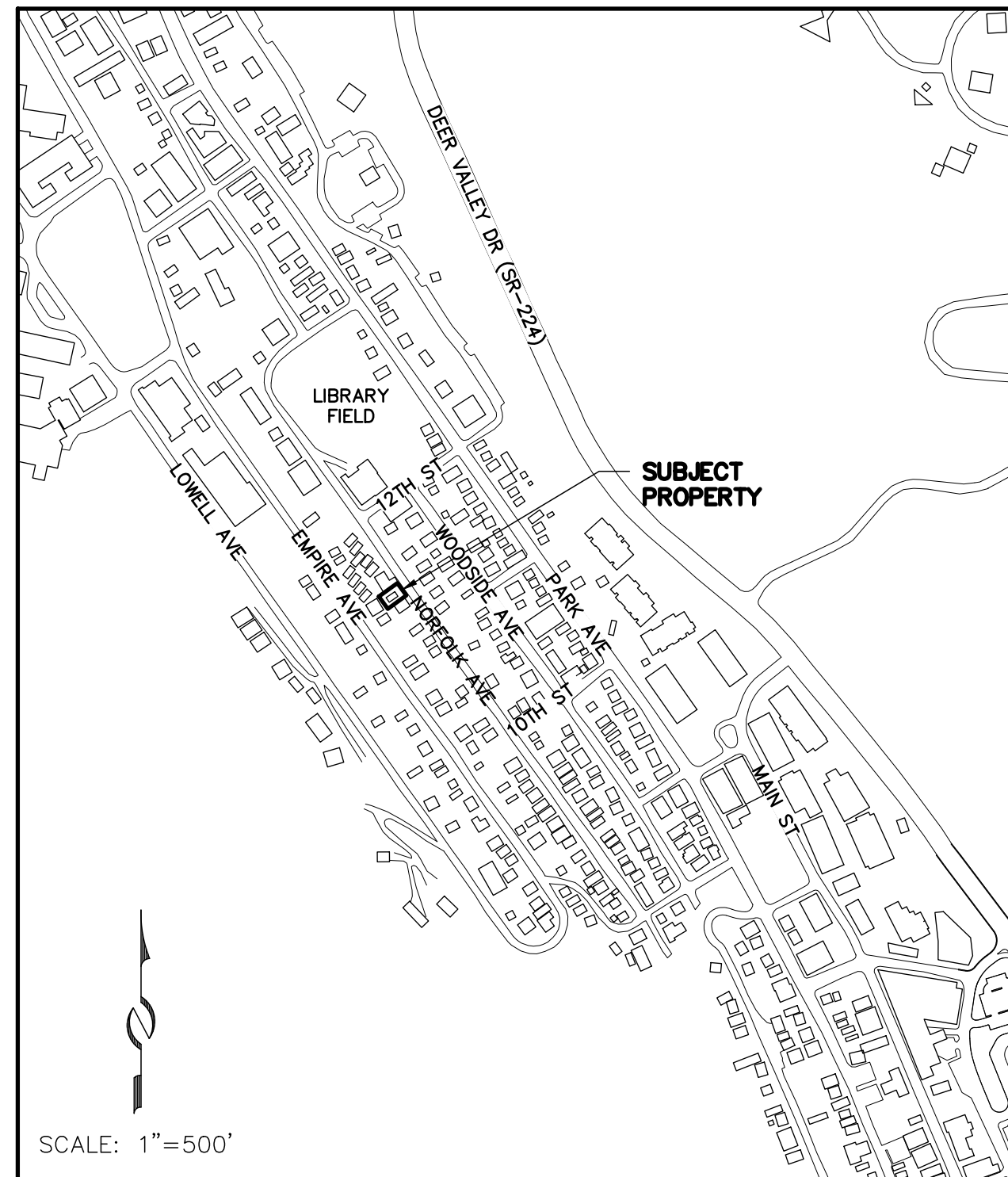
APPROVED AS TO FORM:

Mark Harrington, City Attorney

Exhibits

Attachment 1 – 1121 Norfolk Avenue Plat Amendment (Proposed)

VICINITY MAP



SURVEYOR'S CERTIFICATE

I, Charles Galati, do hereby certify that I am a Professional Land Surveyor, and that I hold License No. 7248891, as prescribed under the laws of the State of Utah. I further certify that by authority of the owner, I have made a survey of the tract of land shown on this plat and described hereon, and have combined said tract of land into one (1) lot, hereafter to be known as 1121 NORFOLK AVENUE PLAT AMENDMENT and that the same has been correctly surveyed and monumented on the ground as shown on this plat.

LEGAL DESCRIPTION

All of Lots 6 and 7, Block 17, SNYDERS ADDITION TO PARK CITY, according to the official plat thereof on file and of record in the Summit County Recorder's Office.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that the undersigned is the owner of the above described tract of land, and hereby causes the same to be unified into one lot of record, together with easements as set forth to be hereafter known as 1121 NORFOLK AVENUE PLAT AMENDMENT and does hereby dedicate for the perpetual use of the public the areas shown on this plat as intended for public use. The undersigned owner also hereby conveys any other easements as shown on this plat to the parties indicated and for the purposes shown hereon.

In witness whereof, the undersigned set his hand this _____ day of _____, 2020.

By: _____
Thomas Damian Roche, Manager
FASQUE IV, LLC, a Utah limited liability company

ACKNOWLEDGMENT

STATE OF _____)
: ss.
COUNTY OF _____)

On this ____ day of _____, 2020, Thomas Damian Roche personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, did say that he is the Manager of FASQUE IV, LLC, a Utah limited liability company, and that said document was signed by him on behalf of said limited liability company by authority of its Operating Agreement or Resolution of its Members, and he acknowledged to me that he executed the 1121 NORFOLK AVENUE PLAT AMENDMENT.

By: _____
Notary Public

Printed Name _____

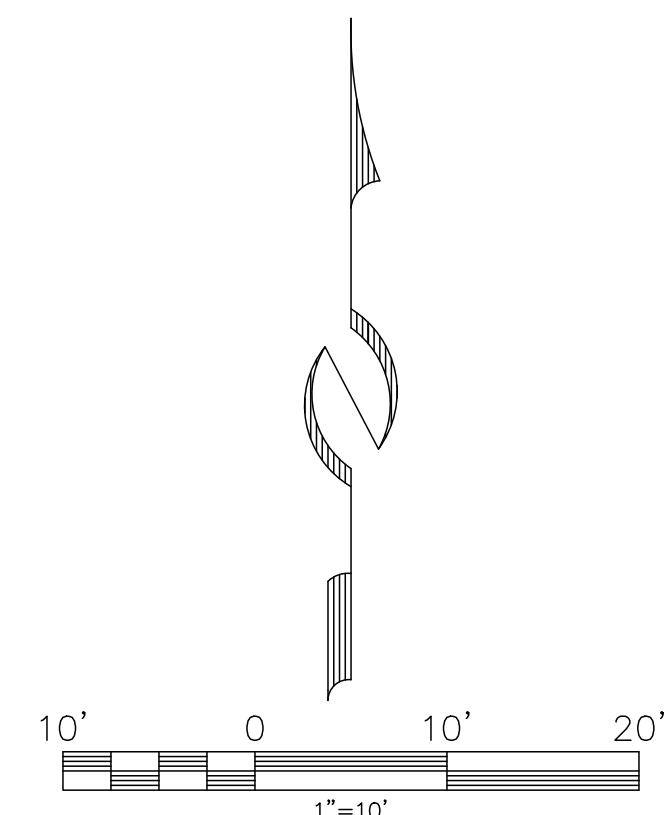
Residing in: _____

My commission expires: _____

Commission No. _____

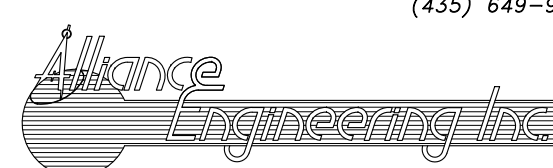
NOTES

1. This plat amendment is subject to the Conditions of Approval in Ordinance 2020-_____.
2. See survey S-9035 in the Office of the Recorder, Summit County, Utah.



1121 NORFOLK AVENUE PLAT AMENDMENT

LOCATED IN BLOCK 17, SNYDER'S ADDITION TO PARK CITY
SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH



CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

PUBLIC SAFETY ANSWERING POINT APPROVAL APPROVED THIS _____ DAY OF _____, 2020 BY _____ SUMMIT COUNTY GIS COORDINATOR	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2020 BY _____ ENGINEERING DEPARTMENT	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2020 BY _____ CHAIR	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2020 BY _____ PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2020 BY _____ PARK CITY ATTORNEY	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2020 BY _____ MAYOR	CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2020 BY _____ PARK CITY RECORDER	RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ _____ FEE _____ RECORDER TIME _____ DATE _____ ENTRY NO. _____
---	--	--	--	--	---	--	---

PARK CITY-BLOCKS 17, 27, 34 SECTION 16, T2S R4E, S.L.B. & M.
SNYDERS ADDITION



Approved Utah State Tax Comm	Revisions - DATE AND INITIAL (in Pencil)	SCALE ONE INCH = 40 FEET
Date	BY	BOOK PAGE

SUMMIT COUNTY, UTAH

SNYDER'S ADDITION TO PARK CITY, BLOCK 17,
LOTS 6 & 7

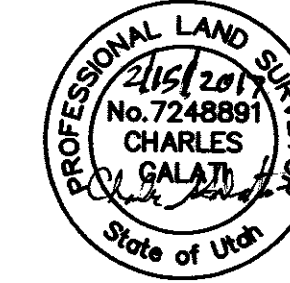
(1121 NORFOLK AVENUE)

PROJECT INTENT

The property at 1121 Norfolk Avenue is occupied by a single family residence constructed in the 1970s. The historic lot line as platted between Lots 6 and 7 still exists. The owner desires to demolish the current single family residence, remove the lot line, and unify the property into one lot of record with the ultimate goal of constructing a new single family residence on the property.

1121 NORFOLK AVENUE

LOCATED IN THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN
RECORD OF SURVEY
SUMMIT COUNTY, UTAH



SURVEYOR'S CERTIFICATE

I, Charles Galati, certify that I am a Professional Land Surveyor and that I hold Certificate No. 7248891, as prescribed by the laws of the State of Utah. I further certify that a survey of the hereon described property has been performed under my direction and that to the best of my knowledge this plat is a correct representation of said survey.

LEGAL DESCRIPTION

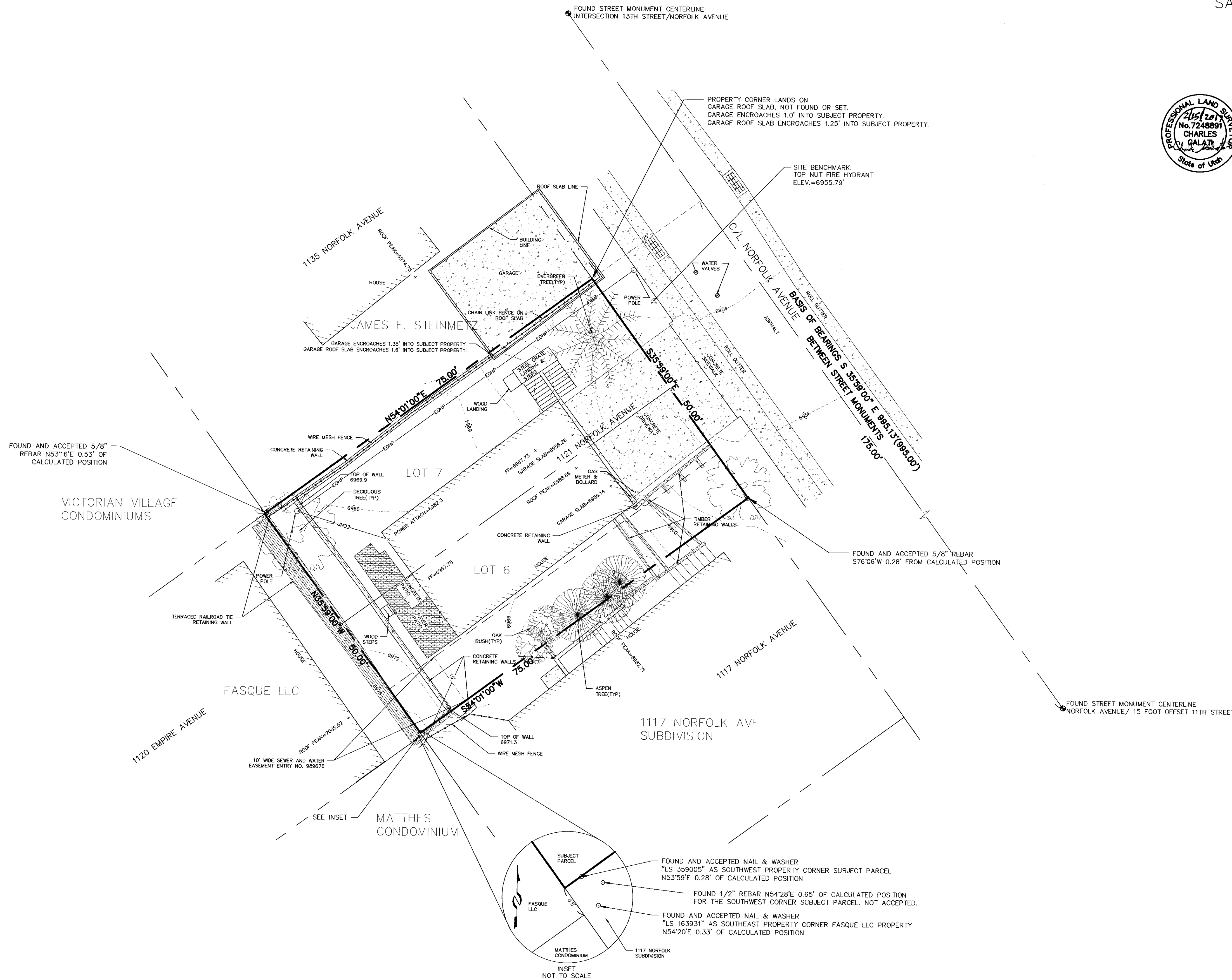
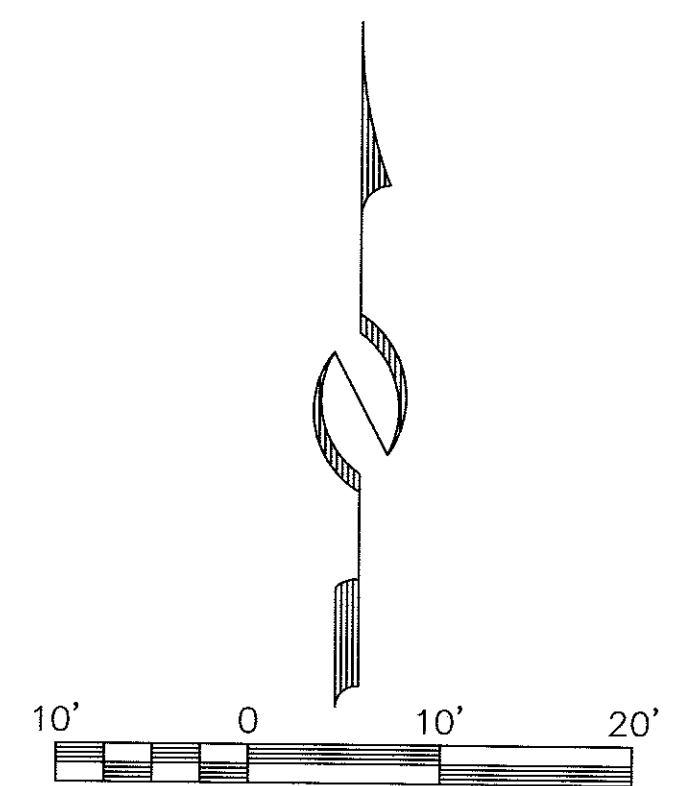
All of Lots 6 and 7, Block 17, Snyders Addition to Park City, Utah, according to the official plat thereof on file and of record in the Summit County Recorder's Office.

NOTES

1. Basis of Bearing for this survey is between the found brass cap street monuments as shown on this plat.
2. Field work for this survey was completed February 10, 2017, and is in compliance with generally accepted industry standards for accuracy.
3. The purpose of this survey was to locate and monument the boundary in addition to performing an Existing Conditions and Topography survey for the possibility of future improvements to the property.
4. Title Report File No.161326PC with a commitment date of January 13, 2017 at 8:00 AM prepared by Stewart Title Guaranty Company was provided to the surveyor and easements pertaining to said report are located and shown on this survey.
5. Recorded deeds, Title Report (see note 4 above), Victorian Village Condominium Plat recorded as Entry No. 235901, 1117 Norfolk Avenue Subdivision Plat recorded as Entry No. 629605, and Matthes Condominium Plat recorded as Entry No. 899445, all on file and of record with the Summit County Recorder's Office, and physical evidence found in the field were all used to determine the boundary as shown on this plat.
6. Site Benchmark is the top nut of a fire hydrant with an Elevation=6955.79' as shown.
7. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
8. Property corners were found as shown.
9. Snow coverage at the time of the survey was approximately 2-5'. As a result, monuments, improvements, and/or conditions may exist which are not shown on this survey.
10. Record bearings and distances are in parenthesis () when different than measured.

LEGEND

- Set 5/8" rebar w/cap
"ALLIANCE ENGR/LS 154491"
(Unless noted otherwise)
- Found Monument
(As-Noted)
- Found Street Monument
(As-Noted)

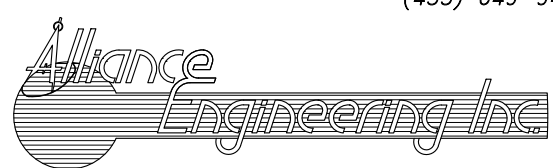


 (435) 649-9467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664	STAFF: CHARLES GALATI MARTY MORRISON STEVE CONANT	EXISTING CONDITIONS & TOPOGRAPHIC MAP LOTS 6 & 7, BLOCK 17, SNYDERS ADDITION TO PARK CITY	SHEET 1 OF 1
	DATE: 2/15/17	FOR: DAMIAN ROCHE JOB NO.: 08-01-17 FILE: X:\SnydersAddition\dwg\sr\sr\2017\080117-1121 Norfolk\080117-1121 Norfolk.dwg	



SUBJECT
PROPERTY

(435) 649-9467



CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

STAFF:
MARSHALL KING

DATE: 3/27/20

AERIAL PHOTOGRAPH
1121 NORFOLK AVENUE
BLOCK 17, SNYDER'S ADDITION

FOR: FASQUE IV, LLC
JOB NO.: 3-3-20

FILE: X:\SnydersAddition\dwg\PlatExhibits\2020\1121 norfolk-ortho.dwg

SHEET
1
OF
1



1121 Norfolk Avenue – looking Westerly



1121 Norfolk Avenue – looking Southwesterly



1121 Norfolk Avenue – looking Southerly



1121 Norfolk Avenue – looking Easterly



1121 Norfolk Avenue – looking Northerly

Planning Commission Staff Report



PLANNING DEPARTMENT

Subject: 802 Empire Avenue Subdivision
Author: Alexandra Ananth, Senior Planner
Application: PL-18-03949
Date: May 13, 2020
Type of Item: Administrative – Subdivision

Summary Recommendations

Staff recommends that the Planning Commission continue the Public Hearing for the applicant's request to create a two-lot (2) Subdivision from multiple small parcels of land, and consider forwarding a positive recommendation for City Council's consideration on June 11, 2020, based on the draft Ordinance, Findings of Fact, Conclusions of Law, and Conditions of Approval. This hearing is a continuation of the Public Hearing opened on January 8, 2020, continued to the February 12, 2020 hearing, and continued again to the May 13, 2020 hearing.

Description

Applicant: Old Town Lands, LLC, represented by Jonathan DeGray, Architect
Location: 802 Empire Avenue
Existing Zoning: Historic Residential (HR-1) District
Adjacent Land Uses: Residential
Reason for Review: Subdivisions require Planning Commission Review and City Council action

Proposal

This application proposes to combine multiple small vacant parcels in order to create two (2) developable lots in the HR-1 zone, both with access off of Empire Avenue. The applicant has a simultaneous application for a Conditional Use Permit (CUP) to locate a shared driveway over the City's Platted Unbuilt Empire Avenue Right-of-Way in order to provide access to the proposed Lots. Due to existing steep grades, limited sight lines, proximity of existing curb cuts on Crescent Tram and its narrow street width, the City has encouraged the applicant to seek vehicular access from Empire Avenue rather than Crescent Tram, and is supportive of the CUP application. If the Subdivision and CUP are approved the applicant will need to seek a Steep Slope Administrative CUP and submit Historic District Design Review (HDDR) applications as development progresses on these lots.

At the February 12, 2020 Meeting (Exhibit A: Planning Commission Minutes) the Planning Commission had five (5) requests:

1. An explanation of what is buildable on each of the existing parcels as currently platted; **Provided in this Staff Report on page 2**

2. A visual that shows the larger neighborhood so that the Commission can understand how the proposed subdivision relates to the neighborhood, the adjacent City parcel, and the other parcels owned by Old Town Lands in the immediate area; **Provided in this Staff Report (Figures 6 & 7, pages 6 & 7)**
3. Clarification on how Frontage is being measured. **Provided in this Staff Report page 7**
4. Information from the applicant on how they intend to address existing vegetation on site; **Provided in this Staff Report page 11**
5. Information from the Engineering Department on how the application complies with LMC Section 15-3-3, General Parking Area and Driveway Standards;
Exhibit B: Engineering Memorandum

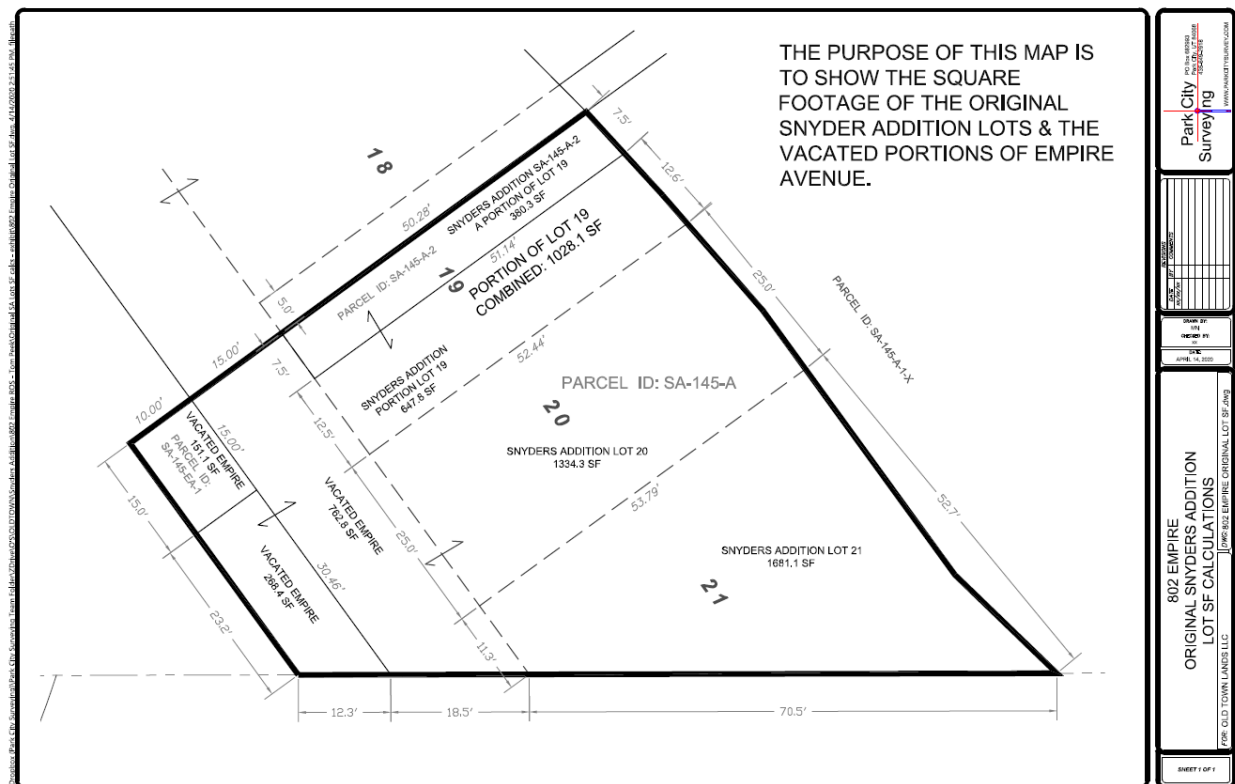
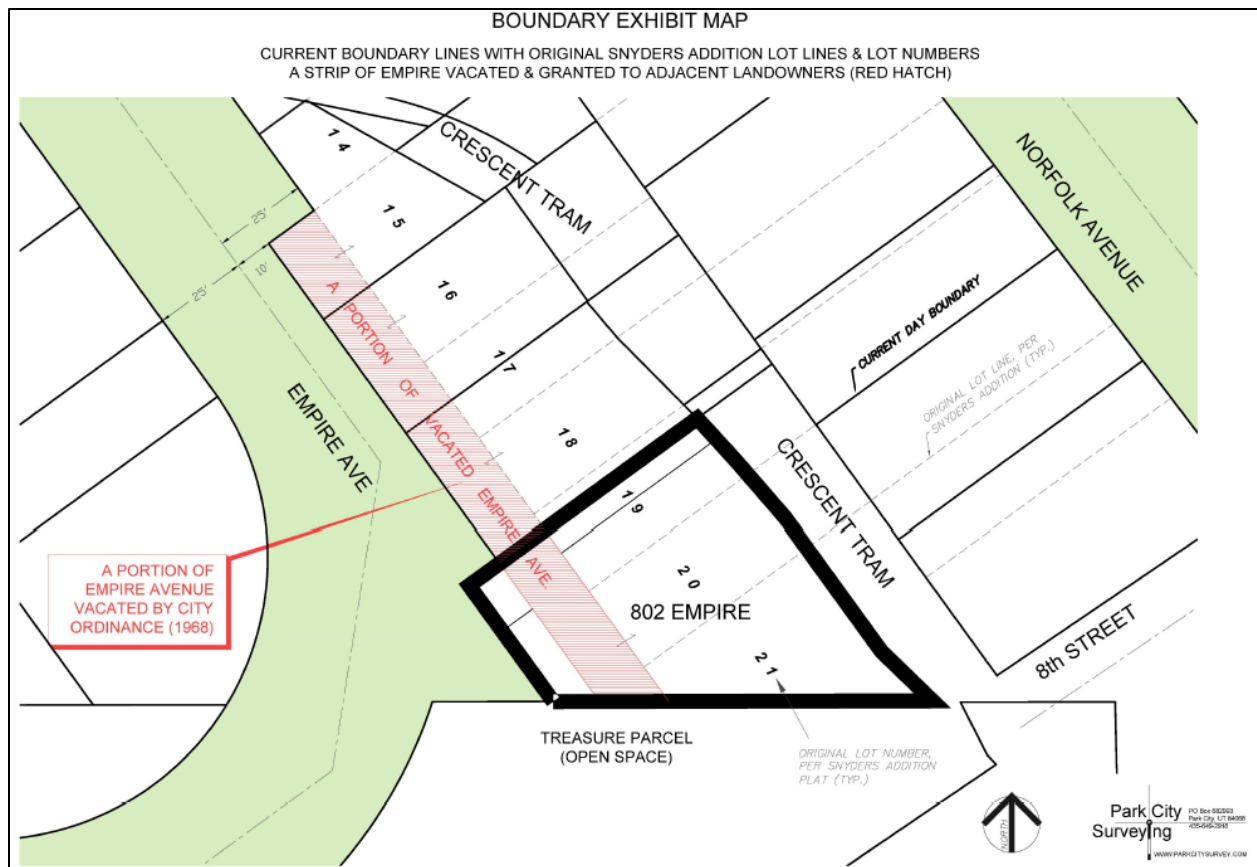
In addition, the applicant has agreed to a Condition that they will not oppose, and will work with the City, if it is determined that a staircase or other form of public access connecting Crescent Tram to Empire Avenue, adjacent to the subject property, is determined to be appropriate at some point in the future.

Background

The site consists of seven (7) separate parcels located between Empire Avenue and Crescent Tram which the applicant is proposing to combine and then subdivide into two developable lots. These parcels include two portions of Lot 19, all of Lot 20, all of Lot 21, and three parcels of vacated Empire Avenue as shown in Figure 2 on the next page.

Parcel ID	Parcel	Lot Size (SF)
SA-145-A-2	Portion of Lot 19	380.3
	Portion of Lot 19	647.8
SA-145-A	Lot 20	1,334.3
	Lot 21	1,681.1
	Vacated Empire	762.8
SA-145-EA-1	Vacated Empire	151.1
	Vacated Empire	268.4
Total		5,225.8

All seven (7) parcels are currently vacant of any structures although there used to be a house on Lot 20 that may have also encroached onto Lot 19. ***Individually none of these parcels are large enough to meet the Minimum Lot Area of 1,875 square feet, and thus none of these parcels are developable on their own. Combined, these parcels meet the Lot and Site Requirements (Lot Size and Lot Width) to create two developable (2) lots in the HR-1 zone.***



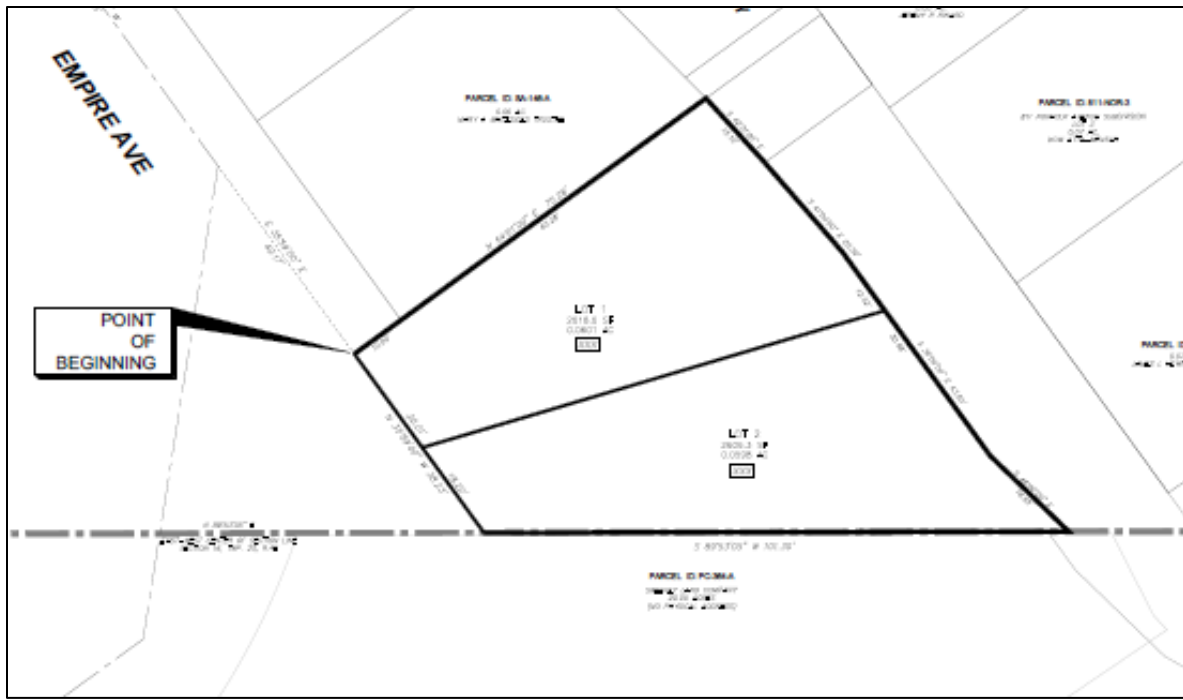


Figure 3: Proposed 2-Lot Subdivision

Over the years there were a number of conveyances in the immediate area that affected these lots. In 1968 the City vacated a portion of Empire Avenue to the adjacent property owners. This is shown as the red area in Figure 4 below.

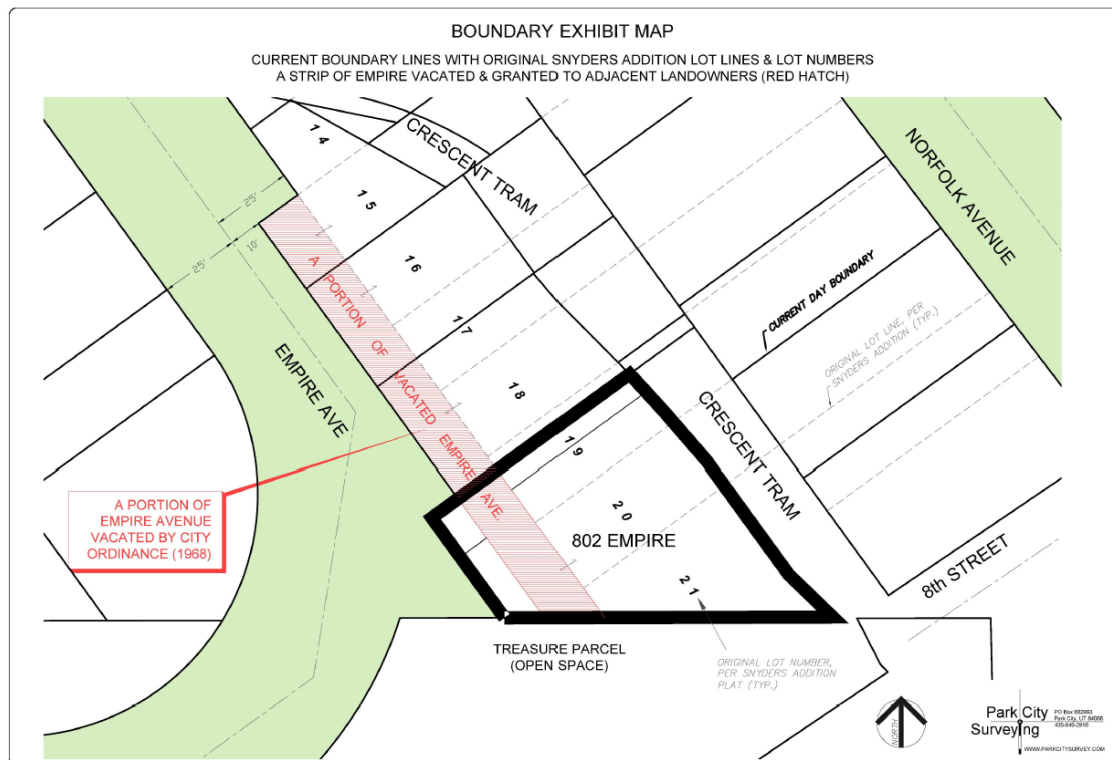


Figure 4: Portion of Empire Avenue Vacated to Adjacent Property

A problem originated in 1991 when a number of surveys used an incorrect Point of Beginnings which shifted some deeds 15 feet to the south *in error*.

Tom Peek bought the parcels in 2016 and hired Park City Surveying to provide quit claim deed solutions to resolve these issues. Park City Surveying worked with the City's Planning Department and City Attorney's Office on these corrective quit claim deeds which were approved by the City and recorded with the County to document this process. This included A) the applicant quit claiming land to the City that is in the Crescent Tram right-of-way, B) the City quit claiming land to the applicant which was intended to be owned by the applicant, and C) the applicant quit claiming land to the City that was not intended to be owned by him. These title issues were all a result of old surveying errors including scrivener's errors in the legal descriptions.

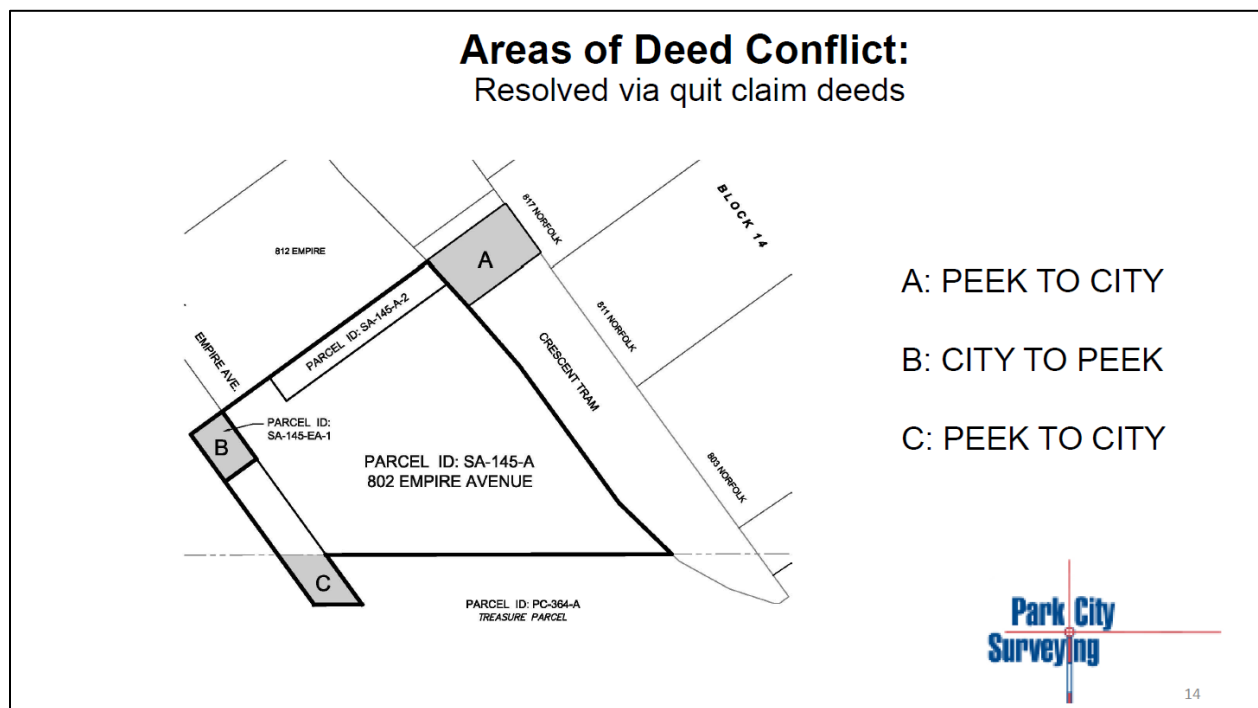


Figure 5: Quit Claim Deed Exhibit

The following figures show the larger neighborhood as well as the proximate Crescent Tram parcels also owned by Old Town Lands. These two potential developments are separated by the City owned Treasure Parcel and the City's Crescent Tram pedestrian path easement shown in yellow in Figure 7 below.

Figure 6: Neighborhood Area Map showing 802 Empire

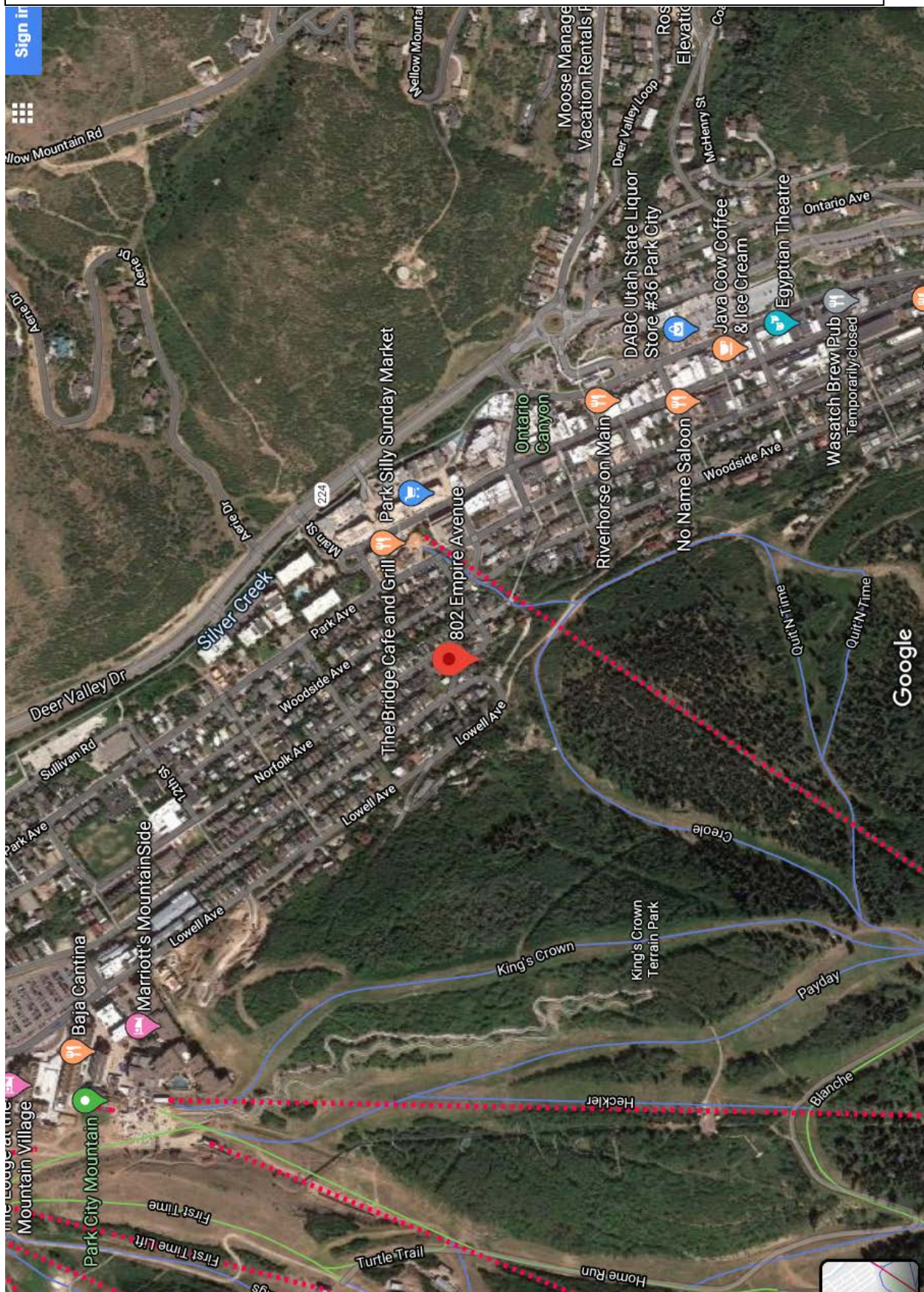
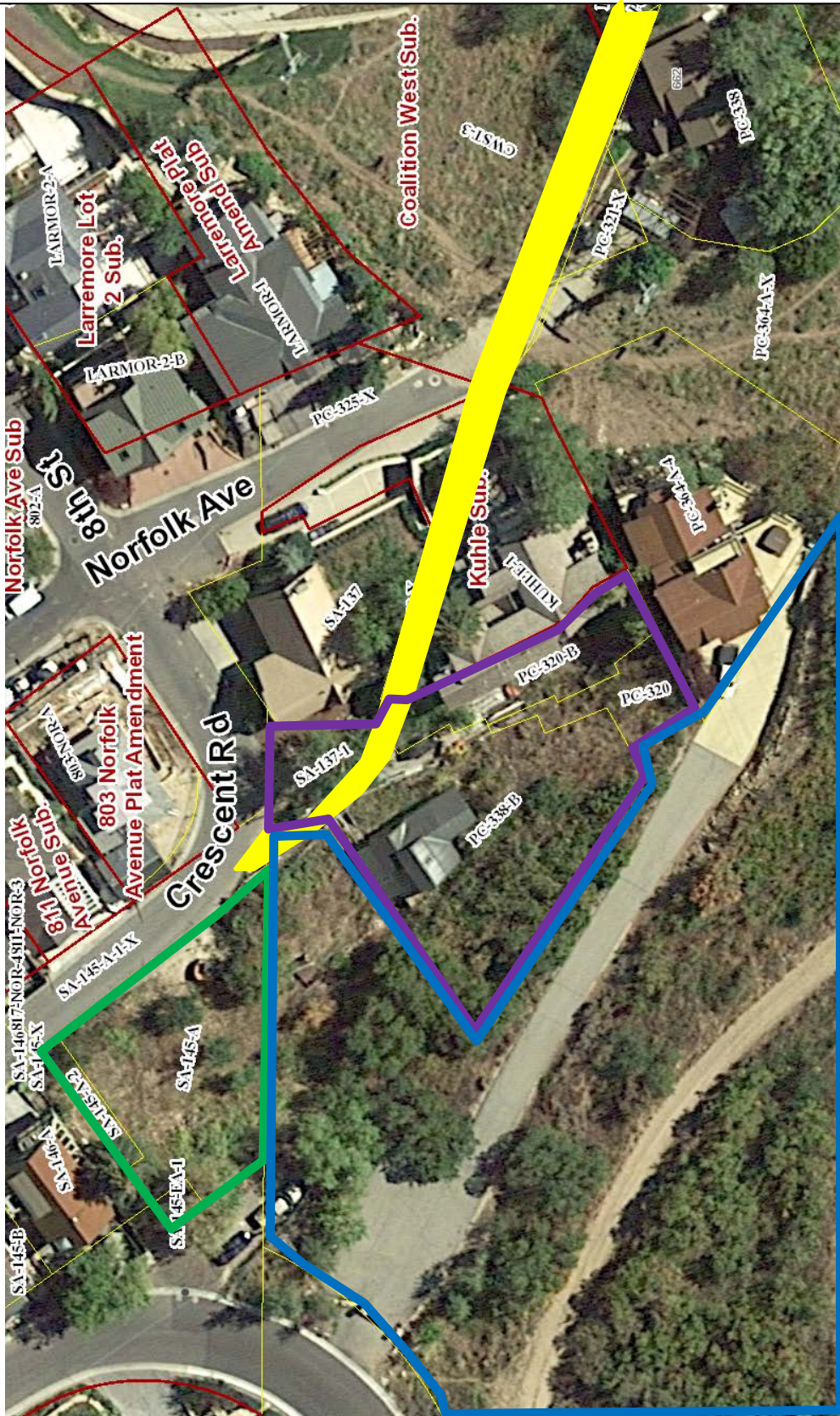


Figure 7: 802 Empire outlined in green; Other properties owned by Old Town Lands outlined in purple; City owned Treasure property outlined in blue; Approximate location of Crescent Tram pedestrian path shown in yellow



The properties outlined in purple above, show the Crescent Tram parcels also owned by the applicant, Old Town Lands, which they eventually intend to seek to redevelop. This includes the house at 732 Crescent Tram and three adjacent parcels (see Table below). This is not an active application as there are a number of deed conflicts that need to be resolved first and therefore the below square footage may be adjusted.

Parcel ID	Property Description	Lot Size (Acres)	Lot Size (SF)
PC-338-B	732 Crescent Tram	0.15	6,534
PC-320	Vacant	0.03	1,306
PC-320-B	Vacant	0.03	1,306
PC-320-B	Vacant	0.05	2,178
Total			11,324

Purpose

The proposed Subdivision contains lots that are located in the Historic Residential District (HR-1). The purpose of the 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 applicant is proposing to create a two-lot (2) subdivision from seven (7) existing smaller parcels, none of which are individually large enough to meet the Minimum Lot Size in the HR-1 zone for a Single Family Dwelling.

The proposed lots are considered “through-lots” (a lot having frontage on two streets that is not a corner lot) with frontage on both Crescent Tram and Empire Avenue. In accordance with LMC Section [15-2.2-3\(B\)](#) “The minimum width of a Lot is twenty five feet (25’) measured fifteen feet (15’) back from the Front Lot Line. In the case of unusual Lot configurations, Lot width measurements shall be determined by the Planning Director.” Due to the narrow width of the two proposed lots off of Empire Avenue (Lot 2 in particular which is less than 25 feet), the Planning Director made a

determination that Frontage can be measured on Crescent Tram in order to meet the Minimum Lot Width (Exhibit C) even though vehicular access will be conditioned from Empire Avenue only.

Allowed Uses in the HR-1 District include Single Family Dwellings. Duplex Dwellings and Nightly Rentals of Lockout Units require a Conditional Use permit.

The table below lists the Lot and Site Requirements for the HR-1 Zone for the proposed subdivision (Lot 1 & 2) as well as if the parcels were combined to make only one lot (*not proposed*):

Zone Allowance:	HR-1 Requirements	Proposed		All 7 Lots Combined
		Lot 1	Lot 2	
<i>Minimum Lot Size</i>	<i>1,875 SF</i>	<i>2,617 SF</i>	<i>2,607 SF</i>	<i>5225.8 SF</i>
<i>Lot Width as Measured from Crescent Tram</i>	<i>25 Feet</i>	<i>48.1 Feet</i>	<i>49.9 Feet</i>	<i>98 Feet</i>
<i>Lot Width as Measured from Empire Avenue</i>	<i>25 Feet</i>	<i>25.25 Feet</i>	<i>23.75 Feet</i>	<i>49 Feet</i>
<i>Setbacks</i>				
<i>Min. Front /Rear Setback Crescent Tram</i>	<i>Min. 12 ft./Total 25 ft.</i>	<i>Must Comply</i>	<i>Must Comply</i>	<i>Must Comply</i>
<i>Min. Front Setback Empire Avenue</i>	<i>Min. 12 ft./Total 25 ft.</i>			
<i>Min. Side Setback</i>	<i>3 ft./Total 6 ft.</i>			
<i>Building Height</i>	<i>27 ft. from existing grade</i>	<i>Must Comply</i>	<i>Must comply</i>	<i>Must Comply</i>
<i>Building Footprint</i>		<i>1,129 SF</i>	<i>1,125 SF</i>	<i>1948 SF</i>

The proposed lots meet the minimum Lot and Site Requirements for a Single Family Dwelling (each) but do not have sufficient land for a Duplex as proposed. If the lots were combined as one large lot the applicant would meet the Minimum Lot Size for a Duplex (which requires a Conditional Use permit).

As stated earlier due to existing steep grades, limited sight lines and narrow street width, the City has encouraged the applicant to seek vehicular access from Empire Avenue (not Crescent Tram) which requires a CUP to locate a shared driveway over the City's Platted Unbuilt Right-of-Way. It is expected that the applicant will also need to seek a Steep Slope Administrative CUP as development of these lots moves forward. Finally, the applicant will need to submit Historic District Design Review (HDDR) applications for the proposed houses to the Planning Department for review for compliance with the Design Guidelines for Historic Districts and Historic Sites.



Figure 8: Area Applicant Is Seeking A CUP For In Order To Access Proposed Lots 1 And 2.

Figure 8 above shows the trapezoid area the applicant is seeking a CUP for in order to access proposed Lots 1 and 2. This area is platted unbuilt City right-of way (Empire Avenue) and has served as informal parking for at least the past 30 years. Built Empire Avenue is just west of this area.

A Memorandum from the Engineering Division is attached as Exhibit B and specifically discusses how the application complies with LMC Section 15-3-3, General Parking Area and Driveway Standards. Based on the difficulties of access off of Crescent Street the Engineering Department is approving a slope greater than 2% within the transition area noted in LMC Section 15-3-3 General Parking Area And Driveway Standards. Findings and Conditions from the Engineering Memorandum have been incorporated in to the Findings (11-16) and Conditions (5-9) section of the Draft Ordinance.

Neighborhood Lot Size

As stated earlier, both proposed lots meet the minimum Lot and Site Requirements for a Single Family Dwelling. Surrounding Lot Sizes range from 1,307 square feet to 6,970

square feet with the Average Lot Size being 3,790 square feet, and a Median of 2,831 square feet. Lot 1 is proposed as 2,617 square feet and Lot 2 is proposed as 2,607 square feet. While the proposed Lot Sizes are less than the surrounding average lot size, they are well within the range of surrounding lot sizes in the neighborhood and meet the minimum lot size of 1,875 square feet for the Historic Residential District (Exhibit E – Neighborhood Lot Sizes). If the parcels were combined into one lot the new lot would be one of the larger lots in the neighborhood.

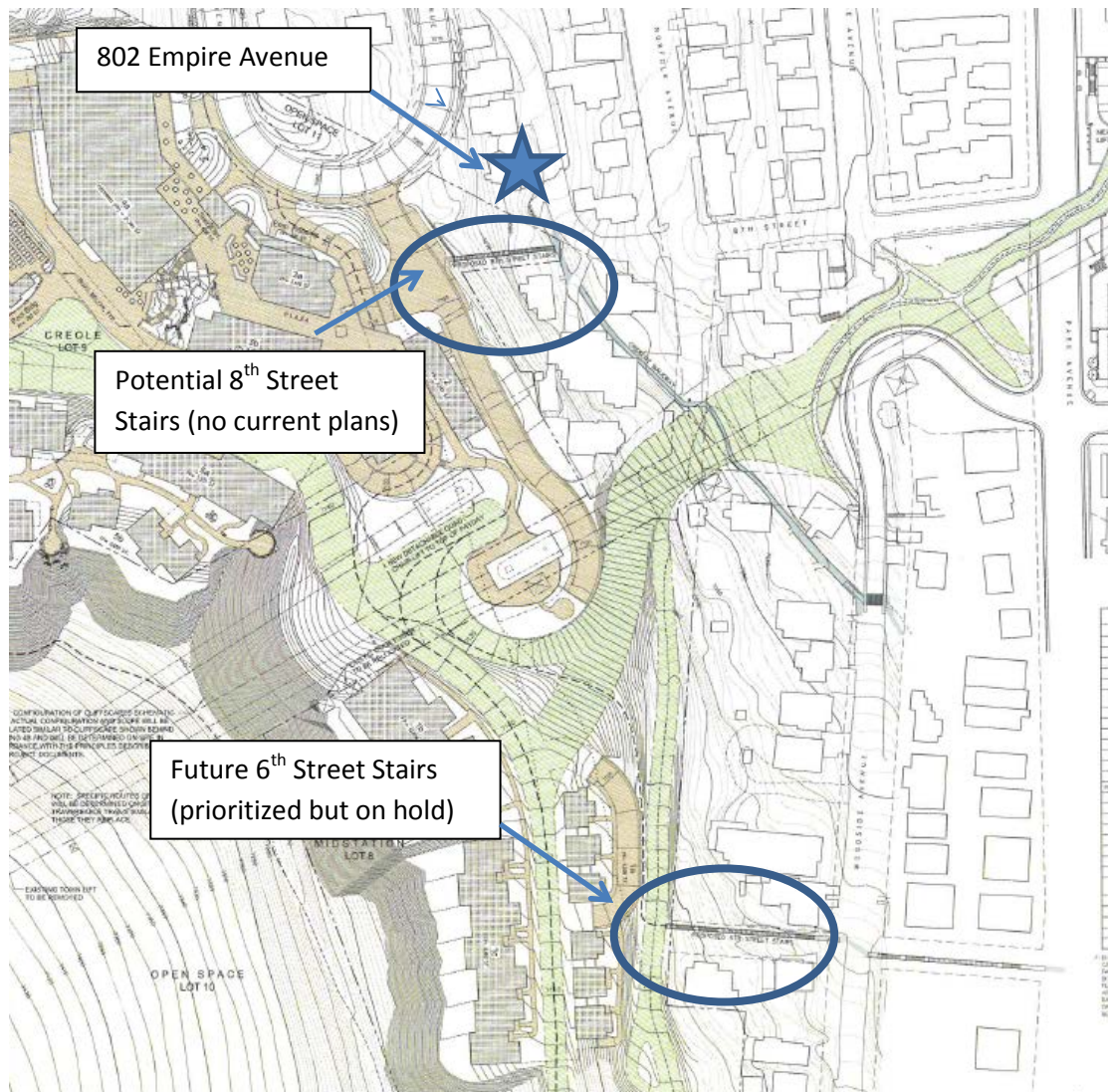
The lots as proposed are in keeping with surrounding lot sizes and will encourage the development of Single Family Dwellings that are compatible in scale with the surrounding Historic residential neighborhood. The proposed lots meet the Purpose of the HR-1 District listed above.

Potential Staircases

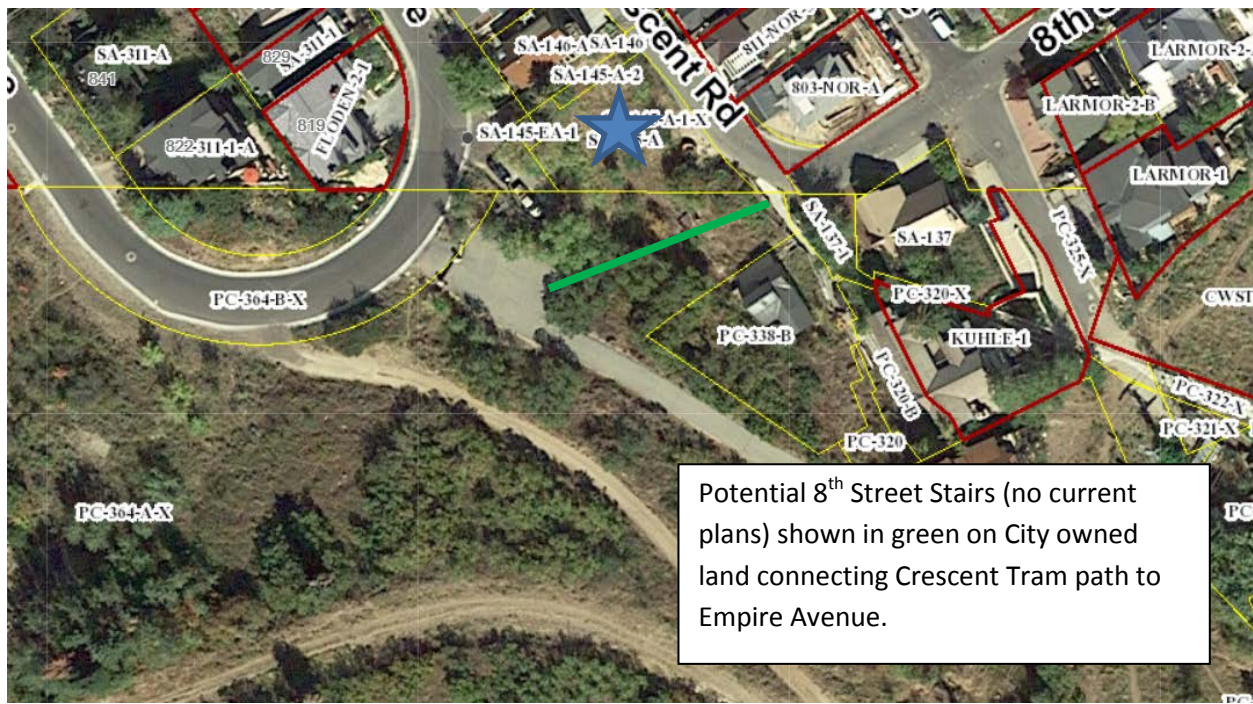
At the January 8, 2020 Public Hearing the question of how this proposed subdivision might impact the development of future pedestrian access stairs from Crescent Tram to Empire Avenue was raised. Since the City finalized the purchase of the Treasure Hill Open Space property in April 2019, the Sixth Street Stairs were identified as an east/west pedestrian facility and remain a recommended improvement by the Trails and Open Space Department. Funding for this improvement was included in the upcoming Budget process but is now likely on hold. This is the prioritized old town stair alignment at the present time with 9th Street being the second priority in front of an Empire Crescent link. It is estimated that one block of stairs costs approximately \$200,000.

The proposed subdivision does not preclude a future alignment or improvement in some form on the City's land from Crescent Tram to Empire Avenue, however no plans for this are currently in the works.

A sketch of what could be known as the Eighth Street Stairs is included below. This was taken from the Treasure Hill Development Application Submittal. The applicant has agreed to a Condition that they will not oppose, and will work with the City, if it is determined that a staircase or other form of public access connecting Empire Avenue to Crescent Tram, adjacent to the subject property, is determined to be appropriate at some point in the future.



An aerial version is approximated below.



Significant Vegetation

Significant Vegetation includes all large trees six inches (6") in diameter or greater measured four and one-half feet (4.5') above the ground, all groves of small trees, and all clumps of oak or maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

As was noted at the February 12, 2020 hearing, the HDDR application which will be required for each lot as development progresses, requires a landscape plan which will need to show how loss of existing vegetation will be mitigated. It does appear that there is one spruce tree on the site which is likely to be determined Significant, and will require mitigation if removed, although this has not been determined yet.

Good Cause

Planning Staff finds that there is Good Cause to grant the requested two-lot (2) Subdivision to create two legal lots of record. The proposed Lots meet the Lot and Site Requirements of the Historic Residential District and development patterns of the surrounding neighborhood. Both Lots will have Frontage on Crescent Tram continuing the rhythm of the existing streetscape but will have vehicular access from Empire Avenue as requested by the Engineering Division. This will in turn encourage development of contextually compatible structures that contribute to the character and scale of the Historic residential Area and meet the purpose of the HR-1 District.

Process

The Planning Commission may recommend approving, denying, or modifying the two-lot (2) Subdivision with a final determination by City Council. The City Council

determination constitutes Final Action that may be appealed following the procedures in LMC § 15-1-18.

Department Review

This project has gone through interdepartmental review and the applicant has been encouraged to access the lots from Empire Avenue, for which they will need a CUP. A Memorandum from the Engineering Division is attached as Exhibit B and specifically discusses how the application complies with LMC Section 15-3-3, General Parking Area and Driveway Standards.

Notice

On December 18, 2019, the property was posted and courtesy notice was mailed. Legal notice was also published in the Park Record on December 21, 2019 according to requirements of the Land Management Code. The project was re-noticed on January 29, 2020 and notice was re-published in the Park Record on January 29, 2020. The project was re-noticed again on April 29, 2020.

Public Input

Public Comment received via email is attached to this Staff Report (Exhibit F). In addition, the Minutes from the January and February Public Hearing contain additional public comments.

Alternatives

- The Planning Commission may forward a positive recommendation to City Council to approve the 802 Empire Avenue Subdivision; or
- The Planning Commission may forward a negative recommendation to City Council for the 802 Empire Avenue Subdivision and direct staff to make findings for this decision; or
- The Planning Commission may continue the discussion on the 802 Empire Avenue Subdivision to a date certain and provide input to staff and the Applicant on any additional information they require in order to make a recommendation.

Significant Impacts

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

Consequences of not taking the Planning Department's Recommendation

The site will remain seven (7) undevelopable parcels.

Summary Recommendations

Staff recommends that the Planning Commission hold a Public Hearing on the 802 Empire Avenue Subdivision, consider public input, and forward a positive recommendation for City Council's consideration based on the draft Ordinance, Findings of Fact, Conclusions of Law, and Conditions of Approval.

Exhibits

Draft Ordinance and Proposed Subdivision

Exhibit A: Planning Commission Minutes

Exhibit B: Engineering Memorandum

Exhibit C: Planning Director Determination on Frontage

Exhibit D: PowerPoint from Park City Surveying

Exhibit E: Record of Survey and Topographic Map

Exhibit F: Driveway Exhibit (Revised)

Exhibit G: Neighborhood Lot Sizes

Exhibit H: Public Comments Received

**AN ORDINANCE APPROVING THE 802 EMPIRE AVENUE SUBDIVISION,
PARK CITY, UTAH.**

WHEREAS, the owner of the property located at 802 Empire Avenue petitioned the City Council for approval of the two-lot 802 Empire Avenue Subdivision; and

WHEREAS, on December 18, 2019, the property was posted and notice was mailed according to the requirements of the Land Management Code; and

WHEREAS, legal notice was published in the Park Record on December 21, 2019, according to requirements of the Land Management Code; and

WHEREAS, on January 29, 2020, the property was re-posted, notice was mailed and legal notice was re-published in the Park Record, according to requirements of the Land Management Code; and

WHEREAS, on April 29, 2020, the property was re-posted, notice was mailed and legal notice was re-published in the Park Record, according to requirements of the Land Management Code; and

WHEREAS, the Planning Commission opened a Public Hearing on January 8, 2020, to receive input on the 802 Empire Avenue Subdivision and continued the Public Hearing on February 12, 2020, and continued the Public Hearing again on May 13, 2020; and

WHEREAS, the Planning Commission forwarded a _____ recommendation to City Council; and

WHEREAS, on June 11, 2020, City Council held a Public Hearing to receive input on the Subdivision Plat; and

WHEREAS there is good cause and it is in the best interest of Park City Utah, to approve the Subdivision Plat.

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

SECTION 1. APPROVAL. The Subdivision Plat as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law and Conditions of Approval.

Findings of Fact:

1. The subject property is located at 802 Empire Avenue.
2. The subject property is located within the Historic Residential (HR-1) Zoning District.
3. On December 17, 2019, the Subdivision Plat application was deemed complete.
4. The two-lot (2) Subdivision is made up of seven (7) parcels including portions of Lot 19, all of Lot 20, and all of Lot 21, none of which are large enough to be developed on their own.
5. All seven (7) parcels are vacant of structures.
6. The applicant has worked with the City to complete and record Quit Claim Deeds and resolve a number of surveying errors.
7. The lots are considered “through-lots” with Frontage on both Crescent Tram and Empire Avenue.
8. Due to the Unusual Lot Configuration the Planning Director determined that Frontage can be measured on Crescent Tram in order to meet the Minimum Lot Width even though vehicular access will be restricted to Empire Avenue.
9. Both new lots meet the minimum Lot and Site Requirements for Single Family Dwellings.
10. Due to existing steep grades, limited sight lines, proximity of existing curb cuts on Crescent Tram and its narrow street width, the applicant has been encouraged by the City to access the lots from Empire Avenue and has submitted a simultaneous request for a Conditional Use Permit (CUP) to locate a shared driveway over the City’s Platted Unbuilt Right-of-Way in order to provide vehicular access to the two lots from Empire Avenue and not Crescent Tram.
11. Existing gravel areas on both the north and south side of the shared concrete driveway are noted to be removed.
12. The proposal allows for adequate snow storage.
13. The intersection of the shared driveway and Empire Avenue is roughly perpendicular which is an improvement compared to the existing conditions.
14. The proposed driveway width of 15 feet complies with the minimum requirement specified in LMC Section 15-3-3 (H).
15. The proposed driveway is spaced approximately 33 feet from the nearest existing driveway and approximately 122 feet from the intersection of Empire and Crescent Tram.
16. The maximum slope of the driveway is shown to be 12%.
17. Based on the facts listed above and the challenges of access from Crescent Tram, the Engineering Division approves a slope greater than 2% within the transition area noted in LMC Section 15-3-3, General Parking Area and Driveway Standards.
18. It is expected that the applicant will also need to seek a Steep Slope Administrative CUP and submit Historic District Design Review applications for the proposed houses as development progresses.

Conclusions of Law:

1. There is Good Cause for the Subdivision which created two developable lots in keeping with development patterns in the surrounding neighborhood.
2. The Subdivision is consistent with the 2014 Park City General Plan and the Park City Land Management Code including Sections 15-7.1-3(C) and 15-12-15(B)(4) and (9) and applicable State Law regarding Subdivision Plats.

3. Neither the public nor any person will be materially injured by the proposed Subdivision.
4. Approval of the Subdivision does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the Subdivision 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 Plat Note shall indicate that both lots shall have vehicular access from Empire Avenue only.
4. The City Engineer shall review and approve all grading, utility installation and public improvements prior to building permit issuance.
5. The grade of the proposed shared drive shall not exceed 10% within the platted unbuilt right of way.
6. Backing out of the shared drive shall be forbidden. A swept path analysis showing a vehicle turn-around from both lots shall be provided to the City Engineer for review prior to building permit issuance.
7. A separate encroachment agreement for the portion of shared drive encroaching on PCMC Parcel PC-364-A-X is required prior to building permit issuance.
8. No parking shall be permitted within the portion of shared driveway located within the platted unbuilt right of way.
9. The shared driveway shall not prohibit pedestrian access of a future 8th Street public stairway, located just south of the 802 Empire Avenue Subdivision, connecting the Crescent Tram pedestrian access to Empire Avenue.
10. No building permit may be issued until City Council approval of an Encroachment Agreement for the driveway located within the Public Right-of-Way.
11. If at some point in the future Empire Avenue is re-aligned, the applicant will be responsible for the removal of all portions of the driveway within the ROW at their sole expense and in an expeditious manner (within 90 days of written notice).
12. Prior to the issuance of a building permit, a Construction Mitigation Plan that includes consideration of how construction related parking will be managed shall be submitted to the Building, Engineering and Planning Departments for review and approval.
13. The applicant or his assignees will not oppose, and will work with the City, if it is determined that a staircase or other form of public access connecting Crescent Tram to Empire Avenue, adjacent to the subject property, is determined to be appropriate at some point in the future. The applicant agrees to include an offer of dedication for

the stairway connection if requested by the City Engineer on the applicable future application.

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

PASSED AND ADOPTED this _____, 2020.

PARK CITY MUNICIPAL CORPORATION

Andy Beerman, MAYOR

ATTEST:

City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

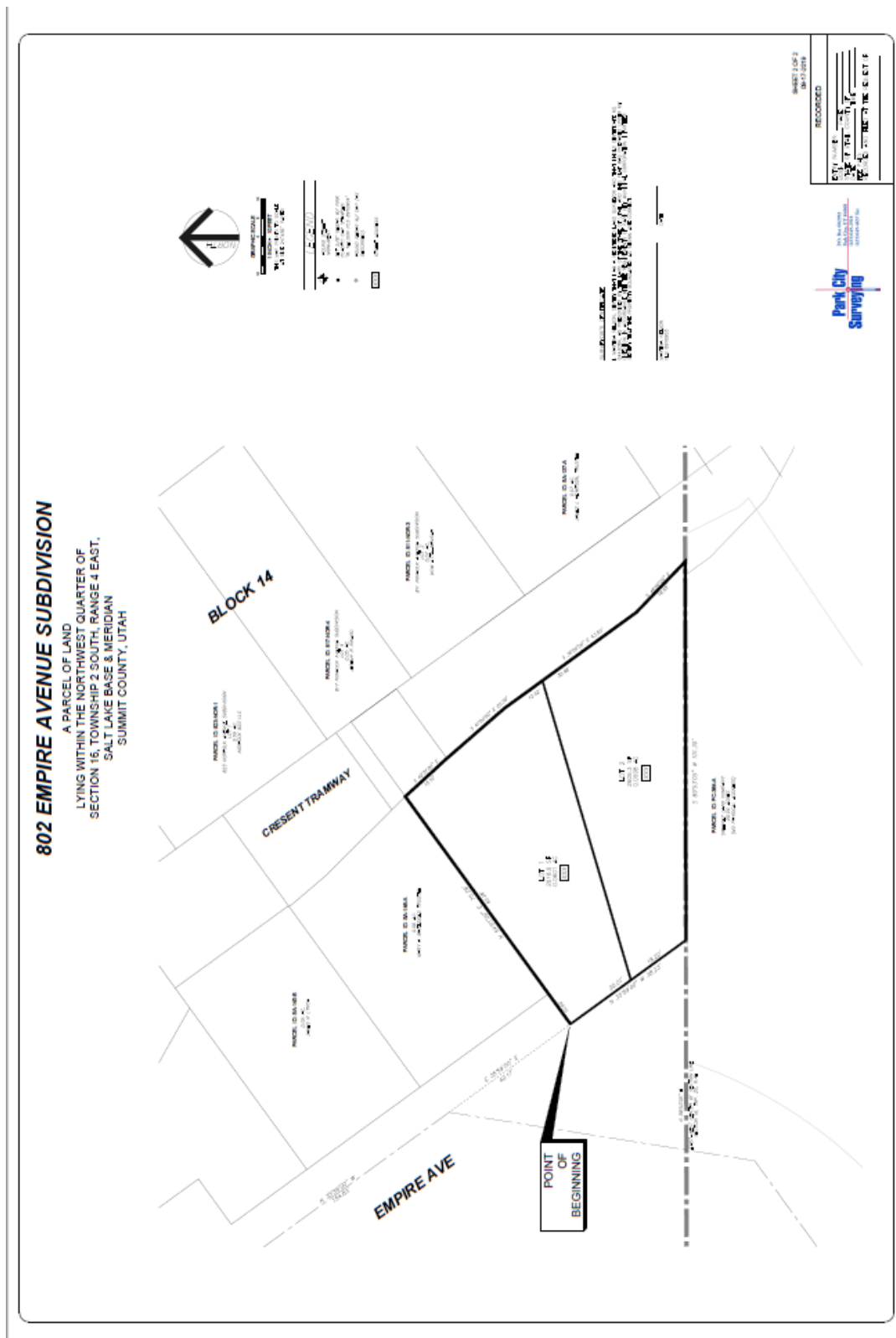


Exhibit A

Planning Commission [Minutes 1/8/2020](#)

Planning Commission [Minutes 2/12/2020](#)



MEMORANDUM

To: Alexandra Ananth, Senior Planner

From: Corey Legge, EIT, ENV-SP, Public Improvements Engineer

CC: John Robertson, PE, City Engineer

Date: May 5th, 2020

Re: 802 Empire Avenue Drive Entrance

The Engineering Department has reviewed the driveway exhibit for Lots 1 and 2 of the 802 Empire Avenue Subdivision dated February 12th, 2020. The exhibit proposes a shared driveway to encroach within Empire Avenue platted unbuilt right-of-way which requires a Conditional Use Permit (CUP). Alternatively, if a CUP is not approved each lot of the 802 Empire Avenue Subdivision may be accessed from Crescent Road.

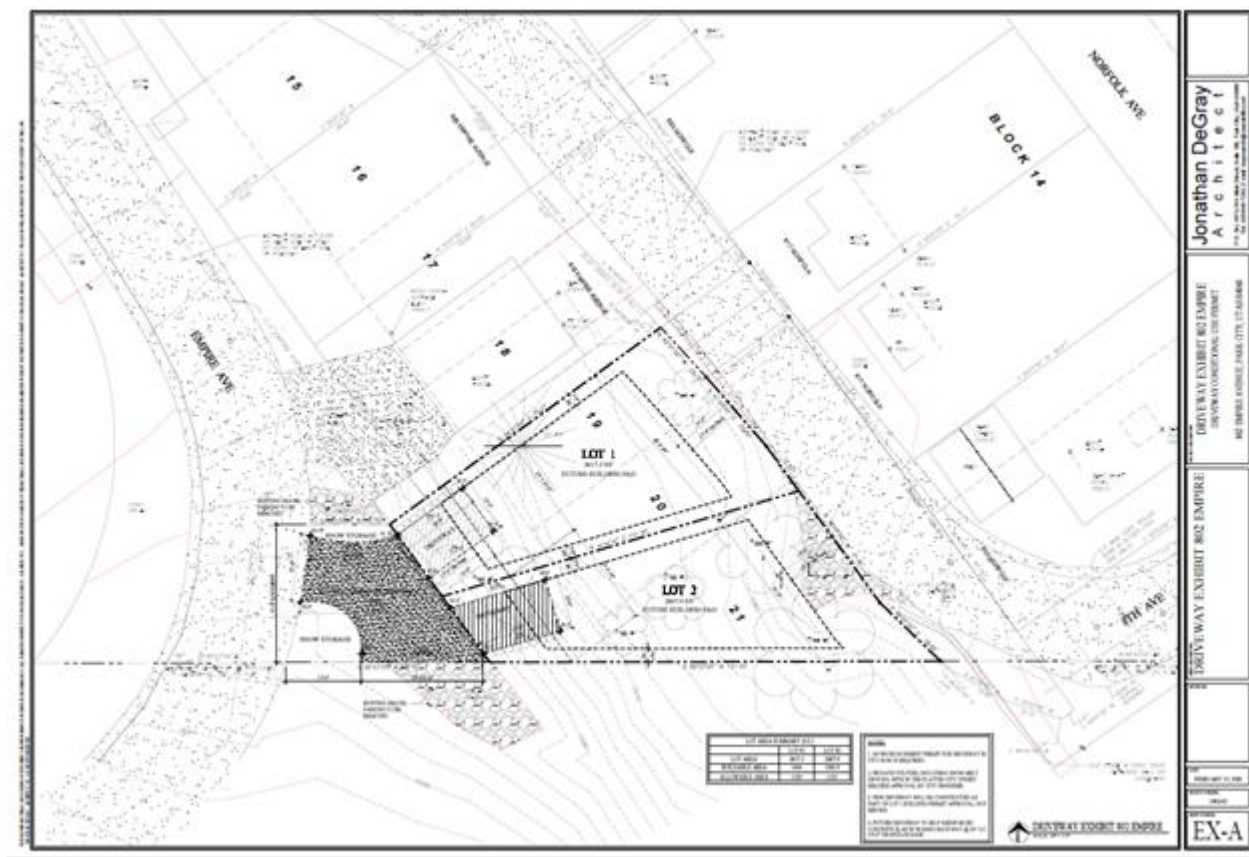


Figure 1: Proposed Driveway from Empire Avenue over Platted-Unbuilt Empire Avenue to Lot 1 and Lot 2

Existing Conditions

Crescent Road, located directly east of the proposed 802 Empire Avenue Subdivision, is a two-way street that serves as the primary southerly access to Empire Avenue and Lowell Avenue. The road slopes from Empire Avenue to 8th Street at a nine percent (9%) to seventeen (17%) grade. The road pavement width was measured to be eighteen feet (18'). The alignment of Crescent Road as it traverses the steep hillside includes two horizontal curves. Existing structures abut the roadway directly, limiting a motorist's sight distance when navigating each horizontal curve. Due to the steep grade, narrow width, and limited sight distance, unrestricted two-way traffic is not easily accommodated. Vehicles traveling downhill generally yield to vehicles travelling uphill.

On the west side of Crescent Road there are 3 existing driveways and one public trail access. There is one existing parallel off-street parking spot on the east side of the street. Due to the cross slope drainage, a high back curb and gutter is necessary on the eastern edge of the street. Unlike rolled curb and gutter, the surface width of a high back curb and gutter is not included when calculating the travel lane width.

Pertinent to the general area of the proposed shared driveway, Empire Avenue holds an eight percent (8%) grade around the horseshoe bend connecting to Lowell Avenue. The cross section features eleven foot (11') travel lanes and a two and a half foot (2.5') rolled curb and gutter on each side of the street resulting in a corridor width of twenty seven feet (27'). There is an existing gravel parking area directly at the location of the proposed shared drive. This entrance is southeast of Empire Avenue at the approximate point of horizontal curve. The gravel parking area, shown in figure 2, predates the oldest Google Earth satellite imagery from 1993.



Figure 2: Existing gravel parking area pictured from Empire Avenue

The existing gravel parking area slopes away from Empire Avenue at a measured ten and a half percent (10.5%) grade. The angle between the bend of Empire Avenue and the alignment of the gravel parking area is quite skew. A large berm exists on the western side of the existing gravel parking area. A motorist would find it difficult to back out of the existing gravel parking area due to the intersection angle coupled with the obstructed sight line.

Analysis

Comments provided from the development review committee encouraged the applicant to seek vehicular access to both Lots 1 and 2 of the 802 Empire Avenue Subdivision from Empire Avenue rather than Crescent Road.

[LMC 15-3-3 General Parking Area and Driveway Standards](#) requires drives serving more than one Single-Family Dwelling shall provide a minimum twenty foot (20') transition Area at no greater than two percent (2%) Slope beginning at the back of the curb, or as otherwise approved by the City Engineer, in anticipation of future Street improvements. The same section of the Land Management Code requires driveways to not exceed fourteen percent (14%) slope.

Considering the following findings:

1. Existing gravel areas on both the north and south side of the shared concrete driveway are noted to be removed.
2. The proposal allows for adequate snow storage.
3. The intersection of the shared driveway and Empire Avenue is roughly normal which is an improvement compared to the existing conditions.
4. The proposed driveway width of fifteen feet (15') complies with the minimum requirement specified in [LMC 15-3-3 \(H\)](#).
5. The proposed driveway is spaced approximately thirty three feet (33') from the nearest existing driveway and approximately one hundred twenty two feet (122') from the intersection of Empire Avenue and Crescent Road.
6. The maximum slope of the drive is shown to be twelve percent (12%).

Based on the facts listed above, and the noted difficulties from an alternative access off Crescent Road outlined in the existing conditions section of this memorandum, the Engineering Department approves a slope greater than two percent (2%) within the transition area noted in the [LMC 15-3-3 General Parking Area and Driveway Standards](#).

Conclusions/Recommendations

The Engineering Department is supportive of a shared driveway within the platted unbuilt right-of-way to access Lots 1 and 2 of the 802 Empire Avenue Subdivision. However, at this stage of review the Engineering Department has the following comments:

1. The grade of the proposed shared drive shall not exceed ten percent (10%) within the platted unbuilt right-of-way.
2. Backing out of the shared drive shall be forbidden. A swept path analysis showing a vehicle turn-around from both Lots 1 and 2 shall be provided to the City Engineer for review prior to building permit issuance.
 - a. Note, the current driveway exhibit does not reasonably support this turning movement for Lot 2. In order for a motorist to turn around, it is likely the existing power pole, shown in Figure 2, will need to be relocated. In addition, the proposed shared driveway will likely need to be extended further south. This will result in a separate encroachment agreement for the portion of shared drive encroaching on PCMC owned parcel PC-364-A-X.
3. An encroachment permit for the shared driveway is required prior to building permit issuance.
4. No parking shall be permitted within the portion of shared driveway located within the platted unbuilt right-of-way.
5. The shared driveway shall not prohibit pedestrian access of a future 8th street public stairway, located just south of the proposed 802 Empire Avenue Subdivision, connecting the Crescent Tramway trail to Empire Avenue.



December 10, 2019

Tom Peak
Old Town Lands, LLC
PO Box 4167
Park City, UT 84060

NOTICE OF PLANNING DIRECTOR DETERMINATION:

Project Address:	802 Empire Avenue
Project Description:	Planning Director Determination for Unusual Lot Configuration
Project Number(s):	PL-18-03949 – 802 Empire Avenue Subdivision
Date of Action:	December 10, 2019

ACTION TAKEN BY PLANNING DIRECTOR:

In accordance with the Land Management Code Section 15-4-17, Setback Requirements for Unusual Lot Configurations, the Planning Director has made a determination for the two proposed thru-lots located at 802 Empire Avenue that both lots have two Front Setbacks, one on Crescent Tram and one on Empire Avenue, and that Lot Frontage can be measured along Crescent Tram in order to achieve the 25 ft. minimum Lot Width requirement.

If you have any questions regarding this determination, please don't hesitate to contact the Planning Department at 435-615-5060.

Sincerely,

Bruce Erickson, AICP
Planning Director

CC: Alexandra Ananth, Senior Planner

802 Empire Avenue

From Snyders Additional
Original Lots 19-20-21 to
the Current Day Boundary

04-24-2020

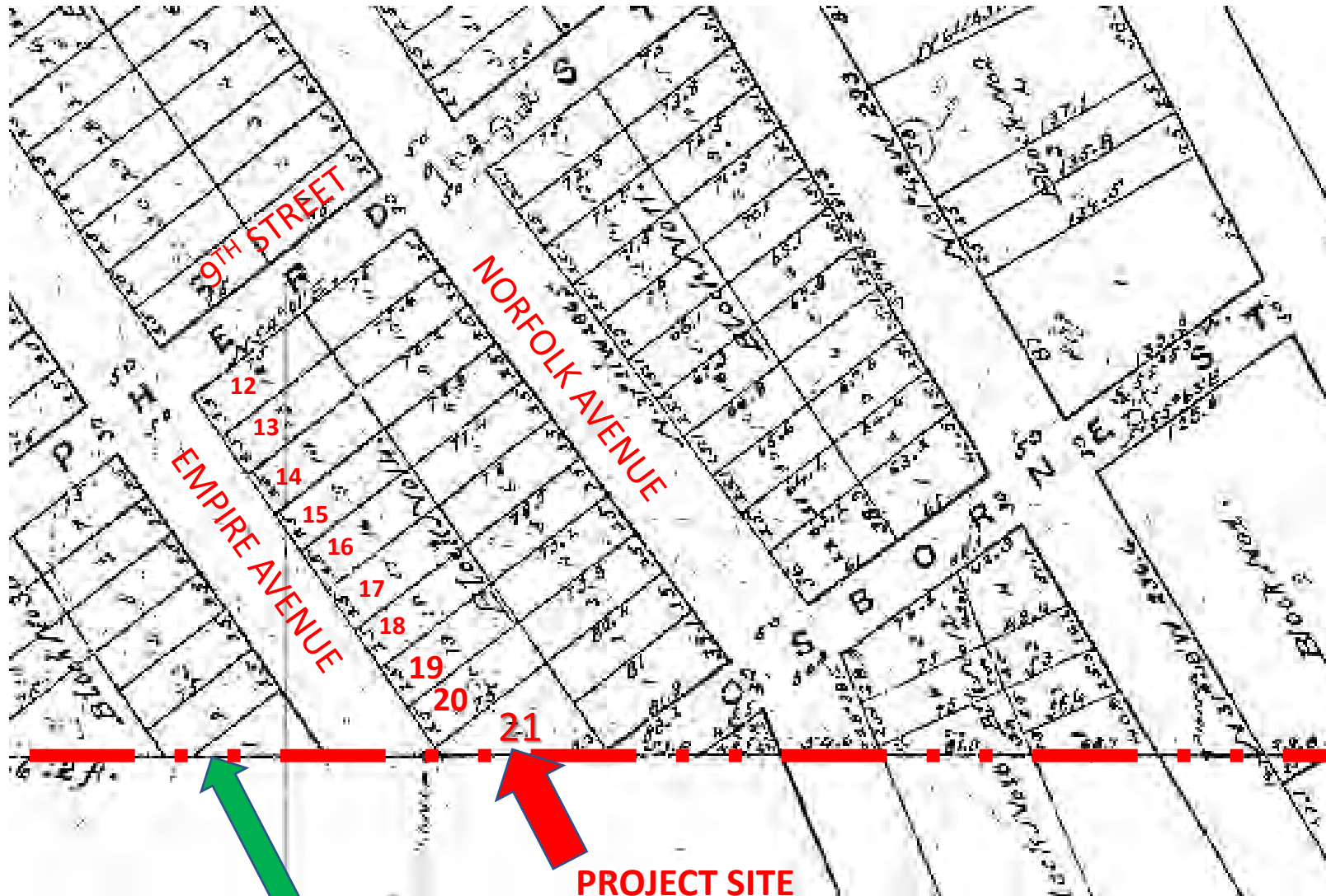


130



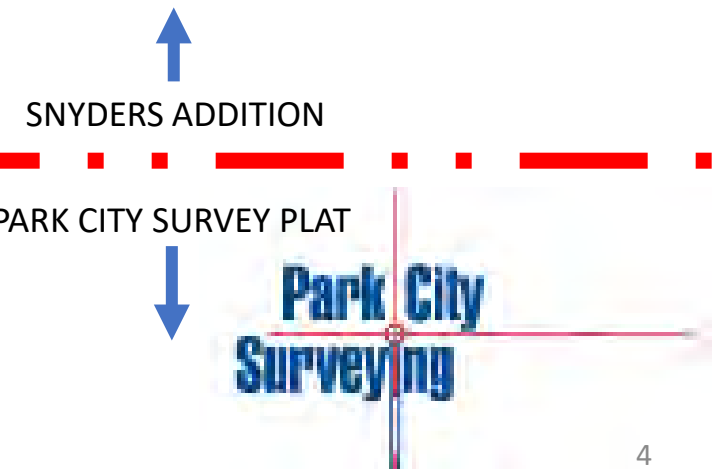
Snyders Addition Plat





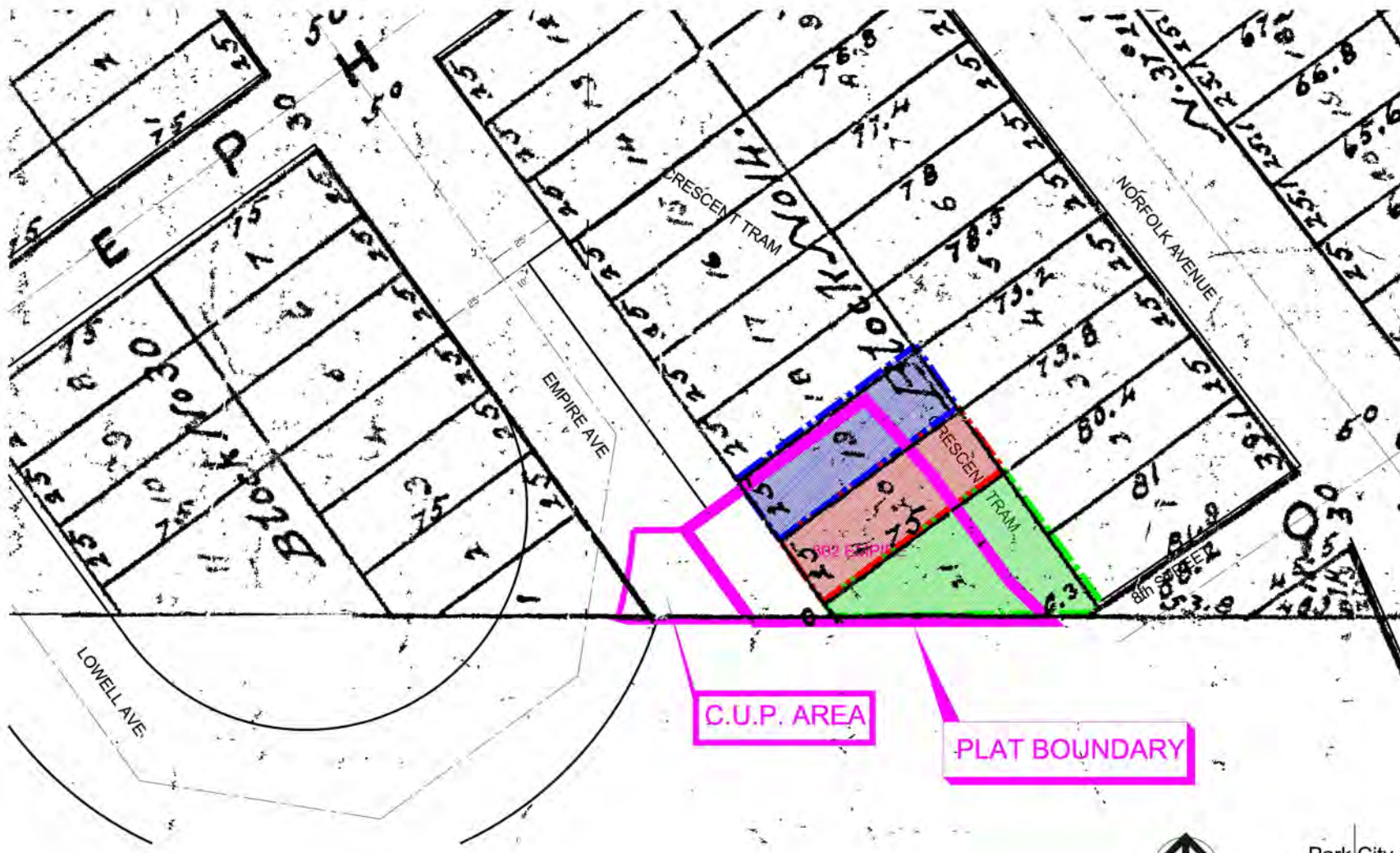
Snyders Addition Plat

Area of 802
Empire Avenue



BOUNDARY EXHIBIT MAP

SNYDERS ADDITION TO PARK CITY SUBDIVISION: ORIGINAL PLATTED LOTS



Snyders Addition Plat

Hatch Legend

Blue = lot 19

Red = lot 20

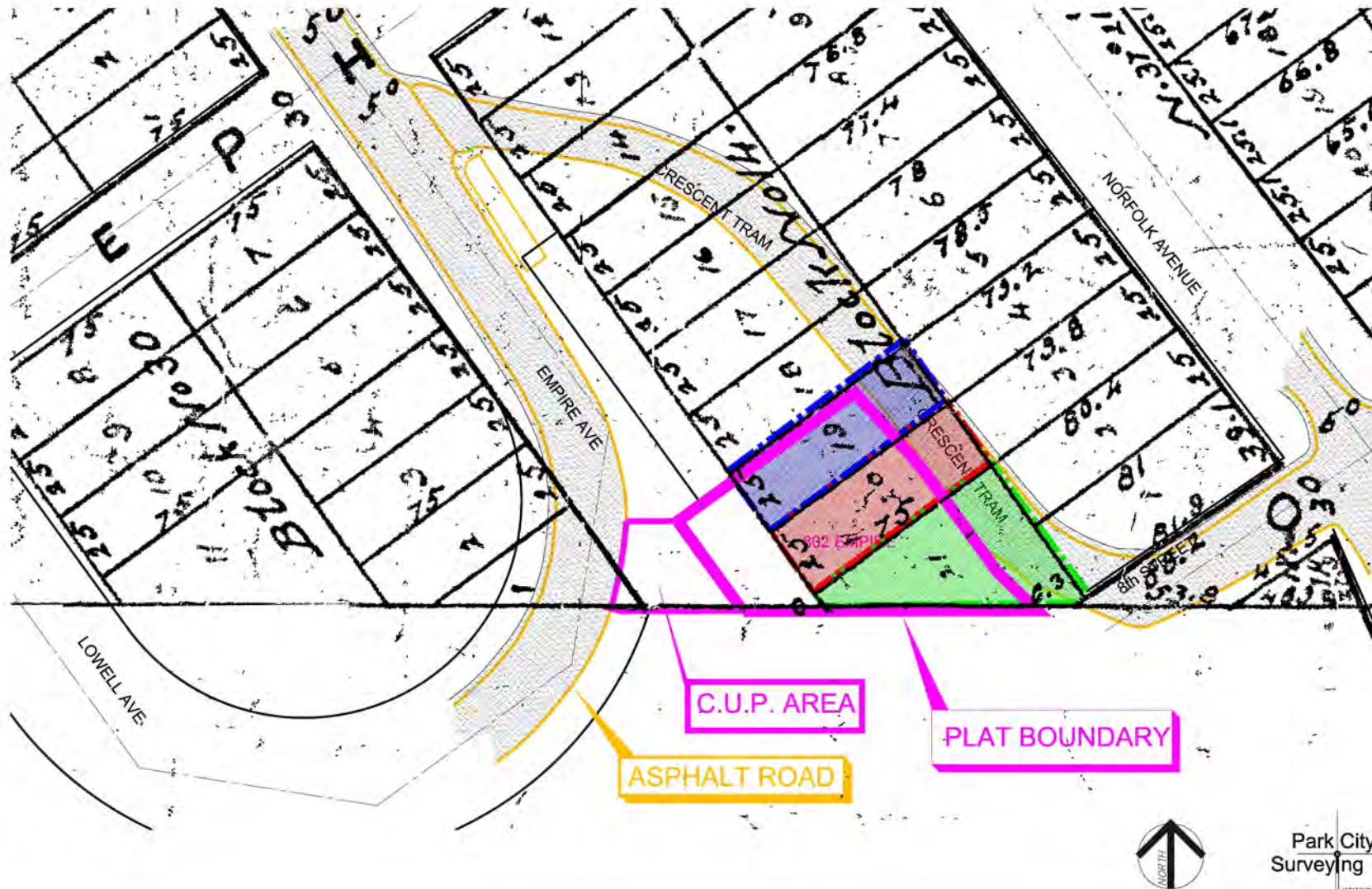
Green = lot 21

Purple linework = Plat
Boundary & CUP
driveway area



BOUNDARY EXHIBIT MAP

SNYDERS ADDITION TO PARK CITY SUBDIVISION: ORIGINAL PLATTED LOTS



Sniders Addition Plat

Hatch Legend

Blue = lot 19

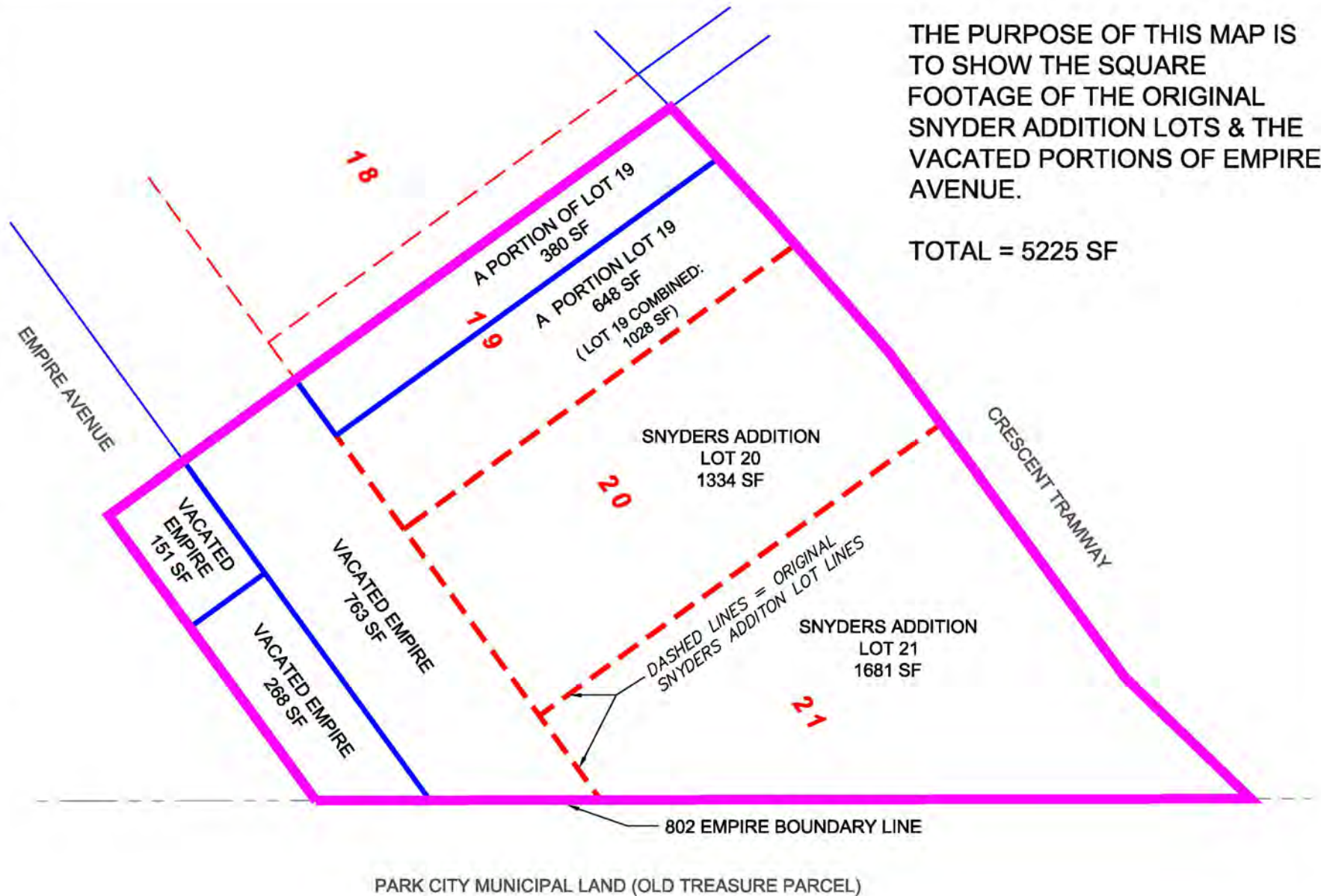
Red = lot 20

Green = lot 21

Purple linework = Plat
Boundary & CUP
driveway area

Orange linework = existing
asphalt (built) roadway





Park City Surveying PO Box 60208 Park City, UT 84306 435-648-2918 WWW.PARKCITYSURVEY.COM	
DATE: 04/14/2020	BY: [Signature]
DATE: 04/14/2020	BY: [Signature]
802 EMPIRE ORIGINAL SNYDERS ADDITION LOT SF CALCULATIONS FOR: OLD TOWN LANDS LLC	
SHEET 1 OF 1	

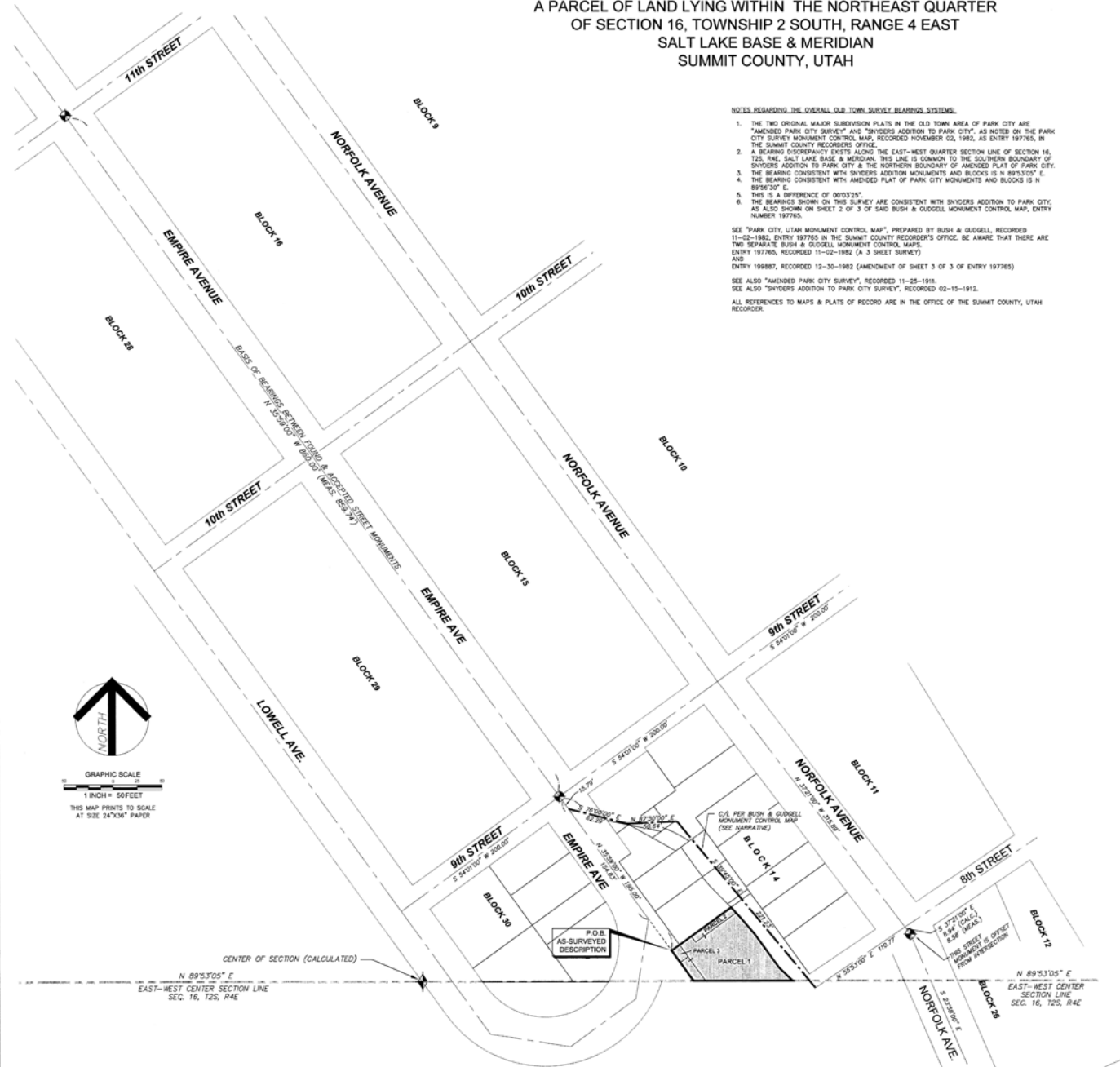
Minimum Lot Size is now 1875 square feet (for a SF home)

LMC 15-2.2-3



RECORD OF SURVEY & TOPOGRAPHIC MAP

A PARCEL OF LAND LYING WITHIN THE NORTHEAST QUARTER
OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE & MERIDIAN
SUMMIT COUNTY, UTAH



NOTES REGARDING THE OVERALL OLD TOWN SURVEY BEARINGS SYSTEM:

1. THE TWO ORIGINAL MAJOR SUBDIVISION PLATS IN THE OLD TOWN AREA OF PARK CITY ARE "AMENDED PARK CITY SURVEY" AND "SNYDER'S ADDITION TO PARK CITY," AS NOTED ON THE PARK CITY SURVEY MONUMENT CONTROL MAP, RECORDED NOVEMBER 02, 1982, AS ENTRY 197765, IN THE SUMMIT COUNTY RECORDERS OFFICE.
2. A BEARING DISCREPANCY EXISTS ALONG THE EAST-WEST QUARTER SECTION LINE OF SECTION 16, T2S, R4E, SALT LAKE BASE & MERIDIAN. THIS LINE IS COMMON TO THE SOUTHERN BOUNDARY OF SNYDER'S ADDITION TO PARK CITY & THE NORTHERN BOUNDARY OF AMENDED PLAT OF PARK CITY.
3. THE BEARING CONSISTENT WITH SNYDER'S ADDITION MONUMENTS AND BLOCKS IS N 89°53'05" E.
4. THE BEARING CONSISTENT WITH AMENDED PLAT OF PARK CITY MONUMENTS AND BLOCKS IS N 89°53'05" E.
5. THIS IS A DIFFERENCE OF 00°03'25".
6. THE BEARINGS SHOWN ON THIS SURVEY ARE CONSISTENT WITH SNYDER'S ADDITION TO PARK CITY, AS ALSO SHOWN ON SHEET 2 OF 3 OF SAID BUSH & GUGGEL MONUMENT CONTROL MAP, ENTRY NUMBER 197765.

SEE "PARK CITY, UTAH MONUMENT CONTROL MAP," PREPARED BY BUSH & GUGGEL, RECORDED 11-02-1982, ENTRY 197765 IN THE SUMMIT COUNTY RECORDERS OFFICE. BE AWARE THAT THERE ARE TWO SEPARATE BUSH & GUGGEL MONUMENT CONTROL MAPS.
ENTRY 197765, RECORDED 11-02-1982 (A 3 SHEET SURVEY)
AND
ENTRY 198887, RECORDED 12-30-1982 (AMENDMENT OF SHEET 3 OF 3 OF ENTRY 197765)

SEE ALSO "AMENDED PARK CITY SURVEY," RECORDED 11-25-1911.
SEE ALSO "SNYDER'S ADDITION TO PARK CITY SURVEY," RECORDED 02-15-1912.

ALL REFERENCES TO MAPS & PLATS OF RECORD ARE IN THE OFFICE OF THE SUMMIT COUNTY, UTAH RECORDER.

NARRATIVE:

SEE RECORDED SURVEY S-8978, RECORDED 12/06/2019. THIS RECORD OF SURVEY ILLUSTRATES THE VARIOUS DEED CONFLICT AREAS THAT WERE IN PLACE WHEN THIS PROJECT ORIGINATED IN 2017. THE PURPOSE OF THIS SURVEY MAP IS TO SHOW THE BOUNDARY AS RESOLVED SINCE THE QUAT CLAM DEEDS HAVE BEEN RECORDED ON 06/07/2019. THESE RECORDED DEEDS HAVE RESULTED IN RESOLVING & REMOVING THE THREE AREAS THAT PREVIOUSLY HAD OWNERSHIP CONFLICT.

IN ADDITION TO RECORD OF SURVEY S-8978, SEE ALSO THE THREE QUT CLAM DEEDS OF RECORD:
ENTRY 111274, RECORDED 06/07/2019
entry 111275, RECORDED 06/07/2019
entry 111276, RECORDED 06/07/2019

OTHER DEEDS IN CHAIN OF TITLE OR RELATED TO THIS PROPERTY INCLUDE:
108465, RECORDED 07/06/2018, SNEYDEY LAND COMPANY LLC TO OLD TOWN LANDS LLC.
1056777, RECORDED 10/28/2018, ES 186451 CRESCENT TRAM WAY LC TO OLD TOWN LANDS LLC.
1037842, RECORDED 01/25/2018, FEY M. SCHREYER TO ES 186451 CRESCENT TRAM WAY LC.
1037841, RECORDED 01/25/2018, FEY M. SCHREYER, TRUSTEE OF THE FAY M. SCHREYER REVOCABLE TRUST DATED NOVEMBER 19, 1999 TO FAY M. SCHREYER.
1012496, RECORDED 02/10/2018, DOROTHY FAY SCHREYER (A.K.A. FAY M. SCHREYER) TO FAY M. SCHREYER REVOCABLE TRUST, DATED NOVEMBER 19, 1999.
343732, RECORDED 07/08/1991, DOROTHY FAY SCHREYER TO PARK CITY MUNICIPAL CORPORATION, (A PORTION OF THE CRESCENT TRAM)
343731, RECORDED 07/08/1991, PARK CITY MUNICIPAL CORPORATION TO DOROTHY FAY SCHREYER, (A STRIP OF LAND 10' IN WIDTH IN EMPIRE AVENUE)

THE BASIS OF BEARING FOR THIS SURVEY IS THE "SNYDER'S ADDITION TO PARK CITY SURVEY" AND IS SHOWN HEREON. ALL BEARINGS AND DISTANCES SHOWN HEREON ARE THE EQUIVALENT OF RECORD, UNLESS NOTED.

SURVEY WORK WAS COMPLETED 01-18-2019.

VARIOUS RECORDED TITLE COMMITMENT REPORTS WERE RECEIVED IN THE PROGRESS OF THIS MAP.
ELEVATION DATUM USED: ELEVATIONS ARE BASED ON AN N.G.S. VERTICAL MONUMENT "CHISELED SQUARE", WITH AN NAVD 88 ELEVATION OF 6563.44'. THIS VERTICAL BENCHMARK IS ALSO KNOWN AS PID 100236. IT IS ADJACENT TO THE REAL TRAIL BEHIND GENEVA ROCK AND THE PARK CITY BUSINESS CENTER SUBDIVISION, NEAR QUINN'S JUNCTION, PARK CITY.

SEE SNYDER'S ADDITION TO PARK CITY SURVEY PLAT FOR ANY EASEMENTS, SETBACK REQUIREMENTS, BUILDING ENVELOPES AND BUILDING LOT RESTRICTIONS. OTHER RESTRICTIONS MAY ALSO APPLY.

THE SURVEYOR HAS FOUND NO OBVIOUS EVIDENCE OF EASEMENTS, ENCROACHMENTS, OR ENCUMBRANCES ON THE PROPERTY SURVEYED, EXCEPT AS SHOWN HEREON.

EVIDENCE FOR THIS SURVEY WAS TAKEN FROM RECORDED DEEDS, RECORDS OF SURVEYS, PLATS AND PHYSICAL EVIDENCE OBTAINED IN THE FIELD. ALL FOUND EVIDENCE HAS BEEN CONSIDERED IN THE ESTABLISHMENT OF THE BOUNDARY AS SHOWN HEREON.

LEGAL DESCRIPTION

PARCEL 1.
DEED ENTRY 1037862, RECORDED 01/25/2018
SOUTHERLY 1/2 OF LOT 19, ALL OF LOTS 20 AND 21, AND THE NORTH 1/2 OF LOT 22, BLOCK 14, SNYDER'S ADDITION TO PARK CITY.

ALSO THE EASTERLY 15 FEET OF VACATED EMPIRE AVENUE ADJACENT TO SAID LOTS.

ALSO A STRIP OF LAND TEN FEET IN WIDTH LYING IN EMPIRE AVENUE AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, BEGINNING AT A POINT SOUTH 35°59'00" EAST 20.00 FEET AND SOUTH 54°01'00" WEST 10.00 FEET FROM THE NORTHWEST CORNER OF LOT 19, BLOCK 14, SNYDER'S ADDITION TO THE PARK CITY SURVEY AND RUNNING THENCE SOUTH 35°59'00" EAST 46.19 FEET, THENCE SOUTH 89°52'50" WEST 1.31 FEET, THENCE NORTH 72°00'00" WEST 12.10 FEET, THENCE NORTH 61°00'00" WEST 14.88 FEET, THENCE NORTH 48°00'00" WEST 21.50 FEET, THENCE NORTH 36°00'00" WEST 43.50 FEET, THENCE NORTH 41°00'00" WEST 20.50 FEET, THENCE NORTH 54°01'00" EAST 23.00 FEET, TO THE POINT OF BEGINNING.

LESS AND EXCEPTING THE FOLLOWING DESCRIBED TRACT OF LAND:

BEGINNING AT A POINT SOUTH 35°59'00" EAST 20.00 FEET FROM THE NORTHEAST CORNER OF LOT 19, BLOCK 14, SNYDER'S ADDITION TO PARK CITY SURVEY AND RUNNING THENCE SOUTH 35°59'00" EAST 100.00 FEET, THENCE SOUTH 54°01'00" WEST 2.97 FEET, THENCE SOUTH 89°52'50" WEST 1.31 FEET, THENCE NORTH 72°00'00" WEST 12.10 FEET, THENCE NORTH 61°00'00" WEST 14.88 FEET, THENCE NORTH 48°00'00" WEST 21.50 FEET, THENCE NORTH 36°00'00" WEST 43.50 FEET, THENCE NORTH 41°00'00" WEST 20.50 FEET, THENCE NORTH 54°01'00" EAST 23.00 FEET, TO THE POINT OF BEGINNING.

PARCEL 2.
DEED ENTRY 1037862, RECORDED 01/25/2018
THE SOUTHERLY 7.5 FEET OF THE NORTHERLY 12.5 FEET OF LOT 19, BLOCK 14, SNYDER'S ADDITION TO PARK CITY, ACCORDING TO THE PLAT THEREOF AS RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

PARCEL 3.
DEED ENTRY 111274, RECORDED 06/07/2019
BEGINNING AT A POINT SOUTH 35°59'00" EAST 195.00 FEET FROM THE SURVEY MONUMENT AT THE INTERSECTION OF NINTH STREET AND EMPIRE AVENUE, SNYDER'S ADDITION TO PARK CITY, AND RUNNING THENCE NORTH 54°01'00" EAST 10.00 FEET, THENCE SOUTH 35°59'00" EAST 10.00 FEET, THENCE SOUTH 54°01'00" WEST 10.00 FEET, THENCE NORTH 35°59'00" WEST 15.00 FEET TO THE POINT OF BEGINNING.

CONTAINS 0.0034 ACRES, 150 SQUARE FEET

AS SURVEYED DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN & BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT SOUTH 35°59'00" EAST 188.00 FEET FROM THE SURVEY MONUMENT AT THE INTERSECTION OF NINTH STREET AND EMPIRE AVENUE, BASIS OF BEARINGS BEING NORTH 35°59'00" WEST A DISTANCE OF 86.00 FEET BETWEEN STREET MONUMENTS FOUND AT THE INTERSECTION OF EMPIRE AVENUE WITH NINTH STREET AND EMPIRE AVENUE WITH ELEVENTH STREET, IN SNYDER'S ADDITION TO PARK CITY, SAID POINT BEING THE TRUE POINT OF BEGINNING.

RUNNING THENCE NORTH 54°01'00" EAST 75.28 FEET, THENCE SOUTH 42°01'00" EAST 15.10 FEET, THENCE SOUTH 41°00'00" EAST 20.50 FEET, THENCE SOUTH 35°59'00" EAST 43.50 FEET, THENCE SOUTH 48°00'00" EAST 18.85 FEET TO A POINT ON THE EAST-WEST CENTER OF SECTION LINE OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN, THENCE ALONG SAID EAST-WEST CENTER OF SECTION LINE SOUTH 89°53'05" WEST 101.30 FEET, THENCE NORTH 35°59'00" WEST 38.33 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINS 0.120 ACRES OR 5225 SQUARE FEET

SURVEYOR'S CERTIFICATE

I, MARTINA NELSON, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, HOLDING LICENSE NO. 9910903. I FURTHER CERTIFY I HAVE PERFORMED A SURVEY ON THE HEREIN DESCRIBED PROPERTY AND THAT TO THE BEST OF MY KNOWLEDGE, IT IS A CORRECT REPRESENTATION OF THE LAND SURVEYED.

MARTINA NELSON
P.L.S. 9910903

02/06/2020

FILE NO. S0010010

02/10/2020 11:17:43 AM B. 6052 P. 3179

02/10/2020 11:17:43 AM B. 6052 P. 3179

02/10/2020 11:17:43 AM B. 6052 P. 3179

02/10/2020 11:17:43 AM B. 6052 P. 3179

02/10/2020 11:17:43 AM B. 6052 P. 3179

02/10/2020 11:17:43 AM B. 6052 P. 3179

02/10/2020 11:17:43 AM B. 6052 P. 3179

Park City
Surveying

PO Box 602993
Park City, UT 84060
435-949-8870
WWW.PARKCITYSURVEY.COM

SURVEYED BY:
MM/KR/SC
DRAWN BY:
MN
DATE:
FEBRUARY 06, 2020

RECORD OF SURVEY & TOPOGRAPHIC MAP
802 EMPIRE AVENUE
PARK CITY, UTAH

FOR: OLD TOWN LANDS, LLC

DWC-802 EMPIRE ROS-TOPOV2.dwg

SHEET 1 OF 3

9

138

5-10010

A PARCEL OF LAND LYING WITHIN THE NORTHEAST QUARTER
OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE & MERIDIAN
SUMMIT COUNTY, UTAH



TOPOGRAPHIC NOTES:

THE PURPOSE OF THIS SURVEY IS TO LOCATE THE BOUNDARY LINES OF THE SUBJECT PROPERTY & TO OBTAIN GROUND ELEVATIONS FOR A CONTOUR MAP PRIOR TO DEVELOPMENT BY THE OWNER.

SURVEY FIELD WORK COMPLETED: 07-07-2017 & 01-15-2018

ELEVATION DATUM USED: ELEVATIONS ARE BASED ON AN N.G.S. VERTICAL MONUMENT "CHISELED SQUARE", ALSO KNOWN AS PD 100236, WITH AN NAD83 ORTHOMETRIC ELEVATION OF 6963.44'

UTILITIES NOTE:

ANY VISIBLE UTILITIES OR IMPROVEMENTS ARE SHOWN HEREON. HOWEVER IT IS POSSIBLE THAT SOME NATURAL FEATURES, UTILITIES AND IMPROVEMENTS MAY HAVE BEEN OBTAINED.

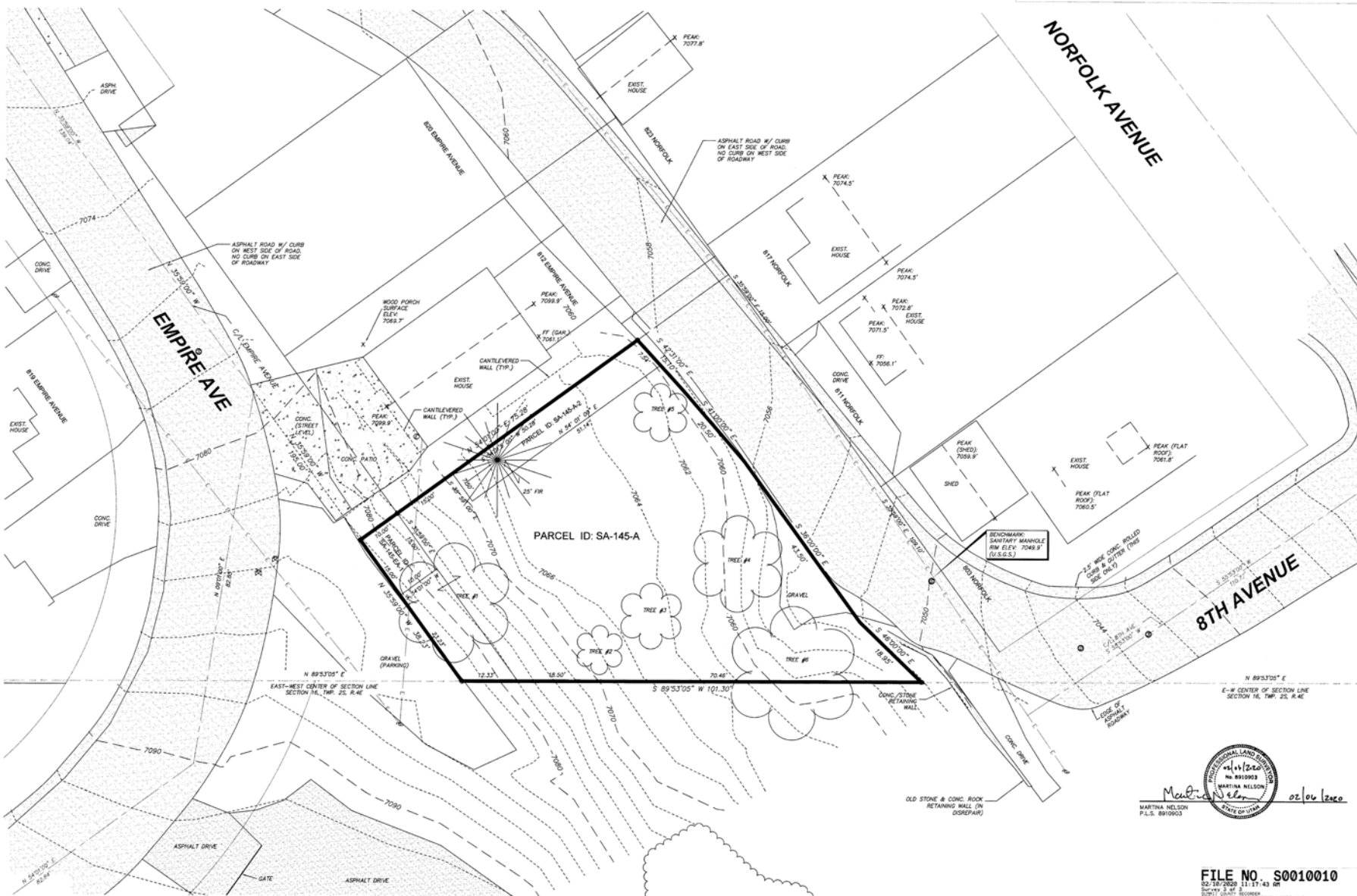


GRAPHIC SCALE
1 INCH = 10 FEET
THIS MAP PRINTS TO SCALE
AT SIZE 24"x36" PAPER

RECORD OF SURVEY & TOPOGRAPHIC MAP

A PARCEL OF LAND LYING WITHIN THE NORTHEAST QUARTER
OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE & MERIDIAN
SUMMIT COUNTY, UTAH

LEGEND	
FOUND STREET MONUMENT	TREE DIAMETER ANNOTATED TO EDGE OF DRIVELINE
SET 5/8" REBAR W/ PINK PLASTIC CAP STAMPED "NELSON P.L.S. 8910903"	5' CONIFEROUS TREE
FOUND REBAR W/ CAP (AS DESCRIBED)	5' DECIDUOUS TREE
WATER VALVE	TREE LINE
SANITARY SEWER MANHOLE	OVERHEAD ELEC. & UTILITY LINES
STORM DRAIN MANHOLE	
ELECTRIC METER	



RECORD OF SURVEY & TOPOGRAPHIC MAP
802 EMPIRE AVENUE
PARK CITY, UTAH

SURVEYED BY:
MM/KR/SC
DRAWN BY:
MM
DATE:
FEBRUARY 06, 2020

FOR: OLD TOWN LANDS, LLC
DWG: 802 EMPIRE ROS-TOPOV2.dwg

SHEET 3 OF 3

Park City
Surveying
PO Box 682993
84068
435-649-3311
WWW.PARKCITYSURVEY.COM

PROFESSIONAL LAND SURVEYOR
No. 8910903
MARTINA NELSON
SALT LAKE COUNTY
02/06/2020

FILE NO. S0010010
02/18/2020 11:37:43 AM
PLOT BY: J. L. JONES
PLOT BY: J. L. JONES
PLOT BY: J. L. JONES

How the 802 Empire Plat Amendment and Driveway Conditional Use Permit (C.U.P.) fit together



Martina Nelson <martina@pcsurveying.com>

802 Empire Avenue | PL-19-04113

Francisco Astorga <fastorga@parkcity.org> Tue, Jun 11, 2019 at 8:05 AM
To: "Tom Peek (tpeek@bhhsutah.com)" <tpeek@bhhsutah.com>, "Jon DeGray (degrayarch@qwestoffice.net)" <degrayarch@qwestoffice.net>
Cc: "Martina Nelson (martina@pcsurveying.com)" <martina@pcsurveying.com>, Corey Legge <corey.legge@parkcity.org>

Tom and Jon,

Your submitted Conditional Use Permit (CUP) application at 802 Empire Avenue for proposed lot 1 (for a private driveway within platted un-built city street) was deemed complete back in February. We have been unable to move forward with this application due to the following:

1. We have been waiting for the 802 Empire Avenue Plat Amendment to be completed as the three (3) way property swaps have not yet been recorded and the complete survey submitted to the City. We are aware that these deeds were indeed submitted to the City and are awaiting recordation and submittal of the survey reflecting the ownership.
2. Staff highly supports this application to access the site via Empire Avenue, and not through Crescent Tram. Once the Plat Amendment is ready to go staff will recommend that both proposed lots be accessed off Empire Avenue, not just proposed lot 1 as the submitted CUP application is only for proposed lot 1. In order to move forward we recommend updating this application to reflect access for both lots (proposed lot 1 and proposed lot 2) to be accessed off Empire Avenue, not Crescent Tram. The site plan provided in February with the specified access was only for proposed lot 1.

I will let you know who will be taking over this application later today.

Sincerely,

Francisco Astorga, AICP | Senior Planner

Planning Department | Park City Municipal Corporation

(e) fastorga@parkcity.org | (p) 435.615.5064 | (f) 435.658.8940

445 Marsac Avenue | PO Box 1480

Park City, UT 84060-1480



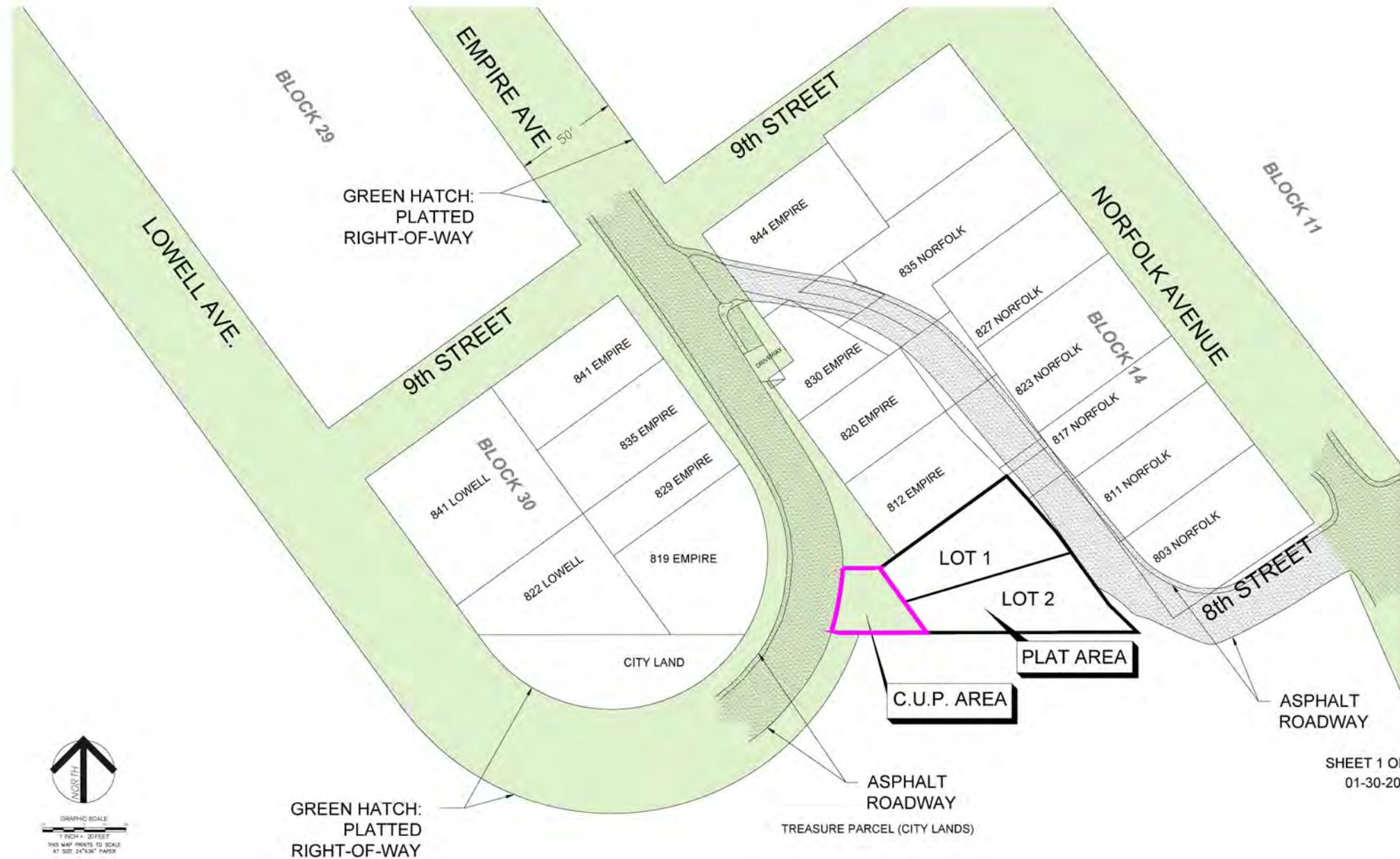
2. Staff highly supports this application to access the site via Empire Avenue, and not through Crescent Tram. Once the Plat Amendment is ready to go staff will recommend that both proposed lots be accessed off Empire Avenue, not just proposed lot 1 as the submitted CUP application is only for proposed lot 1. In order to move forward we recommend updating this application to reflect access for both lots (proposed lot 1 and proposed lot 2) to be accessed off Empire Avenue, not Crescent Tram. The site plan provided in February with the specified access was only for proposed lot 1.



BOUNDARY EXHIBIT MAP
802 EMPIRE AVENUE: PLAT BOUNDARY



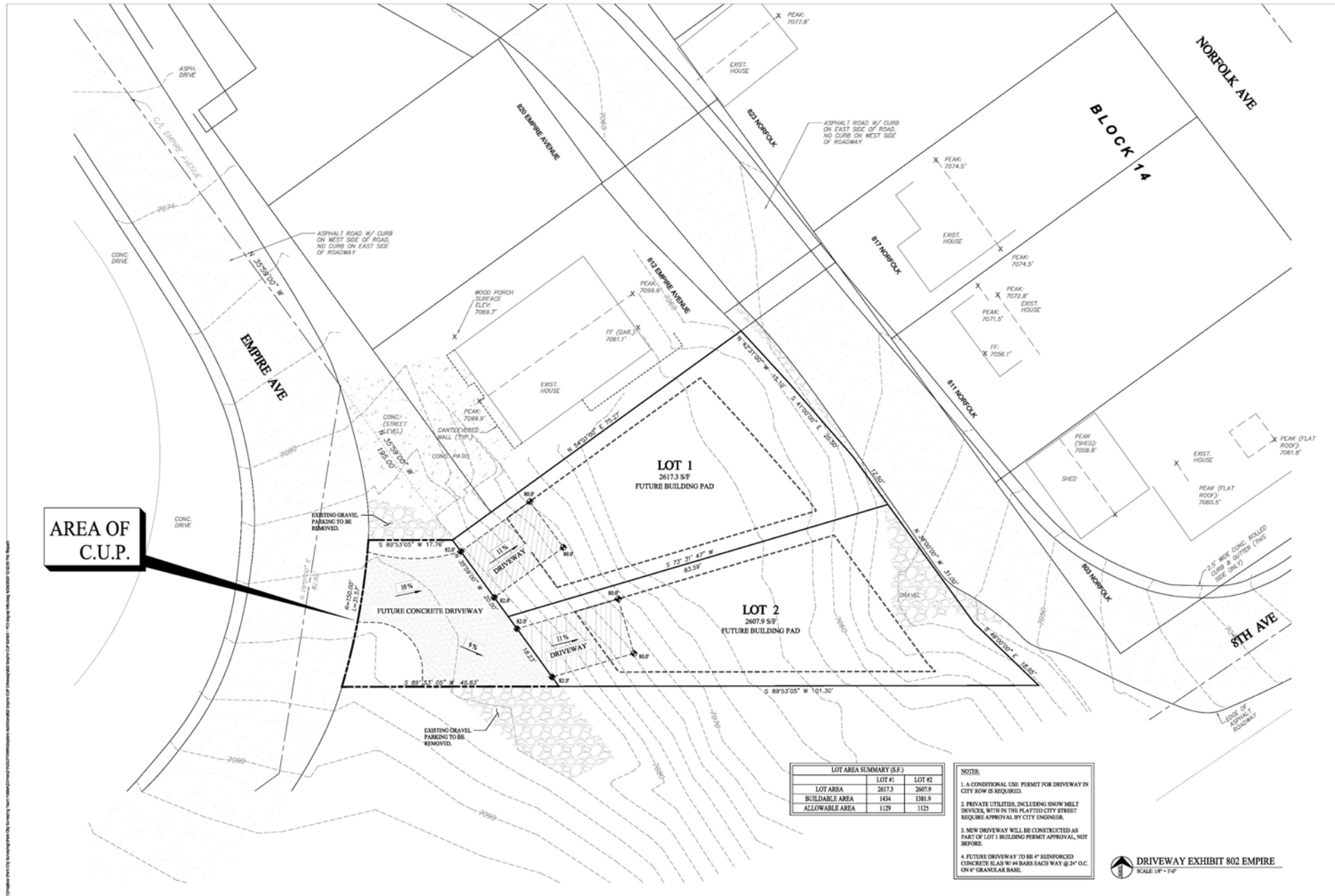
802 EMPIRE AVENUE CONDITIONAL USE PERMIT FOR DRIVEWAY EXHIBIT MAP

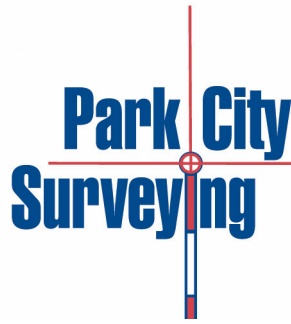


802 EMPIRE AVENUE CONDITIONAL USE PERMIT FOR DRIVEWAY EXHIBIT MAP



Conceptual Site Plan





P.O. Box 682993
Park City, UT 84068
(435)649-2918
(435)649-4637 fax

To: Park City Planning Staff
From: Park City Surveying (Martina Nelson, P.L.S., Owner)
04-18-2020

Re: 802 Empire Avenue Plat Amendment

This application for a Subdivision is to combine 7 very small parcels into a new 2-Lot Subdivision.

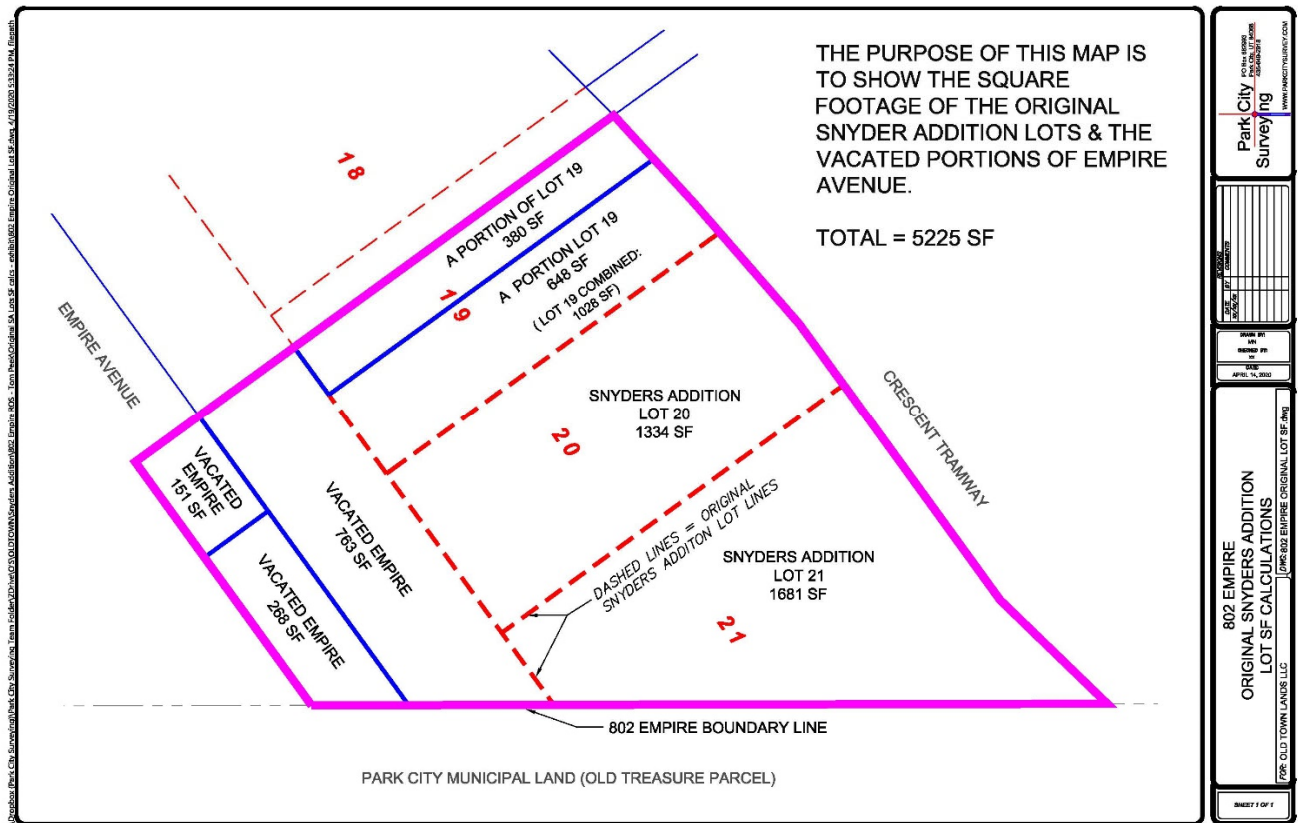
There is also a CUP Application for a small triangular shaped access to the subdivision. This access point is at the request of City Planning & City Legal on 06-11-2019.

Good Cause reasons for approving this Plat Amendment Application:

1. All of the current individual parcels are less than the minimum 1875 SF (square feet) (Exhibit A attached)
2. These transfers were prior to the current HR-1 Municipal Code mandating that a developable lot be 1875 SF or larger. (Exhibit B attached)
3. The various parcels were created via individual deed transfers of land over a long period of time. The various parcels bear little resemblance to the original Snyders Addition to Park City Subdivision Plat. (Exhibit C & D attached)
4. The creation of this 2-lot subdivision is similar in nature to some other Old Town Subdivisions that have been created from similar parcels/conditions. (Exhibit E)
5. At city request, access should be via a C.U.P. off of a portion of Vacated Empire Avenue. This concerns ACCESS to 802 Empire. (Exhibit F. Email attached)
6. The creation of this new 2-Lot subdivision will not materially harm any of the adjacent landowners. It will not infringe on any of their current access or developmental rights as adjacent landowners.

Exhibit A

Current Individual Parcel Acreage as of 04/19/2020



Total all parcels combined = 5225 SF



Exhibit B

Park City Municipal Code Zoning District HR-1

Minimum Lot and Site Requirements Title 15, Chapter 2.2-3

- A. LOT SIZE. The minimum Lot Area is 1,875 square feet for a Single Family Dwelling and 3,750 square feet for a Duplex. For properties platted as lots within the historic Park City Survey and originally platted as 25 foot wide 75 foot deep with a lot size of 1,875 square feet, the Planning Director may make a determination that the minimum Lot Size may be reduced up to 20 square feet if subsequent surveys find that the final lot dimensions are less than 25 feet by 75 feet. The Footprint shall be reduced in accordance with the Lot Size and no variation to setbacks will be allowed.
- B. LOT WIDTH.
The minimum width of a Lot is twenty five feet (25'), measured fifteen feet (15') back from the Front Lot Line. In the case of unusual Lot configurations, Lot width measurements shall be determined by the Planning Director.

Exhibit D

Snyders Additions Lots with Current 802 Empire Boundary

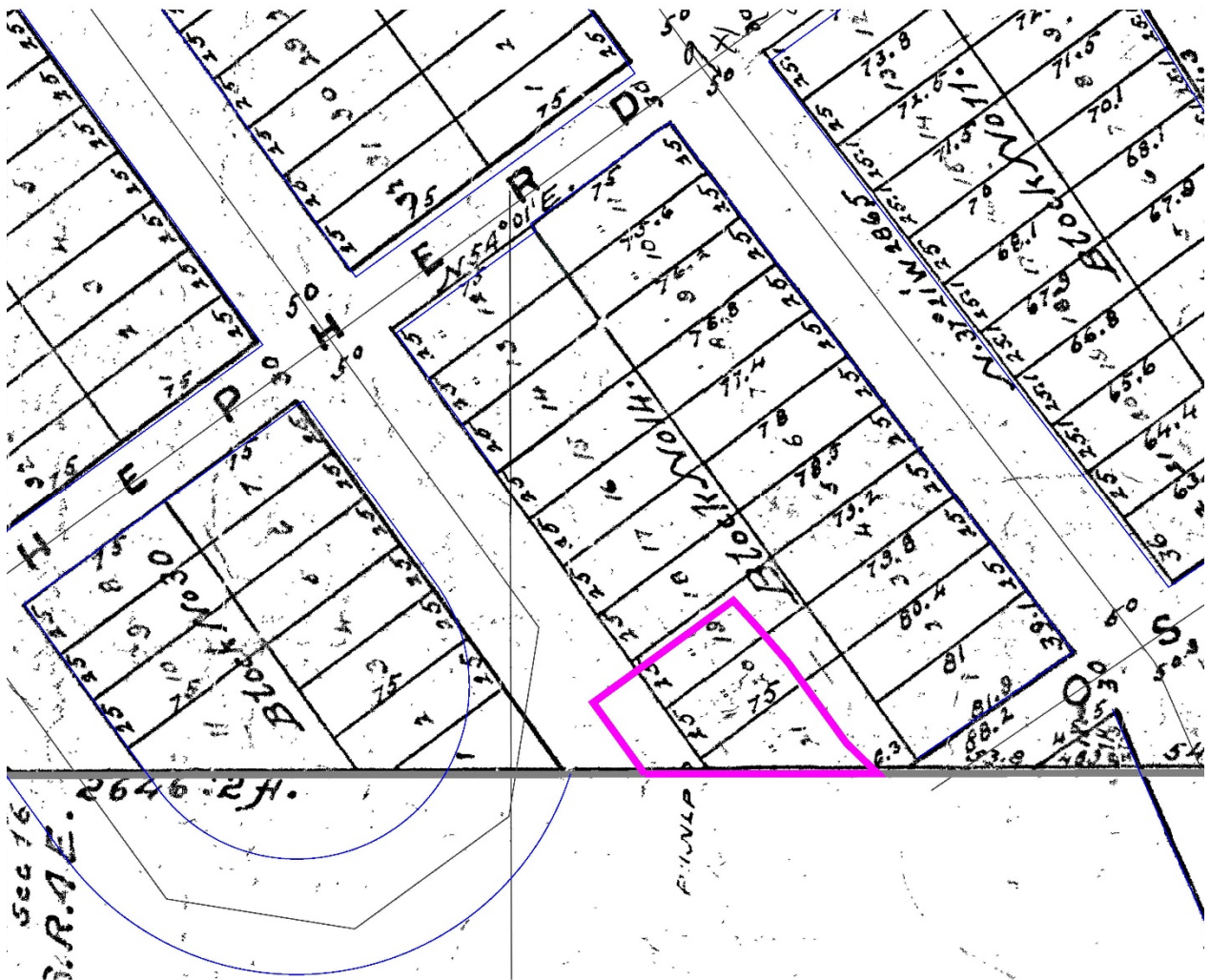


Exhibit E

Other Plat Amendments with unusual parcel shapes/configurations:

222 SANDRIDGE AVENUE PLAT AMENDMENT

A COMBINATION OF PORTIONS OF LOTS 19, 20 & 21 IN BLOCK 72, PARK CITY SURVEY

LOT	AREA (SQ. FT.)	AREA (AC.)
19	1,111.00	0.0254
20	1,111.00	0.0254
21	1,111.00	0.0254
22	1,111.00	0.0254
23	1,111.00	0.0254
24	1,111.00	0.0254
25	1,111.00	0.0254
26	1,111.00	0.0254
27	1,111.00	0.0254
28	1,111.00	0.0254
29	1,111.00	0.0254
30	1,111.00	0.0254
31	1,111.00	0.0254
32	1,111.00	0.0254
33	1,111.00	0.0254
34	1,111.00	0.0254
35	1,111.00	0.0254
36	1,111.00	0.0254
37	1,111.00	0.0254
38	1,111.00	0.0254
39	1,111.00	0.0254
40	1,111.00	0.0254
41	1,111.00	0.0254
42	1,111.00	0.0254
43	1,111.00	0.0254
44	1,111.00	0.0254
45	1,111.00	0.0254
46	1,111.00	0.0254
47	1,111.00	0.0254
48	1,111.00	0.0254
49	1,111.00	0.0254
50	1,111.00	0.0254
51	1,111.00	0.0254
52	1,111.00	0.0254
53	1,111.00	0.0254
54	1,111.00	0.0254
55	1,111.00	0.0254
56	1,111.00	0.0254
57	1,111.00	0.0254
58	1,111.00	0.0254
59	1,111.00	0.0254
60	1,111.00	0.0254
61	1,111.00	0.0254
62	1,111.00	0.0254
63	1,111.00	0.0254
64	1,111.00	0.0254
65	1,111.00	0.0254
66	1,111.00	0.0254
67	1,111.00	0.0254
68	1,111.00	0.0254
69	1,111.00	0.0254
70	1,111.00	0.0254
71	1,111.00	0.0254
72	1,111.00	0.0254
73	1,111.00	0.0254
74	1,111.00	0.0254
75	1,111.00	0.0254
76	1,111.00	0.0254
77	1,111.00	0.0254
78	1,111.00	0.0254
79	1,111.00	0.0254
80	1,111.00	0.0254
81	1,111.00	0.0254
82	1,111.00	0.0254
83	1,111.00	0.0254
84	1,111.00	0.0254
85	1,111.00	0.0254
86	1,111.00	0.0254
87	1,111.00	0.0254
88	1,111.00	0.0254
89	1,111.00	0.0254
90	1,111.00	0.0254
91	1,111.00	0.0254
92	1,111.00	0.0254
93	1,111.00	0.0254
94	1,111.00	0.0254
95	1,111.00	0.0254
96	1,111.00	0.0254
97	1,111.00	0.0254
98	1,111.00	0.0254
99	1,111.00	0.0254
100	1,111.00	0.0254

APPROVAL AS TO FORM: [Signature]

RECORDED: [Signature]

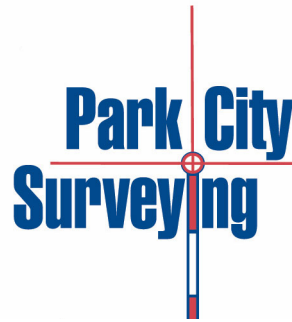
ANCHOR DEVELOPMENT AMENDED PLAT

MILLSITE RESERVATION SUBDIVISION NO. 1

AMENDING LOTS 19, 20 & 21 IN BLOCK 72, PARK CITY SURVEY

APPROVAL AS TO FORM: [Signature]

RECORDED: [Signature]



P.O. Box 682993
Park City, UT 84068
(435)649-2918
(435)649-4637 fax

Exhibit F

Email from City Planning staff re access from Empire rather than Crescent Tram.
(Highlighting is mine, Park City Surveying. Mn)



Martina Nelson <martina@pcsurveying.com>

802 Empire Avenue | PL-19-04113

Francisco Astorga <fastorga@parkcity.org> Tue, Jun 11, 2019 at 8:05 AM
To: "Tom Peek (tpeek@bhhsutah.com)" <tpeek@bhhsutah.com>, "Jon DeGray (degrayarch@qwestoffice.net)" <degrayarch@qwestoffice.net>
Cc: "Martina Nelson (martina@pcsurveying.com)" <martina@pcsurveying.com>, Corey Legge <corey.legge@parkcity.org>

Tom and Jon,

Your submitted Conditional Use Permit (CUP) application at 802 Empire Avenue for proposed lot 1 (for a private driveway within platted un-built city street) was deemed complete back in February. We have been unable to move forward with this application due to the following:

1. We have been waiting for the 802 Empire Avenue Plat Amendment to be completed as the three (3) way property swaps have not yet been recorded and the complete survey submitted to the City. We are aware that these deeds were indeed submitted to the City and are awaiting recordation and submittal of the survey reflecting the ownership.
2. Staff highly supports this application to access the site via Empire Avenue, and not through Crescent Tram. Once the Plat Amendment is ready to go staff will recommend that both proposed lots be accessed off Empire Avenue, not just proposed lot 1 as the submitted CUP application is only for proposed lot 1. In order to move forward we recommend updating this application to reflect access for both lots (proposed lot 1 and proposed lot 2) to be accessed off Empire Avenue, not Crescent Tram. The site plan provided in February with the specified access was only for proposed lot 1.

I will let you know who will be taking over this application later today.

Sincerely,

Francisco Astorga, AICP | Senior Planner

Planning Department | Park City Municipal Corporation

(e) fastorga@parkcity.org | (p) 435.615.5064 | (f) 435.658.8940

445 Marsac Avenue | PO Box 1480

Park City, UT 84060-1480

A PARCEL OF LAND LYING WITHIN
SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE & MERIDIAN
SUMMIT COUNTY, UTAH

RECORD OF SURVEY & TOPOGRAPHIC MAP
802 EMPIRE AVENUE
PARK CITY, UTAH

Park City
PO Box 682993
Park City, UT 84068
435-649-2918

[illegible]

SURVEYED BY:
MM/KR/SC
DRAWN BY:
MN

DATE:
AUGUST 27, 2019

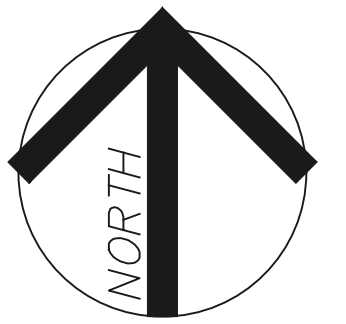
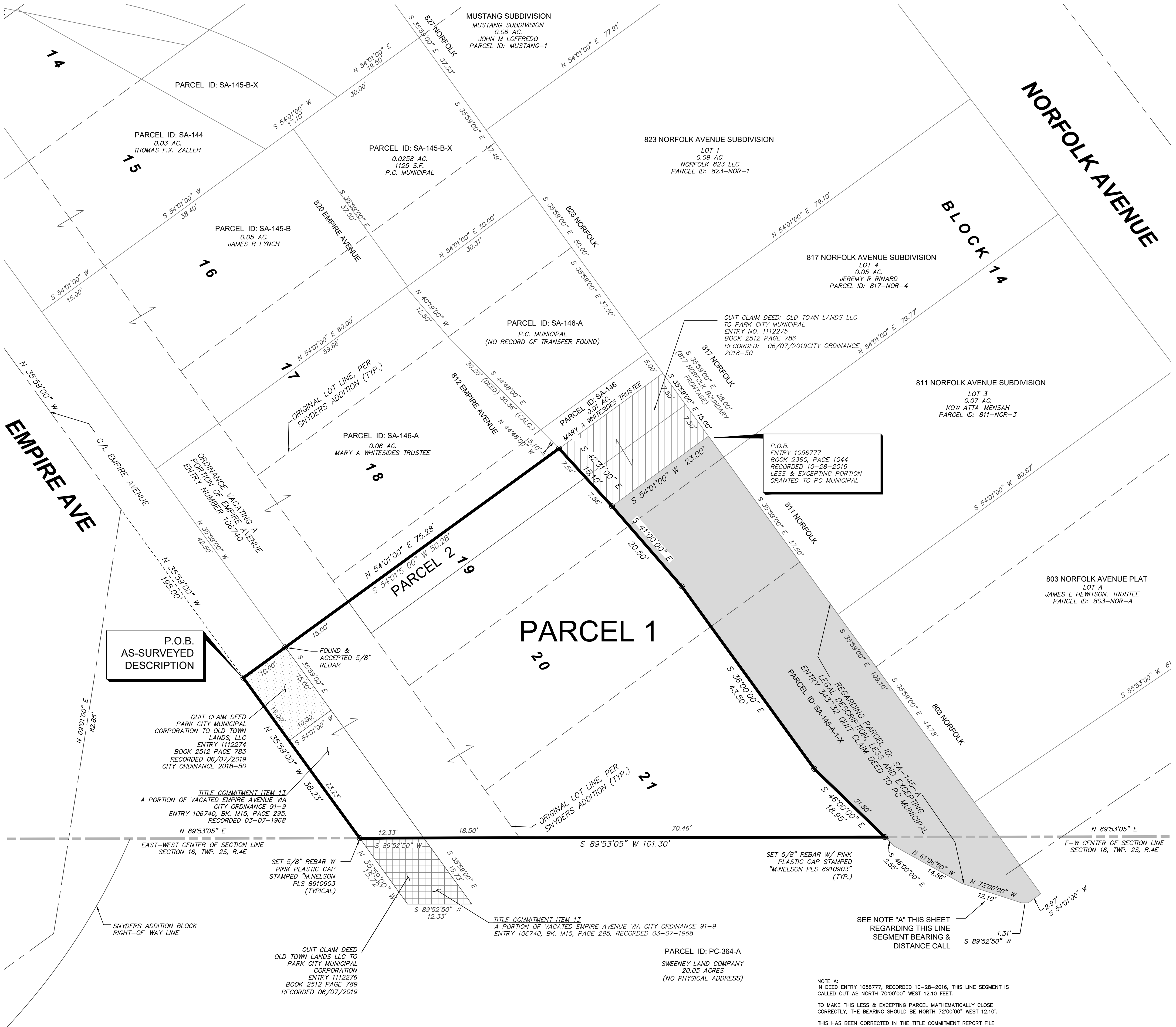
DWG: 802 EMPIRE ROS-TOPO.dwg

FOR: TOM PEEK

SHEET 1 OF 3

RECORD OF SURVEY & TOPOGRAPHIC MAP

A PARCEL OF LAND LYING WITHIN
SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE & MERIDIAN
SUMMIT COUNTY, UTAH



GRAPHIC SCALE
1 INCH = 10 FEET
THIS MAP PRINTS TO SCALE
AT SIZE 24"X36" PAPER

LEGEND

- SET 5/8" REBAR W/ PINK PLASTIC CAP STAMPED: "M.NELSON PLS 8910903"
- ⊙ FOUND REBAR (AS DESCRIBED)

LAND OWNERSHIP

- QUIT-CLAIMED TO PC MUNICIPAL - USING THE "LESS AND EXCEPTING" DEED METHOD. CURRENT DEED ENTRY 1056777. BOOK 2380 PAGE 1044. RECORDED 12-28-2016.
- QUIT-CLAIM DEED. OLD TOWN LANDS LLC TO TO PC MUNICIPAL.
- QUIT-CLAIM DEED. PC MUNICIPAL OLD TOWN LANDS LLC.
- QUIT CLAIM DEED. OLD TOWN LANDS LLC TO PC MUNICIPAL.

NOTE 'A'

NOTES REGARDING TITLE COMMITMENT ITEM 10 AND THE "LESS AND EXCEPTING..." PORTION OF THE PARCEL 1 LEGAL DESCRIPTION:

THE DEED CONFLICT AREA PERTAINING TO TITLE COMMITMENT ITEM 10 AND THE PORTION OF THE "LESS AND EXCEPTING..." PARCEL QUIT CLAIMED TO PC MUNICIPAL THAT EXTENDS SOUTH OF THE CENTER QUARTER SECTION LINE AS SHOWN ON THIS SURVEY BOTH APPEAR TO BE THE RESULT OF ERRORS IN THE DISTANCE CALLS FROM THE CORNERS OF LOT 19 TO THE POINTS OF BEGINNING OF THE TWO PARCELS. IN OTHER WORDS, EITHER THE POINT OF COMMENCEMENT IS INCORRECT, OR THE DISTANCE CALLS FROM THE POINT OF COMMENCEMENT ARE INCORRECT.)

ENTRY 1012496, A QUIT CLAIM DEED, RECORDED FEBRUARY 10, 2015, DESCRIBES THE POINT OF BEGINNING AS BEING:

"SOUTH 35°59'00" EAST 20.00 FEET" AND "SOUTH 54°01'00" WEST 15.00 FEET" FROM THE NORTHWEST CORNER OF LOT 19..."

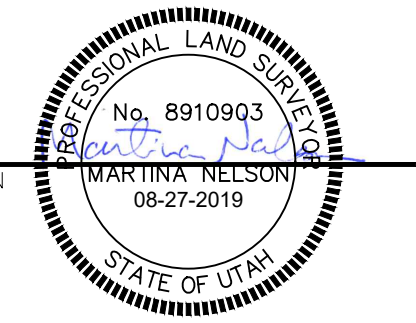
THE DISTANCE OF 20.00 FEET APPEARS TO BE IN ERROR. USING A DISTANCE OF 5.00 FEET POSITIONS THE 10 FOOT WIDE PARCEL AT A LOCATION THAT FITS TO THE CENTER QUARTER SECTION LINE AND NEIGHBORING SWEENEY PARCEL. THIS APPEARS TO BE THE INTENT OF THE QUIT CLAIM DEED.

SIMILARLY, THE QUIT CLAIM DEED TO PC MUNICIPAL, RECORDED JULY 8, 1991, ENTRY NO. 343732, DESCRIBING THE "LESS AND EXCEPTING..." PARCEL, DESCRIBES THE POINT OF BEGINNING AS BEING:

"SOUTH 35° 59'00" 20.00 FEET FROM THE NORTHEAST CORNER OF LOT 19..."

THE DISTANCE OF 20.00 FEET IN THIS DESCRIPTION ALSO SEEMS TO BE IN ERROR.

USING A DISTANCE OF 5.00 FEET POSITIONS THIS PARCEL AT A LOCATION THAT FITS TO THE CENTER QUARTER SECTION LINE AT THE SOUTHERLY END AND ELIMINATES THE 15 FEET IN THE CRESCENT TRAM ROADWAY SHOWN ON THIS SURVEY AS BEING PORTIONS OF PARCELS 1 AND 2 OF 802 EMPIRE AT THE NORTHERLY END. THIS ALSO APPEARS TO BE THE INTENT OF THE QUIT CLAIM DEED.



NOTE A:
IN DEED ENTRY 1056777, RECORDED 10-28-2016, THIS LINE SEGMENT IS CALLED OUT AS NORTH 72°00'00" WEST 12.10 FEET.

TO MAKE THIS LESS & EXCEPTING PARCEL MATHEMATICALLY CLOSE CORRECTLY, THE BEARING SHOULD BE NORTH 72°00'00" WEST 12.10'.

THIS HAS BEEN CORRECTED IN THE TITLE COMMITMENT REPORT FILE NUMBER 26721, EFFECTIVE DATE APRIL 16, 2018 AT 8:00 A.M.

RECORD OF SURVEY & TOPOGRAPHIC MAP
802 EMPIRE AVENUE
PARK CITY, UTAH

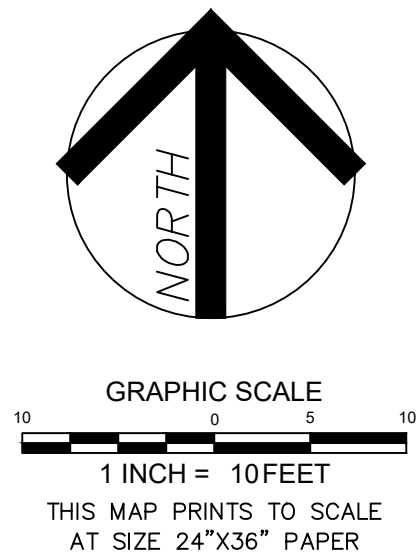
Park City
Surveying
PO Box 682983
Park City, UT 84088
435-649-2818
WWW.PARKCITYSURVEY.COM

REVISIONS		DATE	BY	COMMENTS
		xx/xx/xxxx		

SURVEYED BY:
MM/KR/SC
DRAWN BY:
MN
DATE:
AUGUST 27, 2019

FOR: TOM PEEK
DWG: 802 EMPIRE ROS-TOPO.dwg
SHEET 2 OF 3

TOPOGRAPHIC NOTES:
THE PURPOSE OF THIS SURVEY IS TO LOCATE THE BOUNDARY LINES OF THE SUBJECT PROPERTY & TO OBTAIN GROUND ELEVATIONS FOR A CONTOUR MAP PRIOR TO DEVELOPMENT BY THE OWNER.
SURVEY FIELD WORK COMPLETED: 07-07-2017 & 01-15-2018
ELEVATION DATUM USED: ELEVATIONS ARE BASED ON AN N.G.S VERTICAL MONUMENT "CHISELED SQUARE" ALSO KNOWN AS PID L00236, WITH AN NAVD 88 ELEVATION OF 6563.44'
UTILITIES NOTE:
ANY VISIBLE UTILITIES OR IMPROVEMENTS ARE SHOWN HEREON, HOWEVER IT IS POSSIBLE THAT SOME NATURAL FEATURES, UTILITIES AND IMPROVEMENTS MAY HAVE BEEN OBTAINED.



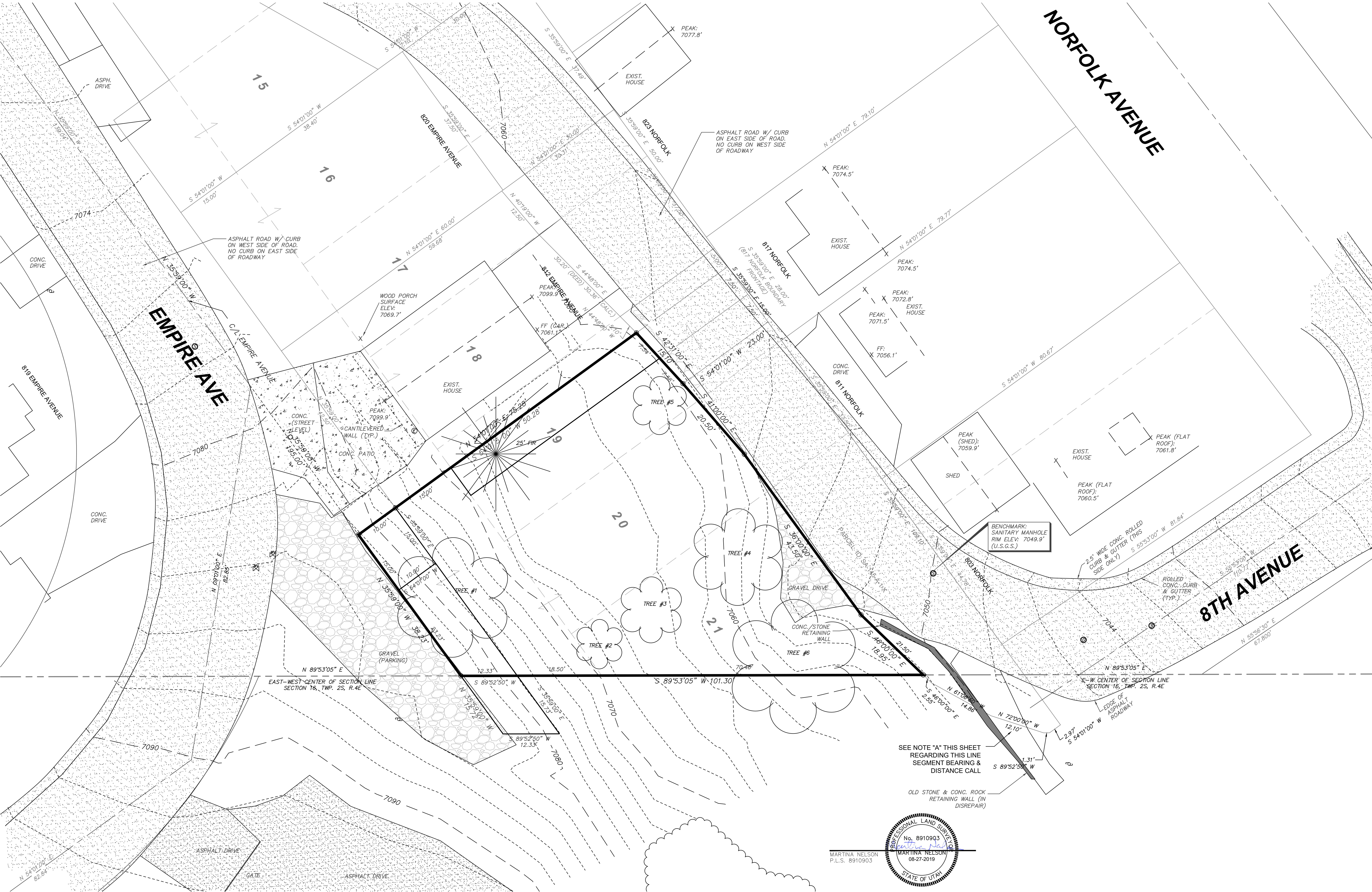
RECORD OF SURVEY & TOPOGRAPHIC MAP
A PARCEL OF LAND LYING WITHIN
SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE & MERIDIAN
SUMMIT COUNTY, UTAH

LEGEND

- FOUND STREET MONUMENT
- SET 5/8" REBAR W/ PINK PLASTIC CAP STAMPED: "M.NELSON PLS 8910903"
- FOUND REBAR W/ CAP (AS DESCRIBED)
- WATER VALVE
- SANITARY SEWER MANHOLE
- STORM DRAIN MANHOLE
- ELECTRIC METER

TREE DIAMETER ANNOTATED TO EDGE OF DRIPLINE

- 5' CONIFEROUS TREE
- 5' DECIDUOUS TREE
- TREE LINE



RECORD OF SURVEY & TOPOGRAPHIC MAP
802 EMPIRE AVENUE
PARK CITY, UTAH

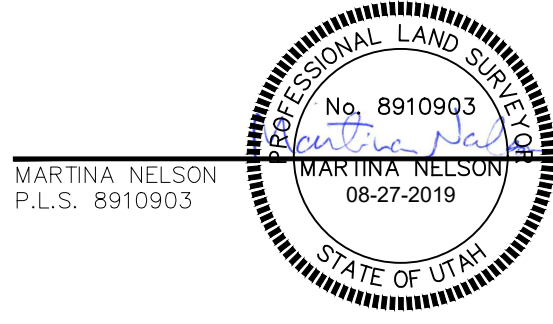
DATE	BY	COMMENTS
xx/xx/xxxx		

SURVEYED BY:
MM/KR/SC
DRAWN BY:
MN
DATE:
AUGUST 27, 2019

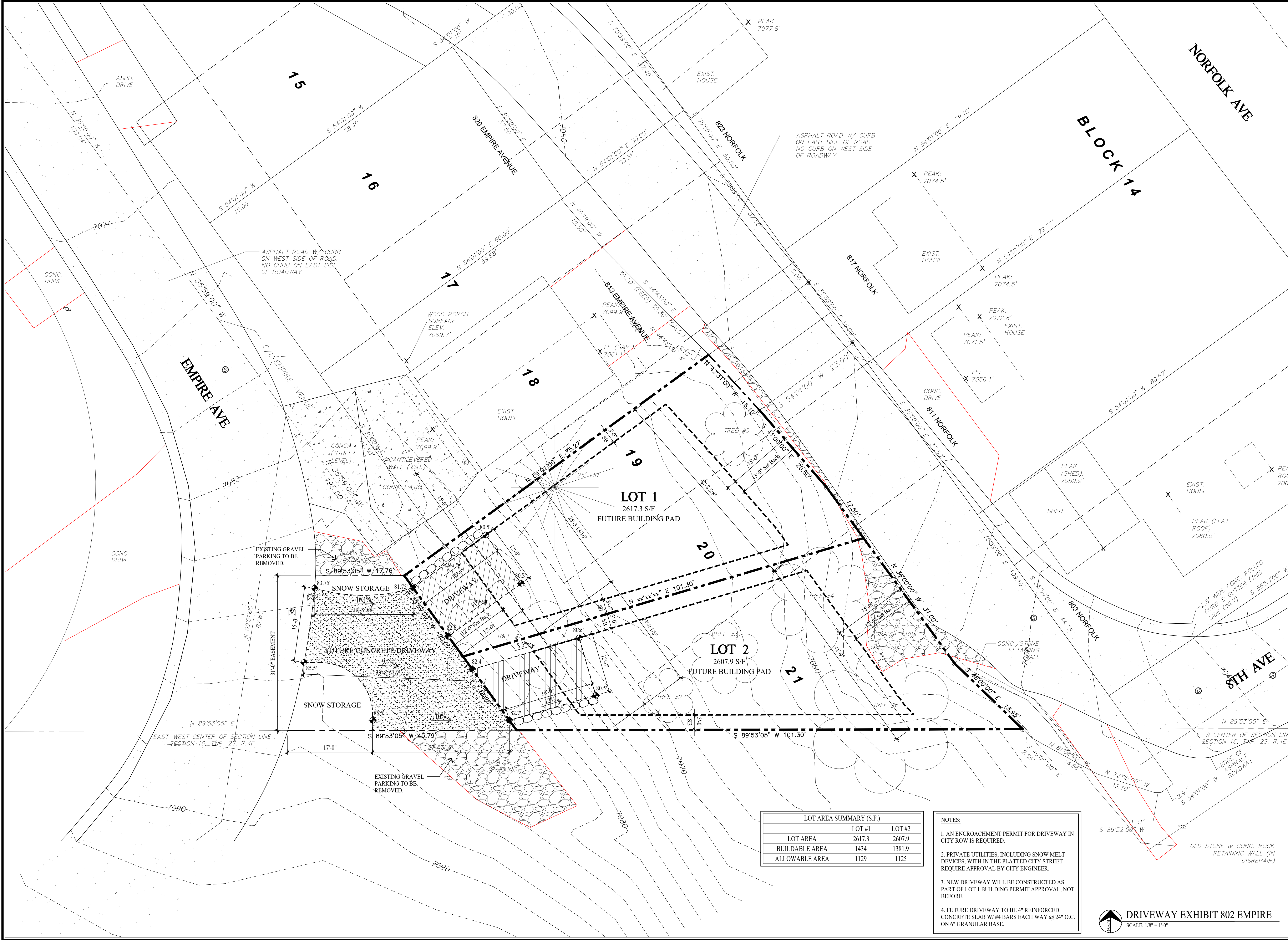
FOR: TOM PEEK
SHEET 3 OF 3

Park City
Surveying
PO Box 682993
Park City, UT 84088
435-649-2918
WWW.PARKCITYSURVEY.COM

DWG: 802 EMPIRE ROS-TOPO.dwg



THE GRAPHIC MATERIAL AND DESIGN ON THIS SHEET ARE INSTRUMENTS OF SERVICE AND REMAIN AT ALL TIMES THE PROPERTY OF JONATHAN DEGRAY - ARCHITECT P.C. VIOLATORS WILL BE PROSECUTED TO THE FULLEST EXTENT OF THE LAW.
JONATHAN DEGRAY - ARCHITECT P.C. ALL RIGHTS RESERVED



LOT AREA SUMMARY (S.F.)		
LOT #1	LOT #2	
LOT AREA	2617.3	2607.9
BUILDABLE AREA	1434	1381.9
ALLOWABLE AREA	1129	1125

- NOTES:
1. AN ENCROACHMENT PERMIT FOR DRIVEWAY IN CITY ROW IS REQUIRED.
 2. PRIVATE UTILITIES, INCLUDING SNOW MELT DEVICES, WITHIN THE PLATTED CITY STREET REQUIRE APPROVAL BY CITY ENGINEER.
 3. NEW DRIVEWAY WILL BE CONSTRUCTED AS PART OF LOT 1 BUILDING PERMIT APPROVAL, NOT BEFORE.
 4. FUTURE DRIVEWAY TO BE 4" REINFORCED CONCRETE SLAB W/ #4 BARS EACH WAY @ 24" O.C. ON 6" GRANULAR BASE.

Neighborhood Lot Size Analysis

<u>Address</u>	<u>Lot Size</u>			
830 Empire	0.03	1,307		
829 Empire	0.04	1,742		
820 Empire	0.05	2,178		
817 Norfolk	0.05	2,178		
812 Empire	0.06	2,614		
827 Norfolk	0.06	2,614		
841 Empire	0.06	2,614		
835 Empire	0.06	2,614		
844 Norfolk	0.07	3,049		
803 Norfolk	0.08	3,485		
822 Lowell	0.08	3,485		
823 Norfolk	0.09	3,920		
819 Empire	0.09	3,920		
835 Norfolk	0.1	4,356		
811 Norfolk	0.11	4,792		
729 Norfolk	0.12	5,227		
841 Lowell	0.13	5,663		
713 Norfolk	0.15	6,534		
732 Crescent Tram	0.15	6,534		
808 Empire	0.16	6,970		
Average Lot Size	0.087	3,790	Median	2,831
802 Empire Existing	0.12	5,227		
		<u>Lot 1</u>	<u>Lot 2</u>	
802 Empire Proposed	0.06	2,617	2607	

From: Regis W. McHugh, MD <regiswmchugh@gmail.com>
Sent: Friday, January 03, 2020 7:12 PM
To: Alexandra Ananth
Subject: Dicey entrance/terminus to Crescent Tram path / 802 Empire Avenue application

Dear Alexandra (Ms. Ananth),

We have been fortunate enough to have been at 841 Empire Ave. since 2005. We love using the Crescent Tram path as our primary walkway to Main Street and to the slopes at Town Lift. Even when the surface is dry, the descending portion of Eighth Street approaching Crescent Tram begins to require notice, but add ski boots, skis on your shoulder, snow, ice, and the occasional car — it becomes downright treacherous!

Recently, as a neighbor, we received a notice as to a planned subdivision at 802 Empire Ave. along with a conditional use permit for access over the City's platted unbuilt right of way.

Is it possible for the city to make any approval of the subdivision requests contingent upon obtaining an easement or right of way that allows for a safer travel onto Crescent Tram?

One possibility would be a designated combination walkway/stairway along the downward sloping eastern edge of the 802 property as it approaches Crescent Tram.

Another possibility would be a vertical stairway beginning somewhere near Crescent Tram that headed straight up to Empire Ave (this would be along the southern end of the 802 property). Maybe both would be feasible.

On a slightly separate note, we have been wondering why there has been no stairway built on Ninth Street (the whole way from Park Ave. to Lowell). With the Treasure Hill Preservation this would greatly improve pedestrian access to the trails!

Thanks for your consideration,

We love Park City,

Regis (McHugh)

Sent from my iPhone

Planning Commission Staff Report



PLANNING DEPARTMENT

Subject: 802 Empire Avenue – Construction of a Shared Private Driveway over a Platted, Unbuilt City Street
Project #: PL-19-04113
Author: Alexandra Ananth, Senior Planner
Date: May 13, 2020
Type of Item: Administrative – Conditional Use Permit

Summary Recommendations

Staff recommends that the Planning Commission review the Conditional Use Permit (CUP) for the Construction of a Shared Private Driveway over a Platted, Unbuilt City Street, hold a Public Hearing, and consider approving the request based on the following Findings of Fact, Conclusions of Law, and Conditions of Approval. This hearing is a continuation of the Public Hearing opened on January 8, 2020, continued to the February 12, 2020 Meeting, and continued again to the May 13, 2020 Meeting.

Description

Applicant: Tom Peek for Old Town Lands LLC, represented by Jonathan DeGray, Architect
Location: 802 Empire Avenue
Zoning District: Historic Residential District (HR-1)
Adjacent Land Uses: Residential, Open Space
Reason for Review: Conditional Use Permit applications are reviewed and approved by the Planning Commission

Proposal

The applicant is proposing the construction of a Private Shared Driveway over a Platted, Unbuilt City Street. The proposed driveway would access Lots 1 and 2 of the proposed 802 Empire Avenue Subdivision, which was submitted under separate application to the Planning Commission simultaneously with this application. Due to existing steep grades, limited sight lines, narrow road width and existing curb cuts on Crescent Tram, the City has encouraged the applicant to seek vehicular access to both of these lots from Empire Avenue rather than Crescent Tram, and is thus supportive of this application. In addition to the Subdivision Plat and the CUP for the driveway, the applicant will need to seek a Steep Slope Administrative CUP and submit Historic District Design Review (HDDR) applications as development on these lots moves forward.

The Planning Commission opened a Public Hearing on this item on January 8, 2020, and continued the item to the February 12, 2020 Planning Commission Meeting. The meeting was continued again until May 13, 2020.

[illegible]



Figure 2: Aerial View of Proposed CUP Area

Background

The proposed 802 Empire Avenue Subdivision consists of seven (7) small parcels, none of which are individually large enough to meet the Minimum Lot and Site Requirements for a developable lot unless combined. The lots are currently vacant of any structures.

Over the years there were a number of conveyances in the immediate area affecting these lots. A problem appears to originate in 1991 when a number of surveys used an incorrect Point of Beginnings which shifted some deeds 15 feet to the south *in error*.

Tom Peek bought the parcels in 2016 and hired Park City Surveying to provide quit claim deed solutions to resolve these issues. Park City Surveying worked with the City's Planning Department and City Attorney's Office on these corrective quite claim deeds which were approved by the City and recorded with the County to document this process. This included A) the applicant quit claiming land to the City that is in the Crescent Tram right-of-way, B) the City quit claiming land to the applicant which was intended to be owned by the applicant, and C) the applicant quit claiming land to the City that was not intended to be owned by him. These title issues were all a result of old surveying errors including scrivener's errors in the legal descriptions. In addition to these errors the City vacated a portion of Empire Avenue to the adjacent property owners in 1968. This is the green area shown in Figure 3.

Analysis

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.

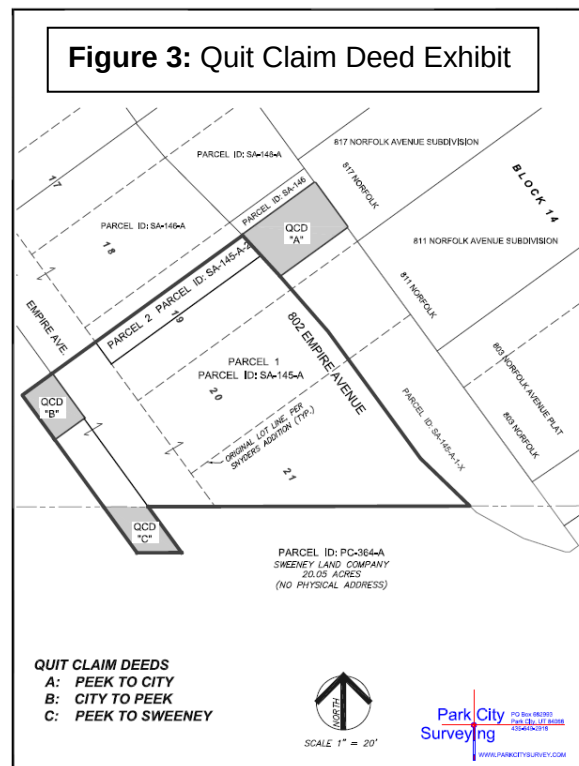
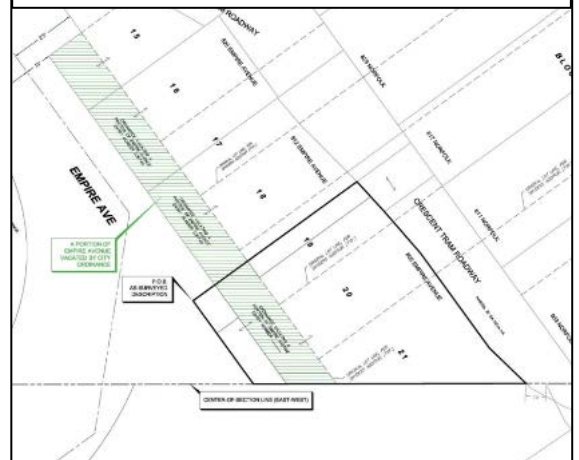


Figure 3: Portion of Empire Avenue Vacated to Adjacent Property Owners



The proposal complies with the above goals as the applicant is proposing to create and access developable infill lots in keeping with the surrounding neighborhood in terms of lot size, and the City is encouraging access to these lots from Empire Avenue rather than Crescent Tram. Current conditions of the Platted Unbuilt Right-of-Way are that the site is not actively maintained by the City and is therefore overgrown and access over the Right-of-Way would result in a visual improvement of the site for the neighborhood. The applicant will need to sign an encroachment agreement provided by the Engineering Department and should the City choose to redevelop the road on the un-built Right-of-Way in the future, the driveway would be removed and access to the lots would be changed to accommodate the Street.

It is a Condition of Approval that no parking will be allowed within the portion of shared driveway located within the platted unbuilt right of way. It will solely be used for shared access to the two proposed lots.

The Conditional Use Permit is subject to the following review criteria in the LMC:

- Per [LMC 15-3-5](#), the proposal is subject to the standards for private driveways within platted, unbuilt city streets.
- Per [LMC 15-1-10\(E\)](#), the proposal is subject to review according to the Conditional Use Permit Criteria.

Staff has included the following sections for Analysis:

- I. [LMC 15-3-5 Driveway Standards for Private Driveways Within Platted, Unbuilt City Streets](#)
- II. [LMC 15-1-10\(E\) Conditional Use Permit Review Criteria](#)

Section I. [LMC 15-3-5 Driveway Standards for Private Driveways Within Platted, Unbuilt City Streets](#)

- A. The driveway shall not exceed ten percent (10%) Slope.

Complies

It is a Condition of Approval that the proposed driveway would have a maximum slope of ten percent (10%) within the platted unbuilt right of way. See Exhibit B Driveway Exhibit.

In addition, Section 15-3-3(A)(5) requires that "Drives serving more than one Single-Family Dwelling shall provide a minimum twenty foot (20') transition Area at no greater than two percent (2%) Slope beginning at the back of the curb, or as otherwise approved by the City Engineer, in anticipation of future Street improvements." The City Engineer has approved the proposed driveway layout and does not anticipate any public safety issues with the driveway as proposed (Exhibit D Engineering Memorandum). Findings and Conditions from the Engineering Memorandum have been incorporated in to the attached recommended Findings (10, 33-37) and Conditions (3-7).

- B. Adequate snow storage Area along the downhill side and/or end of the driveway shall be provided.

Complies

The proposal allows for adequate snow storage at both the downhill (southwest) and uphill (northwest), end of the driveway.

- C. The driveway must be paved with asphalt or concrete.

Complies

The applicant is proposing to construct the driveway out of concrete.

- D. The driveway must not pre-empt any existing physical parking, which may occur in the platted Street. If the platted Street has been improved to provide Public Parking, then any driveway proposal must replace such parking with new Public Parking of equal or better convenience and construction.

Complies

The driveway does not pre-empt any existing physical parking and the platted Street has not been improved to provide Public parking. Parking for the proposed new lots will be on each respective Lot.

- E. The driveway and related improvements such as retaining walls shall be designed and built to minimize present and future conflicts with public utilities and stairs.

Complies

The applicant designed the driveway proposal after discussion with the City Engineer. No retaining walls or improvements other than the concrete driveway are proposed at this time.

- F. The driveway construction requires a Conditional Use permit, Section 15-1-10.

In Process

See Section II. below for CUP review and analysis.

- G. An encroachment permit for the driveway is required.

Complies as conditioned

It is a Condition of Approval that no building permit may be issued until City Council approval of an Encroachment Agreement for the driveway located within the Public Right-of-Way.

- H. Private utilities, including snow melt devices, within the platted City Street require approval by the City Engineer.

Complies

The Building Permit will be reviewed by the City Engineer prior to issuance.

Staff finds the proposal has been reviewed by the Engineering Department and has no unmitigated impacts concerning **compliance** with [LMC 15-3-5 Driveway Standards for Private Driveways Within Platted, Unbuilt City Streets](#) as conditioned.

Section II. [LMC 15-1-10\(E\) Review](#)

The Planning Department and/or 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:

1. Size and location of the site

No Unmitigated Impacts

Proposed Lots 1 and 2 meet the required lot size for the HR-1 District. The Minimum Lot Size for a Single Family Dwelling is 1,875 square feet (0.04 acres). Lot 1 is 2,617

square feet and Lot 2 is 2,608 square feet. Although the Lots are considered “through-lots” with frontage on both Crescent Tram and Empire Avenue the City has encouraged the applicant to seek vehicular access over Empire Avenue only.

2. Traffic considerations including capacity of the existing Streets in the Area

No Unmitigated Impacts

Although the Lots are considered thru-lots with frontage on both Crescent Tram and Empire Avenue the City has encouraged the applicant to seek access over Empire Avenue due to existing grades, sight-lines and road geometrics. Empire Avenue appears to have sufficient capacity to accommodate two additional Single Family Dwellings with a shared driveway.

3. Utility capacity

No Unmitigated Impacts

The addition of two new lots on Empire Avenue will have no impacts on utility capacity.

4. Emergency vehicle access

No Unmitigated Impacts

Empire Avenue offers sufficient access for emergency vehicles.

5. Location and amount of off street parking

No Unmitigated Impacts

Parking for the two lots will be contained on site. No parking will be allowed in the Platted Unbuilt City Right-of-Way.

6. Internal vehicular and pedestrian circulation system

No Unmitigated Impacts

The applicant has been encouraged by the City to access the proposed lots from Empire Avenue. Other than the shared driveway no changes are proposed for vehicular and pedestrian circulation.

7. Fencing, Screening and landscaping to separate the Use from adjoining Uses

No Unmitigated Impacts

Site Plans including fencing, screening and landscaping will be reviewed during the HDDR process for the proposed two (2) Lots.

8. Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots

No Unmitigated Impacts

The applicant has not submitted building plans to the City for review yet. However, should the CUP and Subdivision Plat be approved, any proposed development will be subject to the City's Historic District Design Guidelines and Review Process (HDDR) as well as the Steep Slopes CUP process and building mass, bulk, orientation, and the location of buildings on the site will be reviewed at that time.

9. Usable Open Space

No Unmitigated Impacts

Any development on the proposed Lots will be subject to the City's Land Management Code. The proposed shared driveway to be located over the Platted Unbuilt City Right-of-Way will not take away Usable Open Space from the neighborhood.

10. Signs and lighting

No Unmitigated Impacts

Any development on the proposed Lots will be subject to the City's Land Management Code including signs and lighting.

11. Physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing

No Unmitigated Impacts

The proposed lot sizes are compatible with the surrounding neighborhood and an HDDR Application will be required to ensure that the physical design and architectural detailing are compatible with the surrounding neighborhood and HR-1 District.

12. Noise, vibration, odors, steam, or other mechanical factors that might affect people and property Off-site

No Unmitigated Impacts

No noise or odors are expected beyond what is typical and expected for two Single Family Dwellings.

13. Control of delivery and service vehicles, loading and unloading zones, and Screening of trash pickup Areas

Not applicable

No delivery or service vehicles are expected beyond what is typical and expected for two Single Family Dwellings.

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

Not applicable

It is expected that the proposed lots will be developed with Single Family Dwellings.

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

No Unmitigated Impacts

The proposed improvements will be appropriately graded and reviewed thoroughly through the HDDR and Building Permit Review Process.

16. Reviewed for consistency with the goals and objectives of the Park City General Plan; however such review for consistency shall not alone be binding.

No Unmitigated Impacts

This proposal has been reviewed for consistency with the Goals and Objectives of the Park City General Plan. The General Plan establishes several goals and objectives including, but not limited to:

- Goal 15: Preserve the integrity, mass, scale, compatibility and historic fabric of the nationally and locally designated historic resources and districts for future generations.
 - o Any proposed development on the Lots will be compatible with the Historic District Design Guidelines and surrounding neighborhood context. These Guidelines guide infill to ensure that infill is compatible in the neighborhood context.
- Objective 15B: Maintain character, context and scale of local historic districts with compatible infill development and additions.
 - o Any proposed development on the Lots will be compatible with the Historic District Design Guidelines and surrounding neighborhood context.

Staff finds the proposal has no unmitigated impacts concerning [LMC 15-1-10\(E\) Conditional Use Permit Review Criteria](#).

Department Review

This project has gone through an interdepartmental review and was encouraged to seek vehicular access through Empire Avenue rather than Crescent Tram due to the existing grade, roadway geometrics, sight lines and existing curb cuts on Crescent Tram. A Memorandum from the Engineering Department is attached.

Notice

On December 18, 2019 the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published on the Utah Public Notice Website and Park Record on December 21, 2019 according to requirements of the Land Management Code. The project was re-noticed on January 29, 2020 and again on April 29, 2020.

Public Input

Public comment received via email is attached to this Staff Report (Exhibit C). In addition, the [Minutes](#) from the January and February Public Hearings contain additional public comment related to the Subdivision (starting on page 34). There was no public input specific to the CUP application at the January or February Planning Commission Meetings.

Alternatives

- The Planning Commission may approve the Conditional Use Permit for the Construction of a shared Private Driveway within a Platted, Unbuilt City Street at 802 Empire Avenue, as conditioned or amended; or
- The Planning Commission may deny the Conditional Use Permit for the Construction of a shared Private Driveway within a Platted, Unbuilt City Street at 802 Empire Avenue and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on the Conditional Use Permit for the Construction of a shared Private Driveway within a Platted, Unbuilt City Street at 802 Empire Avenue and request additional information or analysis in order to take action.

Significant Impacts

There are no significant impacts from this application that have not been addressed.

Consequences of not taking action on the Suggested Recommendation

The applicant would have to seek vehicular access from Crescent Tram which offers less than ideal access.

Recommendation

Staff recommends that the Planning Commission review the Conditional Use Permit for the Construction of a Private Driveway within a Platted, Unbuilt City Street, hold a Public Hearing to consider public input, and consider approving the requested CUP based on the Findings of Fact, Conclusions of Law, and Conditions of Approval.

Findings of Fact

1. The subject property is located at 802 Empire Avenue in the Historic Residential (HR-1) Zoning District.
2. The site is currently vacant of structures and the applicant has submitted a simultaneous Subdivision Plat to create two developable lots.
3. The applicant is requesting to construct a shared private driveway within the Platted Unbuilt City Right of Way of Empire Avenue.
4. Although these lots are considered “through-lots” the applicant has been encouraged by the City to limit vehicular access to Empire Avenue only due to the road geometrics, sight lines and grade of Crescent Tram.
5. A Historic District Design Review (HDDR) application is required for any development on the proposed Lots.
6. A Steep Slopes Administrative CUP will also be required prior to development.
7. Per LMC 15-3-5, the proposal is subject to the standards for private driveways within platted, unbuilt city streets.
8. Per LMC 15-1-10(E), the proposal is subject to review according to the Conditional Use Permit Criteria.
9. The proposal complies with LMC 15-3-5(A) as the proposed driveway will not exceed ten percent (10%) Slope within the platted unbuilt right of way.
10. The proposal complies with LMC 15-3-5(B) as the proposal allows for adequate snow storage on both sides of the driveway.
11. The proposal complies with LMC 15-3-5(C) as the applicant is proposing to construct the driveway out of concrete.
12. The proposal complies with LMC 15-3-5(D) as the driveway does not pre-empt any existing physical parking and the platted Street has not been improved to provide Public parking. The parking for the proposed two lots will be on site and no parking will be allowed in the proposed shared driveway.
13. The proposal complies with LMC 15-3-5(E) as the applicant designed the driveway proposal after discussion with the City Engineer. No retaining walls are proposed.
14. The proposal complies with LMC 15-3-5(F) as the applicant has been approved for a Conditional Use Permit.
15. The proposal complies with LMC 15-3-5(G) as the applicant will record an encroachment agreement for the driveway prior to issuance of a Building Permit for the proposed driveway.
16. The proposal complies with LMC 15-3-5(H) as plans will be reviewed by the City Engineer prior to issuance of a building permit.
17. There are no unmitigated impacts to LMC 15-1-10(E)(1) size and location of the site,
18. There are no unmitigated impacts to LMC 15-1-10(E)(2) as Empire Avenue has sufficient capacity to accommodate two additional Single Family Dwellings.
19. There are no unmitigated impacts to LMC 15-1-10(E)(3) as all utilities can be available to the site.
20. There are no unmitigated impacts to LMC 15-1-10(E)(4) as Empire Avenue offers sufficient access for emergency vehicles.
21. There are no unmitigated impacts to LMC 15-1-10(E)(5) as per LMC 15-2.2-4, as parking for each lot will be on site and no parking will be allowed in the City’s Right-of-Way.

22. There are no unmitigated impacts to MC 15-1-10(E)(6) internal vehicular and pedestrian circulation system. Vehicular access will be from Empire Avenue and the lots are of sufficient size to allow for sufficient pedestrian circulation.
23. There are no unmitigated impacts to LMC 15-1-10(E)(7) as no fencing screening or landscaping will be allowed in the City's Right-of-Way.
24. There are no unmitigated impacts to LMC 15-1-10(E)(8) as any proposed development will be subject to the City's Historic District Design Guidelines and Review Process.
25. There are no unmitigated impacts to LMC 15-1-10(E)(9) usable Open Space as there are no proposed Buildings within the unbuilt Right of Way. And any development on the proposed lots will be subject to the City's Land Management Code and HRRD process.
26. There are no unmitigated impacts to LMC 15-1-10(E)(10) signs and lighting as any development on the proposed lots will be subject to the City's Land Management Code including signs and lighting.
27. There are no unmitigated impacts to LMC 15-1-10(E)(11) as the proposed lot sizes are compatible with the surrounding neighborhood and an HDDR Application will be required to ensure that the physical design and architectural detailing are compatible with the surrounding neighborhood and HR-1 District.
28. There are no unmitigated impacts to LMC 15-1-10(E)(12) as no noise or odors are expected beyond what is typical and expected for two Single Family Dwellings
29. There are no unmitigated impacts to LMC 15-1-10(E)(13) as no delivery or service vehicles are expected beyond what is typical and expected for two Single Family Dwellings.
30. There are no unmitigated impacts to LMC 15-1-10(E)(14) as it is expected that the proposed lots will be developed with Single Family Dwellings.
31. There are no unmitigated impacts to LMC 15-1-10(E)(15) as the proposed improvements will be appropriately graded and reviewed thoroughly through the HDDR and Building Permit Review Process.
32. This proposal has been reviewed for consistency with the Goals and Objectives of the Park City General Plan including Objective 15B: Maintain the character, context and scale of local historic districts with compatible infill development. Any proposed development on the Lots will be compatible with the Historic District Design Guidelines and surrounding neighborhood context. These guidelines guide infill development to ensure that development is compatible in the neighborhood context.
33. Existing gravel areas on both the north and south side of the shared concrete driveway are noted to be removed.
34. The intersection of the shared driveway and Empire Avenue is roughly perpendicular which is an improvement compared to existing conditions.
35. The proposed driveway width of 15 feet complies with the minimum requirement specified in LMC Section 15-3-3 (H).
36. The proposed driveway is spaced approximately 33 feet from the nearest existing driveway and approximately 122 feet from the intersection of Empire and Crescent Tram.
37. The maximum slope of the driveway is shown to be 10% within the platted unbuilt right of way and 12% on the applicant's property.

38. Based on the facts listed above and the challenges of access from Crescent Tram, the Engineering Division approves a slope greater than 2% within the transition area noted in LMC Section 15-3-3, General Parking Area and Driveway Standards.
39. The Findings in the Analysis section of this report are incorporated herein.

Conclusions of Law

1. The Conditional Use Permit application complies with all requirements of the LMC and satisfies all Conditional Use Permit review criteria as established by the [LMC 15-1-10](#) and [LMC 15-3-5](#).
2. The Conditional Use Permit, as conditioned, will allow for development that is compatible with surrounding structures in use, scale, mass and circulation; and
3. 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. The City Engineer shall review and approve all grading, utility installation and public improvements prior to building permit issuance.
3. The grade of the proposed shared drive shall not exceed 10% within the platted unbuild right of way.
4. Backing out of the shared drive shall be forbidden. A swept path analysis showing a vehicle turn-around from both lots shall be provided to the City Engineer for review prior to building permit issuance.
5. A separate encroachment agreement for the portion of shared drive encroaching on PCMC Parcel PC-364-A-X is required prior to building permit issuance.
6. No parking shall be permitted within the portion of shared driveway located within the platted unbuild right of way.
7. The shared driveway shall not prohibit pedestrian access of a future 8th Street public stairway, located just south of the 802 Empire Avenue Subdivision, connecting the Crescent Tram pedestrian access to Empire Avenue.
8. No building permit may be issued until City Council approval of an Encroachment Agreement for the driveway located within the Public Right-of-Way.
9. If at some point in the future Empire Avenue is re-aligned, the applicant will be responsible for the removal of all portions of the driveway within the ROW at their sole expense and in an expeditious manner (within 90 days of written notice).
10. Prior to the issuance of a building permit, a Construction Mitigation Plan that includes consideration of how construction related parking will be managed shall be submitted to the Building, Engineering and Planning Departments for review and approval.

Exhibits

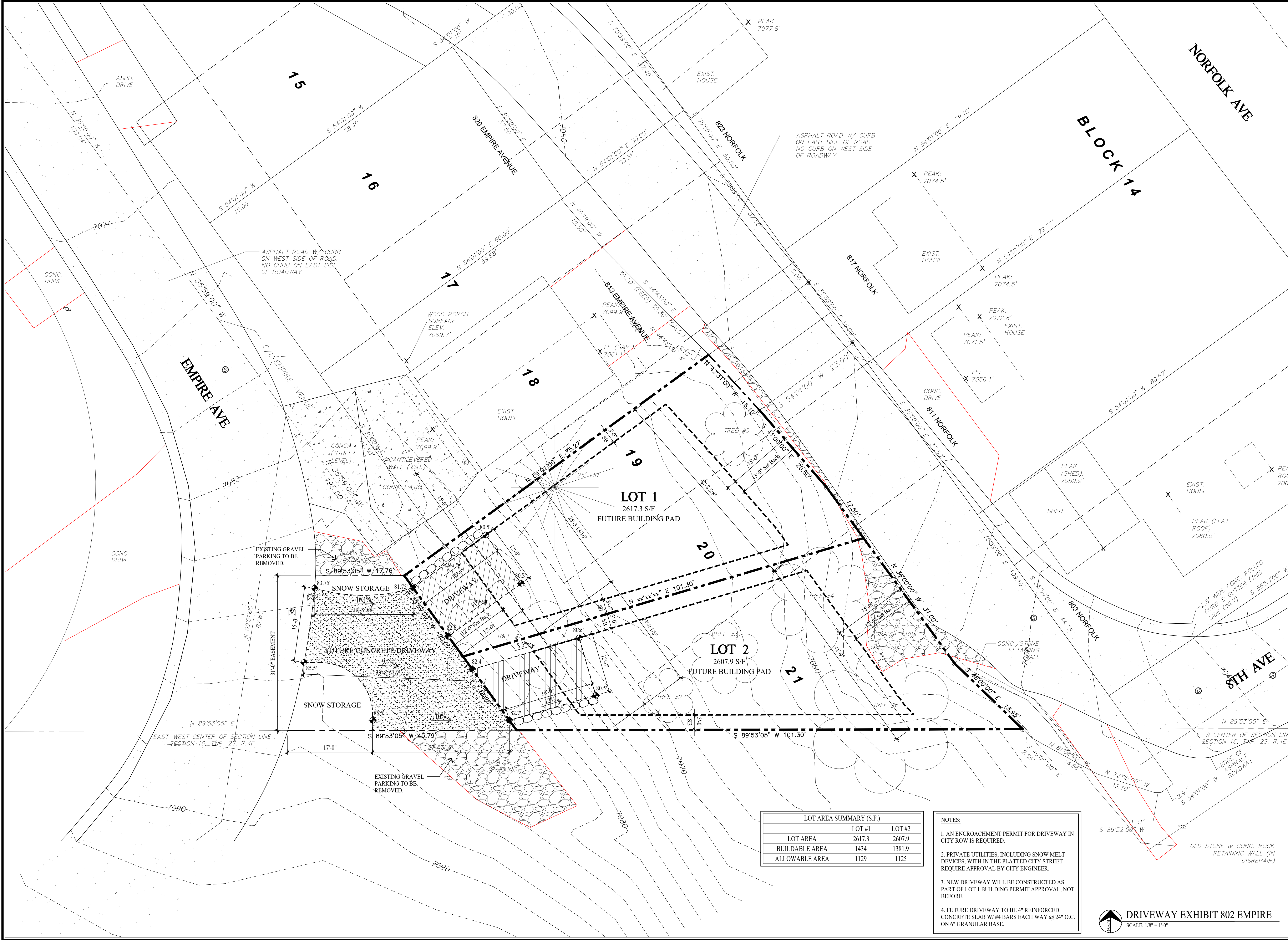
- | | |
|------------|---------------------------|
| Exhibit A: | Minutes |
| Exhibit B: | Proposed Driveway Exhibit |
| Exhibit C: | Public Input Received |
| Exhibit D: | Engineering Memorandum |

Exhibit A

Planning Commission [Minutes 1/8/2020](#)

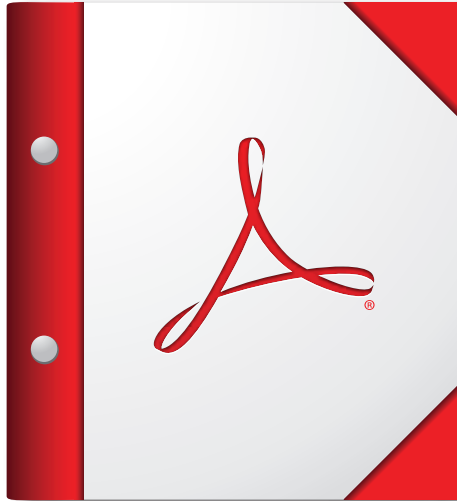
Planning Commission [Minutes 2/12/2020](#)

THE GRAPHIC MATERIAL AND DESIGN ON THIS SHEET ARE INSTRUMENTS OF SERVICE AND REMAIN AT ALL TIMES THE PROPERTY OF JONATHAN DEGRAY - ARCHITECT P.C. VIOLATORS WILL BE PROSECUTED TO THE FULLEST EXTENT OF THE LAW.
JONATHAN DEGRAY - ARCHITECT P.C. ALL RIGHTS RESERVED



LOT AREA SUMMARY (S.F.)		
LOT #1	LOT #2	
LOT AREA	2617.3	2607.9
BUILDABLE AREA	1434	1381.9
ALLOWABLE AREA	1129	1125

- NOTES:
1. AN ENCROACHMENT PERMIT FOR DRIVEWAY IN CITY ROW IS REQUIRED.
 2. PRIVATE UTILITIES, INCLUDING SNOW MELT DEVICES, WITH IN THE PLATTED CITY STREET REQUIRE APPROVAL BY CITY ENGINEER.
 3. NEW DRIVEWAY WILL BE CONSTRUCTED AS PART OF LOT 1 BUILDING PERMIT APPROVAL, NOT BEFORE.
 4. FUTURE DRIVEWAY TO BE 4" REINFORCED CONCRETE SLAB W/ #4 BARS EACH WAY @ 24" O.C. ON 6" GRANULAR BASE.



**For the best experience, open this PDF portfolio in
Acrobat X or Adobe Reader X, or later.**

Get Adobe Reader Now!



MEMORANDUM

To: Alexandra Ananth, Senior Planner

From: Corey Legge, EIT, ENV-SP, Public Improvements Engineer

CC: John Robertson, PE, City Engineer

Date: May 5th, 2020

Re: 802 Empire Avenue Drive Entrance

The Engineering Department has reviewed the driveway exhibit for Lots 1 and 2 of the 802 Empire Avenue Subdivision dated February 12th, 2020. The exhibit proposes a shared driveway to encroach within Empire Avenue platted unbuilt right-of-way which requires a Conditional Use Permit (CUP). Alternatively, if a CUP is not approved each lot of the 802 Empire Avenue Subdivision may be accessed from Crescent Road.

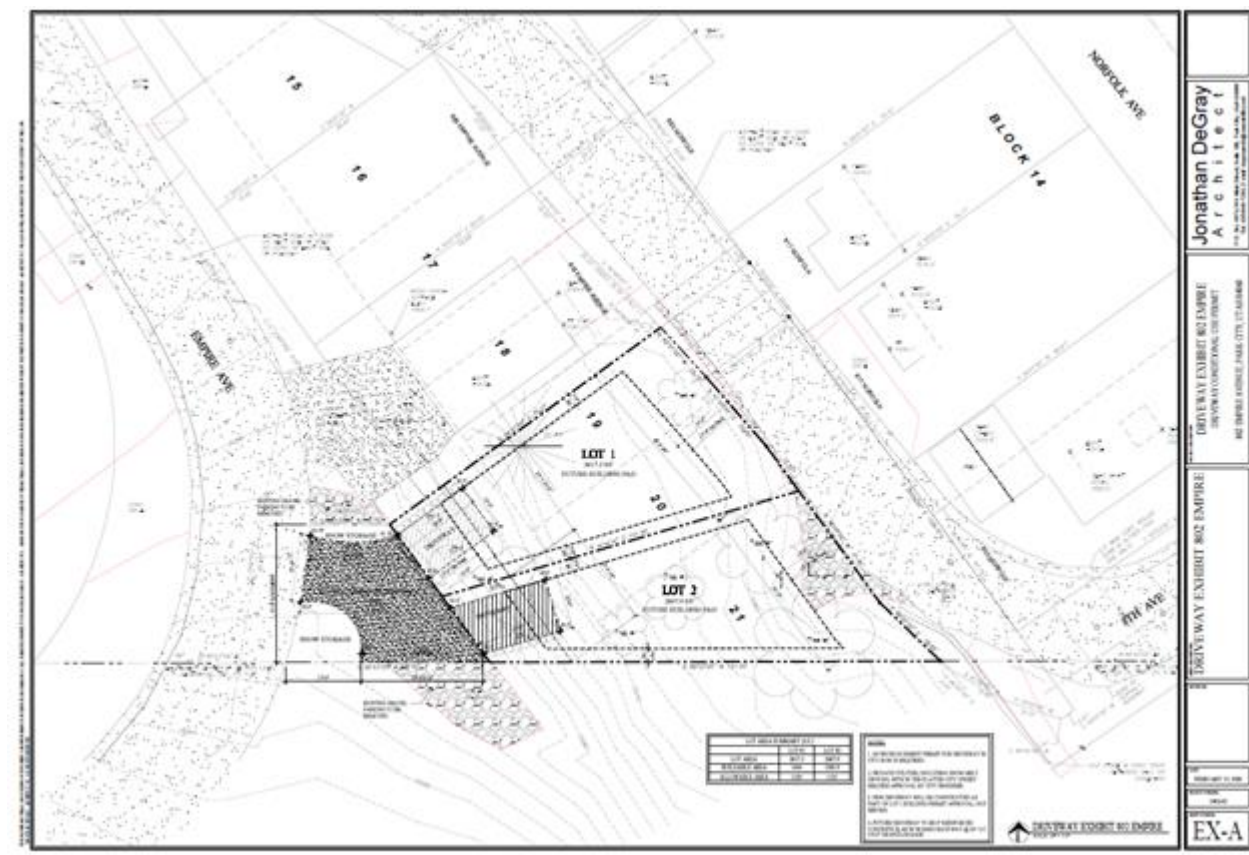


Figure 1: Proposed Driveway from Empire Avenue over Platted-Unbuilt Empire Avenue to Lot 1 and Lot 2

Existing Conditions

Crescent Road, located directly east of the proposed 802 Empire Avenue Subdivision, is a two-way street that serves as the primary southerly access to Empire Avenue and Lowell Avenue. The road slopes from Empire Avenue to 8th Street at a nine percent (9%) to seventeen (17%) grade. The road pavement width was measured to be eighteen feet (18'). The alignment of Crescent Road as it traverses the steep hillside includes two horizontal curves. Existing structures abut the roadway directly, limiting a motorist's sight distance when navigating each horizontal curve. Due to the steep grade, narrow width, and limited sight distance, unrestricted two-way traffic is not easily accommodated. Vehicles traveling downhill generally yield to vehicles travelling uphill.

On the west side of Crescent Road there are 3 existing driveways and one public trail access. There is one existing parallel off-street parking spot on the east side of the street. Due to the cross slope drainage, a high back curb and gutter is necessary on the eastern edge of the street. Unlike rolled curb and gutter, the surface width of a high back curb and gutter is not included when calculating the travel lane width.

Pertinent to the general area of the proposed shared driveway, Empire Avenue holds an eight percent (8%) grade around the horseshoe bend connecting to Lowell Avenue. The cross section features eleven foot (11') travel lanes and a two and a half foot (2.5') rolled curb and gutter on each side of the street resulting in a corridor width of twenty seven feet (27'). There is an existing gravel parking area directly at the location of the proposed shared drive. This entrance is southeast of Empire Avenue at the approximate point of horizontal curve. The gravel parking area, shown in figure 2, predates the oldest Google Earth satellite imagery from 1993.



Figure 2: Existing gravel parking area pictured from Empire Avenue

The existing gravel parking area slopes away from Empire Avenue at a measured ten and a half percent (10.5%) grade. The angle between the bend of Empire Avenue and the alignment of the gravel parking area is quite skew. A large berm exists on the western side of the existing gravel parking area. A motorist would find it difficult to back out of the existing gravel parking area due to the intersection angle coupled with the obstructed sight line.

Analysis

Comments provided from the development review committee encouraged the applicant to seek vehicular access to both Lots 1 and 2 of the 802 Empire Avenue Subdivision from Empire Avenue rather than Crescent Road.

[LMC 15-3-3 General Parking Area and Driveway Standards](#) requires drives serving more than one Single-Family Dwelling shall provide a minimum twenty foot (20') transition Area at no greater than two percent (2%) Slope beginning at the back of the curb, or as otherwise approved by the City Engineer, in anticipation of future Street improvements. The same section of the Land Management Code requires driveways to not exceed fourteen percent (14%) slope.

Considering the following findings:

1. Existing gravel areas on both the north and south side of the shared concrete driveway are noted to be removed.
2. The proposal allows for adequate snow storage.
3. The intersection of the shared driveway and Empire Avenue is roughly normal which is an improvement compared to the existing conditions.
4. The proposed driveway width of fifteen feet (15') complies with the minimum requirement specified in [LMC 15-3-3 \(H\)](#).
5. The proposed driveway is spaced approximately thirty three feet (33') from the nearest existing driveway and approximately one hundred twenty two feet (122') from the intersection of Empire Avenue and Crescent Road.
6. The maximum slope of the drive is shown to be twelve percent (12%).

Based on the facts listed above, and the noted difficulties from an alternative access off Crescent Road outlined in the existing conditions section of this memorandum, the Engineering Department approves a slope greater than two percent (2%) within the transition area noted in the [LMC 15-3-3 General Parking Area and Driveway Standards](#).

Conclusions/Recommendations

The Engineering Department is supportive of a shared driveway within the platted unbuilt right-of-way to access Lots 1 and 2 of the 802 Empire Avenue Subdivision. However, at this stage of review the Engineering Department has the following comments:

1. The grade of the proposed shared drive shall not exceed ten percent (10%) within the platted unbuilt right-of-way.
2. Backing out of the shared drive shall be forbidden. A swept path analysis showing a vehicle turn-around from both Lots 1 and 2 shall be provided to the City Engineer for review prior to building permit issuance.
 - a. Note, the current driveway exhibit does not reasonably support this turning movement for Lot 2. In order for a motorist to turn around, it is likely the existing power pole, shown in Figure 2, will need to be relocated. In addition, the proposed shared driveway will likely need to be extended further south. This will result in a separate encroachment agreement for the portion of shared drive encroaching on PCMC owned parcel PC-364-A-X.
3. An encroachment permit for the shared driveway is required prior to building permit issuance.
4. No parking shall be permitted within the portion of shared driveway located within the platted unbuilt right-of-way.
5. The shared driveway shall not prohibit pedestrian access of a future 8th street public stairway, located just south of the proposed 802 Empire Avenue Subdivision, connecting the Crescent Tramway trail to Empire Avenue.