

**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION
CITY COUNCIL CHAMBERS
April 8, 2015**



AGENDA

MEETING CALLED TO ORDER AT 5:30PM

ROLL CALL

ADOPTION OF MINUTES OF March 25, 2015

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

STAFF/BOARD COMMUNICATIONS AND DISCLOSURES

CONTINUATIONS

900 Round Valley Drive- Pre-Master Planned Development for an amendment to the IHC Master Planned Development to review affordable housing options for the remaining IHC housing obligation, including a proposal to locate the Peace House on a portion of Lot 8 of the IHC Subdivision, and a request for an additional 50,000 sf of medical support uses for future development.

Public hearing and continuation to May 13, 2015

PL-15-02695 72
*Planner
Whetstone*

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

Public hearing and continuation to May 13, 2015

PL-14-02451 73
*Planner
Astorga*

550-560 Park Avenue & 545 Main Street – Plat Amendment to create four (4) lots of record from five (5) lots

Public hearing and continuation May 13, 2015

PL-15-02466 73
*Planner
Astorga*

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

Fairway Village No. 1 PUD – Fairway Village HOA Re-plat – Plat Amendment to memorialize existing building footprints.
Public Hearing and Possible Recommendation to City Council on May 7, 2015

PL-14-02569 75
*Planner
Boehm*

936 Empire Avenue – Steep Slope Conditional Use Permit for a new single-family home on a vacant lot.
Public hearing and possible action

PL-15-02618 91
*Planner
Alexander*

823 Woodside Avenue – Plat Amendment to combine one and a half lots into a single lot of record.

Public hearing and possible recommendation to City Council on May 7, 2015

PL-15-02663 125
*Planner
Astorga*

205 Main Street – Condominium Record of Survey for 6 units in a multi-unit dwelling

Public hearing and possible recommendation to City Council on May 7, 2015

PL-14-02608 151
*Planner
Astorga*

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

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

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

Alice Claim south of intersection of King Road and Ridge Avenue – Alice Claim Subdivision and Plat Amendment <i>Public hearing and possible recommendation to City Council on May 7, 2015</i>	PL-08-00371 <i>Planner Alexander</i>	175
Alice Claim south of intersection of King Road and Ridge Avenue – Conditional Use Permit for retaining walls up to 25' in height. <i>Public hearing and possible action</i>	PL-15-02669 <i>Planner Alexander</i>	251
74 Daly Avenue – Steep Slope Conditional Use Permit for a new single-family home on a vacant lot. <i>Public hearing and possible action</i>	PL-15-02684 <i>Planner Alexander</i>	283
80 Daly Avenue – Steep Slope Conditional Use Permit for a new single-family home on a vacant lot. <i>Public hearing and possible action</i>	PL-15-02683 <i>Planner Alexander</i>	321
1825 S Three Kings Drive – The First Amended Silver Star Plaza Condominiums Buildings N, O, P, Q, and R record of survey plat to add Building S as a commercial condominium space for an approved 1,888 sf office and commercial building. <i>Public hearing and possible recommendation to City Council on May 7, 2015</i>	PL-15-02655 <i>Planner Whetstone</i>	361
Land Management Code Amendment regarding Heber Avenue Sub-zone in the Historic Recreation Commercial District (Section 15-2.5-10) <i>Public hearing and recommendation to City Council on May 7, 2015</i>	PL-15-02690 <i>Planner Astorga</i>	409

ADJOURN

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

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
MARCH 25, 2015

COMMISSIONERS IN ATTENDANCE:

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

EX OFFICIO:

Planning Manager Kay Sintz, Planner; Francisco Astorga, Hannah Turpen Planner; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING

ROLL CALL

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

ADOPTION OF MINUTES

March 11, 2015

Chair Worel referred to page 4 and corrected Chair Pro Tem Joyce to correctly read Chair **Pro Tem Joyce**.

Commissioner Joyce referred to page 14, fourth paragraph, and corrected dollars and sense to correctly read **dollars and cents**.

Commissioner Phillips referred to page 21, third to last paragraph, and the statement, Commissioner Phillips stated that water was at the top of his list. He corrected the minutes to reflect his actual statement that water was **not** at the top of his list.

MOTION: Commissioner Joyce moved to APPROVE the minutes of March 11th, 2015 as corrected. Commissioner Band seconded the motion.

VOTE: The motion passed. Commissioner Strachan abstained since he was absent from the March 11th meeting.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

The Staff and Commissioners wished Commissioner Band Happy Birthday.

Planning Manager Sintz introduced Louis Rodriguez, the new Planning Analyst at the Planning Department Counter. He worked in the Finance Department during the Sundance season and after that he was hired by the Planning Department. Ms. Sintz reported that Makena was promoted to Planning Technician, and Shauna Stokes received a promotion and moved to the IT Department.

Planning Manager Sintz asked the Commissioners about reinstating the Consent Agenda. She noted that plats, conditional use permits, steep slope conditional use permits can all be approved on a Consent Agenda. She provided a hand-out and noted that the paragraph at the bottom indicates the language for when items can be pulled off of Consent Agenda. An item can be removed if it is contested or if someone wants to give public input, or a Commissioner can pull an item off the Consent Agenda for discussion. Ms. Sintz stated that the Staff would move forward with Consent Agenda for the April 8th meeting if the Planning Commission was in favor of doing that.

Commissioner Strachan recalled that Consent Agendas were done in the past. He asked if the Planning Commission would still receive full Staff report for Consent Agenda items. Planning Manager Sintz answered yes. She clarified that they would never put an item on Consent Agenda if the Staff was requesting direction or if item would require significant discussion.

Commissioner Strachan favored the Consent Agenda and thought it was worth trying again because the Commissioners have the ability to pull any item off the Consent Agenda. The Commissioners concurred.

Assistant City Attorney reminded the Planning Commission about disclosures. She understood that sometime the Commissioners are approached by the public outside of Planning Commission meetings, particularly regarding high profile matters, and those communications should be disclosed so everyone has the benefit of knowing that there was a conversation and was said.

Commissioner Band disclosed that she was stopped at Rotary by a member of the community who acknowledged that she could not talk about the application, but wanted her to hear his comments. He was supportive of Vail and the gondola and the Snow Hut, but he did not like what he saw in the packet regarding historic structures. Commissioner Band stated that she was also stopped by one member of the community at the gym and two others at the grocery store all in support of Vail.

Commissioner Band disclosed that she had emailed Sandra Morrison and Lynn Ware Peek on Saturday to let them know what was on the agenda, with a link to the packet. She has done that even before she was a Planning Commissioner because she believes the citizens should know what is being talked about.

Commissioner Phillips disclosed that he would be recusing himself from the Norfolk Subdivision Plan. He had a working relationship with the owners in the past and he could not say with absolute certainty that he could remain objective.

Commissioner Strachan disclosed that he would be recusing himself from the Vail Interconnect application due to business reasons.

Election of New Chair

MOTION: Commissioner Joyce nominated Adam Strachan as the next Planning Commission Chairperson. Commissioner Band seconded the motion.

Commissioner Strachan accepted the nomination.

VOTE: The motion passed unanimously.

MOTION: Commissioner Phillips nominated Steve Joyce as Vice-Chair. Commissioner Band seconded the motion.

Commissioner Joyce accepted the nomination.

VOTE: The motion passed unanimously.

Commissioner Strachan assumed the Chair and thanked Commissioner Worel for her years of service as the Chairperson. In his time on the Planning Commission she was one of the best.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

- 1119 Park Avenue – Plat Amendment to combine one and a half lots into a single lot of record.** (Application PL-15-02672)

Planner Turpen reported that the proposed plat amendment is located at 1119 Park Avenue. It creates one lot of record from the existing one and a half lot. The property

consists of Lot 5 and the southerly half of Lot 6 of Block 5 of the Snyder's Addition to Park City. The Owner desires to unify the property into one lot of records by removing the existing interior lot line. The site is listed as a Landmark structure on the Historic Sites Inventory.

The Staff found good cause for this plat amendment as it will eliminate the existing interior lot line and create one legal lot of record from the 1-1/2 existing lots. The existing structure straddles the lot line between Lot 5 and Lot 6. Therefore this plat amendment would allow the structure to be one lot of record. Without the plat amendment any new development would be confined to Lot 5, as no new development would be permitted to straddle an interior lot line.

Planner Turpen noted that the property owner has submitted a Historic District Design Review application. The intent is to renovate the Landmark structure and have an addition.

The Staff recommended that the Planning Commission conduct a public hearing for the 1119 Park Avenue plat amendment and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, Conditions of Approval as found in the draft ordinance.

Chair Strachan asked why the prior owner did not apply for a plat amendment. Planner Turpen was unsure. She noted that the building was sold while improvements were being made to the building. Part of the HDDR will be to fix some of those issues. A Notice in Order was issued and the previous owner was fixing the structure as directed by the Notice in Order.

Dave Beckmina with Wasatch Engineering Contractors, represented the applicant. He believed the application was straightforward. The plat amendment would clean up the interior lot lines as required by the City. He did not believe the prior owner pulled the proper building permits and followed the normal process.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

MOTION: Commissioner Phillips moved to forward a POSITIVE recommendation to the City Council for the subdivision plat amendment located at 1119 Park Avenue, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance. Commissioner Worel seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 1119 Park Avenue

1. The property is located at 1119 Park Avenue.
2. The property is in the Historic Residential (HR-1) District.
3. The subject property consists of all of Lot 5 and the southerly half (1/2) of Lot 6, Block 5, Snyder's Addition. The applicant does not have ownership of the northerly half (1/2) of Lot 6.
4. The entire area is recognized by the County as Parcel SA-48.
5. The site is designated as a "Landmark" historic structure by the Historic Sites Inventory (HSI).
6. The building footprint of the existing historic structure is approximately 522 square feet.
7. The proposed plat amendment creates one (1) lot of record from the existing area consisting of approximately 2,812.5 square feet.
8. A single-family dwelling is an allowed use in the Historic Residential (HR-1) District.
9. The minimum lot area for a single-family dwelling is 1,875 square feet; the lot at 1119 Park Avenue will be 2,812.5 square feet. The proposed lot meets the minimum lot area for a single-family dwelling.
10. The minimum lot width allowed in the district is twenty-five feet (25'). The proposed lot is thirty-seven and one-half feet (37.5') wide. The proposed lot meets the minimum lot width requirement.
11. The existing historic structure does not meet the required side yard setbacks on the north and south. The side yard setback on the south side is 1 ft. to .75 ft. (from west to east). The side yard setback on the north side is 1 ft. The existing historic structure meets all requirements for front and rear setbacks. The front yard setback is 26 ft. The rear yard setback is 36.5 ft. In accordance with the Land Management Code (LMC) 15-2.2-4, Historic Structures that do not comply with Building Setbacks are valid Complying Structures. Additions must comply

with Building Setbacks, Building Footprint, driveway location standards and Building Height.

12. There is an existing concrete driveway and concrete sidewalk that encroaches into the Park Avenue right-of-way.

13. In May 2012, the City issued a Notice and Order from the Building Department for the property owner to stabilize the building. Work began in the spring of 2013 to stabilize the dilapidated landmark building with new footings and foundation. Inspections on this work began on May 1, 2013 and the most recent inspection was conducted on July 26, 2013.

14. The applicant applied for a Historic District Design Review (HDDR) application to renovate and construct an addition on January 6, 2015. A Pre-Historic District Design Review (Pre-HDDR) application for the renovation and addition was completed on October 2, 2014. The applicant applied for a Plat Amendment application on January 27, 2015. The Plat Amendment application was deemed complete on January 29, 2015.

15. The property is located in a FEMA Flood Zone A which requires the lowest occupied floor to be equal to or above the base flood elevation. An elevation certificate will be required.

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

Conclusions of Law – 1119 Park Avenue

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

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

3. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – 1119 Park Avenue

1. The City Attorney and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code,

and the conditions of approval, prior to recordation of the plat.

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

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

4. The applicant can either remove the existing chain link fence and wood slat fence from the properties of 1125 Park Avenue and 1120 Woodside Avenue, or enter into an encroachment agreement with the respective property owners prior to final recordation of this plat.

5. Modified 13-D sprinklers will be required,

6. An elevation certificate will be required for any major modifications verifying the lowest occupied floor is at or above base flood elevation.

2. **1893 Prospector Avenue – Pre-Mater Planned Development for 10 residential units.** (Application PL-14-02586)

1893 Prospector Avenue – Conditional Use Permit for 10 residential units in the GC Zone (Application PL-14-02584)

Planner Astorga noted that Kirsten Whetstone was the project planner and he would be reviewing the application in her absence this evening.

Planner Astorga reported that the application is for a Pre-MPD and conditional use permit. The request for ten units is the maximum threshold for a Master Planned Development. A conditional permit is required in the GC zone.

Planner Astorga commented on a noticing issue as noted in the Staff report. The posted and mailed notice letters included both the pre-MPD and the CUP information; however the published notice included only the pre-MPD. The Planning Commission could review and take action on the Pre-MPD; however, because the CUP was incorrectly noticed, the Staff recommended that the Planning Commission review the CUP this evening but continue it to the next meeting on April 8, 2015.

Planner Astorga stated that the primary purpose of the MPD application is to find compliance with the General Plan, as well as the purposes statements of the specific district, which in this case is the GC zone.

The property owner and the project architect were available to answer questions. Planner Astorga noted that the applicant had created a physical model and he encouraged the Planning Commission to leave the dais to look at the model.

The Staff recommended that the Planning Commission conduct a public hearing for both the Pre-MPD and the conditional use permit, consider approving the pre-master planned development, and review the CUP with a continuation to the next meeting.

Chair Strachan was reluctant to have the Planning Commission provide input on the CUP because it was noticed incorrectly. He believed that their comments could sway public input or that public input could change their thinking, and he preferred to have it clean and noticed properly before anyone comments. The Commissioners concurred.

Assistant City Attorney McLean stated that if the Planning Commission would like additional information regarding the CUP for the next meeting, they should provide that direction to the Staff or applicant this evening.

Ehlias Louis, representing the applicant, presented the project called Central Park City Condominiums, familiarized the Planning Commission with the project and walked through some of the MPD issues. Mr. Louis stated that the conceptual design is 10 units which requires an MPD approval process. It is a residential project in Prospector Square in Parking Lot F. The applicant thinks of it as an organic infill project on Parking Lot F that will provide a more logical arrangement for development in that area.

Mr. Louis stated that the purpose and goal is to provide housing in Central Park City. The lot is located next to the Rail Trail. The ten residential units would be located in Prospector Square in close proximity to food, employment, hotels, the athletic club, and transportation. The demographic would be young professionals who want to move into Park City. Mr. Louis showed the building site as it exists today. It is a large, square parking structure. They have worked out an agreement with the Prospector Square Property Owners Association to replat the lots. Planner Astorga noted that the replat was approved in May 2014. Mr. Louis stated that the current lot is 99 spaces and has a tarmac feel. The original lots did not provide much room for buffer zones with the other residential units.

Mr. Louis presented a slide showing how the plat looks currently. The lot being discussed this evening is the new Lot 25B, which is in the back next to the Rail Trail. He pointed out

how the reconfiguration of the parking lot provides an organic infill project that looks more like what they want in terms of developing the area. Mr. Louis stated that the project expands the parking from 99 parking spaces to 103 spaces. They propose to add landscaping that does not currently exist. He believed that reorganization of the parking lot provides true vehicle circulation versus an open square with no limits. It increases the pedestrian walkways, and where the two lots are located it provides ample buffer against the other residential buildings in the area.

Mr. Louis walked through some of the design concepts. A good livable building has natural light and great views. The building was designed in an L-configuration to capture natural light on every corner in either a bedroom or living space. Extensive decking is provided as communal space for the building residents to provide community and outdoor feeling. The project is connected to the Rail Trail by a bridge which makes it easy to access the Rail Trail for alternative transportation into the City. The design is a multi-level form to give more interest to the building itself. The plan is for green roofing.

Mr. Louis stated that the GC zone has a FAR of 2.0. The lot is 5,760 square feet, and the building area is 11,520 square feet. He noted that upon completion the project would be under that square footage. The configuration of the building is for six smaller, two-bedroom, one bath units; and four larger units of 1,000 square feet. The units calculate to 12 parking spaces, however, the parking in the area is the Prospector Square parking regulations, and the 103 spots around the building are all accessible for the residential units. Mr. Louis pointed out that due to the design of the building on stilts, there will be 12 individual parking spots underneath the building, but those will not be exclusive for the residents due to the parking regulations of Prospector Square.

Mr. Louis presented the elevations and the requested height. He believed the proposed design optimizes the site for the demographics and for the surrounding area. To make it all work within the FAR, they were asking for a flat roof height exemption of 41'6". As shown on the model and on the elevations its height would not be for the entire building. The configuration of the building garners the view of PC Hill and over to the Resort. To comply with the development agreement with the Prospector Square Owners Association to provide 103 parking spaces, the building is designed on stilts, which means that the residential units start on the second floor, or at the Rail Trail elevation.

Mr. Louis stated that the units will be market affordable in the \$400,000 range. The units are smaller, green design, and promote alternative transportation. He reiterated that the targeted demographic is young professionals. They believe it improves Parking Lot F and it gives a true circulation to the parking lot itself. The project adds pedestrian walkways, landscaping and it increases parking. Mr. Louis noted that they were currently working with the City regarding the affordable housing requirement for 15% of the square footage.

There are concept drawings showing how the affordable housing would work with this design. Their desire is to include the affordable housing units on site.

Commissioner Band asked if the twelve parking spots under the building would be unassigned. Mr. Louis answered yes, because they cannot be assigned due to the Prospector parking requirements.

Commissioner Thimm asked whether the request for additional building height was under the purview of their discussion this evening or under the CUP. Planner Astorga replied that the MPD allows the Planning Commission to grant additional height if they can make specific findings to allow it. He clarified that a height exception cannot create additional square footage. It would be tied to the future MPD application after the pre-MPD is approved.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

Chair Strachan recalled that when Henry Sigg developed Lot G he had issues with connecting to the Rail Trail UDOT was the owner and there were also habitat protection issues. Hank Louis, representing the applicant, stated that they had letters from the DNR and the Army Corp of Engineers and everyone wants the connection.

Chair Strachan clarified that the issue for discussion was whether or not this project complies with the General Plan. He informed the applicant that the height may be a problem in the future. Based on his review of the GC zone, it would difficult to meet the criteria for a height exception with a flat roof. Chair Strachan was comfortable with the rest of the project and he welcomed it to the Prospector neighborhood because it was due for some infill.

Commissioner Joyce stated that he was trying to justify the height exception. He gave the applicant the challenge of proving whether or not they could justify the height exception. Commissioner Joyce was not convinced that having to put parking underneath the building to satisfy the agreement for 103 spaces was enough justification to support the Code criteria. Commissioner Joyce asked if keeping the affordable housing within the project included the ten units or if it would be additional units. Mr. Louis stated that currently there was a difference of opinion between the Planning Staff and the Prospector Square Property Owners Association. In his opinion, the ideal solution would be to include the affordable housing in the building, making the project 12 units, with two deed restricted full

affordable housing units per the Affordable Housing Resolution. However, there is a different of opinion of the requirement of affordable housing due to the Prospector Square overlay, and how much the LMC applies. Mr. Louis stated that the applicant was currently working through the process. He had asked Planner Whetstone and the City Housing Specialist, Rhoda Stauffer to provide their opinion so they can begin discussing it with the Prospector Square Property Owners Association.

Chair Worel stated that if the two affordable housing units were added, whether additional square footage would be added to the building, or whether the square footage would be taken from existing units. Mr. Louis replied that they would add square footage to accommodate the two units; however, per the Affordable Housing Code, the deed restricted units would not be counted in the FAR. Therefore, the project would still be under the FAR but the square footage of the global project would be increased.

Commissioner Joyce assumed that adding square footage without cutting into the square footage of the ten units would result in more height. Mr. Louis stated that it would extend the building but it would not be higher.

Commissioner Thimm understood that it would be additional fourth level space. Hank Louis stated that they would call it a third level. He noted that there was a flood plain issue and they were actually trading parking lot for parking lot or asphalt for asphalt on the ground level. He stated that architecturally they cut down the mass in order to alleviate the height situation. Without the height exception they could build a box, but he did not think that would be pleasing to anyone.

Chair Strachan pointed out that the applicant and the Planning Commission would be having those discussions during the MPD process.

Commissioner Thimm was concerned about the height and how it complies with the LMC. From the model and some of the images shown he thought it appeared to be a clean, contemporary design. Commissioner Thimm stated that the LMC purpose statement speaks about embracing the Resort feel, and he questioned how this very contemporary, clean line structure would meet that purpose. Mr. Louis stated that his first response to the Resort feel would be the actual use of the building itself versus the aesthetics of the building. The Resort feel is that people come to play. It is about recreation, being outdoors, active lifestyle and mountain lifestyle. Mr. Louis agreed that the design is contemporary, but that brings diversity to a community that spurs discussion and inspiration. The idea is to make sure that young professionals can live there and to promote the mountain living, outside lifestyle.

Commissioner Thimm stated that the same sentence in the LMC talks about creating distinct and diverse solutions. In terms of blending with the Resort feel, he asked if the applicant had talked about materials for the building exterior. Hank Louis replied that materials have been talked about, but they were not delving into it until they know whether or not they can even do this project. Mr. Louis stated that it would definitely be a Resort feel based on their interpretation. He recognized that their interpretation might be different from the Commissioners. Mr. Louis emphasized that they would definitely make it fit with the mountain community.

Chair Strachan stated that the discussion regarding modern contemporary buildings in Park City is an issue that the Staff and the Planning Commission have debated for many years. He thought it was an issue that the Staff should bring to the Planning Commission as a Work Session item. It is not fair to one particular applicant to voice that debate over a broader Park City in the context of a particular application. Chair Strachan felt it was important for the Planning Commission to determine where they stand on that issue so they can address when they are faced with specific applications that are modern and contemporary. In the last five years he has seen more and more contemporary designs come before them and it was time to have that discussion as a Planning Commission.

Planner Manager Sintz stated that the Prospect area is ripe for redevelopment and it does not have an identity. The City was working on a sense of place in this entire overall area. Ms. Sintz agreed that they were seeing a lot more different styles of architecture because people are getting tired of the standard model. She looks at this as a method of which Park City is on the cutting edge of defining new types of architecture for areas outside of the Historic District or areas that already have a context or defined restrictions. Ms. Sintz thought it was appropriate to relook at different architecture and building types that should be under broad consideration.

Commissioner Joyce pointed out that many of the contemporary designs being built have flat roof designs. He thought the Planning Commission should include height and different roof styles in their discussion to see if flat roofs make sense.

Commissioner Campbell felt that if the Planning Commission did not provide further direction that the project would languish for another fifteen years. He did not believe it was fair to send the applicant back with the nebulous that it might or might not be approved. The next generation of plans will be expensive and he thought the Planning Commission should give the applicant more specific direction.

Chair Strachan believed the Planning Commission would have provided that direction this evening if the noticing had been proper done and they could have had the CUP discussion.

Commissioner Campbell asked if the Planning Commission would agree to provide specific direction at the next meeting. The Commissioners agreed.

Commissioner Band thought it was nice to see an apartment building for the first time since the 1980s. She hoped they could find a way within the LMC to grant the height exception or make this project work because it is definitely needed in Park City. In terms of fitting in, she believed it fits well with the Carriage House across the street.

Commissioner Phillips liked this project and the idea of what they were creating. It is the live/work/play that they have all talked about and he hoped they could find a way to make it work because it would be good for Park City. He likes how it engages the Rail Trail and different modes of transportation. It fits the younger generation that will be living there. Commissioner Phillips stated that he personally would like to see more buildings engage the Rail Trail.

Commissioner Worel agreed with her fellow Commissioners. It is an exciting project and it is needed. She asked if the intent is to keep the units as apartments and not turn them into condos eventually. Ehlias Louis stated that the intention is sell them as condominiums. He clarified that if they were apartments the owner would hold and take revenue from the apartments. A condominium is where each unit is labeled as a separate tax ID so they could be sold individually under an HOA. Hank Louis hoped to have them as apartments and revenue property; however they were working on financial models to see how that would work. Commissioner Worel concurred with Commissioner Band that an apartment building was important in this town. She was excited when she thought this came before them as an apartment rather than condominiums.

Assistant City Attorney stated that whether the units are rentals or owned by individuals, the City cannot control or be involved in whether the developer rents the units or sells them. Commissioner Band understood that they were condominium units so they could be potentially be sold later on, but the plan is for the applicant to hold and rent them for a time. Hank Louis stated that it was what they would like to do. However, they intend to legally condominiumize the units from the beginning and it could be a hybrid. The units likely would be sold, but within a window of what would be affordable. Commissioner Band believed the correct term was attainable.

Commissioner Thimm thought this neighborhood could be characterized as eclectic and he thought this design fits nicely within that. He liked the attachment to the rail trail and the fact that it embraces views. He also like the fact that it was a four-sided building. As they press forward with materials, he suggested that they embrace what already exists at this location and what might be done in the future. Hank Louis stated that they were working closely with Alison Butz on how Prospector and Bonanza Park are moving forward.

MOTION: Commissioner Phillips moved to APPROVE the pre-MPD for Central Park Apartments located at 1893 Prospector Avenue. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Phillips to CONTINUE the CUP for Central Park Apartments located at 1893 Prospector Avenue to April 8, 2015. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact 1893 Prospector Avenue – Pre-MPD

1. On December 15, 2014, the Planning Department received a completed application for a pre- Application for a Master Planned Development (MPD) is located at 1893 Prospector Avenue.
2. The proposed MPD is for a ten unit residential building within the Prospector Neighborhood (Prospector Square).
3. Units range in size from 800 square feet to 1,010 square feet.
4. A phasing plan for this MPD is not necessary as the single building will be constructed in one phase.
5. The property is zoned General Commercial (GC) and residential uses require a Conditional Use Permit. The applicant has submitted an application for a Conditional Use Permit for residential uses to be reviewed simultaneously with this pre-MPD.
6. Access to the property is from Prospector Avenue, an existing public street. .
7. The site is described as Lot 25b of the Gigaplat replat of the Prospector Square Amended Subdivision plat. The lot contains 5,760 square feet.
8. A requirement for any Master Planned Development (MPD) is a pre-application public meeting and determination of compliance with the Park City General Plan and the GC zone.

9. The Land Management Code (LMC 15-6-4(B)) describes the pre-MPD application process.

10. The purpose of the pre-application public meeting is to have the applicant present preliminary concepts and give the public an opportunity to respond to those concepts prior to submittal of the MPD amendment application.

11. The property is located in the Prospector neighborhood, as described in the new Park City General Plan. The proposed MPD proposes energy in the Prospector Neighborhood section of the General Plan.

12. Small Town Goals of the General Plan include protection of undeveloped land; discourage sprawl, and direct growth inward to strengthen existing neighborhoods. Alternative modes of transportation are encouraged.

13. This neighborhood is identified as a Development Node. The proposed MPD includes small, energy efficient residential units that support the desired mix use neighborhood concepts by providing smaller residential units that are in close proximity to employment, retail, dining, recreation, trails, schools, and the bus system. The development is proposed on an existing development lot as infill development. The elements of the proposed development support goals identified in the Small Town sections of the General Plan and maintain the general character of Park City.

14. Natural Setting Goals of the General Plan include conserve a healthy network of open space for continued access to and respect for the natural setting. Goals also include energy efficiency and conservation of natural resources.

15. The proposed MPD is located on an infill property that is an existing platted development lot of record. The proposed MPD proposes energy efficient construction, green roofs, and connections to the trails and open space areas. The close proximity to employment, retail, dining, recreation, trails, schools, and the bus system support goals identified in the Natural Setting section of the General Plan. Additional information related to “green building” strategies for the proposed buildings will be addressed with the MPD application.

16. Sense of Community Goals of the General Plan include creation of diversity of housing, including affordable housing; provision of parks and recreation

opportunities; and provision of world class recreation and infrastructure to host local, regional, national, and international events while maintaining a balance with the sense of community.

17. A primary reason for the proposed MPD is to provide energy efficient, smaller more affordable housing units in close proximity to employment, retail, dining, recreation, open space, trails, schools, and the bus system. The MPD creates a diversity of housing for Park City and contributes to the sense of community by providing housing for full time residents.

18. On March 25, 2015, the Planning Commission held a public hearing and discussed the pre-MPD for the residential project at 1983 Prospector Avenue.

Conclusions of Law – 1893 Prospector Avenue – Pre-MPD

1. The preliminary MPD plans for the 10 unit residential building proposed to be located at 1893 Prospector Avenue, within the Prospector Neighborhood and the General Commercial (GC) Zone, comply with the Park City General Plan and are consistent with the General Commercial (GC) zoning.

3. **1345 Lowell Avenue – Amendments to Master Planned Development and Mountain Upgrade Plan; and Conditional Use Permits – Proposed Interconnect Gondola between Canyons and PCMR & Snow Hut on-mountain restaurant expansion** (Application PL-14-02600)

Chair Strachan recused himself and left the room. Vice-Chair Joyce assumed the Chair.

Planner Astorga noted that the Planning Commission would be reviewing the MPD Development Agreement and the Mountain Upgrade Plan, as well as a conditional use permit at Park City Mountain Resort for the Interconnect and expansion to the Snow Hut. He reported that the Planning Commission had an extensive discussion regarding this application on February 25, 2015.

Planner Astorga showed the updated rear or west elevation of the Snow Hut as requested by the Planning Commissioner at the last meeting. Commissioner Thimm stated that he had raised the issue at the last meeting and he appreciated the revisions that responded to his suggestion to wrap it around. He believed that making it a four-sided building was a great response. Commissioner Thimm stated that keeping the base of the building as snow piles up against it was logical and he appreciated the applicant's efforts.

Planner Astorga stated that employee housing, historic preservation and trails were the next items for discussion. He remarked that the Staff has been working with the applicant on certain conditions of approval. A copy of the latest version of the conditions of approval as stipulated by the applicant was sent to the Planning Commission.

Planner Astorga commented on employee housing. He noted that during the last meeting it was recognized that PCMR was behind on providing employee housing, but that the employees the housing was specifically for was tied to base development. Therefore, the condition of approval reads, "Unless Section 2.2 of the Development Agreement is satisfied, specifically regarding Parcel A...." The first option is for the applicants to catch up with the employee housing before the next MPD/CUP for base development. He stated that currently the DA indicates all of the units as off-site employee housing. Therefore, a sentence was added stating that if that requirement was amended to have on-site employee housing, the applicant would have to get approval from the Housing Authority. If the applicant did not move forward with that option, they would have to come back with an affordable housing plan subject to the Park City Housing Authority. Planner Astorga reiterated that the three options were currently tied to the specific Condition of approval.

Planning Manager Sintz clarified that the requirement was for 23 employees; not 23 units. The Staff had modified the Findings and Conditions to reflect that. Planner Astorga stated that he would review the amended conditions at the end of his presentation.

Commissioner Band wanted to know how many units would be provided to accommodate 23 employees. Planner Astorga believed it would vary depending on the plan the applicants would submit for employee housing. Planner Sintz noted that 23 employees was based on the original language.

Planner Astorga stated that Condition of Approval #4 related to Historic Preservation. He reported on a commitment from Vail Resorts, identified in Section A) of the Condition of Approval, "Identify historically significant structures within the PCMR Development Agreement property by October 1st, 2015; B) complete the inventory of historically significant structures and the preservation and restoration plan for such structures." He believed the exact wording came from the 2007 Annexation Agreement. Planner Astorga stated that the C) portion of Part 1 is that by March 25, 2016, to dedicate or secure specific preservation easements. That language also came from the 2007 Agreement.

Planner Astorga remarked that the second part states that "In addition, by October 1st, 2015, the developer, under the PCMR Development shall contribute a total of \$50,000 towards preservation of the prioritized historically significant structure on the PCMR Development Agreement property as approved by the Planning Department preservation planner." The Condition reads, "or they propose a five-year capital fundraising plan

dedicated towards restoration, stabilization of the historically significant structures.” A disclaimer at the ends states that nothing changes the stipulation from the 2007 Agreement.

Planner Astorga stated that the last item was Trails. An updated Exhibit P tied back to a version of the 2008 Trails Master Plan and the 2007 Annexation Agreement. Public trails that existed at the time of the Annexation in 2007 were added to the Park City Master Trails Plan in 2008. Planner Astorga noted that the developer was still finalizing a survey of the entire property of their acquisition and ground lease of the property. A final trails plan must be submitted and evaluated as part of the next application for a small scale MPD, under those specific Development Agreements for Parcels A through E, which is tied to base development. It will help determine which trails are required to be dedicated to the City. Planner Astorga noted that this was the current trails Condition of Approval.

Planner Astorga stated that an exhibit was added regarding construction access which came as an email from Tim Beck with Vail Resorts. Planner Astorga remarked that Vail would have to work with the Building Department since that part of the process is governed by the construction mitigation plan. The Staff provided the exhibit so everyone would understand the access roads and number of trips.

Planner Astorga reported that the Staff was supportive of the proposed amendments to the MPD, the Development Agreement and the Mountain Upgrade Plan. The Staff recommended that the Planning Commission conduct a public hearing and consider approving this specific request.

Planner Astorga stated that prior to a motion he would like the opportunity to amend some of the Findings of Fact.

Vice-Chair Joyce noted that employee housing, historic preservation and trails were the issues raised at the last meeting. He asked the Commissioners if additional items needed to be addressed. The Commissioners had no other issues.

Blaise Carrig, representing Vail Resorts remarked that they had worked with the Staff on the issues that were raised. He noted that trails came up later in their discussions, but Vail has agreed to recognize and comply with all the requirements of the previous Development Agreement. Mr. Carrig stated that they also need to identify any other trails that may have come on since that time and have to be added as well. Mr. Carrig remarked that the most difficult issue was historic preservation. Vail Resorts still questioned the extent of their obligation and believes it falls with the Development Agreement for Flagstaff. Understanding that preservation still needed to be done, Vail agreed to take on the requirement of the Development Agreement to on inventory and preservation plan. They

intend to get input from all the involved parties so the Plan will fulfill what everyone wants and agrees to. Mr. Carrig stated that there was also a requirement for easements for those sites, and Vail Resorts will get those easements done. They reached out to Talisker to see what had been done on their part, and Talisker agreed that not all of their obligations were met. Vail Resorts and Talisker agreed to work together to determine how to move forward. Mr. Carrig remarked that the prior Development Agreement did specify who would do what. Therefore, the \$50,000 would cover emergency work on the sites that need to be stabilized immediately. They have also agreed to enter into a capital fundraising program for five years to take care of issues identified in the future. Mr. Carrig appreciated the cooperation between the Staff and the Vail team to resolve the issues.

Vie-Chair Joyce opened the public hearing.

Planner Astorga reported that the Staff received two public input letters after the Staff report was published. Copies were provided to the Planning Commission.

Hans Fuegi, a long-time resident and business owner in Park City, stated that it was only six months ago that the community was on edge wondering about the lawsuit between Park City Mountain Resort and Vail. Fortunately, the two parties came to agreement and they found someone to operate the Resort who has done a remarkable job in a short time. Vail is now willing to spend \$50 million to improve the resort and connect PCMR and the Canyons. Mr. Fuegi understood that the Planning Commission could not rubber stamp an application, but he encouraged them to do whatever they could to approve this application so it could move forward as quickly as possible. Vail Resorts has an ambitious timeline to build the Gondola and improve the Snow Hut, and he believed everyone, particularly the business community, would appreciate it if they could meet their goal.

Sally Elliott, stated that preservation of the mining structures at the Mountain Resort are paramount. Telling their stories to guests and sharing their heritage is personally important to her. Ms. Elliott remarked that she has been working for years with United Park City Mines and others to preserve these fabulous relics of Park City's mining history. She believed they have come to a place where Vail has committed to upholding the requirement to stabilize those structures and keep them for future skiers to enjoy. Ms. Elliott stated that \$50,000 is a "drop in the bucket" but Vail is willing to work with Park City. She urged the Planning Commission to approve whatever they can to help the community preserve the mining structures and their stories. Having the easements is significant because this is the first time they have come even close to acquiring those easements, and having a partner in preservation has never been an option because United Park City Mines wanted to limit their liability. Ms. Elliott stated that she would personally join whatever efforts are made to help tell the story, raise the money, provide the opportunities and continue to hold hands with Vail as they try to preserve the story they have purchased.

Charlie Sturgis, with Mountain Trails Foundation, stated that two months ago the Vail/PCMR Group took the time and effort to contact Mountain Trails and talk about the impact to the trails systems during the summer construction period. Mr. Sturgis remarked that Mountain Trails Foundation feels comfortable about having a low impact season and to have an extensive communication plan that would notify the public quickly on construction issues that might close a trail or pose safety issues. Mr. Sturgis stated that the PCMR/Vail group has a strong commitment to minimize the impacts as best as possible. They are also credibly aware of how much the trails are used. He looked forward to working with the PCMR/Vail group.

Sandra Morrison, with the Park City Historic Society and Museum, noted that the community obviously recognizes how valuable these historic structures are in linking to their mining past. She thanked Bill Rock, with PCMR, for recognizing their value and for reaching out to the Historical Society and Museum. Ms. Morrison stated that the Annexation Agreement included an update of the historic preservation plan for the historic structures in the annexation area, but it had problems and eight years later nothing has been done. Mr. Morrison passed around photos to show the deteriorated conditions of the historic structures, and how some were being held up by strapping and pole shores. Ms. Morrison appreciated the Staff and Vail Resorts for drafting new language. She received it at 5:00 today and was not able to review it thoroughly. Ms. Morrison noted that she had submitted a letter on Monday with some suggestions. In looking through the new language, she hoped her suggestions could be incorporated into the proposed condition. She was confused with language stating that the preservation plan would only encompass those structures that are confirmed to be located within the property either owned by Vail or held by Vail pursuant to its ground lease from Talisker. She has never seen the lease and has no idea what it says, but it potentially excludes all of the historic structures. Ms. Morrison suggested deleting all the words in parenthesis because she did not believe it met the intention of the 2007 Annexation Agreement. She asked if the Staff or the Planning Commission had seen the lease.

Planner Astorga stated that the Staff has not seen the lease. However, they felt comfortable with the language because the lease area is the only area that Vail has control over. Bill Rock clarified that they were trying to define the structures that sit within that leased area. They already know there are five or six structures. Planner Astorga stated that the Staff did a quick analysis, and they might define them differently. The Staff counted approximately 40 structures in the perceived lease area, however, they are reluctant to say an exact number until they see the survey. At that point, they will have an exact identification of each historic structure.

Ms. Morrison understood that by definition, a lease holder, which would be Talisker, has no control of the property, and that the tenant, which is Vail, would assume responsibility for maintenance of all the property.

Mr. Rock stated that Talisker is not the owner of the land. TCFC is the entity that owns the property. Talisker is a separate entity. Mr. Rock explained that Vail leased the annexed property from TCFC and it has a boundary. The Talisker land is much greater and Vail has no control over that land. They only have control over the land that they actually lease. Defining that and which historic entities are on that land is the first step. Mr. Rock noted that they started out with \$50,000 but it may be more. They had not put a limitation on the cost. Mr. Rock stated that they committed to doing the inventory because the inventory that was done in the past did not satisfy anyone. Vail wants to make sure that this inventory satisfies the scope and how to reach the final answers because there has been deterioration since the Annexation. He emphasized that Vail is willing to step up and do the inventory to meet the obligation. The first step is to get an understanding of what needs to be done.

Ms. Morrison agreed. She was only suggesting that the language was not necessary in the condition of approval if they were only talking about the PCMR development agreement property.

Assistant City Attorney McLean suggested that the Planning Commission take public comment without a back and forth discussion between the public and the applicants. Following public input, the Commissioners or the applicant could respond.

Ms. Morrison reiterated that her first concern was that the lease excludes every historic structure, which puts them back at ground zero on how to achieve preservation of these beloved community assets. Ms. Morrison suggested adding language in the Condition requiring that the restoration plan should include meeting the Secretary of Interior Standards for treatment of historic properties. She also suggested a timeline for the preservation to be completed, especially given that a number of these structures will not survive another winter. Additional language in the condition of approval should require that building permits for stabilization measures be pulled for work to begin this summer. Ms. Morrison thought a capital fundraising campaign was a fabulous idea, but a timeline should be established for the restoration work before the structures deteriorate beyond the point of being able to be preserved. She thought five years was too long of a timeline and it should be tied to the priorities that are created within the plan.

Commissioner Campbell appreciated the Historical Society's work because it is a large part of what they were all trying to accomplish. He asked Ms. Morrison what she thought was a realistic expectation of what the Planning Commission should be asking for in terms of

number of structures to preserve. Ms. Morrison stated that in her letter she offered the Silver King Water Tanks, the King Con ore bin, the Jupiter ore bin, the California Comstock, and the King Con counterweight. She only offered those because the Museum has plans from a structural engineer already in place, which makes it possible to obtain a building permit to begin work this summer. Commissioner Campbell asked if Ms. Morrison was suggested that they limit their efforts to the five structures she identified. Ms. Morrison answered no. Her intent was to identify structures that could be started on this summer because the plans are in place and the costs estimates are known. She acknowledged that there may be other structures that might not survive another winter.

Commissioner Nann asked for a ballpark cost estimate on the five structures that Ms. Morrison had identified. Ms. Morrison stated that the structural engineer and the Park City Historical Society believe the preservation plan could be done by this Fall at a cost between \$50,000 and \$60,000, depending on whether or not an architect needs to be involved. The cost to stabilize water tanks C & D was estimated at \$100,000. The tank that is tied to the tree is in the most jeopardy but the two are tied together.

Commissioner Thimm asked if the cost estimates were for a full restoration or short-term stabilization. Ms. Morrison replied that it was only for stabilization, but it would not be short-term. The structures will be stabilized to survive another twenty five to fifty years. Ms. Morrison stated that the cost estimate for the Jupiter ore bin and the King Con ore bin were \$20,000 each. The California Comstock was estimated at \$200,000.

Aimee McDonald, with the Kimball Arts Center, stated that as they value their roles as an art and cultural community agent, the Kimball appreciates that Vail has demonstrated to be a terrific community partner and how they value the role that art and cultures plays in this community. Ms. McDonald wanted to go on record in support of Vail.

Ron Butkovich embraces the opportunity to hold hands with Vail on this project. The historic structures are unbelievable and they need to be rescued. The City has been trying to get this down for many years and he hoped they could succeed this time and see progress made with these structures so they can survive.

Marianne Cone, stated that she previously ran the Museum. When they did the Silver King water towers on Silver Queen Road, it was done with equal participation from United Park City Mines, Park City Mountain Resort, and the City, and it occurred really quickly. Ms. Cone remarked that things can get done with cooperation.

Vice-Chair Joyce closed the public hearing.

Commissioner Worel wanted to know who would head-up the five-year capital fundraising campaign. Mr. Carrig stated that Vail would lead it. They would make capital contributions, as well as launching fundraising efforts to support it. Commissioner Worel thought it was a fantastic effort and recognized that it was a big job.

Commissioner Band was much more comfortable with this revised plan because she originally had serious concerns. She acknowledged the comments from the public that Vail has been a community partner. She thanked Vail Resorts for making the ski season a lot better. However, Commissioner Band felt that they were in a “buck stops here” situation. She was pleased that Vail was stepping up to preserve the historic structures and she liked the changes proposed, but it was important for her to see some timelines. Commissioner Band thought the structures that are in danger of demolition by neglect should be stabilized first, and there should be a timeline for each building on the plan, as well as a timeline for the plan in total. Commissioner Band suggested that the buildings that are not being restored should be checked each year until they are scheduled for preservation. She would like to see that tied into the base development, so if the structures are not taken care of the City would have some recourse. Commissioner Band requested tighter and more specific timelines in the Conditions of Approval.

Commissioner Thimm was unsure whether they could define a timeline until the survey was done. He thought the commitment to do the survey to establish priorities was important. Commissioner Thimm remarked that Park City has harsh winters and he could see the benefit in relooking at the structures annually to identify structures that further deteriorated over the winter. Commissioner Thimm believed that the overall timeline should be tied to the actual survey because without the survey they do not know enough to formulate a timeline.

Commissioner Phillips was encouraged by the progress that was made since the last meeting. He applauded the Staff and the applicant for their efforts to address all the concerns expressed at that meeting. Commissioner Phillips stated that the history is what makes Park City what it is. The mining history is important and he felt that the applicant understood its importance as well. To avoid delaying what Vail was willing to do to upgrade the Resort and begin a long relationship with the City and the citizens, he was willing to take a leap of faith knowing that Vail was in it for the long run.

Commissioner Campbell stated that he would like to someone to define a realistic number of the structures that should be maintained. He pointed out that the survey could come back with hundreds of items and it would be impractical to expect Vail to take care of all of them. Commissioner Campbell preferred to see a smaller number preserved perfectly as opposed to a hundred structures done half way.

Mr. Carrig stated that their goal for the survey and inventory would be to have the structures prioritized and to coordinate with the City's Preservation Specialist, the Museum and other interested parties. Once they have a priority list they could build a time frame off of it. Mr. Carrig noted that a condition of approval calls for coordinating through the Planning Staff's preservation team.

Commissioner Campbell believed Vail could understand that the Planning Commission was frustrated that promises were made by previous owners and nothing was done. In his opinion, the City also has some responsibility for the fact that the requirements were never carried out. Commissioner Campbell wanted to make sure it was treated differently this time and he had every expectation that Vail would treat it differently. Commissioner Campbell asked how they could keep Vail moving forward on the upgrades while waiting for the inventory.

Mr. Carrig noted that the conditions specify a timeline for completing the inventory. They want to make sure they have the right scope and that they want to be thorough in getting the plan done. Mr. Carrig remarked that Vail will be working with the Planning Staff this summer to do some remedial work. Their commitment is to raise money every year for further stabilization over the next five years. Once the priority list is done they will establish the capital fund and work on those priority projects.

Commissioner Worel suggested setting a deadline for the prioritized list and timeline. She noted that in past projects the applicant has had to update the Planning Commission after a certain period of time. She thought lack of monitoring and oversight was the reason why these things fell through the cracks and were never done.

Commissioner Band liked Commissioner Worel's suggestion, but she felt an obligation to have consequences if things are not done this time and in a timely manner.

Planning Manager Sintz noted that Item B in the Condition of Approval states that the preservation and restoration plan would be completed and confirmed by March 25, 2016. Ms. Sintz pointed out that Vail has committed \$50,000 towards the preservation of the prioritized endangered sites prior to October 1, 2015.

Commissioner Band was concerned that the \$50,000 may not be enough. She was looking for cooperation and communication. If Vail spends their \$50,000 to shore up what they can, but if it looks like something else is in danger, they would check communicate with the City and others to find a way to fix it before the ski season starts. Commissioner Band wanted less promises and more actionable items.

Vice-Chair Joyce read a statement in the conditions, "To be located within property either owned by VR CPC holdings or held by VR CPC holdings pursuant to this ground lease...." He understood it was the land Vails control, but he wanted to make sure it was all the right land and not part of the right land. Vice-Chair Joyce thought it was a lot of legalese and he was unsure what it all meant and whether it applied to the correct areas.

Mr. Carrig stated that it was the entire ski area lease but it was not crafted around the historic structures. It is the area leased to operate the ski area. It is a large boundary mass but it excludes the development land of Flagstaff.

Vice-Chair Joyce wanted to hear from the City Legal Staff whether they were comfortable with the language and that it was 100% of the leased land.

City Attorney Mark Harrington stated that the Legal Department was comfortable that it captures the portion that Vail controls. He stated that they kept the last sentence so regardless, the original provision is still operative and enforceable. The Condition as it applies to all the annexed area still applies.

Vice-Chair Joyce noted that land that was part of the Flagstaff agreement likely has a number of historic sites. He wanted to know what the City was doing to pursue an equivalent set of agreement from the people who were responsible for doing this seven years ago. Commissioner Joyce assumed that Flagstaff Development still exists in some form.

City Attorney Harrington stated that the Planning Staff would continue to follow up with Flagstaff and their successors and interests as best as possible. Mr. Harrington stated that historic preservation is a double-edged sword in terms of enforcement, particularly on structures that are well passed any degree of habitability. Once they get into enforcement the options are more than just to preserve. The City balances those options with a carrot and stick approach with nudging and a grant program, as well as any other resource available.

Vice-Chair Joyce noted that work was planned on the most endangered structures this summer, and he asked if there would be any issues if the easements were not in place. Mr. Carrig stated that it would not prevent them from doing the work because they still have access.

Vice-Chair Joyce asked if the Commissioners had issues or changes regarding historic preservation. Commissioner Band asked Assistant City Attorney to help draft language that would require the applicant to update either the Planning Department or the Planning Commission at the end of the summer so if other structures deemed pertinent still need to

be stabilized they can work together on a plan of action. City Attorney Harrington suggested adding a parenthetical at the end of Subsection B ending with “by March 35, 2016, (upon completion of the restoration plan, the applicant will return to the Planning Commission and give a report, including prioritization, an annual check-in proposal, and progress report.)”

Commissioner Worel thought the sentence was needed, but she did not believe it addressed the structures that might fall down before the start of the ski season. Mr. Harrington stated that that was the reason for adding the language, that the Staff will immediately address the prioritization and has to approve the acceptance of that plan with the prioritization in it. He noted that the Staff is better at preservation plans than they were ten years ago and getting those typical requirements in the plan is expected. Mr. Harrington stated that they did their best to get an affirmative statement by the applicant, which is harder to enforce moving forward. That was the reason for going with an approach they felt was enforceable but also balanced the fact that they could not have all the language they wanted from the existing development agreement. Mr. Harrington believed that all five of the elements were a good “bird in the hand” towards a new partnership, which is why the City accepted it.

Commissioner Band wanted to know what recourse the City had if the deadlines are missed and nothing happened. Mr. Harrington stated that they could stop the processing of any base area applications. If any of the deadlines pass and the applicant has not obtained the CO's on any active permits, those could be withheld pending the fulfillment of these conditions of approval. Mr. Harrington thought it was important for the Commissioners to understand that development is the trigger. The conditions of approval have to be reasonably related to the impact of the development permit being issued.

Commissioner Campbell asked if they could specifically state in Section 4 that it is tied to the small scale MPD application, using the same language from Section 3. Mr. Harrington stated that they have performance ability with the hard deadlines. He believed that hard deadlines have more teeth than a subsequent application that may not occur. Mr. Harrington was not opposed to adding the language, but he cautioned the Planning Commission that sometimes people interpret that as being able to modify.

Vice-Chair Joyce called for discussion on Employee Housing. He believed he understood the intent, but again it was a lot of legalese. Vice-Chair Joyce understood that there was a requirement based on Parcel A to house 23 employees. That requirement is still in place but the housing was never provided. Vice-Chair Joyce stated that one option is for the housing to be provided before the applicant could bring forth the next MPD application. However, another option allows the applicant to work with the Park City Housing Authority to devise a new plan and incorporate it as part of a proposal for base development. If

there is agreement, it would replace the original plan for employee housing that is tied to Parcel A. Planner Astorga replied that this was correct. He noted that currently the Development Agreement ties it to off-site employee housing. Therefore, if Vail Resorts wanted to provide the housing on-site, they also have a third option to go back to the Housing Authority for an amendment to put it on site.

Vice-Chair Joyce asked if that type of an agreement with the Housing Authority would come back to the Planning Commission. Planner Astorga believed the decision is with the Housing Authority and it would not come back to the Planning Commission.

City Attorney Harrington stated that it was a little of both. The Planning Commission has the final approval of the site plan. If the proposal includes on-site employee housing, it would go through the same regulatory approval under the site plan. However, an amendment to the actual housing plan would be under the purview of the Housing Authority.

Vice-Chair Joyce understood that Vail was assuming an obligation that they were not a party to. His frustration was with PCMR who owed the employee housing, and with the City for not following through to make sure the requirement was met. Regarding the housing for 23 employee, Vice-Chair Joyce was concerned that they would be kicking the can further down the road if the applicant negotiates a new plan with the Housing Authority that may still be off-site. He was concerned that it would eliminate their ability to require compliance with the housing requirement before new applications could be submitted. City Attorney Harrington disagreed. He believed they would see a firmer commitment. Vice-Chair Joyce understood from the language that if the applicant comes to some agreement with the Housing Authority, it would eliminate the Condition that requires the applicant to provide employee housing before new applications could be accepted. Mr. Harrington explained that if the housing goes on-site, the applicant would have to propose it. Vice-Chair pointed out that there was no language to indicate that. Based his interpretation, a firm number of 23 employees could be changed and replaced with completion bonds and letters of credit, and nothing still gets done.

City Attorney Harrington stated that the Planning Commission has the purview to recommend to the City Council that the housing 23 employees should not be moved on-site; and therefore, the requirement would remain to provide the housing before the next application could be accepted. Mr. Harrington clarified that the Planning Commission has that authority, but he would not recommend it. His recommendation was having the ability to move all the units on-site, which means there would be a new due date. Mr. Harrington explained that if the 23 gets worked into the new application, it then has an affirmative security because the Bond is used to make sure the City can do the affordable housing if the applicant defaults.

Mr. Carrig stated that the intent was if it was more desirable to put the housing on-site, the applicant would include that in the application for development of the base area. As a guarantee that the housing would be provided, the applicant was willing to put a completion bond or a letter of credit upfront to prove their commitment.

Vice-Chair Joyce understood that it was different from a fee-in-lieu, but it still puts the burden on the City to build the affordable housing. The only difference is that it would be funded. Mr. Carrig stated that the bond could include building the employee housing on the area where it was approved. Vice-Chair Joyce stated that he would be more comfortable with that provision. He asked Mr. Harrington to suggest language that would address the concerns and use the completion bond in a way that forces the housing to be one per the plan. Mr. Harrington stated that the City had to convince Vail Resorts to have faith in accepting this because it went beyond what Vail had contemplated they were subject to. He stated that if the City Council negotiates and approves a different affordable housing plan, it would still be better than the 80 employee plan from 2000 that did not have any requirements in place. By being subject to the current Resolution and Code standards, those assurances will be in place. Mr. Harrington remarked that the Planning Commission could recommend the minimum elements of the housing plan, but the ultimate decision would be the Housing Authority in terms of weighing the pro and cons.

Vice-Chair Joyce reiterated that his only concern is that the teeth they had in terms of tying completion of the employee housing to acceptance of future applications was being softened by giving the applicant the ability to further delay the housing until future development. Mr. Harrington explained that the City would still have the control because they would have to affirmatively approve the amended housing plan.

The Commissioners thanked Commissioner Joyce and Mr. Harrington for their dialogue because it helped clarify it for everyone.

Vice-Chair Joyce asked if there were any questions or concerns regarding the Trails. He asked if there was a reason why the trails could not be done before the base development. City Attorney Harrington stated that it was a two-fold condition. One was to memorialize the existing public trails in existence at the time of Annexation. After triple-checking, they believe it was mostly fulfilled in terms of the adoption of the updated Park City Trails Master Plan. The second part is that what normally occurs at the MPD housing development is the transportation/site plan component. Trail exactions need to be reasonably related to the development activity such as trail corridors, the transportation plan, circulation, etc. That part of the analysis in the newly required trails, by definition, must occur when the residential/commercial development proceeds. It is tied to that development and it was meant to occur with the MPD Development as opposed to the continued operations of the

ski area. Vice-Chair Joyce thought this was already triggered by the 2007 Annexation. Mr. Harrington noted that the existing condition of approval actually says that any new trails will be addressed at any subdivision, annexation plat, or MPD amendment. That aspect was carried forward in the revised condition.

Commissioner Band noted that Mr. Sturgis in his public comment informed the Commissioners that Vail pro-actively reached out to Mountain Trails Foundation.

Planner Astorga reported on minor changes to the Findings of Fact. Finding of Fact 40, he added “no additional parking at the base”. Findings 116 and 118 were revised to say 23 employees, not 23 units. Those were the only changes in addition to the revised Conditions of Approval 3, 4 and 5 as discussed this evening.

MOTION: Commissioner Phillips moved APPROVE the Master Planned Development, the Development Agreement and Mountain Upgrade Plan Amendments and Conditional Use Permit for the Park City Mountain Resort based on the Findings of Fact, Conclusions of Law and Conditions of Approval as amended. Commissioner Worel seconded the motion.

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

Findings of Fact – MPD

1. The site is known as Park City Mountain Resort.
2. The site address is 1345 Lowell Avenue.
3. On December 23, 2014 the applicant submitted a request to amend the existing Master Planned Development & Development Agreement.
4. The current application is an amendment to the Mountain Upgrade Plan for the Interconnect Gondola and expansion of the Snow Hut on-mountain restaurant AND an amendment to the Park City Mountain Resort Master Plan Development (MPD) to satisfy requirements of the 2007 annexation which requires the addition of the upper mountain ski terrain to PCMR’s original MPD.
5. A Ski Lift is listed as a Conditional Use Permit (CUP) in the ROS District. CUPs are reviewed and approved by the Park City Planning Commission.
6. In June 1997, the Park City Planning Commission approved the Park City Mountain Resort Large Scale Master Plan.

7. The Development Agreement was recorded with the County in July 1998.
8. The approved Master Plan includes development according to the PCMR Concept Master Plan and conditions of approval.
9. The conditions of approval include development of skiing and related facilities identified in the Mountain Upgrade Plan.
10. In March 2007, additional Park City Mountain Resort ski terrain was annexed into Park City Municipal Corporation known as the Annexation Agreement for the United Park City Mines Company Lands at Park City Mountain Resort.
11. The annexation indicated that the next Development Activity Application or amendment under the PCMR MPD must add the PCMR lease land annexed to the PCMR MPD.
12. In conjunction with the other amendments the applicant requests to fulfill the requirements of the annexation by incorporating PCMR's upper terrain into the PCMR Master Planned Development & Development Agreement.
12. In conjunction with the other amendments the applicant requests to fulfill the requirements of the annexation by incorporating PCMR's upper terrain into the PCMR Master Planned Development & Development Agreement.
13. The Mountain Upgrade Plan was recorded with the Development Agreement and identifies the background/methodology, design criteria, existing ski resort facilities, Mountain upgrading plan, future expansion potential, and conclusion.
14. The amendment of the Mountain Upgrade Plan includes the construction of those portions of the interconnect lift with Canyons Resort, and related lift towers, ski trails, terminals, buildings, infrastructure, and related appurtenances located in Park City.
15. The interconnect gondola is not specifically referenced in the Mountain Upgrade Plan, the terrain in which the lift is proposed is already designated in the Mountain Upgrade Plan for future ski pod development.
16. The proposed interconnect gondola will connect Park City Mountain Resort and Canyons Resort.
17. The amendment of the Mountain Upgrade Plan also includes the expansion of

the Snow Hut on-mountain restaurant.

18. The improvement and enlargement of the Snow Hut is to improve mountain guest services.

19. The Planning Commission held a public hearing and reviewed this request on February 25, 2015.

20. During the February 25, 2015 Planning Commission meeting staff requested discussion by the Planning Commission on four items: building height, parking, employee housing, and historic preservation.

21. The purpose of the Master Planned Development Amendment application public meeting is to have the applicant present their amendments and give the public and Planning Commission an opportunity to evaluate those amendments in accordance with the applicable code criteria.

22. The proposed amendment to the Development Agreement does not change approved densities.

23. The site is not located in the HR-1 or HR-2 District. The proposed amendments take place with the areas shown in the Mountain Upgrade Plan, located in the Recreation and Open Space District (zone).

24. The proposed amendments are not nearby the exterior boundary of the MPD with the exception of the interconnect line.

25. The Snow Hut on-mountain restaurant and the PCMR interconnect line terminal are a minimum of 2,000 feet from PMCR perimeter.

26. Open space is established by the approved MPD. Of the approximately 3,700 acres in the ski resort, nearly 95% of the property is considered recreation/open space (i.e. trails and forested areas).

27. The proposed projects will not materially affect the required open space.

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

29. The Developer shall comply with the parking mitigation plan. This plan shall be reviewed and modified, if necessary, as a part of the Small Scale MPD (CUP) for each phase to evaluate transit alternatives and demonstrated parking needs.

30. If, in practice, the parking mitigation plan fails to adequately mitigate peak day parking requirements, the City shall have the authority to require the Resort to limit ticket sales until the parking mitigation plan is revised to address the issues. The intent is that any off-site parking solution include a coordinated and cooperative effort with the City, other ski areas, the Park City School District, Summit County, and the Park City Chamber/Bureau to provide creative solutions for peak day and special event parking.

31. The replacement of the Snow Hut does not affect skier capacity and subsequently does not affect parking requirements.

32. Skiers and riders are already on the mountain during operations, and the replacement Snow Hut Lodge is designed to significantly improve service at a major connection area in a central area of the ski resort.

33. The Interconnect Gondola functions only as an access/transfer lift between existing ski operations and has not been designed with round trip skiing on it. Given it is an access lift only between the two areas there is no skier capacity increase associated with it.

34. No additional parking is impacted by the Snow Hut on-mountain restaurant expansion.

35. The applicant indicated that in 2014 the Snow Hut has 154 indoor seats and 200 outdoor seats.

36. The Mountain Upgrade Plan called for several items in the conclusion of Section III - Existing Ski Resort Facilities, one of which was to position additional on-mountain seating to accommodate existing and upgrade facilities.

37. The Mountain Upgrade Plan indicated that the Snow Hut needed additional seating based on the seating requirement summary based on logical distribution of the CCC. As indicated in the document in 1997, the Snow Hut had 168 indoor seats available but should have 414 indoor seats.

38. The applicant currently proposes to increase the indoor seating from the 168 indicated in 1997 to approximately 500 and the outdoor seating to stay the same at approximately 250 seats (indicated in 1997).

39. The net increase, from what was necessary in 1997, is 86 seats, which is 21% above the required number of seats.

40. The increase of 86 indoor seats (1997) from the identified CCC necessitates no additional parking at the base since the skier capacity is not affected.

41. Skiers are already on the mountain during operations and the CCC remains unchanged.

42. The proposed Interconnect Gondola does not need more parking as it functions only as an access/transfer lift between existing ski operations and has not been designed with round trip skiing on it.

43. The approved and recorded Development Agreement states that parking mitigation is reviewed at each Small Scale Master Planned Development (Conditional Use Permit) approval.

44. The review that occurred for "Parcel A," was satisfied, noting that no additional parking issues would be occurring until later phases were built-out at the base.

45. The applicant requests an increase in building height for the Snow Hut expansion.

46. In the ROS District no structure may be erected to a height greater than twenty-eight feet (28') from existing grade.

47. To allow for a pitched roof and to provide usable space within the structure, a gable, hip, or similar pitched roof may extend up to five feet (5') above the Zone Height, if the roof pitch is 4:12 or greater.

48. The majority of the proposed new building does not meet the maximum roof height, according to its corresponding roof pitch, of either 28 or 33 feet.

49. The corner on the left on the front elevation is approximately 52 feet above existing grade.

50. The corner on the right on the front elevation is approximately 68 feet above

existing grade.

51. The front elevation has the tallest points found on the proposed snow hut expansion.

52. When viewed from the side elevation, north, about a quarter of the building on the right meets the maximum of height 28/33 feet.

53. When viewed from the other side, south elevation, two thirds (2/3s) of the building from the left on the lowest form and about 1/3 of the ridge towards the left meets the maximum building height.

54. When reviewing the rear of the building, west elevation, the entire wall (rear façade) meets the maximum height.

55. The roof however, as indicated on the other elevations does not meet the height.

56. It is estimated that approximately 70% of the overall roof does not meet the maximum corresponding building height.

57. In order to grant building height in addition to that which is allowed in the ROS District, underlying zone, the Planning Commission is required to make specific findings Outlined in LMC § 15-5-5(F)(1)-(5).

58. The proposed 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.

59. Even though the building is indeed tall, not just in form but also due to the terrain (height measured from existing grade per Park City codes), the proposed building is a one (1) story building which maximizes sun-light exposure from the windows on the front, east elevation.

60. There is no density increase as the existing support commercial use for the restaurant does not require use of unit equivalents. A different design with the same capacity at height would result in greater site disturbance, grading and less architectural variation.

61. The proposed Snow Hut is remote from any other building.

62. The minimum setback for the building is 2,000 feet. No other structures, except ski lifts are within this area. No impact to view, solar access, shadows, or other criteria will occur.

63. The site is centralized in the upper mountain of the existing ski resort, and not generally visible from developed off-site locations in Park City. As a ski resort operation, the site will be re-vegetated with a proven seed mix.

64. The adjacent open space is designated ski terrain. With approximately 3,700 acres of ski terrain the proposed projects 17,200 square feet of footprint will have no effect on open space or its usability.

65. The proposed height of the building is the result of a combination of the single story accessible design and the roof design which does not shed snow to public areas or decks, and does not require heat taping in roof valleys or edges to prevent large icicle development.

66. The large glazed areas are designed to maximize solar gain in support of the project sustainability goals. Interruptions in the roof plane would interrupt snow shed and possible increase height with no purpose.

67. There are no other buildings within one-half mile to match roof façade or variations.

68. The proposed roof form maximizes sun-light exposure on the east elevation.

69. The proposed one (1) story structure meets the following Architectural Design Guidelines outlined in LMC § 15-5-5.

70. The Architectural Style and Motif is not prohibited by the LMC.

71. The proposed siding is not prohibited by the LMC.

72. The applicant proposes the following three (3) main exterior wall materials on the front and side elevations: 1. reclaimed board and batten; 2. horizontal chinked trestlewood; and 3. rusted corten ribbed siding. The applicant proposes concrete masonry unit (CMU) on the bottom half of the rear elevation.

73. Applicant proposes a dark green shingle roof and a metal standing seam for the two smaller shed roofs as seen on the rear, west elevation.

74. The combination roof shape is not listed under prohibited roof forms.
75. Window treatments are not prohibited by the code.
76. The applicant has not submitted plans regarding this provision.
77. The project shall fully comply with any provisions indicated in the LMC or approved MPD regarding lighting.
78. The applicant has not submitted plans regarding this provision.
79. The project shall fully comply with any provisions indicated in the LMC or approved MPD regarding trash/recycling enclosures.
80. The applicant has not submitted plans regarding this provision.
81. The project shall fully comply with any provisions indicated in the LMC or approved MPD regarding mechanical equipment.
82. LMC § 15-5-8 indicates the following regarding façade length and variations, following: Structures that exceed 120 feet in length on any facade shall provide a prominent shift in the mass of the Structure at each 120 foot interval, or less if the Developer desires, reflecting a change in function or scale. The shift shall be in the form of either a fifteen foot (15') change in Building Facade alignment or a fifteen foot (15') change in the Building Height. A combination of both the Building Height and Building Facade change is encouraged and to that end, if the combined change occurs at the same location in the Building plan, a fifteen foot (15') total change will be considered as full compliance.
83. The east elevation, front does not meet the façade façade length and variations requirement.
84. The façade is 140 feet long and does not provide a prominent shift in the mass of the structure.
85. The north and south elevations provide appropriate breaks, both horizontally and vertically (height) where a shift was incorporated in the design.
86. The west elevation, rear, meets the shift in the form of a fifteen foot (15') change in the building height.

87. LMC § 15-5-7 indicates that in some cases, the Planning Director, may vary from these standards if warranted by unusual or unique circumstances. This may result in variation from the strict interpretation of this section and may be granted by the Planning Director.

88. The Planning Director has reviewed the submitted plans and finds that the site is unusual and unique due to its remote location.

89. The Snow Hut is located on the mountain, accessible to skiers.

90. The location of the Snow Hut is not in a typical Park City neighborhood.

91. The intent of the façade length and variation criteria is to break up the massing of buildings so that they relate to the pedestrian scale.

92. The amount of glass on the front, east elevation, also helps mitigate the width of the building adding an aesthetically pleasing component.

93. When the Planning Commission grants additional Building Height due to a Site Specific analysis and determination, that additional Building Height shall only apply to the specific plans being reviewed and approved at the time. Additional

Building Height for a specific project will not necessarily be considered for a different, or modified, project on the same Site.

94. The additional height due to the specific site analysis is not detrimental and in compliance with applicable LMC standards regarding the height allowance.

95. The Snow Hut Lodge is located on the footprint of the existing building and against an existing hill side to maximize skier circulation in the area.

96. Placing excavated material on site will remove the reverse slope between the King Con run and the building location. Skier circulation down to the King Con lift will be improved by the site grading on Broadway and the new location of the building.

97. The Interconnect Gondola is located not to interfere with skier circulation and provides direct access to the Snow Hut Lodge.

98. No retaining structures are proposed. Site grading is minimized while providing an on-snow / no stairs access to Snow Hut.

99. Existing summer biking and hiking trails on the Park City Mountain Resort side of the project are avoided to extent possible. Within the Summit County portion of the site, the evacuation routes may cross existing biking / hiking trails within the terms of the property agreements with trail operators and landowners.

100. Snow storage is on-site. The building is designed to shed snow away from public areas and service doors.

101. Refuse and recycling will take place in the building footprint consistent with the sustainability goals of Park City Mountain Resort. Refuse removal will not change from current operations.

102. Transportation to the site is via lifts, skiing and snowboarding only. No public vehicle access is proposed.

103. Significant vegetation is retained and protected.

104. Vegetation removed for site grading consists mainly of existing ski runs grasses and brush. The lift line corridor will require tree removal but ground disturbance will only occur in lift tower areas, base terminal area and evacuation route construction.

105. The visual simulations have been conducted properly for review of viewshed and ridgeline protection. The terminal structure minimizes the intrusion on the ridgeline from either east or west sight lines.

106. The lift line impacts are reduced as it is below the sky line and in many places within a forested area.

107. A visual analysis from designated viewpoints has been submitted to illustrate the visual effects of the proposed lift system.

108. The interconnect gondola system, towers and terminals, and evacuation route in Thaynes Canyon are shown on the visual simulation from the designated viewpoints.

109. The location of the proposed Snow Hut building is also shown in the simulations.

110. All other elements of the Sensitive Land analysis for the original MPD remain in

effect and unchanged by this project.

111. The MPD Development Agreement states the following:
Developer shall construct or provide deed restricted off-site housing for 80 PCMR employees on or before October 1, 2003. The rental rate (not including utilities) for the employee housing will be determined by the City Council Housing Resolutions Establishing Guidelines and Standards, but will not exceed 1/3 of the employee's base gross wages. The rental rate shall be assured in perpetuity through deed restrictions in form and substance satisfactory to the City. Developer must commence construction or complete the purchase of housing to accommodate 80 employees within 90 days of receiving a Small Scale MPD which, in combination with previously granted Small Scale MPDs, represent approvals for a total of 50% of the total square footage of the Concept Master Plan. Developer must work expeditiously to complete the employee housing project(s). In no case shall Small Scale MPDs, which represent approvals for a total of 60% of the Small Scale MPDs within the PCMR Concept Master Plan, be issued until the required housing is available for occupancy. Park City will provide Developer a letter of compliance when it fulfills this requirement.

If there is a downturn in the market, and the Developer fails to obtain approval for 60% of the Small Scale MPDs within the PCMR Concept Master Plan, on or before October 1, 2003, Developer shall, at a minimum acquire, by lease or by purchase its proportionate obligation to produce employee housing, and shall offer such housing to employees at a price at or below Park City's applicable affordable housing rates and standards. For example, if only 40% of the Small Scale MPDs have been approved by October 1, 2003, Developer shall provide housing for 32 PCMR employees at the lesser of the City's Affordable Housing rate or no more than 1/3 of the employee's monthly income. Once Developer ultimately achieves the 60% Small Scale MPD approval, it must provide deed restricted housing for all 80 employees as detailed above.

112. The existing MPD contains the requirement for employee housing, this project does not change these requirements.

113. Employee housing is actually triggered ONLY by the receipt and approval of Conditional Use Permits (Small Scale MPD's) of the base area, "Parcels A - E."

114. As indicated in the Development Agreement, there was a trigger date of October 1, 2003, for 60% of the Small Scale MPDs (CUPs for each parcel), with an exception of a market downturn hit, which did take place.

115. Under this situation, the employee requirement was proportionally based on approved Small Scale MPD's (CUPs for each parcel).

116. The Planning Department calculates, Parcel A, the first and only approved Small Scale MPD/CUP for Marriott Mountainside/Legacy Lodge, accounted for approximately 334,000 total s.f. of the total 1,156,787 s.f. in the Large Scale Master Plan or 28.8% of 80 employee units required. This equates to 23 employees required after October 1, 2003.

117. Section 2.2 of the Development Agreement states, "In no case shall Small Scale MPDs...be issued until the required housing is available for occupancy."

118. No additional base parcels can be approved until the 23 employee housing is available and in use.

119. The employee housing requirement is not triggered by the requested amendment for on-mountain upgrades, updates, etc.

120. No child care is proposed in this application.

121. The project does not affect possible child care demands.

122. The City has received a map and list of known Physical Mine Hazards on the property.

123. A mine hazard mitigation plan has also been submitted to the City with appropriate mitigation. The map and mitigation plan are filed in the office of the City's Environmental Regulatory Program Manager and mitigation is scheduled to be completed by December 1, 2015.

124. Proposed development activity is not anticipated to encounter known historic mine waste.

125. The site is not within the soils boundary. In the event mine waste is encountered, it must be handled in accordance to State and Federal Law.

126. In accordance with LMC §15-8-5 (B)(15) and (C)(9), the prior applicants at the time of the 2007 annexation agreed to update the Preservation Plan submitted in 2000 for the additional annexed area.

127. The 2007 annexation included the following analysis in the February 1, 2007 staff report:

18. Historic and cultural resources. This annexation will include historic mining era structures within the Park City limits. The Silver King mine and other mining structures throughout the annexation area are more than 50 years old and would be considered to be historic structures due to the age of construction. No determination of historical significance has been made. Any changes to the historic buildings would require review by the Planning Department for compliance with the LMC preservation ordinance and Historic Design Guidelines. The Flagstaff Historic Preservation Technical Report will necessarily need to be amended to include those resources within the annexed area. The annexation therefore has a significant public benefit in the area of historic or cultural resources, in that several historic structures will be included within the City limits. If the structures are rehabilitated to building code, resort support uses could be permitted subject to a Conditional Use Permit.

128. Finding of Fact no. 7, of the 2007 annexation indicated that the proposed annexation protects the general interests and character of Park City including several historic mining era structures within the Park City Boundary.

129. The applicants agreed to update the mitigation as identified in the original Annexation Agreement regarding historic preservation:

Historic Preservation. The Historic Preservation Plan, at a minimum, shall contain an inventory of historically significant structures located within the Project and shall set forth a preservation and restoration plan, including a commitment to dedicating preservation easements to the City, with respect to any such historically significant structures. The head frame at Daly West site is historically significant.

130. The Annexation Agreement for the United Park City Mines Company Lands at PCMR tied the various agreements together.

131. This 2007 Annexation is conditioned upon the Amended and Restated Development Agreement For Flagstaff Mountain, the Talisker Conservation Deed Restriction and the Conservation Easement executed and recorded herewith. (Annexation Agreement paragraph 26).

132. The inventory is to be completed to comply with the 2007 Annexation and the Preservation and Restoration Plans are finished and approved by the City.

133. A Condition of Approval to this MPD amendment requiring completion of the

outstanding inventory and subsequent Preservation and Restoration Plans prior to the City accepting any application for base area development is to be added.

134. The Preservation and Restoration plans shall also indicate a stabilization timeframe for each site.

135. In accordance with LMC §15-8-5(C)(3), the prior applicants at the time of the 2007 annexation acknowledged numerous trails in the annexed area, and their public use through dedication to the Park City Master Trails Map. See exact language below:

5. Trails. Numerous trails exist on the annexation property. These trails will be available for public use subject to reasonable restrictions due to construction, maintenance, and environmental factors including wildlife and erosion. The existing and any newly required trails shall be added to the Park City Master Trails and as necessary dedicated to the City either on the Annexation plat or at the time of PCMR MPD amendment.

136. A Condition of Approval to this MPD amendment requiring trails language needs to be added to this approval.

137. The proposed Interconnect Gondola and Snow Hut on-mountain restaurant are not detrimental impacts of the Mountain Upgrade Plan.

138. The Interconnect increases accessible terrain as it connects PCMR with the Canyons Resort.

139. The Snow Hut expansion reduces the resort's restaurant seating deficiencies.

Conclusions of Law - MPD

A. The MPD Amendment, as conditioned, complies with all the requirements of the Land Management Code;

B. The MPD Amendment, as conditioned, meets the minimum requirements of Section 15-6-5 herein;

C. The MPD Amendment, as conditioned, is consistent with the Park City General Plan;

D. The MPD Amendment, as conditioned, provides the highest value of Open Space, as determined by the Planning Commission;

E. The MPD Amendment, as conditioned, strengthens and enhances the resort character of Park City;

F. The MPD Amendment, as conditioned, compliments the natural features on the

Site and preserves significant features or vegetation to the extent possible;

G. The MPD Amendment, 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;

H. The MPD Amendment, as conditioned, provides amenities to the community so that there is no net loss of community amenities;

I. The MPD Amendment, as conditioned, is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed.

J. The MPD Amendment, as conditioned, meets the Sensitive Lands requirements of the Land Management Code. The project has been designed to place Development on the most developable land and least visually obtrusive portions of the Site;

K. The MPD Amendment, as conditioned, promotes the Use of non-vehicular forms of transportation through design and by providing trail connections; and

L. The MPD Amendment has been noticed and public hearing held in accordance with this Code.

M. The MPD Amendment, 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.

N. The MPD Amendment, as conditioned, addresses and mitigates Physical Mine Hazards according to accepted City regulations and policies.

O. The MPD Amendment, as conditioned, addresses and mitigates Historic Mine Waste and complies with the requirements of the Park City Soils Boundary Ordinance.

Conditions of Approval – MPD

1. The project shall fully comply with any provisions indicated in the LMC or approved MPD regarding lighting, trash/recycling enclosures, mechanical equipment, etc.
2. In the event mine waste is encountered, it must be handled in accordance to State and Federal Law.
3. Employee Housing. Unless Section 2.2 of the Development Agreement is previously satisfied by the developer in an off-site location which shall include employee housing required by the development of Parcel A (the “Required Employee Housing”), or an

updated housing plan is approved by the Housing Authority, the Developer shall include as part of the next application for a Small Scale MPD/CUP approved after March 25, 2015 under the Development Agreement for Parcels A-E (the "Next Small Scale MPD Application") an affordable housing plan subject to Park City Housing Authority approval per the Housing Resolution in effect at the time of application for the Required Employee Housing and the employee housing required for the Next Small Scale MPD/CUP Application as determined by such resolution. Unless otherwise approved in the housing plan or previously satisfied, a completion bond or letter of credit in a form approved by the City Attorney will be required for the Required Housing as a condition of building permit issues for the Next Small Scale MPD. Nothing in this condition shall be deemed to relieve any owner or prior developer of Parcel A from any liability that may exist to the City, the Developer, or any future developers in the MPD for failure to comply with Section 2.2 of the Development Agreement.

4. Historic Preservation. In furtherance of assisting the developers in meeting their obligations under Section 2.9.3 of the Amended and Restated Development Agreement for Flagstaff Mountain dated March 2, 2007, the Developer under the PCMR Development Agreement shall, (a) identify historically significant structures within the PCMR Development Agreement Property by October 1, 2015, (b) complete the inventory of historically significant structures and the preservation and restoration plan for such structures, as located within the PCMR Development Agreement Property (provided such sites are confirmed to be located within the property either owned by VR CPC Holdings, Inc. or held by VR CPC Holdings, Inc. pursuant to its ground lease from TCFC LeaseCo LLC) by March 25, 2016; (upon completion of the staff approval of the preservation and restoration plan, the applicant shall come back to the Planning Commission to report on the prioritization, annual check-in schedule and progress report on work complete to date) and (c) no later than March 25, 2016, dedicate and/or secure preservation easements for the historically significant structures (or reasonably equivalent long-term rights satisfactory to the City if easements are unavailable) for the City with respect to the identified sites within the PCMR Development Agreement Property. In addition, by October 1, 2015, the Developer under the PCMR Development Agreement shall contribute a total of \$50,000 towards the preservation of the prioritized historically significant structures on the PCMR Development Agreement Property as approved by the Planning Department/Preservation Planner, and propose a five (5) year capital fundraising plan dedicated towards restoration/stabilization of the historically significant structures. Nothing herein shall release the original Flagstaff Mountain Developer (e.g., United Park City Mines) or current property owner from any existing obligation under the Ordinance 07-10, and all related agreements including the Amended and Restated Development Agreement for Flagstaff Mountain dated March 2, 2007.

5. Trails. Public trails existing at the time of annexation in 2007 were added to the Park City Master Trails Plan in 2008 as depicted on Exhibit P. Developer is finalizing survey and other closing matters with regards to their acquisition and ground lease of the property. A final trails plan shall be submitted and evaluated as part of the next application for a Small Scale MPD/CUP approved after March 25, 2015 under the Development Agreement for Parcels A-E (the "Next Small Scale MPD Application") to determine which existing trails or any newly required trails are required to be dedicated to the City. Unless such trails are previously dedicated by plat/subdivision, prior to the issuance of a Certificate of Occupancy for the Next Small Scale MPD Application, the Developer and any other necessary owner/party shall execute an irrevocable offer of dedication or easement in compliance with the requirements of Section 5 of the Annexation Agreement which remains in full force and effect, and states: Numerous trails exist on the annexation property. These trails will be available for public use subject to reasonable restrictions due to construction, maintenance, and environmental factors including wildlife and erosion. The existing and any newly required trails shall be added to the Park City Master Trails and as necessary dedicated to the city either on the Annexation plat or at the time of PCMR MPD amendment.

Findings of Fact – CUP

1. LMC § 15-4-18 indicates that the location and use of a passenger tramway, including a ski tow or ski lift, is a Conditional Use.
2. CUPs under this section shall be issued only after public hearing before the Planning Commission, and upon the Planning Commission finding that all the following conditions can be met.
3. The interconnect complies with the Ownership of Liftway and Public Purpose criteria.
4. The interconnect complies with the Width, Utility Clearance, Liftway Setback, State Regulation, criteria, as conditioned.

Conclusions of Law – CUP

1. The application complies with all requirements of the Land Management Code.
2. The use will be compatible with surrounding structures in use, scale, mass, and circulation.
3. The use is consistent with the Park City General, as amended.

4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval – CUP

1. All Standard Project Conditions shall apply.

2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.

3. A final utility plan, including a drainage plan for utility installation, public improvements, and drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers prior to issuance of a building permit.

4. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.

5. A final landscape plan shall be submitted for review and approval by the City Planning Department, prior to building permit issuance.

6. As part of the building permit review process, the applicant shall submit a certified topographical survey of the property with roof elevations over topographic and U.S.G.S. elevation information relating to existing grade as well as the height of the proposed building ridges to confirm that the building complies with all height restrictions.

7. This Conditional Use Permit approval will expire on March 25, 2016, if a building permit has not issued by the building department before the expiration date, unless an extension of this approval has been granted by the Planning Commission.

4. **429 Ontario Avenue – Steep Slope Conditional Use Permit – Construction of a new single-family dwelling.** (Application PL-14-02351)

Chair Strachan resumed the Chair.

Planner Astorga reviewed the application for a steep slope conditional use permit on a vacant platted lot at 429 Ontario Avenue. The Planning Department received a complete

application for a single family dwelling, which is a permitted use in the zone. However, a conditional use permit is required for building over a slope of 30% or greater if the structure is more than 1,000. This application fell into that requirement. Planner Astorga reported that concurrently with this application they were in the final stages of finalizing the Historic District Design Review.

Planner Astorga stated that the application meets the building footprint. This is an interesting lot as indicated on the survey. It has a platted easement for access. Planner Astorga stated that Ontario Avenue was built in an interesting way. Therefore, unlike other vacant lots where most of the houses are built with either a 10' foot front yard setback, or an 18' foot setback to park a vehicle on the driveway, this application does not have that ability because the platted easement prohibits parking a car. Therefore, the house needed to be offset approximately 16 feet from the front property line, which meets the setbacks. However, this created design issues. Planner Astorga noted that the applicant had gone through several iterations prior to the plan presented this evening.

Planner Astorga stated that another item for discussion was the roof height. He indicated gardening or planting features on the lot that were apparently used at some point. The Staff did not find any historical significance for the elements, but they did make a determination per the natural grade definition in the LMC, that the grade has been altered. Planner Astorga reviewed the site plan to show where a section of the house did not meet the maximum building height as viewed from the front elevation. It was approximately eight inches for a distance of three or four feet. Planner Astorga noted that Park City looks at the roof in terms of real time by looking at roof over topo and making sure that every point is below the maximum building height. Based on the manmade features and the specific definition of natural grade, he, along with the applicant and former Planning Director Thomas Eddington, determined that if the grade was not disturbed this site would meet the maximum height. Planner Astorga requested discussion by the Planning Commission the proposed height as it relates to the maximum building height. Planner Astorga noted that the project designer, Jeremy Pack, had to shrink the house many times before designing something they were all comfortable with and could recommend to the Planning Commission.

Planner Astorga commented on the roof pitch and read from page 275 of the Staff report, "The primary roof pitch must be between seven:twelve (7:12) and twelve:twelve (12:12). A Green Roof may be below the required 7:12 roof pitch as part of the primary roof design. In addition, a roof that is not part of the primary roof design may be below the required 7:12 roof pitch. He noted that in looking at the front elevation, the gable does not orient towards the street and it does meet the 7:12 roof pitch. However, the roof form over the garage is a flat roof but not a green roof. Planner Astorga asked the Commissioners for feedback on whether or not it falls under the provision, "A roof that is not part of the primary roof design

may be below the required 7:12 roof pitch.” He noted that as viewed from the front elevation the garage and the house appear to be separate. However, the other elevations show two levels of house underneath the garage. Planner Astorga remarked that there was some gray area between the house and the garage.

Planner Astorga stated that if the Planning Commission could not make the finding, the applicant has two options. First, they could make it into a green roof, which would meet the definition. The second option would be to extend the roof, which would be more difficult because the applicant is required to have two parking spaces. The applicant was proposed tandem parking, is allowed in Old Town. Planner Astorga remarked that the applicant was not meeting the building height as currently proposed with the flat roof. However, an exception in the Code can be granted on a downhill lot. When the Code was written the Staff discovered that on a downhill slope it may not be possible to have a tandem garage and still meet the height. For that reason the exception was added. Planner Astorga clarified that if they put a roof over the garage structure, the applicant may still come back and request a height exception, because he is hindered by the required roof pitched of 7:12 and 12:12, versus the appropriate length necessary for a tandem garage.

Planner Astorga stated that other than the requested discussion on maximum building height as measured from natural grade, and the roof over the garage, the Staff finds compliance with all the other parameters of the HR-1 District. Following the discussion this evening, the Staff recommended that the Planning Commission conduct a public hearing and consider approving the steep slope conditional use permit according to the findings of fact, conclusions of law and conditions of approval in the Staff report.

Planning Manager Sintz asked if the applicant could do a pitched roof and obtain a height exception from the Planning Director for a downhill lot to meet the tandem garage scenario, and still meet Code. As currently designed with the flat roof, they would need an exception that would give approximately 32 feet. If they were to add a pitch, it would be significantly more. The maximum limit on the exception is 35'. Therefore, the applicant most likely could not do a pitched roof and still request the exception. Ms. Sintz asked what the height exception request for the garage would be if they did an interpolated grade across the site similar to the other side. In that scenario with a flat roof, Planner Astorga believed it would be under the 35' maximum. Ms. Sintz assumed the applicant could then do a pitched roof up to 35' if the grade was interpolated. Planner Astorga answered yes.

Chair Strachan thought they could only do it if they could not find that the existing grade was the controlling point. Ms. Sintz stated that it was obvious that the grade has been manipulated. The Staff has worked with applicants in the past to see if an interpolated grade across the site reveals another identifying point on the lot. Planner Astorga remarked that the house is tight and setback exactly ten feet, which is the requirement.

The garage is right to the edge of the driveway. He believed this was one of the few sites where the LMC has done a good job regulating the bulkiness of the structure because it is so tight everywhere. Chair Strachan remarked that there are some difficult lots in Old Town. Planner Astorga agreed, and noted that those lots are the last ones to be developed.

Commissioner Worel noted that Condition of Approval #7 requires a certified topo survey of the property. Planner Astorga replied that he did have a certified topo survey. He believed the language in Condition #7 was a standard condition of approval. Commissioner Worel clarified that the topo they were measuring against was the certified topo, and they would not be seeing another topo. Planner Astorga answered yes.

Chair Strachan opened the public hearing.

Scott Coty stated that he lives at the end of the right-of way and has for 31 years. His main concern was parking. Mr. Coty hoped the garage is large enough to for two cars. Many times he has not been able to get into his driveway with all of the construction going on at the end of his driveway between this project and another project. Mr. Coty understood that the property can be developed, but again, his main concern is property and his ability to reach his house. Mr. Coty had no other objections. He liked the looks of the house and he thought it would add value to the neighborhood.

Chair Strachan noted that two parking spaces is required by Code and the Building Department will check the size of the parking spots before issuing a Certificate of Occupancy.

Jeremy Pack, representing the applicant, stated that in addition to parking two cars in the garage, here would also be room to park cars in front of the garage. Planner Astorga stated that for the benefits of Lots 1, 2, 25 and 16, no off-street is allowed in the driveway easement. Mr. Pack identified a flat area away from the easement that would be used for additional parking. Planner Astorga questioned whether the concept described by Mr. Pack would comply with the Historic District Design Guidelines. He recommended that Mr. Pack provide two parking spaces in the garage and have their guests park at China Bridge.

Chair Strachan closed the public hearing.

Commissioner Worel liked the design. At first glance thought there was a deck on top of the garage but later realized there was no access to it. She asked if a deck was ever contemplated because there are railings. Mr. Pack indicated a ladder type structure that leads to the top of the garage. Planner Astorga clarified that it was not meant to be habitable space. Mr. Pack agreed. Planning Manager Sintz stated that originally when the

flat roof exemption when in and stated that it had to be a green roof, it was to prohibit the use of flat roofs for patio areas.

Commissioner Band was comfortable with the interpolated grade. She did not think the planter boxes should be part of grade. She liked the proposal.

Commissioner Phillips had no issues and supported the design. He did not believe the area where the height exceeded the maximum by 8" was enough to make the applicant redesign the house. Commissioner Band understood that the interpolated topo would put the height under the maximum. Planner Astorga answered yes.

Commissioner Campbell commended Mr. Pack on the design. He believed Mr. Pack had the experience to know that it was not only a difficult lot to design but it would also be difficult and expensive to build on. Commissioner Campbell thought the Planning Commission should be prepared to see more of these application come before them because only the difficult lots are left to build in Old Town. He suggested finding a way to standardize the approval process for these applications because they add more value to the neighborhood than vacant lots. Planner Astorga pointed out that these lots are also difficult for the planners to review.

Commissioner Joyce was astounded that any could design a house and build it on such a steep lot between two houses. He did not have any problems with the flat roof. He supported the proposal.

Commissioner Thimm thought this was a good solution to a difficult problem. He believed the definition of natural grade and the interpolation point was the correct interpretation. Commission Thimm thought tandem parking was a good resolution of an issue that exists due to situations beyond their control. He referred to a conversation earlier this evening about contemporary versus more traditional architecture. He believed the two blended together well in this circumstance and he thought it was a nice solution. Commissioner Thimm thanked the Planning Staff for working with the applicant to achieve a resolution that everyone could feel comfortable with.

Chair Strachan stated that he had the minority opinion. He thought the Code specifically says existing grade as defined; and the term "interpolated" does not even exist in the Code. Chair Strachan stated that terms of convenience read into Codes are the devils of the Code reader. He was not opposed to flat roofs, but per the Code they have to be green. He understood that the lots are difficult, and in this situation where it was apparent how the Commissioners would vote, he suggested that the Staff put a definition of interpolated grade on the list of changes to the LMC.

Planner Astorga noted that the definition of Natural Grade was outlined on page 277 of the Staff report, and he had underlined the sentence, “The Planning Department shall estimate the natural grade if not readily apparent.” Planning Manager Sintz thought the interpolated grade was more of a realistic expectation of what natural grade was than the modified grade that was created by adding the planter boxes causing the unnatural condition.

Chair Strachan stated that while it might be true, it was not in the Code. Ms. Sintz would argue that it is. Her interpretation was opposite of how Chair Strachan read it. In her opinion, interpolated takes the grade back to more of what the natural grade would be to give a fair shot at what the rest of the lot reads. Based on Ms. Sintz comment, Chair Strachan questioned why they would have “existing grade” defined in the Code as “the grade prior to any proposed development”. He reads that to mean the proposed application. Ms. Sintz acknowledged that she and Chair Strachan were interpreting the same language differently. Chair Strachan clarified that he was not saying it was unfair or absurd. His issue is that it was not in the Code.

Commissioner Band thought Chair Strachan made a good point and she agreed that it needed to be clarified in the Code. Chair Strachan reiterated his request to put it on the list of LMC changes to be considered. Commissioner Campbell suggested that it should be a separate discussion and not when they have an application in front of them. He thought they should approve this application and allow the applicant to move forward; and then use it as a model for their discussion to draft language that is clear for future applications. The Commissioners agreed.

MOTION: Commissioner Worel moved to APPROVE the Steep Slope Conditional Use permit for the construction of a new single family dwelling at 429 Ontario Avenue based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the Staff report. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 429 Ontario Avenue

1. The property is located at 429 Ontario Avenue.
2. The property is located in the Historic Residential-1 District.
3. The property is Lot 2 of the Anderson Re-Plat.
4. The applicant requests a Conditional Use Permit for construction of a new-single family dwelling.

5. The total proposed structure square footage is greater than 1,000 square feet, and would be constructed on a slopes greater thirty percent (30%) or greater.
6. A Historic District Design Review application is concurrently being reviewed by staff for compliance with the Design Guidelines for Historic Districts.
7. The proposed structure is 3,385 square feet, which includes the 385 square foot two (2) car tandem garage.
8. The proposed main floor is 599 (plus the garage).
9. The proposed lower floor is 1,244 square feet.
10. The proposed sub-1 lower floor is 1,157 square feet.
11. The property is 3,750 square feet in size.
12. The maximum building footprint is 1,519 square feet.
13. The proposed building footprint is 1,518.42 square feet.
14. The minimum front and rear yard setbacks are ten feet (10').
15. The proposed front yard setback is sixteen feet (16').
16. The proposed rear yard setback is ten feet (10').
17. The minimum side yard setbacks are five feet (5') minimum, ten feet (10') total.
18. The proposed north side yard setback is six feet (6').
19. The proposed south side yard setback is five feet (5').
20. The proposed structure is to comply with the building height parameters outline in the Land Management Code.
21. The proposed structure complies with the maximum building height parameters.
22. The proposed structure is located towards the center of the lot with a sixteen foot (16') front yard setback and a ten foot (10') rear yard setback.

23.The applicant submitted a model, and streetscape renderings showing a contextual analysis of visual impacts.

24.The proposed structure cannot be seen from the key vantage points as indicated in the LMC Section 15-15-1.283, with the exception of cross canyon view.

25.The cross canyon view contains a back drop of three and four (3 & 4) story buildings.

26.The building is located in a neighborhood of similar structures and is completely surrounded by developed sites.

27.The platted lot contains an access easement for the benefit of lots 1, 2, 25, & 26.

28.The plat also indicates that no off-street parking is allowed in the driveway easement.

29.The proposal uses the access easement into a two (2) car tandem garage.

30.According to the submitted site plan only one (1) retaining wall is proposed.

31.The proposed retaining wall is set up along the northeast corner of the proposed structure running north towards the neighboring house.

32.The proposed retaining wall replaces an existing wall which supports the platted driveway easement.

33.The retaining wall will meet the Land Management Code development standards as they are permitted to not exceed six feet (6') above final grade when placed in the side yard setback areas.

34.Due to the topography of the site, from the front elevation the site resembles a one (1) story building with a significant cut as the proposed structure is a three (3) story single-family dwelling as seen on the other three (3) elevations.

35.The maximum building height of 27 feet make the proposed lot follows the perceived natural topography of the site. The rear portion of the garage, per the proposed tandem garage exception, breaks the twenty seven foot (27') maximum.

36.The front façade is broken up which assists in providing front yard variation.

37. The main ridge orients with the contours and the street.
38. The tandem garage solution chosen, as affected by the platted driveway easement, minimizes the impact of the garage door on street.
39. The rear elevation is broken up as it contains rear access decks and the form has both vertical and horizontal small individual compartments.
40. The garage roof is completely different than the roof over the house as it is flat.
41. The portion of the house has the minimum 7:12 roof pitch.
42. The different pitch makes the garage subordinate in design.
43. The flat roof is not a green roof, per the Land Management Code's definition.
44. A green roof is defined as "A roof of a Building that is covered with vegetation and soil, or a growing medium, planted over a waterproofing membrane. It may also include additional layers such as a root barrier and drainage and irrigation systems. This does not refer to roofs which are colored green, as with green roof shingles".
45. The Land Management Code indicates that the primary roof pitch must be between seven:twelve (7:12) and twelve:twelve (12:12). A Green Roof may be below the required 7:12 roof pitch as part of the primary roof design. In addition, a roof that is not part of the primary roof design may be below the required 7:12 roof pitch.
46. The roof over the garage is simply not part of the primary roof pitch, therefore, that roof form may be below the required roof pitch.
47. As viewed from Ontario Avenue, the garage is found to be subordinate to the house as they have two (2) completely different roof forms.
48. The proposed structure is both horizontally and vertically articulated and broken into compatible massing components.
49. The design includes setback variations and lower building heights for portions of the structure on the rear elevation.
50. The proposed massing and architectural design components are compatible with both the volume and massing of single-family dwellings in the area comprised of

three and four (3 & 4) story dwellings.

51.The site has a man-made feature revealed by the certified topographic survey.

52.The man-made feature area created an effect on the site along the north side of the subject site as it has been flattened.

53.The Planning Department estimates Natural Grade, if not readily apparent, by reference elevations at points where the disturbed Area appears to meet the undisturbed portions of the Property.

54.The Planning Director has reviewed the topographic survey in terms of natural grade and finds that the site has indeed been disturbed as shown on survey and other evidence has been submitted to the Planning Department for review.

55.The Planning Director estimates that the elevation contours have been pushed to the front of the lot.

56.The Land Management Code designates a height exception for a tandem garage on a downhill lot in the Historic Residential-1 District.

57.Thomas Eddington, Planning Director, has reviewed the proposal and finds that the proposed tandem garage meets the criteria in order to receive the height exception for the tandem configuration garage.

Conclusions of Law – 429 Ontario Avenue

1. The Steep Slope Conditional Use Permit, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.2-6(B).

2. The Steep Slope Conditional Use Permit, as conditioned, is consistent with the Park City General Plan.

3. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.

4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval – 429 Ontario

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
3. A final utility plan, including a drainage plan for utility installation, public improvements, and drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers prior to issuance of a building permit.
4. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
5. A final landscape plan shall be submitted for review and approval by the City Planning Department, prior to building permit issuance.
6. No building permits shall be issued for this project unless and until the design is reviewed and approved by the Planning Department staff for compliance with this Conditional Use Permit and the Design Guidelines for Historic Districts and Historic Sites.
7. As part of the building permit review process, the applicant shall submit a certified topographical survey of the property with roof elevations over topographic and U.S.G.S. elevation information relating to existing grade as well as the height of the proposed building ridges to confirm that the building complies with all height restrictions.
8. The applicant shall submit a detailed shoring plan prior to the issue of a building permit. The shoring plan shall include calculations that have been prepared, stamped, and signed by a licensed structural engineer.
9. This approval will expire on March 25, 2016, if a building permit has not issued by the building department before the expiration date, unless an extension of this approval has been granted by the Planning Commission.
10. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission, subject to additional changes made during the Historic District Design Review.
11. All retaining walls within any of the setback areas shall not exceed more than six feet

(6') in height measured from final grade.

12. As part of the Construction Mitigation Plan, an access plan for 421 and 417 Ontario will be provided.

5. **259, 261, 263 Norfolk Avenue – Consideration of the First Amended Upper Norfolk Subdivision Plat – Amending Conditions of Approval on Ordinance No. 06-55.** (Application PL-15-02665)

Commissioner Phillips recused himself and left the room.

Planner Astorga introduced Jerry Fiat and John Pelichioud, representing the applicants. He handed out two letters of public comment that he received after the packet was prepared.

Planner Astorga reviewed the administrative application amending conditions of approval of an approved ordinance 06-55. He stated that originally there was a triplex on the site that had illegal lockout units. The triplex structure was demolished and the site was replatted to three lots of record; 259, 261, and 263 Norfolk. When that application was approved in 2006, there were seven conditions of that approval, as outlined on page 316 of the Staff report. Condition #4 read, "Construction access to the lots is to be from King Road through the adjacent property to the west, as per the submitted construction easement agreements." Condition #5 read, "The construction easement agreements must be finalized and submitted to the City prior to receiving building permits". Planner Astorga noted that the application met all the conditions of approval. At that time the applicant's representative had the ability to secure access easement for construction through King Road; and not through Upper Norfolk, which was part of the condition of approval.

Planner Astorga reviewed a 2012 aerial photograph on page 330 of the staff report, which showed the three lots. He noted that there was secured staging area behind each of the lots which went over the 220 King Road property that is currently owned by Robert Sfire. In addition to the staging areas there was also an easement through 220 King Road to through the lot known as the Herman Property. Planner Astorga stated that the issue is that the Herman property lot had an expiration date and the construction easement would cease on December 31st, 2009. Therefore, when the property owners failed to receive their approvals through both the Planning Department through design reviews, and subsequently for building permits, they were in violation of the ordinance that approved the plat amendment creating the three subject lots.

Planner Astorga stated that since the King Road access is no longer an option, the applicant is requesting to come off Norfolk Avenue but still utilize the staging area that was obtained through the proper easements. He noted that the language on the 220 King

Road lot indicated the use of a construction staging area for two years from the time construction begins. Planner Astorga remarked that it was a difficult situation because due to circumstances the applicants were currently not meeting those specific conditions of approval.

Planner Astorga explained that the Staff asked the applicants to submit the plat amendment application again. The reason was not to amend the plat but rather to remove the conditions of approval, and to comply with the new plan as indicated by the applicant's representative in his project description. The language of the project description was included on page 317 of the Staff report, indicating what they would do to mitigate the construction.

Planner Astorga stated that since the applicant only has two years to build and they have a good area for staging construction materials, they would like to move forward and build each single family dwelling on all three lots at the same time. The Staff believed their proposal was an appropriate method of construction.

Jerry Fiat clarified that at the time he was the representative for the property owner and he had secured two different easements. One was for construction staging, which was the easement with Robert Sfire, and it would remain the same because the construction staging has not changed.

Chair Strachan asked if that easement would expire. Mr. Fiat stated that it expires two years after the start of construction. He clarified that the easement was purchased from Mr. Sfire to facilitate building the homes. The intent was always to build all three homes at one time. Mr. Fiat stated that what has changed is that he was the owner of the adjoining property at 200 King Road and he granted an easement across the property that expired after two years. The reason for the expiration was in case he wanted to build on that lot. Mr. Fiat pointed out that the condition of approval was in the ordinance but not on the plat.

Mr. Fiat stated that there was confusion over the matter and Assistant City Attorney McLean informed them that they had to go through the process of amending the ordinance with the condition of approval requiring access off of King Road. Mr. Fiat explained that the plan is to have all the staging materials and all the parking, dumpster and porta-pottys will all be off of Upper Norfolk.

Chair Strachan asked if they would be building a road from Norfolk through one of the lots to access the staging area. Mr. Fiat answered no. They would simply lift it up and over the site. Mr. Fiat clarified that even though he had granted that access, he never thought it was a viable access. It is a 1,000 feet of disturbance to get from King Road and 20,000 feet of re-vegetating. The property owner at the time gave the easement but they never

thought of it as a viable access. Mr. Fiat stated that there would be no parking or construction staging on Upper Norfolk. It would only be used for access.

Chair Strachan asked Mr. Fiat to explain how it would work when a cement truck goes up to pour the foundation. Mr. Fiat replied that there is a shared driveway for all three lots and the truck would pull into the unimproved upper Norfolk right-of-way. Chair Strachan wanted to know what would happen while the driveway was being built. He was concerned about the lack of room on Upper Norfolk. Mr. Fiat remarked that there was enough room because they had paid for an easement on the back. Chair Strachan was comfortable with the staging area but the issue was getting it ready. Mr. Fiat assured him that there was room to pull everything off the road.

Commissioner Joyce noted that many issues were brought up during the plat amendment discussions that were brushed off to be addressed during the Steep Slope CUP process. He understood that the Staff had re-evaluated the site and a Steep Slope CUP was not required. Commissioner Joyce pointed out that it was in a finding of fact that those issues would be addressed with the Steep Slope CUP. In reading the minutes for the plat amendment there was a lot of discussion regarding the position and location of the driveway and how it would be accessed. That was only one of the items that was mentioned throughout the minutes that was put off until the Steep Slope CUP.

Commissioner Joyce pointed out that some of the checks and balances that the previous Planning Commission relied on were now gone because the site was re-evaluated and it was determined that the percentage of slope was under 30%. Planner Astorga explained that removing the triplex completely changed the topography of the site. Based on that fact former Planning Director Eddington went on site and measured the grades. Planner Astorga stated that if Commissioner Joyce was more concerned with the access that was part of the original approval, none of that would be changing. Construction access would be the only change. Commissioner Joyce clarified that his issue was that when the Planning Commission approved the plat they chose not to address a number of their concerns as part of the plat amendment because they planned to address those concerns as part of the Steep Slope CUP. Now there is no CUP process he was concerned about addressing those issues.

Mr. Fiat stated that he did not have the list of concerns that Commissioner Joyce was referring to, but he could address the driveway. He explained that originally the proposal was to have individual driveways. That was met with opposition and they instead proposed two driveways. Since there was still opposition they opted for a single shared driveway. Mr. Fiat remarked that a full detail of the proposed shared driveway was provided at the time and the City should have it on file. He pointed out that the driveway is in the City right-of-way and the City Engineer would have absolute control over it. The applicants have to

secure an agreement with the City for the driveway, which is the normal process. Mr. Fiat felt certain that there were no outstanding issues with the driveway.

Commissioner Astorga understood that Commissioner Joyce was concerned when the determination was made that the site no longer required a Steep Slope CUP, because when the Planning Commissioner approved the plat amendment they believed that the mitigating factors would be reviewed in that future process. Commissioner Joyce clarified that he would not have an issue with it if he had not read through the past meeting minutes and saw how many times specific concerns were pushed off to the CUP process. Chair Strachan recalled that nightly rentals and lockouts were two concerns that they intended to address with the Steep Slope CUP. Mr. Fiat noted that the applicants had volunteered not to have lockouts. That was specified in the conditions of approval and it would not change.

Assistant City Attorney McLean clarified that the language in the conditions of approval says no accessory apartments. Mr. Fiat was unclear on the difference between a lock out and an accessory apartment. Planner Astorga understood that when the concern was raised, the applicant stipulated to adding that specific plat note and that would not change.

Planner Astorga asked if Commissioner Joyce would feel more comfortable if the Staff conducted a Steep Slope CUP analysis to try and mitigate the identified concerns from 2006. Commissioner Joyce understood that it would be an additional burden on the Staff but he thought it was a necessary step.

Chair Worel referred to page 350 of the Staff report, and noted that the Minutes from 2006 reflect that Planner Maloney said that the 14 criteria listed in the Conditional Use Permit section of the Land Management Code would have to be addressed and all issues would have to be mitigated prior to the applicant receiving a conditional use permit. That clarified that the Planning Commission intended to look at all 14 criteria. Planner Astorga remarked that in that same paragraph in the minutes Planner Maloney, who was the project planner at the time, also that noted that all three lots are on slopes greater than 30% which will require a conditional use permit prior to any development on the property. He pointed out that the plat amendment was done prior to demolition of the triplex, which is why the Steep Slope CUP was referenced.

Commissioner Campbell wanted to know who tore down the triplex. Mr. Fiat provided some background. He stated that the property was sold to an individual, David Dewer. The structure was 45' in height and it was built on the unimproved right-of-way. It had six units, three of which were illegal. When Mr. Dewer purchased the property and what was not included in the conditions of approval for the plat amendment, was the requirement to demolish the triplex structure before the plat was recorded. However, plat was recorded before the structure was demolished, creating an illegal structure that spanned all three

lots. When they looked at rebuying the property, they had conversations with Ron Ivie and found that the City was actually looking at demolishing the triplex. In those conversations, Mr. Fiat told Ron Ivie that if they purchased the property they would demolish the structure immediately, which they did. The grade was interpolated once the structure was removed. Mr. Fiat remarked that having to go through a Steep Slope CUP is a large burden and a time consuming process. They would like to build the houses this year.

Commissioner Campbell clarified that he was not pushing for the applicant to go through the Steep Slope CUP process. However, he thought it was important to at least look at the 14 criteria that the former Planning Commission thought they would be reviewing to address their concerns. Mr. Fiat stated that from his reading of the minutes, the Planning Commission was not saying that they had 14 concerns. He believed it was more to the point that 14 points are reviewed in a conditional use permit.

Commissioner Campbell was curious how the topography of the lot changed during the demolition. Mr. Fiat replied that the structure spanned the entire property and there were overhanging decks, which made it difficult to accurately determine the grade. Once the structure was removed the Planning Department measured all the way across from the high point to the low point and it was found to be 17% or 18% slope. Mr. Fiat clarified that the grade had not changed, it was just more accurately.

Chair Strachan asked if the determination that it would be subject to a Steep Slope CUP was made before or after the structure was removed. Planner Astorga replied that the determination for a Steep Slope CUP was made as part of the plat amendment. Mr. Fiat was uncertain whether a formal determination was ever made because it was never really addressed. He stated that he never actually read the conditions of approval and it was his fault for not paying attention to the comments. He has since learned a hard lesson that they need to read the conditions and the plat notes.

Assistant City Attorney asked if there was a determination letter by Thomas Eddington regarding steep slopes. Planner Astorga answered yes. However, the letter was not included in the Staff report because the applicant was requesting to remove the two conditions of approval. Planner Astorga noted that Finding #13 of Ordinance 06-55 reads, "The proposed lots have slopes of greater than 30% and are subject to a conditional use permit, construction on a steep slope review." Planner Astorga stated that he does not like doing that on the plats that he reviews because he never knows whether the applicant will choose to put their footprint on those exact slopes. He addresses that issue with the design review and building permits and when he receives a certified survey. That is when he can honestly say that the slope hits the threshold. Planner Astorga felt it was premature to make that determination at the time of the plat amendment unless it can be verified that the entire lot is over 30%.

Assistant City Attorney McLean stated that because the Finding of Fact was part of the plat amendment approval, and the Staff has indicated that the finding may not be accurate, in re-opening the ordinance, the Planning Commission needs evidence to show that it is no longer accurate so the Finding of Fact could be removed. Planner Astorga agreed. He suggested that the applicant could submit a survey for the Staff to review. He noted that a survey could not be submitted without a footprint and a proposed floor plan on the survey. At that point the Staff would be able to make a determination of whether or not the slope was 30% or greater. Ms. McLean thought they already knew the footprint because the discussion this evening is about where the construction will take place. Planner Astorga clarified that the Staff did not know the exact location of the footprints of the three lots. He would ask the applicant to provide a certified survey and to identify an approximate location of the footprint.

Commissioner Campbell thought that was unnecessary because when the applicant comes in for a building permit it would not be approved if the slope is over 30%. Planner Astorga stated that if he sees 30% or greater slopes, independent of what may have been said in a previous memo, he has the obligation to say that it hits the threshold. Commissioner Campbell understood that it would come back to the Planning Commission if the slope was found to be over 30%. Planner Astorga answered yes. However, he understood Commissioner Joyce's concern about the previous Planning Commission waiting for the CUP to address the issues.

Commissioner Campbell believed Mr. Fiat was right in saying that the 14 criteria in the LMC would have to be addressed in a Steep Slope CUP, but they were not 14 specific concerns that were raised. Commissioner Campbell pointed out that if the slope is less than 30% those 14 criteria would not apply to these lots. Assistant City Attorney McLean stated that the concern she was hearing was that according to the 2006 Minutes there was further discussion about factors related to the original subdivision, and those concerns would be addressed with the Steep Slope CUP. In this case the Staff is finding that a Steep Slope CUP is not required. However, since there is an existing Finding of Fact that talks about a Steep Slope Cup, and because they were re-opening the ordinance, she recommended that the issue be addressed to determine whether or not the Finding of Fact is accurate. If a certified survey shows that a Steep Slope CUP is not needed, the Planning Commission could determine whether other issues needed to be addressed as part of the subdivision.

Chair Strachan opened the public hearing.

Jeff Braebender, a property owner at 283 Upper Norfolk, adjacent to 263 Norfolk. Mr. Braebender appreciated that the applicants have a right and an opportunity to build on their

project, and they should. However, he was concerned with the staging area behind 263. There is a large stand of mature scrub oak, and he would not want that disturbed or torn out for the convenience of a staging area because they would not be able to return it to its existing condition. Mr. Braebender requested that the language be strengthened to address the impacts to the staging area. He pointed out that there was still a significant amount of space that could accommodate the staging without disturbing the stand of scrub oak. Mr. Braebender stated that his second issue was treating all three lots as though they were the same, because they are not. When looking at the slope he thought the lots need to be addressed individually and not together. Mr. Braebender commented on access and he referred to the 25 feet of green space by Norfolk Avenue that is owned by the City. He understood that the applicants intend to cut a driveway where the bare land is but leave that green space. He did not believe that made sense and he thought the Commissioner would draw that same conclusion if they visited that area. Mr. Braebender stated that no one should dig a tunnel through there and leave dirt alongside of the road. The road is one car length wide in that spot. He thought it would be an opportunity to take out that space and provide direct access into those spots and to provide additional parking spaces. It would improve the road at the same time. Mr. Braebender believed his suggestion would also resolve the staging area problem. In his opinion, this was an opportunity for the City to work with the developer and spend City money to fix problems that already exist, especially for the people living from 302 through 256 who have difficulty getting in and out of their driveways now. He believed that at some point the City would have to address fixing Norfolk Avenue and this would fix at least 25% of it in conjunction with this project.

Ed DiSisto, a resident at 244 Upper Norfolk, stated that the original plan to stage the access and the mitigation behind was considered because of the problems that would occur if it was done on Norfolk Avenue. He noted that five years ago two people died on Norfolk Avenue and it is uncertain what can happen or when it will happen. There have always been problems with emergency vehicles getting all the way down the street to assist people in need. Mr. DiSisto remarked that the proposal says nothing about construction parking, particularly when three lots are being built at the same time. He also had a personal concern. He indicated a retaining wall and noted that the City gave Mr. Pack and Don Holbrook permission to build a retaining wall to create parking spaces for 244, 238 and 236 Norfolk. In one of the first plans that Mr. Fiat proposed, he wanted to cut down half that wall to create an ingress and egress to the project. That plan was reviewed and it was determined to be a bad idea primarily because of the slope. There was also an agreement with the City to have that wall there. Mr. DiSisto was concerned about a precedent of the City giving permission to someone and then taking it away and giving it to someone else. Mr. DiSisto wanted to make sure that nothing is allowed to creep in that would allow something like that to happen again. He remarked that there is nowhere for large construction trucks to turn around on the road, and traffic would be backed up or blocked waiting for those trucks to move. He was also concerned about storing the

excavated dirt, and he questioned how much of the staging area would be taken away for storing. Mr. DiSisto had not seen a mitigation plan, and he was left to rely on a few sentences in the Staff report, which he believed left it open for the applicants to do whatever they want.

Chair Strachan closed the public hearing.

Commissioner Campbell felt that he had sent the wrong message by misreading the 2006 Minutes. In re-reading them, he reiterated that the applicant was correct in stating that the 14 points of the Steep Slope CUP has nothing to do with particular application. He believed the question was whether or not a Steep Slope CUP was required, and Planner Astorga was indicating that it was not. Commissioner Campbell pointed out that if that assumption is wrong and the Staff finds that a Steep Slope CUP is required, it would come back to the Planning Commission.

Chair Strachan asked what legal standard was being applied. He personally has never been involved in amending an ordinance. Assistant City Attorney stated that it was not called out in the Code; and she believed it goes back to the original ordinance. The applicants have the right to build on their property and they have platted lots. The objective is to correct what was previously done. She believed it was more akin to a regular subdivision process when amending the original ordinance. Chair Strachan agreed. Using the example of an MPD, when a design is materially changed from an approved MPD, the whole MPD comes back for review. He believed that changing or removing one or two selected conditions of approval is like a stack of dominoes because they are all intertwined. Ms. McLean stated that the Planning Commission needs evidence to show that the slope is less than 30% so the Finding of Fact that talks about the Steep Slope CUP can be removed. Chair Strachan could not find a Code section that allows an applicant to amend a past ordinance. The closest process is when an applicant fails to record the plat on time and they have to start the process over. He was unsure which Code section they could cite to validate that they were following the Code by amending this ordinance to eliminate a condition of approval. He was uncomfortable doing that without following something specific in the Code.

Assistant City Attorney McLean stated that ordinances, by their own nature, can be amended. It would be a new ordinance that amends the prior ordinance. She noted that it has been done before and cited examples. Ms. McLean clarified that the lot lines were not being changed to change the plat. The request is to change the access that was identified in the conditions of approval. She stated that the Planning Commission has the purview to look into whether or not it is a Steep Slope CUP because that is a specific Finding of Fact #13. They also need to understand why the conditions of approval are there, and that those concerns have been met.

Commissioner Joyce stated that separating his issue with the Steep Slope CUP, and focusing on the access issue, he would need to delve into some of the impacts addressed in a construction mitigation plan before he could be comfortable removing the requirements. He needed to be convinced that their plans for construction staging, etc., would not greatly impact the neighbors or the road. Mr. Fiat noted that he specifically stated that there would be no parking on the street. He currently has three projects in progress and not one construction worker's car is parked in any part of the public right-of-way. He noted that he is allowed two parking passes to park on the street and he never takes them. He secures off-street parking for all of the workers, and sometimes that involves a shuttle to the work site, renting parking spaces or paying people to use their parking spaces. He lived on a street and he knows how angry he gets when someone takes is parking. Commissioner Joyce thought the problem was greater than just upsetting a neighbor. The street is very narrow and if one construction truck is stopped to unload, emergency vehicles are blocked from accessing the road. He needed to hear and understand their plan before he would consider removing the conditions of approval.

Mr. Fiat was prepared to talk about the specifics of the plan. Chair Strachan understood that Commissioner Joyce was looking for evidence that the plan would work, as opposed to having Mr. Fiat just talk about it.

Commissioner Thimm agreed with Commissioner Joyce. He noted that a condition was made and to whatever degree it was part of the premise for the approval. He thought that issue needed to be revisited so the Commissioners could understand exactly how the access would happen. He was willing to accept that it may work, but at that moment the Planning Commission had nothing in front of them to support it, other than Mr. Fiat telling them that it will work based on examples of other sites. Commissioner Thimm asked Assistant Attorney McLean how they should address the Finding regarding the Steep Slope CUP. Planner Astorga stated that if he had been the project planner in 2006 he would have written the Finding to say, "if there are any slopes of 30% or greater and the house sits on them, then it shall require the Steep Slope CUP application." Commissioner Thimm agreed that it would be better language, but the Finding was not written that way. Planner Astorga clarified that they could rewrite the Finding with that language. Ms. McLean agreed that it could be one way to address the issue. The other way would be to come back with a copy of a certified survey.

Commissioner Joyce was comfortable that if the steep slopes were determined, it would come back to the Planning Commission. He reiterated that his frustration was that the previous Planning Commission had concerns, but they did not spend time on them because throughout the minutes they kept saying it would be addressed in a Steep Slope CUP. He thought it was a fundamental assumption of their approval, and they disregarded

some concerns in an effort to deal with them later. The problems that were kicked down the road now have nowhere to go to be addressed. Commissioner Joyce remarked that a having a certified survey would not address his concern.

Commissioner Band thought her fellow Commissioners had done a good job stating the problem.

Commissioner Worel was still hung up on the statement by Planner Maloney that all three lots were on slopes greater than 30% which would require a CUP. He hoped that he had based his statement on something that could back it up, such as a survey or something else that was submitted as part of the proposal. Commissioner Worel believed that all of the decisions made by the Planning Commission and the City Council at that point in time were, in part, based on the Steep Slope CUP. She asked the Staff to research whether or not there was a past survey that they could compare with a current survey. Planner Astorga noted that there was not a current survey on the land.

Commissioner Band asked if they needed to treat this as a new application. Assistant City Attorney McLean stated that the applicant submitted an application to amend the ordinance. It was called the First Amended of the Subdivision, and the applicant was requesting to amend the subdivision plat to remove two conditions, and to address the finding of fact was not accurate.

Chair Strachan noted that Findings of Fact 13-17 say that the proposed lots have steep slopes greater than 30%; that there is not sufficient area on the property to conduct construction staging; Norfolk Avenue and Upper Norfolk are substandard narrow streets on steep hillside; on-street and off-street parking on Upper Norfolk and Norfolk is significantly limited due to steep narrow streets; snow removal and emergency access. Chair Strachan remarked that at a minimum, they needed to get evidence in the record to mitigate those findings. He thought it should be done through a very detailed construction mitigation plan or some type of submittal that addresses, for example, Finding #17, snow removal and emergency access. Without some type of plan to address those particular findings of fact, he was not sure they could say the potential impacts have been mitigated, which they are required to do by Code.

John Pack, stated that he flew in from Chicago to attend this meeting. He used to live in Park Meadows and he now lives in Chicago. He and his wife purchased the property at 263 Norfolk from the bank. He understood that the Planning Commission wants to be responsible to all the parties involved and work towards solutions, and he appreciated that. Mr. Pack stated that when he purchased the property in 2010 he and his wife did a significant amount of research to make sure it was a good parcel. They looked at the plat, the title record, and consulted an attorney. He noted that none of the issues raised this

evening were ever mentioned. There was never a hint that these issues could have existed. Therefore, they purchased their property believing it was a buildable lot. It was only later that they realized that the ordinance had not been properly recorded on to the plat. Mr. Pack felt like an innocent party in the matter because after doing his due diligence he still had no knowledge of these prior issues. He thought the Commissioners had a legitimate concern regarding emergency access, and he agreed that it was important to address those issues because it is a matter of public safety. Mr. Pack asked the Planning Commission to be sensitive of the fact that he was not involved in the previous process and he and his wife thought they were buying a piece of property in a beautiful part of Park City where they could build a nice, historically relevant home. He hoped they could reach a conclusion that meets the City's needs as well as those of the applicants.

Assistant City Attorney McLean understood that people do not always know where to look for ordinances; however, this ordinance was correctly passed and published and met all the legal requirements. She clarified that ordinances do not always get recorded against the property. Ms. McLean stated that thanks to the efforts of Mr. Fiat, the City has changed its procedure to give people more notice of the ordinance numbers and the ordinance number now put on the plat. But at that time the ordinance was legal. Not having it on the plat did not create a deficiency in the ordinance.

Mr. Fiat stated that the hard language is his letter that was included in the Staff report says that all staging, parking, deliveries, cranes, dumpster, porta-potty's, etc., will be off the driveway servicing the three lots, or on the properties and additional staging area in the rear of the properties. No shall park in the neighbors' parking spaces or outside the driveway servicing the lots. He believed that language was stronger than anything he has typically done in Old Town. He thought it was clear that they would not impede any emergency vehicles or snow removal. Mr. Fiat was comfortable making the language part of the construction mitigation plan, or even part of the ordinance.

Chair Strachan stated that there still needs to be evidence that a fire truck or other emergency vehicles are certain dimensions and how much right-of-way they need for access. Mr. Fiat was unsure how he could provide that evidence. Assistant City Attorney McLean told Mr. Fiat that the Planning Commission was asking for a construction mitigation plan in writing, and that there be some analysis of the other terms, which were pushed off at the original plat based on there being a Steep Slope CUP, as well as some analysis from Staff as to how those are addressed currently.

Commissioner Campbell thought construction mitigation plans were the purview of the Building Department. Ms. McLean replied that the Building Department handles the construction mitigation plan, but when there are issues related to the platting, the Planning Commission can add conditions of approval related to the construction mitigation plan.

Commissioner Campbell agreed with Chair Strachan that the letter from the applicant did not give enough teeth. He clarified that if the Planning Commission was forwarding an amendment to the City Council which would basically become a new ordinance, they could add anything they wanted to the ordinance. Ms. McLean replied that this was correct. Commissioner Campbell thought they could add a condition stating that these notes would be incorporated in the new ordinance and move this forward this evening.

Commissioner Band agreed. She thought they could add conditions of approval regarding the staging, construction vehicles, dumpsters, etc. that holds the applicants to do what they have stated they intend to do. She believed they could do that this evening rather than require the applicant to come back. Commissioner Band stated that she was trying to find a solution without requiring the applicant to do studies.

Commissioner Joyce pointed out that the original intent of the conditions of the approval was to take construction off of Upper Norfolk and keep it on King Road. The fact that they are building three houses simultaneously puts three pieces of construction traffic in a significantly small area at one time.

Chair Strachan clarified that he was not suggesting that the applicant do a study. He just wanted to see something in writing showing how they propose to keep the trucks off the road. Chair Strachan thought it was important to see the construction mitigation plan. Mr. Fiat stated that he has already submitted a full construction plan to the Building and Planning Departments. Planner Astorga clarified that what they received was a site plan. There was nothing regarding construction mitigation. Planner Astorga understood that Chair Strachan wanted to see a mitigation plan that addresses Findings 13-17 to see how the applicant intends to mitigate the findings from 2006. Chair Strachan was not opposed to drafting new findings if that was a better approach.

Mr. Fiat pointed out that if they make it a condition of approval, Code Enforcement would make sure that the conditions are met. Chair Strachan wanted mitigation measures that would keep it from going as far as Code Enforcement. In order to fulfill their responsibility to mitigate what they know are impacts, they need something in writing to support an approval.

Chair Strachan called for a motion.

MOTION: Commissioner Joyce moved to CONTINUE 259, 261, 263 Norfolk Avenue, consideration of First Amended Upper Norfolk Subdivision Plat to May 13, 2015. Commissioner Worel seconded the motion.

VOTE: The motion passed 4-1. Commissioner Campbell voted against the motion. Commissioner Phillips was recused.

The Park City Planning Commission Meeting adjourned at 10:15 p.m.

Approved by Planning Commission: _____

Planning Commission Staff Report



Application #: PL-15-02695
Subject: Intermountain Healthcare Hospital
Author: Kirsten Whetstone, Sr. Planner
Date: April 8, 2015
Type of Item: Administrative –Master Planned Development Pre-application public hearing and discussion

Summary Recommendations

Staff recommends the Planning Commission conduct a public hearing and continue the Master Planned Development Pre- application meeting application regarding proposed amendments to the IHC Master Planned Development (MPD) to May 13, 2015, to allow Staff and the Applicant additional time to prepare a framework for Planning Commission discussion of the issues.

Description

Applicant: IHC Hospital, Inc. represented by Morgan D. Busch
Location: 900 Round Valley Drive
Zoning District: Community Transition (CT)
Adjacent Land Uses: Park City Recreation Complex, USSA training facility, US 40, and Round Valley open space
Reason for Review: Pre-Applications for MPDs and MPD amendments require Planning Commission review and a finding of compliance with the Park City General Plan prior to submittal of a full Master Planned Development application.

Planning Commission Staff Report



Application No: PL-14-02466 & PL-14-02451
Subject: Cardinal Park Avenue Subdivision & 560 Park Avenue Steep Slope CUP
Author: Francisco Astorga, Senior Planner
Date: April 8, 2015
Type of Item: Administrative – Plat Amendment & Steep Slope Conditional Use Permit

Summary Recommendation

Staff recommends the Planning Commission conduct a public hearing and continue the Cardinal Avenue Subdivision Plat Amendment and 560 Park Avenue Steep Slope Conditional Use Permit to May 13, 2015, to allow Staff and the applicant additional time to work through the applications.

Description

Applicant: 545 Main Street Holdings, LLC
represented by Billy Reed and Jonathan DeGray
Location: Plat Amendment: 545 Main Street & 550/554/560 Park Ave.
Steep Slope CUP: 560 Park Ave.
Zoning: Historic Residential (HR-2) and Historic Commercial
Business (HCB) Districts
Adjacent Land Uses: Residential and commercial
Reason for Review: Plat Amendments require Planning Commission review and recommendation with final action by the City Council.
Conditional Use Permits require Planning Commission review and approval

Planning Commission Staff Report



Subject: Fairway Village No. 1, First
Amended Subdivision Plat
Author: John Paul Boehm, City Planner
Project Number: PL-14-02569
Date: April 8, 2015
Type of Item: Administrative – Plat Amendment

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing and consider forwarding a positive recommendation to the City Council for the Fairway Village No. 1, First Amended subdivision plat, based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Description

Applicant: Fairway Village Homeowners Association
C/O Ryan Dickey
Location: Fairway Village No. 1, PUD
Zoning: Residential Development (RD), Master Planned
Development
Adjacent Land Uses: Single-family and duplex residential
Reason for Review: Plat amendments require Planning Commission review and
City Council action

Proposal

The applicant is requesting a Plat Amendment for the purpose of memorializing the existing building footprints. The existing Planned Unit Development (PUD) units were constructed in a different orientation than what is currently shown on the recorded plat for this subdivision.

Purpose

The purpose of the Residential Development (RD) District is to:

- a) Allow a variety of Residential Uses that are Compatible with the City's Development objectives, design standards, and growth capabilities;
- b) Encourage the clustering of residential to preserve natural Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of municipal services;
- c) Allow commercial and recreational activities that are in harmony with residential neighborhoods;
- d) Minimize impacts of the automobile on architectural design;
- e) Promote pedestrian connections within Developments and between adjacent areas; and
- f) Provide opportunities for variation in architectural design and housing types.

Background

On January 6, 2015 the applicant submitted a complete application for the Fairway Village No. 1, First Amended subdivision plat. The property is located at the Fairway Village Number 1 Planned Unit Development in the Residential Development (RD) District. This development is adjacent to the Park Meadows Country Club and its associated golf course.

The Fairway Village No. 1 Planned Unit Development was originally approved by City Council on December 12, 1979 and recorded on December 17, 1979. The total area of the approved Development is 139,029 square feet, or 3.19 acres. Construction of the twenty eight (28) units began in early 1980 and was completed later that same year.

The recorded plat for the Fairway Village No. 1 PUD incorrectly reflects the actual footprints of the sixteen (16) units on the west side of Fairway Village Drive. Small areas shown as common area on the plat were actually enclosed within the unit walls during construction of the units. The plat currently shows detached garages, but during construction the garages were attached to the units, creating a hallway from the garage to the unit through what is shown as common area on the plat.

In 2014, several unit owners were unable to acquire building permits for remodels in the aforementioned hallways in this Development as the plat reflected they were attempting to build in the common area without HOA approval.

Analysis

The proposed plat amendment will effectively memorialize the existing as-built conditions of the sixteen (16) units on the west side of Fairway Village Drive by designating approximately 225 square feet per unit as private area instead of common area, which is how this area is currently shown on the recorded plat. No changes are proposed for the twelve (12) units on the east side of Fairway Village Drive as the footprints of these units were properly platted in 1979. The proposed plat amendment will not affect any of the lot requirements for the RD zone or the approved PUD as no changes to the built environment will occur.

The proposed plat amendment will also allow for the existing utility easements that run throughout the project to be properly recorded on the plat. The City Engineer, several members of the City's Water Department, and a representative from the Snyderville Basin Sewer Improvement District have all expressed a desire to place easements on the plat to memorialize the existing utility services. Staff is recommending a condition of approval that these existing utility easements be reflected on the plat prior to recordation.

The proposed plat amendment does not create any new non-conforming situations. This plat amendment is consistent with the Park City LMC and applicable State law regarding subdivision plats. Any future additions to the existing home must comply with current LMC requirements.

Good Cause

Planning Staff finds there is good cause for this plat amendment. Memorializing the existing conditions will eliminate further issues with the acquisition of building permits and will allow for streamlined processing of future planning applications. Staff finds that the plat will not cause undo harm to adjacent property owners and all future development will be reviewed for compliance with requisite Building and Land Management Code requirements. The plat amendment will also utilize best planning and design practices, while preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City community.

Department Review

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

Notice

On March 25, 2015, the property was posted and notice was mailed to property owners within 300 feet in accordance with the requirements in the LMC. On March 21, 2015, legal notice was also published in the Park Record and on the public notice website in accordance with the requirements of the LMC.

Public Input

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

Process

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

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council for the Fairway Village No. 1, First Amended subdivision plat as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the plat amendment and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on the plat amendment to a date certain and provide direction to the applicant and/or staff to provide additional information necessary to make a decision on this item. .

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The proposed plat amendment would not be recorded and the existing plat would remain as is. The Fairway Village No. 1 unit owners would need to acquire HOA approval for work in the common area before a building permit could be issued.

Recommendation

Staff recommends the Planning Commission hold a public hearing, consider input, and consider forwarding a positive recommendation to the City Council for the Fairway Village No. 1, First Amended subdivision plat based on the findings of fact, conclusions of law, and conditions of approval as stated in the draft ordinance.

Exhibits

Exhibit A – Draft Ordinance with Proposed Plat

Exhibit B – Current Plat

Exhibit C – Building Lines Exhibit

Exhibit D – Project Intent Letter

Exhibit E – Photos

Exhibit A- Draft Ordinance and Proposed Plat

Ordinance 15-

AN ORDINANCE APPROVING THE FAIRWAY VILLAGE NO. 1, FIRST AMENDED SUBDIVISION PLAT LOCATED AT FAIRWAY VILLAGE NUMBER 1 PLANNED UNIT DEVELOPMENT, PARK CITY, UTAH.

WHEREAS, the owners of the property known as the Fairway Village No. 1 PUD, have petitioned the City Council for approval of the Fairway Village No. 1, First Amended subdivision plat; and

WHEREAS, the existing conditions of the Fairway Village No. 1 PUD do not match the original Fairway Village No. 1 subdivision plat; and

WHEREAS, the owners of the Fairway Village No. 1 PUD wish to correct the discrepancies between the exiting conditions and the original Fairway Village No. 1 subdivision plat; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners according to the Land Management Code; and

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

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

WHEREAS, on May 7, 2015, the City Council held a public hearing on the proposed Fairway Village HOA Re-plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the proposed Fairway Village No. 1, First Amended subdivision plat.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Fairway Village No. 1, First Amended subdivision plat, as shown in Exhibit A, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at Fairway Village No. 1 PUD within the Residential Development (RD) Zoning District.
2. The Fairway Village No. 1 Planned Unit Development was originally approved by City Council on December 12, 1979 and recorded on December 17, 1979.
3. The total area of the Fairway Village No. 1 PUD is 3.19 acres.
4. There are twenty eight (28) units in the Fairway Village No. 1 PUD.
5. On December 8, 2014, the applicant submitted an application to amend the existing Fairway Village No. 1 subdivision plat.
6. The application was deemed complete on January 6, 2015.
7. The sixteen (16) units on the west side of Fairway Village Drive were built with hallways that connect the garage to the main unit.
8. The original Fairway Village No. 1 subdivision plat shows that the garages are detached from the main units.
9. The proposed plat amendment would memorialize the existing built environment of the Fairway Village No. 1 PUD.
10. As conditioned, the proposed plat amendment does not create any new non-complying or non-conforming situations.
11. Fairway Village Drive is private and is not maintained by the City

Conclusions of Law:

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. Approval of the plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. The requested utility easements from the City Engineer, City Water Department, and Snyderville Basin Sewer Improvement District must be placed on the amended plat prior to recordation.

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

PASSED AND ADOPTED this ____ day of _____, 2015

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

ATTEST:

Marci Heil, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

FAIRWAY VILLAGE NO.1 FIRST AMENDED

A PLANNED UNIT DEVELOPMENT

Amending Units 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42 & 43 of Fairway Village No. 1
Located in the Northwest Quarter of Section 3 & the Northeast Quarter of Section 4, Township 2 South, Range 4 East, Salt Lake Base and Meridian,
Summit County, Utah, May 2014

SURVEYOR'S CERTIFICATE

I, Mark N. Gregory, do hereby certify that I am a Professional Land Surveyor in the State of Utah holding certificate number 334578 as prescribed by Title 58, Chapter 22 of the Professional Engineers and Land Surveyors Licensing Act. I further certify that by the authority of the owners, I have made an accurate survey of the tract of land shown and described herein in accordance with Sections 17-23-17 of the Utah State Code, have verified all measurements shown and have subdivided said property into streets hereafter to be known as Fairway Village No. 1 First Amended, a Planned Unit Development and that the same has been surveyed and monuments have been placed on the ground as represented on this plat.

BOUNDARY DESCRIPTION

A parcel of land located in the Northwest Quarter of Section 3 & the Northeast Quarter of Section 4, Township 2 South, Range 4 East, Salt Lake Base and Meridian, Summit County, Utah, described as follows:

BEGINNING at the Northwest Corner of Fairway Village No. 1, a Planned Unit Development recorded December 17, 1978 as Entry No. 162328 in the records of the Summit County Recorder, said corner being South 89°02'47" East 1,323.23 feet along the north line of 4, Township 2 South, Range 4 East, Salt Lake Base and Meridian and South 327.38 feet from the North Quarter Corner of said Section 4, on thence along the authority line of Meadows Drive the following two courses: 1) Easterly 84.11 feet along the arc of a 665.78 foot radius curve to the left through a central angle of 04°38'23" and a long chord of South 84°10'18" East 84.10 feet to a point of reverse curvature of a 447.00 foot radius curve to the right and 2) Easterly 128.10 feet along said curve through a central angle of 18°25'10" and a long chord of South 78°17'25" East 127.88 feet to the westerly line of Fairway Village Drive and a point of compound curvature of a 35.00 foot radius curve to the right thence along said westerly line the following seven courses: 1) Southeastery 57.01 feet along said curve through a central angle of 93°19'50" and a long chord of South 23°24'55" East 50.91 feet, 2) South 23°15'00" West 23.78 feet to a point of tangency of a 165.00 foot radius curve to the left, 3) Southeastery 268.62 feet along said curve through a central angle of 92°35'00" and a long chord of South 23°02'30" East 238.55 feet, 4) South 69°20'00" East 334.30 feet to a point of tangency of a 180.00 foot radius curve to the right, 5) Southeastery 181.89 feet along said curve through a central angle of 57°50'00" and a long chord of South 40°25'00" East 174.07 feet, 6) South 11°30'00" East 14.07 feet to a point of tangency of a 20.00 foot radius curve to the right and 7) Southeastery 314.42 feet along said curve through a central angle of 97°00'00" and a long chord of South 33°30'00" West 28.28 feet to the north line of Sunny Slopes Drive thence along said line South 78°30'00" West 121.01 feet thence North 40°23'00" West 80.63 feet thence North 69°20'00" West 418.16 feet thence North 22°00'00" West 353.00 feet thence North 95.23 feet to the POINT OF BEGINNING. Said parcel contains 139,029 square feet or 3.19 acres, more or less.

Date _____

Mark N. Gregory
P.L.S. No. 334578



STATE OF _____
COUNTY OF _____ } ss

On this _____ day of _____, 20____, personally appeared before me _____, the signer of the foregoing instrument, who duly acknowledged to me that (s)he is a _____ of Fairway Village Homeowners Association, a Utah non-profit corporation, and that he or she signed the Owner's Dedication and Consent to Record for, on and behalf of said Association and said _____ duly acknowledged that said Association executed the same.

NOTARY PUBLIC
Residing at: _____

STATE OF _____
COUNTY OF _____ } ss

On this _____ day of _____, 20____, personally appeared before me _____, the signer of the foregoing instrument, who duly acknowledged to me that (s)he is the _____ of the same as his/her/their free and voluntary act and deed, for the uses and purposes therein mentioned.

NOTARY PUBLIC
Residing at: _____

STATE OF _____
COUNTY OF _____ } ss

On this _____ day of _____, 20____, personally appeared before me _____, the signer of the foregoing instrument, who duly acknowledged to me that (s)he is the _____ of the same as his/her/their free and voluntary act and deed, for the uses and purposes therein mentioned.

NOTARY PUBLIC
Residing at: _____

STATE OF _____
COUNTY OF _____ } ss

On this _____ day of _____, 20____, personally appeared before me _____, the signer of the foregoing instrument, who duly acknowledged to me that (s)he is the _____ of the same as his/her/their free and voluntary act and deed, for the uses and purposes therein mentioned.

NOTARY PUBLIC
Residing at: _____

STATE OF _____
COUNTY OF _____ } ss

On this _____ day of _____, 20____, personally appeared before me _____, the signer of the foregoing instrument, who duly acknowledged to me that (s)he is the _____ of the same as his/her/their free and voluntary act and deed, for the uses and purposes therein mentioned.

NOTARY PUBLIC
Residing at: _____

OWNERS' DEDICATION AND CONSENT TO RECORD

Knew all men by these presents that the undersigned owners of the tract of land described at left, having caused the same to be subdivided into lots and streets to be hereafter known as:

Fairway Village No. 1 First Amended, a Planned Unit Development

do hereby dedicate for perpetual use of the public all, street right-of-ways, alpha lots and easements as shown on this plat as intended for Public use. Owners hereby agree to warrant and defend and save the City harmless against any assessments or other encumbrance on a dedicated street which will interfere with the City's use, maintenance and operation of the street.

Fairway Village Homeowners Association

Dennis Calvey

Gary A. Hurwitz

Holly Ruckdeschel

Michael J. Schimberg

The Black Living Trust

Colleen G. Anders

ORA-GMC, Inc.

Werner Enterprises Inc.

Annette Croce-Bates Revocable Trust

The Huebner-Corradini Trust

The Huebner-Corradini Trust

Victor Buzsachera

Nancy S. Buzsachera

Karl Frederick Schlopy

Lauri H. Schlopy

The Hoshaw Family Trust

Jonathan Shapir

Carolyn F. Shapir

The Jodyne Roseman Trust

Ronald N. Fox and Rachelle A. Fox

Revocable Trust

STATE OF _____
COUNTY OF _____ } ss

On this _____ day of _____, 20____, personally appeared before me _____, the signer of the foregoing instrument, who duly acknowledged to me that (s)he is the _____ of the same as his/her/their free and voluntary act and deed, for the uses and purposes therein mentioned.

NOTARY PUBLIC
Residing at: _____

STATE OF _____
COUNTY OF _____ } ss

On this _____ day of _____, 20____, personally appeared before me _____, the signer of the foregoing instrument, who duly acknowledged to me that (s)he is the _____ of the same as his/her/their free and voluntary act and deed, for the uses and purposes therein mentioned.

NOTARY PUBLIC
Residing at: _____

STATE OF _____
COUNTY OF _____ } ss

On this _____ day of _____, 20____, personally appeared before me _____, the signer of the foregoing instrument, who duly acknowledged to me that (s)he is the _____ of the same as his/her/their free and voluntary act and deed, for the uses and purposes therein mentioned.

NOTARY PUBLIC
Residing at: _____

STATE OF _____
COUNTY OF _____ } ss

On this _____ day of _____, 20____, personally appeared before me _____, the signer of the foregoing instrument, who duly acknowledged to me that (s)he is the _____ of the same as his/her/their free and voluntary act and deed, for the uses and purposes therein mentioned.

NOTARY PUBLIC
Residing at: _____

STATE OF _____
COUNTY OF _____ } ss

On this _____ day of _____, 20____, personally appeared before me _____, the signer of the foregoing instrument, who duly acknowledged to me that (s)he is the _____ of the same as his/her/their free and voluntary act and deed, for the uses and purposes therein mentioned.

NOTARY PUBLIC
Residing at: _____

STATE OF _____
COUNTY OF _____ } ss

On this _____ day of _____, 20____, personally appeared before me _____, the signer of the foregoing instrument, who duly acknowledged to me that (s)he is the _____ of the same as his/her/their free and voluntary act and deed, for the uses and purposes therein mentioned.

NOTARY PUBLIC
Residing at: _____

STATE OF _____
COUNTY OF _____ } ss

On this _____ day of _____, 20____, personally appeared before me _____, the signer of the foregoing instrument, who duly acknowledged to me that (s)he is the _____ of the same as his/her/their free and voluntary act and deed, for the uses and purposes therein mentioned.

NOTARY PUBLIC
Residing at: _____

STATE OF _____
COUNTY OF _____ } ss

On this _____ day of _____, 20____, personally appeared before me _____, the signer of the foregoing instrument, who duly acknowledged to me that (s)he is the _____ of the same as his/her/their free and voluntary act and deed, for the uses and purposes therein mentioned.

NOTARY PUBLIC
Residing at: _____

STATE OF _____
COUNTY OF _____ } ss

On this _____ day of _____, 20____, personally appeared before me _____, the signer of the foregoing instrument, who duly acknowledged to me that (s)he is the _____ of the same as his/her/their free and voluntary act and deed, for the uses and purposes therein mentioned.

NOTARY PUBLIC
Residing at: _____

STATE OF _____
COUNTY OF _____ } ss

On this _____ day of _____, 20____, personally appeared before me _____, the signer of the foregoing instrument, who duly acknowledged to me that (s)he is the _____ of the same as his/her/their free and voluntary act and deed, for the uses and purposes therein mentioned.

NOTARY PUBLIC
Residing at: _____

STATE OF _____
COUNTY OF _____ } ss

On this _____ day of _____, 20____, personally appeared before me _____, the signer of the foregoing instrument, who duly acknowledged to me that (s)he is the _____ of the same as his/her/their free and voluntary act and deed, for the uses and purposes therein mentioned.

NOTARY PUBLIC
Residing at: _____

STATE OF _____
COUNTY OF _____ } ss

On this _____ day of _____, 20____, personally appeared before me _____, the signer of the foregoing instrument, who duly acknowledged to me that (s)he is the _____ of the same as his/her/their free and voluntary act and deed, for the uses and purposes therein mentioned.

NOTARY PUBLIC
Residing at: _____



Dominion
Engineering Associates, L.C.
5884 South Green Street
Park City, Utah 84303
Phone: 435.633.1234
Fax: 435.633.1235
www.dominioneng.com

PARK CITY ENGINEER
I find this plat to be in accordance with information on file in my office this _____ day of _____, 20____.

Park City Engineer

PARK CITY PLANNING COMMISSION
Approved and accepted by the Park City Planning Commission this _____ day of _____, 20____.

Chair

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
Reviewed for conformance to Snyderville Basin Water Reclamation District Standards on this _____ day of _____, 20____.
By: _____
S.B.W.R.D.

APPROVAL AS TO FORM
Approved as to form this _____ day of _____, 20____.

Park City Attorney

CERTIFICATE OF ATTEST
I certify this record of survey map was approved by Park City Council this _____ day of _____, 20____.
By: _____
Park City Recorder

PARK CITY COUNCIL
Approved and acceptance by the Park City Council this _____ day of _____, 20____.
By: _____
Park City Mayor

RECORDED No. _____
State of Utah, County of Summit
Recorded and Filed at the request of: _____
Date: _____ Time: _____ Book: _____ Page: _____
Fee \$ _____
Summit County Recorder

NUMBER _____
ACCOUNT _____
SHEET 1
Page 82 of 492 ETS

1923.23'
North 1/4 Corner Section 4
T. 2 S., R. 4 E., S.L.B.M.
Found Aluminum Cap

North East Corner Section 4
T. 2 S., R. 4 E., S.L.B.M.
Found Rebar & Cap Stamped
"POHL 15173736" 0.8' South
of Corner

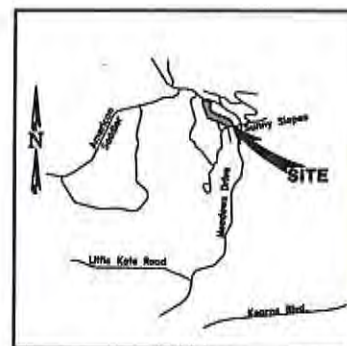
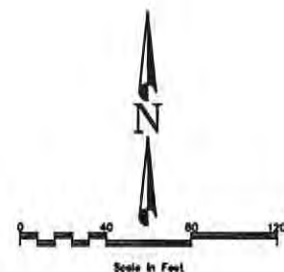
FAIRWAY VILLAGE NO.1 FIRST AMENDED
A PLANNED UNIT DEVELOPMENT
Amending Units 28, 29, 30, 31, 32, 33, 34, 35, 36, 37,
38, 39, 40, 41, 42 & 43 of Fairway Village No. 1
Located in the Northwest Quarter of Section 3 & the Northeast Quarter of Section 4,
Township 2 South, Range 4 East, Salt Lake Base and Meridian,
Summit County, Utah, May 2014

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD TANGENT
C1	665.76'	54.10'	4°39'23"	S 84°10'19" E	54.09' 27.07'
C2	35.00'	57.01'	83°19'50"	S 23°24'55" E	30.91' 37.10'
C3	20.00'	31.42'	90°00'00"	S 33°30'00" W	28.28' 20.00'
C4	35.00'	60.27'	98°39'47"	S 28°10'07" W	53.09' 40.74'
C5	20.00'	31.42'	90°00'00"	N 56°30'00" W	28.28' 20.00'
C6	35.00'	54.98'	90°00'00"	S 68°15'00" W	49.50' 35.00'

LEGEND

- Section Corner Monument (As Noted)
- Street Monument Found
- Property Boundary Line
- Monument Line
- Easement Line
- Sol Rebar w/ Cap Stamped "Domination Engineering" (Unless Otherwise Noted)
- Private Ownership
- Common Area

Park Meadows
Country Club, Inc.
Entry No. 481551



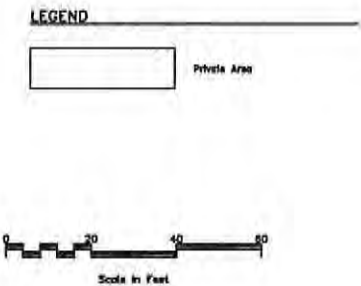
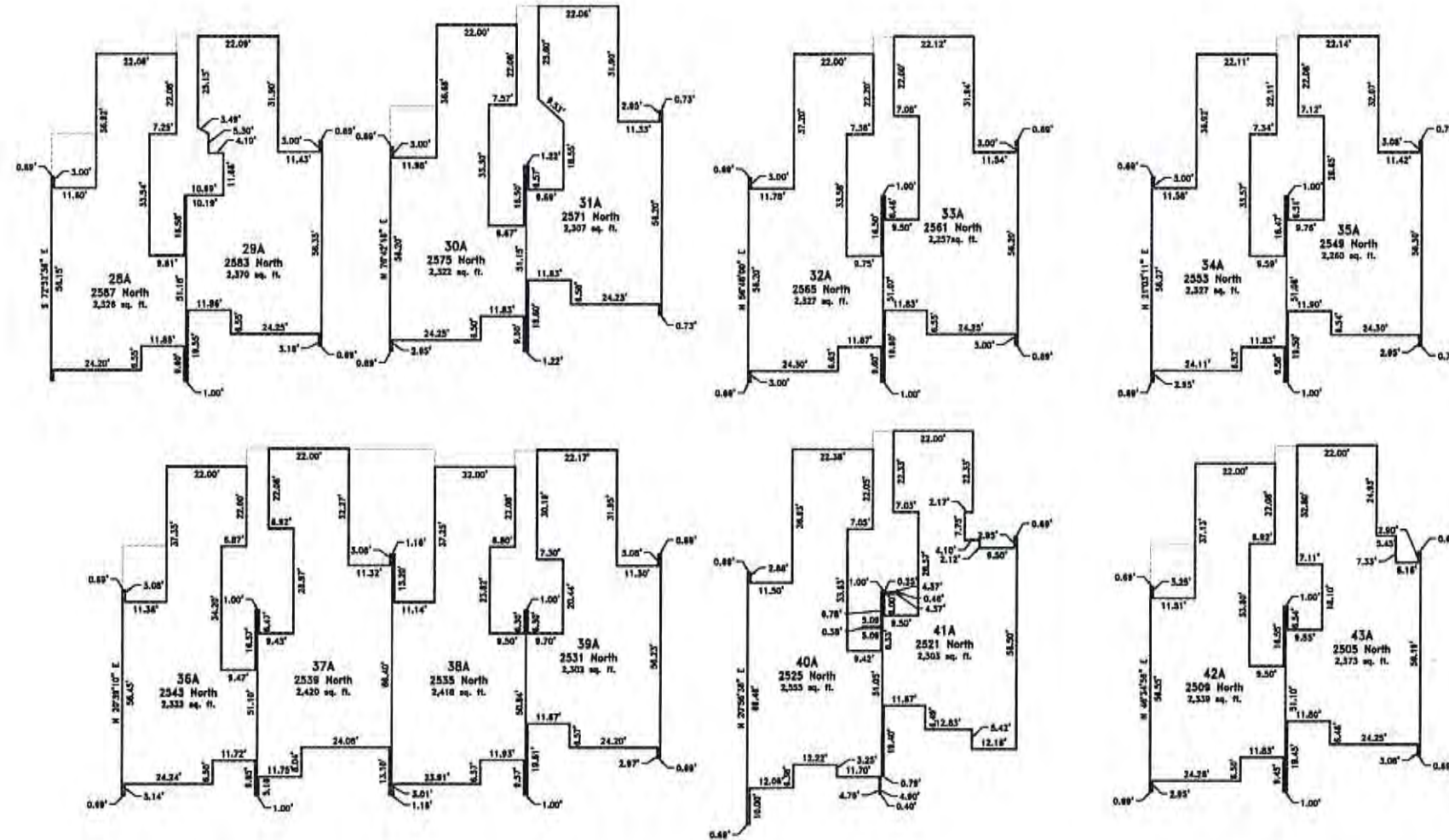
Vicinity Map
Not to Scale



RECORDED No. _____	NUMBER _____
State of Utah, County of Summit Recorded and Filed at the request of: _____	ACCOUNT _____
Date: _____ Time: _____ Book: _____ Page: _____	SHEET 2
Fee \$ _____	Summit County Recorder

Page 83 of 402 PETS

FAIRWAY VILLAGE NO.1 FIRST AMENDED
A PLANNED UNIT DEVELOPMENT
 Amending Units 28, 29, 30, 31, 32, 33, 34, 35, 36, 37,
 38, 39, 40, 41, 42 & 43 of Fairway Village No. 1
 Located in the Northwest Quarter of Section 3 & the Northeast Quarter of Section 4,
 Township 2 South, Range 4 East, Salt Lake Base and Meridian,
 Summit County, Utah, May 2014



RECORDED No. _____	NUMBER _____
State of Utah, County of Summit Recorded and Filed at the request of: _____	ACCOUNT _____
Date: _____ Time: _____ Books: _____ Pages: _____	SHEET 3
Fee \$ _____ Summit County Recorder	Page 843 of 492 LOTS

SURVEYOR'S CERTIFICATE

I, James G. West, do hereby certify that I am a Registered Land Surveyor and that I hold certificate No. 3082 as prescribed under the Laws of the State of Utah. I further certify that by authority of the owners I have made a survey of the tract of land shown on this plat and described below and subdivided said tract of land into lots and streets, hereafter to be known as Fairway Village No. 1 and that same has been correctly surveyed and staked on the ground as shown on this plat.

Beginning at the Northwest corner of Park Meadows Subdivision No. 6A, as recorded, said point also being N. 0° 0' 43" E. 1775.15 feet along a section line and East 152.25 feet from the East Quarter corner of Section 4, T.2S., R.4E., S.L.B. & M., said point being on a 367.00 foot radius curve to the right, the radius point of which bears S. 74° 35' 39" W. 367.00 feet; thence Southeast along the arc of said curve 40.02 feet; thence S. 78° 30' W. 313.99 feet; thence N. 11° 30' W. 30.00 feet; thence N. 40° 25' W. 80.62 feet; thence N. 69° 20' W. 418.16 feet; thence N. 22° 00' W. 355.00 feet; thence North 95.23 feet to a point on a 665.16 foot radius curve to the left, the radius point of which bears N. 8° 09' 25" E. 665.16 feet; thence Southeast along the arc of said curve 57.11 feet to a point of a 447.00 foot radius reverse curve to the right, the radius point of which bears S. 3° 30' W. 447.00 feet; thence Southeast along the arc of said curve 154.08 feet to a point of tangency; thence S. 66° 45' E. 162.00 feet to a point of a 367.00 foot radius curve to the right, the radius point of which bears S. 23° 15' W. 367.00 feet; thence Southeast along the arc of said curve 158.53 feet to a point of a 433.00 foot radius reverse curve to the left, the radius point of which bears N. 48° 00' E. 433.00 feet; thence Southeast along the arc of said curve 211.60 feet to a point of a 367.00 foot radius reverse curve to the right, the radius point of which bears S. 20° 00' W. 367.00 feet; thence Southeast along the arc of said curve 349.70 feet to a point of beginning.

Sep 20, 1979
Date

James G. West
James G. West

OWNER'S DEDICATION

Know all men by these presents that we the undersigned, owners of the herein described tract of land having caused same to be subdivided into lots and streets to be hereafter known as Fairway Village No. 1 do hereby dedicate for perpetual use of the lot owners all common areas shown on this plat. Reserving unto the undersigned for the granting to adjacent properties a non-exclusive easement of ingress and egress and for vehicular and pedestrian traffic over those portions of property graded and surfaced as roadways in the manner set forth in the Declarations of Covenants, conditions and restrictions recorded here with we have hereunto set our hands this 17th day of October, A.D. 1979.

Enoch R. Smith, Partner
Victor R. Myers, Partner

ACKNOWLEDGMENT

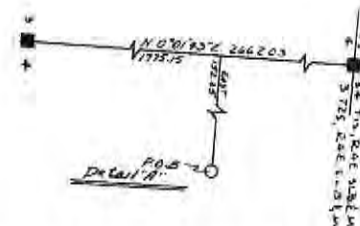
STATE OF UTAH
COUNTY OF SUMMIT

On this 17th day of October, A.D. 1979 personally appeared before me, the undersigned, Notary Public in and for said State and County, Enoch R. Smith and Victor R. Myers who after being duly sworn, acknowledged to me that they are partners of Park Meadows Development Company, a Utah partnership, that they signed the owners dedication freely and voluntarily for and in behalf of said company for the purposes therein mentioned and said company executed the same.

My Commission Expires January 26, 1981
Residing in Salt Lake County, Utah

Notary Public

Legend:
● Fire Hydrants



- Notes
1. All tie lines are at 90° to center lines and property lines unless otherwise noted.
 2. Typical building lots as denoted by numbers 28 thru 43 are measured same as lots 34 and 39 and associated limited common areas.
 3. Typical building lots as denoted by numbers 16 thru 27 are measured same as lot 24 and associated limited common areas.
 4. Non-cross-hatched areas are to be common areas dedicated to the use of the Fairway Village No. 1 Homeowners Association and its members.
 5. Recorded concurrently with this plat is a Declaration of Covenants which details the rights and obligations of parties having or acquiring an interest in this property.
 6. Single cross-hatched areas indicate private ownership.
 7. Double cross-hatched areas are limited common ownership associated for use with the unit designated by the same number.

RECEIVED
JAN 06 2015
PARK CITY PLANNING DEPT.

Prepared By:
J.J. Johnson & Associates
Civil Engineering Planning Surveying
1700 Park Avenue P.O. Box 1661
Park City, Utah 84060
Planning Commission Meeting - April 8, 2015

City Planning Commission
Approved & Accepted by the Park City Planning Commission this 10th day of Oct. A.D. 1979
Chairman

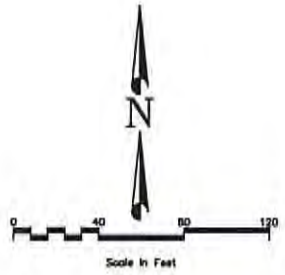
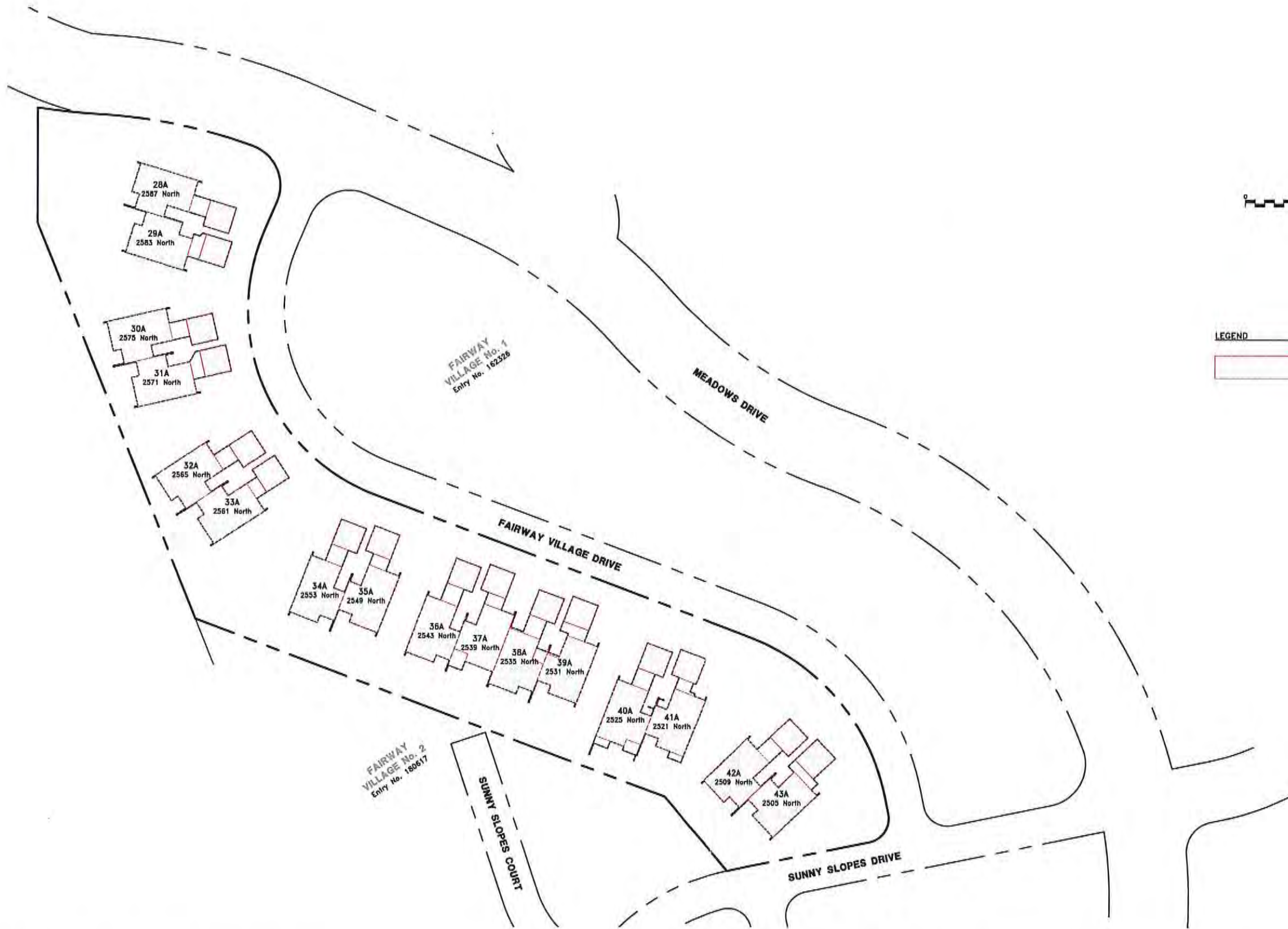
FAIRWAY VILLAGE No. 1
A PLANNED UNIT DEVELOPMENT
Located in N.E. Quarter of Section 4, T.2S., R.4E., S.L.B. & M.

Certificate of Attest
Attest this 24th day of Dec. A.D. 1979
Park City Recorder

Council Approval & Acceptance
Approved & Accepted by the Park City Council this 22nd day of Dec. A.D. 1979
Mayor

No. 162326
Recorded
State of Utah, County of Summit, Recorded and Filed at the request of:
Summit County Title
Date 12-17-79 Time 4:45
Fee 24.50
Summit County Recorder

P:\Fairway Village Amended Plat 2275\Survey\dwg\Exhibit.dwg



LEGEND

Original Plotted Building Lines

RECEIVED
JAN 06 2015
PARK CITY
PLANNING DEPT.

Planning Commission Meeting April 8, 2015

DRAWN	WNC 8/14	CHECKED	
DESIGNED		PROJECT ENGINEER	
DATE		DATE	
DATE		PROJECT MANAGER	

FAIRWAY VILLAGE HOMEOWNERS ASSOCIATION

PARK CITY, UTAH

 **DOMINION**
Engineering Associates, L.C.
5684 South Green Street
Murray, Utah 84123 801-713-3000

FAIRWAY VILLAGE No. 1 FIRST AMENDED

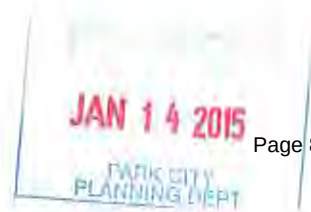
BUILDING LINE EXHIBIT

				PROJECT NO.	
				2275-01	
				SHEET NO.	
				1 of 1	
				Page 1 of 1	
NO.	REVISIONS	BY	DATE	Scale: 1"=100'	

Project Intent / Scope of Work

The current PUD plat incorrectly reflects the actual footprint of the existing buildings. Small areas shown as common area on the plat are actually enclosed within townhouse walls, and in fact were originally constructed this way in 1979. The original neighborhood plat shows detached garages, but during construction the garages were attached to the house, creating a hallway from the garage to the townhouse unit through what is shown on the plat as common area.

A year ago, two owners faced challenges from the building department when they attempted to pull permits for remodels, as it appeared the owners were building in common area when they were remodeling in the aforementioned hallways. In reality, these areas had always been part of the townhouse. The HOA seeks to rectify this problem for owners who wish to do work in the future by correcting the plat with this amendment.







Planning Commission Staff Report



Subject: 936 Empire Avenue
Project #: PL-15-02618
Author: Christy J. Alexander, AICP, Planner II
Date: April 8, 2015
Type of Item: Administrative – Steep Slope Conditional Use Permit

Summary Recommendations

Staff recommends the Planning Commission review the application for a Steep Slope Conditional Use Permit (CUP) at 936 Empire Avenue, conduct a public hearing, and consider approving the Steep Slope CUP for 936 Empire Avenue. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

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

Description

Owner/ Applicant: Steve Rosenberg
Architect: Bill Van Sickle, designer/Larry Feldman, representative
Location: 936 Empire Avenue
Zoning: Historic Residential (HR-1)
Adjacent Land Uses: Residential single family homes, duplexes, and condos
Reason for Review: Construction of structures with greater than 1,000 square feet of floor area and located on a steep slope (30% or greater) requires a Conditional Use Permit

Proposal

This application is a request for a Steep Slope Conditional Use Permit for a 3,815 square feet new single family home (including the full basement area and garage) on a 2,812.5 square foot lot located at 936 Empire Avenue. The total floor area exceeds 1,000 square feet and the construction is proposed on a slope of greater than 30%.

Purpose

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

- A. preserve present land Uses and character of the Historic residential Areas of Park City,
- B. encourage the preservation of Historic Structures,
- C. encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods,

- D. encourage single family Development on combinations of 25' x 75' Historic Lots,
- E. define Development parameters that are consistent with the General Plan policies for the Historic core, and
- F. establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.

Background

On January 6, 2015, the City received an application for a Steep Slope Conditional Use Permit (CUP) for "Construction on a Steep Slope" at 936 Empire Avenue. The property is located in the Historic Residential (HR-1) District. The application was deemed complete on January 22, 2015. This application is a request for a Steep Slope Conditional Use Permit for construction of a new single family home which is proposed to be 3,815 square feet total (including the full basement and the double car garage) on an amended "Old Town" lot containing 2,812.5 square feet. The property is described as Lot 1 of the 936 Empire Avenue Subdivision, a combination of one and a half standard "Old Town" lots. Because the total proposed structure is greater than 1,000 square feet, and the slope within the first 30' of the lot is greater than thirty percent (30%), the applicant is required to file a Conditional Use Permit application for review by the Planning Commission, pursuant to LMC § 15-2.2-6 and prior to issuance of a building permit.

A separate Historic District Design Review (HDDR) application required for the proposed home was submitted on January 6, 2015. This application was approved on March 31, 2015 for compliance with the Design Guidelines for Historic Districts and Historic Sites that were adopted in 2009. Issuance of a building permit for the proposed home is dependent on approval of the Historic District Design Review.

On October 27, 2014, the applicant submitted an application for a plat amendment to combine the one and a half (1.5) lots containing a total of 2,812.5 square feet into one (1) lot of record in order to construct a new single family home. The City Council approved the 936 Empire Avenue Subdivision plat on February 12, 2015 and is pending recordation but will need to be recorded prior to February 12, 2016 and building permit approval. There is an existing home and retaining wall to the north that encroaches onto this property by 0.3 feet as addressed on the plat. There is also a current application submitted to the Planning Department by the owner of the lot to the north requesting to demolish that non-historic structure. The design of this proposed home is based on the existing home to the north and wall being demolished. Therefore there is a condition of approval that the existing structures which encroach on this property must be demolished prior to building permit being granted.

Analysis

The lot has an average slope, across the entire depth, of twenty four percent (24%) but upwards of 35-38% slopes within the first 20 feet from the ROW. The lot is a combination of one and a half standard "Old Town" lots, both previously being vacant. This property already has access to utility services for water, sewer, etc. off of Empire Avenue.

The proposed home contains a total of 3,815 square feet, including the basement and a double car garage. The proposed building footprint totals 1,201 square feet. The 2,812.5 square foot lot allows a building footprint of 1,201 square feet. The house complies with all setbacks, building footprint, and building height requirements of the HR-1 zone. The third story includes horizontal stepping of ten feet (10') which meets the required ten feet (10') of stepping. See below for description of each floor:

Floor	Proposed Sq. Ft. for Home
Basement	1,198 square feet
Garage	357 square feet
Lower	801 square feet
Main	844 square feet
Upper	615 square feet
Overall area	3,815 square feet

Staff reviewed the plans and made the following LMC related findings:

Requirement	LMC Requirement	Proposed for New Home
Lot Size	Minimum of 1,875 square feet	2,812.5 square feet, <u>complies.</u>
Building Footprint	1,201 square feet (based on lot area) <u>maximum</u>	1,201 square feet, <u>complies.</u>
Front and Rear Yard	10 feet minimum (decks, porches and bay windows may extend up to 3' into the front setback for a max width of 10')	Front- 12 feet, <u>complies.</u> Rear- 18 feet, <u>complies.</u>
Side Yard	3 feet minimum for lot (6 feet total) There are existing encroachments to the north due to the existing home and retaining wall which is proposed to be demolished but will affect setback requirements if not demolished.	3 feet on both sides; will <u>comply if home and retaining wall to north are demolished and remove building code issues due to the lack of separation of the buildings.</u> no window wells- <u>complies.</u>
Height	27 feet above existing grade, <u>maximum.</u> 35 feet above existing grade is permitted for a single car garage on a downhill lot.	Various heights all at or less than 27 feet - <u>complies.</u> <u>No height exception for garage is requested.</u>
Total Building Height	35 feet from lowest floor plane to highest wall plate	35 feet- <u>complies.</u>
Final grade	Final grade must be within four (4) vertical feet of existing grade around the periphery of the structure.	(4 feet) or less- <u>complies.</u>

Vertical articulation	A ten foot (10') minimum horizontal step in the downhill façade is required unless the First Story is located completely under the finish Grade on all sides of the Structure. The horizontal step shall take place at a maximum height of twenty three feet (23') from where Building Footprint meets the lowest point of existing Grade.	Third story on rear façade is 10' back from lower levels at 23' height— <u>complies.</u>
Roof Pitch	Roof pitch must be between 7:12 and 12:12 for primary roofs. Non-primary roofs may be less than 7:12.	7:12 for all primary roofs - <u>complies.</u>
Parking	Two (2) off-street parking spaces required	Two (2) spaces within the proposed double car garage— <u>complies.</u>

The current design complies with the 35 foot total height requirement from the lowest floor plane to the point of the highest wall top plate. The current design was approved on March 31, 2015 for their Historic District Design Review application.

Steep Slope Review Criteria

LMC § 15-2.2-6 provides for development on steep sloping lots (30% or greater) if the structure contains more than one thousand square feet (1,000 sq. ft.) of floor area, including the garage, within the HR-1 District, subject to the following criteria:

Criteria 1: Location of Development.

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

The proposed single family house is located on an approved platted lot, (which was approved on February 12, 2015 and is unrecorded but will need to be recorded before February 12, 2016 and building permit approval), in a manner that reduces the visual and environmental impacts of the Structure. The main level is set slightly below the grade of the street to minimize visual impacts on the Streetscape (Exhibit B). The foundation is stepped with the grade and the amount of excavation for the home is minimized due to the existing topography. There is no major vegetation present on the vacant lot. The proposed 1201 square feet footprint of the home complies with that allowed for the lot area. The front and rear setbacks are increased for portions of the structure.

Criteria 2: Visual Analysis.

The Applicant must provide the Planning Department with a visual analysis of the project from key Vantage Points to determine potential impacts of the project and

identify potential for screening, slope stabilization, erosion mitigation, vegetation protection, and other items. **No unmitigated impacts.**

The applicant submitted a visual analysis, cross canyon view, streetscape elevations and photographs showing a contextual analysis of the proposed home related to visual impacts (Exhibit B). The proposed structure cannot be seen from the key vantage points as indicated in the LMC Section 15-15-1.283, with the exception of a cross canyon view. The cross canyon view contains a back drop of two (2) and three (3) story single family and duplex homes and a large condominium building.

This site contains a combination of one and a half "old town" lots with many similar structures in the immediate neighborhood. The lot is currently vacant.

The visual analysis and streetscape demonstrate that the proposed design of the home is visually compatible with the neighborhood, compatible in scale and mass with surrounding structures, and visual impacts are mitigated. Potential impacts of the design are mitigated by architectural stepping and a stepped foundation, minimized excavation and greater horizontal step in the roofline. Additionally, the garage door is located approximately 12 feet back from the edge of Empire Avenue.

Criteria 3: Access.

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

The proposed design uses access off of Empire Avenue. Side access is not feasible due to the width of the lot. The proposed driveway has an overall slope of 0.14% as measured from the front of the garage to the edge of the paved street. The proposed driveway was designed to minimize Grading of the natural topography and to reduce overall Building scale.

Criteria 4: Terracing.

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

The lot has a gentle grade at the rear becoming relatively steeper at the front. Overall, the slope is 24%. There are no proposed retaining walls. The lots to the north of the subject lot has an existing single family home and the lot to the south had an existing single family home that has currently pulled a permit for demolition but is not yet demolished, retaining between them is not necessary.

Criteria 5: Building Location.

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

The new home's building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography. The site design and building footprint provide a front setback area (12') in front of the garage and (18') to the entry. Side setbacks and building footprints are maintained consistent with the pattern of development and separation of structures in the neighborhood. The driveway width is 16 feet. The garage door is setback 12' from the edge of the street and the ROW line. The front yard area adjacent to the driveway is proposed to be landscaped with drought tolerant plants and trees.

Criteria 6: Building Form and Scale.

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

The new home steps with the grade and is broken into a series of smaller components that are compatible with the District. The stepping of the home creates the interior story levels and allows the main level to meet existing grade. The garage however, is not subordinate in design in that it is not setback more from the street than the home and the width is not minimized. Staff has worked with the applicant to separate the garages and setback one 3 feet from the other so as to create a shadow and minimize the perceived bulk and "wall effect" and by implementing columns between the two garage doors.

Criteria 7: Setbacks.

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

Front setbacks are greater than is required by Code as the garage portion of the house is currently setback 12 feet from the property line and the edge of the street, to accommodate the code required parking spaces inside the garages and entirely on the lot. No wall effect is created with the proposed design of the home. Side setbacks are consistent with the pattern of development and separation in the neighborhood. The articulation in the front and rear facades reduce the overall mass of the structure and does not create a wall effect along the street front or rear lot line. Rear elevation is articulated with an increased horizontal step.

Criteria 8: Dwelling Volume.

The maximum volume of any Structure is a function of the Lot size, Building Height, Setbacks, and provisions set forth in this Chapter. The Planning Commission may further limit the volume of a proposed Structure to minimize its visual mass and/or to

mitigate differences in scale between a proposed Structure and existing Structures. **No unmitigated impacts.**

The proposed house is both articulated and broken into compatible massing components. The design includes setback variations and lower building heights for portions of the structure. The proposed massing and architectural design components are compatible with both the volume and massing of single family dwellings in the area. The design minimizes the visual mass and mitigates the differences in scale between the proposed house and surrounding structures.

Criteria 9: Building Height (Steep Slope).

The maximum Building Height in the HR-1 District is twenty-seven feet (27'). The Planning Commission may require a reduction in Building Height for all, or portions, of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing residential Structures. **No unmitigated impacts.**

The proposed structure meets the twenty-seven feet (27') maximum building height requirement measured from existing grade at the highest point. Portions of the house are less than 27' in height. The tallest portion of the house (27') is midway back from the front and the roof height at this location is not visually apparent from the front, back, or sides of the house. The differences in scale between the proposed Structure and existing Structures are mitigated.

While a 35 foot height is allowed for the garage on a downhill lot, this design does not propose to utilize a height exception from existing grade. The design complies with the 27 foot height allowance measured from existing grade.

Staff finds that the design allows additional design aesthetics, provides compatibility of design at the street level, meets the overall building Height requirement with no exception needed for the garage, and reduces the mass at the rear of the structure.

Process

Approval of this application constitutes Final Action that may be appealed to the City Council following appeal procedures found in LMC § 15-1-18. Approval of the Historic District Design Review application is noticed separately and is a condition of building permit issuance. Recordation of the Plat within one year of City Council approval is also a condition of building permit issuance.

Department Review

This project has gone through an interdepartmental review. No further issues were brought up at that time other than standards items that have been addressed by revisions and/or conditions of approval.

Notice

On March 25, 2015, the property was posted and notice was mailed to property owners within 300 feet. On March 21, 2015, legal notice was published in the Park Record in accordance with requirements of the LMC.

Public Input

At the time of publishing this report, no public input was received on this Steep Slope CUP application.

Alternatives

- The Planning Commission may approve the Steep Slope Conditional Use Permit for 936 Empire Avenue, or
- The Planning Commission may deny the Steep Slope CUP Permit for 936 Empire Avenue and direct staff to make Findings for this decision, or
- The Planning Commission may request the applicant provide revisions or provide other specific items and continue the discussion to a date certain.

Significant Impacts

As conditioned, there are no significant fiscal or environmental impacts from this application. The lot is a combination of one and a half vacant lots.

Recommendation

Staff recommends the Planning Commission review the application for a Steep Slope Conditional Use Permit at 936 Empire Avenue, conduct a public hearing, and consider approving the Steep Slope CUP for 936 Empire Avenue. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

Findings of Fact:

1. The property is located at 936 Empire Avenue.
2. The property is located within the Historic Residential (HR-1) District and meets the purpose of the zone.
3. The property is described as Lot 1 of the 936 Empire Avenue Subdivision. The lot area is 2,812.5 square feet.
4. A Historic District Design Review (HDDR) application was approved on March 31, 2015 for compliance with the Design Guidelines for Historic Districts and Historic Sites adopted in 2009.
5. This lot is a combination of one and a half "Old Town" lots, which was previously vacant. This is a downhill lot.
6. Access to the property is from Empire Avenue, a public street.
7. There is an existing home and retaining wall to the north that encroaches onto the property 0.3 feet. There is a current application that has been submitted to the Planning and Building Departments requesting to demolish these structures.
8. Two parking spaces are proposed on site. Two spaces are proposed within an attached garage within the lot area.
9. The neighborhood is characterized by primarily non-historic and historic residential structures, single family homes, duplexes and condos.
10. The proposal consists of a total of 3,815 square feet, including the basement area and a double car garage.
11. The proposed driveway was designed with a maximum width of 16 feet and is approximately 12 feet in length from the garage to the existing edge of street with a

- minimum of 12 feet of driveway located on the property. The garage doors comply with the maximum height and width of nine feet by nine feet.
12. The proposed driveway has an overall slope is 0.14% as measured from the front of the garage to the edge of the paved street.
 13. An overall combined building footprint of 1,201 square feet is proposed. The maximum allowed footprint for this lot is 1,201 square feet.
 14. The proposed structure complies with all setbacks.
 15. The proposed structure complies with the twenty-seven feet (27') maximum building height requirement measured from existing grade. Portions of the house are less than 27' in height.
 16. The proposed home complies with the LMC required total building height of 35' from the lowest floor plane to the highest wall plate and is in compliance with the LMC required step back of 10' at the building height of 23' at the rear façade.
 17. The applicant submitted a visual analysis, cross valley views and a streetscape showing a contextual analysis of visual impacts of this home on the cross canyon views and the Empire Avenue streetscape.
 18. Retaining is not necessary around the home on the upper, steeper portion of the lot. There will be no free-standing retaining walls. There are no window wells.
 19. The building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography.
 20. The site design, stepping of the foundation and building mass, increased articulation, and decrease in the allowed difference between the existing and final grade mitigates impacts of construction on the 30% or greater slope areas.
 21. The design includes setback variations in the front and back and lower building heights for portions of the structure in both the front and back where facades are less than twenty-seven feet in height.
 22. The proposed massing and architectural design components are compatible with both the volume and massing of other single family dwellings in the area. No wall effect is created with adjacent structures due to stepping, articulation, and placement of the house on the lot.
 23. The proposed structure follows the predominant pattern of buildings along the street, maintaining traditional setbacks, orientation, and alignment. Lot coverage, site grading, and steep slope issues are also compatible with neighboring sites. The size and mass of the structure is compatible with surrounding sites, as are details such as foundation, roofing, materials, window and door openings, and double car garages.
 24. No lighting has been proposed at this time. Lighting will be reviewed at the time of Building Permit application for compliance with the LMC lighting code standards.
 25. The applicant submitted a visual analysis, cross canyon view, and streetscape showing a contextual analysis of visual impacts of the proposed structure on the adjacent streetscape.
 26. The findings in the Analysis section of this report are incorporated herein.
 27. The applicant stipulates to the conditions of approval.

Conclusions of Law:

1. The Steep Slope CUP application is consistent with the Park City General Plan.
2. The application is consistent with requirements of the Park City LMC, specifically Section 15-2.2-6 (B) (1-10) regarding development on Steep Slopes.

3. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval:

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
3. A final utility plan, including a drainage plan, for utility installation, public improvements, and storm drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers, including Snyderville Basin Water Reclamation District, prior to issuance of a building permit.
4. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
5. A final landscape plan shall be submitted for review and approval by the City Planning Department, prior to building permit issuance.
6. No building permits shall be issued for this project unless and until the design is reviewed and approved by the Planning Department staff for compliance with this Conditional Use Permit, the 2009 Design Guidelines for Historic Districts and Historic Sites (Historic District Design Review) and the Land Management Code.
7. The existing home and retaining wall to the north that are encroaching on this property must be demolished prior to building permit approval. If the home and wall are not demolished the proposed home at 936 Empire Avenue will need to be redesigned to meet current LMC required setbacks and building code requirements from existing structures and this Steep Slope Approval shall be amended or voided.
8. The plat approved by City Council on February 12, 2015 shall be recorded at the County prior to February 12, 2016 and Building Permit approval.
9. If required by the Chief Building Official based on a review of the soils and geotechnical report submitted with the building permit, the applicant shall submit a detailed shoring plan prior to the issue of a building permit. If required by the Chief Building official, the shoring plan shall include calculations that have been prepared, stamped, and signed by a licensed structural engineer.
10. This approval will expire on April 8, 2016, if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval has been requested in writing prior to the expiration date and the request is granted by the Planning Director.
11. Modified 13-D residential fire sprinklers are required for all new structures on the lot.
12. All exterior lighting, on porches, garage doors, entryways, etc. shall be shielded to prevent glare onto adjacent property and public rights-of-way. Light trespass into the night sky is prohibited.
13. Construction waste should be diverted from the landfill and recycled when possible.
14. All electrical service equipment and sub-panels and all mechanical equipment, except those owned and maintained by public utility companies and solar panels, shall be painted to match the surrounding

Exhibits

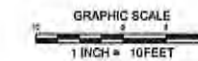
Exhibit A - Plans (existing conditions, site plan, landscape plan, elevations, floor plans (date stamped March 12, 2015)

Exhibit B - Visual Analysis and Streetscape

Exhibit C – Photographs and Vicinity Map

Exhibit D - Recorders plat (to be recorded at the County) and Aerial

936 EMPIRE AVENUE
PARCEL SA-155-A
LOT 24 & THE NORTHERLY 1/2 OF LOT 25, BLOCK 15, SNYDERS ADDITION TO PARK CITY
LOCATED IN THE NORTHEAST QUARTER OF SECTION 16
TOWNSHIP 2S RANGE 4E
SALT LAKE BASE AND MERIDIAN



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

GREGORY J. FERRARI, P.L.S. 0046908 EXPIRES
MARCH 31, 2015



P.O.BOX 683001
PARK CITY, UT 84068

LOT 24 AND THE NORTHERLY HALF OF LOT 25, BLOCK 15, SNYDERS ADDITION TO PARK CITY SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE SUMMIT COUNTY RECORDERS OFFICE.

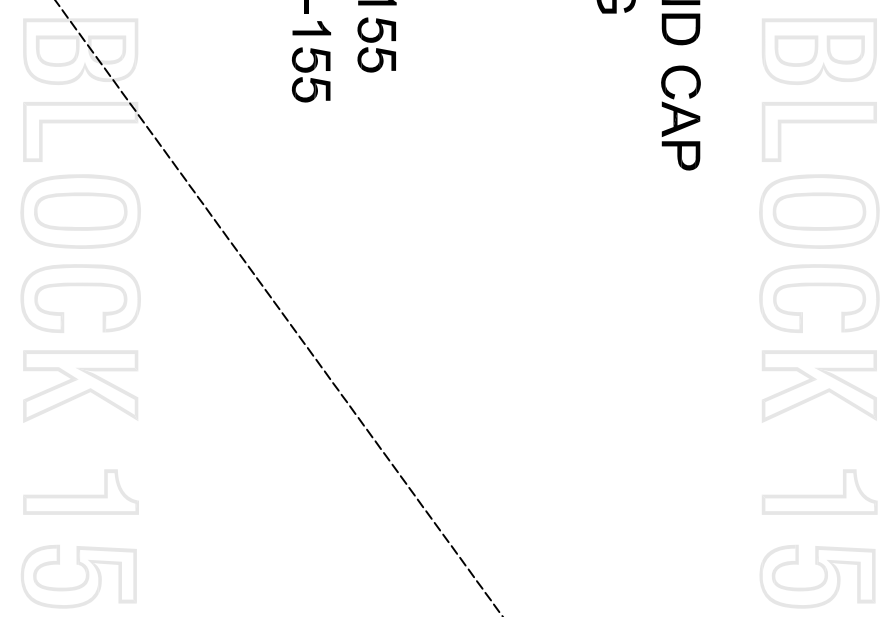
	PROPERTY LINE		PROPERTY CORNER (AS NOTED)
	MAJOR CONTOUR		WATER MANHOLE
	MINOR CONTOUR		STREET MONUMENT
	CENTER LINE		DRAINAGE INLET
	PUBLIC UTILITY EASEMENT		
	BUILDING ENVELOPE		

CLIENT:	LARRY FELDMAN 936 EMPIRE AVE. PARK CITY, UT 84060
PROJECT ADDRESS:	936 EMPIRE AVENUE PARK CITY, UT 84060
SERIAL NO:	SA-155-A
RECORD INFORMATION:	LOT 24 AND THE NORTH 1/2 LOT 25, BLOCK 15, SNYDER'S ADDITION TO PARK CITY

1. THE PURPOSE OF THIS SURVEY IS LOCATE THE BOUNDARIES OF THIS PROPERTY ON THE GROUND AND CREATE A TOPOGRAPHICAL MAP AT THE REQUEST OF LARRY FELDMAN.
2. THE EVIDENCE OF BOUNDARY SHOWN HEREON IS TAKEN FROM RECORD INFORMATION COMPILED FROM SNYDERS ADDITION TO PARK CITY SUBDIVISION.
3. NO INVESTIGATION CONCERNING ENVIRONMENTAL & SUBSURFACE CONDITIONS, OR THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONTAINERS OR FACILITIES WHICH MAY AFFECT THE USE OR DEVELOPMENT OF THIS PROPERTY WAS MADE AS A PART OF THIS SURVEY.
4. NO INVESTIGATION CONCERNING THE LOCATION OF OR EXISTENCE OF UTILITY SERVICE LINES TO THIS PROPERTY WAS MADE AS A PART OF THIS SURVEY.
5. ALL UTILITY LOCATIONS SHOULD BE FIELD VERIFIED PRIOR TO ANY DESIGN OR CONSTRUCTION.
6. DATE OF FIELD WORK SEPTEMBER 24, 2014.
7. VERTICAL DATUM IS ASSUMED.
8. BUILDING SETBACKS MUST BE CONFIRMED WITH THE COUNTY, HOMEOWNERS ASSOCIATION, ARCHITECTURAL COMMITTEE, OR SIMILAR ADVISORY GROUP, IF ANY.
9. THE OWNER OF THE PROPERTY SHOULD BE AWARE OF ANY ITEMS AFFECTING THE PROPERTY THAT MAY APPEAR IN A TITLE INSURANCE REPORT.
10. BASIS OF BEARING SHOWN HEREON.

RECORD OF SURVEY AND TOPOGRAPHICAL MAP
936 EMPIRE AVENUE
SA-155-A
LOT 24 AND THE NORTHERLY HALF OF LOT 25,
BLOCK 15, SNYDER'S ADDITION TO PARK CITY
PARK CITY SUMMIT COUNTY UTAH

0 1	
BAR IS ONE INCH ON ORG. DRAWING IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY	
SURVEY BY: PROPERTY DATE: DESIGN BY: DRAFTING BY: CHECKED BY:	OF TM B-2-14 OF OF OF
DATE: DRAWING: SCALE:	ADJ F1 X1 F1 752 85% ENLARGEMENT B-2-14
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2' CONTROLS	



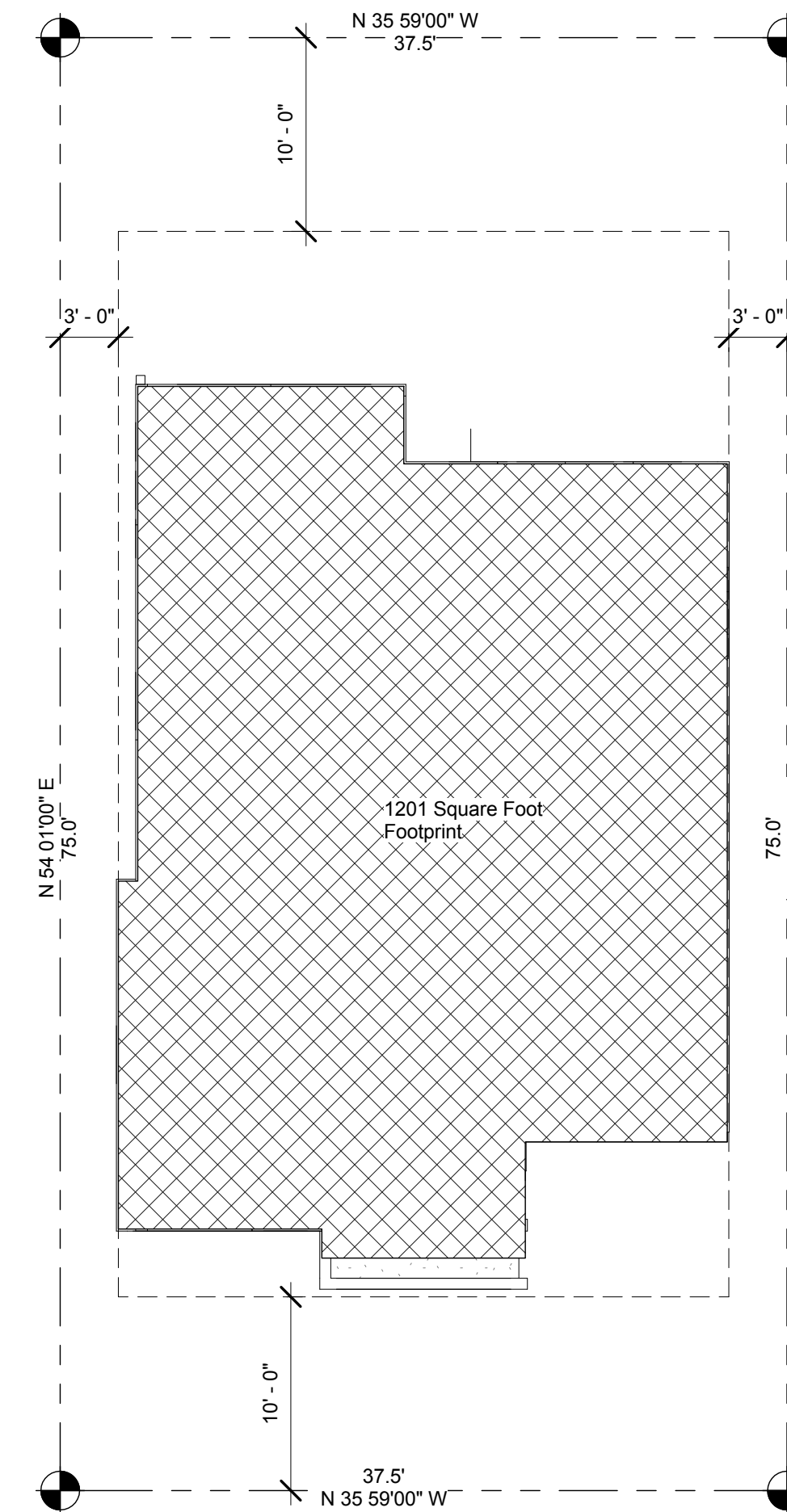
4109 S 1400 E
Salt Lake City, UT 84124
(801) 694-9683
bill.draftmaster@gmail.com
www.vansicklearchitecture.com

NEW RESIDENCE
936 EMPIRE AVENUE
PARK CITY, UTAH
84098

DATE OF
PLANS
JAN 2015

A1.3

936 Empire Avenue
Park City, Utah 84098



Square Footage	
Name	Area

SPECIAL STRUCTURAL NOTES:
1. ANY FIELD WELDING OR TORCH
WORK WILL REQUIRE A SEPERATE
"HOT WORK" PERMIT PRIOR TO
BEGINNING WORK IFC 105.6.11

[illegible]

NOTES:

1. CERTIFICATE OF SURVEY REQUIRED AFTER THE FOOTINGS AND PRIOR TO FOUNDATION WALLS AND PRIOR TO SHEARWALL/4-WAY INSPECTION
2. CERTIFICATE OF ELEVATION: THE ELEVATIONS AT THE TOP OF FOUNDATION AT 4 MAJOR CORNERS OR ROOF RIDGES IS REQUIRED AFTER THE FOUNDATION HAS BEEN POURED AND PRIOR TO SHEARWALL/4-WAY INSPECTION.
3. ALL 2 1/2 lb GAS PIPE SYSTEM METER SETS REQUIRES PRIOR APPROVAL FROM QUESTAR GAS. PROVIDE A LETTER FROM QUESTAR APPROVING SYSTEM.
4. GAS LINE INTO HOUSE SHALL NOT BE LESS THAN 1"
5. (3) BACK FLOW PREVENTORS, HOUSE, LANDSCAPE AND STOP AND WASTE

- 2012 IRC
- 2012 IBC
- 2012 IPC
- 2012 IMC
- 2012 NEC

- 1- Truss Specifications
- 2 - Fireplace Specifications
- 3 - Fire Sprinkler System (if required)
- 4 - Engineering on Rock Retaining Walls

 **VAN SICKLE**
DESIGN & DRAFTING

2065 SIDEWINDER DRIVE
SUITE 201
PARK CITY, UTAH 84060

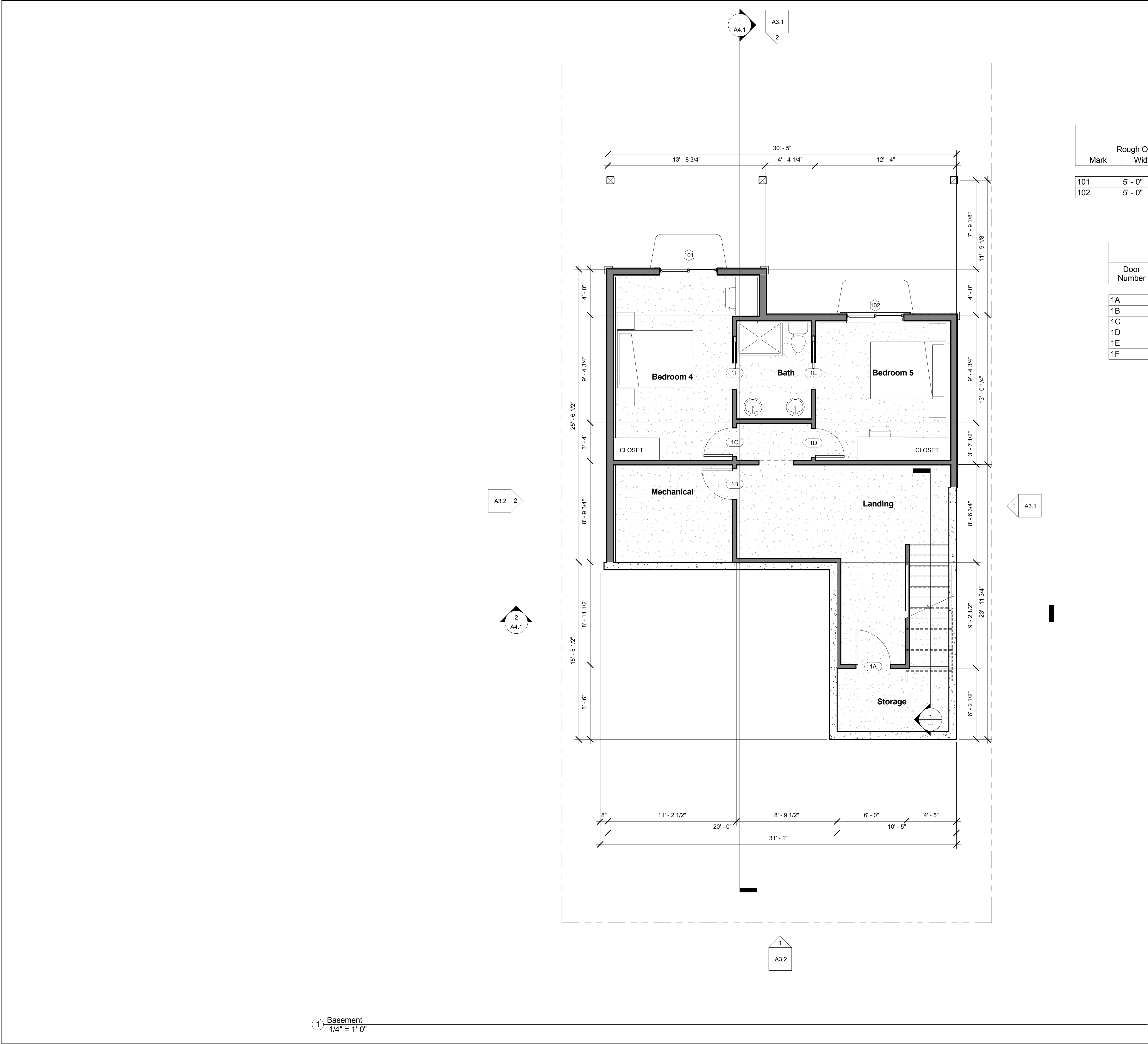
801.694.9683
bill.draftmaster@gmail.com
www.vansicklearchitecture.com

New Residence
936 Empire Avenue
Park City, Utah 84098

SCALE:
1/8" = 1'-0"

3/12/2015
8:21:39 AM

A1.1



1 Basement
1/4" = 1'-0"

THE ABOVE DRAWINGS AND SPECIFICATIONS AND THE SOCIAL RECORDING AND
ARRANGEMENTS REPRESENTED HEREBY ARE AND SHALL REMAIN THE PROPERTY
OF B.L. HARRIS, INC. NO PART THEREOF SHALL BE LOANED, REPRODUCED, COPIED,
THENCE OR USED IN CONNECTION WITH ANY OTHER WORK OR PROJECT OR BY
ANY OTHER PERSON FOR ANY PURPOSE OTHER THAN THE SPECIFIC PROJECT
FOR WHICH THEY HAVE BEEN PREPARED AND DEVELOPED WITHOUT THE WRITTEN
CONSENT OF B.L. HARRIS, INC. UNDER CONTRACT WITH THESE DRAWINGS SHALL
CONSTITUTE CONCLUSIVE EVIDENCE OF THESE RESTRICTIONS.

WRITTEN DIMENSIONS ON THESE DRAWINGS SHALL HAVE PRECEDENCE OVER
CALLED DIMENSIONS. CONSTRUCTION SHALL VERIFY AND BE RESPONSIBLE FOR
ALL DIMENSIONS AND CONDITIONS ON THE JOB AND THIS OFFICE SHALL BE
NOTIFIED IMMEDIATELY OF ANY VARIATIONS FROM THE DIMENSIONS AND/OR
CONDITIONS SHOWN BY THESE DRAWINGS. ALL DIMENSIONS SHALL BE
LIMITED TO THE OFFICE FOR APPROVAL PRIOR TO PROCEEDING WITH CONSTRUCTION.

BY BUILDING THESE PLANS THE CONTRACTOR UNDERSTANDS THAT THERE MAY
BE ERRORS, OMISSIONS AND THAT ALL SHALL BE THE CONTRACTOR'S RESPONSIBILITY
FOR ANY OVERSIGHTS OR ERRORS AND WILL NOTIFY THIS OFFICE OF ANY
ERRORS THAT ARISE DURING CONSTRUCTION.

BY ACCEPTING THESE PLANS THE CONTRACTOR UNDERSTANDS THAT THERE MAY
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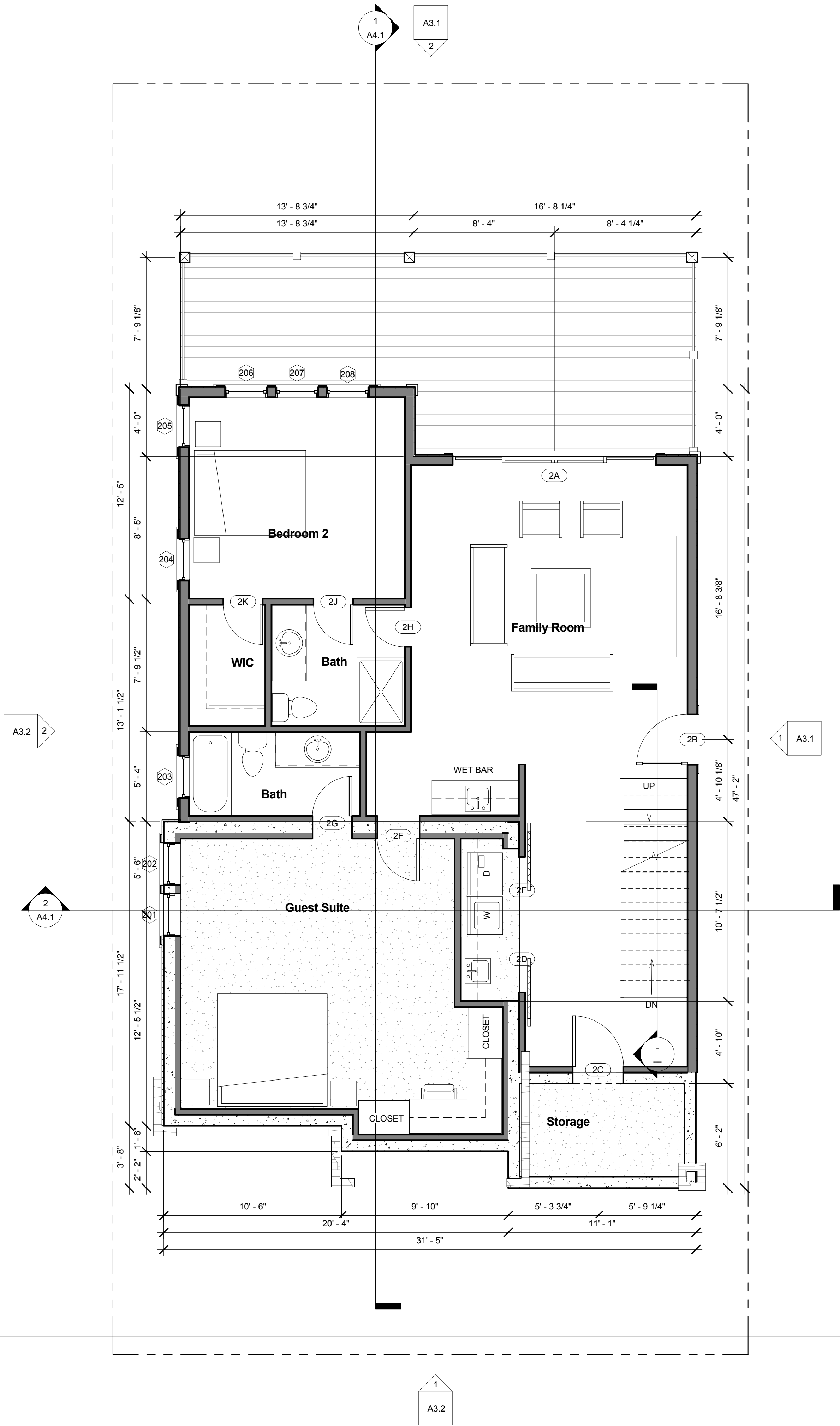
**Basement
Floor**

SCALE:
1/4" = 1'-0"

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SHEET
A2.0

1 Lower Floor
1/4" = 1'-0"



Door Schedule - Lower				
Door Number	Door Size	Manufactur er	Model	Finish Comments
2A	12'-0" x 7'-0"			
2B	36" x 96"			
2C	36" x 80"			
2D	48" x 96"			
2E	48" x 96"			
2F	30" x 96"			
2G	28" x 80"			
2H	28" x 80"			
2J	28" x 80"			
2K	28" x 80"			

Window Schedule - Lower					
Rough Opening			Type	Manufactur er	Comments
Mark	Width	Height			
201	2' - 6"	5' - 0"	Double Hung		
202	2' - 6"	5' - 0"	Double Hung		
203	2' - 6"	4' - 0"	Double Hung		
204	2' - 6"	4' - 0"	Double Hung		
205	2' - 6"	4' - 0"	Double Hung		
206	2' - 6"	5' - 0"	Double Hung		
207	2' - 6"	5' - 0"	Double Hung		
208	2' - 6"	5' - 0"	Double Hung		

THE ABOVE DRAWINGS AND SPECIFICATIONS AND THE SOCIAL RECORDS AND ARRANGEMENTS REPRESENTED THEREBY ARE AND SHALL REMAIN THE PROPERTY OF B.L. HARRIS AND NO PART THEREOF SHALL BE LOANED, REPRODUCED, COPIED, OR USED IN CONNECTION WITH ANY OTHER WORK OR PROJECT OR BY ANY OTHER PERSON FOR ANY PURPOSE OTHER THAN THE SPECIFIC PROJECT FOR WHICH THEY HAVE BEEN PREPARED AND DEVELOPED WITHOUT THE WRITTEN CONSENT OF B.L. HARRIS AND NO SUCH CONSENT WHEN OBTAINED SHALL CONSTITUTE CONCLUSIVE EVIDENCE OF THESE RESTRICTIONS.

WRITTEN DIMENSIONS ON THESE DRAWINGS SHALL HAVE PRECEDENCE OVER ALL DIMENSIONS AND CONDITIONS ON THE JOB AND THIS OFFICE SHALL BE NOTIFIED IMMEDIATELY OF ANY VARIATIONS FROM THE DIMENSIONS AND/OR CONDITIONS SHOWN BY THESE DRAWINGS. ALL SUCH VARIATIONS MUST BE SUBMITTED TO THIS OFFICE FOR APPROVAL PRIOR TO PROCEEDING WITH CONSTRUCTION.

BY BUILDING THESE PLANS THE CONTRACTOR UNDERSTANDS THAT THERE MAY BE ERRORS, OMISSIONS, AND/OR CONFLICTS IN THE PLANS AND THAT THE CONTRACTOR SHALL BE RESPONSIBLE FOR DETECTING AND CORRECTING SUCH ERRORS, OMISSIONS, AND/OR CONFLICTS PRIOR TO ANY OVERSIGHTS OR ERRORS AND WILL NOTIFY THIS OFFICE OF ANY ERRORS THAT ARISE DURING CONSTRUCTION.

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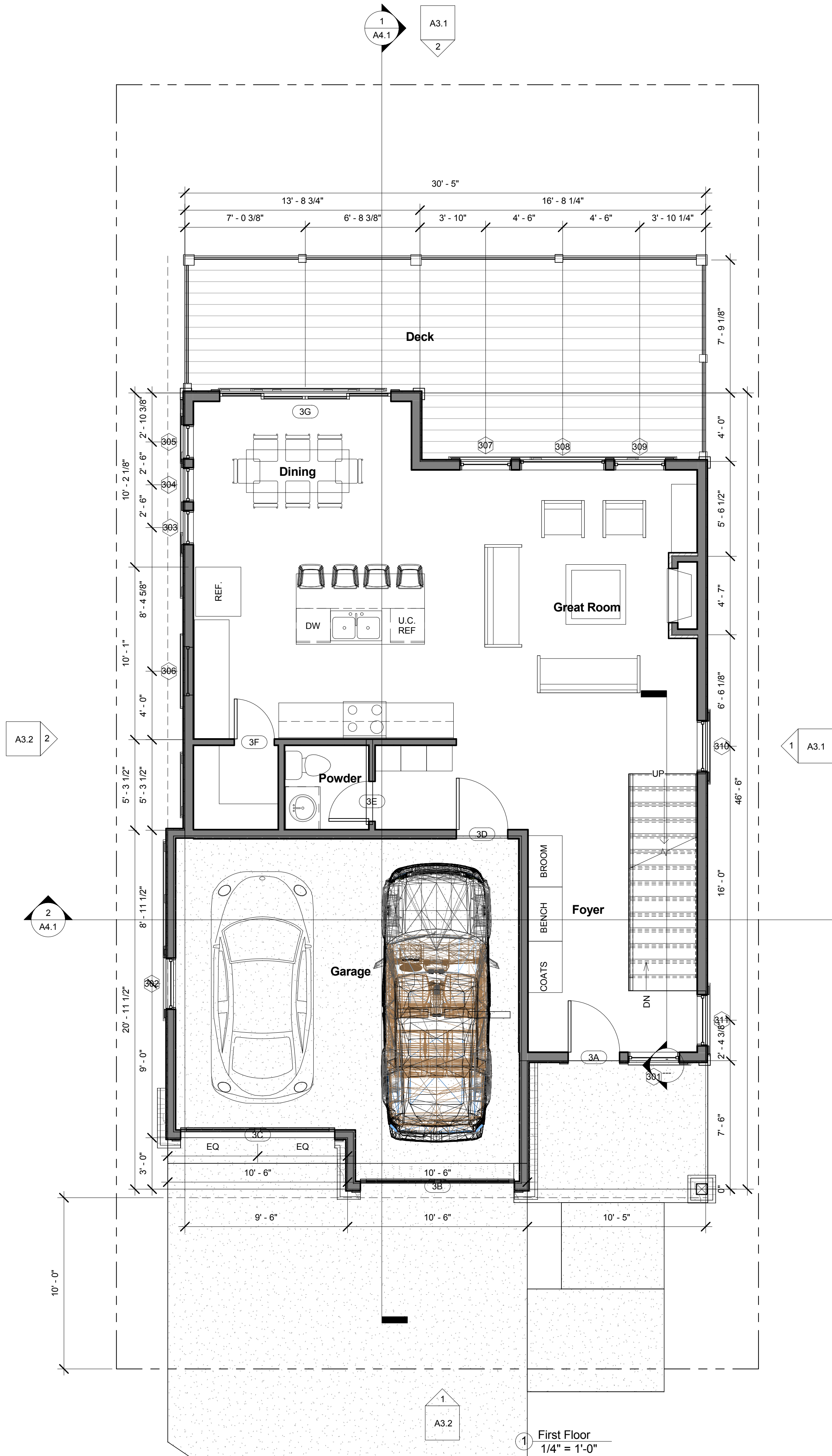
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New Residence
936 Empire Avenue
Park City, Utah 84098

Lower Level Plan
SCALE:
1/4" = 1'-0"

DATE
3/12/2015
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SHEET
A2.1



Door Schedule - Main				
Door Number	Door Size	Manufactur er	Model	Finish Comments
3A	36" x 84"			
3B	9' x 8'			
3C	9' x 8'			
3D	36" x 96"			
3E	28" x 80"			
3F	28" x 80"			
3G	10'-0" x 8'-0"			

Window Schedule - Main					
Rough Opening			Type	Manufactur er	Comments
Mark	Width	Height			
301	3' - 0"	5' - 0"	Double Hung		
302	3' - 0"	4' - 0"	Double Hung		
303	2' - 0"	5' - 0"	Double Hung		
304	2' - 0"	5' - 0"	Double Hung		
305	2' - 0"	5' - 0"	Double Hung		
306	3' - 0"	4' - 0"	Double Hung		
307	3' - 0"	6' - 0"	Double Hung		
308	5' - 0"	6' - 0"	Fixed		
309	3' - 0"	6' - 0"	Double Hung		
310	3' - 0"	4' - 0"	Double Hung		
311	3' - 0"	4' - 0"	Double Hung		

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BY BUILDING THESE PLANS THE CONTRACTOR UNDERSTANDS THAT THERE ARE NO ERRORS OR OMISSIONS IN THIS SET AND WILL NOT BE RESPONSIBLE FOR ANY OVERSIGHTS OR ERRORS AND WILL NOTIFY THIS OFFICE OF ANY ERRORS THAT ARISE DURING CONSTRUCTION.

BY ACCEPTING THESE PLAN DOCUMENTS AND THE SERVICES CHARGED IN THESE PLANS DOCUMENTS, THE CLIENT, THEIR AGENTS, SUBS, SUBCONTRACTORS, AGENTS AND ALL PRESENT AND FUTURE PERSONS OR PARTIES DIRECTLY OR INDIRECTLY AFFECTED BY THE PLAN DOCUMENTS OR SERVICES PROVIDED IN THE PLAN DOCUMENTS AGREE TO A LIMIT OF LIABILITY OF B.T. HARRIS, INC. AND ITS EMPLOYEES AND PERSONNEL TO THE EXTENT OF THE ORIGINAL, REVISIONS, OR SOCIETY AGREE CONTRACT.



VAN SICKLE

DESIGN & DRAFTING

2065 SIDEWINDER DRIVE
SUITE 201
PARK CITY, UTAH 84098

801.694.9683

bill.draftmaster@gmail.com

www.vansicklearchitecture.com

New Residence

936 Empire Avenue

Park City, Utah 84098

First Floor Plan

SCALE:
1/4" = 1'-0"

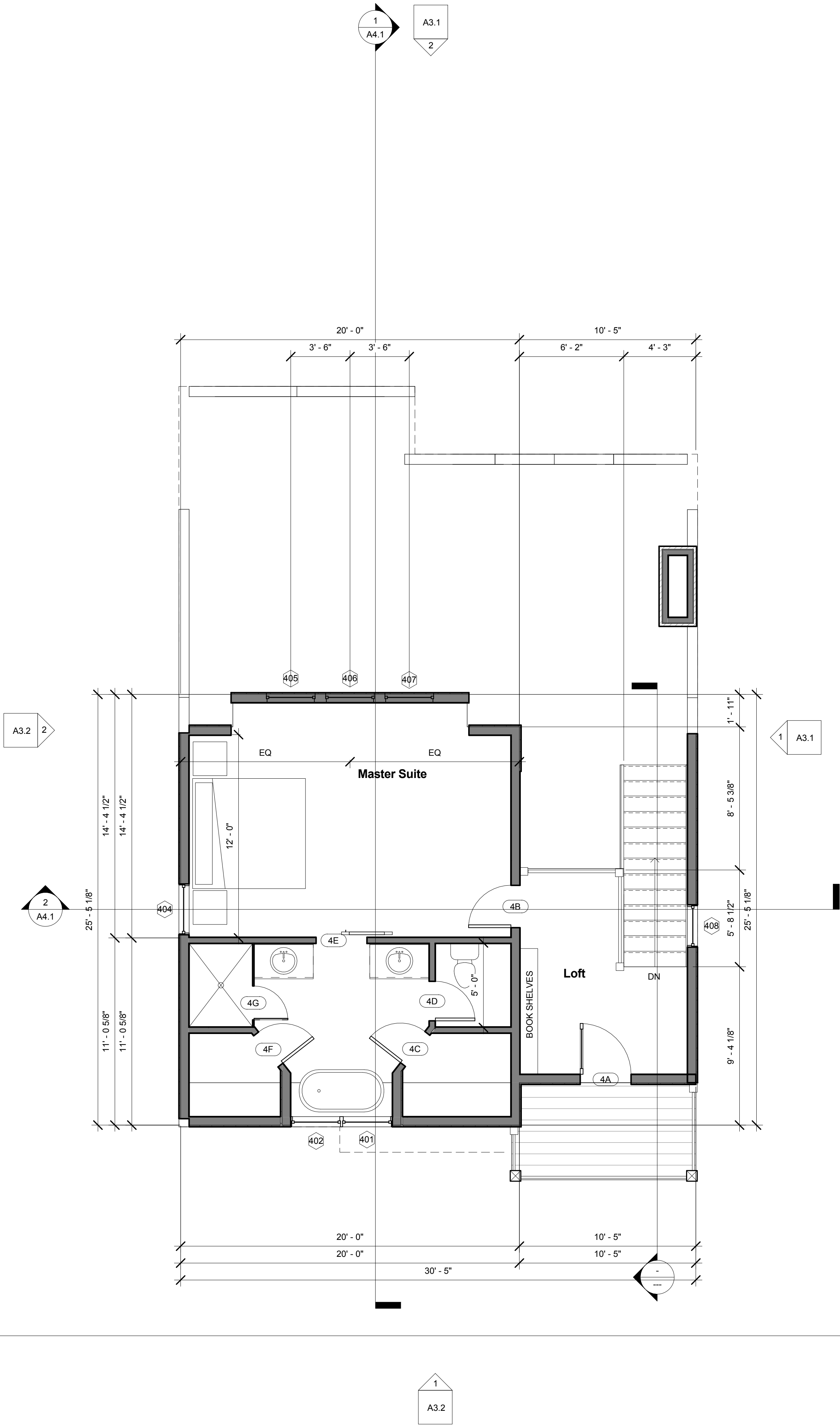
DATE

3/12/2015
8:21:45 AM

SHEET

A2.2

1 Second Floor
1/4" = 1'-0"



Door Schedule - Upper				
Door Number	Door Size	Manufacturer	Model	Finish Comments
4A	36" x 80"			
4B	30" x 80"			
4C	28" x 80"			
4D	28" x 80"			
4E	36" x 80"			
4F	28" x 80"			
4G	24" x 80"			

Window Schedule - Upper					
Rough Opening			Type	Manufacturer	Comments
Mark	Width	Height			
401	3' - 0"	5' - 0"	Double Hung		
402	3' - 0"	5' - 0"	Double Hung		
404	3' - 0"	5' - 0"	Double Hung		
405	3' - 0"	4' - 0"	Double Hung		
406	3' - 0"	4' - 0"	Double Hung		
407	3' - 0"	4' - 0"	Double Hung		
408	2' - 6"	4' - 0"	Double Hung		

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2065 SIDEWINDER DRIVE

SUITE 201

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New Residence
936 Empire Avenue
Park City, Utah 84098

Second Floor Plan
SCALE:
1/4" = 1'-0"

DATE
3/12/2015
8:21:45 AM

SHEET
A2.3



① Front Perspective



② Rear Perspective

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THINER OR USED IN CONNECTION WITH ANY OTHER WORK OR PROJECT OR BY
ANY OTHER PERSON FOR ANY PURPOSE OTHER THAN THE SPECIFIC PROJECT
FOR WHICH THEY HAVE BEEN PREPARED AND DEVELOPED WITHOUT THE WRITTEN
CONSENT OF B.L. HARRIS, INC. UNLESS CONTRACT WITH THESE DRAWINGS SHALL
CONSTITUTE CONCLUSIVE EVIDENCE OF THESE RESTRICTIONS.

WRITTEN DIMENSIONS ON THESE DRAWINGS SHALL HAVE PRECEDENCE OVER
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801.694.9683
bill.draftmaster@gmail.com

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New Residence

936 Empire Avenue

Park City, Utah 84098

Perspectives

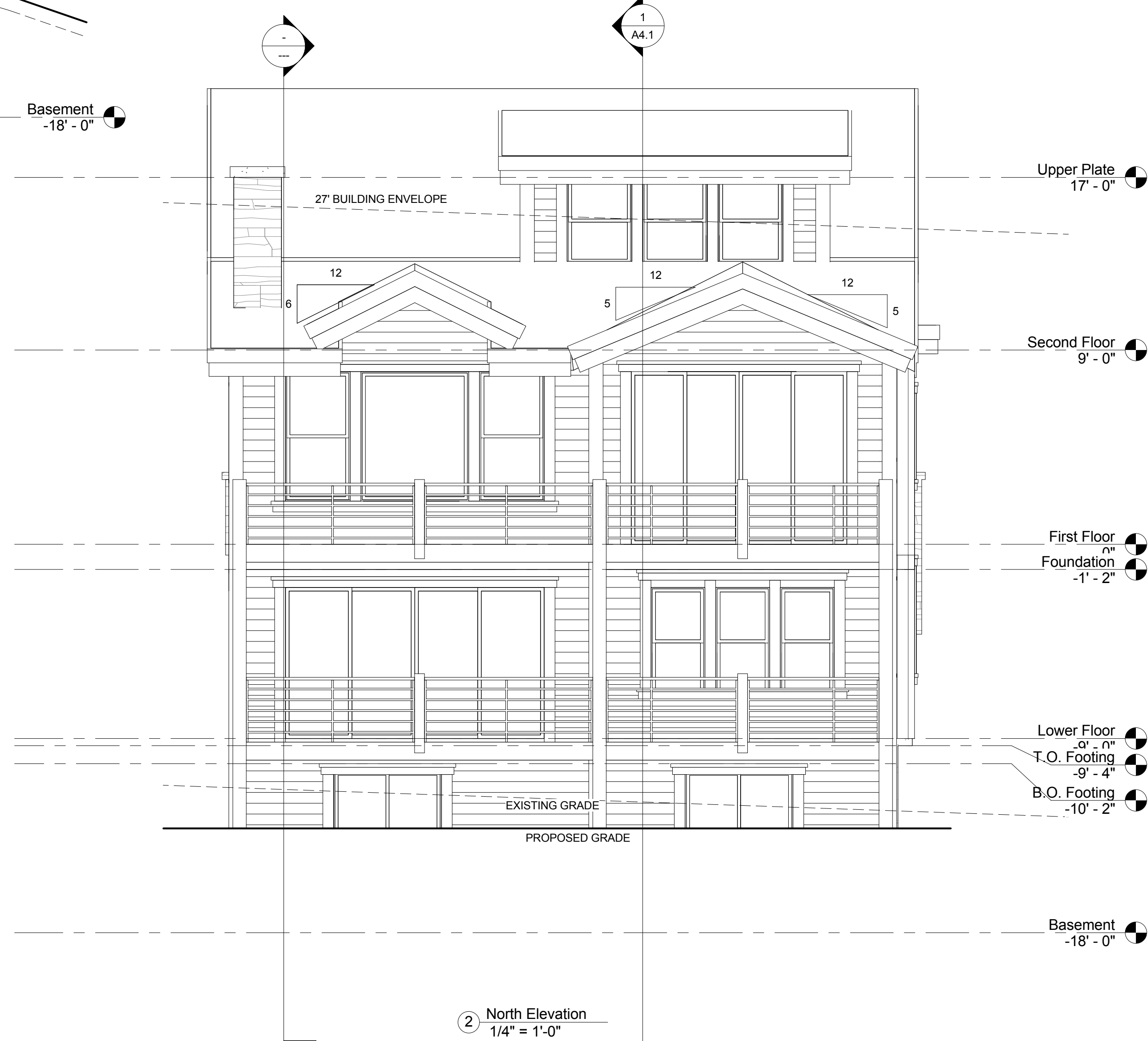
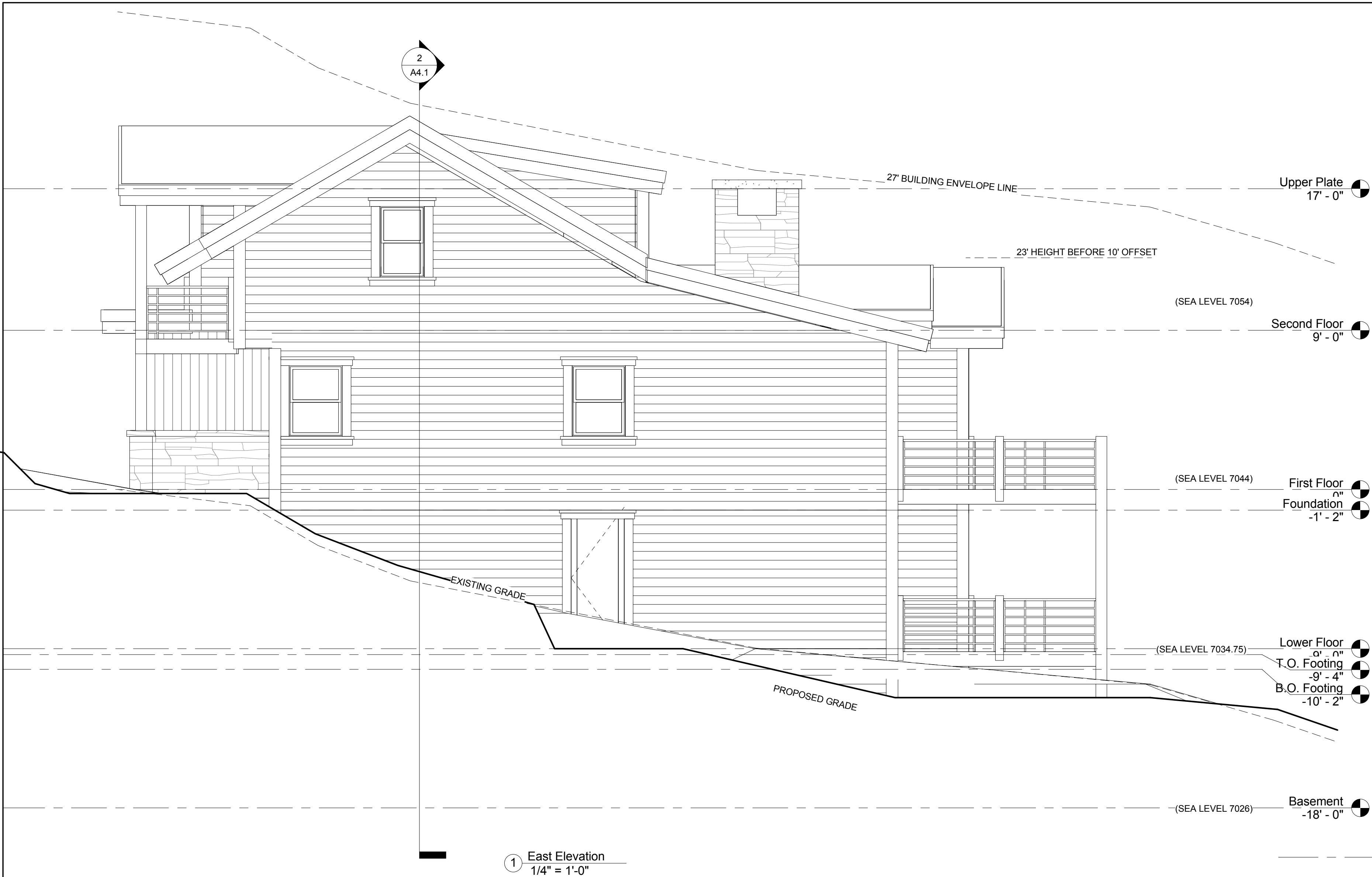
SCALE:

DATE

3/12/2015
8:21:55 AM

SHEET

A3.0



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REVISIONS TO DRAWINGS:

BY ACCEPTING THESE PLANS THE CLIENT AGREES TO THE REVISIONS CHARGED IN THESE PLANS. THE CLIENT SHALL BE RESPONSIBLE FOR THE REVISIONS CHARGED IN THESE PLANS AND ALL PRESENT AND FUTURE ERRORS OR OMISSIONS SHALL BE THE SOLE RESPONSIBILITY OF THE CLIENT. THE CLIENT SHALL BE RESPONSIBLE FOR THE REVISIONS CHARGED IN THESE PLANS AND ALL PRESENT AND FUTURE ERRORS OR OMISSIONS SHALL BE THE SOLE RESPONSIBILITY OF THE CLIENT.



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DESIGN & DRAFTING
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801.694.9683
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New Residence
936 Empire Avenue
Park City, Utah 84098

Elevations

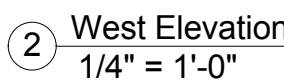
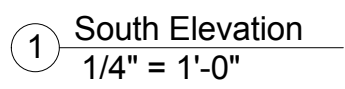
SCALE:
1/4" = 1'-0"

DATE

3/12/2015
8:21:57 AM

SHEET

A3.1



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bill.draftmaster@gmail.com
www.vansicklearchitecture.com

New Residence
936 Empire Avenue
Park City, Utah 84098

Elevations

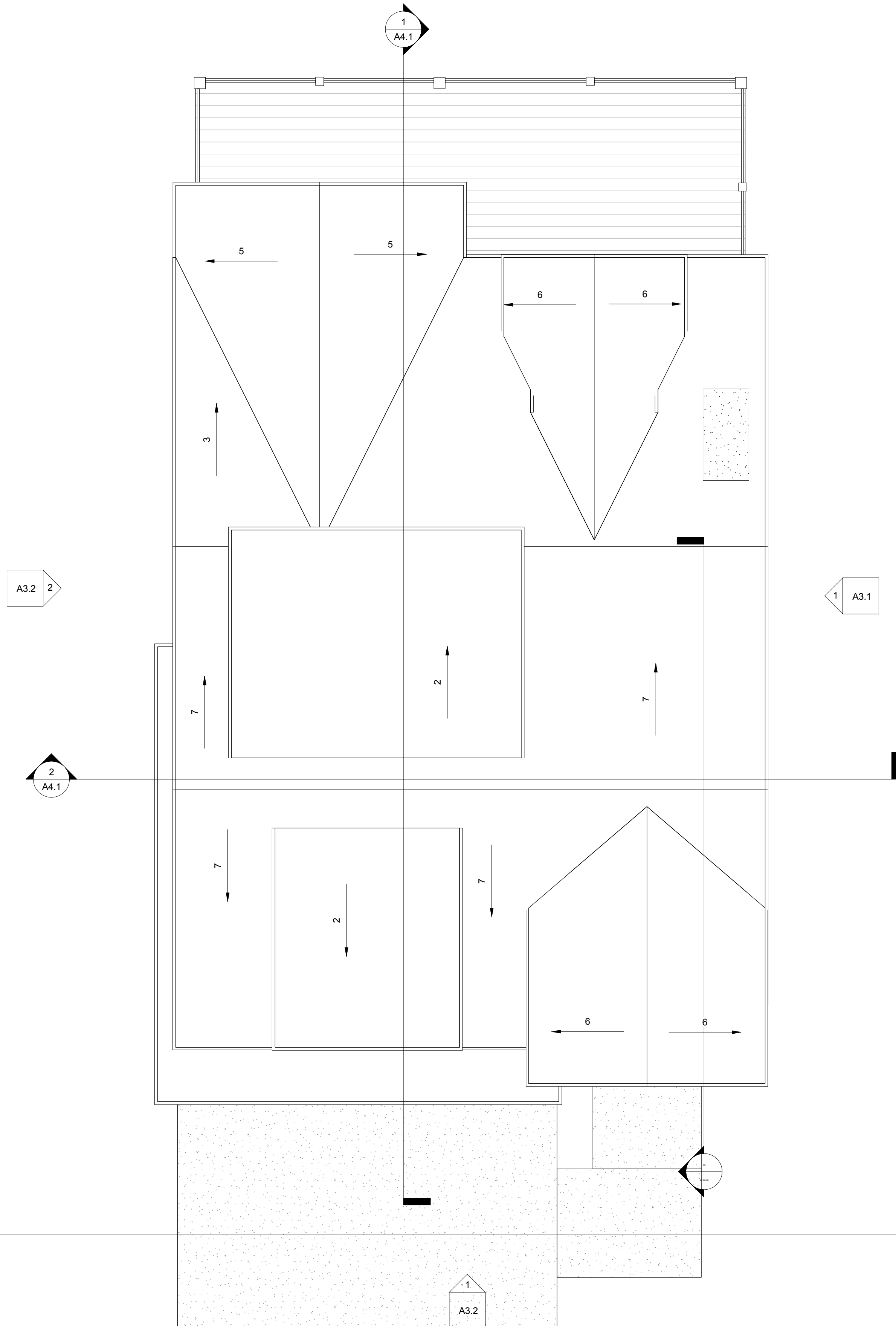
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1/4" = 1'-0"

DATE
3/12/2015
8:21:58 AM

SHEET

A3.2

1 Roof Plan
1/4" = 1'-0"



A3.1
2

1
A4.1

A3.2
2

1
A3.1

1
A3.2

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VAN SICKLE

DESIGN & DRAFTING

2065 SIDEWINDER DRIVE
SUITE 201
PARK CITY, UTAH 84060

801.694.9683
bill.draftmaster@gmail.com

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New Residence

936 Empire Avenue
Park City, Utah 84098

Roof Plan

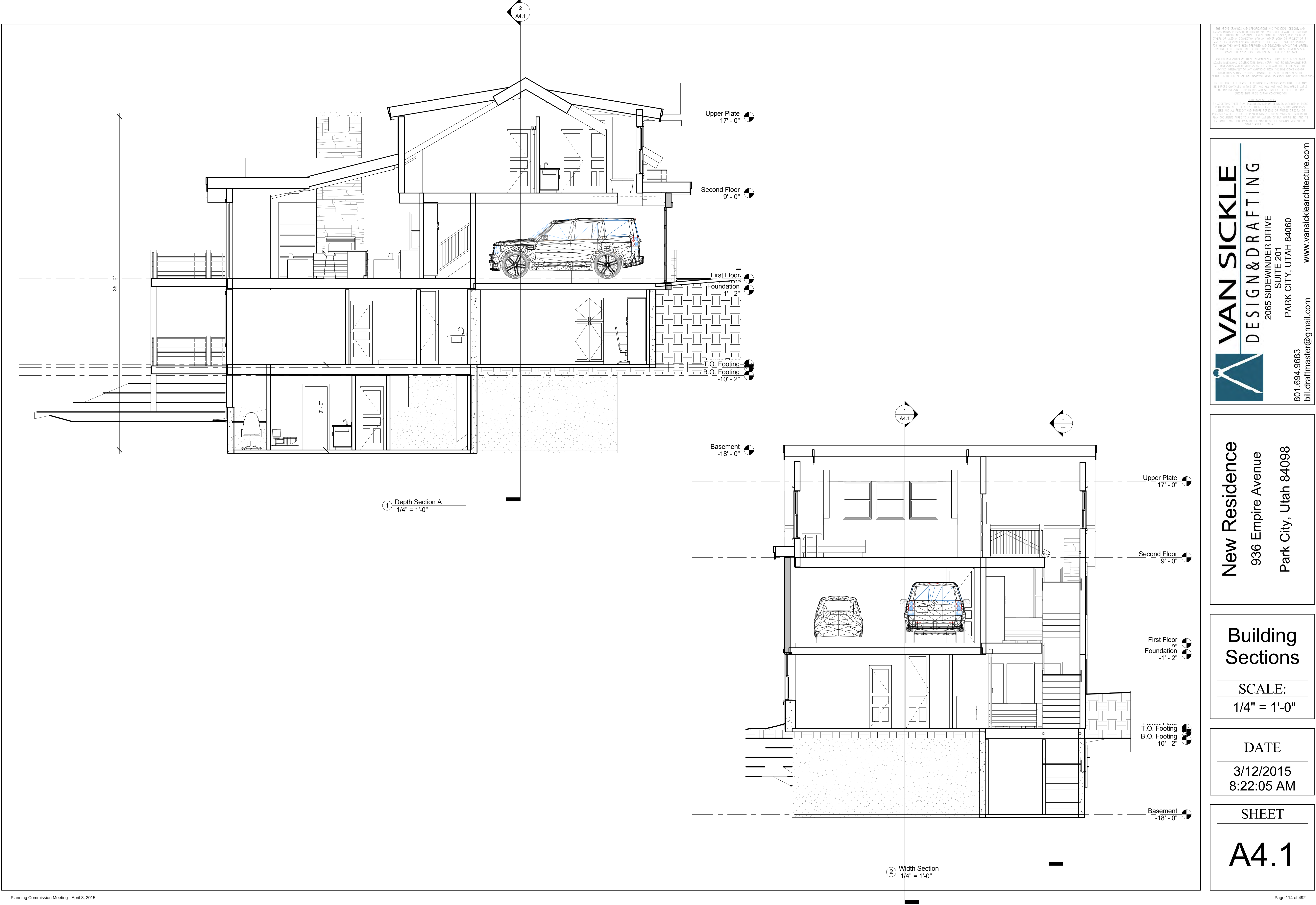
SCALE:
1/4" = 1'-0"

DATE

3/12/2015
8:21:59 AM

SHEET

A3.3



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BY ACCEPTING THESE PLANS THE CONTRACTOR AGREES TO THE CHANGES IN THESE PLANS FOLLOWING THE CLOSE OF THE DESIGN PHASE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL PRELIMINARY AND FINAL DESIGN CHANGES AND ALL PRELIMINARY AND FINAL DESIGN CHANGES SHALL BE SUBJECT TO THE APPROVAL OF THE ARCHITECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL DIMENSIONS AND CONDITIONS ON THE JOB AND THIS OFFICE SHALL BE NOTIFIED IMMEDIATELY OF ANY VARIATIONS FROM THE DIMENSIONS AND/OR CONDITIONS SHOWN BY THESE DRAWINGS. ALL DIMENSIONS SHALL BE LIMITED TO THE OFFICE FOR APPROVAL PRIOR TO PROCEEDING WITH CONSTRUCTION.



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PARK CITY, UTAH 84060

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New Residence

936 Empire Avenue

Park City, Utah 84098

Building Sections

SCALE:

1/4" = 1'-0"

DATE

3/12/2015

8:22:05 AM

SHEET

A4.1









Park City Planning Department
454 Marsac Avenue
Park City, UT 84060

Re: 936 Empire Lot Photos for Plat Amendment / Lot Line Adjustment

The following attached photos are from the interior of the lot looking out for this lot.

Thanks,

Bill Van Sickle













VICINITY AND ZONING MAP
NOT TO SCALE

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



OWNER'S DEDICATION AND CONSENT TO RECORD

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

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

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

STEVE L. ROSENBERG

ACKNOWLEDGMENT

STATE OF UTAH:)
COUNTY OF SUMMIT:) SS

ON THIS ____ DAY OF ____, 2014, ____

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

MY COMMISSION EXPIRES ____ NOTARY PUBLIC
RESIDING IN ____

LEGAL DESCRIPTION:

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

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

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 24, BLOCK 15, SNYDER'S ADDITION TO PARK CITY, THENCE NORTH 54°01'00" EAST 75.00 FEET; THENCE SOUTH 35°59'00" EAST 37.50 FEET; THENCE SOUTH 51°01'00" WEST 75.00 FEET; THENCE NORTH 35°59'00" EAST 37.50 FEET TO THE POINT OF BEGINNING. CONTAINING 2813 SQ. FT.±

NOTES:

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

LEGEND:

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

SURVEYOR'S STATEMENT

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

GREGORY J. FERRARI, P.L.S. 5046908 EXPIRES
MARCH 31, 2015

 FERRARI SURVEYING, LLC P.O.B. 683001 PARK CITY, UT (435) 640-0412 Planning Commission Meeting - April 8, 2015	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS ____ DAY OF ____, 2014 A.D. BY: ____ S.B.W.R.C.	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS ____ DAY OF ____, 2014 BY: ____ CHAIRMAN	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ____ DAY OF ____, 2014 A.D. BY: ____ PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS ____ DAY OF ____, 2014 A.D. BY: ____ PARK CITY ATTORNEY	CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS ____ DAY OF ____, 2014 A.D. BY: ____ PARK CITY RECORDER	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ____ DAY OF ____, 2014 A.D. BY: ____ MAYOR	STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF ____ DATE ____ TIME ____ BOOK ____ PAGE ____ FEE \$____ Page 24 of 492
	RECEIVED OCT 27 2014 PARK CITY PLANNING DEPT. RECORDED						



Planning Commission Staff Report

Subject: 823 Woodside Replat
Author: Francisco Astorga
Project Number: PL-15-02663
Date: April 08, 2015
Type of Item: Administrative – Plat Amendment

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the 823 Woodside Replat located at 823 Woodside Avenue and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

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

Description

Applicant: 823 Woodside, LLC represented by Gary Bush
Location: 823 Woodside Avenue
Zoning: Historic Residential-1
Adjacent Land Uses: Residential
Reason for Review: Plat Amendments require Planning Commission review and City Council review and action

Proposal

The north one-half (½) of Lot 5 and all of lot 6, Block 11, Snyder's Addition to the Park City Survey are owned by the same entity. The original lots lines from the historic survey still exist on said lots. The owner desires to unify the property into one (1) lot of record by removing the existing interior lot line.

Background

On February 10, 2015, the City received a completed Plat Amendment application for the 823 Woodside Replat. The property is located at 823 Woodside Avenue. The property is in the Historic Residential-1 District. The subject property consists of the north one-half (½) of Lot 5 and all of lot 6, Block 11, Snyder's Addition. The entire area is recognized by the County as Parcel SA-124 (Tax ID).

Currently the site contains a single-family dwelling. The site is listed on Park City's Historic Site Inventory and is designated as a Significant Historic site. According to Summit County records the structure was built in 1904 and contains a total living area of 1,100 square feet. According to the submitted survey the building footprint of the existing historic dwelling is approximately 1,000 square feet.

Purpose

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

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

Analysis

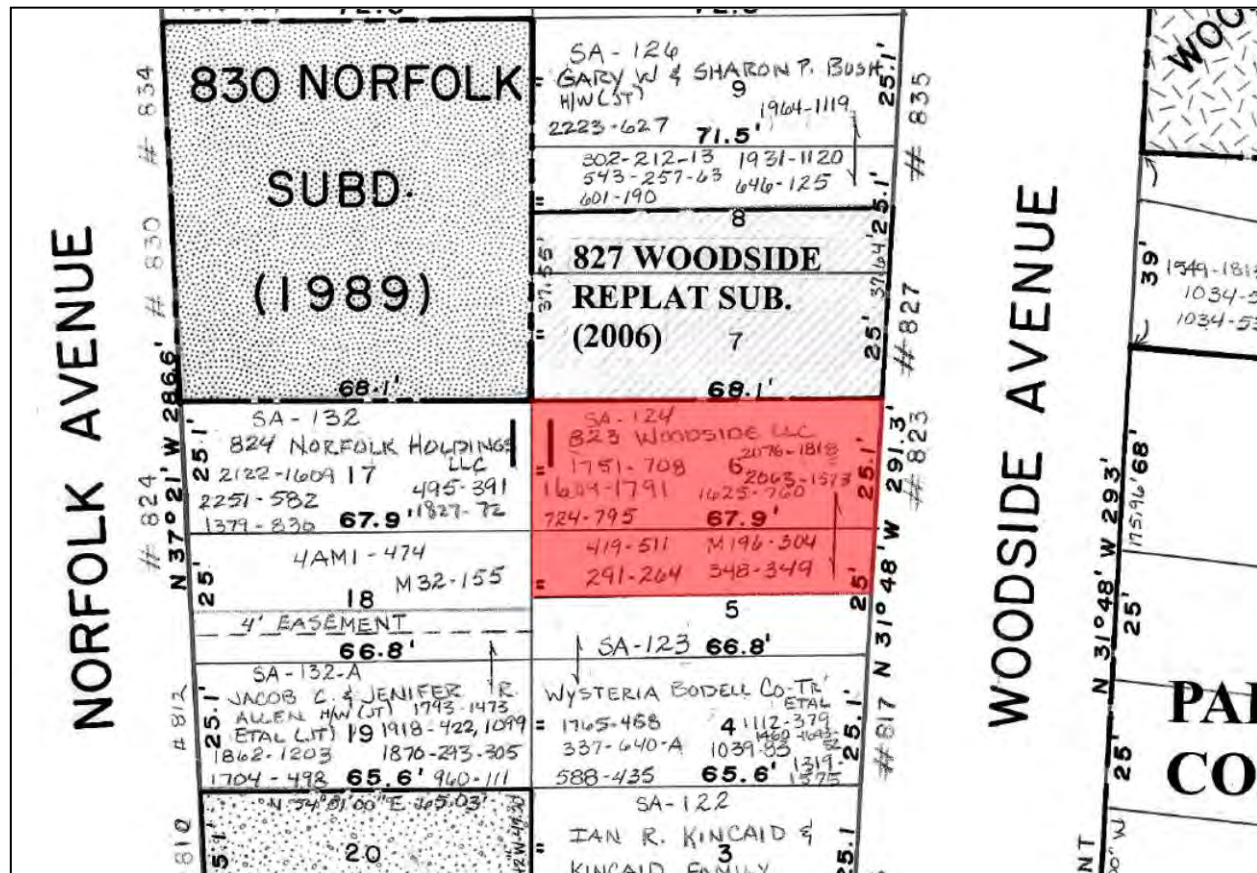
The proposed plat amendment creates one (1) lot of record from the existing lot and a half (½) consisting of 2,558 square feet. A single-family dwelling is an allowed use in the Historic Residential-1 District. The minimum lot area for a single-family dwelling is 1,875 square feet. The proposed lot meets the minimum lot area for a single-family dwelling. The minimum lot width allowed in the Historic Residential-1 District is twenty-five feet (25'). The proposed lot is 37.6 feet wide. The proposed lot meets the minimum lot width requirement. The following table shows applicable development parameters in the Historic Residential-1 District:

LMC Requirements	Requirements
Building Footprint	1,107.8 square feet, maximum based on lot size.
Front/Rear Yard Setbacks	10 feet minimum.
Side Yard Setbacks	5 feet minimum, 10 feet total.
Building (Zone) Height	No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade.
Final Grade	Final Grade must be within four vertical feet (4') of Existing Grade around the periphery [...].
Lowest Finish Floor Plane to Highest Wall Top Plate	A Structure shall have a maximum height of thirty five feet (35') measured from the lowest finish floor plane to the point of the highest wall top plate [...].
Vertical Articulation	A ten foot (10') minimum horizontal step in the downhill façade is required [...].
Roof Pitch	Roof pitch must be between 7:12 and 12:12 for primary roofs. Non-primary roofs may be less than 7:12.

Staff has identified that the existing historic structure does not meet the north and south side yard setbacks. The structure is less than one foot (1') from the north side yard property line. The structure is just over four feet (4') from the south side yard property line. Land Management Code § 15-2.2-4 indicates that historic structures that do not

comply with building setbacks are valid complying structures. Furthermore, this same section indicates that additions to historic structure must comply with building setbacks, etc.

Staff finds good cause for this plat amendment as the existing remnant parcel, the half (½) lot will become part of a legal lot of record. The other half (½) of Lot 5 is owned by another entity, recognized as parcel SA-23, 817 Woodside Avenue, and has not been incorporated into its own replat. See County Plat Map below:

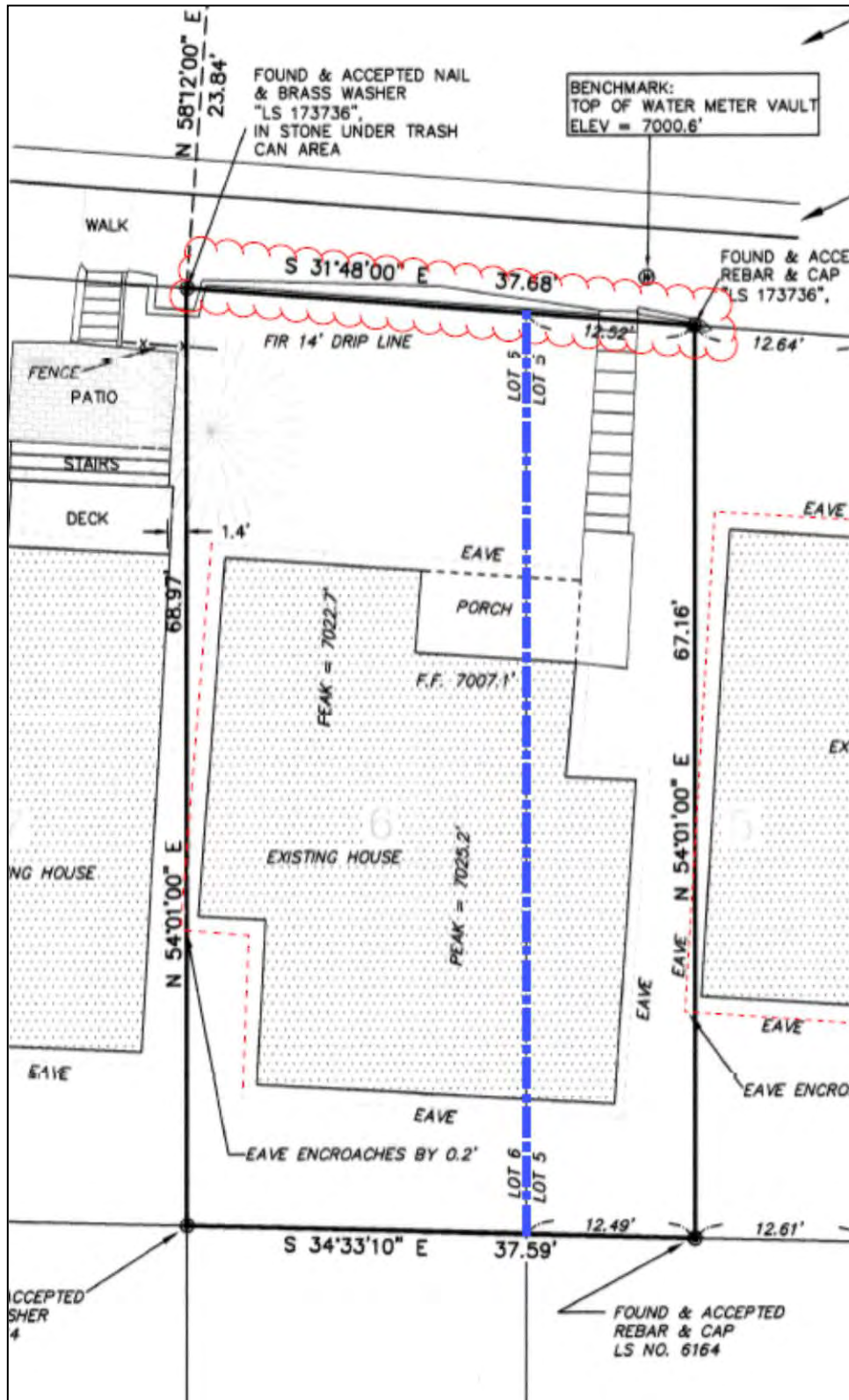


The existing historic structure straddles the lot line between Lot 5 and Lot 6; therefore, this Plat Amendment would make the historic structure be in one (1) of lot of record instead of having most of the structure on Lot 6 and a small portion of the structure on half (½) of Lot 5, a separate remnant parcel.

Encroachments

The historic structure is less than one foot (1') from the north side property line and the overhang on that side encroaches 0.2 feet into the north neighboring property. Also, the historic structure on 817 Woodside Avenue, directly south of the subject property, is less than one foot (1') from the south property line and its roof overhang encroaches by 0.8 feet on to this property. Staff recognizes that the historic roof eave encroachments are de minimus, and encroachment agreements are not required.

The retaining wall along the east property line encroaches into the City Right-of-Way. This encroachment must be addressed prior plat recordation. See Exhibit D – Existing Survey, the magnified survey on the next page is shown with encroachments outlined in red and lot line to be removed in blue.



Good Cause

Planning Staff finds that there is good cause for this plat amendment as the amendment cleans up the property lines and removes a property line existing under a Significant historic building. Staff finds that the plat amendment will not cause undo harm to adjacent property owners and all requirements of the Land Management Code for any future development can be met.

Process

The approval of this plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in Land Management Code § 1-18.

Department Review

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

Notice

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

Public Input

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

Alternatives

- The Planning Commission may forward positive recommendation to the City Council for the 823 Woodside Replat as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the 823 Woodside Replat and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on 823 Woodside Replat.

Significant Impacts

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

Consequences of not taking the Planning Department's Recommendation

The site would remain as is. The site would contain one (1) single lot and one half (½) a lot, as a remnant parcels. The existing historic structure would continue to straddle the interior lot line.

Summary Recommendation

Staff recommends the Planning Commission hold a public hearing for the 823 Woodside Replat located at 823 Woodside Avenue and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

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Exhibits

- Exhibit A – Draft Ordinance with Proposed Plat
- Exhibit B – Applicant's Project Description
- Exhibit C – Aerial Photograph
- Exhibit D – Existing Survey
- Exhibit E – County Tax Map
- Exhibit F – Historic Site Form and site photographs

Exhibit A: Draft Ordinance

Ordinance No. 15-XX

AN ORDINANCE APPROVING THE 823 WOODSIDE REPLAT LOCATED AT 823 WOODSIDE AVENUE, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 823 Woodside Avenue has petitioned the City Council for approval of the Plat Amendment; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on April 8, 2015, to receive input on Plat Amendment; and

WHEREAS, the Planning Commission, on May 7, 2015, forwarded a recommendation to the City Council; and,

WHEREAS, on May 7, 2015, 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 923 Park Avenue Subdivision Plat Amendment.

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

SECTION 1. APPROVAL. 823 Woodside Replat 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 property is located at 823 Woodside Avenue.
2. The property is in the Historic Residential-1 District.
3. The subject property consists of the north one-half (½) of Lot 5 and all of lot 6, Block 11, Snyder's Addition to the Park City Survey.
4. The entire area is recognized by the County as Parcel SA-124.
5. The site is listed on Park City's Historic Site Inventory and is designated as a significant historic site.
6. The building footprint of the existing dwelling is approximately 1,000 square feet.
7. The proposed plat amendment creates one (1) lot of record from the existing area consisting of 2,558 square feet.

8. The maximum building footprint for a lot this size, 2,558 square feet, is 1,107.8 square feet.
9. A single-family dwelling is an allowed use in the Historic Residential-1 District.
10. The minimum lot area for a single-family dwelling is 1,875 square feet.
11. The proposed lot meets the minimum lot area for a single-family dwelling.
12. The minimum lot width allowed in the district is twenty-five feet (25').
13. The proposed lot is 37.68 feet wide.
14. The proposed lot meets the minimum lot width requirement.
15. The existing historic structure does not meet the north and south side yard setbacks.
16. The structure is less than one foot (1') from the north side yard property line.
17. The structure is just over four feet (4') from the south side yard property line.
18. The minimum side yard setbacks for a lot that is 37.68 feet wide is five feet (5').
19. Land Management Code § 15-2.2-4 indicates that historic structures that do not comply with building setbacks are valid complying structures.
20. Additions to historic structure must comply with building setbacks.
21. The existing remnant parcel, the half (½) lot will become part of a legal lot of record.
22. The other half (½) of Lot 5 is owned by another entity, recognized as parcel SA-23, 817 Woodside Avenue, and has not been incorporated into its own replat.
23. The existing historic structure straddles the lot line between Lot 5 and Lot 6.
24. The Plat Amendment would make the historic structure be in one (1) of lot of record instead of having most of the structure on Lot 6 and a small portion of the structure on half (½) of Lot 5, a separate remnant parcel.
25. The historic structure is less than one foot (1') from the north side property line and the overhang on that side encroaches 0.2 feet into the north neighboring property.
26. The historic structure on 817 Woodside Avenue, directly south of the subject property, is less than one foot (1') from the south property line and its roof overhang encroaches by 0.8 feet on to this property.
27. The historic roof eave encroachments are de minimus, and encroachment agreements are not required.
28. The retaining wall along the east property line encroaches into the City Right-of-Way. This encroachment must be addressed prior plat recordation.
29. 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 Subdivisions.
3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. A ten feet (10') wide public snow storage easement will be required along the front of the property.
4. 13-d sprinklers will be required per the Chief Building Official for any significant renovation.
5. The retaining wall along the east property line encroaches into the City Right-of-Way. This encroachment must be addressed prior plat recordation.

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

PASSED AND ADOPTED this 7th day of May, 2015.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

ATTEST:

Marci Heil, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Attachment 1 – Proposed Plat

Exhibit B – Applicant's Project Description

Planning Dept.
Park City Municipal Corporation
445 Marsac Ave
PO Box 1480
Park City, Utah 84060
435-615-5060

Briefly we plan to stabilize the building with a poured concrete foundation, address some health & safety issues with mechanical systems, provide off street parking, replace porch posts and existing windows with more appropriate DH windows as seen in the enclosed tax photo. The wood frame "L" type structure is sitting on the dirt, and is deteriorating from rot. Also the front retaining wall is deteriorating from rot and needs to be addressed asap.

Our proposal to install a full perimeter concrete foundation will stabilize the building, and eliminate the wood in contact with the ground. Lifting the house by 1 foot 10 inches will accomplish this, and allow for a basement and garage/off street parking as well. I have enclosed two photos as examples of where this type of work has been done on the street, and within the block (835 Woodside, 839 Woodside).

This scope of work includes raising the house intact, and in its current location. This will allow for excavation for foundation. Then the house will come back down onto the new foundation with first floor 1'10" above current elevation. The scope will also include new DH windows to resemble original windows. Also included will be health & safety issues like mechanical upgrades to heat, electrical, and plumbing systems. The work will also include returning exterior trim detail, and porch posts back to original form.

We hope you are as excited as we are about this rehabilitation project, and look forward to working with you to further develop, and finalize plans to save this building from further deterioration.

Sincerely,
Gary Bush

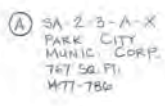


Exhibit C - Vicinity Map
823 Woodside Replat



Legend

- Address
- Parcels
- Streets



HISTORIC SITE FORM - HISTORIC SITES INVENTORY

PARK CITY MUNICIPAL CORPORATION (10-08)

1 IDENTIFICATION

Name of Property:

Address: 823 Woodside Avenue

AKA:

City, County: Park City, Summit County, Utah

Tax Number: SA-124

Current Owner Name: Coxroche, LLC

Parent Parcel(s):

Current Owner Address: 2151 Solamere Drive, Park City, UT 84060

Legal Description (include acreage): 0.06 acres; N1/2 LOT 5 & ALL LOT 6 BLK 11 SNYDERS ADDITION.

2 STATUS/USE

Property Category

- ☒ building(s), main
☐ building(s), attached
☐ building(s), detached
☐ building(s), public
☐ building(s), accessory
☐ structure(s)

Evaluation*

- ☐ Landmark Site
☒ Significant Site
☐ Not Historic

Reconstruction

- Date:
 Permit #:
☐ Full ☐ Partial

Use

- Original Use: Residential
 Current Use: Residential

*National Register of Historic Places: ☒ ineligible ☐ eligible
☐ listed (date:)

3 DOCUMENTATION

Photos: Dates

- ☒ tax photo:
☒ prints:
☐ historic: c.

Drawings and Plans

- ☐ measured floor plans
☐ site sketch map
☐ Historic American Bldg. Survey
☐ original plans:
☐ other:

Research Sources (check all sources consulted, whether useful or not)

- ☐ abstract of title
☒ tax card
☐ original building permit
☐ sewer permit
☒ Sanborn Maps
☐ obituary index
☐ city directories/gazetteers
☐ census records
☐ biographical encyclopedias
☐ newspapers
☒ city/county histories
☐ personal interviews
☐ Utah Hist. Research Center
☐ USHS Preservation Files
☐ USHS Architects File
☐ LDS Family History Library
☐ Park City Hist. Soc/Museum
☐ university library(ies):
☐ other:

Bibliographical References (books, articles, interviews, etc.) Attach copies of all research notes and materials.

Blaes, Dina & Beatrice Lufkin. "Final Report." Park City Historic Building Inventory. Salt Lake City: 2007.

Carter, Thomas and Goss, Peter. *Utah's Historic Architecture, 1847-1940: a Guide*. Salt Lake City, Utah:

University of Utah Graduate School of Architecture and Utah State Historical Society, 1991.

McAlester, Virginia and Lee. *A Field Guide to American Houses*. New York: Alfred A. Knopf, 1998.

Roberts, Allen. "Final Report." Park City Reconnaissance Level Survey. Salt Lake City: 1995.

Roper, Roger & Deborah Randall. "Residences of Mining Boom Era, Park City - Thematic Nomination." National Register of Historic Places Inventory, Nomination Form. 1984.

4 ARCHITECTURAL DESCRIPTION & INTEGRITY

Building Type and/or Style: T/L cottage / vernacular style

No. Stories: 1

Additions: ☐ none ☒ minor ☐ major (describe below) Alterations: ☐ none ☐ minor ☒ major (describe below)

Number of associated outbuildings and/or structures: ☐ accessory building(s), # ____; ☐ structure(s), # ____.

General Condition of Exterior Materials:

- ☒ Good (Well maintained with no serious problems apparent.)

Researcher/Organization: Dina Blaes/Park City Municipal Corporation

Date: November, 08

☐ Fair (Some problems are apparent. Describe the problems.):

☐ Poor (Major problems are apparent and constitute an imminent threat. Describe the problems.):

☐ Uninhabitable/Ruin

Materials (The physical elements that were combined or deposited during a particular period of time in a particular pattern or configuration. Describe the materials.):

Site: Retaining wall and steps along south lot line. Un-maintained vegetation in front yard, mature trees on north and rear yards.

Foundation: Unknown.

Walls: Wood drop siding and corner boards. Inset partial-width porch supported by turned columns.

Roof: Cross-wing sheathed in standing seam metal material.

Windows: Vinyl side-sliders with decorative trim casing--corner blocks, exaggerated pediment. Entry door is a frame-and-panel door with upper light.

Essential Historical Form: ☒ Retains ☐ Does Not Retain, due to:

Location: ☒ Original Location ☐ Moved (date _____) Original Location:

Design (The combination of physical elements that create the form, plan, space, structure, and style. Describe additions and/or alterations from the original design, including dates--known or estimated--when alterations were made): The site has been altered significantly. The windows and openings have been altered from side-by-side vertically oriented double-hung units in the gable end to a single horizontally oriented vinyl side slider units. Also, the single double-hung unit south of the door has been replaced with a horizontally oriented vinyl side slider. The wood siding does not reflect the infill below the window and may indicate that the siding has been replaced. The porch supports do not appear as turned columns in the tax photo and may have been added concurrently with the decorative window trim. The changes are conjectural and significant and diminish the site's original character.

Setting (The physical environment--natural or manmade--of a historic site. Describe the setting and how it has changed over time.): The setting has not been significantly altered. The typical front yard with a gradual rise from a retaining wall at the street edge to the house has been maintained and the vegetation is informal.

Workmanship (The physical evidence of the crafts of a particular culture or people during a given period in history. Describe the distinctive elements.): Much of the physical evidence from the period that defines the typical Park City mining era home has been altered and, therefore, lost.

Feeling (Describe the property's historic character.): The physical elements of the site, in combination, convey a sense of life in a western mining town of the late nineteenth and early twentieth centuries.

Association (Describe the link between the important historic era or person and the property.): The "T" or "L" cottage (also known as a "cross-wing") is one of the earliest and one of the three most common house types built in Park City during the mining era; however, the extent of the alterations to the main building diminishes its association with the past.

The extent and cumulative effect of alterations to the site render it ineligible for listing in the National Register of Historic Places.

5 SIGNIFICANCE

Architect: ☒ Not Known ☐ Known: (source:)

Date of Construction: c. 1904¹

Builder: ☒ Not Known ☐ Known: (source:)

¹ Summit County records.

The site must represent an important part of the history or architecture of the community. A site need only be significant under one of the three areas listed below:

1. Historic Era:

- ☐ Settlement & Mining Boom Era (1868-1893)
- ☒ Mature Mining Era (1894-1930)
- ☐ Mining Decline & Emergence of Recreation Industry (1931-1962)

Park City was the center of one of the top three metal mining districts in the state during Utah's mining boom period of the late nineteenth and early twentieth centuries, and it is one of only two major metal mining communities that have survived to the present. Park City's houses are the largest and best-preserved group of residential buildings in a metal mining town in Utah. As such, they provide the most complete documentation of the residential character of mining towns of that period, including their settlement patterns, building materials, construction techniques, and socio-economic make-up. The residences also represent the state's largest collection of nineteenth and early twentieth century frame houses. They contribute to our understanding of a significant aspect of Park City's economic growth and architectural development as a mining community.²

2. Persons (Describe how the site is associated with the lives of persons who were of historic importance to the community or those who were significant in the history of the state, region, or nation):

3. Architecture (Describe how the site exemplifies noteworthy methods of construction, materials or craftsmanship used during the historic period or is the work of a master craftsman or notable architect):

6 PHOTOS

Digital color photographs are on file with the Planning Department, Park City Municipal Corp.

Photo No. 1: East elevation. Camera facing west, 2006.

Photo No. 2: East elevation. Camera facing west, 1995.

Photo No. 3: Southeast oblique. Camera facing northwest, tax photo.

² From "Residences of Mining Boom Era, Park City - Thematic Nomination" written by Roger Roper, 1984.

SERIAL NO.
RE-APPRAISAL CARD (1940 APPR. BASE)

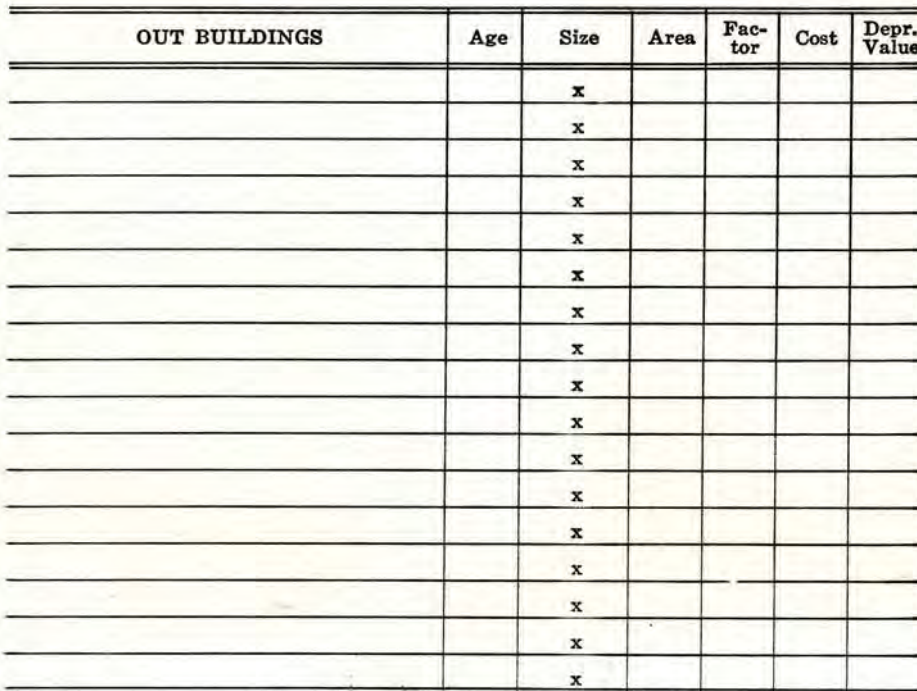
Owner's Name _____
 Owner's Address _____
 Location _____
 Kind of Building KES Street No. _____
 Schedule 1 Class 3 Type 1-2-3-4 Cost \$ _____ X _____ %

Stories	Dimensions	Cu. Ft.	Sq. Ft.	Actual Factor	Totals
<u>1</u>	x x		<u>984</u>	\$	\$ <u>1867</u>
	x x			\$	\$
	x x			\$	\$

No. of Rooms 5 & Bath Condition Good

Description of Building	Add	Deduct
Foundation—Stone Conc. <u>1/2</u> None <u>1/2</u>		<u>70</u>
Ext. Walls <u>SIDING</u>		
Insulated—Floors Walls Clgs.		
Roof—Type <u>GAB</u> Mat. <u>SHG</u>		
Dormers—Small Med. Lg.		
Bays—Small Med. Lg.		
Porches—Front <u>72 @ .70</u>	<u>50</u>	
Rear <u>30 @ 1.00</u>	<u>30</u>	
Cellar—Basmt— <u>1/4</u> <u>1/2</u> <u>3/4</u> full-floor <u>Cont</u>	<u>35</u>	
Basement Apts.—Rooms Fin.		
Attic Rooms Fin. <u>STAIRS ONLY</u> Unfin.	<u>52</u>	
Plumbing— Class <u>1</u> Tub <u>1</u> Trays <u>1</u> Basin <u>1</u> Sink <u>1</u> Toilet <u>1</u> Urns <u>1</u> Ftns. <u>1</u> Shr. <u>1</u> Dishwasher <u>1</u> Garbage Disp. <u>1</u>	<u>350</u>	
Heat—Stove <u>1</u> H. A. <u>1</u> Steam <u>1</u> S. <u>1</u> Blr. <u>1</u> Oil <u>1</u> Gas <u>1</u> Coal <u>1</u>		
Air Conditioned Incinerators		
Radiant—Pipeless		
Finish— Hd. Wd. <u>1</u> Floors— <u>1</u> Hd. Wd. <u>1</u> Fir. <u>1</u> Conc. <u>1</u>		
Cabinets <u>1</u> Mantels <u>1</u>	<u>40</u>	
Tile— Walls <u>1</u> Wainscot. <u>1</u> Floors <u>1</u>		
Lighting—Lamp <u>1</u> Drops <u>1</u> Fix. <u>1</u> <u>Com. FINE LINED</u>		<u>125</u>
Total Additions and Deductions	<u>557</u>	<u>195</u>
Net Additions or Deductions	<u>195</u>	<u>1867</u>

AV Age <u>45</u> Yrs. by <u>Est. Owner</u>	REPRODUCTION VALUE	\$ <u>2229</u>
<u>Tenant</u>	Depr. <u>1-2-3-4-5-6</u> <u>58/42</u>	\$ <u>936</u>
<u>Neighbors</u>	Reproduction Val. Minus Depr.	
<u>Records</u>		
Remodeled Est. Cost	Remodeling Inc.	\$
Garage—S <u>8</u> C <u>2</u> Depr. 2% 3%	Obsolescence	\$
Cars Walls	Out Bldgs.	\$
Roof Size x Age		\$
Floor Cost	Depreciated Value Garage	\$
Remarks	Total Building Value	\$



Serial No. SA 124JAME E. SWEATFIELDLocation Block 11 SA - N 1/2 Lot 5 - Q116 + 6Kind of Bldg. RES St. No. _____Class 3 Type 1 2 3 4 Cost \$ 1903 X — %

Stories	Dimensions	Cu. Ft.	Sq. Ft.	Factor	Totals
<u>1</u>	x x		<u>984</u>		\$ <u>1903</u>
	x x				
	x x				

Gar.—Carport x Flr. — Walls — Cl. —

Description of Buildings	Additions
Foundation—Stone <u>—</u> Conc. <u>✓</u> None <u>✓</u>	
Ext. Walls <u>Siding (A) Alum 1963</u>	
Insulation—Floors <u>—</u> Walls <u>—</u> Clgs. <u>—</u>	
Roof Type <u>Gable</u> Mtl. <u>Shg</u>	
Dormers—Small <u>—</u> Med. <u>—</u> Large <u>—</u>	
Bays—Small <u>—</u> Med. <u>—</u> Large <u>—</u>	
Porches—Front <u>6x12</u> <u>60</u> @ <u>80</u> <u>48</u>	
Rear <u>5x6</u> <u>30</u> @ <u>60</u> <u>18</u>	
Porch <u>—</u> @ <u>—</u>	
Metal Awnings <u>—</u> Mtl. Rail <u>—</u>	
Basement Entr. <u>—</u> @ <u>—</u>	
Planters <u>—</u> @ <u>—</u>	
Cellar-Bsmt. — 1/4 1/3 1/2 3/4 Full <u>—</u> Floor <u>—</u>	
Bsmt. Apt. <u>—</u> Rooms Fin. <u>—</u> Unfin. <u>—</u>	
Attic Rooms Fin. <u>—</u> Unfin. <u>—</u>	
Plumbing { Class <u>1</u> Tub <u>1</u> Trays <u>—</u>	
Basin <u>1</u> Sink <u>1</u> Toilet <u>1</u>	
Wtr. Sfr. <u>—</u> Shr. St. <u>—</u> O.T. <u>—</u>	<u>350</u>
Dishwasher <u>—</u> Garbage Disp. <u>—</u>	
Built-in-Appliances <u>—</u>	
Heat—Stove <u>X</u> H.A. <u>—</u> Steam <u>—</u> Stkr. <u>—</u> Blr. <u>—</u>	
Oil <u>—</u> Gas <u>—</u> Coal <u>✓</u> Pipeless <u>—</u> Radiant <u>—</u>	
Air Cond. <u>—</u>	
Finish—Fir <u>✓</u> Hd. Wd. <u>—</u>	
Floor—Fir <u>✓</u> Hd. Wd. <u>—</u> Other <u>—</u>	
Cabinets <u>1</u> Mantels <u>—</u>	
Tile—Walls <u>—</u> Wainseot <u>—</u> Floors <u>—</u>	
Storm Sash—Wood D. <u>—</u> S. <u>—</u> ; Metal D. <u>—</u> S. <u>—</u>	
Total Additions	<u>416</u>

Year Built <u>—</u>	Avg. <u>54</u>	Current Value	\$ <u>2319</u>
Age <u>1949-45</u>		Commission Adj. <u>0%</u> <u>10%</u>	<u>232</u>
Inf. by { Owner - Tenant -		Bldg. Value	<u>2087</u>
{ Neighbor - Record - Est.		Depr. Col. <u>1</u> <u>2</u> <u>3</u> <u>4</u> <u>5</u> <u>6</u> <u>33%</u>	
Remodel Year <u>—</u>	Est. Cost <u>—</u>	Current Value Minus Depr.	\$ <u>689</u>
Garage—Class <u>—</u>	Depr. 2% 3%	Carport—Factor <u>—</u>	
Cars <u>—</u>	Floor <u>X</u> Walls <u>—</u> Roof <u>—</u> Doors <u>—</u>		
Size— <u>—</u> x <u>—</u>	Age <u>—</u> Cost <u>—</u> x <u>—</u> %		
Other <u>—</u>			
Total Building Value		\$	

5A 124
Serial Number

OF
Card Number

Owners Name Jane E Sweetfield
Location N 1/2 at 5th with Bk 11 SA
Kind of Bldg. 1 1/2 St. No. 823 Woodside Ave
Class. 1 Type 1 2 3 4 Cost \$ 100 %

Stories	Dimensions	Sq. Ft.	Factor	Totals	Totals
	x x	984		\$ 2954	\$
	x x				
	x x				

Att. Gar.—C.P. x Flr. Walls Cl.

Description of Buildings	Additions	Additions
--------------------------	-----------	-----------

Foundation—Stone Conc. Sills X
Ext. Walls Alum Siding (A)
Roof Type Mtl.
Dormers—Small Med. Large
Bays—Small Med Large
Porches—Front 472 @ 150 108
Rear 30 @ 125 38
Porch @
Planters @
Ext. Base. Entry @
Cellar—Bsmt. — 1/4 1/3 1/2 2/3 3/4 Full Floor 40
Bsmt. Gar.

Basement—Apt. Rms. Fin. Rms.
Attic Rooms Fin. Unfin.

Plumbing { Class 1 Tub. 1 Trays
Basin 1 Sink 1 Toilet 1
Wtr. Sfr. Shr. St. O.T.
Dishwasher Garbage Disp.

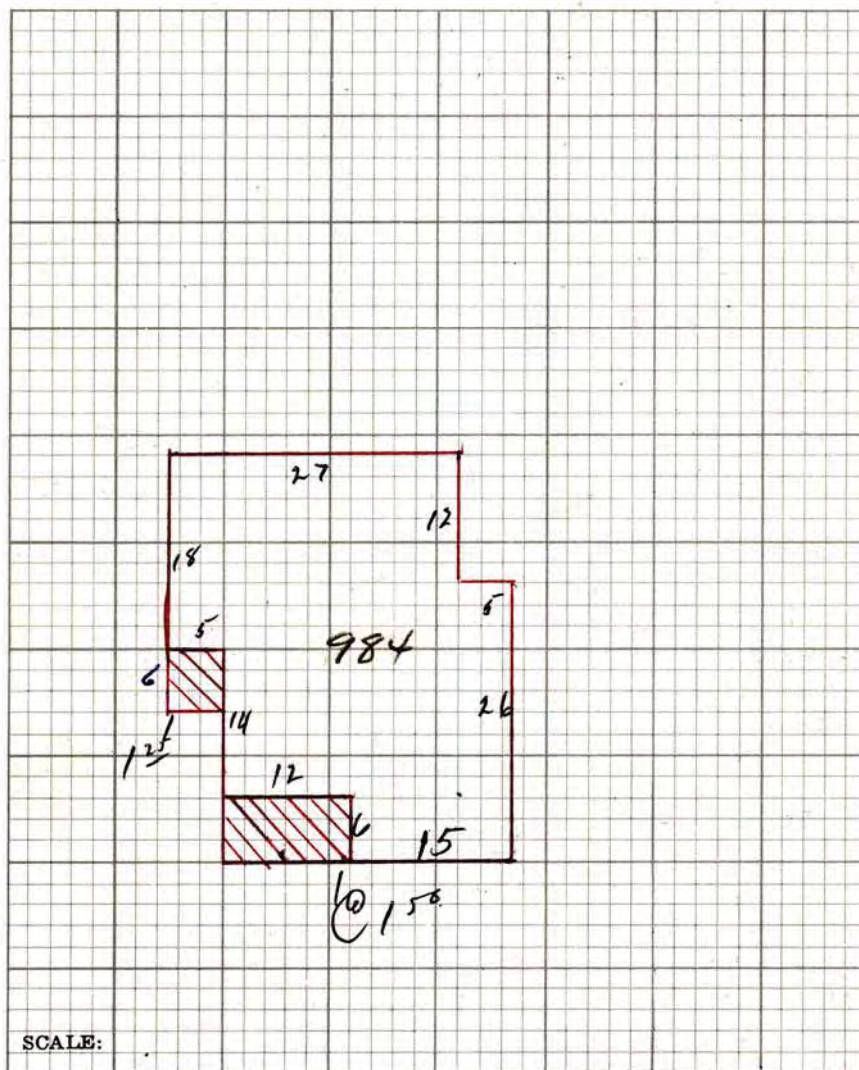
Heat—Stove X H.A. FA HW Stkr Elec.
Oil Gas Coal X Pipeless Radiant
Air Cond. — Full Zone
Finish—Fir. ✓ Hd. Wd. Panel
Floor—Fir. ✓ Hd. Wd Other
Cabinets 1 Mantels
Tile—Walls Wainscot Floors
Storm Sash—Wood D. S.; Metal D. 1 S. 30
Awnings — Metal Fiberglass

Total Additions 766

Year Built 1964 Avg. 1904 Replacement Cost 4486
Age 2 Obsolescence

Inf. by { Owner Tenant -
Neighbor - Record - Est. Adj. Bld. Value
Conv. Factor x.47

Replacement Cost—1940 Base
Depreciation Column 1 2 3 4 5 6
1940 Base Cost, Less Depreciation
Total Value from reverse side
Total Building Value \$



RESIDENTIAL OUT BUILDINGS	Age	Size	Area	Fac- tor	Cost	Conv. Fac.	Adj. Cost	Depr. Value
		x				.47		
		x				.47		
		x				.47		
		x				.47		
		x				.47		
		x				.47		

Garage — Class _____		Depr. 2% 3% _____	
Cars _____	Floor _____	Walls _____	Roof _____ Doors _____
Size _____ x _____	Age _____	Cost _____	x 47% _____
1940 Base Cost _____ x _____		% Depr. _____	
			Total _____

REMARKS _____









Planning Commission Staff Report

Subject: 205 Main Street Plat
Author: Francisco J. Astorga, Senior Planner
Project Number: PL-14-02608
Date: April 8, 2014
Type of Item: Administrative – Condominium Record of Survey

Summary Recommendations

Staffs recommends the Planning Commission hold a public hearing for 205 Main Street Plat Condominium Record of Survey located at 205 Main Street and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval found in the draft ordinance.

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

Description

Applicant: 205 Main Street, LLC, Todd Cusick
represented by Jack Johnson
Location: 205 Main Street
Zoning: Historic Commercial Business
Adjacent Land Uses: Residential
Reason for Review: Condominium Record of Surveys require Planning
Commission review and City Council review and action

Proposal

The property owner proposes to record a Condominium Record of Survey for a six (6) unit residential multi-unit dwelling consisting of a four (4) story structure and a parking garage. The property owner requests to record the proposed Record of Survey to be able to sell each unit individually.

Background

On February 19, 2015, the City received a completed application for the 205 Main Street Plat Condominiums. The property is located at 205 Main Street in the Historic Commercial Business District. The subject property consists of Parcel 1 of the Park Place on Main Street Plat Amendment approved by the City Council in April 1998 and recorded with Summit County in 1999.

In October 2012 the applicant received a Historic District Design Review approval to build a six (6) unit multi-unit dwelling with a parking garage. In September 2013, the applicant received a one (1) year extension, to allow the Historic District Design Review to expire in October 2014. The applicant applied for a building permit in July 2014. The

Planning Department signed off the building permit in September 2014. Due to some miscommunication discrepancy with the applicant and the Building Department, the Permit was not issued until December 2014. Currently, the site is under construction and has an active building permit for the six (6) unit multi-unit structure.

District Purpose

The purpose of the Historic Commercial Business District is to:

- A. preserve the cultural heritage of the City's original Business, governmental and residential center,
- B. allow the Use of land for retail, commercial, residential, recreational, and institutional purposes to enhance and foster the economic and cultural vitality of the City,
- C. facilitate the continuation of the visual character, scale, and Streetscape of the original Park City Historical District,
- D. encourage the preservation of Historic Structures within the district,
- E. encourage pedestrian-oriented, pedestrian-scale Development,
- F. minimize the impacts of new Development on parking constraints of Old Town,
- G. minimize the impacts of commercial Uses and business activities including parking, Access, deliveries, service, mechanical equipment, and traffic, on surrounding residential neighborhoods,
- H. minimize visual impacts of automobiles and parking on Historic Buildings and Streetscapes, and
- I. support Development on Swede Alley which maintains existing parking and service/delivery operations while providing Areas for public plazas and spaces.
- J. maintain and enhance the long term viability of the downtown core as a destination for residents and tourists by ensuring a Business mix that encourages a high level of vitality, public Access, vibrancy, activity, and public/resort-related attractions.

Analysis

A condominium is not a type of use but a form of ownership. The following requirements apply to multi-unit dwellings in the Historic Commercial Business District:

- Use: Multi-Unit Dwelling.
Allowed use, complies.
- Minimum lot area: 1,250 square feet.
9,148 square feet, complies.
- Minimum lot width: 25 feet.
119.8 feet, complies.
- Front, Rear, and Side Yards: There are no minimum front, rear, or side yard dimensions in the Historic Commercial Business District.
- Maximum Floor Area Ratio: 4.0.
2.02 (18,148.49 divided by 8,985), complies.
- Maximum Building Volume and Height: The maximum Building volume for each Lot is defined by a plane that rises vertically at the Front Lot Line to a height of

thirty feet (30') measured above the average Natural Grade and then proceeds at a forty-five degree (45°) angle toward the rear of the Property until it intersects with a point forty-five feet (45') above the Natural Grade and connects with the rear portion of the bulk plane, complies.

Wherever the HCB District abuts a residential Zoning District, the abutting portion of the bulk plane is defined by a plane that rises vertically at the abutting Lot Line to a height matching the maximum height of the abutting Zone (in this case 27' due to HR-2 District), measured from Existing Grade, and then proceeds at a forty-five degree (45°) angle toward the opposite Lot Line until it intersects with a point forty-five feet (45') above Existing Grade, complies.

- Minimum parking requirements for Apartment/Condominium 2,000 sf floor area or greater: 2 per dwelling unit.

Applicant proposes to build fifteen (15) parking spaces, all within the parking garage. The minimum number of parking spaces required by the Land Management Code based on the six (6) dwelling units is twelve (12), complies.

Staff finds Good Cause for the Condominium Record of Survey Plat as the requested form of ownership is not detrimental to the overall character of the neighborhood. This application, as shown on the proposed plat, allows the following units to be platted as private ownership:

Unit A – 2,961.81 sf
Unit B – 2,753.05 sf
Unit C – 3,308.74 sf
Unit D – 2,962.07 sf
Unit E – 3,256.11 sf
Unit F – 2,906.71 sf
Total – 18,148.49 sf

Common spaces include most of the parking garage, entry vestibule and stairs, elevator, roof, foundation, exterior walls, etc. Limited common spaces include the mechanical areas, storage, balconies, patios, etc.

Condominium Conversions

LMC § 15-4-12 indicates that existing structures shall not be converted to condominium ownership without first receiving the review and recommendation of the Planning, Engineering and Building Departments, City Attorney, and Record of Survey plat approval from the City. Furthermore, required public improvements and landscaping shall be completed at the time of conversion or security provided to ensure completion as provided by ordinance. The structure must be brought into substantial compliance with the Building code as a condition precedent to plat approval.

This structure is not yet built. A building permit was issued in December 2014 to build what has been approved (through that Historic District Design Review). The applicant is actively working on the project. The structure, as approved on plans, is to be built per current building codes as approved.

Process

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

Department Review

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

Notice

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

Public Input

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

Alternatives

- The Planning Commission may forward positive recommendation to the City Council for the 205 Main Street Plat Condominium Record of Survey as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the 205 Main Street Plat Condominium Record of Survey and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on 205 Main Street Plat Condominium Record of Survey.

Significant Impacts

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

Consequences of not taking the Planning Department's Recommendation

The proposed building would remain as is and the property owner would not have the option to sell the units individually.

Summary Recommendation

Staffs recommends the Planning Commission hold a public hearing for 205 Main Street Plat Condominium Record of Survey located at 205 Main Street and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval found in the draft ordinance.

Exhibits

Exhibit A – Draft Ordinance with Proposed Condominium Record of Survey
Exhibit B – Existing Conditions Survey
Exhibit C – Current Plat
Exhibit D – Vicinity Map
Exhibit E – Front Elevation Rendering

Exhibit F – Historic District Design Review Action Letter

Exhibit A: Draft Ordinance

Ordinance No. 15-XX

AN ORDINANCE APPROVING 205 MAIN STREET PLAT CONDOMINIUM RECORD OF SURVEY PLAT LOCATED AT 205 MAIN STREET, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 205 Main Street has petitioned the City Council for approval of the condominium record of survey plat; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on April 8, 2015, to receive input on plat amendment; and

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

WHEREAS, on May 7, 2015, 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 205 Main Street Plat Condominium Record of Survey.

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

SECTION 1. APPROVAL. 205 Main Street Plat Condominium Record of Survey 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 property is located at 205 Main Street.
2. The property is in the Historic Commercial Business District.
3. The property consists of Lot 1 of Park Place on Main Street Plat.
4. The proposed condominium Record of Survey plat memorializes each dwelling unit within the multi-unit dwelling as a separate unit that can be leased or owned separately.
5. A condominium is not a type of use but a form or ownership.
6. A multi-unit dwelling is an allowed use in the Historic Commercial Business District.
7. The current lot is 9,148 square feet and complies with the minimum lot area of

- 1250 square feet in the Historic Commercial Business District.
8. The current lot width is 119.8 feet and complies with the minimum lot width of 25 feet in the Historic Commercial Business District.
 9. There are no minimum front, rear, or side yard dimensions in the Historic Commercial Business District.
 10. The proposed Floor Area Ratio is 2.02 (18,148.49 divided by 8,985) and complies with the maximum Floor Area Ratio of 4.0 in the Historic Commercial Business District.
 11. The proposal complies with the Maximum Building Volume and Height as described in Land Management Code § 15-2.6-5, as applicable.
 12. Applicant proposes to build fifteen (15) parking spaces, all within the parking garage. The minimum number of parking spaces required by the Land Management Code based on the six (6) dwelling units is twelve (12).
 13. The requested form of ownership is not detrimental to the overall character of the neighborhood.
 14. This application allows the following units to be platted as private ownership:
 - a. Unit A – 2,961.81 sf
 - b. Unit B – 2,753.05 sf
 - c. Unit C – 3,308.74 sf
 - d. Unit D – 2,962.07 sf
 - e. Unit E – 3,256.11 sf
 - f. Unit F – 2,906.71 sf
 - g. Total – 18,144.09 sf
 15. Common spaces include most of the parking garage, entry vestibule and stairs, elevator, roof, foundation, exterior walls, etc.
 16. Limited common spaces include the mechanical areas, storage, balconies, patios, etc.
 17. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law:

1. The Condominium Plat is consistent with the Park City Land Management Code and applicable State law regarding condominium record of survey plats.
2. Neither the public nor any person will be materially injured by the proposed Condominium Plat.
3. Approval of the Condominium Plat, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the 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 year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City

Council.

3. A tie breaker mechanism shall be included in the CC&Rs.
4. Required public improvements and landscaping, as applicable, shall be completed at the time of conversion or security provided to ensure completion as provided by ordinance.

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

PASSED AND ADOPTED this 7th day of May, 2015.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

ATTEST:

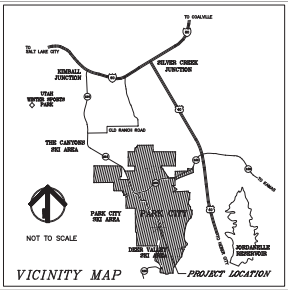
Marci Heil, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Attachment 1 – Proposed Plat

Attachment 1 – Proposed Condo Plat



BOUNDARY DESCRIPTION
LOTS 1, 2, 3, 4 AND THE SOUTH 20.5 FEET OF LOT 5, BLOCK 12, PARK CITY SURVEY ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER.

SURVEYOR'S CERTIFICATE
I, Jack J. Johnson, do hereby certify that I am a Registered Land Surveyor and that I hold Certificate No. 147261 as provided under the laws of the State of Utah. I further certify that the Condominium Plat shown herein is a correct representation of the land surveyed and has been prepared in conformity with the minimum standards and requirements of the law.

Jack J. Johnson
Date _____

OWNER'S CONSENT TO RECORD
Know all men by these presents, that 205 MAIN STREET, LLC, a Utah Limited Liability Company, is the owner of that certain tract of land described herein, more commonly known as 205 Main Street, Park City, Utah, consisting of four stories and an underground parking structure, the first, second, third and fourth floors consisting of residential condominium units. Said 205 Main Street, LLC hereby certifies that it caused this survey to be made and this condominium plat to be prepared, and does hereby consent to the recording of the Record of Survey Map and submits this property to the Utah Condominium Ownership Act. The owner further certifies that the construction of this project will be completed after the recording of this plat and is in conformance with the approved master plan for the property and the land management code of Park City Municipal Corporation.

In witness whereof, the undersigned has executed this Consent on behalf of 205 Main Street, LLC and is duly authorized to do so.

This _____ day of _____, 2015.
Todd Cusick
Member

ACKNOWLEDGEMENT
STATE of Utah
COUNTY of _____
On this _____ day of _____, 2015, I, personally appeared before me, Todd Cusick, being by me duly sworn, did say that he is a member of 205 Main Street, LLC, owner of record of the property described on this plat and to is duly authorized to sign on behalf of said owner and said owner does consent to record.

Notary Public: _____ My Commission Expires: _____

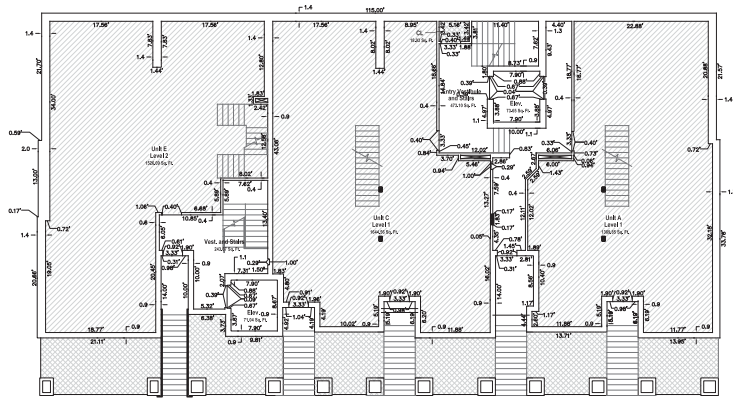
205 MAIN STREET PLAT
A CONDOMINIUM PROJECT
LOCATED IN
SECTION 16, TOWNSHIP 2 SOUTH,
RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY,
SUMMIT COUNTY, UTAH
SHEET 1 OF 4



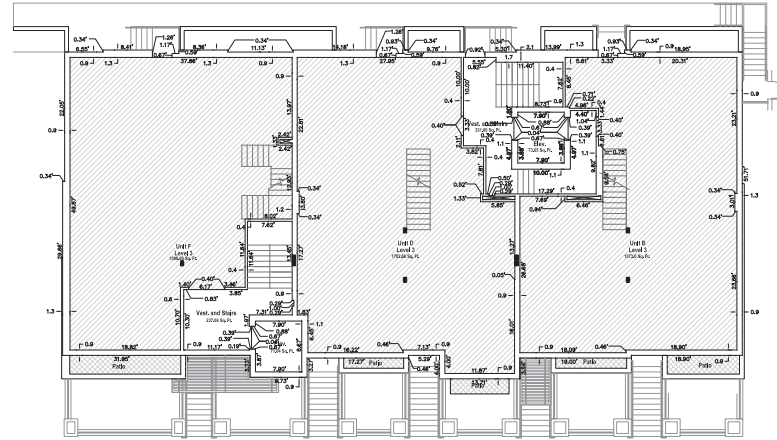
COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ____ DAY OF _____, 2015 A.D. BY _____ MAYOR	ENGINEERS CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS DAY OF _____, 2015 A.D. BY _____ PARK CITY ENGINEER	PLANNING COMMISSION REVIEWED BY THE PARK CITY PLANNING COMMISSION THIS 9th DAY OF APRIL, 2015 A.D. BY _____ CHAIR	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS ____ DAY OF _____, 2015 A.D. BY _____ S.B.W.R.D.	APPROVAL AS TO FORM APPROVED AS TO FORM THIS ____ DAY OF _____, 2015 BY _____ PARK CITY ATTORNEY	CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL AT THE REQUEST OF: _____ THIS ____ DAY OF _____, 2015 A.D. PARK CITY RECORDER	RECORDED ENTRY NO. _____ BOOK _____ PAGE _____ STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF: _____ DATE _____ TIME _____ COUNTY RECORDER
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LEGEND

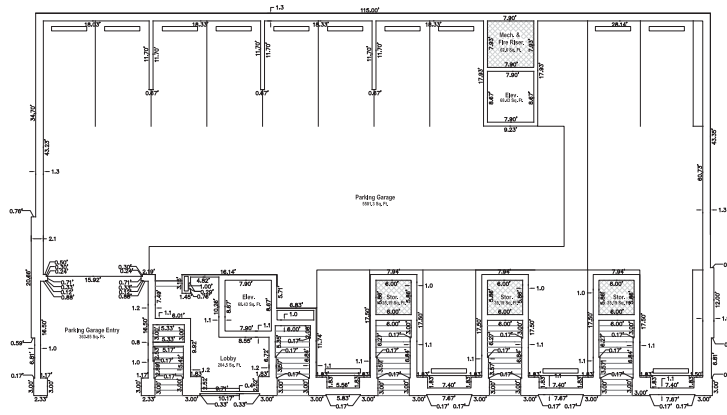
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-  LIMITED COMMON AREA
-  COMMON AREA



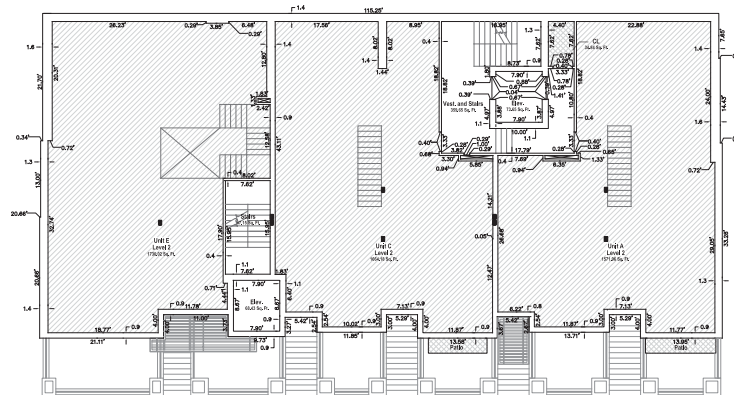
LEVEL 1



LEVEL 3



PARKING



LEVEL 2

**205 MAIN STREET PLAT
A CONDOMINIUM PROJECT**

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

0 5 10 20 30
SCALE: 1"=10'

 **Jack
Johnson
Consulting**
1910 PROSPECTOR AVENUE, SUITE 200
PARK CITY, UTAH 84060
(435) 445-0001

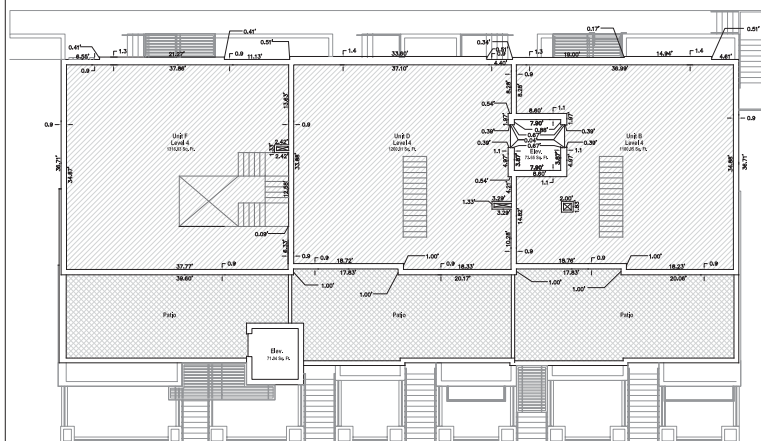
RECORDED

ENTRY NO. _____ BOOK _____ PAGE _____
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
AT THE REQUEST OF: _____
DATE _____ TIME _____

COUNTY RECORDER

LEGEND

-  PRIVATE OWNERSHIP
-  LIMITED COMMON AREA
-  COMMON AREA



LEVEL 4

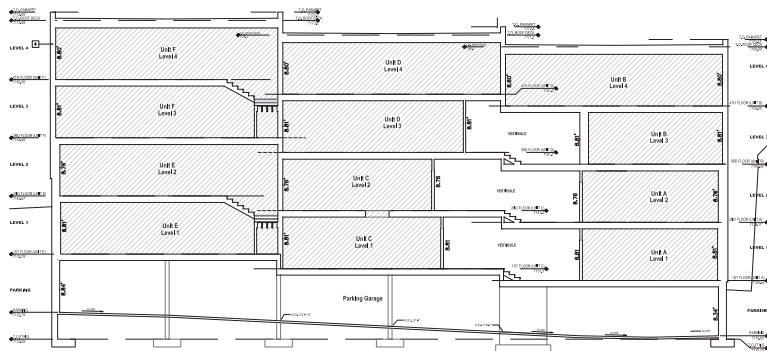
205 MAIN STREET PLAT
A CONDOMINIUM PROJECT
 LOCATED IN
 SECTION 16, TOWNSHIP 2 SOUTH,
 RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY,
 SUMMIT COUNTY, UTAH
 SHEET 3 OF 4



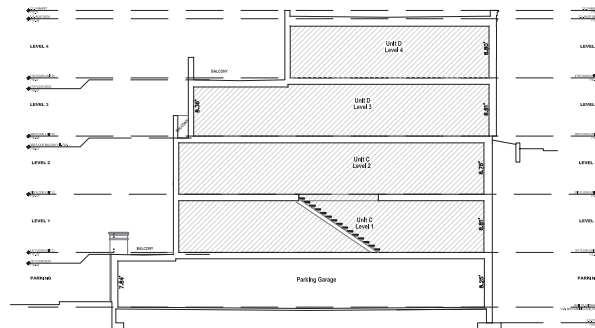
RECORDED

ENTRY NO. _____ BOOK _____ PAGE _____
 STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
 AT THE REQUEST OF: _____
 DATE _____ TIME _____

COUNTY RECORDER



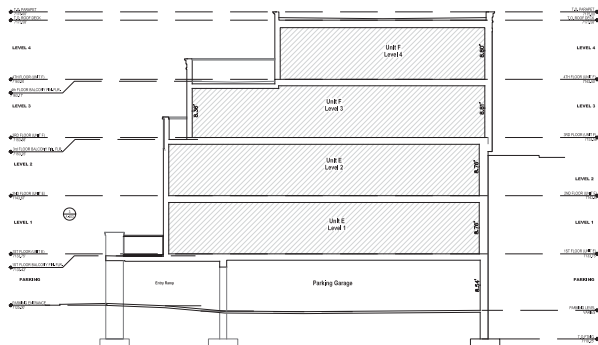
SECTION A-A



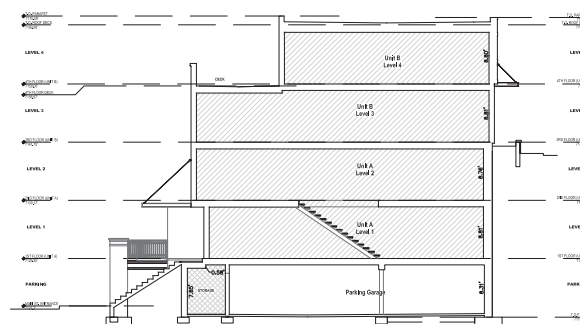
SECTION C-C

LEGEND

-  PRIVATE OWNERSHIP
-  LIMITED COMMON AREA
-  COMMON AREA



SECTION B-B



SECTION D-D

205 MAIN STREET PLAT
A CONDOMINIUM PROJECT

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

0 5 10 20 30
SCALE: 1"=10'



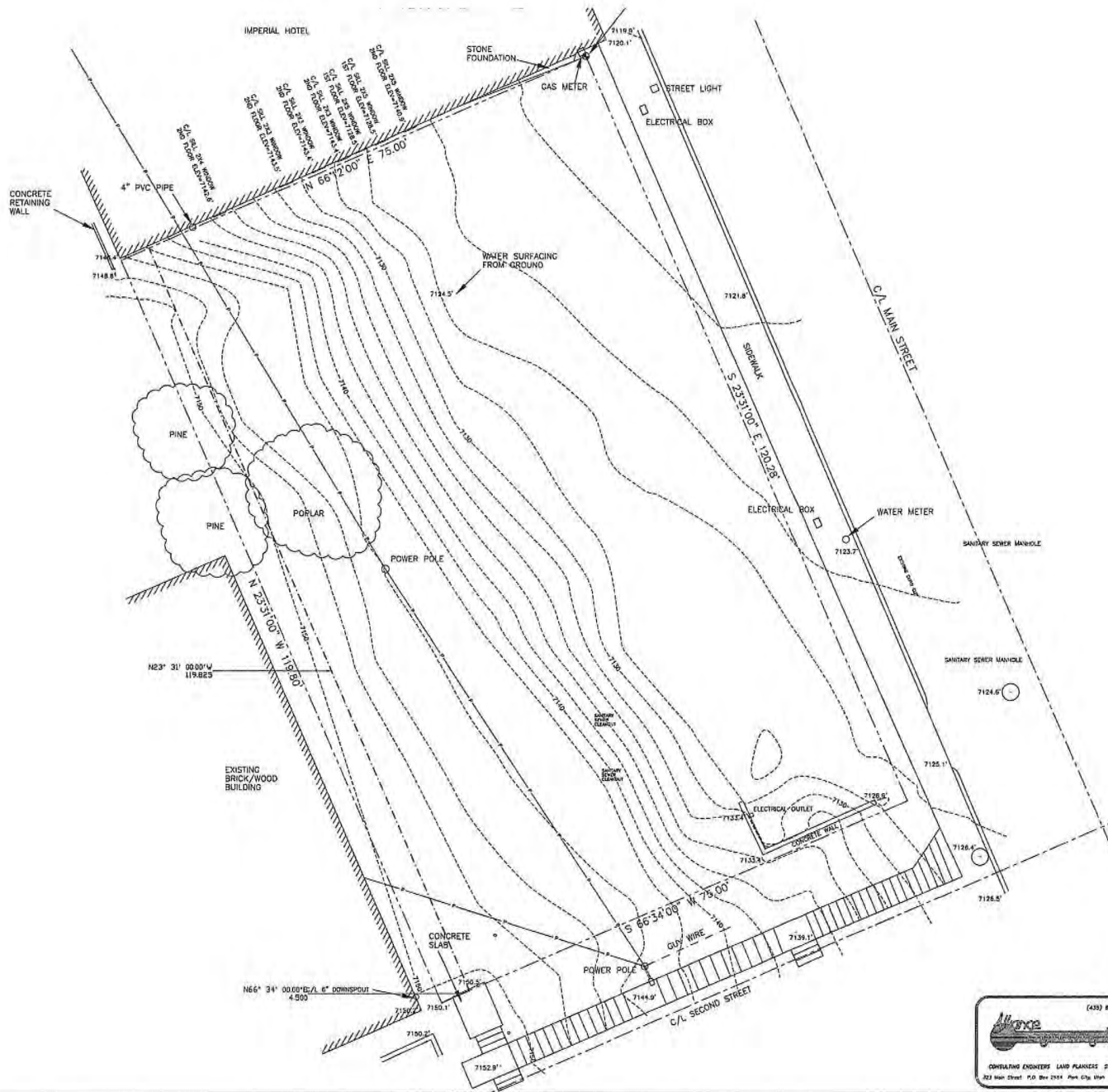
1910 PROSPECTOR AVENUE, SUITE 200
PARK CITY, UTAH 84060
(801) 646-4001

RECORDED

ENTRY NO. _____ BOOK _____ PAGE _____
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
AT THE REQUEST OF: _____
DATE _____ TIME _____

COUNTY RECORDER

Exhibit B – Existing Conditions Survey

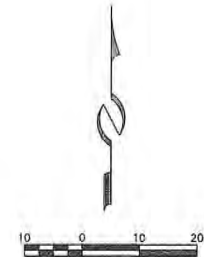


SURVEYOR'S CERTIFICATE

I, John Demkowicz, do hereby certify that I am a registered land surveyor and that I hold certification no. 154491 as prescribed under the laws of the State of Utah. I further certify that a topographic survey has been made under my direction of the lands shown and described herein. I further certify that this topographic survey is a correct representation of the land surveyed at the time the field work was completed and is in compliance with generally accepted industry standards for accuracy.

NOTES:

1. PROJECT BENCHMARK: PROPERTY CORNER
ELEVATION = 7120.4'
2. THE ARCHITECT IS RESPONSIBLE FOR VERIFYING BUILDING SETBACKS, ZONING REQUIREMENTS, AND BUILDING HEIGHTS.
3. THIS TOPOGRAPHIC MAP IS BASED ON A FIELD SURVEY PERFORMED ON JANUARY 26, 1999, AND UPDATED ON JANUARY 25, 2007.
4. PROPERTY CORNERS WERE SET. SEE RECORDED SURVEY S-1573, SUMMIT COUNTY UTAH.
5. SNOW COVERAGE AT THE TIME OF THE SURVEY WAS APPROXIMATELY 1.0'-2.0'.



DEC 30 2014

REVISED 8/31/07 TO SHOW EXISTING CURB CUT



(435) 549-5467

STAFF:
MARSHALL KING
MARTY MORRISON

EXISTING CONDITIONS
205 MAIN STREET
PARK PLACE ON MAIN STREET

FOR: AVENUE COMMUNITIES, LLC

JOB NO.: S-9-08

FILE: X:\ParkCitySurvey\dwg\mace\topo08\060908.dwg

DATE: 8/31/07

SHEET
1
OF
1

NOTES:

- See record of survey #9-1873, recorded Summit County, Utah.
- A Site Report and Shoring Plan, prepared by a licensed engineer and reviewed and approved by the Community Development Department, will be required from the applicant prior to any construction.
- Any encroaching sewer laterals on the site shall be mitigated by the affected private parties.

SURVEYORS' CERTIFICATE

I, John Denkowski, certify that I am a Registered Land Surveyor and hold Certificate No. 16393, as prescribed by the laws of the State of Utah, and that this Lot Line Adjustment Plat was prepared under my direction in accordance with the requirements of the Park City Municipal Corporation.

John Denkowski
John Denkowski
Date: 12-10-98

BOUNDARY DESCRIPTION

Lots 1, 2, 3, 4, and the South 20 feet of Lot 5, Block 12, Park City Survey, according to the official plat thereof on file and of record in the office of the Summit County Recorder.

CONSOLIDATED LEGAL DESCRIPTION

BEGINNING at the Southwest corner of Block 12, PARK CITY SURVEY according to the official plat thereof on file and of record in the office of the Summit County Recorder, and running thence South 68°34'00" West 75.00 feet; thence North 23°31'00" West 118.80 feet; thence North 68°12'00" East 15.00 feet; thence South 23°31'00" East 120.28 feet to the point of beginning.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS, that PARK PLACE ON MAIN STREET, the undersigned owner of the herein described tract of land to be known hereafter as PARK PLACE ON MAIN STREET, certifies that it has caused this Lot Line Adjustment Plat to be prepared. Park Place On Main Street hereby consents to the recording of this Lot Line Adjustment Plat. Also, the owner hereby irrevocably offers for dedication to the City of Park City all of the streets, land for local government uses, easements, rights, and required utilities and easements shown on the plat and construction drawings in accordance with an irrevocable offer of dedication.

IN WITNESS WHEREOF, the undersigned set his hand this 10 day of December, 1998.

PARK PLACE ON MAIN STREET
A California Limited Partnership

By: *Anita DeThommas*
Anita DeThommas, it's General Partner

ACKNOWLEDGMENT

State of Utah }
County of Summit } ss

On the 10th day of December, 1998, Anita DeThommas personally appeared before me, the undersigned Notary Public in and for said state and county, and she is a general partner of Park Place On Main Street, a California Limited Partnership, and that the within and foregoing Owner's Declaration and Consent to Record was signed on behalf of said partnership, and said Anita DeThommas duly acknowledged that said partnership executed the same.

Mary L. Brand
Notary Public
My commission expires: 8-26-2003

LOT LINE ADJUSTMENT PLAT

PARK PLACE ON MAIN STREET

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

JOB NO. 01-04-97 FILE \pic\p\p-010497

ALLIANCE ENGINEERING INC.
P.O. BOX 2664
323 MAIN STREET
PARK CITY, UTAH 84060
(435) 649-9407

SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT STANDARDS ON THIS 18th DAY OF January, 1999 A.D.
BY: *Roger E. Robinson*
S.E.S.I.D.

PLANNING COMMISSION
APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 17th DAY OF January, 1999 A.D.
BY: *Jim Low*
CHAIRMAN

ENGINEERS' CERTIFICATE
I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 21st DAY OF DECEMBER, 1998 A.D.
BY: *Chris W. Decker*
PARK CITY ENGINEER

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS 17th DAY OF January, 1999 A.D.
BY: *Mark D. Hume*
PARK CITY ATTORNEY

CERTIFICATE OF ATTEST
I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 30th DAY OF April, 1998 A.D.
BY: *Chris W. Decker*
PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 30th DAY OF April, 1998 A.D.
BY: *Kevin D. Oke*
CITY CLERK

RECORDED
STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF Coalition Title
DATE 2-10-99 TIME 02:45 PM
FEE 3.00 RECORDER *Deanne M. Spurr*



Exhibit E - Front Elevation Rendering





Building • Engineering • Planning

October 29, 2012

Craig Elliot
On behalf of 205 Main Street Group, LLC
P.O. Box 3419
Park City, Utah 84060

NOTICE OF PLANNING STAFF ADMINISTRATIVE ACTION

Project Address: 205 Main Street, Parcel 1 Park Place on Main Street.
Project Description: Proposed Six (6) Dwelling-Unit Residential Condominium.
Date of Action: October 29, 2012
Project Number: PL-12-01603

Summary of Staff Action

Staff reviewed this project for compliance with the Historic District Design Guidelines, specifically with 1) Universal Guidelines for New Construction (#1 through #7) and 2) Specific Guideline: A.1. Building Setbacks & Orientation, A.2 Lot Coverage, A.4 Site Grading & Steep Slope Issues, A.5 Landscaping, B.1 Mass, Scale & Height, B.2 Key Building Elements, and D. Off-Street Parking Areas. Staff found that as conditioned the proposed six unit residential dwelling will comply with applicable Guidelines. This letter serves as the final action letter and approval for the proposed design for 205 Main Street, as redlined subject to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. The property is located at 205 Main Street, more specifically Parcel 1 of the Park Place on Main Street Plat Amendment which originally consisted of five (5) full Old Town lots.
2. The parcel is approximately 9,148 square feet in size. The minimum lot size in the Historic Commercial Business (HCB) District is 1,250 square feet.
3. The property is located in the HCB District.
4. Multi-Unit dwellings are a permitted use in the HCB District.
5. This is a vacant parcel not identified on the City's Historic Sites Inventory and is not designed as a Historically Significant or Landmark Site.
6. Each of the six proposed units is labeled between A through F. Unit A is 3,037 square feet, Unit B is 2,989 square feet, Unit C is 3,092 square feet, Unit D is 3,025 square feet, and Unit F is 2,906 square feet.

7. The proposed building is a four (4) story structure with a parking garage at the main level and three (3) stories of residential above.
8. The maximum building height allowed in the HCB District is forty-five feet (45') feet measured from the natural grade. The proposed building is approximately thirteen feet (13') tall at the front-yard setback (property line) with a maximum height of forty-five feet (45') at the highest point from the natural grade and twenty-five feet (25') tall at the rear yard setback.
9. There are not front, rear or side-yard requirements in the HCB District, in essence allowing a "zero-lot-line" building.
10. The proposed building meets the minimum requirements of Section 15-2.6-5(A) and (B) – Maximum Building Volume and Height of the LMC.
11. The applicant is required to provide three parking spaces per dwelling unit. The plans only show two spaces per unit. Section 15-3-6(A) Parking Ration Requirements for Specific Land Use Categories – Residential Uses, requires three parking spaces for all residential dwellings (apartment or condominium) over 2,500 square feet. Section 15-2.6-9 Parking Regulations (in the HCB District) requires that the required off-street parking either be provided on-site, or that a fee established by the City be paid in lieu of the required parking and multiplied by the required spaces. In this case, the applicant can either provide the six (6) additional spaces within the garage or pay the required fee as calculated by the City.
12. The parking stalls within the garage do not appear to meet the minimum parking standards set forth in Section 15-3-3(F) Parking Space Dimensions, which requires that each stall have a minimum of nine-feet (9') in with by eighteen-feet (18') long. The back-up drive aisle must be twenty-four feet (24') wide between spaces. It appears that this area can be reconfigured to meet this code and will be a condition of approval.
13. The proposed building uses a mixture of exterior materials including three primary materials of brick, stone, and cement board. Other exterior materials include cut stone and stainless steel trim (see Exhibit "A").
14. Each unit has an exterior entrance onto Main Street as well as a separate entrance from the parking garage.
15. The proposed design complies with the Universal Guideline #1 for New Construction in that the proposed building uses simple building forms, unadorned materials, and restrained ornamentation.
16. The proposed building complies with Universal Guideline #2 for new construction because it does not directly imitate existing historic structures located on surrounding properties or within the Historic District.
17. The proposed building complies with Universal Guideline #3 due to the fact that the architecture of the proposed building is designed in a manner consistent with a contemporary interpretation of its chosen style and that the stylistic elements are not simply applied to the exterior. The building does not replicate a style that never appeared in Park City and does not radically conflict with the character of Park City's Historic Sites.
18. The proposed building complies with Universal Guideline #4 because the proposed building and site design respect the existing topography, character, and site defining features. There are a limited numbers of existing trees or vegetation on the site, and

- cuts, fill, and retaining walls will not be visible to the public as the building will be constructed to follow the contour of the existing hillside.
19. The proposed building complies with Universal Guideline #5 as the proposed exterior elements of the building, including roofs, entrances, eaves, chimneys, porches, windows, doors, steps, retaining walls, garages, etc., are to be of human scale and are designed to be compatible with neighboring Historic Sites, including the adjacent Imperial Hotel and Grappa restaurant building.
 20. The proposed building complies with Universal Guideline #6 because the scale and height of the proposed structure follows the predominant pattern of the neighborhood with special consideration given to Historic Sites, including the aforementioned buildings.
 21. The proposed building complies with Universal Guideline #7 due to the fact that the size and mass of the structure will be compatible with the size of the property Lot coverage, building bulk, and mass are compatible with Historic Sites in the neighborhood, including most of the surrounding sites.
 22. The proposed building complies with Universal Guideline #8 as the construction of said building will not physically damage nearby Historic Sites. The applicant will be required to submit a construction mitigation plan, including a plan to mitigate potential damage to surrounding buildings as part of the building permit submittals.
 23. The proposed building complies with Specific Guideline A1. Building Setbacks & Orientation in that the location of the structure on the site is proposed in a manner that follows the predominant pattern of historic buildings along Main Street, maintaining traditional setbacks, orientation of entrances, and alignment along Main Street. The proposed building avoids a design that will cause snow shedding onto adjacent properties due to the fact that the building will have a flat roof.
 24. The proposed building complies with Specific Guideline A2. Lot Coverage; in that the proposed coverage is in fact compatible with the surrounding Historic Sites. Most of the adjacent sites have lot coverage equal to 90-100%. The applicant is proposing a rear yard setback to provide for an open space area between the proposed building and the adjacent Jefferson House Condominium.
 25. The proposed building complies with Specific Guideline A.4. Site Grading and Steep Slope Issues. The proposed building and site design respond to the natural contour of the property. The proposed structure steps down the hill to follow the existing contours slopes, and building scale is minimized in the rear-yard as the building is designed to limit/limiting the height to twenty-five feet (25') so as not to tower over the adjacent Jefferson House Condominiums. The building design minimizes cuts into the hillside, respect the sites natural slope. There is no fill proposed and the proposed retaining wall will be the rear of the building visible from only the interior of the parking garage. The proposed excavation will not exceed one-story in depth.
 26. The proposed building complies with Specific Guideline A.5 Landscaping. The landscape plans propose planters in front and rear that will have water efficient drip irrigation with seasonal plant materials. Because the building is proposed to have a zero-lot setback in the front, there is no other landscaping proposed. The proposed landscape treatment adjacent to the sidewalk is part of a comprehensive, complementary and integrated design. Adjacent buildings provide no landscaping between Main Street and the buildings and, this proposal will offer visual relief between the street and the building. Rear landscaping will also be planters which will

- be placed in the rear yard setback area and will include the planting of trees and shrubs between the proposed structure and the Jefferson House Condominium.
27. The proposed building complies with Specific Guideline A.6. Mass, Scale and Height. The building will have a mass that is visually compatible with the surrounding Historic Sites along Main Street. The proposed building will have articulation in the wall plane and roof heights for each unit to help diminish the visual impact of the overall building mass, form, and scale. The proposed variations in roof height and vertical element will break up the form, mass, and scale of the overall structure. The building is designed not to tower over the adjacent building to the rear, and a twenty-five foot (25') height and increased setback will allow for light and air into the adjacent building. The proposed structure is not stepped up the side of the hill to maintain a constant height or to appear as a building that "crawls" up the side of the hill. The proposed building is not significantly taller or shorter than surrounding historic buildings along Main Street. The proposed structure maintains a similar height as the adjacent Imperial Hotel and Grappa restaurant building. All windows, balconies and decks are oriented towards Main Street in order to respect the existing conditions of adjacent neighboring properties to the rear and sides. The primary façade of the proposed building is compatible with the width of surrounding historic buildings and the structure is set back significantly from the plane of the primary façade, not only for design consideration, but for functionality of the front porch as well.
 28. The proposed building complies with Specific Guideline B.2 Key Building Features, including compliance with Roofs, Materials, Windows and Doors, Porches, Paint & Color, Mechanical and Utility Systems and Service Equipment. The proposed flat roof is compatible with a majority of roof forms in Old Town. Windows and doors are compatible with surrounding historic buildings and proportional to the scale and style of the building. The Porches have been incorporated into the initial construction of the building and are compatible with the building style, scale and proportion. Paint and Colors are opaque and there are no transparent painted surfaces proposed. Mechanical and Utility Systems and Service Equipment is proposed to be screened from public view, including roof-mounted equipment which shall be placed beyond the mid-point of the roof and not visible from any public right of way.
 29. The proposed building complies with Specific Guideline D. Off Street Parking Areas. The structure includes an at-grade parking structure on the main floor that is completely enclosed and screened from public view. The applicant is required to provide three (3) parking spaces per unit, has shown a total of twelve (12) parking spaces on-site, and will be required to pay a fee in lieu of for the remaining six (6) spaces needed.
 30. The application was received on August 28, 2012. On September 26, 2012, the application was taken to the Development Review Committee (DRC) for their review of the project. Although Historic District Design Reviews are not required to have a DRC review, the size and complexity of the project prompted Staff to have the item reviewed. DRC comments that resulted in conditions are included in the Conditions of Approval section of this Staff Report.
 31. On September 26, 2012, the Planning Staff requested that the applicant submit a statement of compliance to Land Management Code Section 15-2.6-2(A)(2) and Section 15-15-1.248. Staff noted that the footnote in Section 15-2.6-2(A)(2) prohibits residential uses in storefront properties adjacent to Main Street. On September 27,

the applicant responded in writing to Staff's request for a statement of compliance. The response is attached hereto as Exhibit "B".

32. On September 29, 2012, the first mailing (fourteen day notice) was sent to all property owners within 100 feet based on the list of property owners provided by the applicant.
33. On October 16th, a ten-day notice was sent to all property owners within 100 feet based on the list of property owners provided by the applicant.
34. The final ten-day appeal period of this approval will expire on November 5, 2012.

Conclusion of Law

1. The proposal complies with the 2009 Park City Design Guidelines for Historic Districts and Historic Sites as conditioned.
2. The proposal complies with the Land Management Code requirements pursuant to the Historic Commercial Business (HCB) District (lot size, setbacks, etc.).
3. Multi-Unit Dwellings are an Allowed Use in the HCB District per Section 15-2.5-2(A)(2) of the LMC.
4. The proposed project complies with Section 15-2.6-2(A)(2) of the LMC that prohibits residential uses in "storefront properties" as the proposal does not create a storefront that meets the strict definition of "Storefront Property" as defined in Section 15-15-1.248 of the LMC.
5. The proposed building meets the applicable Historic District Design Guidelines for New Construction, as well as applicable Universal Design Guidelines.

Conditions of Approval

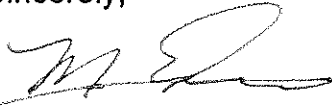
1. Receipt and approval of a Construction Mitigation Plan (CMP) by the Building Department is a condition precedent to the issuance of any building permit. The CMP shall consider and mitigate impacts to the existing adjacent structures (Jefferson House Condominiums, Imperial Hotel, and the Grappa restaurant building (et al), and existing infrastructure/streets from the construction. All anticipated road closures shall be described and permitted in advance by the Building Department.
2. Final building plans and construction details shall reflect substantial compliance with the drawings stamped in on August 28, 2012, redlined and approved by the Planning Department on October 29, 2012. Any changes, modifications, or deviations from the approved design shall be reviewed and approved by the Planning Director prior to construction. Any changes, modifications, or deviations from the approved design that have not been approved by the Planning and Building Departments may result in a stop work order.
3. The designer and/or applicant shall be responsible for coordinating the approved architectural drawings/documents with the approved construction drawings/documents. The overall aesthetics of the approved architectural drawings/documents shall take precedence. Any discrepancies found among these documents that would cause a change in appearance to the approved architectural drawings/documents shall be reviewed and approved prior to construction. Any changes, modifications, or deviations from the approved design that have not been approved by the Planning and Building Departments may result in a stop work order.
4. All standard conditions of approval shall apply (see attached).

5. If a building permit has not been obtained by September 24, 2013 this HDDR approval will expire, unless an extension is requested prior to the expiration date and granted by the Planning Department.
6. Any area disturbed during construction surrounding the proposed work shall be brought back to its original state prior to issuance of a Certificate of Occupancy.
7. Construction waste should be diverted from the landfill and recycled when possible.
8. Exterior lighting is not approved. Cut sheets and locations shall be submitted to the Planning Department for review and approval prior to installation. All exterior lighting shall meet Park City's lighting ordinance and be downward directed and shielded.
9. The City Engineer shall review and approval all appropriate grading, utility installation, public improvements, drainage plans, and flood plain issues, for compliance with City and Federal standards, and this is a condition precedent to building permit issuance.
10. All electrical service equipment and sub-panels as well as all mechanical equipment, except those owned and maintained by public utility companies, shall be painted to match the surrounding wall color or painted and screened to blend with the surrounding natural terrain. Roof mounted equipment shall be placed beyond the mid-point of the roof, and appropriately screened from public view with architecturally compatible materials to complement the building, and vents shall be painted to match the roof and/or adjacent wall color and shall be screened or integrated into the design of the structure.
11. Water Department – Street pressure is about 60 psi, the highest fixtures and fire sprinklers in that building will sit at about 35 – 40 psi static. The water system for the building shall be required to be design with these figures in mind.
12. Questar Gas – The natural gas line is on the east side of Main Street and at the time of building we will have to cut the asphalt road to install a service line to this new building. There will be costs incurred for this, and Questar will need city approval to cut the road. The applicant shall contact Jeff Hundley at 435-654-6186 or at Jeff.Hundley@questar.com prior to the connection of the gas line.
13. Snyderville Basin Water Reclamation District – Sewer service will have one master line. If future plans are to subdivide each unit, a separate sewer service would be required for each. The applicant may want to consider this up-front to avoid issues in the future.
14. Engineering – The property is located in the Soils Ordinance boundaries. All soil removed from the property will have to be properly disposed of at a hazardous waste facility that can accept contaminated soils.
15. Building Department – the conditions of approval for the previously approved project regarding window egress on the north side of the proposed building next to the Imperial Hotel shall apply. Specific language will be included in the final action letter.
16. Transportation - Only one curb cut will be allowed onto Main Street. The location of the existing curb cut is proposed to stay and is the preferred location.
17. A fee in lieu of on-site parking for six (6) additional parking spaces shall be required. Payment of the fee shall be required prior to the issuance of the building permit.
18. The parking garage lot layout shall be re-designed to meet the LMC requirements of Section 15-3-3(F) of the LMC.

19. Approval of this HDDR was noticed on October 26, 2012, and any approval is subject to a 10 day appeal period.

If you have any questions about this approval, please do not hesitate to contact me. I can be reached at (435) 615-5063, or via e-mail at mathew.evans@parkcity.org.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mathew W. Evans', with a stylized flourish at the end.

Mathew W. Evans
Senior Planner

Attached - Standard Project Conditions

PARK CITY MUNICIPAL CORPORATION
STANDARD PROJECT CONDITIONS

1. The applicant is responsible for compliance with all conditions of approval.
2. The proposed project is approved as indicated on the final approved plans, except as modified by additional conditions imposed by the Planning Commission at the time of the hearing. The proposed project shall be in accordance with all adopted codes and ordinances; including, but not necessarily limited to: the Land Management Code (including Chapter 5, Architectural Review); International Building, Fire and related Codes (including ADA compliance); the Park City Design Standards, Construction Specifications, and Standard Drawings (including any required snow storage easements); and any other standards and regulations adopted by the City Engineer and all boards, commissions, agencies, and officials of the City of Park City.
3. A building permit shall be secured for any new construction or modifications to structures, including interior modifications, authorized by this permit.
4. All construction shall be completed according to the approved plans on which building permits are issued. Approved plans include all site improvements shown on the approved site plan. Site improvements shall include all roads, sidewalks, curbs, gutters, drains, drainage works, grading, walls, landscaping, lighting, planting, paving, paths, trails, public necessity signs (such as required stop signs), and similar improvements, as shown on the set of plans on which final approval and building permits are based.
5. All modifications to plans as specified by conditions of approval and all final design details, such as materials, colors, windows, doors, trim dimensions, and exterior lighting shall be submitted to and approved by the Planning Department, Planning Commission, or Historic Preservation Board prior to issuance of any building permits. Any modifications to approved plans after the issuance of a building permit must be specifically requested and approved by the Planning Department, Planning Commission and/or Historic Preservation Board in writing prior to execution.
6. Final grading, drainage, utility, erosion control and re-vegetation plans shall be reviewed and approved by the City Engineer prior to commencing construction. Limits of disturbance boundaries and fencing shall be reviewed and approved by the Planning, Building, and Engineering Departments. Limits of disturbance fencing shall be installed, inspected, and approved prior to building permit issuance.
7. An existing conditions survey identifying existing grade shall be conducted by the applicant and submitted to the Planning and Building Departments prior to issuance of a footing and foundation permit. This survey shall be used to assist the Planning Department in determining existing grade for measurement of building heights, as defined by the Land Management Code.
8. A Construction Mitigation Plan (CMP), submitted to and approved by the Planning, Building, and Engineering Departments, is required prior to any construction. A CMP shall address the following, including but not necessarily limited to: construction staging, phasing, storage of materials, circulation, parking, lights, signs, dust, noise, hours of operation, re-vegetation of disturbed areas, service and delivery, trash pick-up, re-use of construction materials, and disposal of excavated materials. Construction staging areas shall be clearly defined and placed so as to minimize site disturbance. The CMP shall include a landscape plan for re-vegetation of all areas disturbed during construction, including but not limited to: identification of existing vegetation and replacement of significant vegetation or trees removed during construction.
9. Any removal of existing building materials or features on historic buildings shall be approved and coordinated by the Planning Department according to the LMC, prior to removal.
10. The applicant and/or contractor shall field verify all existing conditions on historic buildings and match replacement elements and materials according to the approved plans. Any discrepancies found

**Planning Commission
Staff Report**



Subject: Alice Claim aka Alice Lode
Subdivision & Plat Amendment
Project #: PL-08-00371
Author: Christy Alexander, AICP, Planner II

Date: April 8, 2015
Type of Item: Legislative – Subdivision & Plat Amendment

Summary Recommendations

Staff recommends that the Planning Commission hold a public hearing for the Alice Claim Subdivision and Plat Amendment located at approximately Alice Claim south of intersection of King Road, Ridge Avenue and Sampson Avenue and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

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

Topic

Applicant: King Development Group, LLC (“Applicant” or “King Development”)
Location: Alice Claim south of intersection of King Road, Ridge Avenue and Sampson Avenue
Zoning: Historic Residential (HR-1) and Estate (E) Districts with Sensitive Lands Overlay (SLO)
Adjacent Land Uses: Open Space and Residential (developed and undeveloped)
Reason for Review: Planning Commission review and recommendation to City Council

Proposal

The Applicant is proposing that the Planning Commission consider the application of a nine (9) lot Preliminary and Final subdivision and plat amendment on 8.65 acres and a Plat Amendment on 0.38 acres, located at approximately the intersection King Road and Sampson Avenue within the City’s Historic Residential (HR-1) and Estate (E) Districts with Sensitive Lands Overlay (SLO). One lot is within the Estate (E) District and is 3.01 acres in size. The other eight (8) lots are within the Historic Residential (HR-1) District and range in size from 0.17 acres (7,405.2 square feet) to 0.19 acres (8,276.4 square feet). Because there are less than ten (10) lots being proposed, the Master Planned Development criteria don’t apply.

The current plan will also include a plat amendment that will eliminate other contiguous platted lots encumbered by the existing King Road and Sampson

Avenue. If approved, the existing lot lines will be removed and the property will be dedicated to the City.

Background

On May 23, 2005, the City received a completed Plat Amendment application for the Alice Claim Subdivision (also known as "Alice Lode"). The Alice Claim is located within the Historic Residential (HR-1) and Estate (E) Districts with Sensitive Lands Overlay (SLO) zoned property south of the King Road, Sampson Avenue, Woodside Gulch and Ridge Avenue intersection. The property is comprised of 8.65 acres and includes platted lots and a "metes and bounds" parcel.

Contiguous to this site are Historic Residential Low (HRL) zoned lots under the same ownership. The two contiguous lots which are owned by the same owner are Lots 1 and 2 of the Ridge Avenue Subdivision. Lot 1 is improved with a contemporary house, Lot 2 is vacant. The applicant is requesting that these two lots not be part of this subdivision.

The rest of the contiguous Lots are within the Park City Survey (Lots 1-7 and 36-40, Block 77) and are mostly encumbered by existing King Road and Sampson Avenue; thus rendering portions of them undevelopable. The Applicant is requesting the Planning Commission consider the proposed subdivision for the nine (9) proposed lots and a plat amendment for the existing encumbered Lots 1-7 and 36-40, Block 77.

This area, historically known as Woodside Gulch, has some mining history and served as an early access to the Silver King Mine further up the gulch. The City owns an adjacent and bisecting parcel of land where a City-owned potable water tank and water lines are located. The City-owned parcel includes a 30 foot wide strip of land extending from the water tank site to the existing Ridge Avenue Subdivision bisecting the Applicant's proposed subdivision property. The City-owned strip of property contains a raw water pipeline and a potable water transmission line which extends from the water tank to the Ridge Avenue Subdivision. The raw water line and the potable water line continue through the Ridge Avenue Subdivision to King Road within an existing driveway and a public utility easement. A second existing potable water transmission line, which is scheduled to be abandoned upon completion of the new potable water line on City-owned property, extends through the subject property. Additionally, access to the existing water tank and pump station is via an existing unpaved access roadway across the subject property. The access is provided by a recorded grant of easement which will be slightly modified (see Subdivision Layout within Exhibit A).

Please reference the October 8, 2014 Staff Report for the brief subdivision timeline and brief timeline of events related to the Alice Claim property Voluntary Clean-Up Program (VCP).

A Draft Site Mitigation Plan has been submitted to the Utah Department of Environmental Quality, but a Site Management Plan and Environmental Covenant have not been completed. The VCP is still active and the site has not been given a completion letter from the UDEQ. The Applicant will need to receive a final Certificate of Completion for remediated soils from the UDEQ prior to building permit approval. **This has been listed as a condition of approval.**

At the October 8, 2014 Planning Commission Work Session, the Applicant presented and discussed the plan dated January 28, 2009, as depicted in the copies attached hereto as Exhibit Q. The applicant has submitted updates and an amended site plan in the six months since the last meeting on January 23, 2015 and March 16, 2015. The Applicant provided Staff in 2010 with several binders of information dating from 2006-2010 as well as other documentation dating from 2003-2013. The binders are available at the Planning Department for the public to review. Staff has also provided minutes from the 2005, 2006, 2008, 2009, 2011 and 2014 Planning Commission meetings as exhibits to the October 8, 2014 staff report. The minutes from the October 8, 2014 work session are attached hereto as Exhibit R.

A summary of the Commissioner's concerns and items requested at the October 8, 2014 Work Session are described below:

Commissioner Joyce stated that in looking at compatibility, he has concerns with the HR-1 District and the surrounding houses. Commissioner Joyce stated that **those issues were important to him from the standpoint of HR -1 compatibility and compatibility with the surrounding neighborhoods.** Commissioner Joyce requested that the Staff provide **an analysis of what was around this site, above this site, and how it is all zoned and platted out as the plats exist today.**

Commissioner Strachan reiterated his comments from the 2010 meeting that the Estate lot was his biggest problem and the impacts created by a 20' retaining wall was his second biggest concern. He was unsure **how they could mitigate the impacts on a 50% slope, particularly when they have to dig a road and do retaining.** He suggested that the applicants come back with good ideas for how to mitigate the impacts on that steep of a slope, because that part of Sampson is over 42% based on the slope analysis. He remarked that **the purpose statement of the HR-1 zone is to minimize the cut and fill and to minimize the damage to the environment** as much as possible.

Commissioner Strachan was also **concerned about the term "private open space."** He asked how they would calculate the square footage and whether basements or other components would be excluded from the calculation. Mr. Fiat replied that the **5,000 square foot number was designed to include 100% of the structure including basement and garages.** Commissioner Strachan stated that **page 154 of the packet, which was the Google map showing where the lots are, should be included in every submission** because it is a good benchmark to show where the houses might be.

Commissioner Thimm shared the concerns with the slope in excess of 40% on some of the lots. He asked if it was possible to **generate some cross sections and understand how the building envelopes and the building footprints were coming to rest on the land.** He wanted to know if there **was a mechanism to make sure the trails remain accessible** to the public.

Commissioner Band wanted to know how much of the lot is cleared around the footprint site. Mr. Fiat thought they could **create an exhibit showing the limits of disturbance.** Commissioner Band stated that **a visual taken around the site would also be helpful.** She agreed with the request by other Commissioners for **a larger map to see how it relates to the rest of the HRL zone.**

On January 23, 2015 the applicant submitted the following Exhibits A-O updating the site plan and plat and incorporating the items the Commission requested. Additional Revisions were made on March 16, 2015 to the January 23, 2015 submittal and are included in Exhibits A-O.

Purpose of “HR-1” and “E” Zoning Districts

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

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

The purpose of the Estate (E) District is to:

- (A) Allow very low density, environmentally sensitive residential Development which:
 - (1) Preserves ridge tops, meadows, and visible hillsides,
 - (2) Preserves large, cohesive, unbroken Areas of Open Space and undeveloped land,
 - (3) Preserves and incorporates wetlands, drainage ways, and intermittent streams as amenities of Development,
 - (4) Mitigates geologic and flood hazards,
 - (5) Protects views along the City's entry corridors, and
 - (6) Decreases fire risk by keeping Development out of sensitive wild land interface Areas.

(B) Incorporate pedestrian trail linkages between and through neighborhoods; and
(C) Encourage comprehensive, efficient, Compatible Development which results in distinct and cohesive neighborhoods through application of the Sensitive Lands Ordinance.

Analysis

Estate Lot

The Estate District lot (Lot 1) is within the Sensitive Lands Overlay (SLO) and is thus subject to the regulations of LMC 15-2.21. The lot has Steep Slopes (15%-40%), Very Steep Slopes (greater than 40%) and a Stream Corridor. A Slope Analysis map was provided by the Applicant (See Exhibit M: Sensitive Lands Analysis) showing the various slope categories. The following steps need to and have been completed:

LMC 15-2.21-2(A) **SENSITIVE LANDS ANALYSIS.** Applicants for Development within the SLO must identify the Property's sensitive environmental and aesthetic Areas such as Steep Slopes, Ridge Line Areas, wetlands, Stream Corridors, wild land interface, and wildlife habitat Areas, and provide at time of Application a Sensitive Land Analysis. Every annexation must provide a Sensitive Land Analysis. The Applicant has submitted this and meets the LMC requirements.

LMC 15-2.21-2(C) **SITE DEVELOPMENT SUITABILITY DETERMINATION.** Staff shall review the Sensitive Land Analysis, apply the applicable Sensitive Land Overlay (SLO) Regulations, Sections 15-2.21-4 through 15-2.1-9, and shall prepare a report to the Applicant and the Planning Commission identifying those Areas suitable for Development as Developable Land. Staff has determined that the Applicant meets all regulations based on the footprint of 2,500 sf that is not benched or terraced, retaining walls are addressed within the concurrent CUP, the development will have no adverse impact on adjacent properties, the density is compatible with that of adjacent properties within the subdivision, the **applicant will be required at Steep Slope CUP for the home on Lot 1 to adopt appropriate mitigation measures such as landscaping, screening, etc. to buffer the adjacent properties from the Developable Land.**

The previously proposed location of the house on Lot 1 was on Steep (15% - 40%) and Very Steep Slopes (greater than 40%). After the October 2014 Planning Commission meeting, the Applicant revised the site plan to bring the home on Lot 1 much further down the hillside, as the Commissioners suggested, and closer to Lots 7 and 8. As proposed Lot 1 is now on a slope of 31% which is only considered Steep and not Very Steep. Within the SLO, 100% of the Very Steep Slopes shall remain as Open Space (LMC 15-2.21-4(I), no vegetation can be disturbed within fifty (50) vertical feet in elevation of Very Steep Slopes, and no Development can occur within fifty (50) feet, map distance, of Very Steep Slopes unless the Planning Commission makes findings as listed in LMC 15-2.21-4(A): All of the Very Steep Slopes found on Lot 1 now as proposed remain as open space, no vegetation is proposed to be

disturbed within 50 vertical feet in elevation of Very Steep Slopes and no development is proposed within 50 feet distance. The home on Lot 1 is approximately 135 feet away from the Very Steep Slopes and the private drive running across Lot 1 is approximately 60 feet away from the Very Steep Slopes.

The Applicant took the Planning Commission's recommendation to move the Estate Lot home further down the hillside and has shown that on the proposed plat. With this revision of location **the Applicant is requesting a reduction in the setback requirements for this lot, from the Planning Commission, to a 10' front, 10' side and 20' rear setback from the required 30' front, 30' side and 30' rear setbacks for this District.** As per LMC 15-2.10-3 (C) The Planning Commission may vary required yards in Subdivisions. In no case shall the Planning Commission reduce Side Yards to allow less than ten feet (10') between Structures. The Applicant meets these requirements and proposes approximately 65' between structures. Staff recommends granting these reductions in setbacks so that the home on Lot 1 can be placed further down the hillside as shown on the current proposed site plan thus avoiding the Very Steep Slopes.

The applicant has proposed a no disturbance area of the Estate District lot of 2.62 acres, which is 87% of the total 3.01 acre Estate District lot. As per LMC 15-2.21-4 (H): the following Open Space and Density regulations apply:

- (1) 75% of the steep slope area must remain as open space, *the applicant proposes 87%.*
- (2) 25% of the Steep Slope area may be developed in accordance with the underlying zoning subject to the following conditions:
 - a. The maximum density on developable land within a steep slope area is governed by the underlying zoning and proof that the proposed density will not have a significant adverse visual or environmental effect on the community. *The applicant proposes limiting the footprint to the same size of 2,500 sf to be consistent with other lots within the subdivision.*
 - b. The developable land in the steep slope area is that area with the least visual and environmental impacts, including the visual assessment, and considering the visual impact from key vantage points, potential for screening location of natural drainage channels, erosion potential, vegetation protection, Access, and similar site design criteria. *The applicant has proposed development on the lowest and least steep portion of the lot and the other criteria may be addressed at Steep Slope CUP to mitigate any adverse impacts.*
 - c. The applicant may transfer up to 25% of the densities from the open space portion of the site to the developable land. *The applicant does not propose this transfer.*
 - d. The applicant must prove that the development will have no adverse impact on adjacent properties
 - i. The density is compatible with that of adjacent properties. *The density is proposed to be the same as adjacent properties.*

- ii. The architectural detail, height, building materials, and other design features of the development are compatible with adjacent properties. *This will be mitigated at Steep Slope CUP and during the HDDR process.*
- iii. The applicant has adopted appropriate mitigation measures such as landscaping, screening, illumination standards, and other design features to buffer the adjacent properties from the developable land. *This will be mitigated at Steep Slope CUP and during the HDDR process.*

The Applicant proposes to deed this open space to the Summit Land Conservancy. No documentation has been provided to the City to show that Summit Land Conservancy is in agreement with this dedication at the time of this report. This open space will still remain part of the lot if it is deeded to the Summit Land Conservancy.

The stream corridor is also protected within the Sensitive Lands Overlay as provided in the LMC:

LMC 15-2.21-6(C) "No person shall disturb, remove, fill, dredge, clear, destroy or alter any Area, including vegetation, surface disturbance within wetlands and Stream Corridors and their respective Setbacks, except as may be expressly allowed herein."

The setbacks required per LMC 15-2.21-6(F) for stream corridors are a minimum of fifty feet (50') outward from the Ordinary High Water Mark. There is no exception to this 50' setback in the LMC other than Hardship Relief under LMC 15-2.21-2(D) which states: If the Applicant demonstrates that the regulations would deny all reasonable Use of the Property , the Planning Commission may modify application of these r(SLO) regulations to provide the Applicant reasonable Use of the Property.

The proposed subdivision creates a driveway for lot 1 and lot 7 within the fifty foot (50') setback area from the stream corridor within the Estate zone with Sensitive Lands Overlay. In the January 23, 2015 submittal, the Applicant proposes to culvert the stream underground so as to divert from the 50' setback requirement (see Exhibit ??). The culvert will address this problem as the stream will no longer be above ground within 50' of the home on Lot 1. Any change to the stream will require a Stream Alteration Permit from the State Army Corp of Engineers (regardless if it is navigable water) and may require an amendment to the Voluntary Clean-up Program remediation with the Utah Department of Environmental Quality. The Stream Alteration Permit will be will be required prior to plat recordation. If the Applicant does not obtain the Permit the plat will not be able to be recorded and any approvals shall be null and void. The applicant would then need to submit a new application with a design that meets the 50' setback requirements. Any amendments to the Voluntary Clean-up Program remediation will be required prior to any Building Permit approvals. **These items have been listed as conditions of approval.**

Historic Residential Zone

The zoning for the subdivision is HR-1 subject to the following criteria:

Regulation	Permitted	Proposed
Height	27 feet above existing grade, maximum. 35 feet above existing grade is permitted for a single car garage on a downhill lot upon Planning Director approval. Plat: cannot exceed eighteen feet (18') in height above the garage floor with an appropriate pitched roof (8:12 or greater). Height exception for the garage may be granted if it meets the preceding criteria.	Maximum height is twenty seven feet (27') and no home can exceed this requirement; Applicant is proposing 2 stories max; Staff is proposing height limit of twenty five feet (25') max for a 2 story home which will be listed as a condition of approval.
Lot sizes: Lot 1: 3.01 acres Lot 2: 0.18 acres Lot 3: 0.18 acres Lot 4: 0.18 acres Lot 5: 0.18 acres Lot 6: 0.19 acres Lot 7: 0.18 acres Lot 8: 0.17 acres Lot 9: 0.16 acres	Footprint based on lot area based on LMC requirements at time of application. Lot 1 (Estate): No restriction except as applied during subdivision. Lot 2: 2523.4 sf Lot 3: 2523.4 sf Lot 4: 2523.4 sf Lot 5: 2523.4 sf Lot 6: 2599.2 sf Lot 7: 2523.4 sf Lot 8: 2442.3 sf Lot 9: 2355.5 sf	Proposed maximum total floor area of each home is 5,000 square feet (including basement and garages). Proposed maximum footprint area (square feet) by the Applicant: Lot 1 (Estate): 2500 sf Lot 2: 2500 sf Lot 3: 2500 sf Lot 4: 2500 sf Lot 5: 2500 sf Lot 6: 2500 sf Lot 7: 2500 sf Lot 8: 2471 sf; does not comply but will be listed as condition of approval to comply

		Lot 9: 2394 sf; does not comply but will be listed as condition of approval to comply
Front setback	Depends on lot depth; ranging from a minimum 10' to 15'; 30' for Estate Lot	
Rear setback	Depends on lot depth; ranging from a minimum 10' to 15'; 30' for Estate Lot	
Side setbacks	Depends on lot width; ranging from a minimum 3' to 10' and 6' to 30' total; 30' for Estate Lot	Applicant is requesting a reduction of the setbacks for Lot 1 within the Estate zone to be 10' for front and side setbacks and 20' for rear setback. Planning Commission would need to grant that request based on discussion above.
Parking	Two (2) off-street spaces required for each dwelling	Two (2) spaces proposed for each dwelling
Final Grade	Final grade must be within four (4) vertical feet of existing grade around the periphery of the structure.	
Vertical Articulation	A ten foot (10') minimum horizontal step in the downhill façade is required unless the First Story is located completely under the finish Grade on all sides of the Structure. The horizontal step shall take place at a maximum height of twenty three feet (23') from where Building Footprint meets the lowest point of existing	

	Grade.	
Roof Pitch	Between 7:12 and 12:12. A roof that is not part of the primary roof design may be below the required 7:12 roof pitch.	

Based on the analysis above, the average lot size (excluding the Estate Lot) is 0.18 acres (7,840.8 square feet); the average proposed footprint is 2,500 square feet. Based on analysis for other nearby developments (Exhibit S), the proposed lot size and footprints would far exceed the vast majority of those within the nearby developed areas (King Road, Sampson Avenue and Ridge Avenue). For example the average lot size on nearby Sampson Avenue is 0.13 acres and the average footprint is 1,314 square feet. Due to the footprint of the homes proposed to be nearly twice the size of the average footprints in the nearby neighborhoods, staff's opinion is that the footprints as proposed do not comply with the HR-1 Purpose Statement, specifically the following:

(C) Encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods,

(D) Encourage single family Development on combinations of 25' x 75' Historic Lots,

In order for the homes to be more compatible with such large footprint, Staff recommends placing conditions of approval on the plat that the homes shall be limited to 5,000 square feet maximum total floor area including basement and garages, two stories, and no more than 25 feet maximum building height from existing grade. Staff recommends if the homes are allowed the wider footprint than what is average in the surrounding neighborhoods, then the square footage, height and stories should be limited. In addition, the proposed maximum footprints for Lots 8 & 9 exceed what is permitted by the Land Management Code. Staff has listed a condition of approval which would reduce the size of the footprints for Lots 8 & 9 to the LMC maximum as listed in the table above. All homes in the proposed subdivision will need to go through a full Historic District Design Review process and Steep Slope CUP applications if necessary.

Access

Currently, legal access to the property is proposed to be gained through the platted but un-built King Road right-of-way. This access point is approximately 50 feet west (off-set) of the King Road – Ridge Avenue intersection where King Road turns north. Ideally, the primary access would be through the existing Woodside Gulch right-of-way, thus avoiding the need to build a new road, however this access isn't possible because legal access has not been secured over the private property at 135 Ridge Avenue. The Applicant states that the King Road right-of-way access (north access) would create a driveway gradient of 14% versus 14.2% for the Woodside Gulch

road. The proposed northern access would also require retaining walls (upwards of 25 feet in height) on the western side as the road would cut into the toe of the slope would protect the existing mature trees. Without access over the private property at 135 Ridge Avenue, the Applicant's only proposed access is using the platted King Road right-of-way. The Code requires a Conditional Use Permit from the Planning Commission, which is being heard concurrently with this Subdivision application, for any retaining walls over 6 feet in height..

The proposed access to the Alice Claim Subdivision is at a point, although offset, where essentially four existing roadways meet, King Road, Sampson Avenue, Woodside Gulch, and Ridge Avenue. The proposed Alice Court would be a fifth point of access in the existing intersection.

The Applicant is proposing to use "platted" King Road, which does not match where the road known as "Woodside Gulch driveway" is actually built. The proposed roadway is off-set from the King Road/Ridge Avenue/Woodside Gulch/Sampson Avenue intersection by about fifty (50) feet. Offset intersections are not ideal for traffic stacking and turning, and the City Engineer requested a traffic engineer analysis evaluating the intersection layout to determine critical failures. Such information is necessary for the City Engineer to determine if the proposed roadway would violate any City street standards. According to the City Engineer, the traffic report that was issued in 2006 for this area addresses volume only and does not address the uniqueness of the proposed intersection. The City Engineer requested information from the applicant for analysis to evaluate the proposed intersection, poor site triangle, and recommend adjustments/mitigations to King Road, Ridge Avenue, Woodside Gulch, Sampson Avenue, and/or the main proposed Alice Court entrance drive.

The Applicant therefore submitted a Traffic Impact Study (TIS) on January 23, 2015 to the City. However, the TIS was not responsive to the City Engineer's request. The area does not have high traffic volumes. The City Engineer requested that the traffic engineer study the layout of the intersection with the hopes that there are improvements that can be incorporated to make it more maneuverable. This did not happen in the submitted TIS, instead Fehr and Peers evaluated using the existing Woodside Gulch entrance versus moving the entrance up the street a short distance to the proposed Alice Court. The recommendation of the study was that the existing entrance be used. However, the Woodside Gulch entrance isn't an option as it crosses private property.

The City Engineer's request was to look at moving the entrance west along King Avenue, square the entrance up to King Avenue and determine the best location for this intersection. The City Engineer requested they look at the intersection for King Road, Ridge Avenue, Sampson Avenue, Alice Claim drive, along with two existing drives and lots of slope, to determine if there is a better way to configure this intersection.

The requested evaluation was provided by the Applicant on March 16, 2015 for the City Engineer. The exact location of the access is important due to the associated location of the retaining walls related to the access. Fehr and Peers submitted an intersection evaluation that presented the sight distance for the King Road/Ridge Ave intersection, presented modifications for the existing King Road/Ridge Ave intersection, and details the proposed King Road/Ridge Ave intersection developed by Fehr and Peers (Exhibit T). Upon review of the March 16, 2015 King Road/Ridge Ave. Intersection Evaluation by Fehr and Peers, the City Engineer determined that the applicant fulfilled his request for evaluation and given the 5 point intersection can make the difficult turning movements minimize conflicts but the Applicant must still 1) provide costs to implement and 2) provide recommendations to the City Engineer for which scenario most satisfies turning movements and minimizes conflicts and they must implement this scenario. **This has been listed as a condition of approval.** The results will not move the entrance to the subdivision nor change the plat.

The Applicant does not propose to dedicate streets within the proposed development to the City but will complete the proposed Alice Court to meet City Standards for emergency access and parking. If the Applicant decides to dedicate the streets at a later date, all of the streets will need to meet all City Standards, including right-of-way widths, minimum street widths, cul-de-sac standards, stubbed street standards, grading requirements, etc. All of the roads within the proposed subdivision are proposed to be private drives at this time. Private drives shall not exceed 14% gradients and the Applicant has shown the drives meeting this requirement.

The existing City's easement for access has been revised on the plat to incorporate trails and the City's access easement changed by the Alice Court road. The Applicant will need to receive City Council's approval to give them an access over the City's property as the Applicant's drive to Lot 7 will have a crossing bridge over the City's property, which will have water lines, storm drainage, sewer, etc. (See Exhibit O). This will need to occur prior to plat recordation and has **been listed as a condition of approval.**

Emergency access has been a continual concern with the Building and Fire Departments. Fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.3 of the 2012 International Fire Code (IFC). The Fire Code Official is authorized to make exceptions to these codes as noted.

The recent review comments from the Assistant Fire Chief are that:

- The road/driveway from King Road to Alice Court to lots 2-3-4 will need to be a minimum of 20-feet clear width as required by the IFC, along with the turn-around / hammer head. The proposed roads meet the required 20 ft. width. **The utility plan will need to be revised to show how each of the main and dry utilities**

will be able to be placed within the roads with required separations prior to plat recordation.

- Access to Lots 1 and 7, which is not a Private Road ROW, is acceptable as a private driveway, however, if any additional lots are added or developed, then this driveway will then need to be upgraded to meet the requirements of 20-feet wide for the fire department access road, based on the road now not serving more than two structures. Staff has **listed a condition of approval to not allow for subdivision of any additional lots in this subdivision.**
- Also, even though it is not required, the Assistant Fire Chief strongly encourages the Applicant to provide turn-outs and turn-around for lots 1 and 7 where the length of the driveway is in excess of 200 feet. These have been identified on the plat.
- The Applicant has revised the utility plan to show cross sections of how they will grade the private drive to Lot 7. Retaining walls cannot be built over utility lines and as presented the site plan appears that the private drive will need retaining walls greater than 6'. The Applicant has thus proposed a bridge over the City's property to Lot 7. **The proposed drive and bridge shall be engineered to meet City Standards prior to plat recordation and has been listed as a condition of approval.** Any retaining wall over 6 feet in height along this private drive will need a Conditional Use Permit approved by the Planning Commission. The applicant has included the retaining walls along the private drive as part of their concurrent CUP.

The recent review comments from the Chief Building Official are that:

- The road to homes 1 and 7 shall be 20 ft. wide and there must be an area at the end of the road past the hammerhead that is a snow storage area so they do not fill the hammerhead with piles of snow. This shall be signed as a snow storage area with a 10 ft. sign at end of hammer head. **Snow storage must be revised and approved by the City Engineer throughout the development prior to plat recordation. The utility plan will need to be revised to show how each of the main and dry utilities will be able to be placed within the roads with required separations prior to plat recordation.**
- The drive to home 7 will be considered a private driveway to a single family residence.
- The roads shall be able to support an imposed load of a fire apparatus weighing 75,000 pounds.
- The grade of the roads and drives may exceed 10% and shall not go over 14% for only 100 ft. The International Fire Code states max grade is 10% per appendix D for access road per section 503.2.7 IFC. Any roads over 10% grade will never be eligible to be converted to public ROWs in the future. The proposed plan meets these requirements.
- **Roads less than 26 ft. wide shall be marked NO Parking on both sides of the road.** With Parking there shall be at least 20 ft. minimum of driveway width from the parked cars to the other side of the road.
- Secondary Emergency Access would be most appropriate in the future off the east side of the property through the Ridge Avenue ROW if that ROW is ever

developed. The proposed plans show a stubbed road at Lot 8 that could potentially be extended in the future.

- Fire Hydrants must be approved by the Fire Code Official. A map was provided to Applicant with suitable Hydrant locations which there shall be 3 hydrants so that no point shall the hydrant be farther than 600 ft. from the farthest home per section 507.5.1 of the 2012 IFC. The proposed plan shows these hydrants as required.

Slope

According to the Slope Analysis provided by the Applicant (Exhibit M: Sensitive Lands Analysis), 2.7% of the land located in the HR-1 zone is under 15% slope, 21.7% is 15-40% slope (defined as a Steep Slope), and 75.6% is over 40% slope (defined as a Very Steep Slope). Below is a table of the average slopes of each lot:

Lot 1	31%
Lot 2	45%
Lot 3	38%
Lot 4	47%
Lot 5	38%
Lot 6	55%
Lot 7	64%
Lot 8	47%
Lot 9	26%

The proposed building pad areas on proposed Lots 2, 4, 6, 7, and 8 are all on Very Steep Slopes (over 40%). The Applicant has shown on the plat the limits of disturbance around the proposed home sites. Only the proposed building pad area on Lot 9 is on slopes less than 30%. This lot is not located in the SLO, however the following Subdivision regulations (LMC 15-7.3-1(D)) should be discussed by the Planning Commission:

“Restrictions Due to Character of the Land: Land which the Planning Commission finds to be unsuitable for Subdivision or Development due to flooding, improper drainage, Steep Slopes, rock formations, mine hazards, potentially toxic wastes, adverse earth formations or topography, wetlands, geologic hazards, utility easements, or other features, including ridgelines, which will be reasonably harmful to the safety, health and general welfare of the present or future inhabitants of the Subdivision and/or its surrounding Areas, shall not be subdivided or developed unless adequate methods are formulated by the Developer and approved by the Planning Commission, upon recommendation of a qualified engineer, to solve the problems created by unsuitable land conditions. The burden of the proof shall lie with the Developer. Such land shall be set aside or reserved for Uses as shall not involve such a danger.”

Currently the Applicant has not provided information regarding the mitigation of potential hazards due to the Steep and Very Steep Slopes. Staff has concerns on

developments over 40% slopes. Staff also has concerns for existing mine hazards that may be open as a historic mine shaft exists on this property but staff recommends these concerns are flagged and mitigated when they apply for Steep Slope CUPs for each home.

Clustering

The General Subdivision Requirements (LMC 15-7.3-2(E)) Open Space reads:

“Units should be clustered in the most developable and least visually sensitive portions of the Site with common open space corridors separating clusters. This applies to both multi-family and single family projects. The open space corridors should be designed to coincide with Significant Vegetation and in many cases, should be left in the natural state.”

The Applicant has provided an existing vegetation plan with the larger conifers to remain as discussed in previous years (Exhibit L: Vegetation Cover). Outside of the stream channel, the disturbance from previous mining activities and the recent remediation, most of the rest of the site has stands of oak, maple and aspen in addition to areas of smaller shrubs and grasses. The Applicant has provided a Visual Analysis Study (Exhibit I).

A change to the home location on the Estate lot is proposed in response to the Planning Commission's prior feedback that the most developable portion of the site is at the bottom of the canyon where utilities, emergency vehicle access, and the least amount of disturbance of the land is best achieved. A comparison of clustering of the surrounding neighborhoods has also been provided (Exhibit J). This exhibit shows that the adjacent HR-L District and homes are clustered much more close together and the similar HR-1 District adjacent to that to have even smaller lot sizes, house sizes and are clustered even closer together than the adjacent HR-L District and the proposed plat which is also within the HR-1 District. Instead of clustering the homes closer together, the Applicant proposes that the homes will be no more than two (2) stories with no limitation to the height other than the LMC limits and up to 5,000 sq. ft. (maximum total floor area) in size (including basement and garages) and up to 2,500 ft. in footprint; however very few homes within the Historic Districts compare to house size and lot size as is proposed by the Applicant. Staff's opinion is that the layout of the homes is not as compatible to the historic density and clustering of homes within the nearby HR-1 and HR-L districts as it could be. The Planning Commission also had similar concerns with the proposed lack of clustering homes closely together. With the footprints as proposed, Staff recommends and has placed conditions of approval that the building height should be limited to 25 feet, homes limited to two stories and maximum total square footage be limited to 5,000 square feet, so as to lower the height of the homes as they are spread out wider.

Water Delivery Issue

Staff was previously informed by the Park City Water Department, that all of the Alice Claim property proposed for development may not be serviceable by the

current City water system due to low water pressure. The low water pressure is due to the small elevation difference between the proposed development's elevation and the Woodside Tank's elevation. The Applicant was informed about this issue and is responsible for modeling the water service to the development and if it is still insufficient they will need to provide a remedy. The Applicant has prepared a water model addressing the limitations of the current water system on the proposed development (including factors such as the ability to meet: acceptable water system pressures and fire flow requirements to each home site (indoor and outdoor pressures are not adequate), the Fire Marshal's site specific requirements, and Division of Drinking Water regulations). Proposed Lots 1-4 and 7-8 as shown on the proposed plat are likely the lots most affected. The Applicant was to confirm the elevation of each of the proposed building sites to determine the affected sites and either redesign the project accordingly, or work with the Water Department to determine the best solution. At the time of this report, the Water Department, Fire, Building and Engineering has received a revised Water Model from the Applicant that will meet the City's requirements. Any revisions to the submitted model will need to meet acceptable water pressure flows in order for the subdivision to meet water requirements. **This is listed as a specific condition of approval.**

The Assistant Fire Chief also required that the Applicant provide water modeling to demonstrate the available pressure for the fire sprinkler system design for Lots #2 and 7 which the Applicant has demonstrated can be achieved.

Sewer Utility Issue

Staff was informed by the Snyderville Basin Water Reclamation District that the Applicant has only met with them briefly besides almost 10 years ago when the application was first submitted to discuss utility location and placement within the proposed roadways. The Sewer District has concerns regarding the placement of the sewers in relation to the retaining walls and in relations to other utilities. **This will need to be remedied before the proposed plat can be signed by SBWRD prior to plat recordation and is listed as a specific condition of approval.** The Applicant is aware of the Sewer District's concerns and will work to obtain a Line Extension Agreement upon approval of the plat. The sewer design could affect the entire layout of the subdivision and if any changes are made to the layout of the subdivision upon SBWRD's approval, this approval shall be null and void and a new application shall need to be submitted with any amendments.

Good Cause

Planning Staff finds there is good cause for this subdivision with the appropriate items described in the analysis being incorporated as conditions of approval. There may be future geographical visual impacts to the City as a result of this application with respect to additional site stabilization, proposed retaining walls, and other unforeseen issues related to development within steep slope areas that can be addressed at the time of Steep Slope CUP applications.

Department Review

Staff took the project back before the Development Review Committee on September 9, 2014, February 10, 2015 and March 24, 2015. Engineering continues to express concerns with the site access and height of retaining walls, Building expressed concern with the emergency access, and Water continues to express concern with ability to service due to lack of water pressure which the applicant is currently trying to work out with the review agencies. SBWRD continues to express concern with lack of sewer lateral design but the applicant will need to continue to work with them until all requirements are satisfied in order for SBWRD to sign the plat. Each of these concerns however have been incorporated into conditions of approval. Planning's concerns are appropriate clustering of homes within the HR-1 district and visual impacts of such tall retaining walls in a historic residential district.

Notice

The property was posted on February 11, 2015 and notice was mailed to property owners within 300 feet in accordance with requirements of the LMC on February 11, 2015. Legal notice was also published in the Park Record on February 6, 2015 and on the public notice website in accordance with the requirements of the LMC on February 9, 2015.

Public Input

Public comment was taken during the various past meetings held to discuss the project. The various Planning Commission meeting minutes will reflect that public input. Any public comment received prior to the meeting will be forwarded to the Planning Commission.

Process

This application is for a major subdivision and plat amendment as defined in 15-7.1-3(A) (2). A major subdivision requires a Preliminary Plat and a Final Plat although the Planning Commission may, at its sole discretion, combine the required hearings for both preliminary and final Subdivision Plat approval. Staff is recommending the hearings be combined and a final Subdivision Plat be considered. The approval or denial of this subdivision and plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18. Any retaining walls over 6 feet will require a CUP. Any new structures may require a Steep Slope CUP and will require a Historic District Design Review. A Building Permit is publicly noticed by posting of the permit.

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council for the Alice Claim Subdivision and Plat Amendment as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the Alice Claim Subdivision and Plat Amendment and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on the subdivision and plat amendment to a date certain and provide specific direction to the applicant and/or

staff to provide additional information necessary to make a recommendation on this item.

Significant Impacts

There are no immediate significant fiscal impacts to the City from this application. If construction on the site were permitted, it will require a detailed Construction Mitigation Plan (CMP) to protect existing development located near the proposed subdivision. Site stabilization might also be an important consideration depending upon the amounts of vegetation proposed to be removed as a result of the proposed development. A draft geotechnical report has been previously submitted and reviewed. Previous mining activities, strong ground motion, slope stability, debris flow and avalanche, shallow bedrock and perched groundwater are the most significant engineering geology and geotechnical aspects which could affect design and construction at the site. Most, if not all of the lots in the HR-1 zone will require Steep Slope Conditional Use Permits. Each home, including the home within the "Estate" zoning designation, will require a Historic District Design Review prior to home design and construction.

Consequences of not taking the Suggested Recommendation

The parcels would remain as is and no construction could take place.

Recommendation

Staff recommends that the Planning Commission hold a public hearing for the Alice Claim Subdivision and Plat Amendment located at approximately Alice Claim south of intersection of King Road, Ridge Avenue and Sampson Avenue and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

Exhibits

Exhibit A – Proposed Plat
Exhibit B – Existing Conditions Survey
Exhibit C –Vicinity & Zoning
Exhibit D –Aerial
Exhibit E –Site Plan
Exhibit F –Utility Plan
Exhibit G–Photographs/Panoramic Images
Exhibit H–Perspective Rendering
Exhibit I –Visual Analysis
Exhibit J –Figure Ground Maps
Exhibit K –Open Space & Trail
Exhibit L –Vegetative Cover
Exhibit M –Slope Analysis
Exhibit N –Landscape Mitigation of Site Walls Plan
Exhibit O –Retaining Wall Illustrations & Site Sections
Exhibit P – Letter from SBWRD
Exhibit Q – January 28, 2009 Site Plan

Exhibit R – Minutes from October 8, 2014 Planning Commission Work Session
Exhibit S – Mean building footprint analysis for other nearby neighborhoods and zones
Exhibit T - Intersection Evaluation by Fehr and Peers

Exhibit A – Draft Ordinance with Proposed Plat

Ordinance 15-

AN ORDINANCE APPROVING THE ALICE CLAIM SUBDIVISION PLAT, LOCATED AT THE INTERSECTION OF KING ROAD, RIDGE AVENUE, WOODSIDE GULCH AND SAMPSON AVENUE (APPROXIMATELY), PARK CITY, UTAH.

WHEREAS, the owners of the property known as the Alice Claim Subdivision located at the intersection of King Road, Ridge Avenue, Woodside Gulch and Sampson Avenue (approximately), have petitioned the City Council for approval of the Alice Claim Subdivision plat; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners according to the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on October 25, 2006, January 28, 2009, February 25, 2009, and April 8, 2015 to receive input on the proposed subdivision;

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

WHEREAS, on May 7, 2015 the City Council held a public hearing on the proposed Alice Claim Subdivision; and

WHEREAS, it is in the best interest of Park City, Utah to approve the proposed Alice Claim Subdivision plat.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Alice Claim Subdivision plat, as shown in Exhibit A, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The plat is located at the intersection of King Road, Ridge Avenue, Woodside Gulch and Sampson Avenue (approximately), within the Historic Residential (HR-1) and Estate (E) Districts and Sensitive Lands Overlay (SLO).
2. The proposal includes nine (9) lots on 8.65 acres.

3. The property is a "metes and bounds" parcel with contiguous platted lots.
4. A City water tank and land owned by the City is adjacent to the subject property on the south end, and a City-owned parcel bisects the subject property. The City water line does not run within the City owned property, but rather is located within a prescriptive easement on the subject property.
5. The applicant previously undertook a voluntary remediation of the regulated soils on the site, which included soil remediation both in the Alice Claim 8.49 acre portion and within a 1.7 acre portion of the adjoining City property.
6. The property can only be accessed through the platted King Avenue right-of-way as the owner cannot secure legal access through the Woodside Gulch water tank access easement used by the City. The new roadway would require excavation and retaining walls up to and possibly in excess of twenty five feet (25') in height.
7. The Woodside Gulch stream runs through the property and any changes to the stream will require a Stream Alteration Permit. The Applicant previously applied for this permit and will need to amend their existing Stream Alteration Permit from the Army Corp of Engineers. Any changes to the stream may also require an amendment to the Voluntary Clean-up Program remediation with the Utah Department of Environmental Quality.
8. The property, which was once the site of the Alice Load Mine, was previously the site of mining activities, which have since undergone recent remediation.
9. A Voluntary Clean Up of the property was initiated by the Applicant.
10. Most of the remainder of the site has stands of oak, maple and aspen trees in addition to areas of smaller shrubs and grasses.
11. A culvert for the stream is proposed for Lot 1 in order to meet the 50' setback regulations from streams within the Estate and SLO lot.
12. The applicant has proposed a bridge over the City's property to Lot 7.
13. The applicant has proposed retaining walls in 8 locations up to 20' in height that will be reviewed under a concurrent CUP.
14. This development is located upstream of the FEMA Flood Plain Studies. Lots 1, 5, 6, 8, and 9 at a minimum appear to be in the streams flood plain.
15. The applicant requests a setback reduction from the Planning Commission for Lot 1 to a 10' front, 10' side and 20' rear setback from the required 30' front, 30' side and 30' rear setbacks for this Estate District lot.
16. Water Service is available to meet required water pressure to all of the proposed development sites (proposed Lots) within the development. The applicant will be responsible to propose acceptable mitigation should the water model be further revised.
17. Existing trails are shown on the plat and granted a public easement.
18. Proposed utilities have not been engineered to meet City Engineer's approval but shall be prior to plat recordation.
19. All roads are proposed over 10% grades and will not be eligible to be converted to public ROWs in the future.
1. The homes are proposed to be 5,000 square feet total including basement and garages, the footprints are proposed to be 2,500 square feet or lower to meet LMC requirements. Building pads are shown in Exhibit A. Limits of disturbance as shown on Exhibit A shall remain in place and no changes shall be made. All other property

shall be restricted as open space and/or protected by 3rd party conservation easement.

20. The footprints of the proposed homes are larger than those in nearby streets. The average footprints on Daly Avenue are 1,465.44 square feet, on King Road are 1,342.31 square feet, on Sampson Avenue are 1,619.58 square feet, and on Ridge Avenue are 2,076.72 square feet.
21. Sewer Service must be designed to service the proposed development sites in accordance with the Snyderville Basin Water Reclamation District's requirements. The applicant will be responsible to determine this with Snyderville Basin Water Reclamation District prior to plat recordation.
22. Proposed roads with utilities that are not private driveways are required to be 20' wide and are shown as such on the plat.
23. Public trails are shown on Exhibit A with a 15' public recreational trail easement.
24. The proposed lots range in size from three (3) acres within the Estate District and from .17 acres (8,712 square feet) to 0.198 acres (20,909 square feet) within the HR-1 District.
25. The applicant owns several other adjoining properties within the Historic Residential Low-Density (HRL) District. Two of these contiguous properties are lots 1 and 2 of the Ridge Avenue Subdivision.
26. The Estate District lot (Lot 1) is within the Sensitive Lands Overlay (SLO) and is subject to the regulations of LMC 15-2.21.
27. The proposed location of the house on proposed Lot 1 is on Steep Slopes (15% - 40%) and not on Very Slopes (greater than 40%), and is thus not subject to review under LMC 15-2.21-2(A) and (C).
28. The application for the Alice Claim subdivision was deemed "complete" by the Planning Department on May 23, 2005.
29. Between 2006 and 2009, the Planning Commission conducted three work sessions to discuss the project and visited the property during two site visits.
30. On October 8, 2014 the Planning Commission conducted a site visit and work session to discuss the history and 2009 site plan proposed for this project.
31. The Applicant submitted revised site plan, plat and all required submittals for the subdivision and plat amendment on January 23, 2015.
32. The Applicant submitted further revisions to the plat to address the City's concerns on March 16, 2015.

Conclusions of Law:

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. Approval of the plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

2. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
3. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council. If the plat is not recorded within this time period, it shall be null and void and any resubmittal shall be a new application which is subject to all review requirements, zoning restrictions and subdivision regulations at the time of the submittal.
4. Recordation of this plat and completion and approval of final Historic District Design Review (HDDR) and Steep Slope CUP, if required, applications are required prior to building permit issuance for any construction of buildings or retaining walls within this subdivision.
5. Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final mylar prior to recordation.
6. Snow storage of roads and private drives must be addressed and approved by the City Engineer throughout the development prior to plat recordation. Snow storage sites cannot discharge immediately into the stream.
7. Sewer lateral design and service will need to meet Snyderville Basin's requirements and receive written approval by SBWRD before the proposed plat can be signed by SBWRD. If the sewer lateral design requires a substantial change to the layout of this subdivision plat, this approval shall be null and void and a new application shall need to be submitted with any amendments.
8. The submitted water model will need to be redone to meet acceptable water pressure flows and receive written approval from the Water, Building, Engineering and Fire Departments in order for the subdivision to meet water requirements prior to plat recordation. If the water system requires a substantial change to the layout of this subdivision plat, this approval shall be null and void and a new application shall need to be submitted with any amendments.
9. The Applicant has proposed a bridge over the City's property to Lot 7. The proposed drive and bridge shall be engineered to meet City Drive Standards and UDOT Bridge Standards prior to plat recordation.
10. There shall not be any further subdivision of any additional lots in this subdivision. A plat note shall reflect this condition.
11. No building permits shall be issued until the culvert is fully installed.
12. This development is located upstream of the FEMA Flood Plain Studies. Lots 1, 5, 6, 8, and 9 at a minimum appear to be in the streams flood plain. A study shall be completed extending the FEMA Flood Plains through this development prior to plat recordation. Any lots located in a FEMA Zone A will require an Elevation Certificate showing the lowest occupied floor is at or above base flood elevation prior to building permit approval.
13. A Stream Alteration Permit from the State will be required for the culvert along with the Flood Plain Study to identify the culverts upstream and downstream impacts

prior to plat recordation. The Stream Alteration Permit and Flood Plain Study must be completed and approved prior to Planning and Engineering approval.

14. A Debris Flow Study must be completed for the stream to determine if a debris basin is required.
15. All homes within this subdivision shall be limited to the LMC required footprint maximums or 2,500 sf, whichever is lower. Lot 8 as proposed shall be limited to a footprint of 2,442.3 sf and Lot 9 as proposed shall be limited to a footprint of 2,355.5 sf. and building pads shall be as shown in Exhibit A. Limits of disturbance as shown on Exhibit A shall remain in place and no changes shall be made. All other property shall be restricted as open space and/or protected by 3rd party conservation easement.
16. All homes within this subdivision shall be limited to a building height maximum of 25 feet from existing grade and all other building height exceptions found within the LMC continue to apply.
17. The maximum total floor area of all homes within this subdivision shall be limited to 5,000 sf including basement and garages.
18. The utility plan will need to be revised to show how each of the main and dry utilities will be able to be placed within the drives with required separations and approved by the City Engineer prior to plat recordation.
19. Any roads over 10% grade will not be eligible to be converted to public ROWs in the future.
20. Drives must provide 20 feet wide of clear space to meet Fire Code. If parking impacts this 20 feet wide clear space, it will not be allowed and shall be signed No Parking.
21. Roads less than 26 feet wide shall be marked NO Parking on both sides of the road.
22. The Applicant will need to receive City Council's approval to give them an access over the City's property as the Applicant's drive to Lot 7 will have a crossing bridge which will contain water lines, storm drainage, sewer, etc. This will need to occur prior to plat recordation.
23. Upon review of the Intersection Evaluation the City Engineer determined that the applicant must still provide recommendations for which scenario most satisfies turning movements and minimizes conflicts and implement the recommendations prior to plat recordation.
24. The Applicant will need to receive a final Certificate of Completion for remediated soils from the UDEQ prior to building permit approval, which they do not have at the time of this report.
25. The UDEQ approved Site Management Plan must be submitted to the Building Department prior to building permit approval.
26. The applicant will need to receive CUP approval for the proposed retaining walls prior to plat recordation.
27. Public trails are shown on Exhibit A with a 15' public recreational trail easement.
28. If the site plan is altered due to any utility redesign or retaining wall redesign or other unforeseen issues, this approval shall be null and void and a new application shall need to be submitted with any amendments.

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

publication.

PASSED AND ADOPTED this ____ day of _____, 2015

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

ATTEST:

Marci Heil, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

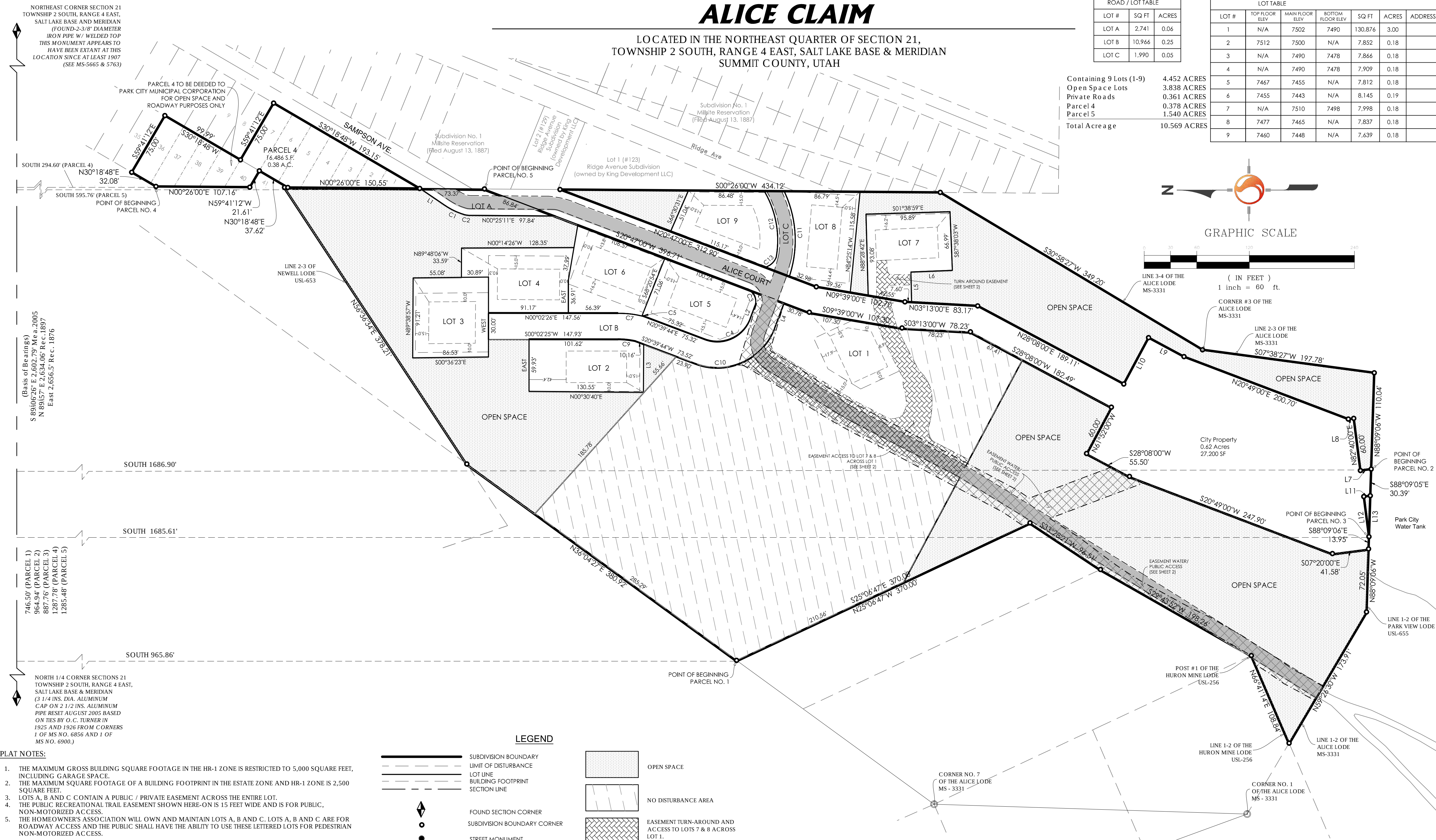
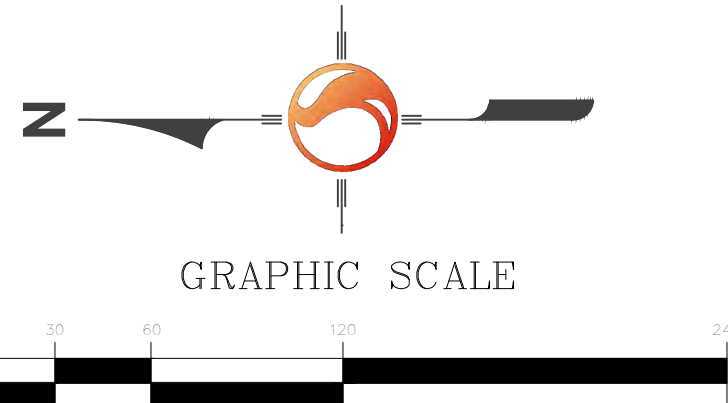
ALICE CLAIM

LOCATED IN THE NORTHEAST QUARTER OF SECTION 21,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN
SUMMIT COUNTY, UTAH

ROAD / LOT TABLE			
LOT #	SQ. FT.	ACRES	
LOT A	2,741	0.06	
LOT B	10,966	0.25	
LOT C	1,990	0.05	

LOT TABLE						
LOT #	TOP FLOOR ELEV.	MAIN FLOOR ELEV.	BOTTOM FLOOR ELEV.	SQ. FT.	ACRES	ADDRESS
1	N/A	7502	7490	130.876	3.00	
2	7512	7500	N/A	7,852	0.18	
3	N/A	7490	7478	7,866	0.18	
4	N/A	7490	7478	7,909	0.18	
5	7467	7455	N/A	7,812	0.18	
6	7455	7443	N/A	8,145	0.19	
7	N/A	7510	7498	7,998	0.18	
8	7477	7465	N/A	7,837	0.18	
9	7460	7448	N/A	7,639	0.18	

Containing 9 Lots (1-9)
Open Space Lots
Private Roads
Parcel 4
Parcel 5
Total Acreage



PLAT NOTES:

1. THE MAXIMUM GROSS BUILDING SQUARE FOOTAGE IN THE HR-1 ZONE IS RESTRICTED TO 5,000 SQUARE FEET, INCLUDING GARAGE SPACE.
2. THE MAXIMUM SQUARE FOOTAGE OF A BUILDING FOOTPRINT IN THE ESTATE ZONE AND HR-1 ZONE IS 2,500 SQUARE FEET.
3. LOTS A, B AND C CONTAIN A PUBLIC / PRIVATE EASEMENT ACROSS THE ENTIRE LOT.
4. THE PUBLIC RECREATIONAL TRAIL EASEMENT SHOWN HERE-ON IS 15 FEET WIDE AND IS FOR PUBLIC, NON-MOTORIZED ACCESS.
5. THE HOMEOWNER'S ASSOCIATION WILL OWN AND MAINTAIN LOTS A, B AND C. LOTS A, B AND C ARE FOR ROADWAY ACCESS AND THE PUBLIC SHALL HAVE THE ABILITY TO USE THESE LETTERED LOTS FOR PEDESTRIAN NON-MOTORIZED ACCESS.

WATER SYSTEM NOTES:

1. A fire flow of 1,500 gpm has been approved for the project. Final location of hydrants shall be coordinated with Park City Building and Planning based on clear zone requirements.
2. Water Service Laterals shall be 26-inch diameter for all lots with 1.56 meters.
3. Lots 1, 2, 3, 4, & 7 shall be equipped with dual 26-inch diameter service laterals and dual 1.56 meters.
4. Dead end water lines serving fire hydrants shall be 100-inch diameter.
5. Water system pressures within the development are at the lower limit of acceptability. Building plumbing and fire sprinkler systems shall be designed accordingly. Individual water booster or fire sprinkler system pumps to increase water pressure will not be allowed.
6. All landscaping shall be composed of native plants, trees, and shrubs that do not require irrigation.
7. Relocation of existing City infrastructure, if required, is subject to review and approval of the City. No relocations that adversely affect City systems will be approved.

CORPORATE ACKNOWLEDGMENT

STATE OF UTAH } S.S.
COUNTY OF UTAH }
On the _____ day of _____, A.D., 20____, personally appeared before me, _____, who being duly sworn or affirmed, did say that he/she is the _____ of _____, and that the within owner's dedication was signed by him/her in behalf of the said corporation by authority of its bylaws, or Board of Directors, and that said corporation executed the same.

My commission number: _____

My commission expires: _____ Name _____ Notary Public commissioned in Utah

MUNICIPAL ACKNOWLEDGMENT

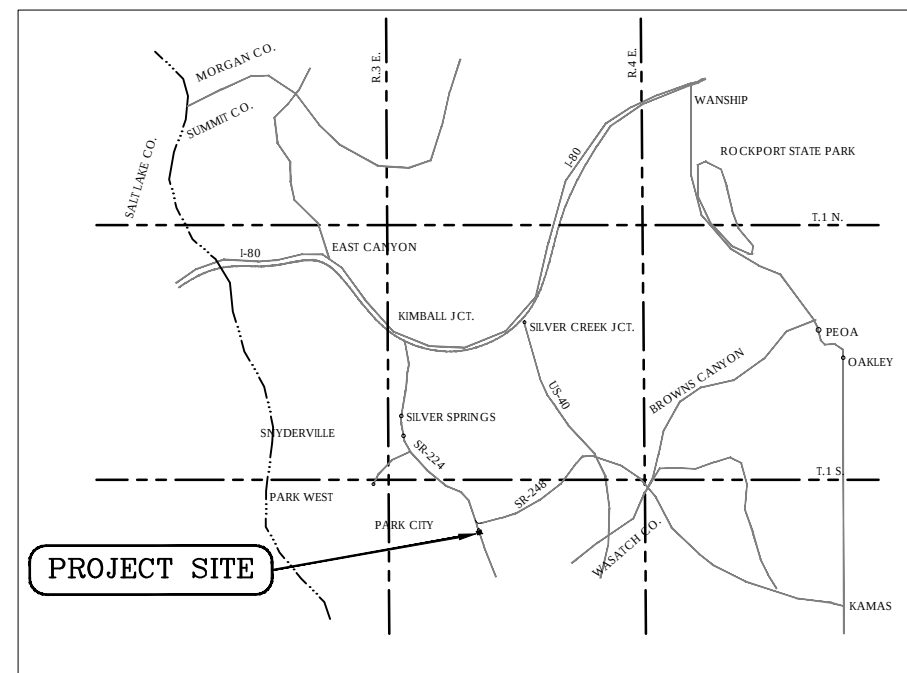
STATE OF UTAH } S.S.
COUNTY OF UTAH }
On this _____ day of _____, A.D., 20____, personally appeared before me, the undersigned Notary Public, in and for said County of Salt Lake in said State of Utah, _____, who, being by me duly sworn or affirmed, did say that he/she is the _____ of _____, a municipal corporation of the State of Utah, and that he/she signed the Owner's Dedication freely and voluntarily for and in behalf of said municipal corporation, for the purposes therein mentioned, and he/she acknowledged to me that said municipal corporation executed the same.

My commission number: _____

My commission expires: _____ Name _____ Notary Public commissioned in Utah

LINE TABLE		
LINE #	LENGTH	DIRECTION
L1	34.90'	N34°15'05"E
L2	15.79'	N69°14'52"W
L3	55.31'	N89°41'29"W
L4	30.76'	N69°14'52"W
L5	34.55'	S88°45'19"W
L6	47.39'	N02°17'05"W
L7	12.32'	N07°20'00"W
L8	6.20'	N07°20'00"W
L9	45.90'	N28°08'00"E
L10	60.00'	N61°52'00"W
L11	7.47'	S07°20'00"E
L12	46.23'	N82°40'00"E
L13	46.83'	N88°09'06"W

CURVE TABLE					
CURVE #	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD DISTANCE
C1	76.00'	23.19'	17°29'04"	N25°30'33"E	23.10'
C2	25.00'	7.13'	16°20'50"	N08°35'36"E	7.11'
C3	15.00'	23.55'	89°58'08"	N65°46'04"E	21.21'
C4	40.00'	62.77'	89°54'36"	S24°17'34"E	56.52'
C5	5.00'	0.55'	6°17'16"	N17°31'06"E	0.55'
C7	105.15'	28.74'	15°39'46"	N06°32'35"E	28.65'
C9	95.92'	19.87'	11°52'06"	S06°10'34"W	19.83'
C10	70.00'	109.85'	89°54'36"	N24°17'34"W	98.92'
C11	130.44'	100.00'	43°55'38"	N86°31'34"E	97.57'
C12	110.44'	78.39'	40°40'02"	S79°44'43"W	76.75'
C13	19.00'	17.86'	53°51'50"	N41°54'31"W	17.21'



VICINITY MAP (NTS)

SHEET

1 OF 2

SURVEYOR'S CERTIFICATE

I, Gregory A. Cates, do hereby certify that I am a Professional Land Surveyor, and that I hold Certificate No. 161226 as prescribed under the laws of the State of Utah. I certify that the boundary and adjoining information of this survey is based on the Mineral Survey Replacement Plat Record of Survey for Alice Lode performed by Loyal D. Olson III. I further certify that by authority of the Owners, and have subdivided said tract of land into lots and streets, hereafter to be known as

ALICE CLAIM

and that same has been surveyed and staked on the ground as shown on this plat.

BOUNDARY DESCRIPTION

Parcel No.1

A parcel of land located in the Northeast Quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point on Line 6-7 of the Alice Lode, Mineral Survey #331, said point being also S89106°26'E 745.58 feet, along the Section Line, and South 965.86 feet from the North Quarter Corner of said Section 21, and running thence, along said Line 6-7, N361042°7'E 380.92 feet to a point on Line 2-3 of the Newell Lode USL-653; thence, along said Line 2-3, Newell Lode, N56336°34'E 378.21 feet to a point on the Western Boundary Line of Subdivision No. 1 of Millite Reservation (Filed Aug. 13, 1887); thence, along said Western Boundary Line, S00126°00'W 228.22 feet to a point on the Western Right-of-Way Line of the Park City Water Company Access Road; thence, along said Western Right-of-Way Line, the following four (4) courses: (1) S20147°00'W 396.71 feet, (2) S09139°00'W 107.30 feet, (3) S03113°00'W 78.23 feet, (4) S28108°00'W 182.49 feet to a point on the Park City Property; thence, along the Western Boundary Line of said Park City Property, the following four (4) courses: (1) N61152°00'W 60.00 feet, (2) S28108°00'W 55.50 feet, (3) S20149°00'W 247.90 feet, (4) S07120°00'E 41.58 feet to a point on Line 1-2 of the Park View Lode USL-655; thence, along said Line 1-2, Park View Lode, N88109°06'W 72.05 feet to a point on Line 1-2 of said Alice Lode MS-3331; thence, along said Line 1-2, Alice Lode, N53126°30'W 173.91 feet to a point on Line 1-2 of the Huron Mine Lode USL-256; thence, along said Line 1-2, Huron Mine Lode, N66141°14'E 108.84 feet to Post #1 of said Huron Mine Lode; thence N29143°52'E 198.26 feet; thence N33128°21'E 96.51 feet; thence N25106°47'W 370.00 feet to the Point of Beginning.

Containing 310,925 square feet or 7.138 acres.

Parcel No.2

A parcel of land located in the Northeast Quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point on the Easterly Boundary Line of the Park City Property, said point being also on the Line 1-2 of the Park View Lode USL-655, said point being also S89106°26'E 964.94 feet, along the Section Line, and South 1686.90 feet from the North Quarter Corner of said Section 21, and running thence, along said Easterly Boundary Line, the following six (6) courses: (1) N07120°00'W 12.32 feet, (2) N82140°00'E 60.00 feet, (3) N07120°00'W 6.20 feet, (4) N20149°00'E 200.70 feet, (5) N28108°00'E 45.31 feet, (6) N61152°00'W 60.00 feet to the Easterly Right-of-Way Line of the Park City Water Company Access Road; thence, along said Easterly Right-of-Way Line, the following four (4) courses: (1) N28108°00'E 189.11 feet, (2) N03113°00'E 83.17 feet, (3) N09139°00'W 102.70 feet, (4) N20147°00'W 312.90 feet to a point on the Western Boundary Line of the Subdivision No. 1 of Millite Reservation (Filed Aug. 13, 1887); thence, along said Western Boundary Line, S00126°00'W 434.12 feet to a point on Line 3-4 of the Alice Lode Mineral Survey-3331; thence, along said Line 3-4, Alice Lode, S30158°27'W 349.20 feet to Corner #3 of said Alice Lode MS-3331; thence, along Line 2-3, Alice Lode, S07120°00'E 197.78 feet to a point on said Line 1-2 of the Park View Lode USL-655; thence, along said Line 1-2, Park View Lode, N88109°06'W 110.04 feet to the Point of Beginning.

Containing 65,741 square feet or 1.509 acres.

Parcel No.3

A parcel of land located in the Northeast Quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point on the Southerly Boundary Line of the Park City Property, said point being also on the Line 1-2 of the Park View Lode USL-655, said point being also S89106°26'E 887.76 feet, along the Section Line, and South 1685.61 feet from the North Quarter Corner of said Section 21, and running thence, along said Southerly Boundary Line, the following two (2) courses: (1) N82140°00'E 46.23 feet, (2) N88109°06'W 46.83 feet to the Point of Beginning.

Containing 173 square feet or 0.004 acres.

Parcel No.4

A parcel of land located in the Northeast Quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Lots 1 through 7 inclusive and Lots 36 through 40 inclusive, block 77, Millite Reservation to Park City, according to the official plat thereof filed in the office of the Summit County Recorder, being more particularly described as follows:

Beginning at a point on the Western Boundary Line of Subdivision No. 1 of Millite Reservation (dated 06/25/1887), said point being also on the Northwesterly Line of Lot 37 of said Millite Reservation, said point being also S89106°26'E 1287.78 feet, along the Section Line, and South 294.60 feet from the North Quarter Corner of said Section 21, and running thence, along said Northwesterly Line of Lot 37 and Lot 36, N30118°48'E 32.08 feet to the Northern Corner of said Lot 36, thence along the Northern Boundary Line of said Lot 36, S59141°12'E 75.00 feet to the Easterly Corner of said Lot 36; thence, along the Southeasterly Line of Lots 36 through 39 inclusive of said Millite Reservation, S30118°48'W 99.99 feet to the Northern Corner of Lot 7 of said Millite Reservation; thence, along the Northern Boundary Line of said Lot 7, S59141°12'E 75.00 feet to the Easterly Corner of said Lot 7; thence, along the Southeasterly Line of Lots 7 through 11 inclusive of said Millite Reservation, S30118°48'W 193.15 feet to the Southerly Corner of Lot 1 and of said Western Boundary Line of Millite Reservation; thence, along said Western Boundary Line, N00126°00'E 150.55 feet to the Southerly Corner of Lot 41 of said Millite Reservation; thence, along the Southeasterly and Northern Boundary Lines of said Lot 41, the following two (2) courses: (1) N30118°48'E 37.62 feet, (2) N59141°12'E 21.61 feet to said Western Boundary Line of Millite Reservation; thence, along said Western Boundary Line, N00126°00'E 107.16 feet to the Point of Beginning.

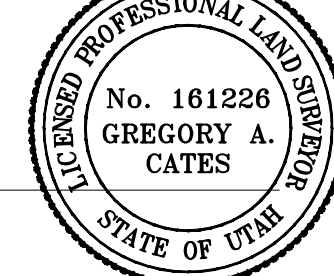
Containing 16,486 square feet or 0.378 acres.

Parcel No.5

A parcel of land located in the Northeast Quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point S89106°26'E 1285.48 feet, along the Section Line, and South 595.76 feet from the North Quarter Corner of said Section 21, and running thence, S00125°58'W 86.27 feet; thence S20147°00'W 312.90 feet; thence S09139°00'W 102.70 feet; thence S03113°00'W 83.17 feet; thence S28108°00'W 189.11 feet; thence S61152°00'E 60.00 feet; thence S28108°00'W 45.31 feet; thence S20149°00'W 200.70 feet; thence S07120°00'E 6.20 feet; thence S82140°00'W 60.00 feet; thence S07120°00'E 12.32 feet; thence S07120°00'E 12.32 feet; thence N88109°06'W 30.39 feet; thence N07120°00'W 7.47 feet; thence S82140°00'W 46.23 feet; thence N88109°06'W 13.95 feet; thence N07120°00'W 41.58 feet; thence N20149°00'E 247.90 feet; thence N28108°00'E; thence S61152°00'E 60.00 feet; thence N28108°00'E 182.49 feet; thence N03113°00'E 78.23 feet; thence N09139°00'E 107.30 feet; thence N20147°00'E 396.71 feet to the Point of Beginning.

Containing 67,071 square feet or 1.54 acres.



DATE

GREGORY A. CATES
P.L.S. 161226

OWNER'S DEDICATION

Know all men by these presents that _____, the _____ undersigned owner(s) of the above described tract of land having caused same to be subdivided into lots and streets to be hereafter known as

ALICE CLAIM

do hereby dedicate for perpetual use of the public all parcels of land, right-of-ways and easements as shown on this plat as intended for Public use.

In witness whereof _____ have hereunto set _____ this _____ day of _____, AD 20____.

KING DEVELOPMENT GROUP L.L.C.

PARK CITY MUNICIPAL CORPORATION
(PARCEL NO. 5 ONLY)

ALICE CLAIM

LOCATED IN THE NORTHEAST QUARTER OF SECTION 21,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN
SUMMIT COUNTY, UTAH

RECORDED # _____

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

DATE: _____ TIME: _____ BOOK: _____ PAGE: _____

FEES

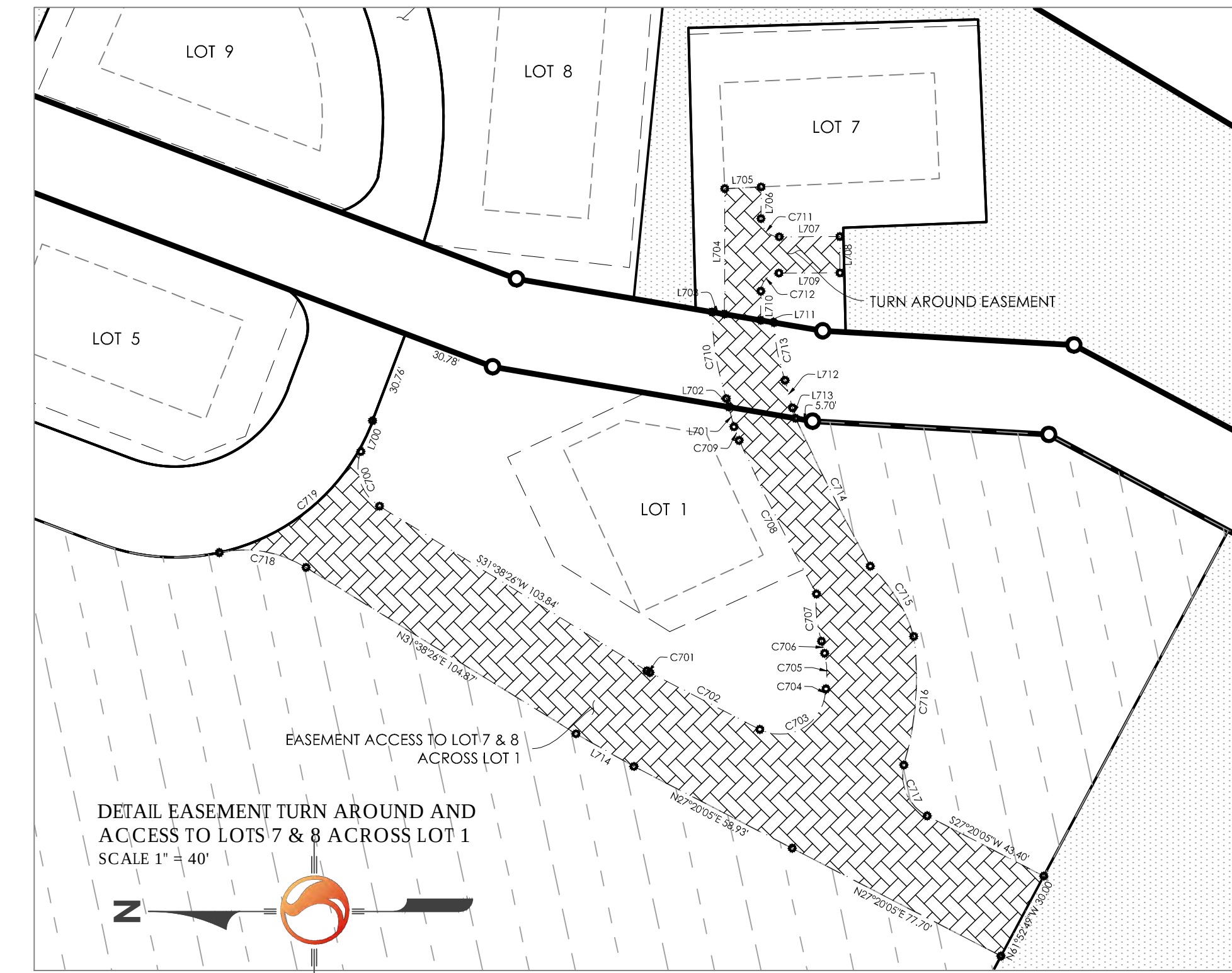
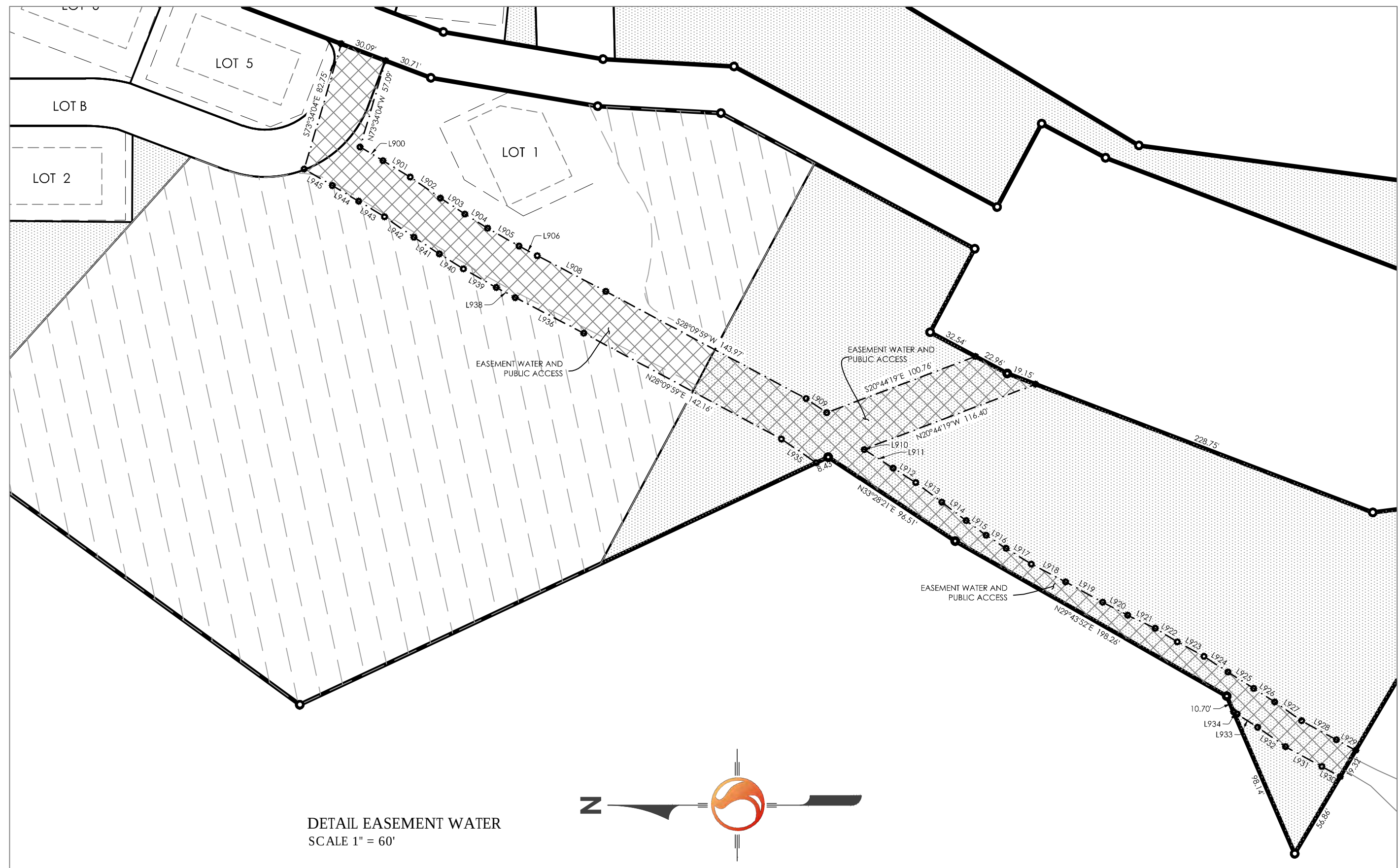
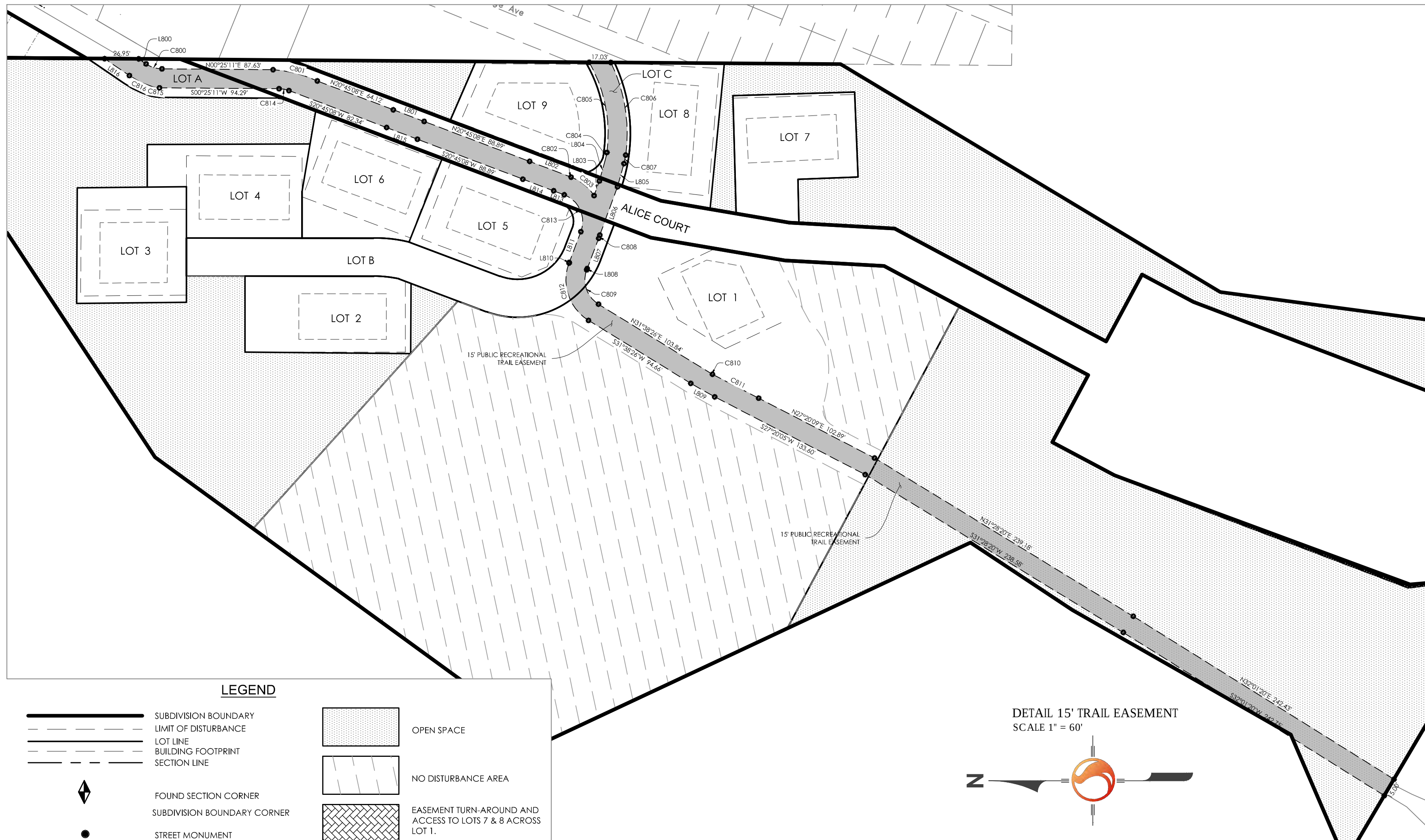
COUNTY RECORDER



Stantec Consulting Services Inc.
3995 S 700 E Ste. 300
Salt Lake City, UT
84107-2540
Tel. 801.261.0090
Fax. 801.266.1671
www.stantec.com

ALICE CLAIM

LOCATED IN THE NORTHEAST QUARTER OF SECTION 21,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN
SUMMIT COUNTY, UTAH



ROAD ACCESS EASEMENT CURVE TABLE				
CURVE #	RADIUS	LENGTH	DELTA	CHORD BEARING
C700	15.00	20.71	79°06'42"	S71°11'47"W
C701	15.00	1.12	41°17'29"	S29°29'41"W
C702	71273.51	40.94	29°15'29"	S27°19'57"W
C703	15.00	27.78	106°50'49"	S2°27'43"E
C704	1844.41	2.74	29°55'06"	S81°17'31"E
C705	32.44	11.84	20°54'07"	N87°48'40"E
C706	76.43	4.14	3°01'38"	N75°21'23"E
C707	38.61	15.84	23°30'00"	N84°01'09"E
C708	741.25	56.88	4°23'42"	N63°13'37"E
C709	25.83	4.83	10°42'22"	N69°17'29"E
C710	96.09	29.11	17°21'31"	N80°37'52"E
C711	6.00	9.40	90°21'08"	S44°58'18"W
C712	6.00	9.39	89°38'52"	N45°03'42"W
C713	69.93	19.52	15°59'35"	S79°09'53"W
C714	731.25	54.85	4°21'27"	S69°13'39"W
C715	50.38	27.47	31°27'58"	S58°14'34"W
C716	101.65	42.98	24°13'30"	N85°55'29"W
C717	15.00	19.92	76°03'14"	S69°22'41"W
C718	39.00	29.82	43°48'57"	N69°43'57"E
C719	70.00	69.73	57°04'21"	S47°42'42"E

ROAD EASEMENT ACCESS LINE TABLE			
LINE #	DIRECTION	LENGTH	
L700	N69°14'52"W	10.90	
L701	N74°50'56"E	6.82	
L702	N74°50'56"E	2.85	
L703	S09°39'00"W	4.19	
L704	S89°53'08"E	41.51	
L705	S02°41'14"E	12.01	
L706	N89°53'08"W	10.48	
L707	S00°14'15"E	20.04	
L708	S89°45'45"W	12.00	
L709	N00°14'15"W	20.18	
L710	N89°53'08"W	9.63	
L711	S09°39'00"W	4.40	
L712	S74°50'56"W	9.43	
L713	S73°58'15"W	3.58	
L714	N28°28'03"E	21.97	

WATER / PUBLIC EASEMENT ACCESS LINE TABLE		
LINE #	DIRECTION	LENGTH
L900	S30°45'55"W	16.93
L901	S31°08'34"W	20.18
L902	S34°45'48"W	23.30
L903	S33°18'11"W	18.52
L904	S31°51'40"W	16.98
L905	S29°32'43"W	22.92
L906	S27°58'15"W	13.06
L907	S27°29'25"W	49.01
L908	S27°58'15"W	12.00
L909	S34°23'17"W	15.89
L910	S33°10'15"W	0.42
L911	S32°48'37"W	21.64
L912	S32°33'40"W	17.04
L913	S36°52'25"W	20.64
L914	S37°13'23"W	19.50
L915	S36°13'23"W	15.55
L916	S33°16'29"W	15.23
L917	S31°54'37"W	18.84
L918	S27°58'15"W	24.46
L919	S29°44'42"W	26.82
L920	S27°34'41"W	17.87
L921	S23°23'37"W	19.31
L922	S31°29'37"W	16.45

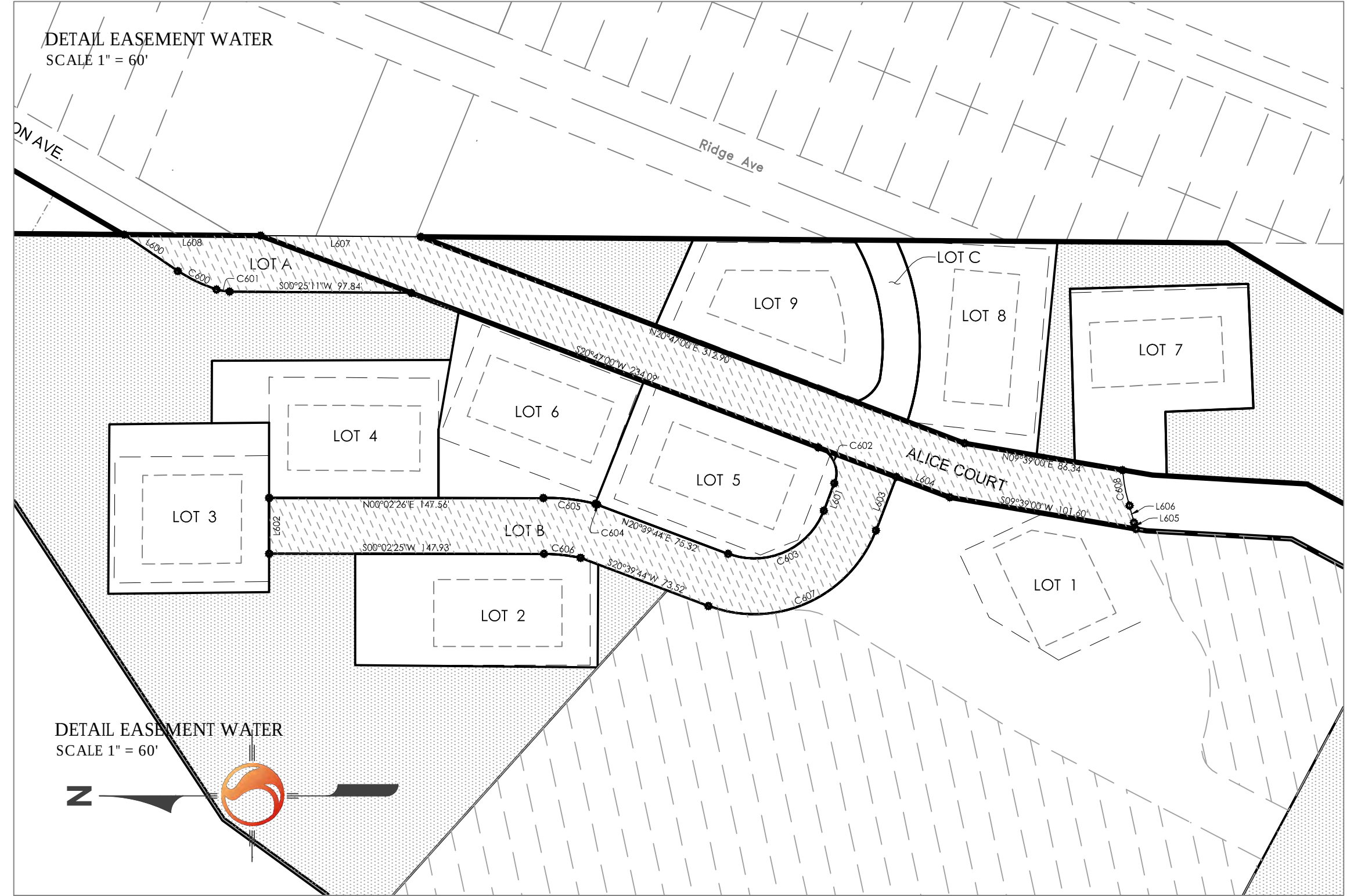
WATER / PUBLIC EASEMENT ACCESS LINE TABLE		
LINE #	DIRECTION	LENGTH
L923	S28°30'29"W	19.27
L924	S33°14'48"W	18.16
L925	S32°29'59"W	19.32
L926	S32°54'57"W	15.83
L927	S34°51'19"W	20.81
L928	S28°33'46"W	25.17
L929	S28°43'47"W	13.98
L930	N28°43'47"E	13.33
L931	N28°33'44"E	26.21
L932	N34°51'18"E	21.55
L933	N32°54'57"E	15.44
L934	N32°29'59"E	2.84
L935	N34°23'17"E	26.69
L936	N27°29'25"E	48.55
L937	N27°58'15"E	13.67
L938	N29°32'43"E	22.74
L939	N29°32'43"E	17.96
L940	N31°51'40"E	19.28
L941	N31°18'11"E	22.73
L942	N31°08'34"E	19.13
L943	N30°45'55"E	16.45
L944	N30°33'37"W	19.31
L945	N30°33'37"E	20.63

TRAIL EASEMENT CURVE TABLE				
CURVE #	RADIUS	LENGTH	DELTA	CHORD BEARING
C800	22.50	13.29	33°49'54"	N17°20'08"E
C801	99.91	36.18	20°44'59"	N1°42'12"E
C802	22.50	0.19	0°28'18"	N20°33'34"E
C803	37.51	23.65	34°07'54"	N38°47'23"E
C804	34.50	4.81	7°59'33"	N78°22'39"W
C805	112.94	73.83	37°27'17"	S78°53'35"W
C806	127.94	75.04	33°36'27"	N80°47'20"E
C807	49.50	6.91	7°59'33"	S78°22'39"E
C808	37.50	2.72	4°09'47"	S71°19'46"E
C809	22.50	31.07	79°06'42"	N71°11'47"E
C810	22.50	1.69	4°17'29"	N29°29'41"E
C811	71281.01	40.97	0°01'59"	N27°19'57"E
C812	37.50	51.78	79°06'42"	S71°11'47"W
C813	22.50	35.34	90°00'00"	S65°48'08"W
C814	22.50	7.98	20°19'57"	S10°35'09"W
C815	17.50	4.99	14°20'50"	S08°55'36"W
C816	68.50	20.90	17°29'04"	S29°30'33"W

TRAIL EASEMENT LINE TABLE		
LINE #	DIRECTION	LENGTH
L800	N34°15'05"E	7.04
L801	N20°45'08"E	26.00
L802	N20°45'08"E	34.76
L803	N69°52'36"W	12.22
L804	N74°22'51"E	18.45
L805	S74°22'51"E	19.04
L806	S69°52'36"E	40.55
L807	S69°14'52"E	25.52
L808	S69°14'52"E	1.00
L809	S29°20'57"W	21.69
L810	N69°14'52"W	1.00
L811	N69°14'52"W	26.52
L812	S20°45'08"W	8.97
L813	S20°45'08"W	26.00
L814	S20°45'08"W	26.00
L815	S20°45'08"W	26.00
L816	S34°10'55"W	23.70

PURE EASEMENT LINE TABLE		
LINE #	DIRECTION	LENGTH
L600	S34°15'05"W	34.90
L601	N69°14'52"W	15.79
L602	N69°00'00"W	30.00
L603	S69°14'52"E	30.76
L604	S20°47'00"W	30.76
L605	N29°38'15"E	3.58
L606	N29°38'15"E	9.43
L607	N09°26'00"E	86.27
L608	N09°26'00"E	73.37

PURE EASEMENT CURVE TABLE				
CURVE #	RADIUS	LENGTH	DELTA	CHORD BEARING
C600	76.00	23.19	17°29'04"	S29°30'33"W
C601	25.00	7.13	14°20'50"	S08°55'36"W
C602	15.00	23.55	89°58'08"	S65°48'04"W
C603	40.00	62.77	89°54'36"	N24°17'34"W
C604	5.00	0.55	6°17'16"	N17°31'56"E
C605	105.19	28.74	13°39'46"	N06°32'55"E
C606	93.92	19.87	11°52'06"	S06°10'34"W
C607	70.00	109.83	89°54'36"	S24°17'34"E
C608	69.93	19.52	15°59'35"	N79°09'53"E



ALICE CLAIM

LOCATED IN THE NORTHEAST QUARTER OF SECTION 21,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN
SUMMIT COUNTY, UTAH

RECORDED #

STATE OF UTAH, COUNTY OF SUMMIT, RECORDED AND FILED AT THE
REQUEST OF:

DATE: TIME: BOOK: PAGE:

FEE:

COUNTY RECORDER

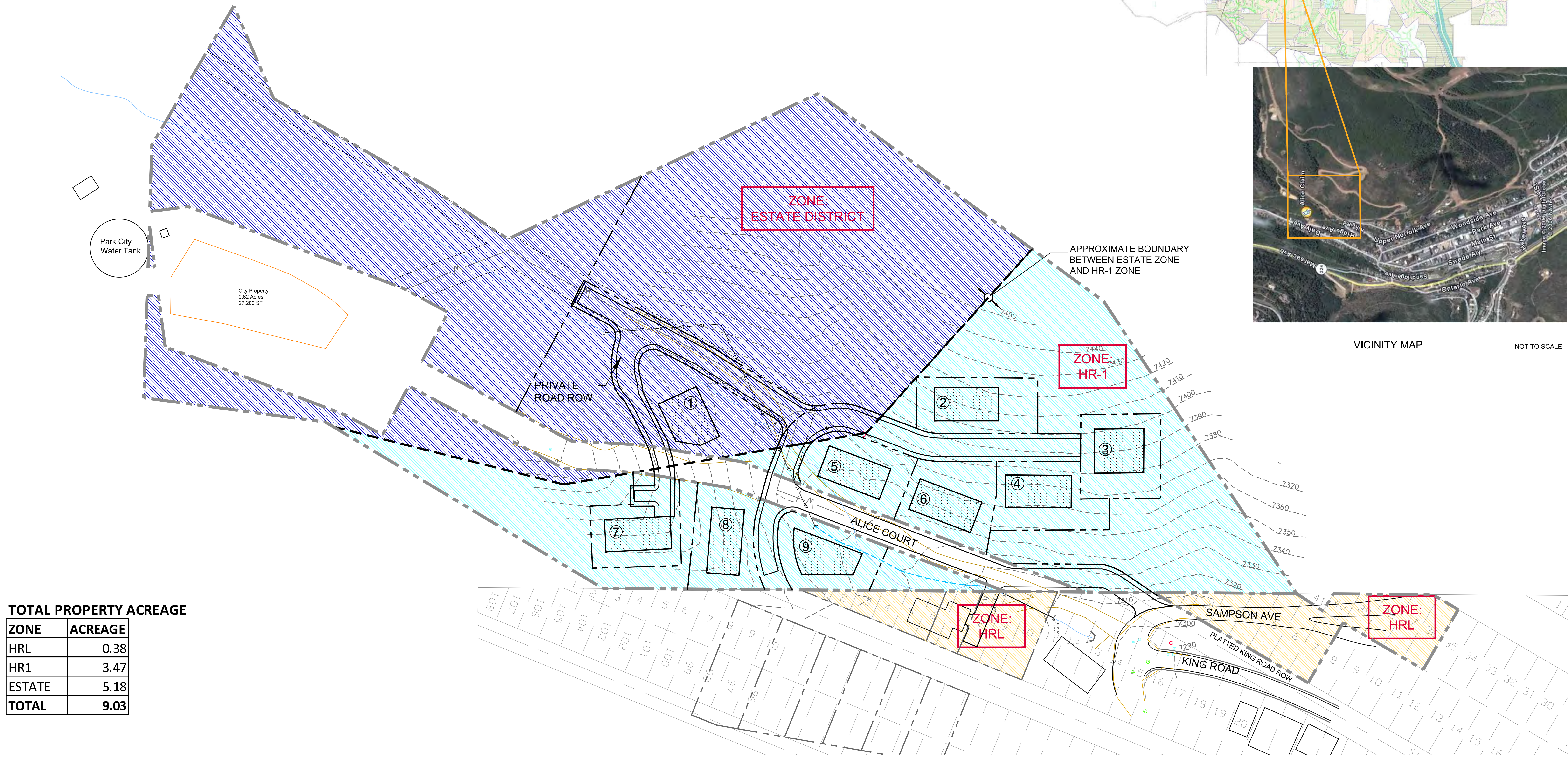
SHEET

2 OF 2



Stantec Consulting Services Inc.
3995 S 700 E Ste. 300
Salt Lake City, UT
84107-2540
Tel. 801.261.0090
Fax. 801.266.1671
www.stantec.com

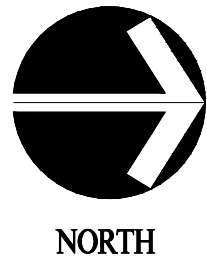
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	203503057	JRJ
	Filename	Plot Date
	03057v_1b.dwg	01/22/15
	Designed By	Drawn By
	JRJ	SRV
	Checked By	Date
	GAC	01/22/15
	Scale	Date Issued
	1" = 60'	



ALICE CLAIM

VICINITY & ZONING MAP

KING DEVELOPMENT GROUP LLC.
P.O. BOX 244
PARK CITY, UTAH 84060



0 10 50 100
5 30
SCALE: 1"=50'-0"
DATE: JAN 23 2015



EXHIBIT D



LEGEND

- LOT BOUNDARY
- LIMIT OF DISTURBANCE/ BUILDING ENVELOPE
- BUILDING FOOTPRINT
- PROPOSED CONTOUR
- PROPOSED RETAINING WALL
- TRAIL EASEMENT

LOT TABLE

LOT NO.	ZONE	TOTAL (SF)	TOTAL (ACRE)	LIMIT OF DISTURBANCE (SF)	LIMIT OF DISTURBANCE (ACRE)	ALLOWABLE BUILDING FOOTPRINT(SF)	BUILDING FOOTPRINT (SF)
1	ESTATE	130909	3.01	4970	0.11	N/A	2500
2	HR-1	7852	0.18	7540	0.17	2525	2500
3	HR-1	7866	0.18	5636	0.13	2527	2500
4	HR-1	7909	0.18	5915	0.14	2535	2500
5	HR-1	7812	0.18	6410	0.15	2518	2500
6	HR-1	8145	0.19	5915	0.14	2576	2500
7	HR-1	7998	0.18	7731	0.18	2551	2500
8	HR-1	7560	0.17	6262	0.14	2471	2471
9	HR-1	7164	0.16	6480	0.15	2394	2394

SUBDIVISION

- 8 LOTS IN HR-1 ZONE DISTRICT
 - MAXIMUM 0.19 ACRE LOTS
 - MAXIMUM 2500 SF FOOTPRINT
- DEFINED DISTURBANCE ENVELOPES
- 1 LOT IN ESTATE ZONE DISTRICT
 - DEVELOPED PER L.M.C.
- EVERGREEN TREES ARE PRESERVED AND SCREEN VIEWS OF HOME SITES

PLAT AMENDMENT

- 0.38 ACRE HRL ZONE
- LOTS DEDICATED TO CITY

NOTE:

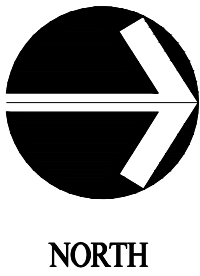
- LOTS #123 AND 129 OF ADJACENT RIDGE AVENUE SUBDIVISION ARE OWNED BY KING DEVELOPMENT GROUP, LLC
- ROADS LESS THAN 26' WIDE SHALL BE MARKED NO PARKING ON BOTH SIDES OF THE ROAD



ALICE CLAIM

SITE PLAN

KING DEVELOPMENT GROUP, LLC
P.O. BOX 244
PARK CITY, UTAH 84060



0 10 50
5 30 100
SCALE: 1"=50'-0"
DATE: MAR 16 2015



Copyright Reserved

The Contractor shall verify and be responsible for all dimensions. DO NOT scale the drawing - any errors or omissions shall be reported to Stantec without delay.
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Owner/Project

Legend

Revision	By	Appd.	YY.MM.DD
2	PARK CITY RE-SUBMITTAL	CB	PMD 15.03.16
1	PARK CITY SUBMITTAL	CB	JRJ 15.01.23
Issued	By	Appd.	YY.MM.DD

File Name: 03057-200-ut.dwg	SDJ	JRJ	EKW	14.12.19
	Dwn.	Chkd.	Dsgn.	YY.MM.DD

Permit-Seal



Client/Project

KING DEVELOPMENT L.L.C.
PO BOX 244
PARK CITY, UTAH 84060

ALICE CLAIM
Park City, Utah

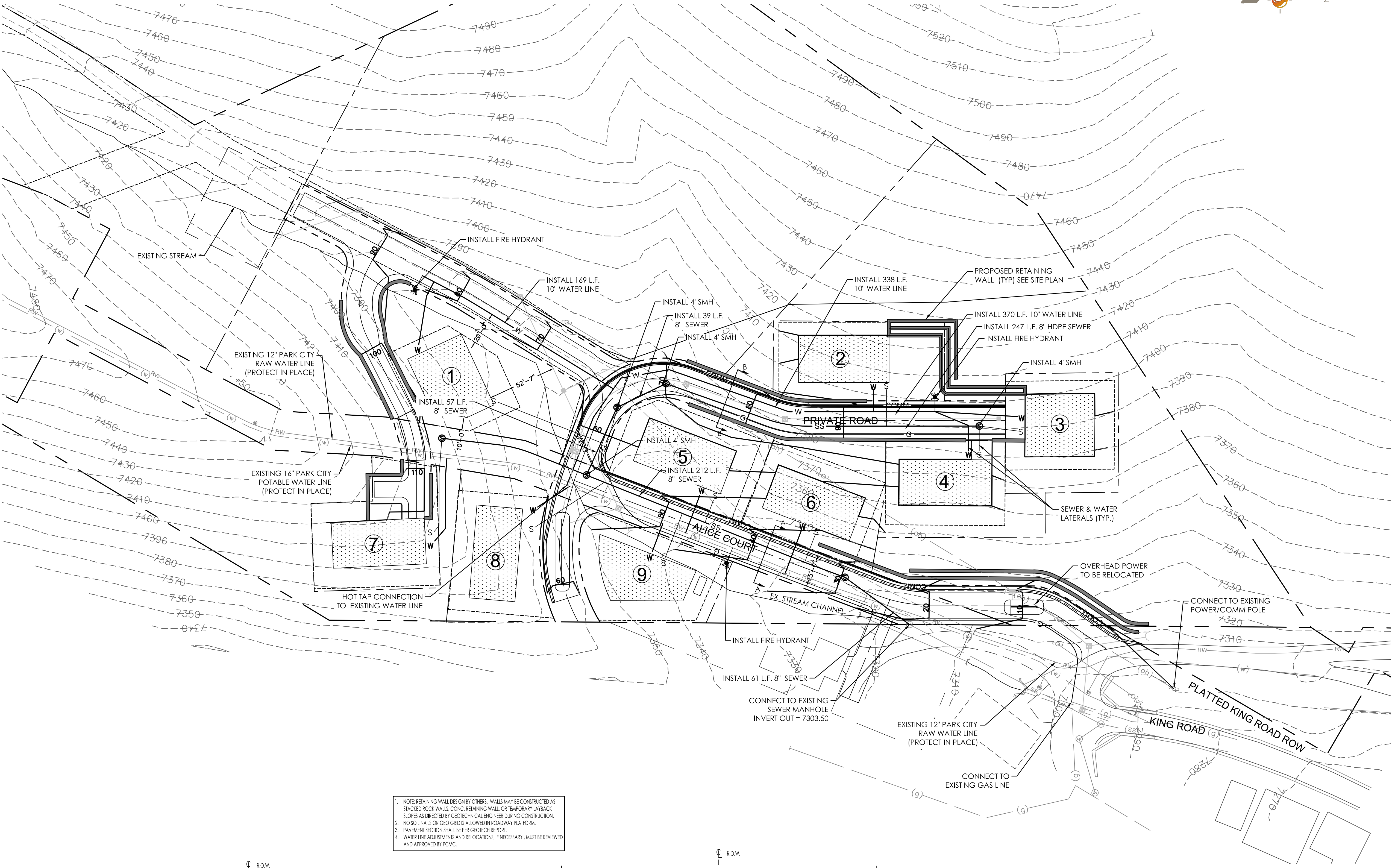
Title

CONCEPTUAL UTILITY PLAN

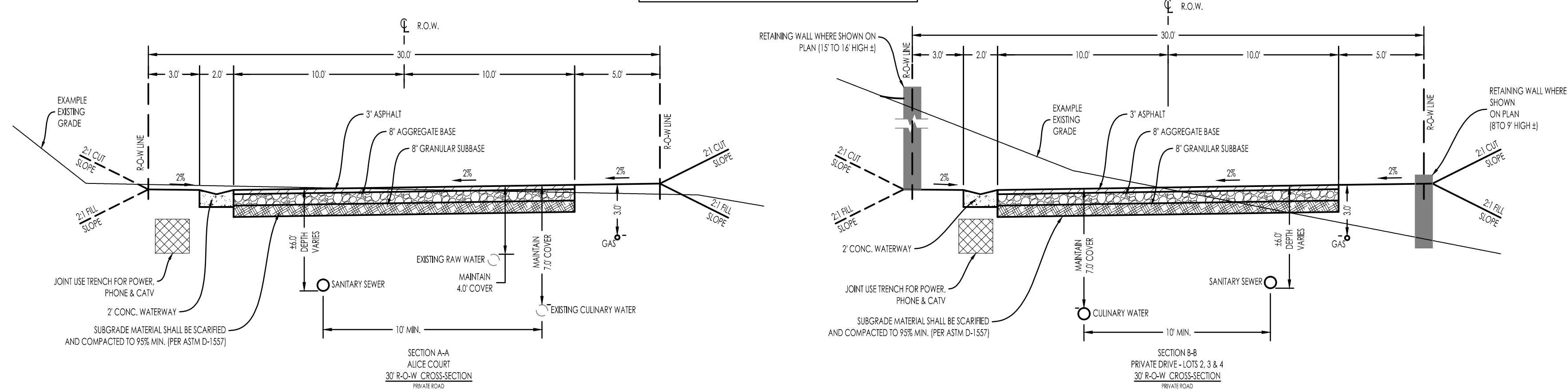
Project No. 205303057	Scale 1"=40'	Sheet 0	Revision 0
Drawing No.	Sheet	Revision	

C-UTIL

of



- NOTE: RETAINING WALL DESIGN BY OTHERS. WALLS MAY BE CONSTRUCTED AS STACKED ROCK WALLS, CONC. RETAINING WALL, OR TEMPORARY LAYBACK. SLOPES AS DIRECTED BY GEOTECHNICAL ENGINEER DURING CONSTRUCTION.
- NO SOIL NAILS OR GEO GRID IS ALLOWED IN ROADWAY PLATFORM.
- PAVEMENT SECTION SHALL BE PER GEOTECH REPORT.
- WATER LINE ADJUSTMENTS AND RELOCATIONS, IF NECESSARY, MUST BE REVIEWED AND APPROVED BY PCMC.



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The Contractor shall verify and be responsible for all dimensions. DO NOT scale the drawing - any errors or omissions shall be reported to Stantec without delay.
The Copyrights to all designs and drawings are the property of Stantec. Reproduction or use for any purpose other than that authorized by Stantec is forbidden.

Owner/Project

Legend

Revision By Appd. YY.MM.DD

2 PARK CITY RE-SUBMITTAL CB PMD 15.03.16

1 PARK CITY SUBMITTAL CB JRJ 15.01.23

Issued By Appd. YY.MM.DD

File Name: 03057-201-gp.dwg SDJ JRJ EKW 14.12.19

Permit-Seal Dwn. Chkd. Dsgn. YY.MM.DD



Client/Project

KING DEVELOPMENT L.L.C.
PO BOX 244
PARK CITY, UTAH 84060

ALICE CLAIM
Park City, Utah

Title

CONCEPTUAL DRAINAGE PLAN

Project No. 205303057

Scale 0 40' 60' 80' 1"=40'

Drawing No. Sheet Revision

C-DR. of 0

EXHIBIT G



NORTH



SOUTH

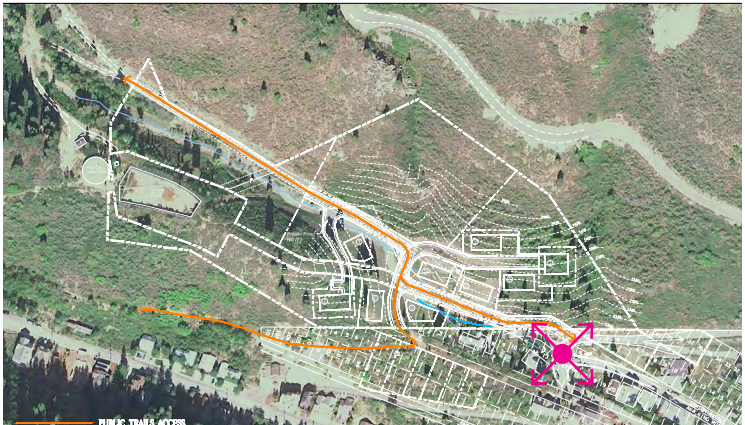


EAST



WEST

LOCATION 1
VIEWS OF EXISTING PROPERTY





NORTH



SOUTH



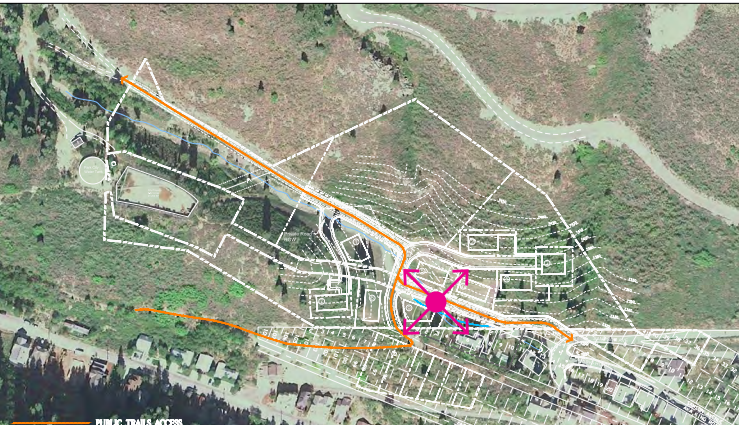
EAST



WEST

LOCATION 2

IEWS OF EXISTING PROPERTY





NORTH



SOUTH



EAST



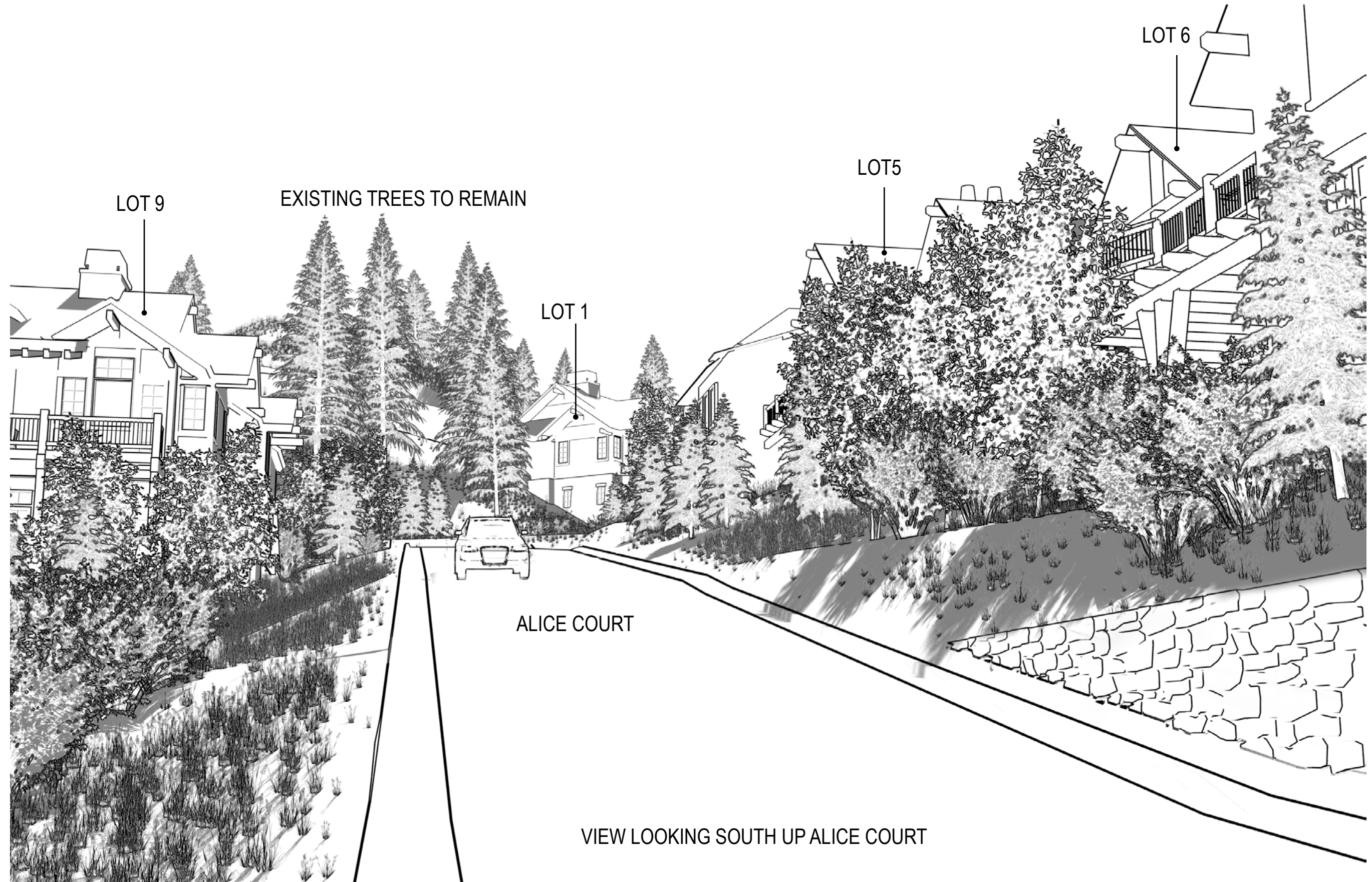
WEST

LOCATION 3

IEWS OF EXISTING PROPERTY



EXHIBIT H



ALICE CLAIM PERSPECTIVE RENDERING

KING DEVELOPMENT GROUP LLC.
P.O. BOX 244
PARK CITY, UTAH 84060

DHM DESIGN

DATE: JAN 23 2015

EXHIBIT I



Alice CLAIM

VISUAL ANALYSIS KEY MAP

KING DEVELOPMENT GROUP LLC.
P.O. BOX 244
PARK CITY, UTAH 84060

DATE: JAN 23 2015

DHM DESIGN

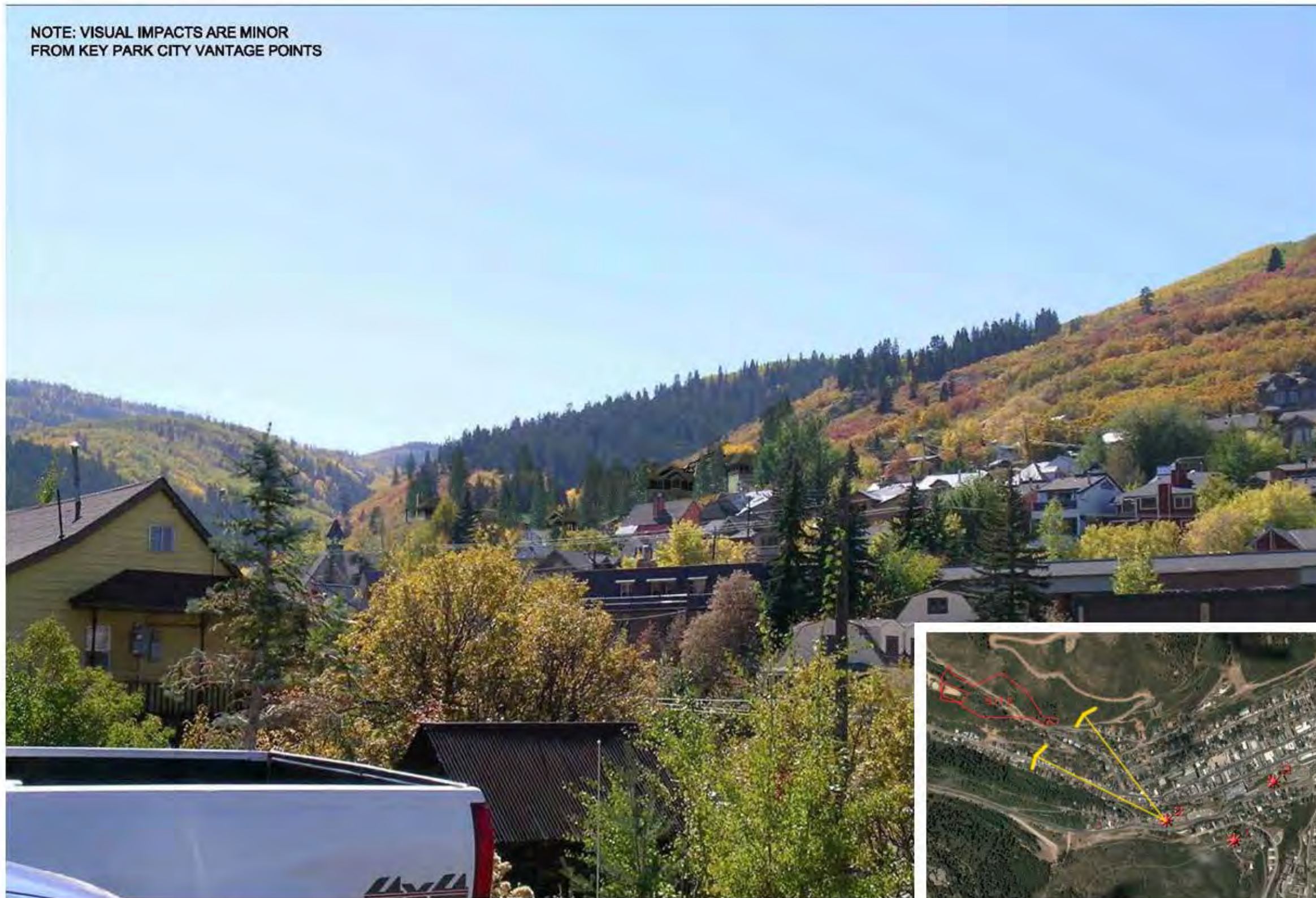
NOTE: VISUAL IMPACTS ARE MINOR
FROM KEY PARK CITY VANTAGE POINTS



1. View from Cross Valley High Point

View Location Map

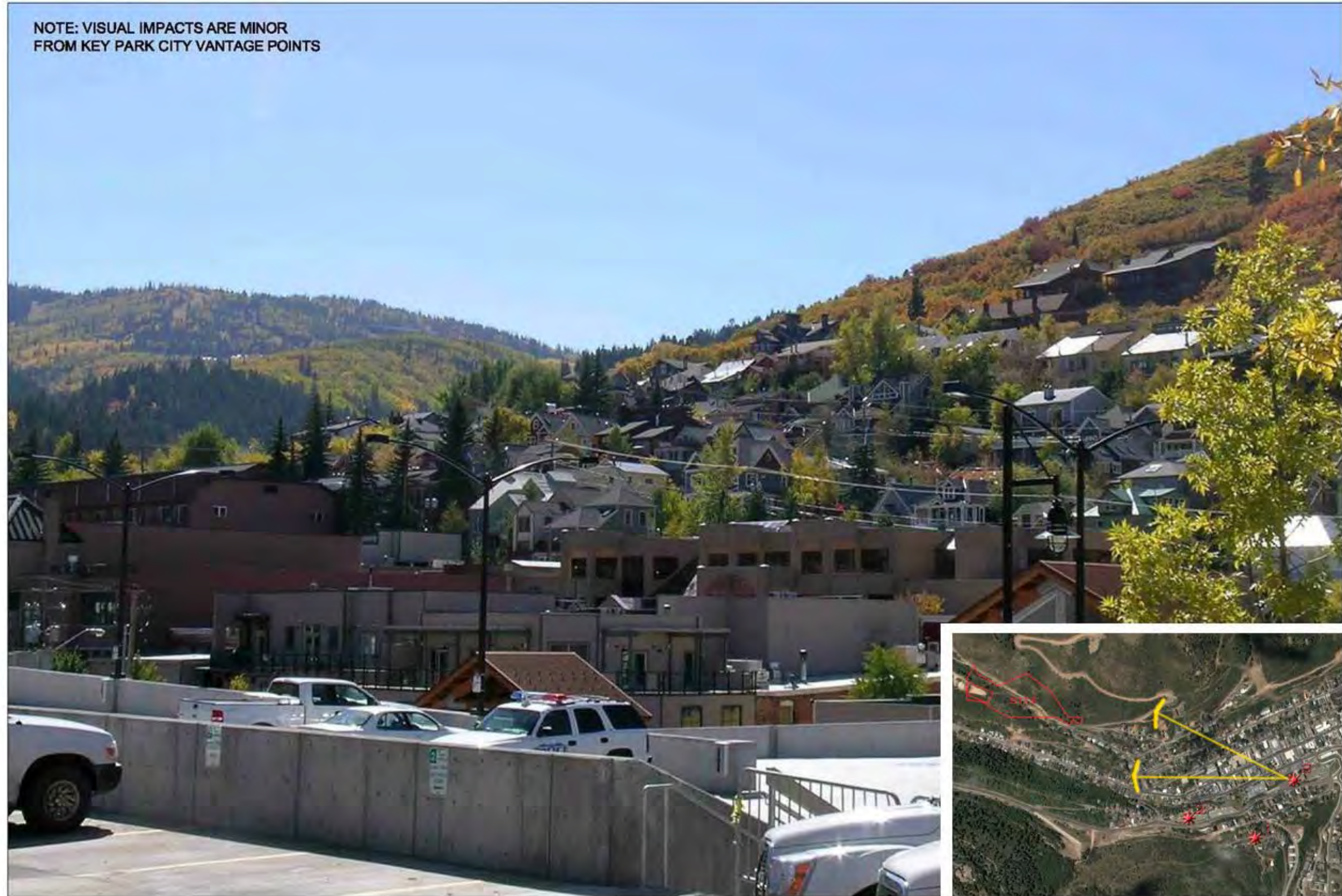
NOTE: VISUAL IMPACTS ARE MINOR
FROM KEY PARK CITY VANTAGE POINTS



2. View From South End of McHenry Ave

View Location Map

NOTE: VISUAL IMPACTS ARE MINOR
FROM KEY PARK CITY VANTAGE POINTS



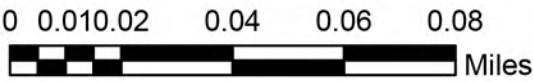
3. View From Marsac Building Upper Parking Lot

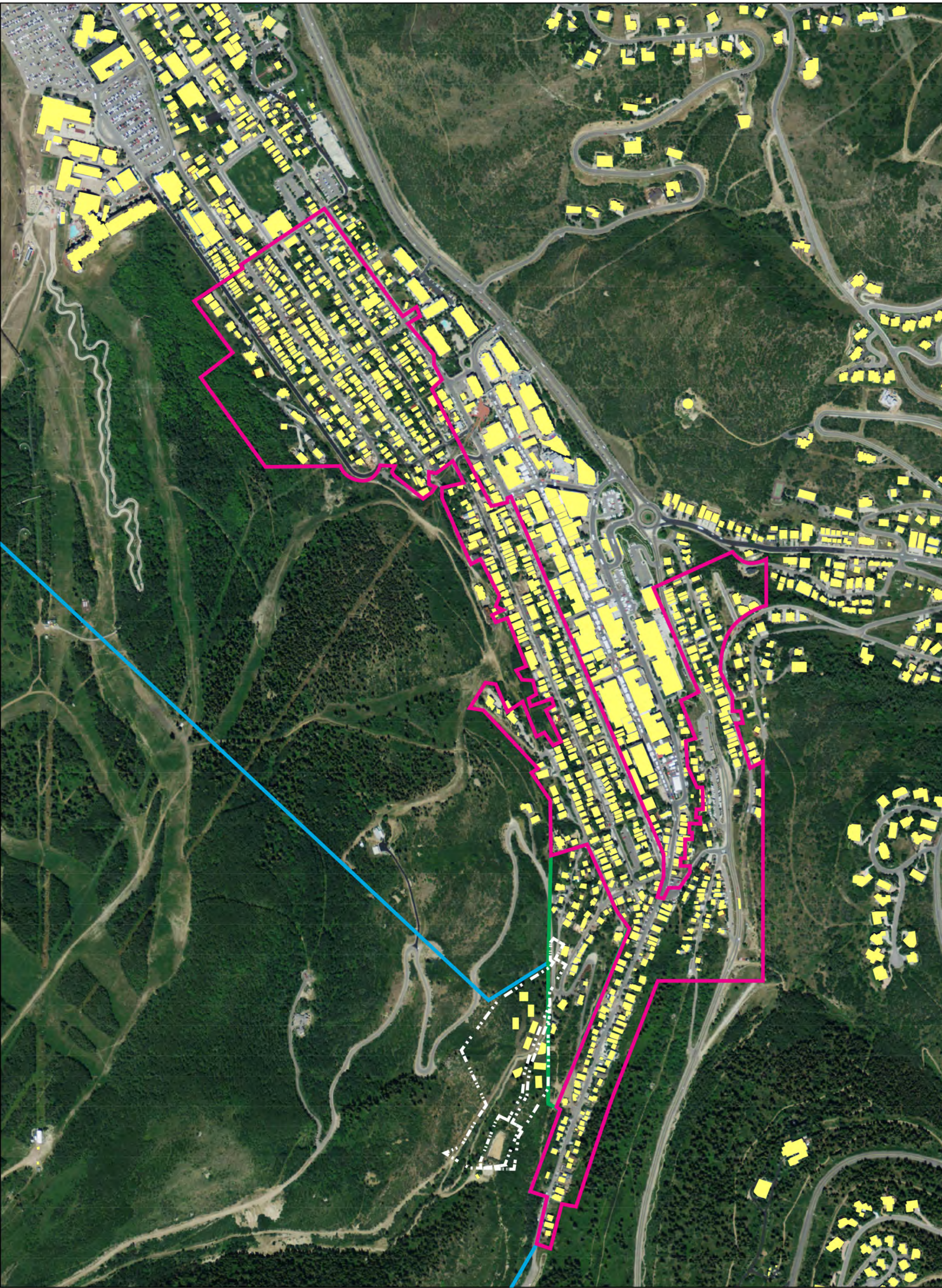
View Location Map



Legend

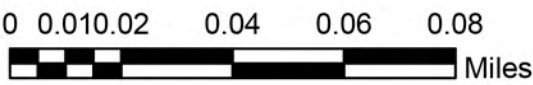
- Building footprint
- HR-1 Boundary (Current)
- Property Boundary
- HRL (Current)
- Estate District (Current)





Legend

- Building footprint
- HR-1 Boundary (Current)
- Property Boundary
- HRL (Current)
- Estate District (Current)



LEGEND

- LOT BOUNDARY
- LIMIT OF DISTURBANCE/ BUILDING ENVELOPE
- BUILDING FOOTPRINT
- PROPOSED RETAINING WALL
- PUBLIC TRAIL ACCESS
- TRAIL EASEMENT
- HR1: OPEN SPACE
- NO DISTURBANCE ZONE WITHIN ESTATE LOT BOUNDARIES
- CITY PROPERTY
- NO DISTURBANCE ZONE WITHIN HR1 LOT BOUNDARIES



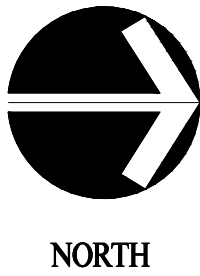
ZONE	ACRES	OPEN SPACE(ACRES)	% OPEN SPACE
HR1	3.47	1.62	46.69%
ZONE	ACRES	NO DISTURBANCE/ OPEN SPACE (ACRES)	% NO DISTURBANCE /OPEN SPACE
ESTATE	5.18	4.6	88.80%

(ESTATE LOT= 3.01 ACRES)

ALICE CLAIM

OPEN SPACE AND TRAILS PLAN

KING DEVELOPMENT GROUP LLC.
P.O. BOX 244
PARK CITY, UTAH 84060



0 10 50 100
5 30
SCALE: 1"=50'-0"
DATE: JAN 23 2014





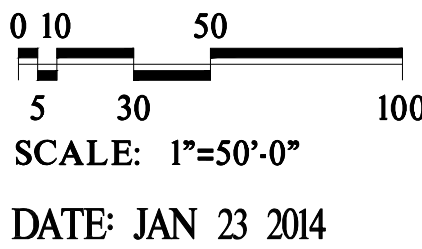
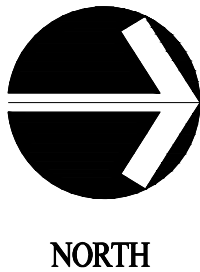
LEGEND

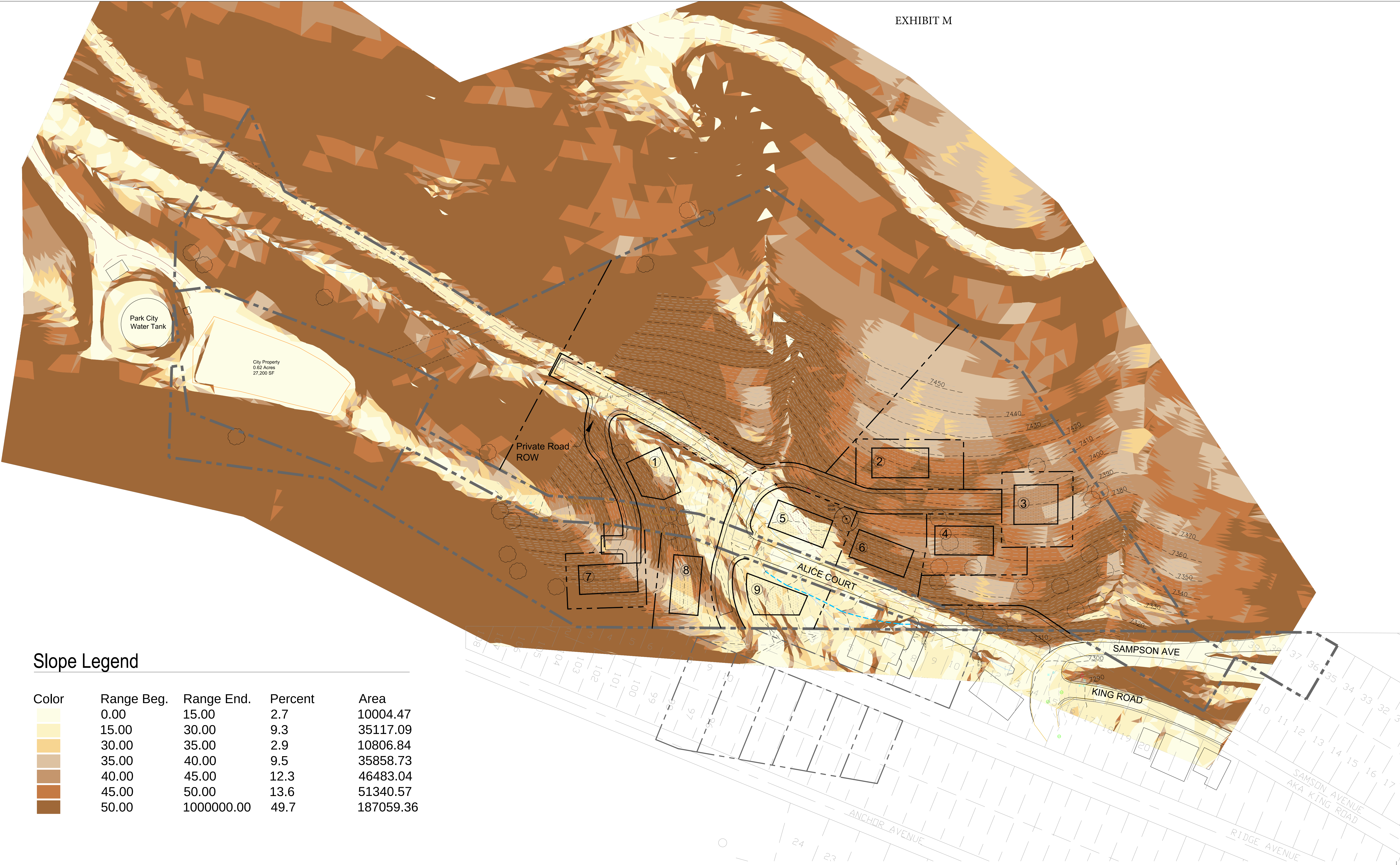
- ① Disturbed Areas
- ② Large Fir Trees, Grasses and Forbes
- ③ Heavy Scrub Oak
- ④ Grasses and Forbes
- Existing Coniferous Tree

ALICE CLAIM

VEGETATIVE COVER

KING DEVELOPMENT GROUP LLC.
P.O. BOX 244
PARK CITY, UTAH 84060





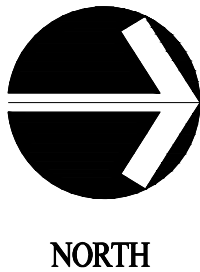
Slope Legend

Color	Range Beg.	Range End.	Percent	Area
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	30.00	35.00	2.9	10806.84
	35.00	40.00	9.5	35858.73
	40.00	45.00	12.3	46483.04
	45.00	50.00	13.6	51340.57
	50.00	1000000.00	49.7	187059.36

ALICE CLAIM

SLOPE ANALYSIS

KING DEVELOPMENT GROUP LLC.
P.O. BOX 244
PARK CITY, UTAH 84060



0 10 50 100
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SCALE: 1"=50'-0"
DATE: JAN 23 2014





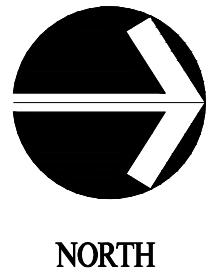
LEGEND

- EXISTING CONIFEROUS TREE TO BE REMOVED
- EXISTING CONIFEROUS TREE TO REMAIN
- PROPOSED DECIDUOUS TREE
- PROPOSED CONIFEROUS TREE
- PROPOSED SHRUB

ALICE CLAIM

LANDSCAPE MITIGATION OF SITE WALLS PLAN

KING DEVELOPMENT GROUP, LLC
P.O. BOX 244
PARK CITY, UTAH 84060



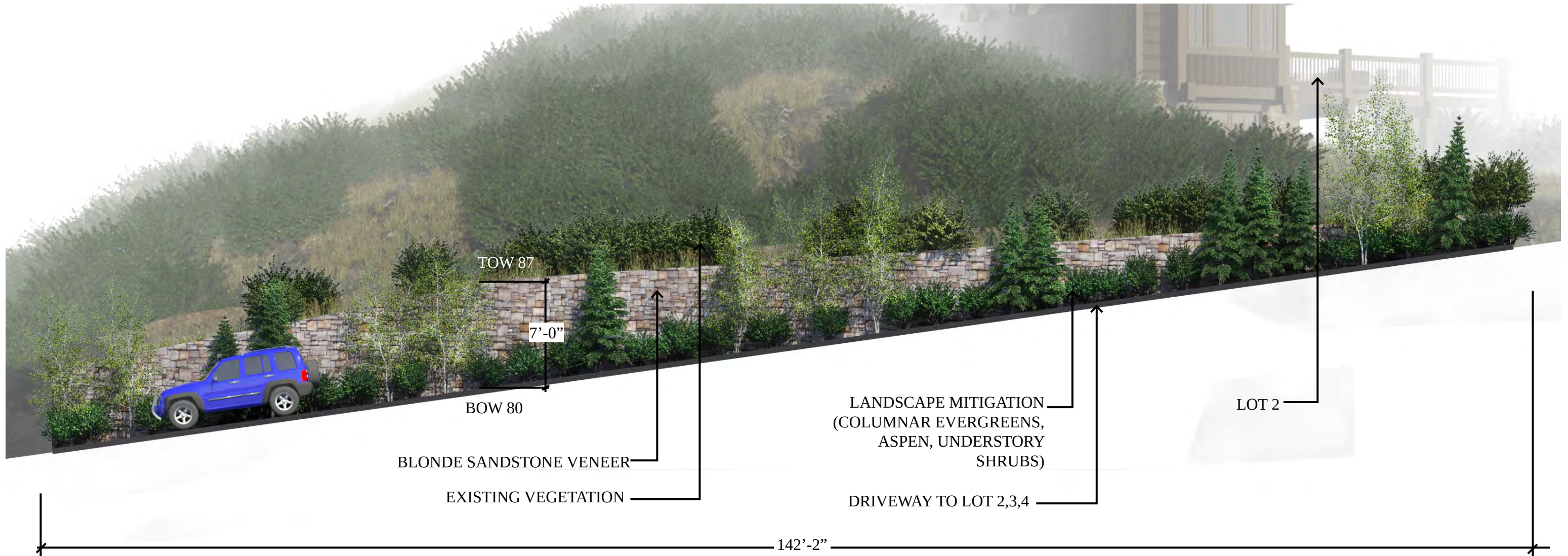
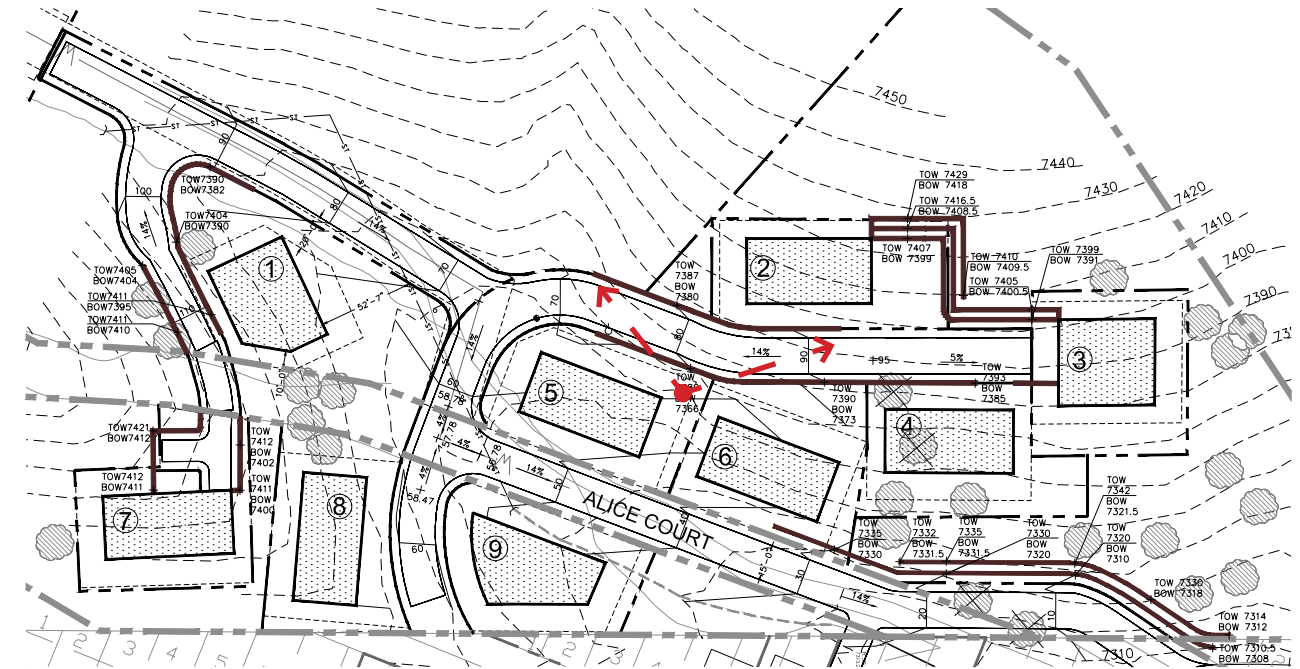
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DATE: MAR 16 2015



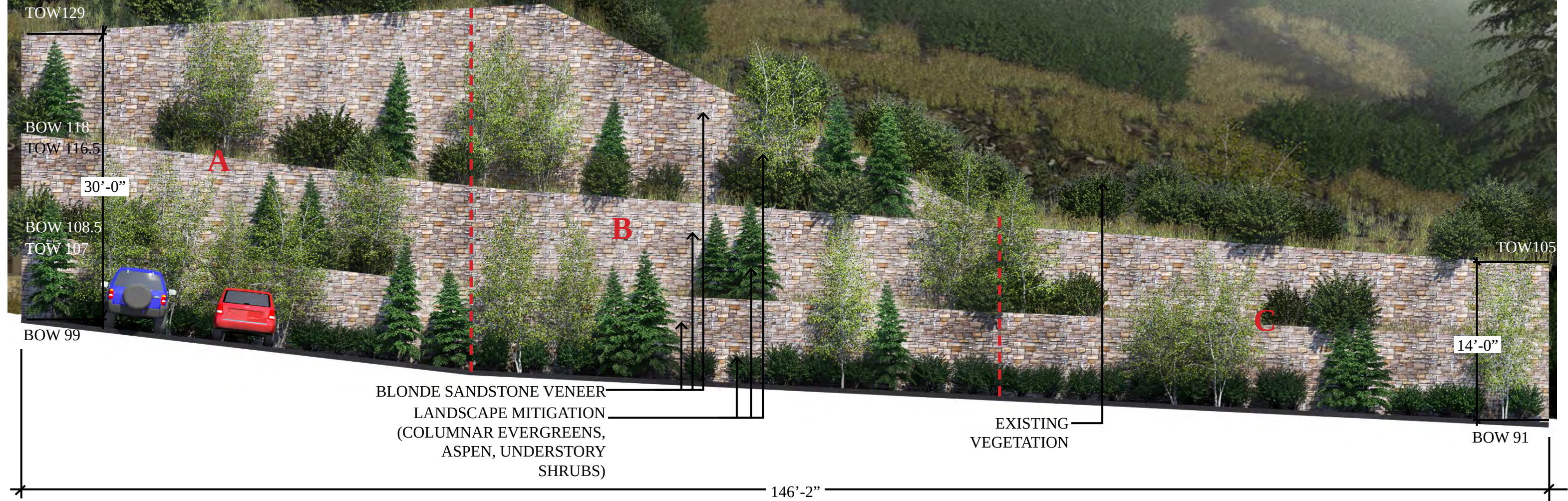
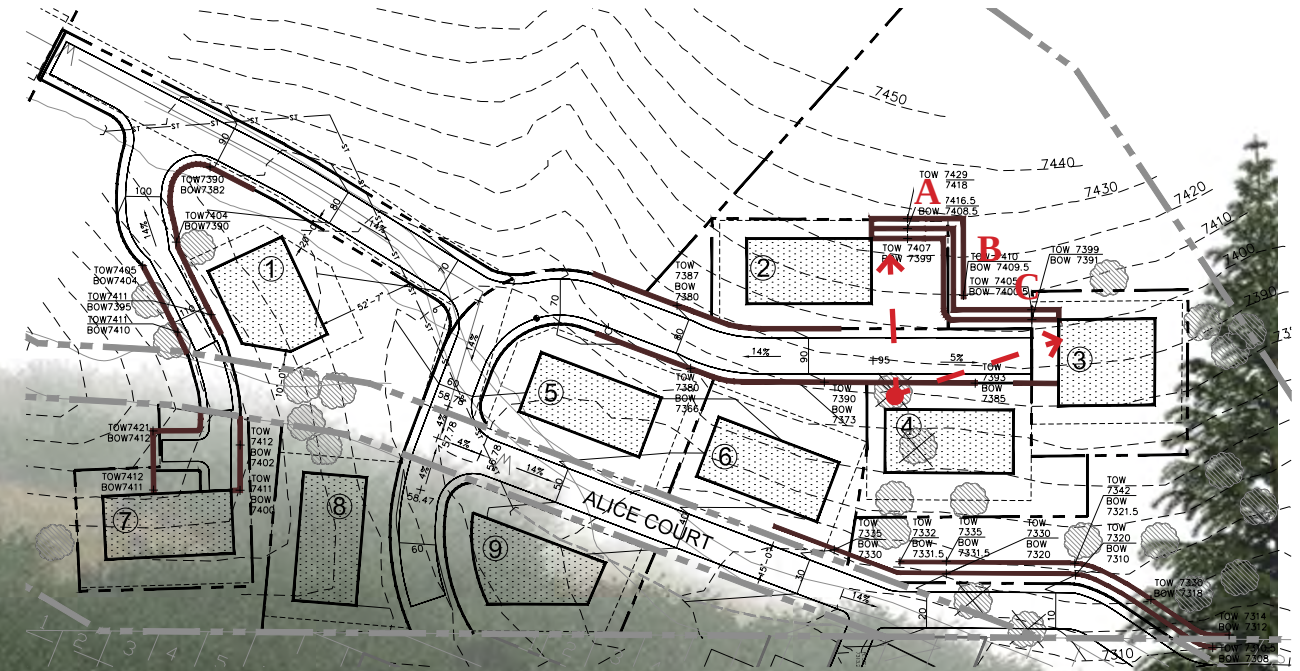


Page 2 of 42

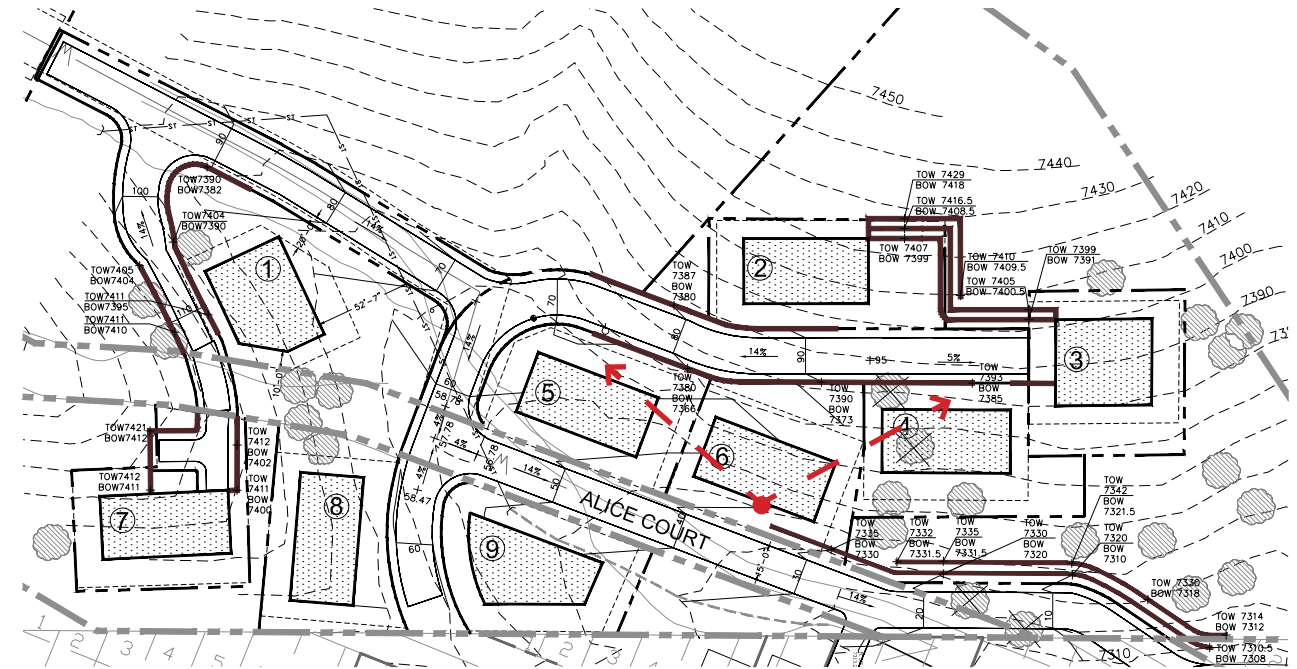
ENTRY WALL KEY MAP



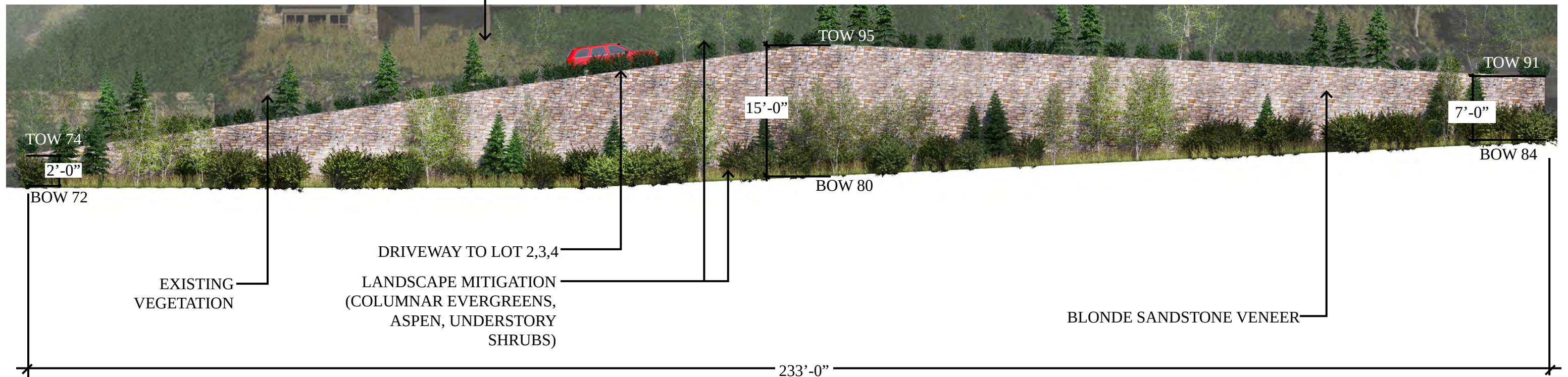
ENTRY WALL KEY MAP



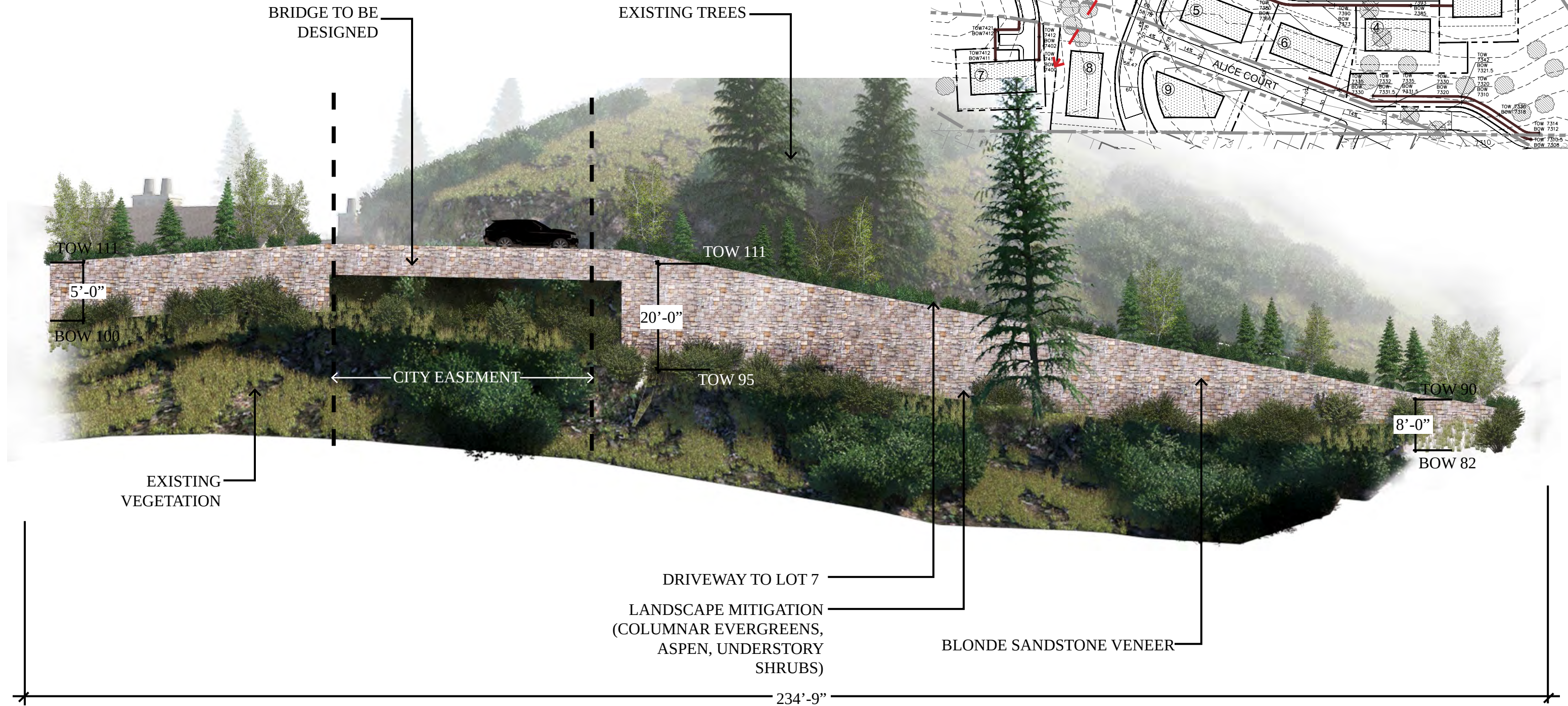
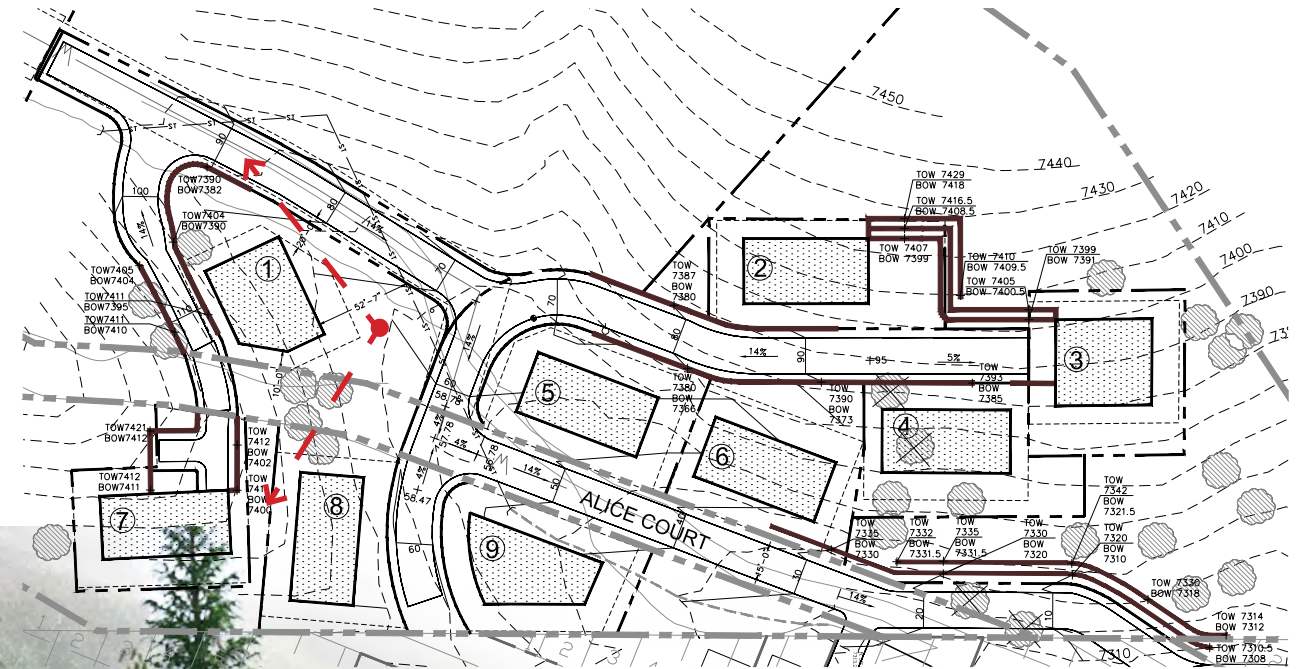
ENTRY WALL KEY MAP



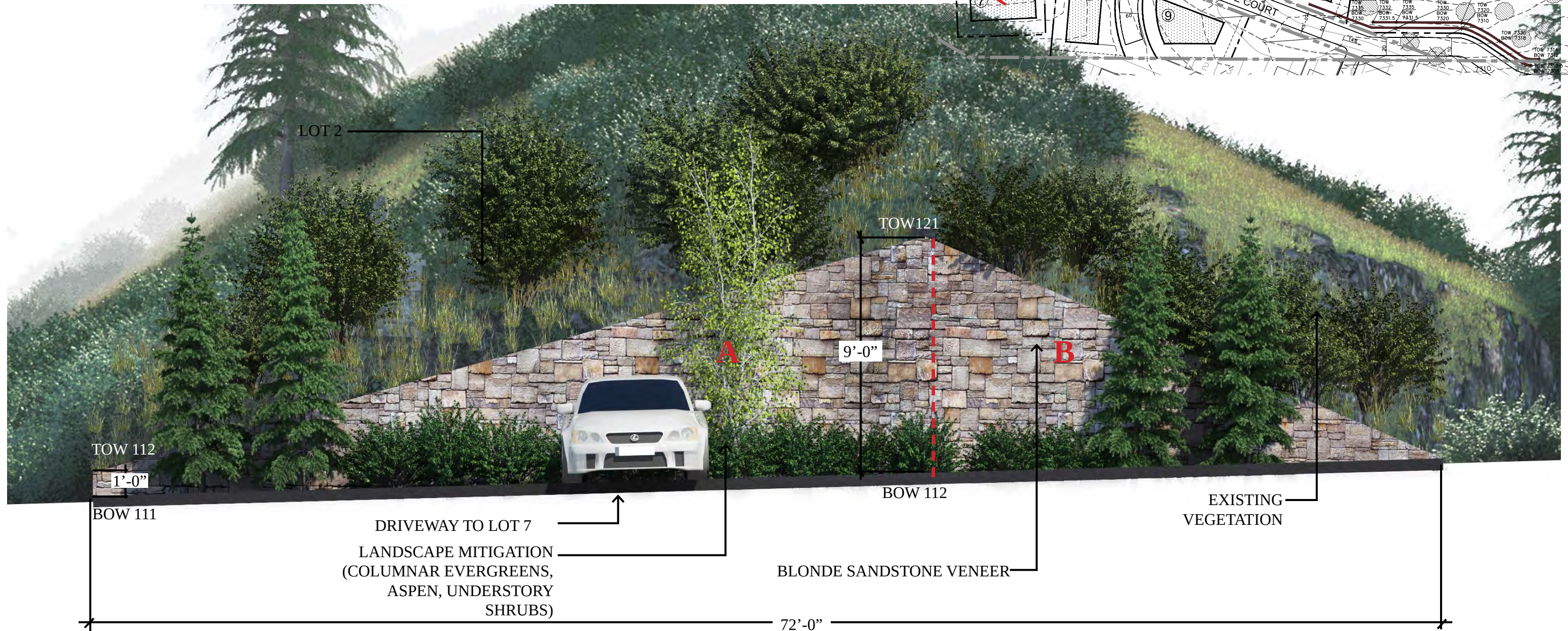
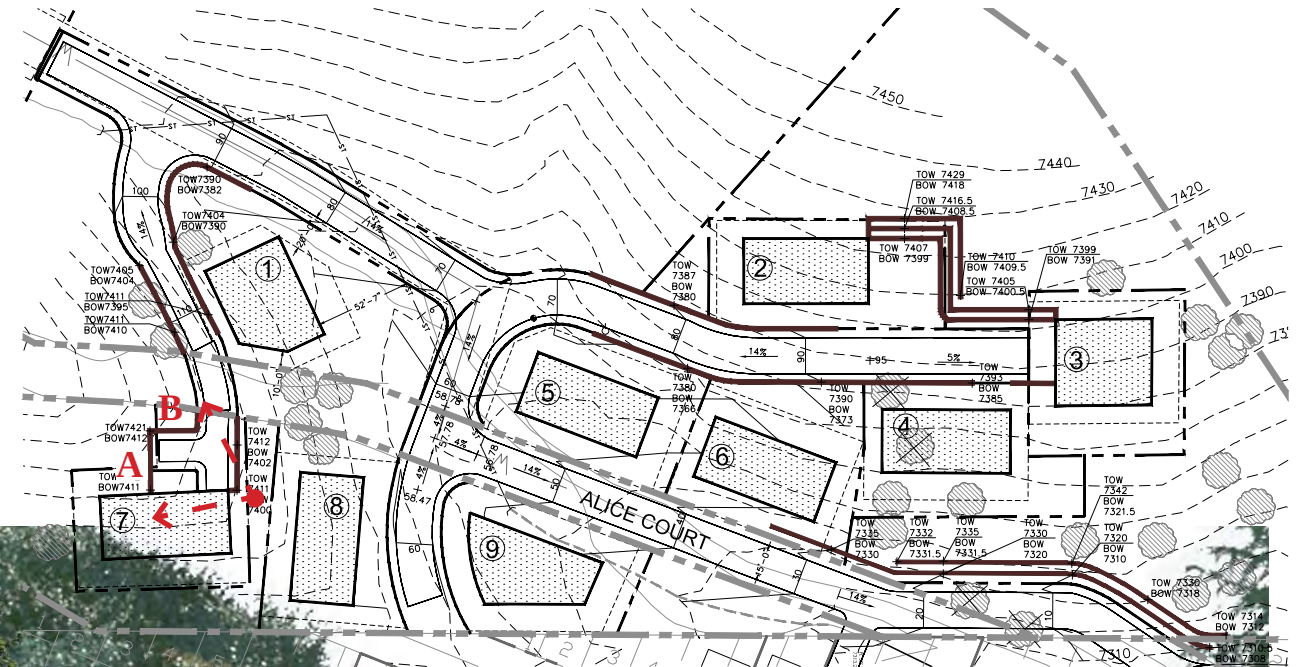
LOT 2



ENTRY WALL KEY MAP



ENTRY WALL KEY MAP

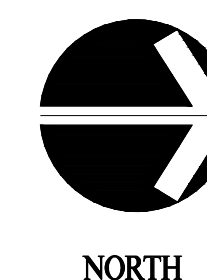




ALICE CLAIM

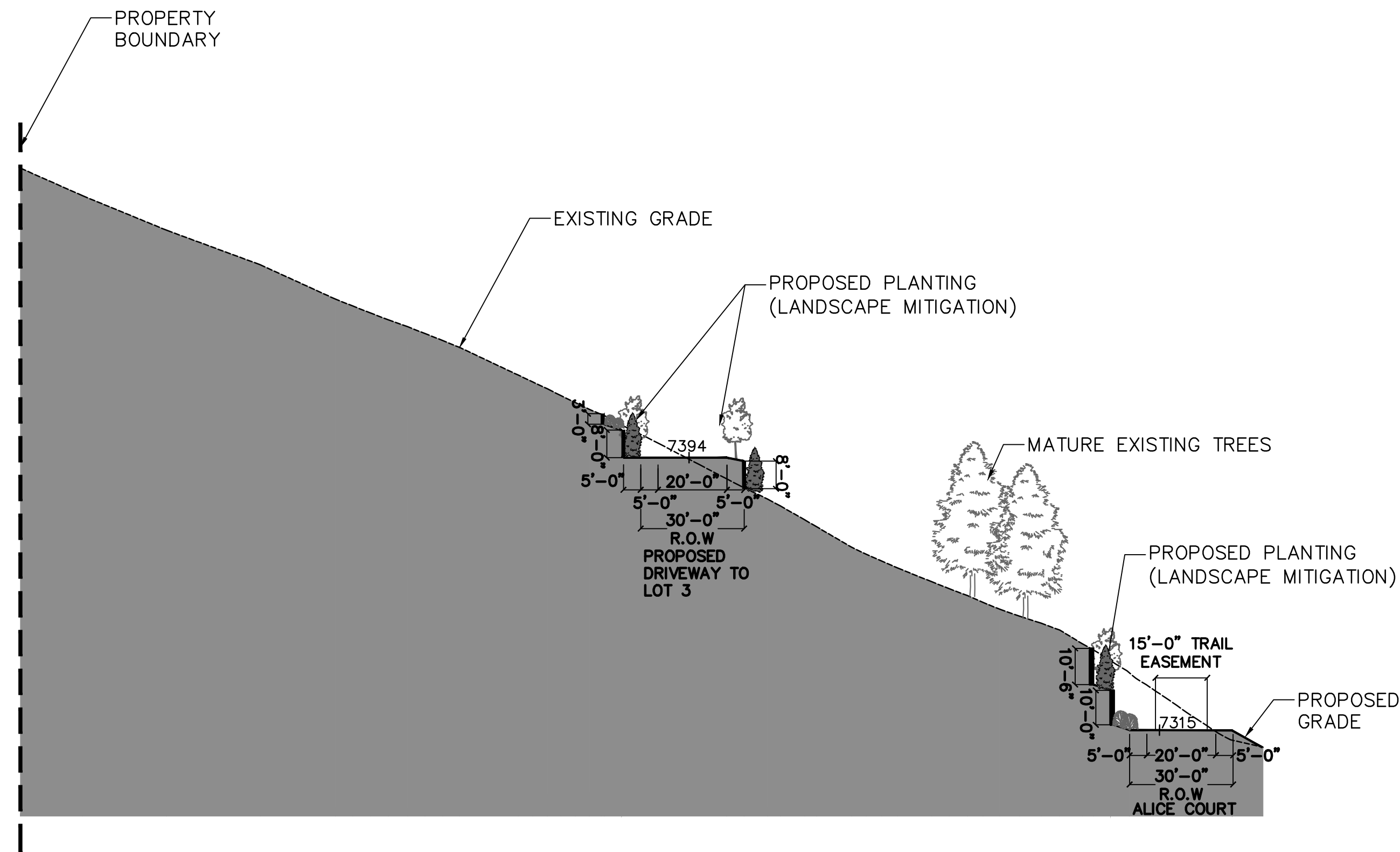
SITE SECTIONS KEY MAP

KING DEVELOPMENT GROUP, LLC
P.O. BOX 244
PARK CITY, UTAH 84060



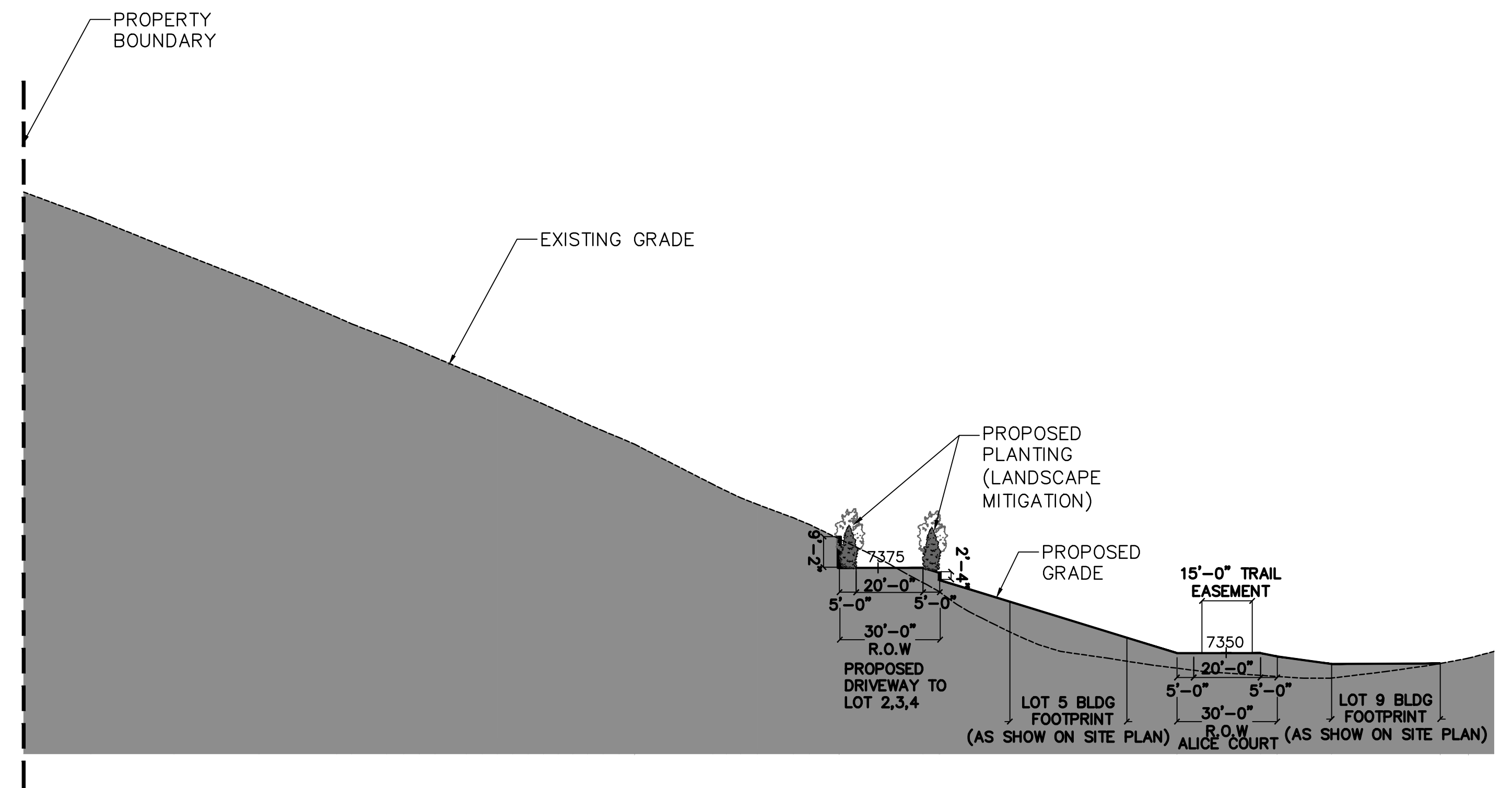
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DATE: MAR 16 2015

DHM DESIGN



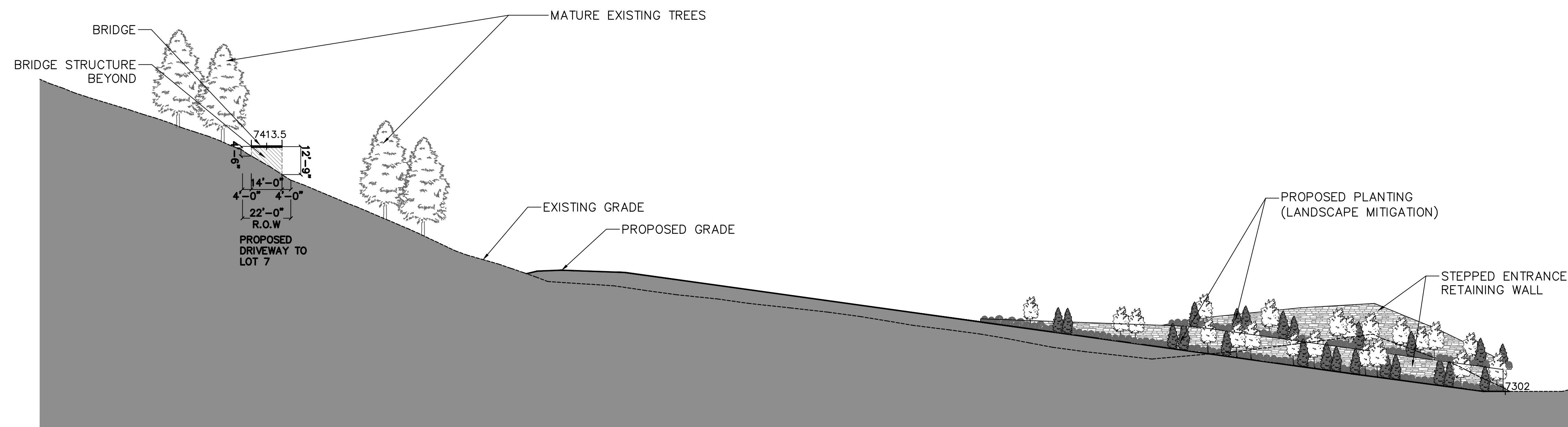
SECTION A

SCALE: 1"=30'



SECTION B

SCALE: 1"=30'



SECTION C

SCALE: 1"=30'

ALICE CLAIM

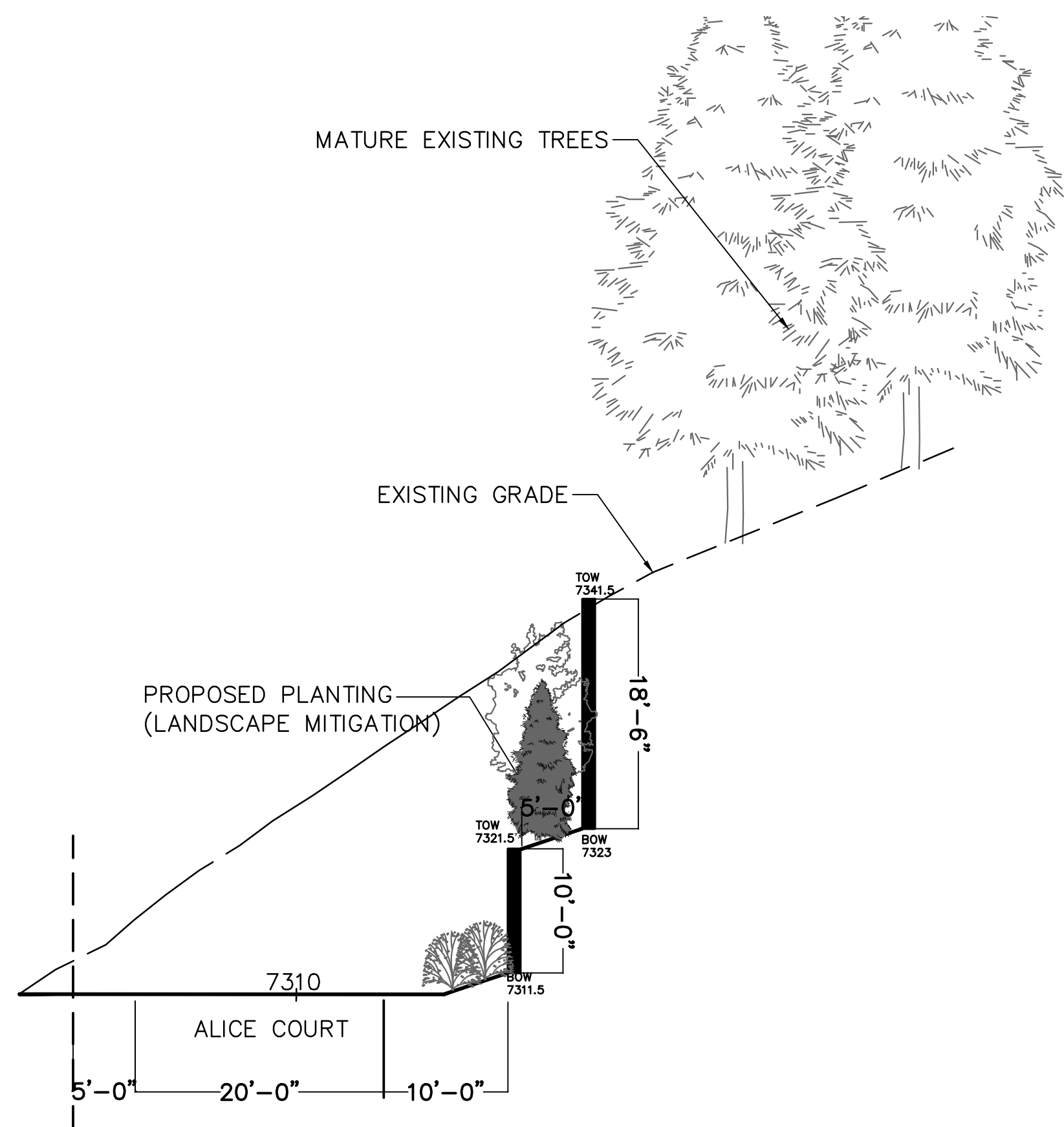
SITE SECTIONS

KING DEVELOPMENT GROUP, LLC
P.O. BOX 244
PARK CITY, UTAH 84060

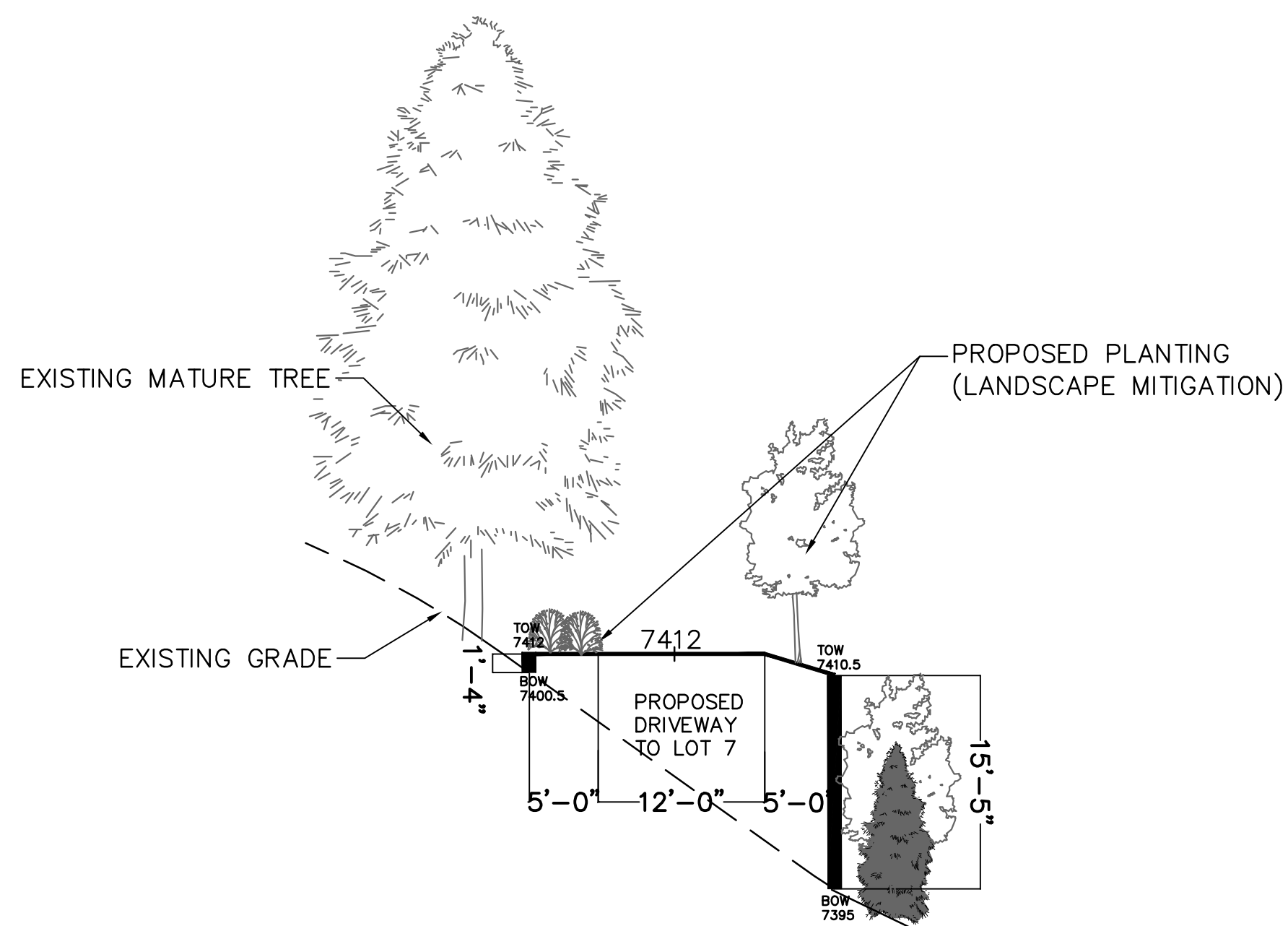


0 15 30 60
5 30
SCALE: 1"=30'-0"
DATE: MAR 16 2015

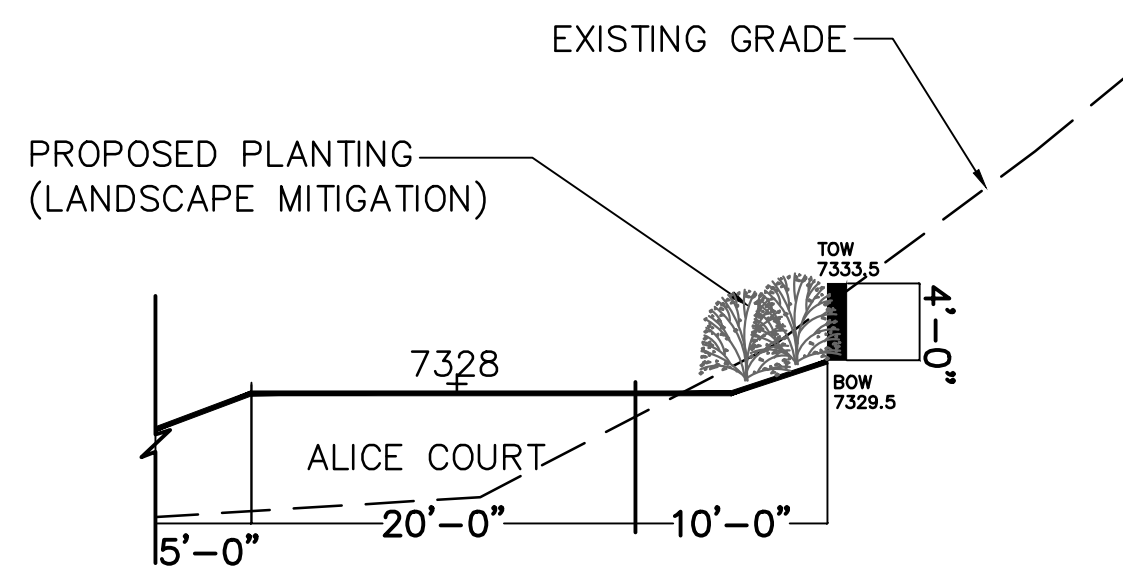
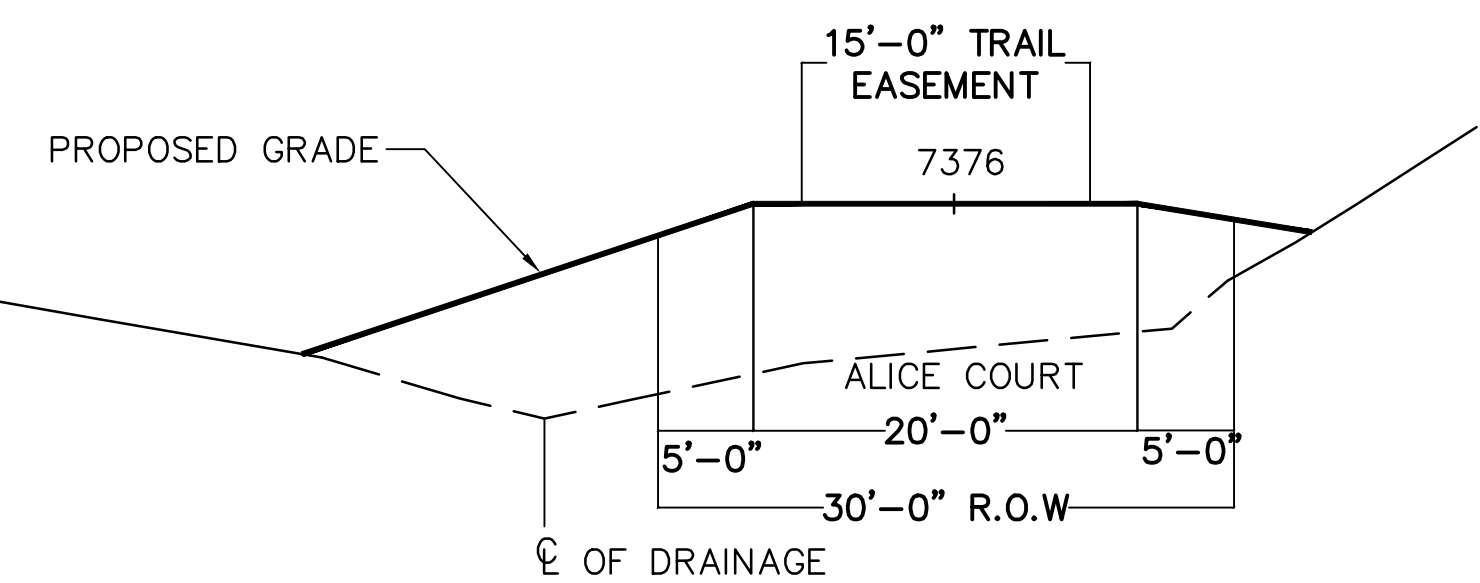




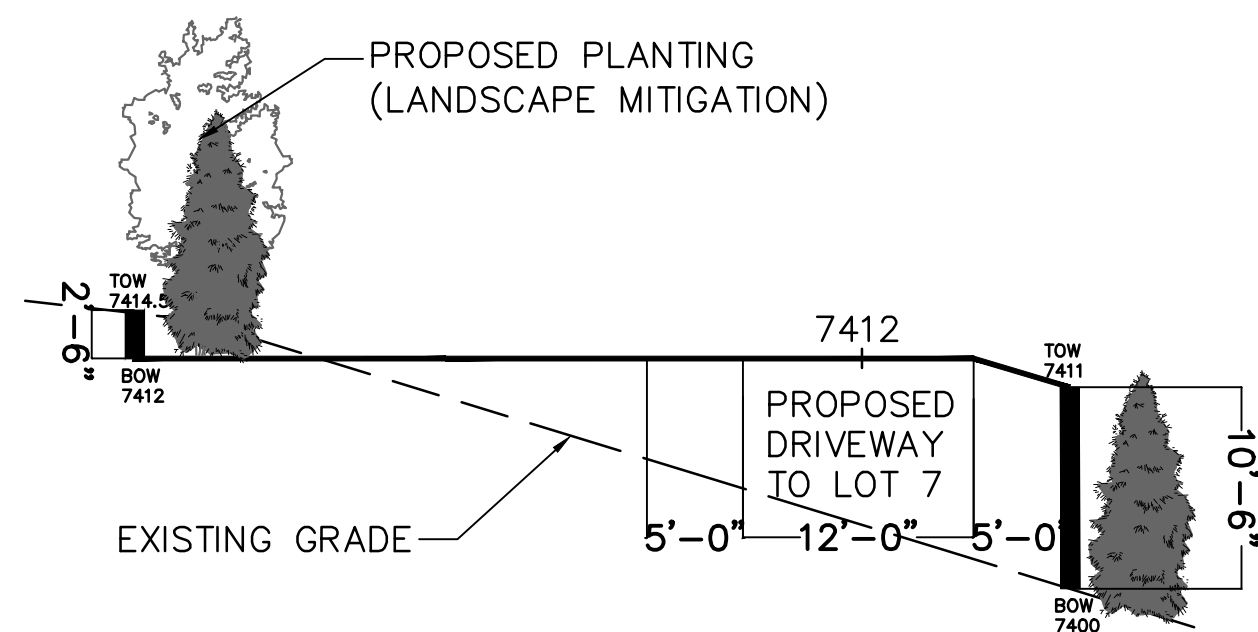
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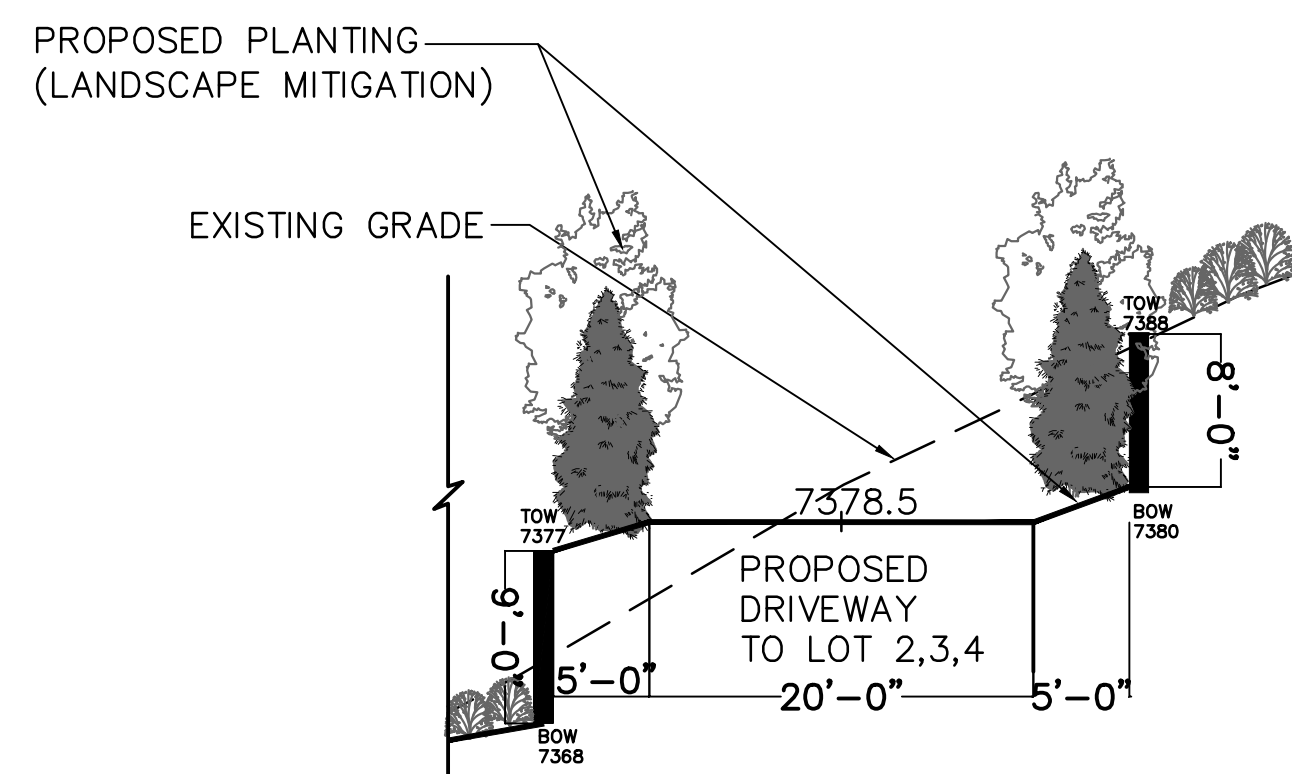
SECTION G SCALE: 1"=10'



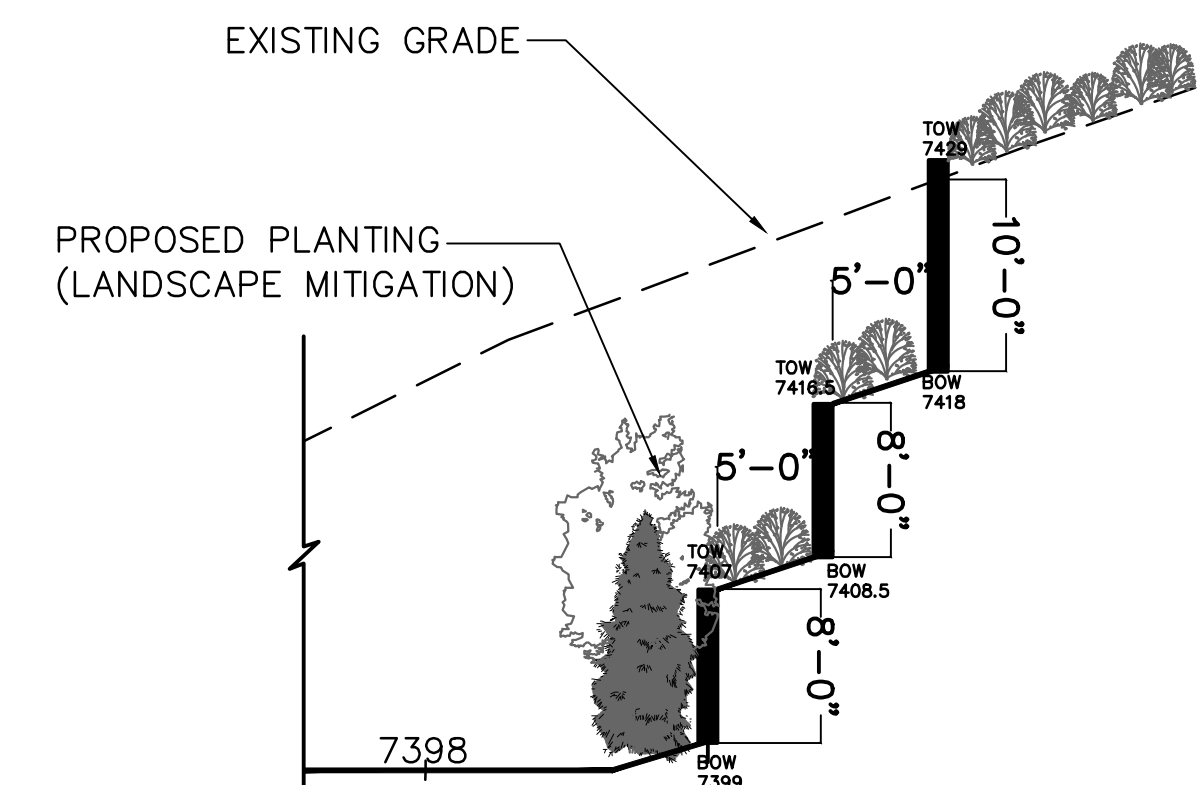
SECTION E SCALE: 1"=10'



SECTION F SCALE: 1"=10'



SECTION H SCALE: 1"=10'



SECTION I SCALE: 1"=10'

ALICE CLAIM

SITE SECTIONS

KING DEVELOPMENT GROUP, LLC
P.O. BOX 244
PARK CITY, UTAH 84060

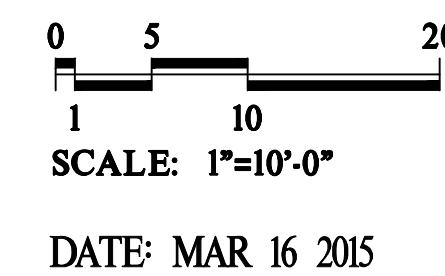
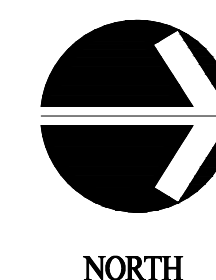


EXHIBIT P



SNYDERVILLE BASIN

WATER RECLAMATION DISTRICT

2800 HOMESTEAD RD, PARK CITY, UT 84098

WWW.SBWRD.ORG

T 435-649-7993

F 435-649-8040

February 17, 2015

Christy Alexander, AICP
Park City Planning Department
445 Marsac Ave.
P.O. Box 1480
Park City, UT 84060

Alice Claim Plat Review

Dear Ms. Alexander,

The Snyderville Basin Water Reclamation Districts (SBWRD) has been asked to review the referenced plat which we received as part of the Development Review Packet on February 10, 2015.

Extension of the public wastewater system will be necessary to provide service to the lots of this subdivision. The developer will need to follow the Line Extension Agreement (LEA) process as outlined in the SBWRD Development Procedures, Design Standards and Construction Specifications manual.

The following items require completion before we can sign the plat:

- 1) Final design approval by SBWRD of the wastewater system necessary to provide service to the lots of the subdivision.
- 2) Granting of easements for all new wastewater lines located outside of dedicated public roads. The easements must be granted on the standard SBWRD Grant of Easement documents. The easements must be shown on the plat with recording information indicated.
- 3) Other notes specific to wastewater service as determined by SBWRD during the design review process.
- 4) SBWRD Engineering Services Fees paid.
- 5) An Improvement Completion Agreement with required security established.

For your information, Stantec Engineering has scheduled a meeting with us on Thursday, February 19th to have our initial meeting regarding wastewater service for the current version of the development.

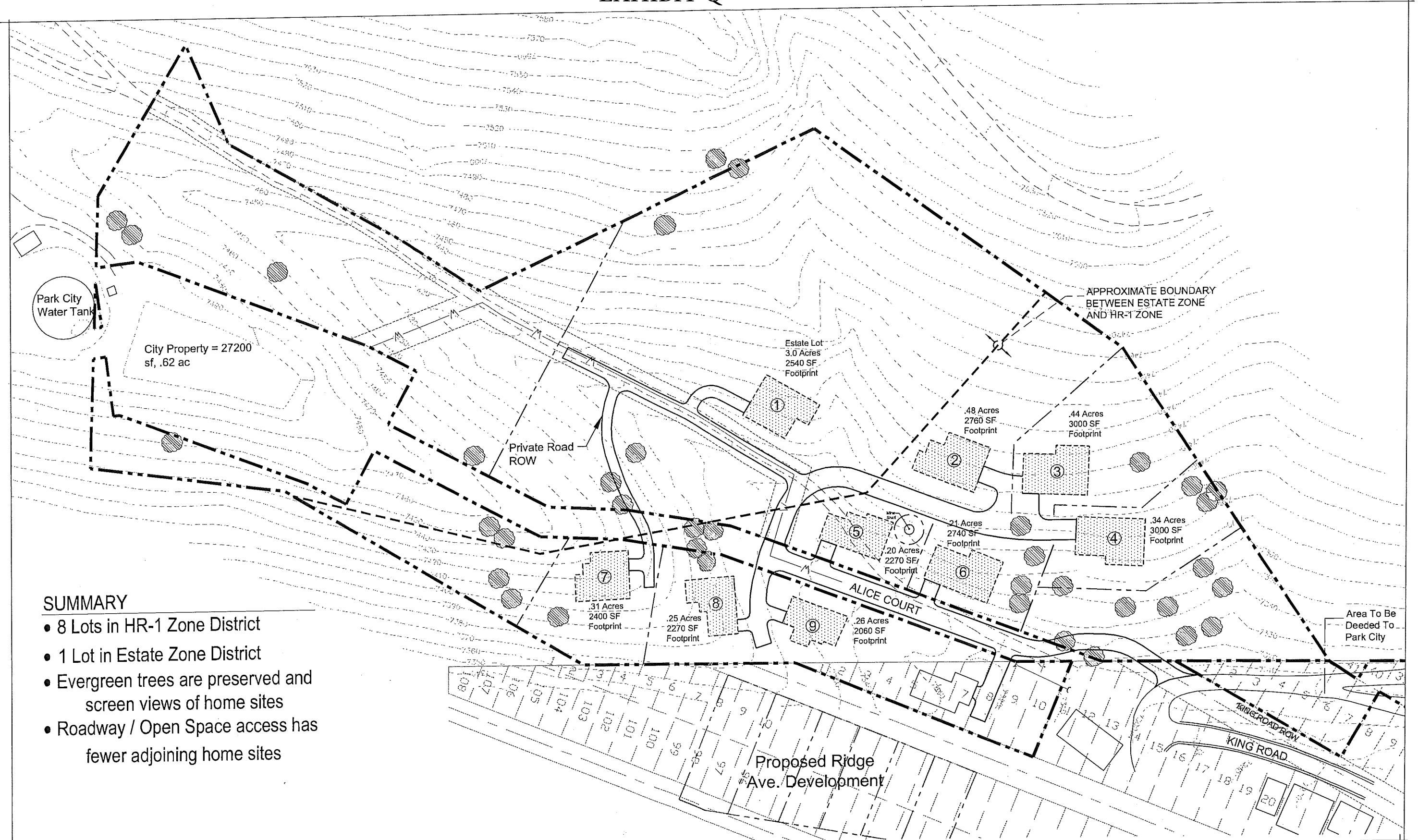
Please let me know if you have any questions.

Sincerely,

Bryan D. Atwood, P.E.
District Engineer

Cc: Stantec Engineering, Peter Duberow
Project File

EXHIBIT Q



SUMMARY

- 8 Lots in HR-1 Zone District
- 1 Lot in Estate Zone District
- Evergreen trees are preserved and screen views of home sites
- Roadway / Open Space access has fewer adjoining home sites

ALICE CLAIM

Planning Commission Meeting - April 8, 2015

SITE PLAN JAN 28, 2009

KING DEVELOPMENT GROUP LLC.
P.O. BOX 244
PARK CITY, UTAH 84060



0 20 40 80
SCALE 1"=40'-0"
DATE: MARCH 11, 2009

DHW DESIGN
LANDSCAPE ARCHITECTURE
LAND PLANNING
URBAN DESIGN

EXHIBIT R

PARK CITY PLANNING COMMISSION WORK SESSION MINUTES OCTOBER 8, 2014

PRESENT: Chair Nann Worel, Melissa Band, Steve Joyce, John Phillips, Adam Strachan, Doug Thimm, Thomas Eddington, Christy Alexander, Polly Samuels McLean, Assistant City Attorney

Commissioner Preston Campbell was excused.

The Planning Commissioner had a site visit to the Alice Claim mine prior to the meeting. Commissioners Campbell and Strachan were not present.

WORK SESSION ITEMS

Alice Claim aka Alice Lode Subdivision and Plat Amendment **(Application PL #14-02329)**

Due to a personal and business association with the applicant, Commissioner Phillips recused himself from this item and left the room.

Planner Christy Alexander reported that the Planning Commission had visited the site prior to the meeting. The applicants had staked out the proposed home locations. She noted that Commissioner Strachan was not present for the site visit, however, he had seen the site when this came before the Planning Commission in the past. Planner Alexander stated that the applicant was present with his design team and legal counsel. Chad Root, the Chief Building Official was present to answer questions. Mark Harrington and Polly Samuels McLean from the Legal Department were present to provide history and background on this project.

Planner Alexander reported that the Planning Department received a completed application on May 23, 2005 for the Alice Claim, also known as Alice Lode, subdivision plat amendment. The applicant was proposing a nine lot preliminary and final subdivision on 8.65 acres, and a plat amendment on .3 acres. The property is located approximately at the intersection of King Road and Sampson Avenue where Ridge meets. The property is in the HR-1 and Estate zones with a sensitive lands overlay primarily over the Estate lots.

Planner Alexander noted that the applicant had requested 30 minutes for their presentation this evening. The Staff report contained the history and timeline of events that have occurred since 2005, as well as the minutes from previous discussions on this application.

Planner Alexander had done an analysis and highlighted the key points related to the mine. She noted that there were issues with the access coming off of King Road, as well as the

slope, clustering of the homes and water delivery issues. The applicant intended to speak to those issues in their presentation and the Planning Commission would have the opportunity for discussion.

Mark Deemer with DHM Design handed out copies of the power point presentation.

Greg Brown, with DHM design, thanked the Commissioners for their time this evening and for visiting the site. He thought it was important to see the site and what they were proposing in terms of house locations, and to recognize some of the challenges they believed have been resolved through this process. They have been working with the Planning Commission for several years and they have made good headway. Mr. Brown stated that because most of the Commissioners were new, they would start with a summary of some of their general planning theories.

Mr. Brown introduced Jerry Fiat, the lead person on the development team. Other members of the development team present were Paul Levy and David Kagen. Brad Cahoon was legal counsel and Joe Tesch was also helping with legal issues.

Mr. Brown presented the elements of best planning that they started with when planning this project. He noted that much of it came out of the first few Planning Commission meetings. The intent was to create a low density project and the number has always been nine units. Mr. Brown stated that the subdivision piece, along with the HRL zone that would be a plat amendment is approximately 9 acres. The proposal is for nine units on a 9 acre parcel.

Mr. Brown stated that a major component was to limit the site disturbance. He presented images of the entire nine acres to show how they were keeping the development compacted into one portion of the site. It also allows them to maximize the open space. Mr. Brown believed the proposal was compatible with the surrounding neighborhood. In their presentation they were prepared to show examples of compatibility and why they think they are tied more to the HRL zone district to the north.

Mr. Brown stated that they had discussions with the previous Planning Commission about building height and how it should be designed. They envision a maximum 27' building height that is stepped back on the upper stories. Mr. Brown stated that they made an effort to design the project to save the majority of the evergreen trees, although he believed three trees would have to be removed.

Mr. Brown presented visual simulations to show that the project has limited visibility from the surrounding community.

Mr. Brown commented on the trails and noted that the existing trail would be maintained

through the project. They would work with the City for an easement or some other means to make sure there is a maintained access. He stated that the road is actually part of the trails system and all of the access points will be maintained and improved as much as possible.

Mr. Brown remarked that Sampson Road runs through a .38 acre parcel of land as part of this project. It is a small HRL zone district with 13 lots. That land would be deeded to the City and he assumed the City would place a road right-of-way.

Mr. Brown stated that as part of the work that has already been done, they will continue to make sure there is adequate access up to the water tank. They re-graded the road and made other improvements to make it easier for the trucks to access the water tank. The applicant will make sure that access is maintained.

Mr. Brown noted that this is a polluted site; however, they see it as a potential adaptive reuse model project. Mr. Brown stated that this project solved an extreme adverse impact on this community. There was a great deal of air and water pollution and this highly polluted site needed to be cleaned up. They met with the City officials prior to the applicant purchasing the property and talked about how this project could progress. He noted that the majority of the cleanup was on City land as well as the private lands. Mr. Brown stated that the cleanup project was from a voluntary cleanup program. The site was potentially going to become a Super Fund site and when that changed the EPA required the cleanup. He explained the cleanup process and noted that the cleanup plan is determined by the type of the potential development project. In this case the home sites were laid out and the cleanup was crafted around that layout. Typically a cleanup project is based on the land use and where those uses occur. Mr. Brown presented photos of the site immediately after the cleanup.

Mr. Brown presented a zoning map that showed the way the property was divided up within the City Master Zoning Plan. He indicated the Estate lot to the south. He pointed out a line that runs through the middle of the site, which defined the southern edge of the HR1 zone district. He indicated the contiguous parcels and noted that the one directly to the east is in the HRL zone and it was not part of this project. He had mentioned it because the applicant was required to inform the Planning Commission if they own any contiguous parcels. The parcel on the north end of the site was the HRL parcel that had Sampson Road running across it. That was the .38 acres they were planning on donating to the City for the roadway. He assumed there would be land left over for open space or however the City wanted to use it.

Mr. Brown noted that there were fairly steep sites in the HRL zone. In his opinion, the steepness of the terrain on the HRL sites, as well as their site, lends itself to spreading out the houses and making sure the roads run parallel to the contours with the houses on both

sides of it. It was one of the design criteria when looking at the site. Mr. Brown stated that it was also one of the design requirements for reducing the road grade to 14%.

Mr. Brown presented the site plan currently being proposed. They have been working on this project in various forms since 2009. The current plan was very similar to the 2009 plan that was included in the Staff report with minor modifications. He reiterated that it is eight lots in the HR-1 zoned district and one lot in the Estate zone. He indicated the evergreen trees that would be preserved. Mr. Brown identified the subdivision area, the HRL zone and the area of the proposed plat amendment that would be dedicated to the City.

Mr. Brown referred to comments in the Staff report about moving the houses down the hill. He noted that the images from early 2005 to 2007 originally had houses on the slope. At the request of the Planning Commission the homes were pushed down to cluster the homes as close as possible in the lower area. Mr. Brown stated that the slope of the hill from the location of the Estate lot to Lots 2 and 3 continues up the hill. They are not up or near any ridgeline. It is truly on the side slope of a very large hill that continues on. He believed the visual simulations they would show later in the presentation would make that very clear.

Mr. Brown stated that the applicant was proposing a 27' foot maximum building height. They were also proposing to reduce the building footprint to 2500 square feet. Mr. Brown remarked that the reason for wanting 2500 square feet is to be able to step the building up the hill. They also want to create horizontal home sites so the homes would not step up three to five stories like they were seeing in Old Town. The intent is to design two-story homes that are functional for families and easily accessible for older family members or people with accessibility issues. Mr. Brown stated that the applicant has agreed to a maximum of 5,000 square feet of floor area. He indicated the location of the public trail and where it would tie into the road that goes up to the water tank. They are very aware of making sure that the public trail remains usable.

Mr. Brown presented an image regarding the open space. He noted that the previous Planning Commissions and the applicant wanted to maximize the open space on this project. He indicated the 1.93 acres of open space designated on the Estate lot, which is 30% of the lot. The building envelope on the three acre Estate site would be defined to keep the building restricted to one area to protect the open space. Mr. Brown referred to the HR-1 zone and identified the two parcels of open space. Those are .72 acres, which is 21% of the entire HR-1 zone. He indicated the HRL zone district, which was the 0.388 acres that would be dedicated to the City. Mr. Brown remarked that the total open space would be 2.65 acres. The open space combined with the land dedication to the City results in 33% of the site. A third of the site would remain open space. They assumed it would be private open space, but if that was not the case they were open to having that discussion.

Mr. Brown pointed out that with a 2500 square foot footprint, only 4% of the site would be covered by homes. It is a small amount of development on a fairly large site.

Mr. Brown presented a graphic showing the trees that would remain and the three trees they were proposing to remove. He noted that one of the three trees is in fairly poor health and is damaged on one side. The other two need to be removed to accommodate the road access.

Mr. Brown presented an enlargement of the entry, which they had talked about during the site visit. He noted that the road they tried to walk up around the construction was the historic improved King Road. He commented on a dispute about whether or not it is a public road. At this point the applicant has not been able to gain access to that road over a parcel that is owned by someone else. He noted that the area shown in purple was the existing King Road right-of-way, which continues all the way up to the edge of the Alice Claim property. They were proposing to come off of Sampson Avenue and enter the site in that area to resolve the access issue. However, creating that access requires the removal of two of the large evergreen trees. Mr. Brown stated that the cut slope is over 20 feet tall and they believe the best solution would be a short retaining wall with a decorative finish. Mr. Brown presented the Sampson Avenue piece of road that currently runs through their private property. That was the piece of land that would be dedicated to the City.

Mr. Brown presented the visual simulations that were requested by the Staff several years ago. The Staff had suggested key visual analysis sites which included a high point from the other side of the valley, the south end of McHenry Avenue, and from the parking deck at the Marsac Building. He presented photos from the visual sites with the houses sketched in. Mr. Brown noted that the site was most visible from the high point simulation.

Mr. Brown presented compatibility drawings to illustrate the density and the layout of the Alice Claim project in relation to their immediate neighbors. He presented a drawing that he obtained from the City website showing some of the slopes in the area. Mr. Brown thought the drawing showed that the area of their immediate neighbors was over 40% slope. He pointed out that the majority of their site is 30% and higher and a significant portion is 40%. He stated that they were in a similar slope classification as their neighbors to the north. He believed that was part of what created the layout they were proposing.

Planner Alexander asked the Planning Commission to focus their comments on the subdivision process this evening. She reviewed the outstanding issues for discussion. She noted that one issue was to make sure the applicant did not exceed the 14% grade when proposing the roadway. She noted that the Fire Official has said that the access easement going up to the water tank could not exceed 10%. If they cannot meet the required grade, the applicant would have to obtain a variance from the Board of Adjustment before they could get approval on the Subdivision. They would also need a

Board of Adjustment variance to exceed the 14% required for the roadway before the Planning Commission could grant any approvals. Planner Alexander stated that the Fire Department also had issues with hammerhead turn around and making sure they had access to turn around in all the driveways.

Planner Alexander stated that the Steep Slope analysis found that 2.7% of the land was under 15%, 21.7% is 15-40% slope, defined as a steep slope, and 75.6% is over 40% slope. She pointed out that only Lot 1, the Estate Lot, was located within the Sensitive Lands Overlay.

Planner Alexander noted that clustering has been an item of discussion with the Planning Commissioner over the years. She reiterated that the applicant submitted the site plan in 2009, at which time the Planning Commission requested that they bring forth some alternatives to show different methods for clustering the homes. The applicant decided to use the 2009 site plan, and Planner Alexander requested that the Planning Commission discuss whether or not it meets the purpose of these zoning districts.

Regarding the water delivery issue, Planner Alexander understood that the applicant was working on modeling with the Water Department, but the Staff has not yet received confirmation from the Water Department that the project would meet the required pressure for the zone.

Commissioner Joyce stated that in looking at compatibility, he has concerns with the HR-1 District and the surrounding houses. He recognized that the project was somewhat secluded, but he believed they were still an extension of the existing neighborhood. Commissioner Joyce wanted to visit the site again and look at some of the surrounding houses. He indicated the piece labeled as the proposed Ridge Avenue development. In his opinion, that should also be included in the compatibility. He believed that development would be more traditional, historic Park City. Commissioner Joyce stated that those issues were important to him from the standpoint of HR -1 compatibility and compatibility with the surrounding neighborhoods. Commissioner Joyce requested that the Staff provide an analysis of what was around this site, above this site, and how it is all zoned and platted out as the plats exist today.

Commissioner Band was interested in hearing Commissioner Strachan's comments since he was on the former Planning Commission and knew the history of this project.

Commissioner Strachan asked if this was the same plat the Planning Commission saw in 2010. Mr. Brown replied that the plan was very similar. Commissioner Strachan had not noticed any significant changes.. Mr. Brown stated that the major difference was that the building envelopes had been added, primarily to address the footprint reduction to 2500 square feet.

Commissioner Strachan reiterated his comments from the 2010 meeting that the Estate lot was his biggest problem. It is on a slope that approaches close to 50% and it is in the SLO. He was unsure how they could mitigate the impacts on a 50% slope, particularly when they have to dig a road and do retaining. He believed that even with a 2500 square foot footprint and a structure no larger than 5,000 square feet, mitigating the impacts in the SLO zone would be an uphill battle. Commissioner Strachan stated that his questions regarding access were different this time than in previous years. He asked if they have never been able to access this project from the existing road.

Jerry Fiat, representing the applicant, explained that the historic access was a road but in 1997 a subdivision was approved. The subdivision created an easement for access to the water tank and created an easement for the public. It also created an easement for the two houses that sit behind so they could have access. Mr. Fiat stated that the access was also used to do the environmental cleanup. They have tried to purchase or affect access in some form over that property, but they were unsuccessful. Mr. Fiat reported that pre-2009, there was a consensus for this plan. He has notes fully supporting the plan and they were given the task of working with the neighbor to resolve the access issue because it was a stumbling block in the right-of-way. They tried for several years to reach an agreement with the neighbor, and finally came back and told the City that they were unable to resolve the access issues. Mr. Fiat stated that over time the Planning Commission changed, attitudes changed, and some of the requirements changed; and suddenly the plan that was accepted at one time was no longer acceptable.

Assistant City Attorney McLean noted that the Staff report contained minutes from several Planning Commission meetings and she recommended that the Planning Commission rely on those minutes. There was not a consensus per Adam Strachan. Ms. McLean also disputed that there was consensus for the plan.

Commissioner Strachan asked how far back of Sampson Avenue they would have to go before they start cutting south to make the new Alice Court. Mr. Brown assumed it would be 20-30 feet. Commissioner Strachan estimated that it would require a ten foot retaining wall. He was told that the retaining wall would be over 20 feet tall. Commissioner Strachan clarified that he was trying to be straightforward with the applicants so they would know upfront the difficult issues they were facing. He stated that the first primary issue was the Estate lot and the second were the impacts created by a 20' retaining wall. He suggested that the applicants come back with good ideas for how to mitigate the impacts on that steep of a slope, because that part of Sampson is over 42% based on the slope analysis. Commissioner Strachan remarked that the purpose statement of the HR-1 zone is to minimize the cut and fill and to minimize the damage to the environment as much as possible.

Commissioner Strachan was concerned about the term "private open space". It was an unfamiliar term that made him uncomfortable. He stated that open space that is only for the use of the units for very elite buyers is not community open space that can be used properly by the community. Mr. Fiat replied that the intention was not for the open space to be private. It was a matter of who would own and maintain it and they were still struggling with that issue. They would be happy to deed it to the City, Open Lands or any other group. Mr. Fiat clarified that it was not a question of ownership. It was part of the voluntary cleanup program and deed restrictions and maintenance of the site had to be done. Mr. Fiat stated that the lot sizes were set to make the footprint legal. They would be happy to reduce the lot sizes and deed 60% or 80% of the land as public space because it is not needed for the houses.

Commissioner Strachan was comfortable with the explanation of why they used the term private open space.

Commissioner Strachan noted that the applicant had agreed to a total square footage of 5,000 square feet for the structure. He assumed they had worked with the Staff on how that should be calculated, because from past experience the calculation differs from developer to developer. Mr. Fiat stated that he originally asked for the 5,000 square foot number to address a common problem in Old Town. A lot of buyers in Old Town want bedrooms on the same level as the master bedroom. However, with Old Town houses the rooms are split apart and the bedrooms are on different levels. The kitchen and living are not always on the same level and the access is not always on the same level as the kitchen and the living room. Mr. Fiat stated that they have a unique situation with project because they can retain all the soils on the site, they can create large enough footprints to avoid cutting the house into the hill, they can put three or four bedrooms on one level, and have the kitchen, living room and access on the same level. It takes 4,000 to 5,000 square feet to make that work and that was the idea for requesting 5,000 square feet. Mr. Fiat remarked that they were looking to build houses that have four bedrooms on one level and a living room, dining room and kitchen on another level because there is a big need for that type of house in Old Town.

Commissioner Strachan asked how they would calculate the square footage and whether basements or other components would be excluded from the calculation. Mr. Fiat replied that the 5,000 square foot number was designed to include 100% of the structure.

Commissioner Strachan requested to see a zoning map that shows the SLO overlay. He reiterated that the major problem was the Estate lot and the steepness of the slope. He noted that the SLO zone is the most protected zone in the LMC and he wanted to see exactly where the SLO zone is and how close the lots come to the SLO. Commissioner Strachan summarized that his initial concerns at this point were the Estate Zone, the cut and fill and retaining that would be done for the new road, and the open space allocation.

Commissioner Thimm thanked the applicants for the site visit. Commissioner Thimm shared the concerns with the slope in excess of 40% on some of the lots. He asked if it was possible to generate some cross sections and understand how the building envelopes and the building footprints were coming to rest on the land. He recalled a discussion during the presentation regarding the footprints and trying to be parallel with the contours wherever possible, and stepping back the footprint of the house as it rises up the slope. He asked if that would increase the footprint of the house. Commissioner Thimm remarked that being able to see cut sections cut through the steeper portions of the site that include the building envelopes would be helpful.

Mr. Fiat believed that some cross sections were included in the packet. They had additional materials that could have been presented but they were concerned about taking too much time. Mr. Brown referred to the cross section in the packet and explained that conceptually they were trying to show that the foundation would step, as well as the top of the building. Mr. Fiat clarified that the reason for requesting the larger footprint was to allow for the stepping without maximizing the square footage.

Commissioner Thimm asked if the 5,000 square foot maximum would include the parking garage. Mr. Fiat answered yes. Commissioner Thimm stated that when they were looking at the site they noticed some of the improved trails that are used a lot. He thought it appeared that the trails would be going across the lots. He wanted to know if there was a mechanism to make sure the trails remain accessible to the public. Mr. Fiat emphasized that they want the trails and they want people to use them. They had actually improved the trails from how they were. Mr. Fiat commented on the different trails that would remain and be maintained.

Commissioner Thimm stated that as they walked the site there was a lot of discussion about roadways and driveways being within a 14% slope. He recalled a comment by Planner Alexander that the fire department was concerned about access exceeding 10%. He asked if that had been looked at or whether it was something the applicant had just heard it for the first time. Mr. Fiat replied that they were unaware of it until this evening. He was confused because Planner Alexander had also mentioned access to the water tank, and the historic grade going up to the water tank was at 18%. Planner Alexander stated that the comment from the Fire Department was included in the email she had sent the applicant earlier in the week. Mr. Brown offered to look into it. He acknowledged that it would be problematic.

Commissioner Thimm asked if the specific building envelopes that were being established would become part of the approval. Mr. Fiat answered yes. Mr. Brown noted that the building envelope were somewhat tied to the cleanup operation. They would encounter other problems by going outside of the established envelopes. Mr. Fiat explained that the

building envelopes could not be changed without changing the voluntary cleanup. The certificate of completion is tied into this particular plan.

Commissioner Band asked for an explanation of their earlier comment regarding the ability to reduce the lot size. A representative for the applicant indicated an area to the east that could be made into open space and still allow the 2500 square feet building footprint based on City Code. He noted that Lots 7 and 8 are large lots that could accommodate additional open space. It would create an open space buffer nearly surrounding the site. However, the question would be who owns it and who maintains it.

Commissioner Band wanted to know how much of the lot is cleared around the footprint site. The area is heavily wooded and she was aware of the fire concerns. Mr. Fiat thought they could create an exhibit showing the limits of disturbance. Commissioner Band stated that a visual taken around the site would also be helpful. She agreed with the request by other Commissioners for a larger map to see how it relates to the rest of the HRL zone. Mr. Fiat identified the HRL zoned areas. The area shown in purple was HR-1. Mr. Fiat believed the intent was to go HR-1, then HRL and then Estate. He thought the HR-1 should have been HRL, but it was forgotten about and left as HR-1.

Commissioner Strachan stated that page 154 of the packet, which was the Google map showing where the lots are, should be included in every submission because it is a good benchmark to show where the houses might be.

Chair Worel had nothing new to add. Her fellow Commissioners had asked the questions and addressed her concerns. She thanked the applicants for their thoroughness with the power point presentation and the packet of information they provided.

Brad Cahoon, legal counsel representing the applicant, stated that the materials that were submitted to the Planning Department to be added to the record inadvertently included some exhibits that contained confidential discussions that took place. Their intent was to show for the record that discussions were continuing. They never intended to submit the subject of what was discussed. Mr. Cahoon identified the items. Exhibit 37 that was submitted with their materials was a group of emails identified in that exhibit. Exhibit 13, paragraph 17, after the phrase, "the meeting occurred February 2013", had subparagraphs that they would like to redact from the record. Prior to the a formal public hearing they would make sure to correct the documents. However, for the purpose of this work session he wanted it acknowledged on the record.

Joe Tesch, legal counsel representing the applicant, noted that their exhibits in the packet were mixed up in the numbering. They had created a new packet with the correct numbering sequence for the Commissioners to take with them this evening. Mr. Cahoon noticed that in the binder what he had identified for redaction was not actually redacted.

He recommended that they make those changes before handing out the exhibits.

The Work Session was adjourned.

EXHIBIT S

Mean Building Footprints By Zone (Sq. Ft.)

Estate Zone: 5,438.76
HRL Zone: 1,540.15
HR-1 Zone: 1,482.24

Daly Ave: 1,465.44
King Rd: 1,342.31
Sampson Ave: 1,619.58
Ridge Ave: 2,076.72

Legend

	Ridge Ave Buildings	Zone Type
	Sampson Ave Buildings	 E
	King Rd Buildings	 HR-1
	Daly Ave Buildings	 HRL
	Estate Zone Buildings	
	HR-1 Zone Buildings	
	HRL Zone Buildings	

EXHIBIT T FEHR & PEERS

Alice Claim TIS

King Road/Ridge Ave. Intersection Evaluation

The purpose of this evaluation was to provide a detailed engineering review of the proposed Alice Claim site access and King Road/Ridge Avenue intersection design. This additional analysis was undertaken to provide response to comments from the Park City Engineer. Exhibits 1-3 present the Fehr & Peers findings and recommendations.

Exhibit 1

Presents the sight distance for the King Road/Ridge Ave. intersection:

- Corner Sight Distance (Based on the AASHTO guidelines) will work with new proposed access, but not ideal during winter months due to snow build up.
- Conflicts could still arise due to current road alignment – Vehicles exiting new site going down King Road and large vehicles coming up making the hairpin right.
- A new stop sign for vehicles exiting the Alice Claim project has been added.

Exhibit 2

Presents modifications for the existing King Road/Ridge Ave. intersection:

- An All Way stop would improve sight distance issues, potential for conflicts could still exist as noted on previous exhibit.
- Relocate existing western stop sign.
- Recommend adding MUCD R1-4 (All Way to existing signs).
- Exhibit 2A presents the turn analysis (access mobility) for a fire truck entering Alice Claim.

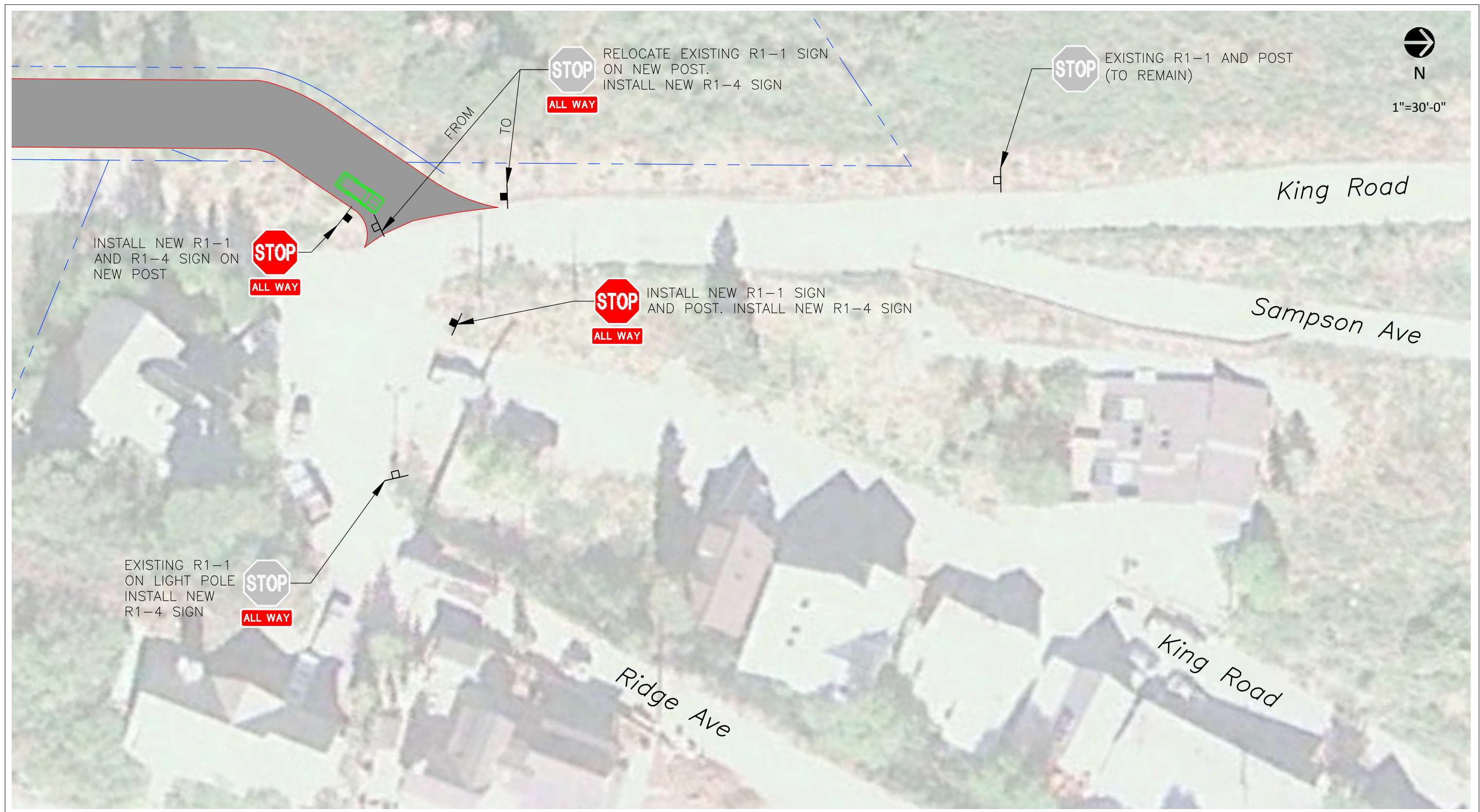
Exhibit 3

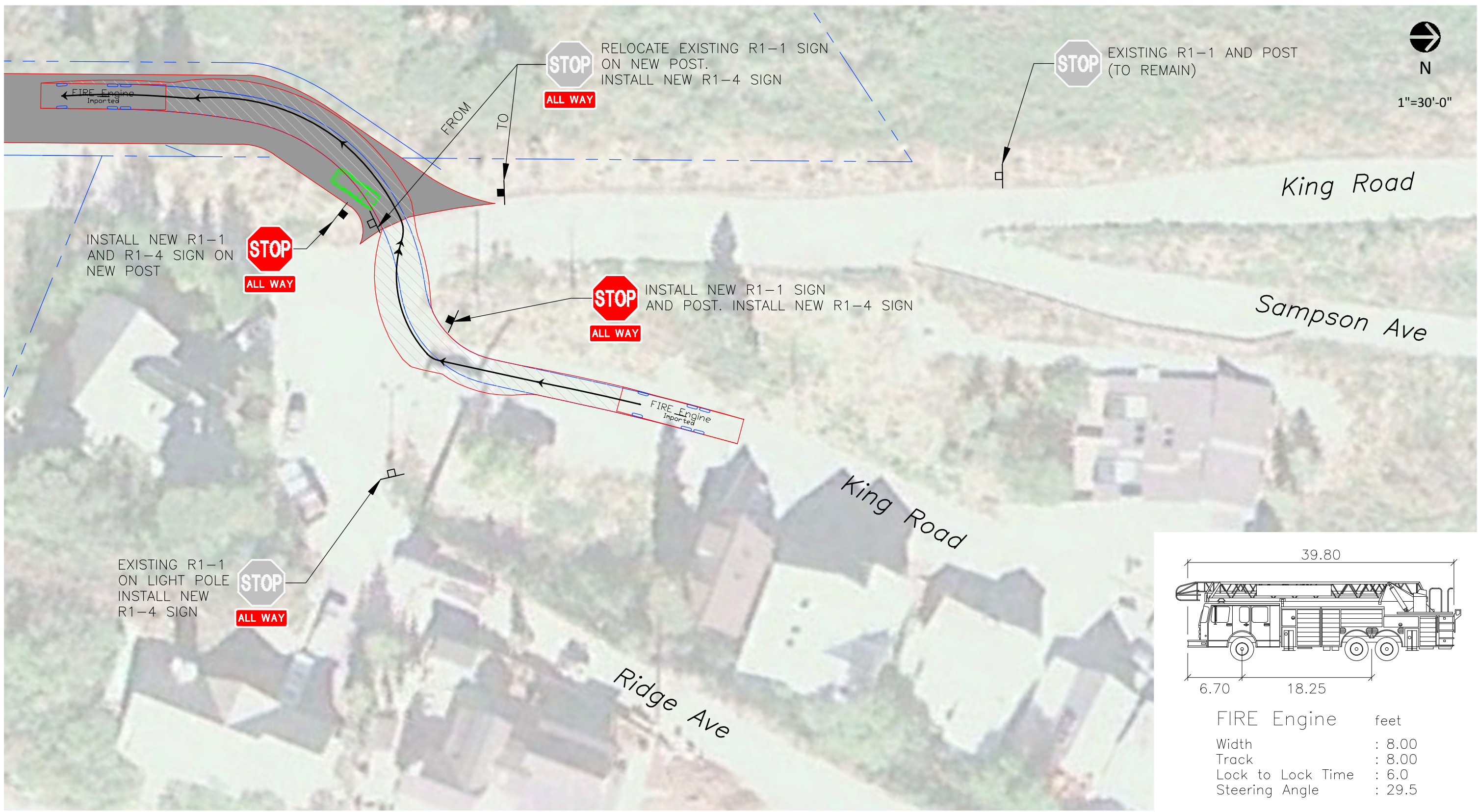
Details the proposed King Road/Ridge Ave. intersection developed by Fehr & Peers

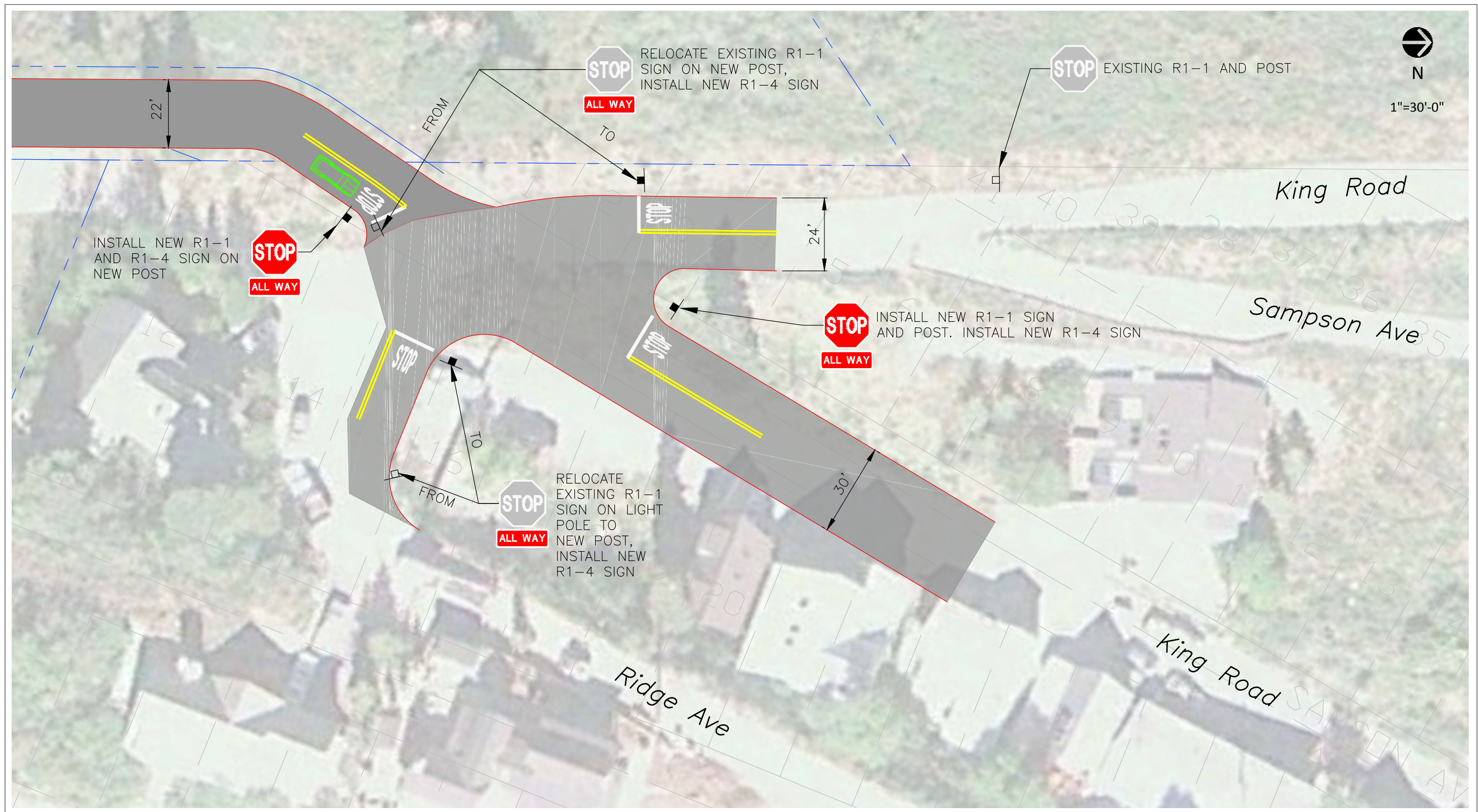
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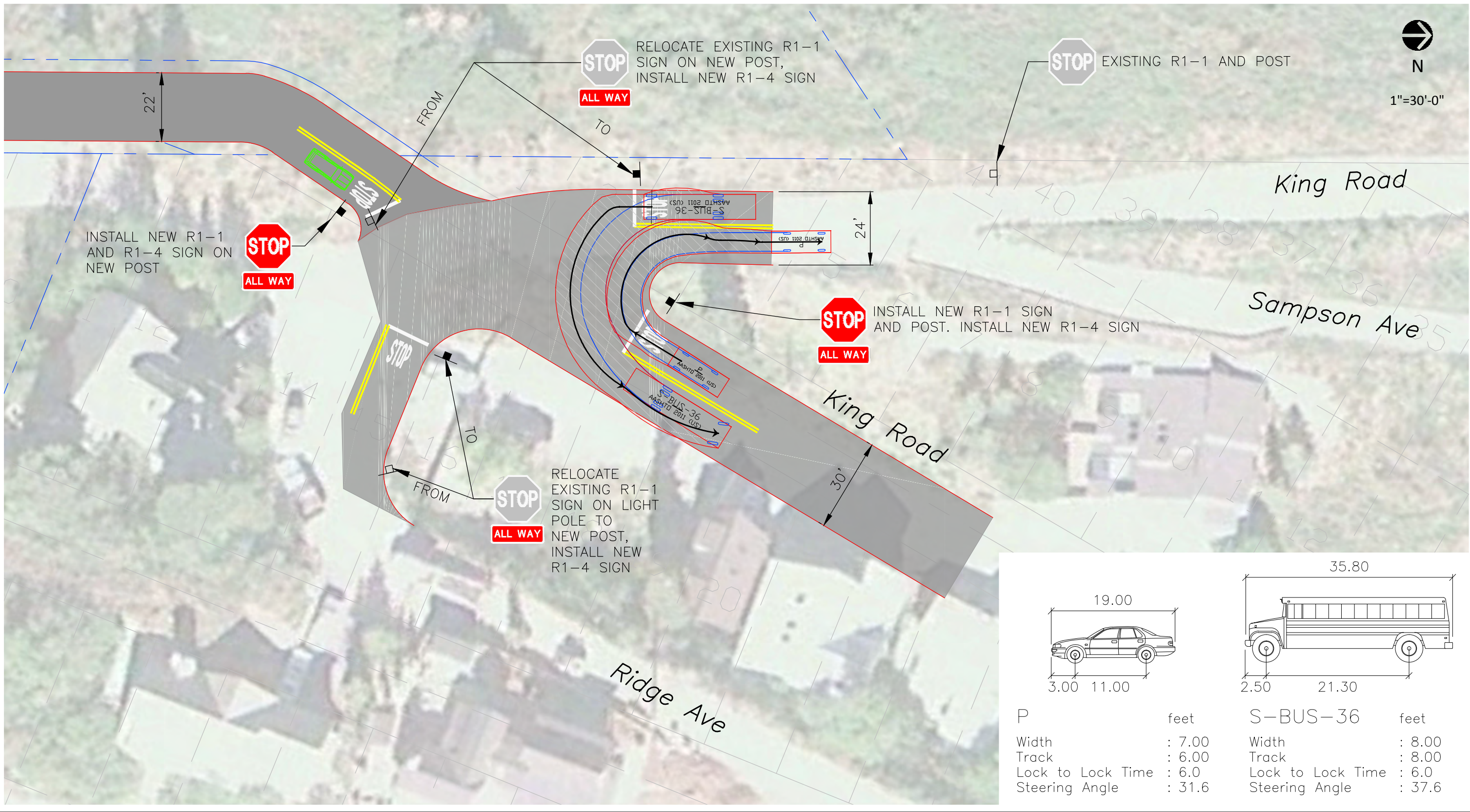
- Minimizes potential conflicts.
- Greatly improved sight distance down King Road.
- King Road traveling south to the project access could be tapered to the King Road/Ridge Ave. intersection.
- Relocate existing western stop sign.
- Recommend adding MUCD R1-4 (All Way to existing signs).
- Given land acquisition costs and impacts to existing homes, improvements may be impractical or prohibitive.
- Exhibit 3A presents the turn analysis north bound from King Road.













Planning Commission Staff Report

Subject: Alice Claim - Conditional Use Permit for Retaining Walls up to 20' in Height
Project Number: PL-15-02669
Author: Christy Alexander, AICP, Planner II
Date: April 8, 2015
Type of Item: Administrative – Conditional Use Permit

Summary Recommendations

Staff recommends the Planning Commission conduct a public hearing, review the proposed CUP for 8 locations of retaining walls up to 20' in height associated with the proposed Alice Claim Subdivision and Plat Amendment, and consider approving the CUP according to the findings of fact, conclusions of law, and conditions of approval outlined in this report.

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

Description

Applicant: King Development Group, LLC ("Applicant" or "King Development")
Location: Alice Claim south of intersection of King Road, Ridge Avenue and Sampson Avenue
Zoning: Historic Residential (HR-1) and Estate (E) Districts with Sensitive Lands Overlay (SLO)
Adjacent Land Uses: Open Space and Residential (developed and undeveloped)
Reason for Review: Conditional Use Permits require Planning Commission review and approval

Proposal

The Applicant is requesting approval of a Conditional Use Permit (CUP) for retaining walls up to 20' in height to stabilize cut and fill slopes for roadway and house construction. The walls are proposed to be real blonde sandstone veneer. The wall at the entry of the proposed Alice Claim Subdivision will be the most visible to surrounding neighborhoods but will be screened with landscaping that is proposed to soften the visual impacts of the stone wall as will the other 7 proposed walls.

Background

On May 23, 2005, the City received a completed Plat Amendment application for the Alice Claim Subdivision (also known as "Alice Lode"). The Alice Claim is located within the Historic Residential (HR-1) and Estate (E) Districts with Sensitive Lands Overlay (SLO) zoned property south of the King Road, Sampson Avenue, Woodside Gulch and

Ridge Avenue intersection. The property is comprised of 8.65 acres and includes platted lots and a "metes and bounds" parcel. Contiguous to this site are Historic Residential Low (HRL) zoned lots under the same ownership. The rest of the contiguous Lots are within the Park City Survey (Lots 1-7 and 36-40, Block 77) and are partially encumbered by existing King Road and Sampson Avenue; thus rendering portions of them undevelopable.

The subdivision and plat amendment application are being considered concurrently with this Conditional Use Permit application which was submitted on January 23, 2015 and deemed complete on January 23, 2015.

This area, historically known as Woodside Gulch, has some mining history and served as an early access to the Silver King Mine further up the gulch. Currently, access to the property and City owned water tank is through an existing unpaved access roadway across the subject property. The access for the water tank is provided by a recorded grant of easement (see Subdivision Layout within Exhibit A).

Currently, legal access to the property is proposed to be gained through the platted but un-built King Road right-of-way. This access point is approximately 50 feet west (off-set) of the King Road – Ridge Avenue intersection where King Road turns north. Ideally, the primary access would be through the existing Woodside Gulch right-of-way, thus avoiding the need to build a new road, however this access isn't possible because legal access has not been secured over the private property at 135 Ridge Avenue. The Applicant states that the King Road right-of-way access (north access) would create a driveway gradient of 14% versus 14.2% for the Woodside Gulch road. The proposed northern access would also require retaining walls (upwards of 20 feet in height) on the western side as the road would cut into the toe of the slope would protect the existing mature trees as the Planning Commission in 2010 requested. Without access over the private property at 135 Ridge Avenue, the Applicant's only proposed access is using the platted King Road right-of-way.

The Applicant is proposing 8 blonde sandstone veneer retaining wall locations with walls up to 20' in height at various locations placed at the entrance to Alice Court, along the eastern side of the road going to Lots 3 & 4, and the western side of the road going to Lot 2, in between Lots 2 & 3, the northern side of the drive going to Lot 7, the southern side of the drive going to Lot 7, and the northern side and southern side of the drive immediately adjacent to Lot 7 (see illustrations in Exhibit D) to stabilize cut and fill slopes for roadway and house construction.

Analysis

The Land Management Code (LMC) 15-4-2. Fences and Retaining Walls sets the following standards for process for the construction of retaining walls in excess of 6' from Final Grade:

- (A) Location. Retaining walls may be erected or allowed within the buildable Area, and as allowed in the Setback exceptions in Chapter 2. Retaining walls

shall not exceed six feet (6') in height measured from Final Grade within any required Rear Yard or Side Yard. Within any required Front Yard or Street Side Yard, retaining walls shall not exceed four feet (4') in height, measured from Final Grade.

(1) Exception. The height of retaining walls in the Front Yard may exceed four feet (4'), measured from Final Grade subject to approval by the Planning Director and City Engineer, and may exceed six feet (6') in height subject to approval of a Conditional Use permit.

The height of retaining walls in the Side or Rear Yards may exceed six feet (6'), measured from Final Grade, as approved as part of a Conditional Use permit.

(D) Permit. A Building Permit is required for construction of any retaining wall greater than six feet (6') in height. Within any of the Historic zoning districts construction of any retaining wall greater than four feet (4') in height requires a Building Permit.

The LMC 15-1-10. Conditional Use Review Process sets the following standards for review of Conditional Use Permits:

There are certain Uses that, because of the unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent land Uses, may not be Compatible in Some Areas or may be Compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

If the reasonable anticipated detrimental effects of a proposed Conditional Use cannot be substantially mitigated by the proposal or imposition of reasonable conditions to achieve compliance with applicable standards, the Conditional Use may be denied.

(D) Standards for Review. The City shall not issue a Conditional Use permit unless the Planning Commission concludes that:

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

Staff finds that the application **complies as conditioned** with the four standards above and have been mitigated as detailed below:

(1) the Application complies with all requirements of this LMC; **complies.**

The LMC 15-5-5. Architectural Design Guidelines sets the following standards for prohibited materials within the City:

(B) (6) Synthetic stone products such as simulated stone or brick, cultured stone or brick, pre-cast stone or concrete imbedded with stone fragments.

Complies. The applicant proposes to use a blonde sandstone veneer which is a real stone which is allowed within the City.

The 2009 Design Guidelines for Historic Districts and Historic Sites (which are incorporated into the LMC by reference in LMC 15-11-11) help define compatibility with surrounding structures, etc. This is a separate process and all retaining walls will be required to go through the Historic District Design Review process. In order to comply with the HDDR criteria the Applicant will need to comply with the following section within the Historic District Design Guidelines but these criteria aren't tied to the CUP: Specific Guidelines for new construction in Park City's Historic Districts A.4. Site Grading and Steep Slope Issues sets the following guidelines:

A.4.1. Building and site design should respond to natural features. New building should step down/up to follow the existing contours of steep slopes.

A.4.2. The site's natural slope should be respected in a new building design in order to minimize cuts into hillsides, fill and retaining walls; excavation should generally not exceed one-story in depth.

A.4.3. When retaining walls are necessary, the impact should be minimized by creating gradual steps or tiers, by using perennial plant materials to minimize visual impact, and by using forms and materials found on surrounding Historic Sites.

B.2.5. Materials should be compatible in scale, proportion, texture, finish and color to those used on Historic Sites in the neighborhood.

B.2.6. Materials, especially stone and masonry, should be used in the manner they were used historically.

The LMC 15-1-10. (E) Review. sets forth the review process as follows: 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;
- (2) Traffic considerations including capacity of the existing Streets in the Area;
- (3) Utility capacity, including Storm Water run-off;
- (4) Emergency vehicle Access;
- (5) Location and amount of off-street parking;
- (6) Internal vehicular and pedestrian circulation system;
- (7) Fencing, screening, and landscaping to separate the Use from adjoining Uses;
- (8) Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots;
- (9) Usable open space;
- (10) Signs and lighting;
- (11) Physical design and compatibility with surrounding structures in mass, scale, style, design and architectural detailing;
- (12) Noise, vibration, odors, steam, or other mechanical factors that might

- affect people and Property off-site;
- (13) Control of delivery and service vehicles, loading and unloading zones, and screening of trash and recycling pickup Areas;
 - (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, and
 - (15) Within and adjoining the Site, 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.

Staff finds that the proposed application does not completely mitigate but with the recommended conditions of approval could mitigate the impacts of:

- (3) utility capacity within the roads adjacent to the proposed walls as the Applicant has not properly engineered the roads or retaining walls. The impact of this is that the weight of the walls and/or placement of the utilities near the walls could significantly damage and negatively impact the public utilities and infrastructure. This could easily be mitigated with the following condition: City Engineer and SBWRD approval of the engineered plans of the walls and utility plan;
- (7) screening and landscaping to separate the walls from adjoining uses. This creates a negative visual impact upon the historic district and surrounding neighborhoods. This could easily be mitigated with the following conditions: adding in 20% more trees than currently shown at a minimum height of 10 feet;
- (8) building mass, bulk and orientation as the walls are massive in height, mass and orientation within the Historic District and approximately 4 times the height of the majority of retaining walls within the District. This creates a negative visual impact upon the historic district and surrounding neighborhoods. This could be mitigated with the following condition: further terracing the walls two more steps on each wall;
- (11) physical design and compatibility with surrounding structures as the walls are not compatible in size. This creates a negative visual impact upon the historic district and surrounding neighborhoods. This could easily be mitigated with the following condition: further terracing which staff recommends should be required for two more steps as well as incorporate additional landscaping with 20% more trees than currently shown at a minimum height of 10 feet; nor
- (15) environmentally sensitive lands, physical mine hazards, historic mine waste and steep slopes have not been properly addressed in these locations. This presents a negative health, safety and welfare impact. This could easily be mitigated with the following condition: Receive a Certificate of Completion for the VCP from UDEQ and Steep Slope CUPs for the adjacent homes.

Other large retaining walls within or nearby the historic districts can be found along Hillside Dr., around the north side of City Hall and near the Echo Spur subdivision but do not compare in size to the proposed height of the Alice Claim retaining walls and

none of these walls were for private development. They were completed for Public ROW improvements. Those walls have been properly mitigated through multiple terracing, adequate landscaping or homes that completely hide the height of the walls. The walls around City Hall are not immediately adjacent to homes and do not surround a residential use. Staff finds that the walls as proposed are far in excess to those heights typically found within the residential historic districts, do not adequately terrace with the landscape, there is some but not adequate mitigation to the adverse visual impacts upon the adjacent and neighboring community. The landscape screen of Aspen trees and columnar evergreens as proposed will not appropriately screen the extreme heights of the walls as you can see from Exhibit D. The walls that are proposed to be screened when homes are built have not been shown as such. Staff recommends that the Applicant. The Applicant did revise their plans Submitted in January 2010 to incorporate a terracing of the entry wall and the wall in between Lots 2 & 3 but only terraced one step more so as to save the mature vegetation and trees. Staff recommends requiring two steps more in each location so as to decrease the height of each wall and requiring the applicant to replace any existing mature trees in kind or with 3 smaller trees. Staff also recommends requiring that the walls be landscaped more with 20% more trees than is shown on the proposed plans submitted March 16, 2015.

Engineering, Building, Water and Sewer Departments had concerns that the retaining walls may be placed over utility lines or the weight of the retaining walls will impact the adjacent roads, thus impacting the utility lines and no engineering of the walls has been completed to date to mitigate these concerns.

Any approval or denial of the CUP should be concurrent with recommending approval or denial of the proposed subdivision and plat amendment, meaning one cannot be approved or denied without the Planning Commission finding the other acceptable for approval or denial. The reason being that if the CUP is not approved or needs modification then it may change the site plan of the subdivision layout regarding house or road placements. The subdivision will not be approved until City Council review. No building permit can be issued until the plat is recorded.

Department Review

This project has gone through an interdepartmental review. Issues were brought up at that time by Snyderville Basin Water Reclamation District, Water Department, City Engineer, Building Official, and the Planning Director. A final utility plan, including storm water plan, sewer, water, dry utilities will be required to be reviewed by each respective utility to mitigate their concerns with how the utilities within the roadways will be impacted with the location and weight of the retaining walls. Snow shedding and storage will need to be addressed as well as the width of the roads adjacent to the retaining walls.

A final Historic District Design Review (HDDR) is required for each wall in the historic district prior to issuance of a building permit. The landscape plan shall also be reviewed with the HDDR.

Notice

The property was posted and notice was mailed to property owners within 300 feet on February 11, 2015. Legal notice was also published in the Park Record on February 6, 2015 and on the public notice website in accordance with the requirements of the LMC on February 9, 2015.

Public Input

Staff has received public inquiries from surrounding neighbors about the height and visual impacts of the proposed CUP but no written comments have been sent in at the time of this report. Any public comment received prior to the meeting will be forwarded to the Planning Commission.

Process

The Planning Commission takes final action on Conditional Use permit applications. Approval or denial of a conditional use permit may be appealed to the City Council according to LMC Section 1-18. Prior to building permit issuance, approval of a Historic District Design Review application is required and any conditions of approval of the CUP, if approval is granted, must be met.

Alternatives

- The Planning Commission may approve the Conditional Use Permit conditioned or amended, or
- The Planning Commission may deny the Conditional Use Permit and direct staff to make Findings for this decision, or
- The Planning Commission may continue the discussion on the Conditional Use Permit to a date certain and provide direction to the applicant and/or staff to provide additional information necessary to make a decision on this item.

Significant Impacts

There are no immediate significant fiscal impacts to the City from this application. If construction on the site were permitted, it will require a detailed Construction Mitigation Plan (CMP) to protect existing development located near the proposed subdivision. Site stabilization might also be an important consideration depending upon the amounts of vegetation proposed to be removed as a result of the proposed development. A draft geotechnical report has been previously submitted and reviewed. Previous mining activities, strong ground motion, slope stability, debris flow and avalanche, shallow bedrock and perched groundwater are the most significant engineering geology and geotechnical aspects which could affect design and construction at the site. Many of the retaining walls will be visible from Old Town and be 4 times as high as any other residential retaining walls within the Historic District as proposed. If the walls are further tiered, some of the mature trees will be impacted. Utility services have expressed detrimental impacts to the roads and underground utilities contained therein with the weight that such high walls impact the roads if not tied back properly. The walls may not be on top of any utility lines so that the lines may be properly maintained. The walls may also raise issues with snow storage and were not incorporated into the cross-valley visual analysis that the Applicant provided for the subdivision.

Consequences of not taking the Suggested Recommendation

The adjacent roadways to the retaining walls and future utilities could not be built thus no homes could be built within the property.

Recommendation

Staff recommends the Planning Commission conduct a public hearing, review the proposed CUP for 8 locations of retaining walls up to 20' in height associated with the proposed Alice Claim Subdivision and Plat Amendment, and consider approving the CUP according to the findings of fact, conclusions of law, and conditions of approval outlined in this report.

Findings of Fact

1. The property is located at the intersection of King Road, Ridge Avenue, Woodside Gulch and Sampson Avenue (approximately), within the Historic Residential (HR-1) and Estate (E) Districts and Sensitive Lands Overlay (SLO).
2. The proposal includes nine (9) lots on 8.65 acres.
3. The property is a "metes and bounds" parcel with contiguous platted lots.
4. A City water tank and land owned by the City is adjacent to the subject property on the south end, and a City-owned parcel bisects the subject property. The City water line does not run within the City owned property, but rather is located within a prescriptive easement on the subject property.
5. The applicant previously undertook a voluntary remediation of the regulated soils on the site, which included soil remediation both in the Alice Claim 8.49 acre portion and within a 1.7 acre portion of the adjoining City property.
6. The property can only be accessed through the platted King Avenue right-of-way as the owner cannot secure legal access through the Woodside Gulch easement.
7. The new roadway would require excavation and 8 locations of blonde sandstone veneer retaining walls up to and possibly in excess of twenty feet (20') in height placed at the entrance to Alice Court (two walls consisting of 10' and 10'6" high), along the eastern side of the road going to Lots 3 & 4 (one wall 15' high), and the western side of the road going to Lot 2 (one wall consisting of 7' high), in between Lots 2 & 3 (3 walls approximately 7', 8' and 16' high), the northern side of the drive going to Lot 7 (one wall 20' high), the southern side of the drive going to Lot 7 (not identified), and the northern side (not identified) and southern side (one wall 5' high) of the drive immediately adjacent to Lot 7.
8. The retaining walls have not been engineered as of the date of this report and would require the City Engineer to approve the engineered plans.
9. Historic District Design Review applications are required for any construction of retaining walls within the historic districts or any lots adjacent to the historic district.
10. Snow storage, guardrails and lighting are elements of the retaining walls that require City Engineer and Planning Director approval.
11. Impacts created by the proposed retaining walls include utilities; visual impacts of physical design, screening, compatibility and massing/scale; and environmental.
12. Water Service may not be available to most of the proposed development sites

(proposed Lots) within the development as currently designed. The applicant will be responsible to determine what portion of the property is serviceable by the current water system, or propose acceptable mitigation and if the proposed walls will negatively impact the utilities.

13. Sewer Service may not be available to the proposed development sites. The applicant will be responsible to determine this with Snyderville Basin Water Reclamation District and if the proposed walls will negatively impact the utilities.
14. Proposed roads with utilities that are not private driveways next to the retaining walls are required to be 20' wide and are shown as such on the plat.
15. The application for the Alice Claim CUP was deemed "complete" by the Planning Department on January 23, 2015.
16. Staff findings in the Analysis section are incorporated herein.

Conclusions of Law

1. The CUP, as conditioned, is consistent with all requirements of the Park City Land Management Code.
2. The CUP, as conditioned, is consistent with the Park City General Plan.
3. The proposed walls as conditioned will be compatible with the surrounding structures in use, material, scale, mass, circulation and mitigation with the slope of the landscape.
4. The effects of any differences in Use, material, scale, mass and landscaping of the proposed walls have been properly mitigated through careful planning and conditions of approval.

Conditions of Approval

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. The plan shall include a phasing, timing, staging, and coordination of construction with adjacent projects to address mitigation of neighborhood impacts due to the volume of construction in this neighborhood.
3. City Engineer review and approval of all construction, including grading, utility installation, public improvements and storm drainage plans, and all construction within the ROW, for compliance with City and Fire District standards, is a condition precedent to building permit issuance.
4. Planning Director and City Engineer will review the final design and materials for any necessary retaining walls and the proposed roads adjacent to the retaining walls. The maximum height of the retaining is not to exceed 20 feet above existing grade.
5. Snyderville Basin Water Reclamation District review and approval of the utility plans near the retaining walls for compliance with SBWRD standards and procedures, is a condition precedent to building permit issuance.
6. A final utility plan for roads near any retaining walls is required to be approved by the City Engineer prior to issuance of a building permit. The City Engineer will review the final construction documents and confirm that all existing utilities will not be impacted near the retaining walls and anticipated utilities will be located in accordance with the site plans as submitted.
7. A Historic District Design application shall be submitted prior to submittal of a

- building permit application for the retaining walls.
8. A building permit will be required to build any roads and retaining walls.
 9. A final landscape plan and guarantee shall be submitted with the Historic District Design Review for approval by the Planning Department prior to issuance of a building permit for the retaining walls. The landscaping shall be complete prior to issuance of a final certificate of occupancy for the lots within the Alice Claim subdivision. The landscape plan shall provide mitigation of the visual impacts of the retaining walls and mitigation for removal of any existing Significant Vegetation. Prior to removal of any trees, an arborist report shall be provided to the Planning Department for review. The arborist report shall include a recommendation regarding any Significant Vegetation proposed to be removed and appropriate mitigation for replacement vegetation. The guarantee shall address site restoration in the event there is a work stoppage in excess of 180 days, including removing any partially constructed retaining wall(s).
 10. The Conditional Use Permit will expire on April 8, 2016, if a building permit has not been issued.
 11. The Planning Department and City Engineer will review any proposed guardrail and lighting considerations at time of final design.
 12. The City Engineer must approve any snow storage requirements near the retaining walls prior to building permit approval.
 13. This CUP is conditioned upon the Alice Claim Subdivision receiving plat approval and plat recordation. All conditions of approval of the Alice Claim Subdivision Plat must be adhered to.
 14. No building permits shall be issued until the Alice Claim Subdivision plat is recorded.
 15. All proposed retaining walls shall be further terraced two tiers and additional landscaping shall be incorporated by 20% what is shown on the proposed illustrations.
 16. If any retaining wall disturbs existing mature trees, the trees shall be replaced in kind as close to the original location as possible or with three smaller trees.
 17. The City Engineer and SBWRD must approve of the engineered plans for the walls and utility plan prior to building permit approval;
 18. The Applicant must show an addition of 20% more trees than currently shown on the March 16, 2015 plans at a minimum height of 10 feet, to be approved by the Planning Director.
 19. The Applicant must show further terracing the walls two more tiers on each location than is shown on the proposed plans submitted March 16, 2015, to be approved by the Planning Director;
 20. The Applicant must receive a Certificate of Completion for the VCP from UDEQ and Steep Slope CUPs for any adjacent homes prior to building permit approvals.
 21. Any substantial changes as determined by the Planning Director to the proposed location of retaining walls or site plan (dated March 16, 2015) of the Alice Claim Subdivision will void this approval and the applicant must complete a new application and return to the Planning Commission for approval.

Exhibits

Exhibit A – Site plan

Exhibit B – Perspective Rendering
Exhibit C – Site Sections
Exhibit D – Wall Illustrations
Exhibit E – Landscape Mitigation of Site Walls Plan
Exhibit F – Certified Topo
Exhibit G – Vicinity & Zoning Map
Exhibit H – Vegetative Cover
Exhibit I – Slope Analysis
Exhibit J – Visual Analysis

EXHIBIT A

LEGEND

- LOT BOUNDARY
- LIMIT OF DISTURBANCE/ BUILDING ENVELOPE
- BUILDING FOOTPRINT
- PROPOSED CONTOUR
- PROPOSED RETAINING WALL
- TRAIL EASEMENT

LOT TABLE

LOT NO.	ZONE	TOTAL (SF)	TOTAL (ACRE)	LIMIT OF DISTURBANCE (SF)	LIMIT OF DISTURBANCE (ACRE)	ALLOWABLE BUILDING FOOTPRINT(SF)	BUILDING FOOTPRINT (SF)
1	ESTATE	130909	3.01	4970	0.11	N/A	2500
2	HR-1	7852	0.18	7540	0.17	2525	2500
3	HR-1	7866	0.18	5636	0.13	2527	2500
4	HR-1	7909	0.18	5915	0.14	2535	2500
5	HR-1	7812	0.18	6410	0.15	2518	2500
6	HR-1	8145	0.19	5915	0.14	2576	2500
7	HR-1	7998	0.18	7731	0.18	2551	2500
8	HR-1	7560	0.17	6262	0.14	2471	2471
9	HR-1	7164	0.16	6480	0.15	2394	2394

SUBDIVISION

- 8 LOTS IN HR-1 ZONE DISTRICT
 - MAXIMUM 0.19 ACRE LOTS
 - MAXIMUM 2500 SF FOOTPRINT
- DEFINED DISTURBANCE ENVELOPES
- 1 LOT IN ESTATE ZONE DISTRICT
 - DEVELOPED PER L.M.C.
- EVERGREEN TREES ARE PRESERVED AND SCREEN VIEWS OF HOME SITES

PLAT AMENDMENT

- 0.38 ACRE HRL ZONE
- LOTS DEDICATED TO CITY

NOTE:

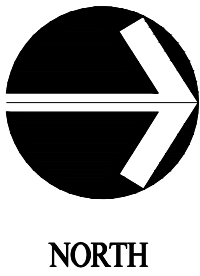
- LOTS #123 AND 129 OF ADJACENT RIDGE AVENUE SUBDIVISION ARE OWNED BY KING DEVELOPMENT GROUP, LLC
- ROADS LESS THAN 26' WIDE SHALL BE MARKED NO PARKING ON BOTH SIDES OF THE ROAD



ALICE CLAIM

SITE PLAN

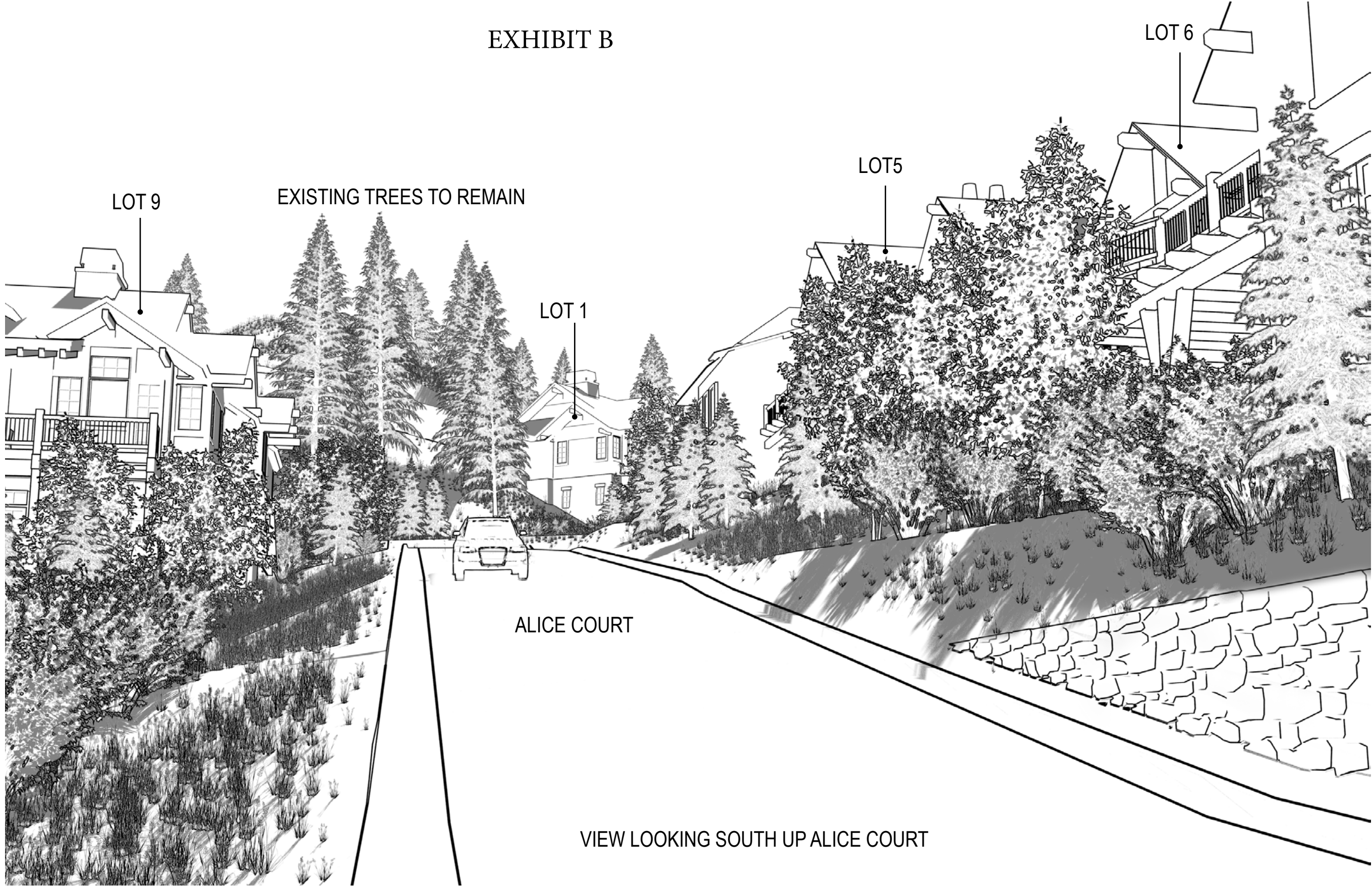
KING DEVELOPMENT GROUP, LLC
P.O. BOX 244
PARK CITY, UTAH 84060



0 10 50
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SCALE: 1"=50'-0"
DATE: MAR 16 2015



EXHIBIT B



ALICE CLAIM

PERSPECTIVE RENDERING

KING DEVELOPMENT GROUP LLC.
P.O. BOX 244
PARK CITY, UTAH 84060

DHM DESIGN

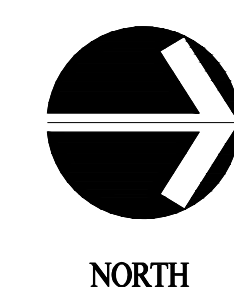
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ALICE CLAIM

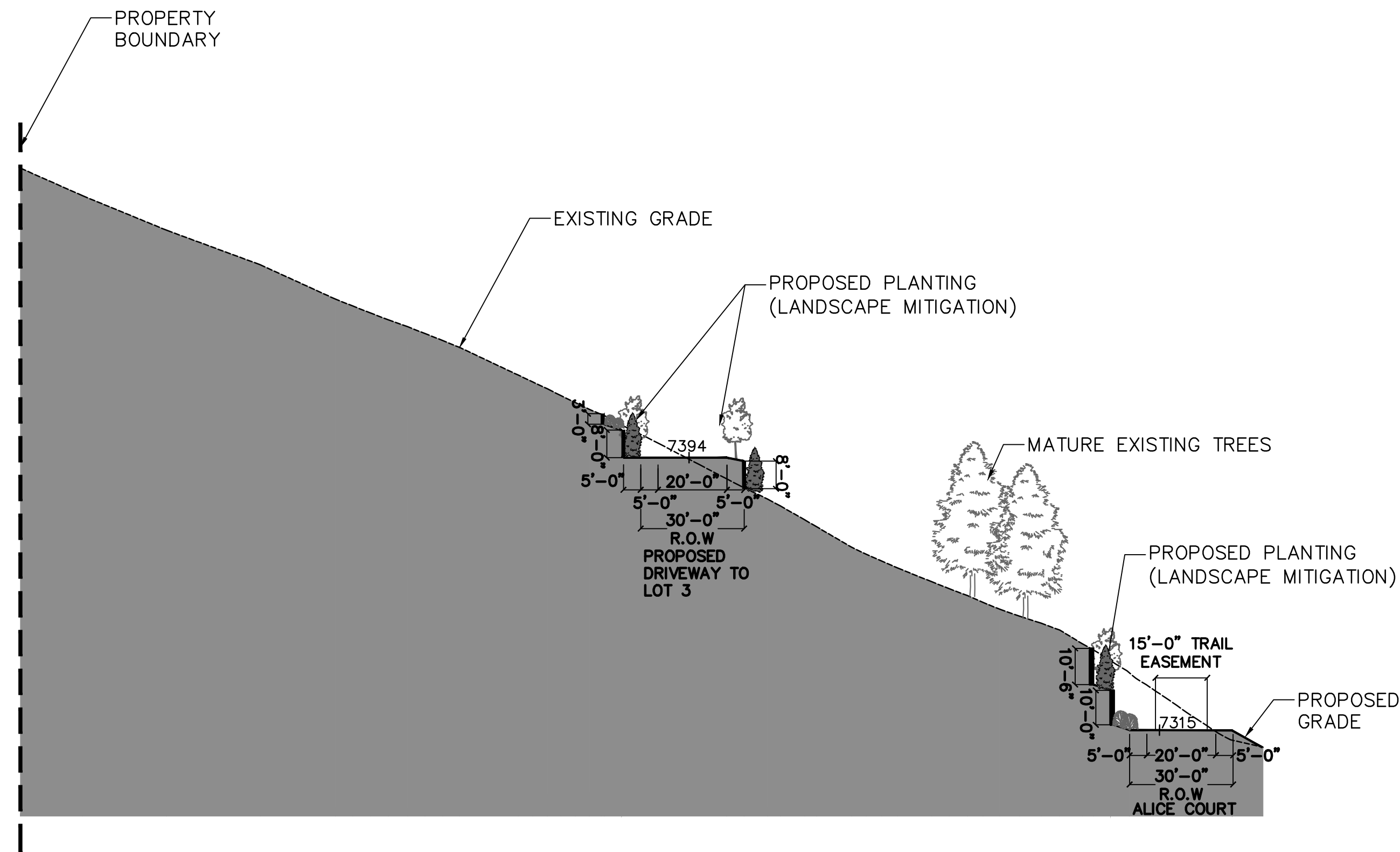
SITE SECTIONS KEY MAP

KING DEVELOPMENT GROUP, LLC
P.O. BOX 244
PARK CITY, UTAH 84060



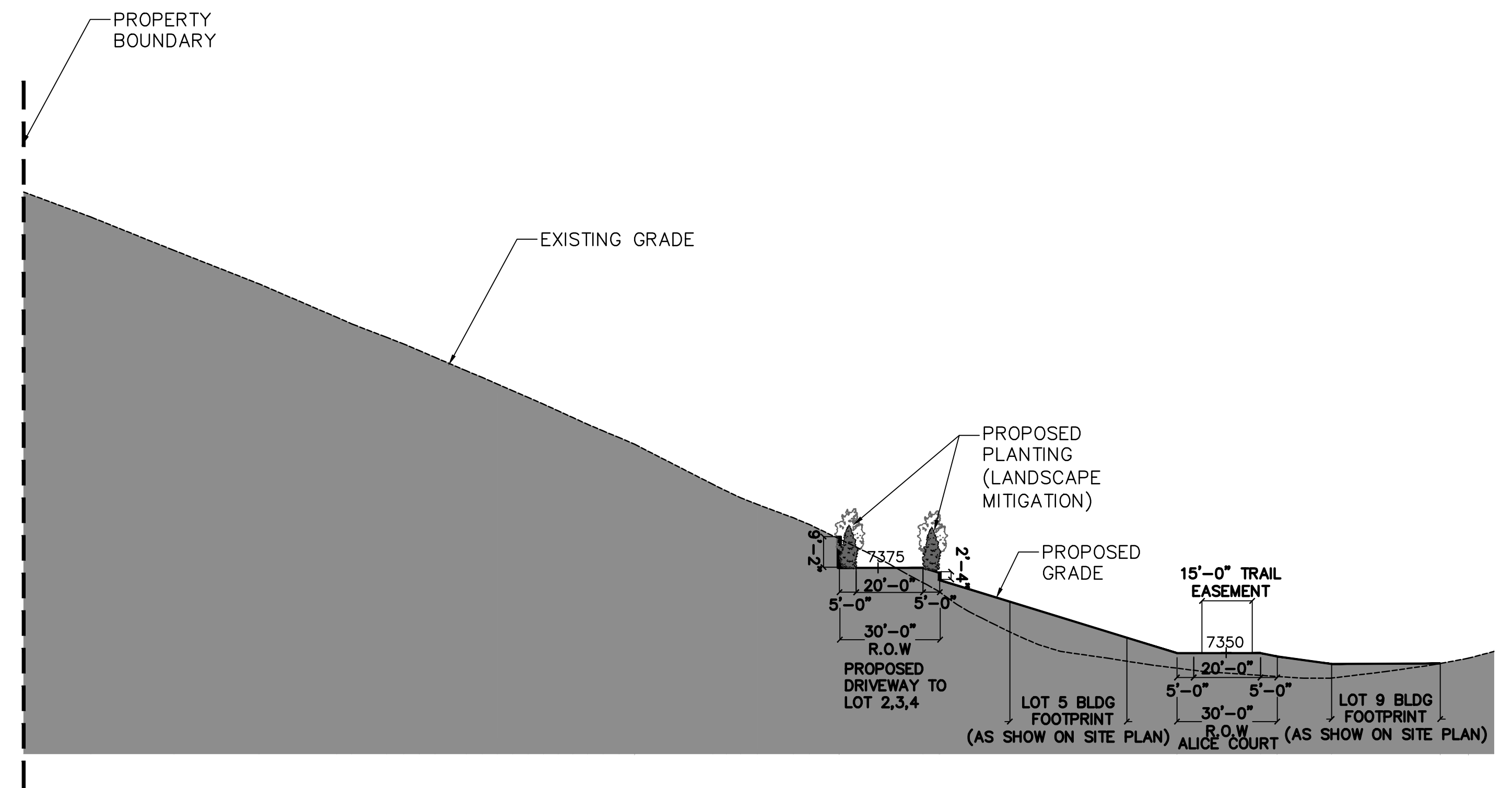
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DATE: MAR 16 2015





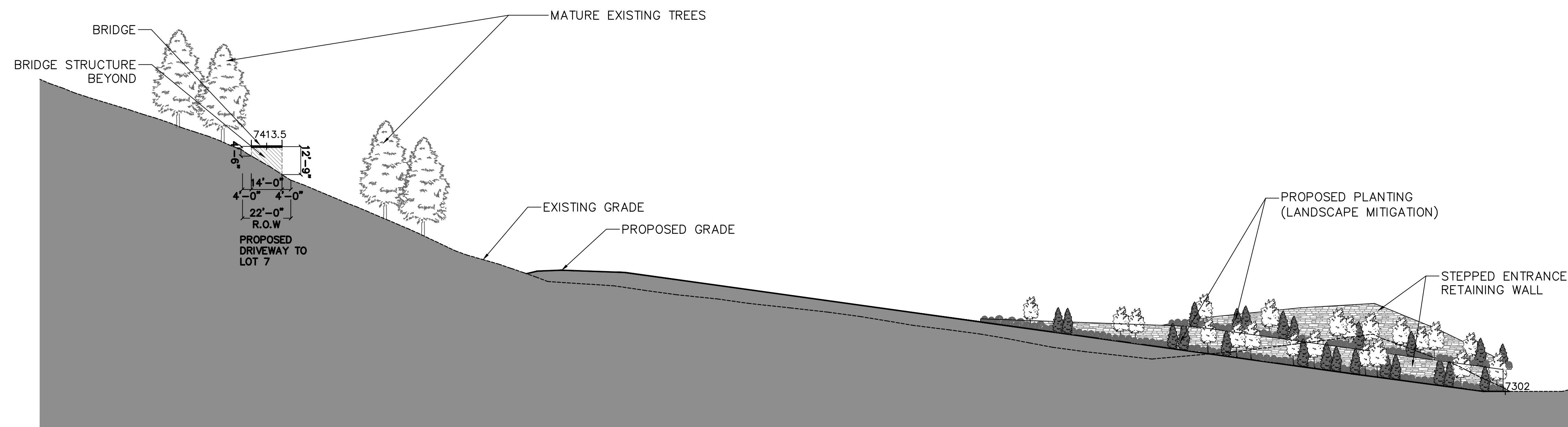
SECTION A

SCALE: 1"=30'



SECTION B

SCALE: 1"=30'



SECTION C

SCALE: 1"=30'

ALICE CLAIM

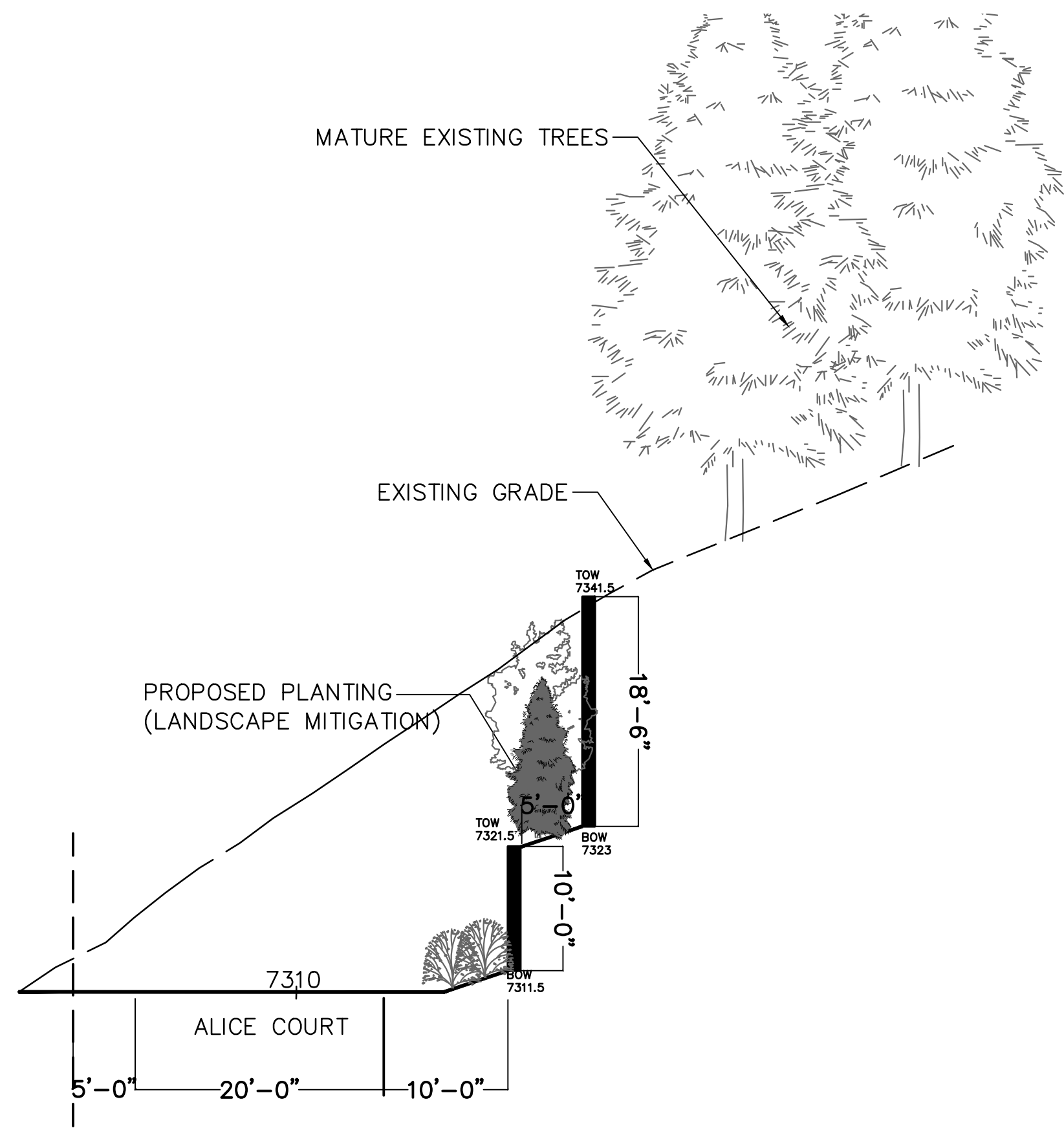
SITE SECTIONS

KING DEVELOPMENT GROUP, LLC
P.O. BOX 244
PARK CITY, UTAH 84060

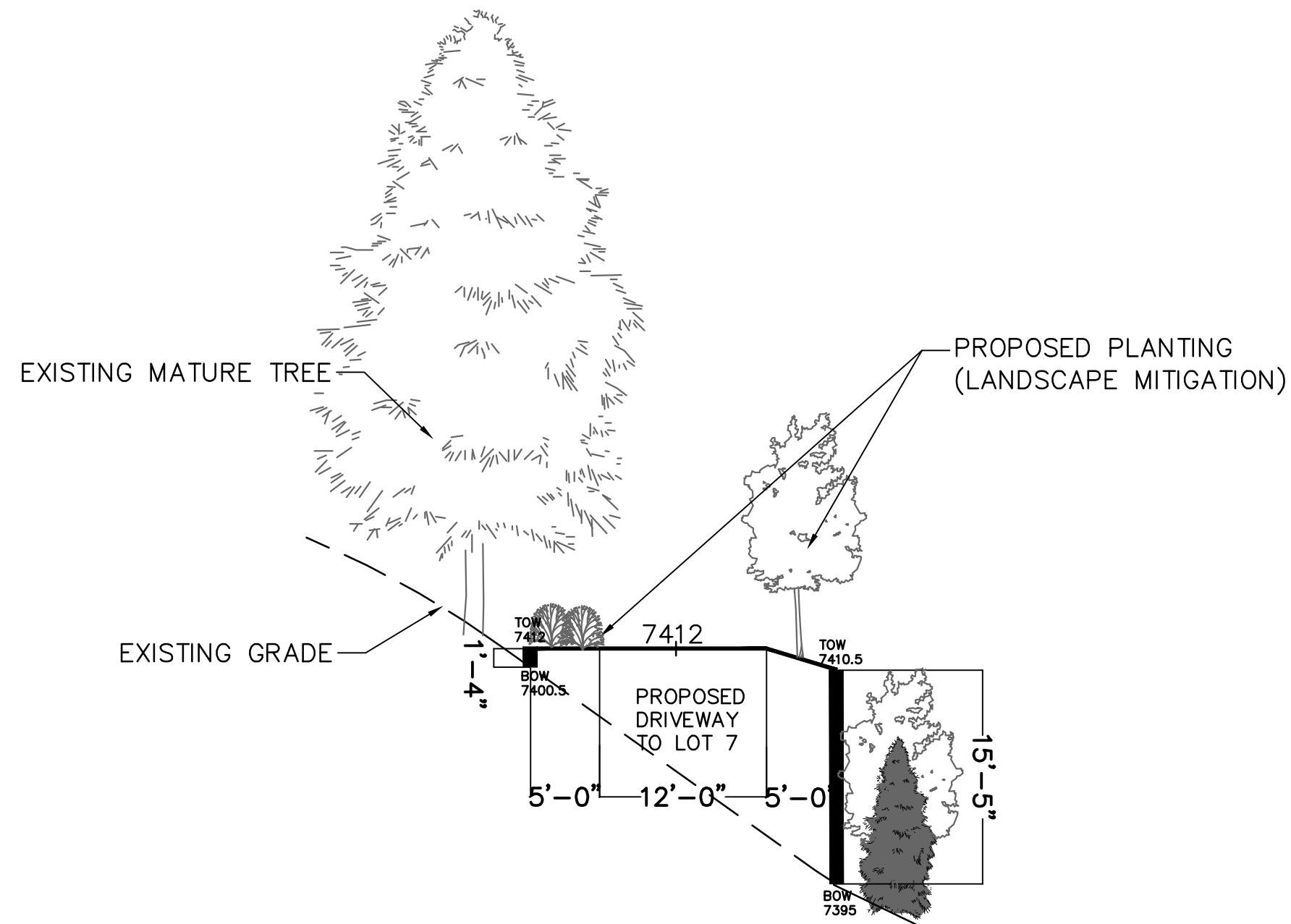


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DATE: MAR 16 2015

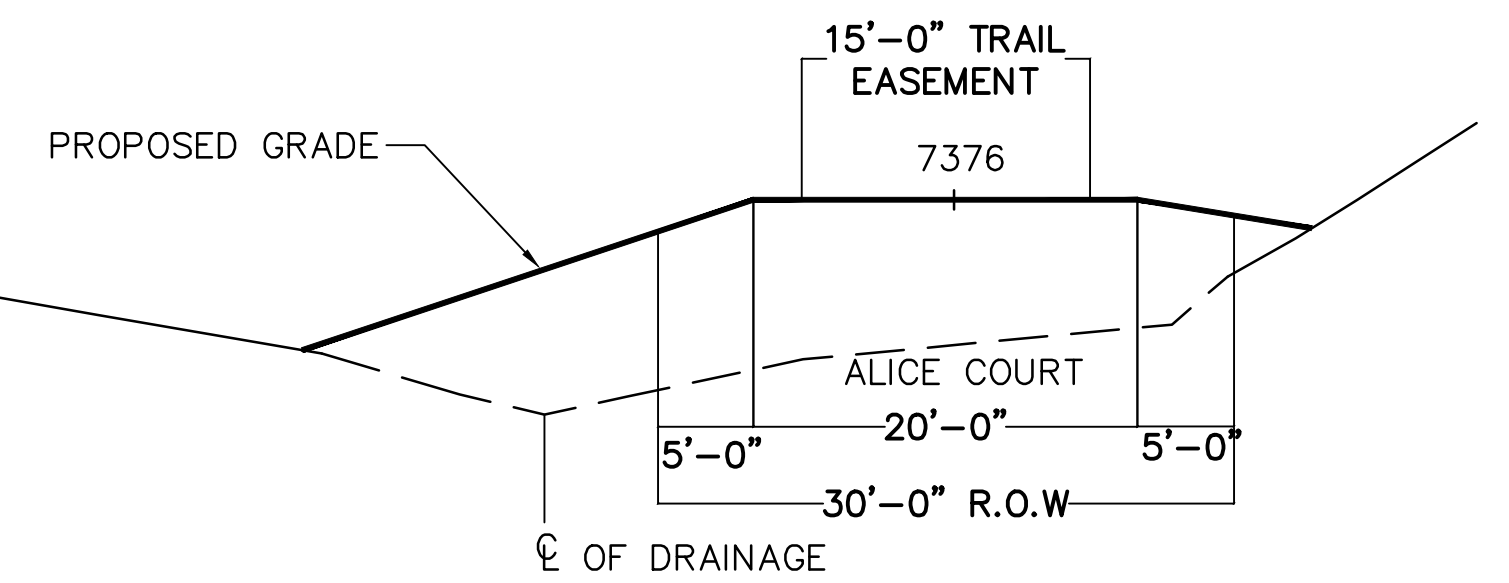




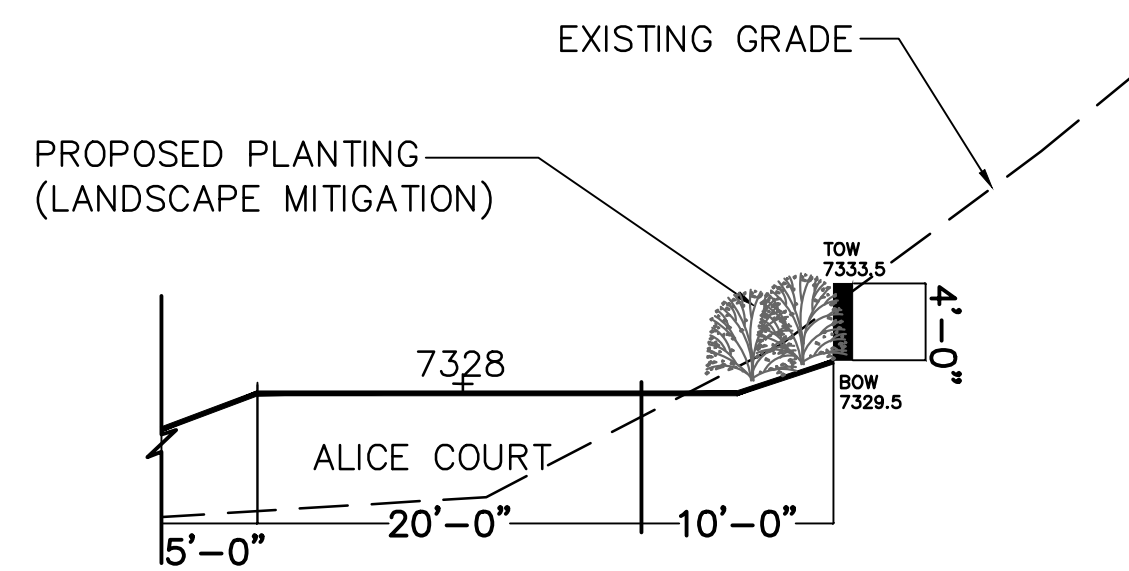
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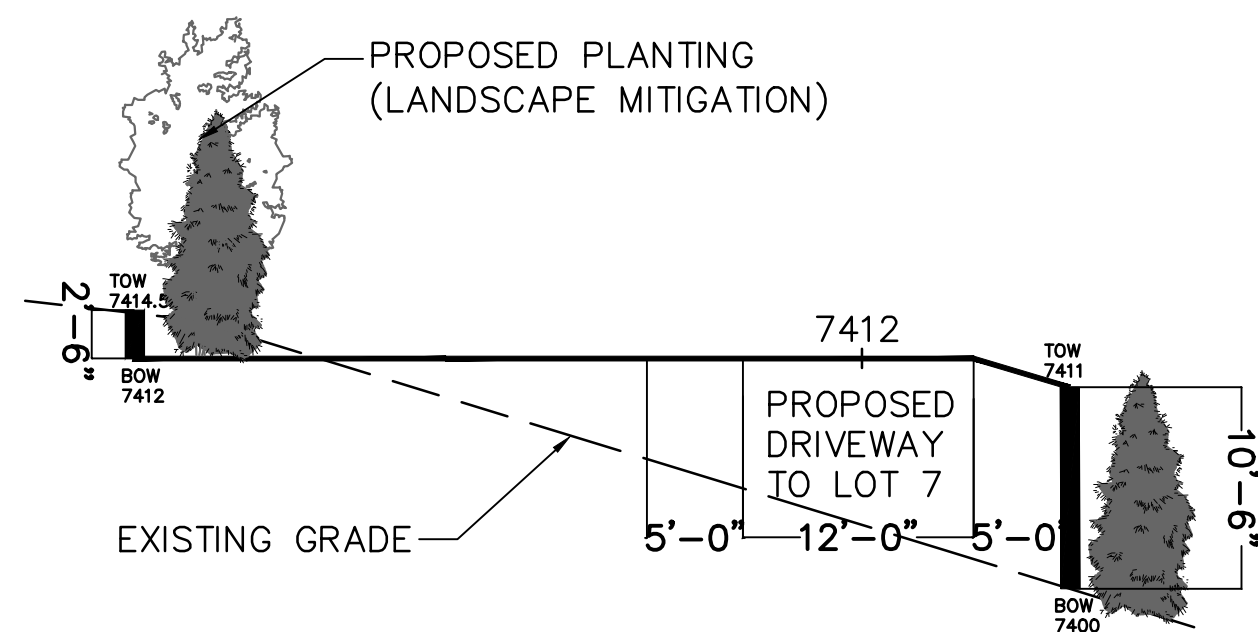
SECTION G



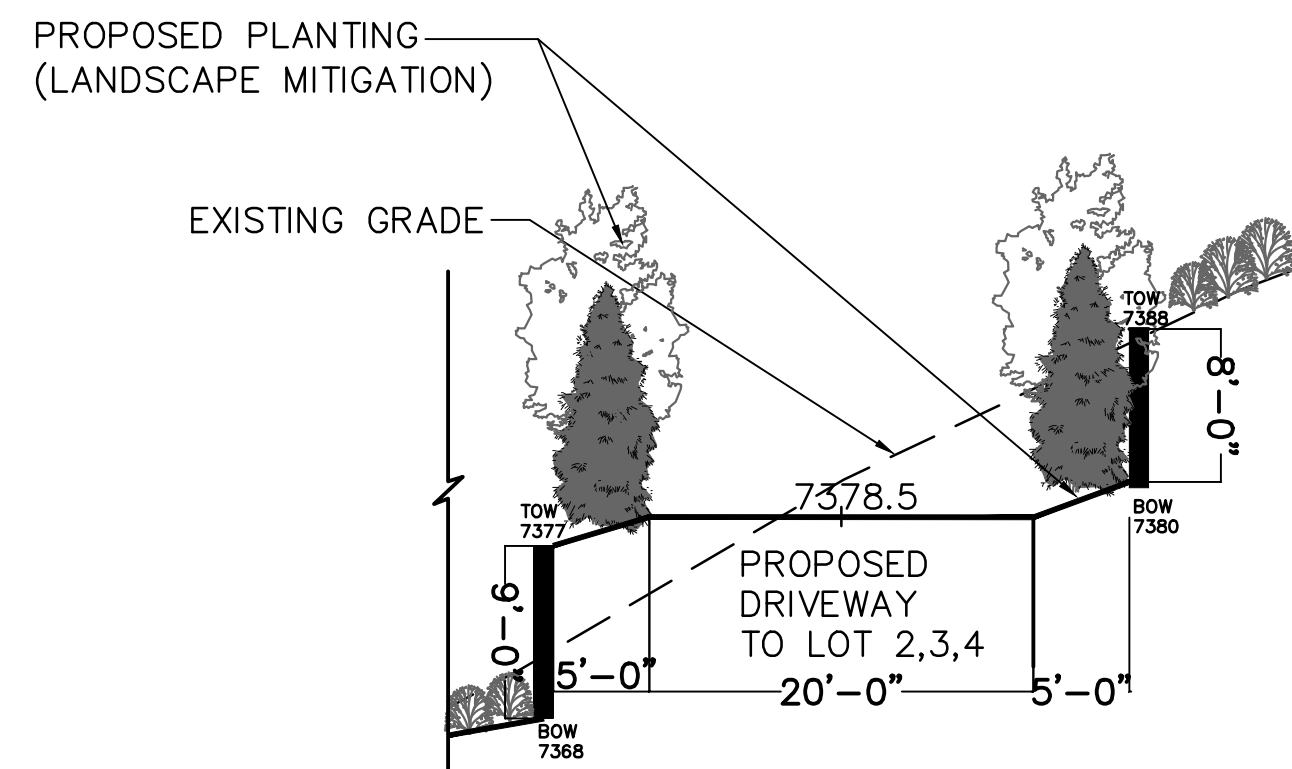
SCALE: 1"=10'



SECTION E SCALE: 1"=10'

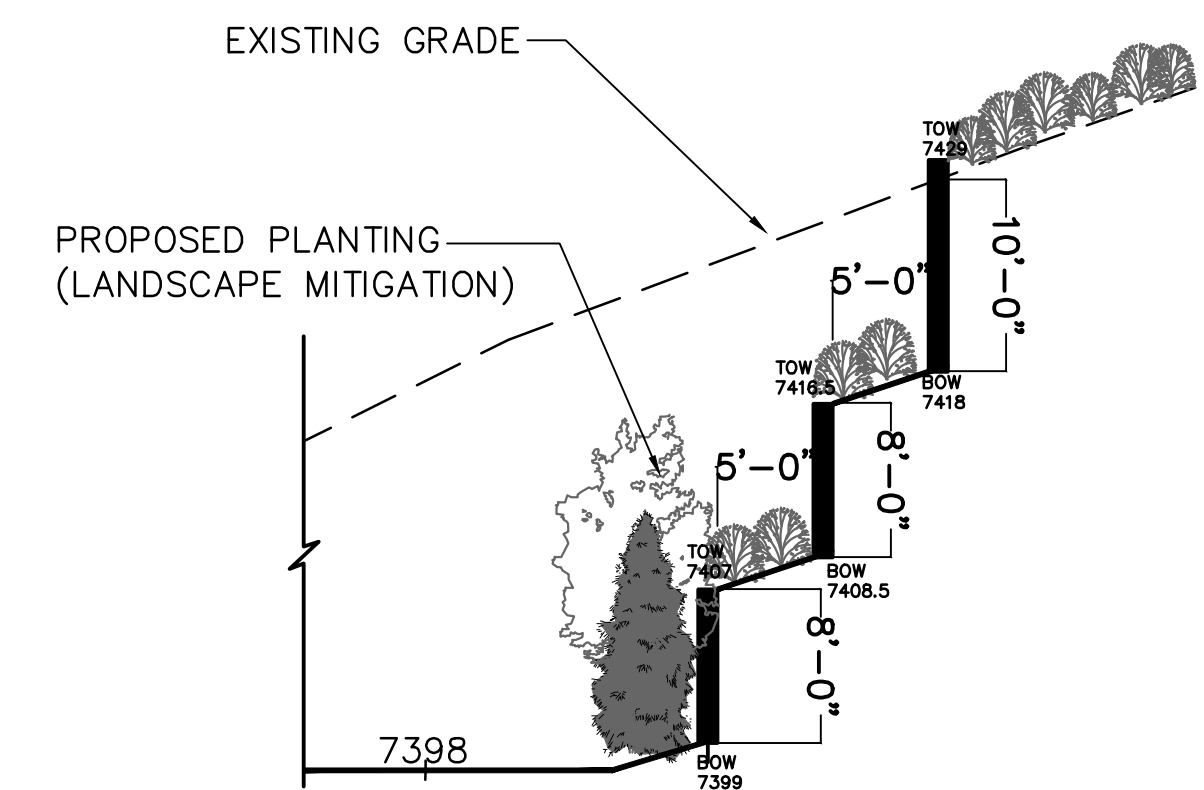


SECTION F SCALE: 1"=10'



SECTION H

SCALE: 1"=10'



SECTION I

SCALE: 1"=10'

ALICE CLAIM

SITE SECTIONS

KING DEVELOPMENT GROUP, LLC
P.O. BOX 244
PARK CITY, UTAH 84060

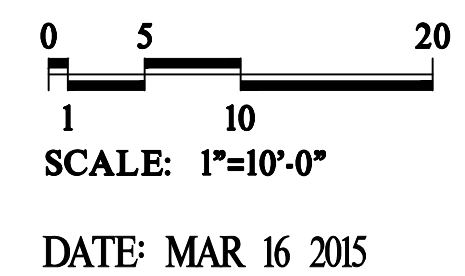
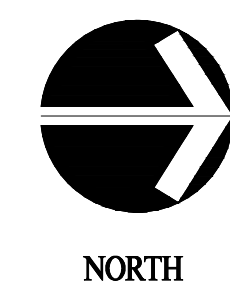
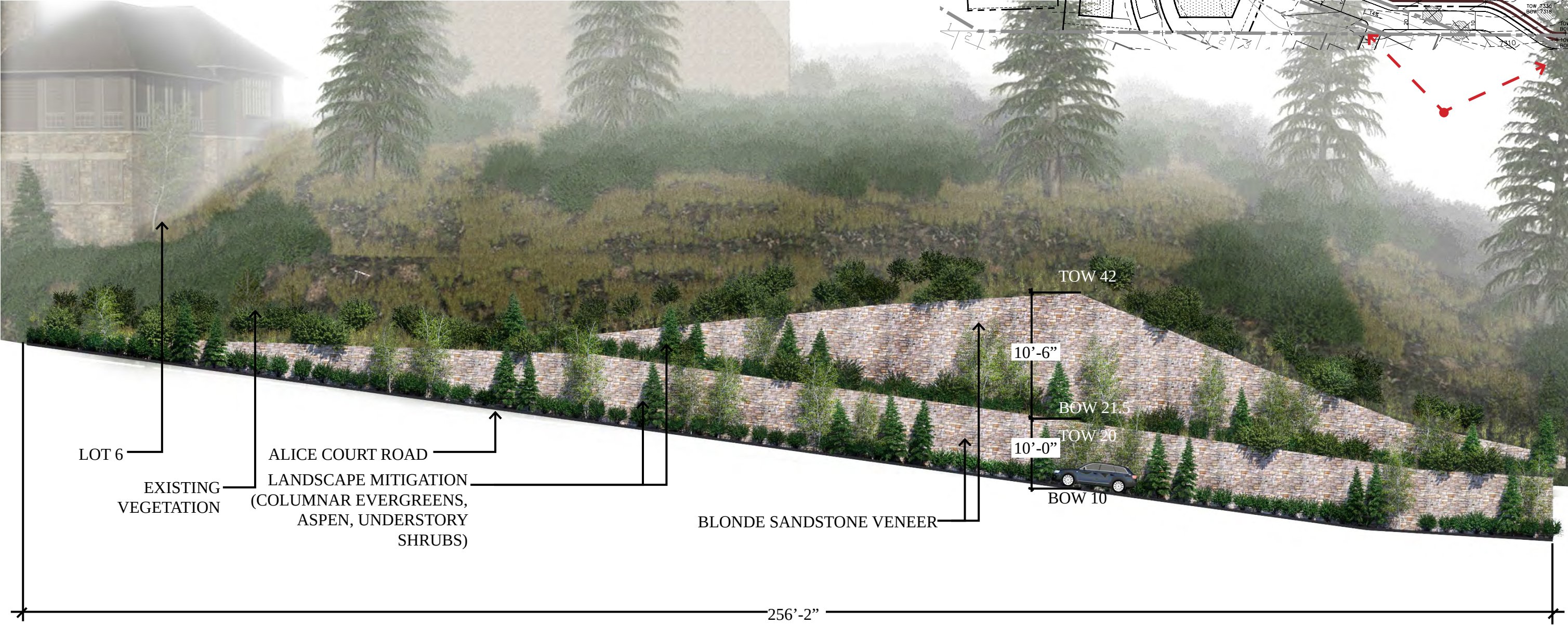
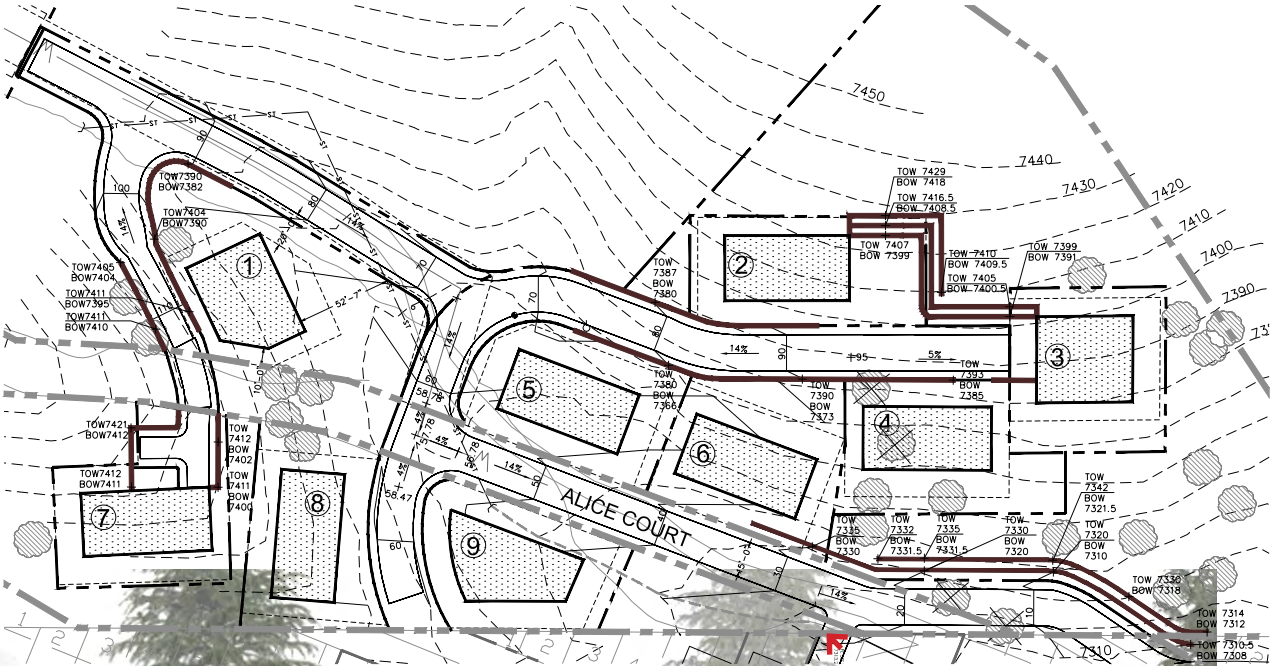
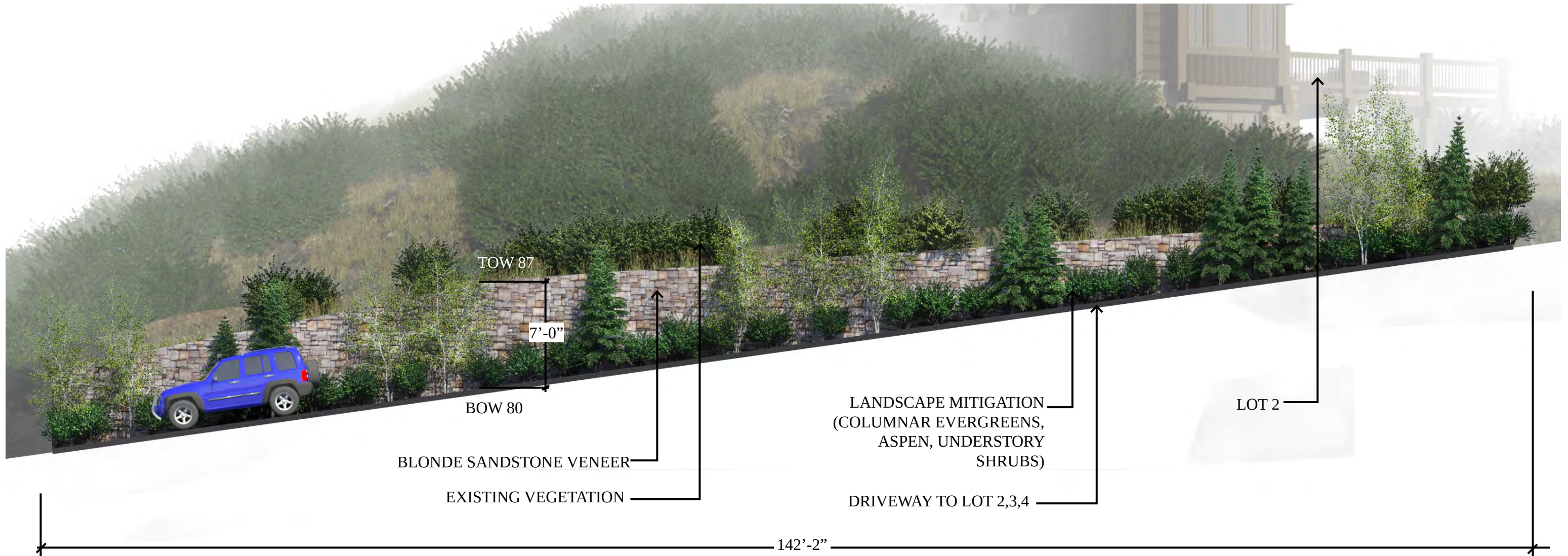
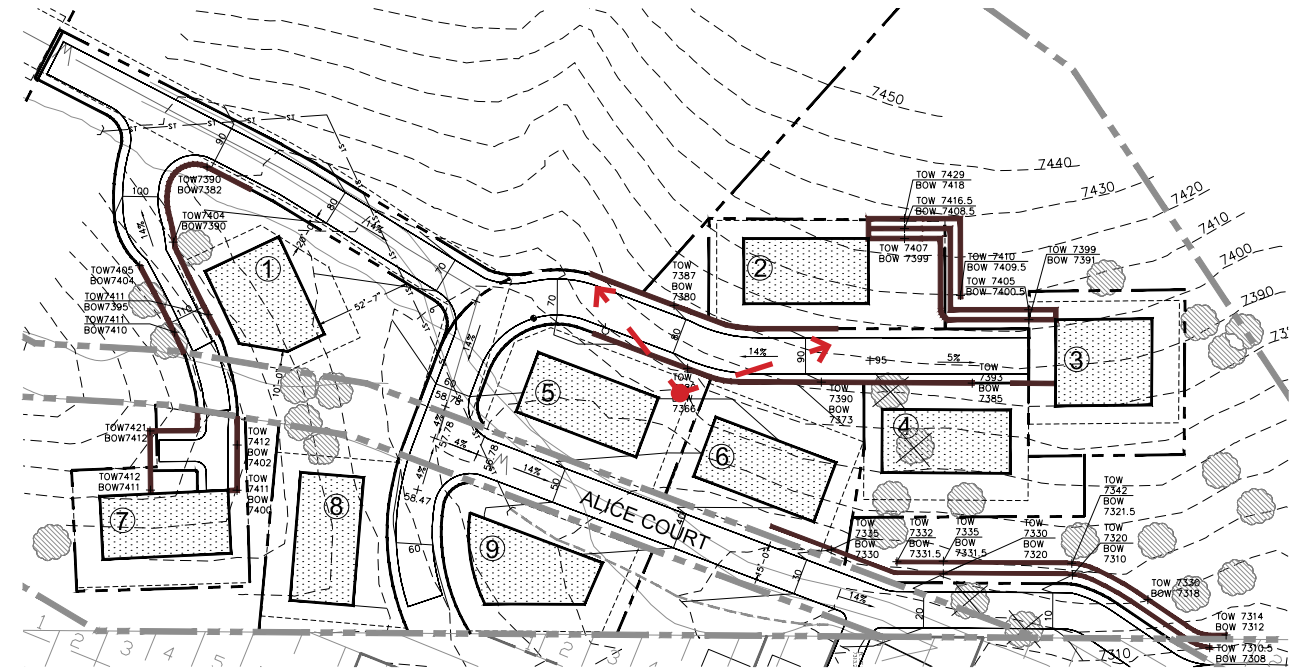


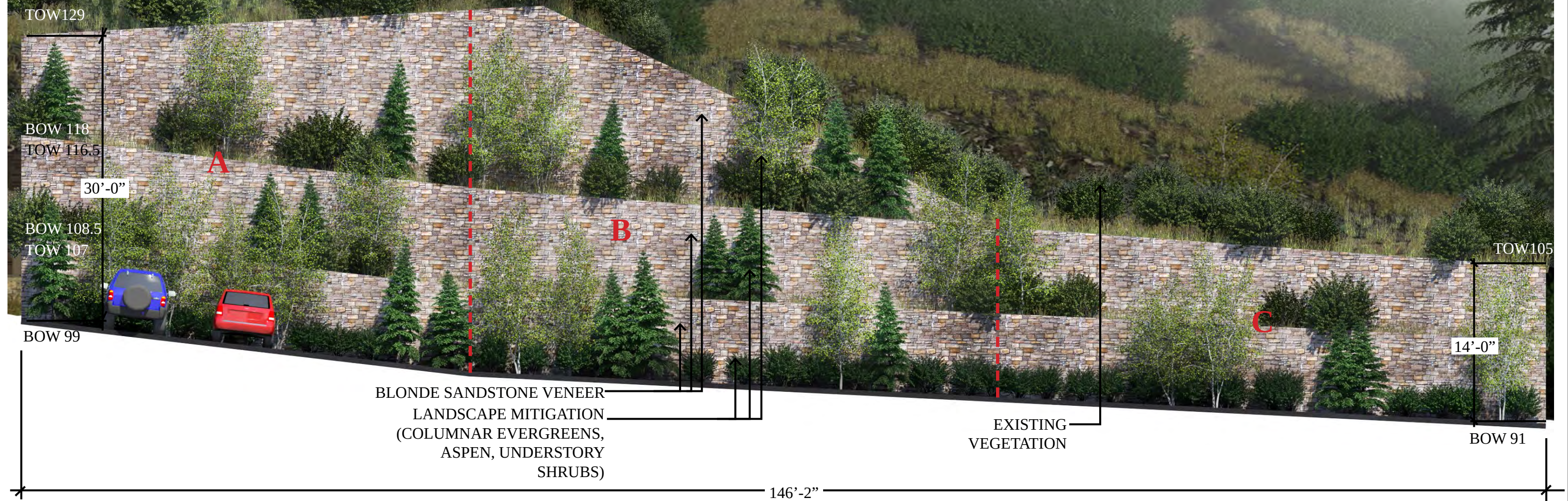
EXHIBIT D

ENTRY WALL KEY MAP

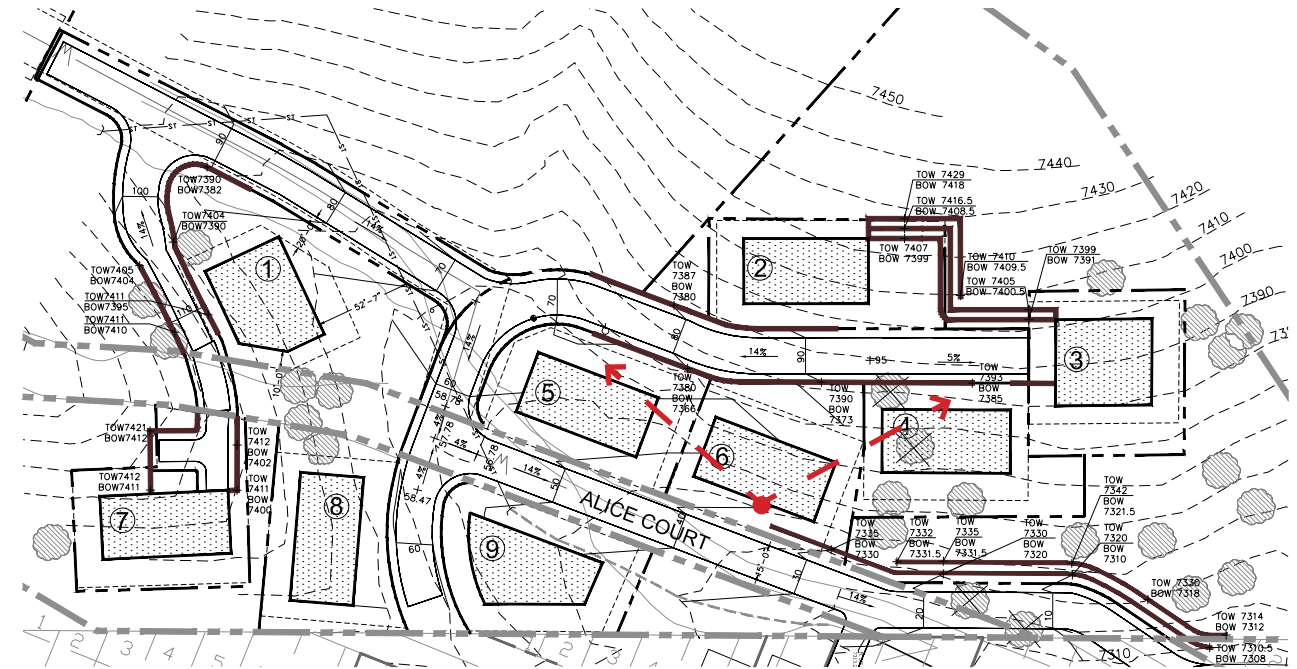


ENTRY WALL KEY MAP

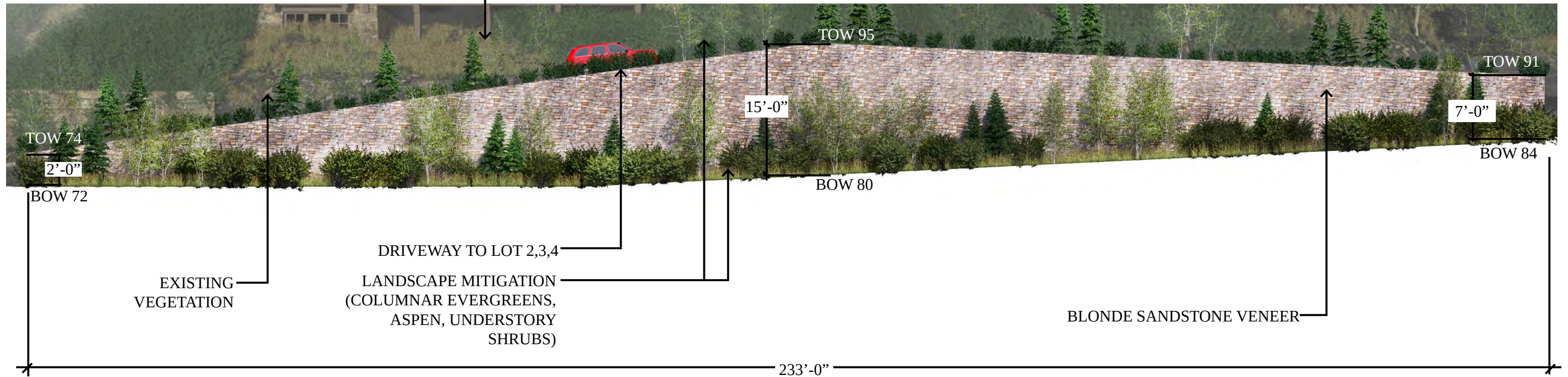




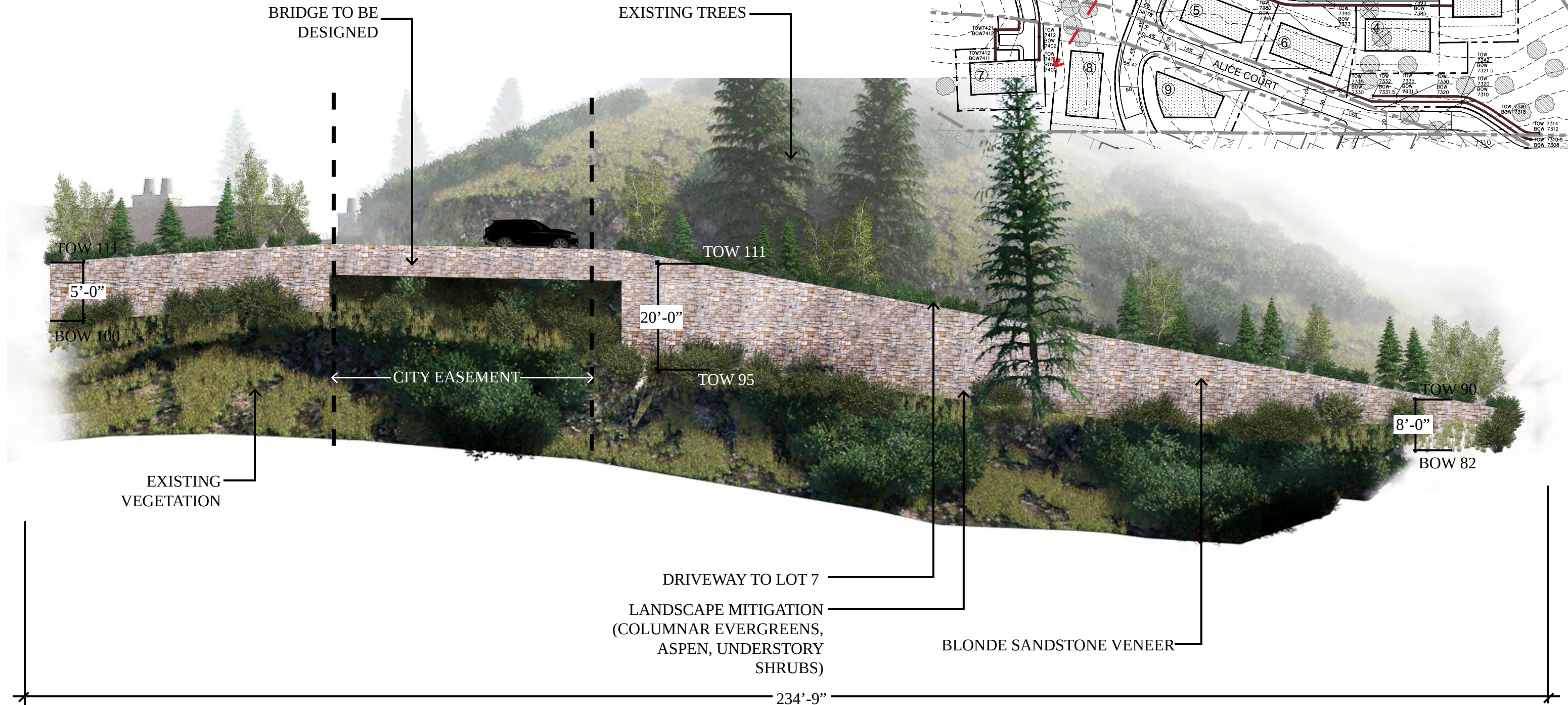
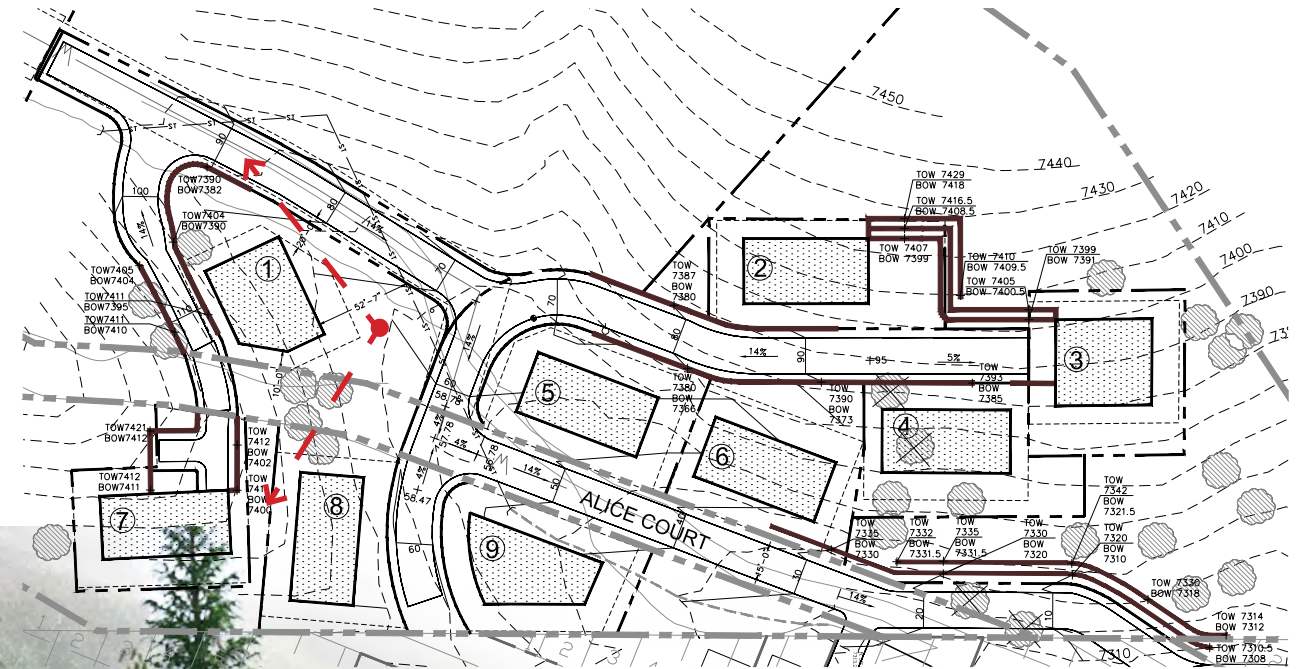
ENTRY WALL KEY MAP



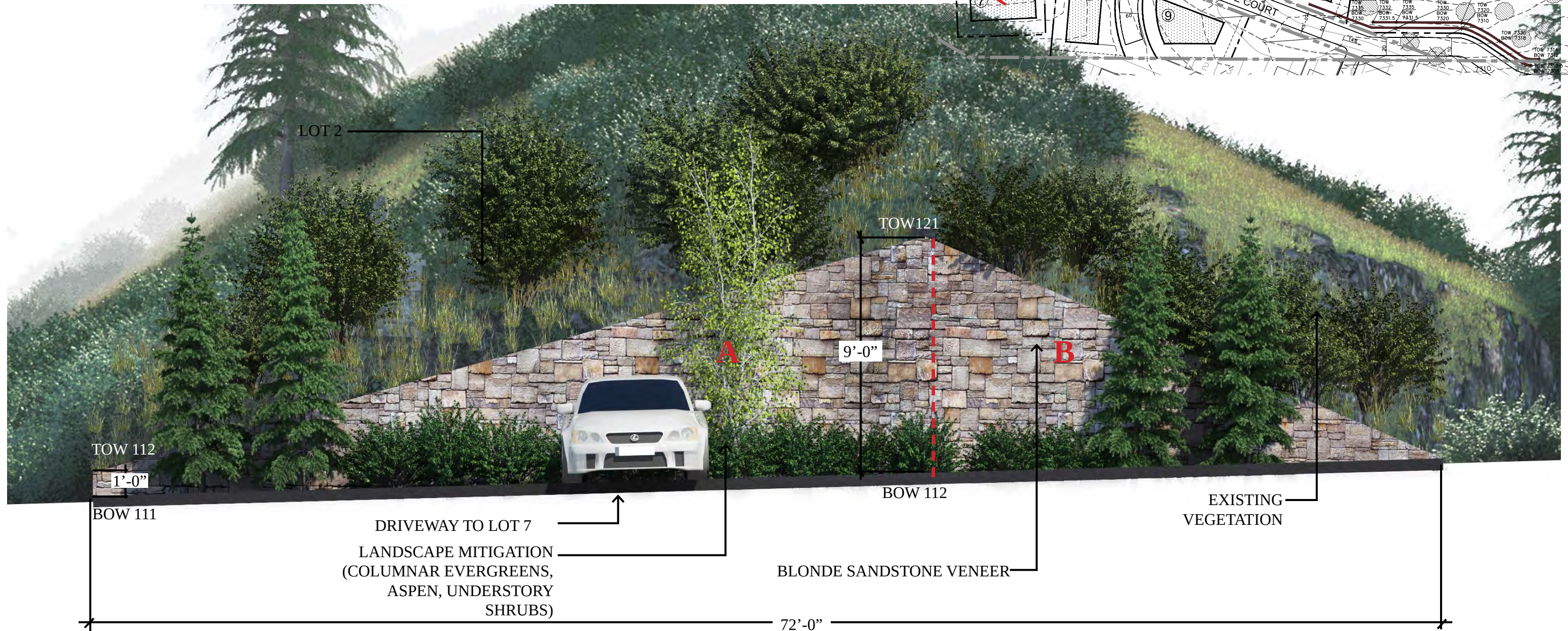
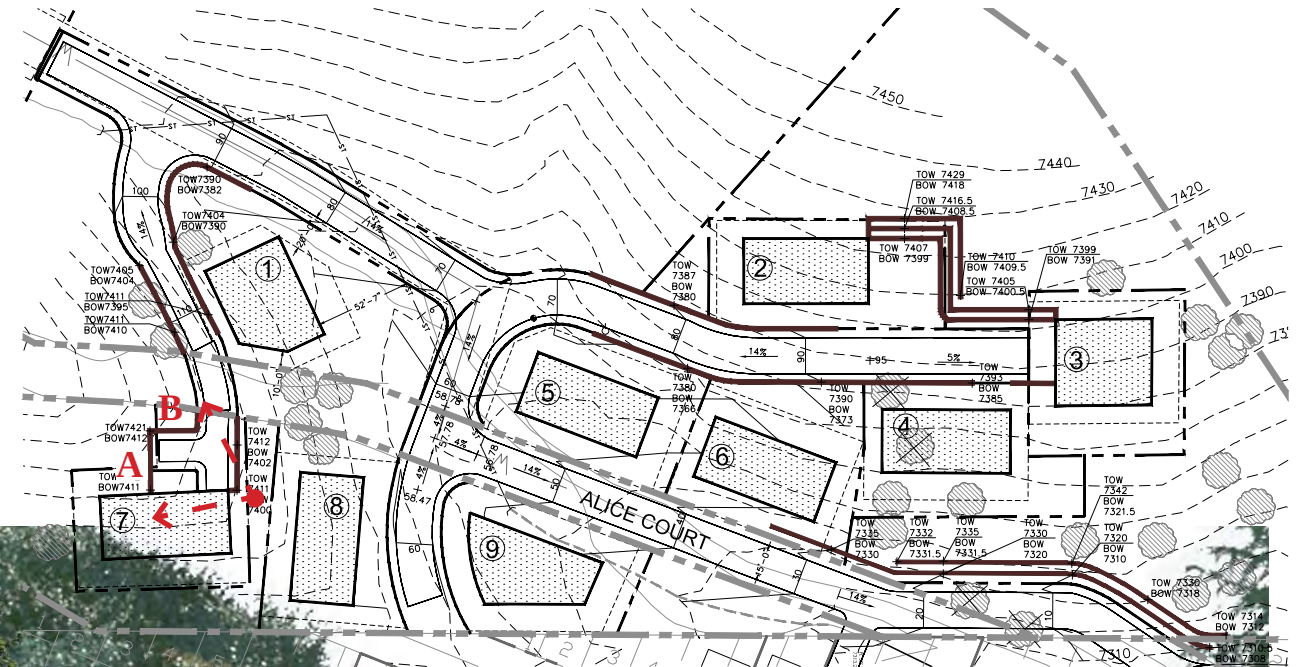
LOT 2

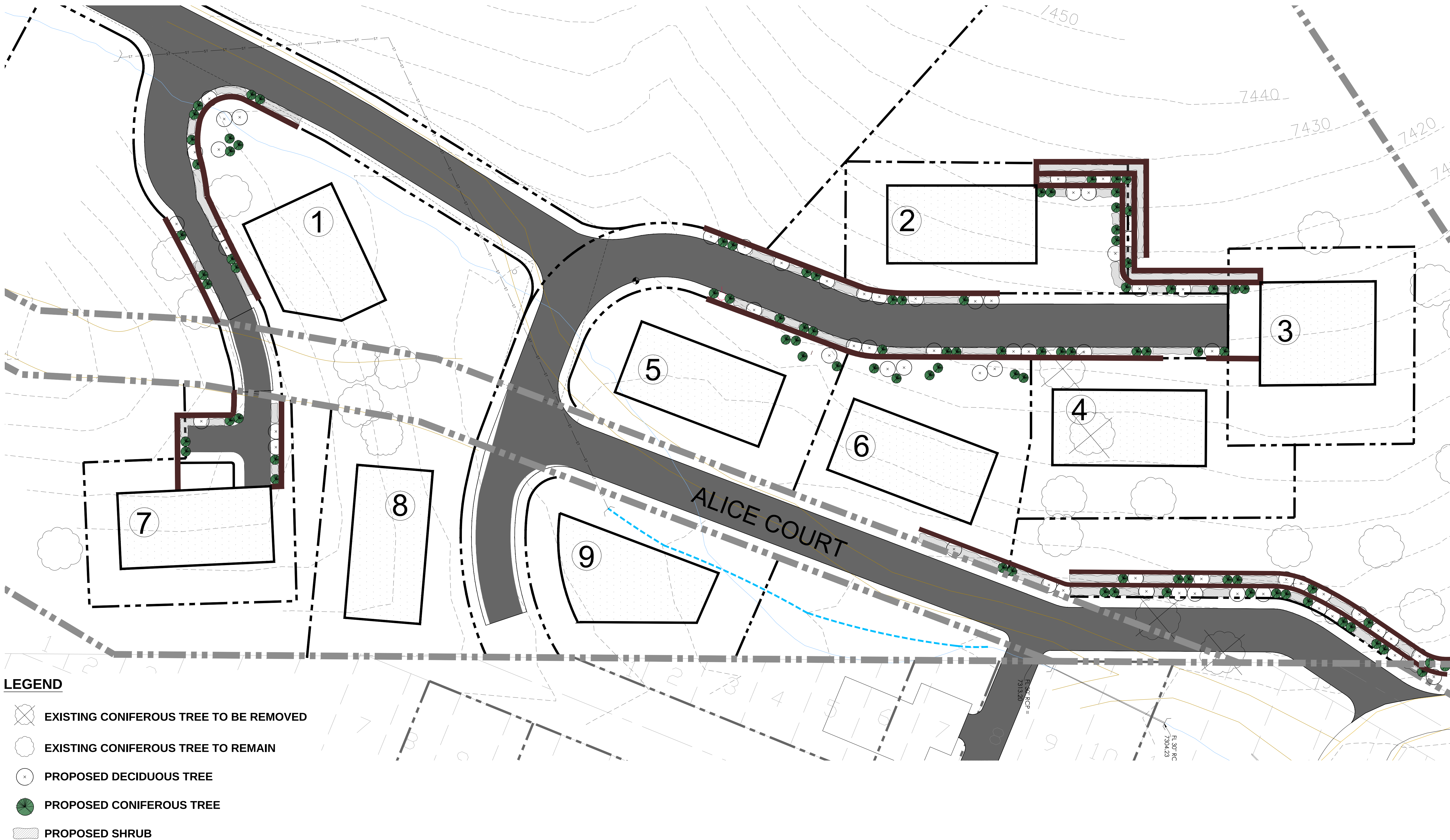


ENTRY WALL KEY MAP



ENTRY WALL KEY MAP

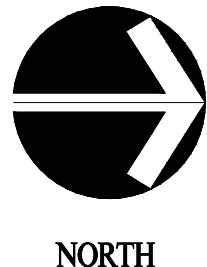




ALICE CLAIM

LANDSCAPE MITIGATION OF SITE WALLS PLAN

KING DEVELOPMENT GROUP, LLC
P.O. BOX 244
PARK CITY, UTAH 84060



0 10 20 40
SCALE: 1"=20'-0"
DATE: MAR 16 2015



Copyright Reserved

Owner/Project

Legend

	CONTOUR MAJOR
	CONTOUR MINOR
	BOUNDARY LINE
	SECTION LINE
	BOUNDARY TIE LINE
	ROAD DIRT
	ROAD ASPHALT
(sh)	EXISTING OVERHEAD POWER
(w)	EXISTING WATER LINE
(st)	EXISTING STORM DRAIN LINE
(se)	EXISTING SEWER LINE
(g)	EXISTING GAS LINE
	EXISTING FENCE LINE
	EXISTING CURB
	EXISTING POWER POLE
	EXISTING WATER MANHOLE
	EXISTING WATER VALVE
	EXISTING SEWER MANHOLE
	EXISTING FIRE HYD.
	EXISTING VEGETATION
	EXISTING TREE
	SECTION CORNER

Notes

SURVEYOR'S CERTIFICATE

NARRATIVE

THE PURPOSE OF THIS SURVEY WAS TO MAP THE EXISTING TOPOGRAPHY OF THE BOUNDARY OF ALICE CLAIM. THIS SURVEY WAS PREPARED USING EXISTING TOPOGRAPHIC INFORMATION DATA FROM A 2005 SURVEY COMPLETED BY OLYMPUS AERIAL SURVEYS AND UPDATED IN OCTOBER 2014 BY STANTEC CONSULTING INC.. THE ACCURACY OF THE 2-FOOT CONTOURS SHOWN IS EQUAL TO ONE-HALF (OR BETTER THAN) THE CONTOUR INTERVAL. THIS IS NOT A BOUNDARY SURVEY PLAT.

Revision	By	Appd.	YY,MM,DD

1	PARK CITY SUBMITTAL	SRV	SRV	15.01.22
	Issued	By	Appd.	YY.MM.DD

File Name: 03057v_cert_topo.dwg	SDJ	JRJ	SDJ	15.01.19
	Dwn.	Chkd.	Dsgn.	YY.MM.DD

Permit-Seal

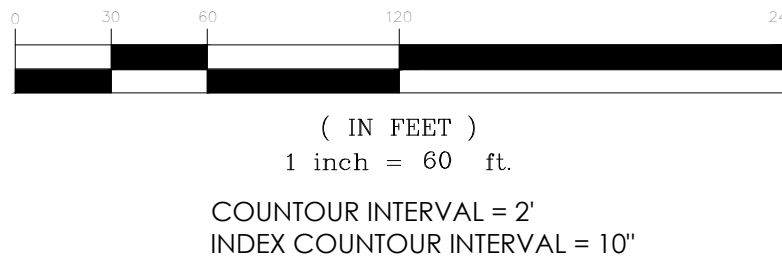


Client/Project

ALICE CLAIM
CERTIFIED TOPOGRAPHICAL BOUNDARY SURVEY
PARK CITY, UTAH

Title		
Project No. 205303057	Scale 1" = 60'	
Drawing No. 1	Sheet of 1	Revision 0

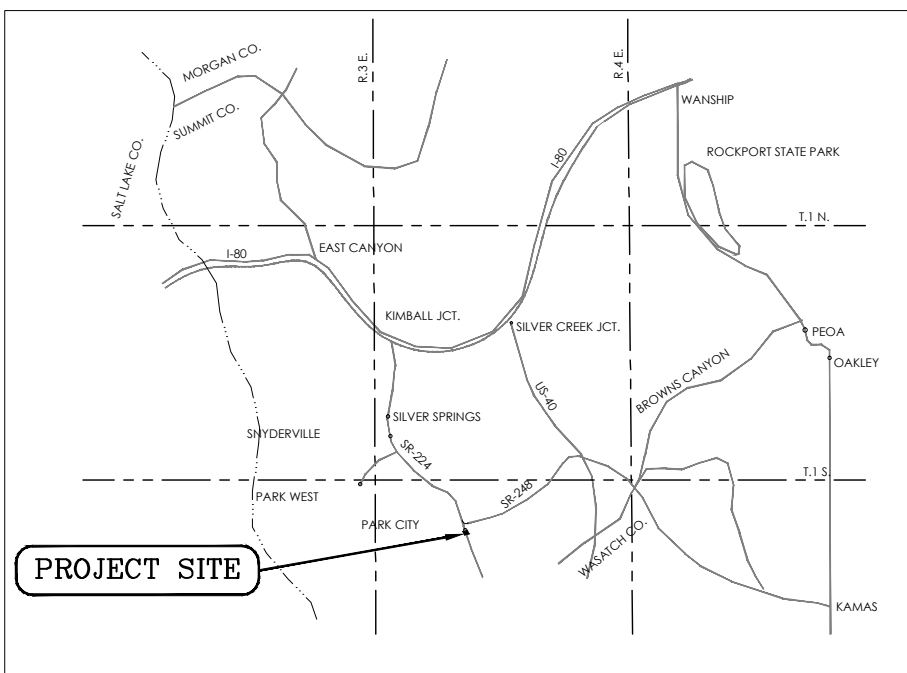
GRAPHIC SCALE



NORTHEAST CORNER SECTION 21
TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE AND MERIDIAN
(FOUND-2-3/8" DIAMETER
IRON PIPE W/ WELDED TOP
THIS MONUMENT APPEARS TO
HAVE BEEN EXTANT AT THIS
LOCATION SINCE AT LEAST 1907
(SEE MS-5665 & 5763)

(Basis of Bearings)
S 89°06'26" E 2,602.79' Mea.2005
N 89°57' E 2,634.06' Rec.1897
East 2,656.5' Rec. 1876

746.50' (PARCEL 1)
964.94' (PARCEL 2)
887.76' (PARCEL 3)



VICINITY MAP

LINE TABLE		
LINE #	LENGTH	DIRECTION
L1	60.00'	N82°40'00"E
L2	6.20'	N07°20'00"W
L3	12.32'	N07°20'00"W
L4	46.83'	S88°09'06"E
L5	7.47'	N07°20'00"W
L6	46.23'	S82°40'00"W

Parcel No.1

A parcel of land located in the Northeast Quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

beginning at a point on line 4-7 of the Alice Lodge, Mineral Survey #3331, said point being also S89°06'26"E 74.50 feet, along the Section Line, and South 965.86 feet from the North Quarter Corner of said Section 21, and running thence, along said line 4-7, N36°04'27"E 380.92 feet to a point on line 2-3 of the Newell Lodge USL-653; thence, along said line 2-3, Newell Lodge, N56°36'34"E 378.21 feet to a point on the Westerly Boundary Line of Subdivision 12 of the Park City View Lodge USL-655; thence, along said line 1-2, Park City View Lodge, S20°26'00"E 228.22 feet to a point on the Westerly Right-of-Way Line of the Park City Water Company Access Easement; thence, along said Westerly Right-of-Way Line, the following four (4) courses: (1) S20°47'00"W 396.71 feet, (2) S09°39'00"W 107.30 feet, (3) S03°13'00"W 78.23 feet, (4) S28°08'00"W 182.49 feet to a point on the Park City Property; thence, along the Westerly Boundary Line of said Park City Property, the following four (4) courses: (1) N61°52'00"W 60.00 feet, (2) S28°08'00"W 55.50 feet, (3) S20°49'00"W 247.90 feet, (4) S07°20'00"E 41.58 feet to a point on line 1-2 of the Park View Lodge USL-655; thence, along said line 1-2, Park View Lodge, S20°26'00"E 228.22 feet to a point on the Westerly Boundary Line of the Park City Water Company Access Easement; thence, along said line 1-2, Alice Lodge, N59°26'30"W 173.91 feet to a point on line 1-2 of the Huron Mine Lodge USL-256; thence, along said line 1-2, Huron Mine Lodge, N66°41"14"E 108.84 feet to Post #1 of said Huron Mine Lodge; thence N29°43'52"E 198.26 feet; thence N33°28'21"E 96.51 feet; thence N25°06'47"W 370.00 feet to the Point of Beginning.

Containing 310,925 square feet or 7.138 acres.

Parcel No.2

A parcel of land located in the Northeast Quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point on the Eastern Boundary Line of the Park City Property, said point being also on the Line 1-2 of the Park View Lodge USL-655, said point being also S89°06'26"E 964.94 feet, along the Section Line, and South 1685.90 feet from the North Quarter Corner of said Section 21, and running thence, along said Eastern Boundary Line, the following six (6) courses: (1) N07°20'00"W 12.32 feet, (2) N82°40'00"E 60.00 feet, (3) N07°20'00"W 6.20 feet, (4) N20°49'00"E 200.70 feet, (5) N28°08'00"E 45.91 feet, (6) N61°52'00"W 20.00 feet to the Eastern Right-of-Way Line of the Park City Water Company Access Road; thence, along said Eastern Right-of-Way Line, the following four (4) courses: (1) N28°08'00"E 189.11 feet, (2) N03°13'00"E 83.17 feet, (3) N09°39'00"E 102.70 feet, (4) N20°47'00"E 312.90 feet to a point on the Western Boundary Line of the Park City Property, said point being also S86°25'13"E 11887.1 feet; thence, along said Western Boundary Line, S00°26'00"W 434.12 feet to a point on Line 3-4 of the Alice Lake Mineral Survey-3331; thence, along said Line 3-4, Alice Lodge, S30°58'27"W 349.20 feet to Corner #3 of said Alice Lodge MS-3331; thence, along said Line 2-3, Alice Lodge, S03°38'27"W 197.78 feet to a point on said Line 1-2 of the Park View Lodge USL-655; thence, along said Line 1-2, Park View Lodge, N88°09'06"W 110.04 feet to the Point of Beginning.

Containing 65,741 square feet or 1.509 acres.

Parcel No.3

A parcel of land located in the Northeast Quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point on the Southerly Boundary Line of the Park City Property, said point being also on the Line 1-2 of the Park View Lode USL-655, said point being also S89°06'26"E 887.76 feet, along the Section Line, and South 1685.61 feet from the North Quarter Corner of said Section 21, and running thence, along said Southerly Boundary Line, the following two (2) courses: (1) N82°40'00"E 46.23 feet, (2) S72°00'00"E 7.47 feet to a point on said Line 1-2 of the Park View Lode, thence, along said Line 1-2, Park View Lode, N88°09'06"W 46.83 feet to the Point of Beginning.

Containing 173 square feet or 0.004 acres.

Parcel No.4

A parcel of land located in the Northeast Quarter of Section 21, Township 2 South, Range 4 East Salt Lake Base and Meridian, said parcel being more particularly described as follows:

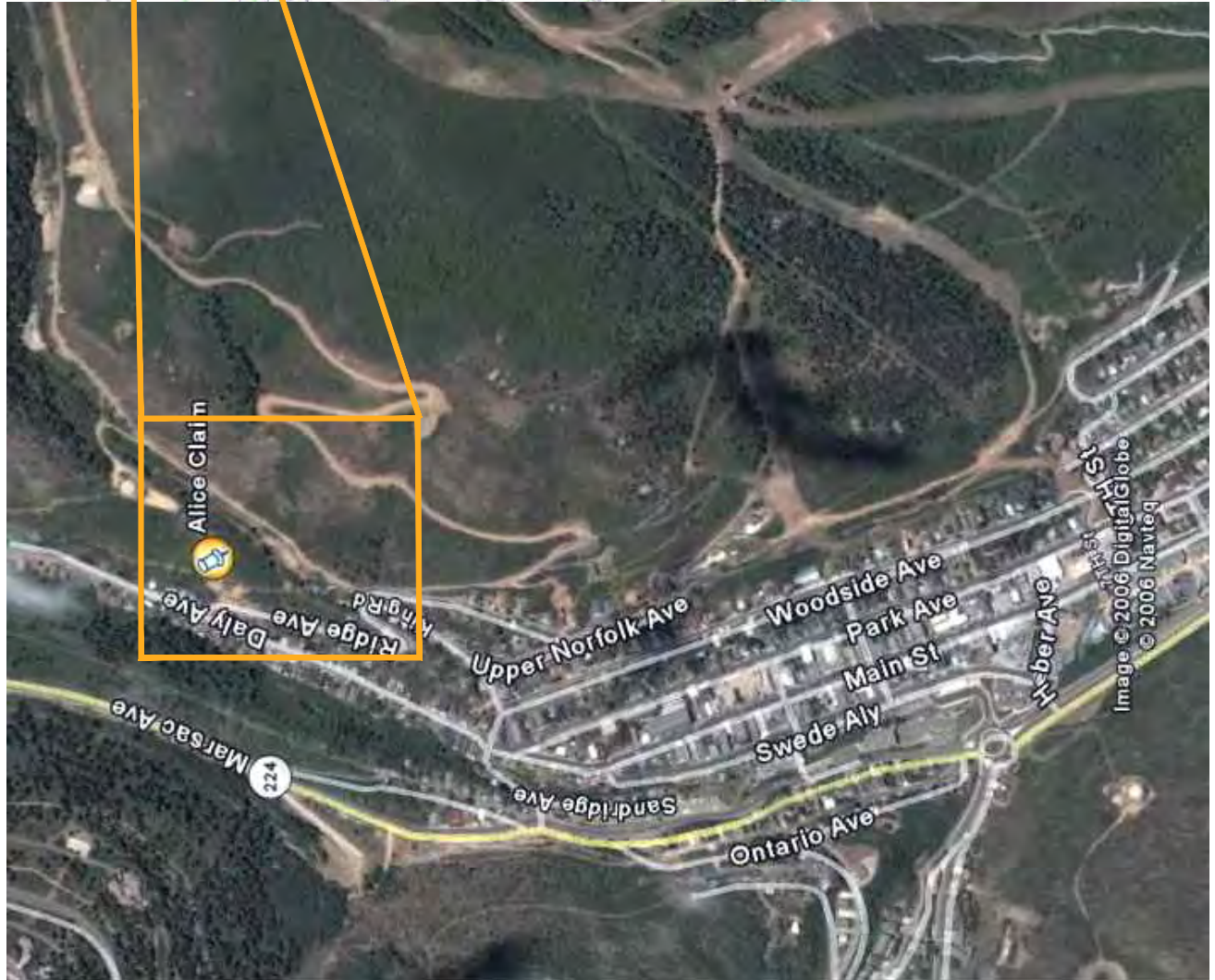
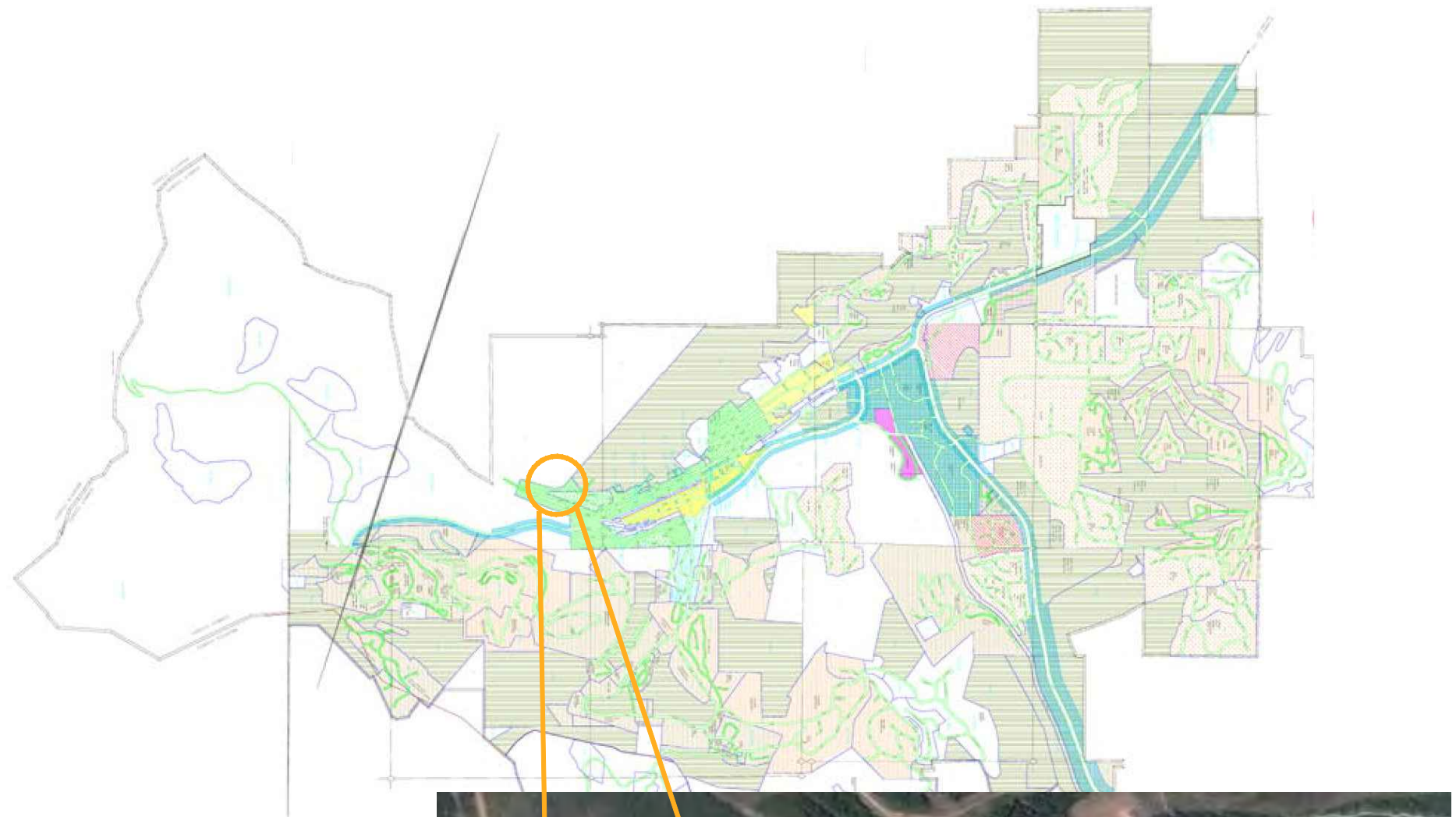
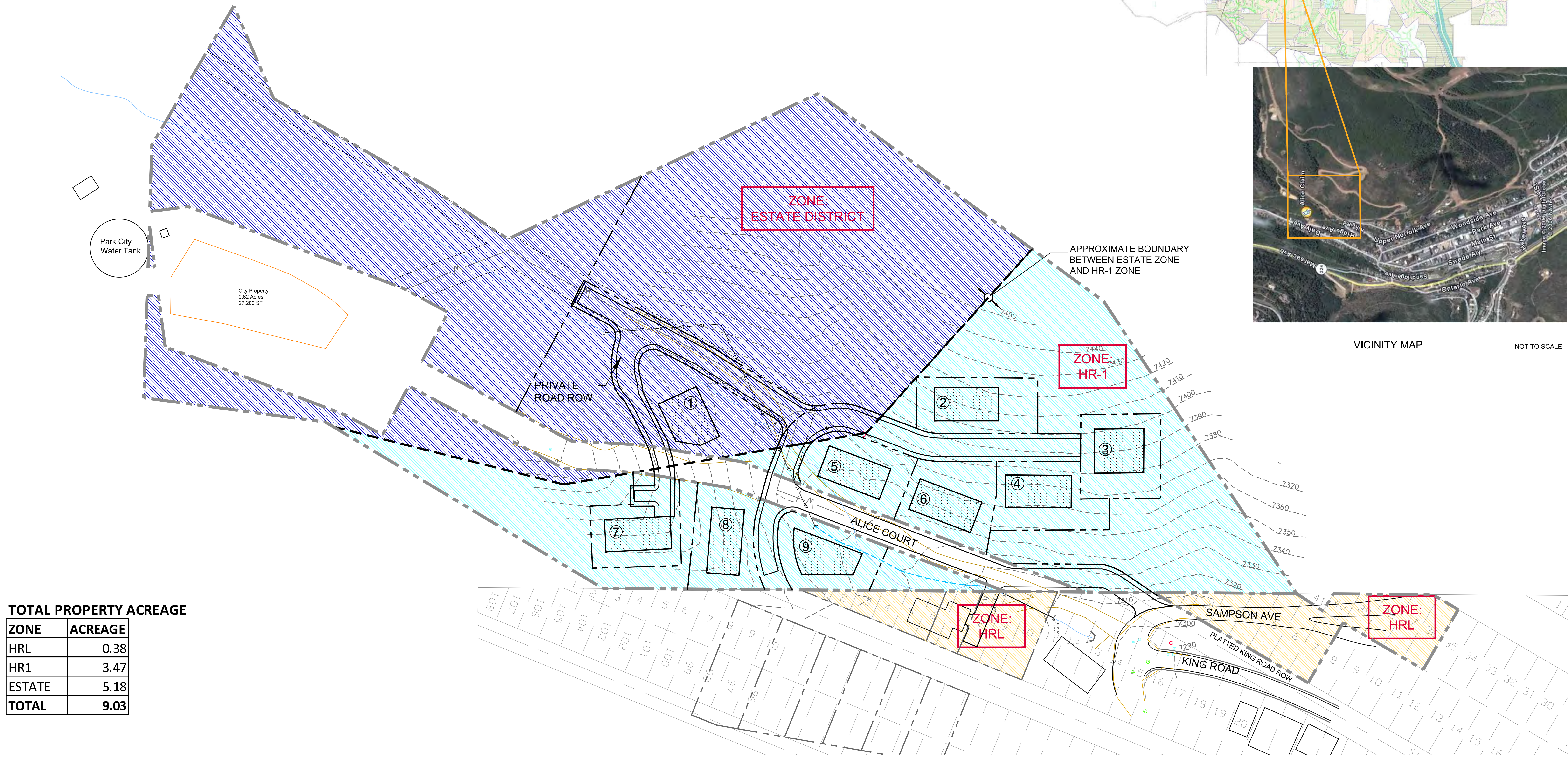
Lots 1 through 7 inclusive and Lots 36 through 40 inclusive, block 77, Millsite Reservation to Park City, according to the official plat thereof filed in the office of the Summit County Recorder, being more particularly described as follows:

Beginning at a point on the Westerly Boundary Line of Subdivision No. 1 of Millsite Reservation [dated 06/25/1887], said point being also on the Northwestern Line of Lot 37 of said Millsite Reservation, said point being also S89°06'26"E 1287.78 feet, along the Section Line, and South 29.60 feet to the North 1/4 Corner of said Section 21, and then running thence, along said Northwestern Line of Lot 37 and Lot 36, to the North 1/4 Corner of said Section 21, along said North 1/4 Line of Lot 36, thence along the North 1/4 Line of said Lot 36, S59°41'12"E 75.00 feet to the Eastern Corner of said Lot 36; thence, along the Southeastery Line of Lots 36 through 39 inclusive of said Millsite Reservation, S30°18'48"W 99.99 feet to the Northern Corner of Lot 1 of said Millsite Reservation; thence, along the Northern Boundary Line of said Lot 1, S59°41'12"E 75.00 feet to the Eastern Corner of said Lot 7; thence, along the Southeastery Line of Lots 7 through 1 inclusive of said Millsite Reservation, S30°18'48"W 193.15 feet to the Southern Corner of Lot 1 and of said Westerly Boundary Line of Millsite Reservation; thence, along said Westerly Boundary Line, N00°26'00"E 150.55 feet to the Southern Corner of Lot 41 of said Millsite Reservation; thence, along the Southern Boundary Line of said Lot 41, S59°41'12"E 75.00 feet to the Eastern Corner of said Lot 37; thence, along the Southeastery Line of Lots 7 through 1 inclusive of said Millsite Reservation, S30°18'48"W 121.61 feet to said Westerly Boundary Line of Millsite Reservation; thence, along said Westerly Boundary Line, N00°26'00"E 107.16 feet to the Point of Beginning.

Containing 16,486 square feet or 0.378 acres.

NORTH 1/4 CORNER SECTIONS 21
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE & MERIDIAN
(3 1/4 INS. DIA. ALUMINUM
CAP ON 2 1/2 INS. ALUMINUM
PIPE RESET AUGUST 2005 BASED
ON TIES BY O. C. TURNER IN
1925 AND 1926 FROM CORNERS
1 OF MS NO. 6856 AND 1 OF
MS NO. 6900.)

EXHIBIT G



VICINITY MAP NOT TO SCALE

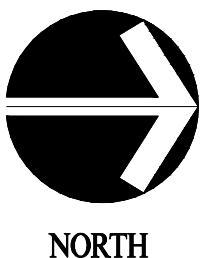
TOTAL PROPERTY ACREAGE

ZONE	ACREAGE
HRL	0.38
HR1	3.47
ESTATE	5.18
TOTAL	9.03

ALICE CLAIM

VICINITY & ZONING MAP

KING DEVELOPMENT GROUP LLC.
P.O. BOX 244
PARK CITY, UTAH 84060



0 10 50 100
5 30
SCALE: 1"=50'-0"
DATE: JAN 23 2015





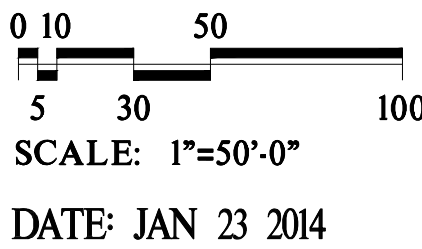
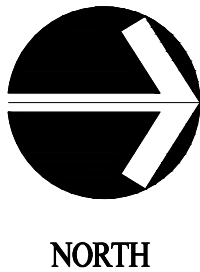
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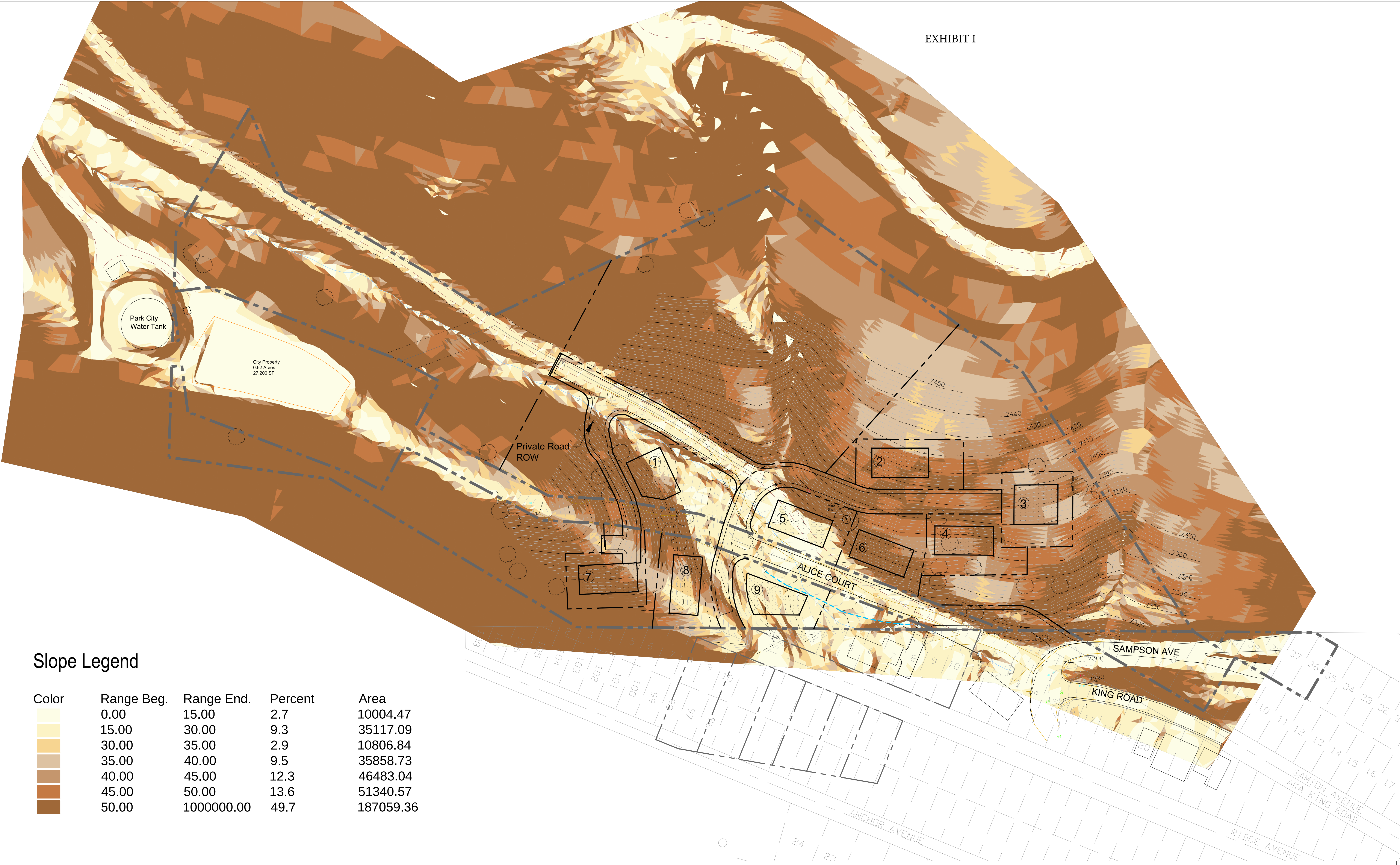
- ① Disturbed Areas
- ② Large Fir Trees, Grasses and Forbs
- ③ Heavy Scrub Oak
- ④ Grasses and Forbs
- Existing Coniferous Tree

ALICE CLAIM

VEGETATIVE COVER

KING DEVELOPMENT GROUP LLC.
P.O. BOX 244
PARK CITY, UTAH 84060

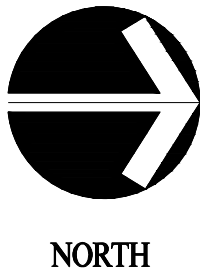




ALICE CLAIM

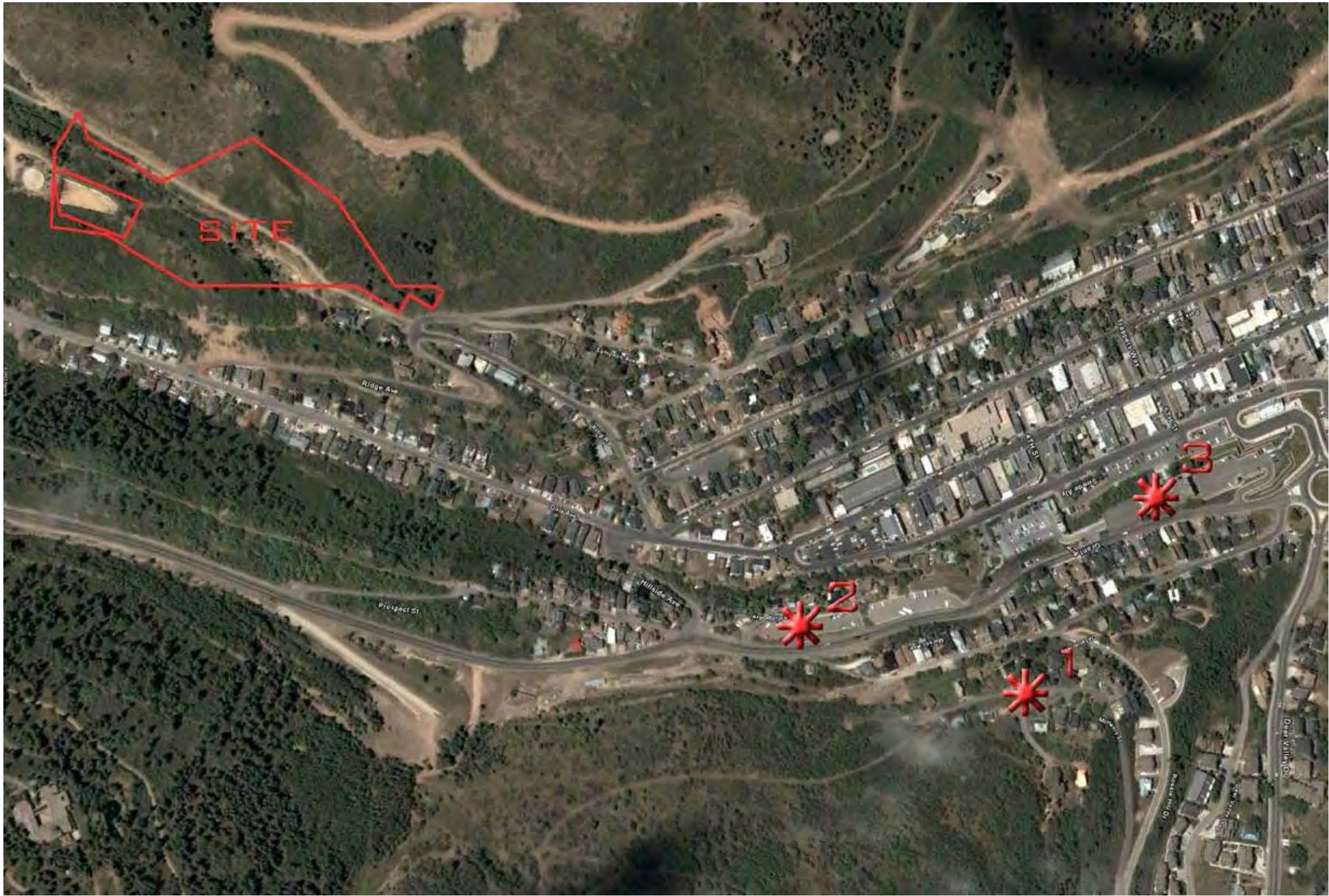
SLOPE ANALYSIS

KING DEVELOPMENT GROUP LLC.
P.O. BOX 244
PARK CITY, UTAH 84060



0 10 50 100
5 30
SCALE: 1"=50'-0"
DATE: JAN 23 2014





NOTE: VISUAL IMPACTS ARE MINOR
FROM KEY PARK CITY VANTAGE POINTS

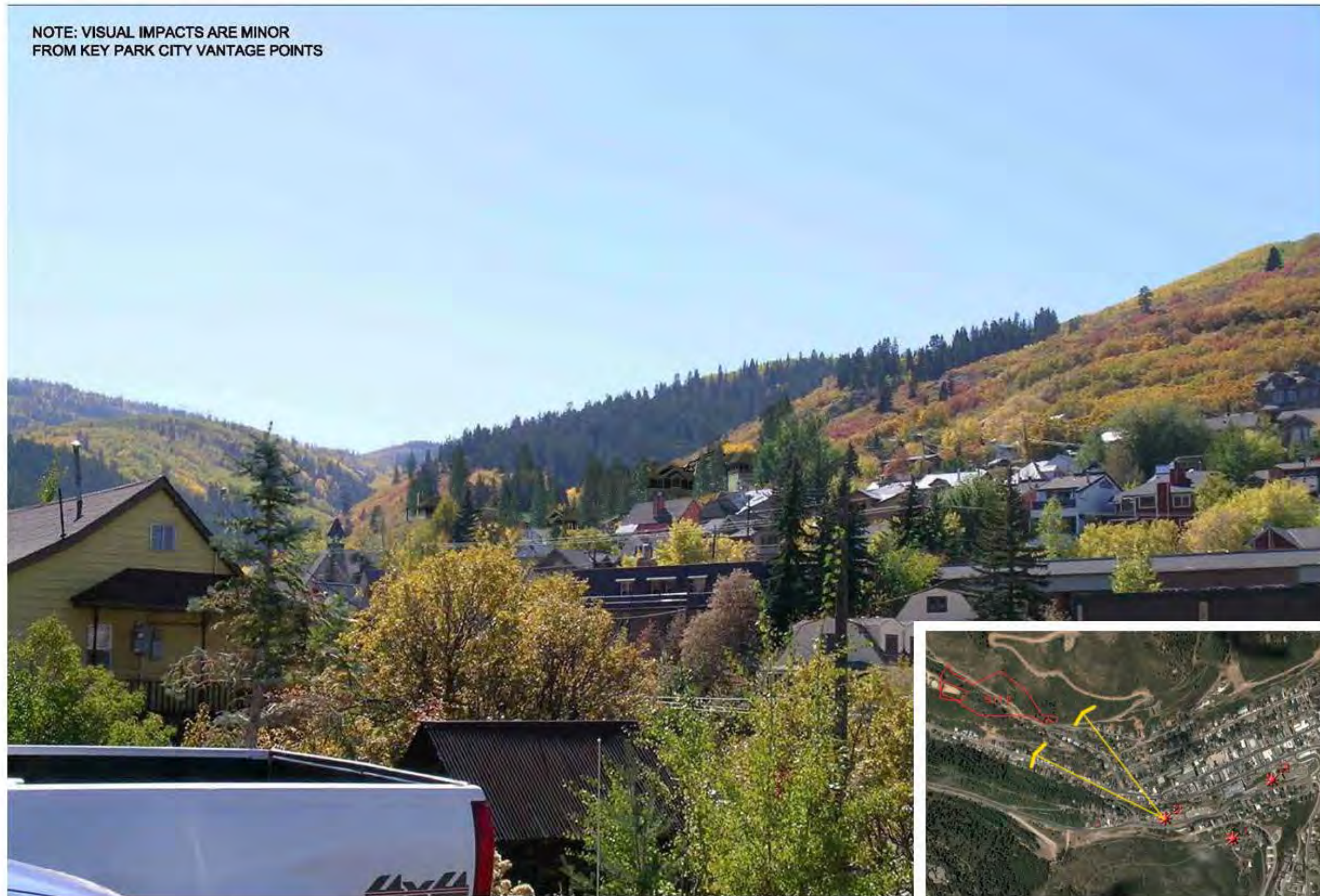


1. View from Cross Valley High Point



View Location Map

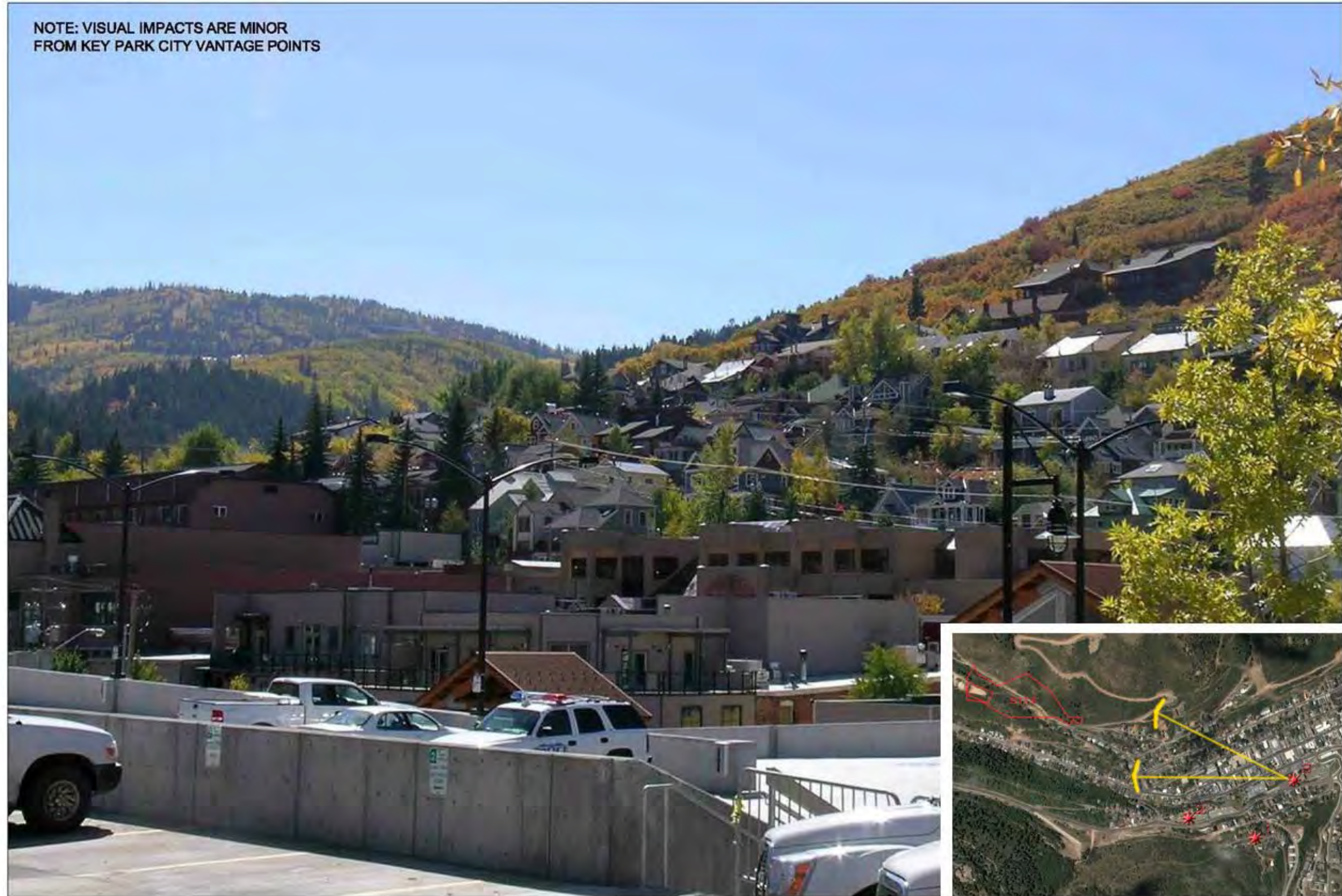
NOTE: VISUAL IMPACTS ARE MINOR
FROM KEY PARK CITY VANTAGE POINTS



2. View From South End of McHenry Ave

View Location Map

NOTE: VISUAL IMPACTS ARE MINOR
FROM KEY PARK CITY VANTAGE POINTS



3. View From Marsac Building Upper Parking Lot

View Location Map

Planning Commission Staff Report



Subject: 74 Daly Avenue
Project #: PL-15-02684
Author: Christy J. Alexander, AICP, Planner II
Date: April 8, 2015
Type of Item: Administrative – Steep Slope Conditional Use Permit

Summary Recommendations

Staff recommends the Planning Commission review the application for a Steep Slope Conditional Use Permit (CUP) at 74 Daly Avenue, conduct a public hearing, and consider approving the Steep Slope CUP for 74 Daly Avenue. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

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

Description

Owner/ Applicant: Jon Devarian
Architect: Craig Kitterman
Location: 74 Daly Avenue
Zoning: Historic Residential (HR-1)
Adjacent Land Uses: Residential single family homes, duplexes, and condos
Reason for Review: Construction of structures with greater than 1,000 square feet of floor area and located on a steep slope (30% or greater) requires a Conditional Use Permit

Proposal

This application is a request for a Steep Slope Conditional Use Permit for a 2,304 square feet new single family home (including the garage) on a 2,200.8 square foot vacant lot located at 74 Daly Avenue. The total floor area exceeds 1,000 square feet and the construction is proposed on a slope of greater than 30%.

Purpose

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

- A. preserve present land Uses and character of the Historic residential Areas of Park City,
- B. encourage the preservation of Historic Structures,
- C. encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods,

- D. encourage single family Development on combinations of 25' x 75' Historic Lots,
- E. define Development parameters that are consistent with the General Plan policies for the Historic core, and
- F. establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.

Background

On February 5, 2015, the City received an application for a Steep Slope Conditional Use Permit (CUP) for "Construction on a Steep Slope" at 74 Daly Avenue. The property is located in the Historic Residential (HR-1) District. The application was deemed complete on March 3, 2015. This application is a request for a Steep Slope Conditional Use Permit for construction of a new single family home which is proposed to be 2,304 square feet total (including the garage) on an amended "Old Town" lot containing 2,200.8 square feet. The property is described as Lot A of the 74 & 80 Daly Avenue Subdivision, a combination of a portion of Lot 9, Lot 10, a portion of Lot 11 and a portion of the vacated Anchor Avenue located in Block 74 of the Park City Survey. Because the total proposed structure is greater than 1,000 square feet, and the slope within the rear 30' of the lot is greater than thirty percent (30%), the applicant is required to file a Conditional Use Permit application for review by the Planning Commission, pursuant to LMC § 15-2.2-6 and prior to issuance of a building permit.

A separate Historic District Design Review (HDDR) application required for the proposed single family house was submitted on February 5, 2015. This application is being reviewed concurrently for compliance with the Design Guidelines for Historic Districts and Historic Sites that were adopted in 2009. Issuance of a building permit for the proposed home is dependent on approval of the Historic District Design Review.

On August 1, 2014, the applicant submitted an application for a plat amendment to subdivide the property into two (2) lots in order to construct two new single family homes. The Planning Commission heard this item at the February 11, 2015 meeting. The Commission voted 5-1 to forward a positive recommendation. Commissioner Strachan voted against it and could not support having vacated Anchor be part of the lot size in the footprint calculation.

After doing more research staff found only one instance in the past 20 years where Council restricted the footprint by excluding the portion of vacated Anchor Avenue. There were several other instances where plat amendments were approved without such restrictions. Other homes along the street are built upon the portion of vacated Anchor Avenue. No restrictions have been put on development on this vacated Right-of-Way. The Right-of-Way was vacated more than 20 years ago and vacation of the Right-of-Way was not a request by the current owner to be reviewed during the plat amendment process.

The City Council unanimously approved the 74 & 80 Daly Avenue Subdivision plat on March 5, 2015. The plat is pending recordation but will need to be recorded prior to March 5, 2016 and prior to building permit approval. The City Council did not vote to restrict the building footprint size or gross floor area or to restrict using the vacated

portion of Anchor Avenue in the footprint calculation. See Exhibit I for March 5, 2015 City Council Minutes.

At the February 11, 2015, meeting, a majority of the Commissioners stated it would be more appropriate for the Planning Commission to look at house size and neighborhood compatibility during the Steep Slope CUP process. Commissioner Joyce requested to see a compatibility analysis when the item came back for a Steep Slope CUP. The meeting minutes have been attached as Exhibit E. See also Exhibits F, G, and H for massing comparison analysis.

Analysis

The lot has an average slope, across the entire depth, of thirty-five percent (35%). The lot is described as Lot A of the 74 & 80 Daly Avenue Subdivision, a combination of a portion of Lot 9, Lot 10, a portion of Lot 11 and a portion of the vacated Anchor Avenue located in Block 74 of the Park City Survey, both previously being vacant. This property already has access to utility services for water, sewer, etc. off of Daly Avenue.

The proposed home contains a total of 2,304 square feet, including the garage. The proposed building footprint totals 930.9 square feet. The 2,200.8 square foot lot allows a building footprint of 972.4 square feet. The house complies with all setbacks, building footprint, and building height requirements of the HR-1 zone. The third story includes horizontal stepping of 10' which is exactly the required ten feet (10') of stepping. See below for description of each floor:

Floor	Proposed Sq. Ft. for Home
Main	855 square feet including garage
Upper	931 square feet
Attic	518 square feet
Overall area	2,304 square feet including garage

Staff reviewed the plans and made the following LMC related findings:

Requirement	LMC Requirement	Proposed for New Home
Lot Size	Minimum of 1,875 square feet	2,200.8 square feet, <u>complies.</u>
Building Footprint	972.4 square feet (based on lot area) <u>maximum</u>	930.9 square feet, <u>complies.</u>
Front and Rear Yard	10 feet minimum (decks, porches and bay windows may extend up to 3' into the front setback for a max width of 10')	Front- 10.3 feet, <u>complies.</u> Rear- 10 feet, <u>complies.</u>
Side Yard	3 feet minimum for lot (6 feet total) based on lot width of 37.48'	3 feet on both sides, <u>complies.</u> no window wells- <u>complies.</u>
Height	27 feet above existing grade, <u>maximum.</u> 35 feet above existing grade is	Various heights all at or less than 27 feet - <u>complies.</u>

	permitted for a single car garage on a downhill lot.	
Total Building Height	35 feet from lowest floor plane to highest wall plate	35 feet- <u>complies</u> .
Final grade	Final grade must be within four (4) vertical feet of existing grade around the periphery of the structure.	(4 feet) or less- <u>complies</u> .
Vertical articulation	A ten foot (10') minimum horizontal step in the downhill façade is required unless the First Story is located completely under the finish Grade on all sides of the Structure. The horizontal step shall take place at a maximum height of twenty three feet (23') from where Building Footprint meets the lowest point of existing Grade.	Attic story on north and south façades is 10' back from lower levels, this stepping occurs at the 23' height – <u>complies</u> .
Roof Pitch	Roof pitch must be between 7:12 and 12:12 for primary roofs. Non-primary roofs may be less than 7:12.	7:12 for all primary roofs - <u>complies</u> .
Parking	Two (2) off-street parking spaces required	One (1) space within the proposed single car garage and one uncovered space (18' in length) on the proposed driveway, within the lot area, compliant with required dimensions (12' maximum width)- <u>complies</u> .

The current design complies with the 35 foot total height requirement from the lowest floor plane to the point of the highest wall top plate. The current design will require a slight modification to the windows in scale and type for HDDR approval. The applicant shall provide a redesign when they revise their required HDDR application.

Staff looked at the compatibility of this proposed home compared to other homes along Daly Avenue in general and more specifically Lower Daly Avenue. Exhibit F shows the mean footprint calculation of Daly Avenue, which is what the Commission should look at and not the entire HR-1 District. The proposed home's footprint of 930.9 sf clearly falls below the mean footprint for Daly Avenue which is 1,465.44 sf. Looking at Lower Daly Avenue, the applicant has completed an analysis of the streetscape massing and livable square foot calculations for homes along the same (west) side of the street as the proposed home. The lots adjacent to this lot are significantly larger in size than the proposed lot. However, the average livable square footage of the homes listed in Exhibit

H is 2,916.6 sf and the proposed home is 2,304 sf. The homes in the nearby vicinity are much larger than those on the upper and lower ends of Daly Avenue. The only home that is significantly smaller than the proposed home and the majority of structures along Lower Daly Avenue is 84 Daly Avenue which has the ability to build an addition on their existing home larger than what is proposed in this application. Due to these calculations and streetscape views, along with the articulation of the home and compatibility with the Historic District Design Guidelines, staff finds that the design as proposed is compatible with the neighborhood and complies with the Steep Slope Conditional Use criteria as outlined below.

Steep Slope Review Criteria

LMC § 15-2.2-6 provides for development on steep sloping lots (30% or greater) if the structure contains more than one thousand square feet (1,000 sq. ft.) of floor area, including the garage, within the HR-1 District, subject to the following criteria:

Criteria 1: Location of Development.

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

The proposed single family house is located on an approved platted lot, (which was approved on March 5, 2015 and is unrecorded but will need to be recorded before March 5, 2016 and building permit approval), in a manner that reduces the visual and environmental impacts of the Structure. The main level is set at grade of the street to minimize visual impacts on the Streetscape (Exhibit B). The foundation is stepped with the grade and the amount of excavation for the home is minimized due to the existing topography. There is no major vegetation present on the vacant lot except for aspens which will be replaced in kind with the new landscape plan. The proposed 930.9 square feet footprint of the home is less than that allowed for the lot area. The front and rear setbacks are increased for portions of the structure.

Criteria 2: Visual Analysis.

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

The applicant submitted a visual analysis, cross canyon view, streetscape elevations and photographs showing a contextual analysis of the proposed house related to visual impacts (Exhibit B). The proposed structure cannot be seen from the key vantage points as indicated in the LMC Section 15-15-1.283, with the exception of a cross canyon view. The cross canyon view contains a back drop of one (1), two (2) and three (3) story single-family and duplex homes and large condominium buildings.

This site contains a combination of portions of two "old town" lots and portions of vacated Anchor Avenue with many similar lots and structures in the immediate neighborhood. The lot is currently vacant.

The visual analysis and streetscape demonstrate that the proposed design of the home is visually compatible with the neighborhood, compatible in scale and mass with surrounding structures, and visual impacts are mitigated. Potential impacts of the design are mitigated by architectural stepping and a stepped foundation, minimized excavation and greater horizontal step in the roofline. Additionally, the garage door is located approximately 18 feet back from the edge of Daly Avenue.

Criteria 3: Access.

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

The proposed design uses access off of Daly Avenue. Side access is not feasible due to the width of the lot. The proposed driveway has an overall slope of 0.06% as measured from the front of the garage to the edge of the paved street. This slope is minimal and compatible with the neighborhood and accomplishes the required minimum 7:12 roof pitch for the main roof element while maintaining required building height restrictions. The proposed driveway was designed to minimize Grading of the natural topography and to reduce overall Building scale.

Criteria 4: Terracing.

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

The lot has a gentle grade at the front becoming relatively steeper at the rear. Overall, the slope is 35%. There is one proposed retaining wall of 4' in height at the rear south side of the lot. The lots to the north of the subject lot has an existing duplex home and the lot to the south is currently vacant but has a concurrent proposed single family home to be built by the same owner.

Criteria 5: Building Location.

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

The new home's building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography. The site design and building footprint provide a front setback area (18') in front of the garage and (10.3') to the entry. Side setbacks and building footprints are maintained consistent with the pattern of development and separation of structures in the neighborhood. The driveway width is 12 feet. The garage door is setback 18' from the edge of the street and at least 19.5' from the property line. The front yard area adjacent to the driveway is proposed to be landscaped with drought tolerant plants and trees.

Criteria 6: Building Form and Scale.

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

The new home steps with the grade and is broken into a series of smaller components that are compatible with the District. The stepping of the home creates the interior story levels and allows the lower level to meet existing grade. The garage is subordinate in design in that it is setback more from the street than the home and the width is minimized.

Criteria 7: Setbacks.

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

Front setbacks were already increased as the garage portion of the house is currently setback 18 feet from the property line and edge of the street and nearly 19.5 feet from the property line, to accommodate the code required parking space entirely on the lot. No wall effect is created with the proposed design of the home. Side setbacks are consistent with the pattern of development and separation in the neighborhood. The articulation in the front and rear facades reduce the overall mass of the structure and does not create a wall effect along the street front or rear lot line. Rear elevation is articulated with an increased horizontal step.

Criteria 8: Dwelling Volume.

The maximum volume of any Structure is a function of the Lot size, Building Height, Setbacks, and provisions set forth in this Chapter. The Planning Commission may further limit the volume of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing Structures. **No unmitigated impacts.**

The proposed house is both articulated and broken into compatible massing components. The design includes setback variations and lower building heights for portions of the structure. The proposed massing and architectural design components are compatible with both the volume and massing of single family dwellings in the area. The proposed home's footprint of 930.9 sf is smaller than the maximum allowed and falls below the mean footprint for Daly Avenue which is 1,465.44 sf. Per the analysis of the streetscape massing and livable square foot calculations for homes along the same (west) side of the street as the proposed home, the proposed volume and massing is compatible with single family dwellings in the area. The lots adjacent to this lot are significantly larger in size than the proposed lot. The average livable square footage of homes in the area, as listed in Exhibit H, is 2,916.6 sf and the proposed home is 2,304

sf. The design minimizes the visual mass and mitigates the differences in scale between the proposed house and surrounding structures.

Criteria 9: Building Height (Steep Slope).

The maximum Building Height in the HR-1 District is twenty-seven feet (27'). The Planning Commission may require a reduction in Building Height for all, or portions, of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing residential Structures. **No unmitigated impacts.**

The proposed structure meets the twenty-seven feet (27') maximum building height requirement measured from existing grade at the highest point. Portions of the house are less than 27' in height. The tallest portion of the house (27') is midway back from the front and the roof height at this location is not visually apparent from the front, back, or sides of the house. The differences in scale between the proposed Structure and existing Structures are mitigated. The design complies with the 27 foot height allowance measured from existing grade.

Staff finds that the design allows additional design aesthetics, provides compatibility of design at the street level, meets the overall building Height requirement, and reduces the mass at the rear of the structure.

Process

Approval of this application constitutes Final Action that may be appealed to the City Council following appeal procedures found in LMC § 15-1-18. Approval of the Historic District Design Review application is noticed separately and is a condition of building permit issuance. Recordation of the Plat within one year of City Council approval is also a condition of building permit issuance.

Department Review

This project has gone through an interdepartmental review. No further issues were brought up at that time other than standards items that have been addressed by revisions and/or conditions of approval.

Notice

On March 25, 2015, the property was posted and notice was mailed to property owners within 300 feet. On March 21, 2015, legal notice was published in the Park Record in accordance with requirements of the LMC.

Public Input

No public input was received on this Steep Slope CUP application.

Alternatives

- The Planning Commission may approve the Steep Slope Conditional Use Permit for 74 Daly Avenue as conditioned, or
- The Planning Commission may deny the Steep Slope CUP Permit for 74 Daly Avenue and direct staff to make Findings for this decision, or

- The Planning Commission may request the applicant provide revisions or provide other specific items and continue the discussion to a date certain.

Significant Impacts

As conditioned, there are no significant fiscal or environmental impacts from this application.

Recommendation

Staff recommends the Planning Commission review the application for a Steep Slope Conditional Use Permit at 74 Daly Avenue, conduct a public hearing, and consider approving the Steep Slope CUP for 74 Daly Avenue. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

Findings of Fact:

1. The property is located at 74 Daly Avenue.
2. The property is located within the Historic Residential (HR-1) District and meets the purpose of the zone.
3. The property is described as Lot A of the 74 & 80 Daly Avenue Subdivision. The lot area is 2,200.8 square feet.
4. A Historic District Design Review (HDDR) application is required and will be reviewed by staff for compliance with the Design Guidelines for Historic Districts and Historic Sites adopted in 2009.
5. This lot is a combination of a portion of Lot 9, a portion of Lot 10, and a portion of the vacated Anchor Avenue located in Block 74 of the Park City Survey which was previously vacant. This is an uphill lot.
6. Access to the property is from Daly Avenue, a public street.
7. Two parking spaces are proposed on site. One space is proposed within an attached garage and the second is on the driveway in a tandem configuration to the garage, within the lot area.
8. The neighborhood is characterized by primarily non-historic and historic residential structures, single family homes, duplexes and condos.
9. The proposal consists of a total of 2,304 square feet, including the garage.
10. The proposed driveway was designed with a maximum width of twelve feet and is approximately 18 feet in length from the garage to the existing edge of street with a minimum of 18 feet of driveway located on the property. The garage door complies with the maximum height and width of nine feet by nine feet.
11. The proposed driveway has an overall slope of 0.06% as measured from the front of the garage to the edge of the paved street.
12. An overall combined building footprint of 930.9 square feet is proposed. The maximum allowed footprint for this lot is 972.4 square feet.
13. The proposed structure complies with all setbacks.
14. The proposed structure complies with the twenty-seven feet (27') maximum building height requirement measured from existing grade. Portions of the house are less than 27' in height.

15. The proposed home complies with the LMC required total building height of 35' from the lowest floor plane to the highest wall plate and is in compliance with the LMC required step back of 10' at the building height of 23' at the rear façade.
16. The applicant submitted a visual analysis, cross valley views and a streetscape showing a contextual analysis of visual impacts of this home on the cross canyon views and the Daly Avenue streetscape.
17. Retaining is only necessary at the rear of the lot as shown on the left (south) elevation in between 74 & 80 Daly. This retaining wall is proposed at 4' in height which complies with the LMC. There are no window wells.
18. The building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography.
19. The site design, stepping of the foundation and building mass, increased articulation, and decrease in the allowed difference between the existing and final grade mitigates impacts of construction on the 30% or greater slope areas.
20. The design includes setback variations in the front and back and lower building heights for portions of the structure in both the front and back where facades are less than twenty-seven feet in height.
21. The proposed massing and architectural design components are compatible with both the volume and massing of other single family dwellings in the area. No wall effect is created with adjacent structures due to stepping, articulation, and placement of the house on the lot.
22. The proposed structure follows the predominant pattern of buildings along the street, maintaining traditional setbacks, orientation, and alignment. Lot coverage, site grading, and steep slope issues are also compatible with neighboring sites. The size and mass of the structure is compatible with surrounding sites, as are details such as foundation, roofing, materials, window and door openings, and single car garages.
23. No lighting has been proposed at this time. Lighting will be reviewed at the time of Building Permit application for compliance with the LMC lighting code standards.
24. The applicant submitted a visual analysis, cross canyon view, and streetscape showing a contextual analysis of visual impacts of the proposed structure on the adjacent streetscape.
25. The findings in the Analysis section of this report are incorporated herein.
26. The applicant stipulates to the conditions of approval.

Conclusions of Law:

1. The Steep Slope CUP application is consistent with the Park City General Plan.
2. The application is consistent with requirements of the Park City LMC, specifically Section 15-2.2-6 (B) (1-10) regarding development on Steep Slopes.
3. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval:

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.

3. A final utility plan, including a drainage plan, for utility installation, public improvements, and storm drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers, including Snyderville Basin Water Reclamation District, prior to issuance of a building permit.
4. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
5. A final landscape plan shall be submitted for review and approval by the City Planning Department, prior to building permit issuance.
6. No building permits shall be issued for this project unless and until the design is reviewed and approved by the Planning Department staff for compliance with this Conditional Use Permit, the 2009 Design Guidelines for Historic Districts and Historic Sites (Historic District Design Review) and the Land Management Code.
7. No building permit shall be issued until the 74 & 80 Daly Avenue Subdivision is recorded.
8. If required by the Chief Building Official based on a review of the soils and geotechnical report submitted with the building permit, the applicant shall submit a detailed shoring plan prior to the issue of a building permit. If required by the Chief Building official, the shoring plan shall include calculations that have been prepared, stamped, and signed by a licensed structural engineer.
9. This approval will expire on April 8, 2016, if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval has been requested in writing prior to the expiration date and the request is granted by the Planning Director.
10. Modified 13-D residential fire sprinklers are required for all new structures on the lot.
11. All exterior lighting, on porches, garage doors, entryways, etc. shall be shielded to prevent glare onto adjacent property and public rights-of-way. Light trespass into the night sky is prohibited.
12. Construction waste should be diverted from the landfill and recycled when possible.
13. All electrical service equipment and sub-panels and all mechanical equipment, except those owned and maintained by public utility companies and solar panels, shall be painted to match the surrounding

Exhibits

Exhibit A – Plans (existing conditions, site plan, landscape plan, elevations, floor plans (date stamped February 5, 2015)

Exhibit B – Visual Analysis and Streetscape

Exhibit C – Photographs and Vicinity Map

Exhibit D – Recorder's plat (to be recorded at the County) and Aerial

Exhibit E – Planning Commission meeting minutes February 11, 2015

Exhibit F – Daly Avenue mean footprint calculation

Exhibit G – Lower Daly Avenue Streetscape Massing Analysis

Exhibit H – Lower Daly Avenue Living Square Feet Analysis

Exhibit I – City Council meeting minutes March 5, 2015

EXHIBIT A

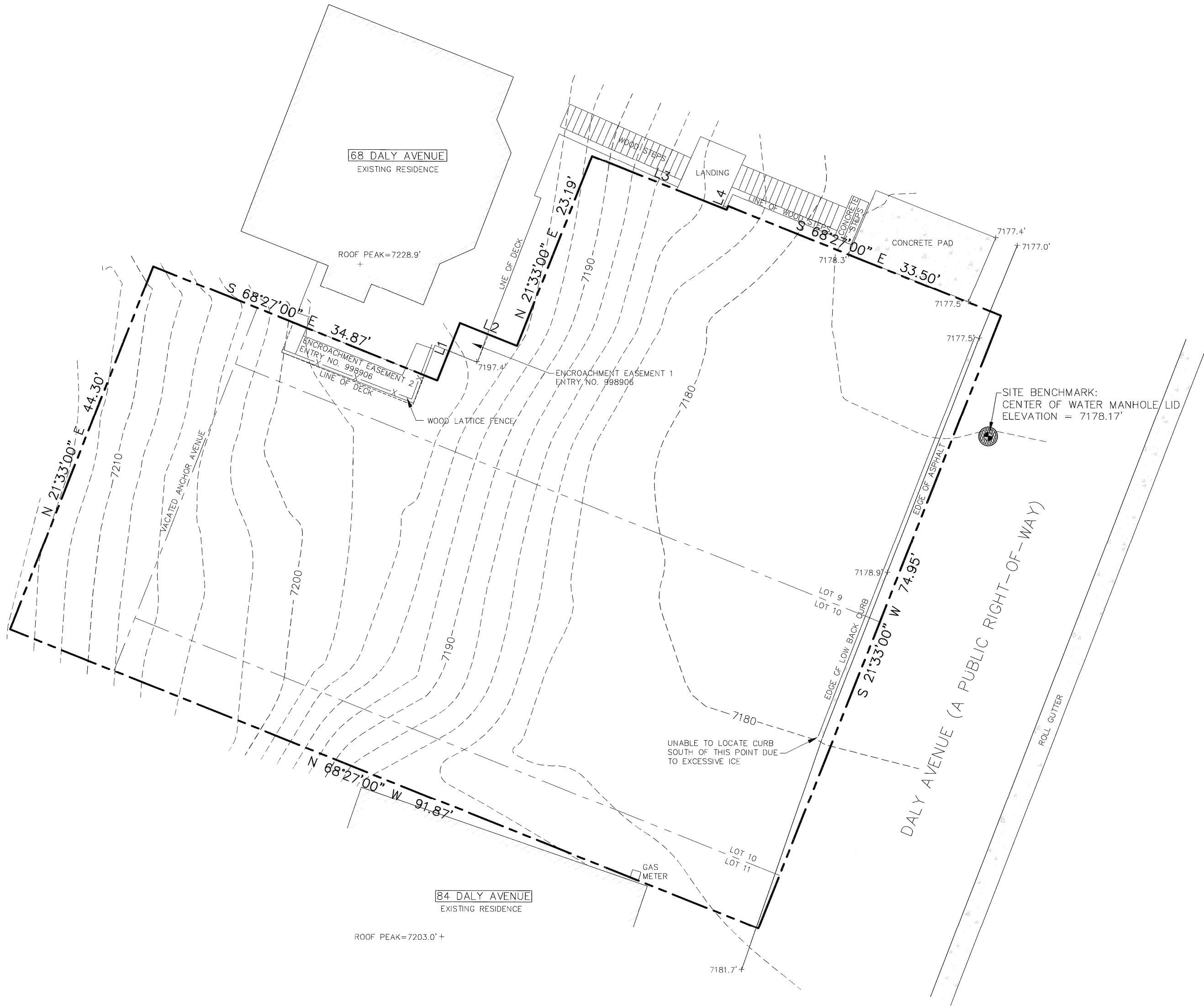
SURVEYOR'S CERTIFICATE



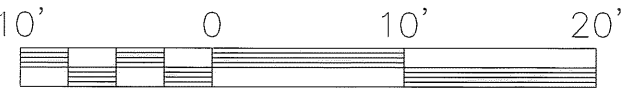
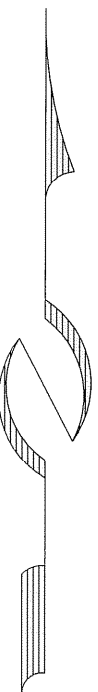
I, Martin A. Morrison, do hereby certify that I am a registered land surveyor and that I hold certification no. 4938739 as prescribed under the laws of the State of Utah. I further certify that a topographic survey has been made under my direction of the lands shown and described hereon. I further certify that this topographic survey is a correct representation of the land surveyed at the time the field work was completed and is in compliance with generally accepted industry standards for accuracy.

NOTES

1. Site Benchmark: Center of water manhole lid
Elevation=7178.17'
2. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
3. This topographic map is based on field surveys performed on October 2, 2006 and December 6, 2011.
4. Snow coverage at the time of the survey was approximately 6" to 10".
As a result, actual elevations may vary from elevations shown on this survey. In addition, monuments, improvements and/or conditions may exist which are not shown on this survey.



LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 21°33'00" E	7.00
L2	S 68°27'00" E	7.00
L3	S 68°27'00" E	16.50
L4	N 21°33'00" E	0.47



(435) 649-9467
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

STAFF:
MARSHALL KING
MARTY MORRISON
HARRISON HOLLEY

DATE: 7/31/14

EXISTING CONDITIONS & TOPOGRAPHIC SURVEY
80 DALY AVENUE
PARK CITY SURVEY

FOR: JON DEVERIAN
JOB NO.: 5-7-14
FILE: X:\ParkCitySurvey\dwg\srvtopo2014\050714.dwg

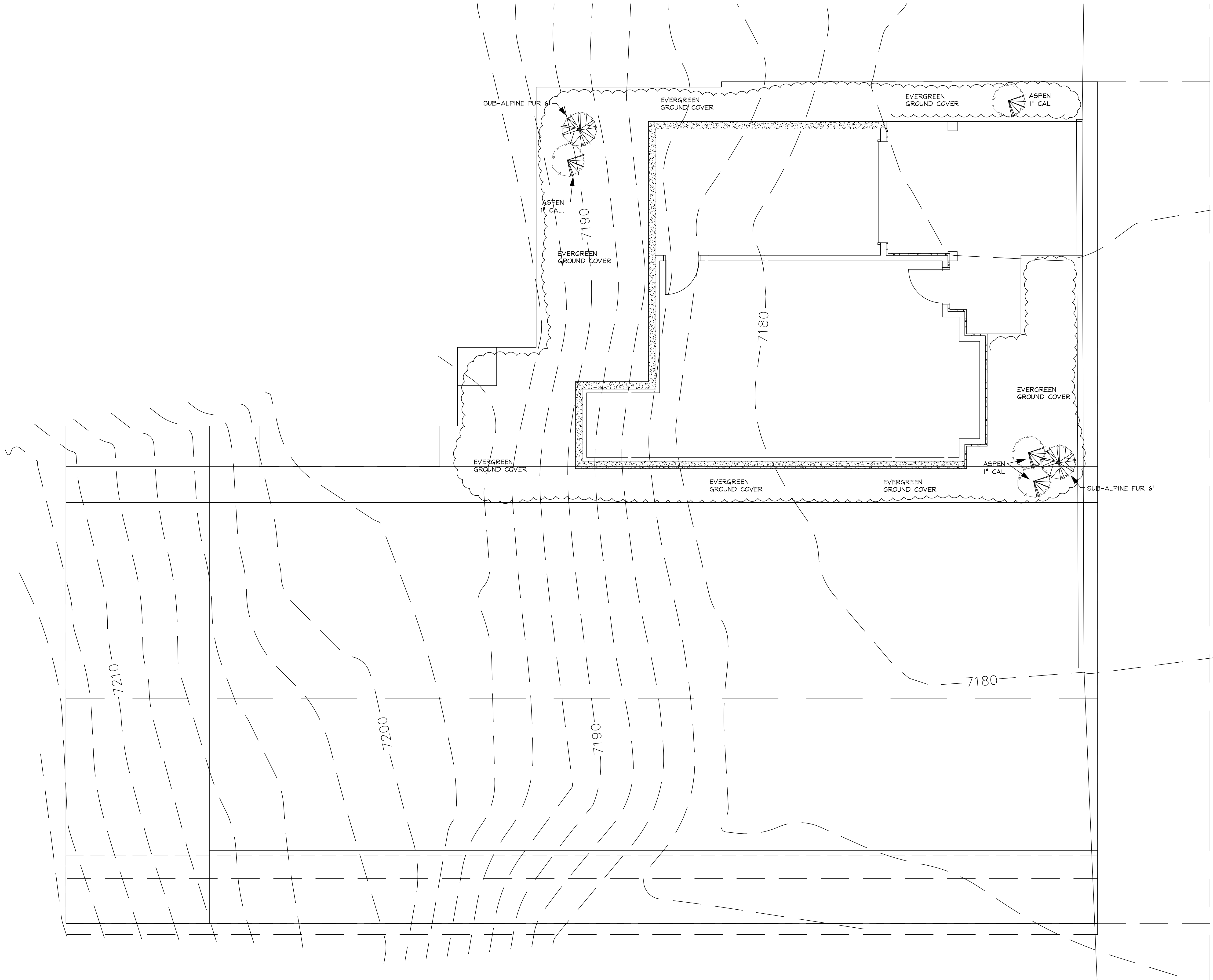
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PARK CITY, UTAH 84060

1079 E. Murray-Holladay Road Holladay, Utah 84117 Office 270-8606 Fax 263-3989

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LANDSCAPE PLAN

SCALE: 1/4" = 1'-0"

PRELIMINARY DRAWINGS ONLY
NOT RELEASED FOR CONSTRUCTION

Craig Kitterman & Associates Architects

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PROJECT #
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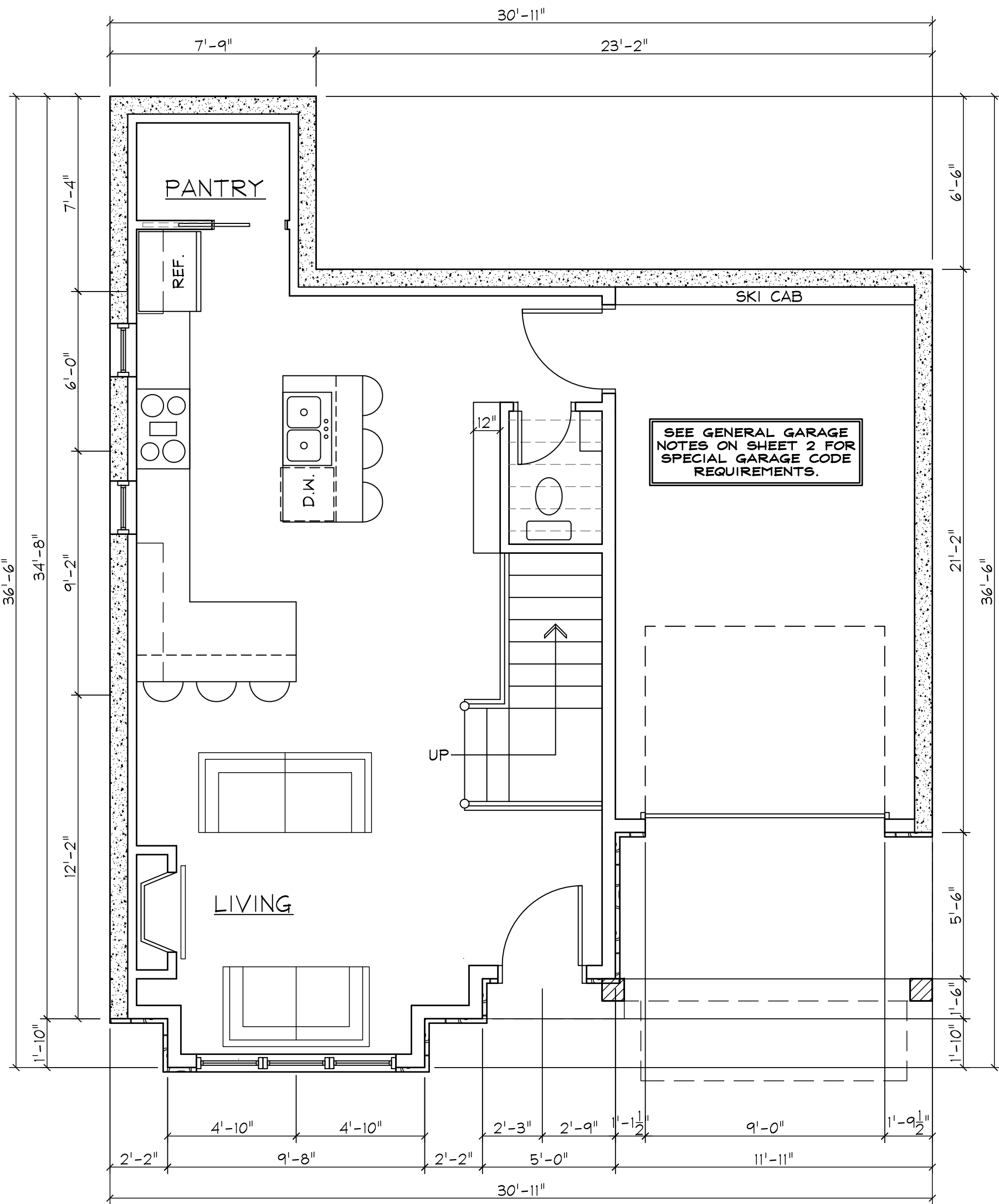
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Page 286 of 492

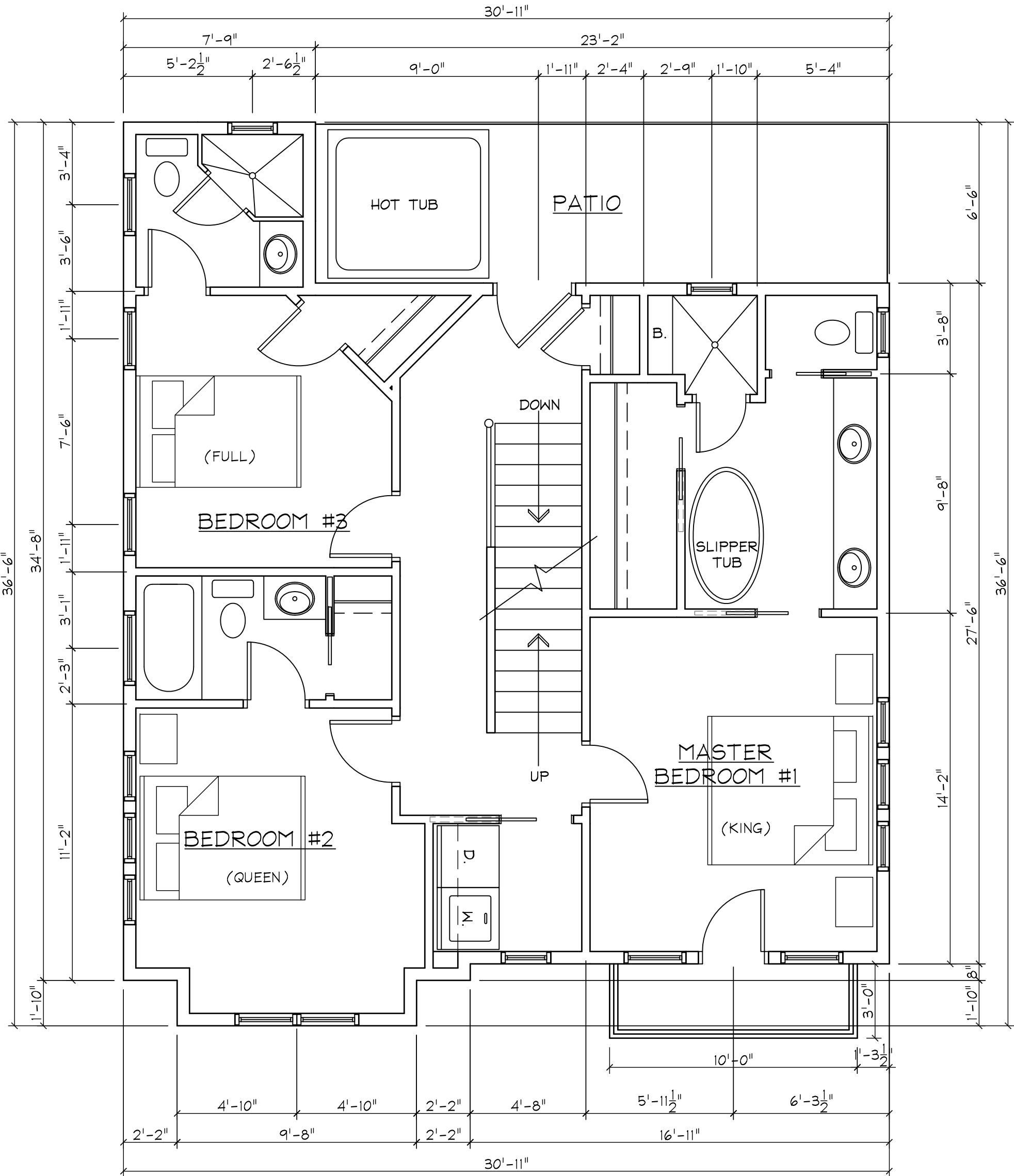
74 DALY AVENUE

PARK CITY, UTAH 84060



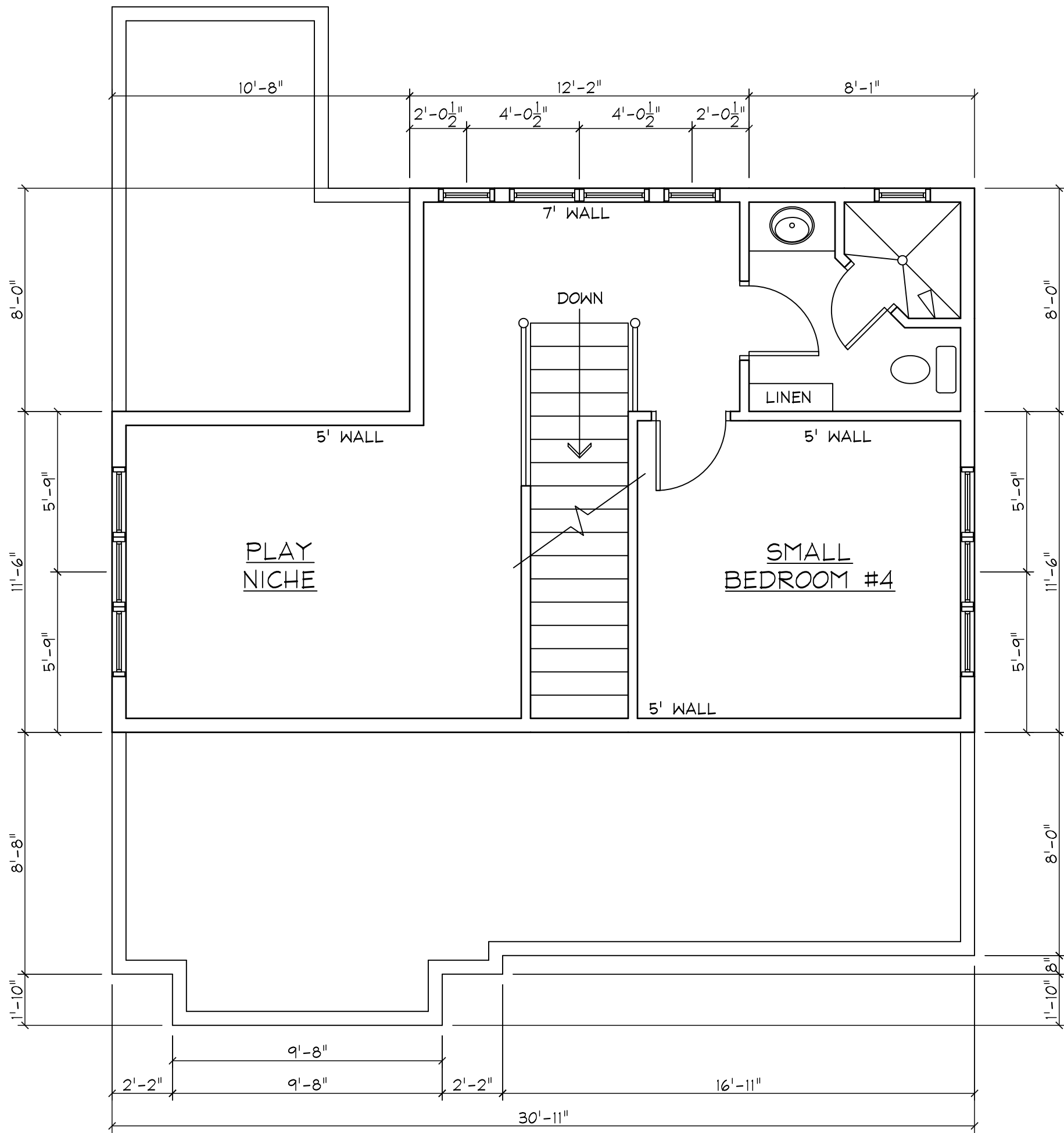
MAIN FLOOR PLAN

SCALE: 1/4"=1'-0" 601 SQ. FT.



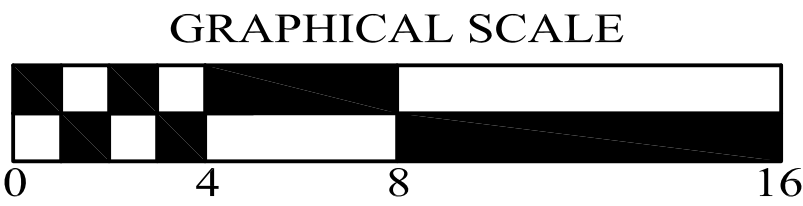
UPPER FLOOR PLAN

SCALE: 1/4"=1'-0" 931 SQ. FT.



ATTIC FLOOR PLAN

SCALE: 1/4"=1'-0" 518 SQ. FT.



SQUARE FOOTAGE	
ALLOWED FOOTPRINT	931.75 SQ. FT
ACTUAL FOOTPRINT	930.9 SQ. FT

SEE SHEET #A-2 FOR ADD. NOTES

PRELIMINARY DRAWINGS ONLY
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74 DALY AVENUE

PARK CITY, UTAH 84060

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1079 E. Murray-Holladay Road Holladay, Utah 84117 Office 270-8606 Fax 263-3989

PROJECT #
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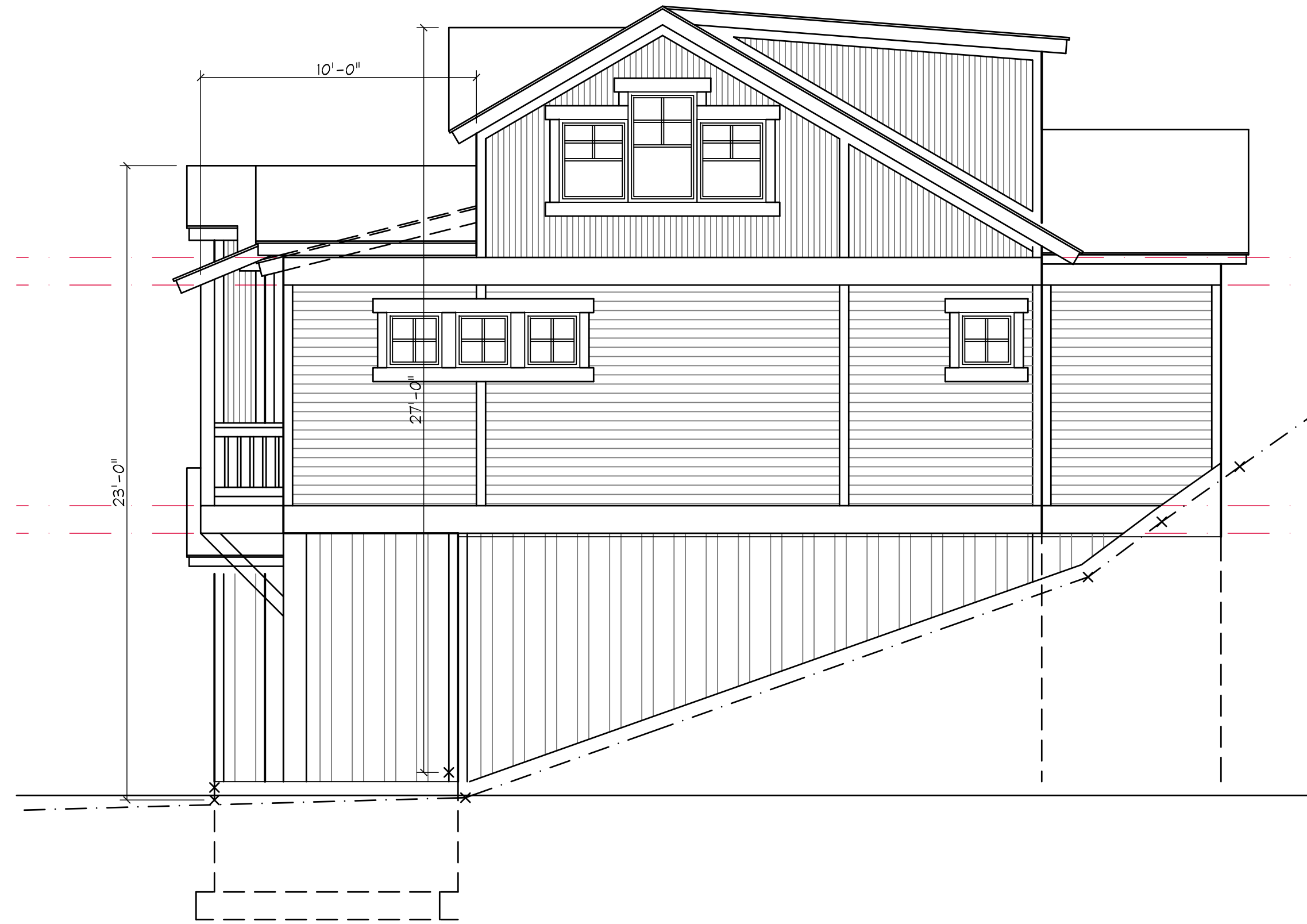
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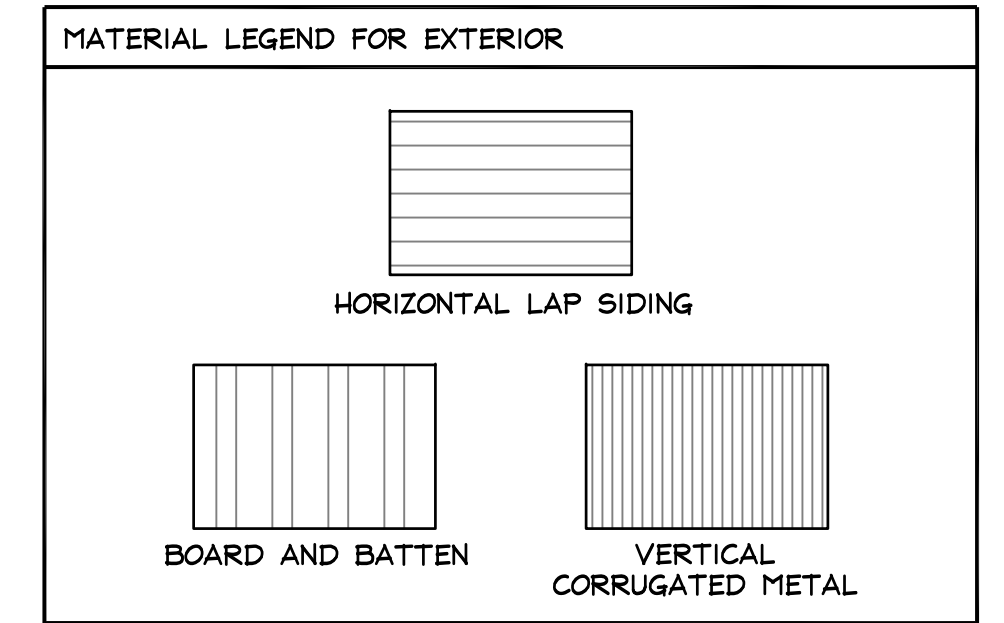
FRONT ELEVATION

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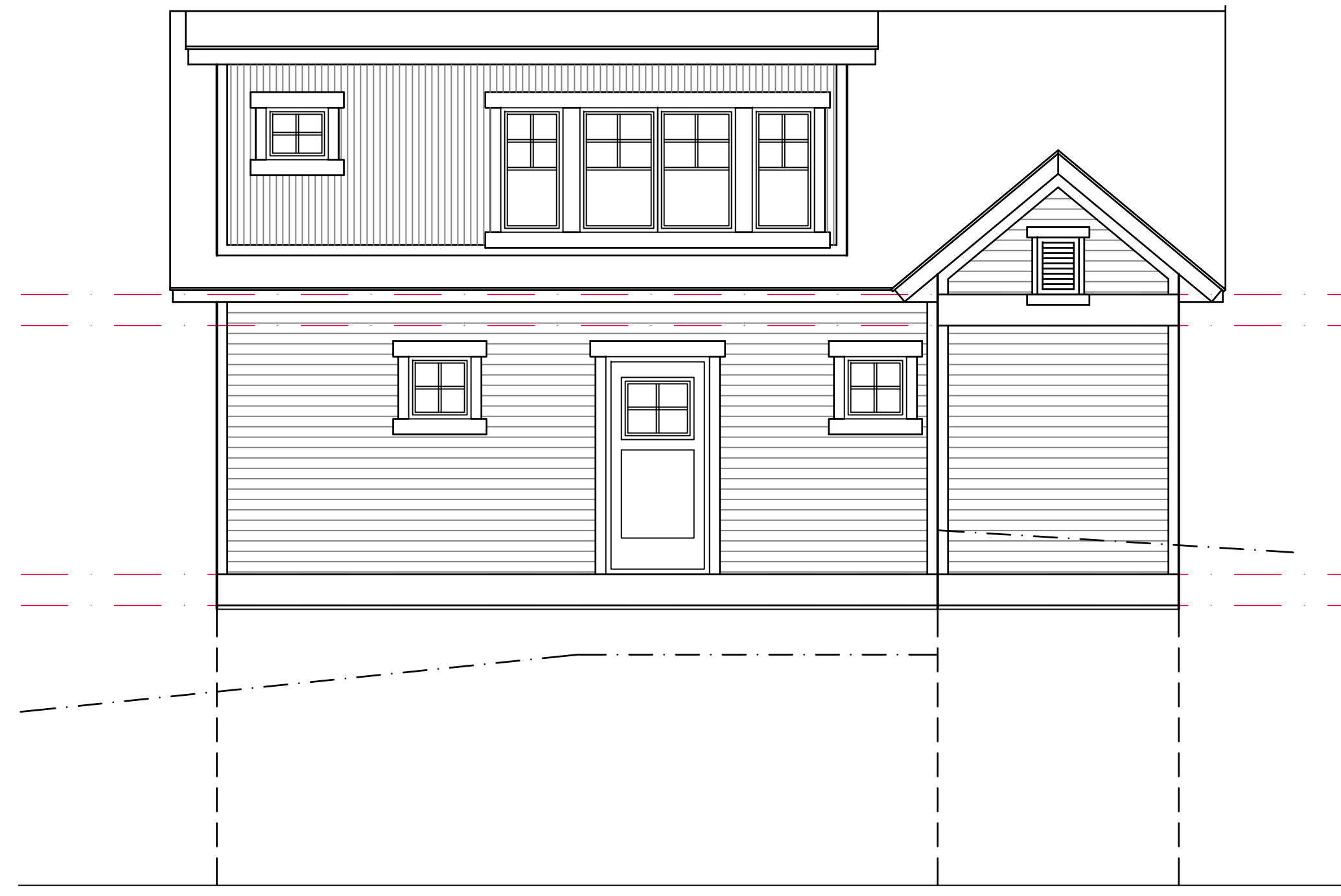
RIGHT ELEVATION

SCALE: 1/4"=1'-0"



LEFT ELEVATION

SCALE: 1/4"=1'-0"



REAR ELEVATION

SCALE: 1/4"=1'-0"

SEE SHEET #A-2 FOR ADD. NOTES

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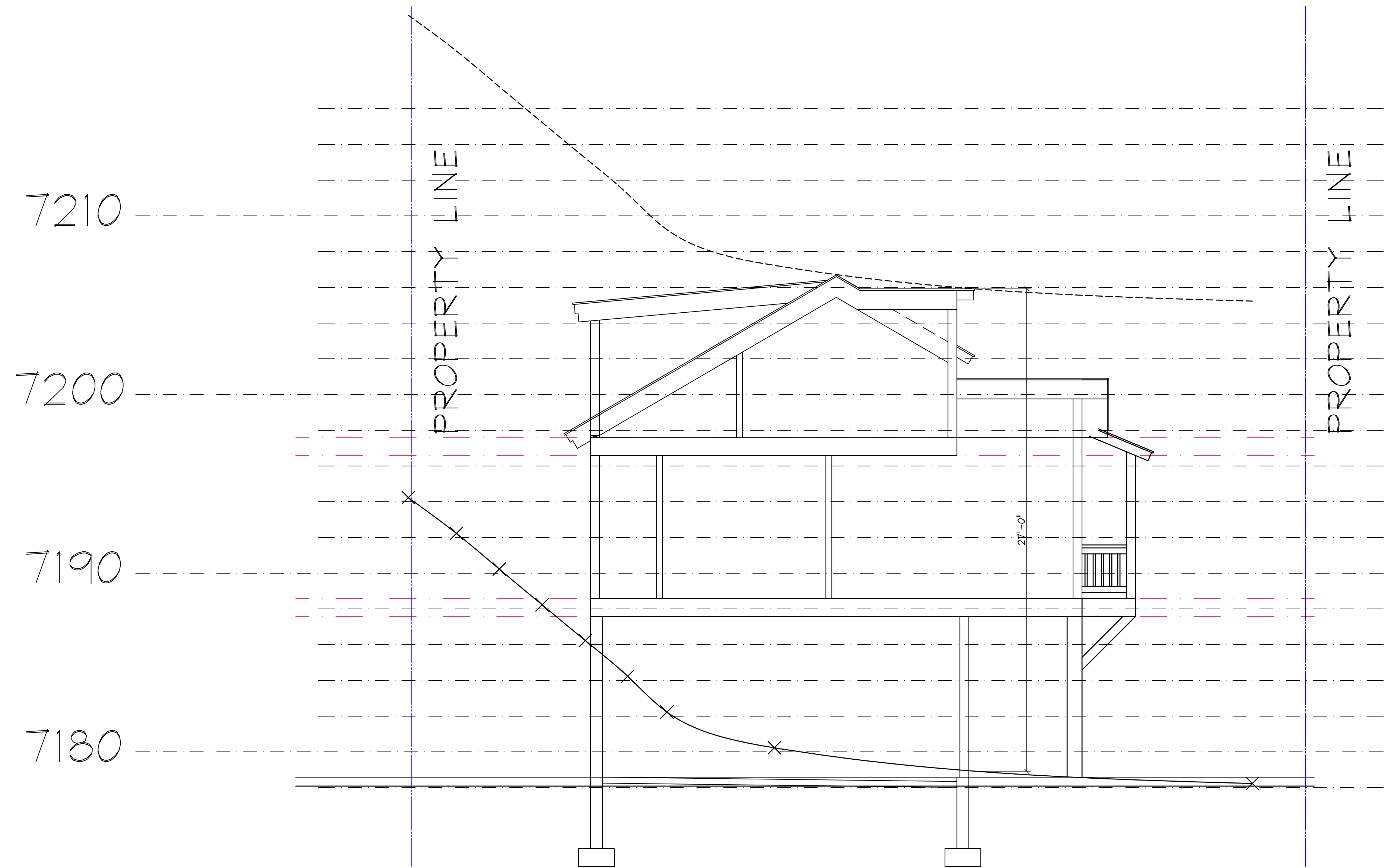
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74 DALY AVENUE

PARK CITY, UTAH 84060

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1079 E. Murray-Holladay Road Holladay, Utah 84117 Office 270-8606 Fax 263-3989



CROSS SECTION

SCALE: 1/4" = 1'-0"

SEE SHEET #A-2 FOR ADD. NOTES

PRELIMINARY DRAWINGS ONLY
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02/05/2015

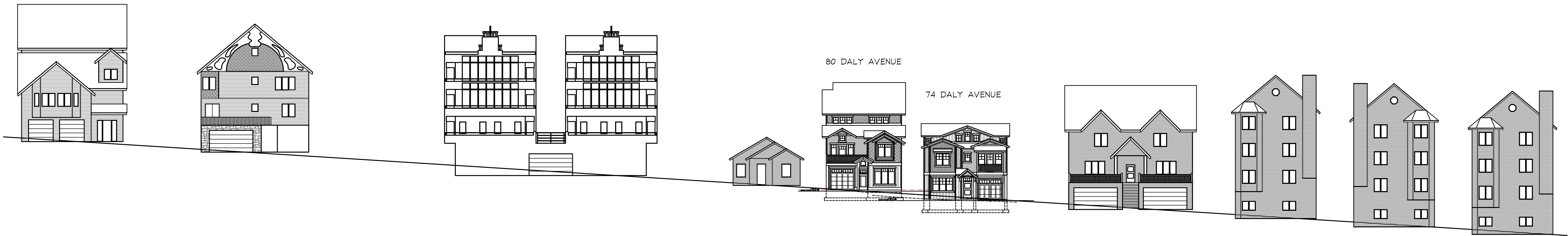
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74 DALY AVENUE

PARK CITY, UTAH 84060

EXHIBIT B





DALY AVE.
STREETSCAPE

SCALE: NTS

74 DALY AVENUE

PARK CITY, UTAH 84060

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1079 E. Murray-Holladay Road Holladay, Utah 84117 Office 270-8606 Fax 263-3989

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EXHIBIT C

Craig T. Kjtterman and Associates, Architects

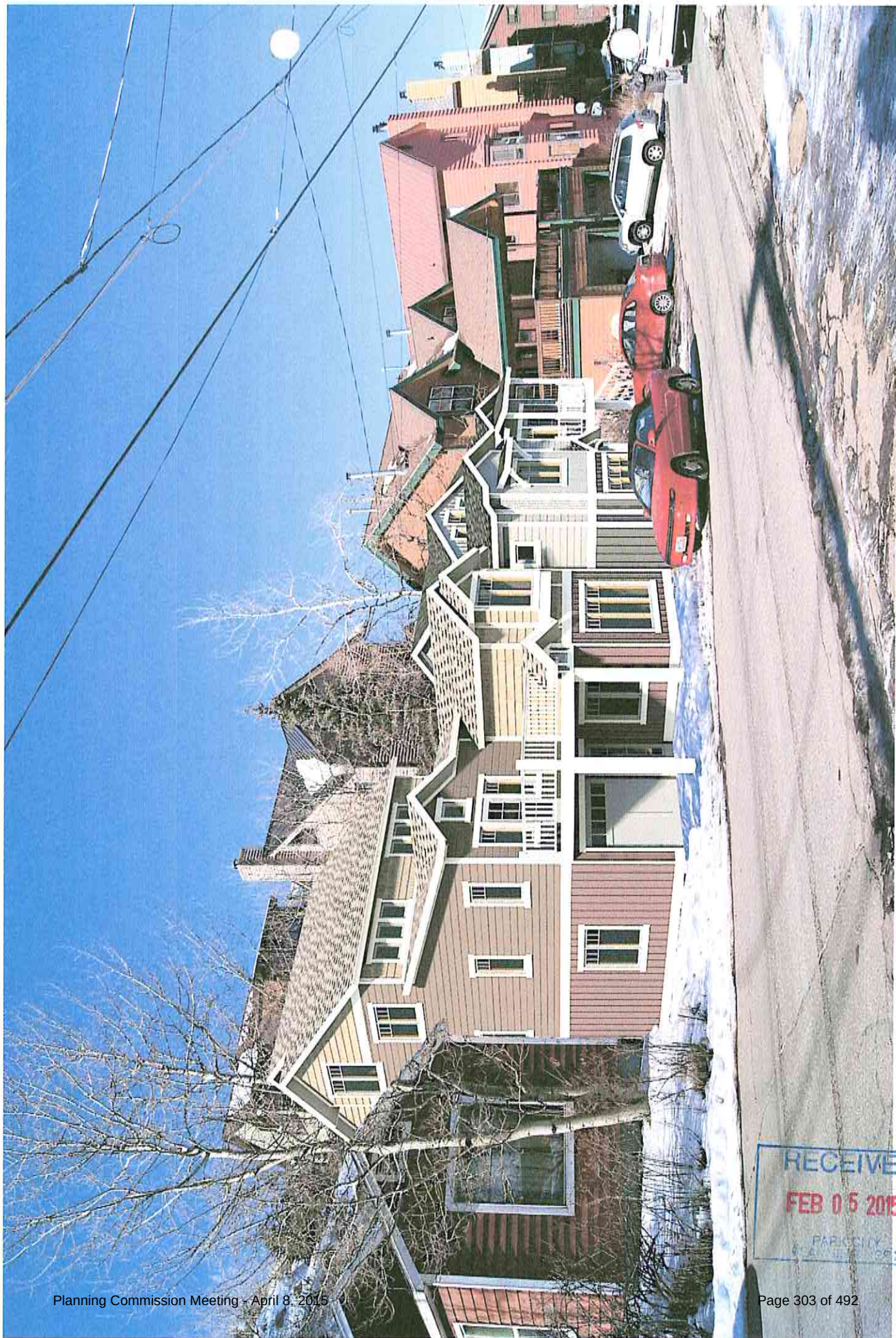
74 Daly Avenue Project Description

The project consists of a new single family home to be built on 74 Daly Avenue. Design guidelines for the structure are as follows.

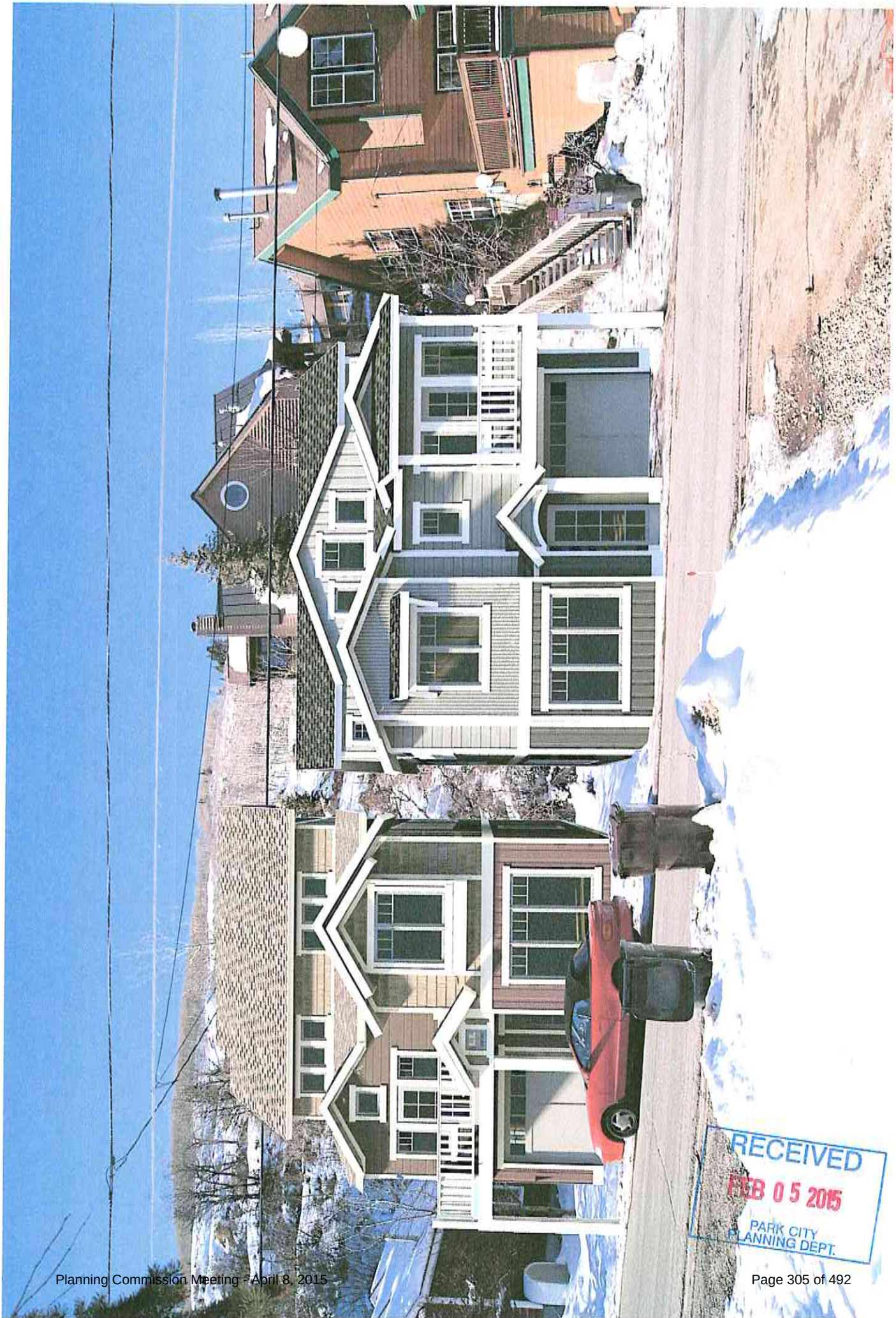
- Provides is a one car garage with one car tandem parking in driveway.
- The house is setback 10' from the back of the curb of Daly Ave, although the property line is in the street.
- The garage door is 18' from the back of curb of Daly Ave.
- The structure meets side and rear setbacks.
- The height of the structure is within the height limit of 23' on the front of the home for 10' before it rises to 27' max above grade.
- Major roof pitches are 7 in 12.
- Door and window styles meet the Historic District guidelines.
- Only 3 materials are used on the exterior of the home.
- The finish grade is only changed a max of 4' from existing.
- The max height from the lowest finished floor is 35' to tallest roof plate.



1079 E. Murray Holladay Road Holladay, Utah 84117 Phone: 270-8606



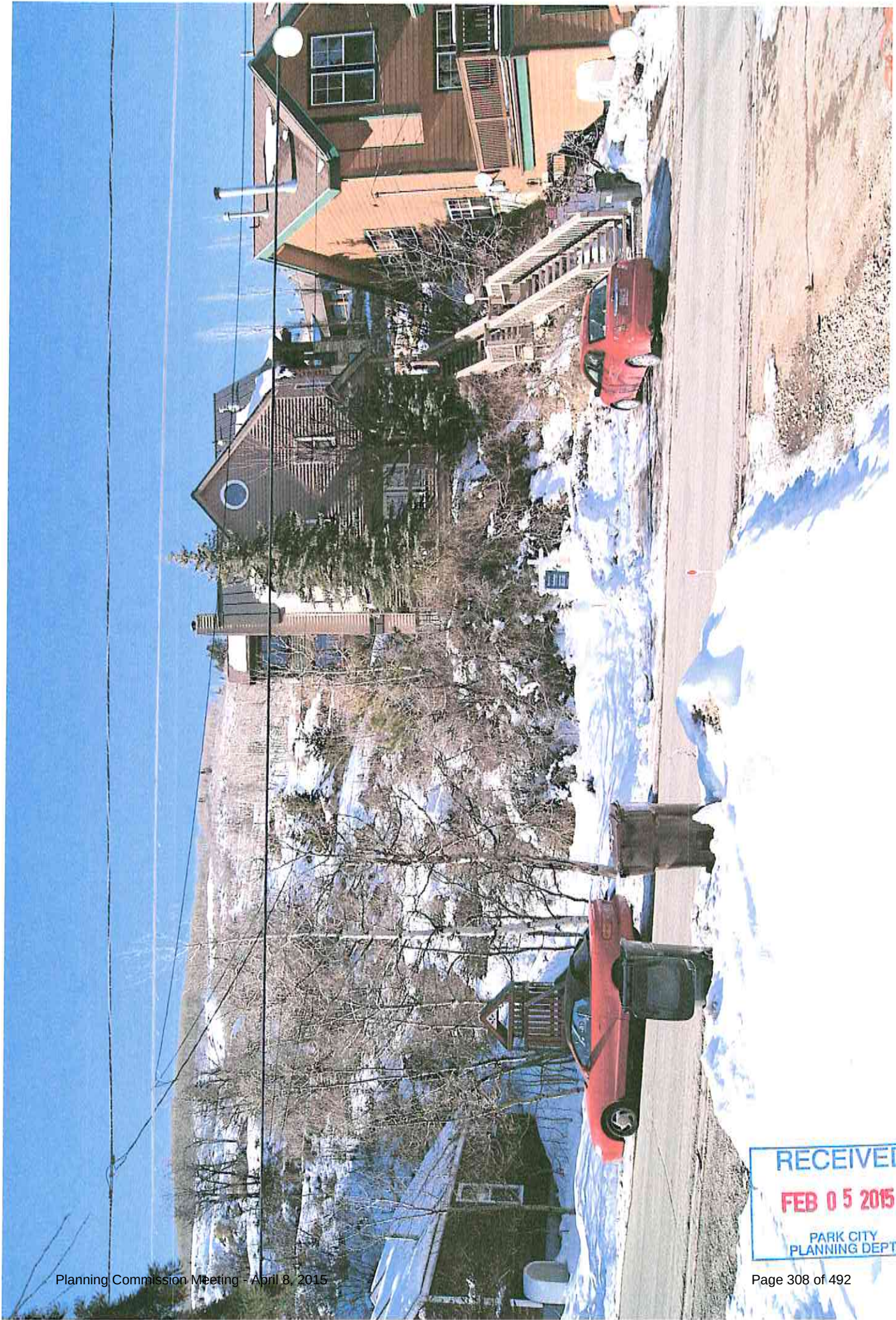




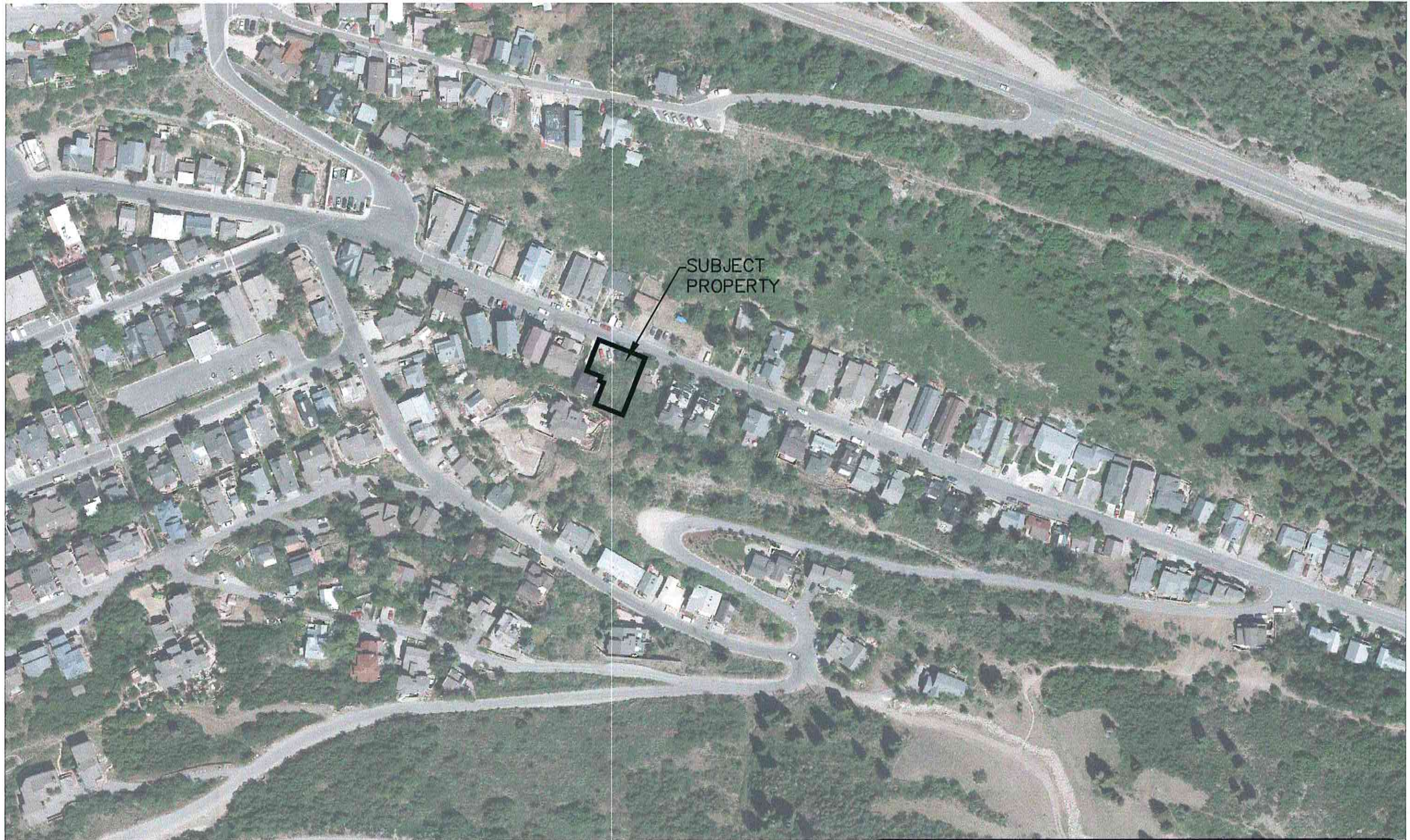


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PARK CITY
PLANNING DEPT.

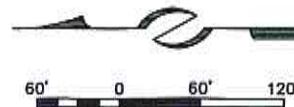




RECEIVED
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PARK CITY
PLANNING DEPT.



SUBJECT
PROPERTY



 (435) 649-9487 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84050-2664	STAFF: MARSHALL KING HARRISON HOLLEY	AERIAL PHOTOGRAPH 80 DALY AVENUE	RECEIVED AUG 01 2014 PLANNING DEPT.	SHEET 1 OF 1
	DATE: 8/1/14	FOR: JON DEVERIAN JOB NO.: 5-7-14 FILE: X:\ParkCitySurvey\dwg\Exhibits\80 daly-ortho.dwg		

EXHIBIT D



SURVEYOR'S CERTIFICATE

I, Martin A. Morrison, certify that I am a Registered Land Surveyor and that I hold Certificate No. 4038730, as prescribed by the laws of the State of Utah, and that by authority of the owners this Record of Survey map of the 74 & 80 DALY AVENUE SUBDIVISION has been prepared under my direction, and that the same has been monumented on the ground as shown on this plat.

BOUNDARY DESCRIPTIONS

PARCEL 1: All of Lot 10, portions of Lots 9 and 11, Block 74, and a portion of vacated Anchor Avenue, Plat of Park City.

A parcel of land located in the northeast quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point that is North 21°33'00" East 3.17 feet from the southernmost corner of Lot 9, Block 74, Park City Survey, said point also being South 21°33'00" West 461.39 feet and North 68°27'00" West 10.00 feet from the intersection of Main Street and Daly Avenue; and running along the easterly boundary of Block 74 South 21°33'00" West 40.67 feet; thence North 68°27'00" West 91.87 feet to the center line of vacated Anchor Avenue; thence along the center line of vacated Anchor Avenue North 21°33'00" East 40.67 feet; thence South 68°27'00" East 91.87 feet to the point of beginning.

PARCEL 2: A portion of Lot 9, Block 74, and a portion of vacated Anchor Avenue, Park City Survey.

A parcel of land located in the northeast quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point that is North 21°33'00" East 3.17 feet the southernmost corner of Lot 9, Block 74, Park City Survey, and point also being South 21°33'00" West 461.39 feet and North 68°27'00" West 10.00 feet from the street monument at the intersection of Main Street and Daly Avenue; and running thence North 68°27'00" West 91.87 feet to the center line of vacated Anchor Avenue; thence along the center line of vacated Anchor Avenue North 21°33'00" East 3.63 feet; thence South 68°27'00" East 34.87 feet; thence North 21°33'00" East 7.00 feet; thence South 68°27'00" East 7.00 feet; thence North 21°33'00" East 23.19 feet; thence South 68°27'00" East 16.50 feet; thence North 21°33'00" East 0.47 feet; thence South 68°27'00" East 33.50 feet to the easterly boundary of Lot 9, Block 74, Park City Survey; thence along the easterly boundary of Lot 9, Block 74 South 21°33'00" West 34.28 feet to the point of beginning.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that the undersigned Manager of Devco Homes LLC, a California limited liability company, as to all of Parcel 1 and an undivided 50% interest of Parcel 2, hereby certifies that it has caused this survey to be made and this amended Record of Survey Map to be prepared and hereby consents to the recordation of this amended Record of Survey Map.

In witness whereof, the undersigned set his hand
this ____ day of _____, 2015.

Jon Daverian, Manager, Devco Homes LLC, a California limited liability company

ACKNOWLEDGMENT

State of _____
County of _____

On this ____ day of _____, 2015, Jon Daverian personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Jon Daverian acknowledged to me that he is the Manager of Devco Homes LLC, a California limited liability company, the owner of all of Parcel 1 and an undivided 50% interest of Parcel 2, and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

By _____
A Notary Public commissioned in the State of _____

Printed Name _____

Residing in: _____

My commission expires: _____

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that the undersigned Trustees of The Satterfield Family Trust, as to an undivided 50% interest of Parcel 2, hereby certifies that they have caused this survey to be made and this amended Record of Survey Map to be prepared and hereby consent to the recordation of this amended Record of Survey Map.

In witness whereof, the undersigned set his hand
this ____ day of _____, 2015.

Mark G. Satterfield, Trustee of the Satterfield Family Trust, Dated January 28, 2002
Anne E. Satterfield, Trustee of the Satterfield Family Trust, Dated January 28, 2002

ACKNOWLEDGMENT

State of _____
County of _____

On this ____ day of _____, 2015, Mark G. Satterfield personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Mark G. Satterfield acknowledged to me that he is a Trustee of The Satterfield Family Trust, Dated January 28, 2002, the owner of an undivided 50% interest of Parcel 2, and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

By _____
A Notary Public commissioned in the State of _____

Printed Name _____

Residing in: _____

My commission expires: _____

ACKNOWLEDGMENT

State of _____
County of _____

On this ____ day of _____, 2015, Anne E. Satterfield personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Anne E. Satterfield acknowledged to me that she is a Trustee of The Satterfield Family Trust, Dated January 28, 2002, the owner of an undivided 50% interest of Parcel 2, and that she signed the above Owner's Dedication and Consent to Record freely and voluntarily.

By _____
A Notary Public commissioned in the State of _____

Printed Name _____

Residing in: _____

My commission expires: _____



LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 21°33'00" E	7.00
L2	S 68°27'00" E	7.00
L3	S 68°27'00" E	16.50
L4	N 21°33'00" E	0.47

LEGEND
* Property corner to be set

A PARCEL COMBINATION PLAT
IN BLOCK 74, PARK CITY SURVEY

74 & 80 DALY AVENUE SUBDIVISION

LOCATED IN THE NORTHEAST QUARTER OF SECTION 21
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

RECEIVED
FEB 06 2015
PARK CITY
PLANNING DEPT.

SHEET 1 OF 1

2/3/15 JOB NO.: 5-7-14 FILE: X:\ParkCitySurvey\dwg\src\p1012014\050714.dwg



(435) 649-9467

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

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

DAY OF _____, 2015

BY _____

PLANNING COMMISSION

APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____

DAY OF _____, 2015

BY _____

ENGINEER'S CERTIFICATE

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

DAY OF _____, 2015

BY _____

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS _____

DAY OF _____, 2015

BY _____

COUNCIL APPROVAL AND ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2015

BY _____

CERTIFICATE OF ATTEST

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

OF _____, 2015

BY _____

RECORDED

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

ENTRY NO. _____ DATE _____ TIME _____

Page 310 of 492

EXHIBIT E

the conditions of approval, prior to recordation of the plat.

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

3. A ten feet (10') wide public snow storage easement will be required along the Ontario Avenue frontage of the property.

4. Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final Mylar prior to recordation.

5. **74 & 80 Daly Avenue – 74 & 80 Daly Avenue Subdivision – Plat Amendment.**
(Application PL-14-02449)

Planner Alexander reviewed the request for a Plat Amendment for the purpose of subdividing a portion of Lot 9, Lot 10, a portion of Lot 11 and a portion of the vacated Anchor Avenue into two lots of record located in Block 74 of the Park City Survey. The applicant currently owns all of the property and requests to subdivide the property to create two new lots on which he plans to build new homes at 74 & 80 Daly Avenue in the HR-1 District. Currently the proposed lots are vacant of any structures. Both proposed lots meet the minimum lot area standards as given for the HR-1 District. The applicant intends to build new single-family homes on the proposed lots. The applicant had provided preliminary home designs to the Design Review Team to discuss Historic District Guidelines and LMC requirements, but he had not yet submitted official Historic District Design Review or Steep Slope CUP applications.

A previous plat amendment application submitted by a previous owner went before the Planning Commission and City Council in 2012. At those meetings, the Planning Commission and Council had several concerns and the Planning Commission eventually forwarded a negative recommendation to the City Council. The history and outcome of the Planning Commission and City Council meetings were provided in the Staff report. Due to the concerns and issues raised by the City Council the original plat amendment application from 2012 was withdrawn. The previous applicant sold his property and no further applications were made until the current applicant/owner submitted this application on August 1, 2014.

A neighboring property at 68 Daly Avenue has an existing deck encroaching in two places over the lot lines onto the proposed Lot A. The encroachment issue was resolved through

an encroachment agreement that was recorded in July 15, 2014. Limitations regarding house size and other issues could be addressed with the Steep Slope CUP process.

The Staff conducted an analysis and found good cause for this plat amendment. Combining the parcels and subdividing the lots will allow the property owner to develop homes and will create legal lots out of the existing parcels. The plat amendment will also utilize best planning and design practices, while preserving the character of the neighborhood and of Park City, and furthering the health, safety, and welfare of the Park City community. Issues in regards to compatibility with the neighborhood have been addressed as Lot B has been reduced to allow only a single-family house. Staff finds that the plat will not cause undo harm to adjacent property owners and all future development will be reviewed for compliance with all Building Codes, the Land Management Code, and applicable Historic District Design Guidelines requirements. A Steep Slope CUP would address previous concerns of structures falling down the hillside to the west of the property.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council for the 74 & 80 Daly Avenue Subdivision Plat Amendment based on the findings of fact, conclusions of law and conditions of approval in the draft ordinance.

Chair Worel opened the public hearing.

Carlene Riley asked questions unrelated to the plat amendment application. She stated that she would research the application and submit any comments to the Staff.

Delphine Comp asked how large a home the applicant would be allowed to build.

Planner Alexander stated that Lot A would be allowed a max of 972.4 square feet footprint going up to a 27' height and Lot B would be allowed a max of 1, 418.7 square feet footprint going up to a height of 27'.

Commissioner Phillips believed the questions being asked by the public were more appropriate for the CUP process since house size, etc. would be addressed at that time. He encouraged the public to hold those types of comments for the CUP public hearing.

Chair Worel closed the public hearing.

Planner Alexander pointed out that the applicant would like to maximize the footprint in which case the structures could be larger.

Commissioner Band was not in favor of handicapping this owner when others could have larger homes.

Planner Whetstone pointed out that basement areas are not counted towards square footage in residential areas.

Commissioner Campbell stated that it would be more appropriate for the Planning Commission to look at house size and neighborhood compatibility during the CUP process. He did not believe it was a discussion for the plat amendment.

Commissioner Strachan could not support having vacated Anchor be part of the lot size. Based on Commissioner Strachan's comment, Commissioner Joyce thought the building footprint should be changed now rather than waiting for the CUP. Planner Alexander pointed out that Anchor Avenue was already vacated to the applicant and he now owns it.

Assistant City Attorney McLean was unfamiliar with the history of the Anchor vacation. Planner Astorga stated that he was the Planner in 2012 and could provide some background. He noted that the owner did not petition to vacate Anchor Avenue. It was the City who determined that Anchor would never be used and it made sense to vacate it. Planner Astorga pointed out that doing a house size analysis at the plat amendment stage has been done in the past.

Commissioner Phillips asked if the owner could build in the vacated area. Planner Alexander answered yes. After further discussion regarding vacated Anchor, Assistant City McLean suggested that the Staff needed to do more research on the vacation of Anchor and whether building could occur in the vacated area.

Commissioner Joyce was unsure how they would do a restriction based on compatibility. He was leaning towards addressing compatibility as part of this plat amendment.

Commissioner Phillips assumed that both lots would have to come in for a CUP.

Commissioner Thimm thought the design could yield a massing solution. He did not think the platting stage was the best place to look at compatibility and massing. He preferred to address those issues with the CUP.

MOTION: Commissioner Phillips moved to forward a POSITIVE recommendation to the City Council for the 74 & 80 Daly Avenue Subdivision Plat Amendment in accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval found in the draft ordinance. Commissioner Joyce seconded the motion.

VOTE: The motion passed 5-1. Commissioner Strachan voted against the motion.

Commissioner Joyce requested to see a compatibility analysis when the item comes back for a CUP.

Findings of Fact – 74 & 80 Daly Avenue

1. The plat is located at 74 & 80 Daly Avenue within the Historic Residential (HR-1) District.
2. The 74 & 80 Daly Avenue Subdivision consists of a portion of Lot 9, Lot 10, a portion of Lot 11 and a portion of the vacated Anchor Avenue located in Block 74 of the Park City Survey.
3. On February 28, 2012 the City received a previous application by a previous owner of this property for a two lot subdivision plat amendment. After three meetings at the Planning Commission the Commission voted 4-1 to forward a negative recommendation to the City Council due to concerns of compatibility and issues with the owner of 68 Daly, Pete Henderson. The City Council discussed the item on August 30, 2012 and decided to continue the item to their October 25, 2012 meeting. The previous applicant then pulled their application on October 9, 2012 in order to work through the concerns discussed by the City Council.
4. On August 1, 2014, the current owner and applicant submitted an application for a plat amendment to subdivide parcels containing a total of 5,643.92 sf into two (2) lots of record. Lot A will consist of 2,200.80 sf and Lot B will consist of 3,443.12 sf.
5. The application was deemed complete on December 11, 2014.
6. The parcels at 74 & 80 Daly Ave are currently vacant.
7. The HR-1 zone requires a minimum lot area of 1,875 sf for a single-family dwelling.
8. The maximum footprint allowed in the HR-1 zone is 972.4 sf for the proposed Lot A and 1,418.7 sf for the proposed Lot B based on the lot area of the lots.
9. As conditioned, the proposed plat amendment does not create any new noncomplying or non-conforming situations.
10. The property to the northwest (68 Daly Ave) currently has an existing single-family home built in 1982 which has an existing deck encroaching in two places over the lot lines onto the proposed Lot A. An encroachment agreement was recorded July 15,

2014 as Entry No. 998906 in Book 2248 at Page 1048 of Official Records.

11.The property directly to the northwest (68 Daly Ave) also contains a concrete pad, concrete stairs, wood steps and a landing leading to the existing single-family home which are built directly adjacent to the lot line shared with the proposed 74 Daly Ave.? No encroachment permits are needed as this stairway does not encroach onto the property at 74 Daly Ave.

12.The property directly to the south (84 Daly Ave) contains an existing single-family home that comes within inches of the proposed property lines. No encroachment permits will be needed as the existing home does not cross the property line, however, a 6 feet side setback will be required for any new home constructed on Lot B.

13.The plat amendment secures public snow storage easements of ten (10') feet across the frontage of the lots.

14.A 20 foot wide temporary construction easement exists along the south portion of Lot B. The temporary construction easement will need to be removed prior to Building Permit approval. The temporary construction easement shall not be abandoned until all necessary utilities within the adjacent sewer and utility easements are installed.

15.There is a 5 foot wide sewer easement and 6 foot wide utility easement along the south edge of 80 Daly.

Conclusions of Law – 74 & 80 Daly Avenue

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. Approval of the plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – 74 & 80 Daly Avenue

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. No building permit for any work shall be issued until the plat is recorded and until the Historic District Design Review and Steep Slope CUP, if required, applications are submitted and approved for each lot.
4. No building permit for any work shall be issued on Lot B until the temporary construction easement is abandoned on Lot B.
5. Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final Mylar prior to recordation.
6. A ten foot (10') wide public snow storage easement is required along the frontage of the lots with Daly Avenue and shall be shown on the plat.

Park City Planning Commission meeting adjourned at 6:45 p.m.

Approved by Planning Commission: _____

EXHIBIT F

Mean Building Footprints By Zone (Sq. Ft.)

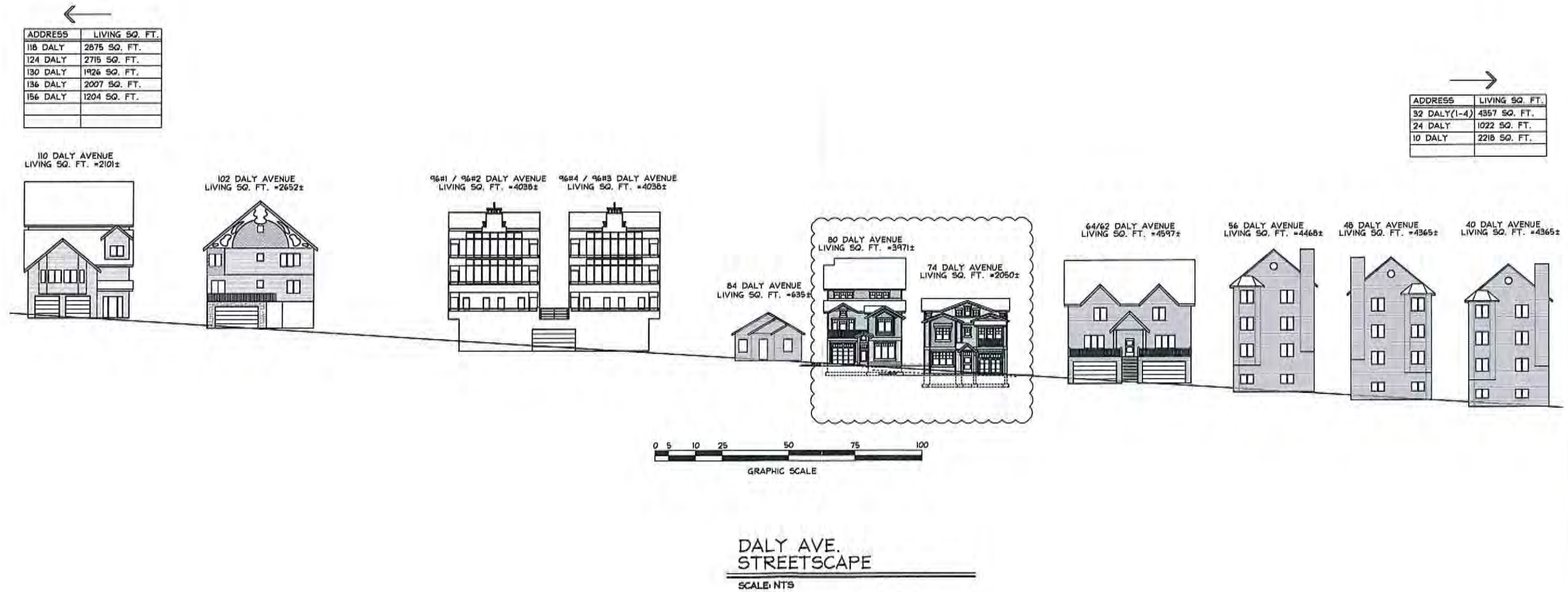
Estate Zone:	5,438.76
HRL Zone:	1,540.15
HR-1 Zone:	1,482.24
Daly Ave:	1,465.44

Legend

	Daly Ave Buildings	Zone Type
	Estate Zone Buildings	 E
	HR-1 Zone Buildings	 HR-1
	HRL Zone Buildings	 HRL

Planning Commission Meeting - April 8, 2015

EXHIBIT G



ADDRESS	LIVING SQ. FT.
118 DALY	2875 SQ. FT.
124 DALY	2715 SQ. FT.
130 DALY	1926 SQ. FT.
136 DALY	2007 SQ. FT.
156 DALY	1204 SQ. FT.

ADDRESS	LIVING SQ. FT.
32 DALY(1-4)	4357 SQ. FT.
24 DALY	1022 SQ. FT.
10 DALY	2218 SQ. FT.

74 DALY AVENUE
PARK CITY, UTAH 84060

Craig Kitterman & Associates Architects
1079 E. Murray-Holladay Road, Holladay, Utah 84117 Office 270-8606 Fax 263-3989

PROJECT #
14036-2

DATE PRINTED
02/26/2015

A
14

EXHIBIT H

Craig T. Kitterman and Associates, Architects

Daly Avenue Living Sq. Ft

Address	Living Sq. Ft.
156 Daly Ave	1204 Sq. Ft.
136 Daly Ave	2007 Sq. Ft.
130 Daly Ave	1926 Sq. Ft.
124 Daly Ave	2715 Sq. Ft.
118 Daly Ave	2875 Sq. Ft.
110 Daly Ave	2101 Sq. Ft.
102 Daly Ave	2652 Sq. Ft.
96#1 & 96#2 Daly Ave	4038 Sq. Ft.
96#3 & 96#4 Daly Ave	4038 Sq. Ft.
84 Daly Ave	635 Sq. Ft.
80 Daly Ave	3971 Sq. Ft.
74 Daly Ave	2050 Sq. Ft.
64/62 Daly Ave	4597 Sq. Ft.
56 Daly Ave	4468 Sq. Ft.
48 Daly Ave	4365 Sq. Ft.
40 Daly Ave	4365 Sq. Ft.
32 Daly Ave	4357 Sq. Ft.
24 Daly Ave	1022 Sq. Ft.
10 Daly Ave	2218 Sq. Ft.

PARK CITY COUNCIL MEETING MINUTES-DRAFT

SUMMIT COUNTY, UTAH,

March 5, 2015

Page | 4

III. PUBLIC INPUT (*Any matter of City business not scheduled on the agenda*)
None

IV. CONSENT(*Items that have previously been discussed or are perceived as routine and may be approved by one motion. Listed items do not imply a predisposition for approval and may be removed by motion and discussed and acted upon*)

1. Consideration of authorization for the City Manager to enter into a professional service provider agreement in a form approved by the City Attorney's Office with MGB+A, in the amount of Sixty Nine Thousand Six Hundred Nineteen Dollars (\$69,619).

Approved unanimously

V. OLD BUSINESS

1. Consideration of a plat amendment for 74 & 80 Daly Avenue Subdivision located at 74 & 80 Daly Avenue, Park City, Utah pursuant to findings of fact, conclusions of law and conditions of approval in a form approved by the City Attorney

Christy Alexander spoke to the plat amendment for two new lots being proposed, stating Staff does not feel a size restriction should be put in place as the footprint sizes are compatible, but advises Council they may restrict as she has reflected in the report such as been done in the past. Council member Simpson asked if the Planning Commission agreed to handle a restriction request in the Steep Slope CUP stage rather than here, to which Alexander said yes. Council member Beerman asked if we have allowed vacated spaces to be used in footprints before. Alexander reiterated her research showed there was one instance where it was. Council member Matsumoto asked if they are building on Anchor Avenue and if the property has been deeded to the property owner, to which Alexander said yes. Council member Beerman asks if there are any deed restrictions. Alexander stated there are no restrictions. Council member Beerman then asked for Mark Harrington's input on how precedence is set in such a matter. Harrington stated restrictions must be based on appropriate public policy of record and that further study must be done by Council if they choose to go against Staff's recommendation.

Project architect Craig Kitterman stated our streetscape mass is larger than the houses in question and asked that these properties be treated equally as others and that this project be allowed to move forward.

Approved unanimously

VI. NEW BUSINESS

1. Consideration of a plat amendment for 98 Hidden Splendor Court pursuant to findings of fact, conclusions of law and conditions of approval in a form approved by the City Attorney.

Approved unanimously to be continued to March 19, 2015 meeting

Planning Commission Staff Report



Subject: 80 Daly Avenue
Project #: PL-15-02683
Author: Christy J. Alexander, AICP, Planner II
Date: April 8, 2015
Type of Item: Administrative – Steep Slope Conditional Use Permit

Summary Recommendations

Staff recommends the Planning Commission review the application for a Steep Slope Conditional Use Permit (CUP) at 80 Daly Avenue, conduct a public hearing, and consider approving the Steep Slope CUP for 80 Daly Avenue. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

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

Description

Owner/ Applicant: Jon Devarian
Architect: Craig Kitterman
Location: 80 Daly Avenue
Zoning: Historic Residential (HR-1)
Adjacent Land Uses: Residential single family homes, duplexes, and condos
Reason for Review: Construction of structures with greater than 1,000 square feet of floor area and located on a steep slope (30% or greater) requires a Conditional Use Permit

Proposal

This application is a request for a Steep Slope Conditional Use Permit for a 4,207 square feet new single family home containing 4,669 square feet total (including the garage) on a 3,443.12 square foot vacant lot located at 80 Daly Avenue. The total floor area exceeds 1,000 square feet and the construction is proposed on a slope of greater than 30%.

Purpose

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

- A. preserve present land Uses and character of the Historic residential Areas of Park City,
- B. encourage the preservation of Historic Structures,

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

Background

On February 5, 2015, the City received an application for a Steep Slope Conditional Use Permit (CUP) for "Construction on a Steep Slope" at 80 Daly Avenue. The property is located in the Historic Residential (HR-1) District. The application was deemed complete on March 3, 2015. This application is a request for a Steep Slope Conditional Use Permit for construction of a new single family home which is proposed to be 4,207 square feet total (including the garage) on an amended "Old Town" lot containing 3,443.12 square feet. The property is described as Lot B of the 74 & 80 Daly Avenue Subdivision, a combination of a portion of Lot 9, Lot 10, a portion of Lot 11 and a portion of the vacated Anchor Avenue located in Block 74 of the Park City Survey. Because the total proposed structure is greater than 1,000 square feet, and the slope within the rear 50' of the lot is greater than thirty percent (30%), the applicant is required to file a Steep Slope Conditional Use Permit application for review by the Planning Commission, pursuant to LMC § 15-2.2-6 and prior to issuance of a building permit.

A separate Historic District Design Review (HDDR) application required for the proposed single family house was submitted on February 5, 2015. This application is being reviewed concurrently for compliance with the Design Guidelines for Historic Districts and Historic Sites that were adopted in 2009. Issuance of a building permit for the proposed home is dependent on approval of the Historic District Design Review.

On August 1, 2014, the applicant submitted an application for a plat amendment to subdivide the property into two (2) lots in order to construct two new single family homes. The Planning Commission heard this item at the February 11, 2015 meeting. The Commission voted 5-1 to forward a positive recommendation. Commissioner Strachan voted against it and could not support having vacated Anchor be part of the lot size in the footprint calculation.

After doing more research staff found only one instance in the past 20 years where Council restricted the footprint by excluding the portion of vacated Anchor Avenue. There were several other instances where plat amendments were approved without such restrictions. Other homes along the street are built upon the portion of vacated Anchor Avenue. No restrictions have been put on development on this vacated Right-of-Way. The Right-of-Way was vacated more than 20 years ago and vacation of the Right-of-Way was not a request by the current owner to be reviewed during the plat amendment process.

The City Council unanimously approved the 74 & 80 Daly Avenue Subdivision plat on March 5, 2015. The plat is pending recordation but will need to be recorded prior to

March 5, 2016 and prior to building permit approval. The City Council did not vote to restrict the building footprint size or gross floor area or to restrict using the vacated portion of Anchor Avenue in the footprint calculation. See Exhibit I for March 5, 2015 City Council Minutes.

At the February 11, 2015, meeting, a majority of the Commissioners stated it would be more appropriate for the Planning Commission to look at house size and neighborhood compatibility during the Steep Slope CUP process. Commissioner Joyce requested to see a compatibility analysis when the item came back for a Steep Slope CUP. The meeting minutes have been attached as Exhibit E. See also Exhibits F, G, and H for massing comparison analysis.

Analysis

The lot has an average slope, across the entire depth, of twenty eight percent (28%). The lot is described as Lot B of the 74 & 80 Daly Avenue Subdivision, a combination of a portion of Lot 9, Lot 10, a portion of Lot 11 and a portion of the vacated Anchor Avenue located in Block 74 of the Park City Survey, both previously being vacant.. This property already has access to utility services for water, sewer, etc. off of Daly Avenue.

The proposed home contains a total of 4,207 square feet, including the garage. The proposed building footprint totals 1,416 square feet. The 3,443.12 square foot lot allows a building footprint of 1,418.7 square feet. The house complies with all setbacks, building footprint, and building height requirements of the HR-1 zone. The third story includes horizontal stepping of 10' which is exactly the required ten feet (10') of stepping. See below for description of each floor:

Floor	Proposed Sq. Ft. for Home
Main	1416 square feet including garage
Second	1416 square feet
Third	871 square feet
Fourth	504 square feet
Overall area	4,207 square feet including garage

Staff reviewed the plans and made the following LMC related findings:

Requirement	LMC Requirement	Proposed for New Home
Lot Size	Minimum of 1,875 square feet	3,443.12 square feet, <u>complies.</u>
Building Footprint	1,418.7 square feet (based on lot area) <u>maximum</u>	1,416 square feet, <u>complies.</u>
Front and Rear Yard	12 feet minimum; 25 feet total (decks, porches and bay windows may extend up to 3' into the front setback for a max width of 10')	Front- 12 feet, <u>complies.</u> Rear- 16.6' feet, <u>complies.</u>
Side Yard	3 feet minimum (6 feet total) based on lot width of 37.48'	6.2 feet on north side- <u>complies.</u> 6.5 feet on south side- <u>complies.</u>

		no window wells- <u>complies.</u>
Height	27 feet above existing grade, <u>maximum.</u> 35 feet above existing grade is permitted for a single car garage on a downhill lot.	Various heights all at or less than 27 feet - <u>complies.</u>
Total Building Height	35 feet from lowest floor plane to highest wall plate	35 feet- <u>complies.</u>
Final grade	Final grade must be within four (4) vertical feet of existing grade around the periphery of the structure.	(4 feet) or less- <u>complies.</u>
Vertical articulation	A ten foot (10') minimum horizontal step in the downhill façade is required unless the First Story is located completely under the finish Grade on all sides of the Structure. The horizontal step shall take place at a maximum height of twenty three feet (23') from where Building Footprint meets the lowest point of existing Grade.	Third story on rear façade is 10' back from lower levels, this stepping occurs at the twenty-two and a half feet (22.5') height – <u>complies.</u>
Roof Pitch	Roof pitch must be between 7:12 and 12:12 for primary roofs. Non-primary roofs may be less than 7:12.	7:12 for all primary roofs - <u>complies.</u>
Parking	Two (2) off-street parking spaces required	Two (2) spaces within the proposed double car garage- <u>complies.</u>

The current design complies with the 35 foot total height requirement from the lowest floor plane to the point of the highest wall top plate. The current design will require a slight modification to the windows to be compatible in scale for HDDR approval. The applicant shall provide a redesign when they revise their required HDDR application.

Staff looked at the compatibility of this proposed home compared to other homes along Daly Avenue in general and more specifically Lower Daly Avenue. Exhibit F shows the mean footprint calculation of Daly Avenue, which is what the Commission should look at and not the entire HR-1 District. The proposed home's footprint of 1,416 sf clearly falls within the mean footprint for Daly Avenue which is 1,465.44 sf. Looking at Lower Daly Avenue, the applicant has completed an analysis of the streetscape massing and livable square foot calculations for homes along the same (west) side of the street as the proposed home. The lots adjacent to this lot are similar to the size of the proposed lot. However, the average livable square footage of the homes listed in Exhibit H is 2,916.6

sf and the proposed home is 3,971 sf. The homes in the nearby vicinity are much larger than those on the upper and lower ends of Daly Avenue that were looked at. The only home that is significantly smaller than the majority of structures along Lower Daly Avenue is 84 Daly Avenue which has the ability to build an addition on their existing home similar to what this application is proposing. Due to these calculations and streetscape views, along with the articulation of the home and compatibility with the Historic District Design Guidelines, staff finds that the design as proposed is compatible with the neighborhood and complies with the Steep Slope Conditional Use criteria as outlined below.

Steep Slope Review Criteria

LMC § 15-2.2-6 provides for development on steep sloping lots (30% or greater) if the structure contains more than one thousand square feet (1,000 sq. ft.) of floor area, including the garage, within the HR-1 District, subject to the following criteria:

Criteria 1: Location of Development.

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

The proposed single family house is located on an approved platted lot, (which was approved on March 5, 2015 and is unrecorded but will need to be recorded before March 5, 2016 and building permit approval), in a manner that reduces the visual and environmental impacts of the Structure. The main level is set at grade of the street to minimize visual impacts on the Streetscape (Exhibit B). The foundation is stepped with the grade and the amount of excavation for the home is minimized due to the existing topography. There is no major vegetation present on the vacant lot. The proposed 1,416 square feet footprint of the home complies with that allowed for the lot area. The front and rear setbacks are increased for portions of the structure.

Criteria 2: Visual Analysis.

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

The applicant submitted a visual analysis, cross canyon view, streetscape elevations and photographs showing a contextual analysis of proposed house related to visual impacts (Exhibit B). The proposed structure cannot be seen from the key vantage points as indicated in the LMC Section 15-15-1.283, with the exception of a cross canyon view. The cross canyon view contains a back drop of two (2) and three (3) story single family and duplex homes and a large condominium building.

This site contains a combination of portions of two "old town" lots and portions of vacated Anchor Avenue with many similar lots and structures in the immediate neighborhood. The lot is currently vacant.

The visual analysis and streetscape demonstrate that the proposed design of the home is visually compatible with the neighborhood, compatible in scale and mass with

surrounding structures, and visual impacts are mitigated. Potential impacts of the design are mitigated by architectural stepping and a stepped foundation, minimized excavation and greater horizontal step in the roofline. Additionally, the garage door is located approximately 22.5 feet back from the edge of Daly Avenue.

Criteria 3: Access.

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

The proposed design uses access off of Daly Avenue. Side access is not feasible due to the width of the lot. The proposed driveway has an overall slope of 0% as measured from the front of the garage to the edge of the paved street. The proposed driveway was designed to minimize Grading of the natural topography and to reduce overall Building scale.

Criteria 4: Terracing.

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

The lot has a gentle grade at the front becoming relatively steeper at the rear. Overall, the slope is 28%. There are no proposed retaining walls. The lot to the south of the subject lot has an existing single family home and the lot to the north is currently vacant but has a concurrent proposed single family home to be built by the same owner, retaining between them is not necessary.

Criteria 5: Building Location.

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

The new home's building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography. The site design and building footprint provide a front setback area (18') in front of the garage and (10') to the entry. Side setbacks and building footprints are maintained consistent with the pattern of development and separation of structures in the neighborhood. The driveway width is 12 feet. The garage door is setback 18' from the edge of the street and at least 19.5' from the property line. The front yard area adjacent to the driveway is proposed to be landscaped with drought tolerant plants and trees.

Criteria 6: Building Form and Scale.

Where Building masses orient against the Lot's existing contours, the Structures must be stepped with the Grade and broken into a series of individual smaller components that are Compatible with the District. Low profile Buildings that orient with existing contours are strongly encouraged. The garage must be subordinate in design to the

main Building. In order to decrease the perceived bulk of the Main Building, the Planning Commission may require a garage separate from the main Structure or no garage. **No unmitigated impacts.**

The new home steps with the grade and is broken into a series of smaller components that are compatible with the District. The stepping of the home creates the interior half story levels and allows the lower level to meet existing grade. The garage is subordinate in design in that it is setback more from the street than the home and the width is minimized.

Criteria 7: Setbacks.

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

Front setbacks were already increased as the garage portion of the house is currently setback 18 feet from the edge of the street and nearly 19.5 feet from the property line, to accommodate the code required parking space entirely on the lot. No wall effect is created with the proposed design of the home. Side setbacks are consistent with the pattern of development and separation in the neighborhood. The articulation in the front and rear facades reduce the overall mass of the structure and does not create a wall effect along the street front or rear lot line. Rear elevation is articulated with an increased horizontal step.

Criteria 8: Dwelling Volume.

The maximum volume of any Structure is a function of the Lot size, Building Height, Setbacks, and provisions set forth in this Chapter. The Planning Commission may further limit the volume of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing Structures. **No unmitigated impacts.**

The proposed house is both articulated and broken into compatible massing components. The design includes setback variations and lower building heights for portions of the structure. The design does not propose a height exception for the existing single car garage as allowed by the LMC. The proposed massing and architectural design components are compatible with both the volume and massing of single family dwellings in the area. The proposed home's footprint of 1,416 sf falls within the mean footprint for Daly Avenue which is 1,465.44 sf. per the analysis of the streetscape massing and livable square foot calculations for homes along the same (west) side of the street as the proposed home, the proposed volume and massing is compatible with single family dwellings in the area. The lots adjacent to this lot are similar to the size of the proposed lot. However, the average livable square footage of the homes listed in Exhibit H is 2,916.6 sf and the proposed home is 3,971 sf. The homes in the nearby vicinity are much larger than those on the upper and lower ends of Daly Avenue that were looked at in the analysis. The only home that is significantly smaller than the majority of structures along Lower Daly Avenue is 84 Daly Avenue, which has the ability to build an addition on their existing home similar to what this

application is proposing. The design minimizes the visual mass and mitigates the differences in scale between the proposed house and surrounding structures.

Criteria 9: Building Height (Steep Slope).

The maximum Building Height in the HR-1 District is twenty-seven feet (27'). The Planning Commission may require a reduction in Building Height for all, or portions, of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing residential Structures. **No unmitigated impacts.**

The proposed structure meets the twenty-seven feet (27') maximum building height requirement measured from existing grade at the highest point. Portions of the house are less than 27' in height. The tallest portion of the house (27') is midway back from the front and the roof height at this location is not visually apparent from the front, back, or sides of the house. The differences in scale between the proposed Structure and existing Structures are mitigated.

While a 35 foot height is allowed for the garage on a downhill lot, this design does not propose to utilize a height exception from existing grade. The design complies with the 27 foot height allowance measured from existing grade.

Staff finds that the design allows additional design aesthetics, provides compatibility of design at the street level, meets the overall building Height requirement with no exception needed for the garage, and reduces the mass at the rear of the structure.

Process

Approval of this application constitutes Final Action that may be appealed to the City Council following appeal procedures found in LMC § 15-1-18. Approval of the Historic District Design Review application is noticed separately and is a condition of building permit issuance. Recordation of the Plat within one year of City Council approval is also a condition of building permit issuance.

Department Review

This project has gone through an interdepartmental review. No further issues were brought up at that time other than standards items that have been addressed by revisions and/or conditions of approval.

Notice

On March 25, 2015, the property was posted and notice was mailed to property owners within 300 feet. On March 21, 2015, legal notice was published in the Park Record in accordance with requirements of the LMC.

Public Input

No public input was received on this Steep Slope CUP application.

Alternatives

- The Planning Commission may approve the Steep Slope Conditional Use Permit for 80 Daly Avenue as conditioned, or

- The Planning Commission may deny the Steep Slope CUP Permit for 80 Daly Avenue and direct staff to make Findings for this decision, or
- The Planning Commission may request the applicant provide revisions or provide other specific items and continue the discussion to a date certain.

Significant Impacts

As conditioned, there are no significant fiscal or environmental impacts from this application.

Recommendation

Staff recommends the Planning Commission review the application for a Steep Slope Conditional Use Permit at 80 Daly Avenue, conduct a public hearing, and consider approving the Steep Slope CUP for 80 Daly Avenue. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

Findings of Fact:

1. The property is located at 80 Daly Avenue.
2. The property is located within the Historic Residential (HR-1) District and meets the purpose of the zone.
3. The property is described as Lot B of the 74 & 80 Daly Avenue Subdivision. The lot area is 2,200.8 square feet.
4. A Historic District Design Review (HDDR) application is required and will be reviewed by staff for compliance with the Design Guidelines for Historic Districts and Historic Sites adopted in 2009.
5. This lot is a combination of a portion of Lot 9, a portion of Lot 10, and a portion of the vacated Anchor Avenue located in Block 74 of the Park City Survey, which was previously vacated. This is an uphill vacant lot.
6. Access to the property is from Daly Avenue, a public street.
7. Two parking spaces are proposed on site. One space is proposed within an attached garage and the second is on the driveway in a tandem configuration to the garage, within the lot area.
8. The neighborhood is characterized by primarily non-historic and historic residential structures, single family homes, duplexes and condos.
9. The proposal consists of a total of 4,207 square feet, including the garage.
10. The proposed driveway was designed with a maximum width of twelve feet and is approximately 22.5 feet in length from the garage to the existing edge of street and located on the property. The garage door complies with the maximum height and width of nine feet by nine feet.
11. The proposed driveway has an overall slope of 0% as measured from the front of the garage to the edge of the paved street.
12. An overall combined building footprint of 1,416 square feet is proposed. The maximum allowed footprint for this lot is 1,418.7 square feet.
13. The proposed structure complies with all setbacks.
14. The proposed structure complies with the twenty-seven feet (27') maximum building height requirement measured from existing grade. Portions of the house are less than 27' in height.

15. The proposed home complies with the LMC required total building height of 35' from the lowest floor plane to the highest wall plate and is in compliance with the LMC required step back of 10' at the building height of 23' at the rear façade.
16. The applicant submitted a visual analysis, cross valley views and a streetscape showing a contextual analysis of visual impacts of this home on the cross canyon views and the Daly Avenue streetscape.
17. Retaining is not necessary around the home on the upper, steeper portion of the lot. There will be no free-standing retaining walls. There are no window wells.
18. The building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography.
19. The site design, stepping of the foundation and building mass, increased articulation, and decrease in the allowed difference between the existing and final grade mitigates impacts of construction on the 30% or greater slope areas.
20. The design includes setback variations in the front and back and lower building heights for portions of the structure in both the front and back where facades are less than twenty-seven feet in height.
21. The proposed massing and architectural design components are compatible with both the volume and massing of other single family dwellings in the area. No wall effect is created with adjacent structures due to stepping, articulation, and placement of the house on the lot.
22. The proposed structure follows the predominant pattern of buildings along the street, maintaining traditional setbacks, orientation, and alignment. Lot coverage, site grading, and steep slope issues are also compatible with neighboring sites. The size and mass of the structure is compatible with surrounding sites, as are details such as foundation, roofing, materials, window and door openings, and single car garages.
23. No lighting has been proposed at this time. Lighting will be reviewed at the time of Building Permit application for compliance with the LMC lighting code standards.
24. The applicant submitted a visual analysis, cross canyon view, and streetscape showing a contextual analysis of visual impacts of the proposed structure on the adjacent streetscape.
25. The findings in the Analysis section of this report are incorporated herein.
26. The applicant stipulates to the conditions of approval.

Conclusions of Law:

1. The Steep Slope CUP application is consistent with the Park City General Plan.
2. The application is consistent with requirements of the Park City LMC, specifically Section 15-2.2-6 (B) (1-10) regarding development on Steep Slopes.
3. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval:

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.

3. A final utility plan, including a drainage plan, for utility installation, public improvements, and storm drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers, including Snyderville Basin Water Reclamation District, prior to issuance of a building permit.
4. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
5. A final landscape plan shall be submitted for review and approval by the City Planning Department, prior to building permit issuance.
6. No building permits shall be issued for this project unless and until the design is reviewed and approved by the Planning Department staff for compliance with this Conditional Use Permit, the 2009 Design Guidelines for Historic Districts and Historic Sites (Historic District Design Review) and the Land Management Code.
7. No building permit shall be issued until the 74 & 80 Daly Avenue Subdivision is recorded.
8. If required by the Chief Building Official based on a review of the soils and geotechnical report submitted with the building permit, the applicant shall submit a detailed shoring plan prior to the issue of a building permit. If required by the Chief Building official, the shoring plan shall include calculations that have been prepared, stamped, and signed by a licensed structural engineer.
9. This approval will expire on April 8, 2016, if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval has been requested in writing prior to the expiration date and the request is granted by the Planning Director.
10. Modified 13-D residential fire sprinklers are required for all new structures on the lot.
11. All exterior lighting, on porches, garage doors, entryways, etc. shall be shielded to prevent glare onto adjacent property and public rights-of-way. Light trespass into the night sky is prohibited.
12. Construction waste should be diverted from the landfill and recycled when possible.
13. All electrical service equipment and sub-panels and all mechanical equipment, except those owned and maintained by public utility companies and solar panels, shall be painted to match the surrounding

Exhibits

Exhibit A - Plans (existing conditions, site plan, landscape plan, floor plans, elevations, streetscape, section (date stamped February 5, 2015)

Exhibit B - Visual Analysis and Streetscape

Exhibit C – Photographs and Vicinity Map

Exhibit D - Recorder's plat (to be recorded at the County)

Exhibit E – Planning Commission meeting minutes February 11, 2015

Exhibit F – Daly Avenue mean footprint calculation

Exhibit G – Lower Daly Avenue Streetscape Massing Analysis

Exhibit H – Lower Daly Avenue Living Square Feet Analysis

Exhibit I – City Council meeting minutes March 5, 2015

EXHIBIT A

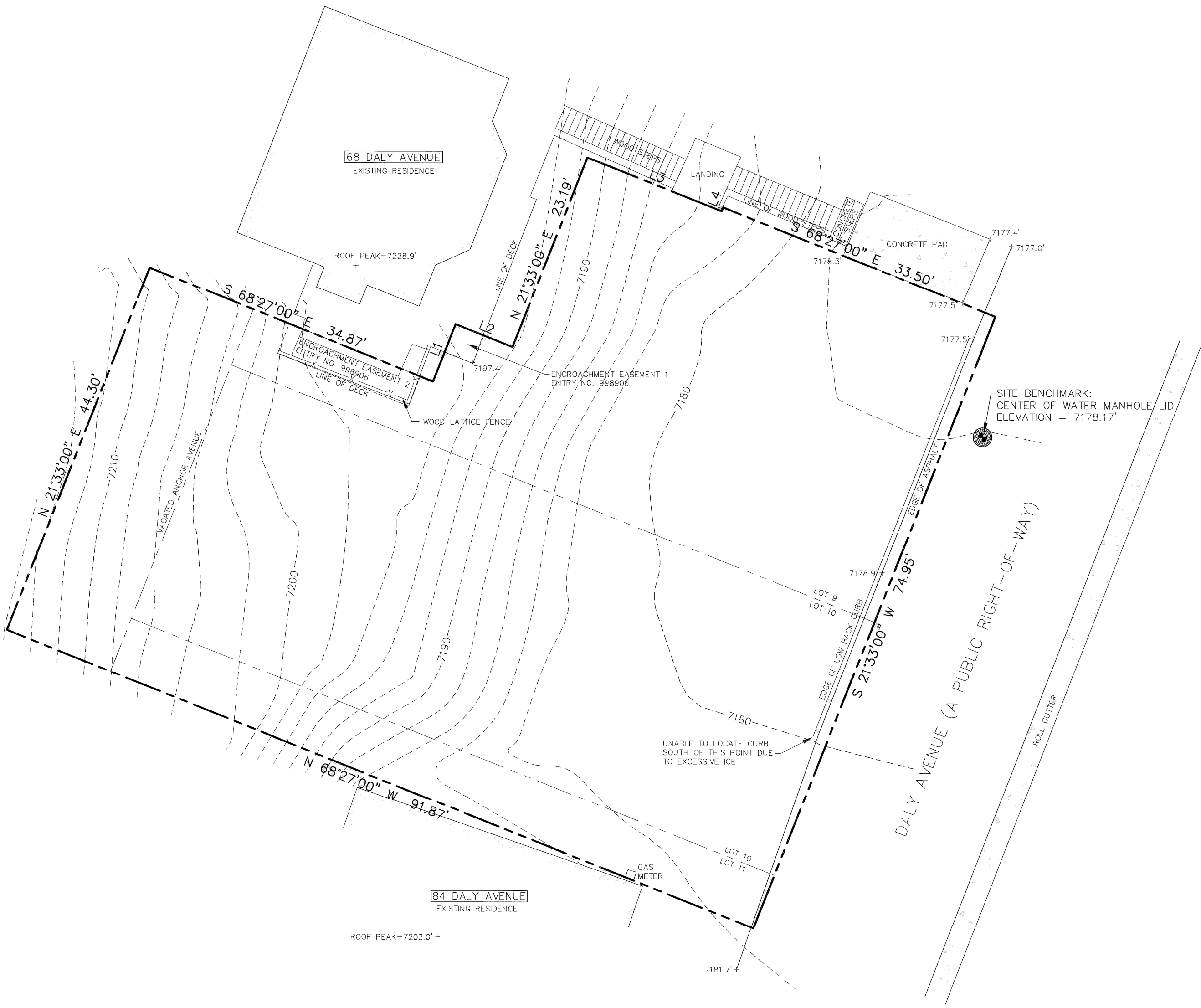
SURVEYOR'S CERTIFICATE



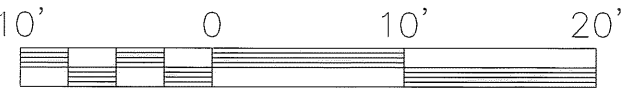
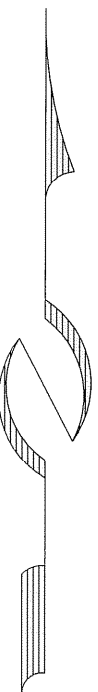
I, Martin A. Morrison, do hereby certify that I am a registered land surveyor and that I hold certification no. 4938739 as prescribed under the laws of the State of Utah. I further certify that a topographic survey has been made under my direction of the lands shown and described hereon. I further certify that this topographic survey is a correct representation of the land surveyed at the time the field work was completed and is in compliance with generally accepted industry standards for accuracy.

NOTES

1. Site Benchmark: Center of water manhole lid
Elevation=7178.17'
2. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
3. This topographic map is based on field surveys performed on October 2, 2006 and December 6, 2011.
4. Snow coverage at the time of the survey was approximately 6" to 10".
As a result, actual elevations may vary from elevations shown on this survey. In addition, monuments, improvements and/or conditions may exist which are not shown on this survey.



LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 21°33'00" E	7.00
L2	S 68°27'00" E	7.00
L3	S 68°27'00" E	16.50
L4	N 21°33'00" E	0.47



(435) 649-9467
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

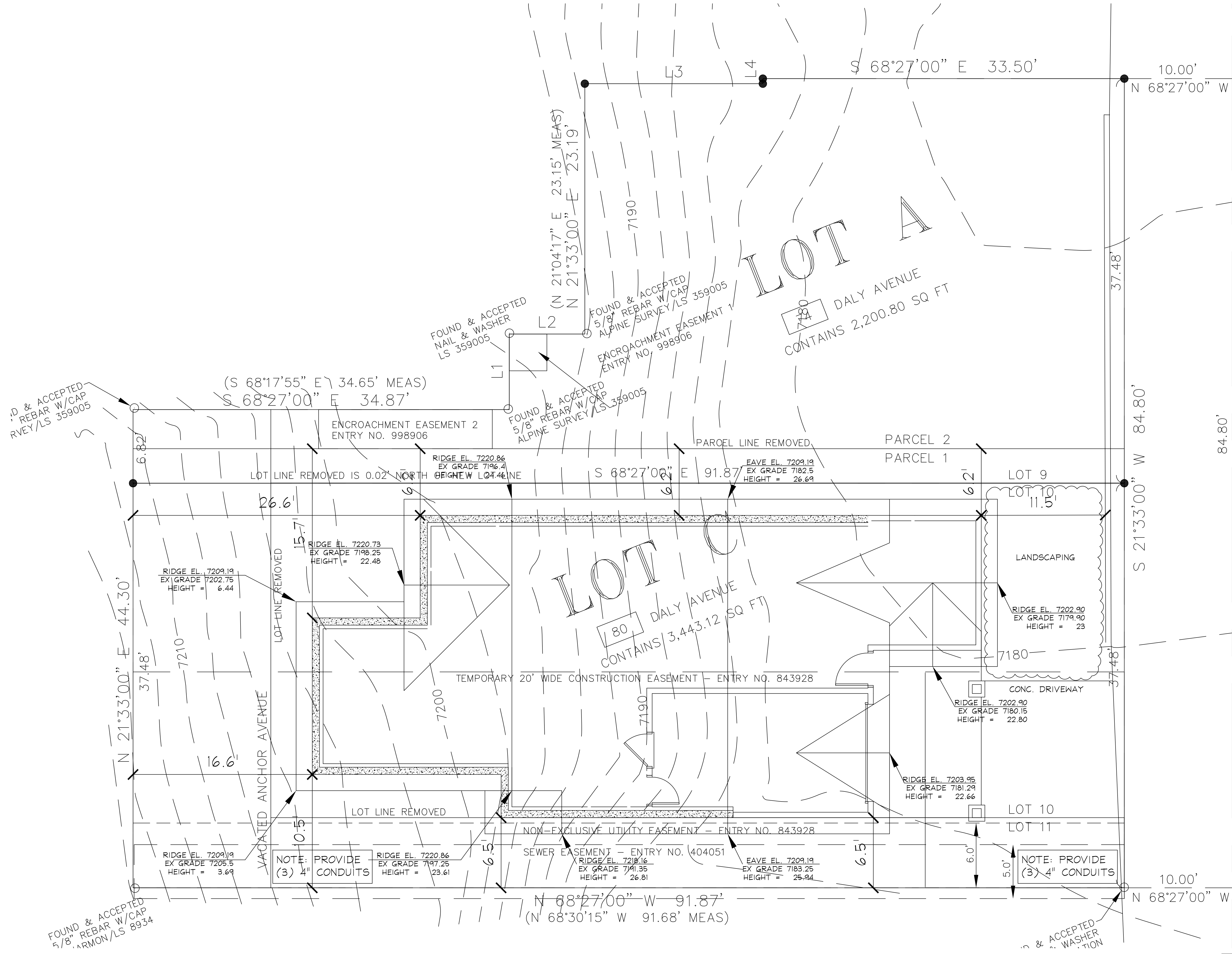
STAFF:
MARSHALL KING
MARTY MORRISON
HARRISON HOLLEY

DATE: 7/31/14

EXISTING CONDITIONS & TOPOGRAPHIC SURVEY
80 DALY AVENUE
PARK CITY SURVEY

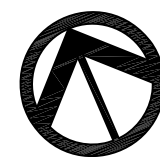
FOR: JON DEVERIAN
JOB NO.: 5-7-14
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SHEET
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SITE PLAN

SCALE: 1"=10'-0"



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Craig Kitterman & Associates Architects

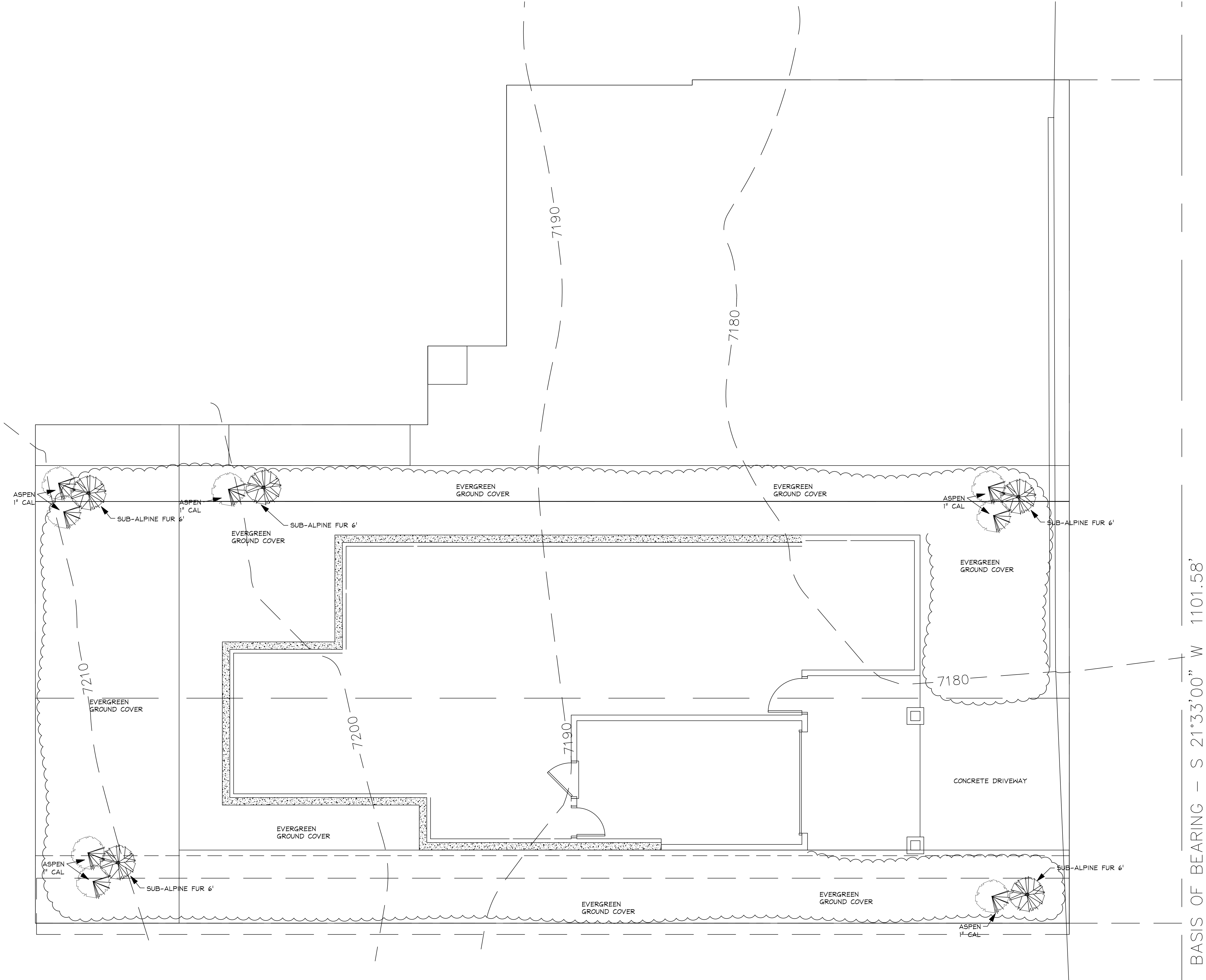
1079 E. Murray-Holladay Road Holladay, Utah 84117 Office 270-8606 Fax 263-3989

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DATE PRINTED
02/05/2015

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80 DALY AVENUE
PARK CITY, UTAH 84060



LANDSCAPE PLAN

SCALE: 1"=10'-0"

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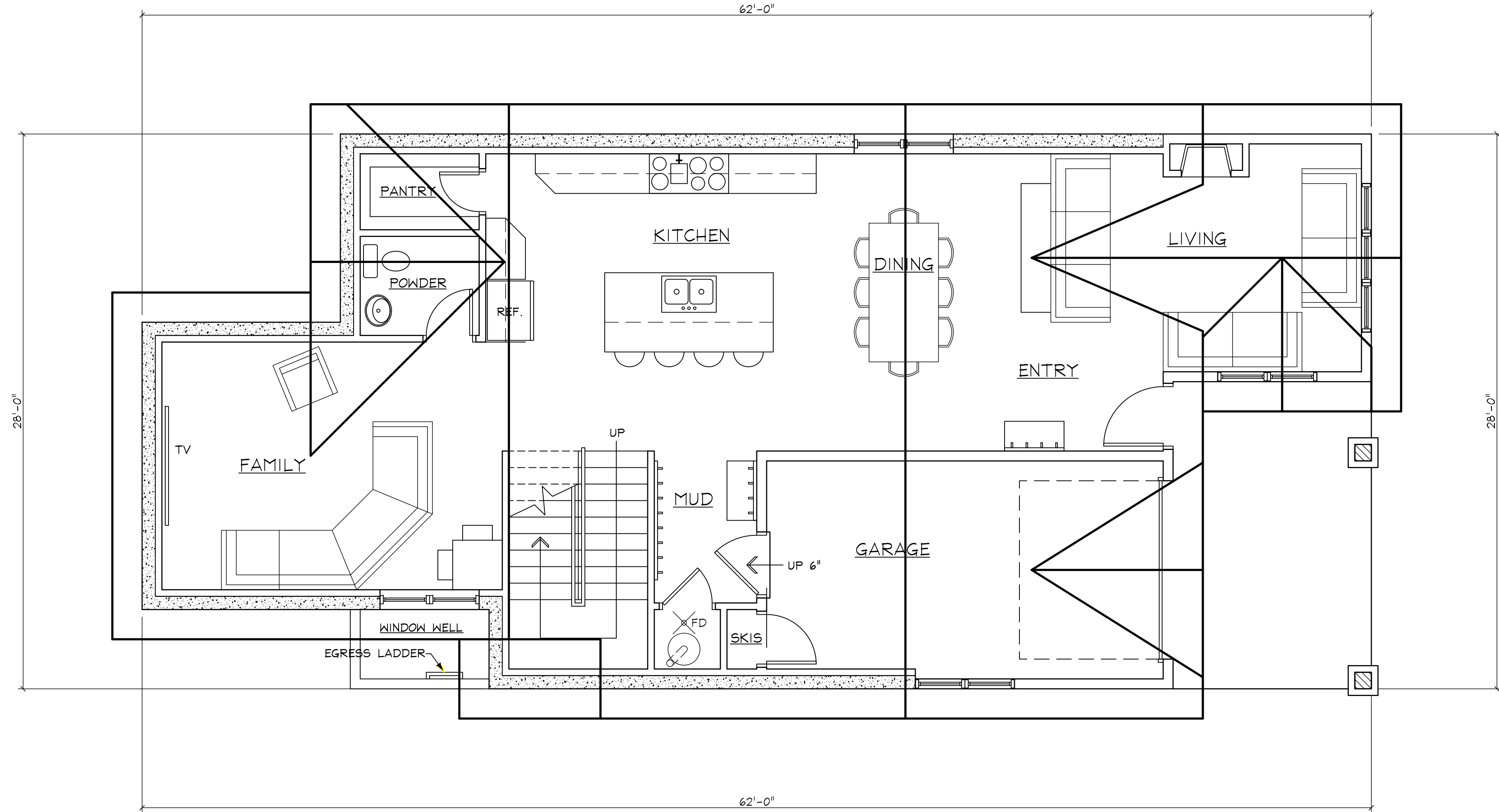
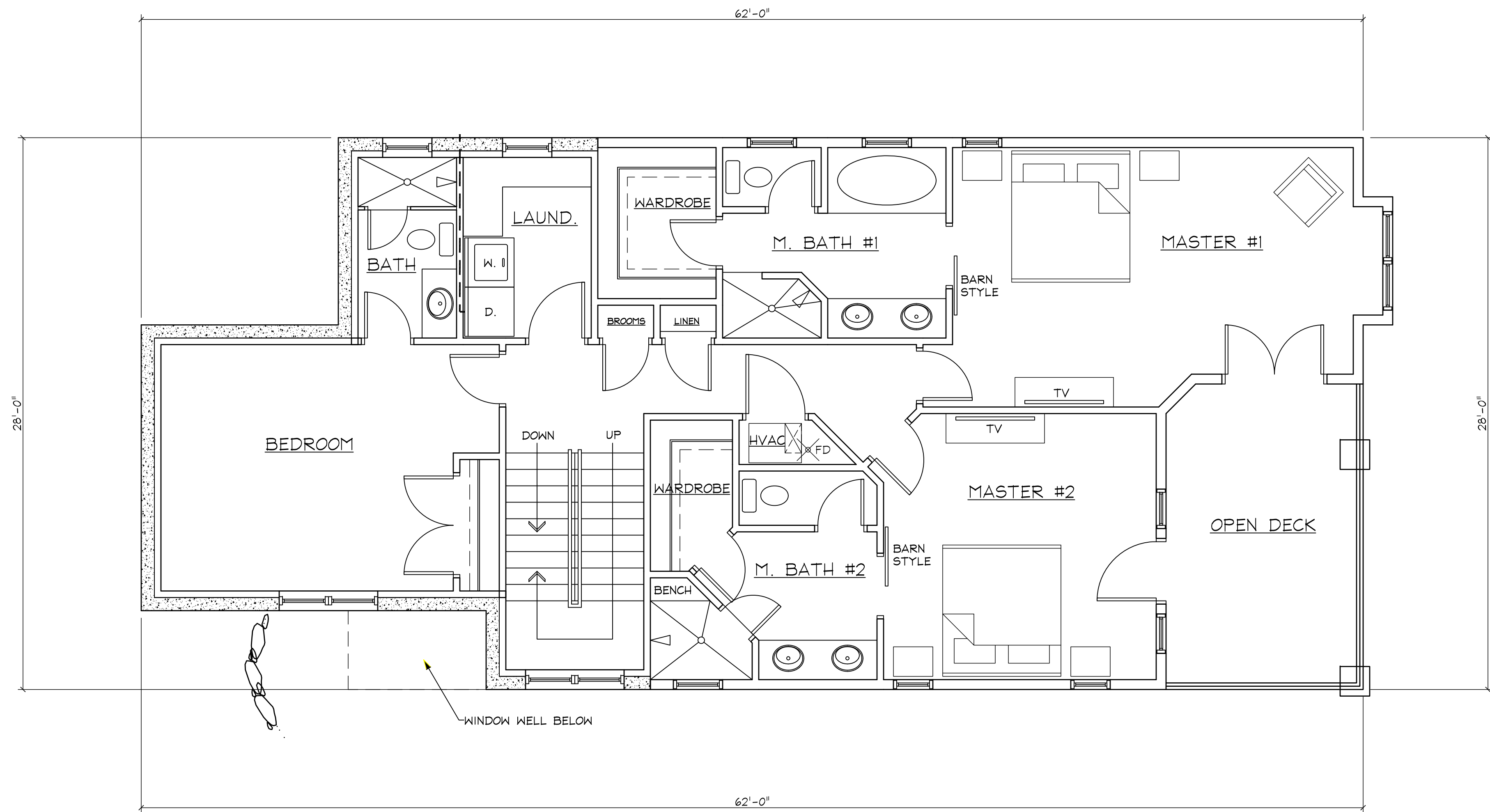
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Page 334 of 492

80 DALY AVENUE

PARK CITY, UTAH 84060



SEE SHEET #A-2 FOR ADD. NOTES

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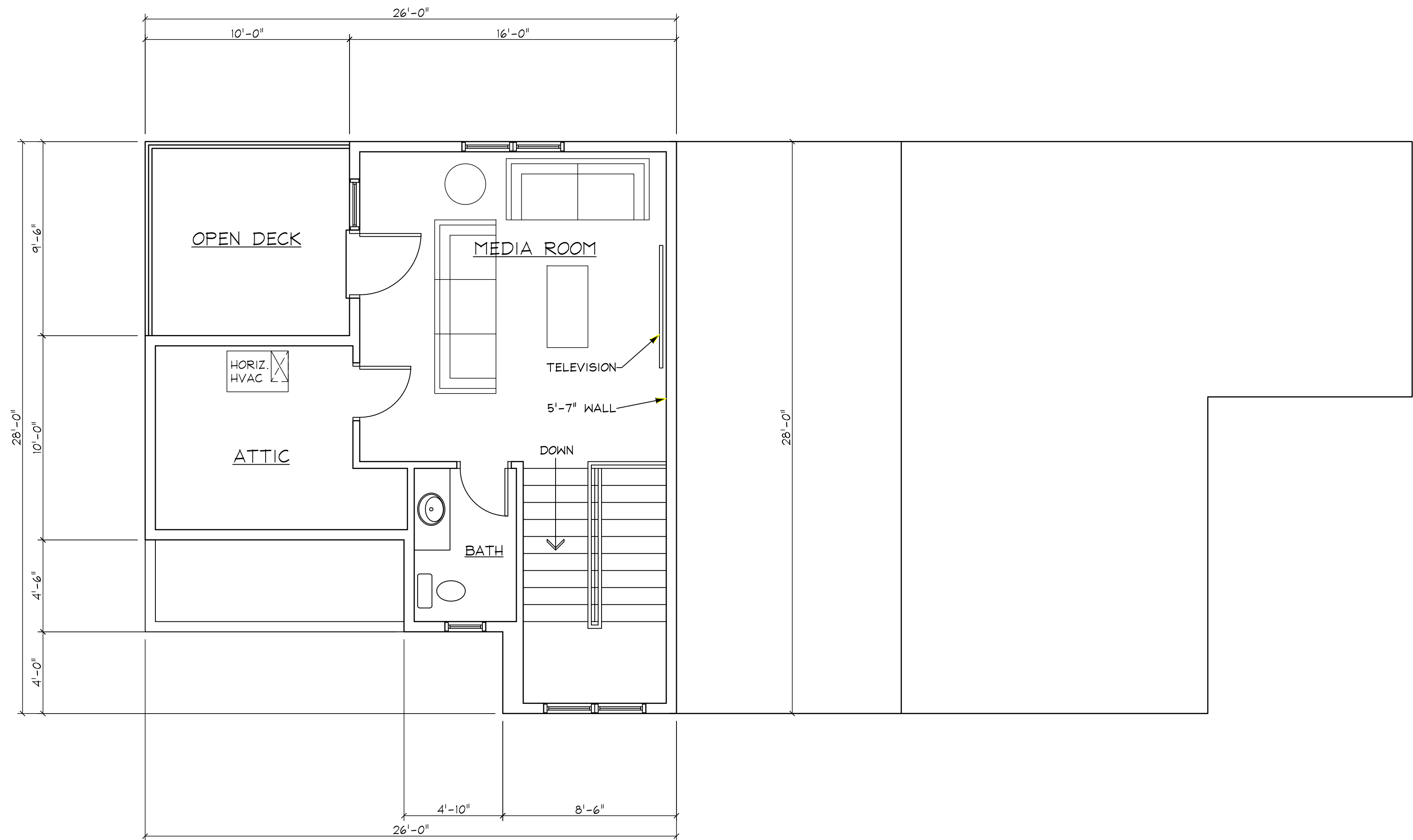
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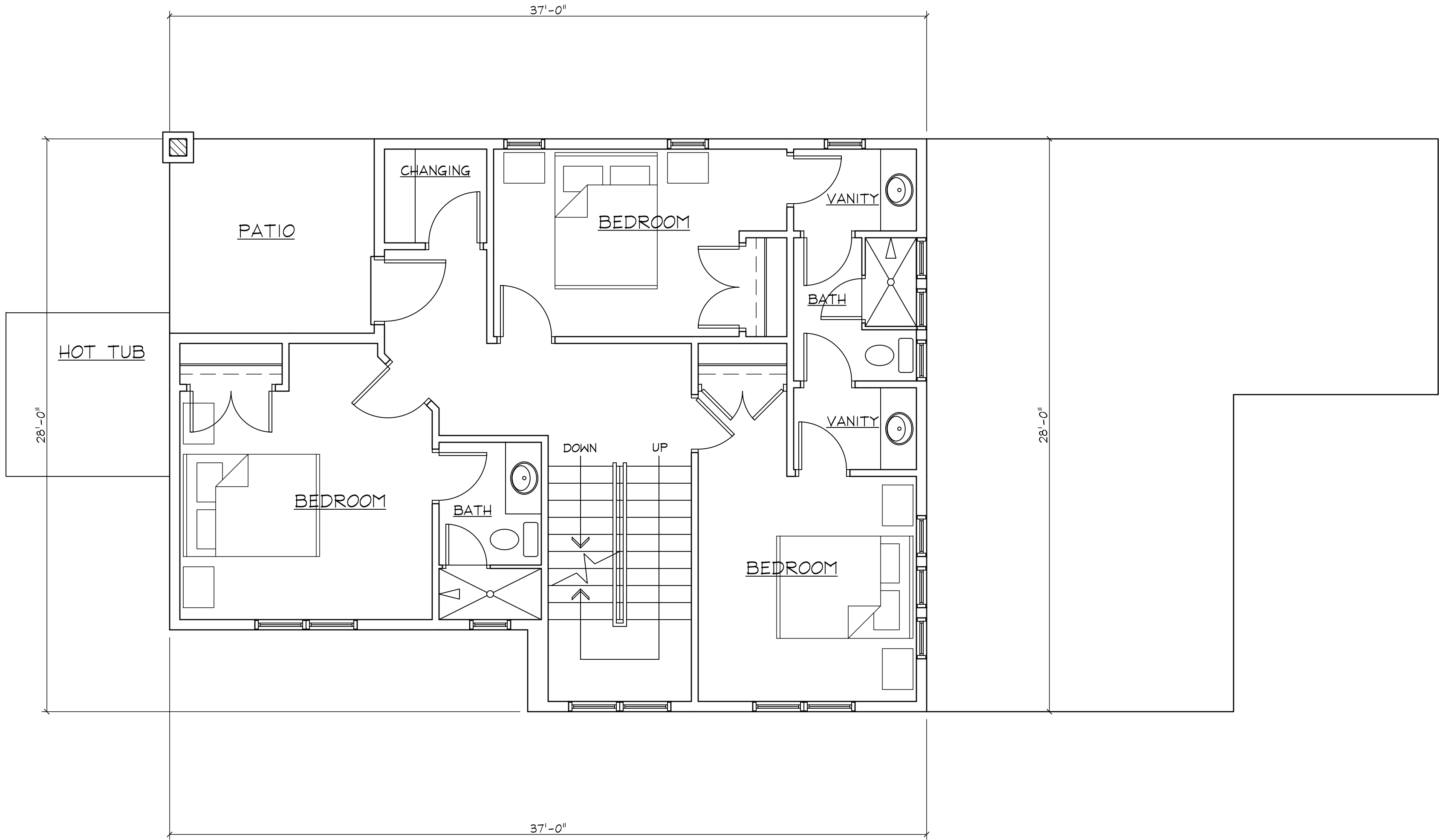
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80 DALY AVENUE
PARK CITY, UTAH 84060



4TH FLOOR PLAN

SCALE: 1/4"=1'-0" 504 #



3RD FLOOR PLAN

SCALE: 1/4"=1'-0" 871 #

SEE SHEET #A-2 FOR ADD. NOTES

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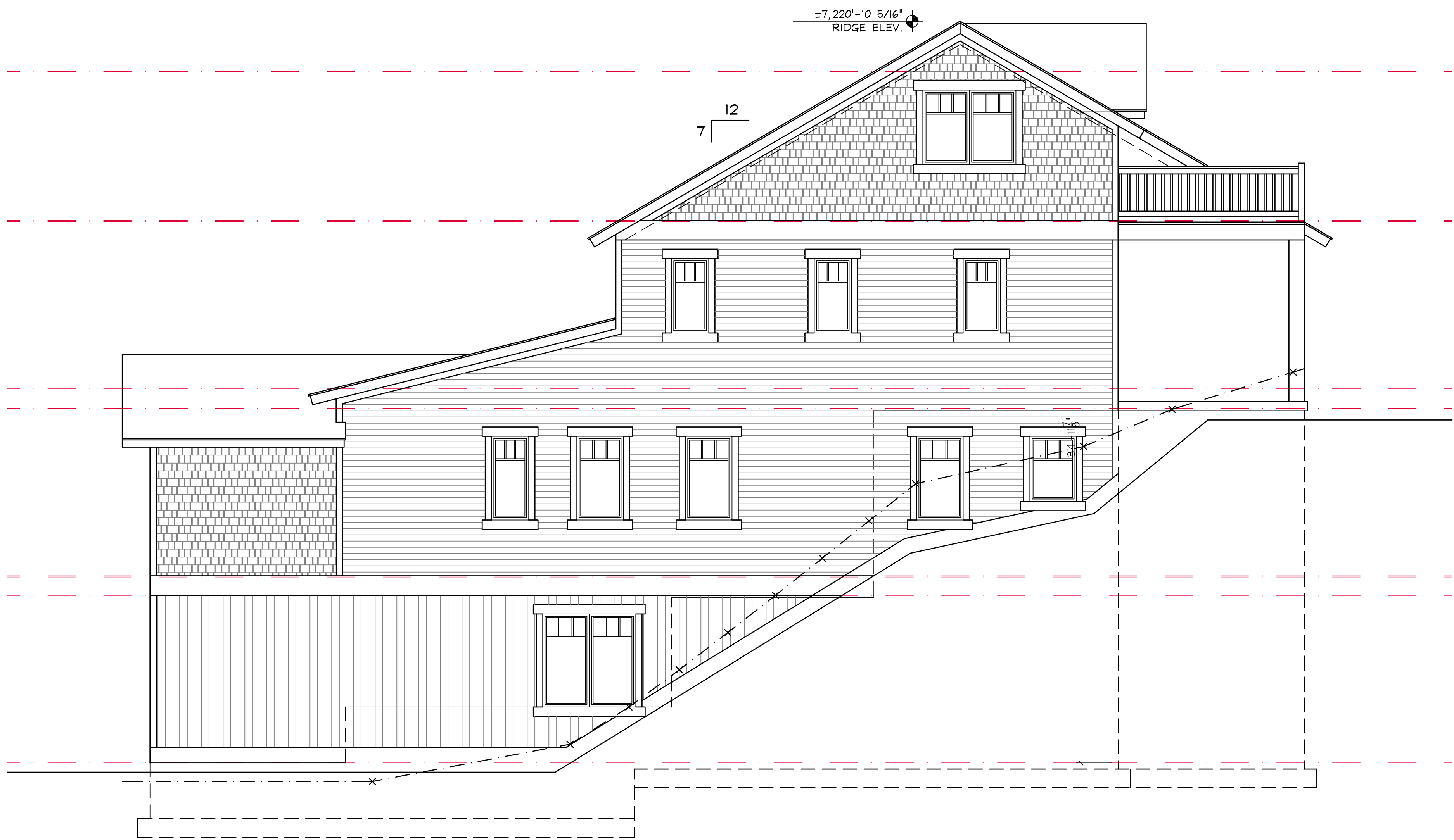
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80 DALY AVENUE

PARK CITY, UTAH 84060



RIGHT ELEVATION

SCALE: 1/4"=1'-0"



FRONT ELEVATION

SCALE: 1/4"=1'-0"

SEE SHEET #A-2 FOR ADD. NOTES

PRELIMINARY DRAWINGS ONLY
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80 DALY AVENUE

PARK CITY, UTAH 84060

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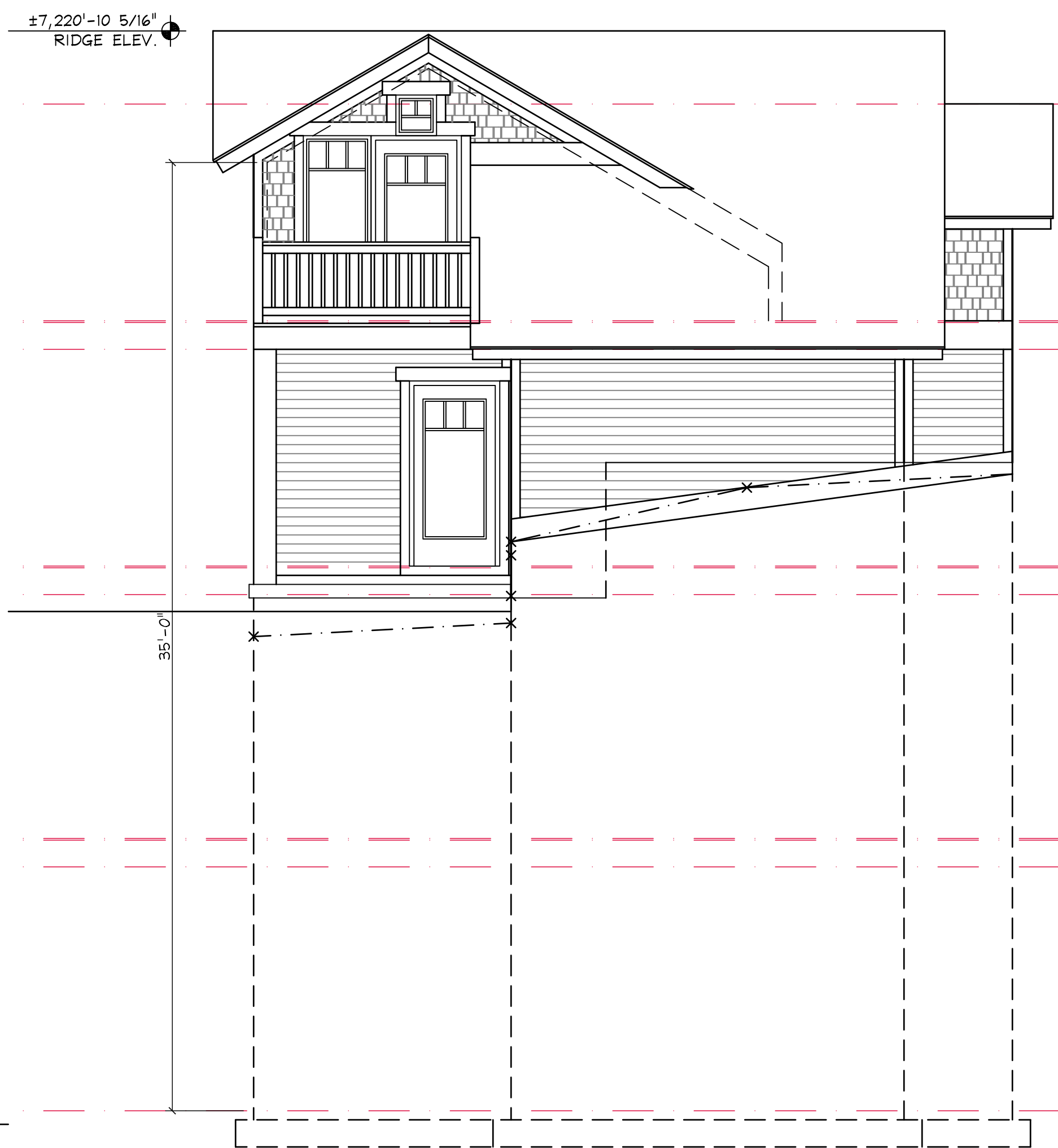
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LEFT ELEVATION

SCALE: 1/4"=1'-0"



REAR ELEVATION

SCALE: 1/4"=1'-0"

SEE SHEET #A-2 FOR ADD. NOTES

PRELIMINARY DRAWINGS ONLY
NOT RELEASED FOR CONSTRUCTION

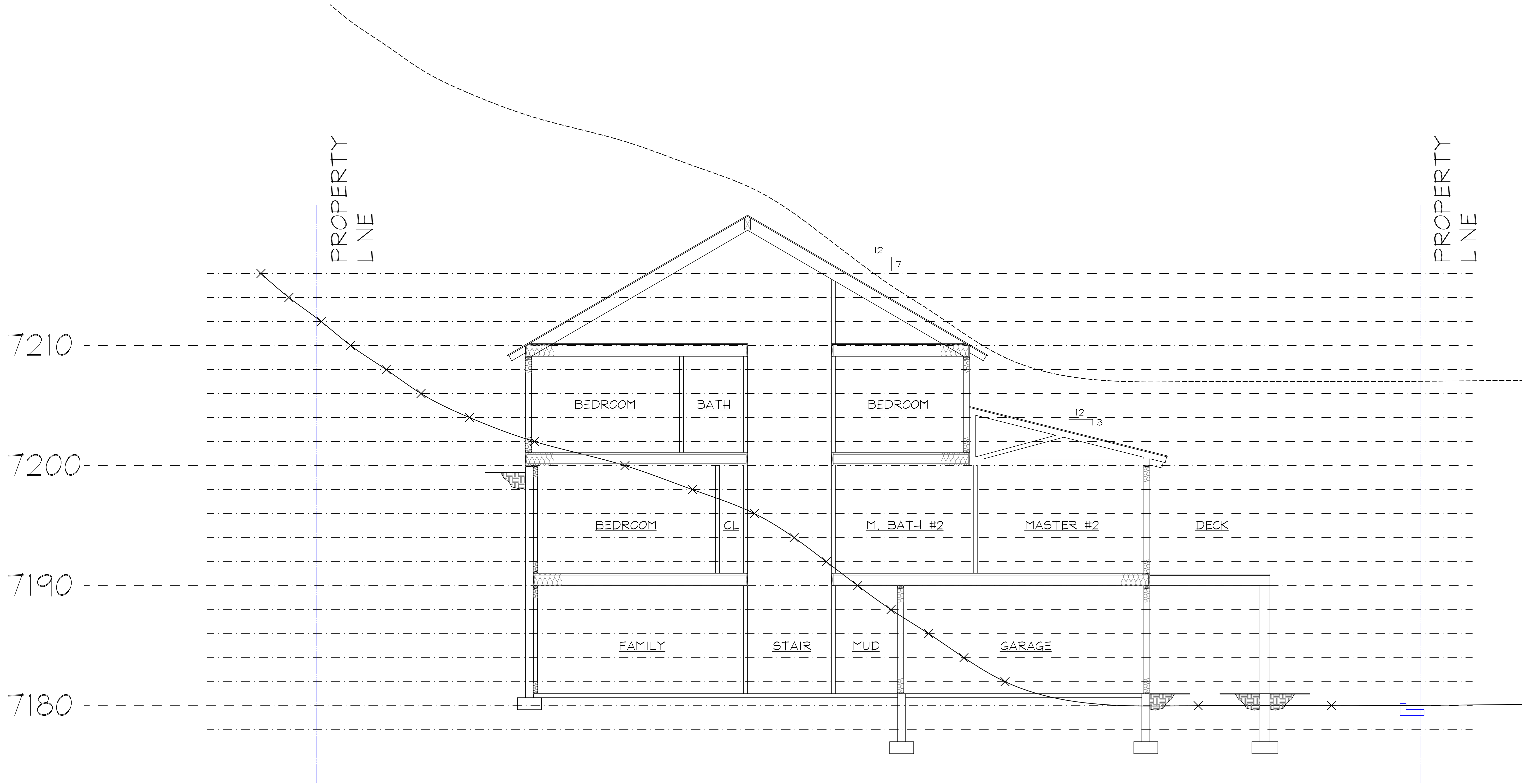
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80 DALY AVENUE
PARK CITY, UTAH 84060



TITLE

SCALE: 1/4"=1'-0"

SEE SHEET #A-2 FOR ADD. NOTES

PRELIMINARY DRAWINGS ONLY
NOT RELEASED FOR CONSTRUCTION

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PROJECT #
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02/05/2015

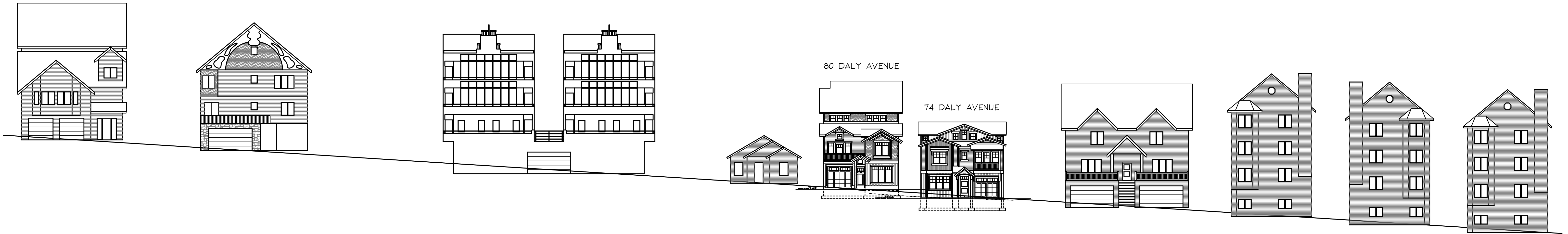
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80 DALY AVENUE

PARK CITY, UTAH 84060

EXHIBIT B





DALY AVE.
STREETSCAPE

SCALE: NTS

80 DALY AVENUE

PARK CITY, UTAH 84060

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EXHIBIT C

Craig T. Kitterman and Associates, Architects

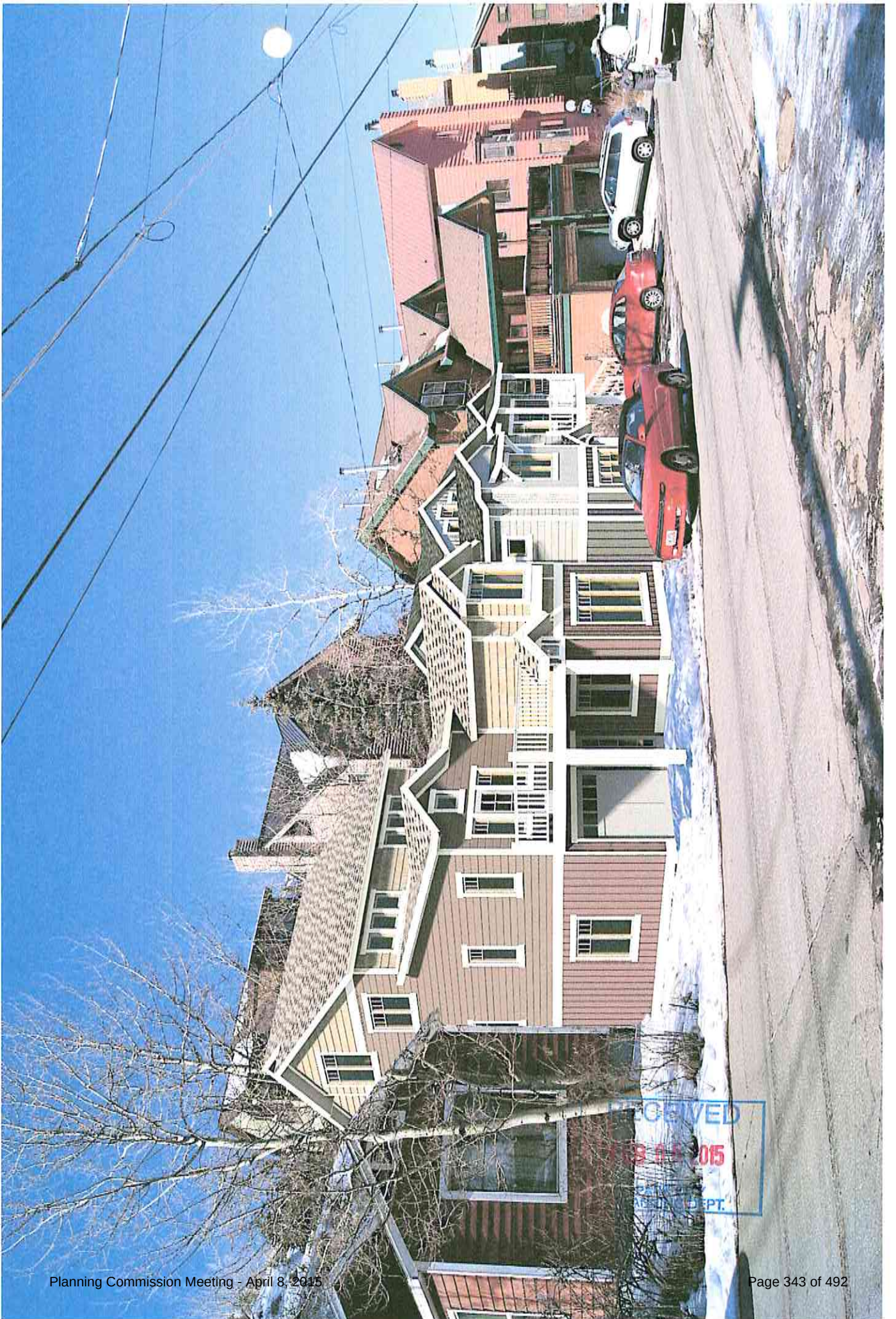
80 Daly Avenue Project Description

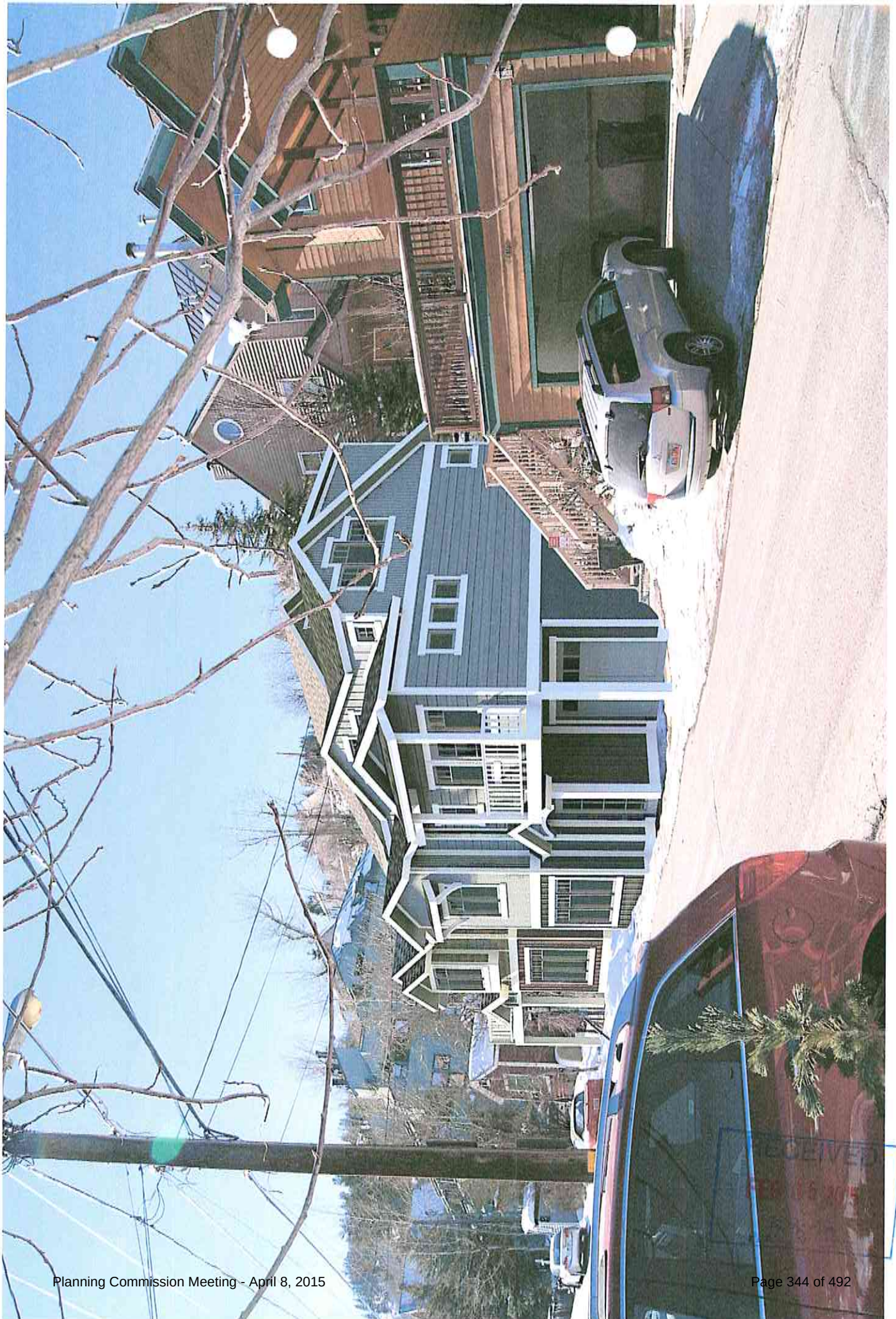
The project consists of a new single family home to be built on 80 Daly Avenue. Design guidelines for the structure are as follows.

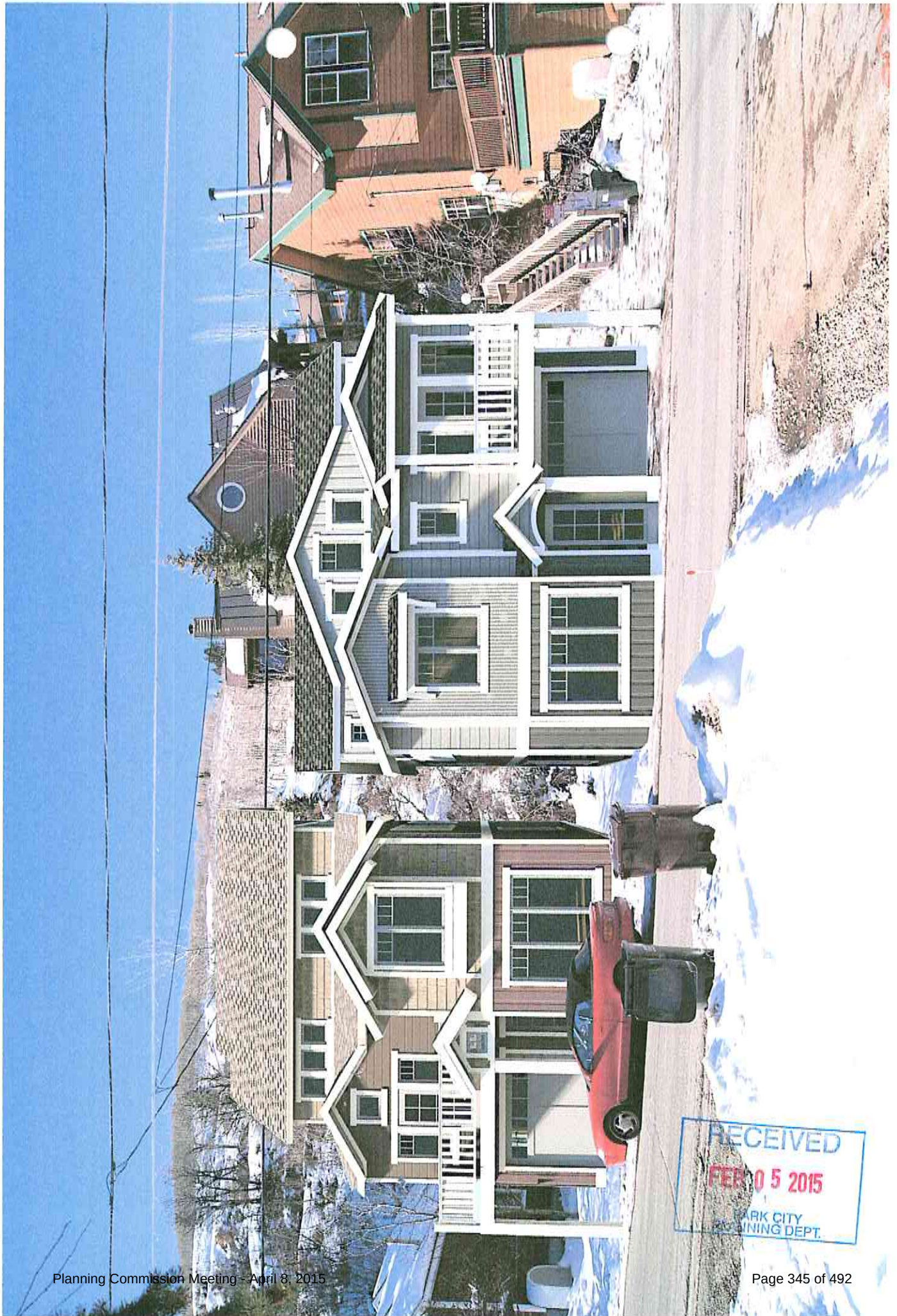
- Provides is a one car garage with one car tandem parking in driveway.
- The house is setback 10' from the back of the curb of Daly Ave, although the property line is in the street.
- The garage door is 18' from the back of curb of Daly Ave.
- The structure meets side and rear setbacks.
- The height of the structure is within the height limit of 23' on the front of the home for 10' before it rises to 27' max above grade.
- Major roof pitches are 7 in 12.
- Door and window styles meet the Historic District guidelines.
- Only 3 materials are used on the exterior of the home.
- The finish grade is only changed a max of 4' from existing.
- The max height from the lowest finished floor is 35' to tallest roof plate.



1079 E. Murray Holladay Road Holladay, Utah 84117 Phone: 270-8606







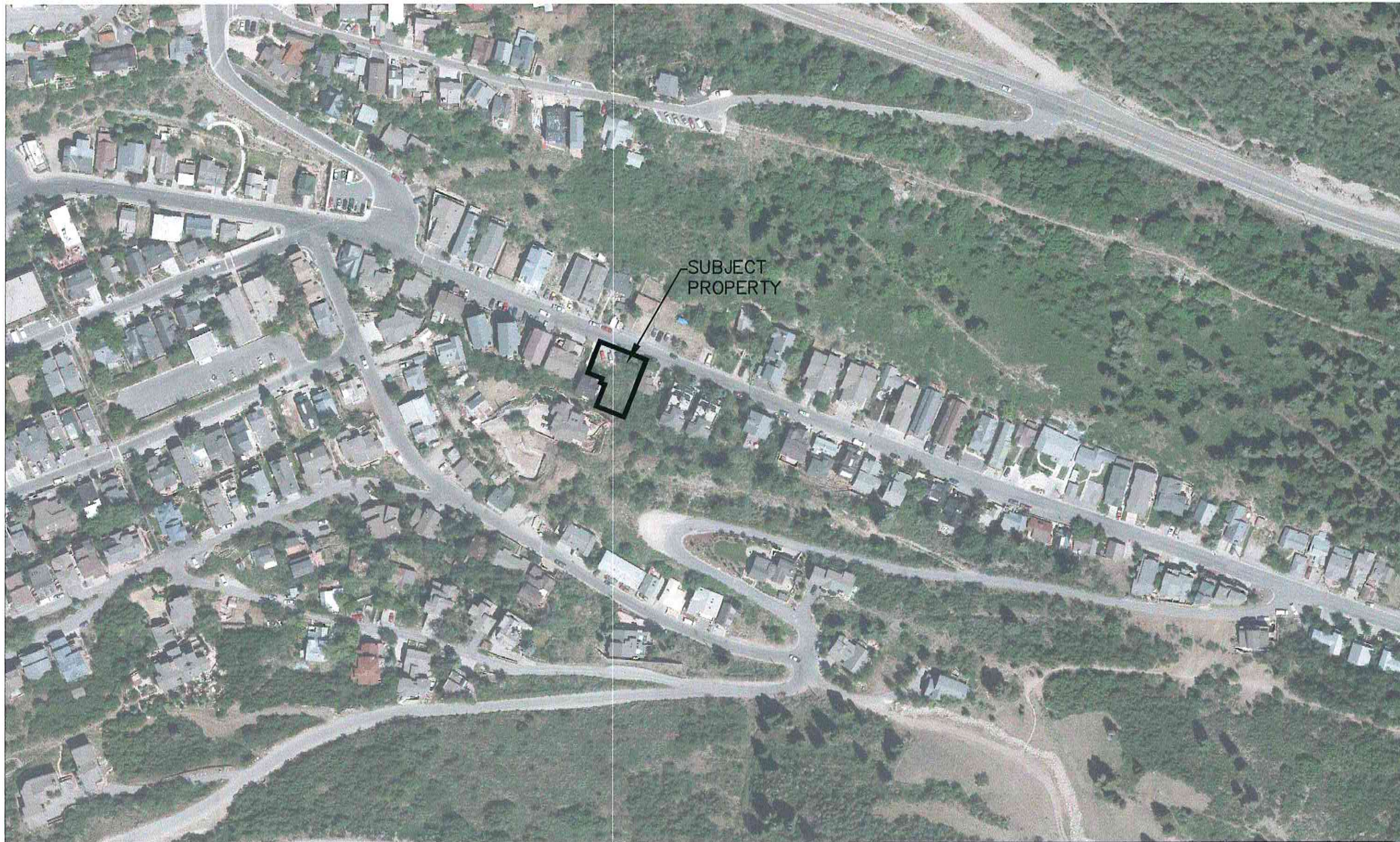


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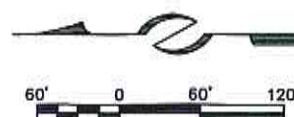




RECEIVED
FEB 05 2015
PARK CITY
PLANNING DEPT.



SUBJECT
PROPERTY



STAFF:
MARSHALL KING
HARRISON HOLLEY
DATE: 8/1/14

AERIAL PHOTOGRAPH
80 DALY AVENUE

FOR: JON DEVERIAN
JOB NO.: 5-7-14
FILE: X:\ParkCitySurvey\dwg\Exhibits\80 daly-ortho.dwg

RECEIVED
AUG 01 2014

SHEET
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OF
1

PLANNING DEPT.

EXHIBIT D



SURVEYOR'S CERTIFICATE

I, Martin A. Morrison, certify that I am a Registered Land Surveyor and that I hold Certificate No. 4038730, as prescribed by the laws of the State of Utah, and that by authority of the owners this Record of Survey map of the 74 & 80 DALY AVENUE SUBDIVISION has been prepared under my direction, and that the same has been monumented on the ground as shown on this plat.

BOUNDARY DESCRIPTIONS

PARCEL 1: All of Lot 10, portions of Lots 9 and 11, Block 74, and a portion of vacated Anchor Avenue, Plat of Park City.

A parcel of land located in the northeast quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point that is North 21°33'00" East 3.17 feet from the southernmost corner of Lot 9, Block 74, Park City Survey, said point also being South 21°33'00" West 461.39 feet and North 68°27'00" West 10.00 feet from the intersection of Main Street and Daly Avenue; and running along the easterly boundary of Block 74 South 21°33'00" West 40.67 feet; thence North 68°27'00" West 91.87 feet to the center line of vacated Anchor Avenue; thence along the center line of vacated Anchor Avenue North 21°33'00" East 40.67 feet; thence South 68°27'00" East 91.87 feet to the point of beginning.

PARCEL 2: A portion of Lot 9, Block 74, and a portion of vacated Anchor Avenue, Park City Survey.

A parcel of land located in the northeast quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point that is North 21°33'00" East 3.17 feet the southernmost corner of Lot 9, Block 74, Park City Survey, and point also being South 21°33'00" West 461.39 feet and North 68°27'00" West 10.00 feet from the street monument at the intersection of Main Street and Daly Avenue; and running thence North 68°27'00" West 91.87 feet to the center line of vacated Anchor Avenue; thence along the center line of vacated Anchor Avenue North 21°33'00" East 3.63 feet; thence South 68°27'00" East 34.87 feet; thence North 21°33'00" East 7.00 feet; thence South 68°27'00" East 7.00 feet; thence North 21°33'00" East 23.19 feet; thence South 68°27'00" East 16.50 feet; thence North 21°33'00" East 0.47 feet; thence South 68°27'00" East 33.50 feet to the easterly boundary of Lot 9, Block 74, Park City Survey; thence along the easterly boundary of Lot 9, Block 74 South 21°33'00" West 34.28 feet to the point of beginning.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that the undersigned Manager of Devco Homes LLC, a California limited liability company, as to all of Parcel 1 and an undivided 50% interest of Parcel 2, hereby certifies that it has caused this survey to be made and this amended Record of Survey Map to be prepared and hereby consents to the recordation of this amended Record of Survey Map.

In witness whereof, the undersigned set his hand
this _____ day of _____, 2015.

Jon Davarian, Manager, Devco Homes LLC, a California limited liability company

ACKNOWLEDGMENT

State of _____
County of _____

On this _____ day of _____, 2015, Jon Davarian personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Jon Davarian acknowledged to me that he is the Manager of Devco Homes LLC, a California limited liability company, the owner of all of Parcel 1 and an undivided 50% interest of Parcel 2, and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

By _____
A Notary Public commissioned in the State of _____

Printed Name _____

Residing in: _____

My commission expires: _____

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that the undersigned Trustees of The Satterfield Family Trust, as to an undivided 50% interest of Parcel 2, hereby certifies that they have caused this survey to be made and this amended Record of Survey Map to be prepared and hereby consent to the recordation of this amended Record of Survey Map.

In witness whereof, the undersigned set his hand
this _____ day of _____, 2015.

Mark G. Satterfield, Trustee of the Satterfield Family Trust, Dated January 28, 2002

Anne E. Satterfield, Trustee of the Satterfield Family Trust, Dated January 28, 2002

ACKNOWLEDGMENT

State of _____
County of _____

On this _____ day of _____, 2015, Mark G. Satterfield personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Mark G. Satterfield acknowledged to me that he is a Trustee of The Satterfield Family Trust, Dated January 28, 2002, the owner of an undivided 50% interest of Parcel 2, and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

By _____
A Notary Public commissioned in the State of _____

Printed Name _____

Residing in: _____

My commission expires: _____

ACKNOWLEDGMENT

State of _____
County of _____

On this _____ day of _____, 2015, Anne E. Satterfield personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Anne E. Satterfield acknowledged to me that she is a Trustee of The Satterfield Family Trust, Dated January 28, 2002, the owner of an undivided 50% interest of Parcel 2, and that she signed the above Owner's Dedication and Consent to Record freely and voluntarily.

By _____
A Notary Public commissioned in the State of _____

Printed Name _____

Residing in: _____

My commission expires: _____



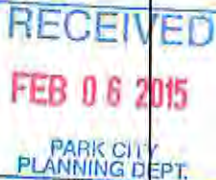
LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 21°33'00" E	7.00
L2	S 68°27'00" E	7.00
L3	S 68°27'00" E	16.50
L4	N 21°33'00" E	0.47

LEGEND
* Properly corner to be set

A PARCEL COMBINATION PLAT
IN BLOCK 74, PARK CITY SURVEY

74 & 80 DALY AVENUE SUBDIVISION

LOCATED IN THE NORTHEAST QUARTER OF SECTION 21
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH



SHEET 1 OF 1

2/6/15 JOB NO.: 5-7-14 FILE: X:\ParkCitySurvey\dwg\src\p1012014\050714.dwg



(435) 649-9467

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

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

DAY OF _____, 2015

BY _____

PLANNING COMMISSION

APPROVED BY THE PARK CITY
PLANNING COMMISSION THIS _____

DAY OF _____, 2015

BY _____

ENGINEER'S CERTIFICATE

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

DAY OF _____, 2015

BY _____

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS _____

DAY OF _____, 2015

BY _____

COUNCIL APPROVAL AND ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK CITY
COUNCIL THIS _____ DAY OF _____, 2015

BY _____

CERTIFICATE OF ATTEST

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

OF _____, 2015

BY _____

RECORDED

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

ENTRY NO. _____ DATE _____ TIME _____

Page 350 of 492

EXHIBIT E

the conditions of approval, prior to recordation of the plat.

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

3. A ten feet (10') wide public snow storage easement will be required along the Ontario Avenue frontage of the property.

4. Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final Mylar prior to recordation.

5. **74 & 80 Daly Avenue – 74 & 80 Daly Avenue Subdivision – Plat Amendment.**
(Application PL-14-02449)

Planner Alexander reviewed the request for a Plat Amendment for the purpose of subdividing a portion of Lot 9, Lot 10, a portion of Lot 11 and a portion of the vacated Anchor Avenue into two lots of record located in Block 74 of the Park City Survey. The applicant currently owns all of the property and requests to subdivide the property to create two new lots on which he plans to build new homes at 74 & 80 Daly Avenue in the HR-1 District. Currently the proposed lots are vacant of any structures. Both proposed lots meet the minimum lot area standards as given for the HR-1 District. The applicant intends to build new single-family homes on the proposed lots. The applicant had provided preliminary home designs to the Design Review Team to discuss Historic District Guidelines and LMC requirements, but he had not yet submitted official Historic District Design Review or Steep Slope CUP applications.

A previous plat amendment application submitted by a previous owner went before the Planning Commission and City Council in 2012. At those meetings, the Planning Commission and Council had several concerns and the Planning Commission eventually forwarded a negative recommendation to the City Council. The history and outcome of the Planning Commission and City Council meetings were provided in the Staff report. Due to the concerns and issues raised by the City Council the original plat amendment application from 2012 was withdrawn. The previous applicant sold his property and no further applications were made until the current applicant/owner submitted this application on August 1, 2014.

A neighboring property at 68 Daly Avenue has an existing deck encroaching in two places over the lot lines onto the proposed Lot A. The encroachment issue was resolved through

an encroachment agreement that was recorded in July 15, 2014. Limitations regarding house size and other issues could be addressed with the Steep Slope CUP process.

The Staff conducted an analysis and found good cause for this plat amendment. Combining the parcels and subdividing the lots will allow the property owner to develop homes and will create legal lots out of the existing parcels. The plat amendment will also utilize best planning and design practices, while preserving the character of the neighborhood and of Park City, and furthering the health, safety, and welfare of the Park City community. Issues in regards to compatibility with the neighborhood have been addressed as Lot B has been reduced to allow only a single-family house. Staff finds that the plat will not cause undo harm to adjacent property owners and all future development will be reviewed for compliance with all Building Codes, the Land Management Code, and applicable Historic District Design Guidelines requirements. A Steep Slope CUP would address previous concerns of structures falling down the hillside to the west of the property.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council for the 74 & 80 Daly Avenue Subdivision Plat Amendment based on the findings of fact, conclusions of law and conditions of approval in the draft ordinance.

Chair Worel opened the public hearing.

Carlene Riley asked questions unrelated to the plat amendment application. She stated that she would research the application and submit any comments to the Staff.

Delphine Comp asked how large a home the applicant would be allowed to build.

Planner Alexander stated that Lot A would be allowed a max of 972.4 square feet footprint going up to a 27' height and Lot B would be allowed a max of 1, 418.7 square feet footprint going up to a height of 27'.

Commissioner Phillips believed the questions being asked by the public were more appropriate for the CUP process since house size, etc. would be addressed at that time. He encouraged the public to hold those types of comments for the CUP public hearing.

Chair Worel closed the public hearing.

Planner Alexander pointed out that the applicant would like to maximize the footprint in which case the structures could be larger.

Commissioner Band was not in favor of handicapping this owner when others could have larger homes.

Planner Whetstone pointed out that basement areas are not counted towards square footage in residential areas.

Commissioner Campbell stated that it would be more appropriate for the Planning Commission to look at house size and neighborhood compatibility during the CUP process. He did not believe it was a discussion for the plat amendment.

Commissioner Strachan could not support having vacated Anchor be part of the lot size. Based on Commissioner Strachan's comment, Commissioner Joyce thought the building footprint should be changed now rather than waiting for the CUP. Planner Alexander pointed out that Anchor Avenue was already vacated to the applicant and he now owns it.

Assistant City Attorney McLean was unfamiliar with the history of the Anchor vacation. Planner Astorga stated that he was the Planner in 2012 and could provide some background. He noted that the owner did not petition to vacate Anchor Avenue. It was the City who determined that Anchor would never be used and it made sense to vacate it. Planner Astorga pointed out that doing a house size analysis at the plat amendment stage has been done in the past.

Commissioner Phillips asked if the owner could build in the vacated area. Planner Alexander answered yes. After further discussion regarding vacated Anchor, Assistant City McLean suggested that the Staff needed to do more research on the vacation of Anchor and whether building could occur in the vacated area.

Commissioner Joyce was unsure how they would do a restriction based on compatibility. He was leaning towards addressing compatibility as part of this plat amendment.

Commissioner Phillips assumed that both lots would have to come in for a CUP.

Commissioner Thimm thought the design could yield a massing solution. He did not think the platting stage was the best place to look at compatibility and massing. He preferred to address those issues with the CUP.

MOTION: Commissioner Phillips moved to forward a POSITIVE recommendation to the City Council for the 74 & 80 Daly Avenue Subdivision Plat Amendment in accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval found in the draft ordinance. Commissioner Joyce seconded the motion.

VOTE: The motion passed 5-1. Commissioner Strachan voted against the motion.

Commissioner Joyce requested to see a compatibility analysis when the item comes back for a CUP.

Findings of Fact – 74 & 80 Daly Avenue

1. The plat is located at 74 & 80 Daly Avenue within the Historic Residential (HR-1) District.
2. The 74 & 80 Daly Avenue Subdivision consists of a portion of Lot 9, Lot 10, a portion of Lot 11 and a portion of the vacated Anchor Avenue located in Block 74 of the Park City Survey.
3. On February 28, 2012 the City received a previous application by a previous owner of this property for a two lot subdivision plat amendment. After three meetings at the Planning Commission the Commission voted 4-1 to forward a negative recommendation to the City Council due to concerns of compatibility and issues with the owner of 68 Daly, Pete Henderson. The City Council discussed the item on August 30, 2012 and decided to continue the item to their October 25, 2012 meeting. The previous applicant then pulled their application on October 9, 2012 in order to work through the concerns discussed by the City Council.
4. On August 1, 2014, the current owner and applicant submitted an application for a plat amendment to subdivide parcels containing a total of 5,643.92 sf into two (2) lots of record. Lot A will consist of 2,200.80 sf and Lot B will consist of 3,443.12 sf.
5. The application was deemed complete on December 11, 2014.
6. The parcels at 74 & 80 Daly Ave are currently vacant.
7. The HR-1 zone requires a minimum lot area of 1,875 sf for a single-family dwelling.
8. The maximum footprint allowed in the HR-1 zone is 972.4 sf for the proposed Lot A and 1,418.7 sf for the proposed Lot B based on the lot area of the lots.
9. As conditioned, the proposed plat amendment does not create any new noncomplying or non-conforming situations.
10. The property to the northwest (68 Daly Ave) currently has an existing single-family home built in 1982 which has an existing deck encroaching in two places over the lot lines onto the proposed Lot A. An encroachment agreement was recorded July 15,

2014 as Entry No. 998906 in Book 2248 at Page 1048 of Official Records.

11.The property directly to the northwest (68 Daly Ave) also contains a concrete pad, concrete stairs, wood steps and a landing leading to the existing single-family home which are built directly adjacent to the lot line shared with the proposed 74 Daly Ave.? No encroachment permits are needed as this stairway does not encroach onto the property at 74 Daly Ave.

12.The property directly to the south (84 Daly Ave) contains an existing single-family home that comes within inches of the proposed property lines. No encroachment permits will be needed as the existing home does not cross the property line, however, a 6 feet side setback will be required for any new home constructed on Lot B.

13.The plat amendment secures public snow storage easements of ten (10') feet across the frontage of the lots.

14.A 20 foot wide temporary construction easement exists along the south portion of Lot B. The temporary construction easement will need to be removed prior to Building Permit approval. The temporary construction easement shall not be abandoned until all necessary utilities within the adjacent sewer and utility easements are installed.

15.There is a 5 foot wide sewer easement and 6 foot wide utility easement along the south edge of 80 Daly.

Conclusions of Law – 74 & 80 Daly Avenue

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. Approval of the plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – 74 & 80 Daly Avenue

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. No building permit for any work shall be issued until the plat is recorded and until the Historic District Design Review and Steep Slope CUP, if required, applications are submitted and approved for each lot.
4. No building permit for any work shall be issued on Lot B until the temporary construction easement is abandoned on Lot B.
5. Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final Mylar prior to recordation.
6. A ten foot (10') wide public snow storage easement is required along the frontage of the lots with Daly Avenue and shall be shown on the plat.

Park City Planning Commission meeting adjourned at 6:45 p.m.

Approved by Planning Commission: _____

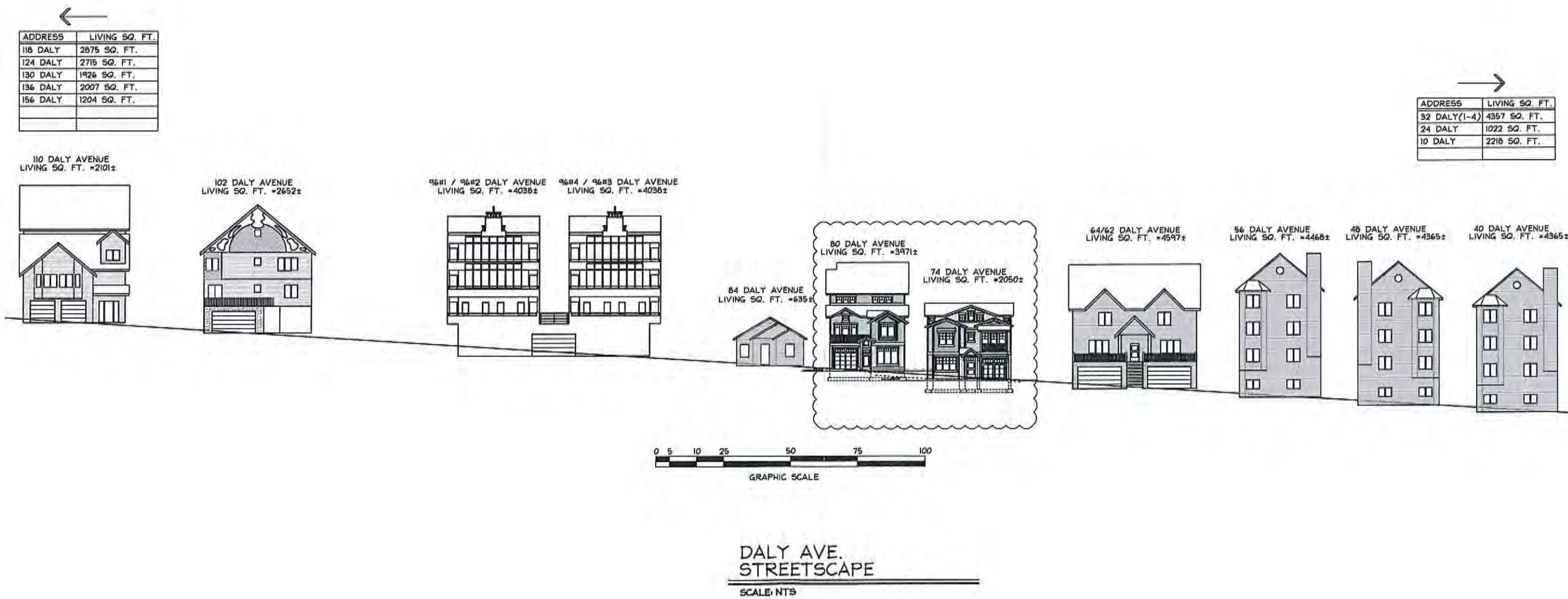
Mean Building Footprints By Zone
(Sq. Ft.)

Estate Zone:	5,438.76
HRL Zone:	1,540.15
HR-1 Zone:	1,482.24
Daly Ave:	1,465.44

Legend

	Daly Ave Buildings	Zone Type
	Estate Zone Buildings	 E
	HR-1 Zone Buildings	 HR-1
	HRL Zone Buildings	 HRL

EXHIBIT G



→

ADDRESS	LIVING SQ. FT.
32 DALY(1-4)	4357 SQ. FT.
24 DALY	1022 SQ. FT.
10 DALY	2218 SQ. FT.

74 DALY AVENUE

PARK CITY, UTAH 84060

Craig Kitterman & Associates Architects

1079 E. Murray-Holladay Road, Holladay, Utah 84117 Office 270-8606 Fax 263-3989

PROJECT #
14036-2

DATE PRINTED
02/26/2015

A
14

EXHIBIT H

Craig T. Kitterman and Associates, Architects

Daly Avenue Living Sq. Ft

Address	Living Sq. Ft.
156 Daly Ave	1204 Sq. Ft.
136 Daly Ave	2007 Sq. Ft.
130 Daly Ave	1926 Sq. Ft.
124 Daly Ave	2715 Sq. Ft.
118 Daly Ave	2875 Sq. Ft.
110 Daly Ave	2101 Sq. Ft.
102 Daly Ave	2652 Sq. Ft.
96#1 & 96#2 Daly Ave	4038 Sq. Ft.
96#3 & 96#4 Daly Ave	4038 Sq. Ft.
84 Daly Ave	635 Sq. Ft.
80 Daly Ave	3971 Sq. Ft.
74 Daly Ave	2050 Sq. Ft.
64/62 Daly Ave	4597 Sq. Ft.
56 Daly Ave	4468 Sq. Ft.
48 Daly Ave	4365 Sq. Ft.
40 Daly Ave	4365 Sq. Ft.
32 Daly Ave	4357 Sq. Ft.
24 Daly Ave	1022 Sq. Ft.
10 Daly Ave	2218 Sq. Ft.

PARK CITY COUNCIL MEETING MINUTES-DRAFT

SUMMIT COUNTY, UTAH,

March 5, 2015

Page | 4

III. PUBLIC INPUT (*Any matter of City business not scheduled on the agenda*)
None

IV. CONSENT(*Items that have previously been discussed or are perceived as routine and may be approved by one motion. Listed items do not imply a predisposition for approval and may be removed by motion and discussed and acted upon*)

1. Consideration of authorization for the City Manager to enter into a professional service provider agreement in a form approved by the City Attorney's Office with MGB+A, in the amount of Sixty Nine Thousand Six Hundred Nineteen Dollars (\$69,619).

Approved unanimously

V. OLD BUSINESS

1. Consideration of a plat amendment for 74 & 80 Daly Avenue Subdivision located at 74 & 80 Daly Avenue, Park City, Utah pursuant to findings of fact, conclusions of law and conditions of approval in a form approved by the City Attorney

Christy Alexander spoke to the plat amendment for two new lots being proposed, stating Staff does not feel a size restriction should be put in place as the footprint sizes are compatible, but advises Council they may restrict as she has reflected in the report such as been done in the past. Council member Simpson asked if the Planning Commission agreed to handle a restriction request in the Steep Slope CUP stage rather than here, to which Alexander said yes. Council member Beerman asked if we have allowed vacated spaces to be used in footprints before. Alexander reiterated her research showed there was one instance where it was. Council member Matsumoto asked if they are building on Anchor Avenue and if the property has been deeded to the property owner, to which Alexander said yes. Council member Beerman asks if there are any deed restrictions. Alexander stated there are no restrictions. Council member Beerman then asked for Mark Harrington's input on how precedence is set in such a matter. Harrington stated restrictions must be based on appropriate public policy of record and that further study must be done by Council if they choose to go against Staff's recommendation.

Project architect Craig Kitterman stated our streetscape mass is larger than the houses in question and asked that these properties be treated equally as others and that this project be allowed to move forward.

Approved unanimously

VI. NEW BUSINESS

1. Consideration of a plat amendment for 98 Hidden Splendor Court pursuant to findings of fact, conclusions of law and conditions of approval in a form approved by the City Attorney.

Approved unanimously to be continued to March 19, 2015 meeting

Planning Commission Staff Report



Subject: First Amendment to The Silver Star Plaza Condominiums Buildings "N", "O", "P", "Q" and "R" record of survey plat
Project Number: PL-15-02655
Author: Kirsten A Whetstone, MS, AICP
Date: April 8, 2015
Type of Item: Administrative – Amended Record of Survey condominium plat

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the First Amendment to the Silver Star Plaza Condominiums Buildings "N", "O", "P", "Q", and "R" condominium plat to add Building "S". Staff recommends the Planning Commission consider any input and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

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

Description

Applicants: Alan Long, owner of Silver Star Realty and Silver Star Plaza Condominiums Owners Association, Inc., a Utah non-profit corporation
Location: 1825 Three Kings Drive
Zoning: Residential Development Medium Density (RDM) (Spiro Tunnel Master Planned Development (aka Silver Star))
Adjacent Land Uses: Residential condominiums, commercial and support commercial uses, Park City resort, trails, Park City Golf Course, single family houses, Park City Parks and Spiro Tunnel Water facilities, and open space parcels.
Reason for Review: Condominium record of survey plat amendments require Planning Commission review and recommendation to City Council with final action by the City Council.

Proposal

The applicant requests an amendment to the condominium record of survey plat for the purpose of adding Building "S" to the condominium plat (Exhibits A and B). Building "S" is a proposed 1,888 square foot single story building that includes the existing historic mine tunnel entrance shed and a future addition. The applicant's request (Exhibit C) is to include Building "S" as a commercial condominium unit with a designation as "private area". Building "S" includes office uses and storage for the Silver Star Café. These uses were approved on October 22, 2014, as the Three Kings Realty at Silver Star Conditional Use Permit. Building S is located between buildings "O" and "R". The property is located within the Residential

Development Medium Density (RDM) Zoning District and is subject to the Spiro Tunnel Master Planned Development. The Spiro Tunnel MPD and the Silver Star Realty CUP approved office uses at this site. The proposed plat amendment is consistent with the RDM zoning, the Spiro Tunnel Master Planned Development, the Three Kings Realty Conditional Use Permit, and the Land Management Code.

Background

The subject property, located at 1825 Three Kings Drive, is currently identified on the Silver Star Plaza Condominiums Buildings N, O, P, Q, and R Condominium Plat as common area. The plat was approved by the City Council on November 30, 2006 following approval of the Spiro Tunnel MPD (aka Silver Star Condominiums) by the Planning Commission in 2004. The property is subject to the Spiro Tunnel MPD Development Agreement. The October 27, 2004 Spiro Tunnel MPD includes allowances for commercial and offices uses within the Plaza Area of the MPD as further described below.

The Spiro Tunnel MPD requires a Conditional Use Permit for new building construction, such as the proposed addition to the historic shed. On October 22, 2014, the Planning Commission approved a Conditional Use Permit for Building S for office uses within the existing mine tunnel entrance shed and within an addition to the shed. The Conditional Use Permit is for a 2,260 square foot single story building that includes 1,325 sf for real estate office uses, 615 sf for the existing mine tunnel entrance area, and 320 sf for storage, including cold storage for the Silver Star Café to replace a temporary storage shed that exists at this location.

The Spiro Tunnel Master Planned Development was approved as a mixed use development consisting of 97 residential unit equivalents (74 condominium units, 22 cottage units and one single family house with guest); an artist-in-residence campus with up to 14,500 sf of offices, studios, and gallery retail space; support commercial uses and support meeting space; and 16.11 (AUE) of affordable housing units (21 units in Buildings N and O). Support commercial and support meeting space (up to 10% of the total residential floor area is 19,400 sf based on a total of 97 residential UE) was specifically allowed during the MPD approval for the Silver Star project, as the project was considered a nightly rental condominium project. Up to 14,500 sf of commercial and office uses are allowed by the Spiro Tunnel MPD in addition to 19,400 sf of support commercial/meeting space based on 97 UE of residential.

Currently there are 11,367 sf of commercial/office uses at the site, including the Sundance offices in MS-2 and MS-3. The flexible space in MS-3 is utilized by Sundance as offices during the Sundance season and for the artist-in-residence program or other community events during the summer and is counted as commercial/office space. The proposed 1,325 sf of office space would bring the total commercial/office floor area to 12,692 sf, which is less than the total allowable of 14,500 sf with 1,808 sf of commercial uses remaining.

There are currently 5,594 sf of support commercial uses, including the Silver Star café and the ski shop located in the Historic Building known as MS-1. There are 3,130 sf of support uses for the residential units only, such as a club house, common pool/spa, exercise room and laundry. The additional 320 sf of storage for Silver Star Café would increase the

support commercial space to 5,914 sf, which is less than the maximum allowed support commercial space.

Parking has been provided for all of the residential UE and all of the allowable commercial/office space per the Spiro Tunnel MPD. There are 110 existing shared surface parking spaces for the commercial/office uses, affordable housing units, and parking for trailhead and city parks/water department employees by agreement. Parking for the residential condominium units is provided within the parking structures under the buildings and parking for the cottages is located within individual parking garages.

On September 10, 2008, a Conditional Use Permit was approved for a bar/grill (The Shaft at Silver Star CUP) at this same location. The building/addition was never constructed and the CUP expired.

As noted above, on October 22, 2014, a Conditional Use Permit was approved for office uses and a storage area for the Silver Star Café for Building S (Exhibits D and E). Parking impacts of the use of a future Building S were presented with the Conditional Use Permit and no unmitigated impacts were found.

On January 16, 2015, an application was submitted for this first amendment to the Silver Star Plaza Condominiums Buildings N, O, P, Q, and R Condominium Plat. The application was deemed complete on February 24, 2015. The plat amendment is a request to add a Building "S" to the condominium plat as an 1,888 square foot single story commercial condominium unit with a designation as "private area". Building "S" includes the existing mine tunnel entrance shed and a future addition, consistent with the October 22, 2014, approved Three Kings Realty at Silver Star Conditional Use Permit.

Staff is currently reviewing a Historic District Design Review application for the addition to the historic mine tunnel shed building.

Purpose

The purpose of the Residential Development Medium Density (RDM) District is to:

- (A) Allow continuation of medium Density residential and resort related housing in the newer residential Areas of Park City;
- (B) Encourage the clustering of residential units to preserve Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of construction and municipal services;
- (C) Allow limited generated businesses and recreational activities that are Compatible with residential neighborhoods;
- (D) Allow Development in accordance with the Sensitive Lands Ordinance;
- (E) Provide opportunities for variation in architectural design and housing types,
- (F) Promote pedestrian connections within Developments and between adjacent

Areas; and

(G) Minimize impacts of the automobile on architectural design.

Analysis

The proposal complies with lot and site requirements of the RDM District and/or Master Planned Development as described below.

RDM Zone	Required/Proposed
Lot Size	No minimum lot size.
Floor Area Ratio (FAR)	No FAR required. Gross Floor Area is 2,260 sf including 1,325 sf (office), 320 sf (storage for Silver Star Café) and 615 sf (mine tunnel access area).
Front/rear yard setbacks	Zero lot line development permitted within the MPD, subject to Fire Code restrictions for separation between buildings. Complies.
Side yard setbacks	Zero lot line development permitted within the MPD, subject to Fire Code restrictions for separation between buildings. Complies.
Building Height	Thirty-three (33') from Existing Grade is allowed (includes exception for pitched roof). Building height will be verified at the time of Building Permit review. One story-proposed addition is 12'6" and the existing mine shed is 18'2". Complies.
Parking	Per Silver Star MPD all parking for the plaza area is shared and was provided at the time of construction of the project for all allowed uses, including 14,500 sf of commercial/office uses. The office use is included in the 14,500 sf. To better manage the 110 shared surface parking spaces residential parking is reserved, trail head parking is identified for the northern most spaces, seasonal spaces for City Parks and Water Department employees is permitted in the north parking area, and other commercial and office uses utilize the remaining spaces (See Parking Memorandum- Exhibit D). Complies.
Architectural Design	All construction is subject to Design Guidelines for Historic Buildings and Sites, subject to submittal and review for compliance with the Design Guidelines,

	prior to issuance of a building permit.
Uses	Up to 14,500 sf of commercial and office uses are allowed by the Spiro Tunnel MPD in addition to 19,400 sf of support commercial/meeting space based on 97 UE of residential. Currently there are 11,367 sf of commercial/office uses and 5,594 sf of support commercial uses. The addition of 1,325 sf of office space will bring total commercial/office to 12,692 sf which is less than 14,500 sf allowed and will bring the total support commercial uses to 5,914 sf. The MPD requires Conditional Use Permit for new building construction. Complies.

Good Cause

Staff finds good cause for this amended record of survey plat as this condominium plat is consistent with the Spiro Tunnel Master Planned Development Agreement and the approved Three Kings Realty Conditional Use Permit. The proposed plat amendment complies with the Land Management Code and is consistent with the RDM zone. The condominium plat amendment is consistent with the State condominium act.

Department Review

This plat amendment was reviewed by the Development Review Committee on February 10, 2015. Issues raised regarding accommodation of the SBWRD and City utility easements as well as the City's interest in the mine access tunnel and mitigating impacts during construction have been addressed by amendments to the plat and/or with specific conditions of approval (see Exhibit H- Water Department letter). The Water Department has requested specific conditions of approval to address City access to the tunnel and specific easements for water lines, maintenance, and access to the tunnel. Staff has included these conditions of approval in the Draft Ordinance. The Water Department also requested conditions of approval related to maintenance of security to the tunnel during construction activities, as well as requirements for the shed addition to consider adequate ventilation to the mine tunnel. Additional language regarding tunnel access and operations which may occur at any time and which may result in disturbances, such as tunnel construction, noise, fumes, etc., and holding the City harmless for such impacts, is also recommended as conditions of approval in the draft Ordinance.

Notice

On March 25, 2015, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record on March 21, 2015.

Public Input

A public hearing is scheduled for both Planning Commission and City Council meetings. Staff has not received any public input at the time of this report.

Future Process

Approval of this amended condominium plat application by the City Council constitutes Final Action that may be appealed following procedures found in LMC 15-1-18.

Alternatives

- The Planning Commission may forward a positive recommendation to City Council to approve the amended condominium plat as conditioned or amended, or
- The Planning Commission may forward a negative recommendation to City Council to deny the amended condominium plat and direct staff to make Findings for this decision, or
- The Planning Commission may continue discussion on the plat and provide direction to staff and the applicant regarding any additional information, findings, or conditions necessary to take final action on the requested application.

Significant Impacts

There are no negative fiscal or significant environmental impacts to the city from this proposed record of survey plat amendment.

Consequences of not taking the Suggested Recommendation

The ownership designations would remain as platted with the existing mine shed and proposed addition remaining as an improvement in the common area and owned by the Silver Star Plaza Condominium Owners Association.

Recommendation

Staff recommends that the Planning Commission hold a public hearing for the First Amendment to the Silver Star Plaza Condominiums Buildings "N", "O", "P", "Q", and "R" condominium plat to add Building "S". Staff recommends the Planning Commission consider any input 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

Ordinance

Exhibit A- Proposed First Amended condominium plat

Exhibit B- Recorded plat

Exhibit C- Applicant's letter

Exhibit D- Approved Conditional Use Permit action letter

Exhibit E- Approved Conditional Use Permit plans

Exhibit F- Photos

Exhibit G- SBWRD letter

Exhibit H- Water Department Letter

Ordinance No. 15-

AN ORDINANCE APPROVING THE FIRST AMENDMENT TO THE SILVER STAR PLAZA CONDOMINIUMS BUILDINGS “N”, “O”, “P”, “Q”, AND “R” CONDOMINIUM RECORD OF SURVEY PLAT, A UTAH CONDOMINIUM PROJECT, LOCATED AT 1825 THREE KINGS DRIVE, PARK CITY, UTAH.

WHEREAS, owners of the property known as Silver Star Plaza Condominiums Buildings “N”, “O”, “P”, “Q”, and “R”, a Utah Condominium Project, (aka Silver Star Condominium project) located at 1825 Three Kings Drive, have petitioned the City Council for approval of an amended condominium plat to add Building “S” as a 1,888 square foot commercial condominium unit located between Buildings “O” and “R” and to change the ownership designation for Building “S” from common area to private area.

WHEREAS, the property was properly noticed on March 21, 2015 and posted on or prior to March 25, 2015, according to requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners on March 25, 2015; and

WHEREAS, the Planning Commission held a public hearing on April 8, 2015, to receive input on the amended condominium plat; and

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

WHEREAS, on May 7, 2015, the City Council held a public hearing on the amended condominium plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the First Amendment to the Silver Star Plaza Condominiums Buildings “N”, “O”, “P”, “Q”, and “R” condominium record of survey plat to add Building “S”.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The condominium plat as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 1825 Three Kings Drive.
2. The property is located in the Residential Development Medium density (RDM) zoning district and subject to the Spiro Tunnel Master Planned Development (MPD) (aka Silver Star MPD). Office uses are allowed within the Spiro Tunnel MPD.

3. The applicant's request for this plat amendment is to include a Building "S" as a commercial condominium unit with a designation as "private area". Building "S" includes office uses and storage for the Silver Star Café. These uses were approved on October 22, 2014, as the Three Kings Realty at Silver Star Conditional Use Permit. Building "S" also includes the existing historic mine tunnel entrance shed but not the covered tunnel leading to the mine.
4. Building "S" is proposed to be located between buildings "O" and "R" and consists of a total of 1,888 square feet.
5. Building "S" is located within the Park City Soils Ordinance Boundary.
6. On November 30, 2006, the City Council approved the Silver Star Plaza Condominiums Buildings "N", "O", "P", "Q", and "R", a Utah Condominium Project condominium record of survey plat. The plat was recorded at Summit County on February 19, 2008 and identifies the location and ownership of existing Buildings N, O, P, Q, and R.
7. This first amended plat adds Building "S" to the Silver Star Plaza Condominium Buildings "N", "O", "P", "Q", and "R", a Utah Condominium Project condominium record of survey plat in order to identify the building as a commercial condominium unit designated as private ownership. The building is currently identified as common area owned by the Silver Star Plaza Condominiums HOA.
8. On January 16, 2015, an application was submitted for the first amendment to the Silver Star Plaza Condominiums Buildings "N", "O", "P", "Q", and "R", a condominium record of survey plat. The application was deemed complete on February 24, 2015.
9. The condominium plat amendment is required in order to identify the location and ownership of existing Building "S" and to include the proposed addition.
10. The proposed uses and amended condominium plat are consistent with the Spiro Tunnel MPD and the Three Kings Realty CUP.
11. No non-complying situations are created with the plat amendment.
12. The existing building is listed on the Historic Sites Inventory as a Significant Historic Site.
13. On December 4, 2014, the Silver Star Plaza Owners Association met and voted unanimously to approve the real estate office project as proposed.
14. On October 27, 2004, the Planning Commission approved the Spiro Tunnel Master Planned Development and Conditional Use Permit for a mixed use development consisting of 97 residential unit equivalents (74 condominium units, 22 cottage units and one single family house with guest); an artist-in-residence campus with up to 14,500 sf of offices, studios, and gallery retail space; support commercial uses and support meeting space; and 16.11 (AUE) of affordable housing units (21 units in Buildings N and O).
15. Support commercial and support meeting space (up to 10% of the total residential floor area is 19,400 sf based on a total of 97 residential UE) was specifically allowed during the MPD approval for the Silver Star project, as the project was considered a nightly rental condominium project.
16. Currently there are 11,367 sf of commercial/office uses and 5,594 sf of support commercial uses. The addition of 1,325 sf of office space will bring total commercial/office to 12,692 sf which is less than 14,500 sf allowed and will bring the total support commercial uses to 5,914 sf. Up to 14,500 sf of commercial and

office uses are allowed by the Spiro Tunnel MPD in addition to 19,400 sf of support commercial/meeting space based on 97 UE of residential uses.

17. Parking for the Spiro Tunnel MPD was built to accommodate all of the 14,500 sf of allowed commercial and office uses. Management of parking is the responsibility of the Silver Star Homeowners Association and various updates have been presented to the Planning Commission.
18. A water line previously located under the historic shed was relocated during construction of the Silver Star project. Additional relocation of this water line may be necessary prior to construction of Building S.
19. The historic shed and a portion of the mine tunnel are located on a 30' non-exclusive utility easement on the current recorded plat. This easement will need to be modified on the amended plat with final approval of the easement subject to City Engineer and City Water Department review.

Conclusions of Law:

1. There is good cause for this condominium plat.
2. The condominium plat is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. As conditioned, neither the public nor any person will be materially injured by the proposed condominium plat.
4. Approval of the condominium plat, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the condominium plat for compliance with State law, the Land Management Code, and any conditions of approval, prior to recordation of the plat.
2. The applicant will record the condominium plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless an extension request is made in writing prior to the expiration date and the extension is granted by the City Council.
3. All conditions of approval of the Spiro Tunnel Master Planned Development shall continue to apply and a note shall be included on the plat referring to the Spiro Tunnel MPD prior to recordation.
4. All plat notes on the Silver Star Plaza Condominiums Buildings "N", "O", "P", "Q", and "R" record of survey plat shall be included on the plat prior to recordation.
5. All conditions of approval of the Three Kings Realty at Silver Star Conditional Use Permit approved on October 22, 2014, shall apply to this plat and shall be referred to with a plat note on the plat prior to recordation.
6. All required ADA access, occupancy loads, and other specific Building and Fire Code requirements for the new building shall be addressed prior to issuance of a building permit.
7. Historic District Design Review approval for the addition to the historic structure is a condition of building permit issuance.
8. All required access and utility easements as required by the City Engineer shall be identified on the plat prior to recordation.
9. All soil disturbance and proposed landscaping shall adhere to requirements of the

Park City Soils Boundary Ordinance and Park City Municipal Code Section 11-15-1 and included in the building permit application.

10. A final utility and grading plan shall be submitted and approved by the City Engineer, City Water Department, Fire District, and SBWRD District prior to issuance of a building permit. Existing water service will need to be evaluated and may need to be upgraded to meet fire flow requirements for the proposed uses and required fire sprinkler system.
11. A storm water and drainage plan shall be submitted and approved by the City Engineer prior to issuance of a building permit for construction on this property.
12. A construction mitigation plan (CMP) shall be submitted with the building permit application and shall identify how construction activity and construction parking impacts on the residential units and commercial uses will be mitigated. The CMP shall indicate where the temporary storage building will be relocated to during construction of the permanent building.
13. Access to the tunnel shall be maintained at all times consistent with the easement and notes on the plat and conditions identified herein.
14. Access to the Spiro Tunnel shall be provided to Park City. Access shall facilitate equipment and vehicles as needed for operations and requires as a minimum:
 - a. Clear unobstructed access to the proposed shed remodel for a minimum width of 15 feet.
 - b. Paved access from the private drive to the proposed tunnel shed capable of supporting H2O loadings.
 - c. Mine rail tracks shall extend to within 10 feet of the existing private drive and shall be fully functional for mine rail cars.
 - d. Provide a 5 foot minimum clearance on either side of the mine rail tracks.
 - e. Access to the proposed tunnel shed shall be restricted to Park City authorized personnel.
15. Proposed building improvements shall meet Utah DDW (Division of Drinking Water) and Park City's tunnel access security requirements. Building plans shall require Park City Water review and approval with respect to meeting all such security requirements.
16. A note shall be added to the plat indicating that the proposed shed remodel shall provide for adequate ventilation of the mine.
17. A note shall be added to the plat indicating that existing rails are the property of Park City for use in tunnel access maintenance.
18. The applicant is required to maintain security to the Spiro Tunnel during all proposed construction activities. The specifics of this security maintenance shall be provided with the building permit application.
19. A 30 feet wide, minimum, water line and tunnel access easement extending from the proposed shed remodel to the existing private drive shall be provided on the plat prior to recordation and a 10 feet wide, minimum, waterline and tunnel access easement within the proposed shed remodel to the tunnel entrance shall be provided on the plat prior to recordation. The final language shall be approved by the City Attorney and City Engineer prior to plat recordation.
20. The plat shall include language, in a form approved by the City Attorney, indicating that the tunnel access and operations may result in disturbances, such as construction activities, noise, fumes, etc., to the proposed office and storage uses,

which may occur at any time and the City, shall be held harmless for such impacts.

21. Park City's access, for the purpose of water line operation and maintenance and for tunnel access, along with the existing private drive shall be clarified and noted on the plat prior to recordation.
22. Park City shall be held harmless from claims resulting from tunnel related occurrences, such as flooding and other such occurrences and this shall be noted on the plat prior to recordation.
23. If relocation of any water lines is necessary for construction of Building S the lines shall be relocated prior to building permit issuance and only upon approval of a final utility plan by the City Engineer.
24. All easements and encumbrances as identified in the current Title Report and as required by the City Engineer for utilities, access, and for exclusive use by the Park City Water Department shall be identified on the final mylar, to be verified and approved by the City Engineer prior to plat recordation.

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

PASSED AND ADOPTED this _____ day of _____, 2015.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

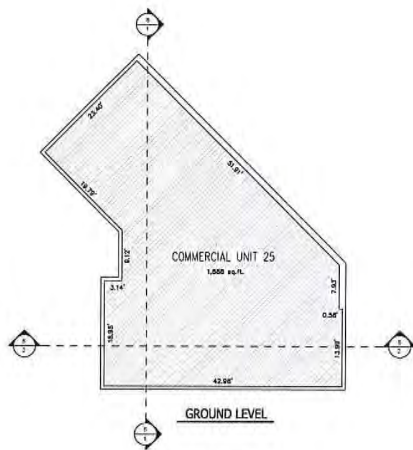
ATTEST:

Marci Heil, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Exhibit A- amended plat

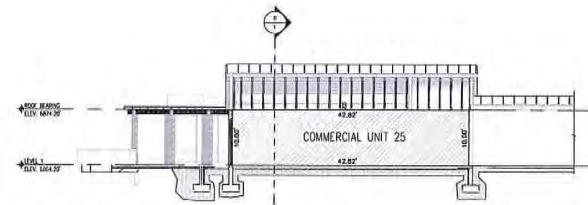


UNIT SQUARE FOOTAGE

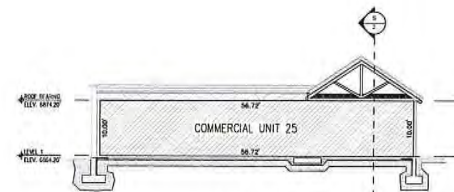
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25	1,000 sq. ft.



- PRIVATE OWNERSHIP
- COMMON AREAS AND FACILITIES
- LIMITED COMMON AREAS AND FACILITIES



SECTION S-2



SECTION S-1

CONDOMINIUM PLAT
 THE SILVER STAR PLAZA CONDOMINIUMS
 BUILDINGS "N", "O", "P", "Q" AND "R"
 FIRST AMENDMENT
 A UTAH CONDOMINIUM PROJECT
 LOCATED IN THE SOUTHEAST QUARTER OF SECTION 8,
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN
 PARK CITY, SUMMIT COUNTY, UTAH



SHEET 2A - FIRST AMENDMENT

RECORDED		
ENTRY NO.	BOOK	PAGES
STATE OF		
COUNTY OF		
RECORDED AND FILED AT THE REQUEST OF:		
COUNTY RECORDER		

LOT 4

1. 2019年12月31日，甲公司“应付账款”科目贷方余额为100万元，其中明细科目贷方余额为80万元，借方余额为20万元；“预付账款”科目借方余额为20万元，其中明细科目借方余额为30万元，贷方余额为10万元。不考虑其他因素，甲公司资产负债表“应付账款”项目的期末余额为（ ）万元。
 A. 80
 B. 100
 C. 110
 D. 120

LOT 3

BLDG DETAIL

BLDG NO

P S O M A S

2019年12月25日
 2019年12月25日
 2019年12月25日

PLANNING COMMISSION

APPROVED - THE PARK CITY PLANNING COMMISSION
THIS 20th DAY OF NOVEMBER 2007

me 1. 5/

By M. J. [Signature]
[Signature]
[Signature]

CITY ENGINEER

*THIS PLAN IS IN ACCORDANCE WITH INFORMATION ON
FILE AT THE PARK CITY ENGINEERING DEPARTMENT
THIS 30TH DAY OF NOVEMBER 2000

Chris W DeHaan PE
11 ENGINEER

APPROVAL AS TO FORM

APPROVED AS TO FORM
3rd DAY OF February 2004

05/01/2017

BY 
PARK CITY ATTORNEY ✓

CERTIFICATE OF ATTEST

1. I CERTIFY THIS RECORD IS TRUE
 2. MAP WAS APPROVED BY PARK CITY COUNCIL
 3. IN 30TH DAY OF NOVEMBER

U.S. *only* *Police*
Page 01-00000000

COUNCIL APPROVAL AND ACCEPTANCE

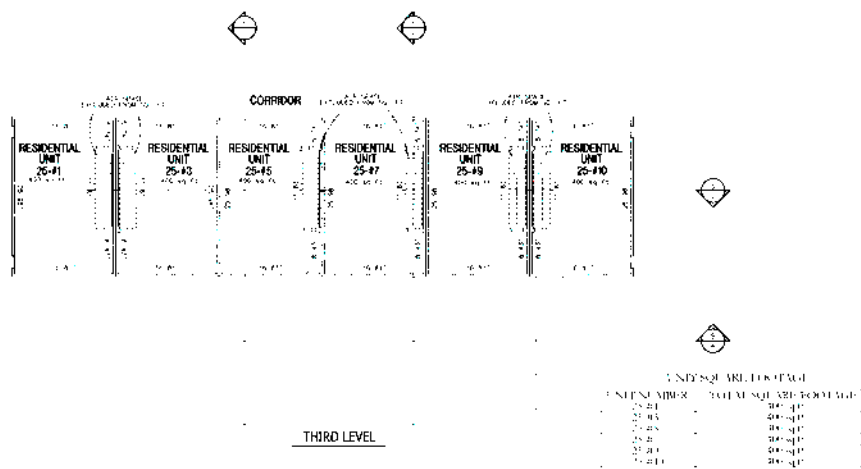
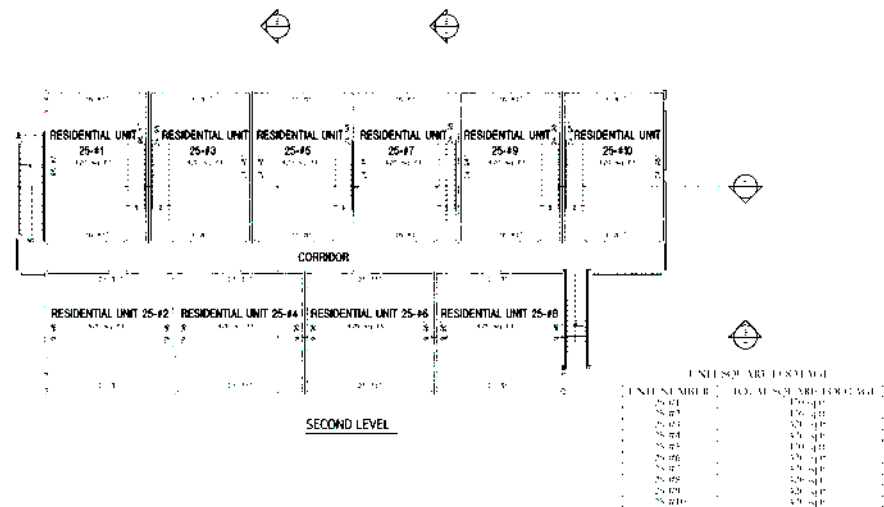
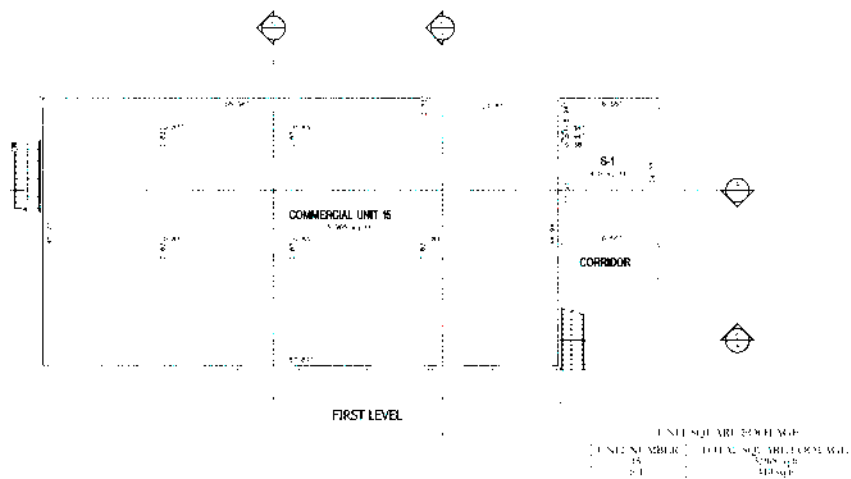
APPROVED AND ACCEPTED BY THE PARK CITY
COUNCIL, THIS 30TH DAY OF NOVEMBER, 2006

(S) Dana Williams
MAY 20

RECORDED

ENTRY NO 83729 BOOK PAGES
STATE OF UTAH
COUNTY OF SUMMIT Date: 2-19-08 Time: 5:00

RECORDED AND FILED AT THE REQUEST OF
Equity Title
COURT CLERK
COUNTY REC'D 4



BUILDING TOTAL SQUARE FOOTAGE	
UNIT NUMBER	TOTAL SQUARE FOOTAGE
15	5,000 sq. ft.
25-41	1,000 sq. ft.
25-43	1,000 sq. ft.
25-45	1,000 sq. ft.
25-47	1,000 sq. ft.
25-49	1,000 sq. ft.
25-48	1,000 sq. ft.
25-42	1,000 sq. ft.
25-44	1,000 sq. ft.
25-46	1,000 sq. ft.
25-40	1,000 sq. ft.

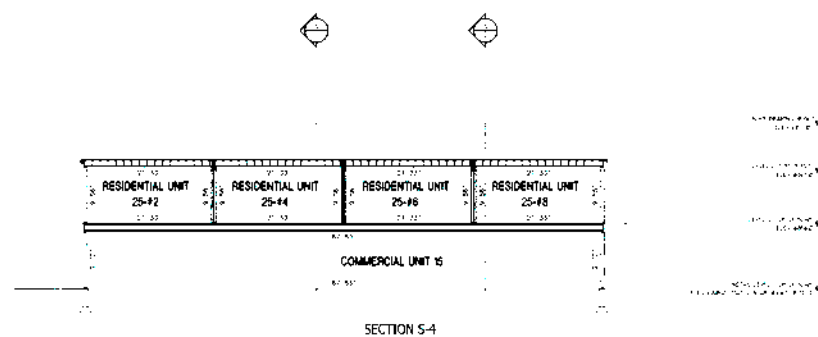
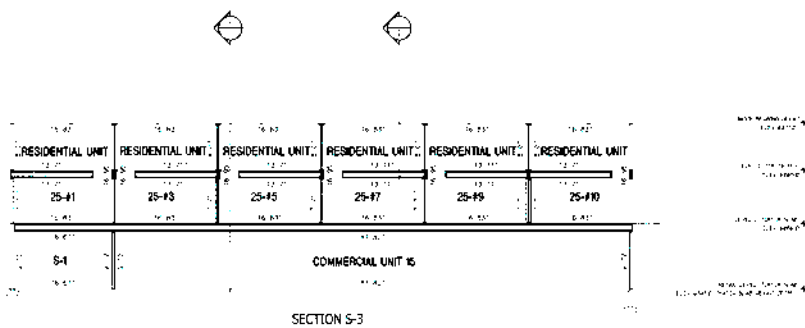
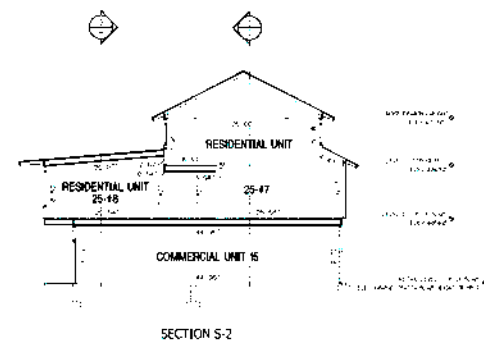
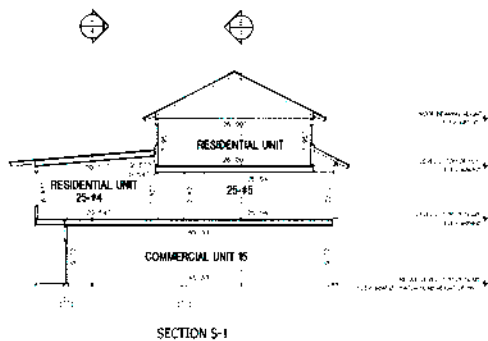
CONDOMINIUM PLAT
THE SILVER STAR PLAZA CONDOMINIUMS
BUILDING "N"
A UTAH CONDOMINIUM PROJECT
LOCATED IN THE SOUTHEAST QUARTER OF SECTION 8,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASIN & MURDER
PARK CITY, SUMMIT COUNTY, UTAH



PRIVATE OWNERSHIP
COMMON AREAS AND
FACILITIES
LIMITED COMMON AREAS AND
FACILITIES

SHEET 2 OF 8

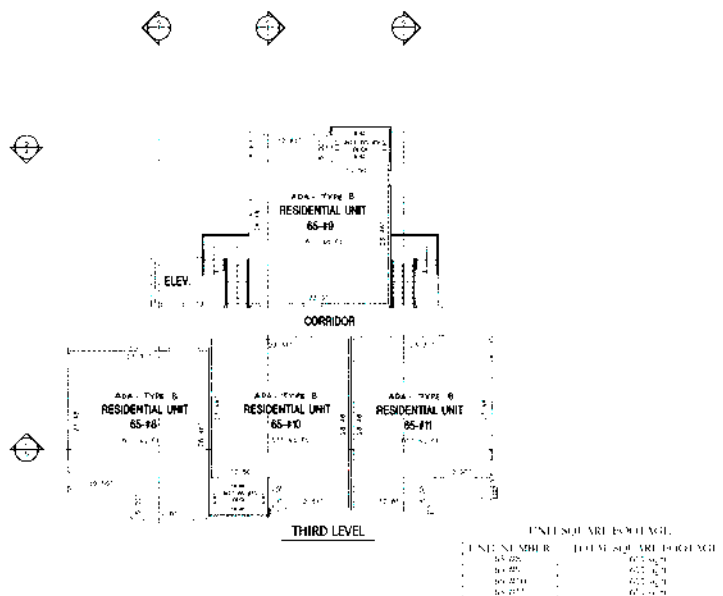
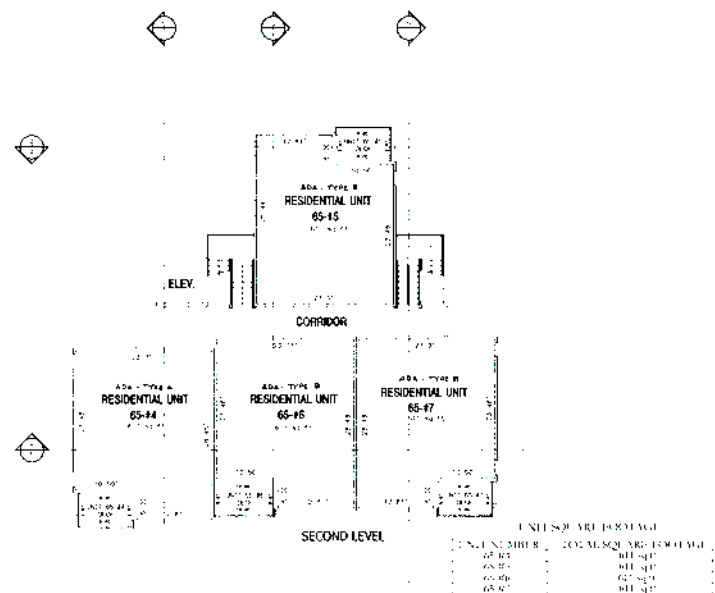
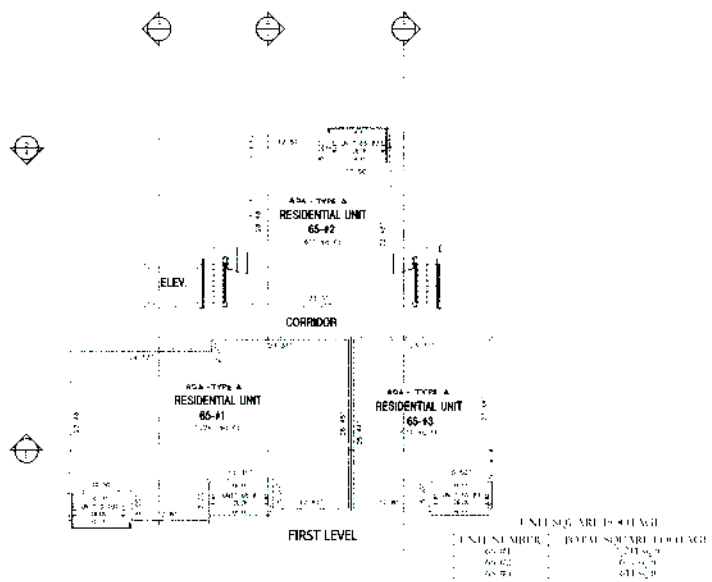
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2015-03-27 10:21 AM PST
COUNTY RECORDS



PRIVATE OWNERSHIP
COMMON AREAS AND
FACILITIES
LIMITED COMMON AREAS AND
FACILITIES

CONDOMINIUM PLAT
THE SILVER STAR PLAZA CONDOMINIUMS
BUILDING "N"
A UTAH CONDOMINIUM PROJECT
LOCATED IN THE SOUTHEAST QUARTER OF SECTION 8,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASIN & MORGAN
PARK CITY, SUMMIT COUNTY, UTAH

SHEET 3 OF 8	
ENTRY NO.	RECORDED
BOOK	PAGES
ENTRY NO. 00837979	
RECORDED	
COUNT - RECORDER	



UNIT NUMBER	TOTAL SQUARE FOOTAGE
65-#1	1,026 sq. ft.
65-#2	871 sq. ft.
65-#3	1,114 sq. ft.
65-#4	1,114 sq. ft.
65-#5	1,114 sq. ft.
65-#6	1,114 sq. ft.
65-#7	1,114 sq. ft.
65-#10	1,114 sq. ft.
65-#11	1,114 sq. ft.

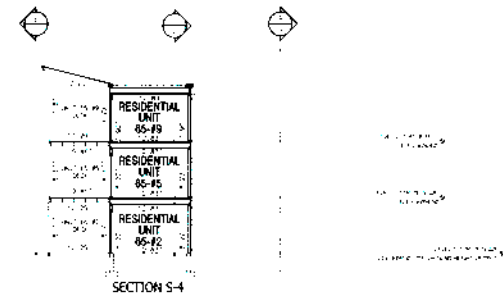
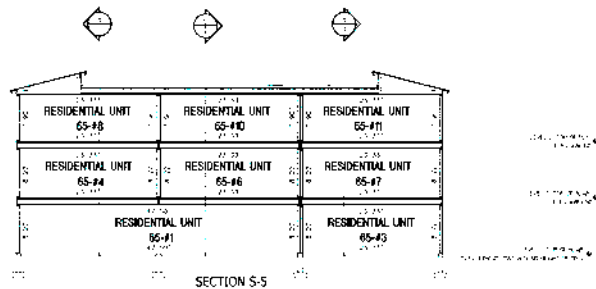
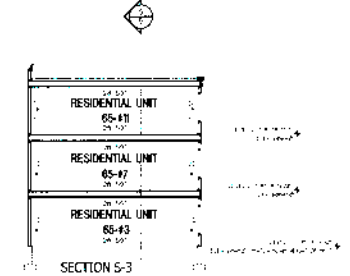
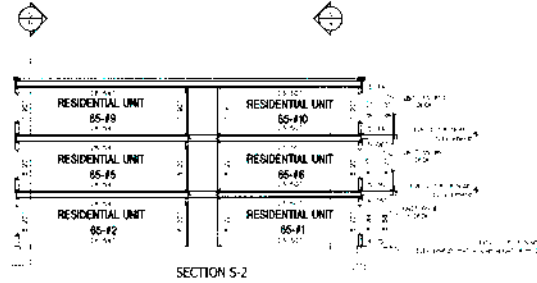
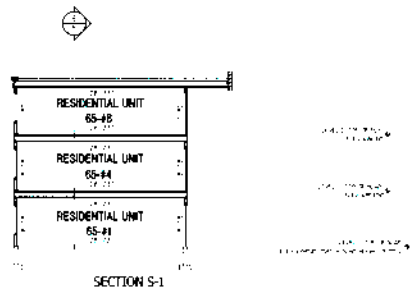


PRIVATE OWNERSHIP
COMMON AREAS AND
FACILITIES
LIMITED COMMON AREAS AND
FACILITIES

CONDOMINIUM PLAT
THE SILVER STAR PLAZA CONDOMINIUMS
BUILDING "O"
A UTAH CONDOMINIUM PROJECT
LOCATED IN THE SOUTHEAST QUARTER OF SECTION 8,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASIN & MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

SHEET 4 OF 8

RECORDED	
ENTRY NO. 00837979	PAGES
COUNTY 19 CORNER	



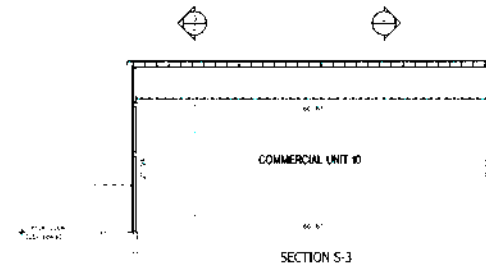
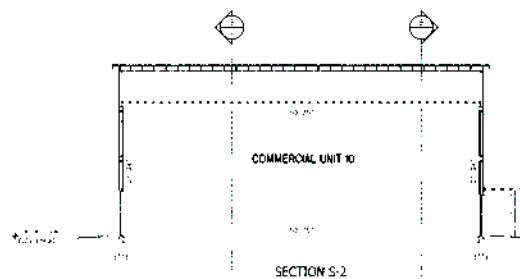
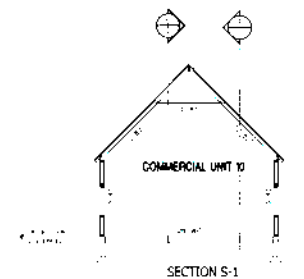
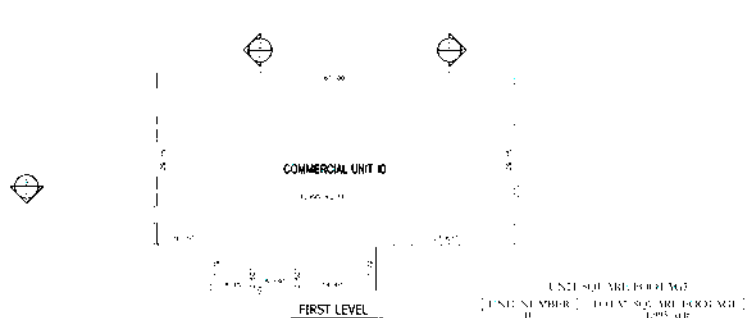
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COMMON AREAS AND
FACILITIES
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FACILITIES

CONDOMINIUM PLAT THE SILVER STAR PLAZA CONDOMINIUMS BUILDING "O"

A UTAH CONDOMINIUM PROJECT
LOCATED IN THE SOUTHEAST QUARTER OF SECTION 8,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASIN & MERRILL
PARK CITY, SUMMIT COUNTY, UTAH

SHEET 5 OF 8

RECORDED
ENTRY NO. 00837979
FILED 2015 APR 8 PM 2:05 P. 042
CLERK OF DISTRICT COURT
SALT LAKE COUNTY, UTAH
COUNTY RECORDER



PRIVATE OWNERSHIP
COMMON AREAS AND
FACILITIES
LIMITED COMMON AREAS AND
FACILITIES

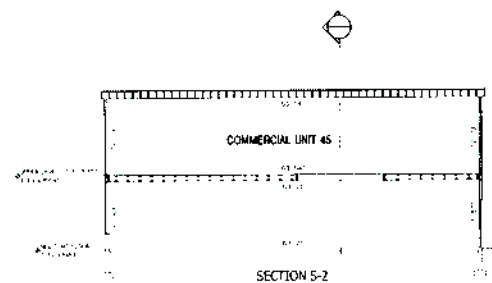
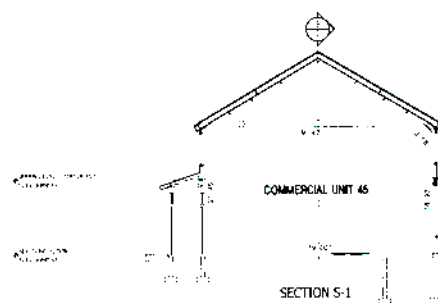
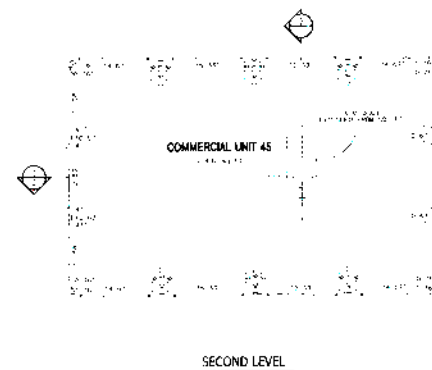
CONDOMINIUM PLAT
THE SILVER STAR PLAZA CONDOMINIUMS
BUILDING "P"
A UTAH CONDOMINIUM PROJECT
LOCATED IN THE SOUTHEAST QUARTER OF SECTION 6,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASIN & MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

SHEET 6 OF 8

RECORDED

ENTRY NO. 00837979
FILED IN THE OFFICE OF THE COUNTY RECORDER
PARK CITY, UTAH

COUNTY RECORDER



PRIVATE OWNERSHIP
COMMON AREAS AND
FACILITIES
LIMITED COMMON AREAS AND
FACILITIES

CONDOMINIUM PLAT
THE SILVER STAR PLAZA CONDOMINIUMS
BUILDING "Q"

A UTAH CONDOMINIUM PROJECT
 LOCATED IN THE SOUTHEAST QUARTER OF SECTION 8,
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASIN & MERRIDIAN
 PARK CITY, SUMMIT COUNTY, UTAH

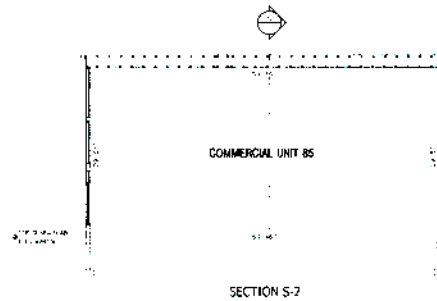
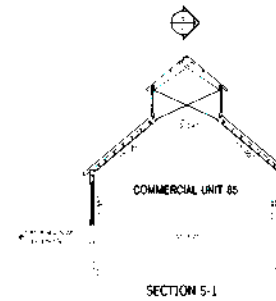
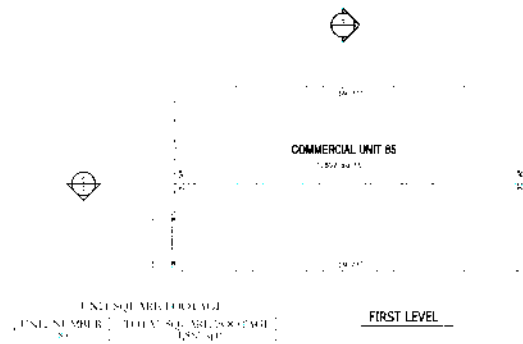
SHEET 7 OF 8

RECORDED

ENTRY NO. 00837979



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PRIVATE OWNERSHIP
COMMON AREAS AND
FACILITIES
LIMITED COMMON AREAS AND
FACILITIES

CONDOMINIUM PLAT
THE SILVER STAR PLAZA CONDOMINIUMS
BUILDING "R"

A UTAH CONDOMINIUM PROJECT
LOCATED IN THE SOUTHEAST QUARTER OF SECTION 9,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN,
PARK CITY, SUMMIT COUNTY, UTAH

SHEET 3 OF 4

RECORDED

ENTRY NO. 00837979

DATE OF RECORDATION: 04/08/2015

COUNTY RECORDER



Architecture

- + Architecture
- + Landscape Architecture
- + Land Planning
- + Construction Management
- + Interior Design

EXHIBIT C

Think Architecture Plat Application January 2015

Project Description

1. Provide a written statement describing the request and any other information pertaining to the conversion of the proposed project.

The Silver Star Realty and Water reclamation shed. The Silver Star Village was created on the site of (3) significant historic buildings. Each in turn has been restored and adapted to new uses. Left on the site are (2) mine entrances, the Spiro mine shaft and the Three Kings mine shaft. There is a boiler building at the village entrance and many mining artifacts placed around the site. It is an important site in regards to the history of mining in Park City and it has been the goal since 2003 to maintain and celebrate the site's history.

The last piece of the site to be rehabilitated is the Spiro mine shack. The Spiro mine shaft exits into a small 20'x32' gabled shed with a covered corridor connecting to the shaft opening. The building is currently used to store materials left from the village construction and as an entrance for the water department to access the mine. The water department currently uses this entrance for the electrical power access.

The structure is a wood frame which rests on the bare ground. The exterior cladding is a mix of ship lap siding laid on angle and galvanized corrugated metal. The roof is galvanized corrugated metal.

The proposal for the project is to remove the existing frame and rebuild the shaft entrance for (2) uses. The first use will be to maintain an entrance and staging area for the water department. This access would enter from a new entrance on the North facing of the housing project. The second use will be a commercial space which will be the main area of the shed with a glass wall separating the mine entrance and commercial space. An addition is proposed to the South which is to set back with a flat roof to distinguish the old from the new. The rebuilt structure will utilize the same wood siding on the facade as well as the corrugated metal roofing. The mine carts are proposed to be used as art pieces and as a reception desk. The tracks from the mine would be cast into the concrete floor of the space and extend through the front to the entry plaza. The interior structure is proposed to be designed in such a way that the roof trusses will be exposed. The additional track left at the site would be used as trellis material. The project goal is to celebrate this unique feature of the site; to organize the materials left and make useful what is currently avoided. We think the proposed plan will do this and further strengthen the historic value of the Silver Star Village.

2. Existing Zoning: Historic Residential – Low Density: Sub Zone A

3. Is the property in the Sensitive Lands Overlay? No

4. Current Use of Property: The building is currently used to store materials left from the village construction and as an entrance for the water department to access the mine. The water department currently uses this entrance for the electrical power process. Lloyd Popp of the Water Department said the entrance with the shed is referred to as the north portal and the other is labeled the south portal. He mentioned the north

portal entrance to the mine is used very rarely and most of the time Water Department workers enter through the south portal.

5. **Project originally approved as:** Master Planned Development
6. Year Constructed: Unknown -
7. **Total Project Area:** The Silver Star Village sits on 18.3 acres. The addition of The Three Kings Realty is for 1,815 square feet.
8. **Number and configuration of residential units:** Not applicable
9. **Commercial Area:**
 - a. Leasable area – 1,909 sq. ft.
 - b. Gross area – 1,991 sq. ft.
 - c. Existing Mine entrance – 430 sq. ft.
10. **Number of parking spaces per Title 15 Land Management Code, Chapter 3, Off Street Parking:** 3 stalls per 1,000 square feet required. 3 stalls proposed.
11. **Project Access via:** Public Road
12. **Occupancy type:** Lease

September 30, 2014

Kirsten Whetstone
Park City Building Department
445 Marsac
P.O. Box 1480
Park City, Utah 84060

Kirsten,

My name is Alan Long and I am the applicant for the Silver Star Mine Shack Real Estate office renovation. I have been an owner at Silver Star since 2009 and I have had a license in real estate since 1979. Last year, when I purchased the Silver Star Ski Shop and a two bedroom affordable condo from the developers of Silver Star I also purchased their plans, with the City's approval, to renovate the Mine Shack into a real estate office.

I have opened many real estate offices in the past and because of my fondness for Silver Star and my neighbors I thought this would be a good fit. The purpose of the office will be to deal with the sales of Silver Star homes. We will not be doing Property Management or rentals. Currently, when you go to the Multiple Listing Service for Silver Star, you will find only two homes for sale. The on-site real estate office will have access to the more than 120 homes in Silver Star! The more homes we have access to, the more we can keep the prices trending higher, benefitting all Silver Star homeowners.

The area between the Ski Shop and affordable housing that includes the elevated, refrigerated unit takes away from the appealing aesthetic of the Silver Star community. The new renovated structure will incorporate and completely hide the refrigerated unit, allowing the Silver Star Café to continue functioning successfully. The real estate office has more potential than the current mine shaft and refrigerated unit to provide multiple benefits. Park City will now receive property taxes that are not being generated by the existing structures and homeowner dues will be paid to the Silver Star Home Owner's Association.

The office will be open Monday to Friday 9 to 5. A receptionist will not be required; all inquiries go to the listing agent's email or cell phone. The office will have two real estate agents and myself, each of us will take a different day of the week to staff the office. No additional staff is required as agents upload their listings themselves to the Multiple Listing Service and to the internet. I will also be saving the Silver Star community a parking spot; I live up the street and plan to leave my car inside my garage. I can walk or ski down plus, Silver Star has a courtesy shuttle for all homeowners.



In summation, as a real estate office, the renovated structure will serve the owners of Silver Star by maintaining high property values, esthetically add to the development, create revenue for the HOA and property taxes for Park City and also give the Water Department access through a now stable structure. Based on all the above I am hopeful that the Planning Department will approve this project.

Thank you for your time and consideration,

A handwritten signature in blue ink, appearing to read "Alan Long". The signature is fluid and cursive, with a large loop at the end of the last name.

Alan Long



October 28, 2014

Alan Long
809 6th Avenue
Venice, CA 90291

Johnny Shirley
Think Architecture
5151 S. 900 E., Suite 200
Salt Lake City, UT 84117

NOTICE OF PLANNING COMMISSION ACTION

<u>Application #</u>	PL-14-02329
<u>Address</u>	1825 Three Kings Drive
<u>Description</u>	Conditional Use Permit
<u>Action Taken</u>	Approved with conditions
<u>Date of Action</u>	October 22, 2014

On October 22, 2014, the Park City Planning Commission called a meeting to order, a quorum was established, a public meeting was held, and the Planning Commission approved your application based on the following findings of fact, conclusions of law, and conditions of approval:

Findings of Fact

1. The subject property is located at 1825 Three Kings Drive.
2. The property is located in the Residential Development Medium density (RDM) zoning district and within the Spiro Tunnel Master Planned Development (aka Silver Star MPD).
3. The project site is located within the Residential Development Medium Density (RDM) zoning district. Office uses are allowed with an MPD. The Spiro Tunnel MPD and CUP approved office uses at this site and no MPD amendment is required for this proposed CUP application.
4. On October 27, 2004, the Planning Commission approved the Spiro Tunnel Master Planned Development and Conditional Use Permit for a mixed use development consisting of 97 residential unit equivalents (74 condominium units, 22 cottage units and one single family house with guest); an artist-in-residence campus with up to 14,500 sf of offices, studios, and gallery retail space; support

commercial uses and support meeting space; and 16.11 (AUE) of affordable housing units (21 units in Buildings N and O).

5. Support commercial and support meeting space (up to 10% of the total residential floor area is 19,400 sf based on a total of 97 residential UE) was specifically allowed during the MPD approval for the Silver Star project, as the project was considered a nightly rental condominium project.
6. The CUP is subject to the Silver Star Plaza Condominiums Buildings N, O, P, Q, and R condominium plat approved by City Council on November 30, 2006 and recorded at Summit County on February 19, 2008. The building is located in the common area of this condominium plat and is currently owned by the Silver Star Plaza Condominiums Homeowner's Association.
7. The existing single story historic mine shed consists of approximately 615 square feet. The proposed single story addition consists of approximately 1,645 square feet of gross floor area, including 1,325 sf for office uses and 320 sf for storage and walk-in cooler for Silver Star Café to replace the temporary storage shed located at this site. The mine shed area will continue to be used for access to the mine tunnel for maintenance of water facilities.
8. The site is listed on the Historic Sites Inventory as a Significant Historic Site.
9. There are currently 110 shared parking spaces at the property. All parking within Spiro Tunnel MPD (Silver Star), with the exception of the private garages for the 22 cottage units, is shared parking, and was provided at the time of construction of the project in accordance with parking requirements for the approved uses.
10. No outdoor storage of goods or mechanical equipment is proposed. The existing temporary structure housing a walk-in cooler and storage for the Silver Star Café will be removed upon completion of the addition and these uses (storage for the Café) will be relocated to a 320 sf portion of the addition, completely enclosed within the building.
11. Additional traffic to the site will primarily be due to the 4-5 employees, as the office is primarily to provide real estate services to the Silver Star MPD owners. Additional trips on the surrounding streets are estimated at 20-25 trips (5 trips per employee per day) during the day between 8AM and 5 PM. A public transit stop is located at the property on Three Kings Drive near the main entrance.
12. Any additional utility capacity, in terms of water requirements due to added fire flows, will be reviewed by the Fire District, Water Department, and Building Department prior to issuance of a building permit.
13. The proposed development will not interfere with access routes for emergency vehicles.
14. No signs are proposed at this time. Any new signs will be reviewed under a separate sign permit for compliance with the approved Master Sign Plan for Silver Star.
15. Exterior lighting will be reviewed at the time of the building permit review.
16. The proposal exists within the Park City Soil Ordinance Boundary.
17. The findings in the Analysis section of this report are incorporated herein.

Conclusions of Law

1. The application satisfies all Conditional Use Permit review criteria for residential uses as established by the LMC's Conditional Use Review process [Section 15-1-10(E) (1-15)];
2. The use as conditioned will be compatible with surrounding structures in use, scale, mass, and circulation.
3. The Applicant complies with all requirements of the LMC;
4. The Use is consistent with the Spiro Tunnel Master Planned Development and the Park City General Plan, and
5. The effects of any differences in use or scale have been mitigated through careful planning.

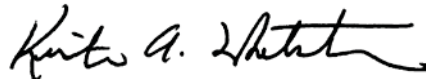
Conditions of Approval

1. All standard conditions of project approval shall apply to this project.
2. All signs associated with the use of the property must comply with the Silver Star Master Sign Plan and the City's Sign Code.
3. All exterior lighting shall comply with the lighting requirements in the LMC and shall be down directed and shielded.
4. No outdoor storage of goods or mechanical equipment is allowed on-site for this use. The existing temporary storage shed shall be removed from the site upon completion of the building.
5. A storm water and drainage plan shall be submitted and approved by the City Engineer prior to issuance of a building permit.
6. Prior to recordation of the plat amendment for this property a utility plan and any amended utility, drainage, and access easements shall be provided as required by the City Engineer and utility providers.
7. A utility and grading plan shall be submitted and approved by the City Engineer, City Water Department, Fire District, and Sewer District prior to issuance of a building permit. Existing water service will need to be evaluated and may need to be upgraded to meet fire flow requirements for the proposed uses and required fire sprinkler system.
8. A Historic District Design Review application is required to be submitted and the plans shall be reviewed for compliance with the Design Guidelines for Historic Buildings and Sites prior to issuance of a building permit for any work on the historic building.
9. The site exists within the Park City Soil Ordinance Boundary, therefore any soil disturbance or proposed landscaping must adhere to Park City Municipal Code 11-15-1.
10. The Silver Star Plaza Condominium plat will have to be amended prior to issuance of a building permit to identify the building and addition on the plat. If the HOA intends to sell the building then the condominium plat would have to be amended to indicate the building as a private commercial condominium unit, similar to the designation of the other buildings on the plat. If the building remains commonly owned, the amended plat can identify the building and indicate that it is common area.

11. A construction mitigation plan (CMP) shall be submitted with the building permit and shall identify how construction activity and construction parking impacts on the residential units and commercial activity on the plaza will be mitigated. The CMP shall indicate where the temporary storage building will be relocated to during construction of the permanent building.

If you have questions regarding your project or the action taken please don't hesitate to contact me at (435) 615-5066 or kirsten@parkcity.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Kirsten A. Whetstone". The signature is fluid and cursive, with a long horizontal stroke at the end.

Kirsten Whetstone
Senior Planner

Park City Planning Department
PO Box 1480
Park City, UT 84060

PROJECT:

SILVER STAR REALTORS

1825 S. THREE KINGS DRIVE, PARK CITY, UTAH



CODE ANALYSIS & INFORMATION

© 2012 INTERNATIONAL BUILDING CODE

[illegible]

PLANTING REQUIREMENTS TABLE 2ND FLOOR AND 3RD FLOOR

PROVIDED WATER CLOSET - (1) MALE (1) FEMALE
LAVATORIES - (1) MALE (1) FEMALE
DRINKING FOUNTAIN PROVIDED

FIRE RESISTANCE RATING REQUIREMENTS - TABLE 601

STRUCTURAL FRAME	
BEARING WALLS	
EXTERIOR	
VENEER	
NONBEARING WALLS AND	
PARTITIONS	
EXTERIOR	
VENEER	
FLOOR CONSTRUCTION	
ROOF CONSTRUCTION	

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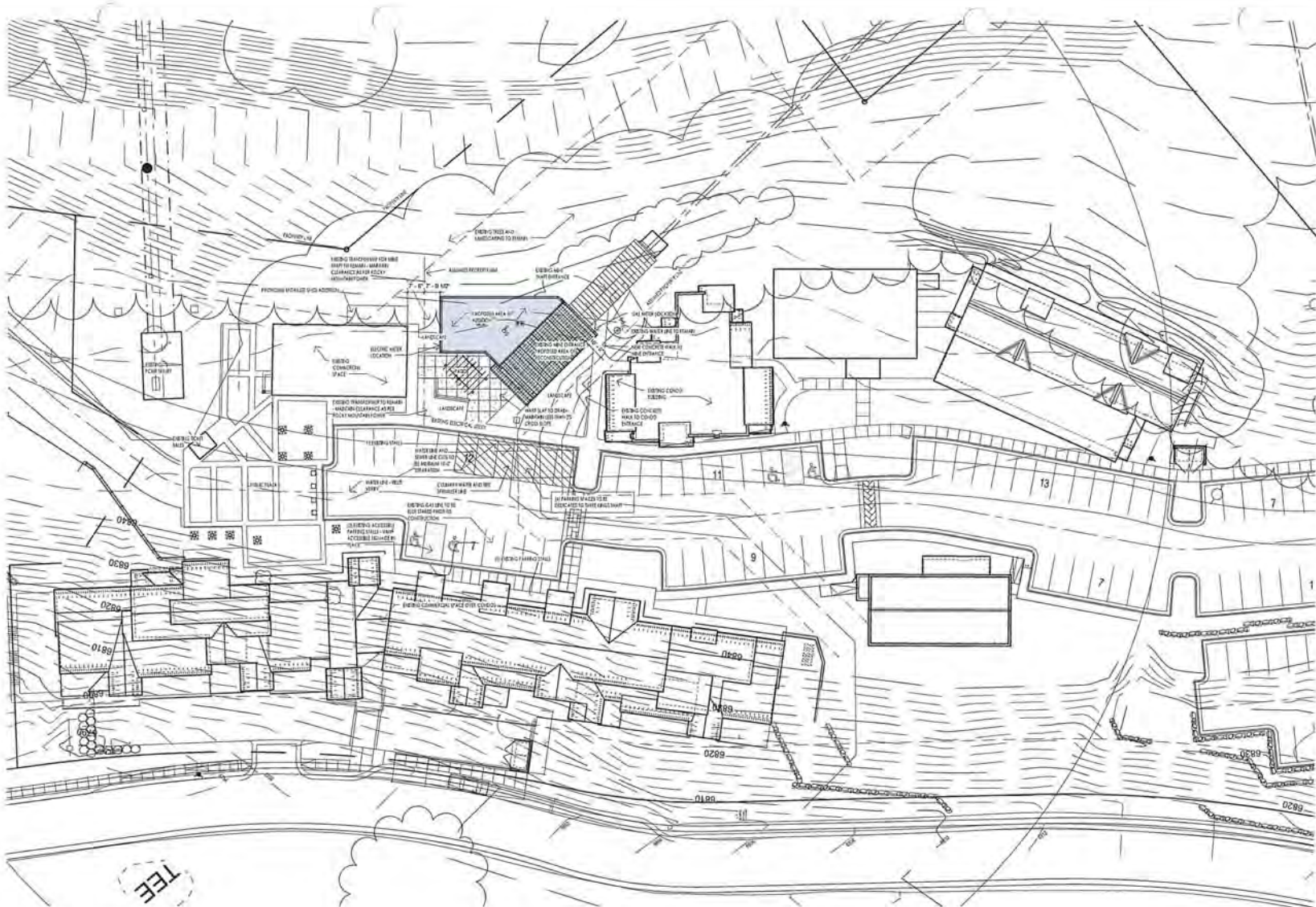
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REALTY OFFICE
1825 THREE RINGS DRIVE PARK CITY UT 84060

CUP SUBMITAL 2014.05.26
PROJECT NO. 13149
DATE 2014.06.30
REVISIONS
SHEET TITLE
SHEET NUMBER
A11



SITE LEGEND	
ELECTRIC LINE	— E — E — E
FIRE LINE	— F — F — F
GAS LINE	— G — G — G
WATER LINE	— W — W — W

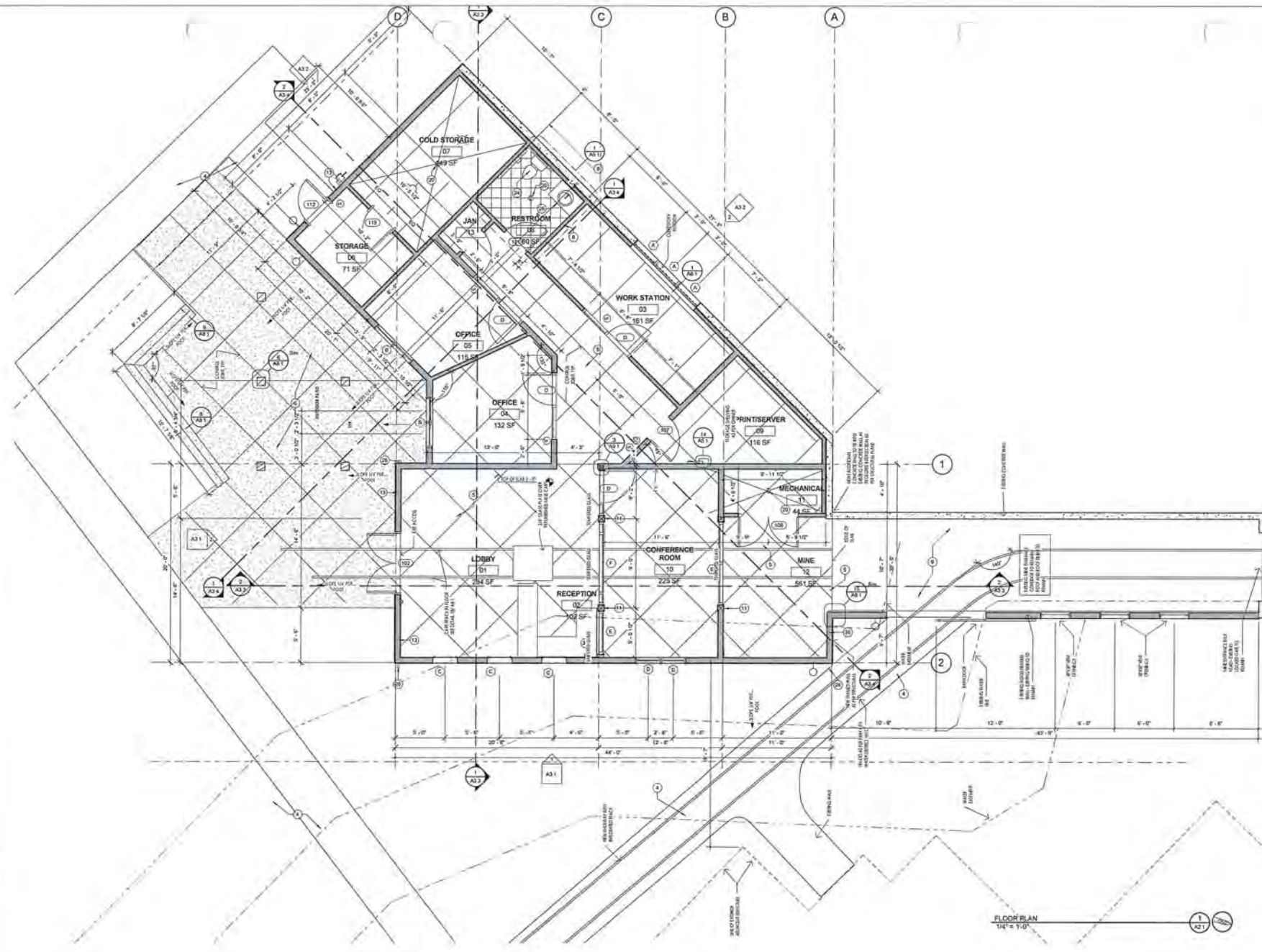




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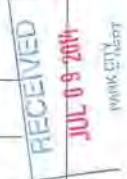
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PROJECT NO. 13149
DATE: 2014.06.30
REVISION:

SHEET TITLE
FLOOR PLAN

SHEET NUMBER:
A21

FLOOR PLAN
1/4" = 1'-0"





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1825 THREE PINES DRIVE PARK CITY UTAH 84090

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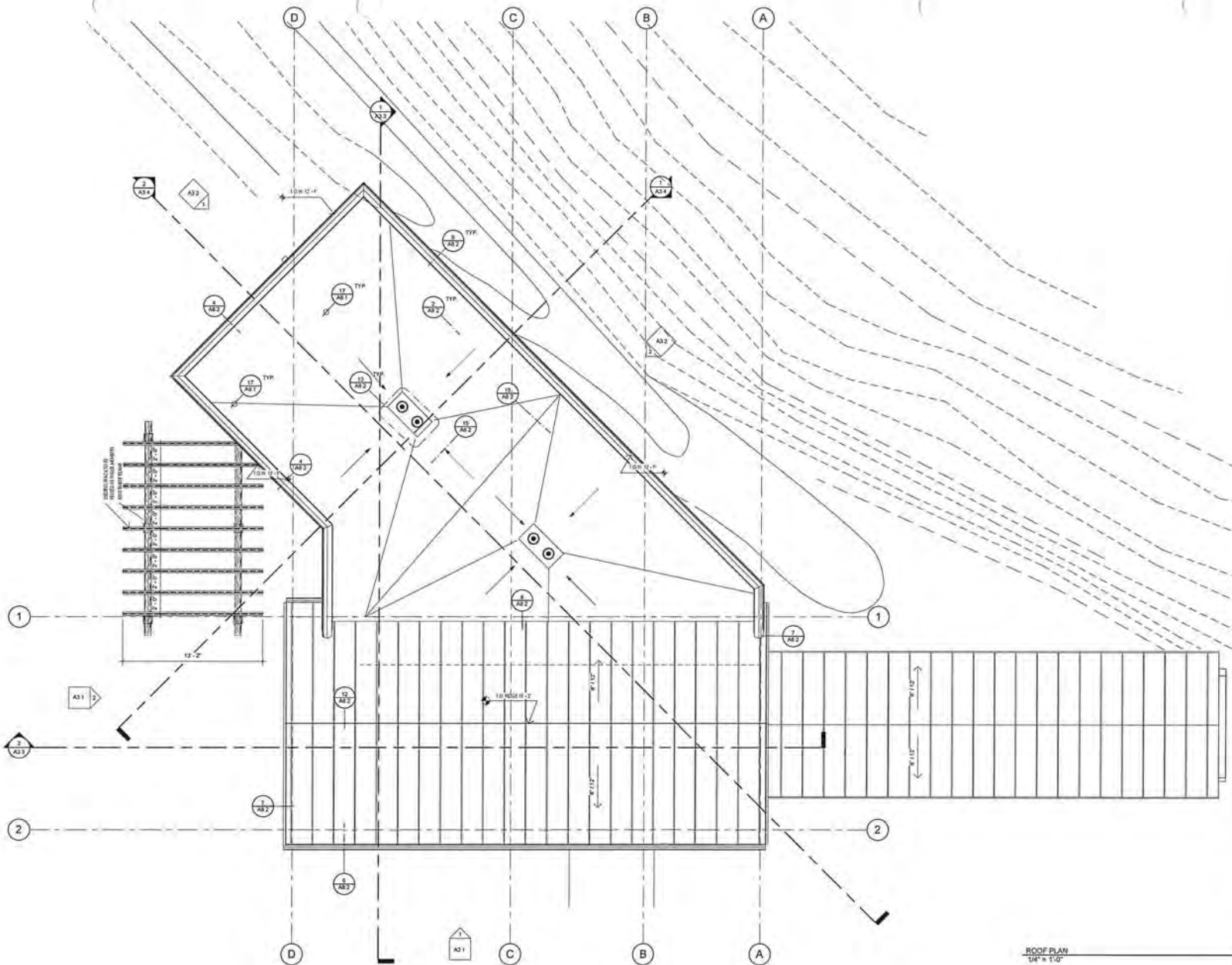
CUP SUBMITAL 2014.05.26

PROJECT NO. 13149
DATE: 2014.06.30
REVISED:

SHEET TITLE:
ROOF PLAN

SHEET NUMBER:

A2.2



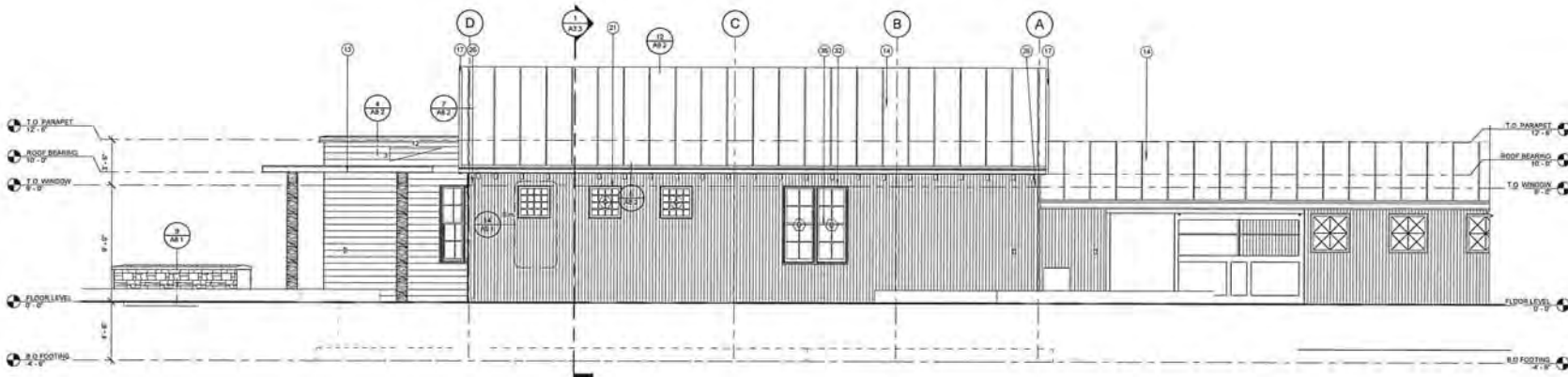
ROOF PLAN
1/4" = 1'-0"



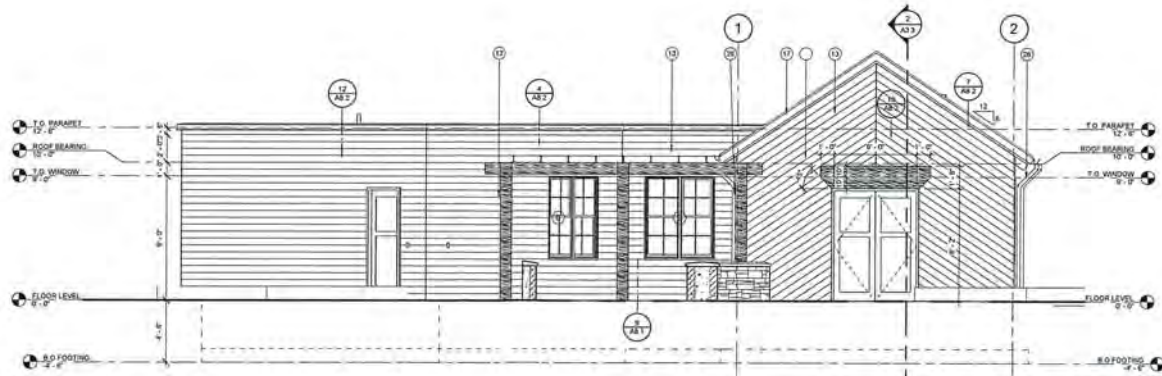
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Salt Lake City, UT 84111
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fax: 801.244.1425
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The design shown on these drawings represents an anticipated design. It is not intended to be a final design. It is the responsibility of the client to verify the accuracy of the information provided on these drawings. The design shown on these drawings is for informational purposes only and is not intended to be used for construction purposes.



ELEVATION 1
1/4" = 1'-0"



ELEVATION 2
1/4" = 1'-0"



REALTY OFFICE

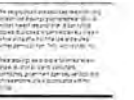
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PROJECT NO. 13149
DATE: 2014.06.30
REVISED:

SHEET TITLE
EXTERIOR ELEVATIONS

SHEET NUMBER
A31



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CUP SUBMITTAL 2014.05.26

PROJECT NO. 13149
DATE 2014.06.30
REVISIONS

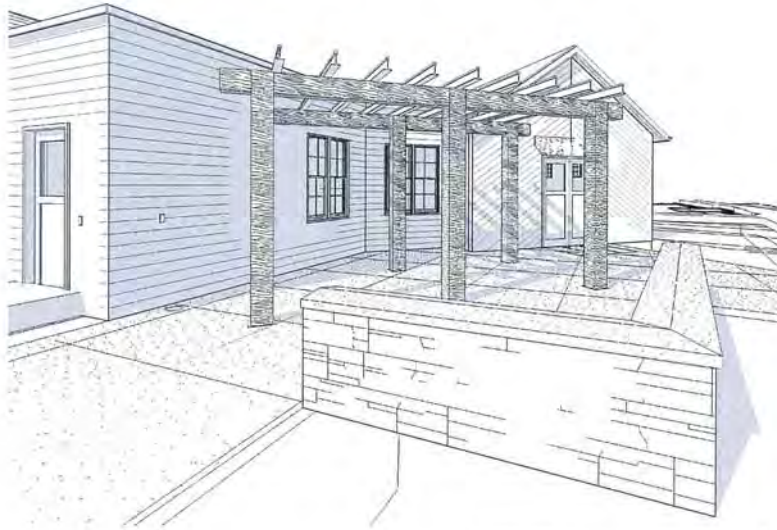
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SHEET TITLE:
EXTERIOR ELEVATIONS

SWIFT NUMBER

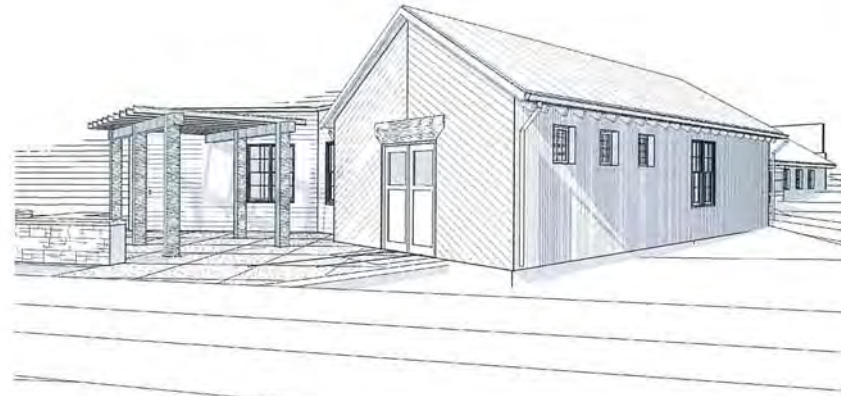
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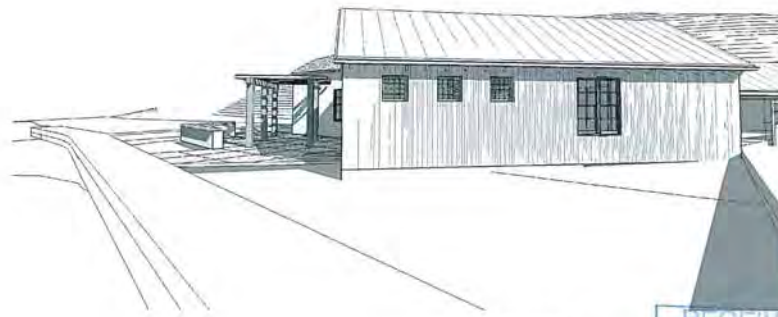
EAST CORNER

1
A92



ENTRY STREET VIEW

3
A92



NORTH FACADE



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PROJECT NO. 13149
DATE: 2014.06.30
REVISED:

SHEET TITLE:
PERSPECTIVE VIEWS

SHEET NUMBER:
A92

EXHIBIT F

The Silver Star Realty and Water reclamation shed.

The silver Star Village was created on the site of (3) significant historic buildings. Each in turn has been re-stored and adapted to new uses. Left on the site are (2) mine entrances, the spiro mine shaft and the three kings mine shaft. There is a boiler building at the village entrance and many mining artifacts placed around the site. It is an important site in regards to the history of mining in park city and it has been the goal since 2003 to maintain and celebrate the sites history.

The last peice of the site to be rehabilitated is the spiro mine shack. The spiro mine shaft exits into a small 20'x32' gabled shed with a covered corridor connecting to the shaft opening. The building is currently used to store materials left from the village construction and as an entrance for the water department to access the mine. The water departement currently uses this entrance for the electrical power access.

The structure is a wood frame which rest on the bare ground. The exterior clading is a mix of ship lap siding laid on angle and galvanized corrugated metal. The roof is galvanized corrugated metal.

The proposal for the project is to remove the existing frame and rebuild the shaft entrance for (2) uses. The first use will be to maintain an entrance and staging area for the water departement. This access would enter from a new entrance on the North facing the housing project. The second use will be a commercial space which will be the main area of the shed with a glass wall separating the mine entrance and commercial space. An addition is proposed to the South which is to set back with a flat roof to distinguish the old from the new. The rebuilt structure will utilize the same wood siding on the facade as well as the corrugated metal roofing. The mine carts are proposed to be used as art pieces and as a reception desk. The tracks from the mine would be cast into the concrete floor of the space and extend through the front to the entry plaza. The interior structure is proposed to be designed in such a way that the roof trusses will be exposed. The additional track left at the site would be used as trallis material.

The project is to celebrate this unique feature of the site. To organize the materials left and make useful what is currently avoided. We think the proposed plan will do this and further strengthen the historic value of the Silver Star Village.



SILVER STAR REALTY OFFICE

Silver Star Village, Park City, Utah
1825 Three Kings Drive #85

2014.09.24

COLORS ARE REPRESENTATIONAL ONLY. FINAL COLORS MAY VARY FROM ABOVE REPRESENTATION



AERIAL IMAGE



SILVER STAR REALTY OFFICE

Silver Star Village, Park City, Utah
1825 Three Kings Drive #85

2014.09.24

COLORS ARE REPRESENTATIONAL ONLY. FINAL COLORS MAY VARY FROM ABOVE REPRESENTATION



SILVER STAR SPORTS/
RESTORED MACHINE SHOP

TEMPORARY STORAGE UNIT TO BE
REMOVED AND INCORPORATED INTO
PROPOSED BUILDING

EXISTING MINE SHAFT
ENTRANCE TO BE
REHABILITATED

SILVER STAR AFFORDABLE
HOUSING

VIEW OF MINE SHAFT SHED



SILVER STAR AFFORDABLE
HOUSING

HISTORIC REHABILITATION
OF SAW MILL

SILVER STAR VILLAGE
COMMERCIAL OFFICES

SILVER STAR CAFE

SILVER STAR SPORTS/
RESTORED MACHINE SHOP

VIEW FROM MINE SHAFT SHED
EXISTING CONDITIONS



SILVER STAR REALTY OFFICE

Silver Star Village, Park City, Utah
1825 Three Kings Drive #85

2014.09.24

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STREET FACADE



ENTRY WALL/ WEST



SOUTH WALL



EAST WALL



EAST WALL



SHED AT MINE SHAFT ENTRANCE

EXISTING CONDITIONS



SILVER STAR REALTY OFFICE

Silver Star Village, Park City, Utah
1825 Three Kings Drive #85

2014.09.24

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EXISTING AND PROPOSED



SILVER STAR REALTY OFFICE

Silver Star Village, Park City, Utah
1825 Three Kings Drive #85

2014.09.24

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CONCEPT IMAGES



SILVER STAR REALTY OFFICE

Silver Star Village, Park City, Utah
1825 Three Kings Drive #85

2014.09.24

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SNYDERVILLE BASIN

WATER RECLAMATION DISTRICT

2800 HOMESTEAD RD, PARK CITY, UT 84098

WWW.SBWRD.ORG

T 435-649-7993

F 435-649-8040

February 10, 2015

Kirsten Whetstone, Senior Planner
Park City Planning, Dept.
P.O. Box 1480
Park City, UT 84060

Subject: The Silver Star Plaza Condos, Buildings N, O, P, Q, and R, First Amended
Plat Review

Dear Ms. Whetstone,

The Snyderville Basin Water Reclamation District has reviewed the referenced plat. Please have the applicant make the following change to the plat:

1. Add the recording information to the 20' Sanitary Sewer Easement as follows:
Snyderville Basin Water Reclamation District Easement
Entry No. 00749903, Bk 01731, Pg 01422-01431.

Please contact me to schedule a time for plat signing after the Owner's Dedication has been signed.

Sincerely,

Bryan D. Atwood, P.E.
District Engineer

cc: Johnny Shirley, Think Architecture
Plat Review File





WATER

April 3, 2015

VIA EMAIL: kirsten.whetstone@parkcity.org

Kirsten Whetstone
PCMC Planning Department
P.O. Box 1480
Park City, UT 84060

Re: Silver Star Realty Office – Water Department Requirements

Dear Kirsten,

This letter is to follow-up on our conversation regarding Park City Water's requirements regarding the proposed First Amendment to the Silver Star Plaza Condominiums buildings N, O, P, Q, and R (Silver Star Realty Office).

Whereas:

Park City has existing rights to operate the Spiro Tunnel as a water source;

Park City has been issued a Stipulated Compliance Order to treat the Spiro Tunnel water discharges;

The Spiro Tunnel is a drinking water source requiring source protection in accordance with the Utah Division of Drinking Water (DDW);

Park City has an existing water line extending through the Silver Star development and into the Spiro Tunnel;

Therefore, Park City requires the following conditions of approval be included in the First Amendment to the Silver Star Plaza Condominiums buildings N, O, P, Q, and R (Silver Star Realty Office) Planning Commission approval:

1. Access to the Spiro Tunnel shall be provided to Park City. Access shall facilitate equipment and vehicles as needed for operations and requires as a minimum:
 - a. Clear unobstructed access to the proposed shed remodel for a minimum width of 15 feet.
 - b. Paved access from the private drive to the proposed tunnel shed capable of supporting H2O loadings
 - c. Mine rail tracks shall extend to within 10 feet of the existing private drive and shall be fully functional for mine rail cars
 - d. Provide a 5 foot minimum clearance on either side of mine rail tracks
 - e. Access to the proposed tunnel shed shall be restricted to Park City authorized personnel
2. Proposed building improvements shall meet DDW and Park City's tunnel access security requirements. Building plans shall require Park City Water review and approval with respect to meeting security requirements.
3. The proposed shed remodel shall provide for adequate ventilation of the mine.
4. Existing rails are the property of Park City for use in tunnel access maintenance
5. Maintain security to the Spiro Tunnel during proposed construction activities.



WATER

6. Provide a 30 feet wide, minimum, water line and tunnel access easement extending from the proposed shed remodel to the existing private drive and provide a 10 feet wide, minimum, waterline and tunnel access easement within the proposed shed remodel to the tunnel entrance. Draft language, to be included on the proposed plat, is attached (final easement to be in a form approved by the City Attorney).
7. The plat shall include language (in a form approved by the City Attorney) indicating that the tunnel access and operations may result disturbances, such as construction activities, noise, fumes, etc., to proposed facility which may occur at any time and the City shall be held harmless for such impacts.
8. With the proposed replat, we request that Park City's access, for the purpose of water line operation and maintenance and for tunnel access, along the existing private drive be clarified.
9. Park City shall be held harmless from claims resulting from tunnel related occurrences, such as flooding (the language to be in a form approved by the City Attorney).

After you have had an opportunity to review this information, please contact me to discuss any of the items in more detail.

Respectfully,

Park City Municipal Corporation

Roger McClain
Water Engineer

Attachment:

cc: via email: Clint McAfee, Park City Water and Streets Director, clint.mcafee@parkcity.org

draft language for plat

EASEMENT FOR WATER CONVEYANCE, DISTRIBUTION, TRANSMISSION PIPELINE(S), APPURTENANCES AND SPIRO TUNNEL ACCESS

A permanent exclusive water utility easement and right-of-way in, across, and through the property, which easement is described and shown on the condominium plat, for the purpose of operating, maintaining, repairing, eventual replacement, and upgrade, of one or more underground pipelines, tunnel access and security facilities, and appurtenances for the conveyance, distribution, and/or transmission of water, in the exclusive discretion of Park City.

Permanent ingress and egress along the described easement, for the purpose of operation and maintenance access. Permanent or temporary obstructions or improvements within the boundaries of the easement shall not be constructed, that might interfere with Park City's ability to gain access along the described easement and to the tunnel portal for operation, maintenance, repair, and replacement purposes without express written consent in advance of Park City. Any such obstruction installed or permitted to be constructed, installed or maintained within the boundaries of the easement area, without Park City's written approval, shall be removed.

Planning Commission Staff Report



Application No: PL-15-02690
Subject: Heber Avenue Sub-zone
Author: Francisco Astorga, Senior Planner
Date: April 8, 2015
Type of Item: Legislative – LMC Amendment

Summary Recommendation

Staff recommends the Planning Commission review proposed amendments to the Land Management Code (LMC) regarding the Heber Avenue Sub-zone in Chapter 2.5-10. Staff recommends the Planning Commission conduct a public hearing, consider public input, review the request, and consider forwarding a negative recommendation to the City Council.

Description

Applicant: LCC Properties Group, LC represented by David Luber and Kevin Horn
Project Name: LMC Amendment to Chapter 2.5-10
Approximate Location: Historic Recreation Commercial (HRC) District
Heber Avenue Sub-zone
Proposal: Amendments to the LMC require Planning Commission review and recommendation with final action by the City Council

Acronyms in this Report

LMC Land Management Code
HRC Historic Recreation Commercial
HCB Historic Commercial Business
HR-1 Historic Residential-1
MPD Master Planned Development

Background

On February 13, 2015, the Planning Staff received a request to modify the LMC specifically to amend the text regarding the Heber Avenue Sub-Zone A in the HRC District. See Exhibit A – Applicant’s Request and Exhibit B – Applicant’s Proposed LMC Amendment.

The Heber Avenue Sub-zone consists of properties fronting on the north side of Heber Avenue, and east of Park Avenue, for a depth of 150 feet (150') from the Street Right-of-Way. See Exhibit C – Heber Avenue Sub-zone Map.

The HRC District was created in 1985 as a transition zone between the Historic Residential-1 (HR-1) District, residential uses, and the Historic Commercial Business

(HCB) District, commercial uses, on the lower portions of Main Street. Properties subject to the HRC District were previously zoned HR-1.

The Heber Avenue Sub-zone, within the HRC District, was created during the rezone process, to allow HCB uses on those properties and to differentiate between HRC properties that adjoin HR-1 properties and HRC properties that adjoin commercial uses.

Properties to the north and east of the corner of Heber Avenue and Park Avenue/Main Street (638 Main Street) were developed through the Master Planned Development process allowing Historic Commercial Business uses and Master Planned Development (MPD) exceptions for heights, setbacks, shared parking, and other considerations. These properties include the Town Lift MPD- Summit Watch, Sweeney MPD- Town Lift and Caledonian, Town Lift Condominiums, and Union Square MPD- Skylodge.

Proposed Text Amendment

The applicant requests to add the following underlined language below to LMC § 15-2.5-10:

15-2.5-10. HEBER AVENUE SUB-ZONE.

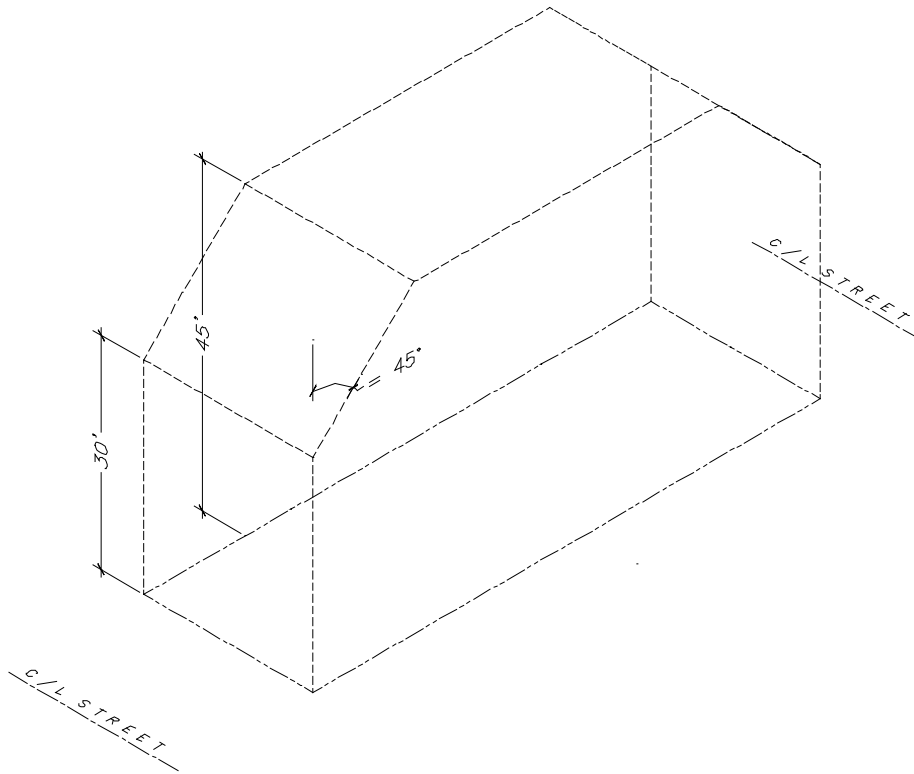
Properties fronting on the north side of Heber Avenue, and east of Park Avenue, are included in the Heber Avenue Sub-Zone for a depth of 150 feet (150') from the Street Right-of-Way. Within the Heber Avenue Sub-Zone, all of the Site Development standards and Land Use limitations of the HRC District apply, except:

- (A) The Allowed Uses within the sub-zones are identical to the Allowed Uses in the HCB District.
- (B) The Conditional Uses within the sub-zone are identical to the conditional Uses in the HCB District.
- (C) The Floor Area Ratio limitation of the HRC District does not apply.
- (D) The Zone Height shall correspond to the maximum height of the Building plane applicable in the HCB District as measured from the Front Lot Line under Section 15-2.6-5(A) of Code and the Rear Yard Property Line under Section 15-2.6-5(B) of Code with such exceptions as are allowed by Section 15-2.6-5(F) of the Code. The application of such height standard shall not entitle the Building to any additional Building volume above Natural Grade in the Front Yard or the Rear Yard established in the HRC District other than as provided for by any Front Yard or Rear Yard exception.

LMC § 15-2.6-5(A)-(B) states:

5-2.6-5. MAXIMUM BUILDING VOLUME AND HEIGHT.

(A) The maximum Building volume for each Lot is defined by a plane that rises vertically at the Front Lot Line to a height of thirty feet (30') measured above the average Natural Grade and then proceeds at a forty-five degree (45°) angle toward the rear of the Property until it intersects with a point forty-five feet (45') above the Natural Grade and connects with the rear portion of the bulk plane.



(B) The rear portion of the bulk plane for each Lot that does not abut Swede Alley is defined by the plane that rises vertically at the Rear Yard Property Line to a height of thirty feet (30') measured above the average Natural Grade and then proceeds at a forty-five degree (45°) angle toward the Front Lot Line until it intersects with a point forty-five feet (45') above the Natural Grade of the Building Site. No part of a Building shall be erected to a height greater than forty-five feet (45'), measured from Natural Grade at the Building Site. This provision must not be construed to encourage solid roofing to following the forty-five degree (45°) back plane.

LMC § 15-2.6-5(F) states:

(F) MAXIMUM BUILDING VOLUME AND BUILDING HEIGHT EXCEPTIONS. The following exceptions apply:

- (1) A gable, hip, gambrel or similarly pitched roof may extend up to five feet (5') above the Zone Height.

(2) Antennas, chimneys, flues, vents, and similar Structures may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.

(3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.

(4) Church spires, bell towers, and like architectural features, subject to the Historic District Design Guidelines, may extend up to fifty percent (50%) above the Zone Height, but may not contain Habitable Space above the Zone Height. Such exception requires approval by the Planning Director.

(5) Elevator Penthouses may extend up to eight feet (8') above the Zone Height.

(6) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays, including Olympic way-finding towers, are permitted to a height of sixty-five feet (65').

District Purpose

The purpose of the HRC District is to:

(A) maintain and enhance characteristics of Historic Streetscape elements such as yards, trees, vegetation, and porches,

(B) encourage pedestrian oriented, pedestrian-scale Development,

(C) minimize visual impacts of automobiles and parking,

(D) preserve and enhance landscaping and public spaces adjacent to Streets and thoroughfares,

(E) provide a transition in scale and land Uses between the HR-1 and HCB Districts that retains the character of Historic Buildings in the Area,

(F) provide a moderate Density bed base at the Town Lift,

(G) allow for limited retail and Commercial Uses consistent with resort bed base and the needs of the local community,

(H) encourage preservation and rehabilitation of Historic Buildings and resources.

- (l) maintain and enhance the long term viability of the downtown core as a destination for residents and tourists by ensuring a Business mix that encourages a high level of vitality, public Access, vibrancy, activity, and public/resort-related attractions.

Analysis

The following section below indicates the maximum building height in the HRC District, including Heber Avenue Sub-zone:

15-2.5-5. BUILDING HEIGHT.

No Structure shall be erected to a height greater than thirty-two feet (32') from Existing Grade. This is the Zone Height.

(A) **BUILDING HEIGHT EXCEPTIONS.** The following height exceptions apply:

- (1) Gable, hip, and similar pitched roofs may extend up to five feet (5') above the Zone Height, if the roof pitch is 4:12 or greater.
- (2) Antennas, chimneys, flues, vents, and similar Structures, may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.
- (3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.
- (4) Church spires, bell towers, and like architectural features subject to the Historic District Design Guidelines, may extend up to fifty percent (50%) above the Zone Height, but may not contain Habitable Space above the Zone Height. Such exception requires approval by the Planning Director.
- (5) An Elevator Penthouse may extend up to eight feet (8') above the Zone Height.
- (6) To accommodate a roof form consistent with the Historic District Design Guidelines, the Planning Director may grant additional Building Height provided that no more than twenty percent (20%) of the roof ridge line exceeds the height requirement and complies with height exception criteria in Section 15-2.2-6(B)(10).

The requested LMC Amendment increases the building height in the Heber Avenue Sub-zone from a maximum building height of thirty-two feet (32') from existing grade to forty-five feet (45') above natural grade. In essence another story would be able to be

accommodated within the sub-zone with a step back, pyramid effect. Staff fails to see the public benefit of the request other than allowing property owners to build another story.

As indicated in purpose statement E of the HRC District, one district purpose is to provide a transition in scale and land Uses between the HR-1 and HCB Districts that retains the character of Historic Buildings in the Area. Staff finds that this is accomplished by the codified difference in the required setbacks and maximum building heights in the HRC District. The Heber Avenue Sub-zone is located on the north end of the HCB District corridor.

Currently, Heber Avenue Sub-zone mimics the allowed and conditional uses, and the floor area ratio regulation does not apply. Keeping the maximum building height different in the Heber Avenue Sub-zone within the HRC District than that of the HCB District allows that transition in scale.

A similar request was made by the Kimball Art Center in July 2008 to rezone the eastern half of their property located at 638 Main Street from HRC to HCB District. A Planning Commission work session took place on July 09, 2008, See Exhibit F – July 09, 2008 Planning Commission Staff Report and Exhibit G – July 09, 2008 Planning Commission Minutes. The application was not supported by the Planning Commission in 2008. The application was later withdrawn by the applicant. The current applicant has indicated to the Planning Department their intentions of building an addition to the Kimball Art Center, at 638 Main Street, which does include a fourth (4th) story pending the outcome of this LMC Amendment. Should the City not be willing to approve this amendment, the applicant would have to build a three (3) story addition instead, subject to applicable codes, including the Design Guidelines for Historic Districts and Historic Sites.

Furthermore, in 1998 the Planning Department had a discussion with the Planning Commission regarding the HRC District. See Exhibit H – February 25, 1998 Planning Commission Notes, which indicates the primary difference between this district and the HCB District which is the building height, bulk, and setback requirements.

General Plan

The proposed LMC amendment has been reviewed for consistency with the adopted Park City General Plan. The LMC implements the goals, objectives and policies of the Park City General Plan to maintain the quality of life and experiences for its residents and visitors and to preserve the community's unique character and values. The General Plan does not contain any goals, objectives, and policies showing support of the requested amendment.

Process

Amendments to the LMC require Planning Commission recommendation and City Council adoption. City Council action may be appealed to a court of competent jurisdiction per LMC § 15-1-18.

Notice

Legal notice of a public hearing was posted in the required public spaces on March 25, 2015, and published in the Park Record on the same date as required by the LMC. Letters were sent to all property owners within the Heber Avenue Sub-zone on March 25, 2015.

Public Input

Public hearings are required to be conducted by the Planning Commission and City Council prior to adoption of LMC Amendments. Staff has received one letter not from the public against the proposed LMC Amendment. See Exhibit I.

Alternatives

- The Planning Commission may forward a negative recommendation to the City Council; or
- The Planning Commission may forward positive recommendation to the City Council and direct staff to return with an Ordinance with Findings of Fact supporting this recommendation; or
- The Planning Commission may continue the discussion to a date certain and provide direction to Staff regarding additional information or analysis needed in order to make a recommendation to Council.

Significant Impacts

There are no significant financial or environmental impacts to the City that result from the proposed LMC amendments.

Summary Recommendation

Staff recommends the Planning Commission review proposed amendments to the LMC regarding the Heber Avenue Sub-zone in Chapter 2.5-10. Staff recommends the Planning Commission conduct a public hearing, consider public input, review the request, and consider forwarding a negative recommendation to the City Council.

Exhibits

Exhibit A – Applicant's Request
Exhibit B1 – Applicant's Proposed LMC Amendment
Exhibit B2 – Applicant's Exhibit: Renderings
Exhibit B3 – Applicant's Exhibit: Area Roof Peaks
Exhibit B4 – Applicant's Exhibit: Height Analysis
Exhibit C – Heber Avenue Sub-zone Map
Exhibit D – LMC Chapter 2.5 Historic Recreation Commercial
Exhibit E – LMC Chapter 2.6 Historic Commercial Business
Exhibit F – July 09, 2008 Planning Commission Staff Report
Exhibit G – July 09, 2008 Planning Commission Regular Minutes & Work Session
Exhibit H – February 25, 1998 Planning Commission Notes
Exhibit I – Public Comment

Exhibit A – Applicant's Request

PARK CITY MUNICIPAL CORPORATION
PLANNING DEPARTMENT
4454 MARSAC AVE. PO BOX 1480
PARK CITY, UT 84060
(435) 615-5060

LAND MANAGEMENT CODE TEXT AMMENDMENT Updated 2/20/2015

PROJECT INFORMATION

LANDMARK SITE
NAME: Kimball Garage
ADDRESS: 638 Park Ave.
TAX ID: PC 107 & 108 x

APPLICANT INFORMATION

APPLICANT: LCC Properties L.C.
1225 Wilshire Blvd. Suite 811, Santa Monica CA 90403, 310-458-8086
CONTACT AND AURTHORIZED SIGNATOR: KEVIN HORN, HORN & PARTNERS
PHONE#: 801-232-9333
EMAIL: kevin@hornandpartners.com, david@lccproperties.com

The attached application for a Land Management Code Text Amendment is an integral part of the application package for The Kimball Residences and Shops, and should be considered in conjunction with the following applications: HDDR Application, CUP for parking greater than 5 spaces, Administrative CUP for a Private Club Residence, .

The above referenced project, in addition to preserving the historic Kimball Garage, seeks to contribute to the historic character of Main Street and link upper Main Street to Lower Main Street, and provide a seamless transition point of connection to Heber Avenue and Park Avenue gateways to Park City's Main Street.

The Heber Avenues Sub-Zone of the HRC Zone 15-2.5-10 includes 3 provisions to accomplish this. Given the goal of the project, it is consistent to add a fourth provision that will effectively apply solely to this property since the other properties in the overlay zone are already developed (some including the very height provision sought herein, such as Sky Lodge and 692 Main). As is the case with other Heber Sub-Zone provisions, the standard for additional height applies the height measurements applicable from front lot lines on Main Street in the HCB--angling back 45 degrees from above 30' to a maximum height of 45'.

This HCB measurement standard proposed for the Heber Avenue Sub-Zone has been applied in the design of the Kimball project reflected in the above-referenced HDDR application and should be evaluated based on the proposed design. No other property will likely take advantage of this provision. As illustrated by the current application, the additional height provides an effective transition between upper and lower Main Street

buildings, which already substantially reflect the HCB height standard. Further, the additional height does not detract from the preservation objectives for the Kimball Garage, as the new structure has been visually separated from the Garage in accordance with historic design guidelines. We therefore request that the staff, Planning Commission and City Council give full consideration to this policy provision and approve it in connection with approval of other essential Kimball project applications incorporating the proposed design features.

The HDDR application contains all existing historic conditions and proposed preservation and addition drawings and are available for review in detail. We also include here a key colored drawing to provide perspective for the request.

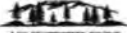


Exhibit B1 – Applicant’s Proposed Land Management Code Amendment

Existing 15-2.5-10. Heber Avenue Sub-Zone	Proposed 15-2.5-10. Heber Avenue Sub-Zone
Properties fronting on the north side of Heber Avenue, and east of Park Avenue, are included in the Heber Avenue Sub-Zone for a depth of 150 feet (150') from the Street Right-of-Way. Within the Heber Avenue Sub-Zone, all of the Site Development standards and Land Use limitations of the HRC District apply, except: (A) The Allowed Uses within the sub-zones are identical to the Allowed Uses in the HCB District. (B) The Conditional Uses within the sub-zone are identical to the conditional Uses in the HCB District. (C) The Floor Area Ratio limitation of the HRC District does not apply.	Properties fronting on the north side of Heber Avenue, and east of Park Avenue, are included in the Heber Avenue Sub-Zone for a depth of 150 feet (150') from the Street Right-of-Way. Within the Heber Avenue Sub-Zone, all of the Site Development standards and Land Use limitations of the HRC District apply, except: (A) The Allowed Uses within the sub-zones are identical to the Allowed Uses in the HCB District. (B) The Conditional Uses within the sub-zone are identical to the conditional Uses in the HCB District. (C) The Floor Area Ratio limitation of the HRC District does not apply. (D) <u>The Zone Height shall correspond to the maximum height of the Building plane applicable in the HCB District as measured from the Front Lot Line under Section 15-2.6-5(A) of Code and the Rear Yard Property Line under Section 15-2.6-5(B) of Code with such exceptions as are allowed by Section 15-2.6-5(F) of the Code. The application of such height standard shall not entitle the Building to any additional Building volume above Natural Grade in the Front Yard or the Rear Yard established in the HRC District other than as provided for by any Front Yard or Rear Yard exception.</u>



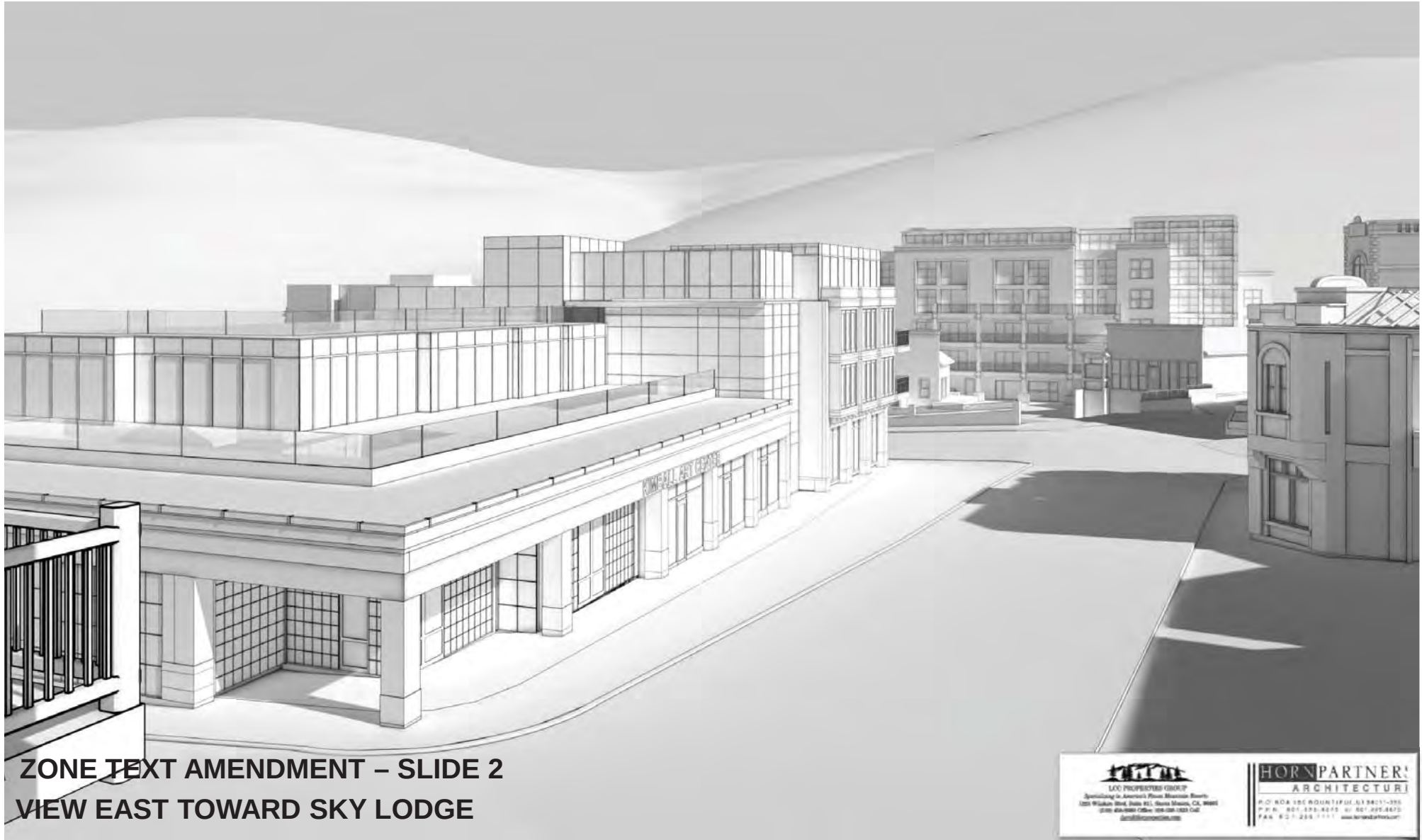
ZONE TEXT AMENDMENT – SLIDE 1
OVERVIEW FROM NORTH WEST



LCC PROPERTIES GROUP
Specializing in America's Premier Mountain Resorts
1225 Wilshire Blvd, Suite 411, Santa Monica, CA 90401
Office: 310.454.0000 | 310.454.0000 Fax



HORNPARTNER!
ARCHITECTURE
P.O. BOX 126, Mountain View, CA 94039-0126
P.H.F.: 657.325.4575 | 657.325.4575
FAX: 657.325.4575 | <http://www.hornpartner.com>





ZONE TEXT AMENDMENT – SLIDE 3
VIEW EAST FROM COTTAGES





ZONE TEXT AMENDMENT – SLIDE 4
VIEW UP HEBER AVE.





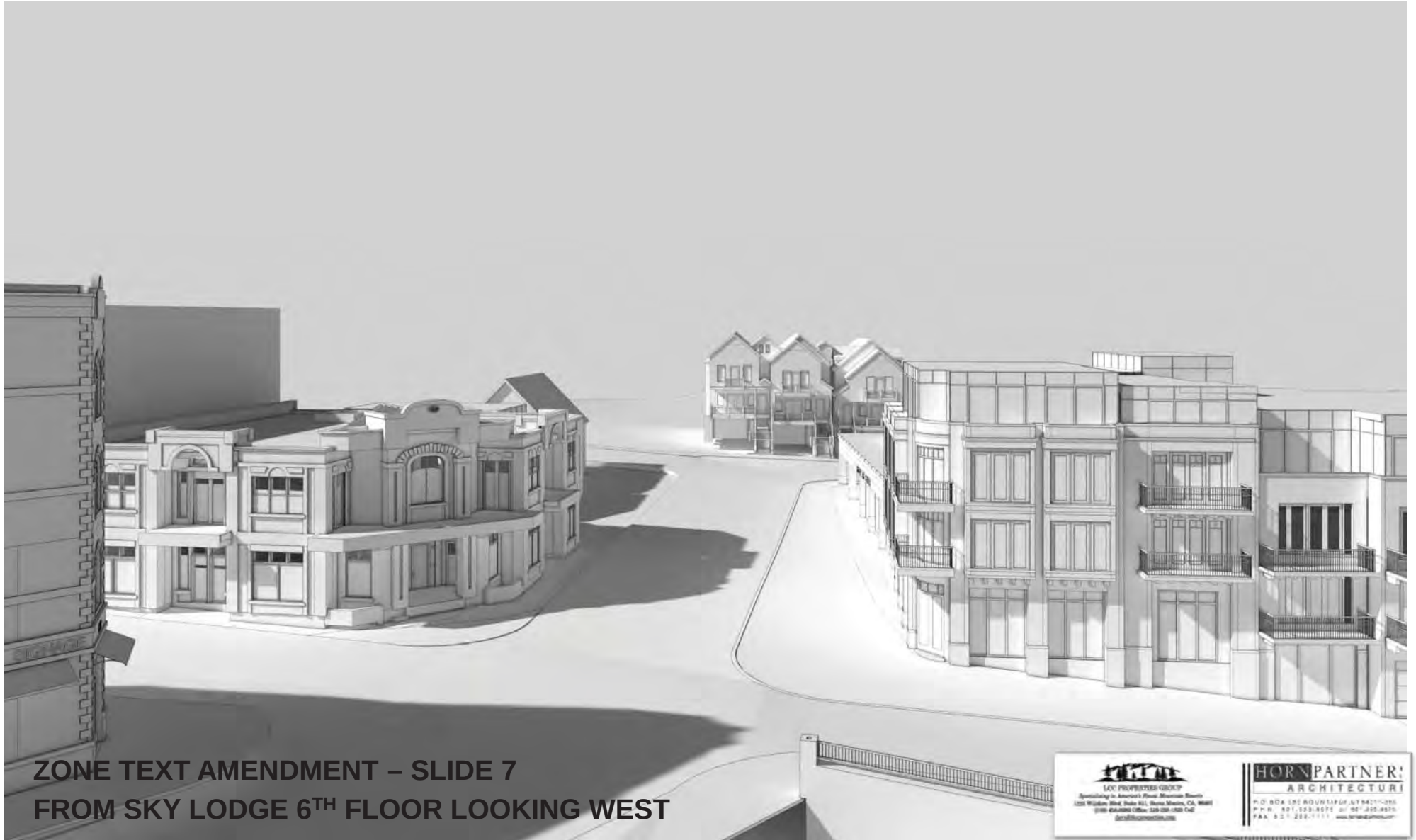
ZONE TEXT AMENDMENT – SLIDE 5
LOOKING NORTH DOWN MAIN STREET





ZONE TEXT AMENDMENT – SLIDE 6
FROM 692 MAIN SIDEWALK LOOKING SOUTH



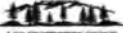


ZONE TEXT AMENDMENT – SLIDE 7
FROM SKY LODGE 6TH FLOOR LOOKING WEST





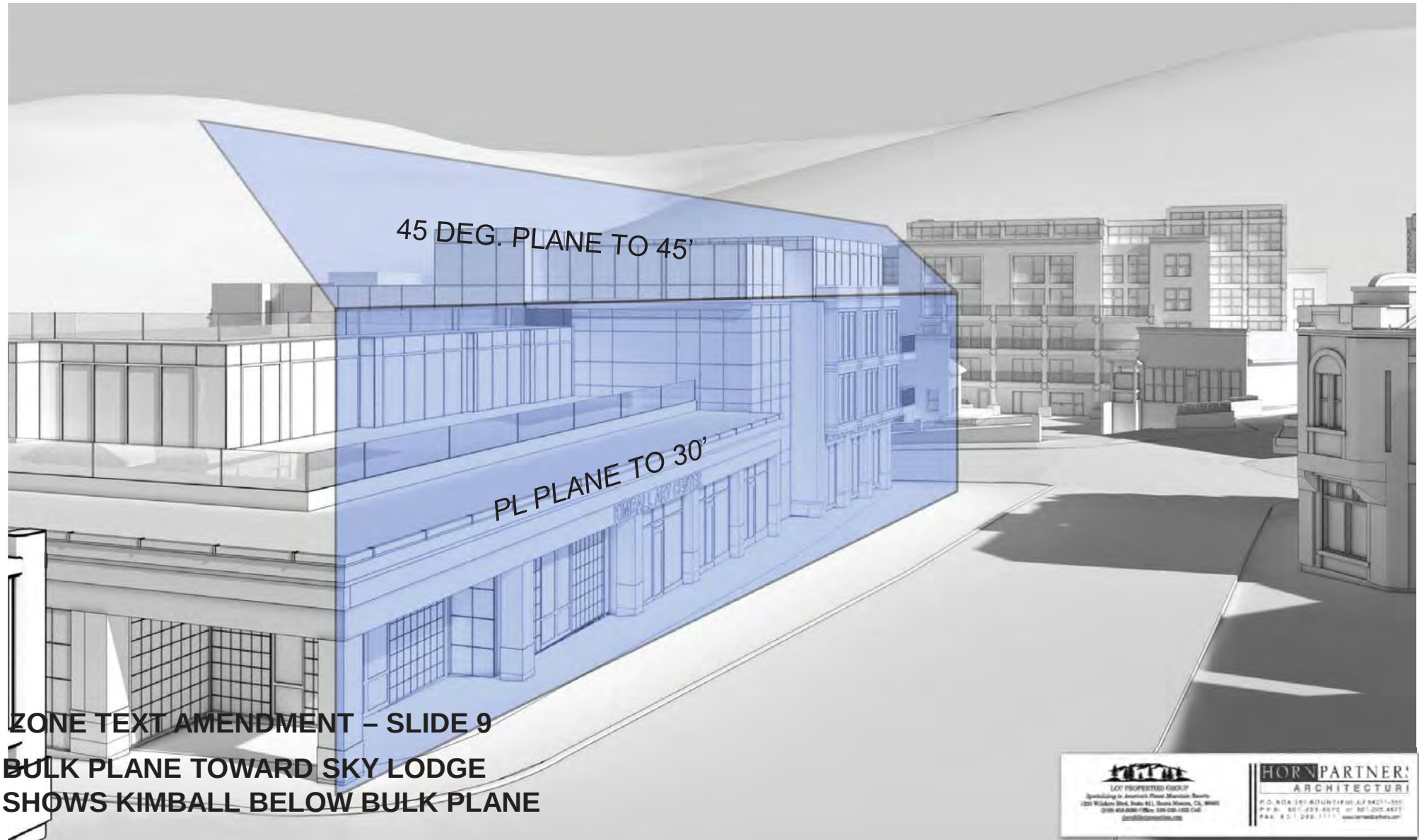
**ZONE TEXT AMENDMENT – SLIDE 8
FROM SILVERQUEEN 4TH FLOOR PENTHOUSE**



L&L PROPERTIES GROUP
Specializing in America's Premier Mountain Resorts
1225 Wilshire Blvd., Suite 901, Santa Monica, CA 90401
(310) 450-0000 Office (310) 450-1000 Cell
lsl@lslproperties.com

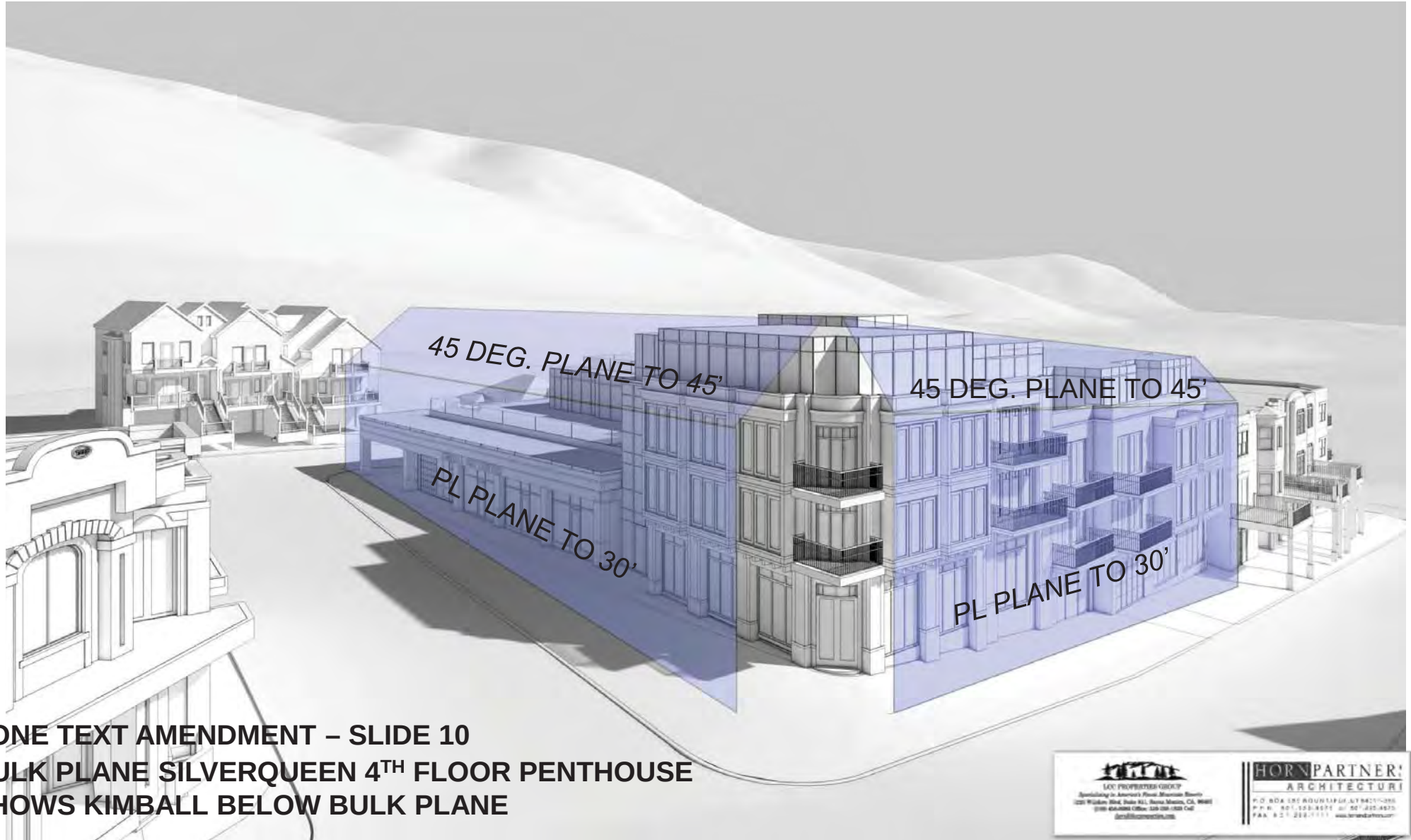


**HORN PARTNER
ARCHITECTS**
P.O. BOX 100, Mountain View, CA 94039-0100
P.O. BOX 100, Mountain View, CA 94039-0100
P.O. BOX 100, Mountain View, CA 94039-0100
P.O. BOX 100, Mountain View, CA 94039-0100



ZONE TEXT AMENDMENT – SLIDE 9
BULK PLANE TOWARD SKY LODGE
SHOWS KIMBALL BELOW BULK PLANE

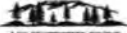




ZONE TEXT AMENDMENT – SLIDE 10
BULK PLANE SILVERQUEEN 4TH FLOOR PENTHOUSE
SHOWS KIMBALL BELOW BULK PLANE



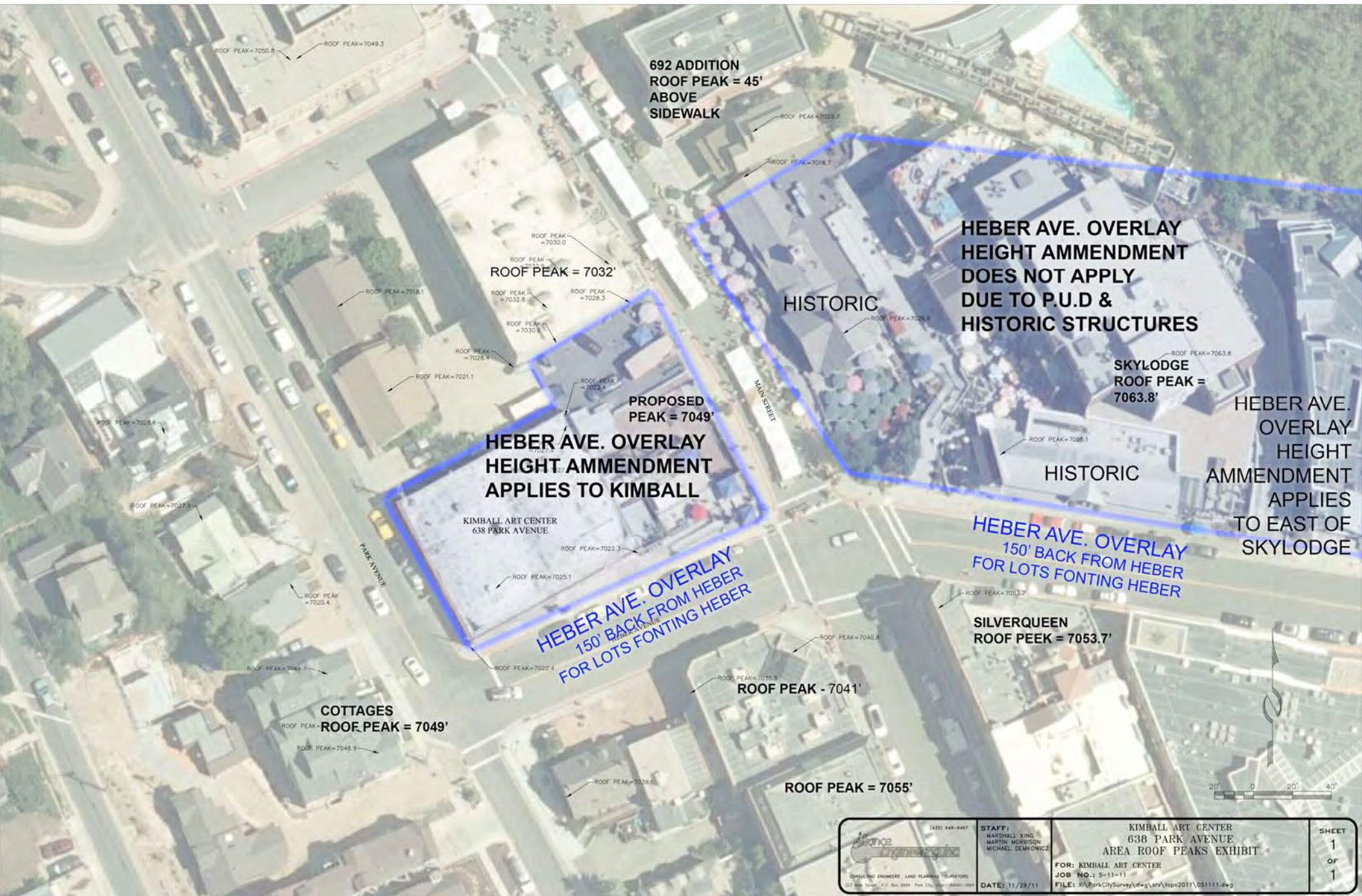
ZONE TEXT AMENDMENT – SLIDE 11
OVERVIEW FROM NORTH WEST



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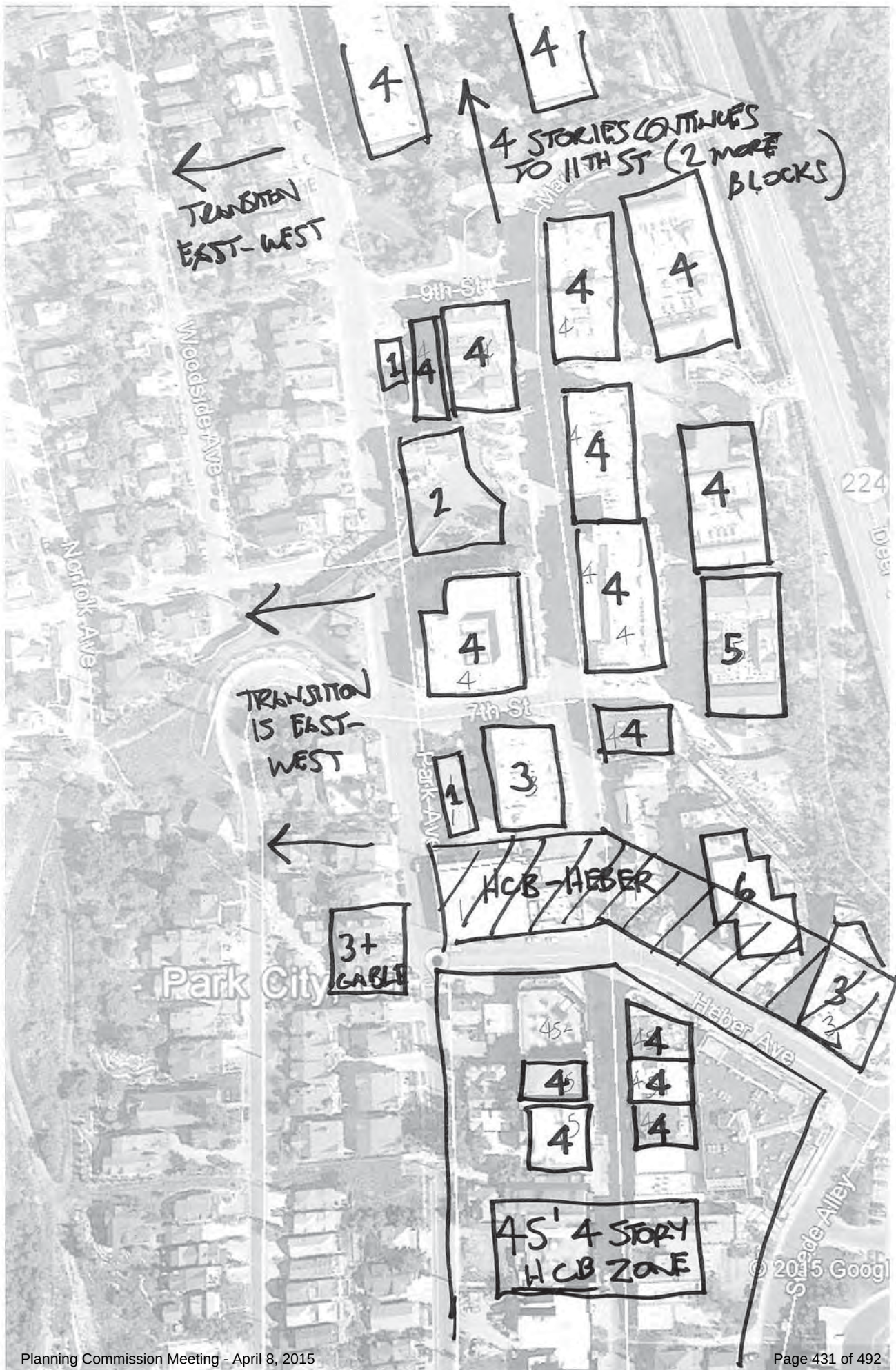
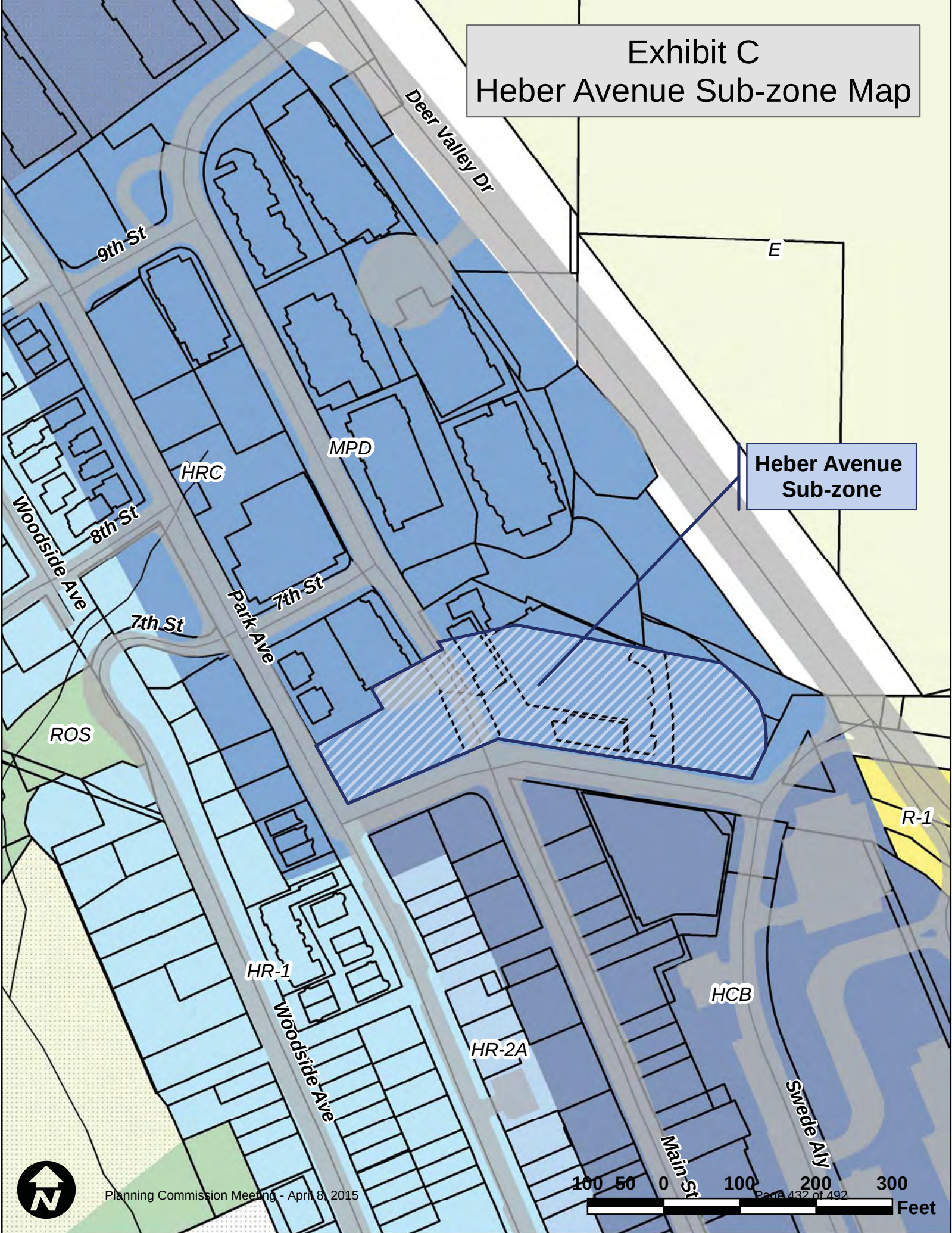


Exhibit C Heber Avenue Sub-zone Map



TITLE 15 - LAND MANAGEMENT CODE

CHAPTER 2.5 - HISTORIC RECREATION COMMERCIAL (HRC) DISTRICT

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.5 - HISTORIC RECREATION COMMERCIAL (HRC) DISTRICT

Chapter adopted by Ordinance No. 00-51

15-2.5-1. PURPOSE.

The purpose of the Historic Recreation Commercial (HRC) District is to:

- (A) maintain and enhance characteristics of Historic Streetscape elements such as yards, trees, vegetation, and porches,
- (B) encourage pedestrian oriented, pedestrian-scale Development,
- (C) minimize visual impacts of automobiles and parking,
- (D) preserve and enhance landscaping and public spaces adjacent to Streets and thoroughfares,
- (E) provide a transition in scale and land Uses between the HR-1 and HCB Districts that retains the character of Historic Buildings in the Area,
- (F) provide a moderate Density bed base at the Town Lift,

(G) allow for limited retail and Commercial Uses consistent with resort bed base and the needs of the local community,

(H) encourage preservation and rehabilitation of Historic Buildings and resources.

(I) maintain and enhance the long term viability of the downtown core as a destination for residents and tourists by ensuring a Business mix that encourages a high level of vitality, public Access, vibrancy, activity, and public/resort-related attractions.

(Amended by Ord. No. 07-55)

15-2.5-2. USES.

Uses in the HRC are limited to the following:

(A) **ALLOWED USES.**

- (1) Single Family Dwelling
- (2) Duplex Dwelling
- (3) Secondary Living Quarters

- (4) Lockout Unit¹
- (5) Accessory Apartment²
- (6) Nightly Rental
- (7) Home Occupation
- (8) Child Care, In-Home Babysitting
- (9) Child Care, Family³
- (10) Child Care, Family Group³
- (11) Child Care Center³
- (12) Accessory Building and Use
- (13) Conservation Activity
- (14) Agriculture
- (15) Bed and Breakfast Inn⁴
- (16) Boarding House, Hostel
- (17) Hotel, Minor, fewer than 16 rooms
- (18) Office, General⁵
- (19) Parking Area or Structure, with four (4) or fewer spaces

¹Nightly rental of Lockout Units requires a Conditional Use permit

²See LMC Chapter 15-4, Supplementary Regulations for Accessory Apartments

³See LMC Chapter 15-4-9 for Child Care Regulations

⁴Requires an Administrative or Administrative Conditional Use permit, see Section 15-4.

⁵ Prohibited in storefronts adjacent to the Main Street, Swede Alley, Heber Avenue , or Park Avenue Rights-of-Way, excluding those HRC zoned Areas north of 8th Street; excluding without limitation, addresses contained within the following Buildings: 702 Main Street, 710 Main Street, 780 Main Street, 804 Main Street, 890 Main Street, and 900 Main Street

(B) **CONDITIONAL USES⁹**.

- (1) Triplex Dwelling
- (2) Multi-Unit Dwelling
- (3) Guest House, on Lots one acre
- (4) Group Care Facility
- (5) Public and Quasi-Public Institution, Church, School
- (6) Essential Municipal Public Utility Use, Facility, Service and Structure
- (7) Telecommunication Antenna⁶
- (8) Satellite Dish, greater than thirty-nine inches (39") in diameter⁷
- (9) Plant and Nursery stock products and sales
- (10) Hotel, Major
- (11) Timeshare Projects and Conversions⁵
- (12) Private Residence Club Project and Conversion^{4,5}
- (13) Office, Intensive⁵
- (14) Office and Clinic, Medical⁵
- (15) Financial Institution, without drive-up window⁸

⁶See LMC Chapter 15-4-14, Supplemental Regulations For Telecommunication Facilities

⁷See LMC Chapter 15-4-13, Supplemental Regulations For Satellite Receiving Antennas

⁸If Gross Floor Area is less than 2,000 sq. ft., the Use shall be considered an Allowed Use

⁹No community locations are defined by Utah Code 32-B-1-102 (Alcoholic Beverage Control Act) are permitted within

- (16) Commercial Retail and Service, Minor⁸
- (17) Commercial Retail and Service, personal improvement⁸
- (18) Neighborhood Convenience Commercial, without gasoline sales
- (19) Café or Deli⁸
- (20) Restaurant, General⁸
- (21) Restaurant and café, Outdoor Dining⁴
- (22) Outdoor Events and Uses⁴
- (23) Bar
- (24) Parking Area or Structure, with five (5) or more spaces
- (25) Temporary Improvement
- (26) Passenger Tramway Station and Ski Base Facility
- (27) Ski Tow, Ski Lift, Ski Run, and Ski Bridge
- (28) Recreation Facility, Commercial, Public, and Private
- (29) Entertainment Facility, Indoor
- (30) Fences greater than six feet (6') in height from Final Grade⁴
- (31) Private Residence Club, Off-Site⁵
- (32) Special Events⁴

(C) **PROHIBITED USES.** Unless otherwise allowed herein, any Use not listed

200 feet of Main Street unless a variance is permitted for an outlet, as defined by Utah Code 32B-1-202, to obtain a liquor license.

above as an Allowed or Conditional Use is a prohibited Use.

(Amended by Ord. Nos. 04-39; 06-69; 07-55; 09-10; 12-37)

15-2.5-3. LOT AND SITE REQUIREMENTS.

Except as may otherwise be provided in this Code, no Building Permit shall be issued for a Lot unless such Lot has the Area, width, and depth as required, and Frontage on a Street shown as a private or Public Street on the Streets Master Plan, or on a private easement connecting the Lot to a Street shown on the Streets Master Plan.

All Development activity must comply with the following minimum Lot and Site requirements:

(A) **FRONT YARD.** The minimum Front Yard is ten feet (10').

(B) **FRONT YARD EXCEPTIONS.** The Front Yard must be open and free of any Structure except:

(1) Fences, walls, and retaining walls not more than four feet (4') in height, or as permitted in Section 15-4-2. On Corner Lots, Fences more than three feet (3') in height are prohibited within twenty five feet (25') of the intersection at back of curb.

(2) Uncovered steps leading to the Main Building; provided the steps are not more than four feet (4')

Front Yard
← →

in height from Final Grade, not including any required handrail, and do not cause danger or hazard to traffic by obstructing the view of the Street or intersection.

(3) Decks, porches, and Bay Windows, not more than ten feet (10') wide, projecting not more than three feet (3') into the Front Yard.

(4) Roof overhangs, eaves, and cornices, projecting not more than three feet (3') into the Front Yard.

(5) Sidewalks, patios, and pathways.

(6) Driveways leading to a garage or Parking Area. No portion of a Front Yard, except for approved driveways, allowed Parking Areas, patios, and sidewalks may be Hard-Surfaced or graveled.

(C) **REAR YARD.** The minimum Rear Yard is ten feet (10').

(D) **REAR YARD EXCEPTIONS.**
The Rear Yard must be open and free of any

Structure except:

(1) Bay Windows not more than ten feet (10') wide projecting not more than two feet (2') into the Rear Yard.

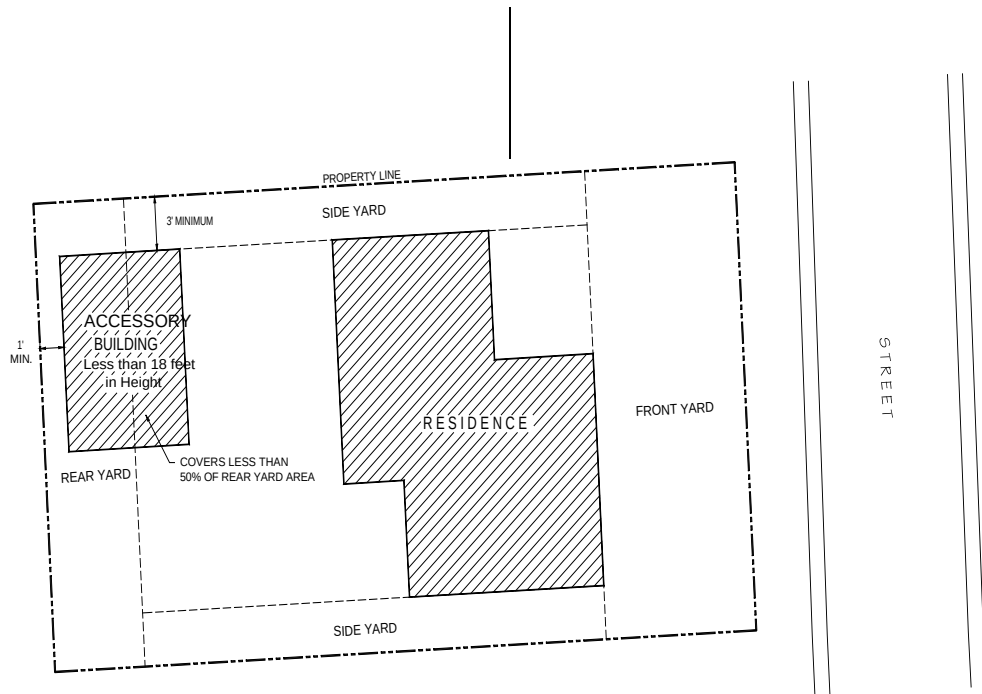
(2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Rear Yard.

(3) Window wells and light wells projecting not more than four feet (4') into the Rear Yard.

(4) Roof overhangs and eaves projecting not more than two feet (2') into the Rear Yard.

(5) Window sills, belt courses, cornices, trim, exterior siding, or other ornamental features projecting not more than six inches (6") beyond the window or main Structure to which it is attached.

(6) A detached Accessory Building not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the front facade of the Main Building, and maintaining a minimum Rear Yard Setback of one foot (1'). Such Structure must not cover over fifty percent (50%) of the Rear Yard. See the following illustration:



(7) Hard-Surfaced Parking Areas subject to the same location requirements as a detached Accessory Building.

(8) Screened mechanical equipment, hot tubs, and similar Structures located at least five feet (5') from the Rear Lot Line.

(9) Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2.

(10) Patios, decks, steps, pathways, and similar Structures not more than thirty inches (30") above Final Grade, located at least five feet (5') from the Rear Lot Line.

(E) **SIDE YARD.**

(1) The minimum Side Yard is five feet (5').

(2) On Corner Lots, the Side Yard that faces a Street is ten feet (10') for both main and accessory Structures.

(3) A Side Yard between connected Structures is not required where the Structures are designed with a common wall on a Property Line and the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official. The longest dimension of a Building joined at the

Side Lot Line may not exceed one hundred feet (100').

(F) **SIDE YARD EXCEPTIONS.** The Side Yard must be open and free of any Structure except:

(1) Bay Windows, not more than ten feet (10') wide, projecting not more than two feet (2') into the Side Yard.

(2) Chimneys not more than five feet (5') wide, projecting not more than two feet (2') into the Side Yard.

(3) Window wells and light wells projecting not more than four feet (4') into the Side Yard.

(4) Window sills, belt courses, cornices, trim, exterior siding, and other ornamental features, projecting not more than six inches (6") beyond the window or main Structure to which it is attached.

(5) Roof overhangs and eaves projecting not more than two feet (2') into the Side Yard.

(6) Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") in height from Final Grade, provided there is at least a one foot (1') Setback to the Side Lot Line.

(7) Fences, walls and retaining walls not more than six feet (6'), or as permitted in Section 15-4-2.

(8) Driveways leading to a garage or approved Parking Area.

(9) Pathways and steps connecting to a City stairway or pathway.

(10) A detached Accessory Building not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the front facade of the Main Building, maintaining a minimum Side Yard Setback of three feet (3').

(11) A covered arcade between projects provided that the highest point of the arcade is not more than fifteen feet (15') above the elevation of the walk.

(G) **FLOOR AREA RATIO.** In all projects within the HRC Zone:

(1) **STRUCTURES BUILT AFTER OCTOBER 1, 1985.**
Except in the Heber Avenue Sub-Zone Area, non-residential Uses are subject to a Floor Area Ratio to restrict the scope of non-residential Use within the District. For Properties located east of Park Avenue, the Floor Area Ratio for non-residential Uses is 1. For Properties located on the west side of Park Avenue, the Floor Area Ratio for non-residential Uses is 0.7.

(2) **STRUCTURES BUILT PRIOR TO OCTOBER 1, 1985.**

Structures existing as of October 1, 1985 are not subject to the Floor Area Ratio, and may be used in their entirety for non-residential Uses as provided in this ordinance.

(H) **SNOW RELEASE.** Site plans and Building designs must resolve snow release issues to the satisfaction of the Chief Building Official.

(I) **CLEAR VIEW OF INTERSECTION.** No visual obstruction in excess of two feet (2') in height above road Grade shall be placed on any Corner Lot within the Site Distance Triangle. A reasonable number of trees may be allowed, if pruned high enough to permit automobile drivers an unobstructed view. This provision must not require changes in the Natural Grade on the Site.

(Amended by Ord. Nos. 06-69; 09-10)

15-2.5-4. ACCESS.

(A) **VEHICULAR ACCESS.** A Project may have only one vehicular Access from Park Avenue, Main Street, Heber Avenue, Swede Alley, or Deer Valley Drive, unless an additional Access is approved by the Planning Commission.

(B) **PEDESTRIAN ACCESS.** An Applicant must build, and if necessary, dedicate a Sidewalk on all Street Frontages.

15-2.5-5. BUILDING HEIGHT.

No Structure shall be erected to a height greater than thirty-two feet (32') from

Existing Grade. This is the Zone Height.

(A) **BUILDING HEIGHT EXCEPTIONS.** The following height exceptions apply:

(1) Gable, hip, and similar pitched roofs may extend up to five feet (5') above the Zone Height, if the roof pitch is 4:12 or greater.

(2) Antennas, chimneys, flues, vents, and similar Structures, may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.

(3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.

(4) Church spires, bell towers, and like architectural features subject to the Historic District Design Guidelines, may extend up to fifty percent (50%) above the Zone Height, but may not contain Habitable Space above the Zone Height. Such exception requires approval by the Planning Director.

(5) An Elevator Penthouse may extend up to eight feet (8') above the Zone Height.

(6) To accommodate a roof form consistent with the Historic District Design Guidelines, the Planning

Director may grant additional Building Height provided that no more than twenty percent (20%) of the roof ridge line exceeds the height requirement and complies with height exception criteria in Section 15-2.2-6(B)(10).

(Amended by Ord. Nos. 06-69; 07-25; 09-10)

15-2.5-6. EXISTING HISTORIC STRUCTURES.

Historic Structures that do not comply with Building Setbacks, Off-Street parking, and driveway location standards are valid Non-Complying Structures. Additions to Historic Structures are exempt from Off-Street parking requirements provided the addition does not create a Lockout Unit or an Accessory Apartment. Additions must comply with Building Setbacks, driveway location standards, and Building height.

(A) **EXCEPTION.** In order to achieve new construction consistent with the Historic District Design Guidelines, the Planning Director may grant an exception to the Building Setbacks and driveway location standards for additions to Historic Buildings:

- (1) Upon approval of a Conditional Use Permit,
- (2) When the scale of the addition or driveway is Compatible with the Historic Structure,
- (3) When the addition complies

with all other provisions of this Chapter, and

- (4) When the addition complies with the International Building and Fire Codes.

(Amended by Ord. No. 06-69)

15-2.5-7. ARCHITECTURAL REVIEW.

Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department shall review the proposed plans for compliance with the Design Guidelines for historic Districts and Historic Sites, Historic Preservation LMC Chapter 15-11, and Architectural Review LMC Chapter 15-5.

Appeals of departmental actions on compliance with the Design Guidelines for Historic Districts and Historic Sites, LMC Chapter 15-11, and LMC Chapter 15-5 are heard by the Historic Preservation Board as outlined in Section 15-1-18 of the Code.

(Amended by Ord. Nos. 06-69; 09-23)

15-2.5-8. MECHANICAL SERVICE.

All exterior mechanical equipment must be Screened to minimize noise infiltration to adjoining Properties and to eliminate visual impacts on nearby Properties, including those Properties located above the roof tops of Structures in the HRC District.

All mechanical equipment must be shown on the plans prepared for architectural

review by the Planning, Building, and Engineering Departments. The staff will approve or reject the location, Screening and painting of such equipment as part of the architectural review process.

(Amended by Ord. No. 06-69)

15-2.5-9. SERVICE ACCESS.

All Development must provide an on-Site refuse collection and loading Area. Refuse and service Areas must be properly Screened and ventilated. Refuse collection Areas may not be located in the required Yards.

15-2.5-10. HEBER AVENUE SUB-ZONE.

Properties fronting on the north side of Heber Avenue, and east of Park Avenue, are included in the Heber Avenue Sub-Zone for a depth of 150 feet (150') from the Street Right-of-Way. Within the Heber Avenue Sub-Zone, all of the Site Development standards and land Use limitations of the HRC District apply, except:

- (A) The Allowed Uses within the sub-zones are identical to the Allowed Uses in the HCB District.
- (B) The Conditional Uses within the sub-zone are identical to the Conditional Uses in the HCB District.
- (C) The Floor Area Ratio limitation of the HRC District does not apply.

15-2.5-11. PARKING REGULATIONS.

- (A) Tandem Parking is allowed in the Historic District.
- (B) Common driveways are allowed along shared Side Yard Property Lines to provide Access to parking in the rear of the Main Building, or below Grade, if both Properties are deed restricted to allow for the perpetual use of the shared drive.
- (C) Common Parking Structures are allowed where such a grouping facilitates:
 - (1) the Development of individual Buildings that more closely conform to the scale of Historic Structures in the District; and
 - (2) the reduction, mitigation, or elimination of garage doors at the Street edge.
- (D) A common Parking Structure may occupy below Grade Side Yards between participating Developments if the Structure maintains all Setbacks above Grade. Common Parking Structures are subject to a Conditional Use Review, Section 15-1-10.
- (E) Driveways between Structures are allowed to eliminate garage doors facing the Street, to remove cars from on-Street parking, and to reduce paved Areas, provided the driveway leads to an approved garage or Parking Area.
- (F) Turning radii are subject to review

by the City Engineer as to function and design.

(G) See Section 15-3 Off Street Parking for additional parking requirements.

(Amended by Ord. Nos. 06-69; 09-10)

15-2.5-12. CRITERIA FOR BED AND BREAKFAST INNS.

A Bed and Breakfast Inn is an Allowed Use subject to an Administrative Conditional Use permit. No Administrative Conditional Use permit may be issued unless the following criteria are met:

(A) The Use is in a Historic Structure or addition thereto, or a historically Compatible Structure.

(B) The Applicant will make every attempt to rehabilitate the Historic portion of the Structure.

(C) The Structure has at least two (2) rentable rooms. The maximum number of rooms will be determined by the Applicant's ability to mitigate neighborhood impacts.

(D) In Historic Structures, the size and configuration of the rooms are Compatible with the Historic character of the Building and neighborhood.

(E) The rooms are available for Nightly Rental only.

(F) An Owner/manager is living on-Site, or in Historic Structures there must be twenty-four (24) hour on-Site management

and check-in.

(G) Food service is for the benefit of overnight guests only.

(H) No Kitchen is permitted within rental room(s).

(I) Parking on-Site is required at a rate of one (1) space per rentable room. The Planning Director may waive the parking requirement for Historic Structures if the Applicant proves that:

(1) no on-Site parking is possible without compromising the Historic Structure or Site, including removal of existing Significant Vegetation, and all alternatives for proximate parking have been explored and exhausted; and

(2) the Structure is not economically feasible to restore or maintain without the adaptive Use.

(J) The Use complies with Section 15-1-10, Conditional Use review.

(Amended by Ord. No. 06-69)

15-2.5-13. GOODS AND USES TO BE WITHIN ENCLOSED BUILDING.

(A) **OUTDOOR DISPLAY OF GOODS PROHIBITED.** Unless expressly allowed as an Allowed or Conditional Use, or allowed with an Administrative Permit, all goods, including food, beverage and cigarette vending machines, must be within a completely enclosed Structure. New

construction of enclosures for the storage of goods shall not have windows and/or other fenestration that exceeds a wall-to-window ratio of thirty percent (30%). This section does not preclude temporary sales in conjunction with a Master Festival License, sidewalk sale, or seasonal plant sale. See Section 15-2.5-13(B)(3) for outdoor display of bicycles, kayaks, and canoes.

(B) **OUTDOOR USES PROHIBITED/EXCEPTIONS.** The following outdoor uses may be allowed by the Planning Department upon the issuance of an Administrative Conditional Use permit or an Administrative Permit as described herein. The Applicant must submit the required Application, pay all applicable fees, and provide all required materials and plans. Appeals of Departmental Actions are heard by the Planning Commission.

(1) **OUTDOOR DINING.** Outdoor dining requires an Administrative Conditional Use Permit and is subject to the following criteria:

- (a) The proposed seating Area is located on private Property or leased public Property and does not diminish parking or landscaping.
- (b) The proposed seating Area does not impede pedestrian circulation.
- (c) The proposed seating Area does not impede

emergency Access or circulation.

(d) The proposed furniture is Compatible with the Streetscape.

(e) No music or noise is in excess of the City Noise Ordinance, Title 6.

(f) No Use after 10:00 p.m.

(g) Review of the Restaurant's seating capacity to determine appropriate mitigation measures in the event of increased parking demand.

(2) **OUTDOOR GRILLS/BEVERAGE SERVICE STATIONS.** Outdoor grills and/or beverage service stations require an Administrative Conditional Use permit and are subject to the following criteria:

- (a) The Use is on private Property or leased public Property and does not diminish parking or landscaping.
- (b) The Use is only for the sale of food or beverages in a form suited for immediate consumption.
- (c) The Use is

Compatible with the neighborhood.

(d) The proposed service station does not impede pedestrian circulation.

(e) The proposed service station does not impede emergency Access or circulation.

(f) Design of the service station is Compatible with the adjacent Building and Streetscape.

(g) No violation of the City Noise Ordinance, Title 6.

(h) Compliance with the City Sign Code, Title 12.

(3) OUTDOOR STORAGE AND DISPLAY OF BICYCLES, KAYAKS, MOTORIZED SCOOTERS, AND CANOES.

Outdoor storage and display of bicycles, kayaks, motorized scooters, and canoes, requires an Administrative Permit subject to the following criteria:

(a) The Area of the proposed bicycle, kayak, motorized scooters, or canoe storage or display is on private Property and not in Areas of required parking or landscaped planting beds.

(b) Bicycles, kayaks, and canoes may be hung on a Historic Structure if sufficient Site Area is not available, provided the display does not impact or alter the architectural integrity or character of the Structure.

(c) No more than a total of fifteen (15) pieces of equipment may be displayed.

(d) Outdoor display is only allowed during Business hours.

(e) Additional outdoor storage Areas may be considered for rental bicycles or motorized scooters, provided there are no or only minimal impacts on landscaped Areas, Parking Spaces, and pedestrian and emergency circulation.

(4) OUTDOOR EVENTS AND MUSIC. Outdoor events and music require an Administrative Conditional Use permit. The Use must also comply with Section 15-1-10, Conditional Use review. The Applicant must submit a Site plan and written description of the event, addressing the following:

(a) Notification of adjacent Property Owners.

(b) No violation of the City Noise Ordinance, Title 6.

(c) Impact on adjacent residential Uses.

(d) Proposed plans for music, lighting, Structures, electrical, sign, etc.

(e) Parking demand and impacts on neighboring Properties.

(f) Duration and hours of operation.

(g) Impacts on emergency Access and circulation.

(5) **DISPLAY OF MERCHANDISE.** Display of outdoor merchandise is subject to an Administrative Permit subject to the following criteria:

(a) The display is immediately available for purchase at the Business displaying the item.

(b) The merchandise is displayed on private property directly in front of or appurtenant to the Business which displays it, so long as the private Area is in an alcove, recess, patio, or similar location that provides

a physical separation from the public sidewalk. No item of merchandise may be displayed on publicly owned Property including any sidewalk or prescriptive Right-of-Way regardless if the property Line extends into the public sidewalk. An item of merchandise may be displayed on commonly owned Property; however, written permission for the display of the merchandise must be obtained from the Owner's association.

(c) The display is prohibited from being permanently affixed to any building. Temporary fixtures may not be affixed to any Historic Building in a manner that compromises the Historic integrity or Façade Easement of the Building as determined by the Planning Director.

(d) the display does not diminish parking or landscaping.

(e) The Use does not violate the Summit County Health Code, the Fire Code, or International Building Code. The display does not impede pedestrian circulation, sidewalks, emergency Access, or

circulation. At minimum, forty-four inches (44") of clear and unobstructed Access to all fire hydrants, egress and Access points must be maintained. Merchandise may not be placed so as to block visibility of or Access to any adjacent Property.

(f) The merchandise must be removed if it becomes a hazard due to wind or weather conditions, or if it is in a state of disrepair, as determined by either the Planning Director or Building Official.

(g) The display shall not create a hazard to the public due to moving parts, sharp edges, or extension into public Rights-of-Way, including sidewalks, or pedestrian and vehicular Areas; nor shall the display restrict vision at intersections.

(h) No inflatable devices other than decorative balloons smaller than eighteen inches (18") in diameter are permitted. Balloon height may not exceed the finished floor elevation of the second floor of the Building.

(i) No additional signs

are allowed. A sales tag, four (4) square inches or smaller may appear on each display item, as well as an informational plaque or associated artwork not to exceed twelve square inches (12 sq. in.) The proposed display shall be in compliance with the City Sign Code, Municipal Code Title 12, the City's Licensing Code, Municipal Code Title 4, and all other requisite City codes.

(Amended by Ord. Nos. 05-49; 06-69; 09-10)

15-2.5-14. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4 ½') above the ground, groves of small trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line. Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist. The Planning Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with Landscape Criteria in LMC Chapter 15-3-3

and Title 14.

(Amended by Ord. No. 06-69)

15-2.5-15. SIGNS.

Signs are allowed in the HRC District as provided in the Park City Sign Code, Title 12.

15-2.5.16. RELATED PROVISIONS.

- Fences and Walls. LMC Chapter 15-4-2.
- Accessory Apartment. LMC Chapter 15-4-7.
- Satellite Receiving Antenna. LMC Chapter 15-4-13.
- Telecommunication Facility. LMC Chapter 15-4-14.
- Parking. LMC Chapter 15-3.
- Landscaping. Title 14; LMC Chapter 15-3-3(D).
- Lighting. LMC Chapters 15-3-3(C), 15-5-5(I).
- Historic Preservation Board. LMC Chapter 15-11.
- Park City Sign Code. Title 12.
- Architectural Review. LMC Chapter 15-5.
- Snow Storage. LMC Chapter 15-3-3(E).
- Parking Ratio Requirements. LMC Chapter 15-3-6.

TITLE 15 - LAND MANAGEMENT CODE

CHAPTER 2.6 - HISTORIC COMMERCIAL BUSINESS (HCB) DISTRICT

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.6 - HISTORIC COMMERCIAL BUSINESS (HCB) DISTRICT

Chapter adopted by Ordinance No. 00-15

15-2.6-1. PURPOSE.

The purpose of the Historic Commercial Business (HCB) District is to:

- (A) preserve the cultural heritage of the City's original Business, governmental and residential center,
- (B) allow the Use of land for retail, commercial, residential, recreational, and institutional purposes to enhance and foster the economic and cultural vitality of the City,
- (C) facilitate the continuation of the visual character, scale, and Streetscape of the original Park City Historical District,
- (D) encourage the preservation of Historic Structures within the district,
- (E) encourage pedestrian-oriented, pedestrian-scale Development,
- (F) minimize the impacts of new Development on parking constraints of Old Town,

(G) minimize the impacts of commercial Uses and business activities including parking, Access, deliveries, service, mechanical equipment, and traffic, on surrounding residential neighborhoods,

(H) minimize visual impacts of automobiles and parking on Historic Buildings and Streetscapes, and

(I) support Development on Swede Alley which maintains existing parking and service/delivery operations while providing Areas for public plazas and spaces.

(J) maintain and enhance the long term viability of the downtown core as a destination for residents and tourists by ensuring a Business mix that encourages a high level of vitality, public Access, vibrancy, activity, and public/resort-related attractions.

(Amended by Ord. No. 07-55)

15-2.6-2. USES.

Uses in the Historic Commercial Business (HCB) District are limited to the following:

- (A) **ALLOWED USES.**

- (1) Single Family Dwelling¹
- (2) Multi-Unit Dwelling¹
- (3) Secondary Living Quarters¹
- (4) Lockout Unit^{1,2}
- (5) Accessory Apartment^{1,3}
- (6) Nightly Rental⁴
- (7) Home Occupation¹
- (8) Child Care, In-Home Babysitting¹
- (9) Child Care, Family^{1,5}
- (10) Child Care, Family Group^{1,5}
- (11) Child Care Center^{1,5}
- (12) Accessory Building and Use¹
- (13) Conservation Activity
- (14) Agriculture
- (15) Bed and Breakfast Inn⁶
- (16) Boarding House, Hostel
- (17) Hotel, Minor, fewer than 16 rooms
- (18) Office, General¹
- (19) Office, Moderate Intensive¹
- (20) Office and Clinic, Medical¹
- (21) Financial Institution, without drive-up window

¹ Prohibited in storefronts adjacent to the Main Street, Heber Avenue, or Swede Alley Rights-of-Way

²Nightly Rental of Lock Units requires a Conditional Use permit

³See LMC Chapter 15-4, Supplementary Regulations for Accessory Apartments

⁴Nightly Rental of residential dwellings does not include the Use of dwellings for Commercial Uses

⁵ See LMC Chapter 15-4-9 for Child Care Regulations

⁶Requires an Administrative or Administrative Conditional Use permit

- (22) Commercial Retail and Service, Minor
- (23) Commercial Retail and Service, personal improvement
- (24) Commercial Neighborhood Convenience, without gasoline sales
- (25) Restaurant, Cafe or Deli
- (26) Restaurant, General
- (27) Bar
- (28) Parking Lot, Public or Private with four (4) or fewer spaces
- (29) Entertainment Facility, Indoor
- (30) Salt Lake City 2002 Winter Olympic Games Legacy Displays⁷

(B) **CONDITIONAL USES¹⁰**.

- (1) Group Care Facility¹
- (2) Public and Quasi-Public Institution, Church, School
- (3) Essential Municipal Public Utility Use, Facility, Service, and Structure
- (4) Telecommunication Antenna⁸

⁷Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed on the original Property set forth in the services Agreement and/or Master Festival License. Requires an Administrative Permit.

⁸See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunication Facilities

- (5) Satellite Dish, greater than thirty-nine inches (39") in diameter⁹
- (6) Plant and Nursery stock products and sales
- (7) Hotel, Major
- (8) Timeshare Projects and Conversions¹
- (9) Timeshare Sales Office, Off-Site within an enclosed Building¹
- (10) Private Residence Club Project and Conversion^{1,6}
- (11) Commercial Retail and Service, Major
- (12) Office, Intensive¹
- (13) Restaurant, Outdoor Dining⁶
- (14) Outdoor Events and Uses⁶
- (15) Hospital, Limited Care Facility
- (16) Parking Area or Structure for five (5) or more cars
- (17) Temporary Improvement
- (18) Passenger Tramway Station and Ski Base Facility
- (19) Ski Tow, Ski Lift, Ski Run, and Ski Bridge
- (20) Recreation Facility, Public or Private
- (21) Recreation Facility, Commercial

⁹See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

¹⁰No community locations as defined by Utah Code 32B-1-102 (Alcoholic Beverage Control Act) are permitted within 200 feet of Main Street unless a variance is permitted for an outlet, as defined by Utah Code 32B-1-202, to obtain a liquor license.

- (22) Fences greater than six feet (6') in height from Final Grade⁶
- (23) Private Residence Club, Off-Site¹
- (24) Special Events⁶

(C) **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

(Amended by Ord. Nos. 02-38; 04-39; 06-69; 07-55; 09-10; 12-37)

15-2.6-3. LOT AND SITE REQUIREMENTS.

Except as may otherwise be provided in this Code, no Building Permit will be issued for a Lot unless such Lot has the Area, width, and depth as required, and Frontage on a Street shown as a private or Public Street on the Streets Master Plan, or on private easement connecting the Lot to a Street shown on the Streets Master Plan. All Development must comply with the following:

(A) **LOT SIZE.** The minimum Lot Area is 1250 square feet. The minimum Lot Width is twenty-five feet (25') and Minimum Lot Depth is fifty feet (50').

(B) **FRONT, REAR AND SIDE YARDS.** There are no minimum required Front, Rear, or Side Yard dimensions in the HCB District.

(C) **SIDEWALK PROVISION.** Buildings must be located so as to provide an unobstructed sidewalk at least nine feet

(9') wide on both Main Street and Swede Alley. The sidewalk width is measured from the front face of curb to the front of the Building. The alignment of new Building fronts with adjacent Historic fronts is encouraged. A narrower sidewalk may result from the alignment of Building fronts. The Planning and Engineering Departments may grant an exception to the minimum sidewalk width to facilitate such alignment.

(D) **BALCONIES**. No Balcony may be erected, enlarged, or altered over a public pedestrian Right-of-Way without the advance approval of the City Council. Balcony supports may not exceed eighteen inches (18") square and are allowed no closer than thirty-six inches (36") from the front face of the curb. Balconies must provide vertical clearance of not less than ten feet (10') from the sidewalk and may not be enclosed. With reasonable notice, the City may require a Balcony be removed from City Property without compensating the Building Owner.

(E) **INSURANCE REQUIRED**. No Balcony projecting over City Property may be erected, re-erected, located or relocated, or enlarged or structurally modified without first receiving approval of the City Council and submitting a certificate of insurance or a continuous bond protecting the Owner and the City against all claims for personal injuries and/or Property damage in the standard amount determined by City Council. Park City Municipal Corporation must be named in the certificate of insurance as an additional insured. A thirty (30) day obligation to provide written notice to Park City Municipal Corporation of cancellation

or expiration must be included in the insurance certificate.

(F) **CLEAR VIEW OF INTERSECTION**. No visual obstruction in excess of two feet (2') in height above road Grade shall be placed on any Corner Lot within the Site Distance Triangle. A reasonable number of trees may be allowed, if pruned high enough to permit automobile drivers an unobstructed view. This provision must not require changes in the Natural Grade on the Site.

(Amended by Ord. No. 06-69)

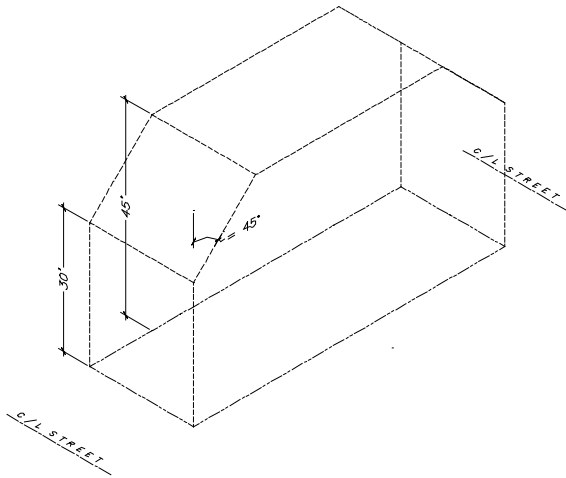
15-2.6-4. FLOOR AREA RATIO.

To encourage variety in Building Height, a floor Area to ground Area ratio must be used to calculate maximum buildable Area. The maximum Floor Area Ratio (FAR) is 4.0 measured as: total floor Area divided by Lot Area equals 4.0. Note that this is the potential maximum floor Area, and is not always achievable. Buildings of lesser floor Area are encouraged. See Section 15-2.6-9: Off-Street Parking, for parking implications for Buildings that exceed 1.5 FAR.

15-2.6-5. MAXIMUM BUILDING VOLUME AND HEIGHT.

(A) The maximum Building volume for each Lot is defined by a plane that rises vertically at the Front Lot Line to a height of thirty feet (30') measured above the average Natural Grade and then proceeds at a forty-five degree (45°) angle toward the rear of the Property until it intersects with a point forty-five feet (45') above the Natural Grade and

connects with the rear portion of the bulk plane.



(B) The rear portion of the bulk plane for each Lot that does not abut Swede Alley is defined by the plane that rises vertically at the Rear Yard Property Line to a height of thirty feet (30') measured above the average Natural Grade and then proceeds at a forty-five degree (45°) angle toward the Front Lot Line until it intersects with a point forty-five feet (45') above the Natural Grade of the Building Site. No part of a Building shall be erected to a height greater than forty-five feet (45'), measured from Natural Grade at the Building Site. This provision must not be construed to encourage solid roofing to following the forty-five degree (45°) back plane.

(C) For Lots abutting Swede Alley, the rear portion of the bulk plane is defined by a plane that rises vertically at the Rear Yard Property Line to a height of twenty-four feet

(24') measured above the average Natural Grade and then proceeds at a forty-five degree (45°) angle toward the Front Lot Line until it intersects with a point forty-five feet (45') above the Natural Grade. This provision must not be construed to encourage solid roofing to follow the forty-five degree (45°) back plane.



(D) Wherever the HCB District abuts a residential Zoning District, the abutting portion of the bulk plane is defined by a plane that rises vertically at the abutting Lot Line to a height matching the maximum height of the abutting Zone, measured from Existing Grade, and then proceeds at a forty-five degree (45°) angle toward the opposite Lot Line until it intersects with a point forty-five feet (45') above Existing Grade.



(E) The Zone Height for the HCB District shall correspond to the maximum height of the Building plane as described in Section 15-2.6-5(A) through (D).

(F) **MAXIMUM BUILDING VOLUME AND BUILDING HEIGHT EXCEPTIONS.** The following exceptions apply:

(1) A gable, hip, gambrel or similarly pitched roof may extend up to five feet (5') above the Zone Height.

(2) Antennas, chimneys, flues, vents, and similar Structures may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.

(3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.

(4) Church spires, bell towers, and like architectural features, subject to the Historic District Design Guidelines, may extend up to fifty percent (50%) above the Zone Height, but may not contain Habitable Space above the Zone

Height. Such exception requires approval by the Planning Director.

(5) Elevator Penthouses may extend up to eight feet (8') above the Zone Height.

(6) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays, including Olympic way-finding towers, are permitted to a height of sixty-five feet (65').

(Amended by Ord. No. 03-38; 06-69)

15-2.6-6. ARCHITECTURAL REVIEW.

Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department shall review the proposed plans for compliance with the Design Guidelines for Historic Districts and Historic Sites, Historic Preservation LMC Chapter 15-11, and Architectural Review LMC Chapter 15-5.

Appeals of departmental actions on compliance with the Design Guidelines for Historic Districts and Historic Sites, LMC Chapter 15-11, and LMC Chapter 15-5 are heard by the Historic Preservation Board as outlined in Section 15-1-18 of the Code.

(Amended by Ord. Nos. 06-69; 09-23)

15-2.6-7. SWEDE ALLEY DEVELOPMENT CRITERIA.

In addition to the standards set forth in this Chapter, all Development abutting Swede

Alley must comply with the following criteria:

(A) Structures must step down toward Swede Alley at an angle of forty-five degrees (45°) to a maximum height of twenty-four feet (24') at the edge of the Swede Alley Right-of-Way. A variety of one and two-Story facades are encouraged. Designs that create a strong indoor/outdoor connection at the ground level are strongly encouraged.

(B) Entrances must be pedestrian-scaled and defined with porches, awnings and other similar elements as described in the Park City Historic District Design Guidelines. Entrances must make provisions for shared public and service Access whenever possible. When Main Street additions extend to Swede Alley, the materials and colors of the new construction must be designed to coordinate with the existing Structure.

(C) Structures must continue the existing stair-step facade rhythm along Swede Alley. No more than sixty feet (60') of a Swede Alley facade may have the same height or Setback. On facades greater than sixty feet (60') wide, Structures must provide a variety of Building Setbacks, height, and Building form. Setbacks in the facades and stepping upper stories, decks, and Balconies are strongly encouraged. Uniform height and Setbacks are discouraged.

(D) Provisions for public Open Space, open courtyards, and landscaping are strongly encouraged.

(E) Pedestrian connections from Swede

Alley to Main Street are encouraged whenever possible. Open and landscaped pedestrian connections are favored.

(F) Swede Alley facades must be simple, utilitarian, and subordinate in character to Main Street facades. While facades should be capped, details should be simple. Ornate details typically found on Main Street facades are prohibited. The Applicant must incorporate a mix of materials, accent trim and door treatments to provide architectural interest. Materials must be similar in character, color, texture and scale to those found on Main Street. Exposed concrete, large Areas of stucco and unfinished materials are prohibited.

(G) Window display Areas are allowed. However, the Swede Alley window Area must be subordinate in design to the Main Street window Area.

(H) Service Areas and service equipment must be Screened. Utility boxes must be painted to blend with the adjacent Structures. Group trash containers must be Screened.

15-2.6-8. CANOPY AND AWNING.

(A) **APPROVAL.** No awning or Canopy may be erected, enlarged, or altered over the Main Street sidewalk without the written advance approval by the City Engineer. An awning or Canopy attached to a Building may extend over the public pedestrian Right-of-Way and project a maximum of thirty-six inches (36") from the face of a Building. An awning or Canopy must provide vertical clearance of no less

than eight feet (8') from the sidewalk. With reasonable notice, the City may require that an awning or Canopy be removed from over City Right-of Way without compensating the Building Owner.

(B) **INSURANCE REQUIRED.** No awning or Canopy projecting over City Property may be erected, re-erected, located or relocated, or enlarged or modified structurally, without a certificate of insurance or a continuous bond protecting the Owner and City against all claims for personal injuries and/or Property damage in the standard amount determined by City Council. Park City Municipal Corporation must be named in the certificate of insurance as an additional insured. A thirty (30) day obligation to provide written notice to Park City Municipal Corporation of cancellation or expiration must be included in the insurance certificate.

15-2.6-9. PARKING REGULATIONS.

New construction must provide Off-Street parking. The parking must be on-Site or paid by fee in lieu of on-Site parking set by Resolution equal to the parking obligation multiplied by the per space parking fee/in-lieu fee. The parking obligation is as follows:

(A) **RESIDENTIAL USE.** See Parking Requirements shown in Chapter 3.

(B) **NON-RESIDENTIAL USE.** Non-Residential Uses must provide parking at the rate of six (6) spaces per 1,000 square feet of Building Area, not including bathrooms, and

mechanical and storage spaces¹⁰. Churches, Auditoriums, Assembly Halls and Indoor Entertainment Businesses generate a parking obligation shown in Chapter 15-3. Fully enclosed Parking Spaces and associated maneuvering spaces are not included in the Floor Area.

(C) **GENERAL PARKING REGULATIONS.** Property Owners may not install a driveway across the Main Street sidewalk to meet on-Site parking requirements without a variance and an obligation to reconstruct adjacent portions of the Main Street sidewalk to render the driveway crossing ADA accessible and convenient to pedestrians as possible. The sidewalk reconstruction must include lighting and landscaping.

An Applicant may appeal the staff's measurement of Floor Area to determine the parking requirement to the Board of Appeals in accordance with the International Building Code.

The Planning Commission may recommend to the City Council that new additions to Historic Structures be exempt from a portion of or all parking requirements where the

¹⁰Mechanical and storage spaces must be in accordance with IBC requirements in order to be subtracted from the Building Area; it is the intent of this Code that closets and shelves in occupied spaces are included in the Area measured for the parking requirement. For Condominium Units, the Building Area is the total Area of the Unit.

preservation of the Historic Structure has been guaranteed to the satisfaction of the City.

(D) **PRE 1984 PARKING**

EXCEPTION. Lots, which were current in their assessment to the Main Street Parking Special Improvement District as of January 1, 1984, are exempt from the parking obligation for a Floor Area Ratio (FAR) of 1.5. Buildings that are larger than 1.5 FAR are Non-Conforming Buildings for Off-Street parking purposes.

To claim the parking exemption for the 1.5 FAR, the Owner must establish payment in full to the Main Street Parking Special Improvement District prior to January 1, 1984.

Additions or remodels to Non-Conforming Churches, Auditoriums, Assembly Halls and Indoor Entertainment Businesses, that reduce the net parking demand must not prompt an additional Off-Street parking obligation.

(E) See Section 15-3 Off Street Parking for additional parking requirements.

(Amended by Ord. Nos. 06-69; 09-10)

15-2.6-10. MECHANICAL SERVICE.

All exterior mechanical equipment must be Screened to minimize noise infiltration to adjoining Properties and to eliminate visual impacts on nearby Properties, including those Properties located above the roof tops of Structures in the HCB District.

All mechanical equipment must be shown on the plans prepared for architectural review by the Planning, Engineering, and Building Departments. The Planning Department will approve or reject the location, Screening and painting of such equipment as part of the architectural review process.

(Amended by Ord. No. 06-69)

15-2.6-11. ACCESS, SERVICE AND DELIVERY.

All Access for commercial Businesses and facilities shall be located within the HCB District. Emergency Access to the HR-1 and HR-2 Districts may be allowed by the Planning Director, with review by the Chief Building Official, but such emergency exits shall be designed in such a manner as to prohibit non-emergency Use. The primary Access to parking facilities for commercial Uses shall not be from residential districts, such as HR-1 and HR-2.

All Structures must provide a means of storing refuse generated by the Structure's occupants. The refuse storage must be on-Site and accessible only from Main Street, for Structures on the west side of Main Street, or from either Main Street or Swede Alley, for Structures on the east side of Main Street. Non-Main Street Properties within the zone must provide service Access from the rear of the Structure. Refuse storage must be fully enclosed and properly ventilated.

Refuse shall be stored in containers made of durable metallic or plastic materials with a

close-fitting lid. Refuse containers shall not be set out for collection earlier than 10:00 PM on the day prior to collection, and must be removed no later than 10:00 AM on the day of collection. Refuse containers set out for collection shall be placed on or directly in front of the Owner's Property, and shall not be placed in the street, sidewalk, or other public Right-of-Way in any manner that will interfere with vehicular or pedestrian traffic.

Except when set out for collection pursuant to this Section, refuse containers shall be placed in a location fully Screened from view from the public Rights-of-Way via Fencing and/or walls. Public trash receptacles set in the Right-of-Way by the City for Use by the public are exempt from this regulation.

All service and delivery for businesses on the west side of Main Street must be made within the HCB Zone, and shall not be made from the upper Park Avenue residential districts (HR-1 and HR-2)

(Amended by Ord. No. 01-28; 06-69)

15-2.6-12. GOODS AND USES TO BE WITHIN ENCLOSED BUILDING.

(A) **OUTDOOR DISPLAY OF GOODS PROHIBITED.** Unless expressly allowed as an Allowed or Conditional Use, or allowed with an Administrative Permit, all goods including food, beverage and cigarette vending machines must be within a completely enclosed Structure. New construction of enclosures for the storage of goods shall not have windows and/or other fenestration, which exceeds a wall-to-window ratio of thirty percent (30%). This

section does not preclude temporary sales in conjunction with a Master Festival License, sidewalk sale, or seasonal plant sale. See Section 15-2.6-12(B)(3) for outdoor display of bicycles, kayaks, and canoes.

(B) **OUTDOOR USES PROHIBITED/EXCEPTIONS.** The following outdoor Uses may be allowed by the Planning Department upon the issuance of an Administrative Conditional Use permit or an Administrative Permit as described herein. The Applicant must submit the required application, pay all applicable fees, and provide all required materials and plans. Appeals of departmental actions are heard by the Planning Commission.

(1) OUTDOOR DINING.

Outdoor dining requires an Administrative Conditional Use permit and is subject to the following criteria:

- (a) The proposed seating Area is located on private Property or leased public Property and does not diminish parking or landscaping.
- (b) The proposed seating Area does not impede pedestrian circulation.
- (c) The proposed seating Area does not impede emergency Access or circulation.
- (d) The proposed

furniture is Compatible with the Streetscape.

(e) No music or noise is in excess of the City Noise Ordinance, Title 6.

(f) No Use after 10:00 p.m.

(g) Review of the Restaurant's seating capacity to determine appropriate mitigation measures in the event of increased parking demand.

(2) **OUTDOOR GRILLS/BEVERAGE SERVICE STATIONS.** Outdoor grills and/or beverage service stations require an Administrative Permit and are subject to the following criteria:

(a) The Use is on private Property or leased public Property, and does not diminish parking or landscaping.

(b) The Use is only for the sale of food or beverages in a form suited for immediate consumption.

(c) The Use is Compatible with the neighborhood.

(d) The proposed service station does not impede

pedestrian circulation.

(e) The proposed service station does not impede emergency Access or circulation.

(f) Design of the service station is Compatible with the adjacent Buildings and Streetscape.

(g) No violation of the City Noise Ordinance, Title 6.

(h) Compliance with the City Sign Code, Title 12.

(3) **OUTDOOR STORAGE AND DISPLAY OF BICYCLES, KAYAKS, MOTORIZED SCOOTERS, AND CANOES.**

Outdoor storage and display of bicycles, kayaks, motorized scooters, and canoes requires an Administrative Permit and is subject to the following criteria:

(a) The Area of the proposed bicycle, kayak, motorized scooters, and canoe storage or display is on private Property and not in Areas of required parking or landscaped planting beds.

(b) Bicycles, kayaks, and canoes may be hung on Buildings if sufficient Site Area is not available,

provided the display does not impact or alter the architectural integrity or character of the Structure.

(c) No more than a total of fifteen (15) pieces of equipment may be displayed.

(d) Outdoor display is only allowed during Business hours.

(e) Additional outdoor bicycle storage Areas may be considered for rental bicycles provided there are no or only minimal impacts on landscaped Areas, parking spaces, and pedestrian and emergency circulation.

(4) OUTDOOR EVENTS AND MUSIC. Outdoor events and music require an Administrative Permit. The Use must also comply with Section 15-1-10, Conditional Use review. The Applicant must submit a Site plan and written description of the event, addressing the following:

(a) Notification of adjacent Property Owners.

(b) No violation of the City Noise Ordinance, Title 6.

(c) Impacts on adjacent Residential Uses.

(d) Proposed plans for music, lighting, structures, electrical signs, etc.

(e) Parking demand and impacts on neighboring Properties.

(f) Duration and hours of operation.

(g) Impacts on emergency Access and circulation.

(5) DISPLAY OF MERCHANDISE. Display of outdoor merchandise requires an Administrative Permit and is subject to the following criteria:

(a) The display is immediately available for purchase at the Business displaying the item.

(b) The merchandise is displayed on private Property directly in front of or appurtenant to the Business which displays it, so long as the private Area is in an alcove, recess, patio, or similar location that provides a physical separation from the public sidewalk. No item of merchandise may be displayed on publicly owned Property including any sidewalk or prescriptive Right-of-Way regardless if the Property Line extends

into the public sidewalk. An item of merchandise may be displayed on commonly owned Property; however, written permission for the display of the merchandise must be obtained from the Owner's association.

(c) The display is prohibited from being permanently affixed to any Building. Temporary fixtures may not be affixed to any Historic Building in a manner that compromises the Historic integrity or Façade Easement of the Building as determined by the Planning Director.

(d) The display does not diminish parking or landscaping.

(e) The Use does not violate the Summit County health Code, the Fire Code, or International Building Code. The display does not impede pedestrian circulation, sidewalks, emergency Access, or circulation. At minimum, forty-four inches (44") of clear and unobstructed Access to all fire hydrants, egress and Access points must be maintained. Merchandise may not be placed so as to block

visibility of or Access to any adjacent Property.

(f) The merchandise must be removed if it becomes a hazard due to wind or weather conditions, or if it is in a state of disrepair, as determined by either the Planning Director or Building Official.

(g) The display shall not create a hazard to the public due to moving parts, sharp edges, or extension into public Rights-of-Way, including sidewalks, or pedestrian and vehicular Areas; nor shall the display restrict vision at intersections.

(h) No inflatable devices other than decorative balloons smaller than eighteen inches (18") in diameter are permitted. Balloon height may not exceed the finished floor elevation of the second floor of the Building.

(i) No additional signs are allowed. A sales tag, four square inches (4 sq. in.) or smaller may appear on each display item, as well as an informational plaque or associated artwork not to exceed twelve square inches (12 sq. in.). The proposed

display shall be in compliance with the City Sign Code, Municipal Code Title 12, the City's Licensing Code, Municipal Code Title 4, and all other requisite City codes.

(Amended by Ord. Nos. 05-49; 06-69; 09-10)

15-2.6-13. CRITERIA FOR BED AND BREAKFAST INNS.

A Bed and Breakfast Inn is an Allowed Use subject to an Administrative Conditional Use Permit. No permit may be issued unless the following criteria are met:

- (A) The Use is in a Historic Structure or addition thereto, or a Historically Compatible Structure.
- (B) The Applicant will make every attempt to rehabilitate the Historic portion of the Structure.
- (C) The Structure has at least two (2) rentable rooms. The maximum number of rooms will be determined by the Applicant's ability to mitigate neighborhood impacts.
- (D) In Historic Structures, the size and configuration of the rooms are Compatible with the Historic character of the Building and neighborhood.
- (E) The rooms are available for Nightly Rental only.
- (F) An Owner/manager is living on-Site,

or in Historic Structures there must be twenty-four (24) hour on-Site management and check-in.

- (G) Food service is for the benefit of overnight guests only.
- (H) No Kitchen is permitted within rental room(s).
- (I) Parking on-Site is required at a rate of one (1) space per rentable room. The Planning Director may waive the parking requirement for Historic Structures if the Applicant proves that:
 - (1) no on-Site parking is possible without compromising the Historic Structure or Site, including removal of existing Significant Vegetation, and all alternatives for proximate parking have been explored and exhausted; and
 - (2) the Structure is not economically feasible to restore or maintain without the adaptive Use.
- (J) The Use complies with Section 15-1-10, Conditional Use review.

(Amended by Ord. No. 06-69)

15-2.6-14. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four

and one-half feet (4 ½ ') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist. The Planning Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with landscape criteria in LMC Chapter 15-3-3(D) and Title 14.

(Amended by Ord. No. 06-69)

15-2.6-15. SIGNS.

Signs are allowed in the HCB District as provided in the Park City Sign Code, Title 12.

15-2.6-16. RELATED PROVISIONS.

- Fences and Walls. LMC Chapter 15-4-2.
- Accessory Apartment. LMC Chapter 15-4-7.
- Satellite Receiving Antenna. LMC Chapter 15-4-13.
- Telecommunication Facility. LMC Chapter 15-4-14.
- Parking. LMC Chapter 15-3.
- Landscaping. Title 14; LMC Chapter 15-3-3(D).
- Lighting. LMC Chapters 15-3-3(C), 15-5-5(I).
- Historic Preservation Board. LMC Chapter 15-11.

- Park City Sign Code. Title 12.
- Architectural Review. LMC Chapter 15-5.
- Snow Storage. LMC Chapter 15-3-3(E).
- Parking Ratio Requirements. LMC Chapter 15-3-6.
- Passenger Tramways and Ski Base Facilities. LMC Chapter 15-4-18.

Planning Commission Staff Report



Subject: 638 Main Street
Author: Kirsten A. Whetstone, AICP
Date: July 9, 2008
Type of Item: Rezone- work session and public hearing

PLANNING DEPARTMENT

Summary Recommendations: Staff recommends that the Planning Commission review and discuss the applicant's proposal for a rezone of a portion of the property located at 638 Main Street (Kimball Art Center) from Historic Recreation Commercial (HRC) to Historic Commercial Business (HCB). The item is scheduled for a work session and public hearing. No action is requested at this meeting.

Topic

Applicant: Elliott Workgroup
Location: 638 Main Street
Zoning: Historic Recreation Commercial (HRC)
Adjacent Land Uses: Commercial businesses, offices, restaurants, condominiums/condo hotel, residential
Reason for Review: A rezone requires Planning Commission recommendation and City Council action

Background

On April 9, 2008, the City received a complete application requesting a rezone of a portion of the property located at 638 Main Street (Exhibit A). This property is improved with the historic Kimball Art Center building and associated parking and plazas. The entire property is currently zoned Historic Recreation Commercial (HRC).

The applicant is requesting a rezone to the Historic Commercial Business (HCB) district for the 8,789 sf eastern portion of the property. HRC zoning would remain on the 9,737 sf western portion of property that contains the building (Exhibits B and C). The applicant has requested the rezone to allow the Main Street portion of the property to have the same development requirements and parameters as other similar properties on Main Street.

The HRC zone was created in 1985 as a transition zone between the Historic Residential (HR-1) residential uses and the commercial HCB uses on the lower portions of Main Street (Exhibit D). Properties subject to the HRC zone were previously zoned HR-1.

A subzone, within the HRC district, was created during the rezone process, for properties located north of Heber Avenue and east of Main Street (150' deep), to

allow HCB uses on these properties and to differentiate between HRC properties that adjoin Historic Residential (HR-1) properties and HRC properties that adjoin commercial uses. Properties within the Heber Avenue subzone are not restricted to the Floor Area Ratio of the HRC District. The subject property at 638 Main Street is not located within the Heber Avenue subzone.

Properties to the north and east of 638 Main Street were developed through the Master Planned Development process allowing HCB uses and MPD exceptions for heights, setbacks, shared parking, and other considerations. These properties include the Town Lift MPD- Summit Watch, Sweeney MPD- Town Lift and Caledonian, Town Lift Condominiums, and Union Square MPD- Skylodge.

Analysis

Zone changes are based on the follow section of the LMC:

15-1 -6. ZONE DISTRICTS AND ZONE MAP.

In order to carry out the purposes of the LMC, Zoning Districts have been established as set forth in LMC [Chapter 15-2](#) and as identified on the Official Zoning Map. In interpreting the Official Zoning Map, the following standards shall apply:

- (A) The zoning boundary lines are intended to conform to existing Property boundary lines when not in a public Right-of-Way, or to follow the center line of public Rights-of-Way, including prescriptive Rights-of-Way, unless the lines are located by specific dimensions, in which case the dimensions shall control.
- (B) Where the Zoning District lines appear to have intentionally divided a Lot or Parcel between two (2) or more districts, the applicable zoning for each portion of the Lot or Parcel must be determined by using the scale shown on the map.
- (C) There is no minimum Area or diversity of ownership requirement for a zone designation. Neither the size of a Zoning District may be used as evidence of the illegality of a Zoning District or of the invalidity of a municipal decision.

Staff reviewed the Land Management Code language pertaining to the HRC and HCB zones. A comparison of the purpose statements, lot and site requirements, and other requirements of these zones is summarized below:

Purpose Statements

The purpose statements of the Historic Recreation Commercial (HRC) are as follows:

- (A) maintain and enhance characteristics of historic streetscape elements such as yards, tree, vegetation, and porches;
- (B) encourage pedestrian oriented, pedestrian-scaled development;
- (C) minimize visual impacts of the automobile and parking;

- (D) preserve and enhance landscaping and public spaces adjacent to streets and thoroughfares;
- (E) provide a transition in scale and land uses between HR-1 and HCB Districts that retains the character of Historic Buildings in the area;
- (F) provide a moderate density bed base at the Town Lift;
- (G) allow for limited retail and commercial uses consistent with resort bed base and the needs of the local community;
- (H) encourage preservation and rehabilitation of Historic Buildings and resources; and
- (I) maintain and enhance the long-term viability of the downtown core as a destination for residents and tourists by ensuring a business mix that encourages a high level of vitality, public access, vibrancy, activity, and public resort-related attractions.

By comparison, the purpose statements of the Historic Commercial Business (HCB) zone are as follows: *(staff comments)*

- (A) preserve the cultural heritage of the City's original business, governmental and residential center; *(Distinct to HCB as this is the primary zone for Park City's historic Main Street commercial district and contrasts to E in HRC which describes the transition in scale and land uses between HR-1 and HCB, still retaining the character of historic buildings.)*
- (B) allow the use of land for retail, commercial, residential, recreational, and institutional purposes to enhance and foster the economic and cultural vitality of the City; *(More commercial focus in HCB than "G" in HRC which mentions limited retail and commercial consistent with resort bed base and needs of local community.)*
- (C) facilitate the continuation of the visual character, scale, and streetscape of the original Park City Historical District; *(Similar to "A" in HRC with less focus on residential aspects such as yards, trees, vegetation, and porches.)*
- (D) encourage the preservation of Historic Structures within the district; *(Same as "H" in HRC.)*
- (E) encourage pedestrian oriented, pedestrian scale development; *(Same as "B" in HRC.)*
- (F) minimize the impacts of new development on parking constraints of Old Town; *(Not included in HRC)*
- (G) minimize the impacts of commercial uses and business activities on surrounding residential neighborhoods; *(Distinct for HCB to address specific impacts on adjacent residential neighborhoods like Park Avenue and Grant Avenue regarding parking, access, deliveries, service, mechanical equipment, and traffic.)*
- (H) minimize visual impacts of automobiles and parking on Historic Buildings and streetscapes; *(Similar to "C" in HRC however specifically calls out impacts on Historic Buildings and streetscapes.)*
- (I) support development on Swede Alley that maintains existing parking and services/delivery operations while providing areas for public plazas and spaces; *(Distinct for HCB as Swede Alley is not adjacent to HRC.)* and
- (J) maintain and enhance the long-term viability of the downtown core as a

destination for residents and tourists by ensuring a business mix that encourages a high level of vitality, public access, vibrancy, activity and public/resort-related attractions. (*Same as "I" in HRC.*)

Land Use

Land uses within the HCB zone are primarily commercial, retail, and tourist oriented uses. Land uses within the HRC are similar however many of the more intensive commercial uses require a conditional use or are not permitted. Below is a comparison of the two zoning districts:

- Except within the subzone where HCB uses are the same as those in the HRC, the following uses are allowed in the HCB and require a conditional use permit in the HRC:
 - Multi-unit dwellings
 - Medical office
 - Commercial retail service minor and personal improvement
 - Neighborhood commercial convenience (without gasoline sales)
 - Financial institutions (without drive-up window)
 - Restaurants and cafes
 - Bars
- Commercial and retail uses, financial institutions (without drive-up window), restaurants and cafes, are allowed uses in the HRC provided that Gross Floor Area is less than 2,000 sf.
- Olympic Game Legacy displays are an allowed use in HCB and not allowed in HRC.
- The following are conditional uses in both zoning districts
 - Group care facilities
 - Public and quasi-public uses, schools, churches, etc.
 - Essential municipal public, utility use, etc
 - Telecommunications antenna
 - Satellite dish
 - Plant and nursery stock
 - Hotel, Major
 - Timeshare projects and conversions
 - Private Residence clubs
 - Office, Intensive
 - Outdoor dining and events
 - Parking area or structure with 5 or more spaces
 - Temporary improvements
 - Passenger tramway station and ski base facility and ski tow, ski lift, ski run, and ski bridge
 - Commercial, public and private recreation facility
- General office uses are an allowed use in both zones, subject to the recently approved storefront prohibition ordinance.

Lot and Site Requirements

Lot and site requirements, building height, and parking requirements for all development activities and uses within the HRC and HCB zoning districts are as follows:

	Existing Zoning- HRC	Proposed Zoning- HCB
SETBACKS *Setbacks exceptions apply per LMC		
*FRONT	10'	0'
*SIDES	5' (on corner lots, side facing street is 10')	0'
*REAR	10'	0
HEIGHT	32' (zone allows pitched roofs to extend up to 5' above zone height)	Based on a volumetric defined by a 30' high vertical plane at front lot line, angles back at 45 degrees to intersection with point 45' above Natural Grade – similar volumetric in rear

	HRC	HCB
MINIMUM LOT SIZE	none	1,250 sf
MINIMUM LOT WIDTH	25'	25' (minimum depth of 50")
FLOOR AREA RATIO	Non-residential uses east of Park Ave- 1.0 Non-residential uses west of Park Ave- 0.7 Structures existing as of 10/1/1985 not subject to FAR EXCEPTIONS- FAR does not apply within Heber Ave Subzone	4.0
PARKING	Per LMC Chapter 3- Off Street Parking	Residential- per Chapter 3 Non-residential uses- 6 per 1,000 sf net FA Commercial- subject to Main Street Parking SID if current in assessment as of January 1, 1984. If not- LMC Chapter 3 applies.

Additional Requirements

- 9' sidewalks are a requirement- in the HCB
- 5' sidewalks are required on all street frontages in HRC
- Only one vehicular access from Park, Main, Heber, Swede, or Deer Valley Drive unless additional is approved by Planning Commission- in HRC
- Access, service, and delivery restrictions are spelled out in greater detail with more restrictions -in HCB
- Canopy and Awning restrictions are spelled out in HCB
- Architectural review per Historic District Design Guidelines is consistent
- Goods and Uses to be within Enclosed Building restrictions are consistent
- Vegetation Protection is consistent

Summary

Staff finds that the primary differences between the HRC and HCB zones are as follows:

- increased setbacks in the HRC
- decreased non-residential Floor Area in the HRC (1.0 versus 4.0)
- 8' increase in maximum building height allowed in the HCB
- Increased parking requirements for some uses (6 per 1000 sf vs. 3 per 1000 sf)
- There are differences in the intensity of commercial uses allowed, however many of the allowed HCB uses may be permitted in the HRC through approval of a conditional use permit. These may be allowed uses if Gross Floor Area is less than 2, 000 sf. Many ancillary uses are conditional uses in both zones. General office uses are an allowed use in both zones, subject to the recently approved storefront prohibition ordinance.

In the review and consideration of a rezoning request, the Planning Commission should be able to articulate findings of good cause and findings for the following:

- Is the proposed zone an appropriate zone for the property based on the purpose statements of the district?
- Are the proposed zone requirements generally consistent with existing development on the property and does the rezone create non-compliance and/or non-conformance for existing development?
- Are the proposed zone development standards adequate regulation for future development of the property to maintain harmony with the overall character of the neighborhood and the Historic District?
- Is the rezone consistent with the General Plan regarding the following:
 - o Community Character Element for Historic Core
 - o Land Use Element for Park City neighborhoods- Historic District
 - o Community Economy Element for Vital Retail Policies
- Are there options that would address the applicant's objectives that do not entail rezone of the property, such as LMC Amendments that could extend the Heber Avenue subzone to the Main Street facing portion of the property? Are there other amendments that could be proposed to address

or clarify how Gross Floor Area is calculated in the HRC zone that would address the applicant's concerns?

The Commission should take into consideration the zoning and character of existing land uses and development in the vicinity of the property and consider whether the rezone would adversely affect adjacent property. Staff requests Commission discussion and direction.

Process

Requests for rezoning require a public hearing and recommendation from the Planning Commission to City Council. City Council takes final action. If a rezone is approved, the Official Zoning Map is amended by formal action.

Department Review

This project was discussed at an interdepartmental review meeting. Issues discussed include a comparison of the HCB and HRC zoning districts and a request for additional information regarding the purpose of the rezone. No further issues were brought up at that time.

Notice

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

Public Input

No public input has been received at the time of this report. A public hearing is scheduled for the regular meeting.

Recommendation

No action is requested. Staff recommends that the Commission discuss the applicant's proposal at work session, conduct a public hearing, provide direction to the applicant and staff regarding the rezoning proposal, and continue the discussion and public hearing to the July 23, 2008 meeting.

Exhibits

Exhibit A- Applicant letter

Exhibit B- Zoning map

Exhibit C- Detail map of property

Exhibit D- Minutes from City Council adoption of HRC zoning

Craig Elliott, AIA
PRINCIPAL

Kayla Sintz, AIA • Steven G. Bruemmer, AIA • Hans Hoffman, AIA • Chimso Onwuegbu, AIA
ASSOCIATES

KIMBALL ART CENTER
638 Park Avenue, Park City, Utah

LMC Title 15: Chapter 2.5
HRC District (Historic Recreation Commercial)

Conditional Uses include:
(5) Public and Quasi-Public Institution, Church, School
(11) Timeshare Projects and Conversions
(16) Commercial Retail and Service (if over 2000 sf)
(19) Café or Deli (if over 2000 sf)
(24) Parking Area or Structure (5+ spaces)

Setbacks:	Front	10'
	Rear	10'
	Side	5'

Floor Area Ratio:
Built after 1985; non-residential uses subject to FAR=1 (18,526 sf)
Built before 1985; no FAR

Building Height: 32' from existing grade

Access (driveway) 75' minimum from intersection "Collector"
Additions to historic buildings exempt from off-street parking requirements
Parking Structure may occupy below Grade Side Yards if maintains setbacks above grade

Property area	18,526 sf	
Existing floor area	12,620 sf	
Main floor		7,620 sf
Basement		5,000 sf
Existing Galleries		3,900 sf
Main		2,400 sf
Garage		900 sf
Badami		600 sf

LORD Cultural Resources new area	11,431 sf	
Main floor		4,820 sf
Basement		5,135 sf
Upper floor		1,476 sf

Parking fees due: "Paid and fully assessed" per Jon at PC Planning Dept

Prepared by: Todd Mather, AIA



ELLIOTT*WORKGROUP
architecture

364 MAIN STREET, P.O. BOX 3419
Planning Commission - July 9, 2008

Planning Commission Meeting - April 8, 2015

435-649-0092 fax 435-649-7127
WWW.ELLIOTTWORKGROUP.COM

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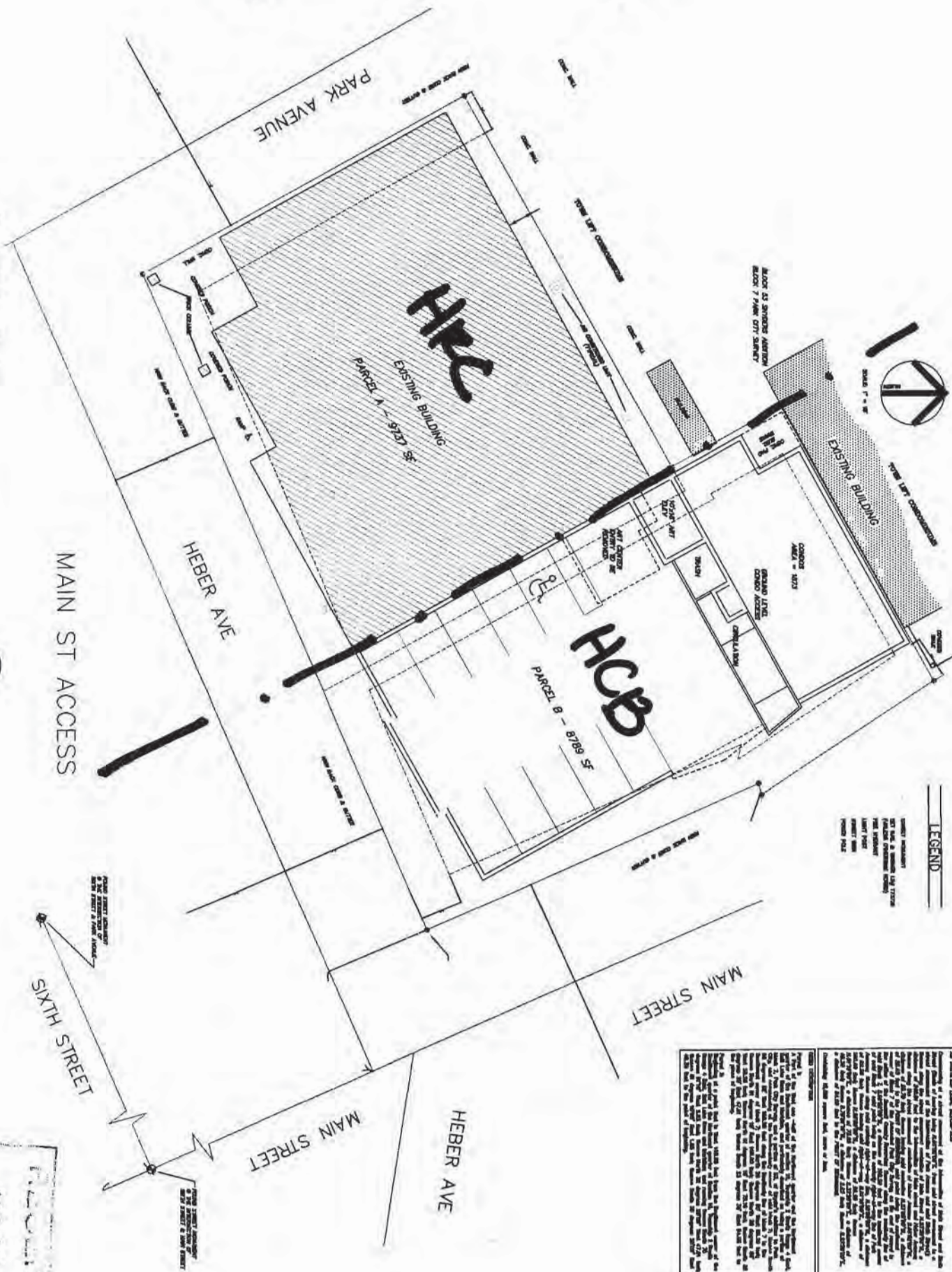


Planning Commission - July 9, 2008

Planning Commission Meeting - April 8, 2015

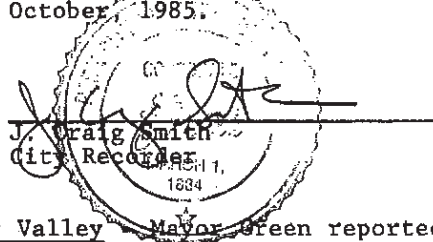
Kimball Art Center
Not to Scale

1



K. Dering, and Hal W. Taylor will advance to the November 5, 1985 Election. I have also determined that the following four City Council Candidates; William C. Coleman, Ann G. MacQuoid, William F. McComb and Kristin S. Rogers will advance to the November 5, 1985 Election.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and impressed hereon the corporate seal of Park City this 10th day of October, 1985.


J. Craig Smith
City Recorder

2. Bus Service to Deer Valley Mayor Green reported that he has received a petition signed by Deer Valley residents or area employees reaffirming their need for the extended service. The City Manager explained that John Miller, of Deer Valley Resort, strongly feels that the current bus service in Deer Valley is not a useful function. Further, it is Mr. Miller's view that as the primary payer of bus service in the area (through business license assessments) that his input should be carefully weighed by the Council. The financial impact of the six week interim service in question is only some \$620. Mr. Miller's concern is one of principle -- that is that the Council is making decisions with respect to the bus system based on input from riders, and ignoring opinions of those who are actually funding the system. If the formal bus service extension, appearing later on the agenda is approved without an amendment with regard to extended bus service in Deer Valley, service in this area will continue through the shoulder period. It should be noted that Mr. Miller fully supports the ski season service, but does not agree with year-round service, especially during the times of year when ridership is clearly on the down side.

COMMUNICATIONS AND REPORTS FROM COUNCIL

State Industrial Revenue Bond Committee - Councilman Doilney, who serves on this committee, reported that the Landmark Lane Ltd. received approval for allocations on both the Imperial and the Union Pacific Depot Building restoration projects. If the bonds are placed, the developers may take advantage of tax exempt financing.

RESIGNATIONS AND APPOINTMENTS

None before Council.

ORDINANCES

See Old Business category.

OLD BUSINESS

1. An Ordinance Creating the Historic Recreation Commercial Zone, Establishing the Development Standards for that Zone, and Amending the Official Park City Zoning Map - The City Attorney explained that this proposed ordinance was discussed in work session and clarified recommended changes to the draft. It was suggested that the floor area ratio be changed from .7:1 to read that it would be .7:1 on the west side of Park Avenue and 1:1 on the east side, which would allow a more intense use on the east side and more of a transition on the west side, except that none of that would apply to an existing structure. The existing structures on the west side of Park Avenue, therefore, can be entirely devoted to commercial uses, as would existing structures on

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the east. New structures on the west side of Park Avenue would be limited in their commercial area somewhat more so than new structures on the east side of Park Avenue. Additionally, the provision on restaurants, bars, and liquor serving establishments has been clarified to provide that those are only allowable in the zone when they are in conjunction with a full-service restaurant seating at least 50 persons at one time. The intent there was to try to avoid the conflicts experienced on Main Street between the bars and the local residences. The City Attorney continued that on Page 6, the provision dealing with professional business offices has been eliminated, primarily on the basis that the business offices created intensive parking needs, in an area where parking is at a premium and also that the business offices tend to be somewhat inconsistent with the tourist and transient lodging nature of the zone. Further, the Heber Avenue sub-zone has been deepened from 100 feet to 150 feet so that it picks up all of the parcels which have frontage on Main Street. Tom Shellenberger questioned Page 4 dealing with retail uses that are allowed ("such as"), but pointed out contrasting verbiage on Page 6, Section 5, "Any land use not identified above as being permitted or conditional is prohibited." Tom Clyde responded that perhaps the "such as" should be stricken, but the problem is that the retail uses are difficult to define in an all encompassing list. Dave Boesch, Current Planning Administrator, suggested that language such as "similar to" be implemented. The City Attorney quoted Page 4, "... the retail uses shall be limited to those uses generally associated with the accommodation of hotel guests and other tourism related businesses, such as:". Councilman Shellenberger then suggested that with regard to the prohibited uses that intent can be accomplished by indicating that, "any land use not identified above or similar to the above".

It should be pointed out that there were two public hearings held on this ordinance. Because there have been amendments made to the proposed draft, however, the Mayor invited the public to comment on the ordinance as presented this evening.

Don Hutchinson - Property owner in the Depot area, asked what the recommended changes to the proposed draft are.

The City Attorney explained again that the depth in the Heber Avenue sub-zone was changed from 100 feet to 150 feet which goes beyond the depth of Mr. Hutchinson's parcel. Mr. Clyde reiterated the floor area ratios outlined above. Business and professional offices are prohibited in the zone, as discussed earlier.

Don Hutchinson - Felt that office space should be permitted in the zone, and should not be deleted completely.

Tom Clyde pointed out that in the Heber Avenue sub-zone, the land uses are identical to the HCB zone.

Burnis Watts - West Park Avenue resident, felt that the "such as" clause should be left in because there are tourist related uses that have not yet been considered and that the list should be flexible. On the other hand, the prohibitive uses can be defined. He argued that the use that the City has allowed with the construction of the town lift has turned the properties into the parking lot. He added that the west side and east side of Park Avenue be treated equally.

Mel Fletcher - East Park Avenue property owner, believed that the Potter and Fletcher properties were

unfairly dealt with, and the restrictive uses will negatively impact the saleability of the property.

Tom Shellenberger suggested perhaps allowing written comment through the week, and then formally adopting at next week's City Council meeting.

Ed Sweeney - Major property owner in the area, thanked Tom Clyde for his cooperation in clarifying the conditional use permit issued to Park City Resort to build the town lift. The conditional use permit was subject to the agreements between Sweeney Land Company, Greater Park City Corporation, Huntsman-Christensen (when it the owned the property) and Tramway Properties. In order to make the town lift a reality, the Sweeney's donated 17 acres where the tram right-of-way is located, plus some property on both the west and east side of Park Avenue. The City Attorney wrote a letter to Mr. Sweeney outlining and clarifying that the City is not obligated to those agreements, and therefore would not be bound by those agreements. Mr. Sweeney expressed his concern that they relied on the 45 foot height restriction, and therefore they changed the location of their property to benefit where the town lift is located. As planned with a 45 foot height allowance, the building would have a 35 foot set-back; while if the 35 foot height limitation is enforced, a ten foot set-back would be their only alternative. With the established footprint to accommodate the town lift, the Sweeney property on the east side must be excluded from this particular zone change. The family understands that they are grandfathered with the master planned development application for 45 feet, but in the event that it is not approved, they then are forced back to the 35 foot restriction. The adjacent property owners can go from 45 feet to 70 feet, so there are going to be some inconsistencies.

Councilman Shellenberger questioned that under the conditional use process, that isn't there a mechanism they can utilize even if there is a 35 foot restriction. The City Attorney responded affirmatively, and explained that if the property is developed under the master planned development section of the Code, even if it is a different master plan that what is currently proposed, the Land Management Code does provide for a height increase in exchange for density, superior site planning, etc. Mr. Clyde pointed out instances. If the 45 foot height allowance is essential to make the Sweeney project work, there are ways to get there even if the current grandfathered approach failed.

Councilman Wells commented that the properties in question certainly are not isolated properties and because the City Council is dealing with a developed area, that they will never get to a point where everyone is 100% pleased. It has been very difficult for the Council to deal with this issue, because to a large extent it goes against the objectives that have been set forth in the Comprehensive Plan. Personally Mr. Wells believed that what has been reached is a "fairness compromise" whereas height limits have been increased over the existing zone, and extended commercial uses in a former HR-1 zone. With an attempt to buffer uses, Mr. Wells contended that the floor area ratios are reasonable since the west side of the street certainly maintains direct contact with single family residential.

Jim Doilney, "I move we approve the ordinance, subject to the changes noted by the City Attorney during the discussion". Tom Shellenberger seconded. Motion carried.

2. Approval of Extended Bus Service Schedule for October to Mid-November and Transfer from Contingency Fund to Transportation Fund - This matter involves Council approval to award an additional appropriation of \$21,175 for the extended bus service October 1 through November 23, 1985. The above figure includes a temporary mechanic for two months, plus the benefits for three permanent employees until June 30, 1986. Council also awarded \$6,832 for a ski season shuttle between Park City Ski Area and Holiday Inn on the terms it would be utilized only if proven necessary. Tom Shellenberger, "I move we approve". Jim Doilney seconded. Motion carried.

3. Approval of Class "B" Beer License and Set-Up License for Bravo Restaurante, Located at Main Street Marketplace - and -

4. Approval of Class "B" Beer License and Set-Up License, and Consent Letter for Restaurant Mini-Bottle License for Spike's, Located at Main Street Marketplace - The City Attorney explained that these license requests are in the Main Street Marketplace and exceed the parking allowance if the parking allowance is applied only to the top floor; if the parking allowance is applied to the building as a whole, there is no problem. It is Mr. Clyde's recommendation that the licenses be approved, on the condition that within the next 30 days the Fields organization will provide the City with a letter of credit and deed restrictions on the existing surface parking areas, which allows the City to convert to either parking or cash on January 1, 1987 at the ordinance-required \$10,000 per stall. There are 22 surface parking spaces in place now, and if a deed covenant is put on those parking spaces so they aren't used for something else, without being replaced with parking or cash, credit against the \$510,000 should be given for those spaces. Tom Shellenberger, "I move to approve". Jim Doilney seconded. Motion carried.

5. Condominium Plat Approval for Fawngrove - The City Attorney stated that the real issue before Council is how to treat the eleventh unit in the project which was originally described a "manager's unit", and has been proposed for sale. There have been intensive discussions on this in work session and the public meetings. Jim Doilney, "I move we approve the condominium plat for Fawngrove, subject to the provision that the employee housing unit be subject to an initial sales price of \$99,000 and the same restrictive agreements which apply to the Iron Horse and Fireside Projects". Tom Shellenberger seconded.

Jim Doilney described what he believed are the Housing Authority guidelines with regard to restrictions on appreciation upon resale. These include 15% per year for a period of four years during which time the difference between the 15% and the actual sales price would accrue to the Housing Authority if it were greater than that. At the end of the four year period, there was no resale price restriction. The theory behind that was that nobody would ever buy an employee housing unit if they didn't have the opportunity for appreciation. Those agreements specify that for fifteen years the unit cannot be used for nightly rentals and the options are to sign a lease agreement for long term tenancy use or to resell to an owner/occupant who qualifies.

Councilman Wells felt that this situation is different than a transaction which has been planned or entered into where low and moderate income housing is developed with the intent of sale. He also felt that this particular unit was developed somewhat by accident, but certainly under the concept of a manager's unit for the condominium project. Mr. Wells stated that he is not

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opposed to a manager's unit being sold, because it has to be owned by somebody, but being sold in a procedure that takes it out of the concept of the manager's unit is an abortion of the way it came about and sets a precedence for other projects with manager's units. The only way that a manager's unit can be established is to require it to become a part of the common area of the condominium association. As Mr. Wells understands the situation, the homeowners association doesn't want it. Councilman Doilney pointed out that if designated common area, the necessity of bringing the revised plat back to the Planning Commission and the Housing Authority. The City Attorney explained that the manager's units in other projects in Deer Valley, like Fawngrove, were platted as common area. They stay as common area forever and presumptively stay as a manager's unit forever (although there is no direct limitation on the home owner's association), but the 15 year limitation does not exist. Fawngrove, after 15 years becomes like any other unit in Deer Valley. It is obviously undesirable to be in a position where the City is approving what they think are manager's units, waiving various fees, and routinely have them become conventional units after ten or 15 years. Mr. Clyde added that policing the restrictions would really be up to the home owner's association or possibly Deer Valley.

Councilman Wells suggested selling the unit for the initial \$160,000 to \$130,000 price; taking the difference between that amount and the proposed \$99,000; then placing that amount as a subsidy to the Housing Authority for funding future employee housing. Councilman Shellenberger reiterated his position from last week, being that Fields pay Deer Valley the going rate for the land, and sell for whatever the market may bear; then the City receive the fees which have been waived for the unit.

Carrie Judd - Representative of Fields Financial, responded that he didn't feel that the intent was ever to obtain an extra unit.

Discussion ensued regarding the repeated description of the unit as being a "manager's unit" and the assumption of the City agencies that it was an employee housing unit. Mr. Shellenberger continued that if the City knew that the unit was going to be a "for sale" unit at a price that was not too much below the market value, then he felt that it not have progressed to this point. It was noted that the Fawngrove Project has paid for building permit fees, but not water connection or water development fees. Discussion ensued regarding reverting the unit to a conventional unit (paying Deer Valley for the pad, crediting Deer Valley an employee housing unit, and paying City fees) and reversing previous agency's approvals. The City Attorney stated that the City Council could probably over-turn a Housing Authority decision, but that an amendment would have to be made to the Deer Valley Special Exception Permit with regard to employee housing obligations. The Mayor reminded the Council that a motion has been made by Councilman Doilney and regularly seconded.

Jim Doilney responded that this discussion is identical to several previous discussions, and he didn't feel that there are any other practical solutions. Mr. Doilney added that he felt that leaving the developer with an unplattable project, subject to resubmission to the Planning Commission, Housing Authority, and further negotiations with Deer Valley is onerous, and stood by his motion.

Bob Wells	Aye
Jim Doilney	Aye
Tom Shellenberger	Nay
Al Horrigan	Absent

Exhibit G

Planning Commission Meeting
July 9, 2008.
Page 14

4. A final water efficient landscape and irrigation plan that indicates snow storage areas is required to be submitted with the Steep Slope CUP or Historic District Design Review, whichever is first.
5. The applicant will coordinate with the City and UDOT for construction of the sidewalk, crosswalk, and required safety signs.
6. All exterior lights must conform to the City lighting regulations.
7. All exterior signs require a separate sign permit. Application for a sign permit shall be made to the Planning Department prior to installation of any temporary or permanent signs.
8. Utility and grading plans, including all public improvements and trails, must be approved by the City Engineer prior to Building Permit issuance. A guarantee for all public improvements, including trails and required landscaping, is required prior to issuance of a full building permit.
9. The Construction Mitigation Plan must be approved by Staff as a condition precedent to issuance of any building permits. The CMP must specifically address the preservation of the historic stone walls.
10. A storm water run-off and drainage plan shall be submitted with the building plans and approved prior to issuance of any building permits. The plan shall follow Park City's Storm Water Management Plan and the project shall implement storm water Best Management Practices.
11. Approval of a fire protection plan for each building shall have been made by the Building Official prior to any full building permit being issued.
12. A detailed review against the Uniform Building and Fire Codes in use at the time of building permit submittal is a condition precedent to issuance of full building permit.
5. 638 Main Street, Kimball Arts Center - Zone Change

The Planning Commission discussed this item during work session.

Craig Elliott with Elliott Work Group, disclosed that unlike the 2060 Park Avenue affordable housing project, the Elliott Work Group is not representing the City on this project. In the past he has also done design review work for the Historic District Design Review Board. Mr. Elliott clarified that he was representing the Kimball Arts Center as the architect on this project.

Mr. Elliott gave a presentation of project for the benefit of the public. Mr. Elliott stated that the Kimball Arts Center wanted to know what opportunities they have for the property and the discussion points included zoning on the property and how the property might be developed to further meet their needs. They looked at what the zoning regulations required with the existing zoning of HRC and decided that there were different ways to approach this. They thought the best

way to approach the development was to come in and ask for a review of the zoning before they submit a design proposal.

Mr. Elliott stated that the property in question is at the corner of Heber Avenue and Main Street. As they looked at the property and development opportunities, they started looking at a rezone. Mr. Elliott reviewed a color coded map of the area identifying the HRC and the HCB zoned areas. He noted that the HRC zone is intended to be a transitory relationship to the HR-1 zone, which is primarily residential. The HRC zone is meant to transition between the HCB, the commercial business on Main Street and the residential HR-1.

Mr. Elliott presented a study of the zones and the volumes that are allowed by the zoning itself. He clarified that the Kimball Arts Center is requesting to change the zoning on the corner of Heber and Main Street from HRC to HCB zoning. He noted that the setbacks in the HRC zone are 10 feet on Main Street and Heber Avenue. The rear yard has a 10 foot setback and the side yard has a 5 foot setback. The height of the HRC zone is 32 feet plus a 5 foot exception for a pitched roof. Mr. Elliott pointed out that the HCB zone has zero lot line setbacks. The zero setback would increase the footprint, however, in this instance, the property line is essentially parallel to the curb alignment on Main Street and Heber. This would result in an 8' setback minimum for a sidewalk in those two areas from the back of curb. Mr. Elliott remarked that the difference between the setbacks in those two areas are relatively minimal on Main Street and Heber Avenue. Mr. Elliott stated that the height on the property with the HCB zoning is 30 feet and can angle back 45 degrees to 45 feet. He noted that the buildings on Main Street and Heber can only be 30 feet tall.

Mr. Elliott stated that a zone change would result in minimal differences in terms of the buildable area. He pointed out that many of the commercial uses allowed in the HCB zone may be permitted in the HRC through a conditional use permit for anything over 2,000 square feet. Mr. Elliott explained that the HRC zone limits the amount of commercial area to the floor area ratio. The Kimball Arts Center is looking for the opportunity to create the same development requirements and parameters as other similar properties on Main Street and allow the flexibility to have a use that meets their needs in a better way.

Planner Whetstone commented on an email she received from the Town Lift Condominium owners and one from a property owner on the 600 Block of Main Street. She noted that a public hearing was scheduled this evening and no action was being requested.

Chair Thomas opened the public hearing.

Bruce Larrabee, stated that he was chairman of the Board when Craig Elliott was hired to help the Kimball Arts Center figure out what they could do with their property. After a series of discussions, the Board decided to request a zone change so they could have greater flexibility on their property, primarily to add additional square footage. Mr. Larrabee clarified that the Board is not looking to build a large box. They do not want to impede the Town Lift condos but they also want to develop the property. Mr. Larrabee stated a willingness to work with the Town Lift Condo owners to address their concerns or answer their questions during this entire process.

Janice Potter, a business owner on Main Street, recalled when the zone was changed to HRC and the number of years it took to make that change. She is confused as to why they would want to change it to HCB. Mr. Potter wanted to work with the Kimball Arts Center and the City but she worried about setting a precedent for future applicants who may want to change a zone to meet their development. Before a zone change is considered, they need to know if it would implement a community benefit and not just a benefit to one project.

Don Bloxom wondered if this would remain a mixed-use development area. He did not think anyone would want to live above the Kimball Arts Center but he could possibly see employee housing or housing for visiting artists. Mr. Bloxom thought a better solution would be a deed restriction that the buildings would be one continuous unit kept in perpetuity.

Chair Thomas closed the public hearing.

Chair Thomas noted that the Planning Commission had discussed this item extensively during the work session and the Commissioners had made most of their comments at that time.

MOTION: Commissioner Peek moved to CONTINUE this item to August 13th. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously.

6. 2060 Park Avenue, Snow Creek Cottages - MPD for Affordable Housing

Planner Katie Cattan reviewed the MPD application for 2060 Park Avenue. The applicant is Park City Municipal Corp.

Planner Cattan reported on a letter she received from Carol Casten, which she distributed to the Planning Commission.

Planner Cattan stated that the Planning Commission discussed this application at the June 25th work session. A public hearing was also held that same evening. The outcome of that meeting was that the Planning Commission wanted to add a condition of approval for a cursory wildlife habitat study. Condition of Approval #15 was added to read, "A cursory wildlife habitat study shall be completed prior to the issuance of a building permit. This study must identify the presence of threatened, endangered and sensitive species on the immediate site.

Planner Cattan noted that the second issue was the height exception on the site. When she initially reviewed the plans she believed the height had been measured from existing grade but she later found that it was measured from finished grade. Planner Cattan noted that the five criteria for granting a height exception were included in the Staff report. She reviewed the criteria as follows:

Criteria 1 is that the increase in building height does not result in increased square footage or building volume over what would be allowed under the zone. The Staff has determined that the

**PARK CITY PLANNING COMMISSION
WORK SESSION NOTES
July 9, 2008**

PRESENT: Jack Thomas, Rory Murphy, Dick Peek, Evan Russack, Adam Strachan, Charlie Wintzer, Brooks Robinson, Kirsten Whetstone, Polly Samuels McLean

638 Main Street, Kimball Arts Center - Zone Change

Planner Whetstone reviewed the application requesting a rezone of a portion of the property located at 638 Main Street where the Kimball Arts Center is located. The entire property is currently zoned Historic Recreation Commercial (HRC) and the request is to rezone the 8,789 square foot eastern portion of the property to Historic Commercial Business (HCB). The HRC zoning would remain on the western portion of the property that contains the building. The applicant is requesting this rezone to allow the Main Street portion of the property to have the same development requirements and parameters as other similar properties on Main Street.

The Staff report contained the Staff analysis of the two zones, as well as a summary of the uses and the purpose statements. Planner Whetstone reviewed a table in the Staff report which compared lot size, building height and parking requirements for the two zones. She noted that there are some differences between the zones in the intensity of the commercial uses. The HRC zone has some maximums under 2,000 square feet for certain uses; however, many of the allowed HCB uses may be permitted in the HRC through conditional use permit approval.

Craig Elliott, representing the applicant, provided a brief history that brought the applicant to the point of requesting a rezone. He stated that members of the Kimball Arts Center Board met with Planning Staff members and discussed different options on ways to approach developing the site and growing their program.

During the discussion it was determined that the Kimball Arts Center was looking at uses in the HCB zone that cross over from the HRC zone. The outcome of the discussions was to look at requesting a zone change for the eastern portion of the property.

Mr. Elliott reviewed the Park City zoning map and noted that the area proposed to be rezoned was shown in black. Mr. Elliott pointed that the uses moving down lower Main Street are functioning very much like the HCB in terms of height and bulk. He stated that the HRC zone is intended to buffer between the HR-1 and the HCB as a transition that allows commercial development and transitions in to the HR-1 residential zones. Mr. Elliott commented on how development has changed over the years and how the nature and use of Main Street has changed. He stated that the biggest difference is commercial use and how much commercial you can put into an area.

Mr. Elliott presented computerized models with green and blue areas indicating two different zones. He stated that the HRC zone was represented by a 10 foot setback on the property line and a 32 foot height with a five-foot exception for a gable roof. He had diagramed what the bulk might look like on that site. He noted that the side yard setbacks in the HRC zone can either be 5 feet or 10 feet. Mr. Elliott remarked that the HCB zone shows a property line to property line build. The zone allows zero setback with the exception of a requirement for sidewalks and continued access along Main Street and Heber Avenue.

Mr. Elliott stated that in looking at uses and commercial uses, the issue is whether or not they have to change how the property is used. From the Kimball Arts Center perspective, if they wanted to

build a gallery on a lower level with residential above, they would not be restricted on square footage for the residential portion. The commercial would be restricted to 8700 square feet available to build on.

Mr. Elliott explained that they started looking at the purposes of the zones and how they are used and the differences between them. In addition, they looked at the different options, how it would look and where the use is appropriate. The initial analysis with Staff and the Kimball Arts Center was that the HCB would fit in with their uses, but they wanted to do things in a way that would not create impacts. In looking at the purpose statements for the HRC zone, a number of things would be hard to achieve in that location because it would not transition between the residential and commercial.

In terms of the purpose statement, Mr. Elliott summarized the things they had the most difficulty doing at this location based on the purpose statement of the HRC zone, as outlined in the Staff report. One is to maintain and enhance characteristics of historic streetscape elements such as yards, tree, vegetation and porches. He stated that this does not exist on the corner of Heber Avenue and Main Street and there is very little of that activity to transition to. As you move away from the existing Kimball building towards the HR1 you start to see those types of things be common in the HR1 District. Mr. Elliott stated that the transition in scale between the HR1 and HCB is that they are already sandwiched between HCB uses and buildings that are built at HCB scale and it is difficult to transition to that area from that location.

Mr. Elliott stated that the biggest different between the HRC and the HCB has to do with the floor area ratio. It would be difficult to build a gallery with a second floor, smaller gallery spaces, support office space and similar things. They would not be able to put those uses into the bulk because the floor area ratio for commercial is restricted to 8700 square feet. Since the grade plane slopes from Heber Avenue down lower Main Street, it could be restricted further because the lower area, which is typically classified as a basement, would not be considered a basement because it has access to Main Street.

Mr. Elliott stated that the Kimball Arts Center wanted to take a sequence approach to the building, types of uses, and whether it would lead to those transitions. He was unsure what the issues would be from that perspective. If they were to do commercial on the first floor and residential on the upper level, the square footage would be less under the HRC than the HCB zone. With the opportunities and the impacts that location provides, he felt the zone change would be appropriate at the corner of Heber and Main where there are commercial uses up and down the street. Mr. Elliott pointed out that even with a zone change, a conditional use permit would be required for any gallery purpose in that location.

Commissioner Wintzer asked how much commercial square footage they would get with a new zone. He was curious to know the difference between the two zones and what the applicant would be able to do. Mr. Elliott assumed the available commercial space would double with a rezone. He was unsure of the actual calculations.

Planner Whetstone clarified that the side setback in the HRC zone would likely be from the property line that runs east west near the Town Lift condominiums. There would be a five foot setback on the front and anything on the street would be a 10 foot setbacks. She felt it was

important to note that setbacks are measured from the property line or edge of curb, whichever is closest. Planner Whetstone remarked that the FAR in the HRC zone is restricted to non-residential.

Commissioner Wintzer asked if there was any difference in parking requirements between the two zones. Planner Whetstone stated that there is a parking requirement in the HCB zone of 6/1,000 based on shared use. There is a parking table in the HRC zone based on specific uses. Commissioner Wintzer wanted to know if a rezone would change the amount the applicant would pay for parking. Planner Whetstone was unsure and offered to find out. Mr. Elliott believed the HCB requires more parking than the HRC because it is based on the gross area versus specific uses. Planner Whetstone asked about underground parking. Mr. Elliott replied that underground parking is an option that is being discussed.

Commissioner Russack asked about the zoning for Zooms. Mr. Elliott stated that Zooms is in the HRC zone. Commissioner Russack asked if any surrounding properties would be affected by this rezone. He also wondered about setting a precedent. Planner Whetstone replied that there is always a possibility that other properties would request a rezone. She felt the property most affected would be the Town Lift Condos directly to the north.

Commissioner Russack wanted to know what could be done to preserve the Kimball Building. Mr. Elliott stated that the historic district guidelines are the requirements that protect the building. Commissioner Russack requested that Planner Whetstone come back with a survey inventory of other HRC properties within the area. He was not opposed to the zone change but he was more interested in the greater impact.

Commissioner Peek was concerned about splitting the property into two zones. Mr. Elliott stated that if that were to occur it would require a plat amendment. Commissioner Peek remarked that if they have a plat amendment with a zero setback for the Kimball Building, they could also have a zero into the Kimball in the HCB zone. Mr. Elliott replied that doing that would require creating a new plat to separate the property. They would have to have a minimum 5 foot side yard setback that includes the edge of the property of the Kimball.

Chair Thomas stated that it would also impact the penetration through the building. Commissioner Wintzer asked if they plan to have a penetration through the building. Mr. Elliott stated that it has not been discussed. Commissioner Wintzer assumed one of the choices would be to make it all function as one building. Mr. Elliott commented on a number of options that have been considered but no decision has been made. Planner Whetstone pointed out that under LMC Section 15-1.6, it is generally more desirable that zones follow property lines but it does leave some wiggle room. Mr. Elliott stated that they could leave it as one parcel and put the zoning five feet off the property.

Commissioner Murphy was interested in hearing an opinion from Ron Ivie on dividing the buildings and having separate parcels and separate zones. He thought it seemed awkward from a public safety position.

Chief Building Official, Ron Ivie stated that the current position is if it is a property line it cannot have a door in it.

Commissioner Murphy asked if there are any standards for a zone change. Planner Whetstone replied that a zone change is mostly negotiated. The purpose statements of development in terms the area and the impacts is also considered. The zone change itself does not have specific standards.

Commissioner Murphy felt it was safe to assume that regardless of the zone, the bulk should be similar even if the uses are different. He wanted it clear that what could be built now would be the same with a zone change.

Commissioner Murphy commented on the amount of existing off-street parking that would be lost and he wanted to make sure that is taken into account. Commissioner Murphy worried about creating spot zoning. He believed the design aspect would be a challenge. Commissioner Murphy commented on the Crane's Torch, which was there for the Olympics. He understood that it was not on a historically significant list, but in his opinion the torch is as significant as the Kimball Building itself and he urged Mr. Elliott to incorporate the torch into the design if possible.

Commissioner Strachan shared the concern of creating a spot zone. He clarified that he was not prepared to make a decision this evening.

Chair Thomas was concerned about the impact of a historically significant building and its relationship to a new building. Chair Thomas felt the suggested zone change provides a better opportunity to investigate facades and keep them lower. He asked Mr. Elliott if he had looked at the notion of a facade easement on the existing Kimball building and changing the zone for both lots in order to maintain connectivity between the two lots.

Commissioner Wintzer remarked that following Chair Thomas' suggestion would enable them to combine as one lot and have a building that functions as a building. He felt this was better than having two separate buildings with two separate entrances. Commissioner Wintzer agreed that the main interest is to preserve the Kimball building and to make it function better.

Exhibit H

Work Session Notes
February 25, 1998
Page 4

area is broken up with plantings. Mr. Clyde reviewed the elevation which was provided for the Commissioners and explained that windows were added in the garage where the building was featureless. Columns will be wrapped in stone with a stone wainscot on the bottom to make a pedestrian pathway. The canopy will become a more architectural feature.

Commissioner Larson asked how far out the canopy projects. Mr. Clyde replied that it is approximately 18 feet, which can cover a car. Commissioner Larson felt this was a prime example of an area needing attention. Heavy materials are needed for beaming, and he suggested that it be substantial and structural looking.

Manager Seltenrich stated that she is in the process of preparing a Staff recommendation. The Staff is continuing to work on the development agreement with Mr. Clyde and interested parties, and she will meet with one of the applicant's engineers to discuss traffic mitigation. Construction mitigation and phasing discussions are continuing.

Commissioner Larson asked if the Planning Commission will see the phasing and construction mitigation plans or if they will remain at Staff level. Manager Seltenrich replied that the intent is to handle them at Staff level, but she would provide the Planning Commission with a summary.

LMC Work Session - HRC

Administrator Putt provided a map of the HRC areas. Commissioner Larson asked the Staff to identify the Heber Avenue subzone in conjunction with the HRC zone. Administrator Putt explained that the primary difference is that HCB uses are allowed in the Heber Avenue subzone, but the height, bulk, and setback requirements of the HRC apply. Land uses allowable as Conditional Use Permits in the subzone are identical to the conditional uses in the HCB. Setbacks and height limitations for the HRC are still in place. Administrator Putt indicated that the majority of the HRC zone is built out. Some areas not yet developed are the Rio Grande Building/Zions Bank parcel, and the UP&L site. Those properties, including historic structures on the west side of Park Avenue, will be developed under the HRC standard, and those with existing historic homes will be subject to additional square footage and potential different uses.

Page 41

There were no comments or revisions to this page.

Page 42

Commissioner Jones asked why not timeshares. Administrator Putt replied that this question was raised at the last meeting, and it is a matter of revenue generation.

Chair Erickson asked about affordable housing and MPDs. Commissioner Larson stated that he was more comfortable addressing them in the MPD section than the HRC zone.

Page 43

There were no comments or revisions to this page.

Page 44

There were not comments or revisions to this page.

Page 45

Commissioner Hays believed that detached garages should be allowed in front setbacks. She commented that many of the Old Town houses were originally designed that way, and it adds a positive element to the appearance of Old Town.

Commissioner Larson asked if this matter was addressed in the HR-1 zone. Administrator Putt replied that the Staff planned to address it in the HR-1 zone, but there was an expedited discussion when the ordinance was before the Planning Commission. At that point, the Staff formulated the steep slope policies and existing historic building policies. Chair Erickson stated that a properly located garage is a detached garage in all "H" zones, and he suggested that the Staff proceed in that direction.

Administrator Putt referred to a design implication which might affect detached garages. In the most extreme cases, the minimum front yard setback is 10 feet, and that 10-foot dimension typically overlaps with the minimum depth of a snow storage easement. He supported considering waivers to allow garages closer to the front setback, but he was concerned about a waiver that might conflict with snow storage. Commissioner Larson felt that the Planning Commission favored looking at detached garages, but the Staff and HDC should study the issue to see if it works mechanically.

Page 46

Commissioner Larson stated that he was confused by the 10-foot or 5-foot question. Administrator Putt explained that the exception would allow a two-foot encroachment in the rear yard setback for something like a bay window or chimney provided the chimney or bay window is no wider than 10

feet. The Staff wanted to know if the Planning Commission believed the 10-foot width was reasonable or whether it should be 5 feet. Commissioner Larson discussed the wording of the draft which states 10 feet in length. He felt a 10-foot width was sufficient for a bay window, but a 10-foot-wide chimney was very large.

Planner Whetstone suggested allowing 10 feet for bay windows and 5 feet for chimneys. The Commissioners were satisfied with that solution.

Page 47

Commissioner Hays asked for clarification of Item 8. Administrator Putt explained that the intent is to allow a driveway through the side yard with detached garages in the back yard. The language, "A side yard cannot be used for temporary storage or permanent parking unless it leads to a garage," is intended to stop people from paving their side yards for boats or RV storage and preserve the sense of yard.

Commissioner Hays felt Item 8 conflicted with Item 9. Planner Whetstone replied that Item 9 allows a detached garage to be located in a side yard. The intent is to allow shared common garages. Administrator Putt explained that one paragraph addresses the driveway and the other paragraph addresses the garage.

Commissioner O'Hara referred to Item 8 at the top of page 47 and asked why 10 feet was reduced to 5 feet. Planner Whetstone explained that hot tubs, decks, and patios are allowed, provided they are located 10 feet from a dwelling on adjacent lots or 5 feet from the property line. Future additions to the dwelling would create a problem of whether or not the hot tub should have to move. The Staff felt this was an uncontrollable situation and agreed that 5 feet made sense. Administrator Putt explained that the Staff felt this type of encroachment into the rear yard should be an at-grade encroachment, a deck, or a patio and should not be an encroachment for a second-story balcony. The Commissioners concurred.

Administrator Putt referred to item 7 and noted that retaining walls are allowed in the side yard and always have been. He asked if there should be a limitation on retaining wall height. Commissioner Jones felt the maximum height should be consistent with the fencing maximum which is six feet. The Commissioners concurred.

Page 48

There were no comments or revision to this page.

Page 49

Commissioner Larson felt that building heights in the HRC Zone should be in harmony with the purpose of the zone, which is to supply a transition between the other H's and HCB. This should also be done with maximum allowable height. He believed 40 feet was too close to 45 and not close enough to 27. Height should be measured the same as it is in the HR-1 and HRL zones. His preliminary thought was 37 feet based on 27 feet in the HR-1 plus another story at 10 feet, resulting in 37 feet.

Page 50

Administrator Putt referred to item 2 which conflicts with the Uniform Building Code and noted that the Staff is still working on trying to understand the UBC requirement. The goal is to make the two Codes consistent.

Commissioner Hays asked why the Staff suggested deleting church spires and bell towers. Administrator Putt replied that they do not exist in that zone, and they do not anticipate having any. Planner Whetstone noted that flag poles should definitely be deleted because of current regulations. She offered to reword church spires and bell towers if the Planning Commission felt that they should be included. Administrator Putt offered to make spires and bell towers consistent with the HR-1 Zone.

Commissioner Hays asked about the reference to elevator exceptions. Planner Whetstone explained that a height exception is necessary for elevators due to the Uniform Building Code, and the Staff will research the matter.

Page 51

There were no comments or revisions to this page.

Page 52

Planner Whetstone asked for input on parking. Administrator Putt suggested adding an HRC line to the parking table.

Page 53

There were no comments or revisions to this page.

Page 54

There were no comments or revisions to this page.

Page 55

There were no comments or revisions to this page.

Exhibit I – Public Comment



April 1, 2015

Nann Worel, Chair
Park City Planning Commission
445 Marsac
P.O. Box 1480
Park City, UT 84060

Dear Chair Worel and Commissioners,

Regarding the item *Land Management Code Amendment regarding Heber Avenue Sub-zone in the Historic Recreation Commercial District (Section 15-2.5-10)* on your April 8, 2015 agenda, Utah Heritage Foundation strongly encourages the commission to deny granting this amendment.

To support our request, we offer the following considerations. In the city's General Plan, it states on page 118 that "A number of steps could be taken by the City to limit the size of new developments and additions to preserve the historic development patterns found in Old Town, including the historic density, fabric, and integrity." This page also shows a photographic example of this principle by contrasting a new four-story structure next to an existing one-story structure. I believe that is the exact same situation that is being considered here with this request, but there is clear guidance and a stated desire to not have this be the allowed development pattern.

The purposes laid out in the Historic Recreation Commercial (HRC) District in the LMC define what was envisioned for this area. With the code language that follows, one of the items that was not envisioned was providing allowances for greater density than what the base zone provides at 32 feet. It was purposely omitted even from the Heber Avenue Sub-zone in Section 15-2.5-10, while other limitations were modified. We believe that the LMC should remain unchanged for one project and the request denied.

Third is the principle of opening the LMC to changes to accommodate one request by one applicant. We believe that this is poor practice that invites future proposals that don't fit the City's vision and the LMC doesn't work just right. These should be the exception rather than the rule. By communicating that the city is willing to even discuss an LMC change for one project does not provide the commission with a solid base on which to deny this or other proposals to change the LMC in the future.

We understand that there may be poor precedents that have already been set, but we believe the commission's goal should be to evaluate these proposals on a case-by-case basis for what's right for each parcel as a part of the whole, given the code considerations and guidance in adopted plans. Therefore, we strongly encourage the Planning Commission to deny granting this unneeded amendment.

Thank you for your consideration of our comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Kirk Huffaker".

Kirk Huffaker
Executive Director

cc: Kayla Sintz, Acting Planning Director

Utah Heritage Foundation • 375 N. Canyon Rd. • Salt Lake City, UT 84103

www.utahheritagefoundation.org • (801) 533-0858