



**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH,
March 5, 2015**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, City Council Chambers, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, March 5, 2015.

Closed Session

3:30pm Closed Session

Work Session

4:00pm Council Questions and Comments and Manager's Report	PG 3
4:10pm 1450/60 Park Avenue Development Direction	PG 6
4:30pm Peak Parking Update	PG 13
5:00pm Idling Revisited	PG 18
5:15pm Switzerland Transportation Trip Update (<i>no report needed</i>)	
5:45pm 2015 Legislative Update (<i>no report needed</i>)	
5:55pm Break	

Regular Meeting

6:00 pm

- I. ROLL CALL**
- II. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF**
- III. PUBLIC INPUT (*Any matter of City business not scheduled on the agenda*)**
- IV. 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). PG 33
- 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 PG 43
 - (a) Public Hearing

(b) Action

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.
 - (a) Public Hearing
 - (b) CONTINUED TO MARCH 19
2. Consideration of a Record of Survey Plat located at 312 & 314 located at 312 & 314 Upper Norfolk Avenue Condominium pursuant to findings of fact, conclusions of law and conditions of approval in a form approved by the City Attorney. PG 140
 - (a) Public Hearing
 - (b) Action
3. Consideration of an ordinance for the Ontario Three Subdivision Plat Amendment located at 355 & 347 Ontario Avenue, Park City, Utah pursuant to findings of fact, conclusions of law and conditions of approval in a form approved by the City Attorney PG 191
 - (a) Public Hearing
 - (b) Action
4. Consideration of a plat amendment for 930 Empire Avenue located at 930 Empire Avenue pursuant to findings of fact, conclusions of law and conditions of approval in a form approved by the City Attorney. PG 209
 - (a) Public Hearing
 - (b) Action

VII. ADJOURNMENT

A majority of City Council members may meet socially after the meeting. If so, the location will be announced by the Mayor. City business will not be conducted. Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the City Recorder at 435-615-5007 at least 24 hours prior to the meeting. Wireless internet service is available in the Marsac Building on Wednesdays and Thursdays from 4 p.m. to 9 p.m. Posted: 03/02/2015 See: www.parkcity.org



MANAGER'S REPORT – March 5, 2015

Submitted by: Heinrich Deters & Mark Harrington
Subject: Park City Mountain Resort Deed Restriction

Acronyms in this Manager's Report

UPCM- Untied Park City Mines Company

TLH- Talisker Land Holdings, LLC

RSLC- Royal Street Land Company

PCMC- Park City Municipal Corporation

ROS- Recreational Open Space

On March 2nd, 2007, as part of the Flagstaff Development Agreement, United Park City Mines Company (UPCM) and its subsidiary Talisker Land Holdings, LLC (TLH), Royal Street Land Company (RSLC) as grantors, conveyed rights associated with a 'Conservation Deed Restriction' (Exhibit A) to Park City Municipal Corporation (PCMC) as grantee on the Park City Mountain Resort Lease area. Concurrently, the property was annexed into Park City Municipal boundaries and zoned as Recreational Open Space (ROS).

At a high level, the purpose of the Deed Restriction is to prevent residential development, hotels and or lodging on the property and preserve the Conservation Values as open and generally undeveloped property in perpetuity, while preserving the lease rights of the operator of PCMR. Conversely, the document allows for the Grantor to exercise 'Reserved Use Rights' associated with the continuation of the existing land use associated with the general development and operation of a ski resort and related amenities. Park City Municipal Corporation, as Grantee, has the right to review and legally enforce the parameters associated with the Deed Restriction.

Staff finds that the current planning application by VR CPC Holdings, Inc. d/b/a Park City Mountain Resort (PCMR) represented by Tim Beck, for mountain upgrades, including lift and gondola infrastructure improvements, in addition to upgrades to the existing Snow Hut Lodge, are consistent with the 'Reserved Use Rights' associated with the Park City Mountain Resort property in the Deed Restrictions held by Park City Municipal Corporation. Staff plans to take no further action on the matter unless Council desires to take the matter up as a noticed agenda item at a future meeting.



March 5, 2015

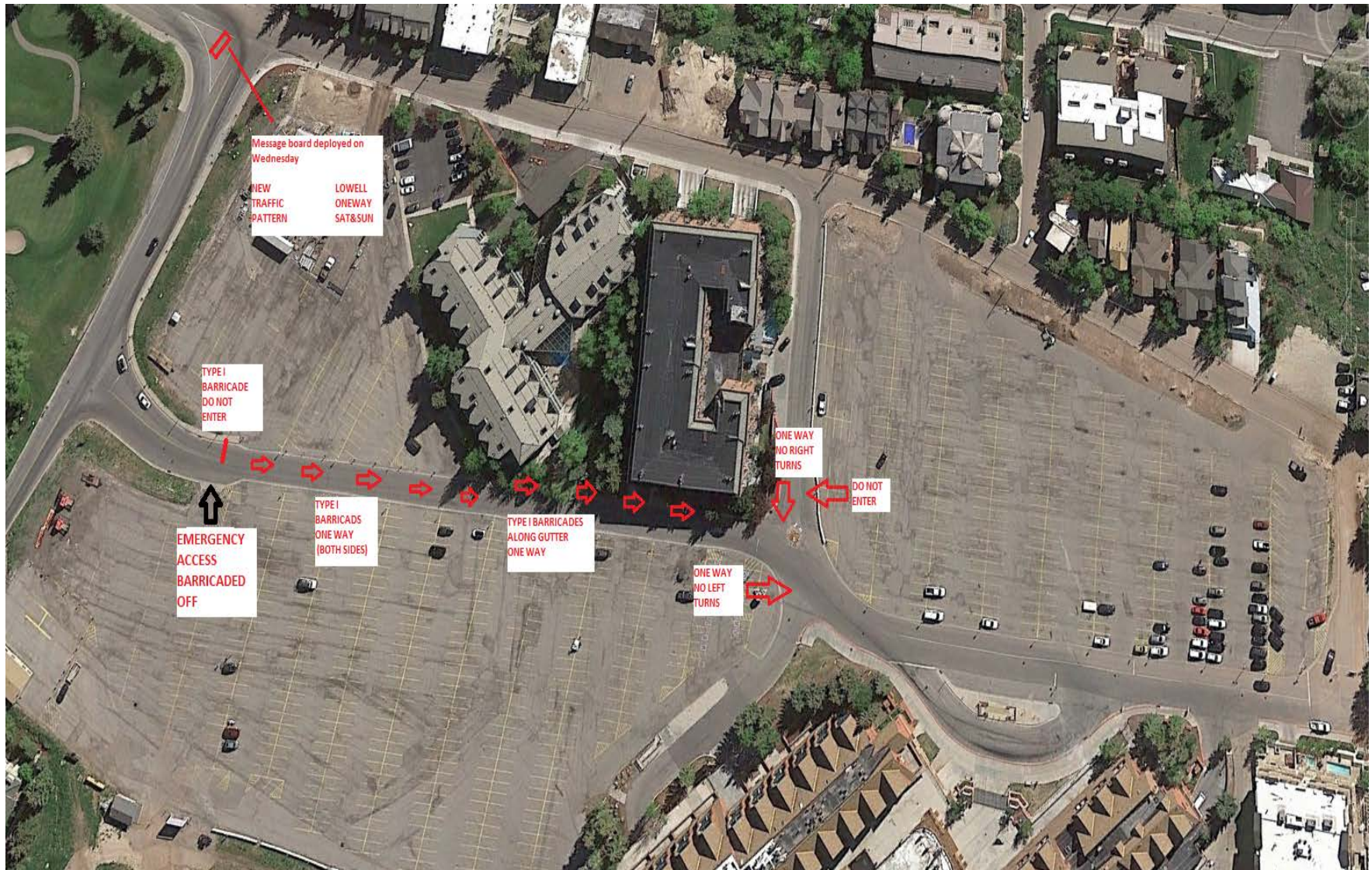
TO: Diane Foster, City Manager

FROM: Brooks T. Robinson, Senior Transportation Planner

SUBJECT: Manager's Report – Lowell Avenue One Way Trial

At the request of Park City Mountain Resort, the City has agreed to a weekend morning trial of One Way traffic on Lowell Avenue from Silver King Dr. (next to the City golf course) to Shadow Ridge Drive. The trial will be from 7am to 12 noon on Saturday March 7th and Sunday March 8th. The reason for this trial is to see if the skier load-in traffic can run smoother next to the First Time parking lot without left turning traffic. Traffic has backed up on to Park Avenue on busy mornings.

This proposal was discussed with City Streets staff, Police, Transportation Planning, and the City Engineer. A plan is attached. The City will provide One Way and Do Not Enter signs on A-frame barricades to be placed by PCMR staff. A portable Variable Message Sign trailer will be placed in the Empire/Silver King intersection on Wednesday giving notice to drivers of traffic changes. PCMR and City staff, including Police, will monitor the morning operation and evaluate the effectiveness of the trial.



City Council Staff Report

Author: Phyllis Robinson
Subject: Property Disposition
Date: March 5, 2015
Type of Item: Work Session - Affordable Housing



Sustainability

Summary Recommendations:

Staff is requesting City Council, in its capacity as the Redevelopment Authority (RDA) for Lower Park Avenue, discuss disposition and development options for RDA-owned property located at 1450-1460 Park Avenue. Staff recommends that Council direct staff to move forward with a Request for Proposals/Request for Qualifications for architectural services to create an owner-occupied, detached housing product for this site.

Background

The City, acting as the Redevelopment Authority (RDA), acquired the land and two historic homes located at 1450/60 Park Avenue in 2009 for \$750,000. The property was extremely well-priced and was acquired for future affordable housing development. At the time of acquisition the property had been listed for \$1.3 million. Potential uses identified at that time included adding the land into a master plan design competition for the then city-owned Park Avenue/Woodside Avenue properties, creating a smaller senior housing neighborhood, seasonal housing, transitional or permanent affordable housing. Should the city decide not to use the property for housing consistent with the RDA, it may require reimbursement of the initial purchase price to the RDA. The parcels are zoned HRM.

At its meeting on October 2014, City Council discussed moving forward with this property for affordable housing development. At that time there was not consensus among Council as to whether we would develop this site as part of the overall redevelopment plan for City-owned land in the RDA or as a one-off project. There was concern expressed that we needed to better understand Vail's development plans and the proposed transit center/parking structure before we could begin land planning for the Woodside/Park Avenue properties. Nor did we discuss whether the City would act as the developer or issue a new RFP for redevelopment. Staff was to return to Council in February for further discussion on how to proceed.

In the interim staff has received several inquiries about the City's intended use for this site.

Analysis: Staff is requesting Council discussion on four possible scenarios for this property.

1. Prepare a Request for Proposals for Sale of Property and solicit development proposals for this property. If Council wishes to proceed in this manner, staff is requesting direction on terms of a Request for Proposals, including affordability goals, historic preservation goals, and structure including any financial participation by the City. Staff recommends that the City obtain a new appraisal for the property before proceeding with a Request for Proposals. The projected time frame for this approach would be issuing an Request for Proposals in April 2015, selection in July 2015 and concluding negotiations by September 2015. Assuming successful negotiations, it is reasonable to expect that housing could be under construction in 2016. *This option is not recommended by staff.*

2. Council could enter into negotiations with one of the parties who previously proposed on this property. Staff does not recommend this approach given the time that has elapsed and if Council wishes to dispose of the property would recommend a new Request for Proposals as described in Option One above.

3. Council could continue to land-bank the property until the City is ready to proceed with redevelopment of the city-owned parcels on Park Avenue (former fire station property) and on Woodside Avenue including the site of the current senior center. This is a reasonable approach, but will delay the development of additional affordable housing in Park City. Staff will be conducting a community outreach process in April and a design charrette for housing development options on these sites the first week in May. Given that the property is not adjacent to the other city-owned land, its inclusion in the housing design charrette is not essential. Staff is confident that the 1450-60 Park Avenue property can be developed outside of the design charrette. *This option is not recommended by staff.*

4. Council could direct staff to develop the property as a city-project, consistent with its approach with the Snow Creek Cottages in which the city acted as the developer. This approach has the advantage of being able to move forward in a more certain manner. Rather than issuing a Request for Proposals for development proposals, staff would issue a Request for Proposals for Architectural Services to select an architect for the site. The projected time would be issuing the Request for Proposals for Architectural Services in April 2015, contract for services in June 2015 and proceeding into the entitlement process in Summer 2015.

This property was discussed by the City Council during the February 2015 Council retreat. Council expressed an interest in moving forward with this property in advance of the Lower Park Avenue design charrette and discussed the advantages of the City acting as the developer for the site, including timing and control of the final product. Council requested a few high level massing studies to give Council a sense of the options for this site. Attached to this report are three options for council consideration:

- Single-family detached (Attachment A),
- Townhomes (Attachment B) and
- Stacked Flats (Attachment C).

The attached massing studies are drawn in accordance with current Land Management Code requirements for purposes of evaluating potential density and configuration of various product types. The massing studies are not site layouts.

And, while the density of the site could be increased under the affordable housing density bonus in the Land Management Code (up to 20 units per acre) parking is the limiting factor even within base density. We also treated the historic homes as they currently sit on the lot and with the non-historic additions on the property. Each historic home sits on two lots. Planning staff has indicated the City could pursue a Land Management Code change that would allow each of the historic homes to be moved onto a single lot, closer to the street. One or both of these changes could change the unit configuration and increase the total number of units developed.

Staff recommends this site be used for a small affordable housing development. As discussed during the 2015 Council retreat, there is a growing need for affordable ownership opportunities. Given the size of the site and the relatively small number of units that can be accommodated, staff would not recommend mixing market and affordable units at this property. A mixed-income development could be better accommodated on the Woodside Avenue property given the available land for development. If Council is ready to proceed with city-sponsored development on this site, staff is requesting Council direction on two issues in order to move forward with a Request for Proposals for Architectural Services.

- ***Preferred Development Approach.*** Does Council wish to focus on the development of detached units, attached units or stacked flats? This will help to tailor the goals of RFQ/RFP. Given the existing historic homes on the site, staff recommends a detached product.
- ***Location of historic homes on the property.*** Does Council wish to have staff consider how moving the historic units closer to the street could increase the number of units, and in turn, project affordability? If so, staff will include that as part of preliminary design considerations once an architect is selected. Doing so will provide some additional flexibility on the site.

Staff will return to Council, in its role as owner, over the next several months to discuss specific decisions of the project including project goals, architectural services and proposed land planning, proposed unit design and other project elements such as income targeting, before filing an application with the Planning Department.

Finally, if Council is not ready to proceed, or would like to use a different process (RFP to dispose of the land or a straight land sale), staff requests that Council advise how and when it would like to proceed.

SIGNIFICANT IMPACTS

Staff has secured the services of Steve Brown as the project manager for this project. Mr. Brown will be working under the direction of Phyllis Robinson. This will allow Public Affairs staff to continue on the update of the City Housing Resolution and to move forward with the Lower Park Avenue charette concurrently. The funding source identified for this property will be the Lower Park Avenue Redevelopment.

	World Class Multi-Seasonal Resort Destination (Economic Impact)	Preserving & Enhancing the Natural Environment (Environmental Impact)	An Inclusive Community of Diverse Economic & Cultural Opportunities (Social Equity Impact)	Responsive, Cutting-Edge & Effective Government
Which Desired Outcomes might the Recommended Action Impact?	(+/-) Balance between tourism and local quality of life (+/-) (+/-) (+/-) (+/-) (+/-) (+/-)	(+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome)	(+/-) Residents live and work locally (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome)	(+/-) Fiscally and legally sound (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome)
Assessment of Overall Impact on Council Priority (Quality of Life Impact)	Positive 	Neutral 	Very Positive 	Positive 
Comments: Utilizing city-owned property for workforce housing is cost effective and meets Council's top goals.				

DEPARTMENT REVIEW

This staff report has been reviewed by Sustainability, Budget, Legal and the City Manager.

Recommendation

Staff is requesting City Council, in its capacity as the Redevelopment Authority (RDA) for Lower Park Avenue, discuss disposition and development options for RDA-owned property located at 1450-1460 Park Avenue. Staff recommends that Council direct staff to move forward with a Request for Proposals/Request for Qualifications for architectural services to create an owner-occupied, detached housing product for this site.

Attachment A: Massing Model – Single Family Detached

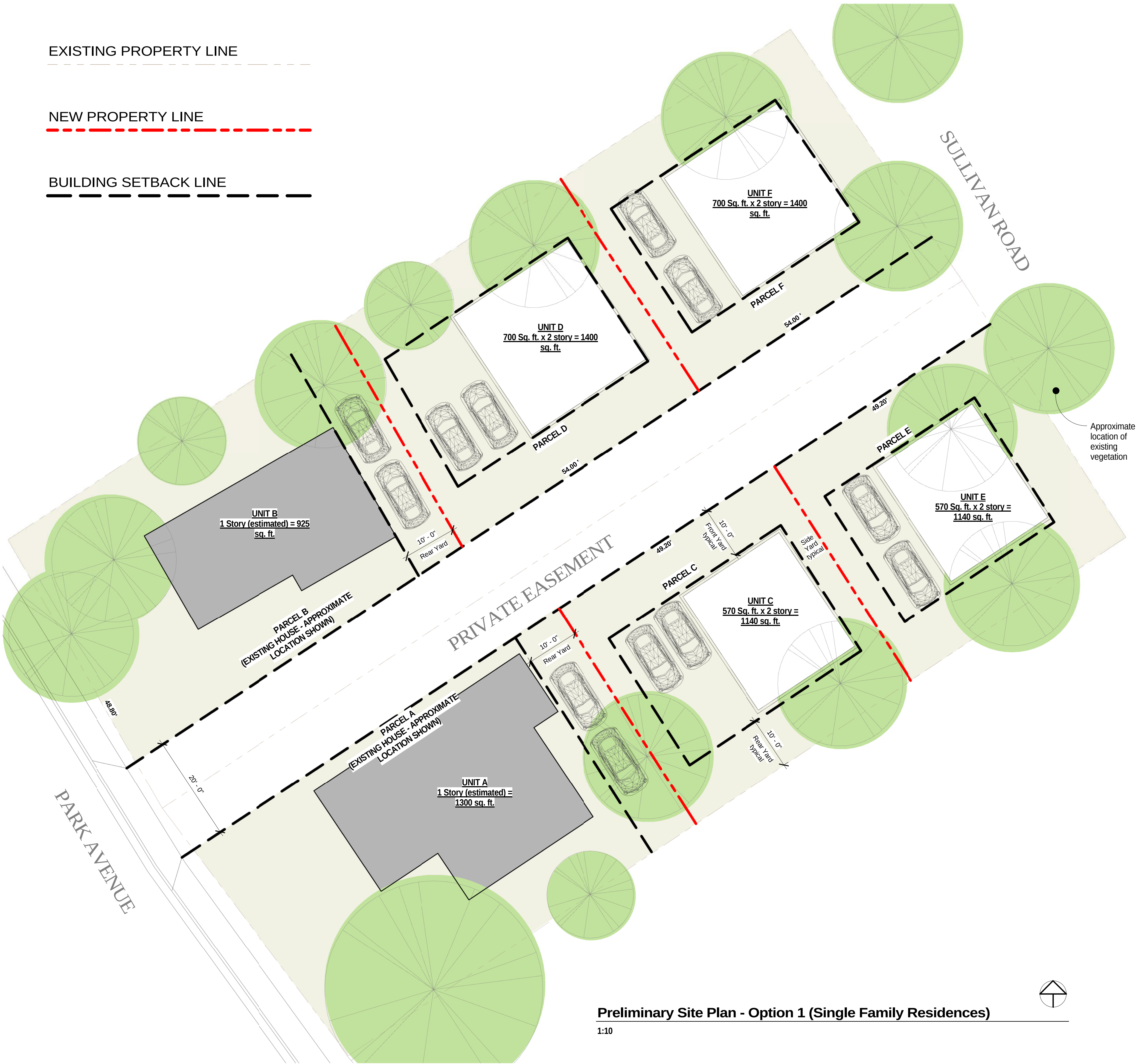
Attachment B: Massing Model – Townhomes

Attachment C: Massing Model – Stacked Flats

EXISTING PROPERTY LINE

NEW PROPERTY LINE

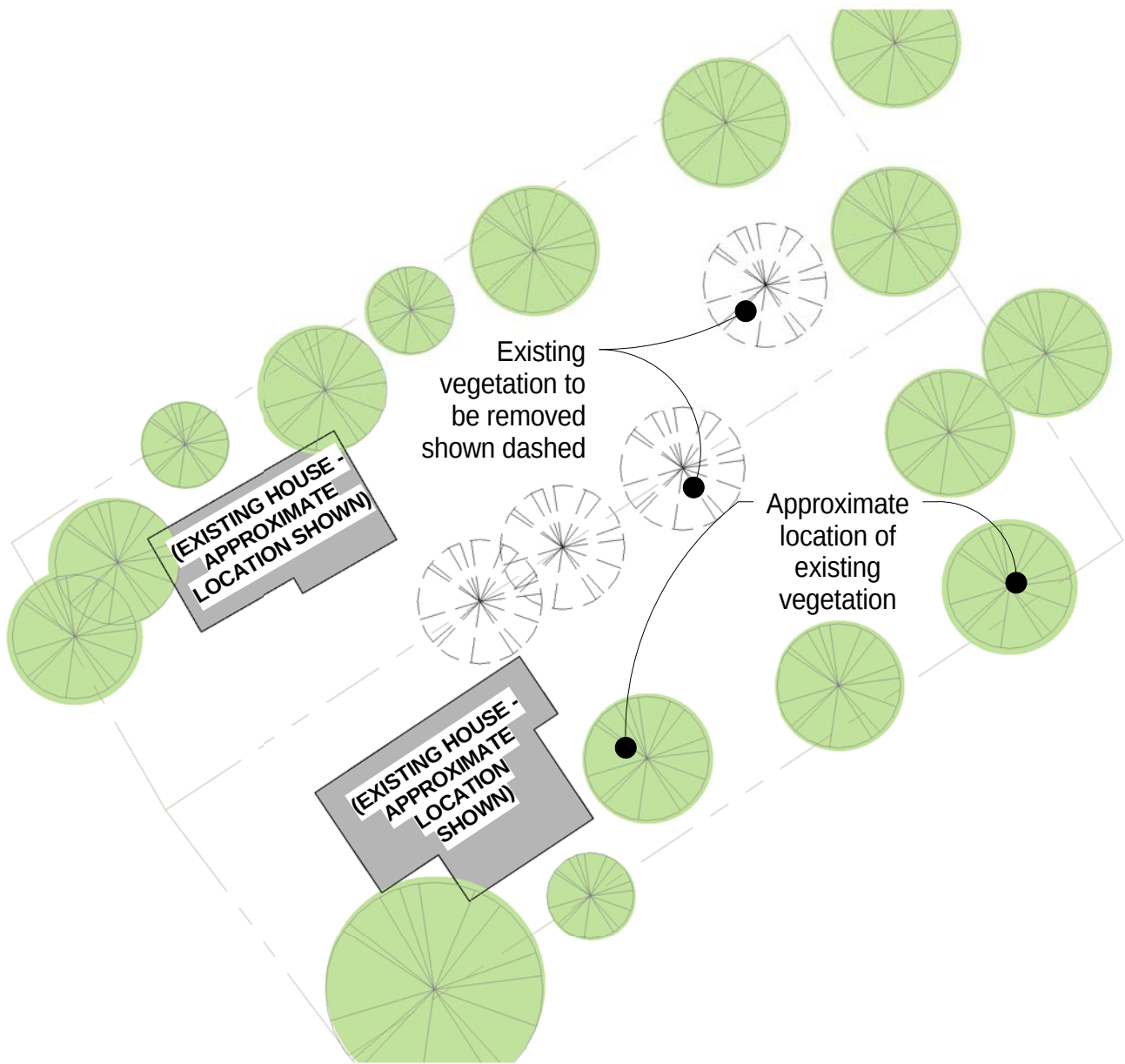
BUILDING SETBACK LINE



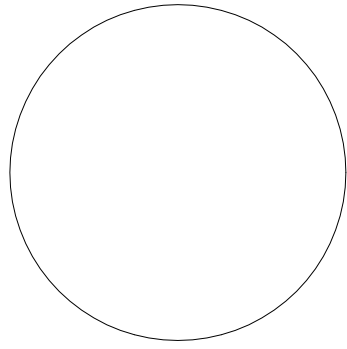
Preliminary Site Plan - Option 1 (Single Family Residences)
1:10

Site Information

Current Zoning Classification	= Historic Residential - Medium Density (HRM)
Required Minimum Lot Area HRM	= 1,875 sq. ft.
Parcel A (Existing House):	= 3,993 sq. ft.
Parcel B (Existing House):	= 3,621 sq. ft.
Parcel C	= 2,585 sq. ft.
Parcel D	= 2,538 sq. ft.
Parcel E	= 2,374 sq. ft.
Parcel F	= 2,526 sq. ft.
Minimum Open Space Requirement	= 40%
Total Existing Area	= 19,555.2 sq. ft. (.41 acre)
Total Building Footprint (all units)	= 4,765 sq. ft.
Total Open Space	= 14,790 sq. ft. (approx. 75%)
Minimum Lot Width	= 37.5'
Required Set Backs HRM	
Front Yard	= 10 ft. where lot depth is < 75'
Rear Yard	= 10 ft.
Side Yards	= 5 ft.
Maximum Building Height	= 27.0'
Allowable max. density (HRM Zone)	= 20 unit equivalents / acre x .41 acres = 8.2
Actual Units Shown (6 single family)	= 6 unit equivalents
Parking	
2 spaces / unit	= 12 spaces



Existing Site Plan



THESE DOCUMENTS ARE INSTRUMENTS OF SERVICE AND SHALL REMAIN THE PROPERTY OF THE ARCHITECT. NO USE OR REUSE OF THESE DOCUMENTS SHALL BE PERMITTED UNLESS AUTHORIZED IN WRITING BY THE ARCHITECT.

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PARK CITY MUNICIPAL CORPORATION

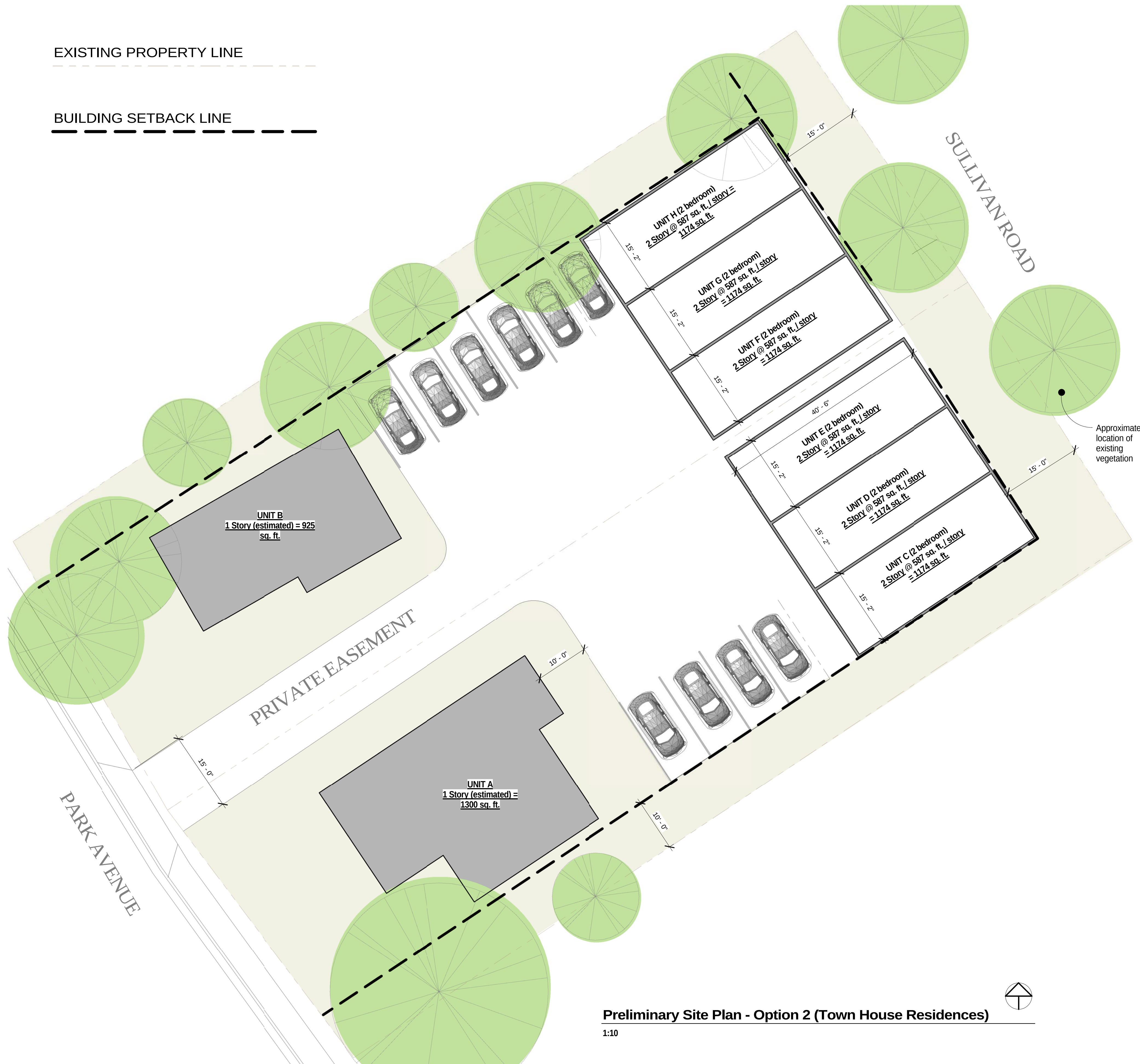
PRELIMINARY SITE PLAN
1450 - 1460 Park Avenue
Park City, Utah

DATE
02-22-2015

SHEET NUMBER

1

BUILDING SETBACK LINE



Preliminary Site Plan - Option 2 (Town House Residences)

1:10

Current Zoning Classification = Historic Residential - Medium Density (HRM)

Minimum Lot Size (4) Units: = **5,625 sq. ft.**

Total Units = 8
+ 1,000 sq. ea. unit > 4 units = 4,000 sq. ft.

Total Minimum Lot Size required: = 9,625 sq. ft.

Total Existing Area = 19,555.2 sq. ft. (.41 acre)

Minimum Open Space Requirement = **30% (LMC 15-2.4-5-D)**

Total Open Space Provided = 9,127 sq. ft. (approx. 47%)

Minimum Lot Width: = 37.5 ft.

Actual lot width (2 lots combined) = 120 ft. (approximate)

Required Set Backs HRM

Front Yard = 15 ft.
Rear Yard = 10 ft.
Side Yards = 5 ft.

Maximum Building Height = 27.0'

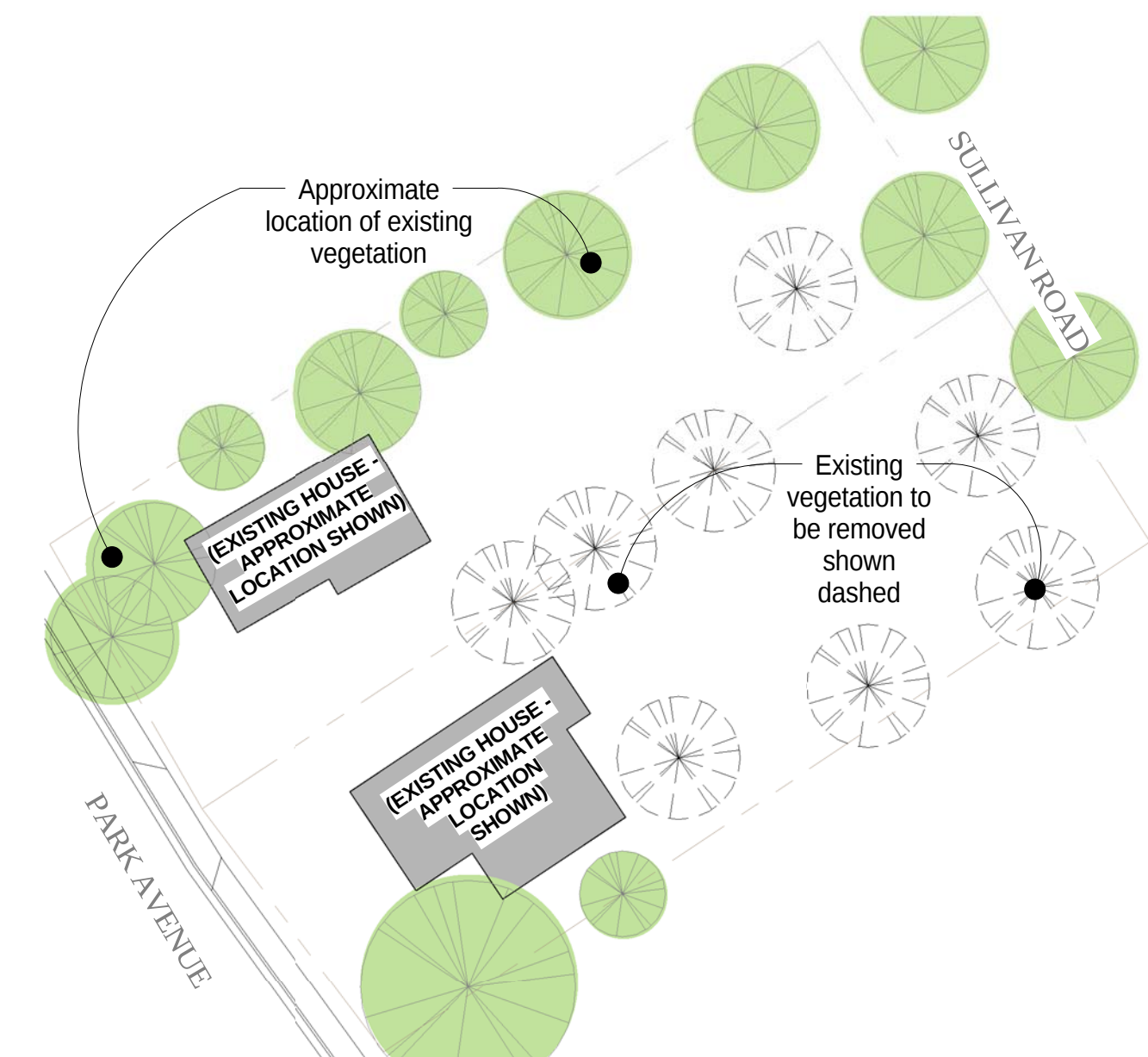
Proposed Building Height = (2) stories = 27.0'

Total Units Provided / Parking Requirement = 8 Total Units

(2) existing single family houses = 2 spaces required
(6) each 3 bedroom townhouses 1,174 sq. ft. / unit = 1.5 spaces / unit = 9 spaces required

Total Parking Required = 11 spaces

Parking Provided = 10 spaces



Existing Site Plan

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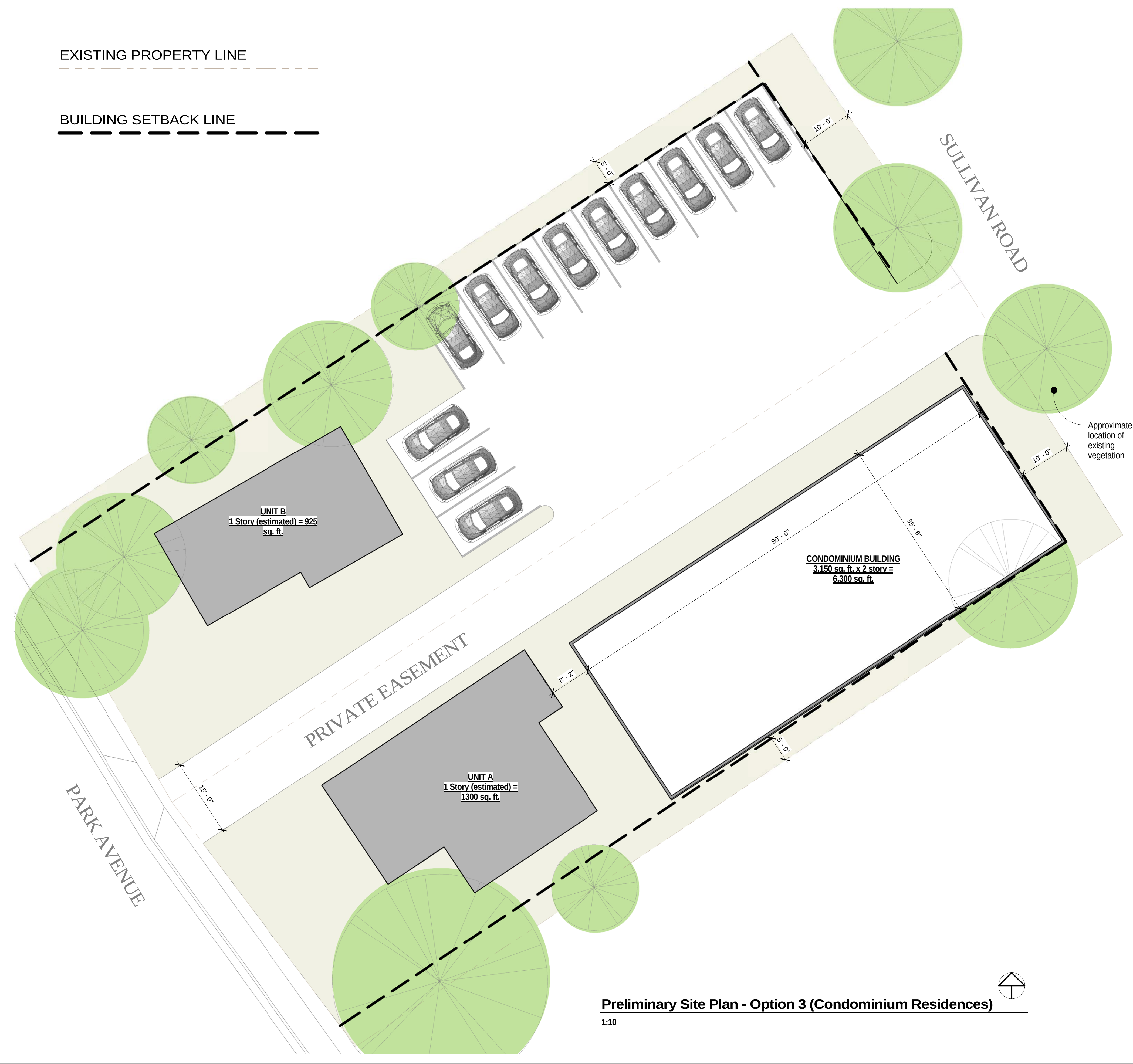
THE UNIVERSITY OF CHICAGO

1450 - 1460 Park Avenue
Park City, Utah

ATE
22-2015

SHEET NUMBER

2



Site Information

Current Zoning Classification = Historic Residential - Medium Density (HRM)

Minimum Open Space Requirement = 40%

Total Existing Area = 19,555.2 sq. ft. (.41 acre)
Total Building Footprint = 5,522 sq. ft.
Total Open Space = 8,407 sq. ft. (approx. 43%)

Required Set Backs HRM

Front Yard = 15 ft.
Rear Yard = 10 ft.
Side Yards = 5 ft.

Maximum Building Height = 27.0'

(2) story building = 27.0'

Parking Requirements:

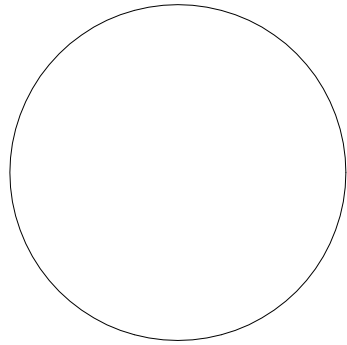
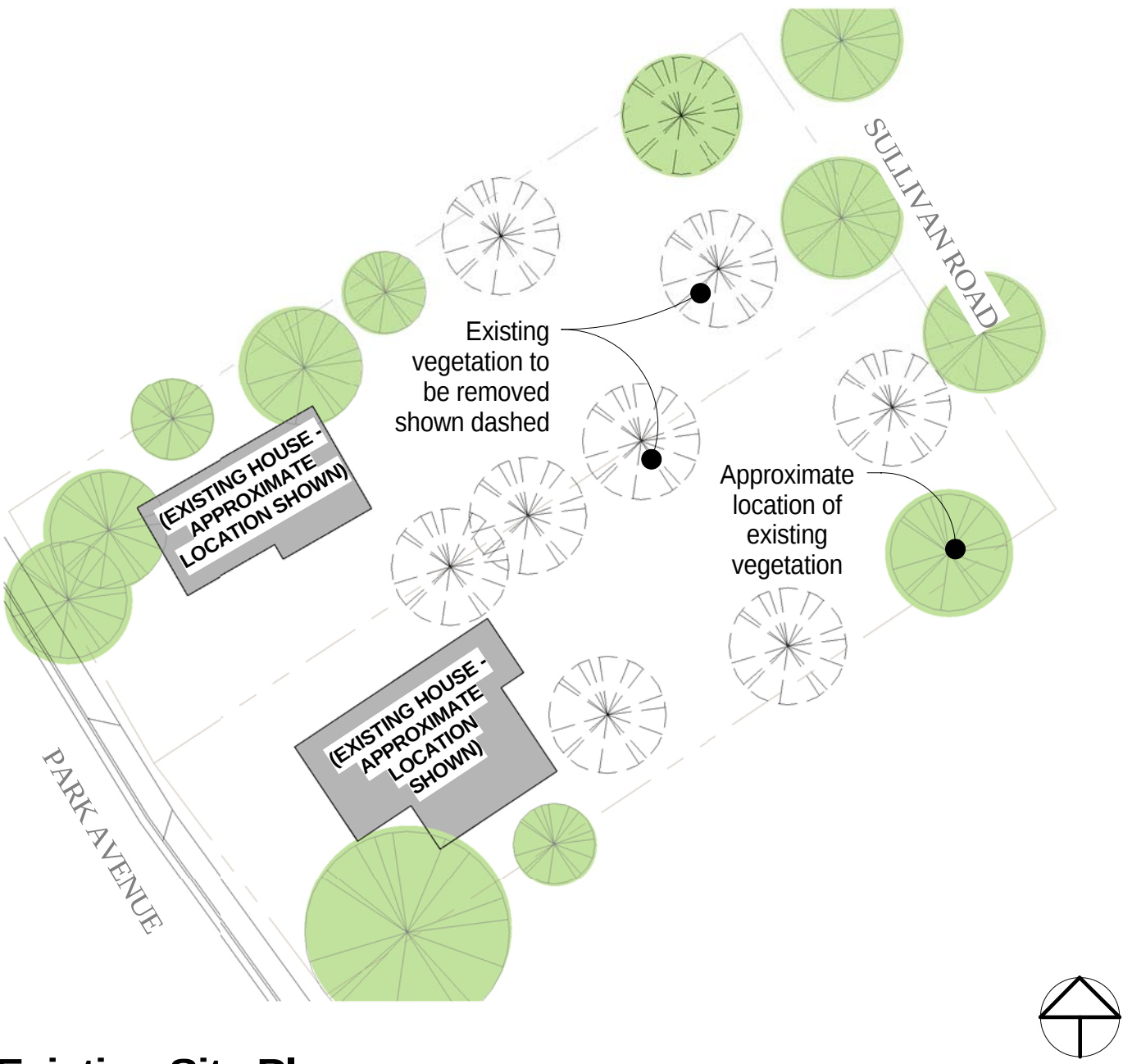
Possible Mix of Units:

(2) single family houses (existing) = (2) spaces
(2) 3 bdrm. units @ 1,100 sq. ft. ea. = (3) spaces
(2) 2 bdrm. units @ 900 sq. ft. ea. = (4) spaces
(3) 1 bdrm. units @ 515 sq. ft. ea. = (3) spaces

Total Required Parking = (12) spaces

Parking Provided = (12) spaces

Approximate location of existing vegetation



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PARK CITY MUNICIPAL CORPORATION

PRELIMINARY SITE PLAN
1450 - 1460 Park Avenue
Park City, Utah

DATE
02-22-2015

SHEET NUMBER

3



City Council Staff Report

Subject: Main Street Employee Peak Parking Demand Program Update
Author: Blake Fannesbeck
Department: Public Works
Date: March 5, 2015
Type of Item: Work Session Discussion

Summary Recommendations:

Staff recommends that the City Council discuss the results of the implementation of the HPCA first phase recommendations to the China Bridge parking regulations and parking pass fees that were implemented to increase parking for customers of Main Street during peak times.

Staff also recommends City Council consider recommendations of the Joint Peak Day/Hour Task Force (**consisting of members of the HPCA and City Staff**) to install Paid Parking infrastructure in the Main Street Area along with implementation of a parking rate study.

Topic/Description:

The HPCA Peak Parking Demand Recommendations for China Bridge were implemented on December 19, 2014. The implementations included:

- Increased permit fees with blackouts on Friday and Saturday nights;
- 6-hour parking time limit per day in covered areas;
- Increased enforcement in China Bridge and on Main Street;
- Enhanced transportation/satellite parking; and
- An employee express link van to Main Street.

Eight weeks of data collection have been compiled into results to assist in determining next steps to manage the growing parking demand in the Main Street area.

Acronyms in this Report:

HPCA Historic Park City Alliance
TMJH Treasure Mountain Junior High

Background:

In November 13, 2014 City Council discussed possible changes to China Bridge and Main Street parking regulations to increase the available parking for customers of Main Street. The recommendations were the result of many hours of planning and discussion with the Joint Peak Day/Hour Parking Task Force and then endorsed by the HPCA Board.

At that meeting City Council was presented the following data:

- On Friday and Saturday nights from approximately 6:30 p.m. to 9:00 p.m. the China Bridge parking structure was at 90 – 100% of capacity;
- It was estimated, based on a comprehensive survey of employees, that Main Street employees were utilizing up to 60 – 70% of available public parking in the Main Street area.

The HPCA first phase recommendations included the following components to encourage Main Street employees to not park in the Main Street area during peak times:

- Increased China Bridge Permit Fees with Friday and Saturday evening blackouts.
- 6-hour parking time limit per day in covered areas of China Bridge.
- Increased parking enforcement in China Bridge and Main Street Area.
- Extension of Paid Parking on Main Street until 11:00 p.m.
- Extended late night Bus service hours until 3:00 a.m. on Friday and Saturdays.
- Satellite parking lot at Treasure Mountain Jr. High (TMJH).
- Dedicated Main Street Employee Express Link shuttle on 10 Minute intervals from TMJH to Main Street on Friday and Saturday from 3:30 p.m. to 7:30 p.m.

During this first phase program City Staff collected valuable data to assess the success of the program elements at increasing available parking for Main Street customers during peak parking demand. The data was collected from December 19, 2014 through February 7, 2015 with a summary of key points below.

- China Bridge Parking capacity counts for Friday and Saturday nights 6:30 p.m. to 9:30 p.m. **increased** from approximately 90 – 100% to **95 – 100%**.
- Parking sold **271** China Bridge permits as compared to 368 in the prior year.
- Increased China Bridge parking enforcement issued **453** tickets for 6 hour violation as compared to 180 tickets during the same period last year.
- China Bridge **uncovered spaces** were at **95 -100% capacity** by 12:00 p.m. Monday – Friday.

- Extended Friday and Saturday Bus Service to 3:00 a.m. **did not have a Main Street employee ride during the extended service hours.** This increased service cost \$13,859.00 and will be discontinued at the end of our Winter season due to timing and cost of printed schedules, signage, and website information changes that would need to be changed.
- Employee Express Link Shuttle from the TMJH satellite parking lot over the 8 week period **was not utilized by Main Street employees** (except for seven employees who used the service during the first weekend of Sundance). This increased service cost \$6,217.00 to provide for the eight week period; this service has been discontinued.

Analysis:

The Joint Peak Day/Hour Parking Task Force met in February and discussed the results of the data collected. The Task Force determined that even with the **extensive** efforts to create and market a program to reduce employee parking in China Bridge that the program had little effect.

The Joint Peak Day/Hour Task Force did recognize that the only way to affect change was through increased parking permit fees and subsequent parking enforcement. By raising the permit costs and enforcing the time limits in China Bridge we were effectively able to move many Main Street employees to the free uncovered parking areas.

Because the only effective portion of the HPCA first phase program implemented this winter was the increased permit fees aspect -- the balance of the actions were ineffective at reducing the peak parking demand, the Joint Peak Day/Hour Task Force recommended that Paid Parking infrastructure be considered as a means to create other alternatives to encourage Main Street employees to use transit and other means to increase the number of available spaces for Main Street customers. It is important to note that the HPCA Board has not weighed in on paid parking infrastructure but have been informed by the members of the Joint Peak Day/Hour Task Force that the time for small changes to parking permits has passed.

In line with the recommendations of the Joint Peak Day/Hour task City staff intends to submit a Capital Request in the 2016 budget for automated Paid Parking Infrastructure for the City owned and controlled parking lots in the Main Street area. With this infrastructure in place the City will be able to use various alternatives to manage parking demand on a flexible basis (for example, it will be possible to implement paid parking only in the evening and during holidays periods).

It is further recommended that staff hire a consultant to do a parking study to determine alternatives and rates to manage the parking demand. The study would need to be added to the 2016 budget.

Department Review:

This Staff Report was reviewed by the Public Works, Economic Development, Transportation Planning, Legal and City Manager Departments.

Alternatives:**A. Approve:**

Accept the Peak Day/Hour task force and City Staff recommendation to create a Capital project to install Paid Parking infrastructure at an estimated cost of between \$425,000 and \$525,000 in the Main Street area for use beginning December 2015. And direct City staff to hire a consultant to complete a parking study to determine alternatives and rates to manage parking demand.

B. Deny:

The City Council could deny the recommendation to install Paid Parking infrastructure and hire a consultant to complete a parking study. If denied then the changes made during the HPCA first phase would remain in effect (except for the enhanced Transit service hours and Employee Express Link).

C. Modify:

The City Council could direct City staff to modify the recommendation to some other alternative.

D. Continue the Item:

The City Council could determine to continue the item to discuss in the next City Council meeting with minimal impact to the Capital Budget schedule. Further delays beyond mid-March could affect the ability to have infrastructure in place by December 2015.

E. Do Nothing:

The City Council could decide to do nothing at which point the current changes made to parking as part of the HPCA first phase would continue (except for the enhanced transit service hours and employee express link) and parking will increasingly become more difficult for Main Street customers.

Significant Impacts:

	World Class Multi-Seasonal Resort Destination (Economic Impact)	Preserving & Enhancing the Natural Environment (Environmental Impact)	An Inclusive Community of Diverse Economic & Cultural Opportunities (Social Equity Impact)	Responsive, Cutting-Edge & Effective Government
Which Desired Outcomes might the Recommended Action Impact?	+ Accessibility during peak seasonal times + Balance between tourism and local quality of life	+ Reduced municipal, business and community carbon footprints		
Assessment of Overall Impact on Council Priority (Quality of Life Impact)	Positive 	Positive 	Neutral 	Neutral 

Funding Source:

Parking Fee Revenue

Consequences of not taking the recommended action:

The parking demand in the Main Street area continues to grow both by Main Street customers and Main Street employees. A recent parking count of China Bridge from February 4, 2015 through February 22, 2015 completed by City parking staff showed that on ***many weeknights*** the structure is above 85% full at 7:00 p.m. In parking considerations 85% to 90% is considered in fully occupied (this perception is the result of drivers having to search for an open space. If no action is taken then parking demand will outstrip parking availability on most evenings in the Main Street area.

Recommendation:

Staff recommends that with the data provided in this report along with the recommendations of the Peak Day/Hour task force the City Council direct City staff to move forward with a Capital Request in the 2016 budget to install Paid Parking infrastructure in the Main Street Area along with implementation of a parking rate study.



City Council Staff Report

Subject: Anti-Idling: Revisited
Author: Matt Abbott
Department: Sustainability
Date: March 5, 2015
Type of Item: Administrative

Summary Recommendations:

Staff recommends a minor update to the current idling ordinances reducing the enforcement trigger from three (3) minutes to one (1) minute. Staff is also recommending increased anti-idling enforcement through Park City Police Department and Parking Enforcement, while adhering to the state enabling statute which requires enforcement to be primarily educational.

Topic/Description:

This report summarizes the history of anti-idling in Park City, actions taken to date, and recommended actions to continue to improve this program.

Acronyms:

PCPD – Park City Police Enforcement
PCSD – Park City School District

Background:

This Staff Report is the seventh Staff Report on this topic since October 29, 2009. Here is a timeline of Park City's Idle-Free efforts to date:

- August 20, 2009
 - o Park City Council asks staff to assess anti-idling
- October 29, 2009
 - o Staff Report: Anti-Idling Policy
- November 19, 2009
 - o Staff Report: Anti-Idling Resolution
 - o Signed – Resolution No. 33-09: Anti-Idling Resolution for Motorized Vehicle in Park City, Utah and Declaring Park City, Utah to be an Idle-Free City
- December 2, 2010
 - o Staff Report: Main Street Early Deliveries and Anti-Idling Ordinance Discussion
 - o Anti-Idling Ordinance Proposed
- December 16, 2010
 - o Staff Report: Consideration of an Anti-Idling Ordinance
 - o Anti-Idling Ordinance approved
- September 2011

- o Idle Free Awareness Month, sponsored by Park City and Utah Clean Cities
- January 23 to March 8, 2012 – Utah State legislative session
 - o HB 104 introduced and passed. This legislation curbed the breadth and depth of allowable anti-idling enforcement – see below.
- May 3, 2012
 - o Staff Report: Anti-Idling and For-Hire Vehicle Licensing Ordinances
 - o Anti-Idling Ordinance amended to meet requirements of Utah Code 41-6a-208 (HB 104)
- May 8, 2012
 - o HB 104: Local Highway Authority Regulatory Powers effective date.
 - o The law prohibits enacting of an “anti-idling” ordinance unless the ordinance:
 - (i) is primarily educational;
 - (ii) provides that a person must be issued at least three warning citations before imposing a fine;
 - (iii) has the same fine structure as a parking violation;
 - (iv) provides for the safety of law enforcement personnel who enforce the ordinance;
- February 26, 2014
 - o Idling ordinance addressed during public comment
 - o Park City Council requests a work session
- March 27, 2014
 - o Staff Report: Anti-Idling: Revisited

Enforcement of the existing ordinance has been conducted through verbal education/warnings, printed warning notices, and reports made through Park City’s online [Idling Complaint Form](#). Park City Police Department has issued verbal warnings but does not have a system in place to easily track these warnings, there have been no citations issued. With zero citations and no tracking system for warnings, no financial penalties have been issued.

Environmental Sustainability has responded to 41 complaints since January 2011. Anecdotally, many citizens have personally participated in spreading the Idle-Free message. Environmental Sustainability has posted 25 permanent signs, assisted the three resorts in developing their own signage, and has pursued education and public outreach. The majority of Park City banks and all local schools have signage. Park City School District has been pursuing internal events to increase student and parent participation in clean air efforts. Code Enforcement is regularly contacted regarding idling infractions at and around active construction sites.

Analysis:

Idling is wasteful and preventable. Past reports have illustrated the environmental and economic impacts of idling.

Staff does not recommend pursuing amendments to HB 104 or other legislative action.

To more effectively address behavior change, staff recommends the following approach:

1. Amend existing ordinance to:
 - o Reduce permitted idling time from three minutes to one minute;
 - o Remove temperature constraints; and
2. Increase enforcement of existing ordinance

These changes are recommended in order to reduce the overall impact of unnecessary idling while increasing educational opportunities. Park City tends to prioritize education ahead of enforcement and both the time limit and temperature constraints have discouraged education.

1. Amend ordinance

Staff recommends the following changes to our current ordinance:

9-10-1 NO IDLING.

No driver, while operating a vehicle within Park City corporate limits, shall cause or permit a vehicle's engine to idle for more than **three one minutes**, with exceptions for the following circumstances:

- (A) The vehicle is forced to remain motionless on a roadway because of traffic conditions.
- (B) The vehicle is an authorized emergency vehicle used in an emergency situation.
- (C) Vehicle idling is necessary for auxiliary power for law enforcement equipment, fire, emergency and water equipment, refrigeration units, loading and unloading lifts, well drilling, farming, battery charging, or is required for proper functioning of other equipment that is part of the vehicle.
- (D) Vehicle idling is necessary for repair or inspection of the vehicle.
- (E) The health or safety of a driver or passenger, including service animals, requires the vehicle to idle, **including instances where the temperature is below 32 degrees F or above 90 degrees F**. This exception also includes idling needed to operate window defrosters and other equipment necessary to promote safe driving conditions.
- (F) Vehicle idling is necessary for efficient operation of a turbo-charged heavy duty vehicle (e.g., buses) or to operate a vehicle within manufacturer's operating requirements. This includes building air pressure in air brake systems, among other requirements.

Vehicle idling under these exceptions should not violate Utah State Code, 41-6a-1403, which prohibits the idling of an unattended vehicle.

9-10-2. IDLING ON PUBLIC AND PRIVATE PROPERTY.

Section 9-10-1 may only be enforced when the idling vehicle is found on:

- (A) Public property, or
- (B) Private property that is open to the public unless the private property owner:

(I) Has a private business that has a drive-through service as a component of the private property owner's business operation and posts a sign provided by or acceptable to Park City informing its customers and the public of Park City's time limit of **three one minutes** for idling vehicle engines; or

(II) Adopts an idle reduction education policy approved by Park City **and posts signage.**

9-10-3. SAFETY OF LAW ENFORCEMENT OFFICERS.

Section 9-10-1 shall be enforced in such a manner as to provide for the utmost safety of the law enforcement officers or designees who enforce it.

After receiving three warning citations, violators shall pay a penalty in an amount set forth for general parking violations in the Fee Resolution.

2. Increase enforcement

Park City Police Department and Parking Enforcement will be the primary enforcers of the idling ordinance, shifting enforcement responsibility away from Environmental Sustainability and Code Enforcement. With Parking Enforcement now an in-house service, Park City has more influence and adaptability in Main Street education and enforcement.

Park City Police Department conducts regular enforcement of traffic laws on speeding, school zones, cross walks, and other public safety initiatives. Idle-Free education events could target problem locations or problem populations.

Parking Enforcement and Park City Police Department will need to coordinate record keeping to legally issue a fee. State Law requires three warning citations prior to issuing a financial penalty. Park City's Fee Schedule cites a \$30 fee for the first infraction.

Department Review:

Parking Enforcement, Police, Sustainability, Legal, and City Manager reviewed this Staff Report

Alternatives:

A. Approve: Increase anti-idling enforcement through Park City Police Department and Parking Enforcement. Make minor updates to the current idling ordinances to reduce the allowed idling time to one minute. **(STAFF RECOMMENDATION)**

B. Deny: Do not pursue all recommendations or pursue only some of the recommendations.

C. Modify: Modify all or some of the recommendations.

C. Continue the Item: Continue all or some of the topics until staff has provided the appropriate level of detail or support.

Significant Impacts:

	World Class Multi-Seasonal Resort Destination (Economic Impact)	Preserving & Enhancing the Natural Environment (Environmental Impact)	An Inclusive Community of Diverse Economic & Cultural Opportunities (Social Equity Impact)	Responsive, Cutting-Edge & Effective Government
Which Desired Outcomes might the Recommended Action Impact?	+ Balance between tourism and local quality of life + Internationally recognized & respected brand	+ Reduced municipal, business and community carbon footprints	+ Shared use of Main Street by locals and visitors	+ Engaged and informed citizenry
Assessment of Overall Impact on Council Priority (Quality of Life Impact)	Very Positive 	Positive	Positive	Positive
Comments: Staff believes that effective anti-idling policy will improve internal operations, reduce public nuisances and complaints, and reduce pollution. Anti-idling efforts are in line with Council's stated priorities.				

Funding Source:

Staff is not requesting any additional funding.

Consequences of not taking the recommended action:

Taking no action will result a level of enforcement and action as experienced in the last 12-months.

Recommendation:

Staff recommends a minor update to the current idling ordinances reducing the enforcement trigger to one (1) minute from three (3) minutes. Staff is also recommending increased anti-idling enforcement through Park City Police Department and Parking Enforcement, while adhering to the state enabling statute which requires enforcement to be primarily educational.

Attachments:

Exhibit A – Anti-Idling Resolution (12/16/2010)
 Exhibit B – Anti-Idling Resolution (11/19/2009)
 Exhibit C – Utah Code Utah Code 41-6a-208(3)(c)



City Council Staff Report

Subject: Consideration of an Anti-Idling Ordinance
Author: Tyler Poulson
Department: Sustainability
Date: December 16, 2010
Type of Item: Legislative

Summary Recommendation:

Staff recommends that City Council review the attached anti-idling ordinance (Exhibit A) and adopt the ordinance which prohibits unnecessary vehicle idling within the Park City limits.

Background:

City Council has discussed anti-idling, and the potential for an ordinance, on various occasions in the past two years. During the October 29, 2009 Work Session, Council supported the passage of an anti-idling resolution which was then formally adopted in November 2009. During 2010 Visioning, staff presented details on an ordinance proposal that included staff resources for active enforcement by Parking Services.

Most recently, at the December 2, 2010 Work Session, staff presented an anti-idling ordinance which included an enforcement priority that doesn't require additional staff resources (Exhibit B). The proposed ordinance includes strategies (e.g., web reporting form) which would respect the existence of an idling law and deter idling, while also working within resource constraints. City Council provided direction on December 2nd for staff to return with a final ordinance draft for consideration on December 16th.

Analysis:

Staff has been engaged in various education and outreach efforts since passage of the anti-idling resolution by City Council in November 2009. These efforts have included street signage, website content, and informational notices handed out by Police and Parking Services. Education and outreach activities have been supplemented by the efforts of Clean Air Park City (www.cleanairparkcity.org), a local non-profit that advocates for improvements in air quality through reduced vehicle idling and other emissions-reducing behavior.

Despite conscious efforts to encourage reductions in vehicle idling, it remains clear to staff that idling issues persist in Park City. This issue is not simply due to tourist populations, but is also perpetuated by our resident and working populations. Staff believes this issue persists partly due to the lack of a clear signal conveying the negative environmental, economic, and health impacts of vehicle idling (see Exhibit A for examples of these negative impacts).

An ordinance, it is believed, will explicitly communicate the undesirable externalities created by unnecessary vehicle idling and act as a catalyst for more robust social change. Similar to ordinances that prohibit littering or texting while driving, staff feels that an anti-idling ordinance

has the potential to create new social norms without necessarily requiring aggressive enforcement efforts. Additional analysis on the proposed anti-idling ordinance is available in the December 2, 2010 Staff Report (Exhibit B). Furthermore, previous research on anti-idling is included in an October 29, 2009 Staff Report which is available on the web¹.

Department Review:

Sustainability, Public Safety, Parking Enforcement, Business Licensing, Legal, and the City Manager have reviewed this Staff Report and their commentary has been included.

Alternatives:

A. Approve (Staff Recommendation)

Approve the ordinance in Exhibit A which prohibits unnecessary idling of vehicles within Park City limits.

B. Deny

Do not adopt an anti-idling ordinance for Park City and request a break from recurring consideration of this item.

C. Modify

Direct staff to return to City Council with a final draft of an anti-idling ordinance that includes modifications in the ordinance language, as directed by Council.

Significant Impacts:

If an anti-idling ordinance is adopted, staff time will be required to set-up enforcement measures and enforcement protocol (detailed in Exhibit B). Park City would become the first municipality in Utah to adopt an anti-idling ordinance and would join a growing number of communities across the country that have taken this step to protect the environment and public health, while also promoting the conservation of finite natural resources.

Recommendation:

Staff recommends that City Council review the attached anti-idling ordinance (Exhibit A) and adopt the ordinance which prohibits unnecessary vehicle idling within the Park City limits.

Exhibits (Included):

Exhibit A – Ordinance Prohibiting the Idling of Vehicles within Park City Limits

Exhibit B – December 2, 2010 Staff Report on the Proposed Anti-Idling Ordinance

¹ October 29, 2009 Staff Report: <http://www.parkcitygreen.org/Files/Anti-Idling---Oct-29-2009-Staff-Report.aspx>

Exhibit A – Ordinance Prohibiting the Idling of Vehicles within Park City Limits

Ordinance No. 10-

AN ORDINANCE AMENDING TITLE 9, PARKING CODE, OF PARK CITY MUNICIPAL CODE SECTIONS 9-1-2, APPLICATION OF THE CODE, 9-9-4 PENALTIES FOR ILLEGAL PARKING, and 9-9-5 ENFORCEMENT; PAYMENT. AND ADOPTING A NEW CHAPTER_ CHAPTER 10, ANTI-IDLING, PROHIBITING THE IDLING OF VEHICLES WITHIN CITY LIMITS AND PROVIDING FOR LIMITED EXCEPTIONS

WHEREAS, emissions from vehicle idling contribute significantly to air pollution, climate change and increased rates of cancer and heart and lung diseases which adversely affect the health, natural environment and economic well being of residents, guests and visitors of Park City; and

WHEREAS, petroleum-based fuels are nonrenewable and should be used wisely and not wasted; and

WHEREAS, idling a typical vehicle for longer than ten seconds consumes more fuel than restarting that vehicle, resulting in excessive emissions and wasted fuel; and

WHEREAS, Park City Municipal Code, 9-8-3, already provides that no delivery vehicle parked on Main Street or Swede Alley shall be parked with its engine left idling; and

WHEREAS, Utah State Code, 41-6a-1403, prohibits the idling of an unattended vehicle; and

WHEREAS, Park City Municipal Corporation presently has a Fuel Conservation and Anti-Idling Policy in place, encouraging efficient use of City vehicles to reduce operating costs and emissions; and

WHEREAS, reducing needless vehicle idling is in keeping with Park City's promotion as an eco-tourism destination and its affiliation with ICLEI (Local Governments for Sustainability); and

WHEREAS, the City Council desires to ensure that unnecessary idling does not occur in idle-frequent locations such as school grounds, parking lots/garages, business centers, and ski resort parking lots and loading and unloading zones; and

WHEREAS, Clean Air Park City will, on its own and in partnership with Park City Municipal Corporation and other like-minded organizations, continue to educate residents, visitors, and guests of the dangers to the environment and health of citizens caused by the unnecessary idling of motor vehicles; and

WHEREAS, the City Council desires to take a proactive position on air pollution to protect the livability and viability of Park City and its residents, visitors and guests; and

WHEREAS, it is in the public interest that Park City residents, guests and visitors reduce vehicle emissions to protect the health, economy and natural environment of Park City and the surrounding area;

WHEREAS, City Council has previously demonstrated leadership on this issue by adopting an "Idle-Free Resolution" for Park City in November 2009; and

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
PARK CITY, UTAH THAT:**

Section I. Amendment. Title 9 Parking Code, Section 9-1-2, of the Municipal Code of Park City is hereby amended as follows:

9-1-2. APPLICATION OF THE CODE.

This Title is applicable on all public streets and public parking facilities, within Park City's corporate limits as now constituted or as subsequently amended by annexation or disconnection. The anti-idling Chapter is applicable everywhere within Park City's corporate limits as now constituted or as subsequently amended by annexation or disconnection including private property.

Section II. Amendment. Title 9 Parking Code, Section 9-9-4, of the Municipal Code of Park City is hereby amended as follows:

9-9-4. PENALTIES FOR ILLEGAL PARKING AND ILLEGAL IDLING.

The owner or operator of a vehicle cited for illegal parking under this Title shall be required to pay the penalty in the amount set forth in the Fee Resolution for the violation, and if the illegal parking is not contested, shall pay the fee according to the schedule set forth by resolution in lieu of administrative hearing on the infraction. In addition to the fee imposed for illegal parking, the owner of the vehicle is responsible for paying Immobilization, towing and impound fees for the release of the vehicle. Immobilization and towing fees may be levied against the violator or the owner of the vehicle, or both. The owner or operator of a vehicle cited for illegal idling under this Title shall be required to pay a penalty of one hundred (\$100) dollars.

Section III. Amendment. Title 9 Parking Code, Section 9-9-5, of the Municipal Code of Park City is hereby amended as follows:

9-9-5. ENFORCEMENT; PAYMENT.

The City may employ private enforcement officer(s) to enforce this Title and issue parking and anti-idling citations for violations thereof, including parking illegally in handicapped spaces. All fees and penalties imposed pursuant to this Title shall be paid to Park City Municipal Corporation in the manner and by the means specified on the reverse side of the parking or anti-idling citation.

Section IV. Adoption. Chapter 10, Anti-Idling, in Title 9 Parking Code of the Municipal Code of Park City is hereby adopted as follows:

9-10-1 NO IDLING.

No driver, while operating a vehicle within Park City corporate limits, shall cause or permit a vehicle's engine to idle for more than three minutes, with exceptions for the following circumstances:

- (A) The vehicle is forced to remain motionless on a roadway because of traffic conditions.
- (B) The vehicle is an authorized emergency vehicle used in an emergency situation.

- (C) Vehicle idling is necessary for auxiliary power for law enforcement equipment, fire, emergency and water equipment, refrigeration units, loading and unloading lifts, well drilling, farming, battery charging, or is required for proper functioning of other equipment that is part of the vehicle.
- (D) Vehicle idling is necessary for repair or inspection of the vehicle.
- (E) The health or safety of a driver or passenger, including service animals, requires the vehicle to idle, including instances where the temperature is below 32 degrees F or above 90 degrees F. This exception also includes idling needed to operate window defrosters and other equipment necessary to promote safe driving conditions.
- (F) Vehicle idling is necessary for efficient operation of a turbo-charged heavy duty vehicle (e.g., buses) or to operate a vehicle within manufacturer's operating requirements. This includes building air pressure in air brake systems, among other requirements.

Vehicle idling under these exceptions should not violate Utah State Code, 41-6a-1403, which prohibits the idling of an unattended vehicle.

Section V. Effective Date. This Ordinance shall become effective upon publication.

PASSED AND ADOPTED this 16th day of December 2010.

PARK CITY MUNICIPAL CORPORATION

Mayor Dana Williams

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington, City Attorney

Exhibit B – Anti-Idling Resolution (11/19/2009)



City Council Staff Report

Subject: Anti-Idling Resolution
Author: Tyler Poulson and Diane Foster
Department: Sustainability
Date: November 19, 2009
Type of Item: Administrative

Summary Recommendation:

Staff recommends that City Council review the attached vehicle idling resolution (see Exhibit A) and adopt the resolution declaring Park City an “Idle-Free City”.

Background:

On October 29th, Staff presented City Council with research on excessive vehicle idling and options the City has, beyond what is currently being done, to address this issue (see Exhibit B). City Council was in favor of adopting an anti-idling resolution and declaring Park City an “Idle-Free City”. A local organization by the name of Clean Air Park City, a chapter of Utah Moms for Clean Air, along with many community members, appeared at the meeting to demonstrate their commitment for the resolution.

In addition to adoption of a resolution, City Council directed staff to research enforcement options, and the associated resource requirements, for a potential idling ordinance. Staff intends to present additional research on this topic as well as an update on outcomes from the resolution at Council’s visioning session in January, 2010.

Department Review:

The Sustainability and Legal departments have reviewed this Staff Report and their commentary has been included.

Significant Impacts:

Park City Municipal will partner with organizations, such as Clean Air Park City, to promote education and awareness on the negative health and environmental impacts of vehicle idling. The City will purchase and display signage in potential high-volume idling areas indicating our commitment to being an “Idle-Free City”. Park City Municipal will also consider other, cost-effective, opportunities to reduce unnecessary vehicle idling and its associated emissions.

Exhibits (Included):

Exhibit A – Resolution No. __-09 demonstrating the City’s Commitment to Anti-Idling Efforts and Declaring Park City an “Idle-Free City”

Exhibit B – October 29, 2009 Staff Report on Anti-idling Policy

Exhibit A - Draft of Park City Anti-Idling Resolution

Resolution No. __-09

ANTI-IDLING RESOLUTION FOR MOTORIZED VEHICLES IN PARK CITY, UTAH AND DECLARING PARK CITY, UTAH TO BE AN IDLE-FREE CITY

WHEREAS, emissions from vehicle idling contribute significantly to air pollution, climate change and increased rates of cancer and heart and lung diseases which adversely affect the health, natural environment and economic well being of residents, guests and visitors of Park City; and

WHEREAS, petroleum-based fuels are nonrenewable and should be used wisely and not wasted; and

WHEREAS, idling a typical vehicle for longer than ten seconds consumes more fuel than restarting that vehicle, resulting in excessive emissions and wasted fuel; and

WHEREAS, Park City Municipal Code, 9-8-3, already provides that no delivery vehicle parked on Main Street or Swede Alley shall be parked with its engine left idling; and

WHEREAS, Park City Municipal Corporation presently has a Fuel Conservation and Anti-Idling Policy in place, encouraging efficient use of City vehicles to reduce operating costs and emissions; and

WHEREAS, reducing needless vehicle idling is in keeping with Park City's promotion as an eco-tourism destination and its affiliation with ICLEI (Local Governments for Sustainability); and

WHEREAS, the City Council desires to ensure that idling does not occur in idle-frequent locations such as school grounds, parking lots/garages, ski resort premises and business centers; and

WHEREAS, Clean Air Park City will, on its own and in partnership with Park City Municipal and other like-minded organizations, continue to educate residents, visitors, and guests of the dangers to the environment and health of citizens caused by the unnecessary idling of motor vehicles; and

WHEREAS, the City Council desires to take a proactive position on air pollution to protect the livability and viability of Park City and its residents, visitors and guests; and

WHEREAS, it is in the public interest that Park City residents, guests and visitors reduce vehicle emissions to protect the health, economy and natural environment of Park City and the surrounding area;

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

1. NO IDLING GUIDELINES. Park City encourages residents, guests, visitors, town employees and other individuals within City limits to not exceed a one minute idling time in their gasoline or diesel-powered motor vehicles. Exceptions to these idling guidelines include the following:

- A. The vehicle is forced to remain motionless on a public road because of traffic conditions.
- B. The vehicle is an emergency vehicle used in an emergency situation.
- C. Vehicle idling is necessary for auxiliary power for law enforcement equipment, refrigeration units, loading/unloading lifts, well drilling, and/or farming.
- D. Vehicle idling is necessary for repair or inspection of the vehicle.

- E. The health or safety of a driver or passenger requires the vehicle to idle, including instances where the temperature is below 32 degrees F or above 90 degrees F.

This Resolution is not enforceable by citation or fine. Compliance shall be strictly voluntary.

2. DECLARATION. The City Council hereby proclaims Park City to be an **Idle-Free City**.

3. NO IDLING/IDLE-FREE CITY SIGNS. Park City Municipal will partner with Clean Air Park City and others in the community to install "No Idling" signs and signs designating Park City as an "Idle-Free City" at appropriate places.

4. EFFECTIVE DATE. This Resolution shall take effect upon adoption by the City Council.

PASSED AND ADOPTED this 19th day of November, 2009.

PARK CITY MUNICIPAL CORPORATION

Mayor Dana Williams

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington, City Attorney

Exhibit C – Utah Code Utah Code 41-6a-208(3)(c)
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Utah Code Utah Code 41-6a-208(3)(c)

- (c) enact an ordinance that prohibits or restricts an owner or operator of a vehicle from causing or permitting the vehicle's engine to idle unless the ordinance:
 - (i) is primarily educational;
 - (ii) provides that a person must be issued at least three warning citations before imposing a fine;
 - (iii) has the same fine structure as a parking violation;
 - (iv) provides for the safety of law enforcement personnel who enforce the ordinance; and
 - (v) provides that the ordinance may be enforced on:
 - (A) public property; or
 - (B) private property that is open to the general public unless the private property owner:
 - (I) has a private business that has a drive-through service as a component of the private property owner's business operations and posts a sign provided by or acceptable to the local highway authority informing its customers and the public of the local highway authority's time limit for idling vehicle engines; or
 - (II) adopts an idle reduction education policy approved by the local highway authority;



City Council Staff Report

Subject: 2015 Main Street Improvements
Professional Service Provider Contract Award
Author: Matthew A. Twombly
Department: Sustainability
Date: March 5, 2015
Type of Item: Administrative

Summary Recommendations:

Authorize 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).

Topic/Description:

2015 Main Street Improvements Professional Service Provider contract award – Design and Engineering of the Main Street Streetscape.

Acronyms in this Report:

HDDR	Historic District Design Review
HPCA	Historic Park City Alliance
RFP	Request for Proposals
CMAR	Construction Manager at Risk
GMP	Guaranteed Maximum Price

Background:

In 2012 staff developed a 10-15 year implementation plan to (re-)construct all of the streetscape infrastructure (sidewalks, curb and gutters, streetlights, benches, signage, art...) as well as the plazas. The 2014 Streetscape Improvements were completed in October of 2014. The Bear Bench walkway was substantially complete except for the lights in the light band, the landscaping and a small area of brick paving behind 562 Main St. It is anticipated that the remaining uncompleted items for the Bear Bench project will be finished by mid-May depending on the weather.

The 2013 project design agreement included determining the streetscape "design" or the look of the Main Street sidewalk improvements to be carried through the 10 year plan. The agreed upon and Historic District Design Review (HDDR) approved Main Street improvements include storm drains and inlet boxes, new water meters and lids, "Blue Sky" grey granite curb, 12"x12" "Chester" pavers, ~ 18" wide concrete bands around a rectangular field of granite pavers (alternating between square and diagonally set), new reproduction street lights, and electrical conduit. The site furnishings will be reviewed and chosen by Parks and Planning and coordinated with the project team in an effort to keep the funk and not have all the same benches and trash cans.

As an overview the Chester or grey granite pavers with gray concrete band was deliberately chosen to downplay the paving material and focus the user on the historic fabric (buildings). Staff and ultimately Council agreed that the pass throughs and walkways offered an opportunity to depart from a basic paving color and material and indicate to users a pedestrian connection to other civic infrastructure (transit, parking, Miner's park) was on the other side. All agreed that these walkways could introduce modern materials, colors and themes.

Staff has coordinated with Questar Gas and their schedule of the main line replacement on Main Street. The project list for Main Street sidewalks was developed around the coordination with Questar. Scheduled Events and the Dining Decks will also have impacts on the construction schedule. And of course the construction will cause daily temporary impacts to the Main Street businesses, visitors, and locals on Main Street. The construction timing will be coordinated and communicated to the Historic Park City Alliance (HPCA) Board, Infrastructure Committee and affected businesses.

Analysis:

The Request for Proposals (RFP) was advertised on February 11th and 14th, 2015 in the Park Record and 10th and 11th in the Salt Lake Tribune. Additionally, the RFP was posted on the City's website, e-notify and Utah Legals website.

A selection committee included the following participants:

PCMC:

Craig Sanchez
Dave Gustafson
Matt Twombly

And from the HPCA:

Alison Butz

Three firms responded and their cost proposals are as follows:

MGB+A	\$69,619
Alliance Engineering	\$64,560
Forsgren Engineering	\$103,013

Selection of the consulting firm was based on the following criteria:

- Experience on similar projects.
- Strength of individuals committed to the project
- Relevance of submitted work plan
- Availability, Communications and Public Involvement
- Strength of addressing PC concerns
- Fee Structure or Other Consideration

Park City's purchasing policy states that Professional Service Contracts are exempt from competitive bidding, where the lowest quote need not necessarily be awarded the contract. Furthermore, the policy states that emphasis will be placed on quality, with cost being the deciding factor when everything else is equal.

The selection committee met on February 24, 2015. In review of the proposals the committee determined that MGB+A and their subcontractors were the most qualified. Any change in their subcontractors would require staff's approval. Their qualifications were based on overall experience, experience with Streetscape projects, proposed work plan and number of hours allocated by team members, strength of individuals and overall team, use of a Alliance Engineering as a sub contractor and their familiarity with the issues of the project and ability to correctly assess the scope of work based on their recent work on the 2013 and 2014 improvement projects.

MGB+A is a landscape architecture and land planning firm. Alliance Engineering is a civil engineering firm. The committee felt that Alliance could perform the work as requested but MGB+A's is more experienced in managing this type of project which requires running meetings, presenting to committees the design by power-point, developing renderings that may be needed in the HDDR process and presenting materials to the HPCA and or Council. Having a local engineering firm such as Alliance is a great asset to the design team. Alliance will be responsible for designing the storm drain, coordinating grades of all improvements and setting property corners based on their survey.

The selected team is expected to coordinate regular meetings with a working committee to further refine previous work, develop construction documents and project management for the project. The working committee will include representatives from the HPCA and City, including Sustainability, Economic Development, Planning, and Public Works. The deliverables will include (see Exhibit A):

- Analyze Streetscape & Pedestrian Enhancements current design.
- Asses the project cost estimates and schedule of construction.
- Work with the committee and PCMC staff to determine final design, schedule and estimates for presentation to the HPCA, and City Council;
- Present finalized design to City Council;
- Coordination with utility companies;
- Prepare construction documents:
 - o 30% plus cost estimate submittal.
 - o 60% plus cost estimate submittal.
 - o 90% including specifications and cost estimate submittal.
 - o 100% including bid documents, specifications and final cost estimate submittal.
- Provide assistance to PCMC staff in bidding the 2014 improvements including pre-bid meeting and support, contractor questions, issuing addenda, preparing bid tabulations, verification of bidder's qualification, and presentation to City Council for the contract award.

- Provide construction management oversight and coordination with the construction manager or general contractor for the 2015 improvements.
- Facilitate regular meetings and take minutes.
- Review all close-out documents provided by the contractor.
- Set property corners

There is only one project considered for the 2015 Streetscape Improvements see attached map Exhibit B. This project includes:

1. Main Street sidewalks from 5th Street on the West side South to the 4th and Main intersection, and the sidewalks from the 5th Street intersection on the East side heading South to the Brew Pub Parking Lot.

The Main Street sidewalk improvements consist of design and engineering of granite curb, granite paving, concrete paving, storm drainage, electrical, street lights, set property corners, and other miscellaneous site work. The template for design (materials and patterns) has been approved through the City's HDDR process.

The estimate for the 2015 Streetscape Improvements including design total approximately \$1.3 Million. Staff is optimistic that the actual costs of construction will be lower than the estimated budget. Staff will return to Council for the award of the Construction Manager at Risk (CMAR) and the Guaranteed Maximum Price (GMP) for the 2015 Streetscape project. Staff is hoping to start construction the beginning of May.

Department Review:

This report has been reviewed by representatives of Sustainability, Legal, Budget and the City Manager's Office and their comments have been integrated into this report.

Alternatives:

A. Approve:

Approve the request, and authorize the City Manager to execute the 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): (Staff recommendation)

B. Deny:

Council could choose to modify the agreement, which would likely delay the schedule of the project.

E. Modify:

Council could choose to not continue with the project at this time.

E. Continue the Item:

Council may feel there is not enough information to make a decision, which will delay the project and the proposed schedule.

E. Do Nothing:

Same effect as continuance.

Significant Impacts:

	World Class Multi-Seasonal Resort Destination (Economic Impact)	Preserving & Enhancing the Natural Environment (Environmental Impact)	An Inclusive Community of Diverse Economic & Cultural Opportunities (Social Equity Impact)	Responsive, Cutting-Edge & Effective Government
Which Desired Outcomes might the Recommended Action Impact?	+ Balance between tourism and local quality of life ~ Varied and extensive event offerings + Accessibility during peak seasonal times + Safe community that is walkable and bike-able + Internationally recognized & respected brand (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome)	- Managed natural resources balancing ecosystem needs ~ Enhanced water quality and high customer confidence ~ Reduced municipal, business and community carbon footprints ~ Economically and environmentally feasible soil disposal (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome)	~ Preserved and celebrated history; protected National Historic District + Shared use of Main Street by locals and visitors + Entire population utilizes community amenities + Community gathering spaces and places + Vibrant arts and culture offerings (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome)	+ Well-maintained assets and infrastructure (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome)
Assessment of Overall Impact on Council Priority (Quality of Life Impact)	Very Positive 	Negative 	Very Positive 	Positive 
Comments: Events may have temporary negative impacts during construction, but the improvements are positive in the long term. Storm water improvements will have a neutral effect on water quality. The carbon footprint will be neutral even though more resources are used due to the maintenance and lifecycle costs of the materials we are considering for Main Street. The historic side is neutral in that we will celebrate historic sites and provide information, but many may consider the improvements less than desirable as historic.				

Funding Source:

There is currently approximately \$1.3 Million estimated for the 2015 Main Street Improvement projects out of the \$15 M 10 year project budget. Sustainability, Planning, Engineering, Budget, Public Works and on a limited basis other City staff resources will be required to complete the project.

Consequences of not taking the recommended action:

Consequences of not taking the recommended action will likely delay construction.

Recommendation:

Authorize 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).

Attachments:

Exhibit A: MGBA Proposal
Exhibit B: Project Scope Map
Exhibit C: MGBA Fee Schedule



Exhibit A

PROJECT APPROACH

TASK 1 - PROJECT MANAGEMENT

- A. Define roles and relationship.
 - 1. Identify any other key personnel to include in established Working Committee (WC). WC members include: HPCA and City Staff (IE: Sustainability, Economic Development, Planning, Engineering and Public Works representatives).
- B. Project Management.
 - 1. Greg Boudrero of MGB+A - Project Manager; and Jay Bollwinkel - Principal-in-Charge.
 - 2. Meet with the WC weekly through design and bi-weekly through construction of the project (see schedule).
- C. Review timetable and milestones.
 - 1. Refine project scope of work and time schedule according to needs and construction.

Product(s): *Working Committee formed, scope of work, and meeting schedule determined*

TASK 2 – DATA COLLECTION/SITE ANALYSIS

- A. Gathering existing information.
 - 1. Collect information from the City, related agencies, individuals and others.
 - 2. Gather site survey, topography, and aerial photos.
 - 3. Review and analyze preliminary and phasing plans prepared by IBI and streetscape and pedestrian enhancement plans for Main Street prepared by MGB+A.
 - 4. Assess the preliminary cost estimate and schedule to find time savings opportunities
 - 5. Gather existing utilities locations including: sewer, water, storm drainage, irrigation, electrical, street light condition, etc.
 - a. Coordinate with existing utilities for needed for upgrades.
- B. Conduct on-site data collection for the project. This includes but is not limited to:
 - 1. Elements on site that should be enhanced or screened visually (physical constraints).
 - 2. Observing traffic flow, loading zones, drop off zones and parking problems.
 - 3. Other information as directed by the WC or discovered on site.
- C. Analyze information gathered to determine constraints, opportunities and needs.
- D. Prepare base maps incorporating all relevant information gathered.
- E. Meet with the WC to review the information, verify its accuracy and refine as needed. Assess construction cost estimate and schedule.

Product(s): *Approved base map prepared for Conceptual/Schematic Design*

SECTION III | PROJECT APPROACH

TASK 3 - DESIGN DEVELOPMENT (DD)

- A. Prepare DD plans based on approved conceptual designs for Main Street. Refine DD Plans for Main Street improvements from 5th Street intersection on the West side heading South to the 4th Street intersection and from the 4th Street intersection on the East side heading South to the Brew Pub Parking lot in front of the Wasatch Brew Pub property. Site elements include: Granite curb, granite paving with concrete boarders, utilities improvements (storm drain, water meter and service, electrical and others as discovered during demolition), street lights, set property corners, other improvements as discovered during walk through with WC.
- B. Meet with the WC to review these plans and discuss refinements.
 1. Complete discussion of any additional landscape elements desired by the WC.
 2. Update cost estimate.
 3. Work with WC to adjust site elements as needed to stay within budget.
 4. Integrate any revisions from the meeting with the WC. Documents include:
 - a. Hardscape Layout, Grading, Storm Drain & Electrical Plans
 - b. Details and Specifications
 - c. Cost estimate to verify budget
 5. Present DD Plans for Historic Design Review Committee, public and HPCA approval.
 6. Update plans/estimates and present to City Council for final design approval.

Product(s): Approved Design Development Plans

TASK 4 - CONSTRUCTION DOCUMENTS (CD)

- A. Prepare 60%, 90% and 100% CDs following building codes requirements.
 1. Meet with WC to review CDs at 60%, 90% and 100% milestones.
 2. Submit drawings for Planning, Engineering, Building, Historic Design, and HPCA review and permit approval as needed.

Product(s): Completed CDs and cost estimate at 60%, 90% and 100% Milestones

TASK 5 - CM/GC BIDDING

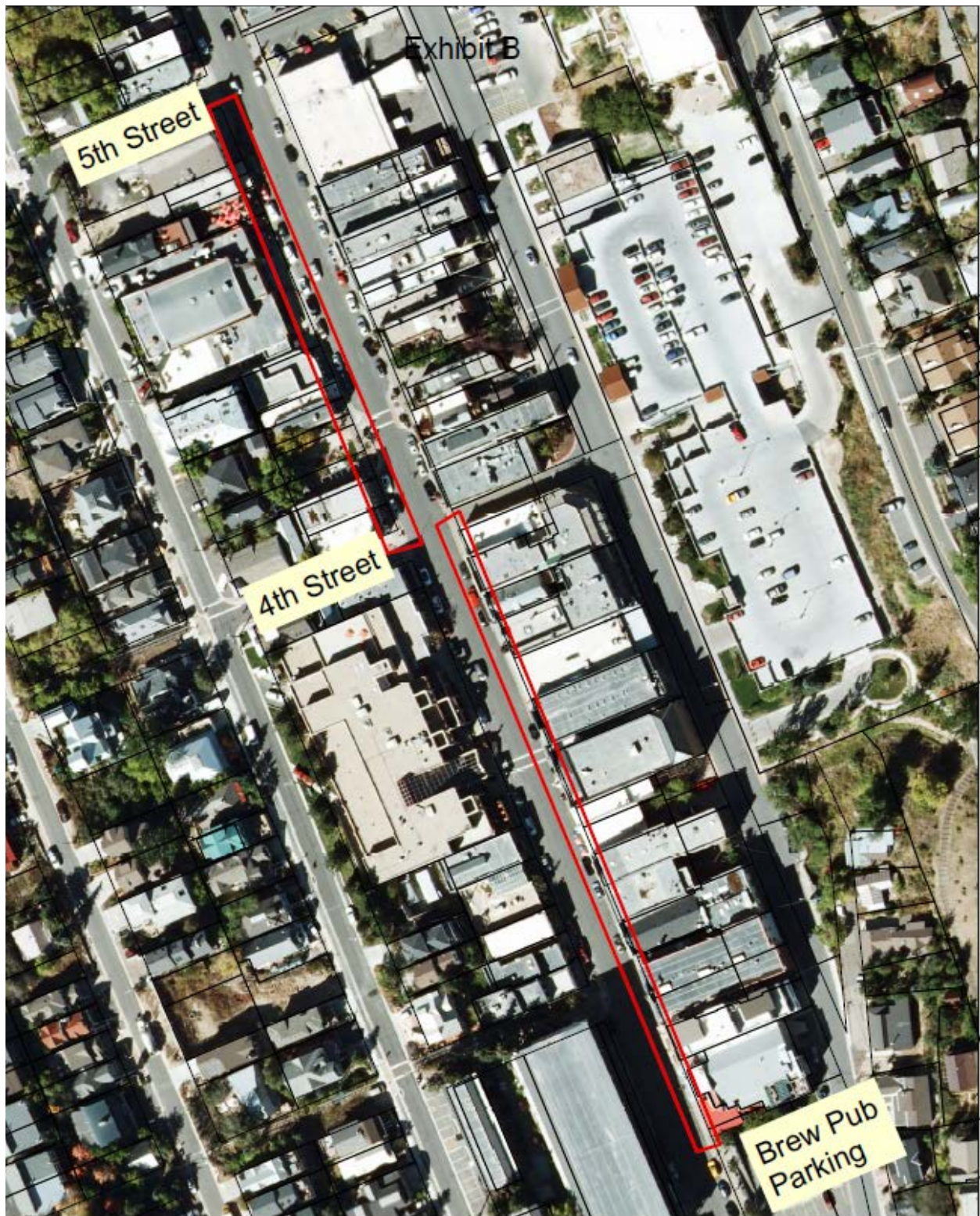
- A. Assist the City in bidding project to contractors and subcontractors as needed.
- B. Attend pre-bid meeting, answer questions during the contract bidding period, provide clarification and addenda of drawings, prepare bidding tabulations/verify bidder qualifications and review with City.
- C. Present final recommendation to City Council for approval.

Product: Contractor selected

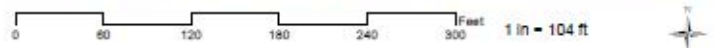
TASK 6 - CONSTRUCTION MANAGEMENT/DESIGN OVERSIGHT

- A. Attend preconstruction meeting, coordinate utilities, and hardscape construction process. Work with the contractor to interpret CDs and avoid change orders. Conduct site meetings to verify installation is complete per CDs.
- B. Provide construction surveying.
- C. Conduct final walk through, prepare final punch list and follow-up to ensure punch list is completed. Assist the contractor in preparing accurate as-built drawings.

Product: Project completed with accurate as-built



Main Street 2015



FEE PROPOSAL

	Working Task
	Weekly Working Committee Meeting(s) (other resource/review personnel to be invited to meeting)
	HPCA Meeting(s)
	City Council Meeting(s)
	Planning and Engineering Permit Coordination Meetings

City Council Staff Report



Subject: 74 & 80 Daly Avenue Subdivision
Plat
Author: Christy J. Alexander, AICP, Planner II
Project Number: PL-14-02449
Date: March 5, 2015
Type of Item: Administrative – Plat Amendment

Summary Recommendations

Staff recommends the City Council hold a public hearing and consider approving the 74 & 80 Daly Avenue Subdivision plat, based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Description

Applicant: John Devarian c/o Devco Homes Inc., owner/Marshall King-Alliance Engineering, representative
Location: 74 & 80 Daly Ave
Zoning: Historic Residential (HR-1)
Adjacent Land Uses: Single-family and Duplex homes
Reason for Review: Plat amendments require Planning Commission review and City Council action

Proposal

The applicant is requesting a Plat Amendment for the purpose of subdividing a portion of Lot 9, Lot 10, a portion of Lot 11 and a portion of the vacated Anchor Avenue into two (2) 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 (2) new lots on which he plans to build new homes at 74 & 80 Daly Avenue.

Purpose

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

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

Acronyms in this Report

CUP Conditional Use Permit
HDDR Historic District Design Review
HR-1 Historic Residential District
LMC Land Management Code

Background

On August 1, 2014 the applicant submitted an application for the 74 & 80 Daly Avenue Subdivision plat. The property is located at 74 & 80 Daly Avenue in the Historic Residential (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 states his intentions are to build new single-family homes on the proposed lots. Mr. Devarian has brought in preliminary home designs to our Design Review Team to discuss Historic District Guidelines and LMC requirements but has not submitted official Historic District Design Review or Steep Slope Conditional Use Permit (CUP) applications at this time.

There are currently two (2) existing homes on either side of the proposed lots. The adjacent property to the northwest, (68 Daly Ave-which is directly to the rear of the proposed Lot A), contains an existing single-family home built in 1982. The existing home and property at 68 Daly Ave also contains a concrete pad, concrete stairs, wood steps and a landing leading to the existing single-family home which were built directly adjacent to the lot line shared with the proposed 74 Daly Ave (Lot A). 68 Daly Ave. 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.

No encroachment permits are needed for the existing stairway as the boundary line was moved so that the stairway does not encroach onto the proposed Lot A. The home at 68 Daly Ave is on a metes and bounds parcel and the current property owner, Pete Henderson, has been contacted by the applicant and does not wish to include his property into this plat amendment. On September 16, 1981 Pete Henderson received approval of a variance to the parking requirements from the Board of Adjustment to allow him to construct a single-family home without providing any off-street parking. Therefore, the stairway leading to the existing single-family home at 68 Daly Ave constitutes legal access off of a City Right-of-Way and no driveway off of Daly Avenue leading to the property is necessary.

This property has had a previous plat amendment application by a previous owner before the Planning Commission and City Council in 2012. At those meetings, the Commission and Council had several concerns and the Planning Commission forwarded a negative recommendation to the City Council after which the previous

applicant pulled his application. The three Planning Commission meetings and one City Council meeting in which the previous application was discussed is summarized below.

April 11, 2012 Planning Commission meeting: discussed and continued to May 9, 2012

During this meeting the Planning Commission expressed concerns where they were not inclined to approve an oversized lot and structure within this neighborhood as the Commission was concerned with compatibility in term of house size. The Commission requested an analysis of the floor areas of structures in the Daly Ave neighborhood.

May 9, 2012 Planning Commission meeting: discussed and continued to May 23, 2012

During this meeting the Planning Commission reviewed the requested floor area analysis and discussed the additional mitigation for the impacts of the built structure on 68 Daly Ave. The study facilitated a house size comparison of all the structures on Daly Ave. In order to ensure compatibility in terms of house size Staff recommended limiting the gross floor area of proposed Lot B to 2 times the allowed footprint (the average of the entire neighborhood was 1.6 times the allowed footprint for Lower Daly Ave) and allowing the existing building parameters to govern Lot A (which would currently allow for a 972.4 square feet footprint), which essentially would have been about the same square footage. The Commission discussed the footprint calculation, the floor area cap, and the portion of the lot being platted. The Commission clarified their concern of how a new structure on Lot A would impact 68 Daly Ave from the standpoint of view shed and solar access. The Commission indicated that they needed to understand those impacts before making a recommendation to the City Council. It was requested that the applicant bring back a model to review the development potential. Staff was also directed to add lot areas and footprints to the Daly Ave study. Staff was also directed to include the portion of vacated Anchor Ave into the footprint calculation. The applicant also mentioned that a 1,300 square foot footprint would achieve a building size that works at approximately 3,300 gross floor area.

May 23, 2012 Planning Commission meeting: continued a few times until July 25, 2012 because no additional info was provided.

July 25, 2012 Planning Commission meeting: reviewed the requested plat amendment and voted 4-1 to forward a negative recommendation to the City Council. The findings of fact and conclusions of law that supported the negative recommendation specified that:

- the ownership issues with Pete Henderson needed to be resolved
- that allowing a home to be built on Lot A would increase the density and appear to have two homes on what appears to be a typical Old town lot

- that building a home on Lot A would create view shed issues and the size of the Lot B created concerns with home size and possibility of building a duplex

August 30, 2012 City Council meeting: discussed and continued it to October 25th meeting. The Council decided to continue this item due to concerns about obtaining encroachment agreements from Pete Henderson, some Council members had concerns about flag lots and setting precedence for odd shaped lots, as well as mass, scale and compatibility and whether the proposal is in line with the purpose statement of the zone.

October 9, 2012, the previous applicant decided to withdraw their application in order to work on the issues that seemed to concern the City Council at that time, i.e. the Pete Henderson (68 Daly Ave) issues. The previous applicant never returned, sold his property, and no further applications have been made until the current applicant/new owner's application was deemed complete on December 11, 2014.

The Planning Commission held a public hearing on February 11, 2015 for this new application and 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. Staff pointed out that Anchor Avenue was already vacated to the applicant and he now owns it. After further discussion regarding vacated Anchor, Assistant City Attorney McLean suggested that the Staff needed to do more research on the vacation of Anchor and whether building could occur in the vacated area. This will be completed prior to bringing the Steep Slope CUP application before the Planning Commission. A majority of the Commissioners stated that it would be more appropriate for the Planning Commission to look at house size and neighborhood compatibility during the CUP process. They did not believe it was a discussion for the plat amendment. Commissioner Joyce requested to see a compatibility analysis when the item comes back for a CUP. The meeting minutes have been attached as Exhibit K.

Analysis

The proposed plat amendment creates two (2) lots of record consisting of 2,200.80 sf for 74 Daly Ave (Lot A) and 3,443.12 sf for 80 Daly Ave (Lot B). The minimum lot area for a single family dwelling is 1,875 square feet. Neither proposed lots currently contain any structures and are vacant. Neither lot meets minimum area requirements (3,750 sf) for a duplex however single-family homes may be built on each lot which could be larger than a few of the surrounding homes along the street. Without the plat amendment only one single family home could be built on Lot 10 as that is the only portion of the combined property that is a full legal lot of record. The Planning Commission on February 11, 2015 opted to look at maintaining compatibility with surrounding properties and the neighborhood as a whole in regards to mass, scale at the Steep Slope CUP stage as opposed to restricting the lots on the plat in regards to smaller footprints or

restricting gross square footage as other properties in the neighborhood have not been restricted as such. This plat amendment is a little different from the previous application in 2012 in that Lot B is smaller in size such that a duplex cannot be built according to the lot size. That will restrict the lot to only allow for a single-family home which may be larger than others in the neighborhood but will reduce traffic concerns from previous Commissions. Also the concerns with the Pete Henderson property at 68 Daly Ave have been addressed in regards to receiving encroachment permits and a settlement agreement was made between the current applicant and Pete Henderson regarding the boundary lines of the lots.

Any new structure in the amended plat would need to meet the current LMC code requirements of 3 feet side yard setbacks (6 total). Front and rear yard setbacks would need to meet current code standards of a minimum of twelve feet (12') based on the lot depths of 91.87 feet. The homes within 200 feet across the street on the east side of Daly Ave consist of mainly single-family and duplex dwellings. Staff has included Exhibit P to show the mean footprint size within the HR-1 District. Lot B's maximum allowed footprint would be compatible with the mean and Lot A would be much smaller. Due to this analysis, staff finds the proposed footprints to be compatible with the District and neighborhood. Please see discussion below as to how only one other home on Upper Daly Ave's gross square footage was restricted and only one subdivision in the past 20 years restricted the footprint calculations from including vacated Anchor Avenue.

The minimum lot width allowed in the district is twenty-five feet (25'). The proposed widths will be 37.48 feet for both Lots A and B. The proposed lots will be compatible with the existing neighborhood as the two lots either side of the proposed lot are approximately 37.5 feet in width as well. Lot A has a lot depth of 91.87 feet on the southern boundary line, however, the majority of the lot is approximately 50 feet in depth. Lot B has a depth of 91.87 feet. The houses within 200 feet to the north and south on the west side of Daly Ave consist of typical "Old Town" single-family and duplex dwellings. The adjacent lots consist of approximately the same depths as the proposed Lot B, which is 91.87 feet deep and approximately the same widths of 37.5 feet wide. The existing home to the south at 84 Daly Ave. comes within a few inches of the proposed property lines. An encroachment permit will not be required for the home at 84 Daly Ave because it does not cross the property line; however, a new single family dwelling on Lot B will need to be setback 6 feet from the existing home at 84 Daly Ave, also due to the existing utility easement. The proposed plat amendment meets the lot and site requirements of the HR-1 District described below:

Required	Existing	Permitted
Lot Size	5,643.92 sf combined	1,875 square feet minimum

Building Footprint	N/A	972.4 sf max for the proposed Lot A and 1,418.7 sf max for the proposed Lot B (based on the lot area of the lots).
Front/rear yard setbacks	N/A	12 feet minimum for Lot A, 25 feet total (based on the lot depth of 91.87 feet) and 10 feet minimum for Lot B, 20 feet total (based on a majority of the lot depth of 50 feet).
Side yard setbacks	N/A	3 feet minimum, 6 feet total for Lot A, 3 feet minimum on the north of Lot B and 6 feet minimum on the south of Lot B (based on the lot width of 37.48 feet) and the existing home to the south at 84 Daly Ave and the existing utility easement.
Height	N/A	27 feet above existing grade, maximum. 35 feet above existing grade is permitted for a single car garage on a downhill lot upon Planning Director approval.
Height (continued)	N/A	A Structure shall have a maximum height of thirty five feet (35') measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters.
Final Grade	N/A	Final grade must be within four (4) vertical feet of existing grade around the periphery of the structure.
Vertical Articulation	N/A	A ten foot (10') minimum horizontal step in the downhill façade is required unless the First Story is located completely under the finish Grade on all sides of the Structure. The

		horizontal step shall take place at a maximum height of twenty three feet (23') from where Building Footprint meets the lowest point of existing Grade.
Roof Pitch	N/A	Between 7:12 and 12:12. A roof that is not part of the primary roof design may be below the required 7:12 roof pitch.
Parking	N/A	Two (2) parking spaces per dwelling.

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 plat amendments. Any new structures must comply with applicable LMC requirements and Design Guidelines for Historic Districts and Historic Sites. A Steep Slope CUP may be required for development on the amended lots. The homes as proposed by the current applicant would require Steep Slope CUPs, at that point the Planning Commission could place additional conditions as to limiting the massing and scale of the homes, taking extra care to develop on the steep slope and ensuring compatibility with the surrounding neighborhood if so desired. These issues will also be addressed with their Historic District Design Review applications.

The issues brought up in 2012 are discussed below with staff responses italicized in parentheses following:

Planning Commission concerns:

- the ownership issues with Pete Henderson needed to be resolved (*the current owner/applicant has reached a settlement agreement with Pete Henderson regarding the boundary lines of their properties-the new plat shows Lot A further away from the stairway so that there are no encroachments of the stairway into Lot A, Pete Henderson has agreed to stay out of the plat amendment process in regards to 74 & 80 Daly Ave and has not agreed to include his property as part of the proposed plat amendment-thus leaving Mr. Henderson's property out of the application, and the current applicant has addressed and submitted the necessary encroachment agreements addressing the existing decks encroaching onto the proposed Lot A*).
- that allowing a home to be built on Lot A would increase the density and appear to have two homes on what appears to be a typical Old town lot (*the Lot size of the proposed Lot A is proposed to be 2,200.80 square feet, which is much larger than a typical Old Town lot of 1,875 square feet. As such both properties-Lot A*

and 68 Daly meet minimum lot requirements of at least 1,875 square feet. The HR-1 zone has historically had homes closer together and been one of the most dense neighborhoods within the city and this is a unique property and instance where there are no other properties within Old Town that share this same issue, i.e. this will not set precedence as 68 Daly would never be allowed to be built today on an un-platted lot under the existing Land Management Code and Building regulations. Other Old Town lots contain duplexes which are essentially two homes and allow for double the traffic and parking, in this case the parking requirements at 68 Daly were waived with a Variance and therefore only traffic and parking impacts of one home will be effectuated between the two homes).

- *that building a home on Lot A would create view shed issues and the size of Lot B created concerns with home size and possibility of building a duplex (As both proposed Lot A and Lot B and 68 Daly Ave all are situated on a hillside, any future homes at 74 & 80 Daly Ave would need to meet Steep Slope CUP requirements, LMC requirements and Historic District Guidelines, thus ensuring the homes will be built into the topography and be sloped up the hillside. The size in the lot has decreased since the application in 2012 and as such at 3,443.12 square feet, the lot will only allow for a single-family home. The Planning Commission on February 11, 2015 opted to look at maintaining compatibility with surrounding properties and the neighborhood as a whole in regards to mass, scale at the Steep Slope CUP stage as opposed to restricting the lots on the plat in regards to smaller footprints or restricting gross square footage as other properties in the neighborhood have not been restricted as such. The applicant has not agreed to restrict the footprint or gross square footage for this application).*

2012 City Council concerns:

- *Obtaining encroachment agreements from Pete Henderson (the current owner/applicant has reached a settlement agreement with Pete Henderson regarding the boundary lines of their properties-the new plat shows Lot A further away from the stairway so that there are no encroachments of the stairway into Lot A, Pete Henderson has agreed to stay out of the plat amendment process in regards to 74 & 80 Daly Ave and has not agreed to include his property as part of the proposed plat amendment-thus leaving Mr. Henderson's property out of the application, and the current applicant has addressed and submitted the necessary encroachment agreements addressing the existing decks encroaching onto the proposed Lot A).*
- *Some Council members had concerns about flag lots and setting precedence for odd shaped lots (The HR-1 zone has historically had homes closer*

together and been one of the most dense neighborhoods within the city and this is a unique property and instance where there are no other properties within Old Town that share this same issue, i.e. this will not set precedence as 68 Daly would never be allowed to be built today on an un-platted lot under the existing Land Management Code and Building regulations).

- *Mass, scale and compatibility (the Lot size of the proposed Lot A is proposed to be 2,200.80 square feet, which is much larger than a typical Old Town lot of 1,875 square feet. As such both properties-Lot A and 68 Daly meet minimum lot requirements of at least 1,875 square feet. The HR-1 zone has historically had homes closer together and been one of the most dense neighborhoods within the city. As both proposed Lot A and Lot B and 68 Daly Ave all are situated on a hillside, any future homes at 74 & 80 Daly Ave would need to meet Steep Slope CUP requirements, LMC requirements and Historic District Guidelines, thus ensuring the homes will be built into the topography and be sloped up the hillside and compatible with the historic neighborhood.*
- *The size in the lot has decreased since the application in 2012 and as such at 3,443.12 square feet, the lot will only allow for a single-family home. The Planning Commission on February 11, 2015 opted to look at maintaining compatibility with surrounding properties and the neighborhood as a whole in regards to mass, scale at the Steep Slope CUP stage as opposed to restricting the lots on the plat in regards to smaller footprints or restricting gross square footage as other properties in the neighborhood have not been restricted as such. The applicant has not agreed to restrict the footprint or gross square footage for this application. Staff researched past plat amendments that included vacated Anchor Avenue within the past 20 years and found the Fisher Amended Subdivision (118 & 124 Daly Avenue) placed a condition of approval on the plat that stated: A hatched area must be added to the plat in the area of vacated Anchor Avenue and a note be added to the plat stating "The hatched area on the plat will not be included in future footprint calculations." This was the only plat amendment in the area that had such a plat note or condition of approval. In this instance the footprints and house sizes were not restricted, only that the footprint could not include the portion of vacated Anchor Avenue in the calculation. Other nearby property owners with existing homes and ownership of vacated Anchor Avenue have no such restriction however. Staff found the nearby Daly Doubles Condos and Empire Canyon Condos as well as the adjacent 68 Daly Avenue have structures built into the portion of vacated Anchor Avenue. If the applicant was allowed to include the vacated portion of Anchor Avenue into the*

footprint that max sf of Lot B would total 1418.7 sf and Lot A would total 972.4 sf. If they were not allowed to use the vacated Anchor Ave, the max footprint sf of Lot B would total 1258.4 sf and Lot A would total 939.22 sf. The only subdivision where the Council decided to place a restriction on gross square footage was on Upper Daly Ave at 313 Daly Avenue in 2010 where an existing historic home was on the property. In that case a condition of approval was placed on the plat that “The plat must include a note indicating that the building footprint is restricted to the portion of the lot that is less than 30% slopes and the gross floor area is calculated at 115% of the footprint for each lot, Lot 1 is restricted to a maximum gross floor area of 2,982 sf and Lot 2 is restricted to a maximum gross floor area of 3,056 sf. This note was placed due to the 2010 compatibility study that was done of Daly that found that the average sf of all of Daly Ave is approximately 137% of the average maximum footprint allowed and the average square footage of Upper Daly Ave is approximately 91% of the average maximum footprint allowed).

- Whether the proposal is in line with the purpose statement of the zone. The purpose of the Historic Residential (HR-1) District is to:
 - o (A) Preserve present land Uses and character of the Historic residential areas of Park City, *(With the Historic District Design Review, the design of the home will need to meet certain criteria and show compatibility to the historic neighborhood and district).*
 - o (B) Encourage the preservation of Historic Structures, *(There are no historic structures on these properties).*
 - o (C) Encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods, *(The Planning Commission on February 11, 2015 opted to look at maintaining compatibility with surrounding properties and the neighborhood as a whole in regards to mass, scale at the Steep Slope CUP stage as opposed to restricting the lots on the plat in regards to smaller footprints or restricting gross square footage as other properties in the neighborhood have not been restricted as such. Staff does not find that this sets new precedence as the mean footprint comparison that is shown in Exhibit P shows the mean footprint for the HR-1 zone is compatible to that proposed for both of the Lots).*
 - o (D) Encourage single family development on combinations of 25' x 75' Historic Lots, *(The applicant can only develop single family homes on the lots).*
 - o (E) Define development parameters that are consistent with the General Plan policies for the Historic core, and *(The General Plan speaks to compatibility within the Historic District by maintaining character, context and scale of local historic districts with compatible infill development and additions. Staff finds this will be maintained*

through the Historic District Design Review (HDDR) process. Through the HDDR process, the design of the home will need to meet certain criteria and show compatibility to the historic neighborhood and district).

- o (F) Establish development review criteria for new development on Steep Slopes which mitigate impacts to mass and scale and the environment. *(This can easily be done at Steep Slope CUP review).*

Good Cause

Planning Staff finds there is 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 requisite Building and Land Management Code, and applicable Historic District Design Guidelines requirements and Steep Slope CUPs if required, which will address previous concerns of structures falling down the hillside to the west of the property.

Department Review

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

Notice

The property was posted and notice was mailed to property owners within 300 feet in accordance with the requirements in the LMC on December 31, 2014. Legal notice was also published in the Park Record by December 27, 2014 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 other than that at the Planning Commission public hearing. Two nearby residents that live on Daly Avenue asked what the size of the proposed new homes would be and what the setbacks would be, Karleen Riley stated that she would meet with Planning Staff to go over the plans in more detail. Public input may be taken at the regularly scheduled City Council public hearing.

Process

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

a Steep Slope CUP and will require a Historic District Design Review. A Building Permit is publicly noticed by posting of the permit.

Alternatives

- The City Council may approve the 74 & 80 Daly Avenue Subdivision as conditioned or amended; or
- The City Council may deny the 74 & 80 Daly Avenue Subdivision and direct staff to make findings for this decision; or
- The City Council 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 lots would not be adjoined and subdivided and remain as is. The parcels at 74 & 80 Daly Avenue would remain vacant and would need to comply with the current LMC requirements for any new structures on typical “Old Town” single lots.

Recommendation

Staff recommends the City Council hold a public hearing and consider approving the 74 & 80 Daly Avenue Subdivision plat based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

Exhibits

- Exhibit A – Draft Ordinance with Proposed Plat
- Exhibit B – Existing Conditions Survey
- Exhibit C – Vicinity Map/Aerial
- Exhibit D – Photographs
- Exhibit E – Encroachment Agreement dated July 15, 2014
- Exhibit F – Previous Proposed Plat from 2012
- Exhibit G – Planning Commission minutes from April 11, 2012
- Exhibit H – Planning Commission minutes from May 9, 2012
- Exhibit I – Planning Commission minutes from July 25, 2012
- Exhibit J – Planning Commission minutes from August 30, 2012
- Exhibit K – Planning Commission minutes from February 11, 2015
- Exhibit L – May 9, 2012 Staff Report with Comparisons
- Exhibit M – July 25, 2012 Staff Report with Findings
- Exhibit N – Ordinance No. 09-03 – restricting the vacated portion of Anchor Avenue from the footprint calculations
- Exhibit O – Ordinance No. 10-06 – restricting the footprint and gross floor area
- Exhibit P – Mean Footprints for HR-1 District

Exhibit A – Draft Ordinance with Proposed Plat

Ordinance 15-

AN ORDINANCE APPROVING THE 74 & 80 DALY AVENUE SUBDIVISION PLAT, LOCATED AT 74 & 80 DALY AVENUE, PARK CITY, UTAH.

WHEREAS, the owners of the property known as the 74 & 80 Daly Avenue Subdivision located at 74 & 80 Daly Avenue, have petitioned the City Council for approval of the 74 & 80 Daly Avenue Subdivision plat; and

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

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

WHEREAS, the Planning Commission held a public hearing on February 11, 2015 to receive input on the proposed subdivision;

WHEREAS, on February 11, 2015 the Planning Commission forwarded a positive recommendation to the City Council; and,

WHEREAS, on March 5, 2015 the City Council held a public hearing on the proposed 74 & 80 Daly Avenue Subdivision; and

WHEREAS, it is in the best interest of Park City, Utah to approve the proposed 74 & 80 Daly Avenue Subdivision plat.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The 74 & 80 Daly Avenue Subdivision plat, as shown in Exhibit A, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The plat is located at 74 & 80 Daly Avenue within the Historic Residential (HR-1) District.
2. The 74 & 80 Daly Avenue Subdivision consists 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 non-complying 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 foot 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:

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. 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.

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



SURVEYOR'S CERTIFICATE

I, Martin A. Morrison, certify that I am a Registered Land Surveyor and that I hold Certificate No. 4938739, 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 plot.

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.

_____, Manager, Devco Homes LLC, a California limited liability company

ACKNOWLEDGMENT

State of _____

County of _____

On this _____ day of _____, 2015, Jan Devorian personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Jan Devorian 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

In witness whereof, the undersigned set her hand

this _____ day of _____, 2015.

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: _____



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

JAN 15 JOB NO.: 5-7-14 FILE: X:\ParkCitySurvey\dwg\sr\plot2014\050714.dwg



SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____
DAY OF _____, 2015
BY _____
S.B.W.R.D.

PLANNING COMMISSION
APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____
DAY OF _____, 2015
BY _____
CHAIR

ENGINEER'S CERTIFICATE
I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____
DAY OF _____, 2015
BY _____
PARK CITY ENGINEER

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS _____
DAY OF _____, 2015
59 BY _____
PARK CITY ATTORNEY

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2015
BY _____
MAYOR

CERTIFICATE OF ATTEST
I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2015
BY _____
PARK CITY RECORDER

RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____
ENTRY NO. _____ DATE _____ TIME _____
FEE _____ RECORDER _____

EXHIBIT B

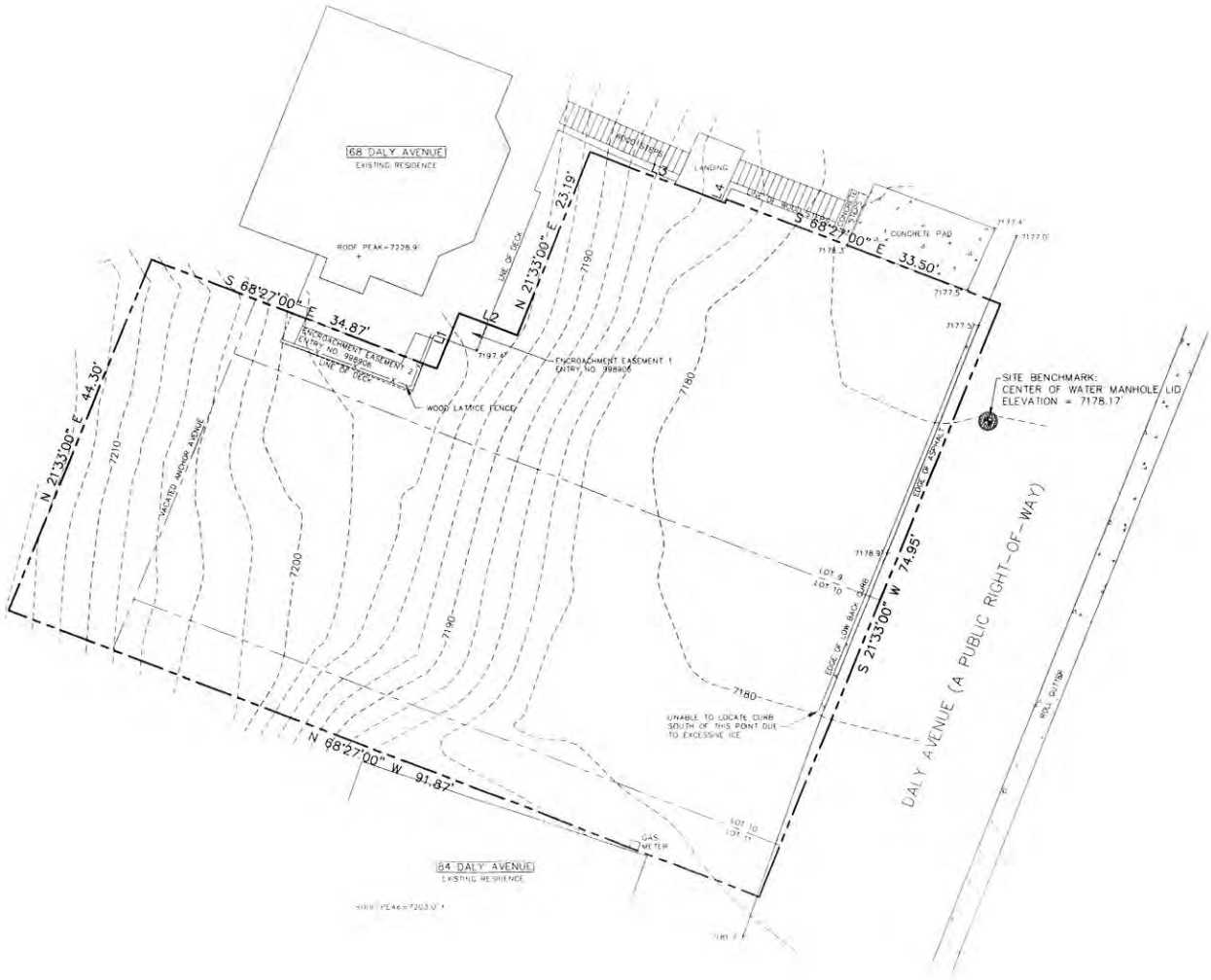


SURVEYOR'S CERTIFICATE

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 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. 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) 849-9467
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

STAFF:
MARSHALL KING
MARTY MORRISON
HARRISON HOLLEY

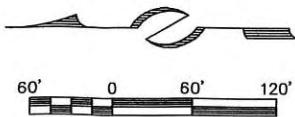
DATE: 7/31/14

EXISTING CONDITIONS & TOPOGRAPHIC SURVEY
80 DALY AVENUE
PARK CITY SURVEY

FOR: JON DEVERIAN
JOB NO.: 5-7-14
FILE: X:\ParkCitySurvey\dwg\srvt\topo2014\050714.dwg

SHEET
1
OF
1

EXHIBIT C



 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664	(435) 649-9467 STAFF: MARSHALL KING HARRISON HOLLEY	AERIAL PHOTOGRAPH 80 DALY AVENUE	RECEIVED AUG 01 2014 PARK CITY 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



80 Daly Avenue looking west



80 Daly Avenue looking east from neighboring deck

AUG 01 2014

PARK CITY
PLANNING DEPT.



80 Daly Avenue looking west



80 Daly Avenue looking west



EXHIBIT E

00998906 B: 2248 P: 1048

Page 1 of 14

Mary Ann Trussell, Summit County Utah Recorder

07/15/2014 08:12:18 AM Fee \$38.00

By Coalition Title Agency, Inc.

Electronically Recorded

WHEN RECORDED, RETURN TO

Brent A. Gold
P.O. Box 1994
Park City, UT 84060

SPACE ABOVE THIS LINE FOR USE BY THE RECORDER

Affecting Parcels Nos. PC-653-A and PC-652

EASEMENT FOR ENCROACHMENT

THIS EASEMENT FOR ENCROACHMENT (the "**Easement**") is granted and agreed to as of July 8, 2014 by and between **Nice Catch, LLC**, a Utah limited liability company ("**Nice Catch**") and Peter Henderson, 68 Daly Avenue, Park City, Utah ("**Henderson**"). The foregoing are sometimes referred to individually as a "**Party**" and collectively as the "**Parties**."

RECITALS

A. This Easement is executed in connection with the Parties' resolution of a lawsuit in the Third Judicial District Court in and for Summit County, captioned *Nice Catch, LLC v. Peter Henderson*, Case No. 130500212 ("**Lawsuit**"). The Court's Order, Judgment, and Decree Quieting Title entered [DATE] resolved the dispute between the Parties as to the boundary between the Parties' adjoining properties.

B. Nice Catch is the fee owner of that certain real property located in Summit County, State of Utah at 80 Daly Avenue (the "**Nice Catch Property**"), and more particularly described on Exhibit A hereto. Henderson is the owner of adjoining real property located in Summit County, State of Utah at 68 Daly Avenue (the "**Henderson Property**"), and more particularly described on Exhibit B hereto. The Nice Catch Property and the Henderson Property are sometimes referred to herein as the "**Parcels**."

C. Henderson has previously built improvements, consisting of a wooden deck and railing, and a bench thereupon (the "**Encroachments**"). The Encroachments extend from the Henderson Property and encroach upon portions of the Nice Catch Property in two places (the "**Easement Area**"). The location of the Encroachments and Easement Area are more particularly described on Exhibit C hereto. The Nice Catch Property, the Henderson Property, and the Easement Area are generally depicted in Exhibits D-1 and D-2 hereto.

D. The Parties acknowledge that the Nice Catch Property is adjacent to another parcel of property owned by Nice Catch. The Easement Area is contained entirely within the Nice Catch Property as described on Exhibit A hereto. This Easement only affects the Nice Catch Property as described on Exhibit A hereto.

E. The Parties desire through this Easement to create an easement permitting Henderson (and his successors-in-title) to maintain the Encroachments in their current location over and upon the Easement Area and in such condition substantially similar to their now existing status. Nothing herein shall be construed to permit Henderson to expand or enlarge the Encroachments or their current use in any respect. Henderson shall have the right to maintain, repair, and rebuild the Encroachments as further defined and limited herein.

AGREEMENT AND GRANTS

NOW THEREFORE, in consideration of the Recitals stated above, which Recitals are expressly incorporated herein by this reference, and the mutual promises set forth herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. **Grant of Easements.** Nice Catch hereby grants to Henderson (and his successors-in-title), for the benefit of the Henderson Property, and as a burden on the Nice Catch Property, a perpetual non-exclusive easement for the Encroachments over and upon the Easement Area (the "Easement"). The Easement and Henderson's use of the Easement Area shall be strictly limited as follows:

- a. **Scope.** The Easement Area is located as generally depicted on the attached **Exhibits D-1 and D-2** and as more particularly described in **Exhibit C** hereto. Henderson shall be permitted to keep and maintain the Encroachments over and upon the Easement Area in their current condition. Henderson shall also be permitted to repair or rebuild the Encroachments as set forth in and limited by Paragraph 1(d). Henderson shall not expand, extend, broaden, widen or otherwise enlarge the size, scope, or use of any of the Encroachments beyond their current condition.
- b. **Use.** Henderson agrees that he may utilize the Easement Area only in such a manner that is consistent with maintaining the improvements as they exist on the date hereof within the Easement Area. Henderson further agrees that his use of the Easement Area shall not interfere with the use of the Nice Catch Property or the quiet enjoyment by Nice Catch thereof.
- c. **No Additional Improvements.** Henderson shall not construct or place any additional improvements in the Easement Area.
- d. **Repairing or Rebuilding the Existing Improvements.** In addition to maintaining the improvements as they exist on the date hereof within the Easement Area, Henderson may make repairs to the improvements within the Easement Area. Henderson may also rebuild the improvements within the Easement Area from time to time as reasonably prudent or necessary, provided that the improvements as rebuilt shall be substantially similar to that which currently exists. Any repairing or rebuilding of the improvements within the Easement Area that are permitted herein shall not expand, extend, broaden, widen or otherwise enlarge

the size, scope, or use of any of the Encroachments beyond their current condition. Henderson shall provide Nice Catch with reasonable notice before rebuilding the improvements in the Easement Area or making major repairs thereto. Henderson may not use any portion of the Nice Catch Property other than the Easement Area to facilitate such repairs or rebuilding of the improvements without prior consent in writing.

e. Relocation. The Easement shall not be relocated.

f. Automatic Termination. At such time that the presently existing Encroachments or any portion thereof are removed, intentionally demolished, or abandoned, this Easement shall be automatically terminated with respect to any such portions of the Easement Area; provided, however, that repairing or rebuilding the improvements (as set forth in and limited by Paragraph 1(d)) shall not terminate the Easement.

2. **Indemnification.**

a. Henderson shall indemnify, defend and hold harmless the owner and occupants of the Nice Catch Property (the "**Nice Catch Indemnified Parties**") from and against any and all liability, claims, damages, expenses (including reasonable attorneys' fees), judgments, proceedings and causes of action, for injury to or death of any person or damage to or destruction of any property resulting from the negligent or willful act or omission of Henderson, his tenants, subtenants, agents, contractors or employees, arising out of activities conducted by Henderson or his tenants, subtenants, or agents in the Easement Area, except to the extent caused by the negligence or willful act or omission of the Nice Catch Indemnified Parties.

b. Nice Catch, LLC shall indemnify, defend and hold harmless the owner and occupants of the Henderson Property (the "**Henderson Indemnified Parties**") from and against any and all liability, claims, damages, expenses (including reasonable attorneys' fees), judgments, proceedings and causes of action, for injury to or death of any person or damage to or destruction of any property resulting from the negligent or willful act or omission of Nice Catch, LLC, its tenants, subtenants, agents, contractors or employees, arising out of activities conducted by Nice Catch, LLC or its tenants, subtenants, or agents in the Easement Area inconsistent with this Easement and the rights of Henderson, except to the extent caused by the negligence or willful act or omission of the Henderson Indemnified Parties.

3. **No Public Dedication.** The terms and provisions of this Easement are not intended to and do not constitute a dedication for public use of any portion of any Parcel.

4. **Running of Benefits and Burdens.** All provisions of this instrument, including the burdens and restrictions stated and implied, touch, concern, and run with the Nice Catch

Property and are a benefit to the Henderson Property, and are binding upon and inure to the benefit of the successors-in-title of the owners of the Nice Catch Property and the Henderson Property. Nothing in this Easement grants Henderson or any other person any other rights in the Nice Catch Property.

5. **Further Assurances.** The Parties covenant and agree that each of them will perform such other acts and provide such other documents and/or assurances as are reasonably required to implement the intent of this Easement.

6. **Amendments.** This Easement may be amended only by recording, in the office of the Recorder of Summit County, Utah, an instrument in writing reciting such amendment, bearing the acknowledged signatures of the owners of the Parcels, or the portions of the Parcels affected by the amendment.

7. **Miscellaneous.** This Easement may be executed in one or more counterparts, each of which, when taken together, constitutes the original.

8. **Attorney Fees/ Disputes.** In the event of any action to enforce the provisions of this Easement, the prevailing Party shall be entitled to receive its costs and attorney fees from the other Party.

9. **Construction.** This Easement shall be construed in accordance with the laws of the State of Utah and both Parties shall be considered the drafters of this Easement.

IN WITNESS WHEREOF, the undersigned Parties have created this Easement effective as of the date first written above.

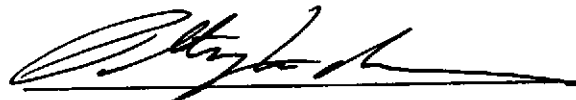
NICE CATCH:

NICE CATCH, LLC, a Utah limited liability company

By: _____
Its: _____

HENDERSON:

PETER HENDERSON



Property and are a benefit to the Henderson Property, and are binding upon and inure to the benefit of the successors-in-title of the owners of the Nice Catch Property and the Henderson Property. Nothing in this Easement grants Henderson or any other person any other rights in the Nice Catch Property.

5. **Further Assurances.** The Parties covenant and agree that each of them will perform such other acts and provide such other documents and/or assurances as are reasonably required to implement the intent of this Easement.

6. **Amendments.** This Easement may be amended only by recording, in the office of the Recorder of Summit County, Utah, an instrument in writing reciting such amendment, bearing the acknowledged signatures of the owners of the Parcels, or the portions of the Parcels affected by the amendment.

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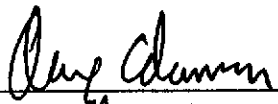
8. **Attorney Fees/ Disputes.** In the event of any action to enforce the provisions of this Easement, the prevailing Party shall be entitled to receive its costs and attorney fees from the other Party.

9. **Construction.** This Easement shall be construed in accordance with the laws of the State of Utah and both Parties shall be considered the drafters of this Easement.

IN WITNESS WHEREOF, the undersigned Parties have created this Easement effective as of the date first written above.

NICE CATCH:

NICE CATCH, LLC, a Utah limited liability company

By: 
Its: Managing Member

HENDERSON:

PETER HENDERSON

Acknowledgments

STATE OF _____)
: ss.
COUNTY of _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 2014,
by Alex Adamson, the Manager of Nice Catch, LLC, a Utah limited liability company, on
behalf of such company

NOTARY PUBLIC
Residing at _____

STATE OF UTAH)
: ss.
COUNTY of Summit)

The foregoing instrument was acknowledged before me this 8th day of July, 2014,
by Peter Henderson.



Kathryn N. Gold
NOTARY PUBLIC
Residing at Park City Utah

Acknowledgments

STATE OF _____)
: ss.
COUNTY of _____)

The foregoing instrument was acknowledged before me this _____ day of July, 2014, by Alex Adamson, the Manager of Nice Catch, LLC, a Utah limited liability company, on behalf of such company

NOTARY PUBLIC
Residing at _____

STATE OF UTAH)
: ss.
COUNTY of _____)

The foregoing instrument was acknowledged before me this _____ day of July, 2014, by Peter Henderson.

NOTARY PUBLIC
Residing at _____

State of California County of San Francisco) ss.
On 7-7-2014 before me David Tsung
Notary Public, personally appeared Alex Adamson
who proved to me on the basis of satisfactory evidence to be the
person(s) whose name(s) is/are subscribed to the within instrument and
acknowledged to me that he/she/they executed the same in his/her/their
authorized capacity(ies), and that by his/her/their signature(s) on the
instrument the person(s), or the entity upon behalf of which the person(s)
acted, executed the instrument. I certify under PENALTY OF PERJURY
under the laws of the State of California that the foregoing paragraph is
true and correct. WITNESS my hand and official seal.



EXHIBIT A

(Legal Description of Nice Catch Property)

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 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 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.

EXHIBIT B

(Legal Description of Henderson Property)

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 the corner common to the easternmost corner of Lot 9 and the southernmost corner of Lot 8, Block 74, Park City Survey, said point also being South 21°33'00" West 417.27 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 along the easterly boundary of Block 74 South 21°33'00" West 9.84 feet; thence North 68°27'00" West 33.50 feet; thence South 21°33'00" West 0.47 feet; thence North 68°27'00" West 16.50 feet; thence South 21°33'00" West 23.19 feet; thence North 68°27'00" West 7.00 feet; thence South 21°33'00" West 7.00 feet; thence North 68°27'00" West 34.87 feet to the center line of vacated Anchor Avenue; thence along said center line North 21°33'00" East 40.50 feet; thence South 68°27'00" East 91.87 feet to the point of beginning.

EXHIBIT C

(Legal Description of Easement Area)

EASEMENT 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 that is North 68°27'00" West 53.51 feet and North 21°33'00" East 10.39 feet from the southernmost corner of Lot 9, Block 74, Park City Survey, said point also being South 21°33'00" West 464.57 feet and North 68°27'00" West 63.51 and North 21°33'00" East 10.39 feet from the street monument at the intersection of Main Street and Daly Avenue; and running thence North 68°27'00" West 3.49 feet; thence North 21°33'00" East 3.41 feet; thence South 68°27'00" East 3.49 feet; thence South 21°33'00" West 3.41 feet to the point of beginning.

EASEMENT 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 that is North 68°27'00" West 58.57 feet and 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 464.57 feet and North 68°27'00" West 68.57 feet and North 21°33'00" East 3.17 feet from the street monument at the intersection of Main Street and Daly Avenue; and running thence North 68°27'00" West 16.10 feet; thence North 21°33'00" East 3.63 feet; thence South 68°27'00" East 16.10 feet; thence South 21°33'00" West 3.63 feet to the point of beginning.

EXHIBIT D-1
(General Depiction of Parcels)

A PORTION OF LOT 9, BLOCK 74, AND A PORTION OF VACATED ANCHOR AVENUE, PARK CITY SURVEY

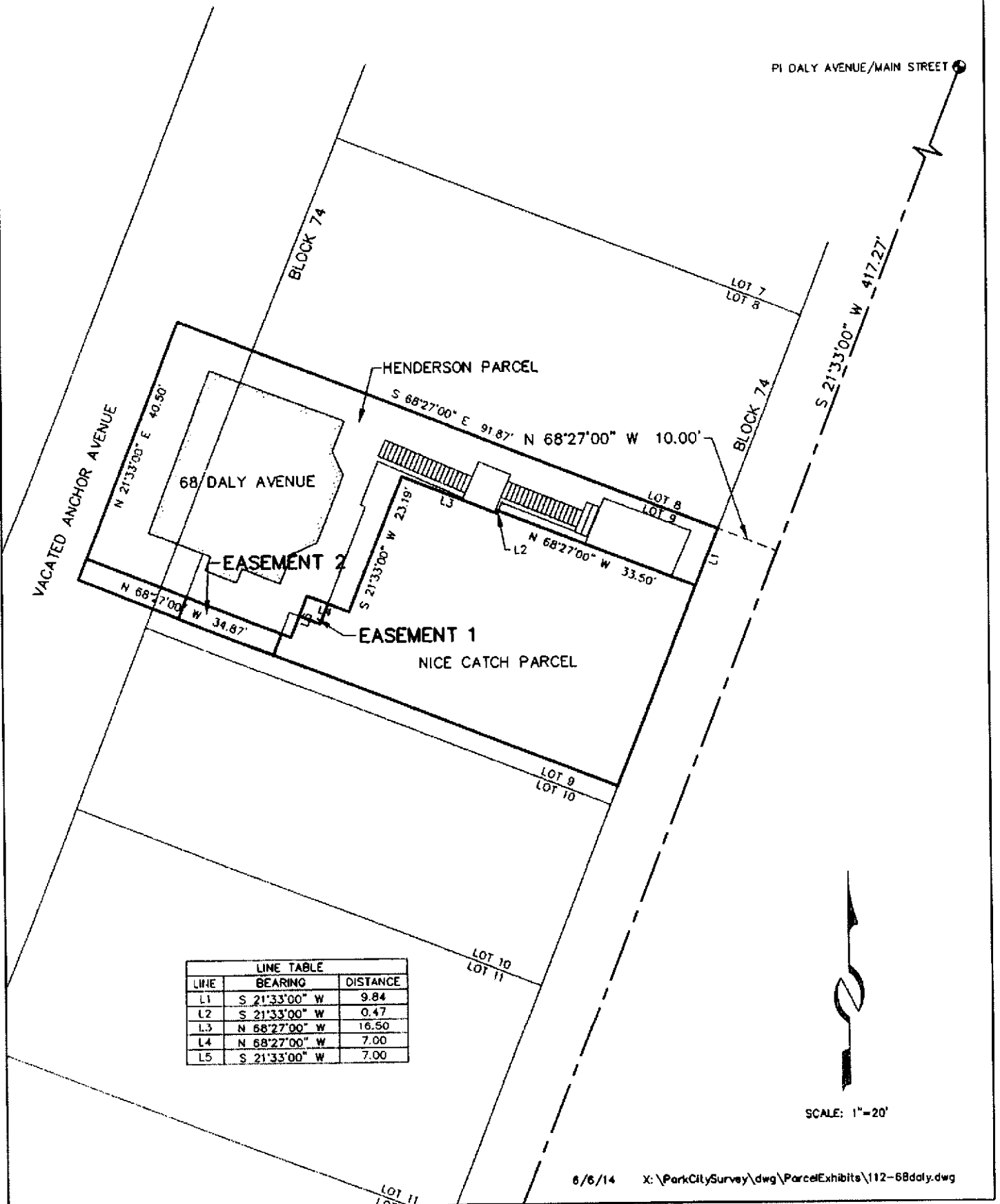


EXHIBIT D-2

(General Depiction of Easements)

DECK EASEMENTS
BLOCK 74, PARK CITY SURVEY

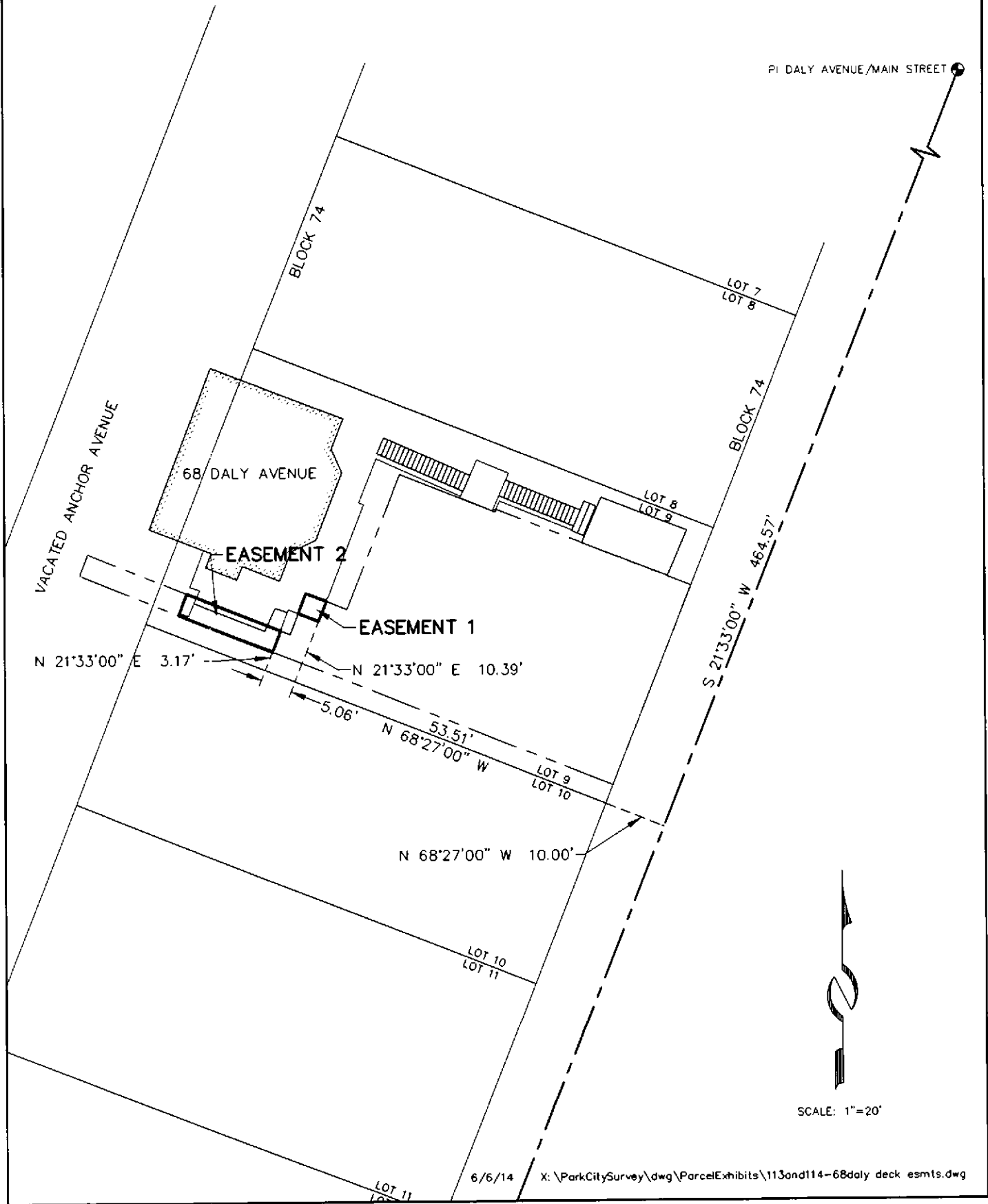


EXHIBIT F

Attachment 1

LINE	BEARING	DISTANCE
1	N 27°33'00" E	7.00 (107' 00")
2	S 89°27'00" E	7.00 (107' 00")

SURVEYOR'S CERTIFICATE

I, Martin A. Morrison, certify that I am a Registered Land Surveyor and that I hold Certificate No. 4938738, as prescribed by the laws of the State of Utah, and that by authority of the owner this Record of Survey map of the 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 DESCRIPTION

Part of Lot 8, all of Lot 10 and part of Lot 11, Block 74, White Reservation of the Park City Survey, together with part of vacated Anchor Avenue more particularly described as: Beginning at a point that bears South 27°33' West 7.00 feet from the northeast corner of Lot 8, Block 74, White Reservation of the Park City Survey, according to the official plat thereof, on the east of record in the office of the Summit County recorder, and running thence South 27°33' West along the eastern line of said Block 74, White Reservation of the Park City Survey 77.00 feet; thence North 89°27' West 91.37 feet to the centerline of the vacated Anchor Avenue; thence North 27°33' East along the centerline of the vacated Anchor Avenue 44.50 feet (44.50 feet actual); thence South 68°27' East 34.63 feet; thence North 27°33' East 7.00 feet; thence South 89°27' East 7.00 feet; thence North 27°33' East 28.00 feet; thence South 68°27' East 55.93 feet to the point of beginning.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that the undersigned owners of the herein described tract of land, to be known hereafter as the 80 DALY AVENUE SUBDIVISION, do hereby certify that we have caused this Subdivision Plat to be prepared, and we, Taylor Hornum and Alexander J. Adamson, do hereby consent to the recording of this Subdivision Plat.

In witness whereof, the undersigned set their hands this _____ day of _____, 2012.

Taylor Hornum, Owner

Alexander J. Adamson, Owner

ACKNOWLEDGMENT

I, _____, State of _____, County of _____, do hereby certify that on the _____ day of _____, 2012, Taylor J. Hornum and Alexander J. Adamson personally appeared before me, the undersigned Notary Public, in and for said state and county, having shown duly sworn, Taylor J. Hornum and Alexander J. Adamson acknowledged to me that they are the owners of the herein described tract of land, and that they signed the above Owner's Dedication and Consent to Record truthfully and voluntarily.

A Notary Public commissioned in Utah

Printed Name _____

Residing in _____

My commission expires _____

LEGEND

☐ shown in SALT LAKE

**A PARCEL COMBINATION PLAT
IN BLOCK 74, PARK CITY SURVEY
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

	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS DAY OF _____, 2012 A.D. BY _____	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS DAY OF _____, 2012 A.D. BY _____	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS DAY OF _____, 2012 A.D. BY _____	APPROVAL AS TO FORM APPROVED AS TO FORM THIS DAY OF _____, 2012 A.D. BY _____	CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS DAY OF _____, 2012 A.D. BY _____	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS DAY OF _____, 2012 A.D. BY _____	RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF ENTRY NO. _____ DATE _____ TIME _____ FILE _____ RECORDER _____
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EXHIBIT G

Planning Commission Meeting
April 11, 2012
Page 3

Commissioner Strachan asked if the City Council found that parking at the Sandridge lot was a viable mitigation factor. Ms. McLean answered no. She explained that the applicant had proposed two on-site parking spaces for renters, which would be part of the rental agreement. The City Council restricted the parking to those two spaces. Director Eddington clarified that two cars could park on the site given the scale of the driveway, and the applicant agreed to limit the rental units to two spaces.

Commissioner Strachan asked if there was any discussion among the City Council regarding enforcement. Director Eddington replied that enforcement was not a primary discussion; however, the City Council recognizes that any enforcement is a challenge with regard to parking. Assistant City Attorney McLean stated that the vote was split 3-2. Council members Simpson and Peek supported the Planning Commission.

REGULAR AGENDA – Discussion, Public Hearing and Possible Action

1. 80 Daly Avenue – Plat Amendment (Application #PL-12-01488)

Planner Francisco Astorga reviewed the application for a plat amendment at 80 Daly Avenue. The request was to combine part of Lot 9, all of Lot 10, and part of Lot 11 and the vacated right-of-way to the rear, into two lots of record in the HR-1 zone.

Planner Astorga identified several improvements on the existing structure at 68 Daly Avenue that encroaches on to the property at 80 Daly Avenue. He noted that the owner of 68 Daly Avenue could either work with the adjacent property owner to obtain an encroachment agreement, or remove the improvements from the lot.

Planner Astorga stated that a temporary construction easement exists over what was identified as Lot B for the benefit of the King Ridge Estates at 158, 162 and 166 Ridge Avenue. If approved, the drafted findings of fact acknowledge that a temporary easement exists, but that it would not be affected or changed by this plat amendment.

The Staff recommended that the Planning Commission forward a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval.

Chair Wintzer noted that the size of the lot would be considerably larger than other lots in the area. He asked if there were any restrictions on the house size that would be allowed on this property. Planner Astorga replied that there were no restrictions in the HR-1 District, other than the maximum footprint allowed by Code, which is based on the footprint formula. Chair Wintzer understood that the Planning Commission could restrict the size as a condition of the plat amendment. Assistant City Attorney McLean stated that they would have that ability based what they have done with previous applications and the analysis of house sizes on Daly.

Commissioner Hontz stated that one of her multiple concerns was that the square footage for the lot includes vacated Anchor Avenue. She asked what her fellow Commissioners thought about being

able to include that vacated portion to allow for a bigger footprint. She personally did not support it. Commissioner Hontz noted that in this particular situation that portion of the lot was very steep.

Commissioner Worel asked about the historic structure referenced in Conclusion of Law #1. Planner Astorga replied that it was not a historic structure and he had used the word 'historic' in error.

Commissioner Thomas thought it would be helpful to see the plat before and after side by side. He noted that the plat as revised was shown but there was no clear picture of what it looks like now. It was difficult for the Planning Commission to understand what they would be changing. Planner Astorga noted that the plat amendment shown on the screen and in the Staff report identified all the lot lines that would be removed, as well as the proposed lot lines. Commissioner Strachan suggested that the plat map on page 46 of the Staff report might help address Commissioner Thomas' concern. Planner Astorga stated that in the future the Staff could include the County plat map, like the one shown on page 46, and compare it next to the proposed plat.

Assistant City Attorney explained that the County plats are for taxation purposes and they are not always accurate. She agreed that it could be a helpful document, but they need to be aware that if there is a conflict between the plat map and the survey, the survey would control.

Commissioner Thomas clarified that he was only asking for a before and after comparison to see the difference. Chair Wintzer requested a better map that clearly defines property lines, encroachments, and other elements they need to understand.

Chair Wintzer opened the public hearing.

Carleen Riley, a resident at 84 Daly stated that she lives next door to the property line at 80 Daly Avenue. Ms. Riley wanted to know more about the plat amendment and what would be built.

Planner Astorga remarked that at this point the Planning Department had not received any plans. The area is zoned HR-1, which allows single family dwellings. The applicant was requesting a plat amendment to combine the lot into two lots of record.

Ms. Riley asked if that would allow two dwellings.

Planner Astorga replied that it could be duplexes under a conditional use permit reviewed by the Planning Commission. When the applicant is ready to move forward with a design, it would be subject to a Historic Design Review, which would trigger a notice to property owners within 100 feet.

Ms. Riley stated that her lot also encroaches on that property by approximately 60 inches. She did not build her house, but she was informed of that when it was surveyed years ago. When the owners decide to build, she would like some space between their structure and hers. She has 100 year old, 20-foot lilac bush that would be split in two. Ms. Riley was interested in knowing the details of whatever structure is built. She was opposed to steep slope construction and wanted guarantees that it would not occur.

Commissioner Thomas informed Ms. Riley that the design would not come before the Planning Commission unless a steep slope CUP is required. Otherwise, the use is reviewed administratively by Staff. Planner Astorga reiterated that a request for a duplex would require CUP approval. Director Eddington noted that an administrative review is still noticed to the public.

Director Eddington asked if there were any easements along the property adjacent to Ms. Riley. Jonathan DeGray, representing the applicant, believed it was a 6-foot utility easement. Ms. Riley stated that at one time the plan was to put all the power lines and sewer lines next to her house. However, she understood from looking at the drawings that the water and sewer lines would be on the other side. Mr. DeGray stated that there were no sewer lines. The sewer is serviced from above. A storm sewer would go through the Daly lot, but not sanitary sewer lines. He noted that Planner Astorga had that documentation from the Sewer District.

Commissioner Strachan asked if any portion of the lot could be built on that would not trigger a CUP. Mr. DeGray answered no. Commissioner Strachan clarified that regardless of what they build, the owners would have to submit their plans to the Planning Commission. At that point, Ms. Riley would be able to see the specifics details related to her questions this evening.

Chair Wintzer closed the public hearing.

Jonathan DeGray noted that the Staff report shows one large single parcel compromised of Lots 9 and 10, portions of 11 and the fragment right-of-way to the rear. He stated that currently Lots 9 and 10 are buildable without a plat amendment. The intent of the plat amendment is to clean up property lines and take care of the encroachments through easement agreements.

Commissioner Thomas remarked that there was an unusual situation of creating a flag lot out of the house behind Lot A, and nothing in the Code restricts that from occurring. Commissioner Thomas thought that should be considered in the future because it is an unusual condition. There is no way to for a vehicle to access the property, which creates a problematic situation for fire access and fire fighting. In addition, there is no parking and it lends itself to an eyesore condition. In this particular instance, if you drive in front of this property there would be three houses in a row off the street. Commissioner Thomas found it peculiar but totally within the law. Unfortunately it was a consequence of the Code. He would support the approval but he did not like it.

Chair Wintzer could not understand how that was parceled off that way in the first place. However, it was done a long time ago and it was out of the hands of this Planning Commission. Planner Astorga explained that he found a building permit issued in 1982 for the house showing that it had to be exact in configuration. He could not find the permit for the stairs. He also found record of a variance that was approved by the Board of Adjustment in 1982 to allow the owner to rebuild the house due to an incident with a water tank falling from King Road. The variance that did not necessitate parking areas on site. Carleen Riley provided the history of what happened that caused the water tank to fall.

Planner Astorga stated that planning and planning practices have changed since 1982, but he found the configuring of such lot, which was approved by the City, and then moved forward with a variance and the building permit.

Chair Wintzer was not concerned with the small lot. In terms of the big lot, he suggested doing a comparison of other structures on the street to make sure they would not be creating an oversized lot and structure for that area. Commissioner Strachan concurred. He noted that the large house above was an exception and it is not on Daly Avenue. Commissioner Strachan remarked that Daly Avenue has more historic heart than anywhere else in town and they need to make sure the compatibility requirement of the Code is met. The Commissioners concurred. Commissioner Hontz felt they had to do that to remain consistent with what they have asked of other applicants on Daly Avenue.

Commissioner Hontz remarked that in many cases when a plat amendment is requested to clean up one issue, the applicant identifies many others. It is not uncommon to have portions of roofs or landscaping or small portions of stairwells across property lines. In this case she found the significant amount of structures from 68 Daly that extends into these other properties to be concerning and problematic. If this plat amendment is approved it would further impact parking issues that are created off-site. She felt it was unfortunate that there was not better foresight in 1982 to see what problems they were creating for the neighborhood when they allowed 68 Daly to be built without parking. Chair Wintzer was unsure how that issue could be rectified, but they definitely need to look at the size of houses on the lots.

Commissioner Thomas suggested using the same study criteria that was used for 191 Woodside and 313 Daly Avenue.

MOTION: Commissioner Thomas moved to CONTINUE 80 Daly Avenue to May 9, 2012. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

2. 12 Oak Court – Plat Amendment
(Application #PL-11-01-1491)

Planner Matt Evans reviewed the application for a plat amendment to remove the lot line between Lots 35 and 36 of the Amended Plat of the Evergreen Subdivision to create one lot of record. The request is to combine two lots to create one new parcel. Planner Evans indicated a 30-foot wide ski easement for the benefit of Lot 36 to the Last Chance ski trail, which would be vacated as part of this subdivision.

Planner Evans reported that the applicant owns both parcels and the purpose for combining the two lots is to expand the existing home over the lot line. The existing lot line with a public utility easement would also be vacated.

Planner Evans stated that the actual square footage of the proposed addition was unknown; however the combined lots would allow the applicant to build an 11,250 square foot home. Under the existing conditions the existing house is 7,343 square feet, with a maximum of 7500 square feet. Planner Evans noted that combining the lots would reduce the density in the subdivision.

EXHIBIT H

Planning Commission Meeting
May 9, 2012
Page 5

VOTE: The motion passed unanimously.

3. 543 Woodside Avenue – Steep Slope Conditional Use Permit
(Application #PL-12-01487)

Chair Wintzer opened the public hearing. There was not comment. Chair Wintzer closed the public hearing.

MOTION: Commissioner Pettit moved to CONTINUE the 543 Woodside Avenue Steep Slope conditional use permit to May 23, 2012. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

4. 7700 Marsac Avenue – Subdivision (Application #PL-10-01070)
5. 7700 Marsac Avenue – Condominium Conversion (Application #PL-10-01071)

Chair Wintzer opened the public hearing. There was no comment. Chair Wintzer closed the public hearing.

MOTION: Commissioner Pettit moved to CONTINUE the 7700 Marsac Avenue subdivision and condominium conversion to a date uncertain. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. 80 Daly Avenue – Plat Amendment
(Application #PL-12-01488)

Chair Wintzer thanked Planner Astorga for including the purpose statement in his Staff report. It helps the Planning Commission focus on the zone.

Commissioner Pettit disclosed that she lives on and owns two properties on Daly Avenue at 239 and 243 Daly. Her ownership and residency would not influence her ability to be objective in this application.

Commissioner Hontz disclosed that she lives at 209 Daly Avenue, which is not in the vicinity or within the 300 feet noticing boundary of this property.

Planner Francisco Astorga reviewed the application for the 80 Daly Avenue subdivision. The Planning Commission reviewed this application on April 11, 2012 and continued the matter with direction to Staff to provide an analysis of the house sizes on Daly Avenue. The completed analysis was included in the Staff report.

The Staff had determined an overall average floor area of 2,532 square feet for the entire Daly Avenue neighborhood; and recommended putting a cap on the gross floor area of Lot B to match that average. Planner Astorga stated that Lot A, which is equivalent to an Old Town lot of 1875 square feet, yields a maximum footprint of 844 square feet. Calculating 844 square feet by three stories allowed by Code results in 2,532 square feet. Planner Astorga clarified that it was completely coincidental that the average number identified in the overall analysis was the same as one Old Town lot of record.

Planner Astorga stated that he had not received public hearing at the time the Staff report was prepared, but he was later approached by Brent Gold who represented Mr. Henderson, the owner of 68 Daly Avenue. Mr. Gold would be making comments during the public hearing on Mr. Henderson's behalf.

Jonathan DeGray, representing the applicant, reported that his clients did not agree with the Staff analysis. It is not a fair evaluation because the Staff only took the assessor records for each individual property and recorded the lot or building size and determined the average based on every single house and building on Daly Avenue. The analysis did not take into account what size home sits on what size lot, and whether it is a 3,000 square foot home on a 1875 lots or a 500 square foot home on three lots.

Mr. DeGray remarked that a more appropriate method would be to compare this property to like properties in size, and to the homes that are built on those properties in relationship to Lot B of the proposed subdivision. Lot B is slightly over 3800 square feet and is equivalent to the size of two lots. Based on the average, the Staff would propose that a single home on that lot would be the size of a home on a single lot. Mr. DeGray believed it was a product of a skewed analysis. Mr. DeGray requested a more fair evaluation of the property size in comparison to buildings on similar size properties.

Mr. DeGray stated that the analysis did not address the property size of 80 Daly Avenue. On 3800 square feet they are eligible for a duplex. The average size of the 14 duplex lots or multi-family units along the entire length of Daly Avenue is 3,980 square feet of living space. Mr. DeGray noted that his client has not presented a specific plan, but the lot is large enough to sustain a duplex under the Code. However, under the Staff evaluation it would be placed as a single-family without further discussion. His clients would like the ability to build a duplex if they decide to and their property should be compared to other properties on Daly Avenue that are similar in use and size, which would be all the other multi-family units.

Mr. DeGray noted that the analysis says that the buildings should be 2532 square feet in gross area, including a garage. He stated that the current configuration of the parcel, without the plat, contains Lot 9 and 10. Lot 10 is the larger building lot currently being discussed. His clients would like to build on that lot and would like some incentive to move forward with the plat. The idea of being limited to 2500 square feet of gross area is not an incentive, because the lot in its current configuration would yield a larger home without a plat amendment. Lot 9 contains 2,252 square feet. On the proposed plat it would contain 1875 square feet. Lot 10 contains 2,449 square feet. On the proposed plat it would contain 3,893 square feet. Without the plat amendment, Lot 10 would yield a home approximately 2700-2800 square feet. As proposed by Staff, that would be reduced to

2,555. Mr. DeGray stated that under the current guidelines the larger lot with a plat amendment at 3,893 square feet would yield a footprint of 1,564 square feet.

On behalf of his clients, Mr. DeGray proposed to look at Lot B and offered to remove the Anchor Avenue vacation area, which is 554 square feet, from the area calculation. That would reduce the footprint from 1564 down to 1384. It would reduce the potential building size to 3200-3300 square feet gross area, including the garage. The living space of the home would be approximately a 2800 square foot house and a two-car garage at 400 square feet, which meets the City Code minimum size. In an effort to move forward, Mr. DeGray offered that proposal to the Planning Commission. He would like to move forward with design solutions using the reduced footprint, with the knowledge that it would come back to the Planning Commission as part of a Steep Slope CUP. Mr. DeGray pointed out that any building on Lot B would require a Steep Slope CUP. At that point he would be able to show compatibility or with appropriate mass and scale for the surrounding structures.

Commissioner Strachan referred to the numbers proposed by Mr. DeGray and understood that the 3900 was the total square footage of the structure that could be built under his analysis. Mr. DeGray was proposing a reduction capped at 3200-3300 square feet.

Mr. DeGray explained that his proposal is to not deal with a cap at this time, but to propose a reduced footprint on the property. Commissioner Strachan asked if Mr. DeGray would consider a square footage cap at a later time if the Planning Commission decides to approve the plat amendment. Mr. DeGray replied that because this would come back to the Planning Commission for a Steep Slope CUP, his clients were concerned that if they negotiate a reduced size with the plat amendment, it would be done again with the Steep Slope CUP. Mr. DeGray noted that he would have to meet the requirements of the Steep Slope CUP. Taking out the Anchor Avenue vacation reduces the footprint by a few hundred square feet. He believed that 1300 square feet of footprint would achieve a building size that works for his clients at approximately 3300 gross floor area and 2800 square feet net livable area. Based on the Staff analysis, Mr. DeGray believed those numbers fall within the realm of reasonable.

Commissioner Strachan asked Mr. DeGray if his clients would prefer not to do the plat amendment if they could not get the footprint they want on Lot B; and instead build two separate structures on two separate lots. Mr. DeGray clarified that without doing the plat amendment Lots 9 and 10 were still buildable lots. One lot is 2252 square feet and the other is 2400 square feet. Both lots are bigger than standard lot sizes and would yield larger homes. Since that would be an option without a plat amendment, Mr. DeGray requested a continuance so he could ask his clients what they would prefer in response to Commissioner Strachan's question. Mr. DeGray could not answer that question this evening; however, he did know that his clients were willing to take a reduction in footprint if the Planning Commission was willing to let them come forward with a Steep Slope CUP.

Chair Wintzer opened the public hearing.

Brent Gold introduced Pete Henderson, the owner of 68 Daly Avenue. Mr. Henderson has owned the property at 68 Daly Avenue for more than 40 years. The house that was originally on that property was the infamous water tank rollover house that was squashed when a water tank fell off a

truck and rolled down the hill and onto the house in 1980. Mr. Henderson constructed the existing house from the remnant of the original house. Mr. Gold stated that the house at 68 Daly Avenue is approximately 1950 square feet. It is a flag lot with a 7-1/2 foot flag pole coming up from Daly Avenue serving the house. The alleged encroachments that are spoken of in the Staff report have been there for over 30 years. Mr. Gold emphasized "alleged". The encroachment spoken about in the Staff report is identified as approximately 64 square feet. Mr. Gold thought the extent of the encroachment may be three or possibly four feet extending into the lot.

Mr. Gold stated that Mr. Henderson at 68 Daly Avenue is singularly is most affected by this proposed plat amendment. The structure allowed on Lot B would loom over Mr. Henderson's house to the south. The size and height of the Lot A structure would be a tower blocking his singular view corridor, which is to the Daly side of the street. Mr. Henderson is already blocked to a great extent upstream of Daly in the southerly direction.

Mr. Gold stated that Mr. DeGray believes that his proposal not to use the portion of Anchor Avenue would give Mr. Henderson a view corridor to the south. He pointed out that there is no view corridor because there is literally a vertical hill on that side due to the steepness of the slope. Mr. Gold noted that Mr. Henderson had several conversations with the applicants and suggested a number of proposals for how they could minimize the impacts. The 2500 square feet that Planner Astorga recommended is a step in the right direction; however, there is no consideration for this tower and the impact of literally blocking Mr. Henderson's house from the view corridor.

Mr. Gold noted that one of the conditions of approval is that the encroachment matter be resolved. Mr. Henderson had received no proposal from the applicant at this point regarding a resolution of the alleged encroachments. Mr. Gold stated that they were doing the best they could to keep open the channels of communication. A number of different options were on the table.

Mr. Gold encouraged a continuance if for no other reason than to try and further engage the petitioners in an attempt to come to some resolution. Mr. Gold encouraged the Planning Commission to become familiar with Lot A and the potential impacts before making any decisions regarding the plat amendment.

Mr. Gold noted that Mr. Henderson was out of town for the April meeting and did not receive his notice. He was notified by his neighbors. He was happy that the decision was continued in April to this meeting to allow him the opportunity to present his case. Mr. Gold stated that Daly Avenue is worth protecting what little of it is left and he asked the Planning Commission for their assistance.

Chair Wintzer understood that the encroachment issue was between the applicant and Mr. Henderson, and the Planning Commission could not get involved. Assistant City Attorney McLean stated that on a regular basis, part of what the City is trying to do with plat amendments and subdivisions is clean up encroachments and lot lines. As a regular course the City requires encroachments to be dealt with in some way. The condition of approval is typical in a plat amendment. Chair Wintzer clarified that the City requires it to be cleaned up by a condition of approval, but the Planning Commission does not get involved in how it is done. Ms. McLean replied that this was correct.

Chair Wintzer closed the public hearing.

Commissioner Pettit agreed that from a historic character and scale, Daly Avenue is one unique long street and a variety of structures have been built over time. The most important piece and element of Daly are the historic structures that continue to exist and hopefully will continue to exist into the future. The size and scale of those single level structures are very modest. In looking at the Staff analysis, she can see the range that exists; however with each study the average size continues to creep up and that causes her concern. They tend to get more structures on the higher end versus the existing historical structures that continue to be dwarfed through development.

Commissioner Pettit stated that in looking at the streetscape with respect to these lots and where they sit next to Carlene's property and historic properties across the way and beyond, she was concerned about the size of the structure that could be built on Lot B regardless of whether it is single family or a duplex.

Commissioner Pettit commented on some of the strange things that have happened along Marsac with some of the structures on the hill and the mining structures off of Ontario that were dwarfed. Even from a solar perspective, views were blocked by large structures that were compliant under the Code. When there is a property that sits in a unique manner, she has concerns about impacting that particular property. Commissioner Pettit was very concerned about how that would come into play in the context of either what is currently allowed or what would be allowed through a lot combination and subdivision. She appreciated that Mr. DeGray came back this evening with a proposal to further reduce the footprint for Lot B, but she was not convinced it was enough. Commissioner Pettit was also concerned about pushing that process into the Steep Slope CUP because the Planning Commission has less control in the CUP process than with the plat amendment in terms of trying to anticipate impacts and the desire to maintain the historic fabric of Daly and compatibility.

Commissioner Pettit stated that coming into this meeting she was inclined to consider adopting the conditions of approval recommended by Staff, but that was without understanding the impacts to 68 Daly Avenue, particularly of building to the maximum height on Lots A and B. Commissioner Pettit needed to better understand the impacts to see if other conditions would be appropriate in this context. She recognized that it was a difficult situation because without the plat amendment the owner still had two buildable lots that could potentially yield worse results.

Commissioner Hontz concurred with all of Commissioner Pettit's comments. She referred to page 103 of the Staff report and asked for clarification on the dimensions. Commissioner Hontz understood that the rectangle box shown was Lot 10, and that it did not include the additional square feet that extend from the bottom rectangle line to the bottom red rectangle line. Without a plat amendment, the lot that could be developed was everything within that black rectangle and not all the way down to Lot 64. Mr. DeGray replied that this was correct. He stated that the fragment of Lot 11 that Commissioner Hontz was indicating was approximately 6 feet. Planner Astorga explained that if the applicant proposed to build within the existing parameters, including the setbacks, a plat amendment would not be necessary because development would not cross any lot lines.

Commissioner Hontz pointed out that it would still exclude the Anchor Avenue portion. Planner Astorga remarked that Daly Avenue was platted differently than the typical 25' x 75' configuration.

Commissioner Hontz asked if a variance would be required for Lot 9. Mr. DeGray answered no. Planner Astorga remarked that everything owned by Mr. DeGray's client was identified in red and included Lots A and B. He stated that the County allows property owners to consolidate lots for tax purposes. Therefore, PC-653 was everything the applicant owns. Planner Astorga pointed out that Lot 10 was buildable as it currently exists. However, Lot 9 is not a lot of record. It is a portion of a lot that is shared with 68 Daly Avenue. He noted that in 1992 when Mr. Henderson built the structure at 68 Daly Avenue, a different policy was in place that did not require a plat amendment.

Assistant City Attorney McLean verified that Lot 9 would need to be remedied and made into two lots of record. At one point there was discussion about including 68 Daly Avenue as part of the plat amendment to clean up all the property lines. However, because it involves two different owners it was not something the City could mandate.

Planner Astorga stated that a letter was sent to Mr. Henderson prior to the two week noticing to begin that dialogue in early March. Planner Astorga clarified that his records show that the letter was sent to Mr. Henderson's listed address with the County and provided by the applicant.

Commissioner Hontz stated that when the Planning Commission approves a plat or a plat amendment, it should not create new problems. As currently configured, she believed the requested plat amendment would make things worse for 68 Daly Avenue and that entire portion of the street. Commissioner Hontz pointed out that only one buildable lot exists and everything else would need to be remedied through the plat amendment process. She preferred to see more solutions amenable to making both lots better fit the neighborhood character. She never considered Anchor Avenue as a viable square footage in the calculation due to its steepness and proximity to surrounding structures. The problems would be exacerbated if these properties were developed. Commissioner Hontz stated that there is a huge parking problem on Daly Avenue that these properties do not need to rectify, but they cannot make it worse.

Commissioner Strachan asked how the applicant came to own the part that goes on to Lot 11. Planner Astorga replied that it was unique to Daly Avenue. At one point there was a 5-7 foot shift in ownership on Daly Avenue where everyone owns a portion of another lot. Chair Wintzer explained that the shift occurred when the entire town was re-monumented in the early 1980's. Commissioner Strachan asked if anyone had spoken with the owner of Lot 11. Planner Astorga stated that Carlene owns Lot 11 and she provided input at the last public hearing.

Mr. DeGray was disappointed that his clients were not informed of the Staff's opinion that Lot 9 is not a lot of record. That issue should have been dealt with before they came back to the Planning Commission. Mr. DeGray stated that he assumed all along that Lot 9 was buildable. Planner Astorga clarified that he only came to that conclusion during the discussion this evening.

Chair Wintzer hesitated to continue an item without some type of direction from the Planning Commission. Assistant City Attorney McLean advised that if the Planning Commission did not need additional information, they should move forward.

Commissioner Pettit remarked that the applicant took issue with the Staff recommendations on the proposed conditions of approval. In addition, given the determination that Lot 9 is not a buildable lot, even if the Planning Commission moved forward with the proposal as presented with the Staff recommendations, she did not fully understand the impacts to Mr. Henderson's property.

Assistant City Attorney McLean explained that if the plat amendment were to move forward, it would create Lot A, which would be a lot of record. If Mr. Henderson ever requests a building permit, the City would require him to turn his metes and bounds parcel into a lot of record. Commissioner Pettit clarified that her concern was how a structure on Lot A would impact Mr. Henderson's property from the standpoint of view shed, solar access, etc. She would like to understand those impacts before making a decision to create a buildable lot.

Commissioner Hontz felt that was the point. If there is only one buildable lot, it would not be good cause to create more problems with a plat amendment. She shared Commissioner Pettit's concern that what happens on Lot A could impact the entire neighborhood. Commissioner Hontz was not willing to consider the conditions as conditions of approval because it was not consistent with her analysis that there is only one buildable lot. She was not comfortable creating two lots that impact everything around it without further discussion.

Director Eddington suggested that a topographic survey or a plat with contours in a 3D image might help. He asked Mr. DeGray if that was something he was willing to prepare. Mr. DeGray stated that he would ask his clients if they were interested in doing that. He pointed out that it would be totally fictitious at this point because there was no plan to build on Lot 9 and there was no building design.

Chair Wintzer stated that it would only need to be a block to get an idea of what it would look like. He concurred with his fellow Commissioners that they would not want to make the problem more arduous than what already exists. They would need to know what could go on those two lots before approving the plat amendment.

Planner Astorga clarified that the Staff review found that there would be two lots of record with the plat amendment. Commissioner Pettit stated that the issue was what could be done today versus what the applicant was requesting to do. They were asking to have two buildable lots, and her concern was the impacts of Lot A on Mr. Henderson's property.

Mr. DeGray asked what type of abilities the Planning Commission would anticipate if they found the massing to be impactful on the property behind. Commissioner Pettit replied that one way would be a height restriction to mitigate the impact and still allow a structure to be built on the property. Planner Astorga suggested platting a buildable pad in an area that may mitigate the impacts. Commissioner Worel thought that would be helpful.

Mr. DeGray understood that the Planning Commission wanted to see a model or some type of 3D presentation to understand the massing and scale of the structure in relationship to the building behind. He asked if the Planning Commission as a group would feel comfortable approving the plat amendment once the model is presented.

Commissioner Pettit stated that personally she was not willing to move forward with the footprint restriction approach that was proposed on Lot B. She was more comfortable with the Staff's recommendation based on the streetscape and the surrounding structures, particularly Carlene's house which would be adjacent to the structure on Lot B, and the historic structures across the way. Commissioner Pettit wanted to see something more consistent with the pattern and the fabric of that part of the street.

Commissioner Strachan referred to the slide and the blue line that goes right through Carlene's house. He asked if that was an encroachment issue that the parties need to work out. Planner Astorga replied that it was not an encroachment. The Staff used the GIS and understood that the lines could be incorrect. They rely on the survey, which shows that it barely touches the structure but does not encroach.

Commissioner Pettit commented on the number of smaller homes on Daly Avenue that sit on fairly large lots. She suggested that the table of homes on Daly Avenue include the lot size associated with the house sizes. Commissioner Pettit stated that in the past there has been a pattern of limitation of gross floor area or house size on that street historically. Precedent has already occurred and she thought it might be helpful to flush that out.

Commissioner Pettit stated that the more information the Planning Commission has in terms of understanding the existing fabric and the size and scale helps them achieve something that is more equitable and compatible. In her mind it was still not perfect because it continues to push the average higher, but it is a method that has been used in similar applications with plat amendments.

MOTION: Commissioner Pettit moved to CONTINUE the 80 Daly Avenue plat amendment to the May 23, 2012 meeting. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

**2. 255 Deer Valley Drive – Conditional Use Permit for a Bed and Breakfast
(Application #PL-12-01504)**

Planner Astorga reviewed the application for a conditional use permit for a Bed and Breakfast at 255 Deer Valley Drive. The site is currently owned by Miriam Broumas; however, Christine Munro was in the process of purchasing the site for the purpose of operating a bed and breakfast. Mike Johnston was representing the applicant this evening.

Planner Astorga reported that the applicant was proposing to have six bedrooms as nightly rentals for the bed and breakfast. The Staff analyzed specific criteria outlined in the Land Management Code and found that the proposal complies with the criteria for a bed and breakfast, as well as the conditional use permit. Planner Astorga pointed out that the applicant was also requesting a 448

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2. The Subdivision Plat is consistent with the Park City Land Management Code, the General Plan, and applicable State law regarding Subdivision Plats.
3. Neither the public nor any person will be materially injured by the proposed Subdivision Plat.
4. Approval of the Subdivision 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 – 1103/1105 Lowell 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 (1) year from the date of City Council approval. If recordation has not occurred within one (1) 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. All new construction will require modified 13-D sprinklers.
4. A 10-foot wide public snow storage easement will be required along the front of the property.

2. 80 Daly Avenue – Plat Amendment (Application #PL-12-01488)

Planner Astorga noted that the Planning Commission previously reviewed this application for a plat amendment to combine two lots on April 11 and May 9, 2012. On May 9th, the Staff was directed to provide lot areas and footprints to the Daly Avenue comparison study. They were also directed to eliminate vacated Anchor Avenue from the footprint calculation. Planner Astorga stated that the revised study included all structures on Daly Avenue, separated by uses, the existing square footage according to Summit County Records, the lot size of each lot, and the calculated maximum footprint on each lot allowed per the LMC. Since it was impossible to physically measure every footprint, Planner Astorga informed the Planning Commission that the maximum footprint on the study was calculated from a formula using the square footage of each lot.

Planner Astorga reported that the applicant had provided a model as requested by the Planning Commission at the meeting on May 9th. The applicant also submitted an approximate footprint calculation for each of the proposed Lots A and B, as well as massing elevations.

Following the May 9th meeting, the item was continued several times to allow the Staff and the applicant the necessary time to obtain the requested information.

Commissioner Strachan requested clarification of the ratios identified in the table on Page 55. He asked if the house built on the footprint is 141% percent larger than the lot footprint. Planner Astorga answered yes.

Jonathan DeGray, representing the applicant, presented the massing model. The entire ownership of Lot B was represented as a 1,540 square foot footprint, including the Anchor Avenue portion. Eliminating Anchor Avenue from the calculation reduces the footprint from 1540 square feet to 1,384 square feet. Mr. DeGray noted that the applicant was still willing to exclude Anchor Avenue from the footprint. It was included in the massing model to show the worst case scenario.

Mr. DeGray remarked that Lot A was 1,875 square foot with an 844 square foot footprint. It is a two-story structure. He noted that the buildable portion of Lot A is the flat area to the front. There would be a 10-foot front yard and 10-foot rear yard setback, which would occupy a great extent of that steeper slope going up to the house behind. Mr. DeGray presented a photo taken from the front of Lot A looking at the building to the rear. He indicated the duplex to the right and stated that the garage elevation was the single story. The deck above with a window to the rear was the second story. The wall plates would be that height with a roof above. Mr. DeGray remarked that the roof of the proposed building would probably be into the sightline of the windows from the back, but no higher than 27' because of the elevation change from the front of the property to the rear.

Mr. DeGray reported that the applicant's position had not changed regarding the recommended building size. They would like to move forward with the reduced footprint at 1,384 square feet that excluded Anchor Avenue, and go through the Steep Slope CUP process to determine the appropriate square footage based on the setting. Mr. DeGray stated that 2768 square feet represents a building size that does not take into account the topography of the lot. A third to a half of the building would be buried and 2,768 square feet would be less usable than it would be if it were built somewhere else. Mr. DeGray felt there was unfairness in the evaluation that one number works and another number does not. He requested the ability to move forward with 1,384 square feet of footprint and let the Steep Slope CUP process play out.

Commissioner Strachan wanted to know how much smaller the proposed structure would be if the Planning Commission accepted the 200% ratio restriction. Mr. DeGray replied that the structure shown on Lot B at a 1540 square foot footprint represents a building that slightly exceeds 4,000 square feet with a garage. Commissioner Strachan asked for the ratio under the recommended 200% restriction. Mr. DeGray stated that under the 1500 square feet of footprint the ratio would be 2.7. He noted that 1384 square feet at 2.4 would be approximately 3300 square feet of structure. Mr. DeGray believed that under the Steep Slope CUP, a 3300 square feet house would work on the site and fit with the surrounding buildings, and still be sensitive to smaller non-historic structure to the south. He estimated that at least a third of the structure would be underground.

Chair Wintzer opened the public hearing.

Carlene Riley, a resident at 84 Daly Avenue, asked if they would cut off access to Pete Henderson's property. Mr. DeGray replied that the applicant was proposing to allow easement agreements that maintain the access and the deck extensions.

verification to support his claim. Based on the assumption that his client owns that property, the applicant adjusted the property boundaries from the adjoining Lot B so they could get the 1875 square feet required under the Code. If that line moves a fraction, they would be under the required square footage. He pointed out that they could still move the lot line farther into Lot B, but that would change the entire configuration and the entire proposal.

Mr. Gold stated that the applicant makes the argument that Lots 10 and 11 are buildable lots, and that the current solution renders a better resolution of the problem. Mr. Gold felt the better resolution remained to be seen. He did not believe all the problems with Lot A had been remedied. It was the general consensus that the Planning Commission has the authority and power to impose conditions and restrictions that cause the resolution of all problems rather than creating greater problems in the future. He suggested that they were not finished with this plat amendment process.

Chair Wintzer closed the public hearing.

Wade Budge, legal counsel representing the applicant, responded to the issues raised by Mr. Gold. With respect to whether a variance might be appropriate, Mr. Budge pointed out that the proposal meets what is required to create a lot in this area, including the required square footage. If Mr. Gold's point is an inappropriate use, that could not be solved through a variance. A use variance is prohibited by Utah law and therefore it is not applicable. Mr. Budget believed the focus should be whether or not the applicant meets all the requirements from a size perspective. A certified survey and Mr. DeGray's drawings show that both of the proposed lots were sufficient size for the zoning district.

Mr. Budge agreed that a condition had not been proposed for Lot A. The reason is that the natural size of the lot creates its own restriction due to the setback and height restrictions of the zone. They had presented the worst case scenario and understood the maximum footprint. A condition was not needed, but they would not be opposed if it was required because they already know that 844 square feet is the maximum footprint.

Mr. Budge commented on the encroachment issue. He believed the neighbors needed to work out the issue among themselves and not involve the Planning Commission. He proposed modifying Condition #4 and handed out proposed language that he had drafted. The revised condition would read, "Prior to plat recordation, an encroachment agreement or an encroachment license must be either agreed to or granted to allow the existing encroachments from 68 Daly Avenue to continue as they presently exist." Mr. Budge believed the revised language avoids involving the Planning Commission on the issue and allows the applicant the ability to work with Mr. Henderson to come to an agreement. If they cannot come to an agreement, it would be presented to the City with a proposal that would allow Mr. Henderson to continue using what the applicant views as his property. Mr. Budge stated that if there was a true dispute over ownership, the burden would be on the neighbor to come forward with evidence of ownership. He clarified that the ultimate goal was to keep the encroachments in place and allow them to continue as they exist.

Mr. Budge responded to the issue of square footage and setting a maximum for Lot B. Their strong preference would be to defer that to the Steep Slope CUP process. The architect could come forth

Assistant City McLean stated that once a survey is stamped, the surveyor declares that they are certified based on their professional license and that the survey is accurate. Even when things are not recorded as a plat, the survey is filed with the County.

Commissioner Hontz disclosed that she lives on Upper Daly Avenue, which is not in the vicinity of this property, and it would not affect her comments or decision this evening.

Commissioner Hontz appreciated the work Planner Astorga and the Staff did on the Staff report, particularly since they tried to find a creative solution and a compromise. However, she respectfully disagreed with this particular solution. If they allow two units to be built at the proposed size, the whole community loses. Commissioner Hontz believed her comment from the May 9th meeting still stands today. If the Planning Commission allows what is proposed, they create harm by creating new impacts and issues related to snow storage, traffic, view shed, parking, etc. All harm would be caused directly from this application and not by anything that currently exists around it. Commissioner Hontz pointed out that in addition to exacerbating the existing problems, the proposal creates its own additional problems.

Commissioner Hontz referred to Conclusion #1, which asked if there was good cause. She appreciated the massing study because it demonstrated exactly what they would not want to see occur and how the impacts would be thrust upon this part of the neighborhood.

Commissioner Thomas concurred with Commissioner Hontz. In looking at the massing diagram, he believed one of the problems with the comparative analysis of density and massing was that the measurement was taken against buildings that were built historically; and those structures would not be allowed today. They would be averaging up in terms of size and massing with that approach and he did not believe that was the intent. Commissioner Thomas thought the Planning Commission was looking for commonality with the historic components of the community. Visual Aid 102 demonstrated massing that was dramatically out of scale with the adjacent historic home. Commissioner Thomas also struggled with the image on page 52 of the Staff report, which showed the scenario of ownership. He felt it was practical to have three units on three properties. A lot combination would add density and more negative impact to the neighborhood and adjacent property owners. Commissioner Thomas stated that he had issues with the application and he could not support it.

Commissioner Worel concurred with her fellow Commissioners. She also had an issue with the easement for the stairs. In her opinion, if the neighbors could agree on an easement it would have been done by now. Both sides were claiming ownership and she did not think the Planning Commission could approve the plat amendment without conclusively knowing who legally owns the property.

Commissioner Thomas stated that he would be able to support an application that had a smaller house in the center of Lot 10 that had a relationship with the house on Lot 11, and left the building pad alone in front of the other lot. He offered that alternative if the applicant was interested in that approach. It would allow him to build on his property and create a no-build zone on the adjacent property below the existing house. Commissioner Thomas believed the result would be a building configuration that is more consistent with Old Town.

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City Council Meeting
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VII OLD BUSINESS

Consideration of a plat amendment for 80 Daly Avenue, Park City, Utah – Planner Francisco Astorga stated that the City Council received a letter from Attorney Wade Budge today with new information. In staff's opinion, it is important information and the public has not had a chance to see it but copies are available at the meeting. Mayor Pro Tem Matsumoto asked if the hearing should be held, continued, or remanded to the Planning Commission. Mr. Astorga noted that the Commission has not seen the new information. Mr. Harrington advised that a decision be made after full presentations and holding a public hearing, although a remand is certainly an option. Members were comfortable with proceeding.

Mr. Astorga explained that 80 Daly Avenue is currently under the same tax identification number. He displayed a map of the lots explaining that they are considered flag lots and referred to the 1981 accident where a water tank rolled over a historic building. The structure was rebuilt but does not resemble the previous one dating back to the early 1900s. In 1981 the lot received a variance to reconstruct the building and deviated from the parking requirements by not having to providing on-site parking. The building to the south is old however it is not considered as a significant or landmark site. There are two historic homes across the street at 61 and 71 Daly Avenue. He displayed a survey which shows the footprint of 68 Daly Avenue and explained that the plat amendment results in two buildable lots of record and the proposal meets the minimum lot area and minimum width requirements.

Mr. Astorga pointed out that Daly Avenue was not platted like the rest of Old Town with the typical 25 x 75 foot lot configuration. Most of the lots are about 91 feet in length and most on the west side have a little more area because of the vacation of Anchor Avenue in 1969 resulting in ranging widths. The Planning Commission forwarded a negative recommendation and voted 4:1 to deny the plat amendment application. He referred to the July 25th Planning Commission minutes where concerns included snow storage, traffic, view shed, parking, massing and scale were discussed. He continued that a big issue is Lot 9 which seems to be already divided because of the property owned by Pete Henderson at 68 Daly Avenue and the area owned by the applicant. Lot 10 is completely owned by the applicant, including half of Anchor Avenue in the rear and a portion of Lot 11. The Planning Commission felt there should only be one unit per lot. He believed Lot 10 would require a steep slope CUP process and there was discussion about placing restrictions on a portion of Lot 9 because of the existing home on the lot.

Francisco Astorga stated that the information received today was researched by Attorney Wade Budge and Alliance Engineering. He displayed the proposed plat and referred to a warranty deed dated 1940 and pointed out the associated property. The date is important because the state code regulation allowing municipalities to move forward with subdivisions wasn't adopted until 1953. The first Land Management Code he was able to locate is dated 1968 and the current subdivision ordinance in the LMC

dates back to 1979. There were many other deeds but this is the first one found relating to this application. The next deed is an expansion of the same area towards the current owned area, dated 1971. He referred to two deeds both dated 1983 which picked up some of the area from the vacation of Anchor Avenue. These deeds were presented to staff who recommended that the applicant work with a surveyor to better define properties and ownership. Alliance Engineering was hired and he displayed the exhibit produced. Dick Peek asked when a portion of the property described in the 1940 warranty was transferred and Mr. Astorga guessed it was in 1971. For the benefit of Liza Simpson, he displayed the location of the King Ridge Estates easement over Lot 11. This configuration has existed since at least 1971. She understood the easement was granted by the owners of Lot 10 because they own part of Lot 11. Mr. Astorga pointed out the same ownership of this portion of Lot 11 and Lot 10 since 1971.

He explained that the reason staff feels the new information is relevant is because of the dates of the deeds dated 1940 and 1971. In most cases, anything in that same shape or configuration prior to the 1953 state subdivision ordinance is viewed as legal non-conforming. Other information submitted today is the 1907 Sanborn Insurance Map. On the map, he pointed out 84 Daly and relayed that it is felt that the original building was destroyed in 1981. The size of these structures were smaller than what is currently being built. Mr. Astorga explained that this application was reviewed by the Planning Commission at three meetings. Staff forwarded a positive recommendation to the Planning Commission who forwards a negative recommendation to Council. This was to be reviewed by Council on August 9th but the applicant requested additional time to conduct research. The staff report contains findings for denial as directed by the Planning Commission.

Dick Peek asked the offset in the neighborhood after the survey monument was corrected. Mr. Astorga relayed that he doesn't have an answer but could probably get one from Alliance. Mr. Peek asked if 84 Daly sits on a portion of Lot 11 and it was pointed out that it touches the lot line. Dick Peek understood the application is for three structures and the Sanborn map shows four structures. Liza Simpson asked what information was requested in May for the first continuance and Mr. Astorga explained that the architect was directed by the Planning Commission to provide a rendering illustrating mass and the footprint which is included as an exhibit in the meeting packet. A shadow study was also provided.

Andy Beerman asked if there are other examples of homes on flag lots on Daly Avenue and Ms. Astorga indicated that this is the only situation he is aware of. He asked about intended access to the property on the Sanborn map and Mr. Astorga pointed out Anchor Avenue on the map with the notation *not an open road*. Mayor Pro Tem Matsumoto invited the applicant to speak.

Attorney Wade Budge stated that he represents Taylor Harminling and Alex Adamson who own the properties together but live on the coast and are unable to attend the meeting. One of the reasons they researched the Sanborn Map and other maps was to

determine if it would be appropriate under the Code to place a building in front of Mr. Henderson's property. The Planning Commission was concerned about adding density to the street that would have been unhistorical or out of character. It was found that structures were historically located in front of Mr. Henderson's property and next to 84 Daly as well. The proposal is to place the smallest structure possible in front of Mr. Henderson's property and they have reduced the size of Lot A on the currently designated Lot 9 to the minimum at 1,865 square feet and the smallest footprint allowable will result for a structure which is the intent.

He emphasized that he understands if the Council doesn't want to proceed tonight because some of these materials have just been provided. Mr. Budge explained that they would like a plat approval because it is important to move these lot lines including moving Lot 11 off of the property, address the back lot lines with respect to Anchor Avenue, and resolve the issue of having two owners of Lot 9. Lot B will be a little bit larger than if they were to just simply apply for a permit today but this is a good way to make use of the land. The staff recommended to the Planning Commission that the setback be increased by an additional foot to take into account the fact that there is an easement with King Estates. His clients are okay with that and have no intention of interfering with the overhang at 84 Daly and no intention of interfering with the King Estates easement. Mr. Budge stated that Mr. Henderson's stairs actually encroach in part on their property. His clients will allow the stairs in perpetuity and he has engaged in discussions with Attorney Brent Gold about satisfying some of Mr. Henderson's concerns.

Mr. Budge acknowledged interest in how the structures will look. Given the City's ordinances and the topography of the property, a steep slope CUP process will have to be conducted by the Planning Commission. At that point, the applicants will have to provide details. In May, they were asked to provide massing models which was done to provide the Planning Commission with an additional tool to evaluate the proposal. Mr. Budge relayed that they want to present a structure compatible with the historic area and the character of the neighborhood. The height limit is regulated by the Code and the total maximum square footage of a structure should be evaluated at the time of application of a steep slope CUP.

Liza Simpson asked if his clients are willing to do an encroachment agreement for the Henderson House and Mr. Budge answered yes; they are willing to do an encroachment agreement or license that will address the situation so that the stairs can remain in perpetuity and be replaced as long as they are rebuilt in the same location.

Dick Peek referred to exhibits and pointed out that the setbacks don't correspond with the easements and asked if the massing studies were based on these calculations. Mr. Budge explained that the drawings illustrating mass were intended to show the worst case scenario. The renderings are only intended to show massing and space not the actual design and the final design will be determined through the Planning Commission CUP process. Francisco Astorga interjected that the architect may have overlooked the

easements. If the Planning Commission forwarded a positive recommendation, staff was also requesting that setbacks be increased. Dick Peek pointed out the wood stairs and an adjacent wood structure and asked if the Building Department has additional setback requirements for fire. Mr. Astorga clarified that there is a specific requirement which may limit the number of openings on the façade as well as additional fire related precautions but he felt these requirements can be met.

Alex Butwinski asked the relevance of the insurance map. Attorney Wade Budge responded that the relevance is that historically, in front of the back half of Lot 9, there was a structure and due south there was a structure adjacent to 84 Daly as well. Mr. Butwinski pointed out that they were probably substantially smaller than the proposal. Francisco Astorga advised that the historic structure to the south had a footprint of 690 square feet while the one to the north had a footprint of 785 square feet. Mr. Butwinski asked if approving a plat with odd shaped lots will create precedence. Mark Harrington didn't think so. This is likely the only situation which is predicated on an existing historic situation and there aren't any other flag lots. A new application could not be submitted with this configuration under the current Code. In response to a question from Alex Butwinski, Wade Budge explained that the easement would be granted in perpetuity.

Andy Beerman asked about fire access. Mr. Astorga advised that he checked with the Building Department on health, safety and welfare issues related to the application. A fire hydrant is located across the street which can adequately serve the properties. The Mayor Pro Tem opened the public hearing.

Carlene Riley, 84 Daly Avenue, emphasized that the applicants are proposing a three story building next to her which will dramatically shadow her property. She requested that the plan be scaled down and maybe just build one house on the lot. This is a major impact for Daly. She noted that the old foundations are still there and the historic homes were small. She asked that Council look at this again so that the project is reasonable.

Attorney Brent Gold stated that he is representing Pete Henderson, owner of 68 Daly Avenue. He has owned that property in excess of 40 years and lived there for a considerable period of that time. He was residing there at the time of the water tank roll-over and constructed the existing house, including the steps over 30 years ago. Mr. Gold stated that the information submitted today is germane and there are issues relating to the Sanborn Map and the deeds referenced. He would like an opportunity to evaluate them and suggested taking more time to make a determination.

He explained that the Planning Commission dealt with this matter as two distinct issues. One was the Historic District Commission massing, size, proximity, location, height, etc. which are consistent with what the Historic District requires. He referred to excerpts of the Planning Commission Minutes, specifically Pages 175 through 177 and urged members to read them carefully to understand its reasoning. Commissioners rejected the application because they found it offensive and inconsistent with the Historic District.

The second concern relates to legal issues like easements, ownership, and encroachments. He referred to the survey which shows the ownership line midway at least in the upper portion of the steps as the encroachment and also shows the cement pad and a lesser portion of the lower steps. He reiterated that that structure has been there for 30 years. Mr. Henderson built these steps prior to the relocation of the survey monumentation and the discrepancy in the survey with distances between what occurred when Bush & Gudgell relocated the monumentation it seems feasible, probable and likely those are the issues that we have here. Boundary lines shifted because of survey differentiation.

Mr. Gold continued that his client's house is perched on a hill immediately behind Lot A and if they put a house in front of him, even with the height limitations, it blocks the entire first floor and his view over Daly Avenue. It is his client's request that a height limitation be imposed. There are many ways to accomplish that. Even though this can be addressed in the CUP process, Lot A is virtually flat and Mr. Henderson is on the steep part. He questioned if the applicants are required to go through a steep slope CUP process. If Council considers going forward, there should be a height limitation. He also referred to the impacts to Carlene Riley if this is approved and asked that counsel share all information. Mr. Gold requested a continuance.

Richard Iron, 61 Daly Avenue, pointed out that the street is like a wall already because of density and there is a severe parking problem on Daly Avenue. He and his family of four live in a small home. Daly is a nice spot and this is an opportunity to keep it small and simple.

Brooke Hontz, Planning Commissioner, addressed the ownership of PC653 which is Lot 10 and portion of the other. She contacted the Summit County Recorder and learned that it transferred hands relatively recently and she felt that members may have thought differently. She referred to the Planning Commission Minutes, Pages 175 through 177, which summarize the discussion about density, scale, mass and height. Additionally, the Planning Commission has not had an opportunity to review the new information which relates to increasing density. If the applicant wants the three units then the same scale, mass and height should be used. The 3-D model really helped because it showed what could be done. The Minutes also reference Mr. Astorga suggesting a compromise by agreement to smaller footprints and limiting the sizes. The applicants did not want to do that and they actually said that they would not. She spoke about compatibility. Public health, safety and welfare issues were considered. Ms. Hontz referred to the easement and if this is approved, leverage may be more in the hands of the applicants. She proposed that 68 Daly would be harmed if the plat is approved. The Commission felt that there is harm caused by new impacts and issues, e.g., snow storage, traffic, view shed and parking problems increase in the winter months. The Minutes show that these are existing problems that this project will exacerbate but it also creates its own new issues.

The Mayor Pro Tem closed the public hearing.

Francisco Astorga stated that a letter was received from Bill and Gayle Sickler who are opposed to the approval of the plat.

Cindy Matsumoto asked if the structure in front of Mr. Henderson's house will need to go through the steep slope CUP process. Mr. Astorga indicated that any construction over 1,000 square feet or access to any construction that is over 30% of grade or steep slope requires review by the Planning Commission for a conditional use permit. He explained that it depends on the design and size but typically the scale proposed is much larger.

Ms. Simpson asked if there is any reason why the Council cannot uphold the Planning Commission's decision tonight. Mark Harrington pointed out that there is a problem with the *three to four units* as a finding of fact. Some findings may change if the applicant and neighbors resolve encroachment issues in a particular way. He clarified that Mr. Gold was hinting that this is beyond easement and potential for quiet title based on prescriptive rights which would affect the maximum lot area. He advised that Council has a number of options. A continuance can be granted to see if the parties resolve some of their issues and it also gives everyone a chance to hear and evaluate the new submission. The Planning Commission didn't have access to the information and the application could be remanded for further consideration of the new material. This would also give parties time to work things out and address the volumetric more accurately which was a point made by Attorney Budge. Council could give direction to further consider staff's recommendation in light of the new information as well as in terms of height and size limitations. He stated that Council could also move ahead with its own analysis and provide staff direction on the things that are desired with regard to mass, scale, height, density and compatibility. Mr. Harrington encouraged members to consider holding one more Council meeting on this matter because it gives both sides impetus to move things forward quickly while a remand may reduce the time pressures to resolve.

Ms. Simpson stated that she is very supportive of the Commission's concerns. Mark Harrington felt there is no harm in one continuance to make sure that all parties have an opportunity to weigh-in. Alex Butwinski stated that he is inclined to continue based on Mr. Gold's request to review the material. He feels this is the best alternative for the parties and keeps other options open. He agrees with Ms. Simpson and has reservations about not upholding the Planning Commission's determination. Dick Peek stated that he is in line with the Planning Commission's determination with regard to the application not comporting with the purpose statement of the zone. Mass, scale and compatibility are big issues and he hoped to see the ownership issue of the stairway easement resolved. Massing is a critical element in the purpose statement. He addressed snow shedding and the potential of drift loading and stated that he is in support of a continuance. Andy Beerman stated that he supports the Planning Commission's conclusions but has no problem with continuing the matter to provide an opportunity for the parties to meet.

Mr. Butwinski expressed that he would like to better understand if Lot A would be required to go through a conditional use permit process. Francisco Astorga explained that the LMC indicates a minimum distance of 15 feet on slopes 30% or greater, measured from the beginning of the driveway and he would need to see the proposed footprint to make a determination. Liza Simpson understood that if the footprint was limited to the front half of the lot, the project would not need a steep slope CUP.

Liza Simpson stated that she would prefer to have only one continuation which prompted discussion on meeting schedules. Liza Simpson, "I move that we continue the plat amendment for 80 Daly Avenue to October 25th". Dick Peek seconded. Motion unanimously carried.

VIII ADJOURNMENT

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

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 3 p.m. Members in attendance were Mayor Dana Williams, Andy Beerman, Alex Butwinski, Cindy Matsumoto, Dick Peek, and Liza Simpson. Staff present was Diane Foster, Interim City Manager; and Mark Harrington, City Attorney. Alex Butwinski, "I move to close the meeting to discuss personnel, property and litigation". Andy Beerman seconded. Motion carried unanimously. The meeting opened at approximately 5 p.m. Andy Beerman, "I move to open the meeting". Liza Simpson seconded. Motion unanimously carried.

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

Prepared by Janet M. Scott, City Recorder



EXHIBIT K

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 foot 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 L

Planning Commission Staff Report



Application #: PL-12-01488
Subject: 80 Daly Avenue Subdivision
Author: Francisco Astorga, Planner
Date: May 9, 2012
Type of Item: Administrative – Plat Amendment

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the 80 Daly Avenue Subdivision 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.

Description

Applicant: Alex Adamson, represented by Jonathan DeGray
Location: 80 Daly Avenue
Zoning: Historic Residential (HR-1) District
Adjacent Land Uses: Residential
Reason for Review: Plat amendments require Planning Commission review and City Council action

Proposal

This is a request to combine part of Lot 9, all of Lot 10, and part of Lot 11, block 74, Millsite Reservation of the Park City Survey into two (2) lots of record. The site is currently vacant.

Purpose

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

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

Background

On February 28, 2012 the City received a completed application for the 80 Daly Avenue Subdivision. The property is located in Historic Residential (HR-1) District. The proposed plat amendment combines part of Lot 9, all of Lot 10, and part of Lot 11, block 74, Millsite Reservation of the Park City Survey into two (2) lots of record. The northern lot identified as Lot A will be 1,875 square feet in size. The southern lot identified as Lot B will be 3,883.84 square feet in size.

On April 11, 2012 the Planning Commission reviewed the requested plat amendment and continued the discussion to May 9, 2012. The Commission requested an analysis of the floor areas of structures in the Daly Avenue.

Analysis

The proposed plat amendment creates two (2) lots from a portion of Lot 9, all of Lot 10, a portion of Lot 11, and vacated Anchor Avenue within the HR-1 District. Staff has reviewed the proposed plat amendment request and found compliance with the following Land Management Code (LMC) requirements for lot size and width:

	LMC requirement	Proposed Lot A	Proposed Lot B
Minimum lot size	1,875 sq. ft.	1,875 sq. ft.	3,893.84 sq. ft.
Minimum lot width	25 ft.	36.09 ft.	41.52 ft.

Staff finds good cause for this plat amendment as the combined proposed lots will remove the lot lines found throughout the site and the ownership lines will match the newly platted lines. The proposed lots will meet the lot and site requirements of the HR-1 District. There are no known violations or non-compliances found on the site. However the site northwest of the subject property, 68 Daly Avenue, has several improvements that encroach onto this property. The applicant will be able to build on each lot according to the development standards of the HR-1 District as summarized below:

	Permitted
Height	27 feet maximum
Front setback	10 feet minimum
Rear setback	10 feet minimum
Side setbacks	3 feet minimum
Footprint	Lot A: 844 square feet maximum Lot B: 1,564 square feet maximum
Parking	2 for unit
Stories	3 stories maximum, with a 10' horizontal step for the third story.

Per the direction given to staff on April 11, 2012 staff compiled the following information below from Summit County public records retrieved via EagleWeb website, see Exhibit G:

- Living area
- Basement area
- Attached/built-in garage area
- Unattached improvement

According to Exhibit G, the average floor area on Daly Avenue is 2,532 square feet. This average area is based on single family dwellings (SFD), duplexes, and multi-unit buildings found on Daly Avenue. This study facilitates a comparison of all the structures on Daly Avenue. During the April 11, 2012 meeting the Planning Commission expressed concerns where they were not inclined to approve an oversized lot and structure within this neighborhood as the Commission was concerned with compatibility in term of house size. The Daly Avenue neighborhood has been recognized as one of the most historic neighborhoods within Old Town. In order to ensure compatibility in terms of house size Staff recommends limiting the gross floor area of proposed Lot B not to exceed 2,532 square feet.

The smaller lot, proposed Lot A, has a lot area of 1,875 square feet, which yields a maximum building footprint of 844, square feet. Currently the LMC limits all structures within the HR-1 District to a maximum of three (3) stories. Therefore, the future structure on proposed Lot A, will not exceed the 2,532 square feet.

Building Encroachments

The submitted certified survey indicates that the site northwest of the subject property, 68 Daly Avenue, has several improvements encroaching onto this property. The encroachments consist of the wooden staircase along the north property line which is fifty feet (50') in length and portions of a deck towards the northwest corner of the subject property consisting of approximately 68 square feet. The encroachments are not historic.

The applicant has indicated they will work with the neighboring property owner to grant them encroachment easements. Staff recommends that a condition be added to indicate that an encroachment agreement must be entered into prior to plat recordation which addresses the encroachments from 68 Daly Avenue or the encroachments shall have be removed.

Temporary Easement

Lot 10 contains a twenty foot (20') temporary, non-exclusive utilities easement and right-of-away for the benefit of King Ridge Estates. King Ridge Estates is a three (3) lot subdivision located south west of the subject site, accessed of Ridge Avenue at 158, 162, and 166 Ridge Avenue.

The easement extends from front to back of the entire length of the lot. The applicant identified such easement on the proposed plat. This agreement is between the owner of the subject site and the owner(s) of King Ridge Estates. The possible approval of this plat amendment does not change or effect the temporary easement. Lot B will not be able to construct on the temporary easement until requirements identified on the agreement are met.

Process

Prior to issuance of any building permits for these lots, the applicant will have to submit a Historic District Design Review application, which is reviewed administratively by the Planning Department. A Steep Slope Conditional Use Permit application is also required, which is reviewed by the Planning Commission. They will also have to submit a Building Permit application. The approval of this plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18.

Department Review

This project has gone through an interdepartmental review. The Snyderville Water Reclamation District (SBWRD) has reviewed the proposed plat and identified an issue related to the location of the lateral sewer line servicing the structure located at 68 Daly Avenue. The applicant addressed the issue by providing an easement for the sewer lateral and placing a note on the proposed plat advising of the existing lateral and possible need to relocate the lateral into the easement for construction on the new lot. From the information in their files SBWRD cannot determine if the lateral is located under or adjacent to the stairs, so they decided to have an easement provided in case it is necessary and advise potential owners of 80 Daly that relocation of the lateral may be necessary. See Exhibit F.

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

During the April 11, 2012 public hearing Karleen Reilly residing at 84 Daly Avenue provided comments. See Exhibit H.

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council for the 80 Daly Avenue Subdivision plat amendment as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for 80 Daly Avenue Subdivision plat amendment and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on 80 Daly Avenue Subdivision plat amendment and provide specific direction regarding additional information needed to make a recommendation.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The lots would remain as is and no construction could take place across the existing lot lines.

Recommendation

Staff recommends the Planning Commission hold a public hearing for the 80 Daly Avenue Subdivision and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

Exhibits

Exhibit A – Draft Ordinance with Proposed Plat

Exhibit B – Topographic Survey

Exhibit C – Temporary Easement Agreement with King Ridge Estates

Exhibit D – Aerial Photograph

Exhibit E – County Plat Map with outlines of proposed lots

Exhibit F – SBWRD Letter

Exhibit G – Daly Avenue Study (May 2012)

Exhibit H – April 11, 2012 Planning Commission meeting minutes

Ordinance No. 12-__

**AN ORDINANCE APPROVING THE 80 DALY AVENUE SUBDIVISION
LOCATED AT 80 DALY AVENUE, PARK CITY, UTAH.**

WHEREAS, the owner of the property located at 80 Daly 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 11, 2012 and May 9, 2012, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on May 9, 2012, forwarded a recommendation to the City Council; and,

WHEREAS, on May 9, 2012, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 80 Daly Avenue Subdivision.

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

SECTION 1. APPROVAL. The 80 Daly Avenue Subdivision as shown in Attachment A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 80 Daly Avenue.
2. The property is located in the Historic Residential (HR-1) District.
3. Proposed Lot A will be 1,875 square feet in size.
4. Proposed Lot B will be 3,883.84 square feet in size.
5. The minimum lot size within the HR-1 District is 1,875 square feet.
6. Proposed Lot A will have a lot width of 36.09 feet.
7. Proposed Lot B will have a lot width of 41.21feet.
8. The minimum lot width within the HR-1 District is twenty-five feet (25').
9. Proposed Lot A will have a maximum building footprint of 844 square feet.
10. Proposed Lot B will have a maximum building footprint of 1,564 square feet.

11. The proposed plat amendment creates two (2) lots from a portion of Lot 9, all of Lot 10, a portion of Lot 11, and vacated Anchor Avenue within the HR-1 District.
12. The submitted certified survey indicates that the site northwest of the subject property, 68 Daly Avenue, has several improvements encroaching onto this property.
13. The encroachments consist of the wooden staircase along the north property line which is fifty feet (50') in length and portions of a deck towards the northwest corner of the subject property consisting of approximately 68 square feet.
14. The applicant indicated they will work with the neighboring property owner to grant them encroachment easements.
15. Lot 10 contains a twenty foot (20') temporary, non-exclusive utilities easement and right-of-away for the benefit of King Ridge Estates.
16. The possible approval of this plat amendment does not change or affect such easement and the City acknowledges the language and requirements found on such agreement.
17. The Snyderville Water Reclamation District (SBWRD) has reviewed the proposed plat and identified an issue related to the location of the lateral sewer line servicing the structure located at 68 Daly Avenue.
18. The applicant addressed the issue by providing an easement for the sewer lateral and placing a note on the proposed plat advising of the existing lateral and possible need to relocate the lateral into the easement for construction on the new lot.
19. The property owner shall comply with the requirements of the Snyderville Basin Water Reclamation District (SBWRD).
20. No remnant parcels of land are created with this plat amendment.
21. On April 11, 2012 the Planning Commission reviewed the requested plat amendment and continued the discussion to May 9, 2012.
22. On April 11, 2012 the Planning Commission requested an analysis of the floor areas of structures in the Daly Avenue.
23. Per the direction given to Staff on April 11, 2012 staff compiled an analysis of the floor areas of structures using Summit County public records.
24. The average floor area on Daly Avenue is 2,532 square feet.
25. The study facilitates a comparison of all the structures on Daly Avenue.
26. The Daly Avenue neighborhood has been recognized as one of the most historic neighborhoods within Old Town.
27. Staff recommends limiting the gross floor area of proposed Lot B not to exceed 2,532 square feet
28. 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 in that the combined lot will remove the lot line going through the existing structure.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.

4. Approval of the plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. A 10' (ten foot) snow storage easement shall be dedicated to Park City across the property's frontage on Daly Avenue.
4. Prior to plat recordation, an encroachment agreement must be entered into which addresses the encroachments from 68 Daly Avenue or the encroachments shall be removed.
5. Modified 13-D sprinklers shall be required for all new construction.
6. The property owner shall comply with the requirements of the Snyderville Basin Water Reclamation District (SBWRD).
7. The plat shall reflect the existence of the temporary easement for the benefit for King Ridge Estates.
8. The gross floor area of Lot B as defined in the Land Management Code shall not exceed 2,532 square feet.

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

PASSED AND ADOPTED this 9th day of May, 2012.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, MAYOR

ATTEST:

Jan Scott, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Attachment A – Proposed Plat

Planning Commission Staff Report



Application #: PL-12-01488
Subject: 80 Daly Avenue Subdivision
Author: Francisco Astorga, Planner
Date: July 25, 2012
Type of Item: Administrative – Plat Amendment

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the 80 Daly Avenue Subdivision plat amendment and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

Description

Applicant: Alex Adamson, represented by Jonathan DeGray
Location: 80 Daly Avenue
Zoning: Historic Residential (HR-1) District
Adjacent Land Uses: Residential
Reason for Review: Plat amendments require Planning Commission review and City Council action

Proposal

This is a plat amendment request to combine part of Lot 9, all of Lot 10, part of Lot 11, and a portion of vacated Anchor Avenue, Block 74, Millsite Reservation of the Park City Survey into two (2) lots of record. The entire site is currently vacant.

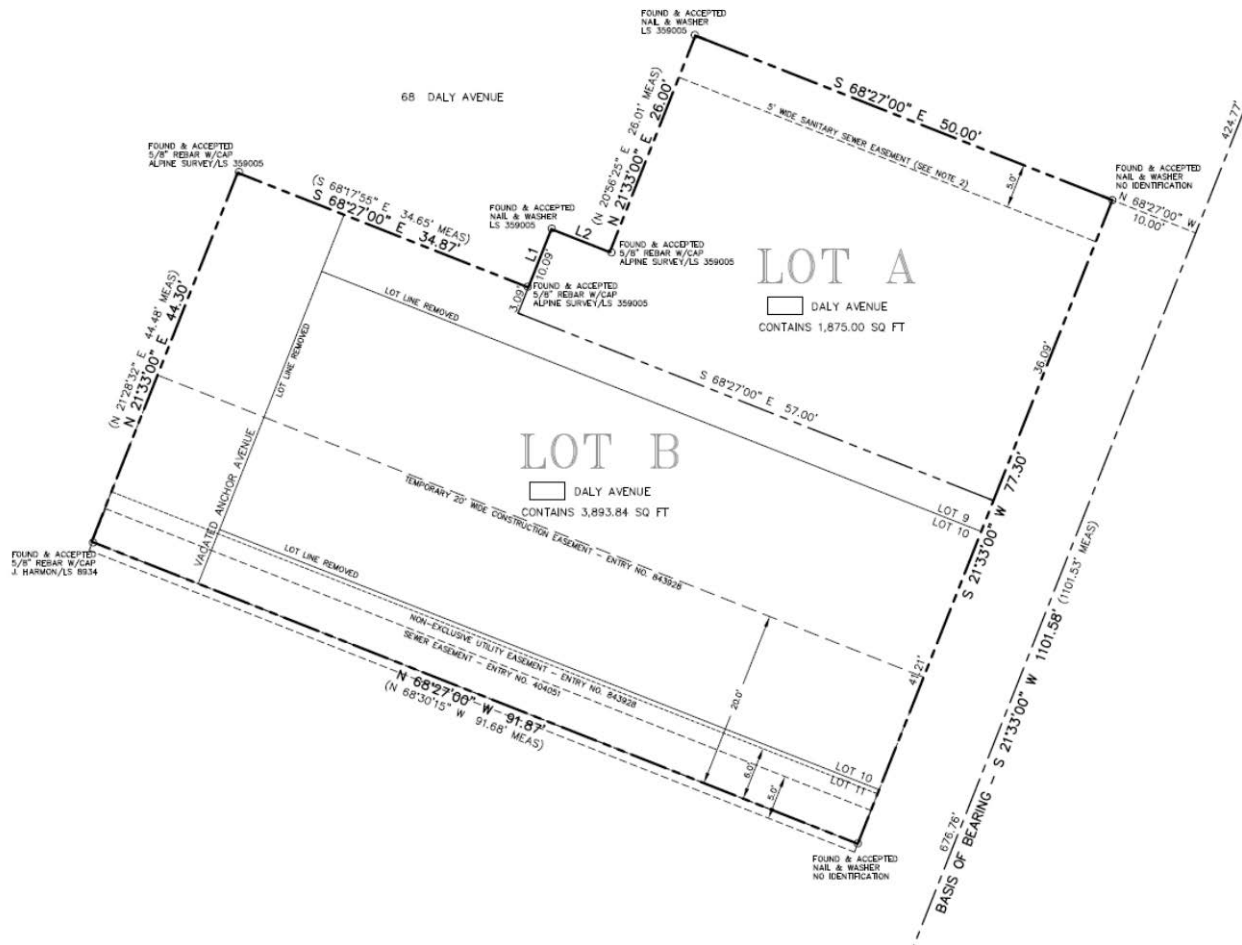
Purpose

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

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

Background

On February 28, 2012 the City received a completed application for the 80 Daly Avenue Subdivision plat amendment. The property is located within the Historic Residential (HR-1) District. The proposed plat amendment combines part of Lot 9, all of Lot 10, part of Lot 11, and a portion of vacated Anchor Avenue, Block 74, Millsite Reservation of the Park City Survey into two (2) lots of record. Currently the site is vacant. The northern lot is identified as Lot A and the southern lot is identified as Lot B. See proposed plat amendment below:



On April 11, 2012 the Planning Commission reviewed the requested plat amendment and continued the discussion to May 9, 2012. During this meeting the Planning Commission expressed concerns where they were not inclined to approve an oversized lot and structure within this neighborhood as the Commission was concerned with compatibility in term of house size. The Commission requested an analysis of the floor areas of structures in the Daly Avenue neighborhood.

On May 9, 2012 the Planning Commission reviewed the requested floor area analysis and discussed the additional mitigation for the impacts of the built structure on 68 Daly Avenue. The study facilitated a house size comparison of all the structures on Daly

Avenue. In order to ensure compatibility in terms of house size Staff recommended limiting the gross floor area of proposed Lot B to the average of the entire neighborhood and allowing the existing building parameters to govern Lot A, which essentially would have been about the same square footage. The Commission discussed the footprint calculation, the floor area cap, and the portion of a lot being platted. The Planning Commission clarified their concern of how a new structure on Lot A would impact 68 Daly Avenue from the standpoint of view shed and solar access. The Commission indicated that they needed to understand those impacts before making a recommendation to the City Council. It was requested that the applicant bring back a model to review the development potential. Staff was also directed to add lot areas and footprints to the Daly Avenue study. The item was continued to May 23, 2012. Staff was also directed not to include the portion of vacated Anchor Avenue into the footprint calculation. The applicant also mentioned that 1,300 square foot footprint would achieve a building size that works at approximately 3,300 gross floor area.

On May 23, 2012 the item was continued to June 13, 2012 because no additional information was provided. On June 13, 2012 the item was continued to June 27, 2012 because no additional information was provided. On June 27, 2012 the item was continued to a date uncertain rather than to July 11, 2012 as stated in the agenda due to the needed information related to the continuation on May 9, 2012.

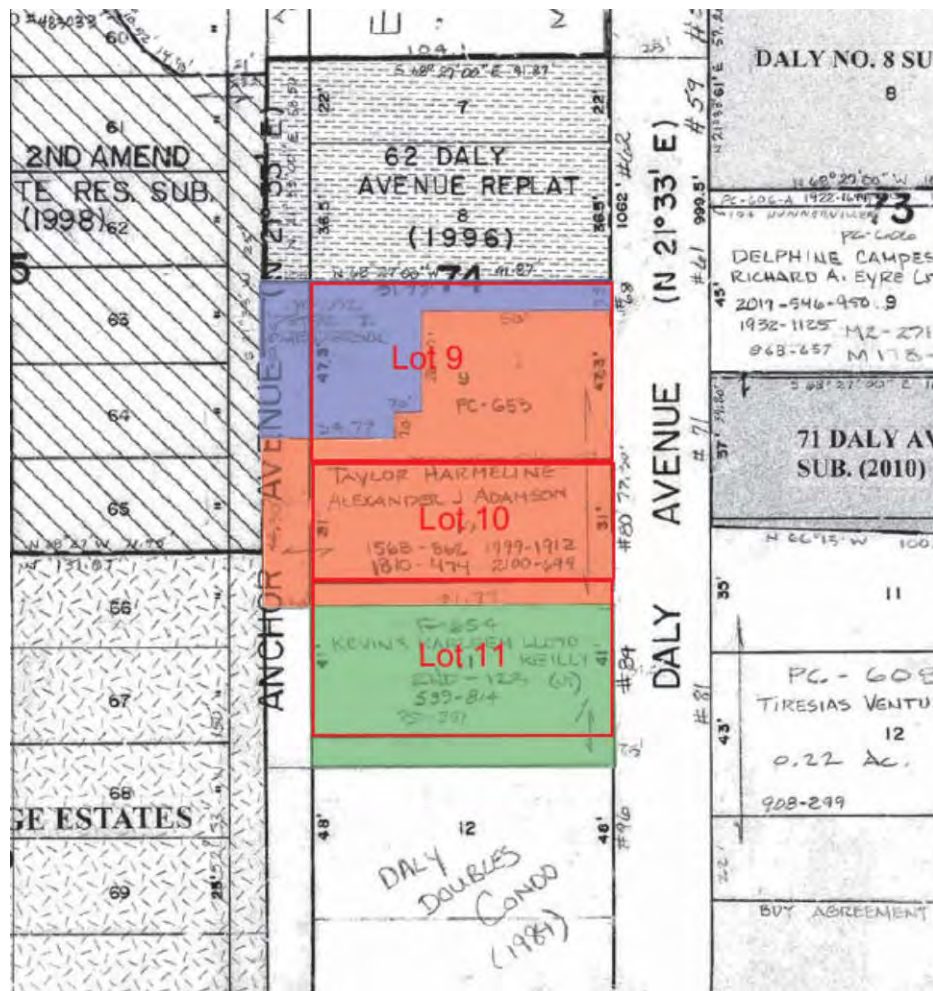
Analysis

The proposed plat amendment creates two (2) legal lots of record from a portion of Lot 9, all of Lot 10, a portion of Lot 11, and vacated Anchor Avenue within the HR-1 District. The minimum lot area for a single family dwelling is 1,875 square feet. The minimum lot area for a duplex is 3,750 square feet. A duplex is a conditional use that requires a Conditional Use Permit to be reviewed and approved by the Planning Commission. The proposed area of Lot A is 1,875 square feet. The proposed area of Lot B is 3,893.84 square feet. The minimum lot width is twenty-five feet (25'). The proposed width of Lot A is 36.09 feet. The proposed width of Lot B is 41.52 feet. The applicant proposes to be able to build on each lot. Staff has identified the following development standards of the HR-1 District as summarized below:

Requirement	Permitted – Lot A	Permitted – Lot B
Front/rear yard setbacks	10 feet minimum, 20 feet total (based on the lot depth of 57 feet)	12 feet minimum, 25 feet total (based on the lot depth of 91.87 feet)
Side yard setbacks	3 feet minimum, 6 feet total (based on the lot width of 36.09 feet & 41.21 feet, respectively)	
Building Footprint	844 square feet (based on the lot area of 1,875 square feet)	1,384 square feet (based on the lot area minus the vacated ROW totaling 3,340.09 square feet) 1,564 square feet (based on the entire lot area totaling 3,83.84 square feet)

Height	27 feet above existing grade, maximum.
Number of stories	A structure may have a maximum of three (3) stories.
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 for a for third story

Lot 9, 10, and 11 are lots of record found within Block 74, Millsite Reservation of the Park City Survey. Approximately half of lot 9 is recognized as parcel no. PC-652 current owned by Peter Henderson (shown with a blue highlight below). The other approximate half of Lot 9 is recognized as parcel no. PC-653 owned by the applicant of this plat amendment request, Alex Adamson. PC-653 also includes the other areas of this requested application (shown with a red highlight below). Also a portion of Lot 11 is owned by the applicant, identified as PC-653 while most of Lot 11 is currently owned by Kevin Reilly & Karleen Lloyd (shown with a green highlight below). This plat amendment is only for the portion owned by Alex Adamson.



Staff finds good cause for this plat amendment as the combined proposed lots will remove the lot lines found throughout the site and the ownership lines will match the newly platted lines over the subject property. The proposed lots will meet the lot and site requirements of the HR-1 District. As identified above the applicant is not able to control the other portions of Lot 9 and 11 which he does not own. However, it should be recognized that in the future if the other property owner request to remodel or build an addition to their structures they would have to go through this same plat amendment process to remove lots lines that may not match their ownership. It is also anticipated that the two (2) neighboring ownership boundaries meet the minimum lot area, however, this should be analyzed in greater detail once the plat amendment is received to be confirmed with the required existing conditions & topographic survey. Also in the early 1980's the City issued a building permit to 68 Daly Avenue, allowing the property owner to re-build a structure that was destroyed after a water tower incident. The City also issued a variance where the site is not required to provide any off-street parking. When the City issued the building permit and granted the variance it recognized this portion of 68 Daly Avenue as a buildable area. There are no other known violations or non-compliances found on the site. However the 68 Daly Avenue, PC-652, has several improvements that encroach onto this property.

Building Encroachments

The submitted certified survey indicates that the site northwest of the subject property, 68 Daly Avenue, has several improvements encroaching onto this property. The encroachments consist of the wooden staircase along the north property line which is fifty feet (50') in length and portions of a deck towards the northwest corner of the subject property consisting of approximately 68 square feet. The encroachments are not historic. See below:



The applicant has indicated they will work with the neighboring property owner to grant them encroachment easements. Staff recommends that a condition be added to indicate that an encroachment agreement must be entered into prior to plat recordation which addresses the encroachments from 68 Daly Avenue or the encroachments shall have be removed.

Temporary Easement

Lot 10 contains a twenty foot (20') temporary, non-exclusive utilities easement and right-of-away for the benefit of King Ridge Estates. King Ridge Estates is a three (3) lot subdivision located south west of the subject site, accessed of Ridge Avenue at 158, 162, and 166 Ridge Avenue.

The easement extends from front to back of the entire length of the lot. The applicant identified such easement on the proposed plat. This agreement is between the owner of the subject site and the owner(s) of King Ridge Estates. The possible approval of this plat amendment does not change or effect the temporary easement. Lot B will not be able to construct on the temporary easement until requirements identified on the agreement are met.

Discussion regarding maximum footprint size

There is a mix of small Historic homes along Daly Avenue that may be affected by maximum building footprint allowed by proposed Lot B. The building footprint is calculated by the building footprint formula within the LMC. The Planning Commission can recommend to the City Council to add a condition of approval limiting the building footprint or house size area to mitigate the possible impacts of the neighborhood.

On a previous proposal in the neighboring Historic Residential-Low (HR-L) Density District, a study was prepared showing lot size, maximum footprint allowed, and square footage of each house. This survey showed that the average gross floor area was approximately 141% of the maximum allowed footprint. A similar study was also prepared within the Daly Avenue neighborhood for a plat amendment request at 313 Daly Avenue for both Planning Commission and City Council review. The study concluded that the average square footage of all Daly Avenue structures was approximately 137% of the average maximum footprint allowed and the average square footage of Upper Daly Avenue structures was approximately 91% of the average maximum footprint allowed. The Planning Commission and City Council approved this two (2) lot plat amendment request capping the gross floor area to 115% (average of the two averages) of the footprint for each lot.

In response to the Planning Commission direction on April 11, 2012 and May 9, 2012 for further analysis, Staff updated the survey of all properties on Daly Avenue. This survey has been attached to this staff report as Exhibit G. The survey shows the requested information according to Summit County public records accessed online through their EagleWeb Property search database. The study contains the following items:

- Living area
- Basement area
- Attached/built-in garage area
- Unattached improvement
- Overall house size
- Lot area (acres & square feet)
- Maximum footprint allowed per the LMC according lot area
- Use
- Historic status

The survey reveals that there are 57 single family dwellings (SFDs), 12 duplexes, 4 multi-unit buildings (16 units), and 13 vacant lots, totaling 97 units. Lower Daly Avenue extending from the Main Street to 234 Daly Avenue has 37 SFDs, all of the duplexes and multi units dwellings mentioned above, and 5 empty lots. Upper Daly Avenue contains 20 units and 8 vacant lots. These lots are in the “lower Daly” area.

In terms of historic sites the study also shows that there are 30 sites listed on Park City's Historic Sites Inventory (HSI), 20 of which are located on Lower Daly and the remaining 10 on Upper Daly. The inventory is divided as 11 landmark sites and 19 significant sites. Lower Daly contains 7 landmark sites and 13 significant sites while upper Daly contains 4 landmark sites and 6 significant sites.

The study shows the following averages in terms of house size (gross floor area) to footprint ratios:

	Overall Daly	Lower Daly	Upper Daly
House size to max. footprint allowed ratio	1.41	1.60	.36
House side to max. footprint allowed ration (historic sites)	1.02	1.14	.81

The gross floor area of all structures on Daly Avenue is approximately 141% of the average maximum footprint allowed. The gross floor area of lower Daly Avenue is approximately 160% of the average maximum footprint allowed. Based upon a review of the Historic Site Inventory, one can see that the gross floor area of the structures listed on the HSI are much smaller than non-historic structures on Daly Avenue. It is also worth noting that the average lot size of sites with historic structures is slightly larger than non-historic sites. See Exhibit G.

Based on this analysis and previous Planning Commission recommendations and City Council approvals to limit house size to be compatible with the surrounding neighborhood, the Planning Commission may recommends putting a note on the plat to limit gross floor area, as defined by the LMC, to a specific percentage of the average maximum footprint allowed, to be compatible with the neighborhood.

The City has also received a three dimension model showing the possible future development as shown as Exhibit K. According to these exhibits as well as the footprints & massing elevations sketches, the applicant proposes the following footprints and possible gross floor area based on the identified height. Note that the maximum

height in the HR-1 district is twenty-seven feet (27'), and that final grade must be within four (4) vertical feet of existing grade around the periphery of the structure, therefore, the applicant could possibly build the maximum of (3) stories.

	Footprint	Possible gross floor area (approx.), based on a 3 story building.	Proposed heights
Lot A	844 square feet	2,532 square feet	26'-4"
Lot B	1,384 square feet	4,152 square feet	26'-6"

The possible gross floor area above does not accommodate the third story step back required with new construction. It also does not include any articulation that should be included in the design.

Given the area being considered to be re-platted as Lot B, which also includes the vacated Anchor Avenue, the analysis provide on Exhibit G, the maximum scenario potential identified on the table above, as well as the visual analysis presented by the applicant, Staff recommends that a maximum gross floor area be added as a plat note. During the May 9, 2012 Planning Commission meeting the Commission indicated that the vacated ROW should not be include in the building footprint calculation. Staff recommends that the gross floor area be limited to 200% of the footprint, therefore the gross floor area of proposed Lot B would be limited to 2,768 square feet. Staff finds that this gross floor area reduction would facilitate a smaller structure on Lot B to be able to mitigate the impacts shown on the model related to the structure directly to the south, 84 Daly Avenue. Even though this structure is not historic is reflects the appropriate scale and volume of our historic structures found throughout Daly Avenue and Old Town. This reduction to the equivalent of a two (2) story building also allows the architect enough flexibility to come up with a compatible design to be cautious of the compatibly factor related to our Historic District.

The minimum side yard setbacks for both sites are three feet (3') minimum. The preliminary site plan for Lot B was drafted with five foot (5') setbacks. Staff recommends that the footprint of this structure be shifted more to the north to further increase the setback on the south side to a minimum of seven feet (7') due to the neighboring property which is seems to be inches away.

Development on the steep slope portion of the lots would require a Steep Slope Conditional Use Permit. A CUP is required for any structure in excess of 1,000 square feet if said structure and/or access is located upon any existing slope of 30% or greater. A Steep Slope CUP review is subject to the following criteria: location of development, visual analysis, access, terracing, building location, building form and scale, setbacks, dwelling volume, building height, and height exception.

Duplexes in the HR-1 zone require a minimum lot size and approval by the Planning Commission of a Conditional Use Permit. The required minimum lot size for a duplex is

3,750 square feet. Duplex could potentially be built on Lot B with a Conditional Use Permit.

Development in Old Town requires a Historic District Design Review (HDDR) application to be reviewed and approved by the Planning Department to find compliance with the 2009 Design Guidelines for Historic District and Historic Sites.

Process

Prior to issuance of any building permits for these lots, the applicant will have to submit a Historic District Design Review application, which is reviewed administratively by the Planning Department. A Steep Slope Conditional Use Permit application is also required, which is reviewed by the Planning Commission. They will also have to submit a Building Permit application. The approval of this plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18.

Department Review

This project has gone through an interdepartmental review. The Snyderville Water Reclamation District (SBWRD) has reviewed the proposed plat and identified an issue related to the location of the lateral sewer line servicing the structure located at 68 Daly Avenue. The applicant addressed the issue by providing an easement for the sewer lateral and placing a note on the proposed plat advising of the existing lateral and possible need to relocate the lateral into the easement for construction on the new lot. From the information in their files SBWRD cannot determine if the lateral is located under or adjacent to the stairs, so they decided to have an easement provided in case it is necessary and advise potential owners of 80 Daly that relocation of the lateral may be necessary. See Exhibit F.

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

During the April 11, 2012 public hearing Karleen Reilly residing at 84 Daly Avenue provided comments. See Exhibit H. During the May 9, 2012 public hearing Brent Gold on behalf Pere Henderson provided comments. See Exhibit I.

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council for the 80 Daly Avenue Subdivision plat amendment as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for 80 Daly Avenue Subdivision plat amendment and direct staff to make Findings for this decision; or

- The Planning Commission may continue the discussion on 80 Daly Avenue Subdivision plat amendment and provide specific direction regarding additional information needed to make a recommendation.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The lots would remain as is and no construction could take place across the existing lot lines.

Recommendation

Staff recommends the Planning Commission hold a public hearing for the 80 Daly Avenue Subdivision and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

Exhibits

Exhibit A – Draft Ordinance with Proposed Plat
 Exhibit B – Topographic Survey
 Exhibit C – Temporary Easement Agreement with King Ridge Estates
 Exhibit D – Aerial Photograph
 Exhibit E – County Plat Map with outlines of proposed lots
 Exhibit F – SBWRD Letter
 Exhibit G – Daly Avenue Study (May 2012)
 Exhibit H – April 11, 2012 Planning Commission meeting minutes
 Exhibit I – May 9, 2012 Planning Commission meeting minutes
 Exhibit J – CC Staff Report dated May 5, 2008 313 Daly Avenue Plat Amendment
 Exhibit K - 3D Model
 Exhibit L - Conceptual site plan & massing elevations.

Ordinance No. 12-__

AN ORDINANCE APPROVING THE 80 DALY AVENUE SUBDIVISION PLAT AMENDMENT LOCATED AT 80 DALY AVENUE, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 80 Daly 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 11, 2012, May 9, 2012, and July 25, 2012 to receive input on plat amendment; and

WHEREAS, the Planning Commission, on July 25, 2012, forwarded a recommendation to the City Council; and,

WHEREAS, on August 9, 2012, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 80 Daly Avenue Subdivision.

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

SECTION 1. APPROVAL. The 80 Daly Avenue Subdivision Plat Amendment as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 80 Daly Avenue.
2. The property is located within the Historic Residential (HR-1) District.
3. The proposed plat amendment combines part of Lot 9, all of Lot 10, part of Lot 11, and a portion of vacated Anchor Avenue, Block 74, Millsite Reservation of the Park City Survey into two (2) lots of record.
4. The site is currently is vacant.
5. The northern lot is identified as Lot A and the southern lot is identified as Lot B.
6. The minimum lot area for a single family dwelling is 1,875 square feet.
7. The minimum lot area for a duplex is 3,750 square feet.

8. A duplex is a conditional use that requires a Conditional Use Permit to be reviewed and approved by the Planning Commission.
9. The proposed area of Lot A is 1,875 square feet.
10. The proposed area of Lot B is 3,893.84 square feet.
11. The minimum lot width is twenty-five feet (25').
12. The proposed width of Lot A is 36.09 feet.
13. The proposed width of Lot B is 41.52 feet.
14. The combined proposed lots will remove the lot lines found throughout the site and the ownership lines will match the newly platted lines over the subject property.
15. The applicant is not able to control the other portions of Lot 9 and 11 which he does not own.
16. In the future if the other property owner request to remodel or build an addition to their structures they would have to go through this same plat amendment process to remove lots lines that may not match their ownership.
17. The submitted certified survey indicates that the site northwest of the subject property, 68 Daly Avenue, has several improvements encroaching onto this property which consist of the wooden staircase along the north property line which is fifty feet (50') in length and portions of a deck towards the northwest corner of the subject property consisting of approximately 68 square feet. The encroachments are not historic.
18. The applicant has indicated they will work with the neighboring property owner to grant them encroachment easements. .
19. There is a mix of small Historic homes along Daly Avenue that may be affected by maximum building footprint allowed by proposed Lot B.
20. Proposed Lot B contains a portion of vacated Anchor Avenue.
21. The building footprint is calculated by the building footprint formula within the LMC.
22. The Planning Commission can recommend to the City Council to add a condition of approval limiting the building footprint and/or house size area to mitigate the possible impacts of the neighborhood.
23. In response to the Planning Commission direction on April 11, 2012 and May 9, 2012 for further analysis, Staff updated the survey of all properties on Daly Avenue.
24. The gross floor area of all structures on Daly Avenue is approximately 141% of the average maximum footprint allowed.
25. The gross floor area of lower Daly Avenue is approximately 160% of the average maximum footprint allowed.
26. The gross floor area of upper Daly Avenue is approximately 36% of the average maximum footprint allowed.
27. The gross floor area of structures listed on the Historic Sites Inventory on Daly Avenue is much smaller than non-historic structures on Daly Avenue.
28. Based on this analysis and previous Planning Commission recommendations and City Council approvals to limit house size to be compatible with the surrounding neighborhood.
29. The Planning Commission may recommends putting a note on the plat to limit gross floor area, as defined by the LMC, to a specific percentage of the average maximum footprint allowed, to be compatible with the neighborhood.

30. The City has also received a three dimension model showing the possible future development.
31. Staff recommends that the gross floor area be limited to 200% of the footprint, therefore, the gross floor area of proposed Lot B would be limited to 2,768 square feet.
32. The gross floor area reduction would facilitate a smaller structure on Lot B to be able to mitigate the impacts shown on the model related to the structure directly to the south, 84 Daly Avenue.
33. The structure found at 84 is not historic but reflects the appropriate scale and volume of historic structures found throughout Daly Avenue and Old Town.
34. The minimum side yard setbacks for both sites are three feet (3') minimum.
35. The preliminary site plan for Lot B was drafted with five foot (5') setbacks.
36. Staff recommends that the south side yard setback be increased to seven feet (7') due to the neighboring property which is inches away.
37. Lot 10 contains a twenty foot (20') temporary, non-exclusive utilities easement and right-of-away for the benefit of King Ridge Estates.
38. This plat amendment does not change or affect such easement and the City acknowledges the language and requirements found on such agreement.
39. The Snyderville Water Reclamation District (SBWRD) has reviewed the proposed plat and identified an issue related to the location of the lateral sewer line servicing the structure located at 68 Daly Avenue.
40. The applicant addressed the issue by providing an easement for the sewer lateral and placing a note on the proposed plat advising of the existing lateral and possible need to relocate the lateral into the easement for construction on the new lot.
41. The property owner shall comply with the requirements of the Snyderville Basin Water Reclamation District (SBWRD).
42. 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 in that the combined proposed lots will remove the lot lines found throughout the site and the ownership lines will match the newly platted lines over the subject property.
2. The proposed lots will meet the lot and site requirements of the HR-1 District.
3. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
4. Neither the public nor any person will be materially injured by the proposed plat amendment.
5. Approval of the plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

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

2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. A 10' (ten foot) snow storage easement shall be dedicated to Park City across the both lots' frontage on Daly Avenue.
4. Prior to plat recordation, an encroachment agreement must be entered into which addresses the encroachments from 68 Daly Avenue or the encroachments shall be removed.
5. Modified 13-D sprinklers shall be required for all new construction.
6. The property owner shall comply with the requirements of the Snyderville Basin Water Reclamation District (SBWRD).
7. The plat shall reflect the existence of the temporary easement for the benefit for King Ridge Estates.
8. A plat note shall be added to reflect that the maximum gross floor area for Lot B shall not exceed 2,768 square feet.
9. The footprint of Lot shall be limited to the lot area minus vacated Anchor Avenue. The maximum footprint of Lot B shall be limited to a maximum of 1,384 square feet.
10. The setback of the south side of Lot B shall be seven feet (7') minimum.

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

PASSED AND ADOPTED this ____ day of _____, 2012.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, MAYOR

ATTEST:

Jan Scott, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Attachment A – Proposed Plat

EXHIBIT N

Ordinance No. 09-03

AN ORDINANCE APPROVING THE FISHER AMENDED SUBDIVISION A REPLAT OF LOTS 17 AND 18 BLOCK 74, PARK CITY, UTAH

WHEREAS, the owner of the properties known as 118 and 124 Daly Avenue, has petitioned the City Council for approval of a subdivision combining the existing lots of record with the vacated Anchor Avenue parcels adjacent to the lots; 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 December 10, 2008, to receive input on the Fisher Amended Subdivision; and

WHEREAS, the Planning Commission, on December 10, 2008, forwarded a positive recommendation to the City Council; and

WHEREAS, on January 8, 2009, the City Council approved the Fisher Amended Subdivision; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Fisher Amended Subdivision.

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

SECTION 1. APPROVAL The above recitals are hereby incorporated as findings of fact. The Fisher Amended Subdivision 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 118 (Lot 17) and 124 (Lot 18) Daly Avenue.
2. The two lots are not of equal dimensions. The lot area of lot 17 is approximately 4602 square feet. The lot area of lot 18 is approximately 2750.7 square feet
3. The zoning is Historic Residential (HR-1).
4. The neighborhood is characterized by single family new and historic homes, as well as duplexes and multi-family homes.
5. The subdivision will create two lots of record.
6. The two lots currently have approved building permits for single family homes, approved design review applications, and approved steep slope conditional use permits.
7. Any change to the building permit to include an expansion of the footprint due to this plat amendment will require a new application.
8. Access to the property is from Daly Avenue.
9. The minimum lot size in the HR-1 zone is 1,875 square feet for a single family home.
10. The minimum lot width in the HR-1 zone is 25 feet.
11. Lot 17 and 18 comply with the minimum lot requirements for area and width.
12. Minimal construction staging area is available along Daly Avenue.

13. Attachment 1 includes Lot 16B and Lot 16A of the Fisher Subdivision. This is an error. The re-plat only includes changes to Lot 17 and Lot 18. Lot 16A and 16B will not be included in the final subdivision plat.
14. All findings within the Analysis section of the staff report are incorporated herein.

Conclusions of Law:

1. There is good cause for this subdivision.
2. The subdivision is consistent with the Park City Land Management Code and applicable State law.
3. Neither the public nor any person will be materially injured by the proposed subdivision.
4. As conditioned the subdivision is consistent with the Park City General Plan.

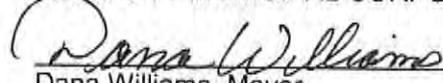
Conditions of Approval:

1. The City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
3. The applicant will record the subdivision at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
4. The constructed buildings will require 13-D fire sprinklers.
5. A hatched area must be added to the plat in the area of vacated Anchor Avenue and a note be added to the plat stating "The hatched area on the plat will not be included in future footprint calculations."

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

PASSED AND ADOPTED this 8th day of January 2009.

PARK CITY MUNICIPAL CORPORATION


Dana Williams, Mayor

Attest


Janet M. Scott, City Recorder

Approved as to form:

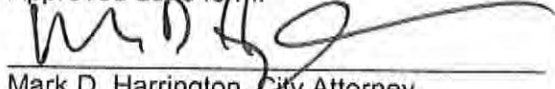

Mark D. Harrington, City Attorney

EXHIBIT 0

Ordinance No. 10-06

AN ORDINANCE APPROVING A ONE YEAR EXTENSION OF THE 313 DALY AVENUE SUBDIVISION PLAT, AN AMENDMENT TO PARCELS 1 AND 2 LOCATED AT 313 DALY AVENUE, PARK CITY, UTAH

WHEREAS, the owners of the property located at 313 Daly Avenue have 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 published and sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on March 26 and on April 23, 2008, to receive input on the plat amendment; and

WHEREAS, the Planning Commission, on April 23, 2008, forwarded a positive recommendation to the City Council; and

WHEREAS, on May 15, 2008, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, on May 13, 2009, the City received a completed application requesting a one (1) year extension of the approved plat amendment; and

WHEREAS, on February 25, 2010, the City Council held a public hearing to receive input on the plat amendment extension; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 313 Daly Avenue Subdivision Plat extension.

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 313 Daly Avenue Subdivision Plat extension, 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 313 Daly Avenue.
2. The zoning is Historic Residential (HR-1).
3. The current configuration at 313 Daly Avenue is two tandem metes and bounds parcels of land (Parcel 1 and Parcel 2).

4. The proposed lot amendment combines the two existing metes and bounds parcels and creates two lots of record.
5. The site has been identified as a significant site by the Park City Historic Site Inventory.
6. The Land Management Code requires a minimum lot width in the HR-1 District of 25'. The lot widths of the 313 Daly Avenue Subdivision Plat are 49.95 feet for lot A and 49.82 feet for lot B.
7. The Land Management Code requires a minimum lot area in the HR-1 District of 1,875 square feet. The lot areas of the 313 Daly Avenue Subdivision Plat are 8,636.6 square feet for lot A and 8,241.1 square feet for lot B.
8. The proposed maximum gross floor area calculations are compatible with the Daly Avenue Study.
9. The average square footage of all of Daly Avenue is approximately 137% of the average maximum footprint allowed and the average square footage of Upper Daly Avenue is approximately 91% of the average maximum footprint allowed.
10. Parcel 1 located in the front with access to Daly Avenue is flat and parcel 2 located in the back without any access to Daly Avenue and has steep slopes.
11. The proposed lots create a public snow storage easement 10 feet wide along the front property lines off Daly Avenue.
12. A remnant parcel of land will not be created by this plat amendment.
13. Access to the lots is from Daly Avenue.
14. All findings within the Analysis section are incorporated within.
15. Access to parcel 2 is not currently available and is therefore unbuildable.

Conclusions of Law:

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

Conditions of Approval:

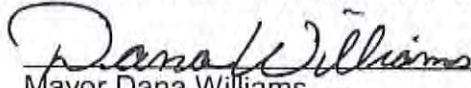
1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the original date of the expiration of the City Council approval (by May 15, 2010). If recordation has not occurred within that time, this extension of approval for the plat will be void. The applicant may apply for an extension to this time limit if needed.
3. The Planning Department must approve a Preservation Plan for the movement of the existing Historic home prior to plat recordation.

4. The existing Historic home must be moved onto one of the proposed lots prior to plat recordation.
5. The plat must include a note indicating that the building footprint is restricted to the portion of the lot that is less than 30% slopes and the gross floor area is calculated at 115% of the footprint for each lot, Lot 1 is restricted to a maximum gross floor area of 2,982 sq. ft. and Lot 2 is restricted to a maximum gross floor area of 3,056 sq. ft.
6. There will be a public snow storage easement 10 feet wide along the front property lines off Daly Avenue.

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

PASSED AND ADOPTED this 25th day of February, 2010.

PARK CITY MUNICIPAL CORPORATION


Mayor Dana Williams

Attest:


Janet M. Scott, City Recorder

Approved as to form:


Mark D. Harrington, City Attorney



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

City Council Staff Report



Subject: King Duplex Condominiums
Author: Kirsten Whetstone
Project Number: PL-14-02287
Date: March 5, 2015
Type of Item: Administrative – Condominium Record of Survey Plat

Summary Recommendations

Staff recommends the City Council hold a public hearing for The King Duplex Condominiums Record of Survey Plat located at 312 and 314 Upper Norfolk Avenue and consider approving the Condominium plat based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the attached ordinance. On February 11, 2015, the Planning Commission voted unanimously to forward a positive recommendation to City Council.

Description

Applicant: Carol O'Donoghue, owner
Location: 312 and 314 Upper Norfolk Avenue
Zoning: Historic Residential (HR-1)
Adjacent Land Uses: Residential, open space, PCMR trails
Reason for Review: Condominium Record of Survey Plats require Planning Commission review and City Council approval

Proposal

The property is located on Lots 5 and 6 of Block 30 of the Park City Survey commonly owned by the applicant. 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 lines with the proposed condominium plat. The proposed plat will also identify private, common, and limited common ownership areas of the existing duplex structure and property and will provide for common ownership of the covered access stairs.

Acronyms Used in this Report

BOA- Board of Adjustment
PCMR- Park City Mountain Resort
HDDR- Historic District Design Review
PUD- Planned Unit Development
CC&Rs- Conditions, Covenants and Restrictions

Background

On December 1, 2014, the City received an application for a Condominium Record of Survey for an existing duplex located at 312 and 314 Upper Norfolk Avenue located in the Historic Residential (HR-1) District (Exhibit A- proposed condominium plat). The application was deemed complete on December 5, 2014. Approval of the Condominium

Record of Survey allows for each unit to be sold separately and allows the proposed shared covered access stairs to be designated as common area. The duplex is an existing structure, constructed in 1988 (Exhibit B- existing conditions survey).

On November 19, 2013, the Board of Adjustment conducted a public hearing and approved variances for front and side yard setbacks, as well as a variance to the maximum building footprint for each unit to allow construction of two detached single car garages at the front of the property, reconstruction of the uncovered parking pad structures in the front setback, and construction of a covered, shared staircase to replace an open staircase that leads from the street to the front doors of the duplex units located one story below the street (see Exhibit C- Board of Adjustment Action letter). Conditions of approval of the November 19, 2013, Board of Adjustment action included a condition of approval stating that “conditions of approval will be recorded as notes on the future condominium record of survey plat prior to recordation”. Conditions of approval of the November 19, 2013, Board of Adjustment Action shall be included as notes on the final plat prior to recordation. These conditions are reiterated in the recommended conditions of approval for this plat.

Encroachments across property lines will need to be addressed by an encroachment agreement or removal of the encroachments prior to plat recordation. The existing conditions survey indicates wooden steps on the north side of the property encroach onto the City Open Space property to the north. There is also a diminimus encroachment (less than 5”) onto the Treasure Hill Subdivision Open Space located east of the City Open Space. An encroachment agreement is not required for the diminimus encroachment of an at grade wood step.

On December 1, 2014, the applicant submitted an application for a Historic District Design Review (HDDR) for construction of the two detached single car garages, the covered shared staircase, and reconstruction of the elevated parking pads. Staff provided the initial public notice for the HDDR application by sending out letters to property owners and posting the property with a sign on January 5, 2015.

On February 11, 2015, the Planning Commission voted unanimously to forward a positive recommendation to the City Council. There was discussion regarding the pitfalls of two unit condominiums related to financing and certain requirements for 51% of owners in agreement, as well as mediation as a tie break (Exhibit G Planning Commission minutes). Commissioner Brand believed that there better solutions for ownership of attached side by side units on separate lots, such as townhouses as Planned Unit Developments (PUDs). Historically the City has not recognized PUDs, though townhouse configurations that are part of a Master Planned Development where units are located on individual lots with common wall/zero setbacks has been allowed. The issue in this case is that the shared covered staircase crosses the property line and is a structure. In order for the two sides of the duplex to be sold separately, a condominium plat is required.

Purpose

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

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

Analysis

The duplex is located at 312 and 314 Upper Norfolk Avenue. Constructed in 1988 as a side by side duplex on two "Old Town" lots, the structure is entirely owned by the applicant. At the time of initial construction the City allowed party wall construction for duplexes built with a common wall on a property line. At the time of construction, duplexes were allowed uses in the HR-1 zone. Duplexes are currently a Conditional Use in the HR-1 zone with a minimum lot size of 3,750 square feet. The duplex is located on two lots and each lot contains 1,875 square feet of lot area. The duplex meets the minimum total lot area of 3,750 sf.

Parking requirements for the duplex (two spaces per unit) are currently met with the existing elevated open concrete parking pads located in the front of the units at the street level (Exhibit D- photos). The applicant submitted an application for a Historic District Design Review (HDDR) for construction of two detached single car garages, reconstruction of the parking pad and railings for the second space for each unit, and construction of a covered, common staircase to access front entrances of the units from the street. The front doors of the duplex are located a story below street level.

The proposed condominium Record of Survey plat memorializes the covered common staircase and common walls between the duplex units, as well as identifies private, common, and limited common ownership areas of the existing duplex and associated property of the lots.

Unit 1 contains 2,355 sf (including the lower level) and Unit 2 contains 2,103 sf (including the lower level). Each Unit also contains 441 square feet of private garage/parking area. Of the 441 sf of private parking/garage area, 252 is identified as garage space for a future single car garage and 189 sf is identified as open parking pad area. Construction of the garages and reconstruction of the open parking pads is subject to review and approval of the Historic District Design Review application submitted on December 1, 2014. The shared, covered staircase, proposed to be constructed with the garages and parking pads, to meet current building codes, is identified on the record of survey plat as common area. The remaining lot area is

identified as limited common area with use and ownership restricted to each adjacent unit. All decks are identified as private area.

The owner submitted a draft Condominium Declaration and CC&Rs with the application. The Condominium Documents will be recorded with the plat. The Condominium Documents will outline the tie breaker process.

The following table shows applicable development parameters in the Historic Residential (HR-1) District:

LMC Parameters	Required or Allowed	Existing/Proposed
Building Footprint	1,519 sf for combination of two old town lots (3,750 sf lot area total)	1,519 sf existing and additional 504 sf allowed for proposed detached garages per BOA variances granted on 11.19.13.
Front/Rear Yard Setbacks	10 feet minimum	Existing duplex has 26' front and 9.22' rear setbacks. Existing non-complying rear setbacks. Existing parking pad structure has 3' front setbacks. BOA granted variances to allow garages and covered staircases to have a 3' front setback.
Side Yard Setbacks	5 feet minimum for combined lot	Existing duplex has 5' side setbacks. BOA granted variances to allow reconstructed parking pad structure to have 2' side setbacks.
Building (Zone) Height	No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade.	Existing duplex was constructed prior to this requirement. Existing duplex is approximately 31.5' in height from Existing Grade. Proposed garages are 11'6" in height from slab and less than 24' in height from extrapolated Existing Grade.
Final Grade	Final Grade must be within four vertical feet (4') of Existing Grade around the periphery.	Existing duplex was constructed prior to this requirement. Proposed garages and reconstructed parking pad will not modify

		the existing grade situation.
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. Garages are detached structures.	Existing duplex has maximum height of twenty nine (29') feet and was constructed prior to this requirement. Proposed detached garages have a height of 11'6" from the concrete slab to peak of roof as approved with the variance.
Vertical Articulation	A ten foot (10') minimum horizontal step in the downhill façade is required.	Existing duplex was constructed prior to this requirement and there is no horizontal step in the downhill (east facing) façade. No changes are proposed to the downhill facade.

Good Cause

Staff finds good cause for this Condominium record of survey plat and conversion as the units will be able to be sold separately and the plat provides common area ownership designation for the covered shared access stairway and common walls between units.

Process

Planning Commission makes a recommendation to City Council and the subsequent decision by the City Council constitutes final action that may be appealed pursuant to procedures found in LMC § 15-1-18.

Department Review

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

Notice

On January 27, 2015, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was published in the Park Record and posted on the public notice website on January 24, 2015.

Public Input

No public input has been received at the time this report was written. A public hearing is scheduled for both Planning Commission and City Council as noted above.

Alternatives

- The City Council may approve the King Duplex Condominium Record of Survey plat as conditioned or amended; or
- The City Council may deny the King Duplex Condominium Record of Survey plat and direct staff to make findings of fact and conclusion of law for this decision; or
- The City Council may continue discussion on this item to a date certain or a date uncertain and provide Staff direction on any additional information that is required in order to make a decision.
- There is not a null alternative for this request for a condominium record of survey.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The common staircase could not be covered.

Recommendation

Staff recommends the City Council hold a public hearing for the King Duplex Condominiums Record of Survey Plat located at 312 and 314 Upper Norfolk Avenue and consider approving the Condominium plat based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the attached Ordinance.

Exhibits

Ordinance

Exhibit A – Proposed Condominium Record of Survey

Exhibit B – Existing Conditions Survey

Exhibit C – Board of Adjustment Action Letter from the November 19, 2013 action

Exhibit D – Photos

Exhibit E – Plans for proposed detached Garages and covered stairs

Exhibit F – Recorder Plats

Exhibit G – Minutes of the February 11, 2015 Planning Commission meeting

Ordinance No. 15 -

AN ORDINANCE APPROVING THE KING DUPLEX CONDOMINIUMS RECORD OF SURVEY PLAT LOCATED AT 312 AND 314 UPPER NORFOLK AVENUE, LOTS 5 AND 6, BLOCK 30, OF THE PARK CITY SURVEY, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 312 and 314 Upper Norfolk Avenue petitioned the City Council for approval of the King Duplex Condominiums Record of Survey Plat; and

WHEREAS, the property was properly noticed on January 24, 2015 and posted on January 27, 2015, according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners on January 27, 2015; and

WHEREAS, the Planning Commission held a public hearing on February 11, 2015, to receive input on The King Duplex Condominiums Record of Survey Plat; and

WHEREAS, the Planning Commission, on February 11, 2015, forwarded a positive recommendation to the City Council; and

WHEREAS, the City Council held a public hearing on March 5, 2015, to receive input on the King Duplex Condominiums Record of Survey Plat; and

WHEREAS, it is in the best interest of Park City, Utah, to approve The King Duplex Condominiums Record of Survey Plat to memorialize common, limited common, and private ownership areas and allow the shared stairs to be covered.

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 King Duplex Condominiums Record of Survey Plat 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 312 and 314 Upper Norfolk Avenue.
2. The property is located in the Historic Residential (HR-1) District.
3. The existing structure is a duplex constructed in 1988 on Lots 5 and 6 of Block 30 of the Park City Survey.
4. A duplex was an allowed use in the HR-1 District at the time of the building permit and construction. A duplex is now a conditional use in the current Land Management Code.

5. The area of the condominium plat is 3,750 square feet which is the minimum lot area for a duplex in the Historic Residential (HR-1) District.
6. On November 19, 2013, the Board of Adjustment granted variances for the property, including a variance to the required five (5') foot side yard setbacks, the required ten (10') foot front setbacks, and the maximum building footprint of 1,519 sf for the combined two lot area. The proposed condominium plat memorializes future construction of two detached single car garages, reconstructed open parking pads, and construction of a covered common stairway to be constructed utilizing the variances granted subject to review and approval of a Historic District Design Review application.
7. Two (2) parking spaces are to be provided for each unit, with one space located within a single car detached garage and one space located on an open elevated parking pad structure at the front of the lot to be reconstructed subject to variances granted by the Board of Adjustment on November 19, 2013.
8. Unit 1 contains 2,355 sf (including the lower level) and Unit 2 contains 2,103 sf (including the lower level). Each Unit also contains 441 square feet of private garage/parking area. Of the 441 sf of private parking/garage area, 252 is identified as garage space for a future single car garage and 189 sf is identified as open parking pad area.
9. The 252 square foot detached single car garages are proposed to be constructed in the near future, subject to variances granted by the Board of Adjustment on November 19, 2013. The 189 square foot open parking pads located adjacent to the garages are proposed to be reconstructed with the garage construction project, subject to the variances granted by the Board of Adjustment.
10. Conditions of approval of the November 19, 2013, Board of Adjustment action included a condition of approval stating that "conditions of approval will be recorded as notes on the future condominium record of survey plat prior to recordation".
11. The shared, covered staircase, proposed to be constructed to meet the current building code, is identified on the record of survey plat as common area. The shared staircase is proposed to be constructed with the garages and parking pad subject to the variances granted by the Board of Adjustment.
12. The remaining lot area is identified as limited common area with use and ownership restricted to each adjacent unit. All decks are identified as private area.
13. The existing conditions survey indicates wooden steps on the north side of the property encroach onto the City Open Space property to the north. There is also a diminimus encroachment (less than 6") onto the Treasure Hill Subdivision Open Space located east of the City Open Space.
14. The findings within the Analysis section of this report are incorporated within.

Conclusions of Law:

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

4. Approval of the Record of Survey 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 Record of Survey and Condominium Documents and CC&Rs for compliance with State law, the Land Management Code, and conditions of approval, prior to recordation of the plat.
2. The applicant will record the Record of Survey at Summit County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. The CC&Rs shall include a tie breaker mechanism.
4. Conditions of approval of the November 19, 2013, Board of Adjustment Action shall be included as notes on the final plat prior to recordation.
5. No portion of the garages shall be used for additional living space
6. The garage interior shall be used for parking. Limited storage is permitted to the extent that it does not preclude parking of a vehicle. Attic area may be used for storage. Trash and recycling bins may be stored in the garages
7. The garages shall not exceed 11'6" from the finished floor elevation to the top of the roof.
8. The area underneath the garages shall not be enclosed for use as habitable living space.
9. Encroachments across property lines will need to be addressed by an encroachment agreement or removal of the encroachments. An encroachment agreement is not required for the diminimus encroachment of an at grade wood step.

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

PASSED AND ADOPTED this ____ day of March, 2015.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

ATTEST:

Marci Heil, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Exhibit A –Condominium Record of Survey Plat

EXHIBIT A

KING DUPLEX CONDOMINIUMS

2 PARCELS OF LAND ADJACENT TO LOTS 5 & 6,
BLOCK 30, PARK CITY SURVEY
LYING WITHIN THE SOUTHEAST QUARTER OF
SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST
PARK CITY, SUMMIT COUNTY, UTAH

NOTES:

1. THE PURPOSE OF THIS PLAT IS TO CONVERT THE EXISTING BUILDING ON PARCEL 1 AND PARCEL 2 (DESCRIBED BELOW) INTO TWO CONDOMINIUM UNITS.
2. THE UNITS OF KING DUPLEX CONDOMINIUM ARE SERVED BY A COMMON PRIVATE LATERAL WASTEWATER LINE. KING DUPLEX CONDOMINIUM ASSOCIATION SHALL BE RESPONSIBLE FOR OWNERSHIP, OPERATION AND MAINTENANCE OF THE COMMON PRIVATE LATERAL WASTEWATER LINE.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT CAROL LESLIE O'DONOGHUE, owner of the herein described tract of land, to be known hereafter as the KING DUPLEX CONDOMINIUM, does hereby certify that I have caused this plat to be prepared, and does hereby consent to the recordation of this plat. I certify that buildings shown on this plat, but not under construction at the time the plat is recorded, will be substantially as shown on the plat.

ALSO, the owner, or her representatives, hereby irrevocably offers for dedication to the City of Park City all 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, I have hereunto set my hand this _____ day of _____, 2015.

BY
CAROL LESLIE O'DONOGHUE, OWNER

CORPORATE ACKNOWLEDGMENT

STATE OF UTAH
County of Summit
Personally appeared before me this _____ day of _____, 2015 the following:
CAROL LESLIE O'DONOGHUE, OWNER, who after being duly sworn, acknowledged to me that she is the owner, and that she signed the owners dedication freely and voluntarily.

MY COMMISSION EXPIRES _____
NOTARY PUBLIC
RESIDING IN _____

LEGAL DESCRIPTION

PARCEL 1:
BEGINNING AT THE SOUTHWEST CORNER OF LOT 6, BLOCK 30, AMENDED PLAT OF PARK CITY SURVEY; AND RUNNING THENCE SOUTH 66°40' WEST 75.00 FEET; THENCE NORTH 23°38' WEST 25.00 FEET; THENCE NORTH 66°40' EAST 75.00 FEET TO THE NORTHWEST CORNER OF LOT 6; THENCE SOUTH 23°38' EAST 25.00 FEET TO THE POINT OF BEGINNING.

PARCEL 2:
BEGINNING AT THE SOUTHWEST CORNER OF LOT 5, BLOCK 30, AMENDED PLAT OF PARK CITY SURVEY; AND RUNNING THENCE SOUTH 66°40' WEST 75.00 FEET; THENCE NORTH 23°38' WEST 25.00 FEET; THENCE NORTH 66°40' EAST 75.00 FEET TO THE NORTHWEST CORNER OF LOT 5; THENCE SOUTH 23°38' EAST 25.00 FEET TO THE POINT OF BEGINNING.

MORE PARTICULARLY DESCRIBED AS: BEGINNING AT THE SOUTHWEST CORNER OF LOT 5, BLOCK 30, AMENDED PLAT OF PARK CITY SURVEY; AND RUNNING THENCE SOUTH 66°40' WEST 75.00 FEET; THENCE NORTH 23°38' WEST 50.00 FEET; THENCE NORTH 66°40' EAST 75.00 FEET TO THE NORTHWEST CORNER OF LOT 6; THENCE SOUTH 23°38' EAST 50.00 FEET TO THE POINT OF BEGINNING.

SURVEYOR'S CERTIFICATE

I, Martina Nelson, certify that I am a Registered Land Surveyor and that I hold Certificate No. 8910503, as prescribed by the laws of the State of Utah, and this Plat was prepared under my direction in accordance with the requirements of Park City Municipal Corporation. I further certify that the property boundaries as shown are correct.

Martina Nelson
PLS 8910503
Date _____

NORFOLK AVE.

FOUND & ACCEPTED
1/2" REBAR, NO CAP

FOUND & ACCEPTED
2" IN CONCRETE
N 41° 8' 0.30" FROM
CALCULATED POSITION

FOUND & ACCEPTED
2" IN CONCRETE
N 50° 8' 0.30" FROM
CALCULATED POSITION

FOUND & ACCEPTED
1/2" REBAR, NO CAP

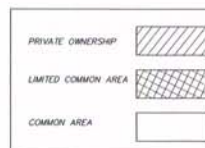
P.O.B. PARCEL 1

FOUND & ACCEPTED
BAIL & WINDER IN
RETAINING WALL
3.5' HIGH
S 75° E 0.12' FROM
CALCULATED POSITION

P.O.B. PARCEL 2

FOUND & ACCEPTED
1/2" REBAR, NO CAP
N 82° E 0.18' FROM
CALCULATED POSITION

MAP OF SURVEY



- LEGEND**
- FOUND STREET MONUMENT
 - FOUND REBAR W/ CAP (AS DESCRIBED)
 - ADDRESS

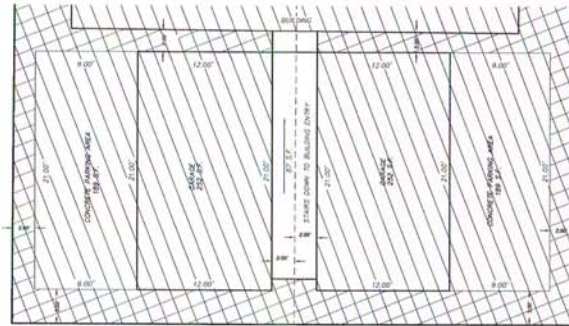
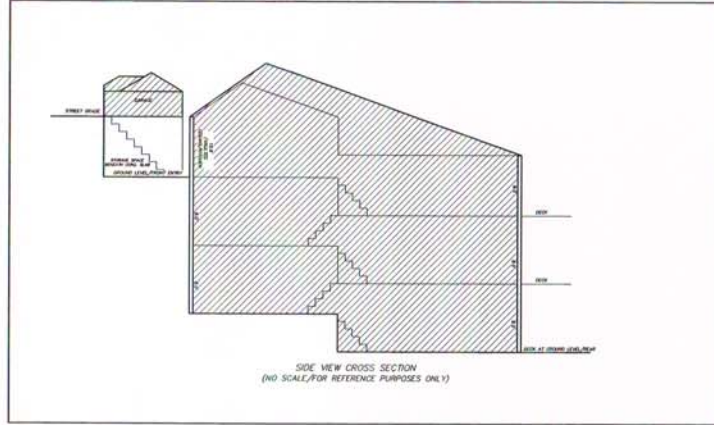


Park City
Surveying

P.O. Box 687091
Park City, UT 84308
(435) 648-2988
(435) 648-9437 fax

PAGE 1 OF 4

PARK CITY PLANNING COMMISSION	CERTIFICATE OF ATTEST	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT	ENGINEERS CERTIFICATE	APPROVAL AS TO FORM	COUNCIL APPROVAL AND ACCEPTANCE	RECORDED
APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON THIS _____ DAY OF _____, 2015 A.D.	I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL ON THIS _____ DAY OF _____, 2015 A.D.	REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2015 A.D.	I FIND THIS PLAT TO BE IN ACCORDANCE WITH THE INFORMATION ON FILE IN MY OFFICE ON THIS _____ DAY OF _____, 2015 A.D.	APPROVED AS TO FORM ON THIS _____ DAY OF _____, 2015 A.D.	APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL ON THIS _____ DAY OF _____, 2015 A.D.	STATE OF UTAH, COUNTY OF SUMMIT AND FILED AT THE REQUEST OF _____ DATE: _____ TIME: _____ BOOK: _____ PAGE: _____ ENTRY NO.: _____ FEE: _____ RECORDER: _____
CHAIRMAN	BY _____ PARK CITY RECORDER	BY _____ S.B.W.R.D.	BY _____ PARK CITY ENGINEER	BY _____ PARK CITY ATTORNEY	BY _____ MAYOR	

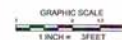
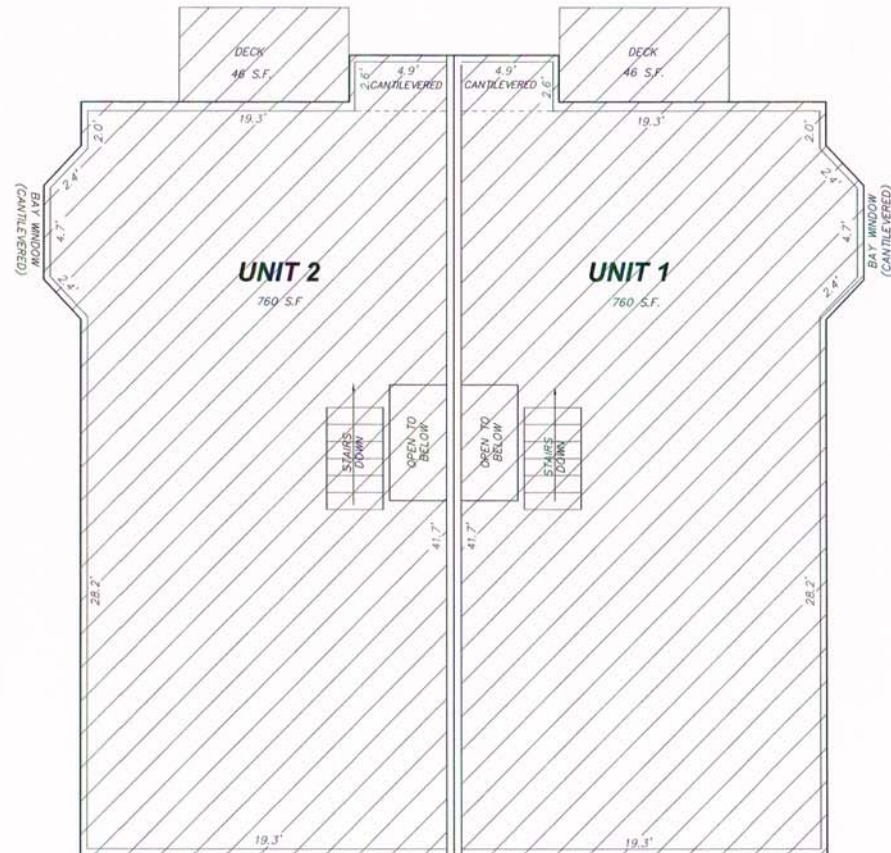


UNIT SQUARE FOOTAGE TABLE: UNIT 1	
LEVEL	TOTAL PRIVATE OWNERSHIP/SQ. FT.
LOWER	723
MIDDLE	826
UPPER	806
GARAGE/PARKING	252 (GARAGE) 189 (PAD)
TOTAL	2796

UNIT SQUARE FOOTAGE TABLE: UNIT 2	
LEVEL	TOTAL PRIVATE OWNERSHIP/SQ. FT.
LOWER	471
MIDDLE	826
UPPER	806
GARAGE/PARKING	252 (GARAGE) 189 (PAD)
TOTAL	2544

LIMITED COMMON AREA: (LOT) 1971 S.F.
COMMON AREA: (SHARED STAIRS TO ENTRY) 87 S.F.

KING DUPLEX CONDOMINIUMS



UPPER LEVEL

NOTE: LAYOUT OF FLOOR SPACE SHOWN HEREON IS PRIVATE OWNERSHIP

SHEET 2 OF 4

RECORDED

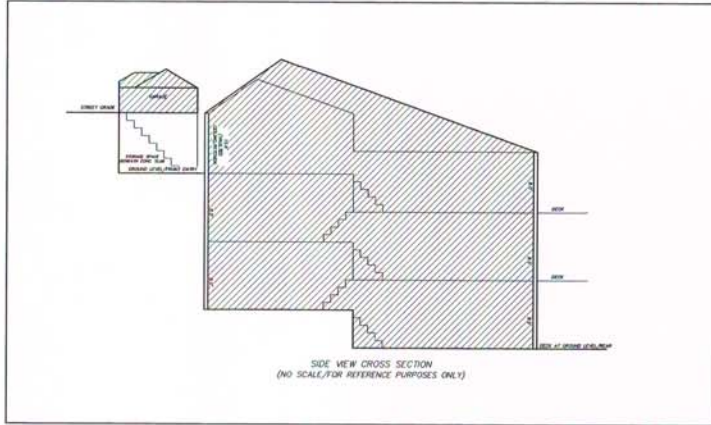
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DATE: _____ TIME: _____

BOOK: _____ PAGE: _____ ENTRY NO.: _____

FEE: _____ RECORDER: _____

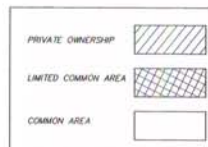
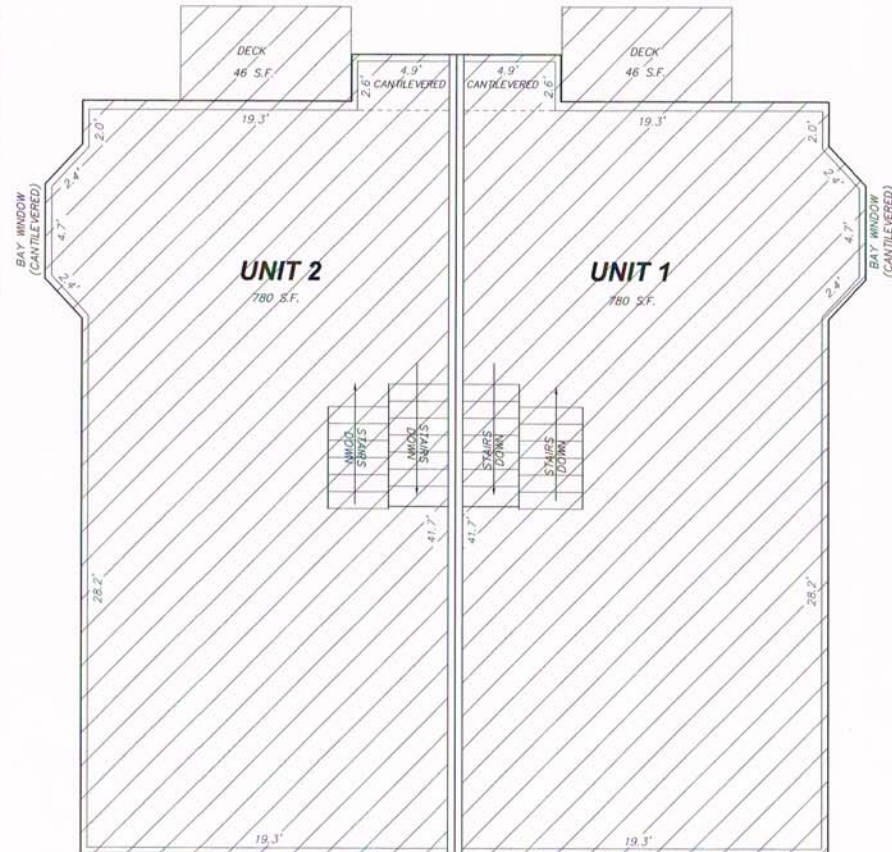
KING DUPLEX CONDOMINIUMS



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LIMITED COMMON AREA: (LOT) 1971 S.F.
COMMON AREA: (SHARED STAIRS TO ENTRY) 87 S.F.



MIDDLE LEVEL

NOTE: LAYOUT OF FLOOR SPACE SHOWN HEREON IS PRIVATE OWNERSHIP

SHEET 3 OF 4

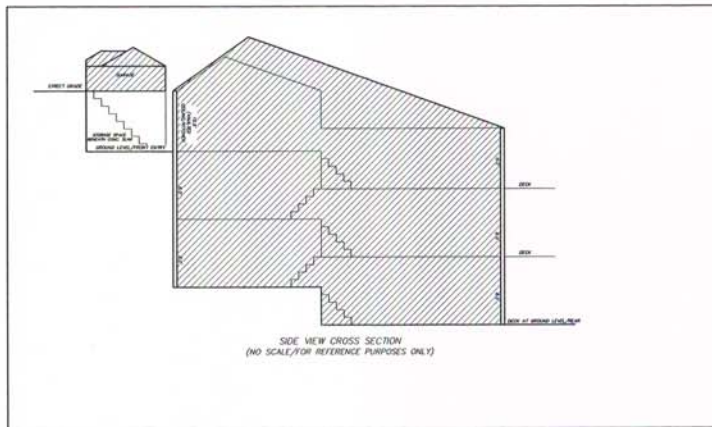
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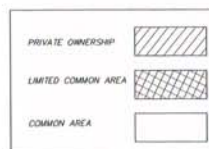
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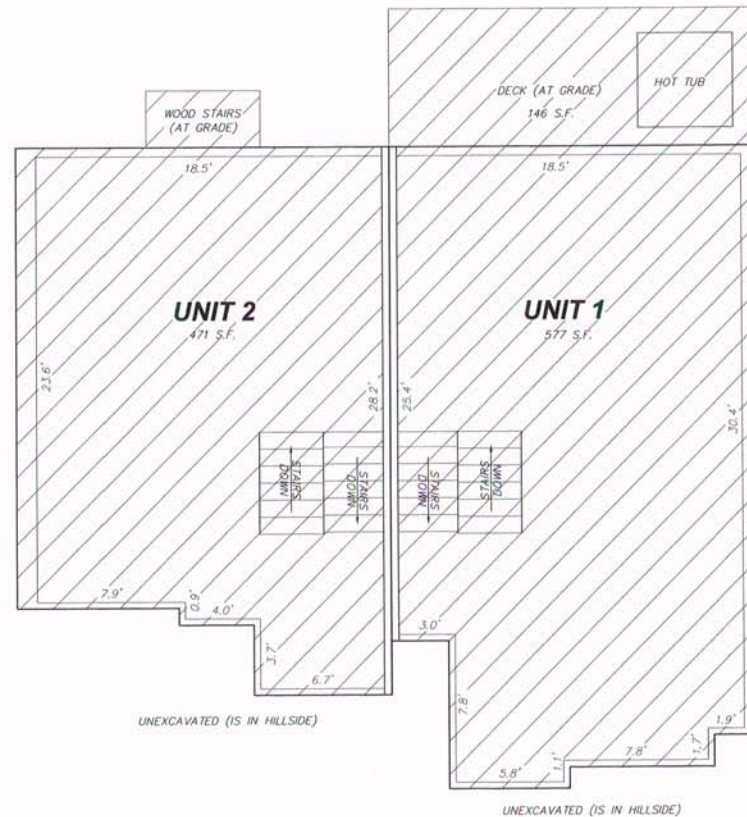
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LIMITED COMMON AREA: (LOT) 1971 S.F.
COMMON AREA: (SHARED STAIRS TO ENTRY) 87 S.F.



KING DUPLEX CONDOMINIUMS



LOWER LEVEL

NOTE: LAYOUT OF FLOOR SPACE SHOWN HEREON IS PRIVATE OWNERSHIP



SHEET 4 OF 4

RECORDED

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

DATE: _____ TIME: _____

BOOK: _____ PAGE: _____ ENTRY NO.: _____

FEE: _____ RECORDER: _____



December 18, 2013

Carol O'Donoghue
988 Birdwood Drive
Orange Park, FL 32073

NOTICE OF BOARD OF ADJUSTMENT ACTION

Project Description:	Variance requests
Project Number:	PL-13-02139
Project Address:	312 and 314 Norfolk Ave
Date of Final Action:	November 19, 2013

Action Taken

On November 19, 2013, the Board of Adjustment conducted a public hearing and approved variance requests regarding setbacks and building footprint for an existing duplex located at 312 and 314 Norfolk Avenue. Approval was granted in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval as follows:

Findings of Fact

1. The properties are located at 312 and 314 Upper Norfolk Avenue.
2. The properties are located within the Historic Residential (HR-1) District.
3. The existing duplex structure is not an historic structure as it was constructed in 1981.
4. In addition to the variances granted on October 15, 2013, the applicant is requesting the following four variances:
 - A variance to LMC Section 15-2.2-3 (H) to the required five foot (5') side yard setbacks to allow a zero foot (0') setback to the common shared property line (for garages and stairs).
 - A variance to LMC Section 15-2.2-3 (H) to the required five foot (5') side yard setbacks to allow a one foot (1') setback to the outside property lines (for parking pad and railings).
 - A variance to LMC Section 15-2.2-3 (E) to allow a covered staircase in the ten foot (10') front setback (starting at 3' from the property line and continuing to the 10' setback line), in addition to the variance granted by the Board on October 15, 2013 to allow the detached garages and parking pads in the front setback as shown on the plans.
 - A variance to LMC Sections 15-2.2-3 (D) the maximum building footprint of 1,519 sf to allow an additional 21 square feet of building footprint area for each garage (total additional footprint of 42 sf) from the 462 sf (231 sf per garage) granted by the Board on October 15th. The difference is based on using the correct interior single car dimension required by the

LMC (11' by 20') that results in a correct building footprint of 12' by 21' (252 sf). If approved, this variance combined with the October 15th variance, will allow 504 square feet of additional building footprint for the two garages (252 sf per garage).

5. The property consists of two "old town" lots. Each lot is a 25' by 75' lot containing 1,875 square feet, which is the minimum lot size allowed in the district. The two lots combined contain 3,750 square feet of lot area, which is the minimum lot size allowed for duplexes in the district.
6. The site is currently occupied by a duplex that contains two (2) separate dwelling units adjoined by a zero setback common "party-wall." This is an existing condition that was permitted at the time of construction and the structure is a legal noncomplying structure. Each unit has a footprint area of 800 sf for a total existing building footprint area of 1,600 sf. The maximum building footprint for a combined 50' by 75' lot is 1,519 sf. The maximum building footprint for a single lot is 844 sf.
7. There are two existing dilapidated parking pad structures built within the front yard setback to provide required parking spaces for the duplexes.
8. The current application is a request for side yard and building footprint variances, as described in #4 above, and is based on a combined 50' by 75' lot.
9. The variances continue to be requested for the purpose of constructing a single car garage for each unit with a covered stairway between the two detached single car garages and reconstruction of the uncovered parking pads, one for each unit for a total of 4 parking spaces for the 2 units (2 in the garages and 2 on the pads). The side yard variances are requested to accommodate two 9' wide parking pads, two 12' wide (exterior dimension) garages, and a 4' wide shared staircase within a 50' wide combined lot.
10. The unreasonable hardship is that the owner's properties are at the end of a long, narrow street and snow removal by the City during the winter months causes their driveways and walkway to be covered in snow due to the fact that there is no "cul-de-sac" in which to turn, or for the plow to store the snow, and the required parking areas are uncovered and on the downhill side of the street. The turn-around is an emergency turn-around that is required to be cleared to the full required width for emergency vehicles.
11. The enclosed garages will help ensure that at least one vehicle for each dwelling unit can be parked off the street. The other parking space for each dwelling unit would be on the remaining area of the parking pads, as uncovered spaces.
12. Due to the fact that there is little to no on-street parking nearby these properties, parking within the garages will be utilized for the associated dwelling units. Parking during the winter months on Upper Norfolk is difficult due to snow accumulation at the street's end and resident guest parking. The open parking pads are perceived parking for the trailhead.
13. Granting of the variance allows the applicant the same rights as other property owners in the district. Most properties have enclosed parking in garages that discourage parking within/or behind them. This is not the case with the subject property parking pads, which are often utilized by trail users, resident guests, and other users as mistaken "on-street" parking.
14. Without the variance, the applicants will not be able to build the garages and cover the stairs, and would continue to have problems with snow removal, public parking on the parking pads, and the treacherous narrow, steep, icy staircase to the front entrances of the units.

15. Granting of the variances would allow the applicant to build two (2) detached single car garages with a common covered stairway between them, providing safer access and egress from the homes during the winter months and providing a front entry at the street.
16. The stairs are covered with a door at the street but no door at the bottom. The stairs are covered, but not enclosed. Covered stairs do not require utilization of building footprint because the space is open at the bottom and the area is not living area or finished, conditioned space, similar to a covered porch.
17. One of the goals identified in the current General Plan is to ensure that the character of new construction is architecturally-compatible to the existing historic character of Park City. The applicant will be required to go through the HDDR process for compatibility with the adopted Historic District Design Guidelines prior to the construction of the garage.
18. The survey indicates wooden steps on the north side of the property encroach onto the City Open Space property to the north. There is also a diminimus encroachment (less than 5") onto the Treasure Hill Subdivision Open Space located east of the City Open Space.
19. The proposed garages are separate detached structures and not attached to the main duplex structure. The proposed garages are 10'6" in height from the finished floor elevation to the front gable and 11'6" in height from the finished floor elevation to the highest roof ridge according to the elevations submitted with the variance application.
20. The spirit of the LMC is observed and substantial justice done.

Conclusions of Law

1. Literal enforcement of the HR-1 District requirements for this property causes an unreasonable hardship that is not necessary to carry out the general purpose of the zoning ordinance.
2. There are special circumstances attached to the property that do not generally apply to other properties in the same district.
3. Granting the variance is essential to the enjoyment of substantial property right possessed by other property owners in the same district.
4. The proposal is consistent with the General Plan.
5. The spirit of the zoning ordinance is observed by this application.
6. It can be shown that all of the conditions justifying a variance, pursuant to LMC § 15-10-9, have been met.

Order

1. A variance to LMC Section 15-2.2-3 (H), to the required five foot (5') side yard setbacks to allow a zero foot (0') setback to the common shared property line (for garages and stairs), is hereby denied, as Condition of Approval #6 makes it unnecessary.
2. A variance to LMC Section 15-2.2-3 (H), to the required five foot (5') side yard setbacks to allow a two foot (2') setback to the outside property lines for parking pad (railings are allowed to encroach an additional one foot (1')), is hereby granted.
3. A variance to LMC Section 15-2.2-3 (E) to allow a covered staircase in the ten foot (10') front setback (starting at 3' from the property line and continuing to the 10' setback line), in addition to the variance granted by the Board on October 15, 2013 to allow the detached garages and parking pads in the front setback as shown on the plans, is hereby granted.

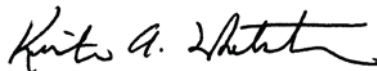
4. A variance to LMC Section 15-2.2-3 (D), to the maximum building footprint of 1,519 sf to allow an additional 21 square feet of building footprint area for each garage (total additional footprint of 42 sf from the 462 sf (231 sf per garage) granted by the Board on October 15th, is hereby granted. This variance combined with the October 15th variance, will allow a total of 504 square feet of additional building footprint for the two garages (252 sf per garage).
5. The variances run with the land.

Conditions of Approval

1. The variances are granted for the two parking pads, two single car garages, and the covered shared stairway, as indicated on the plans submitted with this application.
2. No portion of the garages shall be used for additional living space.
3. The garage interior shall be used for parking. Limited storage is permitted to the extent that it does not preclude parking of a vehicle. Attic area may be used for storage. Trash and recycling bins may be stored in the garages.
4. The garages shall not exceed 11'6" from the finished floor elevation to the top of the roof.
5. The area underneath the garages shall not be enclosed for use as habitable living space.
6. Recordation of a condominium record of survey plat is required prior to issuance of a building permit for the covered staircase. Uncovered stairs may be reconstructed without the condominium record of survey plat, subject to recordation of access and construction easements as required by the Chief Building Official.
7. Any encroachments from this property onto the adjacent Open Space shall be removed prior to issuance of any building permits, unless an encroachment agreement is executed and recorded between the property owner (applicant) and the City. No encroachment agreement is required for the diminimus encroachment.
8. The above conditions of approval will be recorded as notes on the future condominium record of survey plat prior to recordation.

If you have any questions or concerns regarding this letter, please do not hesitate to call me at 435-615-5066 or email me at kirsten@parkcity.org.

Sincerely,



Kirsten A. Whetstone, MS, AICP
Senior Planner

File

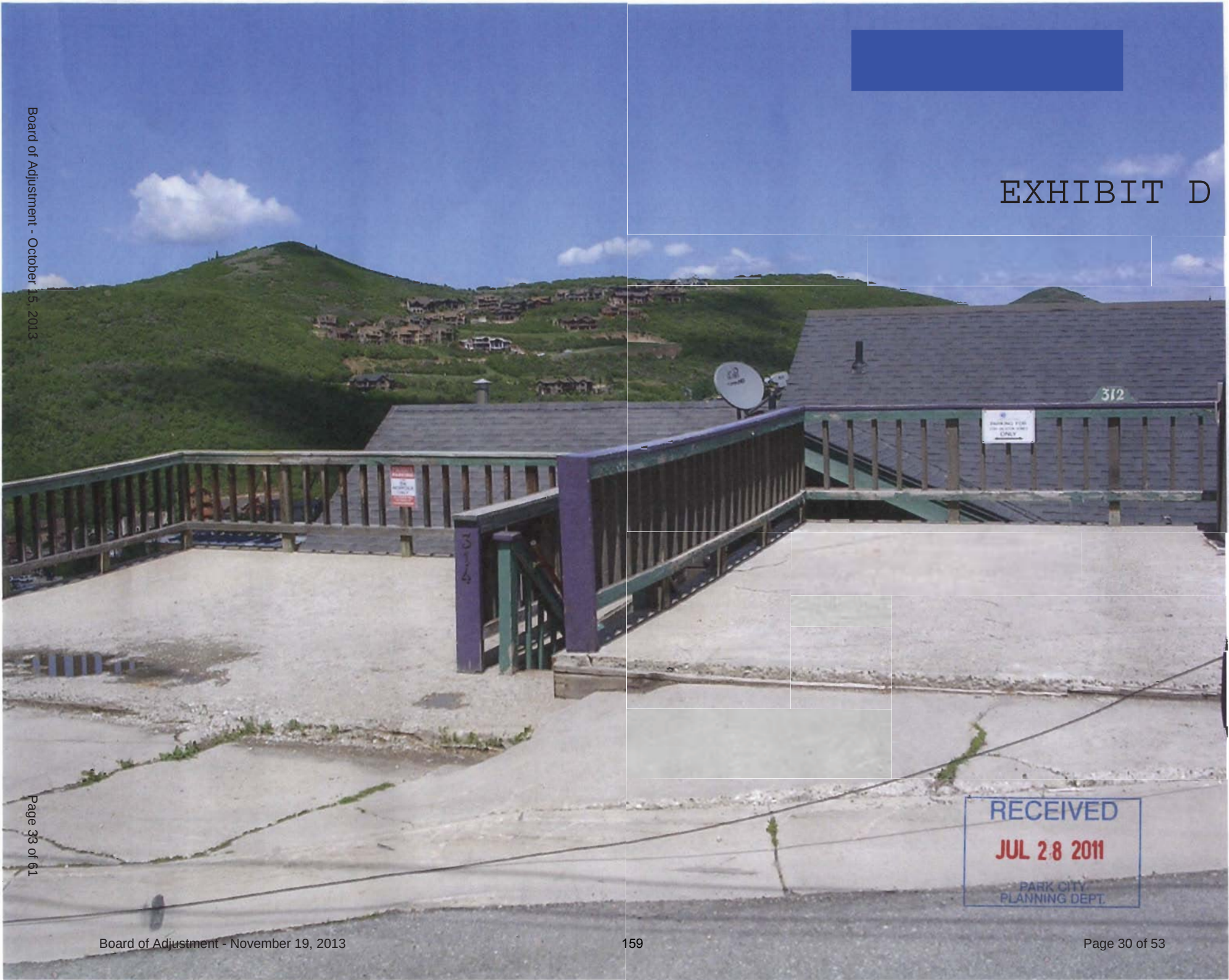
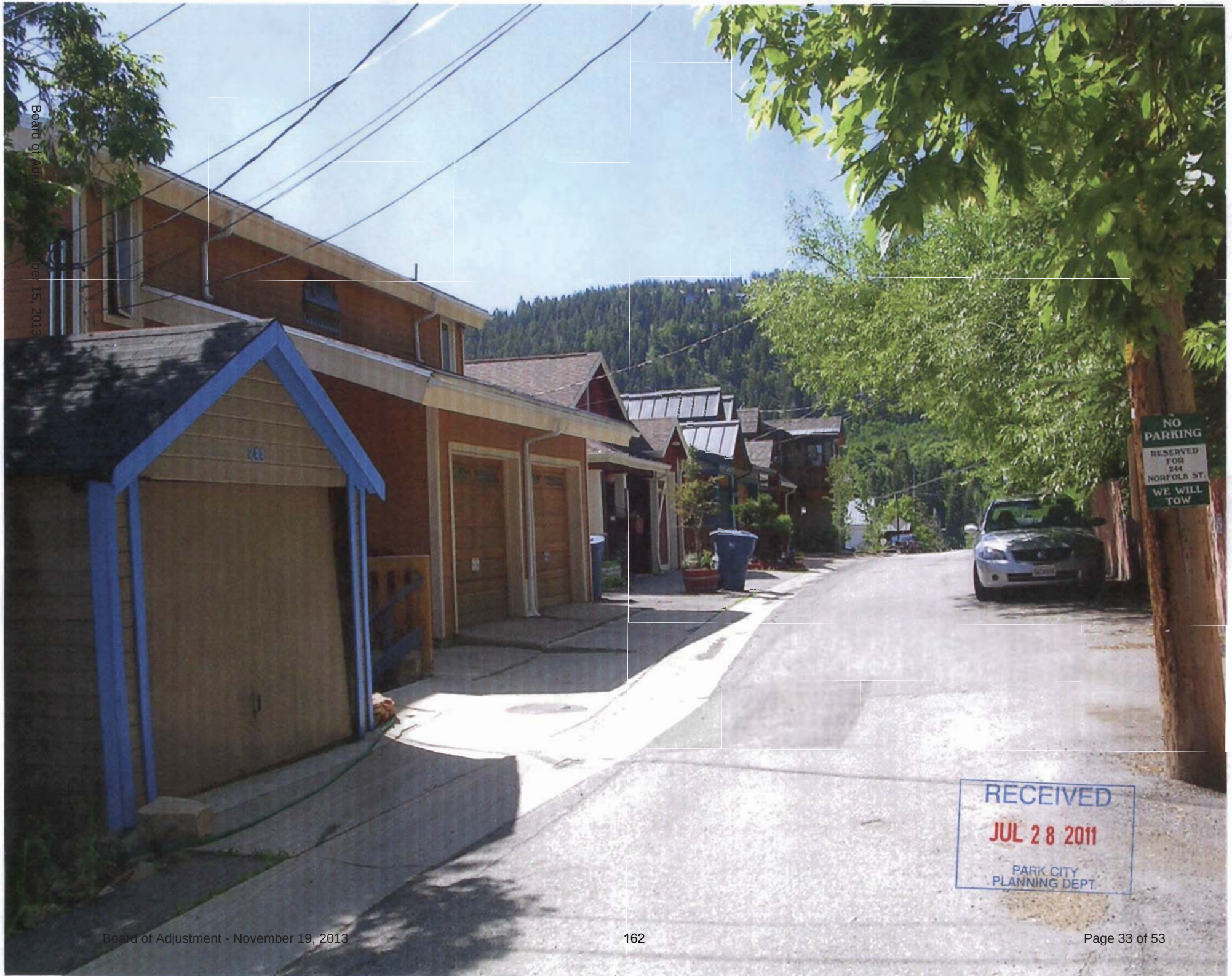


EXHIBIT D





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PARK CITY
PLANNING DEPT

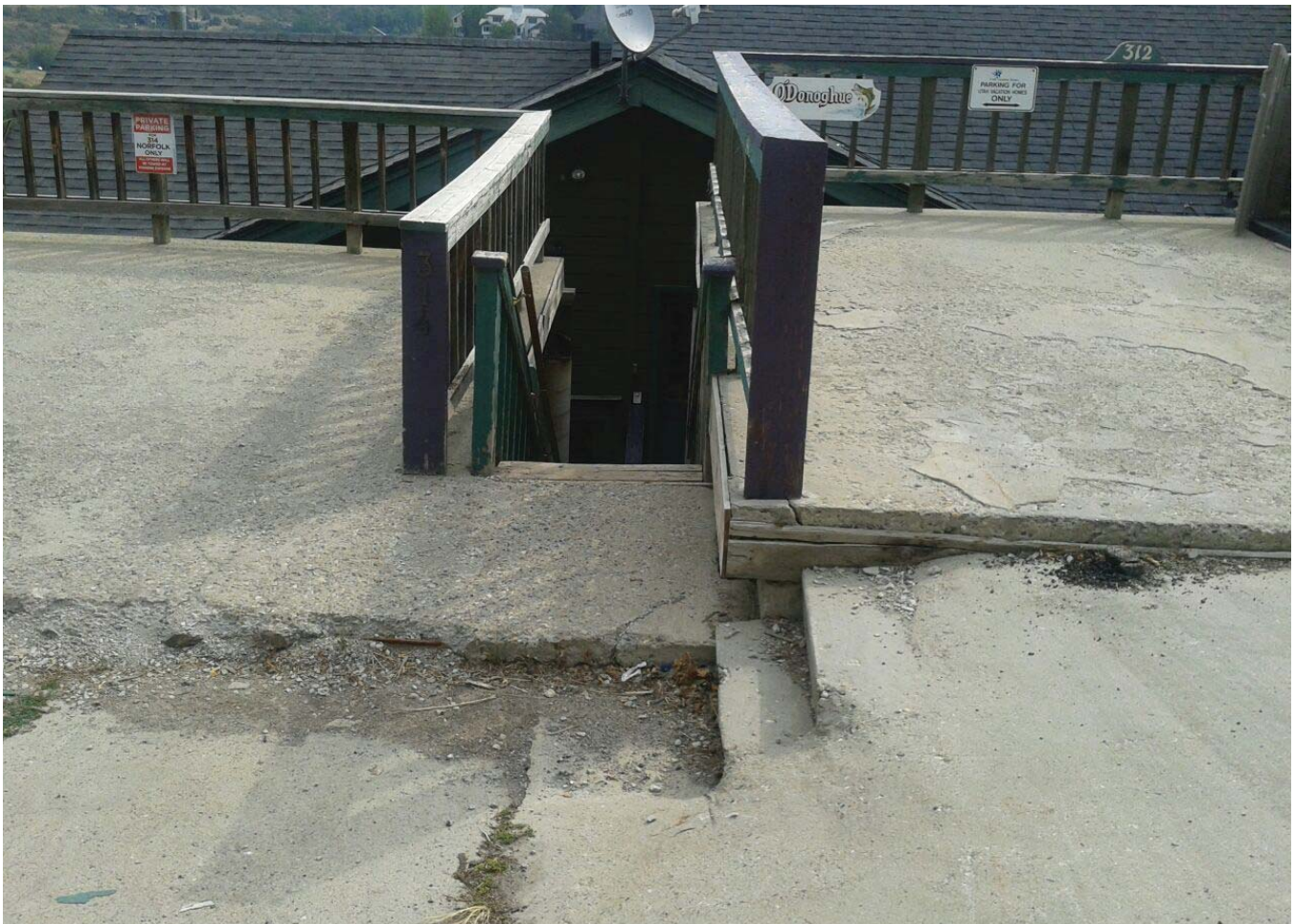


NO
PARKING
ANY
TIME

RECEIVED
JUL 28 2011
PARK CITY
PLANNING DEPT.







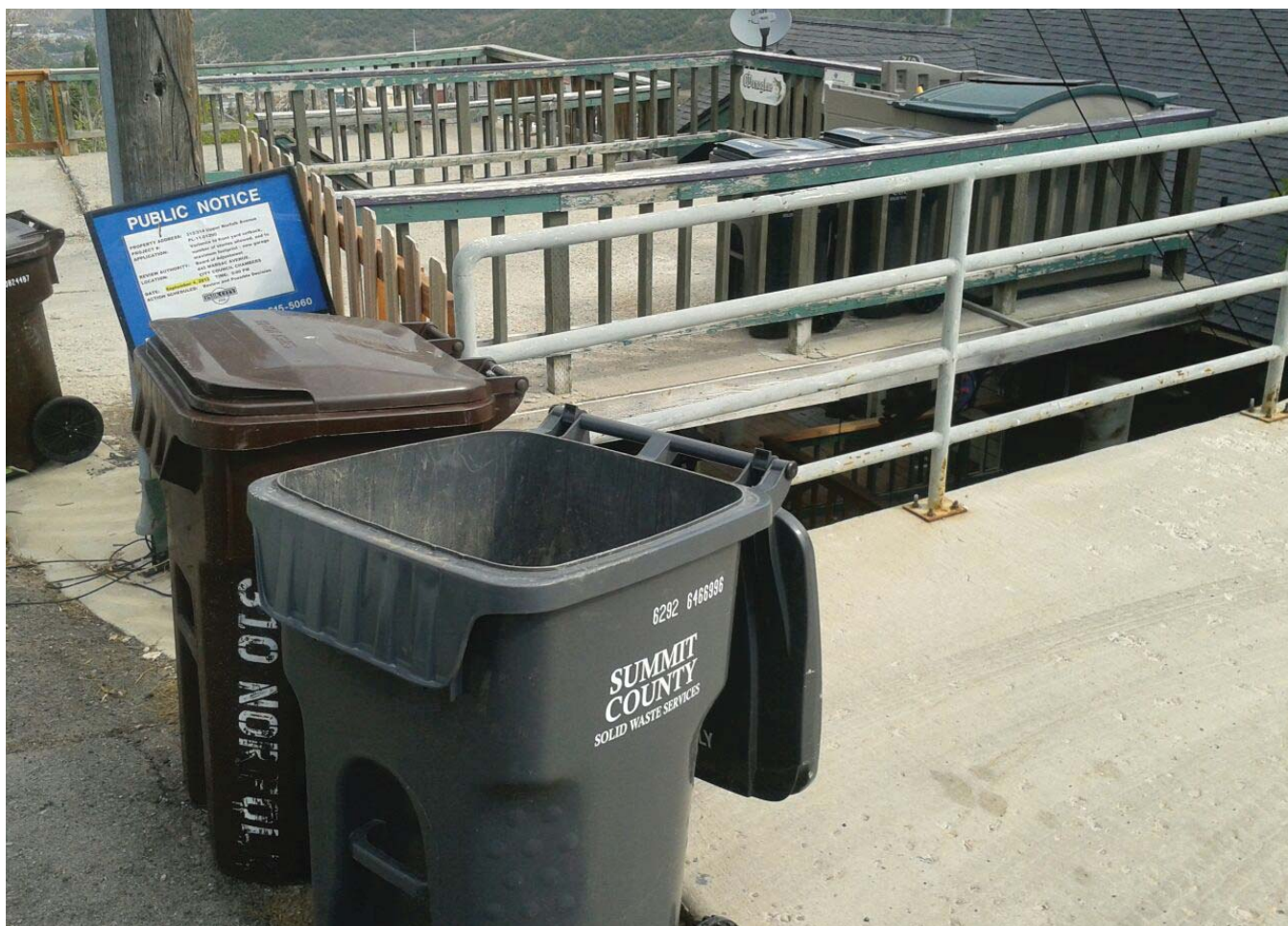
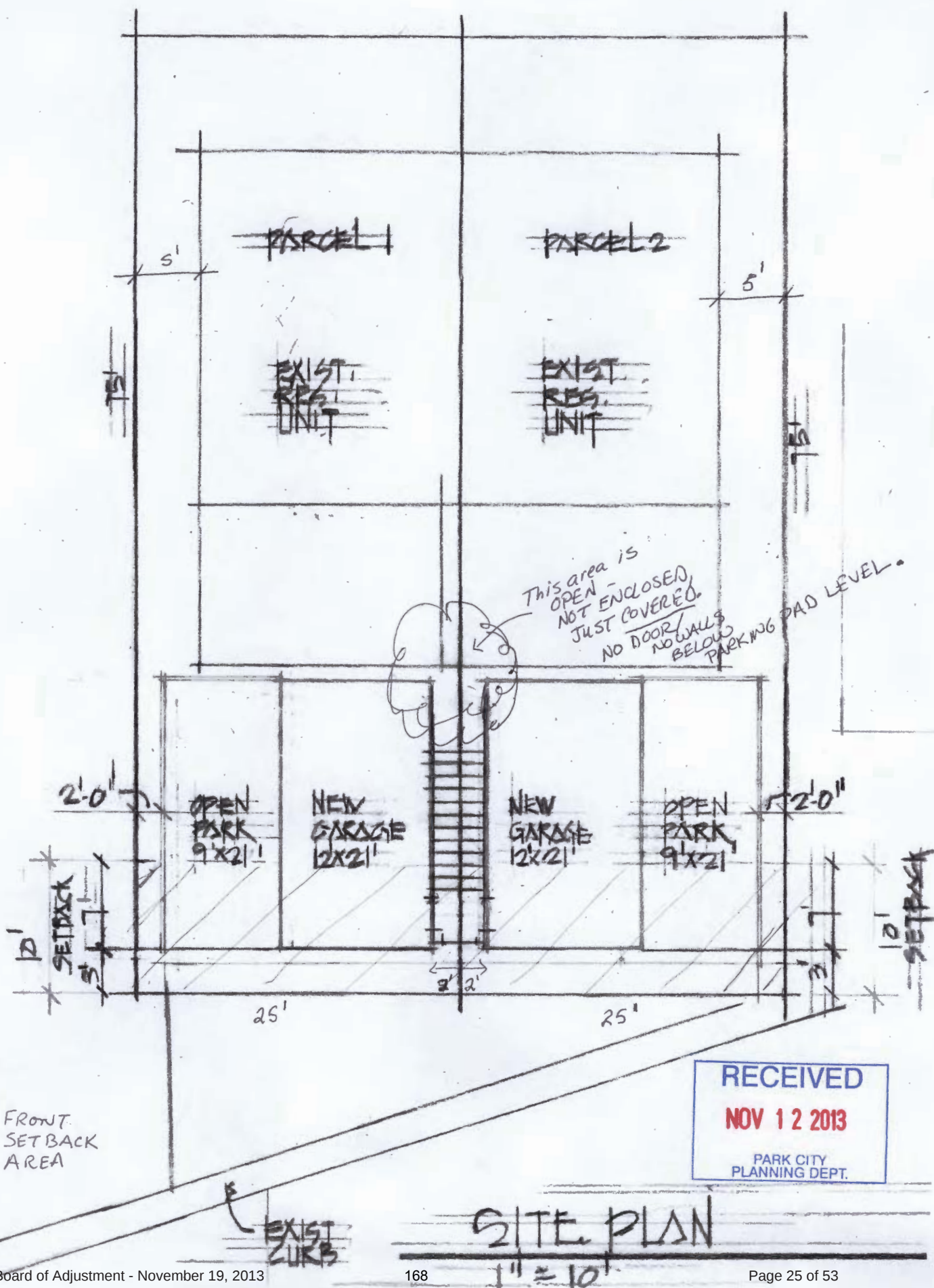


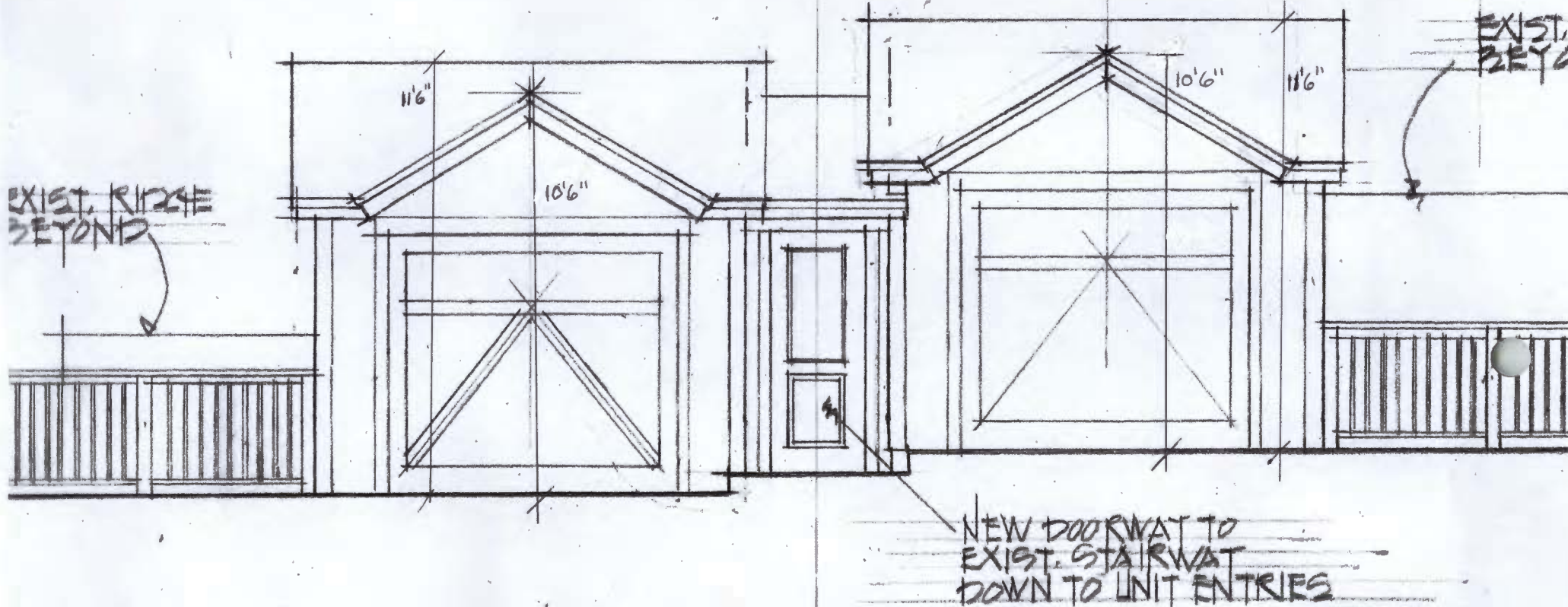
EXHIBIT E



25'-0" LOT
PARCEL 1

25'-0" LOT
PARCEL 2

CPL



WEST ELEVATION

1/4" = 1'-0"

RECEIVED

NOV 12 2013

PARK CITY
PLANNING DEPT.

W

NOTE: [#] REFERS TO STREET ADDRESS

PARK CITY - BLOCKS 3,11,30 SECTION 16, T2S, R4E, S1B & M

BOOK	PAGE
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4

10

FOURTH STREET

WOODSIDE AVENUE (N 23° 38' W)

PARK AVENUE (N 23° 38' W)

MAIN STREET (N 23° 38' W)

FIFTH STREET (THIRD)

2

12

① PC - 39 - A
SILVER SPRING DEV LLC
0.01 PC 1737-1025
1200 - 250 1777-2600

Approved		REVISIONS - DATE AND INITIAL				(In Pencil)
Utah State Tax Comm		5-28-88				
Date	By					
Engineering Associates Inc.						

SUMMIT. COUNTY, UTAH

SCALE		
ONE INCH	40	FEET
BOOK	PAGE	

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
FEBRUARY 11, 2015

COMMISSIONERS IN ATTENDANCE:

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

EX OFFICIO:

Kirsten Whetstone, Planner; Francisco Astorga, Planner; Anya Grahm, Planner; Christy Alexander, Planner; Polly Samuels McLean, Assistant City Attorney

=====

NOTE: Due to recording failure these minutes were prepared from the Staff report and Notes.

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

January 14, 2015

MOTION: Commissioner Phillips moved to APPROVE the minutes of January 14, 2015 as written. Commissioner Joyce seconded the motion.

VOTE: The motion passed. Commissioner Campbell abstained since he was not present for the January 14th meeting.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Planner Kirsten Whetstone announced that the Planning Department would be hosting an open house on Wednesday, February 18th from 4:00-7:00 p.m. in the Council Chambers, to discuss the Historic District and the Design Guidelines. The open house is an opportunity for the public to learn more about historic preservation efforts and to provide input on current issues facing the historic district.

The Staff requested that the 9 Hidden Splendor Court matter scheduled on the agenda this evening be continued to February 25th. Since it was advertised on the agenda this evening the Planning Commission should take public input. To accommodate the public who had attended to make comment, Hidden Splendor Court was moved to the first item on the agenda.

REGULAR AGENDA – Discussion, public hearing, action.

1. 9 Hidden Splendor Court – 9 Hidden Splendor Re-Plat – Plat Amendment to Combine four lots into a single lot of record. (Application PL-15-00000)

The Staff requested that this item be continued to February 25th, 2015.

Chair Worel opened the public hearing.

Eric Baer, a neighbor, asked to read a letter he had written since he would not be able to attend the meeting on February 25th. Mr. Baer opposed the proposed Plat Amendment and expressed his concerns.

Laurie and Kenyon Sweeney were concerned that the proposed plat amendment would impact their quality of life. Building would eliminate the open space and make the area feel crowded.

Assistant City Attorney McLean remarked that there would be a note on the plat stating that the “A” lots could not be built upon, per a previous Land Use agreement.

Chair Worel closed the public hearing.

MOTION: Commissioner Phillips moved to CONTINUE the 9 Hidden Splendor Court Plat Amendment to February 25, 2015. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

2. 312 & 314 Upper Norfolk Avenue – Condominium Record of Survey Plat (Application PL-14-02287)

Planner Whetstone reviewed the application for a Condominium Record of Survey Plat for property located on Lots 5 and 6 of Block 30 of the Park City Survey. The property is owned by the applicant. The original lots lines from the historic survey still exist on said lots. The owner desires to combine the property into one lot of record by removing the existing interior lot lines with the proposed condominium plat. The proposed plat will also identify private, common, and limited common ownership areas of the existing duplex structure and property, and will provide for common ownership of the covered access stairs.

Planner Whetstone reported that on December 1, 2014, the City received an application for a Condominium Record of Survey for an existing duplex located at 312 and 314 Upper Norfolk Avenue located in the HR-1 District. Approval of the Condominium Record of Survey allows for each unit to be sold separately and allows the shared access stairs to be designated as common area. The duplex is an existing structure that was constructed in 1988.

On November 19, 2013, the Board of Adjustment conducted a public hearing and approved variances for front and side yard setbacks, as well as a variance to the maximum building footprint for each unit to allow construction of two detached single car garages at the front of the property, reconstruction of the uncovered parking pad structures in the front setback, and construction of a covered, shared staircase to replace an open staircase that leads from the street to the front doors of the duplex units located one story below the street. Planner Whetstone explained that the reason for constructing a cover over the staircase was due to safety concerns.

Parking requirements for the duplex of two spaces per unit are currently met with the existing elevated open concrete parking pads located in the front of the units at the street level. The applicant has submitted an application for a Historic District Design Review for construction of two detached single car garages, reconstruction of the parking pad and railings for the second space for each unit, and construction of a covered, common staircase to access front entrances of the units from the street. The front doors of the duplex are located a story below street level.

The proposed condominium Record of Survey plat memorializes the covered common staircase and common walls between the duplex units, as well as identifies private, common, and limited common ownership areas of the existing duplex and associated property of the lots.

Conditions of approval of the November 19, 2013, Board of Adjustment action included a condition of approval stating that “conditions of approval will be recorded as notes on the future condominium record of survey plat prior to recordation”. Conditions of approval of the November 19, 2013, Board of Adjustment Action shall be included as notes on the final plat prior to recordation. These conditions were reiterated in the recommended conditions of approval for this plat.

The Staff conducted an analysis and Staff finds good cause for this Condominium record of survey plat and conversion as the units will be able to be sold separately and the plat provides common area ownership designation for the covered shared access stairway and common walls between units.

The Staff recommends that the Planning Commission hold a public hearing for the King Duplex Condominiums Record of Survey Plat located at 312 and 314 Upper Norfolk Avenue and consider forwarding a positive recommendation to City Council based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

Commissioner Band did not believe a two-unit condo made sense. She commented on the regulations related to condos and expressed her concerns that this arrangement would complicate the ability to obtain financing. Commissioner Band would like to the applicant to have the option to sell units independently of one another.

The applicant, Carol O'Donoghue, was bothered by Commissioner Band's comment because she needed financing to build the garages. Commissioner Band suggested that Ms. O'Donoghue speak with her lender.

Chair Worel asked if the Planning Commission should continue this item until the issue is researched and resolved. Ms. O'Donoghue stated that she needed the approval to move ahead with building the garages. Commissioner Band asked if people in a two-unit condo could apply for a rezone. Assistant City Attorney McLean replied that it would require vacating the condo plat.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Commissioner Thimm agreed that covering the stairway makes it safer.

Commissioner Campbell had no issues with the proposed request.

Commissioner Phillips was comfortable with the request; however he did not like having the two garage doors so close together. Commissioner Phillips stated that he would like to see the minutes from the BOA meeting.

Chair Worel asked about encroachments. Planner Whetstone stated that there was only one encroachment, which is a diminimus encroachment of the wooden stairs. An encroachment agreement is not required for the diminimus encroachment of an at grade wood step.

Commissioner Joyce clarified that they were not really stairs. They are actually terraced railroad ties.

MOTION: Commissioner Joyce moved to forward a POSITIVE recommendation to the City Council for the 212 & 314 Upper Norfolk Avenue – Condominium Records of Survey Plat based on the Findings of Fact, Conclusions of Law and Conditions of Approval found in the draft ordinance. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 312 & 314 Upper Norfolk Avenue

1. The property is located at 312 and 314 Upper Norfolk Avenue.
2. The property is located in the Historic Residential (HR-1) District.
3. The existing structure is a duplex constructed in 1988 on Lots 5 and 6 of Block 30 of the Park City Survey.
4. A duplex was an allowed use in the HR-1 District at the time of the building permit and construction. A duplex is now a conditional use in the current Land Management Code.
5. The area of the condominium plat is 3,750 square feet which is the minimum lot area for a duplex in the HR-1 District.
6. On November 19, 2013, the Board of Adjustment granted variances for the property, including a variance to the required five (5') foot side yard setbacks, the required ten (10') foot front setbacks, and the maximum building footprint of 1,519 sf for the combined two lot area. The proposed condominium plat memorializes future

construction of two detached single car garages, reconstructed open parking pads, and construction of a covered common stairway to be constructed utilizing the variances granted subject to review and approval of a Historic District Design Review application.

7. Two (2) parking spaces are to be provided for each unit, with one space located within a single car detached garage and one space located on an open elevated parking pad structure at the front of the lot to be reconstructed subject to variances granted by the Board of Adjustment on November 19, 2013.

8. Unit 1 contains 2,355 sf (including the lower level) and Unit 2 contains 2,103 sf (including the lower level). Each Unit also contains 441 square feet of private garage/parking area. Of the 441 sf of private parking/garage area, 252 is identified as garage space for a future single car garage and 189 sf is identified as open parking pad area.

9. The 252 square foot detached single car garages are proposed to be constructed in the near future, subject to variances granted by the Board of Adjustment on November 19, 2013. The 189 square foot open parking pads located adjacent to the garages are proposed to be reconstructed with the garage construction project, subject to the variances granted by the Board of Adjustment.

10. Conditions of approval of the November 19, 2013, Board of Adjustment action included a condition of approval stating that "conditions of approval will be recorded as notes on the future condominium record of survey plat prior to recordation".

11. The shared, covered staircase, proposed to be constructed to meet the current building code, is identified on the record of survey plat as common area. The shared staircase is proposed to be constructed with the garages and parking pad subject to the variances granted by the Board of Adjustment.

12. The remaining lot area is identified as limited common area with use and ownership restricted to each adjacent unit. All decks are identified as private area.

13. The existing conditions survey indicates wooden steps on the north side of the property encroach onto the City Open Space property to the north. There is also a diminimus encroachment (less than 6") onto the Treasure Hill Subdivision Open Space located east of the City Open Space.

14. The findings within the Analysis section of this report are incorporated within.

Conclusions of Law – 312 & 314 Upper Norfolk Avenue

1. There is good cause for this condominium Record of Survey plat.
2. The Record of Survey plat is consistent with the Park City Land Management Code and applicable State law regarding Condominium Record of Survey Plats.
3. Neither the public nor any person will be materially injured by the proposed Record of Survey plat.
4. Approval of the Record of Survey 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 – 312 & 314 Upper Norfolk Avenue

1. The City Attorney and City Engineer will review and approve the final form and content of the Record of Survey and Condominium Documents and CC&Rs for compliance with State law, the Land Management Code, and conditions of approval, prior to recordation of the plat.
2. The applicant will record the Record of Survey at Summit County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. The CC&Rs shall include a tie breaker mechanism.
4. Conditions of approval of the November 19, 2013, Board of Adjustment Action shall be included as notes on the final plat prior to recordation.
5. No portion of the garages shall be used for additional living space
6. The garage interior shall be used for parking. Limited storage is permitted to the extent that it does not preclude parking of a vehicle. Attic area may be used for storage. Trash and recycling bins may be stored in the garages
7. The garages shall not exceed 11'6" from the finished floor elevation to the top of the roof.
8. The area underneath the garages shall not be enclosed for use as habitable living

space.

9. Encroachments across property lines will need to be addressed by an encroachment agreement or removal of the encroachments. An encroachment agreement is not required for the diminimus encroachment of an at grade wood step.

3. 930 Empire Avenue – Plat Amendment to combine one and a half lots into a single lot of record (Application PL-14-02604)

Planner Grahn reviewed the applications for a Plat Amendment for property located at 930 Empire Avenue. The property is in the HR-1 District. The subject property consists of all of Lot 26 and the southerly ½ of Lot 25 of Block 15, Snyder's Addition. The original lot lines from the historic survey still exist on the lots and the owner is requesting to combine the property into one lot of record by removing the existing interior lot lines. The applicant owns Lot 26 and the southerly ½ of Lot 25. They do not own the northern half of Lot 25.

Planner Grahn stated that currently the site contains a 3-story single-family A-frame dwelling that was built in 1975. The site is not listed on the City's Historic Sites Inventory and the applicant has applied for a demolition permit to remove the existing A-frame and develop the property, since A-frames are not protected structures. The applicant had submitted a Pre-Historic District Design Review application for the new residential structure.

Planner Grahn noted that an existing parking pad currently consumes much of the front yard setback and extends into the City right-of-way. The applicant can either remove the existing parking pad from the public right-of-way, or enter into an encroachment agreement with the City, as required by Condition of Approval #4. Any new on-site parking shall be provided entirely within the platted Lot and out of the Empire Avenue right-of-way.

Prior to redeveloping the lot, the applicant would be required to submit for an HDDR Approval.

The Staff had conducted an analysis and finds good cause for this plat amendment as it will eliminate the existing interior lot line and create one new legal lot of record from 1-1/2 existing lots. Without this plat amendment, any new development would be confined to Lot 26 as no new development would be permitted to straddle an interior lot line.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council for the plat amendment

for 930 Empire Avenue, based on the findings of fact, conclusions of law and conditions of approval found in the draft ordinance.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Commissioner Band asked if encroachment agreements were easy to do. Planner Grahn replied that encroachment agreements with the City are typically straightforward.

MOTION: Commissioner Joyce moved to forward a POSITIVE recommendation to the City Council for the Plat Amendment at 930 Empire Avenue to combine one and a half lots into a single lot of record, in accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval in the draft ordinance. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 930 Empire Avenue

1. The property is located at 930 Empire Avenue.
2. The property is in the Historic Residential (HR-1) District.
3. The subject property consists of all of Lot 26 and the southerly half (1/2) of Lot 25, Block 15, Snyder's Addition. The applicant does not have ownership of the northerly half (1/2) of Lot 25.
4. The entire area is recognized by the County as Parcel SA-154.
5. The site is not designated as historic by the Historic Sites Inventory (HSI).
6. The building footprint of the existing A-frame dwelling is approximately 1,104 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.
10. The proposed lot meets the minimum lot area for a single-family dwelling.
11. 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.
12. The existing structure meets all required front, rear, and side yard setbacks. Any new development on the property will also be required to meet the setbacks, as defined by LMC 15-2.2-3.
13. There is an existing parking pad that encroaches into the Empire Avenue right-of-way.
14. The applicant applied for a Building Department demolition permit for the existing A-frame structure on January 16, 2015. The applicant also submitted a Pre-Historic District Design Review application to the Planning Department on January 27, 2015, for a new single-family residence.
15. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law – 930 Empire 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 – 930 Empire 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 Empire Avenue frontage of the property.

4. The applicant can either remove the existing parking pad from the public right-of-way, or enter into an encroachment agreement with the City. New on-site parking shall be provided entirely on the platted Lot and out of the Empire Avenue right-of-way.

4. 955 & 347 Ontario Avenue – An ordinance considering the Ontario Three Subdivision Plat Amendment. (Application PL-14-02542)

Planner Francisco Astorga reviewed the application for the Ontario Three Subdivision Plat Amendment for property located at 355 & 347 Ontario Avenue in the HR-1 District. The subject property consists of Lots 18, 19, and 20, Block 54 of the Park City Survey. Lots 18 and 19, known as 355 Ontario Avenue, is owned by Ontario, LLC, Bill McKenna. This site is also listed on Park City's Historic Sites Inventory and is recognized as a Landmark site. The property is also known as the Levins D. Gray House built circa 1902. This site was listed on the National Register of Historic Places in 1984 as part of the Park City Mining Boom Era Residences Thematic District. The house retains its historic integrity. The house is sited towards the rear of the lot. The front of the house is opposite from the street, as pedestrian access is from a path off Shorty's Stairs. This house does not have vehicular access. Due to the historic nature of the site, it was built over the lot line. The lot line between Lot 19 and 20 currently goes through the house.

Lot 20, known as 347 Ontario Avenue, is owned by Michael Stewart. This existing house was built in 2000.

Planner Astorga noted that Ontario LLC and Michael Stewart were co-applicants on this application, based on an agreement between the two parties to exchange property. The owner of Lot 20, Mr. Stewart, has an agreement with the owner of Lot 18 and 19, Ontario LLC, to purchase a portion of Lot 19 to the north with the intent of modifying the entrance to the existing residence on Lot 20. The original lot line when Park City Survey was platted still exists between Lots 18, 19, 20. The owners desire to reconfigure Lots 18, 19, and 20 into two lots of record by re-configuring the existing lot line between Lot 19 and 20, and removing the lot line between Lot 18 and 19. The proposed plat amendment would

reconfigure the lot line between Lots 19 and 20 making Lot 20 bigger and the combined Lots 18/19 smaller. The owner of Lot 20 has an agreement with the owner of Lot 18 and 19 to purchase a portion of Lot 19 to the north consisting of 398 square feet. Both applicants were considering remodels to the existing structures on the lots.

The Staff had conducted an analysis and found good cause for this Plat Amendment as the lot line going through the historic structure between Lot 18 & 19 is proposed to be removed. Also, the proposed lots meet the current parameters in terms of minimum lot size and lot width, and the character of the district will not be negatively changed. Additionally, the plat amendment removes the ability to construct a duplex on Lot A because the proposed lot does not meet the minimum lot requirements for a duplex. Public snow storage and utility easements are provided on the lots.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council for the Ontario Three 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.

There were no comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Joyce moved to forward a POSITIVE recommendation to the City Council for the Ontario Three Subdivision Plat at 955 & 347 Ontario Avenue, in accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval found in the draft ordinance. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 955 & 347 Ontario Avenue

1. The property is located at 355 & 347 Ontario Avenue.
2. The property is in the Historic Residential (HR-1) District.
3. The subject property consists of Lots 18, 19, and 20, Block 54, Park City Survey.
4. Lots 18 and 19, known as 355 Ontario Avenue, are currently recognized by the County as Parcel PC-449.

5. 355 Ontario Avenue is listed on Park City's Historic Sites Inventory (HSI) and is recognized as a Landmark site.
6. The historic house at 355 Ontario is sited towards the rear of the lot and the front of the house is opposite from the street, Ontario Avenue, as the pedestrian access is from a path off Shorty's Stairs and does not have vehicular access.
7. Due to the historic nature of the site, it was built over the lot line.
8. The lot line between Lot 18 and 19 currently goes through the historic house.
9. Lot 20, known as 347 Ontario Avenue, is currently recognized by the County as Parcel PC-450.
10. The house on 347 Ontario was built in 2000 and is not historic.
11. The proposed plat amendment creates two (2) lots of record from the existing three (3) lots.
12. The plat amendment removes the lot line between Lots 18 and 19 going through the historic structure on 355 Ontario Avenue and reconfigures the lot line between Lots 19 and 20 making Lot 20 bigger and combined Lots 18/19 smaller.
13. The owner of Lot 20 has an agreement with the owner of Lot 18/19 to purchase a portion of Lot 19 to the north consisting of 398 square feet.
14. A single-family dwelling is an allowed use in the Historic Residential (HR-1) District.
15. The proposed lot size of Lot A is 3,352 square feet.
16. The proposed lot size of Lot B is 2,273 square feet.
17. The minimum lot area for a single-family dwelling is 1,875 square feet.
18. The proposed lots meet the minimum lot area for single-family dwellings.
19. The proposed land transfer disallows Lot A of being eligible for a duplex dwelling due to the required minimum lot area of 3,750 square feet.

20. The width of Lot A is 41.5 feet.
21. The width of Lot B is 33.5 feet.
22. The minimum lot width allowed in the HR-1 District is twenty-five feet (25').
23. The proposed lots meet the minimum lot width requirements.
24. Based on proposed lot size, the maximum building footprint for Lot A is 1,388.3 square feet.
25. Based on proposed lot size, the maximum building footprint for Lot A is 1,000.3 square feet.
26. The front and rear yard setbacks for both proposed lots are ten feet (10') minimum.
27. The side yard setbacks for proposed Lot A are five feet (5') minimum.
28. The side yard setbacks for proposed Lot B are three feet (3') minimum.
29. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law – 955 & 347 Ontario 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 lot combinations.
3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – 955 & 347 Ontario 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 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: _____

City Council Staff Report



Subject: Ontario Three Subdivision
Author: Francisco J. Astorga, City Planner
Project Number: PL-14-02542
Date: March 5, 2015
Type of Item: Administrative – Plat Amendment

Summary Recommendations

Staff recommends the City Council hold a public hearing for the Ontario Three Subdivision Plat Amendment located at 355 & 347 Ontario Avenue and consider approving it 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 City Council, as an independent body, may consider the recommendation but should make its decisions independently.

Description

Applicants: Ontario, LLC and Michael Stewart
represented by Marshall King with Alliance Engineering Inc.
Location: 355 Ontario Avenue, Lot 18 & 19
347 Ontario Avenue, Lot 20
Zoning: Historic Residential-1
Adjacent Land Uses: Residential
Reason for Review: Plat Amendments require Planning Commission review and City Council review and action

Proposal

Lot 18 and 19, Block 54, Park City Survey, known as 355 Ontario Avenue, is currently owned by Ontario, LLC. Lot 20, Block 54, Park City Survey, known as 347 Ontario Avenue, is currently owned by Michael Stewart. The owner of Lot 20 has an agreement with the owner of Lot 18/19 to purchase a portion of Lot 19 to the north with the goal of modifying the entrance to the existing residence on Lot 20. The original lot line when Park City Survey was platted still exists between Lots 18, 19, 20. The owners desire to reconfigure Lots 18, 19, and 20 into two (2) lots of record by re-configuring the existing lot line between Lot 19 and 20, and removing the lot line between Lot 18 and 19.

Background

On November 11, 2014 the City received a completed Plat Amendment application for the Ontario Three Subdivision. The property is located at 355 & 347 Ontario Avenue. The property is in the Historic Residential (HR-1) District. The subject property consists of Lots 18, 19, and 20, Block 54, Park City Survey.

Lots 18 and 19, known as 355 Ontario Avenue, are currently recognized by the County as Parcel PC-449. This site is owned by Ontario, LLC (William McKenna). This site is also listed on Park City's Historic Sites Inventory and is recognized as a Landmark site. The property is also known as the Levins D. Gray House built circa 1902. This site was listed on the National Register of Historic Places in 1984 as part of the *Park City Mining Boom Era Residences Thematic District*. It was built within the historic period, defined as 1872 to 1929 in the district nomination, and retains its historic integrity. The house remains largely unchanged from the description provided in the National Register nomination form.

The house is sited towards the rear of the lot. The front of the house is opposite from the street, Ontario Avenue, as pedestrian access is from a path off Shorty's Stairs. This house does not have vehicular access. Due to the historic nature of the site, it was built over the lot line. The lot line between Lot 19 and 20 currently goes through the house. According to Summit County records the structure is 1,369 square feet (Living Area).

Lot 20, known as 347 Ontario Avenue, is currently recognized by the County as Parcel PC-450. This lot is owned by Michael Stewart. This house was built in 2000. According to Summit County records the structure is 2,802 square feet (Living, Basement, and Attached/Built-in Garage Area).

On February 11, 2015, the Planning Commission reviewed this Plat Amendment during their scheduled meeting and forwarded a positive recommendation to the City Council. The vote was unanimous (6-0).

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 two (2) lots of record, proposed Lot A and B, from the existing three (3). The Plat Amendment removes the lot line between Lot 18 and 19 going through the historic structure, creating Lot A, on 355 Ontario Avenue. The proposed Plat Amendment reconfigures the lot line between Lots 19 and 20 making Lot 20 bigger and combined Lots 18/19 smaller. The owner of Lot 20 has an agreement

with the owner of Lot 18/19 to purchase a portion of Lot 19 to the north consisting of approximately 398 square feet.

A single-family dwelling is an allowed use in the Historic Residential-1 District. The owners propose 355 Ontario Avenue, Lot A, to be 3,352 square feet and 347 Ontario Avenue, Lot B, to be 2,273 square feet. The minimum lot area for a single-family dwelling is 1,875 square feet. The proposed lots meet the minimum lot area for single-family dwellings. The proposed land transfer disallows Lot A of being eligible for a duplex dwelling due to the required minimum lot area of 3,750 square feet. The width of Lot A is 41.5 feet. The width of Lot B is 33.5 feet. The minimum lot width allowed in the Historic Residential-1 District is twenty-five feet (25'). The proposed lots meet the minimum lot width requirements. The following table shows applicable development parameters in the Historic Residential-1 District:

LMC Requirements	Standard
Building Footprint (based on lot size)	Lot A: 1,388.3 square feet, maximum Lot B: 1,000.3 square feet, maximum
Front/Rear Yard Setbacks	10 feet, minimum
Side Yard Setbacks	Lot A: 5 feet, minimum Lot B: 3 feet, minimum
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 at 355 Ontario Avenue does not meet the rear yard setback as the structure was built on the flat portion of the lot. The structure is two feet (2') from the west rear 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, the proposed Plat Amendment does not take place over this lot line and does not affect it.

The non-historic structure at 347 Ontario Avenue does not meet the height parameters in terms final grade (within four feet of existing grade), 35 foot rule, and vertical articulation (outlined above). The structure is considered legal non-compliant structure as it complied with the regulations at the time when it was approved. The legal non-compliant status is not affected by the proposed Plat Amendment.

Staff finds good cause for this Plat Amendment as the lot line going through the historic

structure, between Lot 18 & 19, is proposed to be removed. Also, the proposed lots meet the current parameters in terms minimum lot size and lot width and the character of the district will not be negatively changed. Additionally, the Plat Amendment removes the ability to construct a duplex on Lot A because the proposed lot does not meet the minimum lot requirements for a duplex. Public snow storage and utility easements are provided on the lots.

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 § 15-1-18.

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. No public comments were shared during the Planning Commission public hearing.

Alternatives

- The City Council may approve the Ontario Three Subdivision Plat Amendment as conditioned or amended; or
- The City Council may deny the Ontario Three Subdivision Amendment and direct staff to make Findings for this decision; or
- The City Council may continue the discussion on Ontario Three Subdivision Plat Amendment.

Significant Impacts

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

Consequences of not taking the Planning Department's Recommendation

The three (3) lots would remain as is. The historic structure would sit over Lot 18 and 19. The lot line between Lot 19 and Lot 20 would not be able to be re-platted.

Summary Recommendation

Staff recommends the City Council hold a public hearing for the Ontario Three Subdivision Plat Amendment located at 355 & 347 Ontario Avenue and consider approving it based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Exhibits

Exhibit A – Draft Ordinance with Proposed Plat (Attachment 1)

Exhibit B – Applicant's Project Intent

Exhibit C – Aerial Photograph

Exhibit D – County Tax Map

Exhibit E – Vicinity Map

Exhibit F – 355 Ontario Avenue Survey

Exhibit G – 347 Ontario Avenue Survey

Exhibit H – Site Photographs

Ordinance No. 15-XX

AN ORDINANCE APPROVING THE ONTARIO THREE SUBDIVISION PLAT AMENDMENT LOCATED AT 355 & 347 ONTARIO AVENUE, PARK CITY, UTAH.

WHEREAS, the owners of the property located at 355 & 347 Ontario Avenue have 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 February 11, 2015, to receive input on Plat Amendment; and

WHEREAS, the Planning Commission, on February 11, 2015, forwarded a positive recommendation to the City Council; and,

WHEREAS, on March 5, 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 Ontario Three Subdivision Plat Amendment.

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

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

Findings of Fact:

1. The property is located at 355 & 347 Ontario Avenue.
2. The property is in the Historic Residential-1 District.
3. The subject property consists of Lots 18, 19, and 20, Block 54, Park City Survey.
4. Lots 18 and 19, known as 355 Ontario Avenue, are currently recognized by the County as Parcel PC-449.
5. 355 Ontario Avenue is listed on Park City's Historic Sites Inventory and is recognized as a Landmark site.
6. The historic house at 355 Ontario Avenue is sited towards the rear of the lot and the front of the house is opposite from the street, Ontario Avenue, as the pedestrian access is from a path off Shorty's Stairs and does not have vehicular

- access.
7. Due to the historic nature of the site, 355 Ontario Avenue, it was built over the lot line.
 8. The lot line between Lot 18 and 19 currently goes through the historic house.
 9. Lot 20, known as 347 Ontario Avenue, is currently recognized by the County as Parcel PC-450.
 10. The house on 347 Ontario was built in 2000 and is not historic.
 11. The proposed Plat Amendment creates two (2) lots of record from the existing three (3) lots.
 12. The Plat Amendment removes the lot line between Lots 18 and 19 going through the historic structure on 355 Ontario Avenue and reconfigures the lot line between Lots 19 and 20 making Lot 20 bigger and combined Lots 18/19 smaller.
 13. The owner of Lot 20 has an agreement with the owner of Lot 18/19 to purchase a portion of Lot 19 to the north consisting of 398 square feet.
 14. A single-family dwelling is an allowed use in the Historic Residential-1 District.
 15. The proposed lot size of Lot A is 3,352 square feet.
 16. The proposed lot size of Lot B is 2,273 square feet.
 17. The minimum lot area for a single-family dwelling is 1,875 square feet.
 18. The proposed lots meet the minimum lot area for single-family dwellings.
 19. The proposed land transfer disallows Lot A of being eligible for a duplex dwelling due to the required minimum lot area of 3,750 square feet.
 20. The width of Lot A is 41.5 feet.
 21. The width of Lot B is 33.5 feet.
 22. The minimum lot width allowed in the Historic Residential-1 District is twenty-five feet (25').
 23. The proposed lots meet the minimum lot width requirements.
 24. Based on proposed lot size, the maximum building footprint for Lot A is 1,388.3 square feet.
 25. Based on proposed lot size, the maximum building footprint for Lot A is 1,000.3 square feet.
 26. The front and rear yard setbacks for both proposed lots are ten feet (10') minimum.
 27. The side yard setbacks for proposed Lot A are five feet (5') minimum.
 28. The side yard setbacks for proposed Lot B are three feet (3') minimum.
 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 lot combinations.
3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

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

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

PASSED AND ADOPTED this 5th day of March, 2015.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

ATTEST:

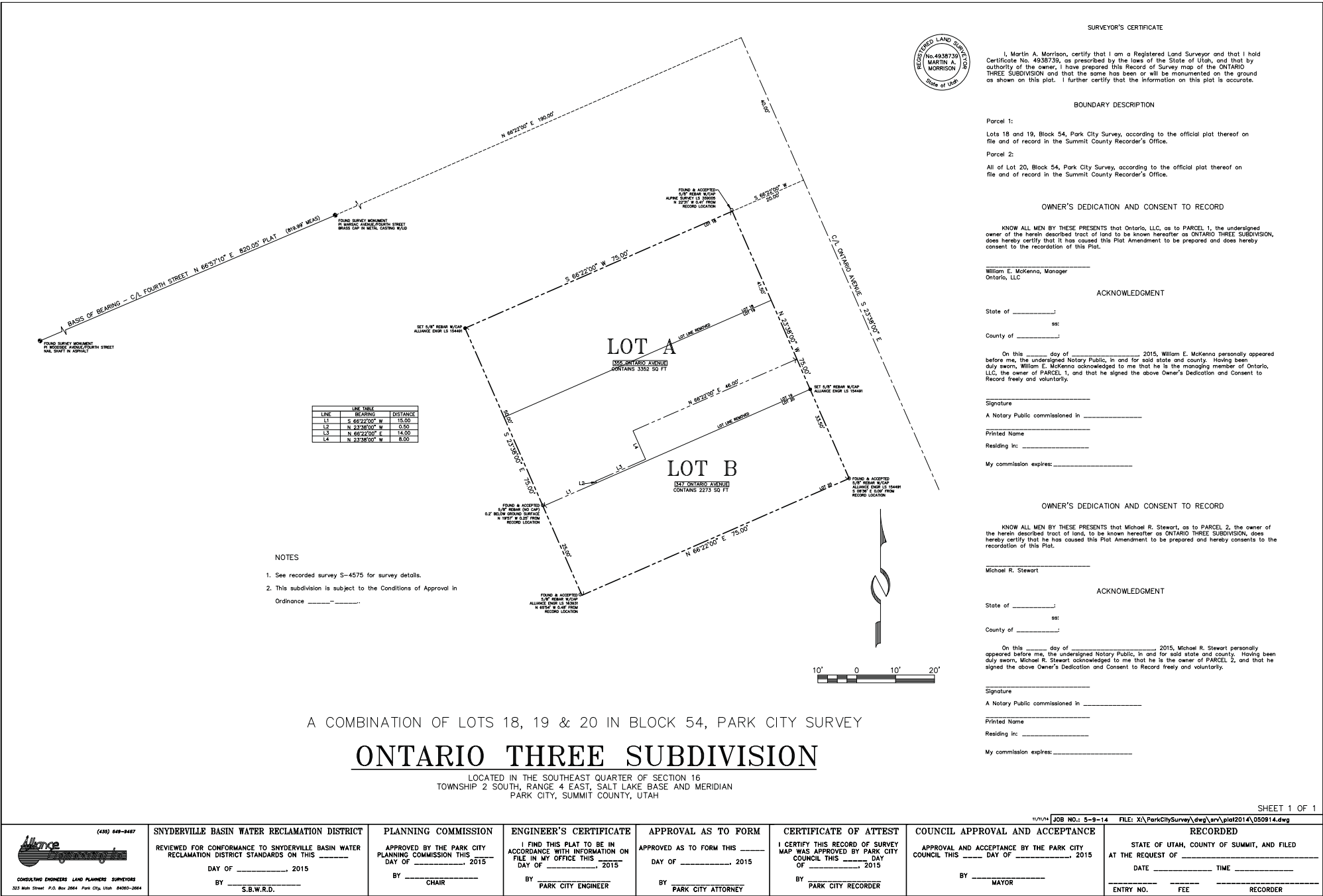
Marci Heil, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Attachment 1 – Proposed Plat

Exhibit A Attachment 1 - Proposed Plat

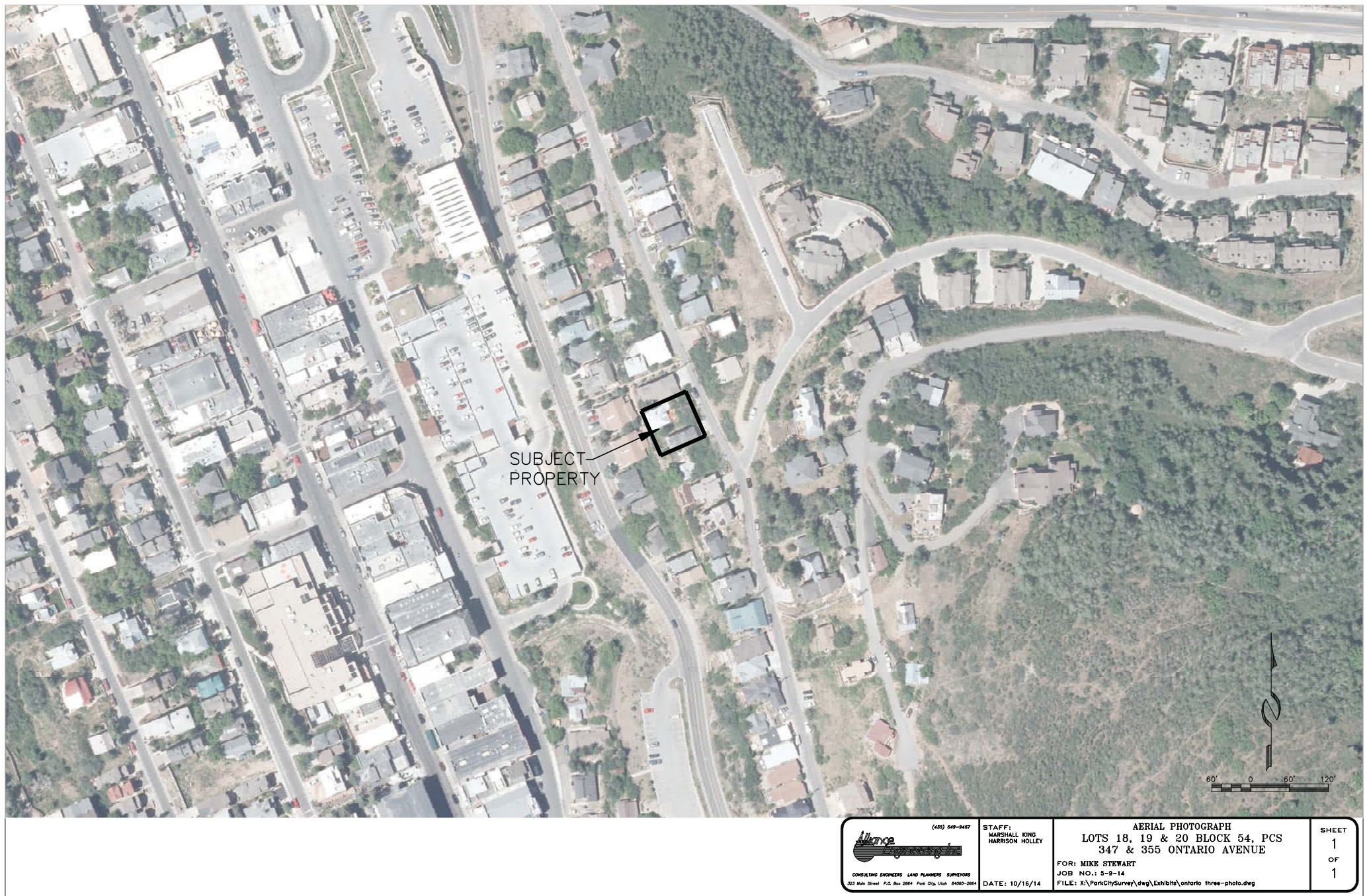


PARK CITY SURVEY, BLOCK 54,
LOTS 18, 19 AND LOT 20
(347 & 355 ONTARIO AVENUE)

PROJECT INTENT

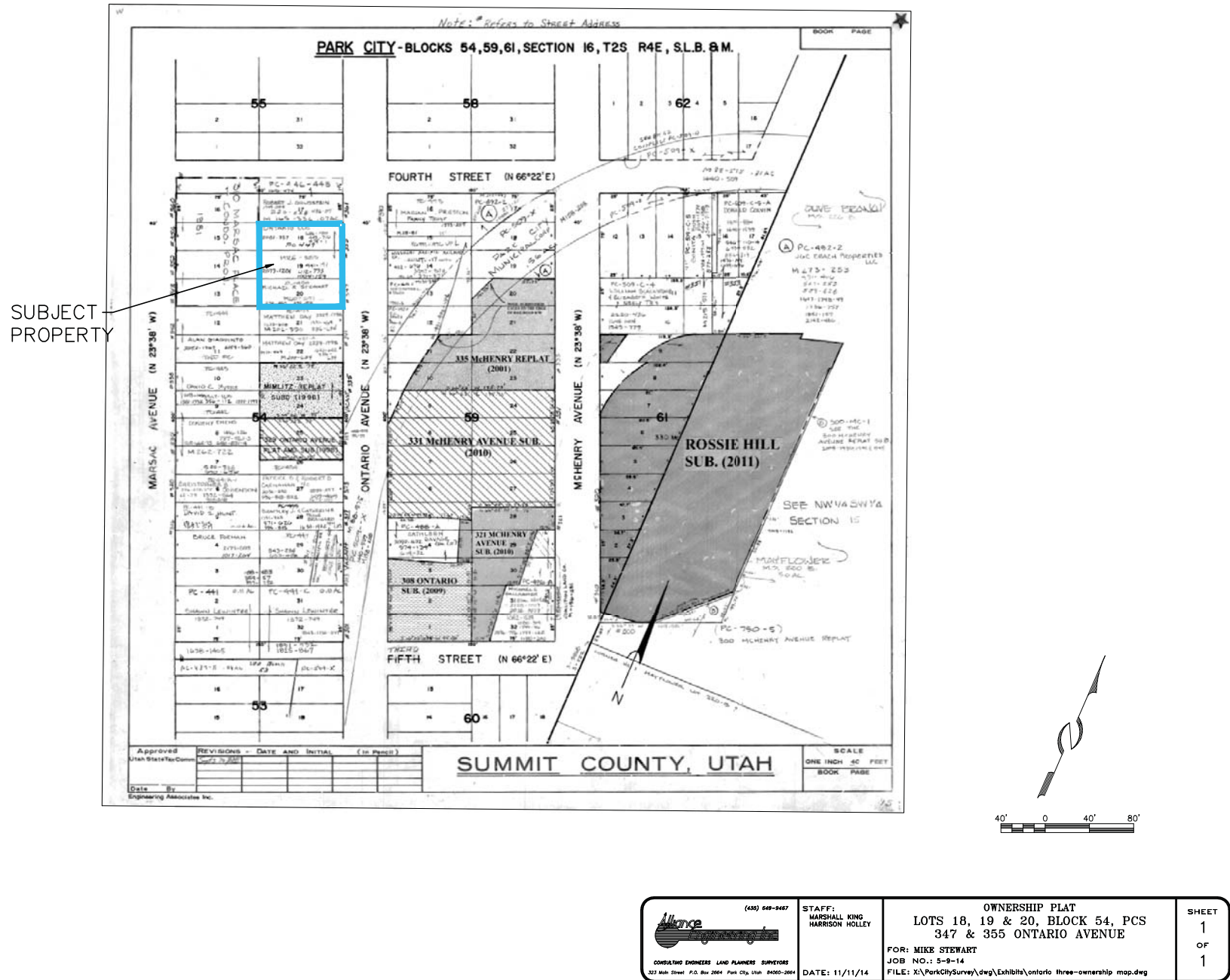
Lot 18 and Lot 19, Block 54, Park City Survey, (also known as 355 Ontario Avenue) is currently owned by Ontario, LLC. Lot 20, Block 54, Park City Survey, (also known as 347 Ontario Avenue) is currently owned by Michael Stewart. The owner of Lot 20 has an agreement with the owner of Lot 19 to purchase a portion of Lot 19 to the north with the goal of modifying the entrance to the existing residence on Lot 20. The original lot line when Park City Survey was platted still exists between Lots 18 and 19 and between Lots 19 and 20. The owners desire to reconfigure Lots 18-20 into two lots of record by extinguishing the existing lot line between Lots 18 and 19 and between Lots 19 and 20.

Exhibit C – Aerial Photograph



 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2864 Park City, Utah 84060-2864	(435) 649-9457	STAFF: MARSHALL KING HARRISON HOLLEY	AERIAL PHOTOGRAPH LOTS 18, 19 & 20 BLOCK 54, PCS 347 & 355 ONTARIO AVENUE	SHEET 1 OF 1
			FOR: MIKE STEWART	
			JOB NO.: 5-9-14	
	DATE: 10/16/14	FILE: X:\ParkCitySurvey\dwg\Exhibits\ontario three-photo.dwg		

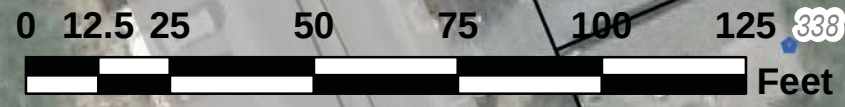
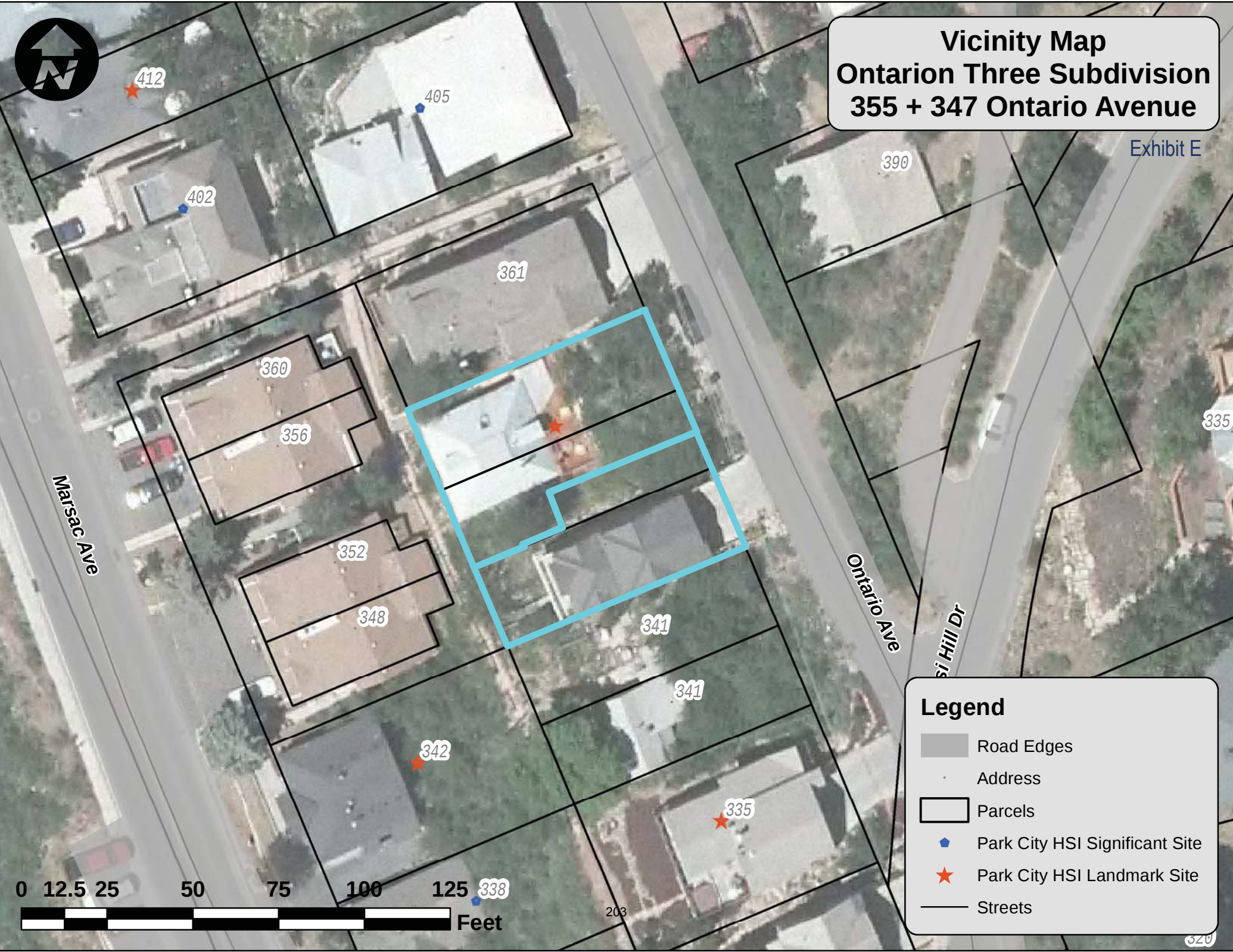
Exhibit D – County Tax Map





Vicinity Map
Ontarion Three Subdivision
355 + 347 Ontario Avenue

Exhibit E



Legend

- Road Edges
- Address
- Parcels
- Park City HSI Significant Site
- Park City HSI Landmark Site
- Streets

SCALE 1" = 1 MILE





 CHRISTOPHER R. BRAIN

STATE OF UTAH
 COUNTY OF KANE
 PUBLIC LANDS
 6/10/10

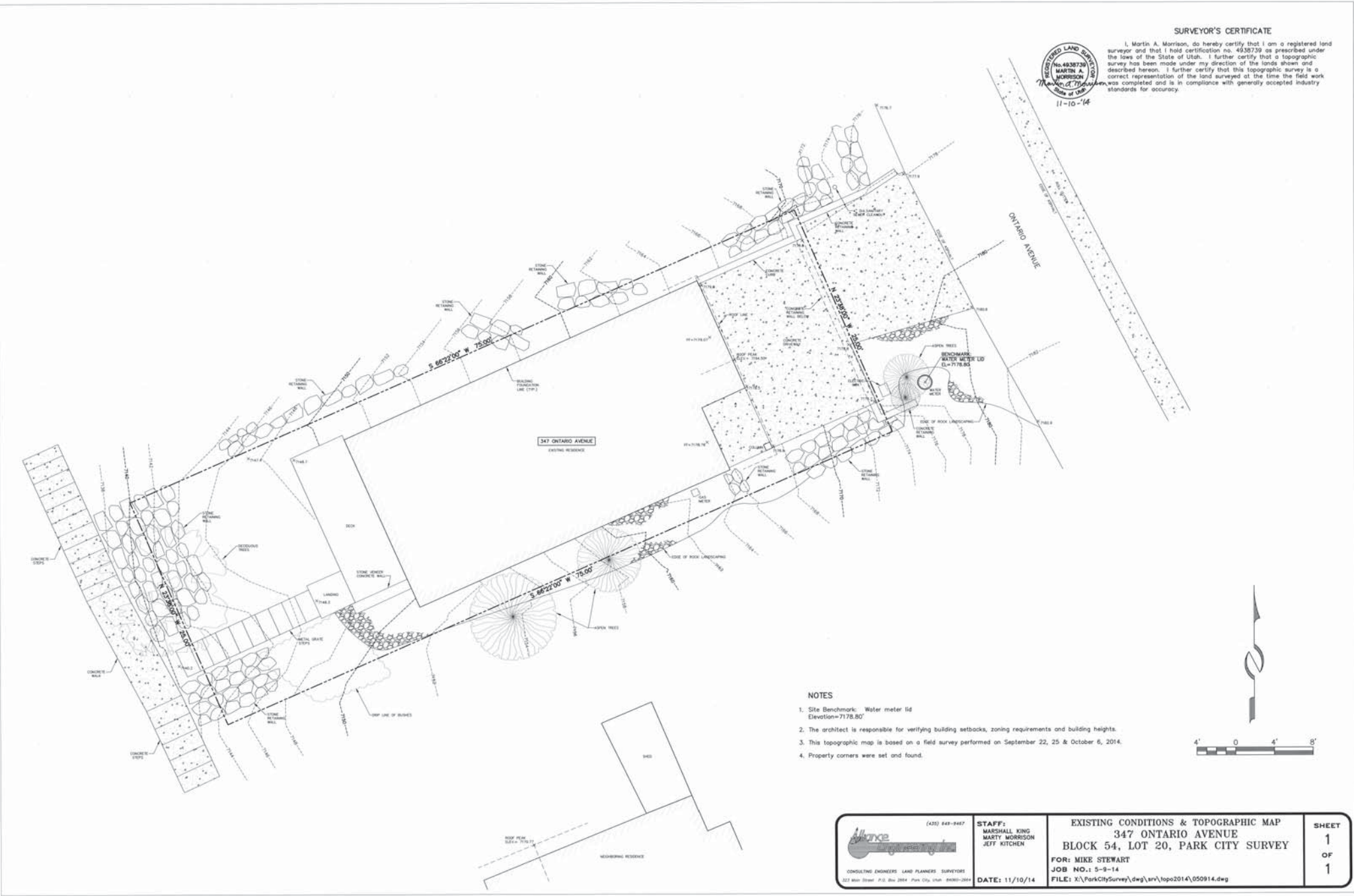
5/10/10
 DATE:

Survey 1 of 1
BLM OFFICE, SUMMIT COUNTY RECORDER
FEE \$ 10.00 BY PARK CITY SURVEYING

A standard linear barcode representing the survey information.

BOUNDARY AND EXISTING CONDITIONS SURVEY
BLOCK 54, LOTS 18 & 19
355 ONTARIO, PARK CITY

Exhibit G – 347 Ontario Avenue Survey





347 & 355 Ontario Avenue looking west



347 Ontario Avenue looking west



355 Ontario Avenue looking west



355 Ontario Avenue looking west



347 & 355 Ontario Avenue looking north



355 Ontario Avenue looking east

City Council Staff Report



Subject: 930 Empire Avenue Subdivision
Author: Anya Grahn
Project Number: PL-14-02604
Date: March 5, 2015
Type of Item: Administrative – Plat Amendment

Summary Recommendations

Staff recommends the City Council hold a public hearing for the 930 Empire Avenue Subdivision Plat Amendment located at 930 Empire Avenue and consider approving the proposed plat amendment 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 City Council, as an independent body, may consider the recommendation but should make its decisions independently.

Acronyms in this Report

HR-1 District	Historic Residential District
HSI	Historic Sites Inventory
Pre-HDDR	Pre-Historic District Design Review Application
HDDR	Historic District Design Review
Steep Slope CUP	Steep Slope Conditional Use Permit

Description

Applicant:	Gavin Steinberg (represented by Larry Feldman)
Location:	930 Empire Avenue
Zoning:	Historic Residential (HR-1)
Adjacent Land Uses:	Residential
Reason for Review:	Plat Amendments require Planning Commission review and City Council review and action

Proposal

Lot 26 and southerly ½ of Lot 25, Block 15, Snyder's Addition to the Park City Survey are owned by the same entity. The original lot 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 lines.

Background

On December 29, 2014, the City received a Plat Amendment application for 930 Empire Avenue; the application was deemed complete on January 8, 2015. The property is located at 930 Empire Avenue. The property is in the Historic Residential (HR-1) District. The subject property consists of all of Lot 26 and the southerly ½ of Lot 25, Block 15, Snyder's Addition. The entire area is recognized by the County as Parcel SA-

154 (Tax ID).

Currently the site contains a 3-story single-family A-frame dwelling. According to Summit County records the structure was built in 1975. The site is not listed on the City's Historic Sites Inventory (HSI). The applicant has applied for a demolition permit in order to remove the existing A-frame and develop the property, and he has submitted a Pre-Historic District Design Review (Pre-HDDR) application for the new residential structure.

The Planning Commission reviewed the plat amendment on February 11, 2015, and forwarded a positive recommendation to City Council with a vote of 6-0 in favor of the plat amendment.

Purpose

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

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

Analysis

The proposed plat amendment creates one (1) lot of record from the existing one and one-half lots equaling 2,812.5 square feet. A single-family dwelling is an allowed use in the Historic Residential (HR-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 HR-1 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. The following table shows applicable development parameters in the Historic Residential (HR-1) District:

	Existing Parcel	Existing Conditions
<i>Lot Size (as proposed)</i>	2,812.5 sf.	2,812.5 sf
<i>Setbacks</i>		
Front (East)	10 ft.	18.5 ft.
Rear (West)	10 ft.	10 ft.
Side (North)	3 ft.	7.5 ft.
Side (South)	3 ft.	4 ft. – 5 ft. (from west to east)

<i>Allowed Footprint</i>	1,201 sf.	1,104 sf.
--------------------------	-----------	-----------

Staff finds good cause for this plat amendment as it will eliminate the existing interior lot line and create one (1) new legal lot of record from 1-1/2 existing lots. The existing structure straddles the lot line between Lots 25 and Lot 26; therefore, this plat amendment would allow the structure be on one (1) lot of record. Without a plat amendment, any new development would be confined to Lot 26 (the 25' x 75' lot) as no new development would be permitted to straddle an interior lot line. This plat amendment allows the remnant portion of Lot 25 to be combined with Lot 26 as both are commonly owned.

The existing parking pad currently consumes much of the front yard setback and extends into the City right-of-way. The applicant can either remove the existing parking pad from the public right-of-way, or enter into an encroachment agreement with the City, as dictated by Condition of Approval #4. Any new on-site parking shall be provided entirely within the platted Lot and out of the Empire Avenue right-of-way.

The northerly ½ of Lot 25 is owned by 936 Empire Avenue (Tax parcel SA-155-A) to the north. The property at 936 Empire Avenue also comprises 1-1/2 existing lots. A plat amendment application for this property was reviewed by Planning Commission on January 14, 2015, and will be reviewed by City Council on February 12, 2015.

The applicant does not have ownership of the northerly ½ of Lot 25. Prior to redeveloping the lot, the applicant will require a Historic District Design Review (HDDR) approval. This downhill lot would not require a Steep Slope Conditional Use Permit (CUP) due to the existing slope of the property.

Process

The approval of this plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC § 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 City Council may approve the 930 Empire Avenue Plat Amendment as conditioned or amended; or

- The City Council may deny the 930 Empire Avenue Plat Amendment and direct staff to make Findings for this decision; or
- The City Council may continue the discussion on 930 Empire Avenue Plat Amendment

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 Old Town lots (25' x 75') and one half (12.5' x 75') remnant parcels. The existing structure would continue to straddle the interior lot lines, and any new development would be confined to Lot 26, as Lot 25 is a remnant lot by itself.

Summary Recommendation

Staff recommends the City Council hold a public hearing for the 930 Empire Avenue Subdivision Plat Amendment located at 930 Empire Avenue and consider approving the proposed plat amendment based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Exhibits

Exhibit A – Draft Ordinance with Proposed Plat

Exhibit B – Existing Survey

Exhibit C – Aerial Photograph

Exhibit D – Site Photographs

Exhibit A: Draft Ordinance

Ordinance No. 15-XX

**AN ORDINANCE APPROVING THE 930 EMPIRE AVENUE PLAT AMENDMENT
LOCATED AT 930 EMPIRE AVENUE, PARK CITY, UTAH.**

WHEREAS, the owner of the property located at 930 Empire 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 February 11, 2015, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on February 11, 2015, forwarded a positive recommendation to the City Council; and,

WHEREAS, on March 5, 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 930 Park Avenue Plat Amendment.

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

SECTION 1. APPROVAL. 930 Empire Avenue Plat Amendment as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 930 Empire Avenue.
2. The property is in the Historic Residential (HR-1) District.
3. The subject property consists of all of Lot 26 and the southerly half (1/2) of Lot 25, Block 15, Snyder's Addition. The applicant does not have ownership of the northerly half (1/2) of Lot 25.
4. The entire area is recognized by the County as Parcel SA-154.
5. The site is not designated as historic by the Historic Sites Inventory (HSI).
6. The building footprint of the existing A-frame dwelling is approximately 1,104 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.
 10. The proposed lot meets the minimum lot area for a single-family dwelling.
 11. 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.
 12. The existing structure meets all required front, rear, and side yard setbacks. Any new development on the property will also be required to meet the setbacks, as defined by LMC 15-2.2-3.
 13. There is an existing parking pad that encroaches into the Empire Avenue right-of-way.
 14. The applicant applied for a Building Department demolition permit for the existing A-frame structure on January 16, 2015. The applicant also submitted a Pre-Historic District Design Review (Pre-HDDR) application to the Planning Department on January 27, 2015, for a new single-family residence.
 15. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law:

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:

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 Empire Avenue frontage of the property.
4. The applicant can either remove the existing parking pad from the public right-of-way, or enter into an encroachment agreement with the City. New on-site parking shall be provided entirely on the platted Lot and out of the Empire Avenue right-of-way.

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

PASSED AND ADOPTED this 5th day of March, 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

930 EMPIRE AVENUE RE-PLAT

BLOCK 15 SNYDERS ADDITION
LOCATED IN THE NORTHWEST QUARTER OF SECTION 16
TOWNSHIP 28 RANGE 4E
SALT LAKE BASE AND MERIDIAN

VICINITY AND ZONING MAP
NOT TO SCALE

GRAPHIC SCALE
1 INCH = 10 FEET

LEGEND:

—	PROPERTY LINE	●	5/8" REBAR AND CAP LS 5048908
- - -	CENTER LINE	●	5/8" REBAR AND CAP EXNSION ENG.
- - -	EASEMENT	⌈	5/8" REBAR NO CAP
---	LOT LINE		

XXX STREET ADDRESS ON EMPIRE AVE.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS: THAT THE OWNERS OF THE HEREIN DESCRIBED LOT 1, HEREBY CAUSED SAME TO BE SUBDIVIDED, AS SET FORTH IN THIS PLAT, HEREAFTER TO BE KNOWN AS

'930 EMPIRE AVE RE-PLAT'

EXECUTED THIS _____ DAY OF _____, 2015

POITY SMO LLC, A UTAH LIMITED LIABILITY COMPANY

BY: _____

NAME: _____

ITS: _____

ACKNOWLEDGMENT

STATE OF UTAH:)
COUNTY OF SUMMIT:) SS

ON THIS _____ DAY OF _____, 2015, _____

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 SA-15A: ALL OF LOT 26, AND THE SOUTHERLY HALF OF LOT 25, BLOCK 15, SNYDERS 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 26, AND THE SOUTHERLY HALF OF LOT 25, BLOCK 15, SNYDERS 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 SOUTHWEST CORNER OF LOT 26, BLOCK 15, SNYDERS ADDITION TO PARK CITY, THENCE NORTH 54°51'00" EAST 75.00 FEET, THENCE NORTH 30°18'00" WEST 37.50, THENCE SOUTH 51°01'00" WEST 75.00 FEET, THENCE SOUTH 30°18'00" EAST 37.50 FEET TO THE POINT OF BEGINNING. CONTAINING 2812.5 SQ. FT.

NOTES:

- 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.
- THIS PLAT IS SUBJECT TO THE CONDITIONS OF APPROVAL IN ORDINANCE OF 14-08

SURVEYOR'S STATEMENT

I GREGORY J. FERRARI OF PARK CITY, UTAH, CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF UTAH, HOLDING LICENSE NO. 5408908. 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. 5048908 EXPIRES
MARCH 31, 2015

FERRARI SURVEYING, LLC
P.O.B. 685001 PARK CITY, UT
(435) 640-0412

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.C.

PLANNING COMMISSION

APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2015

BY: _____
CHAIRMAN

ENGINEER'S 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

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS _____ DAY OF _____, 2015 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 _____, 2015 A.D.

BY: _____
PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2015 A.D.

BY: _____ MAYOR

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

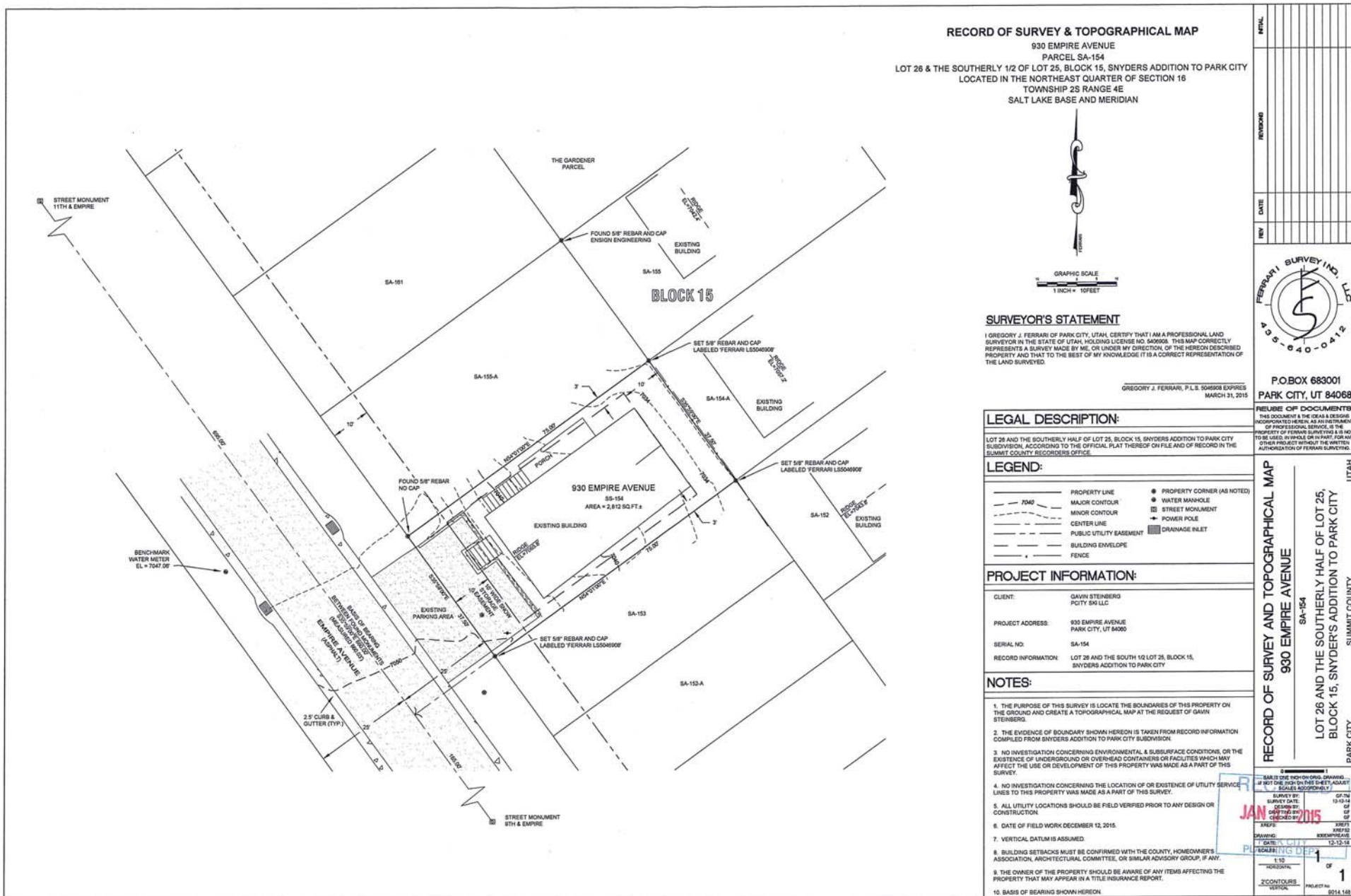
DATE _____ TIME _____ BOOK _____ PAGE _____

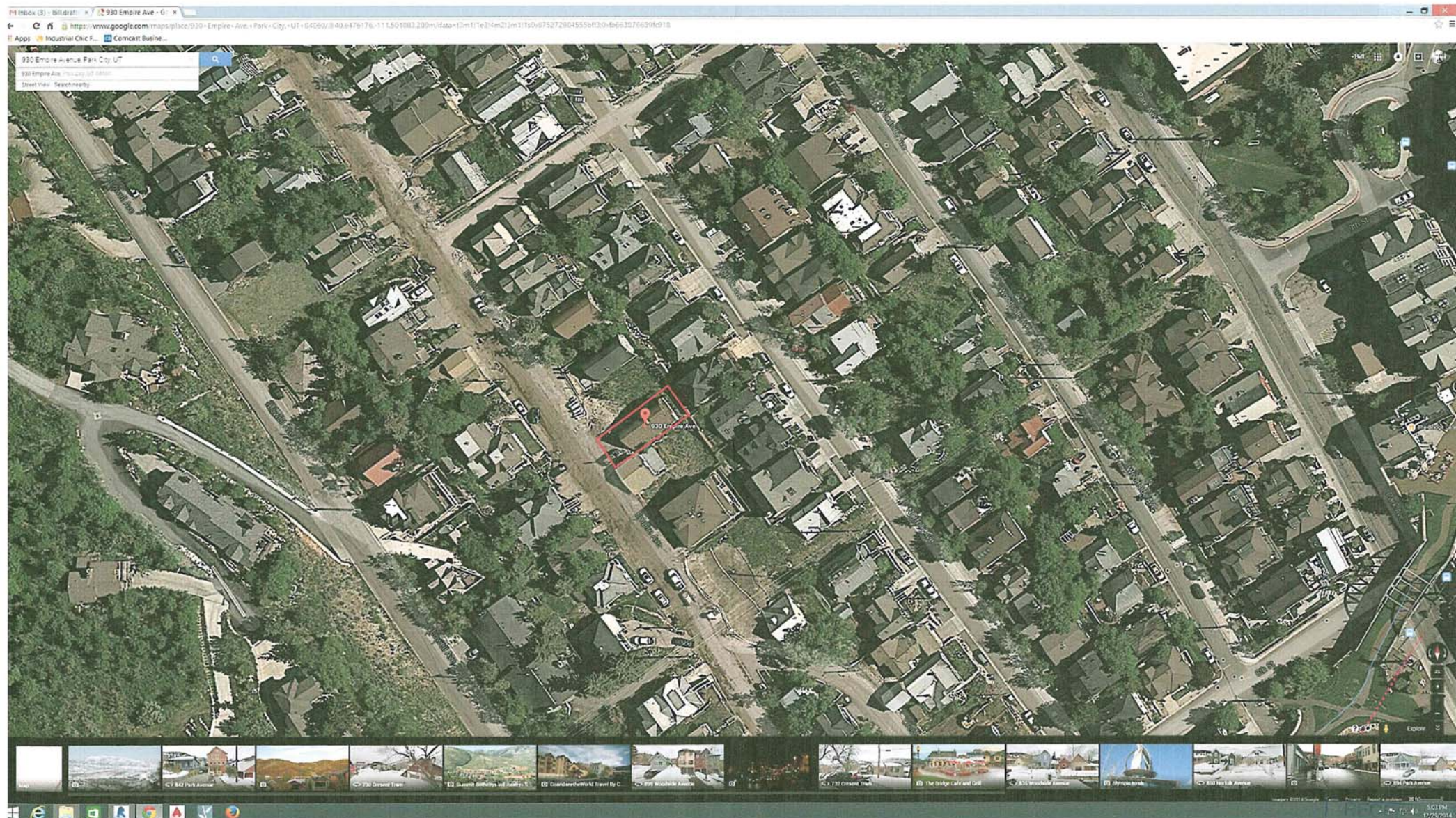
FEE _____ RECORDER _____

JAN 07 2015

PARK CITY PLANNING DEPT.

RECORDED





DEC 29 2014



944 Empire Ave
Park City, Utah
Street View - Mar 2011



