



**PARK CITY PLANNING COMMISSION MEETING
SUMMIT COUNTY, UTAH
January 22, 2020**

PUBLIC NOTICE IS HEREBY GIVEN that the PLANNING COMMISSION of Park City, Utah will hold its Regular Planning Commission Meeting at the City Council Chambers, 445 Marsac Avenue, Park City, Utah 84060 for the purposes and at the times as described below on Wednesday, January 22, 2020.

MEETING CALLED TO ORDER AT 5:30 PM.

1.ROLL CALL

2.MINUTES APPROVAL

- 2.A. Consideration to Approve the Planning Commission Meeting Minutes from January 8, 2020.
[PC Minutes 1-8-20 Pending Approval](#)

3.PUBLIC COMMUNICATIONS

4.STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

5.CONTINUATIONS

- 5.A. Alice Claim, Located at the Intersection of King Road, Ridge Avenue, and Sampson Avenue, Park City, Utah – Conditional Use Permit – King Development Group, LLC is Requesting a Conditional Use Permit For A Wall Greater Than Six (6) Feet in Height Along City Right of Way/King Road. PL-19-04401.
(A) Public Hearing (B) Possible Action
[Alice Claim CUP Continuation](#)

6.REGULAR AGENDA

- 6.A. 182 & 184 Daly Avenue Plat Amendment - The Applicant is Requesting to Further Subdivide the Daly Delight Plat Amendment into Three (3) Lots from the Existing Two (2) Lots. Lot B is Proposed to be Subdivided into Two (2) Lots to Construct a Duplex Dwelling Consistent with the Approved Conditional Use Permit. Proposed Lot B1 Contains 2,871 sq ft and Lot B2 Contains 2,458 sq ft. PL-19-04383
(A) Public Hearing (B) Possible Recommendation to City Council on February 6, 2020
[Staff Report](#)
[Exhibit A: Draft Ordinance and Proposed Plat](#)
[Exhibit B: Survey](#)

Exhibit C: Aerial Photographs and Site Photographs
Exhibit D: Applicant's Project Description
Exhibit E: Approved HDDR and CUP Duplex Plans
Exhibit F: Duplex Dwelling CUP Final Action Letter
Exhibit G: Steep Slope CUP Final Action Letter
Exhibit H: HDDR Final Action Letter

- 6.B. Land Management Code Amendment -- Proposal to Repeal Land Management Code § 15-3-5, Driveway Standards For Private Driveways Within Platted, Unbuilt City Streets.
(A) Public Hearing (B) Possible Recommendation for City Council's Consideration on February 6, 2020
Repeal of Land Management Code 15-3-5 Staff Report
Exhibit A: Platted, Unbuilt Rights-of-Way in Fairway Hills
Exhibit B: Platted, Unbuilt Rights-of-Way in Morning Star Estates
Exhibit C: Platted, Unbuilt Rights-of-Way in Thaynes Canyon
Exhibit D: Platted, Unbuilt Rights-of-Way in Old Town
Exhibit E: 1994 Land Management Code Chapter 7.1
Exhibit F: 1994 Land Management Code Chapter 7.14
Exhibit G: Ordinance No. 00-25

7.ADJOURN

A majority of PLANNING COMMISSION members may meet socially after the meeting. If so, the location will be announced by the PLANNING COMMISSION Chair Person. City business will not be conducted. Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Planning Department at 435-615-5060 or planning@parkcity.org at least 24 hours prior to the meeting. Wireless internet service is available in the Marsac Building on Wednesdays and Thursdays from 4:00 p.m. to 9:00 p.m. Posted: See: www.parkcity.org

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

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
JANUARY 8, 2020

COMMISSIONERS IN ATTENDANCE:

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

EX OFFICIO: Planning Director Bruce Erickson; Hannah Tyler, Planner; Alexandra Ananth, Planner; Planner; Rebecca Ward, Planner; Mark Harrington, City Attorney

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ROLL CALL

Chair Phillips called the meeting to order at 5:35 p.m. and noted that all Commissioners were present. Commissioner Hall would be leaving the meeting early.

APPROVAL OF MINUTES

December 11, 2019

Commissioner Thimm referred to page 5, fourth paragraph, and changed contractor to **contract**, to correctly read "Commissioner Thimm asked about the value of the **contract**."

MOTION: Commissioner Sletten moved to APPROVE the Minutes of December 11, 2019 as amended. Commissioner Van Dine seconded the motion.

VOTE: The motion passed unanimously. Commissioner Suesser abstained since she was absent from the December 11th meeting.

PUBLIC COMMUNICATIONS

There were no comments

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Director Erickson reported that the Planning Commission would have hold their second meeting this month on January 22nd.

Director Erickson stated that the Planning Commission should expect to see many LMC Amendments coming forward. The Planning Department was considering the possibility of scheduling a special meeting in February to address LMC issues only. He noted that LMC matters are Legislative and the Commissioners are able to discuss

LMC issues with the Staff on a different level than something like a CUP. Director Erickson remarked that the LMC amendments relate to housing issues, Historic District matters, MPDs, and other issues. A third meeting in February may be necessary in order to accomplish these matters consistent with the City Council direction. At this point, the date for a special meeting had not been established.

Chair Phillips believed that certain individuals on the Planning Commission would like to delve further into issues that pertain to the LMC. He requested scheduling a work session where the Planning Commission could look at their specific goals, objectives, and priorities; and what they collectively would like to work on in terms of the Code. Chair Phillips thought a work session would be a good forum to have that discussion and to express their individual thoughts.

Director Erickson remarked that the Planning Commission specifically asked the City Council to give direction on rights-of-way and encroachment agreements. He stated that the Staff would bring back that direction as Code. Other issues on how to handle MPDs would come back as a work session item to work through the nuances before redlining the language. Director Erickson noted that the Housing amendments on the agenda this evening need to move forward.

Chair Phillips clarified that his request for a work session was not related to any of the proposed amendments. It is more to create an opportunity to talk about different portions of the Code and set priorities.

Commissioner Suesser referred to their request for direction from City Council concerning the rights-of-way. She understood from listening to the City Council that Councilman Henney suggested that Section 15-3-5 of the LMC would need to be revised or removed from the Code. Based on an earlier discussion, she did not believe that was the direction the Planning Department was going.

City Attorney Harrington replied that it had already been noticed and was scheduled on the Planning Commission agenda for the January 22nd meeting. Commissioner Suesser stated that in a conversation with Director Erickson prior to this meeting, she understood that the Planning Department was recommending that building in platted City rights-of-way would no longer be a conditional use permit. City Attorney Harrington stated that he was unaware of their conversation, but the Staff report was still formative. This was not a simple manner in terms of any construction in right-of-way versus the ones that occur in the frontage. He explained that platted unbuilt rights-of-way exist parallel to built rights-of-way. They were parsing three or four different types of things that currently encroach into unbuilt right-of-way. Mr. Harrington stated that the provision itself regarding the CUP would come back to the Planning Commission quickly with a

proposal to completely removing it from the Code or making clear which of the four types is being discussed.

Director Erickson apologized if he misspoke. He clarified that the intention is to do a better job of protecting platted unbuilt rights-of-way and not generally permitting a platted unbuilt right-of-way given the four types. For example, the grid system between Woodside and Norfolk or between Empire and Norfolk would have greater protections and be in the political process, as opposed to the conditional use process which is an allowed use if it can be mitigated. Director Erickson emphasized that the process for going into the rights-of-way will be more rigorous.

Commissioner Suesser thought she may have misunderstood. She asked if the intention was to potentially consider removing the driveway standards for private driveways within platted unbuilt streets. Director Erickson replied that it was part of what was being eliminated.

Chair Phillips asked if the other Commissioners concurred with his request for a work session and whether they thought it would be worthwhile. Commissioner Sletten favored the work session; however, he thought it would be helpful to see a comprehensive list of what the City Council had already sent to the Planning Department to avoid being redundant. The other Commissioners concurred. Director Erickson reiterated that a special meeting in February would focus only on the LMC.

Commissioner Sletten disclosed that the applicant for 802 Empire is a personal friend. His association would not affect his ability to discuss and vote on the item this evening and he would not be recusing himself.

Commissioner Sletten disclosed that he would be recusing himself from 322 Park Avenue due to a business relationship with the applicant.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

5.A. Land Management Code Amendment for Master Planned Development in LMC 15-6. (Application PL-19-04400)

Planner Hannah Tyler introduced Jason Glidden, the City Housing Development Manager.

Planner Tyler reported that in 2018 the City Council gave Staff direction to pursue LMC Amendments for affordable housing, because the Council set Housing as a critical

priority. The goal was to specifically deliver 80 units by 2026. It is an aggressive goal and the City Council wanted to make sure the LMC enabled both public and private entities to pursue affordable housing and to make sure all the units are captured regardless of what type of development occurs. Planner Tyler noted that the LMC Amendment came to the Planning Commission and the Commissioners forwarded a positive recommendation to the City Council. After it reached City Council, the Council wanted a third party to review the proposed LMC Amendment to determine whether it would actually work.

Planner Tyler stated that in 2019 the City retained Cascadia Partners as a consultant to review that section of the Code. Cascadia Partners looked at all of the town and the development pattern; and determined the economic feasibility of developing affordable housing and what was needed to incentivize even more. Cascadia Partners presented the final report to the City Council in a work session. The City Council then gave Staff direction to pursue specific items within that LMC Amendment. Planner Tyler noted that some of those were the same as what was proposed in 2018. The City Council also agreed to additional amendments that were recommended by Cascadia Partners.

Planner Tyler stated that the amendments were listed in two different columns. One column was the LMC Amendments before the Planning Commission this evening. Those amendments were specific to zone required setbacks, open space, and matching the affordable housing parking to that of a regular MPD. The Staff will come back with more study, a possible third party review, a larger community process on potentially increasing building height in specific areas, and further parking reductions or alternative parking requirements. Planner Tyler recognized that the last two items are bigger issues that require more community involvement and important conversations.

Planner Tyler reviewed the three categories before the Planning Commission this evening. The more complicated amendments would be presented at a later meeting.

Chair Phillips understood the amendments were a direct result of having the consultant's report. Planner Tyler answered yes. Chair Phillips was under the impression that the Planning Commission would see the entire study after it was reviewed by the City Council. He asked if the Commissioners would ever get a full presentation of the results. Planner Tyler understood that the Planning Commission had been invited to all the City Council work sessions.

Director Erickson remarked that the City Council tried to do a joint work session and everyone was noticed. He also thought the study was sent to everyone in December. Director Erickson pointed out that the presentation this evening was missing a bullet point regarding accessory dwelling units, which will come back to the Planning

Commission. It was not part of the discussion this evening because there was ongoing discussion about the growth of nightly rentals and stripping accessory dwelling units out of the marketplace. Director Erickson emphasized that the City Council wanted the Planning Commission to focus on the first three items this evening. One reason for suggesting a special meeting in February is to start moving forward on the other items forward correctly.

Director Erickson encouraged the Commissioners to notify Jessica Nelson or him if they had not seen the Cascadia report and it would be resent. Commissioner Kenworthy noted that the report was on the December 5th audio link.

Director Erickson explained that the City Council received the report and the Planning Department did their best to deliver it to the Planning Commission. The City Council provided policy direction to come back with Code changes, and the Staff was in front of the Planning Commission with Code changes consistent with the City policy. There was an opportunity for the Planning Commission to review the amendments and provide input before it goes back to the City Council for approval based on their recommendation.

In terms of the long-term plan for the MPD, Planner Tyler noted that the current MPD section contains a master planned development subsection that is specific to all master planned development. A subsection of that is just for affordable housing. The Staff was considering the idea of just creating one section and having different requirements for affordable versus non-affordable. This would avoid having to flip back and forth through pages as people currently do because one section references another section.

Planner Tyler commented on the Zone Required Setbacks. Currently, the affordable housing MPD states that you shall use the requirements of regular MPDs. Therefore, the setbacks live within the requirements of the regular MPD. This setback change would be subject to all Master Planned Developments whether affordable or market rate.

Planner Tyler explained that Cascadia Partners analyzed parcels ranging from a half acre to two acres in the Historic Residential District, the Recreation Commercial District, and the General Commercial District. The City Council did not want to change the Historic Districts and the Staff agreed. The setbacks are clear, the footprint calculation is good, and it can be easily regulated. They also want to maintain the current development pattern in the Historic District. Planner Tyler outlined the current setback requirements for MPDs. Greater than an acre requires a 25-foot boundary setback. Cascadia Partners found that most of the infill parcels will be two acres or less. Planner

Tyler stated that some parcels greater than an acre are considered infill and are required to have the 25-foot boundary. Cascadia Partners found that this ultimately results in incompatible development because if there is a consistent development pattern in a specific zone, suddenly there would be a 25-foot setback inconsistent with the neighbor next door. Instead of having a discretionary requirement, the Staff was proposing to add predictability to the Code by allowing a project on less than two acres to use the zone required setbacks, but with no further exceptions. Planner Tyler remarked that the intent is to create consistency with the development pattern, knowing that future infill development is coming for both the private sector and affordable housing.

Director Erickson clarified that the proposed amendment would take discretion out of the LMC and make the requirements clearer for a developer who wants to do housing. Director Erickson pointed out that regular MPDs are required to have 60% open space and 25-foot boundary setbacks. It was designed for the large ski area projects and shopping centers. It was not designed for smaller infill projects.

Director Erickson remarked that an affordable housing project is required to have 40% open space under the current zoning; and an infill project requires 30% open space. The Staff was considering a reduction in the open space percentages. He noted that setback counts as open space. If they calculate mass using setbacks, the result will be x-amount of open space, regardless of the zone. Director Erickson emphasized that the intent of these amendments was to clarify and reduce the discretion on smaller projects. He believed a key finding from Cascadia Partners was that the MPD process was designed for large projects and not for infill.

Commissioner Hall, Phillips, and Thimm were comfortable with the proposed amendment regarding setbacks.

Commissioner Suesser asked if the MPD on Deer Valley Drive had 25-foot setbacks. She clarified that she was trying to visualize a 25-foot setback. Planner Tyler stated that the setbacks for Woodside Park Phase I successfully fit in with the context of the neighborhood for several reasons. Planner Tyler thought Woodside Park Phase I was a good example of rather than requiring a 25-foot setback, to instead keep the project consistent with the relationship of the surrounding historic structures on the street. The goal is to keep these projects from becoming an eyesore or from looking too different from the neighbors. Whether affordable or market rate, a master planned development should fit in when it is infill.

Commissioner Kenworthy like the proposed amendments. He wanted to make sure this would push the line closer to public/private partnerships because that will be necessary

to obtain these units. Commissioner Kenworthy expressed his hope that the public/private sector starts working because it is important.

Commissioner Sletten recalled from his time on the Blue Ribbon Commission that they will eventually need to change the height restrictions or allow modifications. Commissioner Kenworthy agreed. Commissioner Kenworthy believed a parking reduction would also be necessary. He looked forward to having the opportunity to discuss both issues.

Planner Tyler commented on parking an open space. She reported that currently the Master Planned Affordable Housing Development requirement is one parking space per bedroom, which is far greater than any other development type in Park City. The Staff was proposing to only require the developer to meet the normal off-street parking requirements in 15-3 as required by all other MPDs.

Commissioner Hall was comfortable with the proposed amendment.

Commissioner Thimm noted that page 60 of the Staff report talked about reduction in parking; and asked if the language inferred that a parking analysis could be done to further reduce the parking. Planner Tyler replied that it was Section 2, which is currently allowed for all MPDs. Commissioner Thimm noted that items a) through d) needed to be followed in order to achieve the parking reduction. He suggested adding item e) to state "If a parking analysis determines that such a reduction does not adversely impact the immediate neighborhood". He thought the analysis itself should make that finding. Chair Phillips favored the added language.

City Attorney Harrington asked if the suggested change should also be added to the regular MPD section to keep the sections consistent. Secondly, he thought it should be a new item g) under Subsection 1; rather than adding it to Section 2 which talks about the fee-in-lieu after the Planning Commission makes the determination.

Commissioner Thimm was comfortable adding it as item g) under Section 1.

Director Erickson stated that in MPDs there are conditional use requirements to address parking impacts to the neighborhood, which is a control mechanism on the items. City Attorney Harrington agreed that the added language duplicates the general standard language. The Staff will make the language more specific than just general harm. He believed they understood the gist of Commissioner Thimm's request.

Commissioner Hall asked if they were opening up the LMC for MPDs in general. City Attorney Harrington stated that because the Planning Commission will be discussing

the MPD over the course of the next three meetings, it will come back separately because that section was not noticed for discussion this evening.

Commissioner Suesser commented on the 15-6-5c setbacks. She referred to page 51 of the Staff report and the proposed language for setbacks. She read, "The result is if the parcels less than 2 acres comply with the underlying zone required setbacks". Based on that language, she asked if Items 2 and 3 should be for parcels less than 2 acres in size. Planner Tyler replied that they did not want to address the Historic Districts and those are specific to Historic Districts.

Commissioner Suesser wanted to know what happens if a parcel is an acre and a half. Planner Tyler stated that the developer would need to request a reduction and the Staff would need to deem that it was not impacting the neighborhood or the historic district. She noted that the direction from the City Council was not to affect the historic districts. The Staff was willing to keep that more discretionary because it depends on so much.

Planner Tyler commented on open space and noted that it was specific to affordable housing projects. She stated that the current MPD for affordable housing requires 50% open space with the opportunity to request a reduction to 40%. He reported that Cascadia Partners did an analysis and found that the open space requirement was high. In addition to adding predictability and creating a standard, they recommended reducing the open space. The City Council gave the Staff direction to allow the reduction. Planner Tyler stated that the Staff was proposing a reduction to 30% open space for affordable housing projects with at least 15% being usable open space. She noted that a definition for "usable" was provided. They would like to allow it to be landscaped or hardscaped; knowing that some hardscaped areas can still be usable. Planner Tyler presented an analysis of the percentage of lot that is dedicated to setbacks for both the RC and GC zones. The analysis was done for one acre and two acres. She wanted the Commissioners to understand how much of a lot is taken up by setbacks alone. The goal was to create communal areas or pocket parks that are usable, in addition to the setbacks, because in most cases setbacks are not usable. Their idea is to encourage internal areas to be usable, similar to Woodside Park Phase I or 1450/1460 Park Avenue. The City Council, the consultant, and the Staff find that to be very valuable.

Planner Tyler asked for comments on the definition or the reduction to 30%; know what the setbacks are in the zones and consistent with projects that may not trigger an MPD. She reiterated that the size of a lot and the open space covering will be the same as what they see on the neighboring parcels.

Chair Phillips was comfortable with the proposed changes.

Commissioner Thimm read from page 54 of the Staff report under Open Space, "Off-site amenities such as playgrounds, trails, recreation facilities, bus shelters, etc. are encouraged". He asked if off-site amenities could count towards the open space requirement. Director Erickson noted that there was some discussion among Staff as to whether that should say on-site or off-site. He remarked that the Code currently reads off-site and there was some confusion as to what that means. Director Erickson reiterated that the language was designed for a large-scale MPD. For example, Deer Valley Lakes would be usable open space for everyone in Deer Valley, and not necessarily on a private condo plat. That is different than the one-acre, two-acre projects where they want to see additional on-site amenities. Director Erickson stated that he and Planner Tyler were working on additional clarification.

Commissioner Thimm was concerned about someone being able to construe the language and use it say if they park across the street, they could provide zero open space. Planner Tyler stated that because the language exists in the Code, she was looking for direction from the Planning Commission on whether it should say on-site. She thought that could be a simple fix.

Commissioners Suesser and Thimm preferred to change the language to on-site.

Commissioner Hall stated that when doing numerous affordable housing developments that are adjacent to each other in some area in Old Town, she asked if they could share an off-site adjacent parcel as open space for the adjacent developments. Planner Tyler used 1450/1460 Park Avenue as an example. She did not believe language was currently built into the Code for sharing resources. She pointed out that 1450/1460 abuts City Park. That project did not go through an MPD, but if it had, they would have been required to provide some level of open space despite being adjacent to the Park.

Commissioner Thimm stated that even if a project is allowed to use adjacent open space, the project should still be required to provide at least half of the required open space on site.

Jason Glidden, City Housing Manager, suggested allowing a reduction in the usable open space percentage if there are adjacent amenities, rather than the actual open space. Commissioner Thimm was not opposed to that idea as long as it was discretionary.

Commissioner Hall stated that in looking at the numbers to achieve the affordable housing goal, she thought they needed to be more aggressive in the Code as an effort meet that goal. Her initial thought was to eliminate the usable open space because it

creates a higher barrier for reaching the affordable housing goal. Commissioner Hall stated that personally, she places a higher priority on achieving the affordable housing goal than on having specific restrictions for each small affordable housing development.

Commissioner Kenworthy asked if there were any public/private projects currently ongoing. Planner Tyler answered no. For that reason, Commissioner Kenworthy agreed with Commissioner Hall. There are no public/private partnerships and it is important to encourage that in order to achieve affordable housing.

Mr. Glidden noted that the Cascadia report recommended 15% open space, which can be satisfied with the setbacks and allow for more developable space.

City Attorney Harrington suggested adding "or" to one sentence to read, "Thirty percent open space with at least 15% usable open space, excluding setback areas, **or** on-site amenities such as playgrounds, trails, recreation facilities, bus shelters, or equivalent amenities. The Planning Commission could decide whether the on-site amenities proposed are equivalent to the 15% usable open space.

Commissioner Hall preferred to follow the 15% recommendation in the Cascadia report to fit as many affordable housing units as possible. Commissioners Kenworthy, Sletten, and Thimm agreed. Chair Phillips found it acceptable since it was written in the consultant's report. Planner Tyler asked if the Commissioners go with the 15% open space, whether they wanted to set a minimum of usable space; or eliminate it knowing they will reach it with the setbacks. Commissioner Thimm believed usable open space is more valuable than setbacks or unusable open space. He would like at least half of the open space to be usable. Commissioner Thimm thought that encouraging some amount of private open space in close-quartered urban settings is a good thing. He encouraged the Planning Commission to encourage private open space in the form of patios and balconies, not exceed half of the open space requirements, to be counted.

Planner Tyler noted that currently balconies are not counted in regular open space or as usable open space. She asked if the Planning Commission wanted to add it to the open space definition. Commissioner Thimm personally thought it should be added. He asked if the usable open space allows a roof deck to be counted. He also thought a roof deck was valuable open space.

Director Erickson explained that the intention of usable open space was to consider roof decks, with the caveat that it could not be restricted to a private owner. Usable open space was designed for a community benefit, in lieu of an allocation of a City resource for recreational use. If the open space is removed from the project, they would be allocating a City resource of recreation in some other location. It would not

contribute to the community because they are less likely to see people in the park. Director Erickson pointed out that Library Park contributes to the community because the neighbors at 1450/1460 and Woodside Park Phase I can be seen. If open space is removed from a project, people living in that project may or may not use the off-site amenity. Director Erickson stated that he and Planner Tyler would revisit the definition of open space and the relationship of open space to the required setbacks. Director Erickson thought they could reduce the setbacks easier than reducing the usable open space. However, he was willing to listen to the argument for doing so.

Director Erickson suggested that the Planning Commission forward a recommendation to the City Council on the reduction; and give the Staff the opportunity to work on the language. Director Erickson pointed out that private open space is never counted as open space in a condominium project because it is private to the owner and not part of the common space.

Commissioner Thimm thought that in this case, including it as a portion of the open space should be encouraged because they have a healthier community when people have these types of spaces. Director Erickson was willing to consider it as long as it is a community benefit. He needed more time to think about including private spaces for a private owner.

Commissioner Sletten thought a rooftop deck could be identified in the plat as limited common area and achieve the same goal. Director Erickson agreed, which is why the Staff included the hardscape language and as long as it benefits the neighbors.

Commissioner Hall stated that if the goal is to achieve more affordable housing, the requirements should be as relaxed as possible. If the Cascadia Report recommends 15% open space, she believed that was sufficient. Commissioner Hall remarked that her preference would be to say, "A minimum of 15% open space. Open space is not utilized for streets, roads, and parking area". That language would enable those who intend to provide an affordable housing project to have the greatest advantage to actually build affordable housing.

Director Erickson thought this should be discussed in a larger conversation. He stated that one of the missions is to not negatively impact a neighborhood with an affordable housing project. They do not want residents in an affordable project to be bad neighbors or to stick out as being different. Director Erickson thought the Planning Commission may need a larger conversation about who is actually regulated under the Affordable Housing Guidelines and who is not regulated under the Guidelines. The City Council set a standard of 800 units; but, only a certain proportion of projects in town are regulated to deliver that number of affordable units. Director Erickson stated that a

substantial portion of town is not required to deliver affordable units. Director Erickson suggested that a better conversation for the Planning Commission would be to look backwards at the regulations and say 20% is not enough in a major MPD; and a major redevelopment project may need to live up to certain standards. Starting 25 years ago, the big developers are required to provide affordable housing. On the demand side the City was not doing a good job of regulating; and they were doing their best on the supply side to try to deliver these affordable units. The City was considering asking for additional information from a consultant to refine the open space and parking numbers a little more. Director Erickson stated that he would be more likely to agree with Commissioner Hall in a greenfield project like Park City Heights, but he struggled with it for an infill project in a neighborhood.

Commissioner Thimm asked about the process and whether the issues still being discussed by Staff would come back to the Planning Commission. Director Erickson replied that the Planning Commission would make a recommendation to the City Council and the Council will either ask the Staff to revise the proposed amendments; agree with the recommendations from the Planning Commission; or direct the Staff to go back to the Planning Commission for additional analysis on this particular section.

Commissioner Kenworthy asked what percentage Director Erickson would recommend. Director Erickson thought the presentation by Planner Tyler showed the effects of setbacks in the open space calculation in the two zones. He did his own calculations in the RD zone, the Estate zone, and the Single-Family zones and reached the same percentages. He stated that if it is a pure infill affordable housing project with the required setbacks, it would still be within the ranges shown based on lot size. Director Erickson explained that the 30% number comes from a combination of the setbacks and usable open space. If the open space is reduced, they could possibly lose the usable open space. Commissioner Thimm was not in favor of losing usable open space.

Commissioner Suesser referred to the picture on the right side of the screen; and asked if it was considered usable or open space. Planner Tyler replied that it was usable open space. She pointed out that someone would have the capability to throw a baseball, which is meaningful communal open space that Cascadia Partners talked about in their report. Commissioner Thimm remarked that if it were sloped with boulders and trees, it would be beautiful open space but not usable.

Director Erickson understood that the Planning Commission was considering additional recommendations to the City Council to consider additional changes to the total amount of open space in an affordable MPD. Commissioner Hall reiterated that her preference

was to have more leniency for affordable housing in order to achieve their critical priority. She proposed a 15% minimum.

Chair Phillips concurred with the 15% minimum; however, he would leave the other portion unchanged because he did not want the pendulum to swing too far. Chair Phillips believed 15% moved the needle in the right direction, but not too far.

Commissioner Suesser stated that her concern with requiring at least 15% of usable open space is a situation where there is not enough area to landscape and create a communal place to throw baseball, and open space is paved over in order to hit the 15% minimum usable open space.

Planner Tyler stated that based on her measurement, the percentage of the green space on the lot on the right side of the screen was 5% of the lot. It is just the green area and not the sidewalk around it. If the Commissioners were to require a section of the open space to be usable, this was how 5% would look.

Commissioner Suesser preferred to keep the 30% and require at least 15% to be usable. Commissioner Thimm thought 30% was excessive based on his professional planning experience. He believed 15-20% was a noble goal, but he would not want to do it at the expense of losing all the usable open space. Chair Phillips concurred with Commissioner Thimm.

Commissioner Kenworthy suggested a compromise of 20%. Commissioner Thimm was not opposed to 20%. Commissioner Kenworthy agreed with Director Erickson about being careful not to lose the balance in the matrix.

Commissioner Suesser asked if the consultants recommended the ratio. Planner Tyler replied that the consultants recommended 15%. Chair Phillips believed the consultants made their recommendation based on their professional expertise.

Director Erickson stated that one reason for the usable open space equation was the fact that it was very difficult to look at what was actually open space. For example, at the MARC it is unclear whether the tennis courts or the pool count as open space. The Staff thought it was necessary to say that a portion of the lot could be hardscaped to make it functionally developed recreation space as opposed to just leaving it greenspace. Director Erickson noted that the Staff struggled with the definition based on previous open space conversations.

Director Erickson suggested that a potential compromise could be somewhere between 13% and 22% on small infill lots. They could also look at 25% open space, which

includes all the setbacks, and then reduce the minimum usable open space into a 5% to 10% range. Commissioner Hall did not think it should be that complicated. She suggested a 20% minimum and not complicate it with the definition of usable space. Commissioner Thimm agreed with 20% with half of it being usable.

Director Erickson stated that if there was Board consensus for 20%, the Staff would take that recommendation to the City Council.

Commissioner Van Dine preferred to be more specific and define the usable open space rather than just a blanket definition of open space.

Commissioner Kenworthy was comfortable with the compromise. From his reading of the report, the needle will move more with the height restrictions and the parking. Commissioner Sletten concurred.

Mr. Glidden asked for clarification because he was struggling with the usable open space. He noted that everyone worked together but they all had differing opinions. The result enabled this to come before the Planning Commission this evening. Mr. Glidden stated that like Commissioner Hall, he thought it needed to be 15% to move the needle at all. Mr. Glidden asked if they were to have a setback of 10% around a space and added grass, whether that would be considered usable.

Commissioner Hall thought it was so complicated that she would vote to not have it. Commissioner Thimm stated that if they end up with a 2:1 slope for all the open space on the lot and it is totally unusable, they will not achieve the goal of creating a healthy community.

Mr. Glidden clarified that his point was that usable open space should be clearly defined to avoid any confusion. He liked the idea of counting private areas or roof decks as usable open space. It allows more flexibility and spaces to build on, but still creates open space or private areas for leisure times. Mr. Glidden emphasized that the definition of usable open space is very important.

Director Erickson believed a basic planning principle was involved. Whether or not they like the definition of usable open space, it is a high function in creating a community and it needs to occur. He recognized the definition may not be perfect and he agreed with the need to provide balance and make things more allowable and understandable to the development community by removing some of the discretion. However, at the same time they need to be community builders. The goal is to be inclusive and to protect the current neighborhoods. They were trying to develop social equity where everyone has a chance to have a backyard; and they were changing the functional

nature of backyards by going to a higher density, smaller lot configuration. Director Erickson stated that he was arguing the best he could for community building; and at the same time being inclusionary in housing. For that reason, they drafted the usable open space definition. If the Planning Commission was not comfortable with the definition, the Staff could revise it based on their comments.

Chair Phillips thought the definition for usable open space should be revised; however, he agreed with the importance of having a definition.

Chair Phillips opened the public hearing.

There were no comments.

Chair Phillips closed the public hearing.

Commissioner Suesser asked Commissioner Thimm whether he could consider planting lawn within the setback as usable open space. Commissioner Thimm replied that based on his personal planning knowledge, usable open space should be land that has a slope of less than 5% and a dimension of not less than 10-feet in any direction. He thought there should be some parameters in the definition.

The Commissioners discussed various buildings and amenities that could be built to meet the Code and still achieve the goals. Commissioner Hall was concerned about adding expensive amenities that would prohibit the project from being affordable housing. Chair Phillips pointed out that not every site is suitable for affordable housing. Commissioner Hall agreed, but she thought they should encourage as many options as possible. Chair Phillips believed they were doing that; but at the same time, they need to be careful about negatively impacting the existing neighborhoods. Commissioner Hall clarified that the City paid for a consultant study on how to achieve their goal and she thought they should follow their expert opinion.

Chair Phillips re-opened the public hearing at the request of someone who had questions.

Kaitlyn McHugh understood that usable open space was generally programmed space or well-defined space. She believed that opening up less desirable sites for affordable housing, such as a steep slope, is an incentive to take over those spaces. Ms. McHugh thought they could include a roof deck as open space if it is accessible to everyone rather than just one home; or if the amount of private open space per unit is equal. However, to only have open space mandated by a minimal slope that can be utilized

with grass and turf for play in a traditional sense is limiting. Ms. McHugh was pleased that the City was looking for ways to encourage affordable housing.

Ms. McHugh asked for clarification on whether the setbacks count as open space. Chair Phillips answered yes. Ms. McHugh noted that it was a lot of open space with much of it being unusable. She asked if they make the open space 20% minimum and no usable requirement, whether a developer could meet the open space requirement with just the setbacks.

Director Erickson explained that the usable space is supposed to have a function rather than just be greenspace. The idea is to build community with functional spaces such as swing sets, fire pits, tennis courts, etc. Director Erickson stated that the green space is not unusable. Greenspace provides environmental benefits and accommodates snow removal. It also creates space between neighbors instead of a fence. Director Erickson remarked that whether the percentage is right or wrong, the greenspace has a function in community building.

City Attorney Harrington stated that Ms. McHugh was correct. For one acre or less, 20% would just be the setbacks. Ms. McHugh asked if that was in the definition of usable open space. Director Erickson clarified that the open space could be achieved with just the setbacks, and still achieve the functionality of those greenspaces without doing anything additional. Director Erickson believed most of the projects would be on two acres or less and generally as infill. Ms. McHugh asked if that was in the definition of usable space. Director Erickson stated that the definition is an unobstructed portion of a lot, which is landscaped or hardscaped, and developed for active or passive recreational and leisure use. Commissioner Suesser added that usable open space is conveniently located and accessible and open to the project residents.

Chair Phillips closed the public hearing.

Commissioner Kenworthy was comfortable with the compromise of 20% open space with 10% being usable.

Commissioner Sletten still preferred 20% open space without a percentage for usable open space, but he would vote in favor of a compromise by the majority of Commissioners.

Commissioner Kenworthy believed a percentage for the usable portion was important.

Commissioner Suesser thought the Planning Department was going in the right direction with the 30% minimum open space and 15% usable open space. She preferred to keep the Staff recommendation.

Commissioner Thimm was comfortable with 20% open space and 10% of that being usable.

Commissioner Hall preferred a straight 15-20% minimum open space and not complicate it with usable open space.

Commissioner Van Dine was comfortable with the 20% minimum open space and 10% of that amount as usable. Chair Phillips concurred.

Commissioner Hall pointed out that the majority of the Commissioners favored the 20% minimum with 10% being usable. Commissioner Sletten clarified that he was willing to compromise because the other issues would move the needle much more than open space. He thought it was important to forward a recommendation to the City Council and then address the other issues. Commissioner Hall agreed. It is important to move this along and she would vote for a positive recommendation.

MOTION: Commissioner Thimm moved to forward a POSITIVE recommendation to the City Council on January 16, 2020 for the proposed LMC Amendments with the following modifications: to consider 20% open space with 10% of that amount as defined usable open space; with direction to the Staff to provide additional definitions identifying specific types of usable open space; and to include the addition of Subsection g) and the change to replace off-site with on-site in the language. Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously.

Commissioner Hall left the meeting.

5.B. 158 Ridge Avenue – Conditional Use Permit – The Applicant Seeks to Obtain a Nightly Rental Conditional Use Permit for the Single-Family Dwelling in the Historic Residential-Low Density Zoning District.
(Application PL-19-04378)

Planner Rebecca Ward reviewed the application for a nightly rental conditional use permit for 158 Ridge Avenue. She noted that the lot was in the tiny triangle area in the

nightly rental zoning map within the HRL zone, which requires this conditional use permit.

Planner Ward reported that currently there are seven active rental CUPs in this zone. The Planning Commission approved the 81 King Road conditional use permit; however, a business license has not yet been secured for that application. If that business license is secured, there could potentially be eight active rental CUPs within the next few months.

Planner Ward stated that 158 Ridge Avenue is approximately 3,000 square feet with three bedrooms. It was constructed in 2018. Planner Ward remarked that of the 16 conditional use permit criteria, the Staff recommended conditions of approval; specifically, to address traffic in the area. She noted that 158 Ridge Avenue is accessed by King Road or Daly Avenue, which are substandard streets. The blue shown on the map identified a driveway that was constructed in the platted, unbuilt Ridge Avenue right-of-way. Because of that driveway, parking, snow storage and other factors limit parking for the area. Planner Ward stated that the private driveway is only 20' feet wide and the City Engineering Department confirmed that with snow removal and other factors, no parking is allowed.

Planner Ward reported that when the property was platted Parcel A was dedicated to the City. The Engineering Department confirmed that no parking was allowed on a small area of the parcel or on Ridge Avenue.

Chair Phillips referred to a previous image showing a truck. He is familiar with that area and noted that it is very inviting to park there because it is City property. It is currently gravel and he suggested that the City plant grass or do other things to discourage parking. Planner Ward believed a no parking sign was posted across the road but none along the other side of the road.

Planner Ward stated that because of the limits to parking and the substandard roads, a condition of approval limits the number of vehicles to two for the nightly rental, with parking in the attached garage or the driveway on-site. She remarked that parking on the platted unbuilt Ridge Avenue right-of-way is prohibited. Parking on Ridge Avenue is also prohibited. Due to the steep slope of the road, Condition of Approval #10 requires that lease agreements notify potential renters of the possibility of bad road conditions. The applicant suggested including a recommendation for all-wheel drive vehicles during the winter months.

Planner Ward remarked that the triangle area with the HRL District is called out in the General Plan as an area for nightly rentals within the community. Since it is within

walking distance to public transit and skiing access, Condition of Approval #11 requires that the applicant provide information about the walkability of the site. Planner Ward stated that additional conditions of approval were added to make sure commercial use is prohibited, that a property management company will manage the property, and that the property complies with the Code; especially 4-5-3, Regulation of Nightly Rentals.

Planner Ward reported on public comment that was received. One of the emails was published in the Staff report as Exhibit E. An additional email dated January 7th was received after the Staff report was delivered. She had forwarded that email to the Planning Commission.

The Staff recommended that the Planning Commission conduct a public hearing and consider approving the requested conditional use permit.

Chair Phillips stated that he would like to get better at stating on the record that the Planning Commission received the public input emails and have acknowledged them.

Chair Phillips referred to the eight stars shown on the diagram indicating the nightly rentals, and he thought it was sad to see what is happening to some of the neighborhoods. He noted that in past years the Planning Commission had discussions on limiting nightly rentals. He questioned whether it was a discussion that should come back. Chair Phillips remarked that during that period, the Planning Commission was successful in making one area on McHenry no nightly rentals, which he felt was a major accomplishment. He was unsure if there are other areas in Old Town where that could occur. Chair Phillips pointed out that McHenry was slightly different because the neighbors came to the City with a request to prohibit nightly rentals and there were no existing nightly rentals. Chair Phillips recognized that nightly rentals are a part of Park City and how the town functions. He lived in this neighborhood for 15 years and it has degraded the neighborhood. It changes the community feel by not having year-round residents.

Commissioner Sletten asked Chair Phillips if it degraded the neighborhood because homes were vacant for periods of time. Chair Phillips stated that when he first moved into the neighborhood people lived there full-time and they were neighbors. Over time many of the homes were sold and bought by second homeowners, and they lost the neighborhood feel. Chair Phillips agreed that it was nice to have the homes occupied, which is a benefit of nightly rentals, but the downside is having strangers coming in and out who do not respect the neighborhood the same as permanent residents.

Chair Phillips remarked that years ago the Planning Commission discussed putting a cap on nightly rentals. He was mentioning it again now because recently they have seen a wave of applications for nightly rentals in this same neighborhood.

Chair Phillips emphasized that this applicant would be treated consistent with how they have treated all other applicants requesting nightly rentals in that neighborhood. However, he questioned whether the Planning Commission should have a larger discussion at a later time to relook at nightly rentals and prevent Old Town from turning into a hotel.

Commissioner Suesser believed this property could be distinguished from the other nightly rentals they approved because of where it is located. She did not think it was realistic to think that someone could park in a parking garage and walk to this property as suggested in the conditions of approval. She pointed out that this property was further than the properties on King Road and further from skiing and Main Street than the properties on Sampson Avenue. Commissioner Suesser thought this application was different and could be treated differently than previous applications.

Chair Phillips clarified that he was not suggesting the same result. His comment was about treating this application equally to determine the outcome.

Commissioner Suesser noted that this was a three-bedroom home. She recalled that the previous approvals for nightly rentals were smaller homes. Chair Phillips remarked that the nightly rental they approved a few years ago for 60 Sampson Avenue was a larger home. Commissioner Suesser pointed out that it was also within walking distance to the resort. Chair Phillips agreed that it was closer to the resort for walking, but equal distance for driving and parking. He believed this request was similar to 60 Sampson Avenue.

Commissioner Suesser favored a discussion regarding a cap on nightly rentals. Chair Phillips suggested adding that discussion to the work session they talked about earlier in the meeting. Commissioner Kenworthy agreed that it should be a priority on the work session agenda.

Commissioner Kenworthy was concerned about the infrastructure and driving to the property. He visited the site earlier that day and it was snowing. He lived in the neighborhood for 15 years and it is a very difficult access driving on Ridge and extremely difficult driving down King Road. His concern was public safety and Old Town roads. Commissioner Kenworthy believed there are many reasons why nightly rentals are not allowed uses in many Old Town neighborhoods and are required to come before the Planning Commission.

Chair Phillips opened the public hearing.

William Sundermeier, the applicant, stated that he rarely walks from the house down to Main Street, down to the parking garages, and to the bus areas, because the trolley stop is at the bottom of the hill. It is a steep hill to walk up but not far and he does this on a regular basis. It is a five or ten minute walk to the transit station. He was willing to post it in the house to let people know they could do this. Mr. Sundermeier stated that he walked up the hill today when it was snowy. He has a four-wheel drive vehicle and he was pleased that it was a requirement in the conditions of approval.

Mr. Sundermeier stated that he has been a member at Silver Baron for 15 years and has been part of the Park City community for that time. He moved to this residence because he wanted to get away from the hotel environment. Mr. Sundermeier stated that he was looking at nightly rentals for major holidays when they are not in Park City. Otherwise they live in the house for a couple of months in the winter and a couple of months in the summer. He does not want to be an impact on the community and he fully intends to respect the neighbors. Mr. Sundermeier wanted this to be low impact for the entire community to avoid the churn that he experienced at the Silver Baron Lodge. He is highly aware of the situation and wants to be respectful of everyone in the area.

Chair Phillips closed the public hearing.

Chair Phillips personally believed this application was similar to the previous applications. He believed the Staff heard their comments from one that was discussed a few months ago and those comments were addressed in this recommendation. Chair Phillips could see no reason to deny this application. He thought it was important to determine whether or not additional restrictions were required.

Commissioner Kenworthy asked for the length of a business license. City Attorney Harrington stated that the CUP runs with the property. A business license is renewed annually. Chair Phillips clarified that if the property changes ownership, the CUP for nightly rentals transfers with the property.

Commissioner Kenworthy wanted to know what would happen if during a work session the Planning Commission decided to put a cap on nightly rentals or decided to prohibit nightly rentals in a specific area. City Attorney Harrington stated that they could have a sunset provision for some business licenses for non-conforming uses and nightly rentals would technically become a non-conforming use. If there is no sunset clause, the nightly rentals would be grandfathered in as long as the business license is renewed every year.

Director Erickson noted that based on their comments, Planner Ward had added additional conditions of approval that are not typical. He suggested amending Condition #13 to provide a mechanism for publicly posting the owner or property manager's contact information if the neighbors have issues or if the police are called out on a complaint. Director Erickson revised Condition #13 to require a location to post the contact information for the site where it is accessible to the public. Director Erickson noted that it could be on the property management sign as long as they have a manager to contact.

Commissioner Sletten referred to Condition #10. He understood they were trying to notify the potential renter as much as possible. However, if a family arrives with small children and it is snowing, the likelihood of parking below and walking up with a family is unrealistic. He was unsure how that could be enforced. Commissioner Sletten understood the intent of the condition, but he did not believe there was a level of protection if someone drops off the family and goes down the hill to park. Director Erickson believed it was an attempt to make it transparent to the lessee that they are on a road that may not get plowed. Commissioner Suesser thought it was more about a warning than actually walking up to the site. Chair Phillips thought it might also encourage the lessee to rent a four-wheel drive vehicle. Director Erickson clarified that they cannot control public behavior; but being in the lease agreement makes the renter aware of the situation.

Commissioner Suesser asked if they could require all-wheel drive vehicles during the winter months. She believed it was completely appropriate, even though it creates an enforcement issue. Director Erickson did not think the conditional use provisions would allow that requirement, but he was willing to look into it. City Attorney Harrington stated that the challenge is distinguishing that property from any other temporary invitee. If the road was signed to require all-wheel drive vehicles for all users there would be no hesitation. Commissioner Kenworthy believed the condition of approval would protect the guests because the road is hazardous.

Commissioner Suesser thought Director Erickson's suggestion to include signage for the property management company should be included in Condition #13. City Attorney Harrington added "including notification in the lease of the contact information". He noted that signage is prohibited in the business license section. There can be no signage for nightly rentals on the outside of the property. A sign or placard notification on the inside would be allowed, but they need to be specific that it is internal. Commissioner Suesser suggested that the property management company name and contact information should be part of the business license. Mr. Harrington stated that it already is, but not as clear as what Director Erickson was proposing in terms of

notification. He thought it was better to add it to the condition of approval that it be provided in the lease or on the premises.

MOTION: Commissioner Kenworthy moved to APPROVE the Conditional Use Permit for a nightly rental at 158 Ridge Avenue, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval found in the Staff report and as amended with the change to Condition of Approval #13, that contact information shall be posted in the entry of the home and included in the lease. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously. Commissioner Hall was not present for the vote.

Findings of Fact – 158 Ridge Avenue

1. On November 21, 2019, the Applicant submitted a Nightly Rental Conditional Use Permit application for 158 Ridge Avenue.
2. On November 26, 2019, staff determined the application was complete.
3. On October 25, 2007, the City Council adopted Ordinance 07-74 approving the three-lot King Ridge Estates subdivision (Summit County Recorder Entry 847041).
4. 158 Ridge Avenue is Lot 3 (0.17 acres) of the King Ridge Estates subdivision.
5. The three lots in the King Ridge Estates subdivision are accessed solely over a private driveway that was constructed in the platted, un-built Ridge Avenue right-of-way.
6. 158 Ridge Avenue is located in the Historic Residential – Low Density Zoning District.
7. Nightly Rentals require a Condition Use Permit in the Historic Residential – Low Density Zoning District.
8. The 2,945-square-foot Single-Family Dwelling at 158 Ridge Avenue contains three bedrooms and was constructed in 2018.
9. Potential Nightly Rental occupancy is limited by existing size and emergency escape and rescue opening standards of the International Residential Code.
10. In addition to a Nightly Rental Conditional Use Permit, the owner must secure a Nightly Rental Business License to use the property as a Nightly Rental.
11. The business license application process requires that the Building Department inspect the property to ensure that the property meets all applicable building and fire codes.
12. One of the purposes of the Historic Residential – Low Density Zoning District is to reduce density that is accessible only by substandard Streets so the streets are not impacted beyond their reasonable carrying capacity.
13. 158 Ridge Avenue is accessed by either King Road or Daly Avenue to Ridge

Avenue, which is a substandard street.

14. Six total residences are accessed by Ridge Avenue.

15. 158 Ridge Avenue and the other two properties to the south that are also part of the King Ridge Estates subdivision are accessed over a private driveway that was constructed in the platted, un-built Ridge Avenue right-of-way.

16. 158 Ridge Avenue use as a private residence or Nightly Rental has a minimal change to utility capacity and storm water run-off.

17. On June 10, 2009, the Planning Commission approved a Conditional Use Permit for the construction of the private driveway in the Ridge Avenue right-of-way to access 158 Ridge Avenue and the other two lots in the subdivision. The 2009 Conditional Use Permit includes Condition of Approval 7, which states "[p]arking is restricted on the driveway."

18. The 2009 Conditional Use Permit expired before the private driveway was built.

19. On July 23, 2014, the Planning Commission once again approved a Conditional Use Permit for the construction of the private driveway in the Ridge Avenue right-of-way. The 2014 Conditional Use Permit includes Condition of Approval 12 restricting parking on the driveway.

20. The Engineering Department determined that the private driveway constructed on the Ridge Avenue right-of-way is only 20 feet wide, which does not support both access to the three King Ridge Estate lots and parking.

21. The King Ridge Estates plat dedicated Parcel A to Park City as a public street and right-of-way. No parking is allowed on Parcel A because of turning radius requirements, snow storage, and fire access.

22. Only two parking spaces are available to 158 Ridge Avenue, one in the attached garage and one in the driveway constructed on Lot 3.

23. Ridge Avenue is a steep and narrow street. During weather-related road conditions, access to 158 Ridge Avenue may be limited. During weather-related events, renters may need to park off-site in an approved overnight public parking lot and walk to the rental property. All-wheel drive vehicles are recommended to access the property during the winter months.

24. 158 Ridge Avenue is located within an estimated 10 to 15-minute walk from Main Street.

25. The Upper Norfolk ski runs at Park City Mountain Resort are within walking distance.

26. Fencing is not proposed at this time. No changes to the exterior landscaping are part of this application.

27. No change is proposed for the building mass, bulk, orientation, or location.

28. There is no public Open Space in the King Ridge Estates subdivision. Lot 3 contains a building footprint and paved area of 3,445 square feet. Approximately 47 percent of Lot 3 is landscaped.

29. No signs are proposed.

30. Lighting must conform to Building and Land Management Code standards before a Nightly Rental Business License is granted.
31. No changes to the physical design are proposed.
32. No noise, vibration, odors, steam, or mechanical factors that might affect people and property off-site are anticipated.
33. No deliveries are anticipated.
34. Residential trash pickup for the property is on Ridge Avenue. Trash receptacles must be placed for trash pickup according to Park City Code § 6-1-11, which requires that trash receptacles cannot be set out for collection prior to 6:00 PM of the day before collection. All trash receptacles in the HRL District must be removed from the street as soon as practical after being emptied, and in every case must be removed from the street prior to 11:59 PM the day they are emptied.
35. The 158 Ridge Avenue Nightly Rental shall be managed and maintained by a property management company.
36. No changes to the structure are proposed and no environmental site conditions are present.
37. Goal 7 of the General Plan, Life-Cycle Housing, is to create a diversity of primary housing opportunities to address the changing needs of residents. Objective 7C is to focus future nightly rental units to resort neighborhoods – near Park City Mountain Resort and Deer Valley. 158 Ridge Avenue is within walking distance of Park City Mountain Resort skiing access through Upper Norfolk Avenue.
38. Goal 9 of the General Plan, Parks & Recreation, is to continue to provide unparalleled parks and recreation opportunities for residents and visitors. Objective 9C is to optimize interconnectivity by utilizing bus/transportation services to recreation facilities.

Conclusions of Law – 158 Ridge Avenue

1. The proposed application as conditioned complies with the requirements of the Land Management Code.
2. The proposed Nightly Rental is compatible with surrounding structures in use, scale, mass, and circulation.
3. The proposed Nightly Rental use is consistent with the Park City General Plan.
4. The effects in difference in use or scale of the Nightly Rental have been mitigated through careful planning and conditions of approval.

Conditions of Approval – 158 Ridge Avenue

1. All standard project conditions shall apply.

2. The applicant must obtain a valid Nightly Rental Business License prior to using 158 Ridge Avenue as a Nightly Rental.
3. Compliance with all building and fire code standards is required as a condition precedent to issuance of a Nightly Rental Business License.
4. All existing and any new exterior lighting shall conform to the City's lighting requirements prior to the issuance of a Nightly Rental Business License.
5. No exterior commercial signs are approved as part of this Nightly Rental Conditional Use Permit. Any future signs on the property shall be subject to the Park City Sign Code.
6. All lease agreements for Nightly Rental shall include language that limits the vehicles allowed at 158 Ridge Avenue to two (2) vehicles that may only park on two (2) on-site parking spaces: one in the attached garage and one on the private 158 Ridge Avenue driveway.
7. Parking on the private driveway constructed on the platted, un-built Ridge Avenue right-of-way that provides access to 158 Ridge Avenue is prohibited.
8. Parking on Ridge Avenue is prohibited.
9. Property management shall place trash receptacles for trash pickup according to Park City Code § 6-1-11, which requires that trash receptacles cannot be set out for collection prior to 6:00 PM of the day before collection. All trash receptacles in the HRL District must be removed from the street as soon as practical after being emptied, and in every case must be removed from the street prior to 11:50 PM the day they are emptied.
10. All lease agreements for Nightly Rental shall include language indicating that during heavy snowfall or bad road conditions, access to the property may be limited and there may be times when renters need to park off-site in a public parking lot and walk to the property. All-wheel drive vehicles are recommended during winter months.
11. The applicant must provide renters with detailed information regarding walkable access to skiing, to Park City's Historic Main Street, to Old Town, and to Park City's free transit service.
12. Nightly Rental of 158 Ridge Avenue prohibits Commercial Uses such as hospitality houses, screening rooms, reception centers, etc.
13. A property management company shall oversee the property and shall maintain the property and landscaping in a manner that shall comply with all City Code and Land Management Code standards. Contact information shall be posted in the entry of the home and included in the lease.
14. The property must comply with Park City Code § 4-5-3, Regulation of Nightly Rentals.
15. The owner understands fully that failure to follow these conditions, the Land Management Code, or the Park City Code could result in revocation of the Business License and/or the Conditional Use Permit.

Chair Phillips re-arranged the agenda and moved to Item 5.D., 1274 Park Avenue Plat Amendment. The applicant and the Staff were requesting a continuation to a date uncertain.

5.D. 1274 Park Avenue – Plat Amendment – The Applicant Proposed Amending the Alpine Retreat Plat to add a Single Car Garage, Accessed from Sullivan Road, with an Upper Level Studio for the Significant Historic Single-Family Dwelling located at 1274 Park Avenue. (Application PL-19-04386)

Chair Phillips opened the public hearing. There were no comments. Chair Phillips closed the public hearing.

MOTION: Commissioner Thimm moved to CONTINUE 1274 Park Avenue Plat Amendment to a date uncertain. Commissioner Kenworthy seconded the motion.

VOTE: The motion passed unanimously. Commissioner Hall was not present for the vote.

5.C. 2784 American Saddler Drive – Plat Amendment – The Applicant proposes Combining Lots 11 and 12 of the Fairway Meadows Subdivision in the Residential Development Zoning District. (Application PL-19-04391)

Planner Ward noted that the applicant for 2784 American Saddler Drive owns Lots 11 and 12 of the Fairway Meadows Subdivision. The existing home is on lot 11. Lot 12 is vacant. The applicant was proposing to combine the lots in order to construct an addition to their home. The property is located in the Residential Development zone. The Code requires the Planning Director to make determinations on the house size, setbacks, easements, and conformance with the Code.

Planner Ward reported that the Planning Director has determined that under the Code the maximum house size for the combined lots would be 8,250 square feet. The setbacks increase and the Staff was requesting to amend Condition of Approval #5 to clarify that the setbacks apply to the new construction that is added to the existing structure. Those setbacks are more restrictive than the zone setbacks.

Planner Ward stated that the application was reviewed by the Development Review Committee, at which time it was understood that there are no utilities in easements that will need to be moved. However, the Code requires the applicant to provide proof to

demonstrate that before the final plat is recorded. That requirement is reflected in Condition #6.

The Staff evaluated the application and found that it conforms with the LMC.

Planner Ward presented a slide with Lots 11 and 12 shown in green. The applicant contacted the adjacent property owner and had submitted consent from those property owners for this application. Consent was not required but it was submitted with the application and was included in the Staff report as Exhibit B. The Staff had also received an email from the neighboring property owner in support of this application.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council with the amendment to Condition of Approval #5.

Commissioner Suesser asked if there was a limit on the number of accessory buildings on the combined lots. She noted that the Staff report identified setbacks for the main buildings and 15' for accessory buildings and detached garage. She asked if they could build another accessory building on the combined lot. Planner Ward understood from the Code that an accessory building could be constructed within the setback. Commissioner Suesser asked if there was a detached garage on the property. Planner Ward answered no; and clarified that the garage is attached to the existing home. She noted that the Code requires the setbacks and if there was a change, a detached garage would need to comply. Chair Phillips clarified that the language was taken from the Code and it was not particular to this application. Planner Ward replied that he was correct.

Chair Phillips opened the public hearing.

There were no comments.

Chair Phillips closed the public hearing.

MOTION: Commissioner moved to forward a POSITIVE recommendation to the City Council for the plat amendment for 2784 American Saddler Drive, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval found in the Staff report and as amended with the change to Condition #5 to add "or new structure" after the words existing structure. Commissioner Van Dine seconded the motion.

VOTE: The motion passed unanimously. Commissioner Hall was not present for the vote.

Findings of Fact – 2784 American Saddler Drive

1. On December 4, 2019, the Applicant submitted an application to combine Lots 11 and 12 of the Fairway Meadows Subdivision.
2. On December 11, 2019, staff determined the application was complete. 87
3. On March 17, 1992, City Council approved the Fairway Meadows Subdivision (Summit County Recorder Entry 356214).
4. The Fairway Meadows Subdivision Plat prescribes maximum house sizes for each lot.
5. The maximum house size for the 0.39-acre Lot 11 is 5,500 square feet.
6. The maximum house size for the 0.36-acre Lot 12 is 5,500 square feet.
7. Note 8 of the Fairway Meadows Subdivision Plat states that “[m]aximum house sizes on combined lots shall not exceed 150% of the maximum allowed on each lot when averaged.”
8. The combining of existing subdivided Lots into one or more Lots requires a Plat Amendment.
9. Lots 11 and 12 of the Fairway Meadows Subdivision are located in the Residential Development (RD) Zoning District.
10. Single-Family Dwellings are an allowed use in the RD Zone.
11. In the RD Zone, an owner may combine Lots with designated maximum house sizes and achieve approximately 150% of the maximum house size attributed to a particular Lot.
12. The Owner must request an increase in maximum house size prior to or concurrent with the Lot combination plat.
13. Prior to consideration by the Planning Commission, the Planning Director must make a determination on (A) maximum house size; (B) Setbacks; (C) vacation of easements; and (D) conformance with Land Management Code Chapter 15-7, Subdivisions.
14. On December 23, 2019, Planning Director Erickson made the following determinations: (A) the maximum house size for combined Lots 11 and 12 shall be 8,250 square feet; (B) Lot 12 Setbacks shall be as follows: Front – 30’; Rear – 22.5’ for Main Buildings and 15’ for Accessory Buildings and detached garage; Side – 18’; (C) the non-exclusive five-foot utility, slope, and drainage easement along the common Lot line between Lots 11 and 12 may need to be vacated; and (D) the Lots must be legally combined through a plat amendment pursuant to LMC Chapter 15-7, Subdivisions.
15. The proposed Fairway Meadows Subdivision Lot 11 Amendment has been reviewed for compliance with Land Management Code § 15-1-8(H); § 15-1-11(C); § 15-2.13-6; § 15-7.1-3(B); § 15-7.1-6; and § 15-12-15(B)(9).

Conclusions of Law – 2784 American Saddler Drive

1. There is good cause for the Fairway Meadows Subdivision Lot 11 Amendment.

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

Conditions of Approval – 2784 American Saddler Drive

1. The City Attorney and City Engineer will review and approve the final form and content of the Fairway Meadows Subdivision Lot 11 Amended 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 amended plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year, this approval for the plat will be void, unless a request for an extension is submitted in writing and approved by the City Council.
3. All applicable recorded public utility and access easements shall be indicated on the plat prior to recordation.
4. The maximum house size for combined Lots 11 and 12 shall be 8,250 square feet. The maximum house size shall be noted on the final plat.
5. Setbacks for new construction added to the existing Structure at 2784 American Saddler Drive shall be as follows: Front – 30'; Rear – 22.5' for Main Buildings and 15' for Accessory Buildings and detached garage; Side – 18'.
6. If the non-exclusive five-foot utility, slope, and drainage easement dedicated along all lot lines on the Fairway Meadows Subdivision Plat must be vacated to allow construction on the combined Lots, the Applicant must show evidence that the easement can be vacated or relocated without affecting service to the adjacent Lots. The easement relocation agreement must be recorded and/or shown on the plat amendment for the Lot combination.

5.E. 7058 Silver Lake Drive – Plat Amendment – The Applicant Proposes Amending the Area of Disturbance for Lot 1 of the Evergreen Subdivision in the Residential Development Zoning District (Application PL-19-004378)

Planner Ward stated that the applicant was proposing to amend the area of disturbance for Lot 1 in the Evergreen Subdivision that was set when the plat was recorded in 1988 to increase the area from 5,270 square feet to 6,260 square feet.

Planner Ward reported that the existing area of disturbance was shown in orange and the proposed area was shown in green. The proposal increases the area by

approximately 540 square feet. With the required setbacks, the buildable area within the proposed increase is approximately 5,000 square feet. Planner Ward stated that since the Evergreen Subdivision Plat was recorded, the areas of disturbance for a few lots have been increased since that time. Ordinance 92-42 increased Lot 15 by 30%. Ordinance 02-06 amended Lot 23 and relocated a ski easement. When the amended plat was recorded, there was no area of disturbance and it expanded the buildable area to 12,000 square feet. The existing home has a building footprint of approximately 5,000 square feet.

Planner Ward stated that an ordinance was passed to combined Lots 16 and 17. The area of disturbance was eliminated from the plat but a condition of approval limited the house size to 11,000 square feet. The existing home has a building footprint of 5,000 square feet.

The Staff found that the proposal complies with the Residential Development zoning requirements. The City Council passed an amendment to the plat in 1995 requiring any proposal to change the area of disturbance to be approved by the Evergreen Architectural Committee. The applicant submitted the approval by the Evergreen Architectural Committee on December 18, 2019.

The Staff recommended that the Planning Commission conduct a public hearing and consider approving the amendment to Lot 1 of the Evergreen Subdivision.

Commissioner Thimm thanked Planner Ward for her clarification this evening. He was curious about the precedence and whether they were maintaining congruence with those precedents.

Chair Phillips opened the public hearing.

There were no comments.

Chair Phillips closed the public hearing.

MOTION: Commissioner Van Dine moved to forward a POSITIVE recommendation to the City Council for the plat amendment for 7058 Silver Lake Drive, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as outlined in the draft ordinance. Commissioner Kenworthy seconded the motion.

VOTE: The motion passed unanimously. Commissioner Hall was not present for the vote.

Findings of Fact – 7058 Silver Lake Drive

1. On November 19, 2019, the Applicant submitted an application to amend the area of disturbance for Lot 1 of the Evergreen Subdivision Plat.
2. On November 21, 2019, staff determined the application to be complete.
3. The Applicant proposes to increase the area of disturbance for Lot 1 of the Evergreen Subdivision from 5,270 square feet to 6,260 square feet, a total increase of 540 square feet.
4. On March 19, 1987, the City Council approved the 36-Lot Evergreen Subdivision Plat (Summit County Recorder Entry 269685).
5. On May 17, 1988, the City Council approved an Amended Evergreen Subdivision Plat (Summit County Recorder Entry 290308).
6. Since the 1988 subdivision approval, City Council approved enlarging at least two Evergreen Subdivision Lot areas of disturbance (Ordinance No. 94-42 and Ordinance No. 02-06).
7. On April 27, 1995, the City Council passed Ordinance No. 95-17, An Ordinance Approving a Plat Amendment to the Evergreen Subdivision Area of Disturbance in Park City, Utah, requiring Evergreen Architectural Committee review and approval to amend the area of disturbance for the Evergreen Subdivision Lots.
8. Altering areas of disturbance on a subdivision plat requires a plat amendment.
9. Subdivision plat amendments are reviewed by staff and submitted to the Planning Commission for recommendation to the City Council. The City Council takes final action on plat amendments.
10. Lot 1 of the Evergreen Subdivision (7058 Silver Lake Drive) is located in the Residential Development Zoning District (RD Zone) within the Deer Valley Master Planned Development.
11. Lot 1 is adjacent to a residential property. The Deer Valley Last Chance Ski Trail runs directly behind Lot 1. A portion of Lot 1 contains a dedicated ski easement.
12. Single-Family Dwellings are an allowed use in the RD Zone.
13. There are no minimum or maximum Lot size requirements in the RD Zone and the maximum density for Lot 1 of the Evergreen Subdivision will be determined by Setback and Height restrictions outlined in the Land Management Code and contained within the area of disturbance established by the plat.
14. The Evergreen – Lot 1 Amended Plat complies with the Evergreen Subdivision plat requirements.
15. On December 18, 2019, the Applicant provided a letter demonstrating Evergreen Architectural Committee approval of the proposed enlargement of the Lot 1 area of disturbance.

16. The approval letter requires the following two conditions of approval: (1) the building pad adjustment must not encroach upon the recorded ski easement; and (2) the proposed building pad must maintain all lot setbacks required by the Land Management Code.

17. The Evergreen Subdivision Plat requires a 10-foot-wide non-exclusive utilities and drainage easement along all subdivision boundary lines, a five-foot-wide non-exclusive utilities and drainage easement along all side and rear lot lines, a five-foot-wide nonexclusive utilities and snow storage easement along all front lot lines, and the installation of an individual pressure reducer valve for each house constructed within the subdivision.

18. The proposed Evergreen Lot 1 Subdivision Amended Plat contains a note that all Conditions of Approval of the Evergreen Subdivision Plat continue to apply and that the house on Lot 1 will be required to install an individual pressure reducer valve.

Conclusions of Law – 7058 Silver Lake Drive

1. There is good cause for the Evergreen – Lot 1 Amended Plat.
2. The subdivision plat amendment is consistent with the Park City Land Management Code and applicable Utah law.
3. The subdivision plat amendment is consistent with the Evergreen Subdivision Plat.
4. Neither the public nor any person will be materially injured by the proposed plat amendment.
5. Approval of the subdivision plat amendment, subject to the conditions stated below, does not adversely affect the health, safety, or welfare of the citizens of Park City.

Conditions of Approval – 7058 Silver Lake Drive

1. The City Attorney and City Engineer will review and approve the final form and content of the Evergreen – Lot 1 Amended 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 amended plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year, this approval for the plat will be void, unless a request for an extension is submitted in writing and approved by the City Council.
3. All applicable recorded public utility and access easements shall be indicated on the plat prior to recordation.
4. The building pad adjustment must not encroach upon the recorded ski easement.
5. The proposed building pad must maintain all lot setbacks required by the Land Management Code.

5.F. 802 Empire Avenue – Subdivision – The Applicant is Requesting to Combine Multiple Parcels into a New Two (2) Lot Subdivision.
(Application PL-18-03949)

Planner Alexandra Ananth introduced the applicant, Tom Peek.

Planner Ananth reviewed the proposal to combine multiple vacant parcels into a new two lot subdivision. The applicant was simultaneously seeking a CUP to locate a shared driveway over the platted unbuilt City right-of-way. The CUP application was the next item on the agenda.

Planner Ananth stated that the parcels are steeply sloped and slope down from Empire Avenue to Crescent Tram with frontage on both street. The lots are currently vacant.

Planner Ananth presented a slide showing the proposed two-lot subdivision. She noted that both lots meet all the lot and site requirements for the zone. Planner Ananth stated that the question is how these lots compare in size with the other lots in the neighborhood; and whether this lot should remain one lot or is it appropriate to subdivide into two lots. Planner Ananth had prepared an analysis of the neighborhood. While the lot size is slightly lower than the existing average lot size, it is well within the range of surrounding lot sizes and it meets the minimum lot size requirement of 1875 square feet.

The Staff found good cause for this two-lot subdivision. The subdivision will create two legal lots of record, and both lots meet the lot and site requirements for the Historic Residential District and the development patterns of the surrounding neighborhood. The subdivision will encourage construction of contextually compatible structures that contribute to the character and scale of the Historic District and maintain the existing residential neighborhood context. The subdivision is consistent with the Park City Land Management Code and does not adversely affect the health, safety, and welfare of the citizens of Park City.

Planner Ananth reported on one email with public input that she received after the Staff report was published. The email was provided to the Commissioners this evening. Planner Ananth stated that the email expresses appreciation for the public walkway from Main Street along Crescent Tram and they would love to see it extended up to Empire Avenue.

Planner Ananth noted that the City owns land adjacent to this subdivision and she will be speaking with the appropriate people to see if there is an opportunity to create an extended public walkway from Crescent Tram to Empire Avenue.

The Staff recommended that the Planning Commission review the subdivision plat, conduct a public hearing, and consider forwarding positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval found in the draft ordinance.

Commissioner Suesser found the Staff report lacking in providing a clear description of what was taking place. She understood that it was two and a half lots; a portion of Lot 19, all of Lot 20 and all of Lot 21. She asked if Lots 19 and 20 were being combined into one lot and Lot 21 would remain one lot. Commissioner Suesser needed additional explanation and she wanted to know more about the other portion of Lot 19. She noted that the Staff report does not identify where the right-of-way cuts through the property. Commissioner Suesser requested further clarification.

Planner Ananth believed the other portion of Lot 19 is owned by the immediate abutting property at 812 Empire Avenue. Commissioner Suesser asked if Planner Ananth had a plat or survey. Chair Phillips thought that would be helpful because he was having a difficult time trying to picture it.

Planner Ananth pulled up Exhibit B, a map showing that the proposed lot line runs through Lot 20. The two and a half parcels would be divided equally into approximately 2600 square foot lots. Commissioner Suesser wanted to see the original lot line between Lots 19 and 20. City Attorney Harrington thought page 2 of Exhibit B showed what Commissioner Suesser was asking about.

Commissioner Suesser asked if Lots 19, 20 and 21 even touch Empire. Planner Ananth replied that none of the lots touch built Empire Avenue, but they all touch the platted unbuilt right-of-way. Planner Ananth pointed out the lot lines for Lots 19, 20 and 21 and where the lots all stop. Commissioner Suesser questioned whether the lots run all the way to Empire. Planner Ananth answered yes.

Commissioner Thimm thought page 181 of the Staff report might help provide clarity because it showed the road. Commissioner Suesser asked if Lot 19 runs all the way up or if it stops just before the driveway starts. Commissioner Thimm asked if the dashed line just above the driveway was a lot line or a setback. Planner Ananth replied that it was the setback line. She pointed to the lot line. If the question was whether it runs all the way down to platted unbuilt Empire; she believed it did. Planner Ananth remarked that there were some property swaps with the City and she believed this area was part of a quit claim deed. Commissioner Suesser asked if the right-of-way was the arc pieces that runs through Lot 20. Planner Ananth stated that the right-of-way is the space in between the lots and the built Empire Avenue. Commissioner Suesser

thought the right-of-way runs down to 8th Avenue through Lots 20 and 21. Chair Phillips believed that was just the easement.

Commissioner Suesser explained that she found the Staff report lacking because nothing was clear and it was difficult to understand exactly what was being requested.

City Attorney Harrington stated that the section indicated on the previous page was part of the prior street right-of-way vacation. It is owned by Mr. Peek by virtue of an ordinance which vacated that right-of-way.

Mr. Peek explained that the vacation was originally done in 1991; however, mistakes were made at that time and they spent two years getting it back to the original agreement. He noted that the quit claim was recently redone to make it cleaner.

Commissioner Suesser questioned whether they were building over a right-of-way if it was vacated. She was confused on what was vacated. City Attorney Harrington stated that the Empire Avenue right-of-way on the front of this area was vacated; but there was still new right-of-way by virtue of what was received in exchange on the frontage. Mr. Peek remarked that the City received the Crescent Tramway walkway. Mr. Harrington believed it was dedicated either through a separate acquisition or through use in terms of the actual location of facilities and right-of-way. Mr. Harrington pointed out that there are different types of right-of-way. The City owns right-of-way through prescriptive use, through dedication, acquired by fee title or deed, and right-of-way dedicated through plats.

Commissioner Suesser asked Planner Ananth to walk through the plat on the screen and identify what was between lot line 1 and lot line 2. Director Erickson stated that the only thing between lot line 1 and lot line 2 were the setbacks. He thought there would likely be utility easements in that location as well. Commissioner Suesser asked if utility easements were likely or if it was already there. Director Erickson replied that it is reserved for future utilities. There is always a municipal utility easement and a public utility easement in the setbacks on every site. Chair Phillips agreed that it is typical and it will configure with the new configuration.

Planner Ananth reported that the applicant had outlined a potential building pad for those lots inside Lots 1 and 2 with side setbacks in between; as well as proposed driveway areas and the future concrete shared driveway that would access both Lot 1 and Lot 2.

Commissioner Suesser asked if the width of Lot 19, Lot 20, and Lot 21 were 25-feet or wider. Commissioner Thimm referred to page 179 of the Staff report. Director Erickson

stated that Lot 21 is a remnant of the shift between the original Park City Survey and the Snyder's Addition to the survey. When it was created it was not created in the traditional lot size. Commissioner Suesser clarified that she was only asking for the width of the lots and the proposed width. Planner Ananth replied that the proposed width of Lot 1 along Crescent Tram is 48 feet. Lot 21 was originally 43 feet wide plus additional footage for the frontage.

Commissioner Suesser asked if the historic home was on the north side of Lot 21. Planner Ananth pointed out that all three lots are vacant. Commissioner Suesser stated that she was asking about the historic home at 732 Crescent just off of Crescent Tram in the corner. Mr. Peek noted that going up 8th Street it bends onto Crescent Tram and there is a white home that is being redone and yellow house above. He owns that property as well. Mr. Peek pointed out a triangle in between the yellow home and this property. The triangle is part of the City's acquisition of Treasure Hill property which may someday have stairs or some other type of access. Commissioner Suesser wanted to see where that is in relation to these lots. There is a little gully and that access has been contemplated for a long time. She was unsure how this subdivision might affect that potential walkway. She assumed it was the 8th Street ROW. Mr. Peek noted that it is fairly narrow at the bottom and he has been trying to work out on the yellow home property. He noted that he would like the stairway and public access. Part of the benefit of being up in that area of the community is the easy access walking over to the run, across the run down the Crescent Tramway down to the Kimball Arts Center. Mr. Peek clarified that he was trying to open up that pinch point at the bottom of the street.

Commissioner Suesser understood that there once was a house on Lot 2 but it was razed. She asked if the future building pad is in the same location as the previous home on Lot 20. Mr. Peek answered no. Commissioner Suesser clarified that these lots did not touch Empire and their access was to Crescent Tram. Mr. Peek quit claimed and added property to those lots in order to obtain access on to Empire. Mr. Peek noted that the piece of property Commissioner Suesser talked about adding on to this property has been a driveway to that property since the late 1950s or early 1960s. Even though it was not owned, it was utilized that way.

Director Erickson asked if the other Commissioners were having a difficult time reading the diagrams provided. Chair Phillips thought they were hard to understand primarily because the drawings are complicated. Director Erickson asked if there was additional background information that the Planning Commission would like the Staff to provide, such as the stairway issue. Commissioner Suesser thought it was important to know whether this subdivision would impede development of that access. Director Erickson pointed out that the extension of Crescent Tram is probably not the liability of applicant.

Director Erickson thought this was a good discussion because the Staff has a better understanding of the Planning Commission concerns regarding this project and guidance on what information they want in future applications.

Commissioner Kenworthy referred to the slide showing the average lot size. The average legal lot size is 1875 square feet. He asked for an explanation on the two lots that are not a legal lot size on the analysis. Planner Ananth did not know the history on those two lots and why they were not legal. She assumed they were pre-existing non-conforming. Mr. Peek believed that happened when they changed Empire Avenue. The Commissioners and Mr. Peek discussed other homes in the area and talked about which homes are historic and which ones are not.

Chair Phillips opened the public hearing.

Kaitlyn McHugh, a resident at 841 Empire, stated that she knows this area very well. She thought the diagram should be zoomed out so the Commissioners could see the adjacent properties in addition to calling out the rights-of-way. Ms. McHugh noted that Google Satellite showed the yellow house and where the angled lot line meets Crescent Tram. Ms. McHugh stated that where Crescent Tram and Empire meet is the 9th Street right-of-way of the City, which is undeveloped. There is also a driveway to an apartment building on the opposite upper side of the street. At that point it never meets Lowell. Ms. McHugh remarked that as Crescent Tram goes down and around, it meets up with the City pathway. The pathway is a tremendous amenity but it is inconsistently developed and maintained. It is quite dangerous most of the year but it is still awesome as the fastest way to town. Ms. McHugh stated that any time there is snow, people walk around the hairpin turn from Empire to Lowell to also get down around the Empire/Crescent Tram. There is a brief comfortable grade before it dips significantly before going back up. She has watched dozens of people fall.

Ms. McHugh commented on the many pedestrian uses in the area, in addition to vehicle access. She was concerned about additional vehicles and pedestrians, particularly when there is snow. The City has not put in 9th Street stairs like they have on the other streets that deal with steep slopes to town. Crescent Trams is a great amenity but it is not well maintained. Ms. McHugh stated that the City right-of-way is adjacent to these properties and it does connect to Empire. Ms. McHugh stated that if this project is approved, it will continue to add more people and more vehicles to the situation. She thought it would be wonderful if the City provided access to town from these upper streets. She believed these lots were the key to a possible connection if the City does not intend to build something off of 9th Street.

Nick Frost stated that he was an attorney representing Rick Kinsley, a resident at 808 Empire. Mr. Frost remarked that he is usually geared towards resolution to make things work, rather than escalating situations. He was here this evening in that spirit. Mr. Frost stated that Mr. Kinsley recognizes Mr. Peek's rights to develop his land in accordance with the LMC and State Statute where applicable; but he also has concerns related to this development, and more particular to the 732 Crescent Tram house and some of those parcels. Mr. Frost understood that Mr. Peek had been working on this for a long time and that there are many moving pieces. Mr. Kinsley and other neighbors he has spoken with, but does not represent, have concerns related to the transparency of the situation. He believed this issue could be resolved with neighbor to neighbor communication.

Mr. Frost stated that there is a perception being created of secret meetings where land is being swapped between the City and Mr. Peek to try to help Mr. Peek in his development efforts. Mr. Peek came before the Historic Preservation Board a year ago regarding the yellow house. Mr. Frost attended that meeting and the idea was to preserve the structural integrity of the house when Mr. Peek requested that it be mothballed and was granted approval. Mr. Frost noted that earlier this evening Mr. Peek alluded to the idea that this house may be potentially moved or altered in some way, which would be contrary to the representations made with the HPB. Mr. Frost stated that since perception can be reality to the misinformed mind, there may be value in having neighbor to neighbor discussion. He recognized that this was not a requirement of the application but he believed it would go a long way in resolving some of these matters.

Mr. Frost recommended that Mr. Peek discuss these items and his future plans with his neighbors. It would be beneficial to the situation and he might garnish more support than the uncertainty that breeds fear. Mr. Frost reiterated that this was not an effort to take away Mr. Peek's right to legally develop his land in the way that is available to him. He only wanted to relate the points of concern to the neighbors and that could probably be addressed with communication.

Commissioner Suesser asked if 808 Empire was the private driveway on the turn. Mr. Frost answered yes. It is just up from the proposed driveway.

Commissioner Suesser thought it would be helpful for the Planning Commission to see where the proposed driveway in relation to the driveway at 808 Empire and the other homes on Empire.

Commissioner Suesser asked if Mr. Frost wanted to articulate the concerns or just have Mr. Peek talk to the neighbors.

Mr. Frost stated that one of the concerns is the perception of what is going on between Mr. Peek and the City. When the Staff report came out the neighbors were surprised to learn that land was being swapped between the City and Mr. Peek and why they were not informed. Mr. Frost noted that some of the quit claim deeds were just recorded mid-2019. He learned from Mr. Peek today that maybe these issues have been going on for some time and they were trying to rectify some deed issues. He did not know the full scope and neither do the neighbors.

Mr. Frost stated that another concern is the historic home. It is directly in Mr. Kinsley's view, and they went to great lengths to make sure it would be preserved and what elements would or would not be preserved. Certain representations were made at the Historic Preservation Board meeting and now there are concerns that that parcel and some next to it will become another three-lot subdivision and that the house will be moved or altered in some way. Mr. Frost stated that the neighbors were interested in what was occurring from a wholistic standpoint rather than just looking at this one little project.

Commissioner Suesser asked Planner Ananth to add those concerns to the list of clarifications that she would like to see. There is reference to the quit claims and she would like to understand what those were, who participated, and whether or not City land was involved in those quit claims. Mr. Peek stated that the only City land involved was a piece of property that was incorrectly recorded. A small tail of a piece of property that stuck into what was the Sweeney property and is now City property. He quit claimed that back to the City. Mr. Peek clarified that he intended to do that with Pat Sweeney two years ago but Mr. Sweeney did not want to do anything that might jeopardize the Treasure Hill project. That was why it only occurred recently. Mr. Peek remarked that nothing has been done behind the scenes.

Chair Phillips thought the whole situation was confusing and like the neighbors, the Planning Commission was trying to understand everything. He agreed that better diagrams and better imagery with good explanations would help them understand what they were being asked to approve.

Commissioner Suesser pointed out that Lots 19, 20, and 21 were not as deep as they are now and they did not come all the way up to Empire. She wanted to know which lot got quit claimed and how those lots now extend to Empire. Planner Ananth had the history and offered to provide it at a later time.

Mr. Peek offered to come back with additional information that would help the Commissioners understand the lay of the land.

Commissioner Thimm thought this item should be continued pending further information. He also thought the CUP for 802 Empire should be continued as well until all the issues have been addressed.

Chair Phillips closed the public hearing.

Commissioner Suesser commented on the CUP. She stated that the roadway with the driveway that the former resident parked on is almost even with the Empire, but it drops off dramatically. She had concerns about the grade of the driveways and believed they could not be less than the 10% required. Mr. Peek stated that the driveways will be at grade to whatever building get built. Commissioner Suesser emphasized that the drop off is steep. Mr. Peek stated that what is experience off the parking situation is a cut hill that was fill that was caused when the Empire/Lowell situation occurred. He noted that the chalet Commissioner Suesser was describing sat on a flat piece of ground. The slope does not go from that point all the way down to the Crescent Tramway. It drops off, goes flat, and then a small drop. Commissioner Suesser wanted to know how he would connect the driveway with the drop. Mr. Peek believed the rear foundation of the building would be tucked back in. The driveway would be retained or it could potentially be a bridge. Mr. Peek thought it would be similar to any downhill floor plan in Old Town where the hill drops away.

Chair Phillips requested illustrations of where it was done elsewhere for the next meeting.

MOTION: Commissioner Kenworthy moved to CONTINUE the 802 Empire Avenue Subdivision to February 12, 2020. Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously. Commissioner Hall was not present for the vote.

5.G. 802 Empire Avenue – Conditional Use Permit – The Applicant is requesting to Construct a Shared Driveway Over the Platted Unbuilt City Right-of-Way. (Application PL-19-04113)

Planner Ananth reviewed the application for a conditional use permit for 802 Empire Avenue. The applicant was requesting a CUP for the shared driveway over the platted unbuilt right-of-way.

Planner Ananth reported that this application must meet the driveway standards for private driveways; as well as the LMC conditional use permit criteria.

Since the Planning Commission continued the subdivision for 802 Empire, Planner Ananth suggested continuing the CUP since both applications were intertwined. The Commissioner concurred.

Planner Ananth thought the clarifications requested on the Subdivision application were clear and would help in understanding this application.

Commissioner Suesser asked Planner Ananth to clearly identify the location of the City unbuilt right-of-way in the diagrams for the next meeting.

Mr. Peek stated that the stairway was planned as part of the Treasure Hill project in two different locations inside the triangular piece. One angled more towards Empire and the other straight up and into what would have been the entry of the Treasure Hill project. Commissioner Suesser clarified that Lots 20 or 21 would not have been impacted. Mr. Peek answered no and explained how both options ran up the property lines.

Chair Phillips agreed that this was an important element and he asked Mr. Peek to expand on that information visually and through the Staff report.

Chair Phillips opened the public hearing.

Kaitlyn McHugh stated that the area has been used as a driveway for a long time, but the distance of the driveway has been landscaped and creates a gap between the home and the parked cars. There was also a stairway to the residence. Hardscaping the common area and the two driveways could potentially change Empire into Lowell significantly. She echoed the request for additional information and diagrams.

Ms. McHugh asked that her comments from the Subdivision public hearing also be reflected on the record as public comment for this conditional use application.

Chair Phillips closed the public hearing.

MOTION: Commissioner Suesser moved to CONTINUE 802 Empire Avenue Conditional Use Permit to February 12, 2020. Commissioner Kenworthy seconded the motion.

VOTE: The motion passed unanimously. Commissioner Hall was not present for the vote.

5.H. 322 Park Avenue – Plat Amendment – The Applicant is Requesting to Combine Two (2) Lots into One (1) Larger Lot. (Application PL-19-04345)

Commissioner Sletten recused himself and left the meeting.

Planner Ananth reviewed the application for a plat amendment at 322 Park Avenue. The request is to combine two traditional 25' x 75' lots one larger lot. She noted that this was a complicated site. The rear portion of the site is constrained by utility pads and a large retaining wall that are remnants from the previous mall that is now the Parkite Condominiums, which is a through lot with retail on the ground floor fronting on Main Street and residential condominiums above. In addition to the large retained area of utility pads are a number of easements which further complicates these lots.

Planner Ananth reported that these lots are basically undevelopable on their own. The applicant was proposing to combine the lots to have enough area to create a footprint for a structure. The lots are located in the HR-2 District. No project is currently proposed.

Planner Ananth presented a slide showing the large utility pad that takes up a significant portion of the second half of the site. Another slide showed a number of easements that further constrain the site; most significantly the 10' easement along the south side of the property. Planner Ananth pointed out how this limits the buildable footprint to the front portion of these two lots and the potential for some overhang over the utility pad.

Planner Ananth pointed out the utility pad. She noted that the utilities are no longer there but a large cement structure remains. A wall on the westerly portion is a tall retaining wall that retains the hillside up towards Park Avenue.

Commissioner Suesser asked for clarification on the utility pads and who they benefit. Planner Ananth explained that the pads are remnants from the mall that was in the same location where the Parkite Condominium building sits now. Chair Phillips pointed out that the utility pads were built over the property line. Planner Ananth assumed there was an easement agreement that allowed the pads to be built over the property line.

Commissioner Suesser wanted to know why the pads needed to remain. Planner Ananth replied that the pads could be taken out, but it would be very expensive to remove them.

Commissioner Suesser asked Planner Ananth to point out Lots 27 and 28. Planner Ananth pointed to the lots and noted that an internal lot line divides the property almost

in half. She remarked that the plat amendment would remove the internal lot line on these two properties. The combined lot would be 50' wide by 75' long. Planner Ananth clarified that the interior lot line was the dividing lot line between Lot 27 and Lot 28. Currently they are two separate lots and the applicant was proposing to remove the middle lot to combine the two lots into one larger lot.

Commissioner Suesser wanted to know who put in the retaining wall and whether it needed to remain. Director Erickson replied that the retaining wall went in with the mall before the Parkite was redeveloped. Chair Phillips understood that the retaining wall was used for the condensers. It is no longer being used and it can be removed.

Planner Ananth stated that the proposed new lot would meet the lot and site requirements of the LMC. She reiterated that at this time, there were no current plans for a structure on the lot.

Chair Phillips assumed 50' x 75' lots were common up and down the street. Planner Ananth remarked that the Parkite building was the neighbor to the north, which is a large through lot. The neighbor to the south is a traditional 25' x 75' lot with a single-family house.

Planner Ananth stated that this plat amendment was a simple lot combination combining two lots into one, even though it is a complicated site. Chair Phillips clarified that the complications are due to the old structures. Planner Ananth stated that the easements also present some problems. She explained that there is a 10' wide easement from the property to the east which fronts on Main Street, which she believed was related to egress out of that building. Behind the proposed new lot are two lots that front on Main Street and contain multi-tenant commercial buildings that are built all the way to the property lines. The property to the southeast has the easement for egress over Lot 28.

Director Erickson commented on similar easements between Park Avenue and Main Street.

Chair Phillips opened the public hearing.

John Demkowitz, the owner of 323 Main Street, directly east of this project stated that the 10' easements are his and they are secondary access to his building. Mr. Demkowitz was not opposed to the plat amendment to combine the lots; however, he had concerns about what they intend to do with the lot. He read from page 3 of the Staff report, "The applicant has indicated that the existing concrete retaining walls must remain and that the existence of this area makes the existing two lots basically

undevelopable on their own. However, the combination of these lots provides sufficient footprint area to develop a structure on the lot that could cantilever over the concrete retaining walls and leaving sufficient area for the maintenance and repair of these walls in the future". Mr. Demkowitz did not believe the retaining wall needed to remain and he thought it should be removed. He stated that the interior slab is the only thing keeping the retaining wall standing. Otherwise, the wall is not functional. Mr. Demkowitz understood that the applicant was trying to save money, but in return the result will be a bad product. Mr. Demkowitz stated that the applicant was proposing to build a structure inside the wall structure, as well as extend it beyond. He believed that was the cantilever reference. Mr. Demkowitz remarked that if they intend to build a rigid structure inside another rigid structure in order to maximize the space, there will be little or no separation between the two.

Mr. Demkowitz pointed out that Park City is in a seismic area and he was concerned that the two structures would collide if there is a seismic event. It is a bad situation. He reiterated the importance of removing the retaining wall and do another shoring system. If the retaining wall is removed, the footprint could be extended to his 10' easement.

Mr. Demkowitz also had concerns with the volumetrics that were submitted, which shows a piece of the garage protruding south of the wall. He noted that a site plan was not provided and it was hard for him to see how it fits the easement. Mr. Demkowitz wanted some assurances that the back of the garage respects the 10' easement.

Mr. Demkowitz emphasized that he was very opposed to building a structure inside another structure because it is a bad engineering solution. He noted that during construction of the Parkite, there was considerable discussion on how to handle that piece. He spoke with the project architect, the project manager, and a structural engineer and they all said the retaining wall should be removed. Mr. Demkowitz pointed out that the wall was connected to the Parkite and he believed it would be a Code violation. He could understand why the applicant wanted to save money, but it is wrong to create a worse situation in order to save money.

Planner Ananth understood Mr. Demkowitz's concerns; however, this was a plat amendment to combine two lots. At this time no project is proposed. The lots are for sale and there is no condition or approval to maintain the walls. A future buyer could decide to remove the walls or they could leave it.

Chair Phillips concurred that this item was a plat amendment and it did not involve a structure. He informed Mr. Demkowitz that while there may be concept plans at this point, but an application to build a structure would go through its own separate process and his concerns could be addressed at that time. He appreciated Mr. Demkowitz's

comments and explanation; however, the only consideration this evening was to review the requested plat amendment to combine two lots.

Mr. Demkowitz clarified that he did not object to the lot combination.

Chair Phillips understood the concerns regarding the wall, and the wall will be addressed at the appropriate time.

Chair Phillips closed the public hearing.

Chair Phillips asked if an application to build would be a Steep Slope CUP. Planner Ananth had not done the calculation to know if it would be on a steep slope. She assumed that if the retaining wall remains in place it would not require a Steep Slope CUP. However, if they remove the wall it potentially could be a steep slope. Chair Phillips stated that if the lots are combined, there should be an interpolated grade of where the original grade would be without this plat amendment.

Director Erickson noted that he has the authority to make that determination in the LMC. He would not know the answer until he goes on site; and if the retaining wall is removed it could affect his decision. Director Erickson clarified that it could be a steep slope CUP depending on the placement of the building, because it is calculated on the steepness under the building and the area of steepness. It would also go through the full HDDR process. The "unbuildability" of the lot is dependent on how the easements work as well. Those will need to be cleaned up at some point.

Chair Phillips remarked that combining the lots provide more options to work around the easements. He believed that was good cause for this plat amendment.

Commissioner Kenworthy favored the plat amendment. He assured Mr. Demkowitz that a decision by the Planning Commission this evening would not affect his easement.

Commissioner Thimm thought they should move forward on removing the lot line. However, a public safety issue had been raised in terms of a wall that could fail. He suggested that the Planning Commission request that the Chief Building Official look at the wall and determine if there is a public safety hazard. Director Erickson believed there was merit in the request and he assumed the City Council would have the same question. Director Erickson did not think it needed to be a condition of approval. The Commissioners could just make the request to Staff and he would talk with the Chief Building Official.

MOTION: Commissioner Thimm moved to forward a POSITIVE recommendation to the City Council for the 322 Park Avenue Plat Amendment based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as outlined in the draft ordinance. Commissioner Kenworthy seconded the motion.

VOTE: The motion passed 4-1. Commissioner Suesser voted against the motion. Commissioner Sletten was recused. Commissioner Hall was not present for the vote.

Findings of Fact – 322 Park Avenue

1. The subject property is located at 802 Empire Avenue.
2. The subject property is located within the Historic Residential (HR-1) Zoning District.
3. On December 17, 2019, the Subdivision Plat application was deemed complete.
4. The two-lot (2) Subdivision is made up of three (3) lots including portions of Lot 19, all of Lot 20, and all of Lot 21.
5. All three lots are vacant of structures.
6. The applicant has worked with the City to complete and record Quitclaim Deeds and resolve a number of encroachments.
7. The lots are considered “thru-lots” with Frontage on both Crescent Tram and Empire Avenue.
8. Due to the Unusual Lot Configuration the Planning Director determined that both lots have two front setbacks, one on Crescent Tram and one on Empire Avenue, and that Frontage can be measured on Crescent Tram in order to meet the Minimum Lot Width.
9. Both lots meet the minimum Lot and Site Requirements for Single Family Dwellings.
10. Due to existing grades, sight lines and road geometrics the applicant has been encouraged by the City to access the lots from Empire Avenue and has submitted a simultaneous request for a Conditional Use Permit (CUP) to locate a shared driveway over the City’s Platted Unbuilt Right-of-Way in order to provide vehicular access to the two lots from Empire Avenue and not Crescent Tram.
11. It is expected that the applicant will also need to seek a Steep Slope Administrative CUP and submit Historic District Design Review applications for the proposed houses as development progresses.

Conclusions of Law – 322 Park Avenue

1. There is Good Cause for the Subdivision which created two developable lots in keeping with development patterns in the surrounding neighborhood.

2. The Subdivision is consistent with the 2014 Park City General Plan and the Park City Land Management Code including Sections 15-7.1-3(C) and 15-12-15(B)(4) and (9) and applicable State Law regarding Subdivision Plats.
 3. Neither the public nor any person will be materially injured by the proposed Subdivision.
 4. Approval of the Subdivision does not adversely affect the health, safety, and welfare of the citizens of Park City.
- Conditions of Approval:
1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the Subdivision Plat for compliance with State Law, the Land Management Code, and the Conditions of Approval, prior to recordation of the Plat.
 2. The applicant will record the Plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the Plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
 3. A Plat Note shall indicate that both lots shall have vehicular access from Empire Avenue only.
 4. The applicant will need to enter into an Encroachment Agreement for the driveway located within the Public Right-of-Way.
 5. If at some point in the future Empire Avenue is re-aligned, the applicant will be responsible for the removal of all portions of the driveway within the ROW at their sole expense and in an expeditious manner (within 90 days if written notice).
 6. The City Engineer shall review and approve all grading, utility installation and public improvements prior to building permit issuance.
 7. Prior to the issuance of a building permit a Construction Mitigation Plan that includes careful consideration of how construction related parking will be managed shall be submitted to the Building, Engineering and Planning Departments for review and approval.

The Planning Commission Meeting adjourned at 9:03 p.m.

Approved by Planning Commission: _____



Planning Commission Staff Report

Subject: Alice Claim - Conditional Use Permit for a Single (1) Retaining Wall greater than six (6) feet in height
Author: Alexandra Ananth, Senior Planner
Project Number: PL-19-04401
Date: January 22, 2020
Type of Item: Administrative – Conditional Use Permit

Recommendation

Planning Department Staff recommends that the Planning Commission open a Public Hearing and **Continue** the proposed Conditional Use Permit (CUP) for a retaining wall greater than six (6) feet in height associated with the proposed Alice Claim Subdivision to the **February 12, 2020**, meeting date.

Description

Applicant: King Development Group, LLC (“Applicant” or “King Development”)
Location: Alice Claim west side of intersection of King Road, Ridge Avenue and Sampson Avenue
Zoning: Historic Residential (HR-1) and Estate (E) Districts with Sensitive Lands Overlay (SLO)
Adjacent Land Uses: Open Space and Residential (developed and undeveloped)
Reason for Review: Conditional Use Permits Require Planning Commission Review and Approval

Planning Commission Staff Report

Subject: 182 & 184 Daly Avenue Plat Amendment
Author: Caitlyn Barhorst, Historic Preservation Planner
Project Number: PL-19-04383
Date: January 22, 2020
Type of Item: Administrative – Subdivision Plat

Summary Recommendation

Staff recommends the Planning Commission hold a public hearing for the 182 & 184 Daly Avenue Plat Amendment located at 182 & 184 Daly Avenue and consider forwarding a positive recommendation to the City Council on February 6, 2020 based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Description

Applicant: 1055 Norfolk, LLC Series 182 Daly, represented by Marshall King, Alliance Engineering
Location: 182 and 184 Daly Avenue
Zoning: Historic Residential (HR-1) District
Adjacent Land Uses: Residential
Reason for Review: Subdivision Plats require Planning Commission review and City Council review and action.

Proposal

The proposed Subdivision Plat seeks to subdivide the existing Lot B of the Daly Delight Plat Amendment into two (2) Lots to construct a Duplex Dwelling with a shared party wall between the connecting Lot line.

The legal description of the property is:

Lot B, DALY DELIGHT PLAT AMENDMENT, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER.

Background

The Plat Amendment Application was deemed complete on December 9, 2019.

The following table is a history of the Planning applications regarding the property:

182 Daly Avenue			
Year	Application/Permit Type	Description	Action Taken
1992	Historic District Review	Construction of the non-historic garage.	Approved

1992	Building Permit	Construction of the non-historic garage.	Approved
2017	Historic District Design Review	Construct a new Duplex Dwelling on a vacant lot.	Approved
2017	Conditional Use Permit	Duplex Dwelling	Approved
2017	Steep Slope Conditional Use Permit	Construction of a new Duplex Dwelling on a slope greater than 30%.	Approved
2018	Plat Amendment	Daly Delight Plat Amendment	Approved

For more background information, see:

- a. City Council July 12, 2018, Daly Delight Subdivision [Staff Report](#) (page 77);
- b. Planning Commission October 24, 2018 Duplex Dwelling Conditional Use Permit [Staff Report](#) (page 105);
- c. Planning Commission October 24, 2018 Steep Slope Conditional Use Permit [Staff Report](#) (page 131).

Purpose

The purpose of the HR-1 District is to:

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

Analysis

The proposed Subdivision Plat seeks to subdivide the existing Lot B of the Daly Delight Plat Amendment into two (2) Lots to construct a Duplex Dwelling with a shared party wall between the connecting Lot line.

Per [LMC 15-2.2-3\(l\) Lot and Site Requirements](#):

A Side Setback between connected Structures is not required where Structures are designed with a common wall on a Property Line, each Structure is located on an individual Lot, the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official, all applicable Building and Fire Code requirements are met, and the Use is an Allowed or Conditional Use in the Zoning District.

- a. Exterior Side Setbacks shall be based on the required minimum Side Setback for each Lot; however the Planning Commission may consider increasing exterior Side Setbacks during Conditional Use Permit review to mitigate potential impacts on adjacent Property. Side Setback exceptions continue to apply.

- b. Building Footprint shall be based on the total lot Area of the underlying Lots. The Planning Commission may consider decreasing Building Footprint during Conditional Use Permit review to mitigate potential impacts on adjacent Property.
- *The Conditional Use Permit for the Duplex Dwelling was reviewed by the Planning Commission on October 24, 2018 and no additional setbacks or Building Footprint decreases were imposed. See **Exhibit F** and **Exhibit G** for both the CUP Final Action Letters. Staff finds that the previously approved Side Yard Setbacks are consistent with those found throughout the Historic Residential-1 District and does not recommend additional Setbacks be imposed.*

The following table identifies the applicable lot and site requirements for this property:

	LMC Requirement	Lot B1 (182 Daly)	Lot B2 (184 Daly)
Lot Size	Minimum 1,875 sq ft	2, 871 sq ft, <i>complies</i>	2,458 sq ft, <i>complies</i>
Lot Width	Minimum 25 feet	31'-10" <i>complies</i>	27'-4" <i>complies</i>
Lot Depth		89'-6"	86'-0"
Building Footprint		Max: 1,221.62 sq ft Proposed: 1,014 sqft	Max: 1,070.45 sq ft Proposed: 950 sqft
Front Setback	12 feet minimum, total of 25 feet	Over 12 ft min, over total of 25 feet, <i>complies</i>	Over 12 ft min, over total of 25 feet, <i>complies</i>
Rear Setback	12 feet minimum, total of 25 feet	Over 12 ft min, over total of 25 feet, <i>complies</i>	Over 12 ft min, over total of 25 feet, <i>complies</i>
Exterior Side Setback	3 feet minimum	10.60 ft, <i>complies</i>	6.17 ft, <i>complies</i>

Figure 1- Front Elevation, Approved HDDR Plans (**Exhibit E**)



Good Cause

Staff finds good cause for this Subdivision Plat as it will allow the construction of a new building that meets all applicable LMC requirements.

Process

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

Department Review

This project has gone through an interdepartmental review on December 17, 2019. No further issues were brought up at that time.

Notice

The property was posted and notice was mailed to property owners within 300 feet on January 8, 2020. Legal notice was also published in the Park Record in accordance with requirements of the Land Management Code on January 4, 2020.

Public Input

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

Alternatives

- The Planning Commission may forward positive recommendation to the City Council for 182 & 184 Daly Avenue Plat Amendment located at 182 & 184 Daly Avenue, as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the 182 & 184 Daly Avenue Plat Amendment located at 182 & 184 Daly Avenue, and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on the 182 & 184 Daly Avenue Plat Amendment located at 182 & 184 Daly Avenue, for additional information to address comments raised at the meeting.

Significant Impacts

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

Consequences of not taking recommended action

Consequences of not taking the Planning Department's recommendation are that the applicant would not be able to sell each half of the Duplex individually.

Recommendation

Staff recommends the Planning Commission hold a public hearing for the 182 & 184 Daly Avenue Plat Amendment located at 182 & 184 Daly Avenue and consider forwarding a positive recommendation to the City Council on February 6, 2020 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 – Survey
Exhibit C – Aerial Photographs and Site Photographs
Exhibit D – Applicant's Project Description
Exhibit E – Approved HDDR and CUP Duplex Plans
Exhibit F – Duplex Dwelling CUP Final Action Letter
Exhibit G – Steep Slope CUP Final Action Letter
Exhibit H – HDDR Final Action Letter

Exhibit A

Ordinance No. 2020-XX

AN ORDINANCE APPROVING THE 182 & 184 DALY AVENUE PLAT AMENDMENT LOCATED AT 182 & 184 DALY AVENUE, PARK CITY, UTAH.

WHEREAS, the owner of the properties located at 182 and 184 Daly Avenue has petitioned the City Council for approval of the Subdivision Plat; and

WHEREAS, on January 8, 2020, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on January 4, 2020, proper legal notice was published according to requirements of the Land Management Code and courtesy letters were sent to surrounding property owners; and

WHEREAS, the Planning Commission held a public hearing on January 22, 2020 to receive input on the Subdivision Plat; and

WHEREAS, the Planning Commission, on January 22, 2020, forwarded a positive recommendation to the City Council; and,

WHEREAS, on February 6, 2020, the City Council held a public hearing to receive input on the Subdivision Plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 182 & 184 Daly Avenue Plat Amendment, located at 182 & 184 Daly Avenue.

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

SECTION 1. APPROVAL. The 182 & 184 Daly 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 182 Daly Avenue.
2. The property consists of Lot B, Daly Delight Plat Amendment, according to the official plat thereof on file and of record in the office of the Summit County Recorder.
3. The Historic District Design Review (HDDR) application was approved on October 25, 2018 (PL-15-02961) with an extension granted on October 22, 2019.
4. The Steep Slope Conditional Use Permit was approved October 24, 2018 (PL-16-03084).
5. The Duplex Dwelling Conditional Use Permit was approved October 24, 2018 (PL-17-03708)
6. The property is located within the Historic Residential (HR-1) District and meets the purpose of the zone.
7. This is an uphill lot with an average slope of approximately 44%.

8. Access to the property is from Daly Avenue, a public street.
9. Two (2) parking spaces are provided for each unit. The southerly unit provides one (1) parking space in the garage and one (1) parking space in the driveway. The northerly unit provides two (2) parking spaces in a tandem configuration in the garage. The entire site provides a total of four (4) parking spaces.
10. Minimum footprint is 1875 sq ft, both Lots comply. Lot B1 contains 2,871 sq ft and Lot B2 contains 2,458 sq ft.
11. Maximum Building Footprint complies. Lot B1- Max: 1,221.62 sq ft, proposed: 1,014 sqft. Lot B2- Max: 1,070.45 sq ft, proposed: 950 sqft
12. The proposed Structure complies with both Front and Rear Setbacks. The minimum front and rear yard setbacks are 12 feet, for a total of 25 feet; the applicant is proposing a 12 foot front yard and 19 foot rear yard setback, for a total of 31 feet.
13. Proposed Exterior Side Setbacks minimum of 3 feet, complies as they are proposed between 6 feet and 11 feet.
14. LMC 15-2.2-3(I) Lot and Site Requirements: A Side Setback between connected Structures is not required where Structures are designed with a common wall on a Property Line, each Structure is located on an individual Lot, the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official, all applicable Building and Fire Code requirements are met, and the Use is an Allowed or Conditional Use in the Zoning District.
 - a. Exterior Side Setbacks shall be based on the required minimum Side Setback for each Lot; however the Planning Commission may consider increasing exterior Side Setbacks during Conditional Use Permit review to mitigate potential impacts on adjacent Property. Side Setback exceptions continue to apply.
 - b. Building Footprint shall be based on the total lot Area of the underlying Lots. The Planning Commission may consider decreasing Building Footprint during Conditional Use Permit review to mitigate potential impacts on adjacent Property.
 - *The Conditional Use Permit for the Duplex Dwelling was reviewed by the Planning Commission on October 24, 2018 and no additional setbacks or Building Footprint decreases were imposed.*
15. The property was posted and notice was mailed to property owners within 300 feet on January 8, 2020. Legal notice was also published in the Park Record in accordance with requirements of the Land Management Code on January 4, 2020.
16. The Findings in the Analysis section of this report are incorporated herein.

Conclusions of Law:

1. There is good cause for this Subdivision Plat.
2. The Plat Amendment is consistent with the Park City Land Management Code 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, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

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

Management Code, and the conditions of approval, prior to recordation of the Plat.

2. The applicant will record the Subdivision 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. Modified 13-D fire sprinkler system is required.
4. A party wall agreement in a form approved by the City Attorney and Chief Building Official is required.
5. All Conditions of Approval from the October 24, 2018 Steep Slope Conditional Use Permit continue to apply.
6. All Conditions of Approval from the October 24, 2018 Duplex Dwelling Conditional Use Permit continue to apply.
7. All Conditions of Approval from the October 25, 2018 HDDR Action Letter continue to apply.
8. This property shall not be further subdivided.

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

PASSED AND ADOPTED this 6th day of February, 2020.

PARK CITY MUNICIPAL CORPORATION

Andy Beerman, MAYOR

Date

ATTEST:

City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Attachment 1 – Proposed Plat



I, Charles Galati, do hereby certify that I am a Professional Land Surveyor and that I hold License No. 7248891 as prescribed under the laws of the State of Utah. I further certify that by authority of the owner, I have made a survey of the tract of land shown on this plat and described herein, and have subdivided said tract of land into lots, together with easements, to be known hereafter as 182 & 184 DALY AVENUE PLAT AMENDMENT and that the same has been surveyed and monumented on the ground as shown on this plat.

LOT B, DALY DELIGHT PLAT AMENDMENT, according to the official plat thereof on file and of record in the office of the Summit County Recorder.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that 1055 NORFOLK, LLC SERIES 182 DALY, a Utah limited liability company, the owner of the herein described tract of land, to be known hereafter as 182 & 184 DALY AVENUE PLAT AMENDMENT, does hereby certify that it has caused this plat amendment to be prepared, and does hereby consent to the recordation of this Plat Amendment.

ALSO, the owner hereby dedicates for the perpetual use of the public areas shown on this plat as intended for public use. The undersigned owner also hereby conveys any

I, _____, a witness whereof, the undersigned set his hand this _____ day _____, 2020.

1055 NORFOLK, LLC SERIES 182 DALY, a Utah limited liability company

83: Carabine Capital, LLC, a New York limited liability company
 as Member

/ on Greenfield. Manager

ACKNOWLEDGMENT

State of _____

County of _____

On this _____ day of _____, 2020, Van Greenfield personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, did say that 1955 WISCONSIN LLC, a limited liability company, is the sole owner of the said commercial property located at 1851 WISCONSIN AVE, SUITE 100, WISCONSIN, ILLINOIS 60090, and that the said commercial property is owned by 1955 WISCONSIN LLC, a limited liability company, and that the said commercial property was signed by him on BEHALF OF SAID LIMITED LIABILITY COMPANY by authority of its Operating Agreement or Resolution of its Members, and he acknowledged to me that he executed the 152 & 184 ONLY AMENDMENT.

Notary Public

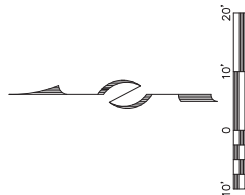
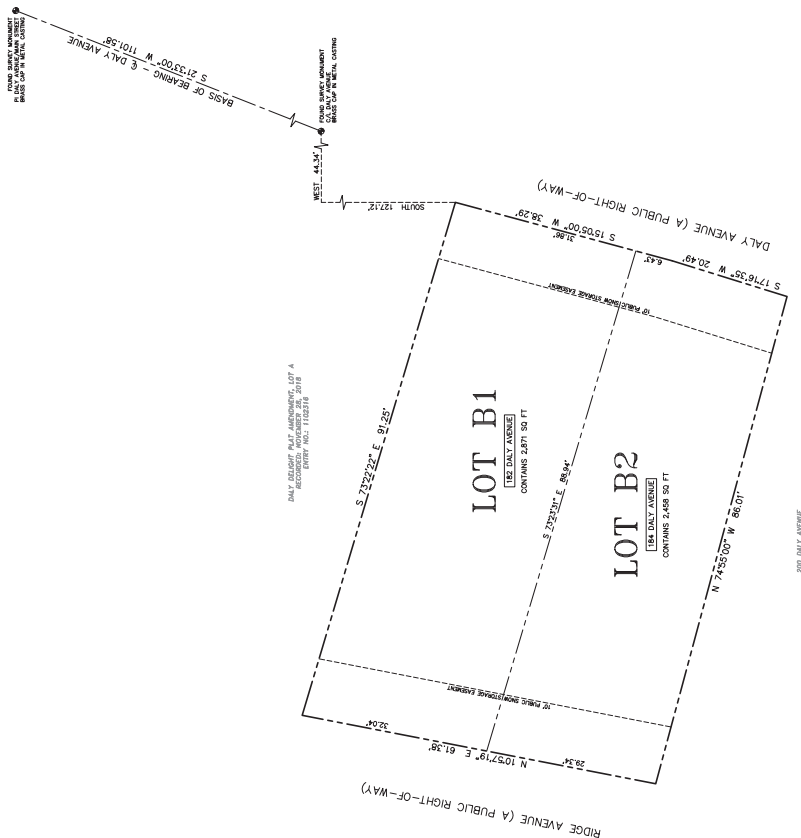
Printed Name _____

Residing in: _____

Commission No.: _____

NOTES

- This plot amendment is subject to the Conditions of Approval in Ordinance 2020-02. The property is located in Zone A, as shown on the Flood Insurance Rate Map of the City of Chicago, dated 12/15/17, Panel 305, Map Number 184-03-0356, and lies on effective date of March 16, 2006.
- See "Declaration of Covenants and Party Wall Agreement for 182 & 184, Daily Avenue", recorded at Entry No. _____ at Page _____ in Book _____.
- All developments will have to provide elevation certificates certifying compliance with the minimum FEMA Elevation Requirements.



182 & 184 DALY AVENUE PLAT AMENDMENT

SUBDIVIDING LOT B, DALY DELIGHT PLAT AMENDMENT

IN BLOCK 74, PARK CITY SURVEY
LOCATED IN THE NORTHEAST QUARTER OF SECTION 21

TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASIN

JOB NO.: 11-11-15 FILE: Y:\ProjCivSurvey\dwg\so\pnt2015\11115-subdivision.dwg
1/2/2015

CERTIFICATE OF ATTEST
I CERTIFY THIS RECORD OF SURVEY
MAP WAS APPROVED BY PARK CITY
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
AT THE REQUEST OF
RECORDED
TO HAVE THIS INSTRUMENT RECORDED

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY

APPROVAL AS TO FORM _____
 APPROVED AS TO FORM THIS _____

ENGINEER'S CERTIFICATE

PLANNING COMMISSION
APPROVED BY THE PARK CITY

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
VIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER

**PUBLIC SAFETY
ANSWERING POINT APPROVAL**

COUNCIL THIS _____ DAY _____ OF _____, 2020
BY _____ PARK CITY RECORDER
TIME _____ DATE _____ FEE _____ RECORDER _____ ENTRY NO. _____

S _____ DAY OF _____, 2020

BY _____ MAYOR

DAY OF _____, 2020

BY _____
PARK CITY ATTORNEY

COUNCIL

FILE IN MY OFFICE THIS _____
DAY OF _____, 2020
BY _____
BARK CITY ENGINEER

DAY OF _____, 2019
BY _____ CHAIR

BY EDWARD
DAY OF , 2020

OF _____, 2019

LOT B, DALY DELIGHT PLAT AMENDMENT

LOCATED IN THE NORTHEAST QUARTER OF SECTION 21,
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN
BLOCK 74, MILLSITE RESERVATION PARK CITY SURVEY
RECORD OF SURVEY
SUMMIT COUNTY, UTAH



SURVEYOR'S CERTIFICATE

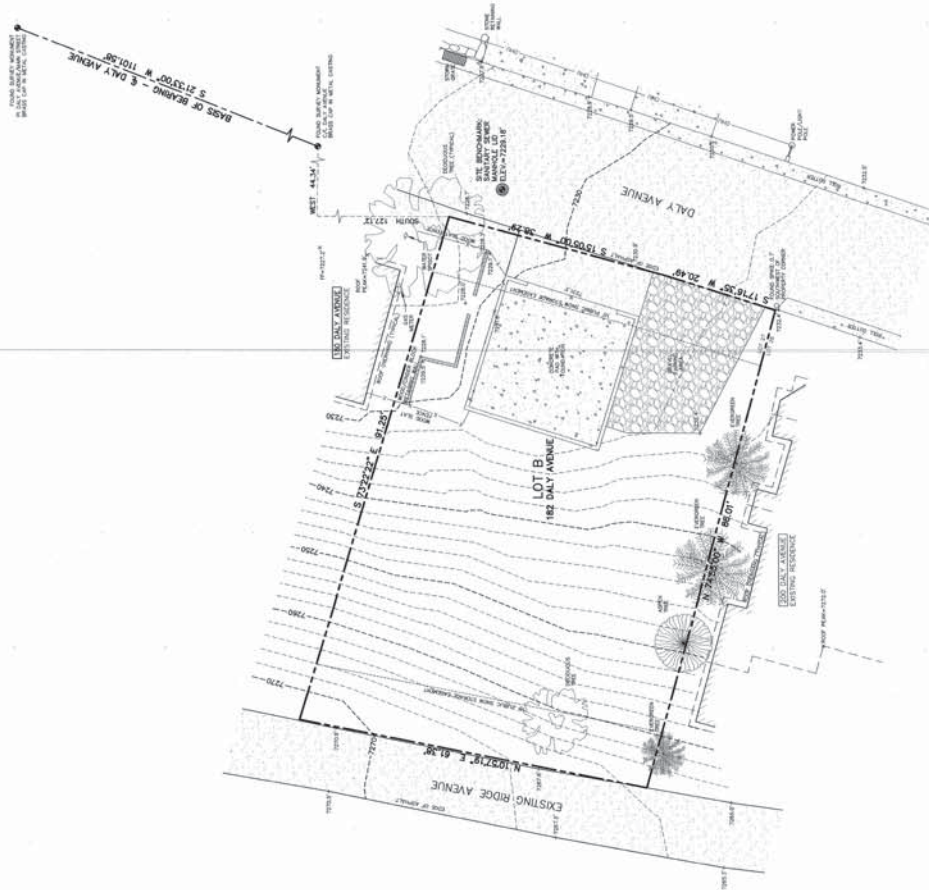
I, Charles Galati, certify that I am a Professional Land Surveyor and that I hold License No. 12345 in the State of Utah. I have personally supervised the survey and the preparation of this map. I am a correct representation of said survey.

LEGAL DESCRIPTION

LOT B, DALY DELIGHT PLAT AMENDMENT, according to the official plat thereof on file and of record in the office of the Summit County Recorder.

NOTES/NARRATIVE

1. Basis of Bearing for this survey is between found street monuments as shown.
2. The purpose of this survey is to perform an existing conditions and topographic survey for future improvements to the property in addition to a subdivision plat amendment.
3. A title report was not provided to the surveyor and only easements and setbacks per subdivision plat were located as part of this survey. The owner of this property should be aware of any items which may be located on the property which are not shown on the plat. The surveyor is not responsible for the discovery of easements, encroachments, or encumbrances on the property surveyed except as shown hereon.
4. County tax maps, recorded deeds, Day (Craig) Plat Amendment, Park City Amended Survey, Park of the City Amended Survey, and other records in the Summit County Recorder's Office, on existing conditions and topographic map (2015), provided by park city and physical evidence in the field were all used to determine the location of monuments on this plat.
5. City Benchmark: Solitary near monolith id. Elevation=7225.15'
6. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
7. The topographic map is based on a field survey performed on December 1, 2015, and follow-up site visit performed September 23, 2016.
8. Some coverage of the time of the original survey was approximately 6". 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.



STAFF:
CHARLES GALATI
JESSIE MORGAN
RYAN BETZ
BARTY WILSON

DATE: 10/11/19

CONSULTING ENGINEERS LAND PLANNERS SURVEYORS

307 Main Street P.O. Box 2004 Park City, Utah 84302-2004

(435) 488-3467

FILE: K:\ParkCitySurvey\dwg\111115-2019.dwg

JOB NO.: 11-11-15

FOR: WASATCH ENGINEERING CONTRACTORS

LOT B, DALY DELIGHT PLAT AMENDMENT

182 DALY AVENUE

EXISTING CONDITIONS & TOPOGRAPHIC MAP

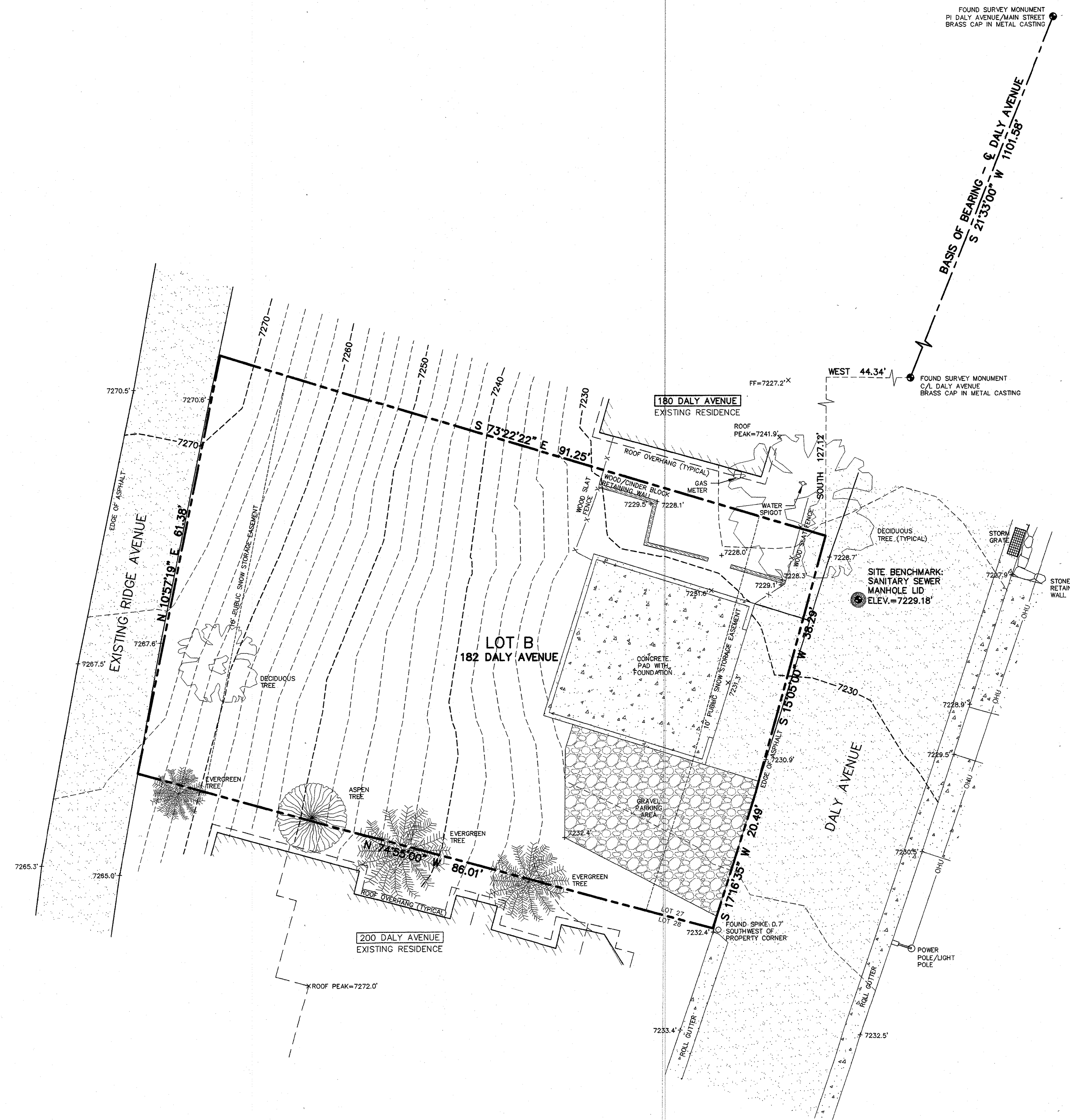
SHEET 1 OF 1

PROFESSIONAL LAND SURVEYOR
No. 7248891
CHARLES
GALATI
10/11/2019
State of Utah

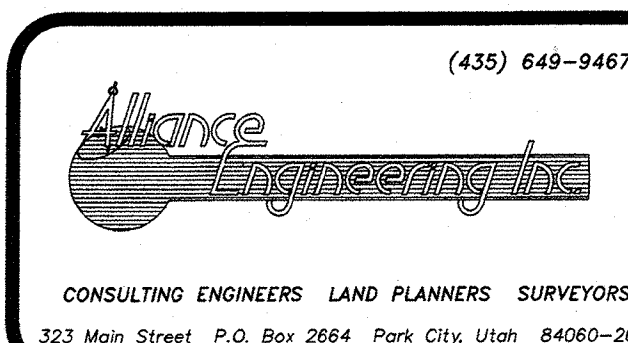
I, Charles Galati, certify that I am a Professional Land Surveyor and that I hold License No. 7248891, as prescribed by the laws of the State of Utah. I further certify that under my direct supervision a survey has been performed on the hereon described property and that to the best of my knowledge this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

LOT B, DALY DELIGHT PLAT AMENDMENT, according to the official plat thereof on file and of record in the office of the Summit County Recorder.

1. Basis of Bearing for this survey is between found street monuments as shown.
2. The purpose of this survey is to perform an existing conditions and topographic survey for future improvements to the property in addition to a subdivision plat amendment.
3. A title report was not provided to the surveyor and only easements and setbacks per subdivision plat were located as part of this survey. The owner of this property should be aware of any items affecting the property that may appear in a title insurance report. The surveyor found no obvious evidence of easements, encroachments, or encumbrances on the property surveyed except as shown herein.
4. County tax maps, recorded deeds, Daly Delight Plat Amendment, Park City Amended Survey, Park City Monument Control Map, Record of Survey S-8190 (all aforementioned documents on file and of record in the Summit County Recorder's Office), an existing conditions and topographic map (2015), performed by Marty Morrison and physical evidence in the field were all used to determine the boundary as shown on this plat.
5. Site Benchmark: Sanitary sewer manhole lid
Elevation=7229.18'
6. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
7. This topographic map is based on a field survey performed on December 1, 2015, and follow-up site visit performed September 23, 2019.
8. Snow coverage at the time of the original survey was approximately 6". 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.



- Found Monument
(As-Noted)
- Found Street Monument
(As-Noted)



STAFF:
MARSHALL KING
CHARLES GALATI
STEVE CONANT
JESSE MORENO
RYAN BETZ
MARTY MORRISON

664 **DATE:** 10/11/19

EXISTING CONDITIONS & TOPOGRAPHIC MAP
182 DALY AVENUE
LOT B, DALY DELIGHT PLAT AMENDMENT

FOR: WASATCH ENGINEERING CONTRACTORS

JOB NO.: 11-11-15

FILE: X:\ParkCitySurvey\dwg\srv\topo2015\111115-2019.dwg

SHEET
1
OF
1



 (435) 648-0467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2654 Park City, Utah 84060-2654	STAFF: MARSHALL KING DUSTIN CARRISH	AERIAL PHOTOGRAPH 182 & 184 DALY AVENUE BLOCK 74, PARK CITY SURVEY FOR: WASATCH ENGINEERING CONTRACTORS JOB NO.: 11-11-15 FILE: X:\ParkCitySurvey\dwg\Exhibits\182and184 Daly Avenue-ortho.dwg	SHEET 1 OF 1
---	--	--	--



182 & 184 Daly Avenue - looking Northwesterly



182 & 184 Daly Avenue – looking Southwesterly



182 & 184 Daly Avenue – looking Northeasterly



182 & 184 Daly Avenue – looking Southeasterly

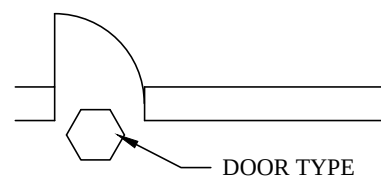
LOT B, DALY DELIGHT PLAT AMENDMENT
LOCATED IN
PARK CITY SURVEY, BLOCK 74
(182 Daly Avenue)
November 20, 2019

PROJECT INTENT

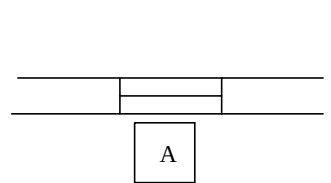
Lot B, Daly Delight Plat Amendment, recorded on November 28, 2018, as Entry No. 1102316, was created from Lot 27 and a portion of Lot 26, Block 74, Park City Survey. The only structure on this property at the time of the plat amendment was a non-historic garage, which has been removed.

The owner plans to construct a duplex dwelling on the lot and is proposing to create a lot line, creating Lot B1 and Lot B2, which runs in an easterly-westerly direction in the center of the demising wall between the two units. In accordance with the Park City Land Management Code, a document will be prepared addressing the demising wall between the two units.

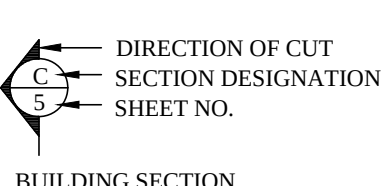
LEGEND



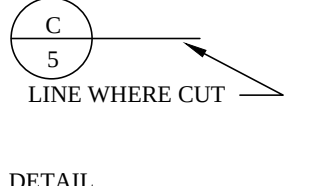
DOOR TYPE



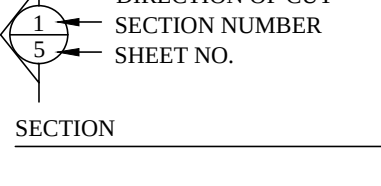
WINDOW REF.



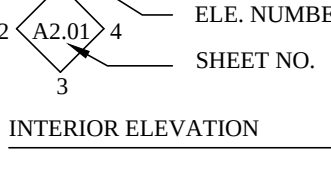
DIRECTION OF CUT
SECTION DESIGNATION
SHEET NO.



LINE WHERE CUT



DIRECTION OF CUT
SECTION NUMBER
SHEET NO.



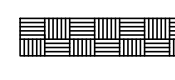
ELE. NUMBER
SHEET NO.



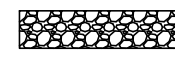
ELEVATION DESIGNATION



REFLECTED CEILING PLAN



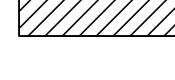
EARTH



GRAVEL



CONCRETE



MASONRY



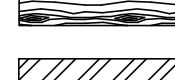
PARTITION WOOD STUD



PARTITION METAL STUD



WOOD - ROUGH



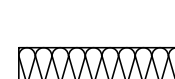
WOOD - FINISH



PLYWOOD



STEEL



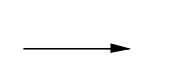
ACOUSTICAL TILE



BATT INSULATION



RIGID INSULATION



GLASS



DIRECTION OF SLOPE



BEGINNING POINT OF GRIDS
POINT FROM WHICH DIMENSIONS
FOR GRIDS ARE TAKEN



KEYED NOTES

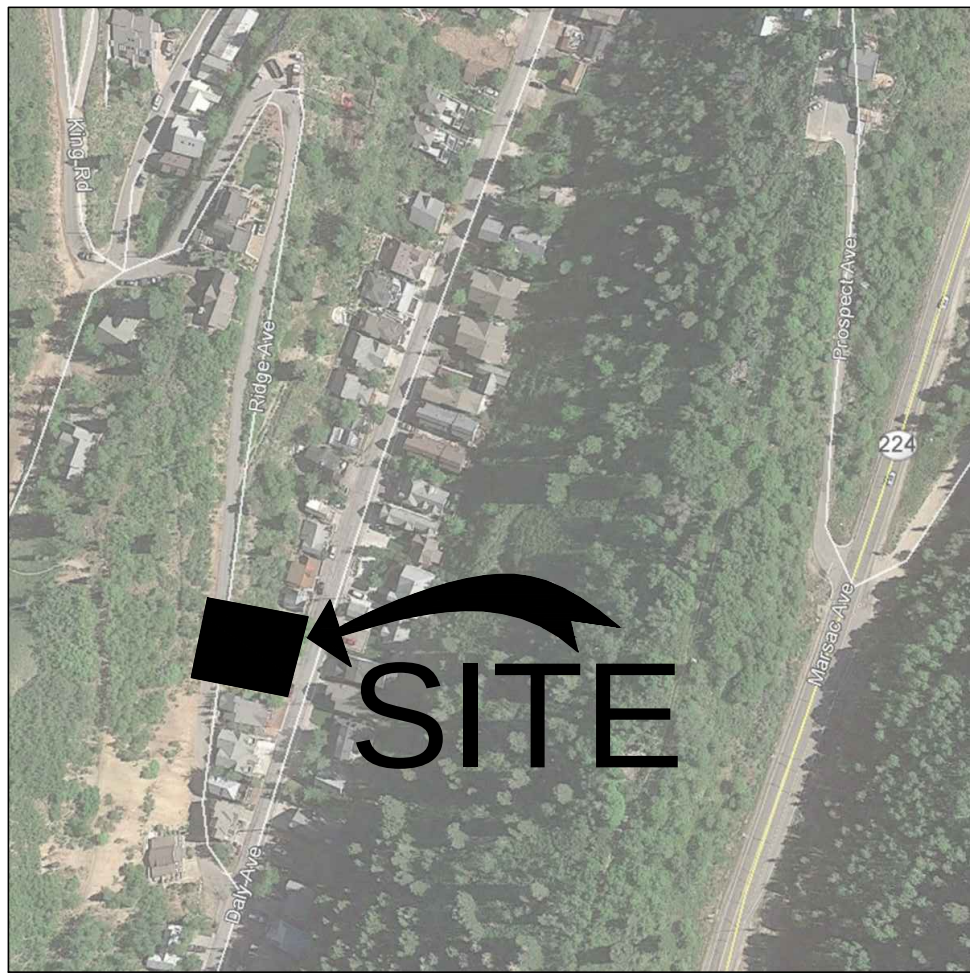
POCHE AND GENERAL SYMBOLS

182 DALY AVE.
GARAGE

HDDR DOCUMENTS
10/1/2018

SHEET INDEX

- A0.01 COVER SHEET
- A1.00 SURVEY
- A1.01 SITE CALCULATIONS
- A1.02 SITE PLAN
- A1.03 STREETScape
- A1.03 3D VIEWS
- L1.01 LANDSCAPE PLAN
- A2.00 GROUND LEVEL PLAN
- A2.01 MAIN LEVEL PLAN
- A2.02 2ND LEVEL PLAN
- A2.03 3RD LEVEL PLAN
- A3.01 EXTERIOR ELEVATIONS
- A3.02 EXTERIOR ELEVATIONS
- A3.03 BUILDING SECTION
- A3.04 BUILDING SECTION



VICINITY MAP
SCALE: NONE

PROJECT DATA

APPLICABLE CODES

BUILDING CODE:	2015 IRC
PLUMBING CODE:	2015 IPC
MECHANICAL CODE:	2015 IMC
ELECTRICAL CODE:	2015 IEC, 2016 NEC
FIRE CODE:	2015 IFC
ENERGY CODE:	2015 IECC
GAS CODE:	2015 IFGC
ACCESSIBILITY:	2015 IBC, ADAAG

CONSTRUCTION RATINGS:		(TABLE R302.1)
WALLS		
EXTERIOR WALLS < 3'	1 HR	
EXTERIOR WALLS > 3'	0 HR	
PROJECTIONS < 3'	1 HR	
PROJECTIONS > 3'	0 HR	
WALL OPENINGS < 3'	NOT ALLOWED	
WALL OPENINGS > 3'	0 HR	
SEPARATION WALL	1 HR	

BUILDING SQUARE FOOTAGE:		
	UNIT A	UNIT B
NEW BASEMENT:	910 SF	813 SF
NEW MAIN:	940 SF	940 SF
NEW 2ND:	895 SF	895 SF
NEW 3RD:	430 SF	430 SF

TOTAL FINISHED:	3,175 SF	3,078 SF
NEW PARKING GARAGE	359 SF	524 SF

DIFERRED SUBMITTALS:

- AUTOMATIC FIRE SPRINKLER SYSTEM
- ENGINEERED WOOD TRUSSES
- MECHANICAL HVAC SYSTEM & CALCULATIONS
- APPLIANCE FIREPLACES



DAVE BAGLINO
ADDRESS
CITY, STATE

OW
Z
UR

HORN PARTNERS
ARCHITECTURE

P.O. BOX 386 BOUNTIFUL, UT 84011-386
P H N 801.933.4676 or 801.295.4676
FAX 801.299.1111 www.hornandpartners.com

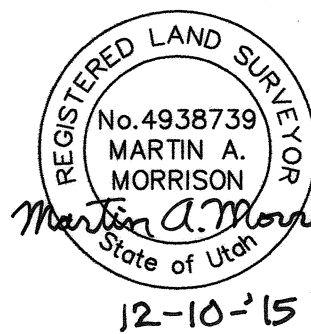
P R O J
DALY AVE. DUPLEX RESIDENCE
182 DALY AVE. (GARAGE)
PARK CITY, UT

DRAWING DATE:	JOB NO.
DATE 9/18/18	
DRAWN BY:	FILE NO:
CHECKED BY:	1308-A001

COVER
SHEET

A0.01

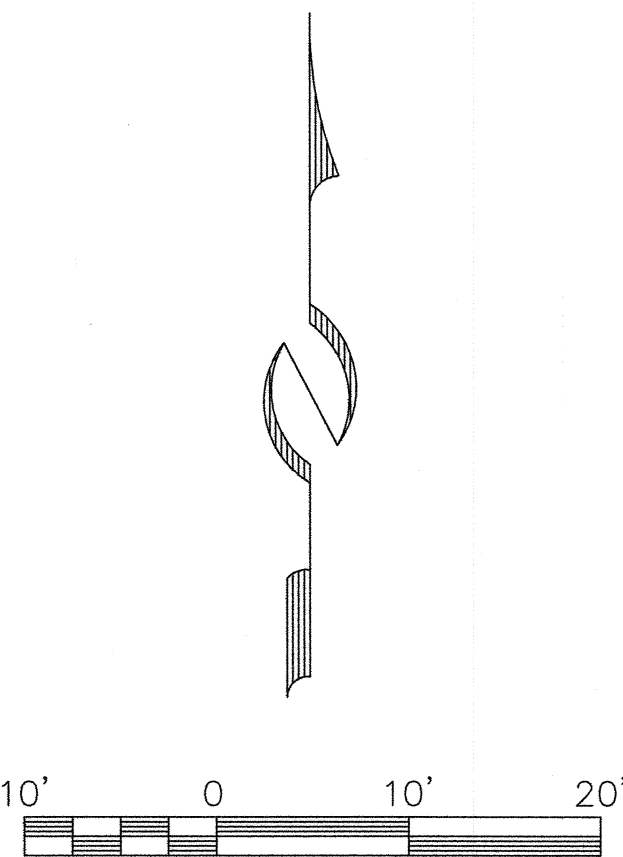
SURVEYOR'S CERTIFICATE

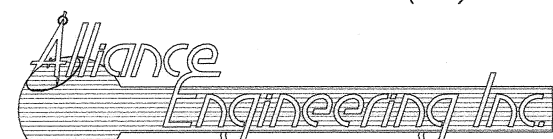


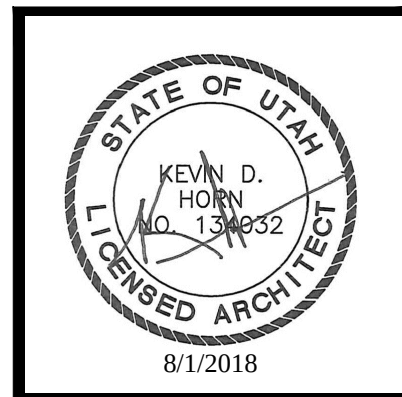
I, Martin A. Morrison, do hereby certify that I am a registered land surveyor and that I hold certification no. 4938739 as prescribed under the laws of the State of Utah. I further certify that a topographic survey has been made under my direction of the lands shown and described hereon. I further certify that this topographic survey is a correct representation of the land surveyed at the time the field work was completed and is in compliance with generally accepted industry standards for accuracy.

NOTES

1. Site Benchmark: Sanitary sewer manhole lid
Elevation=7229.18'
2. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
3. This topographic map is based on a field survey performed on December 1, 2015.
4. Property corners were found.
5. Snow coverage at the time of the survey was approximately 6". 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.



 (435) 649-9467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664	STAFF: MARSHALL KING MARTY MORRISON STEVE CONANT JESSE MORENO DATE: 12/10/15	EXISTING CONDITIONS & TOPOGRAPHIC MAP 180 DALY AVENUE BLOCK 74, PARK CITY SURVEY FOR: WASATCH ENGINEERING CONTRACTORS JOB NO.: 11-11-15 FILE: X:\ParkCitySurvey\dwg\srvt\topo2015\111115.dwg	SHEET 1 OF 1
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DAVE BAGLINO
ADDRESS
CITY, STATE

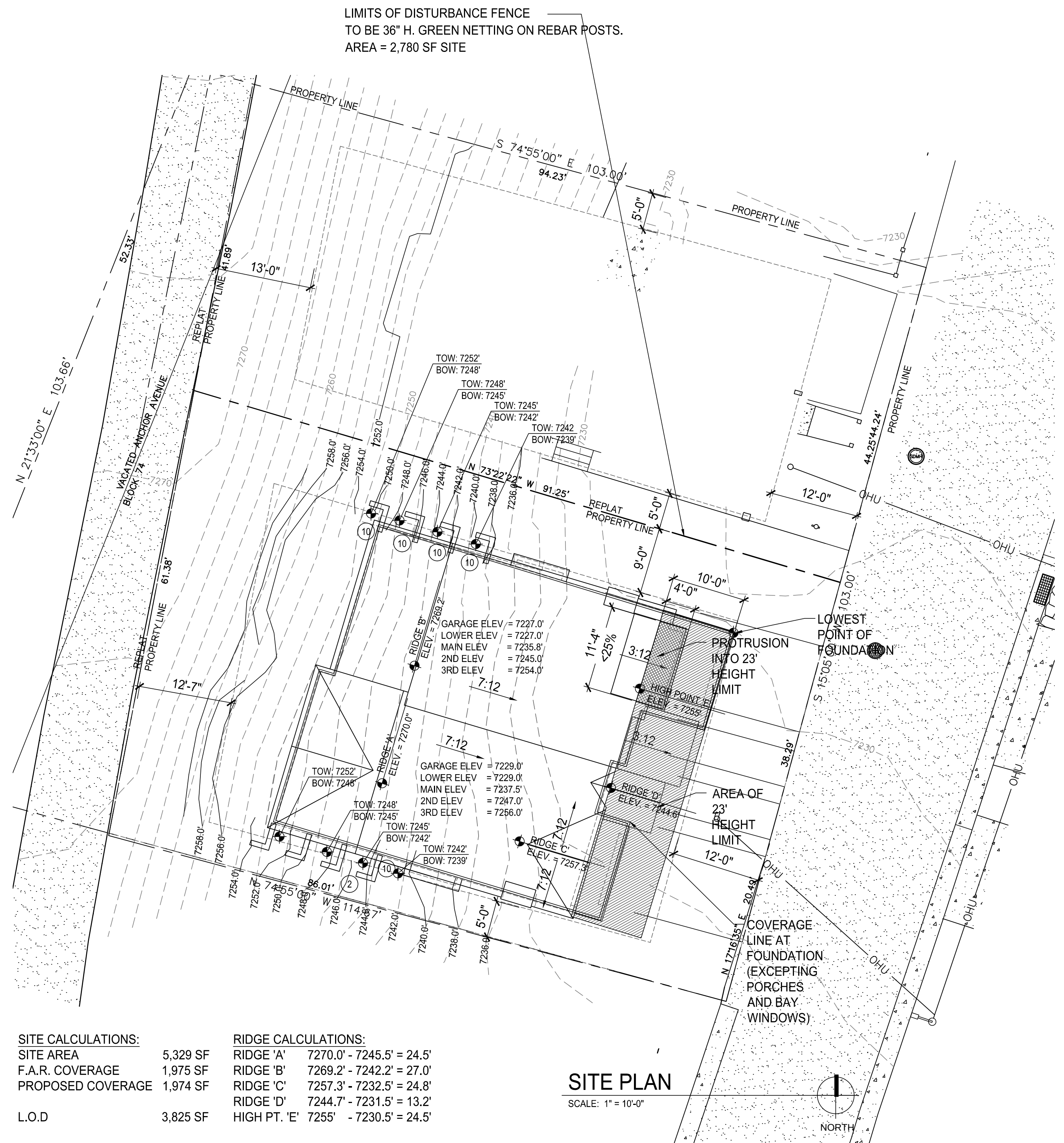
OWNER

HORN PARTNERS
ARCHITECTURE

P.O. BOX 386 BOUNTIFUL, UT 84011-0386
P.H.N. 801.933.4676 or 801.295.4676
FAX 801.299.1111 www.hornandpartners.com

PROJECT P O J	DALY AVE. DUPLEX RESIDENCE			JOB NO.		
	182 DALY AVE. (GARAGE)			FILE NO.		
	PARK CITY, UT			1512-A100		
			DRAWING DATE:		DATE	
			9/18/18			
			DRAWN BY:			
			CHECKED BY:			

SITE CALCULATIONS
A1.00



SITE CALCULATIONS:	
SITE AREA	5,329 SF
F.A.R. COVERAGE	1,975 SF
PROPOSED COVERAGE	1,974 SF
L.O.D.	3,825 SF

RIDGE CALCULATIONS:	
RIDGE 'A'	7270.0' - 7245.5' = 24.5'
RIDGE 'B'	7269.2' - 7242.2' = 27.0'
RIDGE 'C'	7257.3' - 7232.5' = 24.8'
RIDGE 'D'	7244.7' - 7231.5' = 13.2'
HIGH PT. 'E'	7255' - 7230.5' = 24.5'

SITE PLAN
SCALE: 1" = 10'-0"
NORTH

SITE NOTES:

- 1 EXISTING TREES TO REMAIN
- 2 RESTORE NATURAL VEGETATION
- 3 NEW MULCH AREA
- 4
- 5 L.O.D. SEE DETAIL FOR ERROSION CONTROL
- 6 CONSTR. ACCESS & PARKING
- 7 CONC. WALK
- 8 DUMPSTER
- 9 PORTABLE TOILET W/ SCREENING
- 10 CONC. RETAINING WALL

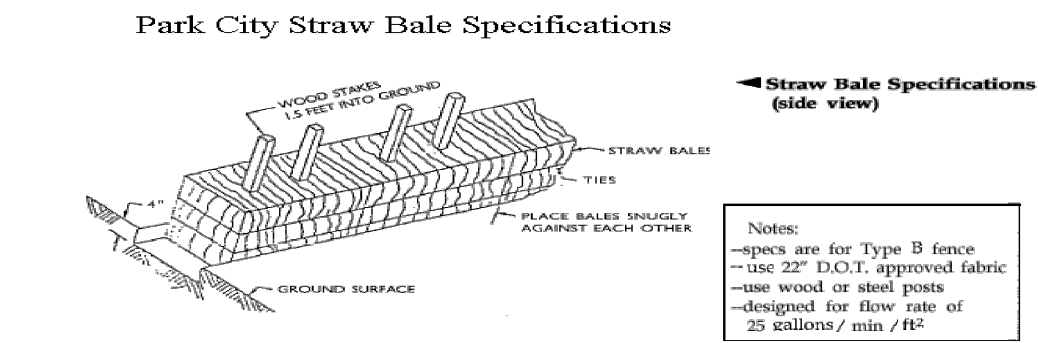
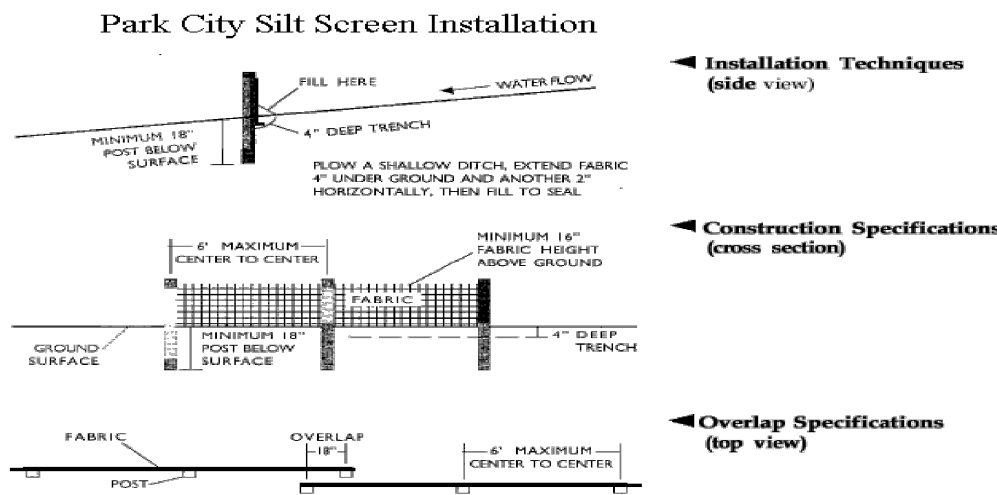
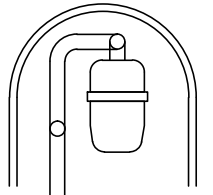
NOTE:

GENERAL CONTRACTOR IS TO ARRANGE A MEETING WITH THE PLAN CHECKER, THE GENERAL CONTRACTOR AND EXCAVATOR FOR THIS PROJECT PRIOR TO ANY PERMITS BEING ISSUED

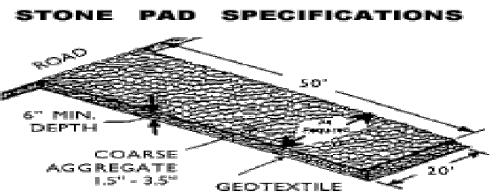
NOTE:

APPLICATION TO WORK IN A PUBLIC RIGHT-OF-WAY IS REQUIRED PRIOR TO DRIVEWAY CURB CUT AND APRON CONSTRUCTION.

QUESTAR GAS
STANDARD
GAS METER
PROTECTION



Park City Stone Pad Specifications



PROVIDE NEW 5/8" WATER SERVICE

3 EROSION CONTROL

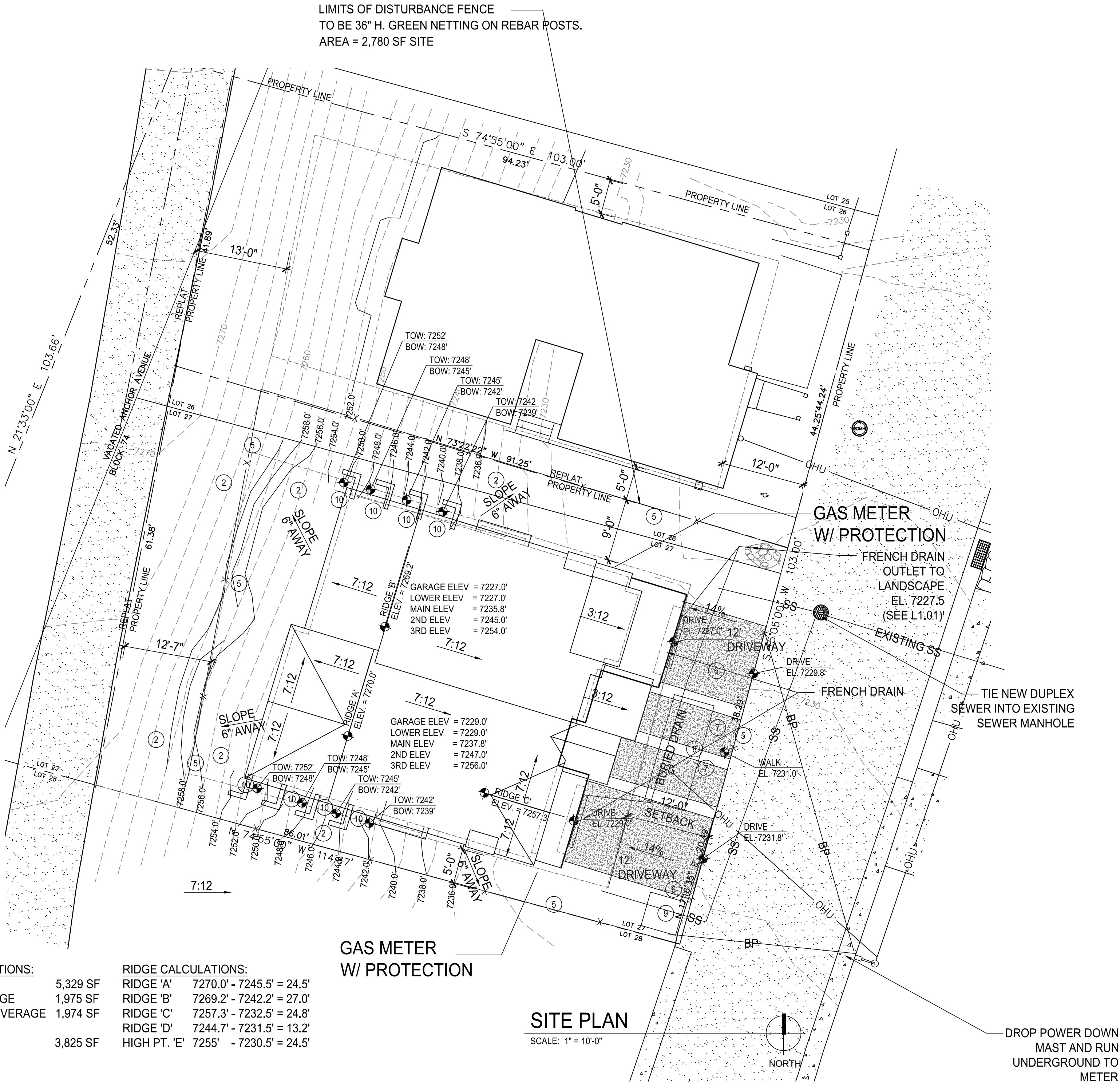
A1.01 NO SCALE

SITE CALCULATIONS:

SITE AREA 5,329 SF
F.A.R. COVERAGE 1,975 SF
PROPOSED COVERAGE 1,974 SF
L.O.D. 3,825 SF

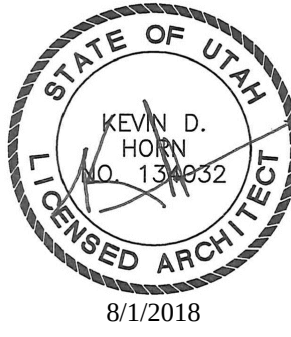
RIDGE CALCULATIONS:

RIDGE 'A' 7270.0' - 7245.5' = 24.5'
RIDGE 'B' 7269.2' - 7242.2' = 27.0'
RIDGE 'C' 7257.3' - 7232.5' = 24.8'
RIDGE 'D' 7244.7' - 7231.5' = 13.2'
HIGH PT. 'E' 7255' - 7230.5' = 24.5'



SITE PLAN

SCALE: 1" = 10'-0"



DAVE BAGLINO
ADDRESS
CITY, STATE

HORN PARTNERS
ARCHITECTURE

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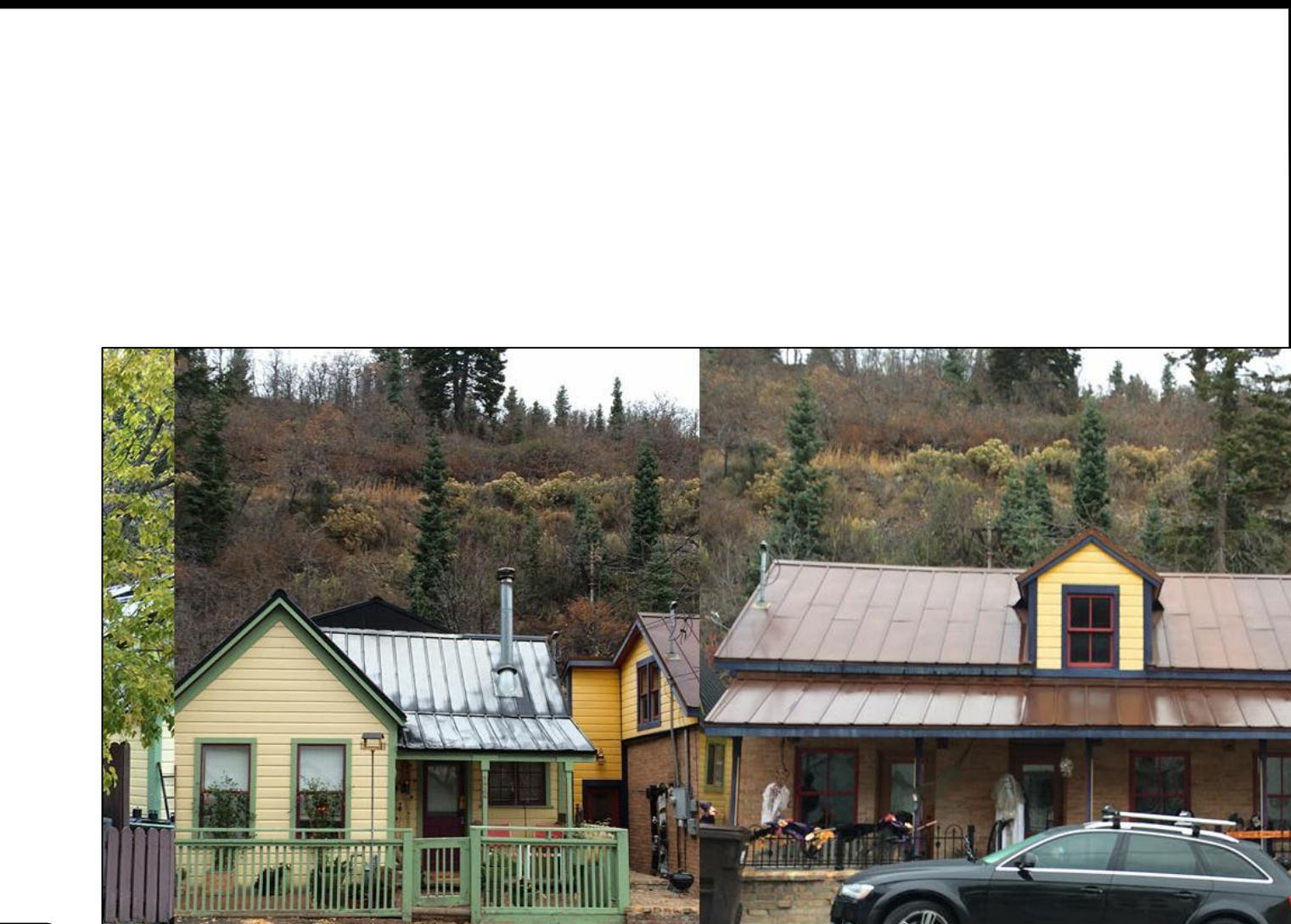
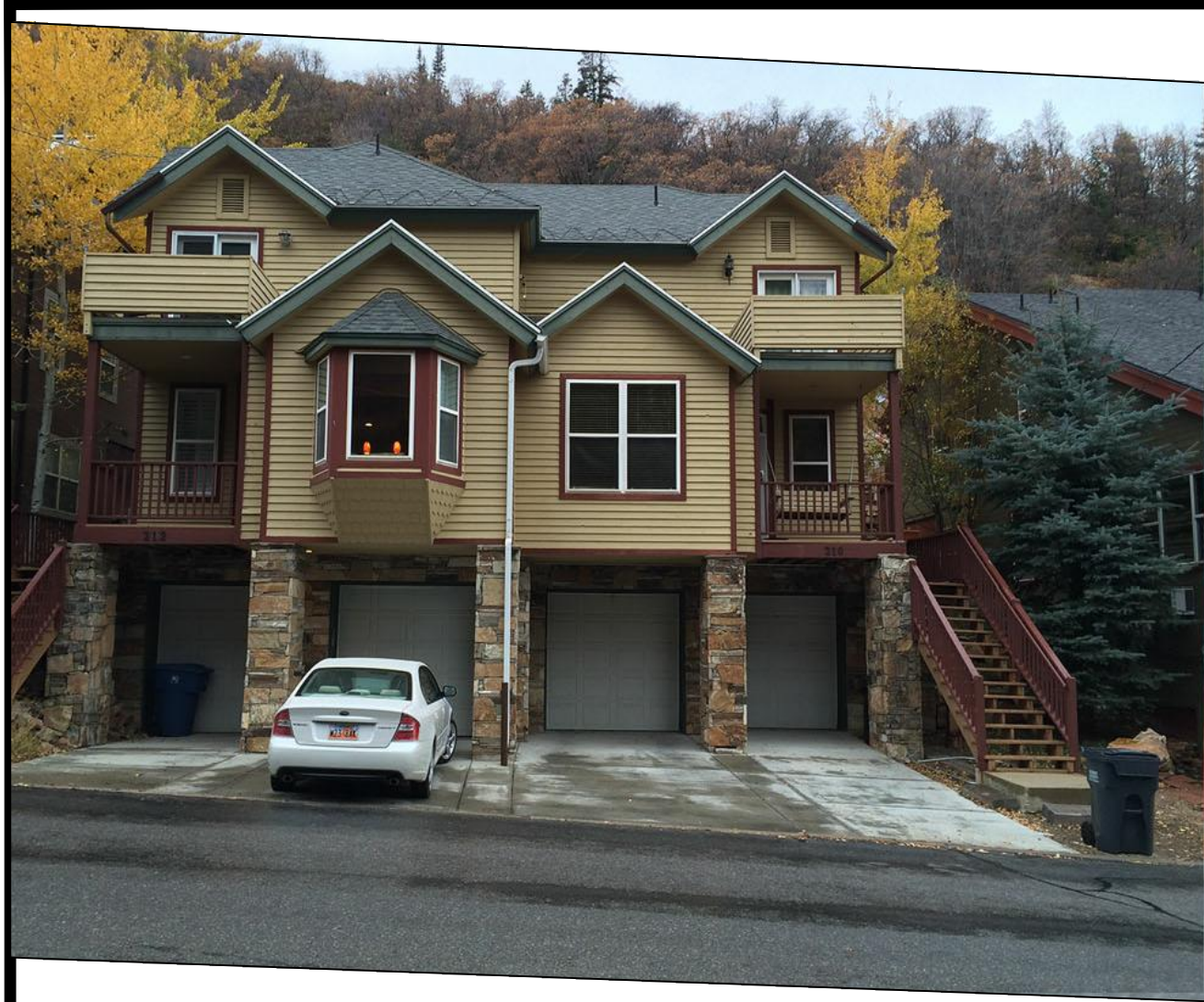
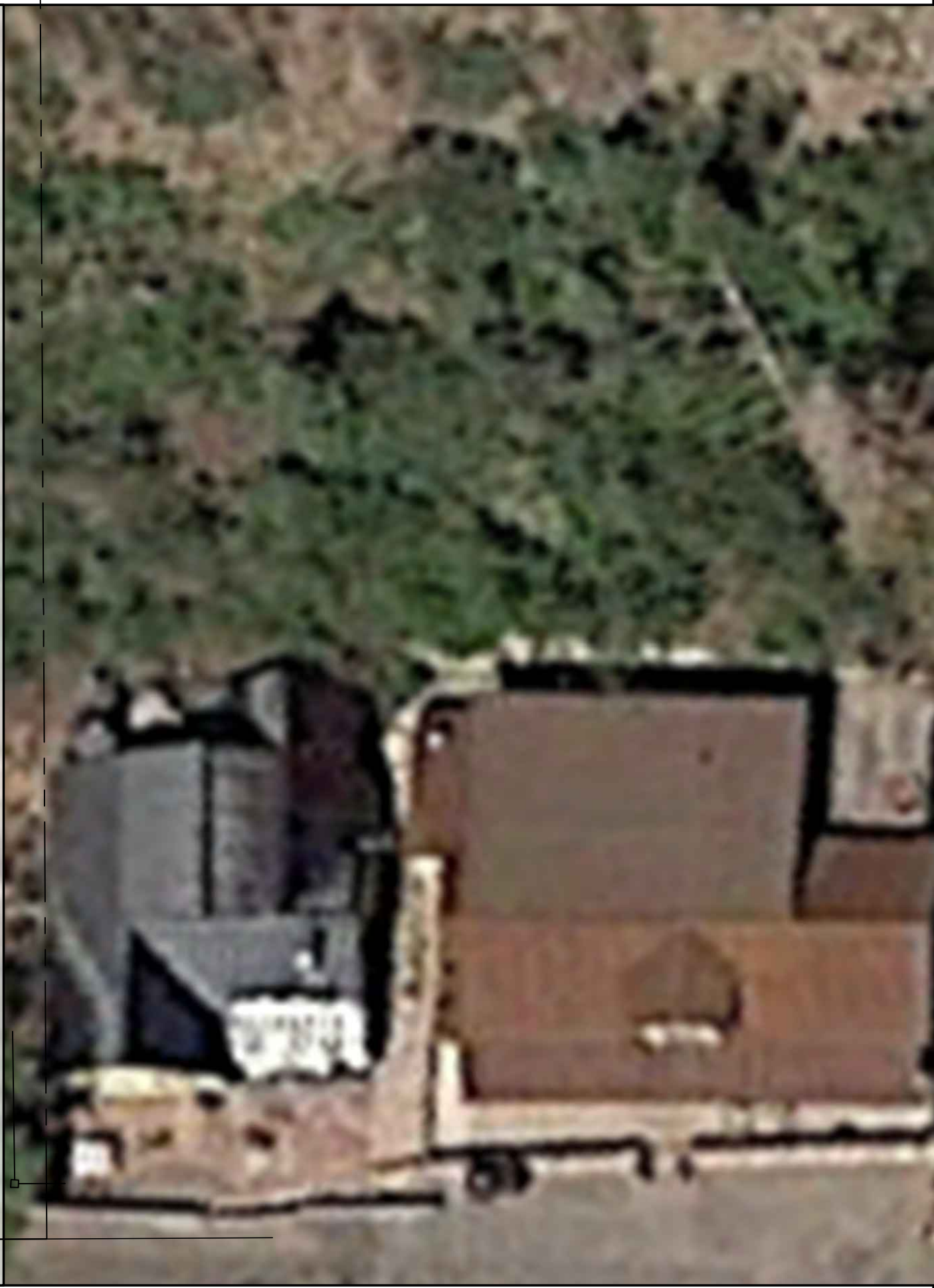
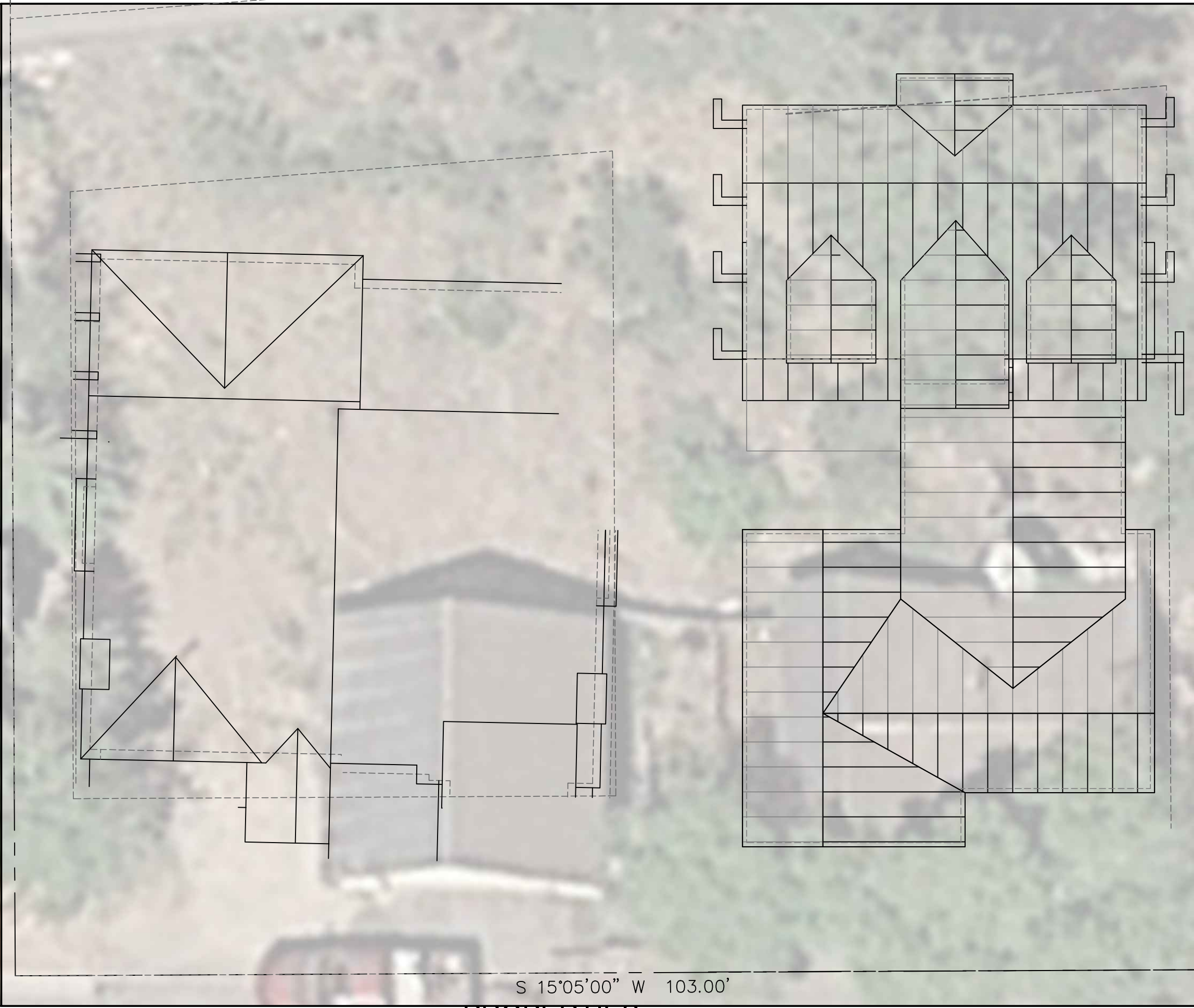
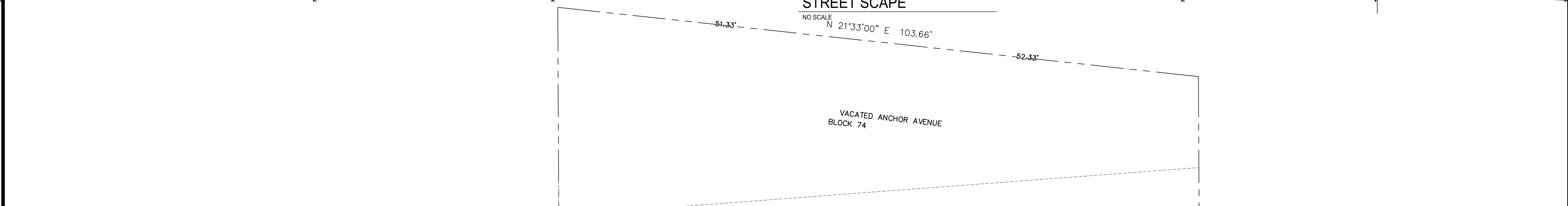
P.O. BOX 386 BOUNTIFUL, UT 84011-386
P.H.N. 801.933.4676 or 801.295.4676
FAX 801.299.1111 www.hornandpartners.com

P DALY AVE. DUPLEX RESIDENCE
182 DALY AVE. (GARAGE)
PARK CITY, UT

DRAWING DATE:	JOB NO.
DATE 9/18/18	
DRAWN BY:	FILE NO.
CHECKED BY:	1512-A101

SITE PLANS

A1.01



210 DALY AVE.

200 DALY AVE.

180 DALY AVE.
STREET SCAPE

172 DALY AVE.

166 DALY AVE.

NO SCALE
N 21°33'00" E 103.66'

51.33'

52.33'

VACATED ANCHOR AVENUE
BLOCK 74

S 15°05'00" W 103.00'

PROPERTIES

NO SCALE



DAVE BAGLINO
ADDRESS
CITY, STATE

OWNER

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HORN
ARCHITECTURE

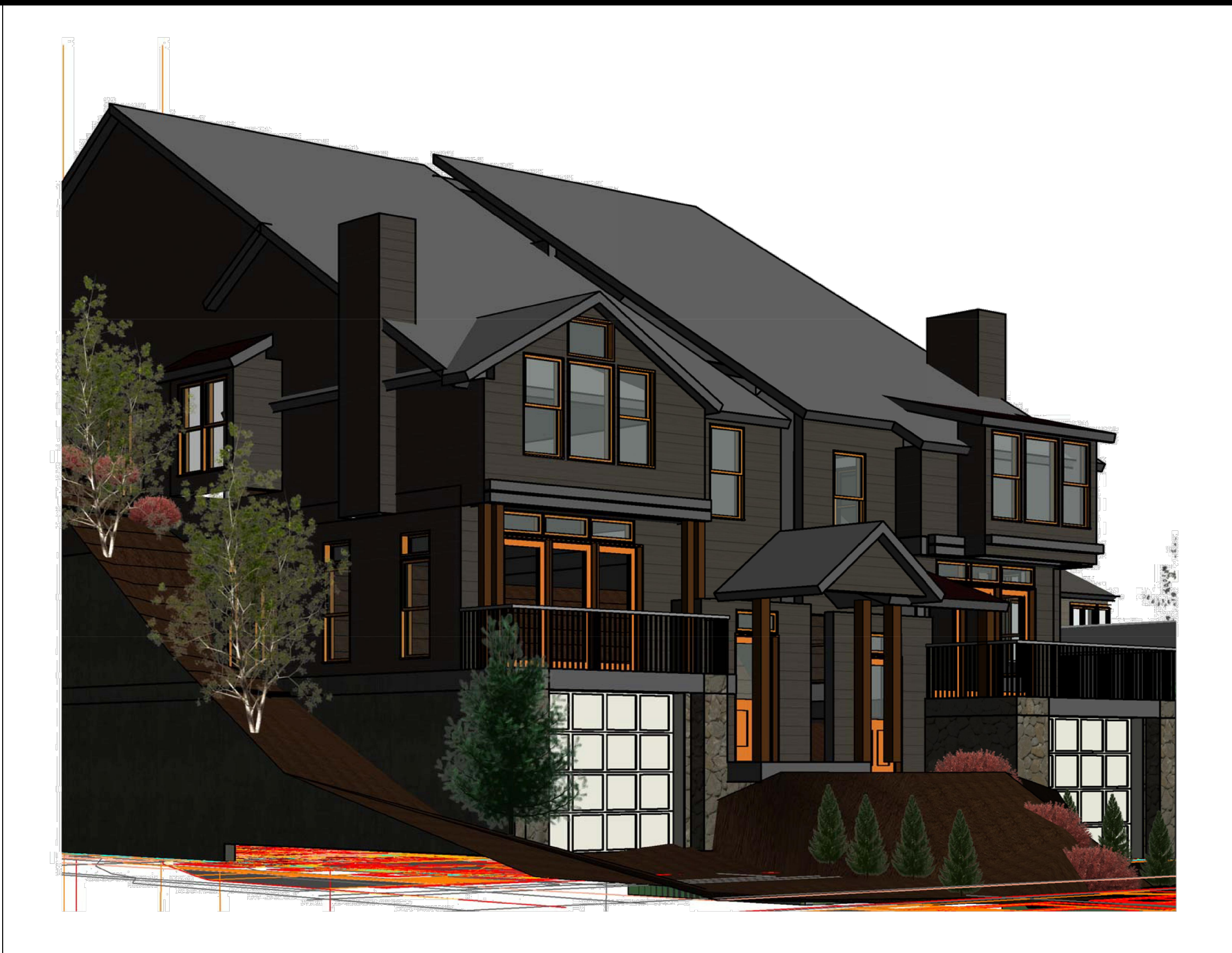
P.O. BOX 386 BOUNTIFUL, UT 84011-0386
P.H.N. 801.933.4676 OR 801.295.4676
FAX 801.299.1111 www.hornandpartners.com

P DALY AVE. DUPLEX RESIDENCE
R 182 DALY AVE. (GARAGE)
O PARK CITY, UT
J

DRAWING DATE:	JOB NO.
DATE 9/18/18	-
DRAWN BY:	FILE NO.
CHECKED BY:	1512-4102

STREET
SCAPE

A1.02



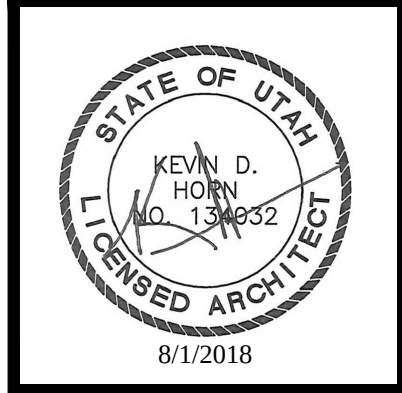
STREET VIEW



NORTHEAST STREET VIEW



SOUTHEAST STREET VIEW



DAVE BAGLINO
OWNER
ADDRESS
CITY, STATE

HORN PARTNERS
ARCHITECTURE
P.O. BOX 386 BOUNTIFUL, UT 84011-386
P.H.N. 801.933.4676 or 801.295.4676
FAX 801.299.1111 www.hornandpartners.com

P R O J
DALY AVE. DUPLEX RESIDENCE
182 DALY AVE. (GARAGE)
PARK CITY, UT

DRAWING DATE:	JOB NO.
DATE 9/18/18	-
DRAWN BY:	FILE NO.
CHECKED BY:	1512-AL03

VIEWS
A1.03

Landscape Notes

All lawn areas shall receive a 4 inch depth of topsoil, all shrub planting areas a 12 inch depth of topsoil. Topsoil material is not available at the site and must be imported from an approved local source. All topsoil to be used shall be of a sandy loam consistency.

All plant material holes shall be dug twice the diameter of the rootball and 6 inches deeper.

Excavated material shall be removed from the site.

Plant backfill mixture shall be composed of 3 parts topsoil to 1 part humus additive, and shall be rotary mixed on-site prior to installation.

Upon completion of planting operations, all shrub and tree wells shall receive a 3 inch depth of appropriate mulch cover. All perennial areas (if any) shall receive a 3 inch depth of fine ground bark ("Soil Pep") tilled into the top 6 inches of topsoil.

All lawn and shrub areas shall be separated with pvc border, to be installed per manufacturer's recommendations.

All landscape boulders shall be of similar color to any exterior building stone, etc. that may be used in the construction.

The project shall be swept clean of dirt and debris prior to completion of the project.

The landscape contractor shall be responsible for maintaining the entire project for a period through the second mowing of the lawn, or 30 days, whichever is greater.

The contractor shall comply with all warranties and guarantees set forth by the Owner, and in no case shall that period be less than one year following the date of completion and acceptance.

The contractor shall line all planting areas with weed barrier fabric, and bark.

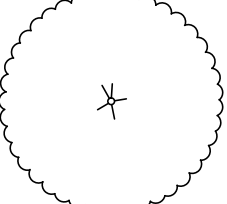
Irrigation Notes

1. Provide a complete underground irrigation system including all back flow preventers piping, automated control valves, controls, sprinkler heads, and control wiring for a complete system as required to support plantings.

2. Provide the following key noted irrigation systems on the cycle indicated (1 thru 12)

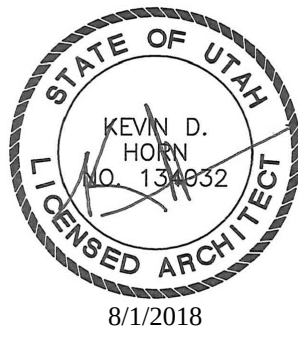
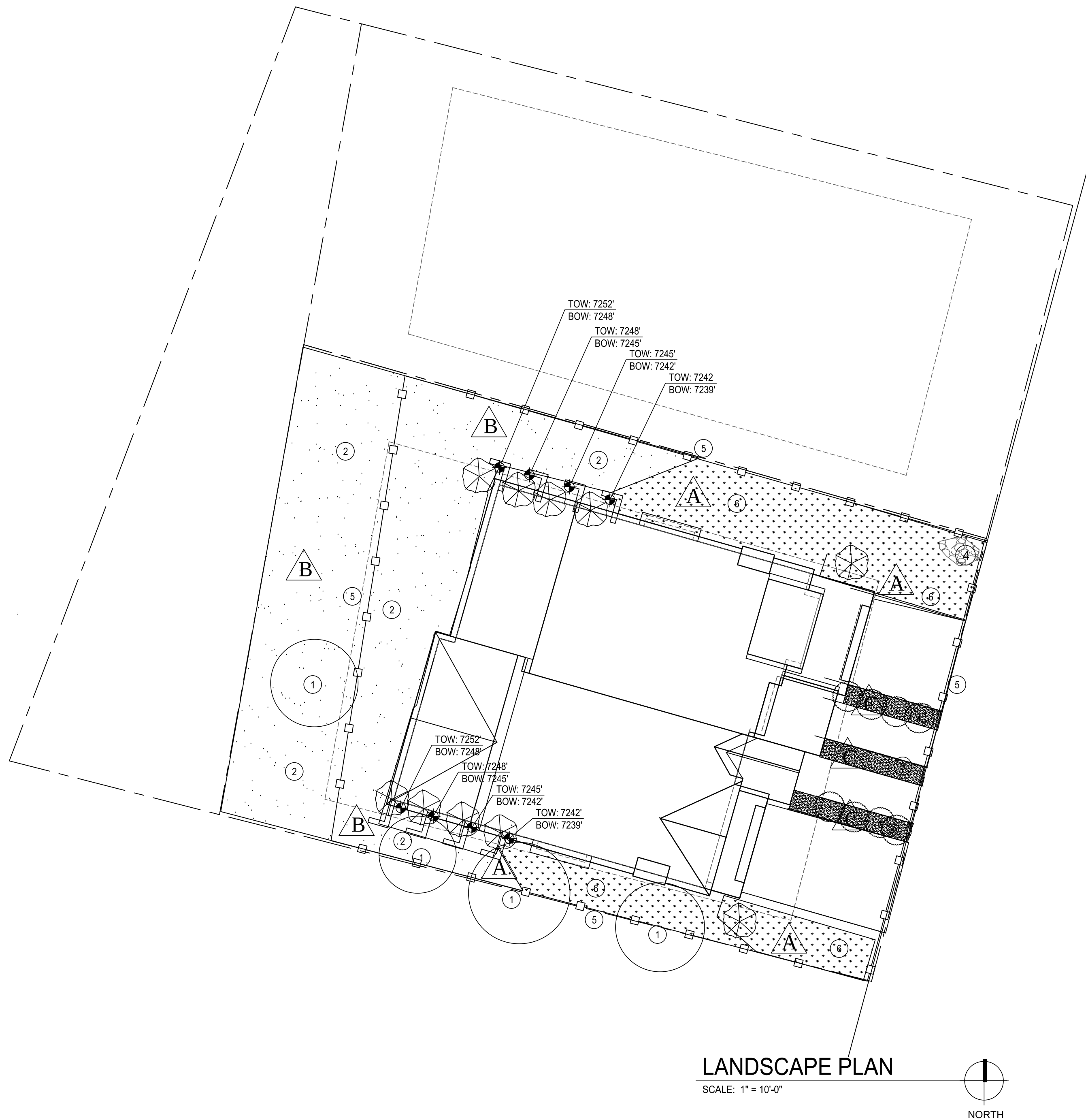
- A** Area pop-up spray heads for turf.
- B** Area tall spray heads for shrubs.
- C** Drip system.

LANDSCAPE LEGEND

-  NEW DWARF MUGO PINE SHRUB (7) 2 GAL.
-  EUONIMUS SHRUB (49) 5 GAL.
-  EXISTING TREE
-  SHREADED MULCH
-  TURF - KENTUCKY BLUE GRASS MIX SOD
-  REVEG. - RED FESCUE AND BLUEBUNCH WHEATGRASS

SITE NOTES:

- 1 EXISTING TREES TO REMAIN
- 2 RESEED NATRUAL GRASSES: RED FESCUE (*Festuca rubra*) AND BLUEBUNCH WHEATGRASS (*Pseudoroegneria spicata*)
- 3 NEW PERENNIAL PLANTING AREA W/ EDGING
- 4 ROCK LANDSCAPE FEATURE AT FRENCH DRAIN OUTLET
- 5 L.O.D. SEE DETAIL FOR ERROSION CONTROL
- 6 NEW LAWN - KENTUCKY BLUEGRASS MIX



DAVE BAGLINO
ADDRESS
CITY, STATE

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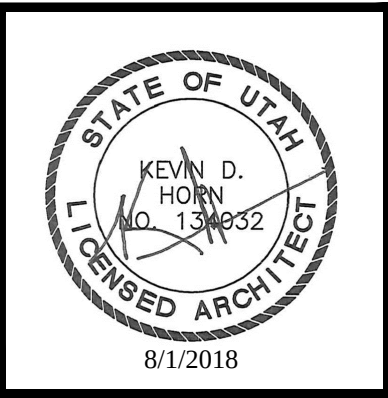
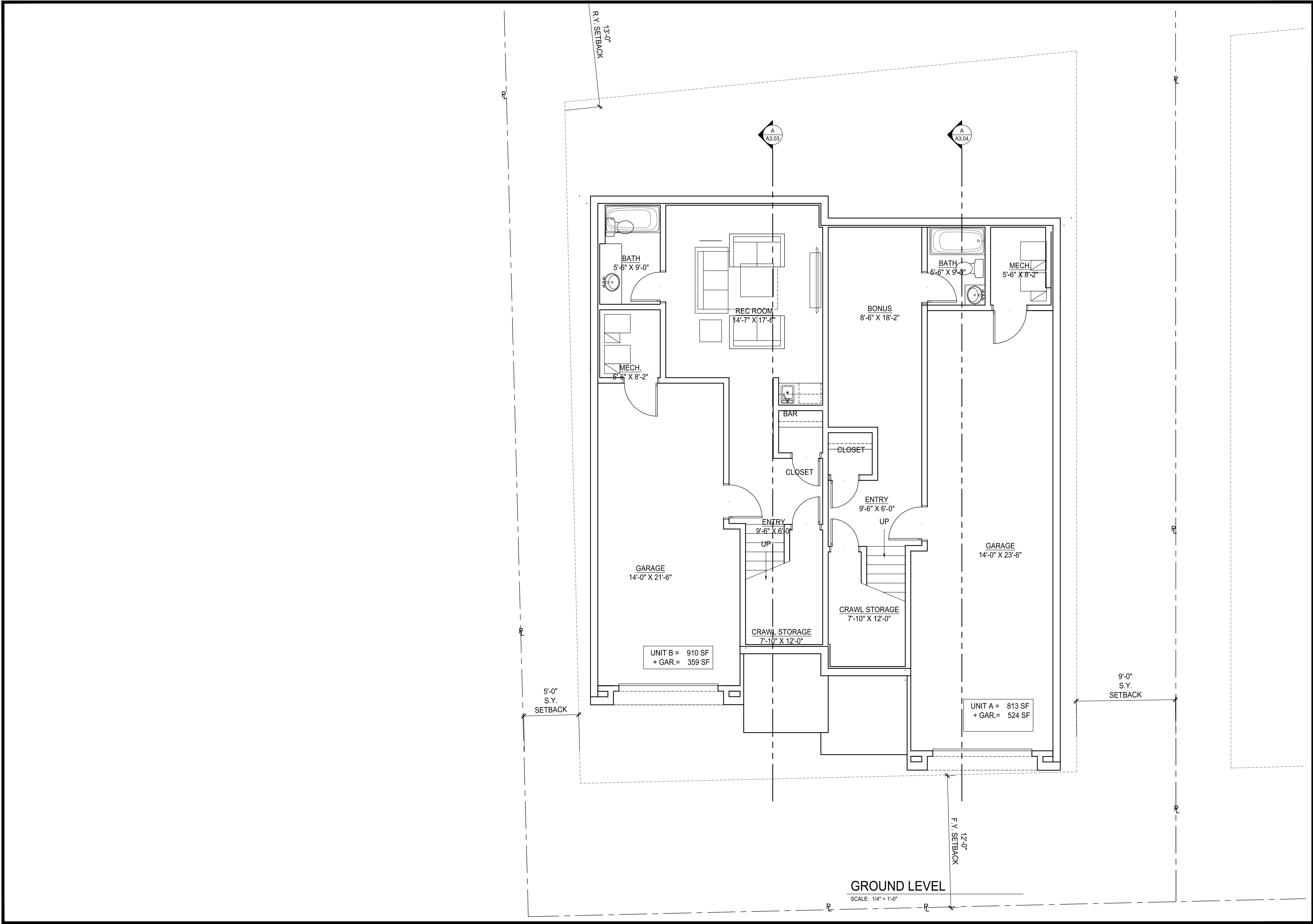
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P DALY AVE. DUPLEX RESIDENCE
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PARK CITY, UT

DRAWING DATE:	JOB NO.
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LANDSCAPE
PLAN

L1.01



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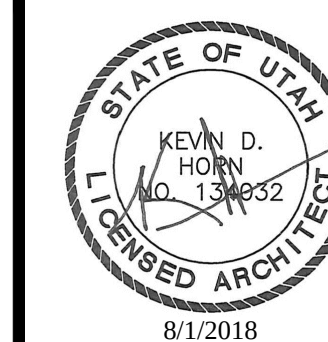
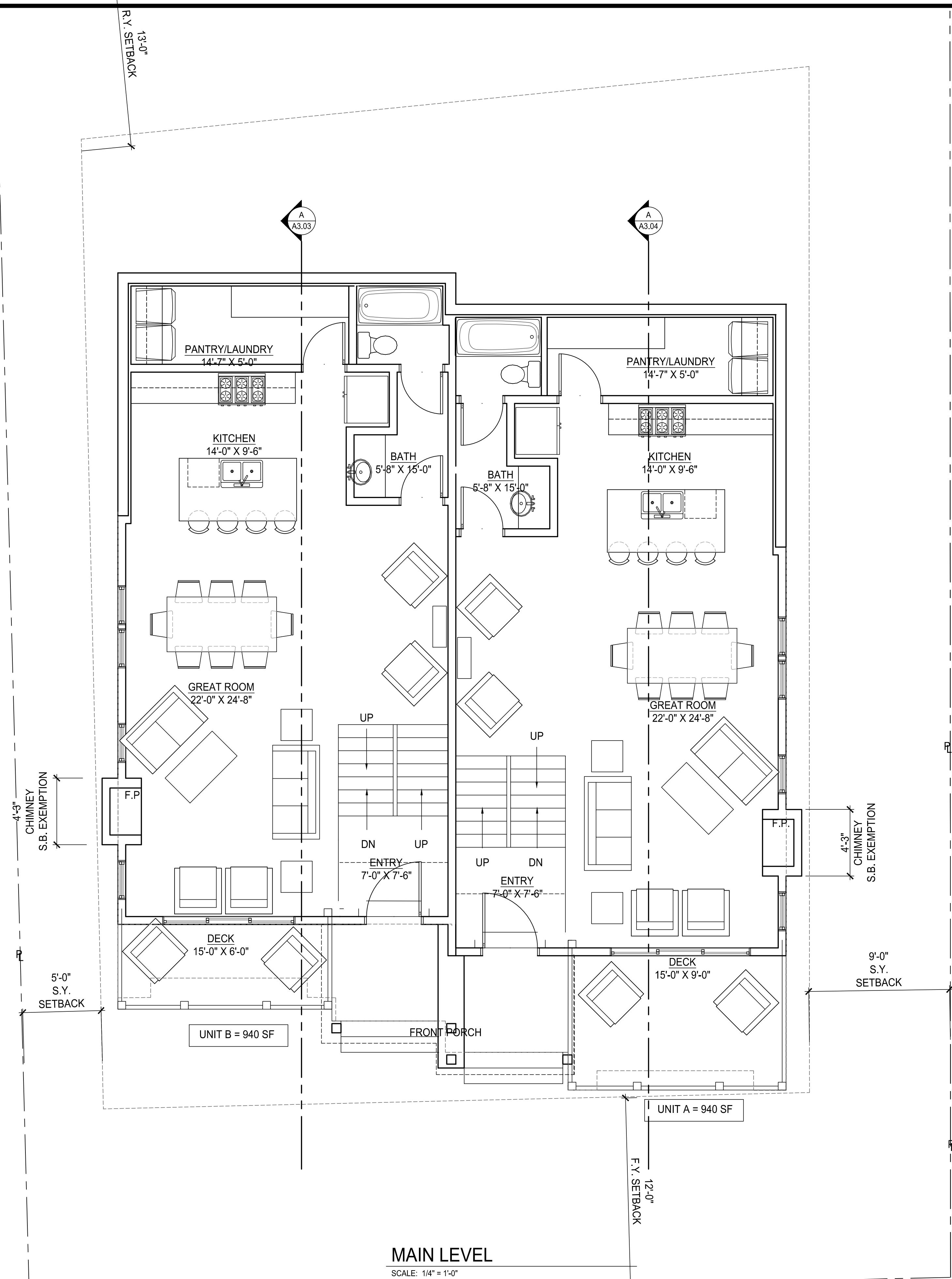
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GROUND
LEVEL
PLANS
A2.00



DAVE BAGLINO
ADDRESS
CITY, STATE

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DALY AVE. DUPLEX RESIDENCE
182 DALY AVE. (GARAGE)
PARK CITY, UT

P DALY AVE. DUPLEX RESIDENCE
O
J 182 DALY AVE. (GARAGE)
PARK CITY, UT

P DALY AVE. DUPLEX RESIDENCE
O
J 182 DALY AVE. (GARAGE)
PARK CITY, UT

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DATE 9/18/18				
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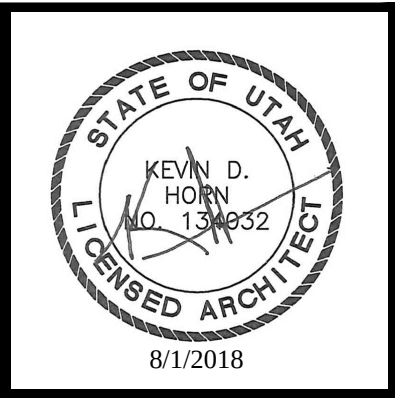
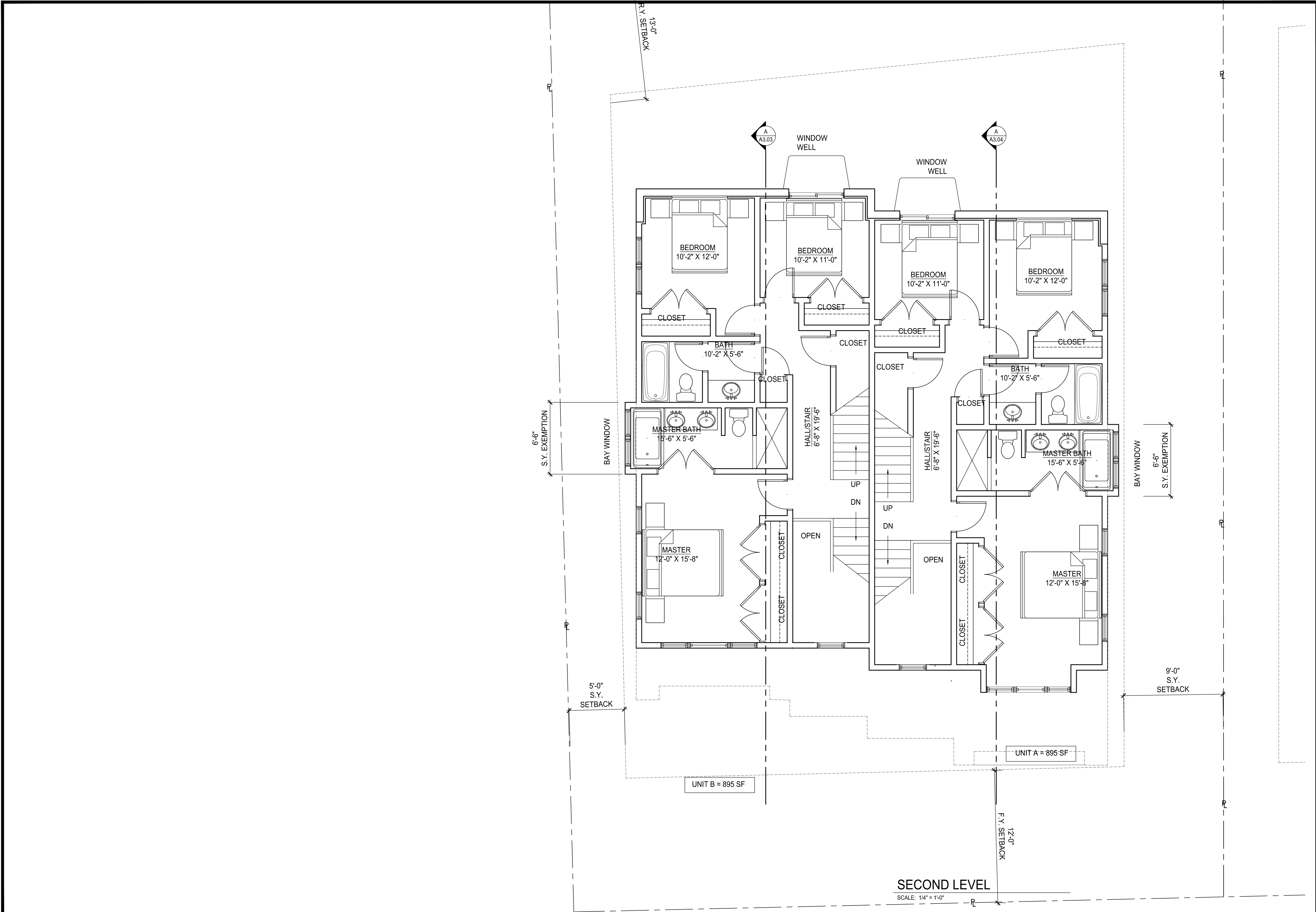
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DATE 9/18/18			-

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DATE 9/18/18			-

MAIN LEVEL PLANS

A2.01

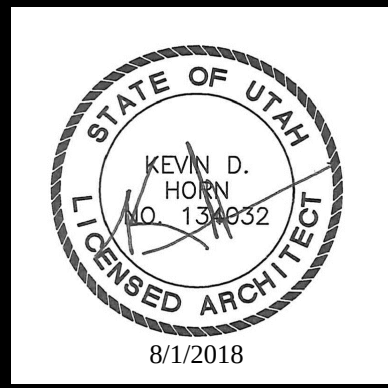
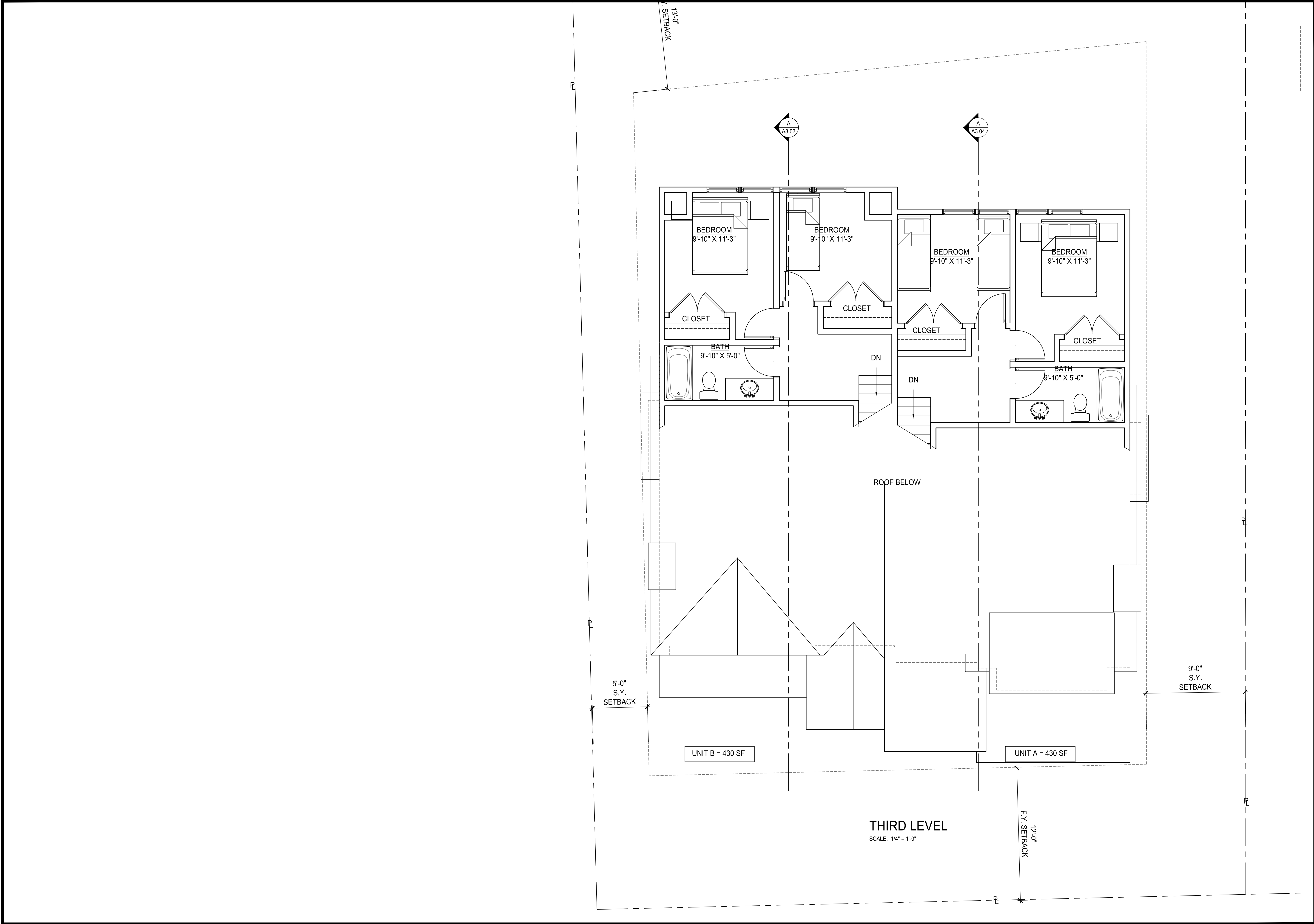


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PROJECT P R O J	DALY AVE. DUPLEX RESIDENCE 182 DALY AVE. (GARAGE) PARK CITY, UT			
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	DATE: 9/18/18			
	DRAWN BY:			

2ND LEVEL PLANS
A2.02



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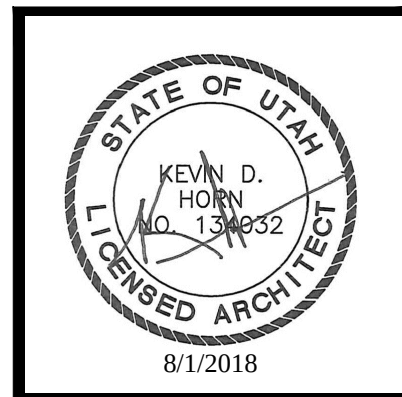
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3 RD LEVEL PLANS

A2.03



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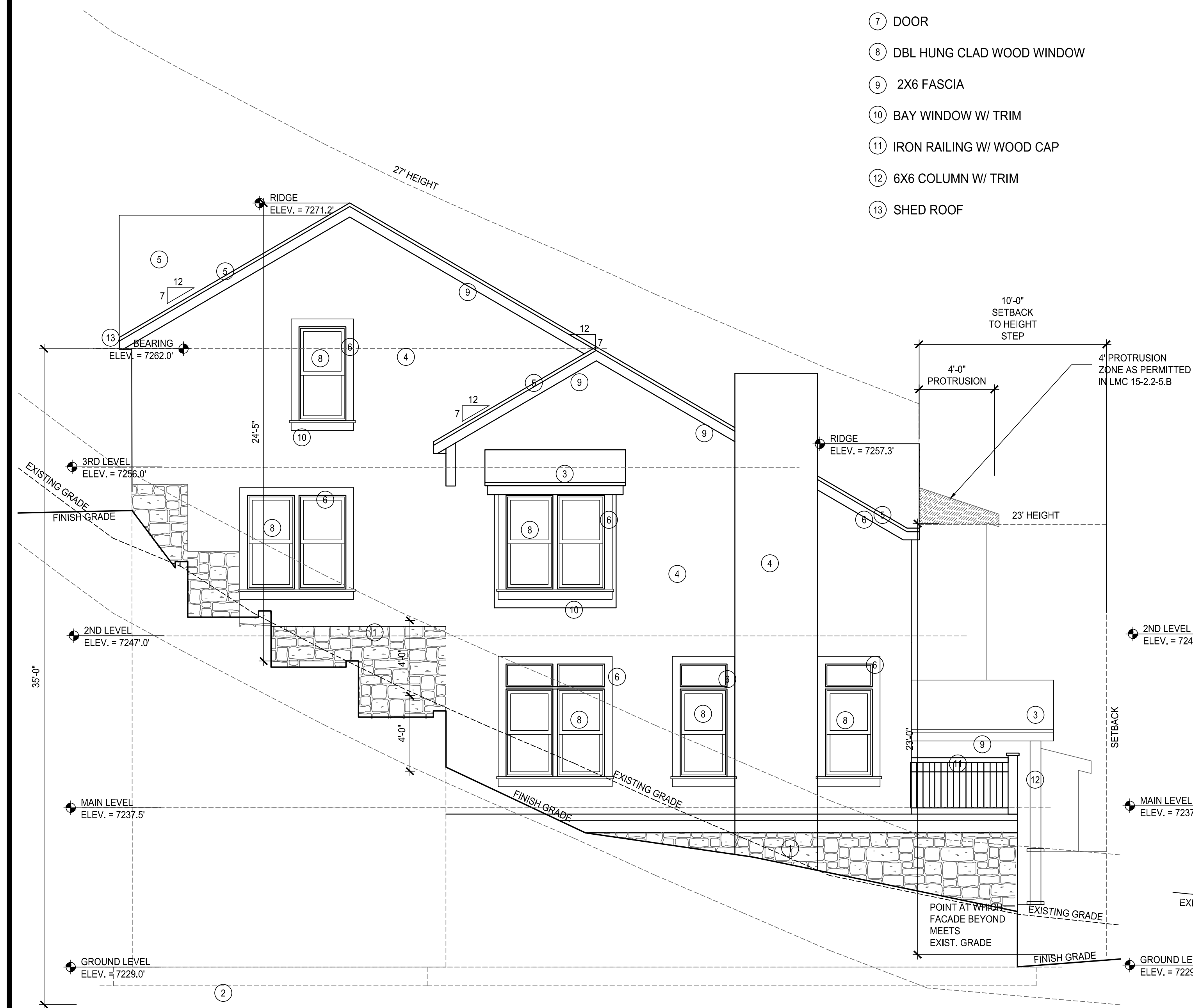
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DATE 9/18/18	
DRAWN BY:	FILE NO.
CHECKED BY:	1512-A301

EXTERIOR
ELEVATIONS

A3.01

EXTERIOR FINISHES:

- 1 STONE VENEER
- 2 CONC. FOUNDATION
- 3 STANDING SEAM ROOF
- 4 VERTICAL BOARD & BATTEN
- 5 ASPHALT SHINGLE ROOF
- 6 1X6 TRIM
- 7 DOOR
- 8 DBL HUNG CLAD WOOD WINDOW
- 9 2X6 FASCIA
- 10 BAY WINDOW W/ TRIM
- 11 IRON RAILING W/ WOOD CAP
- 12 6X6 COLUMN W/ TRIM
- 13 SHED ROOF



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



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



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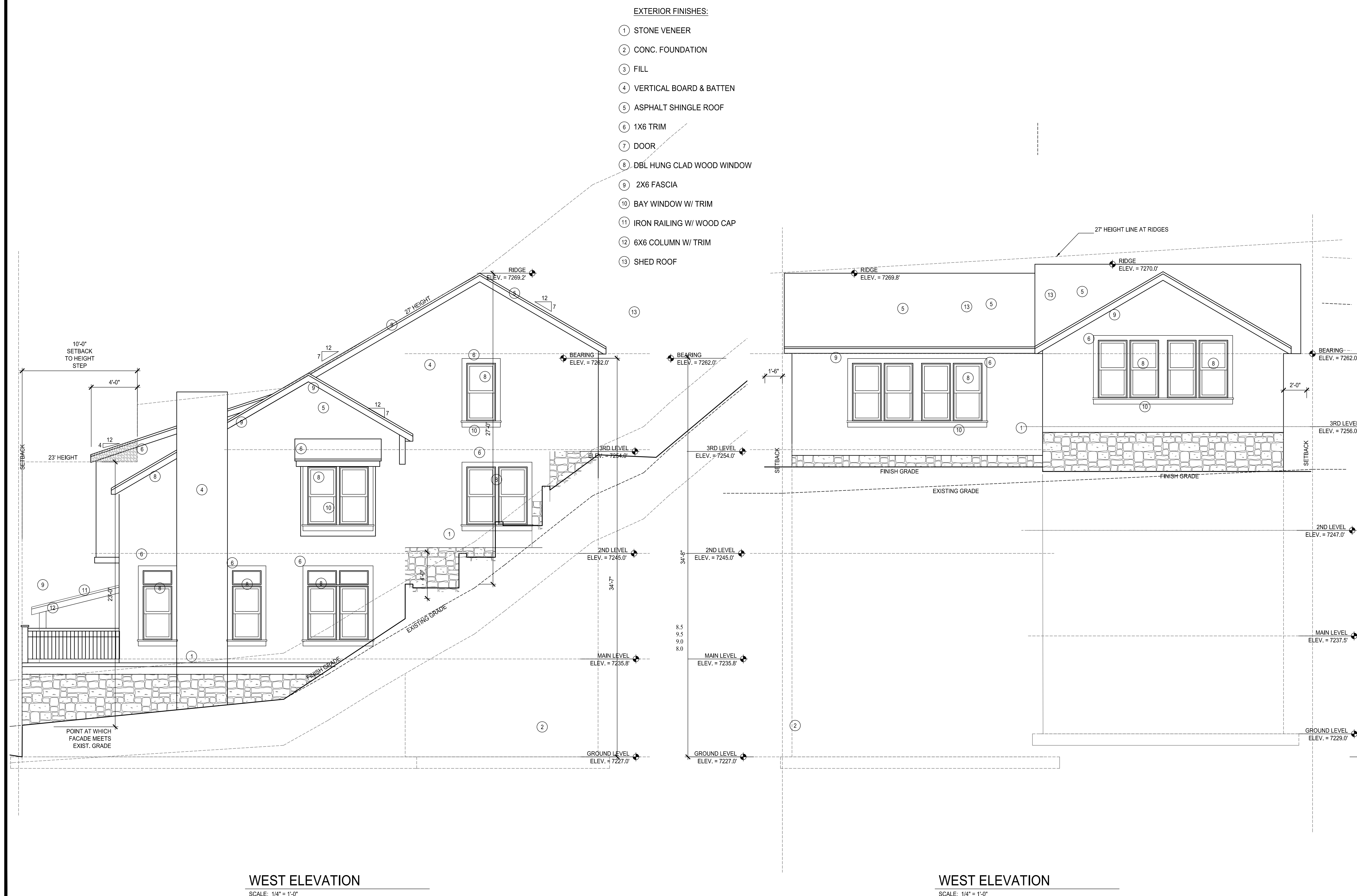
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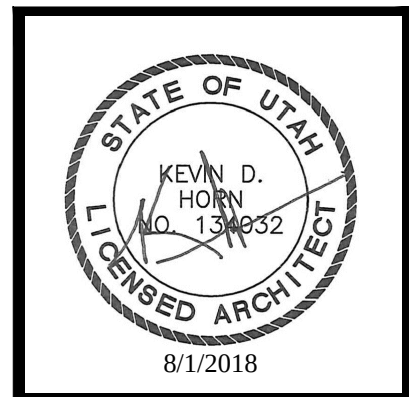
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DATE	9/18/18			-
DRAWN BY:				FILE NO:

EXTERIOR
ELEVATION

A3.02





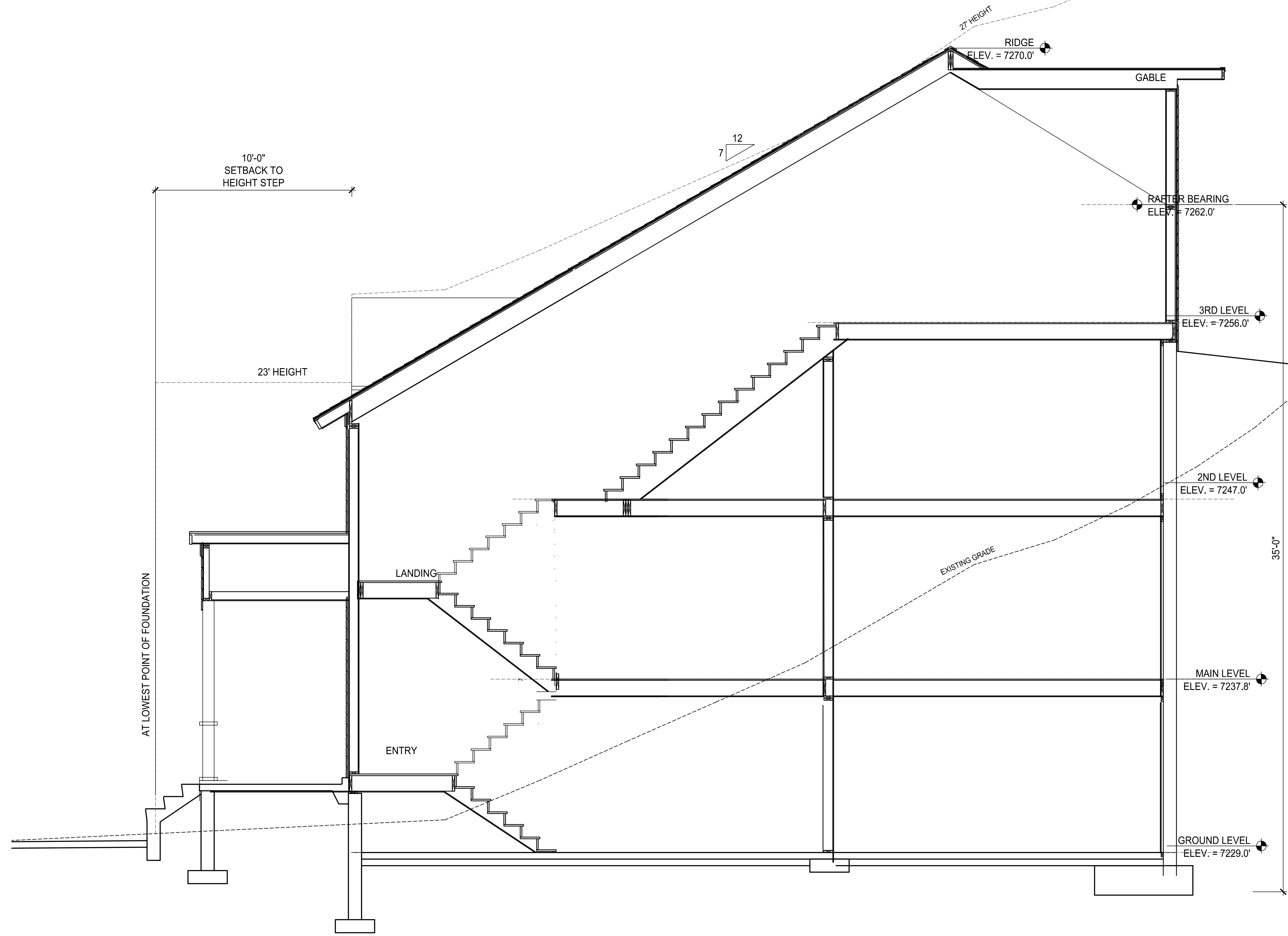
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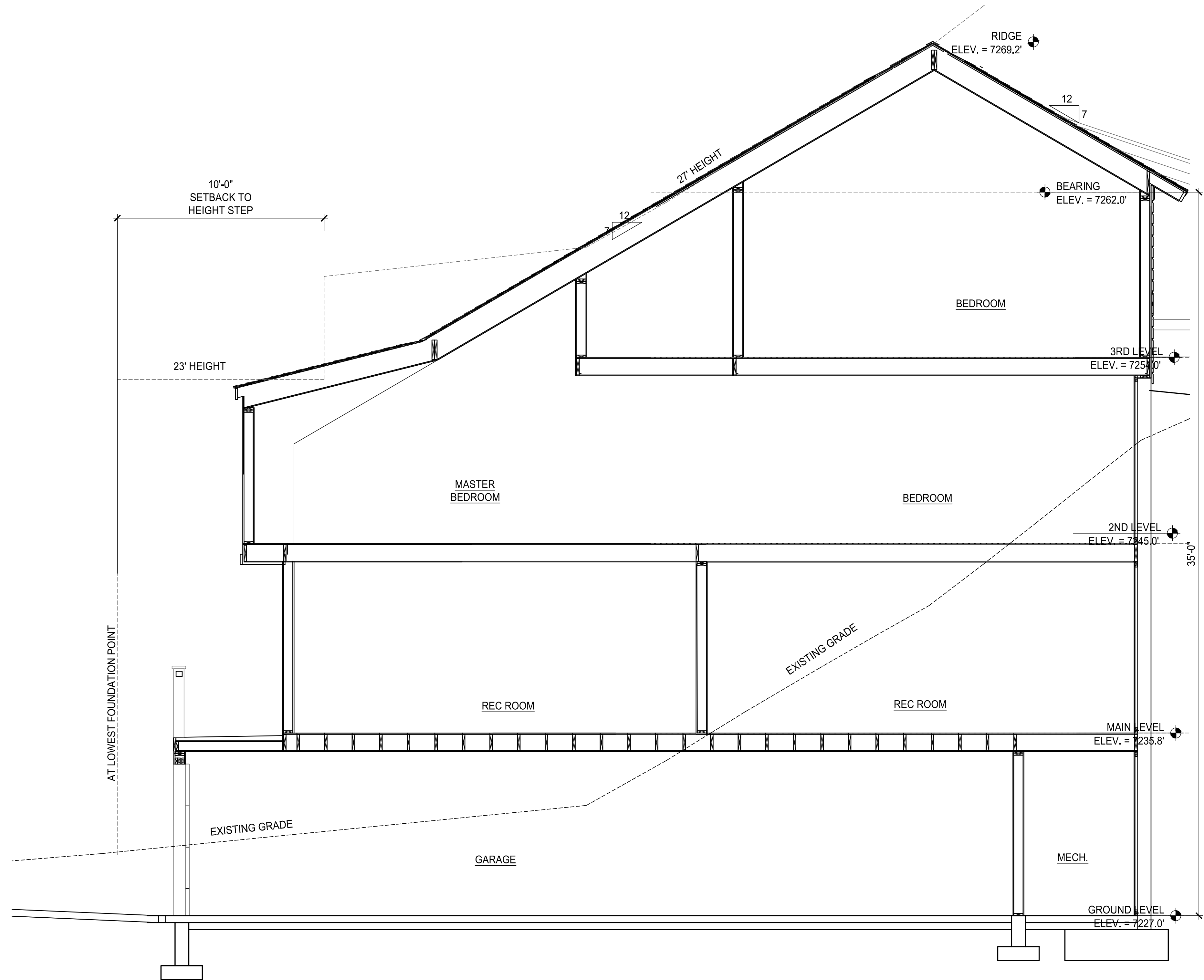
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	-	
	FILE NO.	
	1512-A303	
DRAWING DATE:	DATE	9/18/18
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BUILDING
ELEVATIONS
A3.03

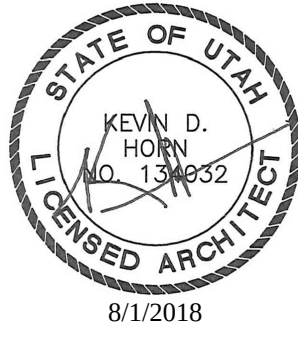


BUILDING SECTION
SCALE: 3/16" = 1'-0"



BUILDING SECTION

SCALE: 3/16" = 1'-0"



DAVE BAGLINO
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CITY, STATE

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PARK CITY, UT

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DATE 9/18/18	-
DRAWN BY:	FILE NO.
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BUILDING
SECTIONS

A3.04



October 25, 2018

1055 Norfolk, LLC Series 180 Daly and
1055 Norfolk, LLC series 182 Daly
Attn: David Baglino
P.O. Box 684206
Park City, UT 84068

CC: Kevin Horn

NOTICE OF PLANNING COMMISSION ACTION

Description

Project Description: 182 Daly Avenue Duplex Conditional Use Permit
Project Number: PL-17-03708
Project Address: 182 Daly Avenue
Date of Final Action: October 24, 2018

Action Taken

On October 24, 2018 the Planning Commission conducted a public hearing and approved the 182 Daly Avenue Duplex Conditional Use Permit (CUP) according to the following findings of fact, conclusions of law, and conditions of approval:

Findings of Fact:

1. The property is located at 182 Daly Avenue.
2. The Park City Council approved the Daly Delight Plat Amendment at this location on July 12, 2018. The final Mylar has not yet been recorded.
3. The Historic District Design Review (HDDR) application for the proposed for the new Duplex Dwelling is on hold, pending Planning Commission approval of the Steep Slope Conditional Use Permit and Duplex Dwelling Conditional Use Permit.
4. The property is located within the Historic Residential (HR-1) District and meets the purpose of the zone.
5. A Duplex Dwelling is a conditional use in the HR-1 District.
6. Following recording of the plat amendment, the lot will contain 5,329 square feet. This is an uphill lot with an average slope of approximately 44%.
7. Access to the property is from Daly Avenue, a public street.
8. Two (2) parking spaces are provided for each unit. The southerly unit provides one (1) parking space in the garage and one (1) parking space in the driveway. The northerly unit provides two (2) parking spaced in a tandem configuration in the garage. The entire site provides a total of four (4) parking spaces.

9. The neighborhood is characterized by a mix of historic and non-historic residential structures (single-family and Duplex Dwellings). The streetscape is dominated by garages, parking pads, and pedestrian entryways. The homes are a mix of one- to two-story residential developments.
10. An overall building footprint of 1,974 square feet is proposed. The maximum allowed footprint for this lot is 1,975 square feet.
11. The proposed Duplex Dwelling complies with the front and rear yard setbacks. The minimum front and rear yard setbacks are 12 feet, for a total of 25 feet; the applicant is proposing a 12 foot front yard and 19 foot rear yard setback, for a total of 31 feet.
12. The proposed addition complies with the side yard setbacks. The minimum side yard setbacks are 5 feet, for a total of 14 feet. The historic house has a 9 foot side yard setback on the north and 5 foot setback on the south, for a total of 14 feet.
13. The proposed Duplex Dwelling complies with the twenty-seven feet (27') maximum building height requirement measured from existing grade. Portions of the house are less than twenty seven feet (27') in height. The 10 foot minimum horizontal step in the downhill façade has a maximum height of 23 feet with a 24 foot 6 inch tall architectural feature measuring 11 feet 4 inches wide (which equates to less than 25% of the façade width). The Contributory Roof Form has a 7:12 pitch which complies with the Contributing Roof Form requirement of 7:12 – 12:12 pitch. The Secondary Roof Form has a 3:12 pitch and is subordinate to the Contributory Roof Form.
14. The proposed addition has an interior height of 35 feet, which complies with the required interior height of 35 feet.
15. There are no unmitigated impacts to LMC 15-1-10(E)(1) Size and location of the site, as the Lot containing the Duplex Dwelling is 5,329 square feet. Per LMC 15-2.2-3 Lot And Site Requirements, Developments consisting of a Duplex Dwelling require a Lot Area at least equal to 3,750 square feet. The proposed site complies with the minimum lot size for a Duplex Dwelling.
16. There are no unmitigated impacts to LMC 15-1-10(E)(2) Traffic considerations including capacity of the existing Streets in the Area, as the Duplex Dwelling will be adding additional vehicles to Daly Avenue, as do all developments on Daly Avenue. Staff does not find that the proposed Duplex Dwelling will add any more vehicles to Daly Avenue than what would be added if two (2) Single-Family Dwellings were constructed on this site (had it been divided into two lots). This site could hold two (2) Single-Family Dwellings on two lots within the same property boundary, but the applicant has proposed to construct a Duplex Dwelling on a single lot instead. The proposed design meets the requirements for parking as indicated in the Review Criteria 5.
17. There are no unmitigated impacts to LMC 15-1-10(E)(3) Utility capacity, as this project has been reviewed by the applicable utility companies and internal departments. No concerns were brought up by those entities during their review. The applicant has provided information regarding the proposed utility plan on the Site Plan (Sheet A1.0).
18. There are no unmitigated impacts to LMC 15-1-10(E)(4) Emergency vehicle access as Emergency vehicles will access the site directly from Daly Avenue. No issues have been identified at this time.
19. There are no unmitigated impacts to LMC 15-1-10(E)(5) Location and amount of off street parking, as two (2) parking spaces are provided for each unit. The southerly

unit provides one (1) parking space in the garage and one (1) parking space in the driveway. The northerly unit provides two (2) parking spaced in a tandem configuration in the garage. The entire site provides a total of four (4) parking spaces.

20. There are no unmitigated impacts to LMC 15-1-10(E)(6) Internal vehicular and pedestrian circulation system, as vehicular and pedestrian access to the site is from Daly Avenue, a public road. The proposed driveways lead to two (2) single-car garages. At the edge of curb, the applicant has incorporated driveways with a maximum width of 12 feet. This driveway design is consistent with the driveways of new construction in the Historic District.
21. There are no unmitigated impacts to LMC 15-1-10(E)(7) Fencing, Screening and landscaping to separate the Use from adjoining Uses, as Fencing and/or screening has not been proposed for the site. This is consistent with the Daly Avenue streetscape because a Duplex Use is not uncommon on Daly Avenue. The applicant has incorporated a series of terraced retaining walls to regain Natural Grade along the periphery of the structure. These terraced retaining walls will be vegetated in each terrace which will help to shield any further impact. The retaining walls throughout the site will not change grade more than 4 feet from Existing Grade.
22. There are no unmitigated impacts to LMC 15-1-10(E)(8) Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots, as The proposed Duplex Dwelling is located on the lot in a manner that reduces the visual and environmental impacts. The Duplex Dwelling steps with the hillside which minimizes the mass and scale while still contributing to the development pattern of the Historic District. The applicant has incorporated a series of terracing retaining walls which eliminated the need for large and out of scale retaining walls.
23. There are no unmitigated impacts to LMC 15-1-10(E)(9) Usable Open Space, as the proposed structure complies with all applicable lot and site requirements, thus providing open space similar to that provided by other development on Daly Avenue
24. There are no unmitigated impacts to LMC 15-1-10(E)(10) Signs and lighting, as the proposal does not include any signs. All exterior lighting features will be down-lit and shielded.
25. There are no unmitigated impacts to LMC 15-1-10(E)(11)_Physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing, as the proposed design is visually compatible with the neighborhood, similar in scale and mass to surrounding structures, and visual impacts are mitigated. The applicant has staggered the units of the duplex to reduce the overall width and bulk at the street. The applicant broke up the mass of the new structure by incorporating multiple roof lines and articulation of the wall planes. By breaking up the structure into a series of smaller components, the entire structure is more compatible with the Historic District. The areas of the structure above grade will appear to be one to two stories in height, which is compatible with the existing house and the neighborhood overall.
26. There are no unmitigated impacts to LMC 15-1-10(E)(12) Noise, vibration, odors, steam, or other mechanical factors that might affect people and property Off-site, as the mechanical room for the proposed project is located within the building and is not accessible from the exterior of the building.

27. There are no unmitigated impacts to LMC 15-1-10(E)(13) Control of delivery and service vehicles, loading and unloading zones, and Screening of trash pickup Areas, as this is a Duplex Dwelling which is consistent with other residential uses on Daly Avenue. No delivery, loading, or trash pick-up areas will be more intensive than the existing development on the street.
28. There are no unmitigated impacts to LMC 15-1-10(E)(14) Expected Ownership and management of the project as primary residences, Condominiums, time interval ownership, nightly rental, or commercial tenancies, how the form of ownership affects taxing entities, as this property will be sold to a private property owner. Each unit will be under one owner until a condominium plat amendment is recorded (there is no Condominium Plat Amendment application on file with the Planning Department at this time).
29. There are no unmitigated impacts to LMC 15-1-10(E)(15) Within and adjoining the Site, impacts on Environmentally Sensitive Lands, Slope retention, and appropriateness of the proposed Structure to the topography of the Site, as the property is located outside the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore is not regulated by the City for mine related impacts. If the property owner does encounter mine waste or mine waste impacted soils they must handle the material in accordance to State and Federal law. Staff has included this as Condition of Approval #13 of the Steep Slope Conditional Use Permit.
30. There are no unmitigated impacts to LMC 15-1-10(E)(16) Reviewed for consistency with the goals and objectives of the Park City General Plan; however such review for consistency shall not alone be binding, as the proposed Duplex Dwelling fulfills the Goals, Objectives, and/or Implantation Strategies of the General Plan, including Goal 15: Preserve the integrity, mass, scale, compatibility and historic fabric of the nationally and locally designated historic resources and districts for future generations
31. The property was posted and notice was mailed to property owners within 300 feet on October 10, 2018. Legal notice was also published in the Park Record in accordance with requirements of the Land Management Code on October 6, 2018.
32. The Findings in the Analysis section of this report are incorporated herein.

Conclusions of Law

1. The application complies with all requirements of the LMC and satisfies all Conditional Use Permit review criteria for a Multi-Unit Dwelling as established by the [LMC 15-1-10](#).
2. The Use, as conditioned, is Compatible with surrounding Structures in Use, scale, mass and circulation; and
3. The effects of any differences in Use or scale have been mitigated through careful planning.

Conditions of Approval

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
3. City Engineer review and approval of all appropriate grading, utility installation, public improvements and drainage plans for compliance with City standards, to include driveway and Parking Area layout, is a condition precedent to building permit

issuance. An approved shoring plan is required prior to excavation.

4. A landscape plan is required to be submitted with the building permit. Changes to an approved landscape plan must be reviewed and approved by the Planning Department prior to landscape installation.
5. This approval will expire on October 24, 2019, if a complete building permit submittal has not been received, unless a written request for an extension is received and approved by the Planning Director prior to the date of expiration
6. Recordation of the Plat is required prior to building permit issuance.
7. Modified 13-D fire sprinkler system is required.

If you have any questions or concerns regarding this letter, please do not hesitate to call me at 435-615-5059 or contact me by email at hannah.tyler@parkcity.org.

Sincerely,

A handwritten signature in black ink, appearing to read 'Hannah M. Tyler', written in a cursive style.

Hannah M. Tyler
Planner



October 25, 2018

1055 Norfolk, LLC Series 180 Daly and
1055 Norfolk, LLC series 182 Daly
Attn: David Baglino
P.O. Box 684206
Park City, UT 84068

CC: Kevin Horn

NOTICE OF PLANNING COMMISSION ACTION

Description

Project Description: 182 Daly Avenue Steep Slope Conditional Use Permit
Project Number: PL-16-03084
Project Address: 182 Daly Avenue
Date of Final Action: October 24, 2018

Action Taken

On October 24, 2018 the Planning Commission conducted a public hearing and approved the 182 Daly Avenue Steep Slope Conditional Use Permit (CUP) according to the following findings of fact, conclusions of law, and conditions of approval:

Findings of Fact:

1. The property is located at 182 Daly Avenue.
2. The Park City Council approved the Daly Delight Plat Amendment at this location on July 12, 2018. The final Mylar has not yet been recorded.
3. The Historic District Design Review (HDDR) application for the proposed for the new Duplex Dwelling is on hold, pending Planning Commission approval of the Steep Slope Conditional Use Permit and Duplex Dwelling Conditional Use Permit.
4. The property is located within the Historic Residential (HR-1) District and meets the purpose of the zone.
5. A Duplex Dwelling is a conditional use in the HR-1 District.
6. Following recording of the plat amendment, the lot will contain 5,329 square feet. This is an uphill lot with an average slope of approximately 44%.
7. Access to the property is from Daly Avenue, a public street.
8. Two (2) parking spaces are provided for each unit. The southerly unit provides one (1) parking space in the garage and one (1) parking space in the driveway. The northerly unit provides two (2) parking spaced in a tandem configuration in the garage. The entire site provides a total of four (4) parking spaces.

9. The neighborhood is characterized by a mix of historic and non-historic residential structures (single-family and Duplex Dwellings). The streetscape is dominated by garages, parking pads, and pedestrian entryways. The homes are a mix of one- to two-story residential developments.
10. An overall building footprint of 1,974 square feet is proposed. The maximum allowed footprint for this lot is 1,975 square feet.
11. The proposed Duplex Dwelling complies with the front and rear yard setbacks. The minimum front and rear yard setbacks are 12 feet, for a total of 25 feet; the applicant is proposing a 12 foot front yard and 19 foot rear yard setback, for a total of 31 feet.
12. The proposed addition complies with the side yard setbacks. The minimum side yard setbacks are 5 feet, for a total of 14 feet. The historic house has a 9 foot side yard setback on the north and 5 foot setback on the south, for a total of 14 feet.
13. The proposed Duplex Dwelling complies with the twenty-seven feet (27') maximum building height requirement measured from existing grade. Portions of the house are less than twenty seven feet (27') in height. The 10 foot minimum horizontal step in the downhill façade has a maximum height of 23 feet with a 24 foot 6 inch tall architectural feature measuring 11 feet 4 inches wide (which equates to less than 25% of the façade width). The Contributory Roof Form has a 7:12 pitch which complies with the Contributing Roof Form requirement of 7:12 – 12:12 pitch. The Secondary Roof Form has a 3:12 pitch and is subordinate to the Contributory Roof Form.
14. The proposed addition has an interior height of 35 feet, which complies with the required interior height of 35 feet.
15. The proposal complies with Criteria 1: Location of Development as the proposed Duplex Dwelling is located on the lot in a manner that reduces the visual and environmental impacts. The Duplex Dwelling steps with the hillside which minimizes the mass and scale while still contributing to the development pattern of the Historic District. The applicant has incorporated a series of terracing retaining walls which eliminated the need for large and out of scale retaining walls.
16. The proposal complies with Criteria 2: Visual Analysis as the visual analysis, streetscape, and cross canyon view demonstrate that the proposed design is visually compatible with the neighborhood, similar in scale and mass to surrounding structures, and visual impacts are mitigated. The applicant has staggered the units of the duplex to reduce the overall width and bulk at the street. The side yard will be re-vegetated following construction. The terraced retaining walls mitigate the visual impact of the steep grade. The terraces will not change grade by more than 4 feet and occur within the property.
17. The proposal complies with Criteria 3: Access as the proposed driveways lead to two (2) single-car garages. At the edge of curb, the applicant has incorporated driveways with a maximum width of 12 feet. This driveway design is consistent with the driveways of new construction in the Historic District. The grade at the street is minimal which has reduced the need for extensive retaining at the street front. Any retaining to accommodate the pedestrian access will be less than 4 feet and occur within the property.
18. The proposal complies with Criteria 4: Terracing as the applicant has incorporated a series of terraced retaining walls to regain Natural Grade along the periphery of the structure. These terraced retaining walls will be vegetated in each terrace which will help to shield any further impact. The retaining walls throughout the site will not

change grade more than 4 feet from Existing Grade.

19. The proposal complies with Criteria 5: Building Location as the new structure's building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography. The design steps with the grade of the lot which allows for the mass and scale to be compatible with development patterns in the Historic District.
20. The proposal complies with Criteria 6: Building Form and Scale as the applicant broke up the mass of the new structure by incorporating multiple roof lines and articulation of the wall planes. By breaking up the structure into a series of smaller components, the entire structure is more compatible with the Historic District. The areas of the structure above grade will appear to be one to two stories in height, which is compatible with the existing house and the neighborhood overall.
21. The proposal complies with Criteria 7: Setbacks as the new structure complies with all applicable setbacks. The applicant has worked to break up the mass and scale of the structure through incorporating smaller components, multiple roof lines, and articulation of the wall planes.
22. The proposal complies with Criteria 8: Dwelling Volume as the proposed design is articulated and broken into compatible massing components. The design includes setback variations and lower building heights for portions of the structure. The proposed massing and architectural design components are compatible with both the volume and massing of single-family and other Duplex Dwellings in the area. The design minimizes the visual mass and mitigates the differences in scale between the proposed Duplex Dwelling and surrounding structures.
23. The proposal complies with Criteria 9: Building Height (Steep Slope) as the proposed new construction complies with the twenty-seven feet (27') maximum building height requirement measured from existing grade at the highest point. The height of the new structure is 27 feet above existing grade. As designed, the duplex dwelling is compatible in mass and scale with houses in the surrounding neighborhood.
24. No lighting has been proposed at this time. Lighting will be reviewed at the time of the Building Permit application for compliance with the LMC lighting code standards and Design Guidelines.
25. The Conditional Use Permit (CUP) for "Construction on a Steep Slope" at 182 Daly Avenue was deemed complete on December 12, 2017.
26. The property was posted and notice was mailed to property owners within 300 feet on October 10, 2018. Legal notice was also published in the Park Record in accordance with requirements of the LMC on October 6, 2018.
27. The property is located outside of the Soils Ordinance.
28. The findings in the Analysis section of this report are incorporated herein.

Conclusions of Law

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.2-6.
2. The Use is consistent with the Park City General Plan, as amended.
3. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. The CMP shall include language regarding the method of protecting adjacent structures.
3. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
4. No building permit for construction of the new addition shall be issued until the Daly Delight Subdivision plat is recorded.
5. This approval will expire on October 24, 2019, if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval has been requested in writing prior to the expiration date and is granted by the Planning Director.
6. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission on October 24, 2018, and the Final HDDR Design.
7. All retaining walls within any of the setback areas shall not exceed more than six feet (6') in height measured from final grade unless an exception is granted by the City Engineer per the LMC, Chapter 4.
8. Modified 13-D residential fire sprinklers are required for all new construction on this lot.
9. All exterior lighting, on porches, decks, garage doors, entryways, etc. shall be shielded to prevent glare onto adjacent property and public rights-of-way and shall be subdued in nature. Light trespass into the night sky is prohibited. Final lighting details will be reviewed by the Planning Staff prior to installation.
10. Construction waste should be diverted from the landfill and recycled when possible.
11. To the extent possible, existing Significant Vegetation shall be maintained on Site and protected during construction. When approved by the Planning Department in writing to be removed, the Significant Vegetation shall be replaced with equivalent landscaping in type and size. Multiple trees equivalent in caliper to the size of the removed Significant Vegetation may be considered instead of replacement in kind and size.
12. All excavation work to construct the foundation of the new addition shall start on or after April 15th and be completed on or prior to October 15th. The Planning Director may make a written determination to extend this period up to 30 additional days if, after consultation with the Historic Preservation Planner, Chief Building Official, and City Engineer, determines that it is necessary based upon the need to immediately stabilize an existing Historic property, or specific site conditions such as access, or lack thereof, exist, or in an effort to reduce impacts on adjacent properties.
13. The property is located outside the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore not regulated by the City for mine related impacts. If the property owner does encounter mine waste or mine waste impacted soils they must handle the material in accordance to State and Federal law.
14. All development will have to provide elevation certificates certifying compliance with the minimum FEMA Flood Zone requirements.

If you have any questions or concerns regarding this letter, please do not hesitate to call me at 435-615-5059 or contact me by email at hannah.tyler@parkcity.org.

Sincerely,

A handwritten signature in black ink, appearing to read 'Hannah M. Tyler', with a stylized, cursive script.

Hannah M. Tyler
Planner



October 25, 2018

1055 Norfolk, LLC Series 180 Daly and
1055 Norfolk, LLC series 182 Daly
Attn: David Baglino
P.O. Box 684206
Park City, UT 84068

CC: Kevin Horn

NOTICE OF PLANNING DEPARTMENT ACTION

Project Description: 182 Daly Avenue Historic District Design Review (HDDR)
Project Number: PL-17-03708
Project Address: 182 Daly Avenue
Date of Final Action: October 25, 2018

Summary of Staff Action

Staff reviewed this HDDR application for compliance with the 2009 Historic District Design Guidelines, specifically with 1) Universal Guidelines for New Construction in Historic Districts (#1 through #8) and 2) Specific Guidelines: A. Site Design; B. Primary Structures; D. Off-Street Parking Areas, Garages, & Driveways; G. Exterior Lighting; and I. Sustainability. Staff found that as conditioned the proposed new single-family home will comply with applicable Guidelines. This letter serves as the final action letter and approval for the proposed design for the new Duplex Dwelling at 182 Daly Avenue. The plans, as redlined, are approved subject to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. The property is located at 182 Daly Avenue.
2. The Park City Council approved the Daly Delight Plat Amendment at this location on July 12, 2018.
3. The property is located within the Historic Residential (HR-1) District and meets the purpose of the zone.
4. A Duplex Dwelling is a Conditional Use in the HR-1 District.
5. Following recording of the plat amendment, the lot will contain 5,329 square feet. This is an uphill lot with an average slope of approximately 44%.
6. Access to the property is from Daly Avenue, a public street.
7. Two (2) parking spaces are provided for each unit. The southerly unit provides one (1) parking space in the garage and one (1) parking space in the driveway.

- The northerly unit provides two (2) parking spaces in a tandem configuration in the garage. The entire site provides a total of four (4) parking spaces.
8. The neighborhood is characterized by a mix of historic and non-historic residential structures (single-family and Duplex Dwellings). The streetscape is dominated by garages, parking pads, and pedestrian entryways. The homes are a mix of one- to two-story residential developments.
 9. An overall building footprint of 1,974 square feet is proposed. The maximum allowed footprint for this lot is 1,975 square feet.
 10. The proposed Duplex Dwelling complies with the front and rear yard setbacks. The minimum front and rear yard setbacks are 12 feet, for a total of 25 feet; the applicant is proposing a 12 foot front yard and 19 foot rear yard setback, for a total of 31 feet.
 11. The proposal complies with the side yard setbacks. The minimum side yard setbacks are 5 feet, for a total of 14 feet. The historic house has a 9 foot side yard setback on the north and 5 foot setback on the south, for a total of 14 feet.
 12. The proposed Duplex Dwelling complies with the twenty-seven feet (27') maximum building height requirement measured from existing grade. Portions of the house are less than twenty seven feet (27') in height. The 10 foot minimum horizontal step in the downhill façade has a maximum height of 23 feet with a 24 foot 6 inch tall architectural feature measuring 11 feet 4 inches wide (which equates to less than 25% of the façade width). The Contributory Roof Form has a 7:12 pitch which complies with the Contributing Roof Form requirement of 7:12 – 12:12 pitch. The Secondary Roof Form has a 3:12 pitch and is subordinate to the Contributory Roof Form.
 13. The proposed addition has an interior height of 35 feet, which complies with the required interior height of 35 feet.
 14. Planning Commission approved the Steep Slope Conditional Use Permit on October 24, 2018. The application complies with all requirements of the LMC and satisfies all Conditional Use Permit review criteria for as established by the LMC 15-2.2-6.
 15. Planning Commission approved the Duplex Conditional Use Permit on October 24, 2018. The application complies with all requirements of the LMC and satisfies all Conditional Use Permit review criteria for a Multi-Unit Dwelling as established by the LMC 15-1-10.
 16. The proposed development is located on the lot in a manner that reduces the visual and environmental impacts. The Duplex Dwelling steps with the hillside which minimizes the mass and scale while still contributing to the development pattern of the Historic District. The applicant has incorporated a series of terracing retaining walls which eliminated the need for large and out of scale retaining walls.
 17. The applicant submitted a visual analysis, cross valley views, and a streetscape showing a contextual analysis of visual impacts of this Duplex Dwelling. The applicant has staggered the units of the duplex to reduce the overall width and bulk at the street. The side yard will be re-vegetated following construction. The terraced retaining walls mitigate the visual impact of the steep grade. The terraces will not change grade by more than 4 feet and occur within the property.

18. Access as the proposed driveways lead to two (2) single-car garages. At the edge of curb, the applicant has incorporated driveways with a maximum width of 12 feet. This driveway design is consistent with the driveways of new construction in the Historic District. The grade at the street is minimal which has reduced the need for extensive retaining at the street front. Any retaining to accommodate the pedestrian access will be less than 4 feet and occur within the property.
19. The applicant has incorporated a series of terraced retaining walls to regain Natural Grade along the periphery of the structure. These terraced retaining walls will be vegetated in each terrace which will help to shield any further impact. The retaining walls throughout the site will not change grade more than 4 feet from Existing Grade.
20. The new structure's building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography. The design steps with the grade of the lot which allows for the mass and scale to be compatible with development patterns in the Historic District.
21. The applicant broke up the mass of the new structure by incorporating multiple roof lines and articulation of the wall planes. By breaking up the structure into a series of smaller components, the entire structure is more compatible with the Historic District. The areas of the structure above grade will appear to be one to two stories in height, which is compatible with the existing house and the neighborhood overall.
22. The new structure complies with all applicable setbacks. The applicant has worked to break up the mass and scale of the structure through incorporating smaller components, multiple roof lines, and articulation of the wall planes.
23. The proposed design is articulated and broken into compatible massing components. The design includes setback variations and lower building heights for portions of the structure. The proposed massing and architectural design components are compatible with both the volume and massing of single-family and other Duplex Dwellings in the area. The design minimizes the visual mass and mitigates the differences in scale between the proposed Duplex Dwelling and surrounding structures.
24. No lighting has been proposed at this time. Lighting will be reviewed at the time of the Building Permit application for compliance with the LMC lighting code standards and Design Guidelines.
25. The property is not listed as a historically significant site as defined in the Park City Historic Sites Inventory.
26. The proposal complies with Universal Guideline #1 as the new building reflects the historic character, simple building forms, unadorned materials, and restrained ornamentation of Park City's Historic Sites.
27. The proposal complies with Universal Guideline #2 as the new building does not directly imitate existing historic structures in Park City.
28. The proposal complies with Universal Guideline #3 a style of architecture has been selected and all elevations of the building and is designed in a manner that is consistent with a contemporary interpretation of the chosen style.
29. The proposal complies with Universal Guideline #4 as the building and site

- design respect the existing topography, character defining site features, and minimize the cut, fill, and retaining walls.
30. The proposal complies with Universal Guideline #5 as the exterior elements of the new development are of human scale and are compatible with neighboring Historic Sites.
 31. The proposal complies with Universal Guideline #6 as the scale and height of the new structure follows the predominant pattern of the neighborhood with special consideration given to Historic Sites.
 32. The proposal complies with Universal Guideline #7 as the size and mass of the structure is compatible with the size of the property so that lot coverage, building bulk, and mass are compatible with Historic Sites in the neighborhood.
 33. The proposal complies with Universal Guideline #8 as the new construction activity will not physically damage nearby Historic Sites.
 34. The proposal complies with A. Site Design as the Building Setbacks and Orientation (A.1), Lot Coverage (A.2), Fences (A.3), Site Grading and Steep Slope Issues (A.4), and Landscaping (A.5) as the structure and any Landscaping or Site Grading is incorporated into the existing topography.
 35. The proposal complies with B.1 Mass, Scale, and Height, as the structure and improvements on the site are visually compatible with the surrounding Historic Sites in their mass, relation to open space, overall length, variation in roof heights, and traditional façade patterns.
 36. The proposal complies with B.2 Key Building Elements as the roof forms are visually compatible with the Historic District, the materials are compatible in scale, proportion, texture, finish, and color to those used on Historic Sites in the neighborhood. In addition the ratio of openings-to-solids are compatible with surrounding historic buildings, porches have been incorporated into the designs, and mechanical and utility systems have been shielded from view from the Public Right-of-Way.
 37. C. Reconstruction of Non-Surviving Structures is not applicable.
 38. The proposal complies with D. Off-Street Parking Areas, Garages, and Driveways as two (2) parking spaces are provided for each unit. The southerly unit provides one (1) parking space in the garage and one (1) parking space in the driveway. The northerly unit provides two (2) parking spaced in a tandem configuration in the garage. The entire site provides a total of four (4) parking spaces.
 39. E. Signs is not applicable.
 40. F. Awnings is not applicable.
 41. G. Exterior Lighting is incomplete as the proposed exterior lighting will be reviewed as a part of the Building Permit.
 42. H. Accessory Structures is not applicable.
 43. I. Sustainability is not applicable.
 44. J. Mailboxes, Utility Boxes, and Other Visual Elements in the Landscape is not applicable.
 45. The HDDR application was deemed complete on December 12, 2017.
 46. The Conditional Use Permit (CUP) for “Construction on a Steep Slope” at 182 Daly Avenue was deemed complete on December 12, 2017.
 47. The Conditional Use Permit (CUP) for a Duplex Dwelling at 182 Daly Avenue

was deemed complete on December 12, 2017.

48. On December 12, 2017, Staff posted notice of receipt of the HDDR application and sent out notice letters to property owners as required by the Land Management Code.

49. On October 25, 2018, Staff posted notice of final action as required by the Land Management Code. The appeal period runs until 5 pm on November 5, 2018.

Conclusion of Law

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

Conditions of Approval

1. Receipt and approval of a Construction Mitigation Plan (CMP) by the Building Department is a condition precedent to the issuance of any building permit. The CMP shall consider and mitigate impacts to the existing neighboring structures, and existing infrastructure/streets from the construction. All anticipated road closures shall be described and permitted in advance by the Building Department.
2. Final building plans and construction details shall reflect substantial compliance with the drawings stamped in on September 20, 2018 and October 3, 2018 and approved on October 25, 2018, as redlined. Any changes, modifications, or deviations from the approved design shall be reviewed and approved by the Planning Director prior to construction. Any changes, modifications, or deviations from the approved work that have not been approved by the Planning and Building Departments may result in a stop work order.
3. The designer and/or applicant shall be responsible for coordinating the approved architectural drawings/documents with the approved construction drawings/documents. The overall aesthetics of the approved architectural drawings/documents shall take precedence. Any discrepancies found among these documents that would cause a change in the approved construction shall be reviewed and approved prior to construction.
4. If a complete building permit has not been obtained by October 25, 2019, this HDDR approval will expire, unless an extension is requested prior to the expiration date and granted by the Planning Department.
5. The City Engineer shall review and approve all appropriate grading, utility installation, public improvements, drainage plans, and flood plain issues, for compliance with City and Federal standards, and this is a condition precedent to building permit issuance.
6. All excavation work to construct the foundation of the new addition shall start on or after April 15th and be completed on or prior to October 15th. The Planning Director may make a written determination to extend this period up to 30 additional days if, after consultation with the Historic Preservation Planner, Chief Building Official, and City Engineer, determines that it is necessary based upon

the need to immediately stabilize an existing Historic property, or specific site conditions such as access, or lack thereof, exist, or in an effort to reduce impacts on adjacent properties.

7. Any areas disturbed during construction surrounding the proposed work shall be brought back to its original state.
8. A final Landscape Plan shall be submitted to the City for review prior to building permit issuance. Such plan will include water efficient landscaping and drip irrigation. Lawn area shall be limited in area. Existing trees shall be shown on the final Landscape Plan and shall be maintained, unless permission is granted by the City Engineer and/or City Forester for removal. Mitigation shall be proposed for all Significant Vegetation proposed to be removed.
9. Construction waste should be diverted from the landfill and recycled when possible.
10. All exterior lighting shall meet Park City's lighting ordinance and be downward directed and shielded, including any existing lighting that does not currently comply.
11. All electrical service equipment and sub-panels and all mechanical equipment, except those owned and maintained by public utility companies and solar panels, shall be painted to match the surrounding wall color or painted and screened to blend with the surrounding natural terrain. Roof mounted equipment and vents shall be painted to match the roof and/or adjacent wall color and shall be screened or integrated into the design of the structure.
12. All exterior wood siding shall be painted or stained a solid color, and when possible, a low VOC (volatile organic compound) paint and finish shall be used. Provide a weather protective finish to wood surfaces that were not historically painted.
13. Stone retaining walls shall consist of square, natural stones, small in size that a miner could carry.
14. All windows shall be trimmed and the trim shall be consistent on all exterior windows.
15. All stone veneer should consist of natural stone.
16. All exterior concrete must be textured.
17. All exterior steel guardrails and metal trim must be non-reflective.
18. Hot tubs require a building permit and compliance with the zone setbacks.
19. Approval of this HDDR was noticed on October 25, 2019, and any approval is subject to a 10 day appeal period.
20. All standard conditions of approval shall apply (see attached).

If you have any questions or concerns regarding this letter, please do not hesitate to call me at 435-615-5059 or contact me by email at hannah.tyler@parkcity.org.

Sincerely,



Hannah M. Tyler
Planner

**PARK CITY MUNICIPAL CORPORATION
STANDARD PROJECT CONDITIONS**

1. The applicant is responsible for compliance with all conditions of approval.
2. The proposed project is approved as indicated on the final approved plans, except as modified by additional conditions imposed by the Planning Commission at the time of the hearing. The proposed project shall be in accordance with all adopted codes and ordinances; including, but not necessarily limited to: the Land Management Code (including Chapter 5, Architectural Review); International Building, Fire and related Codes (including ADA compliance); the Park City Design Standards, Construction Specifications, and Standard Drawings (including any required snow storage easements); and any other standards and regulations adopted by the City Engineer and all boards, commissions, agencies, and officials of the City of Park City.
3. A building permit shall be secured for any new construction or modifications to structures, including interior modifications, authorized by this permit.
4. All construction shall be completed according to the approved plans on which building permits are issued. Approved plans include all site improvements shown on the approved site plan. Site improvements shall include all roads, sidewalks, curbs, gutters, drains, drainage works, grading, walls, landscaping, lighting, planting, paving, paths, trails, public necessity signs (such as required stop signs), and similar improvements, as shown on the set of plans on which final approval and building permits are based.
5. All modifications to plans as specified by conditions of approval and all final design details, such as materials, colors, windows, doors, trim dimensions, and exterior lighting shall be submitted to and approved by the Planning Department, Planning Commission, or Historic Preservation Board prior to issuance of any building permits. Any modifications to approved plans after the issuance of a building permit must be specifically requested and approved by the Planning Department, Planning Commission and/or Historic Preservation Board in writing prior to execution.
6. Final grading, drainage, utility, erosion control and re-vegetation plans shall be reviewed and approved by the City Engineer prior to commencing construction. Limits of disturbance boundaries and fencing shall be reviewed and approved by the Planning, Building, and Engineering Departments. Limits of disturbance fencing shall be installed, inspected, and approved prior to building permit issuance.
7. An existing conditions survey identifying existing grade shall be conducted by the applicant and submitted to the Planning and Building Departments prior to issuance of a footing and foundation permit. This survey shall be used to assist the Planning Department in determining existing grade for measurement of building heights, as defined by the Land Management Code.
8. A Construction Mitigation Plan (CMP), submitted to and approved by the Planning, Building, and Engineering Departments, is required prior to any construction. A CMP shall address the following, including but not necessarily limited to: construction staging, phasing, storage of materials, circulation,

- parking, lights, signs, dust, noise, hours of operation, re-vegetation of disturbed areas, service and delivery, trash pick-up, re-use of construction materials, and disposal of excavated materials. Construction staging areas shall be clearly defined and placed so as to minimize site disturbance. The CMP shall include a landscape plan for re-vegetation of all areas disturbed during construction, including but not limited to: identification of existing vegetation and replacement of significant vegetation or trees removed during construction.
9. Any removal of existing building materials or features on historic buildings shall be approved and coordinated by the Planning Department according to the LMC, prior to removal.
 10. The applicant and/or contractor shall field verify all existing conditions on historic buildings and match replacement elements and materials according to the approved plans. Any discrepancies found between approved plans, replacement features and existing elements must be reported to the Planning Department for further direction, prior to construction.
 11. Final landscape plans, when required, shall be reviewed and approved by the Planning Department prior to issuance of building permits. Landscaping shall be completely installed prior to occupancy, or an acceptable guarantee, in accordance with the Land Management Code, shall be posted in lieu thereof. A landscaping agreement or covenant may be required to ensure landscaping is maintained as per the approved plans.
 12. All proposed public improvements, such as streets, curb and gutter, sidewalks, utilities, lighting, trails, etc. are subject to review and approval by the City Engineer in accordance with current Park City Design Standards, Construction Specifications and Standard Drawings. All improvements shall be installed or sufficient guarantees, as determined by the City Engineer, posted prior to occupancy.
 13. The Snyderville Basin Water Reclamation District shall review and approve the sewer plans, prior to issuance of any building plans. A Line Extension Agreement with the Snyderville Basin Water Reclamation District shall be signed and executed prior to building permit issuance. Evidence of compliance with the District's fee requirements shall be presented at the time of building permit issuance.
 14. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
 15. When applicable, access on state highways shall be reviewed and approved by the State Highway Permits Officer. This does not imply that project access locations can be changed without Planning Commission approval.
 16. Vesting of all permits and approvals terminates upon the expiration of the approval as defined in the Land Management Code, or upon termination of the permit.
 17. No signs, permanent or temporary, may be constructed on a site or building without a sign permit, approved by the Planning and Building Departments. All

multi-tenant buildings require an approved Master Sign Plan prior to submitting individual sign permits.

18. All exterior lights must be in conformance with the applicable Lighting section of the Land Management Code. Prior to purchase and installation, it is recommended that exterior lights be reviewed by the Planning Department.
19. All projects located within the Soils Ordinance Boundary require a Soil Mitigation Plan to be submitted and approved by the Building and Planning departments prior to the issuance of a Building permit.

September 2012



PLANNING DEPARTMENT

October 22, 2019

1055 Norfolk, LLC Series 180 Daly and
1055 Norfolk, LLC series 182 Daly
Attn: David Baglino
P.O. Box 684206
Park City, UT 84068

CC: Kevin Horn

NOTICE OF PLANNING DIRECTOR ACTION – HDDR EXTENSION

Project Description: 182 Daly Avenue Historic District Design Review (HDDR)
Extension
Project Number: PL-17-03708
Project Address: 182 Daly Avenue
Date of Action (Extension): October 22, 2019

Summary of Planning Director Action

The Planning Director and Project Planner have been working with the applicant since August and September of 2019 on a revised site plan for a shared driveway between 180 and 182 Daly Avenue – both of which are owned by the applicant. Due to this continued collaboration, the applicant requested an Extension to their October 25, 2018 HDDR Approval for an additional six (6) weeks in order to finalize the revised plans and submit for a Building Permit. The Planning Director hereby grants an Extension of the 182 Daly Avenue HDDR Application (PL-17-03708) to December 3, 2019.

The Findings of Fact, Conclusions of Law and Conditions of approval stated in the October 25, 2018 Action Letter continue to apply.

A handwritten signature in black ink, appearing to read "B. Erickson".

Bruce M. Erickson, AICP
Planning Director

CC: Hannah M. Tyler, AICP, Senior Planner



PLANNING DEPARTMENT

October 22, 2019

1055 Norfolk, LLC Series 180 Daly and
1055 Norfolk, LLC series 182 Daly
Attn: David Baglino
P.O. Box 684206
Park City, UT 84068

CC: Kevin Horn

NOTICE OF PLANNING DIRECTOR ACTION – HDDR EXTENSION

Project Description: 180 Daly Avenue Historic District Design Review (HDDR)
Extension
Project Number: PL-18-02939
Project Address: 180 Daly Avenue
Date of Action (Extension): October 22, 2019

Summary of Planning Director Action

The Planning Director and Project Planner have been working with the applicant since August and September of 2019 on a revised site plan for a shared driveway between 180 and 182 Daly Avenue – both of which are owned by the applicant. Due to this continued collaboration, the applicant requested an Extension to their November 6, 2018 HDDR Approval for an additional six (6) weeks in order to finalize the revised plans and submit for a Building Permit. The Planning Director hereby grants an Extension of the 182 Daly Avenue HDDR Application (PL-17-03708) to December 3, 2019.

The Findings of Fact, Conclusions of Law and Conditions of approval stated in the November 6, 2018 Action Letter continue to apply.

A handwritten signature in black ink, appearing to read "B. Erickson".

Bruce M. Erickson, AICP
Planning Director

CC: Hannah M. Tyler, AICP, Senior Planner



Planning Commission Staff Report

Subject: Repeal of Land Management Code § 15-3-5
Author: Rebecca Ward, Land Use Policy Planner
Date: January 22, 2020
Type of Item: Legislative – LMC Amendment

Summary Recommendations

The Planning Department requests that the Planning Commission review the proposed Land Management Code amendment, open a public hearing, and forward a positive recommendation for City Council's consideration on February 6, 2020, to repeal Land Management Code § 15-3-5, *Driveway Standards for Private Driveways Within Platted, Unbuilt City Streets*.

Description

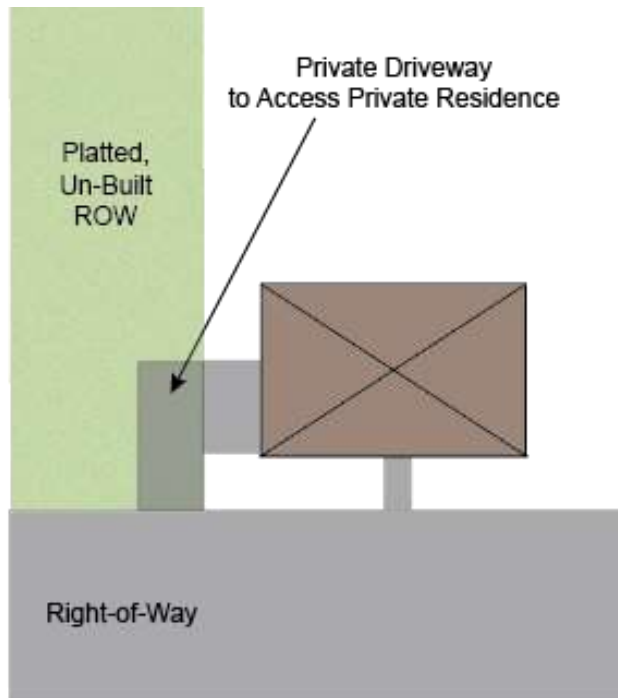
Applicant: Planning Department
Proposal: Repeal Land Management Code § 15-3-5, *Driveway Standards for Private Driveways Within Platted, Unbuilt City Streets*
Reason for Review: Land Management Code amendments require Planning Commission review and recommendation, and City Council review and action

Background

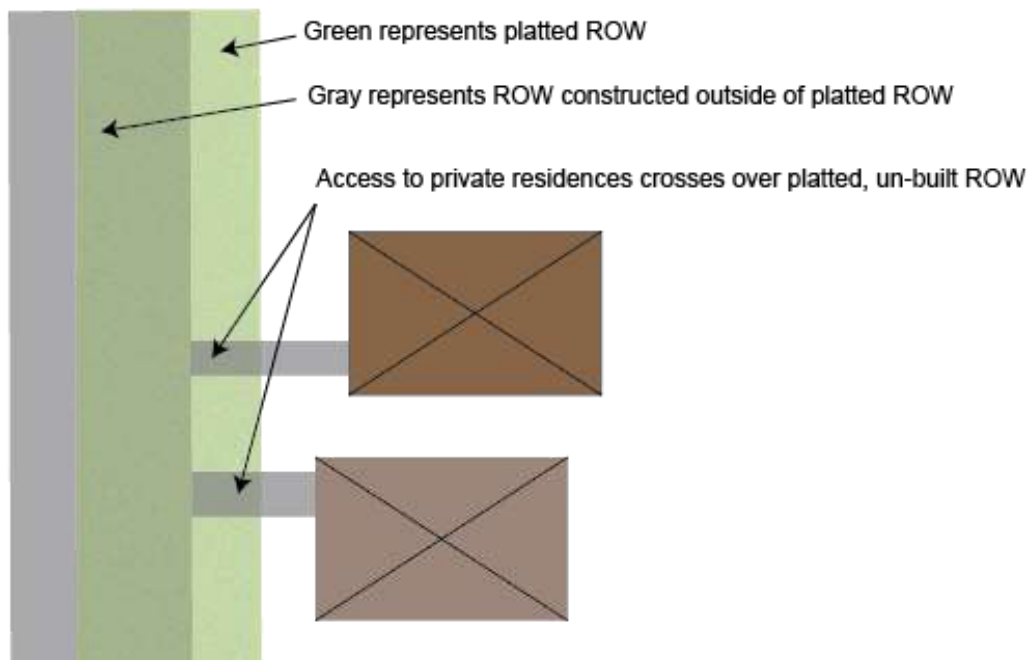
Based on City Council direction, staff is compiling information on—and an inventory of—encroachments onto City rights-of-way. Council requested a work session to discuss the broad City policy regarding encroachments in the rights-of-way and this will likely be scheduled for February or March.

As part of this research, Staff is looking into two different types of driveways within platted, unbuilt rights-of-way:

(1) Private driveways constructed in platted, un-built rights-of-way that provide access to a private structure:



(2) Private driveways constructed to access structures in circumstances where the right-of-way was built, but not constructed in the platted right-of-way:



Additionally, staff is looking into instances when private driveways and parking spaces encroach into the built rights-of-way.

Staff is also researching City authority regarding encroachments in the rights-of-way, prescriptive easements, dedications, and fee title to rights-of-way, and the potential for the City to lease rights-of-way for temporary private use.

In the meantime, this staff report and proposed code amendment is limited to the repeal of Land Management Code [§ 15-3-5](#), *Driveway Standards for Private Driveways Within Platted, Unbuilt City Streets*. Section 15-3-5 allows applicants to apply for a Conditional Use Permit to build a private driveway within platted, un-built right-of-way if the applicant meets certain standards regarding slope limitations, snow storage, pavement, parking impact mitigation, consideration of public utility and stair locations and plans, and engineering approval for snow-melt devices. Additionally, an applicant for a § 15-3-5 private driveway in the platted, un-built right-of-way must demonstrate that they can substantially mitigate impacts outlined in sixteen Conditional Use Permit criteria ([§ 15-1-10\(E\)](#)).

As part of the City's research into encroachments within the rights-of-way, the Engineering Department created maps to show the location of existing platted, un-built rights-of-way within City limits. There are platted, un-built rights-of-way in Fairway Hills (Exhibit A), Morning Star Estates (Exhibit B), and Thaynes Canyon (Exhibit C). However, most platted, un-built rights-of-way are located in Old Town (Exhibit D).

While the Council re-evaluates encroachments into the rights-of-way, Staff proposes repealing Land Management Code § 15-3-5. If the Council determines that there are instances when the Planning Commission may approve a Conditional Use Permit for private use of the platted, un-built rights-of-way, staff will propose a new code as directed by City Council for Planning Commission review and recommendation.

Analysis

Rights-of-Way

City Council has jurisdiction and control over the City's rights-of-way for public use.¹ State law defines *right-of-way* as "real property or an interest in real property, usually in a strip, acquired for or devoted to a highway."² A highway is defined by the state as "any public road, street, alley, lane, court, place, viaduct, tunnel, culvert, bridge, or structure laid out or erected for public use, or dedicated or abandoned to the public, or made public in an action for the partition of real property, including the entire area within the right-of-way."³

¹ Utah Code [§ 10-8-8](#); [§ 72-3-104\(3\)](#).

² Utah Code [§ 72-1-102\(19\)](#).

³ Utah Code [§ 72-1-2\(7\)](#).

Encroachments onto the Rights-of-Way in the Land Management Code

In the 1990s, the Land Management Code authorized the City Engineer to approve encroachments for a portion of a parking stall in the rights-of-way within the Historic Residential and Historic Residential Development Low-Density Zoning Districts. For example, § 7.1.4(e) (Exhibit E) and § 7.14.5 (Exhibit F) of the 1994 Land Management Code stated:

It is in the City's policy to consider allowing a portion of the length of a code required parking stall to be placed within the City right of way, subject to the City Engineer's approval. The City Engineer shall consider the likelihood of future roadway changes, utilities, and any other health/safety considerations which may render parking in the right-of-way unacceptable.

In 2000, the City completed major amendments to the Land Management Code. On March 30, 2000, Council approved Ordinance No. 00-25, *An Ordinance Approving a Comprehensive and Substantive Re-Write of the Land Management Code of Park City, Utah* (Exhibit G). This Ordinance enacted Land Management Code § 15-3-5, *Driveway Standards for Private Driveways Within Platted, Unbuilt City Streets*, which states:

The following standards apply to driveways within platted but un-built Streets.

- A. The driveway shall not exceed ten percent (10%) Slope.
- B. Adequate snow storage Area along the downhill side and/or end of the driveway shall be provided.
- C. The driveway must be paved with asphalt or concrete.
- D. The driveway must not pre-empt any existing physical parking, which may occur in the platted Street. If the platted Street has been improved to provide Public Parking, then any driveway proposal must replace such parking within new Public Parking of equal or better convenience and construct.
- E. The driveway and related improvements such as retaining walls shall be designed and built to minimize present and future conflicts with public utilities and stairs.
- F. The driveway construction requires a Conditional Use Permit, Section 15-1-10.
- G. An encroachment permit for the driveway is required.
- H. Private utilities, including snow melt devices, within the platted City Street require approval by the City Engineer.

At some point in the re-writing process of the Land Management Code, the section that granted the City Engineer discretion to grant encroachments for a portion of the required parking in the rights-of-way within the Historic Residential and Historic Residential Development Low-Density Zoning Districts was repealed. Staff is in the process of further researching the process and policies that led to the code shift from

City Engineering approval of a partial parking space in the rights-of-way to requiring a Conditional Use Permit for private driveways in platted, un-built rights-of-way. After 2000, the only remaining code about encroachments into the public rights-of-way is Land Management Code § 15-3-5.

Repeal of Land Management Code § 15-3-5

Staff proposes repealing Land Management Code § 15-3-5 and reserving the section so that if the Council determines that there are circumstances when the Commission may approve a Conditional Use Permit and an encroachment agreement for private use of the platted, un-built rights-of-way, a new section may be proposed consistent with City Council direction. In the meantime, the City Council retains the authority to grant encroachments on a case-by-case basis.

Process

Land Management Code amendments require Planning Commission recommendation and City Council adoption. City Council action may be appealed to a court of competent jurisdiction.⁴

Department Review

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

Notice

Notice was posted on January 2, 2020, and published in the *Park Record* and on the Utah Public Notice website on January 4, 2020.

Public Input

No public input was received when this report was published.

Recommendation

The Planning Department requests that the Planning Commission review the proposed Land Management Code amendment, open a public hearing, and consider forwarding a positive recommendation for City Council's consideration on February 6, 2020, to repeal Land Management Code § 15-3-5, *Driveway Standards for Private Driveways Within Platted, Unbuilt City Streets*.

Exhibits

Attached – Draft Ordinance 2020-XX

Exhibit A: Platted, Unbuilt Rights-of-Way in Fairway Hills

Exhibit B: Platted, Unbuilt Rights-of-Way in Morning Star Estates

Exhibit C: Platted, Unbuilt Rights-of-Way in Thaynes Canyon

Exhibit D: Platted, Unbuilt Rights-of-Way in Old Town

Exhibit E: 1994 Land Management Code Chapter 7.1

Exhibit F: 1994 Land Management Code Chapter 7.14

Exhibit G: Ordinance No. 00-25

⁴ Land Management Code [§ 15-1-18](#).

Ordinance No. 2020-XX

**AN ORDINANCE REPEALING LAND MANAGEMENT CODE § 15-3-5,
DRIVEWAY STANDARDS FOR PRIVATE DRIVEWAYS WITHIN PLATTED, UNBUILT
CITY STREETS**

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

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

WHEREAS, the City reviews the Land Management Code on a regular basis and identifies necessary amendments to address updates to City planning and zoning policy; to address specific Land Management Code issues raised by Staff, the Planning Commission, and the City Council; and to align the Code with the Council's policies and goals;

WHEREAS, City Council has jurisdiction and control of the City rights-of-way and Council is re-evaluating City policy on private encroachment onto and use of City rights-of-way;

WHEREAS, Land Management Code § 15-3-5, *Driveway Standards for Private Driveways Within Platted, Unbuilt City Streets* is repealed while the City Council determines whether there are instances when the Planning Commission may approve a Conditional Use Permit for private use of the platted, un-built rights-of-way;

WHEREAS, the Planning Commission duly noticed and conducted a public hearing on January 22, 2020, and forwarded a _____ recommendation to City Council;

WHEREAS, the City Council duly noticed and conducted a public hearing on February 6, 2020; and

WHEREAS, it is in the best interest of the residents and visitors of Park City, Utah, to repeal Land Management Code § 15-3-5, *Driveway Standards for Private Driveways Within Platted, Unbuilt City Streets* to be consistent with the values and goals of the Park City General Plan and the Park City Council; to protect health and safety and to maintain the quality of life for its residents and visitors.

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

SECTION 1. REPEAL OF LAND MANAGEMENT CODE § 15-3-5, *Driveway Standards For Private Driveways Within Platted, Unbuilt City Streets*. The recitals above are incorporated herein as findings of fact. Section 15-3-5 of the Land Management Code of Park City is hereby repealed (Exhibit A).

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

PASSED AND ADOPTED this 6th day of February, 2020

PARK CITY MUNICIPAL CORPORATION

Andy Beerman, Mayor

Attest:

City Recorder

Approved as to form:

Mark Harrington, City Attorney

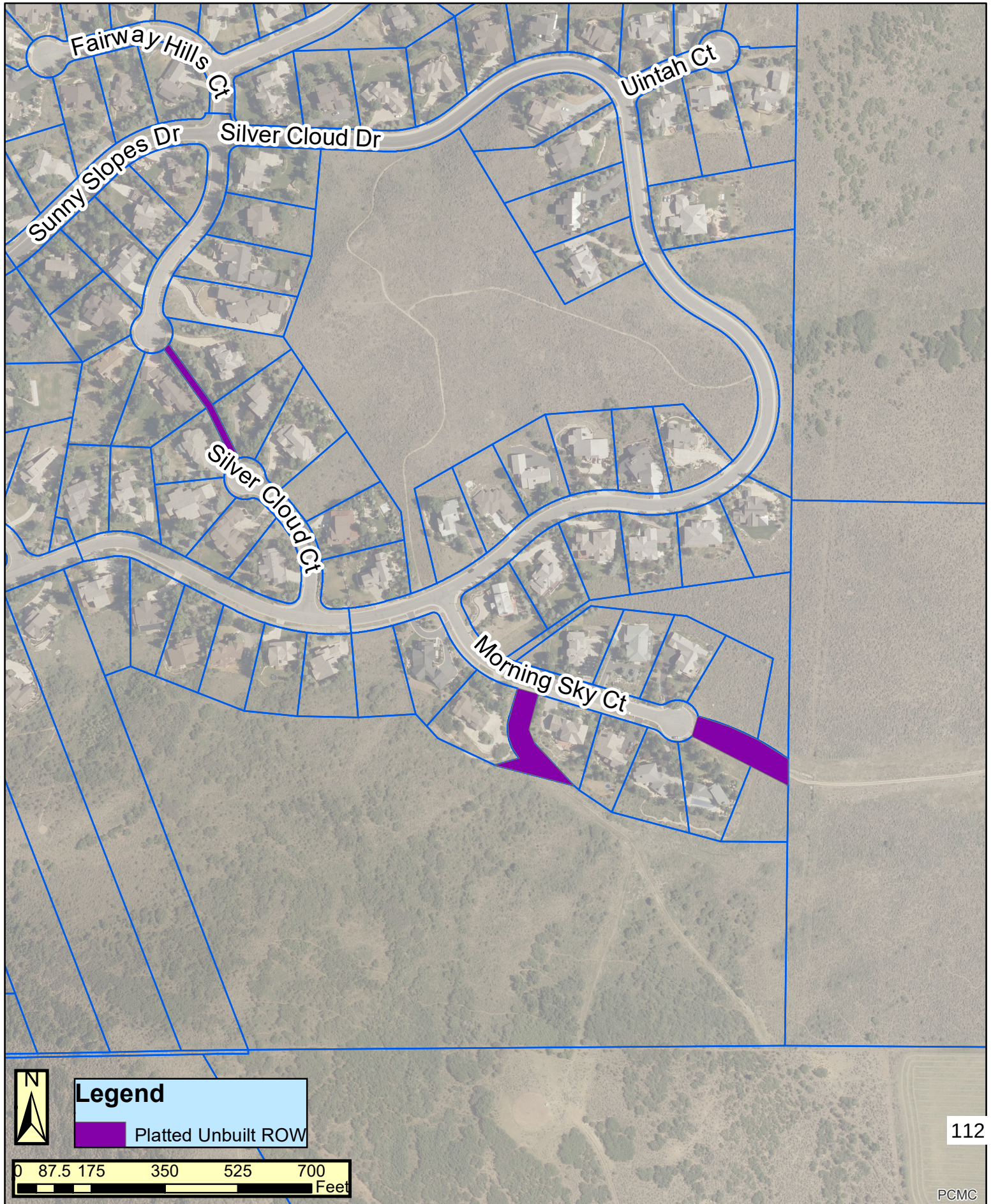
Exhibit A:

~~15-3-5 Driveway Standards For Private Driveways Within Platted, Unbuilt City Streets~~

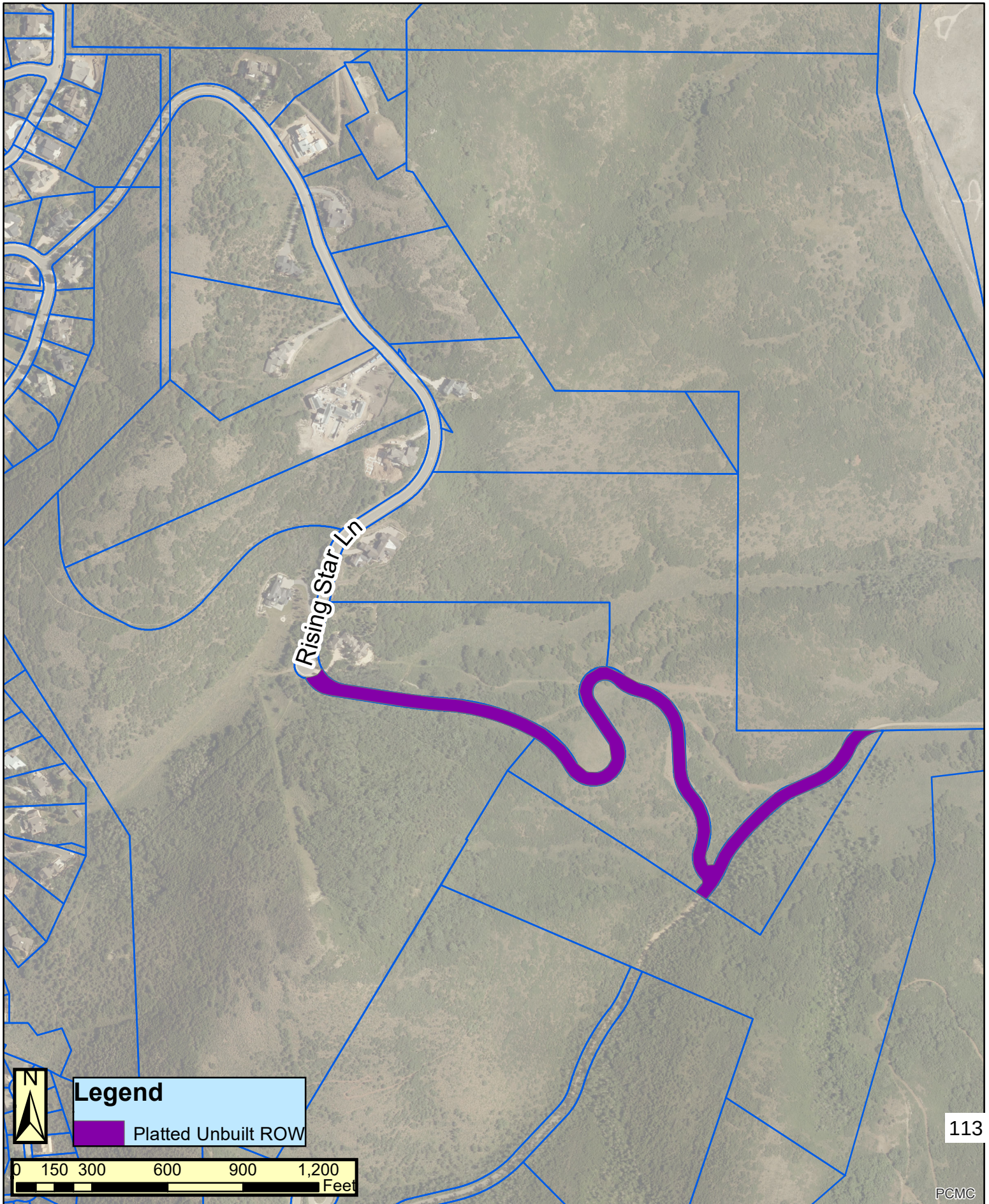
~~The following standards apply to driveways within platted but un-built Streets.~~

- ~~A. The driveway shall not exceed ten percent (10%) Slope.~~
- ~~B. Adequate snow storage Area along the downhill side and/or end of the driveway shall be provided.~~
- ~~C. The driveway must be paved with asphalt or concrete.~~
- ~~D. The driveway must not pre-empt any existing physical parking, which may occur in the platted Street. If the platted Street has been improved to provide Public Parking, then any driveway proposal must replace such parking with new Public Parking of equal or better convenience and construction.~~
- ~~E. The driveway and related improvements such as retaining walls shall be designed and built to minimize present and future conflicts with public utilities and stairs.~~
- ~~F. The driveway construction requires a Conditional Use permit, Section 15-1-10.~~
- ~~G. An encroachment permit for the driveway is required.~~
- ~~H. Private utilities, including snow melt devices, within the platted City Street require approval by the City Engineer.~~

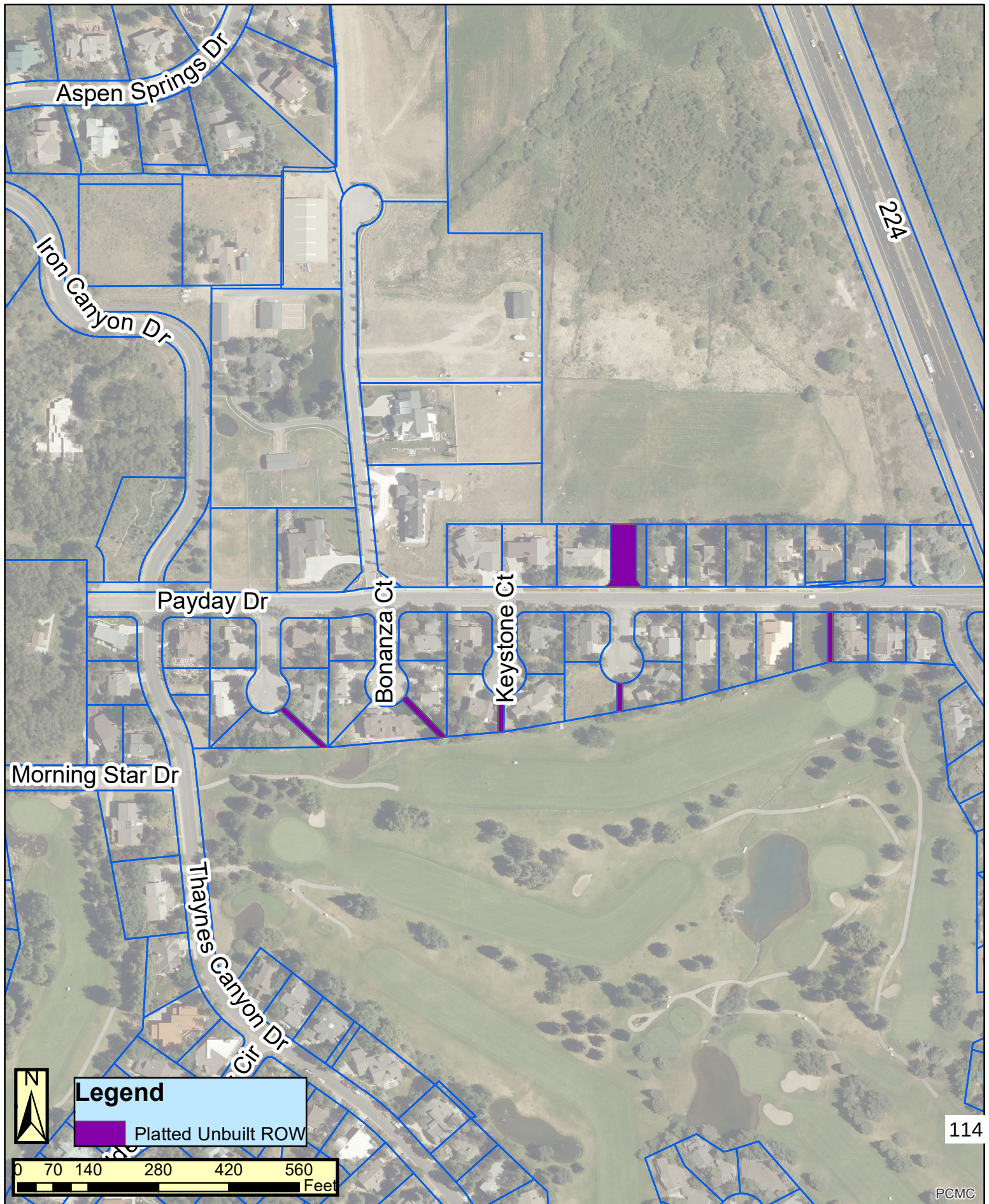
Fairway Hills Unbuilt Public Right-of-Way



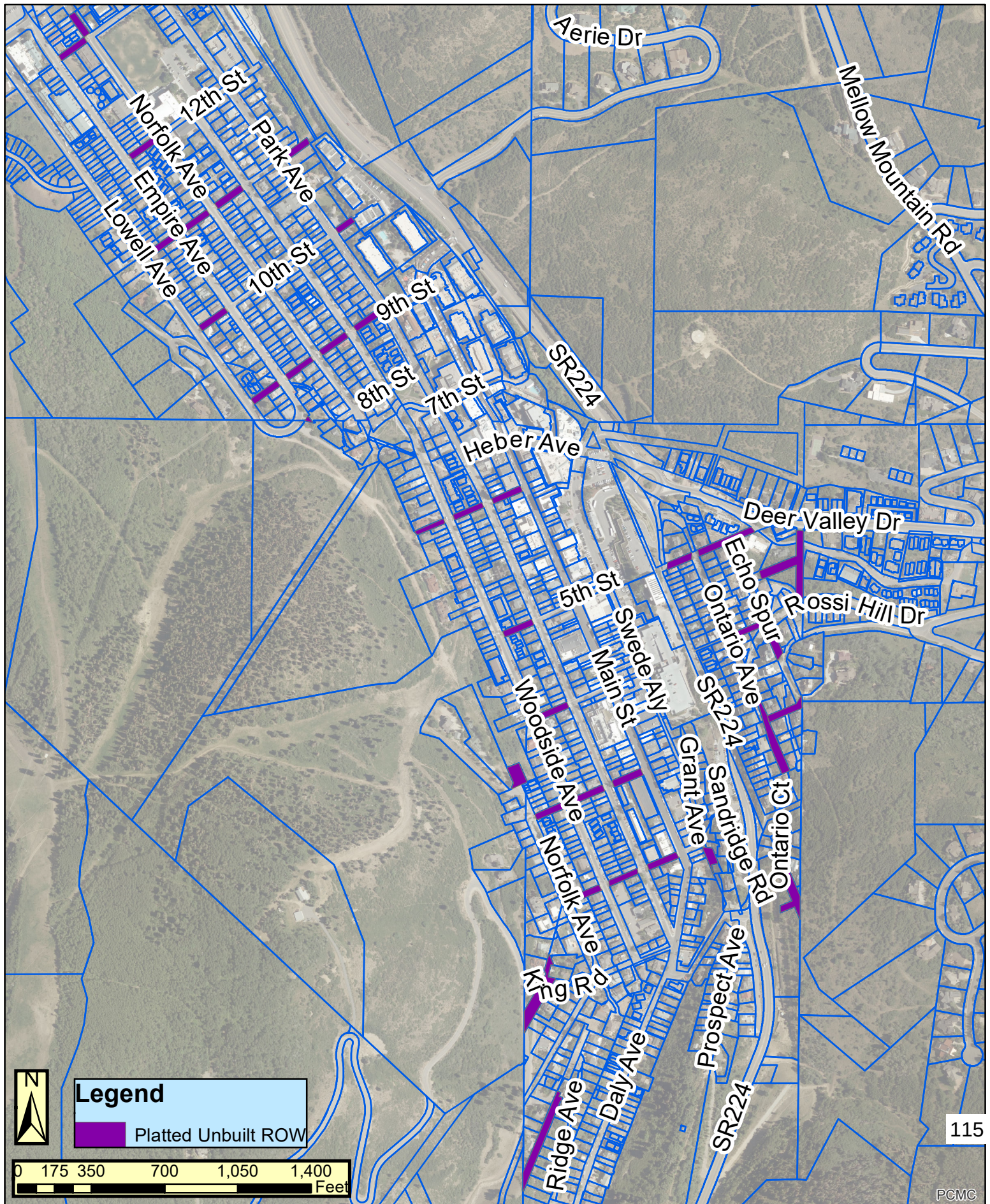
Morning Star Estates Unbuilt Public Right-of-Way



Thaynes Unbuilt Public Right-of-Way



Old Town Platted Unbuilt Public Right-of-Way



PARK CITY MUNICIPAL CORPORATION
LAND MANAGEMENT CODE



PASSED AND ADOPTED DECEMBER 22, 1983
EFFECTIVE JANUARY 1, 1984

THIRTY-FIFTH EDITION
REVISED AS OF OCTOBER 20, 1994

CHAPTER 7. DISTRICTS AND REGULATIONS

7.1. HISTORIC RESIDENTIAL (HR-1) DISTRICT

7.1.1. PURPOSE. The purpose of the Historic Residential HR-1 District is to allow the preservation of the present land uses and the character of the historic residential areas of Park City, and to encourage the preservation of historic structures and the construction of new structures that preserve and contribute to the character of the district, and to encourage densities of development that will preserve the desirable residential environment, and also densities which are consistent with the inherent constraints on development within the narrow canyon areas and on areas that may have steep or substandard street systems.

7.1.2. PERMITTED USES. In the HR-1 district, no building or structure shall be erected which is arranged, designed, or intended to be used, or which is used for any purpose other than those purposes designated on the Use Table as being permitted uses (designated by the letter "A") or conditional uses (designated by the letter "C"). All other land uses are prohibited.

7.1.3. LOT SIZE AND COVERAGE REGULATIONS.

(a) Lot Size. The minimum lot area shall be 1,875 square feet for a single family residence; 3,750 square feet for a duplex, and 5,625 square feet for a triplex. The minimum width of a lot shall be 25 feet, measured 15 feet back from the front lot line. The Historic District Commission advises that all resubdivisions of lots within the HR-1 zone comply with a standard lot size of approximately 25 x 75 feet. Because combinations of lots are permitted for larger structures, development potential of resubdivided parcels is not affected. However, smaller lots do allow the potential for the development of smaller single family structures, while resubdivisions into larger lots promotes the construction of larger houses, duplexes, and triplexes.

(b) Floor Area Ratio. The floor area of all new structures constructed within the HR-1 District shall be limited by the Floor Area Ratio (FAR) which shall be the Floor Area as defined in Chapter 2, divided by the total area of the lot or parcel. For lots up to 1875 square feet, the maximum FAR shall be .9. For parcels of 1876 square feet or larger, the floor area ratio is equivalent to the maximum floor area for the first 1875 square feet (1687 square feet), plus 30% of additional lot square footage. The maximum square footage is calculated by the following formula:

$$\text{MAXIMUM FLOOR AREA} = 1687 + (.30 \times (\text{Parcel Size} - 1875))$$

In calculating the FAR for a single family structure, 400

square feet may be added to the total floor area for a two car garage after calculating the FAR. For duplexes, triplexes and multi-unit structures, the garage addition shall be 400 square feet for each residential unit.

In an effort to further maintain Park City's Historic District, this Floor Area Ratio requirement shall not apply to renovations, additions, or expansions to historic structures (structures at least 50 years old, as approved by the Historic District Commission).

- (c) Side Yard. The minimum side yard for a single family structure shall be three feet. The minimum side yard for any structure of two units or more shall be five feet.

For structures on lots from 25 to 50 feet in total width, the sum of the side yard setbacks must total ten feet. For structures on parcels from 51 to 75 feet in total width, the total side setbacks must be 15 feet with a minimum of five feet on one side. For structures on parcels of greater than 76 feet total width, the side setbacks must be ten feet each.

1. A side yard shall not be required between structures designed with a common wall on a lot line. The longest dimension of buildings thus joined shall not exceed 50 feet.
2. For side yards of less than five feet, the special side yard exceptions as provided in Section 8.14 shall not apply, except for projections of less than four inches as specified in Section 8.14(a) and for allowance for a driveway as specified in Section 8.14(h).
3. On corner lots, any yard which faces on a street for both main and accessory buildings shall not be less than 10 feet.

- (d) Rear Yard. The minimum depth of the rear yard for all main buildings shall be based upon the size of the parcel. On parcels 100 feet deep or less and 75 feet wide or less, the rear setback must be ten feet. On parcels between 75 feet and 100 feet deep and of greater than 75 feet width, the front and rear setbacks must total 25 feet with a minimum of ten feet. On parcels deeper than 100 feet, the front and rear setbacks must total 30 feet, with a minimum of ten feet.

Accessory buildings shall have a minimum rear setback of one foot from the rear property line. On corner lots which rear upon the side yard of an adjacent lot, accessory buildings shall be located no closer than five feet to the rear property line.

- (e) Front Yard. The minimum depth of the front yard for all main buildings and accessory buildings, including garages, shall be based on the size of the parcel. On parcels 100 feet deep or less and 75 feet wide or less, the front setback must be ten feet. On parcels between 75 feet and 100 feet deep and of greater than 75 feet width, the front and rear setback must total 25 feet with a minimum of ten feet. On parcels deeper than 100 feet, the front and rear setbacks must total 30 feet, with a minimum of ten feet. Open parking spaces may be permitted in the front yard area, but not within the minimum side yard area. "Open parking spaces" does not include carports.

7.1.4. SPECIAL PARKING REGULATIONS.

- (a) Tandem parking is permitted for single family and duplex dwellings in the Historic District.
- (b) To encourage the location of parking in the rear, common driveways may be permitted along shared side yard property lines where those drives provide access to parking in the rear of the main building. Restrictions on the deeds to both properties must provide for the preservation of such a shared drive.
- (c) Common parking facilities may be permitted, upon approval of the Planning Department, where such a grouping may facilitate the development of individual buildings that more closely conform to the scale of historic structures in the district as defined in the design guidelines. Parking structures may be permitted, provided that the structure maintains all yard setbacks above grade, but may occupy below grade side yard areas between participating developments.
- (d) In order to minimize the amount of hard-surfaced paving in front yards, the following limits on the widths of paved areas for driveways and exposed parking that are visible from the street shall apply:
 - 1. For a single family dwelling on a 25 foot wide lot, the total area of hard surface for drive and parking shall not exceed 12 feet in width. The balance of any parking area or drive area shall be made of porous paving material. Drives shared with adjoining properties shall not exceed 35 feet in total width, regardless of placement on the lots involved.
 - 2. For all other buildings, the total drive area shall not exceed 27 feet in width for hard surfaced drive and parking area, with additional parking and drive area provided with porous paving material. This hard surfaced width may be divided into separate drives, or in a single

drive.

3. Garage door openings on single family structures on 25 foot lots shall not exceed 10 feet in width. On single lots that are more than 25 feet, but less than 37.5 feet in frontage width, the garage door openings shall not exceed 16 feet in width. Duplex structures on 50 foot or wider lots may have one garage door opening (or combination of openings) totaling 18 feet in width for each unit of the duplex, or a total of 36 feet in width for the structure. Triplex structures, which are required to have a common underground parking area, shall have only one garage door opening, which shall not exceed 18 feet. Where garage door openings appear on a facade that does not face a street, so the garage is accessed from a common drive between adjoining properties, the Community Development Department may waive the maximum door width if necessary to make the common drive arrangement function.
- (e) It is the City's policy to consider allowing a portion of the length of a code required parking stall to be placed within the City right of way, subject to the City Engineer's approval. The City Engineer shall consider the likelihood of future roadway changes, utilities, and any other health/safety considerations which may render parking in the right of way unacceptable.

7.1.5. BUILDING HEIGHT.

- (a) Structures shall be erected to a height no greater than 28 feet, as defined in Section 8.17. No volume or area above this 28 foot height may be used for facade variation open space.
- (b) Downhill facades may not exceed 28 feet from natural or final grade (whichever is more restrictive) to the peak of the roof. The design of the structure must incorporate a significant facade shift after the 28 foot limit to break up the mass of the structure as viewed from public rights-of-way or properties below. The length of the facade shift should be in proportion to the building mass and may be roughly equal to the difference between natural and final grade at the base of the downhill facade. However, in order to avoid dictating design, no absolute standard for the size of the shift is specified. Rather, the Historic District Commission shall review the facade shift during normal design review and may approve lesser or require greater shifts based upon neighborhood compatibility, visibility from public rights-of-way, and other design considerations.

7.1.6. SPECIAL REQUIREMENTS FOR CONDITIONAL USES. The

following impacts shall be considered in reviewing conditional uses:

- (a) Scale of the building in relation to historic structures in the district.
- (b) The need for increased yard areas and the resulting impact on the established set backs in the block.
- (c) The impact of noise or nearby residences.
- (d) The impact of traffic and on-street parking in the block.

7.1.7. CRITERIA FOR BED AND BREAKFAST INNS. Bed and Breakfast Inns may be approved as conditional uses by the Planning Commission. In making a determination whether a Bed and Breakfast Inn use is appropriate, the Planning Commission shall consider the following criteria:

- (a) Bed and Breakfast Inns are to be considered for structures of historical significance, whether or not they are officially listed on the National Register of Historic Places. As a part of the renovation of a structure as a Bed and Breakfast Inn, every attempt will be made by the applicant to restore the structure to its original condition so that it may become eligible for listing on the National Register.
- (b) Bed and Breakfast Inns are only appropriate for the larger residential structures in the Historic District. The houses should have a minimum of two rentable rooms. The maximum number of rooms will be determined by the applicant's ability to demonstrate that impacts such as parking and neighborhood compatibility can be adequately mitigated.
- (c) The length of stay for patrons of Bed and Breakfast Inns will be limited to less than 30 days (nightly rental).
- (d) It is preferable that Bed and Breakfast Inns have an owner/manager living on the site, but may, as a minimum requirement, have 24 hour on site management and check in. The check in facility may be off site if it is within close proximity of the Bed and Breakfast Inn.
- (e) Common kitchen facilities are allowed for the benefit of overnight guests only and are not intended to serve outside visitors. Individual kitchens within rooms shall not be permitted.
- (f) Signage shall be limited to one sign which shall not exceed six square feet in size. A permit must be obtained for the sign and it must comply with the provisions of the Park City Sign Ordinance.

- (g) Parking shall be provided on site at a rate of one space per rentable room. If no on site parking is possible, parking in close proximity to the Inn shall be provided. The Planning Commission may waive the parking requirement if it is found that no on-site parking is possible and all alternatives for other parking have been explored and exhausted. The Planning Commission must find that the structure which is to be a Bed and Breakfast Inn is not economically feasible to restore or maintain without the granting of the adaptive use. The burden of proof in requesting a parking exception shall be on the applicant. In no case may parking spaces on the downhill side of public streets and those partially or totally within the City right-of-way be counted toward parking requirement.

7.1.8. ARCHITECTURAL REVIEW. Prior to the issuance of building permits for any conditional or permitted use within this zone, the Community Development Department shall review the proposed plans for compliance with the architectural design guidelines prepared by the Historic District Commission and adopted by resolution of the City Council as a supplement to this Ordinance. Appeals of departmental actions on architectural compliance are heard by the Historic District Commission, and then may be appealed to the Council as set forth in Chapter 1 of this Code. Property within this zone may be subject to subdivision regulations and covenants that regulate design, materials, yard and height more strictly than this Code. This Code does not supersede more restrictive provisions in private covenants. In addition, no structure within the zone may be painted or repainted without review and approval of the exterior color scheme by the Community Development Department.

PARK CITY MUNICIPAL CORPORATION
LAND MANAGEMENT CODE



PASSED AND ADOPTED DECEMBER 22, 1983
EFFECTIVE JANUARY 1, 1984

THIRTY-FIFTH EDITION
REVISED AS OF OCTOBER 20, 1994

7.14. HISTORIC RESIDENTIAL DEVELOPMENT LOW-DENSITY

7.14.1. PURPOSE. The purpose of the Historic Residential Low-Density Zone District (HRL) is to provide an area of newer residential housing that is limited in density and land use to single-family structures, and which reduces the density of development in an area that is accessible only by substandard streets in terms of grade, width, or single access, so that these streets are not further impacted by high density development beyond the reasonable carrying capacity. The district also serves to provide an area of lower density residential use within the old portion of Park City.

7.14.2. USES. Those uses designated on the land use tables as permitted or conditional uses are allowed in this zone. All other uses are prohibited.

7.14.3. LOT REGULATIONS. The minimum lot regulations within the HRL Zone shall be as follows:

- (a) Lot Size. The minimum lot size shall be 3,750 square feet in land area, not including land encumbered by prescriptive rights-of-way or platted rights-of-way.
- (b) Floor Area Ratio. The floor area of all new structures constructed within the HRL District shall be limited by the floor area ratio (FAR) which shall be the floor area as defined in Chapter 2, divided by the total area of the lot or parcel. For lots up to 1875 square feet (legal non-conforming lots only), the maximum FAR shall be .9. For parcels of 1876 square feet or larger, the floor area ratio is equivalent to the maximum floor area for the first 1875 square feet (1687 square feet), plus 30% of additional lot square footage. The maximum square footage is calculated by the following formula:

$$\text{MAXIMUM FLOOR AREA} = 1687 + (.30 \times (\text{Parcel Size} - 1875))$$
- (c) Frontage. The minimum frontage of lots shall be 37.5 feet in width measured at a point 15 feet back from the front lot line.
- (d) Side Yard. The minimum depth of side yard setbacks shall be based on the size of the parcel. For structures on parcels 50 feet wide or less at the front property line, the side setbacks must be five feet each. For structures on parcels from 51 to 75 feet wide at the front property line, the total side setbacks must be 15 feet with a minimum of five feet on one side. For structures on parcels greater than 76 feet wide at the front property line, the side setbacks must be ten feet each.
- (e) Front and Rear Yards. The minimum depth of the front and rear

yards for all main buildings shall be based upon the size of the parcel. For structures on parcels 100 feet deep or less, the front setback shall be 15 feet and the rear 10 feet. For structures on parcels deeper than 100 feet, the total of front and rear setbacks must be 30 feet, with a minimum of 15 feet front and ten feet rear.

1. Setbacks shall be measured from the platted property line, or from the right-of-way line of any prescriptive street for main building, whichever is deeper into the lot.
2. Open parking is permitted within the front setback area, but not within five feet of the side lot lines.
3. The minimum front setback for garages and other accessory buildings shall be ten feet from the property line or the right-of-way line for any prescriptive street, whichever is deeper into the lot.
4. The minimum rear setback for accessory buildings is one foot, provided however, that accessory buildings less than three feet from the rear lot line must comply with applicable building and fire code provisions for buildings so located.

(f) Setbacks. The minimum front yard setback shall be 15 feet from the platted property line, or from the right-of-way line of any prescriptive street for main building, whichever is deeper into the lot. Open parking is permitted within the setback area, but not within five feet of the side lot lines. The minimum setback for garages and other accessory buildings shall be ten feet from the property line or the right-of-way line for any prescriptive street, whichever is deeper into the lot.

(g) Building Height.

1. Buildings shall not exceed a maximum height of 28 feet, except as provided in the supplemental regulations.
2. Downhill facades may not exceed 28 feet for natural or final grade (whichever is more restrictive) to the peak of the roof. The design of the structure must incorporate a significant facade shift after the 28 foot limit to break up the mass of the structure as viewed from public rights-of-way or properties below. The length of the facade shift should be in proportion to the building mass and may be roughly equal to the difference between natural and final grade at the base of the downhill facade. However, in order to avoid dictating design, no absolute standard for the size of the shift is

specified. Rather, the Historic District Commission shall review the facade shift during normal design review and may approve lesser or require greater shifts based upon neighborhood compatibility, visibility from public rights-of-way, and other design considerations.

7.14.4. ARCHITECTURAL REVIEW. Prior to the issuance of building permits for any conditional or permitted use within this zone, the Community Development Department shall review the proposed plans for compliance with the architectural design guidelines prepared by the Historic District Commission and adopted by resolution of the Council as a supplement to this Ordinance. Appeals of departmental actions on architectural compliance are heard by the Historic District Commission, and then may be appealed to the Council as set forth in Chapter 1 of this Code. Property within this zone is not subject to design review by the City, but may be subject to subdivision regulations and covenants that regulate design, materials, yard and height more strictly than this Code. This Code does not supersede more restrictive provisions in private covenants. In addition, no structure within the zone may be painted or repainted without review and approval of the exterior color scheme by the Community Development Department.

7.14.5. SPECIAL PARKING REGULATIONS It is the City's policy to consider allowing a portion of the length of a code required parking stall to be placed within the City right of way, subject to the City Engineer's approval. The City Engineer shall consider the likelihood of future roadway changes, utilities, and any other health/safety considerations which may render parking in the right of way unacceptable.



Ordinance No. 00-25

**AN ORDINANCE APPROVING A COMPREHENSIVE
AND SUBSTANTIVE RE-WRITE OF THE LAND MANAGEMENT CODE
OF PARK CITY, UTAH, SPECIFICALLY FOR:
CHAPTER 1- GENERAL PROVISIONS AND PROCEDURES,
CHAPTER 2- DEFINITIONS,
CHAPTER 12- NON-CONFORMING USES, AND
CHAPTER 13- OFF-STREET PARKING AS
RENUMBERED AND INCLUDED IN THE BODY OF THE
MUNICIPAL CODE AS FOLLOWS:
CHAPTER 1 BECOMES TITLE 15, CHAPTER 1
CHAPTER 2 BECOMES TITLE 15, CHAPTER 15
CHAPTER 12 BECOMES TITLE 15, CHAPTER 9
CHAPTER 13 BECOMES TITLE 15, CHAPTER 3.**

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

WHEREAS, in January of 1998 the City Council directed staff to undertake a comprehensive and substantive re-write of the Land Management Code;

WHEREAS, the City is in the process of a comprehensive rewrite of the entire Land Management Code to reorganize the document's structure, clarify and resolve inconsistencies, update regulations to be consistent with the General Plan, provide self-contained (user-friendly) Chapters, and add illustrations;

WHEREAS, the Planning Commission duly noticed and conducted several public hearings at its regularly scheduled meetings, on September 16 and December 2, 1998 and forwarded to City Council a positive recommendation on Phase I;

WHEREAS, on February 25, 1999 the City Council duly noticed and conducted a public hearing on Phase I and remanded portions of the draft back to the Planning Commission for additional revisions;

WHEREAS, the Planning Commission duly noticed and conducted several public hearings at its regularly scheduled meetings, on September 22, 1999 and February 23, 2000, to receive input on the proposed revisions;

WHEREAS, the Planning Commission forwarded a recommendation to the City Council on Chapter 1- Provisions and Procedures, Chapter 2- Definitions, Chapter 12- Non-conforming Uses, Chapter 13- Off-street Parking, and the HR-1 and HRL Zoning District sections to review the minutes and consider Commissioner's and the public's comments from the February 23, 2000 meeting;

WHEREAS, the City Council duly noticed and conducted public hearings at its regularly scheduled meetings on March 2, 2000 and March 16, 2000 and

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

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

SECTION 1. AMENDMENT TO CHAPTER 1 OF THE LAND MANAGEMENT CODE. Chapter 1 is hereby deleted and replaced by LMC Title 15, Chapter 1 attached hereto as Exhibit A. Any conflicts or cross-references from other provisions of the LMC to Chapter 1 shall be resolved by the Community Development Director. Defined terms in Title 15, Chapter 1 shall be defined in accordance with the LMC, Title 15, Chapter 15.

SECTION 2. AMENDMENT TO CHAPTER 2 OF THE LAND MANAGEMENT CODE. Chapter 2 is hereby deleted and replaced by LMC Title 15, Chapter 15 attached hereto as Exhibit B. Any conflicts or cross-references from other provisions of the LMC to Chapter 2 shall be resolved by the Community Development Director. Defined terms in Title 15, Chapter 2 shall be defined in accordance with the LMC, Title 15, Chapter 15.

SECTION 3. AMENDMENT TO CHAPTER 12 OF THE LAND MANAGEMENT CODE. Chapter 12 is hereby deleted and replaced by LMC Title 15, Chapter 9 attached hereto as Exhibit C. Any conflicts or cross-references from other provisions of the LMC to Chapter 12 shall be resolved by the Community Development Director. Defined terms in Title 15, Chapter 9 shall be defined in accordance with the LMC, Title 15, Chapter 15.

SECTION 4. AMENDMENT TO CHAPTER 13 OF THE LAND MANAGEMENT CODE. Chapter 13 is hereby deleted and replaced by LMC Title 15, Chapter 3 attached hereto as Exhibit D. Any conflicts or cross-references from other provisions of the LMC to Chapter 13 shall be resolved by the Community Development Director. Defined terms in Title 15, Chapter 3 shall be defined in accordance with the LMC, Title 15, Chapter 15.

SECTION 5. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

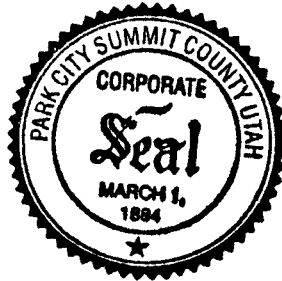
PASSED AND ADOPTED this 30th day of March, 2000

PARK CITY MUNICIPAL CORPORATION

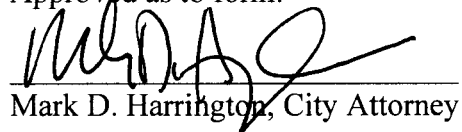

Mayor Bradley A. Cich

Attest:


Janet M. Scott, City Recorder



Approved as to form:


Mark D. Harrington, City Attorney