



**PLANNING DEPARTMENT ADMINISTRATIVE PUBLIC HEARING
SUMMIT COUNTY, UTAH
January 9, 2025**

The Planning Department of Park City, Utah, will hold a Public Hearing in person at the Marsac Municipal Building, Planning Department Conference Room, at 445 Marsac Avenue, Park City, Utah 84060. Meetings will also be available online and may have options to listen, watch, or participate virtually.

Zoom Link: <https://us02web.zoom.us/j/88167820277>

1. REGULAR AGENDA - 12:00PM

- 1.A. **7520 Royal Street – Administrative Conditional Use Permit** – The Applicant Proposes a Temporary Structure and Outdoor Dining on the Existing Pedestrian Plaza at the Goldener Hirsch. PL-24-06359.
(A) Public Hearing; (B) Action
- 1.B. **1167 Woodside Avenue – Administrative Conditional Use Permit** – A January, 14, 2004 Conditional Use Permit for Yoga Instruction and Quasi-Public, Institutional Assembly Uses Condition of Approval 5 requires an Administrative Conditional Use Permit for any Use that will Generate Additional Parking and Traffic. The Applicant Requests an Administrative Conditional Use Permit to host two events on January 25 and 26, 2025. PL-24-06372.
(A) Public Hearing; (B) Action

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.

***Parking is available at no charge for meeting attendees who park in the China Bridge parking structure.**

Planning Department Staff Report



Subject: 7520 Royal Street
Goldener Hirsch
Application: PL-24-06359
Author: Virgil Lund, Planner II
Date: January 9, 2025
Type of Item: Administrative Conditional Use Permit

Recommendation

(I) Review the Administrative Conditional Use Permit (ACUP) for a one-time Temporary Structure installation for up to 16 people to be removed by June 1, 2025, and ongoing Outdoor Dining (without the Temporary Structure) for up to 40 people, (II) conduct a public hearing, and (III) consider approving the ACUP based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Final Action Letter (Exhibit A).

Description

Applicant: C. Hope Eccles
Applicant Representative: Jamie Miller

Location: 7520 Royal Street
Goldener Hirsch

Zoning District: Residential Development, Sensitive Land Overlay

Adjacent Land Uses: Multi-Unit Dwellings, Commercial

Reason for Review: Temporary Structures and Outdoor Dining require an ACUP in the Residential Development Zoning District.¹

ACUP	Administrative Conditional Use Permit
LMC	Land Management Code
MPD	Master Planned Development
RD	Residential Development
SLO	Sensitive Land Overlay

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

Summary

The Applicant proposes the one-time installation of a 215-square-foot Temporary Structure for up to 16 people with a height of nine feet from Final Grade on the existing

¹ LMC [§ 15-2.13-2\(B\)](#)

pedestrian bridge plaza at the Goldener Hirsch to be removed by June 1, 2025. Future installations of Temporary Structures will require an ACUP. The Applicant also proposes a 730-square-foot ongoing Outdoor Dining Area for up to 40 people when the Temporary Structure is removed.

According to the Applicant, during the time when the Temporary Structure is installed, Outdoor Dining will be limited to the area covered by the Temporary Structure. The Applicant has used the pedestrian bridge plaza at the Goldener Hirsch as Outdoor Dining for 40 people since 2016 without approval from the Planning Department. The proposed ACUP would allow Outdoor Dining (without the Temporary Structure) for up to 40 people to continue year-round at the Goldener Hirsch.



Figure 1: Location of Temporary Structure on the Existing Pedestrian Plaza

LMC [§ 15-15-1](#) *Defined Terms* defines “Temporary Structure”:

Temporary Structure: A standalone Structure, or a Structure that is partially affixed to an existing Building on a temporary basis not to exceed 180 days as set forth by the International Building Code.

The Building Code limits installations of Temporary Structures to no more than 180 days. See Condition of Approval 4.

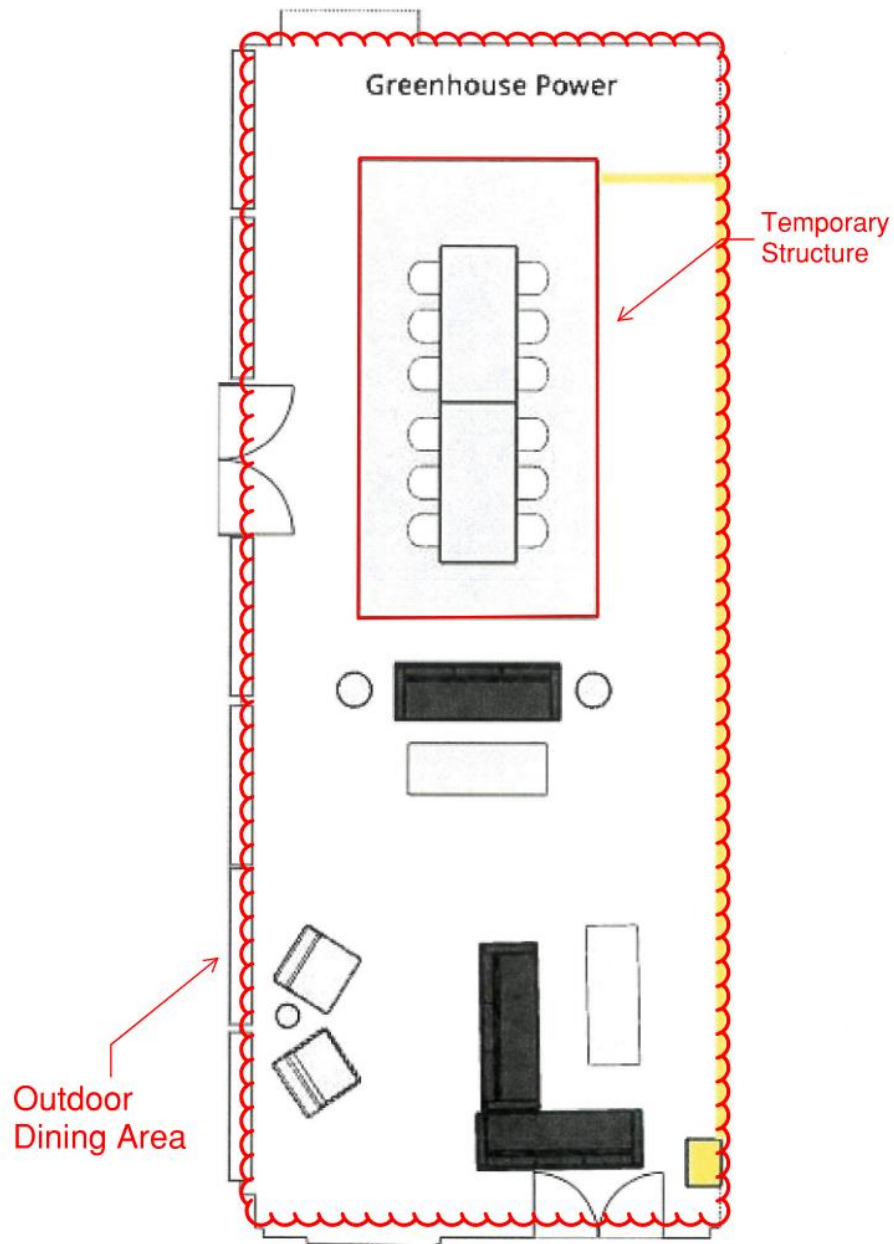


Figure 2: Temporary Structure and Outdoor Dining Location on Existing Pedestrian Plaza

Background

7520 Royal Street (Goldener Hirsch) is part of the Deer Valley Resort 12th Amended and Restated Large Scale Master Planned Development (MPD). On November 30, 2016, the 12th Amended Deer Valley MPD was approved by the Planning Commission (Exhibit B).

On December 12, 2016, the Planning Commission approved a Conditional Use Permit

(CUP) for the Goldener Hirsch (Exhibit C). Condition of Approval 23 from the 2016 Final Action Letter states: “Outdoor activities on the Plaza, including Outdoor Dining and outdoor events, require compliance with the Land Management Code, including approval of Administrative Conditional Use permits, if applicable.”

There no records of an approved ACUP for Outdoor Dining or Temporary Structures on the pedestrian bridge plaza at the Goldener Hirsch.

The Applicant installed the Temporary Structure without a building permit or Planning approval and now seeks an ACUP for continued use of the Temporary Structure through June 1, 2025, and ongoing Outdoor Dining for up to 40 people:



Figure 3: Constructed Temporary Structure Without Approvals (photo taken by Staff)

Analysis

(I) The proposed Temporary Structure to be installed through June 1, 2025, and ongoing Outdoor Dining complies with the Residential Development Zoning District Requirements outlined in LMC Chapter 15-2.13.

7520 Royal Street is in the RD Zoning District. The table below outlines the Lot and Site Requirements for the RD Zoning District:²

Requirement	Analysis of Proposal
Setbacks: Front Setback - 20 Feet Side Setback - 12 Feet Rear Setback - 15 Feet	Complies: The proposed Temporary Structure is located within the existing pedestrian bridge easement that spans Sterling Court, a private street. The Applicant received approval from the easement owner for the proposed Temporary Structure (Exhibit D). The proposed Outdoor Dining area for up to 40 people is also located within the existing pedestrian bridge easement that spans Sterling Court. The Applicant shall obtain permission from the Silver Lake Village Plaza Association prior to Outdoor Dining furniture installation on the pedestrian bridge plaza. See Condition of Approval 13.

² LMC [§ 15-2.13-3](#)

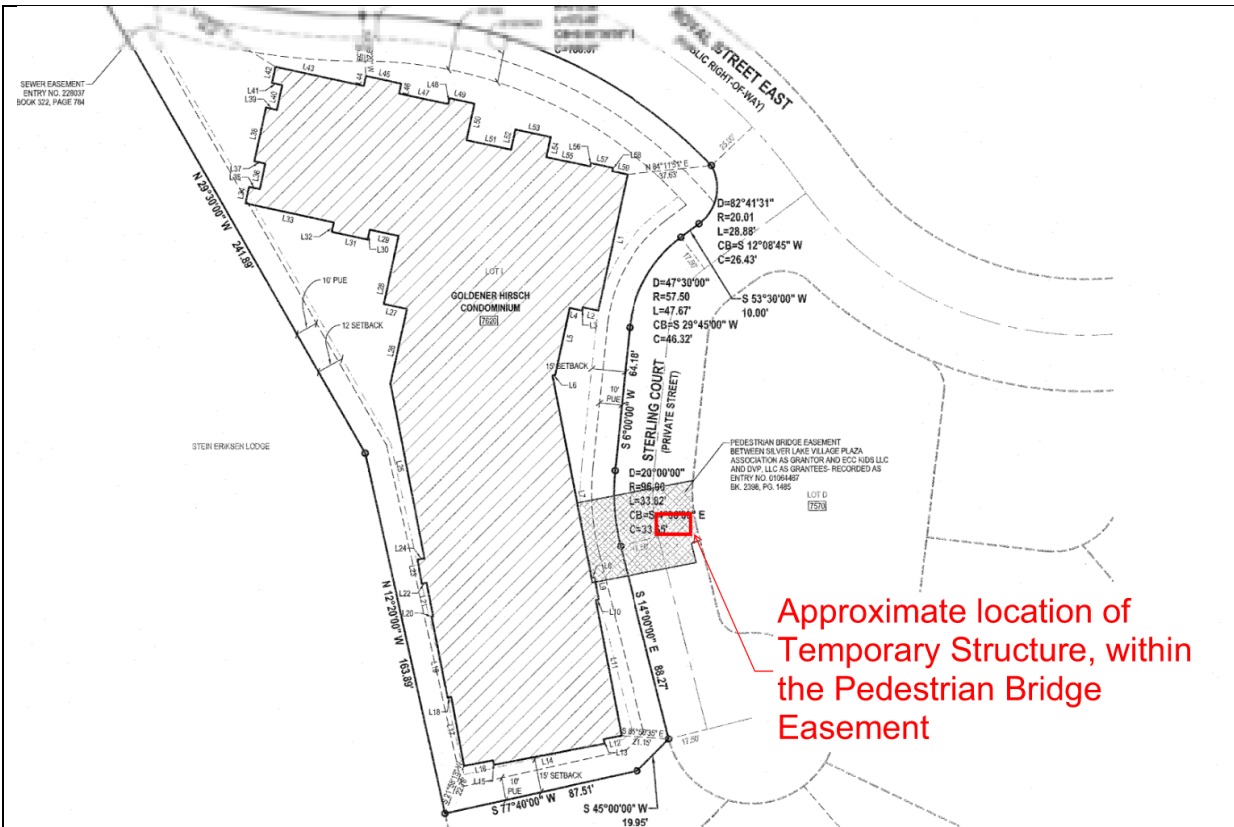


Figure 4: Location of Temporary Structure within Pedestrian Bridge Easement

Building Height:
Detached Accessory Structures
- 18 feet in height from Final
Grade

Complies:
The proposed Temporary Structure is
approximately 9 feet in height from Final Grade.

Furniture associated with Outdoor Dining must
comply with the height.

(II) The proposed Temporary Structure to be installed through June 1, 2025, and ongoing Outdoor Dining complies with the Sensitive Land Overlay Requirements outlined in LMC Chapter 15-2.21.

The Goldener Hirsch was approved under the 12th Amended Deer Valley Large Scale MPD which states (regarding the Applicability of the Sensitive Land Overlay): “Site Planning standards can be applied only to the extent they do not unequivocally reduce vested density. Limits of disturbance, vegetation protection, and building design standards do apply.” The Outdoor Dining and Temporary Structure are located on the existing pedestrian plaza (within the platted easement) and will not affect any vegetation or Sensitive Land.

(III) The proposed Temporary Structure complies with the Temporary Structures, Tents, and Vendors Requirements outlined in LMC Section 15-4-16.

The table below outlines the review criteria for Temporary Structures:³

Requirement	Analysis of Proposal
The Applicant shall provide written notice of the Property Owner's permission	Complies: The submitted application form is signed by C. Hope Eccles and the Applicant provided an approval letter from the owner of the pedestrian bridge easement for the Temporary Structure (Exhibit D).
The proposed Use should not diminish existing parking. Any net loss of parking shall be mitigated in the Applicant's plan.	Complies, as conditioned: 76 Parking Spaces were required as part of the original CUP approval for the Goldener Hirsch. 95 Parking Spaces were platted and constructed for the Goldener Hirsch. The proposed Temporary Structure will not diminish existing Parking Spaces, and the excess of existing Parking Spaces will mitigate any additional parking demand.
The proposed Use shall not impede pedestrian circulation, emergency Access, or any other public safety measure.	Complies: The Temporary Structure is located on the existing pedestrian plaza and will not encroach into or affect the existing pedestrian walkway (see Figure 5 below). On December 17, 2024, the Development Review Committee reviewed the proposal and confirmed the Temporary Structure conforms with their requirements.

³ LMC [§ 15-4-16\(B\)](#)

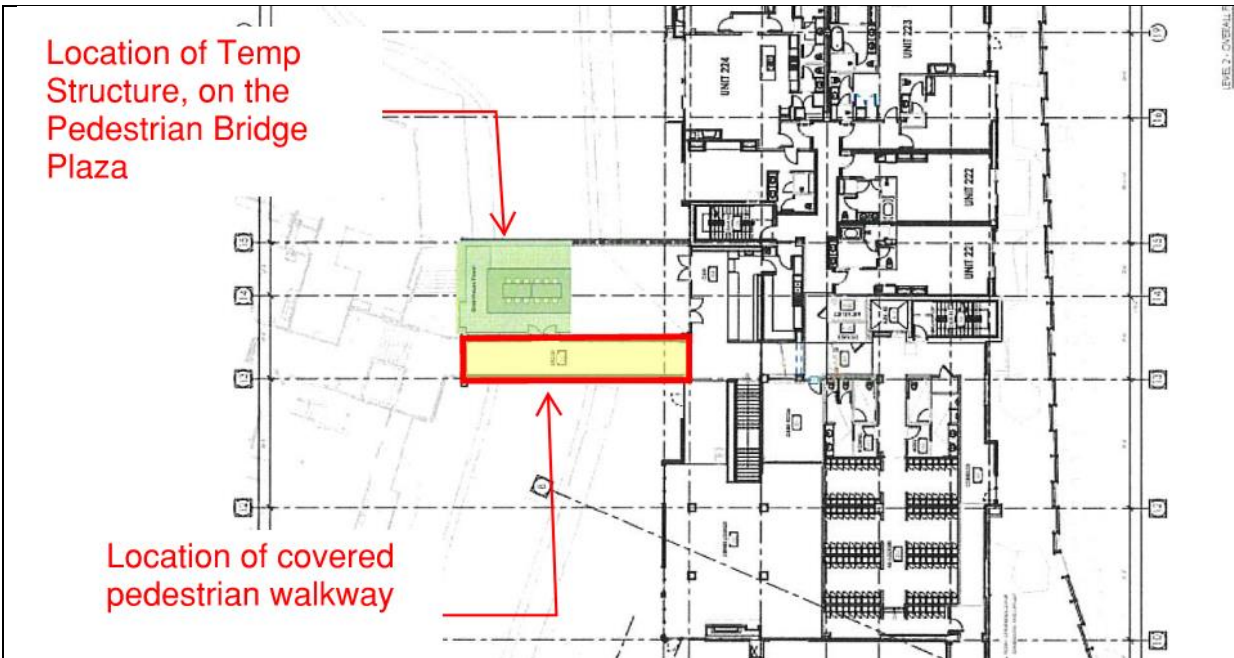


Figure 5: Temporary Structure and Pedestrian Walkway

The Use shall not violate the Noise Ordinance, Municipal Code Chapter 6-3	Complies, as conditioned: Condition of Approval 5 requires adherence to the Noise Ordinance outlined in Municipal Code Chapter 6-3.
The Use shall comply with the LMC, the signage shall comply with the Sign Code, Title 12, and the lighting shall comply with Illumination Section 12-4-9	Complies, as conditioned: No Signs or Outdoor Lighting are proposed or approved with this Application, see Condition of Approval 6.
The Use shall not violate the Summit County Health Code, the Fire Code, or State Regulations on mass gathering.	Complies, as conditioned: See Condition of Approval 7.
The Use shall not violate the International Building Code	Complies: Condition of Approval 8 requires the Applicant to submit a Building Permit for review and approval.
The Applicant shall adhere to all applicable City and State licensing ordinances	Complies: See Condition of Approval 9.

(IV) The proposed Outdoor Dining Area complies with the Outdoor Dining Requirements outlined in LMC Section 15-4-21(B)(1) Outdoor Dining.

The table below outlines the review criteria for Outdoor Dining:⁴

Requirement	Analysis of Proposal
The proposed seating Area is located on private Property or leased public Property and does not diminish parking or landscaping.	Complies: The proposed Outdoor Dining area for up to 40 people is located within the existing pedestrian bridge easement that spans Sterling Court. The Applicant shall obtain permission from the Silver Lake Village Plaza Association prior to Outdoor Dining furniture installation on the pedestrian bridge plaza. See Condition of Approval 13.
The proposed seating Area does not impede pedestrian circulation	Complies: The proposed Outdoor Dining area will be located on the existing pedestrian plaza and will not encroach into or affect the existing pedestrian walkway (see Figure 5 above and Condition of Approval 12).
The proposed seating Area does not impede emergency Access or circulation	Complies: The Development Review Committee reviewed the Outdoor Dining on December 12, 2024 and confirmed the proposal conforms with their requirements. The Park City Fire District reviewed the proposal on December 18, 2024 and confirmed emergency access will not be impacted.
The proposed furniture is Compatible with the Streetscape.	Complies: The existing furniture for Outdoor Dining includes outdoor couches with wood and plastic tables and chairs for dining and lounging. The maximum approved capacity is 40 people.
No music or noise is in excess of the City Noise Ordinance, Title 6	Complies: Condition of Approval 5 requires adherence to the Noise Ordinance outlined in municipal Code Chapter 6-3.
No Use after 10:00 p.m.	Complies: See Condition of Approval 10.

⁴ LMC [§ 15-4-21\(B\)\(1\)](#)

Review of the Restaurant's seating capacity to determine appropriate mitigation measures in the event of increased parking demand	Complies: The restaurant at Goldener Hirsch has an indoor seated capacity of 125 people. The proposed Outdoor Dining adds 40 seats, for a total capacity of 165. 76 Parking Spaces were required as part of the original CUP approval for the Goldener Hirsch. 95 Parking Spaces were platted and constructed for the Goldener Hirsch. The proposed Outdoor Dining will not diminish any existing Parking Spaces, and the excess of Parking Spaces constructed should mitigate any additional parking demand created by the ongoing Outdoor Dining.
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(V) The proposal, as conditioned, complies with the Conditional Use Permit criteria outlined in LMC § 15-1-10(E).

There are certain Uses that, because of unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent land Uses, may not be Compatible in some Areas or may be Compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

The Planning Staff shall approve a Conditional Use if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed Use in accordance with applicable standards. The Planning Staff may deny the Conditional Use if the proposed Use cannot be substantially mitigated by the proposal or imposition of reasonable conditions to achieve compliance with applicable standards. LMC [§ 15-1-10](#).

CUP Review Criteria	Analysis of Proposal
Size and location of the Site	Complies: The proposed Temporary Structure to be installed through June 1, 2025, and ongoing Outdoor Dining for up to 40 people, will be located on the existing pedestrian bridge plaza and will provide users of the existing restaurant with additional dining opportunities in the winter.
Traffic considerations including capacity of the existing Streets in the Area	Complies: The proposed Temporary Structure and Outdoor Dining will not increase the amount of traffic in the neighborhood. The Engineering Department's Traffic Impact Study (TIS) Guidelines require a TIS if a sit-down restaurant exceeds 2,500 square feet. The proposed Temporary Structure is 215 square feet and the total square footage for the Outdoor

	Dining Area is approximately 730 square feet and does not trigger a TIS.
Utility capacity, including Storm Water run-off	Complies: The Development Review Committee reviewed the proposal on December 17, 2024 and confirmed the proposal conforms with their requirements.
Emergency vehicle Access	Complies: The Development Review Committee reviewed the proposal on December 17, 2024 and confirmed the proposal conforms with their requirements. The Park City Fire District reviewed the proposal on December 18, 2024 and confirmed emergency access will not be impacted.
Location and amount of off-Street parking	Complies: The restaurant at Goldener Hirsch has an indoor seated capacity of 125 people. The proposed Outdoor Dining would add 40 additional seats, for a total capacity of 165 people. 76 Parking Spaces were required as part of the original CUP approval for the Goldener Hirsch. 95 Parking Spaces were platted and constructed for the Goldener Hirsch. The proposed Temporary Structure and ongoing Outdoor Dining will not diminish any existing Parking Spaces, and the excess of Parking Spaces constructed should mitigate any additional parking demand created by the Outdoor Dining.
Internal vehicular and pedestrian circulation system	Complies: The proposed Temporary Structure and furniture associated with ongoing Outdoor Dining will be located on the existing pedestrian plaza above Sterling Court and will not encroach into or affect the existing pedestrian walkway or internal vehicular system. See Condition of Approval 12.
Fencing, Screening, and landscaping to separate the Use from adjoining Uses	Complies: Adjacent uses (ski resort and lodging) are compatible with the proposed Temporary Structure and ongoing Outdoor Dining and no additional Fencing, Screening, or Landscaping are proposed.
Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots	Complies: The proposed Temporary Structure is 215 square feet and will be oriented towards the existing restaurant and pedestrian plaza. The proposed Temporary Structure is appropriate in size and scale for the Site because it will not impede the existing pedestrian circulation system.

	The furniture associated with ongoing Outdoor Dining includes white plastic tables and chairs and metal furniture.
Useable Open Space	Complies: The proposed Temporary Structure and ongoing Outdoor Dining will not decrease the required amount of Open Space from the approved MPD because they are installed on an existing and platted pedestrian bridge.
Signs and Lighting	Complies: No Signs or Lighting are proposed with this Application.
Physical Design and Compatibility with Surrounding Structures	Complies: The proposed Temporary Structure is appropriate in size, scale, and design for the intended Use. The Temporary Structure is constructed with glass and metal and can hold approximately 16 people. The furniture associated with the ongoing Outdoor Dining includes white plastic tables and chairs and metal furniture.
Noise, Vibration, Odors, Steam, or Other Mechanical Factors	Complies: No Signs, speakers, or Outdoor Lighting are proposed or approved with this Application.
Control of Delivery and Service Vehicles, Loading and Unloading Zones, and Screening of Trash and Recycling Pickup Areas	Complies: The proposed location of the Temporary Structure and ongoing Outdoor Dining Area will not affect any loading or unloading zones. Condition of Approval 11 requires all trash and recycling to be located inside the Goldener Hirsch.
Expected Ownership and Management	Complies: The submitted application form is signed by C. Hope Eccles and the Applicant has provided a letter from the owner of the pedestrian bridge easement.

Within and Adjoining the Site, Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste, and Park City Soils Ordinance, Steep Slopes, and Appropriateness of the Proposed Structure to the Existing Topography of the Site	Complies: The location of the Temporary Structure is not on or near Steep Slopes, Physical Mine Hazards, or Mine Waste, and is outside of the Park City Soils Ordinance. The proposed Temporary Structure and ongoing Outdoor Dining are located on an existing pedestrian plaza.
Reviewed for Consistency with the Goals and Objectives of the Park City General Plan	Complies: The proposed Use of the Site is consistent with the objectives of the Upper Deer Valley Neighborhood in the General Plan , as it provides a comfortable visitor experience and supports the resort economy.

(V) The Development Review Committee reviewed the proposal on December 17, 2024 and confirmed the proposal conforms with their requirements.⁵

Department Review

The Planning Department reviewed this report.

Notice

Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on January 6, 2025. Staff mailed courtesy notice to adjacent property owners on January 6, 2025.⁶

Public Input

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

Alternatives

- The Planning Director, or designee, may approve the Temporary Structure installation through June 1, 2025, and ongoing Outdoor Dining for up to 40 people at 7950 Royal Street – Goldener Hirsch;
- The Planning Director, or designee, may deny the Temporary Structure installation through June 1, 2025, and ongoing Outdoor Dining for up to 40 people at 7950 Royal Street – Goldener Hirsch, and direct staff to make Findings for the denial; or
- The Planning Director, or designee, may request additional information and continue the discussion to a date certain

⁵ The Development Review Committee meets the first and third Tuesday of each month to review and provide comments on Planning Applications, including review by the Building Department, Engineering Department, Sustainability Department, Transportation Planning Department, Code Enforcement, the City Attorney's Office, Local Utilities including Rocky Mountain Power and Dominion Energy, the Park City Fire District, Public Works, Public Utilities, and the Snyderville Basin Water Reclamation District (SBWRD).

⁶ LMC [§ 15-1-21](#)

Exhibits

Exhibit A: Draft Final Action Letter

Exhibit B: 12th Amended and Restated Deer Valley MPD

Exhibit C: 2016 CUP Final Action Letter

Exhibit D: Easement Owner's Permission Letter

Exhibit E: Proposed Plans

Exhibit F: Applicant's Narrative



Planning Department

January 9, 2025

Jamie Miller
7520 Royal Street

CC: C Hope Eccles

NOTICE OF PLANNING DIRECTOR ACTION

Description

Address: 7520 Royal Street, Goldener Hirsch

Zoning District: Residential Development, Sensitive Land Overlay

Application: Administrative Conditional Use Permit

Project Number: PL-24-06359

Action: APPROVED WITH CONDITIONS (See Below)

Date of Final Action: January 9, 2025

Project Summary: The Applicant proposes a 215-square-foot Temporary Structure and Outdoor Dining on the existing pedestrian plaza at the Goldener Hirsch.

Action Taken

On January 9, 2025, the Planning Director designee conducted a public hearing and approved the Temporary Structure and Outdoor Dining according to the following findings of fact, conclusions of law, and conditions of approval.

Findings of Fact

1. The Applicant proposes the one-time installation of a 215-square-foot Temporary Structure for up to 16 people with a height of nine feet from Final Grade on the existing pedestrian bridge plaza at the Goldener Hirsch to be removed by June 1, 2025. Future installations of Temporary Structures will require an ACUP.
2. The Applicant also proposes a 730-square-foot ongoing Outdoor Dining Area for up to 40 people when the Temporary Structure is removed.



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3. According to the Applicant, during the time when the Temporary Structure is installed, Outdoor Dining will be limited to the area covered by the Temporary Structure.
4. The Applicant has used the pedestrian bridge plaza at the Goldener Hirsch as Outdoor Dining for 40 people since 2016 without approval from the Planning Department. The proposed ACUP would allow Outdoor Dining (without the Temporary Structure) for up to 40 people to continue year-round at the Goldener Hirsch.
5. LMC § 15-15-1 Defined Terms defines “Temporary Structure”:
 - a. Temporary Structure: A standalone Structure, or a Structure that is partially affixed to an existing Building on a temporary basis not to exceed 180 days as set forth by the International Building Code.
6. The Building Code limits installations of Temporary Structures to no more than 180 days. See Condition of Approval 4.
7. 7520 Royal Street (Goldener Hirsch) is part of the Deer Valley Resort 12th Amended and Restated Large Scale Master Planned Development (MPD). On November 30, 2016, the 12th Amended Deer Valley MPD was approved by the Planning Commission.
8. On December 12, 2016, the Planning Commission approved a Conditional Use Permit (CUP) for the Goldener Hirsch. Condition of Approval 23 from the 2016 Final Action Letter states: “Outdoor activities on the Plaza, including Outdoor Dining and outdoor events, require compliance with the Land Management Code, including approval of Administrative Conditional Use permits, if applicable.”
9. There are no records of an approved ACUP for Outdoor Dining or Temporary Structures on the pedestrian bridge plaza at the Goldener Hirsch.
10. The Applicant installed the Temporary Structure without a building permit or Planning approval and now seeks an ACUP for continued use of the Temporary Structure through June 1, 2025, and ongoing Outdoor Dining for up to 40 people.
11. The proposed Temporary Structure to be installed through June 1, 2025, and ongoing Outdoor Dining complies with the Residential Development Zoning District Requirements outlined in LMC Chapter 15-2.13.
 - a. Setbacks
 - i. The proposed Temporary Structure is located within the existing pedestrian bridge easement that spans Sterling Court, a private street. The Applicant received approval from the easement owner for the proposed Temporary Structure.



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- ii. The proposed Outdoor Dining area for up to 40 people is also located within the existing pedestrian bridge easement that spans Sterling Court. The Applicant shall obtain permission from the Silver Lake Village Plaza Association prior to Outdoor Dining furniture installation on the pedestrian bridge plaza. See Condition of Approval 13.
 - b. Building Height
 - i. The proposed Temporary Structure is approximately 9 feet in height from Final Grade. Furniture associated with Outdoor Dining must comply with height.
12. The proposed Temporary Structure to be installed through June 1, 2025, and ongoing Outdoor Dining complies with the Sensitive Land Overlay Requirements outlined in LMC Chapter 15-2.21.
- a. The Goldener Hirsch was approved under the 12th Amended Deer Valley Large Scale MPD which states (regarding the Applicability of the Sensitive Land Overlay): "Site Planning standards can be applied only to the extent they do not unequivocally reduce vested density. Limits of disturbance, vegetation protection, and building design standards do apply." The Outdoor Dining and Temporary Structure are located on the existing pedestrian plaza (within the platted easement) and will not affect any vegetation or Sensitive Land.
13. The proposed Temporary Structure complies with the Temporary Structures, Tents, and Vendors Requirements outlined in LMC Section 15-4-16
- a. The Applicant shall provide written notice of the Property Owner's permission.
 - i. The submitted application form is signed by C. Hope Eccles and the Applicant provided an approval letter from the owner of the pedestrian bridge easement for the Temporary Structure.
 - b. The proposed Use should not diminish existing parking. Any net loss of parking shall be mitigated in the Applicant's plan.
 - i. 76 Parking Spaces were required as part of the original CUP approval for the Goldener Hirsch. 95 Parking Spaces were platted and constructed for the Goldener Hirsch. The proposed Temporary Structure will not diminish existing Parking Spaces, and the excess of existing Parking Spaces will mitigate any additional parking demand.



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- c. The proposed Use shall not impede pedestrian circulation, emergency Access, or any other public safety measure.
 - i. The Temporary Structure is located on the existing pedestrian plaza and will not encroach into or affect the existing pedestrian walkway. On December 17, 2024, the Development Review Committee reviewed the proposal and confirmed the Temporary Structure conforms with their requirements.
 - d. The Use shall not violate the Noise Ordinance, Municipal Code Chapter 6-3.
 - i. Condition of Approval 5 requires adherence to the Noise Ordinance outlined in municipal Code Chapter 6-3.
 - e. The Use shall comply with the LMC, the signage shall comply with the Sign Code, Title 12, and the lighting shall comply with Illumination Section 12-4-9.
 - i. No Signs or Outdoor Lighting are proposed or approved with this Application. See Condition of Approval 6.
 - f. The Use shall not violate the Summit County Health Code, the Fire Code, or State Regulations on mass gathering.
 - i. See Condition of Approval 7.
 - g. The Use shall not violate the International Building Code.
 - i. Condition of Approval 8 requires the Applicant to submit a Building Permit for review and approval.
 - h. The Applicant shall adhere to all applicable City and State licensing ordinances.
 - i. See Condition of Approval 9.
14. The proposed Outdoor Dining Area complies with the Outdoor Dining Requirements outlined in LMC Section 15-4-21(B)(1) Outdoor Dining.
- a. The proposed seating Area is located on private Property or leased public Property and does not diminish parking or landscaping.
 - i. The proposed Outdoor Dining area for up to 40 people is located within the existing pedestrian bridge easement that spans Sterling Court. The Applicant shall obtain permission from the Silver Lake Village Plaza Association prior to Outdoor Dining furniture installation on the pedestrian bridge plaza. See Condition of Approval 13.
 - b. The proposed seating Area does not impede pedestrian circulation.



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- i. The proposed Outdoor Dining Area will be located on the existing pedestrian plaza and will not encroach into or affect the existing pedestrian walkway. See Condition of Approval 12.
 - c. The proposed seating Area does not impede emergency Access or circulation
 - i. The Development Review Committee reviewed the proposal on December 12, 2024 and confirmed the proposal conforms with their requirements. The Park City Fire District reviewed the proposal on December 18, 2024 and confirmed emergency access will not be impacted.
 - d. The proposed furniture is Compatible with the Streetscape.
 - i. The existing furniture for Outdoor Dining includes outdoor couches with wood and plastic tables and chairs for dining and lounging. The maximum approved capacity is 40 people.
 - e. No music or noise is in excess of the City Noise Ordinance, Title 6.
 - i. Condition of Approval 5 requires adherence to the Noise Ordinance outlined in municipal Code Chapter 6-3.
 - f. No Use after 10:00 pm.
 - i. See Condition of Approval 10.
 - g. Review of the Restaurant's seating capacity to determine appropriate mitigation measures in the event of increased parking demand.
 - i. The restaurant at Goldener Hirsch has an indoor seated capacity of 125 people. The proposed Outdoor Dining adds 40 seats, for a total capacity of 165. 76 Parking Spaces were required as part of the original CUP approval for the Goldener Hirsch. 95 Parking Spaces were platted and constructed for the Goldener Hirsch. The proposed Outdoor Dining will not diminish any existing Parking Spaces, and the excess of Parking Spaces constructed should mitigate any additional parking demand created by the ongoing Outdoor Dining.
15. The proposal, as conditioned, complies with the Conditional Use Permit criteria outlined in LMC § 15-1-10(E).
- a. There are certain Uses that, because of unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent land Uses, may not be Compatible in some Areas or may be Compatible only if



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certain conditions are required that mitigate or eliminate the detrimental impacts.

- b. The Planning Staff shall approve a Conditional Use if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed Use in accordance with applicable standards. The Planning Staff may deny the Conditional Use if the proposed Use cannot be substantially mitigated by the proposal or imposition of reasonable conditions to achieve compliance with applicable standards. LMC § 15-1-10.
- c. Size and location of the Site
 - i. The proposed Temporary Structure to be installed through June 1, 2025, and ongoing Outdoor Dining for up to 40 people, will be located on the existing pedestrian bridge plaza and will provide users of the existing restaurant with additional dining opportunities in the winter.
- d. Traffic considerations including capacity of the existing Streets in the Area
 - i. The proposed Temporary Structure and Outdoor Dining will not increase the amount of traffic in the neighborhood. The Engineering Department's Traffic Impact Study (TIS) Guidelines require a TIS if a sit-down restaurant exceeds 2,500 square feet. The proposed Temporary Structure is 215 square feet and the total square footage for the Outdoor Dining Area is approximately 730 square feet and does not trigger a TIS.
- e. Utility capacity, including Storm Water run-off
 - i. The Development Review Committee reviewed the proposal on December 17, 2024 and confirmed the proposal conforms with their requirements.
- f. Emergency vehicle Access
 - i. The Development Review Committee reviewed the proposal on December 17, 2024 and confirmed the proposal conforms with their requirements. The Park City Fire District reviewed the proposal on December 18, 2024 and confirmed emergency access will not be impacted.
- g. Location and amount of off-Street parking
 - i. The restaurant at Goldener Hirsch has an indoor seated capacity of 125 people. The proposed Outdoor Dining would add 40 additional



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seats, for a total capacity of 165 people. 76 Parking Spaces were required as part of the original CUP approval for the Goldener Hirsch. 95 Parking Spaces were platted and constructed for the Goldener Hirsch. The proposed Temporary Structure and ongoing Outdoor Dining will not diminish any existing Parking Spaces, and the excess of Parking Spaces constructed should mitigate any additional parking demand created by the Outdoor Dining.

- h. Internal vehicular and pedestrian circulation system
 - i. The proposed Temporary Structure and furniture associated with ongoing Outdoor Dining will be located on the existing pedestrian plaza above Sterling Court and will not encroach into or affect the existing pedestrian walkway or internal vehicular system. See Condition of Approval 12.
- i. Fencing, Screening, and landscaping to separate the Use from adjoining Uses
 - i. Adjacent uses (ski resort and lodging) are compatible with the proposed Temporary Structure and ongoing Outdoor Dining and no additional Fencing, Screening, or Landscaping are proposed.
- j. Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots
 - i. The proposed Temporary Structure is 215 square feet and will be oriented towards the existing restaurant and pedestrian plaza. The proposed Temporary Structure is appropriate in size and scale for the Site because it will not impede the existing pedestrian circulation system.
 - ii. The furniture associated with ongoing Outdoor Dining includes white plastic tables and chairs and metal furniture.
- k. Useable Open Space
 - i. The proposed Temporary Structure and ongoing Outdoor Dining will not decrease the required amount of Open Space from the approved MPD because they are installed on an existing and platted pedestrian bridge.
- l. Signs and Lighting
 - i. No Signs or Lighting are proposed with this Application.
- m. Physical Design and Compatibility with Surrounding Structures



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- i. The proposed Temporary Structure is appropriate in size, scale, and design for the intended Use. The Temporary Structure is constructed with glass and metal and can hold approximately 16 people. The furniture associated with the ongoing Outdoor Dining includes white plastic tables and chairs and metal furniture
 - n. Noise, Vibration, Odors, Steam, or Other Mechanical Factors
 - i. No Signs, speakers, or Outdoor Lighting are proposed or approved with this Application.
 - o. Control of Delivery and Service Vehicles, Loading and Unloading Zones, and Screening of Trash and Recycling Pickup Areas
 - i. The proposed location of the Temporary Structure and ongoing Outdoor Dining Area will not affect any loading or unloading zones. Condition of Approval 11 requires all trash and recycling to be located inside the Goldener Hirsch.
 - p. Expected Ownership and Management
 - i. The submitted application form is signed by C. Hope Eccles and the Applicant has provided a letter from the owner of the pedestrian bridge easement.
 - q. Within and Adjoining the Site, Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste, and Park City Soils Ordinance, Steep Slopes, and Appropriateness of the Proposed Structure to the Existing Topography of the Site
 - i. The location of the Temporary Structure is not on or near Steep Slopes, Physical Mine Hazards, or Mine Waste, and is outside of the Park City Soils Ordinance. The proposed Temporary Structure and ongoing Outdoor Dining are located on an existing pedestrian plaza.
 - r. Reviewed for Consistency with the Goals and Objectives of the Park City General Plan
 - i. The proposed Use of the Site is consistent with the objectives of the Upper Deer Valley Neighborhood in the General Plan, as it provides a comfortable visitor experience and supports the resort economy.
16. The Development Review Committee reviewed the proposal on December 17, 2024 and confirmed the proposal conforms with their requirements.



Planning Department

17. Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on January 6, 2025.
18. Staff mailed courtesy notice to adjacent property owners on January 6, 2025.

Conclusions of Law

1. The proposal complies with the Land Management Code requirements outlined in LMC Chapter 15-2.13 *Residential Development Zoning District*, Chapter 15-2.21 *Sensitive Land Overlay*, Section 15-4-16 *Temporary Structures, Tents, and Vendors*, Section 15-4-21(B)(1) *Outdoor Dining* and Section 15-1-10(E) *Conditional Use Permits*.
2. The Use will be compatible with surrounding Structures in use, scale, mass, and circulation.
3. The effects of any difference in use or scale have been mitigated through careful planning.

Conditions of Approval

1. Any changes, modifications, or deviations from the approved plans that have not been approved in advance by the Planning Department may result in a stop work order.
2. The Applicant is responsible for notifying the Planning Department prior to making any changes to the approved plans.
3. Any changes, modifications, or deviations from the approved scope of work shall be submitted in writing for review and approval/denial in accordance with the applicable standards by the Planning Director or designee prior to construction.
4. The Temporary Structure must be removed 180 days from Final Action (January 16, 2025).
5. The Applicant must adhere to the Noise Ordinance outlined in Municipal Code Chapter 6-3.
6. No exterior signs or lighting are approved with this permit.
7. The Use shall not violate the Summit County Health Code, the Fire Code, or State Regulations on mass gathering.
8. The Use shall not violate the International Building Code. The Applicant must submit an operational fire permit to the Building Department prior to using the Temporary Structure.
9. The Applicant shall adhere to all applicable City and State licensing ordinances.
10. Outdoor Dining must not be used after 10:00 PM daily.
11. All trash and recycling must be located inside the Goldener Hirsch.



Planning Department

12. Outdoor Dining must not encroach into or affect the existing pedestrian walkway.
13. The Applicant shall obtain permission from the Silver Lake Village Plaza Association prior to Outdoor Dining furniture installation on the pedestrian bridge plaza.

If you have questions or concerns regarding this Final Action Letter, please call 385-481-2036 or email virgil.lund@parkcity.org

Sincerely,

Elissa Martin
Planning Director designee

CC: Virgil Lund

When recorded, Mail to:
Park City Recorder
PO Box 1480
Park City, UT 84060

**DEER VALLEY RESORT TWELFTH AMENDED AND RESTATED
LARGE SCALE MASTER PLANNED DEVELOPMENT PERMIT
November 30, 2016**

WHEREAS, Royal Street Land Company, a Utah corporation ("Royal Street") heretofore submitted to the Planning Commission of Park City ("Commission") certain items with relation to a residential, commercial, and recreational development project known as Deer Valley / Lake Flat Area Development ("Project") which items were listed in the original Permit granted for the Project by Commission and are incorporated herein by reference; and

WHEREAS, Commission found that such items submitted by Royal Street complied with and satisfied all applicable requirements of the Park City Land Management Code as then in force, to permit the construction of the Project as a planned unit development pursuant to the planned unit development exception then contained in the Park City Land Management Code; and

WHEREAS, Commission heretofore issued to Royal Street a Special Exception Permit dated September 27, 1977, with relation to the Project, which Special Exception Permit was amended by an Amended Special Exception Permit dated June 27, 1979 issued to Royal Street and by a Second Amended and Restated Special Exception Permit dated January 27, 1982, a Third Amendment to Special Exception Permit dated May 17, 1984, a Fourth Amendment to Special Exception Permit dated February 21, 1985, a Fifth Amended and Restated Special Exception Permit dated December 23, 1986, a First Amendment to Fifth Amended and Restated Special Exception Permit dated November 29, 1989, a Second Amendment to Fifth Amended and Restated Special Exception Permit dated April 11, 1990, a Sixth Amended and Restated Special Exception Permit dated October 10, 1990, a Seventh Amended and Restated Large Scale Master Planned Development Permit dated April 14, 1993, an Eighth Amended and Restated Large Scale Master Planned Development Permit dated April 25, 2001, a Ninth Amended and Restated Large Scale Master Planned Development Permit dated June 28, 2006, a Tenth Amended and Restated Large Scale Master Planned Development Permit dated August 12, 2009, and an Eleventh Amended and Restated Large Scale Master Planned Development Permit dated March 23, 2011, which were issued to Deer Valley Resort Company ("Permittee"), as assignee and successor to the rights of Royal Street under the Special Exception Permit; and

WHEREAS, Permittee and Commission desire to further amend and restate the Large Scale Master Planned Development Permit to reflect actions approved by the Commission with respect to the combination of vacant Deer Valley MPD Silver Lake Village Lots F, G, and H into one Lot I and to transfer 843 square feet of existing residential density (0.4215 unit equivalents (UE)) from Deer Valley MPD Silver Lake Village Lot D (existing Goldener Hirsh Inn) to the new Deer Valley MPD Silver Lake Village Lot I, to accommodate connection, access and circulation between the Goldener Hirsch Inn on Parcel D and the future Goldener Hirsch Residences proposed on Parcel I.

WHEREAS, Permittee has requested modification to the Large Scale Master Planned Development Permit and Commission is willing to grant said modifications as herein set forth; and

UNCLASSIFIED & 11-13-10
FEE EXEMPT

A. Densities. For purposes of determining densities in the Project:

<u>Parcel Designation</u>	<u>Authorized Dwelling Units</u>
Northwest Multi-Family (Fawn grove)	80
North Entrance Multi-Family (Pinnacle)	40
North Hillside Multi-Family (Pinnacle)	46
Southwest Multi-Family (Aspenwood)	30
Southwest Multi-Family (Courchevel)	13.5
Northwest Hillside Multi-Family (Daystar)	24
South Entrance Multi-Family (Stonebridge)	50
South Multi-Family (Lakeside)	60
West Multi-Family (Pine Inn and Trails End)	40
Total	383.5

2

Unit, a one-bedroom apartment constituted one-half of a dwelling Unit, and a hotel room or lodge room constituted one-half of a dwelling Unit. The parcels in this subparagraph have all been developed as of the date hereof.

(2) Insofar as all portions of the Project other than the nine parcels containing 383.5 dwelling Units identified in Subparagraph A. (1) above are concerned, an apartment Unit containing one bedroom or more shall constitute a dwelling Unit and a hotel room or lodge room shall constitute one-half of a dwelling Unit.

(3) If approved in advance by Commission and Permittee, the owner of any development parcel in the Project shall have the right to have the densities permitted on said development parcel calculated in accordance with Subparagraph A. (1) or Subparagraph A. (2) above and/or with Exhibit 1 attached hereto (whichever is applicable) or in accordance with the Unit Equivalent formula contained in Section 10.12 of the Code, as said Unit Equivalent formula may from time to time be amended or modified. In the event of election of an owner to utilize said Unit Equivalent formula and approval thereof by Commission and Permittee, the maximum number of Unit Equivalents which may be contained in the structures built upon said development parcel shall not exceed the permitted number of dwelling Units to be constructed thereon determined in accordance with Subparagraph A. (1) or Subparagraph A. (2) above and/or with Exhibit 1 attached hereto (whichever is applicable) and the number of Unit Equivalents as constructed on said development parcel shall for all purposes hereof be deemed the number of units constructed thereon. Approval of use of the Unit Equivalent formula by Commission and Permittee shall not, and cannot, alter or release any private land use covenants between the owner and Deer Valley, or others, concerning development of the property or the density permitted thereon.

(4) Insofar as the following portions of the Project are concerned, the authorized densities, permitted on the development parcels are required to be calculated in accordance with the Unit Equivalent Formula contained in Section 10.12 of the Code as said Unit Equivalent formula may from time to time be amended or modified:

<u>Parcel Designation</u>	<u>Authorized Unit Equivalents</u>
Snow Park Village	209.75
Total	209.75

B. Unit Size. Except for units with relation to which the owner elected or elects to or is required to utilize the Unit Equivalent formula, there shall be no size limitation for Units constructed on any parcel provided that following construction the parcel proposed to be developed contains a minimum of 60% open space and otherwise complies with MPD and all applicable zoning regulations.

C. Development Parcel Designations. Development parcel designations, prescribed densities, parcel sizes, building height limitations (the height limitation for each parcel will be determined by reference to the Code in effect at time of application for approval of the development of the parcel) and the status of development of the parcels as of the date hereof are reflected on Exhibit 1. Permittee shall have the right to develop a total of 2,110 residential Units (exclusive of employee housing Units) within the Project. Permittee shall have the right to develop 209.75 Unit Equivalents within the Snow Park Village, subject to the conditions and

requirements of the Park City Design Guidelines, the Deer Valley Design Guidelines, and the following:

(1) **Conditional Use Review.** Prior to the sale by Permittee of the Snow Park Village, Permittee shall submit a site-specific plan with relation to such parcel to the Commission requesting approval for construction on the parcel. In addition, the Permittee shall request the establishment of building site conditions with relation to the parcel. Accordingly, Permittee or persons acting on its behalf shall file with the Community Development Department of City a completed application form supported by the information set forth in Section 15-6 of the Code, as the same may be amended from time to time. The procedure for the approval or disapproval of any site-specific plan shall be based upon the provisions of this Permit and the conditional use criteria of the Code in effect on the date of application. Components of the Project, other than land development parcels, are listed on Exhibits 2 and 3.

D. Subdivision of Development Parcels. Prior to the sale of any individual lots on any parcel listed on Exhibit 1 developed for residential use as a "subdivision" as defined by the City subdivision ordinance and state statute, the party electing to establish a subdivision on said parcel shall comply with all applicable provisions of the City subdivision ordinance in effect at the time of application. The procedure for the approval or disapproval of any subdivision application shall be based upon the procedure provided in the City subdivision ordinance in effect at the time of application.

Prior to the filing of a record of survey map and declaration of condominium to establish a condominium on any parcel listed on Exhibit 1, the party electing to establish a condominium shall comply with all applicable provisions of any City condominium ordinance in effect at the time of application. The procedure for the approval or disapproval of any condominium shall be based upon the Utah Code and any City condominium ordinance in effect at the time of application.

E. Applicability of Sensitive Area Overlay Zone. For projects within the Deer Valley Large Scale Master Planned Development, the density limitations of the Sensitive Area Overlay Zone do not apply because Master Planned Developments approved prior to the adoption of the Sensitive Area Overlay Zone are vested in terms of density. Site planning standards can be applied only to the extent that they do not unequivocally reduce vested density. Limits of disturbance, vegetation protection, and building design standards do apply.

F. Relationship to National Standards. The provisions of the Code and any other applicable zoning and development ordinances including national standards with respect to engineering or building requirements as adopted by City, in effect in City on the date hereof, shall govern the development within the Project, except as otherwise provided herein.

G. Off-Street Parking. Parking required with relation to each portion of the Project shall be based upon Code as in effect at the time application for a building permit for such portion of the Project as is filed with City. For purposes of calculating required parking, the Project shall be deemed to be zoned Residential Development District (RD) Master Planned Developments (MPD). Parking for each separate development parcel in the Project shall be determined in accordance with the Code at the time of application for Conditional Use approval. Any additional parking shall not encroach into zoned open space.

If the capacity of the surface parking lots in the Snow Park Community is exceeded on 10% or more of the days during any single ski season the need for constructing additional parking in said area shall be reviewed by the Commission.

H. Commercial Space, Support Commercial, and Meeting Space. Exhibit 2 hereto lists commercial and support space allotted to the Project. The General Snow Park Commercial category is restricted in utilization within the Project to the following parcels in the Snow Park area:

Pine Inn Multi-Family Parcel
Snow Park Lodge Multi-Family Parcel (Black Diamond Lodge)
Snow Park Village (Combination of Snow Park Hotel Parcel and
Snow Park Parking Area Parcel)
Snow Park Day Center Parcel

Utilization of portions of the General Snow Park Commercial category within any of the above listed parcels is subject to the specific approval of both Permittee and Commission.

In addition to the Exhibit 2 Commercial Space permitted in the Project, Support Commercial shall be permitted and used as defined in the Code, as amended, at the time of application.

I. Employee Housing. Permittee has been required to cause the development of 112 employee (affordable) housing units pursuant to prior editions of this Permit. Prior to the date of this Permit, Permittee has developed or caused to be developed units qualifying under the low and moderate income housing exception of the Code as follows:

<u>Project Location</u>	<u>Number of Qualifying Units</u>
A. Units in Deer Valley:	
Little Belle Manager Unit	1
Stag Lodge Manager Unit	1
Sterlingwood Manager Unit	1
Bald Eagle Caretaker Units	2
Mt. Cervin Manager Unit	1
Deer Valley Club Manager Unit	1
B. Units Other Than in Deer Valley:	
Parkside Apartments	42
Fireside Apartments / Condos	42
Washington Mill Apts.	8
Peace House	3
Aspen Villas / Silver Meadows (Participation)	9
Fawn grove Employee Unit	1
Total	112

Deer Valley shall be obligated to comply with all applicable ordinances of City relating to the creation and construction of employee housing, including ordinances that are adopted after the date of this Permit. Deer Valley will be given credit for the previously developed units

identified above when computing the employee housing obligation under applicable ordinances. The City acknowledges full satisfaction of Deer Valley's current obligation in the Employee Housing Agreement dated October 6, 1995 executed in conjunction with Deer Valley's contribution to the Silver Meadows project. If, at the time a new employee / affordable housing ordinance is adopted, the number of existing employee / affordable housing units built by Deer Valley or persons acting on its behalf exceeds the number of units required by the new ordinance, credit shall be given against the ordinance imposed obligation, but in no event shall City be obligated to reimburse Deer Valley for any excess, or to permit the assignment of the excess to other parties with a similar employee housing requirement. If, at the time a new employee / affordable housing ordinance is adopted, the number of existing units built by Deer Valley or those acting on its behalf falls short of the newly imposed ratio of employee units to conventional units, Deer Valley agrees to be bound by the provisions of the newly adopted ordinance; provided, however, that the new ordinance shall apply only to those Units on which site specific approval is granted after the adoption of the employee / affordable housing ordinance.

J. Technical Reports. Permittee shall submit updated technical reports with regard to traffic monitoring, water systems, and sewer systems for review by Commission as significant changes occur in those systems and as needed for specific project review as required by the Community Development Director and Public Works Director prior to density approval.

K. Public Use of Ski Facilities. Use of all ski facilities shall be open to the general public and shall not be restricted to owners of property located in Deer Valley or to members of any private club. Furthermore, all charges, fees and costs paid by the general public for the use of such facilities shall not exceed the charges, fees and costs paid by owners of property located in Deer Valley.

L. Trails .There are 4 types of trails in Deer Valley:

- (1) Bicycle paths located within street rights-of-way;
- (2) Pedestrian paths connecting parcels together within a community;
- (3) Connecting paths connecting communities together; and
- (4) Hiking trails to provide access to the mountain.

Bicycle paths shall be located within street rights-of-way dedicated to City and shall be operated and maintained by City as shown on the Deer Valley Trails Master Plan and the City Trails Master Plan.

Pedestrian paths shall be hard surfaced, a minimum of five feet wide, a maximum of six feet wide and built to public sidewalk specifications. These paths shall connect development parcels together and connect development parcels to commercial nodes. At the time of conditional use approval of a particular development parcel, the developer of said parcel shall provide a pedestrian path across said parcel connecting to the paths on the adjoining parcels. The location of these paths shall be determined by the parcel developer and by City staff with the Deer Valley Trails Master Plan used as a guide. The locations shall be modified as necessary to take into consideration topography and existing trails, and shall tie into the bus system which serves Deer Valley. These paths shall form a year-round system. Maintenance shall be the responsibility of the parcel owner. A 10 to 15 foot wide easement (easement size

shall be determined at the time of site specific conditional use approval) for each pedestrian path shall be dedicated to City and is required to be shown on the recorded plat for the applicable development parcel.

It is recognized by the parties that the property within the Deer Valley Resort is private property. Public access to ski runs is at the discretion of Permittee. Summer public access and non-destructive summer use which includes casual hiking on ski runs shall be allowed by Permittee subject to reasonable rules and regulations.

In the event that City in its sole discretion determines that City should hold any easements for hiking, City shall make a request that an easement be granted for any or all of the hiking trails that City desires to hold within or adjacent to ski runs shown on the Trails Master Plan. In the event that City obtains a formal agreement, City agrees to maintain such hiking trails, and Permittee will provide legal descriptions, signage and grant to City an easement (minimum of 10 feet to maximum of 15 feet wide) to maintain such hiking trails without hard surface and without winter maintenance. If City desires to upgrade the hiking trails beyond that which currently exists, City agrees to bear the cost of those improvements. The Trails Master Plan shall serve as a general guide in determining the final location of said hiking trails. In the event City obtains and holds formal easements for hiking trails, City shall indemnify and hold Permittee and its successors and assigns harmless from and against any loss, damage, injury or responsibility with relation to any such trail and any claims, demands or causes of action from any person resulting from injuries sustained while utilizing any hiking trails for which City has obtained and holds easements. Said public easement shall also be subject to such additional reasonable rules and regulations as Permittee deems appropriate to eliminate possible interference with the operation and maintenance of the ski resort, or in the interest of safety or security.

M. Open Space. With the exception of those parcels identified on Exhibit 1 and those areas and items listed on Exhibit 2 as "commercial and support space", all remaining property in the Project is hereby designated "landscaped open space" as that term is defined in the Code as presently in effect and shall remain substantially free from structures, roads and parking lots except as otherwise approved by City or permitted by the Code as presently in effect. The "landscaped open space" shall be maintained and operated by Permittee at Permittee's sole cost and expense.

N. Fire Considerations. All buildings or structures located within the Bald Eagle, Silver Lake, and North Silver Lake Communities shall be fire sprinkled in accordance with UBC 38-1-82.

O. Water Improvements .Permittee agrees that, as a condition of and concurrently with issuance to Permittee of a building permit for the construction of any buildings or structures comprising a portion of the Project, Permittee shall be obligated to agree in writing to construct and convey to City storage facilities, pumping facilities, and transmission lines, as agreed upon and approved by the Public Works Director and City Engineer at the time of issuance of said building permit, to the extent necessary to store and transmit culinary water, irrigation water, and water for fire flows to the buildings and structures covered by the building permit and to connect the same to the water system of City, and shall evidence to the satisfaction of City the ability of Permittee to comply with such agreements.

Permittee agrees that completion of the action required by this Section O with relation to any building or structure included in the Project shall be deemed a condition precedent to the

right to occupy and utilize the building or structure. Commission and Permittee agree that the general level of water facilities construction for the Project required by this Section O has been heretofore accomplished by Permittee.

The existing agreement relating to water rights and water facilities for Deer Valley development entered into November 17, 1988 between Permittee as "DVRC", Royal Street as "Royal Street", and City as "Park City" and the Deer Valley Water Facilities Improvement Agreement dated March 31, 1994 between City, Royal Street and Permittee (as "DVRC") and the Amendment to the 1994 Deer Valley Water Facilities Improvement Agreement dated May 12, 2006 between City as "Park City", Royal Street and Permittee (as "DVRC") are made a part of this Permit by reference.

P. Sewer Considerations .Although City has no responsibility for sewer approvals; the Snyderville Basin Sewer Improvement District has indicated the following with respect to sewerage in Deer Valley: Projected flow calculations are based on average wastewater flow from residential units and make no distinction regarding size. In other words, the Sewer District does not follow the "unit equivalent" concept as does City.

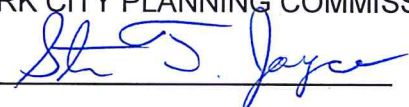
The Sewer District has previously reviewed both the Upper and Lower Deer Valley sewer systems and made the following comments: Upper System (American Flag / Silver Lake Community) - There are two sections of sewer within the American Flag Subdivision that limit upstream, new growth to approximately 325 additional residential units. There are several sections with only slightly greater capacity. This concern or limitation was eliminated by construction of a new sewer trunk line from Royal Street through the Westview Parcel in 1988. Lower System (Solamere, Queen Esther, Fawn grove) - A portion of the trunk sewer serving this area was replaced in 1985 to provide greater capacity for Hanover and Park Con projects as well as Deer Valley's. These three developers executed an agreement with the District which identified their anticipated development and the percentage of the cost they would fund to "reserve" capacity in the sewer system. Of the present sewer capacity of approximately 1385 units, Deer Valley has approximately 200 units available for future development. However, there are downstream sections of sewer that have less capacity than the new Deer Valley North Road sewer. This problem will be pursued with the developers as necessary.

Q. Separability. If any provision or provisions of this Permit shall be held or deemed to be, or shall, in fact, be illegal, inoperative, or unenforceable, the same shall not affect any other provision or provisions herein contained or render the same invalid, inoperative or unenforceable to any extent, whatsoever.

R. Term of Permit. The term of this Permit is governed by the Twenty-Ninth Edition of the Land Management Code of Park City as revised as of April 1, 1993.

Approved this 30th day of November, 2016.

PARK CITY PLANNING COMMISSION

By 

Planning Commission Chair

**DEER VALLEY RESORT
TWELFTH AMENDED AND RESTATED
LARGE SCALE MASTER PLANNED DEVELOPMENT PERMIT
EXHIBIT 1
DEVELOPMENT PARCELS**

PARCEL NAME	PERMITTED DENSITY (UNITS)	DEVELOPED DENSITY (UNITS)	NOTES	HEIGHT (FEET)	PARCEL SIZE (ACRES)
DEER VALLEY COMMUNITY					
Stonebridge & Boulder Creek Multi-Family	50	54	1	28	10.23
Aspenwood Multi-Family	30	30		28	9.21
Pine Inn & Trails End Multi-Family	40	45	1	35	8.52
In The Trees (South Multi-Family) Multi-Family	14	14		28-45	2.87
Black Diamond Lodge (Snow Park Lodge Multi-Family)	29	27		28-75	5.70
Courcheval Multi-Family	13.5	27	1	35	1.82
Daystar Multi-Family	24	24		28	9.84
Fawngrove Multi-Family	50	50		28	12.05
Chateaux Fawngrove Multi-Family	10.5	11	2	28	Incl
Bristlecone Multi-Family	20	20		28	Incl
Lakeside Multi-Family	60	60		28	6.49
Solamere Single Family (includes Oaks, Royal Oaks & Hidden Oaks)	274	274		28	237.81
Pinnacle Multi-Family	86	86		28	36.80
Comstock Lodge (East Bench Multi-Family)	10.5	21	1	35	3.50
Red Stag Lodge	8.5	11	1	35	Incl
Powder Run Multi-Family	25	33	1	35	3.20
Wildflower (Deer Valley North Lot 1 Multi-Family)	11	14	1	28	1.04
Glenfiddich (Deer Valley North Lot 2 Multi-Family)	12	12		28	1.45
Chapparal (Deer Valley North Lot 3 Multi-Family)	15	20	1	28	1.44
Northeast Multi-Family:					12.65
Lodges @ Deer Valley	73.25	85	3	28-35	
Silver Baron Lodge	42.75	50	12	28-35	
Snow Park Village (Snow Park Hotel & Parking Sites)	209.75	0	4	28-45	14.93
Total Deer Valley Community	1108.75				
AMERICAN FLAG COMMUNITY					
American Flag Single Family	93	93		28	83.04
LaMaconnerie Multi-Family	15	15		28	6.19
Total American Flag Community	108				
NORTH SILVER LAKE COMMUNITY					
Westview Single Family	15	1		28	40.69
Evergreen Single Family	36	36		28	27.60
NSL Homesite Parcel #1	1	1		35	1.90
Belleterre Single Family	10	10		28	11.42
Bellevue Townhomes (NSL Subdivision Lot 1)	24	14	10	28	4.62
Bellemont Townhomes (NSL Subdivision Lots 2A and 2A-1)	18	12	10	28	3.75
NSL Subdivision Lot 2B	54	0		45	5.96
BelleArbor Townhomes (NSL Subdivision Lot 2C)	43	21	10	28-35	8.25
NSL Subdivision Lot 2D Open Space Lot	0	0	5	0	4.03
Total North Silver Lake Community	201				
SILVER LAKE COMMUNITY					
Stag Lodge Multi-Family	50	52	6	28-35	7.34
Cache Multi-Family	12	12		28	1.77
Sterlingwood Multi-Family	18	18		28-35	2.48
Deer Valley Club	20	30	1	28-45	1.53
Double Eagle (SL East Parcel 2 Multi-Family)	18	18		28-35	2.26
Stein Eriksen Lodge Multi-Family	66.75	65	11	28-35	10.86
Little Belle Multi-Family	20	20		28	3.66
Chateaux At Silver Lake Lot 23 Deer Valley Club Estates Subdivision)	65	78	1	28-45	3.24
Sterling Lodge (Lot 2 Silver Lake East Subdivision)	14	14		28-45	0.61
Royal Plaza Multi-Family (Silver Lake Village Lot A)	7.6215	13	1	59 (A)	0.48
Mt. Cervin Plaza Multi-Family (Silver Lake Village Lot B)	7.5	7		59 (A)	0.54
Inn at Silver Lake (Silver Lake Village Lot C)	10	8		59 (A)	0.50
Goldener Hirsch Inn (Silver Lake Village Lot D)	5.5785	18	1	59 (A)	0.35
Mt Cervin Multi-Family (Silver Lake Village Lot E)	16	15		59 (A)	0.53
Silver Lake Village Lot F	0	0		59 (A)	0.35
Silver Lake Village Lot G	0	0		59 (A)	0.38
Silver Lake Village Lot H	0	0		59 (A)	0.44
Silver Lake Village Lot I (combination of Silver Lake Village lots F, G, H)	34.4215	38	13,14,15	59 (A)	1.17
SL Knoll Condominiums	4	4		35	0.76
Knoll Estates Single Family	21	21		35	9.90
Black Bear Lodge (Lot 22 Deer Valley Club Estates Subdivision)	51	51		35	1.39
Knollheim Single Family	20	5	7	35	1.84
Alpen Rose Single Family	2	2		35	0.66
Silverbird Multi-Family	6	6		35	0.80
Ridge Multi-Family	24	24		35	2.34

**DEER VALLEY RESORT
TWELFTH AMENDED AND RESTATED
LARGE SCALE MASTER PLANNED DEVELOPMENT PERMIT
EXHIBIT 1
DEVELOPMENT PARCELS**

PARCEL NAME	PERMITTED DENSITY (UNITS)	DEVELOPED DENSITY (UNITS)	NOTES	HEIGHT (FEET)	PARCEL SIZE (ACRES)
Enclave Multi-Family	17	17		28-35	1.79
Twin Pines Multi-Family	8	8		28-35	1.33
Cottages Single Family	11	11		28	7.06
Alta Vista Subdivision	7	7		35	6.02
Woods Multi-Family	16	7	8	28-35	2.41
Trailside Multi-Family	9	9		28-35	1.46
Aspen Hollow Multi-Family	16	16		28-35	3.18
Ridgepoint Multi-Family	38	38		28-35	5.60
Total Silver Lake Community	614.8715				
BALD EAGLE COMMUNITY					
Bald Eagle Single Family	78	58	9	28	35.65
Total Bald Eagle Community	78				
TOTAL CONVENTIONAL UNITS	2110.6215				
EMPLOYEE HOUSING UNITS					
Little Belle	1				
Stag Lodge	1				
Sterlingwood	1				
Bald Eagle	2				
Mt. Cervin	1				
Deer Valley Club	1				
TOTAL EMPLOYEE HOUSING UNITS	7				

NOTES:

1. These projects have been approved under the Unit Equivalent Formula contained in Section 10.12 of the Code, resulting in a different developed density than base permitted density.
2. One small unit was separately permitted in this project using .5 unit of density.
3. This project has been approved under the Unit Equivalent Formula contained in Section 10.12 of the Code, resulting in a different developed density (85) than base permitted density (73.25).
4. This parcel is required to use the Unit Equivalent Formula contained in Section 10.12 of the Code.
5. This parcel has been platted as open space, with the open space applying to the open space requirement of Lot 2B.
6. Two additional units were permitted in this project on land that was not a part of the Deer Valley MPD.
7. This parcel was originally permitted as 20 MF units but subsequently developed as 5 single family homesites.
8. This parcel was permitted as 16 units. Subsequently 9 of the unit development rights were acquired by the homeowners and dedicated as open space.
9. This parcel was originally permitted as a combination of single family and multi-family. The multi-family uses were converted to single family with a density reduction from 78 to 58 units.
10. The development density on these parcels is less than the original permitted density at the election of the developer.
11. The transfer of 1.75 Unit Equivalents to this parcel from the Snow Park Village parcel was authorized by the Planning Commission on June 28, 2006.
12. This project has been approved under the Unit Equivalent Formula contained in Section 10.12 of the Code, resulting in a different developed density (50) than base permitted density (42.75). The transfer of 1 Unit Equivalent to this parcel from the Snow Park Village parcel was authorized by the Planning Commission on March 23, 2011.
13. Prior to issuance of a building permit on Lot I, the Property owner shall submit an Historic Mine Waste report.
If Historic Mine Waste is located on the site, a mitigation plan shall also be submitted compliant with the Park City Soils Boundary Ordinance.
14. Building on Lot I shall be designed to be broken into more than one volumetric mass above final grade,
exhibiting both horizontal and vertical articulation. Common underground parking is permitted.
15. The transfer of 0.4215 UE from Lot D to Lot I was approved by Planning Commission on November 30, 2016.

A. Lots in the Silver Lake Village Subdivision have a development height limitation tied to a base elevation of 8122' with peak of roof not to exceed elevation 8186'.

DEER VALLEY RESORT
TWELFTH AMENDED AND RESTATED
LARGE SCALE MASTER PLANNED DEVELOPMENT PERMIT
EXHIBIT 2
COMMERCIAL AND SUPPORT SPACE

LOCATION	RETAIL	RESTAURANT (3)	COMM'L OFFICES	ADMIN., SUPPORT & OTHER	TOTAL	TRANSFER TO RESIDENTIAL	DEVELOPED	REMAINING
SNOW PARK LODGE	13807	26958		85578	126343		126343	0
SNOW PARK TICKET SALES BUILDING				5112	5112		5112	0
SNOW PARK PLAZA BUILDING	3100		16000	4180	23280		23280	0
GENERAL SNOW PARK COMMERCIAL (1)	21890				21890		0	21890
SILVER LAKE LODGE	1200	29160		15790	46150		46150	0
EMPIRE LODGE (4)		22456		12544	35000		30453	4547
SILVER LAKE COMMUNITY (2)	27962		4265	12938	45165	1243	31954	11968
NORTH SILVER LAKE COMMUNITY	8000			6525	14525		0	14525
MAINTENANCE, WHSE, & SHOPS				31724	31724		31724	0
TOTAL	75959	78574	20265	174391	349189		295016	52930

NOTES:

(1) General Snow Park Commercial may only be utilized on certain parcels with approval of Commission and Permittee.
18110 square feet of General Snow Park Commercial has previously been allocated to and is included in totals for Snow Park Lodge.

(2) 10125 square feet of Silver Lake Community commercial has previously been allocated to and is included in totals for Silver Lake Lodge (1994 Silver Lake Lodge expansion 6990 sf and 1998 Silver Lake Lodge expansion 3135 sf).
Remainder of Silver Lake Community commercial consists of:

Developed Space:

Royal Plaza	14312
Mt. Cervin Plaza	8080
Goldener Hirsch Inn	2062 (see note #5)
Chateaux at Silver Lake	7500
Total	31954

Transferred to Royal Plaza Residential

1243

Allocated but Undeveloped Space:

Silver Lake Village Lot C	7000
Remainder Unallocated	4968
Total	45165

(3) Includes kitchen, receiving and storage.

(4) Maximum size of Empire Lodge is 35000 sf of which 30453 sf has been developed.

(5) Commercial uses on Silver Lake Village Lot D includes 2,062 sf as allocated from this Amended and Restated Large Scale MPD, plus support commercial uses.



DEER VALLEY RESORT
TWELFTH AMENDED AND RESTATED
LARGE SCALE MASTER PLANNED DEVELOPMENT PERMIT
EXHIBIT 3
OTHER PROJECT COMPONENTS

ITEM	WITHIN PARK CITY	OUTSIDE PARK CITY
SKI AREA (1)		
CHAIRLIFTS	15	5
GONDOLA		1
SKI TRAILS AND BOWLS	63	34
SNOWMAKING	X	X
SKI PATROL / UTILITY STATIONS:		
BALD EAGLE MTN.	X	
BALD MTN.	X	
FLAGSTAFF MTN.	X	
LITTLE BALDY		X
JORDANELLE BASE		X
EMPIRE CANYON	X	
AMENITIES		
SNOW PARK LAKES & MEADOWS	X	
SNOW PARK PARKING LOTS	X	
PEDESTRIAN TRAIL SYSTEM	X	X
MOUNTAIN BIKING TRAILS SYSTEM	X	X
SOLAMERE SWIM & TENNIS FACILITY	X	
SNOWSHOE TOMMYS CABIN	X	
CUSHINGS CABIN	X	
BIRDSEYE CABIN	X	
JORDANELLE BASE		X
SNOW PARK CONCERT AMPHITHEATRE	X	

(1) ADDITIONAL SKI AREA FACILITIES AS DEMAND DICTATES, SUBJECT TO PROVISIONS OF PARK CITY LAND MANAGEMENT CODE AND OTHER APPLICABLE JURISDICTIONS.





December 12, 2016

Hope Eccles
First Security Bank Building
79 S. Main Street
2nd Floor
Salt Lake City, UT 84111

NOTICE OF PLANNING COMMISSION ACTION

<u>Application #</u>	PL-15-02967
<u>Address</u>	7520, 7530, 7540, 7570 Royal Street
<u>Description</u>	Conditional Use Permit
<u>Action Taken</u>	Approved with conditions
<u>Date of Action</u>	November 30, 2016

On November 30, 2016, the Park City Planning Commission called a meeting to order, a quorum was established, a public meeting was held, and the Planning Commission approved your application based on the following findings of fact, conclusions of law, and conditions of approval:

Findings of Fact:

1. The property is located at 7520-7570 Royal Street East with access proposed off of Sterling Court, a private street.
2. The property is zoned Residential Development subject to the Eleventh Amended and Restated Large Scale Master Planned Development, aka Deer Valley MPD, as amended.
3. On October 16, 2015, the applicant submitted a request for a Conditional Use Permit for an expansion of the existing Goldener Hirsch Inn located at 7520-7570 Royal Street East.
4. This Conditional Use Permit is subject to approval of the proposed 12th Amended and Restated Large Scale Deer Valley Master Planned Development Permit, submitted on April 27, 2016, for concurrent review. The MPD amendment application requests to combine Silver Lake Village Lots F, G and H into one Lot I and to transfer 843 sf of residential uses (0.4215 UE) from Lot D to Lot I. Lot D would be reduced to 5.5785 UE of residential uses.
5. This Conditional Use Permit is subject to approval of the Second Amended Re-Subdivision of Lots No.1 and No. 2 Silver Lake No. 1 Subdivision plat amendment, submitted on October 16, 2016, for concurrent review. The plat amendment application requests combination of Silver Lake Village Lots F, G, and H into one lot, Lot I.
6. The 1.17 acre Lot I is currently vacant undeveloped land that has been used as a temporary parking lot for Silver Lake Village and Deer Valley Resort for thirty years

- or more. This property provides approximately 60 temporary parking spaces (depending on the level of parking management) on a roughly paved surface.
7. The Deer Valley MPD assigns a total of 34 UE to Silver Lake Village Lots F, G and H and 6 UE to Silver Lake Village Lot D.
 8. The Twelfth Amendment to the Deer Valley MPD notes that Lot D is assigned 2,062 square feet of commercial area plus support commercial uses.
 9. Lot D is the location of the existing Goldener Hirsch Inn. The Hirsch currently has a total of 11,104 sf of residential floor area (20 separate units). The DV MPD allocated 6 UE of residential density (12,000 sf). The existing building also contains 3,493 sf of platted commercial floor area, based on the Golden Deer Condominium and First Amended Golden Deer Condominium plats. This support commercial (restaurant, bar, lounge, gift shop, front desk, etc.) consists of 2,062 sf of DV MPD assigned commercial and 1,431 sf of support commercial approved with the 1988 Golden Deer (MPD) approval. An additional 500 sf of support meeting space was also approved.
 10. At the time of MPD approval support commercial/support meeting space was based on the total floor area of the building minus the parking garage and support commercial (24,693 sf). A total of 4,532 sf of support commercial/support meeting space was permitted (2,062 sf from DV MPD and 2470 sf based on the building floor area).
 11. The total existing support commercial and support meeting space in the Goldener Hirsch Inn is 3,993 sf (3,493 of platted commercial floor area plus the 500 sf of common area meeting space on the second floor). No changes are proposed to the commercial areas.
 12. The MPD does not assign commercial to Lots F, G, and H (aka Lot I). These Lots are allowed support commercial calculated per the LMC at the time of approval of the CUP. The applicants are not proposing support commercial with this permit.
 13. On October 16, 2015, the Planning Department received a complete application for a Conditional Use Permit (CUP) requesting approval for a total of 68,843 sf (34.4215 UE) of residential uses, for 38 residential units ranging in size (area) from 570 to 2,379 square feet. The total residential floor area includes the 843 sf (0.4215 UE) transferred from the existing Inn (on Lot D) and the 68,000 sf (34 UE) entitled with the Deer Valley MPD for Lots F, G, and H, per the proposed 12th Amended Deer Valley MPD.
 14. The project has a total of 31 lockouts associated with the 38 units to facilitate the viability of existing hotel operations. The lockout unit floor area is included in the total unit area and the parking calculations.
 15. The proposed building is oriented towards Sterling Court and generally has a north/south axis. The site is broken into more than one volumetric mass in order to match the scale of the surrounding buildings. The north building contains sixteen units ranging from 2,180 to 2,265 sf. and an ADA unit on the ground floor. The center building contains six units of approximately 2,000 to 2,379 sf and includes the lobby and amenities. The south building contains sixteen units comprised of eight 570- 588 sf hotel rooms and eight units of approximately 1,808 sf to 2,205 sf
 16. The total proposed building area is 154,578 square feet. Included in the total area, in addition to the 68,843 square feet of residential units, are approximately 8,300 square feet of residential accessory uses (recreation amenities, business center,

workout area, etc.); 22,878 square feet of circulation, back of house, restrooms, etc.), 3,398 square feet of support meeting space, a 2,162 square foot required ADA unit as common area, and 49,077 sf of parking garage (in addition to the 68,843 square feet of residential units). This area is exclusive of any unenclosed porches, decks, and patios.

17. No UE are required for residential accessory uses, support meeting space, back of house area, or the parking garage. No support commercial uses are proposed with this Conditional Use Permit.
18. The Deer Valley MPD does not require open space on this parcel as the unit equivalent formula is used for density calculations.
19. Building Height allowed per the Deer Valley MPD is 59' (plus 5' to 64'), provided that the peak of the roof does not exceed USGS elevation 8186'. The base elevation is identified as USGS elevation 8122'. The proposed building does not exceed USGS elevation 8186' to the highest part of the roof.
20. The proposed building is similar in physical design, mass, and scale to surrounding buildings and while different than surrounding structures in terms of architectural style, design, and character, the proposed building has elements that provide a continuity and compatibility of design for the Silver Lake Village. By incorporating similar design elements and materials, as required by the Deer Valley Design Review Board, the applicant has worked to make the building compatible with surrounding structures in terms of style, design, and detailing. By reducing the amount of glazing, reworking the balcony design, and provided additional building articulation, particularly along Royal Street, the revised building is more compatible with the general architectural theme of the Village while providing a more updated and fresh style to the area. The proposed design does not detract from the overall architectural character of the area.
21. Final design approval by the Deer Valley Architectural Review Board is a requirement of the Deer Valley MPD.
22. Parking requirements are based on the size and number of residential units. A minimum of 76 spaces are required for the number and sizes of proposed units. A total of 110 parking spaces are proposed within an underground parking garage. Thirty-four extra parking spaces will be available for flexible use for public parking and overflow.
23. The Goldener Hirsch will continue to meet the parking requirements for the remaining residential units with existing underground parking under the Goldener Hirsch Inn building. A hotel managed shuttle service is proposed to reduce traffic trips. Guest parking will be managed through valet service within the parking structure.
24. A final utility plan, including location and details for storm water facilities and dry utilities, to be located on the property, in addition to all other utilities, will be provided with the building permit plans for final approval by the City Engineer, SBWRD, and the Fire District.
25. Sterling Court provides access, including emergency access, to the project from Royal Street East. There is a fire code compliant turn around area at the southern end of the Court. Enhanced fire protection and emergency access for the west side of the property were coordinated with the adjacent property owner (Stein's) and will be reflected on the final utility and fire protection plans to be submitted with the

building permit plans.

26. Enhanced pedestrian pathways along the eastern property line are proposed, as well as pedestrian pathways and outdoor plazas between the spa pool area and the recreation area and ski locker rooms.
27. Natural vegetation on the southern portion of the site includes native grasses and shrubs.
28. Four existing buildings in the Silver Lake Village area with access off of Sterling Court (Goldener Hirsch, Royal Plaza, The Inn, and Mt Cervin) generally have a north-south orientation and are similar in height and scale to the proposed building as designed with vertical and horizontal articulation and massing broken into three main components.
29. The Land Management Code allows for 20' setbacks along Royal Street (25' for front facing garage), 12' side setbacks, and 15' rear setbacks. The proposed building has a 20' setback along Royal Street, a 15' setback along Sterling Court (a private street) (per the subdivision plat), a 12' setback along the west side property line and a 15' rear setback adjacent to the Mt. Cervin property line. The Planning Commission may alter interior setbacks within the Deer Valley MPD at the time of review of the associated plat amendment.
30. All exterior lights and signs must comply with the applicable Park City ordinances and code. Exterior lights must be identified on the building permit plans and shall be down-directed and shielded. No additional signs are proposed with this permit. Approval of a sign permit is required prior to installation of any new regulated signs.
31. A condominium plat and condominium declaration to identify private, common, and limited common areas shall be recorded prior to sale of any unit.
32. The Deer Valley MPD is not subject to the requirements of the Sensitive Lands Overlay.
33. The site is within the area subject to the City's Urban Wildland Interface Ordinance for fire prevention.
34. On January 13, 2016 the Planning Commission discussed the proposal, conducted a public hearing, and continued the item to February 24, 2016.
35. On February 24, 2016 the public hearing was continued to a date uncertain. There was no public input provided at the hearings on January 13th or February 24th, 2016.
36. Staff received public input from a neighboring property owner in May expressing safety concerns with the driveway access onto Sterling Court; the height of the proposed sky bridge blocking views; and potential pedestrian conflicts with service vehicles, cars, and emergency vehicles if access is permitted on Sterling Court instead of Royal Street East.
37. The project was on hold until August 2016 for the applicant to resolve ownership and utility issues.
38. Staff maintained contact with the property owner and upon receipt of revised plans and contacted this neighbor to set up a meeting to discuss the above mentioned safety concerns.
39. The applicant provided a traffic and safety analysis of the project on September 20, 2016 for inclusion in the Planning Commission packet.
40. On September 28, 2016, the City Engineer provided a memo addressing the safety and adequacy of Sterling Court and made a finding that Sterling Court should function adequately with the added density and should not be a safety concern.

41. Legal notice was published in the Park Record and on the Utah Public Notice Website on September 9, 2016 and the property was re-posted on September 14, 2016 for the September 28, 2016 hearing. Courtesy mailing was provided to the property owners within 300' of the property.
42. The Conditional Use Permit application was reviewed for consistency with the Park City General Plan.
43. The applicant stipulates to the conditions of approval.

Conclusions of Law:

1. The CUP is consistent with the Deer Valley Master Planned Development, as amended and the Park City Land Management Code.
2. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.
3. The effects of any differences in use or scale have been mitigated through careful planning.

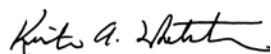
Conditions of Approval:

1. The plans and application for a Building Permit must be in substantial compliance with the plans reviewed by the Planning Commission on November 30, 2016.
2. This Conditional Use Permit is subject to approval of the proposed 12th Amended and Restated Large Scale Master Planned Development Permit and the Re-Subdivision of Lots No.1 and No. 2 Silver Lake No. 1 Subdivision plat.
3. Prior to building permit issuance the amended subdivision plat for Silver Lake Village to combine Lots F, G, and H into one lot of record, shall be recorded at Summit County. The plat shall identify the 15' setbacks along Sterling Court.
4. Prior to building permit issuance a final landscape plan shall be reviewed and approved by the Planning and Building Departments.
5. Prior to building permit issuance the plans shall be approved by the Deer Valley Architectural Review Board.
6. The final landscape plan shall comply with the City's Wildland Urban Interface Ordinance for defensible space and fire prevention. Drought tolerant landscaping and water conservation measures shall be used per requirements in the LMC.
7. All conditions of approval of the Deer Valley Master Planned Development, as amended, apply to this project.
8. A Construction Mitigation Plan shall be submitted at the time of Building Permit application. The Plan shall include a regulation for construction traffic, including how excavated materials will leave the site. Downhill truck traffic is required to use Marsac Avenue, a State Highway, rather Royal Street, a residential city collector street due to the location of an emergency run-away truck ramp off Marsac Avenue, unless otherwise authorized by the City Engineer and Chief Building Official. The CMP shall address closure dates due to Special Events, as well as other items requested by the Chief Building Official.
9. All exterior lights and signs must comply with applicable Park City ordinances and codes.
10. Exterior lighting must be identified on the building permit plans and shall be down-directed and shielded. Any existing, non-conforming exterior lighting shall be brought into compliance with the current LMC requirements.

11. Approval of a sign permit is required prior to installation of any regulated signs.
12. A final utility plan shall be provided with the building permit application for final approval by the City Engineer, SBWRD, and the Fire District prior to building permit issuance.
13. A final fire protection plan must be submitted to and approved by the Chief Building Official and Fire District prior to Certificate of Occupancy.
14. Sterling Court meets the minimum width of 20' for emergency access. No parking is permitted along the Court and curbs shall be painted and/or signed to clearly mark the 20' fire lane.
15. As common area, the required ADA unit may not be sold. A residential unit must be rented in conjunction with the ADA unit unless the ADA unit is included in the total residential UE.
16. All exterior mechanical vents and extrusions shall be painted to match the exterior siding materials.
17. Exterior mechanical equipment shall be screened to mitigate for any mechanical factors that might affect people and property off-site.
18. Standard Project Conditions of Approval apply to this project.
19. Storm water system must retain the first flush of a storm as defined by the State of Utah. Storm water system shall be shown on the final utility plan.
20. Above ground dry utility facilities shall be located on the property.
21. Pool and plaza hours are limited from 7AM to 10PM and compliance with the Park City noise ordinance is required.
22. Applicant shall submit a report and evidence of noise, disturbance, and activity complaints on and off-site, including the resolution of any complaint matters, to the Planning Commission one year from issuance of Certificate of Occupancy. Staff will provide an update to the Planning Commission. The Commission may add additional Conditions of Approval to meet the Conditional Use Permit requirements for mitigation of noise, based on the report and evidence of complaints.
23. Outdoor activities on the Plaza, including outdoor dining and outdoor events, require compliance with the Land Management Code, including approval of administrative Conditional Use permits, if applicable.

If you have questions regarding your project or the action taken please contact me at (435) 615-5066 or kirsten@parkcity.org.

Sincerely,



Kirsten Whetstone, MS, AICP
Senior Planner

Park City Planning Department
PO Box 1480
Park City, UT 84060

To Whom it May Concern:

The Silver Lake Village Plaza association is aware of and approves of C Hope Eccles' application for a temporary structure (Alpenhaus) to be placed on the bridge of the Goldener Hirsch that lies within the existing easement from the Silver Lake Village Plaza Association. We believe the temporary structure is advancing the goals contemplated under the original easement including increased activation by drawing people into the village.

A handwritten signature in black ink, consisting of a large, stylized 'C' followed by a horizontal line and a small dot.

Christopher M. Conabee

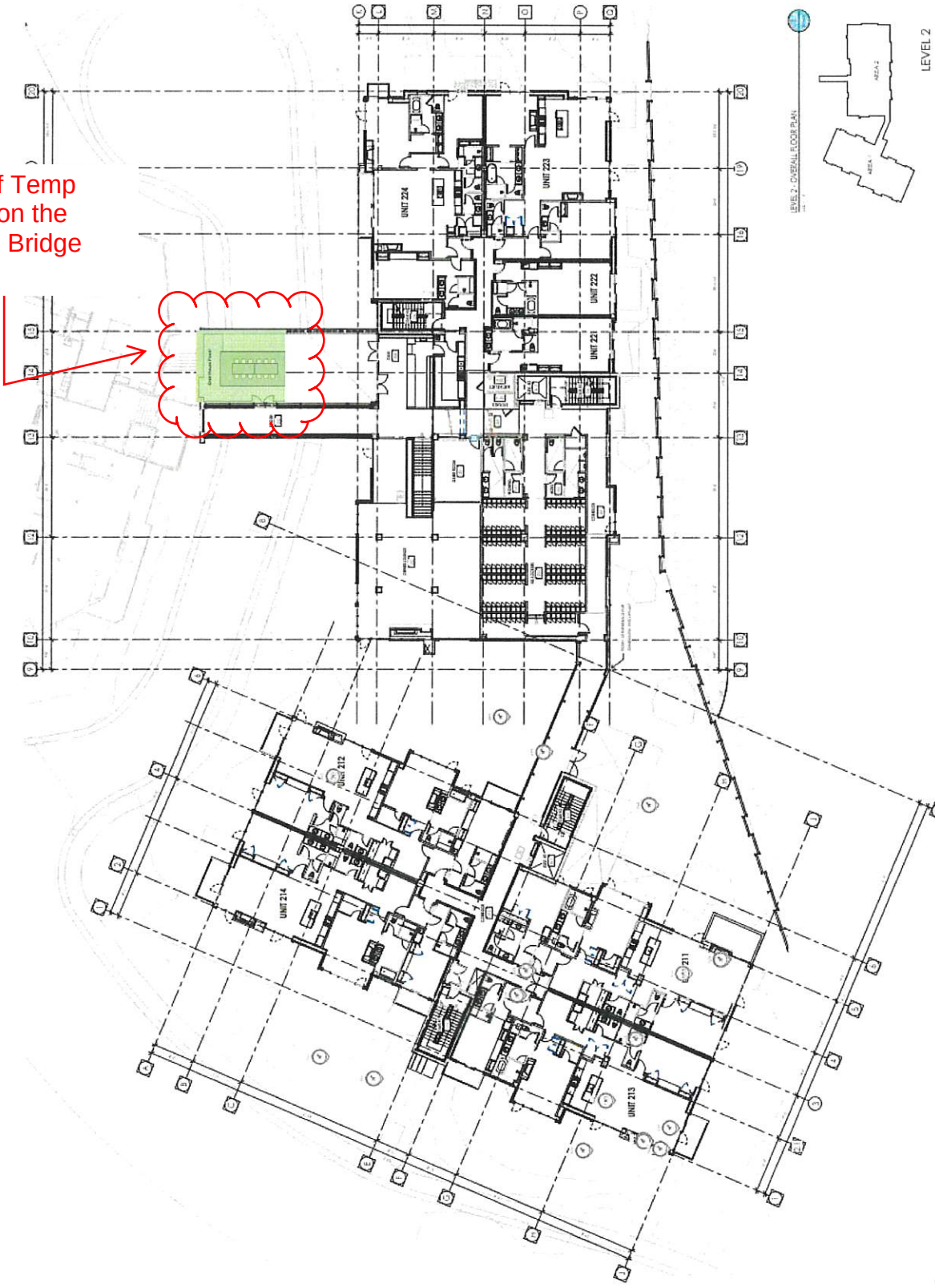
Vice President

Silver Lake Village Plaza Association





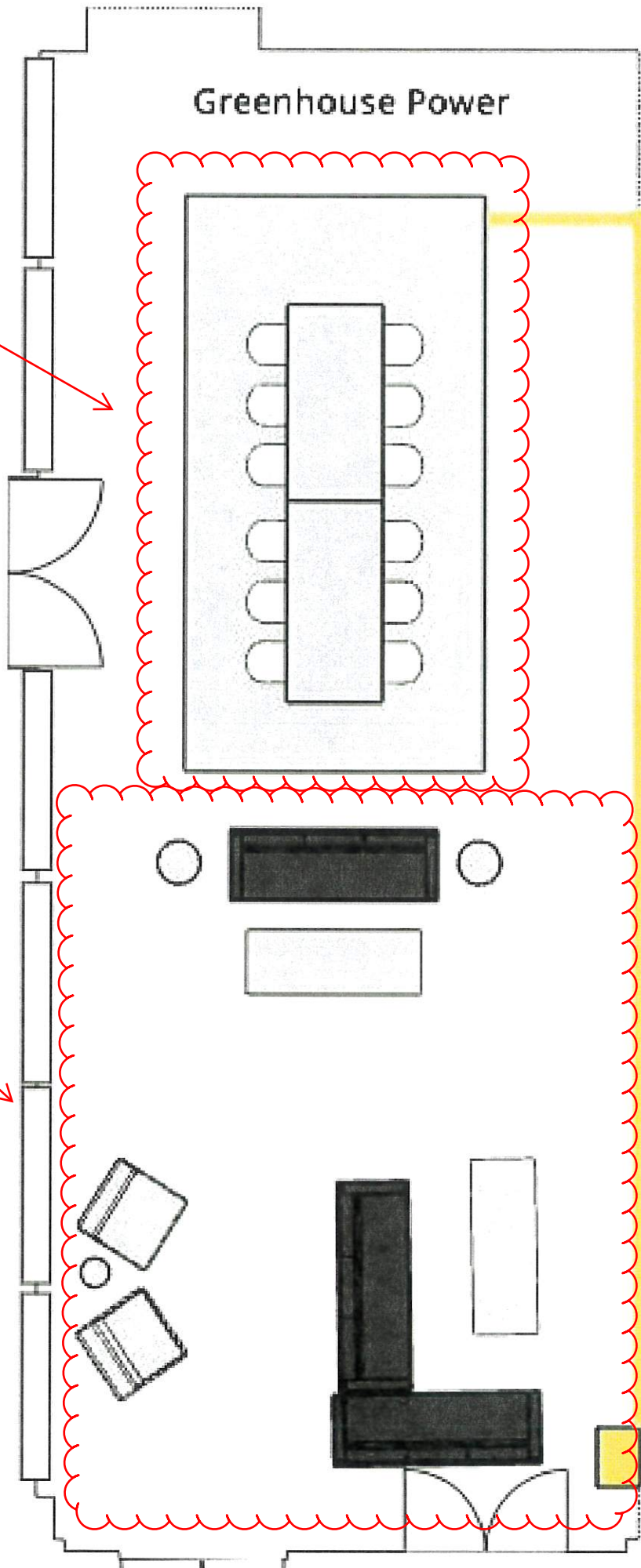
Location of Temp
Structure, on the
Pedestrian Bridge
Plaza



Greenhouse Power

Temporary Structure

Outdoor Dining Area



GOLDENER HIRSCH CONDOMINIUMS PLAT

FOR LOT 1, 2ND AMENDMENT TO RESUBDIVISION OF LOTS NO. 1 AND NO. 2
SILVER LAKE VILLAGE NO. 1 SUBDIVISION
LOCATED IN THE SOUTHWEST QUARTER OF SECTION 22,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

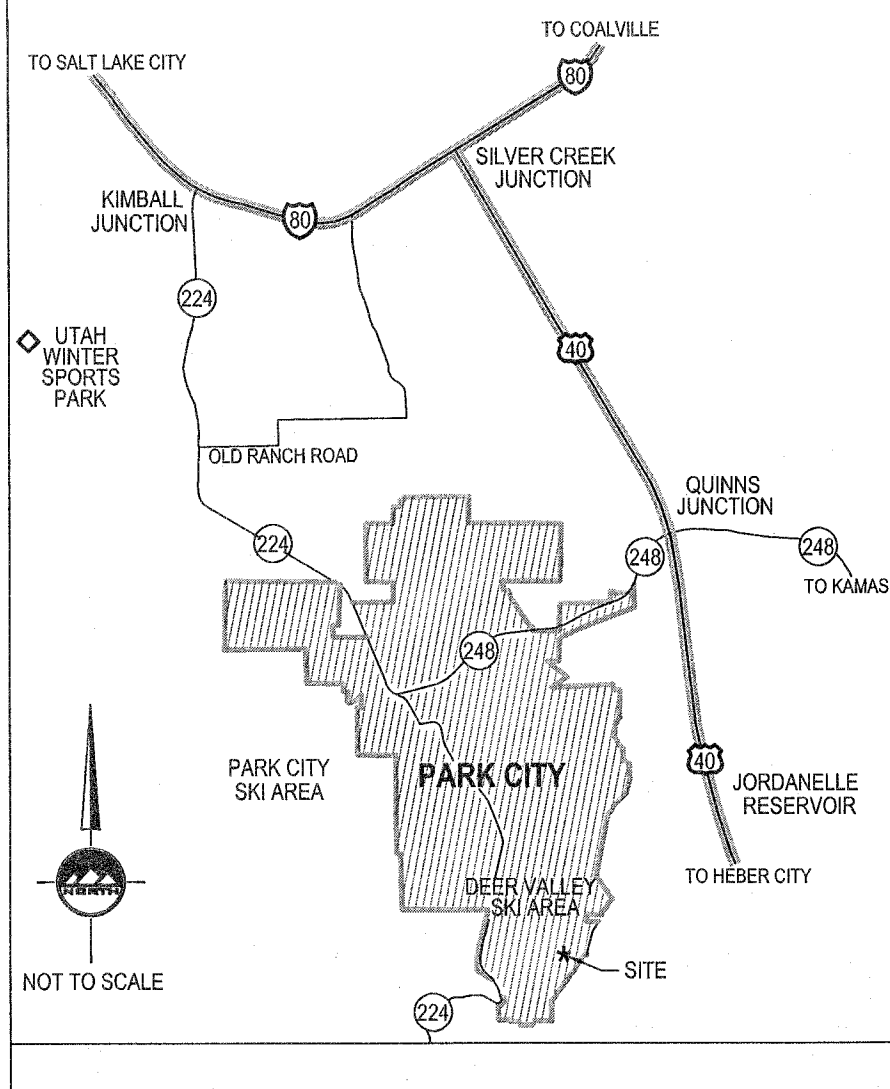
EAST QUARTER CORNER
SECTION 22
T2S, R4E
SLB&M

SOUTHWEST CORNER
SECTION 22
T2S, R4E
SLB&M

BASIS OF BEARING
N 0° 40' 31" E 2631.42'

SOUTH 683.91'

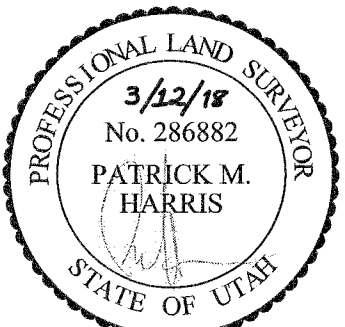
EAST 677.23'



SURVEYOR'S CERTIFICATE
I, PATRICK M. HARRIS, do hereby certify that I am a Licensed Land Surveyor, and that I hold Certificate No. 286882, as prescribed under laws of the State of Utah. I further certify that by authority of the Owners, I have made a survey of the tract of land and the following description correctly describes the land surface upon which has been or will be constructed, hereafter to be known as GOLDENER HIRSCH CONDOMINIUMS PLAT, a Utah condominium project. In accordance with the Utah Condominium Ownership Act, I further certify that the condominium plat for said project is accurate and complies with the provision of Section 57-9-13 (1) of the Utah Condominium Ownership Act. Reference markers as shown on this plat are located as shown and are sufficient to readily retrace or re-establish this survey.

BOUNDARY DESCRIPTION LOT 1

LOT 1, 2ND AMENDMENT TO A RE-SUBDIVISION OF LOTS NO. 1 AND 2, SILVER LAKE VILLAGE NO. 1 SUBDIVISION ACCORDING TO THE PLAT RECORDED IN THE OFFICE OF THE SUMMIT COUNTY RECORDER.



DATE 3/12/18
PATRICK M. HARRIS
P.L.S. 286882

OWNER'S DEDICATION

Known all men by these presents that I/we, the undersigned owner(s) of the above described tract of land, having caused same to be subdivided, hereafter known as the

GOLDENER HIRSCH CONDOMINIUMS PLAT

do hereby dedicate for perpetual use of the public all parcels of land shown on this plat as intended for Public use. The undersigned owner(s) also hereby convey to any and all public utility companies, including Snyderville Basin Water Reclamation District, providing service to the heron described tract a perpetual, non-exclusive easement over the public streets and public utility easements shown on this plat, the same to be used for drainage and the installation and maintenance and operation of public utility service lines and facilities.

In witness whereof I/we have hereunto set our hand (s) this 13th day of March, A.D., 20 18.

DVP, LLC, A Utah Limited Liability Company

C. Hope Eccles
By: C. Hope Eccles
Print Name: C. Hope Eccles
Title: Manager



LIMITED LIABILITY COMPANY ACKNOWLEDGMENT

STATE OF UTAH, J.S.S.
County of Substate
On the 13th day of March, A.D., 20 18, C. Hope Eccles, personally appeared before me, the undersigned Notary Public, in and for said County of Salt Lake, in the State of Utah, who after being duly sworn, acknowledged to me that He/She is the Manager of DVP, LLC, a Limited Liability Company and that He/She signed the Owner's Dedication freely and voluntarily for and in behalf of said Limited Liability Company for the purposes therein mentioned and acknowledged to me that said Corporation executed the same.

MY COMMISSION EXPIRES: 5-16-2020 MY COMMISSION NUMBER: _____
Ellen Hammond RESIDING IN Salt Lake COUNTY, UTAH
NOTARY PUBLIC

LEGEND

- EXISTING STREET MONUMENT
- SECTION CORNER SET 5/8"
- REBAR WITH YELLOW PLASTIC CAP OR NAIL STAMPED "ENSGN ENG. & LAND SURV."
- PUE = PUBLIC UTILITY EASEMENT
- BOUNDARY LINE
- SECTION LINE
- CENTER LINE
- EASEMENT LINE
- LOT LINE
- OLD LOT LINE
- ADJACENT PROPERTY LINE
- SETBACK LINE
- BUILDING AREA SEE PAGES 3-12 FOR DETAIL

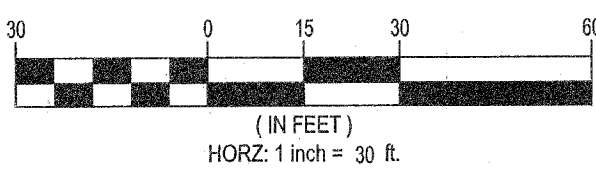
Approximate location of Temporary Structure, within the Pedestrian Bridge Easement

LINE	BEARING	LENGTH
L1	S12°17'23"W	62.04'
L2	N77°49'27"W	7.01'
L3	S11°55'23"W	1.49'
L4	N77°42'15"W	5.67'
L5	S12°17'29"W	30.52'
L6	S79°41'07"W	1.21'
L7	S10°43'18"E	91.74'
L8	N79°18'58"E	1.33'
L9	S10°41'11"E	10.02'
L10	S79°18'58"W	1.33'
L11	S10°43'09"E	61.38'
L12	S79°21'50"W	8.18'
L13	S10°48'31"E	2.02'
L14	S79°17'41"W	49.95'
L15	N10°26'43"W	2.00'
L16	S79°20'45"W	13.11'
L17	N10°23'58"W	31.17'
L18	S79°31'06"W	1.67'
L19	N10°58'27"W	36.66'
L20	N80°01'59"E	0.66'
L21	N10°43'51"W	15.21'
L22	S79°36'45"W	2.17'
L23	N9°50'03"W	10.84'
L24	N79°27'31"E	3.09'
L25	N10°46'43"W	79.27'
L26	N12°33'59"E	34.06'
L27	N77°46'17"W	10.50'
L28	N12°16'18"E	31.02'
L29	N77°49'13"W	13.10'
L30	S12°07'41"W	4.48'

LINE	BEARING	LENGTH
L31	N77°42'04"W	16.19'
L32	N12°29'25"E	4.33'
L33	N77°42'43"W	40.07'
L34	N12°11'43"E	7.45'
L35	S78°16'30"E	4.85'
L36	N12°14'02"E	11.68'
L37	N77°36'03"W	4.99'
L38	N12°16'54"E	24.51'
L39	S77°47'26"E	4.99'
L40	N12°17'10"E	11.17'
L41	N77°40'36"W	4.67'
L42	N12°21'46"E	7.33'
L43	S77°44'08"E	40.07'
L44	N12°13'09"E	4.53'
L45	S77°31'13"E	16.02'
L46	S12°20'13"W	4.48'
L47	S77°44'53"E	22.32'
L48	N12°04'52"E	2.66'
L49	S77°40'22"E	11.31'
L50	S12°09'36"W	16.68'
L51	S77°44'44"E	20.14'
L52	N12°18'38"E	9.17'
L53	S77°41'48"E	16.01'
L54	S12°18'38"W	9.17'
L55	S77°42'26"E	19.89'
L56	N12°25'21"E	1.51'
L57	S77°43'52"E	10.01'
L58	S12°25'48"W	1.51'
L59	S77°41'28"E	7.01'

- Notes
- This condominium plat is subject to Ordinance 2018-01.
 - Modified 13-D fire sprinklers are required per the Chief Building Official.
 - Utility structures such as ground sleeves and transformers and other dry utility boxes must be located on the lot or within easement areas on the property.
 - Building served by Common Private Lateral Wastewater Lines. The association shall be responsible for ownership, operation, and maintenance of all common Private Lateral Wastewater Lines.
 - Conditions of approval of the Twelfth Amended Deer Valley MPD and Goldener Hirsch CUP apply.
 - This plat is also subject to Ordinance 2016-53, the approved 2nd Amendment to a Re-Subdivision of Lots No. 1 and No. 2 Silver Lake Village No. 1 Subdivision.

HORIZONTAL GRAPHIC SCALE



SHEET 1 OF 12

PROJECT NUMBER: 6772
MANAGER: PMH
DRAWN BY: JMW
CHECKED BY: PMH
DATE: 3/13/18



SALT LAKE CITY
45 W, 1000 S, Suite 500
Sandy, UT 84070
Phone: 801.255.0529
Fax: 801.255.4449
WWW.ENSIGNENG.COM

LAYTON
Phone: 801.541.1100
TOOELE
Phone: 435.843.3500
CEAR CITY
Phone: 435.843.1463
RICHFIELD
Phone: 435.896.2983

CERTIFICATE OF ATTEST

I CERTIFY THIS PLAT MAP WAS APPROVED BY PARK CITY COUNCIL THIS 4 DAY OF JANUARY, 2018.
Michelle Kuehn
PARK CITY RECORDER

COUNCIL APPROVAL & ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 4 DAY OF JANUARY, 2018.
John Dorel
PROTEM

CITY ENGINEER

I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 16th DAY OF March, 2018.
[Signature]
CITY ENGINEER

CITY PLANNING COMMISSION

APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 13 DAY OF DECEMBER, 2017.
[Signature]
Vice - CHAIR

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS 14th DAY OF March, 2018.
[Signature]
S.B.W.R.D.

PARK CITY ATTORNEY APPROVAL AS TO FORM

APPROVED AS TO FORM THIS 10 DAY OF April, 2018.
[Signature]
CITY ATTORNEY

GOLDENER HIRSCH CONDOMINIUMS PLAT

FOR LOT 1, 2ND AMENDMENT TO RESUBDIVISION OF LOTS NO. 1 AND NO. 2
SILVER LAKE VILLAGE NO. 1 SUBDIVISION
LOCATED IN THE SOUTHWEST QUARTER OF SECTION 22,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

RECORDED # 01089501

STATE OF UTAH, COUNTY OF SUMMIT, RECORDED AND FILED AT THE REQUEST OF: DVP, LLC
DATE: 4/11/2018 TIME: 9:12 a.m. BOOK: 403 PAGE: 60
FEE: \$403.00
Rhonda Greenen Deputy
SUMMIT COUNTY RECORDER

Goldener Hirsch – Alpenhaus Temporary Structure Permit
Written Statement

The Alpenhaus at the Goldener Hirsch will be a temporary structured private dining area placed on the existing café bridge. The structure will be a reservation only experience that will operate the same hours as the Goldener Hirsch Restaurant from 7am – 9pm. A maximum party size of 18 people will be allowed to reserve the Alpenhaus. No speakers will be used outside of a small record player in the space. Lighting used for the temporary structure will be a chandelier (specs attached in application), string lights, and floor lamps. No additional beer or liquor licenses will be obtained as the structure will be placed within the spaced designated under the current licenses.

Planning Department Staff Report



Subject: 1167 Woodside Avenue
Application: PL-24-06372
Author: Jacob Klopfenstein, Planner I
Date: January 9, 2025
Type of Item: Administrative Conditional Use Permit

Recommendation

(I) Review the Administrative Conditional Use Permit (ACUP) for 1167 Woodside Avenue, (II) conduct a public hearing, and (III) consider approving the ACUP based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Final Action Letter (Exhibit A).

Description

Applicant: David Belz

Location: 1167 Woodside Avenue

Zoning District: Historic Residential – 1 (HR-1)

Adjacent Land Uses: Institutional (Park City Library); Residential

Reason for Review: The Planning Department reviews and takes Final Action on Administrative Conditional Use Permits.

ACUP	Administrative Conditional Use Permit
CUP	Conditional Use Permit
HR-1	Historic Residential – 1
LMC	Land Management Code
MCPC	Municipal Code of Park City
MFL	Master Festival License

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

Summary

The Applicant in the past has held events at 1167 Woodside Avenue that were permitted through the Special Events permitting process and were regulated under the Sundance Film Festival Master Festival License (MFL). The Applicant's current proposal requires an Administrative Conditional Use Permit (ACUP) and compliance with the Land Management Code (LMC) and Municipal Code of Park City (MCPC) because the proposal is not a Special Event permit and is not eligible for any exemptions or special exceptions that may or may not be allowed during the Special Event permitting process or under the Sundance MFL.

The Applicant proposes to hold two events during the Sundance Film Festival at 1167 Woodside Avenue, a Landmark Historic Structure also known as The Shop Yoga Studio. Each event is proposed to have a maximum of 300 attendees. The events would take place on January 25 and 26 between 4 p.m. and 2 a.m., before and after film premiere events taking place at the Park City Library, just north of 1167 Woodside. The Applicant also proposes temporary portable restroom structures south of the building to accommodate the capacity, and to use the driveway area south of the building as a pedestrian entry plaza for the proposed events (see Fig. 1).

The Applicant's site plan is outlined below:

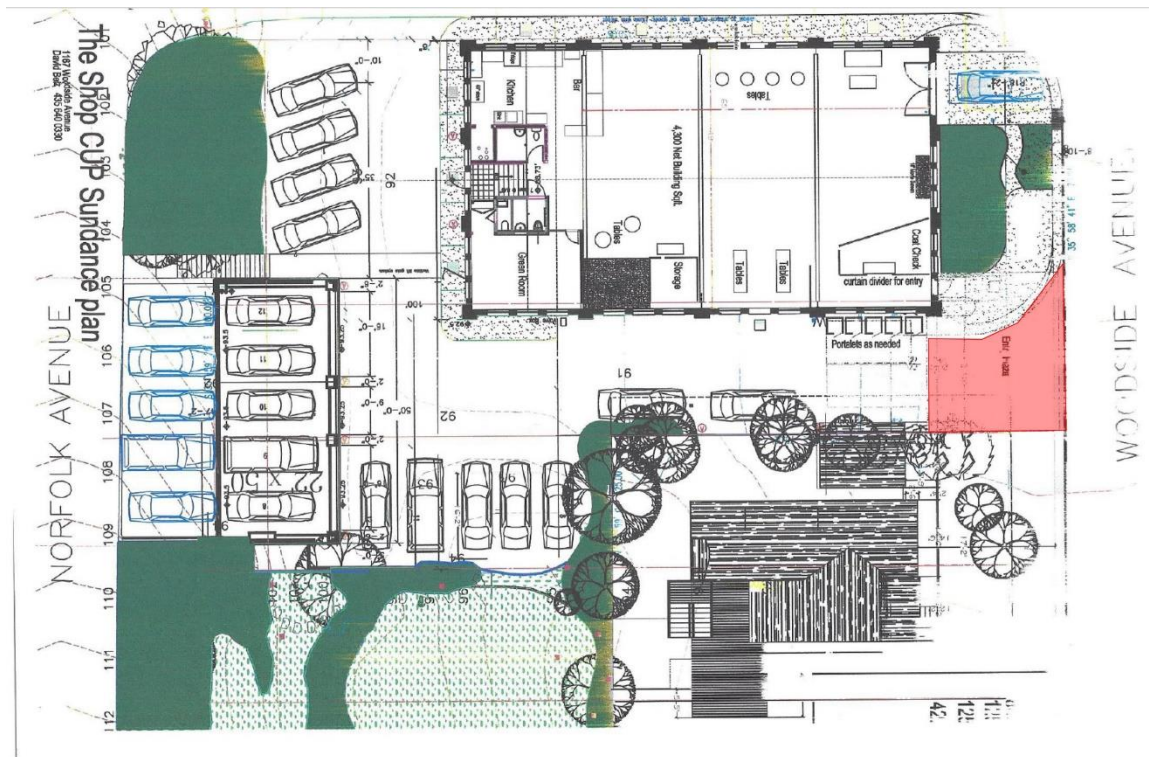


Figure 1: Applicant's site plan for proposed events taking place at 1167 Woodside Avenue. The Applicant proposes to use the driveway area, highlighted in red, as a pedestrian entry plaza for the proposed events.

The Applicant's proposed interior floor plan for the events is outlined below:

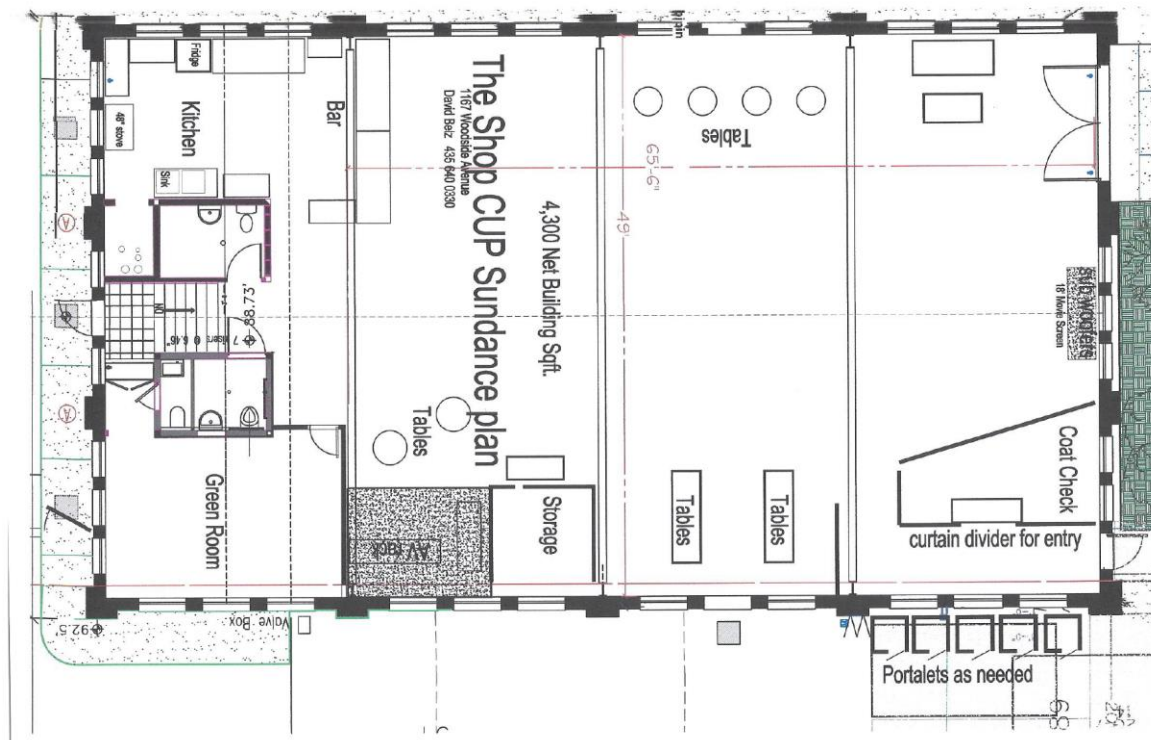


Figure 2: Applicant's proposed interior floor plan for special events at 1167 Woodside Avenue.

Background

1167 Woodside Avenue is Lot A of the 1167 Woodside Avenue Replat (see Exhibit C, 1167 Woodside Avenue Replat). 1167 Woodside Avenue was originally known as the Park City High School Mechanical Arts Building and was constructed in 1935 or 1936, according to the [Historic Sites Form](#). The building was used as a space for shop classes before it transitioned to a bus barn after the school moved to its present location.



Figure 3: Front view of 1167 Woodside Avenue from the northeast corner of the property.



Figure 4: Rear portion of the property at 1167 Woodside Avenue, including a five-car garage (on the right) constructed in 1996.

On August 1, 1995, the Board of Adjustment approved a change of non-conforming use from a bus barn/storage use to professional office use, excluding high-traffic generating uses such as medical, real estate, and other office uses (see Exhibit D, p. 33). The Board also approved a Variance for a Side Setback reduction from 10 feet to zero feet on the north property line, and a Side Setback reduction from five feet to three feet to allow for one parking space in the front driveway area and one rear parking space.

On August 19, 1996, the Historic District Commission approved the construction of a five-car garage at the rear of 1167 Woodside Avenue (seen in Figure 4) to provide additional parking for the site.

In 1999, the City Council approved a Plat Amendment to combine five metes-and-bounds parcels into one Lot for 1167 Woodside Avenue (see Exhibit C, 1167 Woodside Avenue Replat).

On January 14, 2004, the Planning Commission approved a Conditional Use Permit (CUP) for yoga instruction and related/similar quasi-public, institutional (assembly) uses (Exhibit E). CUP Condition of Approval 4 limits the occupancy of the “structure for the proposed use” to 100 if all 20 parking spaces at the site are available and code compliant. CUP Condition of Approval 5 states that an ACUP is required for any use that will generate additional parking and traffic at the site. Additionally, Finding of Fact 8 states that the building department rates the building as having a maximum occupancy of 252, but the restrooms situation limits the occupancy to 100.

Numerous Fire Permits, Temporary Sign Permits, and ACUPs were issued for 1167 Woodside Avenue from 2003 to 2024. These permits were for events similar to the Applicant’s current proposal and for temporary tents and structures. Some of the permits were for events and temporary structures affiliated with the Sundance Film Festival Master Festival License (MFL), while others were not affiliated with the MFL. The Applicant’s current proposal is for events taking place during the Sundance Film Festival but not affiliated with the MFL. Events affiliated with the MFL do not undergo the standard Planning Department permitting process and are regulated by the Special Events Department; events that are unaffiliated must complete an ACUP.

Analysis

(I) Condition of Approval 5 from the January 14, 2004, Conditional Use Permit for yoga instruction and related/similar quasi-public, institutional (assembly) Uses requires an Administrative Conditional Use Permit for any Use that will generate additional parking and traffic.

As noted above, Condition of Approval 5 of the January 14, 2004 CUP (Exhibit E) for yoga instruction and related/similar quasi-public, institutional (assembly) Uses at 1167 Woodside Avenue requires an ACUP for any Use that will generate additional parking and traffic.

Finding of Fact 8 of the CUP states that the Building Department determined the

maximum occupancy of the structure at 1167 Woodside Avenue is 252, but the restrooms at the site are only sufficient for 100 people.

Condition of Approval 4 of the CUP states that the occupancy of the “structure for the proposed use” is limited by the amount of on-site, code-compliant parking spaces available. The CUP states that if all 20 parking spaces are available and compliant with codes, the occupancy is 100, and a parking ratio of 5 people per parking space shall be used to calculate the allowed occupancy for the “assembly Use”.

There are no active encroachment agreements regarding 1167 Woodside Avenue that allow parking within City right-of-way. The Applicant indicates there are 16 on-site parking spaces available, and the amount of parking can increase to 25 spaces if Tandem Parking is available. LMC [§ 15-2.2-8\(A\)](#) allows Tandem Parking in this Zoning District.. Using the parking ratio outlined in Condition of Approval 4 of the 2004 CUP as discussed above, the maximum occupancy for the ‘assembly use’ is 80 with 16 available parking spaces, or 125 with 25 tandem parking spaces provided.

The Applicant proposes no on-site parking dedicated for attendees of the events; the on-site parking is reserved for “the principals, caterers and critical service providers”. Attendees will be instructed to walk, shuttle or use public transportation to attend events at the venue. Therefore, the maximum occupancy for the proposed events will be based on the occupancy of the Structure, rather than the ‘Assembly Use’, which is limited by the number of on-site parking spaces provided. Additional restroom facilities are proposed by the Applicant in order to utilize the full 252 occupancy rating of the building (see Section II below).

Condition of Approval 2 of this ACUP requires event attendees to park off-Site and use alternative methods of transportation to access the site, so none of the on-Site parking at 1167 Woodside will be used except to accommodate essential event personnel. Condition of Approval 1 sets the maximum occupancy of any single event at any given time to 252.

(II) The proposed temporary restrooms comply, as conditioned, with Land Management Code Section 15-4-16, Temporary Structures, Tents, and Vendors.

LMC [Section 15-15-1](#) defines a Temporary Structure as “a standalone Structure, or a Structure that is partially affixed to an existing Building on a temporary basis not to exceed 180 days as set forth by the International Building Code.” The proposed temporary portable restroom structures fit this definition.

The proposed temporary portable restroom structures comply, as conditioned, with the requirements of LMC [Section 15-4-16](#), Temporary Structures, Tents, and Vendors, outlined below with analysis:

<i>Requirement</i>	<i>Analysis of proposal</i>
The Applicant shall provide written notice of the Property Owner's permission.	Complies: The Applicant, David Belz, is the property owner for 1167 Woodside and has authorized the proposed Use.
The proposed Use should not diminish existing parking. Any net loss of parking shall be mitigated in the Applicant's plan.	Complies: The temporary restrooms are not proposed to be located in parking spaces or decrease any parking on the site.
The proposed Use shall not impede pedestrian circulation, emergency Access, or any other public safety measure.	Condition of Approval recommended: Condition of Approval 3 requires the applicant to comply with this requirement.
The Use shall not violate the Noise Ordinance, Municipal Code Chapter 6-3.	Condition of Approval recommended: Condition of Approval 5 requires the Applicant to ensure event attendees comply with the requirements of MCPC Chapter 6-3, Noise.
The Use shall comply with the LMC, the signage shall comply with the Sign Code, Title 12, and the lighting shall comply with Illumination Section 12-4-9.	Complies: The Temporary Structures Use complies, as conditioned, with the LMC. The Applicant does not propose any signs or lighting associated with the Temporary Structures.
The Use shall not violate the Summit County Health Code, the Fire Code, or State Regulations on mass gathering.	Condition of Approval recommended: Condition of Approval 8 requires the Applicant to obtain a Building Permit for the proposed Temporary Structures and a Fire Permit for the proposed events. Fire codes and other regulations shall be evaluated during the Building and Fire permit stages.
The Use shall not violate the International Building Code.	Condition of Approval recommended: Condition of Approval 8 requires the Applicant to obtain a Building Permit for the proposed Temporary Structures and a Fire Permit for the proposed events.
The Applicant shall adhere to all applicable City and State licensing	Condition of Approval recommended: Condition of Approval 8 requires the

ordinances.	Applicant to obtain a Building Permit for the proposed Temporary Structures and a Fire Permit for the proposed events.
-------------	--

(III) The proposal complies, as conditioned, with Land Management Code Section 15-13-10 Standards for Temporary Structures in Historic Districts.

1167 Woodside Avenue is in the HR-1 Zoning District. Pursuant to LMC [§ 15-2.2-2](#), Temporary Structures in Historic Districts must comply with the requirements of LMC [§ 15-13-10](#) Standards for Temporary Structures in Historic Districts, outlined below with analysis.

<i>Requirement</i>	<i>Analysis of proposal</i>
Temporary Structures include: Globe Shelters, Tents with sidewalls, Canopies (tents without sidewalls), Temporary Winter Balcony Enclosures.	Complies: Temporary Structures are defined by LMC Section 15-15-1 as “a standalone Structure, or a Structure that is partially affixed to an existing Building on a temporary basis not to exceed 180 days as set forth by the International Building Code.” The proposed temporary bathrooms fit this definition.
Location: Applicants shall obtain an Administrative Permit approval for all Temporary Structures according to Section 15-4-16 before installation.	Complies: The Applicant is pursuing this ACUP approval, which will cover the proposed Temporary Structures.
Location: Temporary Structures shall not impede or obstruct pedestrian circulation.	Condition of Approval recommended: Condition of Approval 3 requires the temporary portable restroom structures to be placed in a location that does not impede pedestrian circulation. The Temporary Structures are proposed at the southeast corner of the primary Structure at the Site. The location will not impede pedestrian circulation on the sidewalk along Woodside Avenue or along the adjacent driveway to the south of the proposed Temporary Structures location, which is proposed to be used as an entrance plaza for the events.

Location: Proposed locations shall be reviewed and approved by the Chief Building Official, Fire Marshal, and Park City Fire District.	Condition of Approval recommended: Condition of Approval 8 requires the Applicant to obtain a Fire Permit for the proposed events and a Building Permit for the proposed Temporary Structures. The proposed locations of the Temporary Structures will be reviewed by the Chief Building Official, Fire Marshal, and Fire District during the Fire and Building Permit stages.
Setbacks: Temporary Structures shall comply with Setback requirements.	Condition of Approval recommended: Pursuant to the Board of Adjustment's August 1, 1995 determination (Exhibit D) as discussed above, the required Side Setbacks are a minimum of 3 feet. Condition of Approval 9 requires the Temporary Structures to be located at least 3 feet from the side Lot line.
Materials: Temporary Structures shall be of durable, weatherproof materials; have wall and roofing materials that are non-reflective with a Solar Reflectivity Index (SRI) of 35 or less; consist of materials that are neutral and earth-toned or white in color; be limited to no more than three (3) different materials; use materials that are compatible with the Primary Structure; and be uniform when more than one Temporary Structure is approved for a Site.	Condition of Approval recommended: Condition of Approval 10 requires the applicant to comply with these standards.
Glazing shall be clear	Complies: The proposed Temporary Structures do not include any glazing.
Glazing: Metallic, frosted, tinted, stained, textured, and/or reflective finishes are prohibited.	Complies: The proposed Temporary Structures do not include any glazing.
Lighting: Exterior and interior lighting shall be Fully Shielded, down-directed, with light bulbs 3,000 degrees Kelvin or less.	Condition of Approval recommended: Condition of Approval 11 prohibits lighting associated with the Temporary Structures.
Signage: Signage on Temporary	Condition of Approval recommended:

Structures is prohibited.	Staff recommends Condition of Approval 4, which prohibits Temporary Portable Signs associated with the proposed events.
Ornamentation: Banners, bunting, scrollwork, finials, and other ornamentation are prohibited.	Complies: No ornamentation is proposed for the Temporary Structures.
Installation on Historic Sites: Temporary Structures, or portions thereof, shall not be directly connected to historic materials.	Complies: The Applicant does not propose connecting the Temporary Structures to any Historic Materials.
Energy Efficiency: Temporary Structures shall incorporate best practices in energy-efficient materials and sustainable operating and mechanical systems.	Condition of Approval recommended: Condition of Approval 12 requires the Applicant to comply with this standard.
Maximum Size: Temporary Structures shall be subordinate in Scale to the Primary Structure.	Complies: The Temporary Structures are approximately 7 feet tall. The primary structure is 16 feet tall. The Temporary Structures are proposed to be set back from the primary façade of the primary Structure.
Maximum Size: Temporary Structures shall be no taller than eighteen feet (18') or two feet (2') below the ridgeline of the Primary Structure, whichever is less, measured from Existing Grade to the topmost roof ridge.	Complies: The Temporary Structures are approximately 7 feet tall.
Ongoing Maintenance: Damaged materials shall be replaced or repaired as necessary to maintain the health and safety of the occupants and a clean appearance.	Condition of Approval recommended: Staff recommends Condition of Approval 13, which requires that the temporary portable restrooms are maintained throughout the duration of the events.
Dates of Installation: Winter Temporary Structures are only permitted from November 15th through April 30th. Summer Temporary Structures are only permitted from April 30th through October 30th.	Condition of Approval recommended: Staff recommends Condition of Approval 13, which requires the temporary portable restroom structures to be installed only for the events on January 25 and 26, 2025.

Review: Approved Administrative Permits for Temporary Structures are valid for five (5) years.	Condition of Approval recommended: The proposal requires an ACUP, not an Administrative Permit. Condition of Approval 7 outlines specific dates for which the ACUP approval applies.
A Historic District Review Pre-Application is required for Temporary Structures.	Complies: The temporary portable restroom structures are analyzed herein for compliance with the Historic District guidelines outlined in LMC § 15-13-10.

(IV) The proposal, as conditioned, complies with the Conditional Use Permit criteria outlined in LMC § 15-1-10(E).

LMC [§ 15-1-10 states](#), “There are certain Uses that, because of unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent land Uses, may not be Compatible in some Areas or may be Compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.”

The Planning Director shall approve a Conditional Use if “reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed Use in accordance with applicable standards.” The Planning Director may deny the Conditional Use if the proposed Use “cannot be substantially mitigated by the proposal or imposition of reasonable conditions to achieve compliance with applicable standards.”.

1. Size and location of the Site: *Conditions of Approval recommended*

The Applicant proposes two events with up to 300 people at each event. The 2004 CUP indicates that the maximum occupancy of the Structure at 1167 Woodside Avenue is 252 people, and the restroom capacity is 100 people. Staff recommends Condition of Approval 1 to limit the number of attendees for the events to 252 at any given time and to require the Applicant to provide temporary restroom facilities at the site to accommodate the additional occupants. Condition of Approval 3 requires the Applicant to screen the temporary restroom facilities from adjacent properties.

The Applicant does not propose any other temporary structures or changes to the Structure that would affect the size and location of the Site.

2. Traffic considerations including capacity of the existing Streets in the Area: *Condition of Approval recommended*

The Applicant indicates there are 16 parking spaces available at the Site. The Applicant also indicates that the parking spaces will be reserved for principals, caterers, and other critical service providers and that event organizers will require participants to walk,

shuttle, or use public transportation to attend the events.

Staff recommends Condition of Approval 2 requiring the Applicant to reserve on-Site parking for essential event personnel only and to require event participants to walk, shuttle, or use public transportation to attend the events.

3. Utility capacity, including Storm Water run-off: *Condition of Approval recommended*

Condition of Approval 1 requires the Applicant to provide extra temporary restroom facilities sufficient to handle the additional capacity beyond 100 people. The Applicant does not propose any additional changes to the Site that would affect Utility capacity or Storm Water run-off.

4. Emergency vehicle Access: *No unmitigated impacts*

The Applicant proposes temporary portable restrooms adjacent to the southeast corner of the structure. Condition of Approval 3 requires the Applicant to place the portable restrooms in a location that does not impede emergency vehicle Access. The Applicant does not propose any other changes to the Site that would affect emergency vehicle Access.

5. Location and amount of off-Street parking: *Condition of Approval recommended*

As noted above, the Applicant indicates there are 16 parking spaces available at the site. Staff recommends Condition of Approval 2 requiring the Applicant to reserve on-Site parking for essential event personnel only and requiring event participants to walk, shuttle, or use public transportation to attend the events.

6. Internal vehicular and pedestrian circulation system: *No unmitigated impacts*

Vehicle and pedestrian access to the Site is available from Woodside Avenue, Norfolk Avenue, and 12th Street. The Applicant also proposes using the driveway area on the south side of the Structure as a pedestrian entry plaza during the events.

7. Fencing, Screening, and landscaping to separate the Use from adjoining Uses: *Condition of Approval recommended*

Condition of Approval 3 requires the Applicant to screen the temporary restrooms from adjacent properties.

8. Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots: *No unmitigated impacts*

The Applicant does not propose any changes to building mass, bulk, or orientation on the site. The Applicant does not propose any temporary tents or structures beyond the temporary portable restrooms.

9. Usable Open Space: *No unmitigated impacts*

The Applicant proposes temporary portable restrooms adjacent to the southeast corner of the structure. The Applicant does not propose any other changes to Open Space at the site.

10. Signs and lighting: *Condition of Approval recommended*

The Applicant proposes a sandwich board sign at the southeast corner of the building to direct event attendees to the driveway area, which will be used as an entrance plaza. Pursuant to Municipal Code of Park City (MCPC) [§ 12-10-2\(G\)\(4\)](#), Temporary Portable Signs are not allowed in the HR-1 zone. Condition of Approval 4 prohibits Temporary Portable Signs associated with the proposed events. Condition of Approval 11 prohibits lighting associated with the temporary portable restroom structures.

The Applicant does not propose any other signs or lighting at the site.

11. Physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing: *Condition of Approval recommended*

The Applicant indicates that the temporary portable restroom structures are approximately 7 feet tall and will be subordinate to the primary Structure, which is approximately 16 feet tall. Condition of Approval 3 requires the applicant to screen the temporary portable restroom structures from adjacent properties. The Applicant does not propose any other changes affecting physical design and compatibility with surrounding Structures.

12. Noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site: *Condition of Approval recommended*

1167 Woodside Avenue is in a residential area. Compliance with the Noise Ordinance is required at all times. The Applicant does not propose any amplified outdoor sound. Staff recommends Condition of Approval 5 requiring the Applicant to ensure compliance with MCPC [Chapter 6-3](#), Noise, including compliance with the standards outlined in MCPC Section 6-3-9, which identify **a maximum permissible sound level for residential areas of 50 decibels between the hours of 10 p.m. and 6 a.m., and 55 decibels between the hours of 6 a.m. and 10 p.m.**

Condition of Approval 14 requires the Applicant to post notice at the location exits and near the outdoor temporary toilets calling attention to attendees that 1167 Woodside Avenue is located in a residential neighborhood and compliance with the noise

ordinance is required.

The Applicant does not propose any other changes that would affect vibration, odors, steam, or other mechanical factors that might affect people and property Off-Site.

13. Control of delivery and service vehicles, loading and unloading zones, and Screening of trash and recycling pickup Areas: *Condition of Approval recommended*

The Applicant indicates that deliveries for past events typically occurred the day before the event or earlier on the day of the event and involved food and beverage trucks dropping off supplies at the large entrance doors at the northeast corner of the building. Staff recommends Condition of Approval 6 requiring that for any deliveries, delivery vehicles must park on the off-Street private property located south of the Structure on the Site.

The Applicant does not propose loading and unloading zones or outdoor trash and recycling pickup areas.

14. Expected Ownership and management of the project as primary residences, Condominiums, time interval Ownership, Nightly Rental, or commercial tenancies, how the form of Ownership affects taxing entities: *No unmitigated impacts*

The property at 1167 Woodside Avenue is privately owned and operated. The Applicant indicates that the proposed events will be administered through a lease agreement between the event organizers and the property owner. The property owner is responsible for ensuring compliance with the ACUP Conditions of Approval.

15. Within and adjoining the Site, Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste and Park City Soils Ordinance, Steep Slopes, and appropriateness of the proposed Structure to the existing topography of the Site: *No unmitigated impacts*

The Applicant does not propose any physical changes to the Structures or the Site. The Site is outside the Park City Soils Ordinance boundary and is not located on a Steep Slope. There are no Physical Mine Hazards or Historic Mine Waste on the Site.

16. Reviewed for consistency with the goals and objectives of the Park City General Plan; however such review for consistency shall not alone be binding: *No unmitigated impacts*

Old Town Neighborhood Goal 6.8 of the [Park City General Plan](#) states that the Main Street area is the heart of Park City and notes that keeping Main Street and the surrounding areas activated requires participation from multiple entities, and the area serves as a backdrop for events.

Staff also recommends Condition of Approval 7 stating that the ACUP approval is for special events taking place during the 2025 Sundance Film Festival from January 25-27 only. The property owner is required to apply for a Modification to the CUP (an ACUP) for future events with over 100 attendees.

(V) The Development Review Committee will review the proposal on January 7, 2025.¹

The Development Review Committee will review the proposal on January 7, 2025. The Draft Final Action Letter will be amended during the January 9, 2025, Administrative Public Hearing if the Development Review Committee requires any conditions of approval.

Department Review

The Planning Department reviewed this report.

Notice

Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on December 26, 2024. Staff mailed courtesy notice to property owners within 300 feet on December 26, 2024. The *Park Record* published courtesy notice on December 28, 2024.²

Public Input

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

Alternatives

- The Planning Director Designee may approve the ACUP for 1167 Woodside Avenue.
- The Planning Director Designee may deny the ACUP for 1167 Woodside Avenue and direct staff to make Findings for the denial.
- The Planning Director Designee may request additional information and continue the discussion to a date certain or uncertain.

Exhibits

Exhibit A: Draft Final Action Letter

Exhibit B: Applicant's Narrative and Plans

Exhibit C: 1167 Woodside Avenue Replat

Exhibit D: Board of Adjustment August 1, 1995 Change of Non-Conforming Use and Variance for 1167 Woodside Avenue

¹ The Development Review Committee meets the first and third Tuesday of each month to review and provide comments on Planning Applications, including review by the Building Department, Engineering Department, Sustainability Department, Transportation Planning Department, Code Enforcement, the City Attorney's Office, Local Utilities including Rocky Mountain Power and Dominion Energy, the Park City Fire District, Public Works, Public Utilities, and the Snyderville Basin Water Reclamation District (SBWRD).

² LMC [§ 15-1-21](#)

Exhibit E: Planning Commission January 14, 2004 Conditional Use Permit for 1167
Woodside Avenue



Planning Department

January 9, 2025

David Belz
david@parkcityyoga.com

NOTICE OF PLANNING DEPARTMENT ACTION

Description

Address: 1167 Woodside Avenue

Zoning District: Historic Residential – 1 (HR-1)

Application: Administrative Conditional Use Permit

Project Number: PL-24-06372

Action: APPROVED WITH CONDITIONS (See Below)

Date of Final Action: January 9, 2025

Project Summary: A January 14, 2004 Conditional Use Permit for Yoga Instruction and Quasi-Public, Institutional Assembly Uses Condition of Approval 5 requires an Administrative Conditional Use Permit for any Use that will Generate Additional Parking and Traffic. The Applicant Requests an Administrative Conditional Use Permit to host two events on January 25 and 26, 2025.

Action Taken

On January 9, 2025, the Planning Director Designee conducted a public hearing and approved the Administrative Conditional Use Permit for 1167 Woodside Avenue according to the following findings of fact, conclusions of law, and conditions of approval.

Findings of Fact

1. 1167 Woodside Avenue is Lot A of the 1167 Woodside Avenue Replat.
2. 1167 Woodside Avenue is designated as a Landmark Historic Structure on Park City's Historic Sites inventory and is located in the Historic Residential – 1 Zoning District.



Planning Department

3. 1167 Woodside Avenue was originally known as the Park City High School Mechanical Arts Building and was constructed in 1935 or 1936, according to the Historic Sites Form. The building was used as a space for shop classes before it transitioned to a bus barn after the school moved to its present location. It is currently the location of The Shop Yoga Studio.
4. On August 1, 1995, the Board of Adjustment approved a change of non-conforming use from a bus barn/storage use to professional office use, excluding high-traffic generating uses such as medical, real estate, and other office uses. The Board also approved a Variance for a Side Setback reduction from 10 feet to zero feet on the north property line, and a Side Setback reduction from five feet to three feet to allow for one parking space in the front driveway area and one rear parking space.
5. On August 19, 1996, the Historic District Commission approved the construction of a five-car garage at the rear of 1167 Woodside Avenue to provide additional parking for the site.
6. In 1999, the City Council approved a Plat Amendment to combine five metes-and-bounds parcels into one Lot of record at 1167 Woodside Avenue.
7. On January 14, 2004, the Planning Commission approved a Conditional Use Permit (CUP) for yoga instruction and related/similar quasi-public, institutional (assembly) uses.
 - a. CUP Condition of Approval 4 limits the occupancy of the structure for the proposed use to 100 if all 20 parking spaces at the site are available and code-compliant.
 - b. The CUP Condition of Approval 5 states that an ACUP is required for any use that will generate additional parking and traffic at the site.
8. Numerous Fire Permits, Temporary Sign Permits, and ACUPs were issued for 1167 Woodside Avenue from 2003 to 2024. These permits have been associated with special events similar to the applicant's current proposal and temporary tents/structures, both affiliated with the Sundance Film Festival Master Festival License (MFL) and not affiliated with the MFL. The applicant's current proposal is for special events taking place during the Sundance Film Festival, but is not affiliated with the MFL. Events affiliated with the MFL do not undergo the standard Planning Department permitting process and are regulated by the Special Events Department; events that are unaffiliated must complete an ACUP.
9. The applicant proposes to host two events during the 2025 Sundance Film Festival at 1167 Woodside Avenue. Each event is proposed to have a maximum



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of 300 attendees. The events would take place on January 25 and 26, 2025 between 4 p.m. and 2 a.m., before and after film premiere events taking place at the Park City Library, just north of 1167 Woodside.

10. Condition of Approval 5 of the January 14, 2004 CUP for yoga instruction and related/similar quasi-public, institutional (assembly) Uses at 1167 Woodside Avenue requires an ACUP for any Use that will generate additional parking and traffic.
 - a. Finding of Fact #8 of the CUP states that the Building Department determined the maximum occupancy of the structure at 1167 Woodside Avenue is 252, but the restrooms at the site are only sufficient for 100 people.
 - b. Condition of Approval 4 of the 2004 CUP states that the occupancy of the structure for the proposed use is limited by the amount of on-site, code-compliant parking spaces available. The CUP states that if all 20 parking spaces are available and compliant with codes, the occupancy is 100, and a parking ratio of 5 people per parking space shall be used to calculate the allowed occupancy for the assembly Use.
 - c. There are no active encroachment agreements regarding 1167 Woodside Avenue that allow parking within City right-of-way. The Applicant indicates there are 16 on-site parking spaces available at the site, and the amount of parking can increase to 25 spaces if Tandem Parking is available. LMC § 15-2.2-8(A) allows Tandem Parking in this Zoning District.
 - d. . Using the parking ratio outlined in Condition of Approval 4 of the 2004 CUP as discussed above, the maximum occupancy for the 'assembly use' is 80 with 16 available parking spaces or 125 with 25 tandem parking spaces provided.
 - e. The Applicant proposes no on-site parking dedicated for attendees of the events; the on-site parking is reserved for "the principals, caterers and critical service providers". Attendees will be instructed to walk, shuttle or use public transportation to attend events at the venue.
 - f. Condition of Approval 2 of this ACUP requires event attendees to park off-Site and use alternative methods of transportation to access the site, so none of the on-Site parking at 1167 Woodside will be used except to accommodate essential event personnel.



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- g. Condition of Approval 1 sets the maximum occupancy of any single event at any given time to 252 and requires temporary restroom facilities on Site for events exceeding 100 attendees.
- 11. The proposed temporary restrooms comply, as conditioned, with Land Management Code Section 15-4-16, Temporary Structures, Tents, and Vendors.
 - a. LMC Section 15-15-1 defines a Temporary Structure as “a standalone Structure, or a Structure that is partially affixed to an existing Building on a temporary basis not to exceed 180 days as set forth by the International Building Code.” The proposed temporary portable restroom structures fit this definition.
 - b. The proposed temporary portable restroom structures comply, as conditioned, with the requirements of LMC Section 15-4-16, Temporary Structures, Tents, and Vendors, outlined below:
 - i. The Applicant shall provide written notice of the Property Owner’s permission. The Applicant, David Belz, is the property owner for 1167 Woodside and has authorized the proposed Use.
 - ii. The proposed Use should not diminish existing parking. Any net loss of parking shall be mitigated in the Applicant’s plan. The temporary restrooms are not proposed to be located in parking spaces or decrease any parking on the site.
 - iii. The proposed Use shall not impede pedestrian circulation, emergency Access, or any other public safety measure. Condition of Approval 3 requires the applicant to comply with this requirement.
 - iv. The Use shall not violate the Noise Ordinance, Municipal Code Chapter 6-3. Condition of Approval 5 requires the Applicant to ensure event attendees comply with the requirements of MCPC Chapter 6-3, Noise.
 - v. The Use shall comply with the LMC, the signage shall comply with the Sign Code, Title 12, and the lighting shall comply with Illumination Section 12-4-9. The Temporary Structures Use complies, as conditioned, with the LMC. The Applicant does not propose any signs or lighting associated with the Temporary Structures.
 - vi. The Use shall not violate the Summit County Health Code, the Fire Code, or State Regulations on mass gathering. Condition of



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Approval 8 requires the Applicant to obtain a Building Permit for the proposed Temporary Structures and a Fire Permit for the proposed events. Fire codes and other regulations shall be evaluated during the Building and Fire permit stages.

- vii. The Use shall not violate the International Building Code. Condition of Approval 8 requires the Applicant to obtain a Building Permit for the proposed Temporary Structures and a Fire Permit for the proposed events.
- viii. The Applicant shall adhere to all applicable City and State licensing ordinances. Condition of Approval 8 requires the Applicant to obtain a Building Permit for the proposed Temporary Structures and a Fire Permit for the proposed events.

12. The proposal complies, as conditioned, with Land Management Code Section 15-13-10 Standards for Temporary Structures in Historic Districts.

- a. 1167 Woodside Avenue is in the HR-1 Zoning District. Pursuant to LMC § 15-2.2-2, Temporary Structures in Historic Districts must comply with the requirements of LMC § 15-13-10 Standards for Temporary Structures in Historic Districts, outlined below:

- i. Temporary Structures include: Globe Shelters, Tents with sidewalls, Canopies (tents without sidewalls), Temporary Winter Balcony Enclosures. Temporary Structures are defined by LMC Section 15-15-1 as “a standalone Structure, or a Structure that is partially affixed to an existing Building on a temporary basis not to exceed 180 days as set forth by the International Building Code.” The proposed temporary bathrooms fit this definition.
- ii. Location: Applicants shall obtain an Administrative Permit approval for all Temporary Structures according to Section 15-4-16 before installation. The Applicant is pursuing this ACUP approval, which will cover the proposed Temporary Structures.
- iii. Location: Temporary Structures shall not impede or obstruct pedestrian circulation. Condition of Approval 3 requires the temporary portable restroom structures to be placed in a location that does not impede pedestrian circulation. The Temporary Structures are proposed at the southeast corner of the primary Structure at the Site. The location will not impede pedestrian circulation on the sidewalk along Woodside Avenue or along the



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adjacent driveway to the south of the proposed Temporary Structures location, which is proposed to be used as an entrance plaza for the events.

- iv. Location: Proposed locations shall be reviewed and approved by the Chief Building Official, Fire Marshal, and Park City Fire District. Condition of Approval 8 requires the Applicant to obtain a Fire Permit for the proposed events and a Building Permit for the proposed Temporary Structures. The proposed locations of the Temporary Structures will be reviewed by the Chief Building Official, Fire Marshal, and Fire District during the Fire and Building Permit stages.
- v. Setbacks: Temporary Structures shall comply with Setback requirements. Pursuant to the Board of Adjustment's August 1, 1995 determination as discussed above, the required Side Setbacks are a minimum of 3 feet. Condition of Approval 9 requires the Temporary Structures to be located at least 3 feet from the side Lot line.
- vi. Materials: Temporary Structures shall be of durable, weatherproof materials; have wall and roofing materials that are non-reflective with a Solar Reflectivity Index (SRI) of 35 or less; consist of materials that are neutral and earth-toned or white in color; be limited to no more than three (3) different materials; use materials that are compatible with the Primary Structure; and be uniform when more than one Temporary Structure is approved for a Site. Condition of Approval 10 requires the applicant to comply with these standards.
- vii. Glazing shall be clear. The proposed Temporary Structures do not include any glazing.
- viii. Glazing: Metallic, frosted, tinted, stained, textured, and/or reflective finishes are prohibited. The proposed Temporary Structures do not include any glazing.
- ix. Lighting: Exterior and interior lighting shall be Fully Shielded, down-directed, with light bulbs 3,000 degrees Kelvin or less. Condition of Approval 11 prohibits lighting associated with the Temporary Structures.



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- x. Signage: Signage on Temporary Structures is prohibited. Condition of Approval 4 prohibits Temporary Portable Signs associated with the proposed events.
- xi. Ornamentation: Banners, bunting, scrollwork, finials, and other ornamentation are prohibited. No ornamentation is proposed for the Temporary Structures.
- xii. Installation on Historic Sites: Temporary Structures, or portions thereof, shall not be directly connected to historic materials. The Applicant does not propose connecting the Temporary Structures to any Historic Materials.
- xiii. Energy Efficiency: Temporary Structures shall incorporate best practices in energy-efficient materials and sustainable operating and mechanical systems. Condition of Approval 12 requires the Applicant to comply with this standard.
- xiv. Maximum Size: Temporary Structures shall be subordinate in Scale to the Primary Structure. The Temporary Structures are approximately 7 feet tall. The primary structure is 16 feet tall. The Temporary Structures are proposed to be set back from the primary façade of the primary Structure.
- xv. Maximum Size: Temporary Structures shall be no taller than eighteen feet (18') or two feet (2') below the ridgeline of the Primary Structure, whichever is less, measured from Existing Grade to the topmost roof ridge. The Temporary Structures are approximately 7 feet tall.
- xvi. Ongoing Maintenance: Damaged materials shall be replaced or repaired as necessary to maintain the health and safety of the occupants and a clean appearance. Condition of Approval 13 requires that the temporary portable restrooms are maintained throughout the duration of the events.
- xvii. Dates of Installation: Winter Temporary Structures are only permitted from November 15th through April 30th. Summer Temporary Structures are only permitted from April 30th through October 30th. Condition of Approval 13 requires the temporary portable restroom structures to be installed only for the events on January 25 and 26, 2025.



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- xviii. Review: Approved Administrative Permits for Temporary Structures are valid for five (5) years. The proposal requires an ACUP, not an Administrative Permit. Condition of Approval 7 outlines specific dates for which the ACUP approval applies.
 - xix. A Historic District Review Pre-Application is required for Temporary Structures. The temporary portable restroom structures are analyzed herein for compliance with the Historic District guidelines outlined in LMC § 15-13-10.
13. The proposal, as conditioned, complies with the Conditional Use Permit criteria outlined in Land Management Code Section 15-1-10(E).
- a. Size and location of the Site
 - i. The Applicant proposes two events with up to 300 people at each event. The 2004 CUP indicates that the maximum occupancy of the Structure at 1167 Woodside Avenue is 252 people, and the restroom capacity is 100 people. Staff recommends Condition of Approval 1 to limit the number of attendees for the events to 252 at any given time and to require the Applicant to provide temporary restroom facilities at the site to accommodate the additional occupants. Condition of Approval 3 requires the Applicant to screen the temporary restroom facilities from adjacent properties. The applicant does not propose any other temporary structures or changes to the Structure that would affect the size and location of the Site.
 - b. Traffic considerations including capacity of the existing Streets in the Area
 - i. The applicant indicates that there are 16 parking spaces available at the Site. The applicant also indicates that the parking spaces will be reserved for principals, caterers, and other critical service providers and that event organizers will require participants to walk, shuttle, or use public transportation to attend the events.
 - ii. Condition of Approval 2 requires the applicant to reserve on-Site parking for essential event personnel only and requires event participants to park off-Site or use another method of transportation.
 - c. Utility capacity, including Storm Water run-off
 - i. Condition of Approval 1 requires the applicant to provide extra temporary restroom facilities sufficient to handle the additional



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capacity beyond 100 people. The applicant does not propose any additional changes to the Site that would affect Utility capacity or Storm Water run-off.

- d. Emergency vehicle Access
 - i. The Applicant proposes temporary portable restrooms adjacent to the southeast corner of the structure. Condition of Approval 3 requires the Applicant to place the portable restrooms in a location that does not impede emergency vehicle Access.
 - ii. The applicant does not propose any changes to the Site that would affect emergency vehicle Access.
- e. Location and amount of off-Street parking
 - i. The applicant indicates there are 16 parking spaces available at the site.
 - ii. Condition of Approval 2 requires the applicant to reserve on-Site parking for essential event personnel only and requires event participants to park off-Site or use another method of transportation.
- f. Internal vehicular and pedestrian circulation system
 - i. Vehicle and pedestrian access to the Site is available from Woodside Avenue, Norfolk Avenue, and 12th Street.
 - ii. The applicant also proposes using the driveway area on the south side of the Structure as a pedestrian entry plaza during the events.
- g. Fencing, Screening, and landscaping to separate the Use from adjoining Uses
 - i. Condition of Approval 3 requires the applicant to screen the temporary restrooms from adjacent properties.
- h. Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots
 - i. The applicant does not propose any changes to building mass, bulk, or orientation on the site. The applicant does not propose any temporary tents or structures beyond the temporary portable restrooms.
- i. Usable Open Space
 - i. The Applicant proposes temporary portable restrooms adjacent to the southeast corner of the structure. The applicant does not propose any other changes to Open Space at the site.



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- j. Signs and lighting
 - i. The applicant proposes a sandwich board sign at the southeast corner of the building to direct event attendees to the driveway area, which will be used as an entrance plaza. Pursuant to Municipal Code of Park City (MCPC) § 12-10-2(G)(4), Temporary Portable Signs are not allowed in the HR-1 zone.
 - ii. Condition of Approval 4 prohibits Temporary Portable Signs associated with the proposed events.
 - iii. Condition of Approval 11 prohibits lighting associated with the temporary portable restroom structures.
 - iv. The applicant does not propose any other signs or lighting at the site.
- k. Physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing
 - i. The applicant indicates that the portable temporary restroom facilities are approximately 7 feet tall and will be subordinate to the primary Structure, which is approximately 16 feet tall.
 - ii. Condition of Approval 3 requires the applicant to screen the restroom facilities from adjacent properties.
 - iii. The applicant does not propose any other changes affecting physical design and compatibility with surrounding Structures.
- l. Noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site
 - i. **1167 Woodside Avenue is in a residential area. Compliance with the Noise Ordinance is required at all times.**
 - ii. The applicant does not propose any amplified outdoor sound.
 - iii. Staff recommends Condition of Approval 5 requiring the applicant to comply with MCPC Chapter 6-3 Noise including compliance with the standards outlined in MCPC Section 6-3-9, which identify a maximum permissible sound level for residential areas of 50 decibels between the hours of 10 p.m. and 6 a.m., and 55 decibels between the hours of 6 a.m. and 10 p.m.
 - iv. Condition of Approval 14 requires the Applicant to post notice at the location exits and near the outdoor temporary toilets calling attention to attendees that 1167 Woodside Avenue is located in a



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residential neighborhood and compliance with the noise ordinance is required.

- v. The applicant does not propose any other changes that would affect vibration, odors, steam, or other mechanical factors that might affect people and property Off-Site.
- m. Control of delivery and service vehicles, loading and unloading zones, and Screening of trash and recycling pickup Areas
 - i. The applicant indicates that deliveries for past events typically occurred the day before the event or earlier on the day of the event and involved food and beverage trucks dropping off supplies at the large entrance doors at the northeast corner of the building.
 - ii. Condition of Approval 6 requires that for any deliveries, delivery vehicles must park on the off-Street private property located south of the Structure on the Site.
 - iii. The applicant does not propose loading and unloading zones or outdoor trash and recycling pickup areas.
- n. 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
 - i. The property at 1167 Woodside Avenue is privately owned and operated.
 - ii. The applicant indicates that the proposed events will be administered through a lease agreement between the event organizers and the property owner.
 - iii. The property owner is responsible for ensuring compliance with the ACUP Conditions of Approval.
- o. Within and adjoining the Site, Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste and Park City Soils Ordinance, Steep Slopes, and appropriateness of the proposed Structure to the existing topography of the Site
 - i. The applicant does not propose any substantial physical changes to the Structures or the Site. The Site is outside the Park City Soils Ordinance boundary and is not located on a Steep Slope. There are no Physical Mine Hazards or Historic Mine Waste on the Site.



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- p. Reviewed for consistency with the goals and objectives of the Park City General Plan; however such review for consistency shall not alone be binding
 - i. Old Town Neighborhood Goal 6.8 of the Park City General Plan states that the Main Street area is the heart of Park City and notes that keeping the Main Street and surrounding areas activated requires participation from multiple entities, and the area serves as a backdrop for events.
 - ii. Staff also recommends Condition of Approval 7 stating that the ACUP approval is for special events taking place during the 2025 Sundance Film Festival from January 25-27 only, and requires the property owner to apply for a Modification to the CUP for future events with over 100 attendees.
- 14. The Development Review Committee reviewed the proposal on January 7, 2025 and did not require Conditions of Approval.
- 15. Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on December 26, 2024. Staff mailed courtesy notice to property owners within 300 feet on December 26, 2024. The Park Record published courtesy notice on December 28, 2024.

Conclusions of Law

- 1. The proposal complies, as conditioned, with the requirements of the Land Management Code.
- 2. The proposal, as conditioned, will be compatible with surrounding Structures in use, scale, mass, and circulation.
- 3. The effects of any difference in Use or scale for the proposal have been mitigated through careful planning.

Conditions of Approval

- 1. The occupancy of any single event shall not exceed 252 attendees at any given time. The applicant shall provide temporary restroom facilities on Site for events exceeding 100 attendees.
- 2. On-Site parking shall be reserved for essential event personnel, including principals, caterers, and critical service personnel only. Event participants shall be required to park off-Site or use another method of transportation.
- 3. The temporary portable restroom structures shall be screened from adjacent properties and shall be placed in a location that does not impede pedestrian



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circulation, emergency Access, or any other public safety measure. No other Temporary Structures or Temporary Improvements associated with the proposed events are permitted.

4. Temporary Portable Signs associated with the proposed events are prohibited.
5. The proposed events shall comply with Municipal Code of Park City Chapter 6-3, Noise, including compliance with the standards outlined in MCPC Section 6-3-9, which identify a maximum permissible sound level for residential areas of 50 decibels between the hours of 10 p.m. and 6 a.m., and 55 decibels between the hours of 6 a.m. and 10 p.m. The Applicant shall ensure event attendees comply with these requirements
6. Delivery vehicles must park on the off-Street private property located south of the Structure on the Site.
7. This ACUP approval is for special events taking place at 1167 Woodside Avenue during the 2025 Sundance Film Festival on January 25 and 26, 2025 only. The applicant shall apply for a Modification to the January 14, 2004 CUP for any future events with over 100 attendees.
8. The applicant shall obtain a Building Permit for the proposed Temporary Structures, and a Fire Permit for each proposed event.
9. The temporary portable restroom structures shall be set back at least 3 feet from the Lot lines.
10. The temporary portable restroom structures shall be made of durable, weatherproof materials, have wall and roofing materials that are non-reflective with a Solar Reflectivity Index (SRI) of 35 or less, consist of materials that are neutral and earth-toned or white in color, be limited to no more than 3 different materials, use materials that are compatible with the primary structure, and be uniform.
11. Lighting associated with the temporary portable restroom structures is prohibited.
12. The temporary portable restroom structures shall incorporate best practices in energy-efficient materials and sustainable operating and mechanical systems.
13. The temporary portable restroom structures shall be installed only for the events on January 25 and 26, 2025, and shall be maintained throughout the duration of the events in accordance with product-recommended maintenance.
14. 1167 Woodside Avenue is located in a residential neighborhood and all event activity must be within 1167 Woodside Avenue. The applicant shall post notice at the location exits and near the outdoor temporary toilets calling attention to



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attendees that 1167 Woodside Avenue is located in a residential neighborhood and compliance with the noise ordinance is required.

If you have questions or concerns regarding this Final Action Letter, please call (385) 481-2037 or email jacob.klopfenstein@parkcity.org.

Sincerely,

Elissa Martin
Planning Director Designee

CC: Jacob Klopfenstein

DRAFT

MEMO

To: PCMC

From David Belz, Owner, The Shop Yoga Studio & 1167 WDSD, Inc

With an address of 1167 Woodside Avenue, Park City, UT 84060

PO Box 681237 Park City Ut 84068

RE: Administrative Conditional Use Permit

Date: December 18, 2024

To Whom It May Concern:

I am applying for a Conditional Use Permit (CUP) for The Shop Yoga Studio located at 1167 Woodside Avenue to host an event on Jan 25 and 26 during the 2025 Sundance Film Festival.

History and Context

The Shop, a 4,300 square foot historic space has operated as a non-conforming use for professional offices, Yoga & wellness center, and, a community auditorium since 1996. In addition to other gatherings and celebrations, we have been hosting Sundance events every year since the 1997 festival, Covid excepted.

These past events have ranged in size from 100 to 500 participants with the average size of events estimated to be around 300 attendees. All events above 300 attendees have used tents or outdoor spaces adjacent to the building to accommodate the larger crowds. Based on square footage, the maximum occupancy granted in the past for the main structure was 425 attendees.

With over 25 years of operation there have been no complaints I am aware of, with the exception of a neighbor 15 years ago who was upset by the trucks at 2 a.m. idling in front of her house to facilitate a change-over of the space. Since then, we have not allowed changeovers in the evening and/or ensured no such idling took place during the overnight hours.

Further, over the last 25 + years, I have hosted not only a myriad of Sundance events but weddings, life celebrations, birthdays, bar and bat mitzvah parties, and more. The Majority of these events exceeded 100 participants.

For Sundance events hosted over the past 25+ years, on many occasions city officials have advised that I cannot personally pull the required permit(s) for individual events. My only responsibility was to get the building inspected by the Fire Marshal to assure compliance on all life safety and neighborhood concerns and to make sure my renters did as well. I was required to have my Lessees obtain the requisite permits with, and through, Park City Municipal Corporation,

I approached this years festival the same as I have in the past and was surprised to learn that planning was now requiring me to pull an administrative CUP for all events over 100 participants, not the presenter.

Most concerning is this new requirement includes public notice and review requirements which at best looks like 3-6 weeks which is likely to compromise my Sundance rental and their ability to prepare for the event. It is a premier party for a couple of Sundance film.

Accordingly, In my efforts to get an expedited consideration and or a waiver this year, I am hopeful the city will consider my history with the festival & community. The late notice of this newly identified requirement that has not been asked of me for 25+ years, the need for my rental prospects to continue their planning, and, the tight time lines preceding Sundance and its application requirements, hopefully will inform you to a quick decision of this year's festival and grant the *administrative CUP to accommodate the upcoming Sundance Festival*.

To address the LMC and community concerns for events in the residential district I offer the following;

Compliance with CUP: security for events over 200 will use counters to assure no excess attendees will fill the space.

Occupancy: I would like to get approval for up to 300 participants. I do not believe the prospects we are speaking with will have that many attendees, but, I want to provide for any changes in their plans and for potential surges that may happen for a brief period during the evening

Hours of operation: 4pm thru 2am closure. (before and after movie premiers)

Set up / Break down: All the rental prospects are doing minimal installations, and it will mostly be an open space with bars, bathrooms, and a few tables added as needed. We will not be doing any breakdowns of any sort in the middle of the night. Should the renter decide to bring in any other improvements that will be addressed in the processing of their respective applications.

Traffic: Most attendees will be using the bus system, uber, and or other similar service. VIPs if any will be dropped at the back door closer to Norfolk and 12th street. Others will be dropped off on Woodside and turn right on 12th street, (unless the city makes it 1 way), and exit towards Park Avenue. The start time and completion time is likely to have cars spread out over a half hour to an hours so no single surge is expected for either Arrival or Departures.

Safety: The building will be fully inspected by the fire marshal and all systems will be online and affirmed by such inspections to ensure life safety. The pre inspection has already occurred. All fire systems are now dated and inspected for another year. In addition there will be security, augmented based on projected crowd size to adequately deal with any situation that arises.

Parking: The studio provides 16 code compliant off street parking spaces which can be expanded to as much as 25 with tandem parking allowances. For 25+ years parking at The Shop for all events has not and will not become an issue for the neighborhood or the City. We do not offer parking for attendees at our venue other than the ample parking for the principals, caterers and critical service providers. We have and will continue to emphasize that participants need to either walk, shuttle or use public transportation to attend events at our venue.

Noise: As should be evident from our history, the building's solid masonry structure is excellent in keeping the sound contained. Sound amplified inside to its full capacity still stays within PCMC's decibel level requirements.

Neighborhood impacts: To my knowledge, there has never been an issue or claims that The Shop has created any problems for the surrounding residential area. **To the North** is a solid 4-story tall brick wall of the Park City Education Center. **To the South** and appurtenant to The Shop is a private house, a garden, and 4 condos which I own. **To the East** are 4 or 5 houses, all friends, that have assured me these uses are not a problem, Only one of these homes is a primary residence fronting Woodside. **To the West** is Victorian Village Condominiums with the closet units on Norfolk approximately 150' away, 25+ feet uphill, and with an evergreen-buffered berm between us.

Restrooms: There are three restrooms inside the main building, which for alcohol-free events should allow 210 participants per code. For alcohol-served events these restrooms service up to 120 attendees. In addition, we have an additional restroom in the back building. For events which exceed these numbers we employ the use of an executive restroom trailer and or porta-potties on site.

Closing:

For close to 30 years The Shop has sought to be a community centered organization. For most of that time all our classes and most of our programs have been offered on a voluntary donation basis and have been further subsidized to cover the cost of those programs. We also regularly offer the space and even our teachers for other local non profits to help in their efforts as well.

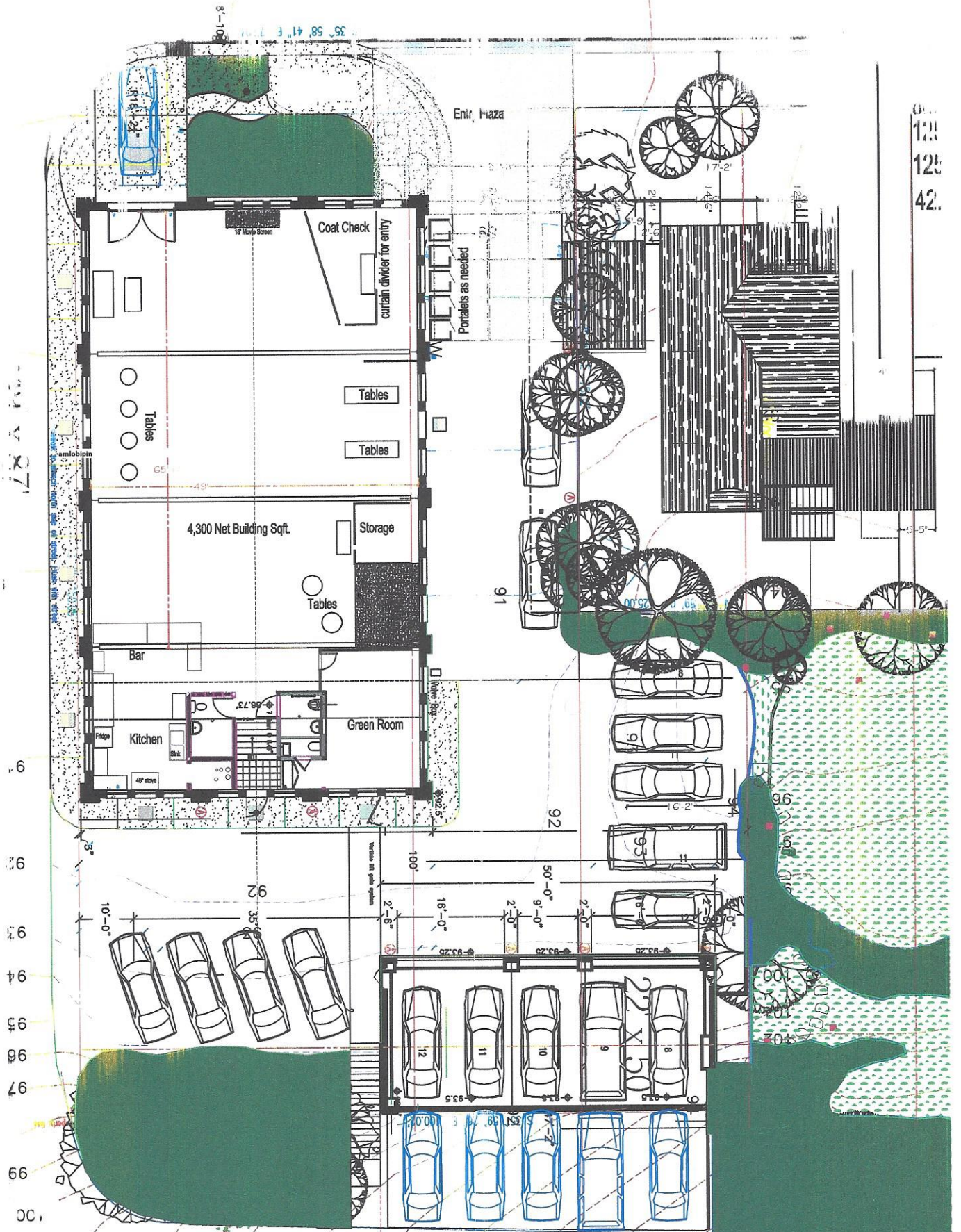
It has always been the revenue from Sundance Film Festival that has helped make this possible. Covid was a big blow to everyone including the Shop and these newly identified requirements could deliver an equally devastating blow in our efforts to continue to serve the community.

Thank you for considering my application during this holiday season. I appreciate anything you can do to allow me to proceed promptly with my rental prospects who are anxious to secure a rental contract with which to continue planning their events.

Gratefully,
David Belz 

WOODSIDE AVENUE

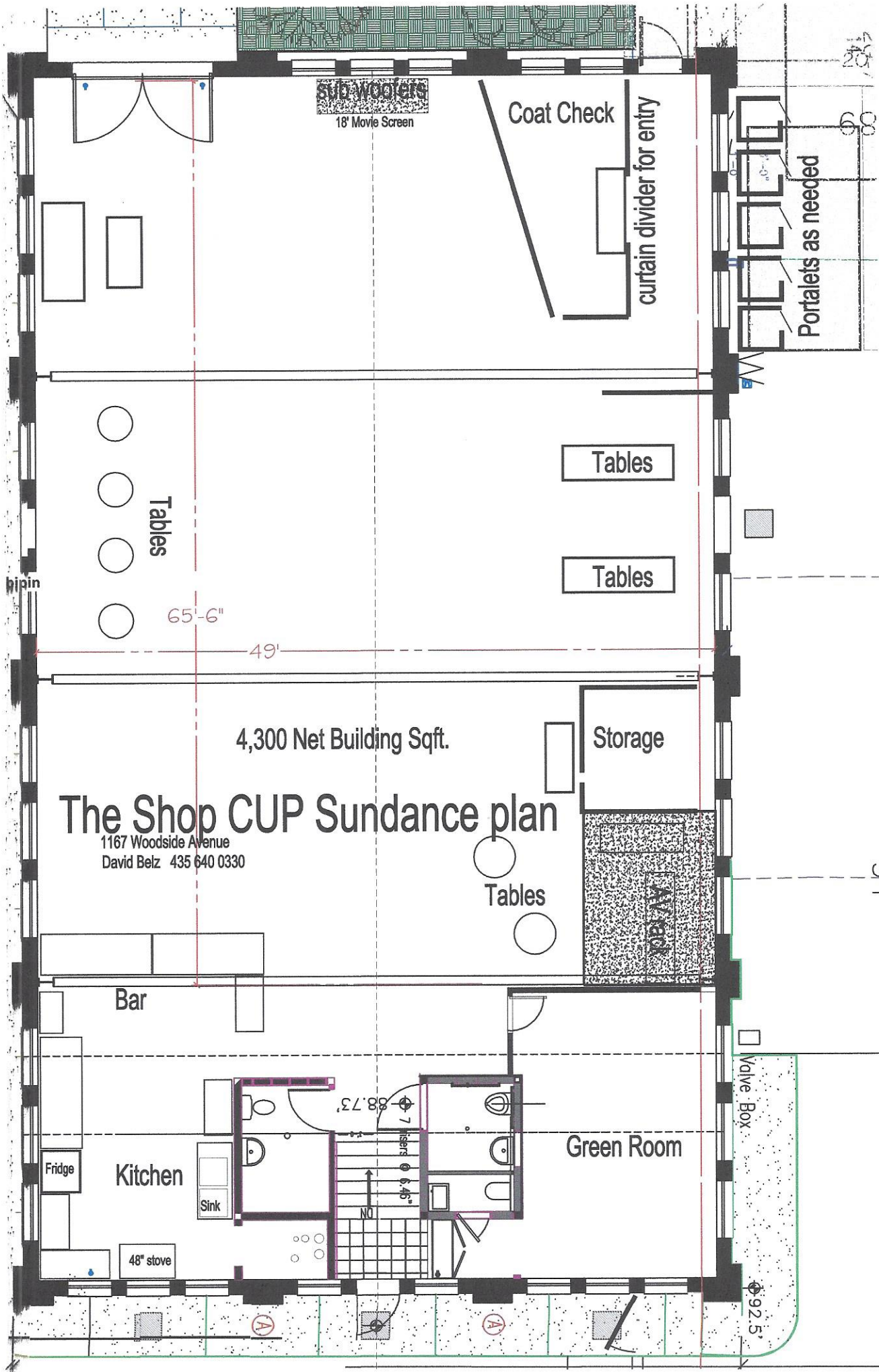
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The Shop CUP Sundance plan

1167 Woodside Avenue
David Belz 435 640 0330

NORFOLK AVENUE



The Shop CUP Sundance plan

1167 Woodside Avenue
David Belz 435 640 0330

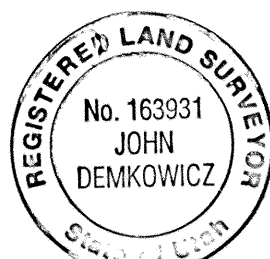
4,300 Net Building Sqft.

SURVEYOR'S CERTIFICATE

I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 163931, as prescribed by the laws of the State of Utah, and that this Lot Line Amendment Plat was prepared under my direction in accordance with the requirements of the Park City Municipal Corporation. I further certify that this plat accurately represents the surveyed property.

John Demkowicz
John Demkowicz

7/31/00
Date



LEGAL DESCRIPTION

All of Lots 14 through 20, inclusive, BLOCK 8, SNYDER'S ADDITION TO THE PARK CITY SURVEY, 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 1167 WDSO, L.C., a Utah limited liability company, owner of the herein described tract of land, to be known hereafter as the 1167 WOODSIDE AVENUE REPLAT, having caused this Lot Line Amendment Plat to be prepared, does hereby consent to the recordation of this Lot Line Amendment Plat in accordance with Utah law.

ALSO, the owner, or its representative, hereby irrevocably offers for dedication to the City of Park City all the streets, land for local government uses, easements, parks, and required utilities and easements shown on the plat and construction drawings in accordance with an irrevocable offer of dedication.

In witness whereof, the undersigned set his hand this 31st day of

July, 2000.

By:

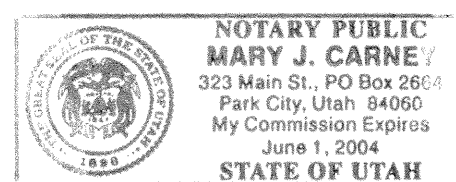
David Belz
David Belz
D.B. Holding, Inc., a Utah Corporation
Manager for 1167 WDSO, L.C.

ACKNOWLEDGMENT

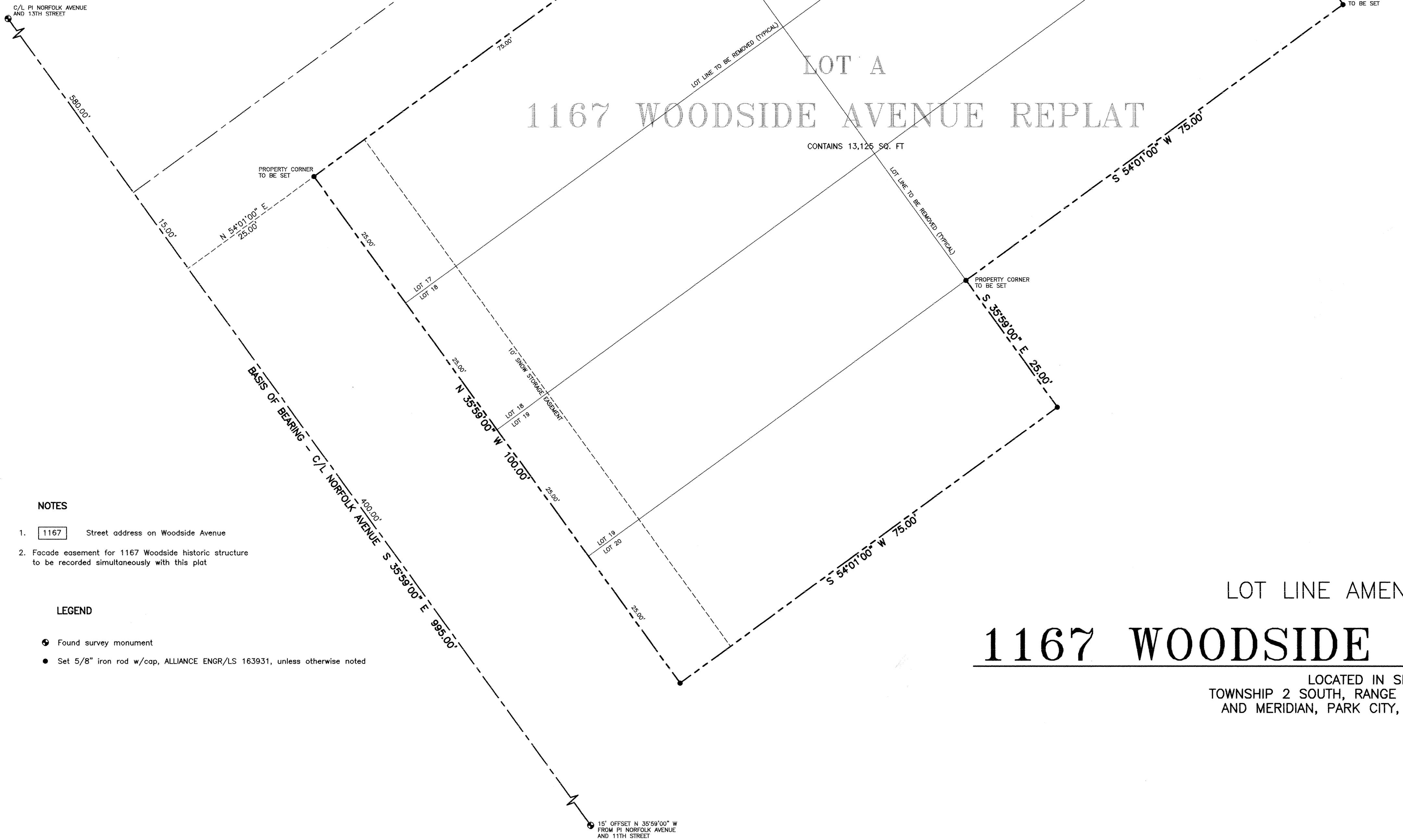
State of Utah:
County of Summit:

On this 31st day of July, 2000, David Belz personally appeared before me, the undersigned Notary Public, in and for said state and county. Having being duly sworn, David Belz acknowledged to me that he is the managing member of D.B. Holding, Inc., a Utah corporation, manager for 1167 WDSO, L.C., organized and existing under the laws of the state of Utah for and in behalf of said company for the uses and purposes stated therein and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

Mary J. Carney
Notary Public



My commission expires: June 1, 2004



NOTES

1. 1167 Street address on Woodside Avenue
2. Facade easement for 1167 Woodside historic structure to be recorded simultaneously with this plat

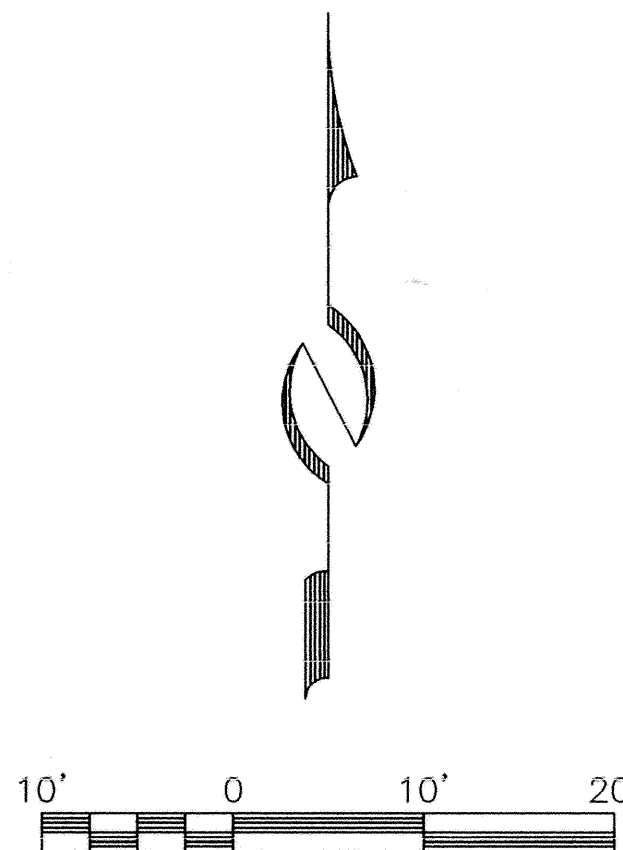
LEGEND

- Found survey monument
- Set 5/8" iron rod w/cap, ALLIANCE ENGR/LS 163931, unless otherwise noted

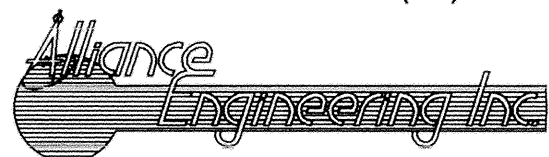
LOT LINE AMENDMENT PLAT

1167 WOODSIDE AVENUE REPLAT

LOCATED IN SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE
AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH



JOB NO.: 8-5-99 FILE: Z:\Sa\dwg\sr\plat99\080599.dwg



(435) 649-9467

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

SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT STANDARDS ON THIS 2ND

DAY OF August, 2000 A.D.

BY *Michael C. ...*
S.B.S.I.D.

PLANNING COMMISSION

APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 25TH DAY OF OCTOBER, 2000 A.D.

BY *Michael C. ...*
CHAIRMAN

ENGINEER'S CERTIFICATE

I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 2ND DAY OF August, 2000 A.D.

BY *Eric W. ...*
PARK CITY ENGINEER

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS 18TH DAY OF MAY, 2000 A.D.

BY *Timothy C. ...*
PARK CITY ATTORNEY

CERTIFICATE OF ATTEST

I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 30TH DAY OF SEPTEMBER, 2000 A.D.

BY *David M. ...*
PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 30TH DAY OF SEPTEMBER, 1999 2000 A.D.

BY *Redmond ...*
ALTERNATE MAYOR PRO TEM

RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF High Country Title

DATE 5-30-2001 TIME 08:53:41 BOOK PAGE 31ST FEE RECORDER



Park City Municipal Corporation
P.O. Box 1480
Park City, UT 84060



Approved _____
(date)

Park City Municipal Corporation
P.O. Box 1480
Park City, UT 84060

Application # 94063

Denied _____
(date)

(801) 645-5021

Receipt # 14235

VARIANCE OR NONCONFORMING USE

APPLICATION FOR: CHANGE OF Non Conforming USE & VARIANCE FOR PARKING ACCOMMODATION

PROJECT INFORMATION

Name: THE ~~DESIGN~~ SHOP

Address
or Location: 1167 WOODSIDE, (12th & WOODSIDE)

Legal
Description: SEE ATTACHED

APPLICANT (check one)

(☒) Owner () Optionee () Buyer () Agent () Other

Name: DAVID BELL

Mailing
Address: PO BOX 681237
Park City 84068

Telephone
Number: 801 649 9339

OWNER(S) OF RECORD

Name: DAVID BELL AKA 1167 WDSD LC.

Mailing
Address: PO BOX 681237
PARK CITY 84068

Telephone
Number: 801 649 9339

***** DO NOT WRITE BELOW THIS LINE *****

Application Accepted:
Project Planner:
Complete Checklist:

(initials)
(name)
(initials)

Additional Information
Requested:



ACKNOWLEDGEMENT OF RESPONSIBILITY

This is to certify that I am making application for the described action by the City and that I am responsible for complying with all City requirements with regard to this request. This application should be processed in my name and I am the party who the City should contact regarding any matter pertaining to this application.

I have read and understood the instructions supplied by Park City for processing this application.

The documents and/or information I have submitted are true and correct to the best of my knowledge.

I will keep myself informed of the deadlines for submission of material and of the progress of this application.

I further understand that additional fees may be charged for the City's review of the proposal. Any additional analysis required would be processed through the City's consultants with an estimate of time/expense provided prior to an authorization to proceed with the study.

Signature of Applicant: [Signature] Date: 5/2/98

Name of Applicant: DAVID BELL
(please print or type)

Mailing Address: PO BOX 681237
PARK CITY UTAH

Telephone Number: 801-649 9339

Type of Application: CHANGE of New Conformity USE / VARIANCE

AFFIRMATION OF SUFFICIENT INTEREST

I hereby affirm that I am the fee title owner of the below described property or that I have written authorization from the owner to pursue the described action.

Name of applicant: DAVID BELL
(please print or type)

Mailing Address: PO BOX 681237
PARK CITY 84068

Street address/legal description of subject property: 1167 WOODSIDE,
SEE ATTACHED

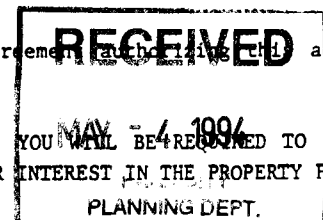
Signature: [Signature] Date: 5/2/98

If you are not the fee owner, attach another copy of this form which has been completed by the fee owner or a copy of your authorization to pursue this action.

If a corporation is fee title holder, attach copy of the resolution of the Board of Directors authorizing this action.

If a joint venture or partnership is the fee owner, attach a copy of agreement authorizing this action on behalf of the joint venture or partnership.

THIS AFFIRMATION IS NOT SUBMITTED IN LIEU OF SUFFICIENT TITLE EVIDENCE. YOU WILL BE REQUIRED TO SUBMIT A TITLE OPINION, CERTIFICATE OF TITLE, OR TITLE INSURANCE POLICY SHOWING YOUR INTEREST IN THE PROPERTY PRIOR TO FINAL ACTION.



APPLICATION FOR CHANGE OF NON-CONFORMING USE

I am writing in regards to the proposed renovation and change of Non Conforming use for 1167 Woodside, Formerly known as the "The Bus Barn" and / or The Industrial Arts Building for the Carl Winter School. The Building is located in the HR-1 zone, and has been non conforming, in both form and use, since it was originally built in 1936.

It has long been my dream to restore this building and I wish to move ahead now. Substantial work will be required to restore the structure. These extensive costs, the building's character, history and location all indicate a need for commercial use. Because of its non conforming nature, an approval from the Board of Adjustments and Planning Department will be needed.

The building's present use is as a Commercial storage space and maintenance / garage facility. This use was inherited from it former owner, The Park City School Board. While under their ownership the building served as the Industrial Arts shop space and then later as a bus storage and maintenance facility. Enclosed is the Affidavit of Burke Jolley, the School Board Administrator, which certifies the structure's past use, and my own Affidavit certifying its non-conforming use since 1991.

My proposed use is for Professional office / studio space which could include Architects, Interior Designers, Engineers, Attorneys, Artist Studios, and /or other similar uses. My Architecture, design and consulting offices will be the first tenant for the majority, if not all, of the building's 4,500 Sq. Ft.

Other use we feel might be appropriate would be cultural / educational uses which could be an extension of the activities next door at the Park City Education Center. We would specifically preclude any destination retail uses which, we feel, would generate inappropriate traffic and congestion for this area of town.

In the proposed renovation we would completely restore the shell of this historic structure as originally built. As a part of this effort, all windows will be replaced with new units to match those recently installed at the Park City Education Center. The structure will be enhanced to meet code, a new roof will be added, and all brick and masonry work will be repaired and or replaced as needed. Additionally, all new mechanicals, bathroom facilities and other required improvements will be provided. The end result will be a completely renovated shell designed to compliment the recently restored Park City Education Center.

We hope that the Board will feel, as we do, that our proposed change of Non-Conforming use is compatible with the surrounding neighborhood and the adjacent Park City Education Center. Allowing us the proposed change of Non-Conforming use will facilitate the immediate restoration of this significant historic structure.

Actions Requested of the Board of Adjustments

1. Approval for a change of non conforming use from a B-1 / B-4 commercial use; (Storage, garage and maintenance), to a B-2 occupancy. The B-2 occupancy, as proposed, to be limited to professional offices, design and / or art studios, and / or cultural educational uses deemed compatible with the adjacent Park City Education Center.
2. Approval of the proposed phased parking plan with variances as needed and explained below:

At 4,500 Square Feet, 14 cars would be required for the proposed commercial use(s). This is based on 3/1000Sq.Ft.; the base requirement from chapter 13 of the LMC.

I have included two schematic parking plans, both which meet or exceed the base code requirements. Both plans require variances for **below grade** parking in the set back areas. The existing parking plan additionally requires either a provision for tandem parking and or a waiver as allowed in the LMC for hardship conditions involving historic structures. Further, both plans would require some consideration for allowing parking which is not "fully enclosed".

We request a phased parking plan which would facilitate the restoration of the primary structure while utilizing the parking as now provided on site. (see the existing site plan) As our use patterns dictate additional or reconfigured parking, or we gain approval for the proposed housing fronting Norfolk Avenue, then we would complete the parking plan shown in the attached drawings. We feel confident our plans will provide the neighborhood adequate parking for all phases of the project.

Thank you for your consideration of our request. We look forward to working with the board to identify and address any concerns regarding our proposal so that together, we can work to see this significant historic structure saved.

Sincerely yours,



David Belz





Park City Municipal Corporation
P.O. Box 1480
Park City, UT 84060

VARIANCE/NONCONFORMING USE FACT SHEET

DESCRIPTION

Existing zoning: HR1

Current use of property: STORAGE / GARAGE / MAINTENANCE facility

Application is for a: (check one)

(☒) variance (☒) modification to a nonconforming use

Proposal is for: PROFESSIONAL OFFICES / STUDIOS / CREATIVE / ARTS USES

Is the application pertaining to an existing historic structure? (check one)

(☒) yes () no

Existing setbacks: 12' (ft. front) 46' (ft. rear)

23'-7" (ft. side) 4" (ft. side)

Proposed setbacks: 12' (ft. front) 0' (Below GRADE) (ft. rear)

23'-7" (ft. side) 4" (ft. side)

Property area: .3 (acres) 13,125 (square feet)

Number of parking spaces required: 1 proposed: 18

APPLICATION REQUIREMENTS

☒ Completed application form

☐ Review fees paid

☐ Names and mailing addresses and stamped and addressed envelopes for property owners within 300'

☒ 3 complete sets of all plans submitted

☒ Copies of any other applications under review

☒ Written statement provided addressing the specifics of the request, the nature of the appeal, and in response to the review criteria used to evaluate the application

RECEIPT
PARK CITY
MUNICIPAL
CORPORATION

P.O. BOX 1480
PARK CITY, UTAH 84060
PHONE 645-5030

DATE 5/4/94

REC'D FROM DAVID BELZ

UF ☐ GF ☐ CASH ☐
FUND ☐ CHECK ☒

WATER SERVICE	
SEWER SERVICE	
BUSINESS LICENSE	
FINES	
MISC. REVENUES	

NONCONFORMING USE + VARIANCE BOARD OF ADJUSTMENT REVIEW	200 00
---	--------

BUILDING PERMIT	
PLAN CHECK FEES	
CONNECTION FEE	
1 % STATE	
WATER DEV.	
METER	
IMPACT	
ELECTRICAL	
PLUMBING	
MECHANICAL	
SIGN PERMIT	

200 -

14235

REC'D. BY JD

DAVID BELZ, ARCHITECT 6-91
811 PARK AVENUE, P. O. BOX 681087
PARK CITY, UTAH 84068-1087
OFFICE 801-649-9339

PAY TO THE ORDER OF PCMC

Two Hundred 02 100 DOLLARS

\$ 200 00

5/3 1994

31-1/1240

1010

First Security Bank of Utah
P.O. Box 1660
Park City, Utah 84060

MEMO

1240000121038 00040 93 1010

COPY

AFFIDAVIT OF BURKE JOLLEY

This affidavit is to serve as my sworn testimony regarding the structure at 1167 Woodside also known to many as the "Bus Barn".

My present title is Business Administrator for the Park City School District. I have worked with the School District, former owner of the subject property, since 1988.

I state the following to be true to the best of my knowledge:

The subject property was originally an Industrial Arts facility for the High School and subsequently for the Middle School. In this capacity the building functioned as a large woodworking shop to teach vocational skills to the students.

On or around 1980, the facility was converted to a Bus Garage servicing the School District.

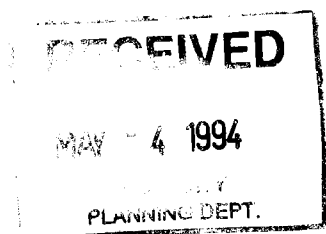
In its capacity as a garage facility, the buildings primary function was for the storage and maintenance of School buses and on occasion, other mechanical equipment such as snow plows.

The facility was, on at least one occasion, also rented to a movie production company for the building of movie sets.

The primary uses described above were active and maintained for at least 12 weeks per year for each and every year since the building's conversion from an Industrial Arts facility until the time the property was sold to Mr. David Belz AKA DB Holding Inc., AKA 1167 Wdsd LC.

I here-in swear that all the above information is true and accurate to the best of my knowledge and is affirmed as such by the affixing of my signature below.

Burke Jolley Burke Jolley 4/14/94 Date



AFFIDAVIT OF DAVID BELZ

This affidavit is to serve as my sworn testimony regarding the structure at 1167 Woodside also known to many as the "Bus Barn".

My present title is owner / Architect of the subject property which is the subject of this affidavit.

I state the following to be true to the best of my knowledge:

The subject property was originally an Industrial Arts facility for the High School and subsequently for the Middle School. In this capacity the building functioned as a large woodworking shop to teach vocational skills to the students.

On or around 1980, the facility was converted to a Bus Garage servicing the School District.

In its capacity as a garage facility, the buildings primary function was for the storage and maintenance of School buses and on occasion, other mechanical equipment such as snow plows.

The facility was, on at least one occasion, also rented to a movie production company for the building of movie sets.

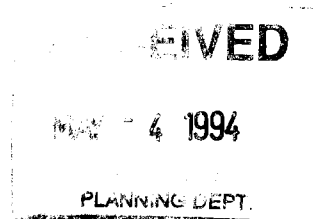
The primary uses described above were active and maintained for at least 12 weeks per year for each and every year since the building's conversion from an Industrial Arts facility until the time the property was sold to Mr. David Belz AKA DB Holding Inc., AKA 1167 Wdsd LC.

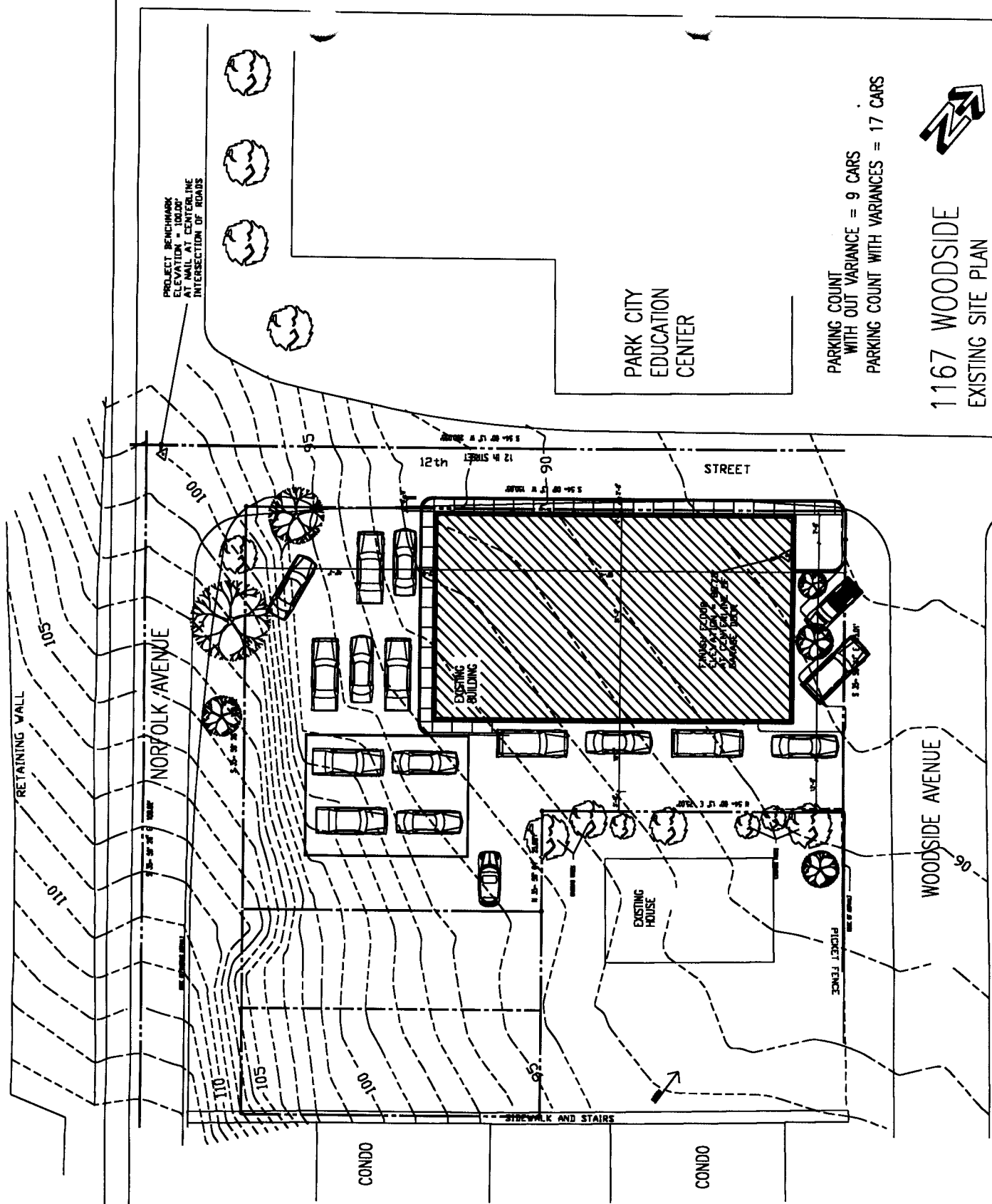
Since I, David Belz, acquired the property in August of 1991, the building has continued its use as a garage / maintenance / storage facility. This use, under my ownership, has been uninterrupted to date.

I here-in swear that all the above information is true and accurate to the best of my knowledge and is affirmed as such by the affixing of my signature below.



David Belz stehe Date





PARK CITY
EDUCATION
CENTER

PARKING COUNT
WITH OUT VARIANCE = 9 CARS
PARKING COUNT WITH VARIANCES = 17 CARS



1167 WOODSIDE
EXISTING SITE PLAN

SCALE: 1" = 10'

BOARD OF ADJUSTMENT

STAFF REPORT

TO: BOARD OF ADJUSTMENT
FROM: PLANNING STAFF
DATE: SEPTEMBER 6, 1994
**RE: VARIANCE FROM PARKING REQUIREMENTS AND BOARD OF
ADJUSTMENT APPROVAL TO ALLOW A CHANGE IN A NON-
CONFORMING USE.**

I. PROJECT STATISTICS

Project Name:	The Bus Barn
Applicant:	David Belz
Location:	1167 Woodside
Proposal:	1. Variance from parking requirements 2. Approve a change in a non-conforming use
Zoning:	HR-1
Adjacent Land Uses:	Carl Winters Building, scattered single-family dwellings
Date of Application:	May 4, 1994
Project Planner:	Tamara Campbell
Staff Recommendation:	Continue

The applicant requests an indefinite continuance in an effort to further coordinate with staff regarding alternative parking solutions for the property. (See attached letter).

David Belz, Architect

811 Park Avenue PO Box 681237
Park City, Utah 84068

August 31, 1994

Tamara Campbell

Park City Community Development Department
545 Marsac
Park City, Utah 84060

Dear Tamara,

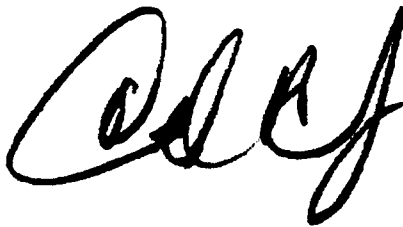
As per our conversation, this is to officially request another stay in the hearing by the Board of Adjustments on the "Bus Barn" change of non-conforming use.

I apologize for not giving you this notice before you mailed out notices as I have had this trip planned for some time now.

We will try and reschedule for the next earliest possible date and anything I can do to help, as always, just let me know.

Thank you for understanding,

David Belz for 1167 Wdsd, L.C.



**BOARD OF ADJUSTMENT
STAFF REPORT**

TO: BOARD OF ADJUSTMENT
FROM: PLANNING STAFF
DATE: AUGUST 2, 1994
**RE: VARIANCE FROM PARKING REQUIREMENTS AND BOARD OF
ADJUSTMENT APPROVAL TO ALLOW A CHANGE IN A NON-
CONFORMING USE.**

I. PROJECT STATISTICS

Project Name:	The Bus Barn
Applicant:	David Belz
Location:	1167 Woodside
Proposal:	1. Variance from parking requirements 2. Approve a change in a non-conforming use
Zoning:	HR-1
Adjacent Land Uses:	Carl Winters Building, scattered single-family dwellings
Date of Application:	May 4, 1994
Project Planner:	Tamara Campbell
Staff Recommendation:	Continue

The applicant requests an indefinite continuance in an effort to further coordinate with staff regarding alternative parking solutions for the property.

David Belz for DB Holdings, Inc.

811 Park Avenue PO Box 68127
Park City, Utah 84068
801-649-9339 Fax: 647-9339

*3000-Res
FILE
Bely-Vancouver
only ~~DB~~ Bus Bar*

August 1, 1994

Bruce King and Duna Strachan

Soaring Wings Montessori School
2083 Equestrian Ct.
Park City, Utah 84060
649- 3626

Dear Bruce and Duna,

I am writing in response to your interest in my property at 12th and Woodside.

I appreciate your interest and agree that your proposed use may be appropriate for the subject property.

Not-with standing this, when we spoke I shared with you my strong personal desires for the space. As mentioned, I wish to place my Architecture design studio, possibly teach Karate, yoga and other like classes in the early evenings, and at times, lease a few smaller spaces for other compatible studio uses. This would include artist and or other design professionals. Under this scenario, we intend to minimize the number of users to around 10, except for the few hours when classes might be in session.

In looking at your proposed plan, it appears you wish to occupy the entire structure and at this date, the most I wish to consider is the renting of a portion of the building.

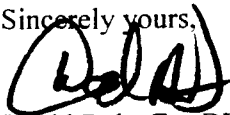
Another possible problem concerns rents of which we have had little discussion. Based on my projected basis and market rates, It is unlikely I could come close to the excellent terms you presently enjoy with the city.

At this juncture, I am going to wait and see where the process leads the project. As circumstances are always changing, at a future date I may be more inclined to consider your offer. Under any circumstance, the lengthy approval process has insured that the space will not be available for any newly proposed use before the middle of next year.

In the interim, and until I can reach an agreement with the city, I am content to let the building continue to function as a garage / storage facility.

I greatly appreciate your interest and will stay in touch as the project moves forward.

Sincerely yours,



David Belz, For DB Holdings, Inc.

soaring wings montessori school
"give your child roots, then wings"



8/28/94

TOBY,

IT APPEARS THAT DAVID PLANS
TO PLAY THE WAITING GAME
WITH THE CITY (SEE ENCLOSED LETTER).

PLEASE TAKE A LOOK AT THE
ENCLOSED MONTESSORI FARMSCHOOL BOOK.
WOULDN'T THIS BE AN EXCELLENT
USE FOR THE OSGUTHORPE PROPERTY!
DUNA AND I WOULD LOVE TO PERSUE
IT IF WE THOUGHT THE COMMUNITY
WOULD SUPPORT SUCH AN ENDEAVOR.

Ernie

2088 equestrian ct. • park city, utah 84066

801 639-3626

mtg. w/ David Bely 7/29/94

1167 Woodside Variance

- 1) Parking reduction / parking in setback area
- 2) Bot A required to approx change in non-conforming use.

D. Bely proposes build-out
4,500 sq total ~~sq~~ = 15 Spaces

Use is for Architecture Office 2,000 =
5,500 sq art studio = 2,000

20 Spaces required using "net" formula.

TO: Tamara J. Campbell
Planning Department

FROM: Sandra J. Hall *Sandra J. Hall*
1149 Park Avenue
P. O. Box 285
Park City, UT 84060

DATE: July 29, 1994

SUBJECT: Anticipated Future Use of "The Bus Barn"

I am unable to attend the meeting on August 2 when the Board of Adjustment will review this proposal and as an adjoining property owner to "The Bus Barn" my question regarding this project concerns the "request for a phased parking plan". Can someone explain to me what this means?

During the day I can be reached at 645-5600, ext. 125, or in the evenings and weekends at 649-9732.

Sent via fax - 2 pages.

David Belz, Architect, Owner

811 Park Avenue PO Box 681237

Park City, Utah 84068

Work: 801-649-9339 Fax: 647-9339

July 29, 1994**Tamara Campbell, Planner****Department of Community Development, PCMC**

545 Marsac

Park City, Utah 84060

Dear Tamara

As decided at our meeting this morning, this memo is to formally request that the Board of Adjustments hearing on 1167 Woodside for a change of non conforming use be postponed from Tuesday August 3 until Further notice.

Although I believe the application is complete and ready to go, this postponement should allow both of us more time to assure every detail of our application is supportable by code and staff.

As we spoke of this morning, I will prepare another brief point by point analysis for the planning department to address what code provisions are being applied in my application. This should help us determine for certain that no detail of the application is at jeopardy. As I joked the other day, I hope my thoroughness doesn't shoot me in my own foot.

In the meantime, my original application has a detailed point by point break down of the code provisions being applied and staff analysis of any problems they perceive would be greatly appreciated.

By understanding what "hooks" the planning department may find, I can address those concerns through process and /or plan modifications.

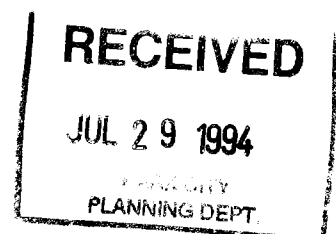
I know that every one at the city is extremely busy but this postponement is in no way intended to remove the application from process, I only wish to allow us both time to make sure ever t is crossed and I is dotted.

I wish to be ready to go to the board at one of the next few meetings and accordingly, I hope staff can make the time to take a thorough look at the project and help to trouble shoot the process in front of us.

As always I thank you for your help and make myself available to discuss the project at your convenience.

Thank you again for your help,

David Belz



soaring wings montessori school
"give your child roots, then wings"



David M. Belz
817 Park Avenue
Park City, Utah

July 28, 1994

Dear David,

I am writing this letter as a follow up to our telephone conversation last week. As discussed, we believe the 'bus barn' building at the corner of Woodside and 12th Street would ideally meet the needs of our private school as we continue to expand and such a use would also suit the desires and needs of the city.

Soaring Wings Montessori School is a private school which has been operating and expanding within the Park City limits since 1987. Since moving into the P.C. Education Center, January, '93, our enrollment has more than tripled. We currently have two Primary classes (ages 3-5) and one Lower Elementary class (ages 5-9). January '95 we will open an Upper Elementary class (ages 9-12) and September '96 we will open a Middle School class (ages 12-14) which will provide our students with an outstanding education through eighth grade (see the preliminary layout sketch attached). We currently lease three classrooms along with the playground from the city and obviously need more space soon.

In addition to a very appropriate use of the 'bus barn', relinquishing our current lease would greatly facilitate the needs and desires of the city and we believe that in exchange for sacrificing such a valuable asset, they would be very willing to help meet your needs along with ours.

Many of the parents involved in our school have a long term interest and the financial resources to insure the success of such a project. We are currently in the process of organizing an investment group and possible options range from purchasing the property 'as is' to having you 'design and build to suit' for lease to Soaring Wings.

Please consider this proposal and contact us at your convenience.

Sincerely,

Bruce W. King & Duna Strachan
Owners, Soaring Wings Montessori School

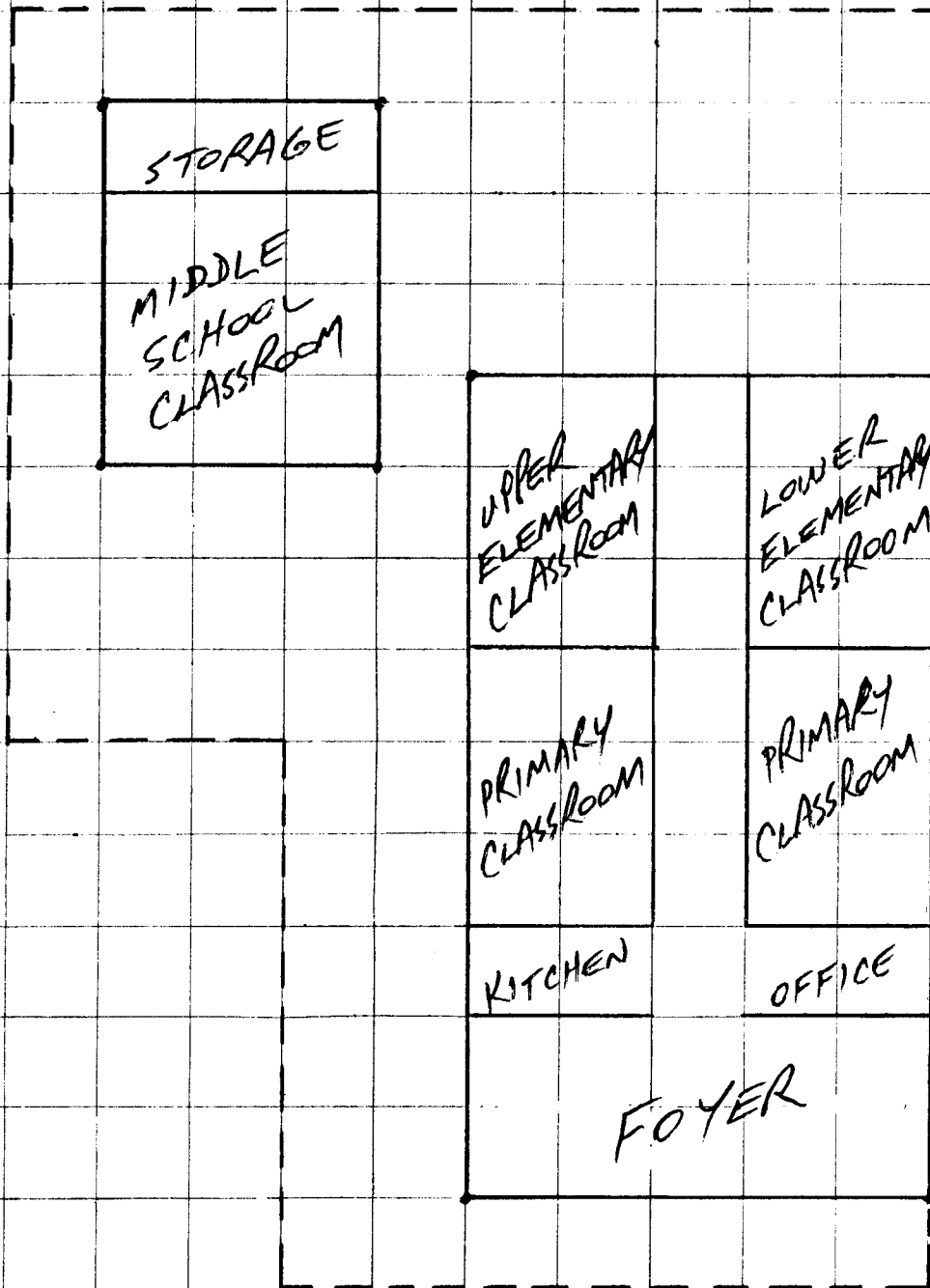
xc: Toby Ross, City Manager
Rick Lewis, Community Development Director

2083 Squawman St. • Park City, Utah 84060

801-224-3020

"BUS BARN"

WOODSIDE & 12TH STREET
PARK CITY, UTAH



AK
7/2/94

David Belz, Architect, Owner

811 Park Avenue PO Box 681237
Park City, Utah 84068
Work: 801-649-9339 Fax: 647-9339

June 17, 1994

Tamara Campbell, Planner

Department of Community Development, PCMC
545 Marsac
Park City, Utah 84060

Dear Tamara

I am writing in regards to my application for 1167 Woodside's change of Non conforming use to the Board of Adjustments.

I have been told that you have taken this project over from Janice and I have yet to hear from either of you on the matter.

I spoke to Megan the other day and she told me we were scheduled for the June 28th Board of Adjustments meeting.

I am glad we have gotten the project scheduled, however, I am concerned as I have received no formal staff input to react to and prepare from. With my recent CAD hearing on 801 this was and is a major problem. In that instance, I was not given critical review positions of the city until the Friday before our Monday meeting. I was unfairly surprised by the content of staffs analysis and had insufficient time to fully respond. Further, the HDC did not have any time to consider that which I was able to prepare before they took action. I can not have the same situation occur with this project.

To date, the only input I have received has been a couple of conversations in the hall and one or two phone calls with Janice. Each time I enquired as to where the staff was at with its review and what positions they had taken, if any. I was told that staff "had a problem" with my claim of a non-conforming use, and in a different conversation that the staff may be able to support class room type uses but had a problem with my proposed office uses.

I tried to get Janice to elaborate on the problems concerning the documentation I provided showing that my Non-Conforming use had been properly maintained. She could not give me any further information other than staff some how felt the non conforming use had not been maintained.

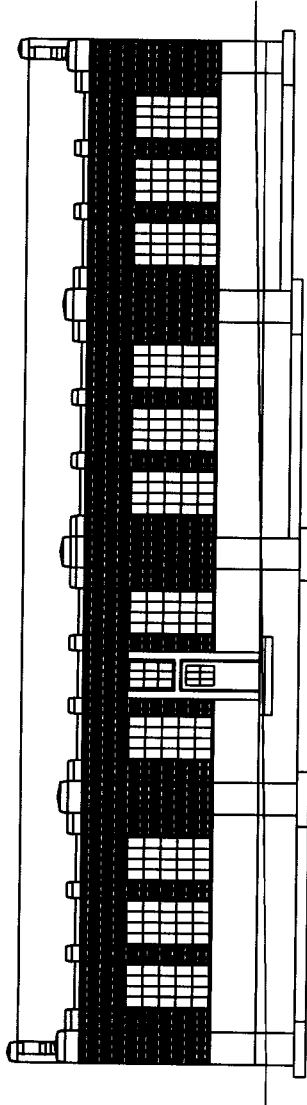
I need to get staffs review as soon as possible to determine if there is any further information I need to prepare. Depending on staffs position and when I can receive that information, we may need to make provisions so I can prepare further for our meeting and so that the Board of Adjustments can have time to digest any additional materials which staff feels may be needed.

Please contact me as soon as possible so I can find out where we stand.

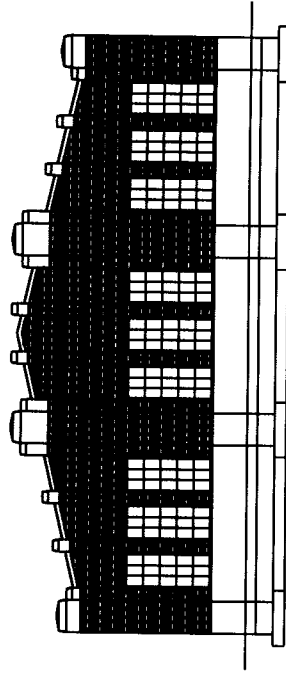
Sincerely yours,

David Belz

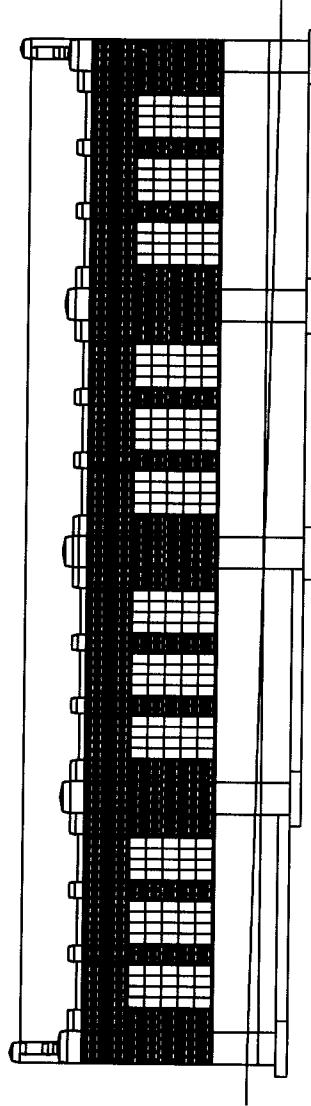




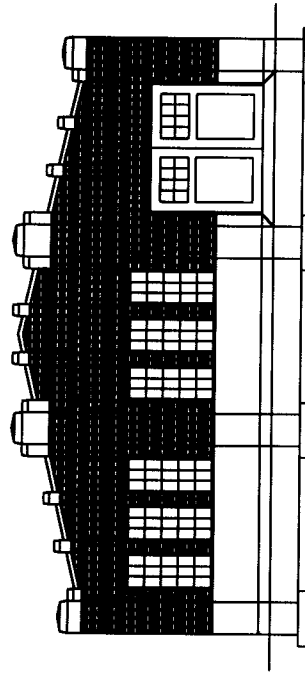
NORTH ELEVATION



WEST ELEVATION



SOUTH ELEVATION



EAST ELEVATION

1167 WOODSIDE ELEVATIONS

SCALE: 1" = 10'

Recorded at Request of _____

at _____, M. Fee Paid \$ _____

by _____ Dep. Book _____ Page _____ Ref.: _____

Mail tax notice to _____ Grantee _____ Address To Box 681237 / Park City Utah
84068

S-13730

SPECIAL WARRANTY DEED

[CORPORATE FORM]

The Board of Education of the Park City School District _____, a corporation organized and existing under the laws of the State of Utah, with its principal office at Park City _____, of County of Summit _____, State of Utah, grantor, hereby CONVEYS AND WARRANTS against all claiming by, through or under it to

D.B. Holding, Inc., a Utah Corporation

of _____ grantee
TEN AND NO/100--and other good and valuable consideration-----DOLLARS
the following described tract of land in Summit _____ County,
State of Utah:

All of Lots 14 through 20, inclusive, Block 8, SNYDERS ADDITION TO THE PARK CITY SURVEY, according to the official plat thereof, on file and of record in the office of the Summit County Recorder.

Subject to current general taxes, easements, restrictions and rights of way of record.

The officers who sign this deed hereby certify that this deed and the transfer represented thereby was duly authorized under a resolution duly adopted by the board of directors of the grantor at a lawful meeting duly held and attended by a quorum.

In witness whereof, the grantor has caused its corporate name and seal to be hereunto affixed by its duly authorized officers this 2nd day of August, A. D. 1991

Attest:

Secretary.

[CORPORATE SEAL]

The Board of Education of the Park City
School District

By

Val E. Chin
Val E. Chin

Board-President.

STATE OF UTAH,
County of Summit

ss.

On the 2nd

day of

August

, A. D. 1991 Page 110 of 418



Department of Community Development
Engineering • Building Inspection • Planning

June 6, 1995

NOTICE TO ADJOINING PROPERTY OWNERS

Dear Property Owner:

The Park City Planning Department has received an application for a variance in your neighborhood as described below. The Board of Adjustment will review this proposal at their meeting of **June 20, 1995** at 5:00 P.M. in the Main Floor Conference Room at City Hall (the Marsac Building) at 445 Marsac Avenue.

Project Description: Request to change a non-conforming use from bus storage to professional offices and art studios

Applicant: David Belz, Architect

Project Location: 1167 Woodside Avenue

If you have any questions or comments regarding the variance, please contact this office at (801) 645-5021 during normal business hours. You are invited to attend the meeting and address the Board of Adjustment members with your comments and questions, or send them to the Planning Staff and we will forward them for you.

Sincerely,

A handwritten signature in cursive script that reads "Kirsten A. Whetstone".

Kirsten A. Whetstone, AICP
Planner

scb



Department of Community Development
Engineering • Building Inspection • Planning

November 1, 1994

NOTICE TO ADJOINING PROPERTY OWNERS

Dear Property Owner:

The Park City Planning Department has received an application for a variance in your neighborhood as described below. The Board of Adjustment will review this proposal at their meeting of **November 15, 1994** at 5:00 P.M. in the Main Floor Conference Room at City Hall (the Marsac Building) at 445 Marsac Avenue.

Project Description: 1) Request to change a non-conforming use from bus storage to professional offices and art studios; and 2) request for a variance from parking requirements.

Applicant: David Belz

Project Location: 1167 Woodside (12th and Woodside)

If you have any questions or comments regarding the variance, please contact this office at (801) 645-5021 during normal business hours. You are invited to attend the meeting and address the Board of Adjustment members with your comments and questions, or send them to the Planning Staff and we will forward them for you.

Sincerely,

A handwritten signature in cursive script, reading "Kirsten A. Whetstone".

Kirsten A. Whetstone, AICP
Planner

KAW/scb



Department of Community Development
Engineering • Building Inspection • Planning

October 4, 1994

NOTICE TO ADJOINING PROPERTY OWNERS

Dear Property Owner:

The Park City Planning Department has received an application for a variance in your neighborhood as described below. The Board of Adjustment will review this proposal at their meeting of **October 18, 1994** at 5:00 P.M. in the Main Floor Conference Room at City Hall (the Marsac Building) at 445 Marsac Avenue.

Project Description: 1) Request to change a non-conforming use from bus storage to professional offices and art studios; and 2) request for a variance from parking requirements.

Applicant: David Belz

Project Location: 1167 Woodside (12th and Woodside)

If you have any questions or comments regarding the variance, please contact this office at (801) 645-5021 during normal business hours. You are invited to attend the meeting and address the Board of Adjustment members with your comments and questions, or send them to the Planning Staff and we will forward them for you.

Sincerely,

A handwritten signature in black ink, appearing to read "Tamara J. Campbell". The signature is fluid and cursive, with the first name "Tamara" being more prominent.

Tamara J. Campbell, AICP
Principal Planner

TJC/scb



Department of Community Development
Engineering • Building Inspection • Planning

August 23, 1994

NOTICE TO ADJOINING PROPERTY OWNERS

Dear Property Owner:

The Park City Planning Department has received an application for a variance in your neighborhood as described below. The Board of Adjustment will review this proposal at their meeting of **September 6, 1994** at 5:00 P.M. in the Main Floor Conference Room at City Hall (the Marsac Building) at 445 Marsac Avenue.

Project Description: 1) Request to change a non-conforming use from bus storage to professional offices and art studios; and 2) request for a variance from parking requirements.

Applicant: David Belz

Project Location: 1167 Woodside (12th and Woodside)

If you have any questions or comments regarding the variance, please contact this office at (801) 645-5021 during normal business hours. You are invited to attend the meeting and address the Board of Adjustment members with your comments and questions, or send them to the Planning Staff and we will forward them for you.

Sincerely,

A handwritten signature in black ink, appearing to read "Tamara J. Campbell".

Tamara J. Campbell, AICP
Principal Planner



Department of Community Development
Engineering • Building Inspection • Planning

July 18, 1994

NOTICE TO ADJOINING PROPERTY OWNERS

Dear Property Owner:

The Park City Planning Department has received an application for a variance in your neighborhood as described below. The Board of Adjustment will review this proposal at their meeting of **August 2, 1994** at 5:00 P.M. in the Main Floor Conference Room at City Hall (the Marsac Building) at 445 Marsac Avenue.

Project Description: Request for change a non-conforming use (The Bus Barn) from commercial to professional offices, design and/or arts studios, and/or cultural educational uses; and, request for a phased parking plan.

Applicant: David Belz

Project Location: 1167 Woodside (12th and Woodside)

If you have any questions or comments regarding the variance, please contact this office at (801) 645-5021 during normal business hours. You are invited to attend the meeting and address the Board of Adjustment members with your comments and questions, or send them to the Planning Staff and we will forward them for you.

Sincerely,


Tamara J. Campbell, AICP
Principal Planner

1167 WDSO LC
P.O. Box 681237
Park City, UT 84068-1237

Benson Family Trust
1155 Longfellow Dr.
Manhattan Beach, CA 90266

Philip & Vivian Boesch
1751 Old Ranch Road
Los Angeles, CA 90049

John & Jo Ann Bryner
U/Maryland European Div. Unit
#29216 APO AE

Josef Buehler
56 Ogden Canyon
Odgen, UT 84401

Geneva Butkovich
3632 E. 3225 S.
Salt Lake City, UT 84109

William & Olga Chapman
4340 Ledge Ave.
Taluca Lake, CA 91602

Trustees Columbia University
475 Riverside Dr. #401
New York, NY 10115

Emma Colvin
P.O. Box 430
Park City, UT 84060

Todd Debonis
21773 Ocean Vista Dr.
S. Laguna, CA 92677-2556

Phillip Falk
2065 Lucky John Dr.
Park City, UT 84060

William Forrest
4340 Ledge Ave.
Toluca Lake, CA 91602

William Fowler
3060 Millcreek Rd.
Salt Lake City, UT 84109

Galapagos, Inc.
13760 Noel Road #800
Dallas, TX 75240

William & Sally Grenney
1716 E. 1600 N.
Logan, UT 84321-2956

Don & Eleanor Griffin
116 Twilight Ct.
Park City, UT 84060

Sandra & Norman Hall
P.O. Box 285
Park City, UT 84060

Marshall & Virginia Hall
4204 Hazeltine St.
Sherman Oaks, CA 92423

Linda & Richard Harris
109 Simpson Ave
Evanston, WY 829030

Tim & Katherine Henney
P.O. Box 3927
Park City, UT 84060

Gary Wayne Holland
P.O. Box 2393
Park City, UT 84060

Kenneth & Helen Holt
1557 W. Mable St.
Anaheim, CA 92802

Skiers Lodge Condominiums
Homeowners Association
PO Box 778
Park City UT 84060

Albert Janc
2722 Mission Blvd.
San Diego, CA 92109

Clara Juhl
2377 N. 450 W.
Kamas, UT 84036-9543

Holly Jean Jurgensen
863 Clough Pike
Cincinnati, OH 45245

Stephen Kalstein
P.O. Box 680381
Park City, UT 84068

Jack & Lois Maske
1826 E. Cottonwood Club Dr.
Salt Lake City, UT 84117

Carol Ryan Mawhinney
P.O. Box 1570
Park City, UT 84060

Steven McDowell
P.O. Box 11896
Salt Lake City, UT 84147

Annie Offert
2784 W. 5500 S.
Roy, UT 84067

Park City Municipal Corp.
P.O. Box 1480
Park City, UT 84060

Norma Petros
P.O. Box 521
Park City, UT 84060

Gary & Annett Piaget
1435 West Silver Meadows Dr.
Park City, UT 84060

Powder Ridge Condominiums
Homeowners Association
Charles Coniglio
2130 North Green Leaf Street
Santa Ana CA 92706

Resort Townhomes Condominium
R&R Properties
P.O. Box 1526
Park City, UT 84060

Trustee, Mary Ravarino
5493 Merlyn Dr.
Salt Lake City, UT 84117

Victorian Village Condominiums
~~Resort Property Management~~
Olympia Park Hotel
P.O. Box 3808 *Attn: Lynn Richmond*
Park City, UT 84060 *PO Box 4439*

Salt Lake Broadway Invs. Ltd.
4299 Macarthur Blvd. Ste. 205
Newport Beach, CA 92660

Jeffrey Schultz
P.O. Box 2845
Park City, UT 84060

Peter Shea
9 Beacon Bay
Newport Beach, CA 92660-7216

Mac Emory & Mary Smith
2344 Magnolin Crt.
Hanford, CA 92230

James Steinmetz
P.O. Box 823
Park City, UT 84060

Janet & David Stephenson
P.O. Box 95
Park City, UT 84060

Gregory Stevens
1117 Norfolk Ave
Park City, UT 84060

Helen Sturges
P.O. Box 435
Park City, UT 84060

Mable Sundstrom
P.O. Box 514
Park City, UT 84060

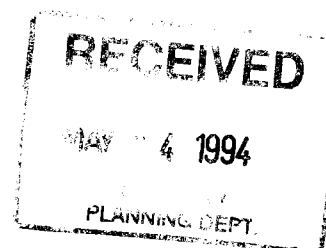
Sweetwater Condominiums
Homeowners Association
PO Box 3088
Park City UT 84060

Shirley Thorton
P.O. Box 17140
Salt Lake City, UT 84117

Cynthia Turner
1225 Harvard Ave.
1225 Harvard Ave.
Salt Lake City, UT 84105-1905

Steven Wolff
7839 University Ave. #103
La Mesa, CA 91941

Ray & Lillian Wortley
P.O. Box 102
Park City, UT 84060



June 16, 1995

To Whom It May Concern:

As an owner of property that goes from Park Avenue to Woodside, I applaud Mr. Belz's attempts to restore the Bus Barn and feel it will enhance the area. The Park City Education Center is a prime example of what can be done to improve a neighborhood and yes, it has impacted the parking in the area -- a lot more than Mr. Belz's project ever well. Many nights during the winter months there are cars parked on the surrounding streets because people are either attending classes or some other function at the Center. However, I do not mind being inconvenienced once in awhile getting to my property because of the overflow of cars. I find this inconvenience significantly better than a vacant, run-down building. In addition to this, some of the nearby small, two bedroom residences will have as many as six cars parked in the driveway and on the street.

Sandra Hall

Sandra Hall
1149 Park Avenue
P. O. Box 285
Park City, UT 84060
649-9732 (H) 645-5600, ext. 125 (W)

THE BOARD OF ADJUSTMENT
CITY, SUMMIT COUNTY, UTAH

and variances to the setbacks

for the Board of Adjustment

THE BOARD OF ADJUSTMENT
PARK CITY, SUMMIT COUNTY, UTAH

IN RE: Request for a change of a non-conforming use and variances to the setbacks
for the "Bus Barn" located at 1167 Woodside Avenue

Petition #V94063	)	Findings of Fact
	)	and Conclusions of Law

The Board of Adjustment of Park City, Utah met on Tuesday, June 20, 1995 for a regularly scheduled and noticed meeting. After determining that a quorum of members of the Board were present, the Board conducted its scheduled business. Among the petitions heard by the Board was the above entitled petition which was filed on May 4, 1994. The Findings of Fact, Conclusions of Law, and Conditions of Approval for the actions taken on June 20, 1995 were ratified by the Board of Adjustment at a regularly scheduled and noticed meeting on August 1, 1995.

After hearing all interested parties, the Board made the following findings of fact regarding the non-conforming use change:

1. Parking for the change of use meets the standards of Chapter 13 with the requested variances. A floor plan, including a sq. ft. tabulation of area to be utilized by the various uses will be submitted prior to issuance of a certificate of occupancy to verify that the number of parking spaces is in compliance with the Land Management Code.
2. Issues of incompatibility, visual and noise pollution, traffic, parking, and other adverse effects of the non-conforming use have been addressed by limitations on the type of use, hours of operation, assurances of adequate parking and circulation, and provisions for additional landscaping.
3. The bus barn is a historic structure, unique in character and construction. The applicant has applied for a grant from the Historic District Commission to fully restore the historic structure.
4. No outside storage of equipment, materials, and refuse will be allowed on the property.
5. All activity will be conducted within the structure.
6. The building will be reviewed by the Community Development Department for compliance with the Uniform Building Code and the Land Management Code.
7. A lot combination plat amendment will be reviewed prior to certificate of occupancy.

Considering all relevant facts, the Board of Adjustment concluded that the change of non-conforming use should be **GRANTED** under the provisions of the Land Management Code because:

1. The process for changes to non-conforming uses as outlined in the Land Management Code have been followed, including notification of affected property owners and posting of the property.
2. A public hearing was held on June 20, 1995 to receive input from the neighborhood.
3. Subject to conditions of approval, all requirements of the Land Management Code for changes to non-conforming uses have been met, including the parking requirements and all applicable criteria for review as listed in Section 12.4.
4. The change of use does not substantially affect the general plan and is not contrary to the public interest.

After hearing all interested parties, the Board made the following findings of fact regarding variances to allow a setback variance from the north property line from 10' to 0' and a sideyard setback variance from 5' to 3' for a 1) parking space in the front driveway area and 2) one rear parking space:

1. Literal enforcement of the zoning ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the zoning ordinance, in that the structure as built violates the setbacks..
2. There are special circumstances attached to the property that are unique to this property, given the size and position of the building on the lot, that do not generally apply to other properties in the same district.
3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property owners in the same district, given the size and nature of the structure.
4. The variance will not substantially affect the general plan and will not be contrary to the public interest, given that the applicant will restore the structure and dedicate a facade easement to the City.
5. The spirit of the zoning ordinance is observed and substantial justice done.

Considering all relevant facts, the Board of Adjustment concluded that a setback variance from the north property line from 10' to 0' and a sideyard setback variance from 5' to 3' should be **GRANTED** under the provisions of the Land Management Code because:

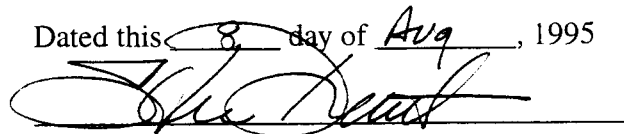
1. The process for variance requests as outlined in the Land Management Code have been followed, including notification of affected property owners and posting of the property.

2. A public hearing was held on June 2, 1995 to receive input from the neighborhood.
3. Subject to conditions of approval, all requirements of the Land Management Code for variances have been met, including conditions required to be found prior to granting of variances as outlined in Section 5.7 of the Land Management Code.

The following conditions were placed on the approval of said non-conforming use change and variance request:

1. The hours of operation for owners and employees shall be restricted to between 7:00 A.M. and 10:00 P.M. and hours of operation for customers and other invitees shall be restricted to between 8:00 A.M. and 8:00 P.M.
2. The applicant shall submit floor plans that illustrate maximum floor areas of each use prior to obtaining a building permit or a certificate of occupancy is the event that no building permit is issued. The maximum floor area of the building to be utilized shall not exceed 3200 square feet. This is based on the applicant's ability to provide 16 on-site parking spaces.
3. Allowable uses include those as defined in Chapter 2 of the Land Management Code for Professional Office with the exception of dentists, physicians, realtors, and other similar uses which generate higher traffic volumes due to a higher number of client visits.
4. All Standard Conditions of Approval apply.
5. There shall be no outside storage of equipment, material, or refuse allowed associated with this use.
6. All activity associated with the office use shall be conducted completely within the structure.
7. Planning staff shall review and approve a landscape plan for the site prior to issuance of building permits. Landscaping improvements shall be completed and approved by the City prior to issuance of a certificate of occupancy.
8. A lot combination amended subdivision plat shall be approved and recorded prior to issuance of a certificate of occupancy for the office use.
9. At the time of platting, a facade easement for the main structure at 1167 Woodside, known as the bus barn, shall be dedicated to the City. A Grant of Easement shall submitted to the City for recordation.

Dated this 8 day of Aug, 1995


Chairperson, Board of Adjustment

Permit # 214

09-04756

1167 Woodside Ave

Owner: David Betz

Contractor: UL Olsen

1) The use of this garage is not allowed in this zone. *Need to modify Board of Adm. just Approving if he wants to do this.*

2) Permit issued was for a private garage, not businesses ✓ see above

3) The use as business displaces required parking for businesses in main building. *New parking req. reduced may have the parking requirements - Need BQA review - Parking can occur on top of garage ??? Eng. issues.*

4) The businesses do not have proper licenses *needs to apply*

5) The building is being occupied without a Certificate of Occupancy required by City Ordinance & Uniform Building Code. UBC Sec 109 ✓

6) Failure to call for required inspections as per Uniform Building Code ✓
Sec 108.5 of UBC

7) The Permit has expired as per ✓
Sec 106.4.4 of the UBC

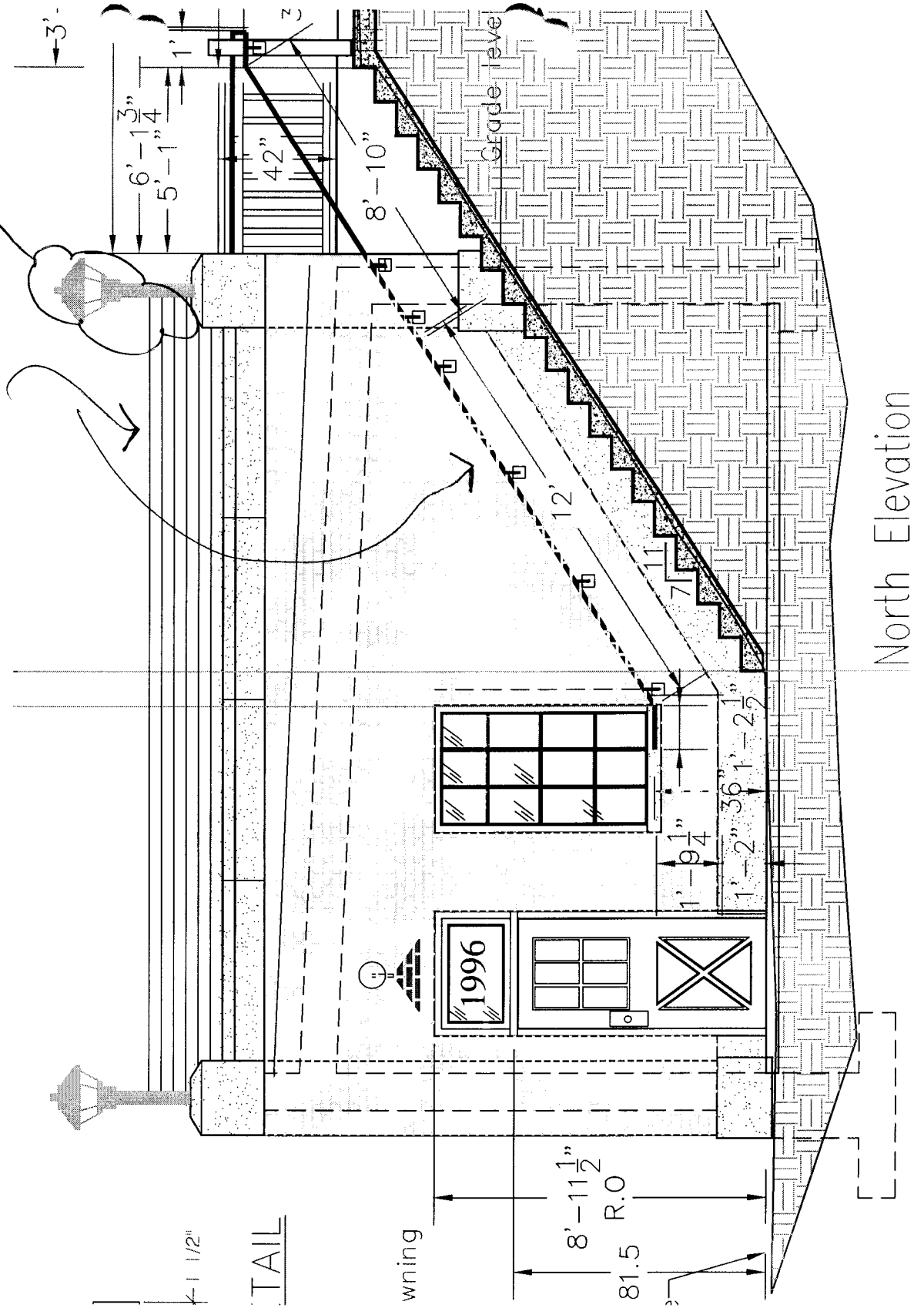
8) Also need a plat amendment *for* to combine all lots.

Need to deal with the Bldg Dept on these

PLANNING DEPT. APPROVED

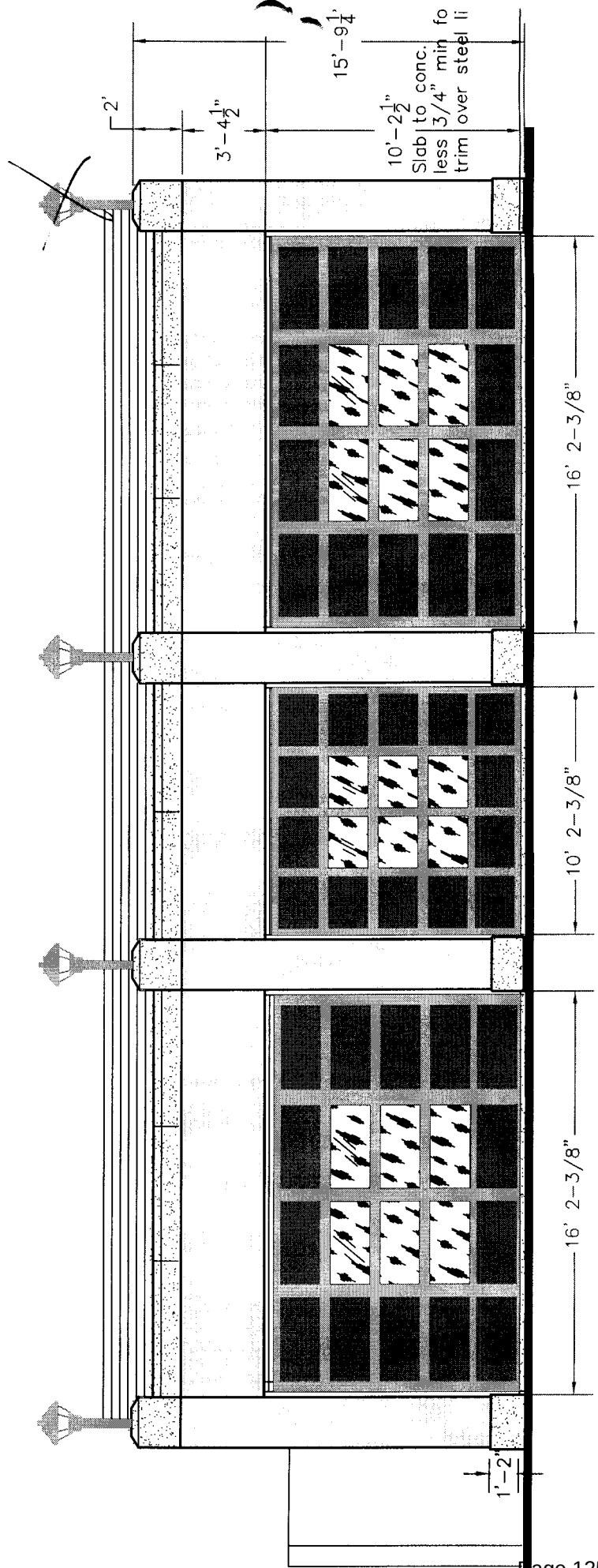
DATE 5.12.99 KAW

for bundle rails on top of g
for cables rails + ins. approved 11.9

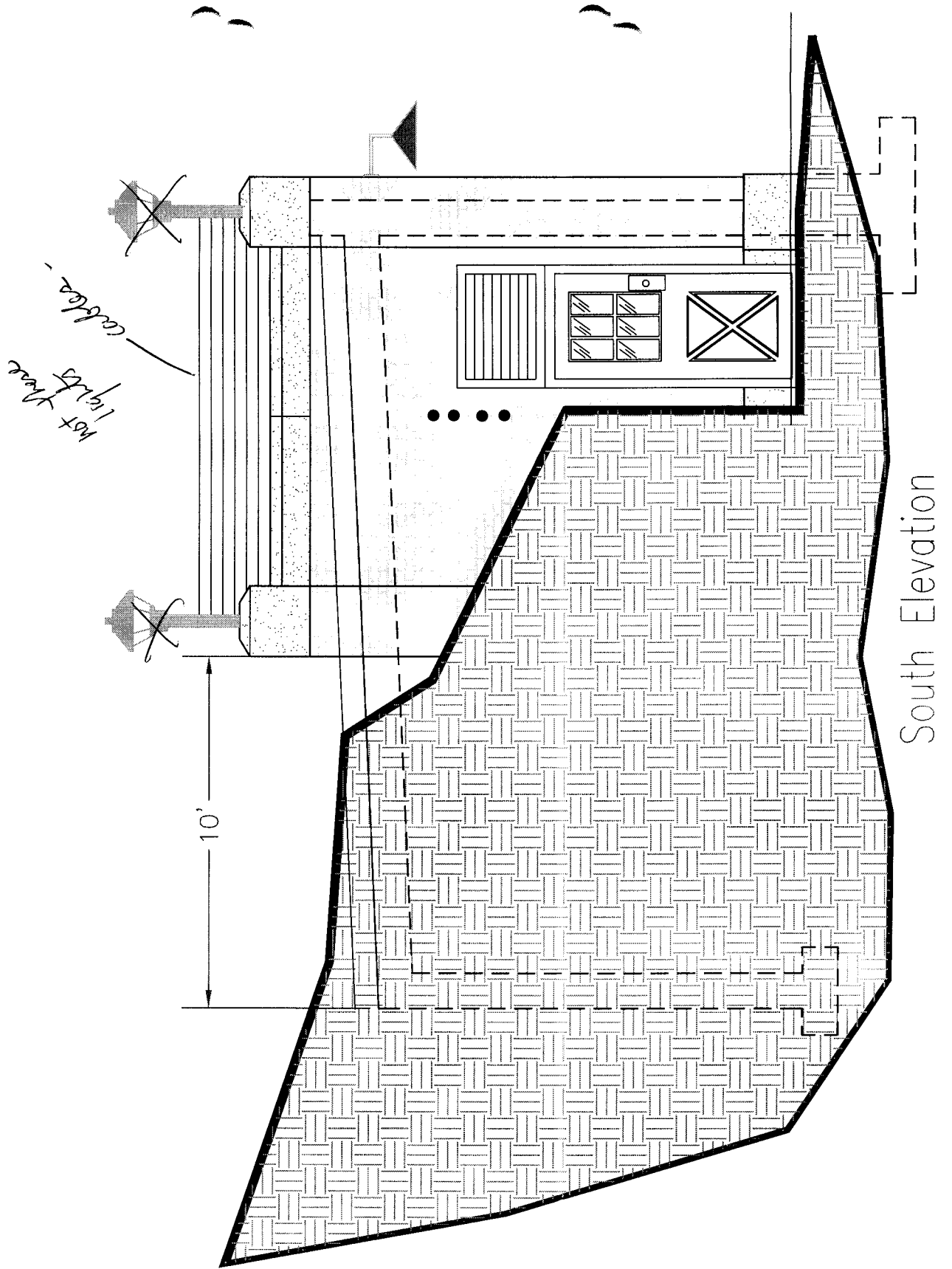


North Elevation

Not the
lighting.



Maximum finish opening
finished conc. base to base dimension





Department of Community Development
Engineering • Building Inspection • Planning

October 17, 1995

Mr. David Belz
P. O. Box 681237
Park City, Utah 84068

VIA FAX 801-647-9339; hard copy via U.S. Mail

Re: 1167 Woodside Parking

Dear David:

I am responding to your letter of October 4, 1995. I have reviewed the parking design on the site.

In general, I will support the design as shown as Option #1 on the bottom of the attached sheet. I am basing my support for this design on the following factors:

1. The parking appears to align with existing parking further to the south on Woodside.
2. A larger landscape area will be created in which you can place the drywell sump we discussed previously as the appropriate termination location for your underdrain and roof scuppers.
3. The larger landscape area will provide for more snow storage.

You will probably want to modify the drawing so it shows the sidewalk on the north side of the building which we have previously discussed.

Please feel free to call if I can answer any questions.

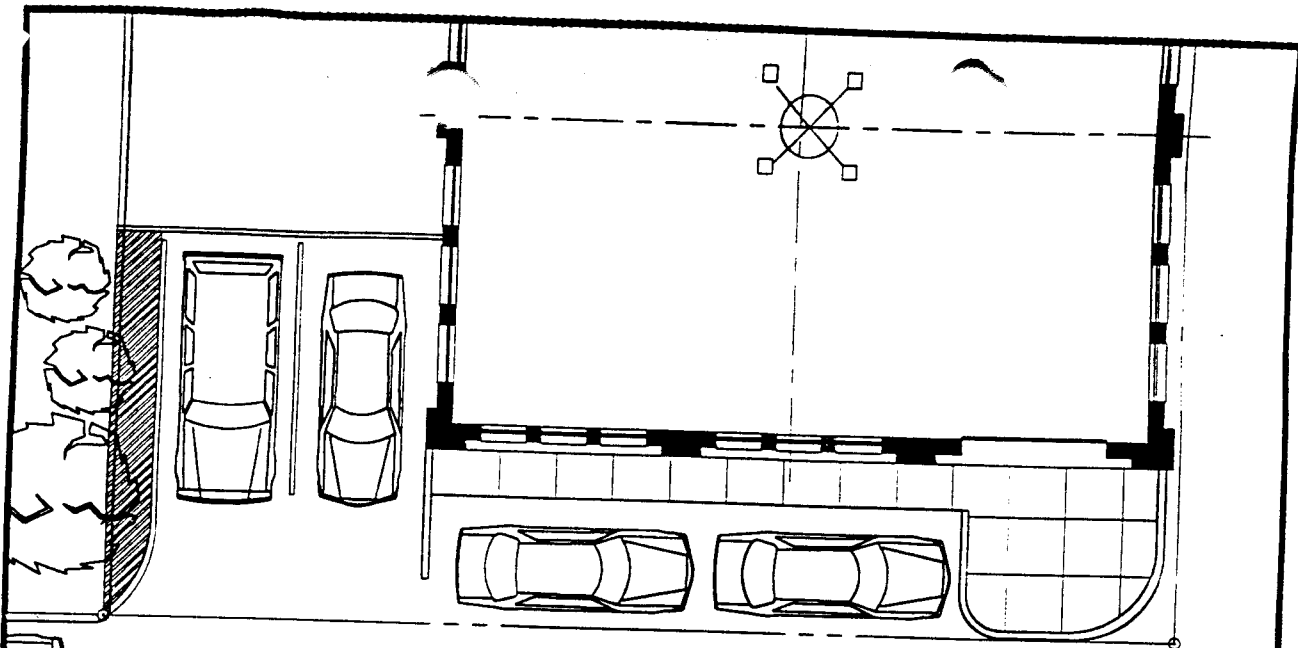
Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Eric W. DeHaan", written over a horizontal line.

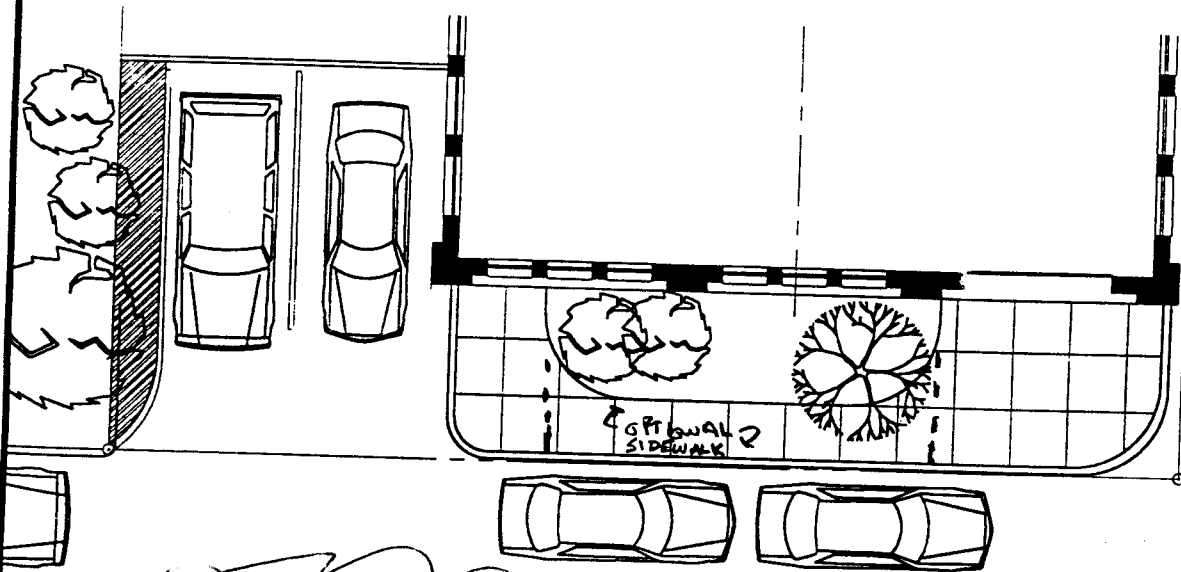
Eric W. DeHaan, P.E.
City Engineer

EWDH/scb

CC: Kirsten Whetsone, Planner



Street side parking issue
 Option 2: Parking inside property line



Street side parking issue
 Option 1: Parking in city right of way

PARK CITY DESIGN CONSULTANTS

DAVID BELL, Architect
 811 Park Avenue, PO Box 61237
 Park City, Utah 84306
 Phone 801-437-0000 Fax 801-437-0000

1167 Woodside

1167 Woodside Ave.
 Park City, Utah

Street Side Parking Analysis

DRAWN: SGL/MS

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

A-1e

MEMORANDUM

PARK CITY PLANNING DEPARTMENT

TO: Planning Staff
FROM: Kirsten Whetstone
DATE: August 30, 1995
RE: The Busbarn at 1167 Woodside Avenue

Please see attached David Belz's proposal for the windows and roofing for the Busbarn Building restoration project. There are actual samples of both existing and proposed, in the conference room.

If you are interested in discussing this proposal, please attend the meeting on Thursday, September 7th at 10:00am. If you can't attend your comments are still welcome.

We will also be discussing the Town Run proposal at this meeting, after we talk about the Busbarn.

Thanks a lot!

David Belz, Architect

811 Park Avenue, PO Box 681237
Park City, Utah 84068
801-649-9339 Fax: 647-9339

August 29, 1995

Kirsten Whetstone, AICP

Park City Planning Department
445 Marsac
Park City, Utah 84060

RE: Replacement windows for 1167 Woodside, AKA The Bus Barn

Dear Kirsten,

You expressed the need for some more information on the windows and I am writing to respond to those concerns and questions.

As to the window style; Presently the windows are an awning style with the operable section located roughly at the center of each opening. I have chosen to go to a double hung for several reasons. **First**, due to the building being located at the property line along 12th street, a casement or awning style window will protrude into the street right of way. When opened, these windows could be subject to either damage by trucks or could become a pedestrian obstacle. I have spoken to no less than 6 window manufactures and they do not make a casement or awning style window which swings in. **Second**, and most importantly, is the issue of egress. While the proposed commercial use does not have to accommodate egress through these windows, future efforts to bring this building into compliance with the HR-1 zone either as a residential use or as a Bed and Breakfast, will require these openings to meet egress. Hence, the proposed double hungs provide for the future change of a non-conforming use to a permitted use. As these windows are going to cost just over \$70,000, it would be impractical to replace them again at a future date. I have given great thought about the perception of the double hung as opposed to an awning style and have discussed it with Ron Butkovich as well. We do not perceive any historic compatibility issues from this proposed change.

As to the color of the windows: Staff has expressed a preference for an Ivory colored window to match those in the Park City Education Center while the applicant wishes to use a color more closely approximating the historic tint. Enclosed please find a mutton section cut out of one of the original windows. Please note the original color, allowing for fading over time, and also that there are no other paint layers indicating the windows were ever anything other than green. While the applicant understands the rational behind tying into the adjacent windows at the Park City Education Center, he is not sure they ever originally matched, nor does he believe the same color windows are necessary to achieve a historic synergy between the two structures.

RECEIVED

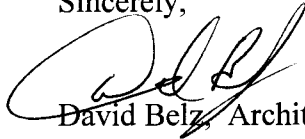
AUG 28 1995

PARK CITY
PLANNING DEPT.
Page 130 of 418

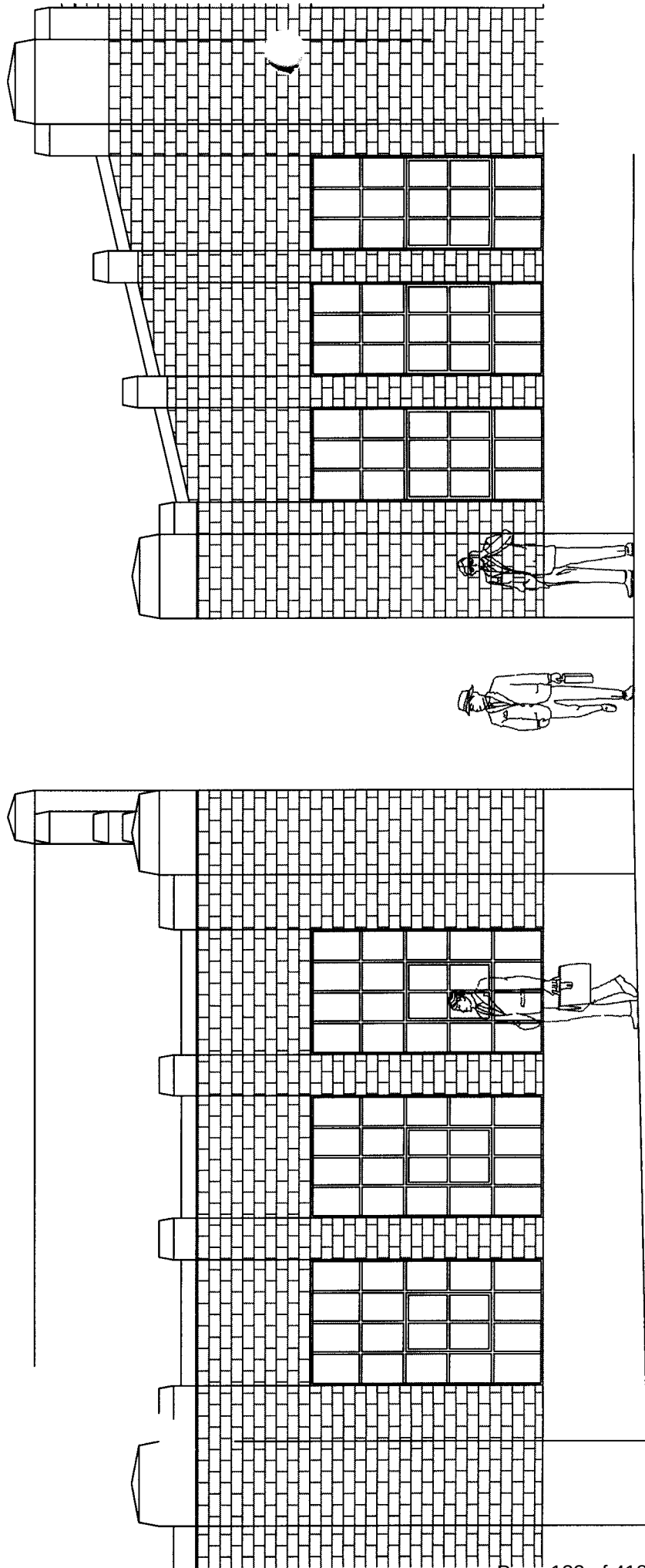
As to the profile of the windows: Staff has expressed a concern over the window frame dimensions and the extent to which they fill the original openings. The proposed windows are to be customized made to match the existing openings of 52"x 93" and 38"x 93". The applicant acknowledges that the frame with a profile of roughly 3" is larger than the original windows which placed a mutton directly against the brick opening, however, today's windows are not available with this smaller profile at the perimeter. The replacement windows at the Park City Education Center also necessitated a larger frame profile. The smallest profile I have been able to find even with fixed window units is roughly 2-1/2". Please refer to the enclosed illustrations provided per your request. Note that the window openings are extremely large and that the larger profile, *to which we have no effective options*, does not appear out of place.

As I have mentioned before these windows are going to take roughly 3 months from the time they are ordered. I appreciate staffs concerns and hope they can come to terms with these issues in the immediate future so I can put the replacement units into production. If there are any other issues, I would appreciate your letting me know by phone immediately so I can do everything possible to get this window order coming.

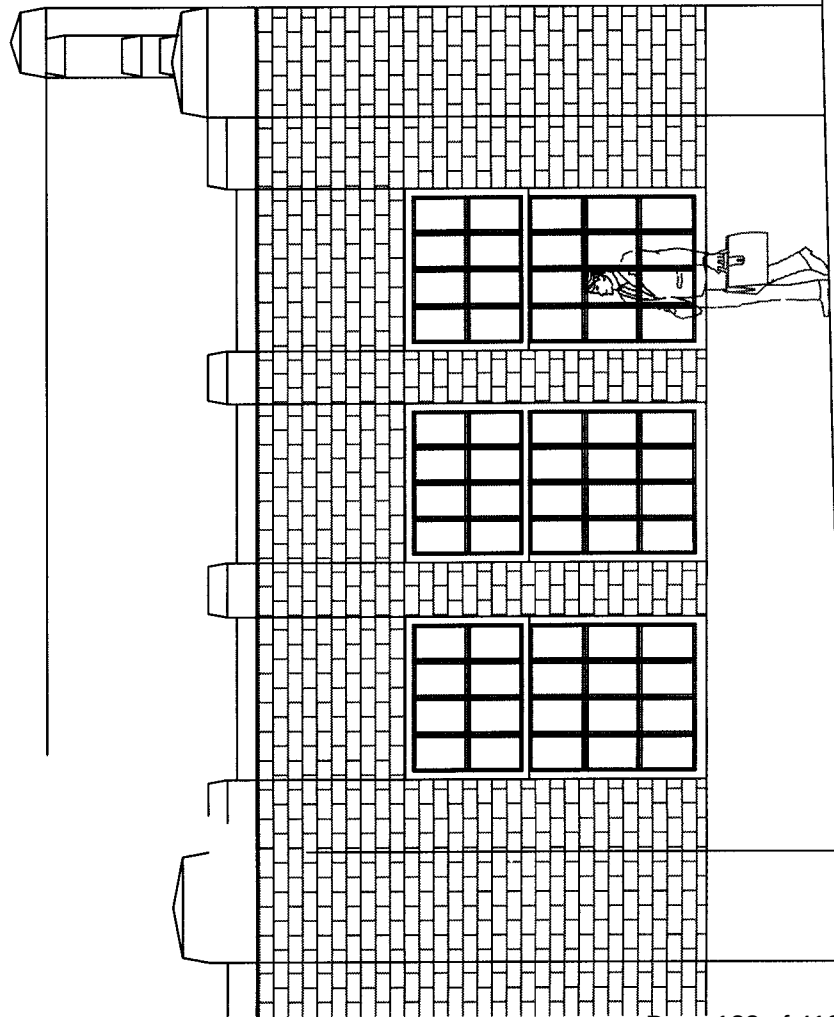
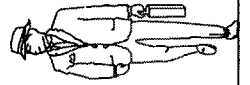
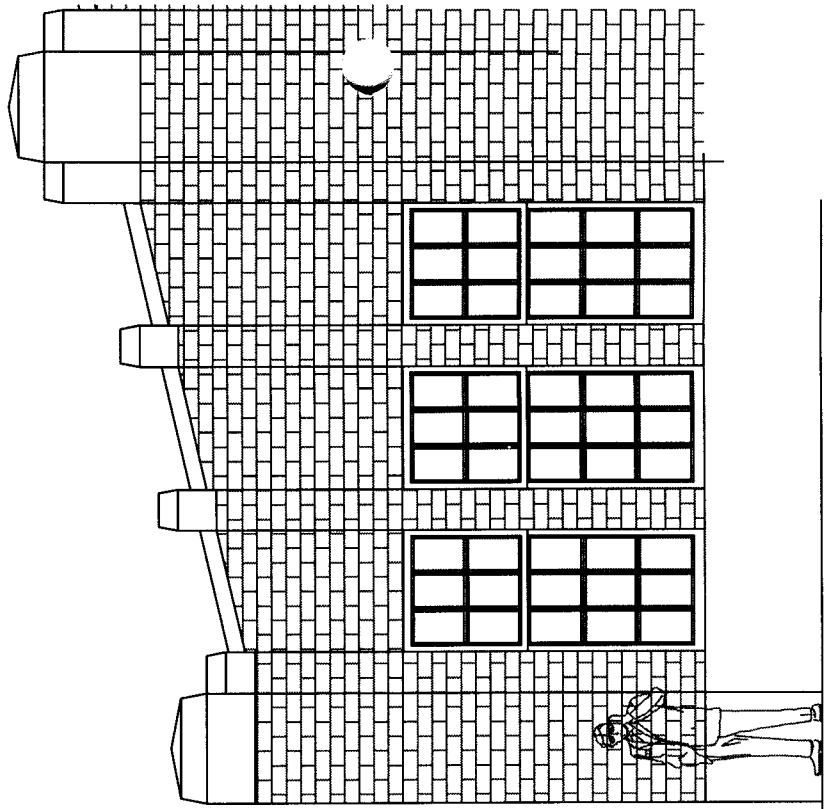
Sincerely,

A handwritten signature in black ink, appearing to read 'David Belz', written over a horizontal line.

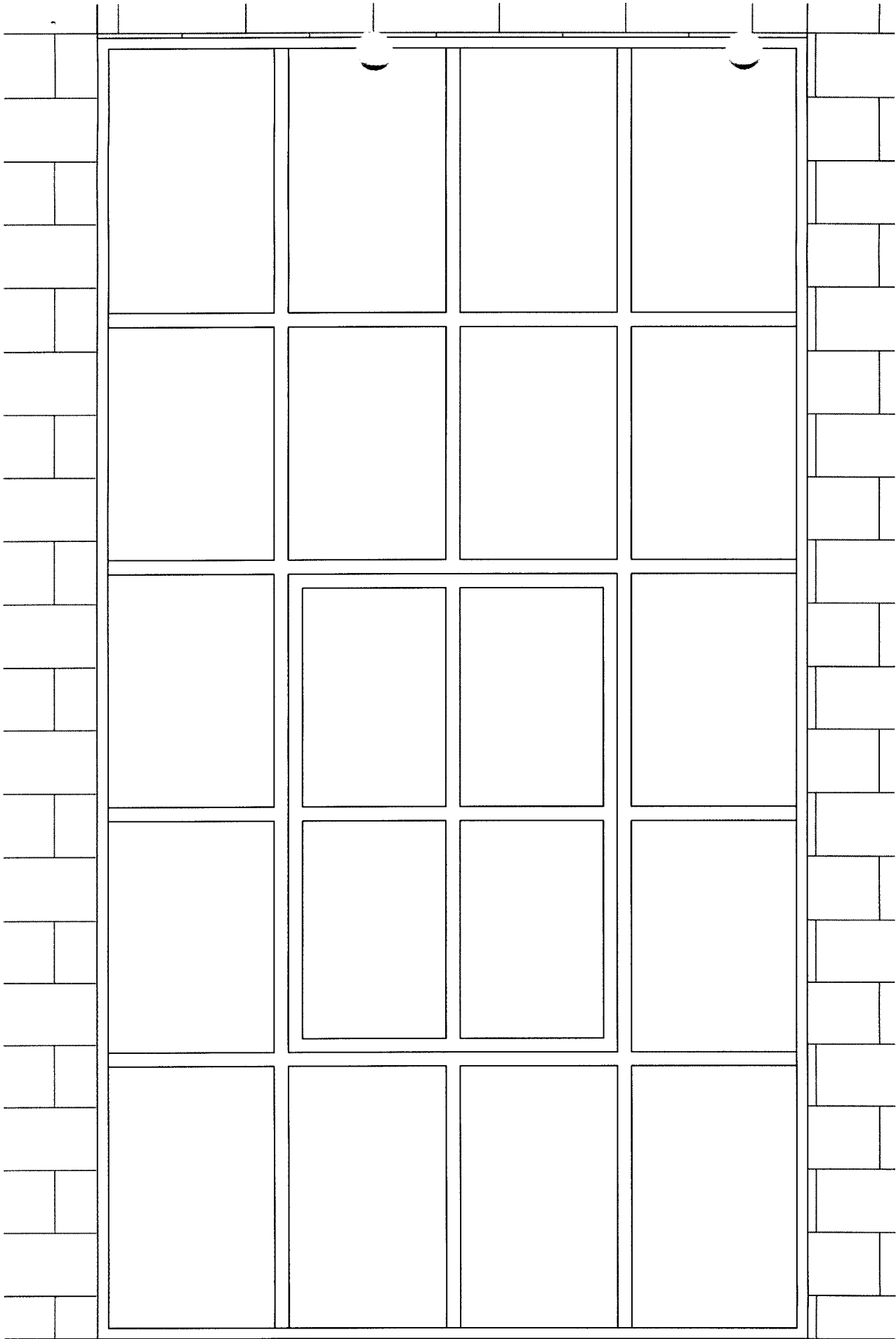
David Belz, Architect, Owner's rep



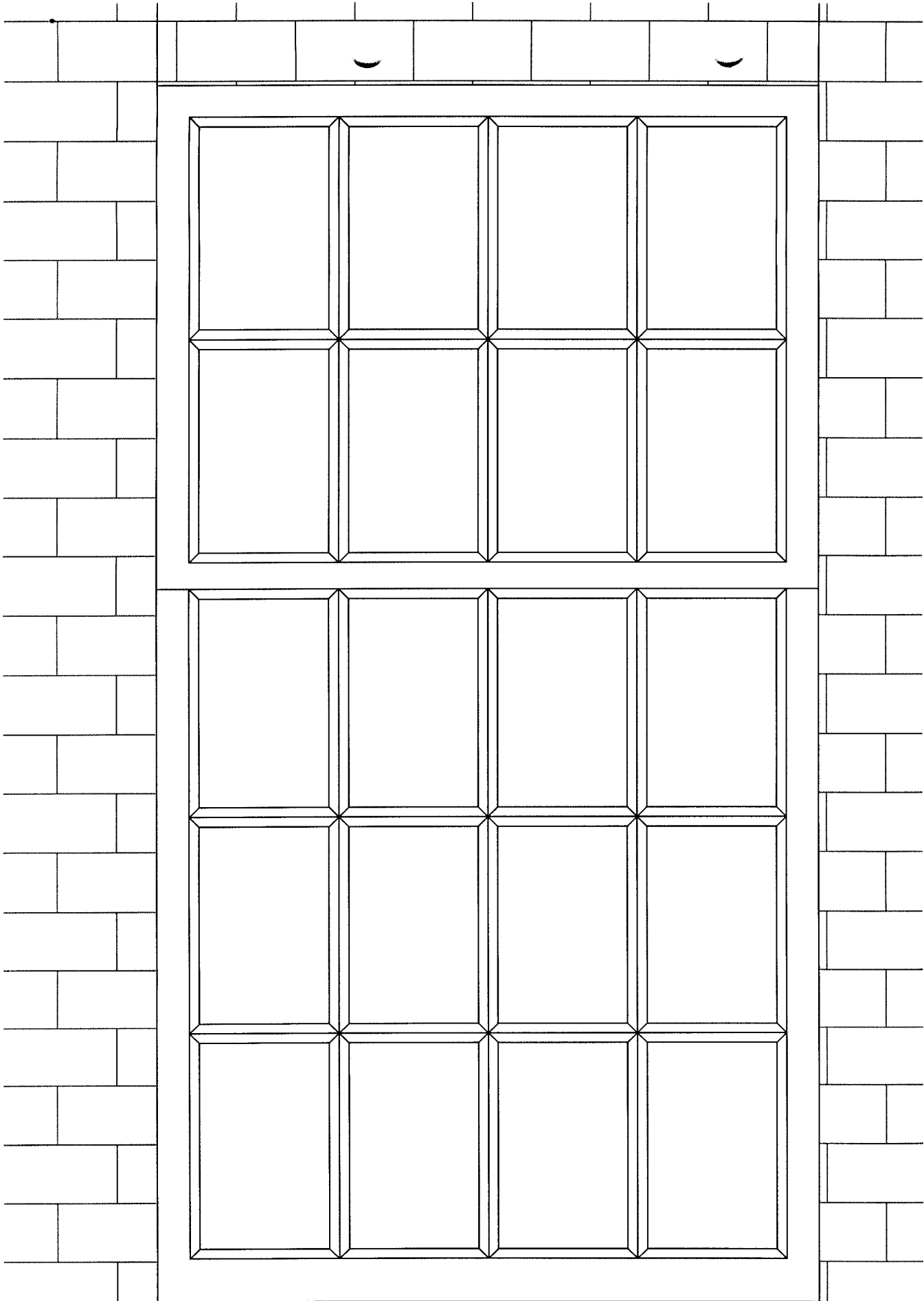
EXISTING



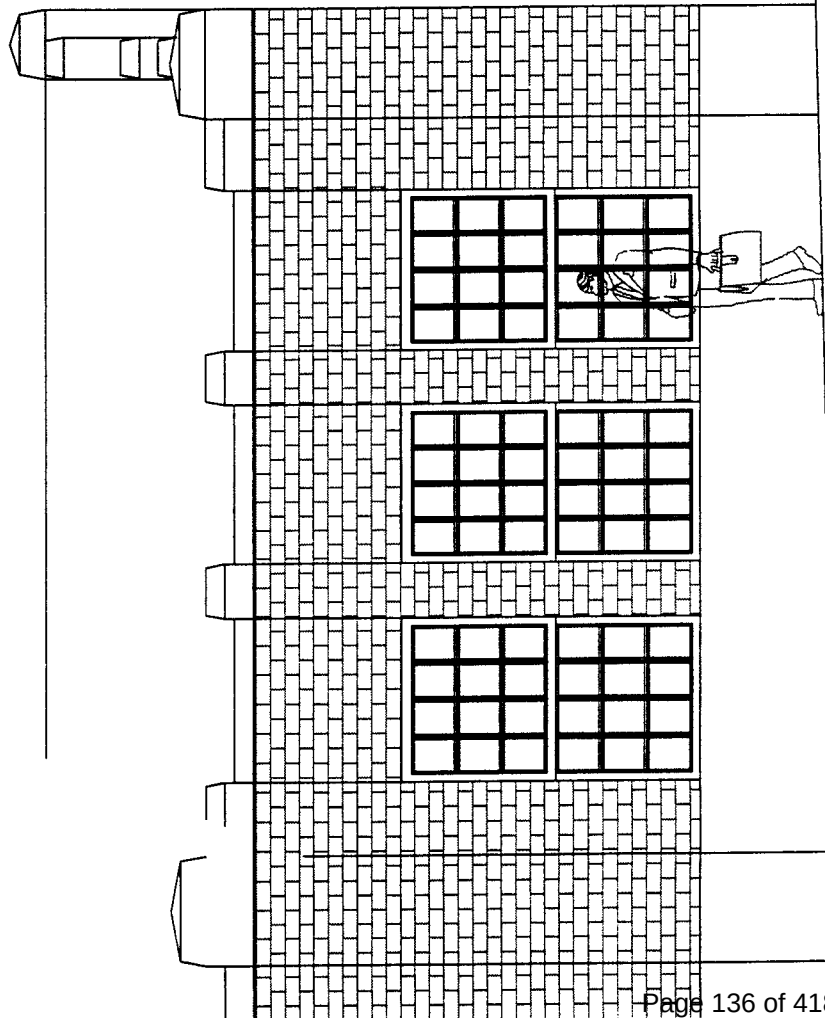
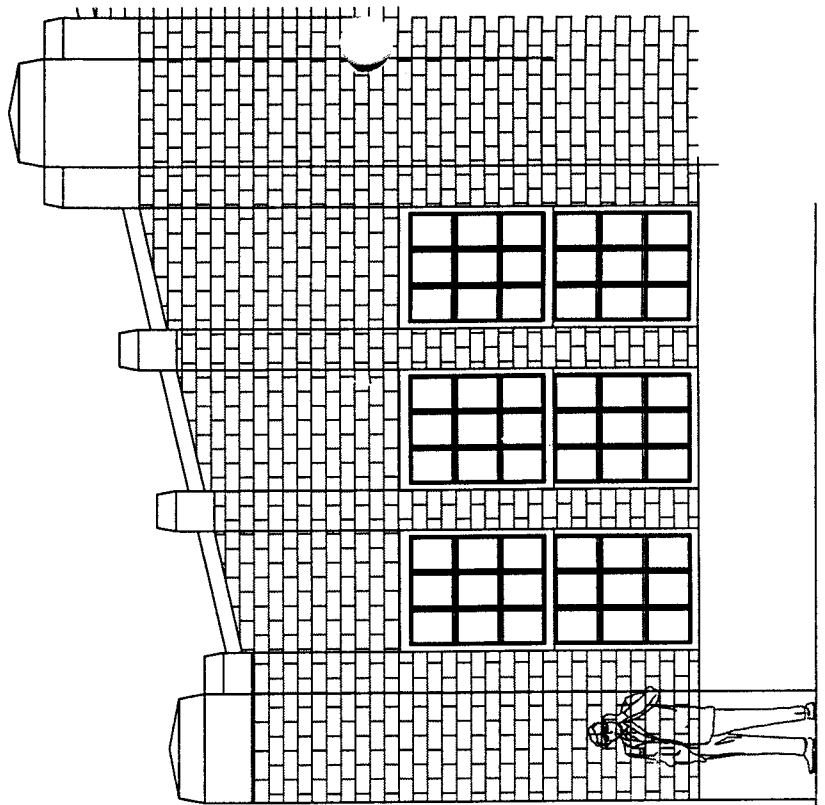
PROPOSED



EXISTING



PROPOSED



Other Option

1157 WOODSIDE: REVIEW OF HISTORIC SIGNIFICANCE CRITERIA

1. The structure is not associated with events or lives of significant historical figures. This is in no way intended to discount the importance of those involved in the maintenance of School buses between 1960 and 1990, however, the applicant has interpreted this provision to refer to more public figures in Park City's history.
2. No unique construction types; The building is an unreinforced concrete block structure with brick facing applied to two the North and East facades to make the building more compatible with the primary structure on the site. The most distinguishing features are the two roll up garage doors which are similar if not identical to industrial garage doors sold today.
3. The building does not contribute to the historical value of the site and in fact crowds the corner of the more significant primary structure. The building is for the most part not visible from any public right of ways. It is below street level as viewed from Norfolk Avenue. It is almost 100' off of Woodside with 25% of the East facade hiding behind a fence where the property line jogs. The North facade is the most visible. Despite this, it is over 50' off of 12th Street, is partially shielded by the primary structure and the bottom 4 feet is covered by an adjusted grade established for parking. Further, the brick applied was intended to match the larger structure on site but is a smooth face where the main building uses a wire cut textured brick.
4. The building is not 50 years old and has not achieved any special significance since its construction.
5. The building has no significant relationship to surrounding structures except for the brick facing which was intended to match the adjacent building but which doesn't.
6. The applicant can identify no other discernible factors which are relevant to the historical or architectural aspects of the building structure or site.

use that was potentially already a problem. Joe Tesch seconded the motion. He advised the applicants that the Board was ready to see a compromise and had provided direction to move the house back and center it on the lot to provide at least five foot setback on the north side. Mr. Strachan amended the motion to CONTINUE the request until the next meeting. Joe Tesch seconded the amended motion. The motion was unanimously approved.

Agenda Item #3

1167 Woodside Avenue - Ratification of Findings of Fact and Conclusions of Law for the approval granted June 20, 1995 to change a non-conforming use from bus storage to professional offices and art studios and to vary the required setbacks - David Belz

Planner Kirsten Whetstone explained that the request for a change of a non-conforming use and for a variance to setback requirements for the structure located at 1167 Woodside Avenue was approved at the June 20, 1995 meeting. The Staff was directed to determine what variances would be required to facilitate the 16 parking space layout as endorsed by the Board. They also directed the Staff to prepare Findings of Fact and Conclusions of Law regarding the two requests, and to prepare a list of allowable uses for the building which were low traffic and activity generators and compatible with the adjacent neighborhood. She stated the Staff was comfortable using the definition in the Land Management Code, excluding higher traffic uses such as dentists, physicians, realtors and other similar uses which generate higher traffic volumes due to a higher number of client visits.

MOTION: Tom Sedgwick moved to APPROVE a variance from the north property line from 10' to 0' and a side yard setback variance from 5' to 3' in order to meet the requirements of the variance the Board granted on June 20, 1995. Gordon Strachan seconded the motion with the addition that the Board follow the Staff's recommendation on uses and ratify the Findings of Fact and Conclusions of Law as presented in the Staff Report.

Public input:

Steve Schueler, 1147 Woodside, stated he had just purchased the house immediately south of the bus barn and had been unable to attend the previous meeting. The applicant had made him aware of his proposal in terms of the non-conforming use and he offered qualified support but was concerned about the hours of operation. He did not support any uses in the building that would create undue activity in the evening hours. He also questioned the need for a 16 car parking lot and expressed concern that it would become an overflow parking lot for the Education Center.

Board Member Sedgwick explained the number of spaces was required by City Code in order for the applicant to use a fairly large portion of the building. Chair Deckert added that the Board was concerned about providing as much parking as possible to accommodate the uses in the building.

John Hughes, neighborhood resident, asked what recourse they had if the uses in the building became too intense and there was too much traffic. Chair Deckert responded that business licenses should not be issued for businesses that were prohibited by the terms of the variance. If that should happen, the neighbors should complain to the City. The Staff explained that Business License applications were routed through the Planning Department and the Staff would have the ability to address potential problems with occupancy or use.

Mr. Schueler asked if a new owner would be able to submit an application for a different non-conforming use. Board Member Sedgwick explained that the current owner, or future owners, could come back before the Board at any time.

John Hughes asked if the hours of operation could be restricted. David Belz proposed limiting hours of public occupancy from 8:00 AM to 8:00 PM and allowing people working in that space to have access from 7:00 AM to 10:00 PM.

Board Member Strachan was excused from the meeting.

Board Member Scott Hanson explained that he had reviewed information from the previous meeting. He questioned whether a variance would be needed for the two parallel parking spaces shown in the right-of-way setback on the east side of the building.

David Belz commented that parking in that setback in the HR-1 Zone was allowed according to Section 7.1.3(e).

Board Member Hanson responded that the HR-1 Zone did not allow commercial uses. He was concerned with whether allowing cars to park in the setback area was good for the neighborhood. He also expressed concern about this being called a 16 car plan, because he did not feel it was within the purview of the Board to allow the use of parking for the two cars within that setback.

Planning and Zoning Administrator Pat Putt explained that the Board was actually taking two steps: (1) approving a change of a non-conforming use to another non-conforming use; and (2) approving dimensional variances for the site plan. The Board, in the past, had supported a plan that demonstrated the ability to provide 16 spaces. The Board is not approving a specific site plan, they are granting variances from setbacks, and it will be the applicant's task to demonstrate how much parking he can provide within that parking area. The amount of parking will, in turn, determine how much of the building he is allowed to use.

Planner Whetstone explained it would be up to the Planning Staff and City Engineer to review the building plans and uses and determine whether parking in the right-of-way would be required or allowed.

Board Member Joe Tesch asked if the applicant had received approval for demolition of the garage located to the rear of the Bus Barn. Mr. Belz replied that his CAD application was pending review by the Historic District Commission.

Board Member Tesch stated he thought the Board was approving a 16 car plan and based on the way it was laid out, they would approve whatever variances were necessary to make it fit. His recollection of the diagram was that the spaces shown on the east of the building had been in the setback.

Planner Whetstone explained that the applicant could park in the setback according to the Code. The Staff hoped that he would not require all the parking and those two spaces would be the last to be utilized because they would like to retain landscaping in that area.

David Belz stated he did not yet have written approval from the City Engineer, but they had discussed the possibility of using the right-of-way for parking.

Board Member Tesch stated he would rather see landscaping in that area and he would like to forward a recommendation that the City Engineer allow those two spaces which could then be moved out of the setback and into the street right-of-way. That way the applicant would receive credit for two spaces and that area could be landscaped.

Mr. Belz explained that he wished to utilize as much of the building as possible and he did not want to lose that ability because some of his parking spaces were not allowed.

Board Member Tom Sedgwick objected to the Board's micro-management of this project. He felt the project would be aesthetically pleasing and that the applicant would prefer to have landscaping in that location to make his building look better.

Planning and Zoning Administrator Putt encouraged the Board to act on the Staff's recommendation. Staff can review the design and orientation of parking on site within the parameters of the variance. He suggested they may be able to revise the orientation of the parking or consider compact spaces, but if they determined they had a non-workable solution the applicant would have to pursue another variance.

Chair Deckert stated there was a motion and a second to approve the Staff's recommendation as written on the use and variances. Gordon Strachan was excused from the meeting prior to the vote. Dell Fuller, Joe Tesch, Steve Deckert, Tom Sedgwick and Scott Hanson voted in favor of the motion, which was approved.

MOTION: Joe Tesch moved that the Board reconsider the previous motion for the purpose of amending Condition 1 to state: The hours of operation for owners and employees shall be restricted

to between 7:00 A.M. and 10:00 P.M. and hours of operation for customers and other invitees shall be restricted to between 8:00 A.M. and 8:00 P.M. Tom Sedgwick seconded the motion. The motion was approved by all members except Gordon Strachan who had been excused prior to the vote.

Conditions of Approval:

- ➔ 1. The hours of operation for owners and employees shall be restricted to between 7:00 A.M. and 10:00 P.M. and hours of operation for customers and other invitees shall be restricted to between 8:00 A.M. and 8:00 P.M.
2. The applicant shall submit floor plans that illustrate maximum floor areas of each use prior to obtaining a building permit or a certificate of occupancy in the event that no building permit is issued. The maximum floor area of the building to be utilized shall not exceed 3200 square feet. This is based on the applicant's ability to provide 16 on-site parking spaces.
3. Allowable uses include those as defined in Chapter 2 of the LMC for Professional Office with the exception of dentists, physicians, realtors, and other similar uses which generate higher traffic volumes due to a higher number of client visits.
4. All Standard Conditions of Approval apply.
5. There shall be no outside storage of equipment, material, or refuse allowed associated with this use.
6. All activity associated with the office use shall be conducted completely within the structure.
7. Planning staff shall review and approve a landscape plan for the site prior to issuance of building permits. Landscaping improvements shall be completed and approved by the City prior to issuance of a certificate of occupancy.
8. A lot combination amended subdivision plat shall be approved and recorded prior to issuance of a certificate of occupancy for the office use.
9. At the time of platting, a facade easement for the main structure at 1167 Woodside, known as the busbarn, shall be dedicated to the City. A Grant of Easement shall be submitted to the City for recordation.

MOTION: Joe Tesch moved to RECOMMEND to the City Engineer to minimize the encroachment on the east end of the building to the extent practical. Scott Hanson seconded the motion. Dell

Board of Adjustment
Minutes of August 1, 1995
Page 9

Fuller, Joe Tesch, Scott Hanson and Steve Deckert voted in favor of the motion. Tom Sedgwick opposed the motion. Gordon Strachan was excused prior to the vote.

Item #4

1033 Woodside Avenue - Request for a sideyard variance to allow construction of a porch overhang
- Ute Ruzicka

MOTION: Tom Sedgwick moved to CONTINUE the item. Joe Tesch seconded the motion which was unanimously approved.

At 7:00 P.M. Tom Sedgwick moved to ADJOURN. Joe Tesch seconded the motion which was unanimously approved.

Accepted by: _____ Date: _____
Chair

Stephen C. Schueler

P.O. Box 1981
1147 Woodside Ave.
Park City, Utah 84060

801.649.5502
FAX.649.2047

August 1, 1995

Park City Board of Adjustment

To Whom It May Concern;

Please find this letter regarding the application for change in "Non Conforming Use" of the David Belz property on the corner of 12th Street and Woodside Ave. ("the bus barn"). I own, and reside, at the residence on 1147 Woodside Ave., abutting this property, to the south.

I am very concerned as to the disposition of "the bus barn" property, not only due to my proximity to the property, but also due to the impact on our residential neighborhood. I stress neighborhood strongly, as this is the reason we purchased our house in this part of "Old Town", because we want to live in a residential neighborhood. Your decision to change the "non-conforming use" of this property clearly will have an impact on all of us living in this part of town so I urge you to act in a manner which will have the minimal impact to our desire to maintain a residential character to our neighborhood.

With this in mind I offer my qualified support to the change from one "non-conforming use" to the professional offices proposed by Mr. Belz. My conditions for support are:

I support Mr. Belz's desire to restore the building.

I support the notion of an architectural professional (or related profession) office in this building. Ideally staffed in a manner described to me by Mr. Belz in previous conversations. I hope that Mr. Belz has sincere intentions of occupying the building rather than "spinning it off" to a tenant. Additionally, I expect this office to operate during "normal" professional business hours, typically, from 8:00 am to 6:00 pm.

I support combining all of lots owned by Mr. Belz into one lot, as proposed by the city planning department. I also support the setback variances proposed by the planning department.

I do not support any other proposed uses for the building I have heard discussed, including, ski sharpening shops, dance or karate lessons, etc. or any other activities which will create undue activity in the neighborhood.

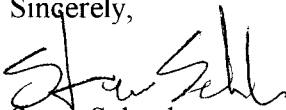
I do not support any business which would operate during early morning or evening hours.

I do not support the proposed 16 car parking lot on this property. This amount of parking is not required for the uses proposed by Mr. Belz. Clearly if this parking is available it will be utilized as overflow for activities associated with the Karl Winters School. This will have an adverse impact our neighborhood. I would rather that activities at the Karl Winters School be limited based on the capacity of the parking lots at the school rather than arbitrarily expand parking into residential areas. Certainly this is less expensive then constructing more parking.

I would not support any further requests for changes in "non-conforming uses by Mr. Belz or any future tenants or owners.

Finally, I hope for a well conceived restoration project initiated by Mr. Belz and, upon, completion, occupied by Mr. Belz. I hope that this is not just a real estate development project which will yield short term financial gains to the owner at the expense of our quality of life. Thank you.

Sincerely,


Steve Schueler

Agenda Item #5

1167 Woodside Avenue - Request to change a non-conforming use from bus storage to professional offices and art studios - David Belz, Architect (Postponed at 11/15/94 meeting)

Planner Kirsten Whetstone introduced the applicant, David Belz. She explained that the applicant was asking for action on five separate items: 1) a change of nonconforming use from bus barn and storage facility to professional offices and art studios and similar low intensity uses; 2) approval of a site plan showing 12 parking spaces and utilizing approximately 2,500 sq.ft. of interior space for those offices uses with a maximum of 7 employees; 3) approval of a site plan showing 16 spaces and utilizing approximately 3,500 sq.ft. of interior space for office uses with a maximum of 9 employees (parking layout would require demolition of existing accessory garage); 4) approval of a variance to (or relief from) wording in Section 13.3(c) of the LMC; and, 5) approval of variances to specific sections of Chapter 13 of the LMC relative to the physical parking layout.

Planner Whetstone noted that the Staff had been reviewing this proposal for several months and the Board had also discussed it at a prior meeting.

Planner Whetstone stated the Staff had determined the request met the criteria of Chapter 12 of the Land Management Code for non-conforming uses, and supported the change, subject to conditions. If the use were limited in size to the amount of code required parking which can be accommodated on site (5 spaces), Staff believes that the change to professional offices would not adversely impact the neighborhood. Staff suggests that the definition for "professional office" for this proposal exclude dentists, physician, realtors and other similar uses which generate higher traffic volumes due to a higher number of client visits.

Planner Whetstone stated the Staff did not support either the 12 or 16 parking space options because they required variances and subsequently would create a more intense use in the building than the Staff felt comfortable supporting. In addition, the 16 space option required a Certificate of Appropriateness for Demolition for the accessory garage which the Staff believed should be obtained prior to review of this option.

Planner Whetstone explained that the applicant's request for a variance to Section 13.3(c) [change from **the greater of** one space per each 200 sq.ft. **or** one space per each 500 sq.ft. plus one space per employee per shift, to read **either** one space per 200 **sq.ft. or**] actually required an interpretation of the Code by the Community Development Director with appeals directed to the Planning Commission and City Council. This request was not a variance that the Board of Adjustment could act on.

Planner Whetstone indicated that Staff did not support variances to parking requirements because a change of non-conforming use was required by Code to meet the applicable City Codes, i.e., Chapter 13 regarding parking.

Planner Whetstone explained that the Staff currently supported 5 code compliant parking spaces (3 along the side and 2 in the accessory garage) on the site, whereas previously they had considered 9 spaces on site. If four spaces in the rear parking area were considered to be part of the "parking lot", the street could not be used for parking maneuvers and those spaces were not code compliant. If the area is considered a "parking area" those 4 spaces would count and the total of code compliant spaces would be 9. She noted the applicant had requested, and had received, an interpretation from the Community Development Director as to whether the reference to parking areas in Section 13.2(e) of the LMC actually referred to the total parking on site or to distinct parking areas servicing a structure.

Community Development Director Rick Lewis stated the definition of a "parking lot" was an area other than a street used for the parking of more than four automobiles. This is subject to specific criteria such as driveway width, fencing requirements, setbacks, and a prohibition from backing cars onto adjoining public sidewalks or roadways. This criteria does not apply to self-contained areas where four or less vehicles are parking. His interpretation was that the phrase "parking areas" did not necessarily refer to the total parking on site and there could be a combination of parking on a site. If a parking area of four or less vehicles was accessible from a parking area of four or more vehicles, he would consider the entire area as a parking area which must comply with Section 13.2(e). If the parking areas were physically separated, only the parking area containing four or more vehicles must comply with Section 13.2(e).

Mr. Lewis went on to say that Staff's indication to Mr. Belz that he could provide nine spaces on site was based on knowing that he could place some spaces on the front, some of the side and they wouldn't be classified as parking lots and wouldn't have to meet the criteria. However, if the parking were arranged so that you could drive around the building, it would create a parking lot which would have to comply with the criteria.

Planner Whetstone added that 2 spaces in the front setback were technically allowed in the HR-1 zone; however, the Code was not clear because that zone was not intended to have nonresidential uses.

David Belz commented that the code required a 25 foot wide driveway, in its most literal interpretation, and made no provision for "one way in/one way out" despite the fact that there are several examples where exceptions have been made to that, i.e., Goldener Hirsch or Stein's Lodge.

Mr. Belz stated the structure accommodated parking on site and provided vehicular circulation. He reported that City Engineer Eric DeHaan had stated it would function, but did not believe it was code compliant.

Mr. Belz reviewed the proposed 12 car scenario. He viewed this as three areas , one with 6 spaces, one with 2 spaces, and one with 4 spaces. He felt the 2 spaces could be provided without any variance, although the Staff had sought to disallow the 2 spaces in the front setback. He believed the 4 spaces in the rear could be accommodated without any variance because they were within the required setbacks and did not fall under Chapter 13.2(e). Therefore, the only variance required for this scenario was for the width of the driveway.

Mr. Belz reviewed the 16 car plan which had two options. Under option 1 he would maintain a 10 foot setback for the entire frontage of the parking lot, but in doing so they would use diagonal parking and would have a 19 foot aisle width. A variance would be required for that 19 foot width. Under option 2 he may require a 5 foot variance for an encroachment into the setback. He noted there was mature existing vegetation which would have to be moved. He would meet all snow storage requirements.

Mr. Belz stated he had contacted people in the neighborhood and had sent everyone within the 300 ft. radius a packet summarizing his proposal. He stated he had obtained 54 signatures on a petition in support of his proposal. He also presented a letter from Sandra Hall in support of his proposal.

Board Member Dell Fuller asked if the 16 car option, which required a demolition permit, were viable.

Mr. Belz requested that if the Board were to grant approval of that option, they would condition it upon receipt of the CAD permit. He stated the building did not have a historic value and if and when the time came, he would like to tear it down. He was seeking approval for both solutions, although he initially intended to use the primary structure for his own office and did not envision more than 3 or 4 people occupying the whole building. He indicated a lot depended on how much it would cost to bring it into compliance for continued use.

Board Member Fuller felt that the 16 car option, assuming demolition of garage, may be a visual enhancement to the property to help showcase the rather unique primary building. In addition, it would increase parking, whether for immediate use or for some future owners.

Mike Davis, owner of a condo near the property, stated he was in total agreement with Mr. Belz' plans, based on in the information that Mr. Belz had provided to him. He felt it would benefit the area, as the building was becoming an eyesore.

Vicky Moon, 1121 Norfolk, wanted to see the primary building preserved. She was very concerned about parking and traffic on 12th street. She preferred the 5 car option because 16 parking spaces would generate more traffic on the already dangerous streets in this area.

Board Member Joe Tesch was convinced that the 16 space option was a very good idea. He was in favor of allowing it with the commensurate amount of professional office space use. He did not think it was right to require preservation of a building and not allow for some legitimate economic use.

Board Member Tom Sedgwick expressed concern that bike and ski maintenance could generate a high volume of traffic. Otherwise, he was in agreement with Mr. Tesch.

Board Member Tesch suggested that the four spaces on the west end should cut 5 feet into the setback. He preferred that to diagonal parking.

Chair Steve Deckert stated with that inclusion he would be in support of the setback on Empire and the 16 space plan. He wanted to see this building preserved and he felt they had the ability to view the proposal in the context of historic preservation and modify some of the parking setback requirements. He felt they could act on this, conditioned upon securing the CAD. The best way to mitigate potential impacts on the neighborhood was to get as much parking on the property as possible and this scheme provided for safe circulation if the four spaces to the west could drive out onto 12th.

Planner Whetstone clarified that the Board was discussing option 2 of the 16 car plan as presented by the applicant.

Mr. Belz explained he was asking to retain the accessory garage because for the near term he anticipated being the sole user of the structure and the enclosed, heated garage would be beneficial to him.

Board Member Tesch was willing to make a motion to approve option 2 of the 16 car plan. He asked if they had provided enough specificity.

Planner Whetstone stated they needed a separate action on the non-conforming use. She stated option 2 the 16 car option showed 2 spaces in the public right-of-way. She asked if that was acceptable. Mr. Belz indicated those 2 spaces would be shown within the 10 foot setback unless the City Engineer agreed to let them be placed on the City right-of-way.

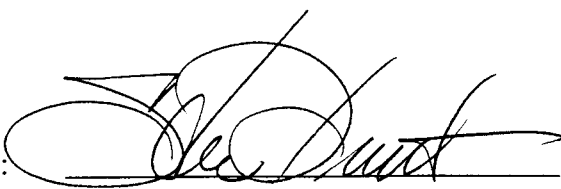
Board Member Tesch stated his motion would move those 2 spaces to within the 10 foot setback. Chair Deckert recommended they minimize the variances to the maximum degree possible.

Mr. Belz referred to his request for an interpretation of the language in Section 13.3(c) of the Land Management Code. He felt it was clearly a variance request and asked for the Board's consideration which would allow him the use of the entire structure, but with no more than what 9 employees that the 16 cars would allow for otherwise. Planner Whetstone stated the Board could not vary language in the Code.

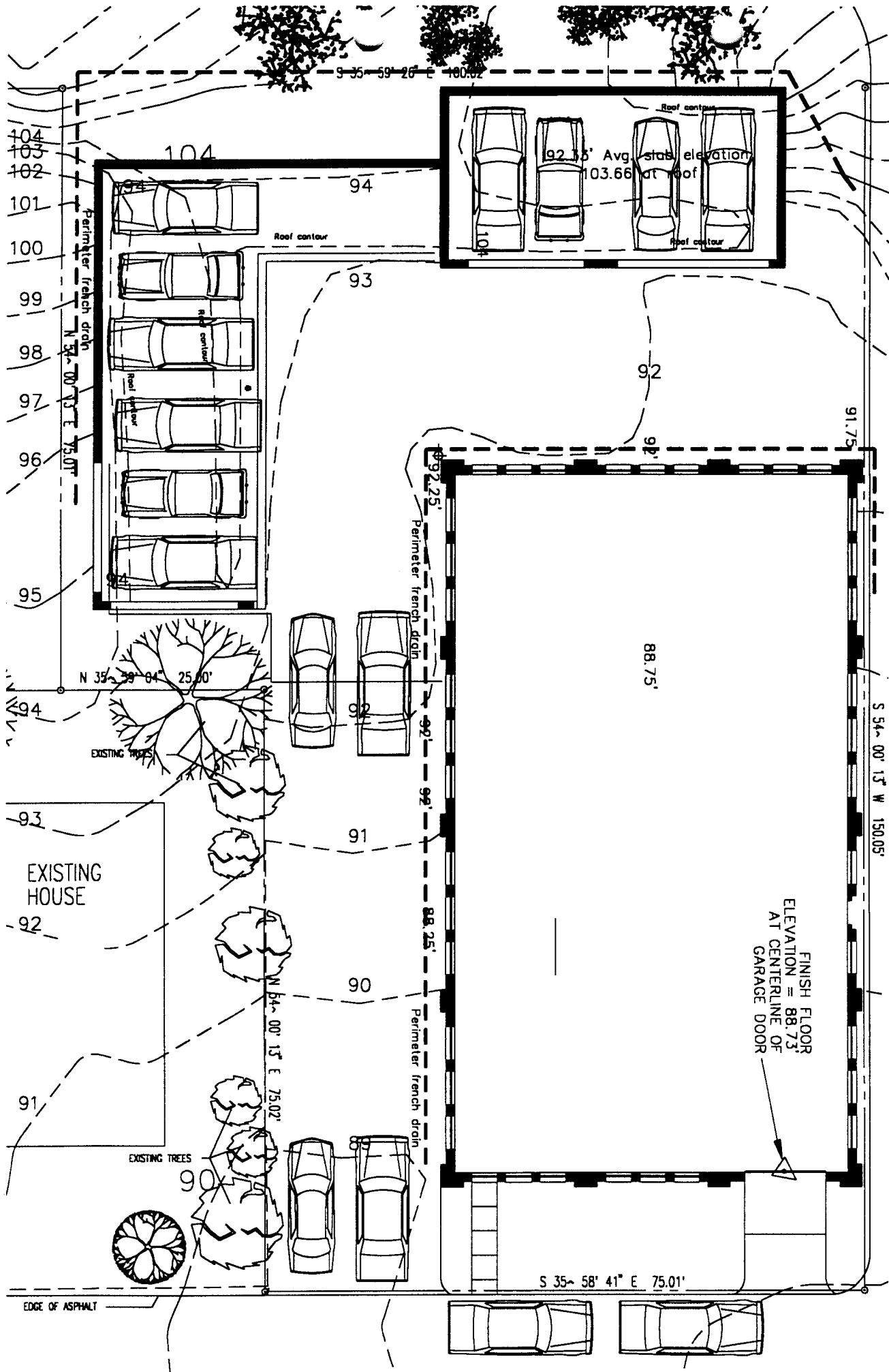
Board Member Sedgwick stated he would like to see permitted uses restricted to low impact uses. Mr. Belz suggested they could refine the allowed uses and perhaps establish a list of conditional uses that could be considered.

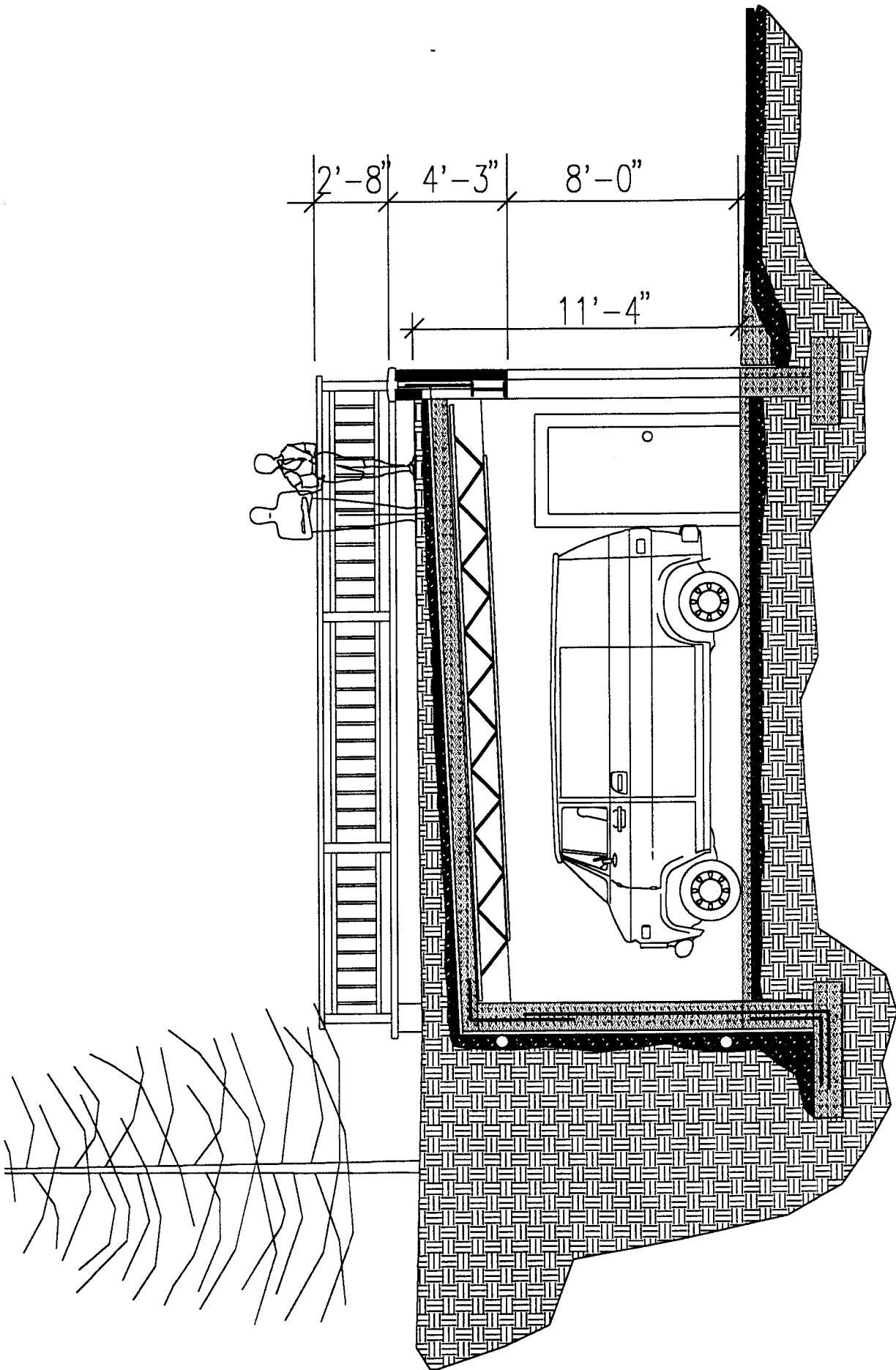
MOTION: Joe Tesch moved to APPROVE the 16 parking space option 2b, with everything that was included therein. He directed the Staff to draft that for the next meeting to provide a sense of what it was going to require, including moving cars on the east side of the building unless Eric DeHaan permitted otherwise. He requested that the Board approve a list of proposed uses as a starting point, with direction to Mr. Belz to negotiate with Staff for a more exhaustive list which was low impact in the sense of traffic. He directed that the necessary findings of fact and conclusions of law be drafted and presented for approval at the next meeting. Tom Sedgwick seconded the motion which was unanimously approved.

At 7:20 P.M. Dell Fuller moved to ADJOURN. Tom Sedgwick seconded the motion which was unanimously approved.

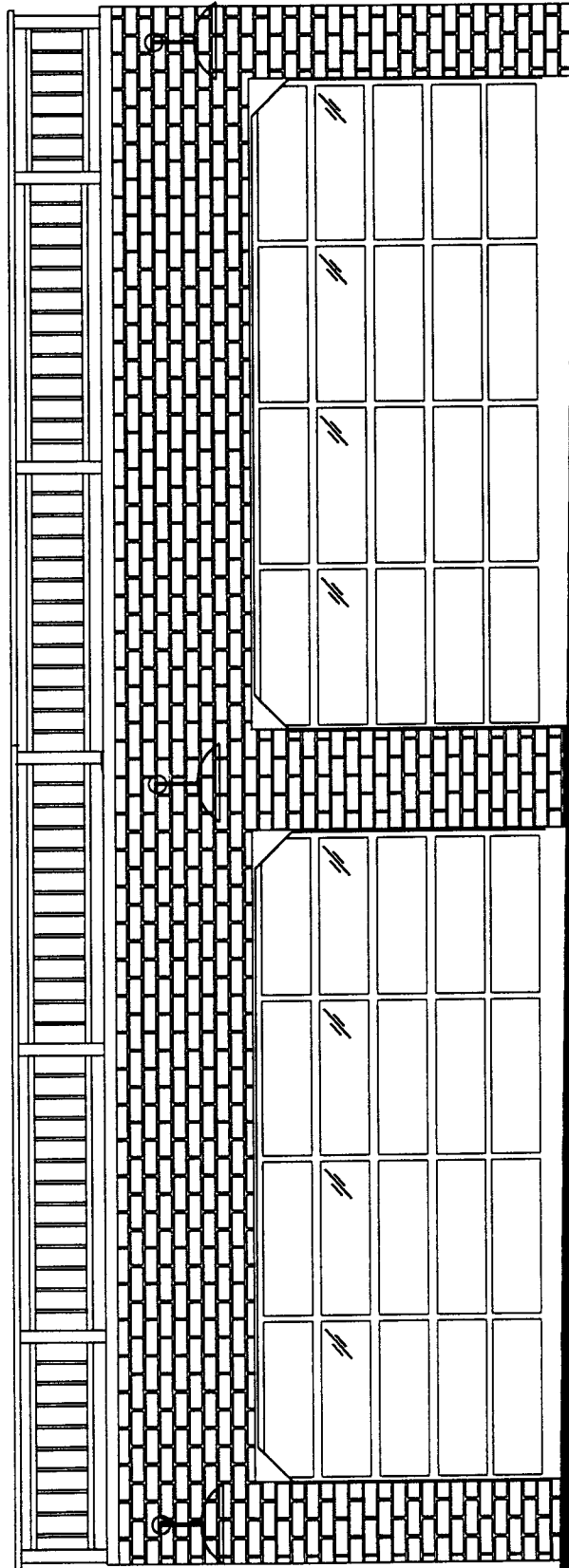
Approved: 
Chairman

Date: 8-24-95

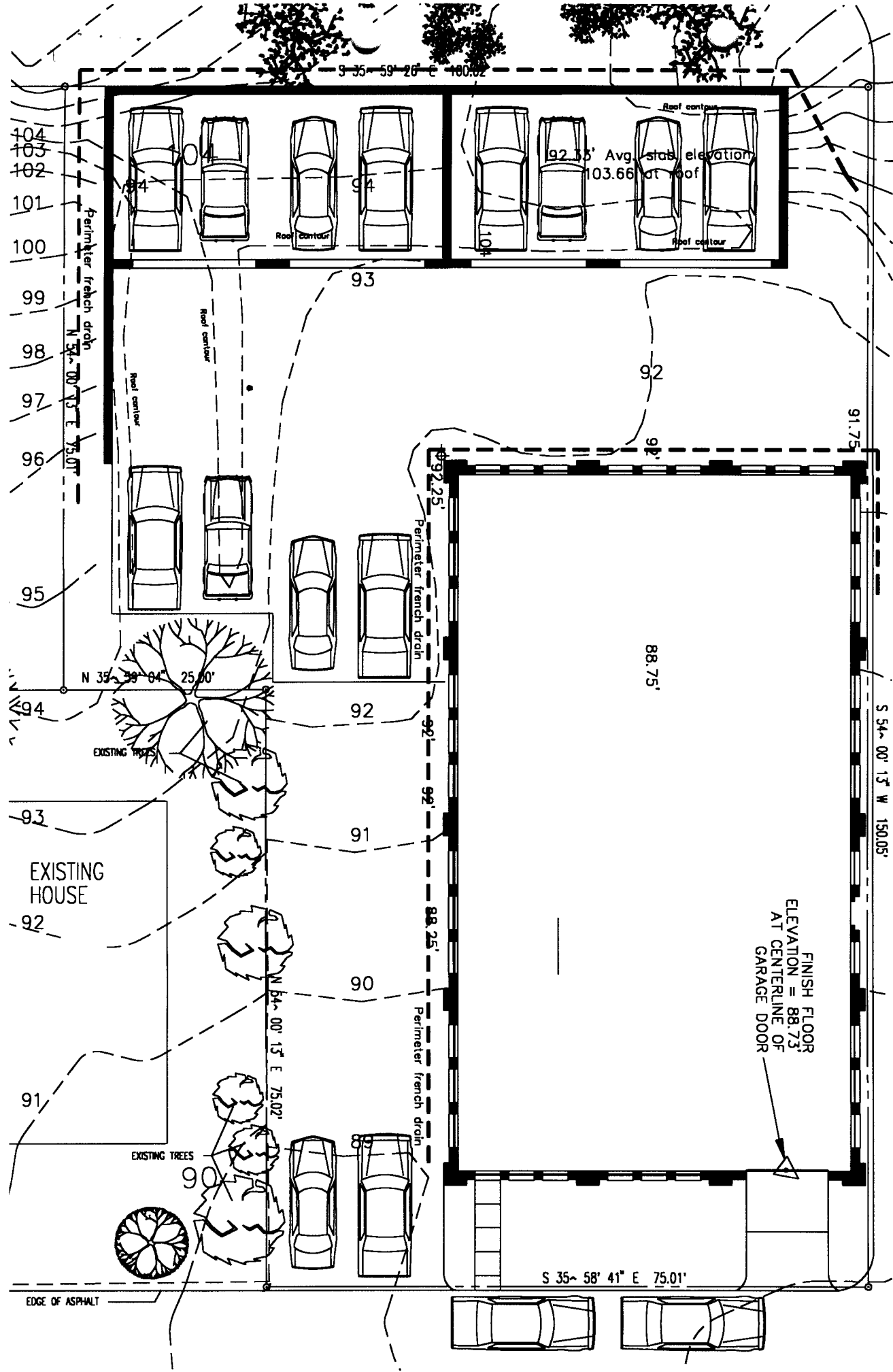




Section



Garage elevation





Department of Community Development
Engineering • Building Inspection • Planning

June 20, 1995

David Belz, Architect
811 Park Avenue
P. O. Box 681237
Park City, Utah 84068

VIA FAX 647-9339

Re: School Bus Equipment Storage and Maintenance Facility - 1167 Woodside Avenue

Dear David:

I received your request for an interpretation of Section 13.2(e) of the Land Management Code and an interpretation of intensity of uses between a professional office and a bus equipment storage and maintenance facility.

After reviewing Section 13.2(e) of the Land Management Code I have concluded that for an area to be considered a parking lot it must have space for parking more than four automobiles. In fact, the definition of parking lot in the Land Management Code is "an area other than a street used for the parking of more than four automobiles". Taking the definition into account, I believe that the intent of Section 13.2(e) was to develop specific criteria for setbacks, fences, and driveways for parking lots. (Areas where four or more vehicles are parked.) Therefore, this criteria does not apply to any self-contained area where four or less vehicles are parked. Stated another way, the phrase "parking areas" does not necessarily refer to the total parking on site. I believe that there could be a combination of parking on a site, some of which Section 13.2(e) applies, and other parking areas which have four or less vehicles in which Section 13.2(e) does not apply. In summary, if a parking area of four or less vehicles is accessible from a parking area of four or more vehicles, I would then consider the entire area as a parking area which must comply with Section 13.2(e). If the parking areas are physically separated, then only the parking area containing four or more vehicles must comply with Section 13.2(e).

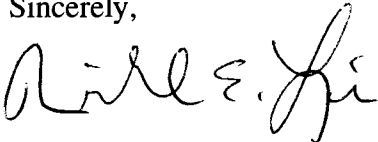
The issue relating to intensity of use is somewhat subjective. In reviewing the uses surrounding the school bus garage, it is clear to me that the residential uses surrounding the facility are most likely to be disturbed by a high intensity use. Typically, bus maintenance and storage facilities have one or two peak periods during the day when uses occur. Normally busses would leave the facility early in the morning and would return in mid-afternoon particularly if it is used as a

June 20, 1995

Page Two

school bus facility. If the facility was used by other busses, or shuttle vans, the uses could begin early in the morning and could run as late as 10 PM or midnight. A professional office, particularly if the uses are restricted to those having a low volume of visitors, would in my opinion have less potential impact on the surrounding residential neighborhood since offices usually have traffic arriving between 8 and 9 AM with some trips over the noon hour and then the offices are usually vacant after 6 PM and on weekends. I, therefore, find that under certain controlled uses professional offices would be a less intense use than a bus equipment storage and maintenance facility. This conclusion assumes that the professional uses allowed would have limited public contact.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard E. Lewis". The signature is fluid and cursive, with a large initial "R" and "L".

Richard E. Lewis, AICP
Community Development Director

REL/scb

David Belz, Architect

811 Park Avenue PO box 681237
Park City, Utah 84068
801-649-9339, Fax: 647-9339

June 20, 1995

Rick Lewis, Community Development Director

Park City Municipal Corporation
445 Marsac
Park City, Utah 84060

Rick,

I met briefly yesterday with Jodi Hoffman to discuss the interpretation being applied by Staff in regards to section 13.2e of the Land Management Code. I was informed that it is the Community Development Directors purview to make code rulings and accordingly, I am here-in requesting your formal interpretation on two specific code issues.

In my revised application package I specifically request an interpretation of section 13.2e of the LMC. In their most recent reviews and report, Staff has, without directly responding to my call for an interpretation, taken the position, that this section's reference to "Parking areas" of more than 4 cars actually refers to the total parking on site as opposed to discreet and distinctly separate parking areas. This interpretation is critical because it is the basis of staff's position that only 5 cars can be accommodated on site and is their only support for disallowing certain parking which I have shown in both the 12 and 16 car parking plans. I respectfully request you review section 13.2e and make a formal ruling on whether or not "parking areas" refers to total parking on site or distinct parking areas servicing a structure. In making your determination, please consider #6 in the section entitled "*Applicant's Responses to staff concerns, positions and interpretations*" of my application package.

~ Rick to make interp.

The second item I request a formal ruling on concerns intensity of use. Staff has taken the position that Professional office uses under the LMC, (a B-2 occupancy under the UBC) is more "intense" than a bus equipment storage and maintenance facility, a service commercial use under the LMC. (a H-4 occupancy in the UBC). I here-in request your formal ruling as to whether the proposed professional office use is more or less intense than then the existing equipment storage and maintenance facility. (As one measure of code perceived intensity of use, you may want to consider the zones in which these uses are allowed as conditional or permitted uses in the Land use tables, (pages 7-54 and 7-56))

~ Rick to make interp.

There may be other rulings which I will need but these two issues are the most critical at this juncture. In as this interpretation was requested in my revised application and as we are going before the Board of Adjustments this evening, I would be most grateful if you could find the time to address this request today. I realize this may be difficult but perhaps you could at the least make a preliminary finding on the matter for the Board's consideration. Thank you in advance for your prompt attention to this matter.

Sincerely, David Belz, Architect, Applicant

**PARK CITY PLANNING DEPARTMENT
BOARD OF ADJUSTMENT
STAFF REPORT**

**TO: BOARD OF ADJUSTMENT
FROM: PLANNING STAFF
DATE: JUNE 20, 1995
RE: RATIFICATION OF FINDINGS OF FACT AND CONCLUSIONS OF LAW
REGARDING THE CHANGE OF A NON-CONFORMING USE AND A
VARIANCES TO SETBACKS FOR THE "BUS BARN" PROPERTY
LOCATED AT 1167 WOODSIDE AVENUE.**

I. PROJECT STATISTICS

Project Name:	The Bus Barn
Applicant:	David Belz
Location:	1167 Woodside
Proposal:	1. Change of non-conforming use 2. Variance to setback requirements
Zoning:	HR-1
Adjacent Land Uses:	Carl Winters Building, single-family dwellings
Date of Application:	May 4, 1994, latest revisions submitted June 8, 1995
Project Planner:	Kirsten Whetstone
Staff Recommendation:	Ratify the findings of fact and conclusions of law and approve the non-conforming use with variances to setbacks

II. BACKGROUND

The applicant's request for a change of a non-conforming use and for a variance to setback requirements for the structure located at 1167 Woodside Avenue was approved at the June 20, 1995 meeting of the Board of Adjustment. The Board of Adjustment directed staff to prepare findings of fact and conclusions of law regarding the two requests. The Board also directed staff to prepare a list of allowable uses for the building which are low traffic and activity generators and compatible with the adjacent neighborhood. See attached Exhibit A.

III. PROJECT DESCRIPTION

The applicant has requested approval of a change of a non-conforming use from a busbarn/storage facility to professional offices, art studios, and other similar low intensity, low traffic generating uses. Limited hours of operation are proposed as 7:30am to 10:00pm. The busbarn structure contains approximately 4,250 sq. ft. of interior space. See attached Exhibit B.

The applicant has also requested approval of the following variances which facilitate the 16 parking space layout as endorsed by the Board.

- a. A side yard setback variance along the north property line from 10' to 0' for the existing building.
- b. A side yard setback variance from 5' to 3' for 1) a parking space in the front driveway area and 2) one rear parking space.

IV. STAFF ANALYSIS

NON-CONFORMING USE CHANGE

Staff has reviewed the proposal for compliance with Chapter 12 of the LMC. Chapter 12 of the Land Management Code (LMC) for non-conforming uses reads as follows:

The purpose of the chapter is to examine the impacts of the proposed changes and evaluate them based on the character of the surrounding area, traffic capacities or adjacent streets and potential environmental effects. In addition, applications are reviewed to ensure that they are reducing the degree of non-conformity and improving the physical appearance of the structure and site through such measures as landscaping, building design, or the improved function of the use in relation to other uses.

In addition, the LMC allows for a change or expansion of a non-conforming use, provided that parking be provided in accordance with the standards of Chapter 13. Change of non-conforming use requests are subject to following four criteria (Section 12.4):

1. All reasonable measures will be taken to alleviate or reduce the incompatibility or adverse effects of the non-conforming use or building upon abutting properties or in the neighborhood; i.e., objectionable conditions, visual or noise pollution, vehicular traffic, or on-street parking.
2. All changes, additions, or expansions shall comply with all current development requirements and conditions of this section and other applicable City codes, except as to use.

3. Additions to buildings will provide for storage of necessary equipment, materials, and refuse, rather than create a need for additional outside storage.
4. The building as it exists, and/or the land or use involved cannot reasonably be utilized under the provisions of this code, or cannot reasonably be made to conform to this code.

Staff has evaluated the proposal using the criteria for review as outlined above. Issues of incompatibility, visual and noise pollution, traffic, parking and other adverse effects of the non-conforming use or building upon abutting properties and the neighborhood have been addressed by limitations on the type of use, hours of operation, and assurance of adequate parking and circulation, and additional landscaping.

The applicant will be required to provide code compliant parking, with a variance for side yard setbacks, for the square footage of office space being used at any given time. A total of 22 spaces are required to utilize the entire structure at a ratio of 1 parking space per 200 sq. ft. of office. With 16 parking spaces provided on site, the applicant may utilize 3200 sq. ft. of the building.

A condition of approval provides for inside storage of equipment, materials, and refuse and prohibits outside storage and outside activity in connection with use of this building.

The busbar building is a historic structure, unique in character and construction. The building cannot reasonably be utilized under the provisions of this code and the Uniform Building Code for uses allowed in the HR-1 zone (single family and duplexes). The building will comply with all current development regulations and conditions of Chapter 12 and all other applicable City Codes for the office uses.

A condition of approval will require a lot combination plat amendment prior to certificate of occupancy to bring the building into compliance with City code regarding internal lot lines and combination of lots.

Staff has determined that the request meets the above criteria with conditions about outside storage and activity, and landscaping, and with a condition that the office uses conform to the City's definition of professional offices (LMC-Section 2) with the following exceptions:

dentists, physicians, realtors and other similar uses which generate higher traffic volumes due to a higher number of client visits, shall not be allowed.

Staff also recommends a condition restricting hours of operation be limited to 7:30am to 10:00pm and a condition that a floor plan be submitted prior to certificate of occupancy to show how the interior space is to be utilized.

SIDE YARD SETBACK VARIANCES

At the June 20, 1995 meeting, the Board endorsed the applicant's 16 parking space site plan and approved necessary variances as follows:

The existing building is situated on the lot with a zero setback to the north property line. A variance to the required 10' side yard setback is necessary to allow the building to remain as is. This existing condition presents an unreasonable hardship for the applicant to meet all code requirements for setbacks. Staff has reviewed this variance request and believes that all five conditions for variances as listed in Section 5.7 of the LMC (see Exhibit C) are found to exist.

In order to facilitate the 16 parking space site plan, which the Board found to best reduce impacts of parking and traffic on the neighborhood, a second variance to the side setback on the south property line is necessary.

The size of the parcel, being a combination of lots, requires a combination of 15' for sideyard setbacks. The north side setback, along 15th Street, is required to be 10'. The south side setback would then be required to be a minimum of 5'. Two parking spaces are located approximately 3' from the property line. Staff has reviewed this variance request and believes, given the historic nature of the existing building and the proposal to restore it and provide a facade easement, that all five conditions for variances are found to exist.

V. FINDINGS OF FACT

NON CONFORMING USE

1. Parking for the change of use meets the standards of Chapter 13 with the requested variances. A floor plan, including a sq. ft. tabulation of area to be utilized by the various uses will be submitted prior to issuance of a certificate of occupancy to verify that the number of parking spaces is in compliance with the LMC.
2. Issues of incompatibility, visual and noise pollution, traffic, parking, and other adverse effects of the non-conforming use have been addressed by limitations on the type of use, hours of operation, assurances of adequate parking and circulation, and provisions for additional landscaping.
3. The busbarn is a historic structure, unique in character and construction. The applicant has applied for a grant from the Historic District Commission to fully restore the historic structure.
4. No outside storage of equipment, materials, and refuse will be allowed on the property.
5. All activity will be conducted within the structure.
6. The building will be reviewed by the Community Development Department for compliance

with the UBC and the LMC.

7. A lot combination plat amendment will be reviewed prior to certificate of occupancy

VARIANCES

1. Literal enforcement of the zoning ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the zoning ordinance, in that the structure as built violates the setbacks.
2. There are special circumstances attached to this property that are unique to this property, given the size and position of the building on the lot, that do not generally apply to other properties in the same district.
3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district, given the size and nature of the structure.
4. The variance will not substantially affect the general plan and will not be contrary to the public interest, given that the applicant will restore the structure and dedicate a facade easement to the City.
5. The spirit of the zoning ordinance is observed and substantial justice is done.

VI. CONCLUSIONS OF LAW

NON CONFORMING USE

1. The process for changes to non-conforming uses as outlined in the LMC have been followed, including notification of affected property owners and posting of the property.
2. A public hearing was held on June 20, 1995 to receive input from the neighborhood.
3. Subject to conditions of approval, all requirements of the LMC for changes to non-conforming uses have been met, including the parking requirement and all applicable criteria for review as listed in Section 12.4.
4. The change of use does not substantially affect the general plan and is not contrary to the public interest.

VARIANCES

1. The process for variance requests as outlined in the LMC have been followed, including notification of affected property owners and posting of the property.

2. A public hearing was held on June 20, 1995 to receive input from the neighborhood.
3. Subject to conditions of approval, all requirements of the LMC for variances have been met, including conditions required to be found prior to granting of variances as outlined in Section 5.7 of the LMC (Exhibit C).

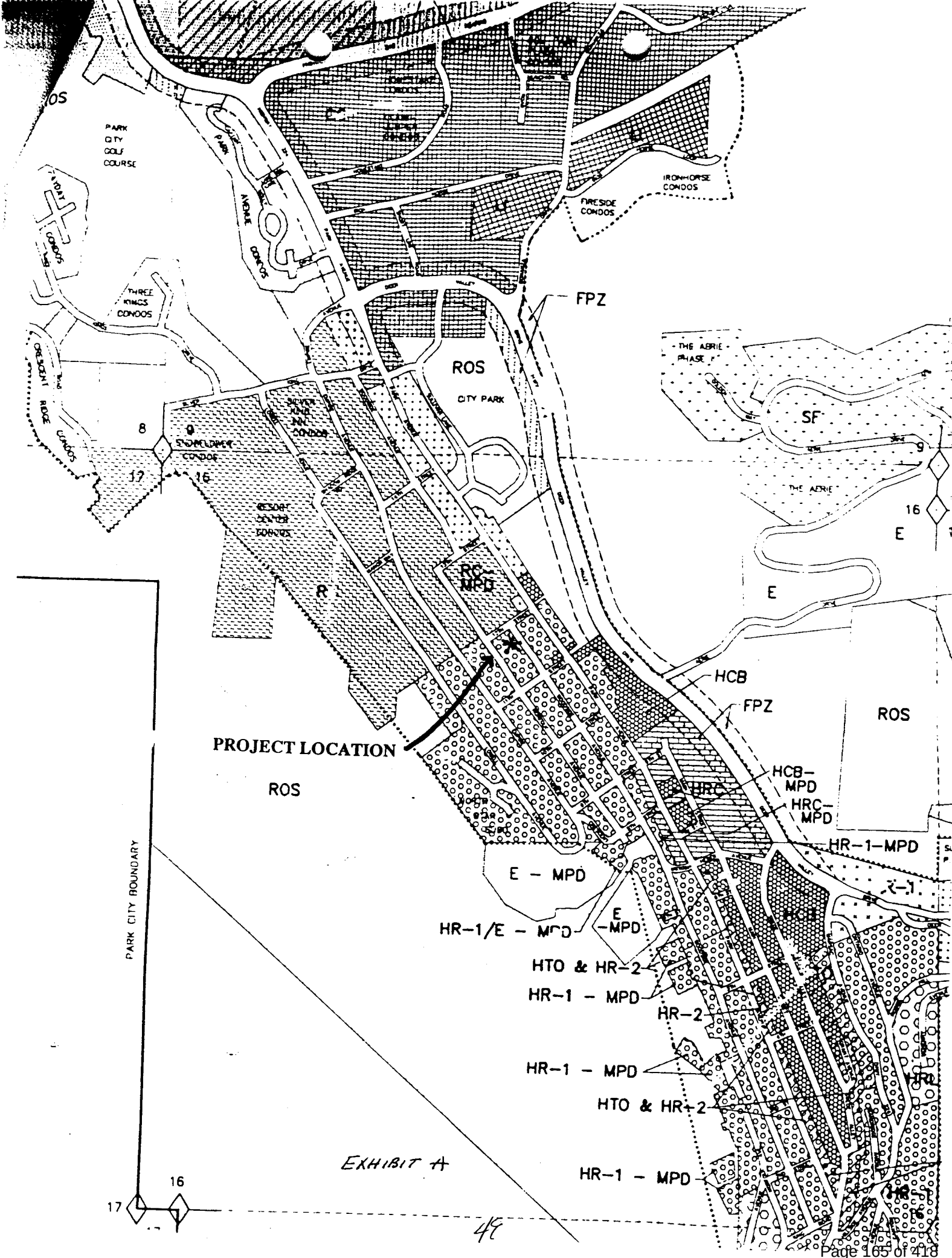
VII. RECOMMENDATION

In order to achieve historic preservation goals of promoting the adaptive reuse of structures while still protecting the residential neighborhood from parking, noise and congestion impacts, Staff recommends approval of the change of non-conforming use and the side yard setback variances for 1167 Woodside, based on the above findings of fact and conclusions of law and with the following conditions:

1. The hours of operation shall be restricted to between 7:30 am and 10:00 pm.
2. The applicant shall submit floor plans that illustrate maximum floor areas of each use prior to obtaining a building permit or a certificate of occupancy in the event that no building permit is issued. The maximum floor area of the building to be utilized shall not exceed 3200 square feet. This is based on the applicant's ability to provide 16 on-site parking spaces.
3. Allowable uses include those as defined in Chapter 2 of the LMC for Professional Office with the exception of dentists, physicians, realtors, and other similar uses which generate higher traffic volumes due to a higher number of client visits.
4. All Standard Conditions of Approval apply.
5. There shall be no outside storage of equipment, material, or refuse allowed associated with this use.
6. All activity associated with the office use shall be conducted completely within the structure.
7. Planning staff shall review and approve a landscape plan for the site prior to issuance of building permits. Landscaping improvements shall be completed and approved by the City prior to issuance of a certificate of occupancy.
8. A lot combination amended subdivision plat shall be approved and recorded prior to issuance of a certificate of occupancy for the office use.
9. At the time of platting, a facade easement for the main structure at 1167 Woodside, known as the busbarn, shall be dedicated to the City. A Grant of Easement shall be submitted to the City for recordation.

VIII. EXHIBITS

- A. LOCATION MAP
- B. SITE PLAN
- C. SECTION 5.7 OF THE LMC REGARDING CONDITIONS OF VARIANCE



5.7

- (a) literal enforcement of the zoning ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the zoning ordinance;
- (b) there are special circumstances attached to the property that do not generally apply to other properties in the same district;
- (c) granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district;
- (d) the variance will not substantially affect the general plan and will not be contrary to the public interest; and
- (e) the spirit of the zoning ordinance is observed and substantial justice done.

5.8. APPLICATION FOR VARIANCE REVIEW. An application for variance review must be filed with the City, and the required fee paid in advance. The application shall state the nature of the hardship and the nature of the variance requested. If the request for a variance is a result of a denial of any building permit or conditional use approval, the application shall so state, and all documents on file concerning the matter shall be forwarded to the Board for review as a part of the request. The applicant or the City may present any information as might be reasonably required by the Board in evaluating the request.

5.9. HEARING. The Board shall, upon receipt of the application for a variance, schedule a date for hearing on the matter. The hearing date shall be no less than fifteen (15) days, nor more than thirty (30) days from the date of application. Notice shall be given to adjoining land owners in the manner described in Chapter 1 of this Code, and in addition, notice of hearing shall be published at least once prior to the date of the hearing in a newspaper having general circulation in the city.

5.10. PERSONS ENTITLED TO APPEAR. At the hearing on any matter before the Board of Adjustment, any person aggrieved or interested in the matter may appear in person or through his attorney to testify on the matter. The applicant shall have the right to respond to testimony offered in opposition to the application.

5.11. DECISION. In exercising the above-mentioned powers the Board may, in conformity with the provisions of the Code, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the official or board from whom the appeal is taken.

**BOARD OF ADJUSTMENT
STAFF REPORT**

TO: BOARD OF ADJUSTMENT
FROM: PLANNING STAFF
DATE: JUNE 20, 1995
**RE: REQUEST FOR A CHANGE IN A NON-CONFORMING USE AND A
VARIANCE TO PARKING REQUIREMENTS.**

I. PROJECT STATISTICS

Project Name:	The Bus Barn
Applicant:	David Belz
Location:	1167 Woodside
Proposal:	1. Change of non-conforming use 2. Variance to parking requirements
Zoning:	HR-1
Adjacent Land Uses:	Carl Winters Building, single-family dwellings
Date of Application:	May 4, 1994, latest revisions submitted June 8, 1995
Project Planner:	Kirsten Whetstone
Staff Recommendation:	Approve change of non-conforming use, subject to conditions. Deny variance to parking requirements

II. BACKGROUND

The applicant requests approval to change a non-conforming use to another non-conforming use in the HR-1 Zone for the historic structure located at 1167 Woodside Avenue (see Exhibit A). The structure was originally built in 1936 and has historically operated as a bus barn/garage and industrial art school rooms for the Carl Winters School. The applicant proposes to change the use to professional office space, art studios, uses which qualify as home occupations, and bike/ski maintenance shops. Two affidavits attesting to the use of the building over time as a bus barn have been previously submitted and verified.

The original proposal for a change of a non-conforming use and parking variances was submitted on May 4, 1994. Staff had many planning concerns with the proposal and pursued various options with the applicant to find one which Staff could support. The proposal was scheduled for an August 2, 1994 Board of Adjustment meeting and then continued at the applicant's request.

The proposal was eventually scheduled for a hearing on October 18, 1994 and continued again to November 15, 1994, where the item was discussed in detail. The Board continued the item to allow Staff additional time to review an enclosed parking structure proposal in further detail. The enclosed parking is no longer part of this proposal.

Staff's recommendation at the November 15, 1994 meeting was as follows:

In an attempt to achieve historic preservation goals of promoting the adaptive reuse of structures while still protecting the residential neighborhood from parking, noise and congestion impacts, staff recommends approval of the change in non-conforming use for a combination of office and art studio uses subject to the following conditions:

1. A combination of office, studio, and private storage space shall not exceed the square footage requirements of available parking. One example is 800 square feet of office, two art studios, and approximately 2,500 square feet of private storage. Other similar combinations of uses, which do not produce a net deficit in parking spaces, shall be allowed.
2. The applicant shall submit revised floor plans that illustrate maximum floor areas of each use prior to obtaining a final building permit.

Staff's position has not changed since the November meeting. The major concern continues to be that the change of use should not create additional or greater intensity of use than what was previously allowed on this site. Specifically, the change should not create additional traffic or parking problems in the residential neighborhood. The November report indicated that the office square footage should be determined by the amount of parking located on the site.

The Staff report of November 15, 1994 (as well as a report dated October 18, 1994) indicated 9 parking spaces could be provided on site. Since that date, staff has reviewed the site in greater detail and has now determined that there is room for only 5 code compliant (Section 13 LMC) parking spaces on site (see Exhibit B). Additional spaces require variances to either the driveway width, side and front setbacks, or to a clause in Chapter 13 of the LMC (13.2 (e)) which does not permit the use of public ROW for parking maneuvers to and from a private site. Staff does not support variances to the parking requirements or driveway widths as outlined in Chapter 13, because of potential impacts to the neighborhood resulting from traffic.

On June 5, 1995 the applicant submitted revised plans and requested a hearing date before the Board of Adjustment on June 20, 1995.

III. PROJECT DESCRIPTION

The applicant is requesting action on the following five items:

1. Approval of a change to a non-conforming use from busbarn/storage to professional offices, art studios, and other similar low intensity, low traffic generating uses. Limited

hours of operation are proposed as 7:30am to 10:00pm (see Exhibit C). The busbarn structure contains approximately 4,250 sq. ft. of interior space.

2. Approval of a site plan showing 12 parking spaces and utilizing approximately 2500 sq. ft. of interior space for office uses with a maximum of 7 employees per shift (see Exhibit D).
3. Approval of a site plan showing 16 parking spaces and utilizing approximately 3500 sq. ft. of interior space for office uses with a maximum of 9 employees per shift. This parking layout requires demolition of the existing accessory garage (see Exhibit E).
4. Approval of a variance to (or relief from) wording in Section 13.3(c) of the LMC which requires the greater of one space per 200 sq. ft. of office use or one space per each 500 sq. ft. plus one space per employee per shift for professional office parking requirements. The applicant is asking for a variance to allow this to read either instead of the greater of. The applicant is asking for this variance to allow greater flexibility in assessing parking requirements for professional office uses which may require fewer spaces per sq. ft. than other office uses, due to the less intense nature and reduced client traffic.
5. Approval of variances to specific sections of Chapter 13 of the LMC relative to the physical parking layout.

The 12 parking space option would require the following variances:

- a. A reduction in the required driveway width from 24' to 13' to allow for parallel parking along the south side of the structure as required in Section 13.2 (f) of the LMC.
- b. A variance to the restriction of parking in the front setback area, which is not allowed for commercial structures (Section 13.2 (e)), to allow the two spaces in front and the first space along the south side of the structure.
- c. A variance or relief from the language in Section 13.2 (e) which restricts backing cars onto adjoining public sidewalks, parking strips, or roadways in conducting parking and unparking operations. This variance would allow the 4 spaces in the rear lot as well as the two in the front setback (assuming the variance requested in b. above is granted).

The 16 parking space option would require the following variances:

- a. A reduction in the driveway width off of 12th street from 24' to 18' (Section 13.2 (f)) to allow the 12 spaces in the rear lot.
- b. A variance to the restriction of parking in the front setback area as described in (b.) above.
- c. A variance to allow parking in the side yard setback as is restricted by Section 13.2 (e).

This variance would allow the two spaces which currently do not meet the required side yard setback of 5'.

Please refer to the hand out, titled 1167 Woodside A.K.A. "The Bus Barn" provided by the applicant, for a detailed description of the applicants proposal.

IV. STAFF ANALYSIS

NON-CONFORMING USE CHANGE

Staff has reviewed the proposal for compliance with Chapter 12 of the LMC. Chapter 12 of the Land Management Code (LMC) for non-conforming uses reads as follows:

The purpose of the chapter is to examine the impacts of the proposed changes and evaluate them based on the character of the surrounding area, traffic capacities or adjacent streets and potential environmental effects. In addition, applications are reviewed to ensure that they are reducing the degree of non-conformity and improving the physical appearance of the structure and site through such measures as landscaping, building design, or the improved function of the use in relation to other uses.

The LMC allows for a change or expansion of a non-conforming use, provided that parking be provided in accordance with the standards of Chapter 13 and subject to four criteria for review. A copy of Chapter 12 is attached as Exhibit F.

Staff has evaluated the proposal to change the use from a busbarn to professional offices using the criteria for review and has determined that, subject to conditions, the applicant's request meets the review criteria. If the use is limited in size to the amount of code required parking which can be accommodated on site (5 spaces), staff believes that all reasonable measures have been undertaken to alleviate, or reduce, the incompatibility and adverse effects of the non-conforming use or building upon abutting properties and the neighborhood. Parking, traffic, noise, and aesthetics have been reviewed and staff believes that, with conditions, the change to professional offices will not adversely impact the neighborhood.

A professional office is defined as follows:

"Professional Office. A building or space used by persons such as accountants, architects, artists, dentists, designers, engineers, lawyers, physicians, realtors, teachers, and others who, by virtue of training and/or license, are qualified to perform services of a professional nature, and/or where no goods or merchandise are sold or stored." LMC page 2-14.

Staff suggests that professional office uses for this proposal **exclude dentists, physicians,**

realtors and other similar uses which generate higher traffic volumes due to a higher number of client visits. Staff recommends a condition restricting hours of operation be limited to 7:30am to 10:00pm and a condition that a floor plan be submitted prior to certificate of occupancy to show how the interior space is utilized.

12 PARKING SPACES OPTION

Staff does not support the 12 parking spaces option, as the resulting traffic and intensity of use would not reduce the incompatibility or adverse effects of the non-conforming use upon the abutting properties or in the neighborhood. In addition, the 12 space option requires variances to the Code in regards to Chapter 13. One of the criteria for review requires that all changes, additions, or expansions of non-conforming uses comply with all current development requirements and conditions of Chapter 12, as well as other applicable City Codes, ie Chapter 13, regarding parking.

16 PARKING SPACES OPTION

After reviewing the proposal it has been determined that the 16 parking space option can not be considered by staff at this time because it requires a Certificate of Appropriateness for Demolition (CAD) for the demolition of the existing garage. Before this CAD is granted, staff is not able to review this option, as the option is not physically possible without the CAD. At this time a CAD application has not been submitted for review.

WORDING IN SECTION 13.3 (C)

The request for a variance to the wording in Section 13.3 (c) regarding the change from **the greater of** one space per each 200 sq. ft. **or** one space per each 500 sq. ft. plus one space per employee per shift, to read **either** one space per 200 sq. ft. **or**, is an interpretation of the Code issue, not a variance. Interpretation of the Code is the purview of the Community Development Director, with appeals directed to the pertinent Commission or to City Council.

VARIANCES TO CHAPTER 13 REGARDING PARKING

Staff does not support variances to parking requirements because a change of non-conforming use is required by Code to meet the applicable City Codes, ie Chapter 13, regarding parking. Staff also believes that additional parking will create a more intense use of the property than currently exists in terms of traffic and activity.

V. RECOMMENDATION

The Planning Staff has requested a legal opinion regarding the City's ability to add conditions to a change in a non-conforming use review and received a positive response. In an attempt to achieve historic preservation goals of promoting the adaptive reuse of structures while still protecting the residential neighborhood from parking, noise and congestion impacts, staff

recommends approval of the change in non-conforming use for professional offices subject to the following conditions:

1. The hours of operation shall be restricted to between 7:30 am and 10:00 pm.
2. The applicant shall submit revised floor plans that illustrate maximum floor areas of each use prior to obtaining a building permit or a certificate of occupancy in the event that no building permit is issued.
3. Allowable uses include those as defined in Chapter 2 of the LMC for Professional Office with the exception of dentists, physicians, realtors, and other similar uses which generate higher traffic volumes due to a higher number of client visits.
4. All Standard Conditions of Approval apply.

It should be noted that if the Board of Adjustment desires to approve or deny a change in the nonconforming use and/or variance from parking requirements, as requested by the applicant, staff will need to devise necessary legal findings for adoption at the next meeting.

VI. EXHIBITS

- Exhibit A- Location Map
- Exhibit B- Site Plan for 5 Parking Spaces
- Exhibit C- List of Proposed Uses
- Exhibit D- Site Plan for 12 Parking Spaces
- Exhibit E- Site Plan for 16 Parking Spaces
- Exhibit F- Chapter 12 of the LMC

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PROJECT LOCATION

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HR-1 - MPD

HR-2

HR-1 - MPD

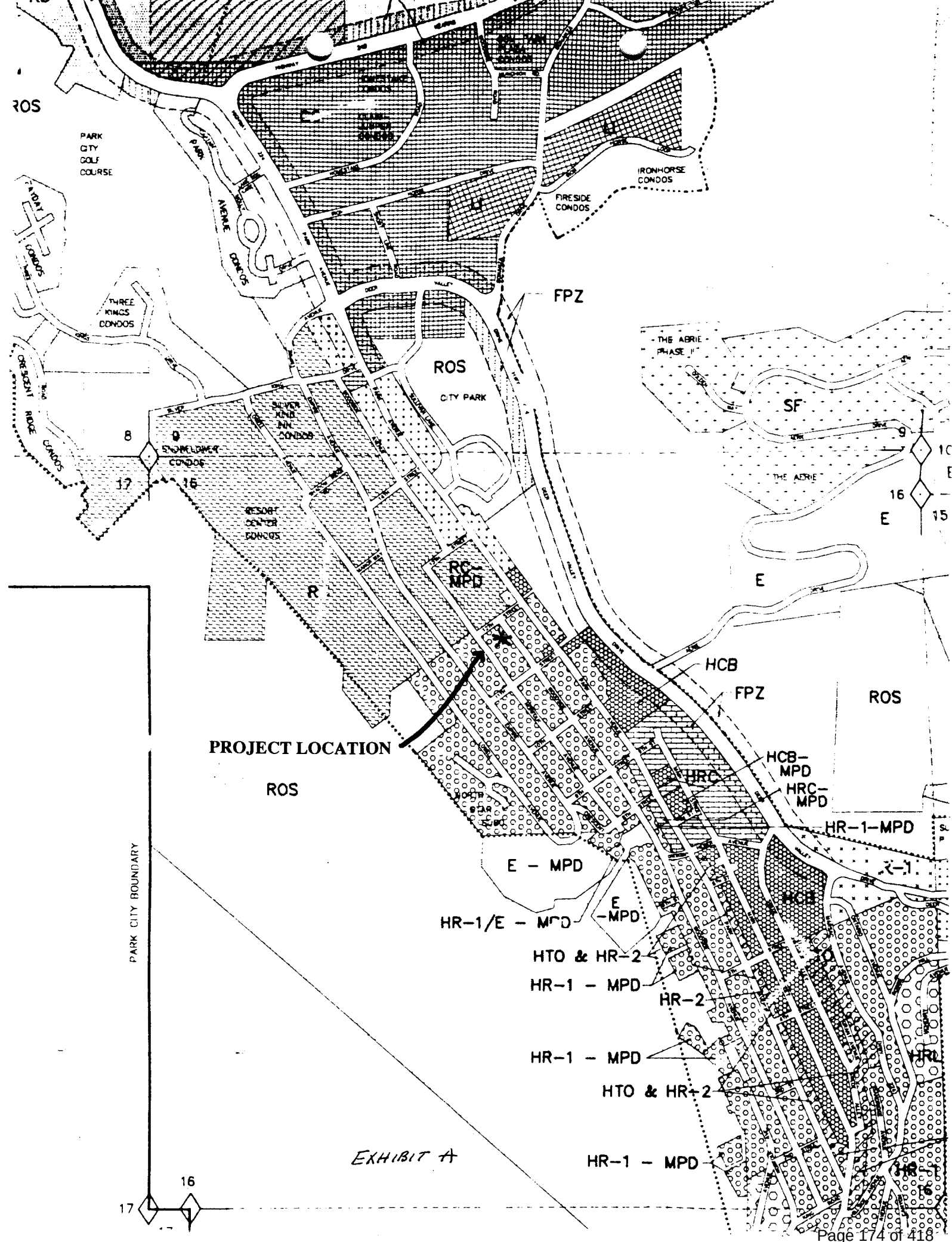
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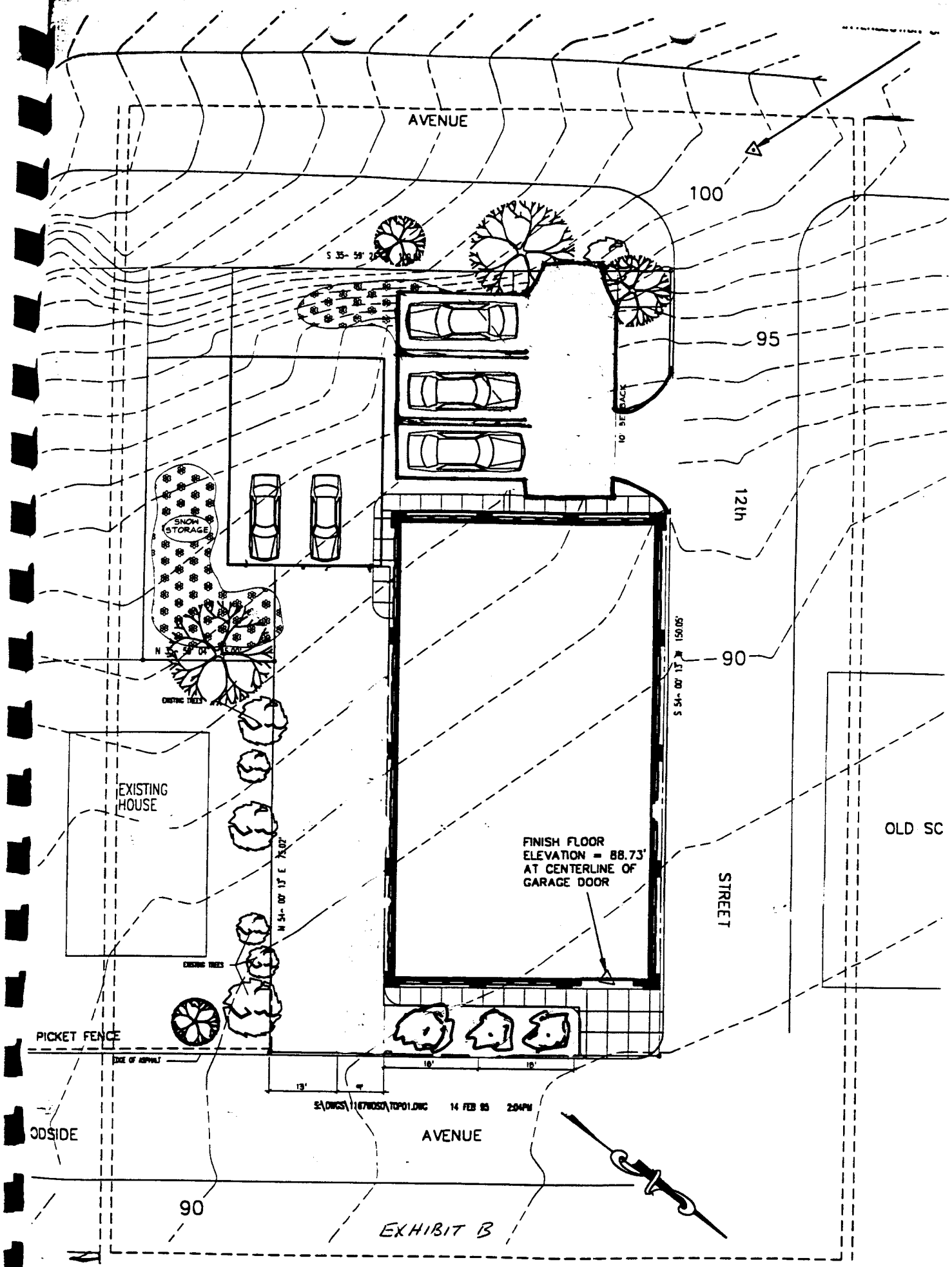
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PARK CITY BOUNDARY

EXHIBIT A

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EXHIBIT B

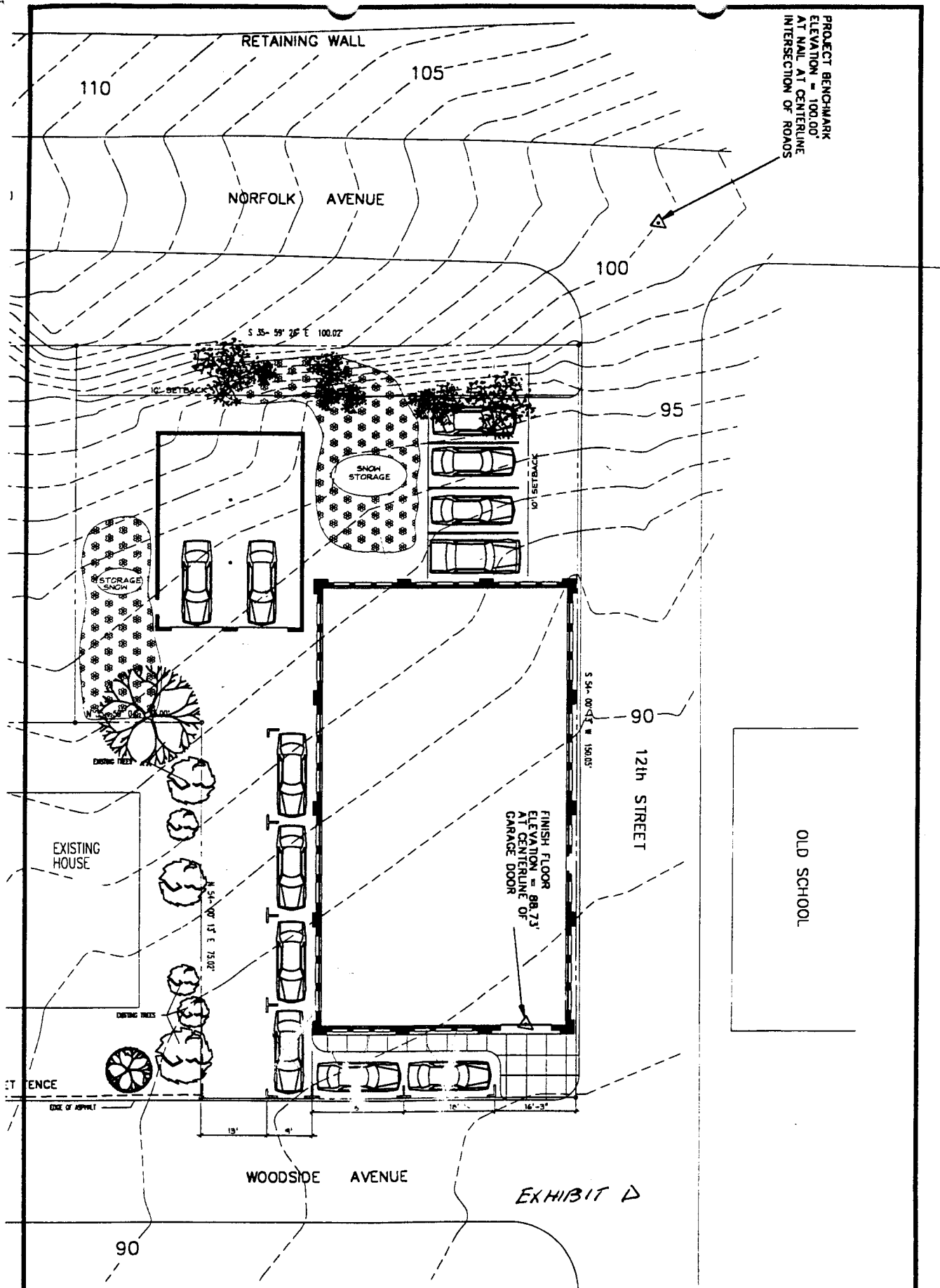
LIST OF PROPOSED USES

Permitted uses are to be characterized as small office and or studio spaces which by their nature do not generate large quantities of client traffic, excessive noise or odors, and do not produce harmful or excessive quantities of waste by-products. Hours of operation shall be limited from 7:30am to 10:00 pm. Examples of appropriate uses include but shall not be limited to:

**Architects office
Interior designers
Legal practices
Accounting firms
Contractors office
Real-estate Brokerage and or development offices
Any uses which could qualify as a home occupation
Personal business offices
Artist design studios
Bike and ski maintenance**

Since it appears under the most generous of the parking scenarios no more than 9 or 10 employees per shift could be accommodated, large offices which might generate a greater amount of client traffic will be effectively precluded.

EXHIBIT C



PARK CITY DESIGN CONSULTANTS

DAVID BELZ, Architect
 881 Park Avenue, 10th Floor, BOSTON
 Park City, Utah 84060
 Phone: 801-447-0000 Fax: 801-447-0000

1167 Woodside

1167 Woodside Ave.
 Park City, Utah

Site Plan, 12 Car Option

DATE: 5/14/07

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

Sheet No.:
A-1a

DESIGNED FOR:
 1167 Woodside Ave.

CHAPTER 12. NON-CONFORMING USES

12.1. PURPOSE. This chapter describes the status of the uses of land or structures which were lawful before the Land Management Code was passed or amended but which are now or became prohibited, restricted, or substandard. While permitting non-conforming uses, structures and improvements thereto to continue, this chapter is intended to limit enlargement, alteration, restoration, or replacement which would increase the discrepancy between existing conditions and the development standards prescribed by the Code. The purpose of the non-conforming review is to look at the impacts of the proposed changes and evaluate them based on the character of the surrounding area, traffic capacities of adjacent streets, and potential environmental effects. In addition, applications are reviewed to ensure that they are reducing the degree of non-conformity and improving the physical appearance of the structure and site through such measures as landscaping, building design, or the improved function of the use in relation to other uses.

12.2. OCCUPANCY.

- (a) Continuation. The occupancy of a building or a parcel of land by a non-conforming use existing at the time of passage of the Land Management Code may be continued.
- (b) Occupation Within a Year. A vacant building or structure may be occupied by a use for which the building or structure was designed or intended if so occupied within a period of one year after the use became non-conforming. Occupation shall mean a full resumption of the use with the intent that it continue indefinitely.
- (c) Use of Land. The non-conforming use of land existing at the effective date of this Code or amendments affecting that use may be continued, provided that no such non-conforming use of land shall in any way be expanded or extended either on the same or adjoining property except in accordance with the provisions of this section and provided that if such non-conforming use of land, or any portion thereof, is abandoned or changed for a period of one year or more, any future use of such land must be in conformity with the provisions of this Code.
- (d) Abandonment of Use. Any non-conforming use in existence or created by the adoption of this Code is deemed abandoned by the owner of that use unless the non-conforming use and the rights established as a non-conforming use, are exercised for at least twelve weeks during every calendar year. It shall be the obligation of the owner of such a use to provide evidence that the right to maintain the non-conforming use was so exercised by providing affidavits or other evidence of the

exercise of the use upon request of the Community Development Department.

- (e) Change or Expansion of Non-Conforming Use. Pursuant to the procedures provided in 12.4, a non-conforming use may be:
1. Increased in size or expanded within a building or upon the same lot;
 2. Changed to another non-conforming use, provided that a change in use (not a change in tenancy) requires the parking to be brought up to the standards of Chapter 13.

12.3. ADDITIONS AND ENLARGEMENT

- (a) A single non-conforming principal building upon a lot, or any accessory buildings which have less than 50% of their building area situated in the required yards, may be structurally altered, repaired, or enlarged; provided however, that any addition conforms to the setback requirements of the district in which it is located, and in the case of principal buildings, all current development requirements and conditions of this Code and other City codes are complied with.
- (b) Minor additions, alterations, or repairs to improve the appearance, safety, or efficiency of the building and which do not constitute an expansion of the use within a non-conforming building, may be permitted; provided however, that non-conforming buildings that do not qualify under either this or Paragraph 12.3.(a) may be enlarged or extended only pursuant to the procedures provided in Section 12.4. For the purposes of this section, minor additions, alterations or repairs are defined as additions, repairs or alterations which do not increase the square footage of either enclosed or exterior spaces of the building, or change the building envelope.
- (c) A building on a non-conforming lot may be structurally altered, repaired, or enlarged to improve appearance, safety and/or efficiency, in accordance with the required setbacks of the district in which it is located, when the addition or alteration does not constitute an expansion of the principal use; otherwise, any modification must comply with the procedures set forth in Section 12.4.
- (d) Any building or other structure containing a non-conforming use or any non-conforming building or portion thereof declared unsafe under the City's Building Code or other codes may be strengthened or restored to a safe condition and the use may continue.
- (e) A non-conforming building or a building containing a non-conforming use which has been damaged by fire, flood, wind, or

other calamity or Act of God may be restored to its original condition, provided such work is started within six months of such calamity and completed within 18 months of the time the restoration is commenced, and the intensity of use is not increased or changed.

12.4. PROCESSING. An application for approval for changes, additions or expansions to non-conforming uses may be filed by a person having an interest in the property for which the non-conforming use is requested and shall be made on a form provided by the City.

(a) Criteria for Review. Approval of request for changes, additions, or expansions under this section shall be granted only when it can be shown that the following criteria, insofar as applicable, are met.

1. All reasonable measures will be undertaken to alleviate or reduce the incompatibility or adverse effects of the non-conforming use or building upon abutting properties or in the neighborhood; i.e., objectionable conditions, visual or noise pollution, vehicular traffic, or on-street parking.
2. All changes, additions, or expansions shall comply with all current development requirements and conditions of this section and other applicable City codes, except as to use.
3. Additions to buildings will provide for storage of necessary equipment, materials, and refuse, rather than create a need for additional outside storage.
4. The building as it exists, and/or the land or use involved cannot reasonably be utilized under the provisions of this code, or cannot reasonably be made to conform with this code.

(b) Pre-Application. Prior to the filing of an application for a modification to a non-conforming use under Sections 12.2.(e). and 12.3., a pre application conference shall be held with the Community Development Department where the applicant will be advised of the information required for review and the procedures to be followed.

(c) Application. Upon filing of the application, the Community Development Department shall post the property indicating that a modification of a non-conforming building or use has been filed and that more detailed information may be obtained from the City. When only modification or extension of a building is involved, the Community Development Department shall notify by mail the owners of abutting properties. When any change,

extension, or expansion of any non-conforming use is involved, all owners of properties located within 100 feet of the property lines of the land for which such application has been filed shall be notified that they may review the application during the Department's regular office hours, provided however, if a condominium is located within 300 feet of the property, notification of the condominium management committee shall suffice for that owner. The aforementioned notice by mailing is to reasonably ensure that surrounding property owners are aware of a proposed non-conforming use being considered, but any minor omission or defect in the mailing shall in no way impair the validity of the proceedings. If any omission or defect in the mailing is brought to the attention of the Board of Adjustment, at or prior to the public hearing, the Board shall consider the defect or omission prior to proceeding on the application. If the Board finds that the omission or defect impairs, or has impaired a surrounding property owner's ability to participate in the public hearing, then the Board of Adjustment shall continue the public hearing on the proposed non-conforming use for at least ten days. Any omission or defect in the aforementioned notice which is not serious enough to have impaired a surrounding property owner's ability to participate in the public hearing by the Board of Adjustment shall in no way impair the validity of the proceedings for the proposed non-conforming use.

- (d) Notification of Abutting Property Owners. The applicant shall include with his application a list of owners of abutting properties and properties located within 100 feet of his property, along with the current mailing addresses of all such owners; provided however, if a condominium is located within 100 feet of subject property, the addresses for the condominium management committee shall suffice.
- (e) Board of Adjustment Hearing. Within 30 working days of receipt of a complete application by the Community Development Department, and after giving public notice, the Board of Adjustment shall hold a public hearing on the non-conforming use application. The Board of Adjustment shall either grant the application in whole or in part, with or without modifications or conditions, or deny the application.

12.5. APPEALS. Appeal from the Board of Adjustment is to the district court and not the City Council. Any person applying to the district court for review of any decision made under the terms of this section shall apply for review within 30 days after the date the decision is filed with the City Recorder as prescribed by state statute.

David Belz, Architect

811 Park Avenue PO box 681237
Park City, Utah 84068
801-649-9339, Fax: 647-9339

June 20, 1995

Rick Lewis, Community Development Director

Park City Municipal Corporation
445 Marsac
Park City, Utah 84060

Rick,

I met briefly yesterday with Jodi Hoffman to discuss the interpretation being applied by Staff in regards to section 13.2e of the Land Management Code. I was informed that it is the Community Development Directors purview to make code rulings and accordingly, I am here-in requesting your formal interpretation on two specific code issues.

In my revised application package I specifically request an interpretation of section 13.2e of the LMC. In their most recent reviews and report, Staff has, without directly responding to my call for an interpretation, taken the position, that this section's reference to "**Parking areas**" of more than 4 cars actually refers to the total parking on site as opposed to discreet and distinctly separate parking areas. This interpretation is critical because it is the basis of staff's position that only 5 cars can be accommodated on site and is their only support for disallowing certain parking which I have shown in both the 12 and 16 car parking plans. I respectfully request you review section 13.2e and make a formal ruling on whether or not "**parking areas**" refers to total parking on site or distinct parking areas servicing a structure. In making your determination, please consider #6 in the section entitled "*Applicant's Responses to staff concerns, positions and interpretations*" of my application package.

The second item I request a formal ruling on concerns intensity of use. Staff has taken the position that Professional office uses under the LMC, (a B-2 occupancy under the UBC) is more "intense" than a bus equipment storage and maintenance facility, a service commercial use under the LMC. (a H-4 occupancy in the UBC). I here-in request your formal ruling as to whether the proposed professional office use is more or less intense than then the existing equipment storage and maintenance facility. (As one measure of code perceived intensity of use, you may want to consider the zones in which these uses are allowed as conditional or permitted uses in the Land use tables, (pages 7-54 and 7-56))

There may be other rulings which I will need but these two issues are the most critical at this juncture. In as this interpretation was requested in my revised application and as we are going before the Board of Adjustments this evening, I would be most grateful if you could find the time to address this request today. I realize this may be difficult but perhaps you could at the least make a preliminary finding on the matter for the Board's consideration. Thank you in advance for your prompt attention to this matter.

Sincerely, David Belz, Architect, Applicant



Department of Community Development
Engineering • Building Inspection • Planning

June 20, 1995

David Belz, Architect
811 Park Avenue
P. O. Box 681237
Park City, Utah 84068

VIA FAX 647-9339

Re: School Bus Equipment Storage and Maintenance Facility - 1167 Woodside Avenue

Dear David:

I received your request for an interpretation of Section 13.2(e) of the Land Management Code and an interpretation of intensity of uses between a professional office and a bus equipment storage and maintenance facility.

After reviewing Section 13.2(e) of the Land Management Code I have concluded that for an area to be considered a parking lot it must have space for parking more than four automobiles. In fact, the definition of parking lot in the Land Management Code is "an area other than a street used for the parking of more than four automobiles". Taking the definition into account, I believe that the intent of Section 13.2(e) was to develop specific criteria for setbacks, fences, and driveways for parking lots. (Areas where four or more vehicles are parked.) Therefore, this criteria does not apply to any self-contained area where four or less vehicles are parked. Stated another way, the phrase "parking areas" does not necessarily refer to the total parking on site. I believe that there could be a combination of parking on a site, some of which Section 13.2(e) applies, and other parking areas which have four or less vehicles in which Section 13.2(e) does not apply. In summary, if a parking area of four or less vehicles is accessible from a parking area of four or more vehicles, I would then consider the entire area as a parking area which must comply with Section 13.2(e). If the parking areas are physically separated, then only the parking area containing four or more vehicles must comply with Section 13.2(e).

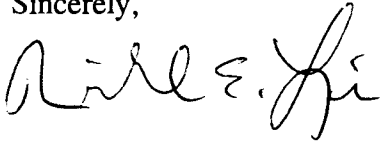
The issue relating to intensity of use is somewhat subjective. In reviewing the uses surrounding the school bus garage, it is clear to me that the residential uses surrounding the facility are most likely to be disturbed by a high intensity use. Typically, bus maintenance and storage facilities have one or two peak periods during the day when uses occur. Normally busses would leave the facility early in the morning and would return in mid-afternoon particularly if it is used as a

June 20, 1995

Page Two

school bus facility. If the facility was used by other busses, or shuttle vans, the uses could begin early in the morning and could run as late as 10 PM or midnight. A professional office, particularly if the uses are restricted to those having a low volume of visitors, would in my opinion have less potential impact on the surrounding residential neighborhood since offices usually have traffic arriving between 8 and 9 AM with some trips over the noon hour and then the offices are usually vacant after 6 PM and on weekends. I, therefore, find that under certain controlled uses professional offices would be a less intense use than a bus equipment storage and maintenance facility. This conclusion assumes that the professional uses allowed would have limited public contact.

Sincerely,

A handwritten signature in cursive script, appearing to read "Richard E. Lewis".

Richard E. Lewis, AICP
Community Development Director

REL/scb

June 16, 1995

To Whom It May Concern:

As an owner of property that goes from Park Avenue to Woodside, I applaud Mr. Belz's attempts to restore the Bus Barn and feel it will enhance the area. The Park City Education Center is a prime example of what can be done to improve a neighborhood and yes, it has impacted the parking in the area -- a lot more than Mr. Belz's project ever well. Many nights during the winter months there are cars parked on the surrounding streets because people are either attending classes or some other function at the Center. However, I do not mind being inconvenienced once in awhile getting to my property because of the overflow of cars. I find this inconvenience significantly better than a vacant, run-down building. In addition to this, some of the nearby small, two bedroom residences will have as many as six cars parked in the driveway and on the street.

Sandra Hall

Sandra Hall
1149 Park Avenue
P. O. Box 285
Park City, UT 84060
649-9732 (H) 645-5600, ext. 125 (W)

David Belz, Architect

811 Park Ave. PO Box 681237
Park City, Utah 84068
801-649-9339 Fax: 647-9339

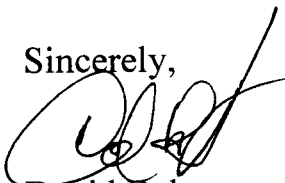
June 9, 1995

To my neighbors and whom it may concern,

Greetings! My name is David Belz and for the last year and one half I have been working on plans to restore 1167 Woodside, AKA "The Bus Barn". To facilitate a complete restoration of the property I have applied for a change of non-conforming use. Everyone within a 300' radius of the building should have recently received a notice for the upcoming Board of Adjustments meeting. I am sure many of you are curious about what is being proposed so I am sending this packet to familiarize you with our plans. I have provided a one page summary of our proposal and Staff's concerns which should answer most of your questions regarding this project. For those desiring a more detailed understanding, I have also included excerpts from our application packet.

I respectfully ask you to review this information particularly the two parking plans, and assess the reasonableness of our proposal. If you support our efforts to renovate the structure and feel the proposed use is appropriate for the property, you can show your support (*or objections*) by attending the Board of Adjustment's meeting on June 20th. If you cannot make the meeting, you can stop by our office at 811 Park Avenue and sign a petition. We have a large model of the property and would be glad to sit down and answer any questions you might have. Thank you for taking the time to consider our proposal. With your support, we are hopeful the property can be completely restored by the end of this year.

Sincerely,



David Belz

PETITION FOR THE CHANGE OF USE ON 1167 WOODSIDE

As a member of the community concerned with the future of our Historic District I have familiarized myself with David Belz's proposal for 1167 Woodside, AKA "The Bus Barn". Having considered Staff's concerns and positions, The site as it now exist, and the details of the proposed change of use, I would like to here-in express my support for Mr. Belz's plan. I feel the proposal is both appropriate and reasonable for the site. Accordingly, I request the Board of Adjustments, based on the criteria established in chapters 5, 7, 12 and 13 of the Land Management Code, grant the projects approval including the minor variances necessary to affect the complete restoration and practical use of the property.

Print Name	Signature	Street Address	Phone
1. Kerry Collision	Kerry Collision	1890 Bonanza Dr.	649-6175
2. Jody Pugh	Jody Pugh	1680 Iron Horse	649-9131
3. Tony Carlsson	Tony Carlsson	1047 Woodside	649-4716
4. Jean L. Sutto	DEAN L. SUTTON	200 E COUNTRYSIDE	645-8749
5. Melissa Rubin	875 Iron Horse	649-7270	
6. Rhonda J. Jeter	1162 Woodside	649-1094	
7. Kimberly Jeter	1162 Woodside	649-1094	
8. Fred Warner	581 Park Ave.	649-3377	
9. Susan	57 Ave 33 - Box 3000	PC, VT 84062	649-9865
10. Ron & Barbara	1100 Woodside	645-8031	
11. LEE WYMAN	1057 Woodside Ave	649-9661	
12. Tim B. Henney	1127 Woodside	649-4035	
13. Kathleen Scott	1127 Woodside	649-4716	
14. JEFFREY KIRK	3100 MEADOWS DRIVE	649-6256	
15. NATALIE	489 Woodside	PC VT 84006	649-0047
16. MURIEL	613 Main St.	PC VT 84060	
17. Melissa Moon	2035 LICKY FARM D.	PC VT 84060	
18. Kathryn D. Carlin	Kathryn D. Carlin	2829 Holiday Ranch Ln	645-9376
19. Richard Fries	2323 Cornstock	649-7806	
20. CORY FRANKS	2092 Rabbit	649-4713	
21. LIDDY BOWLBY	Liddy Bowlby	2092 Webster	649-4743
22. KEITH ARAN	1475 Park Ave. #1	649-0222	
23. Bob Harwood	1212 Lick St	649-8245	

Print Name	Signature	Street Address	Phone
------------	-----------	----------------	-------

24. CATHERINE BRABSON Cathel Brabson 1920 PARKWEST DR. 649-3938
25. KELS EDWARDS 115 Anchor Ave. 645-7592
26. Dan Cord 2889 Hackney Ct. 649-7998 ~~849~~
27. Phil Plonsker Box 4253 649-4547
28. ~~Eric~~ Box 1587 649-9251
29. Grant Moles Box 6969 649-5530
30. Scott Smithington Box 666 647-9621
31. Jeremy Noyes (unclear) Box 68259 647-0141
32. Emily Hillberg Box 3000 P.C. 649-7444
33. Brad Boozie PO ^{201 North} 634 P.C. Utah 84060
34. David Poole P.O. Box 2046 P.C. UT. 84060
35. John M. Harmon 725 E. Aspen Rd PC UT 84060
36. Anders Brown 2306 B Monarch PC UT 84068
37. ~~Sam~~ 2306 B Monarch PC UTAH 84060
38. ~~Lee~~ 2306 A Monarch Dr. PC UTAH 84060
39. SNIERSEN 2306 A Monarch Dr. PC UTAH 84060
40. Wendy Tullman 2306 A Monarch Dr. PC UT. 84060
41. GLENNIN SCOTT 919 WOODSIDE PC UT 84060.

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PROJECT SUMMARY:

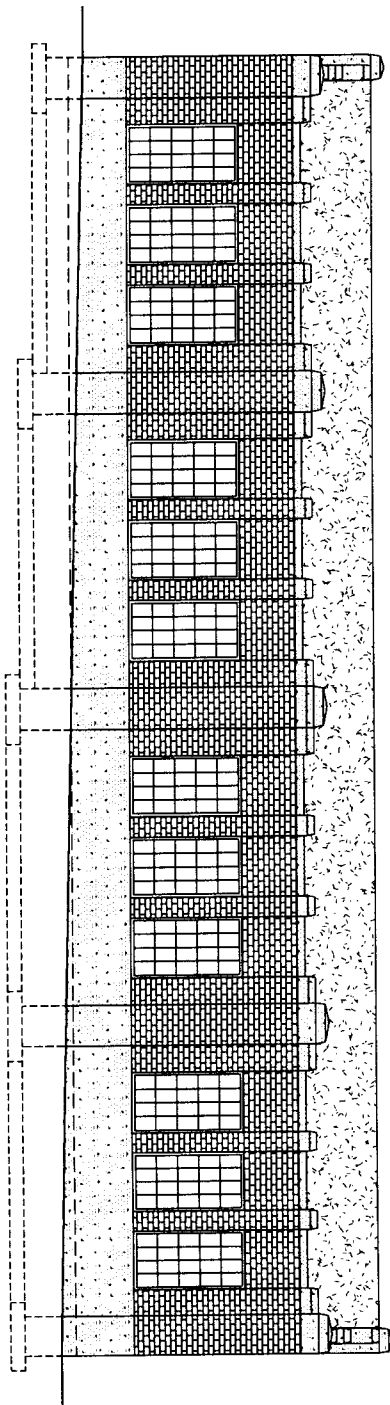
The applicant, David Belz, is seeking to change a non-conforming use from its present function as a bus, equipment, & materials storage / maintenance facility to limited office / studio uses. The proposed office and studio uses would only include those which generate limited client traffic and could include Architects, Builders, Lawyers, Accountants, Artist, Designers, Ski tuners, and the like. Precluded would be Dentist, Doctors, retail or other similar commercial uses which have regular client traffic. Based on parking provided and the related code requirements, there would be under the most intensive use of the building, no more than a total of 9 or 10 employees per shift in the structure. Hours of use would be limited, ideally from 7:30am to 10:00pm.

As a part of meeting code, any change of a non-conforming use requires; **1**; that the new use be less intensive and more compatible with the surrounding neighborhood than its present use, and **2**; that parking be brought up to code for the proposed use. Accordingly, the applicant has submitted two parking plans in support of a partial change of use; one for 12 cars and another for 16. Both plans require minor variances which the applicant believes have no substantive impact on the area or the usability of that parking. In the 12 car plan, the applicant is seeking a variance in the driveway width down the South side of the structure to allow for parallel off street parking in that area. In the 16 car parking plan, we are requesting a reduction in the driveway width from 24' down to 18'. (*see enclosed parking plans*) The applicant also desires a variance which would allow the full use of the building without any associated increase in the number of allowed occupants. For example, if providing 16 parking spaces would under the code allow 3,200 Sq.Ft. of the building to be used as office with a maximum of 9 employees per shift; the applicant desires a variance which would still allow no more than 9 employees but would allow them to occupy the entire structure, not just 3/4ths of the building.

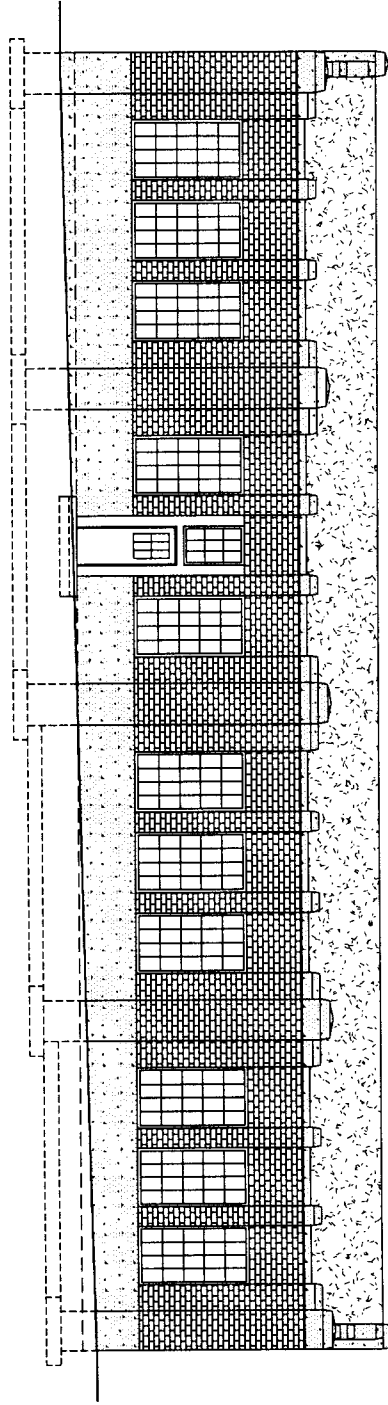
The Planning Staff originally supported our application for a partial change of use which included a 9 car parking solution but has recently stepped back from that position. Staff now believes the proposed use is in fact more intensive than the present use and that under their interpretation of the code, they now only support a parking plan for 5 cars. Accordingly, Staff will only endorse a change of use for roughly 1/4th of the building while the remainder would have to stay in it's present use as a storage and maintenance facility. There is clearly a fundamental difference in opinion regarding whether or not the proposed limited offices uses are more or less intensive than its present use as a storage and maintenance facility. Staff has also taken positions regarding code interpretations which we do not feel are supportable and to which we have taken exception.

As staff support is not needed for approval by the Board of Adjustments, we are proceeding with out Staff's endorsement. In the event the change of use is not granted, a complete restoration will not be undertaken and the applicant will maintain it's present use, possibly renting the facility out to a bus shuttle / charter company which has approached him. If the change of use is approved, we will immediately proceed with the property's complete restoration which should be completed by the end of this year. For further details on the project please refer to the accompanying information.

SOUTH ELEVATION



NORTH ELEVATION



PARK CITY DESIGN CONSULTANTS

DAVID BELZ, Architect
611 First Avenue PO Box 682807
Park City, Utah 84308
Phone 435-649-6800 Fax 435-649-6800

1167 Woodside
1167 Woodside Ave.
Park City, Utah

Elevations

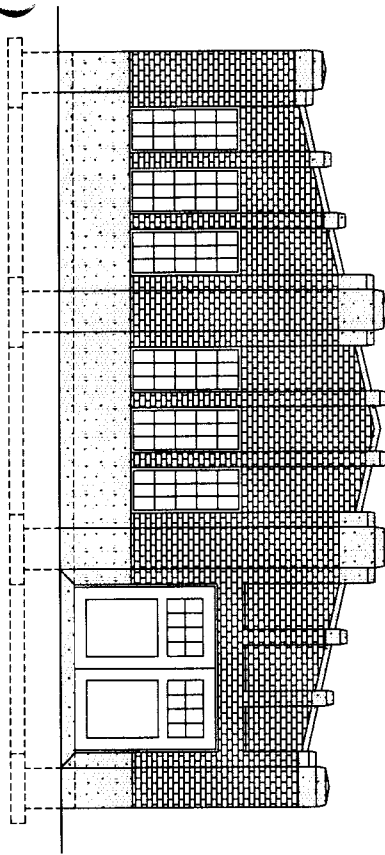
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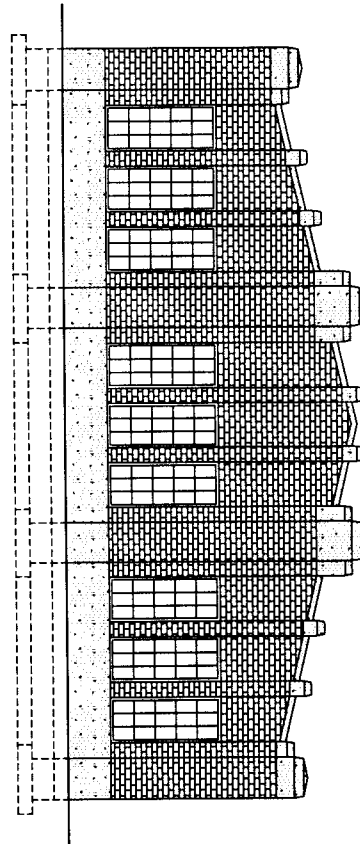
SHEET NO. 1
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DESIGNED BY
DRAWN BY

EAST ELEVATION



WEST ELEVATION



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PARK CITY DESIGN CONSULTANTS

DAVID BELZ, Architect
661 Park Avenue PO Box 682867
Park City, Utah 84308
Phone 801-449-9000 Fax 801-449-4000

1167 Woodside

1167 Woodside Ave.
Park City, Utah

Elevations

DATE: 5/5/95

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

SHEET NO. :

A-6

DESIGNED BY:
P. WILSON/PCDC

David Belz, Architect

811 Park Avenue PO Box 681237
Park City Utah 84068
801-649-9339

June 5, 1995

Park City Municipal Corporation

445 Marsac
Park City Utah 84060

To whom it may concern;

I am writing to request the Board of Adjustments hearing for 1167 Woodside which was postponed on November 15, 1994 be rescheduled for the next meeting of June 20, 1995.

The applicant is requesting a partial change of use for the structure in question as follows:

The applicant seeks approval for both the 12 car and 16 car parking plans with the associated variances which would be required for each. Accordingly, the applicant proposes initially using the structure in the 12 car configuration and then, at a future date, apply for a CAD permit on the smaller structure to accommodate the 16 car parking plan. In both parking plans the applicant is asking for a desired but not required variance to the application of section 13.3c as discussed in the information packet. (*see bottom of 16 car plan description*)

This will provide the applicant flexibility in the use of the property and allow the complete restoration to immediately proceed without compromise should there be any problems in attaining a CAD permit for the small existing garage. Accordingly, the 16 car parking plan approval would be conditioned upon receipt of the aforementioned CAD permit.

In the event the Board can only grant a portion of the request here-in, rather than compromise the application in process, the applicant would then consider at the meeting what the Board can approve and either ask for that approval or for another postponement to address questions and or process concerns of the Board.

Thank you for the consideration of my request,


David Belz

RECEIVED

JUN 5 1995

PARK CITY
PLANNING DEPT.

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12 Car parking option

16 Car parking option

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Code specific review criteria

Supporting Findings

Applicant's Response to Staff concerns

Closure statement

Supporting information:

- Detailed drawings prepared for restoration, (work in progress)
- Photos documenting existing site conditions
- Staff report for first Board of Adjustments meeting
- Minutes from the last Board of Adjustments meeting; November 15, 1994
- Applicants Review of minutes
- Correspondence file
- Applicants case for insignificance of small garage structure
- Letters of support
- Petition from neighbors
- HDC grant application package

INTRODUCTION:

To the Board of Adjustments and whom it may concern;

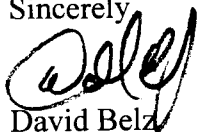
Undercover please find pertinent materials to the long pending application for a partial change of non-conforming use on 1167 Woodside, AKA the Bus Barn. While the section entitled “**code specific review criteria**” is the most important information for your consideration, I have provided in this packet many other documents which support this application and which may be the subject of your inquiries.

In reviewing this application packet, you will find that recent changes in Staff’s position not only oppose both proposed parking solutions, but the previously supported 9 cars parking plan as well. Accordingly, Staff does not support a partial change of use for more than 1,000 Sq.Ft. of the building which is inadequate to meet the applicant’s own spatial needs as well as to justify a complete restoration effort.

In response to the Board’s direction to provide additional parking over the 9 spaces originally shown, the applicant is forwarding two parking options for the Board’s consideration; a 12 car parking plan and a 16 car option. The applicant feels both plans are supportable under the Board’s powers, however, due to conflicting staff positions and directives, the applicant was reticent to forward just one option. The applicant is seeking approval of both parking plans, but is willing to pursue either solution depending on the Board’s input.

In that I am approaching the Board of Adjustments without Staff’s support, I have found it necessary to cover in some detail the differences in our positions. I apologize for the sheer breadth of information necessary to respond to staff’s concerns and hope this packet’s organization will make it reasonable for you to digest. Please consider the information you feel is germane to your efforts and thank you in advance for your time in considering my application.

Sincerely

A handwritten signature in black ink, appearing to read "David Belz", written over the printed name.

David Belz

APPLICATION HISTORY:

Over a year ago I began the approval process for the restoration and change of use for 1167 Woodside AKA; "The Bus Barn". Key to my being able to mount a **complete** restoration effort was and is affecting a change (*or partial change*) of use for the property. Over the last 15 years the building has been used primarily as a Bus / equipment storage and maintenance facility. Despite this structure being a part of the original school campus, it was not zoned the same as the directly adjacent structure. Accordingly, the present uses are non-conforming under the Land Management Code.

In this context, on May 4, 1994 I applied for a Change of Non-Conforming use as provided for in chapter 12 of the Land Management Code. When the original application was filed with the Planning Department I provided them with two parking plans; one showed the parking as presently accommodated on site, (*9 cars not counting any tandem or street parking; see staff report for first meeting*) and another provided parking for 19 cars. (*see letter of Nov. 16, to staff.*) At that time, it was my hope to get approval for the larger plan with the proviso that the proposed (below grade) parking structure be built a few years after the renovation of the historic structure in question. (*hence the earlier references to a "phased" project*)

In response to my application, Staff said a phased plan could not be taken to the Board of Adjustments and proposed that I pursue the 9 car parking plan. Accordingly they supported a partial change of use for 1,800 Sq. Ft. of the building to accommodate my Architecture office / studio with the balance remaining as storage. I agreed to pursue the 9 car parking plan for a partial change of use. My application also requested staff and the board consider allowing the full use of the structure with covenants on the number of users as opposed to only a partial change of use. (*9 cars; 6 or 7 occupants allowed in the structure, 2 or 3 visitor parking spaces remaining*) Staff did not support my user covenant concept but fully supported a partial change of use based on the 9 car parking plan.

On November 15, 1994 we went before the Board of Adjustments for a partial change of use. At this meeting, the Board expressed enforcement concerns on my proposed user covenant and had problems with only providing parking for 9 cars. (*they feared the adjacent City Parking Lot and or surrounding neighborhood might suffer*) The board suggested I explore providing parking for the entire structure. I showed them the 19 car parking plan originally submitted to staff but the Board felt since staff's review only focused on the existing 9 car parking solution, they could not effectively consider the larger parking plan at this meeting. In the Board's final motions, they unanimously concurred that the applicant must provide code compliant parking and indicated the fully enclosed below grade parking structure might be a viable solution. The request for a change of Non-conforming use was postponed until a future date.

On November 16, 1994 I re-submitted to staff the parking plan for 19 cars and requested we make findings to move this proposal forward.

In a letter dated November 18, 1994 staff informed me that due to intensity of use, they could not support any proposal which provided for this amount of parking. They suggested I **"tailor the use to match the amount of parking already on the site"**. Staff also came out in opposition to any proposal which required variances in any setbacks. I interpreted this letter to be a restatement of Staff's earlier position that 9 cars would only support a change of use for 1,800 Sq.Ft. of the structure.

In another letter dated December 5, 1994, Eric DeHaan responded for Staff expressing snow storage, setback and landscaping concerns of both the 9 car and 19 car parking proposals. Accordingly, he concluded staff could not support the change of use or any consideration for parking in the city right of way.

In response on February 10, 1995 I informed staff of my desire to work within their guidelines and on March 1st, 1995, I submitted to staff a revised proposal for a partial change of use which "tailored the use to the existing parking on site", eliminated all substantive setback encroachments, significantly exceeded the snow storage requirements, and provided landscaping enhancements. I submitted two parking options, one which removed the small garage built circa 1959, and another which left it in place. Having carefully reexamined the code and the site in generating the revised proposals, I determined that in the solution leaving the small garage, 12 parking spaces could be accommodated, and in the other solution, 16 cars could be parked. As the 16 car plan had aspects I felt staff was likely to prefer over the 12 car plan, I requested they make a determination on what parking was "existing on site" so a specific proposal could be forwarded to the Board of Adjustments.

After many request for staff's input on the preferred parking plan, I was told, in part, their position on May 9th and received their more detailed written response in a letter postmarked May 30, 1995. Contrary to their earlier support for a 9 car parking solution, Staff has now taken the position they will only support a 5 car parking plan; expressed a preference for a residential use; taken the position that the small, non descript, garage built circa 1959 is historically significant; and support no variances of any kind despite hardships associated with the preservation of historic structures. The applicant was fully taken aback by Staff's positions as under the worst case scenario, I had anticipated staff holding to the original 9 car parking interpretation despite codes reasonable allowance for 12. In essence, staff has, contrary to their earlier support, come out in opposition to the applicant's proposed use of the structure.

With staff's new position, the applicant finds himself in an even greater quandary. The Board of Adjustments had problems with only providing 9 cars, and now staff will no longer support even this proposal. Staff's 5 car allowance will only support the use of 1,000 Sq.Ft. for offices which is inadequate for the applicant's needs and will not justify a complete restoration of the property. Where do we go from here?

In that Staff's support is not needed for the Board's approval, there may be no problems if the Board determines the application is consistent with the review criteria and hence approves the project. However, the applicant is understandably concerned to be going back to the board without Staff's support for the project.

12 CAR PARKING OPTION:

Description: This proposal leaves the small garage built circa 1959 in place and breaks parking into several areas. 4 cars are shown in the rear (*to the west*), 2 cars in the existing garage, 4 along the South side of the structure, and 2 cars in the front setback along Woodside. This proposal is identical to the 9 car parking plan originally submitted with two exceptions. In the original plan only 3 cars were shown in the paved area behind the structure. With 36 feet between the rear setback line and the building face there is actually room for 4. The other 2 spaces were accommodated by counting the parking in the front yard setback along Woodside as provided for in Section 7.1.3e. This plan would support a partial change of use for 2,400 Sq.Ft. of space with a maximum of 7 employees per shift.

Required Variances:

1. Reduction in the required driveway width from 24' to 13' to allow for the parallel parking shown along the South side of the structure.

Required interpretation:

1. Section 13.2e, as worded, refers to Parking "areas", not total parking on site. This allows the areas of fewer than 5 cars to not have to meet the provision of this section and in so doing, allows for the front setback parking as provided in section 7.1.3e as well as the parking in the rear of the structure. (See #6, applicant's response to Staff's postions)

Pros and cons:

1. 12 car solution does not require a CAD permit for the small garage structure.
2. More cars coming and going from the Woodside drive than in 16 car plan.
3. Less efficient auto circulation patterns.
4. Although code compliant, less functional snow storage plan.
5. less visible landscaping enhancements than in 16 car option.
6. Provides fewer parking spaces and hence a lower intensity of use for the property.

OPTIONAL VARIANCE REQUEST:

Where section 13.3c requires the greater of one space per 200 Sq.Ft. or one space for each 500 Sq.Ft. plus one space per employee per shift; the applicant desires a variance to allow this provision to read "either" as opposed to the "greater of". The affect of this consideration is that the number of allowed users in the building could be reduced, however, the applicant would be able to use the entire structure. It is reasonable to assume that by reducing the number of users, the associated traffic would also be reduced. By way of example, the 16 car parking plan provides for 3,200 Sq.Ft. with a maximum of 9 employees per shift. Under the applicants suggested variance, the entire 4,250 Sq.Ft. could be used but only 7 employees per shift would be allowed. In the 12 car solution, 2,400 Sq.Ft. is provided for with up to 7 employees per shift. Under the applicants proposed variance the entire structure could be used but only 3 employees per shift would be allowed. The applicant can identify no negative impacts from such a consideration and in fact, believes its only affect could be to reduce the intensity of use. This request is clearly supported by section 5.7e as addressed in the supporting findings of this application.

16 CAR PARKING OPTION:

Description: This proposal eliminates the small garage and provides for a 12 car parking lot in the rear with 4 additional cars accommodated along Woodside. This solution would allow the applicant use of 3,200 Sq. Ft. for office / studios space with a maximum of 9 employees per shift.

Required Variances:

1. Either a reduction in the driveway width off of 12th street from 24' down to 18' or as provided by section 8.15 e & f; a 5' encroachment along 40' of Norfolk Avenue set back to allow for a retaining wall and surface parking. (see 16 car site plan options 1 and 2)

Required interpretations:

2. Section 13.2e, as worded, refers to Parking "**areas**", not total parking on site. This allows the areas of fewer than 5 cars to not have to meet the provision of this section and in so doing, allows for the front setback parking as provided for in section 7.1.3e.

Pros and cons:

1. Consolidates bulk of parking in rear with access off of a non residential 12th street.
2. Provides additional parking which facilitates a more reasonable use of the structure.
3. Provides for greater hardscape and landscaping improvements.
4. More functional snow storage configurations.
5. Large parking area requires only minor considerations.
6. Requires a CAD permit for small garage structure built circa 1959.

OPTIONAL VARIANCE REQUEST:

Where section 13.3c requires the greater of one space per 200 Sq.Ft. or one space for each 500 Sq.Ft. plus one space per employee per shift; the applicant desires a variance to allow this provision to read "either" as opposed to the "greater of". The affect of this consideration is that the number of allowed users in the building could be reduced, however, the applicant would be able to use the entire structure. It is reasonable to assume that by reducing the number of users, the associated traffic would also be reduced. By way of example, the 16 car parking plan provides for 3,200 Sq.Ft. with a maximum of 9 employees per shift. Under the applicants suggested variance, the entire 4,250 Sq.Ft. could be used but only 7 employees per shift would be allowed. In the 12 car solution, 2,400 Sq.Ft. is provided for with up to 7 employees per shift. Under the applicants proposed variance the entire structure could be used but only 3 employees per shift would be allowed. The applicant can identify no negative impacts from such a consideration and in fact, believes its only affect could be to reduce the intensity of use. This request is clearly supported by section 5.7e as addressed in the supporting findings of this application.

CODE SPECIFIC REVIEW CRITERIA:

Section 12.1 of the LMC establishes the code's purpose in addressing Non conforming uses. The primary purpose as it relates to any modification of a Non-conforming use is to "ensure that any changes to a non-conforming use are reducing the degree of non-conformity and improving the physical appearance of the structure and site through such measures as landscaping, building design, or the improved function of the use in relation to other uses."

In applying these standards, the applicant believes that the proposed change of use and associated renovation reduces the degree of non-conformity, improves the physical appearance of the structure and site through landscaping, building design, and the improved function of the use in relation to adjacent uses. In staff's review for the first Board of Adjustment hearing they also so concluded.

Section 12.4a establishes the specific criteria for review by the Board of Adjustments.

In response to criteria #1; all reasonable measure have been taken to reduce the degree of non-conformity and adverse affects on surrounding properties. Specifically; an industrial use as a bus equipment storage and maintenance facility will be replaced with light office uses more compatible with the Park City Education Center and the surrounding residences. Equipment and materials storage behind the structure will be eliminated, landscaping and hardscaping will be dramatically improved, and the noise and air pollution of future bus traffic will be forever averted.

In response to criteria #2; the change of use shall comply with all the development standards except a minor variance which is allowable by this board as a hardship related to the preservation of historic structures and as also provided for under 5.6a,d and 5.7.

In response to criteria #3; as mentioned above, considerable outside storage of snow plows, construction vehicles and building materials is to be eliminated in the proposed restoration plan.

In response to criteria #4; Although the building's present non conforming use can be reasonably utilized under the provisions of this code, it is the applicants belief as addressed in review criteria #1 above that such use is less compatible and desirable than the proposed use. As to the reasonableness of making this structure conform to code; Ron Ivie, Chief Building Official, has expressed the opinion that while not impossible, changes to a residential use would be difficult and will alter the historic appearance of the structure. This opinion shared by the applicant, speaks directly to the fact that the structure in question was never intended to be used residentially and accordingly, it cannot be "reasonably" so utilized under the provisions of this code.

"In so far as they are applicable", the applicant feels the above criteria are satisfied by the proposed partial change of use. If the Board concurs with the above assessments of the review criteria as applied to this project, they are empowered to grant the applicant's request. Staff initially concurred in their earlier review of the project, however, they have now stepped back from that position. In support of the applicant's assessments, he has included with this package detailed responses to concerns and positions raised by staff. Accordingly, the applicant is hopeful the board will support the above assessments and grant his request for a change of non conforming use. The applicant has also provide finding's based on the code in support of both proposed parking solutions.

SUPPORTING FINDINGS:

If the Board decides to support this change of use application, they are empowered to grant the minor variances being requested by the applicant per the provisions of section 5.7, That being:

a) It is reasonable to interpret that literal enforcement of the zoning ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the zoning ordinance; The general purpose being to reduce the degree of non-conformity which the applicant believes is clearly accomplished by the proposed change from a quasi industrial use to a light commercial use.

b) There are clearly special circumstances attached to the property that do not generally apply to other properties in the area; It is a commercially designed structure with a commercial history on the edge of a residential zone directly adjacent to a much more intensive commercial use created by the City.

c) Granting the variance is essential to the enjoyment of a substantial property right possessed by another property in the area; The Park City Education Center, originally part and parcel with this structure, enjoys much greater intensity of use than that sought by the applicant.

d) The variance will not substantially affect the general plan and will not be contrary to the public interest; The general plan seeks to preserve historic structures and minimize the degree of non-conformity in any given area. The proposed project accomplishes these goals while providing an appropriate transition between the Park City Education Center and the surrounding residential neighborhood.

e) The spirit of the zoning ordinance is observed and substantial justice is done. The variance request are relatively minor and where a partial change of use is concerned, the spirit of reducing non-conformity and the providing of code compliant parking for the proposed use are accomplished in substance and in spirit.

Other provisions giving the Board of Adjustments the ability to grant this application include 5.6a and 5.6d

APPLICANT'S RESPONSES TO STAFF'S CONCERNS, POSITIONS AND INTERPRETATIONS

1. Compatibility with the adjacent residential neighborhood; The staff believes the proposed use is less compatible with the adjacent residential neighborhood than its present use. The applicant disagrees. In most planning circles, the present use is considered Industrial in nature. Most planning practices attempt to avoid industrial uses adjacent to residential areas but often allow for office and residential uses to coexist. In many ways, the proposed office / studio uses are the perfect transitional statement between the surrounding residential neighborhood and the more intense uses the city has created at the Park City Education Center. This is not another loud day care facility, retail outlet, or heavy traffic generator like the auditorium or library being proposed. This is a modest, light commercial use in a structure presently being used for quasi industrial purposes. The applicant request the board support his opinion that the proposed use is by far more compatible with both the surrounding residential area and the Park City Education Center than its present use.

2. Intensity of the proposed use compared to its present use; Contrary to staff's earlier opinion, they have now taken the position that the proposed use is more intensive than the present use. The applicant disagrees with this assessment. The owner has chosen to use both buildings and their surrounding paved areas in their capacity as a bus, equipment storage and maintenance facility at a relatively low level of intensity. This does not by code preclude a more intensive application of the same use within the same spaces. A maximization of an existing use with-in an existing area would not under section 12.2e1 be considered an expansion of an existing non-conforming use. Since acquiring the building(s), the owner has stored and maintained for at least 3 months per year a bus, several cars, miscellaneous equipment and materials in both existing structures on the site as well as in the parking area behind the buildings. Through the more efficient use of the existing spaces, the structures can accommodate several operating buses. In fact, I have been approached by a shuttle company looking for such a facility and barring a change of use, I may yet need to consider this prospective tenant. I ask the Board to consider the noise, traffic and exhaust fumes generated by diesel buses coming and going through out the day.

As intensity might be considered based on the number of building occupants; even in a parking solution which provides for 19 cars, section 13.3c would still only allow a maximum of 10 workers in the structure. *(unless a variance per 13.3a and 13.6 were granted)* This may or may not be more than the number of users in the building anticipated under a fuller application of it's present use.

As intensity is measured by parking and the associated vehicular traffic; the nature of future potential bus traffic would in all likelihood be perceived by neighbors as much more intensive than the trips generated by a code compliant use based on the 16 car parking plan.

Since excessive intensity of use for the property is one of the key issues being looked at, **For comparison purposes only**, I offer the following residential analysis. If the 7 lots were hypothetically vacant and developed as 7 single family residences, the site could contain (7x1,687) almost 12,000 Sq.Ft. of building, have 14 off street parking spaces, 7 curb cuts, street parking for guest, and at a modest 2.5 occupants per residence, 18 people living there. Another more germane residential analysis is the structure's conversion to a bed and breakfast as provided for historic structures in the HR1 zone. The enormous existing volume could easily accommodate 15 to 20 rooms + commons facilities. at 1.5 people per room *(assuming use by*

(2 cont.) *some couples*) up to 30 people could be coming and going night and day with parking for between 10 and 20 cars depending on allowances granted to the development. When comparing these residential scenarios to a 4,500 Sq.Ft. building, 8 occupants, 16 cars, and limited hours of use, clearly the proposed use and perhaps even the existing use is significantly less intense than a compliant residential use on the site.

The applicant request the Board support his opinion that the proposed office use **is less intense** than the existing use and for that matter, a residential use of the structure as a bed and breakfast.

3. Amount of parking existing on site; Where staff initially supported a parking plan with 9 cars not including the front set back parking referenced in #7 below, they have now taken a position only supporting 5 cars as being accommodated on site. The applicant disagrees with this assessment and raises specific objections to staff's interpretations in #6,7,8,9 and 10 below. A 5 car parking interpretation will not provide for the applicants own spatial needs and clearly does not allow for a reasonable use of the property which is necessary to justify a complete restoration effort.

The applicant request the board consider all the positions here-under and support either the 12 or 16 car parking interpretation, which ever they consider most consistent with their charge for granting a change of non-conforming use.

4. Mitigation of proposed use's impact on neighborhood; Staff has stated there is no effective way to mitigate the impact of the proposed use on the adjacent residential neighborhood. The applicant disagrees. Specifically: impact is mitigated by matching the use to the parking which can be accommodated on site; limiting office uses to those which do not generate regular client traffic; limiting hours of operation; breaking parking up into smaller areas or consolidating parking with access from 12th street; and shielding parking with existing mature vegetation, natural topography, light tight fencing, and or below grade (street level) parking structures.

5. Enforcement of covenants on number of users and or partial change of use; Both the Board and staff have expressed concerns about enforcing the extent to which the building is used. The applicant acknowledges that it may be difficult to prevent an unauthorized use from occurring, however, should a problem precipitate and parking spill over into the adjacent neighborhood, than neighbors will complain to the city, the city will enter, and if there is a conformance problem they will take the owner in front of the judge to cease and desist the unauthorized use of the structure. The fact is that there are enforcement powers and the project will effectively be policed by the neighbors in the immediate area.

6. Application of chapter 13; Parking areas, not meaning parking on site; In both the 12 and 16 car parking solutions the applicant has relied on the language of Section 13.2e in the LMC which refers to the requirements of "**parking areas**" of more than 4 cars. Since some of the parking spaces provided are in distinct areas of less than 5 cars. (*driven by the nature of the site*), a reasonable number of spaces can be accommodated because parking need not comply with the stricter requirements of section 13.2e. The applicant believes code is recognizing that if a given **area** has less than 5 cars, less traffic volume will occur in and around **that parking area** and thus less stringent requirements are necessary to accommodate the comings and goings of cars from that area.

(6 Cont.) Staff has taken a position that the code language in question refers to the total parking “on site”, not in a given “**parking area**” as worded in the LMC. Accordingly, Staff has sought to disallow some of the parking shown by the applicant due to it’s not conforming with the parking requirements for areas with more than four cars. We can find no where in the LMC where it says that parking must be in a single area or otherwise treated as such in applying the requirements of Chapter 13. Depending on the parking solution the Board of Adjustments feels is most supportable under their charge, the applicant request that the Board support his literal interpretation of the Land Management Code language.

7. Parking in the front yard setback; The structure in question is presently zoned HR1. Section 7.1.3e allows for open parking in the front 10’ setback of properties in this zone. *(The applicant feels Code is recognizing the tight urban nature of lots in this zone and is accordingly making reasonable parking allowances. Further, it could be interpreted that code is establishing that the street frontage of a given parcel, whether used for a driveway or parking, should service that parcel, not it’s neighbors).* Staff has taken the position that this provision was intended for residential uses and therefore cannot be applied to this non-conforming commercial use. They have further sought to apply the requirements of section 13.2e to this parking “area” although it only contains 2 cars. The applicant can find nowhere in Chapters 7, 12 or 13 which disallows this parking as applied to a non-conforming commercial use in a residential zone. The applicant request that the Board of Adjustments support his understanding of the code and allow the two parking spaces along Woodside. *(Please see #8 below as it relates to these two proposed spaces)*

8. Allowing variance for street side parking in city right of way: The applicant is seeking a variance to allow the parking within the Woodside setback referenced in #7 above to be moved out to the city right of way. The city engineer has declined to grant such a request. Since parking can be accommodated as discussed in #7 above, this variance is not critical to providing spaces but it would keep the proposed parking in line with the parallel parking along Woodside. (see sheet ____). Further, it would allow for additional landscaping which would enhance the historic structures appearance. The applicant believes that if the board is not empowered to grant this request, than by supporting his right to have the two spaces referenced in #7 above that the City Engineer might reconsider his position on this matter.

9. Allowance for parallel parking along the side of building; In the 12 car parking solution the applicant has shown parallel parking along the South side of the building. Although Staff originally supported this, they have now taken the position that the code does not allow for one way drives in commercial uses and since a 24’ wide drive cannot be accommodated at this location, they will not support any variance request to count this parking. If the Board determines that this parking solution is most consistent with their ability to grant the change of non-conforming use, *(as provided by section ----’s hardship criteria regarding existing historic structures and efforts to improve / save such structures.)* then, the applicant request the board grant the variance necessary to allow for the narrow driveway width and thus allow the parking spaces in question. If on the other hand the board feels the 16 car parking plan is most consistent with their charge, than this parking allowance will not be necessary.

CLOSURE STATEMENT

There are not that many issues which need to be considered in the applicants request. No one has questioned the importance of saving the structure. The primary issue seems to be whether the proposed use is less intense than the existing use, and whether it will have any adverse affects on the adjacent residences. The question is whether a light office use is more appropriate than a bus and equipment storage / maintenance facility at this location and for a structure of such obvious historic importance.

The applicant is the first to acknowledge the importance of not creating a problem for the adjacent neighborhood and has accordingly given careful consideration of the proposed uses. We are only seeking approval for office uses which by their nature do not generate significant client traffic and which do not have many trips generated by the users themselves. The proposed uses are to be governed by the amount of parking provided on site and policing of owner compliance will be effectively handled by neighbors quick to complain should parking spill over into their neighborhood. The proposed parking is buffered by existing mature vegetation, light tight fencing, natural topography, and unobtrusive below grade (street level) structures. Depending on the solution selected, Parking will either be broken up into small areas or centralized with the majority of spaces being accessed off of 12th street. In short, the applicant can identify no fundamental problems that would create a significant impact on the adjacent residential area or the Park City Education Center.

The structure in question was originally designed as an Industrial arts building for the Carl Winters school campus. Visually and logistically, the building is a companion piece to the much larger commercial structure next door. It seems inappropriate to maintain its present use as a bus barn, and while a residential conversion is not impossible, there would be great difficulties which **would** result in significant changes to the structure's historic exterior. (*See enclosed letter from Ron Ivie*) Further, were the applicant inclined to do so; it could be argued that the development of the sight residentially would in fact be more intensive than either maintaining the existing use or allowing for the proposed change of use.

Staff has said that the existing use is less intense than the proposed use. The applicant disagrees in that under the present non-conforming use he could rent the structure to one of the many bus shuttle companies looking for a facility in Park City. Consider the impact of loud diesel buses coming and going though out the day not only on the adjacent residences, but on the library as well. In contrast, the proposed office uses are transitional, yet compatible.

I believe staff has made it clear from the position they have recently taken that they are fundamentally and philosophically opposed to the proposed use, regardless of how it is structured. The applicant is baffled in as much as the neighbors and other city officials are fully supportive. To that end, I have even been approached by one City Council Person to possibly rent office space in the structure.

No disrespect intended; I feel Staff's position is short sighted and does not fully consider; the importance of seeing the structure renovated before it deteriorates further; what intensity the present non-conforming use could actually result in, (*not how it is presently being used*); What represents an appropriate transitional use between the Park City Education Center and the surrounding neighborhood; What intensity a residential use on the site could result in and what affect that may have on the exterior appearance of the structure; the actual traffic generated by the limited light commercial uses being proposed; the degree to which proposed parking has been buffered and shielded from view; and the pragmatics of allowing the owner a reasonable use of the structure to make a complete restoration viable.

I realize that Staff support is not needed for me to attain approval from the Board of Adjustments and as the Board appeared to have a different set of concerns than staff, I may never have been able to come up with a solution which the Board could approve and which Staff would also support. None the less I felt it was important to try to get everyone's approval and having failed this, I am now seeking to respond primarily to the Board's and the community's concerns. As one staff member pointed out, it is perfectly all right for us to agree to disagree.

Not that it influences the decisions this body is empowered to make, but I wanted to share with the board my motivations in pursuing this project. Like most Architects, designers and artist, I have long dreamed of working in a unique space like this. My primary motive in acquiring the property was to save the building so that one day I might have this opportunity. This project is not about speculation. It is about creating an environment which will allow me the space I need to pursue my passions and career here in Park City. Those of you who may have seen some of my many large architectural models and prototype furniture pieces will certainly understand how I will use this space should my request be granted. Notwithstanding the emotion behind my desires for this property, I sincerely feel that what I am proposing is both reasonable and appropriate for the area. I am also confident that the resultant restoration will be an asset for the community and will compliment the wonderful job done on the Park City Education Center.

If contrary to my hopes and aspirations I do not receive the requisite approvals, than failing all other remedies I intend to maintain its present use possibly renting the structure out to a bus shuttle company which has approached me. Needless to say I hope it does not come to this as it seems an inappropriate use for such a unique community asset. Thank you for considering my request and hopefully, for helping me realize a dream.

PARK CITY

1884

Department of Community Development
Engineering • Building Inspection • Planning

May 20, 1995

David Belz
811 Park Avenue PO Box 681237
Park City, UT 84068

Dear David,

Thank you for your letter and sketches regarding the 1167 Woodside Avenue "Bus Barn" proposal. Community Development Staff have reviewed your proposal and have the following concerns:

1. We are still concerned about the intensity of use of this building given that it is considered a non-conforming use in a residential area. Increased traffic and parking problems are the primary concerns. Staff's preference is that this building be converted for residential uses. Parking would need to meet requirements of the HR-1 zoning district and Chapter 13 of the Land Management Code (LMC) regardless of use.
2. Of the different options you presented for parking, the option which leaves the existing small garage in place is our first choice. It appears that you can provide a total of 5 parking spaces and we can support office use of the building consistent with the available parking. With 5 parking spaces and two employees, there could be a maximum of 1500 sq.ft. of leasable office space. This is using the parking table for 1 space per 500 sq. ft. plus one space per employee per shift. Using the 1 space per 200 sq. ft. requirement, regardless of employees, you would have 1000 sq. ft. of leasable office space with the 5 spaces.
3. The Land Management Code addresses non-conforming uses and parking in a fairly direct manner. Section 12.2 (e) of the LMC specifically states that for changes to non-conforming uses, parking shall be brought up to the standards of Chapter 13. The Community Development Director and City Engineer have interpreted this to mean that no variances to parking (in either amount or physical configuration) are allowed with a change of non-conforming use. We therefore have examined the site plan to see how much parking is available without variances. We conclude that 2 spaces are available in the existing smaller garage and 3 are available in the area west of the building in a configuration which does not require vehicles to back out and maneuver on the City street.

4. According to the LMC (Chapters 7 and 13), required parking will not be permitted in the front, rear, or side setback areas. Required parking will also not be permitted in the driveway along side the south building wall because the full width of this drive is necessary to utilize parking in the small garage. Code required parking is not allowed in the public right-of-way.
5. The second option requires a Certificate of Appropriateness for Demolition (CAD). Staff is not prepared to support a CAD for the small garage because it is considered a contributory historic structure. If a CAD were approved it appears that you could fit 8 to 10 parking spaces on the site while meeting all requirements of Chapter 13 of the LMC. Without scaled drawings it is difficult to say whether all parking spaces and drive aisles meet the required widths. With 8 spaces and 3 employees the parking would support 2500 sq. ft. of office space or 1600 sq. ft. without specifying employees. While technically you could meet these parking requirements, the issue of neighborhood compatibility still needs to be addressed for a non-conforming use change request.

If you wish to pursue the second option you should begin by applying for a CAD and withdrawing your currently pending application. The CAD request is heard by the Historic District Commission. A hearing before the HDC will be scheduled after an application is received. The change in non-conforming use request is heard by the Board of Adjustment only after a CAD is granted.

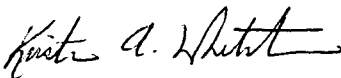
If you wish to pursue the first option, we can consider your pending application, with appropriate revisions, and schedule the item before the Board of Adjustment once we have information describing intensity of the proposed use and an actual floor plan layout. The next BOA meeting is June 20th with noticing required by June 5th.

Staff is not prepared to support office square footage which results in a more intense use than is predominant in the residential neighborhood.

Please let me know in writing which of the two options you would like to pursue.

If you would like to schedule a time to discuss this matter in more detail, please do not hesitate to call me. Thank you for your patience.

Sincerely,



Kirsten A. Whetstone, AICP
Project Planner

cc: Richard E. Lewis, AICP, Community Development Director
Eric DeHaan, City Engineer
Jodi Hoffman, City Attorney

David Belz, Architect

811 Park Avenue PO Box 681237
 Park City Utah 84068
 801-649-9339 Fax: 647-9339

April 26, 1995

Kirsten Whetstone, AICP

Park City Planning Department
 545 Marsac
 Park City Utah 84060
 Fax: 645-5078

RE: 1167 Woodside renovation plans

Dear Kirsten,

Welcome back and congratulations! Did you think I would still be in the loop when you got back? Somehow, I wasn't surprised. Now that you are back, I could really use your help in processing and finally resolving this project.

In your last correspondence of November 18, 1994 it was staff's suggestion that I "tailor my use to the parking already provided on site." On March 1, 1995 I wrote Janice a letter requesting staff's assessment on how much parking they considered as "existing on site". Despite several inquiries, I have yet to hear back from staff. As addressed in my letter of March 1; I am willing to work within the parking constraint but staff and I must first reach a mutual understanding on an acceptable parking solution.

In staffs much earlier reviews it was determined that 9 cars could be accommodated ; (4 down the side, 2 in the existing garage and 3 in the rear.). *A variance on the driveway width would be needed to accommodate this configuration.* Upon looking closer at a plan based on "existing parking on site", I discovered there was sufficient width for 4 spaces in the rear, not 3, and that 2 additional parking spaces along the street were also within code. *(specifically; "Open parking spaces are permitted in the front 10' set back per section 7.1.3e; and, as this parking area is for less than 4 cars, the overriding 10' set back provision of section 13.2e should not apply.)*

Accordingly, the plan previously supported by staff, as augmented by these considerations would allow for 12 parking spaces "existing on site". It is my hope that staff will so conclude. Based on this interpretation I will need to process my Board of Adjustments application as follows:

1. A partial change of non-conforming use from 4,500 Sq.Ft. of storage / maintenance to 2,400 Sq.Ft. of office commercial, and 2,100 Sq.Ft. remaining as storage / maintenance and commons. *(5 per 1000, 12 cars = 2,400 net usable square footage (roughly 1/2 of the building))*
2. A reduction in the required driveway width from 24' to 13'. *This allows for the parallel parking along the South side of the structure.*

TOTAL P.01

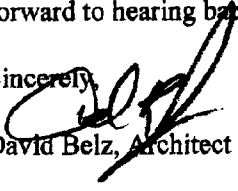
3. Allowance of existing street parking along Woodside for 2 spaces. *Two code compliant parking spaces can be accommodated within the property line (see plan ~~243~~ but, these two spaces would not align with the balance of street parking along Woodside. Further, additional landscaping would be accommodated with this allowance.*

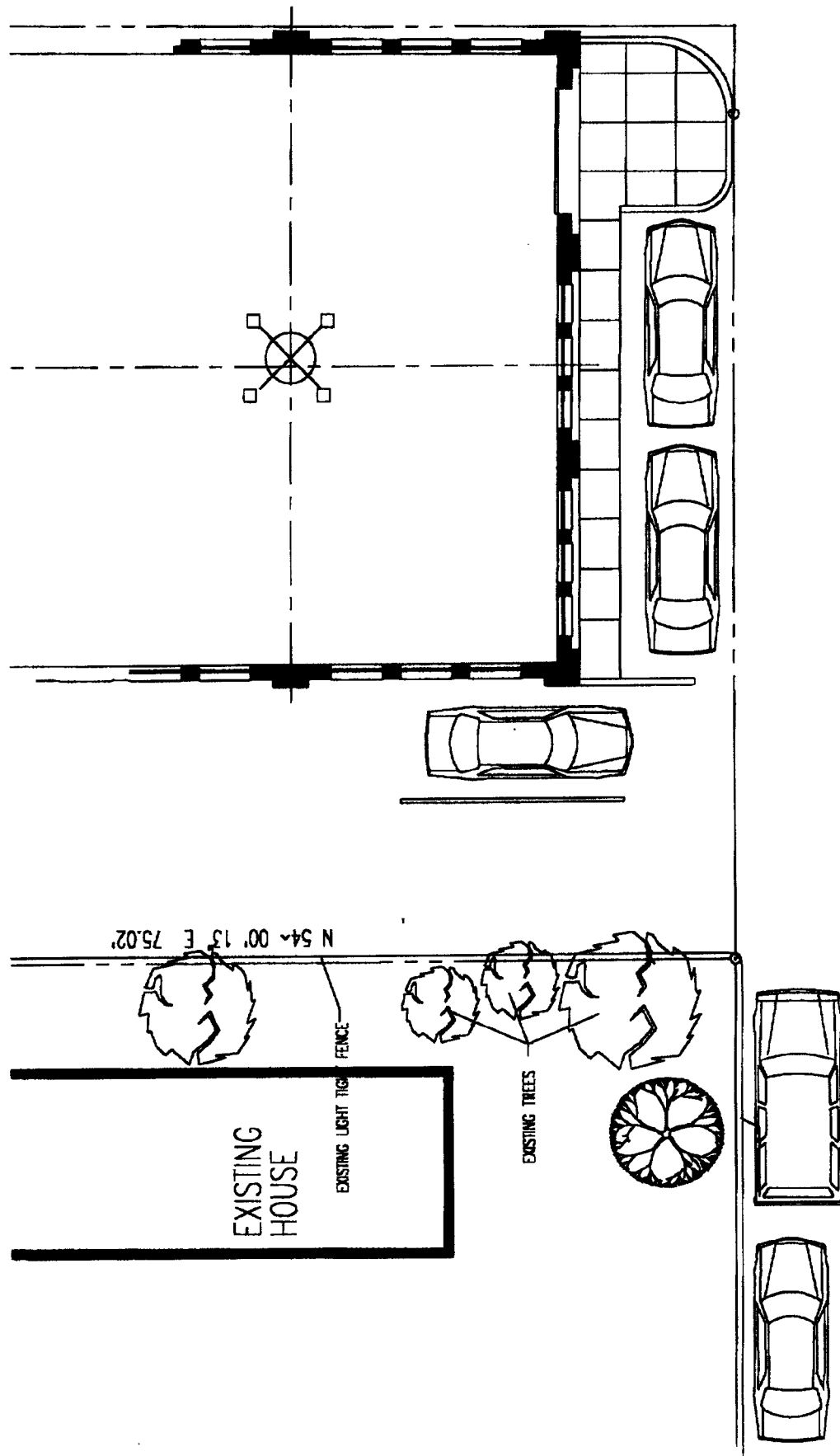
Assuming my interpretation of "existing parking on site" is supported by staff, I would like to move forward as soon as is possible.

I have discussed other parking solutions with staff but this is the one I wish to proceed with. Please review my proposal and let me know if it is consistent with staff's earlier assessment of "existing parking on site".

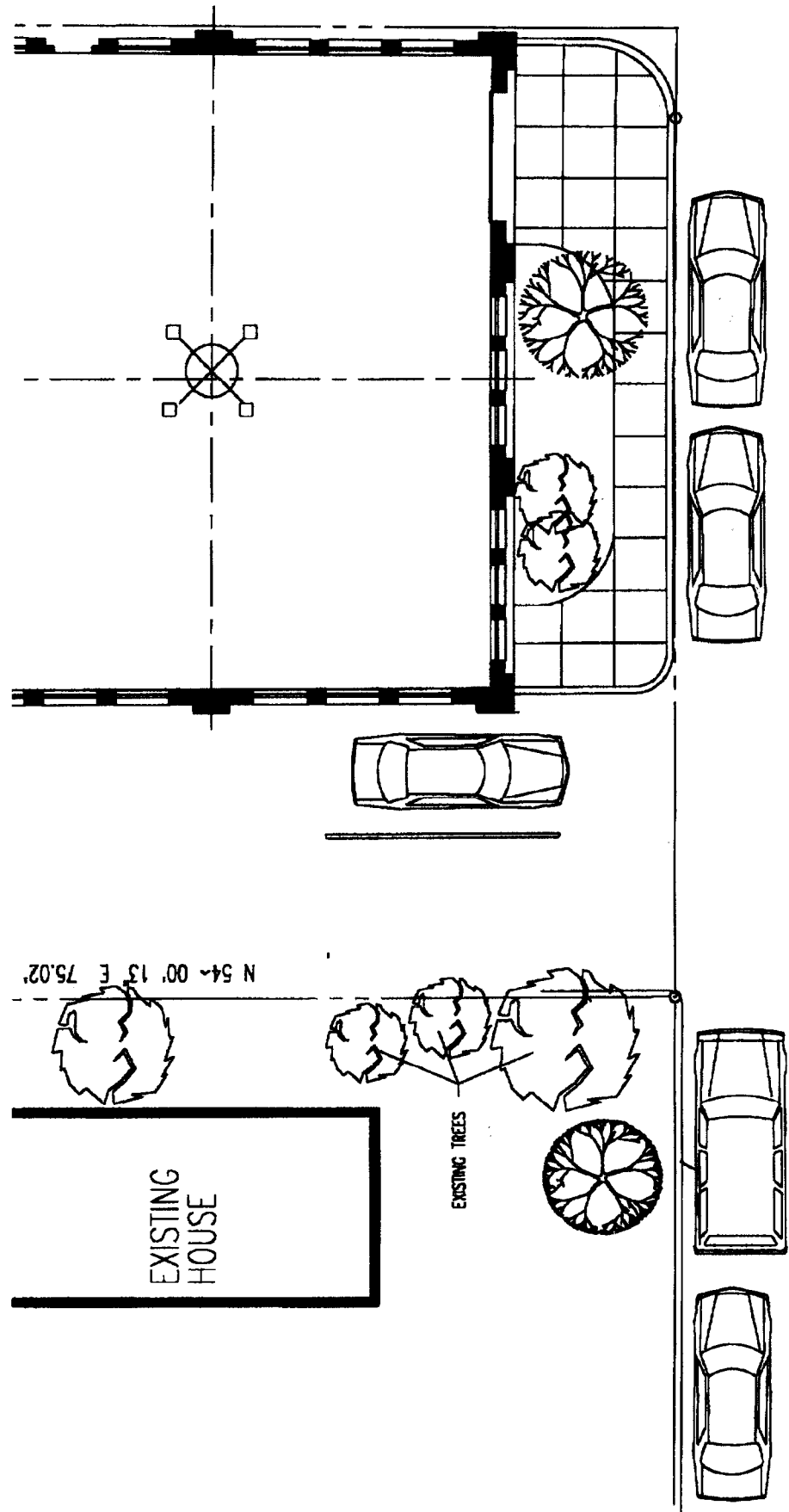
For your consideration I have built a 1/4" model of the site and would be glad to make it available if you feel it would be helpful. I understand a new set of envelopes for noticing is needed and will be getting those to you shortly. Thank you for considering my request as I look forward to hearing back from you.

Sincerely,


David Belz, Architect



Street side parking issue
Option 2: Parking inside property line
Plan 3



Street side parking issue
Option 1: Parking in city right of way
Plan 2

David Belz, Architect

811 Park Avenue PO Box 681237
Park City Utah 84068
801-649-9339 Fax: 647-9339

March 1, 1995

Janice Lew

Park City Planning Department
545 Marsac
Park City Utah 84060
Fax: 645-5078

RE: 1167 Woodside renovation plans

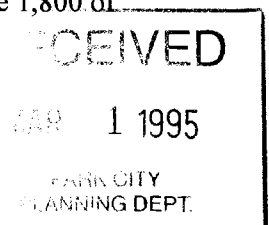
Dear Janice,

I have been working diligently to explore solutions for the restoration of 1167 Woodside which the staff can support. To that end, I have been studying solutions which, as requested by staff, **“tailor the use to match the amount of parking already on the site.”**

So that I can explore in detail solutions which respond to staff's wishes, the first thing which needs to be determined is exactly what parking is “already on site”. Enclosed please find a parking plan which is essentially identical to that supported by staff going into the first board of adjustments meeting. The differences in this plan and that originally submitted is as follows: The first submittal identified 9 parking spaces (not counting tandem or street parking) where this most recent plan shows 12. The three additional spaces come from counting the two street side parking spaces along Woodside which is “on site” and allowed in the 10' front yard setback per section 7.1.3e. Further, in the rear of the structure I have determined that 4 cars can be accommodated where the original plan only showed 3.

I spoke to Eric Dehann about the most recent plan and while he feels the proposed parking would function, it is not in compliance with chapter 13 of the LMC due to driveway widths and the need to back out of some spaces. If we were to go to the board of adjustments with this plan we would be seeking 2 actions. **First**, a partial change of non-conforming use to accommodate offices (*with preclusion's on the types of offices allowed*). **Secondly**, we would need a variance to accommodate the parking as shown, waiving the appurtenant requirements of chapter 13. It should be understood that using the parking “which already exist on site”, no matter how it is configured, will require a variance from the chapter 13 requirements.

With this parking plan, at 5 spaces per 1,000 Sq.Ft., I would be able to use about half of the building's 4,500 Sq. Ft. for my offices with the other half remaining as storage / garage uses. This is very close to the original numbers supported by staff which allowed me to use 1,800 of the building's 4,500 Sq.Ft. based on providing 9 parking spaces.

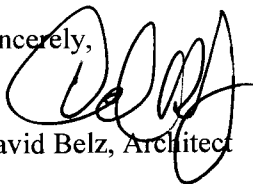


Considering the above, I need staff to define for me the parking "already provided on site" and accordingly, a statement that they would support a variance in the Chapter 13 requirements to accommodate the parking as shown in the enclosed plan or a variation thereof.

I fully understand all of staff's concerns on intensity of use and parking traffic patterns. Perhaps the 1/4" scale model we are now working on will help us all to better visualize how the pieces come together and how staff's concerns are addressed. On another matter; based in concept on plans already given to staff, there may be an opportunity to provide affordable housing on this site. Due to staff's resistance to the proposed housing fronting Norfolk, I am not inclined to pursue this solution as it appears it would add further impediments for the project. If, however, in looking at the plans and the model, staff wishes to discuss the possibility of affordable housing on site, I would be open to do so.

At this juncture I am still not sure which of the solutions in front of staff will be forwarded to the Board of Adjustments. It was my understanding that the Board felt providing all the requisite parking was very important. When I presented a proposal with 19 cars on site, Staff informed me they could not support such a solution. Thus my present quandary, to go to the Board without staff's support, or to go forward without providing parking for the entire structure.

Staff's input on the above parking considerations should help me to decide on how to best proceed from here. I appreciate your help and thank you for your consideration.

Sincerely,

David Belz, Architect

PS: It should be noted in studying solutions which "utilizes parking already provided on site"; I did look at residential uses in the subject building as opposed to offices. I spoke with Ron Ivie on this subject and while he felt it was not impossible, he thought any such solution would drastically affect the historic appearance of the building. Specifically; Doors would have to be cut in and windows could not follow their historic model due to emergency egress requirements. Notwithstanding these difficulties, it is my desire to put a compatible commercial use in the subject building and I sincerely feel such uses can be accommodated while mitigating the impact, if any, on adjacent residential uses.



Department of Community Development
Engineering • Building Inspection • Planning

February 27, 1995

David Belz
PO Box 681237
Park City UT 84068

Re: 1167 Woodside Avenue

Dear David:

Thank you for your recent letter regarding the status of the 1167 Woodside Avenue Board of Adjustment application. I was assigned to handle your project in Kirsten's absence. After researching the Planning files relating to your application, I found the Board of Adjustment postponed taking formal action on the request at their November 15, 1994 meeting. It will be necessary to renote the adjacent property owners when this application is again scheduled for Board of Adjustment review. Therefore, you will need to provide the City with stamped addressed envelopes for all property owners within 300 feet of the project.

I appreciate the time and effort you have put into the project. I hope the modifications you have made to the original proposal will allow us to process your request with a positive recommendation from the staff. We will be able to determine this once we have seen your detailed plans. I would be happy to schedule a time to discuss your proposal in more detail when you are ready to submit revised plans. Please let me know if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Janice Lew".

Janice Lew
Planner

David Belz

811 Park Avenue PO Box 681237
Park City Utah 84068
801-649-9339 Fax: 647-9339



February 24, 1995

Eric Dehann

Park City Planning Department
545 Marsac
Park City Utah 84060

RE: 1167 Woodside, AKA "The Bus Barn" Parking solutions

Eric,

I believe you are aware of my efforts to renovate the "Bus Barn" at 1167 Woodside. In response to staff's direction, I am exploring solutions which only involve a partial change of use for the building and which utilizes parking as can be accommodated on the site with out reconfiguration. Although I am not yet sure what we will take to the Board of Adjustments, Staff has steered the project in the above direction and at this juncture I am seeking your input on this parking configuration encouraged by staff.

The proposed parking plan provides parking in 4 areas. The plan shows 4 spaces in the rear of the structure, 2 spaces along Woodside, 4 spaces along the building's South side, and 2 spaces in the "original bus shed" for a total of 12 cars. I have identified snow storage areas which far exceed the 15% requirement. No tandem spaces are shown and all spaces are with in the set back areas with the exception of a 2 to 3 foot encroachment for the farthest west space behind the building. Please note this minor encroachment can be eliminated if the sidewalk along the west facade is not provided for. I believe the street side parking is allowed in the HR1 zone in the front set back per section 7.1.3.e. and it does not appear to be otherwise precluded in chapter 13.

Would you please review the enclosed parking plan and identify any code compliance problems with this solution for 12 cars. I appreciate your help and look forward to meeting with you in the near future.

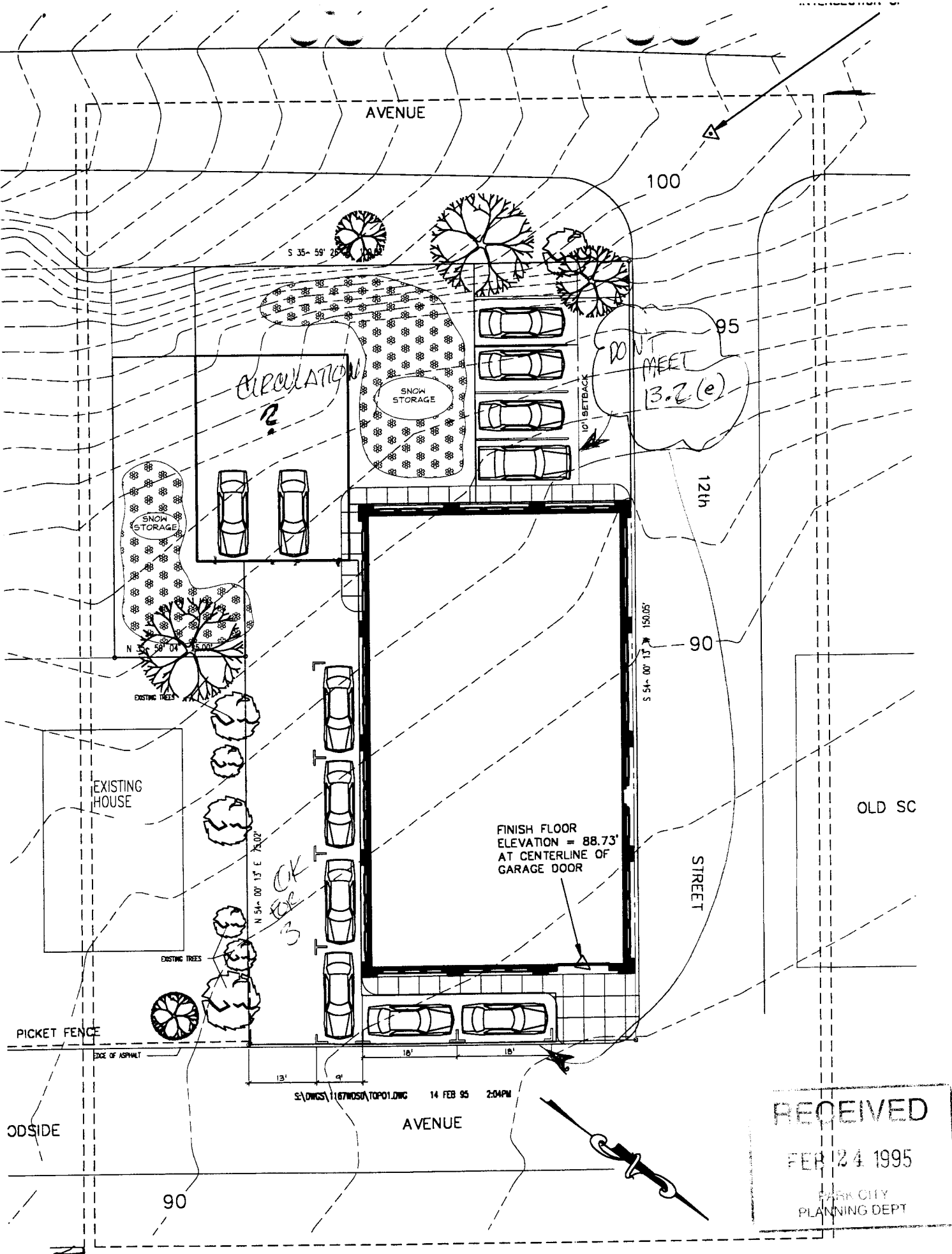
Sincerely,

A handwritten signature in dark ink, appearing to be "David Belz".

David Belz, Architect

*2/28/95 Telephone conversation
w/ David Belz. Told him
this parking layout does
not meet the requirements
for circulation vis-a-vis
"parking and unparking"
operations.
Eric Dehann*

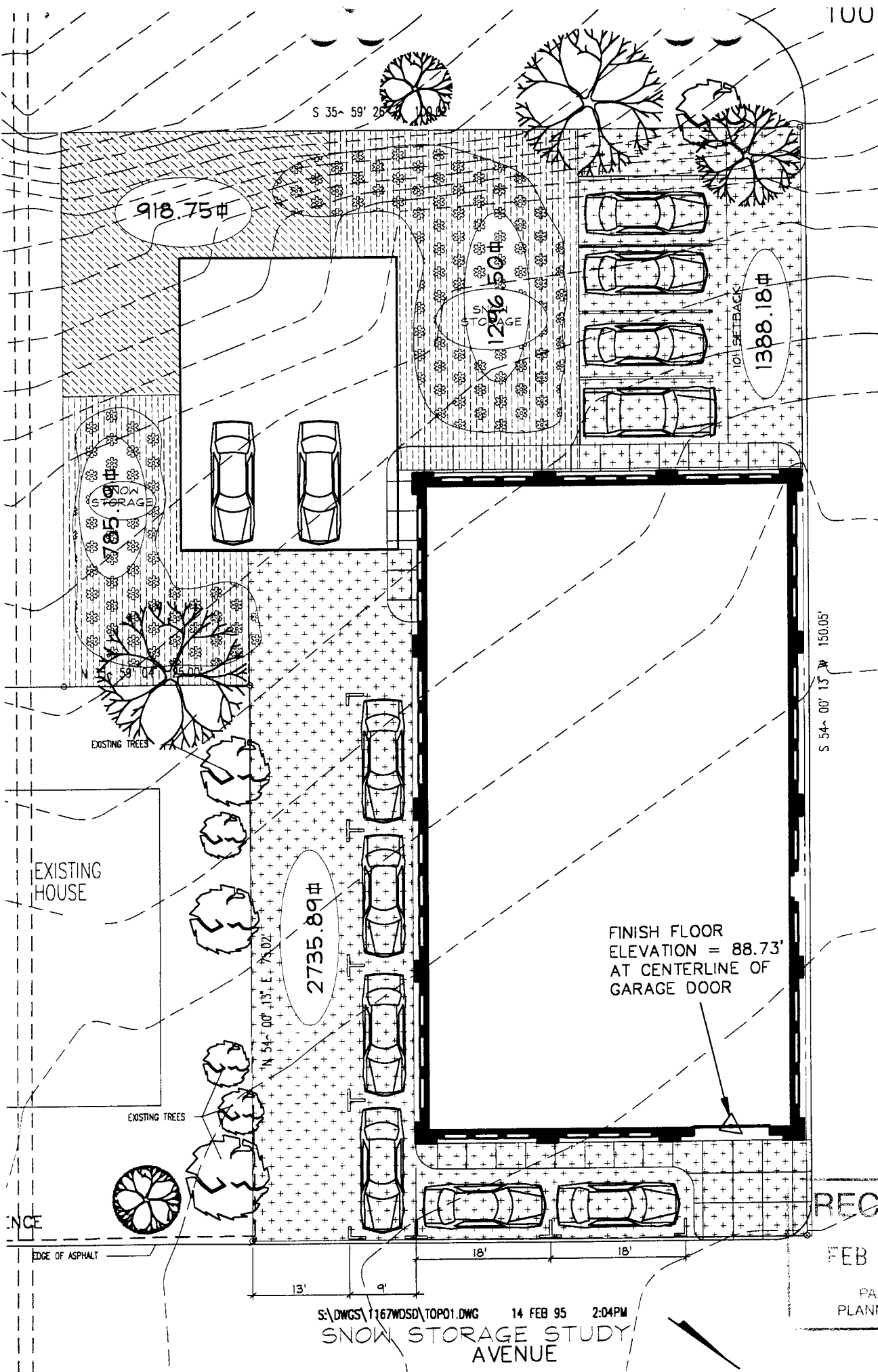
PS: You and I have briefly discussed the other parking plans which seek to accommodate up to 20 cars and I would like to talk with you further about these solutions as well. The Board of Adjustments in their last meeting seemed to feel it was important to provide the additional parking and may yet steer the project in this direction not with standing staff's recommendations.



RECEIVED

FEB 24 1995

PARK CITY
PLANNING DEPT



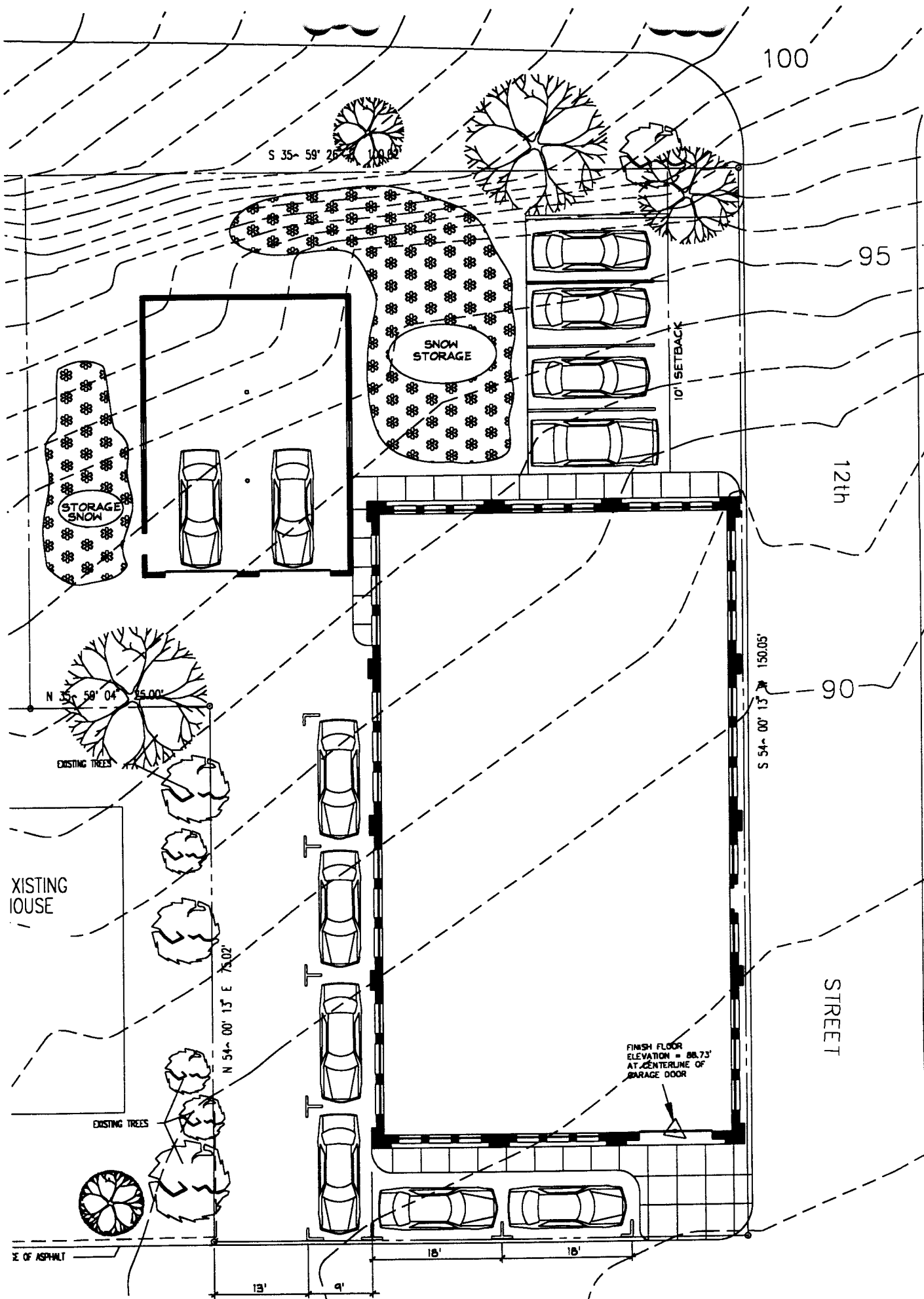
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FEB 24 1995

PARK CITY
PLANNING DEPT

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SNOW STORAGE STUDY
AVENUE



David Belz, Architect

811 Park Avenue PO Box 681237
Park City Utah 84068
801-649-9339 Fax: 647-9339

February 10, 1994

Kirsten Whetstone, AICP

Park City Planning Department
545 Marsac
Park City Utah 84060
Fax: 645-5078

RE: 1167 Woodside Change of Non-conforming use.

Dear Kirsten,

I am writing to update you on where we are at with the pending application for Board of Adjustments action on 1167 Woodside, AKA "The Busbarn". As you are aware, concerns over parking caused the proposal to be stayed at the first Board of Adjustments meeting.

In response to the Board's concerns I revised my proposal to accommodate all the required parking on site and submitted it to staff. Staff responded in your letter of November 18th as being unable to support the revised sollution due primarily to intensity of use. I find myself in a bit of a quandary. The Board of Adjustments appears to want parking for the entire structure, and staff can not support such a sollution.

I would like to begin by formally requesting that the pending application for a change of non-conforming use be kept active. I plan to submit a final proposal to both staff and the Board in the near future.

I am presently re-studying the staffs desired direction; a partial change of use with parking as presently configured. I am also building a model of the site and the structure to give everyone a better idea of what is being proposed and to compare all the options being considered.

After reviewing these new studies with staff, we will then choose what specific request to pursue with the Board. As is everyone's desire, we look forward to finding a solution which will allow this building to be restored in the near future.

I thank you for all your help with this project and apologize for not being able to respond at an earlier date. As you will shortly be on leave, I will need to know who is going to take this project over. It would be great if Megan and /or Rick could handle it since I understand they will be working with us on the Park Avenue MPD. Let me know what you decide.

Thanks again and congratulations,

David Belz, Architect

RECEIVED

FEB 14 1995

PARK CITY
PLANNING DEPT.



Department of Community Development
Engineering • Building Inspection • Planning

December 5, 1994

Mr. David Belz
P. O. Box 681237
Park City, Utah 84068

Re: Parking at 1167 Woodside

Dear David:

Kirsten Whetstone asked me to review your November 16 letter (copy attached) regarding parking options at the old Bus Barn at 1167 Woodside.

I am very concerned about the apparent lack of snow storage and setbacks with all three of your sketches attached to your November 16 letter. Setbacks are required, in part, to ensure that there is reasonable room for landscaping and utilities. Snow storage is obviously needed if parking is to function as designed during our predictable periods of heavy snow.

Snow storage and setbacks must adhere to the requirements of the Land Management Code in order for me to make a finding that parking may encroach into the City right-of-way per LMC Section 7.1.4(e).

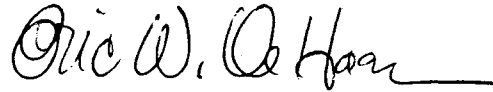
LMC Section 13.2 requires 15% of the total hard surfaced area to be readily available for snow storage. It doesn't appear that even your covered-parking concept (the last attachment to your November 16 letter) meets this requirement. Further, the LMC in Section 13.2(e) requires that front and sideyard setbacks be maintained.

Because your plans fall short of these requirements, and possibly other Code provisions, I cannot support any request to the Board of Adjustment for a variance or an expansion of a non-conforming use. Functional parking and landscaping are too important in our HR-1 zone for us to sacrifice them, especially when reasonable uses can probably be made of the building with far less impact on the neighborhood.

December 5, 1994
Page Two

Feel free to contact me if you have any questions, although for the sake of clarity written communication will probably be necessary. Thank you for your obvious interest in Park City's historic district.

Respectfully submitted,

A handwritten signature in cursive script, reading "Eric W. DeHaan", followed by a horizontal line.

Eric W. DeHaan, P.E.
City Engineer

EWDH/scb

David Belz, Architect

811 Park Avenue PO Box 681237
Park City Utah 84068
801-649-9339 Fax: 647-9339

RECEIVED

NOV 22 1994

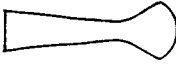
PARK CITY
PLANNING DEPT

November 16, 1994

Kirsten Whetstone, AICP

Park City Planning Department
545 Marsac
Park City Utah 84060
Fax: 645-5078

RE: 1167 Woodside revised request to the board of adjustments



Dear Kirsten

After last night's meeting I went over the plans and code provisions for what we want to achieve.

I offer the following for your consideration.

The code required parking for the structure based on the LMC would be 19 or 20 cars depending on the amount of space taken up by bathrooms and other common areas. (1 per 200 Sq. Ft. of net rentable = (4,500 Sq. Ft. - Commons)/ 200)

I was able to revise the parking structure (*see attached drawings*) as originally shown to accommodate one additional car. If we are able to attain the City Engineers consideration as allowed by code (7.1.4e) for the two cars extending into the city right of way (*roughly 7 feet*), then this plan will accommodate 19 cars.

In the event the City Engineer declines this encroachment, I have drawn another option which provides parallel parking within the front setback area as allowed by code in the HR-1 zone. This plan could provide 20 parking spaces. (*provided the space closest to the corner is acceptable*) The drawback of this option is it provides less opportunity for landscaping and front entry articulation.

In regards to my statements that parking was required to be "fully enclosed", I believe I was mistaken. This is a requirement of the HRC zone, not chapter 13, and therefore does not apply to this project.

Despite there being no requirement for fully enclosed parking, I will be proposing to put a lid over the majority of the 13 spaces closest to Norfolk Avenue. It seems that by the time a retaining wall is installed along the property line, and with the railing which would have to extend beyond this we would end up with a wall that could easily be 15 feet high at the Southwest corner of the parking area. Further, as snow is plowed along Norfolk, there could be a tendency for it to be pushed over the edge into the parking lot. By applying a lid over this parking, snow removal and storage would be less of an issue, parking spaces would always be accessible, pedestrians walking along Norfolk would not be at risk, and one or two residential units could be accommodated above.

If in the end analysis we need to forsake the concept of covered parking, I would consider this, however, I do not believe it is in the long term interest of the property or the community.

This brings me to your concerns about expansion of a non-conforming use. If you were to interpret the parking structure as an expansion of a non-conforming use, I still believe we can meet the requirements of chapter 12. In applying section 12.3c, the garage addition could be interpreted to improve "safety and efficiency" and as not "constituting and expansion of the **principal** use." *(the set back issue referenced in this section is where a variance would be required) (also please note that a significant portion of the proposed parking structure is replacing the roughly 1,200 Sq.Ft. existing garage structure (built circa 1959)).*

Another possible interpretation is that a parking structure with housing above it is not a non conforming use in this zone. In the HR-1 district parking is allowed in below grade side yard setbacks between "participating developments" (7.1.4c). Section 7.1.4c also provides for common parking facilities. Per this code provision, the proposed parking structure would "*facilitate the development of individual buildings that more closely conform to the scale of historic structures in the district.*" and further, I also believe that section 7.1.1, the purpose of the HR-1 zone, fully supports the spirit of our proposal. The proposed parking with housing above facilitates (1) the preservation of a significant historic structure and (2) the construction of new structure(s) which contribute to the character of the district. *(Is not a historically compatible residence fronting Norfolk more desirable for the neighborhood than the existing flat roof of the garage structure which would be replaced?, or to an exposed surface parking lot if uncovered parking were instead provided?)*

As to the proposed residences above; the proposed housing would meet all the code requirements of the HR-1 district save one; the below grade parking outside of the garage allowance of 400 Sq. Ft. per structure. The underlying code would allow for the development of two units of around 1675 Sq. Ft. each, or a single unit of around 2,250 Sq. Ft.

Based on this revised direction which would remove the phasing request from my original application, I believe we would be specifically going to the Board of Adjustments to request a variance to place a structure in the set back fronting Norfolk to facilitate the below grade parking. (*"open parking" is allowed per 7.1.3e in this setback area but covered parking would require a variance*).

Based on last night's comments and from the endorsements given to me by my neighbors, I feel there is strong support for the proposed change of use and restoration. (*save the separate conditional use request for limited group uses*) Assuming the staff concurs with this assessment, the next step is to find the mechanics necessary to allow us to move forward.

We will obviously need to make determinations as to whether the proposed parking structure represents an expansion to a non-conforming use (as discussed in section 12.3), or is a code permitted consideration in the HR-1 zone.

I understand staff has a full load so whatever I can do to assist your efforts, just let me know. It is my goal to begin work in early spring, and would appreciate whatever the city can do to help make this possible.

I look forward to hearing from you and I thank you for all your assistance on this project.

Sincerely,

A handwritten signature in black ink, appearing to read 'David Belz', written over a horizontal line.

David Belz, Architect

S 35° 59' 26" E 100.00'

19 CARS TOTAL

EXISTING BUILDING

EXISTING HOUSE

S 54° 00' 13" W 150.05'

12 TH STREET

S 54° 00' 13" W 200.055'

N 35° 59' 01" E 25.00'

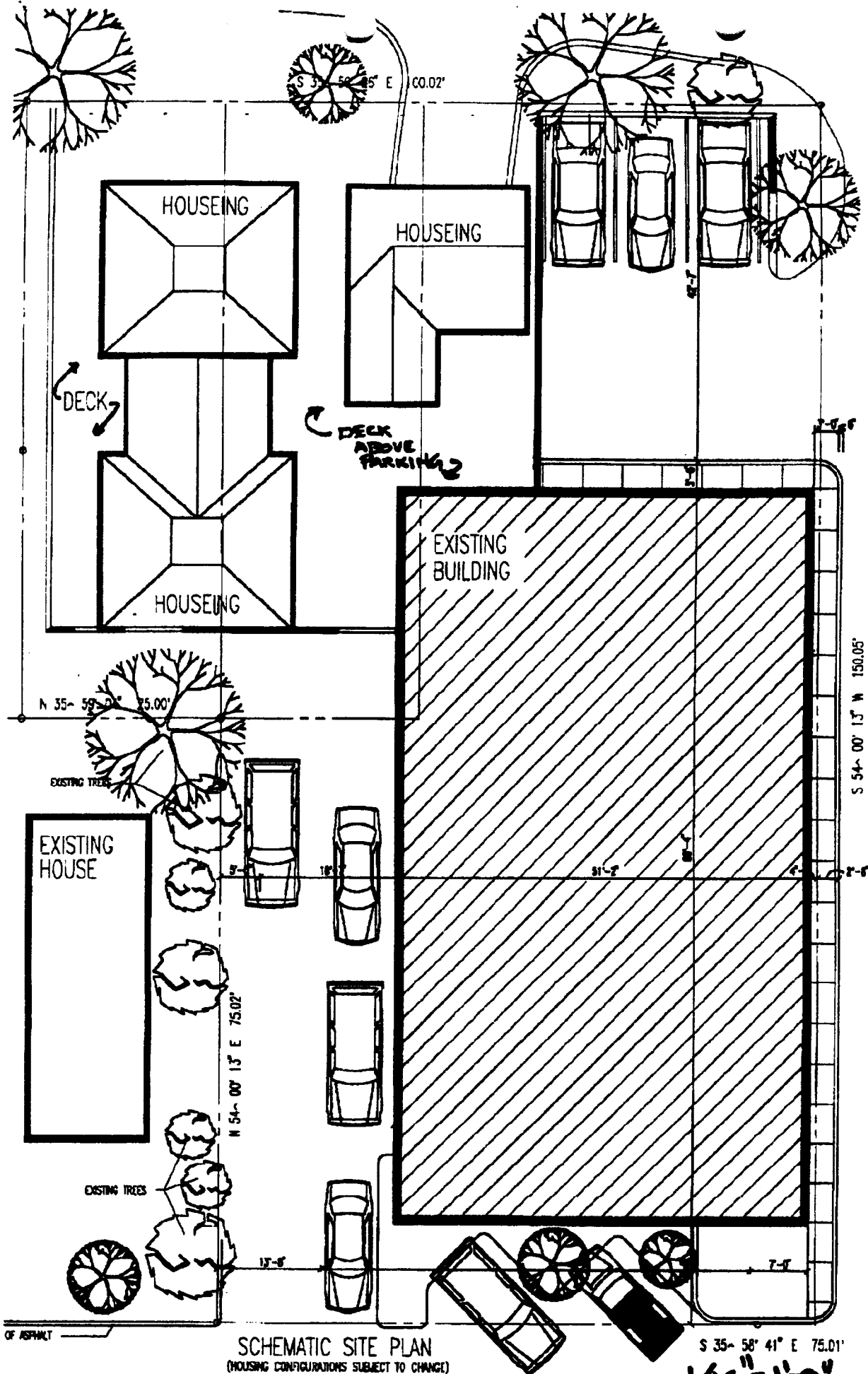
EXISTING TREES

N 54° 00' 13" E 75.02'

EXISTING TREES

S 35° 58' 41" E 75.01'

ROW
req. approved
by Eng.



SCHEMATIC SITE PLAN
(HOUSING CONFIGURATIONS SUBJECT TO CHANGE)

TOTAL P.02



Department of Community Development
Engineering • Building Inspection • Planning

November 18, 1994

David Belz
811 Park Avenue PO Box 681237
Park City, UT 84068

Dear David,

Thank you for your recent letter regarding the 1167 Woodside Avenue "Bus Barn" proposal. Staff has reviewed the proposal and we would like to pass on to you some of our concerns. To summarize your proposal I understand that you are now proposing the following:

1. renovation of the 1167 Woodside Ave "Bus Barn"
2. removal/demolition of the small accessory garage.
3. use of the entire 4500 sf for office use, studio space, and/or limited group use for classes.
4. construction of a below grade parking structure to accommodate 13 parking spaces with additional surface parking for 7 cars.
5. construction of two or three houses on top of the parking structure.

The Board of Adjustment was created to hear the following four classifications of cases:

- a) **variance applications** when a requested permit or application would violate the provisions of the Land Management Code relating to setbacks, building height, side yard, lot size, site requirements, parking requirements or some similar provisions of the Code.
- b) **modifications of non-conforming uses** such as enlargements, modifications, or changes in the character of any non-conforming use and determinations of what constitutes a non-conforming use.
- c) **appeals**
- d) **special exceptions**

From the above description of your proposal, it appears that you have the following requests of the Board of Adjustment:

1. a request to change the non-conforming use from a storage building/bus barn to 4500 sq. ft. of office, studio, and classroom uses.
2. a request for variances to the setback requirements for parking.

Given the proposal before us, staff will not support the request to change the non-conforming use. We also can not support a variance to side or front yard setback requirements for parking for this use. As communicated to you in the past, your proposal to fully utilize all 4500 sf for office/studio uses is a more intense use than we believe reasonable or compatible with the surrounding neighborhood. This is the main reason for our previous recommendation that you **tailor the use to match the amount of parking already on the site.**

The Land Management Code requires staff and the Board of Adjustment to review a request for a change in a non-conforming use against the four criteria listed in Section 12.4. The first criteria asks if all reasonable measures will be undertaken to alleviate or reduce the incompatibility or adverse effects of the use or building on abutting properties or in the neighborhood. Vehicular traffic and parking are the primary concerns and staff does not believe the proposed intensity of use can reasonably be mitigated.

Even though it is technically possible, a use which generates a parking demand of 20 spaces and requires an underground parking structure to meet that demand, will generate far more traffic and congestion in the neighborhood than the existing non-conforming use as a storage building. Such a use will not be compatible with the existing neighborhood. For this reason our recommendation to the Board of Adjustment remains the same; that you utilize the building based on the number of parking spaces that are available on site, not including the proposed underground parking. We would be open to reviewing information you might have on parking demands for different types of professional offices or on the types of offices you are proposing. This information should be presented in writing.

In addition, we do not see a valid reason for recommending approval of variances to side or front yard parking which negatively impacts the adjacent residents. We believe that impacts of a non-conforming use should be reduced, rather than compounded, with requests to change the nature of the use.

The impacts would be further compounded by the addition of two or three houses on this site. From our records the two existing buildings sit on three 50' x 75' lots with the access drive on a portion of a fourth lot. According to the Floor Area Ratio formula for the HR-1 Zone, the maximum floor area allowed for this combination of lots is 5250 sf. Most of this is already used up with the existing busbarn. While it is true that allowances are made for historic structures, the FAR waiver would not apply to new structures.

It also appears that there is an existing structure, being either the busbarn or a single family dwelling, already located on each of the four lots. The addition of two or three new houses

would require a resubdivision of land, which we are not prepared to support. Even if we could support the subdivision, the proposed underground parking would be located off-site of the busbarn, thus violating parking requirements in the Code.

In summary, staff's recommendation to the Board of Adjustment regarding your current proposal is a denial of the non-conforming use change and a denial of side and front yard parking setback variances. Your options at this time include a) revising your proposal to utilize the building according to available parking or b) proceed to the Board of Adjustments without a positive recommendation from Staff.

If you would like to schedule a time to discuss this matter in more detail, please do not hesitate to call me. Thank you for your patience.

Sincerely,

A handwritten signature in black ink, appearing to read "Kirsten A. Whetstone". The signature is fluid and cursive, with the first name "Kirsten" being more prominent.

Kirsten A. Whetstone, AICP
Project Planner

cc: Richard E. Lewis, AICP
Community Development Director

Jodi Hoffman
City Attorney

David Belz, Architect

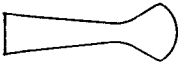
811 Park Avenue PO Box 681237
Park City Utah 84068
801-649-9339 Fax: 647-9339

November 16, 1994

Kirsten Whetstone, AICP

Park City Planning Department
545 Marsac
Park City Utah 84060
Fax: 645-5078

RE: 1167 Woodside revised request to the board of adjustments



Dear Kirsten

After last nights meeting I went over the plans and code provisions for what we want to achieve.

I offer the following for your consideration.

The code required parking for the structure based on the LMC would be 19 or 20 cars depending on the amount of space taken up by bathrooms and other common areas. (1 per 200 Sq. Ft. of net rentable = (4,500 Sq. Ft. - Commons)/ 200)

I was able to revise the parking structure (*see attached drawings*) as originally shown to accommodate one additional car. If we are able to attain the City Engineers consideration as allowed by code (7.1.4e) for the two cars extending into the city right of way (*roughly 7 feet*), then this plan will accommodate 19 cars.

In the event the City Engineer declines this encroachment, I have drawn another option which provides parallel parking within the front setback area as allowed by code in the HR-1 zone. This plan could provide 20 parking spaces. (*provided the space closest to the corner is acceptable*) The drawback of this option is it provides less opportunity for landscaping and front entry articulation.

In regards to my statements that parking was required to be "fully enclosed", I believe I was mistaken. This is a requirement of the HRC zone, not chapter 13, and therefore does not apply to this project.

Despite there being no requirement for fully enclosed parking, I will be proposing to put a lid over the majority of the 13 spaces closest to Norfolk Avenue. It seems that by the time a retaining wall is installed along the property line, and with the railing which would have to extend beyond this we would end up with a wall that could easily be 15 feet high at the Southwest corner of the parking area. Further, as snow is plowed along Norfolk, there could be a tendency for it to be pushed over the edge into the parking lot. By applying a lid over this parking, snow removal and storage would be less of an issue, parking spaces would always be accessible, pedestrians walking along Norfolk would not be at risk, and one or two residential units could be accommodated above.

If in the end analysis we need to forsake the concept of covered parking, I would consider this, however, I do not believe it is in the long term interest of the property or the community.

This brings me to your concerns about expansion of a non-conforming use. If you were to interpret the parking structure as an expansion of a non-conforming use, I still believe we can meet the requirements of chapter 12. In applying section 12.3c, the garage addition could be interpreted to improve “safety and efficiency” and as not “constituting and expansion of the **principal** use.” *(the set back issue referenced in this section is where a variance would be required) (also please note that a significant portion of the proposed parking structure is replacing the roughly 1,200 Sq.Ft. existing garage structure (built circa 1959)).*

Another possible interpretation is that a parking structure with housing above it is not a non conforming use in this zone. In the HR-1 district parking is allowed in below grade side yard setbacks between “participating developments” (7.1.4c). Section 7.1.4c also provides for common parking facilities. Per this code provision, the proposed parking structure would “*facilitate the development of individual buildings that more closely conform to the scale of historic structures in the district.*” and further, I also believe that section 7.1.1, the purpose of the HR-1 zone, fully supports the spirit of our proposal. The proposed parking with housing above facilitates (1) the preservation of a significant historic structure and (2) the construction of new structure(s) which contribute to the character of the district. *(Is not a historically compatible residence fronting Norfolk more desirable for the neighborhood than the existing flat roof of the garage structure which would be replaced?, or to an exposed surface parking lot if uncovered parking were instead provided?)*

As to the proposed residences above; the proposed housing would meet all the code requirements of the HR-1 district save one; the below grade parking outside of the garage allowance of 400 Sq. Ft. per structure. The underlying code would allow for the development of two units of around 1675 Sq. Ft. each, or a single unit of around 2,250 Sq. Ft.

Based on this revised direction which would remove the phasing request from my original application, I believe we would be specifically going to the Board of Adjustments to request a variance to place a structure in the set back fronting Norfolk to facilitate the below grade parking. (*"open parking" is allowed per 7.1.3e in this setback area but covered parking would require a variance*).

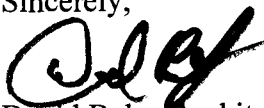
Based on last nights comments and from the endorsements given to me by my neighbors, I feel there is strong support for the proposed change of use and restoration. (*save the separate conditional use request for limited group uses*) Assuming the staff concurs with this assessment, the next step is to find the mechanics necessary to allow us to move forward.

We will obviously need to make determinations as to whether the proposed parking structure represents an expansion to a non-conforming use (as discussed in section 12.3), or is a code permitted consideration in the HR-1 zone.

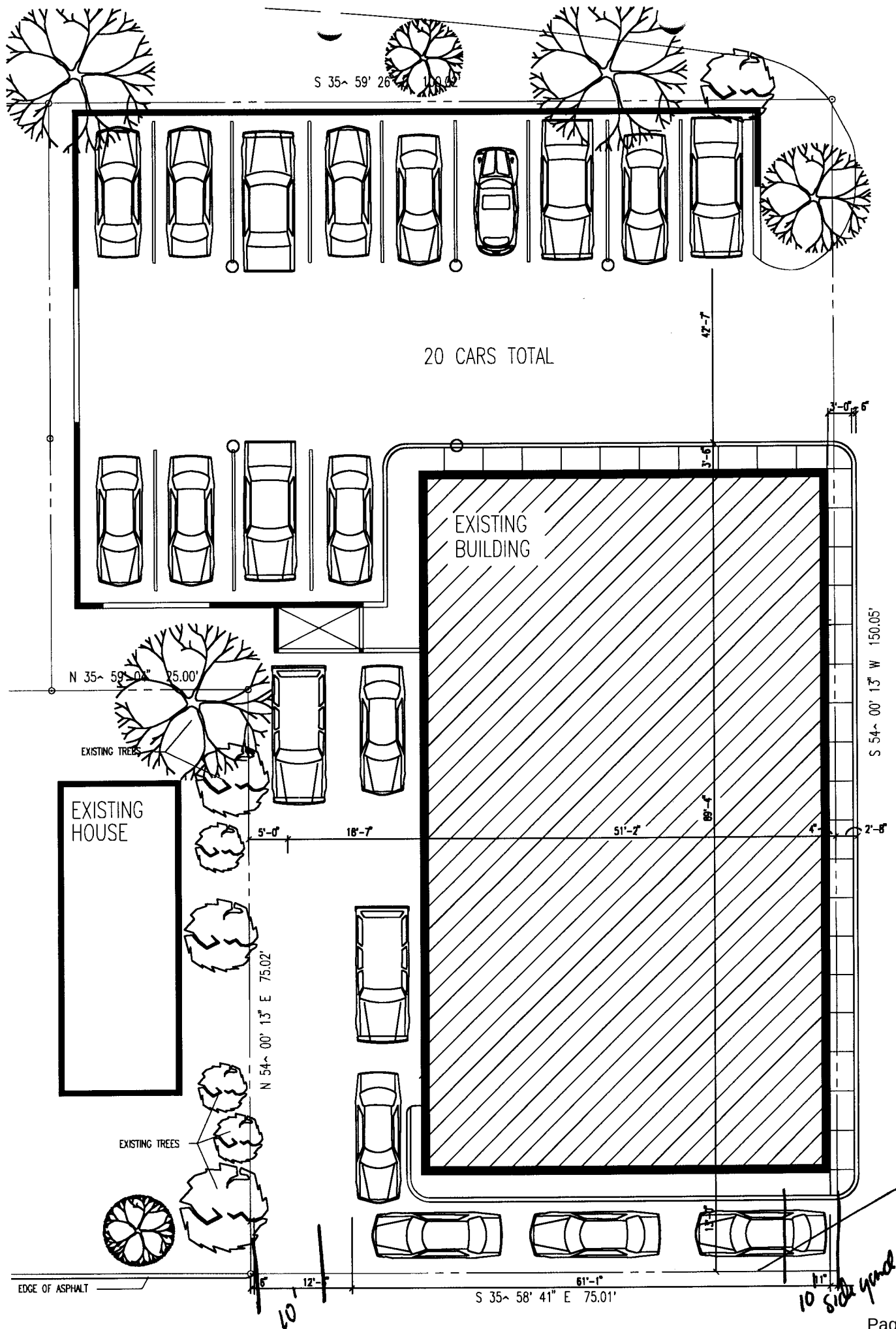
I understand staff has a full load so whatever I can do to assist your efforts, just let me know. It is my goal to begin work in early spring, and would appreciate whatever the city can do to help make this possible.

I look forward to hearing from you and I thank you for all your assistance on this project.

Sincerely,

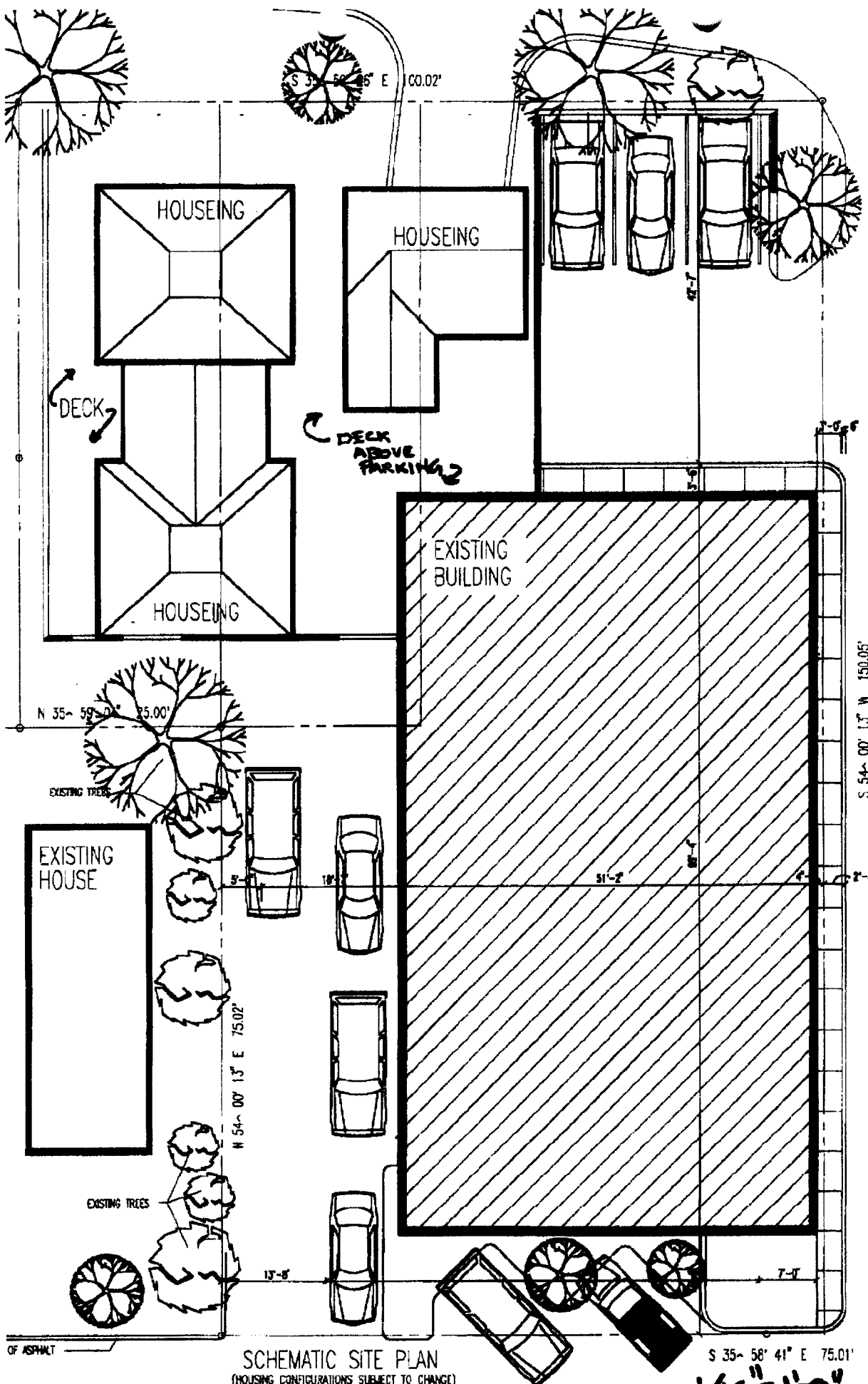
A handwritten signature in black ink, appearing to read 'David Belz', written in a cursive style.

David Belz, Architect



12 TH STREET

S 54° 00' 13" W 200.055'



SCHEMATIC SITE PLAN
(HOUSING CONFIGURATIONS SUBJECT TO CHANGE)

12th STREET

S 54° 00' 13" W 200.055'

MINUTES OF PARK CITY BOARD OF ADJUSTMENT
MARSAC MUNICIPAL BUILDING
NOVEMBER 15, 1994

IN ATTENDANCE: Chairman Steve Deckert, Mike Eberlein, Tom Sedgwick, Gordon Strachan, Joe Tesch

ABSENT & EXCUSED: Dell Fuller

EX OFFICIO: Kirsten Whetstone, Planner
Sharon Bauman, Administrative Secretary

=====

Chair Steve Deckert called the meeting to order at 5:05 P.M. and noted that all Board Members were present except Alternate Dell Fuller.

Agenda Item #1

Approval of minutes for meeting of October 18, 1994

MOTION: Joe Tesch moved to APPROVE the minutes of October 18, 1994 as written. Gordon Strachan seconded the motion which was unanimously approved.

Agenda Item #2

Operating Rules and Findings Criteria - Jodi Hoffman/Rick Lewis

MOTION: Joe Tesch moved to CONTINUE the discussion. Mike Eberlein seconded the motion which was unanimously approved.

Agenda Item #3

1167 Woodside Avenue - Request to change a non-conforming use from bus storage to professional offices and art studios - David Belz, Architect

Planner Kirsten Whetstone briefly explained that the applicant was requesting approval to change a non-conforming use (the Bus Barn), to another non-conforming use (office space, art studios, private instruction type uses). She stated that the Land Management Code allowed changes to non-conforming uses provided they met the criteria in Section 12.4.(a) of the Land Management Code.

At the request of Board Member Tesch, Mr. Whetstone reviewed the four criteria listed in Section 12.4.(a) Criteria for Review.

Planner Whetstone added that the applicant was also requesting a variance to the parking requirements for the proposed use. She explained that if the entire building were converted to office uses, it would generate a need for more parking spaces than are available on site. According to the Land Management Code they would be deficient about 11 spaces. She went on to say that the Staff supported the change in non-conforming uses, but they did not support a change in parking since it was clear in Chapter 12.2.(e) that a change in non-conforming use required parking to be brought up to the standards of Chapter 13.

Board Member Tom Sedgwick asked how many parking spaces were on site. Ms. Whetstone responded there were nine onsite parking spaces. She explained that if the entire building were used for offices and art studios the applicant would need to provide approximately 20 spaces.

David Belz, applicant, commented that the tally of parking spaces did not include several spaces on Woodside that encroached into the City right-of-way. He believed those were allowed to be considered if the City Engineer determined they would not present a problem. He discussed various parking alternatives, including leasing lots from an adjacent property owner, and purchasing adjacent parcels. He proposed that as additional parking was provided, the number of occupants could be increased accordingly.

Planner Whetstone stated the Staff had modified its recommendation slightly since the last meeting to make it more flexible for the applicant. The Staff would review building plans and ensure that adequate parking was provided.

Chair Steve Deckert commented that the available existing parking would only provide for about 40% utilization of the structure and the remainder of the structure would have to remain as storage.

Board Member Gordon Strachan favored preservation of the building. He requested input from the applicant about when he might plan to provide an additional parking structure.

David Belz responded he was very sensitive to the City's concerns about creating traffic impacts in that location. He concurred that an office/studio configuration with people coming and going would create an incredible parking problem in a residential area. He noted it would be a significant expenditure to renovate the entire building and then only be allowed to use approximately 40% of the building. Therefore, he had proposed a set of conditions tied to the number of occupants or users in the building. As he could provide additional parking, then the number of occupants could increase accordingly.

Mr. Belz stated that his long-term plan was to construct an enclosed parking structure which would nearly meet the total parking requirements for the site. He explained that the old barn located behind the bus barn would be razed and a parking structure would be constructed in that location. He also proposed the construction of two houses on top of the parking structure. He

anticipated he would move forward with that stage of the project approximately three years after the bus barn was renovated.

Mr. Belz indicated he was requesting the variance based on hardship due to the siting of the historic structure and the lack of available parking on site.

Chair Deckert requested public input.

Jim Steinmetz, 1135 Norfolk, did not have a problem with the proposed renovation of the bus garage. He expressed concern about the demolition of an existing garage in the Historic District. He also expressed concern about the proposal to construct houses on top of the parking structure.

Chair Deckert explained that the parking structure and houses were options which would be explored at a later date. He stated the Board was only being asked to consider a variance for the change in use of the structure.

Mr. Belz stated he did not intend to build the parking structure until he could build the housing.

Mr. Steinmetz believed the renovation of the bus garage would be an improvement, but he bemoaned the fact that another chunk of Old Town was being lost.

Ron Butkovich, 1100 Woodside, felt that renovating the Bus Barn was better than letting it sit vacant. He expressed concerns about possible future expansion of parking areas on adjacent lots.

Board Member Tom Sedgwick commented that the Land Management Code allowed tandem parking for residential uses in the HR-1 zone and asked about the prohibition of tandem parking for commercial uses. Chair Deckert responded that it was not addressed in the Code because commercial uses were not allowed in the HR-1 zone.

Board Member Joe Tesch felt that preservation of the building was important but he did not know how it could be preserved in any reasonable sense without providing additional parking as required by Chapter 13.

Board Member Mike Eberlein commented that an applicant asking for a variance in a non-conforming use should meet all Code requirements, and this one did not. He stated he would move to deny the request.

Board Member Tesch requested that the Board give the applicant some direction.

Chair Deckert commented that the Staff was willing to allow commercial activities which would equate to the nine existing parking stalls on the site. If the available parking were used efficiently, it might not not impact the neighborhood; however, the Board must ensure that its actions would not impact the neighborhood.

Board Member Sedgwick asked how parking requirements for various uses were determined. Planner Whetstone explained that Chapter 13 of the Code contained specific requirements for each land use. For example, offices were required to provide one space for each 500 square feet plus one space per employee per shift, or one space per 200 square feet net usable office space, whichever is greater. Therefore, if the applicant has 2,000 square feet net space, he must provide 10 spaces.

Mr. Belz commented that if the Board were moving toward a denial, rather than allowing him to develop additional parking in phases, he would prefer to move forward with a proposal to construct the parking structure which would provide 12 enclosed spaces. He noted this proposal would not include the housing on top of the structure.

Board Member Eberlein stated that if Mr. Belz wished the Board to consider such a plan, he would have to take his proposal back to the Staff.

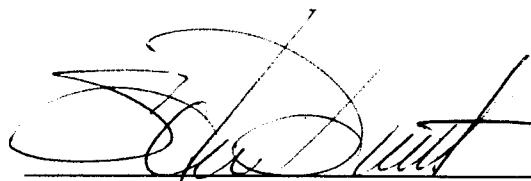
Mr. Belz indicated that his original proposal did include the enclosed parking structure, but his original Staff Planner had advised him to move forward with only a portion of his application. Specifically, in order to construct the parking structure he would need to request a variance to allow below grade parking in the front setback facing Norfolk.

Chair Deckert stated that the Staff would have to examine the request for a variance to allow construction of the parking structure, create findings and conditions, and present it to the Board at another time.

MOTION: Tom Sedgwick moved to POSTPONE. Mike Eberlein seconded the motion. The applicant requested feedback regarding parking in the setback. Board Members concurred that they wished to see the building renovated; however, they firmly believed that the applicant must provide code compliant parking. They indicated that a fully enclosed, below-grade structure might be a viable solution. They also requested the City Engineer's opinion regarding parking in the City right-of-way. The motion was unanimously approved.

Mike Eberlein moved to ADJOURN At 5:50 P.M. Gordon Strachan seconded the motion which was unanimously approved.

Accepted by:


Chair

Date: 2-28-95

**BOARD OF ADJUSTMENT
STAFF REPORT**

TO: BOARD OF ADJUSTMENT
FROM: PLANNING STAFF
DATE: NOVEMBER 15, 1994
**RE: VARIANCE FROM PARKING REQUIREMENTS AND BOARD OF
ADJUSTMENT APPROVAL TO ALLOW A CHANGE IN A NON-
CONFORMING USE.**

I. PROJECT STATISTICS

Project Name:	The Bus Barn
Applicant:	David Belz
Location:	1167 Woodside
Proposal:	1. Variance from parking requirements 2. Approve a change in a non-conforming use
Zoning:	HR-1
Adjacent Land Uses:	Carl Winters Building, scattered single-family dwellings
Date of Application:	May 4, 1994
Project Planner:	Kirsten Whetstone
Staff Recommendation:	Approve, subject to conditions

II. BACKGROUND/PROJECT DESCRIPTION

The applicant requests approval to change a non-conforming use to another non-conforming use in the HR-1 Zone. The structure was originally built in 1936 and has historically operated as a bus barn/garage and industrial art school rooms for the Carl Winters School. The applicant proposes to change the non-conforming use to office space, art studios and private instruction rooms. Two affidavits attesting to the use of the building over time have been submitted. The application, a site plan and the affidavits are attached as Exhibits A,B,C and D.

Chapter 12 of the Land Management Code (Non-conforming uses) reads as follows:

The purpose of the chapter is to examine the impacts of the proposed changes and evaluate them based on the character of the surrounding area, traffic capacities or adjacent streets and potential environmental effects. In addition, applications are reviewed to ensure that they are reducing the degree of non-conformity and improving the physical appearance of the structure and site through such measures as landscaping, building design, or the improved function of the use in relation to other uses.

The Chapter also allows for a change or expansion of a non-Conforming use, provided that parking be provided in accordance with the standards of Chapter 13 and subject to four criteria for review. A copy of Chapter 12 is attached as Exhibit E. Parking requirements for the proposed uses exceed those provided on-site and the applicant is requesting a variance from parking requirements.

III. STAFF ANALYSIS

Staff has evaluated the proposal in comparison with the criteria for review and determined that subject to conditions, the applicant's request can meet the standards. The existing square-footage equals 4,500 square feet and there are currently nine parking spaces provided on-site. The applicant proposes to utilize the space according to the following space allocation table:

<u>Use</u>	<u>Square-footage</u>	<u>Parking Requirement</u>
Architect's Office	2,000	One space for each 500 square feet of space plus one space per employee per shift, or one space per 200 feet of net usable office space, whichever is greater. Staff calculates the requirements to equal 10 spaces, unless plans are submitted that illustrate net usable space area.
Art studios	5 studios with 500 sq. ft. each	As determined by the Community Development Director. (An appropriate number for a private art studio where one would expect one teacher and one student would equate to two parking spaces per studio). This equates to a total of 10 spaces.

The applicant is deficient 11 parking spaces. There are several alternatives available to the applicant, one is to obtain a variance for the eleven spaces. Staff does not support a reduction of parking of any kind since it is adjacent to a residential neighborhood and negative residential neighborhood impacts could be significant. Staff does support the proposed change in non-conforming use.

An alternative would be to limit the square footages of certain uses, such as limiting office space to 800 net square-feet of architects office space and two art studios. This would result in a parking demand total of eight spaces. The remaining square footage could be utilized as storage space until the applicant is prepared to construct a parking structure to facilitate additional uses.

IV. RECOMMENDATION

The Planning Staff has requested a legal opinion regarding the City's ability to add conditions to a change in a non-conforming use review and received a positive response. In an attempt to achieve historic preservation goals of promoting the adaptive reuse of structures while still protecting the residential neighborhood from parking, noise and congestion impacts, staff recommends approval of the change in non-conforming use for a combination of office and art studio uses subject to the following conditions:

1. A combination of office, studio, and private storage space shall not exceed the square footage requirements of available parking. One example is 800 sq.ft. of office, two art studios, and approximately 2,500 sq.ft. of private storage space. Other similar combinations of uses, which do not produce a net deficit in parking spaces., shall be allowed.
- 2.. The applicant shall submit revised floor plans that illustrate maximum floor areas of each use prior to obtaining a final building permit.

It should be noted that if the Board of Adjustment desires to approve a change in the nonconforming use and/or variance from parking requirements, staff will need to devise necessary legal findings for adoption at the next meeting.

V. EXHIBITS

- Exhibit A (Applicant's letter)
- Exhibit B and C (Affidavits)
- Exhibit D (Site Plan)
- Exhibit E (Chapter 12 Non-Conforming Uses)

APPLICATION FOR CHANGE OF NON-CONFORMING USE

I am writing in regards to the proposed renovation and change of Non Conforming use for 1167 Woodside, Formerly known as the "The Bus Barn" and / or The Industrial Arts Building for the Carl Winter School. The Building is located in the HR-1 zone, and has been non conforming, in both form and use, since it was originally built in 1936.

It has long been my dream to restore this building and I wish to move ahead now. Substantial work will be required to restore the structure. These extensive costs, the building's character, history and location all indicate a need for commercial use. Because of its non conforming nature, an approval from the Board of Adjustments and Planning Department will be needed.

The building's present use is as a Commercial storage space and maintenance / garage facility. This use was inherited from it former owner, The Park City School Board. While under their ownership the building served as the Industrial Arts shop space and then later as a bus storage and maintenance facility. Enclosed is the Affidavit of Burke Jolley, the School Board Administrator, which certifies the structure's past use, and my own Affidavit certifying its non-conforming use since 1991.

My proposed use is for Professional office / studio space which could include Architects, Interior Designers, Engineers, Attorneys, Artist Studios, and /or other similar uses. My Architecture, design and consulting offices will be the first tenant for the majority, if not all, of the building's 4,500 Sq. Ft.

Other use we feel might be appropriate would be cultural / educational uses which could be an extension of the activities next door at the Park City Education Center. We would specifically preclude any destination retail uses which, we feel, would generate inappropriate traffic and congestion for this area of town.

In the proposed renovation we would completely restore the shell of this historic structure as originally built. As a part of this effort, all windows will be replaced with new units to match those recently installed at the Park City Education Center. The structure will be enhanced to meet code, a new roof will be added, and all brick and masonry work will be repaired and or replaced as needed. Additionally, all new mechanicals, bathroom facilities and other required improvements will be provided. The end result will be a completely renovated shell designed to compliment the recently restored Park City Education Center.

We hope that the Board will feel, as we do, that our proposed change of Non-Conforming use is compatible with the surrounding neighborhood and the adjacent Park City Education Center. Allowing us the proposed change of Non-Conforming use will facilitate the immediate restoration of this significant historic structure.

A

Actions requested of the Board of Adjustments

1. Approval for a change of non conforming use from a B-1 / B-4 commercial use; (Storage, garage and maintenance), to a B-2 occupancy. The B-2 occupancy, as proposed, to be limited to professional offices, design and / or art studios, and / or cultural educational uses deemed compatible with the adjacent Park City Education Center.
2. Approval of the proposed phased parking plan with variances as needed and explained below:

At 4,500 Square Feet, 14 cars would be required for the proposed commercial use(s). This is based on 3/1000Sq.Ft.; the base requirement from chapter 13 of the LMC.

I have included two schematic parking plans, both which meet or exceed the base code requirements. Both plans require variances for below grade parking in the set back areas. The existing parking plan additionally requires either a provision for tandem parking and or a waiver as allowed in the LMC for hardship conditions involving historic structures. Further, both plans would require some consideration for allowing parking which is not "fully enclosed".

We request a phased parking plan which would facilitate the restoration of the primary structure while utilizing the parking as now provided on site. (see the existing site plan) As our use patterns dictate additional or reconfigured parking, or we gain approval for the proposed housing fronting Norfolk Avenue, then we would complete the parking plan shown in the attached drawings. We feel confident our plans will provide the neighborhood adequate parking for all phases of the project.

Thank you for your consideration of our request. We look forward to working with the board to identify and address any concerns regarding our proposal so that together, we can work to see this significant historic structure saved.

Sincerely yours,


David Belz



EXHIBIT A



Approved _____
(date)

Park City Municipal Corporation
P.O. Box 1480
Park City, UT 84060

Application # 94063

Denied _____
(date)

(801) 645-5021

Receipt # 14235

VARIANCE OR NONCONFORMING USE

APPLICATION FOR: CHANGE OF Non Conforming USE & VARIANCE FOR PARKING ACCOMMODATION

PROJECT INFORMATION

Name: THE ~~BEIGN~~ SHOP

Address
or Location: 1167 WOODSIDE, (12th & WOODSIDE)

Legal
Description: SEE ATTACHED

APPLICANT (check one)

(☒) Owner (☐) Optionee (☐) Buyer (☐) Agent (☐) Other

Name: DAVID BELL

Mailing
Address: PO BOX 681237

Telephone
Number: Park City 84068
801 649 9339

OWNER(S) OF RECORD

Name: DAVID BELL AKA 1167 WOODSIDE LC.

Mailing
Address: PO BOX 681237

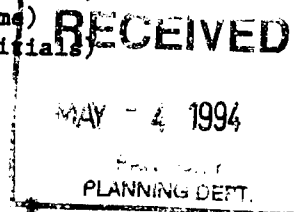
Telephone
Number: Park City 84068
801 649 9339

***** DO NOT WRITE BELOW THIS LINE *****

Application Accepted:
Project Planner:
Complete Checklist:

(initials)
(name)
(initials)

Additional Information
Requested:



ACKNOWLEDGEMENT OF RESPONSIBILITY

This is to certify that I am making application for the described action by the City and that I am responsible for complying with all City requirements with regard to this request. This application should be processed in my name and I am the party who the City should contact regarding any matter pertaining to this application.

I have read and understood the instructions supplied by Park City for processing this application.

The documents and/or information I have submitted are true and correct to the best of my knowledge.

I will keep myself informed of the deadlines for submission of material and of the progress of this application.

I further understand that additional fees may be charged for the City's review of the proposal. Any additional analysis required would be processed through the City's consultants with an estimate of time/expense provided prior to an authorization to proceed with the study.

Signature of Applicant: [Signature] Date: 5/2/98

Name of Applicant: DAVID BELT

(please print or type)

Mailing Address: P.O. Box 681237

PARK CITY UTAH

Telephone Number: 801-649 9339

Type of Application: CHANGE of Use Conforming USE / VARIANCE

AFFIRMATION OF SUFFICIENT INTEREST

I hereby affirm that I am the fee title owner of the below described property or that I have written authorization from the owner to pursue the described action.

Name of applicant: DAVID BELT

(please print or type)

Mailing Address: P.O. Box 681237

PARK CITY 84068

Street address/legal description of subject property: 1167 WOODSIDE,

SEE ATTACHED

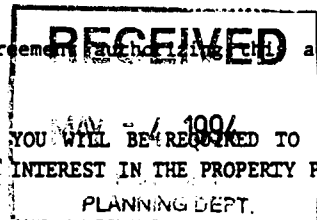
Signature: [Signature] Date: 5/2/98

If you are not the fee owner, attach another copy of this form which has been completed by the fee owner or a copy of your authorization to pursue this action.

If a corporation is fee title holder, attach copy of the resolution of the Board of Directors authorizing this action.

If a joint venture or partnership is the fee owner, attach a copy of agreement authorizing this action on behalf of the joint venture or partnership.

THIS AFFIRMATION IS NOT SUBMITTED IN LIEU OF SUFFICIENT TITLE EVIDENCE. YOU WILL BE REQUIRED TO SUBMIT A TITLE OPINION, CERTIFICATE OF TITLE, OR TITLE INSURANCE POLICY SHOWING YOUR INTEREST IN THE PROPERTY PRIOR TO FINAL ACTION.



Park City Municipal Corporation
P.O. Box 1480
Park City, UT 84060

VARIANCE/NONCONFORMING USE FACT SHEET

DESCRIPTION

Existing zoning: HR1

Current use of property: STORAGE / GARAGE / MAINTENANCE FACILITY

Application is for a: (check one)

(☒) variance (☒) modification to a nonconforming use

Proposal is for: PROFESSIONAL OFFICES / STUDIOS / CULTURAL EDUCATIONAL USES

Is the application pertaining to an existing historic structure? (check one)

(☒) yes () no

Existing setbacks: 12' (ft. front) 46' (ft. rear)

23'-7" (ft. side) 4" (ft. side)

Proposed setbacks: 12' (ft. front) 0' (BELOW GARAGE) (ft. rear)

23'-7" (ft. side) 4" (ft. side)

Property area: .3 (acres) 13,125 (square feet)

Number of parking spaces required: 4 proposed: 18

APPLICATION REQUIREMENTS

☒ Completed application form

☐ Review fees paid

0 Names and mailing addresses and stamped and addressed envelopes for property owners within 300'

☒ 3 complete sets of all plans submitted

☒ Copies of any other applications under review

☒ Written statement provided addressing the specifics of the request, the nature of the appeal, and in response to the review criteria used to evaluate the application

COPY

AFFIDAVIT OF BURKE JOLLEY

This affidavit is to serve as my sworn testimony regarding the structure at 1167 Woodside also known to many as the "Bus Barn".

My present title is Business Administrator for the Park City School District. I have worked with the School District, former owner of the subject property, since 1988.

I state the following to be true to the best of my knowledge:

The subject property was originally an Industrial Arts facility for the High School and subsequently for the Middle School. In this capacity the building functioned as a large woodworking shop to teach vocational skills to the students.

On or around 1980, the facility was converted to a Bus Garage servicing the School District.

In its capacity as a garage facility, the buildings primary function was for the storage and maintenance of School buses and on occasion, other mechanical equipment such as snow plows.

The facility was, on at least one occasion, also rented to a movie production company for the building of movie sets.

The primary uses described above were active and maintained for at least 12 weeks per year for each and every year since the building's conversion from an Industrial Arts facility until the time the property was sold to Mr. David Belz AKA DB Holding Inc., AKA 1167 Wdsd LC.

I here-in swear that all the above information is true and accurate to the best of my knowledge and is affirmed as such by the affixing of my signature below.

Burke Jolley Burke Jolley 4/14/94 Date

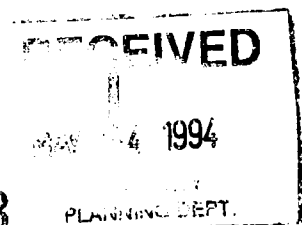


EXHIBIT B

AFFIDAVIT OF DAVID BELZ

This affidavit is to serve as my sworn testimony regarding the structure at 1167 Woodside also known to many as the "Bus Barn".

My present title is owner / Architect of the subject property which is the subject of this affidavit.

I state the following to be true to the best of my knowledge:

The subject property was originally an Industrial Arts facility for the High School and subsequently for the Middle School. In this capacity the building functioned as a large woodworking shop to teach vocational skills to the students.

On or around 1980, the facility was converted to a Bus Garage servicing the School District.

In its capacity as a garage facility, the buildings primary function was for the storage and maintenance of School buses and on occasion, other mechanical equipment such as snow plows.

The facility was, on at least one occasion, also rented to a movie production company for the building of movie sets.

The primary uses described above were active and maintained for at least 12 weeks per year for each and every year since the building's conversion from an Industrial Arts facility until the time the property was sold to Mr. David Belz AKA DB Holding Inc., AKA 1167 Wdsd LC.

Since I, David Belz, acquired the property in August of 1991, the building has continued its use as a garage / maintenance / storage facility. This use, under my ownership, has been uninterrupted to date.

I here-in swear that all the above information is true and accurate to the best of my knowledge and is affirmed as such by the affixing of my signature below.



David Belz skh Date

RECEIVED

MAY - 4 1994

PLANNING DEPT.

EXHIBIT B

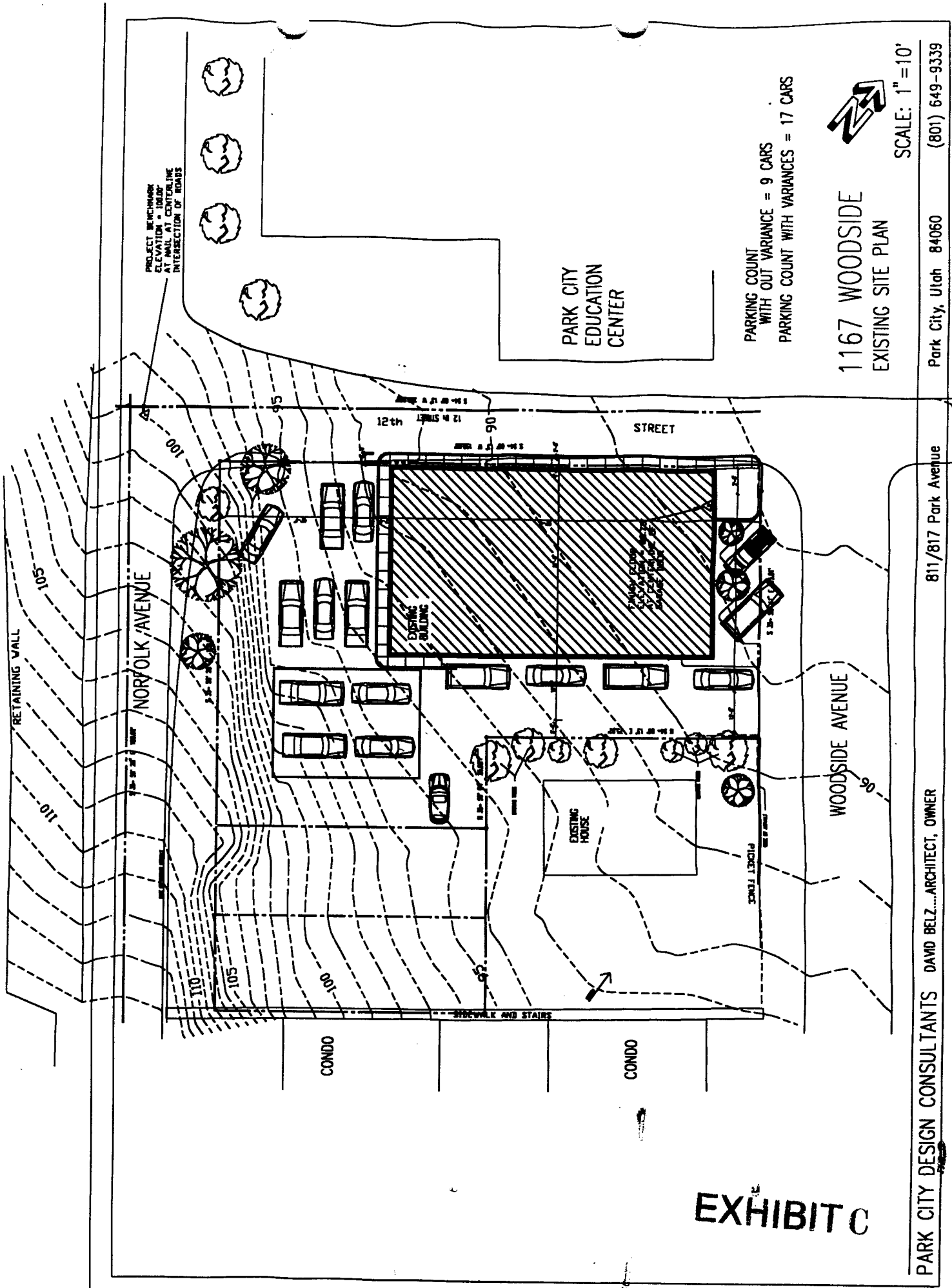


EXHIBIT C

PARKING COUNT
WITH OUT VARIANCE = 9 CARS
PARKING COUNT WITH VARIANCES = 17 CARS



1167 WOODSIDE
EXISTING SITE PLAN

SCALE: 1"=10'

CHAPTER 12. NON-CONFORMING USES

12.1. PURPOSE. This chapter describes the status of the uses of land or structures which were lawful before the Land Management Code was passed or amended but which are now or became prohibited, restricted, or substandard. While permitting non-conforming uses, structures and improvements thereto to continue, this chapter is intended to limit enlargement, alteration, restoration, or replacement which would increase the discrepancy between existing conditions and the development standards prescribed by the Code. The purpose of the non-conforming review is to look at the impacts of the proposed changes and evaluate them based on the character of the surrounding area, traffic capacities of adjacent streets, and potential environmental effects. In addition, applications are reviewed to ensure that they are reducing the degree of non-conformity and improving the physical appearance of the structure and site through such measures as landscaping, building design, or the improved function of the use in relation to other uses.

12.2. OCCUPANCY.

- (a) Continuation. The occupancy of a building or a parcel of land by a non-conforming use existing at the time of passage of the Land Management Code may be continued.
- (b) Occupation Within a Year. A vacant building or structure may be occupied by a use for which the building or structure was designed or intended if so occupied within a period of one year after the use became non-conforming. Occupation shall mean a full resumption of the use with the intent that it continue indefinitely.
- (c) Use of Land. The non-conforming use of land existing at the effective date of this Code or amendments affecting that use may be continued, provided that no such non-conforming use of land shall in any way be expanded or extended either on the same or adjoining property except in accordance with the provisions of this section and provided that if such non-conforming use of land, or any portion thereof, is abandoned or changed for a period of one year or more, any future use of such land must be in conformity with the provisions of this Code.
- 1) Abandonment of Use. Any non-conforming use in existence or created by the adoption of this Code is deemed abandoned by the owner of that use unless the non-conforming use and the rights established as a non-conforming use, are exercised for at least twelve weeks during every calendar year. It shall be the obligation of the owner of such a use to provide evidence that the right to maintain the non-conforming use was so exercised by providing affidavits or other evidence of the

exercise of the use upon request of the Community Development Department.

- (e) Change or Expansion of Non-Conforming Use. Pursuant to the procedures provided in 12.4, a non-conforming use may be:
1. Increased in size or expanded within a building or upon the same lot;
 2. Changed to another non-conforming use, provided that a change in use (not a change in tenancy) requires the parking to be brought up to the standards of Chapter 13.

12.3. ADDITIONS AND ENLARGEMENT

- (a) A single non-conforming principal building upon a lot, or any accessory buildings which have less than 50% of their building area situated in the required yards, may be structurally altered, repaired, or enlarged; provided however, that any addition conforms to the setback requirements of the district in which it is located, and in the case of principal buildings, all current development requirements and conditions of this Code and other City codes are complied with.
- (b) Minor additions, alterations, or repairs to improve the appearance, safety, or efficiency of the building and which do not constitute an expansion of the use within a non-conforming building, may be permitted; provided however, that non-conforming buildings that do not qualify under either this or Paragraph 12.3.(a) may be enlarged or extended only pursuant to the procedures provided in Section 12.4. For the purposes of this section, minor additions, alterations or repairs are defined as additions, repairs or alterations which do not increase the square footage of either enclosed or exterior spaces of the building, or change the building envelope.
- (c) A building on a non-conforming lot may be structurally altered, repaired, or enlarged to improve appearance, safety and/or efficiency, in accordance with the required setbacks of the district in which it is located, when the addition or alteration does not constitute an expansion of the principal use; otherwise, any modification must comply with the procedures set forth in Section 12.4.
- (d) Any building or other structure containing a non-conforming use or any non-conforming building or portion thereof declared unsafe under the City's Building Code or other codes may be strengthened or restored to a safe condition and the use may continue.
- (e) A non-conforming building or a building containing a non-conforming use which has been damaged by fire, flood, wind, or

other calamity or Act of God may be restored to its original condition, provided such work is started within six months of such calamity and completed within 18 months of the time the restoration is commenced, and the intensity of use is not increased or changed.

12.4. PROCESSING. An application for approval for changes, additions or expansions to non-conforming uses may be filed by a person having an interest in the property for which the non-conforming use is requested and shall be made on a form provided by the City.

(a) Criteria for Review. Approval of request for changes, additions, or expansions under this section shall be granted only when it can be shown that the following criteria, insofar as applicable, are met.

1. All reasonable measures will be undertaken to alleviate or reduce the incompatibility or adverse effects of the non-conforming use or building upon abutting properties or in the neighborhood; i.e., objectionable conditions, visual or noise pollution, vehicular traffic, or on-street parking.
2. All changes, additions, or expansions shall comply with all current development requirements and conditions of this section and other applicable City codes, except as to use.
3. Additions to buildings will provide for storage of necessary equipment, materials, and refuse, rather than create a need for additional outside storage.
4. The building as it exists, and/or the land or use involved cannot reasonably be utilized under the provisions of this code, or cannot reasonably be made to conform with this code.

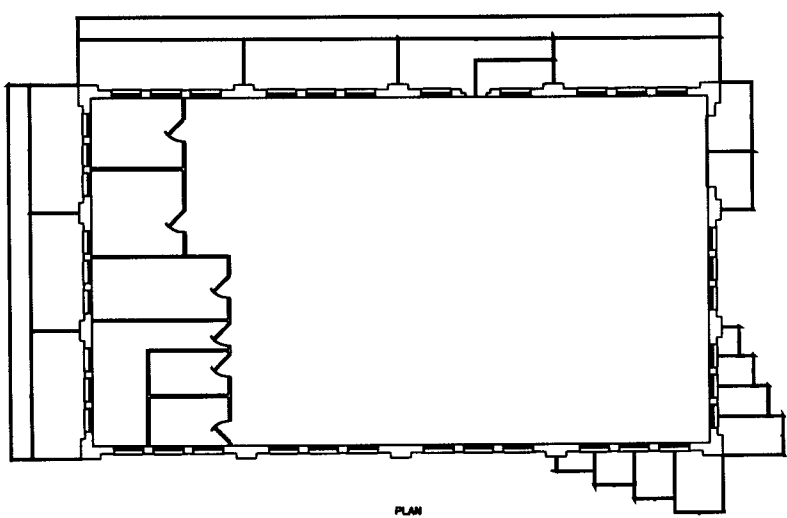
b) Pre-Application. Prior to the filing of an application for a modification to a non-conforming use under Sections 12.2.(e) and 12.3., a pre-application conference shall be held with the Community Development Department where the applicant will be advised of the information required for review and the procedures to be followed.

c) Application. Upon filing of the application, the Community Development Department shall post the property indicating that a modification of a non-conforming building or use has been filed and that more detailed information may be obtained from the City. When only modification or extension of a building is involved, the Community Development Department shall notify by mail the owners of abutting properties. When any change,

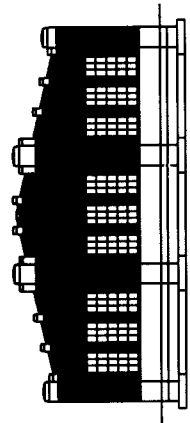
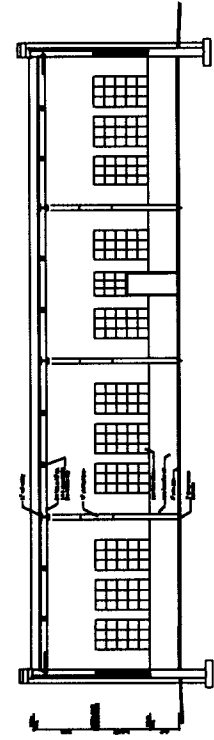
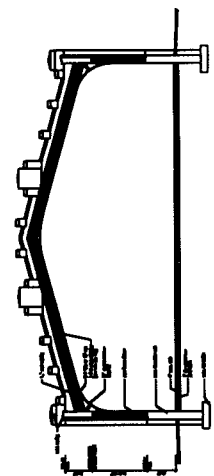
extension, or expansion of any non-conforming use is involved, all owners of properties located within 100 feet of the property lines of the land for which such application has been filed shall be notified that they may review the application during the Department's regular office hours, provided however, if a condominium is located within 300 feet of the property, notification of the condominium management committee shall suffice for that owner. The aforementioned notice by mailing is to reasonably ensure that surrounding property owners are aware of a proposed non-conforming use being considered, but any minor omission or defect in the mailing shall in no way impair the validity of the proceedings. If any omission or defect in the mailing is brought to the attention of the Board of Adjustment, at or prior to the public hearing, the Board shall consider the defect or omission prior to proceeding on the application. If the Board finds that the omission or defect impairs, or has impaired a surrounding property owner's ability to participate in the public hearing, then the Board of Adjustment shall continue the public hearing on the proposed non-conforming use for at least ten days. Any omission or defect in the aforementioned notice which is not serious enough to have impaired a surrounding property owner's ability to participate in the public hearing by the Board of Adjustment shall in no way impair the validity of the proceedings for the proposed non-conforming use.

- (d) Notification of Abutting Property Owners. The applicant shall include with his application a list of owners of abutting properties and properties located within 100 feet of his property, along with the current mailing addresses of all such owners; provided however, if a condominium is located within 100 feet of subject property, the addresses for the condominium management committee shall suffice.
- (e) Board of Adjustment Hearing. Within 30 working days of receipt of a complete application by the Community Development Department, and after giving public notice, the Board of Adjustment shall hold a public hearing on the non-conforming use application. The Board of Adjustment shall either grant the application in whole or in part, with or without modifications or conditions, or deny the application.

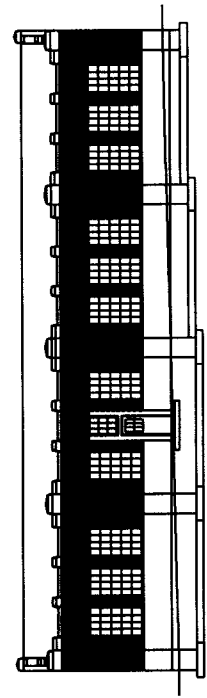
12.5. APPEALS. Appeal from the Board of Adjustment is to the district court and not the City Council. Any person applying to the district court for review of any decision made under the terms of this section shall apply for review within 30 days after the date the decision is filed with the City Recorder as prescribed by state statute.



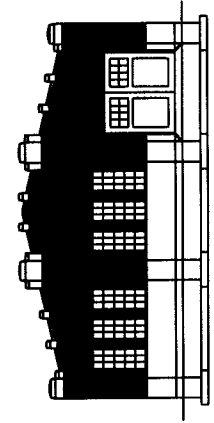
PLAN



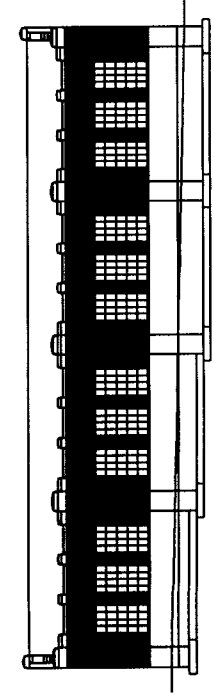
WEST ELEVATION



NORTH ELEVATION



EAST ELEVATION



SOUTH ELEVATION

1167 WOODSIDE
SCALE: 1"=8'

EXHIBIT D

November 3, 1994

Ms. Kirsten A. Whetsone, AICP
Park City Municipal Corporation
Department of Community Development
P. O. Box 1480
Park City, UT 84060

Dear Ms. Whetsone:

I am in receipt of the notice to adjoining property owners for applicant David Belz on his project at 1167 Woodside. I met with Mr. Belz and reviewed his plans and as an adjoining property owner I totally support his project. I feel it is a complimentary addition to my neighborhood and to the Carl Winter's facility.

Please do not hesitate to contact me if can be of assistance to you. My home telephone number is 649-9732 and my work number is 645-5600, ext. 125.

Sincerely,



Sandra Hall
1149 Park Avenue
P. O. Box 285
Park City, UT 84060

RECEIVED

NOV 2 1994

PARK CITY
PLANNING DEPT.

David Belz, Architect

811 Park Avenue PO Box 681237
Park City Utah 84068
801-649-9339 Fax: 647-9339

October 20, 1994

Kirsten Whetstone, AICP

Park City Planning Department
545 Marsac
Park City Utah 84060
Fax: 645-5078

RE: 1167 Woodside Board of Adjustments meeting and Introductions

Kirsten,

My name is David Belz and I wanted to introduce myself as I understand you will be taking over my pending projects. Tamara has spoken highly of you and I am looking forward to meeting and working together.

Minutes ago I learned that where my calendar showed Thursday as the date for the Board of Adjustments meeting on 1167 Woodside, that in fact the meeting was on Tuesday. I extend my sincere apologies to staff, the Board, and to all those who showed up for the meeting. I am most embarrassed especially considering this hearing had already been rescheduled a couple of times.

Sharon tells me that the next meeting will be some time in the first half of November. I would very much like to meet with you to in regards to my letter of October 15th. That letter primarily concerns the conditions of approval which would accompany any staff recommendation in support of the project.

We can meet at your convenience to discuss the project, unless you feel that everything is in order and that the conditions of approval proposed in the letter dated October 15th present no problems. I look forward to hearing from you on this matter.

This brings me to my other project on which I assume you have been briefed; the Park Avenue MPD. I would be glad to sit down and walk you through the various proposals being considered, the project's history, and in general, the applicant's perspective of where we are at.

Presently we have been working with Jody and Rick to try and resolve certain issues, however, I thought it still might be helpful to bring you up to speed. Lets talk to Rick and see if he also thinks it would be a good idea. If so, I will meet at your convenience

Once again I apologize for missing the Board of Adjustments meeting and look forward to meeting you.

Sincerely,

David Belz, Architect

*Received Oct 24
1994*

3. The existing vegetation creates a special circumstance in that it obstructs the reception window necessary for adequate reception.
4. The proposed location is the most reasonable location in that the existing mature vegetation will serve to screen the satellite dish from the street and adjacent property owners and forcing the applicant to move the dish would unreasonably require re-landscaping the yard to properly screen the dish.
5. The variance will not adversely affect the neighborhood nor the public interest because all other installation standards are met and the existing vegetation adequately screens the dish. The existing vegetation would better screen the dish than newly planted material which would take years to mature. Therefore, the spirit of the ordinance is best served by the variance.
6. Directing the applicant to replace the dish with a smaller model would be an unreasonable requirement and create a hardship.

Conditions of Approval:

1. The applicant shall obtain a building permit from the City prior to installation of the satellite receiving station.
2. The maximum height shall be 14 feet and only applies to this specific satellite receiving station.
3. The applicant may not apply again for a height variance for the satellite receiving station in question.

MOTION: Joe Tesch moved that the Board of Adjustment recommend to the Planning Staff and Planning Commission that the restrictions with regard to satellite dishes be reviewed to be more practical and to better meet the needs of the citizens and to allow staff review and approval without taking this sort of thing to the Board of Adjustment. Mike Eberlein seconded the motion which was unanimously approved.

The Board returned to Agenda Item 6 - request to change a non-conforming use from bus storage to professional offices and art studios (1167 Woodside Avenue).

Neighborhood resident Ron Butkovich requested an explanation of the proposal. Planner Campbell explained that the applicant was requesting a change in a non-conforming use, which was allowed by the Land Management Code subject to minimum review criteria. The applicant wanted to utilize the entire 4,500 sq. ft. building as a series of offices, art studios, and

instructional teaching rooms. He was not able to meet Code parking requirements and the Staff did not feel that a variance from those requirements would be appropriate.

Ms. Campbell stated the Staff had proposed that the applicant be allowed to use a portion of the building, and that he tailor the uses to fit the nine available parking spaces. The Staff recommended that office use be reduced to 800 sq. ft. and that only two 500 sq. ft. art studios be allowed. The remainder of the structure could be used solely for private storage. In the future, the applicant planned to construct a parking structure and at that time, the Board could review the new uses.

Planner Campbell reported that Staff had received a letter from Mr. Belz expressing concern about the Staff Report although they had not had an opportunity to review it and respond. She also pointed out that Todd Debonis, 1110 Woodside, had called the staff and supported the proposal. In addition, the Montessori School had expressed interest in renting some of the space for their instructional facility.

MOTION: Joe Tesch moved to CONTINUE the request. Mike Eberlein seconded the motion which was unanimously approved.

Mr. Tesch expressed concern that the applicant may assert that the project was deemed approved due to the failure of the Board to act within an allotted time. Planner Campbell reported that the Code required the hearing date to be no less than 15 days and no more than 30 days from date of application. She noted that the Code did not limit the number of times an application could be continued.

Chair Steve Deckert moved to ADJOURN at 5:50 P.M. Mike Eberlein seconded the motion which was unanimously approved.

Accepted by:



Date: 11-15-94

Agenda Item #5

Cisero's, 306 Main - Request for an exemption of a portion of the parking requirement in exchange for providing a facade Preservation Easement - Steve McComb

Planner Janice Lew stated that the application had been withdrawn. She reported the applicant had opted to pay for parking rather than have a facade easement.

Agenda Item #6

1167 Woodside Avenue - Request to change a non-conforming use from bus storage to professional offices and art studios - David Belz, Architect

Planner Tamara Campbell explained that the application was for a variance from parking requirements and approval for a change in a non-conforming use of the old bus barn. The applicant was not present and the Board delayed discussion until later in the meeting.

Agenda Item #7

136 Heber Avenue (Gateway Center) - Ratification of Findings and Order for variance to encroach into maximum building height granted 9/6/94

Planner Tamara Campbell indicated that Staff had prepared Findings and Order for the action taken by the Board on September 9, 1994.

Board Member Mike Eberlein commented that Finding 1 for the 24-inch height variance did not clearly specify that the Board's approval was based on the fact that it was impossible to find the natural grade on that site. He requested that Finding 1 be amended to state, "The preexisting construction and significant alterations to the topographic features presented problems in ascertaining the original grade, thereby creating a hardship in meeting maximum height standards..."

MOTION: Joe Tesch moved to RATIFY Findings of Fact and Conclusions of Law as amended with regard to APPROVAL of the 24" height variance on the westerly facade at 136 Heber Avenue. Gordon Strachan seconded the motion which was unanimously approved.

MOTION: Joe Tesch moved to RATIFY Findings of Fact and Conclusions of Law with regard to the DENIAL of a request for a 6 foot height variance for an atrium feature at 136 Heber Avenue.

Because he had been absent from the previous meeting, Gordon Strachan requested a brief review of the discussion at the previous meeting. Chair Deckert explained that the applicant had

**BOARD OF ADJUSTMENT
STAFF REPORT**

TO: BOARD OF ADJUSTMENT
FROM: PLANNING STAFF
DATE: OCTOBER 18, 1994
**RE: VARIANCE FROM PARKING REQUIREMENTS AND BOARD OF
ADJUSTMENT APPROVAL TO ALLOW A CHANGE IN A NON-
CONFORMING USE.**

I. PROJECT STATISTICS

Project Name:	The Bus Barn
Applicant:	David Belz
Location:	1167 Woodside
Proposal:	1. Variance from parking requirements 2. Approve a change in a non-conforming use
Zoning:	HR-1
Adjacent Land Uses:	Carl Winters Building, scattered single-family dwellings
Date of Application:	May 4, 1994
Project Planner:	Tamara Campbell
Staff Recommendation:	Approve, subject to conditions

II. BACKGROUND/PROJECT DESCRIPTION

The applicant requests approval to change a non-conforming use to another non-conforming use in the HR-1 Zone. The structure was originally built in 1936 and has historically operated as a bus barn/garage and industrial art school rooms for the Carl Winters School. The applicant proposes to change the non-conforming use to office space, art studios and private instruction rooms. Two affidavits attesting to the use of the building over time have been submitted. The application, a site plan and the affidavits are attached as Exhibits A,B,C and D.

Chapter 12 of the Land Management Code (Non-conforming uses) reads as follows:

The purpose of the chapter is to examine the impacts of the proposed changes and evaluate them based on the character of the surrounding area, traffic capacities or adjacent streets and potential environmental effects. In addition, applications are reviewed to ensure that they are reducing the degree of non-conformity and improving the physical appearance of the structure and site through such measures as landscaping, building design, or the improved function of the use in relation to other uses.

The Chapter also allows for a change or expansion of a non-Conforming use, provided that

parking be provided in accordance with the standards of Chapter 13 and subject to four criteria for review. A copy of Chapter 12 is attached as Exhibit E. Parking requirements for the proposed uses exceed those provided on-site and the applicant therefore requests a variance from parking requirements.

III. STAFF ANALYSIS

Staff has evaluated the proposal in comparison with the criteria for review and determined that subject to conditions, the applicant's request can meet the standards. The existing square-footage equals 4,500 square feet and there are currently nine parking spaces provided on-site. The applicant proposes to utilize the space according to the following space allocation table:

<u>Use</u>	<u>Square-footage</u>	<u>Parking Requirement</u>
Architect's Office	2,000	One space for each 500 square feet of space plus one space per employee per shift, or one space per 200 feet of net usable office space, whichever is greater. Staff calculates the requirements to equal 10 spaces, unless plans are submitted that illustrate net usable space area.
Art studios	5 studios with 500 500 sq. ft. each	As determined by the Community Development Director. (An appropriate number for a private art studio where one would expect one teacher and one student would equate to two parking spaces per space). This equates to a total of 10 spaces.

The applicant is deficient 11 parking spaces. There are several alternatives available to the applicant, one is to obtain a variance for the eleven spaces. Staff does not support a reduction of parking of any kind since it is adjacent to a residential neighborhood and negative residential neighborhood impacts could be significant.

Another alternative would be to limit the square footages of certain uses, such as limiting office space to 800 net square-feet of architects office space and two art studios. This would result in a parking demand total of eight spaces. The remaining square footage could be utilized as storage space until the applicant is prepared to construct a parking structure to facilitate additional uses.

IV. RECOMMENDATION

The Planning Staff has requested a legal opinion regarding the City's ability to add conditions to a change in a non-conforming use review and received a positive response. In an attempt to achieve historic preservation goals of promoting the adaptive reuse of structures while still protecting the residential neighborhood from parking, noise and congestion impacts, staff recommends approval of the change in non-conforming use for a combination of office and art studio uses subject to the following conditions:

1. Office space shall not exceed 800 net square feet.
2. There shall be no more than two art studios with no more than five hundred square-feet each.
3. There shall be a minimum of 2,500 square feet of private storage area.
4. The applicant shall submit revised floor plans that illustrate maximum floor areas of each use prior to obtaining a final building permit.

Since the number of available parking spaces dictates the intensity and combination of possible uses, the size of offices and/or art studio's will need to be reduced in number from the applicants original proposal.

It should be noted that if the Board of Adjustment desires to approve a change in the nonconforming use and/or variance from parking requirements, staff will need to devise necessary legal findings for adoption at the next meeting.

V. EXHIBITS

- Exhibit A (Applicant's letter)
- Exhibit B and C (Affidavits)
- Exhibit D (Site Plan)
- Exhibit E (Chapter 12 Non-Conforming Uses)

APPLICATION FOR CHANGE OF NON-CONFORMING USE

I am writing in regards to the proposed renovation and change of Non Conforming use for 1167 Woodside, Formerly known as the "The Bus Barn" and / or The Industrial Arts Building for the Carl Winter School. The Building is located in the HR-1 zone, and has been non conforming, in both form and use, since it was originally built in 1936.

It has long been my dream to restore this building and I wish to move ahead now. Substantial work will be required to restore the structure. These extensive costs, the building's character, history and location all indicate a need for commercial use. Because of its non conforming nature, an approval from the Board of Adjustments and Planning Department will be needed.

The building's present use is as a Commercial storage space and maintenance / garage facility. This use was inherited from it former owner, The Park City School Board. While under their ownership the building served as the Industrial Arts shop space and then later as a bus storage and maintenance facility. Enclosed is the Affidavit of Burke Jolley, the School Board Administrator, which certifies the structure's past use, and my own Affidavit certifying its non-conforming use since 1991.

My proposed use is for Professional office / studio space which could include Architects, Interior Designers, Engineers, Attorneys, Artist Studios, and /or other similar uses. My Architecture, design and consulting offices will be the first tenant for the majority, if not all, of the building's 4,500 Sq. Ft.

Other use we feel might be appropriate would be cultural / educational uses which could be an extension of the activities next door at the Park City Education Center. We would specifically preclude any destination retail uses which, we feel, would generate inappropriate traffic and congestion for this area of town.

In the proposed renovation we would completely restore the shell of this historic structure as originally built. As a part of this effort, all windows will be replaced with new units to match those recently installed at the Park City Education Center. The structure will be enhanced to meet code, a new roof will be added, and all brick and masonry work will be repaired and or replaced as needed. Additionally, all new mechanicals, bathroom facilities and other required improvements will be provided. The end result will be a completely renovated shell designed to compliment the recently restored Park City Education Center.

We hope that the Board will feel, as we do, that our proposed change of Non-Conforming use is compatible with the surrounding neighborhood and the adjacent Park City Education Center. Allowing us the proposed change of Non-Conforming use will facilitate the immediate restoration of this significant historic structure.

EXHIBIT A

Actions requested of the Board of Adjustments

1. Approval for a change of non conforming use from a B-1 / B-4 commercial use; (Storage, garage and maintenance), to a B-2 occupancy. The B-2 occupancy, as proposed, to be limited to professional offices, design and / or art studios, and / or cultural educational uses deemed compatible with the adjacent Park City Education Center.
2. Approval of the proposed phased parking plan with variances as needed and explained below:

At 4,500 Square Feet, 14 cars would be required for the proposed commercial use(s). This is based on 3/1000Sq.Ft.; the base requirement from chapter 13 of the LMC.

I have included two schematic parking plans, both which meet or exceed the base code requirements. Both plans require variances for below grade parking in the set back areas. The existing parking plan additionally requires either a provision for tandem parking and or a waiver as allowed in the LMC for hardship conditions involving historic structures. Further, both plans would require some consideration for allowing parking which is not "fully enclosed".

We request a phased parking plan which would facilitate the restoration of the primary structure while utilizing the parking as now provided on site. (see the existing site plan) As our use patterns dictate additional or reconfigured parking, or we gain approval for the proposed housing fronting Norfolk Avenue, then we would complete the parking plan shown in the attached drawings. We feel confident our plans will provide the neighborhood adequate parking for all phases of the project.

Thank you for your consideration of our request. We look forward to working with the board to identify and address any concerns regarding our proposal so that together, we can work to see this significant historic structure saved.

Sincerely yours,

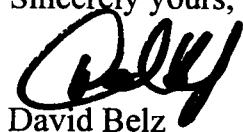

David Belz



EXHIBIT A



Approved _____
(date)

Park City Municipal Corporation
P.O. Box 1480
Park City, UT 84060

Application # 94063

Denied _____
(date)

(801) 645-5021

Receipt # 14235

VARIANCE OR NONCONFORMING USE

APPLICATION FOR: CHANGE OF NON CONFORMING USE & VARIANCE FOR PARKING ACCOMMODATION

PROJECT INFORMATION

Name: THE ~~BEIGN~~ SHOP

Address _____

or Location: 1167 WOODSIDE, (12th & WOODSIDE)

Legal _____

Description: SEE ATTACHED

APPLICANT (check one)

(☒) Owner (☐) Optionee (☐) Buyer (☐) Agent (☐) Other

Name: DAVID BELL

Mailing _____

Address: PO BOX 681237

Park City 84068

Telephone _____

Number: 801 649 9339

OWNER(S) OF RECORD

Name: DAVID BELL AKA 1167 WOODSIDE LC.

Mailing _____

Address: PO BOX 681237

Park City 84068

Telephone _____

Number: 801 649 9339

***** DO NOT WRITE BELOW THIS LINE *****

Application Accepted: _____

Project Planner: _____

Complete Checklist: _____

Additional Information _____

Requested: _____

(initials)

(name)

(initials)

RECEIVED

MAY - 4 1994

PLANNING DEPT.

ACKNOWLEDGEMENT OF RESPONSIBILITY

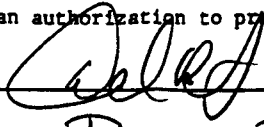
This is to certify that I am making application for the described action by the City and that I am responsible for complying with all City requirements with regard to this request. This application should be processed in my name and I am the party who the City should contact regarding any matter pertaining to this application.

I have read and understood the instructions supplied by Park City for processing this application.

The documents and/or information I have submitted are true and correct to the best of my knowledge.

I will keep myself informed of the deadlines for submission of material and of the progress of this application.

I further understand that additional fees may be charged for the City's review of the proposal. Any additional analysis required would be processed through the City's consultants with an estimate of time/expense provided prior to an authorization to proceed with the study.

Signature of Applicant:  Date: 5/2/98

Name of Applicant: DAVID BELL

(please print or type)

Mailing Address: P.O. Box 681237

Park City UTAH

Telephone Number: 801-649 9339

Type of Application: CHANGE of Non Conforming USE / VARIANCE

AFFIRMATION OF SUFFICIENT INTEREST

I hereby affirm that I am the fee title owner of the below described property or that I have written authorization from the owner to pursue the described action.

Name of applicant: DAVID BELL

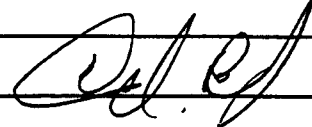
(please print or type)

Mailing Address: P.O. Box 681237

Park City 84068

Street address/legal description of subject property: 1167 CEDAR SIDE,

SEE ATTACHED

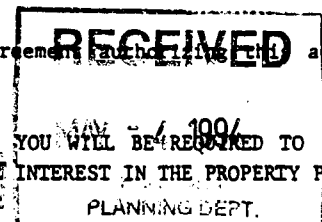
Signature:  Date: 5/2/98

If you are not the fee owner, attach another copy of this form which has been completed by the fee owner or a copy of your authorization to pursue this action.

If a corporation is fee title holder, attach copy of the resolution of the Board of Directors authorizing this action.

If a joint venture or partnership is the fee owner, attach a copy of agreement authorizing this action on behalf of the joint venture or partnership.

THIS AFFIRMATION IS NOT SUBMITTED IN LIEU OF SUFFICIENT TITLE EVIDENCE. YOU WILL BE REQUIRED TO SUBMIT A TITLE OPINION, CERTIFICATE OF TITLE, OR TITLE INSURANCE POLICY SHOWING YOUR INTEREST IN THE PROPERTY PRIOR TO FINAL ACTION.





Park City Municipal Corporation
P.O. Box 1480
Park City, UT 84060

VARIANCE/NONCONFORMING USE FACT SHEET

DESCRIPTION

Existing zoning: HRA

Current use of property: STORAGE / GARAGE / MAINTENANCE FACILITY

Application is for a: (check one)

(☒) variance (☒) modification to a nonconforming use

Proposal is for: PROFESSIONAL OFFICES / STUDIOS / CULTURAL EDUCATIONAL USES

Is the application pertaining to an existing historic structure? (check one)

(☒) yes () no

Existing setbacks: 12' (ft. front) 46' (ft. rear)

23'-7" (ft. side) 4" (ft. side)

Proposed setbacks: 12' (ft. front) 0' (BELOW GARAGE) (ft. rear)

23'-7" (ft. side) 4" (ft. side)

Property area: .3 (acres) 13,125 (square feet)

Number of parking spaces required: 4 proposed: 18

APPLICATION REQUIREMENTS

☒ Completed application form

☐ Review fees paid

0 Names and mailing addresses and stamped and addressed envelopes for property owners within 300'

☒ 3 complete sets of all plans submitted

☒ Copies of any other applications under review

☒ Written statement provided addressing the specifics of the request, the nature of the appeal, and in response to the review criteria used to evaluate the application

COPY

AFFIDAVIT OF BURKE JOLLEY

This affidavit is to serve as my sworn testimony regarding the structure at 1167 Woodside also known to many as the "Bus Barn".

My present title is Business Administrator for the Park City School District. I have worked with the School District, former owner of the subject property, since 1988.

I state the following to be true to the best of my knowledge:

The subject property was originally an Industrial Arts facility for the High School and subsequently for the Middle School. In this capacity the building functioned as a large woodworking shop to teach vocational skills to the students.

On or around 1980, the facility was converted to a Bus Garage servicing the School District.

In its capacity as a garage facility, the buildings primary function was for the storage and maintenance of School buses and on occasion, other mechanical equipment such as snow plows.

The facility was, on at least one occasion, also rented to a movie production company for the building of movie sets.

The primary uses described above were active and maintained for at least 12 weeks per year for each and every year since the building's conversion from an Industrial Arts facility until the time the property was sold to Mr. David Belz AKA DB Holding Inc., AKA 1167 Wdsd LC.

I here-in swear that all the above information is true and accurate to the best of my knowledge and is affirmed as such by the affixing of my signature below.

Burke Jolley Burke Jolley 4/14/94 Date

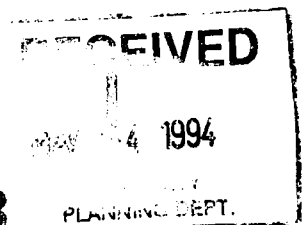


EXHIBIT B

AFFIDAVIT OF DAVID BELZ

This affidavit is to serve as my sworn testimony regarding the structure at 1167 Woodside also known to many as the "Bus Barn".

My present title is owner / Architect of the subject property which is the subject of this affidavit.

I state the following to be true to the best of my knowledge:

The subject property was originally an Industrial Arts facility for the High School and subsequently for the Middle School. In this capacity the building functioned as a large woodworking shop to teach vocational skills to the students.

On or around 1980, the facility was converted to a Bus Garage servicing the School District.

In its capacity as a garage facility, the buildings primary function was for the storage and maintenance of School buses and on occasion, other mechanical equipment such as snow plows.

The facility was, on at least one occasion, also rented to a movie production company for the building of movie sets.

The primary uses described above were active and maintained for at least 12 weeks per year for each and every year since the building's conversion from an Industrial Arts facility until the time the property was sold to Mr. David Belz AKA DB Holding Inc., AKA 1167 Wdsd LC.

Since I, David Belz, acquired the property in August of 1991, the building has continued its use as a garage / maintenance / storage facility. This use, under my ownership, has been uninterrupted to date.

I here-in swear that all the above information is true and accurate to the best of my knowledge and is affirmed as such by the affixing of my signature below.



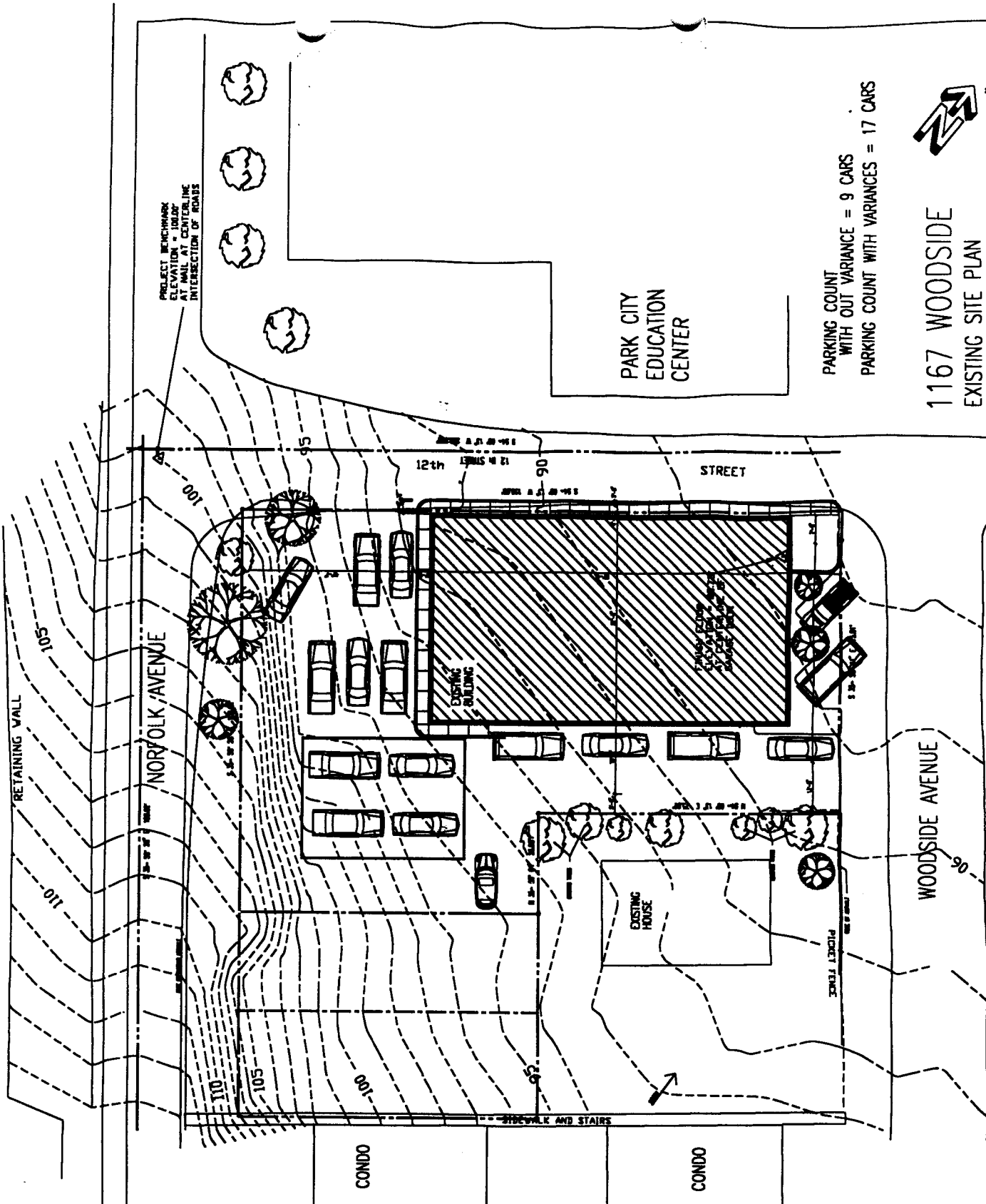
David Belz *stch* Date

RECEIVED

NOV - 4 1994

PLANNING DEPT.

EXHIBIT B



PROJECT BENCHMARK
ELEVATION = 1000'
AT MAIL AT CENTERLINE
INTERSECTION OF ROADS

PARK CITY
EDUCATION
CENTER

PARKING COUNT
WITH OUT VARIANCE = 9 CARS
PARKING COUNT WITH VARIANCES = 17 CARS



1167 WOODSIDE
EXISTING SITE PLAN

SCALE: 1"=10'

EXHIBIT C

CHAPTER 12. NON-CONFORMING USES

12.1. PURPOSE. This chapter describes the status of the uses of land or structures which were lawful before the Land Management Code was passed or amended but which are now or became prohibited, restricted, or substandard. While permitting non-conforming uses, structures and improvements thereto to continue, this chapter is intended to limit enlargement, alteration, restoration, or replacement which would increase the discrepancy between existing conditions and the development standards prescribed by the Code. The purpose of the non-conforming review is to look at the impacts of the proposed changes and evaluate them based on the character of the surrounding area, traffic capacities of adjacent streets, and potential environmental effects. In addition, applications are reviewed to ensure that they are reducing the degree of non-conformity and improving the physical appearance of the structure and site through such measures as landscaping, building design, or the improved function of the use in relation to other uses.

12.2. OCCUPANCY.

- (a) Continuation. The occupancy of a building or a parcel of land by a non-conforming use existing at the time of passage of the Land Management Code may be continued.
- (b) Occupation Within a Year. A vacant building or structure may be occupied by a use for which the building or structure was designed or intended if so occupied within a period of one year after the use became non-conforming. Occupation shall mean a full resumption of the use with the intent that it continue indefinitely.
- (c) Use of Land. The non-conforming use of land existing at the effective date of this Code or amendments affecting that use may be continued, provided that no such non-conforming use of land shall in any way be expanded or extended either on the same or adjoining property except in accordance with the provisions of this section and provided that if such non-conforming use of land, or any portion thereof, is abandoned or changed for a period of one year or more, any future use of such land must be in conformity with the provisions of this Code.
- i) Abandonment of Use. Any non-conforming use in existence or created by the adoption of this Code is deemed abandoned by the owner of that use unless the non-conforming use and the rights established as a non-conforming use, are exercised for at least twelve weeks during every calendar year. It shall be the obligation of the owner of such a use to provide evidence that the right to maintain the non-conforming use was so exercised by providing affidavits or other evidence of the

exercise of the use upon request of the Community Development Department.

- (e) Change or Expansion of Non-Conforming Use. Pursuant to the procedures provided in 12.4, a non-conforming use may be:
1. Increased in size or expanded within a building or upon the same lot;
 2. Changed to another non-conforming use, provided that a change in use (not a change in tenancy) requires the parking to be brought up to the standards of Chapter 13.

12.3. ADDITIONS AND ENLARGEMENT

- (a) A single non-conforming principal building upon a lot, or any accessory buildings which have less than 50% of their building area situated in the required yards, may be structurally altered, repaired, or enlarged; provided however, that any addition conforms to the setback requirements of the district in which it is located, and in the case of principal buildings, all current development requirements and conditions of this Code and other City codes are complied with.
- (b) Minor additions, alterations, or repairs to improve the appearance, safety, or efficiency of the building and which do not constitute an expansion of the use within a non-conforming building, may be permitted; provided however, that non-conforming buildings that do not qualify under either this or Paragraph 12.3.(a) may be enlarged or extended only pursuant to the procedures provided in Section 12.4. For the purposes of this section, minor additions, alterations or repairs are defined as additions, repairs or alterations which do not increase the square footage of either enclosed or exterior spaces of the building, or change the building envelope.
- (c) A building on a non-conforming lot may be structurally altered, repaired, or enlarged to improve appearance, safety and/or efficiency, in accordance with the required setbacks of the district in which it is located, when the addition or alteration does not constitute an expansion of the principal use; otherwise, any modification must comply with the procedures set forth in Section 12.4.
- (d) Any building or other structure containing a non-conforming use or any non-conforming building or portion thereof declared unsafe under the City's Building Code or other codes may be strengthened or restored to a safe condition and the use may continue.
- (e) A non-conforming building or a building containing a non-conforming use which has been damaged by fire, flood, wind, or

other calamity or Act of God may be restored to its original condition, provided such work is started within six months of such calamity and completed within 18 months of the time the restoration is commenced, and the intensity of use is not increased or changed.

12.4. PROCESSING. An application for approval for changes, additions or expansions to non-conforming uses may be filed by a person having an interest in the property for which the non-conforming use is requested and shall be made on a form provided by the City.

(a) Criteria for Review. Approval of request for changes, additions, or expansions under this section shall be granted only when it can be shown that the following criteria, insofar as applicable, are met.

1. All reasonable measures will be undertaken to alleviate or reduce the incompatibility or adverse effects of the non-conforming use or building upon abutting properties or in the neighborhood; i.e., objectionable conditions, visual or noise pollution, vehicular traffic, or on-street parking.
2. All changes, additions, or expansions shall comply with all current development requirements and conditions of this section and other applicable City codes, except as to use.
3. Additions to buildings will provide for storage of necessary equipment, materials, and refuse, rather than create a need for additional outside storage.
4. The building as it exists, and/or the land or use involved cannot reasonably be utilized under the provisions of this code, or cannot reasonably be made to conform with this code.

b) Pre-Application. Prior to the filing of an application for a modification to a non-conforming use under Sections 12.2.(e). and 12.3., a pre-application conference shall be held with the Community Development Department where the applicant will be advised of the information required for review and the procedures to be followed.

c) Application. Upon filing of the application, the Community Development Department shall post the property indicating that a modification of a non-conforming building or use has been filed and that more detailed information may be obtained from the City. When only modification or extension of a building is involved, the Community Development Department shall notify by mail the owners of abutting properties. When any change,

extension, or expansion of any non-conforming use is involved, all owners of properties located within 100 feet of the property lines of the land for which such application has been filed shall be notified that they may review the application during the Department's regular office hours, provided however, if a condominium is located within 300 feet of the property, notification of the condominium management committee shall suffice for that owner. The aforementioned notice by mailing is to reasonably ensure that surrounding property owners are aware of a proposed non-conforming use being considered, but any minor omission or defect in the mailing shall in no way impair the validity of the proceedings. If any omission or defect in the mailing is brought to the attention of the Board of Adjustment, at or prior to the public hearing, the Board shall consider the defect or omission prior to proceeding on the application. If the Board finds that the omission or defect impairs, or has impaired a surrounding property owner's ability to participate in the public hearing, then the Board of Adjustment shall continue the public hearing on the proposed non-conforming use for at least ten days. Any omission or defect in the aforementioned notice which is not serious enough to have impaired a surrounding property owner's ability to participate in the public hearing by the Board of Adjustment shall in no way impair the validity of the proceedings for the proposed non-conforming use.

- (d) Notification of Abutting Property Owners. The applicant shall include with his application a list of owners of abutting properties and properties located within 100 feet of his property, along with the current mailing addresses of all such owners; provided however, if a condominium is located within 100 feet of subject property, the addresses for the condominium management committee shall suffice.
- (e) Board of Adjustment Hearing. Within 30 working days of receipt of a complete application by the Community Development Department, and after giving public notice, the Board of Adjustment shall hold a public hearing on the non-conforming use application. The Board of Adjustment shall either grant the application in whole or in part, with or without modifications or conditions, or deny the application.

12.5. APPEALS. Appeal from the Board of Adjustment is to the district court and not the City Council. Any person applying to the district court for review of any decision made under the terms of this section shall apply for review within 30 days after the date the decision is filed with the City Recorder as prescribed by state statute.

David Belz

811 Park Avenue PO Box 681237
Park City Utah 84068
801-649-9339 Fax: 647-9339

*Let De Bonis of 1110 Woodside
supports requested variance
and change of use*

October 15, 1994

Tamara Campbell

Park City Planning Department
545 Marsac
Park City Utah 84060

RE: 1167 Woodside Board of Adjustments meeting

Dear Tamara,

I just received the staff's report on my proposal for 1167 Woodside and was very pleased to see that staff was recommending approval, with conditions. However, I have a few concerns about the conditions which Staff proposed.

When we last spoke, I was under the impression that you were going to propose a variance in the parking requirement. Due to the nature of the neighborhood, I can easily understand why, after further consideration, staff has concluded that this kind of variance may not be appropriate.

This brings us to determining a set of conditions which will work for both the city and for the applicant as well.

The conditions which Staff proposes present several concerns for the applicant. While the staff's proposal allows us to move forward and create a limited amount of office / studio space, and the continued use of a large amount of storage space, it does not provide sufficient flexibility to utilize the space under a variety of scenarios, including my own spatial needs.

Further, while artist studios (*as outlined in staff's table of proposed uses*) are high on my list for prospective users, our application is seeking broader flexibility to accommodate a variety of other users over time which might include other Architects, Interior Designers, a Lawyer, an Accountant or other like service providers which generate little or no client traffic.

What I would like to achieve is the flexibility of uses mentioned above with flexibility on how those uses, including storage, are proportioned within the building.

Accordingly, I feel conditions which limit the number of building users / occupants based on parking provided will work better for the applicant than conditions, as proposed, which limit the area of the building which can be used for specific uses. (*By way of example: if I have my Architects office in the structure and have 3 employees in 800 Square feet, I will create no additional parking demand if the same 3 employees were to occupy 2,000 Square feet. Likewise, an artist with 200 Sq. Ft. will have the same parking requirements if he or she needed 1,000 Sq. Ft.*)

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OCT 17 1994

PARK CITY
PLANNING DEPT.

In an earlier meeting, we discussed the possibility of putting such a covenant on the number of occupants allowed to work out of the structure which would be tied to the number of parking spaces provided. Similar covenants were required of my conditional use approval of 811 and 817 Park Avenue as an Architects' office. It was my understanding that you briefly consulted the City legal staff on this issue, and that Jody was of the initial opinion that such a condition was legal and practical.

The existing site plan shows accommodations for 9 surface parking spaces without tandem allowances or parking in the setbacks or on street frontages. This plan also demonstrates that the site can accommodate, as is, up to 17 cars with these allowance and conservatively, 14 or 15 cars without any on street parking. I understand tandem parking is not allowed for commercial uses, however, as a matter of practicality, where a small group of closely related users is concerned, some consideration of the tandem allowances does not seem unreasonable.

I propose the following:

1. Approval for any mix of the following uses: Professional Offices, Artist / design studios, storage, and as addressed specifically in #5 below, group meeting space.
2. Approval of any square footage mixes for the above approved uses which can be accommodated within the existing shell.
3. A total maximum of 9 occupants / workers will be allowed to occupy the subject property based on the existing surface parking provided. This parking consideration and allowance supersedes other related requirements of chapter 13 of the LMC, including the need for parking to be "fully enclosed".
4. As additional parking is provided, the number of allowed occupants / workers will be increased by one for each additional space provided either on site or in the immediate vicinity. At the City's discretion (at a future date), additional occupants, *(outside that allowed by parking accommodated on site or in the immediate vicinity)*, may be provided for by contributing to the city parking fund.
5. As a separate conditional line item, Karate, Yoga, Dance, Book and Academic Clubs or other similar group meeting space will be allowed during specified times, to be determined. Notwithstanding the parking considerations above, said groups will be allowed up to 25 participants, including instructors. In the event these conditional "small group" uses present any problem for the neighborhood, at any time, then this conditional use can be revoked with 60 days notice by the Planning department or as otherwise provided by code. Said revocation will not effect the other approved uses of Professional offices, artist / design studios, and storage.
6. A variance to allow below (*street level*) grade parking in the set back fronting Woodside. Said variance to be subject to the planning department's approval of the surface treatment of said structure. *(This variance is in support of the applicants future efforts to provide fully enclosed parking as shown in the proposed plans, and to accommodate housing above said parking.)*

I appreciate your considering my concerns and proposed solutions. If you so desire, I would be glad to sit down, at your convenience, and elaborate further.

Sincerely yours,

David Belz

Review
w/ Jody

David Belz

811 Park Avenue PO Box 681237
Park City Utah 84068
801-649-9339 Fax: 647-9339

October 13, 1994

Tamara Campbell

Park City Planning Department
545 Marsac
Park City Utah 84060

RE: 1167 Woodside Board of Adjustments meeting

Dear Tamara

It has been a while since we have corresponded on the upcoming board of adjustments meeting on 1167 Woodside. Accordingly I wanted to touch base and make sure, based on our brief conversations to date, that my understandings are accurate on where we are at.

Based on our last conversation, I was encouraged that Staff was going to support the proposal. I was, however, left a little unclear on the details of how you wanted to proceed with the processing logistics.

It sounded like you were going to propose a reduction in parking requirements (*as allowed for on historic structures*) so that a variance would not be required. I am not sure how this affects the bigger picture and it would be helpful for me to get a clearer understanding on what you are thinking.

I have interpreted our conversation to mean the following: Because we were asking for the phased development of the project in that the enclosed parking was proposed to be added at a latter date from the restoration of the primary building; you are proposing, instead, that the Board of Adjustments and / or the Planning Director waive some of the parking required and approve the project with the existing surface parking presently available on site. The plans show there is surface parking available for around 9 cars and I believe we can make accommodation for at least 3 others. With the approval of the restoration and change of non-conforming use handled, we would then come back, as a separate issue, for approval of the enclosed parking structure with the houses above fronting on Norfolk Avenue.

If this is in fact what you are suggesting, this seems like it could work out great. If we are going to take this tact, then I would like to talk to you about how and when we would follow up with the then separate matter of the projects next phase; (the enclosed parking structure with the two house above it), as well as to discuss the details of any conditions of approval which might accompany the plan.

Received Oct. 15,
1994

If, on the other hand, my understandings are inaccurate, than as requested many times, I would appreciate the opportunity to sit down with you and discuss the proposal and any logistical problems we might need to address. In this way, I can help to identify solutions and come to the meeting fully prepared.

In regards to this proposal as a community issue, I have spoken to many of the people in the immediate neighborhood as well as many other Parkites and have received nothing but support and encouragement on the proposal.

I also contacted the two people who you told me called in with some concerns, Sandra Hall and Al Janc. I spoke with both of them and they primarily wanted to understand better what we were proposing. When I explained the project and proposed uses to them, they seemed to have no objections.

These are the only people you have told me about todate. *(with the exception of Bruce King from Montessori who is interested in the space for his own use.)* As I have told you in the past, if anyone else expresses a concern or has any questions, I will be glad to walk these individuals or groups through the proposal as well.

I find it encouraging that the project which has been posted for so long has apparently generated little or no community objections. As I mentioned above, I have received nothing but support from the many I have spoken with about our plans.

I am looking forward to working with you to get this project off center. If all goes well, I would like to begin the restoration in early spring so that by late fall, we could have a finished product which would compliment the fine restoration the City under took on the Park City Education Center.

Thanks again for all your help.

Sincerely yours,

David Belz, Architect

Agenda Item #3

1167 Woodside Avenue - Request to change a non-conforming use from bus storage to professional offices and art studios - David Belz, Architect (Continued from 8/2/94)

Chair Deckert requested a motion to continue per the applicant's request.

Board Member Sedgwick stated that the Board had never actually heard the request and asked why the applicant was requesting further continuance. Principal Planner Campbell explained that the applicant had initially requested a continuance to allow further review of several issues; and the item was being continued again because the applicant was out of town.

MOTION: Mike Eberlein moved to CONTINUE the request to change a non-conforming use from bus storage to professional offices and art studios at 1167 Woodside Avenue. Tom Sedgwick seconded the motion which was unanimously approved.

Agenda Item #4

136 Heber Avenue (Gateway Center) - Request for extension of variance - J. Tozer

Principal Planner Tamara Campbell reminded the Board they had granted a 9-1/2 foot height variance for the entire length of the north elevation of the Gateway Center in December, 1993.

Based on the date of the ratification of the Findings and Order, the approval expires October 12, and the applicant wishes to ensure that the approval remain valid for another six months. The Staff recommended that an extension for one year be granted.

Chair Deckert stated he believed that variances ran with the land and did not expire. Staff responded that variances did run with the land; however, they were granted for a period of six months to avoid having valid approvals pending for projects which were not constructed.

MOTION: Tom Sedgwick moved to APPROVE the extension of the variance for the Gateway Center for one year. Joe Tesch seconded the motion which was unanimously approved.

Agenda Item #5

136 Heber Avenue (Gateway Center) - Request to allow encroachment into maximum building height - J. Tozer

Principal Planner Tamara Campbell explained that the request was twofold: 1) to exceed the maximum building height by 24" along the west facade; and, 2) to exceed the maximum height

MINUTES OF PARK CITY BOARD OF ADJUSTMENT
MARSAC MUNICIPAL BUILDING
AUGUST 2, 1994

IN ATTENDANCE: Tom Sedgwick, Gordon Strachan, Joe Tesch

ABSENT & EXCUSED: Steve Deckert and Mike Eberlein

EX OFFICIO: Janice Lew, Planner I
Sharon Bauman, Administrative Secretary
Shauna Kerr, City Council Liaison

=====
At approximately 5:15 P.M. Acting Chair Joe Tesch called the meeting to order and noted that Mike Eberlein and Steve Deckert were excused.

Agenda Item #1

Approval of minutes for meeting of June 28, 1994

MOTION: Tom Sedgwick moved to APPROVE the minutes of June 28, 1994 as written. Gordon Strachan seconded the motion which was unanimously approved.

Agenda Item #2

Clubhouse at The Oaks, 3311 Sun Ridge Drive - Request for reduced front and rear yard setbacks to allow construction of a garage - Ted Warr, Architect (Continued from 6/28/94).

Acting Chair Tesch requested a motion to continue per the applicant's request.

MOTION: Gordon Strachan moved to CONTINUE the request for reduced front and rear yard setbacks for the Clubhouse at The Oaks, 3311 Sun Ridge Drive. Tom Sedgwick seconded the motion which was unanimously approved.

Agenda Item #3

1167 Woodside Avenue - Request to change a non-conforming use (The Bus Barn) from commercial to professional offices, design and/or arts studios, and/or cultural educational uses; and request for a phased parking plan - David Belz, Architect.

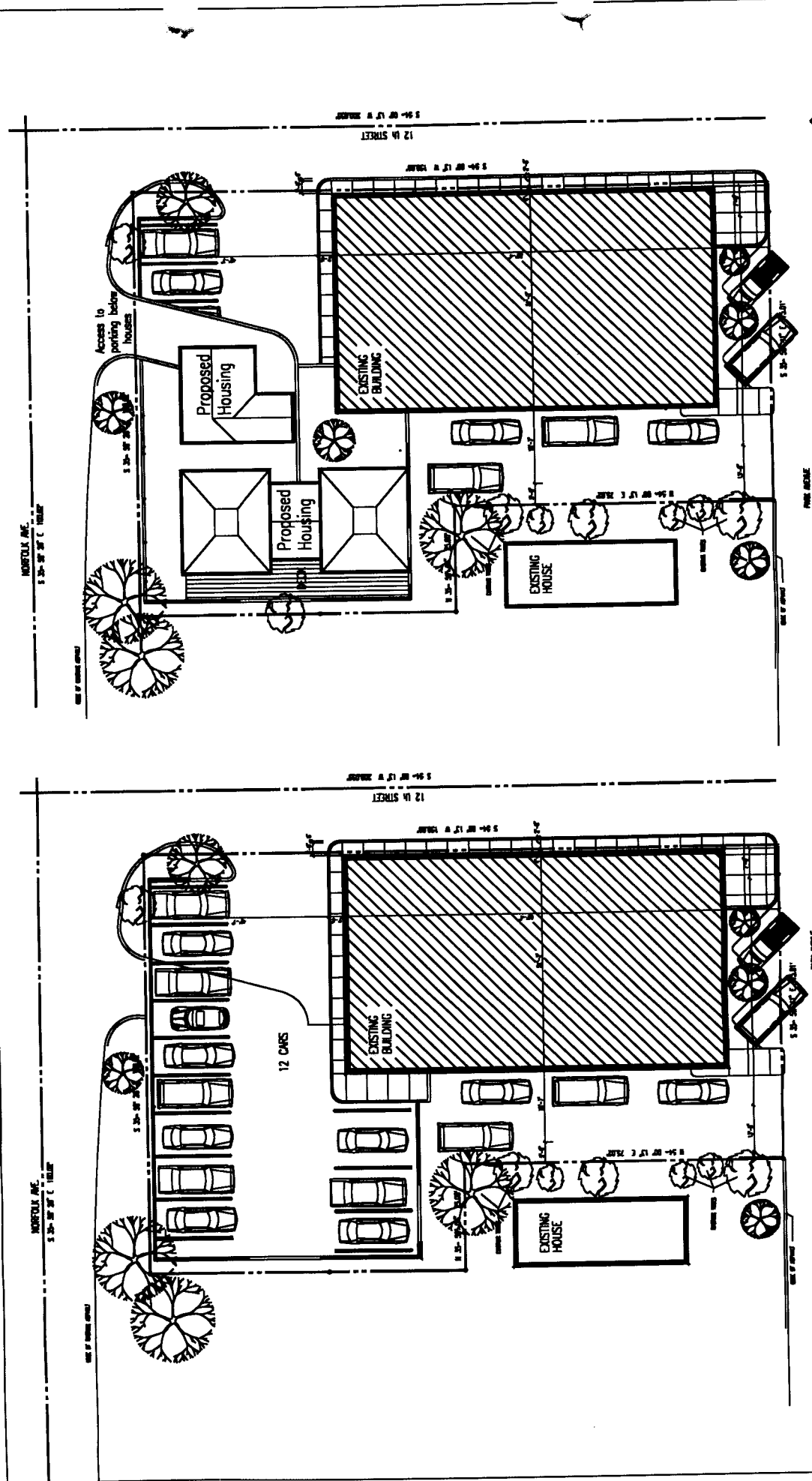
Acting Chair Tesch requested a motion to continue per the applicant's request.

MOTION: Tom Sedgwick moved to CONTINUE the request for a change to a non-conforming use at 1167 Woodside Avenue. Gordon Strachan seconded the motion which was unanimously approved.

At approximately 5:17 P.M. Tom Sedgwick moved to ADJOURN. Gordon Strachan seconded the motion which was unanimously approved.

Approved: _____

Date: 10-18-94



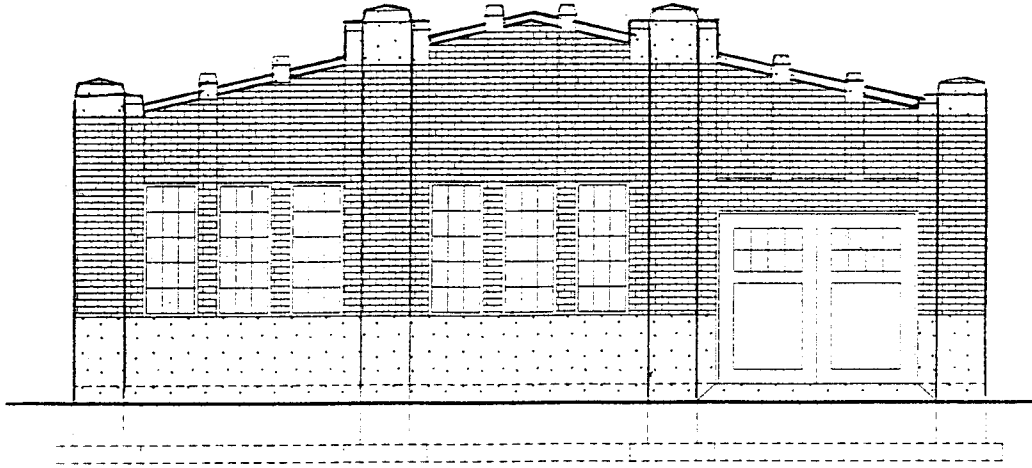
SCALE: 1"=10'

HOUSING ABOVE PARKING

1167 WOODSIDE

PARKING LEVEL
Total of 18 cars shown

FILE COPY



**1167 Woodside A.K.A.
“The Bus Barn”**

**Application for the change of a
non-conforming use**

David Belz, Applicant

David Belz, Architect

811 Park Avenue PO Box 681237
Park City Utah 84068
801-649-9339

June 5, 1995

Park City Municipal Corporation

445 Marsac
Park City Utah 84060

To whom it may concern;

I am writing to request the Board of Adjustments hearing for 1167 Woodside which was postponed on November 15, 1994 be rescheduled for the next meeting of June 20, 1995.

The applicant is requesting a partial change of use for the structure in question as follows:

The applicant seeks approval for both the 12 car and 16 car parking plans with the associated variances which would be required for each. Accordingly, the applicant proposes initially using the structure in the 12 car configuration and then, at a future date, apply for a CAD permit on the smaller structure to accommodate the 16 car parking plan. In both parking plans the applicant is asking for a desired but not required variance to the application of section 13.3c as discussed in the information packet. (*see bottom of 16 car plan description*)

This will provide the applicant flexibility in the use of the property and allow the complete restoration to immediately proceed without compromise should there be any problems in attaining a CAD permit for the small existing garage. Accordingly, the 16 car parking plan approval would be conditioned upon receipt of the aforementioned CAD permit.

In the event the Board can only grant a portion of the request here-in, rather than compromise the application in process, the applicant would then consider at the meeting what the Board can approve and either ask for that approval or for another postponement to address questions and or process concerns of the Board.

Thank you for the consideration of my request,



David Belz

TABLE OF CONTENTS

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Introduction

Application History

12 Car parking option

16 Car parking option

List of proposed uses

Code specific review criteria

Supporting Findings

Applicant's Response to Staff concerns

Closure statement

Supporting information:

- Detailed drawings prepared for restoration, (work in progress)
- Photos documenting existing site conditions
- Staff report for first Board of Adjustments meeting
- Minutes from the last Board of Adjustments meeting; November 15, 1994
- Applicants Review of minutes
- Correspondence file
- Applicants case for insignificance of small garage structure
- Letters of support
- Petition from neighbors
- HDC grant application package

INTRODUCTION:

To the Board of Adjustments and whom it may concern;

Undercover please find pertinent materials to the long pending application for a partial change of non-conforming use on 1167 Woodside, AKA the Bus Barn. While the section entitled “**code specific review criteria**” is the most important information for your consideration, I have provided in this packet many other documents which support this application and which may be the subject of your inquiries.

In reviewing this application packet, you will find that recent changes in Staff’s position not only oppose both proposed parking solutions, but the previously supported 9 cars parking plan as well. Accordingly, Staff does not support a partial change of use for more than 1,000 Sq.Ft. of the building which is inadequate to meet the applicant’s own spatial needs as well as to justify a complete restoration effort.

In response to the Board’s direction to provide additional parking over the 9 spaces originally shown, the applicant is forwarding two parking options for the Board’s consideration; a 12 car parking plan and a 16 car option. The applicant feels both plans are supportable under the Board’s powers, however, due to conflicting staff positions and directives, the applicant was reticent to forward just one option. The applicant is seeking approval of both parking plans, but is willing to pursue either solution depending on the Board’s input.

In that I am approaching the Board of Adjustments without Staff’s support, I have found it necessary to cover in some detail the differences in our positions. I apologize for the sheer breadth of information necessary to respond to staff’s concerns and hope this packet’s organization will make it reasonable for you to digest. Please consider the information you feel is germane to your efforts and thank you in advance for your time in considering my application.

Sincerely,

David Belz

APPLICATION HISTORY:

Over a year ago I began the approval process for the restoration and change of use for 1167 Woodside AKA; "The Bus Barn". Key to my being able to mount a **complete** restoration effort was and is affecting a change (*or partial change*) of use for the property. Over the last 15 years the building has been used primarily as a Bus / equipment storage and maintenance facility. Despite this structure being a part of the original school campus, it was not zoned the same as the directly adjacent structure. Accordingly, the present uses are non-conforming under the Land Management Code.

In this context, on May 4, 1994 I applied for a Change of Non-Conforming use as provided for in chapter 12 of the Land Management Code. When the original application was filed with the Planning Department I provided them with two parking plans; one showed the parking as presently accommodated on site, (*9 cars not counting any tandem or street parking; see staff report for first meeting*) and another provided parking for 19 cars. (*see letter of Nov. 16, to staff.*) At that time, it was my hope to get approval for the larger plan with the proviso that the proposed (below grade) parking structure be built a few years after the renovation of the historic structure in question. (*hence the earlier references to a "phased" project*)

In response to my application, Staff said a phased plan could not be taken to the Board of Adjustments and proposed that I pursue the 9 car parking plan. Accordingly they supported a partial change of use for 1,800 Sq. Ft. of the building to accommodate my Architecture office / studio with the balance remaining as storage. I agreed to pursue the 9 car parking plan for a partial change of use. My application also requested staff and the board consider allowing the full use of the structure with covenants on the number of users as opposed to only a partial change of use. (*9 cars; 6 or 7 occupants allowed in the structure, 2 or 3 visitor parking spaces remaining*) Staff did not support my user covenant concept but fully supported a partial change of use based on the 9 car parking plan.

On November 15, 1994 we went before the Board of Adjustments for a partial change of use. At this meeting, the Board expressed enforcement concerns on my proposed user covenant and had problems with only providing parking for 9 cars. (*they feared the adjacent City Parking Lot and or surrounding neighborhood might suffer*) The board suggested I explore providing parking for the entire structure. I showed them the 19 car parking plan originally submitted to staff but the Board felt since staff's review only focused on the existing 9 car parking solution, they could not effectively consider the larger parking plan at this meeting. In the Board's final motions, they unanimously concurred that the applicant must provide code compliant parking and indicated the fully enclosed below grade parking structure might be a viable solution. The request for a change of Non-conforming use was postponed until a future date.

On November 16, 1994 I re-submitted to staff the parking plan for 19 cars and requested we make findings to move this proposal forward.

In a letter dated November 18, 1994 staff informed me that due to intensity of use, they could not support any proposal which provided for this amount of parking. They suggested I **"tailor the use to match the amount of parking already on the site"**. Staff also came out in opposition to any proposal which required variances in any setbacks. I interpreted this letter to be a restatement of Staff's earlier position that 9 cars would only support a change of use for 1,800 Sq.Ft. of the structure.

In another letter dated December 5, 1994, Eric DeHaan responded for Staff expressing snow storage, setback and landscaping concerns of both the 9 car and 19 car parking proposals. Accordingly, he concluded staff could not support the change of use or any consideration for parking in the city right of way.

In response on February 10, 1995 I informed staff of my desire to work within their guidelines and on March 1st, 1995, I submitted to staff a revised proposal for a partial change of use which "tailored the use to the existing parking on site", eliminated all substantive setback encroachments, significantly exceeded the snow storage requirements, and provided landscaping enhancements. I submitted two parking options, one which removed the small garage built circa 1959, and another which left it in place. Having carefully reexamined the code and the site in generating the revised proposals, I determined that in the solution leaving the small garage, 12 parking spaces could be accommodated, and in the other solution, 16 cars could be parked. As the 16 car plan had aspects I felt staff was likely to prefer over the 12 car plan, I requested they make a determination on what parking was "existing on site" so a specific proposal could be forwarded to the Board of Adjustments.

After many request for staff's input on the preferred parking plan, I was told, in part, their position on May 9th and received their more detailed written response in a letter postmarked May 30, 1995. Contrary to their earlier support for a 9 car parking solution, Staff has now taken the position they will only support a 5 car parking plan; expressed a preference for a residential use; taken the position that the small, non descript, garage built circa 1959 is historically significant; and support no variances of any kind despite hardships associated with the preservation of historic structures. The applicant was fully taken aback by Staff's positions as under the worst case scenario, I had anticipated staff holding to the original 9 car parking interpretation despite codes reasonable allowance for 12. In essence, staff has, contrary to their earlier support, come out in opposition to the applicant's proposed use of the structure.

With staff's new position, the applicant finds himself in an even greater quandary. The Board of Adjustments had problems with only providing 9 cars, and now staff will no longer support even this proposal. Staff's 5 car allowance will only support the use of 1,000 Sq.Ft. for offices which is inadequate for the applicant's needs and will not justify a complete restoration of the property. Where do we go from here?

In that Staff's support is not needed for the Board's approval, there may be no problems if the Board determines the application is consistent with the review criteria and hence approves the project. However, the applicant is understandably concerned to be going back to the board without Staff's support for the project.

12 CAR PARKING OPTION:

Description: This proposal leaves the small garage built circa 1959 in place and breaks parking into several areas. 4 cars are shown in the rear (*to the west*), 2 cars in the existing garage, 4 along the South side of the structure, and 2 cars in the front setback along Woodside. This proposal is identical to the 9 car parking plan originally submitted with two exceptions. In the original plan only 3 cars were shown in the paved area behind the structure. With 36 feet between the rear setback line and the building face there is actually room for 4. The other 2 spaces were accommodated by counting the parking in the front yard setback along Woodside as provided for in Section 7.1.3e. This plan would support a partial change of use for 2,400 Sq.Ft. of space with a maximum of 7 employees per shift.

Required Variances:

1. Reduction in the required driveway width from 24' to 13' to allow for the parallel parking shown along the South side of the structure.

Required interpretation:

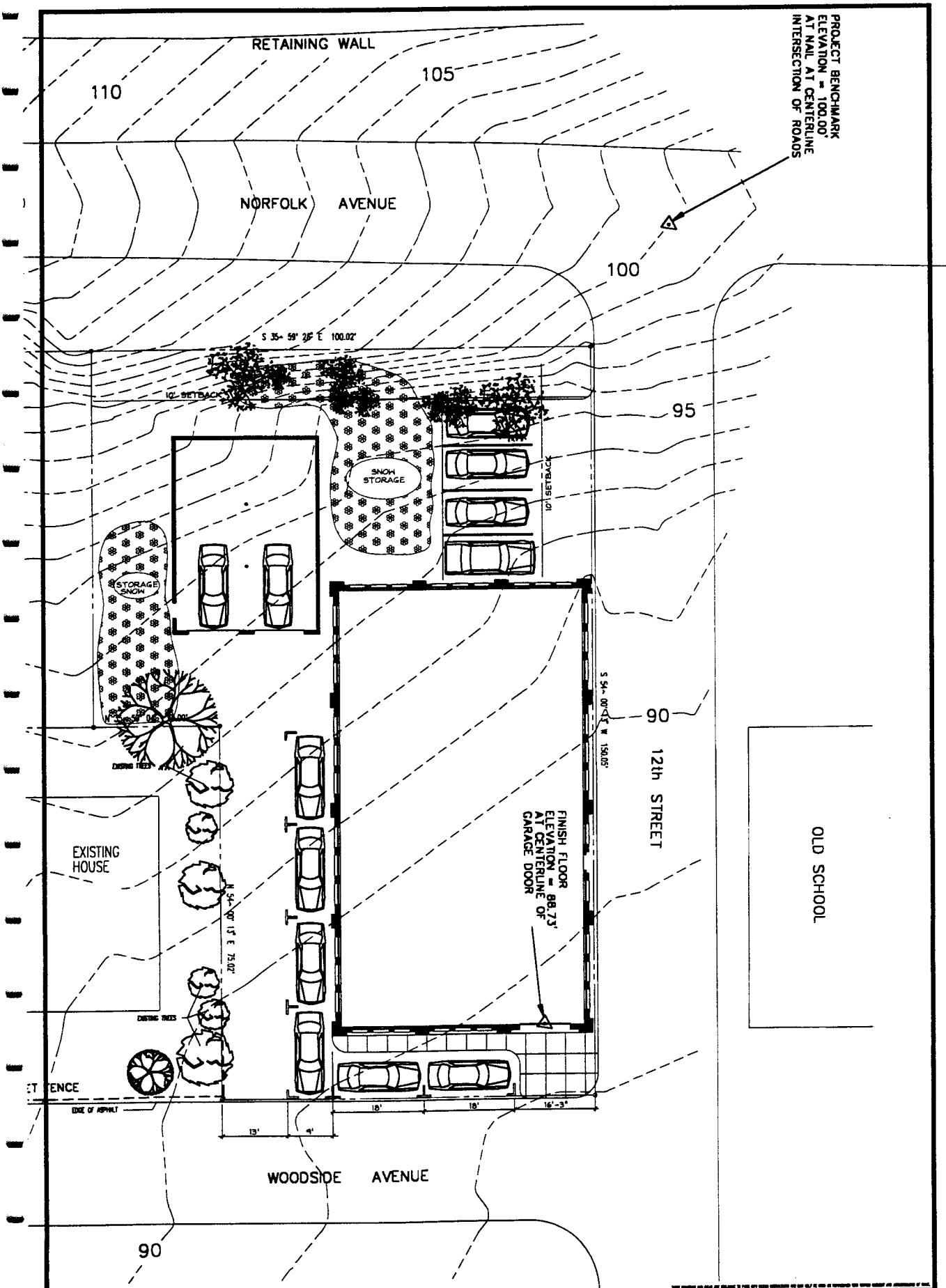
1. Section 13.2e, as worded, refers to Parking "areas", not total parking on site. This allows the areas of fewer than 5 cars to not have to meet the provision of this section and in so doing, allows for the front setback parking as provided in section 7.1.3e as well as the parking in the rear of the structure. (*See #6, applicant's response to Staff's postions*)

Pros and cons:

1. 12 car solution does not require a CAD permit for the small garage structure.
2. More cars coming and going from the Woodside drive than in 16 car plan.
3. Less efficient auto circulation patterns.
4. Although code compliant, less functional snow storage plan.
5. less visible landscaping enhancements than in 16 car option.
6. Provides fewer parking spaces and hence a lower intensity of use for the property.

OPTIONAL VARIANCE REQUEST:

Where section 13.3c requires the greater of one space per 200 Sq.Ft. or one space for each 500 Sq.Ft. plus one space per employee per shift; the applicant desires a variance to allow this provision to read "either" as opposed to the "greater of". The affect of this consideration is that the number of allowed users in the building could be reduced, however, the applicant would be able to use the entire structure. It is reasonable to assume that by reducing the number of users, the associated traffic would also be reduced. By way of example, the 16 car parking plan provides for 3,200 Sq.Ft. with a maximum of 9 employees per shift. Under the applicants suggested variance, the entire 4,250 Sq.Ft. could be used but only 7 employees per shift would be allowed. In the 12 car solution, 2,400 Sq.Ft. is provided for with up to 7 employees per shift. Under the applicants proposed variance the entire structure could be used but only 3 employees per shift would be allowed. The applicant can identify no negative impacts from such a consideration and in fact, believes its only affect could be to reduce the intensity of use. This request is clearly supported by section 5.7e as addressed in the supporting findings of this application.



PARK CITY DESIGN CONSULTANTS DAVID BELZ, Architect 811 East Avenue 70 Ste 100 Park City, Utah 84060 Phone 435-647-0282 Fax 435-647-0283	1167 Woodside 1167 Woodside Ave. Park City, Utah	Site Plan, 12 Car Option DATE: 5/14/15 SCALE: 1/8" = 1'-0"	A-1a SHEET NO. 1 DRAWING FILE: 1167-SP-01
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16 CAR PARKING OPTION:

Description: This proposal eliminates the small garage and provides for a 12 car parking lot in the rear with 4 additional cars accommodated along Woodside. This solution would allow the applicant use of 3,200 Sq. Ft. for office / studios space with a maximum of 9 employees per shift.

Required Variances:

1. Either a reduction in the driveway width off of 12th street from 24' down to 18' or as provided by section 8.15 e & f; a 5' encroachment along 40' of Norfolk Avenue set back to allow for a retaining wall and surface parking. (see 16 car site plan options 1 and 2)

Required interpretations:

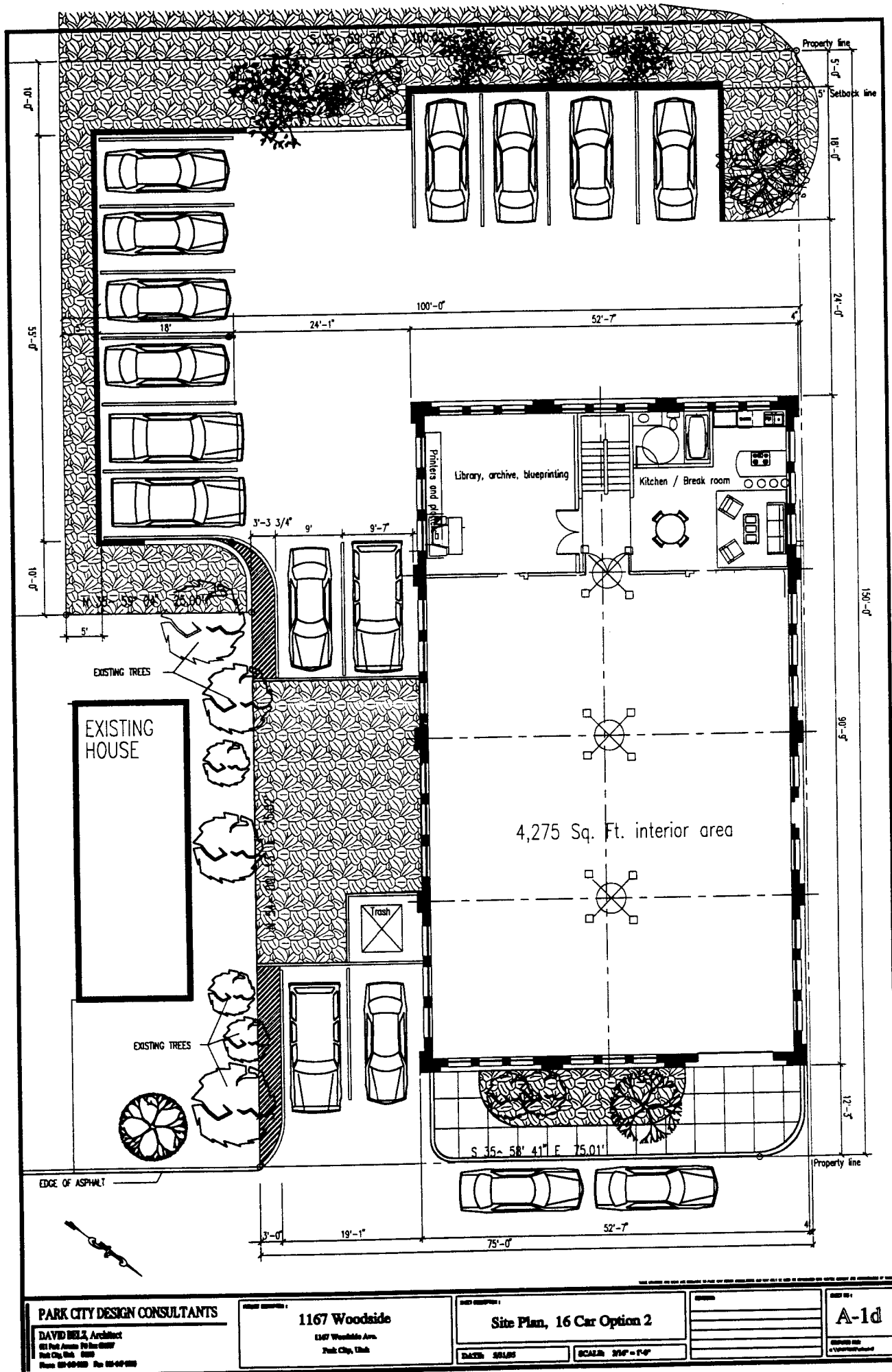
2. Section 13.2e, as worded, refers to Parking "areas", not total parking on site. This allows the areas of fewer than 5 cars to not have to meet the provision of this section and in so doing, allows for the front setback parking as provided for in section 7.1.3e.

Pros and cons:

1. Consolidates bulk of parking in rear with access off of a non residential 12th street.
2. Provides additional parking which facilitates a more reasonable use of the structure.
3. Provides for greater hardscape and landscaping improvements.
4. More functional snow storage configurations.
5. Large parking area requires only minor considerations.
6. Requires a CAD permit for small garage structure built circa 1959.

OPTIONAL VARIANCE REQUEST:

Where section 13.3c requires the greater of one space per 200 Sq.Ft. or one space for each 500 Sq.Ft. plus one space per employee per shift; the applicant desires a variance to allow this provision to read "either" as opposed to the "greater of". The affect of this consideration is that the number of allowed users in the building could be reduced, however, the applicant would be able to use the entire structure. It is reasonable to assume that by reducing the number of users, the associated traffic would also be reduced. By way of example, the 16 car parking plan provides for 3,200 Sq.Ft. with a maximum of 9 employees per shift. Under the applicants suggested variance, the entire 4,250 Sq.Ft. could be used but only 7 employees per shift would be allowed. In the 12 car solution, 2,400 Sq.Ft. is provided for with up to 7 employees per shift. Under the applicants proposed variance the entire structure could be used but only 3 employees per shift would be allowed. The applicant can identify no negative impacts from such a consideration and in fact, believes its only affect could be to reduce the intensity of use. This request is clearly supported by section 5.7e as addressed in the supporting findings of this application.



LIST OF PROPOSED USES

Permitted uses are to be characterized as small office and or studio spaces which by their nature do not generate large quantities of client traffic, excessive noise or odors, and do not produce harmful or excessive quantities of waste by-products. Hours of operation shall be limited from 7:30am to 10:00 pm. Examples of appropriate uses include but shall not be limited to:

**Architects office
Interior designers
Legal practices
Accounting firms
Contractors office
Real-estate Brokerage and or development offices
Any uses which could qualify as a home occupation
Personal business offices
Artist design studios
Bike and ski maintenance**

Since it appears under the most generous of the parking scenarios no more than 9 or 10 employees per shift could be accommodated, large offices which might generate a greater amount of client traffic will be effectively precluded.

CODE SPECIFIC REVIEW CRITERIA:

Section 12.1 of the LMC establishes the code's purpose in addressing Non conforming uses. The primary purpose as it relates to any modification of a Non-conforming use is to "ensure that any changes to a non-conforming use are reducing the degree of non-conformity and improving the physical appearance of the structure and site through such measures as landscaping, building design, or the improved function of the use in relation to other uses."

In applying these standards, the applicant believes that the proposed change of use and associated renovation reduces the degree of non-conformity, improves the physical appearance of the structure and site through landscaping, building design, and the improved function of the use in relation to adjacent uses. In staff's review for the first Board of Adjustment hearing they also so concluded.

Section 12.4a establishes the specific criteria for review by the Board of Adjustments.

In response to criteria #1; all reasonable measure have been taken to reduce the degree of non-conformity and adverse affects on surrounding properties. Specifically; an industrial use as a bus equipment storage and maintenance facility will be replaced with light office uses more compatible with the Park City Education Center and the surrounding residences. Equipment and materials storage behind the structure will be eliminated, landscaping and hardscaping will be dramatically improved, and the noise and air pollution of future bus traffic will be forever averted.

In response to criteria #2; the change of use shall comply with all the development standards except a minor variance which is allowable by this board as a hardship related to the preservation of historic structures and as also provided for under 5.6a,d and 5.7.

In response to criteria #3; as mentioned above, considerable outside storage of snow plows, construction vehicles and building materials is to be eliminated in the proposed restoration plan.

In response to criteria #4; Although the building's present non conforming use can be reasonably utilized under the provisions of this code, it is the applicants belief as addressed in review criteria #1 above that such use is less compatible and desirable than the proposed use. As to the reasonableness of making this structure conform to code; Ron Ivie, Chief Building Official, has expressed the opinion that while not impossible, changes to a residential use would be difficult and will alter the historic appearance of the structure. This opinion shared by the applicant, speaks directly to the fact that the structure in question was never intended to be used residentially and accordingly, it cannot be "reasonably" so utilized under the provisions of this code.

"In so far as they are applicable", the applicant feels the above criteria are satisfied by the proposed partial change of use. If the Board concurs with the above assessments of the review criteria as applied to this project, they are empowered to grant the applicant's request. Staff initially concurred in their earlier review of the project, however, they have now stepped back from that position. In support of the applicant's assessments, he has included with this package detailed responses to concerns and positions raised by staff. Accordingly, the applicant is hopeful the board will support the above assessments and grant his request for a change of non conforming use. The applicant has also provide finding's based on the code in support of both proposed parking solutions.

SUPPORTING FINDINGS:

If the Board decides to support this change of use application, they are empowered to grant the minor variances being requested by the applicant per the provisions of section 5.7, That being:

a) It is reasonable to interpret that literal enforcement of the zoning ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the zoning ordinance; The general purpose being to reduce the degree of non-conformity which the applicant believes is clearly accomplished by the proposed change from a quasi industrial use to a light commercial use.

b) There are clearly special circumstances attached to the property that do not generally apply to other properties in the area; It is a commercially designed structure with a commercial history on the edge of a residential zone directly adjacent to a much more intensive commercial use created by the City.

c) Granting the variance is essential to the enjoyment of a substantial property right possessed by another property in the area; The Park City Education Center, originally part and parcel with this structure, enjoys much greater intensity of use than that sought by the applicant.

d) The variance will not substantially affect the general plan and will not be contrary to the public interest; The general plan seeks to preserve historic structures and minimize the degree of non-conformity in any given area. The proposed project accomplishes these goals while providing an appropriate transition between the Park City Education Center and the surrounding residential neighborhood.

e) The spirit of the zoning ordinance is observed and substantial justice is done. The variance request are relatively minor and where a partial change of use is concerned, the spirit of reducing non-conformity and the providing of code compliant parking for the proposed use are accomplished in substance and in spirit.

Other provisions giving the Board of Adjustments the ability to grant this application include 5.6a and 5.6d

APPLICANT'S RESPONSES TO STAFF'S CONCERNS, POSITIONS AND INTERPRETATIONS

1. **Compatibility with the adjacent residential neighborhood;** The staff believes the proposed use is less compatible with the adjacent residential neighborhood than its present use. The applicant disagrees. In most planning circles, the present use is considered Industrial in nature. Most planning practices attempt to avoid industrial uses adjacent to residential areas but often allow for office and residential uses to coexist. In many ways, the proposed office / studio uses are the perfect transitional statement between the surrounding residential neighborhood and the more intense uses the city has created at the Park City Education Center. This is not another loud day care facility, retail outlet, or heavy traffic generator like the auditorium or library being proposed. This is a modest, light commercial use in a structure presently being used for quasi industrial purposes. The applicant request the board support his opinion that the proposed use is by far more compatible with both the surrounding residential area and the Park City Education Center than its present use.

2. **Intensity of the proposed use compared to its present use;** Contrary to staff's earlier opinion, they have now taken the position that the proposed use is more intensive than the present use. The applicant disagrees with this assessment. The owner has chosen to use both buildings and their surrounding paved areas in their capacity as a bus, equipment storage and maintenance facility at a relatively low level of intensity. This does not by code preclude a more intensive application of the same use within the same spaces. A maximization of an existing use with-in an existing area would not under section 12.2e1 be considered an expansion of an existing non-conforming use. Since acquiring the building(s), the owner has stored and maintained for at least 3 months per year a bus, several cars, miscellaneous equipment and materials in both existing structures on the site as well as in the parking area behind the buildings. Through the more efficient use of the existing spaces, the structures can accommodate several operating buses. In fact, I have been approached by a shuttle company looking for such a facility and barring a change of use, I may yet need to consider this prospective tenant. I ask the Board to consider the noise, traffic and exhaust fumes generated by diesel buses coming and going through out the day.

As intensity might be considered based on the number of building occupants; even in a parking solution which provides for 19 cars, section 13.3c would still only allow a maximum of 10 workers in the structure. *(unless a variance per 13.3a and 13.6 were granted)* This may or may not be more than the number of users in the building anticipated under a fuller application of it's present use.

As intensity is measured by parking and the associated vehicular traffic; the nature of future potential bus traffic would in all likelihood be perceived by neighbors as much more intensive than the trips generated by a code compliant use based on the 16 car parking plan.

Since excessive intensity of use for the property is one of the key issues being looked at, **For comparison purposes only**, I offer the following residential analysis. If the 7 lots were hypothetically vacant and developed as 7 single family residences, the site could contain (7x1,687) almost 12,000 Sq.Ft. of building, have 14 off street parking spaces, 7 curb cuts, street parking for guest, and at a modest 2.5 occupants per residence, 18 people living there. Another more germane residential analysis is the structure's conversion to a bed and breakfast as provided for historic structures in the HR1 zone. The enormous existing volume could easily accommodate 15 to 20 rooms + commons facilities. at 1.5 people per room *(assuming use by*

(2 cont.) *some couples*) up to 30 people could be coming and going night and day with parking for between 10 and 20 cars depending on allowances granted to the development. When comparing these residential scenarios to a 4,500 Sq.Ft. building, 8 occupants, 16 cars, and limited hours of use, clearly the proposed use and perhaps even the existing use is significantly less intense than a compliant residential use on the site.

The applicant request the Board support his opinion that the proposed office use is less intense than the existing use and for that matter, a residential use of the structure as a bed and breakfast.

3. Amount of parking existing on site; Where staff initially supported a parking plan with 9 cars not including the front set back parking referenced in #7 below, they have now taken a position only supporting 5 cars as being accommodated on site. The applicant disagrees with this assessment and raises specific objections to staff's interpretations in #6,7,8,9 and 10 below. A 5 car parking interpretation will not provide for the applicants own spatial needs and clearly does not allow for a reasonable use of the property which is necessary to justify a complete restoration effort.

The applicant request the board consider all the positions here-under and support either the 12 or 16 car parking interpretation, which ever they consider most consistent with their charge for granting a change of non-conforming use.

4. Mitigation of proposed use's impact on neighborhood; Staff has stated there is no effective way to mitigate the impact of the proposed use on the adjacent residential neighborhood. The applicant disagrees. Specifically: impact is mitigated by matching the use to the parking which can be accommodated on site; limiting office uses to those which do not generate regular client traffic; limiting hours of operation; breaking parking up into smaller areas or consolidating parking with access from 12th street; and shielding parking with existing mature vegetation, natural topography, light tight fencing, and or below grade (street level) parking structures.

5. Enforcement of covenants on number of users and or partial change of use; Both the Board and staff have expressed concerns about enforcing the extent to which the building is used. The applicant acknowledges that it may be difficult to prevent an unauthorized use from occurring, however, should a problem precipitate and parking spill over into the adjacent neighborhood, than neighbors will complain to the city, the city will enter, and if there is a conformance problem they will take the owner in front of the judge to cease and desist the unauthorized use of the structure. The fact is that there are enforcement powers and the project will effectively be policed by the neighbors in the immediate area.

6. Application of chapter 13; Parking areas, not meaning parking on site; In both the 12 and 16 car parking solutions the applicant has relied on the language of Section 13.2e in the LMC which refers to the requirements of "parking areas" of more than 4 cars. Since some of the parking spaces provided are in distinct areas of less than 5 cars. (*driven by the nature of the site*), a reasonable number of spaces can be accommodated because parking need not comply with the stricter requirements of section 13.2e. The applicant believes code is recognizing that if a given area has less than 5 cars, less traffic volume will occur in and around **that parking area** and thus less stringent requirements are necessary to accommodate the comings and goings of cars from that area.

(6 Cont.) Staff has taken a position that the code language in question refers to the total parking “on site”, not in a given “**parking area**” as worded in the LMC. Accordingly, Staff has sought to disallow some of the parking shown by the applicant due to it’s not conforming with the parking requirements for areas with more than four cars. We can find no where in the LMC where it says that parking must be in a single area or otherwise treated as such in applying the requirements of Chapter 13. Depending on the parking solution the Board of Adjustments feels is most supportable under their charge, the applicant request that the Board support his literal interpretation of the Land Management Code language.

7. Parking in the front yard setback; The structure in question is presently zoned HR1. Section 7.1.3e allows for open parking in the front 10’ setback of properties in this zone. *(The applicant feels Code is recognizing the tight urban nature of lots in this zone and is accordingly making reasonable parking allowances. Further, it could be interpreted that code is establishing that the street frontage of a given parcel, whether used for a driveway or parking, should service that parcel, not it’s neighbors).* Staff has taken the position that this provision was intended for residential uses and therefore cannot be applied to this non-conforming commercial use. They have further sought to apply the requirements of section 13.2e to this parking “area” although it only contains 2 cars. The applicant can find nowhere in Chapters 7, 12 or 13 which disallows this parking as applied to a non-conforming commercial use in a residential zone. The applicant request that the Board of Adjustments support his understanding of the code and allow the two parking spaces along Woodside. *(Please see #8 below as it relates to these two proposed spaces)*

8. Allowing variance for street side parking in city right of way: The applicant is seeking a variance to allow the parking within the Woodside setback referenced in #7 above to be moved out to the city right of way. The city engineer has declined to grant such a request. Since parking can be accommodated as discussed in #7 above, this variance is not critical to providing spaces but it would keep the proposed parking in line with the parallel parking along Woodside. (see sheet ____). Further, it would allow for additional landscaping which would enhance the historic structures appearance. The applicant believes that if the board is not empowered to grant this request, than by supporting his right to have the two spaces referenced in #7 above that the City Engineer might reconsider his position on this matter.

9. Allowance for parallel parking along the side of building; In the 12 car parking solution the applicant has shown parallel parking along the South side of the building. Although Staff originally supported this, they have now taken the position that the code does not allow for one way drives in commercial uses and since a 24’ wide drive cannot be accommodated at this location, they will not support any variance request to count this parking. If the Board determines that this parking solution is most consistent with their ability to grant the change of non-conforming use, *(as provided by section ----’s hardship criteria regarding existing historic structures and efforts to improve / save such structures.)* then, the applicant request the board grant the variance necessary to allow for the narrow driveway width and thus allow the parking spaces in question. If on the other hand the board feels the 16 car parking plan is most consistent with their charge, than this parking allowance will not be necessary.

CLOSURE STATEMENT

There are not that many issues which need to be considered in the applicants request. No one has questioned the importance of saving the structure. The primary issue seems to be whether the proposed use is less intense than the existing use, and whether it will have any adverse affects on the adjacent residences. The question is whether a light office use is more appropriate than a bus and equipment storage / maintenance facility at this location and for a structure of such obvious historic importance.

The applicant is the first to acknowledge the importance of not creating a problem for the adjacent neighborhood and has accordingly given careful consideration of the proposed uses. We are only seeking approval for office uses which by their nature do not generate significant client traffic and which do not have many trips generated by the users themselves. The proposed uses are to be governed by the amount of parking provided on site and policing of owner compliance will be effectively handled by neighbors quick to complain should parking spill over into their neighborhood. The proposed parking is buffered by existing mature vegetation, light tight fencing, natural topography, and unobtrusive below grade (street level) structures. Depending on the solution selected, Parking will either be broken up into small areas or centralized with the majority of spaces being accessed off of 12th street. In short, the applicant can identify no fundamental problems that would create a significant impact on the adjacent residential area or the Park City Education Center.

The structure in question was originally designed as an Industrial arts building for the Carl Winters school campus. Visually and logistically, the building is a companion piece to the much larger commercial structure next door. It seems inappropriate to maintain its present use as a bus barn, and while a residential conversion is not impossible, there would be great difficulties which would result in significant changes to the structure's historic exterior. (*See enclosed letter from Ron Ivie*) Further, were the applicant inclined to do so; it could be argued that the development of the sight residentially would in fact be more intensive than either maintaining the existing use or allowing for the proposed change of use.

Staff has said that the existing use is less intense than the proposed use. The applicant disagrees in that under the present non-conforming use he could rent the structure to one of the many bus shuttle companies looking for a facility in Park City. Consider the impact of loud diesel buses coming and going though out the day not only on the adjacent residences, but on the library as well. In contrast, the proposed office uses are transitional, yet compatible.

I believe staff has made it clear from the position they have recently taken that they are fundamentally and philosophically opposed to the proposed use, regardless of how it is structured. The applicant is baffled in as much as the neighbors and other city officials are fully supportive. To that end, I have even been approached by one City Council Person to possibly rent office space in the structure.

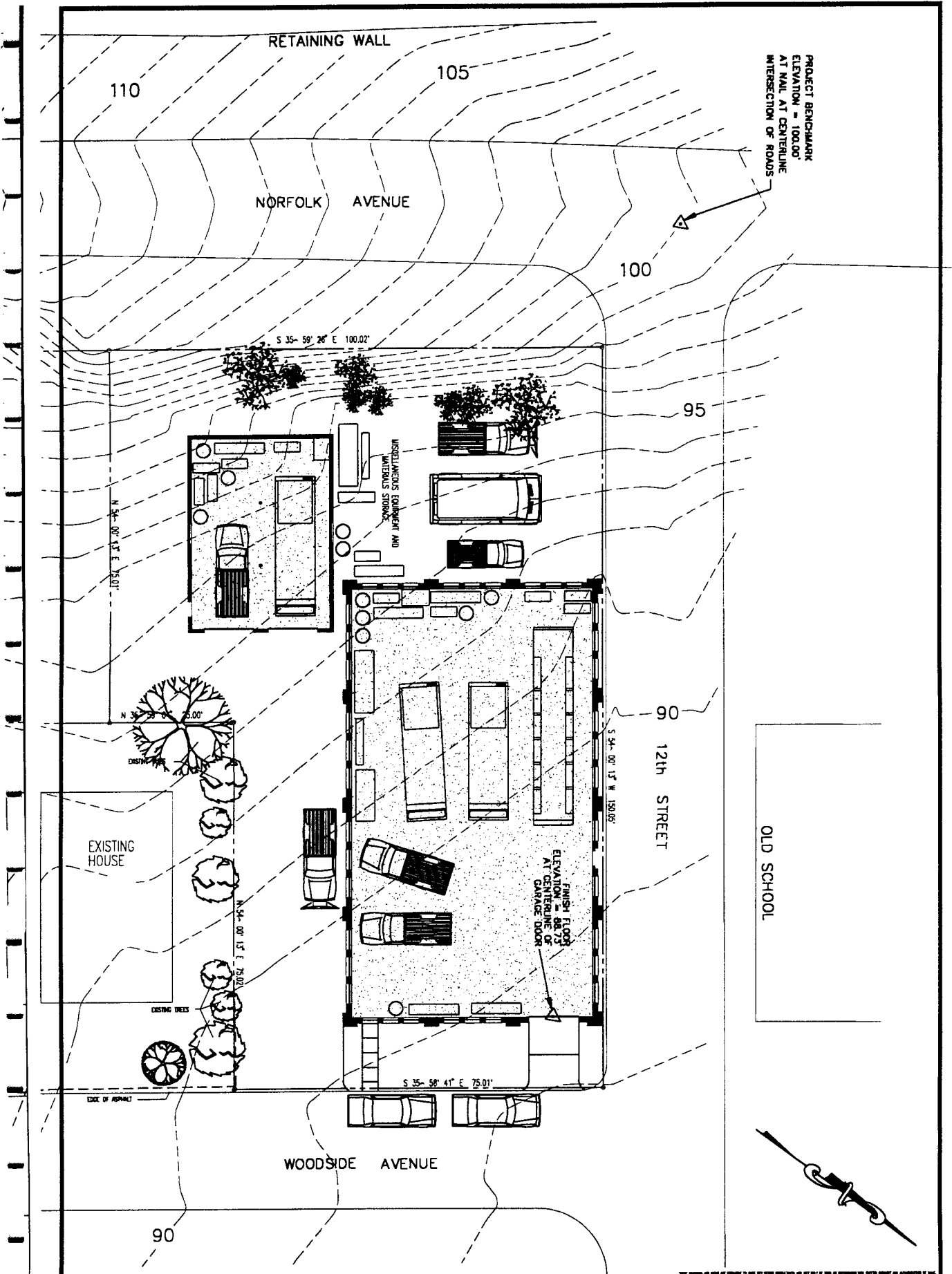
No disrespect intended; I feel Staff's position is short sighted and does not fully consider; the importance of seeing the structure renovated before it deteriorates further; what intensity the present non-conforming use could actually result in, (*not how it is presently being used*); What represents an appropriate transitional use between the Park City Education Center and the surrounding neighborhood; What intensity a residential use on the site could result in and what affect that may have on the exterior appearance of the structure; the actual traffic generated by the limited light commercial uses being proposed; the degree to which proposed parking has been buffered and shielded from view; and the pragmatics of allowing the owner a reasonable use of the structure to make a complete restoration viable.

I realize that Staff support is not needed for me to attain approval from the Board of Adjustments and as the Board appeared to have a different set of concerns than staff, I may never have been able to come up with a solution which the Board could approve and which Staff would also support. None the less I felt it was important to try to get everyone's approval and having failed this, I am now seeking to respond primarily to the Board's and the community's concerns. As one staff member pointed out, it is perfectly all right for us to agree to disagree.

Not that it influences the decisions this body is empowered to make, but I wanted to share with the board my motivations in pursuing this project. Like most Architects, designers and artist, I have long dreamed of working in a unique space like this. My primary motive in acquiring the property was to save the building so that one day I might have this opportunity. This project is not about speculation. It is about creating an environment which will allow me the space I need to pursue my passions and career here in Park City. Those of you who may have seen some of my many large architectural models and prototype furniture pieces will certainly understand how I will use this space should my request be granted. Notwithstanding the emotion behind my desires for this property, I sincerely feel that what I am proposing is both reasonable and appropriate for the area. I am also confident that the resultant restoration will be an asset for the community and will compliment the wonderful job done on the Park City Education Center.

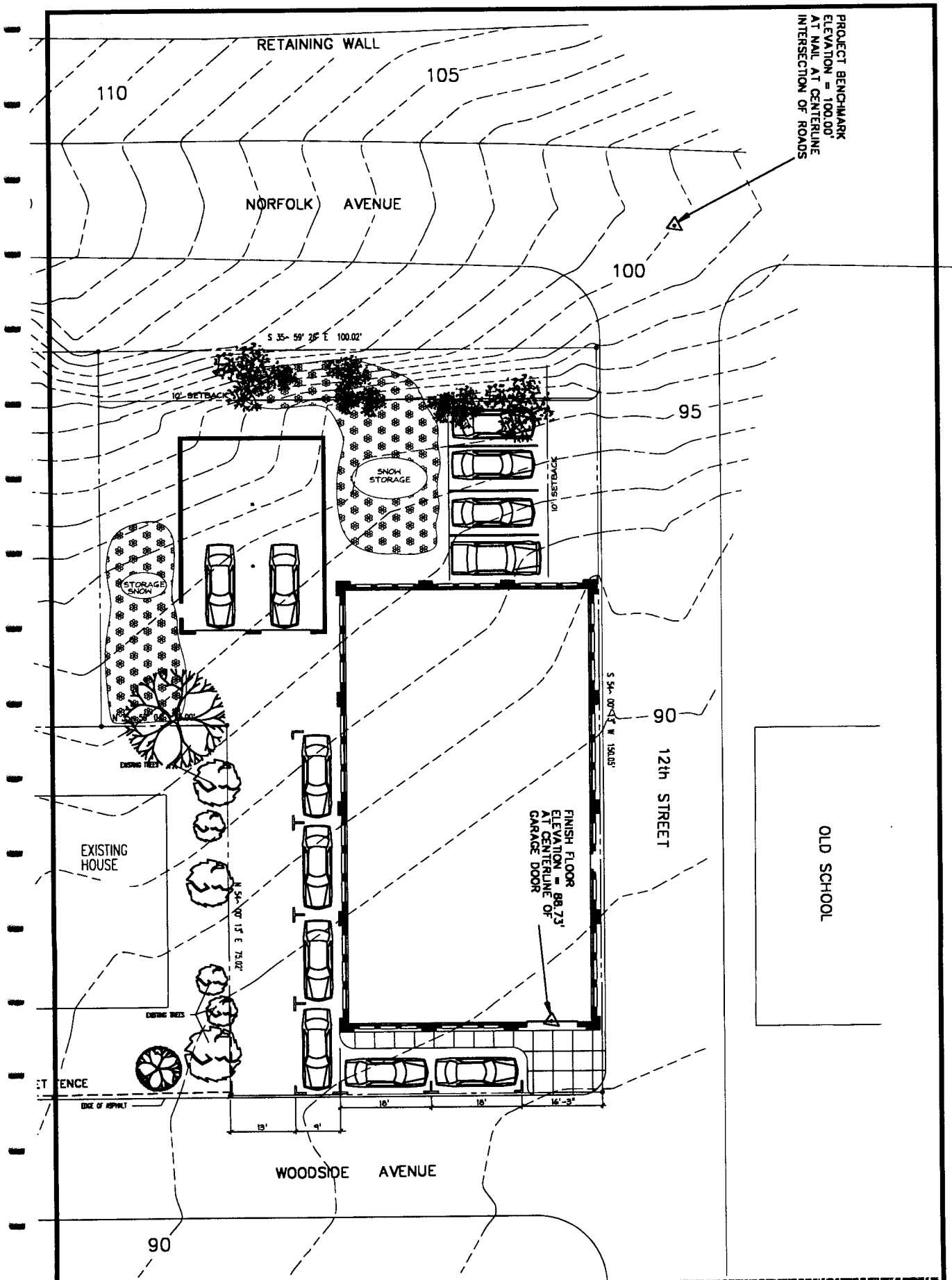
If contrary to my hopes and aspirations I do not receive the requisite approvals, than failing all other remedies I intend to maintain its present use possibly renting the structure out to a bus shuttle company which has approached me. Needless to say I hope it does not come to this as it seems an inappropriate use for such a unique community asset. Thank you for considering my request and hopefully, for helping me realize a dream.

DRAWING FILE



OLD SCHOOL

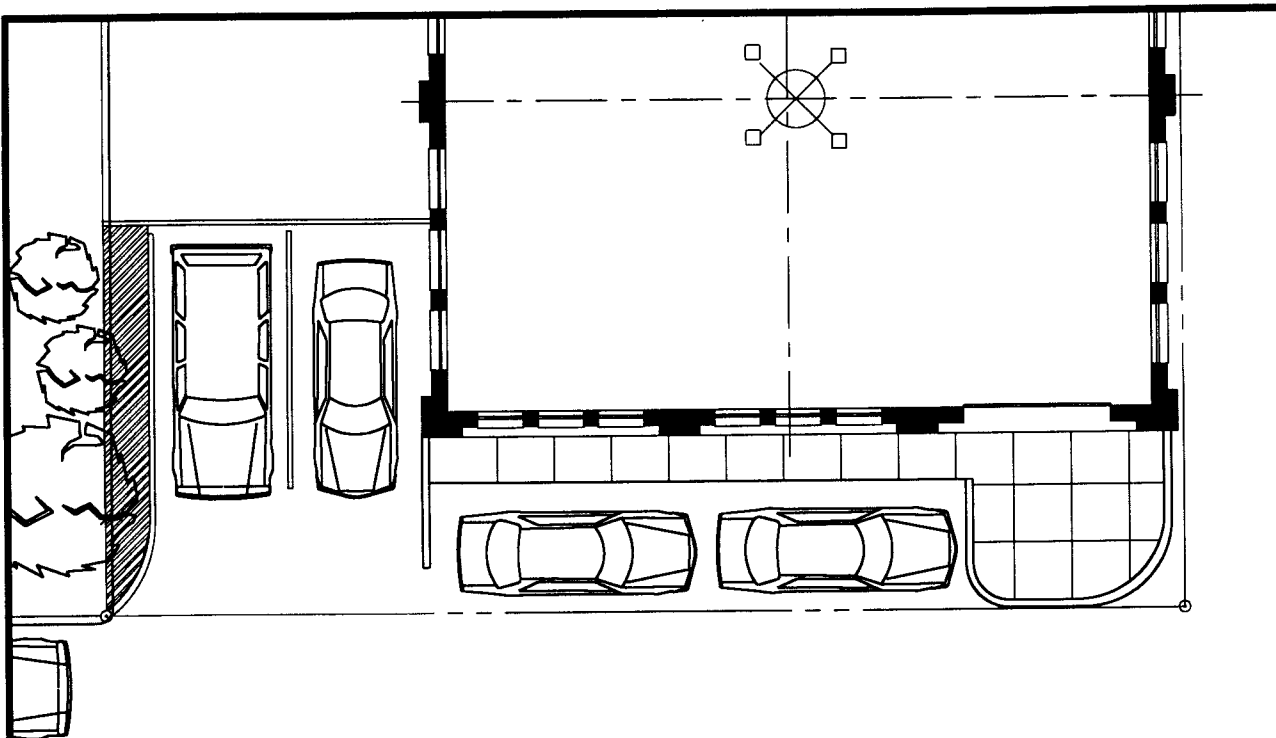
PARK CITY DESIGN CONSULTANTS DAVID BELZ, Architect 811 Park Avenue PO Box 88287 Park City, Utah 84099 Phone: 801-940-0000 Fax: 801-940-0000	PROJECT DESCRIPTION: 1167 Woodside 1167 Woodside Ave. Park City, Utah	SHEET DESCRIPTION: Site Plan, Existing DATE: 5/21/05 SCALE: 1/8" = 1'-0"	SHEET NO.: A-1 SHEET END © 2005 Park City Design Consultants
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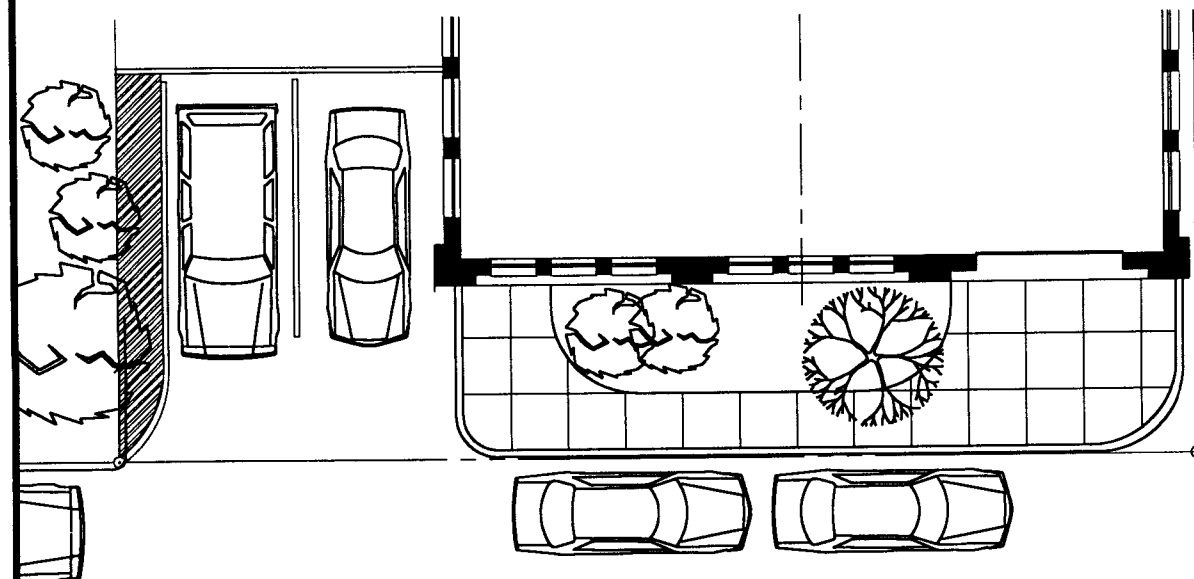
PROJECT BENCHMARK
ELEVATION = 100.00'
AT NAIL AT CENTERLINE
INTERSECTION OF ROADS

OLD SCHOOL

PARK CITY DESIGN CONSULTANTS DAVID BELZ, Architect 811 Park Avenue PO Box 81237 Park City, Utah 84099 Phone 435-640-6000 Fax 435-640-6000	PROJECT DESCRIPTION: 1167 Woodside 1167 Woodside Ave. Park City, Utah	SHEET DESCRIPTION: Site Plan, 12 Car Option	DATE: 5/24/05	SCALE: 1/8" = 1'-0"	DESIGNER: _____ _____ _____ _____ _____	SHEET NO.: A-1a DESIGNED BY: _____ _____ _____
	NOTES: OWNER AND USER ARE RESPONSIBLE TO HAVE ANY EXISTING REGULATIONS AND SET BACKS AND TO DETERMINE THE APPROPRIATE USE AND ADAPTATION OF THIS PLAN.					



Street side parking issue
Option 2: Parking inside property line



Street side parking issue
Option 1: Parking in city right of way

PARK CITY DESIGN CONSULTANTS

DAVID BELZ, Architect
611 Park Avenue, PO Box 99287
Park City, Utah 84099
Phone 801-497-9999 Fax 801-497-9999

1167 Woodside
1167 Woodside Ave.
Park City, Utah

Street Side Parking Analysis

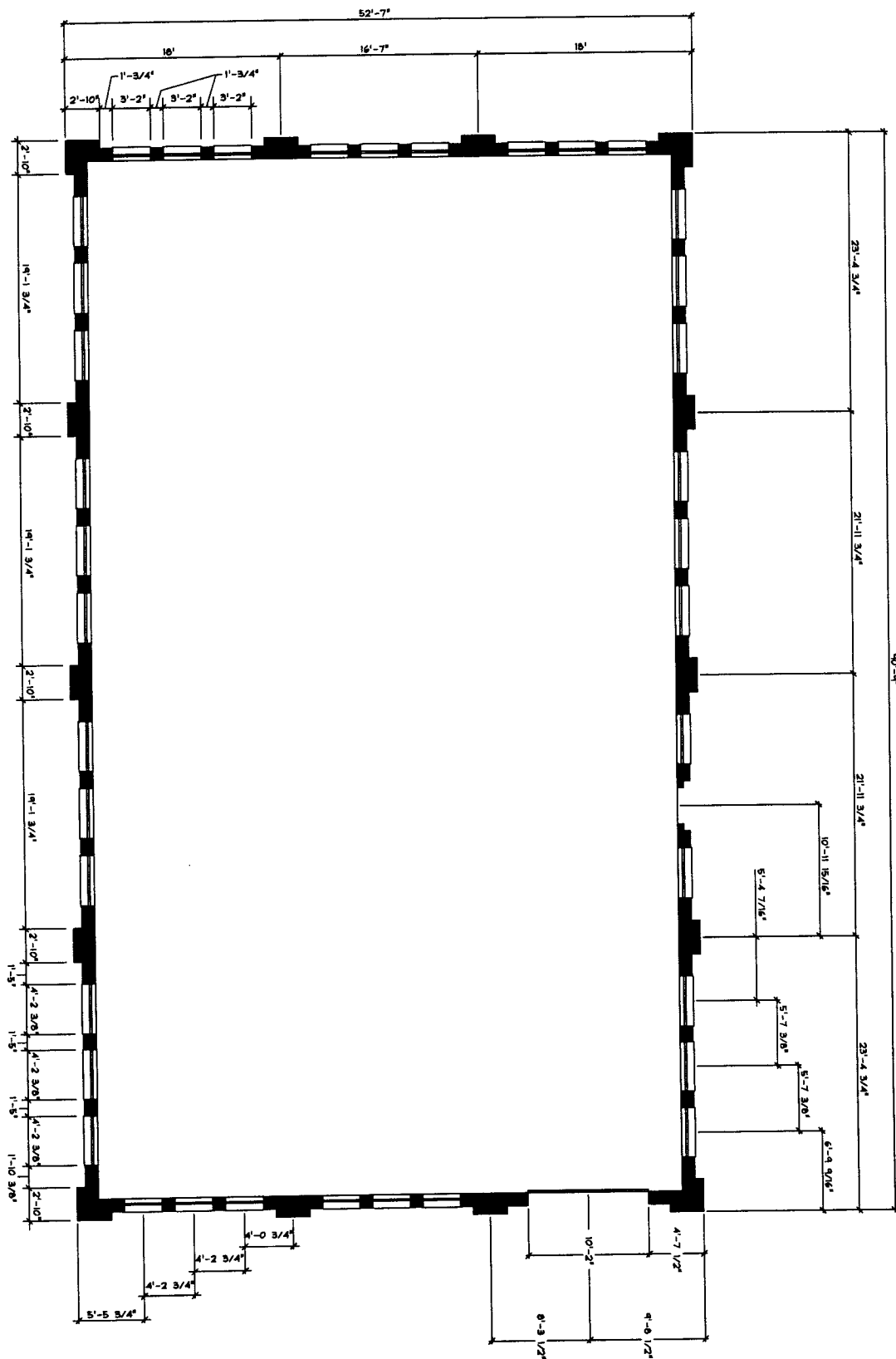
DATE: 5/5/95

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

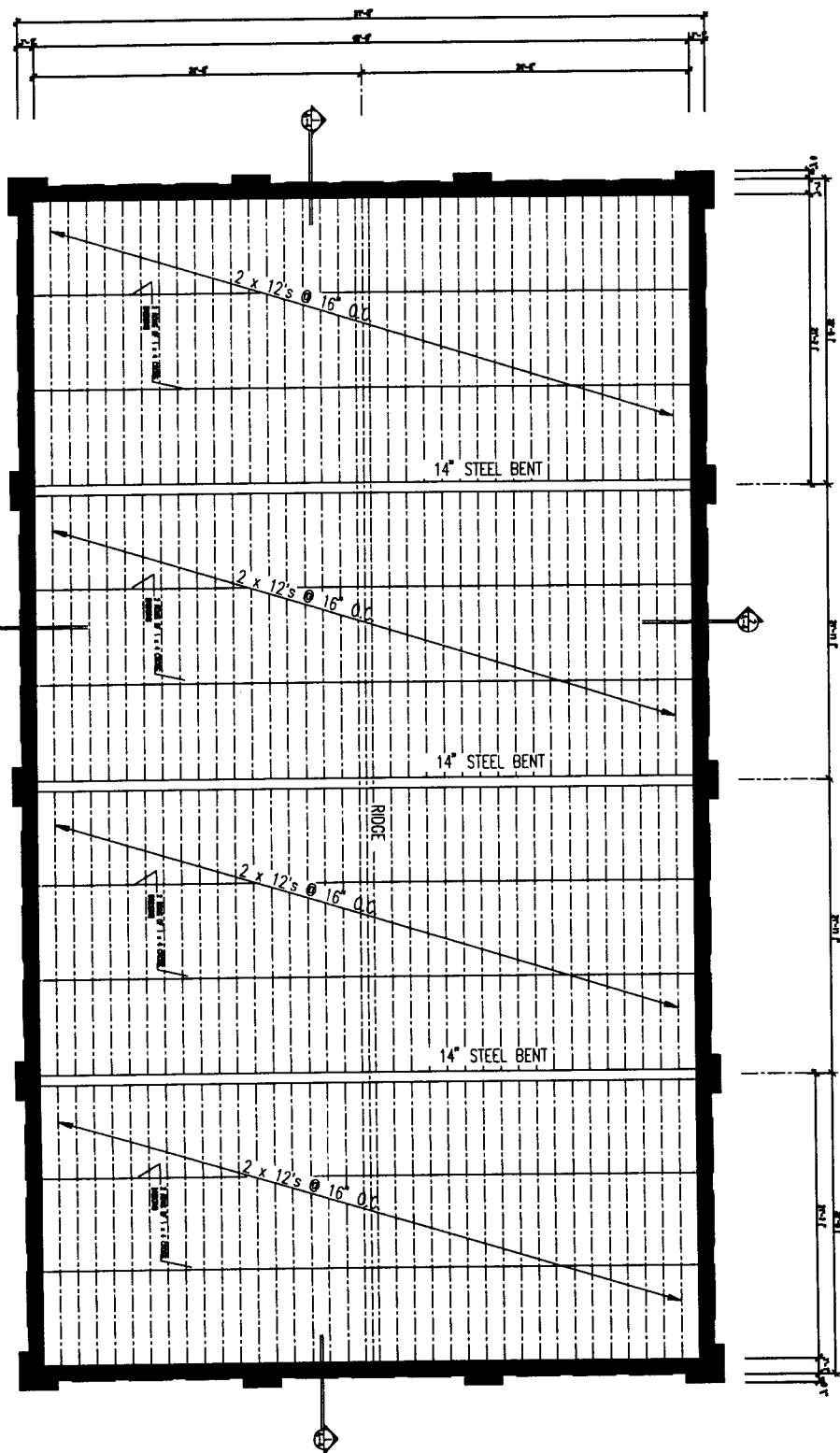
SHEET NO. 1

A-1e

DESIGNED BY:
DRAWN BY:



ROOF FRAMING PLAN



PARK CITY DESIGN CONSULTANTS

DAVID BELZ, Architect
611 Park Avenue, PO Box 60257
Park City, Utah 84060
Phone 801-447-0200 Fax 801-447-0201

1167 Woodside

1167 Woodside Ave.
Park City, Utah

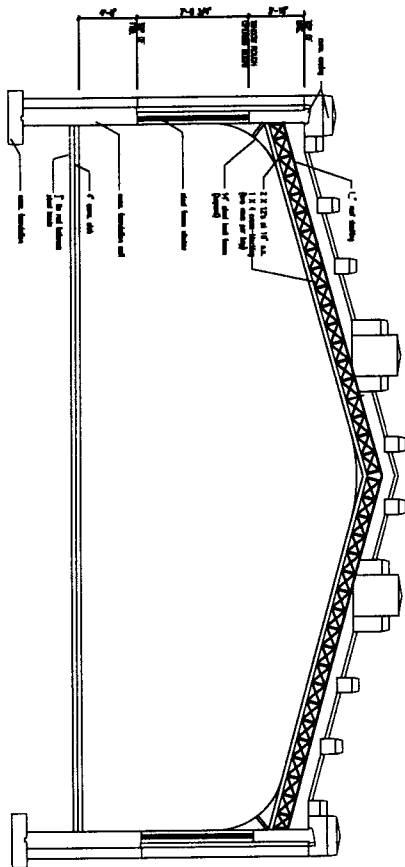
Roof Framing Plan

DATE: 5/31/05

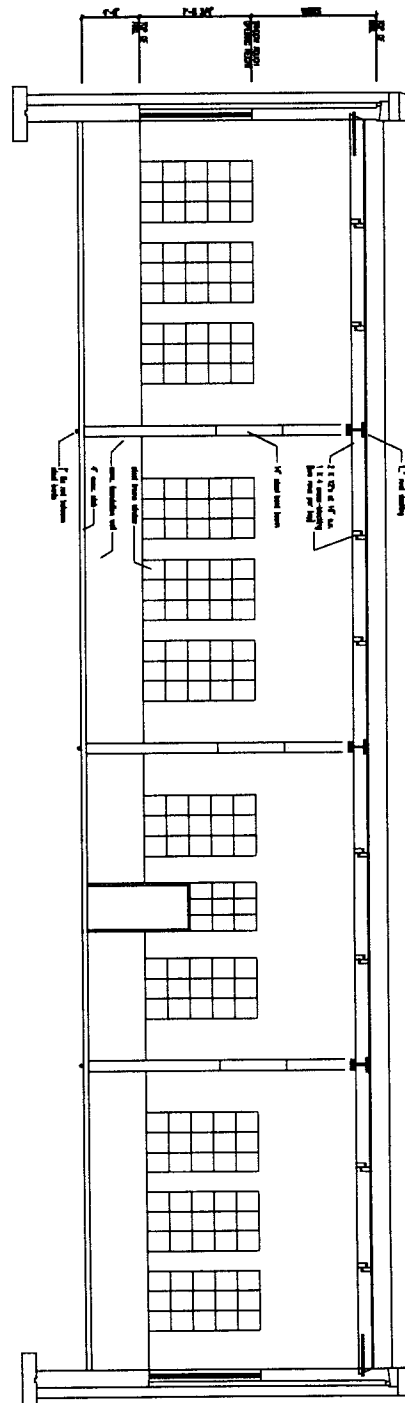
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A-3

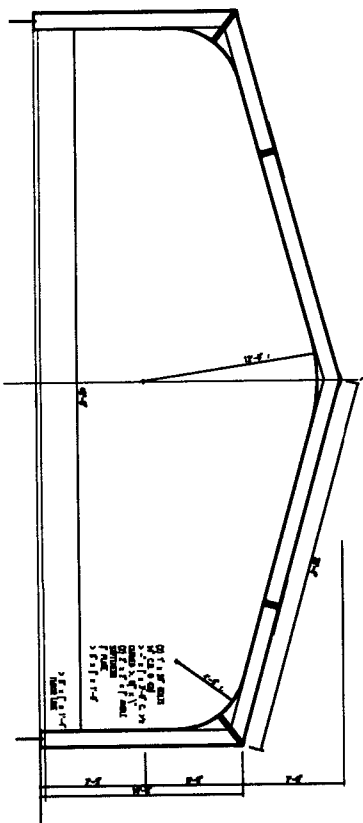
DESIGNED AND
DRAWN BY: [Signature]



2
A-3
BUILDING SECTION
1/4" = 1'-0"



1
A-3
BUILDING SECTION
1/4" = 1'-0"



STEEL BENT ELEVATION
1/4" = 1'-0"

PARK CITY DESIGN CONSULTANTS

DAVID BELZ, Architect
911 Park Avenue, 20th Floor
Park City, Utah 84060
Phone: 435-640-0880 Fax: 435-640-0880

PROJECT DESCRIPTION:
1167 Woodside
1167 Woodside Ave.
Park City, Utah

EXISTING SECTIONS:
Existing Sections

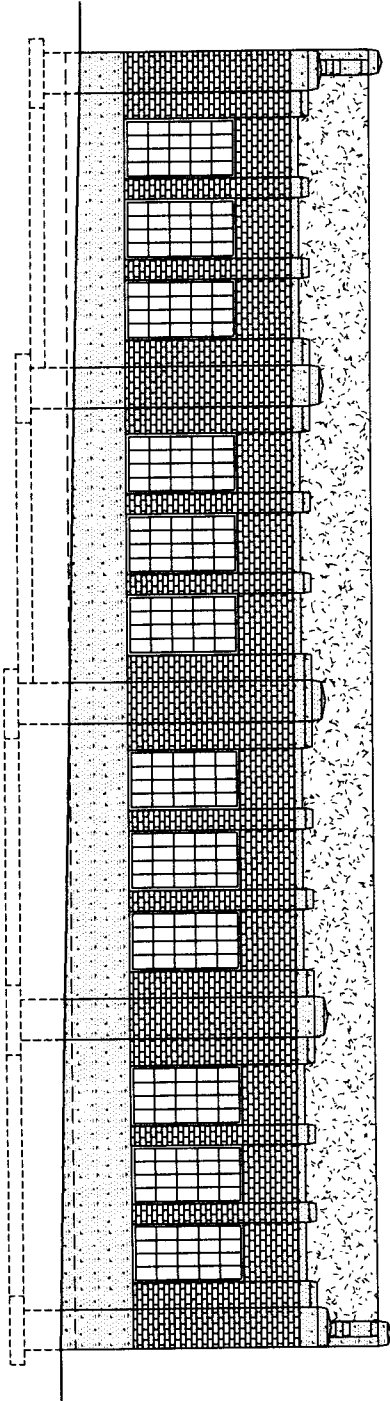
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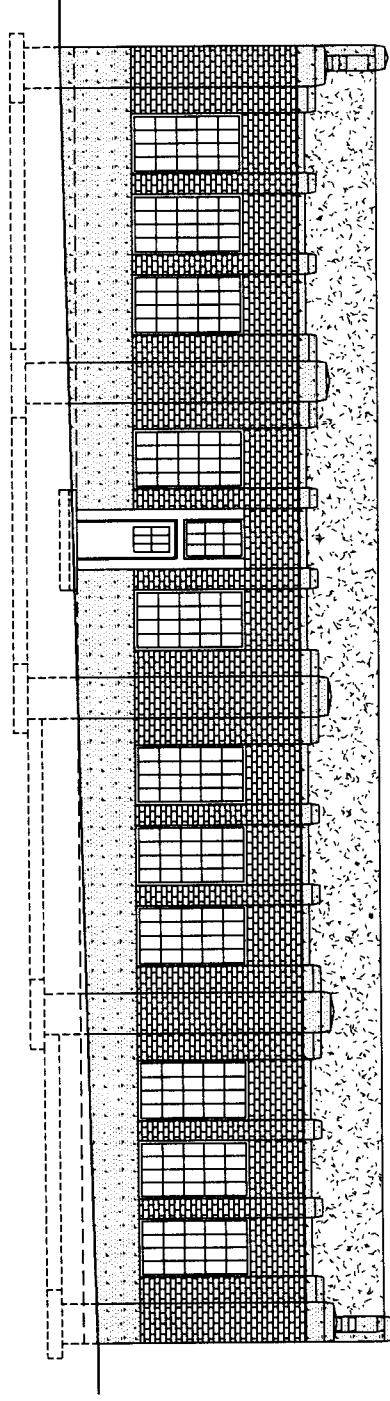
Sheet No. 1
A-4

DESIGNED FOR:
BY: [Signature]

SOUTH ELEVATION



NORTH ELEVATION



PARK CITY DESIGN CONSULTANTS

DAVID BIELZ, Architect
151 Park Avenue PO Box 10000
Park City, Utah 84302
Phone 435-633-0000 Fax 435-633-0000

1167 Woodside

1167 Woodside Ave.
Park City, Utah

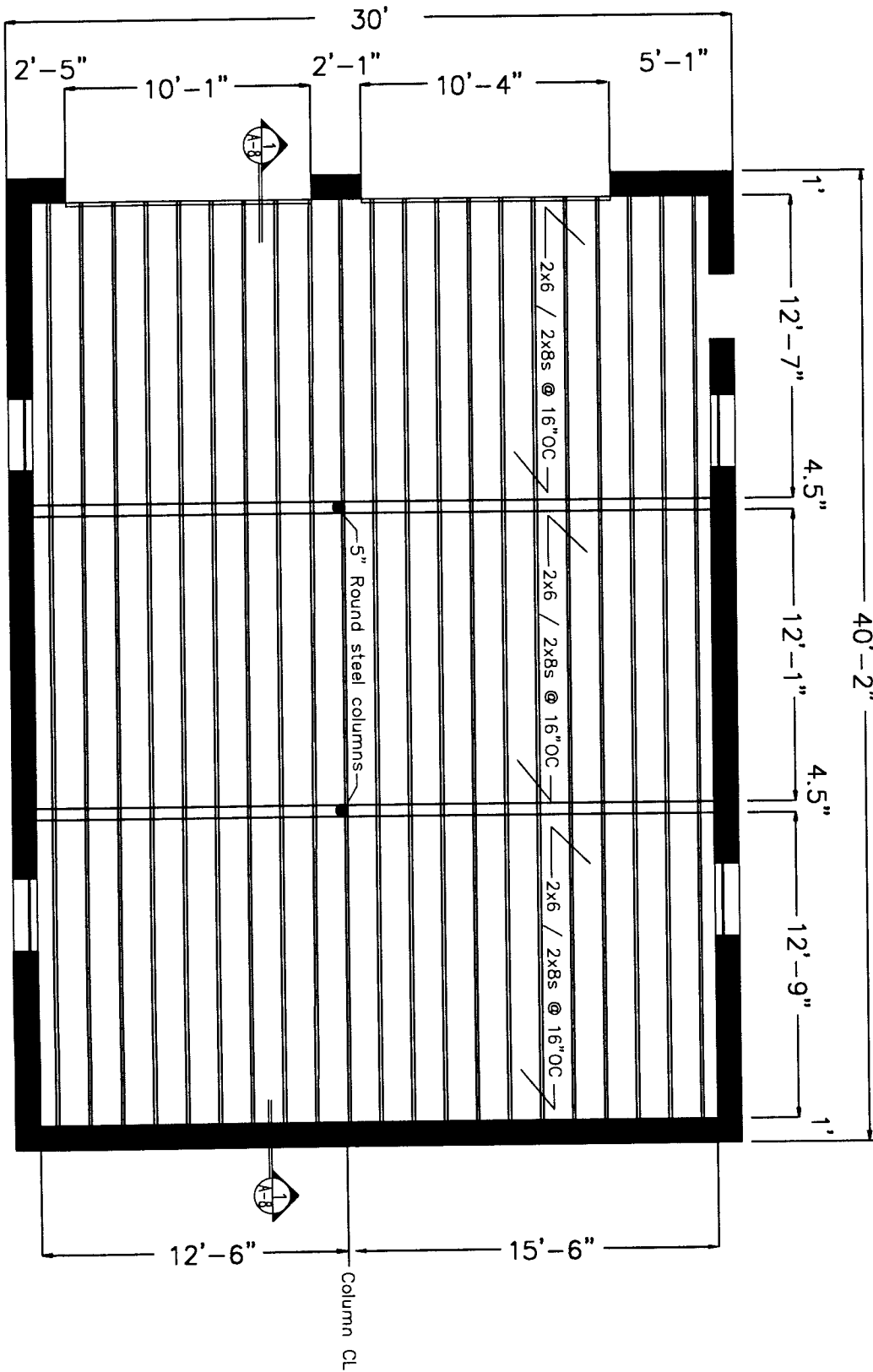
Elevations

DATE: 5/31/95

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

SHEET NO: A-5

DESIGNED BY: David Bielz



PARK CITY DESIGN CONSULTANTS

DAVID BELZ, Architect
 811 Park Avenue PO Box 982307
 Park City, Utah 84302
 Phone 801-499-0282 Fax 801-499-0283

1167 Woodside

1157 Woodside Ave.
 Park City, Utah

Garage Roof Framing Plan

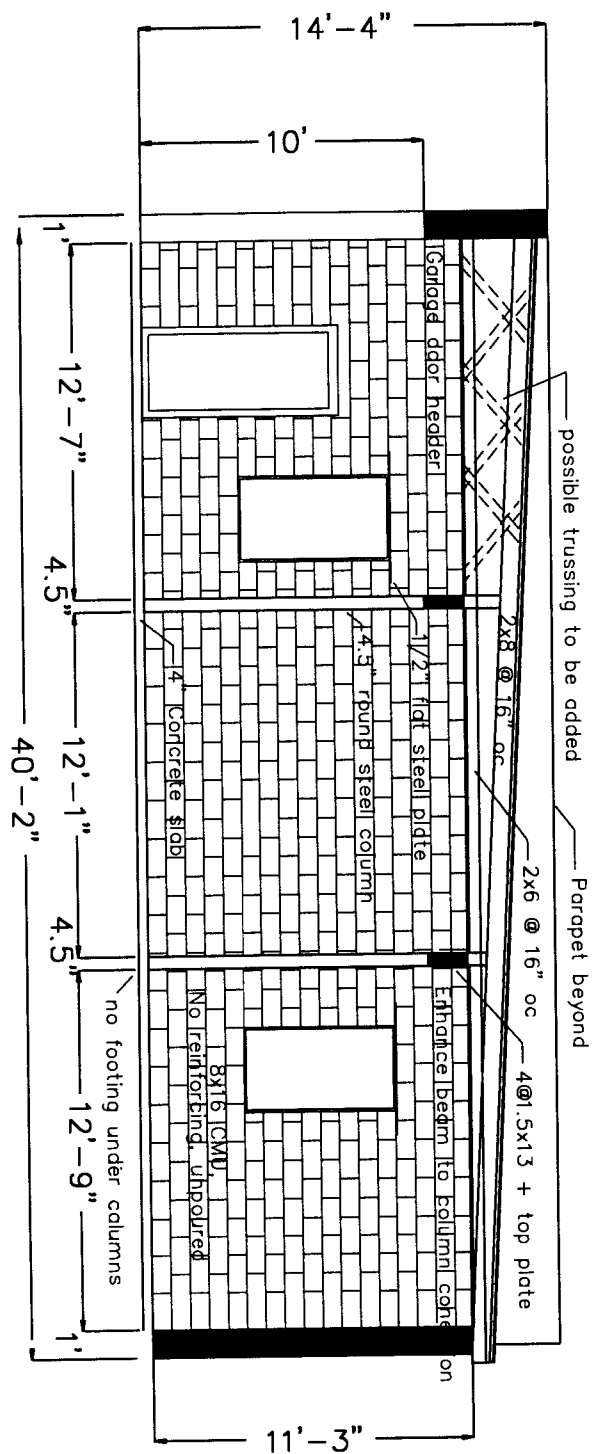
DATE: 5/5/18

SCALE: 1/2" = 1'-0"

A-7

DESIGNED BY:
 CHECKED BY:

1
A-7 BUILDING SECTION



PARK CITY DESIGN CONSULTANTS

DAVID DELZ, Architect
333 Park Avenue, 7th Floor, New York, NY 10022
Phone: 212-693-0000 Fax: 212-693-0001

PROJECT DESCRIPTION:
1167 Woodside
1157 Woodside Ave.
Park City, Utah

DATE: 5/9/93
SCALE: 1/2" = 1'-0"

Garage Section

SHEET NO.:
A-8

DESIGNED BY:
A. J. WILSON/PCDC

PHOTO FILE

1167 WOODSIDE CONTEXT STUDIES



LOOKING SOUTHWEST

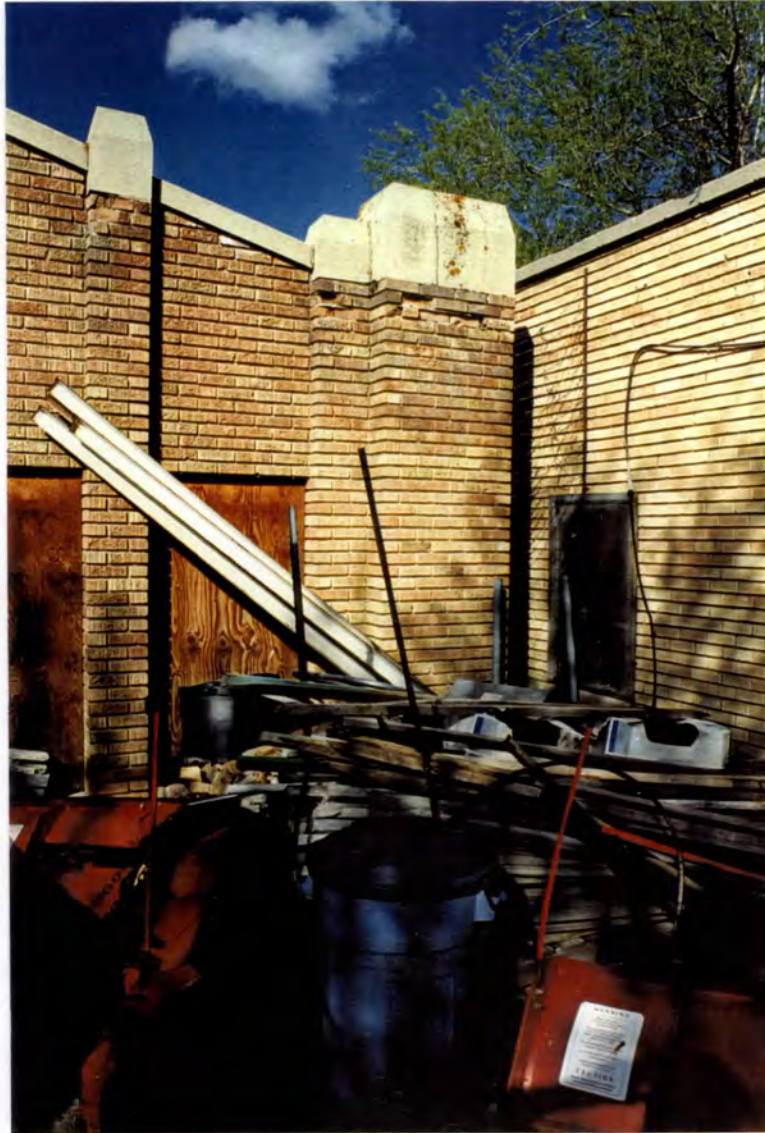


LOOKING NORTHWEST

EXISTING SITE STORAGE AREAS



EXISTING SITE STORAGE



EXISTING CONDITIONS



NORTH FACADE



SOUTH FACADE

EXISTING CONDITIONS



INTERIOR PARAPET



INTERIOR PARAPET

SMALL GARAGE



NORTH ELEVATION



NORTH ELEVATION

SMALL GARAGE



LOOKING NORTHEAST



LOOKING EAST

SMALL GARAGE



SOUTH FACADE



WEST FACADE
(NORFOLK AVE)

SMALL GARAGE



EAST FACADE



EAST FACADE

EXISTING VEGETATION BUFFERS



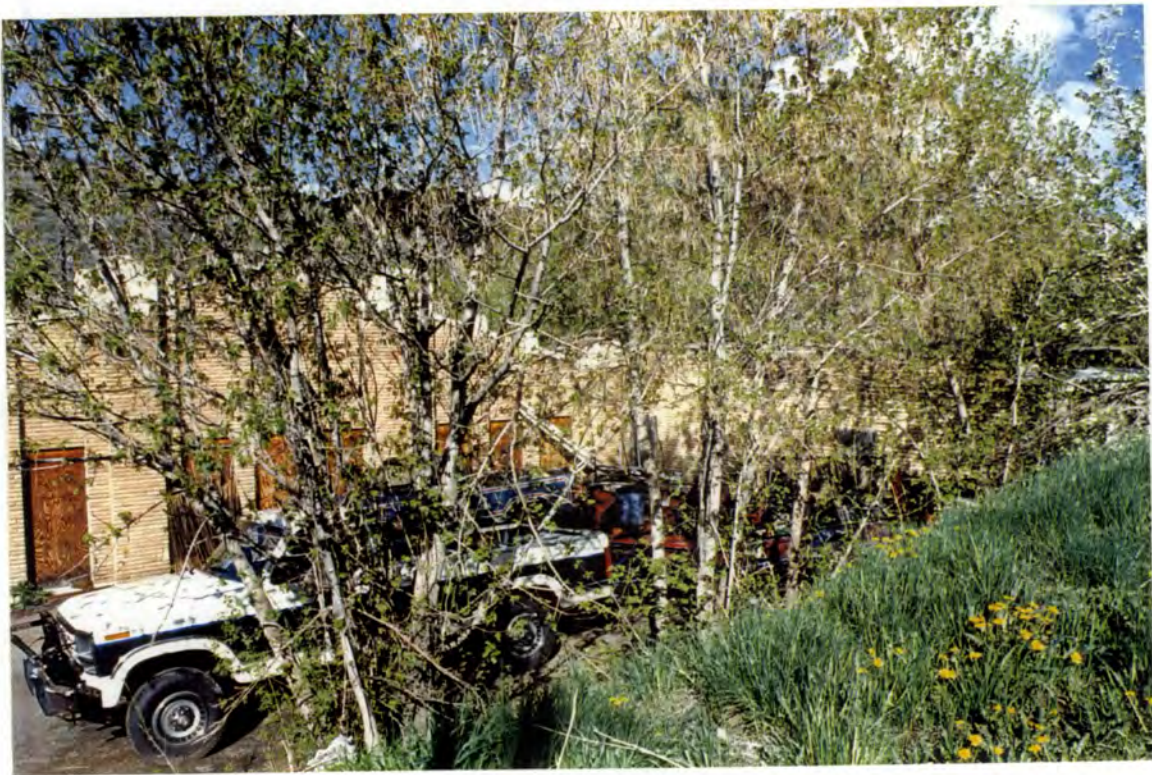
SOUTH SIDE IN WINTER



EXISTING VEGETATION BUFFERS



SOUTHERN PROPERTY LINE



WESTERN PROPERTY LINE

1157 WOODSIDE: REVIEW OF HISTORIC SIGNIFICANCE CRITERIA

1. The structure is not associated with events or lives of significant historical figures. This is in no way intended to discount the importance of those involved in the maintenance of School buses between 1960 and 1990, however, the applicant has interpreted this provision to refer to more public figures in Park City's history.

2. No unique construction types; The building is an unreinforced concrete block structure with brick facing applied to two the North and East facades to make the building more compatible with the primary structure on the site. The most distinguishing features are the two roll up garage doors which are similar if not identical to industrial garage doors sold today.

3. The building does not contribute to the historical value of the site and in fact crowds the corner of the more significant primary structure. The building is for the most part not visible from any public right of ways. It is below street level as viewed from Norfolk Avenue. It is almost 100' off of Woodside with 25% of the East facade hiding behind a fence where the property line jogs. The North facade is the most visible. Despite this, it is over 50' off of 12th Street, is partially shielded by the primary structure and the bottom 4 feet is covered by an adjusted grade established for parking. Further, the brick applied was intended to match the larger structure on site but is a smooth face where the main building uses a wire cut textured brick.

4. The building is not 50 years old and has not achieved any special significance since its construction.

5. The building has no significant relationship to surrounding structures except for the brick facing which was intended to match the adjacent building but which doesn't.

6. The applicant can identify no other discernible factors which are relevant to the historical or architectural aspects of the building structure or site.

CORRESPONDENCE FILE

David Belz, Architect, Owner

811 Park Avenue PO Box 681237
Park City, Utah 84068
Work: 801-649-9339 Fax: 647-9339

June 17, 1994

Tamara Campbell, Planner

Department of Community Development, PCMC

545 Marsac
Park City, Utah 84060

Dear Tamara

I am writing in regards to my application for 1167 Woodside's change of Non conforming use to the Board of Adjustments.

I have been told that you have taken this project over from Janice and I have yet to hear from either of you on the matter.

I spoke to Megan the other day and she told me we were scheduled for the June 28th Board of Adjustments meeting.

I am glad we have gotten the project scheduled, however, I am concerned as I have received no formal staff input to react to and prepare from. With my recent CAD hearing on 801 this was and is a major problem. In that instance, I was not given critical review positions of the city until the Friday before our Monday meeting. I was unfairly surprised by the content of staffs analysis and had insufficient time to fully respond. Further, the HDC did not have any time to consider that which I was able to prepare before they took action. I can not have the same situation occur with this project.

To date, the only input I have received has been a couple of conversations in the hall and one or two phone calls with Janice. Each time I enquired as to where the staff was at with its review and what positions they had taken, if any. I was told that staff "had a problem" with my claim of a non-conforming use. and in a different conversation that the staff may be able to support class room type uses but had a problem with my proposed office uses.

I tried to get Janice to elaborate on the problems concerning the documentation I provided showing that my Non-Conforming use had been properly maintained. She could not give me any further information other than staff some how felt the non conforming use had not been maintained.

I need to get staffs review as soon as possible to determine if there is any further information I need to prepare. Depending on staffs position and when I can receive that information, we may need to make provisions so I can prepare further for our meeting and so that the Board of Adjustments can have time to digest any additional materials which staff feels may be needed.

Please contact me as soon as possible so I can find out where we stand.

Sincerely yours,

David Belz

David Belz, Architect, Owner

811 Park Avenue PO Box 681237
Park City, Utah 84068
Work: 801-649-9339 Fax: 647-9339

July 29, 1994

Tamara Campbell, Planner

Department of Community Development, PCMC

545 Marsac
Park City, Utah 84060

Dear Tamara

As decided at our meeting this morning, this memo is to formally request that the Board of Adjustments hearing on 1167 Woodside for a change of non conforming use be postponed from Tuesday August 3 until Further notice.

Although I believe the application is complete and ready to go, this postponement should allow both of us more time to assure every detail of our application is supportable by code and staff.

As we spoke of this morning, I will prepare another brief point by point analysis for the planning department to address what code provisions are being applied in my application. This should help us determine for certain that no detail of the application is at jeopardy. As I joked the other day, I hope my thoroughness doesn't shoot me in my own foot.

In the meantime, my original application has a detailed point by point break down of the code provisions being applied and staff analysis of any problems they perceive would be greatly appreciated.

By understanding what "hooks" the planning department may find, I can address those concerns through process and /or plan modifications.

I know that every one at the city is extremely busy but this postponement is in no way intended to remove the application from process, I only wish to allow us both time to make sure ever t is crossed and I is dotted.

I wish to be ready to go to the board at one of the next few meetings and accordingly, I hope staff can make the time to take a thorough look at the project and help to trouble shoot the process in front of us.

As always I thank you for your help and make myself available to discuss the project at your convenience.

Thank you again for your help,

David Belz

David Belz

811 Park Avenue PO Box 681237
Park City Utah 84068
801-649-9339 Fax: 647-9339

October 13, 1994

Tamara Campbell

Park City Planning Department
545 Marsac
Park City Utah 84060

RE: 1167 Woodside Board of Adjustments meeting

Dear Tamara

It has been a while since we have corresponded on the upcoming board of adjustments meeting on 1167 Woodside. Accordingly I wanted to touch base and make sure, based on our brief conversations to date, that my understandings are accurate on where we are at.

Based on our last conversation, I was encouraged that Staff was going to support the proposal. I was, however, left a little unclear on the details of how you wanted to proceed with the processing logistics.

It sounded like you were going to propose a reduction in parking requirements (*as allowed for on historic structures*) so that a variance would not be required. I am not sure how this affects the bigger picture and it would be helpful for me to get a clearer understanding on what you are thinking.

I have interpreted our conversation to mean the following: Because we were asking for the phased development of the project in that the **enclosed parking** was proposed to be added at a latter date from the restoration of the primary building; you are proposing, instead, that the Board of Adjustments and / or the Planning Director waive some of the parking required and approve the project with the existing surface parking presently available on site. The plans show there is surface parking available for around 9 cars and I believe we can make accommodation for at least 3 others. With the approval of the restoration and change of non-conforming use handled, we would then come back, as a separate issue, for approval of the enclosed parking structure with the houses above fronting on Norfolk Avenue.

If this is in fact what you are suggesting, this seems like it could work out great. If we are going to take this tact, then I would like to talk to you about how and when we would follow up with the then separate matter of the projects next phase; (the enclosed parking structure with the two house above it), as well as to discuss the details of any conditions of approval which might accompany the plan.

If, on the other hand, my understandings are inaccurate, than as requested many times, I would appreciate the opportunity to sit down with you and discuss the proposal and any logistical problems we might need to address. In this way, I can help to identify solutions and come to the meeting fully prepared.

In regards to this proposal as a community issue; I have spoken to many of the people in the immediate neighborhood as well as many other Parkites and have received nothing but support and encouragement on the proposal.

I also contacted the two people who you told me called in with some concerns, Sandra Hall and Al Janc. I spoke with both of them and they primarily wanted to understand better what we were proposing. When I explained the project and proposed uses to them, they seemed to have no objections.

These are the only people you have told me about todate. *(with the exception of Bruce King from Montessori who is interested in the space for his own use.)* As I have told you in the past, if anyone else expresses a concern or has any questions, I will be glad to walk these individuals or groups through the proposal as well.

I find it encouraging that the project which has been posted for so long has apparently generated little or no community objections. As I mentioned above, I have received nothing but support from the many I have spoken with about our plans.

I am looking forward to working with you to get this project off center. If all goes well, I would like to begin the restoration in early spring so that by late fall, we could have a finished product which would compliment the fine restoration the City under took on the Park City Education Center.

Thanks again for all your help.

Sincerely yours,

David Belz, Architect

David Belz

811 Park Avenue PO Box 681237
Park City Utah 84068
801-649-9339 Fax: 647-9339

October 15, 1994

Tamara Campbell

Park City Planning Department
545 Marsac
Park City Utah 84060

RE: 1167 Woodside Board of Adjustments meeting

Dear Tamara,

I just received the staff's report on my proposal for 1167 Woodside and was very pleased to see that staff was recommending approval, with conditions. However, I have a few concerns about the conditions which Staff proposed.

When we last spoke, I was under the impression that you were going to propose a variance in the parking requirement. Due to the nature of the neighborhood, I can easily understand why, after further consideration, staff has concluded that this kind of variance may not be appropriate.

This brings us to determining a set of conditions which will work for both the city and for the applicant as well.

The conditions which Staff proposes present several concerns for the applicant. While the staff's proposal allows us to move forward and create a limited amount of office / studio space, and the continued use of a large amount of storage space, it does not provide sufficient flexibility to utilize the space under a variety of scenarios, including my own spatial needs.

Further, while artist studios (*as outlined in staff's table of proposed uses*) are high on my list for prospective users, our application is seeking broader flexibility to accommodate a variety of other users over time which might include other Architects, Interior Designers, a Lawyer, an Accountant or other like service providers which generate little or no client traffic.

What I would like to achieve is the flexibility of uses mentioned above with flexibility on how those uses, including storage, are proportioned with in the building.

Accordingly, I feel conditions which limit the number of building users / occupants based on parking provided will work better for the applicant than conditions, as proposed, which limit the area of the building which can be used for specific uses. (*By way of example; if I have my Architects office in the structure and have 3 employees in 800 Square feet, I will create no additional parking demand if the same 3 employees were to occupy 2,000 Square feet. Likewise, an artist with 200 Sq. Ft. will have the same parking requirements if he or she needed 1,000 Sq. Ft.)*

In an earlier meeting, we discussed the possibility of putting such a covenant on the number of occupants allowed to work out of the structure which would be tied to the number of parking spaces provided. Similar covenants were required of my conditional use approval of 811 and 817 Park Avenue as an Architects office. It was my understanding that you briefly consulted the City legal staff on this issue, and that Jody was of the initial opinion that such a condition was legal and practical.

The existing site plan shows accommodations for 9 surface parking spaces without tandem allowances or parking in the setbacks or on street frontages. This plan also demonstrates that the site can accommodate, as is, up to 17 cars with these allowance and conservatively, 14 or 15 cars without any on street parking. I understand tandem parking is not allowed for commercial uses, however, as a matter of practicality, where a small group of closely related users is concerned, some consideration of the tandem allowances does not seem unreasonable.

I propose the following:

1. Approval for any mix of the following uses: Professional Offices, Artist / design studios, storage, and as addressed specifically in #5 below, group meeting space.
2. Approval of any square footage mixes for the above approved uses which can be accommodated within the existing shell.
3. A total maximum of 9 occupants / workers will be allowed to occupy the subject property based on the **existing surface parking provided**. This parking consideration and allowance supersedes other related requirements of chapter 13 of the LMC, including the need for parking to be "fully enclosed".
4. As additional parking is provided, the number of allowed occupants / workers will be increased by one for each additional space provided either on site or in the immediate vicinity. **At the City's discretion** (at a future date), additional occupants, (*outside that allowed by parking accommodated on site or in the immediate vicinity*), may be provided for by contributing to the city parking fund.
5. As a **separate** conditional line item, Karate, Yoga, Dance, Book and Academic Clubs or other similar group meeting space will be allowed during specified times, to be determined. Notwithstanding the parking considerations above, said groups will be allowed up to 25 participants, including instructors. In the event these conditional "small group" uses present any problem for the neighborhood, at any time, then this conditional use can be revoked with 60 days notice by the Planning department or as otherwise provided by code. Said revocation will not effect the other approved uses of Professional offices, artist / design studios, and storage.
6. A variance to allow **below (street level) grade** parking in the set back fronting Woodside. Said variance to be subject to the planning department's approval of the surface treatment of said structure. (*This variance is in support of the applicants future efforts to provide fully enclosed parking as shown in the proposed plans, and to accommodate housing above said parking.*)

I appreciate your considering my concerns and proposed solutions. If you so desire, I would be glad to sit down, at your convenience, and elaborate further.

Sincerely yours,

David Belz

David Belz, Architect

811 Park Avenue PO Box 681237
Park City Utah 84068
801-649-9339 Fax: 647-9339

October 20, 1994

Kirsten Whetstone, AICP

Park City Planning Department
545 Marsac
Park City Utah 84060
Fax: 645-5078

RE: 1167 Woodside Board of Adjustments meeting and Introductions

Kirsten,

My name is David Belz and I wanted to introduce myself as I understand you will be taking over my pending projects. Tamara has spoken highly of you and I am looking forward to meeting and working together.

Minutes ago I learned that where my calendar showed Thursday as the date for the Board of Adjustments meeting on 1167 Woodside, that in fact the meeting was on Tuesday. I extend my sincere apologies to staff, the Board, and to all those who showed up for the meeting. I am most embarrassed especially considering this hearing had already been rescheduled a couple of times.

Sharon tells me that the next meeting will be some time in the first half of November. I would very much like to meet with you to in regards to my letter of October 15th. That letter primarily concerns the conditions of approval which would accompany any staff recommendation in support of the project.

We can meet at your convenience to discuss the project, unless you feel that everything is in order and that the conditions of approval proposed in the letter dated October 15th present no problems. I look forward to hearing from you on this matter.

This brings me to my other project on which I assume you have been briefed; the Park Avenue MPD. I would be glad to sit down and walk you through the various proposals being considered, the project's history, and in general, the applicant's perspective of where we are at.

Presently we have been working with Jody and Rick to try and resolve certain issues, however, I thought it still might be helpful to bring you up to speed. Lets talk to Rick and see if he also thinks it would be a good idea. If so, I will meet at your convenience.

Once again I apologize for missing the Board of Adjustments meeting and look forward to meeting you.

Sincerely,

David Belz, Architect

David Belz, Architect

811 Park Avenue PO Box 681237
Park City Utah 84068
801-649-9339 Fax: 647-9339

RECEIVED

NOV 22 1994

PARK CITY
PLANNING DEPT

November 16, 1994

Kirsten Whetstone, AICP

Park City Planning Department
545 Marsac
Park City Utah 84060
Fax: 645-5078

RE: 1167 Woodside revised request to the board of adjustments

Dear Kirsten

After last night's meeting I went over the plans and code provisions for what we want to achieve.

I offer the following for your consideration.

The code required parking for the structure based on the LMC would be 19 or 20 cars depending on the amount of space taken up by bathrooms and other common areas. (1 per 200 Sq. Ft. of net rentable = (4,500 Sq. Ft. - Commons)/ 200)

I was able to revise the parking structure (*see attached drawings*) as originally shown to accommodate one additional car. If we are able to attain the City Engineers consideration as allowed by code (7.1.4e) for the two cars extending into the city right of way (*roughly 7 feet*), then this plan will accommodate 19 cars.

In the event the City Engineer declines this encroachment, I have drawn another option which provides parallel parking within the front setback area as allowed by code in the HR-1 zone. This plan could provide 20 parking spaces. (*provided the space closest to the corner is acceptable*) The drawback of this option is it provides less opportunity for landscaping and front entry articulation.

In regards to my statements that parking was required to be "fully enclosed", I believe I was mistaken. This is a requirement of the HRC zone, not chapter 13, and therefore does not apply to this project.

Despite there being no requirement for fully enclosed parking, I will be proposing to put a lid over the majority of the 13 spaces closest to Norfolk Avenue. It seems that by the time a retaining wall is installed along the property line, and with the railing which would have to extend beyond this we would end up with a wall that could easily be 15 feet high at the Southwest corner of the parking area. Further, as snow is plowed along Norfolk, there could be a tendency for it to be pushed over the edge into the parking lot. By applying a lid over this parking, snow removal and storage would be less of an issue, parking spaces would always be accessible, pedestrians walking along Norfolk would not be at risk, and one or two residential units could be accommodated above.

If in the end analysis we need to forsake the concept of covered parking, I would consider this, however, I do not believe it is in the long term interest of the property or the community.

This brings me to your concerns about expansion of a non-conforming use. If you were to interpret the parking structure as an expansion of a non-conforming use, I still believe we can meet the requirements of chapter 12. In applying section 12.3c, the garage addition could be interpreted to improve "safety and efficiency" and as not "constituting and expansion of the **principal** use." *(the set back issue referenced in this section is where a variance would be required) (also please note that a significant portion of the proposed parking structure is replacing the roughly 1,200 Sq.Ft. existing garage structure (built circa 1959)).*

Another possible interpretation is that a parking structure with housing above it is not a non conforming use in this zone. In the HR-1 district parking is allowed in below grade side yard setbacks between "participating developments" (7.1.4c). Section 7.1.4c also provides for common parking facilities. Per this code provision, the proposed parking structure would "*facilitate the development of individual buildings that more closely conform to the scale of historic structures in the district.*" and further, I also believe that section 7.1.1, the purpose of the HR-1 zone, fully supports the spirit of our proposal. The proposed parking with housing above facilitates (1) the preservation of a significant historic structure and (2) the construction of new structure(s) which contribute to the character of the district. *(Is not a historically compatible residence fronting Norfolk more desirable for the neighborhood than the existing flat roof of the garage structure which would be replaced?, or to an exposed surface parking lot if uncovered parking were instead provided?)*

As to the proposed residences above; the proposed housing would meet all the code requirements of the HR-1 district save one; the below grade parking outside of the garage allowance of 400 Sq. Ft. per structure. The underlying code would allow for the development of two units of around 1675 Sq. Ft. each, or a single unit of around 2,250 Sq. Ft.

Based on this revised direction which would remove the phasing request from my original application, I believe we would be specifically going to the Board of Adjustments to request a variance to place a structure in the set back fronting Norfolk to facilitate the below grade parking. (*"open parking" is allowed per 7.1.3e in this setback area but covered parking would require a variance*).

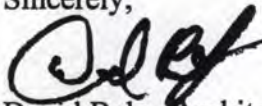
Based on last nights comments and from the endorsements given to me by my neighbors, I feel there is strong support for the proposed change of use and restoration. (*save the separate conditional use request for limited group uses*) Assuming the staff concurs with this assessment, the next step is to find the mechanics necessary to allow us to move forward.

We will obviously need to make determinations as to whether the proposed parking structure represents an expansion to a non-conforming use (as discussed in section 12.3), or is a code permitted consideration in the HR-1 zone.

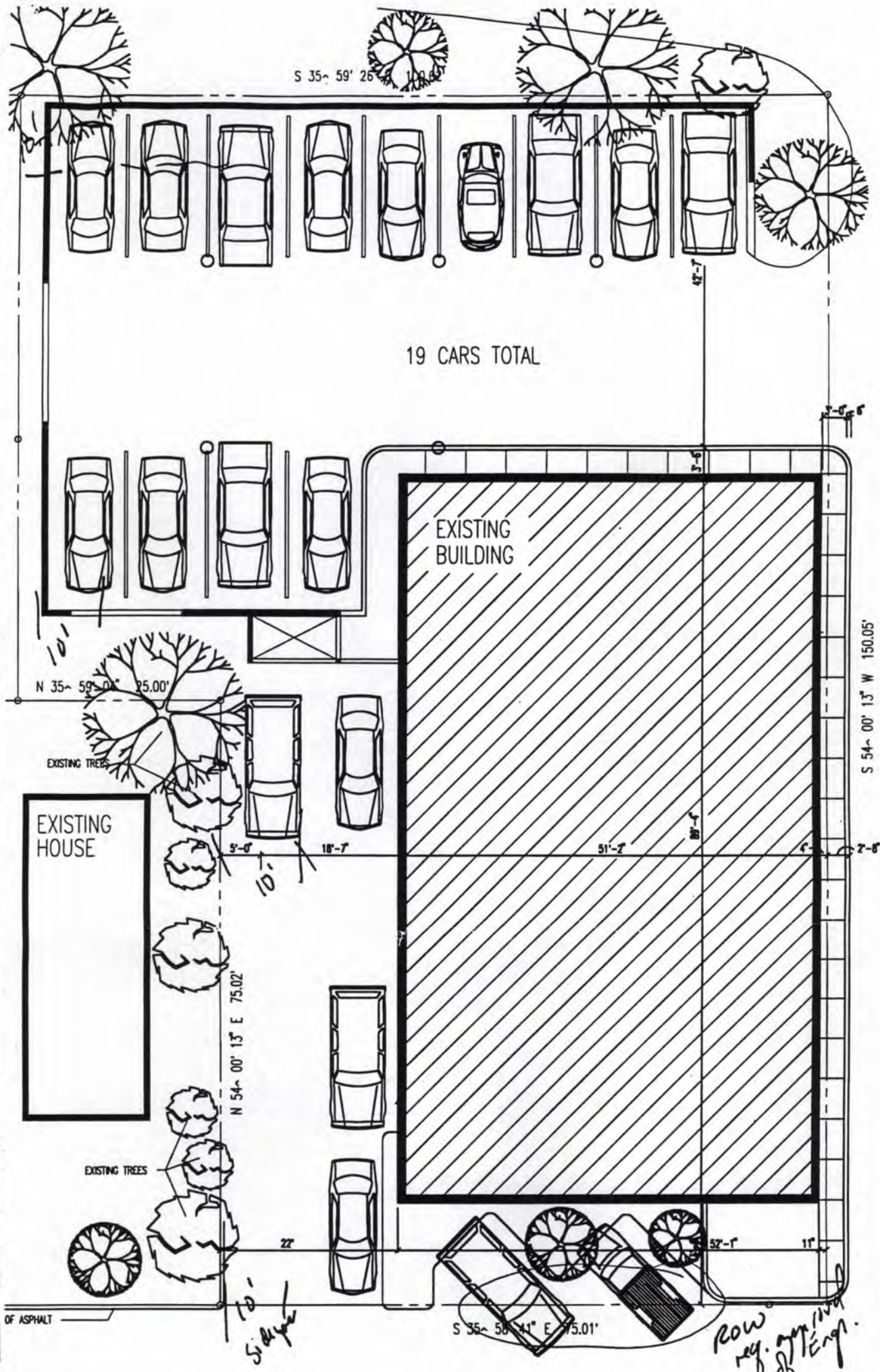
I understand staff has a full load so whatever I can do to assist your efforts, just let me know. It is my goal to begin work in early spring, and would appreciate whatever the city can do to help make this possible.

I look forward to hearing from you and I thank you for all your assistance on this project.

Sincerely,

A handwritten signature in black ink, appearing to read 'David Belz', written in a cursive style.

David Belz, Architect



PARK CITY

1884

Department of Community Development
Engineering • Building Inspection • Planning

November 18, 1994

David Belz
811 Park Avenue PO Box 681237
Park City, UT 84068

Dear David,

Thank you for your recent letter regarding the 1167 Woodside Avenue "Bus Barn" proposal. Staff has reviewed the proposal and we would like to pass on to you some of our concerns. To summarize your proposal I understand that you are now proposing the following:

1. renovation of the 1167 Woodside Ave "Bus Barn"
2. removal/demolition of the small accessory garage.
3. use of the entire 4500 sf for office use, studio space, and/or limited group use for classes.
4. construction of a below grade parking structure to accommodate 13 parking spaces with additional surface parking for 7 cars.
5. construction of two or three houses on top of the parking structure.

The Board of Adjustment was created to hear the following four classifications of cases:

- a) **variance applications** when a requested permit or application would violate the provisions of the Land Management Code relating to setbacks, building height, side yard, lot size, site requirements, parking requirements or some similar provisions of the Code.
- b) **modifications of non-conforming uses** such as enlargements, modifications, or changes in the character of any non-conforming use and determinations of what constitutes a non-conforming use.
- c) **appeals**
- d) **special exceptions**

From the above description of your proposal, it appears that you have the following requests of the Board of Adjustment:

1. a request to change the non-conforming use from a storage building/bus barn to 4500 sq. ft. of office, studio, and classroom uses.
2. a request for variances to the setback requirements for parking.

Given the proposal before us, staff will not support the request to change the non-conforming use. We also can not support a variance to side or front yard setback requirements for parking for this use. As communicated to you in the past, your proposal to fully utilize all 4500 sf for office/studio uses is a more intense use than we believe reasonable or compatible with the surrounding neighborhood. This is the main reason for our previous recommendation that you **tailor the use to match the amount of parking already on the site.**

The Land Management Code requires staff and the Board of Adjustment to review a request for a change in a non-conforming use against the four criteria listed in Section 12.4. The first criteria asks if all reasonable measures will be undertaken to alleviate or reduce the incompatibility or adverse effects of the use or building on abutting properties or in the neighborhood. Vehicular traffic and parking are the primary concerns and staff does not believe the proposed intensity of use can reasonably be mitigated.

Even though it is technically possible, a use which generates a parking demand of 20 spaces and requires an underground parking structure to meet that demand, will generate far more traffic and congestion in the neighborhood than the existing non-conforming use as a storage building. Such a use will not be compatible with the existing neighborhood. For this reason our recommendation to the Board of Adjustment remains the same; that you utilize the building based on the number of parking spaces that are available on site, not including the proposed underground parking. We would be open to reviewing information you might have on parking demands for different types of professional offices or on the types of offices you are proposing. This information should be presented in writing.

In addition, we do not see a valid reason for recommending approval of variances to side or front yard parking which negatively impacts the adjacent residents. We believe that impacts of a non-conforming use should be reduced, rather than compounded, with requests to change the nature of the use.

The impacts would be further compounded by the addition of two or three houses on this site. From our records the two existing buildings sit on three 50' x 75' lots with the access drive on a portion of a fourth lot. According to the Floor Area Ratio formula for the HR-1 Zone, the maximum floor area allowed for this combination of lots is 5250 sf. Most of this is already used up with the existing busbarn. While it is true that allowances are made for historic structures, the FAR waiver would not apply to new structures.

It also appears that there is an existing structure, being either the busbarn or a single family dwelling, already located on each of the four lots. The addition of two or three new houses

would require a resubdivision of land, which we are not prepared to support. Even if we could support the subdivision, the proposed underground parking would be located off-site of the busbarn, thus violating parking requirements in the Code.

In summary, staff's recommendation to the Board of Adjustment regarding your current proposal is a denial of the non-conforming use change and a denial of side and front yard parking setback variances. Your options at this time include a) revising your proposal to utilize the building according to available parking or b) proceed to the Board of Adjustments without a positive recommendation from Staff.

If you would like to schedule a time to discuss this matter in more detail, please do not hesitate to call me. Thank you for your patience.

Sincerely,



Kirsten A. Whetstone, AICP
Project Planner

cc: Richard E. Lewis, AICP
Community Development Director

Jodi Hoffman
City Attorney

PARK CITY

1884

Department of Community Development
Engineering • Building Inspection • Planning

December 5, 1994

Mr. David Belz
P. O. Box 681237
Park City, Utah 84068

Re: Parking at 1167 Woodside

Dear David:

Kirsten Whetstone asked me to review your November 16 letter (copy attached) regarding parking options at the old Bus Barn at 1167 Woodside.

I am very concerned about the apparent lack of snow storage and setbacks with all three of your sketches attached to your November 16 letter. Setbacks are required, in part, to ensure that there is reasonable room for landscaping and utilities. Snow storage is obviously needed if parking is to function as designed during our predictable periods of heavy snow.

Snow storage and setbacks must adhere to the requirements of the Land Management Code in order for me to make a finding that parking may encroach into the City right-of-way per LMC Section 7.1.4(e).

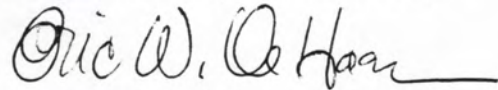
LMC Section 13.2 requires 15% of the total hard surfaced area to be readily available for snow storage. It doesn't appear that even your covered-parking concept (the last attachment to your November 16 letter) meets this requirement. Further, the LMC in Section 13.2(e) requires that front and sideyard setbacks be maintained.

Because your plans fall short of these requirements, and possibly other Code provisions, I cannot support any request to the Board of Adjustment for a variance or an expansion of a non-conforming use. Functional parking and landscaping are too important in our HR-1 zone for us to sacrifice them, especially when reasonable uses can probably be made of the building with far less impact on the neighborhood.

December 5, 1994
Page Two

Feel free to contact me if you have any questions, although for the sake of clarity written communication will probably be necessary. Thank you for your obvious interest in Park City's historic district.

Respectfully submitted,

A handwritten signature in cursive script, reading "Eric W. DeHaan", followed by a horizontal line.

Eric W. DeHaan, P.E.
City Engineer

EWDH/scb

David Belz, Architect

811 Park Avenue PO Box 681237
Park City Utah 84068
801-649-9339 Fax: 647-9339

February 10, 1994

Kirsten Whetstone, AICP

Park City Planning Department
545 Marsac
Park City Utah 84060
Fax: 645-5078

RE: 1167 Woodside Change of Non-conforming use.

Dear Kirsten,

I am writing to update you on where we are at with the pending application for Board of Adjustments action on 1167 Woodside, AKA "The Busbarn". As you are aware, concerns over parking caused the proposal to be stayed at the first Board of Adjustments meeting.

In response to the Board's concerns I revised my proposal to accommodate all the required parking on site and submitted it to staff. Staff responded in your letter of November 18th as being unable to support the revised sollution due primarily to intensity of use. I find myself in a bit of a quandary. The Board of Adjustments appears to want parking for the entire structure, and staff can not support such a sollution.

I would like to begin by formally requesting that the pending application for a change of non-conforming use be kept active. I plan to submit a final proposal to both staff and the Board in the near future.

I am presently re-studying the staffs desired direction; a partial change of use with parking as presently configured. I am also building a model of the site and the structure to give everyone a better idea of what is being proposed and to compare all the options being considered.

After reviewing these new studies with staff, we will then choose what specific request to pursue with the Board. As is everyone's desire, we look forward to finding a solution which will allow this building to be restored in the near future.

I thank you for all your help with this project and apologize for not being able to respond at an earlier date. As you will shortly be on leave, I will need to know who is going to take this project over. It would be great if Megan and /or Rick could handle it since I understand they will be working with us on the Park Avenue MPD. Let me know what you decide.

Thanks again and congratulations,

David Belz, Architect

David Belz

811 Park Avenue PO Box 681237
Park City Utah 84068
801-649-9339 Fax: 647-9339

February 24, 1995

Eric Dehann

Park City Planning Department
545 Marsac
Park City Utah 84060

RE: 1167 Woodside, AKA "The Bus Barn" Parking solutions

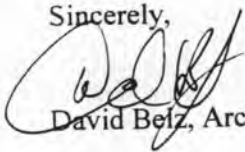
Eric,

I believe you are aware of my efforts to renovate the "Bus Barn" at 1167 Woodside. In response to staff's direction, I am exploring solutions which only involve a partial change of use for the building and which utilizes parking as can be accommodated on the site with out reconfiguration. Although I am not yet sure what we will take to the Board of Adjustments, Staff has steered the project in the above direction and at this juncture I am seeking your input on this parking configuration encouraged by staff.

The proposed parking plan provides parking in 4 areas. The plan shows 4 spaces in the rear of the structure, 2 spaces along Woodside, 4 spaces along the building's South side, and 2 spaces in the "original bus shed" for a total of 12 cars. I have identified snow storage areas which far exceed the 15% requirement. No tandem spaces are shown and all spaces are with in the set back areas with the exception of a 2 to 3 foot encroachment for the farthest west space behind the building. Please note this minor encroachment can be eliminated if the sidewalk along the west facade is not provided for. I believe the street side parking is allowed in the HR1 zone in the front set back per section 7.1.3.e. and it does not appear to be otherwise precluded in chapter 13.

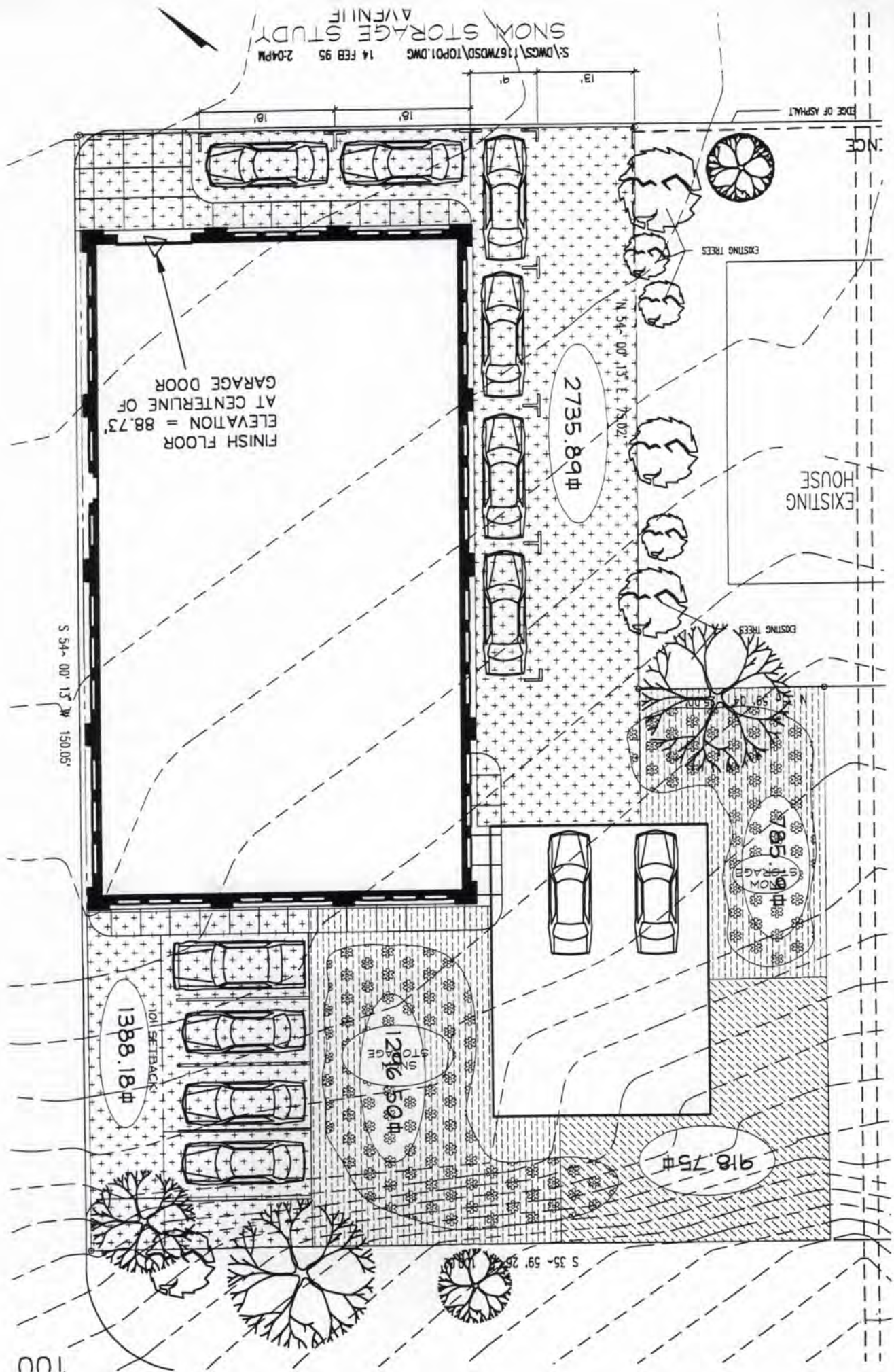
Would you please review the enclosed parking plan and identify any code compliance problems with this solution for 12 cars. I appreciate your help and look forward to meeting with you in the near future.

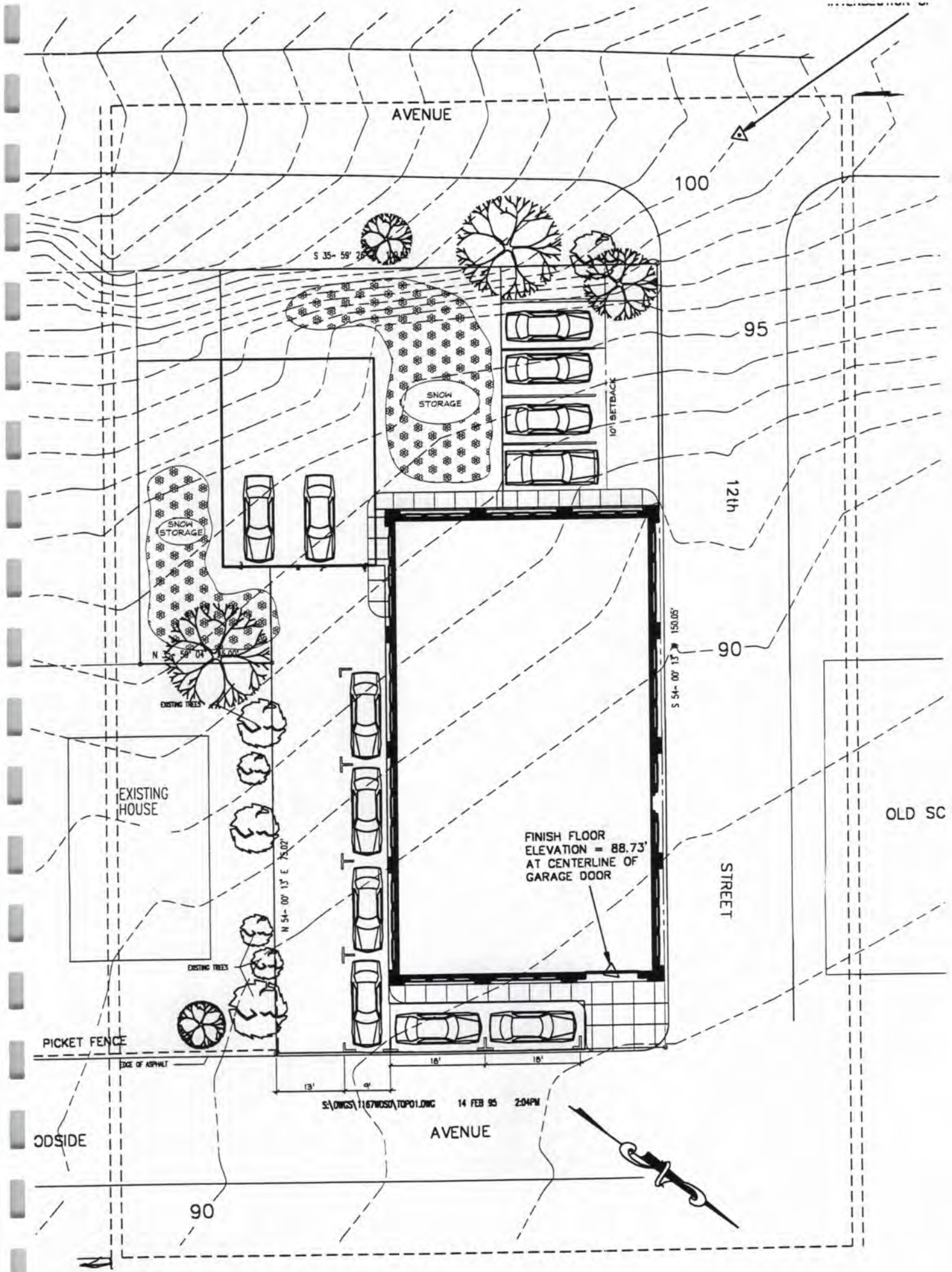
Sincerely,



David Belz, Architect

PS: You and I have briefly discussed the other parking plans which seek to accommodate up to 20 cars and I would like to talk with you further about these solutions as well. The Board of Adjustments in their last meeting seemed to feel it was important to provide the additional parking and may yet steer the project in this direction not with standing staff's recommendations.





PARK CITY

1884

Department of Community Development
Engineering • Building Inspection • Planning

February 27, 1995

David Belz
PO Box 681237
Park City UT 84068

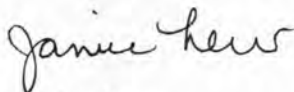
Re: 1167 Woodside Avenue

Dear David:

Thank you for your recent letter regarding the status of the 1167 Woodside Avenue Board of Adjustment application. I was assigned to handle your project in Kirsten's absence. After researching the Planning files relating to your application, I found the Board of Adjustment postponed taking formal action on the request at their November 15, 1994 meeting. It will be necessary to renote the adjacent property owners when this application is again scheduled for Board of Adjustment review. Therefore, you will need to provide the City with stamped addressed envelopes for all property owners within 300 feet of the project.

I appreciate the time and effort you have put into the project. I hope the modifications you have made to the original proposal will allow us to process your request with a positive recommendation from the staff. We will be able to determine this once we have seen your detailed plans. I would be happy to schedule a time to discuss your proposal in more detail when you are ready to submit revised plans. Please let me know if you have any questions.

Sincerely,



Janice Lew
Planner

David Belz, Architect

811 Park Avenue PO Box 681237
Park City Utah 84068
801-649-9339 Fax: 647-9339

March 1, 1995

Janice Lew

Park City Planning Department
545 Marsac
Park City Utah 84060
Fax: 645-5078

RE: 1167 Woodside renovation plans

Dear Janice,

I have been working diligently to explore solutions for the restoration of 1167 Woodside which the staff can support. To that end, I have been studying solutions which, as requested by staff, **“tailor the use to match the amount of parking already on the site.”**

So that I can explore in detail solutions which respond to staff's wishes, the first thing which needs to be determined is exactly what parking is **“already on site”**. Enclosed please find a parking plan which is essentially identical to that supported by staff going into the first board of adjustments meeting. The differences in this plan and that originally submitted is as follows: The first submittal identified 9 parking spaces (not counting tandem or street parking) where this most recent plan shows 12. The three additional spaces come from counting the two street side parking spaces along Woodside which is **“on site”** and allowed in the 10' front yard setback per section 7.1.3e. Further, in the rear of the structure I have determined that 4 cars can be accommodated where the original plan only showed 3.

I spoke to Eric Dehann about the most recent plan and while he feels the proposed parking would function, it is not in compliance with chapter 13 of the LMC due to driveway widths and the need to back out of some spaces. If we were to go to the board of adjustments with this plan we would be seeking 2 actions. **First**, a partial change of non-conforming use to accommodate offices (*with preclusion's on the types of offices allowed*). **Secondly**, we would need a variance to accommodate the parking as shown, waiving the appurtenant requirements of chapter 13. It should be understood that using the parking **“which already exist on site”**, no matter how it is configured, will require a variance from the chapter 13 requirements.

With this parking plan, at 5 spaces per 1,000 Sq.Ft., I would be able to use about half of the building's 4,500 Sq. Ft. for my offices with the other half remaining as storage / garage uses. This is very close to the original numbers supported by staff which allowed me to use 1,800 of the building's 4,500 Sq.Ft. based on providing 9 parking spaces.

Considering the above, I need staff to define for me the parking "already provided on site" and accordingly, a statement that they would support a variance in the Chapter 13 requirements to accommodate the parking as shown in the enclosed plan or a variation there of.

I fully understand all of staff's concerns on intensity of use and parking traffic patterns. Perhaps the 1/4" scale model we are now working on will help us all to better visualize how the pieces come together and how staff's concerns are addressed. On another matter; based in concept on plans already given to staff, there may be an opportunity to provide affordable housing on this site. Due to staff's resistance to the proposed housing fronting Norfolk, I am not inclined to pursue this solution as it appears it would add further impediments for the project. If, however, in looking at the plans and the model, staff wishes to discuss the possibility of affordable housing on site, I would be open to do so.

At this juncture I am still not sure which of the solutions in front of staff will be forwarded to the Board of Adjustments. It was my understanding that the Board felt providing all the requisite parking was very important. When I presented a proposal with 19 cars on site, Staff informed me they could not support such a solution. Thus my present quandary, to go to the Board without staff's support, or to go forward without providing parking for the entire structure.

Staff's input on the above parking considerations should help me to decide on how to best proceed from here. I appreciate your help and thank you for your consideration.

Sincerely,

David Belz, Architect

PS: It should be noted in studying solutions which "utilizes parking already provided on site"; I did look at residential uses in the subject building as opposed to offices. I spoke with Ron Ivie on this subject and while he felt it was not impossible, he thought any such solution would drastically affect the historic appearance of the building. Specifically; Doors would have to be cut in and windows could not follow their historic model due to emergency egress requirements. Notwithstanding these difficulties, it is my desire to put a compatible commercial use in the subject building and I sincerely feel such uses can be accommodated while mitigating the impact, if any, on adjacent residential uses.

David Belz, Architect

811 Park Avenue PO Box 681237
Park City Utah 84068
801-649-9339 Fax: 647-9339

April 26, 1995

Kirsten Whetstone, AICP

Park City Planning Department
545 Marsac
Park City Utah 84060
Fax: 645-5078

RE: 1167 Woodside renovation plans

Dear Kirsten,

Welcome back and congratulations! Did you think I would still be in the loop when you got back? Somehow, I wasn't surprised. Now that you are back, I could really use your help in processing and finally resolving this project.

In your last correspondence of November 18, 1994 it was staff's suggestion that I "tailor my use to the parking already provided on site." On March 1, 1995 I wrote Janice a letter requesting staff's assessment on how much parking they considered as "existing on site". Despite several inquiries, I have yet to hear back from staff. As addressed in my letter of March 1; I am willing to work within the parking constraint but staff and I must first reach a mutual understanding on an acceptable parking solution.

In staffs much earlier reviews it was determined that 9 cars could be accommodated ; (4 down the side, 2 in the existing garage and 3 in the rear.). *A variance on the driveway width would be needed to accommodate this configuration.* Upon looking closer at a plan based on "existing parking on site", I discovered there was sufficient width for 4 spaces in the rear, not 3, and that 2 additional parking spaces along the street were also within code. *(specifically; "Open parking spaces are permitted in the front 10' set back per section 7.1.3e; and, as this parking area is for less than 4 cars, the overriding 10' set back provision of section 13.2e should not apply.)*

Accordingly, the plan previously supported by staff, as augmented by these considerations would allow for 12 parking spaces "existing on site". It is my hope that staff will so conclude. Based on this interpretation I will need to process my Board of Adjustments application as follows:

1. A partial change of non-conforming use from 4,500 Sq.Ft. of storage / maintenance to 2,400 Sq.Ft. of office commercial, and 2,100 Sq.Ft. remaining as storage / maintenance and commons. *(5 per 1000, 12 cars = 2,400 net usable square footage (roughly 1/2 of the building))*
2. A reduction in the required driveway width from 24' to 13'. *This allows for the parallel parking along the South side of the structure.*

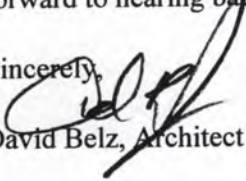
3. Allowance of existing street parking along Woodside for 2 spaces. *Two code compliant parking spaces can be accommodated within the property line (see plan 243) but, these two spaces would not align with the balance of street parking along Woodside. Further, additional landscaping would be accommodated with this allowance.*

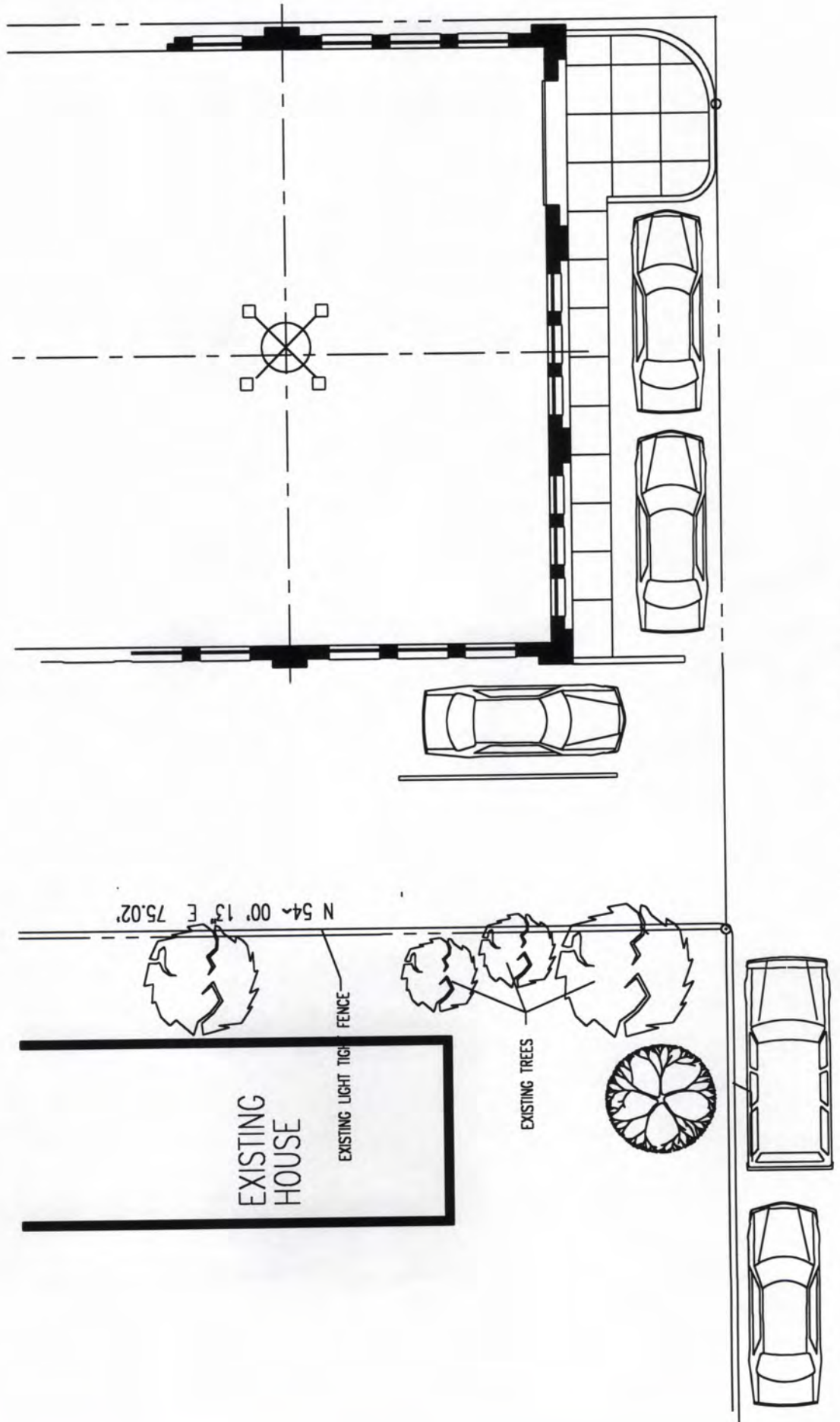
Assuming my interpretation of "existing parking on site" is supported by staff, I would like to move forward as soon as is possible.

I have discussed other parking solutions with staff but this is the one I wish to proceed with. Please review my proposal and let me know if it is consistent with staff's earlier assessment of "existing parking on site".

For your consideration I have built a 1/4" model of the site and would be glad to make it available if you feel it would be helpful. I understand a new set of envelopes for noticing is needed and will be getting those to you shortly. Thank you for considering my request as I look forward to hearing back from you.

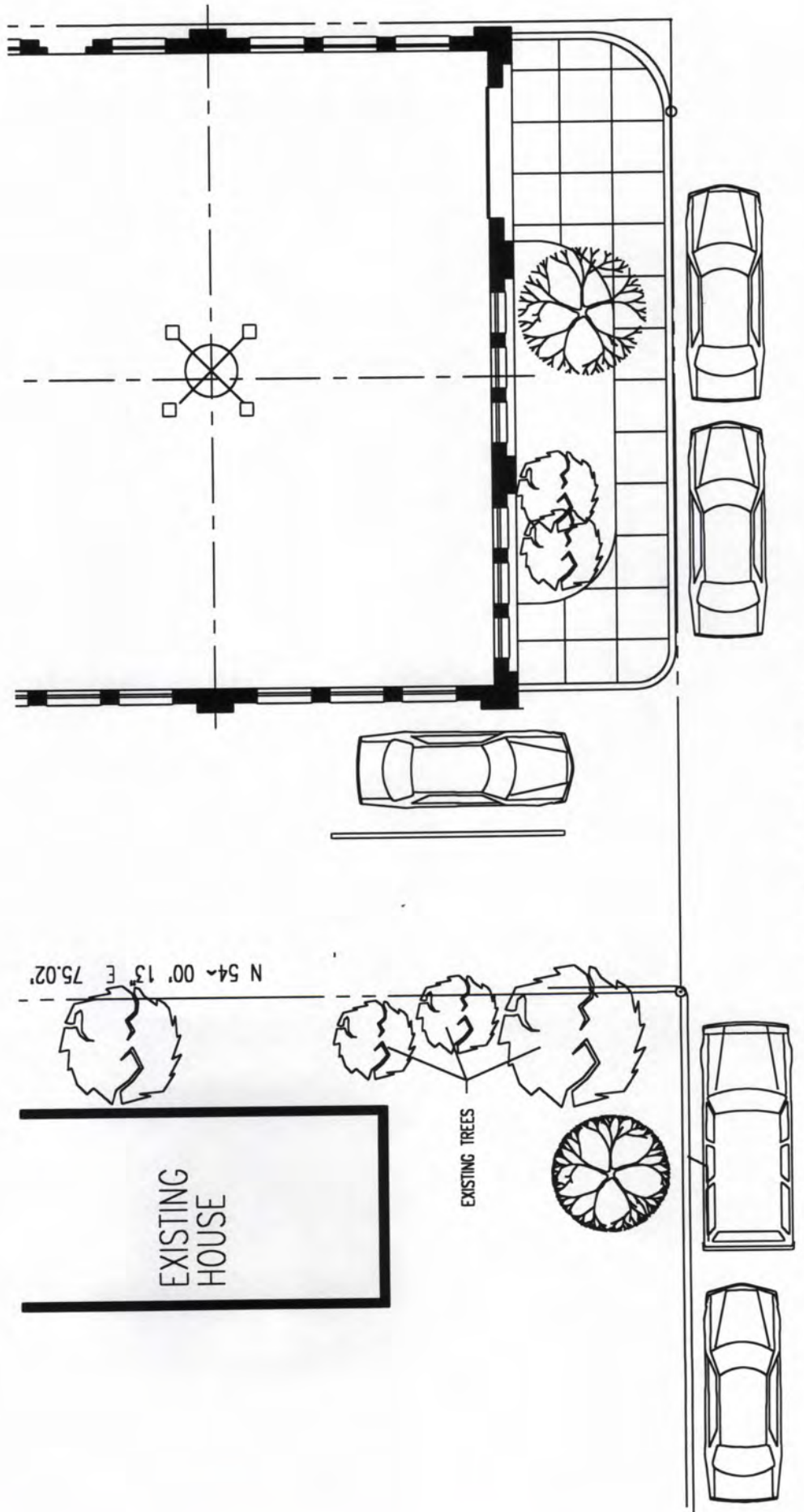
Sincerely,


David Belz, Architect



Street side parking issue
 Option 2: Parking inside property line

Plan 3



Street side parking issue
Option 1: Parking in city right of way

S 35° 59' 25"

918.75

12916

1388.18

SNOW STORAGE

785

N 58° 04'

EXISTING TREES

EXISTING HOUSE

EXISTING TREES

2735.89

N 54° 00' 15" E 75.02'

FINISH FLOOR
ELEVATION = 88.73'
AT CENTERLINE OF
GARAGE DOOR

S 54° 00' 15" W 150.05'

ENCE

EDGE OF ASPHALT

13'

9'

18'

18'

S:\DWGS\1167WDS\TOP01.DWG

14 FEB 95

2:04PM

SNOW STORAGE STUDY
AVENUE

PARK CITY

1884

Department of Community Development
Engineering • Building Inspection • Planning

(Postmarked May 20)

May 20, 1995

David Belz
811 Park Avenue PO Box 681237
Park City, UT 84068

Dear David,

Thank you for your letter and sketches regarding the 1167 Woodside Avenue "Bus Barn" proposal. Community Development Staff have reviewed your proposal and have the following concerns:

1. We are still concerned about the intensity of use of this building given that it is considered a non-conforming use in a residential area. Increased traffic and parking problems are the primary concerns. Staff's preference is that this building be converted for residential uses. Parking would need to meet requirements of the HR-1 zoning district and Chapter 13 of the Land Management Code (LMC) regardless of use.
2. Of the different options you presented for parking, the option which leaves the existing small garage in place is our first choice. It appears that you can provide a total of 5 parking spaces and we can support office use of the building consistent with the available parking. With 5 parking spaces and two employees, there could be a maximum of 1500 sq.ft. of leasable office space. This is using the parking table for 1 space per 500 sq. ft. plus one space per employee per shift. Using the 1 space per 200 sq. ft. requirement, regardless of employees, you would have 1000 sq. ft. of leasable office space with the 5 spaces.
3. The Land Management Code addresses non-conforming uses and parking in a fairly direct manner. Section 12.2 (e) of the LMC specifically states that for changes to non-conforming uses, parking shall be brought up to the standards of Chapter 13. The Community Development Director and City Engineer have interpreted this to mean that no variances to parking (in either amount or physical configuration) are allowed with a change of non-conforming use. We therefore have examined the site plan to see how much parking is available without variances. We conclude that 2 spaces are available in the existing smaller garage and 3 are available in the area west of the building in a configuration which does not require vehicles to back out and maneuver on the City street.

4. According to the LMC (Chapters 7 and 13), required parking will not be permitted in the front, rear, or side setback areas. Required parking will also not be permitted in the driveway along side the south building wall because the full width of this drive is necessary to utilize parking in the small garage. Code required parking is not allowed in the public right-of-way.
5. The second option requires a Certificate of Appropriateness for Demolition (CAD). Staff is not prepared to support a CAD for the small garage because it is considered a contributory historic structure. If a CAD were approved it appears that you could fit 8 to 10 parking spaces on the site while meeting all requirements of Chapter 13 of the LMC. Without scaled drawings it is difficult to say whether all parking spaces and drive aisles meet the required widths. With 8 spaces and 3 employees the parking would support 2500 sq. ft. of office space or 1600 sq. ft. without specifying employees. While technically you could meet these parking requirements, the issue of neighborhood compatibility still needs to be addressed for a non-conforming use change request.

If you wish to pursue the second option you should begin by applying for a CAD and withdrawing your currently pending application. The CAD request is heard by the Historic District Commission. A hearing before the HDC will be scheduled after an application is received. The change in non-conforming use request is heard by the Board of Adjustment only after a CAD is granted.

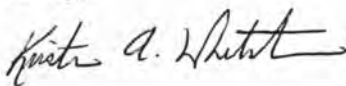
If you wish to pursue the first option, we can consider your pending application, with appropriate revisions, and schedule the item before the Board of Adjustment once we have information describing intensity of the proposed use and an actual floor plan layout. The next BOA meeting is June 20th with noticing required by June 5th.

Staff is not prepared to support office square footage which results in a more intense use than is predominant in the residential neighborhood.

Please let me know in writing which of the two options you would like to pursue.

If you would like to schedule a time to discuss this matter in more detail, please do not hesitate to call me. Thank you for your patience.

Sincerely,



Kirsten A. Whetstone, AICP
Project Planner

cc: Richard E. Lewis, AICP, Community Development Director
Eric DeHaan, City Engineer
Jodi Hoffman, City Attorney

David Belz, Architect

811 Park Avenue PO Box 681237
Park City Utah 84068
801-649-9339

June 5, 1995

Park City Municipal Corporation

445 Marsac
Park City Utah 84060

To whom it may concern;

I am writing to request the Board of Adjustments hearing for 1167 Woodside which was postponed on November 15, 1994 be rescheduled for the next meeting of June 20, 1995.

The applicant is requesting a partial change of use for the structure in question as follows:

The applicant seeks approval for both the 12 car and 16 car parking plans with the associated variances which would be required for each. Accordingly, the applicant proposes initially using the structure in the 12 car configuration and then, at a future date, apply for a CAD permit on the smaller structure to accommodate the 16 car parking plan. In both parking plans the applicant is asking for a desired but not required variance to the application of section 13.3c as discussed in the information packet. *(see bottom of 16 car plan description)*

This will provide the applicant flexibility in the use of the property and allow the complete restoration to immediately proceed without compromise should there be any problems in attaining a CAD permit for the small existing garage. Accordingly, the 16 car parking plan approval would be conditioned upon receipt of the aforementioned CAD permit.

In the event the Board can only grant a portion of the request here-in, rather than compromise the application in process, the applicant would then consider at the meeting what the Board can approve and either ask for that approval or for another postponement to address questions and or process concerns of the Board.

Thank you for the consideration of my request,



David Belz

STAFF REPORT FOR FIRST MEETING

**BOARD OF ADJUSTMENT
STAFF REPORT**

TO: BOARD OF ADJUSTMENT
FROM: PLANNING STAFF
DATE: NOVEMBER 15, 1994
**RE: VARIANCE FROM PARKING REQUIREMENTS AND BOARD OF
ADJUSTMENT APPROVAL TO ALLOW A CHANGE IN A NON-
CONFORMING USE.**

I. PROJECT STATISTICS

Project Name:	The Bus Barn
Applicant:	David Belz
Location:	1167 Woodside
Proposal:	1. Variance from parking requirements 2. Approve a change in a non-conforming use
Zoning:	HR-1
Adjacent Land Uses:	Carl Winters Building, scattered single-family dwellings
Date of Application:	May 4, 1994
Project Planner:	Kirsten Whetstone
Staff Recommendation:	Approve, subject to conditions

II. BACKGROUND/PROJECT DESCRIPTION

The applicant requests approval to change a non-conforming use to another non-conforming use in the HR-1 Zone. The structure was originally built in 1936 and has historically operated as a bus barn/garage and industrial art school rooms for the Carl Winters School. The applicant proposes to change the non-conforming use to office space, art studios and private instruction rooms. Two affidavits attesting to the use of the building over time have been submitted. The application, a site plan and the affidavits are attached as Exhibits A,B,C and D.

Chapter 12 of the Land Management Code (Non-conforming uses) reads as follows:

The purpose of the chapter is to examine the impacts of the proposed changes and evaluate them based on the character of the surrounding area, traffic capacities or adjacent streets and potential environmental effects. In addition, applications are reviewed to ensure that they are reducing the degree of non-conformity and improving the physical appearance of the structure and site through such measures as landscaping, building design, or the improved function of the use in relation to other uses.

The Chapter also allows for a change or expansion of a non-Conforming use, provided that parking be provided in accordance with the standards of Chapter 13 and subject to four criteria for review. A copy of Chapter 12 is attached as Exhibit E. Parking requirements for the proposed uses exceed those provided on-site and the applicant is requesting a variance from parking requirements.

III. STAFF ANALYSIS

Staff has evaluated the proposal in comparison with the criteria for review and determined that subject to conditions, the applicant's request can meet the standards. The existing square-footage equals 4,500 square feet and there are currently nine parking spaces provided on-site. The applicant proposes to utilize the space according to the following space allocation table:

<u>Use</u>	<u>Square-footage</u>	<u>Parking Requirement</u>
Architect's Office	2,000	One space for each 500 square feet of space plus one space per employee per shift, or one space per 200 feet of net usable office space, whichever is greater. Staff calculates the requirements to equal 10 spaces, unless plans are submitted that illustrate net usable space area.
Art studios	5 studios with 500 sq. ft. each	As determined by the Community Development Director. (An appropriate number for a private art studio where one would expect one teacher and one student would equate to two parking spaces per studio). This equates to a total of 10 spaces.

The applicant is deficient 11 parking spaces. There are several alternatives available to the applicant, one is to obtain a variance for the eleven spaces. Staff does not support a reduction of parking of any kind since it is adjacent to a residential neighborhood and negative residential neighborhood impacts could be significant. Staff does support the proposed change in non-conforming use.

An alternative would be to limit the square footages of certain uses, such as limiting office space to 800 net square-feet of architects office space and two art studios. This would result in a parking demand total of eight spaces. The remaining square footage could be utilized as storage space until the applicant is prepared to construct a parking structure to facilitate additional uses.

IV. RECOMMENDATION

The Planning Staff has requested a legal opinion regarding the City's ability to add conditions to a change in a non-conforming use review and received a positive response. In an attempt to achieve historic preservation goals of promoting the adaptive reuse of structures while still protecting the residential neighborhood from parking, noise and congestion impacts, staff recommends approval of the change in non-conforming use for a combination of office and art studio uses subject to the following conditions:

1. A combination of office, studio, and private storage space shall not exceed the square footage requirements of available parking. One example is 800 sq.ft. of office, two art studios, and approximately 2,500 sq.ft. of private storage space. Other similar combinations of uses, which do not produce a net deficit in parking spaces., shall be allowed.
- 2.. The applicant shall submit revised floor plans that illustrate maximum floor areas of each use prior to obtaining a final building permit.

It should be noted that if the Board of Adjustment desires to approve a change in the nonconforming use and/or variance from parking requirements, staff will need to devise necessary legal findings for adoption at the next meeting.

V. EXHIBITS

- Exhibit A (Applicant's letter)
- Exhibit B and C (Affidavits)
- Exhibit D (Site Plan)
- Exhibit E (Chapter 12 Non-Conforming Uses)

APPLICATION FOR CHANGE OF NON-CONFORMING USE

I am writing in regards to the proposed renovation and change of Non Conforming use for 1167 Woodside, Formerly known as the "The Bus Barn" and / or The Industrial Arts Building for the Carl Winter School. The Building is located in the HR-1 zone, and has been non conforming, in both form and use, since it was originally built in 1936.

It has long been my dream to restore this building and I wish to move ahead now. Substantial work will be required to restore the structure. These extensive costs, the building's character, history and location all indicate a need for commercial use. Because of its non conforming nature, an approval from the Board of Adjustments and Planning Department will be needed.

The building's present use is as a Commercial storage space and maintenance / garage facility. This use was inherited from it former owner, The Park City School Board. While under their ownership the building served as the Industrial Arts shop space and then later as a bus storage and maintenance facility. Enclosed is the Affidavit of Burke Jolley, the School Board Administrator, which certifies the structure's past use, and my own Affidavit certifying its non-conforming use since 1991.

My proposed use is for Professional office / studio space which could include Architects, Interior Designers, Engineers, Attorneys, Artist Studios, and /or other similar uses. My Architecture, design and consulting offices will be the first tenant for the majority, if not all, of the building's 4,500 Sq. Ft.

Other use we feel might be appropriate would be cultural / educational uses which could be an extension of the activities next door at the Park City Education Center. We would specifically preclude any destination retail uses which, we feel, would generate inappropriate traffic and congestion for this area of town.

In the proposed renovation we would completely restore the shell of this historic structure as originally built. As a part of this effort, all windows will be replaced with new units to match those recently installed at the Park City Education Center. The structure will be enhanced to meet code, a new roof will be added, and all brick and masonry work will be repaired and or replaced as needed. Additionally, all new mechanicals, bathroom facilities and other required improvements will be provided. The end result will be a completely renovated shell designed to compliment the recently restored Park City Education Center.

We hope that the Board will feel, as we do, that our proposed change of Non-Conforming use is compatible with the surrounding neighborhood and the adjacent Park City Education Center. Allowing us the proposed change of Non-Conforming use will facilitate the immediate restoration of this significant historic structure.

EXHIBIT A

Actions requested of the Board of Adjustments

1. Approval for a change of non conforming use from a B-1 / B-4 commercial use; (Storage, garage and maintenance), to a B-2 occupancy. The B-2 occupancy, as proposed, to be limited to professional offices, design and / or art studios, and / or cultural educational uses deemed compatible with the adjacent Park City Education Center.
2. Approval of the proposed phased parking plan with variances as needed and explained below:

At 4,500 Square Feet, 14 cars would be required for the proposed commercial use(s). This is based on 3/1000Sq.Ft.; the base requirement from chapter 13 of the LMC.

I have included two schematic parking plans, both which meet or exceed the base code requirements. Both plans require variances for below grade parking in the set back areas. The existing parking plan additionally requires either a provision for tandem parking and or a waiver as allowed in the LMC for hardship conditions involving historic structures. Further, both plans would require some consideration for allowing parking which is not "fully enclosed".

We request a phased parking plan which would facilitate the restoration of the primary structure while utilizing the parking as now provided on site. (see the existing site plan) As our use patterns dictate additional or reconfigured parking, or we gain approval for the proposed housing fronting Norfolk Avenue, then we would complete the parking plan shown in the attached drawings. We feel confident our plans will provide the neighborhood adequate parking for all phases of the project.

Thank you for your consideration of our request. We look forward to working with the board to identify and address any concerns regarding our proposal so that together, we can work to see this significant historic structure saved.

Sincerely yours,


David Belz



EXHIBIT A



Approved _____
(date)

Park City Municipal Corporation
P.O. Box 1480
Park City, UT 84060

Application # 94063

Denied _____
(date)

(801) 645-5021

Receipt # 14235

VARIANCE OR NONCONFORMING USE

APPLICATION FOR: CHANGE OF Non Conforming USE & VARIANCE FOR PARKING ACCOMMODATION

PROJECT INFORMATION

Name: THE ~~BEIGN~~ SHOP

Address
or Location: 1167 WOODSIDE, (12th & WOODSIDE)

Legal
Description: SEE ATTACHED

APPLICANT (check one)

(☒) Owner (☐) Optionee (☐) Buyer (☐) Agent (☐) Other

Name: DAVID BELL

Mailing
Address: PO Box 681237

Park City 84068

Telephone
Number: 801 649 9339

OWNER(S) OF RECORD

Name: DAVID BELL AKA 1167 WOODSIDE LC.

Mailing
Address: PO Box 681237

Park City 84068

Telephone
Number: 801 649 9339

***** DO NOT WRITE BELOW THIS LINE *****

Application Accepted:

Project Planner:

Complete Checklist:

Additional Information

Requested:

(initials)

(name)

(initials)

RECEIVED

MAY - 4 1994

PLANNING DEPT.

ACKNOWLEDGEMENT OF RESPONSIBILITY

This is to certify that I am making application for the described action by the City and that I am responsible for complying with all City requirements with regard to this request. This application should be processed in my name and I am the party who the City should contact regarding any matter pertaining to this application.

I have read and understood the instructions supplied by Park City for processing this application.

The documents and/or information I have submitted are true and correct to the best of my knowledge.

I will keep myself informed of the deadlines for submission of material and of the progress of this application.

I further understand that additional fees may be charged for the City's review of the proposal. Any additional analysis required would be processed through the City's consultants with an estimate of time/expense provided prior to an authorization to proceed with the study.

Signature of Applicant: [Signature] Date: 5/2/98

Name of Applicant: DAVID BELZ
(please print or type)

Mailing Address: PO Box 681237
Park City UTAH

Telephone Number: 801-649 9339

Type of Application: CHANGE of Non Conforming USE / VARIANCE

AFFIRMATION OF SUFFICIENT INTEREST

I hereby affirm that I am the fee title owner of the below described property or that I have written authorization from the owner to pursue the described action.

Name of applicant: DAVID BELZ
(please print or type)

Mailing Address: P.O. Box 681237
Park City 84068

Street address/legal description of subject property: 1167 WOODSIDE,
SEE ATTACHED

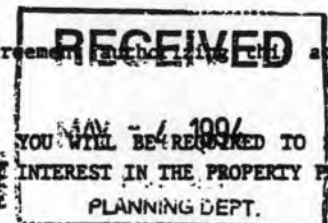
Signature: [Signature] Date: 5/2/98

If you are not the fee owner, attach another copy of this form which has been completed by the fee owner or a copy of your authorization to pursue this action.

If a corporation is fee title holder, attach copy of the resolution of the Board of Directors authorizing this action.

If a joint venture or partnership is the fee owner, attach a copy of agreement authorizing this action on behalf of the joint venture or partnership.

THIS AFFIRMATION IS NOT SUBMITTED IN LIEU OF SUFFICIENT TITLE EVIDENCE. YOU WILL BE REQUIRED TO SUBMIT A TITLE OPINION, CERTIFICATE OF TITLE, OR TITLE INSURANCE POLICY SHOWING YOUR INTEREST IN THE PROPERTY PRIOR TO FINAL ACTION.



Park City Municipal Corporation
P.O. Box 1480
Park City, UT 84060

VARIANCE/NONCONFORMING USE FACT SHEET

DESCRIPTION

Existing zoning: HRA

Current use of property: STORAGE / GARAGE / MAINTENANCE facility

Application is for a: (check one)

(☒) variance (☒) modification to a nonconforming use

Proposal is for: PROFESSIONAL OFFICES / STUDIOS / CULTURAL EDUCATIONAL USES

Is the application pertaining to an existing historic structure? (check one)

(☒) yes () no

Existing setbacks: 12' (ft. front) 46' (ft. rear)

23'-7" (ft. side) 4" (ft. side)

Proposed setbacks: 12' (ft. front) 0' (BELOW GARAGE) (ft. rear)

23'-7" (ft. side) 4" (ft. side)

Property area: .3 (acres) 13,125 (square feet)

Number of parking spaces required: 14 proposed: 18

APPLICATION REQUIREMENTS

- ☒ Completed application form
- ☐ Review fees paid
- ☐ Names and mailing addresses and stamped and addressed envelopes for property owners within 300'
- ☒ 3 complete sets of all plans submitted
- ☒ Copies of any other applications under review
- ☒ Written statement provided addressing the specifics of the request, the nature of the appeal, and in response to the review criteria used to evaluate the application

COPY

AFFIDAVIT OF BURKE JOLLEY

This affidavit is to serve as my sworn testimony regarding the structure at 1167 Woodside also known to many as the "Bus Barn".

My present title is Business Administrator for the Park City School District. I have worked with the School District, former owner of the subject property, since 1988.

I state the following to be true to the best of my knowledge:

The subject property was originally an Industrial Arts facility for the High School and subsequently for the Middle School. In this capacity the building functioned as a large woodworking shop to teach vocational skills to the students.

On or around 1980, the facility was converted to a Bus Garage servicing the School District.

In its capacity as a garage facility, the buildings primary function was for the storage and maintenance of School buses and on occasion, other mechanical equipment such as snow plows.

The facility was, on at least one occasion, also rented to a movie production company for the building of movie sets.

The primary uses described above were active and maintained for at least 12 weeks per year for each and every year since the building's conversion from an Industrial Arts facility until the time the property was sold to Mr. David Belz AKA DB Holding Inc., AKA 1167 Wdsd LC.

I here-in swear that all the above information is true and accurate to the best of my knowledge and is affirmed as such by the affixing of my signature below.

Burke Jolley Burke Jolley 4/14/94 Date



EXHIBIT B

AFFIDAVIT OF DAVID BELZ

This affidavit is to serve as my sworn testimony regarding the structure at 1167 Woodside also known to many as the "Bus Barn".

My present title is owner / Architect of the subject property which is the subject of this affidavit.

I state the following to be true to the best of my knowledge:

The subject property was originally an Industrial Arts facility for the High School and subsequently for the Middle School. In this capacity the building functioned as a large woodworking shop to teach vocational skills to the students.

On or around 1980, the facility was converted to a Bus Garage servicing the School District.

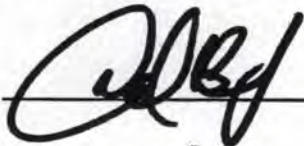
In its capacity as a garage facility, the buildings primary function was for the storage and maintenance of School buses and on occasion, other mechanical equipment such as snow plows.

The facility was, on at least one occasion, also rented to a movie production company for the building of movie sets.

The primary uses described above were active and maintained for at least 12 weeks per year for each and every year since the building's conversion from an Industrial Arts facility until the time the property was sold to Mr. David Belz AKA DB Holding Inc., AKA 1167 Wdsd LC.

Since I, David Belz, acquired the property in August of 1991, the building has continued its use as a garage / maintenance / storage facility. This use, under my ownership, has been uninterrupted to date.

I here-in swear that all the above information is true and accurate to the best of my knowledge and is affirmed as such by the affixing of my signature below.



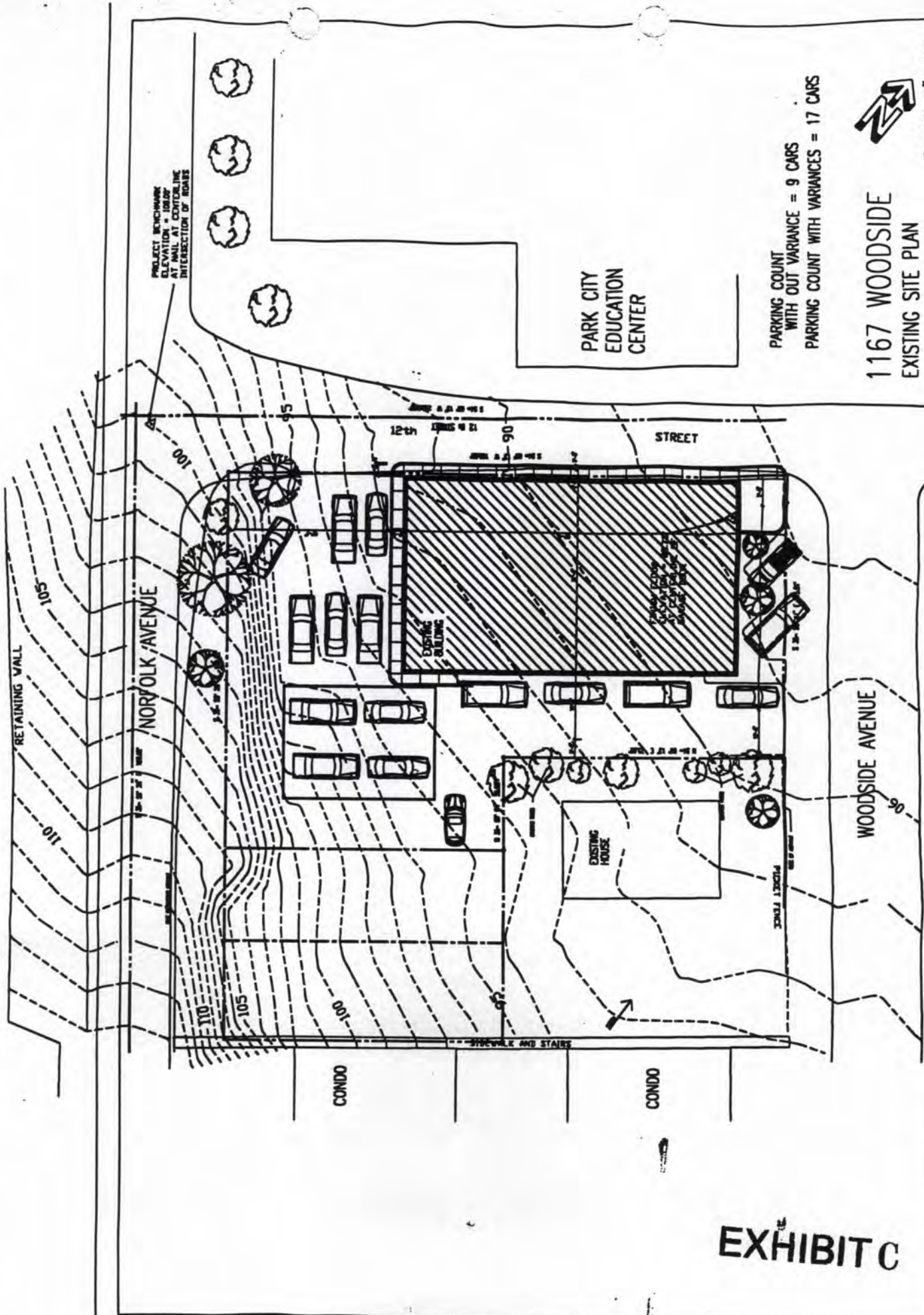
David Belz steh Date

REIVED

MAY - 4 1994

PLANNING DEPT.

EXHIBIT B



1167 WOODSIDE
EXISTING SITE PLAN

PARKING COUNT
WITH OUT VARIANCE = 9 CARS
PARKING COUNT WITH VARIANCES = 17 CARS

SCALE: 1"=10'

PARK CITY
EDUCATION
CENTER

EXHIBIT C

CHAPTER 12. NON-CONFORMING USES

12.1. **PURPOSE.** This chapter describes the status of the uses of land or structures which were lawful before the Land Management Code was passed or amended but which are now or became prohibited, restricted, or substandard. While permitting non-conforming uses, structures and improvements thereto to continue, this chapter is intended to limit enlargement, alteration, restoration, or replacement which would increase the discrepancy between existing conditions and the development standards prescribed by the Code. The purpose of the non-conforming review is to look at the impacts of the proposed changes and evaluate them based on the character of the surrounding area, traffic capacities of adjacent streets, and potential environmental effects. In addition, applications are reviewed to ensure that they are reducing the degree of non-conformity and improving the physical appearance of the structure and site through such measures as landscaping, building design, or the improved function of the use in relation to other uses.

12.2. **OCCUPANCY.**

- (a) **Continuation.** The occupancy of a building or a parcel of land by a non-conforming use existing at the time of passage of the Land Management Code may be continued.
- (b) **Occupation Within a Year.** A vacant building or structure may be occupied by a use for which the building or structure was designed or intended if so occupied within a period of one year after the use became non-conforming. Occupation shall mean a full resumption of the use with the intent that it continue indefinitely.
- (c) **Use of Land.** The non-conforming use of land existing at the effective date of this Code or amendments affecting that use may be continued, provided that no such non-conforming use of land shall in any way be expanded or extended either on the same or adjoining property except in accordance with the provisions of this section and provided that if such non-conforming use of land, or any portion thereof, is abandoned or changed for a period of one year or more, any future use of such land must be in conformity with the provisions of this Code.
- (d) **Abandonment of Use.** Any non-conforming use in existence or created by the adoption of this Code is deemed abandoned by the owner of that use unless the non-conforming use and the rights established as a non-conforming use, are exercised for at least twelve weeks during every calendar year. It shall be the obligation of the owner of such a use to provide evidence that the right to maintain the non-conforming use was so exercised by providing affidavits or other evidence of the

exercise of the use upon request of the Community Development Department.

- (e) Change or Expansion of Non-Conforming Use. Pursuant to the procedures provided in 12.4, a non-conforming use may be:
1. Increased in size or expanded within a building or upon the same lot;
 2. Changed to another non-conforming use, provided that a change in use (not a change in tenancy) requires the parking to be brought up to the standards of Chapter 13.

12.3. ADDITIONS AND ENLARGEMENT

- (a) A single non-conforming principal building upon a lot, or any accessory buildings which have less than 50% of their building area situated in the required yards, may be structurally altered, repaired, or enlarged; provided however, that any addition conforms to the setback requirements of the district in which it is located, and in the case of principal buildings, all current development requirements and conditions of this Code and other City codes are complied with.
- (b) Minor additions, alterations, or repairs to improve the appearance, safety, or efficiency of the building and which do not constitute an expansion of the use within a non-conforming building, may be permitted; provided however, that non-conforming buildings that do not qualify under either this or Paragraph 12.3.(a) may be enlarged or extended only pursuant to the procedures provided in Section 12.4. For the purposes of this section, minor additions, alterations or repairs are defined as additions, repairs or alterations which do not increase the square footage of either enclosed or exterior spaces of the building, or change the building envelope.
- (c) A building on a non-conforming lot may be structurally altered, repaired, or enlarged to improve appearance, safety and/or efficiency, in accordance with the required setbacks of the district in which it is located, when the addition or alteration does not constitute an expansion of the principal use; otherwise, any modification must comply with the procedures set forth in Section 12.4.
- (d) Any building or other structure containing a non-conforming use or any non-conforming building or portion thereof declared unsafe under the City's Building Code or other codes may be strengthened or restored to a safe condition and the use may continue.
- (e) A non-conforming building or a building containing a non-conforming use which has been damaged by fire, flood, wind, or

other calamity or Act of God may be restored to its original condition, provided such work is started within six months of such calamity and completed within 18 months of the time the restoration is commenced, and the intensity of use is not increased or changed.

12.4. PROCESSING. An application for approval for changes, additions or expansions to non-conforming uses may be filed by a person having an interest in the property for which the non-conforming use is requested and shall be made on a form provided by the City.

(a) Criteria for Review. Approval of request for changes, additions, or expansions under this section shall be granted only when it can be shown that the following criteria, insofar as applicable, are met.

1. All reasonable measures will be undertaken to alleviate or reduce the incompatibility or adverse effects of the non-conforming use or building upon abutting properties or in the neighborhood; i.e., objectionable conditions, visual or noise pollution, vehicular traffic, or on-street parking.
2. All changes, additions, or expansions shall comply with all current development requirements and conditions of this section and other applicable City codes, except as to use.
3. Additions to buildings will provide for storage of necessary equipment, materials, and refuse, rather than create a need for additional outside storage.
4. The building as it exists, and/or the land or use involved cannot reasonably be utilized under the provisions of this code, or cannot reasonably be made to conform with this code.

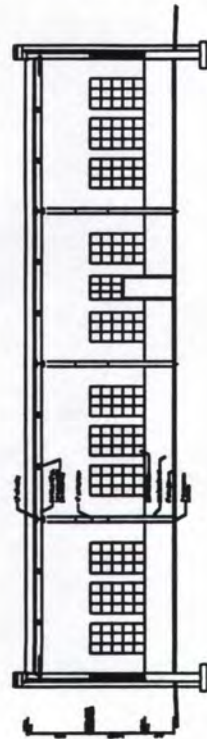
Pre-Application. Prior to the filing of an application for a modification to a non-conforming use under Sections 12.2.(e). and 12.3., a pre-application conference shall be held with the Community Development Department where the applicant will be advised of the information required for review and the procedures to be followed.

Application. Upon filing of the application, the Community Development Department shall post the property indicating that a modification of a non-conforming building or use has been filed and that more detailed information may be obtained from the City. When only modification or extension of a building is involved, the Community Development Department shall notify by mail the owners of abutting properties. When any change,

extension, or expansion of any non-conforming use is involved, all owners of properties located within 100 feet of the property lines of the land for which such application has been filed shall be notified that they may review the application during the Department's regular office hours, provided however, if a condominium is located within 300 feet of the property, notification of the condominium management committee shall suffice for that owner. The aforementioned notice by mailing is to reasonably ensure that surrounding property owners are aware of a proposed non-conforming use being considered, but any minor omission or defect in the mailing shall in no way impair the validity of the proceedings. If any omission or defect in the mailing is brought to the attention of the Board of Adjustment, at or prior to the public hearing, the Board shall consider the defect or omission prior to proceeding on the application. If the Board finds that the omission or defect impairs, or has impaired a surrounding property owner's ability to participate in the public hearing, then the Board of Adjustment shall continue the public hearing on the proposed non-conforming use for at least ten days. Any omission or defect in the aforementioned notice which is not serious enough to have impaired a surrounding property owner's ability to participate in the public hearing by the Board of Adjustment shall in no way impair the validity of the proceedings for the proposed non-conforming use.

- (d) Notification of Abutting Property Owners. The applicant shall include with his application a list of owners of abutting properties and properties located within 100 feet of his property, along with the current mailing addresses of all such owners; provided however, if a condominium is located within 100 feet of subject property, the addresses for the condominium management committee shall suffice.
- (e) Board of Adjustment Hearing. Within 30 working days of receipt of a complete application by the Community Development Department, and after giving public notice, the Board of Adjustment shall hold a public hearing on the non-conforming use application. The Board of Adjustment shall either grant the application in whole or in part, with or without modifications or conditions, or deny the application.

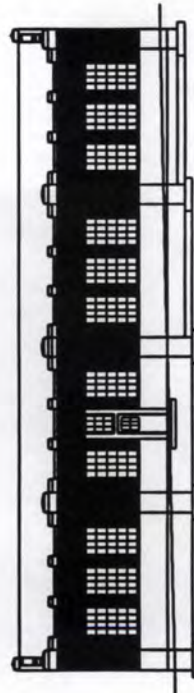
12.5. APPEALS. Appeal from the Board of Adjustment is to the district court and not the City Council. Any person applying to the district court for review of any decision made under the terms of this section shall apply for review within 30 days after the date the decision is filed with the City Recorder as prescribed by state statute.



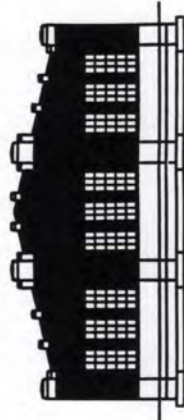
NORTH ELEVATION



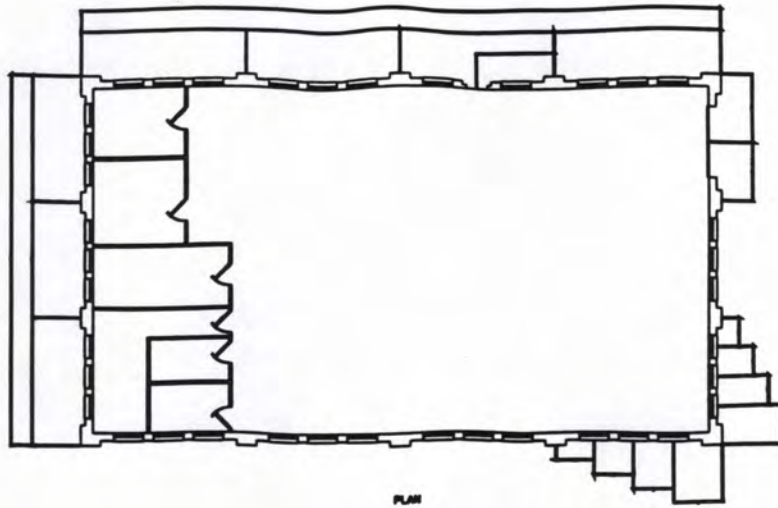
WEST ELEVATION



SOUTH ELEVATION



EAST ELEVATION



PLAN

1167 WOODSIDE
SCALE: 1"=8'

EXHIBIT D

David Belz

811 Park Avenue PO Box 681237
Park City Utah 84068
801-649-9339 Fax: 647-9339

*Ladd DeBoris of 1110 Woodside
supports requested variance
and change of use*

October 15, 1994

Tamara Campbell

Park City Planning Department
545 Marsac
Park City Utah 84060

RE: 1167 Woodside Board of Adjustments meeting

Dear Tamara,

I just received the staff's report on my proposal for 1167 Woodside and was very pleased to see that staff was recommending approval, with conditions. However, I have a few concerns about the conditions which Staff proposed.

When we last spoke, I was under the impression that you were going to propose a variance in the parking requirement. Due to the nature of the neighborhood, I can easily understand why, after further consideration, staff has concluded that this kind of variance may not be appropriate.

This brings us to determining a set of conditions which will work for both the city and for the applicant as well.

The conditions which Staff proposes present several concerns for the applicant. While the staff's proposal allows us to move forward and create a limited amount of office / studio space, and the continued use of a large amount of storage space, it does not provide sufficient flexibility to utilize the space under a variety of scenarios, including my own spatial needs.

Further, while artist studios (as outlined in staff's table of proposed uses) are high on my list for prospective users, our application is seeking broader flexibility to accommodate a variety of other users over time which might include other Architects, Interior Designers, a Lawyer, an Accountant, or other like service providers which generate little or no client traffic.

What I would like to achieve is the flexibility of uses mentioned above with flexibility on how those uses, including storage, are proportioned within the building.

Accordingly, I feel conditions which limit the number of building users / occupants based on parking provided will work better for the applicant than conditions, as proposed, which limit the area of the building which can be used for specific uses. (By way of example: if I have my Architect's office in the structure and have 2 employees in 800 Square feet, I will create no additional parking demand if the same 3 employees were to occupy 2,000 Square feet. Likewise, an artist with 200 Sq. Ft. will have the same parking requirements if he or she needed 1,000 Sq. Ft.)

In an earlier meeting, we discussed the possibility of putting such a covenant on the number of occupants allowed to work out of the structure which would be tied to the number of parking spaces provided. Similar covenants were required of my conditional use approval of 811 and 817 Park Avenue as an Architect's office. It was my understanding that you briefly consulted the City legal staff on this issue, and that Jody was of the initial opinion that such a condition was legal and practical.

The existing site plan shows accommodations for 9 surface parking spaces without tandem allowances or parking in the setbacks or on street frontages. This plan also demonstrates that the site can accommodate, as is, up to 17 cars with these allowance and conservatively, 14 or 15 cars without any on street parking. I understand tandem parking is not allowed for commercial uses, however, as a matter of practicality, where a small group of closely related users is concerned, some consideration of the tandem allowances does not seem unreasonable.

I propose the following:

1. Approval for any mix of the following uses: Professional Offices, Artist / design studios, storage, and as addressed specifically in #5 below, group meeting space.
2. Approval of any square footage mixes for the above approved uses which can be accommodated within the existing shell.
3. A total maximum of 9 occupants / workers will be allowed to occupy the subject property based on the existing surface parking provided. This parking consideration and allowance supersedes other related requirements of chapter 13 of the LMC, including the need for parking to be "fully enclosed".
4. As additional parking is provided, the number of allowed occupants / workers will be increased by one for each additional space provided either on site or in the immediate vicinity. At the City's discretion (at a future date), additional occupants, (outside that allowed by parking accommodated on site or in the immediate vicinity), may be provided for by contributing to the city parking fund.
5. As a separate conditional line item, Karate, Yoga, Dance, Book and Academic Clubs or other similar group meeting space will be allowed during specified times, to be determined. Notwithstanding the parking considerations above, said groups will be allowed up to 25 participants, including instructors. In the event these conditional "small group" uses present any problem for the neighborhood, at any time, then this conditional use can be revoked with 60 days notice by the Planning department or as otherwise provided by code. Said revocation will not effect the other approved uses of Professional offices, artist / design studios, and storage.
6. A variance to allow below (street level) grade parking in the set back fronting Woodside. Said variance to be subject to the planning department's approval of the surface treatment of said structure. (This variance is in support of the applicants future efforts to provide fully enclosed parking as shown in the proposed plans, and to accommodate housing above said parking.)

I appreciate your considering my concerns and proposed solutions. If you so desire, I would be glad to sit down, at your convenience, and elaborate further.

Sincerely yours,

David Belz

MINUTES FROM PAST MEETINGS

MINUTES OF PARK CITY BOARD OF ADJUSTMENT
MARSAC MUNICIPAL BUILDING
AUGUST 2, 1994

IN ATTENDANCE: Tom Sedgwick, Gordon Strachan, Joe Tesch

ABSENT & EXCUSED: Steve Deckert and Mike Eberlein

EX OFFICIO: Janice Lew, Planner I
Sharon Bauman, Administrative Secretary
Shauna Kerr, City Council Liaison

=====

At approximately 5:15 P.M. Acting Chair Joe Tesch called the meeting to order and noted that Mike Eberlein and Steve Deckert were excused.

Agenda Item #1

Approval of minutes for meeting of June 28, 1994

MOTION: Tom Sedgwick moved to APPROVE the minutes of June 28, 1994 as written. Gordon Strachan seconded the motion which was unanimously approved.

Agenda Item #2

Clubhouse at The Oaks, 3311 Sun Ridge Drive - Request for reduced front and rear yard setbacks to allow construction of a garage - Ted Warr, Architect (Continued from 6/28/94).

Acting Chair Tesch requested a motion to continue per the applicant's request.

MOTION: Gordon Strachan moved to CONTINUE the request for reduced front and rear yard setbacks for the Clubhouse at The Oaks, 3311 Sun Ridge Drive. Tom Sedgwick seconded the motion which was unanimously approved.

Agenda Item #3

1167 Woodside Avenue - Request to change a non-conforming use (The Bus Barn) from commercial to professional offices, design and/or arts studios, and/or cultural educational uses; and request for a phased parking plan - David Belz, Architect.

Acting Chair Tesch requested a motion to continue per the applicant's request.

MOTION: Tom Sedgwick moved to CONTINUE the request for a change to a non-conforming use at 1167 Woodside Avenue. Gordon Strachan seconded the motion which was unanimously approved.

At approximately 5:17 P.M. Tom Sedgwick moved to ADJOURN. Gordon Strachan seconded the motion which was unanimously approved.

Approved: _____

Date: 10-18-94

Agenda Item #3

1167 Woodside Avenue - Request to change a non-conforming use from bus storage to professional offices and art studios - David Belz, Architect (Continued from 8/2/94)

Chair Deckert requested a motion to continue per the applicant's request.

Board Member Sedgwick stated that the Board had never actually heard the request and asked why the applicant was requesting further continuance. Principal Planner Campbell explained that the applicant had initially requested a continuance to allow further review of several issues; and the item was being continued again because the applicant was out of town.

MOTION: Mike Eberlein moved to CONTINUE the request to change a non-conforming use from bus storage to professional offices and art studios at 1167 Woodside Avenue. Tom Sedgwick seconded the motion which was unanimously approved.

Agenda Item #4

136 Heber Avenue (Gateway Center) - Request for extension of variance - J. Tozer

Principal Planner Tamara Campbell reminded the Board they had granted a 9-1/2 foot height variance for the entire length of the north elevation of the Gateway Center in December, 1993.

Based on the date of the ratification of the Findings and Order, the approval expires October 12, and the applicant wishes to ensure that the approval remain valid for another six months. The Staff recommended that an extension for one year be granted.

Chair Deckert stated he believed that variances ran with the land and did not expire. Staff responded that variances did run with the land; however, they were granted for a period of six months to avoid having valid approvals pending for projects which were not constructed.

MOTION: Tom Sedgwick moved to APPROVE the extension of the variance for the Gateway Center for one year. Joe Tesch seconded the motion which was unanimously approved.

Agenda Item #5

136 Heber Avenue (Gateway Center) - Request to allow encroachment into maximum building height - J. Tozer

Principal Planner Tamara Campbell explained that the request was twofold: 1) to exceed the maximum building height by 24" along the west facade; and, 2) to exceed the maximum height

3. The existing vegetation creates a special circumstance in that it obstructs the reception window necessary for adequate reception.
4. The proposed location is the most reasonable location in that the existing mature vegetation will serve to screen the satellite dish from the street and adjacent property owners and forcing the applicant to move the dish would unreasonably require re-landscaping the yard to properly screen the dish.
5. The variance will not adversely affect the neighborhood nor the public interest because all other installation standards are met and the existing vegetation adequately screens the dish. The existing vegetation would better screen the dish than newly planted material which would take years to mature. Therefore, the spirit of the ordinance is best served by the variance.
6. Directing the applicant to replace the dish with a smaller model would be an unreasonable requirement and create a hardship.

Conditions of Approval:

1. The applicant shall obtain a building permit from the City prior to installation of the satellite receiving station.
2. The maximum height shall be 14 feet and only applies to this specific satellite receiving station.
3. The applicant may not apply again for a height variance for the satellite receiving station in question.

MOTION: Joe Tesch moved that the Board of Adjustment recommend to the Planning Staff and Planning Commission that the restrictions with regard to satellite dishes be reviewed to be more practical and to better meet the needs of the citizens and to allow staff review and approval without taking this sort of thing to the Board of Adjustment. Mike Eberlein seconded the motion which was unanimously approved.

The Board returned to Agenda Item 6 - request to change a non-conforming use from bus storage to professional offices and art studios (1167 Woodside Avenue).

Neighborhood resident Ron Butkovich requested an explanation of the proposal. Planner Campbell explained that the applicant was requesting a change in a non-conforming use, which was allowed by the Land Management Code subject to minimum review criteria. The applicant wanted to utilize the entire 4,500 sq. ft. building as a series of offices, art studios, and

instructional teaching rooms. He was not able to meet Code parking requirements and the Staff did not feel that a variance from those requirements would be appropriate.

Ms. Campbell stated the Staff had proposed that the applicant be allowed to use a portion of the building, and that he tailor the uses to fit the nine available parking spaces. The Staff recommended that office use be reduced to 800 sq. ft. and that only two 500 sq. ft. art studios be allowed. The remainder of the structure could be used solely for private storage. In the future, the applicant planned to construct a parking structure and at that time, the Board could review the new uses.

Planner Campbell reported that Staff had received a letter from Mr. Belz expressing concern about the Staff Report although they had not had an opportunity to review it and respond. She also pointed out that Todd Debonis, 1110 Woodside, had called the staff and supported the proposal. In addition, the Montessori School had expressed interest in renting some of the space for their instructional facility.

MOTION: Joe Tesch moved to CONTINUE the request. Mike Eberlein seconded the motion which was unanimously approved.

Mr. Tesch expressed concern that the applicant may assert that the project was deemed approved due to the failure of the Board to act within an allotted time. Planner Campbell reported that the Code required the hearing date to be no less than 15 days and no more than 30 days from date of application. She noted that the Code did not limit the number of times an application could be continued.

Chair Steve Deckert moved to ADJOURN at 5:50 P.M. Mike Eberlein seconded the motion which was unanimously approved.

Accepted by:



Date:

11-15-94

Agenda Item #5

Cisero's, 306 Main - Request for an exemption of a portion of the parking requirement in exchange for providing a facade Preservation Easement - Steve McComb

Planner Janice Lew stated that the application had been withdrawn. She reported the applicant had opted to pay for parking rather than have a facade easement.

Agenda Item #6

1167 Woodside Avenue - Request to change a non-conforming use from bus storage to professional offices and art studios - David Belz, Architect

Planner Tamara Campbell explained that the application was for a variance from parking requirements and approval for a change in a non-conforming use of the old bus barn. The applicant was not present and the Board delayed discussion until later in the meeting.

Agenda Item #7

136 Heber Avenue (Gateway Center) - Ratification of Findings and Order for variance to encroach into maximum building height granted 9/6/94

Planner Tamara Campbell indicated that Staff had prepared Findings and Order for the action taken by the Board on September 9, 1994.

Board Member Mike Eberlein commented that Finding 1 for the 24-inch height variance did not clearly specify that the Board's approval was based on the fact that it was impossible to find the natural grade on that site. He requested that Finding 1 be amended to state, "The preexisting construction and significant alterations to the topographic features presented problems in ascertaining the original grade, thereby creating a hardship in meeting maximum height standards..."

MOTION: Joe Tesch moved to RATIFY Findings of Fact and Conclusions of Law as amended with regard to APPROVAL of the 24" height variance on the westerly facade at 136 Heber Avenue. Gordon Strachan seconded the motion which was unanimously approved.

MOTION: Joe Tesch moved to RATIFY Findings of Fact and Conclusions of Law with regard to the DENIAL of a request for a 6 foot height variance for an atrium feature at 136 Heber Avenue.

Because he had been absent from the previous meeting, Gordon Strachan requested a brief review of the discussion at the previous meeting. Chair Deckert explained that the applicant had

MINUTES OF PARK CITY BOARD OF ADJUSTMENT
MARSAC MUNICIPAL BUILDING
NOVEMBER 15, 1994

IN ATTENDANCE: Chairman Steve Deckert, Mike Eberlein, Tom Sedgwick, Gordon Strachan, Joe Tesch

ABSENT & EXCUSED: Dell Fuller

EX OFFICIO: Kirsten Whetstone, Planner
Sharon Bauman, Administrative Secretary

=====

Chair Steve Deckert called the meeting to order at 5:05 P.M. and noted that all Board Members were present except Alternate Dell Fuller.

Agenda Item #1

Approval of minutes for meeting of October 18, 1994

MOTION: Joe Tesch moved to APPROVE the minutes of October 18, 1994 as written. Gordon Strachan seconded the motion which was unanimously approved.

Agenda Item #2

Operating Rules and Findings Criteria - Jodi Hoffman/Rick Lewis

MOTION: Joe Tesch moved to CONTINUE the discussion. Mike Eberlein seconded the motion which was unanimously approved.

Agenda Item #3

1167 Woodside Avenue - Request to change a non-conforming use from bus storage to professional offices and art studios - David Belz, Architect

Planner Kirsten Whetstone briefly explained that the applicant was requesting approval to change a non-conforming use (the Bus Barn), to another non-conforming use (office space, art studios, private instruction type uses). She stated that the Land Management Code allowed changes to non-conforming uses provided they met the criteria in Section 12.4.(a) of the Land Management Code.

At the request of Board Member Tesch, Mr. Whetstone reviewed the four criteria listed in Section 12.4.(a) Criteria for Review.

Planner Whetstone added that the applicant was also requesting a variance to the parking requirements for the proposed use. She explained that if the entire building were converted to office uses, it would generate a need for more parking spaces than are available on site. According to the Land Management Code they would be deficient about 11 spaces. She went on to say that the Staff supported the change in non-conforming uses, but they did not support a change in parking since it was clear in Chapter 12.2.(e) that a change in non-conforming use required parking to be brought up to the standards of Chapter 13.

Board Member Tom Sedgwick asked how many parking spaces were on site. Ms. Whetstone responded there were nine onsite parking spaces. She explained that if the entire building were used for offices and art studios the applicant would need to provide approximately 20 spaces.

David Belz, applicant, commented that the tally of parking spaces did not include several spaces on Woodside that encroached into the City right-of-way. He believed those were allowed to be considered if the City Engineer determined they would not present a problem. He discussed various parking alternatives, including leasing lots from an adjacent property owner, and purchasing adjacent parcels. He proposed that as additional parking was provided, the number of occupants could be increased accordingly.

Planner Whetstone stated the Staff had modified its recommendation slightly since the last meeting to make it more flexible for the applicant. The Staff would review building plans and ensure that adequate parking was provided.

Chair Steve Deckert commented that the available existing parking would only provide for about 40% utilization of the structure and the remainder of the structure would have to remain as storage.

Board Member Gordon Strachan favored preservation of the building. He requested input from the applicant about when he might plan to provide an additional parking structure.

David Belz responded he was very sensitive to the City's concerns about creating traffic impacts in that location. He concurred that an office/studio configuration with people coming and going would create an incredible parking problem in a residential area. He noted it would be a significant expenditure to renovate the entire building and then only be allowed to use approximately 40% of the building. Therefore, he had proposed a set of conditions tied to the number of occupants or users in the building. As he could provide additional parking, then the number of occupants could increase accordingly.

Mr. Belz stated that his long-term plan was to construct an enclosed parking structure which would nearly meet the total parking requirements for the site. He explained that the old barn located behind the bus barn would be razed and a parking structure would be constructed in that location. He also proposed the construction of two houses on top of the parking structure. He

anticipated he would move forward with that stage of the project approximately three years after the bus barn was renovated.

Mr. Belz indicated he was requesting the variance based on hardship due to the siting of the historic structure and the lack of available parking on site.

Chair Deckert requested public input.

Jim Steinmetz, 1135 Norfolk, did not have a problem with the proposed renovation of the bus garage. He expressed concern about the demolition of an existing garage in the Historic District. He also expressed concern about the proposal to construct houses on top of the parking structure.

Chair Deckert explained that the parking structure and houses were options which would be explored at a later date. He stated the Board was only being asked to consider a variance for the change in use of the structure.

Mr. Belz stated he did not intend to build the parking structure until he could build the housing.

Mr. Steinmetz believed the renovation of the bus garage would be an improvement, but he bemoaned the fact that another chunk of Old Town was being lost.

Ron Butkovich, 1100 Woodside, felt that renovating the Bus Barn was better than letting it sit vacant. He expressed concerns about possible future expansion of parking areas on adjacent lots.

Board Member Tom Sedgwick commented that the Land Management Code allowed tandem parking for residential uses in the HR-1 zone and asked about the prohibition of tandem parking for commercial uses. Chair Deckert responded that it was not addressed in the Code because commercial uses were not allowed in the HR-1 zone.

Board Member Joe Tesch felt that preservation of the building was important but he did not know how it could be preserved in any reasonable sense without providing additional parking as required by Chapter 13.

Board Member Mike Eberlein commented that an applicant asking for a variance in a non-conforming use should meet all Code requirements, and this one did not. He stated he would move to deny the request.

Board Member Tesch requested that the Board give the applicant some direction.

Chair Deckert commented that the Staff was willing to allow commercial activities which would equate to the nine existing parking stalls on the site. If the available parking were used efficiently, it might not not impact the neighborhood; however, the Board must ensure that its actions would not impact the neighborhood.

Board Member Sedgwick asked how parking requirements for various uses were determined. Planner Whetstone explained that Chapter 13 of the Code contained specific requirements for each land use. For example, offices were required to provide one space for each 500 square feet plus one space per employee per shift, or one space per 200 square feet net usable office space, whichever is greater. Therefore, if the applicant has 2,000 square feet net space, he must provide 10 spaces.

Mr. Belz commented that if the Board were moving toward a denial, rather than allowing him to develop additional parking in phases, he would prefer to move forward with a proposal to construct the parking structure which would provide 12 enclosed spaces. He noted this proposal would not include the housing on top of the structure.

Board Member Eberlein stated that if Mr. Belz wished the Board to consider such a plan, he would have to take his proposal back to the Staff.

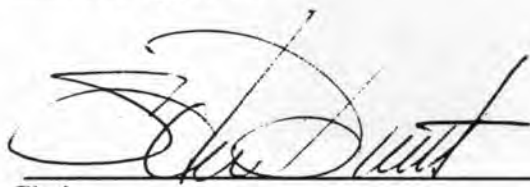
Mr. Belz indicated that his original proposal did include the enclosed parking structure, but his original Staff Planner had advised him to move forward with only a portion of his application. Specifically, in order to construct the parking structure he would need to request a variance to allow below grade parking in the front setback facing Norfolk.

Chair Deckert stated that the Staff would have to examine the request for a variance to allow construction of the parking structure, create findings and conditions, and present it to the Board at another time.

MOTION: Tom Sedgwick moved to POSTPONE. Mike Eberlein seconded the motion. The applicant requested feedback regarding parking in the setback. Board Members concurred that they wished to see the building renovated; however, they firmly believed that the applicant must provide code compliant parking. They indicated that a fully enclosed, below-grade structure might be a viable solution. They also requested the City Engineer's opinion regarding parking in the City right-of-way. The motion was unanimously approved.

Mike Eberlein moved to ADJOURN At 5:50 P.M. Gordon Strachan seconded the motion which was unanimously approved.

Accepted by:


Chair

Date: 2-28-95

APPLICANT'S REVIEW OF MINUTES:

Reference to modification of staff recommendation was to allow flexibility in the use of the space allowed by the parking provided. In the original staff recommendation it was worded as to only allow the applicant 800 Sq.Ft. for his office and 2 artist studios of roughly 500 Sq.Ft. each. The Modified recommendation allowed the use of 1,800 Sq.Ft. in any combination of acceptable uses.

I do not recall concurring that an "incredible parking problem" would be created by the proposed use and do not believe this to be the case. I believe these comments were either out of context or misspoken in acknowledgment of the staff's and Board's concerns about the potential for a parking problem.

Jim Steinmetz reference to the "loss of another chunk of old town" is I believe referring to the bus garage built in 1959 which in some parking options would be demolished to accommodate parking for the main structure.

Board member Tesch expressed concern about only providing 9 cars and wanted to see additional parking provided.

Board member Mike Eberlein appeared unable to support any variance based on hardship where a change of non-conforming use was at issue and where such a change required full compliance with the Land Management Code.

General remarks by the commissioners supported a renovation effort and appeared to acknowledge the need for a change of use to facilitate such an undertaking.

Direction given by Board:

Board wanted assurances that approval of the project allowing the requested commercial activity would not adversely impact the neighborhood: Please consider the applicant's assessment of the review criteria, the mitigation efforts, enforcement provisions, and other analysis provided to address this concern.

Board requested staff to examine the request for setback variance to allow for the parking structure and to create findings for the same: Staff has taken the position they can not support any setback variances based on the belief that by providing the parking (*as requested by the board*) the resultant intensity of use would be too great for the area. Accordingly, they have prepared no such findings. Assuming the Board supports the applicant's efforts, please consider the attached findings prepared by the applicant.

Board requested City engineer's' opinion regarding parking in the city right of way: The City Engineer has expressed the belief that such parking would impact the city right of way and therefore is unwilling to support such an allowance. This opinion seems to be in concert with staff's desires to not support the application based on their perception of the resultant intensity of use. The applicant has generated a parking plan which moves the spaces formerly shown in the city right of way with-in the front set back area as provided in section 7.1.3e. This too has been questioned by staff as not being supportable despite it being allowed under the code for this zone.

The Board felt firmly that the applicant needed to provide code compliant parking and indicated a fully enclosed below grade parking structure might be a viable solution.

LETTERS OF SUPPORT

HDC GRANT APPLICATION

David Belz, Architect

811 Park Avenue
Park City Utah
801-649-9339

April 24, 1995

The Park City
Historic District Commission
445 Marsac
Park City, Utah 84060

RE: HDC grant application on 1167 Woodside, AKA the "Bus Barn"

To whom it may concern;

Enclosed please find our 1995 Historic District Grant application. I am applying for a \$10,000 grant to be used towards the comprehensive restoration of the commercial structure at 1167 Woodside, AKA "the Bus Barn". This is the third or fourth time a grant has been applied for on this structure.

Because of concerns raised in past funding rounds, I would like to first address the structures use. The building, per section 12.2 of the Land Management Code, is classified as a non-conforming commercial use as a bus / auto storage and maintenance facility. Per section 12.2d, enclosed please find the affidavits of Burke Jolley and myself certifying the buildings use over the last 15 years. Before this time, the structure served as an industrial arts facility to the adjacent school. If there are any questions regarding the building's commercial status not satisfactorily addressed with the enclosed affidavits, I will be glad to respond to any inquires on this matter.

As to the building's future disposition; There is a pending application to the Board of Adjustments for a **partial** change of use to allow for my architecture office and a couple of small studio spaces. If this request is granted, roughly half of the structure's 4,500 gross Sq.Ft. will be office / studio space, with the remainder staying storage. If the request is denied, I still intend to move forward with a restoration while maintaining its present non-conforming use.

In support of this application, I would like to address the board's criteria for review. I understand there are three primary considerations in evaluating applications; **1**; the significance of the structure, **2**; the efforts to return the structure to its original appearance, and **3**; the preservation necessity.

As to the structures significance; clearly there are very few large historic structures in Park City. This may well be the only historic building of its type in town. Because of the Structure's past public uses, there are many in the community who have spent considerable time in and around the property. I have received substantial encouragement from these long time residence to restore the structure. The building also has a special significance by nature of its historic relationship to the adjacent Park City Education Center. Constructed of the same materials, this structure was a part of the earlier "school campus". On a more regional perspective, The Architects of this building, Scott and Welch, are considered historically important figures by the State Historical Society.

As to the proposed efforts to restore the structure to it's original appearance; To this end, the building's shell will be restored in a manner consistent with the Historic guidelines and with the same care and attention to detail I have given my other restoration projects in Old Town. Further, where many of the other applicants may have substantial additions competing with the expression of the original structure, our restoration contemplates no additions. Accordingly, the final product should be indistinguishable from the building's original expression with the exception that I may keep nicer flower pots sitting out front.

The preservation necessity; I believe there are two facets to this point; 1. can we afford to loose the building, and 2. Is the building in jeopardy of being lost if not restored.

On the first point; I have heard no one question the importance of this building and it's preservation necessity. As to the structure being at risk; Despite the buildings state of dis-repair and decay, no one can say if and when a critical failure might occur. With proper maintenance, particularly snow removal, I think it is unlikely that the structure is going to collapse in the immediate future. What is at risk, is the continuing deterioration of existing brick work and structural members. Each year more brick is destroyed by water infiltration. Since all these failed materials will have to be replaced; the further out in time a restoration occurs, the fewer original materials that will remain. Many restoration efforts in Park City have been criticized for being replications because there is so little of the original structure remaining. In this light, If preserving historic materials is as important as maintaining historic form, than it is imperative the building be restored in the near future.

(Please note photos of brick work being destroyed by water infiltration. We have tried several times to patch the roof but still have serious water problems. The roof and its structure will need to be replaced / enhanced to address this problem.)

In addition to the primary review criteria, It appears the board has some concerns about supporting speculative ventures. Accordingly, I felt it was important for the commissioners to understand my involvement with this project. Like most Architects and designers, I have long dreamed of working out of a space like this. My sole motive in acquiring the property was to save the building so that one day I might have this opportunity. While I will take steps to protect the long term value of my investment, this project is not about speculation but is an act of love and passion for what I do. If I do not receive the requisite approvals for my proposed use, than I will renovate the structure to avoid further decay, maintain its present use, and appeal to a more sympathetic body at a future date.

In closing, I realize that competition for grants is enormous and that not everyone can be funded. This project has applied for and not been awarded a grant several times. When reviewing our application this time around please consider that;

- * This is arguably one of the most significant historic structures in town not yet renovated.
- * The proposed renovation has no additions which would alter the appearance of a faithfully restored structure.
- * The building needs to be restored to preserve the original construction materials from further deterioration. *(a true restoration, not a defacto replication)*
- * Whether in its present or proposed use, the building is a commercial structure which is eligible and deserving of funding under the grant program.

Like many Parkites, I have strong feelings for this building and want to see it saved. As with the Park City Education Center, I hope the city will take pride in being a part of this important restoration effort by supporting my efforts and awarding our project an HDC grant.

Sincerely yours,



David Belt

HDC GRANT APPLICATION
THE CARL WINTERS SCHOOL INDUSTRIAL ARTS BUILDING
(12th and Woodside)

OWNER: David Belz DBA 1167 WDSD, LLC
PO Box 681237
Park City, Utah 84068
(801) 649-9339

HISTORY AND DESCRIPTION:

This brick and glass structure was originally constructed in 1936 as a part of the same bond issue used to build the Marsac Building. Designed by the then prominent architectural firm of Scott and Welch, the original use of this structure was as a shop building for the local High School.

The building encompasses roughly 4500 Sq.Ft. *(not counting the former mezzanine)* with a free-span steel and wood structure which rises to 20 feet at the ceiling's peak. The building's enclosure consist of massive concrete capped brick piers with large industrial steel mullion windows on all four walls.

When first built the building had a mezzanine in the back 1/4th of the structure. The area under the mezzanine was used for storage and bathrooms and office(s). The remainder of the space was open space. Roughly half of the remaining floor area had a hardwood floor with the other half exposed concrete. As a shop space woodworking tools and work benches were arranged through out the open area.

When the High School was moved to its present location in Park Meadows, the School district began using the building as a bus barn for the City school buses. It was at this time that the structure's mezzanine and the mechanical systems were striped out to make more room for the buses, plows and storage needs. This use has ensued since that time.

The building is zoned HR-1 but is grandfatherd as a non-conforming commercial use as defined in chapter 12 of the Park City Land Use Management Code.

In August of 1991 David Belz purchased the building which is now held under the name of 1167 WDSD LLC.

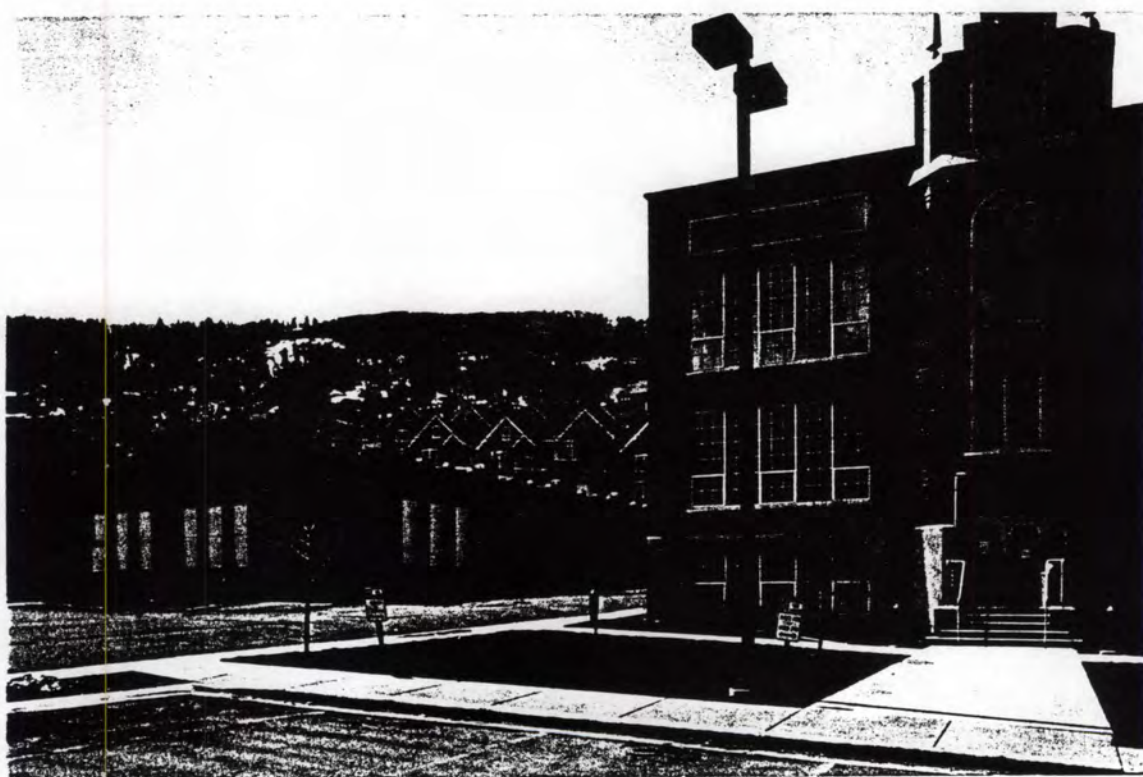
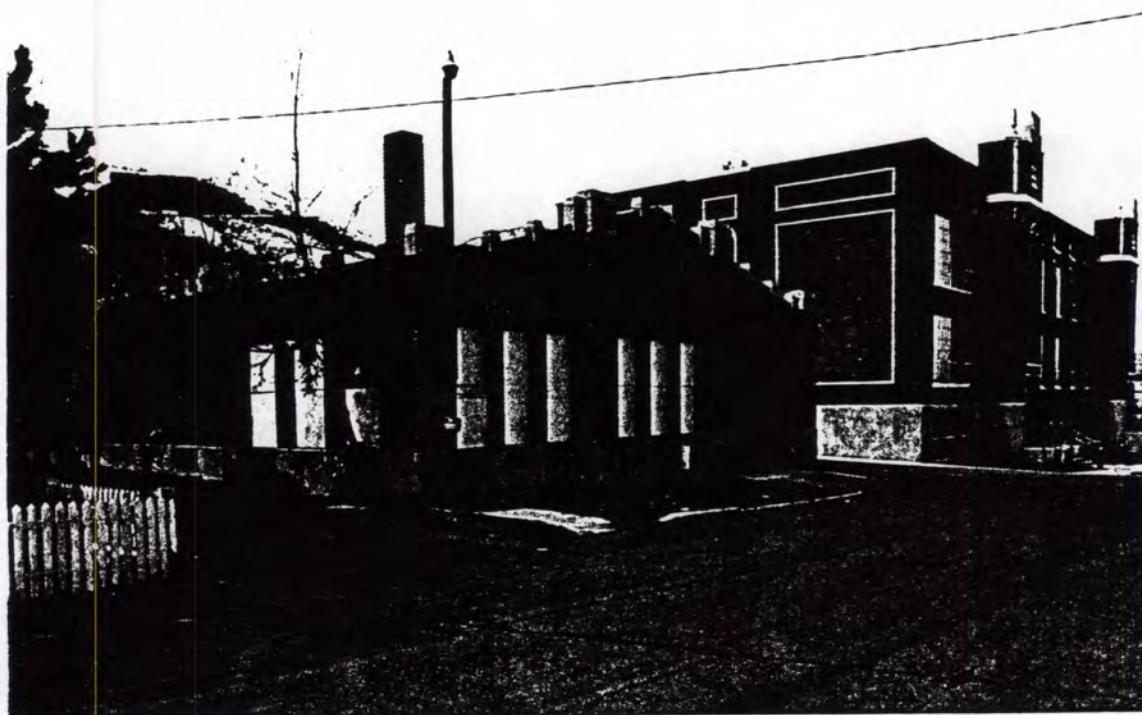
IMPROVEMENTS QUALIFIED FOR MATCHING FUNDS

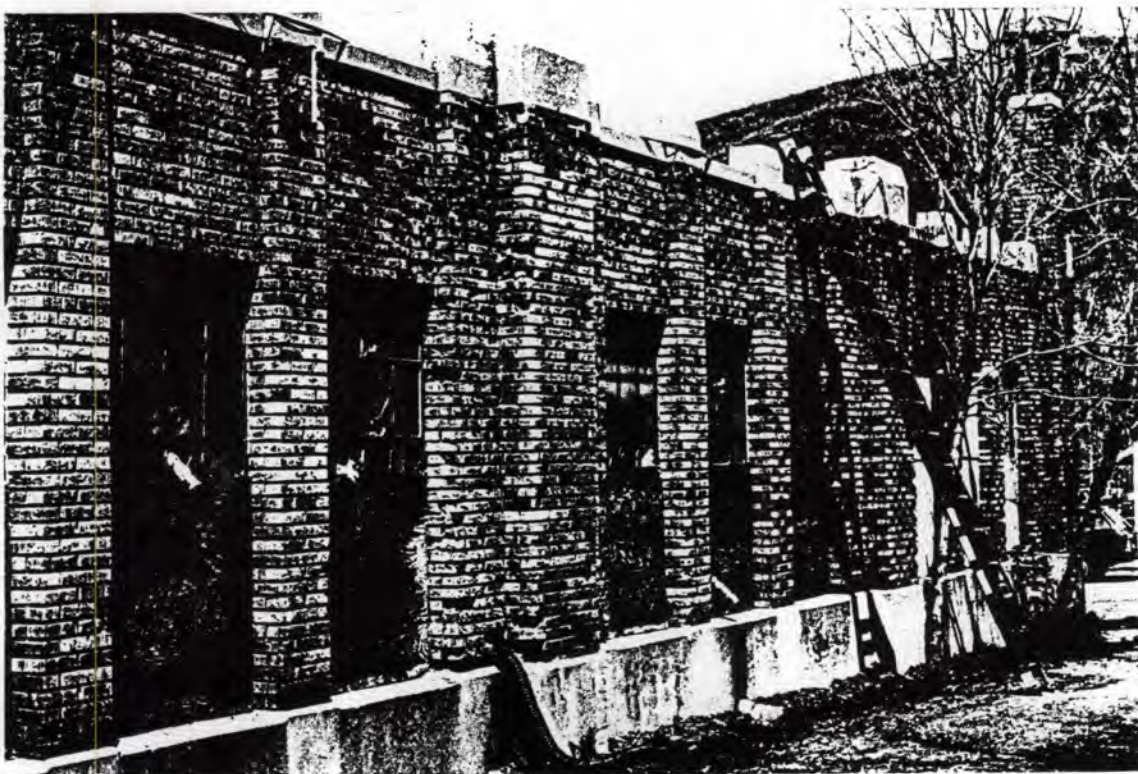
Masonry	replace damaged brick, tuck & point, repair/replace concrete caps, clean	\$ 10,000
Windows	(PC Glass Min. estimate based on units in PC Ed. Cntr. (42 UNITS)	\$ 50,000
Structural	(as required to meet code. Est. based on known scope of work)	\$ 25,000
Roofing	(7,500 Sq.Ft. of roof + trough at parapets+drainage	\$ 20,000
	Subtotal	\$105,000
Contingencies		\$ 10,000
TOTAL		\$115,000

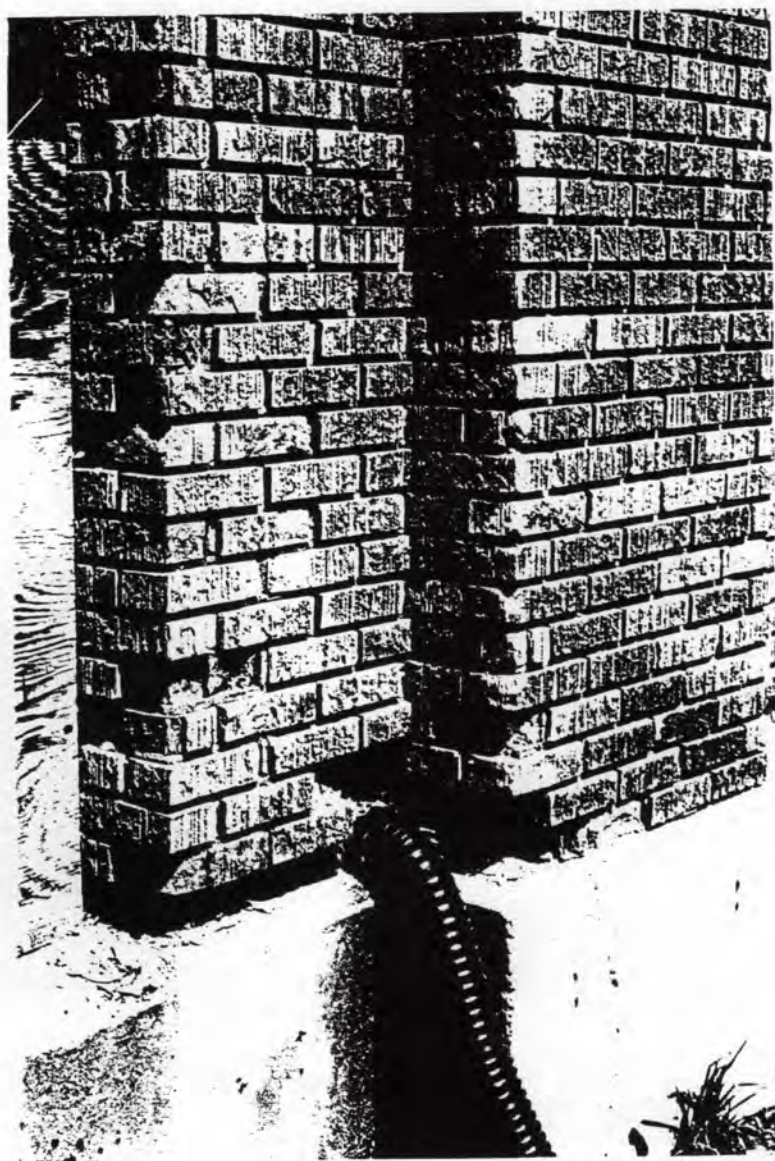
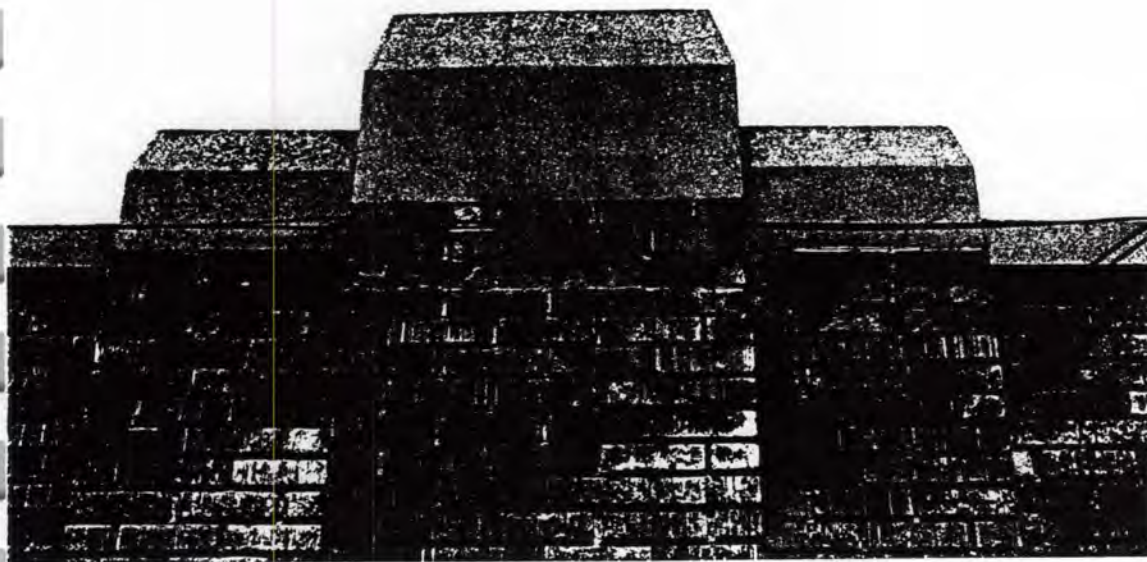
ADDITIONAL IMPROVEMENTS

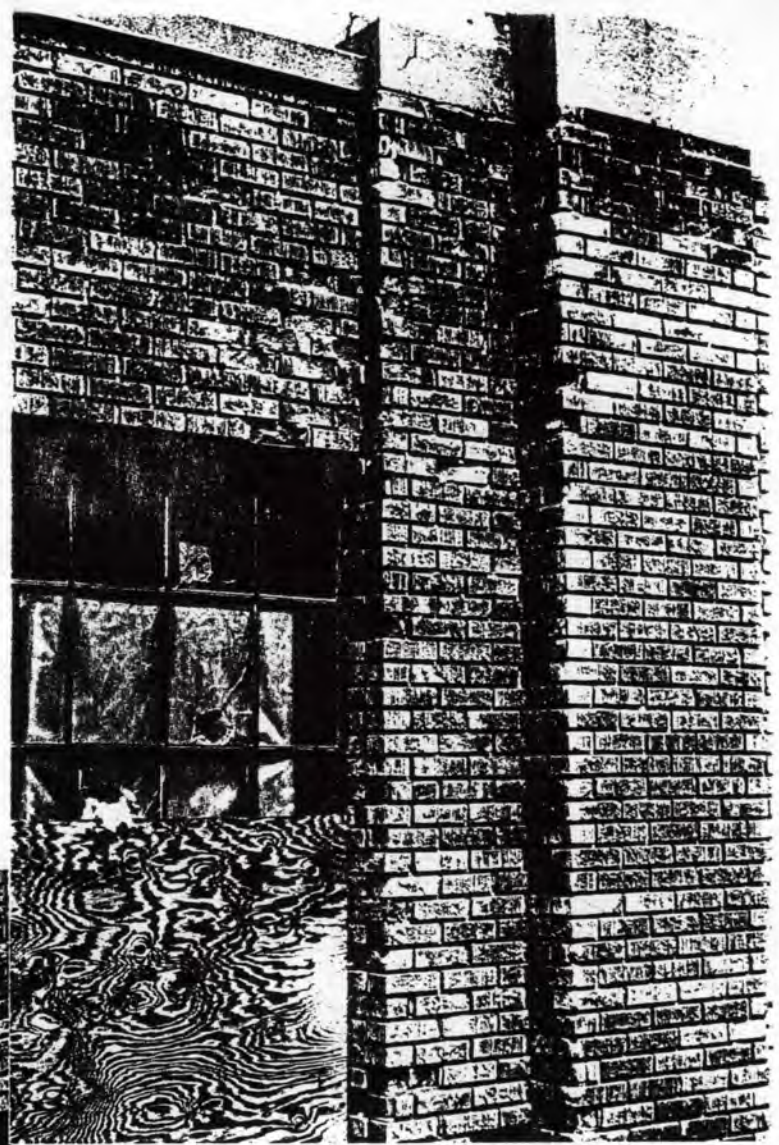
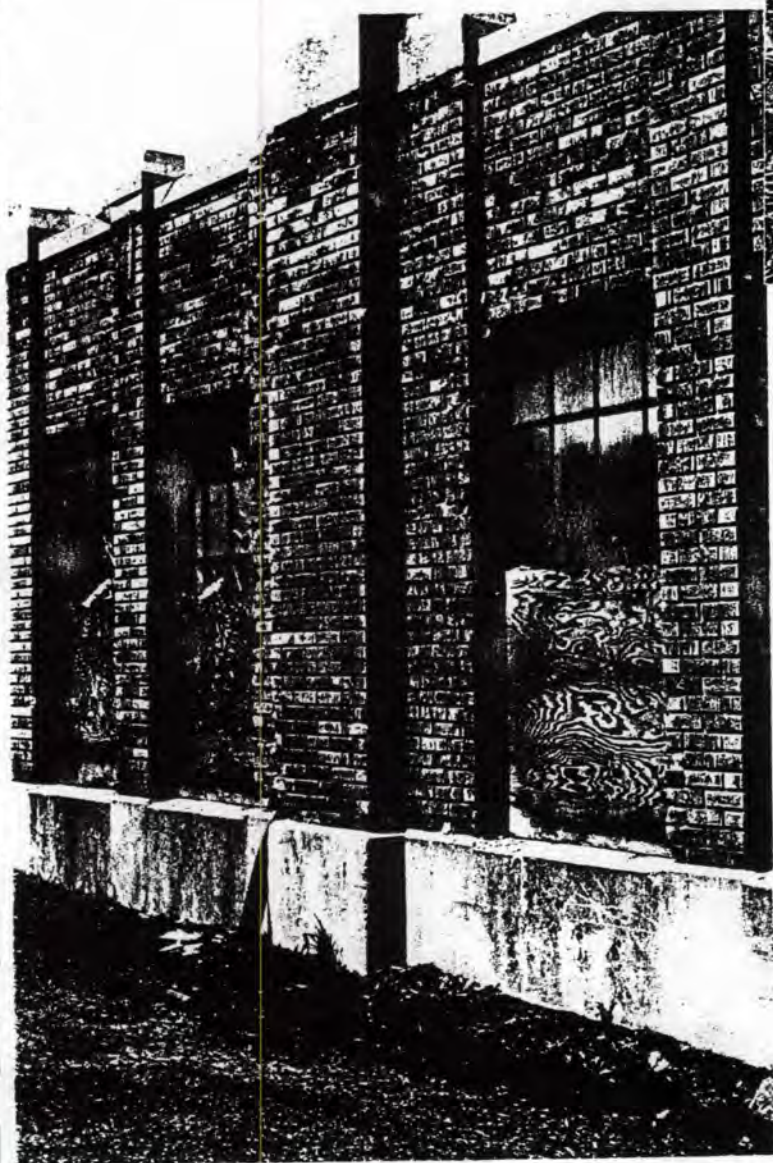
Plumbing	(set manhole, sewer hook up, interior runs,)	\$ 20,000
Electrical	(New UG elec. svc., int/ext. lighting,etc)	\$ 20,000
HVAC	(susp. Fnc. unts, boiler, fans,)	\$ 20,000
Fire safety system	(may qualify for matching funds est. Mid Mountain)	\$ 20,000
Security system		\$ 5,000
Ceiling; Insulate, drywall and finish	(7,500 Sq.Ft. @\$3/)	\$ 22,500
Interior wall finish	(3,800 Sq.Ft.@ \$3/)	\$ 11,500
Floor finishes	(4,200 Sq.Ft @ \$6/inst.)	\$ 25,000
Interior partitions and fixtures		\$ 25,000
Window Treatments	(light control 42 @ 3.5'x7.5' avg @ \$500 each)	\$ 20,000
Landscaping	(budget line item)	\$ 10,000
<u>Improvements to existing garage</u>	<u>(struc, sprnkl, roof, per code)</u>	<u>\$ 20,000</u>
Subtotal		\$219,000
Project soft cost (legal, Accting, impact fees, hook-up fees, architectural services, 15% Cont. Fee, etc..)		\$ 70,000
TOTAL ADDITIONAL IMPROVEMENTS		\$289,000
TOTAL PROJECT IMPROVEMENTS		\$404,000

*cost above are based on estimates provided by outside contractors, suppliers and my own experience as an architect and builder. I feel these numbers represent conservative estimates and expect those line items qualifying for grant funding to actually come in higher.











AFFIDAVIT OF BURKE JOLLEY

COPY

This affidavit is to serve as my sworn testimony regarding the structure at 1167 Woodside also known to many as the "Bus Barn".

My present title is Business Administrator for the Park City School District. I have worked with the School District, former owner of the subject property, since 1988.

I state the following to be true to the best of my knowledge:

The subject property was originally an Industrial Arts facility for the High School and subsequently for the Middle School. In this capacity the building functioned as a large woodworking shop to teach vocational skills to the students.

On or around 1980, the facility was converted to a Bus Garage servicing the School District.

In its capacity as a garage facility, the buildings primary function was for the storage and maintenance of School buses and on occasion, other mechanical equipment such as snow plows.

The facility was, on at least one occasion, also rented to a movie production company for the building of movie sets.

The primary uses described above were active and maintained for at least 12 weeks per year for each and every year since the building's conversion from an Industrial Arts facility until the time the property was sold to Mr. David Belz AKA DB Holding Inc., AKA 1167 Wdsd LC.

I here-in swear that all the above information is true and accurate to the best of my knowledge and is affirmed as such by the affixing of my signature below.

Burke Jolley Burke Jolley 4/14/94 Date

Notary: _____ Date _____

AFFIDAVIT OF DAVID BELZ

This affidavit is to serve as my sworn testimony regarding the structure at 1167 Woodside also known to many as the "Bus Barn".

My present title is owner / Architect of the subject property which is the subject of this affidavit.

I state the following to be true to the best of my knowledge:

The subject property was originally an Industrial Arts facility for the High School and subsequently for the Middle School. In this capacity the building functioned as a large woodworking shop to teach vocational skills to the students.

On or around 1980, the facility was converted to a Bus Garage servicing the School District.

In its capacity as a garage facility, the buildings primary function was for the storage and maintenance of School buses and on occasion, other mechanical equipment such as snow plows.

The facility was, on at least one occasion, also rented to a movie production company for the building of movie sets.

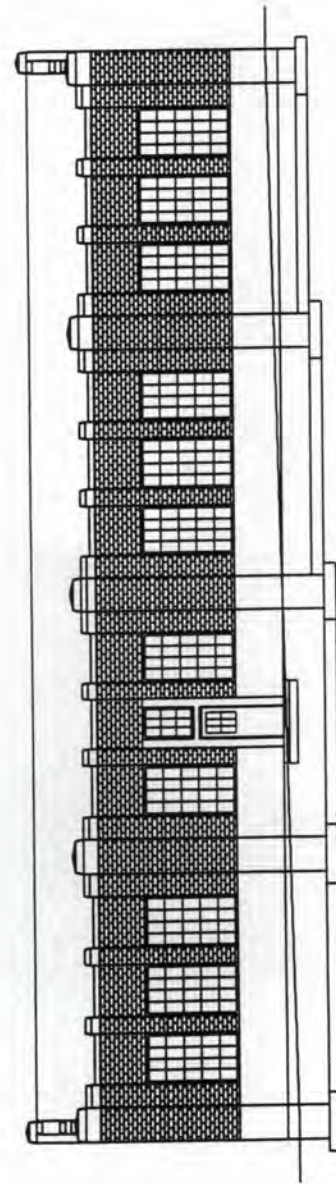
The primary uses described above were active and maintained for at least 12 weeks per year for each and every year since the building's conversion from an Industrial Arts facility until the time the property was sold to Mr. David Belz AKA DB Holding Inc., AKA 1167 Wdsd LC.

Since I, David Belz, acquired the property in August of 1991, the building has continued its use as a garage / maintenance / storage facility. This use, under my ownership, has been uninterrupted to date.

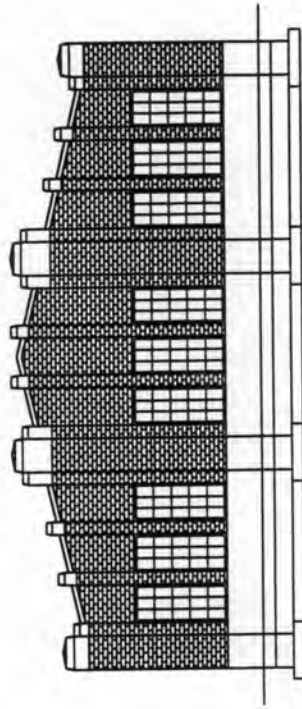
I here-in swear that all the above information is true and accurate to the best of my knowledge and is affirmed as such by the affixing of my signature below.



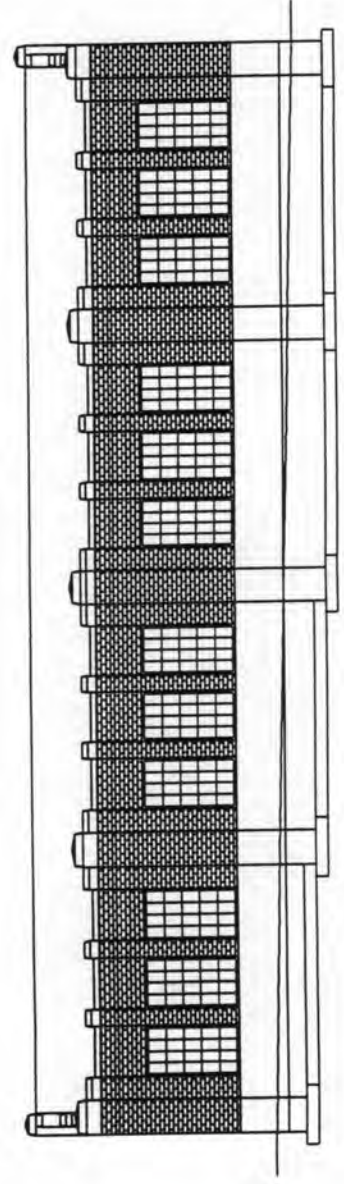
David Belz stehe Date



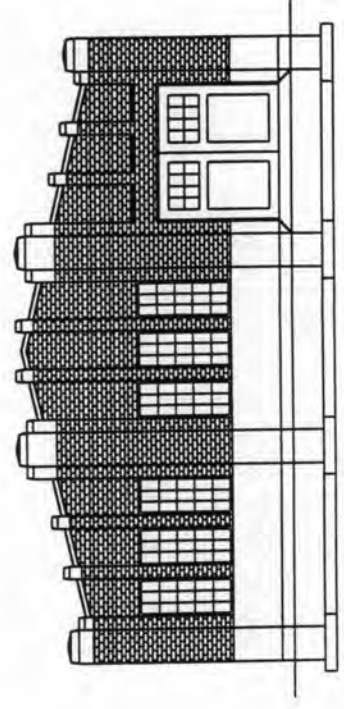
NORTH ELEVATION



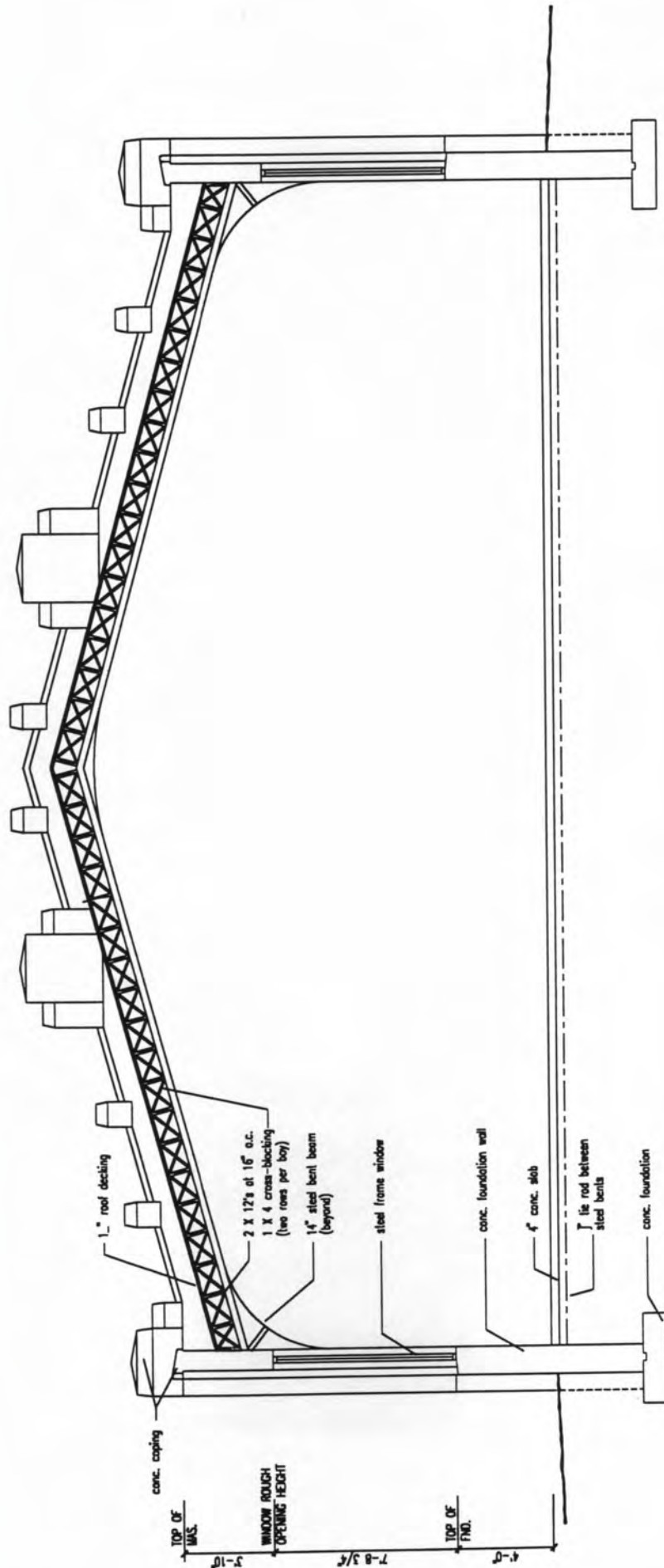
WEST ELEVATION



SOUTH ELEVATION



EAST ELEVATION

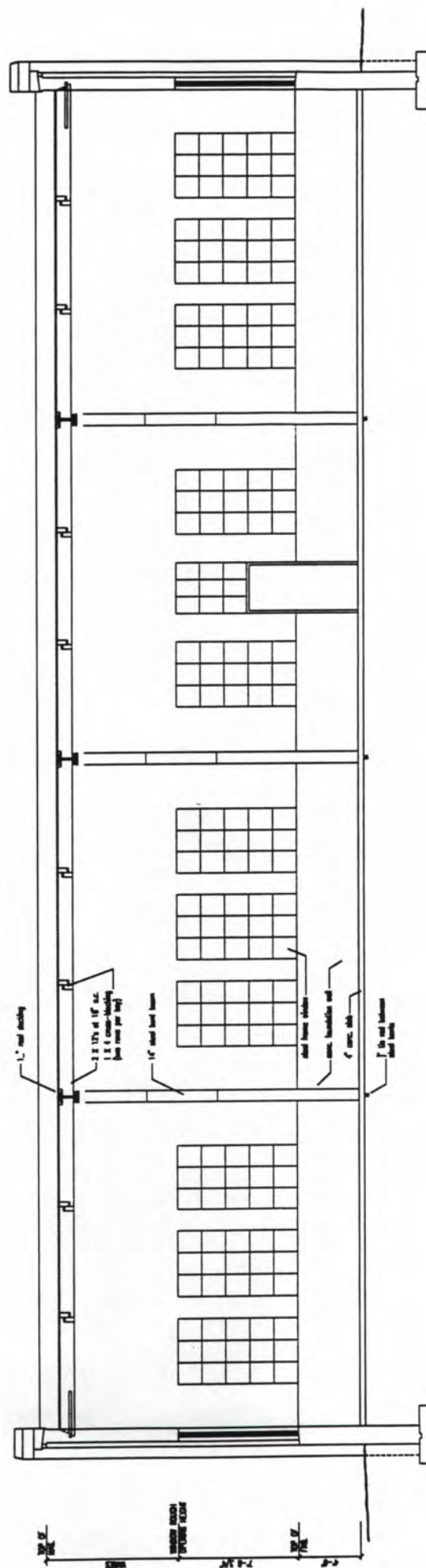


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A1

BUILDING SECTION

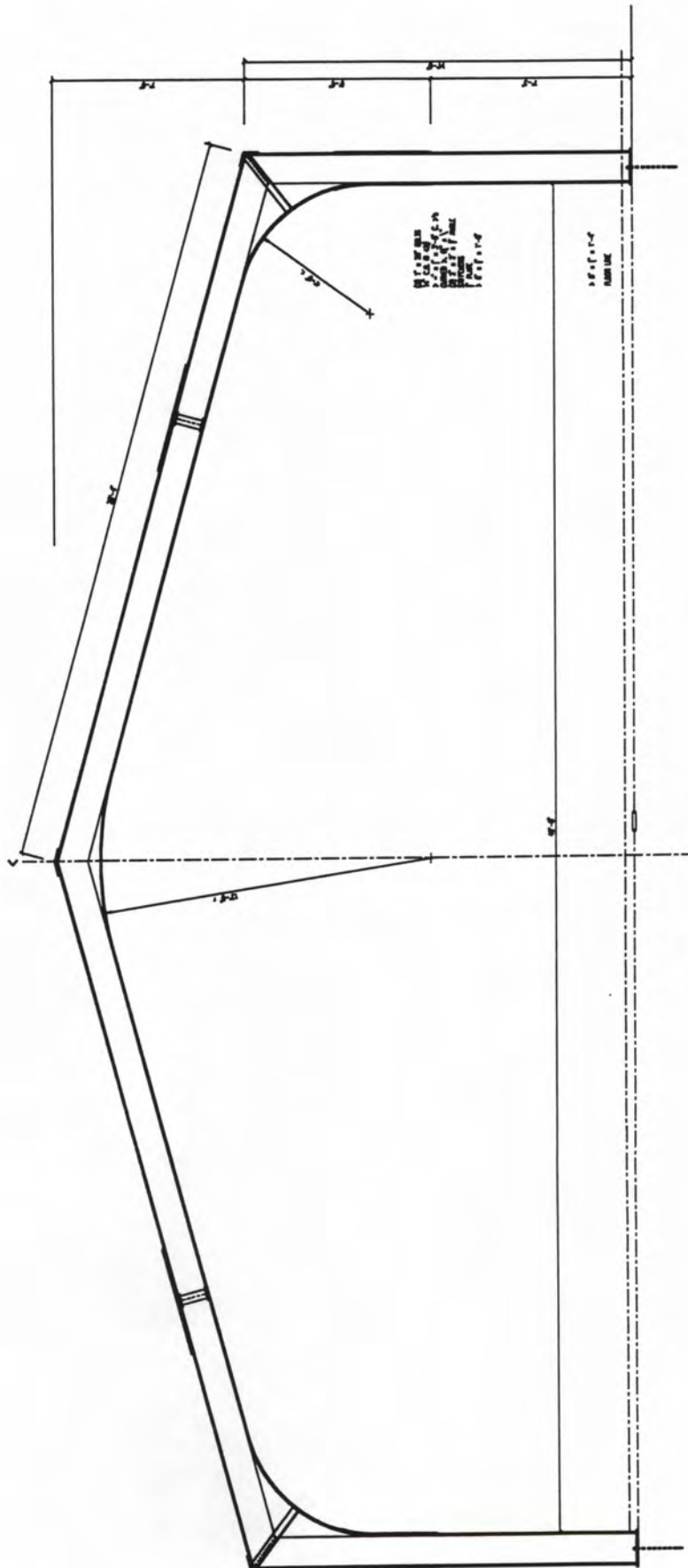
SCALE 1/8" = 1'-0"



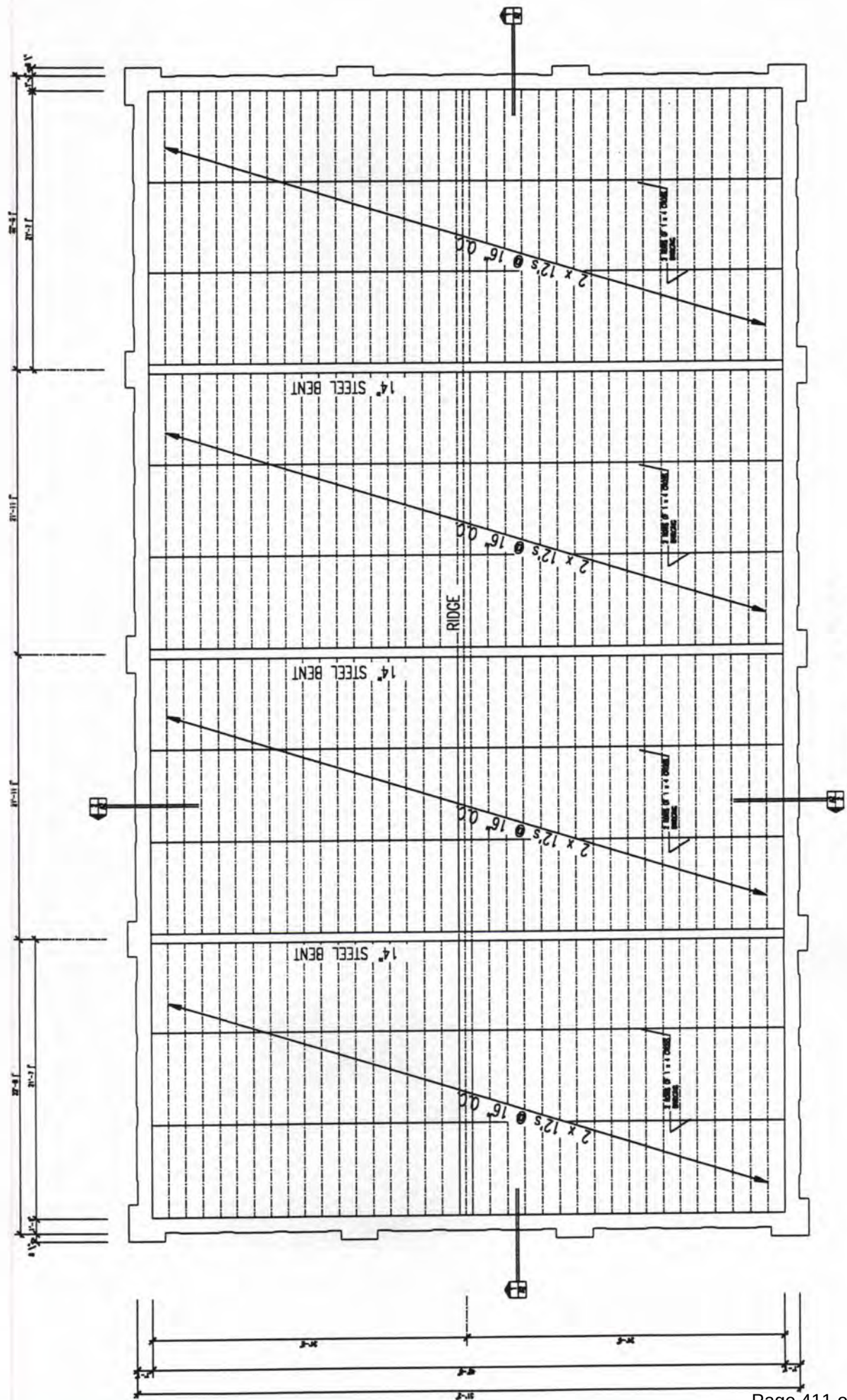
1
A1

BUILDING SECTION

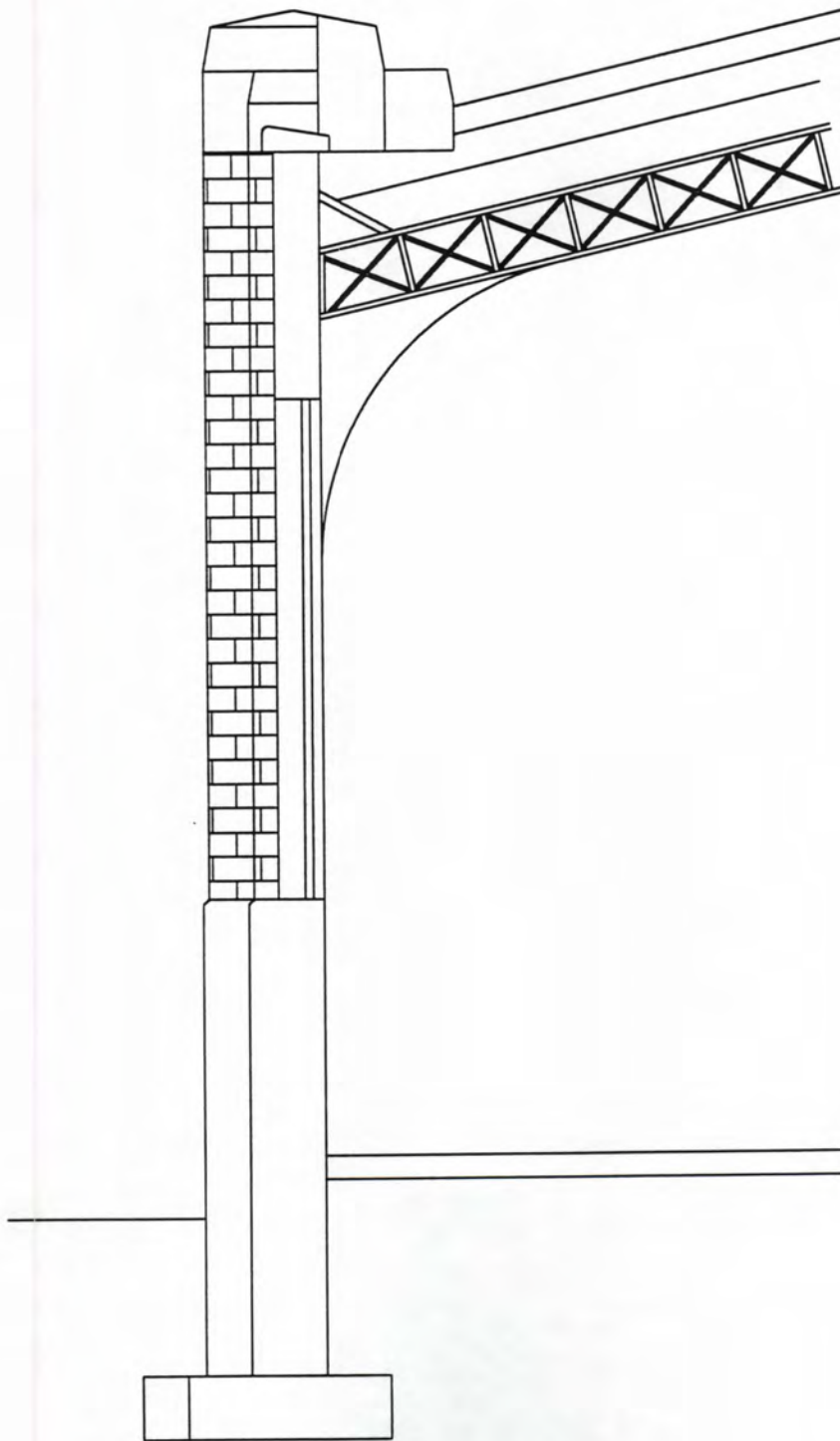
SCALE 1/8" = 1'-0"



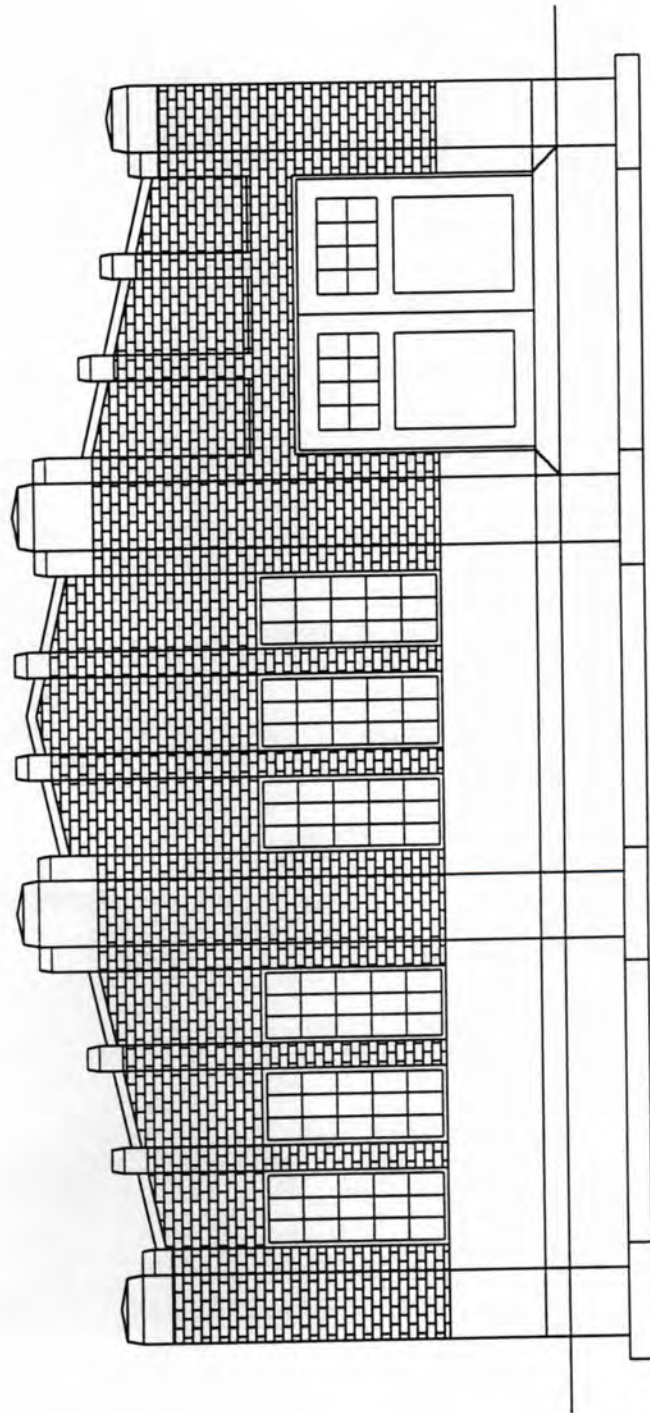
STEEL BENT ELEVATION



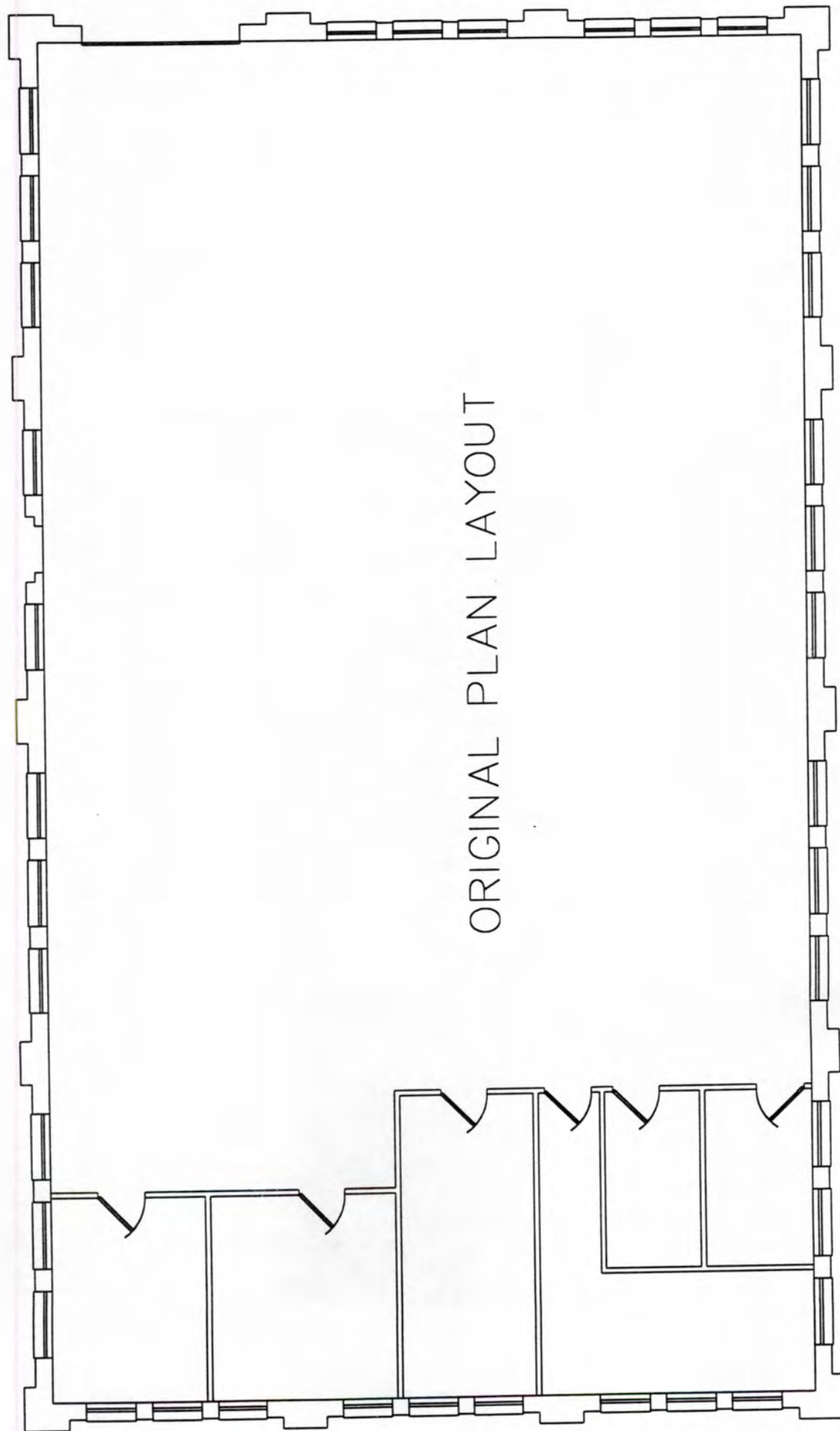
ROOF FRAMING PLAN



WALL SECTION

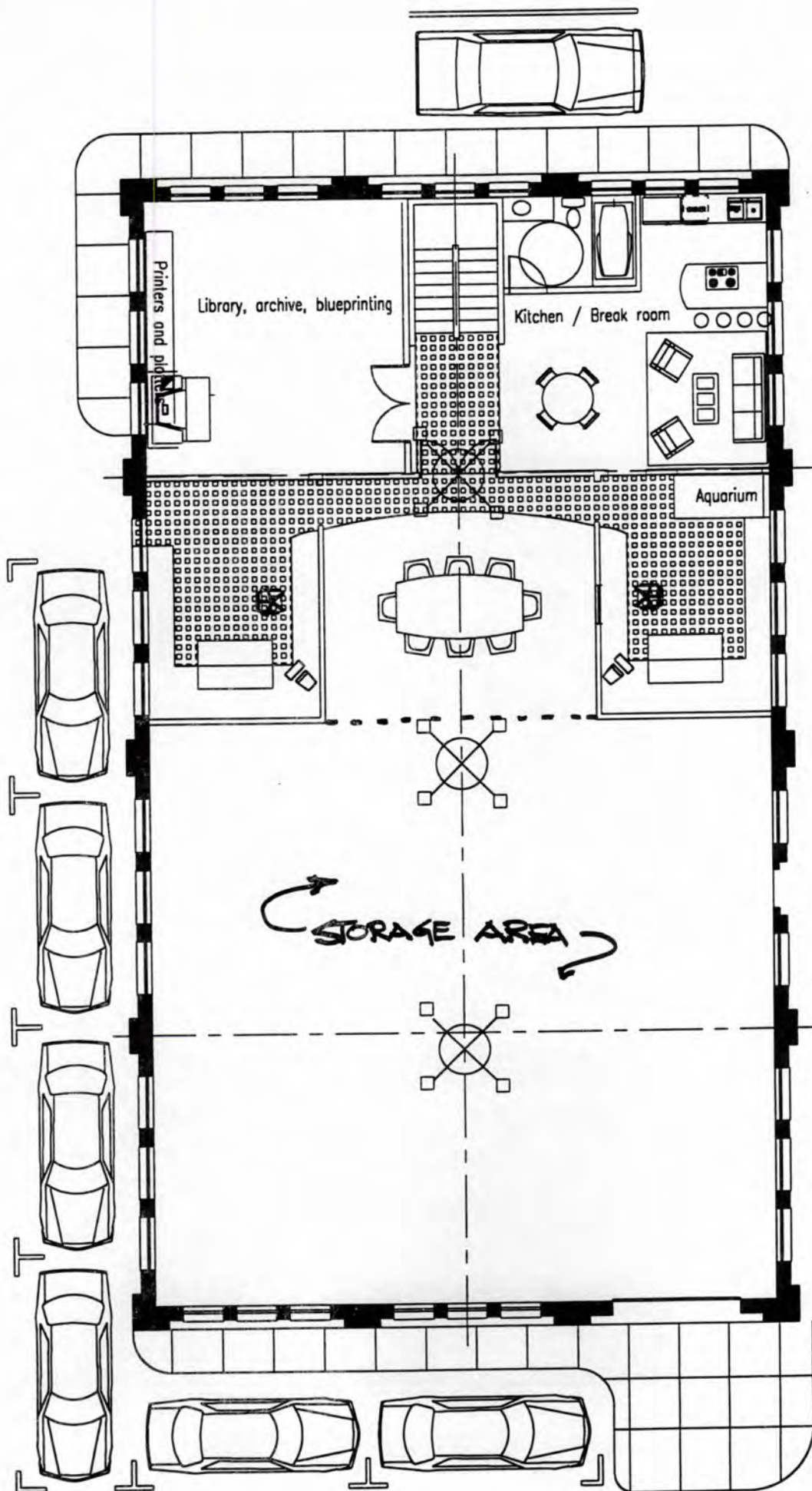


EAST ELEVATION



ORIGINAL PLAN LAYOUT

NOT TO SCALE



SCHEMATIC
LAYOUT
FOR
OFFICE/
STORAGE
CONFIGURATION



Department of Community Development
Engineering • Building Inspection • Planning

January 15, 2004

David Belz
C/o Kuhn Co. LLC
1910 Prospector Avenue #2
Park City, Utah 84060

NOTICE OF PLANNING COMMISSION ACTION

Project Description: Conditional Use Permit for yoga instruction and related/similar quasi-public, institutional (assembly) uses.

Project Address: 1167 Woodside Avenue

Date of Action: January 14, 2004

Action Taken By Planning Commission: Approved in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval as stated below:

Findings of Fact

- 1 The proposed use of a yoga studio as a public, quasi-public (assembly use) use, as described in the applicant's letter, is a quiet, low-impact use. The property is located in the HR-1 zoning district. Within the immediate neighborhood there are single-family residences, multi-family condominiums and townhouses, the Park City Education Center (including the city library, office uses, a Montessori school, meeting space, an auditorium, and associated parking lots), and parks.
- 2 The proposed use is a Conditional Use in the HR-1 zoning district per LMC section 15-2.2-2.
- 3 The proposed use is located within an existing 4,100 sf historic building at 1167 Woodside Avenue. The structure was built in 1936 as an accessory building to the Park City High school and is not a residential structure. The structure was used by the school district as an industrial arts building. During the 1980's and early 1990's the structure was used for storage and also as a bus barn. In 1997, David Belz, the applicant, was awarded a Heritage Award for his restoration of the historic structure and in the late 1990's the applicant successfully listed the structure on the National Register of Historic Places.
- 4 In August of 1995, the Board of Adjustment approved a change of non-conforming use from bus barn/storage to professional office, excluding high traffic generators like dental, physician, real estate, and similar office uses. Additionally, the Board granted variances to required setbacks for the building and parking, namely a variance to a 0' set back on the north property line and a 3' setback on the south property line. Sixteen parking spaces were identified as code compliant spaces with the 1995 Board of Adjustment approval.
- 5 In 1996 the Historic District Commission approved plans for a secondary five-car garage

- structure to be built behind the bus barn. The garage was built and provides additional parking spaces for the proposed use.
- 6 In 1999 the City Council approved a plat amendment to combine Lots 14-22, Block 8, of the Snyder's Addition, into one lot. At the time of plat recordation, facade easements were recorded for the historic bus barn. All applicable conditions of approval from the plat amendment continue to apply.
- 7 The proposed use, as a yoga studio, as described in the application, is consistent with the definition of a Quasi-Public Use in Section 15-15-1.174 of the LMC. Being defined as "a use operated by a private nonprofit educational, religious, recreational, charitable, or philanthropic institution, serving the general public". Typical yoga classes consist of 10 to 30 participants.
- 8 The building department has determined that the maximum occupancy of the structure is 252, although the current restroom situation is satisfactory for 100 occupants. Higher occupancy would require modifications to the restrooms or temporary facilities. If the applicant provides at least 20 on-site parking spaces, the occupancy for the proposed use will be restricted to 100. This is based on the rate of 1 space per 5 seats (or yoga mats), in accordance with the LMC parking regulations. There are 16 spaces on site approved with the Board of Adjustment action. At least four additional spaces are physically available within the garage. To determine the additional number of code compliant spaces on top of the garage, if any, the City shall field verify the site after snow melt in the spring. Staff shall also field verify the number of spaces actually available within the garage for the proposed use.
- 9 On December 10, 2003 and January 14, 2004 the Planning Commission held a public hearing on this proposal.
- 10 Staff has reviewed the proposal against the standards for review for Conditional Use Permits as stated in Section 15-1.10 of the Land Management Code and finds that the proposal complies with the standards for review.

Conclusions of Law

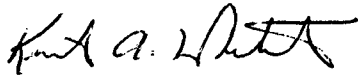
1. Proposed use, as conditioned, complies with all applicable requirements of the Land Management Code and is consistent with the Park City General Plan.
2. The proposed use, as conditioned, is compatible with surrounding Structures in use, scale, mass and circulation.
3. The effects of any differences in use or scale have been mitigated through careful planning and conditions of approval.

Conditions of Approval

1. As a condition precedent to issuance of a certificate of occupancy for the proposed use, the applicant shall comply with all building code requirements for the proposed use, such as egress doors and exit signs.
2. Hours of operation for the proposed use shall be from 7 am to 10 pm.
3. All conditions of the August 1995, Board of Adjustment approval shall continue to be in effect.
4. Occupancy of the structure for the proposed use, and the office use, is limited by the amount of on-site, code compliant, parking available. If all 20 spaces are available and code compliant, then the occupancy is 100. A parking ratio of 5 persons per parking space shall be used to calculate the allowed occupancy for the assembly use and a rate of 3 spaces per 1000 sf of office space shall be used to calculate parking required for the office use. A parking plan shall be submitted to and approved by the Planning and Engineering Departments prior to issuance of a certificate of occupancy for the proposed use. The plan shall include a mechanism to ensure that patrons park on-site and that on-site parking is available, ie. snow is removed and spaces are available and identified.
5. Any use that will generate additional parking and traffic is required to obtain an administrative CUP and/or a special event permit from the City (depending on the event) and

- will need to address parking, traffic, restrooms, fire safety and egress issues, noise, occupancy control mechanisms, temporary structures such as tents, signs, etc.
6. The owner shall provide a minimum of 2 conveniently located bicycle parking spaces as a condition precedent to issuance of a certificate of occupancy.
 7. All new signs shall meet the requirements of the Sign Code and require a separate Sign Permit to be approved by the Community Development Department.
 8. The Planning Commission shall schedule a one-year review of the Conditional Use Permit to determine whether the conditions of approval are adequate to reasonably mitigate impacts on the surrounding neighborhood.

Sincerely,

A handwritten signature in black ink, appearing to read "Kirsten A. Whetstone".

Kirsten Whetstone, Senior Planner
cc. file