



**PARK CITY PLANNING COMMISSION MEETING
SUMMIT COUNTY, UTAH
October 23, 2019**

PUBLIC NOTICE IS HEREBY GIVEN that the PLANNING COMMISSION of Park City, Utah will hold its Regular Planning Commission Meeting at the City Council Chambers, 445 Marsac Avenue, Park City, Utah 84060 for the purposes and at the times as described below on Wednesday, October 23, 2019.

MEETING CALLED TO ORDER AT 5:30 PM.

1.ROLL CALL

2.MINUTES APPROVAL

- 2.A. Consideration to Approve the Planning Commission Meeting Minutes from October 9, 2019.
[PC Minutes -10-9-19_Pending](#)

3.PUBLIC COMMUNICATIONS

4.STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

5.CONTINUATIONS

- 5.A. 1271 Lowell Avenue – Condominium Plat – The King's Crown Condominium Plat Consists of 26 Market Rate Units and 1 Affordable Housing Unit. PL-19-04159
(A) Public Input (B) Continuation to November 13, 2019
[Continuation Report](#)

6.CONSENT AGENDA

7.WORK SESSION

8.REGULAR AGENDA

- 8.A. 245 Woodside Avenue - Plat Amendment - Proposal to Remove an Interior Lot Line to Create One (1) Lot of Record 2,812 Square Feet in Size. PL-19-04209
(A) Public Hearing and (B) Possible Recommendation to City Council on December 5, 2019
[Staff Report](#)
[Exhibits B-G REDUCED 9.27.19](#)

9.ADJOURN

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

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

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
OCTOBER 9, 2019

COMMISSIONERS IN ATTENDANCE:

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

EX OFFICIO: Hannah Tyler, Planner; Laura Kuhrmeyer, Planner; Alexandra Ananth,
Planner, Rebecca Ward; Planner; Mark Harrington, City Attorney

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ROLL CALL

Chair Phillips called the meeting to order at 5:35 p.m. and noted that all Commissioners were present except Commissioner Hall, who was excused.

ADOPTION OF MINUTES

September 11, 2019

MOTION: Commissioner Thimm moved to APPROVE the Minutes of September 11, 2019 as written. Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously.

September 25, 2019

Commissioner Van Dine referred to the Roll Call and changed Chair Phillips called the meeting to order, to correctly read **Vice-Chair Suesser** called the meeting to order. She pointed out that Commissioner Phillips was excused from the meeting on September 25, 2019.

MOTION: Commissioner Thimm moved to APPROVE the Minutes of September 25, 2019 as amended. Commissioner Van Dine seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC COMMUNICATIONS

Mark Fischer stated that he was unable to attend a previous meeting when Twisted Branch Road and Upper SR224 was discussed because Redus was trying to get plat amendments

approved. Mr. Fischer did not believe REDUS had fulfilled the litigation requirements that enable them to proceed with additional approvals. Mr. Fischer invited the Planning Commissioners and Staff to a pre-winter onsite visit. As a father of four children, a concerned citizen, and friend of the City, he is extremely concerned that someone will die on that road. He believes it will take a death before the City will do something. Mr. Fischer understood that the section of upper SR224 was a UDOT road; however, it is a fact that the City can put the public on Twisted Branch Road without any input from UDOT. Mr. Fischer commented on new guardrails at the top of Guardsman Pass that were finally put up after someone went off the road and died. Lawsuits were ensuing and he believed the City would be involved even though it is a UDOT road.

Mr. Fischer clarified that he was not trying to make trouble. He is very concerned and he was trying to proactively help solve a problem. Mr. Fischer stated that in 1998, the people at Brighton Estates agreed not to prevent Deer Valley's extension into what is now known as Empire Pass. Letters went back and forth but it was not well-documented and it is vague. However, there was no question that for the past 20 years a private entity has profited from crossing over a State Highway, which studies indicate is illegal, because they do not have a permit to ski across a State Highway. Mr. Fischer remarked that case study says that private profit cannot be made off a public asset. He noted that they have permits to go over and under for snowmaking and electrical, but they do not have a permit to go across because it is not allowed.

City Attorney Harrington informed Mr. Fischer that even though he could comment on something not on the agenda, this was technically considered an ex parte communication because his comments were outside of the matters that were still pending. He recommended that Mr. Fischer summarize his concerns and come back to the next hearing on those matters. He clarified that the Planning Commission could not consider or engage on the record because nothing on the agenda is part of that hearing.

Mr. Fischer stated that six weeks ago he emailed the Planning Department requesting an agenda item to make a full presentation, but no one responded.

Mr. Fischer remarked that he recently finished an initial phase study of how much traffic is going up this 15' wide road with no guardrail and a 100-foot drop onto Twisted Branch road. He stated that 13,606 cars have gone up or down the road since last Thursday. That equates to over 2,000 cars per day. It is a death trap and he begged the Planning Commission to do something about it. He urged the Commissioners and Staff to visit with them on the road before winter so they have a visual of what it looks like.

Sean Brown, a concerned citizen, passed out photographs that the Commissioners would see if they come up for a site visit. The first was the juxtaposition of SR224, also known as Marsac Avenue; and Twisted Branch Road, which should have never been built in the first place. State Road 224 could have just been improved, but Park City Municipal assumed Brighton Estates would never get a permit to plow the road from UDOT. However, they did obtain a permit and have been plowing for the past 12 years. Mr. Brown thought the question is why there two roads going to the same place, and why one is in such hideous condition. The answer goes back to Park City not wanting much traffic up there, but with the purchase of Bonanza Flats they are now encouraging more people to go up there to recreate.

Mr. Brown stated that many years ago the Department of Transportation put together a proposal that would allow Twisted Branch Road to become a State Road open to the public. Deer Valley would like the old SR224 to be a ski run into Empire Pass. He believed a lot of problems could be solved with completing that deal. Mr. Brown urged the Planning Commission to consider a site visit as soon as possible.

Matt Meinholt stated that he has lived in Brighton Estates full-time, year-round since 1998. He commented on the many changes and developments that have occurred since that time, and how traffic increases as development increases. Mr. Meinholt noted that Park City has now purchased Bonanza Flat which will add to the traffic that has increased exponentially throughout the years. He agreed with the concerns expressed by Mr. Fischer and Mr. Brown and he thought the Planning Commission should be concerned as well. The road is dangerous and substandard. He works with the Park City Fire Department and they have responded to numerous calls on that road. People have gone off the road because it is too steep and too narrow. Accidents also occur because of the tight switchbacks. Mr. Meinholt had read the Flagstaff Agreement. A statement in the agreement says the road should be converted to a public road within a period of five years. He had spoken with officials at UDOT and they told him that if the alignment of the roads were swapped and Twisted Branch became SR224, UDOT would bear the cost to plow the road because it would be a State Highway.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Chair Phillips was in favor of accepting Mr. Fischer's invitation to do a site visit. City Attorney Harrington stated that the Planning Commission could request that the Staff incorporate a site visit the next time the Twisted Branch Subdivision application is on the agenda. He assumed that would be before snowfall; however, if it is delayed, he believed Director Erickson could arrange a site visit in advance of a scheduled meeting. Mr. Harrington emphasized that it needs to be a noticed site visit and the

Commissioners should not contact Mr. Fischer directly for individual ex parte site visits.

It is a pending application and the Commissioners should visit the site as a group.

The Board concurred with asking the Staff to schedule a site visit.

City Attorney Harrington announced that the Argent Empire Pass CUP and the Condominium plat that was on the agenda this evening would be continued to November 13th. The City had received correspondence earlier that day from the applicant indicating that they would not object to a continuance to November 13th, which would allow the discussion regarding historic preservation could take place after the City Council discusses the matter at a work session on November 7th. Mr. Harrington clarified that the applicant still wanted the agenda item to be heard this evening to address LMC issues separate from historic preservation. They were looking for input from the Planning Commission this evening on the CUP Criteria so they would have the opportunity to address any questions or concerns at the November 13th meeting.

Chair Phillips disclosed that he would be recusing himself from the 552 Deer Valley Drive and 553 Deer Valley Loop item on the agenda because he was working on that project.

Chair Phillips disclosed that he had met with a potential buyer for the property at 74 King Road as a consultant. It was a separate matter from the CUP for 74 King Road that was on the agenda, and it would not affect his ability to participate in the discussion this evening.

Commissioner Suesser disclosed that she would be recusing herself from 900 Round Valley Drive because she had worked on the original project.

Commissioner Thimm disclosed that he would be out-of-town for the October 23rd meeting.

Commissioner Sletten disclosed that he would also be out-of-town on October 23rd.

Commissioner Kenworthy disclosed that he was at a recent Concierge Care presentation by the hospital staff. It was unrelated to the application on the agenda and it would not affect his ability to discuss or vote on the item this evening.

Chair Phillips noted that the City Council had reviewed the Nakoma Project and voted opposite from the Planning Commission vote. He encouraged the Commissioners to

either read the Minutes or listen to the Audio to be aware of the City Council's position.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

V.A. 1330 Empire Avenue, 1302 Norfolk Avenue, 1361 Woodside Avenue, and 1323 Woodside Avenue (Woodside Park Phase II Master Planned Development) Ratification of Findings of Fact for the Remand

Planner Hannah Tyler stated that this item was the remand from the City Council. In response to the Appeal, the Planning Commission reviewed this item on September 11th. She noted that the Staff had provided redlined Findings of Fact to help the Planning Commission understand what had changed. The revised Findings responded to the specific comments from the September 11th meeting. The intent this evening was to ratify the Findings to reflect their comments on September 11th.

Planner Tyler had provided the Commissioners with an email from the Appellant's attorney, and she submitted it into the record. She noted that the email was forwarded to the Planning Commission earlier in the day, but since it was not received until the day of the meeting, the policy is to provide a copy at the meeting.

City Attorney Harrington clarified that the Appellant did not have changes to the Findings. The purpose of the email was to reiterate for the record their opposition to the action.

Commissioner Sletten stated that he was absent when this was discussed/ However, he had carefully read the Minutes and concurred with the comments made by the other Commissioners; particularly Commissioners Phillips, Hall, and Kenworthy, regarding the setbacks.

Chair Phillips opened the public hearing.

There were no comments.

Chair Phillips closed the public hearing.

MOTION: Commissioner Kenworthy moved to RATIFY the Findings of Fact, Conclusions of Law, and Conditions of Approval for the setbacks for the Woodside Park Phase II MPD. Commissioner Thimm seconded the motion.

VOTE: The motion passed 5-1. Commissioner Suesser voted against the motion.

Findings of Fact - Woodside Park Phase II MPD

1. The proposed site location consists of 1330 Empire Avenue, 1302 Norfolk Avenue (“Significant” Single-Family Dwelling), 1361 Woodside Avenue, and 1323 Woodside Avenue.
2. The proposed site is located in the Recreation Commercial (RC) Zoning District.
3. The site is known as the Woodside Park Affordable Housing Project Phase II.
4. Phase II of the Woodside Park Affordable Housing Project will be located between Woodside Avenue and Empire Avenue, with a small portion of the development abutting Norfolk Avenue. There will be a total of 58 units, 52 of which will be deed restricted Affordable Housing units. The scope will include the following:
 - ☐ Deed-restricted Affordable Housing Units (52 total):
 - ☐ Two (2) Triplex Dwellings abutting Woodside Avenue. The Triplex Dwellings take the form of “townhome style” units.
 - ☐ Two (2) Multi-Unit Dwellings centrally located on Lot 2 and accessed via Woodside Avenue. There will be a total of 46 “flats” comprised of studio, one (1), and two (2), bedroom units split between two (2) Multi-Unit Dwellings
 - ☐ Market Rate Units (six [6] total):
 - ☐ A Multi-Unit Dwelling abutting Empire Avenue which will contain five (5) townhomes style attached units – 1330 Empire Avenue
 - ☐ One (1) “Significant” Single-Family Dwelling – 1302 Norfolk Avenue
 - ☐ A Parking Garage located beneath the Woodside Avenue townhomes and Multi-Unit Dwellings (flats)
 - ☐ A Public Access Easement running east-west which will link to the Woodside Park Phase I Access Easement. The Public Access Easement will also contain Public Art as determined by the Park City Public Art Board.
 - ☐ Central gathering areas in the plaza space adjacent to the Public Access Easement.
 - ☐ A trail connecting Norfolk Avenue to the central gathering area in the plaza and Public Access Easement.
5. The MPD application was deemed complete on February 1, 2019.
6. There are three (3) applications total for the entire scope of Phase II, including a Master Planned Development, Conditional Use Permit, and Plat Amendment.
7. The Planning Commission reviewed, held a public hearing, and continued the Master Planned Development application during a Work Session on March 27, 2019.
8. On May 22, 2019, the Planning Commission approved the Master Planned Development application.
9. On June 3, 2019, the City received an application for an Appeal of the Planning Commission’s Approval of the Master Planned Development application for the

Woodside Park Phase II Affordable Housing Project application located at 1330 Empire Avenue, 1302 Norfolk Avenue, 1361 Woodside Avenue, and 1323 Woodside Avenue. On June 10, 2019, the Appellant provided supplemental information. This appeal was submitted within 10 days of the Final Action of the Planning Commission.

10. On June 25, 2019, the Board of Adjustment reviewed an Appeal of the May 22, 2019 Planning Commission approval of the Master Planned Development (MPD) application and directed staff to prepare Findings of Fact to remand the review of Setbacks for the Master Planned Development application to the Planning Commission pursuant to LMC 15-6-5(C).

11. The Board of Adjustment ratified the Findings of Fact on July 16, 2019 denying the Appeal in Part and remanding the review of Setbacks for the Master Planned Development application to the Planning Commission pursuant to LMC 15-6-5(C).

12. On September 11, 2019, the Planning Commission reviewed the applicant's updated submittal for compliance with 15-6-5(C) Master Planned Development Requirements – Setbacks and directed staff to amend the Findings of Fact to reflect their comments including a new Condition of Approval that the Empire Avenue Multi-Unit Dwelling shall maintain a minimum Front Yard Setback of twenty-five feet (25') excluding an exception for overhangs consistent with the underlying Zone Requirements.

13. On March 13, 2019, May 8, 2019, August 14, 2019, and September 25, 2019, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published on the Utah Public Notice Website and Park Record on March 9, 2019 May 4, 2019, August 10, 2019, and September 25, 2019 according to requirements of the Land Management Code.

14. The proposal complies with Land Management Code (LMC) § 15-6-5(C) Setbacks. Per LMC 15-6-5(C) MPD Requirements - Setbacks, the minimum Setback around the exterior boundary of an MPD shall be twenty five feet (25') for Parcels greater than one (1) acre in size. However, per LMC 15-6-5(C)(1) MPD Requirements - Setbacks, the Planning Commission may decrease the required perimeter Setback from twenty-five feet (25') for MPD applications one (1) acre or larger to the zone required Setback if it is necessary to provide desired architectural interest and variation.

15. Woodside Park Affordable Housing Phase II is requesting a Setback reduction to the Zone required Setback so that the development is aligned with the neighboring properties along the streetscapes of Norfolk Avenue and Woodside Avenue. This setback reduction will not result in increased density.

16. Upon evaluating the Applicant's representations and figures in the Analysis section of the September 11, 2019 Staff Report, which are incorporated herein, and based upon the Planning Commission deliberation after public hearing, the Commission finds that the requested setbacks, except as conditioned below, are

necessary to provide desired architectural interest and variation because:

- a) The desired architectural interest and variation complement existing streetscapes and achieve a site plan consistent with the zone, general plan and sustainability goals. On this site, the desired results are best evaluated from the totality of the architectural characteristics of the entire site plan and the buildings collectively, rather than individually. The proposed setbacks are necessary to achieve broken up massing of multiple buildings rather than one larger mass, the clustering of density towards the center of the site, and the Public plaza space and walkway.
- b) Building to the larger MPD setbacks on Woodside Avenue is not desired because the result would be inconsistent with the existing buildout on the street and would detract from the character of the neighborhood. The proposed townhouse configuration with smaller setbacks and porches is desired.
- c) The large public plaza and east-west connection are desired public amenities, which help reduce the overall massing, and the setbacks proposed are necessary for the desired dense site plan which balances affordability, pedestrian connections, open space and variations in building scale.
- d) The additional 5' Front Setback on Empire Avenue is not necessary as the proposed buildings may be shifted without materially impacting the desired site plan or architecture. Height will still comply with the zone height although perceived height due to the shift of the building pad on the slope will slightly increase.

17. The minimum Setbacks for the proposed Multi-Unit Dwelling on Lot 1 shall be:

- ☐ Front Yard: 25 feet (25')
- ☐ Side Yard: 10 feet (10')

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- ☐ Rear Yard 10 feet (10')

18. The minimum Setbacks for the Multi-Unit Dwellings on Lot 2 shall be:

- ☐ Front Yard: 20 feet (20')
- ☐ Side Yard: 10 feet (10')
- ☐ Rear Yard: 10 feet (10') and reduced to five feet (5') for the area highlighted in Figure 8 on page 8 in the staff report. The applicant is requesting an additional Rear Yard setback reduction to five feet (5') from the required 10 feet (10') for a portion of Lot 2. An additional purpose of the Setback Reduction is to accommodate a utility easement for Lot 1 (1330 Empire Avenue).

19. The minimum Setbacks for existing Historic Single-Family Dwelling on Lot 3 shall be:

- ☐ Front Yard: 10 ft. for new construction; however the existing Historic Structure is a Legal Non-Complying Structure with a Front Yard Setback measuring six feet eleven inches (6'11")
- ☐ Side Yard: Minimum five feet (5') and a minimum total of 14 feet (14')

- Rear Yard: 10 feet

Conclusions of Law – Woodside Park Phase II MPD

1. The MPD, as approved and conditioned on May 22, 2019, and as further approved and conditioned below, complies with the required Findings and Conclusions A-O pursuant to Land Management Code Section 15-6-6.

Conditions of Approval – Woodside Park Phase II MPD

1. The project shall fully comply with any provisions indicated in the LMC or approved MPD regarding lighting, trash/recycling enclosures, mechanical equipment, etc.
2. A development agreement as described in LMC Section 15-6-4(G) shall be ratified by the Planning Commission within 6 months of this approval and prior to issuance of a building permit for the project.
3. All conditions of the original May 22, 2019 Planning Commission Master Planned Development application approval apply except as modified by #4 below.
4. The Empire Avenue Multi-Unit Dwelling shall maintain a minimum Front Yard Setback of twenty-five feet (25'). Front Setback is still eligible for the exception for roof overhangs consistent with the underlying Recreation Commercial (RC) Zone Section 15-2.16-3(D)(4).

V.B 552 Deer Valley Drive & 553 Deer Valley Loop – Plat Amendment – The Applicant Proposes To Adjust A Lot Line Between Two (2) Lots Within The Mine Cart Subdivision. (Application PL-19-04310)

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

Planner Laura Kuhrmeyer reported that this application was for a lot line adjustment via a plat amendment. The applicant was requesting to shift the interior property line in order to build the house they would like to build. Since it is only an interior property line between the two lots, it will not affect any neighboring properties.

Planner Kuhrmeyer had not received public comment on this plat amendment.

The Staff recommended that the Planning Commission conduct a public hearing and considering forwarding a positive recommendation to the City Council.

Vice-Chair Suesser opened the public hearing.

Jodi Hoffman, on behalf of the property owner, supported the plat amendment and thanked the Planning Commission for their consideration.

Vice-Chair Suesser closed the public hearing.

MOTION: Commissioner Thimm moved to forward a POSITIVE recommendation to the City Council for the Mine Cart subdivision, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance. Commissioner Sletten seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – Mine Cart Subdivision

1. The subject property is located at 552 Deer Valley Drive and 553 Deer Valley Loop Road.
2. The site is within the Residential Medium (RM) Density District.
3. The Plat Amendment application is a request to move the internal Lot Line three feet (3') north, towards Deer Valley Drive.
4. The minimum Lot Size for a Single Family Dwelling within the Residential Medium (RM) Density District is 2,812 square feet.
5. According to the current recorded Plat, the current Lot Sizes are 4,171 square feet (Lot 1 – 552 Deer Valley Drive) and 3,764 square feet (Lot 2 – 553 Deer Valley Loop Road).
6. With the proposed Plat Amendment, Lot 1 will become 3,999 square feet and Lot 2 will become 3,933 square feet.
7. Both Lots will remain above the minimum required Lot Size.
8. The proposed Lot Sizes are both compatible with existing lots in the neighborhood.
9. The minimum required Rear Setback for this zone is ten feet (10').
10. The proposed Single Family Dwelling at 553 Deer Valley Loop Road is just shy of meeting the minimum required Rear Setback. Since the proposed Single Family Dwelling at 552 Deer Valley Drive has addition space in the rear, the internal Lot Line will shift three feet (3') north towards Deer Valley Drive to allow the proposed Building at 553 Deer Valley Loop Road to meet the minimum required Rear Setback.
11. The Plat Amendment is necessary in order for the applicant to obtain a building permit for the proposed construction of the Single Family Dwelling at 553 Deer Valley Loop.

12. Staff recommends approval of the Plat Amendment as it will allow the Applicant to construct the two Single Family Dwellings as proposed.

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

Conclusions of Law - Mine Cart Subdivision

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

Conditions of Approval – Mine Cart Subdivision

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant shall record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. The Plat shall note that fire sprinklers are required for all new or renovation construction on this lot, to be approved by the Chief Building Official.
4. The property is not located within the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore it is not regulated by the City for mine related impacts. However, if the property owner does encounter mine waste or mine waste impacted soils they must handle the material in accordance to State and Federal law.
5. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
6. No Certificate of Occupancy for the proposed Single-Family Dwelling at 553 Deer Valley Loop Road may be granted until the final plat is recorded with the Summit County Recorder's Office.
7. A Plat Note shall be added that all Conditions of Approval from the original Mine Cart Subdivision Plat (Ordinance No. 2018-57) shall continue to apply.

V.C 269 Daly Avenue – Steep Slope CUP – Applicant Proposes to Remodel and Add an Addition to an Existing Significant Historic Structure, the Building Footprint Will Be Over an Existing Slope of 30% or Greater.
(Application PL-19-04329)

Commissioner Phillips returned and assumed the Chair.

Planner Kuhrmeyer reviewed the application for a Steep Slope CUP for the development of an addition to a Significant historic House located on a slope of 30% or greater. This CUP could not be done administratively because the lot size exceeds 3750 square feet and requires Planning Commission approval.

Planner Kuhrmeyer had not received public comment on this Steep Slope CUP.

The Staff recommended that the Planning Commission that the Planning Commission conduct a public hearing and consider approving the Steep Slope CUP for 269 Daly Avenue.

Chair Phillips asked Planner Kuhrmeyer to summarize the previous approvals by the Planning Commission on this property.

Planner Kuhrmeyer noted that this property previously came before the Planning Commission for a plat amendment. It is a deep lot and the original plat had a maximum development line halfway back in the lot. Another plat amendment came before the Planning Commission recently with a request to move the maximum development line back a few feet since the house could no longer move forward. Planner Kuhrmeyer explained that the house was originally approved to move forward; however, the construction was not done before the approval expired, and under the new Guidelines it was not allowed to move forward.

Chair Phillips clarified that he had no objections to this request, but since the house would be pushed back, he anticipated moving more into the steep slope portion and requiring additional excavation. Chair Phillips stated that in the past he has been consistent about not deviating from the existing grade more than 4-feet, as written in the Code. He thought this looked very close to 4-feet and he requested adding a condition of approval to make sure it does not deviate more than 4-feet. Chair Phillips remarked that it is one thing to draw retaining walls on a set of plans, but in many cases they cannot always be built as drawn. He wanted to make the Staff and the applicant pay close attention to the Code requirement.

Planner Kuhrmeyer stated that the HDDR for this project had not yet been approved pending these plat amendments and CUPs. She had expressed the same concern to the Architect and when the plans are updated, she will make sure it is within 4-feet before she approves it.

Chair Phillips liked the project and he commended the Architect on the design.

Commissioner Sletten asked if Chair Phillips wanted to add the condition of approval or whether he was comfortable leaving the oversight to Planner Kuhrmeyer. Chair Phillips replied that a condition was not necessary because it was already addressed in the Code and he did not want to be redundant. His primary intent was to remind everyone of the requirement so they would pay close attention to it.

Chair Phillips opened the public hearing.

There were no comments.

Chair Phillips closed the public hearing.

Commissioner Suesser asked for clarification on the analysis on page 106 of the Staff report; and whether it was consistent with Criteria #1. She noted that the Staff report references the slope as approximately 66.67%. Planner Kuhrmeyer replied that it was only that percentage in certain parts of the lot. Commissioner Suesser asked Planner Kuhrmeyer to walk through the analysis on page 106. She understood that the average slope within the entire footprint was 24%; however, the average slope beneath the proposed addition is approximately 43.3%. Planner Kuhrmeyer answered yes. Commissioner Suesser wanted to know which part of the lot was 66%. Planner Kuhrmeyer replied that it was from the very back of the lot to where the house will be constructed. That piece is beyond the maximum development line and no construction could take place.

Commissioner Suesser noted that the Staff report references a garage, but she understood there would only be an uncovered parking space on the lot. Planner Kuhrmeyer explained that there a historic shed on the lot is still standing and the applicant plans to remodel and reconstruct the shed at a future date. However, the structure is not large enough to fit a car and it is technically not a garage for parking.

Commissioner Suesser thought the reference to new garages should be removed from Finding #23 on page 114 of the Staff report. Planner Kuhrmeyer stated that she could remove the language; however, it was a direct quote from the Design Guidelines. She offered to delete "garages" from the language.

Commissioner Suesser commented on Finding #22 stating that new vegetation will be introduced to further shield the appearance of these short walls. She thought Condition of Approval #13 should include a reference to keeping the significant vegetation on the site as indicated in the proposed plans. Planner Suesser clarified that instead of saying "to the extent possible", the language in Condition #13 should be revised to read, "Consistent with the proposed plans attached to the Staff report existing significant vegetation shall be maintained on site and protected during construction".

Commissioner Suesser asked if proposed plans are typically incorporated into the Findings of Fact. Planner Kuhrmeyer replied that it is an exhibit on the Action Letter. She thought it would be appropriate to attach it to the conditions of approval.

MOTION: Commissioner Sletten moved to APPROVE the Steep Slope CUP for 269 Daly Avenue, based on the Findings of Fact, Conclusions of Law, and Conditions of approval contained in the Staff report and as amended. Commissioner Kenworthy seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 269 Daly Avenue

1. The property is located at 269 Daly Avenue.
2. On September 17, 2019, the Planning Department received a complete application for a Steep Slope Conditional Use Permit (SS-CUP) for "Construction on a Steep Slope" at 269 Daly Avenue.
3. The property is located in the Historic Residential (HR-1) District.
4. The lot contains 7,288 square feet (sf), though only 4,628 sf of the Lot are developable, per the Platted Maximum Development Line.
5. This is an uphill lot and the average slope of the developable area of the Lot is 24%. The average slope within the entire Footprint area is also 24%. Nevertheless, the average slope beneath the proposed addition is approximately 43.3%; per LMC 15-2.2-6(A)(2), a Steep Slope CUP is required for any Structure in excess of 200 square feet located on or projecting over an existing slope of 30% or greater.
6. On June 28, 2018, the Planning Department received the current Historic District Design Review (HDDR) application for the remodel and addition to a Significant Historic Structure at 269 Daly Avenue.
7. Access to the property is from Daly Avenue, a public street.
8. The proposal complies with LMC 15-2.2-2 Uses, as a Single Family Dwelling is an Allowed Use in the HR-1 District.
9. Per LMC 15-2.2-4 Existing Historic Structures, Historic Structures that do not comply

with Building Footprint, Building Height, Building Setbacks, Off-Street Parking, and Driveway location standards are valid Complying Structures. While no Off-Street Parking is required, the Applicant has proposed one (1) uncovered parking space, to be located in the new proposed driveway.

10. The neighborhood is characterized by a mix of Historic and non-historic residential structures, single-family homes, and condominiums. The streetscape is dominated by garages, parking pads, and pedestrian entryways. The homes are a mix of one to two-story residential developments, with a few three- to four-story houses.

11. The maximum allowed Gross Floor Area for this Lot, per the Plat, is 2,000 square feet. The Gross Floor Area is 1,829 square feet as proposed.

12. The proposal complies with the Front and Rear Setbacks. The minimum Front and Rear Setbacks are fifteen feet (15') each, for a total of thirty feet (30'); the Applicant is proposing at least a 15.58 foot Front Setback and at least 29.17 foot Rear Setback, for a total of 44.75 feet.

13. The proposal complies with the Side Setbacks. The minimum Side Setbacks are five feet (5') each, for a total of ten feet (10'). Per LMC 15-2.2-4, Historic Structures that do not comply with Building Setbacks are valid Complying Structures. However, all of the proposed addition meets the minimum five-foot (5') Side Setback on both sides. The addition is at least five feet (5') from both Side Lot lines. 112

14. The proposal complies with LMC 15-2.2-5, in that the proposed addition to the Historic Structure is approximately 18.5 feet above Existing Grade at the tallest portions. The maximum height in the HR-1 is twenty-seven feet (27').

15. The proposal complies with LMC 15-2.2-5(A) in that the maximum interior height is thirty-five feet (35') and the proposed addition to the Historic Structure has an interior height of 27.25 feet.

16. The proposal complies with LMC 15-2.2-5(B) in that the Historic Structure is located in front of the addition has a maximum height of approximately 18.33 feet for the first ten feet as measured from where the Building Footprint meets the lowest point of Grade.

17. The proposal complies with LMC 15-2.2-5(C) in that the contributing roof form is between 7:12 and 12:12, with secondary roof forms of 3.33:12 and 5:12.

18. The proposal complies with 15-2.2-6(C)(1), Location of Development, in that the proposed single-family dwelling is located on the lot in a manner that reduces the visual and environmental impacts. At the front of the lot, there was an existing Significant Historic Structure that was approved by the Historic Preservation Board for panelization and partial Reconstruction. Behind the Historic Structure, there was a retaining wall running parallel to Daly Avenue. Though the front of the Lot is relatively flat, the rear portion of the Lot has a Slope of approximately 66.67%. The partially Reconstructed and Panelized Historic Structure will be located on the flatter portion of the Lot, but the new addition will encroach into the steep Slope at the rear

of the Lot. From Daly Avenue, the house will appear to be one to two stories in height and will appear to be two-stories in height from the west (rear) elevation. This is consistent with neighboring houses.

19. The proposal complies with 15-2.2-6(C)(2), Visual Analysis, in that the applicant submitted a photographic visual analysis, including street views, to show the proposed streetscape and bird's eye views. As demonstrated by the visual analysis, the proposed addition fits within the context of the slope, neighboring structures, and existing vegetation. The neighborhood consists of historic houses with one- to two-story additions, one- to two-story new houses, and a few three- to four-story new residential developments. The visual analysis, streetscape, and bird's eye view demonstrate that the proposed design is visually compatible with the neighborhood, similar in scale and mass to surrounding structures, and visual impacts are mitigated. By locating the majority of the house on the flatter portion of the Lot, much of the mass and bulk of the structure is visually shielded from Daly Avenue. Additionally, the Applicant's design has broken up the mass and scale of the house further, allowing its massing to compliment nearby Historic Structures.

20. The proposal complies with 15-2.2-6(C)(3), Access, in that the access points and driveways have been designed to minimize grading of the natural topography and reduce the overall building scale. The new proposed driveway will hold one (1) uncovered parking space, and is consistent with the width of driveways in the Historic District.

21. The proposal complies with 15-2.2-6(C)(4), Terracing, in that the Applicant is proposing to use a series of stepped retaining walls on the west (rear) side of the house as well as along the north (side) of the house. These walls, ranging in height from 1.5 feet to 3.5 feet, are used to step the house with the Existing Grade to allow for less excavation. The applicant is not proposing to change grade more than four feet (4') around the periphery of the structure and has largely maintained Natural Grade where possible.

22. The proposal complies with 15-2.2-6(C)(5), Building Location, in that the new addition's building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography. By placing the new addition to the rear of the Historic Structure, the applicant has hidden much of the mass and bulk of the addition from the view of Daly Avenue. The applicant has proposed several retaining walls less than four feet in height in order to step with and maintain the natural topography. New vegetation will be introduced to further shield the appearance of these short walls. The areas of the structure above grade and visible from the Daly Avenue right-of-way will appear to be one to two stories in height. On the west (rear) elevation, the house appears to be two stories in height. This is compatible with the existing house and the neighborhood overall.

23. The proposal complies with 15-2.2-6(C)(6), Building Form and Scale, in that the

applicant broke up the mass of the addition to the Historic Structure by incorporating multiple roof lines and articulation of the wall planes. By breaking up the structure into a series of individual smaller components, the entire structure is more compatible with the overall mass and scale of the Historic District. The areas of the structure above grade along Daly Avenue will appear to be one to two stories in height, which is compatible with the neighborhood overall. On the west (rear) elevation, the design appears to step up the hill, preventing a wall effect. Exterior elements of the new development—roofs, entrances, eaves, porches, windows, doors, steps, retaining walls, etc.—are of human scale and are compatible with the neighborhood and the style of architecture selected. The scale and height of the new structure follows the predominant pattern of the neighborhood which is comprised of one- and two-story buildings as well as Historic houses with two-story additions in the back. Further, the style of this structure is consistent with the Design Guidelines.

24. The proposal complies with 15-2.2-6(C)(7), Setbacks, in that while the Historic Structure does not meet the Side Setback on the south side, the new addition complies with all applicable setbacks. The applicant has worked to break up the mass and scale of the structure through incorporating smaller components, multiple roof lines, and articulation of the wall planes. By stepping the house to reflect the changes in grade, the applicant has prevented a wall effect along the Rear Lot Line.

25. The proposal complies with 15-2.2-6(C)(8), Dwelling Volume, in that the proposed design is articulated and broken into compatible massing components. The design includes setback variations and lower building heights for portions of the structure. The proposed massing and architectural design components are compatible with both the volume and massing of single-family dwellings in the area. The design minimizes the visual mass and mitigates the differences in scale between the proposed single-family dwelling and surrounding structures.

26. The proposal complies with 15-2.2-6(C)(9), Building Height (Steep Slope), in that the proposed new construction complies with the twenty-seven feet (27') maximum building height requirement measured from existing grade. The height of the tallest portions of the addition to the Historic Structure is approximately 18.5 feet above Existing Grade. As designed the house is compatible in mass and scale with houses in the surrounding neighborhood.

27. No lighting has been proposed at this time. Lighting will be reviewed at the time of the Building Permit application for compliance with the LMC lighting code standards and Design Guidelines.

28. The property was posted and notice was mailed to property owners within 300 feet on September 25, 2019. Legal notice was also published in the Park Record in accordance with requirements of the LMC on September 21, 2019.

29. The property is located within the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore it is regulated by the City for mine

related impacts. If the property owner does encounter mine waste or mine waste impacted soils they must handle the material in accordance to State and Federal law.

30. The findings in the Analysis section of this report are incorporated herein.

Conclusions of Law – 269 Daly Avenue

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

Conditions of Approval – 269 Daly Avenue

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. The CMP shall include language regarding the method of protecting adjacent structures.
3. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
4. This approval will expire on October 9, 2020, if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval has been requested in writing prior to the expiration date and is granted by the Planning Director.
5. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission on October 9, 2019, and the Final HDDR Design.
6. All new retaining walls within the rear and side setback areas shall not exceed six feet (6') in height measured from final grade and retaining walls within the front setback area shall not exceed four feet (4') in height measured from final grade. An exception may be granted by the City Engineer per LMC 15-4-2(A)(1).
7. The maximum Gross Floor Area, per the Plat, cannot exceed 2,000 square feet.
8. Residential fire sprinklers are required for all new or renovation construction on this lot, per requirements of the Chief Building Official.
9. The property is located in Zone A, as shown on the Flood Insurance Rate Map of the Federal Emergency Management Agency, Panel 938, Map Number 49043C0938C, and has an effective date of March 16, 2006.
10. The property is located outside the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore not regulated by the City for mine

related impacts. If the property owner does encounter mine waste or mine waste impacted soils they must handle the material in accordance to State and Federal law.

11. All exterior lighting, on porches, decks, garage doors, entryways, etc. shall be down directed and shielded to prevent glare onto adjacent property and public rights-of-way and shall be subdued in nature. Light trespass into the night sky is prohibited. Final lighting details will be reviewed by the Planning Staff prior to installation.

12. Construction waste should be diverted from the landfill and recycled when possible.

13. Consistent with the proposed plans attached to the Staff report, existing Significant Vegetation shall be maintained on Site and protected during construction. When approved by the Planning Department in writing to be removed, the Significant Vegetation shall be replaced with equivalent landscaping in type and size. Multiple trees equivalent in caliper to the size of the removed Significant Vegetation may be considered instead of replacement in kind and size.

14. New vegetation shall be introduced to further shield the appearance of the short retaining walls along the sides of the house.

15. All excavation work to construct the foundation of the proposed single family dwelling shall start on or after April 15th and be completed on or prior to October 15th. The Planning Director may make a written determination to extend this period up to 30 additional days if, after consultation with the Historic Preservation Planner, Chief Building Official, and City Engineer, determines that it is necessary based upon the need to immediately stabilize an existing Historic property, or specific site conditions such as access, or lack thereof, exist, or in an effort to reduce impacts on adjacent properties.

V.D. 900 Round Valley Drive – Master Planned Development Amendment – The Applicant Requests Additional Density for a 20,000 square-foot Medical Support Building on Lot 6, and a 28,000 square-foot Medical Office Addition to the Hospital on Lot 1 (Application PL-19-04204)

Commissioner Suesser recused herself and left the room.

Morgan Bush, Executive Strategic Partner with IHC, Dan Colmer, IHC Director of Facility Planning and Development, and Lori Weston, CEO of Park City Hospital, were present to represent the applicant.

Planner Rebecca Ward reviewed the application for the Park City Hospital to amend the Master Planned Development and the Development Agreement to increase the density on the Medical Campus. During a previous work session, the Planning Commission identified five items that needed to be addressed.

Planner Ward stated that the applicant had addressed the Housing Authority obligation in the density and submitted Design Guidelines. They also reviewed required amendments to the Affordable Housing Plan. The applicant had completed the open space analysis. An estimated peak water demand was determined for this site.

Planner Ward stated that with the Community Transition District (CT), the applicant was requesting to maximize the density under that District, which will increase what was originally established in the Development Agreement and the Annexation Agreement. A Housing Authority decision, which was attached to the Staff report as an Exhibit, required that any future density be reduced by 8,000 square feet. Planner Ward noted that the applicant amended their application and was requesting that the full 56-unit equivalents to 56,000 square feet be reduced, with 8,000 square feet determined as undevelopable. Therefore, the proposal would be 48,000 square feet for medical support use.

Planner Ward reviewed the Medical Campus Map. She noted that the current Hospital is located on Lot 1, and the applicant was proposing to add 28,000 square feet of medical offices to the Hospital. Across from the Hospital on Lot 6, the applicant was proposing a 20,000 square foot ambulatory surgery center.

Planner Ward stated that the applicant also submitted the Design Guidelines that have been in place since 2008. The Guidelines have guided development to date and will continue to do so. The applicant has worked with Housing to look at considerations of additional affordable housing obligations. The applicant had completed an open space analysis demonstrating that at full buildout, if the Planning Commission approves the increased density, over 84% of the North Campus would be open space.

Planner Ward reported that the Park City Public Utilities Department calculated the peak water demand on the site currently, and what the demand could be if additional density is granted. She noted that a condition of approval is the possibility of requiring an amendment to the Water Service Agreement. Planner Ward explained that under the Annexation Agreement, the applicant entered into a Water Service Agreement with the City that considered the density under that Agreement. That Agreement capped the peak water use at 105,116 gallons. The Utilities Department estimated that with the increased density, the peak water demand could be as high as 116,000 gallons.

Chair Phillips clarified that 116,000 gallons was not the current estimated usage. Morgan Bush stated that the current use is estimated at 91,000 gallons.

Commissioner Sletten asked if the Public Works Department had an issue with the increase. Planner Ward had not spoken with Public Works because they would work directly with the applicant on that issue. Chair Phillips asked if it would be a potential condition of approval. Planner Ward answered yes.

Planner Ward stated that the Community Transition District bonus for the three units per acre has specific requirements as outlined in the Staff report. The Staff finds that the applicant complies with these requirements.

Planner Ward noted that the Master Planned Development requires the use of non-vehicular forms of transportation through design. The applicant met with the Transportation Department and has proposed a Transportation Management Plan that includes an employee van pool, and end of trip bike facility, and an employee transportation coordinator.

Planner Ward commented on the conditions of approval. She corrected a typo in Condition #9 to read 80% instead of 84.32%. Planner Ward stated that because the applicant intends to potentially develop this density in phases, she proposed amending Conditions #4 and #11, which require the Water Service Agreement amendment; as well as the Affordable Housing amendment, to reflect the density proposed at that time under the conditional use permit.

Morgan Bush stated that Planner Ward had covered the same points he planned to cover in his presentation. Rather than presenting the same information, he preferred to spend the time answering questions.

Chair Phillips asked for the reasoning behind holding back 8,000 square feet that would be undevelopable to meet the housing authority obligation. Mr. Bush stated that in June of 2015, when they were doing the zoning for the Peace House project, they went before the Housing Authority. He explained that because part of the Peace House was to satisfy the Tanger Outlet Affordable Housing obligation, which was a County obligation, the City did not feel that was appropriate to count it towards the City obligation. Therefore, a condition of approval was added to the Affordable Housing Plan stating that if any future density was granted to Intermountain, 8,000 square feet needed to be deducted because of Peace House. Mr. Bush stated that because they agreed to that obligation with the City in 2015, it needed to be accounted for as part of this application.

Commissioner Thimm understood they were going to make it scalable in terms of when the obligations are put in place, compared to the phasing of the project. He asked if there was a phasing plan and schedule or how it would be monitored. Mr. Bush stated

that Intermountain had proposed 20,000 square feet on Lot 6, and 28,000 square feet on Lot 1. It is likely that Lot 6 will come forward within the next two to five years. It is more likely that the Lot 1 density is five to ten years out. Mr. Bush stated that because it will occur in different time frames, he preferred the ability to tie it to the actual projects; particularly given the time it takes to do an appropriate affordable housing project. Commissioner Thimm clarified that it would be a lot by lot basis with a significant difference in time. Mr. Bush replied that there will be two CUPs as opposed to one. The proposed condition is that the Affordable Housing and Water Service Agreements must be amended and approved by the appropriate City bodies before they can apply for a CUP. It is protection for the City that the applicant intends to fulfill all their obligations.

Commissioner Sletten understood there would be no phasing within Lot 1 individually and Lot 6 individually. Mr. Bush clarified that the potential phasing is just the two lots.

Commissioner Kenworthy commented on the implementation of the enhanced traffic stop and asked for an explanation of enhanced transit stop. Mr. Bush stated that currently there is a transit stop with a sign and a curb that is out of traffic. He remarked that if there is regular transit service there needs to be a real transit stop at the Hospital. Commissioner Kenworthy asked if "enhanced" means they intend to do more than a transit stop. Mr. Bush stated that they have talked about potentially using the Hospital Valet Service. If people want the bus, they can stay inside the Hospital and someone will call them out. He noted that Alfred Knotts, the Transportation Manager, wants to talk to them about making the transit experience better for patients and families.

Mr. Morgan believed the Condition of Approval requires the applicant to develop the transit enhancement as approved by the City's Transportation Director. Those details still need to be worked out. Mr. Bush stated if they can do strategies to help reduce trips, it will help justify being able to reduce the number of additional parking stalls in the future. Commissioner Kenworthy asked if this would all be worked out with the Planning Department. Planner Ward noted that a Condition of Approval addresses the transit stop being approved by the Transportation Planning Manager. Mr. Knotts and Mr. Bush have been meeting to discuss the City's potential fixed service, which will depend on the transportation plan in that area. Planner Ward remarked that Condition of Approval #13 states that reduced parking will be investigated by the Planning Commission at the time of the Conditional Use Permit application.

Commissioner Kenworthy clarified that the Agreement with the enhanced transit and reduced parking would come back to the Planning Commission. Planner Ward answered yes. Mr. Bush clarified that the details come back with each CUP. Chair Phillips understood that they were basically creating the framework for everything to occur in the future.

Chair Phillips opened the public hearing.

Bill Pidwell, stated that he was speaking on behalf of Physician Holdings on Lot 7 and a neighbor to Lot 6. Mr. Pidwell spoke in support of the IHC MPD Amendment. The plan for Lot 6 is a very fitting use for the Campus and it would be a good way to fill out that space. Mr. Pidwell stated that Peace House is exemplary and he would like to see the whole road finished up to the Hospital. Mr. Pidwell stated that as a physician in Park City for 15 years, Intermountain has been an amazing addition to the community. Having practiced for five years before Intermountain built the Campus, the services and access the patients have now is beyond what anyone imagined. Mr. Pidwell supported the changes they continue to make, such as the ambulatory service center, which does not enhance Intermountain in any way; but it is the right thing for their patients to help decrease costs. They continue to make investments in the community and he supports what they do.

Chair Phillips closed the public hearing.

Commissioner Sletten asked if the scalability of the water service was included as a condition of approval or reflected elsewhere in the documents. Planner Ward stated that Condition #4 states that, "Prior to applying for a conditional use permit for the increased density, the applicant will work with the City to establish the peak water demand for the existing and increased density, entering into an amended Water Service Agreement to be approved by the Public Utilities Director and City Attorney". The Staff was proposing to amend the condition to add, "pursuant to the requested density for that phase of construction." Planner Ward pointed out that if the applicant develops Lot 6, which is 20,000 square feet, the Water Service Agreement would be amended for any increased water for that lot. That would be revisited if the applicant were to phase the Lot 1 addition to the hospital.

Commissioner Sletten asked City Attorney Harrington if that language was clear. Mr. Harrington stated that they could add "each conditional use permit".

Commissioner Thimm stated that during his time on the Planning Commission, there has been concern about being overparked and paving the land with asphalt and concrete. He hoped this could be an example of how with proper analysis they could love the land and leave it natural without paving. Commissioner Thimm remarked that 84% open space is an incredible amount. He commended everyone involved in terms of making this a fulfillment.

Chair Phillips concurred. He noted that Morgan Bush has been before the Planning Commission many times and each time he is prepared, thorough and very professional. It has been good to see this project grow and it is a huge asset for the community. Chair Phillips disclosed a personal experience at the hospital and why it is a very personal space for him. Had the hospital not been there, he questioned whether the outcome might have been different for his family.

MOTION: Commissioner Thimm moved to APPROVE the request for an additional 56 unit equivalents, 56,000 square feet, pursuant to the Community Transition Zoning District; and a determination that 8 unit equivalents, 8,000 square feet, are undevelopable to meet the Housing Authority obligation, for a total of 48,000 square feet for a 20,000 square foot center on Lot 6 and a 28,000 square foot center on Lot 1, in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval with amendments to Conditions 4, 9, and 11. Commissioner Kenworthy seconded the motion.

MOTION: The motion passed unanimously. Commissioner Suesser was recused.

Findings of Fact – 900 Round Valley Drive

1. The Medical Campus is located in the northwest quadrant of the Quinn's Junction Intersection (HWY 40 and SR 248).
2. On November 3, 2004, Intermountain Healthcare (IHC), the United States Ski and Snowboard Association, and Burbs, LLC, petitioned to annex 157 vacant acres into the City to construct a Medical Campus.
3. In November of 2004, IHC submitted a Master Planned Development (MPD) application to build a 450,000-square-foot Medical Campus on the 157 acres.
4. On December 7, 2006, City Council approved an annexation plat (Summit County Recorder Entry No. 802746) and the 157-acre Medical Campus was annexed from unincorporated Summit County into Park City.
5. On January 11, 2007, City Council approved an Annexation Agreement (Agreement) that established the Community Transition District for the Medical Campus zoning (Summit County Recorder Entry No. 802747).
6. The Agreement capped build-out for the Medical Campus. Agreement, Exhibit A, ¶ 11 states: The proposed total density at build-out for the Annexation area is 535,000 square feet (gross), equates to 2.64 units/acre, and consists of the following: Intermountain Healthcare Hospital: 300,000 square feet (180 UEs – 1 UE equals 1,666.67 square feet for hospital use); United States Ski and Snowboard Offices and Training Center: 85,000 square feet (85 UEs); Support Medical Office: 150,000 square feet (150 UEs).
7. On January 11, 2007, City Council approved a Subdivision Plat (Amended) for

the Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility (Summit County Recorder Entry No. 844971).

8. On July 31, 2008, City Council approved a Subdivision Plat (Second Amended) for the Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility (Summit County Recorder Entry No. 859976).

9. The Applicant donated Lot 3, a five-acre property, to the United States Ski and Snowboard Association for an 85,000-square-foot training facility, developed under a separate MPD.

10. On May 23, 2007, the Planning Commission approved the Intermountain Healthcare Master Planned Development (IHC-MPD).

11. On May 23, 2007, the Planning Commission approved a Conditional Use Permit for phase one construction of a 122,000-square-foot hospital, 13,000 square feet of constructed and unfinished shell space, and 50,000 square feet for medical offices on Lot 1.

12. On October 8, 2014, the Planning Commission approved an amendment to the IHC-MPD and transferred 25,000 square feet of support medical office uses from Lot 6 to the Hospital on Lot 1, and 25,000 square feet of support medical office uses from Lot 8 to the Hospital on Lot 1.

13. On October 8, 2014, the Planning Commission approved a Conditional Use Permit for phase two construction of the Hospital on Lot 1, which included an 82,000-square-foot support medical office expansion, a health education center, an expanded wellness center, an additional administrative space, shell space for future short-term needs, and a 8,300-square-foot procedure center.

14. On June 4, 2015, the Park City Housing Authority approved an amended IHC Housing Mitigation Plan and the location of Peace House—a non-profit organization that helps victims of domestic violence—on Lot 8. To meet certain affordable housing requirements, IHC leased Lot 8 to Peace House for \$1 per year for 40 years. The Housing Authority determined that any future increases in Density for the Medical Campus must be reduced by 8,000 square feet (8 UEs) to address the issue that a portion of the Peace House facility satisfies an affordable housing obligation for the Tanger Outlet Expansion through Summit County approvals.

15. On July 21, 2016, City Council approved the Subdivision Plat (Third Amended) for the Intermountain Medical Campus/USSA Headquarters and Training Facility, which subdivided Lot 8 into two lots, Lot 8 and Lot 12, to facilitate the location of Peace House on Lot 8 (Summit County Recorder Entry No. 1067219).

16. On February 5, 2018, the Applicant recorded the Development Agreement for the Intermountain Healthcare (IHC) Master Planned Development (MPD), as amended, Located on Lots 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, and 12 of the Second and Third Amended Intermountain Healthcare Park City Medical Campus/USSA

Headquarters and Training Facility Subdivision Plats located at Round Valley 23.Eight UEs (8,000 square feet) are undevelopable to meet a Housing Authority obligation.

24.Forty-eight UEs are developable (48,000 square feet). The Applicant proposes to build a 20,000-square-foot ambulatory surgery center on Lot 6 and a 28,000-square-foot addition to the Hospital on Lot 1.

25.The 85,000-square-foot United States Ski and Snowboard Association facility on Lot 3 was developed under a separate Master Planned Development. The 25,000-square-foot Summit County Health and People's Health Clinic on Lot 10 and the 25,000-square-foot Physician's Holdings Medical Offices on Lot 7 were also developed under a separate MPD.

26.The Commission determined that the 37,600-square-foot Peace House facility Density does not count against the Medical Campus Density.

27.The Commission determined that the future Park City Fire District Station on Lot 4 will not count against the Medical Campus Density.

28.Of the 300,000 square feet (180 UEs) granted to the Hospital for Lot 1 hospital use at 1,666.67-square-feet per UE, 137,800 square feet (82.68 UEs) have been developed and 162,200 square feet (97.32 UEs) remain to be developed.

29.The Applicant submitted the Park City Health Campus Design Guidelines, created on August 11, 2008.

30.The Applicant submitted an Open Space Analysis, demonstrating that 84.31% of the Medical Campus will be preserved as open space at full build-out.

31.The Medical Campus projected peak water demand will most likely exceed the Water Services Agreement.

Conclusions of Law – 900 Round Valley Drive

1. The MPD, as conditioned, complies with all the requirements of the Land Management Code;
2. The MPD, as conditioned, meets the minimum requirements of LMC 15-6-5;
3. The MPD, as conditioned, provides the highest value of Open Space, as determined by the Planning Commission;
4. The MPD, as conditioned, strengthens and enhances the resort character of Park City;
5. The MPD, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible;
6. The MPD, as conditioned, is Compatible in Use, scale, and mass with adjacent Properties, and promotes neighborhood Compatibility, and Historic Compatibility, where appropriate, and protects residential neighborhoods and Uses;
7. The MPD, as conditioned, provides amenities to the community so that there is no net loss of community amenities;

8. The MPD, as conditioned, is consistent with the Affordable Housing requirements, Resolution 03-2017;
9. The MPD, as conditioned, meets the Sensitive Lands requirements of the Land Management Code. The project has been designed to place Development on the most developable land and least visually obtrusive portions of the Site;
10. The MPD, as conditioned, promotes the Use of non-vehicular forms of transportation through design and by providing trail connections; and Drive, Park City, Summit County, Utah (Summit County Recorder Entry No. 1086017).
11. The MPD has been noticed and a public hearing held in accordance with the Land Management Code;
12. The MPD, as conditioned, incorporates best planning practices for sustainable development, including water conservation measures and energy efficient design and construction, per the Residential and Commercial Energy and Green Building program and codes adopted by the Park City Building Department in effect at the time of the Application;
13. The MPD, as conditioned, addresses and mitigates Physical Mine Hazards according to accepted City regulations and policies;
14. The MPD, as conditioned, addresses and mitigates Historic Mine Waste and complies with the requirements of the Park City Soils Boundary Ordinance;
15. The MPD, as conditioned, addresses Historic Structures and Sites on the Property, according to accepted City regulations and policies, and any Historic Preservation Plan.

Condition of Approval – 900 Round Valley Drive

1. Of the 56 requested UEs, 8 UEs (8,000 square feet) are undevelopable to satisfy the June 4, 2015 Housing Authority requirement that future density be reduced because a portion of Peace House affordable housing obligations satisfied a Summit County obligation.
2. The remaining 48 UEs (48,000 square feet) may be allocated with 20 UEs (20,000 square feet) to Lot 6 to build an ambulatory surgery center and 28 UEs (28,000 square feet) to Lot 1 to build an addition to the Hospital.
3. Development of the 20,000-square-foot ambulatory surgery center and the 28,000-square-foot support medical office addition to the Hospital shall require a Conditional Use Permit.
4. Prior to applying for a Conditional Use Permit, the Applicant shall work with the City to establish the peak water demand for the existing and increased density and shall enter into an amended Water Service Agreement, to be approved by the Public Utilities Director and City Attorney, pursuant to the requested density for the phase of construction for each Conditional Use Permit.

5. Any future development shall retain at least eighty percent of the Site as open space; comply with the 300' Frontage Protection Zone no-build setback; provide 60% of required parking in structure/tiered lots to limit visibility; provide an enhanced public transit facility; honor the Declaration and Grant of Trail Easement (Summit County Recorder Entry No. 1067218); protect sensitive lands from development; comply with affordable housing obligations; and develop sustainable-green buildings as required under LMC § 15-2.23-4.
6. The Building Height requirements of the Community Transition District shall apply, except that the Planning Commission may consider an increase in Building Height based upon a Site specific analysis and determination. The maximum Building Height for the Community Transition District is twenty-eight feet (28') from Existing Grade. Building Height will be determined at the time of a Conditional Use Permit.
7. A Site plan must take into consideration the characteristics of the Site and shall be designed to fit the Site, not the Site to fit the project. Requirements include clustering of UEs on the most developable and least visually sensitive portions of the Site; minimization of Grading; roads, utility lines, and Buildings located to work with Existing Grade; incorporation of trails into open space elements; adequate internal vehicular and pedestrian/bicycle circulation; adequate space for snow removal and storage; trash storage and collection and recycling facility location and design; transportation amenities; and service and delivery access and loading/unloading areas.
8. A landscape plan shall comply with all criteria and requirements of LMC § 15-5-5(M). All noxious weeds, as identified by Summit County, shall be removed from the Property in accordance with the Summit County Weed Ordinance prior to issuance of Certificate of Occupancy. These factors shall be addressed at the time of a Conditional Use Permit.
9. At full build-out, the Medical Campus shall provide 84.31% Open Space.
10. Additional Density shall comply with the Quinn's Junction Joint Planning Commission Principles outlined in the General Plan, Volume II, p. 264-265 and shall apply Sensitive Lands standards to incorporate and preserve important topographical features, natural areas, and view sheds, and be of a scale and scope consistent with the primary goal of preserving the function and aesthetics of the important resort entry corridor.
11. The total AUE obligation for the additional 48 UEs (48,000 square feet) is 20.42 Affordable Unit Equivalents. Prior to submitting a Conditional Use Permit, the Applicant shall amend the Housing Mitigation Plan, as approved by the City, to satisfy this additional obligation, pursuant to the requested density for the phase of construction for each Conditional Use Permit.

12. The Applicant has committed to enhance the existing transit stop to accommodate regular transit service. The transit stop enhancement plan shall be approved by the Transportation Planning Manager prior to submitting an application for a Conditional Use Permit.

13. The Applicant has proposed reduced parking. The Applicant shall submit a Transportation Management Plan with at least three elements prior to submitting an application for a Conditional Use Permit. The Transportation Management Plan shall address (1) an employee vanpool, (2) an end-of-trip bike facility, and (3) an employee transportation coordinator, to be approved by the Transportation Planning Manager, in order for the Commission to consider reduced parking.

14. The 48 UEs shall be built with careful ecological integration to preserve open space and wetlands pursuant to the Park City Health Campus Design Guidelines developed in 2008 for the Medical Campus.

15. All future development shall be subject to the Park City Health Campus Design Guidelines.

16. The Development Agreement for the Intermountain Healthcare (IHC) Master Planned Development (MPD), as amended, Located on Lots 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, and 12 of the Second and Third Amended Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility Subdivision Plats located at Round Valley Drive, Park City, Summit County, Utah (Summit County Recorder Entry No. 1086017), recorded on February 5, 2018, shall be amended to reflect the increased density within six months from the date of Commission approval.

Commissioner Suesser returned to the meeting.

V.E. 74 King Road – Conditional Use Permit – the Applicant seeks to obtain a Nightly Rental Conditional Use Permit for the Landmark Single-Family Dwelling. (Application PL-19-04324)

Planner Ward stated that when the Staff report was published on Friday there was an issue with Exhibit A. It was now viewable and available with the public.

Planner Ward reviewed the application for a historic Landmark structure on the Historic Sites Inventory. She presented the Park City nightly rentals zoning map. The red identified areas where nightly rentals are prohibited. The red identified areas where nightly rentals are allowed, orange identified areas where nightly rentals are prohibited with exceptions, and a small area within the HRL District shown in yellow requires a conditional use permit for nightly rentals. Planner Ward clarified that nightly rentals are not allowed within the entire HRL District; only in the western portion of the District.

Planner Ward stated that the home at 74 King Road originally had no parking on the site. In 2014 the applicant was granted an approval through the Planning Department to create a parking space on the site when they rebuilt a retaining wall. Planner Ward reported that there were currently seven active nightly rental conditional use permits within this area.

Under the conditional use permit criteria, the Staff recommended adding Conditions of Approval to address traffic considerations. Currently, the property is the size of a rental for a small family or small group. If the Planning Commission grants a conditional use permit it would transfer with the land. For that reason, the Staff recommended adding a condition of approval stating that if in the future modifications are made to enlarge the home, the conditional use would terminate and a new conditional use permit would be required for an enlarged use.

Chair Phillips wanted to know how that would be enforced. Planner Ward explained that if changes are made to the historic home, it would go through the HDDR process. The requirement would be on file with all the applications for this address. It would be handled through the Planning Department. Chair Phillips stressed the importance of making sure it is captured because a larger home could have much larger impacts as a nightly rental and might require additional mitigation.

Planner Ward stated that another condition addresses off-street parking because King Road is very narrow and very steep. Condition #7 requires that the nightly rental be limited to one vehicle with on-site parking. Regarding the internal vehicle and pedestrian circulation, Condition #9 states that all lease agreements for Nightly Rental shall include language indicating that during heavy snowfall or bad road conditions the site might not be accessible and there may be times when renters would need to park off-site to access to the property. Condition of Approval #13 is pursuant to Code for garbage pickup to make sure that property management is able to do that according to City Code. Condition #10 is to inform applicants about walkable access to the ski area, to historic Main Street and Old Town, and also regarding free transit service.

Planner Ward reported on several emails she received today, in addition to the email that was included as Exhibit C. The emails dated October 9th regarded concerns about on-street parking, snow removal and safety issues. She handed out the emails to the Commissioners.

Commissioner Suesser asked Planner Ward to clarify whether on-street parking is permitted anywhere on King Road, even for residents. Planner Ward believed there was street parking; however, because of the nature of the road and snow piled up on the side of the road, there would be parking issues during the winter. Planner Ward

noted that Condition #12 requires that the property management oversee that the property is in compliance with the City Code. Under the business licensing Code, there is a requirement that the Business License for a nightly rental must maintain certain standards on the property, including snow removal to a level that allows access to the building over a pedestrian route and also snow removal service to the parking associated with the rental so parking is available for the rental unit.

Chair Phillips opened the public hearing.

Peter Marth, a resident at 27 Hillside, stated that he was not opposed to nightly rentals in the HR Districts. This is a great house and he liked that the structure was being readapted and reused. As long as the police can keep the area quiet and safe, he was comfortable with the request. Mr. Marth remarked that his issue is when every home becomes a nightly rental and all the residents are gone.

Chair Phillips closed the public hearing.

Commissioner Suesser asked about the size of the parking spot created in front of the house. She wanted to know if the snow from shoveling the driveway is stored on the property or elsewhere. The applicant, Brenda Bennett, stated that the parking spot was larger than a legal space. The snow storage is on the property. Commissioner Sletten noted that he had visited the site and he agreed that the parking space was oversized.

Commissioner Suesser asked if there were additional restrictions on nightly rentals in this area; such as restricting the number of occupants in a home, limiting the age of potential renters, or a requirements on minimum number of nights to alleviate the concerns with nightly rentals. Planner Ward stated that if the Planning Commission grants the conditional use permit it runs with the land as long as the structures stays at its current size. When an applicant applies for a business license, the Building and Fire Departments conduct an inspection and set the occupancy according to egress and safety. She was unsure whether there were age restrictions. Planner Ward stated that per the Code, 30 is the maximum number of nights. She was not aware of a minimum night requirement.

Commissioner Suesser asked if they could require a 4-wheel drive vehicle. Chair Phillips had concerns with being too specific and how it could be enforced. Commissioner Kenworthy liked the idea of adding a 4-wheel drive requirement to the lease. King Road is very dangerous and difficult to get up or down. Commissioner Van Dine thought a 4-wheel drive requirement was difficult because some years Park City does not have enough snow to impact the road. She did not favor requiring a 4-wheel

drive vehicle because weather conditions can be uncertain. Commissioner Suesser thought it could be added to the lease as a recommendation.

Commissioner Suesser noted that Condition #8 requires the Property Management Company to move the trash receptacles, but the conditions of approval do not address snow removal. She thought a condition regarding snow removal would be appropriate.

City Attorney Harrington clarified that the Municipal Code has management standards for the property management company. He did not think it needed to be repeated in the conditions of approval. Planner Ward read from Condition #12, "...shall comply with all City Code and LMC standards." Mr. Harrington read Management Standard #1 from the Municipal Code. "Snow removal during the winter months to a level that allows safe access through the building and normal access to the unit, and snow removal to the off-street parking facilities associated so that off-street parking is available at all times for occupant use". Chair Phillips asked how the City regulates these requirements in general. Mr. Harrington replied that it is enforced through the business license by Code Enforcement. It is primarily dependent on a complaint-based system. However, that has shifted at the request of the City Council over the last couple years and the system is changing. Chair Phillips requested that the next annual update on code enforcement specifically include nightly rentals.

Commissioner Suesser suggested amending Condition #7 to read, "All lease agreements for nightly rentals shall include language that limits the vehicles allowed at 74 King Road to one vehicle **within the one on-site parking space. No street parking permitted**". The Commissioners agreed.

MOTION: Commissioner Sletten moved to APPROVE the CUP for a nightly rental at 74 King Road based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as amended with the revision to Condition #7. Commissioner Van Dine seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 74 King Road

1. The property is located at 74 King Road, Summit County Parcel Number PC-722-A.
2. The property is located on Lots 18, 19, and the south half of Lot 20, Block 77, Millsite Reservation to the Park City Survey.
3. The property is estimated to have been constructed in 1904, contains no additions, and has undergone minimal changes. The property is determined to retain historic integrity as a mining-era Structure and is designated a Landmark

Historic Structure on Park City's Historic Sites Inventory.

4. 74 King Road is a one-story, two-bedroom/two-bathroom Landmark Single-Family Dwelling with a kitchen that is located on a 0.11-acre parcel and provides a space for use as a residence or a sleeping place for one or more Persons or for a family.

5. 74 King Road is within walking distance to Park City Mountain Resort skiing and to Park City's free public transit.

6. On July 8, 2014, the Planning Department issued an Administrative Conditional Use Permit so that two failing cinder block retaining walls in the front yard of 74 King Road could be removed for the construction of two new stacked-stone walls. The newly constructed wall to the north of the property is terraced to a height of four feet and the wall to the south of the property is constructed to a height of six feet. The wall to the south of the property was moved closer to the Single-Family Dwelling to facilitate a minimum 8.5' x 16' parking space for one vehicle.

7. Nightly Rentals must be an allowed or Conditional Use within the Zoning District for which the Dwelling Unit is located. The two-bedroom Landmark Single-Family Dwelling at 74 King Road is located within the area designated for potential Nightly Rentals in the HRL District, subject to a Conditional Use Permit.

8. On September 4, 2019, the owner of 74 King Road submitted an application to request Commission review and approval of a Nightly Rental Conditional Use Permit.

9. The Nightly Rental Conditional Use Permit application was deemed complete on September 16, 2019.

10. According to the City's business license records, there are currently seven (7) active nightly rental business licenses in the surrounding HRL District.

11. In addition to a Nightly Rental Conditional Use Permit, the owner must secure a Nightly Rental Business License to use the property as a Nightly Rental. The business license application process requires that the Building Department inspect the property to ensure that the property meets all applicable building and fire codes.

12. 74 King Road is a valid non-complying Historic Structure located in the HRL District within the potential Nightly Rental Conditional Use Permit zone and there are no unmitigated impacts of the site size and location.

13. King Road is a narrow and steep street and should only be accessed by one vehicle associated with a Nightly Rental.

14. 74 King Road is currently used as a private residence and use of the property as a Nightly Rental will minimally change utility capacity and storm water run-off.

15. A Nightly Rental Conditional Use Permit will not alter the required emergency vehicle access.

16. Only one (1) parking space exists on the property pursuant to a 2014

Administrative Conditional Use Permit.

17. During weather-related road conditions, access to 74 King Road may be limited and renters may need to find parking off-site to walk to the property.
18. No fencing or landscaping changes are proposed at this time.
19. The building mass, bulk, orientation, and location will remain unchanged.
20. The application is for a private parcel and contains no public Open Space. Approximately 74% of the 0.11-acre parcel is landscape.
21. No signs or additional lighting are proposed to be installed.
22. The Landmark Single-Family Dwelling retains its historic mass, scale, and style in compliance within the Historic District. No changes to the physical design are proposed.
23. No noise, vibration, odors, steam, or mechanical factors that might affect people and property are anticipated.
24. No deliveries are anticipated. Residential trash pickup for the property will be from King Road and subject to the Municipal Code of Park City § 6-1-11.
25. The property will be maintained by a property management company.
26. 74 King Road is located outside of the Park City Soils Ordinance Zone.
27. Use of 74 King Road as a Nightly Rental is conducive with Objective 7C of Goal 7 to focus future nightly rental units to resort neighborhoods – near Park City Mountain Resort and Deer Valley. 74 King Road is within a walkable distance to Park City Mountain Resort skiing access through Upper Norfolk Avenue.

Conclusions of Law – 74 King Road

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

Conditions of Approval – 74 King Road

1. All standard project conditions shall apply.
2. The applicant must obtain a valid Nightly Rental Business License prior.
3. Compliance with all building and fire code standards is required as a condition precedent to issuance of a Nightly Rental Business License.
4. All existing and any new exterior lighting shall conform to the City's lighting requirements prior to the issuance of a Nightly Rental Business License.
5. No exterior commercial signs are approved as part of this Nightly Rental

Conditional Use Permit. Any future signs on the property shall be subject to the Park City Sign Code.

6. This Nightly Rental Conditional Use Permit is approved for a one-story, two-bedroom/two-bathroom Landmark Single-Family Dwelling. Any additions to the Landmark Structure that enlarges the Structure terminate this Conditional Use Permit and require a new Conditional Use Permit that reflects the altered size of the Single-Family Dwelling.

7. All lease agreements for Nightly Rental shall include language that limits the vehicles allowed at 74 King Road to one (1) vehicle within the one (1) on-site parking space. No street parking permitted.

8. Property management shall place trash receptacles for trash pickup according to the Municipal Code of Park City § 6-1-11, which requires that trash receptacles cannot be set out for collection prior to 6:00 PM of the day before collection. All trash receptacles in the HRL District must be removed from the street as soon as practical after being emptied, and in every case must be removed from the street prior to 11:50 PM the day they are emptied.

9. All lease agreements for Nightly Rental shall include language indicating that during heavy snowfall or bad road conditions, access to the property may be limited. There may be times when renters need to park off-site in a public parking lot and walk to the property.

10. The applicant must provide renters with detailed information regarding walkable access to skiing, to Park City's Historic Main Street, to Old Town, and to Park City's free transit service.

11. Nightly Rental of 74 King Road prohibits Commercial Uses such as hospitality houses, screening rooms, reception centers, etc.

12. A property management company shall oversee the property and shall maintain the property and landscaping in a manner that shall comply with all City Code and Land Management Code standards.

V.F. 7677 Village Way, Lot 2 Village at Empire Pass North Subdivision, The Argent at Empire Pass – Conditional Use Permit – The Applicant is Proposing the Development and Construction of a Residential Condominium Building on Lot 2 at Empire Pass North. The Site is Subject to the Amended Agreement for Flagstaff Mountain March 2007, Which Granted the Developer/Owner a Large Scale MPD. The Property is Also Subject to the Village at Empire Pass Master Planned Development (VEP MPD), July 2004, and the Village at Empire Pass North Subdivision Plat, June 2017. The Applicant is Proposing a 108,602 Square Foot Structure Consisting of 28 For Sale Units (not exceeding 64,000 square feet or 32 Unit Equivalents), One (1) ADA unit, Two (2) Employee Units, 39 Parking

Spaces and Various Residential Accessory Uses. The Applicant Submitted a Concurrent Application for a Condominium Plat. If This CUP is Not Approved the Condominium Plat Will Be Continued to a Future Date.
(Application PL-19-04276)

V.G. **7677 Village Way, Lot 2 Village at Empire Pass North Subdivision, The Argent at Empire Pass Condominiums – Condominium Plat – Empire Pass North LLC, is Proposing the Development and Construction of a Residential Condominium Building on Lot 2 at Empire Pass North. The Site is Subject to the Amended Agreement for Flagstaff Mountain March 2007, Which Granted the Developer/Owner a Large Scale MPD. The Property is Also Subject to the Village at Empire Pass Master Planned Development (VEP MPD), July 2004, and the Village at Empire Pass North Subdivision Plat, June 2017. The Applicant is Proposing a 108,602 Square Foot Structure Consisting of 28 For Sale Units (not exceeding 64,000 square feet or 32 Unit Equivalents), One (1) ADA accessible unit, Two (2) Deed Restricted Employee Units, 39 Parking Spaces and Various Residential Accessory Uses. The Applicant Submitted a Concurrent Application for a Conditional Use Permit. If the CUP is Not Approved the Condominium Plat Will Be Continued to a Future Date.**
(Application PL-19-04278).

The Planning Commission discussed the two items together. The public hearings were heard separately and two separate actions were taken to continue.

Bill Fiveash with East/West Partners and the representative of Lot 2 Empire Pass LLC; Tom Bennett, Legal Counsel to East/West Partners; Joe Geroux, Design and Construction for East/West Partners; Peter Pillman with IBI Group, the Architect for East/West Partners were present to represent the applicant.

Planner Alexandra Ananth reviewed the applications for a conditional use permit and a condominium plat for a 28-unit residential condominium building utilizing up to 32 residential unit equivalents. There is also an ADA accessible unit and two deed restricted employee housing units within the building.

Planner Ananth reported that the subject property is part of the Flagstaff Mountain Annexation from 1999. In July 2004, the Planning Commission approved an MPD for the Village at Empire Pass. This was the first step in the development process for Pod A, where the subject property is located. Planner Ananth stated that the purpose of the MPD was to establish a conceptual site plan and set forth the types and locations of land uses, maximum density for the mountain village, and the development approval

process; as well as to address overall project infrastructure throughout the annexation area. The MPD establishes allowed building volumetrics, including specific height exceptions, density and building locations.

Planner Ananth stated that this application is considered Building 4 of the Village at Empire Pass and requires a CUP. The proposed building complies with the allowed volumetrics for the site and received final design approval from the Empire Pass Design Review Board.

Planner Ananth reported that the Village at Empire Pass North Subdivision Plat was approved by the City Council in 2017; and it plats parcels within the VEP MPD area, including the subject property. The plat also identifies requirements for affordable housing to be constructed within the buildings on these lots. The subject property is considered Lot 2 of the VEP plat and has an on-site housing obligation of 2 affordable housing units. This project is compliant with the affordable housing requirements, as the applicants were proposing two deed-restricted units; a one-bedroom and a studio within the building, and they meet the size requirements.

Planner Ananth stated that conditional use permits are subject to review according to the 16 criteria in LMC 15-1.10E. The Staff analysis was contained in the Staff report. The proposal complies with the lot and site requirements of the zoning district, and the applicant was not seeking any exceptions to the LMC, the MPD, or the plat.

Planner Ananth stated that the only issue that was raised during the City Design Review Committee meeting was the separation of the driveway for the subject property and the adjacent Empire Residences. Planner Ananth noted that originally the driveway looked like one wide curb cut between the two buildings. The Engineering Department wanted as much separation as possible between those two driveway; or a shared driveway. Due to the grade differences between the two lots and the radius required for a fire engine to make the turn of a shared driveway, the idea of a shared driveway became problematic. Planner Ananth stated that everyone, including the Fire Department and the Engineering Department, are now comfortable with the final solution, which the applicant would discuss in their presentation.

Planner Ananth stated that the applicant was aware that an important discussion was scheduled to take place with the City Council on November 7th regarding the Flagstaff Development Agreement and the preservation and maintenance of Historic Sites in the Empire Pass area. They have agreed to continue their application to the November 13th Planning Commission meeting in hopes that the issues would be more fully resolved by the City Council. The applicant anticipates that the continuance will allow the Planning Commission to focus on all other issues related to the CUP and Plat

applications outside of historic preservation; and allow the applicant the opportunity to address any issues raised this evening before the November 13th meeting.

The Staff found that the applications comply with the Land Management Code, the CUP criteria, and the State law regarding subdivision. The Staff recommended that the Planning Commission conduct a public hearing, review the applications and draft findings of fact and conditions of approval, and continue the applications until November 13th.

Bill Fiveash stated that East/West Partners has been in front of the Planning Commission many times and they have developed several properties at Empire Pass with other financial partners. They share the community concern about the importance of historic preservation in the Park City community and the value in what it brings to the community. Mr. Fiveash clarified that East/West Partners did not dispute that those sites have not been address through historic preservation; however, there is a mechanism within the Flagstaff Development Agreement for the original developer to be responsible for those sites and for the Homeowners Association to continue maintenance of those sites in the future. Mr. Fiveash understood that there was a pending MOA in process and those two parties were taking care of that responsibility.

Mr. Fiveash stated that their application has been submitted since July 23, 2019 and they were asking for a continuance to make sure they addressed all the issues to avoid the application being delayed once the preservation issues are resolved.

Joe Geroux provided some insight on the driveway issue. Mr. Geroux presented slides showing the approach to the building off of Village Way. He indicated a driveway that was approved a few years ago with Empire Residence. Mr. Geroux explained that driving up the road the grade continues to climb as it enters their driveway and garage. He pointed out that in trying to place the driveway on the site for this application they looked at three points. The first was access. They had talked to UDOT about two access points along Marsac. The first was around the corner in consideration of a grand arrival experience to the project. However, the grades were difficult and Marsac is a busy road and not the best approach due to winter conditions. They determined that access along Marsac was not appropriate. Mr. Geroux remarked that bringing people up Village Way and trying to create the least amount of site impact for the overall community was the best approach. He noted that the earlier designs that were originally submitted for the CUP had the curb cut pulled back from the main gutter edge of Village Way, but the Engineering Department had concerns. Mr. Geroux stated that in working with the Fire Department and the local utility companies, there is a series of utilities that run along the site. They met with the Engineering Department and discussed it in detail. Mr. Geroux presented the solution that resulted from their

conversations. Pulling the curb out to the gutter way allows for additional screening for utilities and it also separates the two driveways from one another. The separation tapers, but as it moves back the part closest to Mid Village is approximately 6-feet.

Commissioner Suesser asked for the width of the driveway entrance. Mr. Geroux replied that the driveway entrance was 24-feet. If a fire truck pulls up to the site it can pull into the driveway and stay out of Mid Village. In the event of dual occurrences, there is access for multiple emergency vehicles to move off the roadway.

Chair Phillips asked if the first slide in the presentation was from the actual MPD. Planner Ananth reviewed the slide showing the Village at Empire Pass MPD, which showed the nine large lodge-style buildings that were approved in 2004.

Chair Phillips understood that the applicant was requesting that the Planning Commission continue these items to November 13th after the City Council meeting and discussion on the historic preservation aspect. Chair Phillips questioned whether the MOA would be resolved by that date and whether the Planning Commission would have more answers on November 13th than they have now. He did not want the applicant to assume that the historic preservation issue would be worked out by November 13th.

Commissioner Suesser asked for an explanation of the Planning Director's determination on the setback line. Planner Ananth replied that the site could be looked at as potentially having a number of fronts or a number of sides. They clarified what is front, sides, and rears in order to determine the correct setbacks.

Chair Phillips opened the public hearing.

Ladd Christensen, from the adjacent property, asked the Staff to look carefully at the setbacks off his bordering property.

Planner Ananth asked if it was the Marsac 61 claim. Mr. Christensen answered yes. Planner Ananth understood his request.

Peter Marth, a Hillside Avenue resident, stated that recently all the neighbors at the bottom of Marsac have been experiencing high volumes of shuttle and construction traffic going up and down Marsac. Mr. Marth believed that the Flagstaff Development Agreement clearly indicates that all construction traffic and all shuttles related to the HOAs that operate under the Flagstaff Development Agreement, are required by the specifics of the criteria for Transportation and Transit to use Royal Street at all times. Currently, they are not using Royal Street. Mr. Marth thought Empire Pass was the HOA responsible for this development proposal, and they are some of the worst

offenders of the requirement to use Royal street. He noted that they exclusively use the Mine Road, which is a substandard steep road, to access the airport, PCMR, Main Street, and Old Town. Mr. Marth stated that the requirement to use Royal Street is very clear in the language under Transit. All construction traffic should be routed up and down Royal Street and not the dangerous Mine Road. Mr. Marth pointed out that the only time construction traffic can be routed up or down the Mine Road is with approval by the Building Official.

Mr. Marth believed the Planning Commission had received written documentation from his neighbor, Clyde Bush, regarding this transit question. As they move through the process, he thought it was important for the developers to play by the rules and follow the Development Agreement that was written many years ago when the pods were approved. He thought it was especially important for historic structures and buildings, and the transit, which he believes is not in compliance by any of the developments in Flagstaff. Mr. Marth asked the Planning Commission to have that discussion.

Lynn Paden, stated that he was President of the Homeowner's Association of Empire Residences, neighboring this project. He was not aware that the driveway was an issue. However, he wanted the Planning Commission to know that he has worked closely with Bill Fiveash and Bill Geroux to resolve the issues between the two driveway, and they have been very sensitive to their needs and requests. Mr. Paden stated that the HOA is very satisfied with the plan and believes it works well for both properties. Both properties have very low traffic and he believed East/West came up with the best solution.

Sandra Morrison with the Park City Museum stated that she would reserve her input regarding preservation of the historic mine structures and the protected open space requirements for the next meeting. Ms. Morrison wanted to know if the detailed report on the mine structures would be available for the City Council Work Session on November 7th.

City Attorney Harrington stated that Director Erickson was on vacation and he would follow up on the report when he returns next week. Mr. Harrington did not have a definitive answer, but the expectation is to have it for the City Council work session.

Ms. Morrison asked if the Planning Commission would review the MOA and/or whether they could ask to be part of the City Council work session on November 7th. She noted that the Planning Commission has been discussing this matter for a year and the Commissioners are very aware of all the issues. Ms. Morrison pointed out that the Staff has always said that the Planning Commission would review the MOA and make a recommendation to the City Council. She wanted to know if that was still the process.

City Attorney Harrington answered yes. The Commissioners will need review it in regard to the condition of approval attached to the Twisted Branch Plat; but that would not occur until after the City Council work session on November 7th. In response to whether the Planning Commission would participate in the work session, Mr. Harrington understood that Director Erickson intended to invite anyone interested and it is an open meeting. However, the City Council had not requested a joint meeting.

Ms. Morrison asked if all the public input received to date would be included in the Staff report for the November 13th meeting. Mr. Harrington believed it would be linked so everyone would have access to the public input and prior reports.

Chair Phillips closed the public hearing.

Chair Phillips someone to identify Marsac 61 on the map. Mr. Geroux was noted that it is the property that funnels back towards the west. Between the original application and the application currently before the Planning Commission, they shifted the building over 2'9". There was a slightly different interpretation of the setback and they ended up moving a foot away from the property line to comply with the Planning Department's interpretation.

Commissioner Suesser wanted to see how the building will be situated on the property with the setbacks since that concern was expressed during public input. Mr. Geroux presented a slide and noted that the blue border was the setback restriction. The dashed line represented the allowable setback. Chair Phillips asked if the top portion was the adjacent neighbor. Mr. Geroux answered yes. Planner Ananth stated that there is a 12' setback along that side property line.

Commissioner Sletten stated that since the adjacent parcel was owned by Mayflower and was not part of the United Park approval, he wanted to know about the obligations to ski access. Mr. Fiveash stated that they are currently a member of a mutual access agreement with Deer Valley and the other homeowners of Silver Strike and One Empire Pass; however, the Marsac Claim is currently not a signatory to that agreement.

Chair Phillips clarified that the applicant was only looking for input this evening. The CUP and the Plat Amendment would be continued.

Chair Phillips assumed that the Planning Commission would be invited to be present for the City Council work session on November 7th; but it was unclear whether or not they would be able to make comments or how the work session will be structured. The

Planning Commission would have the opportunity to review the MOA and provide input. He affirmed that the Planning Commission would be very involved.

Commissioner Suesser asked if the applicant wanted to respond to the transportation concerns expressed during the public hearing, and their understanding of the Flagstaff Development Agreement with respect to construction traffic and resident traffic using Royal Street versus Marsac.

Mr. Fiveash replied that they are the landowner, but not a member of the Master Association until there is a recorded plat. He understood that they needed to prepare a construction mitigation plan consistent with the LMC and any rules and regulations in the Master Planned Development Agreement. They intend to submit the CMP at building permit application and they intend to comply with all the requirements. He was not able to comment on the transportation since they are not yet members of the Master Owners Association.

Commissioner Suesser asked if the Planning Commission could add a condition of approval requiring the use of Royal Street in the construction mitigation. Planner Ananth noted that it was already part of the Flagstaff Development Agreement that construction mitigation plans are required to have language requiring construction vehicles to use Royal Street. Chair Phillips believed it was another issue related to code enforcement. Planner Ananth stated that the City is working with the shuttles to remind them to use Royal Street. Commissioner Sletten stated that shuttles are different than the large construction vehicles using Marsac. City Attorney Harrington remarked that the City Council has asked the implementation staff working on infrastructure and access issues to corroborate with the Planning Staff to provide an updated report on issues raised by the neighbors. Mr. Harrington believed that update could be provided to the Planning Commission as well. The Staff would come back in November to make sure the language in Condition of Approval #18 is sufficient to make sure the technical reports are captured. Mr. Harrington stated that the City has a different system for monitoring the roads and that could also be provided to the Planning Commission.

Commissioner Thimm referred to page 442 of the Staff report where the building height is defined in conjunction with page 450, which is the volumetric diagram. He clarified that it was looking at the color-coded elevations. Commissioner Thimm noted that the grade line matches up with the volumetric on page 450. He noticed that in some areas dormers and ridges violate the red dash line, and he asked if a provision in the ordinance allows that to occur. Mr. Geroux replied that those pieces collect the mechanical venting inside the roof attic space. Those are outside the height

requirement in the DRB Guidelines; and consistent with the other buildings in the Village.

Commissioner Thimm referred to the volumetric plan and noted that in addition to defining the number of feet of height, it also outlines number of building levels. He stated that every time one of these buildings comes before the Planning Commission, they exceed that number of building levels. Based on precedent and prior discussions, the Planning Commission has approved exceeding the number of building levels. Commissioner Thimm stated that he likes to go on record each time it occurs because of precedent, to avoid someone in the future pointing out that it should be no more than 4-1/2 levels but they see 6 levels. Commissioner Thimm stated that based on his interpretation of the volumetrics, it is the most important ruling factor in determining the volume of height. In terms of design, breaking up the mass, and the scale, he believes it is better to have more floors if the building reaches full height. Commissioner Thimm wanted to go on record so there is no question later. Chair Phillips agreed that the Planning Commission always has that conversation.

Tom Bennett, Legal Counsel for East/West Partners, referred to a comment by Chair Phillips that after the City Council work session on November 7th, it was still uncertain whether all the preservation issues will have been resolved by the Planning Commission meeting on November 13th. Mr. Bennett pointed out that in the letter submitted by East/West Partners where they suggested they would be willing to forego action tonight, the last item is that the notice given today constitutes a notice allowed under Utah Code, which is to request a decision within 45 days of the notice. Mr. Bennett clarified that this was the request on record. He emphasized that the applicant would expect to have a decision of some kind at the November 13th meeting. Chair Phillips understood and he assured Mr. Bennett that the Planning Commission would make a decision at that meeting.

Commissioner Thimm greatly appreciated everyone who has been involved in these redundant discussions. Chair Phillips agreed.

Mr. Bennett confirmed that all the comments and discussion from the Planning Commission also included the plat. Chair Phillips answered yes.

MOTION: Commissioner Suesser moved to CONTINUE 7677 Village Way Conditional Use Permit to November 13, 2019. Commissioner Kenworthy seconded the motion.

VOTE: The motion passed unanimously.

Chair Phillips opened the public hearing on the condominium plat for the Argent at Empire.

There were no comments.

Chair Phillips closed the public hearing.

MOTION: Commissioner Suesser moved to CONTINUE 7677 Village Way condominium plat for the Argent at Empire to November 13, 2019. Commissioner Sletten seconded the motion.

VOTE: The motion passed unanimously.

V.H. 1312, 1324 & 1336 Aerie Drive – Plat Amendment – The Applicant is Proposing to Combine Lots 9, 10 & 11 by Removing the Internal Lot Lines, to Demolish the Existing House on Lot 10 and to Construct a New House on the Combined New Lot. (Application PL-19-04297)

Marshall King with Alliance Engineering was present to represent the application.

Planner Ananth reviewed the request for a plat amendment for 1312 through 1336 Aerie Drive. The area in consideration consists of three lots; Lot 9, 10 and 11. The lots are all under common ownership. Lots 9 and 11 are vacant. Lot 10 is improved with a single-family dwelling. The proposal is to combine the lots into one large lot by removing the interior lot lines creating slightly over a 3-1/2-acre lot.

Planner Ananth stated that the only issue raised with this plat amendment is that the Planning Commission could choose to set a house size once the lots are combined lot.

She had prepared a spreadsheet of houses in the immediate area showing the lot size, the living area, and finished basement area. The spreadsheet had a column showing total house size and indicated the year each home was built. Planner Ananth pointed out that the house sizes range from 2800 square feet to over 12,000 square feet. She remarked that if the Planning Commission felt the need to mitigate impacts on the surrounding houses, they could discuss house size.

Planner Ananth reported that the recommended conditions stated that the lot cannot not be further subdivided; that due to the curve and grade of the street, the number of curb cuts will be limited to one single curb cut; that any future driveway shall have sufficient turning room so cars can pull out in a forward direction on to Aerie Drive; any

future development on Lot 10A shall comply with the City's defensible space requirements in effect at the time of application.

Planner Ananth assumed that any proposed new construction will comply with the Land Management Code; and meet, if not exceed, all setbacks.

The Staff found that the application complies with the Land Management Code and applicable State Law regarding subdivision plats as conditioned. The Staff recommended that the Planning Commission conduct a public hearing, review the application and the draft findings of fact and conditions of approval, and forward a positive recommendation to the City Council.

Commissioner Suesser thanked Planner Ananth for proposing those conditions of approval. She asked Planner Ananth to explain why she recommended that no further subdivision of the lot. Planner Ananth replied that it was primarily about neighborhood expectations. This application is going through a public process to combine the lot. She believed that if the applicant intended to subdivide the lot, they would not be going through this process to combine the lots. She recognized that the condition of approval may be redundant.

City Attorney Harrington clarified that these approvals are increasingly being viewed by the State as administrative approvals. The ability to deny a future application is increasingly limited. Mr. Harrington thought the Staff would be bringing forth LMC language that addresses someone who builds within the setbacks of one or two of the lots, but still gets a design approval based on certain expectations of open space or sight lines for the adjacent homes; and then come eventually come back with a request to re-subdivide so one of the lots could be sold off. In many cases, people will build a mega-home that is not allowed in the original approval, but the neighbors go along with it because it is a reduction in density. Mr. Harrington stated that there either needs to be a rule in the zone that prohibits further subdivision, or it needs to be a condition of the approval. He explained that if a project is under the maximum density of the zone, re-subdivision is limited based on existing as-built conditions. It is a complicated issue they have faced in other subdivision.

City Attorney Harrington stated that other options would be to look at limits of disturbance, house size limitations, or limiting the building envelope rather than traditional limits of disturbance or no-build zones. If the Planning Commission has a good reason, they could employ any of those tools in lieu of that condition or in addition to the condition of approval.

Commissioner Sletten asked if Marshall King or the Staff had discussed with the applicant what they contemplate for square footage and house size once the lots are combined. Planner Ananth stated that after the Staff report went out, she spoke with Mr. King, the surveyor for the property, and he was able to provide her with the square footage of the proposed house and identified some setbacks. Planner Ananth believed the applicant was proposing a fairly large house. It is well-contained to the footprint of the existing house, but it is larger at approximately 13,000 square feet. She pointed out that there are significant side setbacks to the adjacent lots on each side.

Commissioner Sletten asked if there was a diagram. Mr. King had a diagram. He explained that the Aerie Subdivision is divided into two phases. He used a map to show how both phases work; and noted that Phase 2 did not show on the original plat. Commissioner Sletten had visited the site and he understood the proposed home would be on the site where the existing home sits. Mr. King replied that he was correct.

Mr. King reviewed the proposed footprint. The red line on Lot 11 would be the setbacks if this were built as a single lot. He pointed out that the proposed home was considerably far away from the setbacks that would be imposed if it was built as one home on one lot. Chair Phillips asked if the applicant originally looked at only combining Lots 10 and 11. Mr. King replied that they were looking at Lots 9 and 10 originally; but because of how the driveway needed to come in, the house had to be moved over to accommodate the driveway. He did not believe the applicant ever intended to build on Lot 11 or sell it as a separate lot. Commissioner Sletten pointed out the steepness at that location.

Chair Phillips referred to Lot 10 and asked for the limits on house size if the lots were not combined. Planner Ananth replied that there are no limits in other the zone for this property or in the Aerie Subdivision. Chair Phillips clarified that it was limited by the boundaries and site constraints. Planner Ananth stated that the adjacent lot would not have setback requirements. It is only when a lot is combined. Chair Phillips clarified that in theory the applicant could build a 10,000 square foot home on Lot 10. Planner Ananth replied that he was correct, as long as it met the setbacks.

Commissioner Suesser asked about the gradation of the lot. She understood that the lot would go significantly further down the hill than the existing home. Mr. King agreed that it did go a little further down the hill. Chair Phillips stated that because the lot goes down to Aerie Drive, he suggested adding language stating that there is no access, other than construction access if needed, in the event that someone tears down the house and builds a new house off the lower portion of Aerie Drive in the future. Planner Ananth believed the condition of approval about only one access driveway would resolve that concern.

Commissioner Suesser noted that in looking at the spreadsheet Planner Ananth provided, the largest home at Aerie is over 12,000 square feet; but the second largest home is under 9,000 square feet. Commissioner Suesser thought setting a maximum house size of 13,000 square feet would be appropriate. She believed it was consistent with what was being proposed. Mr. King stated that the largest consideration is that percentage-wise it is on a big lot and the house would be away from the neighbors. Chair Phillips pointed out that the house would be very visible from the lower road and all over town. Mr. King was unsure how much of the home would be below ground which would minimize the size visually. He clarified that he has only seen the diagram and did not know any details.

Commissioner Sletten pointed out that building three 5400 square foot homes on three lots, the impacts would be greater. Chair Phillips thought three smaller homes would fit the streetscape better. Chair Phillips questions whether the City could continue to allow lot combinations. He noted that the parcels were platted as they were for a reason.

Commissioner Suesser asked if there was significant vegetation on the property. Mr. King stated that the taller vegetation is around the existing house by the street. There is more native vegetation towards the slope portion of the property. Planner Ananth remarked that there is a fair amount of landscaping off of Golden Way that separates those two lots. She did not have a landscape plan and could not confirm what vegetation would remain. Chair Phillips favored a condition that protects some of the vegetation to buffer the large house from the neighbor. Mr. King remarked that the existing house is not very noticeable from the street because it is down off the hill and there are trees along the edge of the street.

Commissioner Suesser asked about potential accessory buildings. She asked if setting a maximum house size would include additional buildings on the site. Planner Ananth replied that it would be depend on how they word the condition. The Commissioners thought Commissioner Suesser had raised a good point. Commissioner Suesser thought a maximum house size should be inclusive.

Commissioner Kenworthy agreed. He also agreed with language to secure that there will be no further subdivision. He also wanted to identify the total square footage on all three lots.

Commissioner Thimm referred to page 544 of the Staff report. Considering the three lots, he suggested that 15,000 square feet was a good number since this house could potentially be much larger than most of the other houses and slightly larger than the largest house. Since the lot will have a large footprint, he asked if the Planning

Commission had the purview to impose setbacks. Mr. Harrington thought they could impose setbacks if they could tie it to the compatibility argument. Commissioner Thimm stated that in terms of volume, having additional buffer made sense.

Commissioner Thimm rough sketched a scale drawing. The side yard adjacent to Lot 11 appeared to be over 75'. He suggested that if they set the two side yards on Lot 11 and Lot 9 at 75'; and the rear yard of Lot 11 at 50', it would provide a generous buffer to mitigate the size, mass, and volume of a larger footprint and the potential larger mass of a house. Chair Phillips preferred not to go as high as 15,000 square feet the building would overshadow everything else in the area. He thought the give and take would be to allow the lot combination, but reduce the size to 13,500 square feet, which is what the applicant was proposing. Commissioner Sletten concurred.

Commissioner Thimm clarified that his first reaction was no larger than the largest existing house. He was not opposed to 13,500 square feet; and assumed that smaller accessory pieces would be included within the 13,500 square feet. Commissioner Thimm appreciated the candor by the applicant in saying how large a home they plan to build. Commissioner Thimm clarified that his thought was 15,000 square feet; however, he was not opposed to 13,500 square feet.

Chair Phillips referred to the spreadsheet Planner Ananth had prepared and noted that the total square footage of the existing homes included the basement. He wanted to make sure that the square footage they set for the proposed home includes the basement.

Planner Tyler clarified that if the Commissioners intend to include the basement it needs to be clearly stated, because the definition of house size has exclusions for areas that are completely underground. She pointed out that the Planning Commission talked about a rear yard setback of 50' on Lot 11. She asked if they meant to say Lot 10. Commissioner Thimm clarified that he was talking about the northwest edge of Lot 11. Using Commissioner Thimm's scale, Planner Tyler asked if it met the 50' setback. Commissioner Thimm stated that from the face of the building, it was 70'3".

Commissioner Suesser liked the idea of the setbacks, but she thought they should consider the vegetation on the site. Chair Phillips thought it captured the side he wanted to protect.

Commissioner Kenworthy was comfortable with 15,000 square feet as long as they designate that basement and outbuildings are included in the square footage. Chair Phillips was concerned that it would look like a colony home placed on the side of town. The Commissioners agreed that it would have that appearance. Chair Phillips

remarked that the Planning Commission will have to answer to the community if they allow this to occur. Commissioner Kenworthy asked if Chair Phillips thought there was a big difference between 15,000 square feet and 13,500 square feet. Chair Phillips replied that the square footage adds up. In his opinion, 13,500 square feet was still too big. He was concerned about the visibility of the home.

Chair Phillips noted that the house would not be subject to Planning Commission review. He wanted to know the process for review by the Planning Department. Planner Ananth stated that if the building complies with all setbacks, she did not believe it would require any type of review. Planner Tyler explained that when the applicant applies for a building permit the Staff will check general zoning. The architectural review section of the LMC sets architectural standards, but there is no specific design review outside of the historic districts of the City. Planner Tyler emphasized that the design will be reviewed to make sure that it complies with all the specific items.

Chair Phillips explained why he thought it was important to keep down the building volume. If the applicants were comfortable with a house size of 13,500 square feet, he was unsure why the Planning Commission would give them more square footage. At 13,500 square feet, the house would still be larger than the largest house on the list. Commissioners Suesser and Sletten concurred.

In looking at the sketch provided by the applicant, the Commissioners questioned whether there was an outbuilding on the lot. Planner Tyler pointed out the potential of having a breezeway, which from an aerial looks like a separate structure. If the breezeway is enclosed it becomes one building. Planner Tyler assumed that if the applicant specified a square footage, it was the same building and possibly an enclosed breezeway.

Planner Ananth stated that the Planning Department could also review a landscape plan if directed by the Planning Commission. Commissioner Sletten wanted to make sure they include language in a condition of approval with respect to the existing vegetation on the northwest side of Lot 11.

Commissioner Thimm further refined the sketch he had drawn.

Commissioner Phillips noted that the Planning Commission would forward a recommendation to the City Council. He asked if the Commissioners should draft language for the added conditions, or whether it was best to give direction to Staff to finalize the conditions of approval. Planner Ananth believed she had the intent based on their comments.

Planner Tyler stated that the recommendation to Staff would include Commissioner Thimm's drawing. She noted that the Commissioners had requested a condition of approval to protect the native vegetation, as well as the significant vegetation, on Lot 11. Chair Phillips suggested setting an LOD boundary on one side to ensure protection of that vegetation during construction staging. Planner Tyler stated that the setback is already 75'. If they set a 20' LOD for landscape improvements, there would still be a 55' setback. The LOD is set from the edge of the building envelope.

City Attorney Harrington suggested that the Planning Commission could recommend that the applicant propose the building pad with limits of disturbance on that one side at a minimum of 20' from the northwest envelope. Mr. Harrington stated that they need to give the applicant some flexibility to show it on the plat because it will not align with the 75' shown on Commissioner Thimm's drawing. Chair Phillips was not opposed to giving the applicant more room on the other side where there is no vegetation if additional space is needed for spacing. He emphasized that the Commissioners were only talking about one side.

Planner Tyler requested that the Planning Commission take a straw poll on the final house size. Commissioners Thimm and Van Dine voted for 15,000 square feet. The rest of the Commissioners preferred 13,500 square feet. Commissioner Thimm reiterated that he would not oppose 13,500 square feet in an effort to move this forward this evening. Commissioner Van Dine stated that she was not opposed to 13,500 square feet; however, she believed that 15,000 square feet was a reasonable number based on the size of the existing houses and the three houses that could be built if the lots are not combined. Commissioner Sletten remarked that he preferred 13,500 square feet because the site is so visible.

Commissioner Van Dine asked if there could be a limit on the living area versus the basement area in an effort to limit the size that is actually visible and obtrusive. Rather than setting a total house limit, she would like to set a limit on the visible square footage if possible. Chair Phillips thought it would be difficult to set a limit and it would confine the design.

City Attorney Harrington asked about the height limit in the CC&Rs. Chair Phillips replied that it was 21'. Mr. Harrington noted that the envelope would limit the above ground square footage because of the height limit. Since the CC&Rs are enforced by the HOA, he recommended codifying the existing CC&R into this plat amendment approval. Commissioner Van Dine was comfortable that the height limit would limit the above-ground square footage.

Mr. King referred to Commissioner Thimm's drawing and asked if they would be constrained to the 75' if the scale was slightly off. He was comfortable with the numbers if the scale was accurate. City Attorney Harrington stated that if the drawing is referenced as an exhibit and double-checked for scale, it could be adjusted in the recommendation to the City Council to reflect the proposed building. Chair Phillips remarked that this was a recommendation to the City Council and if Mr. King determines that the numbers are off, he could bring it up at that time.

Mr. King clarified that the Planning Commission was satisfied with the layout of the building. They were only trying to use numbers to adjust where building can occur. Mr. Harrington clarified that the intent is to preserve future encroachments on the north side. Chair Phillips pointed out that the applicant could change architects or sell the lot. He appreciated that the applicant was this forthcoming in providing a sketch of their plan. It was very helpful and without it their discussion may have gone a different way.

Commissioner Suesser summarized the added conditions of approval per their discussion.

- A maximum house of 13,500 square feet, inclusive of any accessory buildings and the basement.
- Setbacks consistent with the diagram prepared by Commissioner Thimm during the meeting.
- Preservation of existing significant vegetation on the site, and a landscape plan approved by the Planning Department.
- A height restriction consistent with the limitation of 21' in the existing CC&Rs.
- Limits of Disturbance within a 20' corridor from the edge of the building envelope.

Mr. King clarified that the LOD was only on Lot 11. Commissioner Suesser answered yes.

MOTION: Commissioner Suesser moved to forward a POSITIVE recommendation to the City Council for the Plat Amendment for Aerie Phase I, amending Lots 9, 10, and 11, in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval as amended this evening. Commissioner Sletten seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – The Aerie Phase I

1. The properties are located at 1312, 1324 & 1336 Aerie Drive.
2. The lots are located in the Single Family (SF) zoning district.

3. On August 8th, 2019, the City received a complete application to amend Lots 9-11 by combining Lots 9 and 10, and to include Lot 11 on the same subdivision as the three lots are currently under the same ownership. The applicant amended their application on September 9th, 2019 to combine all three lots into one new lot (Lot 10A).
4. Currently Lots 9 and 11 are vacant and Lot 10 contains a single family house.
5. Easements for public utilities, drainage, and sanitary sewer lines exist on the lots and will remain unchanged.
6. In 1997 a Lot Line Adjustment to modify Lots 10 and 11 was approved to create the Olch Replat.
7. The proposed plat amendment combines three (3) existing parcels (Lots 9, 10 and 11) to create one lot of record consisting of 3.75 acres (163,184 square feet), a reduction in density.
8. Zoning Requirements for the SF district will remain in place for this lot and any new structures must comply with all applicable LMC requirements.
9. The proposed Plat Amendment does not create any new non-complying or nonconforming situations or any remnant parcels.
10. Future development will be limited to one curb cut, improving the safety on Aerie Drive for all vehicles and pedestrians, with less potential points of conflict.

Conclusions of Law – Aerie Phase I

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

Conditions of Approval – Aerie Phase I

1. The City Attorney and City Engineer will review and approve the final form and content of the Plat Amendment for The Aerie Phase I, Amending Lots 9, 10 & 11, for compliance with State law, the Land Management Code, and the Conditions of Approval, prior to recordation of the Plat.
2. The applicant will record the Plat Amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the Plat will be void, unless a request for an extension is submitted in writing and approved by the City Council.
3. There shall be no further subdivision of these lots.

4. Due to the curve and grade of the street the number of curb cuts shall be limited to one single curb cut.
5. Any future driveway shall have sufficient turning room so that cars can pull out in a forward facing direction onto Aerie Drive.
6. Any future development on Lot 10A shall comply with the City's Defensible Space Requirements in effect at the time of application.
7. Due to the visibility of the lot the Planning Commission chose to set a Maximum House Size of 13,500 square feet inclusive of Basement Area and any Accessory Buildings on the combined lot in order to ensure compatibility with the surrounding neighborhood.
8. Per the existing Aerie CC&Rs Building Height shall not exceed 21 feet from existing grade.
9. In order to protect neighborhood views the Main Building and any Accessory Buildings shall meet a minimum front setback of 20 feet, minimum side setbacks of 75 feet and a minimum rear setback of 50 feet. (See PC Redlined Site Plan Exhibit D)
10. Prior to the issuance of any Building Permits the Planning Department shall review and approve a Final Landscape Plan with an emphasis on the maintenance and protection of existing mature vegetation on the northwest property lines (former Lot 11), as well as a Construction Mitigation Plan that shows a Level of Disturbance corridor not to exceed 20 feet from the edge of the proposed building that encroaches onto former Lot 11.

The Planning Commission Meeting adjourned at 8:35 p.m.

Approved by Planning Commission: _____

Planning Commission Staff Report

Subject: King's Crown Condominium Plat
Author: Laura Kuhrmeyer, Planner I
Project Number: PL-19-04159
Date: October 23, 2019
Type of Item: Legislative – Plat Amendment

Summary Recommendation

Due to legal noticing requirements, this item needs to be continued to the next available meeting, November 13, 2019.

Description

Applicant: CRG Development Partners, LLC represented by Rory Murphy
Location: 1271 Lowell Avenue
Zoning: Recreation Commercial (RC) District
Adjacent Land Uses: Trails, skiing, open space, and residential.
Reason for Review: Condominium Plat applications require Planning Commission public hearing / review / recommendation to the City Council, and City Council public hearing / review / final action

Proposal

The Applicant requests approval of a Condominium Plat for Buildings B, C, and D within Kings Crown to plat twenty-six (26) private market rate residential condominium units, one (1) Affordable housing unit, as well as accompanying mechanical space, internal circulation, parking, storage, swimming pool, etc., all to be designated common space. The Condominium Plat would allow the applicant to sell each unit individually and is subject to the amended Kings Crown Master Planned Development / Conditional Use Permit, and amended Affordable Housing Mitigation Plan.

Recommendation

Due to legal noticing requirements, this item needs to be continued to the next available meeting, November 13, 2019.

Planning Commission Staff Report

Subject: 245 Woodside Plat Amendment
Author: Liz Jackson, Planner
Project Number: PL-19-04209
Date: October 23, 2019
Type of Item: Legislative – Plat Amendment

Summary Recommendations

Staff recommends the Planning Commission review and hold a public hearing for the 245 Woodside Plat Amendment and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft Ordinance.

Description

Applicant: Suzanne Herrmann, represented by Michael Stoker, Stoker Architecture, Inc.
Location: 245 Woodside Avenue
Zoning: Historic Residential-1 (HR-1) District
Adjacent Land Uses: Residential
Reason for Review: Plat Amendments require Planning Commission review and City Council review and action
Designation: N/A – Non-historic Site

Proposal

Plat Amendment request to remove a Lot line to combine one and half (1½) Old Town Lots into one (1) Lot of record. The entire area is already identified by Summit County as Parcel PC-384.

Background

1974 - The non-historic house was constructed in 1974, according to Summit County's records. Staff has found no building permit or plans for this construction. The Site was in the Residential (R-1) Zoning District at that time.

1994-2010 - Multiple complaints are filed with the City on this Site. These vary from this Site being turned from a Duplex into a Triplex, to building without a permit.

2010 - Site was remodeled from a Triplex to a Duplex (approved in Building Permit BD-10-15955), which was a Conditional Use in the HR-1 Zoning District at that time. Staff has found no record of a Conditional Use Permit approval for this Use. There is, however, a determination letter from the Planning Department in 1983 (see Exhibit G Attachment 1) that indicates that the Structure was originally constructed as a Duplex and could continue as that Use. This letter also indicates that the Structure had been converted from a Duplex to a Triplex at some point prior to the letter's date of October 5,

1983, but doesn't indicate when. On April 16, 2010, a Historic District Design Review waiver letter was issued for this Site to reconstruct the front stairs (northern side of property) and the joists for the front deck as they were unsafe and rotting. See Exhibit G – Attachment 3. Staff has found no record of the (varies in size up to 30 feet in width) driveway's approval.

August 13, 2018 – Herrmann applied for a Historic District Design Review-Pre application to discuss development options on the Lot. At this time, staff directed the applicant to apply for a Plat Amendment to form one (1) Lot of record. This would address existing encroachments on the Site and prepare it for any future development.

April 19, 2019 - Herrmann applied for a Plat Amendment to combine their property into one (1) Lot by removing an interior Lot Line. The application was deemed complete on June 26, 2019. The applicant currently has a Historic District Design Review-Pre application under review. This Plat Amendment is the first step in moving forward with their future improvements to this non-historic Site. The subject Site consists of the northern half of Lot 11 and all of Lot 12, Block 31, within the Park City Survey boundaries.

Purpose

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

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

Analysis

The subject Site is located at 245 Woodside Avenue. The Site is within the Historic Residential-1 (HR-1) District. The proposed Plat Amendment creates one (1) Lot from one and a half (1½) Old Town Lots. The applicant requests to eliminate the interior Lot that bisects the non-historic structure.

The proposed Plat Amendment complies with certain Lot and Site Requirements of the Historic Residential-1 District, but there are multiple aspects that do not comply with the current LMC, nor the Zoning Code that was in effect at the time of the Structure's construction. See Exhibit G – Planning Director Determination September 26, 2019 for background information on this Site's current status regarding the Site's Use as a Duplex Dwelling, on-site Parking, and existing encroachments. The Planning Director has made a determination that the existing Duplex Dwelling located at 245 Woodside

Avenue does not comply with current Land Management Code requirements for a legal Non-complying Structure due to the encroachments in the Front and Side Setbacks, the lack of required parking for a Duplex Use, and the evidence on record related to this property; however, the Duplex Use was allowed in 1974, per the 1968 enacted Zoning Code at the time, and our records indicate that in 1983 the Planning Department issued a letter acknowledging that the use was originally a Duplex Dwelling. The table below references the Zoning requirements for 1968 and 2010 (which are the same as the current requirements for the HR-1 Zoning District), compared to the current Site conditions.

	1968 LMC Requirements for R-1 Zoning District	2010 LMC Requirements for HR-1 Zoning District	Current Conditions
Lot Size	3,000 Square Feet (SF)	3,750 SF for a Duplex	Plat proposes 2,812; does not comply
Lot Width	37.5 feet, measured 20 feet back from the Front Lot Line	25 feet, measured 15 feet back from the Front Lot Line.	Plat proposes 37.5 feet; complies
Footprint	Not required	1200.5 SF	1, 090 SF as measured; complies
Side Setback	5 feet	3 feet; total of 6 feet	1.75 (north portion of house) and 3 (south) feet, as measured; north does not comply, south complies
Rear Setback	10 feet	10 feet	16 feet as measured to the Rear Yard patio, 28.3 feet as measured to the Main Building; complies
Front Setback	20 feet	10 feet	9 feet as measured; does not comply
Building Height	35 feet	27 feet from Existing Grade	24 feet 4 inches as measured; complies

Currently, there are multiple Structures on the Lot that are not in compliance with the Lot and Site Requirements ([LMC 15-2.2-3](#)) for the HR-1 zone, as listed in the table

above. The stairs within both (south and north) Side Setbacks that exceed 30" in height; the existing Front (east) deck exceeds the zone's Front Setback exception of 10' wide and 3' into the Setback. The deck currently extends 5' over the front property line into the City Right-of-Way, and is measured at 27.08' wide (as measured per the submitted Site survey – see Exhibit C). See image below titled Diagram 1 from Exhibit C – Existing Conditions Survey, zoomed in.



Diagram 1 from Exhibit C – Existing Conditions Survey, zoomed in

There are also two retaining walls on either side (north and south) of the driveway. The north wall is within the Front and Rear Setbacks and exceeds 6' in height at its tallest point. See photograph below.

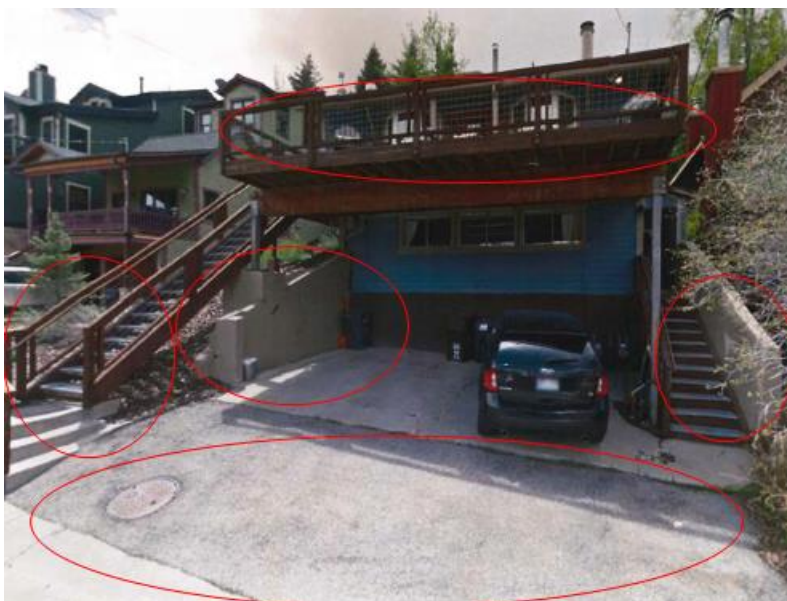


245 Woodside Avenue - Looking Westerly

Any future development on the Site will need to be in compliance with the Land Management Code and the Design Guidelines for Historic Districts and Historic Sites ([LMC 15-13](#)).

Encroachments

On this Site, there are two sets of stairs, two retaining walls, a driveway, and a deck that encroach onto the Woodside Avenue public Right-of-Way. There is an existing Encroachment Agreement (Exhibit G Attachment 4) for the concrete stairs on the south side of the property (left circled stairs in photograph below). See photograph below and illustration from Exhibit C – Existing Conditions Survey, zoomed in:



245 Woodside Avenue - Looking Westerly

The stairs straddle the north and south property lines. The retaining walls run adjacent to the stairs. Staff recommends that before the Plat is recorded, the applicant will need to remove the existing northern stairs, both retaining walls, and deck encroachments within the City Right-of-Way; move said encroachments to be entirely within the property lines and abide by Setbacks; or enter into an encroachment agreement for said encroachments with the City. See Condition of Approval no. 3.

Parking

Currently, the Site has a Parking Area of 23' wide x 9' deep, as measured, within the property's Front Yard area. This Parking Area is connected to a paved area within the Right-of-Way, which is 25' wide x 15.5' deep, as measured. This measured area varies due to the adjacent retaining walls and stairs. Per [LMC 15-3-3\(F\)](#), this is not considered a Parking Space due to the area within the property being less than 18' deep. A Duplex Use requires two (2) parking spaces per Dwelling Unit, equaling four (4) parking spaces total, per [LMC 15-3-6](#). The current Site does not meet this parking requirement for the Duplex Use. See Exhibit G for further analysis of the Parking Area.

Based on the existing records, staff has determined the Site does not meet parking requirements of the 1968 Code, nor the current Code. If the City Engineering Office were to grant an Encroachment Agreement for the existing parking on the Site, it is possible this would bring this Structure up to the required two (2) parking spaces of the 1968 Code, but as the Site is currently configured it would not be able to achieve the required four (4) parking spaces of the current LMC requirements. If this Agreement is not granted, then the Applicant would need to provide the required two (2) parking spaces within the property lines, per the 1968 Code. See Condition of Approval no. 3. See image below for the referenced Parking Area. The property line is shown in blue and the Parking Area in red.



Diagram 2 from Exhibit C – Existing Conditions Survey, zoomed in

Good Cause

Staff finds that there is good cause for this Plat Amendment as the interior Lot Line running through the existing structure will be removed, creating one (1) Lot of record, instead of having one and half (1½) Old Town Lots. The current configuration of the Lots include one developable Lot and one undevelopable Lot based on the minimum Lot Size requirement of 1,875 square feet, per [LMC 15-2.2-3](#). As a common practice, a public snow storage easement will be provided on the Site to be reflected on the proposed Plat. This Plat Amendment does not create a remnant parcel as the other half of Lot 11 was already re-platted in 2007 as part of the 239 Woodside Replat. The Plat Amendment will also not have a negative impact on the neighboring properties or neighborhood. However, Conditions of Approval will need to be put in place to address the existing encroachments. These will need to be resolved prior to Plat recordation.

Process

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

Department Review

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

Notice

On July 30, 2019, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record and the Utah Public Notice Website on July 27, 2019, according to requirements of the LMC. The application was continued per the Applicant's request at the August 14 and September 11, 2019 Planning Commission meetings, as well as the September 12, 2019 City Council meeting, to the October 23, 2019 Planning Commission meeting.

Public Input

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

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council for the 245 Woodside Plat Amendment, as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the 245 Woodside Plat Amendment, and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on the 245 Woodside Plat Amendment, and request additional information or analysis in order to make a recommendation.

Significant Impacts

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

Consequences of not taking recommended action

Consequences of not taking the recommended action is that the Site would continue to be one and a half (1½) Lots containing a Lot Line going through the structure with various unaddressed encroachments on the public Right-of-Way.

Summary Recommendation

Staff recommends the Planning Commission review and hold a public hearing for the 245 Woodside Plat Amendment and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Exhibits

Exhibit A – Draft Ordinance with Proposed Plat (Attachment 1)
Exhibit B – Applicant's Project Intent
Exhibit C – Existing Conditions Survey
Exhibit D – Aerial Photograph
Exhibit E – County Plat Map
Exhibit F – Site Photographs
Exhibit G – Planning Director Determination September 26, 2019

Exhibit A – Draft Ordinance

Ordinance No. 19-XX

AN ORDINANCE APPROVING THE 245 WOODSIDE PLAT AMENDMENT LOCATED AT 245 WOODSIDE AVENUE, PARK CITY, UTAH.

WHEREAS, the property owners of the property located at 245 Woodside Avenue have petitioned the City Council for approval of the Plat Amendment; and

WHEREAS, on July 30, 2019, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on July 27, 2019, proper legal notice was published according to requirements of the Land Management Code and courtesy letters were sent to surrounding property owners; and

WHEREAS, the Planning Commission held public hearings on August 14, 2019, September 11, 2019, and on October 23, 2019 forwarded a _____ recommendation to the City Council; and,

WHEREAS, on September 12, 2019 and December 5, 2019, the City Council held a public hearing to receive input on the Plat Amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 245 Woodside Plat Amendment, located at the same address.

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

SECTION 1. APPROVAL. The 245 Woodside Plat Amendment as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The Site is located at 245 Woodside Avenue.
2. The Site is within the Historic Residential-1 District.
3. The subject Site consists of the northern half of Lot 11 and all of Lot 12, Block 31, within Park City Survey.
4. The proposed Plat Amendment creates one (1) Lot from one and a half (1½) Old Town Lots.
5. The applicant is proposing to remove the interior Lot line between Lot 11 and Lot 12, Block 31, within Park City Survey to create one (1) Lot. The interior Lot line currently bisects the Duplex Dwelling.
6. The minimum Lot size within the Historic Residential-1 District is 1,875 square feet and 3,750 square feet for a Duplex Dwelling.

7. The proposed Lot size is 2,812 square feet. This does not meet the requirements for a Duplex Dwelling.
8. The minimum Lot width within the Historic Residential-1 District is twenty five feet (25').
9. The proposed Lot width is thirty-seven and half feet (37.5').
10. At the time of its construction, the site was located in the Residential-1 Zoning District. The project complied with the following:
 - a. Required Rear Setbacks of 10 feet; complied with a Rear Yard of 28.3 feet, measured.
 - b. Required Building Height of 35 feet; complied with a gable roof at 24 feet and 4 inches, as measured.
11. At the time of its construction, the site did not comply with the following:
 - a. Required Lot Width of 37.5 feet, measured 20 feet back from the Front Lot Line; did not comply as the Structure was built over a 25' wide Lot (Lot 12) and a 12.5' Lot (Lot 11, north half). The Lots together did total 37.5' at this time, but were not actually combined.
 - b. Required Lot Size of 3,000 square feet; did not comply as the Lot size would have been 1,875 square feet for Lot 12 and the north half of Lot 11 would have been 937.5 square feet. Combined, the Lots would have been about 2,812 square feet and would not have complied.
 - c. Required Side Yard Setbacks of 5 feet; did not comply with 3 foot setbacks along the north and south property lines. This is according to the 2010 Building Permit Existing Site Plan showing a Side Setback (north) of approximately 1.75 feet. The south Side Setback is 3 feet on this plan.
 - d. Required Front Setback of 20 feet; did not comply with a Front Setback of 9 feet.
12. Staff believes the Structure was originally built as a Duplex, based on the 1983 Planning Department Determination Letter (Attachment 1). It is undetermined whether the house originally abided by Front and Side Setback requirements, and parking requirements of two (2) parking spaces for a Duplex Dwelling, of the R-1 Zoning District without building plans.
13. In 1976, the Site was rezoned to the Historic Residential-1 (HR-1) Zoning District. The building complies the current HR-1 Zone Height of 27 feet and the Maximum Building Footprint of 1200.5 for the proposed Lot size of 2,812 square feet, per the proposed Plat Amendment. It also complies with the Rear (10 feet) and Side (south Side, 3 feet) setbacks; however, it does not comply with the required Lot Size for a Duplex Use of 3,750, or the Front Setback of 10 feet or Side (north) Setback of 3 feet.
14. As the Site is currently configured in the Front Yard area (east), with a parking area of 225 square feet (9 feet deep by 25 feet wide within the property lines), this site would not be able to accommodate the required 4 parking spaces for a Duplex per LMC 15-3-6.
15. In 2010, two (2) Building Permits were approved to 1) remodel the Structure from a Triplex to a Duplex (BD-10-15955) and 2) repair and add to the existing Front (east) decks, Side landings (south), and stairs (south), and add a Rear Yard deck (BD-10-15565).

16. The Planning Director has made a determination that the existing Duplex Dwelling located at 245 Woodside Avenue does not comply with current Land Management Code requirements for a legal Non-complying Structure due to the encroachments in the Front and Side Setbacks, the lack of required parking for a Duplex Use, and the evidence on record related to this property; however, the Duplex Use was allowed in 1974, per the 1968 enacted Zoning Code at the time, and our records indicate that in 1983 the Planning Department issued a letter acknowledging that the use was originally a Duplex Dwelling. There are two (2) sets of stairs on this Site that encroach onto the Woodside Avenue public Right-of-Way. The stairs along the southern property line have an existing Encroachment Agreement, recorded with Summit County as Entry No. 00919262.
17. There is a deck on this Site that encroaches into the Woodside Avenue public Right-of-Way. The deck currently projects 9 feet, as measured, from the main Structure into the Front Setback, but also projects 5 feet, as measured, past the Front property line into the Right-of-Way. It is also 27.08 feet wide, as measured. The HR-1 Zone allowed for decks to be 10 feet wide and project into the Front Setback by 3 feet. The current deck configuration exceeds this requirement. Staff believes this was permitted as the deck was existing and the dimensions were not changing per the permit's (BD-10-15565) plans.
18. All findings within the Analysis section and the recitals above are incorporated herein as Findings of Fact.

Conclusions of Law:

1. There is good cause for this Plat Amendment. Although the Site currently has multiple aspects that do not conform with the Land Management Code, a Plat Amendment will prepare the property for future development by removing a bisecting Lot Line that is crossing through existing Structures. The non-complying aspects of the Site will not be allowed to be expanded.
2. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding Lot combinations. The Plat Amendment does not modify any of the other exiting building or lot conditions.
3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the Plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant shall record the Plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the Plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. Prior to Plat recordation, the applicant shall either remove the existing deck, retaining walls, paved Parking Area, and stairs (northern side of property) encroachments from the City Right-of-Way, or enter into an Encroachment Agreement with the City that includes these encroachments. The applicant is responsible for securing appropriate City approvals and permits before any work on the encroachments can begin.
4. The applicant may repair or maintain the existing Structure provided that such repair or maintenance shall neither create any new non-compliance nor shall increase the degree of the existing non-compliance with the LMC. The applicant may maintain and remodel the existing Duplex Dwelling. Should the more than 50% of the Gross Floor Area of the Structure be demolished, the Structure shall be brought into compliance with the Land Management Code at the time of application. As this site does not meet the minimum Lot Size requirements for a Duplex Dwelling, the Use will also need to be brought into compliance with the LMC at the time of application. The applicant may maintain the existing Use of the site as a Duplex, but any deviation, expansion, or demolition of the existing Structure from this Use will need to come into compliance with the requirements of the HR-1 Zoning District at the time of the application.
5. Any future development will need to come into compliance with the Land Management Code and Historic District Design Guidelines in effect at the time of application.
6. Residential fire sprinklers are required for all new construction per requirements of the Chief Building Official, and shall be noted on the plat.
7. Ten foot (10') public snow storage easement shall be granted along the Woodside Avenue Right-of-Way.

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

PASSED AND ADOPTED this 5th day of December, 2019.

PARK CITY MUNICIPAL CORPORATION

Andy Beerman, MAYOR

ATTEST:

Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Attachment 1 Proposed Plat

245 WOODSIDE PLAT AMENDMENT

LOCATED IN THE SE 1/4 OF SECTION 16, TOWNSHIP 2 SOUTH,
RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, SUMMIT
COUNTY, UTAH

SURVEYOR'S CERTIFICATE

IN ACCORDANCE WITH SECTION 16-1-10(1) OF THE UTAH PLAT ACT, I, **DAVID A. ANDERSON**, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR HOLDING LICENSE NUMBER 7796338 IN ACCORDANCE WITH TITLE 16, CHAPTER 22, OF THE PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS ACT.

I FURTHER CERTIFY THAT THIS PLAT AMENDMENT WAS PREPARED BY ME AND UNDER MY CLOSE PERSONAL SUPERVISION AND IN ACCORDANCE WITH THE REQUIREMENTS OF THE UTAH PLAT ACT.

DATE: 02/27/19

SIGNATURE: *[Signature]*

PROFESSIONAL LAND SURVEYOR

SURVEYOR'S SEAL

BOUNDARY DESCRIPTION

THE NORTH HALF OF LOT 1, SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, SUMMIT COUNTY, UTAH, BEING THE SAME AS SHOWN ON THE PLAT OF THE PARK CITY SURVEY, ON FILE IN THE OFFICE OF THE CLERK OF THE SUMMIT COUNTY RECORDS.

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT **SUZANNE M. WERNER**, A SINGLE PERSON, THE UNDERSIGNED OWNER OF THE TRACTS OF LAND SHOWN TO BE KNOWN HEREIN AS 245 WOODSIDE AVE. AND LOT 1, SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, SUMMIT COUNTY, UTAH, DO HEREBY CONSENT TO THE AMENDMENT OF THIS PLAT AMENDMENT.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL OF OFFICE ON THIS 27th DAY OF FEBRUARY, 2019.

SIGNATURE: *[Signature]*

NOTARY PUBLIC

COUNTY: SUMMIT

ACKNOWLEDGEMENT

STATE OF UTAH, COUNTY OF SUMMIT, S.E. 1/4, SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, SUMMIT COUNTY, UTAH.

ON THIS 27th DAY OF FEBRUARY, 2019, I, **DAVID A. ANDERSON**, A PROFESSIONAL LAND SURVEYOR, WHO AT THE TIME WAS THE ONLY PERSON AUTHORIZED TO MEET AND EXECUTE THE SAME, MY COMMISSION EXPIRES ON _____.

SIGNATURE: *[Signature]*

NOTARY PUBLIC

COUNTY: SUMMIT

NOTES

1. ADDITIONAL AND SUPPLEMENTAL NOTES WILL BE REQUIRED FOR ALL NEW CONSTRUCTION FOR THE PLAT AMENDMENT TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE UTAH PLAT ACT.

2. THIS PLAT AMENDMENT IS SUBJECT TO THE CONDITIONS OF APPROVAL IN ORDINANCE 16-1-10(1) OF THE UTAH PLAT ACT.

3. SUBJECT PROPERTY IS LOCATED IN ZONE 1, FIRST PLAT FLOOD MAP NO. 490238.

COUNCIL APPROVAL AND ACCEPTANCE

APPROVED BY THE PARK CITY PLANNING COMMISSION ON THIS 26th DAY OF MAY 2019.

APPROVED BY THE PARK CITY COUNCIL ON THIS 26th DAY OF MAY 2019.

ENGINEER'S CERTIFICATE

I FIND THIS PLAT TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE UTAH PLAT ACT.

ON THIS 26th DAY OF MAY 2019.

SIGNATURE: *[Signature]*

ENGINEER

RECORDER

STATE OF UTAH, COUNTY OF SUMMIT, S.E. 1/4, SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, SUMMIT COUNTY, UTAH.

DATE: 02/27/19 PAGE: 1 BOOK: 1

SIGNATURE: *[Signature]*

RECORDER

EXHIBIT B

PROJECT INTENT

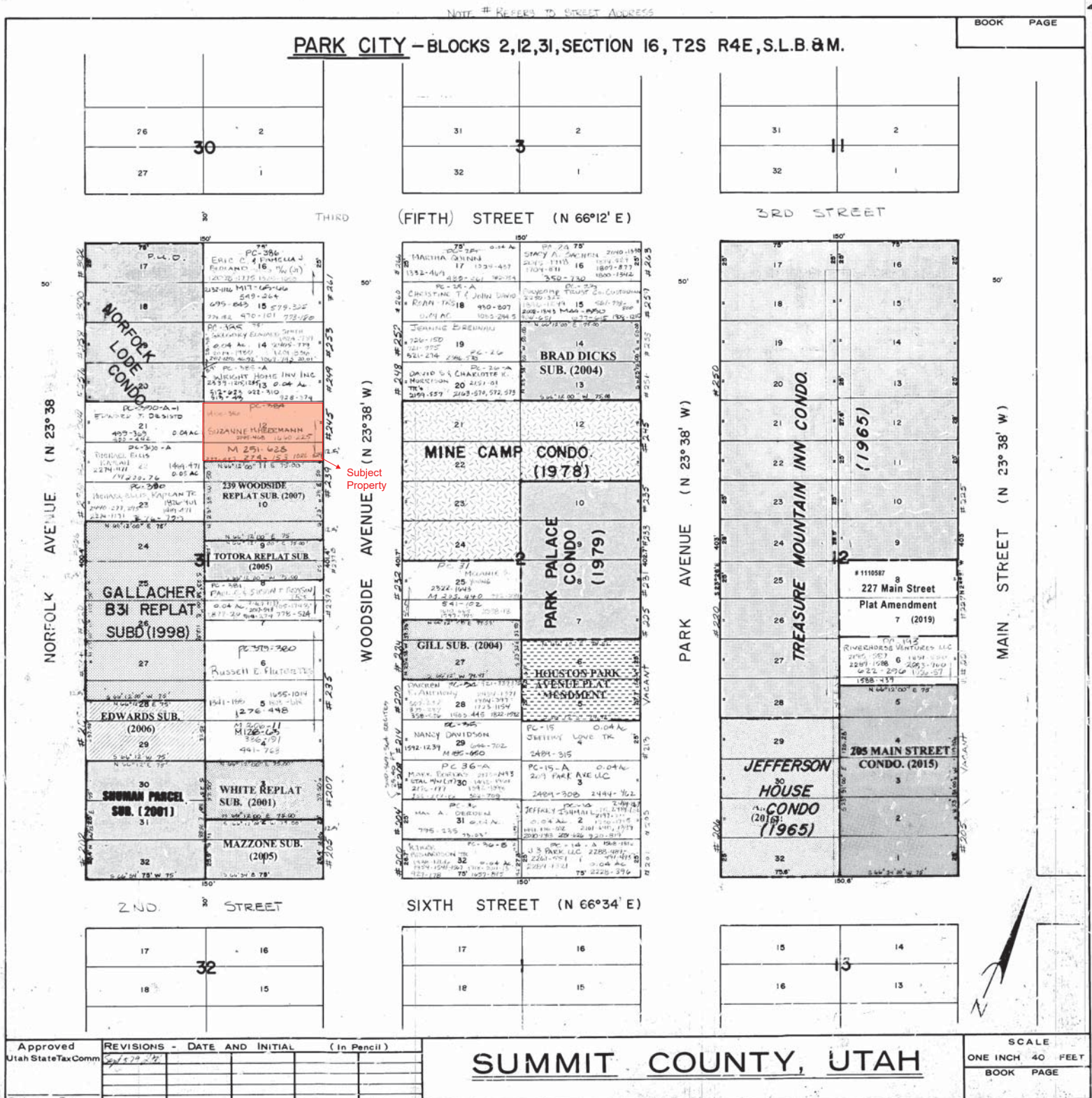
A portion of Lot 11 and all of Lot 12 are not considered one lot at 245 Woodside Avenue Park City Utah is the subject of this plat application. The original lot line is still located on my Survey. I would like to extinguish the exiting lot line to unity the property so that there will be one lot on record for this single-family residence.

The plan is to remodel part of the home. This plat amendment is needed to be granted initial approval would be done so that the owner can resurface and heat the driveway. At this point do to the pitch and the ice buildup on this carport is dangerous during the winter months for both cars and visitors to the home.

EXHIBIT D



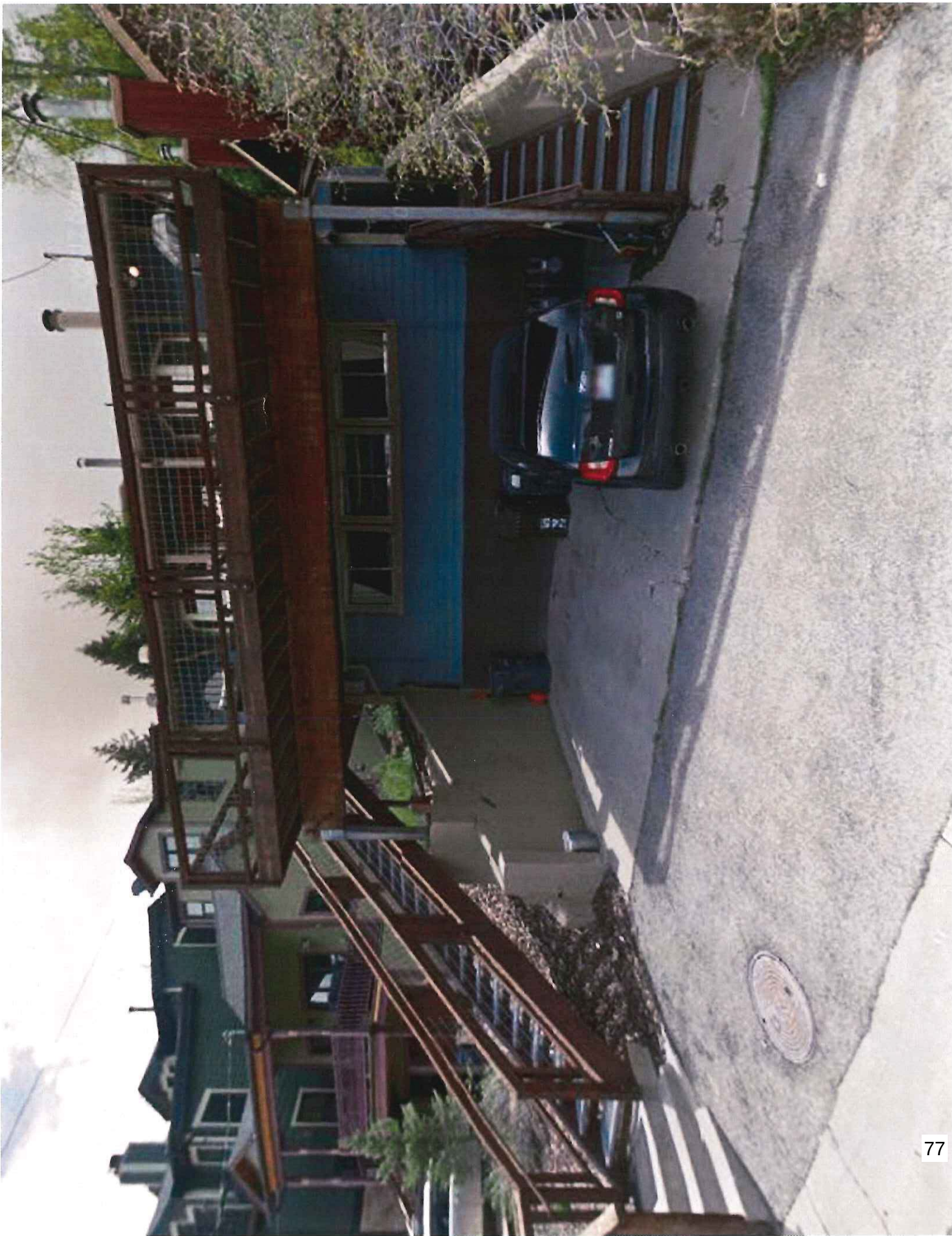
EXHIBIT E













September 27, 2019

Suzanne Herrmann
618 Ellsworth Drive
Silver Spring, MD 80910

NOTICE OF PLANNING DIRECTOR DETERMINATION:

Project Address:	245 Woodside Avenue
Project Description:	Planning Director Determination for Non-Complying Structure
Project Number(s):	PL-19-04209 – Plat Amendment
Date of Action:	September 27, 2019

ACTION TAKEN BY PLANNING DIRECTOR:

The Planning Director has made a determination that the existing Duplex Dwelling located at 245 Woodside Avenue does not comply with current Land Management Code requirements for a legal Non-complying Structure due to the encroachments in the Front and Side Setbacks, the lack of required parking for a Duplex Use, and the evidence on record related to this property; however, the Duplex Use was allowed in 1974, per the 1968 enacted Zoning Code at the time, and our records indicate that in 1983 the Planning Department issued a letter acknowledging that the use was originally a Duplex Dwelling. This Site is in the [Historic Residential \(HR-1\) Zoning District](#).

Duplex Use:

Per Summit County's records, the Structure on this Site was built in 1974. Staff has not found a record of a Building Permit for the original Structure. Based on a letter given to a Mr. William Dalquist on October 5, 1983 (Attachment 1) from the Park City Planning Department, the original Use of the Structure was a Duplex. Per approved Building Permit BD-10-15955, Suzanne Herrmann (current Applicant of Plat Amendment application PL-19-04209) converted this Structure from a Triplex (date of Triplex Construction unknown by staff) to a Duplex. Per the 1968 Land Management Code, which was in effect in 1974, this Site was within the Residential (R-1) Zoning District. At the time, a Two-family dwelling was a Permitted Use. This was defined at the time as "A building arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units." See Attachment 2 – Chapter 10, page 18 of the 1968 Park City, Utah Zoning, Subdividing and Mobile Homes Code (currently known as the LMC). Currently, this Use would be considered a Duplex per the definition in [LMC 15-15 Defined Terms](#). The Site is now within the HR-1 Zoning District and a Duplex Dwelling is a Conditional Use per [LMC 15-2.2-2](#). Staff has determined that, based on the evidence on file, this Site does not require a Conditional Use Permit for the Duplex Use, as this was an allowed Use in the R-1 Zone at the time of the Structure's construction.

Parking:

Currently, the Site has a parking area of 23' wide x 9' deep, as measured, within the Front Yard area. This parking area is connected to a paved area within the Right-of-Way, which is 25' W x 15.5' L, as measured. This measured area varies due to the adjacent retaining walls and stairs. Per [LMC 15-3-3\(F\)](#), this is not considered a Parking Space due to the area within the property being less than 18' deep. A Duplex Use requires two (2) parking spaces per Dwelling Unit, equaling four (4) total, per [LMC 15-3-6](#). The current Site does not meet this parking requirement for the Duplex Use.

Per the 1968 Code requirements (Attachment 2 – Section 67-6-2 on page 13), one (1) parking space was required per Dwelling Unit. As this was a Duplex, it would have required two (2) spaces. The 1968 Code does not specify required Parking Space dimensions, but does specify in Section 67-6-4 (page 14) that Parking Spaces shall be on the same Lot with the Main Building. Without an original site plan or building plans from 1978, staff cannot determine if this Site originally met parking requirements for a Duplex Use. Based on the existing records, staff has determined the Site does not meet parking requirements of the 1968 Code, nor the current Code. If the City Engineering Office were to grant an Encroachment Agreement for the existing parking on the Site, it is possible this would bring this Structure up to the required two (2) parking spaces of the 1968 Code, but as the Site is currently configured it would not be able to achieve the required four (4) parking spaces of the current LMC requirements. If this Agreement is not granted, then the Applicant would need to provide the required two (2) parking spaces within the property lines, per the 1968 Code.

Encroachments on Site:

At the time of its construction, the Site was located in the Residential-1 (R-1) Zoning District. In 1976, the Site was (and currently is) within the [Historic Residential-1 \(HR-1\)](#) Zoning District. At the time of its construction in 1974, based on City records, the house did not comply with all the requirements of the LMC. See table below. 2010 LMC requirements are the same as 2019 for the HR-1 Zoning District. This LMC table is intended to relate to the 1974 construction of the Structure, the 2010 Building Permits listed in this letter, as well as current requirements for future development.

	1968 LMC Requirements for R-1 Zoning District	2010 LMC Requirements for HR-1 Zoning District	Current Conditions
Lot Size	3,000 Square Feet (SF)	3,750 SF for a Duplex	Plat proposes 2,812; does not comply
Lot Width	37.5 feet, measured 20 feet back from the Front Lot Line	25 feet, measured 15 feet back from the Front Lot Line.	Plat proposes 37.5 feet; complies
Footprint	Not required	1200.5 SF	1, 090 SF as measured;

<i>complies</i>			
Side Setback	5 feet	3 feet; total of 6 feet	1.75 (north portion of house) and 3 (south) feet, as measured; <i>north does not comply, south complies</i>
Rear Setback	10 feet	10 feet	16 feet as measured to the Rear Yard patio, 28.3 feet as measured to the Main Building; <i>complies</i>
Front Setback	20 feet	10 feet	9 feet as measured; <i>does not comply</i>
Building Height	35 feet	27 feet from Existing Grade	24 feet 4 inches as measured; <i>complies</i>

Staff has record of a Building Permit (Permit 1590-83) application submitted on September 29, 1983 allowing for replacement of demolished stairs on the south side of the property, but no plans have been found.

On December 9, 2009, a Historic District Design Review Pre-application (PL-09-00849) was applied for to discuss proposed changes to the existing front (east) deck, and the two (2) side (north and south) stairways. A letter approving the changes to the Site was issued on April 16, 2010. See Attachment 3 – Approval letter for Historic District Design Review Pre-application PL-09-00849. The letter states that the stairs were allowed to be a stair reconstruction/code upgrade as they were currently located, as opposed to the proposal of changing the stair location.

Per the issued 2010 Building Permit (permit BD-10-15565) for the exterior deck and stairs, the Existing Site Plan shows an existing wood deck, concrete retaining walls, and two existing stairways in the Front Yard crossing the Front (east) Lot Line; along with existing stairs and landings running along the side (south) property line. The Proposed Site Plan shows these Site details as being replaced in-kind (the front deck), being relocated and replaced (the south, front stairs), or being replaced and expanded (the south landing and stairs becoming new stairs, landing areas, and a Rear Yard deck). The Front Yard Deck, and portions of the two staircases and retaining walls extend into the Right-of-Way. The only Encroachment Agreement found through Summit County is Entry 00919262 for the concrete stairs on the south, Side Lot Line (Attachment 4). See images below – 1) Existing Site Plan at the time of submittal of BD-10-15565 and 2) Proposed Site Plan from Building Permit BD-10-15565. The stairs were allowed to be repaired/upgraded per the Historic District Design Pre-application approval letter (Attachment 3) and the Building Permit was approved on July 7, 2010.

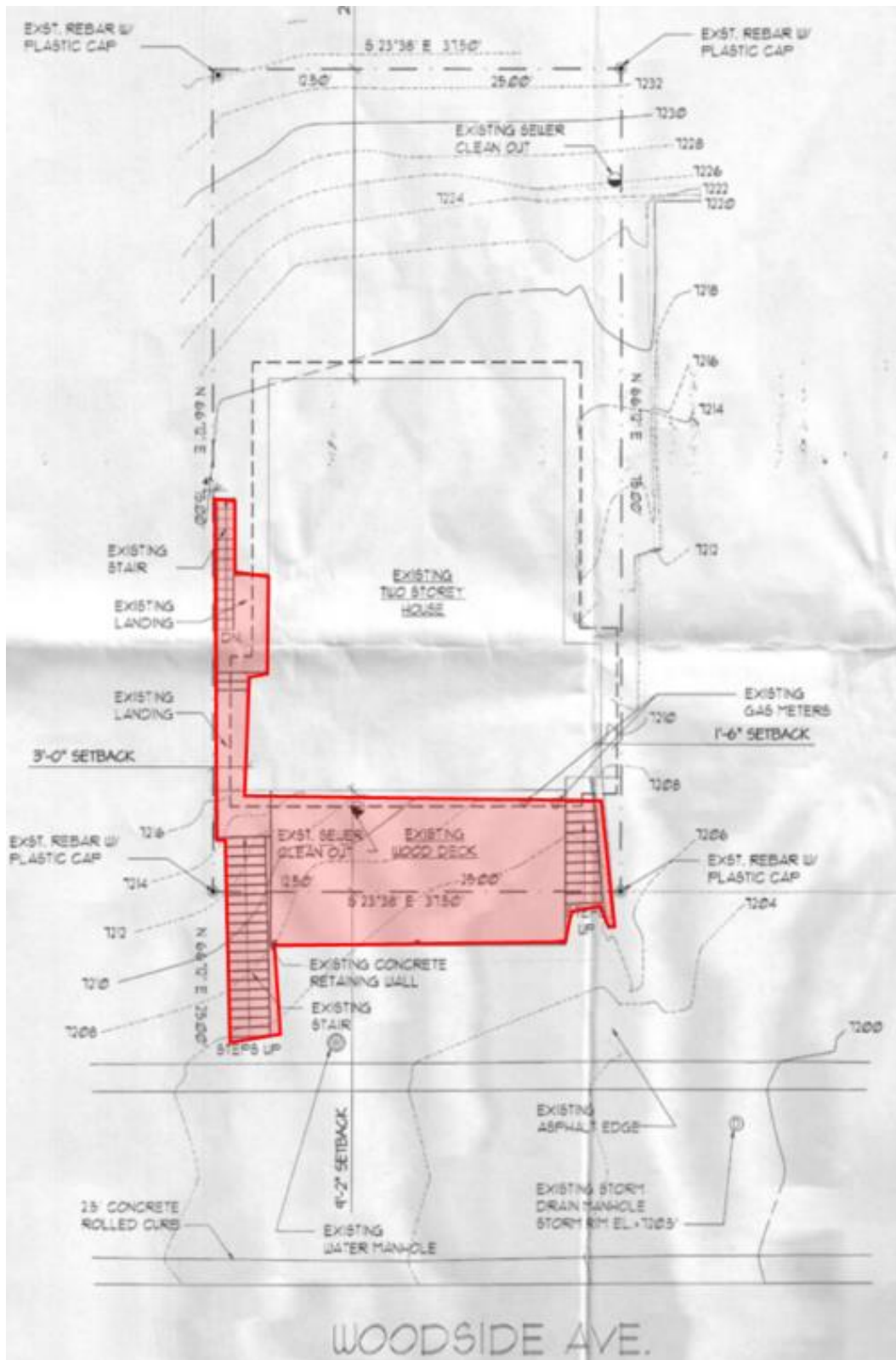


Image 1 Existing Site Plan at the time of submittal of BD-10-15565

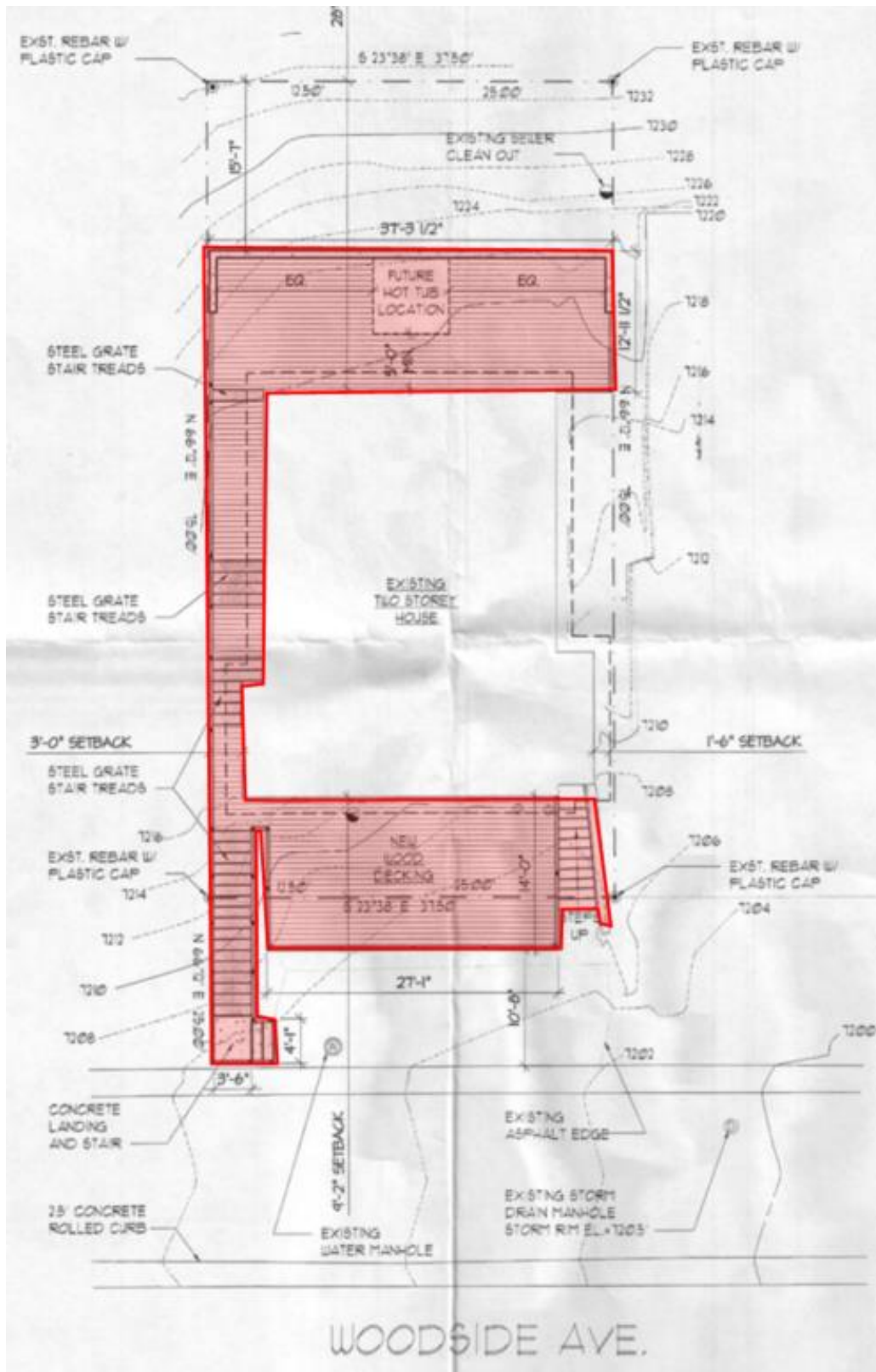


Image 2 Proposed Site Plan of BD-10-15565

In 2010, per BD-10-15565, the Side Yard stairs and Front Yard deck were to be added onto, altered, and repaired. The deck currently projects 9 feet, as measured, from the main Structure into the Front Setback, but also projects 5 feet, as measured, past the Front property line into the Right-of-Way. It is also 27.08 feet wide, as measured. The HR-1 Zone allowed for decks to be 10 feet wide and project into the Front Setback by 3 feet. The current deck configuration exceeds this requirement. Staff believes this was permitted as the deck was existing and the dimensions were not changing per the permit's (BD-10-15565) plans. The HR-1 Zone allows for stairs to be within the Side Setback, but may not exceed 30" in height from final grade. The stairs exceed this height within both the north and south Side Setback areas. See image below. This image is intended as a reference to show stair heights exceeding 30" from final grade. As the south Side Yard stairs allow for access into the upper Dwelling Unit, staff believes those stairs are needed for emergency egress and may be maintained and repaired, consistent with the Encroachment Agreement (Attachment 4) recorded with Summit County on March 21, 2011 as Entry No. 00919262.



Street view of 245 Woodside Avenue

As staff has no record of the original plans of the Structure when it was built in 1974, and the Applicant has not been able to produce said plans for staff to review, staff cannot determine if the Structure has been out of compliance with the LMC since its construction or if it has been altered to a state of non-compliance. Therefore, the Planning Director finds that the existing Duplex Structure does not comply with requirements of the Land Management Code to deem this a legal Non-complying Structure. The Duplex Use itself complies, per the Planning Department Determination in Attachment 1 indicating the Structures original Use that was allowed per the 1968 Zoning Code.

The proposed Plat Amendment would prepare the Site for future development on a combined Lot, as the Structure currently exists with a Lot Line running through it, but will not remedy the existing encroachments or the lack of required parking for the Duplex Use. Although a Plat Amendment will remove the Lot line and create one Lot of record, any future development would be required to come into compliance with the Land Management Code in effect at that time.

The Planning Director has made this determination based on the following Findings of Fact and Conditions of Approval:

Findings of Fact:

1. The Site is located at 245 Woodside Avenue.
2. This Site is within the Historic Residential (HR-1) Zoning District.
3. The legal description for the Lot is the north ½ of Lot 11 and all of Lot 12, Block 31 of the Park City Survey. The Lot was platted in 1880, as part of the original Park City Survey that created hundreds of 25 foot by 75 foot Lots platted throughout the residential neighborhoods surrounding Main Street.
4. Based on the survey submitted for the aforementioned Plat Amendment, the proposed Lot will be combining the north ½ of Lot 11 and all of Lot 12 to measure 2,812 square feet.
5. At the time of its construction, the site was located in the Residential-1 Zoning District. The project complied with the following:
 - a. Required Rear Setbacks of 10 feet; **complied** with a Rear Yard of 28.3 feet, measured.
 - b. Required Building Height of 35 feet; **complied** with a gable roof at 24 feet and 4 inches, as measured.
6. At the time of its construction, the site did not comply with the following:
 - a. Required Lot Width of 37.5 feet, measured 20 feet back from the Front Lot Line; **did not comply as the Structure was built over a 25' wide Lot (Lot 12) and a 12.5' Lot (Lot 11, north half). The Lots together did total 37.5' at this time, but were not actually combined.**
 - b. Required Lot Size of 3,000 square feet; **did not comply** as the Lot size would have been 1,875 square feet for Lot 12 and the north half of Lot 11 would have been 937.5 square feet. Combined, the Lots would have been about 2,812 square feet and would not have complied.
 - c. Required Side Yard Setbacks of 5 feet; **did not comply** with 3 foot setbacks along the north and south property lines. This is according to the 2010 Building Permit Existing Site Plan showing a Side Setback (north) of approximately 1.75 feet. The south Side Setback is 3 feet on this plan.
 - d. Required Front Setback of 20 feet; **did not comply** with a Front Setback of 9 feet.
7. Staff believes the Structure was originally built as a Duplex, based on the 1983 Planning Department Determination Letter (Attachment 1). It is undetermined whether the house originally abided by Front and Side Setback requirements, and parking requirements of two (2) parking spaces for a Duplex Dwelling, of the R-1 Zoning District without building plans.
8. In 1976, the Site was rezoned to the Historic Residential-1 (HR-1) Zoning District. The building complies the current HR-1 Zone Height of 27 feet and the Maximum Building Footprint of 1200.5 for the proposed Lot size of 2,812 square feet, per the proposed Plat Amendment. It also complies with the Rear (10 feet) and Side (south Side, 3 feet) setbacks; however, it does not comply with the required Lot Size for a Duplex Use of 3,750, or the Front Setback of 10 feet or Side (north) Setback of 3 feet.
9. As the Site is currently configured in the Front Yard area (east), with a parking area of 225 square feet (9 feet deep by 25 feet wide within the property lines), this site would not be able to accommodate the required 4 parking spaces for a Duplex per [LMC 15-3-6](#).
10. In 2010, two (2) Building Permits were approved to 1) remodel the Structure from a Triplex to a Duplex (BD-10-15955) and 2) repair and add to the existing Front (east)

decks, Side landings (south), and stairs (south), and add a Rear Yard deck (BD-10-15565).

11. The Planning Director has made a determination that the existing Duplex Dwelling located at 245 Woodside Avenue does not comply with current Land Management Code requirements for a legal Non-complying Structure due to the encroachments in the Front and Side Setbacks, the lack of required parking for a Duplex Use, and the evidence on record related to this property; however, the Duplex Use was allowed in 1974, per the 1968 enacted Zoning Code at the time, and our records indicate that in 1983 the Planning Department issued a letter acknowledging that the use was originally a Duplex Dwelling.

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

Sincerely,



Bruce Erickson, AICP
Planning Director

CC: Liz Jackson, Planner

Exhibits:

Attachment 1 – Duplex Use Determination Letter from Planning Department dated October 5, 1983

Attachment 2 – Chapter 10, page 18 of the 1968 Park City, Utah Zoning, Subdividing and Mobile Homes Code

Attachment 3 – Approval letter for Historic District Design Review Pre-application PL-09-00849

Attachment 4 – Encroachment Agreement Entry No. 00919262 for concrete stairs in Right-of-Way

EXHIBIT G ATTACHMENT 1



Community Development/Engineering
Building and Planning Departments

October 5, 1983

Mr. William Dalquist
4086 Riverdale Road
Ogden, Utah 84403

Re: 245 WOODSIDE - Park City, Utah 84060

Dear Mr. Dalquist:

While working with you on your building permit application for the window remodel and exterior stair addition to your building located at 245 Woodside, it came to our attention that at some point in the building's history it was converted from a duplex to a triplex without City approval. From an on site inspection it appears the building was originally built as a duplex with one unit above and one below. It has two water, sewer, gas and electrical connections which would also indicate a duplex configuration.

We understand that as the new owner of the building you intend to use the building as a duplex. We are happy to see the building being used for its originally approved use, otherwise we would be forced to require you to eliminate the use of a third unit. The building cannot legally be used as a triplex. Any interior or exterior changes you wish to make to the building would require a building permit.

If you have any questions regarding this matter, please contact me at 649-6714.

Sincerely,

Alison Child
Planner I

AC:ew

EXHIBIT G ATTACHMENT 2

-18-

67-9-7. REAR YARD REGULATIONS.

The minimum depth of the rear yard for all main buildings shall be twenty (20) feet, and for all accessory buildings one (1) foot except on corner lots which rear on the side of another lot, accessory buildings shall not be located closer than six (6) feet.

67-9-8. HEIGHT REGULATIONS.

No building shall be erected to a height greater than two and one-half (2-1/2) stories or thirty-five (35) feet and no dwelling shall be erected to a height of less than one (1) story.

CHAPTER 10. RESIDENTIAL ZONE R-1

67-10-1. PERMITTED USES.

- (1) Agriculture.
- (2) Single-family dwelling.
- (3) Two-family dwelling.
- (4) Accessory buildings and uses customarily incidental to the main use.
- (5) Signs, identification, name plate, property, public information, temporary.

67-10-2. CONDITIONAL USES.

- (1) Animal and fowl grazing, pasturing or housing.
- (2) Cemetery.
- (3) Child nursery.
- (4) Golf Course.
- (5) Home occupation.
- (6) Planned unit development meeting the provisions of Chapter 17 of this Ordinance.
- (7) Private recreational grounds and facilities.
- (8) Private educational institutions.
- (9) Public and semi-public buildings and uses.
- (10) Temporary buildings and uses incidental to construction work.

67-10-3. AREA REGULATIONS.

The minimum lot area shall be three thousand (3,000) square feet.

67-10-4. WIDTH REGULATIONS.

The minimum width of any lot shall be thirty-seven and one-half (37-1/2) feet, at a distance of twenty (20) feet back from the front lot line.

67-10-5. SIDE YARD REGULATIONS.

- (1) The minimum side yard for any dwelling or other building shall be



Building • Engineering • Planning

April 16, 2010

Suzanne Herman
245 Woodside
Don Bloxom
PO Box 980
Park City, UT 84098

NOTICE OF PLANNING DEPARTMENT ACTION

<u>Application #</u>	PL-09-00849
<u>Subject</u>	245 Woodside Avenue
<u>Description</u>	Repair and reconstruct stairs – non-historic
<u>Action Taken</u>	Took to Design Review Team on December 9, 2009

Date of Action On April 16, 2010 the City Council approved LMC Amendments that allow this application to be submitted directly to Building Department for a building permit.

The Planning Director determined that the proposed stair project, as revised to be a stair reconstruction/code upgrade of the stairs as they are currently located, may be submitted for a building permit. The building permit is subject to compliance with the Historic Design Guidelines and the Land Management Code, however a full design review is not required.

If you have questions regarding your project or the action taken please don't hesitate to contact me at 435-615-5066 or at kirsten@parkcity.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Kirsten A. Whetstone".

Kirsten A. Whetstone, AICP
Senior Planner

When recorded please return to:
Park City Municipal Corporation
Attn: City Engineer
PO Box 1480
Park City UT 84060

ENCROACHMENT PERMIT

245 Woodside (street address)

THIS AGREEMENT is made by and between PARK CITY MUNICIPAL CORPORATION (City) and Seanne Herrmann (Owner(s)) to set forth the terms and conditions under which the City will permit the Owner to build, maintain, and use certain improvements within the City property and right-of-way at 245 Woodside Drive (street address), Park City, Utah. Subject to the following terms and conditions of this agreement, Owner shall have the right to construct and maintain The Stairs within the City right-of-way of 245 Woodside Dr. (street name).

1. This encroachment agreement shall be appurtenant to the following described property: Block 31 Lot 11 the N 1/2 of Lot 11 (lot # and subdivision)
Property

This agreement is not transferable to other property, but is freely transferable with the title to this lot. The license and conditions as stated in the agreement, are binding on the successors in title or interest of Owner(s). **Owner(s) shall attach a current title report as part of this application.** (6 mths)

2. The improvements permitted within the street right-of-way shall consist of Concrete Stairs. Attach a scaled drawing, labeled as ATTACHMENT 'A', showing the improvements and the location of all related elements, on 8 1/2 "x 11" or 11"x 17" paper. No modifications to the improvements may be made without prior written permission from Park City Municipal Corporation.

3. The City may, at some future date, elect to make improvements to 245 Woodside (street name) at this location and widen the streets to full width of the right-of-way and City property and/or to install utilities (or allow such installation by franchised utilities). To the extent that any improvements or utility work requires the removal, relocation, replacement, and/or destruction of the improvements the Owner(s) may have been using within the City property right-of-way, the Owner(s) waives any right to compensation for the loss of improvements and loss of the use of the street right-of-way and/or change in the grade and elevation of the street. This waiver of compensation, in the event the improvements are removed for any reason whatsoever in the sole determination of Park City, is the consideration given for the granting of this encroachment permit.

4. Prior to installing City improvements in, along or adjacent to the street or installing utilities in a manner that will require the removal or relocation of the improvements, the City will endeavor to give the Owner(s) sixty (60) days notice, in which time the Owner(s) shall make adjustments and remodel the improvements as necessary to accommodate the changes in the street width, utilities, and-or grade at the Owner(s) cost. Park City and its franchised utilities will attempt to save as much of the Owner(s) improvements as possible but in no way guarantees any salvage value whatsoever.

5. No permanent right, title, or interest of any kind shall vest in the Owner(s) in the street right-of-way by virtue of this agreement. The property interest hereby created is a revocable license, and not an easement or other perpetual interest. No interest shall be perfected under the doctrines of adverse possession, prescription, or other similar doctrines of law based on adverse use, as the use hereby permitted is entirely permissive in nature.

Please see side 2

ENTRY NO. 00919262

03/21/2011 09:51:42 AM B: 2074 P: 0230

Encroachment PAGE 1/7

ALAN SPRIGGS, SUMMIT COUNTY RECORDER

FEE 0.00 BY PARK CITY MUNICIPAL CORPORATION



6. The Owner(s) or his/her successor shall maintain the improvements in a good state of repair at all times, and upon notice from the City, will repair any damaged, weakened, or failed sections. The Owner(s) agree(s) to hold the City harmless and indemnify the City for any and all claims which might arise from third parties, who are injured as a result of the Owner's use of the right-of-way for private purposes, or from the failure of the Owner's improvements.

7. This agreement shall be in effect until the license is revoked by the City. Revocation shall be effected by the City regarding a notice of revocation with the Summit County Recorder and sending notice to Owner or the Owner's successor.

DATED this 17 day of MARCH, 2011

PARK CITY MUNICIPAL CORPORATION

[Signature]
Matt Cassel, P.E.,
City Engineer

Attest: Jennifer Byrd

[Signature]
Owner's Signature

Suzanne Hermann
Owner's Name (Printed)

68 Ellsworth Dr. Silver Spring md
Mailing Address 20910

703-795-0406
email address or phone number

STATE OF ~~UTAH~~ MD)
)
COUNTY OF ~~SUMMIT~~)
P.G.

On the 4th day of February, 2011,
_____ personally appeared before me Suzanne Hermann who, being first
duly sworn and upon oath, and in full recognition of the penalty for perjury in the State of Utah, did
acknowledged to me that she/he is the Owner(s) of the property or, if the Owner(s) is a Corporation, that
she/he is an authorized representative of the Corporation, and that she/he signed the foregoing instrument
on their behalf.

HUGH A. ANDERSON
NOTARY PUBLIC
PRINCE GEORGES COUNTY
MARYLAND
MY COMMISSION EXPIRES JANUARY 14, 2012

[Signature]
Notary Public

MISCELLANEOUS REPORT

First American Title Insurance Agency, LLC
1755 Prospector Ave., Suite A-100, Park City, UT 84060
Phone: 435.655.6800 | Fax: 435.655.6801

Order No: 041-5281153

Charge: \$350.00

Re: Property Owners: Suzanne Herrmann

EFFECTIVE DATE: at 7:30 A.M.

IN WITNESS WHEREOF the said Company has caused these presents to be signed by its duly authorized officer on 03/01/2010, at Park City, .

FIRST AMERICAN TITLE INSURANCE AGENCY, LLC

By: _____
 Authorized Signatory

PLEASE DIRECT ANY INQUIRIES RELATIVE TO THE CONTENTS OF THIS REPORT TO: TITLE OFFICER: Chris Merback, and ESCROW OFFICER: at , .

SCHEDULE A

1. The estate or interest in the land described or referred to in this report and covered herein is fee simple and title thereto is at the effective date hereof vested in:

Suzanne Herrmann

SCHEDULE B

Exceptions

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interest or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims of easements or encumbrances which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments and any other facts which a correct survey would disclose, and which are not shown by public records.
5. Unpatented mining claims; reservations or exceptions in patents or in Acts authorizing the issuance thereof, water rights, claims or title to water.
6. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
7. Taxes for the year 2010 now a lien, not yet due. General property taxes for the year 2009 were paid in the amount of \$ 4,075.44. Tax Parcel No. PC-384.
8. The land is included within the boundaries of Park City, Park City Water Special Service District, and Snyderville Basin Water Reclamation District., and is subject to charges and assessments made thereby.
9. Ordinance 82-3 dated January 28, 1982, wherein the City Council of Park City, Utah, established the Redevelopment Agency of Park City, and adopting the Neighborhood Development Program entitled "Park City Neighborhood Development Plan" recorded February 16, 1982 as Entry No. 188603 in Book 212 at page 148 of Official Records.

Notice of Approval of the Amendment to the Park City Neighborhood Redevelopment Plan dated October 18, 1990, recorded November 2, 1990 as Entry No. 332260 in Book 585 at page 147 of Official Records.
10. Easements, notes and restrictions as shown on the recorded plat.
11. Any and all outstanding oil and gas, mining and mineral rights, etc., together with the right of the proprietor of a vein or lode to extract his ore therefrom should the same be found to penetrate or intersect the premises and the right of ingress and egress for use of said rights.

03/01/2010

Escrow No.: **041-5281153 (cam)**

12. A Trust Deed With Power of Sale and Assignment of Rents dated November 05, 2004 by and between Suzanne Herrmann as Trustor in favor of Founders Title Company as Trustee and Beverly Dahlquist as Trustee for The Beverly A. Dahlquist under Trust Agreement dated January 08, 1997 as Beneficiary, to secure an original indebtedness of \$425,000.00 and any other amounts or obligations secured thereby, recorded November 15, 2004 as Entry No. 716904 in Book 1660 at Page 226 of Official Records.

The name(s) Suzanne Herrmann , has/have been checked for judgments, State and Federal tax liens, and bankruptcies and If any were found, are disclosed herein.

SCHEDULE C

Description

The land referred to in this report is situated in the County of Summit, State of UT, and is described as follows:

THE NORTH ONE-HALF OF LOT 11, AND ALL OF LOT 12, BLOCK 31, PARK CITY SURVEY, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER.

Said property is also known by the street address of:
245 Woodside Avenue, Park City, UT 84060

PC-384