



AGENDA

MEETING CALLED TO ORDER - 5:30 PM	Pg	
ROLL CALL		
PUBLIC COMMUNICATIONS – <i>Items not scheduled on the regular agenda</i>		
STAFF AND BOARD COMMUNICATIONS/DISCLOSURES		
CONTINUATION(S) – <i>Public hearing and continuation as outlined below</i>		
427 Main Street – Conditional Use Permit	PL-12-01672	
<i>Public hearing and continuation to January 9, 2013</i>		
Richards Parcel – Annexation	PL-12-01482	
<i>Public hearing and continuation to December 12, 2012</i>		
REGULAR AGENDA – <i>Discussion, public hearing, and possible action as outlined below</i>		
2460/2520 Sunny Slopes Drive – Plat Amendment	PL-12-01674	3
<i>Public hearing and possible recommendation to City Council</i>		
2550 Deer Valley Drive – Plat Amendment	PL-12-01657	21
<i>Public hearing and possible recommendation to City Council</i>		
1400 Deer Valley Drive – Amendment to Record of Survey	PL-12-01606	45
<i>Public hearing and possible recommendation to City Council</i>		
543 Woodside Avenue – Steep Slope Conditional Use Permit	PL-12-01507	61
<i>Public hearing and possible action</i>		
30 Sampson Avenue – Steep Slope Conditional Use Permit	PL-12-01487	109
<i>Public hearing and possible action</i>		
Land Management Code Amendments - Chapter 1- General Provision and Procedures, Chapter 2- Zoning, Chapter 3- Off- Street Parking, Chapter 4- Supplemental Regulations, Chapter 5- Architecture Review, Chapter 6- Master Planned Development, Chapter 9-Non-conforming Uses and Structures, Chapter 11- Historic Preservation, Chapter 15- Definitions	PL-12-1637	153
<i>Public hearing and possible recommendation to City Council</i>		
ADJOURN		

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

**Planning Commission
Staff Report**



Subject: Gleneagles Lots 12R & 13R
Author: Francisco Astorga, Planner
Project Number: PL-12-01674
Date: November 28, 2012
Type of Item: Administrative – Plat Amendment

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the Gleneagles 12R & 13R 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: James & Barbara Roberts represented by Alliance Engineering
Location: 2460 & 2520 Sunny Slopes Drive
Zoning: Residential Development (RD) District
Adjacent Land Uses: Single-family dwellings and open space
Reason for Review: Planning Commission review and recommendation to City Council

Proposal

Lots 12 and 13 were originally platted as part of the Gleneagles Subdivision. A single-family dwelling has been built on Lot 13. In 1993 a portion of Lot 12 was deeded to Lot 13. The City approved a lot line adjustment; however, a Final Plat, was not finalized, executed, or recorded with the County. The property owner requests to go through the plat amendment at this time to formalize the lot line adjustment action and record the plat.

Purpose

The purpose of the Residential Development RD District is to:

- A. allow a variety of Residential Uses that are Compatible with the City's Development objectives, design standards, and growth capabilities,
- B. encourage the clustering of residential units to preserve natural Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of municipal services,
- C. allow commercial and recreational activities that are in harmony with residential neighborhoods,
- D. minimize impacts of the automobile on architectural design,
- E. promote pedestrian connections within Developments and between adjacent Areas; and
- F. provide opportunities for variation in architectural design and housing types.

Background

The Gleneagles Subdivision is located in the Park Meadows Neighborhood. It is completely surrounded by the Park Meadows Golf Course. This subdivision was approved by the City Council in June 1983 and recorded at Summit County in August of the same year. The approved subdivision consists of fifteen (15) lots of record, a limited common open space area, and private roads accessed off Meadows Drive.

In April 1988 the City issued a building permit for a single-family dwelling on Lot 13, 2520 Sunny Slopes Drive. In April 1993 Alliance Engineering surveyed the site in preparation of boundary revisions. In May 1993 the City received a subdivision application to "relocate the lot lines of lots 12 & 13 and issued a building permit for a addition/remodel for Lot 13 crossing over Lot 12, 2460 Sunny Slopes Drive. The change in boundary was requested by the owner to accommodate the desired addition/remodel and part of Lot 12 was deeded to Lot 13. Both lots were (and still are) owned by the current property owners. Also in May 1993, the deeds were signed and recorded. In June 1993, Rick Lewis, the City's Community Development Director, formally approved the lot line adjustment. In September 1994 a survey was filed at the County (S-1780) reflecting the lot line adjustment. A Final Plat, amending the Glen Eagles Subdivision plat was not finalized, executed, and recorded with the County.

On October 1, 2012, the City received a completed application for a Plat Amendment. The property owner requests to go through the plat amendment at this time to formalize the plat amendment and to record the plat. The Roberts have retained ownership of both lots.

When Rick Lewis, former Community Development Director, approved the lot line adjustment, an executed Final Plat was not filed at the County. Even though the lot line adjustment process is still approved administratively by the Planning Director (then the Community Development Director), the process has changed to include a public hearing, consent from contiguous property owner, and a final plat (Mylar) to be submitted to the City for review, signatures, and to be recorded at the County.

Analysis

The proposed plat amendment does not result in an increase in the number of lots, does not create unbuildable or substandard lots, and does not create an adverse impact on adjacent property owners. It simply shifted lot area from one lot to another. No non-complying situations are created with the plat amendment.

The original lot area of Lot 12 was 19,480 square feet. The original lot area of Lot 13 was 27,108. The proposed plat amendment memorializes the approved lot line adjustment encompassing Lot 12R containing 16,098 square feet and Lot 13R containing 30,493 square feet. Lot 12R is 83% of original Lot 12 while Lot 13R is 112% of the original Lot 13.

The average lot area of the subdivision is 21,424 square feet. The biggest lot in this subdivision was Lot 15 containing 28,208 square feet. The smallest lot in this subdivision was Lot 10 containing 16,670 square feet. The proposed Lots 12R and 13R are consistent with the existing lots in terms of lot area and are not out of character with the neighborhood.

The existing structure, including the 1993 addition/remodel, complies with the setbacks of the 1993 lot line adjustment. Lot 12R remains vacant. Lot 12R & Lot 13R would still need to meet the development parameters outlined in the LMC below, and any other development provisions.

<u>Parameter</u>	<u>Standards</u>
Front yard setback	20 feet, minimum.
Rear yard setback	15 feet, minimum.
Side yard setbacks	12 feet, minimum.
Height	28 feet maximum, plus 5 feet for a roof pitch 4:12 or greater.
Parking	2 parking spaces

The total square footage for Lots 12R & 13R is 46,591 square feet. The total square footage as platted for the original lots 12 & 13 is 46,588. Alliance Engineering recognizes the discrepancy of three (3) square feet in lot areas from the original plat. Even though there is no explanation at this point from the surveying company, the discrepancy is miniscule and should not affect the requested action. A note on the proposed plat indicates the three (3) square foot discrepancy.

Process

Prior to issuance of any building permits for these lots, including additions/remodels and/or new construction, the applicant will have to submit a Building Permit application. No building permits will be issued until the plat, if approved, is recorded at Summit County. The approval of this plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18.

Department Review

This project has gone through an interdepartmental review. No additional issues were raised.

Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was published in the Park Record.

Public Input

Staff has not received any public input regarding this plat amendment.

Alternatives

- The Planning Commission may forward positive recommendation to the City Council for the Gleneagles 12R & 13R Plat Amendment as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for Gleneagles 12R & 13R Plat Amendment and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on Gleneagles 12R & 13R Plat Amendment.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The existing platted lots would not match the description of the recorded deeds or the 1993 approved action and confusion in terms of property title and setbacks could result.

Recommendation

Staff recommends the Planning Commission hold a public hearing for the Gleneagles 12R & 13R 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
- Exhibit B – Gleneagles Subdivision
- Exhibit C – Existing Conditions Map
- Exhibit D – Survey S-1780 filed with the County.
- Exhibit E – 1993 Lot Line Adjustment Application
- Exhibit F – Community Director's Approval Memo
- Exhibit G – Community Director's Approval Plan

Exhibit A – Draft Ordinance with Proposed Plat

Ordinance 12-

AN ORDINANCE APPROVING THE GLENEAGLES 12R AND 13R PLAT AMENDMENT LOCATED AT 2460 AND 2520 SUNNY SLOPES DRIVE, PARK CITY, UTAH.

WHEREAS, the owners of 2460 and 2560 Sunny Slopes Drive have petitioned the City Council for approval of the plat amendment; and

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

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

WHEREAS, the Planning Commission held a public hearing on November 28, 2012, to receive input on the proposed plat amendment;

WHEREAS, the Planning Commission forwarded a recommendation to the City Council; and,

WHEREAS, on December 13, 2012, the City Council held a public hearing on the proposed amendments to the record of survey plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the proposed plat amendment.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Gleneagles 12R & 13R 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 lots are located at 2460 & 2520 Sunny Slopes Drive.
2. The lots are within the RD District.
3. The lots are within the Gleneagles Subdivision.
4. The Gleneagles Subdivision was approved by the City Council in June 1983 and recorded at Summit County in August of the same year.
5. In April 1988 the City issued a building permit for a single-family dwelling on Lot 13, 2520 Sunny Slopes Drive.

6. In May 1993 the City received a subdivision application to “relocate the lot lines of lots 12 & 13 and issued a building permit for a addition/remodel for Lot 13 crossing over Lot 12, 2460 Sunny Slopes Drive.
7. In June 1993, Rick Lewis, the City’s Community Development Director, formally approved the lot line adjustment.
8. In September 1994 a survey was filed at the County (S-1780).
9. A Final Plat, was not finalized, executed, or recorded with the County.
10. The property owner requests to go through the plat amendment to formalize the revised plat.
11. The proposed plat amendment does not result in an increase in the number of lots.
12. The proposed plat amendment does not create unbuildable or substandard lots.
13. The proposed Lots are consistent with the existing lots in terms of lot area and are not out of character with the neighborhood.
14. The proposed plat amendment does not create an adverse impact on adjacent property owners.
15. The proposed plat amendment does not create any non-complying situations.
16. The existing structure, including the 1993 addition/remodel, complies with the setbacks of the 1993 lot line adjustment.
17. Lot 12R remains buildable vacant.
18. The plat amendment is consistent with the Gleneagles Subdivision plat (notes/conditions of approval?)

Conclusions of Law:

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding 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:

1. The City Attorney and City Engineer will review and approve the final form and content of the final plat for compliance with State law, the Land Management Code, and conditions of approval.
2. The applicant will record the final plat at the County within one (1) year from the date of City Council approval. If recordation has not occurred within one (1) year’s time, this approval for the plat amendment 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. Any conditions of approval and plat notes and restrictions of the Gleneagles Subdivision shall continue to apply.

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

publication.

PASSED AND ADOPTED this _____ day of _____, 2012.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, MAYOR

ATTEST:

Jan Scott, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Attachment 1 – Proposed Plat

Attachment 1 - Proposed Plat

SURVEYOR'S CERTIFICATE



I, Martin A. Morrison, certify that I am a Registered Land Surveyor and that I hold Certificate No. 4938739, as prescribed by the laws of the State of Utah, and that by authority of the owner, I have prepared this Record of Survey map of the GLENEAGLES 12R & 13R PLAT AMENDMENT and that the same has been or will be monumented on the ground as shown on this plat. I further certify that the information on this plat is accurate.

BOUNDARY DESCRIPTION

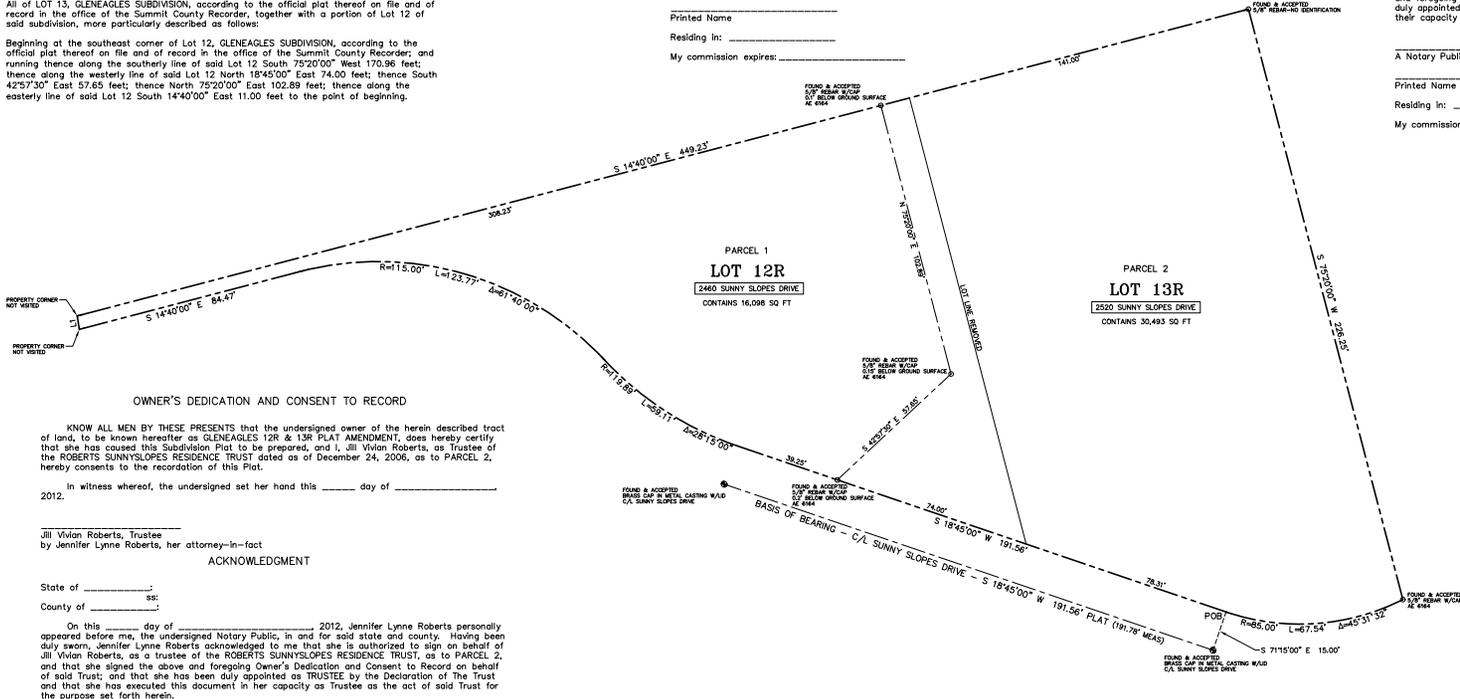
PARCEL 1
All of Lot 12, GLENEAGLES SUBDIVISION, according to the official plat thereof on file and of record in the office of the Summit County Recorder.

Excepting therefrom a portion of Lot 12 of said subdivision, more accurately described as follows:

Beginning at the southeast corner of Lot 12, GLENEAGLES SUBDIVISION, according to the official plat thereof on file and of record in the office of the Summit County Recorder; and running thence along the southerly line of said Lot 12 South 75°20'00" West 170.86 feet; thence along the westerly line of said Lot 12 North 18°45'00" East 74.00 feet; thence South 42°57'30" East 57.65 feet; thence North 75°20'00" East 102.89 feet; thence along the easterly line of said Lot 12 South 14°40'00" East 11.00 feet to the point of beginning.

PARCEL 2
All of LOT 13, GLENEAGLES SUBDIVISION, according to the official plat thereof on file and of record in the office of the Summit County Recorder, together with a portion of Lot 12 of said subdivision, more particularly described as follows:

Beginning at the southeast corner of Lot 12, GLENEAGLES SUBDIVISION, according to the official plat thereof on file and of record in the office of the Summit County Recorder; and running thence along the southerly line of said Lot 12 South 75°20'00" West 170.86 feet; thence along the westerly line of said Lot 12 North 18°45'00" East 74.00 feet; thence South 42°57'30" East 57.65 feet; thence North 75°20'00" East 102.89 feet; thence along the easterly line of said Lot 12 South 14°40'00" East 11.00 feet to the point of beginning.



OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that the undersigned owner of the herein described tract of land, to be known hereafter as GLENEAGLES 12R & 13R PLAT AMENDMENT, does hereby certify that she has caused this Subdivision Plat to be prepared, and I, Jill Vivian Roberts, as Trustee of the ROBERTS SUNNYSLOPES RESIDENCE TRUST dated as of December 24, 2006, as to PARCEL 2, hereby consents to the recordation of this Plat.

In witness whereof, the undersigned set her hand this _____ day of _____ 2012.

Jill Vivian Roberts, Trustee
by Jennifer Lynne Roberts, her attorney-in-fact

ACKNOWLEDGMENT

State of _____
County of _____ ss:

On this _____ day of _____, 2012, Jennifer Lynne Roberts personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Jennifer Lynne Roberts acknowledged to me that she is authorized to sign on behalf of Jill Vivian Roberts, as a trustee of the ROBERTS SUNNYSLOPES RESIDENCE TRUST, as to PARCEL 2, and that she signed the above and foregoing Owner's Dedication and Consent to Record on behalf of said Trust; and that she has been duly appointed as TRUSTEE by the Declaration of the Trust and that she has executed this document in her capacity as Trustee as the act of said Trust for the purpose set forth herein.

A Notary Public commissioned in Utah

Printed Name _____
Residing in: _____
My commission expires: _____

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that the undersigned owner of the herein described tract of land, to be known hereafter as GLENEAGLES 12R & 13R PLAT AMENDMENT, does hereby certify that he has caused this Subdivision Plat to be prepared, and I, Albert J. Roberts IV, as Trustee of the ROBERTS SUNNYSLOPES RESIDENCE TRUST dated as of December 24, 2006, as to PARCEL 2, hereby consents to the recordation of this Plat.

In witness whereof, the undersigned set his hand this _____ day of _____ 2012.

Albert J. Roberts IV, Trustee

ACKNOWLEDGMENT

State of _____
County of _____ ss:

On this _____ day of _____, 2012, Albert J. Roberts IV, personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Albert J. Roberts IV, acknowledged to me that he is a trustee of the ROBERTS SUNNYSLOPES RESIDENCE TRUST, as to PARCEL 2, and that he signed the above and foregoing Owner's Dedication and Consent to Record on behalf of said Trust; and that he has been duly appointed as TRUSTEE by the Declaration of the Trust and that he has executed this document in his capacity as Trustee as the act of said Trust for the purpose set forth herein.

A Notary Public commissioned in Utah

Printed Name _____
Residing in: _____
My commission expires: _____

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that the undersigned owners of the herein described tract of land, to be known hereafter as GLENEAGLES 12R & 13R PLAT AMENDMENT, do hereby certify that we have caused this Subdivision Plat to be prepared, and we, A. James Roberts III and Barbara R. Roberts, as Trustees under THE ROBERTS FAMILY REVOCABLE TRUST DATED SEPTEMBER 14, 1992, as to PARCEL 1, hereby consent to the recordation of this Plat.

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

A. James Roberts III, Trustee

Barbara R. Roberts, Trustee

ACKNOWLEDGMENT

State of _____
County of _____ ss:

On this _____ day of _____, 2012, A. James Roberts III and Barbara R. Roberts personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, A. James Roberts III and Barbara R. Roberts acknowledged to me that they are the trustees under THE ROBERTS FAMILY REVOCABLE TRUST DATED SEPTEMBER 14, 1992, as to PARCEL 1, and that they signed the above and foregoing Owner's Dedication and Consent to Record on behalf of said Family Trust; and that they have been duly appointed as TRUSTEES by the Declaration of the Family Trust and that they have executed this document in their capacity as Trustees as the act of said Family Trust for the purpose set forth herein.

A Notary Public commissioned in Utah

Printed Name _____
Residing in: _____
My commission expires: _____

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that the undersigned owner of the herein described tract of land, to be known hereafter as GLENEAGLES 12R & 13R PLAT AMENDMENT, does hereby certify that she has caused this Subdivision Plat to be prepared, and I, Jennifer Lynne Roberts, as Trustee of the ROBERTS SUNNYSLOPES RESIDENCE TRUST dated as of December 24, 2006, as to PARCEL 2, hereby consents to the recordation of this Plat.

In witness whereof, the undersigned set her hand this _____ day of _____ 2012.

Jennifer Lynne Roberts, Trustee

ACKNOWLEDGMENT

State of _____
County of _____ ss:

On this _____ day of _____, 2012, Jennifer Lynne Roberts personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Jennifer Lynne Roberts acknowledged to me that she is a trustee of the ROBERTS SUNNYSLOPES RESIDENCE TRUST, as to PARCEL 2, and that she signed the above and foregoing Owner's Dedication and Consent to Record on behalf of said Trust; and that she has been duly appointed as TRUSTEE by the Declaration of the Trust and that she has executed this document in her capacity as Trustee as the act of said Trust for the purpose set forth herein.

A Notary Public commissioned in Utah

Printed Name _____
Residing in: _____
My commission expires: _____

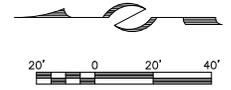
NOTE

The total square footage for Lots 12R & 13R is 46,591 square feet. The total square footage as plotted for the original Lots 12 and 13 is 46,588 square feet.

A LOT LINE ADJUSTMENT PLAT

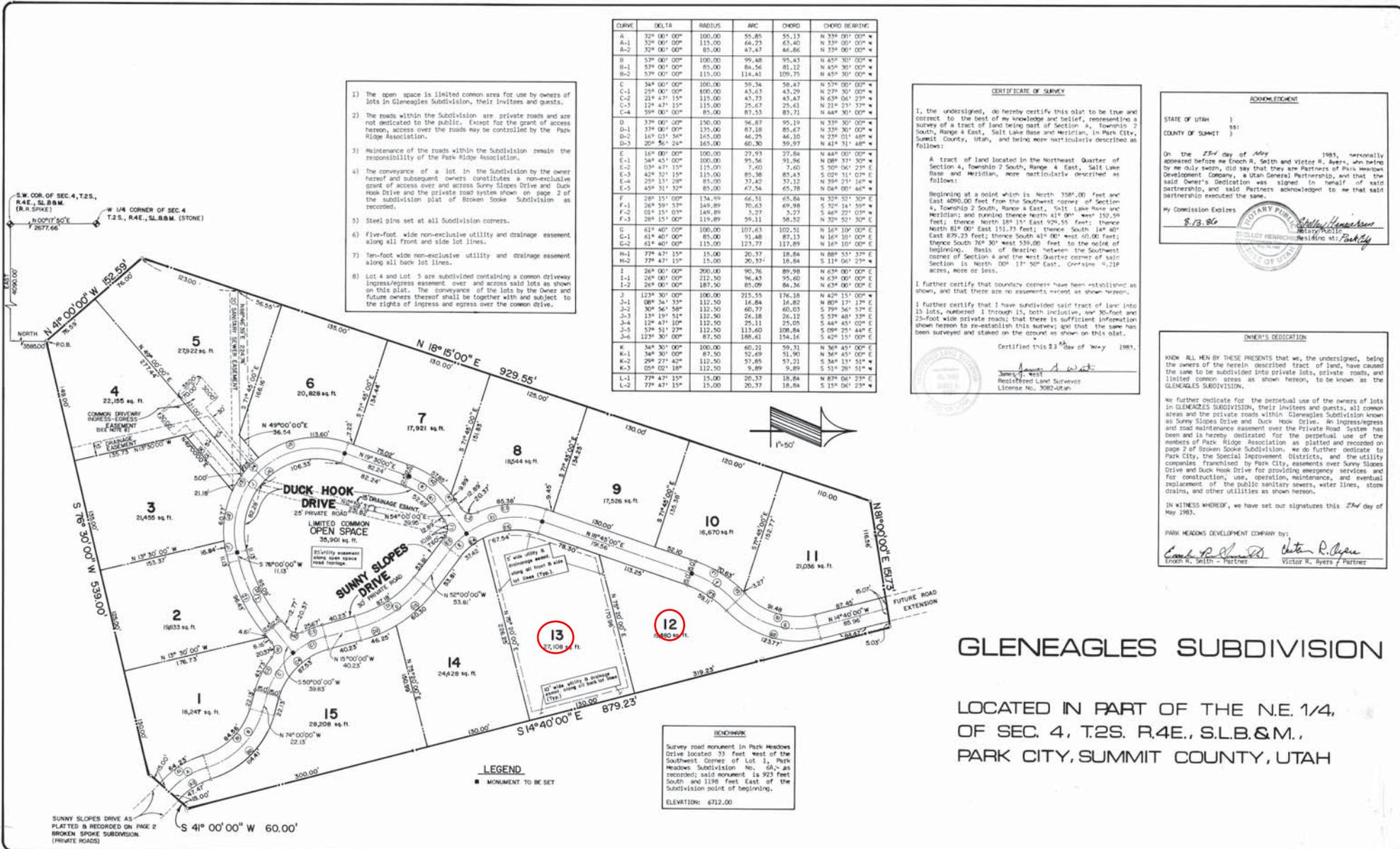
GLENEAGLES 12R & 13R PLAT AMENDMENT

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



SHEET 1 OF 1

<p>CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84302-2664</p>	<p>(435) 649-9467</p> <p>SNYDERVILLE BASIN WATER RECLAMATION DISTRICT</p> <p>REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2012 A.D.</p> <p>BY _____ S.B.W.R.D.</p>	<p>PLANNING COMMISSION</p> <p>APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2012 A.D.</p> <p>BY _____ CHAIR</p>	<p>ENGINEER'S CERTIFICATE</p> <p>I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2012 A.D.</p> <p>BY _____ PARK CITY ENGINEER</p>	<p>APPROVAL AS TO FORM</p> <p>APPROVED AS TO FORM THIS _____ DAY OF _____, 2012 A.D.</p> <p>BY _____ PARK CITY ATTORNEY</p>	<p>CERTIFICATE OF ATTEST</p> <p>I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2012 A.D.</p> <p>BY _____ PARK CITY RECORDER</p>	<p>COUNCIL APPROVAL AND ACCEPTANCE</p> <p>APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2012 A.D.</p> <p>BY _____ MAYOR</p>	<p>RECORDED</p> <p>STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ BOOK _____ PAGE _____ ENTRY NO. _____ FEE _____ RECORDER _____</p>
	<p>10/28/12 JOB NO.: 5-4-12 FILE: X:\ParkMeadow\am\plat2012\050412.dwg</p>						



CURVE	DELTA	RADIUS	ARC	CHORD	CHORD BEARING
A	32° 00' 00"	100.00	55.85	55.13	N 33° 00' 00" W
A-1	32° 00' 00"	115.00	64.23	63.40	N 33° 00' 00" W
A-2	32° 00' 00"	85.00	47.47	46.46	N 33° 00' 00" W
B	57° 00' 00"	100.00	99.48	95.43	N 45° 30' 00" W
B-1	57° 00' 00"	85.00	84.56	81.12	N 45° 30' 00" W
B-2	57° 00' 00"	115.00	114.43	109.75	N 45° 30' 00" W
C	34° 00' 00"	100.00	59.34	56.47	N 57° 00' 00" W
C-1	34° 00' 00"	100.00	43.63	43.29	N 57° 00' 00" W
C-2	34° 00' 00"	115.00	63.73	63.43	N 57° 00' 00" W
C-3	34° 00' 00"	85.00	47.57	46.46	N 57° 00' 00" W
C-4	34° 00' 00"	85.00	87.53	83.71	N 57° 00' 00" W
D	37° 00' 00"	150.00	96.87	95.19	N 33° 00' 00" W
D-1	37° 00' 00"	135.00	87.18	85.47	N 33° 00' 00" W
D-2	37° 00' 00"	145.00	86.25	86.10	N 33° 00' 00" W
D-3	37° 00' 00"	165.00	60.30	59.97	N 33° 00' 00" W
E	16° 00' 00"	100.00	77.93	77.84	N 44° 00' 00" W
E-1	16° 00' 00"	100.00	95.56	91.96	N 44° 00' 00" W
E-2	16° 00' 00"	115.00	74.60	74.60	N 44° 00' 00" W
E-3	16° 00' 00"	115.00	85.38	83.43	N 44° 00' 00" W
E-4	16° 00' 00"	85.00	37.42	37.12	N 44° 00' 00" W
E-5	16° 00' 00"	85.00	47.54	45.78	N 44° 00' 00" W
F	28° 15' 00"	134.89	66.51	65.84	N 32° 50' 30" E
F-1	28° 15' 00"	149.89	70.63	69.98	N 32° 50' 30" E
F-2	28° 15' 00"	149.89	3.77	3.77	S 46° 29' 03" W
F-3	28° 15' 00"	119.89	99.11	98.52	N 32° 50' 30" E
G	61° 40' 00"	100.00	107.63	102.51	N 16° 10' 00" E
G-1	61° 40' 00"	85.00	91.48	87.13	N 16° 10' 00" E
G-2	61° 40' 00"	115.00	123.77	117.89	N 16° 10' 00" E
H-1	77° 47' 15"	15.00	20.37	18.84	N 89° 53' 37" E
H-2	77° 47' 15"	15.00	20.37	18.84	S 11° 06' 23" W
I	26° 00' 00"	200.00	90.76	89.98	N 63° 00' 00" E
I-1	26° 00' 00"	187.50	96.43	95.40	N 63° 00' 00" E
I-2	26° 00' 00"	187.50	85.09	84.56	N 63° 00' 00" E
J	123° 30' 00"	100.00	215.55	176.18	N 42° 15' 00" W
J-1	123° 30' 00"	112.50	16.84	16.82	N 89° 17' 17" E
J-2	123° 30' 00"	112.50	60.77	60.03	S 79° 56' 53" E
J-3	123° 30' 00"	112.50	26.18	26.12	S 57° 48' 33" E
J-4	123° 30' 00"	112.50	25.11	25.05	S 44° 45' 33" E
J-5	123° 30' 00"	112.50	113.60	108.84	S 09° 29' 44" E
J-6	123° 30' 00"	87.50	188.61	154.16	S 42° 15' 00" E
K-1	34° 30' 00"	100.00	60.21	59.31	N 56° 45' 00" E
K-2	34° 30' 00"	87.50	52.69	51.90	N 56° 45' 00" E
K-3	34° 30' 00"	112.50	57.85	57.21	S 34° 11' 51" W
K-4	34° 30' 00"	112.50	9.89	9.89	S 51° 20' 51" W
L-1	77° 47' 15"	15.00	20.37	18.84	N 87° 06' 23" E
L-2	77° 47' 15"	15.00	20.37	18.84	S 15° 06' 23" W

- The open space is limited common area for use by owners of lots in Gleneagles Subdivision, their invitees and guests.
- The roads within the Subdivision are private roads and are not dedicated to the public. Except for the grant of access herein, access over the roads may be controlled by the Park Ridge Association.
- Maintenance of the roads within the Subdivision remain the responsibility of the Park Ridge Association.
- The conveyance of a lot in the Subdivision by the owner hereof and subsequent owners constitutes a non-exclusive grant of access over and across Sunny Slopes Drive and Duck Hook Drive and the private road system shown on page 2 of the subdivision plat of Broken Spoke Subdivision as recorded.
- Steel pins set at all Subdivision corners.
- Five-foot wide non-exclusive utility and drainage easement along all front and side lot lines.
- Ten-foot wide non-exclusive utility and drainage easement along all back lot lines.
- Lot 4 and Lot 5 are subdivided containing a common driveway ingress/egress easement over and across said lots as shown on this plat. The conveyance of the lots by the buyer and future owners thereof shall be together with and subject to the rights of ingress and egress over the common drive.

CERTIFICATE OF SURVEY

I, the undersigned, do hereby certify this plat to be true and correct to the best of my knowledge and belief, representing a survey of a tract of land being part of Section 4, Township 2 South, Range 4 East, Salt Lake Base and Meridian, in Park City, Summit County, Utah, and being more particularly described as follows:

A tract of land located in the Northeast Quarter of Section 4, Township 2 South, Range 4 East, Salt Lake Base and Meridian, more particularly described as follows:

Beginning at a point which is North 158° 00' feet and East 4090.00 feet from the Southwest corner of Section 4, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence North 41° 00' West 152.50 feet; thence North 18° 15' East 929.55 feet; thence North 81° 00' East 151.73 feet; thence South 14° 40' East 89.25 feet; thence South 41° 00' West 40.00 feet; thence South 70° 30' West 530.00 feet to the point of beginning. Basis of Bearing between the Southwest corner of Section 4 and the West Quarter corner of said Section is North 00° 17' 30" East. Contains 5.718 acres, more or less.

I further certify that boundary corners have been established as shown, and that there are no easements except as shown herein.

I further certify that I have subdivided said tract of land into 15 lots, numbered 1 through 15, both inclusive, with 30-foot and 25-foot wide private roads; that there is sufficient information shown herein to re-establish this survey; and that the same has been surveyed and staked on the ground as shown on this plat.

Certified this 23rd day of May 1983.

James A. West
Registered Land Surveyor
License No. 3082-D-UP

ACKNOWLEDGMENT

STATE OF UTAH)
) SS:
COUNTY OF SUMMIT)

On the 23rd day of May 1983, personally appeared before me Enoch R. Seith and Victor R. Ayers, who being by me duly sworn, did say that they are Partners of Park Meadows Development Company, a Utah General Partnership, and that the said Owner's Dedication was signed in behalf of said Partnership, and said Partners acknowledged to me that said Partnership executed the same.

My Commission Expires
8.13.86

Shelley Henderson
Shelley Henderson
Notary Public
Residing at: Park City

OWNER'S DEDICATION

I, KNOW ALL MEN BY THESE PRESENTS that we, the undersigned, being the owners of the herein described tract of land, have caused the same to be subdivided into private lots, private roads, and limited common areas as shown herein, to be known as the GLENEAGLES SUBDIVISION.

We further dedicate for the perpetual use of the owners of lots in GLENEAGLES SUBDIVISION, their invitees and guests, all common areas and the private roads within Gleneagles Subdivision known as Sunny Slopes Drive and Duck Hook Drive. An ingress/egress and road maintenance easement over the Private Road System has been set is hereby dedicated for the perpetual use of the members of Park Ridge Association as stated and recorded on page 2 of Broken Spoke Subdivision. We do further dedicate to Park City, the Special Improvement Districts, and the utility companies franchised by Park City, easements over Sunny Slopes Drive and Duck Hook Drive for providing emergency services and for construction, use, operation, maintenance, and eventual replacement of the public sanitary sewers, water lines, storm drains, and other utilities as shown herein.

IN WITNESS WHEREOF, we have set our signatures this 23rd day of May 1983.

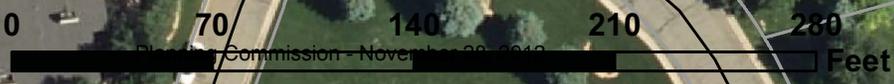
PARK MEADOWS DEVELOPMENT COMPANY BY:
Enoch R. Seith Partner *Victor R. Ayers* Partner

GLENEAGLES SUBDIVISION

LOCATED IN PART OF THE N.E. 1/4,
OF SEC. 4, T.2S. R.4E., S.L.B.&M.,
PARK CITY, SUMMIT COUNTY, UTAH

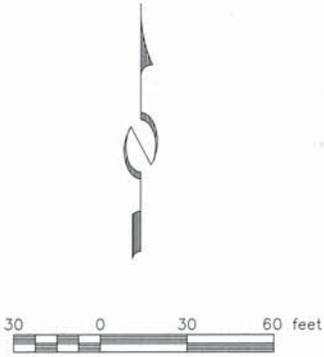
<p>CITY COUNCIL APPROVAL</p> <p>PRESENTED TO THE BOARD OF Park City CITY COUNCIL THIS 28th DAY OF June A.D. 1983, AT WHICH TIME THIS RECORD OF SURVEY WAS APPROVED</p> <p><i>Alvin P. Howard</i> CITY CLERK</p>	<p>CITY ENGINEER</p> <p>APPROVED AND ACCEPTED BY THE PARK CITY CITY ENGINEERING DEPARTMENT ON THIS 20th DAY OF JUNE A.D. 1983.</p> <p><i>Eric W. Nathan, P.E.</i> CITY ENGINEER</p>	<p>CITY PLANNING COMMISSION</p> <p>APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON THIS 28th DAY OF June A.D. 1983.</p> <p><i>James E. Chapin</i> CHAIRMAN</p>	<p>APPROVAL AS TO FORM</p> <p>APPROVED AS TO FORM ON THIS 23rd DAY OF June A.D. 1983.</p> <p><i>James E. Chapin</i> CITY ATTORNEY</p>	<p>RECORDED</p> <p>NO. 200423 recorded: 8-11-83 STATE OF Utah at: 2:30 COUNTY OF Summit RECORDED AND FILED AT THE REQUEST OF: <i>Associated Title Company</i> # 22.50 FEE COUNTY RECORDER</p>	<p>J.J. Johnson & Associates</p> <p>Park Meadows Plaza, Highway 248 Park City, Utah 84060</p> <p>(801) 649-9811</p> <p><i>JJ</i></p>
---	---	--	---	--	---

Vicinity Map



Legend

-  Parcels
-  Streets



SURVEYOR'S CERTIFICATE

I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 163931, as prescribed by the laws of the State of Utah, and that a survey of the following described property was performed under my direction.

John Demkowicz 7-22-94
 John Demkowicz Date



LEGAL DESCRIPTIONS

LOT 12R GLENEAGLES SUBDIVISION

All of LOT 12, GLENEAGLES SUBDIVISION, according to the official plat thereof on file and of record in the office of the Summit County Recorder, excepting therefrom a portion of LOT 12 of said subdivision, more accurately described as follows.
 Beginning at the southeast corner of LOT 12, GLENEAGLES SUBDIVISION, according to the official plat thereof on file and of record in the office of the Summit County Recorder; and running thence along the southerly line of said Lot 12 S 75°20'00" W 170.96 feet; thence along the westerly line of said Lot 12 N 18°45'00" E 74.00 feet; thence S 42°57'30" E 57.65 feet; thence N 75°20'00" E 102.89 feet; thence along the easterly line of said Lot 12 S 14°40'00" E 11.00 feet to the point of beginning.

All of LOT 13, GLENEAGLES SUBDIVISION, according to the official plat thereof on file and of record in the office of the Summit County Recorder, together with a portion of LOT 12 of said subdivision, more accurately described as follows.
 Beginning at the southeast corner of LOT 12, GLENEAGLES SUBDIVISION, according to the official plat thereof on file and of record in the office of the Summit County Recorder; and running thence along the southerly line of said Lot 12 S 75°20'00" W 170.96 feet; thence along the westerly line of said Lot 12 N 18°45'00" E 74.00 feet; thence S 42°57'30" E 57.65 feet; thence N 75°20'00" E 102.89 feet; thence along the easterly line of said Lot 12 S 14°40'00" E 11.00 feet to the point of beginning.

NARRATIVE

1. Basis of survey: Found Survey Monuments as shown.
2. Date of survey: 7-14-94
3. Property corners were set or found as shown.
4. Located in Section 4, T2S, R4E, SLB&M.
5. Improvements on the property were not within the scope of this survey.
6. Purpose of survey: Lot Line Adjustment
7. • Denotes set iron rod with cap LS 6164.



FILE No. S-1780
 FILED AT THE REQUEST OF
 ALLIANCE ENGINEERING INC
 ALAN SPRIGGS SUMMIT CO. RECORDER
 FEE \$ 10.00
 FILED 09/22/94 at 14:15 P M

 801-649-9467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060	REVISED: Y:\GE\GEP	STAFF: D. CONSTABLE B. ALSBERG S. PORTER DATE: 7-15-94	PAGE 1 OF 1	GLEN EAGLE SUBDIVISION LOTS 12 AND 13 FOR: RICHARD KENNEDY JOB NO.: 8-04-93 FILE: Y:\SRV\GE\080493
	Planning Commission - November 26, 2012			

Approved

5/17/93 administratively
(date) *per REC.*

Park City Municipal Corporation
P.O. Box 1480
Park City, UT 84060
(801) 645-5021

Application #

93044

Denied

(date)

Receipt #

N/A - No Fees

SUBDIVISION

APPLICATION FOR:

Relocate lot lines lots 12+13 Gleneagles

PROJECT INFORMATION

Name:

Roberts Residence Addition

Address

or Location:

2520 Sunny Slopes Dr

lots # 12 + 13 Gleneagles Subdivision

Legal

Description:

APPLICANT (check one)

() Owner () Optionee () Buyer (X) Agent () Other

Name:

Richard Kennedy

Mailing

Address:

PO Box 2715

Park City, UT

Telephone

Number:

649-4038 or 640-0219

OWNER(S) OF RECORD

Name:

Jim and Barbara Roberts

Mailing

Address:

4064 Chevy Chase Dr.

La Canada - Flintridge Ca 91011

Telephone

Number:

818-790-4629

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

Application Accepted:

SR

(initials)

Project Planner:

(name)

Complete Checklist:

(initials)

Additional Information

Requested:



ACKNOWLEDGEMENT OF RESPONSIBILITY

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

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

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

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

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

Signature of Applicant: Richard Kennedy Date: 5/12/93

Name of Applicant: Richard Kennedy
(please print or type)

Mailing Address: PO Box 2715
Park City, UT 84060

Telephone Number: 649-4038

Type of Application: _____

AFFIRMATION OF SUFFICIENT INTEREST

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

Name of applicant: Richard Kennedy BARBARA ROBERTS
(please print or type)

Mailing Address: PO Box 2715 4064 CHEVY CHASE
Park City, UT 84060 FUNTRIDGE CA 91011

Street address/legal description of subject property: 2520 Sunny Slopes Dr
Lots # 12 + 13 Glenheighes Sub.

Signature: Richard Kennedy Date: 5/12/93
Barbara Roberts OWNER

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

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

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

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

GLENEAGLES HOMEOWNERS ASSOC.

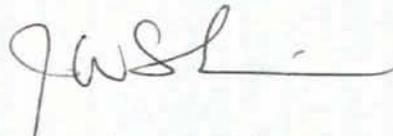
May 13, 1993

To: Park City Planning Commision

Re: Relocation of lot lines on lots #12 and #13

We have reviewed the plans and revisions to property lines on the Roberts residence, located on lots #12 and #13 in the Gleneagle subdivision. The association approves of the new lot lines and of the reduced size of lot #12.

Thank You,


JW SHINN
VP GHOA



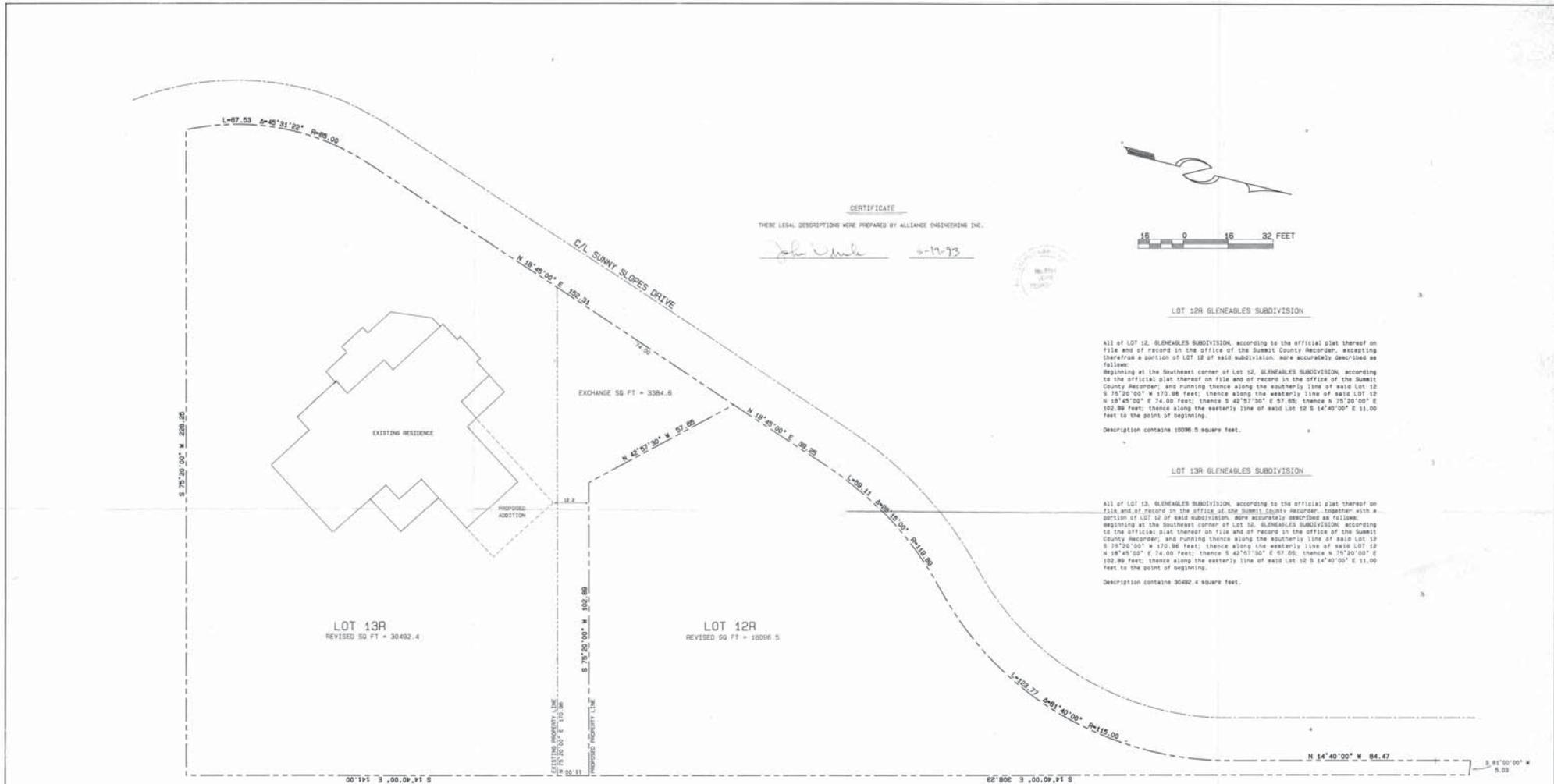
PARK CITY PLANNING DEPARTMENT
MEMORANDUM

TO: RICK LEWIS COMMUNITY DEVELOPMENT DIRECTOR
FROM: SUSAN LYKES, PLANNER II *SL*
DATE: 7 JUNE 1993
RE: GLENEAGLES LOT LINE ADJUSTMENT

As you know, Richard Kennedy has requested that the city approve a lot line adjustment for two lots in the Gleneagles subdivision. You verbally approved this lot line adjustment several weeks ago. Mr. Kennedy has recorded a deed with the County Recorder and we have issued the building permit in question. I wanted to ask for your written approval for the file; based upon the following findings, consistent with city policy on lot line adjustments, I would recommend approval of the lot line adjustment.

1. The lot line adjustment does not result in an increase in the number of lots or parcels; and
2. The lot line adjustment does not create unbuildable or substandard lots or parcels; and
3. The lot line adjustment does not create an increase in parking demand; and
4. The lot line adjustment does not create protection strips abutting city streets; and
5. The lot line adjustment will not create an adverse impact on adjacent property owners and any boundary disputes pertaining to the property have been resolved.

Approved
R E Lewis
6/7/93



CERTIFICATE
 THESE LEGAL DESCRIPTIONS WERE PREPARED BY ALLIANCE ENGINEERING INC.

John Umble 6-17-93



LOT 12R GLENEAGLES SUBDIVISION
 All of LOT 12, GLENEAGLES SUBDIVISION, according to the official plat thereof on file and of record in the office of the Summit County Recorder, excepting therefrom a portion of LOT 12 of said subdivision, more accurately described as follows:
 Beginning at the Southeast corner of Lot 12, GLENEAGLES SUBDIVISION, according to the official plat thereof on file and of record in the office of the Summit County Recorder; and running thence along the westerly line of said Lot 12 S 75° 20' 00\"/>

LOT 13R GLENEAGLES SUBDIVISION
 All of LOT 13, GLENEAGLES SUBDIVISION, according to the official plat thereof on file and of record in the office of the Summit County Recorder, excepting therefrom a portion of LOT 13 of said subdivision, more accurately described as follows:
 Beginning at the Southeast corner of Lot 13, GLENEAGLES SUBDIVISION, according to the official plat thereof on file and of record in the office of the Summit County Recorder; and running thence along the westerly line of said Lot 13 S 75° 20' 00\"/>

LOTS 12 AND 13 GLENEAGLES SUBDIVISION
 PROPOSED BOUNDARY REVISIONS

ALLIANCE ENGINEERING INC.
 323 MAIN STREET
 PARK CITY, UTAH
 (801) 649-9467
 JOB NO. 9-4-93
 Y:\GE\GEP

*Approved
 John Umble
 6-17-93*

RECEIVED
 MAY 18 1993
 PLANNING DEPT

ALLIANCE ENGINEERING INC. P.O. BOX 2664 323 MAIN STREET PARK CITY, UTAH 84060 (801) 649-9467	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS DAY OF _____ 1993 A.D. BY _____ CHAIRMAN	ENGINEERS CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS DAY OF _____ 1993 A.D. BY _____ PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS DAY OF _____ 1993 A.D. BY _____ PARK CITY ATTORNEY	CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____ 1993 A.D. BY _____ PARK CITY RECORDER	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____ 1993 A.D. BY _____ MAYOR	RECORDED STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ BOOK _____ PAGE _____ FEE _____ RECORDER _____
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Planning Commission Staff Report



Subject: Red Stag Lodge Amended
Condominium Plat
Author: Francisco Astorga
Project Number: PL-12-01657
Date: November 28, 2012
Type of Item: Administrative – Condominium Record of Survey Amendment

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the Red Stag Lodge Amended Condominium Plat located at 2550 Deer Valley Drive East, 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: Mark Thurn and Paul Kelley, Unit 501; Joshua Grim, Unit 502; and Paul Kelley. Home Owners Association (HOA) represented by Adam Huff of Epic Engineering
Location: 2550 Deer Valley Drive East, Unit 501 & 502
Zoning: Residential Development (RD) as part of the Deer Valley Master Planned Development (MPD)
Adjacent Land Uses: Condominiums, Deer Valley resort parking, open space
Reason for Review: Planning Commission review and recommendation to City Council

Proposal

This is a condominium record of survey amendment request to convert existing common area attic space into private area for Unit 501 and Unit 502 for an additional bedroom and bathroom in each unit.

Purpose

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

- A. allow a variety of Residential Uses that are Compatible with the City's Development objectives, design standards, and growth capabilities,
- B. encourage the clustering of residential units to preserve natural Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of municipal services,
- C. allow commercial and recreational activities that are in harmony with residential neighborhoods,
- D. minimize impacts of the automobile on architectural design,

- E. promote pedestrian connections within Developments and between adjacent Areas; and
- F. provide opportunities for variation in architectural design and housing types.

Background

The Red Stag Lodge Condos are located at 2550 Deer Valley Drive East within the Deer Valley Resort MPD. In March 2000, the Planning Commission approved a Conditional Use Permit/Master Planned Development (CUP/MPD) for Comstock II, which is now the Red Stag Lodge. Concurrent with the CUP approval was an amendment to the Deer Valley Master Plan to transfer density to the project. In March 2005 the City approved an administrative CUP for a private residence club. In January 2007 the Planning Commission approved an amendment to the original CUP to reflect the changes to unit size. The Red Stag Lodge Condominium Plat was approved by the City Council in January 2007 and recorded at Summit County in April 2007.

The Red Stag Lodge Condominium Plat consists of eleven (11) residential condominium units of different sizes ranging from 1,014 to 1,500 square feet and four (4) support commercial units that can only be used as meetings rooms, and support commercial. The project also includes seventeen (17) parking spaces located on the parking garage level. There is one (1) access driveway from the garage to Deer Valley Drive East containing an internal turn-around circulation. See Exhibit B Red Stag Lodge Condominium Plat.

The four (4) support commercial units totaling 1,887 square feet have been built. Per the Deer Valley MPD, no retail commercial space is allocated to this site. The commercial spaces are utilized as support commercial and meeting space including: two (2) meeting rooms, an office, a laundry room, a maintenance room, and a small prep kitchen and serving area attached to a meeting room. Under LMC § 15-6-8 (C) and (D), support commercial and meeting space is allowed at 5% of the gross floor area for both uses.

The property is subject to the requirements and restrictions of the Deer Valley Resort 11th Amended and Restated Large Scale MPD. The large scale MPD allows up to 8.5 unit equivalents (UEs) for this development. At 2,000 square feet per residential UE, the total allowable square footage is 17,000. The Deer Valley MPD also indicates up to 11 residential units to be developed at this development.

On September 28, 2012 the City received a completed application for an Amendment to Record of Survey request to amend the existing Red Stag Lodge Condominium Plat. This request converts the attic space above Unit 501 and 502 from common to private space. The proposed addition to Unit 501 is 458 square feet. The proposed addition to Unit 502 is 624 square feet. The respective conversions are tentative lofts consisting of an additional bedroom and a bathroom directly above each unit.

According to a letter submitted by the HOA in September 2012, the Red Stag Lodge HOA voted to approve this plat amendment request and subsequent building permits.

The only exterior changes proposed are the addition of two (2) windows on the south side of the existing structure.

Analysis

The proposed amendment is consistent with the purpose statements of the district in that the use as residential condominiums is unchanged, the additional floor area is proposed within the existing structure minimizing site disturbance, preserving the existing natural open space, and minimizing impacts of development. The additional floor area exists as attic space and the only exterior change consists of the addition of two (2) windows on the south side of the building.

Unit 501 would increase by 458 square feet from 1,500 square feet to a total of 1,958 square feet. Unit 502 would increase by 624 square feet from 1,196 square feet to a total of 1,820 square feet. The total proposed increase in residential floor area equates 1,082 square feet or 0.54 UE. There are currently 15,847 residential square feet or 7.92 UEs on site. The current proposal equates to a grand total of 16,929 square feet or 8.46 UEs. The current Deer Valley MPD allows 8.5 UEs (17,000 square feet) for the Red Stag Lodge. The proposed increases in private space are allowed under the existing approved MPD (Exhibit E).

As the building contains 27,679 square feet of gross floor area, meeting space and support commercial per LMC § 15-6-8(C) & (D) may be 5% of the gross floor area. 5% of the gross floor area is 1,384 square feet. Support commercial and meeting space are each limited to 1,384 square feet. The total support commercial space (C-1 and C-3) is 1,389 square feet. The meeting space (C-2 and C-4) is 498 square feet.

When the original plat was approved in 2007 commercial Unit C-3 was identified as encompassing 694 square feet. The subsequent plat indicated 721 square feet for C-3. Staff found the 27 square foot change to be *de minimus* and the excess of 5 square feet does not increase parking requirements although it exceeds five percent (5%) support commercial allowed in the building.

All construction is proposed within the existing building envelope. See table below:

	Permitted	Existing
Height	35'+5' for pitched roof	35'+5' for pitched roof
Front setback	20'	20'
Rear setback	15'	>180'
Side setbacks	12'	12'
Parking	17	17

According to the approved Comstock II MPD, the Planning Commission reduced the parking requirement for the eleven (11) residential units from twenty-two (22) to seventeen (17) parking spaces due to the second-home, seasonal nature of the condominium project. This reduction was granted in consideration of the following factors:

- I. Probable number of cars owned or required by occupants.*
- II. Varying time periods of uses, whenever joint use of common parking area is proposed.*
- III. Nature of occupancy will not change.*

Process

Prior to issuance of any building permits for the modification to the condominium units, the applicant will have to submit a Building Permit application. The approval of this plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18.

Department Review

This project has gone through an interdepartmental review. No additional issues were raised.

Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was published in the Park Record.

Public Input

Staff has not received any public input regarding this amended condominium plat.

Alternatives

- The Planning Commission may forward positive recommendation to the City Council for the Red Stag Lodge Amended Condominium Plat as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for Red Stag Lodge Amended Condominium Plat and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on Red Stag Lodge Amended Condominium Plat.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The units and attics would remain as is and no construction could take place within the common area.

Recommendation

Staff recommends the Planning Commission hold a public hearing for the Red Stag Lodge Amended Condominium Plat located at 2550 Deer Valley Drive East, and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

Exhibits

Exhibit A – Draft Ordinance with Proposed Plat

Exhibit B – Deer Valley MPD Density Table

Exhibit C – Aerial photograph

Exhibit D – Site Photograph

Exhibit E – HOA Letter

Exhibit A – Draft Ordinance with Proposed Plat

Ordinance 12-

AN ORDINANCE APPROVING THE RED STAG LODGE AMENDED CONDOMINIUM PLAT LOCATED AT 2550 DEER VALLEY DRIVE EAST, PARK CITY, UTAH.

WHEREAS, the owners of the property known as the Red Stag Lodge Condominiums, located within the Deer Valley Resort Eleventh (11TH) Amended and Restated Large Scale Master Planned Development, have petitioned the City Council for approval of amendments to convert to private area the common attic area above Unit 501 and 502; and

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

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

WHEREAS, the Planning Commission held a public hearing on November 28, 2012, to receive input on the proposed amendments to the record of survey plat;

WHEREAS, the Planning Commission forwarded a recommendation to the City Council; and,

WHEREAS, on December 13, 2012, the City Council held a public hearing on the proposed amendments to the record of survey plat; and

WHEREAS, it is in the best interest of Park City, Utah and consistent with the Deer Valley Resort 11th Amended and Restated Master Planned Development to approve the proposed amendments to the Red Stag Lodge Condominiums Plat.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Red Stag Lodge Amended Condominium Plat 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 2550 Deer Valley Drive East.
2. The site is located within the Residential District (RD) District within the Deer Valley Large-Scale Master Planned Development (MPD).
3. The Red Stag Lodge (previously Comstock II) MPD/CUP was approved on March 22, 2000.

4. In March 2005 the Planning Commission approved an administrative CUP for a private residence club at 2550 Deer Valley Drive East.
5. The Red Stag Lodge Condominium Plat was approved by the City Council in January 2007 and recorded at Summit County in April 2007.
6. The condo consists of eleven (11) residential condominium units of different sizes ranging from 1,014 to 1,500 square feet.
7. The project also includes seventeen (17) parking spaces located on the parking garage level.
8. Within the private residence club, the condominium also has four (4) support commercial units totaling 1887 square feet.
9. The property is subject to the requirements and restrictions of the Deer Valley Resort 11th Amended and Restated Large Scale MPD.
10. The large scale MPD allows up to 8.5 unit equivalents (UEs) for this development. At 2,000 square feet per residential UE, the total allowable square footage is 17,000.
11. The Deer Valley MPD also indicates up to 11 residential units to be developed at this development.
12. This request converts the attic space above Unit 501 and 502, from common into private.
13. The proposed conversions are lofts consisting of an additional bedroom and a bathroom directly above each unit.
14. The additional floor area exists as common space within the attic area and the only exterior change consists to the addition of two (2) windows on the south side of the building.
15. Unit 501 would increase by 458 square feet from 1,500 square feet to a total of 1,958 square feet.
16. Unit 502 would increase by 624 square feet from 1,196 square feet to a total of 1,820 square feet.
17. The total proposed combined increase in residential floor area equates to 1,082 square feet or 0.541 UE.
18. There are currently 15,847 residential square feet or 7.92 UEs on site.
19. The current proposal equates to a grand total of 16,929 square feet or 8.46 UEs.
20. The current Deer Valley MPD allows 8.5 UEs (17,000 square feet) for the Red Stag Lodge.

Conclusions of Law:

1. There is good cause for this Amendment to the Record of Survey.
2. The Record of Survey is consistent with the Park City Land Management Code and applicable State law regarding Condominium Record of Surveys.
3. As conditioned, the record of survey plat is consistent with the Deer Valley Resort MPD, 11th amended and restated.
4. Neither the public nor any person will be materially injured by the proposed record of survey.
5. Approval of the record of survey, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the record of survey for compliance with State law, the Land Management Code, and conditions of approval.
2. The applicant will record the record of survey at the County within one (1) year from the date of City Council approval. If recordation has not occurred within one (1) year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. All construction requires a Building Permit and approvals from the Building and Planning Departments. No certificate of occupancy for the addition to Unit 501 and Unit 502 shall be issued until this amendment to the condominium record of survey is recorded.
4. All conditions of approval of the Deer Valley Resort 11th Amended and Restated Large Scale MPD and the Red Stag Lodge Condominiums Plat shall continue to apply.
5. Exhibit _ of the Deer Valley Resort Large Scale MPD shall be updated to reflect the use of 8.46 residential UEs during the next revision of the MDP.

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

PASSED AND ADOPTED this _____ day of _____, 2012.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, MAYOR

ATTEST:

Jan Scott, City Recorder

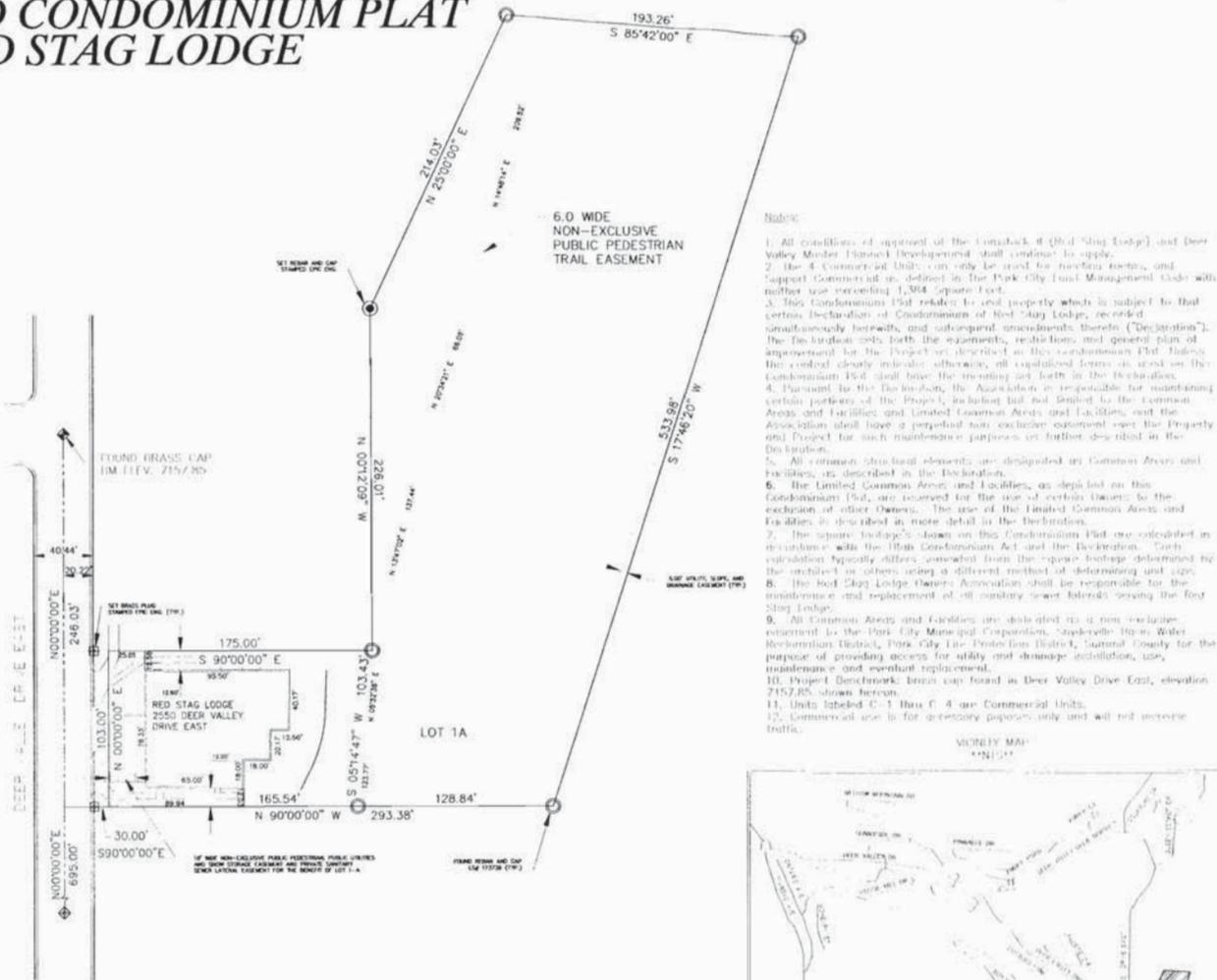
APPROVED AS TO FORM:

Mark Harrington, City Attorney

Attachment 1 – Proposed Plat

NA:\PROJ\2006-SMALL PROJECTS\Summer Set Corp\06-SM-510-RED-STAG LODGE\06-SM-510-CONDOPLO PLAT.dwg 2/7/2007 6:30:23 AM MST

AMENDED CONDOMINIUM PLAT RED STAG LODGE



AMENDED CONDOMINIUM PLAT RED STAG LODGE

LOCATED IN THE SOUTHEAST QUARTER OF
SECTION 15, TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE AND MERIDIAN
SURVEYOR'S CERTIFICATE

I, TRAVIS E. JENSEN, LICENSED SURVEYOR, STATE OF UTAH, A REGISTERED LAND SURVEYOR AND HOLD CERTIFICAT NO. 57607 AS PROVIDED BY THE LAW OF THE STATE OF UTAH, (a) BY AUTHORITY OF THE OWNER I HAVE CAUSED TO BE MADE UNDER MY DIRECTORSHIP, CONDOMINIUM PLAT OF RED STAG LODGE, (b) THE CONDOMINIUM PLAT ACCURATELY DEPICTS THE BOUNDING AND FRONTIERS, AND (c) THE CONDOMINIUM PLAT COMPLIES WITH PROVISIONS OF SECTION 57-2-13(1) OF THE UTAH CONDOMINIUM OWNERSHIP ACT.



SIGNED ON THIS _____ DAY OF _____ 2012
TRAVIS E. JENSEN, L.S. 57607

BOUNDARY DESCRIPTION
ALL OF LOT 1A OF THE HIGH CHAPARRAL SUBDIVISION LOCATED IN SECTION 15, TOWNSHIP 2 SOUTH, RANGE 4 EAST, S.L.B.M. ACCORDING TO THE OFFICIAL PLAT THEREON FILED AND RECORDED AS UTAH REC. 41903 IN THE SUMMIT COUNTY RECORDERS OFFICE.

OWNERS CONSENT TO RECORD
KNOW ALL MEN BY THESE PRESENTS THAT RED STAG LODGE, LLC, A UTAH LIMITED LIABILITY COMPANY (THE "OWNER"), IS THE OWNER OF THE 18.00 AC. DESCRIBED UNITS OF LAND AND CONSENTS TO THE RECORDATION OF THIS CONDOMINIUM PLAT IN ACCORDANCE WITH UTAH CODE ANNOTATED 57-2-13, SUBDIVIDING THE LAND INTO CONDOMINIUM OWNED UNITS AND CREATING UNITS, COMMON AREAS AND FACILITIES, AND LIMITED COMMON AREAS AND FACILITIES, AND AGREEMENTS AT ALL SET FORTH HEREIN TO BE CLEARLY BE KNOWN AS:

IN WITNESS WHEREOF, OWNER HAS SIGNED THIS _____ DAY OF _____ 2012
RED STAG LODGE, LLC,
A UTAH LIMITED LIABILITY COMPANY
BY: _____
NAME: _____
TITLE: _____

ACKNOWLEDGMENT
STATE OF UTAH
COUNTY OF _____
ON THIS _____ DAY OF _____, 2012,
I, NOTARILY APPEARING BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID COUNTY OF THE STATE OF UTAH,
THE SIGNERS OF THE ABOVE CAPTIONED INSTRUMENT, WHO DULY ACKNOWLEDGED TO ME THAT THEY SIGNED IT FREELY AND VOLUNTARILY AND FOR THE PURPOSES THEREIN MENTIONED.
NOTARY PUBLIC:
MY COMMISSION EXPIRES _____

RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND
FILED AT THE REQUEST OF _____
DATE TIME BOOK PAGE
SEP 10 2012
COUNTY RECORDER

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
REVIEWED FOR COMPLIANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS
DATE: _____ DAY OF _____ 2012

PLANNING COMMISSION
APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____ 2012 A.D.

ENGINEER'S CERTIFICATE
I, _____, BEING A LICENSED PROFESSIONAL ENGINEER, HAVE REVIEWED THE PLAT AND THE INFORMATION THEREON AND I HEREBY CERTIFY THAT THE PLAT ACCURATELY DEPICTS THE BOUNDING AND FRONTIERS OF THE PROPERTY DESCRIBED THEREON.
DATE: _____ DAY OF _____ 2012 A.D.

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE _____ CITY COUNCIL THIS _____ DAY OF _____ 2012 A.D.

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS _____ DAY OF _____ A.D. 2012

CERTIFICATE OF ATTEST
I HEREBY CERTIFY THAT THE ABOVE SIGNED AND APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____ 2012 A.D.

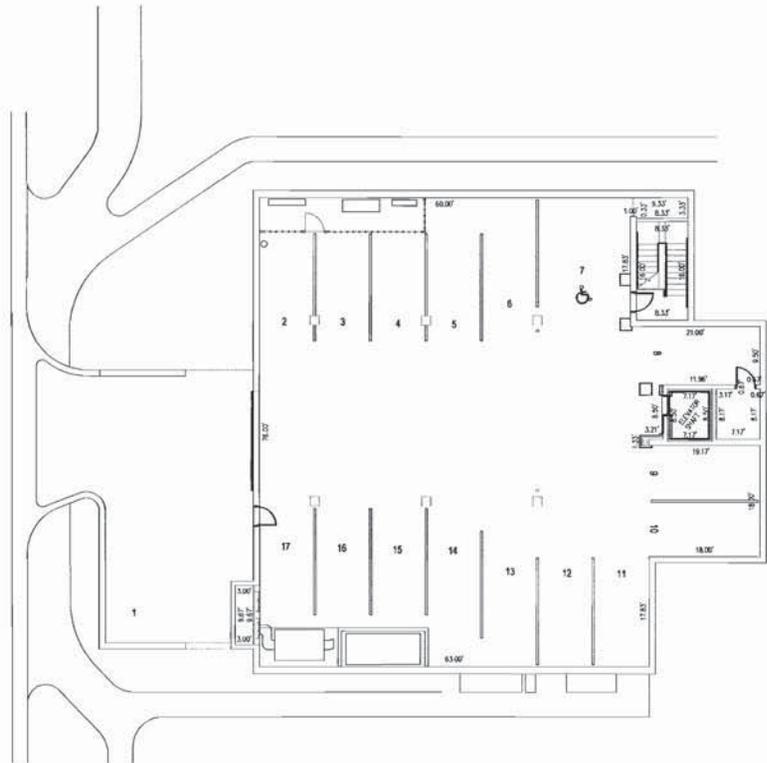
ENGINEER'S CERTIFICATE
I, _____, BEING A LICENSED PROFESSIONAL ENGINEER, HAVE REVIEWED THE PLAT AND THE INFORMATION THEREON AND I HEREBY CERTIFY THAT THE PLAT ACCURATELY DEPICTS THE BOUNDING AND FRONTIERS OF THE PROPERTY DESCRIBED THEREON.
DATE: _____ DAY OF _____ 2012 A.D.

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE _____ CITY COUNCIL THIS _____ DAY OF _____ 2012 A.D.



RED STAG LODGE
ALL OF LOT 1A OF THE HIGH CHAPARRAL SUBDIVISION LOCATED IN THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 2 SOUTH, RANGE 4 EAST, S.L.B.M.
PARK CITY, SUMMIT COUNTY, UTAH
DESIGNER: AH, AP, REVIEWED: TEJ, PROJECT NO: 06-SM-510, SHEET: 1 OF 10

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UNIT AREA CALCULATIONS	
UNIT 101	1,014 SQFT
UNIT 102	1,330 SQFT
UNIT 201	1,363 SQFT
UNIT 202	1,436 SQFT
UNIT 301	1,399 SQFT
UNIT 302	1,471 SQFT
UNIT 401	1,940 SQFT
UNIT 401 LOFT	507 SQFT
UNIT 402	1,498 SQFT
UNIT 403	1,193 SQFT
UNIT 501	1,500 SQFT
UNIT 501 LOFT	458 SQFT
UNIT 502	1,196 SQFT
UNIT 502 LOFT	624 SQFT
TOTAL	16,926 SQFT
EXTRA	74 SQFT
ALLOWED	17,000 SQFT

SEP 10 2012

LEGEND
 COMMON AREAS AND FACILITIES



5101 GARDEN ROAD, SUITE 200
 WEST VALLEY CITY, UTAH 84103
 (801) 963-5600

740 EAST 100 SOUTH
 GREEN CANYON, UTAH 84003
 (435) 534-1600

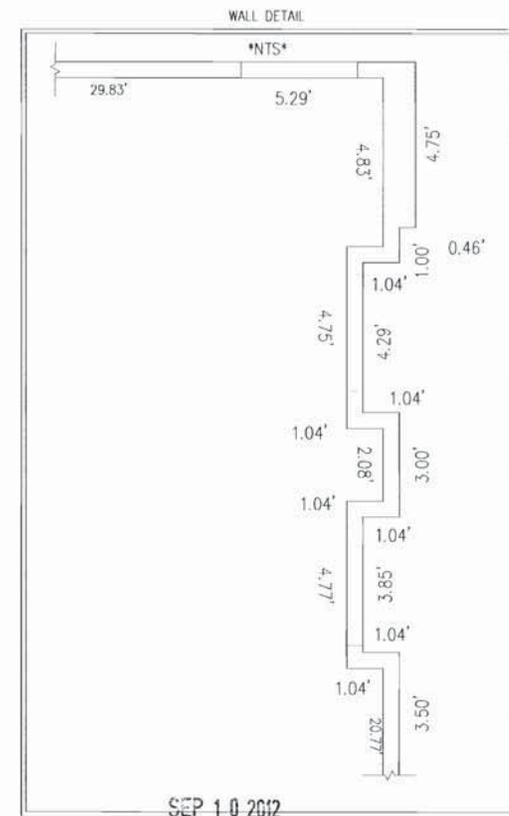
RED STAG LODGE

PARKING GARAGE LEVEL

DESIGNER AH	CAD AP
REVIEWED TEJ	PROJECT NO 06-SM-510
SHEET 2 of 10	

N:\PROJECTS\2006-SMALL_PROJECTS\Summer_Sect_Floor\06-SM-510-RED_STAG_LODGE.rvt\FD01-MOD.dwg 2/7/2007 6:57:43 AM MST

UNIT 101 AND ALL COMMON AREAS SHALL BE MAINTAINED
IN CONFORMANCE TO THE AMERICAN WITH DISABILITIES ACT.



1101 GREENWOOD AVENUE
WEST WINDY HILLS, TEXAS 75087
(972) 954-5400

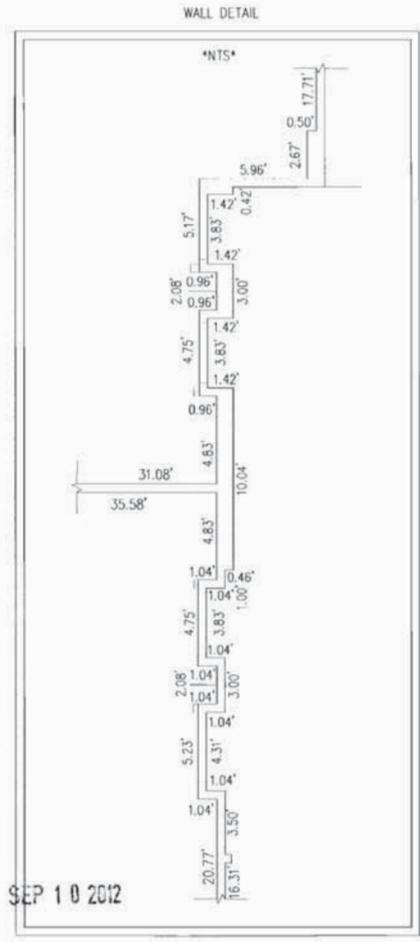
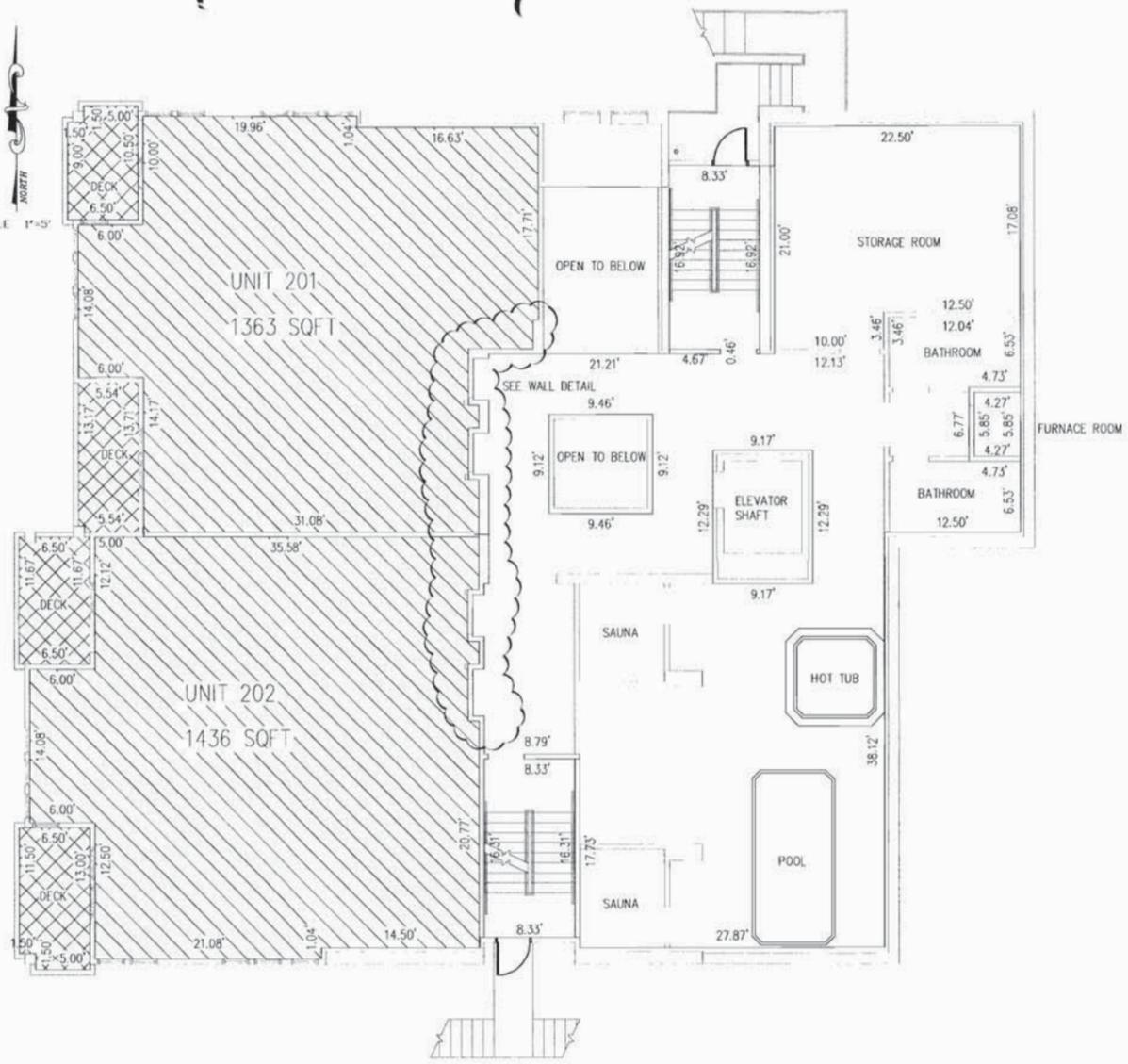
NO. 1271-1101-0010
DRAFTER: J. J. GARDNER
(972) 954-5400

RED STAG LODGE

FLOOR PLAN LEVEL 1

DESIGNER AH	CAD AP
REVIEWED TEJ	PROJECT NO. 06-SM-510
SHEET 3 of 10	

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epic

3341 CANTON ROAD, SUITE 100
 WEST GOSHEN, INDIANA 46581
 (317) 533-3400

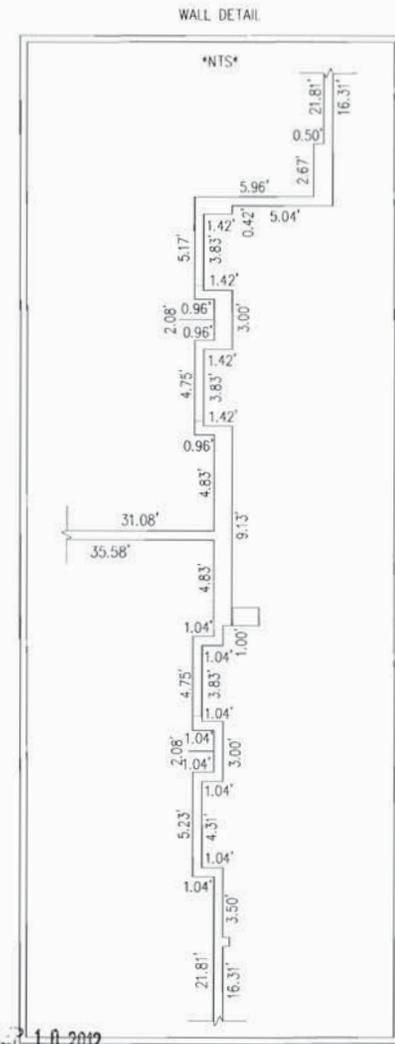
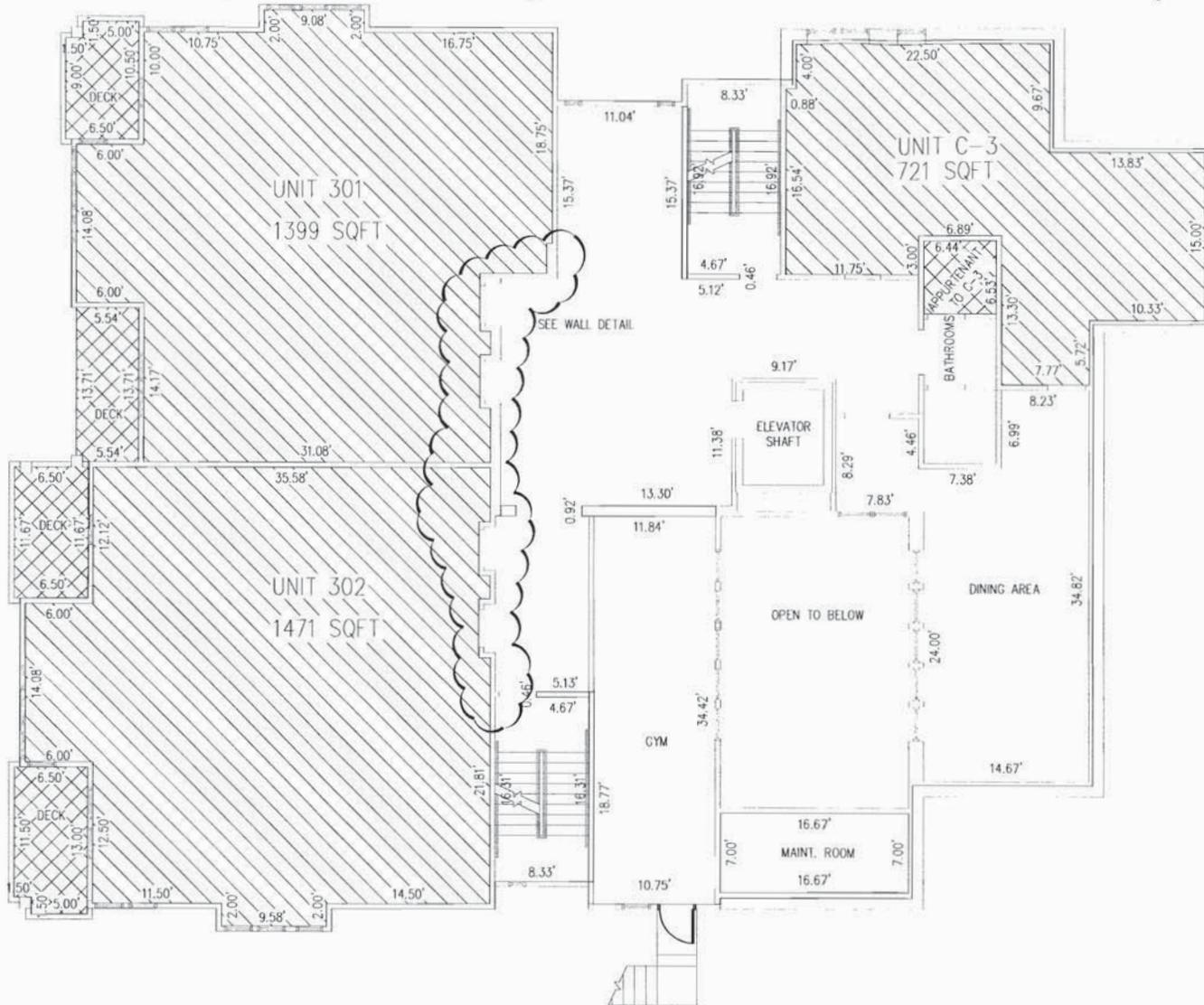
750 EAST 105th STREET
 WEST GOSHEN, INDIANA 46526
 (317) 533-4000

RED STAG LODGE

FLOOR PLAN LEVEL 2

DESIGNER DKJR	CAD JCR
REVIEWED TEJ	PROJECT NO 06-SM-510
SHEET 4	OF 10

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epic

100 LARUE STREET, SUITE 1000
DENVER, CO 80202
(303) 733-1000

RED STAG LODGE

FLOOR PLAN LEVEL 3

DESIGNER DKJR	CAD JCR
REVIEWED TEJ	PROJECT NO 06-SM-510
SHEET 5 of 10	

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SEP 10 2012



RED STAG LODGE
 FLOOR PLAN LEVEL 4

DESIGNER DKJR	CAD JCR
REVIEWED TEJ	PROJECT NO 06-SM-510
SHEET 6 of 10	

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SEP 10 2012

	LEGEND	
UNIT		COMMON AREAS AND FACILITIES
		(LIMIT COMMON AREA AND FACILITIES)

epic

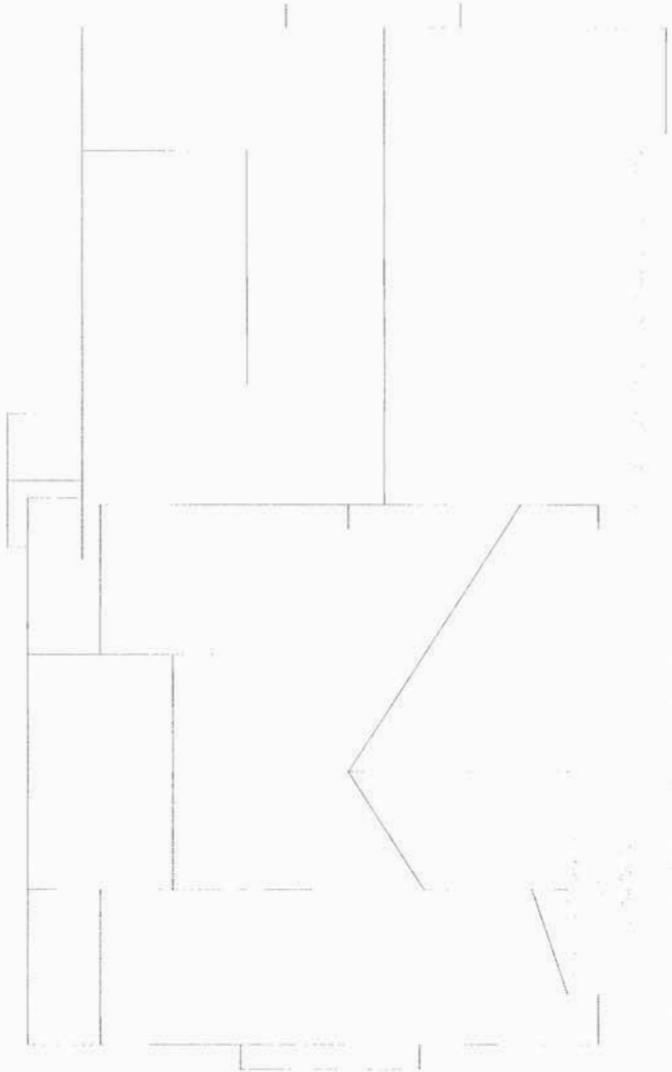
3541 SOUTH 4000 WEST
WEST VALLEY CITY, UTAH 84120
(801) 955-3929

50 EAST 100 SOUTH
HEBER CITY, UTAH 84032
(435) 654-6800

RED STAG LODGE

FLOOR PLAN LEVEL 5

DESIGNER DKJ/R	CAD J.R.
REVIEWED R.J.	PROJECT NO. 06-146-1110
SHEET 7 OF 10	



SEP 10 2012

LEGEND

3341 SOUTH 4000 WEST
WEST VALLEY CITY, UTAH 84020
(801) 965-4100

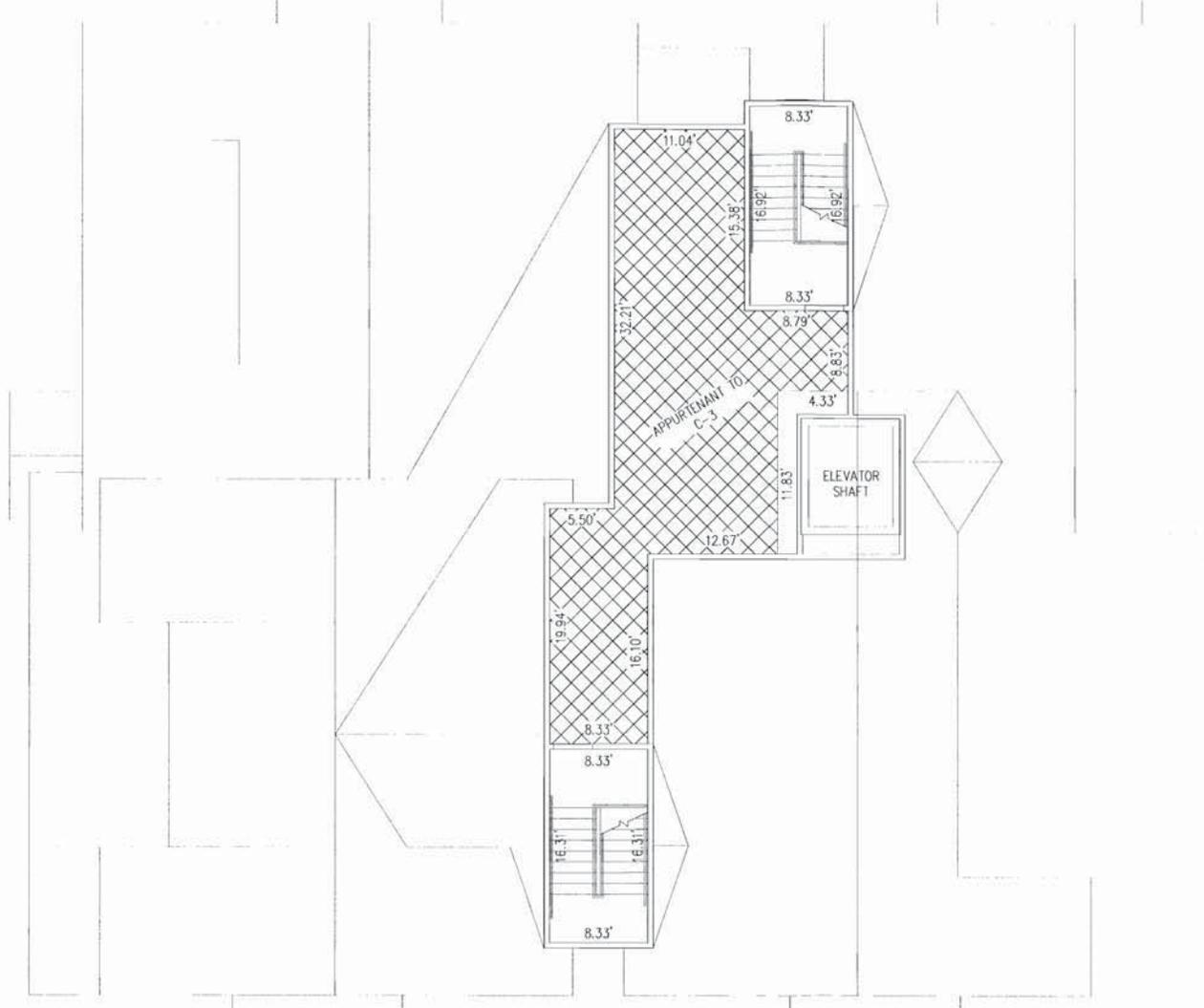
50 EAST 100 SOUTH
HEBER CITY, UTAH 84032
(435) 854-6000

RED STAG LODGE

FLOOR PLAN LEVEL 5 LOFT

DESIGNER AFI	DAO AFI
REVIEWED IF-J	PROJECT NO 06-1M-511
SHEET 8 of 10	

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SEP 10 2012

	<p style="font-size: small;">5541 NORTH 4000 AVENUE MESA, ARIZONA 85207 (480) 991-5600</p> <p style="font-size: x-small;">20 EAST 100 SOUTH PHOENIX, ARIZONA 85032 (480) 854-6900</p>	<p>RED STAG LODGE</p> <p>FLOOR PLAN LEVEL 6 (ROOF)</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="font-size: x-small;">DESIGNER DKJR</td> <td style="font-size: x-small;">CAD JCR</td> </tr> <tr> <td style="font-size: x-small;">REVIEWED TEJ</td> <td style="font-size: x-small;">PROJECT NO 06-SM-510</td> </tr> <tr> <td colspan="2" style="font-size: x-small;">SHEET</td> </tr> <tr> <td colspan="2" style="font-size: large; font-weight: bold;">9 OF 10</td> </tr> </table>	DESIGNER DKJR	CAD JCR	REVIEWED TEJ	PROJECT NO 06-SM-510	SHEET		9 OF 10	
DESIGNER DKJR	CAD JCR										
REVIEWED TEJ	PROJECT NO 06-SM-510										
SHEET											
9 OF 10											

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 NORTH
 SCALE 1"=20'



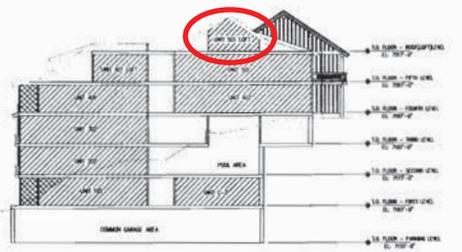
SOUTH SIDE ELEVATION



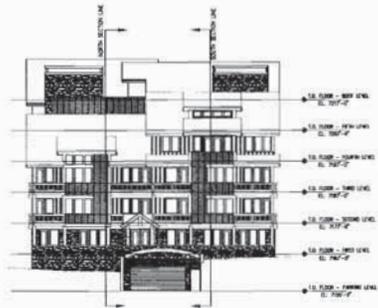
EAST SIDE ELEVATION



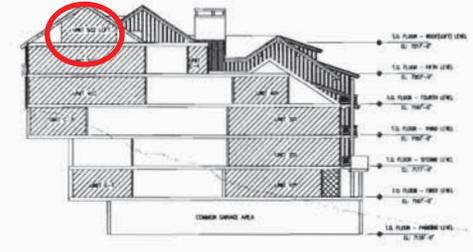
NORTH SIDE ELEVATION



SOUTH SIDE SECTION



WEST SIDE ELEVATION



NORTH SIDE SECTION

SEP 10 2012

 UNIT	 UNITED COMMON AREAS AND FACILITIES
 COMMON AREAS AND FACILITIES	


 1541 7431TH ROAD, N.E.
 44 W. VALLEY CITY, OHIO 44220
 (419) 955-5600
 50 E. A. J. 100 - 504111
 HUBER CITY, OHIO 44832
 (419) 624-1400

RED STAG LODGE
ELEVATION AND SECTION VIEWS

DESIGNER AH	CAD AP
REVIEWED TEJ	PROJECT NO. 06-SM-510
SHEET 10 of 10	

Exhibit B – Deer Valley MPD Density Table

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

PARCEL NAME	PERMITTED DENSITY (UNITS)	DEVELOPED DENSITY (UNITS)	NOTES	HEIGHT (FEET)	PARCEL SIZE (ACRES)
DEER VALLEY COMMUNITY					
Stonebridge & Boulder Creek Multi-Family	50	54	1	28	10.23
Aspenwood Multi-Family	30	30		28	9.21
Pine Inn & Trails End Multi-Family	40	45	1	35	8.52
In The Trees (South Multi-Family) Multi-Family	14	14		28-45	2.87
Black Diamond Lodge (Snow Park Lodge Multi-Family)	29	27		28-75	5.70
Courcheval Multi-Family	13.5	27	1	35	1.82
Daystar Multi-Family	24	24		28	9.84
Fawngrove Multi-Family	50	50		28	12.05
Chateaux Fawngrove Multi-Family	10.5	11	2	28	Incl
Bristlecone Multi-Family	20	20		28	Incl
Lakeside Multi-Family	60	60		28	6.49
Solamere Single Family (includes Oaks, Royal Oaks & Hidden Oaks)	274	274		28	237.81
Pinnacle Multi-Family	86	86		28	36.80
Comstock Lodge (East Bench Multi-Family)	10.5	21	1	35	3.50
Red Stag Lodge	8.5	11	1	35	Incl
Powder Run Multi-Family	25	33	1	35	3.20
Wildflower (Deer Valley North Lot 1 Multi-Family)	11	14	1	28	1.04
Glenfiddich (Deer Valley North Lot 2 Multi-Family)	12	12		28	1.45
Chapparal (Deer Valley North Lot 3 Multi-Family)	15	20	1	28	1.44
Northeast Multi-Family:					12.65
Lodges @ Deer Valley	73.25	85	3	28-35	
Silver Baron Lodge	42.75	50	12	28-35	
Snow Park Village (Snow Park Hotel & Parking Sites)	209.75	0	4	28-45	14.93
Total Deer Valley Community	1108.75				
AMERICAN FLAG COMMUNITY					
American Flag Single Family	93	93		28	83.04
LaMaconnerie Multi-Family	15	15		28	6.19
Total American Flag Community	108				
NORTH SILVER LAKE COMMUNITY					
Westview Single Family	15	1		28	40.69
Evergreen Single Family	36	36		28	27.60
NSL Homesite Parcel #1	1	1		35	1.90
Belleterre Single Family	10	10		28	11.42
Bellevue Townhomes (NSL Subdivision Lot 1)	24	14	10	28	4.62
Belmont Townhomes (NSL Subdivision Lots 2A and 2A-1)	18	12	10	28	3.75
NSL Subdivision Lot 2B	54	0		45	5.96
BelleArbor Townhomes (NSL Subdivision Lot 2C)	43	21	10	28-35	8.25
NSL Subdivision Lot 2D Open Space Lot	0	0	5	0	4.03
Total North Silver Lake Community	201				
SILVER LAKE COMMUNITY					
Stag Lodge Multi-Family	50	52	6	28-35	7.34
Cache Multi-Family	12	12		28	1.77
Sterlingwood Multi-Family	18	18		28-35	2.48
Deer Valley Club	20	30	1	28-45	1.53
Double Eagle (SL East Parcel 2 Multi-Family)	18	18		28-35	2.26
Stein Eriksen Lodge Multi-Family	66.75	65	11	28-35	10.86
Little Belle Multi-Family	20	20		28	3.66
Chateaux At Silver Lake Lot 23 Deer Valley Club Estates Subdivision)	65	78	1	28-45	3.24
Sterling Lodge (Lot 2 Silver Lake East Subdivision)	14	14		28-45	0.61
Royal Plaza Multi-Family (Silver Lake Village Lot A)	7.6215	13	1	59 (A)	0.48
Mt. Cervin Plaza Multi-Family (Silver Lake Village Lot B)	7.5	7		59 (A)	0.54
Inn at Silver Lake (Silver Lake Village Lot C)	10	8		59 (A)	0.50
Goldener Hirsch Inn (Silver Lake Village Lot D)	6	20	1	59 (A)	0.35
Mt Cervin Multi-Family (Silver Lake Village Lot E)	16	15		59 (A)	0.53
Silver Lake Village Lot F	11	0		59 (A)	0.35
Silver Lake Village Lot G	11	0		59 (A)	0.38
Silver Lake Village Lot H	12	0		59 (A)	0.44
SL Knoll Condominiums	4	4		35	0.76
Knoll Estates Single Family	21	21		35	9.90
Black Bear Lodge (Lot 22 Deer Valley Club Estates Subdivision)	51	51		35	1.39
Knollheim Single Family	20	5	7	35	1.84
Alpen Rose Single Family	2	2		35	0.66
Silverbird Multi-Family	6	6		35	0.80
Ridge Multi-Family	24	24		35	2.34
Enclave Multi-Family	17	17		28-35	1.79
Twin Pines Multi-Family	8	8		28-35	1.33
Total Silver Lake Community	11	11			

Vicinity Map

Exhibit C – Aerial photograph

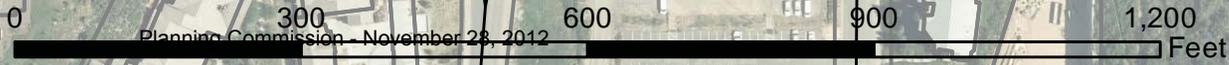


Doe Pass Rd

Royal St

Deer Valley Dr

Deer Valley Dr



Planning Commission - November 28, 2012

Legend

- Parcels
- Streets

Exhibit D – Site Photograph



Exhibit E – HOA Letter

Tuesday September 25, 2012

**Park City Planning Department
445 Marsac Ave.
Park City, Utah 84060**

SUBJECT: PLAT AMENDMENT FOR RED STAG LODGE UNIT 501 AND 502

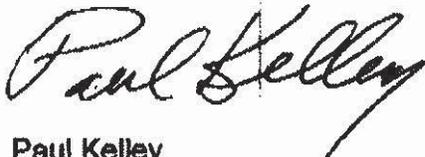
The Red Stag Lodge HOA board has reviewed the Plat Amendment changes for Red Stag Lodge units 501 and 502. The HOA approves of the plat amendment with the additional square footage shown for Unit 501 and 502.

A vote occurred with all of the members of the HOA, and more than 2/3rds of the owners approved of the change. The vote met the requirements as set forth in the CCR's.

The existing space was not shown on the original plat since it did not have stairway access. With the construction of stairs to access the space, this can be included as finished square footage for unit 501 and 502. The proposed changes as shown in the Plat Amendment are acceptable.

Please contact me with any questions or concerns.

Respectfully,



**Paul Kelley
HOA President
Red Stag Lodge
(772) 559-8116**

Planning Commission Staff Report



Subject: First Amendment to Fawngrove Condominiums (Phase I)
Author: Francisco Astorga
Project Number: PL-12-01606
Date: November 28, 2012
Type of Item: Administrative – Condominium Record of Survey Amendment

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the First Amendment to Fawngrove Condominiums located at 1400 Deer Valley Drive North, 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: Ira Waddey represented by Art Pasker, PGA&W Architects
Location: 1400 Deer Valley Drive North, unit 1
Zoning: Residential Development (RD) as part of the Deer Valley Master Planned Development (MPD)
Adjacent Land Uses: Condominiums
Reason for Review: Planning Commission review and recommendation to City Council

Proposal

The applicant is requesting approval of the Amendment to the Record of Survey to convert a portion of the common area of Unit 1 of the Fawngrove Condominiums into private ownership for the purpose of obtaining a building permit to construct an 8'x16' entry vestibule to the existing condominium unit.

Purpose

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

- A. allow a variety of Residential Uses that are Compatible with the City's Development objectives, design standards, and growth capabilities,
- B. encourage the clustering of residential units to preserve natural Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of municipal services,
- C. allow commercial and recreational activities that are in harmony with residential neighborhoods,
- D. minimize impacts of the automobile on architectural design,

- E. promote pedestrian connections within Developments and between adjacent Areas; and
- F. provide opportunities for variation in architectural design and housing types.

Background

On October 22, 2012 the City received a completed application for an Amendment to Record of Survey request to amend the existing Fawngrove Condominiums Plat Phase I. This request converts the common space adjacent to unit 1 to private to facilitate the construction/addition to an entry vestibule of approximately 128 square feet to the existing condo Unit 1. According to a letter submitted by the Home Owners' Association (HOA) in October 2012, the Fawngrove HOA voted to approve this amendment to the record of survey as requested.

The Fawngrove Condominiums are located at 1400 Deer Valley Drive North within the Deer Valley Resort Large Scale Master Planned Development (MPD). The original project was developed in two (2) phases. The condominium plat was approved by the City Council and recorded at the Summit County Recorder's office in December 1980 and the subject site was platted within that first phase.

The Fawngrove Condominiums consists of sixty-one (61) residential condominium units built in two phases. Phase I consists of Building A, B, and C, containing 30 units ranging from 1,212 to 2,820 square feet in size. Phase I has thirty-three (33) assigned parking spaces located on the lower level of each building and eight (8) parking spaces used as visitor parking.

The development is subject to the requirements and restrictions of the Deer Valley Resort 11th Amended and Restated Large Scale MPD. The large scale MPD simply allows sixty-one (61) units identified as Fawngrove/Chateaux Multi-Family parcel. All sixty-one (61) units have been constructed. The project was not approved under the unit equivalent formula.

Analysis

The proposed amendment is consistent with the purpose statements of the district in that the use as residential condominiums are unchanged, the additional floor area is proposed to be minimal as it minimizes site disturbance, preserves the existing natural open space, and limits impacts of development.

Unit 1 would increase in size by approximately 128 square feet from 1,966 square feet to a total of 2,094 square feet. The current Deer Valley MPD allows up to 61 units. The addition does not increase the number of units rather it simply allows the area of Unit 1 to increase by approximately seven percent (7%).

All construction is proposed within the existing building envelope. The minimum front yard within the RD District is twenty (20) feet. The proposed addition is 36.31 feet from the front yard property line. The proposed addition is off an existing shed roof that would meet the maximum height of thirty-three feet (33'). The plat identifies that a

parking space has been assigned for the use of Unit 1. LMC § 15-3-6-(A) indicates that a multi-unit dwelling is to have two (2) parking spaces for an apartment/condominium greater than 1,000 square feet and less than 2,500 square feet. The site also contains visitor parking spaces that can be counted towards the additional parking space needed for the requested amendment to the record of survey.

Process

Prior to issuance of a building permit for this unit, the applicant will have to submit a Building Permit application. The approval of this plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18.

Department Review

This project has gone through an interdepartmental review. No additional issues were raised.

Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was published in the Park Record.

Public Input

Staff has not received any public input regarding this plat amendment.

Alternatives

- The Planning Commission may forward positive recommendation to the City Council for the First Amendment to Fawngrove Condominiums as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the First Amendment to Fawngrove Condominiums and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on Red Stag Lodge Amended Condominium Plat.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The units would remain as is and no construction could take place across the existing platted lines or into the common area.

Recommendation

Staff recommends the Planning Commission hold a public hearing for the First Amendment to Fawngrove Condominiums located at 1400 Deer Valley Drive North, and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

Exhibits

Exhibit A – Draft Ordinance with Proposed Plat

Exhibit B – Topographic Survey

Exhibit C – Existing site photograph

Exhibit D – Proposed addition

Exhibit E – Preliminary site plan

Exhibit F – Deer Valley MPD Density Table

Exhibit G – HOA Letter

Exhibit A – Draft Ordinance with Proposed Plat

Ordinance 12-

AN ORDINANCE APPROVING THE FIRST AMENDMENT TO FAWNGROVE CONDOMINIUMS LOCATED AT 1400 DEER VALLEY DRIVE NORTH, PARK CITY, UTAH.

WHEREAS, the owners of the property known as the Fawngrove Condominiums, located 1400 Deer Valley Drive North within the Deer Valley Resort Eleventh (11TH) Amended and Restated Large Scale Master Planned Development, have petitioned the City Council for approval of amendments to convert to private area the common area adjacent to unit 1: and

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

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

WHEREAS, the Planning Commission held a public hearing on November 28, 2012, to receive input on the proposed amendments to the record of survey plat;

WHEREAS, the Planning Commission forwarded a recommendation to the City Council; and,

WHEREAS, on December 13, 2012, the City Council held a public hearing on the proposed amendments to the record of survey plat; and

WHEREAS, it is in the best interest of Park City, Utah and consistent with the Deer Valley Resort 11th Amended and Restated Master Planned Development to approve the proposed amendments to the Amendment to Fawngrove Condominiums Plat.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Amendment to Fawngrove Condominiums 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. Fawngrove Condominiums are located at 1400 Deer Valley Drive North within the Deer Valley Resort Large Scale MPD.
2. The site is within the RD District.
3. The owner of Unit 1 and the Fawngrove HOA request convert the common space adjacent to Unit 1 to private space.
4. The area conversion is to facilitate the construction/addition to an entry vestibule of approximately 128 square feet to existing condo Unit 1.
5. According to a letter submitted by the HOA in October 2012, the Fawngrove Home Owners' Association voted to approve this amendment to the record of survey request.
6. Fawngrove Condominiums consists of sixty-one (61) residential condominium built over two phases.
7. The sixty-one (61) units have been previously constructed.
8. The MPD did not approve the project under the unit equivalent formula.
9. The proposed amendment is consistent with the purpose statements of the district in that the use as residential condominiums is unchanged.
10. The proposed amendment is consistent in that the additional floor area is minimal as it minimizes site disturbance.
11. The proposed amendment preserves the existing natural open space, and limits impacts of development.
12. Unit 1 would increase by approximately 128 square feet from 1,966 square feet to a total of 2,094 square feet.
13. The addition does not increase the number of units rather it allows the area of Unit 1 to increase by approximately seven percent (7%).
14. The proposed increase is allowed under the approved MPD.
15. All construction is proposed within the existing building envelope.
16. The minimum front yard within the RD District is twenty (20) feet.
17. The proposed addition is 36.31 feet from the front yard property line.
18. The proposed addition is off an existing shed roof that would meet the maximum height of thirty-three feet (33').
19. The plat identifies that a parking space has been assigned for the use of Unit 1. LMC § 15-3-6-(A) indicates that a multi-unit dwelling is to have two (2) parking spaces for an apartment/condominium greater than 1,000 square feet and less than 2,500 square feet. The site also contains visitor parking spaces that can be counted towards the additional parking space needed for the requested amendment to the record of survey.

Conclusions of Law:

1. There is good cause for this Amendment to the Record of Survey.
2. The Record of Survey is consistent with the Park City Land Management Code and applicable State law regarding Condominium Record of Surveys.
3. As conditioned, the record of survey plat is consistent with the Deer Valley Resort MPD, 11th amended and restated.
4. Neither the public nor any person will be materially injured by the proposed record of survey.

5. Approval of the record of survey, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the record of survey for compliance with State law, the Land Management Code, and conditions of approval.
2. The applicant will record the record of survey at the County within one (1) year from the date of City Council approval. If recordation has not occurred within one (1) year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Construction requires a Building Permit and approvals from the Building and Planning Departments. No certificate of occupancy for the addition to Unit 1 shall be issued until this amendment to the condominium record of survey is recorded.
4. All conditions of approval of the Deer Valley Resort 11th Amended and Restated Large Scale MPD and the Fawngrove Condominiums shall continue to apply.

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

PASSED AND ADOPTED this _____ day of _____, 2012.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, MAYOR

ATTEST:

Jan Scott, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Attachment 1 – Proposed Plat

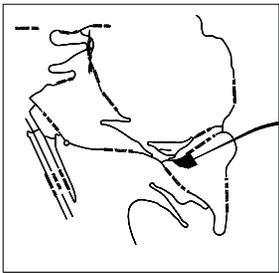
FIRST AMENDMENT TO
FAWNGROVE CONDOMINIUMS
 AN AMENDMENT TO
 FAWNGROVE CONDOMINIUMS
 AMENDING THE RECORD OF SURVEY MAP OF
 "A UTAH EXPANDABLE CONDOMINIUM PROJECT"
 LOCATED IN SECTION 15, T.2S, R. 4E., S.L.B.&M.

OWNER'S DEDICATION AND CONSENT TO RECORD

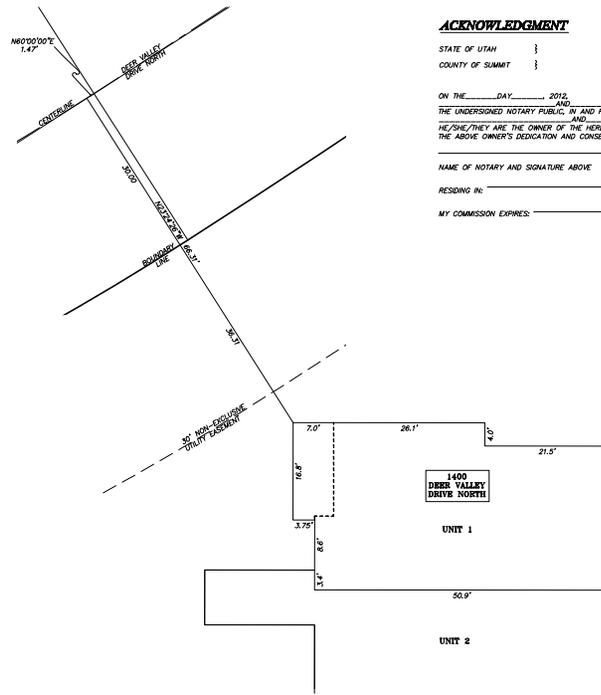
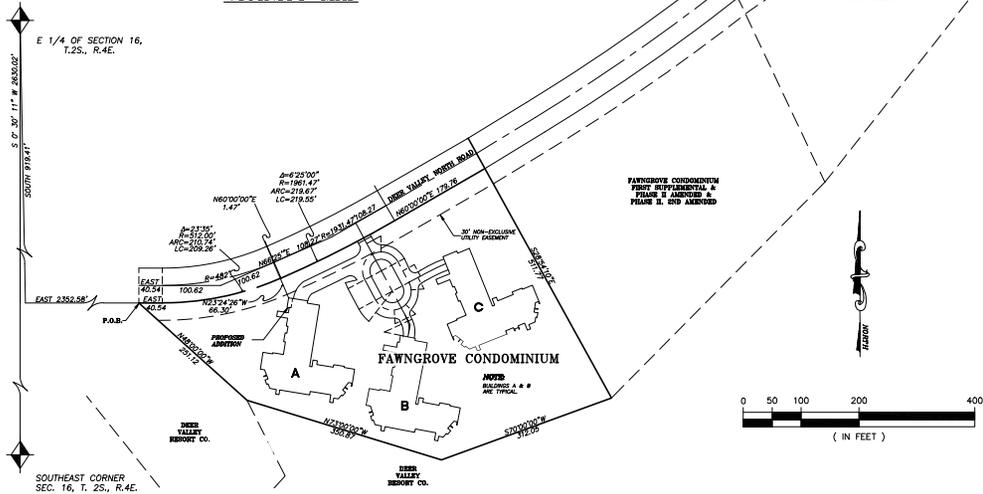
KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED ARE THE OWNER(S) OF THE HEREIN DESCRIBED TRACT OF LAND, TO BE KNOWN HEREAFTER AS FIRST AMENDMENT TO THE FAWNGROVE CONDOMINIUMS, FIRST AMENDMENT DOES HEREBY CERTIFY THAT THEY HAVE CAUSED THIS PLAT AMENDMENT TO BE PREPARED, AND DOES HEREBY CONSENT TO THE RECORDATION OF THIS PLAT AMENDMENT.
 ALSO, THE OWNERS OF THE HEREIN REPRESENTATIVE HEREBY IRREVOCABLY OFFER FOR DEDICATION TO THE CITY OF PARK CITY AND THE SNYDERVILLE BASIN WATER RECLAMATION DISTRICT ALL OF THE STREETS, LAND FOR LOCAL GOVERNMENT USES, EASEMENTS, PARKS, AND REQUIRED UTILITIES AND EASEMENTS SHOWN ON THE PLAT AND CONSTRUCTION DRAWINGS IN ACCORDANCE WITH AN IRREVOCABLE OFFER OF DEDICATION.
 IN WITNESS WHEREOF, THE UNDERSIGNED SET HIS/HER/THEIR HAND THIS ____ DAY OF _____, 2012.

ACKNOWLEDGMENT

STATE OF UTAH }
 COUNTY OF SUMMIT }
 ON THE ____ DAY, ____ 2012, _____ AND _____ PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID STATE AND COUNTY, HAVING BEEN DULY SWORN, AND _____ ACKNOWLEDGED TO ME THAT HE/SHE/they ARE THE OWNER OF THE HEREIN DESCRIBED TRACT OF LAND AND HE/SHE/they SIGNED THE ABOVE OWNER'S DEDICATION AND CONSENT TO RECORD FREELY AND VOLUNTARILY.
 NAME OF NOTARY AND SIGNATURE ABOVE _____
 RESIDING IN: _____
 MY COMMISSION EXPIRES: _____



VICINITY MAP



LEGAL DESCRIPTION

BEGINNING AT A POINT WHICH IS 919.41 FEET SOUTH AND 2352.58 FEET EAST FROM THE EAST QUARTER CORNER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE EAST 43.54 FEET TO A POINT OF A 919.40 FOOT RADIUS CURVE TO THE LEFT, THE RADIUS POINT WHICH BEARS NORTH 512.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE 92.74 FEET TO A POINT OF A 1981.47 FOOT RADIUS CURVE TO THE LEFT, THE RADIUS POINT OF WHICH BEARS NORTH 2335° WEST 1981.47 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE 218.87 FEET TO A POINT OF TANGENCY THENCE NORTH 60°00' EAST 179.26 FEET; THENCE SOUTH 38° 34' 10" EAST 451.763 FEET; THENCE SOUTH 70° 00' WEST 312.05 FEET; THENCE NORTH 73°00' WEST 358.87 FEET; THENCE NORTH 48° 00' WEST 251.12 FEET TO THE POINT OF BEGINNING. CONTAINS 4.819 ACRES.

SURVEYOR'S CERTIFICATE

I, TED E. MASON, CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT I HOLD CERTIFICATE NO. 323717, AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH. I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THIS PLAT IN ACCORDANCE WITH THE LAWS OF THE STATE OF UTAH AND HAVE VERIFIED ALL MEASUREMENTS. I HAVE PLACED MONUMENTS AS REPRESENTED ON THE PLAT, AND THE SAME HAS BEEN CORRECTLY SURVEYED ON THE GROUND AS SHOWN ON THIS PLAT. I FURTHER CERTIFY THAT THE INFORMATION SHOWN ON THIS PLAT IS CORRECT.

TED E. MASON PLS 323717 DATE _____

CERTIFICATE OF ATTEST
 I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS ____ DAY OF _____, 2012 A.D.
 BY: _____ PARK CITY RECORDER

TED MASON, P.L.S.
 LAND SURVEYING
 DESIGN, LLC
 LAND PLANNERS-LAND SURVEYORS-
 www.mason-pls.com
 850 PONDVIEW BL.
 PARK CITY, UTAH 84098
 (435) 866-9996

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
 REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS ____ DAY OF _____, 2012 A.D.
 BY: _____ S.B.W.R.D.

PLANNING COMMISSION
 APPROVED BY THE PARK CITY PLANNING COMMISSION THIS ____ DAY OF _____, 2012 A.D.
 BY: _____ CHAIRMAN

ENGINEER'S CERTIFICATE
 I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ____ DAY OF _____, 2012 A.D.
 BY: _____ PARK CITY ENGINEER

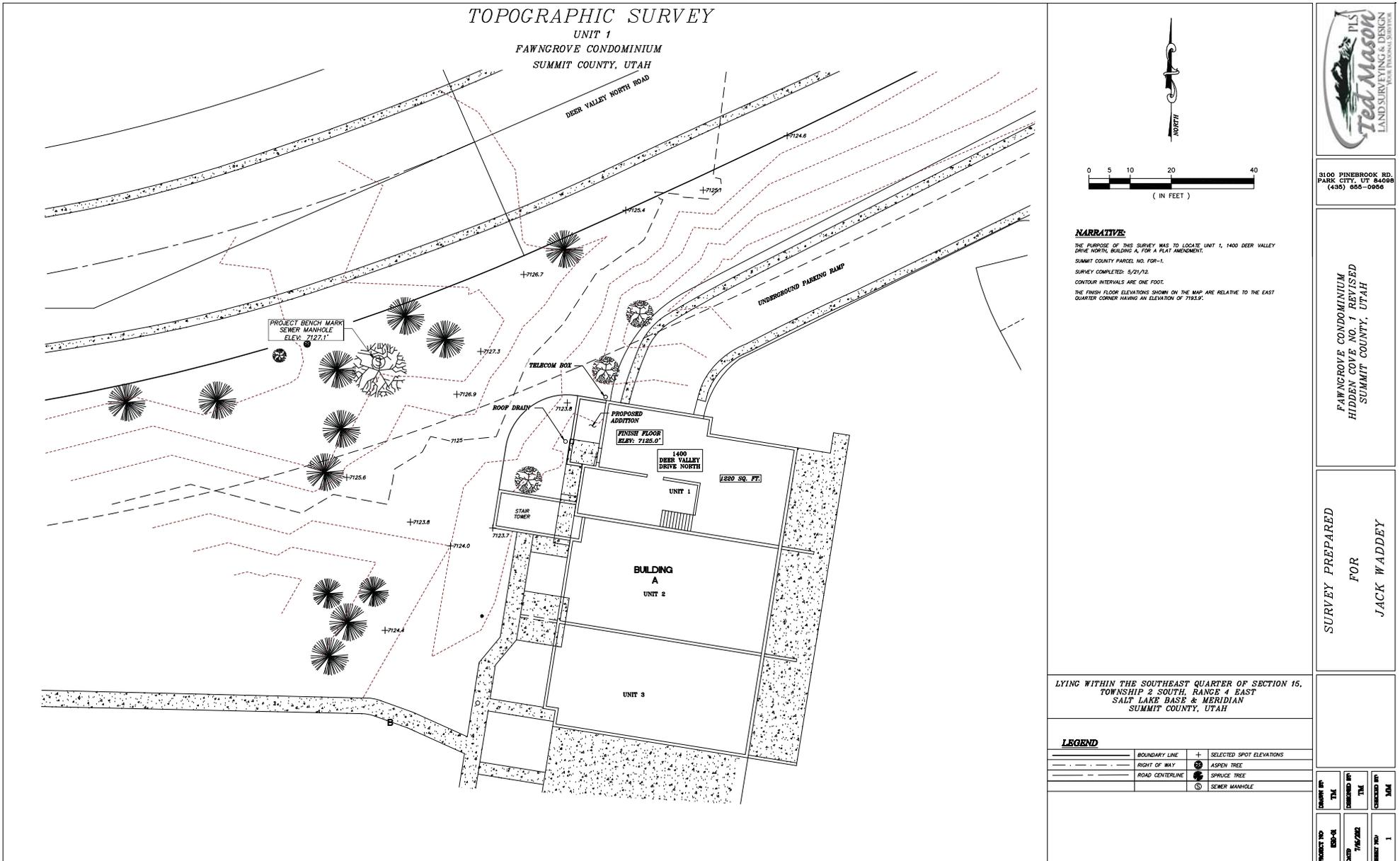
APPROVAL AS TO FORM
 APPROVED AS TO FORM THIS ____ DAY OF _____, 2012 A.D.
 BY: _____ PARK CITY ATTORNEY

FIRST AMENDMENT TO FAWNGROVE CONDOMINIUMS
 AMENDING SHEET 1 OF 3
 "A UTAH EXPANDABLE CONDOMINIUM PROJECT"
 LOCATED IN SECTION 15, T.2S, R. 4E., S.L.B.&M.

COUNCIL APPROVAL AND ACCEPTANCE
 APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ____ DAY OF _____, 2012 A.D.
 BY: _____ MAYOR

RECORDED
 STATE OF UTAH, COUNTY OF SUMMIT, AND AT THE REQUEST OF _____ TIME ____ DATE ____ BOOK ____ PAGE ____ FEE ____ RECORDER

Exhibit B – Topographic Survey



3100 PINEBROOK RD.
PARK CITY, UT 84098
(435) 955-0556

FAWNCROPE CONDOMINIUM
HIDDEN COVE, NO. 1 REVISED
SUMMIT COUNTY, UTAH

SURVEY PREPARED
FOR
JACK WADDEY

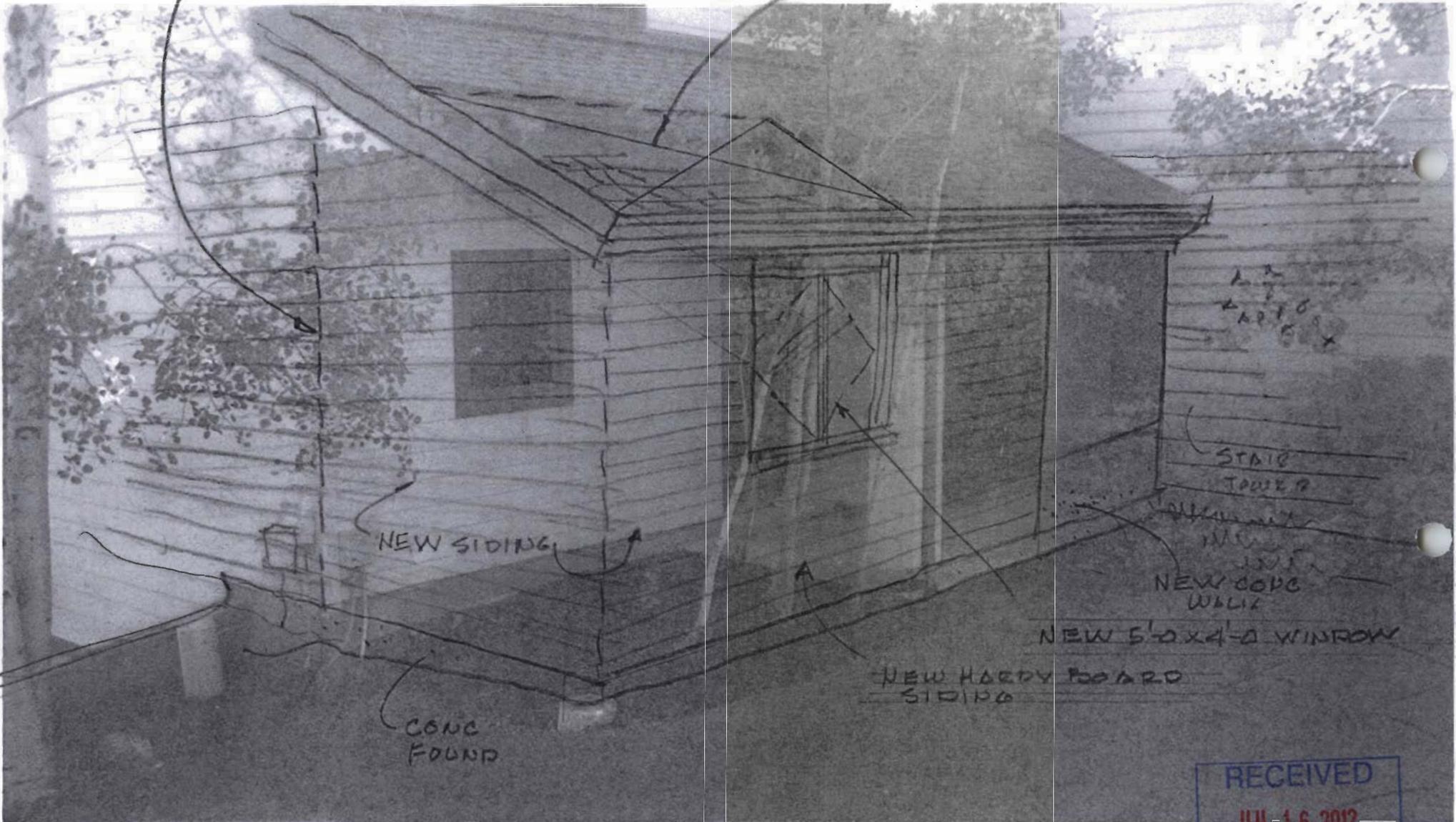
Exhibit C - Existing site photograph



Exhibit D - Proposed addition

TOOTH-IN NEW SIDING
TO MATCH EXISTING

NEW ROOF AREA
MATCH EXISTING,
R-32 ROOF INSULATION



NEW SIDING

CONC
FOUND

NEW HARDY BOARD
SIDING

NEW 5'-0" X 4'-0" WINDOW

NEW CONC
WALK

STAIR
TOWER

APPROX

RECEIVED
JUL 16 2012
PARK CITY
PLANNING DEPT.

Exhibit F – Deer Valley MPD Density Table

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

PARCEL NAME	PERMITTED DENSITY (UNITS)	DEVELOPED DENSITY (UNITS)	NOTES	HEIGHT (FEET)	PARCEL SIZE (ACRES)
DEER VALLEY COMMUNITY					
Stonebridge & Boulder Creek Multi-Family	50	54	1	28	10.23
Aspenwood Multi-Family	30	30		28	9.21
Pine Inn & Trails End Multi-Family	40	45	1	35	8.52
In The Trees (South Multi-Family) Multi-Family	14	14		28-45	2.87
Black Diamond Lodge (Snow Park Lodge Multi-Family)	29	27		28-75	5.70
Courcheval Multi-Family	13.5	27	1	35	1.82
Daystar Multi-Family	24	24		28	9.84
Fawngrove Multi-Family	50	50		28	12.05
Chateaux Fawngrove Multi-Family	10.5	11	2	28	Incl
Bristlecone Multi-Family	20	20		28	Incl
Lakeside Multi-Family	60	60		28	6.49
Solamere Single Family (includes Oaks, Royal Oaks & Hidden Oaks)	274	274		28	237.81
Pinnacle Multi-Family	86	86		28	36.80
Comstock Lodge (East Bench Multi-Family)	10.5	21	1	35	3.50
Red Stag Lodge	8.5	11	1	35	Incl
Powder Run Multi-Family	25	33	1	35	3.20
Wildflower (Deer Valley North Lot 1 Multi-Family)	11	14	1	28	1.04
Glenfiddich (Deer Valley North Lot 2 Multi-Family)	12	12		28	1.45
Chapparal (Deer Valley North Lot 3 Multi-Family)	15	20	1	28	1.44
Northeast Multi-Family					12.65
Lodges @ Deer Valley	73.25	85	3	28-35	
Silver Baron Lodge	42.75	50	12	28-35	
Snow Park Village (Snow Park Hotel & Parking Sites)	209.75	0	4	28-45	14.93
Total Deer Valley Community	1108.75				
AMERICAN FLAG COMMUNITY					
American Flag Single Family	93	93		28	83.04
LaMaconnerie Multi-Family	15	15		28	6.19
Total American Flag Community	108				
NORTH SILVER LAKE COMMUNITY					
Westview Single Family	15	1		28	40.69
Evergreen Single Family	36	36		28	27.60
NSL Homesite Parcel #1	1	1		35	1.90
Belleterre Single Family	10	10		28	11.42
Bellevue Townhomes (NSL Subdivision Lot 1)	24	14	10	28	4.62
Bellemont Townhomes (NSL Subdivision Lots 2A and 2A-1)	18	12	10	28	3.75
NSL Subdivision Lot 2B	54	0		45	5.96
BelleArbor Townhomes (NSL Subdivision Lot 2C)	43	21	10	28-35	8.25
NSL Subdivision Lot 2D Open Space Lot	0	0	5	0	4.03
Total North Silver Lake Community	201				
SILVER LAKE COMMUNITY					
Stag Lodge Multi-Family	50	52	6	28-35	7.34
Cache Multi-Family	12	12		28	1.77
Sterlingwood Multi-Family	18	18		28-35	2.48
Deer Valley Club	20	30	1	28-45	1.53
Double Eagle (SL East Parcel 2 Multi-Family)	18	18		28-35	2.26
Stein Eriksen Lodge Multi-Family	66.75	65	11	28-35	10.86
Little Belle Multi-Family	20	20		28	3.66
Chateaux At Silver Lake Lot 23 Deer Valley Club Estates Subdivision)	65	78	1	28-45	3.24
Sterling Lodge (Lot 2 Silver Lake East Subdivision)	14	14		28-45	0.61
Royal Plaza Multi-Family (Silver Lake Village Lot A)	7.6215	13	1	59 (A)	0.48
Mt. Cervin Plaza Multi-Family (Silver Lake Village Lot B)	7.5	7		59 (A)	0.54
Inn at Silver Lake (Silver Lake Village Lot C)	10	8		59 (A)	0.50
Goldener Hirsch Inn (Silver Lake Village Lot D)	6	20	1	59 (A)	0.35
Mt Cervin Multi-Family (Silver Lake Village Lot E)	16	15		59 (A)	0.53
Silver Lake Village Lot F	11	0		59 (A)	0.35
Silver Lake Village Lot G	11	0		59 (A)	0.38
Silver Lake Village Lot H	12	0		59 (A)	0.44
SL Knoll Condominiums	4	4		35	0.76
Knoll Estates Single Family	21	21		35	9.90
Black Bear Lodge (Lot 22 Deer Valley Club Estates Subdivision)	51	51		35	1.39
Knollheim Single Family	20	5	7	35	1.84
Alpen Rose Single Family	2	2		35	0.66
Silverbird Multi-Family	6	6		35	0.80
Ridge Multi-Family	24	24		35	2.34
Enclave Multi-Family	17	17		28-35	1.79
Twin Pines Multi-Family	8	8		28-35	1.33
Total Silver Lake Community	11	11			



FAWNGROVE HOMEOWNERS ASSOCIATION
P. O. Box 680423, Park City, UT 84068

October 22, 2012

Park City Planning Department
445 Marsac Avenue
Park City, UT

ATTN: Francisco Astorga

The Fawngrove HOA Annual Meeting was held Saturday, October 13, 2012 in Park City.

At that meeting the unit owners voted unanimously to approve converting a small amount of common area for Unit 1400's addition of a entry vestibule based on the design submitted with the owner's permit application.

I understand this letter is sufficient for you to proceed with the final processing of Unit 1400's owner's application.

Sincerely,

A handwritten signature in black ink that reads "Roy Cline". The signature is fluid and cursive.

Roy Cline
President,
Fawngrove HOA



Planning Commission Staff Report



Subject: 543 Woodside Avenue
Project #: PL-12-01507
Author: Mathew Evans, Senior Planner
Date: November 28, 2012
Type of Item: Administrative – Steep Slope Conditional Use Permit

Summary Recommendations

Staff recommends the Planning Commission review a request for a Steep Slope Conditional Use Permit at 543 Woodside Avenue. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

Description

Applicant/Owner: Steve Maxwell
Architect: Jonathan DeGray
Location: 543 Woodside Avenue
Zoning: Historic Residential (HR-1)
Adjacent Land Uses: Residential
Reason for Review: Construction of structures greater than 1,000 square feet on a steep slope requires a Conditional Use Permit

Proposal

The applicant is proposing an addition to an existing historic "Significant" Structure located within the HR-1 District. The site is currently used as one (1) single family dwelling with a detached accessory apartment located within a historic accessory structure. The applicant is proposing a basement level and rear addition to the structure, as well as removing the accessory apartment unit from the accessory building and turning it into a theater room and ski-storage space. More specifically, the applicant's proposal includes adding a subterranean (basement) level underneath the existing structure as well as a new rear addition. The existing structure is 2,025 square feet, and the proposed addition increases the total floor area by 2,155 square feet. The existing footprint of the structure is 1,072 square feet, and the allowed total footprint is 1,519 square feet. The proposed additional footprint is 446 square feet equaling a total footprint of 1,518 square feet. All additions to structures or new construction that exceeds 1,000 square feet on a "steep slope" lot as defined by the Land Management Code (LMC) require a Conditional Use Permit.

Purpose

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

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

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

Background

Originally constructed in 1894, the un-named structure located at 543 Woodside Avenue is designated on the Historic Sites Inventory (HSI) as a “Significant” Site. The original mining-era home was originally noted to be a one-story structure of 1,000 square feet with a 940 square foot basement, but has been altered over time to include additions totaling 72 square feet. It is assumed that the main level (as shown below) is the basement addition referred to in the HSI.



On June 16, 2011, the applicant attended a Historic District Design Review (HDDR) pre-application meeting before the Design Review Team (DRT). The pre-application and subsequent HDDR application has also been received. The applicant proposed adding a garage below the ground level floor of the structure, as well as other improvements. The DRT recommended that the garage be located below the portion of the home where the bay window is located, and noted that a plat amendment would be necessary due to the fact that the structure was built over two (2) lots.

On March 29, 2012, the Park City Council approved a lot combination plat amendment that had been originally reviewed by the Planning Commission on March 14, 2012. The lot combination was necessary due to the fact that the existing structure straddled two (2) Old-Town lots. As a condition of approval, the plat must be recorded within one (1) year of approval and prior to the issuance of any building permits, unless an extension

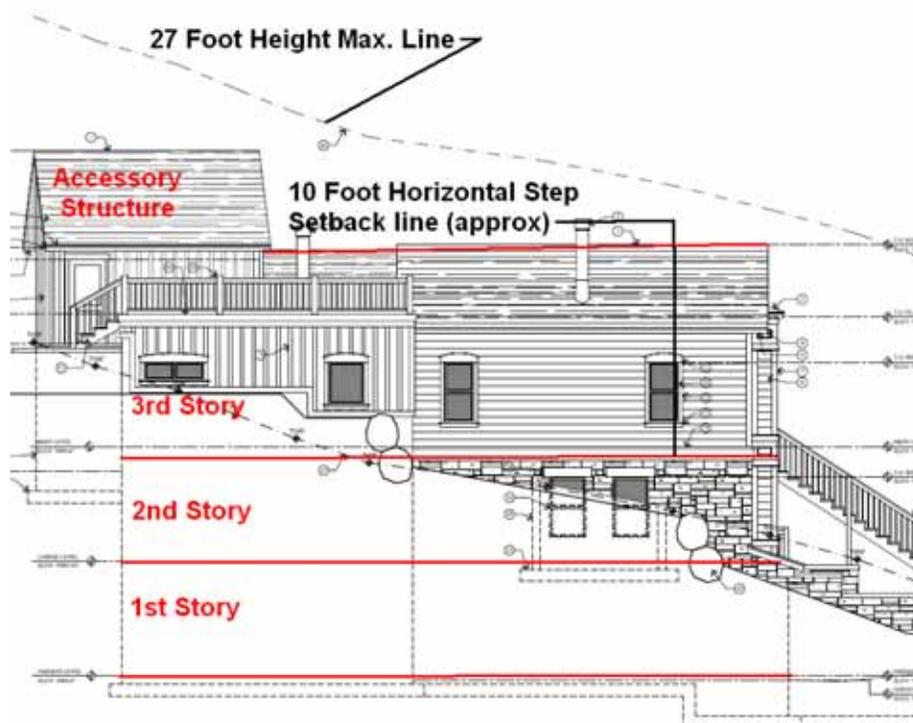
is requested and granted. The new combined lots are equal to 3,920 square feet in size.

On June 27, 2012, this Steep Slope CUP request was reviewed by the Planning Commission. After a brief Staff presentation and the applicant addressing the concerns of the Planning Commission, the item was continued to the July 25, 2012 meeting and requested the following information (See Planning Commission meeting minutes from June 27, 2012 attached as Exhibit "E"):

- Additional information on the landscape plan and additional plantings shown.
- Comparison that identifies compatibility with historic structures on the street.
- Addressing the requirement of the Third Story ten-foot (10) step-back per Land Management Code (LMC) Subsection (§) 15-2.2-5(B).

Since the June 27th meeting, the applicant has submitted a new streetscape visual analysis and a revised landscape plan. This new plan better reflects existing vegetation and shows replacement of significant vegetation that will need to be removed as part of the proposed basement and garage addition. The plan also shows additional plantings and materials (see Exhibit "A" – revised Landscape Plan).

On September 18, 2012, the Applicant was granted a variance to LMC(§) 15-2.2-5(B), which requires a ten foot (10') front step back for the proposed third (3rd) story for any new construction within the HR-1. The issue that the Board of Adjustment considered is illustrated below:



Analysis

The existing building footprint is 1,072 square feet. Based on the lot size, the allowed building footprint is 1,519. With the proposed additions, the final building footprint will be 1,518 square feet. The majority if the addition will be the new basement area, and a small rear addition to the main level of the home, the top floor of which will be a roof-deck that extends to a new patio. The existing structure is 1,942 square feet with a total of 2,025 square feet including the historic accessory building. Per LMC § 15-15-1.35 (Building Footprint definition), accessory buildings listed on the Park City HSI that are not expanded, enlarged or incorporated into the main building, are exempt from the building footprint calculation and maximum. In order to qualify as an accessory building, it must (list definition 1.3 of accessory building)

Existing Conditions - 543 Woodside Home

- Lot Size: 3,750 square feet (lots 11 and 12 combined)
- Existing Home Size: 1,942 square feet
- Existing Footprint 1,072 square feet
- Accessory Structure: 278 square feet¹
- Total Building Footprint: 1,350 square feet²
- Stories: 3 (Main level, at grade level, new basement level)
- Setbacks: Front – 11’, Rear - 30’, Side (north) 3-4’, Side (south) 9’
- Height: 24’ (approximate)

The total proposed home, accessory structure and addition will be a combined total of 4,180 square feet. The overall addition will be 2,155 square feet. The table below provides a breakdown of the square footage per floor:

Floor	Proposed floor area
Basement/ Garage	<ul style="list-style-type: none">▪ 752 square feet of living space▪ 486 square feet garage
Lower (first floor)	<ul style="list-style-type: none">▪ 1,486 square feet
Upper (second floor)	<ul style="list-style-type: none">▪ 278 square feet for accessory structure▪ 1,386 square feet of living space
Overall area	4,180 square feet (includes basement area and accessory structure)

Per direction from the Planning Commission, Staff has looked at the footprints and square footages of other historic homes on Woodside Avenue. Staff looked at fourteen (14) homes located in the Historic Sites Inventory within a block of the subject property. Based on the information provided, the average lot size is roughly 4,900 square feet,

¹ Accessory Structure is “Historic” and does not count against the maximum allowed footprint per LMC Section 15-15-1.35 “Building Footprint” definition.

² Not calculated against the maximum allowed footprint (see above).

the average home size is 1,878; the average footprint is 1,345; and nine (9) of the fourteen (14) homes have a single car garage or larger (see analysis on next page). The analysis does not include non-historic properties or structures near the applicant's property on Woodside Avenue. The proposed addition, including the size of the accessory structure, is equal to 4,180 square feet, which would make the home one of the larger historic homes within a block in each direction. Nevertheless, most of the surrounding homes are much larger, including the home to the south which is in excess of 6,000 square feet.

Historic Home Analysis – Woodside Avenue Properties

Address	House Size (total sq. ft.)	Garage Size (total sq. ft.)	Footprint (total sq. ft. estimate)	Lot Size (total sq. ft.)
405 Woodside	933	64 (shed)	933	7,405
424 Woodside	1,682	505	2,187	5,663
429 Woodside	2,401	495	1,458	4,356
481 Woodside	1,303	550	950	3,290
501 Woodside	1,789	286	1,181	2,178
505 Woodside	2,266	0	1,030	4,356
563 Woodside	1,522	234	856	1,742
564 Woodside	1,396	0	698	2,613
605 Woodside	2,321	720	1,880	7,162
615 Woodside	3,000	0	1,500	11,153
627 Woodside	2,182	480	1,481	6,098
633 Woodside	1,373	506	1,879	5,269
655 Woodside	1,480	0	1,480	3,920
664 Woodside	2,646	200	1,323	3,920

As indicated in the opening paragraph, the applicant is proposing to remove the kitchen from the accessory structure, which has previously been used as an accessory apartment. The accessory structure is proposed to function as a home theater with a wet bar. The basement area will be used for ski storage and will include a changing room and bathroom facilities.

LMC § 15-2.2-6 provides for development on steep sloping lots in excess of one thousand (1,000) square feet within the HR-1 District, subject to the following criteria:

Criteria 1: Location of Development.

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

The proposal is an addition to an existing “Significant” home. The addition includes a basement and garage as well as a rear addition to the home. The addition of the basement and garage will raise the home one foot (1’) to accommodate the garage. The Historic District Design Standards allow for the home to be raised no more than two (2) feet. The applicant is not requesting to move the existing structure from its current location. The proposed coverage is 47% of the overall lot. The rear basement addition will extend into an area that is currently used as an at-grade patio extending from the rear accessory building. This at-grade patio area will now be a deck that is accessible from both the home and the accessory building. The applicant is proposing to remove two (2) existing trees within the front yard setback; however, they are also proposing mitigating the loss of existing landscaping due to the new addition(s) by planting new trees and shrubs (see updated landscape plan in Exhibit “A” sheet A02). Since the last meeting, the applicant has revised the landscape plans to reflect the additional trees and shrubs as described above.

Criteria 2: Visual Analysis.

The Applicant must provide the Planning Department with a visual analysis of the project from key Vantage Points to determine potential impacts of the project and identify potential for screening, slope stabilization, erosion mitigation, vegetation protection, and other items. **No unmitigated impacts.**

The applicant has submitted a revised streetscape analysis and a visual analysis, including a model, and renderings showing a contextual analysis of visual impacts. The proposed structure cannot be seen from the key vantage points as indicated in the LMC § 15-15-1.283. The existing structure is an “uphill” lot on the lower-end of upper Park Avenue. There are other buildings and structures further uphill and to the south from the subject property. The home will only be raised by one (1) additional foot and is below the maximum allowed height. There are no visual impacts to mitigate, and there are no additional measures that could be imposed to offer relief of any perceived impacts.

Criteria 3: Access.

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

The existing home has no current on-site parking. The proposal will eliminate the current tandem parking in front of the house, both of which are in the right-of-way. Because the home is historic, off-street parking is not required. The proposed plans

provide one (1) additional legal parking space; however, the proposed garage could provide space for two (2) smaller cars parked in tandem. Nonetheless the spaces as calculated would only provide for one (1) legal space. Since the driveway will be built on the up-sloped side of the front of the lot, it will minimize grade by reducing the need to have a steep slope grade leading to the garage, thus minimizing grade. The driveway will slope between 5.7% 13.3% from the street to garage. The maximum slope allowed from the street to the parking space is 14%. The average grade of the driveway from the street to the garage is 9.5%. The grade of the driveway is mitigated by the use of “wing” walls or side retaining walls.

Criteria 4: Terracing.

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

There is no terracing proposed. The only area that will be graded is the space between the existing historic home and the existing historic accessory structure, and between the accessory building and the north property line, thus causing some terracing between the rear property line and the north side-yard sloping toward the front. Other grading and terracing will accommodate the rear addition, and the applicant is proposing a new patio within the remaining area. Other than those areas noted above, no additional grading outside of the new driveway area will be necessary.

Criteria 5: Building Location.

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

Grading will be minimized by the fact that the majority of the addition to the existing home will be in the rear. The area that will be filled is minimal only to accommodate a one-hundred (100) square foot (approximate) patio between two (2) existing structures (the main home and the accessory structure). The proposal maximizes the opportunity for open area and natural vegetation to remain.

Criteria 6: Building Form and Scale.

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

The proposed addition is below and to the rear of the home. The existing home sits above the street with the front yard sloping down to the street. The form of the historic home does not change, and the garage, which is a one and a half car garage, is subordinate in design to the main building as it will sit below the historic house. The

prominence of the historic home on the lot will not change; the garage is a single-car garage (does not qualify for a two car garage due to the fact that a tandem two car would need to be thirty-six feet (36') long and the proposed garage is thirty-one feet (31') long) and is completely covered by the existing structure with no protrusions out towards the street or the sides of the home.

Criteria 7: Setbacks.

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

With exception to the side-yard setback on the north property line, the existing home exceeds the front, side and rear yard minimum setbacks. The existing structure is setback eleven feet (11') away from the front property line, nine feet (9') from the south property line, and approximately thirty feet (30') from the rear property line. The north side-yard setback is three to four feet (3-4') where five feet (5') is required. The reduced setback is due to the historic house and is considered "valid complying" due to the historic designation of the home under §15-2.2-4 of the LMC. The addition to the home is along the south side of the property where the nine-foot (9') setback is, and the applicant is proposing a five-foot (5') setback to the new foundation for the addition as well as deck above it. The new foundation wall and deck will meet the minimum setback requirements, five feet (5'). The rear addition will have a ten foot (10') setback to the new foundation and deck.

The historic accessory structure is not proposed be moved, expanded, or enlarged, is approximately three feet (3') from the rear property line. Under the current standards as outlined in LMC § 15-2.2-3(G)(6) , the required setbacks for accessory structures is five feet (5') behind the front façade of the main building, one foot (1') setback from the rear property line, three feet (3') from any side-yard, and comprise of no more than fifty percent (50%) of the rear yard. The existing historic accessory building meets the minimum requirements under the current standards, and the addition to the main dwelling unit will still maintain all minimum setback requirements.

Criteria 8: Dwelling Volume.

The maximum volume of any Structure is a function of the Lot size, Building Height, Setbacks, and provisions set forth in this Chapter. The Planning Commission may further limit the volume of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing Structures. **No unmitigated impacts.**

The existing house is situated horizontally on the lot. The majority of the addition to the home will be underneath (and below final grade) and not visible with the exception of the proposed garage. The addition to the rear of the home is not visible from the street. The existing massing and architectural design components are compatible with both the volume and massing of single family dwellings in the area.

Criteria 9: Building Height (Steep Slope).

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

The proposed addition and the existing structure meets the twenty-seven feet (27') maximum building height requirement measured from existing grade. Most portions of the house are less than twenty seven feet (27') in height. The existing accessory building has an overall height of twenty-four feet (24') from the existing grade, and thus is also compliant with current height requirements.

Process

Approval of this application constitutes Final Action that may be appealed to the City Council following the procedures found in LMC § 15-1-18. Approval of the Historic District Design Guideline compliance is noticed separately and is a condition of building permit issuance.

Department Review

This project has gone through an interdepartmental review. No further issues were brought up at that time other than standards items that would have to be addressed during building permit review.

Public Input

No public input has been provided at the time of this report.

Alternatives

- The Planning Commission may approve the Conditional Use Permit for 543 Woodside Avenue as conditioned or amended, or
- The Planning Commission may deny the Conditional Use Permit and direct staff to make Findings for this decision, or
- The Planning Commission may request specific additional information and may continue the discussion to a date uncertain.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The construction as proposed could not occur. The applicant would have to revise their plans.

Recommendation

Staff recommends the Planning Commission review a request for a Steep Slope Conditional Use Permit at 543 Woodside Avenue. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

Findings of Fact:

1. The property is located at 543 Woodside Avenue.

2. The property is within the Historic Residential (HR-1) District.
3. The lot was recently approved as the 543 Woodside Avenue Subdivision, a parcel combination plat amendment.
4. On September 18, 2012 the applicant received a variance from the Board of Adjustment to allow relief from Land Management Code (LMC) § 15-2.2-5(B) for the purpose of creating a third (3rd) story without the required ten-foot (10') setback. The main justification for the variance was that the home is historic and stepping back the third (3rd) story would greatly impact the historic nature of the home.
5. The overall slope of the lot is approximately twenty-eight percent (28%) with the steepest portion of the lot within twenty feet (20') of the rear property line which has a slope of approximately forty percent (40%).
6. The Lot contains 3,750 square feet.
7. A Historic District Design Review (HDDR) application is currently being reviewed by staff for compliance with the Design Guidelines for Historic Districts and Historic Sites, adopted in 2009.
8. The Historic Site Inventory identifies the site as "Significant" with a historic single family dwelling and historic accessory building on the lot.
9. Per LMC § 15-15-1.35 (Building Footprint definition) the existing accessory structure is exempt from the maximum footprint calculations due to the fact that it was previously determined to be a historic structure.
10. The proposal consists of a 2,155 square feet addition to the existing single family dwelling. The historic structure is 2,025 square feet. The overall proposed square footage is 4,180 square feet which includes the accessory structure.
11. The area of the lot is 3,750 square feet which allows an overall building footprint of 1,519 square feet.
12. A building footprint of 1,518 square feet is proposed.
13. With the proposed addition the home will be three (3) stories, including a basement addition underneath the historic structure, which includes a one (1) car garage (1.5 car garage), as well as a rear addition.
14. The applicant submitted a visual analysis, including a model, and renderings showing a contextual analysis of visual impacts.
15. The proposed structure cannot be seen from the key vantage points as indicated in the LMC § 15-15-1.283.
16. The side-yard setback between the historic existing main dwelling and the north side property line is less than the zone minimum of five feet (5') which is considered "valid complying" due to the historic designation of the home under LMC § 15-2.2-4.
17. The rear addition is proposed along the south side yard setback that is currently nine-feet (9') and the new proposed foundation to the rear of the home will extend to within five feet (5'), which is the minimum setback.
18. The proposed design incorporates a driveway from Woodside Avenue towards the area underneath the historic structure.
19. Retaining is necessary only at the front-yard where the driveway leads to the garage. This retaining wall does not exceed six feet (6') in height from final grade within the front yard area.

20. The building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography.
21. The site design, stepping of the building mass, building footprint, and increased setbacks maximize the opportunity for open area and natural vegetation to remain.
22. The proposed addition steps with the slope as it rises with the depth of the lot.
23. Approximately seventy-five percent (75%) of the home is above ground, which is equal to 3,150 square feet of the total 4,180 square feet.
24. Approximately 1,238 square feet of building space is under ground, which equates to twenty-five percent (25%).
25. The garage is below existing grade and is eleven feet (11') from the front property line.
26. The proposed minimum south side yard setback is five feet (5') to the new foundation wall.
27. There is no addition to the north side-yard property line which is currently four feet (4').
28. The rear-yard setback to the rear addition is ten feet (10').
29. The proposed massing and architectural design components are compatible with both the volume and massing of single family dwellings in the area.
30. The proposed structure meets the twenty-seven feet (27') maximum building height requirement measured from existing grade. Portions of the house are less than twenty-seven feet (27') in height.
31. The findings in the Analysis section of this report are incorporated herein.
32. The applicant stipulates to the conditions of approval.

Conclusions of Law:

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.2-6(B).
2. The CUP, as conditioned, is consistent with the Park City General Plan.
3. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval:

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
3. A final utility plan, including a drainage plan for utility installation, public improvements, and drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers prior to issuance of a building permit.
4. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
5. A final landscape plan shall be submitted for review and approval by the City Planning Department, prior to building permit issuance.

6. No building permits shall be issued for this project unless and until the design is reviewed and approved by the Planning Department staff for compliance with this Conditional Use Permit and the Design Guidelines for Historic Districts and Historic Sites.
7. As part of the building permit review process, the applicant shall submit a certified topographical survey of the property with roof elevations over topographic and U.S.G.S. elevation information relating to existing grade as well as the height of the proposed building ridges to confirm that the building complies with all height restrictions.
8. If required by the Chief Building official based on a review of the soils and geotechnical report submitted with the building permit, the applicant shall submit a detailed shoring plan prior to the issue of a building permit. If required by the Chief Building official, the shoring plan shall include calculations that have been prepared, stamped, and signed by a licensed structural engineer.
9. This approval will expire on November 28, 2013, if a building permit has not been issued by the Building Department before the expiration date, unless a complete application for an extension of this approval is made in writing and the extension has been granted by the Planning Director. A second extension may be requested from the Planning Commission.
10. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission.
11. All retaining walls within any of the setback areas shall not exceed more than six feet (6') in height measured from final grade.
12. The 543 Woodside Avenue Plat must be recorded prior to the issuance of any building permits for the addition to the home.
13. An encroachment agreement for the stairs to be rebuilt in their historic location will be required by the City Engineer prior to the issuance of a building permit.
14. The historic accessory building shall not be a dwelling unit and must be operated and maintained for the benefit of the principal structure.

Exhibits

Exhibit A – Plans (existing conditions, site plan, revised landscape plan, elevations, floor plans)

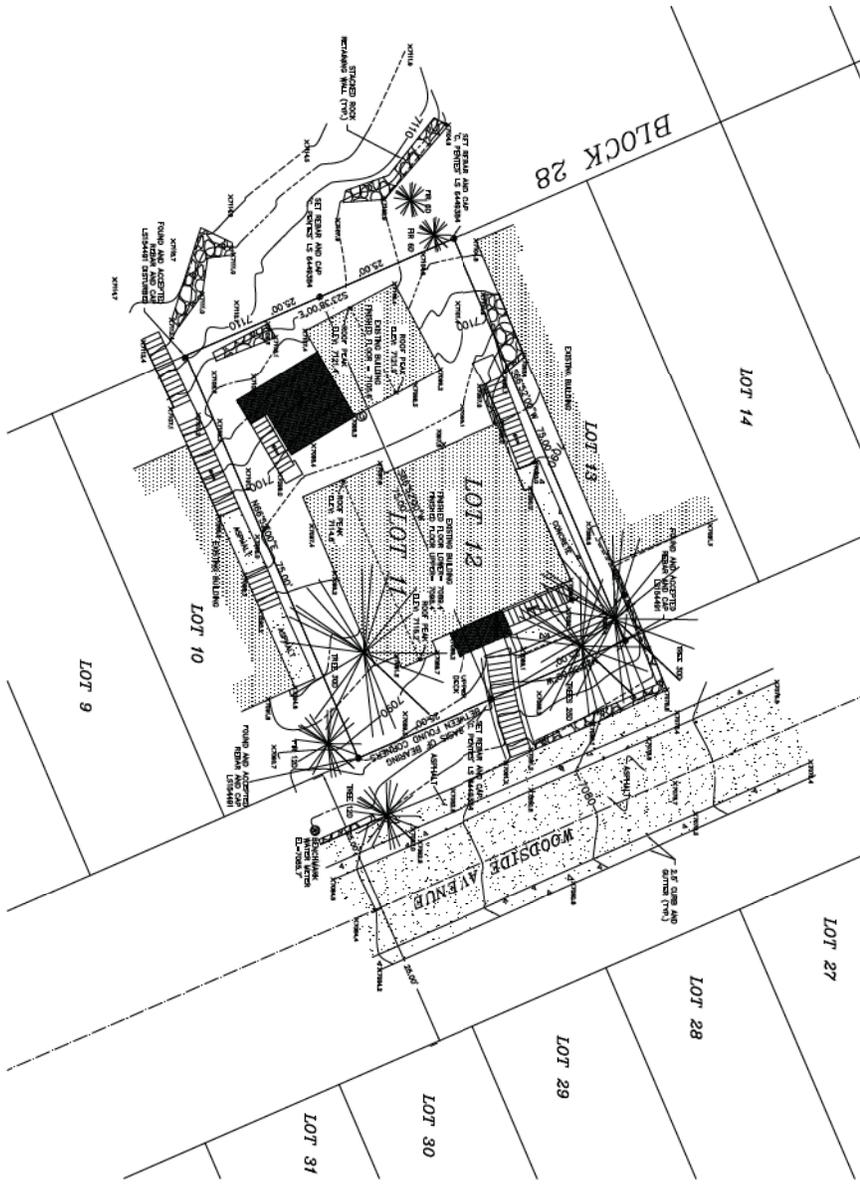
Exhibit B – Visual Analysis

Exhibit C – Street Scape Analysis

Exhibit D – June 27, 2012 Planning Commission Meeting Minutes

Exhibit E – Action letter granting variance

RECORD OF SURVEY, TOPOGRAPHIC MAP & AS-BUILT
 LOTS 11 & 12 BLOCK 28 OF THE PARK CITY SURVEY
 LYING WITHIN THE SOUTHEAST QUARTER OF
 SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST
 SALT LAKE BASE & MERIDIAN
 SUMMIT COUNTY, UTAH



GRAPHIC SCALE
 1" = 100'

LEGEND

- UNOCCUPIED AS BUILT
- WATER FEATURE
- OLD WATER
- SPOT ELEVATION (TYP.)

ABSTRACT.
 THE PURPOSE OF THIS SURVEY IS TO LOCATE THE BOUNDARY LINES OF THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN, SUMMIT COUNTY, UTAH, AND LOCATE EXISTING STRUCTURES ON THE LOT. THE BOUNDARY LINES OF THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN, SUMMIT COUNTY, UTAH, ARE SHOWN HEREON. THE BOUNDARY LINES OF THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN, SUMMIT COUNTY, UTAH, ARE SHOWN HEREON. THE BOUNDARY LINES OF THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN, SUMMIT COUNTY, UTAH, ARE SHOWN HEREON.

LEGAL DESCRIPTION.
 ALL OF LOTS 11 & 12 LYING WITHIN BLOCK 28 OF THE PARK CITY SURVEY, LYING WITHIN THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN, SUMMIT COUNTY, UTAH, ARE SHOWN HEREON.

CONVEYANCE NOTES:
 DATE: _____

RECORD OF SURVEY, TOPOGRAPHIC MAP & AS-BUILT
 LOTS 11 & 12 BLOCK 28 OF THE PARK CITY SURVEY
 AND AS-BUILT
 Planning Commission November 28, 2012

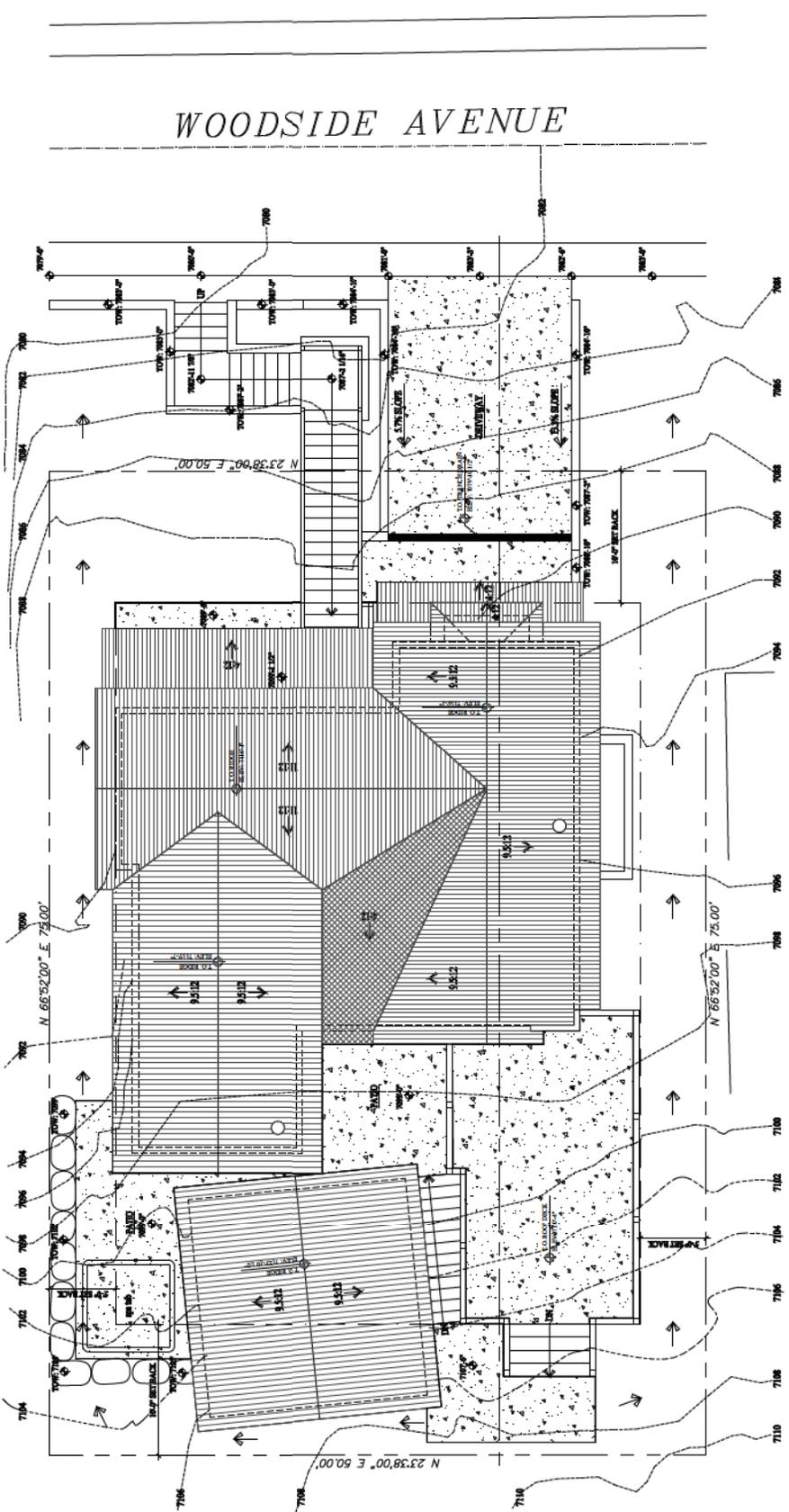
PARK CITY SURVEYING
 P.O. BOX 882933
 PARK CITY, UTAH 84068
 (435) 648-2818

SHEET NO. _____
 DATE BY _____
 COMMENTS _____

PART DE GROOT
 PLS FOR BIX 28 L 11-12.DWG

SURVEYED BY: T.M. BO
 DRAWN BY: _____
 DATE: MAY 2007

SHEET 1 OF _____



WOODSIDE AVENUE

ARCHITECTURAL SITE PLAN
SCALE: 1/4" = 1'-0"

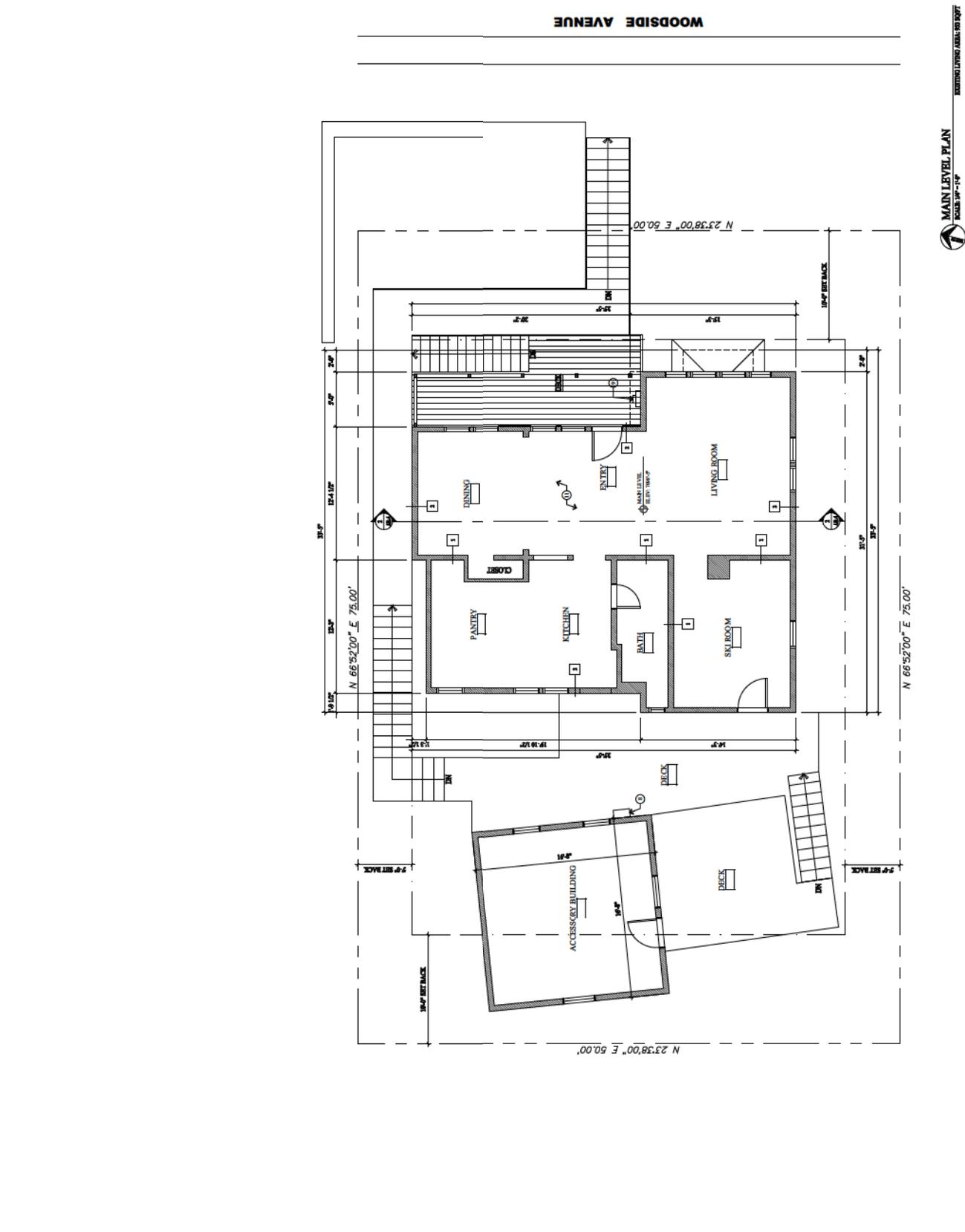
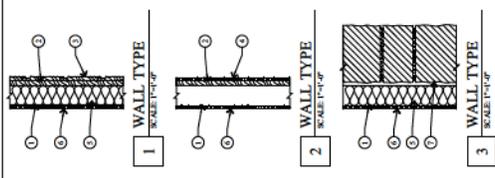
GENERAL NOTES

- 1. ALL DIMENSIONS ARE PERMITTED UNLESS NOTED OTHERWISE.
- 2. ALL DIMENSIONS ARE PERMITTED UNLESS NOTED OTHERWISE.
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KEY NOTES

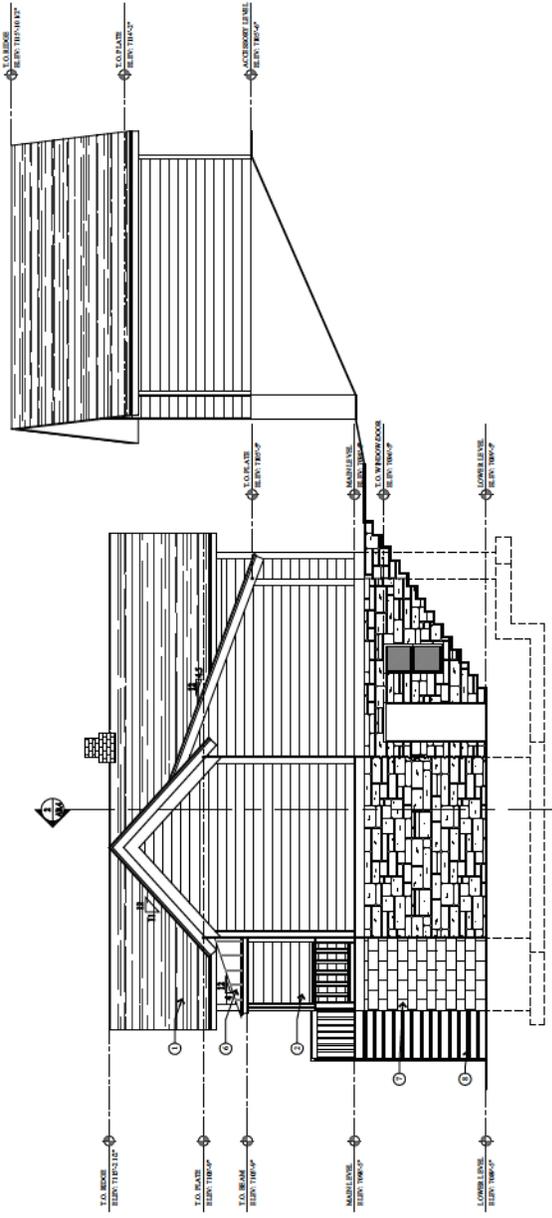
- 1. 2x4 STUDS @ 16" O.C.
- 2. 2x6 STUDS @ 16" O.C.
- 3. 2x8 STUDS @ 16" O.C.
- 4. 2x10 STUDS @ 16" O.C.
- 5. 2x12 STUDS @ 16" O.C.
- 6. 2x14 STUDS @ 16" O.C.
- 7. 2x16 STUDS @ 16" O.C.
- 8. 2x18 STUDS @ 16" O.C.
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- 10. 2x22 STUDS @ 16" O.C.
- 11. 2x24 STUDS @ 16" O.C.
- 12. 2x26 STUDS @ 16" O.C.
- 13. 2x28 STUDS @ 16" O.C.
- 14. 2x30 STUDS @ 16" O.C.
- 15. 2x32 STUDS @ 16" O.C.
- 16. 2x34 STUDS @ 16" O.C.
- 17. 2x36 STUDS @ 16" O.C.
- 18. 2x38 STUDS @ 16" O.C.
- 19. 2x40 STUDS @ 16" O.C.
- 20. 2x42 STUDS @ 16" O.C.

WALL TYPES

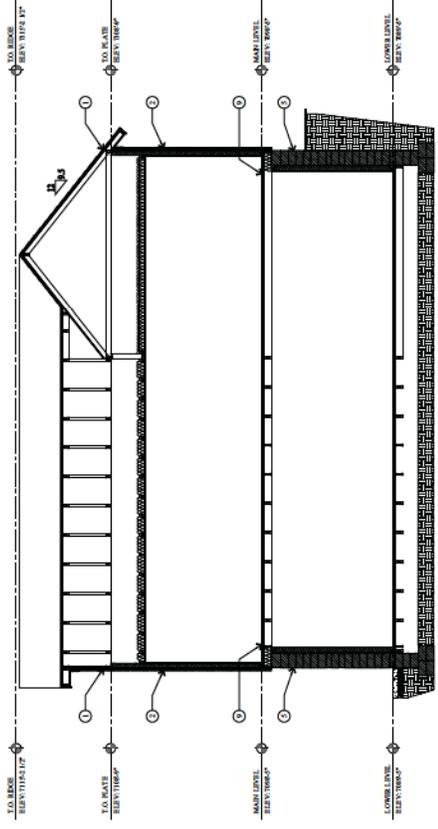


KEY NOTES

- 1. ALL WALLS OVER ROOF ARE TO BE FINISHED WITH 1/2" CDX SHEATHING OVER 1/4" GYP BOARD OVER HISTORIC CLADDING. FINISH WITH HISTORIC CLADDING.
- 2. ALL ROOFING TO BE FINISHED WITH 1/2" CDX SHEATHING OVER 1/4" GYP BOARD OVER HISTORIC CLADDING. FINISH WITH HISTORIC CLADDING.
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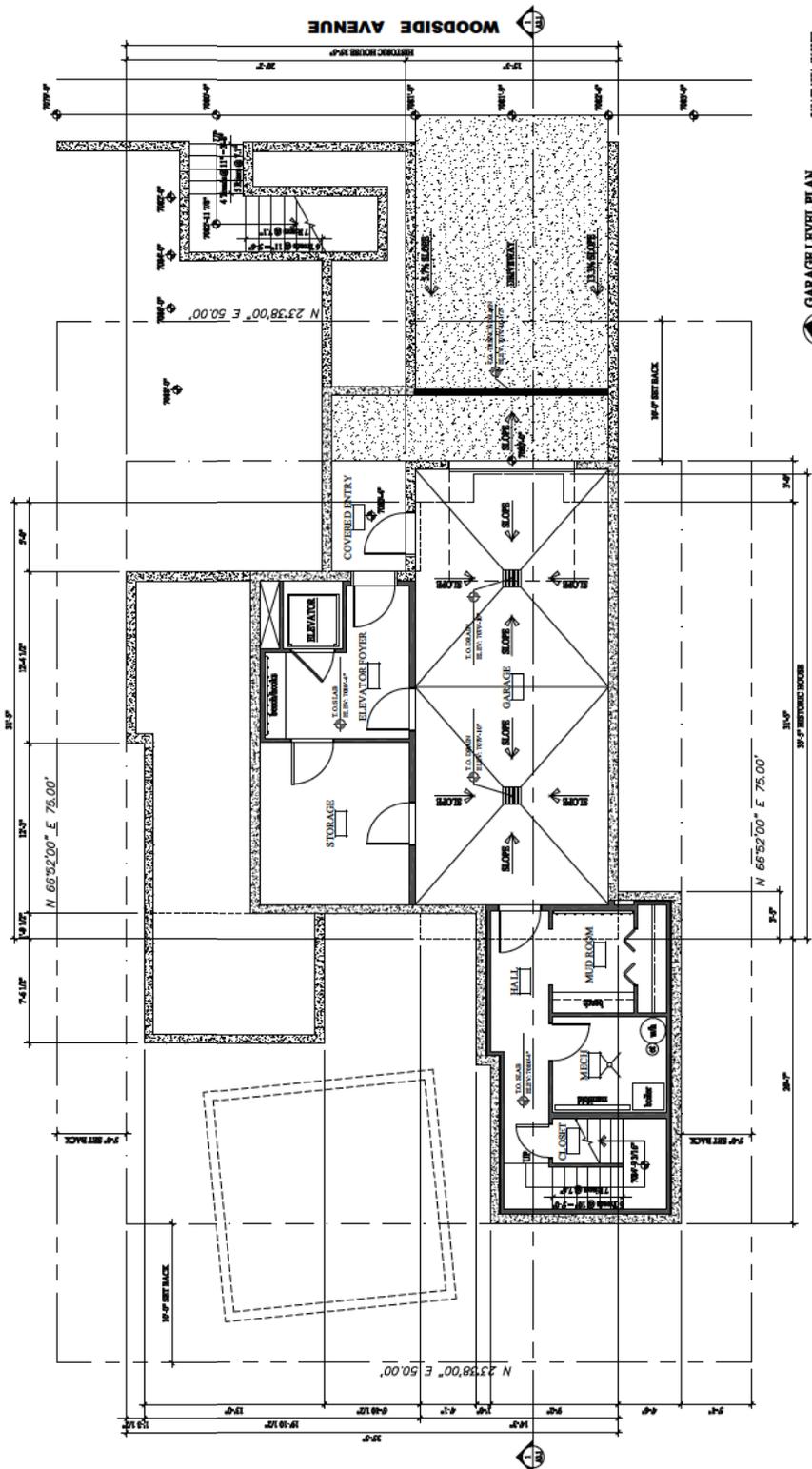
1 NORTH ELEVATION
AS-BUILT 2012-02-29



2 WEST ELEVATION
AS-BUILT 2012-02-29

GENERAL NOTES
 ALL DIMENSIONS ARE PERMANENT UNLESS NOTED OTHERWISE
 ALL FIELD DIMENSIONS ARE TO JOINT CENTERLINES
 EXISTING 12" PLUMB WALL
 NEW 12" PLUMB WALL
 NEW 8" CONCRETE WALL

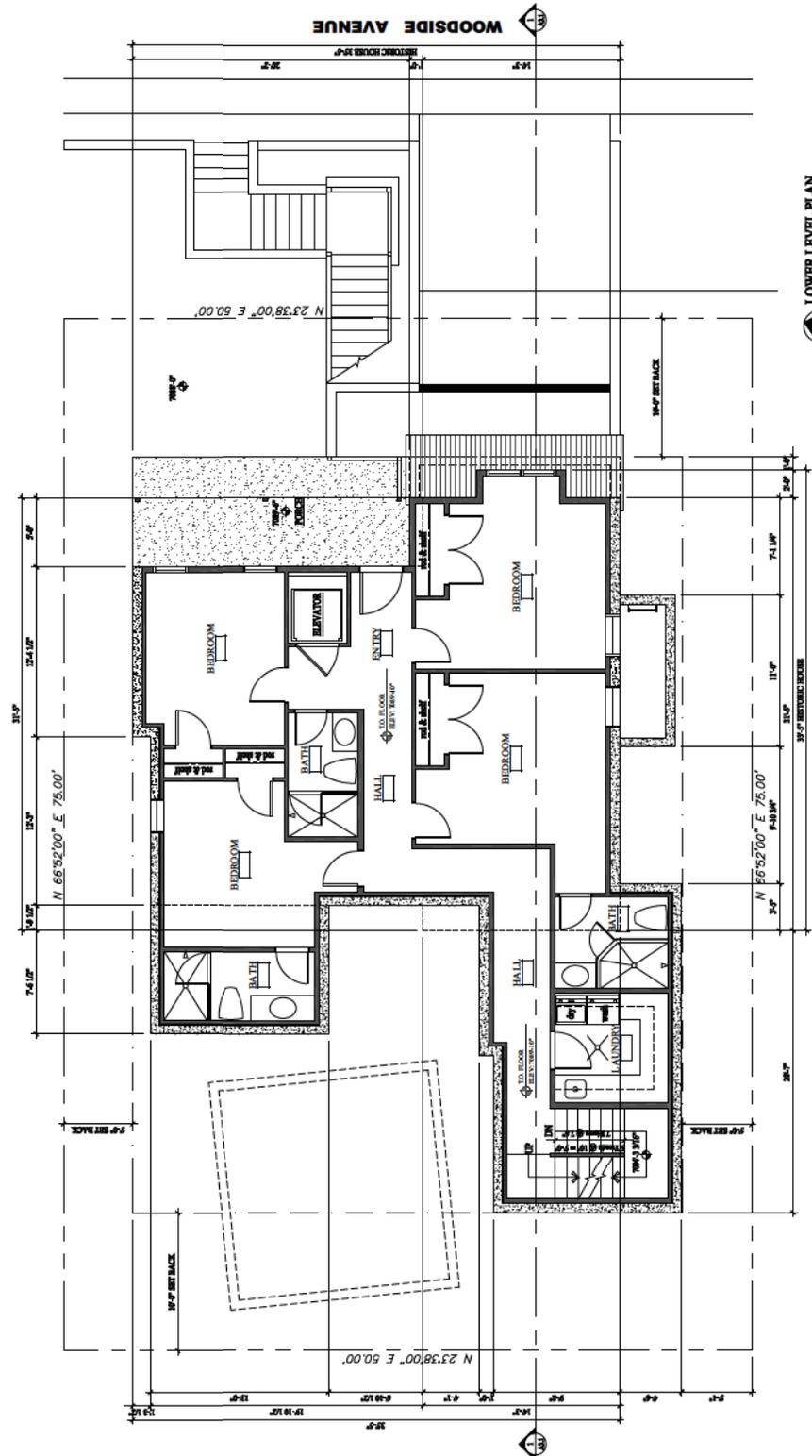
KEY NOTES



GARAGE LEVEL PLAN
 SCALE: 1/8" = 1'-0"
 GARDNER ARCHITECTURE
 UTHER CLARK ARCHITECT

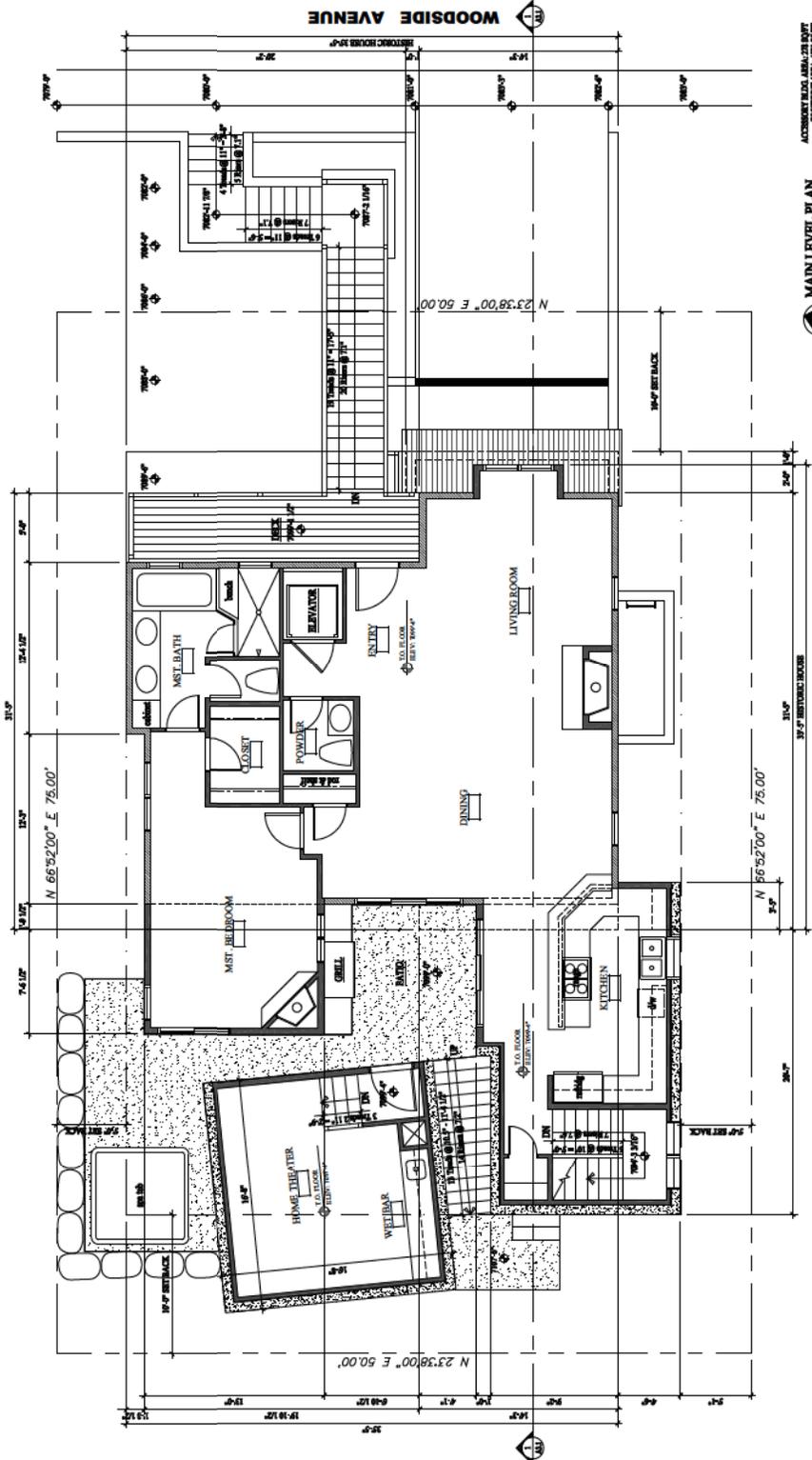
GENERAL NOTES
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ALL FIELD DIMENSIONS ARE TO JOINT CONSTRUCTION.

KEY NOTES
EXISTING 12" PLUMBED WALL
NEW 12" PLUMBED WALL
EXISTING 8" CONCRETE WALL
NEW 8" CONCRETE WALL



GENERAL NOTES
ALL DIMENSIONS ARE PERMANENT UNLESS NOTED OTHERWISE.
ALL FIELD DIMENSIONS ARE TO JOINT CONSTRUCTION.

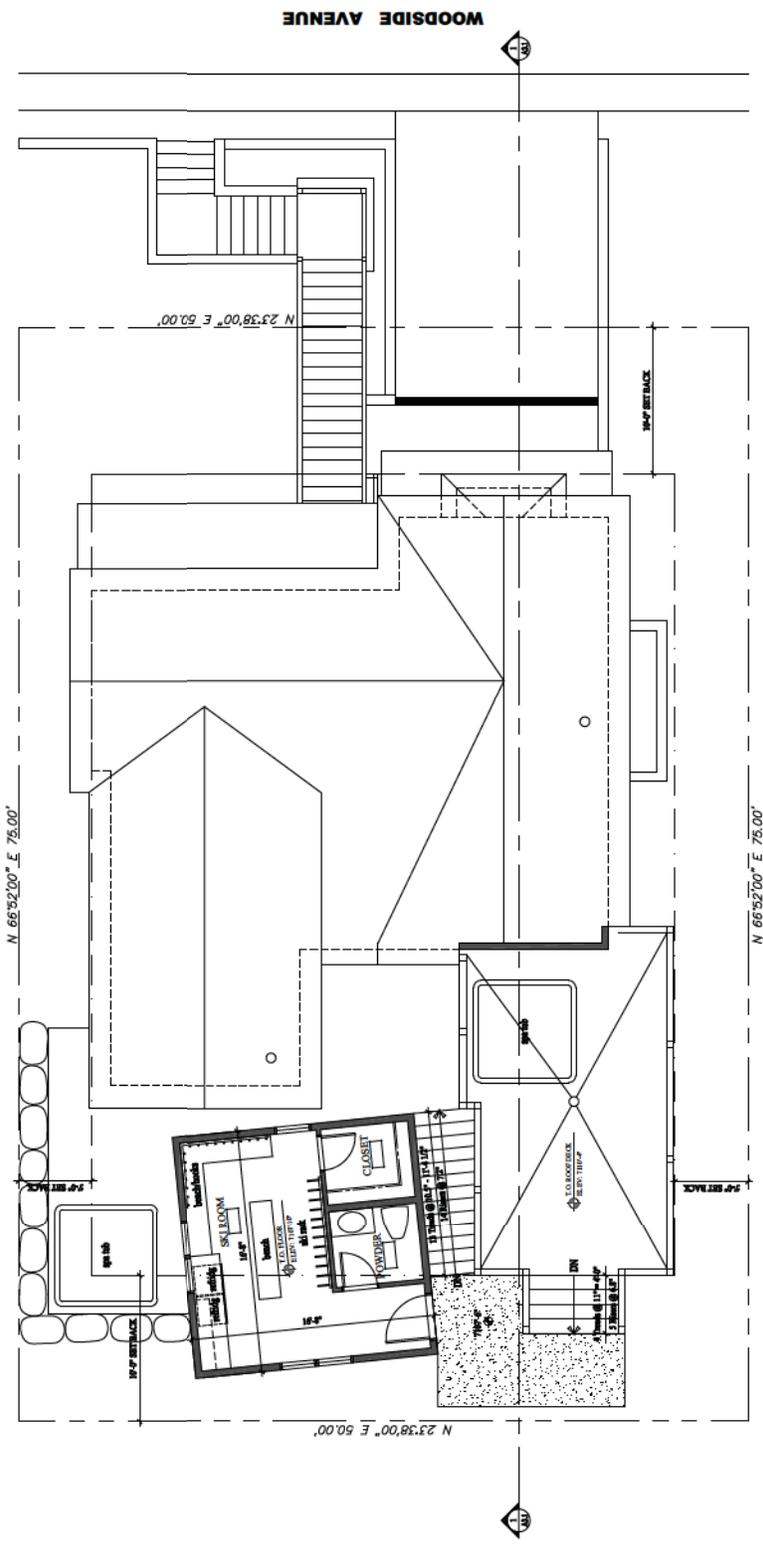
KEY NOTES
EXISTING 2" PLUMBED WALL
NEW 2" PLUMBED WALL
EXISTING 4" CONCRETE WALL
NEW 4" CONCRETE WALL



MAIN LEVEL PLAN
SCALE: 1/8" = 1'-0"
ACCESSORY BUILDING AND DECK
EXISTING AND NEW
LIVING ROOM, KITCHEN

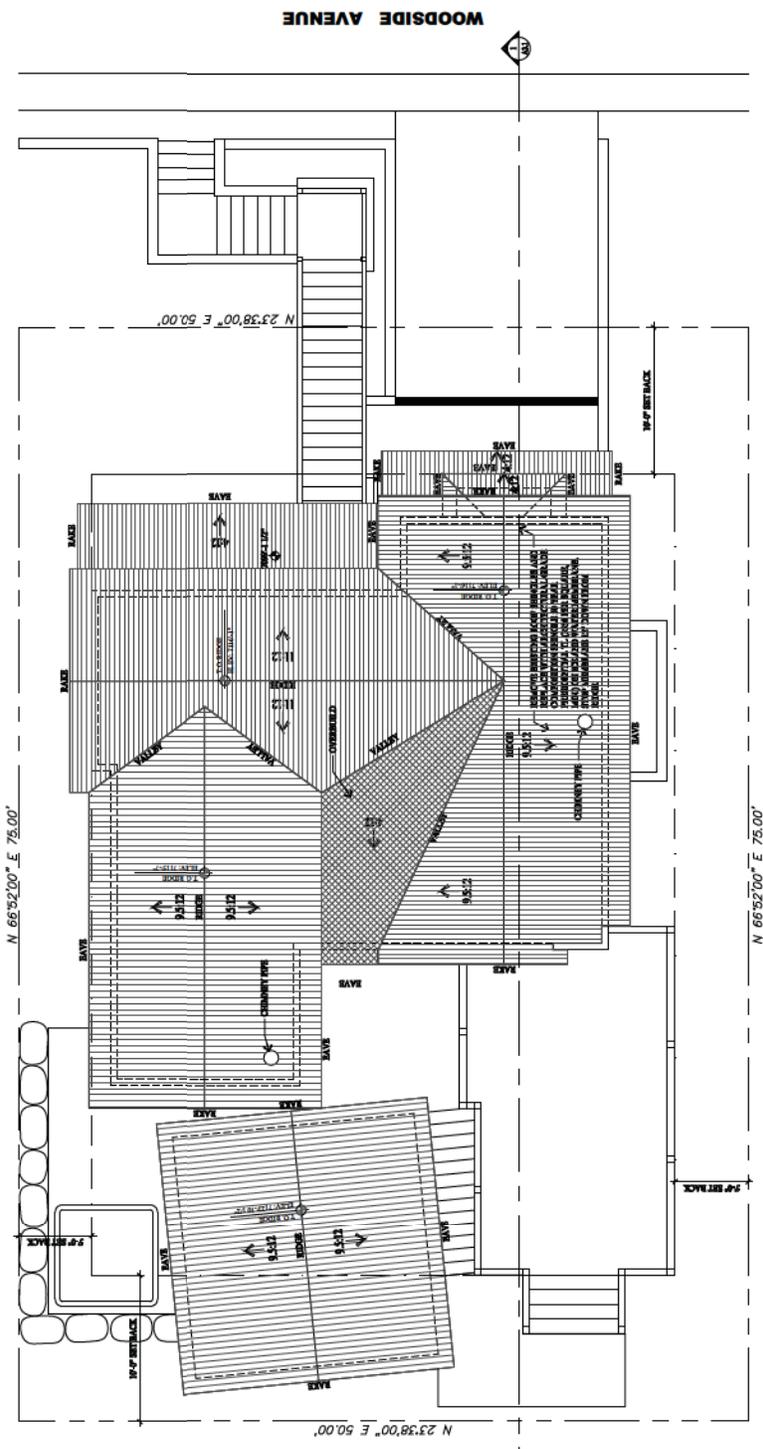
GENERAL NOTES
ALL DIMENSIONS ARE PERMANENT UNLESS NOTED OTHERWISE
ALL FIELD DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE
EXISTING 12" PRECAST WALL
NEW 12" PRECAST WALL
NEW 8" CONCRETE WALL

KEY NOTES



UPPER LEVEL PLAN
SCALE: 1/4" = 1'-0"
ACCESSORY BLDG. AREA: 238 SQ FT
NOT TO BE CONSIDERED PERMIT

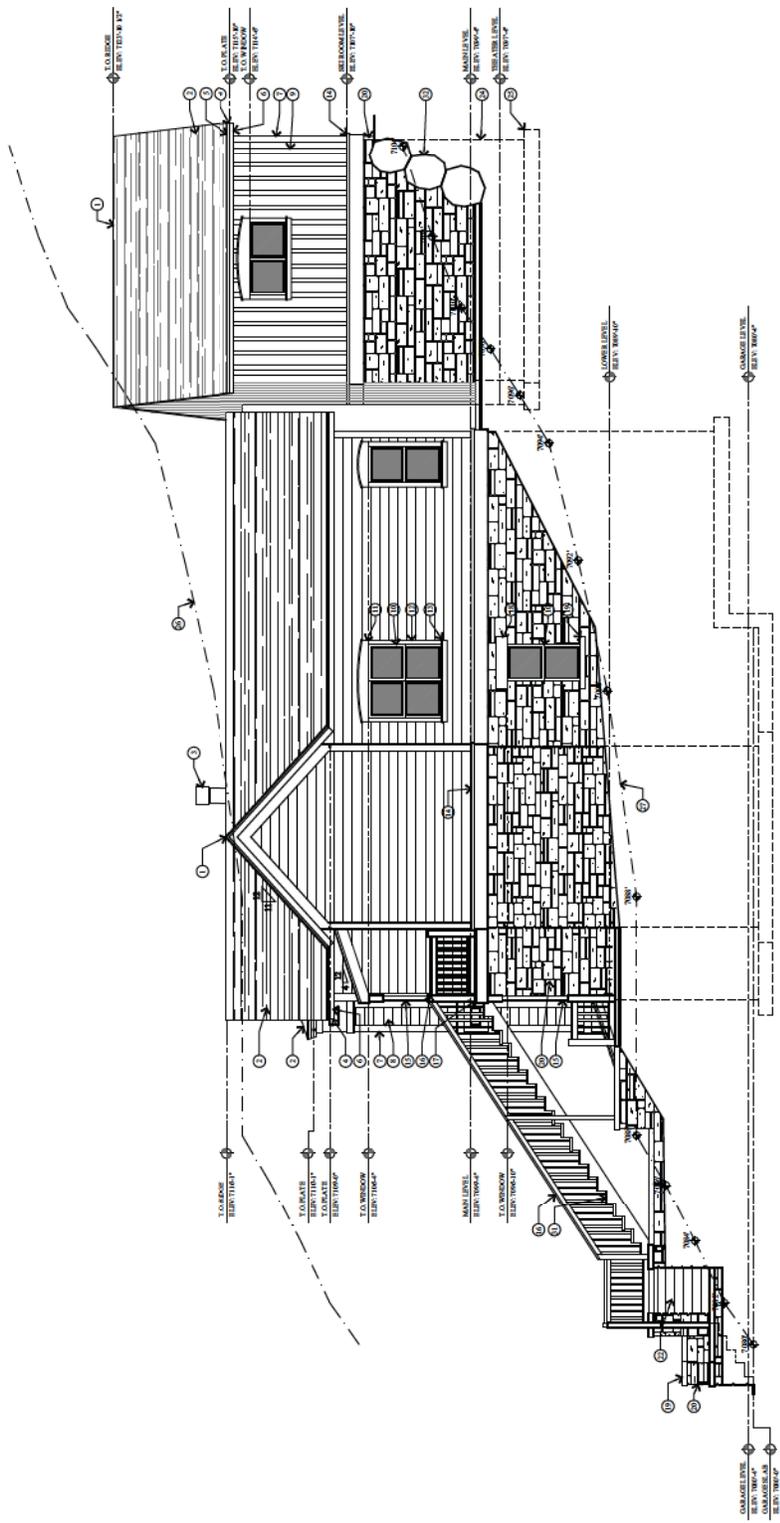
GENERAL NOTES
ALL DIMENSIONS ARE PERMANENT UNLESS NOTED OTHERWISE.
ALL FIELD DIMENSIONS ARE TO JOINT CENTERLINES.



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

KEY NOTES

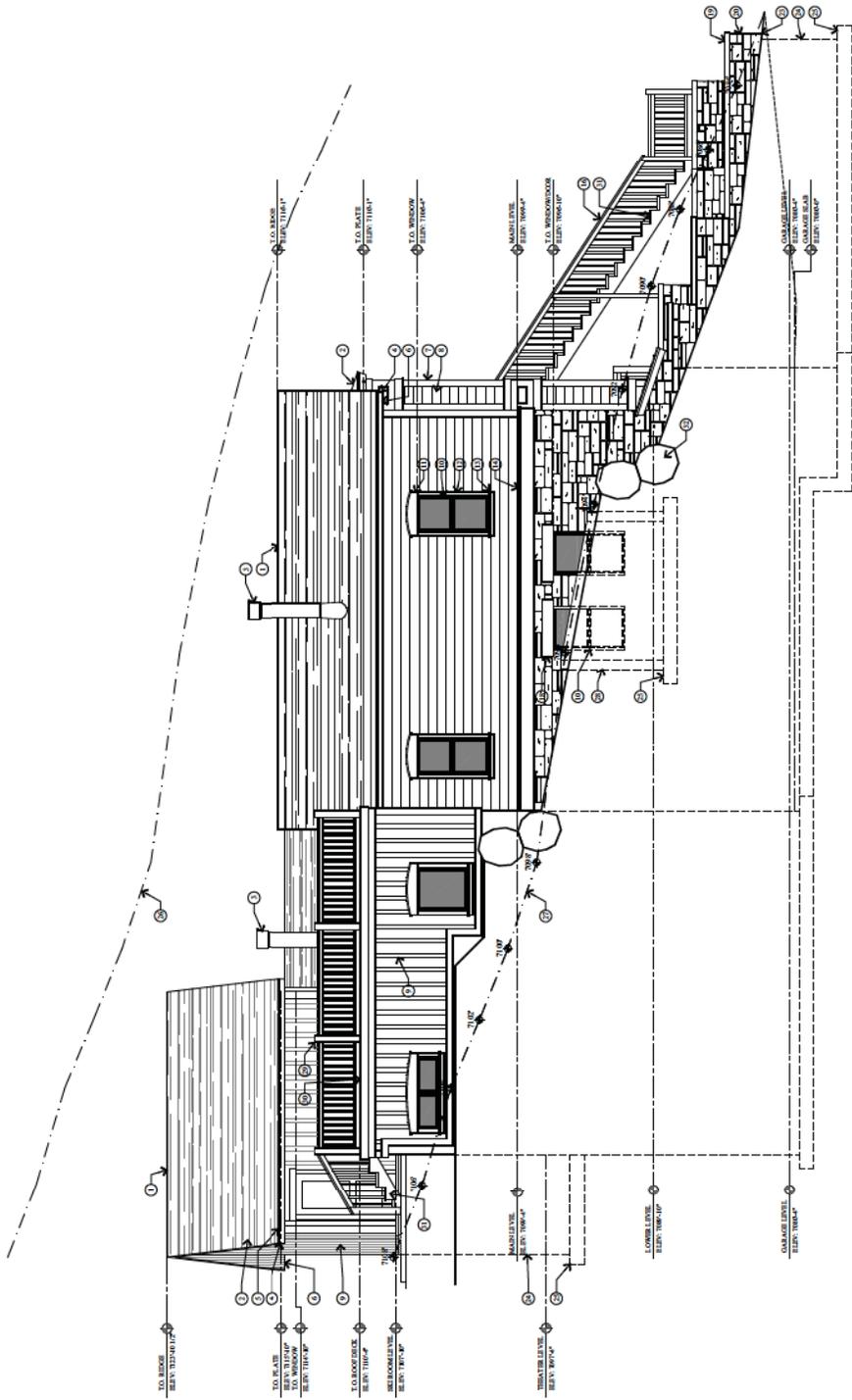
- 1) CONCRETE BLOCK VENEER, CORNER OR KEYS.
- 2) ARCHITECTURAL GRADE CONCRETE BLOCKS WITH A MINIMUM 1" GAP FOR EXPANSION Joints ON ALL EXTERIOR WALLS.
- 3) 1" MIN. 1/2" CONTINUOUS METAL SHIP EDGE.
- 4) 1" MIN. 1/2" CONTINUOUS METAL SHIP EDGE.
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- 100) 1" MIN. 1/2" CONTINUOUS METAL SHIP EDGE.



1 NORTH ELEVATION
 A2.2

KEY NOTES

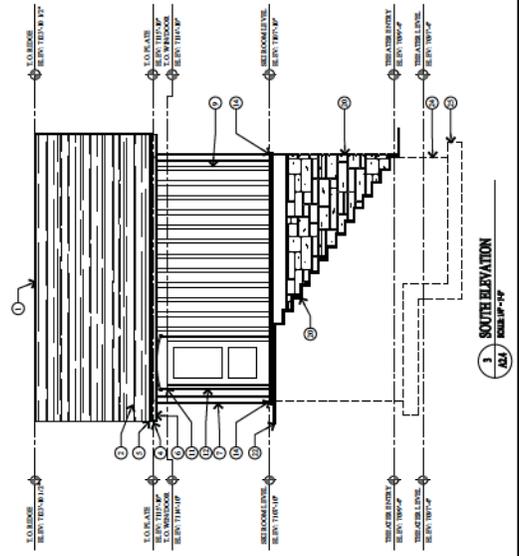
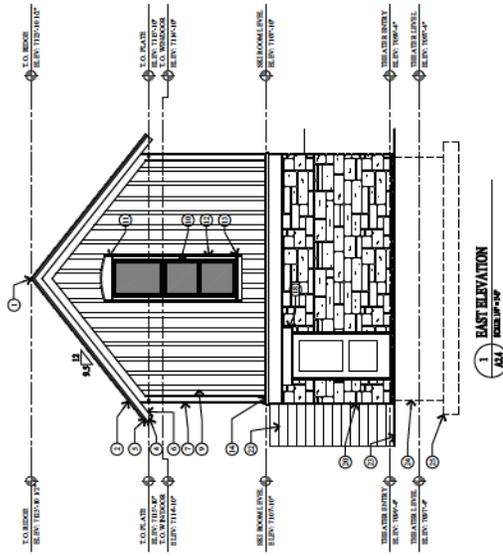
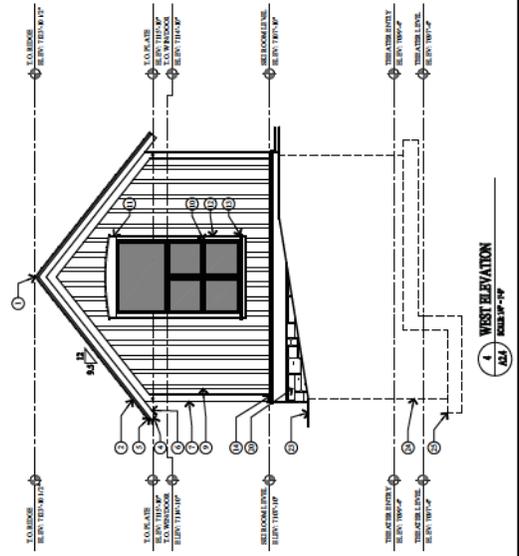
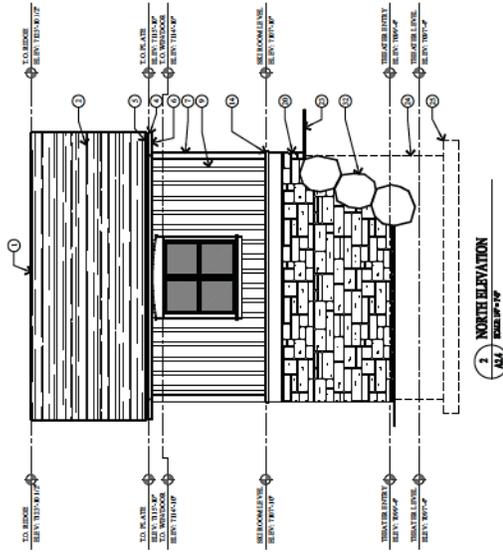
- 1) CONCRETE BLOCK VENEER, CORNER OR BEVEL.
- 2) ARCHITECTURAL GRADE CONCRETE BRICKERS WITH BRICK PATTERNS TO COORD WITH EXISTING ADJACENT BUILDING.
- 3) 1" X 1" X 1" CONTINUOUS METAL SHIP ROOF.
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1 SOUTH ELEVATION
 REVISION 10

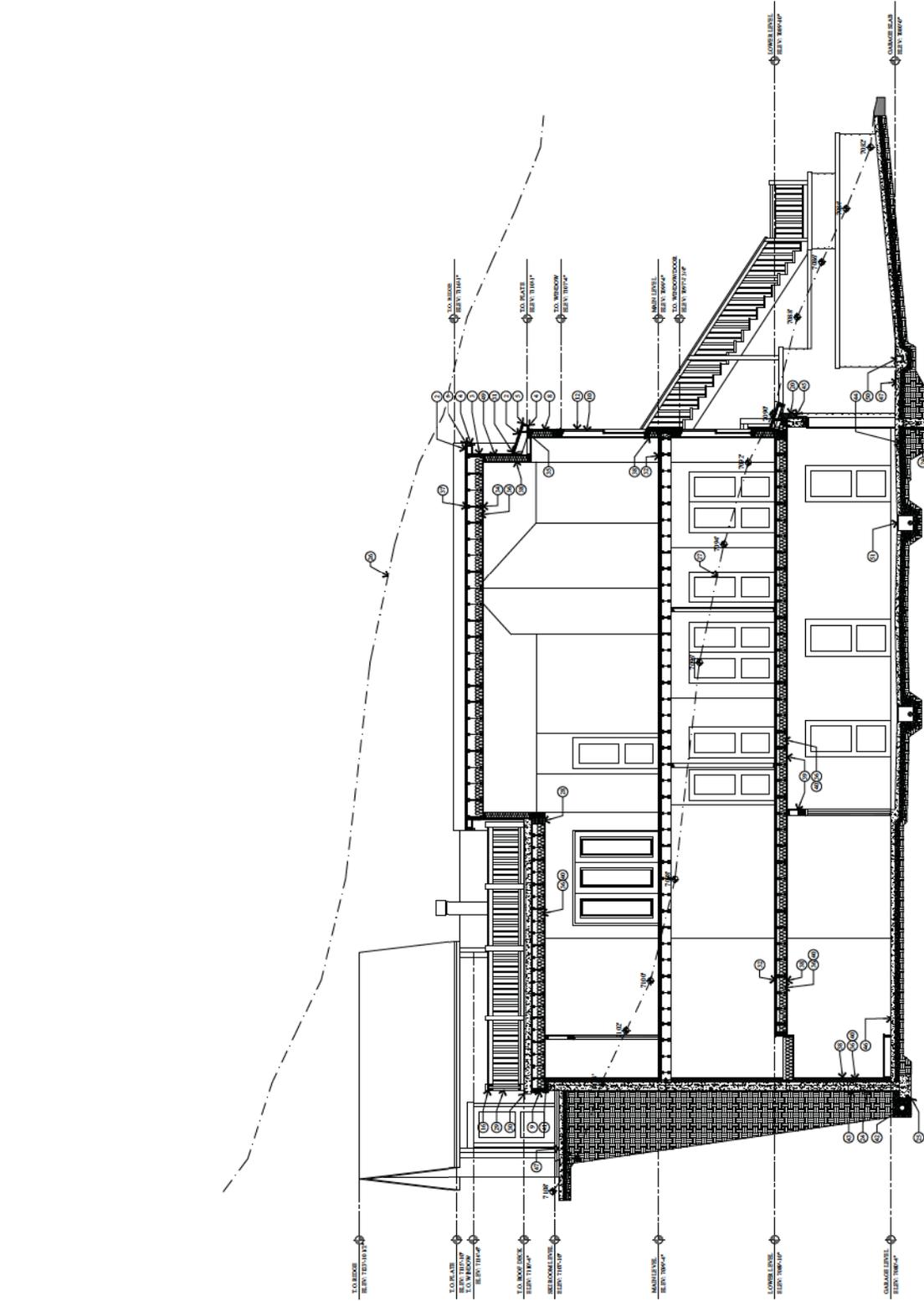
KEY NOTES

- 1) CONCRETE BLOCK VENEER, CORNER OR RIBBON.
- 2) ARCHITECTURAL GRADE CONCRETE BLOCKS TO MATCH EXISTING. TO CORNER OR RIBBON, APPLY ON EXTERIOR SIDE OF WALL.
- 3) 2" x 4" STUDS ON 16" O.C. ON EXTERIOR WALLS.
- 4) 1/2" x 1/2" CONTINUOUS METAL SHIP JOINT.
- 5) 2" x 4" FRAMING - HORIZONTAL.
- 6) 1" x 4" CONTINUOUS METAL SHIP JOINT.
- 7) 2" x 4" FRAMING - HORIZONTAL.
- 8) 2" x 4" FRAMING - HORIZONTAL.
- 9) 2" x 4" FRAMING - HORIZONTAL.
- 10) 2" x 4" FRAMING - HORIZONTAL.
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- 99) 2" x 4" FRAMING - HORIZONTAL.
- 100) 2" x 4" FRAMING - HORIZONTAL.



KEY NOTES

- 1) CONCRETE BLOCK VENEER, CORNER OR KEYS.
- 2) ARCHITECTURAL GRADE CONCRETE BLOCKS SHALL BE INSTALLED TO TOP OF FINISH FLOOR ON ALL EXTERIOR WALLS. SEE SECTION 05100 FOR FINISHING OF EXTERIOR WALLS.
- 3) 24" TRIM FINISH - PAINTED.
- 4) 1" HP 1" CONTINUOUS METAL SHOP EDGE.
- 5) 1" HP 1" CONTINUOUS METAL SHOP EDGE.
- 6) 24" TRIM FINISH - PAINTED.
- 7) 24" CHINA CROWN CORNER BRACKET, 24" CHINA CORNER BRACKET, 24" CHINA CORNER BRACKET - PAINTED.
- 8) 24" CHINA CORNER BRACKET - PAINTED.
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1 SOUTH ELEVATION
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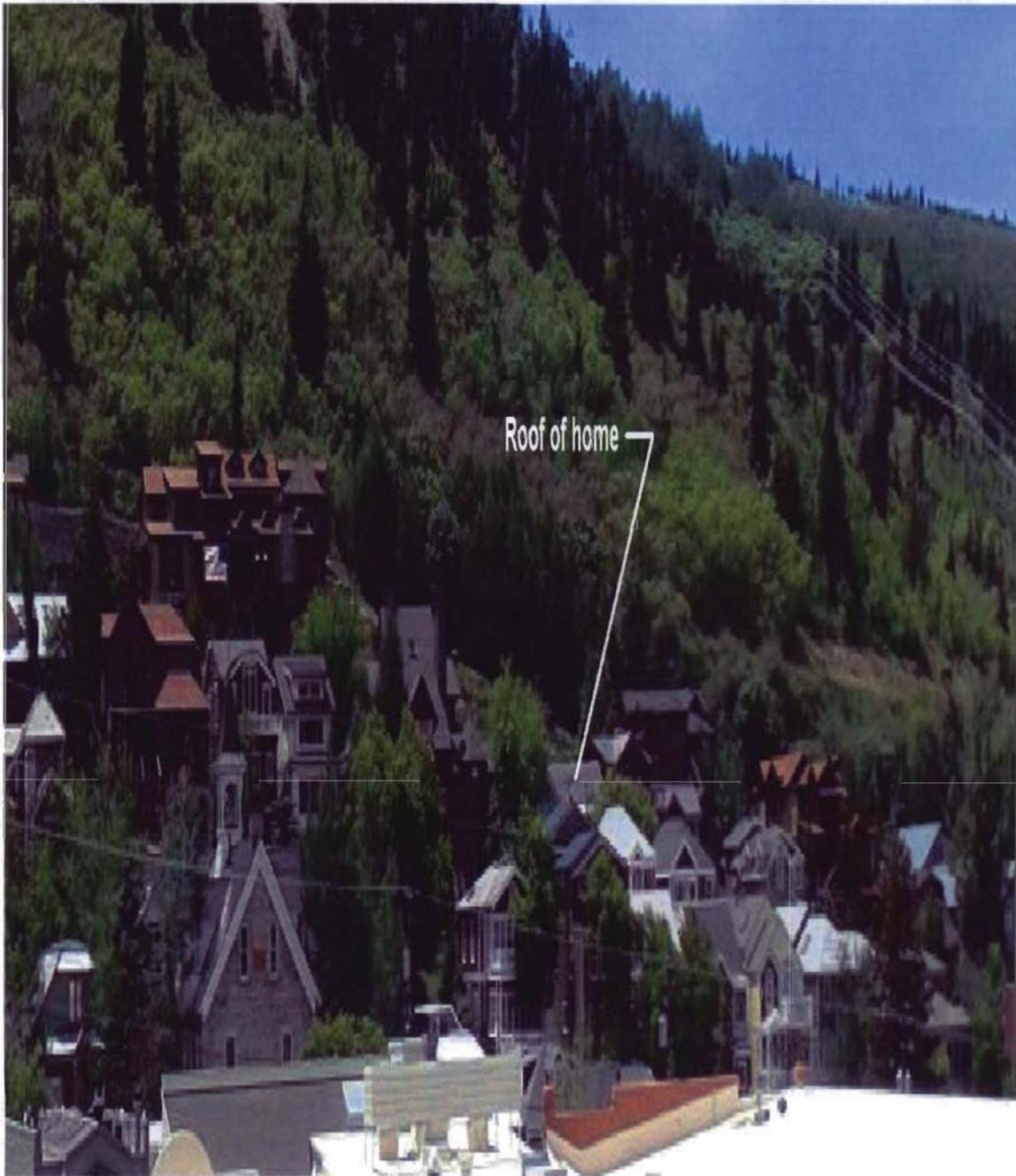
546 WOODSIDE - EXISTING

STREETSCAPE - EXISTING CONDITION

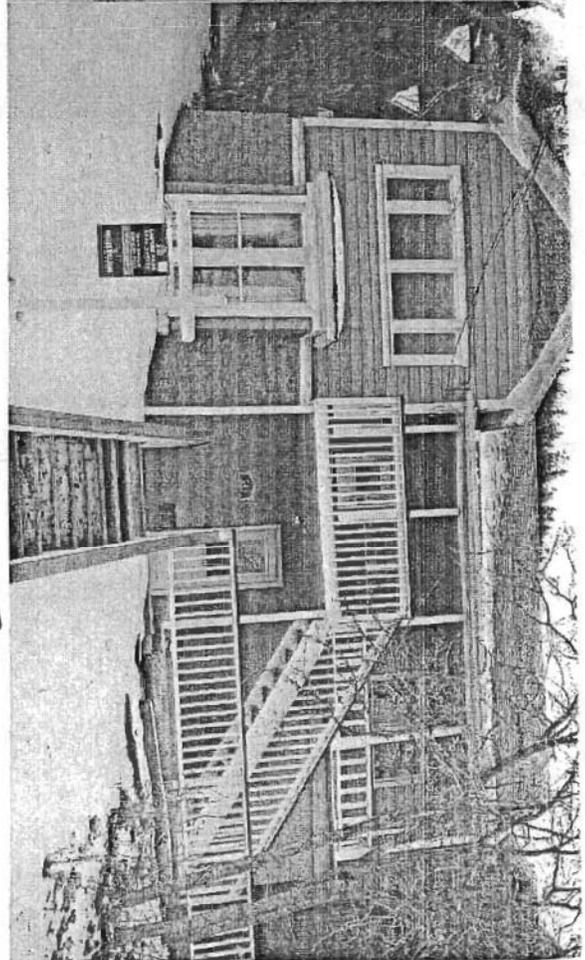
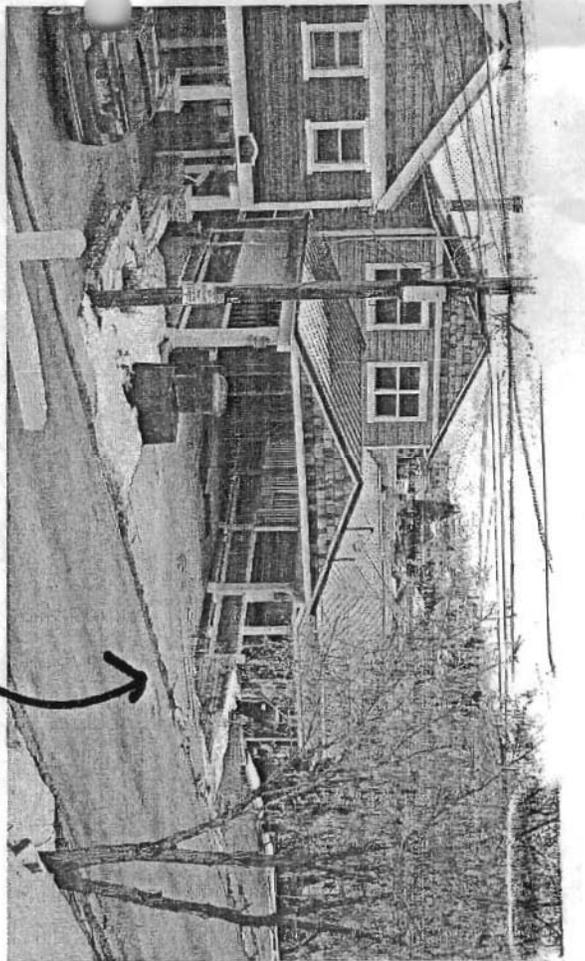


546 WOODSIDE - PROPOSED

STREETSCAPE - PROPOSED

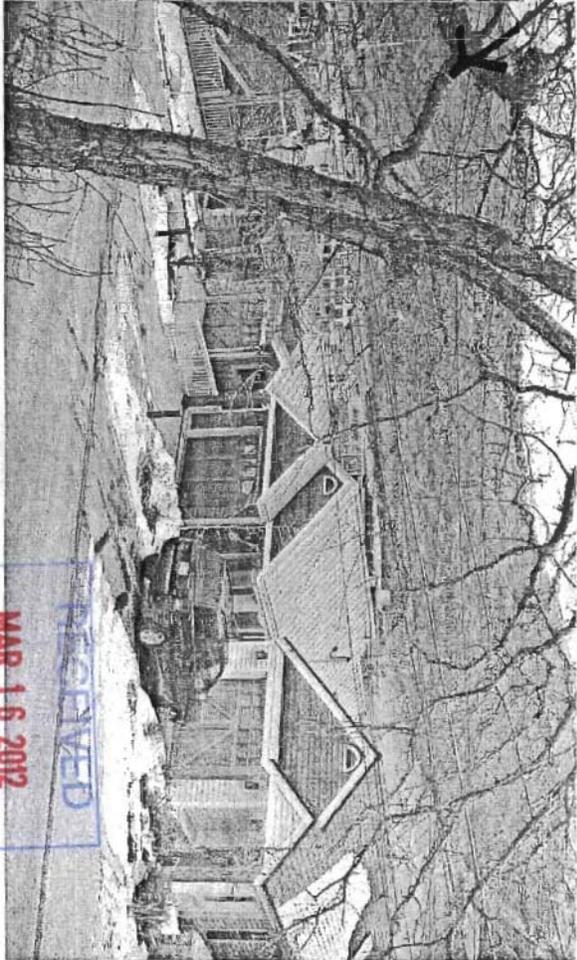
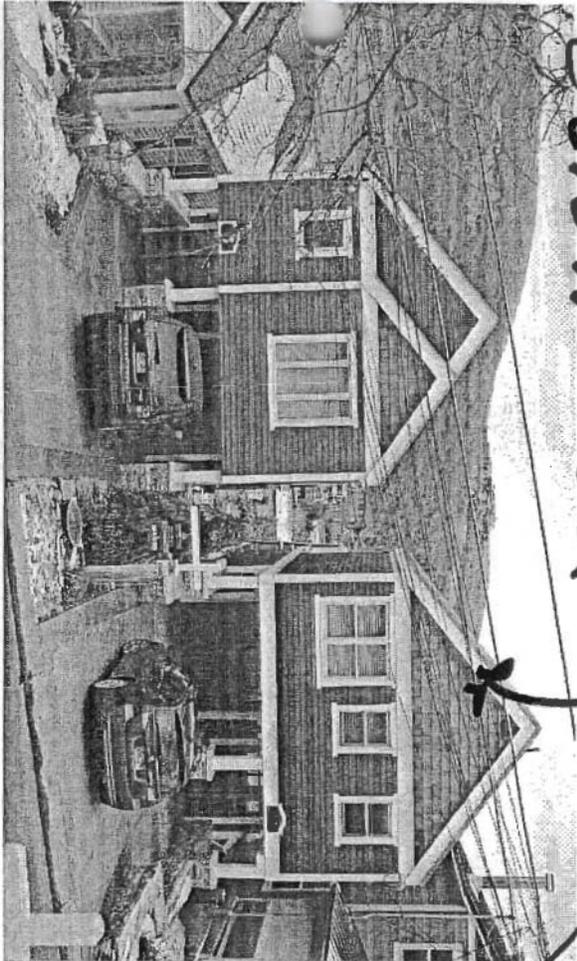


View from 445 Marsac Ave



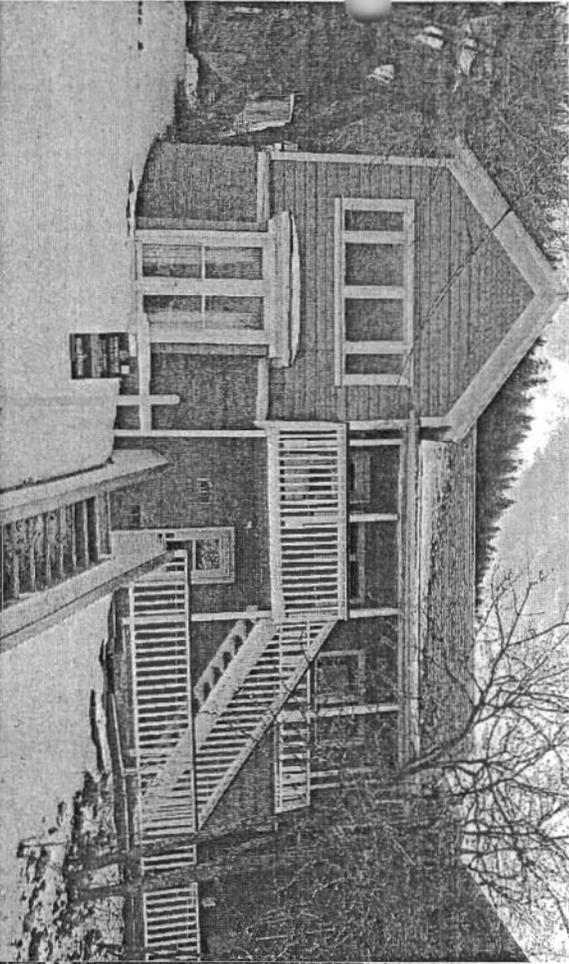
VIEW ACROSS ST.
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543 WOODSIDE - FRONT

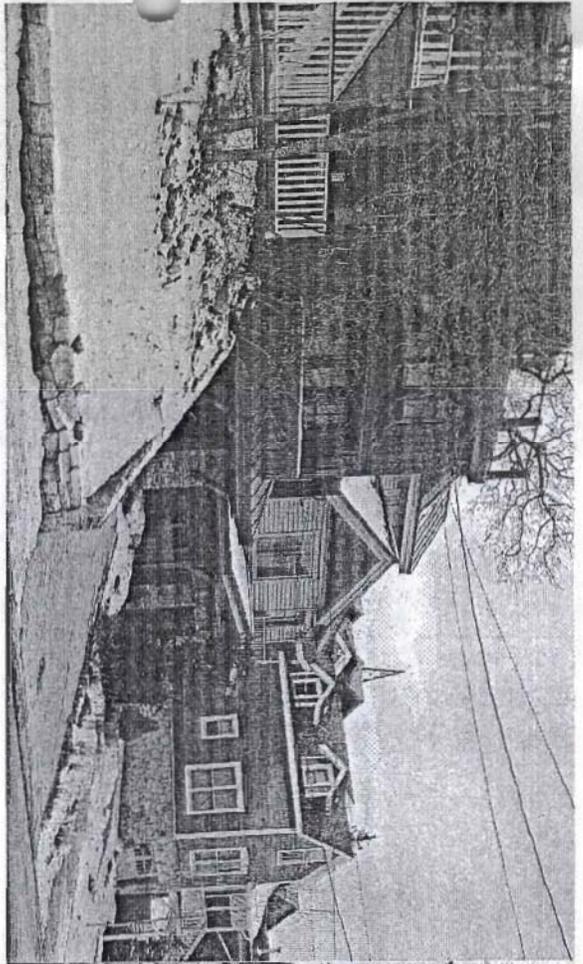


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PLANNING DEPT.

543 WOODSIDE



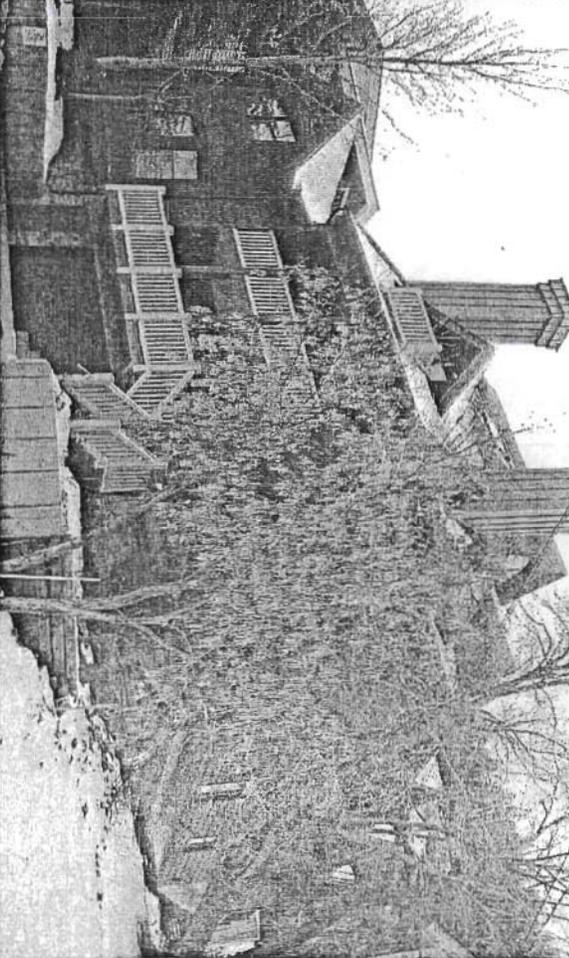
VIEW TO NORTH



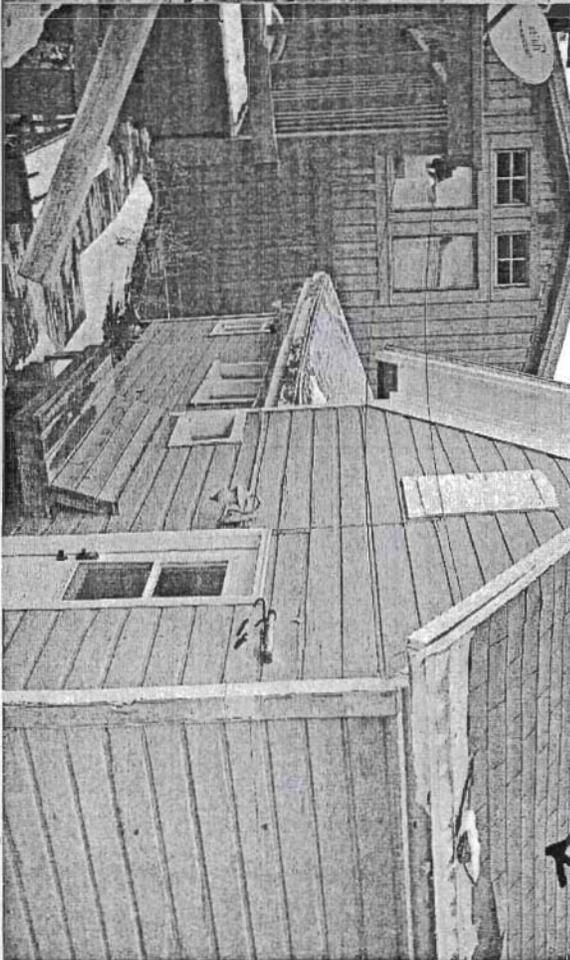
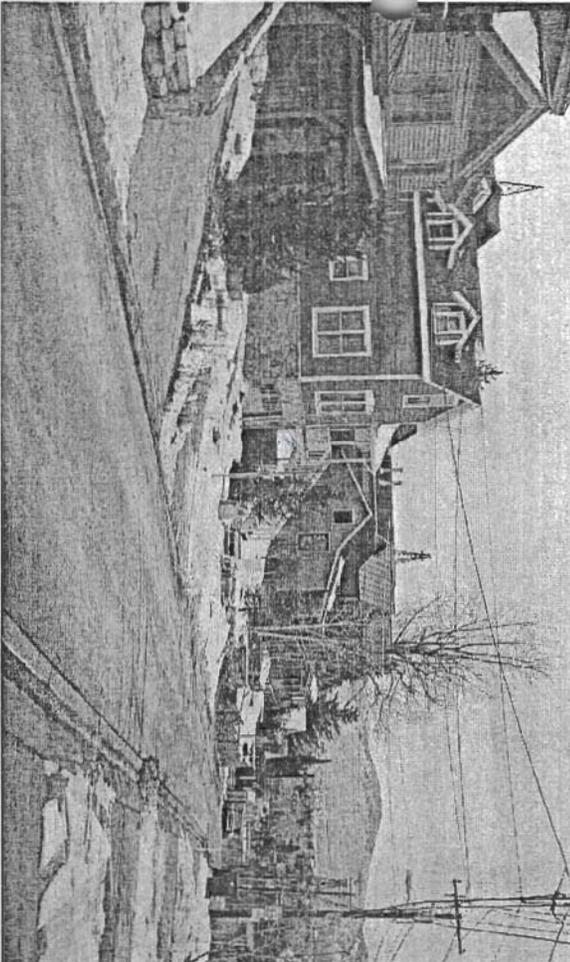
VIEW UP ST. TO SOUTH



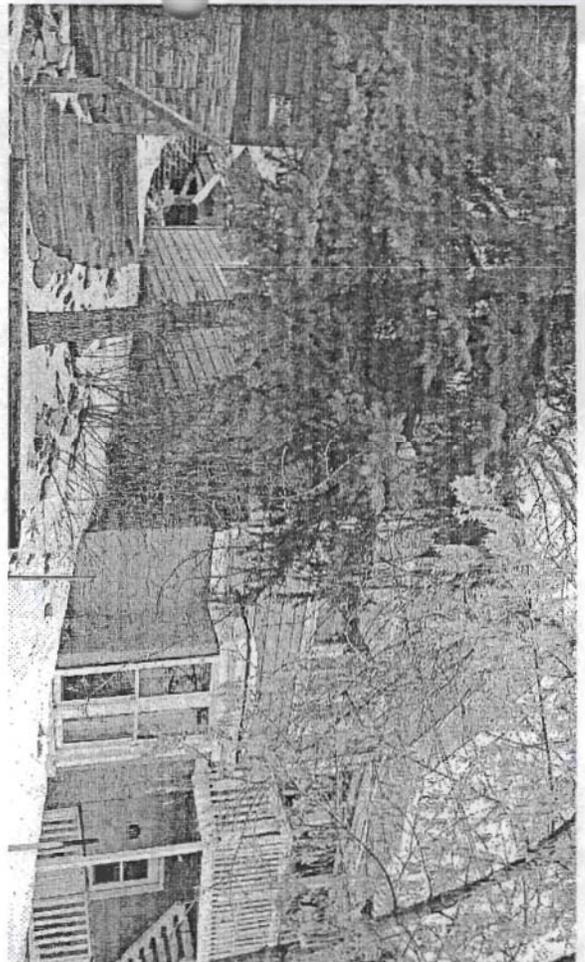
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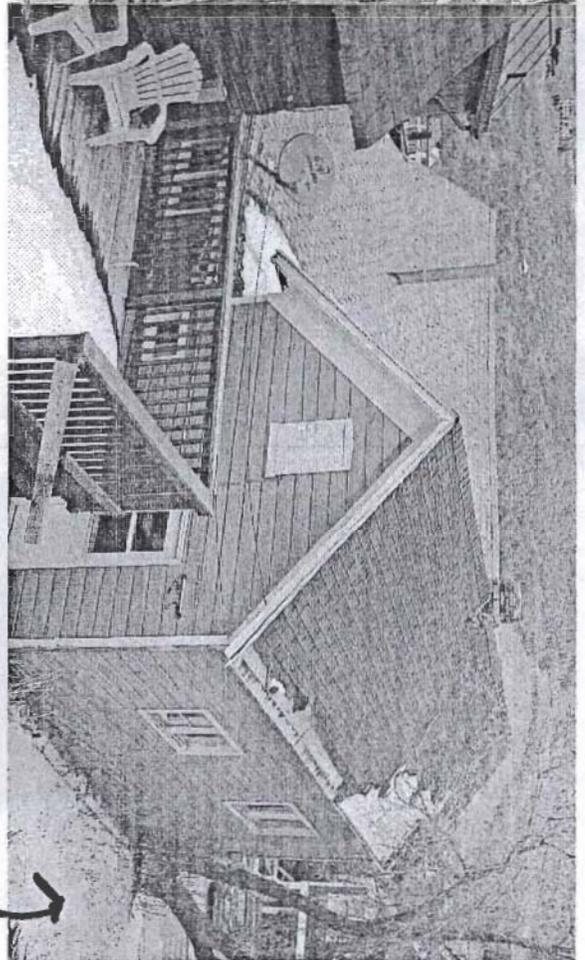
VIEW DOWN WOODSIDE - NORTH



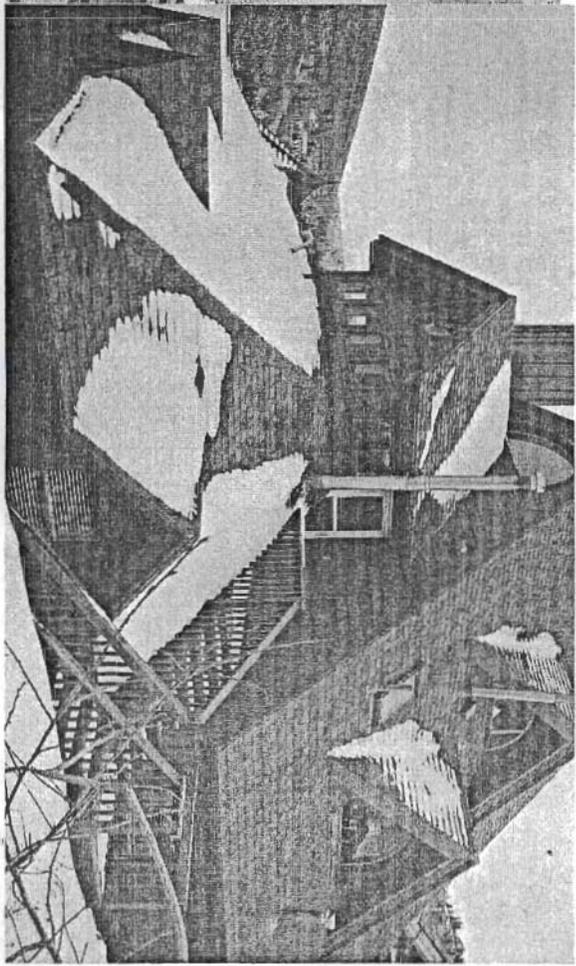
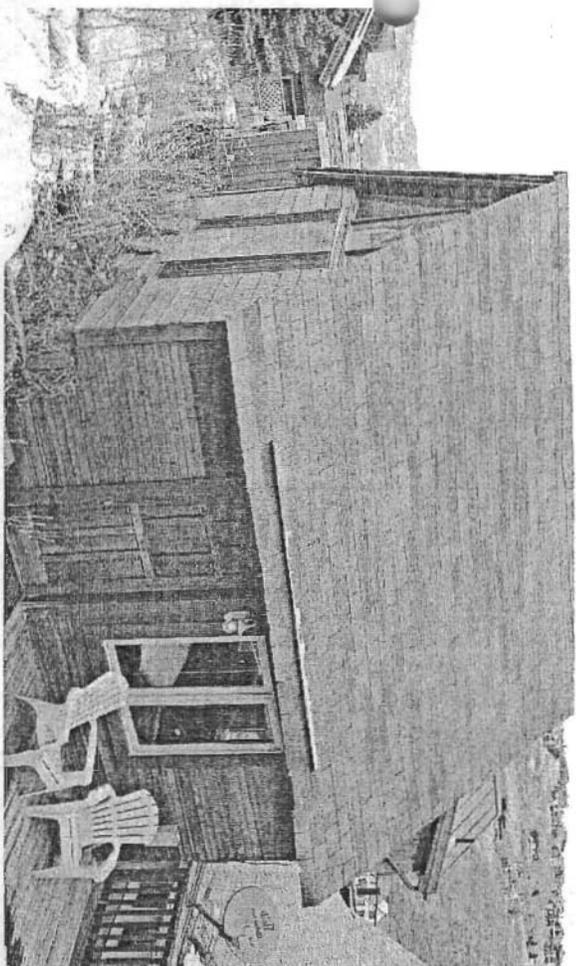
543 WOODSIDE - FRONT



548 WOODSIDE - REAR

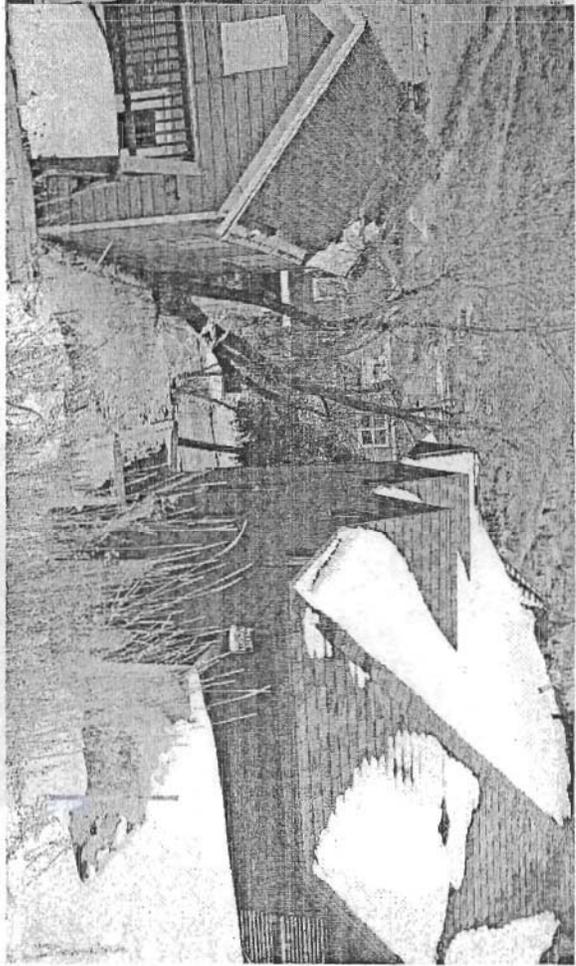
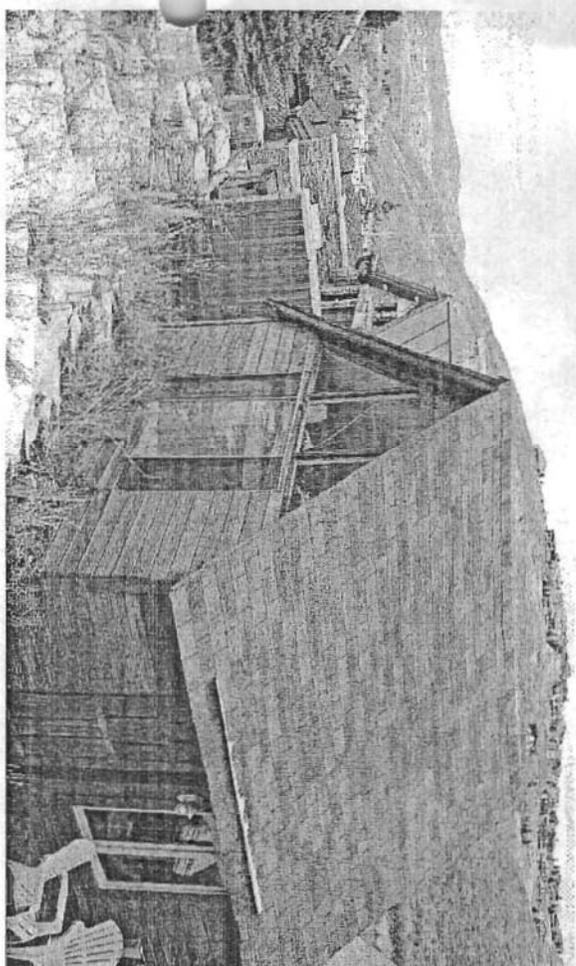


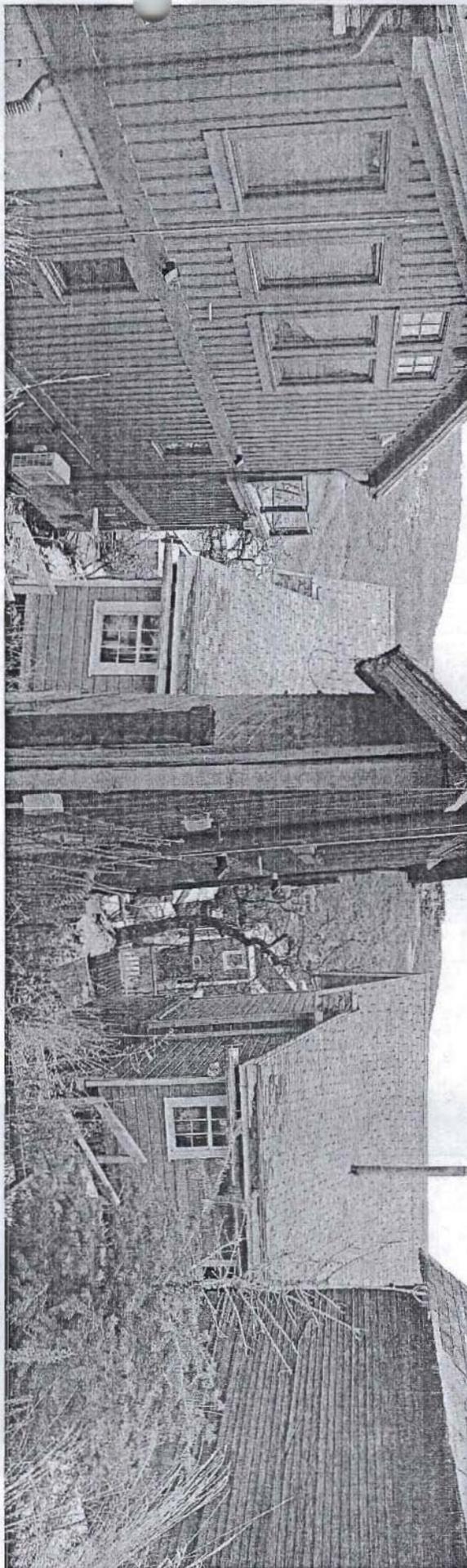
543 WOODSIDE - NECESSARY BLDG. REAR OF ADJACENT BLDG



EXISTING SHED - 543 WOODSIDE

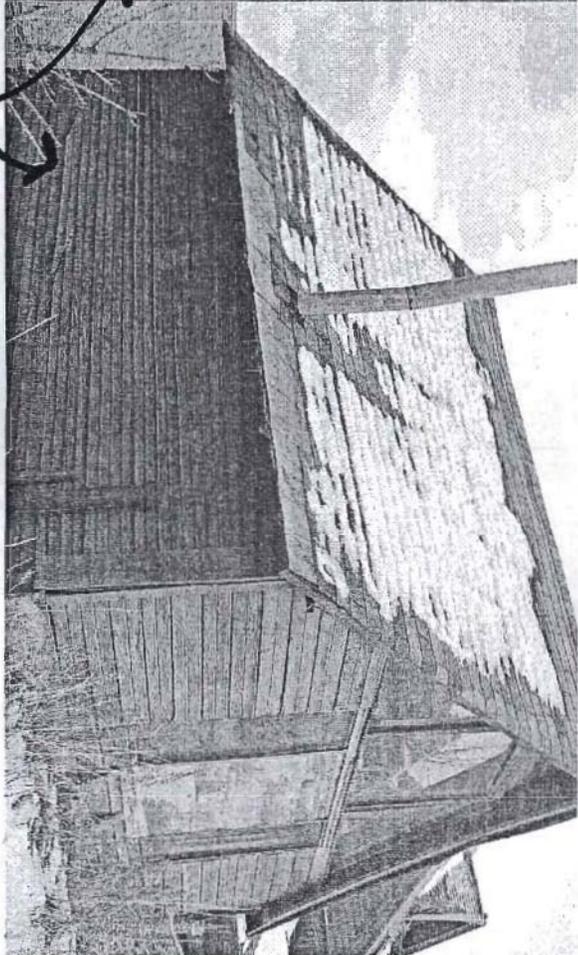
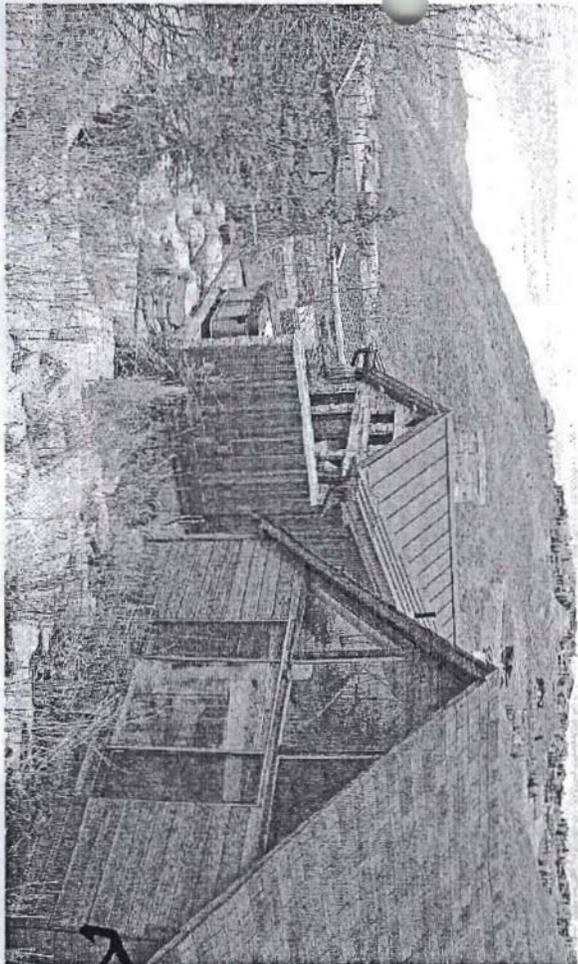
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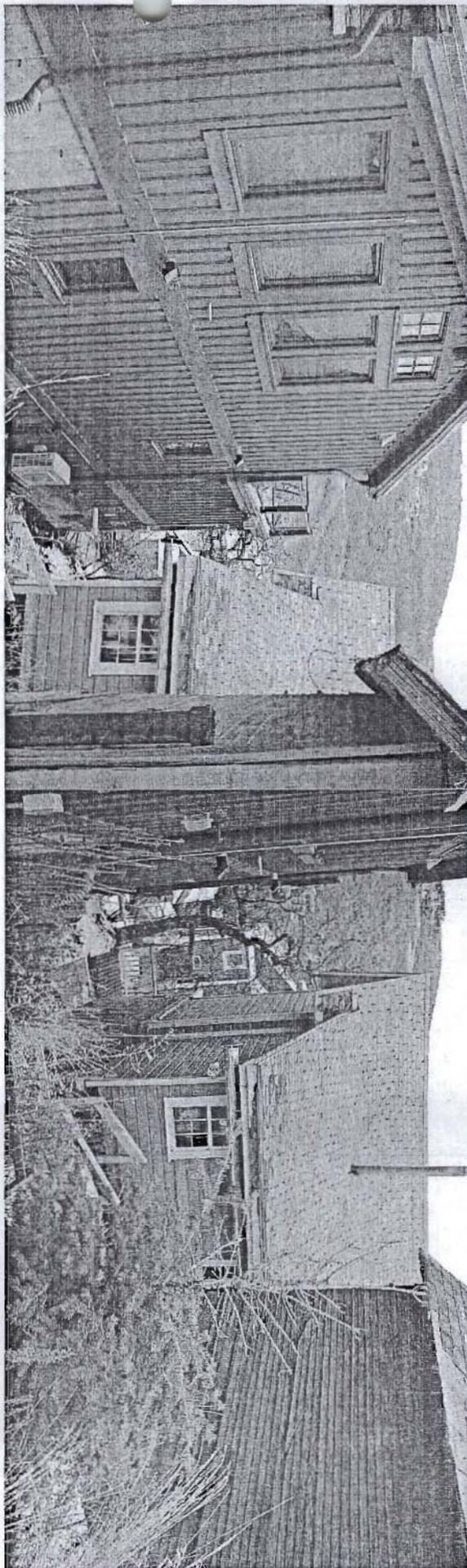


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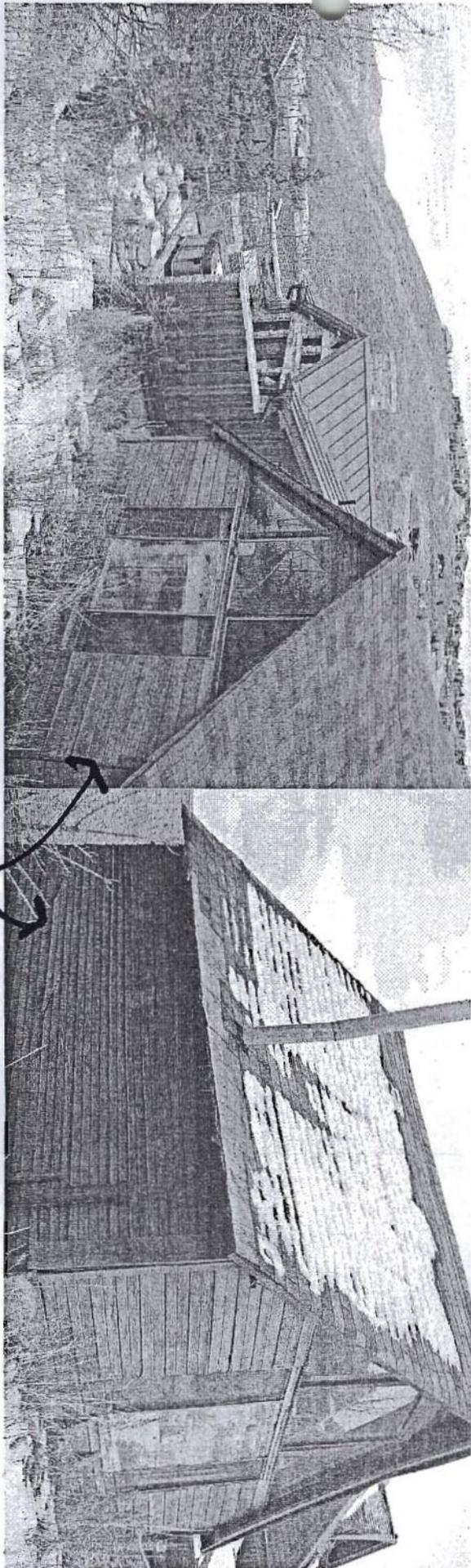


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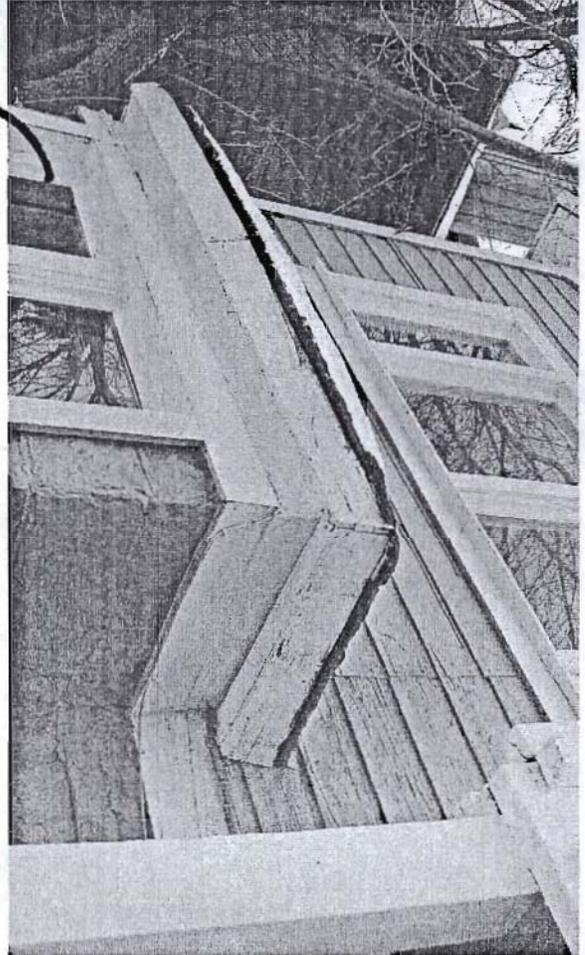
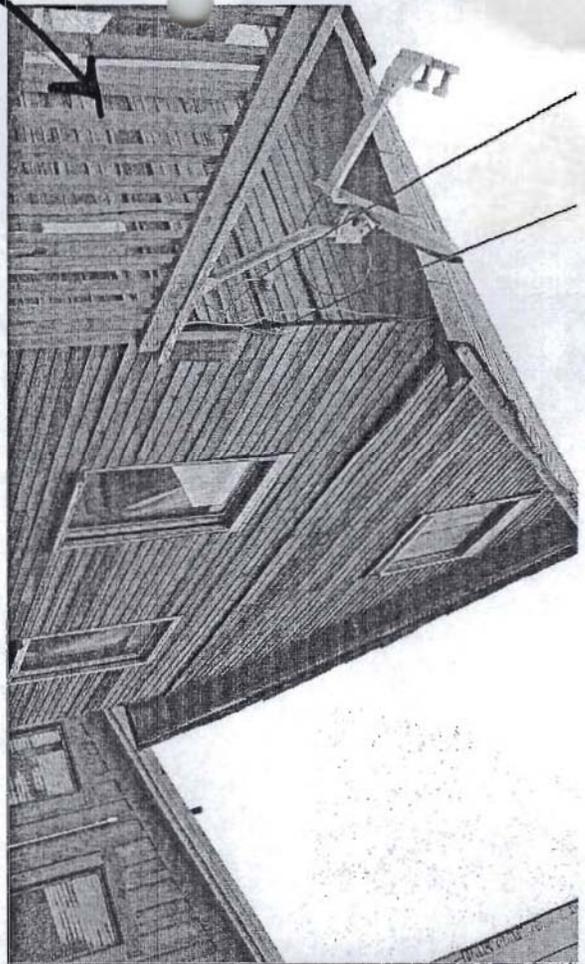
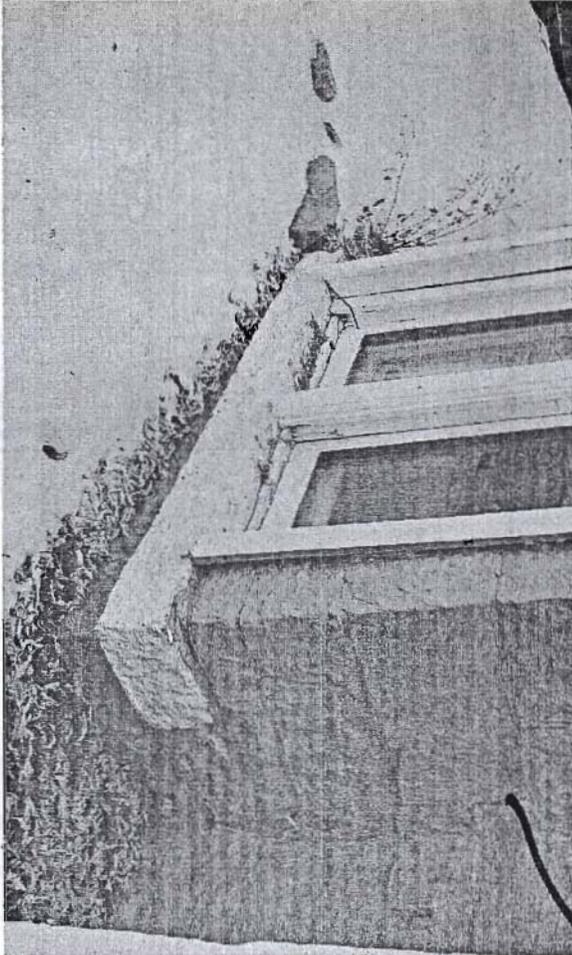


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543 WOODSIDE - ACCESSORY BLDG



543 WOODSIDE - NECESSARY BLDG.)

543 WOODSIDE FRONT BAY

1. All standard conditions of approval shall continue to apply.
2. All conditions of approval of the 455 Park Avenue Plat Amendment shall continue to apply.
3. The setback reduction shall be reduced for the current proposal. Future expansions are not anticipated as part of this review and any future additions expanding onto the minimum setback shall be reviewed by the Planning Commission as a conditional use.
4. All future lighting will be subject to the LMC development standards related to lighting.
5. Any existing lighting will be required, as part of this application, to be brought up to current standards prior to issuance of a certificate of occupancy for the addition.
6. The proposed addition shall comply with all other provisions outlined in LMC Chapter 2.2 Historic Residential District.
7. The proposed addition shall comply with all application International Building and Fire Codes.
8. The applicant shall remove the shed located in the rear yard in conjunction with this proposal.
9. The building permit plans shall resolve snow release issues to the satisfaction of the Chief Building Official.

3. **543 Woodside Avenue – Steep Slope Conditional Use Permit**
(Application #PL-12-01507)

Planner Matthew Evans reviewed the request for a steep slope conditional use permit. The applicant was proposing an addition to an existing Landmark structure on the site. The existing home is a 2,025 square feet single family dwelling. There is also a detached historic accessory building on site that is currently used as an accessory dwelling unit. Under the current proposal, the accessory dwelling unit goes away and it becomes an accessory structure. The applicant was also proposing to add a basement level to this home, as well as a garage, and a rear addition, with a deck on the rear addition.

Planner Evans provided a photo of the historic home in its existing condition.

Planner Evans recalled that previously this lot came before the Planning Commission for a plat amendment to combine two parcels into one.

Chair Pro Tem Thomas referred to the survey and counted five trees in front of the property. He would address those trees later in the discussion.

Planner Evans reiterated that the proposal was to add a subterranean level, which would be a single car garage with two levels above. The accessory dwelling was not counted against the maximum footprint of the home. The calculation was explained in the Staff report.

Commissioner Strachan understood that the setback from the front would be 15 feet. Planner Evans replied that it was 11 feet. Commissioner Hontz pointed out a discrepancy in the Staff report that identified the setback as 15 feet on one table and 11 feet on another. The correct setback was 11 feet. Commissioner Strachan asked for the setbacks on Lots 10, 9, 13 and 14. Chair Pro Tem Thomas believed the setbacks on those lots were along the same line. Commissioner Strachan clarified that he was trying to find out if there was any variation in the setback between the neighboring lots and 543 Woodside to avoid the appearance of a wall. Commissioner Worel did not think it looked like a wall from the survey provided.

Planner Whetstone asked if the house would be moved forward. Jonathan DeGray, the project architect, answered no. Planner Evans passed around an exhibit that was inadvertently left out of the Staff report.

Mr. DeGray referred to the streetscape and noted that two substantive changes were proposed. The first was to bring back the staircase that was the historic approach to the building and went all the way up to the top floor. The staircase was removed from the existing structure and the access was to the lower level. The Staff requested that the applicant bring back the historic entrance and the applicant complied. The second change was the addition of the garage door. Mr. DeGray pointed out that the square bay window was removed at some point in the past, and the applicant was proposing to bring that back as well.

Commissioner Worel indicated a discrepancy in the Staff report as to whether it was a one or two car garage. Mr. DeGray stated that it is a one car garage door, but if the cars are small, they can be tandem. It does not meet the requirements of two off-street parking spaces; therefore, it is considered a one-car garage.

Chair Pro Tem Thomas opened the public hearing.

John Plunkett, a resident across the street from this project on Woodside, felt this project was an excellent example of how to do historic restoration properly. He complimented Mr. DeGray on his work. Mr. Plunkett recalled resistance from the City a few years ago for allowing a garage in this particular situation on Woodside. However, in restoring these historic homes, it does not make sense economically if they could not have a garage. He thought the applicant and Mr. DeGray came up with a very good solution.

Chair Pro Tem Thomas closed the public hearing.

Commissioner Hontz asked Mr. DeGray to explain how the driveway would work. One exhibit showed that one side of the driveway would be sloping at 5.7% and the other side of the driveway would be much steeper at 13.3% slope. Commissioner Hontz understood the regulation that driveways could go up to 14% slope, but it has not worked in some places in Old Town. She was trying to envision how it would work on this site and what it would look like.

Mr. DeGray replied that it is warped from one side to the other and it slopes down towards the garage door. The trench drain elevation is at 79'-10-1/2". The street elevation at the center of the drive is at 81'9". There is almost two feet of fall between the road and the trench drain. Mr. DeGray cited several examples of where this was done in Old Town successfully. He stated that the cross slope at 6% is a very parkable driveway. Typical slopes in parking lots range from 2% to 4%. There was plenty of evidence in Old Town that a 15' driveway with a 2' fall works. It may not be the ideal situation and he would prefer to do something softer, but he has to meet the street. He offered the possibility of narrowing the driveway to 12' feet since it is a single-car garage.

Chair Pro Tem Thomas understood that the trench drain to the garage door was a transition slope. Mr. DeGray replied that this was correct. Chair Pro Tem Thomas thought the driveway as proposed was reasonable. Mr. DeGray referred to the south elevation, and noted that the dash line at the garage level showed the steepness of the driveway.

Commissioner Strachan referred to page 120 of the Staff report, Exhibit A2.3, and asked if the line identified as lower level was the existing lower level. Mr. DeGray answered yes. Commissioner Strachan understood that everything below that level would be excavated. Mr. DeGray replied that this was correct. Commissioner Strachan had concerns with how the excavation could be minimized because the LMC requires that there be as little excavation as possible. In his opinion, because of the height limitation, the applicant chose to dig down instead of building up. That was acceptable as long as they could mitigate the effects of excavating a significant amount of land. Commissioner Strachan asked if the applicant had mitigation efforts in mind.

Mr. DeGray asked Commissioner Strachan to clarify whether he was asking what would happen to the soil or what was being done to support the earth walls during construction. Commissioner Strachan was unsure what mitigation efforts would be required, but they have to comply with the LMC, which states that the amount of excavation must be minimized. In this case, excavation was not being minimized and they were essentially adding another level of structure by digging down. Unless that could be mitigated, he saw it as a way around the height restriction. Mr. DeGray stated that the purpose was to get the garage to work underneath the building without exceeding the levels required in the Code, and gaining garage access without disrupting the historic structure. They were also trying to respect the idea that it is a landmark structure and development above the building would not be practical. As far as mitigating the impacts, they have to comply with the Building Code and all the issues regarding safety.

Commissioner Hontz remarked that the streetscape they were given this evening partially illustrates the concern expressed by Commissioner Strachan. She goes by this structure often and one reason why it still speaks to her as being an important landmark is because the site is still intact. It feels a certain height and it feels a certain way. In her opinion, the streetscape perfectly exemplifies one of the best representations of the size, scale and mass of how Old Town should look. This plan takes a landmark structure that fits the land in the way that it did historically and takes it in a different direction that looks more like the surrounding structures that are not historic. She did not believe that helped maintain the fabric of their historic community.

Chair Pro Tem Thomas noted that the square footage increased from 2,025 square feet to 4182 square feet, not including the accessory structure. Commissioner Hontz stated that it more than doubles the size and changes the look of the existing landmark structure condition. She struggled with allowing the look and feel of this structure to be taken away from the community.

Commissioner Hontz referred to page 100 of the Staff report and noted that the last sentence of the third paragraph was incomplete. She was unsure what it was trying to say. Planner Evans stated that he had been on vacation and was not involved in the final editing of the Staff report. Without looking at what he originally wrote, he was unable to complete the sentence.

Commissioner Hontz referred to the streetscape and page A2.1 of the large scale drawings. The elevation drawing on A2.1 appeared to show a third level. Chair Pro Tem Thomas agreed. The streetscape shows a two story façade on that section of the building, however, a third story facade is created with the remodel. Planner Whetstone stated that the proposed plan was illustrated in the design guidelines as a way to put a garage under a historic house, and it was reviewed under the HDDR.

Mr. DeGray stated that when he brought the design forward for HDDR they looked at examples. One example was 517 Park Avenue. It is a similar building with a square bay and a single car garage was dug underneath. After the renovation and the garage was added, 517 Park Avenue applied for and received National Registry recognition for the building.

Commissioner Strachan asked if the HDDR allows excavating for a garage but not an entire third floor. He could understand digging out for the garage on the left side of the house, but he wanted to know what the HDDR says about the area south of the garage. Planner Evan stated that the HDDR suggests that basements and garages can be added below and it allows the home to be raised a maximum of two feet. It does not allow the home to be pushed forward or back or shifted anywhere else on the lot, and the grade must be returned to within four feet.

Commissioner Hontz read from Criteria 6 of the steep slope CUP, Building Form and Scale. "...and the garage must be subordinate in design to the main building. The Planning Commission may require a garage separate from the main structure or no garage." It was unfortunate that there was no other place on the site to locate the garage, but putting the garage underneath was doubling the size of the house. Mr. DeGray pointed out that the stairway was also adding mass to the structure. Commissioner Hontz agreed that in looking at the streetscape, the stairway and planters added to the visual mass. Another discrepancy in the Staff report was whether or not the trees would be removed. Mr. DeGray stated that the trees would be removed; however the landscape plan demonstrates how the loss would be mitigated.

Commissioner Strachan referred to the table on page 98 of the Staff report under Basement/Garage, and noted that 752 square feet was living space and the garage was 486 square feet. In his opinion, the HDDR envisions the 486 square foot garage. However, the 752 square feet of additional living space that essentially adds another floor to the building was not envisioned by the HDDR.

Commissioner Worel agreed with Commissioner Strachan. She understood that the purpose was to create access from the house to the garage. Mr. DeGray explained that 752 square feet is finished space, but it would be used for a mud room, mechanical, stairway, storage and elevator. They were gaining utility out of the basement because it allows them to maintain living space above it.

Commissioner Strachan argued that it was habitable living space, which would not be allowed. Chair Pro Tem Thomas pointed out that it could not be used as living space because it would not have natural light and egress. Mr. DeGray concurred that it was finished space but not living space.

Assistant City Attorney McLean read the Code section for the HR-1 section regarding height. "A structure may have a maximum of three stories. A basement counts as a first story within this zone. Attics are not habitable space and do not count as a story. A ten foot minimum horizontal step in the downhill façade is required for the third story of a structure unless the first story is located completely under the finished grade on all sides of the structure. A structure in which the first story is located completely under finished grade, a side or rear entrance into a garage, which is not visible from the front façade or street right-of-way, is allowed."

Commissioner Worel asked if the two windows shown on A2.3 were in the garage. Planner Whetstone stated that the windows were on the lower level above the basement.

Mr. DeGray pointed out that the existing streetscape has a staircase that only goes up to the lower level of the house. The Staff asked the applicant to create a staircase that replicates the historic entrance to the house, and that was a much more massive element.

Steve Maxwell, the applicant, remarked that taking the stairway all the up really changes the dynamics of the house on the streetscape. He was disappointed that there was not a historic picture of the house with the full staircase because the original house was massive. He has owned the house for four years and this was his second time going through the design review process. The first time was because of the accessory building in the rear. When he came back for the second review, everyone decided that the accessory building was a historic shed. Mr. Maxwell commented on the amount of planning that went into extending the staircase to the upper floor.

Chair Pro Tem Thomas was comfortable with the east elevation. He thought it was well executed and that Mr. DeGray had done the best he could to incorporate a garage into a historic house. Chair Pro Tem Thomas remarked that a landscape plan would help the Commissioners understand how the building steps away from the street façade. He suggested that landscaping could be integrated on the right-hand side of the east elevation to soften the visual impact. He did not believe the Code would prohibit excavating into the last pavilion where the stair core, the mud room and the mechanical were located, but he personally felt the amount of retaining wall was significant to create that space. Mr. DeGray stated that they were trying to create access from the garage to the house in a place where it made the most sense with the plan above. Chair Pro Tem Thomas understood that this would not come back to the Planning Commission and the excavation issues would be mitigated through the construction process with the Building Department.

Planner Evans noted that a landscape plan was included as an exhibit in the Staff report. Based on that landscape plan, Chair Pro Tem Thomas preferred more landscaping to soften the visual impact from the street.

Mr. DeGray stated that the owner was not opposed to additional landscaping.

Commissioner Hontz remarked that the historic photo was helpful, but the staircase did not extend as far as the replicated staircase, which indicates that the existing grade is higher than the former grade. Mr. Maxwell stated that the original staircase continues higher than what was shown in the photo and he pointed out where you could see it continue in the photo. Commissioner Hontz thought the elevation was lower and the staircase was not steep. She felt it was obvious that its relationship to Woodside had changed over the years. Mr. DeGray disagreed. He tried to replicate the original staircase as close as possible and still comply with Code. Commissioner Hontz clarified that she needed time to understand what was being proposed and compare it with Code before she could be comfortable with the proposal.

Chair Pro Tem Thomas stated that because they were given new information at the last minute this evening, it would be appropriate to continue this item to allow time to review the information before making a decision. He thought the Planning Commission should provide clear direction to the applicant if they chose to continue.

Commissioner Strachan noted that in the past the Planning Commission has been given compatibility comparisons showing the square footage of two or three structures on each side. He thought that would be helpful for this project to address the compatibility issue. Commissioner Strachan believed the issue was a continuation of the wall of garages and home fronts that have occurred on Woodside. He acknowledged that the comparisons may show that the home is compatible with the changes on Woodside, but he needed to see the numbers.

Commissioner Hontz clarified that the comparison structures should be historic homes. She believed that would be a problem because many of the surrounding structures were not historic and were multi-family buildings. Mr. DeGray agreed that the houses on either side of 543 Woodside were quite large. Mr. Maxwell commented on the size and height of the houses next door, which dwarfed his house. He remarked that they were actually saving the existing piece and providing streetscape that was more attractive than the adjacent structures.

Commissioner Hontz felt it was important to remember that this was a Landmark structure and it could not be compared to non-historic structures on either side. The question was what could be done to support saving the house and making sure that it continues to be lived in, but not lose its historic fabric by adding the garage and planter boxes.

Commissioner Hontz requested a comparison that identifies compatibility with historic homes on the street. She also requested a more understandable and readable landscape plan. Changes for the next Staff report included better reflecting the table on Page 97 in the findings of fact and conclusions of law; and to complete the incomplete sentence on page 100. Chair Pro Tem Thomas indicated a correction to page 98 regarding the removal of trees.

MOTION: Commissioner Hontz moved to CONTINUE the Steep Slope Conditional Use Permit for 543 Woodside Avenue to July 25th, 2012. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

**4. 573 Main Street, Claimjumper – Plat Amendment
(Application #PL-10-01105)**

Planner Astorga reviewed the application for a plat amendment for a site known as the Claimjumper building site, located at 573 Main Street and approximately 564 and 572 Park Avenue. The request is to combine a total of 6 Old Town lots and portions of two lots into three lots of record.

Planner Astorga presented the County Plat Map which was attached as an exhibit on Page 132 of the Staff report, which outlined the entire property. The property has been identified with the same tax ID number. Another exhibit showed the entire area with the dividing zone line shown in blue. The majority of the Claimjumper building sits on the HCB side; however, portions of the rear additions encroach into the HR-2A District. Planner Astorga reviewed the proposed plat amendment showing that a portion of those lots would no longer cross the lot lines because all the interior lot lines would be removed.

Planner Astorga noted that the Planning Commission was scheduled to review this application on May 23rd. At that time, the applicant's representative requested that the item be continued to a future date to allow the opportunity to address concerns raised by neighboring property owners. Planner Astorga reported that the issues were not resolved from those discussions.

Planner Astorga stated that per the analysis in the Staff report, the encroachments or additions were built in 1993. The HR-2 District was created in the Land Management Code in 2000. The Staff report identifies an HR-2 Overlay District that was created prior to 2000, but it was completely different than the HR-2 Transition Zone that was enacted in 2000.

The Staff recognized that the improvements were approved by the City per the submitted information given by the property owner, including minutes from when the former Historic District Commission approved the improvements. The minutes also mention the parking lot in the back, since it was common practice in the 1980's and 1990's to move forward with these improvements without a plat amendment. Planner Astorga remarked that since the improvements were approved by the City before the HR-2A Special Requirements were enacted, the Staff considers the improvements to be legal non-conforming. If the property owner decided to enlarge or expand on this specific area, which is zoned HR-2, they would have to meet specific regulations. Special criteria in the LMC addresses enlargement to non-conforming uses and non-compliant structures.

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

Planner Astorga had provided the Commissioners with a letter from Joe Tesch, representing neighboring property owners, with additional conditions of approval to address the neighbors' concerns.



September 24, 2012

Steve Maxwell
866 Heards Ferry Road
Atlanta, Georgia 30328-4728

NOTICE BOARD OF ADJUSTMENT ACTION

Project Description: Variance to Park City Land Management Code (LMC) Subsection (§) 15-2.2-5(B)
Project Numbers: PL-12-01630
Project Address: 543 Woodside Avenue
Date of Final Action: September 24, 2012

Action Taken: The Board of Adjustment held a regularly scheduled meeting and public hearing on September 18, 2012, and voted 3-1 to grant a variance to the aforementioned section of the Park City Land Management Code, to allow for a basement level garage to be added to an existing historic home, located at 543 Woodside Avenue, Park City, without the required ten foot (10') horizontal step on the third story level, subject to the Findings of Fact and Conclusions of Law as listed herein:

Findings of Fact

1. The property is located at 543 Woodside Avenue.
2. The property is located within the Historic Residential (HR-1) District.
3. The existing historic home is identified within the Park City Historic Sites Inventory and is identified as the "Dr. William Bardsley House" which was constructed in 1894.
4. The applicant is request a variance to Land Management Code (LMC) Subsection (§) 15-2.2-5(B) for the purpose of allowing a basement level garage to be constructed underneath an existing historic home.
5. The proposed basement garage addition does not cause any nonconformities with respect to overall height, setback, footprint, or otherwise.
6. The garage cannot be built without the variance to the requirement for the third-story setback. Alterations to the existing historic home to provide for a ten-foot setback on what would become the top story would violate Historic District Design Guidelines and result in the home being removed from the historic registry.
7. If the variance is granted, the applicant will need to obtain a Steep Slope Conditional Use Permit and HDDR approval prior to the commencement of any construction for the basement and garage addition.
8. The unreasonable hardship is that a garage cannot be placed on the site without violating Land Management Code (LMC) Subsection (§) 15-2.2-5(B). Placing a garage under the home will turning it into a three story house which is required to be setback 10 feet. The home is historic and the top floor cannot be altered without losing the historic status of the home, and a garage cannot be added

- without the variance.
9. The garage and driveway will help ensure that two vehicles could be parked on the property. Although parking is not required for a historic home, the applicant has consistently used the area in front of the home adjacent to Woodside Avenue as parking for the existing historic home. Parking during the winter months in old town is difficult due to snow accumulation and snow storage.
 10. Granting of the variance allows to the applicant the same rights as other property owners in the district.
 11. Neither the General Plan nor the LMC prohibit or discourage garages in the Historic Residential zone districts.
 12. The LMC allows for third story homes in the HR-1 zone district, thus the spirit of the code is met in granting the variance.
 13. One of the goals identified in the current General Plan is to ensure that the character of new construction is architecturally-compatible to the existing historic character of Park City. The applicant will be required to go through the HDDR process for compatibility with the adopted Historic District Design Guidelines prior to the construction of the basement and garage.
 14. The Historic District Design Guidelines contemplate how a basement level garage can be added underneath an existing historic home and give prescribed measures to accomplish such.
 15. The spirit of the LMC is observed and substantial justice done.

Conclusion of Law

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

Order

The variance to LMC § 15-2.2-5(B) requiring a ten foot (10') horizontal step setback to the third story of the 543 Woodside Avenue home is hereby granted allowing the basement level addition with the garage without the need to modify the historic front façade to create a third-story setback.

If you have any questions or concerns regarding this letter, please do not hesitate to contact me. I can be reached at 435-615-5063 or via e-mail me at mathew.evans@parkcity.org.

Sincerely,



Mathew W. Evans
Senior Planner

Planning Commission Staff Report



Subject: 30 Sampson Avenue
Project #: PL-12-01487
Author: Mathew Evans, Senior Planner
Date: November 28, 2012
Type of Item: Administrative – Steep Slope Conditional Use Permit

Summary Recommendations

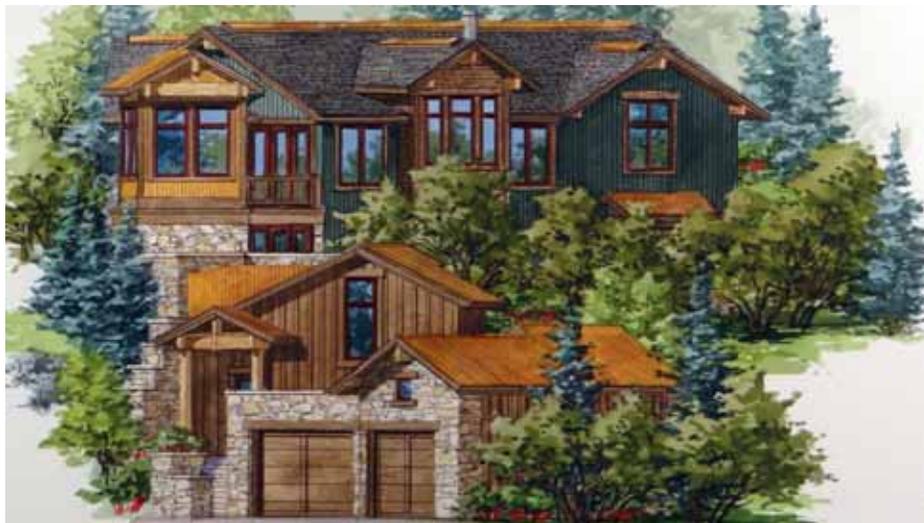
Staff recommends the Planning Commission review a request for a Steep Slope Conditional Use Permit at 30 Sampson Avenue. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

Description

Applicant/Owner: Michael Jorgensen
Architect: Jonathan DeGray
Location: 30 Sampson Avenue
Zoning: Historic Residential - Low (HRL)
Adjacent Land Uses: Residential, Vacant
Reason for Review: Construction of structures greater than 1,000 sf on a steep slope requires a Conditional Use Permit

Proposal

This application is a request for a Steep Slope Conditional Use Permit for new 4,587 square foot home (4,041 total living space, minus garage but including the basement) to be located at 30 Sampson Avenue. The lot is currently vacant. The property is located within the Historic Residential Low (HRL) Zone designation and requires that any new construction 1,000 square feet or greater, on slopes exceeding 30%, first obtain a Conditional Use Permit for steep slope construction prior to the issuance of a building permit.



Background

On January 5, 1995, the City Council approved the “30, 40, and 50 Sampson Avenue Amended Plat” also known as the Millsite Supplemental Plat Amended Subdivision, which was a combination of 13 whole and partial lots, and a portion of “Utah Avenue” within the original Millsite addition to Park City Subdivision Plat. The Plat was recorded with a note that limited the “maximum size for residential structures” to 3,000 square feet for Lots 1 and 3, and 3,500 square feet for lot two. The conditions of approval reflect that there would be a 400 square foot “credit” for garages (see Exhibit “C”). This application is for Lot 3 of the Millsite Supplemental Plat Subdivision.

On March 30, 1998, a letter was written by Richard E. Lewis, acting Community Development Director, to the owners of Lots 1, 2, and 3, which clarifying that the maximum size for residential structures note on the plat excluded basements as defined by the LMC, so long as no portion of the basement was above ground. The letter also clarified the additional 400 square feet of floor area garage allowance to the total square feet allowed. This letter is attached hereto as Exhibit “D”.

On February 14, 2012, the City received a completed application for a Conditional Use Permit (CUP) for “Construction on a Steep Slope” at 30 Sampson Avenue. The property is located in the Historic Residential Low (HRL) District. On April 9, 2012, the application was deemed “complete” and scheduled as a public hearing before the Planning Commission.

This application is a request for a Conditional Use Permit for construction of a new single family dwelling including a detached garage. Because the total proposed structure square footage is greater than 1,000 square feet and would be constructed on a slope greater than thirty percent (30%), the applicant is required to file a CUP application for review by the Planning Commission, pursuant to LMC § 15-2.1-6. A Historic District Design Review (HDDR) application is being reviewed concurrently by staff for compliance with the Design Guidelines for Historic Districts and Historic Sites adopted in 2009.

In the original application, the applicant proposed a sub-basement level entrance from the garage, however it was determined by Staff that such a proposal would violate Section 15-2.1-5 (Building Height – Maximum of three [3] stories) of the LMC. Since that time, the applicant has revised his plans to show a detached garage and a subterranean walk-way (tunnel) that leads to an elevator, which connects to a patio area in front of the house. Since the garage is detached, it does not violate the 3 stories height restriction in the code.

On August 22, 2012, this application came before the Planning Commission, and Public Comment was taken at the same meeting (see meeting minutes attached as Exhibit “E”). The Planning Commission closed the Public Hearing and voted unanimously to continue the item to a date uncertain for the purpose of reviewing the existing definition of “stories”. The applicant has since requested to have the application put back before the Planning Commission for your consideration of the Steep Slope CUP. Based upon Planning Commission’s subsequent discussions regarding the definition of stories, this application appears to be three stories under the current definition in the code since the

garage/elevator building is detached, and the code does not suggest or require that we count the total amount of floors over the entire lot, rather per structure. The current LMC defines of a “story” as follows:

15-15-1.249 STORY. The vertical measurement between floors taken from finish floor to finish floor. For the top most Story, the vertical measurement is taken from the top finish floor to the top of the wall plate for the roof Structure.

Purposes of the HRL District

The purpose of the Historic Residential Low-Density (HRL) District is to:

- (A) Reduce density that is accessible only by substandard Streets so these Streets are not impacted beyond their reasonable carrying capacity,
- (B) Provide an Area of lower density Residential Use within the old portion of Park City,
- (C) Preserve the character of Historic residential Development in Park City,
- (D) Encourage the preservation of Historic Structures,
- (E) Encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District, and maintain existing residential neighborhoods.
- (F) Establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment, and
- (G) Define Development parameters that are consistent with the General Plan policies for the Historic core.

Analysis

The proposed home is three (3) stories, including a basement level, a main level, and a top level. There is also a detached garage and a subterranean (underground) tunnel that leads to an ADA accessible elevator building. The garage is not directly connected or attached to the home and is thus considered a detached accessory structure which is proposed to be built within the required setbacks for the main structure. The garage is setback from the elevator building by ten feet (10') and is setback thirty-two feet (32') from the main building. The highest point of the building is 27 feet, but at no point does the building exceed this height.

The total maximum allowed footprint per the LMC is 2,355.5 square feet. There is a plat note on the Millsite Reservation Supplemental Plat that restricts the maximum size of the structure to 3,000 square feet. A 1998 letter from former Community Development Director, Richard E. Lewis, written to the owners of the Millsite Reservation Supplemental plat clarified that the City Council granted an additional 400 square feet for a garage. In addition, Mr. Lewis determined that basements were permitted in addition to the maximum house size provided that the basement meets the definition in the Land Management Code. At the time a “Basement” was defined at that time as having all four walls at least 80% underground and may not have an outside door visible from the public right of way. Our current Code defines Basement as “Any floor level below the First Story in a Building.” The proposed basement level meets our new definition as found within LMC Section 15-15-1.

The total proposed structure is 4,587 total square feet which includes a proposed 546 square foot garage, a 331 garage entryway, and a 109 square foot mud room which is attached to an elevator building totaling 346 square feet. The main home/living quarters has a footprint of 1,189 square feet with a total of 3,601 square feet, and the total size of the structure (excluding basement and 400 square feet for garage is 2,998 square feet. The total living space is 4,041 square feet. Below is an analysis of each floor and accounts for the total square footage of the entire project:

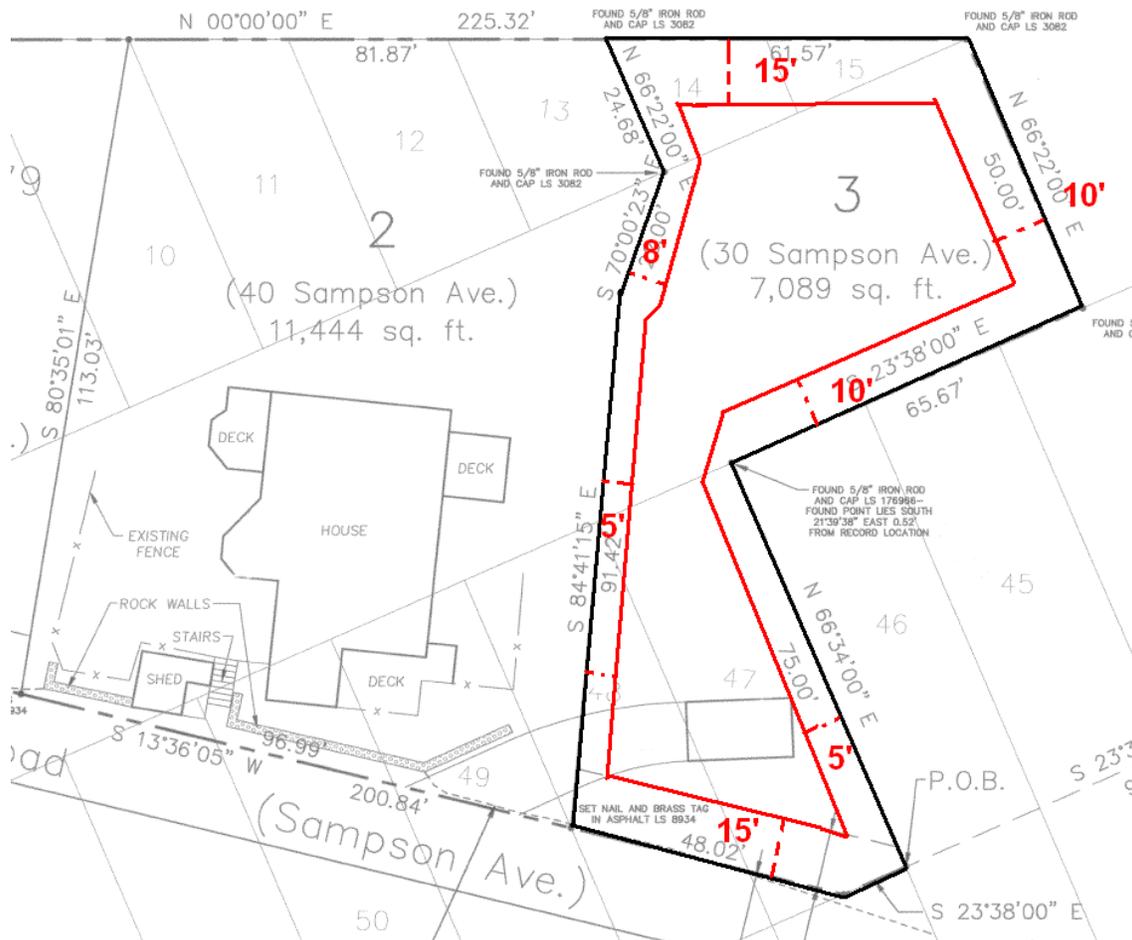
Floor	Proposed floor area
3 rd Story	1,209 square feet – Main (top) Level
2 nd Story	1,203 square feet – Lower Level
1 st Story	1,189 square feet – Basement
Garage/Accessory Building Area	546 square feet garage 331 square feet – Garage Entry Area 109 square feet – Mud Room
Overall area	4,587 grand total square feet + garage
Overall size (excluding basement)	2,998 square feet (3,398 - 400 allowed for garage)

The LMC determines the proposed maximum building footprint size is determined by the LMC. The area of the lot is 7,089 square feet and under the LMC an overall building footprint of 2,380 square feet is allowed. A building footprint of 2,272 square feet is proposed, which includes the Garage entry Area.

Per Section 15-4-17 (Supplemental Regulations – Setback Requirements for Unusual Lot Configurations), all lots with more than four sides require a “Setback Determination” by the Planning Director. On October 11, 2011, Planning Director, Thomas Eddington determined that the lot has eight sides, and made the following setback determination for the subject property:

Setback Determination	
Required Setbacks	Proposed Setbacks
1. Front Yard – 15 feet	Front – 15 feet (complies)
2. Side Yard south property line to “tapper” area (see diagram below) – 5 Feet	Side-yard south – 5 feet (complies)
3. Side Yard north property line to the southwest corner of Lot 46, Block 78 of the Subdivision #1 of the Millsite Reservation – 5 feet	Side-yard north – 5 feet (complies)
4. Combined Side Yards (north and south) of main portion of lot – 18 feet	Combined north/south side-yard for main

total, south-side shall be 8 feet; north-side shall be 10 feet	body of lot – 18 feet total (complies)
5. Rear Yard – 15 feet	Rear yard – 15 feet (complies)
6. Side Yard north property line – 10 feet	Side-yard north for main portion - 10 feet (complies)
7. Side Yard west property line – 10 feet	Side-yard west property line – 10 feet (complies)



Of the total 4,587 total square feet, 2,998 square feet are above ground excluding the 400 square feet for the garage (from the garage allowance). The total living space is 4,041 square feet. The above ground square footage equates to sixty-nine percent (69%) of the total building size with the remaining 1,189 square feet of building space located underground. The total square footage (including the garage) above ground is 3,396 square feet which is compliant with the 1998 clarification letter written by Community Development Director Lewis.

Staff made the following LMC related findings:

Requirement	LMC Requirement	Proposed
Building Footprint	2,355.5 square feet (based on lot area) <u>maximum</u>	2,272 square feet, <u>complies.</u>
Building Square Foot Maximum	No LMC Requirement – 3,000 square feet per plat note	4,587 square feet, complies per allowed exceptions (- 1,189 sq. ft. basement and – 400 sq ft garage = 2,998).
*Front and Rear Yard	10 feet minimum (20 feet total) 15 feet per Planning Director	15 feet (front), <u>complies.</u> 15 feet (rear), <u>complies.</u>
*Side Yard	5 feet minimum, (10 feet total)	*Various – see notes
Height	27 feet above existing grade, <u>maximum.</u>	Various heights all less than 27 feet, <u>complies.</u>
Number of stories	A structure may have a maximum of three (3) stories.	3 stories, <u>complies.</u>
Final grade	Final grade must be within four (4) vertical feet of existing grade around the periphery of the structure.	4 feet or less, <u>complies.</u>
Vertical articulation	A ten foot (10') minimum horizontal step in the downhill façade is required for the third story unless the 1 st story is completely below finished grade.	1 st story completely under finished grade, garage is detached, <u>complies.</u>
Roof Pitch	Roof pitch must be between 7:12 and 12:12 for primary roofs. Non-primary roofs may be less than 7:12.	7:12 for all primary roofs with a minor “green roof” for the garage between the primary roof pitch, <u>complies.</u>
Parking	Two (2) off-street parking spaces required	2 covered + two additional uncovered spaces, <u>complies.</u>

* Planning Director Determination of setbacks based on the fact that the lot has more than four sides. Planning Director can require greater setbacks in this instance.

Existing Home Size Analysis – Sampson Avenue and Surrounding Properties

Address	House Size + garage (sq. ft.)	Footprint (total sq. ft. estimate)	Total Size (sq. ft.)	Lot Size (total ac/sq. ft.)
40 Sampson Ave	1,746 + 0	1,746	1,746	.26 or 11,325
41 Sampson Ave	908 + 0	908	908	.11 or 4,792
50 Sampson Ave	3,674 + 0	1,830	3,674	.16 or 6,970
60 Sampson Ave	3,800 + 300	1,900	4,100	.15 or 6,534

99 Sampson Ave	2,990 + 0	1,500	2,990	.10 or 4,560
121 Sampson Ave	1,854 + 0	680	1,854	.15 or 6,534
131 Sampson Ave	2,085 + 0	750	2,085	.14 or 6,098
133 Sampson Ave	2,593 + 626	1,200	3,219	.09 or 3,920
205 Norfolk Ave	7,711 + 400	3,200	8,111	.38 or 16,553
220 King Road	6,011 + 954	3,000	6,965	1.24 or 54,014

Based on the analysis above, the average total home size for Sampson Avenue is 3,566, the average lot size is .28 acres (approximately 12,000 square feet) and the average footprint, based on estimates only, is roughly 1,680 square feet. This number is likely skewed by two larger homes/lots on Norfolk Avenue and King Road. However, the Norfolk home has direct access to Sampson and is a neighboring property directly to the south/west of 30 Sampson Avenue, and the King Road property is also a direct adjacent neighbor (west), thus both were included in the analysis.

The subject lot was created by the Millsite Supplemental Plat Amended Subdivision, which was a combination of 13 whole and partial lots, and a portion of "Utah Avenue" within the original Millsite addition to Park City Subdivision Plat. The plat amendment reduced the overall density in terms of dwelling units on the substandard streets consistent with the purpose statements for the HRL zone.

It was noted during the last public hearing that 205 Norfolk Avenue was located in the HR-1 Zone District. This statement is incorrect as Staff has verified that all of the above addresses are in fact located within the HRL Zone District.

LMC § 15-2.1-6 provides for development on steep sloping lots in excess of one thousand square feet (1,000 sq. ft.) within the HRL District, subject to the following criteria:

Criteria 1: Location of Development.

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

The proposal is for a new single family dwelling with a proposed footprint of 2,272 square feet. The proposal includes a two car garage at the bottom of the slope along the frontage of the lot. The home will be built uphill from the street. The lot is wide at the street level but narrows before opening up to the most substantial portion of the lot. The lot was approved in 1995. The City was aware of the odd-shape of the lot at that time. The vast majority of buildable area is on the upper portion of the lot. There is no conceivable way to build a driveway that would meet the LMC requirements that limits the maximum slope to fourteen percent (14%) as measured from the street (Sampson

Avenue) to the upper portion of the lot. The prohibiting factors are the shape and slope of the lot, as it exceeds thirty percent (30%) at its most narrow portion.

Unlike most homes built in steep slope areas of city, the lot does not “step” with the grade. The garage and main portion of the home will not appear connected from side views since the subterranean corridor will not be exposed. The proposed coverage of the building is 31 percent (%) of the overall lot. The applicant is proposing to plant forty (40) new trees on the property, and there is some existing native vegetation located on the lot, some of which will be disturbed, however there are no large native trees or evergreens identified on the property, and the level of disturbance of existing vegetation will be mitigated by the planning of new vegetation as shown on the attached plans (sheet A02 of Exhibit A).

Criteria 2: Visual Analysis.

The Applicant must provide the Planning Department with a visual analysis of the project from key Vantage Points to determine potential impacts of the project and identify potential for screening, slope stabilization, erosion mitigation, vegetation protection, and other items. **No unmitigated impacts.**

The applicant submitted a visual analysis, including a model, and renderings showing a contextual analysis of visual impacts (see exhibit “B”). The proposed structure cannot be seen from the key vantage points as indicated in the LMC Section 15-15-1.283, with the exception of a cross canyon view. The cross canyon view contains a back drop of two (2) story building with a garage building below. Visual impacts from this vantage point are mitigated by the amount of vegetation surrounding this area and on the subject property.

Criteria 3: Access.

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

The proposed design incorporates a driveway from Sampson Avenue. Unlike other properties on the “up-hill” side of Sampson, the applicants will not need a retaining wall, and instead propose a gentle slope away from the garage and parking area to the street. The driveway access will be located on the south side of the lot where the finished grade of the street and the natural grade of the lot are closest in elevation. This location will reduce the need for retaining walls and other stabilization usually associated with development on Sampson Avenue. The access points and driveways are designed to minimize Grading of the natural topography and reduce the overall Building scale.

The driveway has a maximum slope of nine percent (9%). The applicant is proposing a side loading two-car garage and additional parking pad which should provide a total of four parking spaces, two of which are covered spaces. The LMC requires two off-street parking spaces. Because Sampson Avenue is an extremely narrow street, there is no

available on-street parking. This means that the owners and guests will need to park on-site and parking is provided on site for this.

Criteria 4: Terracing.

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

No terracing is proposed. The applicants are proposing to build on the two flat areas of the lot, with a subterranean (underground) walk-way from the garage to the house (which are not connected). This will require some initial grading and site stabilization, but the end result will be that the grading between the garage and the house will be put back to its natural state. Grading around the home will be utilized to stabilize the ground around the foundation and to help separate the back-yard area from the front-yard area.

Criteria 5: Building Location.

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

The building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography. The house sits on the up-hill side of the lot where there is area with less than 30% slope on which to build. The existing eight-sided lot was approved 1995 as a recorded subdivision lot. The lot is some-what hourglass shaped with a vast majority of the buildable area located in the rear of the lot. The street-side of the lot has limited building area available which has dictated the location of the proposed home. The site design, reduced building footprint (smaller than what is allowed per code), and increased setbacks (to the code minimums established in the HRL District) maximize the opportunity for open area and natural vegetation to remain.

Criteria 6: Building Form and Scale.

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

The top floor of the home walks out to the existing grade of the top of the lot, and the main floor walks out to the existing down-hill side of the lot. There is a minimal retaining wall on each side of the home to differentiate the rear and front yard. The Structures step with the Grade and are broken in to a series of individual smaller components Compatible with the District.

The garage is detached and completely subordinate to the main home and the design of the main building. The home and garage/elevator building are separated by a ten-foot (10') setback. Only the elevator building connects directly to the garage, and is only accessible to the home by a patio area, which is considered flatwork and is not connected by foundation. The connection between the garage the elevator building is completely underground and not visible. Only two stories of the proposed home are exposed, with the basement completely underground with no portion thereof expose.

The top level (3rd story) consists of approximately 1,209 square feet, approximately one half (½) of the total allowed above-ground square feet, and the exposed massing significantly steps with the hillside. The lower level contains 1,203 square feet which is above ground, the remaining 1,189 square feet of building space is under ground. The garage is 546 square feet which is above ground and steps between 17-24 feet in height. The garage and home combined (3,398 square feet) are both visible from any vantage point on the property.

Criteria 7: Setbacks.

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

The proposed location of the home on the property, including the placement of the garage angled to parallel the lot line, avoids the “wall effect” along the street. The actual dwelling is approximately seventy-seven feet (77') from the front property line, although the garage is 15 feet and the elevator building is 53 feet (approximately) from the front setback.

Criteria 8: Dwelling Volume.

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

The proposed house is both horizontally and vertically articulated and broken into compatible massing components. The design includes two detached buildings; the increased setbacks (per the Planning Director's Setback Determination per LMC Section 15-4-17) offer variation and the proposed lower building height for portions of the structure reduces visual mass. Does the Planning Commission believe a reduction in mass is necessary? A change, or increase in building articulation?

Criteria 9: Building Height (Steep Slope).

The maximum Building Height in the HR-1 District is twenty-seven feet (27'). The Planning Commission may require a reduction in Building Height for all, or portions, of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing residential Structures. **Discussion Requested.**

Although the proposed structure meets the twenty-seven feet (27') maximum building height requirement measured from existing grade, the home does appear tall from the street. This is largely due to the shape of the lot that has dictated the design of the home, with the garage portion close to the street, and the main structure (home) to be situated further up the hill where a majority of the buildable area exists. The garage and the house appear to create a significant mass – does the Planning Commission believe this is compatible with the neighborhood, considering two adjacent homes (one within the same zone district) are larger?

Portions of the house are less than 27' in height. The tallest portion of the house is on the front (uphill) side of the lot facing the street view. The garage building has a maximum height of twenty four feet (24') to accommodate the access to the ADA compliant elevator.

Process

Approval of this application constitutes Final Action that may be appealed to the City Council following the procedures found in LMC § 15-1-18. Approval of the Historic District Design Guideline compliance is noticed separately and is a condition of building permit issuance.

Department Review

This project has gone through an interdepartmental review. The Building Department determined that due to the narrow lot configuration between the front and rear, a construction mitigation plan will be required prior to construction that details how the applicant will protect and stabilize all adjacent property lines so that disturbance of other properties will not occur. This shall be a condition of approval.

Public Input

Staff had received various inquires and comments regarding the proposed Conditional Use Permit. Neighboring property owner, Debbie Schneckloth, has meet with Staff on three occasions to raise various concerns, including:

- The need for retaining walls between her property and the subject property – Debbie is concerned the proposal inadequately addresses on-site retention.
- Incorrect driveway grades – Debbie is concerned that the plans do not accurately reflect existing grades and is incredulous that a driveway that starts at Sampson Avenue with a rise of 10% can be achieved. She is worried that the architect's drawing are inaccurate, and the grade at Sampson is greater than shown on the plans.
- Future subdivision plans – Debbie is concerned that the applicant may try and acquire more property to the west and attempt to subdivide the lot at some point in the future creating a frontage on King Road (there is none at this point), and that the plans are designed in such a manner that will accommodate future subdivision plans.

Since the last meeting, the applicant has revised the site plan and landscape plan to address many of the concerns raised by Mrs. Schneckloth (see Exhibit "A" pages 1 and 2).

Alternatives

- The Planning Commission may approve the Steep Slope Conditional Use Permit for 30 Sampson Avenue as conditioned or amended, or
- The Planning Commission may deny the Steep Slope Conditional Use Permit and direct staff to make Findings for this decision, or
- The Planning Commission may request specific additional information and may continue the discussion to a date uncertain.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The construction as proposed could not occur. The applicant would have to revise their plans to address concerns raised, or appeal the Planning Commission decision to the City Council.

Recommendation

Staff recommends the Planning Commission review a request for a Steep Slope Conditional Use Permit at 30 Sampson Avenue. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

Findings of Fact:

1. The property is located at 30 Sampson Avenue.
2. The property is within the Historic Residential (HRL) District and meets the purposes of the zone.
3. The property is Lot 3 of the Millsite Reservation Supplemental Plat, which was recorded in 1995.
4. The Lot area is 7,088 square feet.
5. A Historic District Design Review (HDDR) application is currently being reviewed by staff for compliance with the Design Guidelines for Historic Districts and Historic Sites adopted in 2009.
6. The proposal consists of single family dwelling of 4,587 square feet which includes a 546 square foot detached garage, a 331 square foot garage entry and a 106 square foot access tunnel which is located below ground.
7. Plat notes indicate the maximum square footage allowed for this lot is 3,000 square feet with an additional allowance of 400 square foot for a garage.
8. A subsequent 1998 letter from the (then) Community Development Director determined that the 3,000 square foot maximum only applied to the above ground portion of the future dwelling, and that basement areas would not count against the 3,000 square foot maximum. This letter was recorded on the title of the property.
9. The applicant meets the 3,000 square foot house size maximum as recorded on the plat notes of the Millsite Reservation Amended Plat with the further clarification of the 400 square foot allowance for a garage and non-calculated basement area as long as the basement is located below the final grade.

10. An overall building footprint of 2,272 square feet is proposed. Under the current LMC, the maximum allowed footprint is 2,355.5 (96% of the total allowed) square feet, based on the total lot area.
11. The proposed home includes three (3) stories including a completely below grade basement level attached to the garage by a basement level walkway.
12. The proposed home and detached garage, are not considered a single structure and the proposed configuration is consistent with requirements of the LMC regarding the number of allowed stories within a structure.
13. The applicant submitted a visual analysis, including a model, and renderings showing a contextual analysis of visual impacts.
14. The proposed structure will not be seen from the key vantage points as indicated in the LMC Section 15-15-1.283, with the exception of a cross canyon view which is largely mitigated by the presents of dense vegetation and trees.
15. The cross canyon view contains a back drop of a two (2) story building and a garage below the home.
16. The proposed design incorporates a driveway from Sampson Avenue on the top slope of the street to avoid excessive cuts and grading for the proposed driveway.
17. Retaining is necessary around the home on the upper-side of the lot. The plans as shown indicate that there will be no free-standing retaining walls that exceed six feet in height.
18. The building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography and will leave more than half of the lot undeveloped.
19. The site design, stepping of the building mass, reduced building footprint, and increased setbacks maximize the opportunity for open area and natural vegetation to remain.
20. The applicant is providing approximately four (4) off street parking spaces, including two covered spaces. There is no on-street parking available on Sampson Avenue due to its narrow width.
21. The detached garage/elevator building is set back fifteen feet (15') from the front property line, and the main portion of the building (the habitable portion of the overall dwelling) is located approximately 77 feet from the street.
22. 2,996 square feet of the total 4,041 square feet of building space is above ground.
23. 1,594 square feet of building space is under ground, which equates to thirty-six percent (36%) of the overall square footage.
24. The lot has been deemed to have eight (8) different sides, and thus a Planning Director determination for setbacks has previously been determined and calculated as outlined within the analysis section of the report.
25. The design includes setback variations (greater than those required within the HRL District) and lower building heights for portions of the structure.
26. The proposed massing and architectural design components are compatible with both the volume and massing of other single family dwellings in the area.
27. The proposed structure meets the twenty-seven feet (27') maximum building height requirement measured from existing grade. Portions of the house are less than 27' in height.
28. The findings in the Analysis section of this report are incorporated herein.

29. The applicant stipulates to the conditions of approval.
30. The necessary removal of vegetation from the site to accommodate the building will be mitigated by the installation of approximately forty (40) trees, seventy (70) shrubs and other plantings mixed with ground cover. A final landscape plan addressing the removal of existing vegetation and a replacement plan is required prior to the granting of a building permit.

Conclusions of Law:

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.1-6(B).
2. The CUP, as conditioned, is consistent with the Park City General Plan.
3. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval:

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
3. A final utility plan, including a drainage plan for utility installation, public improvements, and drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers prior to issuance of a building permit.
4. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
5. A final landscape and vegetation replacement plan shall be submitted for review and approved by the City Planning Department, prior to building permit issuance.
6. No building permits shall be issued for this project unless and until the design is reviewed and approved by the Planning Department staff for compliance with this Conditional Use Permit and the 2009 Design Guidelines for Historic Districts and Historic Sites.
7. If required by the Chief Building official based on a review of the soils and geotechnical report submitted with the building permit, the applicant shall submit a detailed shoring plan prior to the issue of a building permit. If required by the Chief Building official, the shoring plan shall include calculations that have been prepared, stamped, and signed by a licensed structural engineer.
8. This approval will expire on November 28, 2013, if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval is applied for before the expiration and is granted by the Planning Director.
9. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission on November 28, 2012.
10. All retaining walls within any of the setback areas shall not exceed more than six feet in height measured from final grade.

Exhibits

- Exhibit A – Stamped Survey and Plans (site plan, elevations, floor plans, landscape plan) and Aerial Map
- Exhibit B – Model and Visual Analysis
- Exhibit C – City Council Meeting Minutes for the Millsite Reservation Supplemental Plat.
- Exhibit D – Richard E. Lewis letter to property owner(s) of the Millsite Reservation Supplemental Plat.
- Exhibit E – August 22, 2012 Planning Commission meeting Minutes.

*Mill-Site Reservation Supplemental Amended Plat
a Subdivision of Block 78 and 79 of Subdivision No.1 of Mill-Site Reservation
Lot 3 (30 Sampson Avenue)*

NARRATIVE

1. Survey requested by: Kenneth Jorgensen.
2. Purpose of survey: locate the specified topographic relief.
3. Basis of survey: adjacent survey monuments as shown.
4. Date of survey: September 5, 2012.
5. Property monuments found as shown.
6. Located in the Southeast Quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base & Meridian.
7. See the official plat of the Mill-Site Reservation Supplemental Amended Plat for other possible easements, restrictions or setbacks.
8. The owner of the property should be aware of any items affecting the property that may appear in a title insurance report.
9. The elevations are based on an elevation of 7295.3 feet at the sewer manhole lid, from the previous topographic survey of the property by Jack Harman Land Surveying.

LEGAL DESCRIPTION

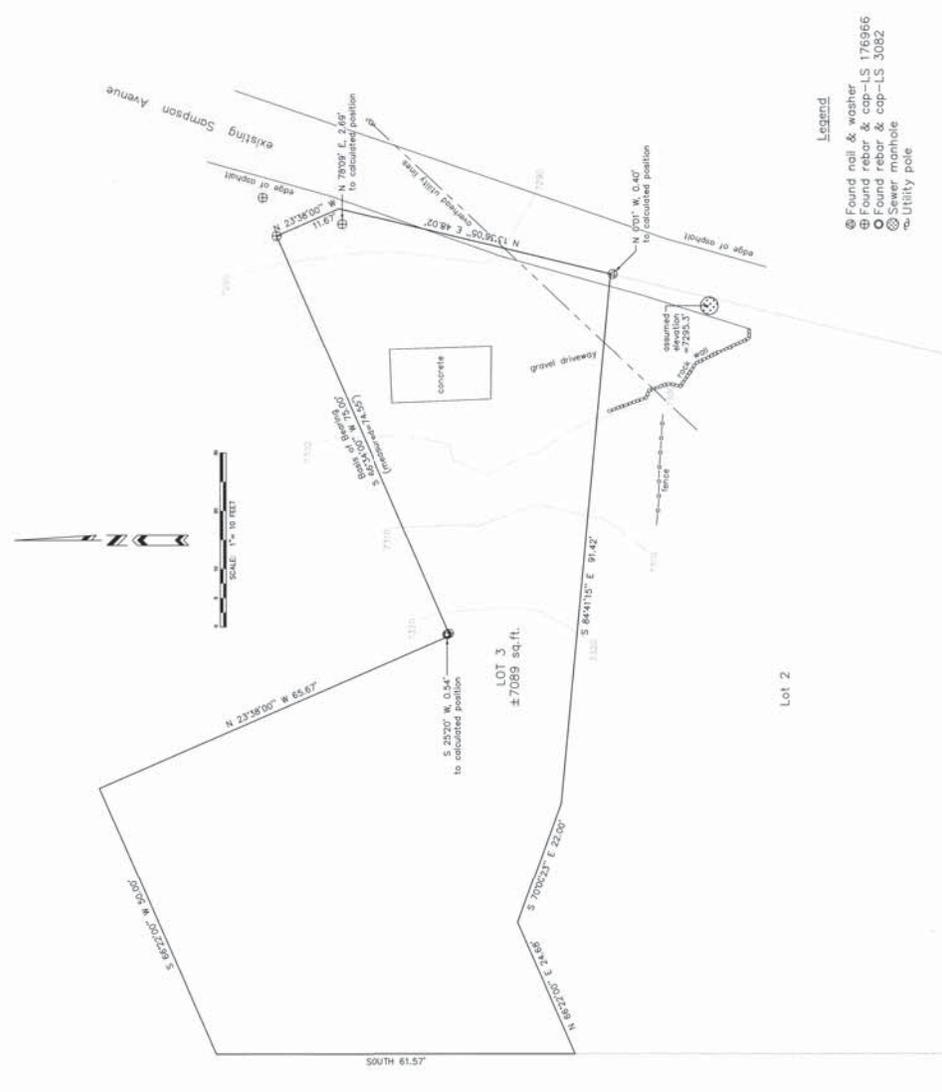
Lot 3, Mill-Site Reservation Supplemental Amended Plat; according to the Official Plat thereon, on file and of record in the Office of the Summit County Recorder.

SURVEYOR'S CERTIFICATE

I, J.D. Galley, a Registered Land Surveyor as prescribed by the laws of the State of Utah and holding License No. 359005, do hereby certify that I have supervised a survey of the hereon described property and that this plat is a true representation of said survey.



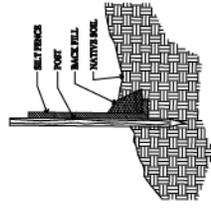
Sept 11, 2012 Date
J.D. Galley License No. 359005



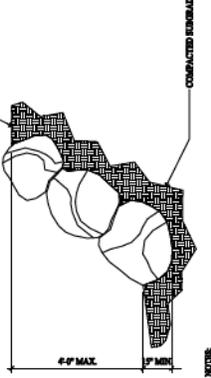
- Legend
- ⊗ Found nail & washer
 - ⊕ Found rebar & cap—LS 176966
 - ⊙ Found rebar & cap—LS 3082
 - ⊚ Sewer manhole
 - Utility pole

- SITE PLAN NOTES**
1. ALL SURFACE WATER SHALL DRAIN AWAY FROM THE HOUSE AND DRIVE AND NOT BE DIRECTLY ADJACENT TO THE STREET OR AN ADJACENT DRAINAGE COURSE BUT NOT ONTO THE NEIGHBORING PROPERTY. THE GRASS SHALL FALL A MINIMUM OF 4' WITHIN THE STREET, SEE 5001.
 2. FABRICATED CONCRETE ENTRANCE
 3. FOR A MINIMUM OF 3" FROM ROADWAY, A RIGID FABRIC OF POLYPROPYLENE SHALL BE PLACED OVER THE MINIMUM DAILY INFILTRATION FOR IMPROVED PERMEABLE SURFACES. DAILY INFILTRATION FOR IMPROVED PERMEABLE SURFACES OF GRAVEL SHALL BE REPORTED, ALSO SUBMITTED AT CHECK.
- GRAVEL NOTES**
1. THE GRAVEL TYPE SHALL BE TYPE III, CHAPTER 4
 2. MAXIMUM ALLOWED SLADES AT 2-1/2"
 3. MINIMUM FLOOR FOR DRAINAGE - 5%
MINIMUM FLOOR FOR DRAINAGE - 5%
MINIMUM FLOOR FOR DRAINAGE - 5%
 4. BOLLER RETAINING WALLS NOT TO EXCEED 4'-0" HEIGHT
- UTILITY NOTES**
1. ALL UTILITY LINES TO BE UNDERGROUND.
 2. DRIVE CLEAR UTILITY BACK TO BE IN REARWARD LOCATION.
 3. SEE FURNISHMENT.
- KNOW FLOWED FROM DRIVE SHALL NOT BE PERMITTED ONTO THE STREET.

- LEGEND**
- SEWER MAINS
 - WATER MAIN
 - UTILITY POLES
 - OVERHEAD UTILITY LINES
 - OVERHEAD POWER LINES
 - SURFACE DRAINAGE FLOW



- 1. SILT FENCE SECTION**
1. SANDBAGS WILL BE PLACED AT EXCHANGE LOCATIONS TO COLLECT AND DIVERT FLOOD WATER THROUGH DRAIN PIPES.
 2. AN BARRIER BARR OF IRON WILL BE CONSTRUCTED TO PREVENT THE FLOOD WATER AND INFER IT TO DISBURS AREAS.
 3. FLOOD WATER WILL BE INCANDED INTO AN EXISTING DRAINAGE SYSTEM. EXISTING LINES SHALL BE UNBLOCKED AND TO BE CLEANED BY OCCUPANT AND CLEANED BY OCCUPANT.
 4. ALL EXISTING UTILITIES SHALL BE PROTECTED BY ALL EXISTING UTILITIES OF ENVIRONMENTAL PROTECTION.



- 2. BOULDER RETAINING WALL**
1. BOULDER RETAINING WALL SHALL BE AT LEAST ONE THIRD THE HEIGHT OF THE RETAINMENT (MIN TWO COURSES).
 2. IF EMPTY OR SILT FILL A FILTER FABRIC SHALL BE PLACED BEHIND THE ROCK FACED SLOPE.
 3. SLOPE MAY BE INCREASED TO 1 (V) TO 1 (H) IF HEIGHT OF RETAINMENT IS LESS THAN 10 FEET.
 4. ROCK MUST BE ANGULAR AND FITTED TOGETHER TO PREVENT PULL BACKWARD FORCE.
 5. ALL EXISTING UTILITIES SHALL BE PROTECTED BY ALL EXISTING UTILITIES OF ENVIRONMENTAL PROTECTION.
 6. RETAINING WALLS SHALL BE CONSTRUCTED ABOVE OR BELOW THE ROCK FACED SLOPE.



ARCHITECTURAL SITE PLAN
SCALE 1/8" = 1'-0"

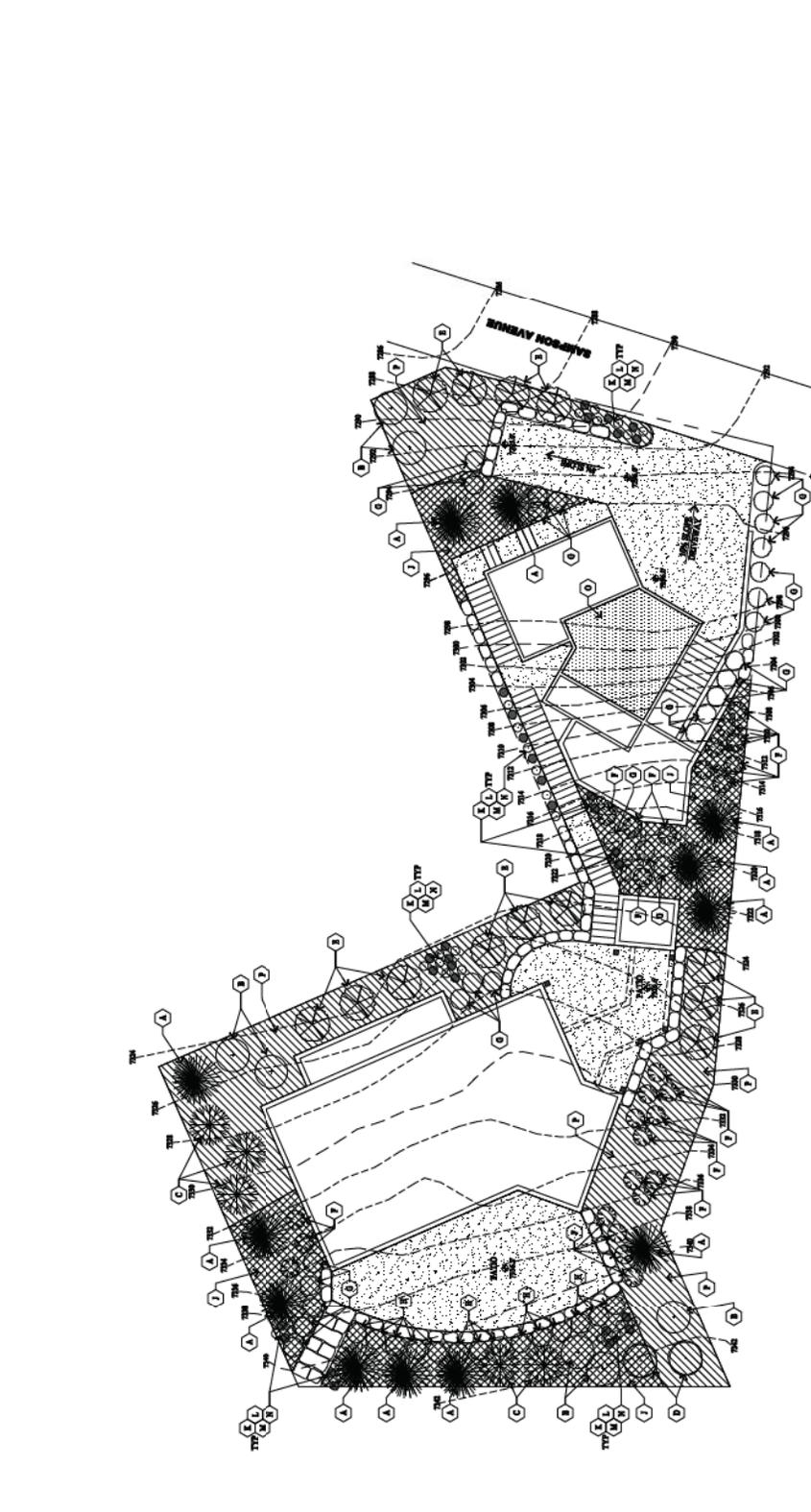
PLANT SCHEDULE

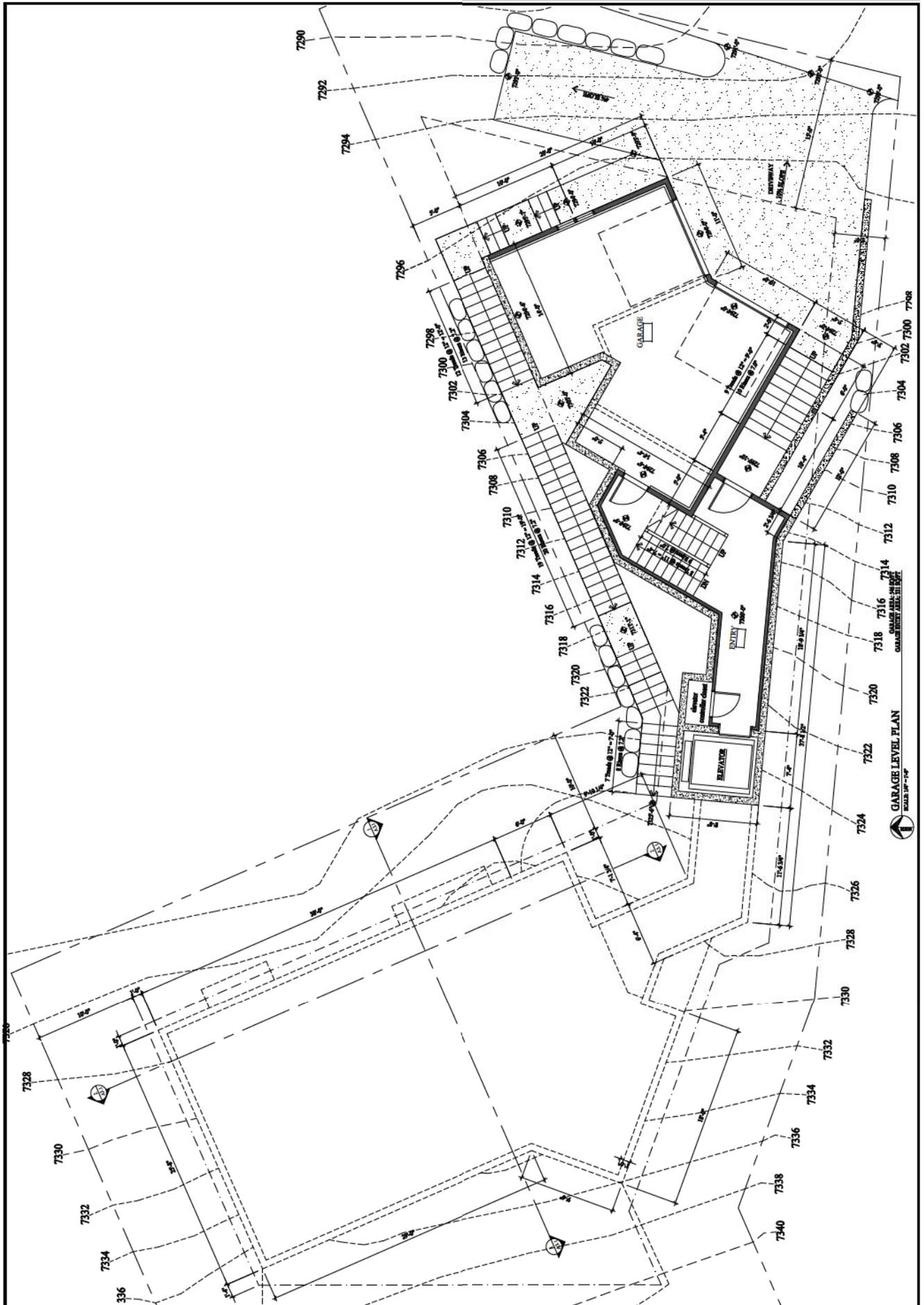
SYMBOL	QUANTITY	SCHEMATIC NAME	COMMON NAME	SIZE	BRACING	COMMENTS
(C1)	10	AMERICAN REDWOOD	AMERICAN REDWOOD	12" DB	2" X 4" FILL	
(C2)	10	WESTERN RED CEDAR	WESTERN RED CEDAR	12" DB	2" X 4" FILL	
(C3)	10	SPRING BURNING	SPRING BURNING	12" DB	2" X 4" FILL	
(C4)	10	SPRING BURNING	SPRING BURNING	12" DB	2" X 4" FILL	
(C5)	10	SPRING BURNING	SPRING BURNING	12" DB	2" X 4" FILL	
(C6)	10	SPRING BURNING	SPRING BURNING	12" DB	2" X 4" FILL	
(C7)	10	SPRING BURNING	SPRING BURNING	12" DB	2" X 4" FILL	
(C8)	10	SPRING BURNING	SPRING BURNING	12" DB	2" X 4" FILL	
(C9)	10	SPRING BURNING	SPRING BURNING	12" DB	2" X 4" FILL	
(C10)	10	SPRING BURNING	SPRING BURNING	12" DB	2" X 4" FILL	
(C11)	10	SPRING BURNING	SPRING BURNING	12" DB	2" X 4" FILL	
(C12)	10	SPRING BURNING	SPRING BURNING	12" DB	2" X 4" FILL	
(C13)	10	SPRING BURNING	SPRING BURNING	12" DB	2" X 4" FILL	
(C14)	10	SPRING BURNING	SPRING BURNING	12" DB	2" X 4" FILL	
(C15)	10	SPRING BURNING	SPRING BURNING	12" DB	2" X 4" FILL	
(C16)	10	SPRING BURNING	SPRING BURNING	12" DB	2" X 4" FILL	
(C17)	10	SPRING BURNING	SPRING BURNING	12" DB	2" X 4" FILL	
(C18)	10	SPRING BURNING	SPRING BURNING	12" DB	2" X 4" FILL	
(C19)	10	SPRING BURNING	SPRING BURNING	12" DB	2" X 4" FILL	
(C20)	10	SPRING BURNING	SPRING BURNING	12" DB	2" X 4" FILL	

PERENNIAL PLANTING & HEDGING PALETTE

SYMBOL	QUANTITY	SCHEMATIC NAME	COMMON NAME	SIZE	BRACING	COMMENTS
(C1)	10	AMERICAN REDWOOD	AMERICAN REDWOOD	12" DB	2" X 4" FILL	
(C2)	10	WESTERN RED CEDAR	WESTERN RED CEDAR	12" DB	2" X 4" FILL	
(C3)	10	SPRING BURNING	SPRING BURNING	12" DB	2" X 4" FILL	
(C4)	10	SPRING BURNING	SPRING BURNING	12" DB	2" X 4" FILL	
(C5)	10	SPRING BURNING	SPRING BURNING	12" DB	2" X 4" FILL	
(C6)	10	SPRING BURNING	SPRING BURNING	12" DB	2" X 4" FILL	
(C7)	10	SPRING BURNING	SPRING BURNING	12" DB	2" X 4" FILL	
(C8)	10	SPRING BURNING	SPRING BURNING	12" DB	2" X 4" FILL	
(C9)	10	SPRING BURNING	SPRING BURNING	12" DB	2" X 4" FILL	
(C10)	10	SPRING BURNING	SPRING BURNING	12" DB	2" X 4" FILL	
(C11)	10	SPRING BURNING	SPRING BURNING	12" DB	2" X 4" FILL	
(C12)	10	SPRING BURNING	SPRING BURNING	12" DB	2" X 4" FILL	
(C13)	10	SPRING BURNING	SPRING BURNING	12" DB	2" X 4" FILL	
(C14)	10	SPRING BURNING	SPRING BURNING	12" DB	2" X 4" FILL	
(C15)	10	SPRING BURNING	SPRING BURNING	12" DB	2" X 4" FILL	
(C16)	10	SPRING BURNING	SPRING BURNING	12" DB	2" X 4" FILL	
(C17)	10	SPRING BURNING	SPRING BURNING	12" DB	2" X 4" FILL	
(C18)	10	SPRING BURNING	SPRING BURNING	12" DB	2" X 4" FILL	
(C19)	10	SPRING BURNING	SPRING BURNING	12" DB	2" X 4" FILL	
(C20)	10	SPRING BURNING	SPRING BURNING	12" DB	2" X 4" FILL	

- ### PLANTING NOTES
1. CONTRACTOR TO VERIFY LOCATION OF ALL UTILITIES PRIOR TO INSTALLATION OF PERENNIALS OR PLANTING OPERATIONS. ANY DAMAGE TO EXISTING UTILITIES OR SITE OR ADJACENT PROPERTY SHALL BE CONTRACTOR'S RESPONSIBILITY.
 2. ALL PLANT MATERIAL SHALL CONFORM TO CURRENT AMERICAN ASSOCIATION OF PLUMBERS AND IRRIGATORS SPECIFICATIONS.
 3. ALL PLANT MATERIAL SHALL BE INSTALLED AS PER DRAWINGS, DETAILS, AND SPECIFICATIONS.
 4. CONTRACTOR SHALL VERIFY ALL QUANTITIES. IN CASE OF A DISCREPANCY, THE ELDERED DESIGNER SHALL DECIDE COURT.
 5. CONTRACTOR SHALL COORDINATE ALL PLANTING WITH INSULATION CONTRACTOR, AS APPLICABLE.
 6. IN THE EVENT OF A DISCREPANCY BETWEEN THIS ARCHITECT'S OR OWNER'S DRAWINGS, THE ARCHITECT'S DRAWINGS SHALL TAKE PRECEDENCE OVER THE CONTRACTOR'S DRAWINGS.
 7. NO DISCREPANCIES SHALL BE ALLOWED WITHOUT WRITTEN PERMISSION OF THE ARCHITECT OR OWNER.
 8. ALL PLANTING SHALL BE INSTALLED AS PER DRAWINGS, DETAILS, AND SPECIFICATIONS.
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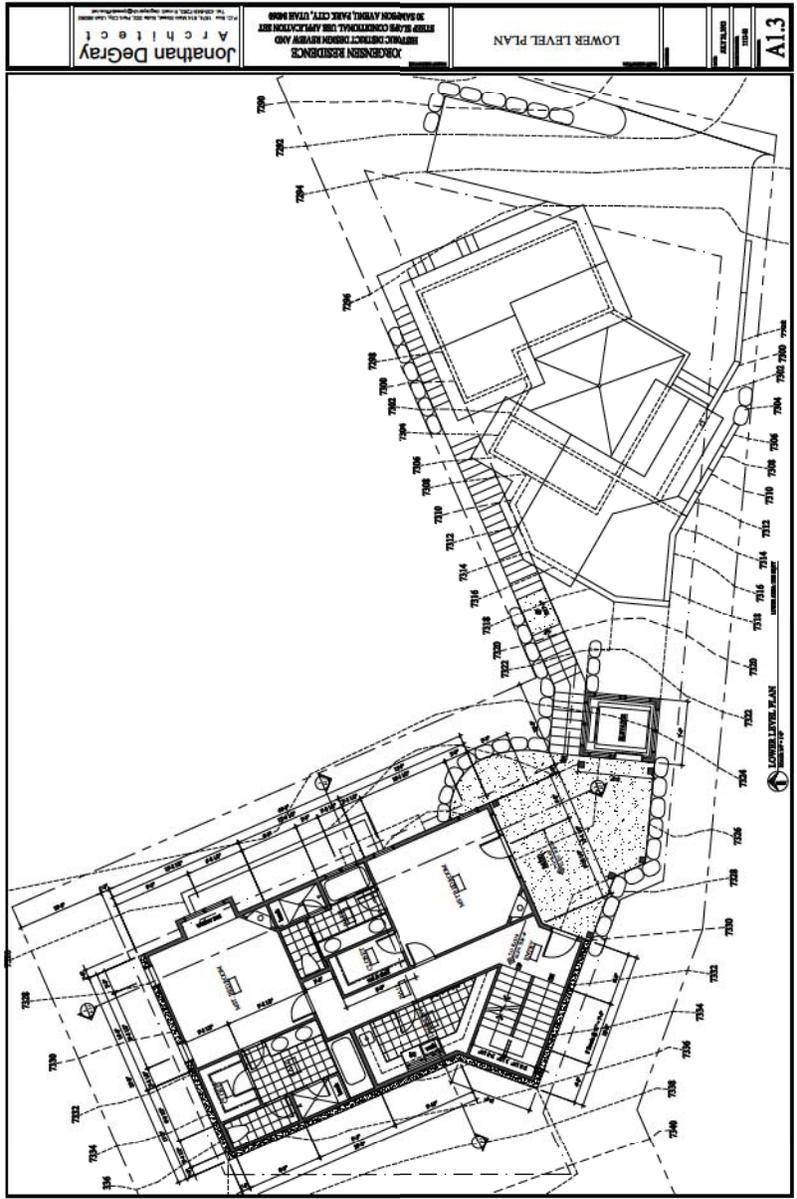
Jonathan DeGray
Architect

JORGENSEN RESIDENCE
HISTORIC DISTRICT DESIGN REVIEW AND
STEEP SLOPE CONDITIONAL USE APPLICATION SET
30 SAMFSON AVENUE, PARK CITY, UTAH 84660

BASEMENT LEVEL PLAN

DATE: JULY 25, 2012
PROJECT NUMBER: 1112-02

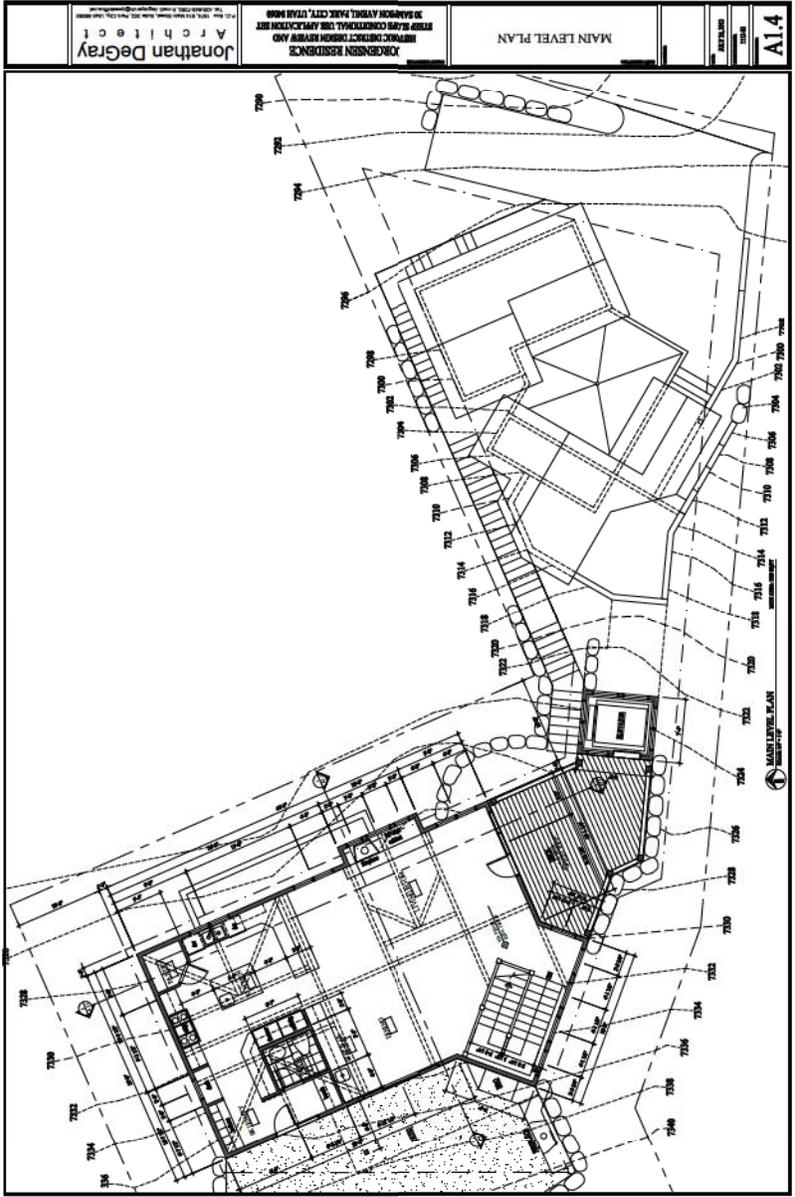
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JORGENSEN RESIDENCE
 INTERIOR ARCHITECTURE AND INTERIORS
 3800 UNIVERSITY AVENUE, SUITE 100
 BERKELEY, CALIFORNIA 94704
 TEL: (415) 841-1111 FAX: (415) 841-1112
 www.jorgensenarchitect.com

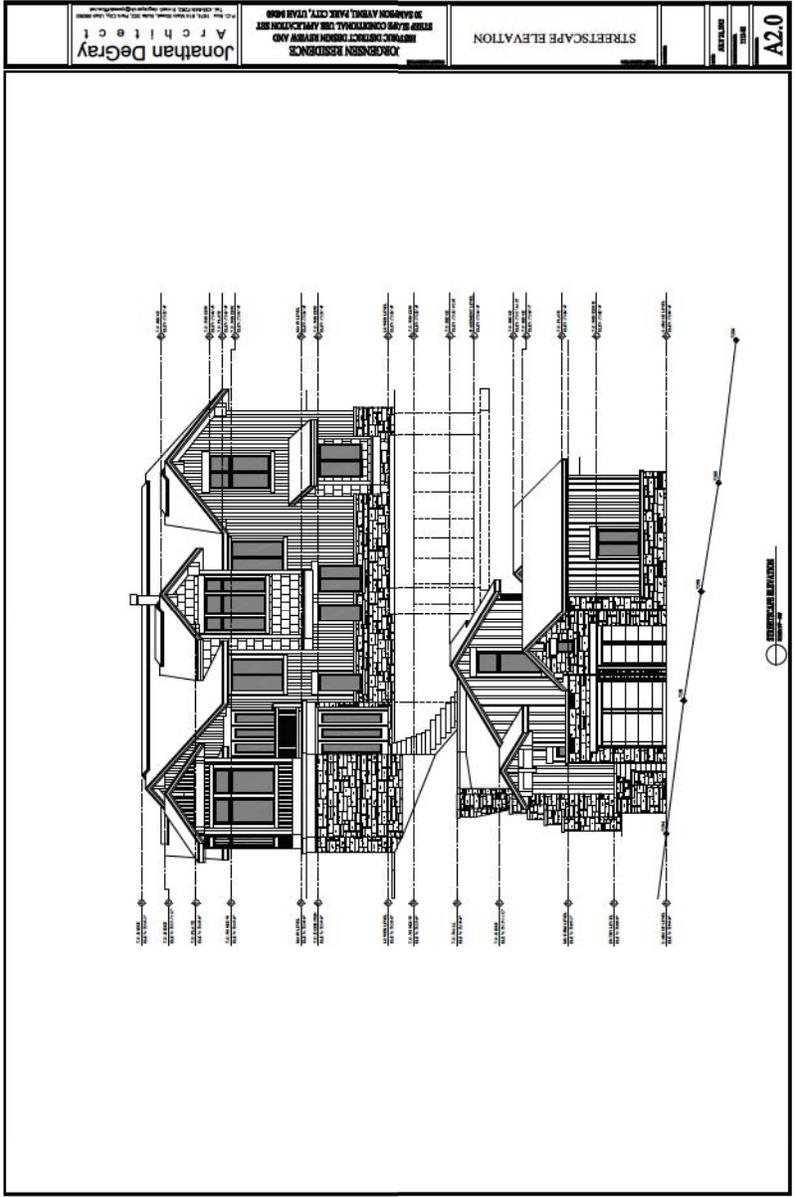
Jonathan DeGray
 Architect

LOWER LEVEL PLAN
 A13



JORGENSEN RESIDENCE
 ARCHITECTURAL DESIGN SERVICES AND
 INTERIOR DESIGN SERVICES
 3800 SHAWNEE AVENUE, PARK CITY, UTAH 84303
 Jonathan DeGray
 Architect





WEST ELEVATION

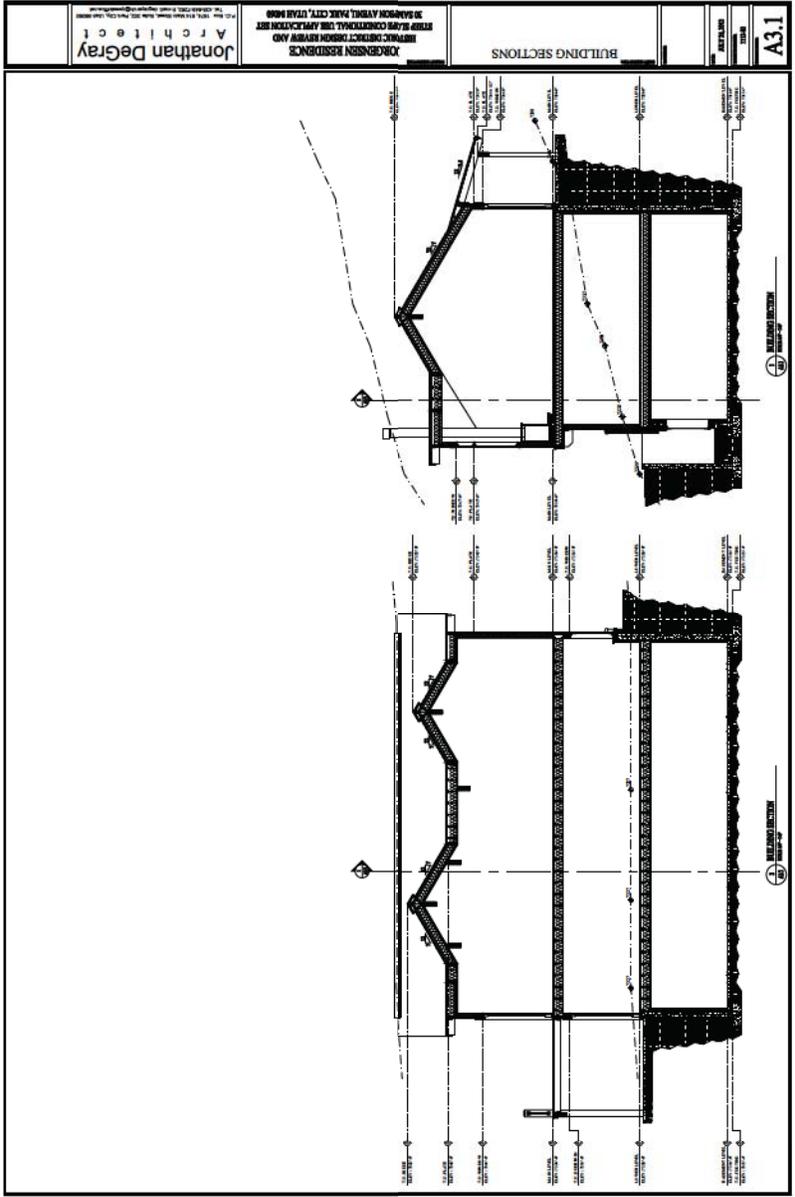
JORGENSEN RESIDENCE
 10000 10TH AVENUE, PARK CITY, UTAH 84303
 3150 SOUTH 10TH AVENUE, SUITE 200, PARK CITY, UTAH 84303
 JONATHAN DEGRAY ARCHITECT

A2.3

KEY NOTES

1. REFER TO SHEET A2.1 FOR GENERAL NOTES.
2. REFER TO SHEET A2.2 FOR GENERAL NOTES.
3. REFER TO SHEET A2.4 FOR GENERAL NOTES.
4. REFER TO SHEET A2.5 FOR GENERAL NOTES.
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92. REFER TO SHEET A2.93 FOR GENERAL NOTES.
93. REFER TO SHEET A2.94 FOR GENERAL NOTES.
94. REFER TO SHEET A2.95 FOR GENERAL NOTES.
95. REFER TO SHEET A2.96 FOR GENERAL NOTES.
96. REFER TO SHEET A2.97 FOR GENERAL NOTES.
97. REFER TO SHEET A2.98 FOR GENERAL NOTES.
98. REFER TO SHEET A2.99 FOR GENERAL NOTES.
99. REFER TO SHEET A2.100 FOR GENERAL NOTES.

<p>Jonathan DeGray Architect</p> <p>10101 14th Street, Suite 100, Jacksonville, FL 32225 Tel: 904.249.1111 Fax: 904.249.1112 www.jonathandegray.com</p>	<p>JORGENSEN RESIDENCE INTERIOR CONTRACT DESIGN SERVICES AND EXTERIOR ARCHITECTURAL PALETTE DESIGN</p>	<p>SOUTHEAST & NORTHEAST ELEVATIONS</p>	<p>A2.4</p>
<p>KEY NOTES</p> <ol style="list-style-type: none"> 1. REFER TO SHEET A2.1 FOR GENERAL NOTES. 2. REFER TO SHEET A2.2 FOR GENERAL NOTES. 3. REFER TO SHEET A2.3 FOR GENERAL NOTES. 4. REFER TO SHEET A2.4 FOR GENERAL NOTES. 5. REFER TO SHEET A2.5 FOR GENERAL NOTES. 6. REFER TO SHEET A2.6 FOR GENERAL NOTES. 7. REFER TO SHEET A2.7 FOR GENERAL NOTES. 8. REFER TO SHEET A2.8 FOR GENERAL NOTES. 9. REFER TO SHEET A2.9 FOR GENERAL NOTES. 10. REFER TO SHEET A2.10 FOR GENERAL NOTES. 11. REFER TO SHEET A2.11 FOR GENERAL NOTES. 12. REFER TO SHEET A2.12 FOR GENERAL NOTES. 13. REFER TO SHEET A2.13 FOR GENERAL NOTES. 14. REFER TO SHEET A2.14 FOR GENERAL NOTES. 15. REFER TO SHEET A2.15 FOR GENERAL NOTES. 16. REFER TO SHEET A2.16 FOR GENERAL NOTES. 17. REFER TO SHEET A2.17 FOR GENERAL NOTES. 18. REFER TO SHEET A2.18 FOR GENERAL NOTES. 19. REFER TO SHEET A2.19 FOR GENERAL NOTES. 20. REFER TO SHEET A2.20 FOR GENERAL NOTES. 21. REFER TO SHEET A2.21 FOR GENERAL NOTES. 22. REFER TO SHEET A2.22 FOR GENERAL NOTES. 23. REFER TO SHEET A2.23 FOR GENERAL NOTES. 24. REFER TO SHEET A2.24 FOR GENERAL NOTES. 25. REFER TO SHEET A2.25 FOR GENERAL NOTES. 26. REFER TO SHEET A2.26 FOR GENERAL NOTES. 27. REFER TO SHEET A2.27 FOR GENERAL NOTES. 28. REFER TO SHEET A2.28 FOR GENERAL NOTES. 29. REFER TO SHEET A2.29 FOR GENERAL NOTES. 30. REFER TO SHEET A2.30 FOR GENERAL NOTES. 31. REFER TO SHEET A2.31 FOR GENERAL NOTES. 32. REFER TO SHEET A2.32 FOR GENERAL NOTES. 33. REFER TO SHEET A2.33 FOR GENERAL NOTES. 34. REFER TO SHEET A2.34 FOR GENERAL NOTES. 35. REFER TO SHEET A2.35 FOR GENERAL NOTES. 36. REFER TO SHEET A2.36 FOR GENERAL NOTES. 37. REFER TO SHEET A2.37 FOR GENERAL NOTES. 38. REFER TO SHEET A2.38 FOR GENERAL NOTES. 39. REFER TO SHEET A2.39 FOR GENERAL NOTES. 40. REFER TO SHEET A2.40 FOR GENERAL NOTES. 41. REFER TO SHEET A2.41 FOR GENERAL NOTES. 42. REFER TO SHEET A2.42 FOR GENERAL NOTES. 43. REFER TO SHEET A2.43 FOR GENERAL NOTES. 44. REFER TO SHEET A2.44 FOR GENERAL NOTES. 45. REFER TO SHEET A2.45 FOR GENERAL NOTES. 46. REFER TO SHEET A2.46 FOR GENERAL NOTES. 47. REFER TO SHEET A2.47 FOR GENERAL NOTES. 48. REFER TO SHEET A2.48 FOR GENERAL NOTES. 49. REFER TO SHEET A2.49 FOR GENERAL NOTES. 50. REFER TO SHEET A2.50 FOR GENERAL NOTES. 			



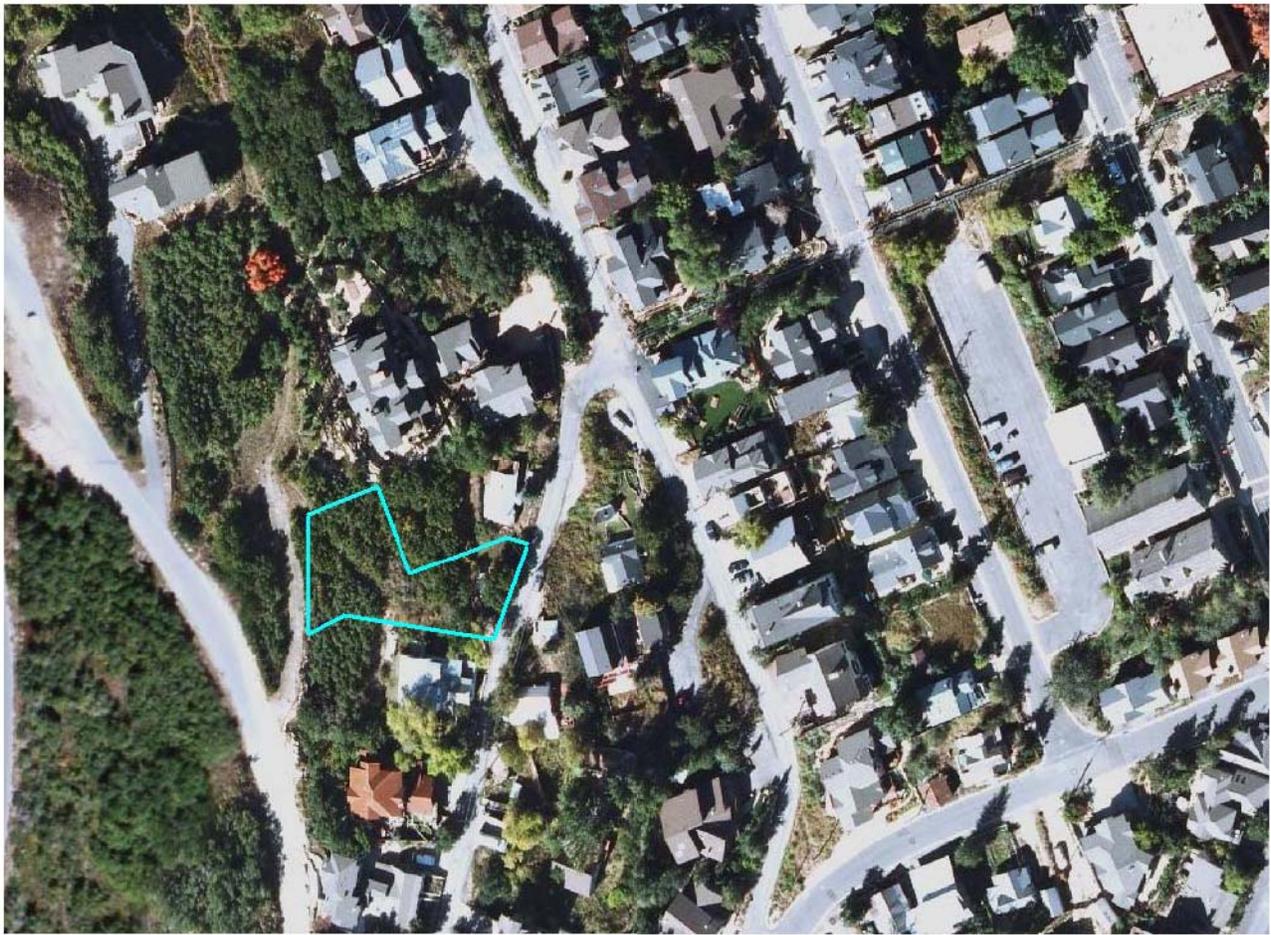


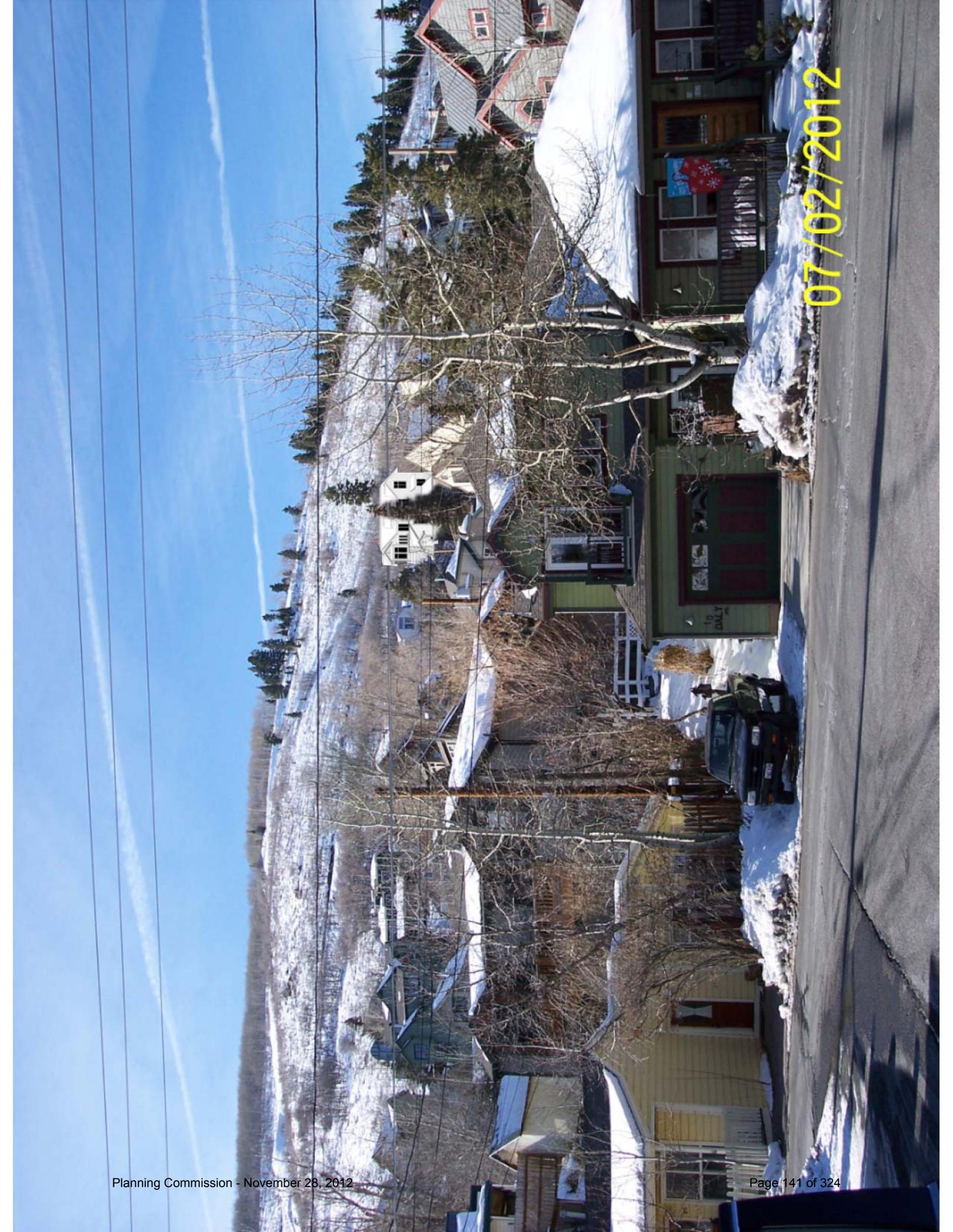
EXHIBIT B





07/02/2012

YIELD



07/02/2012

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Minutes of December 14, 1994
Page 5

6. The buildings on the newly created lots shall not exceed a Floor Area ratio of 2.0.

V. PUBLIC HEARINGS/ACTION ITEMS

1. 30, 40, 50 Sampson Avenue Plat Amendment

Planner Janice Lew reported that the applicant was requesting an amendment to a portion of the Park City Survey Plat. The amendment would combine several Old Town lots into three larger parcels, thereby reducing the density and providing access to each lot from Sampson Avenue. The parcel is located in the HRL District, and the minimum lot size in the area is 3,750 square feet. The parcels are subject to floor area ratios and Historic District design standards. A number of issues listed in the Staff report were addressed in the conditions of approval or notes shown on the plat. The Planning Commission had discussed building size during the work session, and there was concern about maintaining compatibility with the smaller Old Town lots and the Historic District in that area. The Staff had not received public input other than phone calls from John Hayes and Jon DeGray requesting information about the proposal. The Staff recommended that the Planning Commission forward a positive recommendation to the City Council based upon the findings and conclusions of law and conditions of approval outlined in the Staff report.

Chair Child opened the public hearing.

The applicant, Craig Schneckloth, noted the concerns expressed by the Commissioners regarding house size on Lot 3 and suggested the possibility of two smaller houses rather than one larger home. Lot 1 would remain at 3,336 square feet, Lot 2 would be reduced to 3,230 square feet, and Lot 3 would have one house on the bottom half at 2,400 square feet and one house on the top half. Parking for four cars would be provided underneath the bottom house, and access for both houses would be from Sampson Avenue.

Since the Staff review was based on the proposal for three homes on three lots, Chair Child indicated that the Planning Commission should base their review on that proposal. Mr. Schneckloth preferred the proposal for one house on Lot 3 and explained that he had only offered the alternative as a possibility to satisfy the Planning Commission.

Commissioner Joe Tesch explained the issues involved for the benefit of the public. The applicant had taken six Old Town lots and suggested that they be reconfigured into three larger lots. The applicant had also requested home sizes that would fit within the code requirement for maximum size homes on the newly configured

lots, but the Planning Commission was struggling with the idea that the homes might be too large to be compatible with other structures in the neighborhood. Commissioner Tesch noted the possible traffic dangers involved with increased density on Sampson Avenue and noted that reducing the number of lots was a decent trade-off.

Chair Child clarified that the Commissioners favored the reduction in the number of lots, and the only obstacle was determining a reasonable house size. Commissioner Tesch was not certain that three lots was the right number. He felt the applicant had the misconception that the lower number of lots would receive more favorable review. Commissioner Tesch felt the Planning Commission wished to allow Mr. Schneckloth fair use of the property.

Commissioner Klingenstein was concerned with setting a precedent for incremental build-up in the area and suggested reducing the home sizes to 3,000 square feet on Lot 1, 3,500 square feet on Lot 2, and 3,000 square feet on Lot 3 in order to assure neighborhood compatibility.

Commissioner Jones concurred with Commissioner Klingenstein and remarked that the real issue was compatibility. The FAR's are maximum limits, and often applicants believe they are allowed to build homes to the maximum size without regard to the neighborhood. He requested that the conditions of approval reiterate that the overriding criteria for house size is neighborhood compatibility in both design issues and how the home fits on the lot relative to the neighborhood.

Commissioner Erickson noted that the proposed height did not meet the new height ordinance recommended at the previous Planning Commission meeting and questioned which height would be required. Director Lewis explained that the applicant would be required to comply with the height restriction in place at the time of building permit issuance. Commissioner Erickson clarified that the proposal would be reviewed by the Development Department for compliance with the Historic District Commission guidelines, and any appeal would be to the Historic District Commission.

Chair Child asked Director Lewis if the findings and conclusions of law should be changed if the Planning Commission approved the project with specified house sizes. Director Lewis explained that the matter would go to a public hearing before the City Council, and the information would be added as notes on the plat. The conditions approved by the Planning Commission would list all the information on the plat regarding house sizes and the Planning Commission's conclusions and findings would be included in the City Council report.

MOTION: Commissioner Chuck Klingenstein moved to APPROVE the Sampson Avenue Plat Amendment for 30, 40 and 50 Sampson Avenue as outlined by the Staff with an additional condition of approval stating that Lot 1 would have a maximum house size of 3,000 square feet, Lot 2 a maximum house size of 3,500 square feet, and Lot 3 a maximum house size of 3,000 square feet.

Chair Child clarified that the numbers pertained to the house size only and did not include a garage limit. Commissioner Klingenstein replied that a 400-square-foot garage was allowed.

Commissioner Diane Zimney seconded the motion.

The applicant stated that he had no objection and agreed to comply with the house sizes as stated in the motion.

VOTE: The motion passed unanimously.

Conditions of Approval - 30, 40, 50 Sampson Avenue

1. A note shall be required on the plat indicating that a modified 13-D sprinkler system shall be required and wood roofs are prohibited.
2. Prior to individual building permit issuance, complete plans for construction staging, construction parking, grading, erosion control and vegetation protection (LOD) shall be approved by the Community Development Department.
3. Prior to individual building permit issuance, the City Engineer shall review and approve all utility and construction plans. A 10-foot public non-exclusive utility easement shall be provided along Sampson Avenue for Lots 1 and 3. The following note shall be placed on the plat in regard to Lot 2:

"In the event the house which exists on Lot 2 as of the date this plat is recorded is demolished or lost due to fire, earthquake, or other catastrophe, the owner of Lot 2 will, as a condition precedent to rebuilding a new structure, grant to Park City Municipal Corporation a 10-foot-wide non-exclusive public utility easement along and abutting Sampson Avenue."
4. Prior to plat recordation, the City Council, City Attorney, and City Engineer shall review and approve the plat.
5. All Standard Project Conditions shall apply.

6. The maximum house sizes shall be:
 - Lot 1 - 3,000 square feet
 - Lot 2 - 3,500 square feet
 - Lot 3 - 3,000 square feet

2. Blockbuster Video CUP for Signage

Planner Janice Lew reported that years earlier the Planning Commission spent some time reviewing signage for PayLess Drug located at 950 Ironhorse Drive. A total of 49 square feet of signage was approved by the Planning Commission with the following conditions:

- Only one sign was permitted.
- The Staff would approve final colors consistent with the color requirements of the Park City sign code.
- The sign would be externally illuminated.

The PayLess Drug sign consists of 24" letters painted a burnt red. Blockbuster Video is leasing a portion of the PayLess Drug building and is requesting approval of a master sign plan. The Blockbuster Video signage would include a primary sign. The applicants have proposed individual letters 24" in height with a yellow face totalling 46 square feet of signage. The sign would be located above the windows on the front facade of the building. An awning was proposed across the front of the building which would be burnt red to match the color scheme of the PayLess signage and would have the Blockbuster ticket logo in yellow. The signage on the awning would total 12.5 square feet.

Planner Lew indicated that the Staff had spent a great deal of time with the applicant working on the signage and was concerned with the proposal. The intent of the master sign plan was to create a common theme to tie design elements together. The Staff preferred that the Blockbuster Video signage match the color of the PayLess sign. She suggested that the Planning Commission consider a reduction in size so the Blockbuster sign would be subordinate to the main tenant signage. The Staff was also concerned with the awning which would create a dominant architectural feature on the left side of the building and an imbalance with no awning on the opposite side of the building. The Staff recommended that a smaller awning replace the large awning above the door and that the logo be permitted there for signage. The Staff also recommended that the yellow color be consistent with the Park City sign code.

Public input had not been received, and the Staff recommended approval of the master sign plan for the PayLess building with the findings, conclusions of law, and conditions of approval outlined in the staff report.

Debra M. Schneckloth
P.O. Box 234
Park City, UT 84060



March 30, 1998

Debra M. Schneckloth
P.O. Box 234
Park City, UT 84060

Dear Debra:

Your plat amendment to the Park City Survey regarding 30, 40 and 50 Sampson Avenue, which was approved by the City Council, with conditions, on February 2, 1995 specified the following maximum sizes for residential structures on the lots:

- Lot 1 - 3000 square feet
- Lot 2 - 3500 square feet
- Lot 3 - 3000 square feet

An additional 400 square feet may be added to the total floor area for a garage for each of the lots.

You recently inquired about the possibility of allowing basements in addition to the maximum house sizes specified on the lots. Since your plat amendment does not specifically prohibit basements, it is my determination that basements would be allowed provided they can meet the definition in the Land Management Code. A basement is defined as having all four walls at least 80% underground. Basements may not have an outside door (including a garage door) visible from the public right-of-way.

I apologize for any confusion the Community Development Department may have caused as we reviewed this issue. It took a few days to research how the building size has been determined on other plats. My determination is consistent with our present practice of calculating house sizes when they are specified on plats.

Sincerely,

Richard E. Lewis
Community Development Director

M CDD RL LETTER 1998 SCHNECL.001

00503794 Bk01134 Pg00399-00400

ALAN SPRIGGS, SUMMIT COUNTY RECORDER
1998 APR 07 11:28 AM FEE \$12.00 BY DMG
REQUEST: DEBRA M SCHNECKLOTH

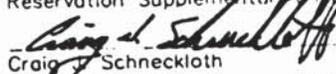
LEGAL DESCRIPTION

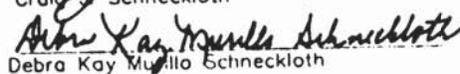
Beginning at the Northeast Corner of Lot 47, Block 78, Mill-site Reservation, The Park City Survey, and as recorded in Summit County, Utah, and running thence South 23°38' East along the Easterly line of said Lot 47, a distance of 11.67 feet to the Westerly edge of an existing road, thence South 13°36'05" West along said Westerly edge, a distance of 200.84 feet; thence South 84° 42' 13" West, a distance of 26.80 feet; thence North 89°14'40" West, a distance of 54.85 feet to the Southerly line of Lot 8, Block 79, Mill-site Reservation; thence South 66°22' west along said Southerly line, a distance of 18.39 feet to a point being the common back corner of Lots 6 and 8, thence due North 225.32 feet along the Westerly line of Block 79, Mill-site Reservation, to the Westerly line of Utah Avenue as dedicated; thence North 66°22' East, a distance of 50.00 feet to the Easterly line of said Utah Avenue as recorded; thence South 23°38' East, a distance of 65.67 feet along said Easterly line to the Northwest Corner of Lot 47, Block 78, Mill-site Reservation as recorded, thence North 66°34' East along the Northerly line of said Lot 47, a distance of 75.00 feet to the Point of Beginning.

Contains 0.58 acres more or less

OWNER'S DEDICATION AND CONSENT TO RECORD

Know all men by these presents: That the undersigned are the owners of the herein described tract of land, and hereby causes the same to be divided into lots as set forth and shown hereon, hereafter to be known as Mill-site Reservation Supplemental Amended Plat.


Craig J. Schneckloth


Debra Kay Muello Schneckloth

00503794 Bk01134 Pg00400

Joint Tenants

Planning Commission Meeting
August 22, 2012
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Chair Wintzer encourage Mr. Elliott to make his comments during work session.

Chair Wintzer closed the public hearing.

MOTION: Commissioner Savage moved to CONTINUE 916 Empire Avenue – Steep Slope CUP to a date uncertain. Commissioner Gross seconded the motion.

VOTE: The motion passed unanimously.

**4. 30 Sampson Avenue – Steep Slope Conditional Use Permit
(Application #PL-12-01487)**

Planner Evans reviewed the steep slope conditional use permit for 30 Sampson Avenue. He noted that the lot was approved in 1995. It is a 7,089 square foot lot in the HR-L District. Because of its odd shape, this particular lot required that the Planning Director make a determination as to setbacks. The Staff report outlined the required setbacks as determined by the Planning Director and the setbacks proposed in this plan. The front and rear setbacks would be 15 feet and the sides vary from five to ten feet. The lot was approved in 1995 and plat notes limit the size of the structure to 3,000 square feet, with a 400 square foot garage allowance. Planner Evans noted that the Staff report included a legal and binding letter of the interpretation made at the time, which said that the 3,000 square feet maximum applied to above ground and anything below ground did not apply. Planner Evans remarked that other issues related to the number of stories and height, and those would not be addressed pending the work session discussion.

Commissioner Strachan referred to the table on page 204 of the Staff report and asked for the difference between the overall area and the overall size. Planner Evans stated that the overall size was 4,587 square feet, plus the garage. The 2,998 was the footprint.

Commissioner Strachan asked why the size of the garage indicated in the Staff report exceeded 400 square feet.

Jonathan DeGray, the project architect, replied that anything in excess of 400 square feet goes against the 3,000 square foot maximum. Therefore, the combined total of above-grade living does not exceed 3,400 square feet at any point. The garage is larger but the house is smaller. Mr. DeGray referred to Commissioner Strachan's previous question and noted that the 4,587 square feet was the total square footage and included the garage. He also noted that 2,998 square feet was the total square footage above grade for the house.

Mr. DeGray walked through the plans and specific square footage numbers for the house and the garage.

Mr. DeGray outlined the criteria for the Steep Slope CUP and explained why they comply. He noted that the site is an unusual hourglass shape made up of two pods; lower and upper. The lower, smaller pod sets itself up well for a garage. The connection point is below grade and breaks the two structures visually. He referred to the landscape plan to show how it embellished between the

two buildings to visually separate them. The main building is setback 65 feet to the elevator and another 75 or 80 feet to the main structure from the street. With the grade changes, it will appear to be a totally separate building from any of the buildings along Sampson Avenue. It will appear to be more associated to the sites to the rear.

Mr. DeGray commented on the visual analysis and provided photographs taken from the Trolley Turnaround and the intersection of Marsac and Hillside, as well as from other locations shown on page 230 and 231 of the Staff report. Mr. DeGray noted that the lot behind this house was the last undeveloped lot of the Sweeney Subdivision and it would be fairly volumetric. Mr. DeGray presented a rendering showing how the building sets into the hillside and the volumetric is compatible to the other HR-L structures on Sampson Avenue.

Mr. DeGray noted that the access driveway has been placed at the highest point of Sampson Avenue along with the lot. It provides a short run into the garage and is as low as possible to allow the garage to nestle in and maintain the same pad elevation as the barn that occupied that same space. The pad is currently being used as a parking pad.

Mr. DeGray pointed out that the building itself acts as the retaining structure and no tall walls are proposed on site. There will be smaller stack rock walls. Along the driveway they are looking at a wall that starts at the edge of the property starting at 2 feet in height and increases to 5 feet by the entry. Those represent the tallest walls on the site. None of the walls would require special approvals. The City now requires that all walls within the proximity of the property line be geo-technical engineered and designed and signed off by the engineer.

In terms of building form and scale, the buildings should run parallel and the garages should be subordinate. Mr. DeGray believed they had met that criteria. He noted that the overall scale and bulk of the main building was reduced. The building height is 27' and falls within the 27' maximum height requirement. In some places the height is under 27' on average. The applicant was not requesting any special provisions.

Mr. DeGray stated that the purpose of the HR-L zone was to get away from the higher density HR-1 zone and to provide for larger single family homes on larger lots. He believed this application met the purpose of the HRL. On a 7,000 square foot lot they were proposing a maximum gross square footage of 4500 square feet with a visual square footage of 3400 square feet, which is compatible with adjacent structures.

Chair Wintzer opened the public hearing.

Debbie Schneckloth, stated that she has been resident at 40 Sampson Avenue for 40 years, and her name appears on the plat amendment that the Jorgensen property is part of, and she intended to explain her goal for doing that. Ms. Schneckloth stated that her concerns began on May 5, 2012 with the unauthorized use of her property by the 30 Sampson Avenue access. At that point she became very involved in the process and Planner Evans had been very patient answering her many questions. Ms. Schneckloth also intended to speak to the redrawn driveway access and her request that it be drawn on the applicant's own property. She commented on the setback determinations by Director Eddington and wanted to know his rationale for changing some of the

requirements of the Land Management Code. Ms. Schneckloth also wanted to speak to three of the items in the purpose statement of the HR-L zone and how two of the seven purposes of the HRL District appear to be obstructed by this project.

Ms. Schneckloth stated that when she expressed her concern about the access, she was informed by the Planning Department that the City was told that the applicant had an easement. Moving forward, she requested that the City require a checking of recorded easements when these applications come in so a property owner is not victimized by one person's word rather than what can be verified.

If this project moves forward, Ms. Schneckloth requested a condition of approval stating that the orange LOD fencing be replaced with a more permanent type site fencing, and that the points along the irregular 131' property line not be defined by the three existing pins, but instead be resurveyed to maintain accuracy. Ms. Schneckloth stated that this was abridged at 60 Sampson Avenue and 10 feet had been excavated before she discovered that the fencing had been taken down and it was on her property.

Ms. Schneckloth requested another condition of approval involving the City in any further enforcement so she could have a phone number of someone to call to have an enforcement person check on an issue.

Ms. Schneckloth stated that the driveway access redraw was at her request on the Jorgensen property. As explained to her by Planner Evans, the beginning point on the south end of the driveway was on grade with Sampson. She would like that checked by the City Engineer because she believes that at that point Sampson is 35 inches below the grade, and not on grade. Sampson goes very steep very fast and the discrepancy between grade as describe two to five feed with no retention required is not accurate as the lay of the land.

Regarding the setback determination described by the Planning Director, she understood from the Staff report that the setbacks were increased from the required 10 feet. However, she questioned why a five foot side yard setback was acceptable on the border of the only existing historic property on Sampson Avenue. Protection of historic property as per the HRL designation was not a condition and she questioned why. She was also concerned after hearing Mr. DeGray state that there was no need for more than 2-5 foot retaining walls with no engineering. She was suspect of how that would occur and retain her property and her home.

Ms. Schneckloth stated that the purpose of the HRL District as described was to reduce the density, which was the purpose of her plat amendment. She loves her home and it is a nice place to live, even though the access is difficult she likes everything about. The intent behind her plat amendment was to could save the tide of traffic problems, and other impacts that could be incurred on that small little street. Since her plat amendment, other things have occurred and they still face problems.

On the issue of preserving residential character in Park City, Ms. Schneckloth noted 205 Norfolk Avenue, which is 811 square feet in size, and 220 King Road, at 65 square feet in size do not reside in the HRL zoning. 220 King Road was annexed property into the Sweeney project and

annexed to the Old Town plat. Those properties did not come under the scrutiny that the HRL guidelines and historic districts require. In 1995 the Planning Commission put severe restrictions of 2,000 on all the properties because even though the Sweeney lots were already proposed with greater density, the intent was to preserve the character of Old Town. Ms. Schneckloth stated that the Herman house that was built by Jerry Fiat on Norfolk that was given as a comparison is a neighboring property, but it is not in the HRL zone. No conditional use permits were required for that property or any other property on Norfolk for nightly rentals. They are not in the HRL and should not be used as comparisons to bring up the square footage average of Sampson Avenue to 3566 square feet. If you accurately calculate the numbers, the square footage is actually 2572 square feet.

Ms. Schneckloth stated that another purpose of the HRL is to encourage construction of historically compatible structures that contribute to the character and scale of the district. She provided a picture of an old streetscape with the lot outlined. She noted that John Vrabel was out of town and unable to attend this evening, but he had given her photos to submit to the Planning Commission. She still loves this town that she came to in 1971 and she gave examples to show how far they have come over the years. Ms. Schneckloth clarified that she is not anti-development. She just wants everyone to play by the same rules. She respects the Planning Commission and others for the difficult job they do. The City has preserved so much of its heritage and she only wants everyone to build on their own property and abide by the same rules that are so beautifully written in the Land Management Code.

Chair Wintzer closed the public hearing.

Commissioner Thomas believed this project also fell under the same issue with regard to the number of stories. He felt it was best to continue the item until they had a clear interpretation of the Code.

MOTION: Commissioner Thomas moved to CONTINUE 30 Sampson Avenue – Steep Slope CUP to a date uncertain. Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously.

The Planning Commission met in work session to discuss Land Management Code amendments and the interpretation of a story. That discussion can be found in the Work Session minutes dated August 22, 2012.

The Park City Planning Commission meeting adjourned at 9:25 p.m.

Approved by Planning Commission: _____



Planning Commission Staff Report

Subject: Land Management Code
Amendments
Author: Kirsten Whetstone, MS, AICP
Date: November 28, 2012
Project Number: PL-12-01631
Type of Item: Legislative

Planning Department

Summary Recommendations

Staff recommends the Planning Commission conduct a public hearing, review and discuss the proposed LMC amendments as outlined in this staff report, and consider forwarding a positive recommendation to City Council based on the findings and conclusions in the draft ordinance.

Staff recommends the Planning Commission **continue to the January 9, 2013 meeting the following:**

- Transfer of Development Rights (Chapter 2)
- Agricultural uses and restrictions within residential zones (Chapter 2)
- Review of Allowed and Conditional Uses in all zoning districts (Chapter 2)
- Lighting regulations (Chapters 3 and 5)
- Financial guarantee process for public improvements (Chapters 1 and 7)
- Annexation process regarding timing of ratification of annexation agreements (Chapter 8)
- Associated definitions to the above (Chapter 15)

Proposal

Staff has prepared the following amendments as part of the 2012 annual review of the Park City Land Management Code:

Listed by Chapter (See attached Exhibits A- I)

- Chapter One- General Provisions and Procedures (Exhibit A)
 - Review process for Historic District Design Review and Administrative Conditional Use applications
 - Revisions to notice and notice matrix
- Chapter Two- Zoning Districts (Exhibit B)
 - Roof pitch in Historic Residential Zones
 - Tabulation of number of Stories in Historic Residential Zones
 - Exceptions for Historic Structures for Height and Footprint
 - Exemptions from third Story step back for Historic Structures
 - Revise Conditional Use process within historic districts to remove requirement of HPB review and recommendation.
 - Revise Conditional Use open space requirements in HRM and RC zone
 - Revise Allowed and Conditional Uses in HR2, HCB, and HRC
- Chapter Three- Off-Street Parking (Exhibit C)
 - Reduce parking requirements for multi-family dwellings

- Include manager parking for and bed and breakfast inns
- Chapter Four- Supplemental Regulations (Exhibit D)
 - Require Building permits for Fences and Walls greater than six feet in Height and four feet in Height in Historic District
 - Amend requirements and process for Special Events and Overcrowding
 - Remove overcrowding permits and replace with temporary change of occupancy permits.
- Chapter Five- Architectural Review (Exhibit E)
 - Add landscaping to Policy and Purpose statements
 - Revised end date of Seasonal Lighting Display to conform to Municipal Code
 - Allow minor setback exceptions for screened mechanical equipment as part of the Architectural Review
 - Add landscape plan requirements to Architectural Design Guidelines for all Building Permit applications, CUPs, MPDs, and HDDRs
 - Require licensed Landscape Architect for landscape plans for all CUPs, MPDs, and HDDRs
- Chapter Six- Master Planned Developments (MPDs) (Exhibit F)
 - Revise purpose statements for MPDs
 - Clarify applicability of MPDs in all zoning districts
 - Add review requirements applicable to all MPDs related to open space, building height, landscaping, and historic mine waste mitigation
- Chapter Nine- Non-conforming Uses (Exhibit G)
 - Revise criteria and applicability of change of non-conforming use to another non-conforming use of similar or less-intensive land use type
- Chapter Eleven- Historic Preservation (Exhibit H)
 - Amend pre-HDDR application requirements to have pre-application conference strongly recommended as opposed to a mandatory review
 - Revise review process for Historic District Design Review applications including appeals, public hearing, and extensions of approval
 - Amend and clarify criteria for permitting relocation and/or reorientation of historic structures
 - Amend and clarify criteria for permitting disassembly and reassembly of historic structures
- Chapter Fifteen- Definitions (Exhibit I)
 - Amend or add definitions for Attic, Green Roof, Impervious Surface, Storefront Property, Split Level, Story, Temporary Improvement, Zero Net Energy Building, and Xeriscape

Listed by Issue/Topic

1. Pre-application process, review process for Historic District Design Review and revisions to the notice matrix (Chapters 1 and 11).
2. Roof pitch, horizontal stepping, stories and exceptions for Historic Structures in the Historic District, clarification of open space and uses (Applies to HRL, HR-1, HR-2, HRM, HRC, HCB, and RC (Chapters 2.1, 2.2, 2.3, 2.4, 2.5, 2.6, and 2.16)).
3. Clarification of the term “Story” and determination of the number of Stories in a structure in the HR-1, HR-2, and HRL zoning districts (Chapters 2 and 15).

4. Revise parking requirements for multi-family units and bed and breakfast inns (Chapter 3).
5. Revise Special Event and overcrowding permitting process and requirements (Chapter 4).
6. Incorporate landscape plan requirements and mechanical screening in the Architectural Review chapter (Chapter 5).
7. Clarify seasonal lighting display (Chapter 5).
8. Clarify purpose and applicability of the Master Planned Development review process in various zones (Chapter 6).
9. Additional review criteria for all Master Planned Developments, including open space, building height, landscaping, mine hazards and historic mine waste mitigation (Chapter 6).
10. Clarify criteria for change of a non-conforming use to another non-conforming use of similar or less intensive use (Chapter 9).
11. Process for permitting relocation and/or reorientation, as well as Disassembly and Reassembly, of Historic Structures (Chapter 11).
12. Revise, clarify, and add definitions (Chapter 15).

Background

The Planning Department, on an annual or bi-annual basis, reviews the LMC to address planning and zoning issues that have come up in the past year. These amendments provide clarification and streamlining of processes, procedures, and definitions and provide consistency of code application between Chapters as well as consistency with the General Plan, Council Goals, Utah Code, and the Historic District Design Guidelines.

The proposed revisions for discussion listed above are further described in the Analysis section below. A redlined version of the revised sections of each Chapter is included as Exhibits A- I, attached to this report.

On August 22, 2012, Staff provided the Planning Commission with a report and ordinance outlining proposed amendments to the LMC. The Planning Commission discussed the proposed amendments at a work session and provided staff with direction to provide additional information.

On September 12th and 26th the Commission conducted public hearings and discussed the proposed LMC amendments. At the September 26th meeting the Commission discussed the following items and provided direction as summarized below (see Exhibit J).

- Building height, measurements, story definition, and roof pitch in the Historic Residential zones- **Discussed and continued for further analysis for discussion at the November meeting.**
- Requirements for building permits for driveways, parking, patios, and other flat work- **Discussed and voted to forward positive recommendation to City Council.**
- Special Exceptions- removal from the Board of Adjustment chapter- **Discussed and voted to forward a positive recommendation to City Council.**

- Streamlined review process and appeals of administrative applications, such as Historic Design Review, Administrative Conditional Use permits, Architectural plan review, and other types of administrative applications- **Discussed using a flow chart to explain the current process and possible alternatives, received public input, and reached a consensus for the shorter more efficient process (see Exhibit L- revised Flow Chart) contingent upon review of a list of possible types of administrative Conditional Use permits and clarification to the language regarding public input process. List of CUP types is attached as Exhibit O.**
- **The MPD issues were not discussed, though public input was provided- Continued discussion for additional historical information which is provided attached to this report as Exhibit M and will be presented at the meeting on November 28th.**

These items, along with other amendments, were continued to the November 28, 2012, Planning Commission meeting.

On November 7, 2012, the Historic Preservation Board (HPB) discussed these amendments in work session (see Exhibit K- minutes). The HPB was generally not supportive of the changes to allow MPDs in the Heber Avenue Subzone (in the HRC zone) as recommended by Staff. This was in part due to allowing MPDs for some properties and not allowing them for others and in part due to not having time to consider the ramifications and understand the history of MPDs in the historic zones. The Board also generally expressed concern that if the LMC is changed to allow MPDs about setting a Building Height limit of 50' that may be less than the Kimball Art Center (KAC) expansion plans concept. No plans or application for the KAC expansion have been submitted to the City, but the plans have been discussed in the Community Forum, e.g. radio and newspaper and there has been mention that the addition may be as tall as eighty feet (80') from the patio level (which would be approximately 65' to 70' from the existing grade interpolated by connecting the grade from Park Avenue to Main Street). The Board was in support of the other changes impacting the Historic District.

Analysis

Analysis for each topic is included following the proposed amendment language. (Also refer to Exhibits at the end of the report for a Chapter by Chapter review of all redlined amendments).

1. Pre-application process, review and appeals process for Historic District Design Review (HDDR) and revisions to the notice matrix (Chapters 1 and 11).

A) Proposed language- Pre HDDR applications (see redlines):

15-11-12. HISTORIC DISTRICT OR HISTORIC SITE DESIGN REVIEW.

(A) PRE-APPLICATION CONFERENCE.

(1) ~~It is strongly recommended that the~~ ~~The~~ Owner and/or Owner's representative shall be required to attend a pre-Application conference with representatives of the Planning and Building Departments for the purpose of determining the general scope of the proposed Development, identifying potential impacts of the Development that may require mitigation, providing information on City-sponsored incentives that may be available to the Applicant, and outlining the Application requirements.

Analysis: Staff recommends that the pre-Application for HDDRs be highly recommended as opposed to being required. This will expedite the process for those who want it and clarify that the submittals associated with a pre-application are not vested. Comments that come out of the DRT meetings are typically based on informal conceptual plans and not a full set of architectural plans. At the same time, Staff is committed to the value of these meetings to explain the Guidelines and process to applicants, for all of the reasons stated in the pre-application conference language included herein (see Exhibit H).

B) Proposed language- Appeals process for administrative applications (HDDRs and Administrative CUPs) including revisions to the Notice Matrix:

(There are numerous redlines for this topic, please refer to Exhibits A and H for redlines to Chapters 1 and 11).

Analysis: Based upon Planning Commission's direction at the September 22, 2012 meeting, staff is proposing language which would add a public hearing to Planning Staff's review of the HDDR and make the HPB the appeal authority. Appeals of HPB decisions on an HDDR appeal would be made to the District Court.

2. Roof pitch, horizontal stepping, and exceptions for Historic Structures in the Historic District (Applies to HRL, HR-1, HR-2, and RC (Chapters 2.1, 2.2, 2.3, and 2.16) and restriction of uses within 200 feet of Main Street that would .

The proposed language (redlines) stated below are for HRL (Section 15-2.1) and typical. See Exhibit B for redlines to HR-1, HR-2 and RC zones.

15-2.1-4. EXISTING HISTORIC STRUCTURES.

Historic Structures that do not comply with Building Setbacks, Building Height, Building Footprint, Off-Street parking, and driveway location standards are valid Non-Complying Structures. Additions to Historic Structures are exempt from Off-Street parking requirements provided the addition does not create a Lockout Unit or an Accessory Apartment. Additions must comply with Building Setbacks, Building Footprint, driveway location standards and Building Height.

15-2.1-5. BUILDING HEIGHT.

No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade. This is the Zone Height. Final Grade must be within four vertical feet (4') of Existing Grade around the periphery of the Structure, except for the placement of approved window wells, emergency egress, and a garage entrance. The following height requirement must be met:

(A) A Structure may have a maximum of three (3) stories. A basement counts as a Story within this zone. Attics ~~that are not Habitable Space~~ do not count as a Story.

(B) A ten foot (10') minimum horizontal step in the downhill façade is required for a third (3rd) Story of a Structure unless the First Story is located completely under the finish grade on all sides of the Structure. On a Structure in which the First Story is located completely under finish grade, a side or rear entrance into a garage which is not visible from the front façade or Street Right-of-Way is allowed. **Exception: The ten foot (10') minimum horizontal step is not required for Historic Structures.**

(C) ROOF PITCH. Roof pitch must be between seven: twelve (7:12) and twelve: twelve (12:12). A Green Roof, or a roof which is not part of the primary roof design, may be below the required 7:12 pitch.

(D) **BUILDING HEIGHT EXCEPTIONS.** The following height exceptions apply:

(1) Antennas, chimneys, flues, vents, or similar Structures, may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.

(2) Water towers, mechanical equipment, and associated Screening, when Screened or enclosed, may extend up to five feet (5') above the height of the Building.

(3) **ELEVATOR ACCESS.** The Planning Director may allow additional height to allow for an elevator compliant with American Disability Act (ADA) standards. The Applicant must verify the following:

(a) The proposed height exception is only for the Area of the elevator. No increase in square footage of the Building is being achieved.

(b) The proposed option is the only feasible option for the elevator on the Site.

(c) The proposed elevator and floor plans comply with the American Disability Act (ADA) standards.

(4) **GARAGE ON DOWNHILL LOT.** The Planning Director may allow additional height on a downhill Lot to accommodate a single car garage in a tandem configuration. The depth of the garage may not exceed the minimum depth for an internal Parking Space as dimensioned within this Code, Section 15-3. Additional width may be utilized only to accommodate circulation and an ADA elevator. The additional height may not exceed thirty-five feet (35') from Existing Grade.

(5) **ROOF PITCH.** Exceptions to the minimum roof pitch requirements may be granted by the Planning Director during the Historic District Design Review approval process based on compliance with review criteria as stated in the Park City Design Guidelines for Historic Districts and Historic Sites. Such exceptions to roof pitch may be granted to allow historic roof forms for additions to historic structures and for new construction when the proposed roof pitch is compatible with the style of architecture approved for the new construction. Roof pitch for new construction should be visually compatible and harmonious with the roof shapes and orientation of surrounding Historic Sites

Analysis: Staff proposes amendments to Chapter 2 for the HRL, HR-1, HR-2, and RC zoning districts recognizing that Historic Structures that don't comply with Building Setbacks, Height, Footprint, Parking, and Driveway location are valid Non-complying Structures.

Staff also proposes amendments to Chapter 2 for the HRL, HR-1, HR-2, and RC zoning districts allowing the Planning Director to grant an exception to the minimum required roof pitch requirements specified in the Code. Currently the Design Guidelines for Historic Sites include language, specifically for new construction, regarding roof pitches that are "consistent with the style of architecture chosen for the structure and with the surrounding Historic Sites." The current LMC language limits the pitch of the primary roof to between 7:12 and 12:12, with exceptions for green roofs.

Staff believes that this requirement should remain, however exceptions should be allowed on a case by case basis, based on review of the plans for compliance with the Design Guidelines and if the proposed roof pitch is consistent with the approved architecture. The exception language is only to roof pitch and not to roof height. This allows for roof pitches that are consistent with approved architectural styles where the main roof pitch is less than 7:12, such as hipped, pyramids, or typical historic architectural styles, such as Bungalows. (See Exhibit B)

Staff also recommends that Attic space not be considered a Story because of design issues with having to step back the Attic space (see revised definition) as required 10' horizontal stepping requirement in the event that the Attic would be a Third Story. A two story house with a pitched roof and Attic space would be required to have a roof that steps back from the front façade instead of just being a roof. The horizontal stepping requirement is generally problematic as it has been resulting in a common, and not particularly compatible design theme that takes precedence over the Design Guidelines because it is a requirement of the code. If the top level is a Story and not an Attic, then it is required to meet the 10' step back.

Proposed language- see redlines below regarding HRC and HCB zones:

HRC ZONE

15-2.5-2. USES.

Uses in the HRC are limited to the following:

(A) **ALLOWED USES**.....

(B) **CONDITIONAL USES**⁹.....

⁹No community locations as defined by Utah Code 32B-1-102 (Alcoholic Beverage Control Act) are permitted within 200 feet of Main Street unless a variance is permitted for an outlet, as defined by Utah Code 32B-1-202, to obtain a liquor license .

HCB ZONE

15-2.6-2. USES.

Uses in the Historic Commercial Business (HCB) District are limited to the following:

(A) **ALLOWED USES**.

(B) **CONDITIONAL USES**¹⁰.

¹⁰No community locations as defined by Utah Code 32B-1-102 (Alcoholic Beverage Control Act) are permitted within 200 feet of Main Street unless a variance is permitted for an outlet, as defined by Utah Code 32B-1-202, to obtain a liquor license .

Analysis:

Staff also recommends adding the footnote to the Conditional Uses list within the HRC and HCB zones to restrict community locations, such as schools, churches, play grounds, etc. from locating within 200 feet of Main Street if the Use would restrict liquor licenses on Main Street, which is one of Park City's primary business districts.

3. Clarification of the term "Story" and determination of the number of Stories in a structure in the HR-1, HR-2, and HRL zoning districts (Chapter 15).

Proposed language- (see redlines):

SPLIT LEVEL. A house or Building in which two or more floors are usually located directly above each other and one or more adjacent floors are placed at a different level, typical a half level above or below the adjacent floor.

STORY. ~~The vertical measurement between floors taken from finish floor to finish floor. For the top most Story, the vertical measurement is taken from the top finish floor to the top of the wall plate for the roof Structure. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above.~~

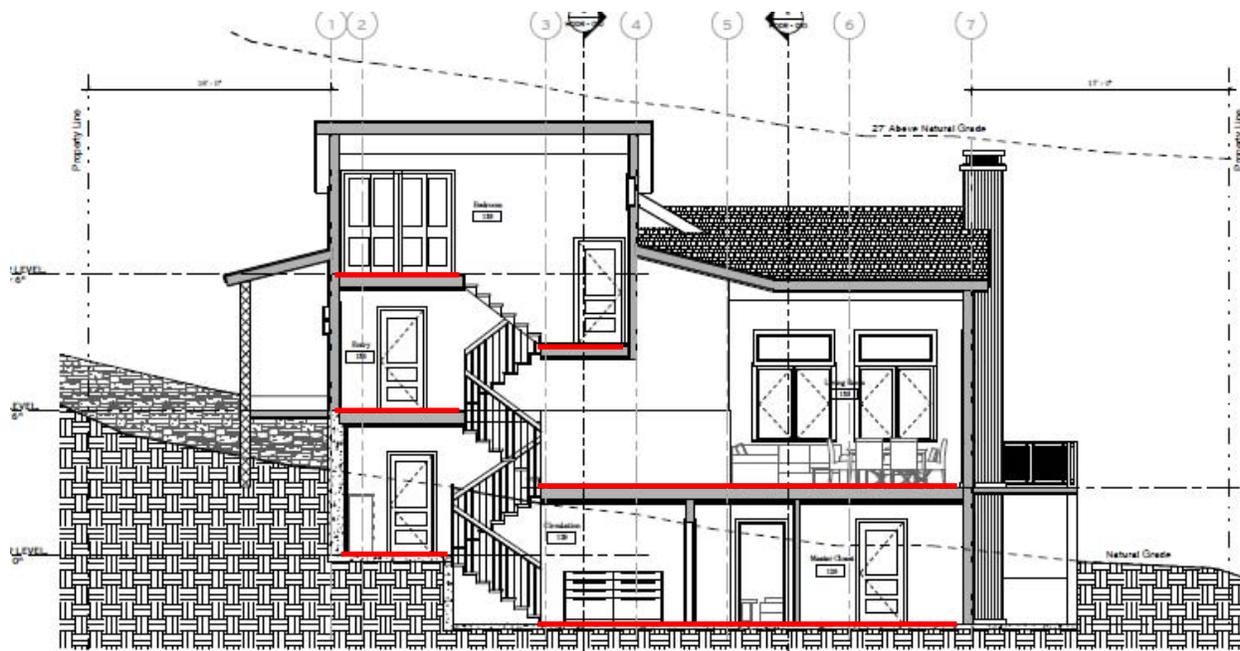
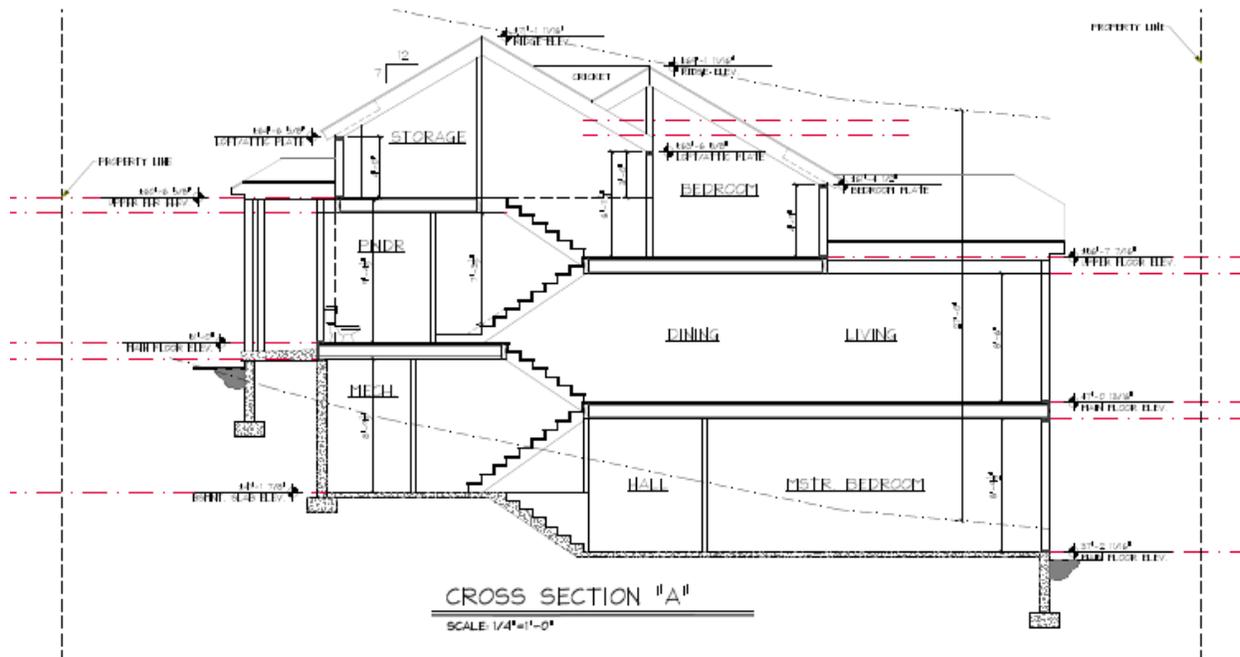
STORY, HALF. ~~That portion of a building under a sloping roof that has the line of intersection of the roof and wall face not more than four (4) feet above the floor level and in which space the possible floor area with headroom of five (5) feet or less occupies at least 40 percent of the total Floor Area of the Story directly beneath.~~

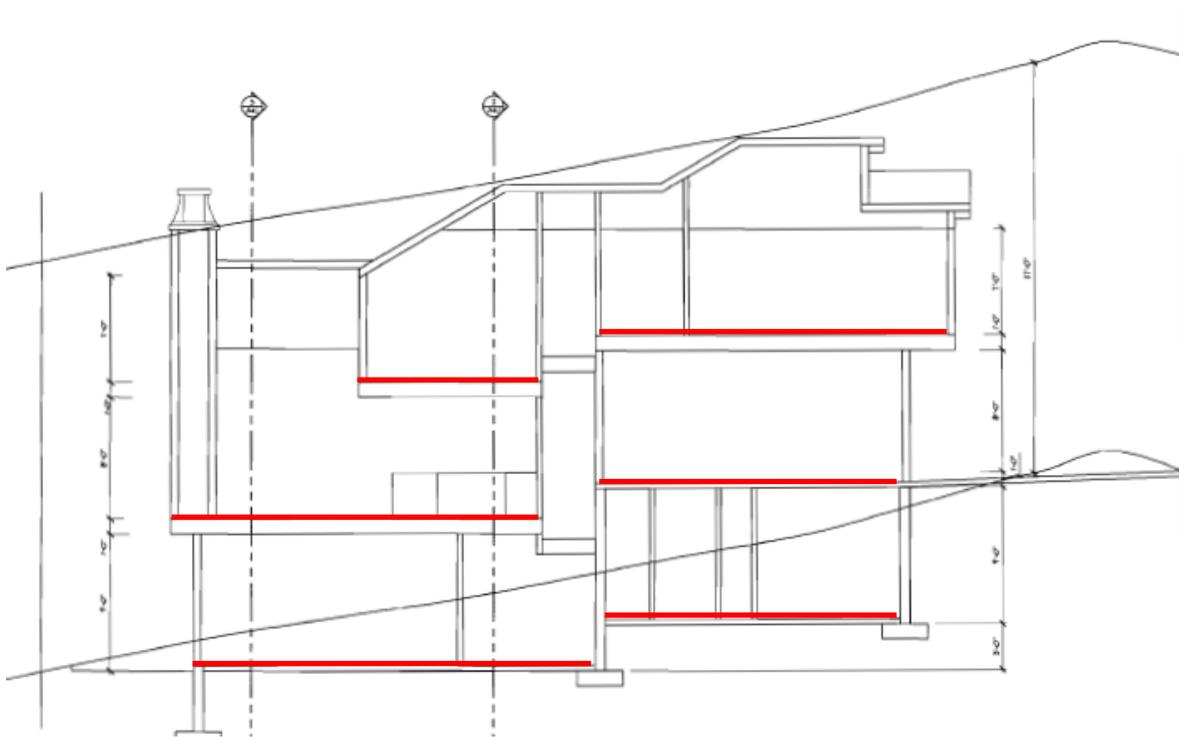
ATTIC. ~~That part of a building that is immediately below and wholly or mostly within the roof framing, including the~~ The space between the ceiling joists of the top Story and roof rafters.

Analysis and request for discussion:

Staff discussed in a work session at the September 12th, 2012 meeting issues regarding the interpretation of what a story is when “split levels” are involved. The current LMC definition of a story can be clarified regarding split level designs since they have multiple levels that vertically overlap with one another.

As a result of the work session, the Planning Commission directed staff to come back at the September 26th meeting to propose amendments which would further clarify and better reflect the intent of the three (3) story restriction in the Historic Residential Districts consisting of the HRL, HR-1, and HR-2 Districts. See samples below of split levels:





These “split level” designs meet the existing building height parameters which include:

- No structure shall be erected to a height greater than twenty-seven feet (27') from existing grade.
- Final grade must be within four (4) vertical feet of existing grade around the periphery of the Structure, except for the placement of approved window wells, emergency egress, and garage entrance.
- A structure may have a maximum of three (3) stories. A basement counts as a first story.
- A ten (10) foot minimum horizontal step in the downhill façade is required for a third (3rd) story of a structure unless the first story is located completely under the finish grade on all sides of the structure.
- Roof pitch must be between 7:12 and 12:12. A green roof or a roof which is not part of the primary roof design may be below the required 7:12 pitch.
- Garage on Downhill Lot building height exception: The Planning Director may allow additional height on a downhill Lot to accommodate a single car garage in a tandem configuration. The depth of the garage may not exceed the minimum depth for an internal Parking Space as dimensioned within this Code, Section 15-3. Additional width may be utilized only to accommodate circulation and an ADA elevator. The additional height may not exceed thirty-five feet (35') from Existing Grade.

During the September 26, 2012 Planning Commission regular meeting Staff was directed to prepare scenarios to better understand the issues related to split levels, the definition of a story, and the current height parameters of the LMC. Currently, the height of a story is not codified. A “story” is defined in the LMC as

The vertical measurement between floors taken from finish floor to finish floor. For the top most Story, the vertical measurement is taken from the top finish floor to the top of the wall plate for the roof Structure

There is no maximum or minimum number of feet. The height of a structure is simply measured from existing grade, not to exceed twenty-seven feet (27').

For additional background, Planning Staff has research several sources as well as several communities to further understand their definitions of a story. Many of the definitions address the issue of “split levels” specifically. The language addresses the specific area to be considered a story. The simplest definition of a story is the one on the 2009 Residential Building Code which states the following:

*That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof **above**.*

Staff believes that this interpretation of the existing definition would allow “split levels” to be built as this definition above provides clarity regarding the area to be considered a story. During the Planning Commission meeting work session held on September 12, 2012 the Planning Commission concurred with the proposed amended definition of story:

That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above.

Staff also recommends adding language to clarify how to address unusual lots, such as a longer than usual lot or steep lots. The direction from the work session was to clarify the code to ensure that multiple “split levels” through the structure that meet the Building Height parameters and the proposed definition of a story don't add more mass and volume to create stepping effects.

After analyzing the impacts of the “split levels” and more specifically the “multiple split levels” concept on a standard lot of record and possibly over longer lots, staff suggests adding another provision to the LMC related to Building Height. By regulating the maximum internal height measured from the lowest finished floor towards the highest roof ridge, the mass, volume, and scale of the “split level” can be limited so that they do not step up and down the topography.

Staff recommends that the Commission recommend adding the following regulation to the Building Height parameters:

The overall height of a structure measured from the lowest point of the finished floor to the highest exterior ridge point shall not exceed thirty-seven and a half feet (37.5').

This regulation allows the “split level” concept (internally) but regulates the vertical area that can be used to accommodate such concept. This number was derived from having three (3) levels measuring ten feet (10’) including floor joists, and the vertical distance given the average roof pitch required within the district (currently the LMC mandates that a roof pitch shall be between 7:12 to 12:12). If the roof pitch section as building height is amended as discussed above staff would recommend reducing this total height measurement height to thirty feet (30’) for flat roof structures.

4. Revise parking requirements for multi-family units and bed and breakfast inns (Chapter 3).

Proposed language- (see redlines):

Multi-Unit Dwelling	Apartment/Condominium not greater than 650 <u>1,000</u> sf floor Area	1 per Dwelling Unit	Bed and Breakfast Inn	1 space per bedroom <u>and one space per on duty manager.</u>
	Apartment/Condominium greater than 1,000 <u>650</u> sf and less than 2,000 <u>1,000</u> sf floor Area	1.5 per Dwelling Unit		
	Apartment/Condominium of greater than 2,000 <u>1,000</u> sf and less than 2,500 sf floor Area <u>or greater</u>	2 per Dwelling Unit		
	Apartment/Condominium 2,500 sf floor Area or more	3 per Dwelling Unit		

Analysis: These amendments reduce the parking requirements for multi-family dwelling units (condominiums and apartments) based on size, allowing 1 parking space for units up to 1,000 sf, 1.5 spaces for units up to 2,000 sf, and 2 spaces for units greater than 2,000 sf. Due to alternative modes of transportation and shuttle vans provided for guests the existing parking requirements have created excess parking, increasing the building mass, amount of impervious paving, and excess traffic in neighborhoods (Exhibit C).

5. Revise Special Event and overcrowding permitting process and requirements (Chapter 4).

Proposed language (see redlines):

15-4 -20. SPECIAL EVENTS ~~AND OVERCROWDING~~ AND TEMPORARY CHANGE OF OCCUPANCY PERMITS.

(A) **PURPOSE.** The intent of these regulations is to allow ~~temporary overerowing~~ Administrative Permits for Special Events and temporary change of occupancy activities only if adverse impacts on the character of neighboring Property can be mitigated and issues of public safety, traffic and parking are provided for. Such Uses will be permitted where the adjacent Street system is sufficient to accommodate the traffic impacts generated by said ~~overerowing~~ Special Events and temporary change of occupancy; where the Property can accommodate adequate Off-Street parking; where the Structures are designed to safely accommodate said Special Event and temporary change of occupancy ~~overerowing~~; and where the type of Use, and impacts are Compatible with the Uses otherwise permitted in the zone.

(B) **DURATION.** ~~For non-code approved overerowing, an overerowing Special Event and temporary change of occupancy Administrative Permits permit allows the increase in occupaney may be issued for a duration of~~ for a total of fifteen (15) days per permit and for no more than twelve (12) times per year per Building. These days are not required to be consecutive.

~~(C)~~ **APPLICATION.** An Application must be submitted no less than ten (10) ~~thirty (30)~~ days prior to the Special Event or temporary change of occupancy Use. ~~The Planning Director may reduce this timeframe to fifteen (15) days upon written request of the Applicant.~~ Applications shall be filed with the Planning Department and shall include the following information:

(1) **GENERAL DESCRIPTION.** A narrative of the Use and Site plan of the proposed Special Event and temporary change of occupancy shall be submitted with the application Use, including hours of operation, ~~maximum occupaney~~, private or public activity, number of invitations sent, if a private event, or estimate of overall attendance, crowd management plan, security, deliveries, music or sound plan, including use of speakers, any beer or liquor license, any sign or lighting plan, parking plan, and any other applicable information.

(2) **FLOOR PLAN.** A floor plan drawn to ~~Fe~~ scale, indicating in detail how the proposal will comply with applicable sections of the International Building Code shall be submitted with the application. This plan will indicate any chairs, tables, exits, sanitation, heating, food service/handling, etc. This floor plan shall be prepared and stamped by a licensed Utah Architect or Engineer, who shall indicate the maximum occupancy number for the specific use and floor plan for the Special Event and/or temporary change of occupancy Permit. Multiple floor plan layouts during the dates applied for will require individual stamped floor plan drawings by the Architect or

Engineer. The Chief Building Official, or his or her designee, will also review this information for compliance with the IBC.

- (3) **ALL APPLICABLE FEES.** Refer to Fee Resolution.
- (4) Any requested additional City or governmental services or equipment.

Analysis:

Overcrowding permits will no longer be approved by the Chief Building Official. Any use or occupancy that violates the IBC requirements for occupancy loads for a specific Building or Use will not be approved for Special Events or other temporary uses. If an applicant is able to provide an interior layout plan, certified by a licensed Architect or Engineer, that would allow a temporary change of occupancy for a Special Event or other temporary use, that complies with the IBC requirements as well as with the other criteria listed in this Section, then the Planning and Building Departments would be able to issue an Administrative Permit for the temporary change of occupancy for a Special Event or temporary use.

6. Incorporate landscape plan requirements, permits for Patios and flat work, and mechanical screening requirements in the Architectural Review chapter (Chapter 15).

Proposed language- (see redlines):

CHAPTER FIVE- ARCHITECTURAL REVIEW

15-5 -1. POLICY AND PURPOSE.

As a community dependent upon the tourism industry, the atmosphere and aesthetic features of the community take on an economic value for the residents and Property Owners of Park City.

It is in the best interests of the general welfare of the community to protect the aesthetic values of the community through the elimination of those architectural styles, and those Building and Landscape materials, which, by their nature, are foreign to this Area, and this climate, and therefore tend to detract from the appearance of the community.

Most of Park City's Main Street and many homes in Park City's older neighborhoods are listed on the National Register of Historic Places as well as being locally designated as Historic Sites, which is a point of considerable importance to the tourism industry. New Development, while distinct from surrounding Historic Sites, should not detract from them. Park City is densely developed due to the shortage of level, buildable land.

The effect of one Development is felt on the community as a whole. It is the policy of the City to foster good design within the constraints imposed by climate, land ownership patterns, and a Compatible architectural theme.

It is also the intent of this section to encourage lighting practices and systems which will minimize light pollution, glare, and light trespass; conserve energy and resources while maintaining night time safety, utility, and security; and curtail the degradation of the night time visual environment.

It is recognized that the topography, atmospheric conditions and resort nature of Park City are unique and valuable to the community. The enjoyment of a starry night is an experience the community desires to preserve. The City of Park City, through the provisions herein contained, promotes the reduction of light pollution that interferes with enjoyment of the night sky.

It is also the intent of this section to encourage and implement water conservation practices for landscaping. Park City is in a mountainous, semi-desert environment where much of the precipitation occurs as snow during the winter months and the highest demand for water occurs during the summer months. The largest single water demand is for irrigation of landscaping. The use of water wise Xeriscaping will protect the health, safety, and welfare of the community from impacts of water shortages likely to occur during cycles of drought. Xeriscaping is a concept of landscaping with plants that use little or no supplemental irrigation and are typically native to the region. The concept also requires water conserving irrigation practices, such as drip irrigation and effective mulching.

15-5 -5. ARCHITECTURAL DESIGN GUIDELINES.

(K) **MECHANICAL EQUIPMENT.** All electrical service equipment and sub-panels and all mechanical equipment, including but not limited to, air conditioning, pool equipment, fans and vents, utility transformers, except those owned and maintained by public utility companies, and solar panels, shall be painted to match the surrounding wall color or painted or Screened to blend with the surrounding natural terrain. Roof mounted equipment and vents shall be painted to match the roof and/or adjacent wall color and shall be Screened or integrated into the design of the Structure. Minor exceptions to Setback requirements for Screened mechanical equipment may be approved by the Planning Director where the proposed location is the most logical location for the equipment and impacts from the equipment on neighboring properties, historic facades, and streetscapes can be mitigated and roof top mechanical can be minimized.

(L) **PATIOS.** All non-bearing concrete flatwork, asphalt, and /or any Impervious Surface, regardless of size, is required to obtain a Building Permit, including any repairs, alterations, modification, and expansions of existing features.

(M) **LANDSCAPING.** A complete landscape plan must be prepared for all Building Permit applications. The landscape plan shall utilize the concept of Xeriscaping for plant selection and location, irrigation, and mulching of all landscaped areas. The plan shall include foundation plantings and ground cover, in addition to landscaping for the remainder of the lot. The plan shall indicate the percentage of the lot that is landscaped and the percentage of the landscaping that is irrigated. The plan shall identify all existing Significant Vegetation.

Materials proposed for driveways, parking areas, patios, decks, and other hardscaped areas shall be identified. A list of plant materials indicating the botanical name, the common name, the number of proposed plants, and the plant or caliper size shall be provided.

A licensed landscape architect shall prepare all materials for submittal of the landscape plan for Conditional Use Permits, Master Planned Developments, and Historic District Design Reviews.

To the extent possible, existing Significant Vegetation shall be maintained on Site and protected during construction. When Significant Vegetation is removed it shall be replaced with equivalent landscaping in type and size. Multiple trees adding to the size of the removed Significant Vegetation may be considered instead of replacement in kind and size. Where landscaping does occur, it should consist primarily of appropriate native and drought tolerant species, drip irrigation, and all plantings shall be adequately mulched. Lawn or turf areas are limited to a maximum of twenty five percent (25%) of the Lot Area not covered by Buildings and other hard surfaces and no more than seventy-five percent (75%) of the Lot Area not covered by Buildings may be irrigated.

Landscape and Streetscape will use native rock and boulders. All noxious weeds, as identified by Summit County, shall be removed from the Property in a manner acceptable to the City and Summit County, prior to issuance of Certificates of Occupancy.

Analysis: Staff is proposing to include in the Architectural Design Guidelines requirements for screening of mechanical equipment, permits for patios and flat work, and landscape plans for all Building Permit applications. Landscape plans are already required for HDDRs, Conditional Use Permits and Master Planned Developments, as well as often required as a condition of approval for plat amendments and subdivisions. Staff is recommending that landscape plans utilize Xeriscaping concepts for water conservation and limits on the percentage of the lot that can be irrigated. Allowing a site specific review of the placement of screened mechanical equipment and minor exceptions to setback requirements to be approved by the Planning Director can allow placement of screened equipment in the most logical location, and allows consideration of historic houses, minimizes roof top impacts and clutter, etc. provided that impacts on the neighboring properties are mitigated (Exhibit E).

7. Clarify seasonal lighting display (Chapter 5).

Proposed language (see redlines):

15-5 -5. ARCHITECTURAL DESIGN GUIDELINES.

(I) LIGHTING.

(13) **SEASONAL DISPLAY OF LIGHTS.** Seasonal restrictions apply to the HCB, GC, LI and HRC zones. Residential Uses in the HR-1, HR-2, E, HRL, SF,

RM, R-1, RDM, and RD zones are exempt from these requirements. Winter seasonal displays are permitted from the first of November to the ~~31st of March~~ 15th of April per the Park City Municipal Code.

Displays should be turned off at midnight. Any color of lights may be used; however, the lights shall not be used to create advertising messages or signs. Spelling out the name of a Business is prohibited.

Analysis: The end date is amended to be consistent with the Park City Municipal Code. Staff is working on a comprehensive review of the entire Lighting Section of the Code, including Seasonal Lighting to review zones where it is allowed and not permitted and the duration. There have been requests from the community to allow this type of lighting throughout the year. Those amendments and discussion will be presented to the Commission in January (see Exhibit E).

8. Clarify purpose and applicability of the Master Planned Development review process in various zones (Chapter 6).

Proposed language (see redlines):

Master Planned Developments

15-6 -1. PURPOSE.

The purpose of this Chapter is to describe the process and set forth criteria for review of Master Planned Developments (MPDs) in Park City. The Master Planned Development provisions set forth Use, Density, height, parking, design theme and general Site planning criteria for larger and/or more complex projects having a variety of constraints and challenges, such as environmental issues, multiple zoning districts, location within or adjacent to transitional areas between different land Uses, and infill redevelopment where the MPD process can provide design flexibility necessary for well-planned, mixed use developments that are Compatible with the surrounding neighborhood. The goal of this section is to result in projects which:

- (A) complement the natural features of the Site;
- (B) ensure neighborhood Compatibility;
- (C) strengthen the resort character of Park City;
- (D) result in a net positive contribution of amenities to the community;
- (E) provide a variety of housing types and configurations;
- (F) provide the highest value of open space for any given Site;
- (G) efficiently and cost effectively extend and provide infrastructure;

(H) provide opportunities for the appropriate redevelopment and reuse of existing structures/sites and maintain Compatibility with the surrounding neighborhood;

(I) protect residential uses and residential neighborhoods from the impacts of non-residential Uses using best practice methods and diligent code enforcement; and

(J) encourage mixed Use, walkable and sustainable development and redevelopment that provide innovative and energy efficient design, including innovative alternatives to reduce impacts of the automobile on the community.

K) encourage opportunities for economic diversification within the community

15-6 -2. APPLICABILITY.

(A) **Required.** The Master Planned Development process shall be required in all zones **except** the Historic Residential (HR-1), Historic Residential 2 (HR-2), and Historic Residential - Low Density (HRL), and Historic Residential—Medium Density (HRM) for the following:

(1) Any Residential project larger than ten (10) Lots or units.

(2) All Hotel and lodging projects with more than fifteen (15) Residential Unit Equivalents.

(3) All new Commercial, public, quasi-public, or industrial projects greater than 10,000 square feet Gross Floor Area.

(4) All projects utilizing Transfer of Development Rights Development Credits.

~~(B) —The Master Planned Development process is allowed but is not required in the Historic Commercial Business (HCB), Historic Recreation Commercial (HRC), Historic Residential (HR-1) and Historic Residential (HR-2) zones, provided the subject property and proposed MPD include two (2) or more zoning designations.~~

(B) Allowed but not required.

(1) The Master Planned Development process is allowed in the Historic Residential (HR-1) and (HR-2) zones only when the HR-1 or HR-2 zoned Properties -parcels are combined with adjacent HRC or HCB zoned Properties; or

(2) The Property is not a part of the original Park City Survey or Snyder's Addition to the Park City Survey and which may be considered for the proposed MPD is for an affordable housing MPDs consistent with Section 15-6-7 herein.

Analysis: On August 23rd, the City Council held a Work Session regarding a future addition to the historic Kimball Art Center (KAC) building. Council indicated it was supportive of exploring options that would allow for public dialogue

regarding this project to occur. As the Code is currently written and interpreted, a Master Planned Development application for any addition to the KAC could not be submitted to the Planning Department for review, as MPDs are not specifically permitted in the HRC zone, unless the proposed MPD crosses into another zoning district. Additionally, a conditional use permit (CUP) for the specific awarded design would be denied upon submittal, due to violations of the HRC zone site development requirements.

If the Code were amended to allow application of an MPD for properties within the Heber Avenue Sub-Zone, then public dialogue, as requested by the City Council, could occur. The Heber Avenue Sub-zone consists of all of the property on the north side of Heber Avenue that are located between Park Avenue and Deer Valley Drive. This includes the Kimball Arts Center, the Sky Lodge, and Poison Creek Mercantile.

Allowing the MPD process in the Heber Avenue subzone for property that does not cross a zone line would not mean that the Planning Commission would be approving the existing conceptual design for the KAC. It would however provide an opportunity to allow the KAC to submit an application for an MPD and begin a collaborative community dialogue with the Planning Commission and the public regarding opportunities and challenges of developing the site (see Exhibit F).

At the September 12th meeting the Commission requested historical information regarding the inclusion and exclusion of MPDs in the Historic District (see Exhibit M). This historic timeline will be presented at the meeting. Staff has received many emails regarding the proposed MPD language as it relates to the KAC project. All emails received since the September 12th packet are attached as Exhibit N. Staff did not attach these to the September 26th packet as the topic of Master Planned Developments in the KAC area was not on the agenda for discussion (Exhibit F)

9. Additional review criteria for all Master Planned Developments (MPD), including open space, building height, landscaping, mine hazards and historic mine waste mitigation (Chapter 6).

Proposed language (see redlines):

15-6 -5. MPD REQUIREMENTS.

All Master Planned Developments shall contain the following minimum requirements. Many of the requirements and standards will have to be increased in order for the Planning Commission to make the necessary findings to approve the Master Planned Development.

15-6-5. (D) OPEN SPACE.

(1) **MINIMUM REQUIRED.** All Master Planned Developments shall contain a minimum of sixty percent (60%) Oopen Sspace as defined in LMC Chapter 15-15

with the exception of the General Commercial (GC) District, Light Industrial (LI), Historic Residential Commercial (HRC), Historic Commercial Business (HCB), Historic Medium Density (HRM), Historic Residential (HR-1 and HR-2) zones. In these zoning districts the Open Space requirement is thirty percent (30%). In all zoning districts, if the MPD is a redevelopment of an existing Development or Developments, or if the MPD is for an infill site, the minimum Open Space requirement shall be thirty (30%)., and wherein cases of redevelopment of existing Developments or infill sites, the minimum open space requirement shall be thirty percent (30%).

For Applications proposing the redevelopment of existing Developments, the Planning Commission may reduce the required Open Space to twenty percent (20%) in exchange for project enhancements in excess of those otherwise required by the Land Management Code that may directly advance policies reflected in the applicable General Plan sections or more specific Area plans. Such project enhancements may include, but are not limited to, Affordable Housing, sustainable design and building construction (meeting LEED Gold or equivalent) greater landscaping buffers along public ways and public/private pedestrian Areas that provide a public benefit, increased landscape material sizes, public transit improvement, public pedestrian plazas, pedestrian way/trail linkages, public art, and rehabilitation or restoration of Historic Structures that are located either on or off the Property.

(2) **TYPE OF OPEN SPACE.** The Planning Commission shall designate the preferable type and mix of open space for each Master Planned Development. This determination will be based on the guidance given in the Park City General Plan. Landscaped open space may be utilized for project amenities such as gardens, greenways, pathways, plazas, and other similar Uses. Open space may not be utilized for Streets, roads, driveways, Parking Areas, commercial Uses, or Buildings requiring a Building Permit For redevelopment or infill projects in the General Commercial (GC) District, Historic Residential Commercial (HRC), Historic Commercial Business (HCB), Historic Residential (HR-1, HR-2, and HRM) zones, publicly accessible plazas and gardens may count toward this Open Space requirement. Fee in lieu for purchase of off-site Open Space may be considered, with the amount to be determined by the Planning Commission, subject to an appraisal, market analysis of the property, and recommendation from the City's Open Space Advisory Committee. (COSAC)

15-6-5. (F) **BUILDING HEIGHT.**

The height requirements of the Zoning Districts in which an MPD is located shall apply except that the Planning Commission may consider an increase in height based upon a Site specific analysis and determination. Height exceptions will not be granted for Master Planned Developments within the HR-1 and HR-2 Zoning Districts.

The Applicant will be required to request a Site specific determination and shall bear the burden of proof to the Planning Commission that the necessary

findings can be made. In order to grant Building height in addition to that which is allowed in the underlying zone, the Planning Commission is required to make the following findings:

(1) The increase in Building Height does not result in increased square footage or Building volume over what would be allowed under the zone required Building Height and Density, including requirements for facade variation and design, but rather provides desired architectural variation, unless the increased square footage or Building volume is from the Transfer of Development Credits;

(2) Buildings have been positioned to minimize visual impacts on adjacent Structures. Potential problems on neighboring Properties caused by shadows, loss of solar Access, and loss or air circulation have been mitigated to the extent possible as defined by the Planning Commission;

(3) There is adequate landscaping and buffering from adjacent Properties and Uses. Increased Setbacks and separations from adjacent projects are being proposed;

(4) The additional Building Height has resulted in more than the minimum Open Space required and has resulted in the Open Space being more usable and includes publicly accessible Open Space;

(5) The additional Building height shall be designed in a manner so as to provide a transition in roof elements in compliance with Chapter 5, Architectural Guidelines or the Design Guidelines for Park City's Historic Districts and Historic Sites if within the Historic District;

If and when the Planning Commission grants additional height due to a Site specific analysis and determination, that additional height shall only apply to the specific plans being reviewed and approved at the time. Additional Building Height for a specific project will not necessarily be considered for a different, or modified, project on the same Site.

15-6-5. (H) **LANDSCAPE AND STREET SCAPE.**

A complete landscape plan must be submitted with the MPD application The landscape plan shall indicate all softscape and hardscape areas on site. This includes all landscape materials, including foundation plantings, ground cover, lawn areas, driveway and/or parking lot materials. A list of plant materials proposed indicating the botanical name, the common name, the number of proposed plants, and their size shall be provided. A licensed landscape architect shall prepare all materials for submittal. To the extent possible, existing Significant Vegetation shall be maintained on Site and protected during construction. Where landscaping does occur, it should consist primarily of appropriate native and drought tolerant species. Lawn or turf will be limited to a maximum of fifty (50%) twenty five percent (25%) of the Area not covered by Buildings and other hard surfaces. No , and no

more than seventy-five percent (75%) of the Area not covered by Buildings above Area may be irrigated. Landscape and Streetscape will use native rock and boulders. All noxious weeds, as identified by Summit County, shall be removed from the Property in a manner acceptable to the City and Summit County, prior to issuance of Certificates of Occupancy. See Section 15-5.5-10. LANDSCAPING for additional requirements.

15-6-5. (M) HISTORIC MINE WASTE MITIGATION. For known historic mine waste located on the property, a soil remediation mitigation plan must be prepared indicating areas of hazardous soils and proposed methods of remediation and/or removal subject to the Park City Soils Boundary Ordinance requirements and regulations. See Title Eleven Chapter Fifteen of the Park City Municipal Code for additional requirements.

15- 6- 6. REQUIRED FINDINGS AND CONCLUSIONS OF LAW.

The Planning Commission must make the following findings in order to approve a Master Planned Development. In some cases, conditions of approval will be attached to the approval to ensure compliance with these findings.

- (A) The MPD, as conditioned, complies with all the requirements of the Land Management Code;
- (B) The MPD, as conditioned, meets the minimum requirements of Section 15-6-5 herein;
- (C) The MPD, as conditioned, is consistent with the Park City General Plan;
- (D) The MPD, as conditioned, provides the highest value of Open Sspace, as determined by the Planning Commission;
- (E) The MPD, as conditioned, strengthens and enhances the resort character of Park City;
- (F) The MPD, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible;
- (G) The MPD, as conditioned, is Compatible in Use, scale, and mass with adjacent Properties, and promotes neighborhood Compatibility, and protects residential neighborhoods and Uses;
- (H) The MPD, as conditioned, provides amenities to the community so that there is no net loss of community amenities;
- (I) The MPD, as conditioned, is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed.

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

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

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

(M) The MPD, as conditioned, incorporates best planning practices for sustainable development, including 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 Application, and water conserving landscaping.

(N) The MPD, as conditioned, addresses and mitigates Physical Mine Hazards.

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

15-6-8. (G) **RESORT ACCESSORY USES.**

The following Uses are considered accessory for the operation of a resort for winter and summer operations. These Uses are considered typical back of house uses and are incidental to and customarily found in connection with the principal Use or Building and are operated for the convenience of the Owners, occupants, employees, customers, or visitors to the principal resort Use. Accessory Uses associated with an approved summer or winter resort do not require the Use of a Unit Equivalent. These Uses include, but are not limited to, such Uses as:

- Information
- Lost and found
- First Aid
- Mountain patrol
- Administration
- Maintenance and storage facilities
- Emergency medical facilities
- Public lockers
- Public restrooms
- Employee restrooms and Areas
- Ski school/day care facilities
- Instruction facilities
- Ticket sales
- Equipment/ski check
- Circulation and hallway

Analysis: This language is proposed to clarify additional review criteria and requirements for all MPDs regarding building height, open space, landscaping,

and removal of noxious weeds. In anticipation of MPDs being utilized as a development review control tool in infill areas, such as Bonanza Park and Lower Park Avenue. Staff is recommending additional language to strengthen the review criteria for Master Planned Developments in the Heber Avenue Sub-Zone Area (see Exhibit F).

10. Clarify criteria for change of a non-conforming use to another non-conforming use of similar or less intensive use (Chapter 9).

Proposed language (see redlines):

CHAPTER NINE - NON-CONFORMING USES AND NON-COMPLYING STRUCTURES.

15-9-1. PURPOSE.

This Chapter regulates the continued existence of Non-Conforming Uses and Non-Complying Structures as defined in Chapter 15. While Non-Conforming Uses, Non-Complying Structures and improvements may continue, this Chapter is intended to limit enlargement, alteration, restoration, or replacement which would increase the discrepancy between existing conditions and the Development standards prescribed by this Code. In addition, Applications are reviewed to ensure that they are reducing the degree of non-conformity and improving the physical appearance of the Structure and site through such measures as landscaping, Building design, or the improved function of the Use in relation to other Uses.

15-9-5. MOVING, ENLARGING, OR ALTERING NON-CONFORMING USES.

No Non-Conforming Use may be moved, enlarged, altered, or occupy additional land, except as provided in this Section.

(E) **HISTORICALLY SIGNIFICANT BUILDINGS AND EXISTING BUILDINGS IN THE HR-2 ZONE EXCEPTION: CHANGE OF NON- CONFORMING USE TO ANOTHER NON- CONFORMING USE OF SIMILAR OR LESS-INTENSIVE LAND USE TYPE.**

Subject to the criteria below, a Non-Conforming Use located within a Building or Structure designated as historically significant pursuant to LMC Section 4.13, or located within an existing Building in the HR-2 Zoning District, may be changed to another Non-Conforming Use of a similar or less intensive land Use type. A Non-Conforming Use, which satisfies the criteria provided in Section 16-9-5(E)(4) herein shall be considered a similar or less intensive land Use type.

(1) **APPLICATION.** Application for any Non-Conforming Use must be made upon forms provided by the Planning Department. Upon filing of a Complete Application, the City shall post the Property indicating that an Application for modification of a Non-Conforming Use has been filed and that more detailed information may be obtained from the City.

(2) **NOTIFICATION OF ABUTTING PROPERTY OWNERS.** Notice shall be provided pursuant to the Notice Matrix in Chapter 1. See Section 15-1-19.

(3) **BOARD OF ADJUSTMENT HEARING.** Within thirty (30) working days of the Planning Department 's receipt of a Complete Application, and after giving public notice, the Board of Adjustment shall hold a public hearing on the Non-Conforming Use Application. The Board of Adjustment shall either grant the Application in whole or in part, with or without modifications or conditions, or deny the Application. The Board of Adjustment=s decision shall be made pursuant to criteria provided in Section 15-9-5(E)(4) below.

(4) **CRITERIA.** The Board of Adjustment shall approve an Application to change a Non-Conforming Use to another Non-Conforming Use if the ~~Applicant proves~~ Application complies with the following criteria:

(a) All reasonable measures will be undertaken to alleviate or reduce the incompatibility or adverse effects of the Non-Conforming Use or Building upon abutting Properties or in the neighborhood, including modifications to the Building elevations to bring the Building into compliance with the Design Guidelines for Park City's Historic Districts and Historic Sites and to render the Building compatible with Historic Buildings in the immediate neighborhood;

(b) All changes, additions, or expansions comply with all current laws except as to Use;

(c) The new Use will provide for enclosed storage of necessary equipment, materials, and refuse, rather than create a need for additional outside storage; and

(d) The new Use does not increase the parking requirement; or if there is an increase, the site plan meets the parking requirement and the Board of Adjustment finds that adjoining Properties and the neighborhood will not be adversely impacted by the increased parking demand.

Analysis:

These amendments would allow the Board of Adjustment to approve a change of use from a non-conforming use to a less intensive non-conforming use, within an existing building in the HR2 zone, provided that the building is modified to comply with the Historic Design Guidelines and to be compatible with the residential character of the HR-2 zone. One example of this would be a change of use from commercial to residential condominiums within the existing Main Street Mall Building provided the Park Avenue elevation is modified to be residential in character and comply with the Historic Design Guidelines.

11. Process for permitting relocation and/or reorientation, as well as Disassembly and Reassembly, of Historic Structures (Chapter 11).

Proposed language (see redlines):

15-11-13. RELOCATION AND/OR REORIENTATION OF A HISTORIC BUILDING OR HISTORIC STRUCTURE.

It is the intent of this section to preserve the Historic and architectural resources of Park City through limitations on the relocation and/or orientation of Historic Buildings, Structures, and Sites.

(A) **CRITERIA FOR THE RELOCATION AND/OR REORIENTATION OF THE HISTORIC BUILDING(S) AND/OR STRUCTURE(S) ON A LANDMARK SITE OR A SIGNIFICANT SITE.** In approving a Historic District or Historic Site design review Application involving relocation and/or reorientation of the Historic Building(s) and/or Structure(s) on a Landmark Site or a Significant Site, the Planning Department shall ~~find~~ ~~fine~~ the project complies with the following criteria:

~~(1) — A portion of the Historic Building(s) and/or Structure(s) encroaches on an adjacent Property and an easement cannot be secured; or~~

(2) — The proposed relocation and/or reorientation will abate demolition of the Historic Building(s) and/or Structure(s) on the Site; or

~~(23)~~ The Planning Director and the Chief Building Official¹ determine that unique conditions warrant the proposed relocation and/or reorientation on the existing Site; or

~~(43)~~ The Planning Director and the Chief Building Official¹ determine that unique conditions warrant the proposed relocation and/or reorientation to a different Site.

~~2 The HPB shall make this determination if the HPB is hearing the Application on appeal. The Planning Director and the Chief Building Official shall, at the appeal, submit a written statement or testify concerning whether, unique conditions warrant the proposed relocation and/or reorientation on the existing~~

Site or to a different site.

(B) **PROCEDURE FOR THE RELOCATION AND/OR REORIENTATION OF A LANDMARK SITE OR A SIGNIFICANT SITE.** All Applications for the relocation and/or reorientation of any Historic Building(s) and/or Structure(s) on a Landmark Site or a Significant Site within the City shall be reviewed by the Planning Department pursuant to Section 15-11-12 of this Code.

15-11-14. DISASSEMBLY AND REASSEMBLY OF A HISTORIC BUILDING OR HISTORIC STRUCTURE.

It is the intent of this section to preserve the Historic and architectural resources of Park City through limitations on the disassembly and reassembly of Historic Buildings, Structures, and Sites.

(A) **CRITERIA FOR DISASSEMBLY AND REASSEMBLY OF THE HISTORIC BUILDING(S) AND/OR STRUCTURE(S) ON A LANDMARK SITE OR SIGNIFICANT SITE.** In approving a Historic District or Historic Site design review Application involving disassembly and reassembly of the Historic Building(s) and/or Structure(s) on a Landmark Site or Significant Site, the Planning Department shall find the project complies with the following criteria:

- (1) A licensed structural engineer has certified that the Historic Building(s) and/or Structure(s) cannot reasonably be moved intact; or
- (2) The proposed disassembly and reassembly will abate demolition of the Historic Building(s) and/or Structure(s) on the Site; or
- (3) The Historic Building(s) and/or Structure(s) are found by the Chief Building Official to be hazardous or dangerous, pursuant to Section 116.1 of the International Building Code; or
- (4) The Planning Director and the Chief Building Official² determine that unique conditions and the quality of the Historic preservation plan warrant the proposed disassembly and reassembly;

Under all of the above criteria, the Historic Structure(s) and or Building(s) must be reassembled using the original materials that are found to be safe and/or serviceable condition in combination with new materials; and

The Building(s) and/or Structure(s) will be reassembled in their original form, location, placement, and orientation.

² The HPB shall make this determination if the HPB is hearing the Application on appeal. The Planning Director and the Chief Building Official shall, at the appeal, submit a written statement or testify concerning whether, unique conditions warrant the proposed relocation and/or reorientation on the existing Site or to a different site.

Analysis: Staff proposes amendments to Chapter 11 to remove encroachment as one of the criteria for permitting relocation and/or reorientation. Also proposed, are amendments to the process for determining if the criteria for unique conditions are met for permitting relocation and/or reorientation and disassembly and reassembly. These amendments are more in-line with the Historic District Design Guidelines that discourage historic structures from being moved from the historic location in order preserve the character and context of the structure and site. The two sentences at the end will show up as footnotes in the Chapter (see Exhibit H).

12. Revise, clarify, and add definitions (Chapter 15).

Proposed language (see redlines):

15-15-1. DEFINITIONS

ATTIC. That part of a building that is immediately below and wholly or mostly within the roof framing, including the ~~The~~ space between the ceiling joists of the top Story and the roof rafters.

GREEN ROOF. A roof of a Building that is covered with vegetation and soil, or a growing medium, and planted over a waterproofing membrane. It may also include additional layers such as a root barrier and drainage and irrigation systems. This does not refer to roofs which are colored green, as with green roof shingles. A Green Roof may include the installation of Solar Panels or Thin Film PV for the generation of Energy and/or Hot Water.

IMPERVIOUS SURFACE. Any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to building roofs, parking and driveway areas, sidewalks, patios, and paved recreation areas.

STOREFRONT PROPERTY. A separately enclosed space or unit that has a window or entrance that fronts on a Public Street. For purposes of this provision, the term “fronts on a Public Street” shall mean a separately enclosed space or unit with:

- (1) A window and/or entrance within fifty lateral/horizontal feet (50’) of the back, inside building edge, of the public sidewalk; and
- (2) A window and/or entrance that is not more than eight feet (8’) above or below the grade of the adjacent Public Street.

In the case of Ssplit-Llevel, multi-level Buildings with only one primary entrance, only those fully enclosed spaces or units that directly front the Street as set forth above, shall be designated to be a “Storefront Property.” The Planning Director or their designee shall have the final determination of applicability.

SPLIT LEVEL. A house or Building in which two or more floors are usually located

directly above each other and one or more adjacent floors are placed at a different level, typical a half level above or below the adjacent floor.

STORY. The vertical measurement between floors taken from finish floor to finish floor. For the top most Story, the vertical measurement is taken from the top finish floor to the top of the wall plate for the roof Structure. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above, unless this area is an Attic.

STORY, HALF. That portion of a building under a sloping roof that has the line of intersection of the roof and wall face not more than four (4) feet above the floor level and in which space the possible floor area with headroom of five (5) feet or less occupies at least 40 percent of the total Floor Area of the Story directly beneath.

TEMPORARY IMPROVEMENT. A Structure built, or installed, and maintained during construction of a Development, activity or during a Special Event or activity, and then removed prior to release of the performance Guarantee. Does not include temporary storage units, such as PODs or other similar structures used for temporary storage, that are not related to a Building Permit for construction of a Development and are not part of an approved Special Event or activity.

XERISCAPE. A landscaping method developed especially for arid and semiarid climates that utilize water-conserving techniques (such as the use of drought-tolerant plants, mulch, and efficient irrigation).

ZERO NET ENERGY BUILDING. A building with zero net energy consumption and zero carbon emissions annually. Zero net energy buildings may use the electrical grid for energy storage but may also be independent of the grid. Energy is harvested on-site through a combination of energy producing technologies like solar and wind, while reducing the overall use of energy within the building with highly efficient HVAC and lighting technologies and highly efficient appliances.

Analysis: These definitions are revised and/or added to the Code to provide clarity as to the meaning of these terms as they are utilized in the interpretation of language and regulations in the LMC.

Discussion Requested

Staff requests the Planning Commission discuss and provide input on the following specific topics:

- 1) Staff requests discussion on the interpretation of Story and calculation of Three Stories as it relates to the Historic Residential zones. This will be discussed at work session as well.**

- 2) **Staff requests discussion on the reduction of parking requirements for multi-dwelling and condominium units.**
- 3) **Staff requests discussion on the addition of landscaping requirements to the Architectural Design Guidelines for all districts, including requirement for landscape plans to be based on xeriscape concepts and prepared by licensed landscape architects.**
- 4) **Staff requests discussion on the clarification of the applicability of Master Planned Developments in the Historic District. Required in all zones in the City with the exception of the HRL, HR-1, and HR-2 districts but allowed in the HR-1 and HR-2 districts if the MPD includes adjacent HRC or HCB zoned property. History of MPDs in the Historic District will be presented for further discussion. Consideration of the Purpose Statements of the MPD (see Exhibit F), as they relate to the use of MPDs as a tool for better projects. On related matters staff also requests as part of this discussion the following:**
 - **Proposed reduction in required open space for Master Planned Developments within redevelopment infill areas.**
 - **Should a Maximum Building Height be included within the MPD section for MPDs within the Heber Avenue sub zone (HRC district)?**
- 5) **Staff requests discussion on the proposed requirement of a fee in-lieu amount in exchange for the reduction in open space based on an appraisal and market analysis of the property and recommendation from COSAC.**
- 6) **Staff requests discussion on the change to the criteria for relocation and/or reconstruction of Historic Structures, removing criteria related to obtaining an encroachment easement.**

Department Review

These amendments have been reviewed by the Planning, Engineering, Sustainability and Special Events, and Legal Departments and were reviewed by the Development Review Committee. Concerns of the Committee are reflected in the proposed language.

Process

Amendments to the Land Management Code require Planning Commission recommendation and City Council adoption and become pending upon publication of legal notice. City Council action may be appealed to a court of competent jurisdiction per LMC Section 15-1-18.

Notice

The public hearing was legally noticed in the Park Record. The legal notice was also posted according to requirements of the Land Management Code.

Public Input

Public hearings were noticed for the September 12th and 26th, October 24th, and November 28th meetings. Public input on these amendments was provided at the September 12th and 26th meetings as reflected in the minutes. Staff has received several emails expressing concerns regarding the change to allow the MPD process in the HRC district (see Exhibit N). (Please note that public input regarding the Kimball Art Center expansion is based on proposed amendments to the LMC, as an application for the expansion has not been submitted to the Planning Department.)

Recommendation

Staff recommends that the Planning Commission conduct a public hearing, review and discuss the proposed LMC amendments as outlined in this staff report, and consider forwarding a positive recommendation to City Council based on the findings and conclusions in the attached ordinance.

Staff recommends the Planning Commission **continue, to the January 9, 2013 meeting, the following:**

- Transfer of Development Rights (Chapter 2)
- Agricultural uses and restrictions within residential zones (Chapter 2)
- Review of Allowed and Conditional Uses in all zoning districts (Chapter 2)
- Lighting regulations (Chapters 3 and 5)
- Financial guarantee process for public improvements (Chapters 1 and 7)
- Annexation process regarding timing of ratification of annexation agreements (Chapter 8)
- Associated definitions (Chapter 15)

Exhibits

Ordinance

Exhibit A- Chapter 1- General Provisions and Procedures

Exhibit B- Chapter 2- Zoning Districts (HRL, HR-1, and HR-2)

Exhibit C- Chapter 3- Off Street Parking

Exhibit D- Chapter 4- Supplemental Regulations

Exhibit E- Chapter 5- Architectural Review

Exhibit F- Chapter 6- Master Planned Developments

Exhibit G- Chapter 9- Non-conforming Uses

Exhibit H- Chapter 11- Historic Preservation

Exhibit I- Chapter 15- Definitions

Exhibit J- September 26, 2012 PC meeting minutes

Exhibit K- November 7, 2012 HPB meeting minutes

Exhibit L- Process flow chart for Administrative Approvals

Exhibit M- History of MPDs in the Historic District

Exhibit N- Public input (this includes all input received since the September 12th packet)

Exhibit O- List of types of Conditional Use Permits

DRAFT

Ordinance 12- __

**AN ORDINANCE AMENDING
THE LAND MANAGEMENT CODE
OF PARK CITY, UTAH,
REVISING**

SECTIONS 15-1, 15-2.1, 15-2.2, 15-2.3, 15-2.4, 15-2.5, 15-2.6, 15-2.16, 15-3, 15-4, 15-5, 15-6, 15-9, 15-11, and 15-15 REGARDING DEVELOPMENT REGULATIONS; PROCESS AND APPEALS FOR HISTORIC DISTRICT DESIGN REVIEW AND CONDITIONAL USE PERMITS; CLARIFYING DEFINITION AND MEASUREMENT OF THE NUMBER OF STORIES IN A STRUCTURE; CLARIFYING THAT COMMUNITY LOCATIONS MUST BE A MINIMUM OF 200 FEET FROM MAIN STREET, ADDING LANDSCAPING REQUIREMENTS TO THE ARCHITECTURAL DESIGN GUIDELINES; ADDING MPD REQUIREMENTS FOR OPEN SPACE, LANDSCAPE PLANS, MINE WASTE, REMOVAL OF NOXIOUS WEEDS, AND BACK OF HOUSE USES; CLARIFICATION OF ZONES WHERE MPD PROCESS IS ALLOWED; REMOVING SPECIAL EXCEPTIONS; REQUIRING BUILDING PERMITS FOR FENCES/RETAINING WALLS AND IMPERVIOUS SURFACES FOR NON BEARING CONSTRUCTION IN ALL DISTRICTS; REVISING PROCESS FOR PERMITTING RELOCATION OR REORIENTATION OF HISTORIC STRUCTURES AND FOR PERMITTING DISASSEMBLY AND REASSEMBLY; AND SETBACK EXCEPTIONS FOR SCREEN MECHANICAL EQUIPMENT DURING ARCHITECTURAL REVIEW, REVISE OPEN SPACE REQUIREMENTS FOR INFILL SITES AND THE RC AND HRM ZONING DISTRICTS,

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

WHEREAS, the Land Management Code implements the goals, objectives and policies of the Park City General Plan to maintain the quality of life and experiences for its residents and visitors; and to preserve the community’s unique character and values; and

WHEREAS, the City reviews the Land Management Code on an annual basis and identifies necessary amendments to address planning and zoning issues that have come up in the past year, and to address specific LMC issues raised by Staff and the Commission, to address applicable changes to the State Code, and to align the Code with the Council’s goals; and

WHEREAS, the City’s goals include preservation of Park City’s character regarding Old Town improvements, historic preservation, sustainability, affordable housing, and protecting Park City’s residential neighborhoods and commercial districts; and

WHEREAS, the City’s goals include maintaining effective transportation and parking, maintaining the resort community regarding architectural consistency and

excellent design and enhancing the economic viability of Park City's Main Street Business Districts; and

WHEREAS, Chapter 1, General Provisions and Procedures, provides a description of requirements, provisions and procedures that apply to each zoning district that the City desires to clarify and revise. These amendments concern the review and appeal process for administrative reviews, such as administrative Conditional Use Permits, Historic District design reviews, and plan reviews; and

WHEREAS, Chapters 2.1, 2.2, 2.3, 2.4, 2.5, 2.6 and 2.16 Historic Residential Zoning Districts (HRL, HR-1, HR-2, HRM, HRC, and HCB) and the Recreation Commercial Zoning District (RC), provide a description of requirements, provisions and procedures specific to these zoning districts that the City desires to clarify and revise. These revisions concern process for review and permitting of conditional uses, design review, as well as fences, walls, driveways, patios, and other impervious improvements to ensure that these requirements comply with established design guidelines, setbacks, plat notes, ownership lines, and other applicable restrictions; and

WHEREAS, Chapter 3 – Off-Street Parking provides regulations, requirements, and procedural requirements regarding Parking within all zoning districts, and the City desires to clarify and revise these regulations and procedures as they pertain to the parking requirements for multi-dwelling units and bed and breakfast inns and requiring building permits for parking areas and driveways in all residential zoning districts; and

WHEREAS, Chapter 4 – Supplemental Regulations, provides regulations, requirements, and procedural requirements regarding supplemental items, and the City desires to clarify and revise these regulations and procedures as they pertain to the requirement of building permits for fences, walls, and impervious areas; and

WHEREAS, Chapter 5 – Architectural Guidelines, provides regulations, requirements, and procedural requirements regarding Architectural Design and Guidelines and the City desires to clarify and revise these regulations and procedures as they pertain to landscaping, lighting, and requiring building permits for patios and other non-bearing flatwork in all districts, as well as setback exceptions for screened mechanical equipment to minimize impacts this equipment; and

WHEREAS, Chapter 6 - Master Planned Developments, provides regulations, requirements, and procedural requirements regarding Master Planned Developments, and the City desires to clarify and revise these regulations and procedures; and

WHEREAS, Chapter 9 – Non-conforming Uses and Structures, provides regulations, requirements, and procedural requirements regarding Non-conforming Uses and the City desires to clarify and revise these regulations and procedures; and

WHEREAS, Chapter 11 – Historic Preservation, provides regulations and procedural requirements for the Historic Preservation Board and Historic District Design Review and preservation of historic structures, and the City desires to clarify and revise these regulations regarding the review process for Historic District Design Review applications including the pre-application process and the review process and criteria for relocating and re-constructing historic structures; and

WHEREAS, these amendments are changes identified during the 2011/2012 annual review of the Land Management Code that provide clarifications of processes and procedures, and interpretations of the Code for streamlined review and consistency of application between Sections; and

WHEREAS, the Planning Commission held a work session meeting on August 22nd, September 12th, and September 26th, 2012 to discuss the proposed LMC amendments as outlined in this report and the Historic Preservation Board held a work session meeting on November 7th to discuss the LMC amendments related to the Historic District; and

WHEREAS, the Planning Commission duly noticed and conducted public hearings at the regularly scheduled meeting on August 22nd, September 12th, September 26th and November 28th and forwarded a recommendation to City Council; and

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on _____, 2012; and

WHEREAS, it is in the best interest of the residents of Park City, Utah to amend the Land Management Code to be consistent with the Park City General Plan and to be consistent with the values and identified goals of the Park City community and City Council to protect health and safety, maintain the quality of life for its residents, preserve and protect the residential neighborhoods, preserve historic structures, promote economic development within the Park City Historic Main Street business area, and preserve the community's unique character.

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

SECTION 1. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 1- General Provisions and Procedures. The recitals above are incorporated herein as findings of fact. Chapter 1 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit A).

SECTION 2. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 2- Sections 15-2.1, 15-2.2, 15-2.3, 15-2.4, 15-2.5, 15-2.6, and 15-2.16. The recitals above are incorporated herein as findings of fact. Chapter 15-2.1, 15-2.2, 15-2.3, 15-2.4, 15-2.5, 15-2.6, and 15-2.16 of the Land Management Code of Park City are hereby amended as redlined (see Exhibit B).

SECTION 3. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 3- Off-street Parking. The recitals above are incorporated herein as findings of fact. Chapter 3 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit C).

SECTION 4. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 4- Supplemental Regulations. The recitals above are incorporated herein as findings of fact. Chapter 4 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit D).

SECTION 5. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 5- Architectural Guidelines. The recitals above are incorporated herein as findings of fact. Chapter 5 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit E).

SECTION 6. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 6- Master Planned Development. The recitals above are incorporated herein as findings of fact. Chapter 6 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit F).

SECTION 7. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 9- Non-conforming Uses. The recitals above are incorporated herein as findings of fact. Chapter 9 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit G).

SECTION 8. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 11- Historic Preservation. The recitals above are incorporated herein as findings of fact. Chapter 11 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit H).

SECTION 9. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 15- Definitions. The recitals above are incorporated herein as findings of fact. Chapter 15 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit I).

SECTION 10. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this ____ day of _____, 2012

PARK CITY MUNICIPAL CORPORATION

Dana Williams, Mayor

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark Harrington, City Attorney

EXHIBIT A

CHAPTER ONE- GENERAL PROVISIONS AND PROCEDURES

15-1 -8. REVIEW PROCEDURE UNDER THE CODE.

RECOMMENDATION (y) and FINAL ACTION (X) and APPEAL (z)					
	Planning Department	HPB	Board of Adjustment	Planning Commission	City Council
Allowed	X				
Allowed-Historic (HDDR)	X	z			
Administrative Permits	X			z	
Conditional Use				X	z
Conditional Use Admin.	X			z	
MPD				X	z
Change of Non-Conforming Use			X		
Plat Amendment				y Recommendation to CC	X
Variance/Special Exception			X		
Subdivision				y Recommendation to CC	X
Annexation and Zoning				y Recommendation to CC	X
Zoning Appeal			X		
LMC Amendments				y Recommendation to CC	X

(E) **REVIEW.** The Planning Department and/or Planning Commission must review each of the following items when considering whether or not the proposed Conditional Use mitigates impacts of and addresses the following items:

- (1) size and location of the Site;
- (2) traffic considerations including capacity of the existing Streets in the Area;

- (3) utility capacity, including Storm Water run-off;
- (4) emergency vehicle Access;
- (5) location and amount of off-Street parking;
- (6) internal vehicular and pedestrian circulation system;
- (7) Fencing, Screening, and landscaping to separate the Use from adjoining Uses;
- (8) Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots;
- (9) usable Open Space;
- (10) signs and lighting;
- (11) physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing;
- (12) noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site;
- (13) control of delivery and service vehicles, loading and unloading zones, and Screening of trash and recycling pickup Areas;
- (14) expected Ownership and management of the project as primary residences, Condominiums, time interval Ownership, Nightly Rental, or commercial tenancies, how the form of Ownership affects taxing entities; and
- (15) within and adjoining the Site, ~~impacts on~~ Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste and Park City Soils Ordinance, Steep and Slopes retention, and appropriateness of the proposed Structure to the existing topography of the Site.

15-1 -11. SPECIAL APPLICATIONS.

(D) **ADMINISTRATIVE CONDITIONAL USE PERMITS.** The Planning Director, or his or her designee, shall review and take Final Action on Administrative Conditional Use permits. Review process shall be consistent with Section 15-1-10(A-H), with the exception that no published notice, as described in 15-1-12(B), shall be required.

(E) **ADMINISTRATIVE PERMITS.** The Planning Department shall review and take Final Action on Administrative Permits. Review process shall be consistent with the requirements

herein for those Uses requiring an Administrative Permit, such as temporary tents, Structures, and vendors; temporary Special Event and ~~overcrowding permits~~ temporary change of occupancy permits; regulated Accessory Apartments; specified outdoor events and Uses; Family Child Care in specified Zoning Districts; and temporary telecommunication Antennas, where these Uses are designated as requiring Administrative Permits. These Uses may require Administrative Conditional Use permits or Conditional Use permits in some Zoning Districts pursuant to Section 15-2.

15-1 -12. NOTICE.

Notice of a public hearing before the City Council, Planning Commission, Board of Adjustment, and Historic ~~District Commission~~ Preservation Board must be provided in accordance with this section. All notices, unless otherwise specified in this Code or State law, must describe the proposed action affecting the subject Property or the proposed modification to the Park City General Plan or to the Land Management Code and shall state the time, place and date set for public hearing on the matter. Notice shall be given according to Section 15-1-21 Notice Matrix and as follows:

15-1 -18. APPEALS AND RECONSIDERATION PROCESS.

(A) **STAFF.** Any decision by either the Planning Director or Planning Staff regarding Application of this LMC to a Property may be appealed to the Planning Commission. Appeals of decisions regarding the Design Guidelines for Historic Districts and Historic Sites shall be reviewed by the Historic Preservation Board as described in 15-11-12(E). All appeals must be filed with the Planning Department within ten (10) days of Final Action.

There shall be no additional notice for appeal of the staff determination other than listing the matter on the agenda, unless notice of the staff review was provided in which case the same notice must be given for the appeal.

(B) **HISTORIC PRESERVATION BOARD (HPB).** The City or any Person with standing adversely affected by any decision of the Historic Preservation Board regarding the Design Guidelines for Historic Districts and Historic Sites may petition the District Court in Summit County for a review of the decision. Appeal of all other Final Actions by the Historic Preservation Board may be appealed to the Board of Adjustment.

(C) **PLANNING COMMISSION.** The City or any Person with standing adversely affected by a Final Actions by the Planning Commission on appeals of Staff action may ~~be appealed to the Board of Adjustment~~ petition the District Court in Summit County for a review of the decision. Final Action by the Planning Commission on Conditional Use permits and Master Planned Developments (MPDs) involving City Development may be appealed to the Board of Adjustment at the City Council's request. All other Final Action by the Planning Commission concerning Conditional Use permits (excluding those Conditional Use permits decided by Staff

and appealed to the Planning Commission; final action on such an appeal shall be appealed to the District Court) and MPDs may be appealed to the City Council. When the City Council determines it necessary to ensure fair due process for all affected parties or to otherwise preserve the appearance of fairness in any appeal, the City Council may appoint an appeal panel as appeal authority to hear any appeal or call up that the Council would otherwise have jurisdiction to hear. The appeal panel will have the same scope of authority and standard of review as the City Council. Only those decisions in which the Planning Commission has applied a land Use ordinance to a particular Application, Person, or Parcel may be appealed to an appeal authority.

15-1 -21. NOTICE MATRIX.

NOTICE MATRIX			
ACTION:	POSTED:	COURTESY MAILING:	PUBLISHED:
Zoning and Rezoning	14 days prior to each hearing before the Planning Commission and City Council	14 days to each affected entity.	Once 14 days prior to each hearing before the Planning Commission and City Council.
LMC Amendments	14 days prior to each hearing before the Planning Commission and City Council.	14 days to each affected entity.	Once 14 days prior to each hearing before the Planning Commission and City Council.
General Plan Amendments	14 days prior to each hearing before the Planning Commission and City Council.	14 days to each affected entity.	Once 14 days prior to each hearing before the Planning Commission and City Council.
Master Planned Developments (MPD)	14 days prior to the hearing before the Planning Commission.	14 days prior to the hearing before the Planning Commission, to Owners within 300 ft.	Once 14 days prior to the hearing before the Planning Commission.
Appeals of Planning Director, Historic Preservation Board, or	7 days prior to the date set for the appeal or call-up hearing.	To all parties who received mailed notice for the original Administrative or Planning Commission hearing 7 days prior to the hearing.	Once 7 days before the date set for the appeal or call-up hearing.

NOTICE MATRIX

ACTION:	POSTED:	COURTESY MAILING:	PUBLISHED:
Planning Commission decisions or City Council Call-Up			
Conditional Use Permit	14 days prior to the hearing before the Planning Commission.	14 days prior to the hearing before the Planning Commission, to Owners within 300 ft.	Once 14 days prior to the hearing before the Planning Commission.
Administrative Conditional Use Permit	10 days prior to Final Action.	10 days prior to Final Action, to adjacent Property Owners.	No published notice required.
Administrative Permit	10 days prior to Final Action.	10 days prior to Final Action, to adjacent affected Property Owners.	No published notice required.
Variance Requests, Non-conforming Use Modifications and Appeals to Board of Adjustment	14 days prior to the hearing before the Board of Adjustment.	14 days prior to the hearing before the Board of Adjustment, to owners within 300 ft.	Once 14 days prior to hearing before the Board of Adjustment.
Certificate of Appropriateness for Demolition (CAD)	45 days on the Property upon refusal of the City to issue a CAD; 14 days prior to the hearing before the Historic Preservation Board.	14 days prior to the hearing before the Historic Preservation Board, to Owners within 300 ft.	Once 14 days prior to the hearing before the Historic Preservation Board.
Designation of Sites to the Historic Sites Inventory	7 days prior to hearing before the Historic Preservation Board.	-----	Once 7 days prior to hearing before the Historic Preservation Board.

NOTICE MATRIX

ACTION:	POSTED:	COURTESY MAILING:	PUBLISHED:
<p>Historic District or Historic Site Design Review</p>	<p>First Posting: The Property shall be posted for a 14 day period once a Complete Application has been received. <u>The date of the public hearing shall be indicated in the first posting.</u> Other posted legal notice not required.</p> <p>Second Posting: For a 10 day period once the Planning Department has determined the proposed plans comply or does not comply with the Design Guidelines for Historic Districts and Historic Sites. Other posted legal notice not required.</p>	<p>First Mailing: To Owners within 100 feet once a Complete Application has been received, establishing a 14 day period in which written public comment on the Application may be taken. <u>The date of the public hearing shall be indicated.</u></p> <p>Second Mailing: To Owners within 100 feet and individuals who provided written comment on the Application during the 14 day initial public comment period. The second mailing occurs once the Planning Department determines <u>whether</u> the proposed plans comply or do not comply with the Design Guidelines for Historic Districts and Historic Sites and no later than 45 days after the end of the initial public comment period. This establishes a 10 day period <u>in-after</u> which the Planning Department's decision may be appealed.</p>	<p><u>If appealed, then once 7 days before the date set for the appeal. See appeals from Planning Director, Historic Preservation Board, Planning Commission, including City Council Call Up, Section 15-1-18.</u></p>
<p>Annexations</p>	<p>Varies, depending on number of Owners and current State law. Consult with the Legal Department.</p>		
<p>Termination of Project Applications</p>	<p>-----</p>	<p>Mailed Notice: To Owner/Applicant and certified Agent by certified mail 14 days prior to the Planning Director's termination and closure of</p>	<p>-----</p>

NOTICE MATRIX

ACTION:	POSTED:	COURTESY MAILING:	PUBLISHED:
		files.	
Lot Line Adjustments: Between 2 Lots without a plat amendment.	10 days prior to Final Action on the Property. Other posted legal notice not required.	To Owners within 300 ft. at time of initial Application for Lot line adjustment. Need consent letters, as described on the Planning Department Application form, from adjacent Owners.	-----
Preliminary and Final Subdivision Plat Applications	14 days prior to the hearing before the Planning Commission.	14 days prior to the hearing before the Planning Commission, to Owners within 300 ft.	Once 14 days prior to the hearing before the Planning Commission.
Condominium Applications; Record of Survey Plats	14 days prior to the hearing before the Planning Commission.	14 days prior to the hearing before the Planning Commission, to Owners within 300 ft.	Once 14 days prior to the hearing before the Planning Commission.
Record of Survey Amendments	14 days prior to the hearing.	14 days prior to the hearing, to Owners within 300 ft.	Once 14 days prior to the hearing.
Subdivision Plat Amendments	14 days prior to the hearing.	14 days prior to the hearing, to Owners within 300 ft.	Once 14 days prior to the hearing.
Vacating or Changing a Street	-----	14 days prior to the hearing before the City Council, to Owners within 300 ft. and to affected entities.	Once a week for 4 consecutive weeks prior to the hearing before the City Council.

Note: For all Applications, notice will be given to the Applicant of date, time, and place of the public hearing and public meeting to consider the Application and of any Final Action on a pending Application.

Appendix A – Official Zoning Map (Refer to the Planning Department)

NOTICE MATRIX

ACTION:

POSTED:

COURTESY MAILING:

PUBLISHED:

EXHIBIT B

CHAPTER TWO- ZONING DISTRICTS

HRL ZONE

15-2.1-4. EXISTING HISTORIC STRUCTURES.

Historic Structures that do not comply with Building Setbacks, Building Height, Building Footprint, Off-Street parking, and driveway location standards are valid Non-Complying Structures. Additions to Historic Structures are exempt from Off-Street parking requirements provided the addition does not create a Lockout Unit or an Accessory Apartment. Additions must comply with Building Setbacks, Building Footprint, driveway location standards and Building Height.

15-2.1-5. BUILDING HEIGHT.

No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade. This is the Zone Height. Final Grade must be within four vertical feet (4') of Existing Grade around the periphery of the Structure, except for the placement of approved window wells, emergency egress, and a garage entrance. The following height requirement must be met:

(A) A Structure may have a maximum of three (3) Stories. A basement counts as a Story within this zone. Attics ~~that are not Habitable Space~~ do not count as a Story.

(B) (1) A ten foot (10') minimum horizontal step in the downhill façade is required for a third (3rd) Story of a Structure unless the First Story is located completely under the finish grade on all sides of the Structure. On a Structure in which the First Story is located completely under finish grade, a side or rear entrance into a garage which is not visible from the front façade or Street Right-of-Way is allowed.

(2) Exception: The ten foot (10') minimum horizontal step is not required for Historic Structures.

(C) ROOF PITCH.

Roof pitch must be between seven:twelve (7:12) and twelve:twelve (12:12). A Green Roof or a roof which is not part of the primary roof design may be below the required 7:12 pitch.

(D) BUILDING HEIGHT EXCEPTIONS. The following height exceptions apply:

(1) Antennas, chimneys, flues, vents, or similar Structures, may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.

(2) Water towers, mechanical equipment, and associated Screening, when Screened

or enclosed, may extend up to five feet (5') above the height of the Building.

(3) **ELEVATOR ACCESS.** The Planning Director may allow additional height to allow for an elevator compliant with American Disability Act (ADA) standards. The Applicant must verify the following:

(a) The proposed height exception is only for the Area of the elevator. No increase in square footage of the Building is being achieved.

(b) The proposed option is the only feasible option for the elevator on the Site.

(c) The proposed elevator and floor plans comply with the American Disability Act (ADA) standards.

(4) **GARAGE ON DOWNHILL LOT.** The Planning Director may allow additional height on a downhill Lot to accommodate a single car garage in a tandem configuration. The depth of the garage may not exceed the minimum depth for an internal Parking Space as dimensioned within this Code, Section 15-3. Additional width may be utilized only to accommodate circulation and an ADA elevator. The additional height may not exceed thirty-five feet (35') from Existing Grade.

(5) **ROOF PITCH.** Exceptions to the minimum roof pitch requirements may be granted by the Planning Director during the Historic District Design Review approval process based on compliance with review criteria as stated in the Park City Design Guidelines for Historic Districts and Historic Sites. Such exceptions to roof pitch may be granted to allow historic roof forms for additions to historic structures and for new construction when the proposed roof pitch is compatible with the style of architecture approved for the new construction. Roof pitch for new construction should be visually compatible and harmonious with the roof shapes and orientation of surrounding Historic Sites.

HR-1 ZONE

15-2.2-4 EXISTING HISTORIC STRUCTURES.

Historic Structures that do not comply with Building Setbacks, Building Height, Building Footprint, Off-Street parking, and driveway location standards are valid Non-Complying Structures. Additions to Historic Structures are exempt from Off-Street parking requirements provided the addition does not create a Lockout Unit or an Accessory Apartment. Additions must comply with Building Setbacks, Building Footprint, driveway location standards and Building Height.

15-2.2-5. BUILDING HEIGHT.

No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade. This is the Zone Height. Final Grade must be within four vertical feet (4') of Existing Grade around the periphery of the Structure, except for the placement of approved window wells, emergency egress, and a garage entrance. The following height requirements must be met:

(A) A structure may have a maximum of three (3) Stories. A basement counts as a First Story within this zone. Attics ~~that are not Habitable Space~~ do not count as a Story.

(B) A ten foot (10') minimum horizontal step in the downhill façade is required for a third (3rd) Story of a Structure unless the First Story is located completely under the finish Grade on all sides of the Structure. On a Structure in which the First Story is located completely under finish Grade, a side or rear entrance into a garage which is not visible from the front façade or Street Right-of-Way is allowed. Exception: The ten foot (10') minimum horizontal step is not required for Historic Structures.

(C) **ROOF PITCH.** Roof pitch must be between seven:twelve (7:12) and twelve:twelve (12:12). A Green Roof or a roof which is not part of the primary roof design may be below the required 7:12 pitch.

(D) **BUILDING HEIGHT EXCEPTIONS.** The following height exceptions apply:

(5) **ROOF PITCH.**

Exceptions to the minimum roof pitch requirements may be granted by the Planning Director during the Historic District Design Review approval process based on compliance with review criteria as stated in the Park City Design Guidelines for Historic Districts and Historic Sites. Such exceptions to roof pitch may be granted to allow historic roof forms for additions to historic structures and for new construction when the proposed roof pitch is compatible with the style of architecture approved for the new construction. Roof pitch for new construction should be visually compatible and harmonious with the roof shapes and orientation of surrounding Historic Sites.

HR-2 ZONE

15-2.3-3 **CONDITIONAL USE PERMIT REVIEW.**

~~The Historic Preservation Board shall review any Conditional Use permit (CUP) Application in the HR-2 District and shall forward a recommendation to the Planning Commission regarding the application's compliance with the Design Guidelines for Park City's Historic Districts and Historic Sites.~~ The Planning Commission shall review any Conditional Use permit (CUP) this Application in the HR-2 District according to the Conditional Use permit criteria set forth in Section 15-1-10 as well as the following:

(A) Consistent with the Design Guidelines for Park City's Historic Districts and Historic Sites,

Section 15-4., ~~and the Historic Preservation Board's recommendation.~~

15-2.3-5 EXISTING HISTORIC STRUCTURES.

Historic Structures that do not comply with Building Setbacks, Building Height, Building Footprint, Off-Street parking, and driveway location standards are valid Non-Complying Structures. Additions to Historic Structures are exempt from Off-Street parking requirements provided the addition does not create a Lockout Unit or an Accessory Apartment. Additions must comply with Building Setbacks, Building Footprint, driveway location standards and Building Height.

15-2.3-6 BUILDING HEIGHT.

No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade. This is the Zone Height.

Final Grade must be within four vertical feet (4') from Existing Grade around the periphery of the Structure, except for the placement of approved window wells, emergency egress, and a garage entrance. The Planning Commission may grant an exception to the Final Grade requirement as part of a Master Planned Development within Subzone A where Final Grade must accommodate zero lot line Setbacks. The following height requirements must be met:

(A) A Structure may have a maximum of three (3) Stories. A basement counts as a First Story within this zone. Attics ~~that are not Habitable Space~~ do not count as a Story. The Planning Commission may grant an exception to this requirement as part of a Master Planned Development or Conditional Use Permit within Subzone A for the extension of below Grade subterranean HCB Commercial Uses.

(B) A ten foot (10') minimum horizontal step in the downhill façade is required for a third (3rd) Story of a Structure unless the First Story is located completely under the finish Grade on all sides of the Structure. The Planning Commission may grant an exception to this requirement as part of a Master Planned Development within Subzone A consistent with MPD requirements of Section 15-6-5(F). On a Structure in which the First Story is located completely under finish Grade, a side or rear entrance into a garage which is not visible from the front façade or Street Right-of-Way is allowed. Exception: The ten foot (10') minimum horizontal step is not required for Historic Structures.

(C) **ROOF PITCH.** Roof pitch must be between seven:twelve (7:12) and twelve:twelve (12:12). A Green Roof or a roof which is not part of the primary roof design may be below the required 7:12 pitch.

(D) **BUILDING HEIGHT EXCEPTIONS.** The following height exceptions apply:

(5) **ROOF PITCH.** Exceptions to the minimum roof pitch requirements may be granted by the Planning Director during the Historic District Design Review approval process

based on compliance with review criteria as stated in the Park City Design Guidelines for Historic Districts and Historic Sites. Such exceptions to roof pitch may be granted to allow historic roof forms for additions to historic structures and for new construction when the proposed roof pitch is compatible with the style of architecture approved for the new construction. Roof pitch for new construction should be visually compatible and harmonious with the roof shapes and orientation of surrounding Historic Sites.

HRM ZONE

15-2.4-5. SPECIAL REQUIREMENTS FOR MULTI-UNIT DWELLINGS.

(A) **FRONT YARD.** The Front Yard for any Triplex, or Multi-Unit Dwelling is twenty (20') feet. All new Front-Facing Garages shall be a minimum of twenty-five feet (25') from the Front Property Line. All Yards fronting on any Street are considered Front Yards for the purposes of determining required Setbacks. See Section 15-2.4-4(D), Front Yard Exceptions.

(B) **REAR YARD.** The Rear yard for a Triplex or Multi-Unit Dwelling is ten feet (10'). See Section 15-2.4-4(F), Rear Yard Exceptions.

(C) **SIDE YARD.** The Side Yard for any Triplex, or Multi-Unit Dwelling is ten feet (10'). See Section 15-2.4-4(H), Side Yard Exceptions.

(D) **OPEN SPACE.** The Applicant must provide Open Space equal to at least ~~sixty percent (60%)~~ thirty percent (30%) of the total Site for all Triplex and Multi-Unit Dwellings. Parking is prohibited within the Open Space. See Section 15-15 Open Space.

15-2.4-3. CONDITIONAL USE PERMIT REVIEW.

The Planning Director shall review any Conditional Use permit (CUP) Application in the HRM District and shall forward a recommendation to the Planning Commission regarding compliance with the ~~Historic District Design Guidelines~~ Design Guidelines for Park City's Historic Districts and Historic Sites. The Planning Commission shall review the Application according to Conditional Use permit criteria set forth in Section 15-1-10, as well as the following:

(A) Consistent with the ~~Historic District Design Guidelines~~ Design Guidelines for Park City's Historic Districts and Historic Sites, ~~Section 15-4~~.

(B) The Applicant may not alter the Historic Structure to minimize the residential character of the Building.

(C) Dedication of a Facade Preservation Easement to assure preservation of the Structure is required.

(D) New Buildings and additions must be ~~in-scale and~~ Compatible with existing Historic Buildings in the neighborhood. ~~New Structures and additions must be two (2) stories in height~~

~~or less. Primary facades should be one (1) to one and a half (1 ½) stories at the Street.~~ Larger Building masses should be located to rear of the Structure to minimize the perceived mass from the Street.

15-2.4-6. EXISTING HISTORIC STRUCTURES.

Historic Structures that do not comply with Building Setbacks, Building Height, Off-Street parking, and driveway location standards are valid Non-Complying Structures. Additions to Historic Structures are exempt from Off-Street parking requirements provided the addition does not create a Lockout Unit or an Accessory Apartment. Additions must comply with Building Setbacks, Building Footprint, driveway location standards and Building Height.

HRC ZONE

15-2.5-2. USES.

Uses in the HRC are limited to the following:

(A) ALLOWED USES.

.....

(B) CONDITIONAL USES⁹.

.....

⁹No community locations as defined by Utah Code 32B-1-102 (Alcoholic Beverage Control Act) are permitted within 200 feet of Main Street unless a variance is permitted for an outlet, as defined by Utah Code 32B-1-202, to obtain a liquor license.

HCB ZONE

15-2.6-2. USES.

Uses in the Historic Commercial Business (HCB) District are limited to the following:

(A) ALLOWED USES.

....

(B) CONDITIONAL USES¹⁰.

....

¹⁰No community locations as defined by Utah Code 32B-1-102 (Alcoholic Beverage Control Act) are permitted within 200 feet of Main Street unless a variance is permitted for an outlet, as defined by Utah Code 32B-1-202, to obtain a liquor license.

RC ZONE

15-2.16-3. LOT AND SITE REQUIREMENTS.

(J) **OPEN SPACE.** On any Lot greater than 25,000 sq. ft. in Area, at least sixty percent (60%) of the Lot must be devoted to ~~Transferred Development Right (TDR)~~ Open Space if the Lot is not developed as a Master Planned Development. This is in addition to any Open Space required as part of a Master Planned Development. TDR Open Space may be either Natural or Landscaped Open Space. If the Lot is developed as a Master Planned Development then the Open Space requirements of Section 15-6-5. (D) shall apply.

15-2.16-5. SPECIAL REQUIREMENTS FOR SINGLE FAMILY AND DUPLEX DWELLINGS.

(L) **BUILDING HEIGHT.** No Single Family or Duplex Dwelling Structure shall be erected to a height greater than twenty-seven feet (27'). This is the Zone Height for Single Family and Duplex Dwellings. Final Grade must be within four vertical feet (4') of Existing Grade around the periphery of the Structure, except for the placement of approved window wells, emergency egress, and a garage entrance. The following height requirements must be met:

(1) A structure may have a maximum of three (3) Sstories. A basement counts as a First Story within this zone. Attics do not count as a Story.

(2) A ten foot (10') minimum horizontal step in the downhill façade is required for a third (3rd) Story of a Structure unless the First Story is located completely under the finished Grade on all sides of the Structure. On a structure in which the first Story is located completely under finished Grade, a side or rear entrance into a garage which is not visible from the front façade of Street Right-of-Way is allowed. . Exception: The ten foot (10') minimum horizontal step is not required for Historic Structures.

(3) Roof Pitch. Roof pitch must be between seven:twelve (7:12) and twelve:twelve (12:12). A Green Roof or a roof which is not part of the primary roof design may be below the required 7:12 pitch.

(M) **BUILDING HEIGHT EXCEPTIONS.** The following height exceptions apply:

(5) ROOF PITCH.
Exceptions to the minimum roof pitch requirements may be granted by the Planning Director during the Historic District Design Review approval process based on compliance with review criteria as stated in the Park City Design Guidelines for Historic Districts and Historic Sites. Such exceptions to roof pitch may be granted to allow historic roof forms for additions to historic structures and for new construction when the proposed roof pitch is compatible with the style of architecture approved for the new construction. Roof pitch for new construction should be visually compatible and harmonious with the roof shapes and orientation of surrounding Historic Sites.

15-2.16-6. EXISTING HISTORIC STRUCTURES.

Historic Structures that do not comply with Building Setbacks, Building Height, Building Footprint, Off-Street parking, and driveway location standards are valid Non-Complying Structures. Additions to Historic Structures are exempt from Off-Street parking requirements provided the addition does not create a Lockout Unit or an Accessory Apartment. Additions must comply with Building Setbacks, Building Footprint, driveway location standards and Building Height. All Conditional Uses shall comply with parking requirements of Section 15-3 of this Code.

EXHIBIT C

CHAPTER THREE- OFF-STREET PARKING

15-3-3. GENERAL PARKING AREA AND DRIVEWAY STANDARDS.

(L) PERMIT. All non-bearing concrete flatwork, asphalt, and/or any impervious surface, regardless of size, is required to obtain a Building Permit, including any repairs, alterations, modifications, and expansions of existing features.

15-3 -4. SPECIFIC PARKING AREA AND DRIVEWAY STANDARDS FOR SINGLE FAMILY RESIDENCES AND DUPLEXES, PARKING AREAS WITH 5 OR MORE SPACES, AND PARKING STRUCTURES.

(A) SINGLE FAMILY RESIDENCES AND DUPLEXES.

...

(2) **CIRCULAR DRIVEWAYS.** Circular driveways are permitted for Single Family and Duplex Dwellings provided one leg leads directly to and from a legally located garage or carport, subject to the following conditions:

(a) Such drives shall be paved with a hard surface.

(b) Such drives shall be a minimum of ~~fifteen feet (15')~~twelve (12') and a maximum of twenty-four feet (24'') in width.

(c) There shall be a Landscaped Area at least fifteen feet (~~15'~~) in depth from the Front Property Line to the inside of the drive.

15-3 -6. PARKING RATIO REQUIREMENTS FOR SPECIFIC LAND USE CATEGORIES.

(A) **RESIDENTIAL USES.** Off-Street parking shall be provided for each land Use as listed in this section, in the Parking Ratio Requirements tables. When applying the tables, the parking requirements stated for each Use, or combination of Uses, applies to each Dwelling Unit within the Structure. Specific Uses, and the related parking ratio requirements are also shown below: Also refer to 15-15 Definitions for clarification of Uses.

RESIDENTIAL PARKING RATIO REQUIREMENTS		
USE	PARKING RATIO (NUMBER SPACES)	
Multi-Unit Dwelling	Apartment/Condominium not greater than 650 <u>1,000</u> sf floor Area	1 per Dwelling Unit
	Apartment/Condominium greater than 1,000 <u>650</u> sf and less than 2,000 <u>1,000</u> sf floor Area	1.5 per Dwelling Unit
	Apartment/Condominium greater than 2,000 <u>1,000</u> sf and less than 2,500 sf floor Area <u>or greater</u>	2 per Dwelling Unit
	Apartment/Condominium 2,500-sf floor Area or more	3 per Dwelling Unit

NON-RESIDENTIAL PARKING RATIO REQUIREMENTS	
USES	PARKING RATIO REQUIREMENT (NUMBER SPACES)
Bed and Breakfast Inn	1 space per bedroom <u>and one space per on duty manager.</u>

EXHIBIT D

CHAPTER FOUR- SUPPLEMENTAL REGULATIONS

15-4-2. (1) EXCEPTION. The height of retaining walls in the Front Yard may exceed four feet (4'), measured from Final Grade, subject to approval by the Planning Director and City Engineer, and may exceed six feet (6') in height subject to approval of an Administrative Conditional Use permit or as approved as part of a Master Planned Development (MPD) or Conditional Use permit. Prior to issuance of an Administrative Conditional Use permit the Property shall be posted and affected adjacent Property Owners shall be noticed ten (10) days prior to Final Action.

The height of retaining walls in the Side or Rear Yards may exceed six feet (6'), measured from Final Grade, subject to approval of an Administrative Conditional Use permit or as approved as part of a Master Planned Development or Conditional Use permit. Prior to issuance of an Administrative Conditional Use permit the Property shall be posted and affected adjacent Property Owners shall be noticed ten (10) days prior to Final Action.

~~Any Fence or retaining wall greater than six feet (6') in height requires a Building Permit~~

~~(D) **PERMIT.** Any Fence or retaining wall greater than six feet (6') in height requires a Building Permit. Within any of the Historic zoning districts any Fence or retaining wall greater than four feet (4') in height requires a Building Permit.~~

15-4 - 7. ACCESSORY APARTMENTS.

(C) **CONDITIONAL USE REVIEW.** In those zones where Accessory Apartments are subject to a Conditional Use permit, the Planning Commission shall review the requested Use. After submission of a complete Application and payment of the Application fee as established by the fee schedule, the Planning Commission shall approve a permit if the requested Accessory Apartment complies with the criteria established in Section 15-4-7 (A) herein. In addition, prior to issuance of a Conditional Use permit, the Planning Commission shall determine that parking and other impacts as outlined in LMC Chapter 15-1-10 have been mitigated.

15-4-16. TEMPORARY STRUCTURES, TENTS, AND VENDORS.

Prior to the issuance of an Administrative Permit for any temporary Structure, tent, or vendor, the following requirements shall be met:

(A) **APPLICATION.** An Application must be submitted to the Planning Department including the following information:

(1) **GENERAL DESCRIPTION.** An overview of the proposed activity. Include

hours of operation, anticipated attendance, Use of speakers, any beer or liquor license, any sign or lighting plan, and any other applicable information.

(2) **SITE PLAN.** The site plan shall be to scale indicating in detail how the proposal will comply with the International Building Code (IBC). It should indicate the location of the tent on the Property and distances from Property Lines and other Structures. A separate plan for the interior of any tent is required. This plan will indicate any chairs, tables, exits, sanitation, heating, food service/handling etc. A snow removal plan must be included.

(3) **STRUCTURAL INFORMATION AND CALCULATIONS.** For all temporary Structures greater than 200 square feet in Floor Area, structural calculations, wind load information, fire rating, etc. must be submitted.

(4) **FEES.** All applicable fees.

(5) **BUILDING PERMIT.** A permit issued by the Building Department is required for temporary Structures and tents greater than 200 square feet in Area, or as determined by the Chief Building Official upon review of size, materials, location, weather and proposed Use.

(6) **SPECIAL EVENT PERMITS.** See Section 15-4-20 for regulations related to Special Events and ~~overcrowding~~ temporary change of occupancy Administrative Permits.

(7) **DURATION.** Unless approved by the City Council as part of a Master Festival, in no case shall a tent be installed for a duration longer than fourteen (14) days and for more than five (5) times per year on the same Property or Site, unless a longer duration or greater frequency is approved by the Planning Commission consistent with Conditional Use Criteria in Section 15-1-10.

(8) **NOTICE.** Notice of Administrative Permits shall be consistent with Section 15-1-21.

15-4 -20. SPECIAL EVENTS ~~AND OVERCROWDING~~ AND TEMPORARY CHANGE OF OCCUPANCY PERMITS.

(Created by Ord. No. 05-57)

(A) **PURPOSE.** The intent of these regulations is to allow temporary ~~overcrowding~~ Administrative Permits for Special Events and temporary change of occupancy activities only if adverse impacts on the character of neighboring Property can be mitigated and issues of public safety, traffic and parking are provided for. Such Uses will be permitted where the adjacent Street system is sufficient to accommodate the traffic impacts generated by said ~~overcrowding~~ Special Events and temporary change of occupancy; where the Property can accommodate adequate Off-Street parking; where the Structures are designed to safely

accommodate said Special Event and temporary change of occupancy overerowing; and where the type of Use, and impacts are Compatible with the Uses otherwise permitted in the zone.

(B) **DURATION**. ~~For non-code approved overerowing, an overerowing Special Event and temporary change of occupancy Administrative Permits~~ permit allows the increase in occupancy may be issued for a duration of -for a total of fifteen (15) days per permit and for no more than twelve (12) times per year per Building. These days are not required to be consecutive.

(C) **APPLICATION**. An Application must be submitted no less than ten (10) thirty (30) days prior to the Special Event or temporary change of occupancy Use. ~~The Planning Director may reduce this timeframe to fifteen (15) days upon written request of the Applicant.~~ Applications shall be filed with the Planning Department and shall include the following information:

(1) **GENERAL DESCRIPTION**. A narrative of the Use and Site plan of the proposed Special Event and temporary change of occupancy shall be submitted with the application Use, including hours of operation, ~~maximum occupancy~~, private or public activity, number of invitations sent; if a private event, or estimate of overall attendance, crowd management plan, security, deliveries, music or sound plan, including use of speakers, any beer or liquor license, any sign or lighting plan, parking plan, and any other applicable information.

(2) **FLOOR PLAN**. A floor plan, drawn to ~~1/8~~ scale, indicating in detail how the proposal will comply with applicable sections of the International Building Code shall be submitted with the application. This plan will indicate any chairs, tables, exits, sanitation, heating, food service/handling, etc. This plan shall be prepared and stamped by a licensed Utah Architect or Engineer, who shall indicate the maximum occupancy number for the specific use and floor plan for the Special Event and/or temporary change of occupancy Permit. Multiple floor plan layouts during the dates applied for will require individual stamped floor plan drawings by the Architect or Engineer. The Chief Building Official, or his or her designee, will also review this information for compliance with the IBC.

(3) **ALL APPLICABLE FEES**. Refer to Fee Resolution.

(4) Any requested additional City or governmental services or equipment.

EXHIBIT E

CHAPTER FIVE- ARCHITECTURAL REVIEW

15-5 -1. POLICY AND PURPOSE.

As a community dependent upon the tourism industry, the atmosphere and aesthetic features of the community take on an economic value for the residents and Property Owners of Park City.

It is in the best interests of the general welfare of the community to protect the aesthetic values of the community through the elimination of those architectural styles, and those Building and Landscape materials, which, by their nature, are foreign to this Area, and this climate, and therefore tend to detract from the appearance of the community.

Most of Park City's Main Street and many homes in Park City's older neighborhoods are listed on the National Register of Historic Places as well as being locally designated as Historic Sites, which is a point of considerable importance to the tourism industry. New Development, while distinct from surrounding Historic Sites, should not detract from them. Park City is densely developed due to the shortage of level, buildable land.

The effect of one Development is felt on the community as a whole. It is the policy of the City to foster good design within the constraints imposed by climate, land ownership patterns, and a Compatible architectural theme.

It is also the intent of this section to encourage lighting practices and systems which will minimize light pollution, glare, and light trespass; conserve energy and resources while maintaining night time safety, utility, and security; and curtail the degradation of the night time visual environment.

It is recognized that the topography, atmospheric conditions and resort nature of Park City are unique and valuable to the community. The enjoyment of a starry night is an experience the community desires to preserve. The City of Park City, through the provisions herein contained, promotes the reduction of light pollution that interferes with enjoyment of the night sky.

It is also the intent of this section to encourage and implement water conservation practices for landscaping. Park City is in a mountainous, semi-desert environment where much of the precipitation occurs as snow during the winter months and the highest demand for water occurs during the summer months. The largest single water demand is for irrigation of landscaping. The use of water wise Xeriscaping will protect the health, safety, and welfare of the community from impacts of water shortages likely to occur during cycles of drought. Xeriscaping is a concept of landscaping with plants that use little or no supplemental irrigation and are typically native to the region. The concept also requires water conserving irrigation practices, such as drip irrigation and effective mulching.

15-5 -5. ARCHITECTURAL DESIGN GUIDELINES.

(I) LIGHTING.

(13) **SEASONAL DISPLAY OF LIGHTS.** Seasonal restrictions apply to the HCB, GC, LI and HRC zones. Residential Uses in the HR-1, HR-2, E, HRL, SF, RM, R-1, RDM, and RD zones are exempt from these requirements. Winter seasonal displays are permitted from the first of November to the ~~31st of~~ March 15th of April per the Park City Municipal Code.

Displays should be turned off at midnight. Any color of lights may be used; however, the lights shall not be used to create advertising messages or signs. Spelling out the name of a Business is prohibited.

(K) **MECHANICAL EQUIPMENT.** All electrical service equipment and sub-panels and all mechanical equipment, including but not limited to, air conditioning, pool equipment, fans and vents, utility transformers, except those owned and maintained by public utility companies, and solar panels, shall be painted to match the surrounding wall color or painted or Screened to blend with the surrounding natural terrain. Roof mounted equipment and vents shall be painted to match the roof and/or adjacent wall color and shall be Screened or integrated into the design of the Structure. Minor exceptions to Setback requirements for Screened mechanical equipment may be approved by the Planning Director where the proposed location is the most logical location for the equipment and impacts from the equipment on neighboring properties, historic facades, and streetscapes can be mitigated and roof top mechanical can be minimized.

(L) PATIOS. All non-bearing concrete flatwork, asphalt, and /or any Impervious Surface, regardless of size, is required to obtain a Building Permit, including any repairs, alterations, modification, and expansions of existing features.

(M) LANDSCAPING.

A complete landscape plan must be prepared for all Building Permit applications. The landscape plan shall utilize the concept of Xeriscaping for plant selection and location, irrigation, and mulching of all landscaped areas. The plan shall include foundation plantings and ground cover, in addition to landscaping for the remainder of the lot. The plan shall indicate the percentage of the lot that is landscaped and the percentage of the landscaping that is irrigated. The plan shall identify all existing Significant Vegetation.

Materials proposed for driveways, parking areas, patios, decks, and other hardscaped areas shall be identified. A list of plant materials indicating the botanical name, the common name, the number of proposed plants, and the plant or caliper size shall be provided.

A licensed landscape architect shall prepare all materials for submittal of landscape plans for Conditional Use Permits, Master Planned Developments, and Historic District Design Reviews.

To the extent possible, existing Significant Vegetation shall be maintained on Site and protected during construction. When Significant Vegetation is removed it shall be replaced with equivalent landscaping in type and size. Multiple trees adding to the size of the removed Significant Vegetation may be considered instead of replacement in kind and size. Where landscaping does occur, it should consist primarily of appropriate native and drought tolerant species, drip irrigation, and all plantings shall be adequately mulched. Lawn or turf areas are limited to a maximum of twenty five percent (25%) of the Lot Area not covered by Buildings and other hard surfaces and no more than seventy-five percent (75%) of the Lot Area not covered by Buildings may be irrigated.

Landscape and Streetscape will use native rock and boulders. All noxious weeds, as identified by Summit County, shall be removed from the Property in a manner acceptable to the City and Summit County, prior to issuance of Certificates of Occupancy.

EXHIBIT F

CHAPTER SIX- MASTER PLANNED DEVELOPMENTS

15-6 -1. PURPOSE.

The purpose of this Chapter is to describe the process and set forth criteria for review of Master Planned Developments (MPDs) in Park City. The Master Planned Development provisions set forth Use, Density, height, parking, design theme and general Site planning criteria for larger and/or more complex projects having a variety of constraints and challenges, such as environmental issues, multiple zoning districts, location within or adjacent to transitional areas between different land Uses, and infill redevelopment where the MPD process can provide design flexibility necessary for well-planned, mixed use developments that are Compatible with the surrounding neighborhood. The goal of this section is to result in projects which:

- (A) complement the natural features of the Site;
- (B) ensure neighborhood Compatibility;
- (C) strengthen the resort character of Park City;
- (D) result in a net positive contribution of amenities to the community;
- (E) provide a variety of housing types and configurations;
- (F) provide the highest value of open space for any given Site;
- (G) efficiently and cost effectively extend and provide infrastructure;
- (H) provide opportunities for the appropriate redevelopment and reuse of existing structures/sites and maintain Compatibility with the surrounding neighborhood;
- (I) protect residential uses and residential neighborhoods from the impacts of non-residential Uses using best practice methods and diligent code enforcement; and
- (J) encourage mixed Use, walkable and sustainable development and redevelopment that provide innovative and energy efficient design, including innovative alternatives to reduce impacts of the automobile on the community.
- (K) encourage opportunities for economic diversification within the community

15-6 -2. APPLICABILITY.

- (A) **Required.** The Master Planned Development process shall be required in all zones **except in** the Historic Residential (HR-1), Historic Residential 2 (HR-2), and Historic

Residential - Low Density (HRL), ~~and Historic Residential—Medium Density (HRM)~~ for the following:

- (1) Any Residential project larger than ten (10) Lots or units.
- (2) All Hotel and lodging projects with more than fifteen (15) Residential Unit Equivalents.
- (3) All new Commercial, public, quasi-public, or industrial projects greater than 10,000 square feet Gross Floor Area.
- (4) All projects utilizing Transfer of Development Rights Development Credits.

~~(B)—The Master Planned Development process is allowed but is not required in the Historic Commercial Business (HCB), Historic Recreation Commercial (HRC), Historic Residential (HR-1) and Historic Residential (HR-2) zones, provided the subject property and proposed MPD include two (2) or more zoning designations.~~

(B) Allowed but not required.

- (1) The Master Planned Development process is allowed in the Historic Residential (HR-1) and Historic Residential 2 (HR-2) zones only when the HR-1 or HR-2 zoned Properties parcels are combined with adjacent HRC or HCB zoned Properties; or
- (2) The Property is not a part of the original Park City Survey or Snyder's Addition to the Park City Survey and which may be considered for the proposed MPD is for an affordable housing MPDs consistent with Section 15-6-7 herein.

15-6 -5. MPD REQUIREMENTS.

All Master Planned Developments shall contain the following minimum requirements. Many of the requirements and standards will have to be increased in order for the Planning Commission to make the necessary findings to approve the Master Planned Development.

15-6-5. (D) OPEN SPACE.

- (1) **MINIMUM REQUIRED.** All Master Planned Developments shall contain a minimum of sixty percent (60%) Oopen Sspace as defined in LMC Chapter 15-15 with the **exception** of the General Commercial (GC) District, Light Industrial (LI), Historic Residential Commercial (HRC), Historic Commercial Business (HCB), Historic Residential Medium Density (HRM), Historic Residential (HR-1 and HR-2) zones. In these zoning districts the Open Space requirement is thirty percent (30%). In all zoning districts, if the MPD is a and wherein cases of redevelopment of an existing Development or Developments, or if the MPD is for an s or infill sites, the minimum Oopen Sspace requirement shall be thirty percent (30%).

For Applications proposing the redevelopment of existing Developments, the Planning Commission may reduce the required Oopen Sspace to twenty percent (20%) ~~thirty percent (30%)~~ in exchange for project enhancements in excess of those otherwise required by the Land Management Code that may directly advance policies reflected in the applicable General Plan sections or more specific Area plans. Such project enhancements may include, but are not limited to, Affordable Housing, sustainable design and building construction (meeting LEED Gold or equivalent), greater landscaping buffers along public ways and public/private pedestrian Areas that provide a public benefit, increased landscape material sizes, public transit improvement, public pedestrian plazas, pedestrian way/trail linkages, public art, and rehabilitation or restoration of Historic Structures that are located either on or off the Property.

- (2) **TYPE OF OPEN SPACE.** The Planning Commission shall designate the preferable type and mix of open space for each Master Planned Development. This determination will be based on the guidance given in the Park City General Plan. Landscaped open space may be utilized for project amenities such as gardens, greenways, pathways, plazas, and other similar Uses. Open space may not be utilized for Streets, roads, driveways, Parking Areas, commercial Uses, or Buildings requiring a Building Permit. For redevelopment or infill projects in the General Commercial (GC) District, Historic Residential Commercial (HRC), Historic Commercial Business (HCB), Historic Residential (HR-1, HR-2, and HRM) zones, publicly accessible plazas and gardens may count toward this Oopen Sspace requirement. Fee in lieu for purchase of off-site Oopen Sspace may be considered, with the amount to be determined by the Planning Commission, subject to an appraisal, market analysis of the property, and recommendation from the City's Open Space Advisory Committee (COSAC).

15-6-5. (F) **BUILDING HEIGHT.**

The height requirements of the Zoning Districts in which an MPD is located shall apply except that the Planning Commission may consider an increase in height based upon a Site specific analysis and determination. Height exceptions will not be granted for Master Planned Developments within the HR-1 and HR-2 Zoning Districts.

The Applicant will be required to request a Site specific determination and shall bear the burden of proof to the Planning Commission that the necessary findings can be made. In order to grant Building height in addition to that which is allowed in the underlying zone, the Planning Commission is required to make the following findings:

- (1) The increase in Building Height does not result in increased square footage or Building volume over what would be allowed under the zone required Building Height and Density, including requirements for facade variation and design, but rather provides desired architectural variation, unless the increased square footage or Building volume is from the Transfer of Development Credits;
- (2) Buildings have been positioned to minimize visual impacts on adjacent Structures. Potential problems on neighboring Properties caused by shadows, loss

of solar Access, and loss or air circulation have been mitigated to the extent possible as defined by the Planning Commission;

(3) There is adequate landscaping and buffering from adjacent Properties and Uses. Increased Setbacks and separations from adjacent projects are being proposed;

(4) The additional Building Height ~~has result~~ed in more than the minimum Open Space required and has resulted in the Open Space being more usable and includes publicly accessible Open Space;

(5) The additional Building height shall be designed in a manner so as to provide a transition in roof elements in compliance with Chapter 5, Architectural Guidelines or the Design Guidelines for Park City's Historic Districts and Historic Sites if within the Historic District;

If and when the Planning Commission grants additional height due to a Site specific analysis and determination, that additional height shall only apply to the specific plans being reviewed and approved at the time. Additional Building Height for a specific project will not necessarily be considered for a different, or modified, project on the same Site.

15-6-5. (H) **LANDSCAPE AND STREET SCAPE.** A complete landscape plan must be submitted with the MPD application. The landscape plan shall indicate all softscape and hardscape areas on site. This includes all landscape materials, including foundation plantings, ground cover, lawn areas, driveway and/or parking lot materials. A list of plant materials proposed indicating the botanical name, the common name, the number of proposed plants, and their size shall be provided. A licensed landscape architect shall prepare all materials for submittal. To the extent possible, existing Significant Vegetation shall be maintained on Site and protected during construction. Where landscaping does occur, it should consist primarily of appropriate native and drought tolerant species. Lawn or turf will be limited to a maximum of twenty five ~~five~~ percent (25%) of the Area not covered by Buildings and other hard surfaces. No ~~and no~~ more than seventy-five percent (75%) of the Area not covered by Buildings ~~above Area~~ may be irrigated. Landscape and Streetscape will use native rock and boulders. All noxious weeds, as identified by Summit County, shall be removed from the Property in a manner acceptable to the City and Summit County, prior to issuance of Certificates of Occupancy. See Section 15-5.5-10. LANDSCAPING for additional requirements.

15-6-5. (M) **HISTORIC MINE WASTE MITIGATION.** For known historic mine waste located on the property, a soils remediation mitigation plan must be prepared indicating areas of hazardous soils and proposed methods of remediation and/or removal subject to the Park City Soils Boundary Ordinance requirements and regulations. See Title Eleven Chapter Fifteen of the Park City Municipal Code for additional requirements.

15- 6- 6. **REQUIRED FINDINGS AND CONCLUSIONS OF LAW.**

The Planning Commission must make the following findings in order to approve a Master Planned Development. In some cases, conditions of approval will be attached to the approval to ensure compliance with these findings.

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

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

(C) The MPD, as conditioned, is consistent with the Park City General Plan;

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

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

(F) The MPD, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible;

(G) The MPD, as conditioned, is Compatible in Use, scale, and mass with adjacent Properties, and promotes neighborhood Compatibility, and protects residential neighborhoods and Uses;

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

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

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

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

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

(M) The MPD, as conditioned, incorporates best planning practices for sustainable development, including 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 Application, and water conserving landscaping.

(N) The MPD, as conditioned, addresses and mitigates Physical Mine Hazards.

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

15-6-8. (G) **RESORT ACCESSORY USES.** The following Uses are considered accessory for the operation of a resort for winter and summer operations. These Uses are considered typical back of house uses and are incidental to and customarily found in connection with the principal Use or Building and are operated for the convenience of the Owners, occupants, employees, customers, or visitors to the principal resort Use. Accessory Uses associated with an approved summer or winter resort do not require the Use of a Unit Equivalent. These Uses include, but are not limited to, such Uses as:

Information
Lost and found
First Aid
Mountain patrol
Administration
Maintenance and storage facilities
Emergency medical facilities
Public lockers
Public restrooms
Employee restrooms and Areas
Ski school/day care facilities
Instruction facilities
Ticket sales
Equipment/ski check
Circulation and hallways

EXHIBIT G

CHAPTER NINE - NON-CONFORMING USES AND NON-COMPLYING STRUCTURES.

15-9-1. PURPOSE.

This Chapter regulates the continued existence of Non-Conforming Uses and Non-Complying Structures as defined in Chapter 15. While Non-Conforming Uses, Non-Complying Structures and improvements may continue, this Chapter is intended to limit enlargement, alteration, restoration, or replacement which would increase the discrepancy between existing conditions and the Development standards prescribed by this Code. In addition, Applications are reviewed to ensure that they are reducing the degree of non-conformity and improving the physical appearance of the Structure and site through such measures as landscaping, Building design, or the improved function of the Use in relation to other Uses.

15-9-5. MOVING, ENLARGING, OR ALTERING NON-CONFORMING USES.

No Non-Conforming Use may be moved, enlarged, altered, or occupy additional land, except as provided in this Section.

(E) **HISTORICALLY SIGNIFICANT BUILDINGS AND EXISTING BUILDINGS IN THE HR-2 ZONE EXCEPTION: CHANGE OF NON-CONFORMING USE TO ANOTHER NON-CONFORMING USE OF SIMILAR OR LESS-INTENSIVE LAND USE TYPE.** Subject to the criteria below, a Non-Conforming Use located within a Building or Structure designated as historically significant pursuant to LMC Section 4.13, or located within an existing Building in the HR-2 Zoning District, may be changed to another Non-Conforming Use of a similar or less intensive land Use type. A Non-Conforming Use, which satisfies the criteria provided in Section 16-9-5(E)(4) herein shall be considered a similar or less intensive land Use type.

(1) **APPLICATION.** Application for any Non-Conforming Use must be made upon forms provided by the Planning Department. Upon filing of a Complete Application, the City shall post the Property indicating that an Application for modification of a Non-Conforming Use has been filed and that more detailed information may be obtained from the City.

(2) **NOTIFICATION OF ABUTTING PROPERTY OWNERS.** Notice shall be provided pursuant to the Notice Matrix in Chapter 1. See Section 15-1-19.

(3) **BOARD OF ADJUSTMENT HEARING.** Within thirty (30) working days of the Planning Department's receipt of a Complete Application, and after giving public notice, the Board of Adjustment shall hold a public hearing on the Non-Conforming Use Application. The Board of Adjustment shall either grant the Application in whole or in part, with or without modifications or conditions, or deny the Application. The Board of

Adjustment=s decision shall be made pursuant to criteria provided in Section 15-9-5(E)(4) below.

(4) **CRITERIA.** The Board of Adjustment shall approve an Application to change a Non-Conforming Use to another Non-Conforming Use if the ~~Applicant~~ Application complies with ~~proves~~ the following criteria:

(a) All reasonable measures will be undertaken to alleviate or reduce the incompatibility or adverse effects of the Non-Conforming Use or Building upon abutting Properties or in the neighborhood, including modifications to the Building elevations to bring the Building into compliance with the Design Guidelines for Park City's Historic Districts and Historic Sites and to render the Building compatible with Historic Buildings in the immediate neighborhood;

(b) All changes, additions, or expansions comply with all current laws except as to Use;

(c) The new Use will provide for enclosed storage of necessary equipment, materials, and refuse, rather than create a need for additional outside storage; and

(d) The new Use does not increase the parking requirement; or if there is an increase, the site plan meets the parking requirement and the Board of Adjustment finds that adjoining Properties and the neighborhood will not be adversely impacted by the increased parking demand.

EXHIBIT H

CHAPTER ELEVEN- HISTORIC PRESERVATION

15-11-12. HISTORIC DISTRICT OR HISTORIC SITE DESIGN REVIEW.

The Planning Department shall review and approve, approve with conditions, or deny, all Historic District/Site design review Applications involving an Allowed Use, a Conditional Use, or any Use associated with a Building Permit, to build, locate, construct, remodel, alter, or modify any Building, accessory Building, or Structure, or Site located within the Park City Historic Districts or Historic Sites, including fences and driveways.

Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department shall review the proposed plans for compliance with the Design Guidelines for Historic Districts and Historic Sites, LMC Chapter 15-11, and LMC Chapter 15-5. Whenever a conflict exists between the LMC and the Design Guidelines, the more restrictive provision shall apply to the extent allowed by law.

(A) PRE-APPLICATION CONFERENCE.

(1) It is strongly recommended that ~~the~~ Owner and/or Owner's representative ~~shall be required to~~ attend a pre-Application conference with representatives of the Planning and Building Departments for the purpose of determining the general scope of the proposed Development, identifying potential impacts of the Development that may require mitigation, providing information on City-sponsored incentives that may be available to the Applicant, and outlining the Application requirements.

(2) Each Application shall comply with all of the Design Guidelines for Historic Districts and Historic Sites unless the Planning Department determines that, because of the scope of the proposed Development, certain guidelines are not applicable. If the Planning Department determines certain guidelines do not apply to an Application, the Planning Department staff shall communicate, via electronic or written means, the information to the Applicant. It is the responsibility of the Applicant to understand the requirements of the Application.

(3) The Planning Director, or his designee, may upon review of a Pre-Application submittal, determine that due to the limited scope of a project the Historic District or Historic Site Design Review process as outlined in LMC Sections 15-11-12(B-E) is not required and is exempt.

If such a determination is made, the Planning Director, or his designee may, upon reviewing the Pre-Application for compliance with applicable Design Guidelines, approve, deny, or approve with conditions, the project. If approved, the Applicant may submit the project for a Building Permit.

(D) **PUBLIC HEARING AND DECISION.** Following the fourteen (14) day public notice period noted in Section 15-1-21 of this Code, ~~the~~ Planning Department staff shall hold a public hearing and make, within forty-five (45) days, written findings, conclusions of law, and conditions of approval or reasons for denial, supporting the decision and shall provide the Owner and/or Applicant with a copy. Staff shall also provide notice pursuant to Section 15-1-21.

(1) Historic District/Site design review Applications shall be approved by the Planning Department staff upon determination of compliance with the Design Guidelines for Park City's Historic Districts and Historic Sites. If the Planning Department staff determines an Application does not comply with the Design Guidelines, the Application shall be denied.

(2) With the exception of any Application involving the Reconstruction of a Building, Accessory Building, and/or Structure on a Landmark Site, an Application associated with a Landmark Site shall be denied if the Planning Department finds that the proposed project will result in the Landmark Site no longer meeting the criteria set forth in 15-11-10(A)(1).

(3) An Application associated with a Significant Site shall be denied if the Planning Department finds that the proposed project will result in the Significant Site no longer meeting the criteria set forth in 15-11-10(A)(2).

(E) **APPEALS.** The Owner, Applicant, or any Person with standing as defined in Section 15-1-18(D) of this Code may appeal any Planning Department decision made on a Historic District/Site design review Application to the Historic Preservation Board.

All appeal requests shall be submitted to the Planning Department within ten (10) days of the decision. Appeals must be written and shall contain the name, address, and telephone number of the petitioner, his or her relationship to the project, and a comprehensive statement of the reasons for the appeal, including specific provisions of the Code and Design Guidelines that are alleged to be violated by the action taken. All appeals shall be heard by the reviewing body within forty-five (45) days of the date that the appellant files an appeal unless all parties, including the City, stipulate otherwise.

Notice of all pending appeals shall be made by staff, pursuant to Section 15-1-21 of this Code. The appellant shall provide required stamped and addressed notice envelopes within fourteen (14) days of the appeal. The notice and posting shall include the location and description of the proposed Development project. The scope of review by the Historic Preservation Board shall be the same as the scope of review at the Planning Department level.

(1) The Historic Preservation Board shall either approve, approve with conditions, or disapprove the ~~proposal~~-Application based on written findings, conclusions of law, and conditions of approval, if any, supporting the decision, and shall provide the Owner and/or Applicant with a copy.

~~(2) — Any Historic Preservation Board decision may be appealed to the Board of Adjustment pursuant to Section 15-10-7 of this Code. Appeal requests shall be submitted to the Planning Department within ten (10) days of the Historic Preservation Board decision. Notice of all pending appeals shall be made by staff, pursuant to Section 15-1-21 f this Code. Appeals shall be considered only on the record made before the Historic Preservation Board and will be reviewed for correctness.~~

(E) EXTENSIONS OF APPROVALS.

~~Unless otherwise indicated, Historic District Design Review (HDDR) approvals expire one (1) year from the date of the Final Action. The Planning Director, or designee, may grant an extension of an HDDR approval for one (1) additional year when the Applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact or that would result in a finding of non-compliance with the Park City General Plan or the Land Management Code in effect at the time of the extension request. Change of circumstance includes physical changes to the Property or surroundings. Notice shall be provided consistent with the original HDDR approval per Section 15-1-12. Extension requests must be submitted to the Planning Department in writing prior to the date of expiration of the HDDR approval.~~

15-11-13. RELOCATION AND/OR REORIENTATION OF A HISTORIC BUILDING OR HISTORIC STRUCTURE.

It is the intent of this section to preserve the Historic and architectural resources of Park City through limitations on the relocation and/or orientation of Historic Buildings, Structures, and Sites.

(A) CRITERIA FOR THE RELOCATION AND/OR REORIENTATION OF THE HISTORIC BUILDING(S) AND/OR STRUCTURE(S) ON A LANDMARK SITE OR A SIGNIFICANT SITE.

In approving a Historic District or Historic Site design review Application involving relocation and/or reorientation of the Historic Building(s) and/or Structure(s) on a Landmark Site or a Significant Site, the Planning Department shall ~~find~~ fine the project complies with the following criteria:

~~(1) A portion of the Historic Building(s) and/or Structure(s) encroaches on an adjacent Property and an easement cannot be secured; or~~

~~(2) —~~ The proposed relocation and/or reorientation will abate demolition of the Historic Building(s) and/or Structure(s) on the Site; or

~~(23)~~ The Planning Director and the Chief Building Official¹, determine that unique conditions warrant the proposed relocation and/or reorientation on the existing Site; or

~~(43)~~ The Planning Director and the Chief Building Official¹, determine that unique conditions warrant the proposed relocation and/or reorientation to a different Site.

¹ ~~The HPB shall make this determination if the HPB is hearing the Application on appeal. The Planning Director and the Chief Building Official shall, at the appeal, submit a written statement or testify concerning whether, unique conditions warrant the proposed relocation and/or reorientation on the existing Site or to a different site.~~

(B) **PROCEDURE FOR THE RELOCATION AND/OR REORIENTATION OF A LANDMARK SITE OR A SIGNIFICANT SITE.** All Applications for the relocation and/or reorientation of any Historic Building(s) and/or Structure(s) on a Landmark Site or a Significant Site within the City shall be reviewed by the Planning Department pursuant to Section 15-11-12 of this Code.

(Created by Ord. No. 09-23)

15-11-14. DISASSEMBLY AND REASSEMBLY OF A HISTORIC BUILDING OR HISTORIC STRUCTURE.

It is the intent of this section to preserve the Historic and architectural resources of Park City through limitations on the disassembly and reassembly of Historic Buildings, Structures, and Sites.

(A) **CRITERIA FOR DISASSEMBLY AND REASSEMBLY OF THE HISTORIC BUILDING(S) AND/OR STRUCTURE(S) ON A LANDMARK SITE OR SIGNIFICANT SITE.** In approving a Historic District or Historic Site design review Application involving disassembly and reassembly of the Historic Building(s) and/or Structure(s) on a Landmark Site or Significant Site, the Planning Department shall find the project complies with the following criteria:

- (1) A licensed structural engineer has certified that the Historic Building(s) and/or Structure(s) cannot reasonably be moved intact; or
- (2) The proposed disassembly and reassembly will abate demolition of the Historic Building(s) and/or Structure(s) on the Site; or
- (3) The Historic Building(s) and/or Structure(s) are found by the Chief Building Official to be hazardous or dangerous, pursuant to Section 116.1 of the International Building Code; or
- (4) The Planning Director and the Chief Building Official² determine that unique conditions and the quality of the Historic preservation plan warrant the proposed disassembly and reassembly;

Under all of the above criteria, the Historic Structure(s) and or Building(s) must be reassembled using the original materials that are found to be safe and/or serviceable condition in combination with new materials; and

The Building(s) and/or Structure(s) will be reassembled in their original form, location, placement, and orientation.

2. The HPB shall make this determination if the HPB is hearing the Application on appeal. The Planning Director and the Chief Building Official shall, at the appeal, submit a written statement or testify concerning whether, unique conditions and the quality of the Historic preservation plan warrant the proposed disassembly or reassembly.

(B) **PROCEDURE FOR THE DISASSEMBLY AND REASSEMBLY OF A LANDMARK SITE OR A SIGNIFICANT SITE.** All Applications for the disassembly and reassembly of any Historic Building(s) and/or Structure(s) on a Landmark Site of a Significant Site within the City shall be reviewed by the Planning Department pursuant to Section 15-11-12 of this Code.

If an Application involving the disassembly and reassembly of Historic Building(s) and/or Structure(s) on a Landmark Site or a Significant Site also includes relocation and/or reorientation of the reassembled Historic Building(s) and/or Structure(s) on the original Site or another Site, the Application must also comply with Section 15-11-13 of this Code.

EXHIBIT I

CHAPTER FIFTEEN- DEFINITIONS

15-15-1. DEFINITIONS

ATTIC. That part of a building that is immediately below and wholly or mostly within the roof framing, including the ~~The~~ space between the ceiling joists of the top Story and roof rafters.

GREEN ROOF. A roof of a Building that is covered with vegetation and soil, or a growing medium, and planted over a waterproofing membrane. It may also include additional layers such as a root barrier and drainage and irrigation systems. This does not refer to roofs which are colored green, as with green roof shingles. A Green Roof may include the installation of Solar Panels or Thin Film PV for the generation of Energy and/or Hot Water.

IMPERVIOUS SURFACE. Any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to building roofs, parking and driveway areas, sidewalks, patios, and paved recreation areas.

STOREFRONT PROPERTY. A separately enclosed space or unit that has a window or entrance that fronts on a Public Street. For purposes of this provision, the term “fronts on a Public Street” shall mean a separately enclosed space or unit with:

- (1) A window and/or entrance within fifty lateral/horizontal feet (50’) of the back, inside building edge, of the public sidewalk; and
- (2) A window and/or entrance that is not more than eight feet (8’) above or below the grade of the adjacent Public Street.

In the case of ~~s~~**S**~~plit-~~**Level**, multi-level Buildings with only one primary entrance, only those fully enclosed spaces or units that directly front the Street as set forth above, shall be designated to be a “Storefront Property.” The Planning Director or their designee shall have the final determination of applicability.

SPLIT LEVEL. A house or Building in which two or more floors are usually located directly above each other and one or more adjacent floors are placed at a different level, typical a half level above or below the adjacent floor.

STORY. ~~The vertical measurement between floors taken from finish floor to finish floor. For the top most Story, the vertical measurement is taken from the top finish floor to the top of the wall plate for the roof Structure.~~ That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above, unless this area is an Attic.

STORY, HALF. That portion of a building under a sloping roof that has the line of

intersection of the roof and wall face not more than four (4) feet above the floor level and in which space the possible floor area with headroom of five (5) feet or less occupies at least 40 percent of the total Floor Area of the Story directly beneath.

TEMPORARY IMPROVEMENT. A Structure built, or installed, and maintained during construction of a Development, ~~activity~~ or during a Special Event or activity and then removed prior to release of the performance Guarantee. Does not include temporary storage units, such as PODs or other similar structures used for temporary storage, that are not related to a Building Permit for construction of a Development and are not part of an approved Special Event or activity.

XERISCAPE. A landscaping method developed especially for arid and semiarid climates that utilize water-conserving techniques (such as the use of drought-tolerant plants, mulch, and efficient irrigation).

ZERO NET ENERGY BUILDING. A building with zero net energy consumption and zero carbon emissions annually. Zero net energy buildings may use the electrical grid for energy storage but may also be independent of the grid. Energy is harvested on-site through a combination of energy producing technologies like solar and wind, while reducing the overall use of energy within the building with highly efficient HVAC and lighting technologies and highly efficient appliances.

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MOTION: Commissioner Savage moved to CONTINUE the Richards/PCMC Annexation and Zoning until November 14, 2012. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

3. Land Management Code Amendments – Chapter 1-General Provision and Procedures; Chapter 2-Zoning; Chapter 3-Off Street parking; Chapter 4-Supplemental Regulations; Chapter 5-Architecture Review; Chapter 6-Master Planned Development; Chapter 7-Subdivisions, Chapter 8-Annexation; Chapter 10-Board of Adjustment; Chapter 11-Historic Preservation; Chapter 12-Planning Commission; Chapter 15-Definitions. (Application #PL-12-01631)

Chair Worel requested that Planner Whetstone review the LMC items that were recommended be continued this evening.

Planner Whetstone stated that the Staff noticed a number of additional changes beyond the analysis and redlined changes in the Staff report, and recommended that those items be continued for further analysis. The 22 items to be continued were outlined on page 79 of the Staff report. Planner Whetstone noted that the items were publicly noticed and they would be continued to the meeting on October 24th.

Planner Whetstone stated that the amendment to Chapter 6 regarding MPDs in the Historic District was redlined in the Staff report per the discussion from the last meeting. However, the Planning Commission had requested a history on MPDs, and since the Staff was still compiling that information they recommended continuing that discussion to October 24th. Planner Whetstone also recommended that the Planning Commission continue items 3, 5 and 7 in the Analysis Section to October 24th.

Commissioner Wintzer suggested that the motion to continue identify the amendments by Chapter as listed on page 80 of the Staff report. Chair Worel clarified that Chapters 2, 6, 7 and 15 would be continued. Commissioner Hontz noted that some items under those chapters were not recommended to be continued. However, she was not prepared to move forward with them this evening and would be comfortable if they were continued as well.

Chair Worel opened the public hearing on the items to be continued.

Chris Schaefer, a property owner in condominiums on Main Street, commented on MPDs in the Historic District, particularly as it pertains to the Kimball Arts Center application. Mr. Schaefer stated that the concept of a master planned development assumes a large area that is going to be developed, possibly multi-use and possibly crossing boundary lines. He noted that the proposed Kimball building does not meet criteria because it is a single building on a single lot within a single zone. He only became aware of the changes that day and had not had time to read and understand the proposed changes. Mr. Schaefer stated that as a property owner and a citizen he was concerned that the Kimball, by applying for master planned development status for their project, was trying to make a run around the Planning Commission. He hoped the proposed

changes would not permit that. The reason for a master planned development does not match the construction of one building in one zone on one lot. He was unsure what changes were being proposed, but he hoped they could prevent that from occurring.

Coleen Webb an owner in the Town Lift condos stated that her building is next to the Kimball Arts Center. She is a part-time resident in Park City and it is difficult to always attend meetings when a subject of interest is being discussed. She tries to attend as often as she can. Ms. Webb stated that she would not be in town on October 24th. She is on the Board of the Town Lift Condominiums HOA. Last week the Board members and residents met with Robin and others from the Kimball Arts Center to express their concerns and the impacts that would be created for the residents living next to the Kimball Arts Center, and what an expansion under an MPD would do to their property. Ms. Webb also had concerns with how a project that size would affect the look and feel of Old Town if the MPD goes through. Ms. Webb was comforted when she saw the concern the Planning Commission had for the neighbors when discussing the Stein Eriksen project and the Richards annexation. As a neighbor to the Kimball and a resident of Old Town, she hoped the Planning Commission continues to be that detailed and that interested in what the change of allowing an MPD could do on Main Street. It is more than a white fence or one house in your face impact. It impacts the Historic District and those who live there and abide by the 84 page guidelines of the Historic Preservation Board. Ms. Webb was not opposed to amending the LMC to make them better over time, but it is important to understand the circumstances as to why they were put in place to protect the Historic District. Ms. Webb stated that everyone respects the Kimball and the HOA and owners want the Kimball Arts Center to expand. They would like the property improved and the programs expanded. They have been great neighbors and have worked together many times with the Kimball Arts Center; but the issues that an MPD would allow has caused them great concern. She asked the Planning Commission to consider the impacts that would be created by allowing MPDs in a community that is so dedicated to keeping the District historic. Changing the LMC for a one-time project would hurt what the rest have tried to maintain and the rules they have lived by in Old Town.

Chair Worel closed the public hearing.

Commissioner Hontz thought the Planning Commission should discuss some of the issues in the Chapters that would be continued to give the Staff direction for the next meeting.

Building Height Measurement and Story Definition

Commissioner Hontz found the exhibits in the Staff report to be helpful, but she had expected additional information based on the discussion at the last meeting. She wanted to see an exercise on a variety of unbuilt lots in Old Town, both downhill and uphill, that maxes out the heights using stories as an example to see what the mass and scale and height would do. She wanted an idea of worst case scenario. Commissioner Hontz remarked that they look at the existing built environment in analyzing the definition and the application. They overlook what type of development could occur on the existing vacant lots. She recalled a recent application where the applicant was asked to do that exercise and he was unable to show that he could build a house on the lot. Commissioner Hontz pointed out that based on the proposed language a house could not be built on a 40% slope.

She believed the analysis was important to make sure they would not make all the vacant lots in Old Town undevelopable.

Planner Francisco Astorga stated that the Staff could provide the variety of examples on unbuilt lots. However, there are a number of lots that are not listed as Landmark or Significant status, and could potentially be demolished and rebuilt. Planner Astorga proposed to come back with the information requested as well as other scenarios he had created for massing and volume on various slopes. He believed they could create specific worst case scenarios. Director Eddington thought that the Planning Commission would be able to see how different aspects of the Code work in each scenario depending on the location of the slope.

MOTION: Commissioner Hontz moved to CONTINUE the LMC amendments for Chapter 2-Zoning Districts; Chapter 6-MPDs; Chapter 7-Subdivisions; and Chapter 15-Definitions as identified in the Staff report to October 24, 2012. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

The Planning Commission discussed the remaining LMC amendments outlined in the Staff report.

Amendment to require a building permit for driveways, parking areas, patios and other non-bearing construction that create impervious areas.

Planner Whetstone noted that the Planning Commission discussed this change at the last meeting. The Staff had recommended a building permit for all flat work in all zones. Requiring a building permit would ensure that all LMC requirements are met. Currently a building permit is not required and it is difficult to know when flat work is being done and whether it meets the requirements.

City Engineer, Matt Cassel, stated that the amendment allows the City to be proactive on an issue they have struggled with for years. When someone calls to ask if his neighbor has a permit for a patio or driveway, they have to inform that person that a permit was not required. The City then has to follow up to make sure the work was done within the requirements and many times they find Code violations. The intent is to communicate with people before work is started. He used 170 Daly Avenue as an example. They were fortunate enough to catch it before the driveway was poured; otherwise, the owner would have a new driveway that accessed at the intersection. Mr. Cassel explained that it would be a simple permitting process. The owner would be required to pay a minimal fee and have their plans reviewed for Code compliance before starting any work.

Chief Building Official, Chad Root, stated that another factor is to provide guidance for the homeowners who do the work themselves in an effort to reduce the number of neighbor issues. If a permit is required City-wide, the City has control over types of materials, size, and encroachment issues. Mr. Root pointed out that most jurisdictions outside of Utah regulate all flatwork and driveway work. Utah has a State Adopted Code that adopts the minimum standards, and the minimum standards cannot be exceeded. The proposed LMC amendment would provide a mechanism around the provision in the State Building Code and allow the ability to regulate driveways and flatwork in Park City.

Chair Worel asked if this was a City-wide issue and not just in the Historic District. Mr. Root replied that it was City-wide. The majority of complaints to the Building Department come from the Meadows.

Commissioner Savage asked how many of the complaints are legitimate. Mr. Root stated that nearly every complaint has been legitimate. Commissioner Savage asked if the amendment would eliminate the complaints. Mr. Root replied that it would give the Building Department the control to issue a stop work order on a project until they made sure everything was in compliance. City Engineer Cassel noted that it would also allow the City to look at the plat to make sure open space or landscaping requirements were not being violated. Commissioner Savage clarified that currently, anyone who does a project without a building permit, since one is not required, is responsible for making sure their implementation is consistent with all the Code requirements. Requiring a building permit would be preventative maintenance from having to resolve so many issues.

Commissioner Savage asked if a building permit would be required if he wanted to put in a 4 'x 5' concrete slab outside his back door for his trash cans. Mr. Root was unsure how language addresses that type of situation. Planner Astorga stated that the Staff had not proposed a minimum standard but it could be discussed.

Chief Building Official Root stated that another reason for looking at building permits is to address problems in the soils districts where people haul the soils away and the City has no knowledge because there was no permit.

Commissioner Hontz believed the requirement would remedy some situations in the Historic District where owners pull the landscaping and leave it without pouring concrete or laying dirt. The building permit would allow the City to review the plat to see if that space was approved as landscaping. It would also provide a record of improvements that are made over time.

Commissioner Wintzer concurred and commented on several circumstances in Old Town that would not have occurred if this permit process had been in place. He strongly supported the permit process. Director Eddington clarified that the same situations occur in Prospector, the Meadows and everywhere else in the City. Without a proactive measure it is challenging to deal with people once they have done the work and expended the money.

Commissioner Wintzer asked if the permitting process would require inspections or whether it was just a matter of obtain a permit and signing off the plans. Planner Astorga stated that the Staff was working on a preliminary process where the owner would apply for an over-the-counter permit and the Planning Department would check the plan for specific requirements. They were also looking at the first inspection once the forms are in place, and final inspection before the file is closed. The Staff was internally working with the Planning Department to determine who would do the inspections.

Commissioner Savage asked about the cost for a permit. Planner Astorga stated that most building fees are based on the valuation of the work. The fee would be minimal and determined by the Building Department. Chief Building Official Root explained that based on the scale of value of

work, the last driveway permit was a \$32 fee. Mr. Root stated that if a slab or driveway has rebar, it is required by Code to have a permit. He noted that some of the contractors eliminate the rebar to bypass the permit. The building permit fee depends on the amount taking place and they go off the contractor's valuation.

Chair Worel opened the public hearing.

Ruth Meintsma was happy to see this discussion because in Old Town she sees constant paving where there should not be paving. She stated that on the uphill wall of Woodside is approximately 10 feet of City easement. When someone has a project and a lot plan that shows paving and landscaping they put it in, but in many instances the 10 feet from the lot line to the Woodside wall is paved for private parking. Ms. Meintsma noted that much of this work occurs on weekends when no one is around. She wanted to know how they would address weekend projects if a building permit is required and the project is completed by Monday.

Chief Building Official Root stated that the City recently hired a new Code Enforcement Officer to work weekends primarily to catch weekend projects that take place. If someone works without a permit the fee would be doubled. Before the fees begin there would be an outreach to the Homebuilders Association, contractors, and real estate agents to notify everyone of the policy change.

Director Eddington understood that if the policy is codified and a building permit is required, the flatwork would have to be removed if it does not meet Code. Mr. Root replied that this was correct. The City currently does not have that enforcement ability without a permit.

Chair Worel closed the public hearing.

Commissioner Wintzer reiterated his support. Commissioner Strachan stated that he would change his opinion from the last meeting and support it for all zones. However, he did not believe a double permit fee was enough penalty to deter people from violating the requirement. If the policy is put in place for a building permit, the penalty should be to remove any work that was not approved by the Planning Department, particularly in Old Town where it matters most.

Building Official Root explained that the double fee would apply to those who had a plan approved by the Planning Department but did not obtain a building permit or deviated from the approved plans. Any work that was not approved by the Planning Department would need to come out.

Director Eddington recommended that the Planning Commission continue this item to October 24th to allow the Staff time to rework some of the language based on the discussion this evening, including adding some of the landscaping architecture language.

MOTION: Commissioner Hontz moved to CONTINUE the proposed LMC amendment requiring a building permit for flatwork to October 24, 2012. Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously.

Planner Whetstone recommended that the Planning Commission continue the amendment addressing fences and walls until October 24th and discuss everything at the same time.

MOTION: Commissioner Strachan moved to CONTINUE the item regarding fences and walls to October 24, 2012. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

Removal of "Special Exceptions" that are currently reviewed by the Board of Adjustment.

The Staff recommended removing the entire LMC Section 15-10-8, Special Exceptions for the reasons identified in the Analysis on page 84 of the Staff report. The only other change would be the renumbering of the variances.

The Staff recommended that the Planning Commission review the proposed language and forward a positive recommendation to the City Council on the proposed changes.

Chair Worel opened the public hearing.

There was no comment.

Chair Worel closed the public hearing.

Commissioner Hontz stated that as the liaison to the Board of Adjustment she felt it was best to move this amendment forward.

MOTION: Commissioner Wintzer moved to forward a POSITIVE recommendation to the City Council to remove Sections 15-10-3 and 15-10-8, Special Exceptions, from the Code. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

Streamline Review Process

Planner Astorga had prepared a color coded flow chart to address the Historic District Design Review Appeal process. He noted that the items in Black and Red identified the current process. The Black was an approval with no issues. The Red showed the three types of appeals allowed per Code. An appeal of the Staff determination would be heard by the HPB. An appeal of the HPB determination would go to the Board of Adjustment. Appeal of the BOA decision would go to Third District Court.

Planner Astorga noted that the Green color represented the proposed change in the Staff report where it starts as a typical HDDR application which they would call a streamlined design review. If the design review is not contested it would follow the same process as an approval under the current Code. A neighboring property owner or the applicant, could contest the review. If it is contested it would automatically go to the HPB and the HPB could approve it for a building permit. If the HPB determination is appealed, it would go to the Board of Adjustment and their

determination could be appealed to the Third District Court. Director Eddington noted that the Green flow line clarifies the process and meets State Code.

Planner Astorga introduced an alternative process identified in Blue that would follow the traditional approach. If contested it would go to the HPB and then to Third District Court. The alternative process would remove the Board of Adjustment from the appeal process. Planner Astorga requested input from the Planning Commission on whether the alternative was better than the contested review where it would go to HPB, not on appeal, but simply contested. It would be called a formal review.

Commissioner Strachan asked for clarification on the "streamlined approved (BP) shown on the flow chart. Planner Astorga replied that it would be an approval with no issues and the applicant could apply for a building permit.

Assistant City Attorney McLean clarified that the process also applies to Administrative CUPs. She stated that either process being proposed was legal.

Commissioner Hontz understood that a CUP would go to the Planning Commission and not the HPB. Ms. McLean replied that this was correct. Commissioner Hontz asked if it would then go to the Board of Adjustment or the City Council. Ms. McLean replied that it would go to the City Council.

Assistant City Attorney McLean referred to the alternative process in Blue and stated that the first level of review did not have to be Staff. It would also be legal to designate it to be the HPB. Currently, under the Staff review there is no public hearing process. It is a streamline process because the Staff reviews it and makes written comment. Under the contested version, someone could contest it and ask for formal consideration and it would go directly to the HPB. In the alternative process, the Planning Commission would need to decide the breadth of the initial review and whether it should be a public hearing and whether the Staff should review it or the HPB. If they establish the land use authority, the question is who should be the appeal authority. The Staff was proposing that it be the HPB, with Staff doing the initial review.

Planner Astorga clarified that the Staff does not hold an official meeting but they do notify property owners within a hundred feet and provide a period of 14 days to allow the public to look at the plans and share their thoughts.

Based on his understanding of the process, Commissioner Savage wanted to know the downside of favoring the alternative process in Blue. Ms. McLean stated that the initial review under the blue process would not be a streamlined review and there would be no public hearing at the initial review. Commissioner Hontz noted that there never is public input unless it is appealed. Commissioner Savage pointed out that public is noticed and has the opportunity to submit comment. Commissioner Hontz pointed out that many owners live in California or Florida. She was told that addresses are on file for out-of-state owners and they are sent letters. Director Eddington stated that owners are notified when the application is received and they are notified when a final decision is made. Commissioner Hontz felt it was more powerful when someone takes the time to attend in person and make their comments versus sending a letter.

Commissioner Strachan clarified that Assistant City Attorney McLean was proposing the process in Green. Ms. McLean stated that under the process identified in Green, the applicant would have the ability to expedite the process and request that it go straight to the HPB for formal review. If the application was uncontested it would be approved by Staff.

Chair Worel opened the public hearing.

Jeff Love, a resident at 615 Woodside, passed out pages he copied from the design guidelines, along with pages of the actual court ruling by Judge Kelly. He believed it would shed light on the situation. Mr. Love was amazed at what was not being discussed in the conversation. He stated that the catalyst for the proposed change to the LMC was a lawsuit that he filed against the City and Judge Kelly in Third District ruled in his favor. He had three arguments in court and the ruling states that Park City's Land Management Code violates State law in respects to the appeal process.

Commissioner Wintzer informed Mr. Love that the Planning Commission was trying to correct the process to meet State Code.

Mr. Love believed the ruling from Judge Kelly was an important part of the process. He referred to LUDMA, the Municipal Land Use Development and Management Act. In the ruling it states that LUDMA governs how a municipality such as Park City may regulate land use within its jurisdiction. He also read Conclusions of Law 50 and 51 in the ruling, which talks about how appeal authorities should be established and how LUDMA delineates the scope of the appeal authority and that the City cannot require an adversely affected party to pursue excessive appeals. Mr. Love also read from page 13 of the ruling which stated that the Court concluded that the petition, Mr. Love, was subjected to an illegal procedure because he was required to pursue successive appeals due to the successive appeal provisions found in the Park City Land Management Code. Those provisions are illegal because they violate the LUDMA provisions.

Mr. Love stated that the change proposed by Park City Legal is to essentially change the name of the Historic Preservation Board appeal from "appeal" to "formal consideration". Mr. Love stated that Judge Kelly did not rule that the name of the process was illegal. He rules that the process was illegal. In his opinion, changing the name of one meeting does not make it legal. He believes that Park City Legal is playing a semantics game and creating a loophole for themselves to make something determined to be illegal, legal.

Mr. Love stated that if the Planning Commission recommends the proposed change to the City Council and they adopt it, it would make a mockery of Third District Court and Judge Kelly. If it is adopted by the City Council, Mr. Love guaranteed that it would be challenged in court. Mr. Loves stated that the way to make the process legal is to eliminate one of the two appeals. He personally felt it was logical to eliminate the Board of Adjustment. If there is an issue with a historic design application and it is appealed, the HPB is the Board that should hear it because they are more qualified to hear the appeal. Mr. Love thought the flow chart was a perfect example to support his comments. The only difference between the red and the green was the words "contested review".

Mr. Love asked the Planning Commission to do the right thing and interpret what has occurred and correct the LMC the way it should be corrected.

Ruth Meintsma, 305 Woodside, understood that the 14 day period was after the HDDR when the public could offer their comment. If someone has a different opinion from the Staff review they would be able to contest it and ask to have the HPB review it. Ms. Meintsma believed that was a necessary step and she did not consider it an appeal. The Historic Preservation Board has a particular purview on looking at historic and it makes sense to have that group look at it according to the comments and opinion of the citizen. Ms. Meintsma liked the fact that an applicant would have the choice to request a review by the HPB to streamlined the process. She stated that people in the neighborhood have more insight and information than the Staff. Being able to contest an application and provide input is a benefit for the citizens. She believed this was an incredible addition to the process.

Chair Worel closed the public hearing.

Commissioner Strachan asked if there was anything in the Code that makes the applicant go through the Green process, or if they could always elect to go through the Blue process. Planner Astorga stated that the Blue is an alternative process. Commissioner Strachan understood that the Blue was an alternative process, but he wanted to know if anything in the Code would make an applicant go through the Green only and never the Blue. Planner Astorga replied that as proposed, the applicant would go through the Green process every time. They could never go through the Blue because it is a separate alternative with different language.

Commissioner Savage understood that if they come out of a design review application and the neighbors have an issue, it would be a contested review with the HPB. If they come out of a design review application and there is an issue between the Planning Department and the applicant, the applicant could appeal the Staff decision. If they come out of the design review and no one has surfaced an issue, it is a streamlined approval. Planner Astorga replied that this was correct. Commissioner Savage clarified that a contested review under the HPB is not an appeal. It is the process used to resolve the difference of opinion between the Planning Department and the neighbor. Therefore the Green is not a three appeal process. It is a mechanism by which a neighbor's issue can be addressed by the Historic Preservation Board.

Commissioner Strachan pointed out that if the HPB rules in favor of the applicant and the neighbor has the same issue, the neighbor has the right to appeal and the applicant goes through the process again.

Commissioner Gross questioned how the language read in Section 15-11-12 on page 128 of the Staff report regarding the Historic District or Historic Site Design Review. Planner Whetstone understood his concern and changed the language to read, "...if the application is uncontested the Planning Department shall approve, approve with conditions or deny all historic design review applications involving an Allowed Use...."

Commissioner Hontz was unable to find the definition of an Administrative CUP. Assistant City Attorney McLean explained that Administrative CUP is defined under each zone in the Code.

Commissioner Hontz stated that in order to feel comfortable with the Administrative CUP process, she would have to research each zone.

Commissioner Savage asked if the alternative process in Blue would resolve Mr. Love's contention. Mr. Love answered yes. Commissioner Savage understood that Mr. Love's motive was to eliminate one step in the current process. Mr. Love stated that his motive was that the City's appeal process violates State law. Commissioner Savage asked if Mr. Love had any other objectives regarding the process, other than to make sure that the City process is consistent with the ruling by Judge Kelly. Mr. Love stated that his objective was to follow the Planning Commission process because he did not like what the Park City Legal Department was proposing and he wanted to make sure the appeal process was changed correctly.

Commissioner Savage wanted to know the reasons why the Planning Commission should not choose the process identified in Blue. Ms. McLean stated that the major policy difference was that the Staff would do the initial review with no opportunity for a public hearing process. The Green process would require a public hearing for every application. Commissioner Savage asked if a public hearing could be held by the Staff or if it would require participation from the HBP review or another Board. Planner Whetstone replied that the Staff could hold a public hearing.

Commissioner Savage clarified that along with public notice, the Staff could announce a public hearing at a certain time and date and anyone who wanted to participate in a public hearing could attend. Commissioner Strachan stated that a public hearing could be a step in the design review application. The public hearing would become part of the Blue process. Commissioner Savage explained that if the application is approved by the Planning Staff subject to public input, it would be the end of the process. If the Planning Department denies the application, the applicant would have the option to appeal and it would go to the HPB. If the HPB supports the Staff's decision, the applicant would have the right to appeal that decision to Third District Court. Commissioner Savage believed that would resolve Mr. Love's issue and the City would have a rapid and efficient process. Commissioner Strachan concurred. Planner Whetstone pointed out that an added benefit is that the Board of Adjustment would not be involved in design review.

Director Eddington noted that the process suggested by Commissioner Savage was similar to the current process with the exception of removing the Board of Adjustment and adding a public hearing to the Staff review. The Staff would draft appropriate language for the next meeting.

Planner Cattan asked if Staff reports would be required for the public hearing. Commissioner Savage recommended that the Staff do nothing more than what they currently for a design review, except notice a public hearing and make the information available on the website.

Commissioner Hontz asked if any of the Commissioners were interested in having the Staff go through the zones and list the uses this would affect. Director Eddington stated that he would have someone go through the zones and list the Administrative CUPs.

MOTION: Commissioner Strachan moved to CONTINUE the streamlined review and appeals process discussion in Chapters 1, 5, 10 and 11 of the Land Management Code to October 24, 2012. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

Chair Worel noted that two items were scheduled for work session this evening.

Given the late hour and the amount of time the Planning Commission and Staff would like to give to the General Plan, Director Eddington proposed that the Planning Commission schedule a special work session/informational meeting to hear the presentation and discuss the General Plan. The Planning Commission agreed to meet on Tuesday, October 16th at 5:00 p.m. The location would be determined and the Commissioners would be notified. The meeting would be publicly noticed.

The Planning Commission postponed the work session Annual Open and Public Meetings Act to October 10, 2012.

The Park City Planning Commission meeting adjourned at 9:00 p.m.

Approved by Planning Commission: _____

Park City Historic Preservation Board
November 7, 2012

noticing. He noted that the City did receive an appeal on 205 Main Street within that time frame. Chair McFawn outlined the number of places where an application is noticed and noted that during the appeal public input is welcomed. Chair McFawn suggested that Mr. Tedford visit the City website and sign up for electronic communication.

Mr. Tedford asked about the projected schedule for 205 Main Street. Director Eddington did not expect anything to happen with that project until January.

STAFF/BOARD MEMBER COMMUNICATIONS AND DISCLOSURES

Director Eddington thanked the Board members who attended the open house. He introduced Anya Grahn, the new Historic Preservation Planner, to those who had not met her at the open house. Director Eddington stated that Planner Grahn's primary focus would be to work with the HPB and to work on Historic District Design Reviews and other historic projects. She would also be involved in other planning projects. Planner Grahn would be working on updating the Historic Sites Inventory and the Historic District design guidelines.

Planner Whetstone noted that the Staff had discovered preservation easements on historic properties that were tucked away in a binder and those would be reviewed on an annual basis. Planner Grahn would also help with that project.

Patricia Abdullah reviewed an updated list of historic projects that was provided to the Board members.

WORK SESSION

Land Management Code

Planner Whetstone reported that the City updates the Land Management Code on an annual basis. The HPB was given a set of amendments that pertained primarily to historic districts. The Planning Commission would review and discuss the amendment at their meeting on November 28th and the Staff wanted to hear feedback from the HPB on items more specific to the Historic District.

Planner Whetstone noted that page 3 of the Staff report outlined the Chapters that would be amended. She suggested that it might be easier to discuss the LMC amendment by topic rather than Chapter. Planner Whetstone reviewed the five topics as outlined in the Staff report.

- 1) Pre-application process and the appeals process. (Chapters 1 and 11)

Planner Whetstone explained the current process, where the Staff approves the application and if that decision is appealed it goes before the HPB. If someone appeals that decision, under the current Code it can then be appealed to the Board of Adjustment and the BOA rules on whether the HPB went through the criteria correctly. An appeal of the Board of Adjustment decision goes to the Courts. Planner Whetstone noted that the current process forces an applicant to go through several appeal processes. The proposed amendment streamlines the process.

Planner Whetstone noted that the first redline on page 5 of the Staff report was under the Pre-application Conference. The language was amended to recommend a pre-application conference rather than require it. Planner Whetstone remarked that requiring things could lead to vesting issues. The Staff would strongly recommend a pre-application conference because it benefits the applicant to come before the design review team for guidance and solutions. The applicant would still need to apply for a Historic District Design Review if the project qualifies for that review.

Board Member White asked if there was a difference between submitting a pre-application and having a pre-application conference. He understood that a pre-application was required to start a project. Planner Whetstone clarified that a pre-application is required currently, but that would change to "strongly recommended" under the proposed amendment. Board Member White did not think it made sense to submit a pre-application and not meet with the Planners. Director Eddington remarked that the amendment would make the pre-application optional. Board Member White personally recommended a pre-application because it is a benefit to the applicant.

Board Member Matsumoto-Gray thought the current process as described sounded necessary. Director Eddington stated that some of it is necessary and the Staff was not recommending taking away from that. The amendment pertained to larger applications. If an applicant wants to forego the benefits of the design review team meeting they would have that option. He thought applicants would be foolish not to take advantage of the free design review team meeting, but they could if they did not want to go through the dual process.

Chair McFawn understood that the City and the Planning Department have heard feedback that the process is cumbersome and some applicants just want to submit an application. Board Member McKie thought the reason for the DRT was to make the process easier for everyone. She questioned why they were making the change.

Assistant City Attorney McLean stated that she recommended the proposed change from a legal standpoint. One could say that because the pre-application conference is required, that they should be vested from the point where they had to submit the first application. In addition, the pre-application conference is not a formal process. Someone could come in with one application and that could get rejected. The proposed amendment would make it clearer and the vesting would start at the beginning of the HDDR where a complete application is required.

Board Member McKie asked if that language could be put into the HDDR application. Ms. McLean answered no. Under the existing language a pre-application is required. Therefore, an applicant could claim in Court that they should be vested back from the point where they were required to do that step. Ms. McLean pointed out that making it a requirement poses a risk to the City.

Board Member Crosby asked if the Staff was recommending that an applicant could have a pre-app conference without filling out an application. She thought that was already part of the process. Director Eddington clarified that currently the applicant is required to complete a short application free of charge and submit it to the Planning

Department. The Planning Department then schedules a pre-application meeting the following Wednesday. Under the proposed amendment it would be recommended that the same process continue. Planner Whetstone noted that even though the process is required, plans are not required. The purpose of the meeting is to discuss a conceptual plan and ideas.

Planner Whetstone stated that the capacity of the HPB is to discuss the amendments and provide a recommendation to the Planning Commission. The Planning Commission would consider the recommendation in their discussion and make a formal recommendation to the City Council. The City Council would approve or deny the amendments.

Board Member Kenworthy recommended removing the requirement for a pre-application and accept the revised language.

Board Member McKie was less worried about the people who come in with small projects. She was more concerned about those who do a lot of work in town who will see it as one less step in the process; yet they will get upset when their plan does not fit the Code. Board Member Matsumoto-Gray thought it would make more work for the Staff if they review a project and have to send it back to the applicant. Director Eddington stated that it is easier when a project comes in as a pre-application because they can discuss and understand the design guidelines. It is better to know the requirements upfront before they design a project that ends up going back and forth between the Staff and applicant.

Board Member Kenworthy understood that the revised language would better protect the City. Director Eddington replied that this was correct because there is no formal vesting. However, he expected less than 5% of applicants would forego the DRT process.

Board Member White stated that in his experience with the process he has always been told when the applicant was vested. He never makes that assumption with any project. However, he understood the legal concerns in terms of risk.

Assistant City Attorney McLean pointed out that the Board did not need to be unanimous in their recommendation. She referred to the first page of Proposal Section and noted that one of the purposes of the HPB is to recognize the Planning Commission and City Council ordinances that may encourage Historic Preservation. This work session was brought to the HPB for input so the Planning Commission could consider their comments when making their recommendation to the City Council.

Board Member Crosby wanted to know what check and balance would assure that the pre-application meeting was recommended by the Planning Department when an applicant comes, if it is no longer a requirement. Director Eddington remarked that the recommendation could be added to the standard design review application. Planner Whetstone agreed that language could be added with a box to check asking if the applicant applied for or attended a design review. The application would be on file and there would be no question.

Planner Whetstone summarized that she would recommend the revised language to the Planning Commission with the suggestion to add language to the standard design review application.

2. Roof Pitch in the Historic District. (Chapter 2)

Planner Whetstone noted that current language in the Code states that the roof pitch must be between a 7:12 and a 12:12. A green roof or a roof that is not part of a primary roof design, such as a shed roof or a minor roof can be below the required 7:12 pitch. That requirement applies to all of HR1, HR2, HRL and also in the RC zone within two blocks of the Historic District. Planner Whetstone pointed out that the LMC also allows height exceptions for specific items.

Based on comments from Dina Blaes, the current language conflicts with the Design Guidelines because some designs on major roofs in the Historic District are appropriate and the 7:12 pitch would cause compatibility issues with the surrounding historic character. Planner Whetstone remarked that the roof pitch exception would allow the Staff to be more flexible during the design review process, but staying within the design guidelines for roof forms.

Planner Whetstone read the proposed language from page 6 in the Staff report.

Chair McFawn felt the language, “compatible with sites in the area” was ambiguous and he asked for clarification. Planner Whetstone replied that the notification area is 100 feet and a streetscape is typically three structures away. She cautioned against narrowing the area to be within 300 feet.

Director Eddington gave examples to demonstrate that it would need to be based on qualitative common sense. He understood that it is not always popular and some of it is a gray area, but that would be the best approach.

Board Member Matsumoto-Gray supported the proposed amendment regarding roof pitch. There was no opposition from the remaining Board members.

3. Clarification for permitting relocation and reorientation of historic structures and well as disassembly and reassembly (Chapter 11).

The proposed amendment was outlined on page 7 of the Staff report. Planner Whetstone noted that the language on the bottom of page 7, assembly and reassembly, was existing language and was redlined in error. The new proposed language in 15-11-14 was on page 8, and was simply the footnote in subsection (4) and the language of the footnote.

Planner Whetstone reviewed the criteria for the relocation and reorientation on page 7 and noted that criteria 1, “A portion of the Historic Building(s) and/or Structures(s) encroaches on an adjacent Property and an easement cannot be secured” was being removed. Criteria 2, 3 and 4 would remain. The footnote under the criteria was also added, as redlined on page 7 of the Staff report. The footnote says that the Historic

Preservation Board shall make this determination if the Board is formally considering the application. The Planning Director and Chief Building Official shall, at the hearing on formal consideration, submit a written statement or testify concerning whether unique conditions warrant the proposed relocation and/or reorientation on the existing site or to a different site.

Planner Whetstone noted that the intent of this section is to preserve the historic and architectural resources; and primarily preserve them where they exist if possible. Chair McFawn asked if any of the conditions would be changed. Planner Whetstone answered no.

Director Eddington corrected the redlined language to accurately state that the HPB shall make this determination if the HPB is hearing the application on appeal, since that is their formal role. That revision was consistent with the footnote language on page 8.

Board Member Holmgren questioned the reason for eliminating Criteria 1. Assistant City Attorney McLean explained that the recommendation came about in part because that particular exception can be manipulated. She used the example of the Claimjumper as a property that encroaches over the property line. The City would not allow the Claimjumper to move just because the adjacent property owner would not give them an encroachment agreement. If someone has a situation where a neighboring historic house encroaches onto someone's property and the owner refuses to give an encroachment agreement, the issue would need to be settled in District Court. Ms. McLean remarked that the City preferred to address the issue as opposed to creating manipulated situations.

Board Member Matsumoto-Gray understood that the unique conditions determination would still be in place for the HPB to consider if an issue could not be resolved.

The Board was comfortable with the proposed changes.

4. Addition review criteria for all Master Planned Developments. (Chapter 6)

Planner Whetstone stated that there are situations where MPDs are allowed in the Historic District. A typical master planned development for more large scale projects requires 60% open space and looks at architecture, affordable housing, etc. In the Historic District, requiring 60% open space on an infill or urban site would not result in compatible development. The language states that redeveloping projects or infilling and doing a master planned development in the Historic District, the minimum open space requirements is 30%. Language further states that for applications proposing the redevelopment of existing developments or infill sites, the Planning Commission can reduce the required open space to 25%.

Planner Whetstone noted that it was a two-tier process. One is to add redevelopment and infill sites; and the second is that the Planning Commission has the ability to reduce the amount of open space in exchange for project enhancements. Planner Whetstone read the project enhancements as outlined in the Staff report. The added

enhancements were “sustainable building design” and “including historic structures that are either on or off the site”.

Director Eddington explained that another reason for a reduction in open space is that in places like Bonanza Park and other areas a lot of the open space is incorporated in the setbacks around buildings. As the City tries to create a walkable community, those types of open space are not necessitating walkability and the village characteristics they would like. Having the ability to have smaller lots might encourage people to create more walkable districts. Requiring 60% open space for MPDs on Main Street or in Bonanza Park was not feasible, which was the reason for proposing the reduction.

Planner Whetstone noted that a master planned development is not required in the Historic District but they are allowed. An MPD in the Historic District allows flexibility for trade-offs and it gives the Planning Commission a larger review of the project.

Planner Whetstone pointed out that the recommended changes apply to MPDs throughout the City.

Chair McFawn understood that they were not talking about removing Landmark sites and that the changes would help towards restoring them. Planner Whetstone replied that this was correct.

Planner Whetstone noted that type of open space was another issue. The Planning Commission has the ability to designate the preferable type and mix of open space in a master planned development. She explained the different types of open space that can be considered in a project. Planner Whetstone read the proposed added language under Type of Open Space on page 9 of the Staff report, for redevelopment and infill projects in the GC, HRC, HCB and HR-1, HR-2 and HRM zones. The language states that for those zones open space may be utilized for project amenities such as gardens, greenways, pathways, plazas and other similar uses. Another option being considered is a fee-in-lieu for purchase of open space and parkland that may count towards open space requirements at a rate twice as much as the amount of open space required. The fee would be based on an appraisal and market analysis of the property. The in-lieu fee would be set aside in a fund designated for open space. Planner Whetstone stated that the fee-in-lieu process would be similar to the current processes for parking and affordable housing.

Planner Whetstone noted that an MPD allows additional height. The proposed change adds language more specific to the Heber Avenue sub-zone, which is part of the HRC Zone, on the north side of Heber Avenue between Park Avenue and Deer Valley Drive. The properties within the Heber Avenue sub-zone are the Kimball Arts Center and the vacant lot they own, Zoom, Sky Lodge and the Poison Creek Mercantile. She recalled that the current height in the HRC zone is 32 feet.

Board Member Kenworthy asked if the amendment would allow all those properties to go an additional 18 feet. Planner Whetstone replied that Poison Creek Mercantile and Sky Lodge were already an MPD and Zoom is a historic structure. That leaves the Kimball Arts Center.

To address the height question, Director Eddington stated that the current MPD does not have any height restriction. The 32 foot height Planner Whetstone mentioned was the HRC zone height. Director Eddington explained that the HRC zone has a height restriction of 32 feet. If a project qualifies for an MPD based on the criteria outlined on page 10 of the Staff report, the applicant could do an MPD, which allows for height exceptions. He noted that the Sky Lodge qualified to do an MPD several years ago and they were allowed to apply for a height greater than 32 feet.

Planner Whetstone clarified that the exception was not necessarily unlimited height. The current language states that, "The increase in building height does not result in increased square footage or building volume over what would be allowed in the zone with the required height."

In terms of the Sky Lodge, Board Member Kenworthy asked if the reduced height on Easy Street was used to go higher on the hotel portion. Director Eddington replied that it was.

Planner Whetstone pointed out that there were other existing criteria that may limit the height. The Staff recommendation for this LMC amendment is that height exceptions for Master Planned Developments in the Heber Avenue sub-zone shall be limited to 50 feet, even if all the volume has not been used.

Board Member Kenworthy asked about the potential height for the Kimball Arts Center. Planner Whetstone replied that a portion of the Kimball building could be 50 feet above the existing grade. The height can be moved around but it cannot be higher than 50 feet.

Director Eddington noted that there have never been height limits on MPDs and he anticipated an interesting discussion with the Planning Commission. As a comparison, Director Eddington believed the height of the Sky Lodge was 62-68 feet.

Board Member Matsumoto-Gray asked about the status of the Kimball Arts Center application. Director Eddington replied that the Kimball Arts Center has not submitted a formal application to the Planning Department. However, a conceptual design has been presented in terms of changes to the LMC for allowing MPDs. Any public input should relate directly to the LMC and not the Kimball Arts Center.

Board Member Crosby wanted to know what was compelling the need for this specific change to the LMC. In her opinion, if it isn't broken why fix it.

Planner Whetstone noted that on August 23rd the City Council held a work session regarding the Kimball Arts Center. At that time the City Council recommended that the Staff come up with options that would allow public dialogue regarding the award winning design of the Kimball Arts Center. She explained that under the current Code, if that design came into the Planning Department as a formal application, it could not be accepted because it would not meet the requirements of the Land Management Code. There would be no way to put the application out for public input. Planner Whetstone

stated that the City Council can talk about the design, but the Planning Commission is the approval body. The Staff could not bring an application to the Planning Commission unless it complies with the LMC. Director Eddington explained that the City Council directed the Staff to explore some opportunities for public dialogue. The MPD process would allow for that dialogue. The proposed change would also address master plans and clean up the language for other areas, including Bonanza Park. With regard to the Heber Avenue sub-zone, the change in the MPD could potentially open dialogue for the City with regard to the Kimball Arts Center and other properties within the Heber Avenue sub-zone.

Assistant City Attorney McLean pointed out that the proposed LMC amendment should be looked at in the realm of the direction from the City Council and not specific to any application because an application has not been submitted.

Planner Whetstone noted that the Staff did an analysis and looked at heights in that area before determining that 50 feet should be the maximum.

Planner Whetstone remarked that these LMC Amendments have been delayed with the Planning Commission because the Staff was researching historic information on the history of MPDs at the request of the Planning Commission. When that history is compiled, the Staff would present it to the HPB as well.

5. Applicability of Master Planned Developments in the Heber Avenue sub-zone (an overlay zone of the HRC District). (Chapter 6)

Planner Whetstone read the language on page 10 of the Staff report. "The Master Planned Development process shall be required in all zones, except the HR-1, HR-2 and HRL for the following: 1) a project of ten lots or greater; 2) hotels and lodging with 15 or more residential unit equivalents; 3) commercial, public, quasi-public or industrial projects greater than 10,000 square feet gross floor area; 4) all projects utilizing Transfer of Development Rights. Planner Whetstone noted that the primary change is that MPDs would be allowed in the HRM zone, which is the lower Park Avenue area.

Board Member Matsumoto-Gray understood that the Master Planned Development process would be required everywhere for the large projects Planner Whetstone had outlined, except in Old Town. Director Eddington stated that an MPD is required because the project must adhere to 15 stringent criteria. When reviewing a larger project it is important to look at more details and what the project entails. It is not required in the historic zones because large projects are not allowed in most of the historic districts.

Planner Whetstone noted that Part B of the Section identifies where MPDs are allowed but not required. An MPD process is allowed in the HR-1 and HR-2 zones only where HR-1 and HR-2 zones or properties are combined with an adjacent HRC or HCB zoned property. Planner Whetstone explained that there is an allowance for master planned Developments for properties on the west side of Main Street. She cited examples of different situations where an MPD would occur. Director Eddington noted that the

language in Part B was not changed; however, additional language was added for clarification.

Katherine Matsumoto-Gray thought it would be helpful to have a list that specifically identifies where MPDs are required, allowed but not required, and not allowed at all.

Planner Whetstone remarked that the MPD is required everywhere with some exceptions. However, language added as number 3 under Part B states that, "The property is located within the Heber Avenue Sub-zone", which means that a master planned development could be done in the Heber Avenue Sub-zone. That goes back to the City Council work session when the Council asked for a mechanism that allows for public dialogue. Planner Whetstone stated that there were several options, but the only viable option that provides the opportunity for public dialogue with a full application and public hearing is to allow an applicant to propose a master planned development in the HRC zone. Poison Creek and Sky Lodge were MPDs because those properties bisected a zone. The Kimball Arts Center was only in the HRC zone; however, the Staff did not think MPDs should be allowed in the entire HRC zone. Therefore, they decided that properties within the Heber Avenue Subzone should be allowed to do an MPD because the criteria would allow the dialogue.

Chair McFawn noted that the HPB could oppose the recommendation and it could still be included. Director Eddington stated that the Planning Commission also has the opportunity to provide input.

Planner Whetstone clarified that the primary change for the HPB to consider was the recommendation that "allowed but not required" would be the properties located in the Heber Avenue Sub-zone.

Board Member Crosby clarified that the Sky Lodge was allowed an MPD because it met the criteria of being a residential/hotel/commercial project. Planner Whetstone replied that it also met the crossed-out language on page 11 of the Staff report that said, "Provided the subject property and the proposed MPD include two or more zoning designations". That language allowed the Sky Lodge to be submitted under an MPD. She pointed out that the Kimball Arts Center does not cross zones, which is why it cannot submit an MPD under the current LMC.

Board Member Holmgren was opposed to the height limit and preferred to leave it open. Planner Whetstone asked if Ms. Holmgren was suggesting that they allow an MPD to be submitted, but eliminate the height restriction and let the criteria dictate the height. Board Member Holmgren answered yes.

Chair McFawn disagreed with Item 3 on page 11, which would allow MPDs within the Heber Avenue sub-zone. He did not think they should be exclusive to one section. Director Eddington asked if Chair McFawn would allow an MPD up and down Main Street. Chair McFawn thought they should allow it for everyone or not at all. His preference was not to allow any more MPDs in the historic district.

Board Member Matsumoto-Gray concurred with Chair McFawn. She could not see the motivation for singling out the Heber Avenue sub-zone.

Board Member McKie thought the motivation was the ability to open up dialogue. If they make this change the City can open up dialogue specifically with people they know are trying to create a project.

Chair McFawn felt they would be endorsing changes to this section of the Master Planned Development, as opposed to thinking about what they would want to do as the Historic Preservation Board. The Staff will take their recommendations to the Planning Commission and the Planning Commission will send a recommendation to the City Council. He believed the Staff came to the HPB as a courtesy to hear their input on these recommendations and how it affects historic preservation.

After further consideration, Board Members Holmgren, McFawn and Matsumoto-Gray did not favor allowing MPDs at all.

Board Member Kenworthy stated that the Mall is sitting vacant and he believed an MPD would allow something nice. He considers the Mall to be the biggest eyesore on Main Street and he would love to have a developer come in and do the right thing. However, that would probably need to include Park Avenue, similar to the No Name and other projects mentioned that were successful. Board Member Kenworthy was concerned that if they say not at all to MPDs, it would affect the Mall and other potential projects on that side of the street where they still need to address the sensitivities of Park Avenue.

Director Eddington explained that currently that side of Main Street is allowed to come in for an MPD because it bifurcates two zones. Board Member Kenworthy pointed out that the other side of Main Street would not be allowed an MPD and he was concerned about being too selective. He thought they should look at other exceptions that may allow something to function.

Board Member Matsumoto-Gray wanted to know the motivation for deleting the language in (B) on page 11. Director Eddington explained that the language in (B) was re-written for better clarification in new (B), Allowed but not Required, as Item 3 regarding the Heber Avenue Sub-zone.

Board Member Crosby could not support Item 3, allowing MPDs in the Heber Avenue Sub-zone. Planner Whetstone stated that if Item 3 was eliminated, the Kimball Arts Center would not be able to submit an MPD application because it is in the HRC zone, and an MPD would not be allowed in that area unless it crosses two zones. Therefore, it would have to meet the requirements of the zone.

Board Member Matsumoto-Gray understood that striking Item 3 would not prevent the Main Street Mall from being an MPD. Director Eddington replied that this was correct. Board Member Kenworthy noted that without Item 3 they would not be able to have the conversation with the public.

Board Member Crosby clarified that the City Council directed the Staff to explore LMC amendments that would allow public input on the Kimball Arts Center. Director Eddington explained that it was not direction from the City Council to the Staff. The Council only gave an indication that the Staff should consider methodologies and opportunities to possibly open the dialogue.

Planner Whetstone noted that the HRC language could be amended to allow MPDs in the HRC zone and not just specific to the subzone. Chair McFawn clarified that it would be broader than just the subzone area, but it would still allow for dialogue and not just for the Kimball Arts Center. Planner Whetstone noted that HRC is the Heber Avenue subzone and the east and west side of Park Avenue from the condos next to Bad Ass Coffee and down to where the bridge lands.

Board Member Kenworthy asked if the other property owners in the Heber Avenue subzone would have the same opportunity to come and have their discussions. Director Eddington stated that they would have the same opportunity, but it would depend on their density opportunities. Planner Whetstone noted that two properties were already MPDs, so if they came in with another application they would have to amend their MPD.

Chair McFawn was struggling because he likes historic preservation and he was nervous making changes to a master planned development that would prevent historic preservation. Board Member Crosby agreed. Chair McFawn stated that whether the City Council hinted or gave direction, the Staff came to the HPB for input and they could provide feedback either individually or as a unified Board. The Staff could take their comments under advisement or do whatever they wanted. Director Eddington clarified that their comments would be forwarded to the Planning Commission.

Board Members McFawn, White, Matsumoto-Gray, Crosby, and Holmgren thought the language in Item 3 that would allow MPDs for properties located within the Heber Subzone, should be removed.

Board Member Matsumoto-Gray also favored removing the height restrictions as suggested by Board Member Holmgren. She was uncomfortable picking out areas within the Historic District. Chair McFawn agreed because it was like targeting winners and losers.

Planner Whetstone asked if the Board thought the Master Planned Development process should just be allowed in the Historic District. It does have criteria that addresses historic preservation.

Director Eddington clarified that the majority of board members recommended not including the language to allow MPDs in the Heber Avenue sub-zone. He asked if they would allow additional language that allows MPDs in the HRC or HCB zone, which is the Main Street zone.

Board Member White recalled talking about the west side of Main Street that backs up to the residential zone. Director Eddington recalled that the Board was not in favor of that change. He referred to page 11 and asked if they favored the changes to (B) 1 and 2,

Allowed but not Required. That language has been in the Code and the change was only for clarification.

Chair McFawn was comfortable with the change if it was only clarification of existing language. He personally was hesitant to make broad changes.

Board Member McKie was comfortable with the change in just the Heber Avenue sub-zone because there is a project that they want to look at and it does involve historic preservation. The Kimball Arts Center is a historic building and the HPB should be very involved. If this is what it takes to open a dialogue to make sure it retains its historic aspect for the future, she thought the HPB would want to play a role in that and be open-minded.

Board Member Matsumoto-Gray stated that the role is that the Kimball Arts Center has to follow the guidelines. Planner Whetstone noted that they have to follow the guidelines and they also have to follow the Code.

Board Member McKie felt Park City should be an adaptable community where they can adapt their guidelines for future growth and change. Opening a dialogue allows the community to explore a project but it does not imply approval. Board Member White agreed with Board Member McKie.

Board Member Holmgren wanted to know why the Staff could not open the dialogue with the Kimball Arts Center without changing the Code. Director Eddington stated that the conversation would be limited without an application. He assumed the Kimball would prefer to know what they could or could not do before proceeding with an application.

Assistant City Attorney McLean stated that as soon as the Staff engages in a discussion where the concept is not permitted by Code, it creates certain expectations, as well as accusations that the Code is being changed for one specific project, when the LMC amendment should apply to everything. Regardless of whether they like the project, if it does not fit within the Code it is useless.

Board Member Kenworthy stated that if Item 3 was added for one specific project, it creates a slippery slope for a neighbor who wants the same consideration. Board Member Holmgren noted that it was very specific to the Heber Avenue sub-zone and the reason was apparent. Board Member Matsumoto-Gray felt they were putting the cart before the horse by recommending changes that allows someone to come forth with a project they put on the internet. She could not understand why this was even happening.

Assistant City Attorney McLean reiterated that from a legal standpoint, the City could not have a conversation if the plan does not meet the Code. As it currently stands, if they want to talk to the Kimball Arts Center without changing the Code, they should make that recommendation and the applicant should submit an application that meets Code. If they want to consider that the Code change would allow something that fits within the General Plan and the purpose statement of the zone, they should consider recommending the proposed change.

Board Member White asked if any of the projects submitted fit within the Code. Director Eddington replied that the Kimball Arts Center asked the Staff to potentially consider one plan, which is what they took to the City Council. They did not analyze any of the others. Planner Whetstone noted that the Planning Department provided the Kimball Arts Center with the specific requirements of the zone before the design competition.

Board Member Kenworthy was cautious about their comments being construed or referenced as a pre-approval. Board Member McKie could not see the problem with one specific project if it benefits the entire community. Chair McFawn stated that the benefits to the community were outside of the scope of the HPB. The Board needed to focus on whether the changes proposed were beneficial to historic preservation. Board Member McKie reiterated that the Kimball Arts Center is a historic building and in her opinion it all ties together. She felt it was a disservice to the community to say that they only look at historic preservation by specific and narrow guidelines and they have no interest in making changes.

Dick Peek, the Council liaison, stated that he started on the Historic District Commission and he cares about things historic. He referred to the purpose statements of the MPD section of the LMC. He has seen the application and sat through the presentation. Council Member Peek was not prepared to express his opinion about a future pending application. He noted that the purpose statement talks about infill redevelopment where the MPD process can provide design flexibility necessary for well-planned, mixed-use developments that are compatible with the surrounding neighborhood. It also talks about goals to complement the natural features, ensure neighborhood compatibility, strengthen the resort character of Park City, and result in a positive net contribution of amenities to the community. He asked if that was an appropriate tool for that area to achieve an appropriate infill development on that site.

Chair McFawn called for public input.

Jim Tedford, representing a group called Preserve Historic Main Street, was taken aback that the HPB had not had a lot of input until this evening. He was amazed that the Staff was looking for opinions from the HPB based on an hour of conversation. Mr. Tedford stated that he first got involved on August 23rd and he was still trying to figure it all out. He did not believe the HPB could come close to making a recommendation without an opportunity to study the issues further. Mr. Tedford could find nothing to indicate that the Kimball Arts Center could not build above the old building.

Planner Whetstone stated that it was in the design guidelines.

Mr. Tedford agreed with a previous comment asking why they would change the LMC to accommodate something that may never happen. He had read several recommendations from Staff on different dates and the recommendations keep changing. He believed the continually changes were being done to accommodate the Kimball Arts Center. Tedford stated that he and the group he represents fully support the Kimball Arts Center and their need for an addition to their current facility. However, they believe the expansion can and should be accomplished within the existing Park City

LMC and the Park City Design Guideline for Historic Districts and Historic Site. In terms of options, it was stated this evening that the Kimball Arts Center could submit a proposal that meets the current Code. In addition, the Heber Avenue Sub-zone could be amended to allow for public dialogue. Mr. Tedford and his group were very opposed to changing the Land Management Code.

Planner Whetstone clarified that amending the zone would be amending the LMC. Board Member Matsumoto-Gray asked if a zone change could be initiated by someone outside of the City. Planner Whetstone answered yes, but it would still be a change to the Land Management Code and the change would be for that particular project.

Hope Melville, a resident on Park Avenue, understood that the City Council wanted to explore way for the Kimball Arts Center project to be considered with public input. She was confused about the current proposal to allow MPDs in the Heber Avenue sub-zone with a maximum height of 50 feet. Ms. Melville did not understand how that would allow an application since the design the Kimball is promoting is an 80 foot tower. She was unsure how an 80 foot tower design would be evaluated under the change to allow an MPD in the Heber Avenue sub-zone. Ms. Melville was concerned about potential changes to the LMC for all MPDs without thinking about how that affects other areas and other projects under consideration. She was uncomfortable changing the LMC in the Heber Avenue sub-zone and elsewhere until they understood the long-term affect. Ms. Melville was opposed to changing the LMC to allow an MPD for the Kimball Arts Center at the location. She also felt that changing the Code to a maximum height of 50 feet was not the right thing to do.

Chair McFawn closed public input.

Chair McFawn stated that the Board members could give an up or down vote to approve something, each person could individually state what they would like to see, or they could request more time to think about it.

Assistant City Attorney McLean stated that the Board could request more time, but she believed that the amendments would be moving forward to the Planning Commission and the City Council.

Board Member Kenworthy needed to consider it further before making a decision.

Board Member McKie was open to changing the Land Management Code. She could see no harm in terms of future development and it was not a rubber stamp approval for the Kimball project or any project in that zone. She believed it would open dialogue that otherwise could not occur because the proposed design does not meet Code.

Chair McFawn understood that the Kimball Arts Center could apply for an exception once they submit an application. Director Eddington stated that every property owner can submit an application for a zone change. Chair McFawn believed the Kimball Arts Center has the ability to initiate the conversation but they have not done so.

Board Member McKie did not believe the Staff would have brought this to the HPB if they had not carefully evaluated the best way to open the dialogue. If the concern is changing the Land Management Code for something that might never be built, they need to understand that it definitely will never be built if they do not change the LMC. She was concerned about totally shutting the door and eliminating any possibility to explore it further.

Board Member Matsumoto-Gray would not recommend the changes to the MPD language in the Code because she could see no motivation for a potential sacrifice to historic preservation. She could not understand the reason for opening up this area to MPDs when there is no application for a specific project. It seemed targeted, ad hoc and unmotivated.

Board Member Crosby felt the HPB was not given enough time to adequately address this issue. She has been watching and listening in the community and she did not feel comfortable with what was being proposed. Board Member Crosby remarked that the existing zone was implemented to allow for the expansion and preservation of the Historic District. She was concerned that supporting the proposed changes to the Land Management Code would appear to be a pre-approval on the part of the HPB. Board Member Crosby would feel more comfortable if they could have time to consider it and to hear more public input. She believed an application could be processed under the existing Code. She was supportive of the concept because it has the potential to provide what the community needs. However, talking about an 80 foot structure or to amend the LMC to allow 50 feet in that area was concerning and she could not support what was being proposed.

Board Member White agreed with Council Member Peek about needing a tool for the dialogue. Although it seems that the proposed project does not meet the Code, there are still many things to talk about. Preservation is the most important issue for the HPB in terms of whether any project fits with Main Street and the Historic District. Board Member White wanted more time to consider the proposed changes; however, Director Eddington and Ms. McLean had indicated that there was no time because the amendments would be moving forward to the next level.

Assistant City Attorney noted that the amendments were scheduled to go before the Planning Commission on November 28th. The next HPB meeting would be after that date.

Board Member White did not agree with changing the LMC just for one project. If they did that they would be opening the door for more projects with similar situations. However, he agreed with Board Member McKie on the need to talk about projects; but if changing the LMC was the only way to accomplish that, he was bothered by the process. Board Member White suggested that the City find another vehicle that would allow them to have those discussions.

Board Member Holmgren felt they should not change this portion of the LMC because it is obviously aimed at one project. She agreed that the City should find another vehicle

to address these types of projects. Board Member Holmgren supported eliminating the addition of Item 3 regarding the Heber Avenue sub-zone, and the 50 height limitation.

Planner Whetstone stated that the minutes from this HPB meeting would be included in the Planning Commission packet for the November 28th meeting.

Board Member Kenworthy agreed with the rest of the Board. The Kimball Arts Center is a great asset to the community, but the LMC should not be changed to accommodate one project. The changes clearly address the Kimball Arts Center and neither he nor the other Board members have had enough time to make an appropriate and informed decision. They were blindsided by the proposed changes and knowing that it is specific to one project did not feel right.

Chair McFawn concurred with all the comments of the Board members. He needed more time, and while he wants the City to have a dialogue, his instinct is to avoid change when he feels rushed. Chair McFawn implored the Planning Department to find any possible way to get a dialogue going, even if it is initiated by the applicant in the form of a zone change application.

Chair McFawn remarked that the Staff and the Planning Commission would have the HPB minutes and he felt the Board was very clear on their position.

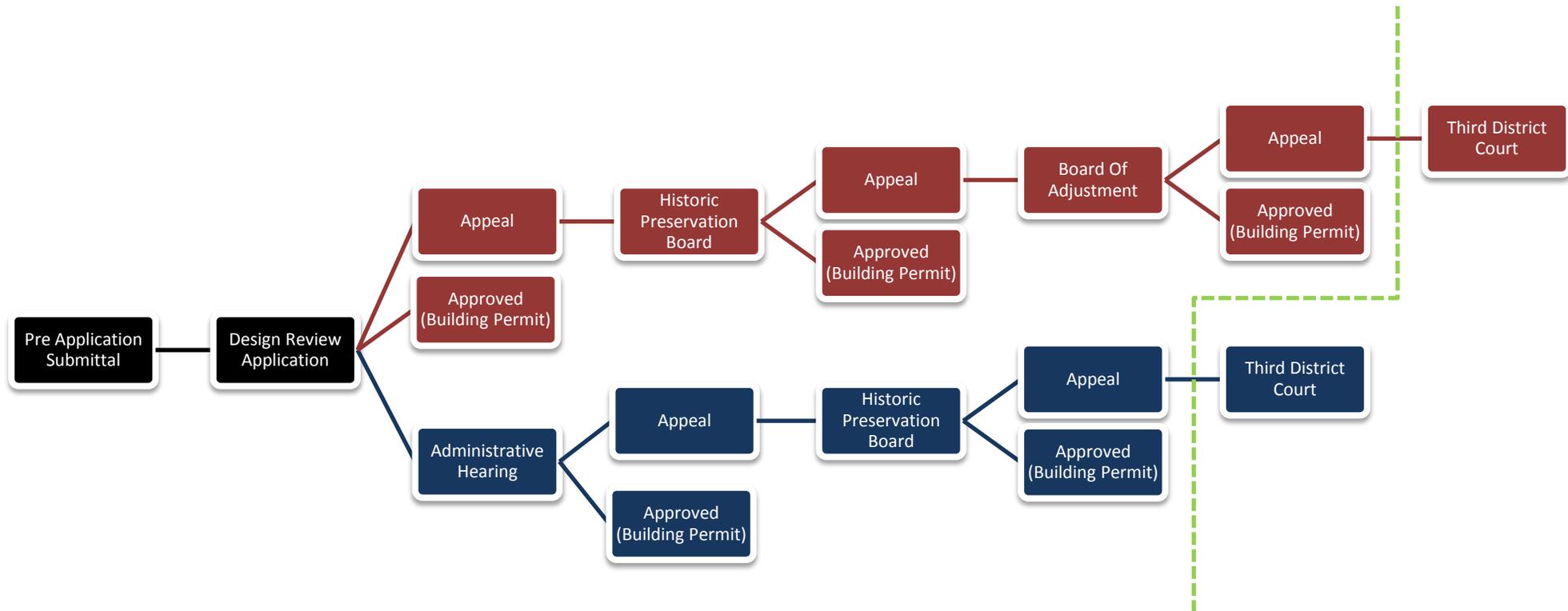
Director Eddington stated that the discussion would continue as the amendments move through the process. The Staff has no agenda and the question will be whether or not they can open the dialogue.

The meeting adjourned at 7:46 p.m.

Approved by _____

Dave McFawn, Chair
Historic Preservation Board

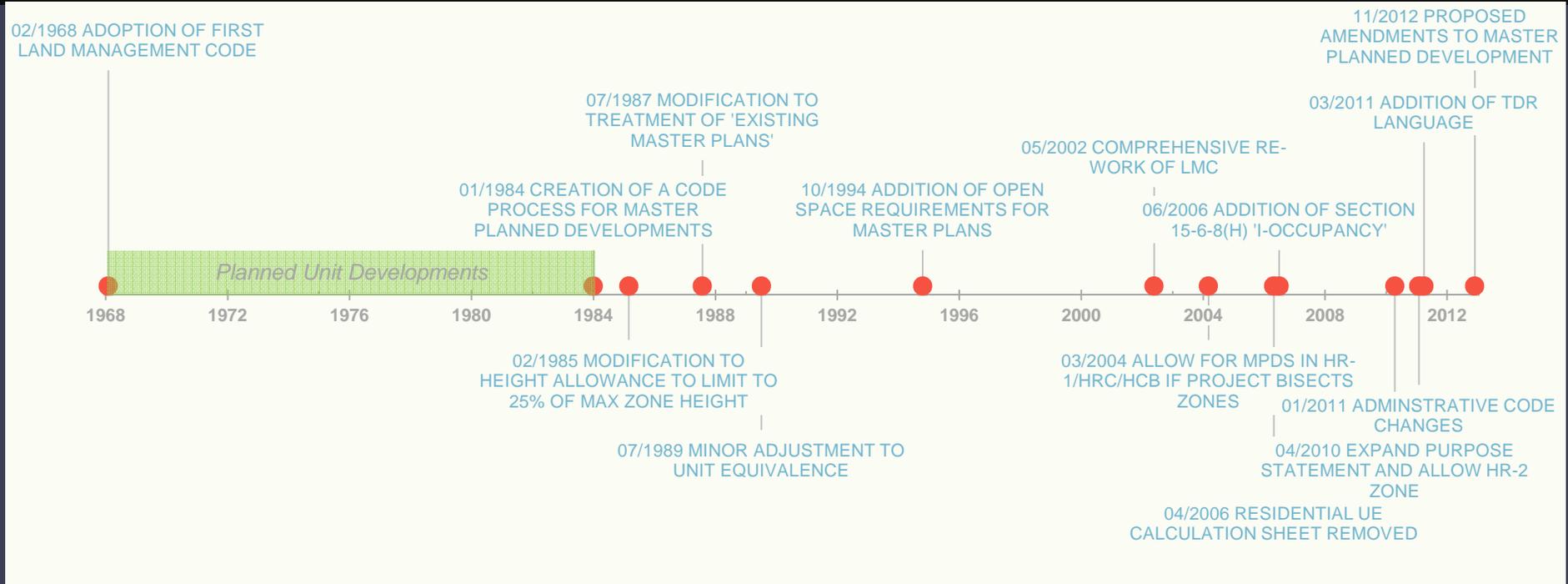
Historic District Design Review Appeal Process



Current Design Review Appeal Process

Proposed Alternative Design Review Appeal Process

TIMELINE AND EVOLUTION HISTORY IN PARK CITY



DESCRIPTION OF CHANGES MADE TO MASTER PLANNED DEVELOPMENT CODE

DATE	ADOPTION OF ORDINANCE CHANGES
02/01/1968	02/1968 Adoption of first Land Management Code
01/01/1984	01/1984 Creation of a Code process for Master Planned Developments
02/28/1985	02/1985 Modification to height allowance to limit to 25% of max zone height
07/30/1987	07/1987 Modification to treatment of 'existing Master Plans'
07/06/1989	07/1989 Minor adjustment to unit equivalence
10/20/1994	10/1994 Addition of Open Space requirements for Master Plans
05/23/2002	05/2002 Comprehensive re-work of LMC
03/04/2004	03/2004 Allow for MPDs in HR-1/HRC/HCB if project bisects zones
04/26/2006	04/2006 Residential UE calculation sheet removed
06/29/2006	06/2006 Addition of Section 15-6-8(H) 'I-Occupancy'
04/15/2010	04/2010 Expand purpose statement and allow HR-2 zone
27/01/2011	01/2011 Administrative code changes
31/03/2011	03/2011 Addition of TDR language
28/11/2012	11/2012 Proposed amendments to Master Planned Development

ZONING HISTORY IN PARK CITY

Four defined MPD designations used from 1984 to 2003

	HR-1	HR-2	HCB	HRC	HRL	E	SF	SF-N	RD	RDM	RCO	ROS	R-1	RM	GC	RC	LI
Master planned development including service and limited retail commercial support services	P	P	C	C-2	P	C	P	P	C	C-1	C-3	P	P	P	C	C	P
Master planned development with full commercial uses, heavy retail, and services designed for general public use rather than support services	P	P	C	P	P	P	P	P	P	P	C-3	P	P	P	C	C	P
Master planned development with residential and transient lodging uses only	C	P	C	C-2	P	C	P	P	C	C	C-3	P	C	C	C	C	P
Master planned development with moderate income housing density bonus	P	P	P	C-2	P	C	P	P	C	C	C-3	P	P	C	C	C	C-4

P = Prohibited Use
C = Conditional Use

- January 1, 1984 not required but allowed. Original zones that allowed MPDS were E, RD, RDM, R-1, HR-1, RM, GC, HCB, and RC under certain definitions.
- February 28, 1985 Allowance of MPDs in RDM for developments including service and limited retail commercial support services (C-1)
- July 30, 1987 Introduction of new zoning designations for SF, SF-N, and HRC. HRC allow for MPDs (C-2).
- July 6, 1989 Introduction of new zoning designations for RCO and HR-2. RCO allow for MPDs (C-3).
- October 20, 1994 Change of MPD allowance in LI from prohibited to allowing MPDs with moderate income housing density (C-4).

MPD Zoning Code from 2003 to Present

	HR-1	HR-2	HCB	HRC	HRL	HRM	SF	RD	RDM	RCO	ROS	R-1	RM	GC	RC	LI	E-40	E
Master Planned Developments	A-1	A-3	A-2	A-2	P	P	R	R	R	R	R	R	R	R	R	R	R	R

R = Required
 P = Prohibited
 A = Allowed but not required

- May 23, 2002 Complete re-write of the Code which resulted in requirement of Master Planned Developments for all zones with the exception of HR-1, HR-2, HCB, HRC, HRL, and HRM.
- March 4, 2004 Change in HR-1 to allow but not require MPDs if combined with adjacent HCB/HRC zones (A-1).
Additional change to allow MPDS in HCB/HRC if the project bisects two zones (A-2).
- April 15, 2010 Change to allow MPDs in HR-2 as allowed but not required if combined with adjacent HCB/HRC zones (A-3).

Kirsten Whetstone

From: planning
Sent: Monday, September 17, 2012 10:02 AM
To: Planning_Mail
Subject: FW: MPD

From: James Tedford [preservehistoricmainstreet@gmail.com]
Sent: Thursday, September 13, 2012 7:57 PM
To: planning
Subject: MPD

Dear Planning Staff,

We are very much opposed to any change of language in the LMC that would allow an MPD in the Heber Avenue Sub Zone.

Sincerely,
James & Laila Tedford

Kirsten Whetstone

From: planning
Sent: Monday, September 17, 2012 10:03 AM
To: Planning_Mail
Subject: FW: Proposed Change in Land Management Code

From: Ilsa Leonhart [rally2468@comcast.net]
Sent: Thursday, September 13, 2012 8:51 PM
To: planning
Subject: Proposed Change in Land Management Code

I am in favor of the expansion of the Kimball Art Center but do not feel that the proposed plan is in keeping with the preservation of our historical Old Town. I am writing to request that you do NOT change the language in the Land Management Code to allow a Master Planned Development in the Hebert Avenue Sub-Zone. I feel we need to preserve the integrity and history of our town and that this would be a very detrimental renovation . Thank you.

Ilsa Leonhart
2808 Four Lakes Drive
Park City, Utah
rally2468@comcast.net

Sent from my iPad

Kirsten Whetstone

From: planning
Sent: Monday, September 17, 2012 10:03 AM
To: Planning_Mail
Subject: FW: KAC

From: Marilla Magill [marillamagill@gmail.com]
Sent: Thursday, September 13, 2012 9:13 PM
To: planning
Subject: KAC

To the members of the planning commission of historic Park City, Utah:

I wish to make my opinion known of the proposed Kimball Art Center addition: I do NOT want the proposed addition due to several reasons. 1) I do not approve of the permission being granted to break the codes and regulations of our Historic Main Street. 2) The proposal to allow an MPD change even in this one case sets a precedent that could be used by other developers. 3) The height of the building would be more than 40 feet over the height of Sky Lodge and would be much more obvious at the end of the Main St. 4) The building overshadows Zoom and Easy Street. I, for one, will not wish to sit there and look at a skyscraper studded intersection 5) I feel this proposed structure is completely out of compliance with our historic designation.

I do NOT wish you to think I oppose the Kimball Art Center's desire to expand. I am completely supportive of that need and desire. I feel their design could be given a different site or that they re-design the structure to meet the current codes.

My Worst nightmare is that a precedent be set that future proposals would attempt to use as a jumping off point for making our city into a total mess. (something like the Field's Mall debacle)

Thank you for your attention and contemplation.

Marilla Magill
2829 Holiday Ranch Loop Rd.

Kirsten Whetstone

From: planning
Sent: Monday, September 17, 2012 10:05 AM
To: Planning_Mail
Subject: FW: Kimball

From: Jane Xmission.com [washpark@xmission.com]
Sent: Thursday, September 13, 2012 9:32 PM
To: planning
Subject: Kimball

Please, please do not change the language in the Land Management Code to allow a Master Planned Development in the Heber Avenue Sub Zone. This is a great project, just in the wrong place. GREAT building for the ski jumps where the nordic design and height fits.

Jane Washington

Kirsten Whetstone

From: planning
Sent: Monday, September 17, 2012 10:04 AM
To: Planning_Mail
Subject: FW: KAC

From: Nancy Hull [nhull@xmission.com]
Sent: Thursday, September 13, 2012 9:22 PM
To: planning
Subject: KAC

I am writing to ask you to strongly consider denying the Kimball Art Center's request to change the language in the Land Management Code to allow a Master Planned Development in the Heber Avenue Sub Zone. I support the Kimball's need to expand but I feel that they can accomplish this expansion by complying with the existing Land Management Code and the Park City Design Guidelines for Historic Districts and Historic Sites.
Thank you for your consideration,
Nancy Hull

Patricia Abdullah

From: Chris Schaefer <Chris.Schaefer@bataandiary.com>
Sent: Thursday, September 27, 2012 12:04 PM
To: planning; Kirsten Whetstone
Subject: Land Management Codes and the Kimball Art Center

Dear Planning Commissioners.

Thank you for the opportunity to speak to the Planning Commission last night about my, and many Parkites', concerns about the proposed Kimball expansion.

Park City's extensive Land Management Codes have preserved the unique character of our town for many years. The proposed new Kimball Art Center violates most of them, and Kimball even asked their architects to design the proposed building without regard to our building codes. What kind of arrogance is this?

I oppose granting this project "Master Planned Development" status. I also oppose any changes to our Land Management Codes to accommodate this structure.

As a next-door neighbor, I met with Robin Marrouche, her predecessor Bruce Larrabee, and several Kimball board members multiple times over the past few years to express support for the Kimball expansion and to offer help. My neighbors and I looked to the Kimball expansion as an improvement to Main Street, replacing the plaza on the corner of Main and Heber with something more in keeping with Old Town.

Instead the Kimball has selected an 80 foot tower that has no relation to Park City at all.

- It completely violates the spirit and feel of Park City, and will thus be a detriment to tourism--many people come here to get away from contemporary downtowns, and enjoy a traditional mountain experience.
- It will overshadow Main Street during the winter afternoons, making lower Main look even more foreboding to tourists than it does now, and increasing the cost of snow and ice removal.
- Aside from its appearance—a huge space alien made of logs peering down on Main Street with a giant, cycloptic eye--no provisions are made in the design for placement of air conditioners, noise control, loss of mountain views (tourists stop at the corner of Heber and Main to photograph the Victorian houses on the mountainside), and scale; the design puts another loading dock on Main Street (across from the Zoom/Sky Lodge loading dock/garbage bin) and instead of upper floor setbacks the structure looms out over Main Street.
- This building will likely jeopardize or negate Old Town's status as a National Historic District.
- In a meeting last week Robin said that Park City has already moved past its historic "mining town" look and feel. Says who? Who do these people think they are?

Although I support a new building on the corner of Main and Heber, please do not allow these people to have an MPD, or change Park City's Land Management Codes to suit themselves. This is not a Master Planned Development at all--it is one building, on one lot, in one zoning district.

Require the Kimball to produce a design that is in keeping with the spirit and feel of Park City. Remember the last time someone built an iconic, contemporary structure on Main Street—the “Mall,” which today is a mostly empty eyesore.

Sincerely, Chris Schaefer
893 Main Street, #2E
Park City, Utah 84060
435-647-3541

KAC redesigned building

Chris / Dancing Hands [chris_dhgallery@qwestoffice.net]

Actions

Sunday, September 23, 2012 12:31 PM

To: planning

Cc: council_mail@parkcity.org

Dear Planning Commission and City Council:

While I support a new Kimball Art Center the present design does not fit, especially when one looks across the street at the Skylodge, which won an award for maintaining the integrity of the the street with their design. Unless the plan is turn all of Main Street into a new concept of buildings, the present design for KAC is incongruous and I believe there are better designs available that will work much better with Main Street. Thank you for your attention to this matter.

Chris Meyer/Proprietress
The Dancing Hands Gallery
591Main Street
Park City, UT
435/649-1414

Kimball Art Center proposed expansion

Gabrielle Caruso [lcaruso@leecaruso.com]

Actions
Friday, September 21, 2012 2:32 PM

To: planning

I am writing to you because I am concerned about the Kimball Art Center's proposed expansion. Even though I believe that the design is nothing short of magical, it does not fit on Main Street. It will drastically change the character and ambience of Main Street. The first time I came to Park City in the mid 80's the best thing about the town other than the skiing was Main Street. It looked and felt like a western town. The Art Center project will completely erode that.

I live in Park Meadows for a reason – the Park City 'feel' which comes from old town and Main Street.

I am against any change to the LMC to allow for the proposed expansion, or any other expansion. There is a reason for the code and a lot of time and effort went into drafting it. Please don't allow any exceptions to the code.

Thank you,

Gabrielle Lee Caruso, Esq.

1790 Bonanza Drive Suite E-240

Park City, UT 84060

Tel: (435) 649-1188

Fax: (435) 649-7740

lcaruso@leecaruso.com

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Kimball art center

Kurt M. Frankenburg [kfrankenburg@williamsandhunt.com]

Actions

Friday, September 21, 2012 9:19 AM

To: planning

I want to voice my opposition to any amendment of the LMC to allow the KAC project to exceed current height restrictions. I support the Kimball Art Center but not this proposed building. It is entirely out of scale for mainstreet and will negatively impact the character of old town. Thank you. Kurt Frankenburg

Sent from my iPhone

Kimball Art Center Expansion**Margery Hadden [margiehadden@gmail.com]**

Actions

Friday, September 21, 2012 10:13 AM

To: planning

To the Park City Council and Planning Commission:

Thank you for all that you do to preserve our town. I have lived here for over 40 years and it is my place of choice for many more! I love our community and especially the history. This is my community.

I would like to state concerns I have about the expansion of the Kimball Art Center. I think the KAC is necessary to our town and I love their mission here. I also understand and support their need for expansion. I just hope they can figure out a way to do that within the guidelines that the city has so carefully, over many years, provided for just such an expansion. I believe they can and then it will truly be a compliment to historic Park City and still provide the icon that they and the rest of the town can embrace.

Please do not grant exceptions and please encourage KAC to embrace the codes and guidelines that are currently in existence.

Thank you for your consideration,
Margery White Hadden

margiehadden@gmail.com

KAC addition**Mercedes Hess [mjhessdesigns@hotmail.com]**

Actions

Friday, September 21, 2012 11:42 AM

To: planning

My husband and I moved here permanently in 2002, have had a place since the early 90's. We did not want to move into a sleepy, non vibrant town until we knew things were changing. This of course happened a bit before the Olympics and certainly after. We love all the infratructure that has gone on in Park City and it's environs. But we also moved here for the quaint historic Main Street Park City has. As "locals" Len and I participate in as many things as we can and enjoy frequenting our local restaurants on Main Street. The gallery stroll is one we look forward to monthly and cannot imagine a towering contemporary structure in the middle of it all!

My husband Len and I would vote not to change the Land Management Code! Thank you,
Mercedes and Leonard Hess

Mercedes Hess, ASID
435-659-6693

Kimball Art Center

Michael Geer [malangeer@gmail.com]

Actions
Monday, September 24, 2012 1:04 PM

To: planning

Gentlemen,
I support the Preserve Historic Main Street mission statement related to the addition to KAC.
Thank you,

--

Michael Geer
435-901-1187
malangeer@gmail.com

Kimball Art Center

William Benson [wrrir.benson@gmail.com]

Sent: Monday, September 24, 2012 8:52 AM

To: planning

Good Morning

As residents of Park City we are very concerned that the Planning Department is considering changing the Master Planned Development for the Heber Avenue Sub Zone. We believe this would be a major setback for our Historic town. The present codes have insured that all structures conform to a set of guidelines that preserve the integrity of our town.

Thank you

William and Loris Benson
Park City, Utah.

Kimball Art Center

Ron Rosenblatt [rrrblatt@gmail.com]

Sent: Wednesday, September 26, 2012 5:31 AM

To: planning

Planning Commission....

As a long time owner (15 years) of property in Park City, I am distressed by the idea of changing the zoning rules to permit an extravagant addition to the KAC, It will change the entire character of Old Town. It is precisely that character that is so attractive to residents and visitors alike. If you set this precedent, what makes you think that others business owners or building owners will not be clamoring to also grow skyward their buildings? Please keep Park City in the character of "Park City"

Thank you,

Ron Rosenblatt

--

Have a Pleasant Day!

Ron Rosenblatt

515-457-7742 Home

515-321-4566 Mobile

Kimbal Art Center Expansion Design

Midge Farkas [midgefarkas@comcast.net]

Sent: Tuesday, September 25, 2012 8:27 PM**To:** planning

25 Sept 2012

Dear Park City Planning Commission ~

As it appears that Kimball Art Center remains committed to their over-the-top Danish design for their expansion, I feel compelled to express my concerns. Thank you for your attention to this letter and my voice as a Park City resident...

I do not feel that the 80 foot trestle structure, overbearing all of lower Main Street, is an appealing or appropriate design that would depict our towns heritage or represent the majority of its' residents. Although I appreciate their efforts to expand and of course, encourage art culture as a venue for ourselves and tourist to appreciate, KAC's current redesign structure needs to be addressed by our city planners for intervention.

My understanding is that KAC will need to apply for, and gain planning commission approval, for a Master Planned Development to go forward with this design. However, as they are **identified as a "Landmark Site" within the land management code, they must adhere to the strictest interpretation of the Guidelines and must be designed and executed in such a manner as to retain designation as a "Landmark Site"**.

Isn't the whole purpose of being designated a "Landmark Site" to keep the overall design congruent with the historic nature of its' surroundings? Park City originates from its mining history & that's a fine thing to appreciate and cultivate but this design is not in balance with that mission at this location.

Historic Park City is lovely and one of the focal points of why we moved here, it is quaint, cultured and a comfortable place to stroll, shop & dine. We are proud to take our visitors to "old town" as it is pretty in both summer & winter and folks are always impressed at its "quaintness". With the addition of KAC's overbearing structure at the corner of Heber & Main, I fear we will loose a great deal of our unique and inviting appearance.

Although I SUPPORT THE KIMBALL ART CENTER AND THEIR NEED FOR AN ADDITION TO THEIR CURRENT FACILITY. I BELIEVE THIS EXPANSION CAN AND SHOULD BE ACCOMPLISHED WITHIN THE EXISTING (AUGUST/2012) PARK CITY LAND MANAGEMENT CODE AND THE PARK CITY DESIGN GUIDELINES FOR HISTORIC DISTRICTS AND HISTORIC SITES.

My kind regards for your attention and consideration to this important, local manner,

Midge Farkas
Park City

Kimball Art Center

Margaret Hilliard [mhqueenbee@aol.com]

Sent: Tuesday, September 25, 2012 4:58 PM

To: planning; Council_Mail

Dear Planning Commission and Park City Council Members:

As a 20-year resident of Old Town, and a member of the Park City Museum, I write to express my concern that the Kimball Art Center is endeavoring to apply for a Master Planned Development for the Heber Avenue/Main Street area.

I do not object to the design or modernity of the proposed structure, however, in my opinion, the scale is completely inappropriate to Historic Main Street, and I therefore oppose changing the Land Management Code to allow an MPD in the Heber Avenue Sub-Zone.

The City has drawn up a Land Management Code for the very reason of protecting the *integrity* of the historic district - the "jewel in the crown" of this area - making it a unique feature of the town - and one worthy of conservation.

If the Kimball Art Center truly does need this amount of added exhibition space, then they need to amend their design proposal to comply with what is currently allowable within the Land Management Code, and re-think the mass of this structure.

At the very least, prior to *any* changes or approvals being made, the Kimball Art Center owes it to this town to erect a scaffold structure approximating the size of the addition, so that residents have the opportunity to understand truly something which is often not clear from a not-to-scale model. Perhaps then, a lot more voices will be raised in opposition.

Sincerely,
Margaret Hilliard

Margaret Hilliard
PO Box 2157, Park City, UT 84060
c) 213-507-5041
e) mhqueenbee@aol.com

Kimball Art Center Reuest

Ilsa Leonhart [rally2468@comcast.net]

Sent: Tuesday, September 25, 2012 4:58 PM**To:** planning**Cc:** Council_Mail

Dear Sirs: I am writing to express my opposition to the proposed addition to the Kimball Art Center. I am in favor of an expansion , knowing it is necessary, however I feel that the current expansion plan as presented is NOT in keeping with the historic image of our city. I feel very strongly that the existing City Land Management Code and the Park City Design Guidelines for Historic Districts and Historic Sites should be preserved. I strongly oppose that Kimball Art Center be allowed to apply for a Master Plan Development. Thank you. Ilsa Leonhart

Kimball Art Center

Randy Spagnoletti [randyspag@gmail.com]

Sent: Tuesday, September 25, 2012 3:15 PM

To: planning

Tuesday, September 25, 2012

Dear Commissioners:

My wife Dixie and I moved to Park City in in June of 1977. That date is of no other significance than to frame our point of reference in finding such a wonderful place to live and participate in its maturation. I still get a sense of calm every time I leave I80 at Kimball Junction and see, far in the distance, the roofs of homes and businesses located in the hills on either side of Main Street.

Park city was a mess in the 70s but it was easy to envision how charming it could become if handled properly. All and all Park City has turned out pretty well. Attention to zoning and enforcement of architectural guidelines have provided us with a unique place to call home.

Of course there have been a few errors along the path to what we see today, but there is no requirement that we make more in the name of anyone's pet project. The Kimball Garage has never been any kind of an architectural thriller but provides an excellent facility for art exhibits and classes. That was the mission of the previous owners when they created the foundation that funds it. Now instead of satisfying the Kimball Art Center's need for additional space by expanding and renovating the existing building they are proposing a building that ignores the existing Historic Guidelines on every level. A futuristic design that will rap the garage building with a stack of reclaimed trestle timbers twisting 80 feet into the Main Street sky. To quote the proponents of this project, they would like to create an Icon. Park City already is an Icon isn't it.? Havn't we spent many millions of dollars to create an iconic brand? Can a town this small support an additional icon with out taking from the existing one?

For more than 25years I enjoyed a very successful career in real estate. I helped hundreds of buyers achieve their real estate goals and never once heard anyone mention the quantity or quality of Park City's art experience with any significance. Certainly', Art is an economic component through out town but it will never transform Park City into Art City as some would have.

First and foremost Park City is a ski town with a turn of the century mining history. It is a fun place to be for those on vacation and even better for locals. Mostly because of its architectural integrity and consistency, every time we walk up Main Street we get to reach back in our imaginations to a time long ago. Before you decide to move outside of the Existing Historic Guidelines to accommodate any new project, please consider the impact it might have on future planning decisions. Placing a huge 22nd century building in the middle of our small 19th century town may have a serious long term affects on the rest of us who have lived and invested in Park City by the rules. Lets not try to be something we aren't and stub our

toes in the process.

Thank you for your time.

Respectfully,

Randy Spagnoletti
435-649-8386
randyspag@gmail.com

LMC Proposed Changes for KAC

Sanford Melville [sandy@hmelville.com]

Sent: Wednesday, September 26, 2012 12:57 PM**To:** planning

To the members of the Planning Commission:

We are very much opposed to modifying the Land Management Code to allow a Master Planned Development in the Heber Avenue sub-zone in order to accommodate the proposed Kimball Art Center (KAC) expansion. KAC has indicated that this massive expansion is needed for addition classrooms, offices, meeting areas and exhibition space. While we support the KAC's need for the additional space, this need can certainly be accomplished within the existing codes. Our view is that the large "iconic" building design that KAC is proposing (under the guise of being a quasi-public institution therefore requiring extraordinary exceptions to Park City's LMC) is more to satisfy the desire of the KAC to have a "vanity" building in the heart of Old Town. Rewriting the LMC to permit the KAC's proposed 80 Foot Tower design application to proceed as an MPD is not needed for the KAC's actual expansion purposes. And it will have the detrimental effect of moving the character of Historic Old Town away from its current pedestrian-scale and historic-based nature, and provide precedent for future projects to do more of the same.

Sincerely,
Sanford & Hope Melville
527 Park Ave.

Kimbal Art Center Expansion Design

Tom Farkas [tafarkas@yahoo.com]

Sent: Wednesday, September 26, 2012 11:41 AM

To: planning

26 Sept 2012

Dear Park City Planning Commission ~

Although I SUPPORT THE KIMBALL ART CENTER AND THEIR NEED FOR AN ADDITION TO THEIR CURRENT FACILITY. I BELIEVE THIS EXPANSION CAN AND SHOULD BE ACCOMPLISHED WITHIN THE EXISTING (AUGUST/2012) PARK CITY LAND MANAGEMENT CODE AND THE PARK CITY DESIGN GUIDELINES FOR HISTORIC DISTRICTS AND HISTORIC SITES.

My kind regards for your attention and consideration to this important, local manner,

Tom Farkas
Park City

objection

Harry Fuller [fuller@xmission.com]

Sent: Wednesday, September 26, 2012 10:07 AM

To: planning

Attachments: Planning comm coment.rtf (4 KB)

Kimball Art Center Project and Request for MPD Designation

Janet A. Goldstein [jag@xmission.com]

Sent: Wednesday, September 26, 2012 9:59 AM

To: planning

Dear Members of the Park City Planning Commission,

As you are aware, the Kimball Art Center is proposing to build an addition to its current historical landmark building at the corner of Main Street and Heber Ave. As you are also aware, the building is to have a particularly eye-catching contemporary design with an extraordinary height of 80 feet. For that reason, the Kimball is requesting a designation as a Master Planned Development to overcome the Park City Code and Guideline obstacles presented by the current building location and design. As designed, this building would stand out from one end of Main Street to the other, overwhelming the adjacent area. That effect, however, is exactly the intent of the architect and its clients. They clearly state that they wish to build an "iconic" structure on Main Street. Their intent has nothing to do with maintaining the historic integrity of the most celebrated area of Park City, the historic nature of which is touted in virtually every piece of advertising material that Park City and its local businesses disseminate.

It is just for a situation like this that Park City has in place a Land Management Code and Historic Design Guidelines, documents which have been produced with exhaustive scrutiny and effort. The Kimball design simply does not comply with those documents and the regulations they impose upon all proposed developments, including the Kimball Art Center Project.

What the Kimball wants, however, is to have the Planning Commission and the City Council make amendments and exceptions to the City regulations, to accommodate the Kimball plans. Those amendments and exceptions will be significant, and will open flood gates to each and every future applicant for development in the Historical District. If such special consideration is provided in this case, the City can look forward to endless requests for similar treatment, which, if denied, will certainly invite legal actions based on complaints claiming inequity of treatment, spot zoning and similar issues. The City will likely be mired in litigation with the ultimate result that Park City's "Historic Main Street" will be no more, and will end up as just another resort commercial street.

Does this description sound dire? Absolutely. But the risk the City takes at this point is critical, just because the results could very well be dire. We have rules, regulations, codes and guidelines in place for the very reason that Park City's historic flavor is tremendously valuable to the City's future. What is the justification for ignoring the regulations that protect that value? The Kimball provides no viable response to that question. Iconic commercial buildings can be built elsewhere. What the Historic Main Street District requires are buildings that complement, rather than overwhelm, the surrounding buildings.

The amendments, as requested by the Kimball Art Center, and being considered by the Planning Commission, are simply not justified. Granting a Master Plan Development designation to the Kimball Art Center will require changes and exceptions to current regulations that are significant and long lasting. Such amendments will be in place to invite future controversy, litigation and the potential destruction of Park City's historic environment.

Public input in this matter is certainly valuable and important, and it can be implemented without the necessity of granting an MPD designation. Such designation, based on special treatment for one entity, sets a dangerous precedent that Park City can ill afford. Please carefully consider the extensive ramifications of any decisions in this matter.

Sincerely,

Janet G. Fuller

Land Management Codes and the Kimball Art Center

Chris Schaefer [Chris.Schaefer@bataandiarly.com]

Sent: Thursday, September 27, 2012 12:04 PM

To: planning; Kirsten Whetstone

Dear Planning Commissioners.

Thank you for the opportunity to speak to the Planning Commission last night about my, and many Parkites', concerns about the proposed Kimball expansion.

Park City's extensive Land Management Codes have preserved the unique character of our town for many years. The proposed new Kimball Art Center violates most of them, and Kimball even asked their architects to design the proposed building without regard to our building codes. What kind of arrogance is this?

I oppose granting this project "Master Planned Development" status. I also oppose any changes to our Land Management Codes to accommodate this structure.

As a next-door neighbor, I met with Robin Marrouche, her predecessor Bruce Larrabee, and several Kimball board members multiple times over the past few years to express support for the Kimball expansion and to offer help. My neighbors and I looked to the Kimball expansion as an improvement to Main Street, replacing the plaza on the corner of Main and Heber with something more in keeping with Old Town.

Instead the Kimball has selected an 80 foot tower that has no relation to Park City at all.

- It completely violates the spirit and feel of Park City, and will thus be a detriment to tourism--many people come here to get away from contemporary downtowns, and enjoy a traditional mountain experience.
- It will overshadow Main Street during the winter afternoons, making lower Main look even more foreboding to tourists than it does now, and increasing the cost of snow and ice removal.
- Aside from its appearance—a huge space alien made of logs peering down on Main Street with a giant, cycloptic eye--no provisions are made in the design for placement of air conditioners, noise control, loss of mountain views (tourists stop at the corner of Heber and Main to photograph the Victorian houses on the mountainside), and scale; the design puts another loading dock on Main Street (across from the Zoom/Sky Lodge loading dock/garbage bin) and instead of upper floor setbacks the structure looms out over Main Street.
- This building will likely jeopardize or negate Old Town's status as a National Historic District.
- In a meeting last week Robin said that Park City has already moved past its historic "mining town" look and feel. Says who? Who do these people think they are?

Although I support a new building on the corner of Main and Heber, please do not allow these people to have an MPD, or change Park City's Land Management Codes to suit themselves. This is not a Master Planned Development at all--it is one building, on one lot, in one zoning district.

Require the Kimball to produce a design that is in keeping with the spirit and feel of Park City. Remember the last time someone built an iconic, contemporary structure on Main Street—the “Mall,” which today is a mostly empty eyesore.

Sincerely, Chris Schaefer
893 Main Street, #2E
Park City, Utah 84060
435-647-3541

Re.: Kimball Arts Center Expansion

MAYES BEA [b.mayes@opposablethumb.com]

Sent: Friday, September 28, 2012 11:16 AM

To: planning

Dear Planning Commission members,

I urge you not to allow the Kimball Art Center a MPD (Master Planned Development).

I believe that your action to allow the Kimball Art Center to apply for an MPD (Master Planned Development) would be disastrous. It would threaten, and eventually destroy, the Park City Historic District.

I support the Kimball Art Center and their need for an addition to their current facility. But I believe the Kimball Art Center's expansion can and should be accomplished within the existing (August, 2012) Park City Land Management Code and the Park City Design Guidelines for Historic Districts and Historic Sights.

I am a long-term volunteer at the Park City Historical Society and Museum and a former resident of Park City.

Bea Mayes

*** **

Bea Mayes
1031 Grindelwald #6
Midway, UT 84049
435-654-4038
435-671-6399

Kimball Proposal

Nancy Kelly [parkcitynancy@yahoo.com]

Sent: Thursday, September 27, 2012 2:49 PM**To:** planning**Cc:** councilmail@parkcity.org

I have been a resident of Park City since the 80's and am appalled that the 80' proposal by Kimball is even being considered. I grew up in Glendale, CA., and when I was young there was only one three story building. After much pressure by developers, Glendale allowed high rises to go in. It absolutely ruined the town. Most of the locals (including my husband and myself), left town. It is now a bustling, horrible place, where no one who cared about the town lives there anymore. Please don't let that happen to Park City!!!

When we first came here, there were no multi-level buildings higher than the Silver Queen. We were attracted by the historic quaintness of the area and have enjoyed our town since then. We were glad there was a Land Management Code which prohibited anything close to what is being proposed. I don't care how much Kimball thinks "art" will improve our town - it didn't do much for Sedona, and I can't imagine how a high-rise building would look in our little town. We've had enough growth, and a high building such as the KAC would not only drive a lot of old-timers out, but would be the final straw in changing and ruining our town.

Please don't approve this - it is against the code, and against everything wonderful about this town!!!!
Dennis and Nancy Ke

Kimball art center project

Shirley Smith [shirley@meanderadventures.com]

Sent: Wednesday, September 26, 2012 11:22 PM**To:** planning

As a long time Park City resident and frequent world traveler to please deny a request for a master planned development for the Kimball. Not only would this extremely out of scale building forever change the face of Park City' Main Street, but in so granting the MPD would, I feel, open the door for others who wish to produce something "iconic" . It seems to me that the uniqueness of our historical Main Street is iconic enough.

I am currently in a very beautiful area of Turkey- the Lycian coast – and here in the small villages,, which look much as they did in the last centuries, you appreciate the beauty of locations, for both residents and visitors, that have not been changed. The Greek island of Rhodes, which I know well, on the other hand, has allowed many new and really not fitting additions to its towns and main city and attracts now mainly low budget tourists who come because the price is cheap and don't care about the aesthetics that were once such a meaningful part of the island.

I am a founding member of the Preserve Historic Main Street and I respectfully request that you just than.

Sincerely.

Shirley Smith

KAC Addition

James Tedford [preservehistoricmainstreet@gmail.com]

Sent: Wednesday, October 03, 2012 9:13 AM**To:** planning

Hi Thomas,

We have been reading your Staff Report on the KAC addition presented to the city council on August 23rd. We have a couple of questions.

1. On page 25 you state that, "The Historic District Design Guidelines would prohibit the construction of any building 'over' or 'on top of' the existing building. We have read the Guidelines several times and we cannot find this specific prohibition. Could you direct us to the appropriate section of the Guidelines?"
2. What setbacks are required for the addition? a) Main Street side, b) Heber Ave. side, c) Town Lift Condo side, and d) west side of current parking lot located next to the Town Lift Condos?
3. If the addition was reduced from the 80' height to the allowable 32' height how much SF (combined floor area and open/circulation area) would be lost?

Thanks,

Jim Tedford, PHMS

Kimball Art Center Project and Request for MPD Designation

Janet A. Goldstein [jag@xmission.com]

Sent: Tuesday, September 25, 2012 10:32 PM

To: planning

Dear Members of the Park City Planning Commission,

As you are aware, the Kimball Art Center is proposing to build an addition to its current historical landmark building at the corner of Main Street and Heber Ave. As you are also aware, the building is to have a particularly eye-catching contemporary design with an extraordinary height of 80 feet. For that reason, the Kimball is requesting a designation as a Master Planned Development to overcome the obstacles presented by the current building location and design. As designed, this building would stand out from one end of Main Street to the other, overwhelming the adjacent area. That effect, however, is exactly the intent of the architect and its clients. They clearly state that they wish to build an "iconic" structure on Main Street. Their intent has nothing to do with maintaining the historic integrity of the most celebrated area of Park City, the historic nature of which is touted in virtually every piece of advertising material that Park City and its local businesses disseminate.

It is just for a situation like this that Park City has in place a Land Management Code and Historic Design Guidelines, documents which have been produced with exhaustive scrutiny and effort. The Kimball design simply does not comply with those documents and the regulations they impose upon all proposed developments, including the Kimball Art Center Project.

What the Kimball wants, however, is to have the Planning Commission and the City Council make amendments and exceptions to the City regulations, to accommodate the Kimball plans. Those amendments and exceptions will be significant, and will open flood gates to each and every future applicant for development in the Historical District. If such special consideration is provided in this case, the City can look forward to endless requests for similar treatment, which, if denied, will certainly invite legal actions based on complaints claiming inequity of treatment, spot zoning and similar issues. The City will likely be mired in litigation with the ultimate result that Park City's "Historic Main Street" will be no more, and will end up as just another resort commercial street.

Does this description sound dire? Absolutely. But the risk the City takes at this point is critical, just because the results could very well be dire. We have rules, regulations, codes and guidelines in place for the very reason that Park City's historic flavor is tremendously valuable to the City's future. What is the justification for ignoring the regulations that protect that value? The Kimball provides no viable response to that question. Iconic commercial buildings can be built elsewhere. What the Historic Main Street District requires are buildings that complement, rather than overwhelm, the surrounding buildings.

The amendments, as requested by the Kimball Art Center, and being considered by the Planning Commission, are simply not justified. Granting a Master Plan Development designation to the Kimball Art Center will require changes and exceptions to current regulations that are significant and long lasting. Such amendments will be in place to invite future controversy, litigation and the potential destruction of Park City's historic environment.

Public input in this matter is certainly valuable and important, and it can be implemented without the necessity of granting an MPD designation. Such designation, based on special treatment for one entity, sets a dangerous precedent that Park City can ill afford. Please carefully consider the ramifications of any decisions in this matter.

Sincerely,
Janet G. Fuller

Opposed to changes to LMC to allow Kimball Art Center addition

Bob Sloan [sloan1340@gmail.com]

Sent: Friday, October 05, 2012 3:36 PM

To: planning

Cc: Council_Mail

Planning Commission:

I am writing to express my opposition to changes in the LMC allowing the Kimball Art Center addition to proceed as currently designed.

I am opposed to special treatment of the KAC addition for the following reasons:

- An 80 foot building height is not appropriate for the site ;
- KAC is attempting to impose their vision for a "new" Main Street;
- KAC gave zero consideration to conforming to the existing LMC;
- Allowing KAC's non-conforming design opens the door for future non-conforming designs;

In addition to the above specific reasons, I find the arrogance of the KAC board and their architect offensive when they insist Main Street must conform to their new vision and Main Street's past is not relevant.

R Sloan PhD



October 6, 2012

Park City Planning Commission and City Council
Park City, Utah

Re: Kimball Art Center Expansion.

Dear Commissioners:

Kudos is very much in order to all the people involved in this exciting project. Heartfelt congratulations!

I am a founding designer (along with 5,000 of my very best friends) of Park City's Historical District in Park City. I have had the honored opportunity of participating in its evolution into what it is today...a vibrant world renowned testament to our cultural past and its bold step into the future.

I repudiate the idea that "Park City has already moved past its historic roots". Park City is and will continue to respect and take strength from our forefathers and now, once again boldly embrace the future. Preservation logic since "its coming out of the closet" in the early nineteen seventies has always guided design of expansions to historic structures with the stricture not to "duplicate or copy" but to incorporate contemporary compatible work. In other words to let them make their own architectural statement, so the streetscape becomes a visual history.

This project does that. But in such a bold fashion and maybe overwhelming futuristic fashion, I wonder if we lose what was intended to be preserved. The proposal scares me.

The technical narrative of the B.I.G. proposal includes a paragraph stating the existing structure is to be preserved and renovated. This is not preservation. True, the exterior cladding and building shapes on three sides of the building are kept, but the window mullions are not. The roof is gone, a whole new purpose entirely: a plaza over a bunch of old bricks. The barreled roof is what is seen skiing down from above. It is the "fifth façade". Does it make sense to give up on that renovation pretense all together? At least don't use it as a sop for the preservationists.

Similarly, justifying the height based on the historic Coalition Building neatly segues away from fact that the Coalition stood alone and distinct. The Kimball is anything but. It fills the head of a block surrounded by tightly compacted structures making a transition from the low Pacific Depot to its higher neighbors. The eighty-foot height completely dominates the historical narrative of the Kimball.

So it scares me. We should love to keep the Kimball, but it doesn't fulfill its purpose any longer. It will remain a key to the entrance of Main Street regardless. I don't know, will the naysayers be correct...that this is the cog that destroys the uniqueness of Old Town? That is a stretch; no single building will. The cumulative historical nature is still vast and the newer structures are mostly complimentary to the old.

Drawing on the Coalition for inspiration is beautiful. What would happen if the Kimball was split in half, one side being moved to the east and placing the new structure in the center? Do away with the roof plaza and keep the historic Kimball alive. Lower the big proposal. Decide if the building should be preserved first, then follow the rules...compliment the old.

If not, then make the thing a hundred feet tall but narrow it to offer separation from its neighbors. Truly iconic, be bold! The opportunity is there!

I do not envy your deliberating on this, but your reward, to be part of the transition, is great. It is a challenging one, it is! So will be the costs. The construction costs will be toward the highest end that the world has to offer!

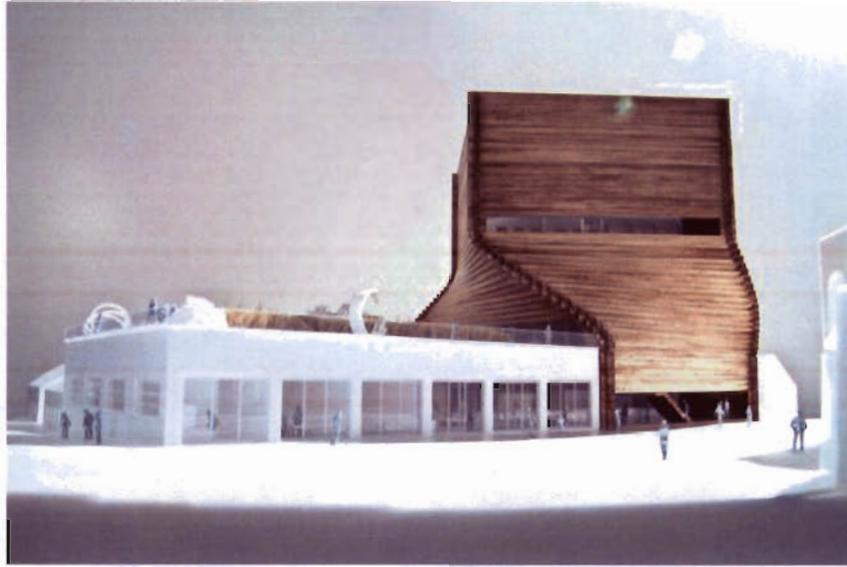
I trust in your sound and even judgment towards all interests.

Sincerely,



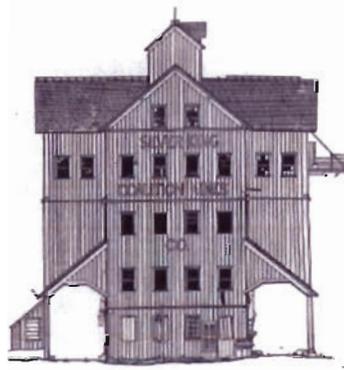
Paul de Groot







The Coalition Building stood directly north of the current Kimball site between Main st and Park ave. The site is now the location of the terminal for Park City Mountain Resort's Town Lift chairlift. Could the Kimball fill the void that the Coalition Building left behind?



Could the proportions of the Coalition Building be replicated at the new Kimball site?



Preserve Historic Main Street

NormOlson1@aol.com

Sent: Friday, October 05, 2012 3:10 PM
To: planning
Cc: Council_Mail
Attachments: Editorial.doc (30 KB)

Please see the attachment for my reply to your planned Kimball project. As a property owner on Main Street, Town Lift Condos 3E, I agree with the statement contained in the enclosure.

I do not support the monstrosity that Kimball is proposing, in no way shape or form. Their proposal will violently change the complexion of our beautiful street and historic appearance that exists presently. What part of the current codes do they not understand?

I have sat through many meetings of the council over the past and listened to the council members denounce radical changes such as Kimball is proposing. I am not against change as long as such changes are within the present codes and guide lines that other business's and property owners must abide by. If concessions are given to Kimball for this endeavor, then what next.

The codes were put in place for to see that this type of structure would not be allowed. Let's stick with what is on the books and not show favoritism for some and not others.

Norm Olson
Town Lift Condo 3E
693 Main St.
Park City, Ut. 84060

Office 318 448 8098
Cell 318 308 3008

"PRESERVE HISTORIC MAIN STREET"

We have formed a group called "Preserve Historic Main Street". If you support our mission statement below and are interested in joining our group send an email with your name to preservehistoricmainstreet@gmail.com.

"We support the Kimball Art Center and their need for an addition to their current facility. We believe this expansion can and should be accomplished within the existing (August/2012) Park City Land Management Code and the Park City Design Guidelines For Historic Districts and Historic Sites"

EXISTING LAND MANAGEMENT CODES AND DESIGN GUIDELINES THAT APPLY TO THE KIMBALL ART CENTER ADDITION

LAND MANAGEMENT CODES

1. LMC Title 15-2.5-5 Historic Recreation Commercial District - No structure shall be erected to a height greater than thirty-two feet (32') from existing grade.
2. LMC Title 15-2.5-6 HRC District – Additions must comply with building height restrictions.
3. LMC Title 15-2.5-7 Prior to issuance of a Building Permit for any Conditional or Allowed use, the Planning Department must review the proposed plans for compliance with the Historic District Design Guidelines.

DESIGN GUIDELINES FOR HISTORIC SITES

The Kimball Art Center has been identified as a "Landmark Site" "Landmark Sites must adhere to the strictest interpretation of the Guidelines and must be designed and executed in such a manner as to retain designation as a "Landmark Site".

D. ADDITIONS TO HISTORIC STRUCTURES

1. D.1.2 Additions should be visually subordinate to historic buildings when viewed from the primary public right-of-way.

2. D.2.1 Additions should complement the visual and physical qualities of the historic building.
3. D.2.2 Building components and materials used on additions should be similar in scale and size to those found on the original building.
4. D.2.3 Window shapes, patterns and proportions found on the historic building should be reflected in the new addition.

THE KAC IS ATTEMPTING TO GET THEIR ADDITION CONSIDERED AS A "MASTER PLANNED DEVELOPMENT" (MPD), WHICH WOULD REQUIRE A CHANGE IN THE EXISTING LMC. CURRENTLY, A PROJECT MUST BE IN TWO OR MORE ZONING DESIGNATIONS. THE KAC IS IN ONE ZONE (HRC). IF AN MPD IS ALLOWED SOME OF THE ABOVE RESTRICTIONS COULD BE ELIMINATED OR CHANGED.

**James Tedford
Hope Melville
Gary Kimball
Mary Demkowitz
Randy Spagnoletti
And 120 Others**

LANDMARK Sites near the Kimball Art Center, revised table names sites

MAYES BEA [b.mayes@opposablethumb.com]

Sent: Wednesday, October 10, 2012 10:39 PM

To: planning

Attachments: Table2 of Landmark Sites n~1.pdf (24 KB) ; ATT00001.htm (344 B)

Dear Planning Commission Member,

Earlier today I sent an e-mail that noted the scarcity of Landmark sites near the Kimball Art Center, and urged the need to keep The Kimball Art Center as a Landmark site because (1) it is the historic linchpin in the area and (2) because of the continuing trend to alter buildings to the extent that they lose Landmark status. I included a table listing the only Landmark sites in the immediate area. To help the Commission better visualize the area, I've attached the revised table which shows, where known, the current occupant and former name or occupant of each site.

Bea Mayes

Long-time volunteer at the Park City Historical Society and Museum and former Park City resident

*** **

Bea Mayes
1031 Grindelwald #6
Midway, UT 84049
435-654-4038
435-671-6399

Kimball Art Center Expansion

MAYES BEA [b.mayes@opposablethumb.com]

Sent: Wednesday, October 10, 2012 11:45 AM**To:** planning**Attachments:** Table of Landmark Sites ne~1.pdf (19 KB) ; ATT00001.htm (234 B) ; Table of Landmark Sites ne~2.pdf (19 KB) ; ATT00002.htm (226 B) ; Table of Landmark Sites ne~3.pdf (19 KB) ; ATT00003.htm (200 B)

Dear Planning Commission Members: The Kimball Art Center is a substantial LANDMARK building bordering both Heber Avenue and Park Avenue. As the chart below shows, there are very few truly historic LANDMARK sites left in the area near the Kimball Art Center. The Kimball's loss of LANDMARK status would degrade the entire area, and the loss or degrading of other historic structures in the area would soon follow. To stop this trend it is essential that the Kimball Art Center Expansion follow the current city Land Management Codes in Chapter 11-15, and the city Design Guidelines for Historic Sites. Any deviation from these codes and guidelines will cause the Kimball Art Center to lose its LANDMARK status and its eligibility for listing on the National Register of Historic Places. (These designations confirm and declare to all that the site is "truly historic.") And the area will soon cease to be 'historic.'

Sincerely,

Bea Mayes

Volunteer at the Park City Historical Society and Museum, and a former resident of Park City

*** **

Bea Mayes

1031 Grindelwald #6

Midway, UT 84049

435-654-4038

435-671-6399

Kimball Art Center

Connie Steffen [constance.steffen@gmail.com]

Sent: Tuesday, October 09, 2012 6:11 PM**To:** planning**Cc:** Council_Mail

Park City Municipal Officials,

I would like to express my concern with the proposed expansion of the Kimball Art Center. The proposed building is not in conformance with current building guidelines which are intended to preserve the historic character of Main Street. The Main Street historic district is unique. It is what makes Park City a special town. Rather than to continue to whittle away at the historic character of Main Street, I urge you to take action to maintain its historic nature.

Although the proposed Kimball Art Center is striking, it does not fit the Main Street location. Main Street is so small, I'm afraid that the proposed building would dominate the landscape like a sore thumb rather than be elegantly integrated into the existing environment.

Your kind consideration of this request is appreciated. I've resided in the Park City area (Pinebrook) for over 20 years and have greatly appreciated the efforts to maintain and improve the Main Street historic district.

Connie Steffen

KAC

Marisa [marisa@afjmedia.com]

Sent: Thursday, October 11, 2012 1:54 PM

To: planning

TO: Planning Commision

I want to add my voice to some of the other residents that are concerned about the proposed addition to KAC. I have sent an email to the KAC about the concern I have in a survey they sent to me, but want to share with you as well.

I'm sure my concerns are the same as every other person you've heard from. As an art building is a fine piece of "art" in Chicago, New York, or various European locations. However, as we all know, Park City is a sophisticated SKI town that prides itself on being true to its history. This design is not going to ever fit in with our Main Street or the feel of our town. Secondly they want an exception for the height--80feet!!!

We already have 2 very unattractive, out of place buildings on Main Street --one worse than the other, but lets not make the same mistake --yet again.

Thank You,

Marisa Durham
8720 Silver Spur Road
PC 84098

Daniel Steffen
7494 Pinebrook Rd.
Park City, UT 84098
H (435) 645-8882 • M (801) 541-1132

October 11, 2012

Park City Municipal Corporation
Attention: City Council, Planning Commission, Mayor Dana Williams
445 Marsac
P.O. Box 1480
Park City, UT 84060

Dear Park City Officials:

When I first moved to Park City in 1972, I found this quaint little town nestled among the Wasatch Mountains that had a Main Street full of dilapidated and rundown buildings with a few struggling businesses. In those days, businesses would ebb and flow, most not lasting much more than a year or two, before the economy would take its toll. It was almost a sure bet that they would never succeed. I lived one block west of the Silver King Coalition Mine Building and the Ely Garage (now the KAC) in a building that became known as “Mother Bucker’s Barn” located on Norfolk Avenue. In those days, I had an unencumbered view of the old mining architecture of the Coalition Building that I loved to admire and which eventually became the symbol of Park City Ski Corporation.

Today, through years of hard work, steady dedication and a lot of diligence on behalf of the Park City Planning Commission, Park City’s historic preservation has persevered and as a result the city has evolved into a vibrant 4-season economy. I salute all that has been accomplished over the past 42 years and I’m proud to say that I live, work and play in Park City. Largely due to its exposure during the Olympics, Park City, Utah is now on the map and on everybody’s radar. Park City’s iconic Main Street is like no other ski town in the USA - it is totally unique. My skiing adventures have taken me across most western states and to almost every ski town in America. With the possible exception of Jackson Hole, none has achieved the level of preserving the architecture of historic structures and the subsequent ambience currently exhibited in Park City.

As time moves on, there will always be challenges that these towns face which is what is currently taking place with respect to the expansion of the Kimball Art Center. When the Ely Garage was restored and converted into the Kimball Art Center, it was a welcome addition to our city eliminating an old eyesore on the corner of Heber and Park Avenue. Nobody is denying the need for the expansion of the Kimball Art Center to keep pace with its program offerings, etc. We all will benefit from its growth, however, let’s not destroy all that you have worked hard to create and accomplish over the years. We can find a better solution that will accommodate both the growth of the KAC and the need for historic architectural preservation.

This is not something that has to be done immediately, please take the time to look at other options. We certainly don't want to regress in time by replacing the KAC with an eyesore reminiscent of times past on the corner of Heber and Park Avenue.

I would appreciate your sincere and utmost consideration of the precedent setting decision you are about to undertake. I encourage you to take the appropriate action to once again preserve the historic nature of our city. I firmly believe that our "iconic Main Street" is our **single greatest competitive advantage** over ski towns throughout America and that it will sustain us in the years ahead; let's not compromise it!

Sincerely,

Dan Steffen

Daniel J. Steffen

Email Correspondence

James Tedford [preservehistoricmainstreet@gmail.com]

Sent: Thursday, October 11, 2012 8:22 AM

To: planning

Hi,

Many members of our organization, "Preserve Historic Main Street", have sent emails to the Planning Commission at this address. One of the packets had only 5 letters attached. Are all the emails being given to the Planning Commission? If not, please be sure they all get to the commissioners. I was told this was the appropriate address. If not, what address should we use?

Sincerely,

Jim Tedford, PHMS

planning

From: David A. Hedderly-Smith <hedderly@msn.com>
Sent: Tuesday, October 16, 2012 3:35 PM
To: planning
Cc: Council_Mail
Subject: Kimble Art Center

Friends –

We're 25-year Parkites, and while we moved out of the city 16 years ago (and now live in Pinebrook), we still feel a strong attachment to Old town and its legacies.

We don't need or want an 80-foot tall twisted stack of railroad ties even if it is designed by some world-famous architect from Denmark. The Kimble Art Center board has apparently lost track of what Park City is all about. They seem to think it is all about them! And I guess they don't know that there are architects here in the American West.

So add our two no-longer-PC-resident vote to those against the current design of the Kimble Art Center building.

On the other hand, let's remember the relationship between the Kimble Art Center and the city and work together that is **100% within the current building codes** to come up with a design that will meet their needs and not disrupt the character of Old Town.

This proposed design would be highly disruptive of that character. As members of the Planning Commission and City Council the people of Park City have entrusted you with the duty to conserve that character. Please do such or you'll go down in history with the board and city council that allowed the Fields to build the Main Street Mall some 30 years ago. They need to throw that design out and start over from scratch.

Thanks for the opportunity to get our two cents worth in.

Dave & Carolyn Hedderly-Smith
7533 Pinebrook Road
Park City, UT 84098
435-649-8326 (h/w); 435-901-1486 (c)

planning

From: Jim Miller <jardinway@yahoo.com>
Sent: Saturday, October 20, 2012 5:47 PM
To: planning
Cc: Council_Mail
Subject: Kimball Expansion

We are writing with concern about the proposed Kimball Arts Center expansion. After seeing the plans and reading the pros and cons, we would like you to add our names to the list of those opposed to it.

We especially do not like the idea of modifying the existing Land Management code or the Historical Preservation Guidelines to allow the expansion.

It is almost offensive to even propose something as out-of-character as the expansion design. We are KAC supporters, and an expansion is fine. But not of this nature.

Also, let's face it- Park City has over-developed itself. At this point, we really need to hang on to whatever threads we can that make our city the great place it was. It's not all gone, but with development such as this, it will be.

Thanks for your time with this,

Jim Miller and Family
1535 Crescent Road
Park City, UT 84060
649-6388

planning

From: Michael Lever <mlever@nyc.rr.com>
Sent: Sunday, November 04, 2012 1:50 PM
To: planning
Subject: Kimball Art Center

To Whom It May Concern,

My wife and our family travel from NYC to Park City for several times a year and for several reasons. The availability of summer outdoor activities, winter outdoor activities & the small, quaint, mining town feel Park City has to offer. Living in a large cosmopolitan city we always look forward to coming back and unwinding in Park City visiting the small art galleries & the fine restaurants that Park City has to offer. We liked it so much we just purchased a condo on Crescent Ridge this past year.

In our opinion putting a huge, 7 story wooden box at the end of Main Street will kill that ambiance for that part of town. Stand outside the Sky Lodge today and look up, you'll see mountains. If the Kimball Art Center expansion as proposed is built, look up tomorrow and you will see a wooden box, not mountains.

Or even better, go to <http://www.visitparkcity.com/includes/cms/webcam/index.cfm> and point it towards the north end or mountain view of Park City. Think about what you will see if the BIG proposal is built at the end of town. A box.

We are not against bringing more culture and venue space to Park City, we just don't want to see the landscape and character changed so dramatically in one corner of town. There are other ways Kimball can achieve what they are looking for in the same space. Build down one story and up 3 from Main St and match the surrounding architecture.

You should request something be built that will fit better with the surrounding architecture & ambiance that already exists in Park City. Not for something that will be grandiose & capture some press attention for a short period of time but be an eyesore in the future.

Thank you for your time and consideration.

Concerned resident and visitor and
Member of Preserve Historic Main Street,
Michael Lever

Michael Lever
Home: 646-429-9577
Cell: 917-434-4957
mlever@nyc.rr.com

MPD**Randy Spagnoletti [randyspag@gmail.com]****Sent:** Friday, November 09, 2012 5:18 PM**To:** planning

Members of the planning commission:

Based on the recent activity regarding changes in the HRC Heber Ave. Sub-zone it looks like maybe some minds have already been made up about what they feel is appropriate in that location. Please take your time on this one, make sure you are doing the right thing. A zone change is touchy at best and an uncorrectable mistake at worst. I can't imagine that there aren't other projects studying every move you make regarding Zone changes so they will know how to approach the city.

Millions of Dollars are spent advertising Utah and Park City and most of them have a shot up Main Street. Old Town has become its own draw with or without snow. For many years you have protected it but now the values have risen to a level where it may be too attractive for a developer to resist a run at a project that would normally fail to receive approval.

Please leave the HRC zone alone, especially involving a change through the MPD process. Maintain the continuity of decision that has served you and the property owners in the Historic District so well.

Thank you for your time.

Randy Spagnoletti

Proposed MPD

Shirley Smith [shirley@meanderadventures.com]

Sent: Friday, November 09, 2012 2:18 PM**To:** planning**Cc:** Council_Mail**TO:** Park City Planning Commission**FROM:** Shirley Smith

I was quite shocked to hear that you are proposing allowing an MPD for the Heber Ave Sub Zone – or even the whole HRC - and were going to amend the height restriction on buildings in the MPD to 50 ft instead of the current 32 feet. This seems quite ludicrous. The only possible reason I can see that you would suggest such a drastic change is to accommodate the wishes of the Kimball Art Center to make drastic changes to their building. Given the fact that the art center has not seen fit to make an application, it seems most improper to be presenting them with a gift wrapped ok on their proposed project. Not only is this giving special treatment to one entity, but opening up what could be a future can of worms for Historic Main Street when other businesses or building owners begin requesting the same kind of fair and equal treatment.

If you have some other reason for proposing the MPD, it would be most interesting to hear and I hope this will be bought up at the meeting on the 28th. I strongly oppose the creation of the MPD and urge you to reconsider.

Sincerely,
Shirley Smith

planning

From: Shirley Smith <shirley@meanderadventures.com>
Sent: Friday, November 09, 2012 2:18 PM
To: planning
Cc: Council_Mail
Subject: Proposed MPD

TO: Park City Planning Commission
FROM: Shirley Smith

I was quite shocked to hear that you are proposing allowing an MPD for the Heber Ave Sub Zone – or even the whole HRC - and were going to amend the height restriction on buildings in the MPD to 50 ft instead of the current 32 feet. This seems quite ludicrous. The only possible reason I can see that you would suggest such a drastic change is to accommodate the wishes of the Kimball Art Center to make drastic changes to their building. Given the fact that the art center has not seen fit to make an application, it seems most improper to be presenting them with a gift wrapped ok on their proposed project. Not only is this giving special treatment to one entity, but opening up what could be a future can of worms for Historic Main Street when other businesses or building owners begin requesting the same kind of fair and equal treatment.

If you have some other reason for proposing the MPD, it would be most interesting to hear and I hope this will be brought up at the meeting on the 28th. I strongly oppose the creation of the MPD and urge you to reconsider.

Sincerely,
Shirley Smith

KAC proposed addition

Patricia Pond [prpond@gmail.com]

Sent: Wednesday, November 14, 2012 4:39 PM

To: planning

Cc: Council_Mail

I believe the proposed addition to the Kimball Art Center is way out of proportion to the rest of historic Park City. Instead of becoming a well-loved landmark in our city, I fear it will be an eye sore. We don't need or want anything of this magnitude in Park City. The Planning Commission has worked to lower the expectations of the Treasure Mountain project. It needs to tone down this one also.

Regards,
Patricia Pond

KAC, LMC, MPD , XYZ, ???

LAFF [laff1@comcast.net]

Sent: Tuesday, November 13, 2012 6:44 PM

To: planning

I am not sure just what is happening with the proposed KAC project but I continue to only hear people from our community saying keep the codes as they are and have KAC design within them. I strongly support KAC but NOT their proposed design with a 80 foot tower. It just does not fit into lower main street.

Keep the codes in line with what Park City is and our citizens seem to really want.

Respectfully,

Frank Furr
2626 Meadow Creek Dr.
PC, UT 84060

MPDs, the Heber Ave Sub-Zone and the larger region

MAYES BEA [b.mayes@opposablethumb.com]

Sent: Thursday, November 15, 2012 9:08 AM

To: planning

Cc: Council_Mail

As I understand it in a recent meeting the Planning Commission asked for input on 3 questions:

1. Do you agree with the recommendation to allow the MPD process within the Heber Ave. Sub-zone of the HRC zoning district?
2. Do you agree with the proposed reduction in the required open space for MPD's within the Historic District?
3. Do you agree with the proposed amendment to the MPD language to allow a maximum building height of 50' in the Heber Ave. Sub-zone?

1. No, the MPD process should not be allowed within the Heber Ave. Sub-zone. Any changes in the Sub-zone will effect a much larger region including Park Avenue as far north as 15th Street. Traffic in the whole area needs to be scrutinized.

2. No, open space requirements for MPDs within the Historic District need to be maintained, if not enlarged. Open space gives the area its ambiance and amiability. People walk the area and enjoy its small-scale friendliness.

3. No, amending the MPD language to allow a 50' maximum height would serve no one. High buildings create shadows. Sunlight maintains amiability. People here for pleasure do not want to walk through a dark canyon of 50' high buildings.

In all, a much larger region than the Heber Ave. Sub-zone needs to be considered in connection with the Kimball Art Center expansion, not least of which are the effects on traffic and access.

Bea Mayes

Long-time volunteer at the Park City Historical Society and Museum and former Park City resident.

*** **

Bea Mayes
1031 Grindelwald #6
Midway, UT 84049
435-654-4038

Hope E. Melville
527 Park Ave.
PO Box 3568
Park City, UT 84060
(435) 659-0773

November 14, 2012

Patricia Abdullah
Park City Planning Department
445 Marsac Ave.
PO Box 1480
Park City, UT 84060

Dear Ms. Abdullah,

For the upcoming Planning Commission Meeting on November 28 on the topic of proposed changes to the Land Management Code, please make of record and include in the Meeting Packet the attached recent letters published in the Park Record. These letters address the issue of the proposed Kimball Art Center project and the changes to the Land Management Code proposed to facilitate an application for the KAC project.

Thank you.



Hope Melville



LETTERS TO THE EDITOR

KAC addition should follow current codes

Editor:

We have formed a group called Preserve Historic Main Street. If you support our mission statement below and are interested in joining our group, send an email with your name to preservehistoricmainstreet@gmail.com.

"We support the Kimball Art Center and their need for an addition to their current facility. We believe this expansion can and should be accomplished within the existing (August 2012) Park City Land Management Code and the Park City Design Guidelines For Historic Districts and Historic Sites."

Existing Land Management Codes and Design Guidelines that apply to the Kimball Art Center addition:

Land Management Codes

LMC Title 15-2.5-5 Historic Recreation Commercial District – No structure shall be erected to a height greater than thirty-two feet (32') from existing grade.

LMC Title 15-2.5-6 HRC District – Additions must comply with building height restrictions.

LMC Title 15-2.5-7 Prior to issuance of a Building Permit for any Conditional or Allowed use, the Planning Department must review the proposed plans for compliance with the Historic District Design Guidelines.

Design Guidelines for Historic Sites

The Kimball Art Center has been identified as a "Landmark Site." Land-

mark Sites must adhere to the strictest interpretation of the Guidelines and must be designed and executed in such a manner as to retain designation as a "Landmark Site."

D. Additions to Historic Structures

D.1.2 Additions should be visually subordinate to historic buildings when viewed from the primary public right-of-way.

D.2.1 Additions should complement the visual and physical qualities of the historic building.

D.2.2 Building components and materials used on additions should be similar in scale and size to those found on the original building.

D.2.3 Window shapes, patterns and proportions found on the historic building should be reflected in the new addition.

The KAC is attempting to get their addition considered as a "master planned development" (MPD), which would require a change in the existing LMC. Currently, a project must be in two or more zoning designations. The KAC is in one zone (HRC). If an MPD is allowed, some of the above restrictions could be eliminated or changed.

James Tedford
Hope Melville
Gary Kimball
Mary Demkowitz
Randy Spagnoletti
And 120 others

Brand Park City as an 'old wooden barn'?

Editor:

RE: *The Park Record*, Sept. 15-18,
page A-1 article, "Kimball has some
opponents"

It is totally incomprehensible that
the most prominent location in Old
Town would be highlighted by stack-
ing up some old used lumber. This
exhibit doesn't portray any design ex-
pertise.

Park City is famous for world-class
skiing. Shouldn't it consider world-
class architecture for an addition to the
Kimball Art Center?

Some examples of world-class are
glass by I.M. Pei at the Louvre in Paris
and titanium by Frank Gehry at the
Guggenheim in Balboa.

Those who favor "stacked timber"
should realize that it will become a
symbol branding Park City, forever, as
an "old wooden barn."

Whatever happened to good old
American innovation and ingenious-
ness?

Rudy Lang

Park City

Eighty-foot structure would loom over Zoom

Editor:

I wish to make my opinion understood of the proposed Kimball Art Center addition: I do *not* want the proposed addition due to several reasons:

1) I do not approve of the permission being granted to break the codes and regulations of our Historic Park City.

2) The proposal to allow an MPD change even in this one case sets a precedent that could be used by other developers.

3) The height of the building would be more than 40 feet over the height of Sky Lodge and would be much more obvious at the end of the Main St.

4) The building overshadows Zoom and Easy Street. I, for one, will not wish to sit there and look at a skyscraper-studded intersection. I feel this proposed structure is completely out of compliance with our historic designation.

I, for one, spoke at the public hearing of the city council. I feel that the article published about our opinions stated at that meeting were not made quite correctly. The byline stated we opposed the design. That is not quite correct. I don't love it ... but some of our group do. What we do not want is stated in the previous paragraph. We *do* want the Kimball Art Center to be able to have a larger facility. As a former art teacher, I am totally in favor of the center and its desire to expand its horizons ... just not over Main Street.

My worst nightmare would be to see an 80-foot structure in our historic Park City and the possible future buildings of anywhere near this size.

Marilla Magill

Park City

LETTERS TO THE EDITOR—

Give us an example in a small Western ski town

Editor:

In Gordon Mills' guest editorial in this past Wednesday's *Park Record*, he states that he was an architect for 40 years and designed buildings across the U.S. and Asia. His article was very well written and informative, but I can not believe he was comparing the town of Park City to Paris, NYC, London and Washington, D.C. This is ludicrous. Those cities are HUGE cities that have the size to allow for the construction of one or two very unique buildings because they make little impact on the overall city. Visitors to these cities have to specifically travel to these buildings in order to view them (with the exception of the Eiffel Tower in Paris).

Mr. Mills, in his article, should have provided the reader with a more appropriate comparable/example of a huge ultra-modern structure, in a Western ski town, that did not comply with its town's current building regulations when it was built, and has been met great acceptance, not only from that town's residents, but also the world community.

I will speculate that the reason he did not provide an appropriate comparable of a "like structure" that exists in another small Western ski town is because *none exists!* I have been to Vail, Aspen, Breckenridge, Sun Valley, Mammoth, Truckee, and Stowe, Vt., and none of these towns has an ultra-modern, behemoth edifice that overwhelms all other structures in the town. Do we (Parkites) want to be the first small Western ski town to allow the construction of a building that does not fit with the overall town character or comply with our current building regulations? I, for one, do not!

Mike Baker

Park City

GUEST EDITORIAL

Proposed Kimball Art Center addition is no Eiffel Tower

By Randy Spagnoletti

Park City

Gordon Mills' Sept. 26 take on opposition to Kimball Art Center's (KAC) nonconforming addition is interesting. As an architect from Dubuque, Iowa, he claims to have worked with a number of communities with strong historic preservation efforts, yet he is surprised our locals want the KAC to comply with the Land Management Code and Design Guidelines.

Vigilant adherence to zoning and design requirements are essential for a small community like Park City to avoid long complicated legal engagements while maintaining its status as a world-class resort attracting hundreds of thousands of guests each year.

Our winter visitors come here to ski our pristine slopes, then in the evening enjoy shopping or dining in a charming setting that takes them far away from the daily grind they deal with at home. Summer guests, many from the Wasatch Front, visit Park City to spend a one-day vacation visiting Old Town's eclectic mix of shops and eateries.

Tourism is the engine that powers our economy and it is fueled by a Western turn-of-the-century atmosphere. It is essential that Park City maintains the ambiance that our visitors expect to find if we are to continue to succeed in a very competitive market.

A massive futuristic structure of stacked trestle wood, twisting eighty feet up into the middle of Historic Main Street's sky, will be completely out of context and confusing. I have visited places myself that had odd, unexplainable elements that I would rather not see again. I could hear people make remarks to each other like, "What were they thinking?" or "What in the world is that?"

Mr. Mills asks us to think about other communities with strong historic character that likely opposed groundbreaking projects like the Eiffel Tower. Please, I have seen the Eiffel Tower up

close and the proposed KAC addition is no Eiffel Tower.

Mr. Mills began his editorial by commending Park City for their strong efforts in planning that gives it a "wonderful character and sense of place," then he ends by saying, "This is a one-time opportunity to make an exception to our codes and guidelines." It is his feeling that public or quasi-public facilities like the KAC should be considered an exception to the rules. In this case that means commercial building heights would be doubled.

Mr. Mills encourages us to give the architects reasonable latitude to pursue their design objectives. I don't doubt that Mr. Mills and all those involved in this project are well-meaning, doing what they feel is the best for Park City and the KAC. I am equally sure every developer would also like their architects to have as much latitude as they require. That is what the Land Management Code is for: to protect our community in the form of the Historic Design Guidelines.

In my opinion it is critical that everyone respect the rules. There will certainly be future projects where a developer and architect want to rezone a site to MPD (Master Planned Development) to get around the existing rules. Hopefully they will be told that Park City makes no exceptions. It can be a strong position that will stand up in court, or maybe not if the developer can point out the window at another project that was allowed to exceed the rules.

Let's slow down and take another look at all proposed projects through the eyes of the surrounding residents who will be greatly impacted by it. Blocked views and sunlight, excess noise, additional parking requirements and the intrusion by someone else's existential idea of attractive architecture are just a few of the problems we will be forced to deal with if we weaken the Design Guidelines or allow an end run with an MPD, in Old Town or anywhere else in Park City.

Park City faces questions vital to Main Street's future

The Park Record

October 13-16, 2012

By Harry E. Fuller Jr.

Park City once again must decide if it will trade a unique gift of time for something only proffered as maybe more valuable – the proposed Kimball Art Center addition. That decision is implied by action on pending revisions to the city's Land Management Code.

Found in the city planning commission's annual code review are suggestions that revisions occur which would, interestingly, accommodate what the KAC board proposes for a towering attachment to its gallery at Heber and Park avenues. Because in several aspects as it would loom over Main Street the design violates current historic district zoning provisions, the proposed addition naturally provokes community distress.

When economic conditions abruptly started transitioning with this country's Great Depression – just short of 100 years ago – Park City's decline accelerated, the mining industry moving out from under the town's previously prosperous foundation. Left behind, however, was a slumbering future opportunity – possible valuable reuse of a period-piece commercial district, derelict, but substantially preserved.

Discovery that the surrounding hills and mountains could host world-class ski resorts occurred with the simultaneous dawning that a "downtown" for providing the necessary resort-required restaurants, sporting-goods businesses, artwork galleries and apres-ski entertainment already existed. More than that, it all could be accommodated in a Main Street setting, with feasible rehabilitation, emphasizing a genuine Old West appearance and experience.

It was an obvious double-barreled advantage for economic recovery. Historic revival, then, eventually inspired the community's best interests and deliberate emphasis.

Other Western ski Meccas cannot equal what has been achieved. Aspen, although a mining town, was really never abandoned, and its ski industry renewed the place starting early post-World War II, with substantial new construction dating from then. Sun Valley, although also once a mining platform, was actually re-created as a year-round recreation center and consequently deliberately, materially updated. The Squaw Valley area? It has nothing comparable to Park City's setting. "Historic" is surely the acknowledged emblem for Park City's emergent new vision.

The extraordinary results are mar-

keted by Summit County ski resorts and related tourism advertisements that expressly feature Park City. Visitors from surrounding Utah areas, beyond this region and from other, distant countries regularly peruse historic Main Street, drawn to its vivid representation of another, former era, in the process benefiting its commerce, to the tune of \$105 million in 2011 sales alone.

Why would municipal officials, stewards for protecting this incomparable asset, consider dismantling it by enabling the development urge to build and renovate in ways that inflict nonconforming characteristics – sizes, shapes, materials – gradually but ultimately fostering something unrecognizable as authentically historic? Why would Park City want to squander an enviable inheritance the past has bequeathed it for a promise that an unforeseeable future cannot guarantee? Indeed, specifically why?

Harry E. Fuller Jr. is a nine-year Park City resident who previously lived in Salt Lake City for 41 years. He started visiting Park City when it verged on becoming a ghost town and has watched it recover, rebuild and regain its prosperity through planning and developer consideration that has acknowledged and honored the town's past.

October 17-19, 2012

KAC architects could learn from Sky Lodge experience

Editor:

I was the developer of the Sky Lodge and as such have considerable experience with working within the Land Code and Historical Guidelines of Old Town. Over the course of three years our project was the subject of six Planning Commission reviews and 23 community meetings which included the creation of a "to scale" cityscape of Old Town which showed our site as it was and with the proposed new development. In addition we did a full 3D computer study and flew on two occasions balloons for the Planning Commission and City Council to review. This extensive review process was for a building that has a maximum height of 42 feet.

I present all of this background because the building plan we first put forward to Patrick Putt and his team at the Planning Department was simply wrong. It was too big, it was too massive on the street front, and its exterior design was not good enough. We did not like hearing those comments but in the end it was true. We resisted the input of the planning staff and the community because "we knew better." We were in love with our design and we were convinced that if everyone would just trust us we would deliver a building that would inspire awe.

We were wrong. Patrick and his staff worked us off the ledge and in the end we created – with the help of the Planning Commission and the community – a building that was recognized by the AIA as one of the best examples of architecture in 2008.

I fully support the concept of the need for Kimball to reinvent its venue. However, the current design unfortunately mimics our first efforts at Sky Lodge. It is too tall, too intrusive on the streetscape, and too intrusive on view corridors.

It was very hard for us to let go of our original dream design, but in the end it was the best thing we ever did.

Bill Shoaf
Park City

GUEST EDITORIAL

Kimball proposal could set precedent for more of the same

The Park Record

October 20-23, 2012

By Sanford Melville

Park City

Most of us in Park City already know that the Kimball Art Center is proposing to build a new ultramodern 80-foot tower project in Historic Old Town at the corner of Heber and Main streets. The Kimball has stated this will be a "transformational" project for Old Town. You may also know that the current applicable zoning codes have a maximum 32-foot height restriction and require compliance with historic and other guidelines which would not allow the proposed 80-foot tower project to be built at that location in Old Town.

What you may not know is that the Park City Planning Commission has been asked to consider, and is currently considering, *changing* the current Land Management Code to allow an application for the Kimball's proposed 80-foot tower design to proceed through the Planning Department process. One of the code changes being considered is to allow the Kimball project to be considered as a "Master Planned Development (MPD)," since as an MPD the project would no longer be subject to the current 32-foot height restriction.

In addition, because the Kimball's proposed 80-foot tower design would not comply with all current code requirements even when considered as an MPD, the Planning Commission is considering additional code changes which would apply to all MPD projects. For example, the "open space" requirement for MPDs would be redefined. If other changes to the current codes are required to allow an application for the 80-foot tower design to proceed through the planning process, they may also be considered.

Rewriting these codes will affect not only the Kimball's proposed project, but will provide precedent for other following projects. It will truly be "transformational" since it will move the character of Historic Old Town away from its current pedestrian-scale and historic-based nature, and provide precedent for future projects to do more of the same.

Rather than rewriting the current codes to allow construction of a new building vastly different in height and design than the rest of Historic Old Town, it would seem better for the Kimball Art Center to propose a design for its expansion that fits within the current zoning code rules and guidelines for Historic Old Town. If that does not fit with the Kimball's vision for its expansion and image, then the Kimball should consider another location more

appropriate for its 80-foot tower design.

A decision on the proposed changes to the Land Management Code to accommodate the Kimball's proposed project could occur within weeks. If these changes are not what you want your Planning Commissioners to do, I urge you to let them have the benefit of your views. You can do so with a letter, or with an email to planning@parkcity.org. You can also provide your views to your City Council at council_mail@parkcity.org.

USES THAT REQUIRE ADMINISTRATIVE CONDITIONAL USE PERMITS

Accessory Building, less than 600 sq. ft. (ROS, CT)

Anemometer and Anemometer Towers (ROS, CT)

Bed & Breakfast (HRC, HCB)

Café, Outdoor Dining (HRM, GC)

Essential Municipal Public Utility Use, Service, or Structure, less than 600 sq. ft. (ROS, CT)

Fences greater than 6 ft. in height from final grade (HRL, HRM, HRC, HCB, POS, E-40, E, SF, R1, RD, RM, GC, LI, CT)

Fences & retaining walls exceeding 4 ft. from final grade within any front yard or street side yard (HRL, HRM, HRC, HCB, POS, E-40, E, SF, R1, RD, RM, GC, LI, CT)

Fences & retaining walls exceeding 6 ft. from final grade within any rear or side yard (HRL, HRM, HRC, HCB, POS, E-40, E, SF, R1, RD, RM, GC, LI, CT)

Outdoor Dining (HR2, HRC, HCB, RD, RDM, RC, RCO, GC, PUT)

Outdoor Dining & Support Retail associated with Support Uses with an MPD (CT)

Outdoor Display of Art (FPZ)

Outdoor Event & Uses (HRM, HRC, HCB, E-40, SF, R1, RD, RDM, RM, RC, RCO, GC, LI, CT)

Outdoor Recreation Equipment (ROS, FPZ, CT)

Parking Area or structure with 5 or fewer spaces (SF)

Parking Area or structure with 4 or fewer spaces (ROS, POS, CT)

Private Residence Club Project and Conversion (HRC, HCB, RD, RDM, RC, RCO, LI)

Raising, grazing of horses (ROS)

Raising, grazing of livestock (ROS)

Retaining Walls (SLO, CT)

Ski-related Accessory Building, less than 600 sq. ft. (ROS)

Special Events (HRC, HCB, RC, CT)

Temporary Construction Improvement (ROS)

Temporary Improvement (HRL, HR1, HRM, E-40, E, SF, R1, RD, RDM, RM, RC, RCO, GC, LI, CT)

Trail & Trailhead Improvement (ROS, CT)