

**PARK CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION  
CITY HALL, COUNCIL CHAMBERS  
FEBRUARY 13, 2013**



## **AGENDA**

<b>MEETING CALLED TO ORDER - 5:30 PM</b>	<i>pg</i>	
<b>WORK SESSION</b> – <i>Discussion items. No action will be taken.</i>		
Land Management Code – Discussion of height/story in Chapter 2 and Chapter 15	3	
General Plan – Discussion and Overview of neighborhoods – the neighborhoods to be discussed include; Thaynes Canyon, Park Meadows, and Bonanza Park/Prospector.	5	
<b>ROLL CALL</b>		
<b>ADOPTION OF MINUTES OF OCTOBER 24, 2012</b>	47	
<b>ADOPTION OF MINUTES OF DECEMBER 11, 2012</b>	63	
<b>ADOPTION OF MINUTES OF JANUARY 9, 2013</b>	75	
<b>PUBLIC COMMUNICATIONS</b> – <i>Items not scheduled on the regular agenda</i>		
<b>STAFF AND BOARD COMMUNICATIONS/DISCLOSURES</b>		
<b>REGULAR AGENDA</b> – <i>Discussion, public hearing, and possible action as outlined below</i>		
1492 Park Avenue – Plat Amendment	PL-12-01739	129
<i>Public hearing and possible recommendation to City Council</i>	<i>Planner Grahn</i>	
315 Park Avenue – Plat Amendment	PL-12-01728	155
<i>Public hearing and possible recommendation to City Council</i>	<i>Planner Whetstone</i>	
<b>ADJOURN</b>		

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.

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Park City Planning Department at (435) 615-5060 24 hours prior to the meeting.  
Planning Commission - February 13, 2013



# Planning Commission Staff Report



**Subject:** Building Height in the Historic Residential Districts, part 2  
**Author:** Francisco Astorga, Planner  
**Date:** February 13, 2013  
**Type of Item:** Work Session Discussion

## Summary Recommendations

Staff recommends the Planning Commission discuss specific scenarios regarding Building Height in the Historic Residential Districts (HR-L, HR-1, & HR-2) through a hands-on exercise prepared by the Planning Department.

## Discussion

Currently the three (3) Historic Residential Districts contain the following Building Height parameters:

- 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 January 9, 2013 Planning Staff presented several downhill lot scenarios through this hand on exercise/discussion. Staff requests to present specific scenarios for uphill lots.



# Planning Commission Staff Report



**Subject:** General Plan  
**Author:** Katie Cattan, AICP  
**Date:** February 13, 2013  
**Type of Item:** Work Session

Below is the layout for the new General Plan. The elements within the new General Plan are incorporated within the 4 Core Values identified during the community visioning. The Core Values are those values identified by the community that must be preserved to maintain those aspects of the City that the residents value highly. The Core Values include: Small Town, Natural Setting, Sense of Community, and Historic Character.

## Layout of the New General Plan

1. Park City Visioning Outcome
2. Park City Demographics
3. Small Town PC reviewed on 10.8.2012 & 10.16.2012
  - a. Land Use
  - b. Regional Land Use Planning
  - c. Transportation
4. Natural Setting PC reviewed on 10.16.2012 and 11.27.2012
  - a. Open Space
  - b. Resource Conservation
  - c. Climate adaptation
5. Sense of Community PC reviewed on 11.27.2012 and 12.11.2012
  - a. Housing
  - b. Parks and Recreation
  - c. Special Events
  - d. Economy
  - e. Community Facility
6. Historic Character PC reviewed on 12.11.2012
  - a. Historic Preservation
7. The PC Neighborhoods PC review on 2.13.2013
  - a. 1 – 9
  - b. Implementation Strategies
8. Indicators

The new general plan takes a neighborhood approach to planning. The general plan looks at the existing demographics and trends within each neighborhood then identifies principles and strategies to be applied at a neighborhood level. These

principles and strategies will assist the Planning Commission and City Council in future zoning modifications, area plans, and policy decisions. Neighborhoods 1 – 3 will be reviewed by the Planning Commission during the February 13, 2013 meeting.

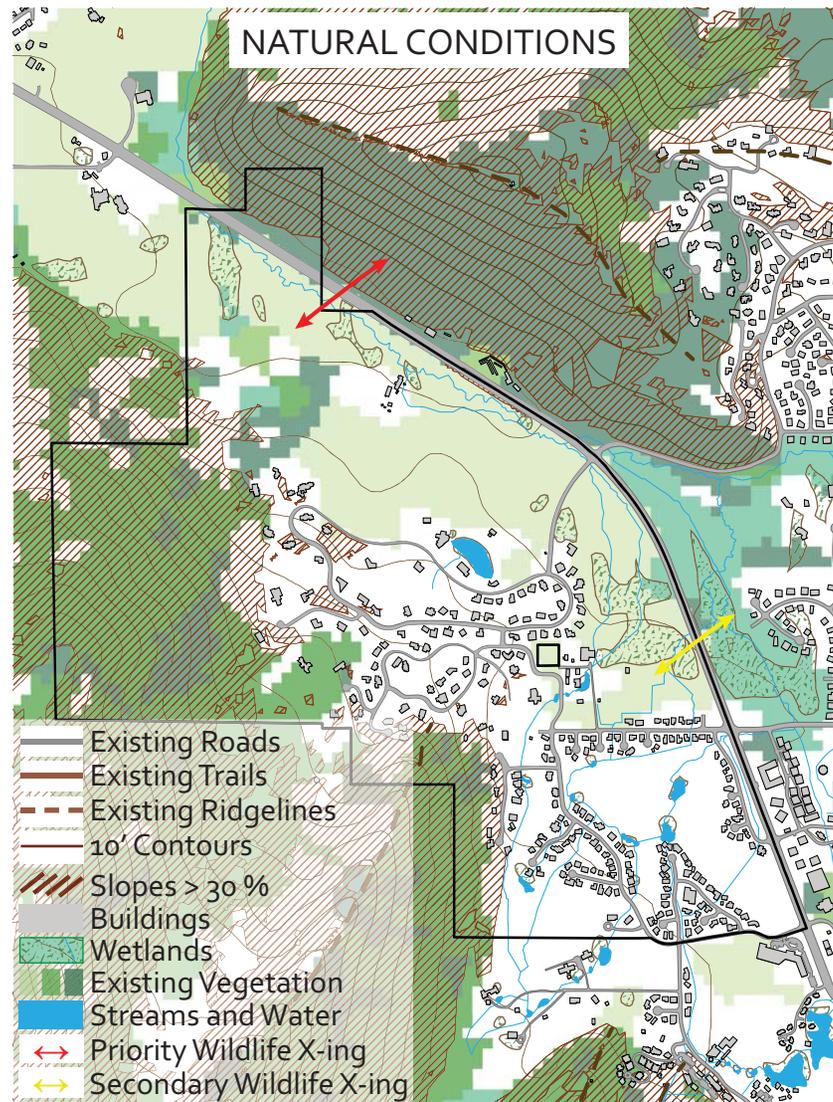
**Exhibits**

Exhibit A: Neighborhoods 1 – 3

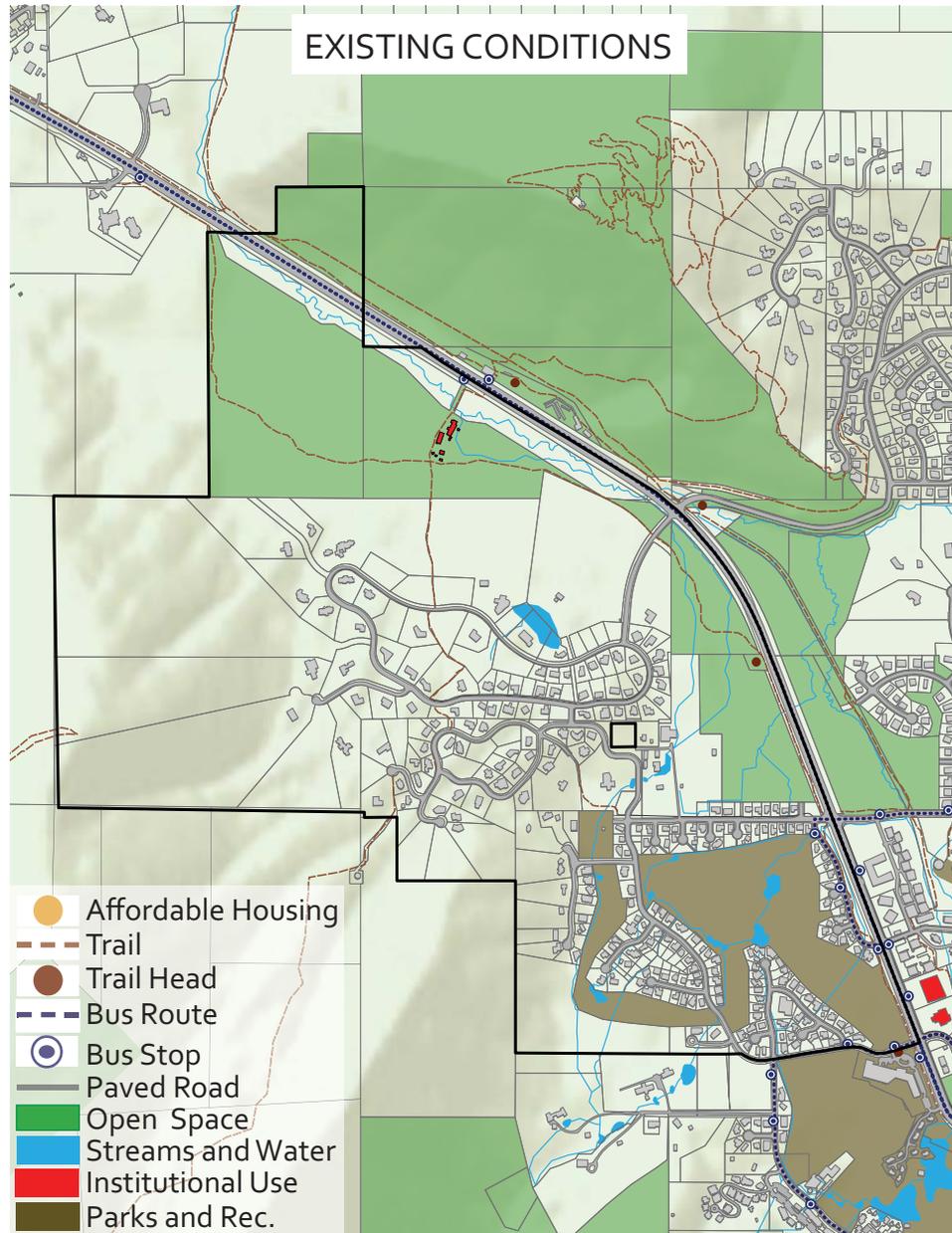


# NEIGHBORHOOD 1: THAYNES

## THAYNES



Total Area (sq. miles)	0.97 square miles
Total Area (acres)	620 acres
Total Units	250
Unbuilt Units	99
% of Total PC Units	2.7%
Average Density	3.16 units per acre
Range of Density	0.1 - 7.7 units per acre
Population	418
Population Density	620 people per square mile
Housing Type	Single Family and Agriculture
Historic Sites	McPolin Barn
Affordable Housing	None
Occupancy	65% Primary residence 59% Owner-occupied 6% Renter-occupied
Neighborhood Icons	McPolin Farm, Rotary Park, Hiking Trails, Streams, Park City Golf Course
Parks	Rotary Park
Open Space	McPolin Farm, Frank Richards Farm, Aspen Springs Open Space
Trails	McPolin Farm Trail and Thaynes Canyon Trail. Connection to McCleod Creek Trail.
Walkability	Internal streets and trails. Few amenities within 1/4 mile to decrease Vehicle Miles Traveled.





A variety of housing densities exists within the Thaynes neighborhood. While all the units are single family homes, the size of the homes and the parcels differ. Estate homes in the Aspen Springs Ranch, (see top left), have the lowest density in the neighborhood. These are large houses on large lots at the north end of the neighborhood. Homes in the Iron Canyon subdivision (see middle), are relatively more dense than Aspen Springs Ranch. The highest densities in the neighborhood are in the Thaynes Canyon subdivision located around the Park City Golf Course, (see bottom). These homes are the oldest in the neighborhood and are much smaller than the more recently constructed homes in Iron Canyon and Aspen Springs Ranch. Many of these older homes have been remodelled with additions for added floor area.

### 1.1: McPolin Barn, the Gateway Icon to Park City

The site of the McPolin Farm represents multiple core values of Park City: historic character, small town, and natural setting. The iconic Landmark Site, with its large dairy barn, outbuildings, silos, and corral (built c.1921 – 1954) welcomes residents and visitors alike, reminding them of the City's rich history and strong values.

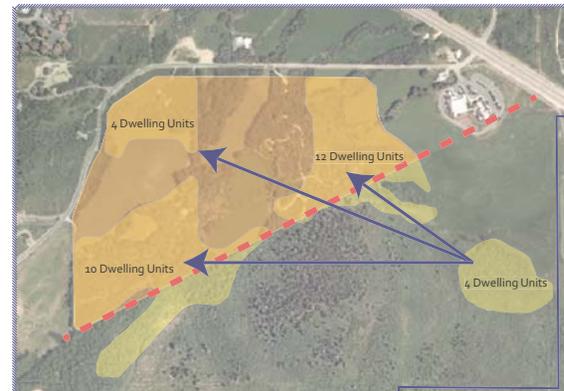
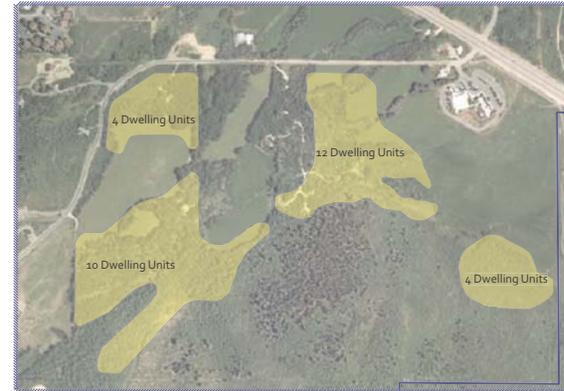
The City boundary currently exists at the edge of the McPolin Farm. Future development is planned behind Saint Mary's Church within the Iver's parcel, just beyond the City Boundary (see aerial top right). The City should work closely with Summit County to guarantee that future development of the Iver's parcel is sensitive to this historic and natural area so as not to interfere with the pastoral setting of the McPolin Farm.

### 1.2: The City Boundary, a Shared Greenbelt and Wildlife Corridor.

As the City boundary becomes a shared greenbelt with the County, safe wildlife and pedestrian crossings will become established. This area is utilized frequently by local wildlife, including elk, deer, and moose. Park City must work in cooperation with the Summit County to establish a regional greenbelt shared between the communities.

### 1.3: The Edge, access to nature and soft edge of the frontage protection zone.

The Thaynes Canyon neighborhood is nestled into the base of Iron Mountain. This beautiful natural backdrop is home to single track trails, wildlife, and skiing. The Park City boundary extends up a portion of the mountainside yet the ridge area is located



The yellow area represents the future location of the 30 approved units within the Ivers SPA in Summit County. The approved dwelling units may be transferred from between the identified building locations. Park City should work with the county to protect the pastoral setting of the entryway, and request that the 4 dwelling units proposed on the eastern edge be transferred behind the sight line of Saint Mary's.

in Summit County. Park City should consider annexing the land up to the ridge to have governance over future development above this iconic entry way.

Park City's Entry Corridor Protection zone has created a soft landscaped edge along

the main entry into Park City, providing a significant buffer between development and the main transportation entrance into the City. This design element is essential to preserving the small town feel and connection to the natural setting. The Entry Corridor Protection Overlay



**1.4: The Thaynes Neighborhood, a local neighborhood in which primary residents choose to live.**

Of the neighborhoods in Park City, Thaynes has the highest percentage of primary residents (65%). Planning within the neighborhood should be geared toward sustaining the primary residential population. Improvements to public neighborhood amenities, including sidewalks, trails, parks, and access to public transportation are planning priorities for the area.

The City should consider a slight modification to the existing bus route to provide more access to public transportation within a ¼ mile of homes and direct access to the neighborhood park.

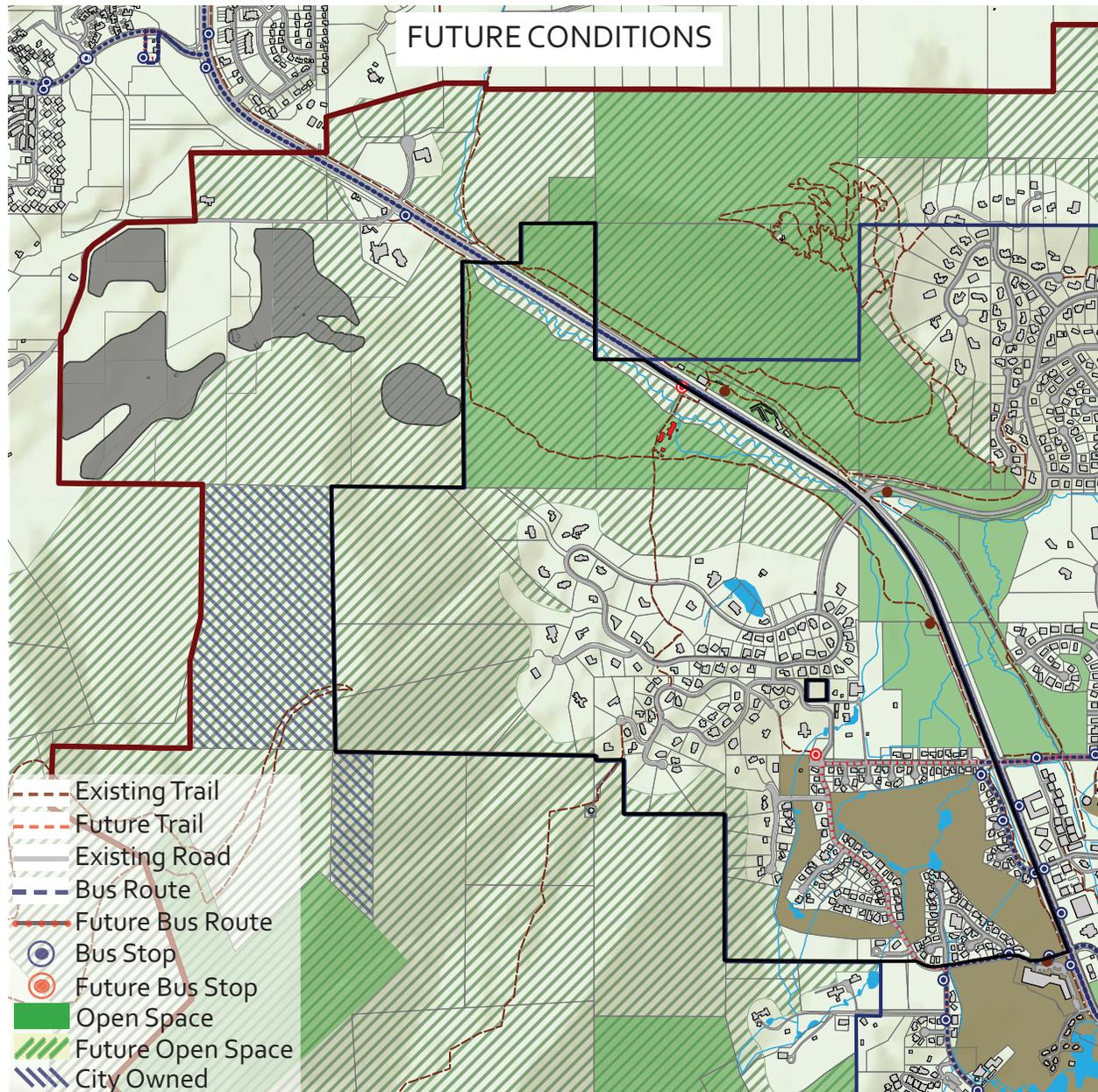
Access to the Iron Canyon Trail has been an



ongoing struggle for the neighborhood residents and the public. The original Iron Canyon subdivision created two routes to access the trail. One access route, which has been a point of high debate in the neighborhood, is trail head parking adjacent to residential homes. The second trail access originates at the McPolin Barn. This access winds throughout the neighborhood up to trailhead, yet is in need of wayfinding signs. The City should continue to work with the HOA to identify the best solution to mitigate neighborhood impacts while providing public access.

**1.5: Thaynes should remain a quiet residential neighborhood dominated by single family homes.**

Additional options for local housing and Park City’s aging population should be considered that are compatible with the existing single family built environment. Compatible housing options for the Thaynes Canyon neighborhood include single family homes, attached accessory dwelling units, and detached accessory dwelling units. Rather than multifamily housing, affordable housing opportunities should take the form of small cottage style, co-housing developments similar to the Snow Creek development. Multifamily housing is not appropriate in this neighborhood. The neighborhood currently lacks affordable housing. Future annexations should require



Future conditions within the Thynes neighborhood will focus on preserving the entry corridor into Park City. This entry corridor sets the small town aesthetic for Park City with the pastoral setting of the McPolin farm. It is also a shared wildlife corridor with the county. Transportation improvements could include a new park&ride by the entry, extending the bus route closer to Iron Canyon subdivision, and trail improvements.



## 2.5: The aesthetic of the Thaynes Neighborhood should be preserved.

The thaynes neighborhood is dominated by single family residential development, including properties with the rear portion of the lot designated as open space

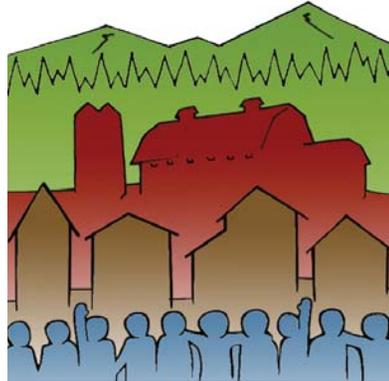
and medium density lots ranging from a 1/4 to 1/2 acre. Existing lots in Thaynes Canyon do not have building pad limits or protection of natural vegetation. All lots in Iron Canyon and Aspen Springs have strict limits of disturbance areas and platted restriction on building pads.

To maintain the nature and built environment of the Thaynes neighborhood, regulation limiting building pads should be adopted. Building pads should be located to follow the pattern of the street, typically maintaining open space toward the rear of the lot.

Shared view corridors should be maintained. The Planning Commission should consider adopting increased rear yard setbacks or building pads to limit future development. Barns and secondary structures should maintain view corridors and be located near the primary building.

# THAYNES

## PRINCIPLES & STRATEGIES



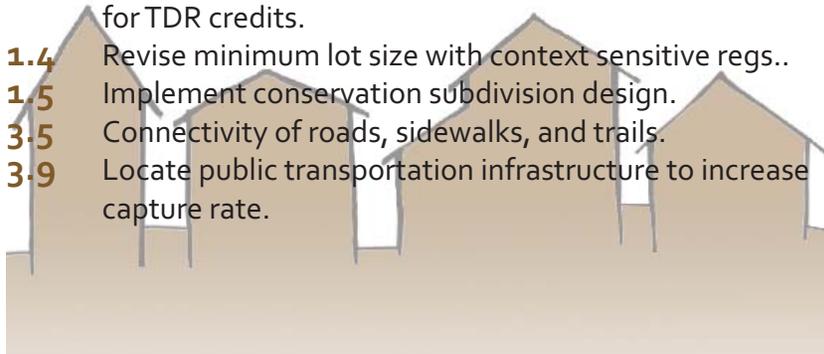
### Small Town

#### PRINCIPLES

- 1A** Infill development for transfer of development right credits.
- 1B** Well-defined, natural neighborhood edge
- 1C** Liveability of Primary Neighborhoods
- 1D** Increase opportunity for local food production
- 2D** Materials and method of construction relate to region.
- 3A** Streets, pedestrian paths, and bike paths contribute to a fully connected system.

#### PLANNING STRATEGIES

- 1.1** Amend LMC allow context sensitive infill development for TDR credits.
- 1.4** Revise minimum lot size with context sensitive regs..
- 1.5** Implement conservation subdivision design.
- 3.5** Connectivity of roads, sidewalks, and trails.
- 3.9** Locate public transportation infrastructure to increase capture rate.



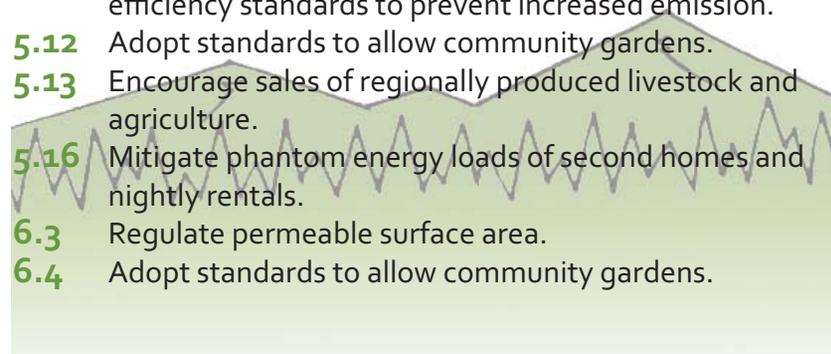
## Natural Setting

#### PRINCIPLES

- 4B** Buffer Entry corridors from development
- 4C** Prevent fragmentation of open space.
- 5A** Encourage development that decreases per capita carbon output, decreases VMT, increases carbon sequestration .
- 6B** Encourage local food production and sales.
- 6C** Support ecosystem health, biodiversity, and natural buffers between development and sensitive lands.

#### PLANNING STRATEGIES

- 4.1** Identify and protect wildlife corridors.
- 4.2** Preserve open space through TDR sending zones.
- 4.6** Identify and protect view corridors and natural buffers within the community entryway.
- 5.2** Identify locations in which increased density and/or mixed use are compatible , located within 1/4 mile of public transit, and would decrease VMT.
- 5.9** Adopt a maximum house size. Allow owners to exceed maximum home size through compliance with home efficiency standards to prevent increased emission.
- 5.12** Adopt standards to allow community gardens.
- 5.13** Encourage sales of regionally produced livestock and agriculture.
- 5.16** Mitigate phantom energy loads of second homes and nightly rentals.
- 6.3** Regulate permeable surface area.
- 6.4** Adopt standards to allow community gardens.



## Sense of Community

### PRINCIPLES

- 7A** Increase diversity of housing stock to fill voids within housing ladder.
- 7B** Focus diversity of housing within primary neighborhoods.
- 8A** Increase affordable housing opportunities.
- 8B** Increase rental options for seasonal workers.
- 8C** Increase housing ownership opportunities for locals within primary residential neighborhoods.
- 9B** Locate recreation within close vicinity to existing neighborhoods and transit access.
- 10B** Balance tourism with preservation of small town character and quality of life. Locate community facilities close to primary residential areas.
- 11B** Maintain the unique Park City Experience through regulating design of the built environment.
- 13C** Encourage the installation of public art on private property, public spaces, parks, trails, and streets that represent Park City's core values.
- 14B** Manage growth to protect the quality of life and preserve the unique Park City Experience by recognizing limits to growth and adopting responsible policies that are within those limits.

### STRATEGIES

- 7.1** Identify opportunities for decreased minimum lot requirements, increased density resulting in smaller home sizes and "move down" units.

- 7.2** Permit a wider variety of compatible housing types.
- 8.15** Identify and acquire property for the future development of affordable housing.
- 9.2** Identify areas for future recreation opportunities that are accessible, in close proximity to end user, and create increase recreation in underserved primary neighborhoods.
- 11.2** Protect unique attributes of Park City.
- 11.5** Adopt city-wide design standards to maintain the aesthetic experience of Park City.
- 11.7** Acquire open space recognizing that protection of the Natural Setting is essential to the distinct Park City experience for tourism.
- 14.5** Locate future schools, libraries, and other community facilities within, or in close proximity to, primary residential neighborhoods.

## Historic Character

### PRINCIPLES

- 15A** Maintain the integrity of historic resources within Park City as a community asset for future generations.
- 15E** Encourage adaptive reuse of Historic Resources.

### STRATEGIES

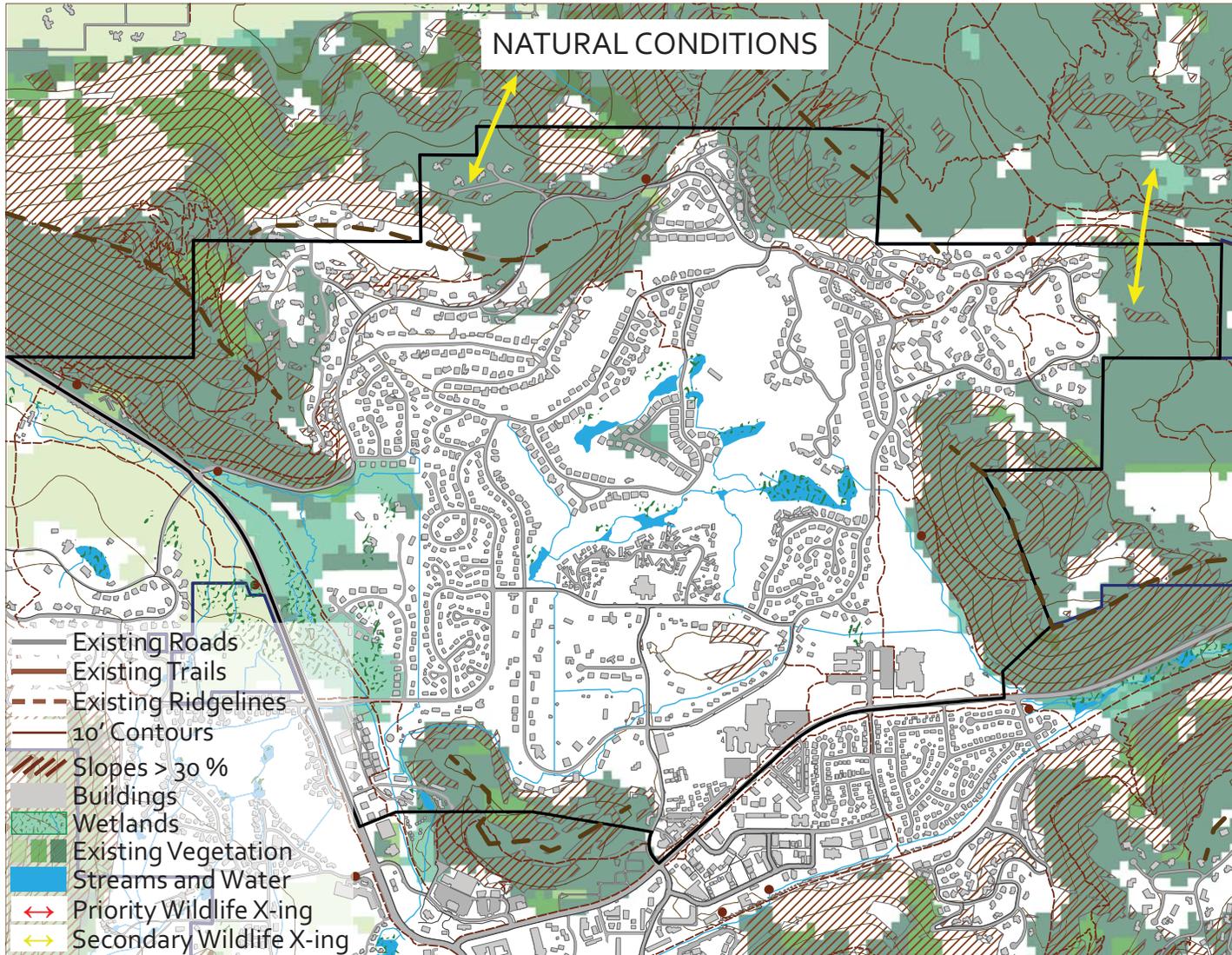
- 15.10** Develop incentives to encourage adaptive reuse of historic resources.



# NEIGHBORHOOD 2: PARK MEADOWS

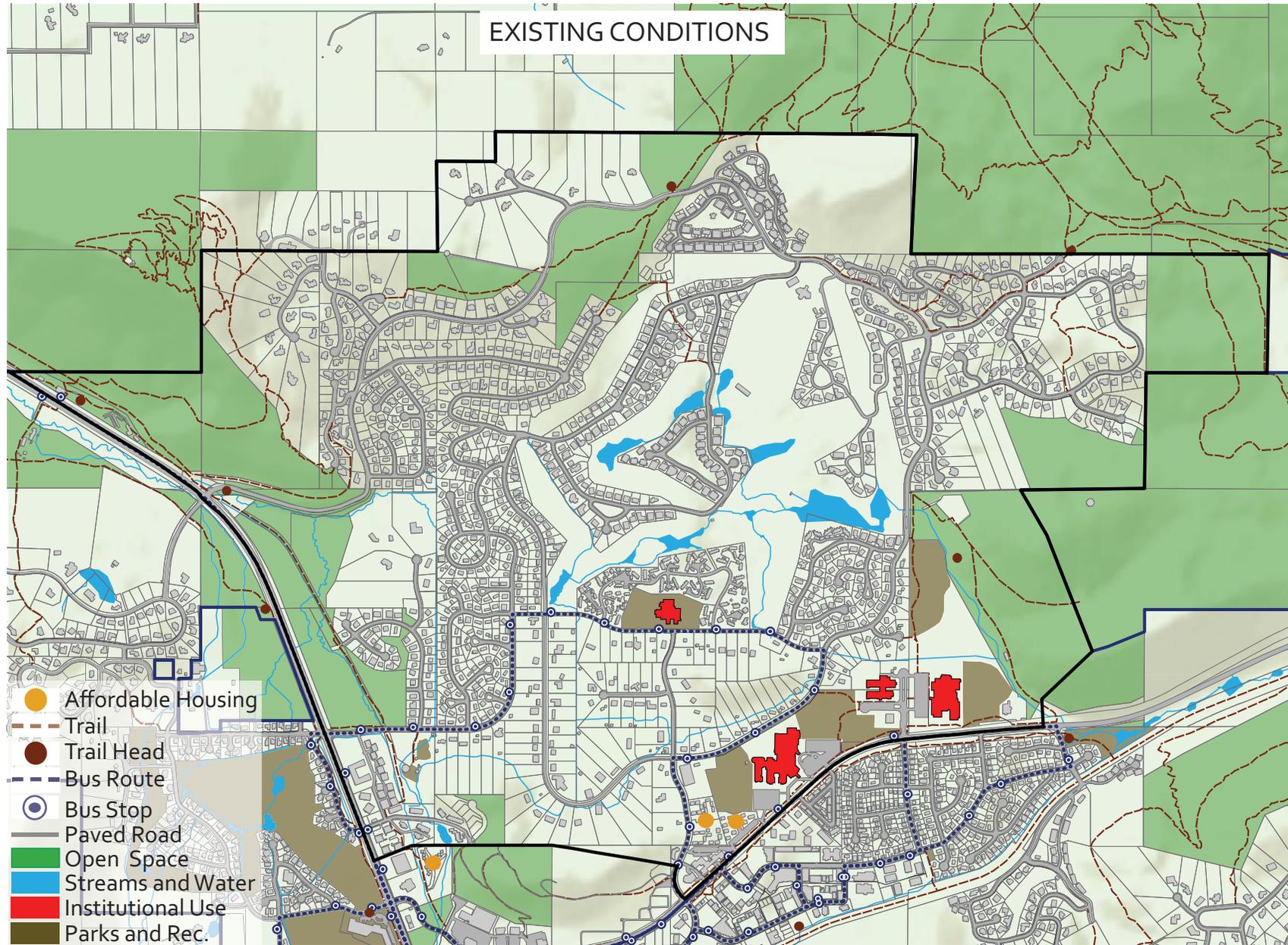
# PARK MEADOWS

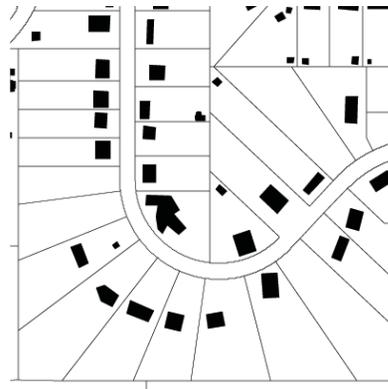
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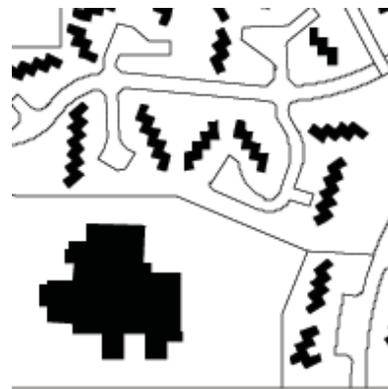
Total Area (sq. miles)	2.49 square miles
Total Area (acres)	1593 acres
Total Units	1,610
Unbuilt Units	117
% of Total PC Units	17%
Average Density	2.56 units per acre
Range of Density	0.14 - 39.41 units per acre
Population	2604
Population Density	1046 people per square mile
Housing Type	Single Family, condominiums, multifamily apartments
Historic Sites	Sprigg Farm
Affordable Housing	Snowcreek Cottages (13), Holiday Village (80), Parkside (42)
Occupancy	65% Primary residence 50% owner-occupied 30% renter-occupied
Neighborhood Icons	Park City School District Campus, Ecles Center, PC MARC, Park Meadows Golf Club
Parks	Creekside Park
Open Space	Round Valley, Boothill, Huntsman Entryway
Trails	Many trails around edge.
Walkability	Internal streets and sidewalks. Few internal amenities to decrease vehicle miles traveled.

# EXISTING CONDITIONS





Park Meadows is a model neighborhood for diversity in housing types. A range of housing types exists from single family homes on small, medium, and large lots to multi-family condominiums and apartments. The density ranges from 0.14 - 39.41 units per acre. Open space, schools, and recreation facilities are within close proximity to the residential neighborhood.



**2.1: The Park Meadows Neighborhood, tucked behind Boothill and the entryway with a comfortable buffer for wildlife.**

The northwestern edge of the Park Meadows neighborhood is defined by SR 224 within the pastoral entry into Park City. The combination of trails, wetlands, and a historic barn against the hillside backdrop creates a soft pastoral entry into the City, complimentary to the McPolin Farmstead across the street. McCleod Creek takes its last turn through the city prior to winding out to the Snyderville Basin. Mountain Top hill provides a natural screen to the most populated subdivision in Park City.

As the boundary of the City becomes a greenbelt shared with the County, safe wildlife and pedestrian crossings will become established.

The entryway is utilized frequently by the local wildlife, including elk, deer, and moose. The City should work with Summit County to ensure that the area between the Mountain Top and Round Valley does not become fragmented due to development and resulting in lost wildlife corridors.

Wildlife habitat is essential to a healthy ecosystem. As the Park Meadows area was subdivided, limits of disturbance were introduced to protect the natural landscape within the area. This creates a unique aesthetic within the subdivisions in which limits of disturbance were controlled. The City should consider incentives for residents to reintroduce native landscapes within the neighborhood, especially along the edge. This will assist in supporting ecosystem health, biodiversity, and clean water.

**2.2: The Park Meadows Neighborhood, the last stop in Park City heading East towards Salt Lake City.**

Opportunity exists on the north-east side of 224 for additional parking for trail access and a Park and Ride for the SLC to PC connect. Sensitive adaptive reuse of the existing non-historic structure at the corner of Meadows Drive could provide a warm shelter for commuters while preserving the character of the entry corridor. Efficiency is a key strategy to ridership of public transportation. By creating a Park and Ride at the border, opportunity exists to capture more drivers due to time savings and visibility of the location. There is an existing underpass creating a safe drop-off during the return trip. Adaptive reuse must be sensitive to not overwhelm the pastoral entry experience into Park City.

**2.3: The Park Meadows Neighborhood, home to diverse housing opportunities, many public amenities, and 34% of the City's primary residents.**

Park Meadows reported the highest population of full time residents, followed by the Prospector/Bonanza Park Neighborhood. The 2010 census reported a total of 2,604 primary residents within the Park Meadows neighborhood. There is a great mix of housing opportunities including affordable housing apartments, a variety of condominiums, and a range of different sizes and styles of single family homes. To maintain Park Meadows as a local residential neighborhood, nightly rental should be prohibited and diversity of housing opportunities should continue to be encouraged.

In 2012, the Park Meadows



Utilizing TDR credits, lots with adequate road frontage could be further subdivided while preserving open space elsewhere. The gray lot lines and building footprints are examples of compatible infill.

neighborhood had a total of 1,610 residential units (with 117 vacant developable lots) on a total of 1,593.15 acres. Taking the large golf course out of the equation, the Park Meadows neighborhood has an average density of 2.56 units per acres, relatively low compared to

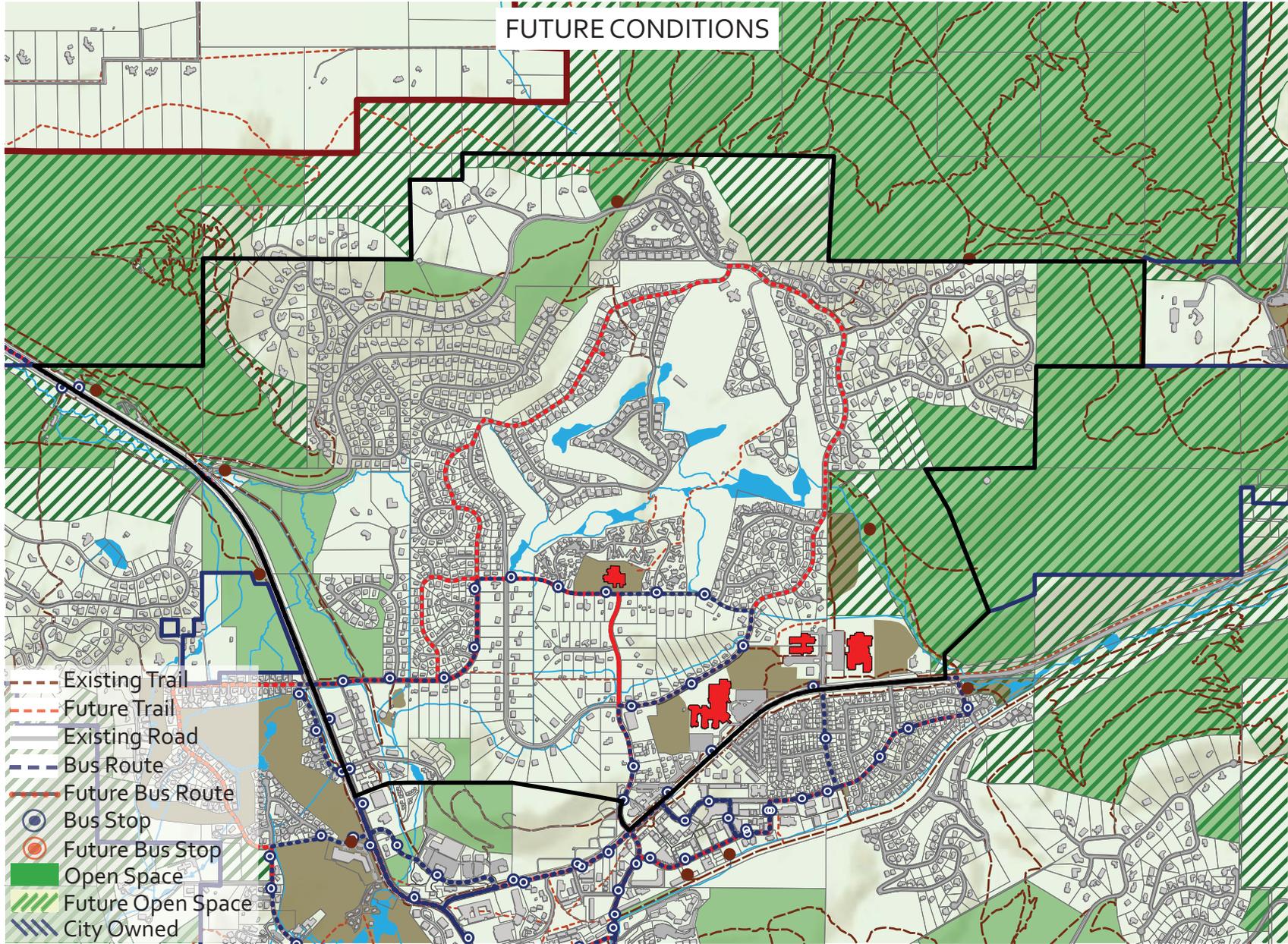
the citywide average units per acre of 7.82. To further support additional housing opportunities for local residents, complimentary accessory dwelling units and further subdivision of existing lots should be allowed in the neighborhood.

**2.4: As a primary residential neighborhood, community amenities should be planned to meet daily needs.**

Future land use, transportation, and public amenity decisions should be geared toward the intent of sustaining Park Meadows as a primary residential neighborhood. Improvements to the public neighborhood amenities, such as sidewalks, trails, parks, and access to public transportation are planning priorities for the area. The City should consider a slight modification to the existing bus route to provide a greater portion of the Park Meadows neighborhood with access to bus stops within a ¼ mile. Providing safe routes to school is also a priority.

The Park Meadows neighborhood has many community amenities including the private golf

course, the dirt bike jump park, Creekside Park, the Racquet Club, the Park City School District Campus home to four (4) schools and a variety of athletic fields, the Eccles Center for the Performing Arts, and access to the open space of Round Valley. Creating community amenities close to residential neighborhoods is essential to maintaining community while decreasing vehicle miles traveled. Public amenities should be supported within the neighborhood with careful mitigation to negative impacts such a traffic, lighting, and compatibility.





**2.5: The aesthetic of the Park Meadows Neighborhood should be preserved.**

Park Meadows offers a variety of development patterns, including large ranch style horse properties with deep lots, dense

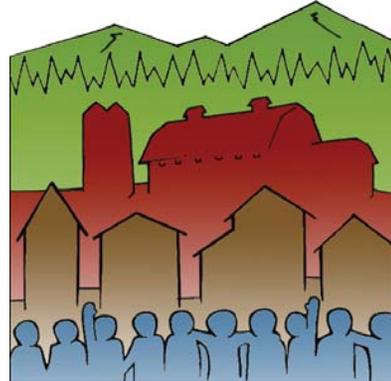
condominiums, compact track home development on smaller lots to the west, and larger single family homes scattered around the golf course and climbing up the hillside around Meadows Drive. To maintain the aesthetic of the individual pockets of development,

limitations on building pads should be adopted. The initial development of Park Meadows considered shared view corridors within the deep ranch style lots, yet there are few subdivision plats that limit the building pads to protect the view corridors during future

redevelopment. In the interest of protecting the built and natural aesthetic of the neighborhood, the Planning Commission should consider adopting appropriate tools such as building pads and/or floor area ratios to limit future development.

# PARK MEADOWS

## PRINCIPLES & STRATEGIES



### Small Town

#### PRINCIPLES

- 1A** Infill development for TDR
- 1B** Well-defined, natural neighborhood edge
- 1C** Liveability of Primary Neighborhoods
- 1D** Increase opportunity for local food production
- 2D** Materials and method of construction relate to region.
- 3A** Streets, pedestrian paths, and bike paths contribute to a fully connected system.

#### STRATEGIES

- 1.1** Amend LMC allow context sensitive infill development for TDR credits, including in transition zones.
- 1.3** Require range of lot sizes and housing density in new subdivisions.
- 1.4** Revise minimum lot size with context sensitive regulations.
- 1.5** Implement conservation subdivision design.
- 3.5** Connectivity of roads, sidewalks, and trails.
- 3.6** Prioritize walkability improvements in identified hotspots.
- 3.9** Locate public transportation infrastructure to increase capture rate.

## Natural Setting

#### PRINCIPLES

- 4B** Buffer Entry corridors from development
- 4C** Prevent fragmentation of open space.
- 5A** Encourage development that decreases per capita carbon output, decreases VMT, and increases carbon sequestration .
- 6B** Encourage local food production and sales.
- 6C** Support ecosystem health, biodiversity, and natural buffers between development and sensitive lands.

#### STRATEGIES

- 4.1** Identify and protect wildlife corridors.
- 4.2** Preserve open space through TDR sending zones.
- 4.4** Protect sensitive land identified Natural Resource Study
- 4.6** Identify and protect view corridors and natural buffers within the community entryway.
- 5.2** Identify locations in which increased density and/or mixed use are compatible , located within 1/4 mile of public transit, and would decrease VMT.
- 5.9** Adopt a maximum house size. Allow owners to exceed maximum home size through compliance with home efficiency standards to prevent increased emission.
- 5.12** Adopt standards to allow community gardens.
- 5.13** Encourage sales of regionally produced livestock and agriculture.
- 5.16** Mitigate phantom energy loads of second homes and nightly rentals.
- 6.3** Regulate permeable surface area.
- 6.4** Adopt standards to allow community gardens.

## Sense of Community

### PRINCIPLES

- 7A** Increase diversity of housing stock to fill voids within housing ladder.
- 7B** Focus diversity of housing within primary neighborhoods.
- 8A** Increase affordable housing opportunities.
- 8B** Increase rental options for seasonal workers.
- 8C** Increase housing ownership opportunities for locals within primary residential neighborhoods.
- 9B** Locate recreation within close vicinity to existing neighborhoods and transit access.
- 10B** Balance tourism with preservation of small town character and quality of life. Locate community facilities close to primary residential areas.
- 11B** Maintain the unique Park City Experience through regulating design of the built environment.
- 13C** Encourage the installation of public art on private property, public spaces, parks, trails, and streets that represent Park City's core values.
- 14B** Manage growth to protect the quality of life and preserve the unique Park City experience by recognizing limits to growth and adopting responsible policies that are within those limits.

### STRATEGIES

- 7.1** Identify opportunities for decreased minimum lot requirements, increased density resulting in smaller home sizes and "move down" units.
- 7.2** Permit a wider variety of compatible housing types.

- 7-7** Utilize RDA fund to retrofit existing affordable housing.
- 8.12** Prevent loss of existing affordable housing through retrofitting existing stock and extending deeds.
- 8.15** Identify and acquire property for the future development of affordable housing.
- 9.2** Identify areas for future recreation opportunities that are accessible, in close proximity to end user, and create increase recreation in underserved primary neighborhoods.
- 11.2** Protect unique attributes of Park City.
- 11.5** Adopt city-wide design standards to maintain the aesthetic experience of Park City.
- 11.7** Acquire open space recognizing that protection of the Natural Setting is essential to the distinct Park City experience for tourism.
- 14.5** Locate future schools, libraries, and other community facilities within, or in close proximity to, primary residential neighborhoods.

## Historic Character

### PRINCIPLES

- 15A** Maintain the integrity of historic resources within Park City as a community asset for future generations.
- 15E** Encourage adaptive reuse of Historic Resources.

### STRATEGIES

- 15.10** Develop incentives to encourage adaptive reuse of historic resources.

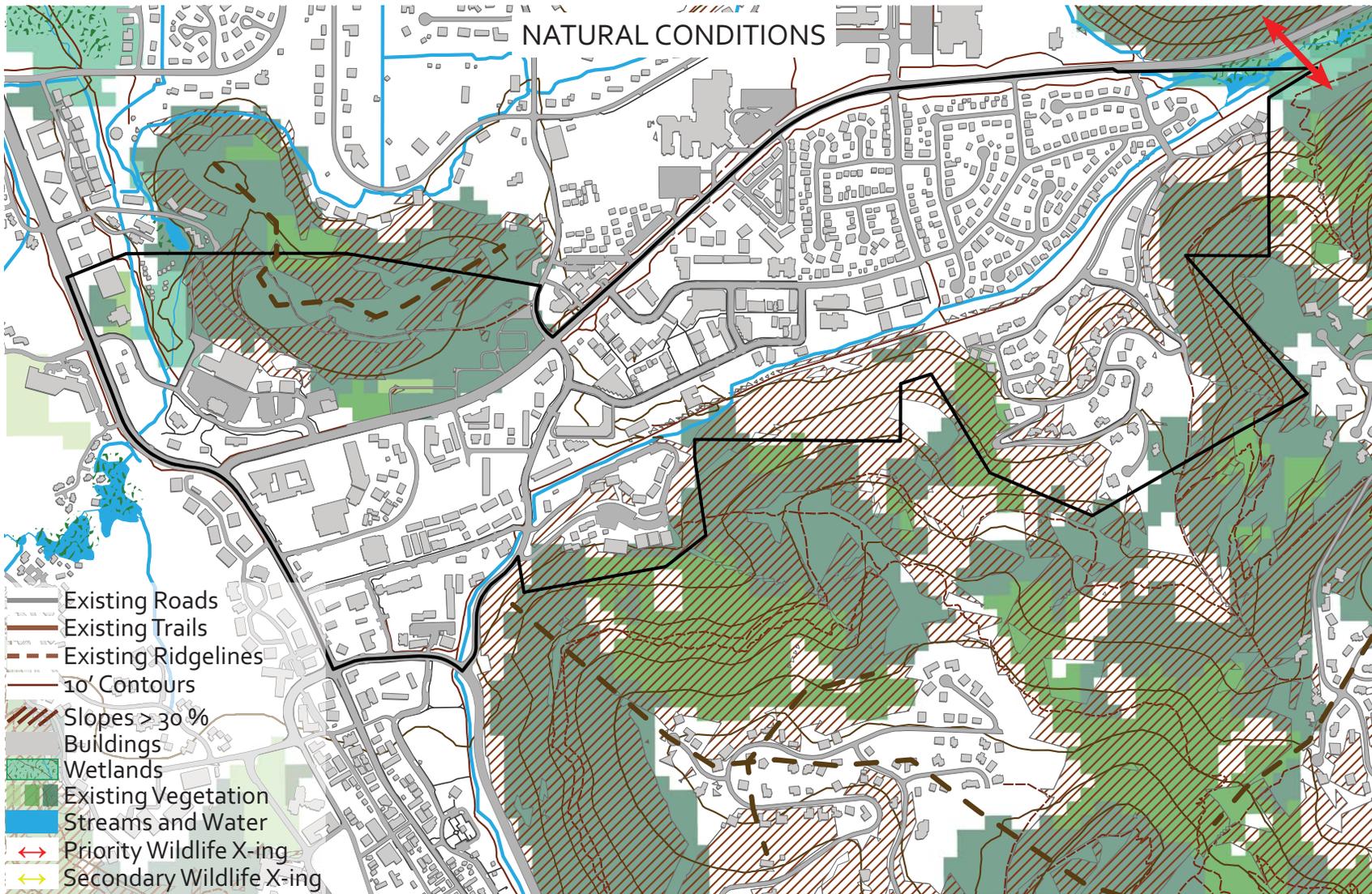
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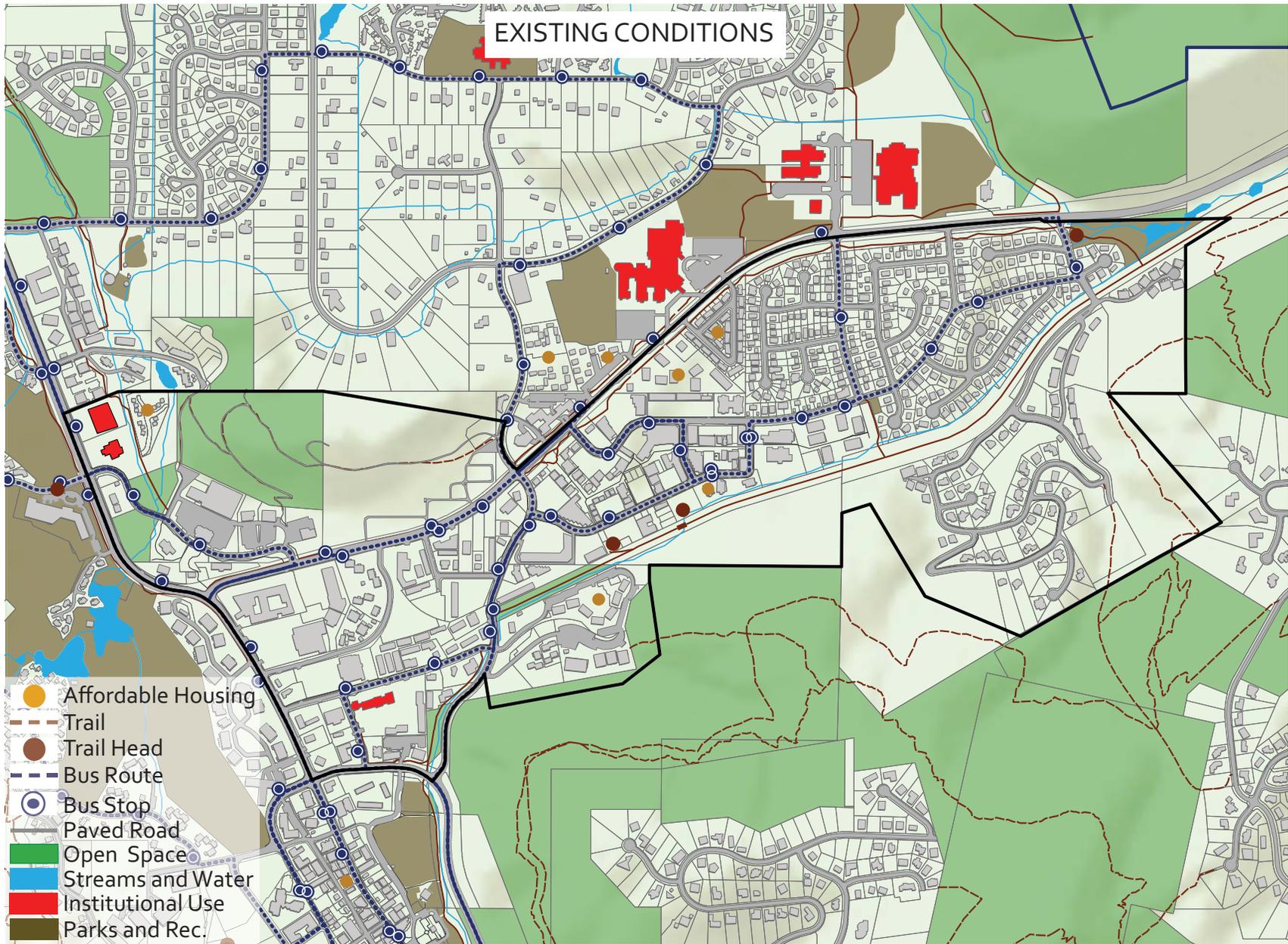
# NEIGHBORHOOD 3: BONANZA PARK & PROSPECTOR

# BONANZA PARK & PROSPECTOR

3

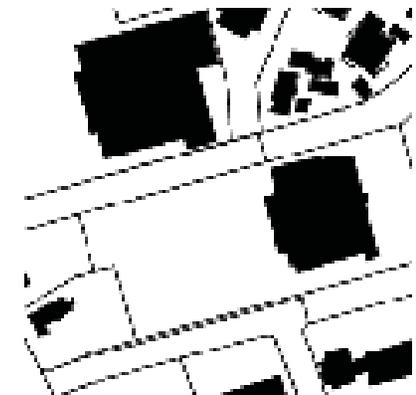


Total Area (sq. miles)	.71 square miles
Total Area (acres)	454 acres
Total Units	1431
Unbuilt Units	60
% of Total PC Units	15%
Average Density	8.07 units per acre
Range of Density	0.7 - 260.4 units per acre
Population	2,543
Population Density	3,578 people per square mile
Housing Type	Single Family, Duplex, condos, multifamily apartments
Historic Sites	None
Affordable Housing	Silver Meadows Estates (49), Prospector Sq. Condominiums (23), Ironhorse (94), Aspen Villas (88)
Occupancy	51% Primary residence 22% owner-occupied 29% renter-occupied
Neighborhood Icons	Rail Trail, Railroad Spur
Parks	Prospector Park New Prospector Park
Open Space	Rail Trail
Trails	Connected to Old Town, Quinns Junction, and Park Meadows via paved trails. Connected to the Aerie via Lost Prospector Trail.
Walkability	Extremely walkable due to diversity of amenities including schools, stores, and restaurants.





The Bonanza Park and Prospector Neighborhood contain a variety of housing. Prospector's eastern edge is dominated by single family homes, with multifamily residential apartments and condominiums scattered along the edge of SR 248. A mix of office space, commercial buildings, multifamily residential, and hotel/timeshare uses expand from the central Prospector Area, through Bonanza Park to the western border of Park Avenue.



### **3.1 Bonanza Park and Prospector: A mixed use neighborhood in which locals live.**

The Bonanza Park and Prospector Neighborhood contains a variety of housing. Prospector's eastern edge is dominated by single family homes, with multifamily residential apartments and condominiums scattered along the edge of SR 248. A mix of office space, commercial buildings, multifamily residential, and hotel/timeshare uses expand from the central Prospector Area, through Bonanza Park to the western border of Park Avenue. As outdated buildings are replaced and existing buildings expand, the neighborhood will evolve into a local, mixed use district. The Rail Trail State Park provides a main pedestrian spine for connectivity. This spine will extend through the Bonanza Park Area and be improved

within Prospector Square.

At 1/3 of the total size of the Park Meadows neighborhood and home to 2543 full time residents, Bonanza Park has an average of 8.07 units per acre, slightly above the average units per acre citywide. As the neighborhood continues to evolve, multifamily residential uses should be concentrated within the Bonanza Park redevelopment area and the Prospector Square commercial area. By directing high density redevelopment in this area, the neighborhood has the potential to provide more life-cycle housing opportunities for Parkites, including starter and empty nester housing. Single family dwellings should only be allowed within the existing single family subdivisions on the Eastern edge and low density character zones of the new form based code.



Photo: Jack Thomas

One of the greatest threats to the relatively affordable Bonanza Park and Prospector neighborhoods is gentrification. As the City adopts new policies to create a great neighborhood for locals, it is imperative that the "Locals" be kept in the equation. The overriding goal for this neighborhood is to create and maintain affordable housing opportunities. In an effort to support local start-up businesses and services, it is also essential to maintain affordable leases within the area.

### **3.2 Bonanza Park and Prospector: An authentic neighborhood.**

Authenticity during redevelopment can be a challenge. Incentives to further subdivide properties to create multiple property owners within the district will help create a truly authentic place. Also, consideration to human scale, infusion of design elements representative of residents' diverse roots, contemporary design, and consideration for the local history of the district, can add to placemaking and authenticity. The evolution

of architectural design created over time will lead to an authentic, diverse district. Also, the introduction of form based code will require incorporation of design elements found in a traditional urban neighborhood, including sidewalks, landscaping, public art, and building interest at the pedestrian eye level.

**3.3 Bonanza Park and Prospector: *The local employment hub.***

To reach the goal of creating more diverse jobs for Parkites, a collaborative partnership approach to redevelopment must exist between the City, property owners, local residents, and business owners. Participation from all parties is necessary to create a desirable mixed use neighborhood in which existing and new businesses choose to call home. The City has a responsibility to ignite economic development tools to attract new businesses in

cooperation with investors. Private property owner participation is necessary for dedication of right-of-ways to transform the neighborhood into a connected neighborhood with public amenities. Infrastructure improvements that attract local residents and businesses must be explored and negotiated including technology infrastructure, public utilities, sidewalks, bike lanes, trails, public parks, roads, transit, and parking.

**3.4 Bonanza Park and Prospector: *A model for sustainable redevelopment.***

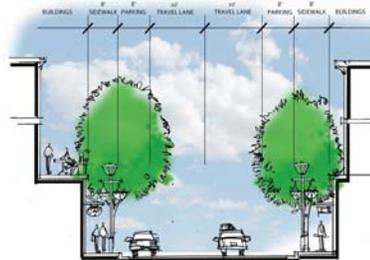
The Bonanza Park and Prospector neighborhood will be a model for green, sustainable redevelopment in balance with the nature. The Bonanza Park Area Plan is a ~~blue~~ green-print for environmentally sensitive development. Many of the principles identified in the Bonanza Park Area Plan reflect those emphasized by the US Green Building Council’s Leadership in Energy and Environmental Design for Neighborhood Development (LEED-ND)



The Burnside Rocket, located in Portland, Oregon is a great example of sustainable design with art in the 24 office windows that have been painted by local artist. The building has an edible roof from which produce is harvested by the restaurant tenants within the building. The building’s low carbon design saves 350 million BTU/yr. There is shared neighborhood parking rather than on-site, and its location next to bicycle routes, bus, and rail makes it extremely environmentally conscious and reflects the community’s core values.

rating system. LEED-ND evaluates neighborhoods on a variety of principles within three categories: Smart Location and Linkage, Neighborhood Pattern and Design, and Green Infrastructure and Buildings. The Bonanza Park Area Plan incorporates all of the highest ranking LEED-ND principles, plus a few extras, from each of these categories. Consideration should be given by the City to expand the Bonanza Park Area Plan and form based code to include the entire Bonanza Park and Prospector neighborhood. Due to limits on density within the Prospector neighborhood, this area could become a receiving zone for TDR credits and further alleviate growth pressures on greenfield development.

Connectivity is lacking throughout the district. The existing pattern of roads is disconnected, yet there is



a great opportunity to fix the disconnection without widespread disturbance. For instance, the commercial area of Prospector Square was designed as a walking district that faces inward toward a wide pedestrian walkway. This great pedestrian design can



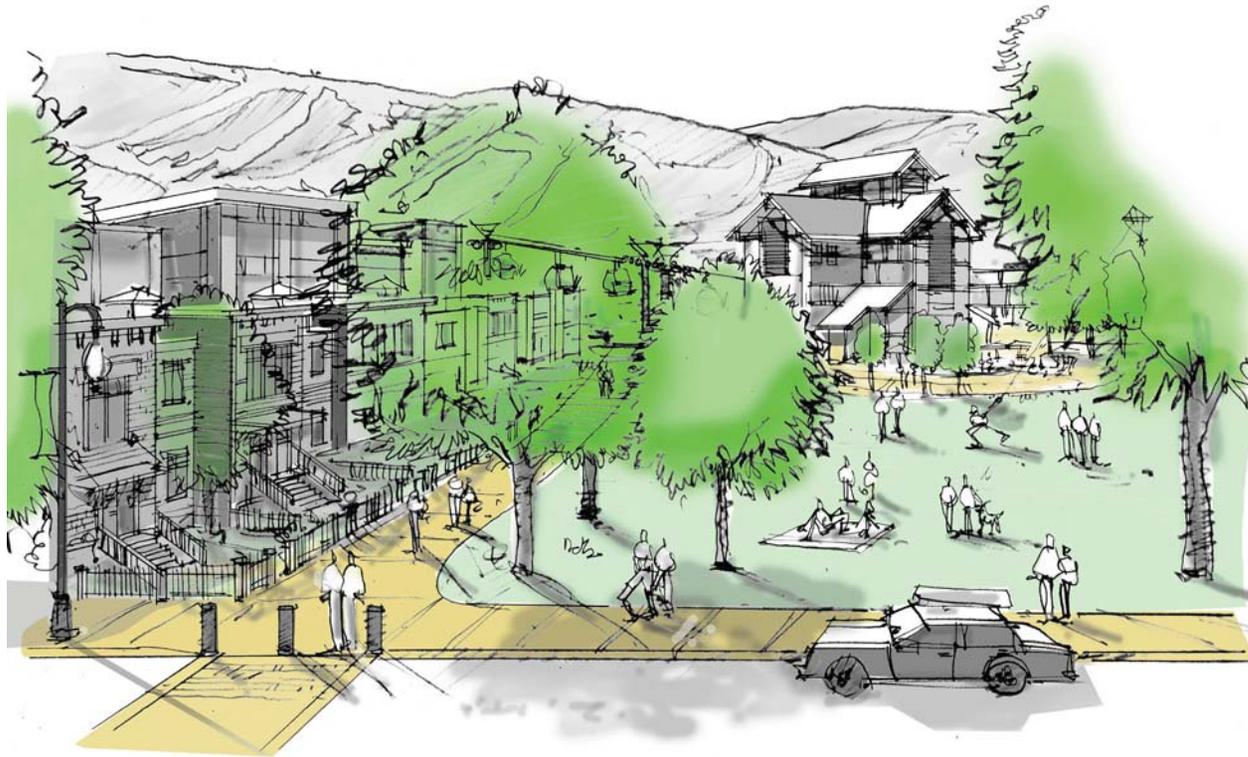
Connectivity and pedestrian safety are essential to neighborhood design within a mixed use area. Bonanza Park currently lacks both qualities. Future right-of-way dedications and pedestrian improvements are imperative to actualize the vision of a live/work walkable, urban district.

accommodate outdoor dining and shopping yet is in need of activation. The area is not visible from the right of way or parking areas, therefore, unless a customer has gone into one of the buildings and exited out the back door, they would not know this pedestrian

area exists. If linkages were created to allow the car to drive across the pedestrian area in a few key locations, residents would become aware of the potential of the site and more businesses may choose to relocate there.

**3.5 Bonanza Park and Prospector: A central hub for public transportation.**

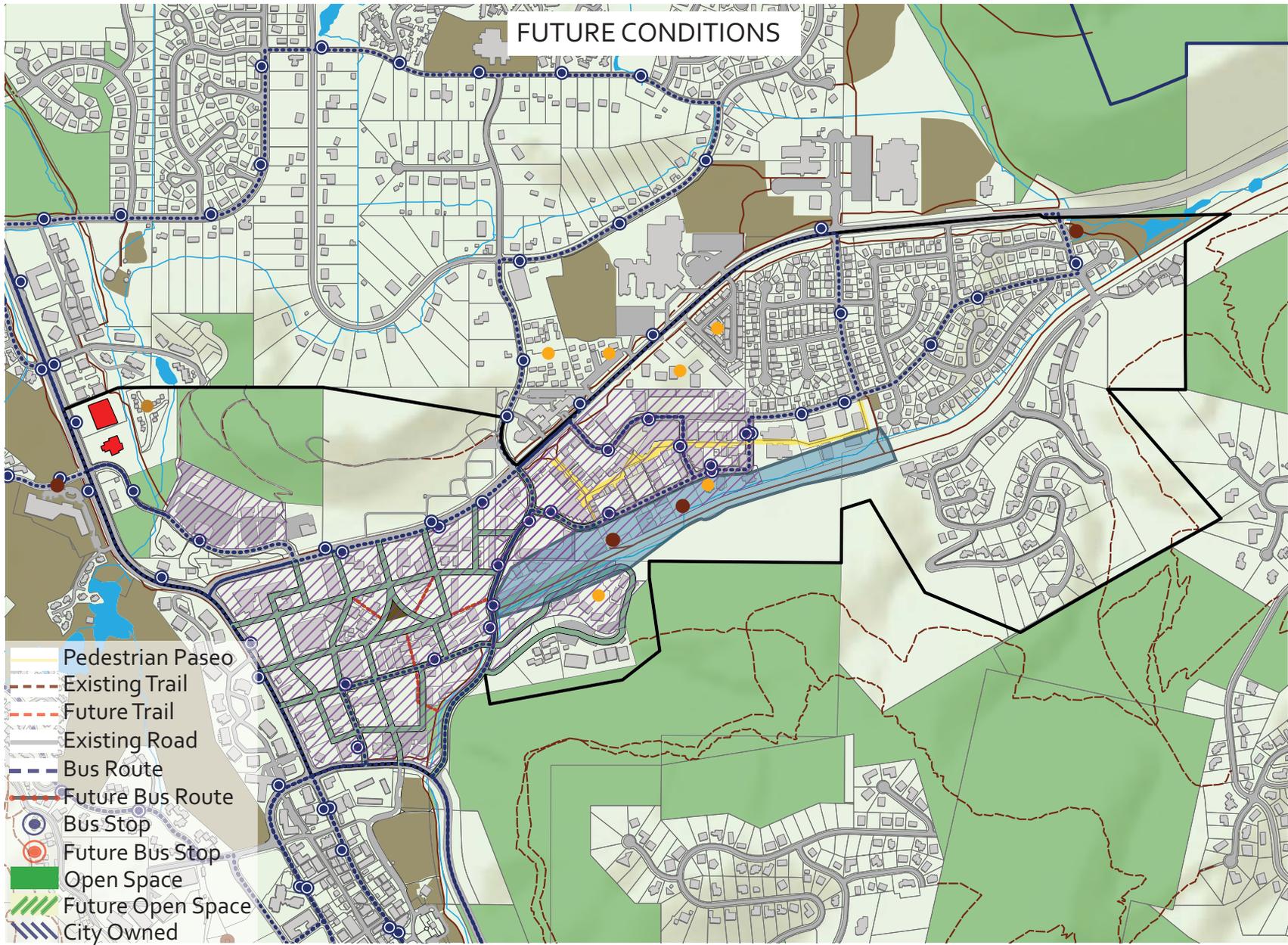
With the neighborhood centrally located within the City, a future public transportation hub should be considered. Transportation routes that save commuters time, also result in saving the City money. To reach goal #2 of changing the preferred transportation options from the car to walking, biking, and public transportation, a new look at time efficiency of trips should be studied. Connectivity from the central district to the resorts would alleviate traffic issues throughout the City, especially if a highly efficient public transportation option existed (such as light rail) connecting Park City to Salt Lake City.



There is potential for this neighborhood to become one of the most pedestrian friendly areas of town. Three major design characteristics, two of which already exist, set the stage for the future. The previously mentioned pedestrian Prospector Square design, with minor tweaks,

can establish the pedestrian focused shopping district. Second, the rail trail connects this neighborhood to the rest of Park City with connections out to Quinn’s Junction and up to Old Town. The future connectivity designed within the Bonanza Park Area Plan will create a safe connections

between Prospector Square and Bonanza Park. The Area Plan introduces sidewalks, an extension of the rail trail leading to a central park, and trails connections within and around the district.





**3.6: The aesthetic of the Bonanza Park area should be true to character and the vision.**

There are a four dominant architectural styles within the Bonanza Park District. The entry way along Park Avenue and Deer Valley

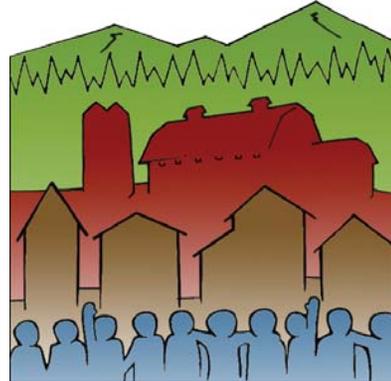
Drive emphasizes the ties to the resort with repeated use of shed roofs, gables, and timbers. As one wanders to the center of the district, known locally as Iron Horse, a more industrial design with split block, horizontal siding, and metal decorative elements, garage doors,

and roofing. The prospector square commercial and residential areas take design cues from traditional americana. Residential areas have front porches with recessed garages. The commercial buildings are also traditional with exterior materials of brick, stucco, or

horizontal siding and symmetry of windows on the upper stories. The niches within the neighborhoods shall become more defined as the area is redeveloped.

# BONANZA PARK

## PRINCIPLES & STRATEGIES



### Small Town

#### PRINCIPLES

- 1A** Infill development for TDR.
- 1B** Well-defined, natural neighborhood edge
- 1C** Liveability of Primary Neighborhoods
- 1D** Increase opportunity for local food production
- 2C** Locate regional institutions and services in centers.
- 2D** Materials and method of construction relate to region.
- 3A** Streets, pedestrian paths, and bike paths contribute to a fully connected system.

#### STRATEGIES

- 1.1** Amend LMC allow context sensitive infill development for TDR credits.
- 1.2** Maintain commercial and light industrial services in PC.
- 1.4** Revise minimum lot size with context sensitive regs..
- 1.5** Implement conservation subdivision design.
- 1.7** Identify redevelopment areas and create Area Plan.
- 3.4** Safe connectivity between all public commons.
- 3.5** Connectivity of roads, sidewalks, and trails.
- 3.6** Prioritize walkability improvements in hotspots.
- 3.7** Plan for future upgrades to public transit w/in ROW.
- 3.9** Locate public transit infrastructure to ↑ capture rate.

## Natural Setting

#### PRINCIPLES

- 5A** Encourage development that decreases per capita carbon output, decreases VMT, and increases carbon sequestration .
- 6B** Encourage local food production and sales.
- 6C** Support ecosystem health, biodiversity, and natural buffers between development and sensitive lands.

#### STRATEGIES

- 4.2** Preserve open space through TDR sending zones.
- 4.6** Identify and protect view corridors and natural buffers within the community entryway and highway corridor.
- 4.16** Maintain City's environmental programs to protect public health and environment.
- 5.2** Identify locations in which increased density and/or mixed use are compatible , located within 1/4 mile of public transit, and would decrease VMT.
- 5.9** Adopt a maximum house size. Allow owners to exceed maximum home size through compliance with home efficiency standards to prevent increased emission.
- 5.12** Adopt standards to allow community gardens.
- 5.13** Encourage sales of regionally produced livestock and agriculture.
- 5.16** Mitigate phantom energy loads of second homes and nightly rentals.
- 6.3** Regulate permeable surface area.
- 6.4** Adopt standards to allow community gardens.

## Sense of Community

### PRINCIPLES

- 7A** Increase diversity of housing stock to fill voids within housing ladder.
- 7B** Focus diversity of housing within primary neighborhoods.
- 8A** Increase affordable housing opportunities.
- 8B** Increase rental options for seasonal workers.
- 8C** Increase housing ownership opportunities for locals within primary residential neighborhoods.
- 9B** Locate recreation within close vicinity to existing neighborhoods and transit access.
- 10B** Balance tourism with preservation of small town character and quality of life. Locate community facilities close to primary residential areas.
- 11B** Maintain the unique Park City Experience through regulating design of the built environment.
- 12D** Discourage negative impacts of big box and national chains on unique Park City experience.
- 13C** Encourage the installation of public art on private property, public spaces, parks, trails, and streets that represent Park City's core values.
- 14B** Manage growth to protect the quality of life and preserve the unique Park City experience by recognizing limits to growth and adopting responsible policies that are within those limits.

### STRATEGIES

- 7.1** Identify opportunities for decreased minimum lot requirements, increased density resulting in smaller home sizes and "move down" units.

- 7.2** Permit a wider variety of compatible housing types.
- 7.7** Utilize RDA fund to retrofit existing affordable housing.
- 8.12** Prevent loss of existing affordable housing through retrofitting existing stock and extending deeds.
- 8.15** Identify and acquire property for the future development of affordable housing.
- 8.17** Prioritize affordable housing acquisitions that support multiple City goals, including emission reduction.
- 9.2** Identify areas for future recreation opportunities that are accessible, in close proximity to end user, and create increase recreation in underserved primary neighborhoods.
- 10.2** Support opportunities for high altitude training center.
- 10.3** Research locations for high altitude training center.
- 11.2** Protect unique attributes of Park City.
- 11.5** Adopt city-wide design standards to maintain the aesthetic experience of Park City.
- 12.1** Maintain commercial and light industrial uses.
- 12.2** Foster live-work opportunities in commercial areas.
- 12.3** Establish neighborhood economic development tools.
- 12.7** Attract businesses with technology infrastructure.
- 12.12** Public-private partnerships to diversify employment.
- 13.5** Encourage live music during peak shopping hours.
- 14.5** Locate future schools, libraries, and other community facilities within, or in close proximity to, primary residential neighborhoods.

## Historic Character

### PRINCIPLES

- 15E** Encourage adaptive reuse of Historic Resources.



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**PLANNING COMMISSION/CITY COUNCIL  
JOINT MEETING  
October 24, 2012**

Planning Commission: Jack Thomas, Brooke Hontz, Stewart Gross, Mick Savage, Adam Strachan, Charlie Wintzer. Nann Worel arrived later in the meeting.

City Council Members: Dana Williams, Alex Butwinski, Dick Peek, Liza Simpson, Andy Beerman. Cindy Matsumoto was excused.

Ex Officio: Thomas Eddington, Planning Director; Katie Cattan, Planner

Vice-Chair Jack Thomas called the meeting to order at 5:15 p.m.

Planning Commission business was conducted prior to the presentation and discussion regarding Form Based Code for the Bonanza Park District.

**ADOPTION OF PLANNING COMMISSION MINUTES – October 10, 2012**

MOTION: Commissioner Savage moved to ADOPT the minutes of October 10, 2012. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously by all Planning Commissioners present.

**STAFF AND COMMISSIONER COMMUNICATIONS/DISCLOSURES**

Commissioner Wintzer disclosed that he owns property in the Park Bonanza area. If any part of the discussion relates to the Power Station issue he would recuse himself from that discussion.

**PUBLIC INPUT**

Jim Tedford, representing a group known as "Preserve Historic Main Street" commented on the proposed Kimball Arts Center Addition. Mr. Tedford read a letter he had prepared outlining other options for the Kimball Arts Center to consider since the current proposal would not meet the height requirements of the HRC zone and the Land Management Code, as well as the Design Guidelines for Historic Site. Other options could include; 1) use of the vacant land and the additional 1500 sf parking area that could yield 600 sf of additional space. He noted that the adjoining property, the Town Lift Condos, has offered to let them use their loading dock. 2) The Kimball Arts Center could build over the present structure; 3) They could develop a new proposal that would comply with the current Code and Design Guidelines; 4) They could sell their property on Heber Avenue and build a totally new structure elsewhere that would not affect Historic Main Street; 5) They could keep part of their program in the present building, sell the vacant land, and build a new facility elsewhere; 6) They could apply for a CUP and Zoning Amendment under the existing LMC; 7) They could apply for a variance to the Board of Adjustment.

Mr. Tedford noted that none of the suggested options would require changing the LMC to allow a Master Planned Development. He believed the whole conversation has zeroed in on a MPD as the only solution to a problem that does not yet exist. Mr. Tedford stated that changing the Land Management Code to possibly accommodate one development seems like bad policy.

**CONTINUATIONS – Public Hearing and Continue to date specified.**

Land Management Code Amendments – Chapter 1, Chapter 2, Chapter 3, Chapter 4, Chapter 5, Chapter 6, Chapter 7, Chapter 8, Chapter 10, Chapter 11, Chapter 12, and Chapter 15.

Vice-Chair Thomas opened the public hearing. There was no comment. Vice-Chair Thomas closed the public hearing.

VOTE: Commissioner Strachan moved to CONTINUE the Amendments to the Land Management Code, Chapters 1-8, 10-12 and 15 to November 28<sup>th</sup>, 2012. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously by all Planning Commissioners present.

**JOINT WORK SESSION WITH CITY COUNCIL**

**Form Based Code and Traffic Study for the Bonanza Park District.**

Planning Director Eddington reported that the Planning Commission and City Council held a joint meeting in January to review a plan for Bonanza Park. During that meeting it was decided that the best way to pursue implementation of the Bonanza Park Area Plan was to move forward with Form Based Code. The City hired a consultant, Gateway Planning from Dallas, who has been working with the Staff since April. Representatives from Gateway Planning were in attendance this evening to present the draft Form Based Code.

Director Eddington stated that the Staff has worked with Gateway Planning on a number of iterations and tweaking the draft plan. The objective this evening is to give the Planning Commission and the City Council an overview of Form Based Code, and to allow the opportunity for input and questions.

Director Eddington introduced Scott Polikov and Jay Narayana from Gateway Planning, and Diego Carroll with Parsons Brinckerhoff, the sub-consultant for the transportation component of the proposal. Mr. Diego was working with Gateway Planning to make sure the street network functions properly with regard to grid patterns and connections to SR248 and SR224, as well as to tweak internal streets and intersections.

Director Eddington noted that Bonanza Park is a 100 acre area that the City is looking to overlay a form based code. The City was looking at re-development, mixed-use opportunities and new street patterns to create mixed-use neighborhoods for the area. The discussion this evening was primarily focused on Form Based Code. Rocky Mountain Power issues would not be addressed this evening.

Mr. Polikov explained the format of the presentation. The first part would introduce Form Based Code and what it is. The second part would talk about the iteration of the original plan and the proposed revision to that plan, and why the revisions were recommended. Transportation issues would also be discussed as an important component of the 5 million square feet of development in

Park City. It is significantly more development than what is on the ground today and in an area that is constrained by limited access. Mr. Polikov would also show graphic examples to explain how Form Based Code actually works.

Mr. Polikov stated that Form Based Code is not necessarily abandoning the use base structure, but instead of use being the primary focus, the form of the neighborhood becomes the primary focus. That involves looking at how the streets are designed in terms of function, sidewalks relative to the frontages of buildings, how the buildings sit on the lot, and how they form public spaces. Mr. Polikov remarked that Form Based Code is a modern application of the way Main Street was originally conceived and implemented.

Mr. Polikov remarked that Gateway Planning was proposing a new zoning ordinance that focuses on the characteristics of the vision plan that the City has been working on for a couple of years, and translates it into development standards. Regardless of who owns the property or the inside of the building, there is predictability as to what it would look like, how it would function and how it would feel. In the Form Based approach, development is the most important but they still regulate use. The difference is that use is not the primary regulation as it is in conventional zoning.

Mr. Polikov presented a slide of a Form Based Code that was developed for the resort community of Padre Island. Instead of mountains it had the bay and the Gulf of Mexico. However, like Park City the property values were high, it has a seasonal population, and a need for affordable housing. The question was how to translate all of that into a design context that could help form the basis for a way to rationalize and include the policy goals in the basic zoning decision. Mr. Polikov explained how they went through a process of developing a master plan and developing the code itself. He pointed out that currently Bonanzas Park is a mismatch on two levels. One is that the property is worth a lot. The question was whether they were creating an environment in which they could get a rent structure for development that would justify the expenditure of investing in a development context that matches the cost of doing that development. On the other hand, in looking at what Charlie and Mary Wintzer have done in the Iron Horse Corridor, it is important to preserve small business and not price people out. Part of the goal is to make sure they do not create a series of unintended consequences like they do in typical conventional zoning.

Mr. Polikov believed Park City has done a good job keeping the national franchise building out, but they still have entitled buildings based on what they are. When that building is no longer viable, it is stuck because it was designed to be a specific use. Form Based Code creates an environment where the building form over time can evolve in its use and it can easily re-invent itself. It shifts to the market when the market does well, and it gives the City the opportunity to determine what they want over the next ten to twenty years as Bonanza Park builds out in terms of the essential design characteristics, public spaces and how the different parts relate to each other. Mr. Polikov pointed out that currently there is no relationship in Bonanza Park. The City had already tackled the issues, but conventional zoning was a mismatch for the Bonanza Park area.

On the question of why the community would want a Form Based Code for this particular project, Mr. Polikov stated that it promotes community ownership of the public realm. It goes back to what used to be a successful coordinated effort by the public and private sectors to activate great public spaces. Conventional zoning is a really bad match for figuring out great public spaces. Secondly,

Form Based Code gives more predictability to the development community because they have a better idea of what is expected. Therefore, they have a better idea of what their proforma structure should look like, and what kind of conversation they need to have with the equity partners and the banks. Form Based Code also catalyzes changes that the City wants. Mr. Polikov stated that Form Based Code is less subjective in terms of design considerations. The Planning Commission and City Council will always have to make some interpretation in discussions with the applicant and the neighborhood, but there is a visual or graphic vocabulary that makes that conversation more meaningful.

Mr. Polikov stated that a mix of uses by right goes back to the point that no one knows what the demands will be in the 100 acres of Bonanza Park. It is a very limited opportunity for redevelopment. They do know there will be a demand for all types of housing and more neighborhoods serving retail; but it is impossible to know what type of retail to expect in the next three or four years. This is the opportunity for the owners in Bonanza Park to function separately; and at the same time the code binds them together. The power of Form Based Code is the benefit of a master development without having to have single ownership.

Mr. Polikov provided an example of Roanoke, Texas which is a small community north of Fort Worth, Texas where Form Based Code was applied. It is not a resort community but he believed it was very similar to Park City and the Bonanza Park area. He presented a slide of what Oak Street looked like when they first started the project in 2006, and another slide after it was re-developed showing how it had transformed in six short years. Mr. Polikov pointed out that Form Based Code does not force anyone out of business or require anyone to abandon their current use in their current building. The Code was drafted to allow the existing basic use with potential improvements within a range under Park City's non-conforming building provision.

Mr. Polikov explained the planning process and the drivers they looked for when they drafted a Form Based Code for Bonanza Park.

Referring back to Roanoke, Texas, Mr. Polikov pointed out that the transformation was more than just the private sector taking advantage of the Form Based Code. It was also the City deciding to invest some of its funding into the reconstruction of Oak Street. Mr. Polikov remarked that the outcome of Form Based rezoning and creating a de facto master developer environment, as well as the public investment in the infrastructure, is that Oak Street became a community destination. More importantly was the increase in the assessed value of the land in six years. He believed the investment in Oak Street would be paid back in less than ten years.

Unlike most projects in Park City where there is a single owner and single developer, Mr. Polikov encouraged a conversation regarding the public role in investing in the infrastructure to activate re-development. He pointed out that in addition to being an aesthetic strategy, Form Based is also an economic strategy for how the public and private sectors can partner on mutual investments that generate positive returns for both sectors, and at the same time generates an outcome that benefits the community.

Mayor Williams referred to the before and after slides of Oak Street and the municipal funding. He

asked what was done with the power company. Mr. Polikov replied that consideration was given to burying the lines; however, they were able to work with the utility company to move the power lines to an alley behind the commercial corridor. He noted that burying the lines would have tripled the cost. If they had not figured out a way to move the power poles it would have presented a challenge in terms of pedestrian experience, ADA compliance, street frontage, etc. Commissioner Thomas asked about the before and after width of the street. Mr. Polikov replied that the street was narrowed curb to curb to slow down traffic. He noted that slower cars move more effectively in a confined area.

Council Member Peek asked why the grade had changed on the left side of the street. Mr. Polikov replied that it was due to drainage issues. Council Member Peek clarified that the grade of the road was dropped as opposed to raising the left side. Mr. Polikov replied that this was correct. He explained that there was also an issue with the natural grade that had to be resolved. Mr. Polikov believed they would experience the same issues in Bonanza Park.

Director Eddington presented slides that addressed the input received from the stakeholders. Gateway Planning came to Park City in April and May and had a number of meetings with stakeholders, neighbors, and others in the community to hear their input on the draft plan that the City Council and Planning Commission saw in January. The stakeholders provided significant input and talked about coordination, affordable housing, tweaking some of the areas where there were potential future road networks, and the size of the Spur Park.

Director Eddington presented a slide of the original Bonanza Park plan from January and explained how they tweaked the plan to come up with different alternatives. He reviewed the elements of three alternatives that were selected based on their important components. Director Eddington noted that the idea of boulevards had initial support, but after a few days of stakeholder discussion the idea was abandoned because it was questionable whether it could be safely utilized as open space. The discussion focused back to the Spur and pocket parts.

Director Eddington presented a slide showing the current concept. He reviewed the network utilized for the character zones, as well as the network that Parsons Brinckerhoff analyzed regarding transportation.

Planner Katie Cattan stated that when the Staff presented different ideas to the Stakeholders, there was definite support for keeping the Spur Park in a central location. Director Eddington clarified that right-of-way issues were tweaked and they also made sure that some of the roads line up better on bifurcating property lines so everyone would have an equal "give-get".

Diego Carroll addressed the transportation strategy for the most current plan. He indicated a five-leg intersection on each side of the Spur that was eliminated when the plan was revised. He pointed out that there was significant input from both Parsons Brinckerhoff and from Matt Rifkin and his group at InterPlan.

Mr. Carroll reviewed a slide showing the existing street network, and noted that it works well for cars but not for pedestrians. There were also issues related to access management for UDOT standards

on SR224 and SR248. Mr. Carroll presented a slide showing the currently proposed network. He emphasized the amount of additional connectivity provided in the new plan as opposed to the connectivity provided in the existing street network. It allows traffic to be dispersed into multiple streets and then access SR224 and SR248 at multiple points. Mr. Carroll pointed out that the connectivity also provides advantage for walking trips and it is also attractive for transit and cycling.

Going back to access management, Mr. Carroll stated that the proposed network provides a more favorable approach to managing access. Curb cuts and driveways were eliminated along SR224 and 248 and replaced with streets.

Mr. Carroll presented a slide showing the recommendations from the SR224 study that was done by Fehr and Peers for Park City. He noted that the study is consistent and fits well with the Parsons Brinckerhoff plan for Bonanza Park. Only a few minor differences need to be calibrated between the two studies.

Mr. Carroll highlighted a few of the recommendations that resulted from coordinated discussions between the Planning Staff, Parsons Brinckerhoff and InterPlan. The primary recommendations were 1) connect Homestake to Bonanza; 2) tighten the intersections at the Spur; 3) recommendations related to parking. Mr. Carroll stated that having a strong parking management plan in place was critical to making the network work efficiently. His recommendation would be to implement parking policies that allow visitors or residents to park once, to encourage park share, and to take advantage of on-street parking.

Mr. Carroll stated the recommendations for transit improvements came specifically from InterPlan. It is important to have a transit plan be in place right away because it is critical to making the network function.

Mayor Williams asked if the consideration of the aerial transit park was the idea of Parsons Brinckerhoff or whether it was based on other input. Mr. Carroll replied that Parsons Brinckerhoff benefitted from InterPlan and Matt Rifkin's involvement and previous work on the transportation master plan as one option.

Director Eddington explained that InterPlan looked at potential opportunities if the area developed as residential, as a way to provide easy access for employees. The other opportunity considered was that the Resort Gateway Character zone that wraps around SR224 would continue to be resort base with easy access to PCMR. Another opportunity was to create a central parking location for visitors in the area. Director Eddington noted that the biggest challenge currently was with PCMR, Empire Avenue and SR224. The thinking was that if they plan for a future transit center that would benefit the area, why not tie an aerial to bus or any other kind of transit in the area.

Mr. Polikov noted that they were talking about 500 million square feet of development at build out and the need to seek access permits or work with UDOT for future long-term coordination in terms of perimeter roadways. The only way to get the UDOT engineers to sign off on such an intensification of this area is to do a combination of reducing the exterior curb cuts, increasing the cross access to move within Bonanza Park, and have a long-term transit environment. Mr. Polikov

stated that if rail eventually comes to Park City, it is better to discuss the implications now. It was not too early to begin talking about shared parking, parking management, transit and how it all works together. Mr. Polikov stated that in addition to rezoning through the proposed Form Based Code, two questions needed to be addressed. The first is determining the public investment to match the private investment; and the second are the policy issues that must be dealt with in parallel that will make this feasible in terms of long term transportation policies.

Mr. Polikov requested feedback on the proposed regulating plan. He recognized that the Council Members and Commissioners had not had sufficient time to review the information and he did not expect them to be familiar with the details of the proposed code. The objective this evening was to present an overview and give them a few weeks to absorb it, so when they meet with the Planning Commission they would have a better working knowledge of the details.

Mr. Polikov stated that they started with seven or eight character zones and decided on four; 1) the mixed use center; 2) the resort gateway; 3) neighborhood shopping and 4) the Iron Horse Industrial Arts Corridor. He noted that an adopted regulating plan is the pathway to which development standards apply to which area. Each of the four character zones will have their own set of design standards. The intent is for different parts of Bonanza Park to have a different feel and function.

Mr. Polikov presented images that they agreed would be the manifestation for kinds of development that could occur under the proposed development standards four character zones. Mr. Polikov stated that another purpose of the regulating plan is to key the different street types necessary to compliment the different characteristics. Red identified the existing Type A streets, which are the more pedestrian oriented streets. Blue identified the existing Type B streets, which are service area streets. It is unrealistic for every street to be Type A, and other types of area activity need to be accommodated. Priority streets, primary streets, and secondary streets were also part of the system, which was more for the purpose of prioritization of the investment moving forward.

Jay Narayana commented on how to use Form Based Code in a hypothetical situation. For example, identifying a specific piece of property on the regulating plan. In the hypothetical example they were looking at property on the Spur. After the property has been identified, the second step is to identify the character zone. The next thing is to consider whether a public space element is required and to look at ski designations on all frontages. If the property is adjacent to any streets, each character zone has a requirement under the code regarding a specific standard.

Ms. Narayana stated that the meat of the standards would be in the building form and development standards for each of the zones. Height, building frontage and parking requirements would be regulated in the development standards. Ms. Narayana stated that the building form standards establish the envelope and the skeleton. The next section, which is building design, would be how to wrap that skeleton. They have been working with Staff to strengthen that section with more images to show some of the elements that would be addressed. Ms. Narayana remarked that the street design section ties the design of the streets to the design of the buildings. The next thing is to look at open space standards and open space types. She noted that the proposed code has standards for private/common open space because Bonanza Park is an urban redevelopment where public and private open spaces work with each. Mr. Polikov clarified that this pertained to balconies, courtyards and similar elements.

Ms. Narayana stated that they were still working on the details for sustainability standards. In terms of code administration, Ms. Narayana explained that they would be looking at more of an administrative approval process, because Form Based Code has a more detailed coding process than standard suburban zoning. She noted that there would be a separate process for review of design exceptions because things that are more subjective would still go to the Planning Commission. They were still working with the Staff on a more definitive process. Any changes to the overall zoning district of the Form Base Code would go back to the City Council.

Ms. Narayana pointed out that they had only presented the main highlights of the code. Other sections were still being worked on with Staff.

Planner Cattan stated that in the original area plan for Bonanza Park they talked about deed restricted uses within that plan, such as accredited educational facilities or business incubator space. Through more brainstorming, the Staff has concerns with deed restricting uses within a building and giving incentives within a fourth or fifth story. She provided a hypothetical example to demonstrate why the Staff decided that it was not the right planning tool for what was proposed. The issue was addressed in the Staff report and she requested input from the group on whether or not they agreed with the Staff's concern for deed restricting uses. Planner Cattan thought it was more appropriate to come up with economic development tools rather than zoning tools in terms of height and density.

Mr. Polikov recognized that this was a lot of information that was presented quickly. He wanted to make sure it all made sense and whether it was an approach that could intuitively and specifically help realize the detail that the plan lays out. As they move into the refinement process, it was important to know whether they were on the track or if the track needed to be modified.

Commissioner Wintzer remarked that this was an exciting code to read. It is reader friendly and easier to understand. He intuitively liked the fact that you could see where you were going. Commissioner Wintzer felt it was definitely a tool worth looking at and pursuing down the road.

Commissioner Thomas thought they should definitely go in the direction of Form Based Code. However, he had concerns that he wanted to open for discussion. Commissioner Thomas referred to the plan on page 104 of the Staff report and noted that an important component was the pedestrian circulation and the separation of pedestrian from automobile. Originally there were pedestrian corridors weaving into the plan and he felt that was important to provide a different experience coming into that part of the community. Commissioner Thomas stated that it also provided a visual, organic connection into the center of the community. He understood the perception that this becomes more urban, but he had problems with the notion of pulling out that pedestrian connectivity.

Director Eddington assumed Commissioner Thomas was talking about the green pedestrian bicycle corridors. He noted that there were also view corridors in the nodes at each corner. Commissioner Thomas understood the problems and issues; however, he was not completely sold on the idea and he wanted to hear other comments. Director Eddington stated that the discussion with the

Stakeholders was that it could be very challenging. In some cases it could break up blocks of buildings that were otherwise solid, and the give/take started to get challenging for the private property owners in some areas. Director Eddington noted that they were able to make it work in terms of giving square feet for square feet, but it was difficult and close and it bifurcated some properties. As a result, they started to propose access to the central part. It was not continuous access but it used the roads in a complete street concept. Because it bifurcated the buildings, the Staff recommended a tunnel and opening near the Spur to get people in there. Director Eddington stated that they were able to keep a part of it, but at the same time they recognized the challenges of creating that kind of open space for a 20 foot wide path that was dedicated to bikes and pedestrians.

Mr. Polikov remarked that complete streets or pedestrian oriented streets would have to be implemented in order for this approach to be effective, because the streets need to function as safely and inviting for pedestrians as for cars.

Commissioner Thomas asked for an explanation of the Type A and Type B streets. The group reviewed the cross sections in the Code on page 71 and 72 of the Staff report.

Council Member Simpson stated that she walks that area frequently. She would be less concerned about pedestrian and bike only trails if they had more walkable streets and sidewalks.

Council Member Peek asked about mass transit and how it would interact with the entire Bonanza Park area. It appears that Snow Creek Crossing feeds into a rather small road and he thought the road was too narrow to accommodate a bus. Director Eddington identified the road and noted that it was being proposed as a Type A, which would be pedestrian friendly. He stated that that the road was wider than it looked and buses could get down it. It would definitely be wider than the existing driveway into the Holiday Village area.

Council Member Peek asked if there was a transit plan for the different character zones. Director Eddington replied that a specific location had not yet been identified. Given that this is a 10, 20 or 30 year plan, there could be possibilities in the existing Public Works transit barn site for potential future transportation. When they did a quick walkability analysis for the plan, nearly everything in Bonanza Park was within a five minute/quarter-mile walk. The idea is to park once and walk everywhere; therefore, the transit facility could go anywhere, but the specific location has not been identified. Council Member Peek pointed out that the dense housing and the Industrial Arts area would need transit for itself. He noted that walkability to and from that hillside area did not appear to be identified either.

Council Member Simpson asked for the meaning of "transit facility". Director Eddington replied that it could be a transit center similar to what they have at the bottom of Main Street. Council Member Simpson clarified that the buses could drive on any street. Director Eddington replied that this was correct. Ms. Narayana commented on the limited amount of detail in the code and noted that the details would be worked out as they move forward. Council Member Simpson stated that as Bonanza Park builds out it will be a moving target and they may not see the need for a transit facility for 15-20 years. To a certain degree, the development that happens is going to determine the best

location for the transit center, and the City will be operating transit throughout that period of time. The routes will change based on need and what gets developed first or last.

Council Member Beerman understood that in the prior version the trails followed the view corridors. Since they decided to put buildings there and not do trails, he asked if adjustments were being made for the view corridors. Director Eddington replied that some of the view corridors would be lost and they would find view corridors down the road through some of the rights-of-way.

Commissioner Strachan stated that Form Based Code was the right direction, but the devil would be in the details. Whenever something is done to a form there is a picture and people are supposed to build to a picture. It is difficult to tell people that their application does not look like the picture because it is a subjective determination. Commissioner Strachan was unsure how that could be worked out. Mr. Polikov remarked that it would be built to the standards rather than the picture. Commissioner Strachan asked if it could look like anything it wants to as long as it meets the standards. Mr. Polikov replied that there would be functional architectural standards. Commissioner Strachan stated that in order for the standards to work, there would have to be pictures. When those pictures come, someone will think their application looks like the picture and someone else will disagree because it is subjective. Ms. Narayana remarked that there would also be actual numbers and micro-values for things such as the minimum amount of windows and doors and articulation. Mr. Polikov stated that they would also propose a set of minimum quality requirements for materials. He understood that Commissioner Strachan was saying that the issue always goes back to appearance. Commissioner Strachan replied that this was correct and he wanted it clear that the code was not an anecdote for that issue.

Commissioner Thomas stated that to a great extent they were relying on experts to set up criteria and a matrix of ideas to result in a more aesthetically pleasing, broken down scale that is achievable. He thought it would be interesting to see a test of someone trying to do the worst with it and someone trying to do the best.

To answer the Staff's question regarding deed restrictions, Commissioner Strachan did not think they should deed restrict specific uses, but he thought they should set percentages on uses.

Council Member Butwinski asked if the design guidelines would be prescriptive enough to control the type of development. Mr. Polikov stated that most of the Form Base Codes they have developed do not have detailed architectural style guidelines. They allow for eclecticism because there tends to be more of an investment in the space around the buildings in the public realm. However, they have developed codes that do have a set of design standards that relate to architectural style and architectural families. The problem is that in developing 100 acres, is if something becomes passé, a whole section of Bonanza Park ten years from now could look like ten-year-old architecture. The City needs to decide how they want to encourage a certain level of quality. There was no right or wrong way, but there are consequences with both approaches.

Mayor Williams thought this was a creative idea. However, he thought the idea of planning the community by figuring out the transportation first and then designing based on the transportation needed more discussion. Mayor Williams liked the separation of space and the different zones, realizing that Park Avenue or SR224 coming in will have relatively large setbacks. He needed to

learn more about the street types and how those interact. Mayor Williams liked the fact that this could become a system that is much easier and less onerous for everyone than what they have dealt with for the last 40 years. He also favored the incentive program. Mayor Williams loved the idea of finally trying to define urban open space. He noted that Park City typically thinks of open space as Round Valley or conservation easements. However, in his opinion the pedestrian space or internal open space was the most critical piece of the entire project. He recalled attending a design convention specifically focused on creating friendly pedestrian space, where he saw million dollar developments that were empty. That would be his fear for this project. In terms of a general concept he liked the Spur Park idea in the middle as a gathering area for the neighborhood. In general, he believed the proposal works.

Commissioner Worel liked how Form Based Code streamlines the process to make it easier for the applicant and the Staff. Regarding the different character zones, Commissioner Worel asked if work force housing could be placed on second floors in the Industrial Arts or neighborhood shopping zones. She understood that if there could be residential in all of the character zones, the difference between that and the mixed use was that it was the only place where there could be residential to be on the street.

Ms. Narayana replied that there were different nuances. For example the Industrial Arts zone is more metal and glass and a funky eclectic environment. It is a mix of materials, building frontage, mix of uses and scale of buildings.

Planner Cattan explained that each individual zone has certain criteria for commercial ready frontage. In those areas they were looking at something similar to Main Street with the vertical zoning and not having residential on the first story to make it more interactive. Mr. Polikov stated that another difference is that retail would be allowed in the Resort Gateway. They probably would not want large retail dominating the Gateway, but they should not precluding retail. The challenge is finding a way to define a collection of uses so the uses are not the same in all the character zones. In response to Commissioner Worel, Mr. Polikov replied that there can be residential and retail in all the character zones, but there will be limitations in the different zones. He believed the market would differentiate the type of use in one character zone versus another. Mr. Polikov would encourage a mix of housing throughout the entire 100 acres.

Council Member Simpson thought the proposal was fabulous and she was excited about the potential. She appreciated that the property owners were willing to wait while the City took the time to get this organized and done right. When Gateway Planning comes back with the discussion on retail, she assumed they would define large-scale retail. Council Member Simpson wanted to clearly understand the differentiations. In terms of housing variety, she understood that Mr. Polikov was talking about targeted incomes and style as opposed to single-family housing. Mr. Polikov clarified that he was referring to a different variety of non-single family housing in terms of type, size, multi-unit houses, apartments, etc.

Commissioner Wintzer felt it was important to have a model because once this is passed, most of it could be built without public input. This was the opportunity for the public and the City to see what could be done and lock into the idea that this was the best approach. This proposal takes away

most of the Planning Commission function and public notice functions. He understood the reason and he agreed with it, but this is a learning curve for the community and they need to understand it. Commissioner Wintzer suggested that the City hire someone to put together a massing model of a hypothetical project in this area so they could see the end result. Mayor Williams thought a model was a great idea. Everyone concurred.

Council Member Beerman liked where this proposal was headed. It is functional and universal and it will lend itself to the type of mixed-use they were looking towards. He felt they needed to be careful to get the complete streets right, particularly if they are removing the pathways. If they truly want residential it needs to be pedestrian friendly. He was concerned that if they do not continually emphasize the street and the walkways they would end up with through streets and a lot of traffic. Council Member Beerman thought it was important to talk about where the transit and potential aerial connections might be and build around those. Those will be huge attractors because people who live there need to know how they could get around town. Council Member Beerman liked the concept of the character zones. However, he would like to see them on a contrasting chart. As it appears now, if every envelope was maxed out, everything would end up looking similar. He understood they were aiming for diversity, but they were not there yet. Council Member Beerman requested more examples or contrast to better understand the concept.

Mr. Polikov noted that the City had made the decision for less height. However, he encouraged them to be open-minded and allow more height in some of the character zones. On a strategic basis they should decide why one part of a sub-portion of a character zone would be allowed to have more height. He believed the views would be generated more from the variety of heights in Bonanza Park than from view corridors. Secondly, the land value is high dollar per square foot. Lastly, there would be less land to develop on. Mr. Polikov thought Bonanza Park was the best place to have a variety of heights where it would not block anyone's view corridor. This was their opportunity to push the envelope.

Council Member Simpson asked how they would strategically look at height diversity. Mr. Polikov stated that Park City was not the only community afraid of height. It is a common problem. However, if they take the time to solve the problem and answer the question based on analysis versus emotion, they might come up with a solution that pleases both sides. Council Member Simpson noted that the City Council has had that discussion, but more in terms of "gives and gets". Mayor Williams pointed out that through experience they have come to realize that a one-story building can block views. Historically, most of the larger buildings are set up against the mountain because the mountain dwarfs the building and minimizes the scale. Mr. Polikov pointed out that in a build out condition, many people in Bonanza Park would not have views to the mountains. He clarified that he was not promoting that they encourage more height, but it would create more flexibility to get more "gets". He pointed out that there will be winners and losers from a development yield standpoint when they start deciding how to parcel out. There needs to be a reasonable basis to avoid an arbitrary decision. Mr. Polikov encouraged them to think it through a little more while they have this moment in time, and to ask the questions and consider the implications of the next generations of neighborhood development.

Commissioner Savage agreed that this was a great opportunity to build a super cool community and

he liked the direction it was taking. He was interested in seeing a budget estimation to see how they could finance this initiative. He wanted to know what would be necessary from a public funding perspective to get enough infrastructure in place to get people excited about developing Bonanza Park on a significant scale.

Council Member Butwinski concurred with Commissioner Wintzer. A key take-away is the fact that this would put a lot of development in the hands of the Planning Department because much of the process is administrative. Council Member Butwinski thought it was very important for the public to understand that. He read through the proposal several times and while it can be a good thing, it needs to be prescriptive enough because the Planning Commission is no longer in a regulatory role. They would not want that burden on Director Eddington or his successor. Council Member Butwinski asked if they should be prepared for the situation where someone with an existing use, such as a car wash, sells it to someone else who keeps the car wash, and 40 years from now they would still have a car wash in the middle of this development.

Mr. Polikov stated that from personal experience, they should just allow the market and the owner to decide when the use should be terminated; otherwise, who would decide the matrix and would they want the advertising. He remarked that when the price per foot becomes more valuable to build that four-story mixed use condo building as opposed to collecting quarters for the car wash, the owner would decide to terminate the use. Mr. Polikov believed the City could figure out an amortization strategy, and he asked if they would be prepared to write checks as the implication for their decision to sunset particular types of uses. He would encourage the City to write checks more for infrastructure than for use. However, he personally believes some of the best places are the ones that have a car wash in the middle of a cool neighborhood or a cinder block bar that has been there for 50 years.

Council Member Butwinski commented on the deed restricted incentive and requested to see examples of economic development incentives for the meeting. Council Member Butwinski noted that the proposal showed a firmly defined residential in the Industrial Iron Horse Arts zone. He suggested changing that because of Fireside, which was lower down. Mr. Polikov explained that it was a last minute change because 20 years from now there may be a strategy where someone wants to redevelop. Instead of going through the process again, the policy decision would already be made. If they preferred to defer that policy decision, it could be changed back. Mr. Polikov believed it was consistent with its surroundings. Commissioner Thomas agreed. Planner Cattan stated that another reason was to make sure they did not zone out industrial.

Commissioner Savage remarked that this was an area that has a lot of property and could accommodate much more density. Affordable housing exists in that area and there could be a lot more.

Council Beerman agreed with Mr. Butwinski in terms of not being able to replace that niche of housing if they redevelop it, and that is critical for a segment of the workforce in town. It would definitely become higher-end housing if redeveloped and that needs to be considered. Mr. Polikov stated that it was a policy question and he encouraged that discussion. He pointed out that the regulating plan was only a draft and it could be changed. Commissioner Savage believed housing

was the primary reason to consider height.

Council Member Butwinski referred to the aerial transit and asked about air rights. He assumed it was a question for the Legal Department that he would like to have answered before they get too excited about aerial transit.

Commissioner Gross noted that at one point everything was to the west and now it is to the east and incorporates some of Prospector Square. He asked why it did not go the other way as well, in the direction of Snow Creek, because that is the basic main on main intersection. Director Eddington replied that Snow Creek was talked about earlier in the process when it was switched from the area to the west of Bonanza to pop over to the eastern side. However, at that time they decided to keep it primarily focused on the south side of Kearns. Director Eddington pointed out that Snow Creek already has a built out capacity. They are now looking at TDRs and that may be one reason to explore Snow Creek again. He explained that the reason for crossing over Bonanza was due to the redevelopment and pedestrianization of Bonanza Drive and the bicycle paths, and wanting to make sure both sides of the road connected. Commissioner Gross felt it was unfortunate that Park City did not control their own destiny on the State Highways because it would help them with planning.

Commissioner Gross understood that there were 2,000 residential unit equivalents left and 736 commercial, and he asked about the percentage of future growth. Director Eddington clarified that the numbers in the Bonanza Park Plan were based on existing subdivisions and existing vacant lots. It did not include potential redevelopment. A quick analysis showed cursory numbers up to 1700 units in the area if totally built out. Commissioner Gross remarked that if they were counting on the densities it needed to be done right.

Mr. Polikov stated that one of the factors they would come back with regarding the height issue is the impacts on the economics of being able to achieve structured parking. He noted that it is difficult to achieve structured parking capacity with three-story buildings.

Commissioner Gross thought it would be difficult in the future to get uses back, such as the old Albertson's and the Rite-Aid, in a revised neighborhood plan. He asked about alternatives, particularly if they are not able to divide up parking lots. Commissioner Gross pointed out that it could stay that way forever while they recreate the entire Bonanza Park because they do not have control over those properties. Director Eddington stated that if those in the Fresh Market area did not want to work with underground parking and/or shared parking, the City could possibly work with them to create liner shops that would keep the parking from being the first thing visible from the right-of-way. That has been done in other communities as an alternative solution. Director Eddington stated that the hope is to work with them and possibly offer incentives to make the offer attractive.

Council Member Simpson asked Director Eddington to identify the RDA border. She clarified that the area indicated as the possible transit hub is in the lower Park Avenue RDA. Director Eddington replied that this was correct.

Council Member Peek asked if there was a phasing plan that would get the critical mass going,

similar to what was done in Roanoke, Texas. Mr. Polikov stated that he could come up with recommendations for discussion at the next meeting.

Planner Cattan noted that the transportation study has some discussion about phasing and which roads should be prioritized. Council Member Peek remarked that an important piece is connectivity to the rest of the community, including Prospector and Snow Creek. When he was on the Planning Commission they talked about taking this out to the toe of the slopes, which would be Snow Creek. Council Member Peek liked the plan overall; however, he shared the same concerns about turning the public process into an administrative process for decades to come. He noted that Prospector has some old style trails across the parking lot but there is no connectivity. He felt that connectivity into Prospector was critical. Council Member Peek stated that view corridors are important. The residents will get used to looking at great architecture but visitors coming into town are interested in the views. He was unsure how that could be balanced and whether there were ways to work the view corridors into the tiers of five-story structures. They should identify the view corridors and give incentives to keep the view corridor open. In terms of connectivity, Council Member Peek stated that a viable project was great, but he would not want to cause a recession to occur in other business areas in town. He was unsure how to address the deed restriction issue. He recalled a previous discussion that if a restriction was placed on the use of water on a property, the subsequent owner could buy that out. He suggested a similar approach where the subsequent owner could buy back the deed restriction.

Commissioner Hontz was concerned that everyone would be reading Form Based Code for the first time this evening and be upset. She has always been a proponent of Form Based Code and she was glad to see that others were open to it. Commissioner Hontz agreed with Commissioner Strachan that illustrations are incredibly important. She referred to the numerous photos of other cities on pages 75-88 of the Staff report and felt those photos were not relevant to Park City. She travels to resort communities and find pockets of things that she likes, but it is hard to find things that Park City wants to aspire to. She requested that the plan includes photos of snow and other elements that were reflective of the community. Commissioner Hontz liked the idea of more roads, but she did not think the Spur and the park should be the dumping grounds for snow. She felt it was important to know how they would manage snow removal and roads with snow that are actively used by pedestrians, bikes and vehicles.

Mr. Polikov pointed out that Durango had done a fantastic job figuring out how to coordinate snow management with walkability. Commissioner Hontz stated that Park City wants the snow and they would not want to melt it or pretend it did not exist. Regarding deed restrictions, Commissioner Hontz believed it was an economic development issue and they should find other ways to handle without deed restrictions.

Mayor Williams stated that for nearly 35 years Park City has been strongly committed to being a resort town. Many residents who came to Park City in the 1960's and 1970's raised their families here. Those children went away to college are now returning with degrees. Mayor Williams remarked that this younger generation of residents wants to live in the town they grew up in, but their job expertise is beyond what Park City has to offer. He believed some were looking at this plan for that potential. Mayor Williams pointed out that for the first time ever, tech companies are coming to

Park City because the quality of life is better for their employees. Mayor Williams believed they were starting to realize that trends would not destroy tourism. He commented on how Mark Fischer, an owner in Bonanza Park, has been very open-minded in looking at different possibilities. Mayor Williams also did not think they should negate the potential university connection as a satellite campus.

Mr. Polikov suggested that this was also a good time to rethink retail. He understood the concern about this development being a threat to Main Street. However, an interest was expressed for bringing back some of the more neighborhood oriented and convenience retail, but they were afraid of what threat could mean. Mr. Polikov stated that the retailers want the opportunity to figure out how to make their business a smaller format and neighborhood friendly. The timing was good to think outside the box. He pointed out that the code would always be tweaked. He wanted to clear up any misconception that once the code is adopted it would be the same forever.

Commissioner Thomas echoed all the comments this evening. He agreed with Commissioner Strachan in terms of the deed restriction. He believed they could successfully have verticality and noted that it has been done in other towns relative to scale. Commissioner Thomas commented on the seasonal factor and the idea of how to live and cope in the winter. A major question is how Bonanza Park could anchor itself as a hub for the community. He also believed a key element would be the visual experience moving through the corridors.

Mr. Polikov stated that they would continue working with the Staff to address some of the questions and concerns for the next presentation.

The meeting was adjourned at 7:30 p.m.

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PARK CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION MEETING MINUTES  
SPECIAL WORK SESSION – GENERAL PLAN  
COUNCIL CHAMBERS  
MARSAC MUNICIPAL BUILDING  
DECEMBER 11, 2012

COMMISSIONERS IN ATTENDANCE:

Nann Worel, Brooke Hontz, Stewart Gross, Mick Savage, Adam Strachan, Jack Thomas, Charlie Wintzer

EX OFFICIO:

Planning Director, Thomas Eddington; Katie Cattan, Planner; Anya Grahn, Planner; Francisco Astroga, Planner; Matt Evans, Planner; Polly Samuels McLean, Assistant City Attorney

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SPECIAL WORK SESSION – GENERAL PLAN

**ROLL CALL**

Chair Worel called the meeting to order at 5:35 p.m. and noted that all Commissioners were present except Commissioner Savage, who arrived later in the meeting.

**ADOPTION OF MINUTES OF NOVEMBER 27, 2012**

MOTION: Commissioner Hontz moved to APPROVE the minutes of November 27, 2012 as written. Commissioner Wintzer seconded the motion.

VOTE: The motion passed 5-0. Commissioner Thomas abstained since he was absent on November 27<sup>th</sup>. Commissioner Savage was not present for the vote.

**PUBLIC COMMUNICATIONS**

There were no comments.

**STAFF OR BOARD COMMUNICATIONS/DISCLOSURES**

Chair Worel disclosed that the Planning Staff and Planning Commission would hold their annual Christmas party following this meeting.

Director Eddington reported that the Planning Commission would hold their regular meeting the following evening, November 28<sup>th</sup>. The meeting would begin at 4:30 with a site visit to Echo Spur and 30 Sampson Avenue.

Commissioner Thomas asked if it was strictly a site visit or whether there would be discussion at the site. Director Eddington stated that any discussion would take place during the regular meeting and not at the site. He noted that balloons may be flown depending on the wind, but the Staff would not

know that until later in the day. Commissioner Thomas stated that he was very familiar with the site and he would probably not participate in the site visit.

Assistant City Attorney McLean noted that the applicant would be at the site visit, and even though the Planning Commission would not have a discussion until the regular meeting, it would be appropriate to ask questions pertaining to the site during the site visit. She recommended that all the Commissioners attend if possible.

Commissioner Wintzer had visited the site the day before and noticed that there were no stakes in relation to the property line. Director Eddington would confirm that the stakes are in prior to the site visit.

**WORK SESSION – GENERAL PLAN – Review of draft core Values for General Plan including Sense of Community and Historic Character**

Planner Cattan provided a brief overview of how the new General Plan was set up. Within the 2009 Visioning the community identified core values; sense of community, natural setting, small town and historic character. In order for Park City to remain Park City, those values should not change. Unique attributes and qualities that make Park City different from other communities will evolve and change over time. In the past it would have been the mining community; however now world class skiing and recreation drives the economy. The influenced levers are the things they should be quantifying over time to see how it influences the environment, quality of life, social equity of people, and economic impact.

Planner Cattan stated that all of the elements within a typical General Plan would be under each of the categories. The focus this evening would be historic character and historic preservation. Historic Character is a core value that should remain.

Planner Cattan remarked that Historic Character is the mining history which began in 1868. Park City has two National Register of Historic Districts; one being the Main Street District and the second the Mining Boom Era District, which is the thematic district with all the homes throughout. Those are included within the zoning ordinances as the H Districts.

Director Eddington clarified that the Historic District has a geographic boundary, but the Thematic District does not.

Planner Cattan had a series of questions for the Planning Commission to answer using clickers.

The first question was, what is your biggest concern with historic preservation; 1) the integrity and authenticity of the Districts; 2) the streetscape pedestrian experience and compatibility; 3) steep slope development.

The Commissioners voted and the result was: 1) 29% 2) 29% 3) 43%.

Commissioner Hontz thought number 3 was the biggest threat to number 1. Commissioner Wintzer thought a fourth option to choose all of the above would have produced a more accurate answer. Planner Cattan stated that the intent was to have the Planning Commission prioritize the concern. Commissioner Savage thought the question was difficult to answer because Steep Slope development is a process related issue; whereas, integrity and authenticity is a concept.

Director Eddington stated that these were three of the biggest challenges the Staff faces internally. Is this a threat to the integrity, does it threaten the compatibility, or does it threaten steep slope challenges. He understood that the question was challenging in how it was worded.

Commissioner Wintzer stated that his biggest concern with historic preservation was scale and mass. It is what the City has lost and continues to lose. They are so far beyond what was here in the past that they have lost the sense of mining community.

Commissioner Thomas could see value in all three choices and how they were interrelated. He would have preferred an all of the above choice.

Planner Cattan asked the Planning Commission to discuss their biggest concerns. Commissioner Thomas stated that it is the integrity of the streetscape on steep slopes. Commissioner Hontz felt that went to option 3. She was not concerned with new development unless it is an enormous house crawling up the hill. Director Eddington remarked that mass and scale could be seen outside of steep slope.

Planner Cattan stated that Goal 14 was to Preserve the integrity, scale and historic fabric of the locally designated historic resources in Districts for future generations. She noted that a question was asked during the City Council presentation of why the Goal does not say the National Historic Districts. She explained that there is more inventory on the local inventories than on the national inventories. For that reason, they did not specify the national districts because it would not capture as many historic resources.

Commissioner Savage stated that in thinking about the historic areas in Park City, a major issue was accessibility because those areas are not particularly walkable or accessible. He asked if they could consider accessibility as a criteria in the Land Management Code going into the future. Commissioner Savage pointed out that the roads in some of the more interesting historic areas are narrow and problematic, particularly in the winter. He suggested that they begin to think of ways to mitigate some of those issues as it relates to how they approve or allow developments to take place in some of those areas.

Commissioner Thomas felt the challenge was preserving the historic character of those narrow streets and streetscapes and having a good engineer to make the streets work. Commissioner Wintzer agreed that part of the historic character of the town is the narrowness of the streets and the close proximity of the houses to the street. It is all important history.

Director Eddington stated that a transportation plan was done a year ago and a heavily discussed point was the width of the street in Old Town. The group decided to try and keep the narrow streets. They talked about adding sidewalks to many streets in Park City, but primarily in the areas

that could accommodate sidewalks. Most of the Old Town streets do not have the right-of-way to add sidewalks, the slope is challenging, and the streets should be complete streets used for bikes, strollers, pedestrians, cars, etc. Director Eddington believed that keeping the roads narrow and functional would be an ongoing challenge. Planner Cattan noted that one of the strategies for preserving historic homes was to give the car less emphasis.

Commissioner Thomas pointed out that as they modernize they tend to address engineering concerns first and architectural character last. He thought they should raise the architectural character factor and make it as significant as engineering; however, he was unsure how they could start weaving architectural character into the Code. Commissioner Savage agreed with Commissioner Thomas. He believed that "look and feel" was the highest purpose for what they were trying to accomplish. Planner Cattan pointed out that Commissioner Savage had defined housing as the highest purpose at the last meeting. Commissioner Savage clarified that now they were talking about the appearance of the housing.

Director Eddington stated that Form Based Code and the Design Guidelines were starting to address architecture for the Historic Districts, but he agreed that there needed to be a more over-arching qualitative approach to the Code.

The next question was whether the beginning of the ski industry was part of Park City's historic character. The Commissioners voted and the result was 100% yes. Planner Cattan stated that the action strategy was to expand the existing historic districts to include the onset of the ski industry in Park City and to preserve the unique built structures representative of this era. She clarified that it would expand the inventory to include the onset of the ski era. Planner Cattan asked if the Planning Commission agreed with the strategy.

The Commissioner voted and the result was 100% yes.

The next question asked the Planning Commission to prioritize the following financial incentives: 1) Matching grant; 2) Revolving loan fund; 3) Tax abatement for historic structures.

Planner Cattan explained that the City currently has a financial grant program. A revolving loan fund would be creating a stream of money that someone could take a loan against, and as they pay it back the next person could take a loan against those funds. It would revolve throughout the community to help with improvements. Tax abatement allows a full-time resident living in a historic home to decrease or eliminate their tax payment if they meet certain criteria. Tax abatement also requires agreement by the County.

The Planning Commission voted and the result was: 1) 30% 2) 28% 3) 42%.

The next question related to outreach and education for the community to promote historic preservation. The Planning Commission was asked to prioritize the following strategies:  
1) Historic District public outreach program to promote preservation incentives; 2) Preservation training to Staff, Boards and Public; 3) Self-Guided walking tour of Landmark Structures.

Planner Cattan remarked that the first and second strategies related to training. The third strategy was cultural tourism.

The Commissioners voted and the result was: 1) 34% 2) 42% 3) 24%

Commissioner Strachan stated that a common scenario is someone from out-of-state coming to Park City to purchase a second home for eventual retirement. The City wants them to preserve their historic structure, but they have no idea they are supposed to do that or whether they would want to do that or could afford it. The buyer would only find out when they get their tax bill and they find a potential deduction for preserving their historic home. Commissioner Strachan remarked that owners generally do not pursue information on how they could get the deduction.

Planner Cattan stated that the pre-application process allows the owner to discuss their options before they submit an application, and they are informed of the grant program at that time. Commissioner Hontz pointed out that if the owner is in the pre-application process they have already purchased the house. She suggested that they educate the realtors so they can inform the buyers of the incentives before they make the purchase.

Commissioner Thomas believed tax incentive was a major aspect.

Commissioner Strachan did not think a self-guided walking tour of Landmark structures would encourage people to preserve their historic home. In his opinion, it was not a workable incentive. Commissioner Savage suggested that they do something that was more focused and proactive. He thought they should try to target specific national historic places and encourage people to improve those structures, using the matching grant as an incentive.

Planner Cattan stated that Director Eddington has worked with the Building Department on targeting historic structures. Director Eddington explained that this is typically done in an area where there are safety or structural concerns associated with a particular structure. He noted that two years ago the Planning Commission added a clause to the LMC that disallowed demolition by neglect. That allowed the City to encourage the homeowner to stabilize the structure. If the owner cannot or will not do it, the City has a budget to stabilize the structure and lien the property for repayment. Director Eddington pointed out that this only occurs in extreme circumstances and it does not address aesthetically challenged buildings.

The next question for discussion was what role Main Street currently plays in Park City. Commissioner Thomas remarked that Main Street is the focal point of the community. It is the heart and soul of Park City. People are drawn to Main Street primarily because of its character and Old Town nature. Without Main Street Park City would lose its identity.

Commissioner Wintzer agreed that Main Street is their identity. When tourists come to Park City they come to ski but they talk about Old Town. Planner Cattan asked if Main Street plays a different role for the locals. The Commissioners answered yes. Commissioner Hontz believed that one commonality for the locals and the tourists is that everyone wants to go to Main Street and it makes them feel good about being part of the community.

Planner Cattan stated that the last General Plan had a lot of strategies towards arts and culture and tourism on Main Street, but fewer strategies for bringing locals to Main Street. She noted that creating strategies to bring more locals to Main Street would cost money due to the higher square footage rates compared to other areas. Commissioner Gross asked if the reference to locals was Park City only or if it encompassed Summit County. Planner Cattan replied that it was both.

The next question for the Planning Commission was whether the General Plan should strategize to have more attractions for locals on Main Street, which typically requires subsidizing by local government.

The Commissioners voted and the result was 57% Yes and 43% No.

Commissioner Gross clarified that the reference to Main Street was the Historic District. Planner Cattan replied that this was correct. The Commissioners discussed different events that could be considered local attractions. Commissioner Wintzer believed that without a grocery store or some type of service, the locals would be less inclined to go to Main Street. Commissioner Thomas agreed. In the past, Main Street was the central place for locals. Commissioner Wintzer stated that when he first came to Park City there was nothing outside of Main Street. Main Street had two grocery stores, a hardware store and clothing stores and that was where people shopped. Commissioner Savage stated that the Post Office is usually what brings him to Main Street, and other things happen as a consequence of that trip. From the standpoint of local residents, losing the Post Office would be a critical blow to Main Street.

Director Eddington asked if Main Street was an entertainment district or the downtown corridor. The Commissioners concurred that it was entertainment. Commissioner Strachan did not think they would ever recover the days of having a market on Main Street. Commissioner Thomas thought a small general store might be possible.

Planner Cattan noted that Heber has a Main Street; and they also have a recently developed Walmart that is pulling business from Main Street. That trend has been occurring throughout the United States. It is a big planning issue of whether to keep local resources on Main Street to entice the locals to shop there. Planner Cattan recognized that Park City is different because they are a tourist industry, but the question was geared to keeping the Post Office and other resources for locals on Main Street.

Commissioner Gross pointed out that the City has no control over the Post Office. Director Eddington replied that the City has a little control based on zoning and other issues. Planner Cattan noted that a lot of families come to Main Street to drop off their kids for free tutoring at the Tutoring Center on Swede Alley. The liquor store is another resource that is subsidized by the City and draws people to Main Street.

Commissioner Wintzer believed the biggest problem was the second home growth in Old Town. If Old Town is 60% second homes, that means Old Town is 60% empty 90% of the time. It is difficult if you have to get in your car to shop on Main Street. Commissioner Wintzer stated that he always thought the City had traded sales tax for property tax in how they market and incentivize second homes. He was unsure how they could revive Main Street for the locals without having people who

live there year-round. Planner Astorga asked if Commissioner Wintzer thought that was the reason why the two grocery stores were no longer on Main Street. Commissioner Wintzer stated that the grocery stores moved because they could not expand or take deliveries on Main Street. It would be impossible to have a grocery store on Main Street today and accommodate the semi-trucks that deliver to the stores. Commissioner Thomas thought a small neighborhood market would work. Those markets are seen throughout small towns in Europe.

Commissioner Thomas remarked that they want Old Town to be a walkable community with residential neighborhoods and affordable housing, yet people have to get in their cars and drive somewhere else to shop. He suggested that they think of being a little more hybrid where there is a small scale version that provides a central place to shop. Commissioner Wintzer noted that there used to be a place underneath the Red Banjo, but there is not the mass to support it without year-round residents.

A member of the public stated that if it was economically feasible, someone would have a store on Main Street. He believed they discovered a long time ago that it does not work. Commissioner Thomas stated that it may not work, but they were talking about subsidizing to create the ability, and if it did work it would create a more purposeful downtown.

The suggestion was made by a member of the public to take the portion of the liquor store where they keep boxes, and turn that into a subsidized market that the Market or Fresh Market could use as a satellite store. When people stop to buy liquor they could purchase other essential items.

Assistant City Attorney McLean noted that the Staff report did not include input from the Historic Preservation Board. She thought it would be helpful for the Planning Commission to hear some of the comments from that Board on these issues.

Planner Cattan reported that on the question of attractions on Main Street for locals, the HPB voted 100% yes. The HPB felt strongly about having strategies that support continued visits by locals to Main Street. On all other yes or no questions, the HPB were 100% in favor. When the questions asked the HPB to prioritize, the answers were mixed at 33% for each category, with the exception of open meetings to educate the public and Staff and the Board Members. There was a lot of support from the HPB for education.

Planner Cattan stated that Goal 15 was to Maintain Main Street as the heart of the City for Cultural Tourism for visitors and residents alike. Some ideas would be a local grocery store, a splash pad, the Mega Genius, and an indoor climbing gym or recreation component. She asked for ideas on other uses that could attract locals. One suggestion was mine tours. Commissioner Gross suggested that they could bring back the old subways. Director Eddington commented on the number of people who visit the Museum on Main Street. Commissioner Savage thought those were more tourist attractions than local attractions.

Commissioner Wintzer stated that Charlie Sturgis used to have a bike and cross country ski shop underneath the Sky Lodge. That shop brought more people to Main Street for destination shopping than anything else they have seen in a long while.

Planner Cattan noted that Phyllis Robinson had wanted to attend this meeting to follow up on the conversation they had at the last meeting about distribution of affordable housing. Unfortunately she was out of town and had to postpone. Planner Cattan stated that the Planning Commission would have that conversation with Ms. Robinson at a later date.

Commissioner Wintzer referred to page 34 of the Staff report and the statement about economic development to complement historic character. On KCPW this morning, he heard a comment by Randy Barton that historic preservation depends upon how the economy is going at that time. He understood that Mr. Barton was being a little sarcastic, but he thought there was some truth to it. Commissioner Wintzer felt it was important to make sure that historic preservation is not linked to today's economy. It is a long term venture that goes forever. They cannot let a short term economy interfere with the long term economy of having Main Street as a destination in Old Town. Commissioner Thomas thought it was a great point because they are always challenged with historic significance and economic development.

Commissioner Wintzer felt that vertical zoning on Main Street was important and it was one of the better things they did as a Planning Commission. They have been able to keep offices off of the first floor and use that space for retail and restaurant opportunities. It is an important character for Main Street. Commissioner Strachan stated that not having chain stores was also an important factor. Commissioner Wintzer pointed out that Roots is a chain store, and that fits Main Street very well. He was not opposed to having chain stores on Main Street as long as it fits with the community. He was more concerned with the mass of chain stores and not necessarily that it is a national chain.

### **Legal Training – Open and Public Meetings Act**

Assistant City Attorney McLean stated that this was the annual Open and Public Meetings Act training required by State law. She reminded the Commissioners to update their disclosure forms with the City Recorder any time there is a change of status or when they are re-appointed.

Regarding the role of Staff, Ms. McLean stated that the Staff gives the Planning Commission their professional opinion and recommendation. However, it is only an opinion and the Planning Commission does not have to follow the Staff advice. Ms. McLean remarked that the same is true with her. She provides a legal recommendation but they do not always have to follow her advice. Ms. McLean noted that the Chair or the presiding officer is tasked with ensuring that the members are provided with annual training.

Assistant City Attorney McLean commented on the spirit of the act and the importance of conducting themselves in a transparent and public manner. To promote the idea of open government and not back door deals, is to ensure that all discussions have been in a public forum. The most common complaint is that a decision was pre-determined because people were talking behind closed doors. Following the spirit of the act and making decisions openly prevents that perception.

Assistant City Attorney McLean clarified that “open” means “in the public”. It does not mean that there always has to be a public hearing on every discussion, but they do have to have that conversation in front of the public.

Ms. McLean stated that Disclosures are listed on the Agenda to remind the Commissioners to make necessary disclosures. In addition to conflicts of interest, they should also disclose if they were approached by someone outside of the regular meeting who gave them information. That disclosure gives everyone the benefit of having that same information and it also alleviates the appearance of a back door deal.

Commissioner Savage stated that he ran into Mark Fischer and had a conversation about a variety of things, some of which related to the future of Bonanza Park. Since there were currently no projects before the Planning Commission related to Bonanza Park, he asked if that conversation should be disclosed. Ms. McLean replied that Bonanza Park is essentially an issue before the Planning Commission in terms of the General Plan and Form Based Code. The appropriate time to disclose his conversation is when that item is scheduled on the agenda. Ms. McLean stated that if a Commissioner has information that they feel is germane, it could be disclosed under the Staff/Commissioners Communications and Disclosures portion of the meeting. Ms. McLean noted that the best way for the Commissioners to handle matters when they are approached by someone is to encourage that person to attend the next meeting because what they have to say is valuable and everyone should hear it. Another option is for that person to submit their comments in a letter or email to the Staff so it can be included in the Staff report for all the Planning Commissioners.

Assistant City Attorney McLean stated that for the Planning Commission, a meeting is four members including the Chair. No business should be conducted at a meeting unless a quorum is present, and that includes a work session. Social gatherings for the Planning Commission are noticed or announced to avoid giving the wrong perception. Ms. McLean remarked that most jurisdictions would not recommend that the Commissioners meet socially after a meeting. The City Attorney's office has taken the stand that it is important for various reasons, but there are risks involved. For that reason either she or the City Attorney try to be present to make sure the conversation does not steer towards Planning Commission business. The same procedure is followed for the City Council.

Commissioner Strachan asked if it would be an issue if two Planning Commissioners and two City Council members met in a social setting. Ms. McLean replied that it would still be permissible and it would not be considered a meeting. However, she would caution them to be careful about the subject of their conversations. For instance, a matter before the Planning Commission could be appealed to the City Council.

City Attorney McLean stated that in the end it goes to the idea of conducting the public's business in public. The brainstorming of ideas that occurs when discussing an application should take place in the public forum so everyone can participate.

Chair Worel asked about a private party where four Commissioners and four City Council members may attend. Ms. McLean replied that public business cannot be discussed, even at private parties.

Ms. McLean noted that the Chair of the Planning Commission does not vote unless it is needed to break a tie. However, the Vice-Chair or anyone who substitutes for the Chair can vote.

Assistant City Attorney McLean emphasized that group emails among the Commissioners could result in discussion and that would violate the Act. This applies to all electronic communication including instant messaging. Ms. McLean stated that even if one on one electronic communication is permissible under the Open Public Meetings Act, all correspondence would be subject to the GRAMA laws, which are the Government Records laws. Someone could ask for records of emails discussing a certain item. To avoid being put in that position, those emails should not be created. Ms. McLean noted that the primary reason for giving each Commissioner a City email account was to bifurcate City business from their personal and professional business. Commissioner Strachan stated that the City email system did not function well. He logs on but there are no messages when he knows that something was sent. His assistant has called IT several times but they cannot get it to work.

Ms. McLean reviewed the retention requirements. Emails are retained until the administrative need ends. Once there is no longer an administrative need, the emails can be deleted. The Staff reports are preserved and kept indefinitely. Ms. McLean stated that in 2011 or 2012 the State Legislature announced that everyone could send electronic messages to each other; however, they failed to mention that it would then become discoverable.

Assistant City Attorney McLean stated that Legislatively the Planning Commission has the most latitude in terms of talking to each other. Administrative is more restrictive. Any evidence received outside of this forum should be disclosed. Quasi-Judicial are appeals and the Planning Commission acts as a judge in that capacity. Quasi-Judicial is the most restrictive. Emails regarding pending matters should be deleted immediately and not read if they are about a pending appeal.

Ms. McLean stated that disclosure is required for any personal interest by a City Officer, which creates a conflict between the official's personal interest and his public duties, shall be disclosed in open meeting to the members of the municipal body. That disclosure statement shall be entered into the minutes of the meeting. Ms. McLean stated that Utah law very rarely requires recusal, but disclosure is the ultimate protection. If anyone receives an ex parte communication, the Code requires that it be written down and made part of the record in a disclosure. They should try to stop ex parte communication before it occurs.

Assistant City Attorney McLean stated that meetings must be held in the City Council Chambers. That only exception are site visits, electronic meetings, and emergency meetings. The full meeting must be held in one location, with the exception of site visits. Discussions cannot take place at sites visits because there is no way to record it or take minutes. A summary of the site visit is incorporated in the written minutes. Ms. McLean noted that a few years ago the Planning Commission adopted a policy for electronic meetings. That policy can be revisited, but currently it allows Commissioners to participate electronically if they are out-of-town. The Planning Commission would have no reason for closed meetings.

Assistant City Attorney McLean stated that noticing is a constant complaint. The City ordinance requires certain noticing and there are noticing requirements under the Open Public Meeting Act. The Open Public Meeting Act only requires notice to be 24 hours prior to the meeting. It must state the agenda, date, time and place and be specific enough to be informative. Ms. McLean noted that

the Municipal noticing is longer than 24 hours. Items such as subdivisions and LMC Amendments are noticed 14 days in advance.

Ms. McLean reiterated that all meetings are open to the public. A public hearing is the opportunity for the public to speak. She clarified that the Open and Public Meeting is actually the deliberations that take place in front of the public. The Planning Commission does not have to tolerate rude and disruptive people during a public hearing. The time belongs to the entire public and not one individual. All meetings are recorded and written minutes are produced. The minutes are the official record of the meeting and it is important to make sure they are accurate. Emergency meetings must meet certain requirements before one can be held.

Assistant City Attorney McLean stated that a public body that knowingly and intentionally violates the Open Public Meetings Act is charged with a Class B Misdemeanor and it would be handled through the Attorney General's Office or the County Attorney.

Commissioner Thomas found the conditional use aspects interesting when the State Ombudsman spoke to the Planning Commission. He realized that the State law has changed and that a conditional use has a different status than it did before. He was left with the feeling that a conditional use is an approved. Ms. McLean replied that this was correct. A conditional use is an allowed use that has not been mitigated. Commissioner Strachan recalled that the Planning Commission previously talked about reviewing the list of conditional uses to see which ones should be removed. Commissioner Thomas thought they should spend time on conditional uses in each zone and evaluate whether or not they should be conditional uses.

Planner Astorga stated that once the General Plan update is completed, they plan to rewrite the entire Land Management Code. Commissioner Thomas requested that the Planning Commission have the opportunity to look at the conditional uses earlier than the LMC re-write. Assistant City Attorney McLean offered to convey their request to the Staff and she would recommend a work session as soon as the General Plan is finished.

The work session was adjourned at 7:30.



**PARK CITY PLANNING COMMISSION  
WORK SESSION MINUTES  
JANUARY 9, 2013**

PRESENT: Nann Worel, Brooke Hontz, Stewart Gross, Jack Thomas, Mick Savage, Adam Strachan, Charlie Wintzer, Thomas Eddington, Kirsten Whetstone, Francisco Astorga, Matt Cassel, Polly Samuels McLean

**WORK SESSION ITEMS**

**Land Management Code – Discussion of height/story in Chapter 2 and 15**

Commissioner Wintzer provided a topo map of Old Town showing every ridge. He requested that the Staff use the map to prepare for a future discussion regarding ridges.

Planner Astorga remarked that the objective this evening was to make sure the Staff and the Planning Commission were correctly interpreting building height in the Historic Residential Districts; the HR-1, HR-2 and the HRL. He noted that some of the Commissioners have been on the Planning Commission long enough to understand heights in Old Town; while others have only been on the Planning Commission a short time. The Staff believed this work session would be a good exercise for everyone.

Planner Astorga explained that the Staff chose scenarios of different slopes starting at 15%, 30%, 45% and 60% for uphill and downhill lots. The structures were designed to the highest maximums allowed by Code in terms of height and footprint and the setbacks were minimized to create the worst case scenario. Planner Astorga wanted this exercise to be a true discussion and he wanted the Commissioners to ask questions and critique the individual scenarios.

Planner Astorga reviewed the LMC Height Restrictions as outlined in the Staff report. The allowed height is 27-foot maximum from existing grade. Final grade shall be within four-feet of the existing grade around the periphery. A structure may have a maximum of three stories. A ten-foot minimum horizontal stepback is required. The roof pitch must be between 7:12 and 12:12. The downhill lot has an exception for the tandem garage. Planner Astorga recalled previous discussions regarding exceptions to roof pitch; however, until that was adopted he preferred to focus on the existing Code.

Commissioner Savage asked for clarification on how existing grade is defined. Planner Astorga replied that existing grade is the existing topography. Commissioner Savage wanted to know how they could be certain that the grade was not changed. Commissioner Thomas explained that the topo is examined at the beginning of the project and the grade is examined at the end of the project. The Building Department should be able to confirm whether the grade has been manipulated. Commissioner Hontz thought Commissioner Savage made a good point because there are situations where the previous owner changed the grade of the site. She recalled a project where Planner Astorga realized that the grade had been change and suggested that the Planning Commission add a condition that the structure should be built from the previous existing grade and not the current existing grade. Commissioner Hontz stated that if someone moves the dirt now and calls it existing grade ten years later, they would probably get away with it. Commissioner Thomas pointed out that it is supposed to be natural existing grade.

Commissioner Savage asked if there was a way to make a definite determination on grade. Commissioner Thomas replied that if there is an interpolation to be made between the existing grade and the natural grade, the Planning Director has the purview to make that decision. Planner Astorga recalled that when the Code was amended in 2009, a specific definition of existing grade was added. Planning Director stated that existing grade is defined as the grade of a property prior to any proposed development or construction and activity. Therefore, it is the grade prior to any altering of the site. Commissioner Savage pointed out that the language states, "prior to any proposed" altering of the site. Commissioner Hontz agreed. She may not be proposing to do anything, but that would not keep her from moving dirt on the site. Commissioner Savage thought it was important to find a way to tighten the definition with respect to interpolation of some extension of natural topological grade.

Director Eddington explained that the Staff visits the site and assesses the grade. If the existing grade appears to be different than what is shown on the topo, the Staff assesses the natural grade which, by definition, is "The grade of the surface of the land prior to any development activity or any other manmade disturbance or grading. The Planning Department shall estimate the natural grade not readily apparent by reference".

Commissioner Savage was satisfied that the existing definition addressed his concern. Commissioner Thomas remarked that grade is a game that had been played and he expected it to continue.

Planner Astorga reviewed the first scenario, Scenario A, on a downhill lot. A blue line represented the property lines. The lot is 75' in length. The first scenario had the requirement of one exterior and one interior parking space. He noted that the property could be designed with two interior parking spaces. The structure was three stories. In this particular scenario the lot was accessed from the left-hand side. Planner Astorga reminded the Commissioners that these examples were worst case scenarios. Based on the access in this scenario, the front yard setback increased from 10-feet to 18-feet because of the minimum standard of the parking pad. He indicated the 10' stepback on the downhill façade. This scenario was drafted at a 15% grade and it would not require a review by the Planning Commission because it does not reach the 30% or greater requirement. The project could be three stories, meet the 10-foot stepback and still meet the height requirement. Planner Astorga pointed to the line indicating existing grade. Two other redlines showed 4' up or down from grade. This scenario had a one-car garage. The second required parking space was outside.

Commissioner Strachan noted that the basement was almost totally submerged, and he asked how low it could go. Planner Astorga replied that the basement could be completely submerged. Director Eddington referred to the heavy red line indicating existing natural grade, and noted that it could go 4' down from there and expose more light in the basement. Commissioner Strachan pointed out that someone could also make the floor 25' feet high and dig down further. It would provide very little light but they might not care. If someone wanted to excavate more dirt to increase the square footage of the overall home, they could do that. Commissioner Thomas commented on the ramifications that would occur with over-excavation. He questioned whether it was unrealistic to define a basement depth. Commissioner Wintzer thought the control would be shoring engineering to address the issue of digging a large hole three feet away from the neighbor.

Commissioner Strachan remarked that larger basements have been the trend in more recent applications and the amount of excavation continues to grow. Because the lots are so steep, the portion that daylight gets bigger with the slope and results in significantly more excavation in the back. He understood that the LMC states that the effects of excavation must be mitigated, but he believed it was a very loose standard.

Commissioner Thomas was unsure about placing a restriction on the depth of the lowest level. Commissioner Hontz suggested that they continue with the presentation before discussing specific restrictions, since the other scenarios may help provide the answers.

Planner Astorga presented the second scenario, Scenario B, which was also a 15% slope. The difference between this scenario and the previous scenario is that scenario two has two interior parking spaces. The setback was only 10' feet from the front. Planner Astorga noted that in the second scenario, the third floor was completely buried. The Code indicates that window wells could be approved, however, the setbacks must be at least 5' and the window wells could encroach 4' onto the side yard setback. Planner Astorga stated that some of the basement space could be used for mechanical equipment, but he did not believe anyone would use an entire floor for that purpose.

Commissioner Strachan asked why there was not a 10-foot stepback. Planner Astorga replied that the basement was buried completely. The stepback is only required for the third floor above grade.

Planner Astorga presented the third scenario, Scenario C. It was still a 15% slope, however, the difference between the first two scenarios and the next two was that the building would go down the slope. In scenarios one and two the driveway went up 14% positive grade. In the next two scenarios, the driveway goes down 14% negative grade. Planner Astorga noted that the roof pitches in all the scenarios were designed at 7:12 pitch, to again create the worst case scenario.

Commissioner Savage commented on the tendency towards thinking that taking a structure to the maximum allowed by Code is negative. He did not believe the end result was always negative, and sometimes it could be positive. Commissioner Savage stated that maximum utilization of a lot is within the rights of the applicant, and the Planning Commission should not consider that to be a negative independent of subsequent analysis.

Planner Astorga reviewed the scenario, which showed one interior and exterior parking space. Because the grade goes down 14%, the vehicle is stored on the main floor. Due to stepbacks and the roof pitch, the third story is smaller than in the first two scenarios, which affects overall square footage. Planner Astorga stated that the floor area in this structure was 2100 square feet. The floor area in the first scenario was 2400 square feet, and 2500 square feet in the second scenario. He noted that the third scenario would have a walkout level on the lower basement.

Commissioner Thomas noted that most cars are fairly long and the larger vehicles can exceed 18' long. He pointed out that the bumper on larger vehicles touch the front of the house on one end and the property line at the other end. He was not in favor of adding to the front yard setback, but there is a challenge with larger vehicles. Director Eddington stated that if someone has that large of a vehicle, they would probably reduce the square footage of the house to make the garage larger. Commissioner Hontz remarked that instead of reducing the house size, people build the minimum

size garage and park on the street. Either that or they park one car in the garage but leave the door open because the vehicle extends out, and then park their other cars in the street. Commissioner Hontz believed that the standards were not working and there were many questions on how to resolve the garage issue.

Commissioner Savage asked who was responsible for making decisions regarding parking and parking density on the streets. Director Eddington replied that Public Works handles parking issues. Since this was an issue with respect to car length, Commissioner Savage thought it would be appropriate to have Public Works look at a regulation that would prohibit cars greater than a certain length from parking in the driveway unless the driveway is a certain length. Commissioner Thomas pointed out that such a regulation would create an enforcement issue. Commissioner Hontz noted that enforcement is contracted out; therefore, Public Works would not be the enforcers. She believed it was a larger problem than just trying to solve it on paper. Commissioner Hontz thought they needed to look at places with 14% uphill and 14% downhill. She could not think of too many with 14% uphill; and the downhill ones were disasters.

Commissioner Wintzer indicated the potential for a green roof in one area, and noted that it could create living space per the Code. In that situation, the green roof was an issue of increasing square footage, not being compatible with the house. Commissioner Thomas stated that in Park Meadows, for a flat roof less than 4:12, the maximum height is reduced from 33' to 28'. Director Eddington replied that the rule did not apply in Old Town. Commissioner Thomas thought it might be worth considering that for Old Town. If they could encourage green roofs and reduce the heights, the visual impact of the volumetric would be overwhelming. If they allow flat roofs they should have a reduced height below 27'. Commissioner Wintzer thought the green roof issue in Old Town should be revisited because allowing green roofs was passed without any input from the Planning Commission. The language basically allows green roofs in Park City without consideration for compatibility with historic structures or other related issues. Commissioner Wintzer agreed that flat roofs were better in Park City's climate than pitched roofs, but he thought the green roof scenario should be revisited for Old Town.

Planner Astorga reviewed scenario four, Scenario D, which was still at 15% grade. This scenario had two interior parking spaces. The basement was exposed with a rear walkout. The garage was tandem. The house size was 2050 square feet, which was slightly decreased from the previous scenario at 2100 square feet.

Planner Astorga presented scenario five, Scenario E, which was on 30% grade and would require Planning Commission review. It was a downhill scenario because at 30% there was no way to go up. The driveway was 14% grade with one exterior and one interior parking space. The lower level had a rear walkout. Planner Astorga noted that the lot would meet the height requirement and the 10' foot stepback would become 20 feet. The house size at 2200 square feet was slightly larger than some of the 15% grade lots.

Planner Astorga noted that the black lines in all the scenarios indicated the story. The stories in all the scenarios were designed at 10' each.

The sixth scenario, Scenario F, was also 30% grade. There were two interior cars. This scenario breaks the maximum height of 27'; however, the Code states that for a two-car garage in tandem

configuration, a height of 35' would be allowed. This scenario would meet the Code.

Commissioner Thomas asked for the allowed length of a tandem garage. Planner Astorga replied that the Staff capped the length at 37 feet. The Code does not indicate the length of a two-car garage in tandem configuration. It only specifies that the garage must be 11' x 20' for a single car and 20' x 20' for a double car garage not in tandem. Commissioner Strachan asked if the garage could be larger than 400 square feet but not smaller. Planner Astorga replied that it could be larger. The 400 square feet is the standard used for allowances. Commissioner Thomas pointed out that the impact of having a tandem garage on a downhill lot over 30% was dramatic. He has a tandem garage on his home and it is less than 32 feet long. He parks two smaller cars in tandem and the larger car on the other side. Commissioner Thomas believed it was realistic to have an 18' car on one side and a 13' car on the other side, parked 16" apart. He expressed concerns about designing to the maximum and suggested that they design for the minimum.

Planner Astorga stated that for consistency with the LMC, the Staff decided to cap the garage length at 37' to achieve a 400 square foot garage. Commissioner Thomas stated that a 400 square foot garage could still be accomplished with a 34' length. Director Eddington stated that the downside of a shorter garage is the inability to park two larger cars, which puts one on the street. Another downside is lack of space to store skis.

Commissioner Hontz remarked that a current problem in Old Town is that people were not using their tandem garages. Rather than focusing on the dimensions of the garage, a better idea might be to have the square footage of the garage count against the overall square footage of the house. If someone wants a larger garage it would reduce the size of their house. Commissioner Thomas stated that his concern was the visual impact of the overall mass. Commissioner Hontz was not opposed to having tandem garages as an option, but they continue to see repercussions resulting from tandem garages. To address Commissioner Thomas' concern, Commissioner Hontz suggested resolving the problem from a height standpoint rather than square footage. Commissioner Thomas asked if the Code currently has a depth limit for tandem garages. Director Eddington replied that the Code did not specify a depth limit; however, the depth would be defined and limited by the 35' foot height limitation. Commissioner Thomas agreed with Commissioner Hontz's suggestion to stay within the height limitation and not allow height exceptions for tandem garages.

The Commissioners discussed flat roofs on tandem garages. Commissioner Savage asked what advantage that would be for Park City. Commissioner Thomas replied that aesthetically it demasses the volumetrics and it allows the second space in the garage to get a car off the street.

Planner Astorga offered to consider their suggestions to see what would work. He asked if the Commissioners would be more comfortable if the height exception was closer to 32' rather than 35'. Commissioner Savage preferred to leave it alone. Commissioner Thomas outlined the worst that could be done on the premise of a worst case scenario. Director Eddington pointed out that the depth of the garage could not exceed the minimum depth for an internal parking space within the Code, which is 40 feet.

Commissioner Hontz pointed out that Scenario F was on a 30% grade and would require a Steep Slope CUP. She clarified that the Planning Commission currently has the ability under the Steep Slope CUP to deny a height exception. The purpose of this discussion was to codify certain

requirements so applicants would know upfront that a height exception would not be granted.

Commissioner Savage understood that the height exception was in place to encourage tandem parking, but now they were concerned that people would use the tandem garage for storage and not cars. Commissioner Strachan stated that whether the garage is used for storage or cars, it would still have the visual impact Commissioner Thomas had mentioned.

Planner Astorga presented the seventh scenario, Scenario G, which was on a 45% grade. He noted that development on steeper slopes was unusual, but it does occur and it was worth the discussion. This scenario was allowed one exterior and one interior parking space. The garage was 11'x 20' and it would meet the exception. The only issue was the 10' setback at the end of the structure. A portion of the house would have to be shaved, otherwise it would be on stilts. Planner Astorga noted that the structure could not accommodate any type of walkout because it would not meet the 4-foot grade provision. Commissioner Gross pointed out that they could build a deck to level it out.

Commissioner Strachan wanted to know why living space could not be stilted. Commissioner Hontz stated that it would violate the 4-foot return to grade requirement. Commissioner Thomas did not believe the Code addressed stilt houses. Planner Astorga believed it was a question for the Historic District Design Review analysis.

Director Eddington noted that a deck could not exceed the setback because it would exceed 30" above final grade. Planner Astorga pointed out that a workable deck in this scenario would require a very creative solution. Commissioner Thomas thought this scenario demonstrated that the steeper the slope, the more difficult it was to build a house. Commissioner Strachan agreed, however, he used the drawing to show how the livable space could be increased. In his opinion, a deck is usable space, even if it is not technically considered livable space. The Commissioners discussed additional issues related to building on the steepest slopes. Commissioner Hontz believed the Code was written on the idea of 15-30% slopes. Planner Astorga noted that steeper slopes push the designers to move forward on a split level. Commissioner Thomas stated that the discussion had focused on stepping the exterior of the facade and the massing of the building. However, in terms of impact to the community and over-excavating the site, he wondered whether they should begin thinking about stepping the foundation to create a reasonable depth and maximum excavation requirement.

Commissioner Hontz referred to scenarios on extremely steep slopes and asked what happens when the driveway exceeds 14%. The average slope may be 45% or 60%, but the initial portion of the slope is 80% or 100% and a 14% driveway could not be reached within the setbacks. Commissioner Gross assumed that the percentage was calculated from the edge of the right-of-way to the building envelope. Planner Astorga stated that in his analysis he found that one thing affected another thing in the Code. In his experience, nothing could be built on a slope greater than 30% without a variance. However, Park City is different because of its historic character and topography and someone could apply for a variance. The 14% grade is a standard in the LMC, which the Board of Adjustment has the ability to override with appropriate findings. Commissioner Hontz pointed out that someone could ask for that variance or a six or four foot front yard setback variance. Commissioner Wintzer stated that a variance request typically goes to hardship. In most cases, the hardship is that the person could not build as large they would like. In his opinion, that hardship could be mitigated by building a smaller house and shifting it on the lot; however, the Board of

Adjustment does not take that fact into consideration when reviewing the variance request. Commissioner Wintzer did not believe hardship was valid in those cases.

Commissioner Savage asked how often hardship cases go before the Board of Adjustment and how often they get approved. He questioned whether the Board of Adjustment would actually grant a variance if the only hardship was the inability to build a larger home. Commissioner Strachan pointed out that most people do not give home size as the hardship. Instead, they make the case that their lot is difficult to build on.

Commissioner Thomas asked if a tandem garage could be done on a very steep uphill lot. Director Eddington stated that it would exceed the 35 feet before the second car, and there is no exception on an uphill lot. Commissioner Thomas clarified that he was talking about the impact to grade below ground. He asked them to imagine an uphill lot with a tandem garage on a 100% slope. If the garage depth is 35 feet, there would be a 35' retaining wall on the backsides of that garage, which creates a significant impact. He thought consideration should be given to discouraging tandem garages on super steep slopes. Director Eddington asked if someone should be allowed to put a theater room underground if they chose not do a tandem garage. Commissioner Strachan felt the problem was the requirement for two parking spaces. If the lot is steep enough, it would be impossible to have two cars on site. He stated that one option would be to combine two or three 25' x 75' lots so they could access the driveway on an angle. He believed the issue was how deep to excavate and whether they could step back the problem, similar to stepping back the height problem.

Planner Astorga presented Scenario H, which was at 45% grade and two interior parking spaces. The driveway was 14%. This scenario would require an exception. Mandatory increased setbacks were placed on the rear because of the grade provision. Planner Astorga believed they would most likely see a split level with this scenario.

Commissioner Strachan asked why they were looking at the exceptions assumed. Planner Astorga replied that it was due to the requirement for two interior spaces. Commissioner Thomas clarified that there was an exception in the Code that allows the Staff to make the ratio determination. Commissioner Gross pointed out that they could also apply the green roof scenario that was discussed earlier. Planner Astorga recalled from the Code that a garage in tandem configuration could be as much as 35-feet. Commissioner Strachan stated that going to 35-feet would require an exception. It is not entitled. Planner Astorga read from the Code, "The Planning Director may allow additional height on a downhill lot to accommodate a single-car garage in tandem configuration." Commissioner Thomas pointed out that the tandem configuration could still be achieved by going to a green roof for the other segment and stay within 27-feet. Commissioner Wintzer stated that if half of the roof was a green roof, he was unsure how that could be considered historically compatible. Commissioner Thomas believed that should be a separate discussion. Planner Astorga stated that the Staff was in the process of drafting specific language for the LMC as an exception to the 7:12, 12:12 provision, if it complies with the guidelines and is granted by the Planning Director. The Commissioners discussed possible alternatives for meeting the requirements in Scenario H without an exception.

Commissioner Thomas recalled that the 7:12, 12:12 provision was established in an effort to find compatibility with the historic character of Old Town. Before the Code change people were flattening out the roof and making the volumetric as large as possible. If they decide to allow green roofs, they need to think it through and define the specifics.

Planner Astorga reviewed Scenarios I and J together. Both were on 60% grade. Scenario I has one exterior parking space, and Scenario J has two interior parking spaces. Planner Astorga noted that there were major issues with variances in both scenarios. If such a lot existed with 60% grade, it would again make sense to try and do a split level concept.

Commissioner Hontz pointed out that in addition to not meeting the height due to the garage, it also would not meet Code because the driveway could not be returned to within 4-feet of natural grade. The bottom two floors would also have to be on stilts. Scenarios I and J could not be built based on all three reasons.

Planner Astorga had prepared another packet of scenarios on uphill lots that he would present at a work session on February 13<sup>th</sup>.

**496 McHenry Avenue, McHenry Subdivision Replat – Plat Amendment.  
(Application #PL-12-01717)**

Due to a conflict, Commissioner Thomas recused himself from this discussion and left the room.

Planner Astorga reviewed the application for the proposed McHenry subdivision replat. Sean Kelleher was the property owner. Planner Astorga reported that Mr. Kelleher owns approximately 12 lots of record. Three do not meet the minimum lot size; therefore, the lot lines would need to be shifted for development.

Planner Astorga reported that the current plan is to construct seven single-family houses that would be accessed from an underground, shared parking garage. The Staff report outlined specific points for discussion, and Planner Astorga requested that the Planning Commission provide direction to the Staff and the applicant on how to proceed. As part of the discussion, the Staff report also included the minutes from the December 12<sup>th</sup> meeting, at which time the Planning Commission held a site visit and a work session discussion on the three lots down the street from Mr. Kelleher's property.

Mr. Kelleher provided a power point presentation reviewing the history and background of the property. He has been in the periphery of Rossi Hill for a long time, but he has never come before the Planning Commission. Mr. Kelleher stated that when he first became involved with the property in 2006, he was a tenant in common with Mr. Bilbrey, a former owner. Mr. Bilbrey retained all the development rights for the property and Mr. Kelleher was the traditional silent partner. Mr. Kelleher remarked that his only involvement regarding plat applications that came forth since 2007 was to sign the plat as a co-owner of the property. All discussions and decisions made on the property were out of his control.

Mr. Kelleher outlined what has been done on the property since 2007 and how he and Mr. Bilbrey eventually became independent owners of different elements of the lots in 2011. Mr. Kelleher noted that the infrastructure has been completed at this point. He commented on problems with the wall in 2009 and that it was basically rebuilt. In 2011 he stepped in after he and Mr. Bilbrey terminated their arrangement. He worked closely with Matt Cassel, the City Engineer, in terms of ensuring that the wall was as much of a fortress as possible. That was completed in the Fall of 2011 and it went

through the one-year warranty period. Mr. Kelleher believed it was scheduled before the City Council within the next few weeks.

Mr. Kelleher stated that he has been working with a number of builders, developers, architects, and energy engineers around the Park City area a plan for development. Mr. Kelleher clarified that he is not a developer and he was never involved as a developer. He manages a firm that works with community banks and credit union. His background in development is limited, which is why tried to build a team of local representatives that know Park City and understand the issues. He has been working with this team over the past year and they have an idea of what makes sense in that area. However, they held off throughout 2012 because of changes being proposed in the LMC, such as flat roofs, which was something he would like to do.

Mr. Kelleher and the team spent a lot of time reviewing specific elements important to the community, and he tried to develop a plan that looked at sustainability and other forward thinking issues critical to Park City. They looked at the Bonanza Park plan and tried to build in some of the incentives and additional "gives" to the town that they thought were important based on that plan.

Mr. Kelleher outlined some of the benefits of his plan. In terms of affordable housing and open space, six years ago they pledged to make a contribution to the Park City Foundation of 1.5% of any of the lot sales, and that money would be focused on either affordable housing or open space. Stated that when he took possession of the property and the development rights over a year ago, he realized that the world of housing was rapidly changing and there was no reason not to build homes that use 80% less energy than the common home built to Code. He commented on things that could be done to accomplish a more energy efficient home with this development.

Mr. Kelleher stated that one reason for proposing a condo-type structure that would look like single family homes, was the ability to share energy between units. Mr. Kelleher presented a schematic and highlighted some of the features. The average home size would be approximately 3,000-3500 square feet. Underground parking and access clears the road and allows energy sharing. He noted that the proposal requests a vacation of the eastern half of the Fourth Street right-of-way. It was not a critical part of the plan, but the intent is to turn that into open space. Without the vacation, they would only have the right to go underneath it. Mr. Kelleher explained that if they extend the Shorty stairs over to the east side of Ontario and have public space above, they could also add parking along Rossi Hill to remedy currently impaired parking options and access for the existing homes. He believed that would be a "give" for the neighborhood.

Mr. Kelleher stated that the Kimball Arts Center was interested in developing an artist-in-residence program in Park City. However, the problem is lack of consistent housing and a place that would incentivize an artist. Mr. Kelleher proposed to offer the Kimball Arts Center the right to use the second floor of one unit as a 500 square foot studio/one-bedroom facility. It would be a below-market use and after ten or fifteen years, the studio would be turned over to the Kimball and they would become a member of the HOA.

Mr. Kelleher requested input from the Planning Commission on the proposed plan and he was open to feasible suggestions or alternatives.

Chair Worel referred to page 6, Exhibit A, which indicated that the lower floors of the proposed

housing would house garages, mechanical storage, etc. She asked if those garages were in addition to the large common garage. Mr. Kelleher noted that the dotted lines shown in the proposed public space area was the underground ramp. It would circle around and drop to 11 or 12 feet below grade. That would run parallel to the road that was put in a few years ago. The plan is to excavate a fairly large portion of each of the lots and have underground parking, as well as mechanical, etc., in that space. A single family home is excavated based on the footprint; however, because it is considered a condo underground, they would extend the excavation to create a larger underground space to accommodate parking for two or three cars.

Commissioner Wintzer asked if the parking would go underneath the houses all the way down Echo Spur Drive. Mr. Kelleher contemplated that it would go even further to the west. Commissioner Wintzer clarified that excavation would occur under all of the houses. Mr. Kelleher replied that this was correct. He was unsure if they could keep excavation to 100% under final grade, which was something for the Planning Commission to consider.

Planner Astorga noted that Mr. Kelleher had also submitted an existing conditions survey as well as the proposed plat. At this point Mr. Kelleher was moving forward with the plat amendment to combine everything into one lot of record in order to move forward with a condominium in the future.

Planner Astorga had included Resolution 898 in the Staff report as a quick review of the City Council findings that the applicant would have to meet for the street vacation.

Planner Astorga stated that a condominium was a type of ownership and not a use. Based on the footprint in the HR-1 District, the Staff struggled with how to move forward with an interpretation due to the underground garage that would be shared by future owners. LMC language included in the Staff report indicates that the Planning Commission may approve an underground shared parking facility through a conditional use permit. He noted that seven unit condominium projects with shared underground parking are rarely proposed in Park City. The Staff was aware of the approval for 801 Park Avenue; however, this was a different zoning district with different zoning parameters. 801 Park Avenue was part of an MPD and crossed two zone lines. If requested by the Planning Commission, he could research the specific parameters of that approval versus what was proposed for 496 McHenry.

Planner Astorga requested that the Planning Commission discuss whether they would consider the units as single-family dwellings, or whether the underground garage and being connected by the foundation would be an issue. Commissioner Wintzer asked if a condominium project was a permitted use. Planner Astorga reiterated that a condominium is a type of ownership. It is not a use. Commissioner Wintzer asked if it was permitted ownership in the zone. Planner Astorga answered yes. Commissioner Wintzer asked if the entire project could be built as a condominium if the applicant wanted to do so. Planner Astorga explained that with a condominium project, the property lines no longer exist and the private ownership is the house itself. Everything around the house would be common ownership and there would be no setback issues. Because of the foundation, it was difficult to interpret whether or not the structures would be identified as single-family dwelling. The Staff was looking for feedback from the Planning Commission to help with that interpretation. Planner Astorga had included the definitions for a single-family dwelling and a multi-unit building in the Staff report.

Commissioner Wintzer could not understand why the applicant could not build a condominium

project with houses. Planner Astorga replied that the proposal was a condominium project. Director Eddington explained that it would have the appearance of single family dwellings, but it would be a condominium project.

Commissioner Savage thought it was important to distinguish how the property is marketed versus the form of ownership. He understood that for marketing purposes it would be a single family stand-alone unit in terms of what exists above ground; but the ownership would be a condominium form of ownership. Commissioner Savage clarified that there were no constraints in the LMC as it relates to having a condominium form of ownership on a lot or a subsequent combination of lots.

Mr. Kelleher remarked that the intent was to use the existing setbacks for the zone. They were also considering flat roofs, which could lower the height below 27'. The flat roofs would accommodate solar PV and thermal. The property slopes away from the light and steep roofs would block each other.

Commissioner Wintzer pointed out that a compatibility study would need to be done and he was unsure whether five roofs would meet the Historic District Guidelines. Mr. Kelleher understood that there was a proposal to amend the LMC to allow flat roofs if used for solar, etc. He also understood that the project would have to meet compatibility. Mr. Kelleher reiterated that a primary reason for the condominium was so Rocky Mountain Power would allow shared energy between homes.

Planner Astorga stated that based on additional analysis, adding up the overall area, including the requested street vacation, equates to approximately 14.25 Old Town lots of record. Without the underground concept and just having seven single-family dwellings over 14 lots, each lot would be approximately 3800 square feet. The footprint would be approximately 1541 square feet. He was unsure if the end product would have two or three stories, but assuming three stories, each house would be approximately 4600 square feet.

Commissioner Gross asked if there would be two or three stories above the garage. Planner Astorga replied that another point for discussion was whether or not the garage counts as the first story. The Staff was only asking the question because the garage would be platted as common space, while everything else would be platted privately.

Mr. Kelleher clarified that he was only proposing two floors above grade. He was fairly certain they would not need the full 27' height. Commissioner Wintzer believed that could be addressed in a condition of approval. Commissioner Gross thought the garage should be counted as the first level to be consistent with other projects where the basement level counted as the first story.

Commissioner Hontz stated that if the underground garage connects to the above ground units, by definition she believed that would constitute an attached building, which makes the structure a multi-unit building instead of single family dwelling. Planner Astorga thought the definition of a multi-unit building was weak because it only says, "A building containing four or more dwelling units". It does not address the connection piece. The Staff was looking for direction from the Planning Commission on that issue.

Commissioner Savage stated that if the redlined area shown was common space, then each unit

sits on top of common space and; therefore, all the units are connected by common space. On the other hand, if a driveway provided access to private garage space underneath each home, the homes could be independent of each other as it relates to footprint. In his opinion, whether or not the building is multi-tenant would be contingent on the underground design.

Commissioner Strachan remarked that a driveway would also be a potential connection and considered common space because each unit would not have its own access point. Mr. Kelleher clarified that there would be a garage door for each unit.

Commissioner Wintzer understood that an MPD was not permitted in the HR-1 zone. Director Eddington replied that this was correct. Planner Astorga remarked that in some circumstances, the reduction of driveway accesses for each unit is a good urban design feature and allows for more aesthetic control on the street.

Commissioner Gross asked if parking was allowed on that street. City Engineer, Matt Cassel, stated that street parking was not allowed. Commissioner Gross wanted to know where guests would park. Planner Astorga asked if Mr. Kelleher would consider adding guest parking in the underground garage. Mr. Kelleher asked if parking on the street was prohibited in any circumstance. He was told this was correct. Planner Astorga remarked that the Code requires two parking spaces per dwelling unit. Therefore, fourteen spaces would be required for seven units proposed.

Mr. Cassel explained that the street was built to 20 feet, which included sidewalk, curb and gutter and the road surface. It was only meant to provide access to homes on that street and for fire access, which requires 20' minimum. Cars are not allowed to park along the road unless they are fully off the street, sidewalk and curb and gutter. Commissioner Gross asked about snow removal. Mr. Cassel stated that snow gets pushed to the end of the road. Commissioner Hontz assumed the road had still not been accepted by the City. Mr. Cassel replied that it has not been accepted at this point. However, it would go to the City Council for final acceptance or dedication. If for some reason the City decided not to take it over, it would become a private drive and nothing would change. He noted that the road was built to City standards.

Commissioner Savage asked if the Staff could present the Planning Commission with a hierarchy of decisions that need to be made regarding this proposal, and the dependency of one decision upon another. He thought a major question was whether or not a multi-unit dwelling was acceptable for this development in conjunction with it being designated as a condominium form of ownership. Another important question related to ridgeline. Planner Astorga noted that the Staff had received additional information from Commissioner Wintzer regarding the ridgeline. To address Commissioner Savage's question regarding the use related to condos and single family dwelling, Planner Astorga believed a related question would be how to interpret the footprint.

Commissioner Wintzer referred to page 25 of the Staff report and indicated ten or twelve platted lots that have attached development rights and access to the street. Those lots could be developed with one house on each lot without Planning Commission approval. Commissioner Savage asked if there were slope issues on those lots. Commissioner Wintzer replied that a lot of record with access would trump any slope issue. Commissioner Wintzer indicated lots further down the road and noted that the second to the last lot was a lot of record with access. The two lots below that lot were lots of record, but without access. He pointed out that combining those two lots would

increase the amount of development rights further down the road, and that was his issue. Commissioner Wintzer thought they should focus on the issue above and not the issue below.

Commissioner Hontz appreciated the comments from both Commissioners Wintzer and Savage because she struggled with the same issue. If they combine the lots it is evident where the ridgeline would run through the lots, and the Planning Commission would need to have that discussion. Commissioner Hontz noticed that the survey in the packet was a topo survey and she thought they had asked to see a boundary or alta survey. Director Eddington replied that they would want to see an alta survey with the subdivision.

Commissioner Hontz stated that if the lots are combined, the Planning Commission would have to make findings for good cause and one concern would be public health, safety and welfare. She noted that Echo Spur is a substandard street and any road utilized to get to that street is also substandard. Ontario, McHenry, and Rossi Hill are all narrow streets and she would like to understand the impacts of adding seven or nine units. Commissioner Hontz thought a traffic analysis would be necessary and the City should dictate the terms of what is analyzed. The analysis needs to take into account the conditions of the streets, particularly in winter, and the existing conditions that would not be improved.

Commissioner Hontz had issues with the additional square footage through the addition of the right-of-way from the City vacation. She thought some of the ideas listed on page 6 of the Staff report could be great benefits to the neighborhood, but she wanted to hear from the neighborhood and visit the site herself to make her own determination about the additional parking spots. Commissioner Hontz was not convinced that adding the stairs to that location would be a benefit to anyone except that particular development. She was concerned that it could potentially reduce the value of the open space in that area. At this point she would not consider those a good enough "get" on the part of the City. Commissioner Hontz was also concerned about taking access off of McHenry instead of Echo Spur into the underground parking. Although they usually try to reduce the amount of excavation, if it done correctly, the potential benefits of an underground combined parking garage in this area could offset the excavation impacts to the community.

Mr. Kelleher wanted to know what defines a substandard street. City Attorney Matt Cassel stated that Echo Spur and Rossi Hill meet all the criteria of City standards for a street. The only street considered substandard is Ontario, due to the slope. Commissioner Hontz recalled Mr. Cassel's earlier comment that street parking was prohibited on Echo Spur. Mr. Cassel explained that based on a request by the neighbors and to satisfy their needs and issues, Echo Spur was made as narrow as possible but still meeting the Fire Code. Commissioner Hontz asked if there were any parking requirements on Rossi Hill based on its width. Mr. Cassel stated that Rossi Hill is scheduled to be redone and the City will try to address current parking issues and the width in terms of snow removal. Currently, Rossi Hill is not considered a substandard street. It is unsafe in the winter but it is not substandard.

Mr. Kelleher understood that there was an additional 10' on each side of Rossi Hill for a railroad right-of-way. He had contemplated that space for parking spots. Mr. Cassel replied that there was a railroad spur. He believed there was minimal space on the south side and five to ten feet on the north side of Rossi Hill Drive. Chair Wintzer asked if Mr. Kelleher anticipated using that space for

guest parking. Mr. Kelleher thought they may have to put visitor parking in China Bridge and make them walk up the stairs. He was primarily thinking of using the road side spaces to address parking issues discussed with the Ontario neighbors. It would be a nice "give" to the neighbors to pave parking spots in the railroad right-of-way along the road. Commissioner Savage assumed the proposed design would have to allow for public access into the garage area. In his opinion, not having the ability to access that area would be problematic unless the garage is publicly accessible to visitors. He was unsure of the solution, but he suggested that it would be a contentious issue for Mr. Kelleher to consider. Commissioner Wintzer agreed that an owner could never have house guests without on-site parking.

Commissioner Strachan was concerned that the proposal creates the effect of a gated community since no one except the owners could access the development. Visitors would not want to use Echo Spur because parking is prohibited and the road goes nowhere. Mr. Kelleher stated that he was not aware that one of the "gives" with the road going in was that parking was not allowed on the road in any circumstance. He felt it was unfair to say it was a gated community since it was the neighbors and not the developer who requested that parking not be allowed. Commissioner Strachan stated that Rossi Hill could be utilized for parking, but it becomes more isolated moving north. If the intent was to intermingle communities and make homes and families live, work, and play around each other, this proposal was not conducive to that intent, particularly the northernmost homes.

Commissioner Savage suggested that a possible design solution would be to create guest parking in the space west of Echo Spur. Director Eddington agreed that it was a potential and similar to what was done on Rossi Hill.

Commissioner Wintzer concurred with most of the points made by Commissioner Hontz. As someone who lives 300 yards up the road, the only open space left in Old Town are the streets that have not been built on. He noted that a park was created in the middle of the street on the upper part of Rossi Hill. Commissioner Wintzer was opposed to the City vacating any land that is the last of the open space in Old Town. He did not favor Rossi Hill Drive as the project entrance and recommended that the applicant find a way to use Echo Spur as the entrance. Commissioner Wintzer pointed out that the "gives" proposed were not "gives" the City. That was not necessarily a bad thing, but the City is typically the beneficiary. He did not believe it would benefit anyone to have a structure in the corner against Rossi Hill. Commissioner Wintzer recalled that the stairs going down the other half of Fourth Street were mentioned as a "give" the last time the Planning Commission saw this with Mr. Bilbrey. In looking at the topo, it was evident that a hill with significant vegetation would be destroyed and the stairs would only be a benefit to the residents in the project. Others may use it, but not enough people to make it a real public benefit. In his opinion, the parking structure is problematic due to the grade, and he would need someone to show him that it could work before moving forward. Commissioner Wintzer commented on the phasing plan and potential problems with building the parking structure first. He believed it should be an all or nothing process because phasing would not work in this situation. Commissioner Wintzer preferred to see a better floor area ratio study in relation to parking versus above grade square footage. Commissioner Wintzer stated that aside from his concerns, this was a creative solution and he was willing to give it consideration if his issues could be addressed. He liked the idea of a neighborhood without garage doors.

Commissioner Wintzer stated that he has lived there nearly 40 years and he walks that street every

day. His issues and concerns are based on experience and what he sees. He believed if the City and the development community had worked together in the past and had started with this proposal, they would have had a far better project without the existing problems at the end of the road.

Commissioner Savage echoed Commissioner Wintzer on the all or nothing approach. If this is to be a condominium-style project with the road access as proposed, it could not be piecemealed. He felt strongly that it should be a condition of the design concept. Commissioner Strachan recommended bonding to address the issue. Commissioner Savage thought it was important to have some understanding that the garage must be completed in conjunction with the first house.

Mr. Kelleher asked if the Planning Commission was suggesting that the foundation should go in all the way down. Commissioner Wintzer thought the foundation should go in. He was concerned about being left with a large hole in the ground at the end of the foundation if the project was stopped for any reason. He suggested the possibility of phasing the project over a two-year period by building one half first and then the other, but he would not favor the concept of building a piece of garage with every house.

Mr. Kelleher noted that the first house built would be owned by his family. He asked if having contracts for each purchase would make a difference on the phasing. Mr. Kelleher thought it would be riskier for everyone to build the entire project at one time. Commissioner Wintzer explained why he believed it would be economically better to build the garage structure at one time and then go back and construct the houses. Commissioner Savage remarked that the last house should be built first with the garage leading all the way down to the first house.

Planner Astorga believed the Staff had enough direction to move forward. Mr. Kelleher needed to redraft the concept plan and the next step would be to involve the neighborhood. Planner Astorga suggested that the next meeting should also be a work session, but with noticing to get the neighbors involved in the process. Mr. Kelleher stated that there were conversations with the neighbors in the past regarding parking and walkways for better access. He understood that the extension of the Shorty stairs appeared to be minimal, but it complements other parts of the Shorty stairs further west that also have walkways to the homes.

Planner Astorga thought it would also be beneficial to review 801 Park Avenue more in-depth to better understand that project.

The Work Session was adjourned.



PARK CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION MEETING MINUTES  
COUNCIL CHAMBERS  
MARSAC MUNICIPAL BUILDING  
JANUARY 9, 2013

COMMISSIONERS IN ATTENDANCE:

Chair Nann Worel, Brooke Hontz, Stewart Gross, Mick Savage, Adam Strachan, Jack Thomas, Charlie Wintzer

EX OFFICIO:

Thomas Eddington, Planning Director; Kirsten Whetstone, Planner; Matt Evans, Planner; Francisco Astorga, Planner; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING

**ROLL CALL**

Chair Wintzer called the meeting to order at 7:45 p.m. and noted that all Commissioners were present.

**ADOPTION OF MINUTES**

October 10, 2012

Commissioner Wintzer referred to page 55 of the Staff report, page 11 of the minutes, the last line of paragraph 5, and noted that Matt Cassel was incorrectly identified as the City Attorney. He corrected that to read **City Engineer**.

Commissioner Hontz stated that at the last meeting she had requested that someone re-listen to the recording to incorporate more of the details of her conversation with Matt Cassel regarding 264 Ontario. Based on verification with the recording, she referred to page 50 of the Staff report, page 6 of the minutes, fourth paragraph, and added a sentence at the end of the paragraph to read "**Mr. Cassel believed the road was approximately 15 feet.**"

MOTION: Commissioner Wintzer moved to APPROVE the minutes of October 10, 2012 as amended. Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously.

December 12, 2012

Commissioner Hontz referred to page 97 of the Staff report, page 27 of the minutes, the last paragraph, and noted that the fourth line stated, "...a benefit to the landowner to go from 0-7units...". She corrected the minutes to replace 0-7 with 0 to 7 units for better clarification.

MOTION: Commissioner Savage moved to APPROVE the minutes of December 12, 2012 as amended. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

## **PUBLIC INPUT**

Jim Tedford recalled that at the last meeting the public was told that the discussion on the MPD revisions to the LMC would be continued to this meeting. He asked why that item was not scheduled on the agenda this evening, and when the public could expect the Planning Commission to continue that discussion.

Director Eddington stated that at the last meeting the Planning Commission had forwarded portions of the LMC amendments and continued the rest. Since it was not continued to a date certain the Staff felt it was more important to have the work session discussion regarding stories. He anticipated that the MPD discussion would be scheduled for the second meeting in February. The first meeting in February was primarily dedicated to Form Based Code.

## **STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES**

Chair Worel noted that the Planning Commission needed to elect a Commissioner to the Blue Ribbon Commission on the Soil Ordinance and Soil Disposal Options. They also needed to elect a Commissioner to the Citizens Open Space Advisory Committee.

Joan Card, Environmental Regulatory Affairs Manager for Park City, stated that she was one of several involved in staffing the Blue Ribbon Commission on the Soils Ordinance and Soil Disposal Options. If those appointed to the Commission have a sense of humor, they would be called the Dirt Bags. Ms. Card remarked that the Commission is a task force style group tasked to look at the Soil Ordinance and the challenge associated with not having a local repository for soils that are impacted with historic mining tailings and waste. A lot of soil in town is impacted and to excavate that soil there needs to be an affordable disposal option. Ms. Card stated that the group would have an ambitious schedule and the intent is to complete the task within a six week period of meetings. The meetings would be held on Monday mornings at 10:00. They would not meet on President's Day, February 18<sup>th</sup>. The meetings would begin on February 4<sup>th</sup> and go into mid-March. Ms. Card reported that the City Council plans to appoint the Commission on January 24<sup>th</sup>.

Director Eddington reported that COSAC, the Citizens Open Space Advisory Committee, was being reconvened with a new Board. The purpose of the Committee is to help the City look at open space opportunities in the future. Meeting times and dates had not been established at this point. The Committee typically meets monthly or bi-monthly and it would be a mid-day meeting. Director Eddington believed the length of the COSAC Committee was two to three years.

Commissioner Savage asked if the appointment would be a designee of the Planning Commission. Director Eddington replied that both the COSAC and the Soils Ordinance appointees would be designees of the Planning Commission. If the Planning Commissioner's term ends, a new Commissioner would be appointed.

Commissioner Savage nominated Commissioner Gross for either committee. Commissioner Gross was interested in both committees; however, he would have to miss two of the six meetings proposed for the Blue Ribbon Commission. Ms. Card agreed that missing two or three meetings would be problematic.

Commissioner Thomas noted that Commissioner Wintzer has had a lot of experience with soils and he understands the ramifications and the issues.

MOTION: Commissioner Thomas nominated Commissioner Wintzer as the appointee to the Blue Ribbon Commission. Commissioner Hontz seconded that nomination.

VOTE: The motion passed unanimously.

Commissioner Hontz reported that she served two terms as a citizen-at-large on two previous COSAC. She understood that the rules had changed and that the Planning Commissioner appointee is only an advisory position without voting ability. City Attorney McLean was unable to confirm whether there was a change because she had not seen the terms for the new COSAC. Director Eddington stated that the stakeholder groups include Mountain Trails, Park City Chamber, the Planning Commission, Utah Open Lands and the Rec Advisory Board. He believed all the stakeholders were voting members.

Commissioner Hontz clarified that the point she wanted to make was that with the last two Committees there were a lot of opinions around the table that were not necessarily educated opinions. She did a lot of research and came to the meetings with all types of data and a background and knowing what the wildlife studies were on the parcels. It was often a battle because some wanted to purchase open space because it was a personal benefit to their home versus what was actually a valuable piece of open land. Commissioner Hontz stated that COSAC is an important committee and the Planning Commission needs a strong representative. She pointed out that the members are not given a Staff report and each individual is responsible for doing their own research.

Heinrich Deter verified that the Planning Commission appointee would be a voting member. He noted that there was not a set schedule for COSAC meetings and recommended an alternate in the event that the primary member could not attend.

MOTION: Commissioner Savage nominated Commissioner Gross as the primary appointee to COSAC and Commissioner Hontz as the alternate. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

Planner Astorga reported that on December 23<sup>rd</sup> the house at 335 Woodside Avenue fell down. On December 28<sup>th</sup> the Staff and Building Department met on-site with the contractor, architect, structural engineer and a lifter contractor. An official recommendation was submitted yesterday on how to remedy the situation. The Staff was currently working on approving a plan that would fix

what happened. The proposal is to lift the house with a crane and the Staff was in the process of studying that proposal.

Commissioner Strachan asked what caused the house to fall down. Planner Astorga replied that the Building Department was trying to determine exactly what happened. Commissioner Strachan thought they should be cautious about jacked up buildings that accidentally fall down and then get demolished and rebuilt. Commissioner Wintzer had watched the house from the time it was lifted. He felt it was a timing issue and that the contractor did not do the job fast enough. The house sat in the air for six or seven months and it was only a matter of time before it fell.

Director Eddington clarified that the project was fully bonded and the Staff was working with the Building Department to ensure that the structure is preserved as best as possible. Cost was not an issue.

Commissioner Thomas stated that bracing is a huge component of any construction and it is the responsibility of the general contractor to provide bracing engineering. He suggested that the Planning Commission think about adding a condition of approval on those types of projects that require another level of engineering review. Commissioner Wintzer remarked that lifting a house is a specialized skill and it should be done by a licensed house mover.

Assistant City Attorney Polly Samuels McLean suggested that Chad Root, the Chief Building Official, attend the next meeting to explain the procedures and requirements for this type of project.

Commissioner Hontz disclosed that her husband works in the Sustainability Department; however that would not affect her decision-making on the City application for the tennis courts at 1580 Sullivan Road.

Commissioner Hontz asked about the notice on the Marsac Wall at the top of Hillside. Director Eddington stated that it was noticing for the appeal before the Historic Preservation Board regarding the project at 100 Marsac. Commissioner Hontz suggested that the sign be moved to a better location because no one can reach it on foot and there is no place to stop a car and get out and read the notice.

Commissioner Hontz commented on an applicant who wasted paper unnecessarily by printing out sections from the Code that the Commissioners already have and know. She found it infuriating and insulting because the Commissioners do their job and read the Code. She felt that anyone who had the need to reprint what the Planning Commission already has should pay the additional expense to print the Staff report.

Commissioner Thomas noted that the sign in the roundabout requires someone to physically cross the track at the roundabout to change the data on the sign. He knows the people who change the sign and they feel that their life is in jeopardy stepping across the walkway. The sign code does not allow digital signage and he felt it was worth considering a change in the sign code to allow digital modification of that sign.

Director Eddington stated that re-planning work for Deer Valley Drive was in process and the sign at the roundabout was one item being addressed, as well as lighting opportunities and retaining wall improvements along that road. Digital technology was being considered.

## **REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION**

### **1. 1580 Sullivan Road – Conditional Use Permit (Application #PL-12-01644)**

Planner Astorga reported that at the last meeting the Planning Commission forwarded a positive recommendation to the City Council for a subdivision at 1580 Sullivan Road to resolve a lot line issue. The subdivision was scheduled to be reviewed by the City Council the following evening. The item before the Planning Commission was a conditional use permit for the expansion of the use. Two tennis courts currently exist on the property and the City would like to add a third court. Planner Astorga believed the request was adequately outlined in the Staff report. Ken Fisher and Matt Twombly, representing Park City Municipal Corp., were available to answer questions.

The Staff recommended that the Planning Commission consider approving the requested expansion of the use based on the findings of fact, conclusions of law and conditions of approval outlined in the Staff report.

Commissioner Wintzer asked if the lighting would be the same intensity. Mr. Twombly stated that the lighting would be stronger but still within the requirements of the lighting code. He recalled that it was 1500 watts. However, the new lights would have louvers and shields, which are not present on the current lights.

Commissioner Thomas understood that the light would be galvanized metal poles. Mr. Twombly remarked that a condition of approval requires the poles to be painted. Commissioner Thomas noted that lighting at Quinn's Junction are galvanized poles. He believed too many galvanized poles sticking up create a bigger visual impact. Commissioner Thomas suggested that they explore different options for something non-reflective and darker in color. He would prefer a non-reflective dark bronze pole.

Mr. Twombly stated that based on his discussions with Staff, the poles would be painted black. Planner Astorga noted that painting the poles was addressed in Condition #4, "The galvanized steel poles shall be treated or painted to remove the reflective aspect so they do not stick out". Commissioner Thomas was comfortable with painted poles as long as they are painted a non-reflective color.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Commissioner Hontz referred to Finding of Fact #4 and added a colon at the end of the first line after the word “the” and before “entry area”.

MOTION: Commissioner Wintzer moved to APPROVE the CUP for 1580 Sullivan Road in accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval as amended. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 1580 Sullivan Road - CUP

1. The site is located at 1580 Sullivan Road, known as City Park.
2. The site is within the General Commercial (GC) District.
3. The site contains two (2) tennis courts.
4. The City requests to add another tennis court west of the existing courts over the: entry area, concrete sidewalk, bark mulch path, and portion of the landscape area.
5. The City requests to reconstruct the two (2) existing tennis courts by adding another layer of concrete, replacing of all of the fencing and replacing the four (4) light posts and fixtures with more efficient lighting.
6. The City proposes to reconfigure the entrance to the courts and also add a new ADA access, re-grade, the existing berm (for the new ADA sidewalk, and reconfigure the drainage around the proposed court.
7. The City filed this CUP application to move forward with the proposed improvements at City Park.
8. The expansion of the tennis court, a Public Recreation Facility is conditional use in the General Commercial District.
9. A fence over six feet (6') in height from final grade is a conditional use in the General Commercial District.
10. The site, City Park, has ample size for the proposed expansion.
11. There are minimal traffic impacts associated with the expansion of the use.
12. The proposed use is located at City Park, which has access off Sullivan Road towards Deer Valley Drive, a major collector street, and access off Park Avenue, a major bus corridor in the City. The site is also accessed off the rail trail, a major pedestrian trail.
13. No additional utility capacity is required for this project.

14. Emergency vehicles can easily access the site.
15. The proposed expansion of the use does not increase the amount of off-street parking.
16. The parking areas are directly accessed off Deer Valley Drive through Sullivan Road and through Park Avenue.
17. The existing height of the fencing is approximately twelve feet (12').
18. The applicant proposes the new fencing around the three (3) courts to be lowered to ten feet (10').
19. The proposed additional court (third) court will be placed over an existing concrete sidewalk leading to the tennis courts, back mulch pathway, and over a small landscaped area containing two (2) deciduous trees and several shrubs.
20. The improvements include a new fence around three (3) newly constructed tennis courts. The existing courts will receive a new layer of concrete and will be at the exact location. The new court will be located directly west of the existing courts. The three (3) tennis courts will be lined up on a side-by-side configuration.
21. The requested use will be changed from passive open space to active open space. The use will still be usable open space.
22. No signs are proposed at this time.
23. The applicant also proposes to replace all four (4) existing light posts.
24. The proposed lighting fixtures cut operating costs in half and reduces spill light by 50%.
25. The applicant has indicated that they are unable to use the existing wooden posts because of the Building Department's requirement that specific engineering is required to authorize the more efficient lighting fixtures on the existing wooden posts.
26. The applicant requests to replace the existing poles with the proposed galvanized steel poles.
27. The applicant proposes fencing consisting of wooden posts (similar to the existing material) and black vinyl coated chain link.
28. Staff finds that the proposed materials provide a look and feel that is compatible with our character.

29. Staff finds that the existing materials meet the purpose statements as they contribute to the distinctive mountain resort character of our City, which is not repetitive of what may be found in other communities.
30. There isn't any noise, vibration, odors, steam or mechanical factors are anticipated that are not normally associated within City Park.
31. There are no anticipated deliveries, services vehicles, loading zones and screening associated with the proposed expansion.
32. Park City Municipal Corporation, the City, will retain ownership of the property as well as management of the park.
33. The proposal is not located within the Sensitive Lands Overlay zone.

Conclusions of Law – 1580 Sullivan Road - CUP

1. This proposed application as conditioned complies with all requirements of the Land Management Code.
2. The use as conditioned will be compatible with surrounding structures in use, scale, mass and circulation.
3. The use as conditioned is consistent with the Park City General Plan, as amended.
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval – 1580 Sullivan Road - CUP

1. All standard conditions of approval shall continue to apply.
2. The same amount of removed vegetation will be added to the park in another location.
3. The site shall comply with specific standards for recreation lighting outlined in LMC 15-5-5-(l)(11).
4. The galvanized steel poles be treated or painted to remove their reflective aspect so that they do not stick out.
5. Salvageable material shall be used throughout the project as construction waste should be diverted from the landfill and reused and recycled when possible.
6. Existing water lines run adjacent to the existing courts. These water lines will need to be relocated prior to construction.
7. This project shall comply with the City's Soils Ordinance.

**2. 99 Sampson Avenue – Conditional Use Permit for nightly rental  
(Application PL-12-01720)**

Commissioner Strachan reported that when he went by the site there was not a sign noticing this project. Commissioner Gross had the same experience. Planner Evans stated that a sign was put there. Commissioner Strachan clarified that the issue was not whether the signs are being posted; but rather the fact that the signs were not staying up. Commissioner Gross thought the sign may have been knocked down by the snow plow.

Planner Matthew Evans reviewed the application for a conditional use for a nightly rental at 99 Sampson Avenue. It is a 3-bedroom, 3-bathroom, 3400 square foot home that was built in 1983. Also included is a 672 square foot garage as two legal off-street parking spaces. The home has frontage on to both Sampson Avenue and King Road. The zoning is HR-L. Nightly rentals are a conditional use in the HR-L zone and require Planning Commission approval.

Planner Evans noted that the Staff report contained background and history on the structure. The last nightly rental that came before the Planning Commission was for 60 Sampson Avenue. The Planning Commission had issues with that particular application and denied the CUP. The denial was appealed to the City Council and the Council reversed the Planning Commission decision and added findings of fact and conditions of approval in addition what the Staff had originally drafted.

Planner Evans stated that in looking at this current application and based on its proximity to 60 Sampson Avenue, the Staff parlayed the same findings of fact and conditions of approval from 60 Sampson Avenue for 99 Sampson Avenue with minor revisions. He noted that there are differences between the two homes; primarily the fact that 60 Sampson Avenue is a historic home and 99 Sampson Avenue is not. Another difference is that 99 Sampson has two enclosed off-street parking spaces. The Staff was still concerned with parking as addressed in the findings of fact and the conditions of approval.

Planner Evans referred to a nightly rental map on page 129 of the Staff report based on a previous study of nightly rentals in the vicinity of the proposed location. He noted that there were 15 criteria under the conditional use process that the Planning Commission must consider. The Staff had reviewed the criteria, as well as the issues raised during the previous review process for 60 Sampson Avenue. The Staff had made recommendations on the best ways to mitigate some of the issues associated with a nightly rental. The Staff has drafted 24 findings of fact and 11 proposed conditions of approval. Planner Evans remarked that the primary issues that were raised during the nightly rental review for 60 Sampson Avenue included occupancy, management, providing information in the materials to perspective renters, and proper management of trash receptacles.

Commissioner Thomas assumed that Drawing A-1 on page 143 of the Staff report was the site plan.

Planner Evans replied that it was a site plan from 1983. Commissioner Thomas remarked that the site plan did not clearly designate the street. Planner Evans used the cursor to show the edge of Sampson Avenue. He reviewed what he considered to be a better illustration on page 131 of the Staff report. He noted that the dashed red lines come from the street to the front of the garage.

Commissioner Thomas asked if the driveway was approximately 24-25 feet long. Planner Evans replied that this was correct.

Janet Margulies, an agent representing Richard Wilson, the owner/applicant, stated that the Staff report adequately outlined the proposal and she was available to answer questions.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Commissioner Hontz felt it was difficult to move forward based on the reversal of their last decision. However, the same concerns discussed in the application for 60 Sampson Avenue still apply with this application. She still believed that the way the mitigations were recommended shifts the burden of enforcement to the neighborhood and she finds that unacceptable. Commissioner Hontz disagreed that the impacts were fully mitigated by the proposed solutions. She was uncomfortable with the format of the Staff report because it says after each criteria that there are no unmitigated impacts. She pointed out that the impacts are only mitigated with conditions. If conditions are not implemented or the owner does not follow the conditions, then the impacts are not mitigated. Commissioner Hontz referred to page 130 of the Staff report and noted that her comment related to Criteria 2, 4, 5 and 12, at a minimum. She also had issues with trash pickup and the 15 hour requirement. Hypothetically, if trash is picked up on Thursday at 8:00 a.m., the manager could put the trash out on Wednesday and 5:00 p.m. and the trash receptacle could sit there until 5:00 p.m. on Friday. Three days out of seven a trash can would be sitting on the street. She noted that recycling is not even addressed so there is no limitation on how long that could sit on the street. Commissioner Hontz stated that she would have problems approving this request because it promotes bad neighborhood relationships.

Commissioner Hontz stated that she would not be able to find for any of the Findings of Fact because the impacts need to be mitigated via conditions. In her opinion, those are not unmitigated impacts. She suggested either re-writing the findings or removing the impacts from the findings of fact. She also proposed that the Planning Commission consider further limiting the trash by adding recycling to Condition of Approval #8.

Commissioner Gross stated that as a City representative he has sat through meetings and reviewed projects and he keeps hearing how Old Town is becoming seasonal and second home owners. Commissioner Gross asked if this was becoming rental sprawl. If that is something they wanted to do as a community that would be one thing, but with the number of requests they were seeing, he was concerned that everything in Old Town would eventually be nightly rentals. He felt it was an undue burden on the City to make sure the property is managed properly and that the conditions are being met to mitigate the impacts.

Commissioner Strachan recalled discussing this same concern at great length with the last nightly rental application. However, despite their discussion and reasons for denial, the City Council chose to reverse the decision. Commissioner Strachan agreed with Commissioners Gross and Hontz, but

he thought their hands were tied and that they needed to consider approval. It tears away at the fabric of Old Town, but there was nothing the Planning Commission could do to stop it.

Commissioner Strachan thought the best way to address the issue would be to change the LMC to remove nightly rentals as a conditional use. It should either be an allowed use or prohibited. Commissioner Thomas recalled that the Planning Commission had that discussion several times in the past and had requested that the conditional uses be examined for each zone. Unfortunately, that has not yet occurred.

Commissioner Savage presented a theoretical situation where a house had a CUP to allow nightly rentals and that was the use for that particular house; but a later change in the LMC no longer allows nightly rentals as a conditional use for that particular zone. He understood that the use was grandfathered, but he wanted to know what would happen if the ownership changed and whether the use was grandfathered to the property or the owner. Assistant City Attorney explained that the use is grandfathered to the property as long as it is continually used as nightly rentals and there has not been a one-year lapse. Commissioner Savage asked if that was dictated by State law or whether the City has control. Ms. McLean replied that it was a State law requirement that is mimicked in the LMC. Commissioner Wintzer stated that when the zone was first established nightly rentals were not allowed in the zone. However, that was overturned without looking at all the consequences. He pointed out that once something is allowed it is easy to upzone but it is impossible to downzone. That is why issues need to be looked at deeper than just an individual project. They need to look at it from the standpoint of a neighborhood and a city. Commissioner Wintzer did not believe this was being done well enough.

City Attorney McLean corrected her earlier statement by clarifying that State Code does allow the ability to not allow grandfathering, but it is not an easy process.

Chair Worel agreed with Commissioner Hontz that the burden of enforcement is on the neighbors to monitor what goes on. She asked if the neighbors would report any violations to the police department. Ms. McLean stated that the City also has Code Enforcement in the Building Department. Commissioner Wintzer remarked that regardless of who they report to, the point is that the neighbors are left with the responsibility of filing the complaint.

Chair Worel asked if the nightly rental privilege could be withdrawn if a certain number of complaints are logged. Planner Evans explained that the Planning Commission would hold a public hearing to rescind the conditional use permit. Ms. McLean stated that if the conditions of approval are violated, the conditional use permit would come back to the Planning Commission for review. The Planning Commission could specify the number of violations that would trigger a review; otherwise it would be at the Staff's discretion. Commissioner Wintzer thought it should be a standard condition of approval for every nightly rental. Commissioner Strachan agreed. A business can have its business license revoked for violations and this was no different.

Assistant City Attorney McLean explained that there are two components with nightly rentals. The first is the conditional use permit. The second component is the business license, which also has certain requirements. Therefore, if someone does not abide by the requirements of the business license, they would also risk having their business license revoked. Commissioner Strachan asked

if it was valid to have a condition of approval stating that the conditional use permit would be revoked for one violation. Ms. McLean remarked that the CUP would need to go through the proper review process before it could be revoked. Commissioner Strachan asked if it was possible to add a condition stating that the business license would be revoked after one violation. Ms. McLean clarified that the business license was separate with different criteria and it could not be tied to the CUP. Commissioner Strachan thought they would have to tie compliance with the conditional use permit to the business license. It would not be conditioned on obtaining the CUP; but a failure to fulfill the requirements of the CUP would result in losing the business license. Ms. McLean stated that the CUP gives the rights to the use, so the Planning Commission would want to revoke the CUP. Commissioner Strachan pointed out that if they could not prohibit nightly rentals they would want to ensure compliance with the conditions.

Commissioner Thomas recalled that in the past conditional use permits had a one-year review before the Planning Commission to make sure the conditions had been mitigated. He was unsure if State law no longer allows that flexibility, but it was a way to evaluate the CUP. Commissioner Hontz noted that Condition of Approval #10 calls for a one-year review before the Planning Commission. Commissioner Gross asked if the review was only after the first year or every year. Planner Evans replied that after the first review the Planning Commission could request another review in one year. Ms. McLean stated that another mechanism used in the past was that three complaints would trigger a review before the Planning Commission. Commissioner Strachan was comfortable with the reviews as long as they were noticed as a potential loss of the CUP.

Commissioner Wintzer believed the neighborhood was still the issue because no matter who complains you lose the neighborhood. In looking at the rental map, Commissioner Savage assumed that approximately 30% of the houses in the area have this use. He thought the only meaningful leverage was to find a mechanism to modify the LMC to discontinue this conditional use to mitigate the ongoing evolution of the problem.

Commissioner Strachan could not understand how someone could maintain their business license if they were in violation of the CUP. Ms. McLean recommended that the Planning Commission separate the CUP from the business license. If someone does not renew their business license in a timely manner, they are still permitted to renew the license after paying a late fee. However, the conditional use can be revoked after a one year period. The requirements are different because a business license is different than a use. A conditional use is an allowed use with mitigated impacts; and a CUP can be denied if the impacts cannot be mitigated. That is a different standard than a business license where the underlying use is already permitted and it is only a matter of licensing.

Commissioner Strachan asked if a CUP could be suspended for a time indefinite. For example, after one year from approval the CUP is suspended and it is noticed to see if there are any complaints. The Staff would prepare a Staff report and if the Planning Commission determines that the CUP has not been complied with and the impacts have not been mitigated, then the suspension becomes permanent. Ms. McLean stated that the suspension would have to be related to actual misdeeds. If they make it an annual review, the Staff could notice the neighbors within the same noticing requirement of the initial CUP.

Commissioner Wintzer thought it was impractical to have yearly reviews for every CUP. Commissioner Hontz suggested that a CUP be reviewed only if there were issues or complaints, and the review could take place at any time within the year.

Commissioner Hontz understood that the business license requirements for trash cans on the street were more restrictive than the Conditional Use Permit. Ms. McLean read the business license requirements regarding trash for nightly rentals. "Trash collection, which ensures that trash cans are not left at the curb for any period in excess of 24 hours and the property must be kept free from refuse." Commissioner Thomas stated that the business license language was better and he thought the conditions for the CUP should reflect that language. Commissioner Hontz agreed.

MOTION: Commissioner Savage moved to APPROVE the conditional use permit for 99 Sampson Avenue based upon the Findings of Fact, Conclusions of Law and Conditions of Approval found in the Staff report. Commissioner Gross seconded the motion.

Director Eddington suggested that the motion include a modification to Criteria 12, as identified in Finding #12 related to trash cans, and modify the 15 hours before and 15 hours after to match the business license requirement, which is 24 hours for trash to be left out.

Commissioner Savage amended his motion to include the modification to Criteria 12 in Finding #12.

Commissioner Thomas asked if they should also modify Condition #11 to include a three complaint trigger to bring the CUP back to the Planning Commission. Commissioner Savage felt that if there was a complaint, the issue needed to be fixed. If it is not fixed appropriately, the CUP would be revoked. If a complaint is logged in six months, the CUP could still be revoked as a consequence of non-compliance. He believed there was already a mechanism in place to deal with the existence of a problem, and the one-year time frame is the mechanism to address the possibility of a problem. Commissioner Savage thought the Planning Commission should address the question of whether or not to implement a change in the LMC to stop the nightly rental problem.

Commissioner Savage re-stated his motion to APPROVE the conditional use permit for 99 Sampson Avenue based on the Findings of Fact, Conclusions of Law and Conditions of Approval found in the Staff report with the amendment to Criteria 12 regarding the 24 hours limit on trash cans. Commissioner Gross seconded the motion.

VOTE: The motion passed 5-1. Commissioners Savage, Thomas, Strachan, Gross, and Wintzer voted in favor of the motion. Commissioner Hontz opposed the motion.

Commissioner Hontz explained that she had voted against the motion because she disagreed with the Findings of Fact that the actual impacts were mitigated, and she did not believe that the Findings accurately represented the situation.

Commissioner Savage noted that the nightly rental issue has come up multiple times and he expected it would come up again. He asked Director Eddington what the Planning Commission could do to find a solution rather than continue a repetition of the issue. Director Eddington stated

that in working on the General Plan the Staff tried to identify primary versus secondary neighborhoods. He requested that the Planning Commission not address the issue until after they see the Staff recommendations in the General Plan. Commissioner Savage assumed there would be a modification to the LMC subsequent to the completion of the General Plan.

#### Findings of Fact – 99 Sampson Avenue

1. The property is located at 99 Sampson Avenue. The property is improved with a 3,490 square foot, three (3) bedrooms, one den/studio, three (3) bathroom, single family house.
2. The subject property is located within the Historic Residential Low Density (HRL) zoning district.
3. The house at 99 Sampson Avenue is located on an approximately 4,360 square feet (.10 acres) lot. Minimum lot size in the HRL district is 3,570 square feet.
4. Nightly rental uses are subject to a Conditional Use Permit in the HRL District.
5. The Planning Commission finds that there are no unmitigated impacts to Criteria 1-15 as outlined in LMC Section 15-1-10(E) if the applicant adheres to the mitigation measures as proposed.
6. The Planning Commission finds that there are no unmitigated impacts with respect to Criterion #1 (Size and Location of the Site), that the site and size of the home is suitable for nightly rentals with the number of persons limited to no more than either person occupying the home overnight as conditioned within the Conditions of Approval.
7. The Planning Commission finds that there are no unmitigated impacts with respect to Criterion #2 (Traffic) of Section 15-2.1-2, LMC, and that the proposed Nightly Rental may contribute some level of increased traffic; however, the trip generation for long term rentals, seasonal work force rental, and/or housing for permanent residents, is generally greater than that of short term vacation rentals. As a potential mitigation measure limit the number of people occupying the Property during any given rental period to no more than eight (8). Applicant shall include express references to this limit in the marketing material and rental agreements for the Property.
8. The City Council finds that there are no unmitigated impacts with respect to Criterion #3 (Utility Capacity) as no additional utility capacity is required for a night rental, and utilities for a nightly rental use are consistent with the available utilities associated with a typical single-family dwelling.
9. The Planning Commission finds that there are no unmitigated impacts with respect to Criterion #4 (Emergency Vehicle Access). The nightly rental business license triggers an inspection of the house by the Park City Building Department and all IBC and Fire Code requirements have to be met prior to issuance of a business license. Nightly rental use does not change the requirement for, or conditions related to, emergency vehicle access which

exists on Sampson Avenue and King Road, and that the double-frontage of the home allows emergency access from two sides, Sampson Avenue and King Road.

10. The Planning Commission finds that there are no unmitigated impacts with respect to Criterion #5 (Location and amount of off-street parking). Pursuant to LMC 15-3-6 parking for the first six (6) bedrooms of a Nightly Rental is based on the parking requirement for the unit. The home has three (3) bedrooms with a studio/den, and thus would not exceed the requirement. Furthermore, the parking requirement is the same as that required for the existing home which would be two (2) legal off-street parking spaces and the site has two fully enclosed parking spaces available within the garage.
11. The Planning Commission finds that there are no unmitigated impacts with respect to Criterion #6 (Internal circulation system). The home is accessible from both Sampson Avenue and King Road. Access to the site could be complicated during winter months, but the same is true for all local residence and other nightly rentals within the vicinity. The internal circulation within the home is not an issue due to the fact that the home is fairly modern and is typical of other homes within the area.
12. The Planning Commission finds that there are no unmitigated impacts with respect to Criterion #7 (Fencing, screening and landscaping to separate uses). The site is heavily landscape, has retaining walls and existing mature trees, making only the very front and rear of the house visible from adjacent properties. The property appears to be well kept and in good condition.
13. The Planning Commission finds that there are no unmitigated impacts with respect to Criterion #8 (Building mass, bulk, orientation and the location on the site, including orientation to adjacent buildings or lots) as the size of the existing house, relative to surrounding buildings, mitigates impacts from building mass, bulk, orientation and location on the site.
14. The Planning Commission finds that Criterion #9 (Usable open space) is not applicable due to the fact that open space is not a requirement for a Night Rental; however, the lot is larger than a typical Old Town lot and does provide some outdoor spaces, patios, and decks for renters to enjoy.
15. The Planning Commission finds that there are no unmitigated impacts with respect to Criterion #10 (Signs and lighting) as the applicant is not proposing signs or additional light, and signage is not allowed per the Conditions of Approval.
16. The Planning Commission finds that there are no unmitigated impacts with respect to Criterion #11 (Physical design and compatibility) with surrounding structures in mass, scale and style) has no unmitigated impacts in that the home is similar in height, size, scale and mass to most of the homes on Sampson Avenue.
17. The Planning Commission finds that there are no unmitigated impacts with respect to Criterion #12 (Noise, vibration, odors, steam or mechanical factors above and beyond those

normally associated with a detached single family dwelling in Old Town, and as a means to mitigate potential odors, trash and unsightliness, a condition of approval will be to required that the property management place all trash receptacle(s) out for trash pick-up no more than twelve (12) hours prior to the anticipated pick-up time, and that the receptacle is placed properly back onto the property no more than twelve (12) hours after the actual pick-up time.

18. The Planning Commission finds that there are no unmitigated impacts associated with Criterion #13 (Control of delivery and service vehicles, loading and unloading zones, and (screening) as it is anticipated that the Nightly Rental would not necessarily increase deliveries or additional service vehicles at the property. It is conceivable that renters may use taxis and shuttle services, but the infrequency of such vehicles would likely not create a burden in the neighborhood. As part of the Conditions of Approval, Staff is proposing that the Planning Commission review the Nightly Rental one-year after is approval for compliance with the other conditions. The Planning Commission could then consider if the Nightly Rental caused an increase in delivery or service vehicles associated with the same.
19. The Planning Commission finds that there are no unmitigated impacts associated with Criterion #16 (Expected ownership and management of the property). As a condition of approval, the applicant must agree to use a Property Management Company to manage the Nightly Rental business. The home is currently used by the owner, who resides in California, as a secondary residence.
20. The Planning Commission finds that there are no unmitigated impacts associated with Criterion #15 (Sensitive Lands Review) as the home is not located within the Sensitive Lands Overlay Zone. The home is existing, and the use as a Nightly Rental is contained within the existing structure, and no expansion of the home is being proposed at this time.
21. Parking at the property is limited to the garage and driveway, which accommodates two (2) legal parking spaces. The applicant has agreed to limit the number of motor vehicles parked on the Property during any given rental prior to no more than two (2) within the enclosed garage.
22. All-wheel or 4-wheel drive vehicles may be necessary to access the nightly during winter months.
23. The applicant has been informed of the potential conditions based on those imposed on the Conditional Use Permit for 70 Sampson Avenue, and stipulates to the conditions of approval as proposed by Staff.

#### Conclusions of Law – 99 Sampson Avenue

1. Nightly rentals are a Conditional Use in the HRL District.
2. The proposed nightly rental use as conditioned is compatible with surrounding structures in use, scale and mass, and circulation.

3. The proposed nightly rental use as conditions is consistent with the Park City General Plan.

Conditions of Approval – 99 Sampson Avenue

1. All standard project conditions shall apply.
2. A business license and inspection of the property by the building department are necessary to ensure that the business owners are verified and the property meets all applicable fire and building codes.
3. A detailed review against specific requirements of the Uniform Building and Fire Codes in use at the time of business license application is required as a condition precedent to issuance of a business license.
4. No exterior commercial signs are approved as part of this CUP. All signs are subject to the Park City Sign Code.
5. The Applicant shall at all times have a property management company based in Summit County under contract and responsible for functioning as Applicant's agent with regard to all matters concerning nightly rental of the Property.
6. The Applicant shall limit the number of motor vehicles parked on the Property during any given rental period to no more than eight (8) persons total. Applicant shall include express references to this limit in the marketing materials and rental agreements for the Property.
7. The Applicant shall limit the number of motor vehicles parked on the Property during any given rental period to no more than two (2). Said vehicles shall be parked in the garage at all times. Applicant shall include express references to this limit and the stipulation that the vehicles must be parked in the garage within the marketing materials and rental agreements for the property.
8. Property Management shall place trash receptacle(s) out for trash pick-up no more than 12 hours prior to the anticipated pick-up time, and that the receptacle is placed properly back onto the property no more than 12 hours after the actual pick-up time.
9. Applicant shall include that all-wheel drive or 4-wheel drive may be necessary to gain access to the property during winter months in the marketing materials and rental agreements for the Property.
10. The applicant shall agree to monitoring of the Conditional Use Permit by the City and shall come back before the Planning Commission after one year from the date of this approval for a review of the Conditional Use Permit for compliance with the Conditions of Approval.
11. A pre-HDDR application is required for any exterior work needed as a result of the Building Department inspection and identification of building code deficiencies prior to the issuance of the Business License for the Nightly Rental. A building permit is also required prior to the commencement of any interior or exterior work on the home.

**3. 427 Main Street – Conditional Use Permit  
(Application PL-12-01672)**

Planner Whetstone reviewed the request for a conditional use permit for commercial uses in the HR2 Zone. The building is located at 427 Main Street. The HR2 zone is the portion of the lot that is Park Avenue. The proposed uses are in a 1,261 square foot space located within the War Memorial Building and located on the lower level beneath the dance floor. The applicant was issued a building permit in 2007 to excavate the space and it was used as back of house. Now the applicant would like the ability to lease this out to one of the tenants, either the bar on the south side or the restaurant, for the option of using this space.

Planner Whetstone reported that in the HR2, Subzone "A" any use of this space is subject to 15 criteria and a conditional use permit is required in order to commence any commercial uses. Planner Whetstone reviewed a slide showing that the space back portion on Park Avenue and noted that the subject space is below the grade of the street.

Planner Whetstone stated that the Staff Report contained the Conditional Use Permit Action Letter for Harry O's, which was at a time when bars required a conditional use permit. Bars are now an allowed use in the HCB zone and in the HR2 subject to a conditional use permit.

The Staff report included the analysis of the 15 criteria, as well as the 15 criteria for conditional use permits. The Staff found that the impacts had been mitigated by either the existing physical situation of the space or by the conditions of approval. The Staff recommended that the Planning Commission conduct a public hearing and consider approving this conditional use permit based on the findings of fact, conclusions of law and conditions of approval found in the Staff report.

Commissioner Wintzer recalled a parking requirement on Main Street where exceeding a certain height increased the need for parking and the applicant paid into that. He asked if that was applicable with this application. Planner Whetstone stated that it was determined that this property was a historic building and exempt from the parking requirement. She pointed out that this building would not exceed the height to trigger the requirement Commissioner Wintzer had referred to.

Commissioner Strachan wanted to know the number of parking spaces behind the building. Planner Whetstone replied that there were 10 spaces, but the parking agreement only gives the exclusive right of four in exchange for maintaining the sidewalk and the staircase that comes up for the Blue Church. That agreement is still in place. The other six spaces are for residential parking permits and that is enforced by the City. Commissioner Strachan noted that Condition #6 only addresses four spots. Planner Whetstone replied that per the agreement, parking other than the four spaces identified were a first come/first served by the public. Commissioner Strachan felt there should be no loading and no activity back there.

Commissioner Hontz referred to page 166 of the Staff report, Criteria 5, which talked about parking license and stairway maintenance. Her question to the City was how they were doing and how that was signed. She was comfortable with the parking arrangement as long as members in the community understand that they can park in those other six spots. When she used to walk the stairway it was quite messy. She referred to Item 9 on page 164 of the Staff report and noted that

twice in December she saw ten or twelve trash cans on the sidewalk that prohibited people from walking down Main Street. The cans were related to the bar and that building. Commissioner Hontz did not have a problem with this application, but the trash cans were a problem.

The applicant's representative stated that the tenants are responsible for taking their own trash in and out. She has spoken with Debbie Wilde with Code Enforcement and whenever the tenants leave the cans on the street beyond the 10:00 a.m. time specified in the Code, Ms. Wilde calls her and the tenants are fined.

Chair Worel noted that Condition #4 states that the trash service shall be provided from Main Street and not include the use of Park Avenue. However, page 168 of the Staff report states that trash service on Park Avenue is contemplated in the Parking License and Stairway Maintenance Agreement. If that was being contemplated, she asked if it should be included in the conditions of approval. Commissioner Strachan assumed it was an error and it should say that trash service on Park Avenue is not being contemplated. Planner Whetstone replied that it was contemplated in the Parking License Agreement. She suggested that they change the language to say that it was contemplated on Park Avenue. Director Eddington clarified that it was making note that they understand that it was contemplated, and the condition of approval is that it not be utilized.

Commissioner Hontz requested that the word "recycling" be added to Condition #4. Commissioner Hontz asked about the fence. Commissioner Strachan pointed out that Condition #9 addressed the fence and fence repair. He believed it was left to the discretion of the Staff to determine whether the fence is in good condition. However, he would personally give the Staff gentle direction that it was not in good condition.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Commissioner Strachan revised Condition of Approval #6 for the Commissioners to consider. "All parking areas on Park Avenue shall not be used by employees, patrons, band members, taxis, shuttles, other non-owners and/or managers or for any other commercial use". There was no objection from the Commissioners.

Commissioner Gross asked if they could add a condition requiring them to paint the front of the building. Ms. McLean replied that conditions have to be tied to the use.

MOTION: Commissioner Hontz moved to APPROVE the conditional use permit for 427 Main Street based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as amended. Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously.

#### Findings of Fact – 427 Main Street

1. The subject space is located with a building that is located at 427 Main Street.
2. The building is located within both the Historic Commercial Business (HCB) and Historic Residential 2 (HR-2) Subzone "A" districts.
3. The building, known as the war Memorial Building, is a Landmark historic building on the Park City Historic Sites Inventory and was constructed in 1939. The building is considered to be in good condition.
4. The building is owned by War Memorial LLC, a Utah limited liability corporation. This owner does not own other adjacent properties are not included in this application.
5. The historic building is a legal non-complying building with respect to setbacks on the north side. The historic building is exempt from parking requirements.
6. The total lot area for the building is 18,750 sf and the total floor area is 26,104 sf, including the 1,261 sf subject space on the lower level within the building. No additional floor area is proposed.
7. The total lot area within the HCB zoned portion of the property is 9,375 sf. The HCB zone allows a maximum Floor Area Ratio of 4.0 which equates to 37,500 sf of total floor area. The entire building contains approximately 26,104 square feet of Gross Floor Area. The entire basement level contains a total of 12,970 square feet, including the boiler and utility areas. The building does not exceed the maximum FAR of 4.0.
8. Currently the 1,261 sf subject space is utilized as general storage for the building, not related to any specific use or tenant. The applicant proposes to lease out this space for commercial uses for additional seating area for either a restaurant or a bar on the lower level, or as retail space. No exterior changes to the building are proposed with this application.
9. There are no residential units on the property and no residential units on Park Avenue are possible due to the configuration and location of the historic structure.
10. The building contains two stories with a mezzanine level around the main level dance floor.
11. The proposed commercial space is located within an existing building and no changes to building height are proposed. The building does not exceed the maximum building height in either the HCB (45') or the HR-2 Subzone "A" zoned portion of the building.
12. The owner was granted a building permit in 2007 for excavation of the 1,261 sf space on the lower level. The space is entirely within the HR-2 Subzone "A" zoned portion of the building.
13. On December 20, 2012, the City Council approved a Land Management Code amendment to include bar uses as a conditional use within the HR-2 Subzone "A".

14. The building currently contains commercial uses (restaurant, bar, and night club uses). These uses are allowed uses within the HCB zone. The night club use was originally approved as a Conditional Use on January 13, 1999. Private clubs and bars were changed from conditional uses to allowed uses in the HCB zoning district, with the 2000 LMC Amendments.
15. The existing commercial uses are located within both the HCB and the HR-2 Subzone "A" zoned portions of the building. The existing commercial uses within the building (Park City Live and O'Shucks) are located within both the HCB and the HR-2 Subzone "A" zoned portions of the building. The existing commercial areas, as well as the currently vacant tenant spaces on the lower level have been utilized continuously for commercial uses since before the HR-2 Subzone "A" district was created in 2000, and for temporary Special Events during the Sundance Film Festival since 2004. The subject space has not been previously utilized for commercial uses and therefore requires a conditional use permit to be used as restaurant, bar, or retail space.
16. Restaurants, bars, and retail uses within the HR-2 zone require a Conditional Use Permit (CUP) with review and approval by the Planning Commission.
17. The conversion from storage to commercial use does not change the total Gross Floor Area of the building because storage space is included in the total Gross Floor Area calculations for commercial buildings.
18. The subject space is entirely enclosed within the existing building and no exterior changes are proposed as part of the Conditional Use Permit. Access to the space is from the main entrance to the building on Main Street.
19. There are no significant traffic impacts associated with converting the subject space to a commercial use as the area is less than 5% of the total floor area of the building. The building has only four (4) parking spaces and therefore patrons and employees are required to park elsewhere and walk or take public transportation.
20. No significant additional utility capacity is required for this project and no additional water fixtures or restrooms are proposed.
21. No emergency vehicle access impacts are associated with the project as the building is accessible from Main Street and Park Avenue for emergency vehicles.
22. No additional parking requirements are required. The building was exempt from the requirements of the downtown parking improvement district because it was an historic public building at that time. The building is currently subject to a Parking License and Stairway Maintenance Agreement recorded, January 8, 1990. Use of four existing parking spaces within the City right-of-way of Park Avenue, as described in the Agreement, is subject to the existing revocable Park Agreement.

23. The internal circulation between the subject space and associated tenant spaces will be identified and approved by the building department prior to issuance of a building permit for the tenant finish to use this space.
24. Additional fencing is not proposed as part of this application. Existing fencing is in a moderate state of disrepair.
25. No signs are proposed at this time. The applicant has submitted an application to amend the current master sign plan. The amended sign plan is being reviewed concurrent with this application. Parking regulation signs on Park Avenue will be part of the amended sign plan.
26. The applicant has indicated that no noise, vibration, odors, steam or mechanical factors are anticipated that are not normally associated with these types of uses within the HCB District and the space is located beneath the existing dance floor.
27. No new mechanical equipment, doors, windows, or any other exterior changes are proposed.
28. The proposal is not located within the Sensitive Lands Overlay zone.
29. Approval of this Conditional Use Permit allows bar, restaurant, or retail use of the subject space subject to the conditions of approval stated herein. Because the building is exempt from parking requirements and because of the relatively small size of the subject space when compared to the remaining commercial areas within the building there are similar impacts to be mitigated for these uses.

#### Conclusions of Law – 427 Main Street

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

#### Conditions of Approval – 427 Main Street

1. All standard conditions of approval shall apply.
2. All conditions of approval of the January 13, 1999 Conditional Use Permit for the Private Club shall continue to apply.

3. Access to the building, including service and deliveries, shall only be from Main Street and shall not include use of Park Avenue, except for emergency Access as required by the Building Code.
4. Trash service and recycling shall be provided for Main Street and shall not include the use of Park Avenue.
5. All conditions, stipulations, and requirements of the Z-Place Parking License and Stairway Maintenance Agreement recorded on January 8, 1990 with the Summit County Recorder's Office shall continue to apply to the entire building.
6. All parking areas along Park Avenue shall not be used by employees, patrons, ban members or crew, taxis, shuttles, limousines, other non-owners and/or mangers, or for any other commercial use.
7. All conditions, stipulations, and requirements of the Grant of Preservation Easement, Park City Entertainment Center, Inc., shall continue to apply to the entire building.
8. All exterior lighting shall comply with the Land Management Code prior to issuance of a certificate of occupancy for use of the subject space.
9. All fencing and parking stalls along Park Avenue shall be repaired prior to issuance of a certificate of occupancy for use of the subject space.
10. All service and delivery shall only be from Main Street and shall not include use of Park Avenue, except in an emergency.
11. All emergency access doors shall be inspected for compliance with the IBC and shall be equipped with proper equipment and alarms to be able to be used only in emergency situations. Side and rear doors providing access to mechanical equipment, trash enclosures, and other services may be used by employees only when servicing the building.
12. All signs, including existing signs and parking regulation signs on Park Avenue, shall be brought into compliance with the Park City Sign Code and a Master Sign Plan for the building shall be submitted for review by the Planning Department and shall comply with requirements of the Park City Sign Code prior to issuance of a certificate of occupancy for use of the subject space.
13. Prior to issuance of a certificate of occupancy for use of the subject space an occupancy load plan shall be submitted by a qualified professional with final certification of this occupancy to be determined by the Chief Building Official. All building code required ingress and egress conditions for safe internal circulation for the entire building shall be addressed prior to final certification of occupancy for the subject space.

4. **Richard Parcel – Annexation (Application PL-12-01482)**

Planner Whetstone reviewed the request for annexation and zoning of approximately 33 acres of property along Highway 224. Park City Municipal Corporation owns a 19.74 acre parcel. The Frank Richards Family Trust owns the remaining 13.75 acres. Planner Whetstone reported that the requested zoning for the Frank Richards Parcel is single family zoning. A preliminary plat was submitted with the annexation for seven single family lots, with a requirement in the annexation agreement that the lots be constructed to LEED Silver Standard. Part of the proposal is a common lot for an indoor riding arena as an amenity for the subdivision. Planner Whetstone indicated a private driveway and public roads. Lots greater than one acre could be horse lots.

Planner Whetstone stated that the 19.74 acres owned by Park City Municipal Corporation was recommended to be zoned ROS. However, regardless of the zoning, that parcel would be City open space and subject to the Deed of Conservation Agreement that has been held by Summit Land Conservancy since 2005.

Planner Whetstone reported that the annexation was subject to the conditions of the ordinance attached to the Staff report, which included Findings of Fact, Conclusions of Law and Conditions of Approval. It was also subject to the Annexation Agreement which was in draft form and attached to the Staff report as Exhibit I on page 250. Planner Whetstone stated that the procedure is for the Planning Commission to forward a recommendation to the City Council on the requested Annexation, whereby the City Council would make the final determination and take final action.

Planner Whetstone noted that the annexation plat being recommended at this point was included as Exhibit A in the Staff report. If approved, the annexation plat would be recorded at Summit County with the ordinance and the Annexation Agreement. It would then go to the State for final certification.

Planner Whetstone reviewed the revisions to the preliminary subdivision plat. Additional information was added regarding the white fences proposed. The barns were moved as close to the houses as allowed by Code, which was 75'. Planner Whetstone noted that the fence on Lot 7 would be consistent with the existing fence across the north property line. Planner Whetstone outlined the main items that would be addressed at the final subdivision plat. A final subdivision plat would be submitted, the final lot platting would be reviewed for consistency with the preliminary plat. Buildings and barn location, sizes, design and height would be identified as on the preliminary plat. A final subdivision determination is made at the time of review of the final subdivision plat. Issues such as limits of disturbance, grading, a fencing plan, lighting, landscaping, utilities and other items addressed as conditions of approval that must be submitted prior to recording the plat or at the time of the building permit would be part of the final subdivision review. Planner Whetstone emphasized that much more detail would be submitted and reviewed at the final subdivision phase.

Planner Whetstone commented on items that still needed to be address by the City Council. She noted that the Annexation Agreement addresses water; however a separate water agreement was being drafted as part of the annexation, as well as a license agreement for agricultural use and grazing of the PCMC parcel.

Planner Whetstone outlined items to be addressed by the Housing Authority. The Housing authority has the ability to determine whether affordable housing can be an in-lieu fee or whether it must be provided on site. All annexations require an affordable housing component according to the resolution in effect at the time of the annexation.

Planner Whetstone reviewed the public benefits associated with the annexation request. The Staff analysis was provided in the Staff report. She believed the most important benefit was the ability for local control of this land in a prominent entry corridor. Currently, the property is an island of County jurisdiction surrounded by Park City. The property is contiguous to the City and could easily be served by City services. Planner Whetstone stated that the current configuration was equestrian rural character and the proposal would preserve the existing agricultural entrance into Park City. It also preserves the sensitive wetlands.

Planner Whetstone stated that a typical single family subdivision in the area is three units per acre, which would allow approximately 40 units on the site. Therefore, the seven units proposed would be a significant reduction in density. She pointed out that currently the City parcel was being used on a gentleman's handshake agreement. Another benefit of the annexation would be that any use of that City property would require a license agreement or lease agreement to be determined by the City Council. Planner Whetstone remarked that LEED Silver construction was another benefit of this proposal. An extension of the sidewalk from the existing subdivision across the property's frontage on Payday Drive was a public benefit of the annexation.

Planner Whetstone presented recommended changes to the findings. She referred to Finding #7 regarding the lease agreement on page 222 of the Staff report. In an effort to keep the language more general, she recommended striking the last sentence in Finding #7 and replacing it with, "A lease agreement is required for any use of the PCMC Parcel by any entity other than the City." Planner Whetstone referred to page 223 of the Staff report, and revised Condition #11 to read, "Use of the PCMC parcel shall be addressed and regulated by a signed and executed License Agreement for Agricultural Use and Grazing prior to commencing the use. All use of the PCMC parcel shall comply with the March 24, 2005 Deed of Conservation Easement by and between Park City Municipal Corporation and in favor of Summit Land Conservancy."

Commissioner Savage asked if the recommended changes were acceptable to the applicant. Mr. Richards stated that he has had an agreement with the City for 14 years. He was comfortable with the recommended changes as long as he could continue to use the ground. He pointed out that the proposal would be done in two phases. The second phase would be Lots 5, 6, 7 and 8. He would like to continue to graze horses like he has for many years, until the property is subdivided and fences are installed.

Planner Whetstone referred to the draft Annexation Agreement on page 250 of the Staff report. She noted that Mr. Richards and the City reviewed the agreement and made changes after the Staff report was published. She highlighted the key revisions. On page 255, Item 18, in an effort to keep the language more general, the phrase, "parties shall enter into" was stricken, as well as the language specifically mentioning Frank Richards and specific uses. Item 18 was revised to read, "A license agreement for agricultural use and grazing on the PCMC parcel for use of the PCMC parcel is required for any use by anyone other than the City. All use of the

PCMC parcel shall comply with the March 24, 2005 Deed of Conservation Easement by and between Park City Municipal Corporation and in favor of Summit Land Conservancy (Exhibit D).

Planner Whetstone explained that the mention of specific uses was deleted because the uses would be determined by Park City and Summit Land Conservancy.

Planner Whetstone noted that additional revisions for clarification would be made prior to sending this to the City Council.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council on the annexation and the zoning map amendment based on the findings of fact, conclusions of law, and conditions of approval in the draft ordinance with the revisions as stated.

Steve Schueler with Alliance Engineering, believed Planner Whetstone had adequately abbreviated the benefits of this project. He recalled specific concerns raised by the Planning Commission at the last meeting regarding specific issues such as the barn, fencing and other items. He was willing to discuss those concerns in more detail if the Commissioners still had questions. Commissioner Wintzer pointed out that those issues should be addressed at the time of the subdivision and not with this application. Mr. Schueler understood that they would be addressed at that time; however, he was willing to speak to any issues this evening.

Commissioner Savage apologized for having to leave early at the last meeting before he had the opportunity to participate in the discussion. He understood that historically the large plot of land that Mr. Richards currently anticipates continuing to use as grazing property with this subdivision now belongs to Park City Municipal. Therefore, Mr. Richards would need to enter into a lease agreement with PCMC in order to have that allowed use for a sustained period of time. Commissioner Savage wanted to make sure that Mr. Richards was comfortable that the lease agreement would provide him the ability to get that entitlement in the way he has contemplated this development.

Mr. Richards stated that the project was designed so he would not have to use that property. All the lots, with the exception of the two on Payday Drive, are in excess of an acre or 1.25 acre. He has a verbal agreement with the City and he understood that when he sells the lots, if people choose to use that property and maintain it, they would have to enter into an agreement with the City.

Commissioner Savage recalled a previous discussion where the HOA of that subdivision would have an agreement that would provide access to that property for all the homeowners. Commissioner Savage clarified that he was not trying to structure anything for Mr. Richards. He only wanted to explicitly make sure that Mr. Richards was comfortable with the direction of the revised language. Mr. Richards replied that he was comfortable with the direction of the language.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Commissioner Thomas asked if any studies or analysis had been done regarding the impacts to the wildlife on that parcel because he has personally seen moose in the area. Mr. Schueler stated that there would not be any impact to the wildlife corridors with respect to the City property because there were no proposed changes to that space. Mr. Richards' property is fully fenced. Commissioner Thomas stated that if Mr. Richards anticipates continued grazing on the City property, it would imply an impact.

Mr. Richards stated that he rarely sees wildlife in the area; however, occasionally he has spotted deer or moose and they graze with the horses. Commissioner Thomas stated that he drives that road every day and he sees moose once a week in that area.

Heinrich Deter, City Trails, remarked that there have been historical uses of agriculture on the property, and that was the reason for wanting to separate the lease agreement for uses from the Annexation. The details and controls would be formalized in the lease agreement with a specific person, rather than as a possible entitlement to a specific lot. Mr. Deter stated that wildlife impacts could still be addressed. He has been working with Conservation Services on a grazing plan for this area and they could also look into wildlife issues. Commissioner Thomas noted that historically the City has required a wildlife study in other annexations. Mr. Schueler stated that he and Mr. Richards had reviewed the wildlife information from the State Department of Wildlife Resources, and that information was contained in the Staff report. Planner Whetstone pointed out that the maps shows that the area is used by deer, elk, moose, birds and other wildlife.

Commissioner Wintzer noted that Condition #3 on page 225 of the Staff report talks about identifying building pads for houses and barns at the final subdivision plat. He would like the language to include that hard surface pads that identifies the driveways and where they would go to the barns would also be addressed with the final subdivision plat.

Commissioner Wintzer clarified that the City was currently approving the annexation with the zones. He would like to have the bottom portion of Lots 1, 3, and 6 put into the ROS zone. It could still be fenced, but it would guarantee that buildings would not be located close to the open space. Mr. Schueler thought that could be accomplished by designated building pad locations. Commissioner Wintzer replied that it would be accomplished initially, but those could be amended. The zone could not be amended without applying for a zone change. Commissioner Wintzer pointed out that ROS zoning would move the barns close to the homes and away from the open space.

Commissioner Hontz asked about the redline setback. Planner Whetstone replied that it was the 50' setback from the wetlands. Commissioner Hontz thought the wetland setback was 100' feet from structures. Mr. Schueler replied that the LMC requires 50 feet. Commissioner Hontz asked about the requirement for the Army Corp of Engineers. Planner Whetstone replied that it was 20 feet from irrigation, but the applicant was showing 50 feet. Commissioner Hontz concurred with Commissioner Wintzer. There needs to be a reality in the way things should be. If the Planning Commission likes a proposal and wants to approve it, they need to add the layers of protection. She supported Commissioner Wintzer's idea of adding ROS so the actual line

follows the redline or the wetlands. She also preferred to include the upper portion of Lot 7 as well.

Commissioner Wintzer pointed to the areas that he was suggesting to be ROS. Planner Whetstone remarked that the issue was that the barn could not be any closer than 75 feet, and the plan as shown was drawn at 75 feet. She suggested the possibility of putting an ROS line on the plat for Lot 7 that could be identified and legally described in the subdivision plat. She believed that would address their concerns about protecting the north end. Planner Whetstone stated that zoning a portion of the lots ROS would eliminate the acreage for horses. Commissioner Hontz pointed out that the acreage was not being taken away because they were only changing the zoning. The owner would have the same amount of acreage required to have horses, but they would not be able to use the ROS portion to calculate additional density. She agreed that protection measures were already in place, but without additional layers, it is too easy to request changes and amend was what done.

Commissioner Savage remarked that in terms of thinking about visual corridors and highway 224, Thaynes Canyon is lined with houses. Everything they were talking about modifying in Mr. Richards' plan would be tucked into a corner with houses on both sides. In his opinion they were only talking about moving the barn back and forth. Commissioner Savage stated that Mr. Richards has proven to be a responsible friend of the City's and he thought they should allow him to do his project.

Commissioner Hontz stated that the ROS zone would not change Mr. Richards' plan. However, it would make it more difficult for a future owner to undo what Mr. Richards intended. Commissioner Savage disagreed. He felt it would force the buyer who purchases a lot from Mr. Richards to be constrained to one side of the lot rather than take full advantage of the lot.

Planner Whetstone pointed out that the Annexation Agreement would not allow additional density. Commissioner Savage clarified that his issue was not about density. It was about allowing the owner to place a barn on his lot where he wants it. Planner Whetstone explained that the subdivision plat would state that these lots may not be separately divided. The annexation agreement sets the density and the applicant is proposing building pads for the final plat to set the location of housing and barns.

Commissioner Hontz remarked that additional layers would make any changes more difficult and require three steps instead of one. Step one would be to amend the annexation agreement. Step two would be to modify the lot location through the subdivision plat. Step three would be to change the zone. Commissioner Hontz understood that not everyone agreed with her, but she was not willing to move forward without the layers.

Commissioner Savage thought they were talking about two different things. He understood that Commissioner Wintzer was proposing to draw a vertical line through Lot 1 and everything to the right of that line would be zoned ROS. ROS zoning would preclude building on that portion of the lot at any point in the future. Commissioner Savage believed that approach would significantly diminish the natural value of the lot because the owner would be restricted on how he could use his lot. He did not think the Planning Commission should do those things "willy-

nilly". Commissioner Wintzer stated that it was not being done "willy-nilly". Secondly, Mr. Richards does not have a lot. He was requesting to create a lot and the Planning Commission was providing description to it. Planner Whetstone clarified that the request was for an annexation and preliminary plat. Commissioner Savage made it clear that he agreed with Commissioner Hontz regarding the wetlands.

Commissioner Hontz understood that water rights were part of the annexation agreement, and she asked if the City had to purchase those water rights when they purchased the acreage.

Tom Daley, representing the City, explained that the water rights belong to Mr. Richards and he would sell them as part of the entitlement to the individual lot owners. Commissioner Hontz read from the Annexation agreement, "An additional ten acre feet were conveyed to the trust for public lands". Mr. Daley explained that those were part of the same underlying water rights. The ten acre feet were separated off and are pertinent to the Park City open space. Therefore, they would not be used in the subdivision. Commissioner Hontz asked if any money exchanged hands for those ten acre feet of water. Mr. Daley replied that the City purchased ten acre feet. Mr. Richards owns approximately 11,000 acre feet of water rights and the ten acre feet are a part of that.

Commissioner Strachan read language in the Annexation Agreement stating that the petitioner has to pay 86 acre feet of the decreed water right to a third party. He wanted to know who would be the third party. Mr. Daley replied that it was a deal Mr. Richards made with John Cummings. Mr. Richards explained that he leased the water rights to the City for approximately ten years with a first right of refusal. He offered the rights to the City and the City chose not to buy them. John Cummings became aware that the water rights were available and he purchased them from Mr. Richards.

Commissioner Hontz referred to her comments from December 12<sup>th</sup> and noted that nothing in the application had changed enough to make her change her opinion on what they were being asked to approve this evening. She believed the density was compatible with the neighborhood and she never found that to be an issue. However, she uses the same filter for every annexation and with this one she did not believe there were appropriate "gets" for the community in return for the density that she felt was very generous. Commissioner Hontz thought it was important to have the additional protection of ROS lines being added at a minimum on Lot 7, and to have an entire affordable housing unit instead of the partial unit proposed, whether on-site or a fee in lieu, in addition to utilizing a caretaker unit on site. The added protection and the affordable housing unit would need to occur before she could begin to feel comfortable with upzoning from zero to 7 units.

Commissioner Strachan stated that his comments have remained the same since the beginning. He has always thought the Estate zone was more appropriate than single family. Commissioner Strachan also thought the comments made by Commissioners Wintzer and Hontz regarding the position of the building pads should be set in stone and defined now.

Commissioner Savage stated that the City talks about "gives" and "gets", yet they were not giving credit to the historical "gives" that Mr. Richards has provided to Park City and Summit

County and the community. He thought the Planning Commission was treating Mr. Richards like a random stranger. Commissioner Savage believed there were a lot of "gets" for Park City. They would annex this property into the City and get the economic benefit associated with development on that property. They would also get the underlying tax base that would come about as a consequence of that development. Commissioner Savage stated that considering the homes along Payday Drive and the homes along the Aspen Springs subdivision, he would conclude that the density in this proposal was significantly less than in those very present contiguous neighborhoods. Therefore, density was not an issue and there were economic benefits to this annexation request.

Commissioner Savage believed Mr. Richards had come forward with a proposal that improves the overall quality of what exists in the City, and it does nothing to detract from the beauty associated with the surrounding area.

Commissioner Gross concurred with Commissioner Savage.

Commissioner Thomas was uncomfortable being painted into a corner because he was concerned about the visual impact of the barns on the entry corridor to Park City. He sided with Commissioners Strachan and Wintzer in terms of the sensitivity of where those barns are placed. Commissioner Thomas stated that in the design process and establishment of the building pads, Lots 1, 2 and 6 pull the residential components as tight to the front yard setback as possible, being sensitive to the depth of that building pad to create 75 feet to the barn and possibly pull the barns forward. Commissioner Thomas believed the barns would have a visual impact on the entry corridor. He felt they needed to be careful about where they establish the building pads; however, he was unsure whether that should be done now or in the subdivision plat.

Commissioner Wintzer stated that the zoning is done now and the building pads are defined with the subdivision plat. Commissioner Thomas replied that in his opinion, the most critical component was positioning the building pads as tight to the west as possible. Mr. Schueler pointed out that the barn on Lot 6 was an existing barn. Commissioner Thomas stated that it would have been helpful to have that identified as an existing barn. He pointed out that two or three additional barns would add to the visual impact, particularly if equipment is parked next to them. Mr. Schueler remarked that the barns are proposed to be large enough to store equipment inside rather than outside the barn.

Commissioner Gross recalled that two months ago Mr. Richards presented photos of the barn that he wanted to use. At that time the Planning Commission wanted variety as opposed to having all the barns look the same. He believed Mr. Richards had tried to be responsible in reacting to their direction.

Mr. Richards stated that by putting two zones on 1.25 acre of ground really limits the salability of the lot. Commissioner Gross suggested that the ROS portion could be designated as a no-build easement area as opposed to a different zone. Mr. Richards asked if it could be done through covenants. Commissioner Wintzer pointed out that a covenant could be easily changed.

MOTION: Commissioner Wintzer moved to forward a POSITIVE recommendation to the City Council on the Richards/PCMC Annexation and zoning map amendment based on the Findings of Fact, Conclusions of Law and Conditions of Approval in the draft ordinance, as amended by Planner Whetstone, and with the amendment to Condition #3 to include the hard surfaces, and the request to add a zone line to zone the easterly portion of Lots 1, 2 and 6 and the wetlands portion of Lot 7 to ROS zoning.

Commissioner Hontz referred to page 225 of the Staff report, and language in Condition #7, "Construction of a five-foot wide public sidewalk along Payday Drive...." "The sidewalk and all required public improvements including, landscaping on the public right-of-way, shall be complete prior to issuance of a certificate of occupancy for any house on the property." Commissioner Hontz pointed out that Mr. Richards already has a house on his property; therefore, the condition was not accurately written. She wanted to make sure that nothing else could be built until the sidewalk and all improvements were installed. Planner Whetstone revised Condition #7 to state, "...for any new construction on the property subject to the final plat."

Commissioner Gross seconded the motion.

VOTE: The motion passed 4-2. Commissioners Gross, Thomas, Wintzer and Strachan voted in favor of the motion. Commissioners Savage and Hontz were opposed.

Planner Whetstone requested that the Commissioners be more definitive on the location of the proposed ROS line. Commissioner Savage understood that the Commissioners intended to arbitrarily decide this evening how Mr. Richards would have to divide his lots. Commissioner Wintzer replied that this was correct. Planner Whetstone stated that this has previously been done on other parcels. One in particular was Morning Star Estates, which had more restrictive zoning for the open space. However, the City typically plats the ROS line, which is the limit of disturbance line. In this case they were platting building pads and the remainder of the lot would be unbuildable area. Planner Whetstone believed that ROS zoning for the wetlands and the wetlands setback area made sense on Lots 6 and 7.

Assistant City Attorney McLean recommended that the Planning Commission consider where they wanted the absolute no-build zone as opposed to defining the building pads. That would allow some flexibility for shifting the building pad as long as it stayed out of the no-build area. Commissioner Hontz remarked that there was already agreement on areas where building could not occur because of the wetlands. This was just an added layer of protection. Commissioner Savage was comfortable with an ROS designation on the wetland areas because it was already an unbuildable area.

Commissioner Thomas indicated the existing homes along Payday and the last house before Mr. Richards. He remarked that if the existing property line between the two properties continued straight up, that could delineate the ROS zone. It would leave a non-complying barn in the ROS zone, but the other two barns would be forced forward slightly. Planner Whetstone pointed out that a barn would be allowed in the ROS zone as an accessory structure through a CUP. Commissioner Thomas stated that extending the property line would not necessitate

moving the barn on Lot 1. The barn on Lot 2 would probably have to shift forward. Commissioner Gross asked if the existing barn could be grandfathered in its existing location within the ROS zone, with the caveat that if it were ever demolished and replaced, the replacement barn would have to move. Commissioner Thomas pointed out that in addition to building pads, they could designate non-disturbance lines that are platted on the subdivision plat to help protect the sensitive areas.

Commissioner Savage assumed that the items they were discussing could be accomplished in conjunction with the subdivision approval. Commissioner Thomas stated that other than the modification of the zone, the rest could be accomplished with the subdivision. Commissioner Savage reiterated his earlier position that the Planning Commission was willy-nilly imposing a constraint on Mr. Richards in an effort to get a "get" now, when they would have significant amount of control and influence at the time of the subdivision. In his opinion, doing it now provides no benefit to the City and it detracts the ability for Mr. Richards to have maximum creativity to plan his subdivision. Commissioner Wintzer pointed out that a motion had already been made and it was voted on and passed.

Director Eddington understood that the Planning Commission was recommending to move the ROS line to the west approximately 75 feet. Planner Whetstone clarified that it would be from the northwest corner of Lot 9 of the Thaynes Creek Subdivision and continue north, parallel to the northern property line of Lot 6. It would also encompass all of the wetland areas. Commissioner Hontz suggested that instead of forming a triangle, it should be an east to west or west to east line somewhere north of the barn on Lot 7.

Assistant City Attorney McLean stated that accessory buildings less than 600 square feet are allowed uses in the ROS zone. A barn is called out as an accessory building in the Code. An accessory building larger than 600 square feet would require a conditional use in the zone. Commissioner Thomas asked if they could establish the buildings pads since they were looking forward to doing a plat amendment. Ms. McLean replied that they could establish the building pad area, but if the property is zoned, a building pad could not be placed within a zone that does not allow it.

Planner Whetstone reviewed the proposed changes in addition to the ones she had revised earlier in the meeting.

- Condition #3 – To define driveways and hard surface areas at the time of the final subdivision plat.

- The recommendation that the easternmost 80' of Lots 1, 2, and 6 and the northern most 250' of Lot 7 be zoned Recreation Open Space (ROS) with the remaining portions of these lots zoned Single Family (SF).

Mr. Richards asked if he would be able to have a gravel road to the back of his property. Planner Whetstone stated that he could put a driveway in the ROS zone.

Commissioner Hontz clarified that everything starting on Highway 224 on the open space parcel

all the way over to the new line would be zoned ROS, and it would then go up to Lot 7. The ROS zone would be contiguous to the east and to the south and the west. Planner Whetstone replied that this was correct.

Due to the discussion and additional changes following the vote on the previous motion, the motion was amended and voted on again.

MOTION: Commissioner Wintzer amended his previous motion to include the clarification of the new ROS lines as stated by Planner Whetstone. Commissioner Gross seconded the motion.

VOTE: The motion passed 4-2. Commissioners Strachan, Wintzer, Thomas and Gross voted in favor of the motion. Commissioners Savage and Hontz were opposed.

#### Findings of Fact – Richard Parcel Annexation

1. On February 7, 2012, the applicants filed an annexation petition with the City Recorder for annexation of two parcels currently within the jurisdiction of Summit County and completely surrounded by properties within the Park City municipal boundaries.
2. The applicants are requesting annexation and zoning approval for two separately owned parcels. The Frank Richards parcel is 13.75 acres and the requested zoning is Single Family (SF). The PCMC parcel is 19.74 acres and the requested zoning is Recreation Open Space (ROS).
3. The property is located north of Payday Drive (north of the Thayne's Creek Ranch Subdivision), south of Aspen Springs Subdivision, east of Iron Canyon Subdivision, and west of Highway 224 (Exhibit A). The property is surrounded on all boundaries by Park City municipal boundaries and is considered an island of unincorporated land.
4. The applicants submitted an annexation plat for the two parcels, prepared by a licensed surveyor and additional annexation petition materials according to provisions of the City's Annexation Policy Plan and Utah State Code. A preliminary subdivision plat and an existing conditions survey map were also submitted.
5. The preliminary plat indicates four lots in Phase I and three possible future lots in Phase II. The existing home and horse training facility are in Phase II and may remain unplatted until a final subdivision plat is submitted and approved by the City for that property.
6. The petition was accepted by the City Council February 16, 2012 and certified by the City Recorder on March 1, 2012. Notice of certification was mailed to affected entities as required by the State Code. The protest period for acceptance of the petition ended on April 1st. No protests to the petition were filed.
7. The PCMC property is a dedicated open space parcel, subject to a March 24<sup>th</sup>, 2005, Deed of Conservation Easement in favor of the Summit Land Conservancy, in perpetuity. In 1999 the City purchased this 19.74 acre parcel through a purchase agreement with the Trust for Public Land from Frank Richards. A Lease Agreement is required by PCMC

for any entity other than the City.

8. The PCMC parcel is currently utilized for grazing and growing of hay, as well as for undisturbed open space along streams, irrigation ditches, and wetlands. The City provides winter time grooming of a ski trail within the parcel, along Hwy 224. The land was originally part of the Frank Richards property. The PCMC property will remain as open space in perpetuity, subject to restrictions of the Conservation Easement.
9. The property is located within the Park City Municipal Corporation Annexation Expansion Area boundary, as described in the adopted Annexation Policy Plan (Land Management Code (LMC) Chapter 8) and is contiguous with the current Park City Municipal Boundary along the south property lines with the Thayne's Creek Subdivision Annexation (June 2, 1989) and the Treasure Mountain Annexation (Thayne's Canyon Subdivision) (July 28, 1971). The property is contiguous with the City along the north property lines with the Peterson Property Annexation (February 22, 1993) and the Chamber Bureau Kiosk Annexation. Along the west property lines there is a contiguity with the Smith Ranch Annexation (July 14, 1988) (aka Aspen Springs Subdivision) and the Iron Canyon Annexation (October 28, 1983). Along the east property lines there is contiguity with the McLeod Creek Annexation (May 7, 1979).
10. The property is the entirety of property owned in this location by these applicants that has not already been annexed to the City.
11. Access to the Richards property is from Payday Drive at the existing driveway to the Richards arm. Access to the PCMC property is also from Payday Drive, just west of Hwy 224 at a stubbed in roadway. This access is used by ski grooming equipment and other municipal vehicles to maintain the property. No access is proposed directly off of Highway 224 with this annexation or for the subdivision.
12. The property is subject to the Employee/Affordable Housing requirements of the Affordable Housing Guidelines and Standards Resolution 20-07. One Affordable Unit Equivalent equals 900 square feet. The affordable housing obligation is 15% of 6 new units or 0.9 AUE (810 sf). Affordable housing shall be provided on-site according to requirements of the Housing Resolution 20-07, unless payment of fees in lieu is approved by the Park City Housing Authority. Additional requirements regarding affordable housing are spelled out in the Annexation Agreement. Fees in lieu are subject to the dollar amounts established by the Housing Authority and in effect at the time of submittal of building permits.
13. Land uses proposed in the subdivision include a total of 7 single family lots and 1 common area lot (Lot 8 of the preliminary plat) for an existing riding arena. No density is assigned or permitted to be developed on Lot 8. Only one single family home and one barn are permitted to be constructed on the remaining lots. Lot 5 of the preliminary plat contains an existing single family house and a guest house. These uses are permitted. A maximum of 2 horse per acre of lot area are permitted on lots containing one acre or more, subject to an administrative conditional use permit and an animal management

- plan. The PCMC parcel allows only uses permitted by the Conservation Easement.
14. The proposed land uses are consistent with the purpose statements of the SF and ROS zones respectively. The SF zone does not allow nightly rental uses and restricting this use is desired by the neighborhood. The Annexation Agreement and preliminary plat limit the total number of lots seven (7) and the final plat would include a note indicating that no further subdivision of lots is allowed and no residential or commercial density is permitted on Lot 8.
  15. Annexation of this parcel will not create an island, peninsula, or irregular city boundary. The annexation is a logical extension of the City Boundary.
  16. Provision of municipal services for this property is more efficiently provided by Park City than by Summit County.
  17. Areas of wetlands and irrigation ditches have been identified on the property.
  18. The annexation is outside the City's Soils Ordinance District and there are no areas of steep slope that would indicate the property should be placed in the Sensitive Lands Overlay Zone. Wetlands and streams are protected by language in the LMC requiring minimum setbacks and protection during construction. The platting and designation of sensitive areas as platted ROS (Recreation Open Space) will further protect these sensitive areas from impacts of development.
  19. The annexation petition has been reviewed pursuant to the Utah Code Annotated (UCA) Section 10-2-4-1, 10-2-402 and 10-2-403. The annexation petition requirements set forth in these sections of the UCA have been met; including issues of 1) contiguity and municipal annexation expansion area, 2) boundaries drawn along existing local districts, special districts and other taxing entities, and 3) for the content of the petition.
  20. The proposed annexation is consistent with the purpose statements of the Annexation Policy Plan and as conditioned will protect the general interests and character of the community; assure orderly growth and development of the Park City community in terms of utilities and public services; preserve open space and ensure environmental quality; protect a prominent entry corridor, view sheds and environmentally Sensitive Lands; enhance pedestrian connectivity, create buffer areas; and protect the general public health, safety and welfare.
  21. City Staff has reviewed the proposed annexation and preliminary plat against the general requirements established for annexation to Park City as presented in LMC Section 15-8-2 and as further described in the Analysis section of this report.
  22. The property was posted, courtesy notices were mailed to surrounding property owners, and legal notice was published in the Park Record according to requirements for annexations in the Land Management Code.

Conclusions of Law – Richards Parcel Annexation

1. The Annexation and Zoning Map amendment are consistent with the Annexation Policy Plan and the Park City General Plan.
2. Approval of the Annexation and Zoning Map amendment does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval – Richard Parcel Annexation

1. The Official Zoning Map shall be amended to designate the PCMC property as Recreation Open Space (ROS) and the Richards' Parcel as Single Family (SF).
2. The Annexation Agreement shall be fully executed and recorded at Summit County.
3. Recordation of a final subdivision plat, to create legal lots of record; dedicate utility, access, drainage, snow storage, and irrigation easements; identify building pads for houses and barns; identify limits of disturbance areas and driveway and hard surface areas; establish architectural guidelines for barns; establish fencing details; and to address other issues that are typically addressed at the time of the final subdivision plat, is a requirement prior to commencing of site work and issuance of building permits on the Property.
4. The final subdivision plat shall be in substantial compliance with the preliminary plat submitted with the Annexation petition and reviewed by the Planning Commission.
5. All exterior lighting shall be reviewed with each building permit application for compliance with best lighting practices as recommended by the Dark Skies organization.
6. Fencing shall be consistent throughout the subdivision and described on the final subdivision plat and in the CCRs. A fencing plan shall be submitted with the final subdivision plat application and with each building permit application to allow Staff to review all fencing for consistency throughout the subdivision and to review impacts of fencing on wildlife movement through the site. The fencing plan shall include location of fences and materials, dimensions, and installation methods.
7. Construction of a five foot wide public sidewalk along Payday Drive connecting the existing sidewalk on the north side of the street with a pedestrian crossing at Iron Mountain Drive is required and shall be identified on the final subdivision plat. The sidewalk and all required public improvements, including landscaping of the public right-of-way along Payday Drive, shall be completed prior to issuance of a certificate of occupancy for any new construction on the property.
8. A grading plan and landscape plan shall be submitted with each building permit application and this requirement shall be noted on the final subdivision plat. A landscaping plan for public right-of-way and any common areas shall be submitted with the final subdivision plat.

9. A note shall be included on the final subdivision plats requiring each new house in the development to meet LEED for Homes Silver Rating certification (at a minimum) with required water conservation requirements as further described in the Annexation Agreement.
10. Excavated materials shall remain on site to the greatest extent possible.
11. Use of the PCMC parcel shall be addressed and regulated by a signed and executed License Agreement for Agricultural Use and Grazing between the Property Owner and the City prior to commencing the use. All use of the PCMC parcel shall comply with the March 24, 2005 Deed of Conservation Easement by and between Park City Municipal Corporation and in favor of Summit Land Conservancy.
12. The application is subject to the City's Affordable Housing Resolution 20-07 and as further described in the Annexation Agreement. Affordable housing obligation shall be provided on the property, unless otherwise approved by the Park City Housing Authority.
13. A note shall be added to the final subdivision plats stating that the Planning Director may grant an administrative Conditional Use permit for the raising and grazing of horses on these lots, including a barn located within the building pad identified on the final subdivision plat, provided the application complies with the LMC requirements for raising and grazing of horses and providing an Animal Management Plan is submitted and approved.
14. Access easements shall be provided on the final plat, long lot lines to facilitate access to the PCMC parcel, for equestrian use and for maintenance of the parcel as allowed by the March 2005 Deed of Conservation Easement.
15. All conditions and restrictions of the Annexation Agreement shall continue to apply to the Final Subdivision plat.
16. The final subdivision plat shall dedicate a private access easement for the Ross-Gaebel Property to memorialize the existing private easement across the existing driveway and to extend this easement to the public ROW at Payday Drive.
17. Prior to recordation of a final subdivision plat, an historic and cultural resources survey of the Property shall be conducted by the Applicants in conformance with the City's Historic Preservation Chapter 11 of the Land Management Code and a certification letter regarding any historic and cultural resources be submitted to the City. Any discovered historical structures shall be added to the City's Historic Sites Inventory, and designed as either "Significant" or "Landmark" according to the criteria as listed in LMC Chapter 11.
18. Ownership of water rights shall not affect the application of the Impact Fee Ordinance to the property at the time of development of the lots.

The Park City Planning Commission meeting adjourned at 10:30 p.m.

Approved by Planning Commission: \_\_\_\_\_

DRAFT

# Planning Commission Staff Report



**Subject:** 1492 Park Avenue Subdivision  
**Author:** Anya Grahn, Planner  
**Project Number:** PL-12-01739  
**Date:** February 13, 2013  
**Type of Item:** Administrative – Subdivision

## Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the 1492 Park Avenue Subdivision, located at 1492 Park Avenue, 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:** Synergy Park Avenue, LLC, represented by Steve Urry  
**Location:** 1492 Park Avenue (former Day Spa Salon building)  
**Zoning:** Historic Residential-Medium Density (HRM) District  
**Adjacent Land Uses:** Commercial, residential condominiums, single-family residential, vacation rentals, park & open space  
**Reason for Review:** Planning Commission review and recommendation to City Council

## Proposal

Synergy Park Avenue has requested to rehabilitate the former spa building for office use, which includes renovating the exterior of the non-historic building at 1492 Park Avenue. In reviewing this request, Staff noted that the parcel was never recorded as a legal lot of record with the City. The applicant submitted a one-lot subdivision application in order to create a legal lot of record.

## Purpose

The purpose of the Historic Residential-Medium Density (HRM) District is to:

- a) Allow continuation of permanent residential and transient housing in original residential Areas of Park City,
- b) Encourage new Development along an important corridor that is Compatible with Historic Structures in the surrounding Area,
- c) Encourage the rehabilitation of existing Historic Structures,
- d) Encourage Development that provides a transition in Use and scale between the Historic District and the resort Developments,
- e) Encourage Affordable Housing,

- f) Encourage Development which minimizes the number of new driveways Accessing existing thoroughfares and minimizes the visibility of Parking Areas, and
- g) Establish specific criteria for the review of Neighborhood Commercial Uses in Historic Structures along Park Avenue.

**Background**

The applicant submitted a Historic District Design Review (HDDR) application on November 5, 2012. The applicant is proposing to retain the existing building footprint and renovate the exterior to comply with the applicable Design Guidelines for Historic Districts and Historic Sites. Currently, the building is 4,544 square feet; however, the proposed alterations will increase the building to 6,694 square feet. The additional square footage will be added by finishing the basement and second floor. In reviewing the HDDR application, Staff discovered that this tax parcel was not a legal lot of record, but a metes and bounds parcel. Staff requested that the applicants submit a plat amendment application for a one (1) lot subdivision on November 13, 2012.

On December 4, 2012, the City received a completed application for the proposed one (1) lot subdivision. Because the property is a metes and bounds parcel, a one (1) lot subdivision is necessary to create a legal lot of record. The legal lot of record will not increase the size of the property, but rather use the existing property boundaries of the metes and bounds parcel. No additional land will be added or subtracted from the parcel.

On September 26, 2012, Planning Director Thomas Eddington issued a letter regarding the non-conforming use status on the property. The HRM district allows uses of “Office, General” and “Retail and Service Commercial” only in Historic Structures. The building, since its construction, has been utilized for commercial use. The Board of Adjustment (BOA) on June 17, 1997, granted a variance for change of use from a deli to a hair salon. In the September letter, the Planning Director made a determination that, “The site has historically been utilized as service commercial; the site may continue to be utilized for commercial/office use.” (see Exhibit F—Nonconforming Determination Letter)

**Analysis** The site currently contains a 4,544 square foot structure built in the late 1970s. The site is roughly 66 feet along the east property boundary, 129.92 feet along the south, 67.95 feet along the west (Park Avenue), and 121.85 feet along the north boundary. The following table shows the current boundary setbacks:

Property Boundary	Current Setbacks
East (Rear)	107.5 feet
South (Side)	52.5 feet
West (Front)	2.4 feet to 7.5 feet
North (Side)	0 feet

The existing structure sits less than fifteen feet (15') from the front property line. The structure is located on the north property line, shared with 7-11, and therefore is less

than the five foot (5') required setback. Per LMC 15-2.4-4 Lot Size Requirements, the following apply:

Front Yard Setback	15 feet, minimum
Rear Yard Setback	10 feet, minimum
Side Yard Setback	5 feet, minimum

Currently, the building does not meet current setbacks, classifying it as legally non-complying because it:

- (A) Legally existed before its current zoning designation; and
- (B) Because of subsequent zoning changes, does not conform to the zoning regulation's Setback, Height restrictions, or other regulations that govern the Structure.

A letter as to the non-complying status as to the north side yard setback was made in a January 16, 2013 (see Exhibit E – Non-complying Status Letter). Applicants are submitting a request for a determination as to the front yard non-compliance.

Per LMC 15-9-6, any Non-Complying Structure may be repaired, maintained, altered, or enlarged provided that such repair, maintenance, alteration, or enlargement shall neither create any new non-compliance nor shall increase the degree of the existing non-compliance of all or any part of such structure. The proposed renovation shall neither create any new non-compliance nor shall increase the degree of the existing non-compliance because it will not change the footprint of the existing structure. The HDDR was completed and approved on December 17, 2012.

Per LMC 15.2.4-4, the Minimum Lot Area for non-residential Uses shall be determined by the Planning Commission during the Conditional Use review; however, here because the use has always been non-residential, the structure is pre-existing, the size of the property is not changing and the size of the lot is appropriate for the non-residential use, Staff recommends Planning Commission make a finding that the minimum lot size be 8,414 square feet, which is the proposed size of the lot. The current lot size is comparable to other commercial sites in the district.

The proposed one-lot subdivision does not increase or change the boundaries of the parcel. Currently, the parcel is 67.95 feet wide along Park Avenue, its western boundary. It is 121.85 feet long along the north side yard, 66 square feet along the east rear yard, and 129.92 feet long along the south side yard. These dimensions will be preserved in the proposed plat.

The property is currently accessed from a driveway on Park Avenue. The driveway leads into a rear parking lot containing eleven (11) parking spaces. This configuration will be preserved in the renovation of the site. Eleven (11) parking spaces meet the requirements of LMC 15-3-6 (B) Non-Residential Uses. Currently, traffic using Sullivan Road cuts through the parking lot to connect to Park Avenue; however, this access is unsanctioned. No easement exists for access for this property to access Sullivan Road for ingress or egress. Moreover, the variance dated September 23, 1997 states that

Sullivan Road shall not be used as an entrance and all ingress and egress shall be off Park Avenue (See Exhibit H—1997 Variance).

### **Process**

The approval of this plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18. The building permit application will have to comply with all conditions set forth in the HDDR, which was approved on December 17, 2012.

### **Department Review**

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

### **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 subdivision.

### **Alternatives**

- The Planning Commission may forward positive recommendation to the City Council for the 1492 Park Avenue Subdivision as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the 1492 Park Avenue Subdivision and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on the 1492 Park Avenue Subdivision.

### **Significant Impacts**

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

### **Consequences of not taking the Suggested Recommendation**

The parcel at 1492 Park Avenue would remain as is (a metes and bounds parcel). An at-risk building permit has been issued for this project, and all work completed would have to be remediated.

### **Recommendation**

Staff recommends the Planning Commission hold a public hearing for the 1492 Park Avenue Subdivision, located at 1492 Park Avenue, 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 – Existing Conditions Survey
- Exhibit C – Proposed Site Plan
- Exhibit D – Vicinity Map/Aerial Photograph
- Exhibit E – Non-complying Status Determination Letter
- Exhibit F – Nonconforming Determination Letter
- Exhibit G – Approved Plans
- Exhibit H–1997 Variance

## Exhibit A – Draft Ordinance with Proposed Plat

Ordinance 13-

### **AN ORDINANCE APPROVING THE 1492 PARK AVENUE SUBDIVISION PLAT LOCATED AT 1492 PARK AVENUE, PARK CITY, UTAH.**

WHEREAS, the owner of the property located at 1492 Park Avenue, has petitioned the City Council for approval of the Subdivision; and

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

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

WHEREAS, the Planning Commission held a public hearing on February 13, 2013, to receive input on the proposed subdivision;

WHEREAS, the on February 13, 2013 the Planning Commission forwarded a positive recommendation to the City Council; and,

WHEREAS, on February 28, 2013, the City Council held a public hearing on the proposed subdivision; and

WHEREAS, it is in the best interest of Park City, Utah to approve the proposed 1492 Park Avenue Subdivision.

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

**SECTION 1. APPROVAL.** The above recitals are hereby incorporated as findings of fact. The 1492 Park Avenue Subdivision as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

#### Findings of Fact:

1. The site is located at 1492 Park Avenue, Park City.
2. The site is within the Historic Residential-Medium Density (HRM) District.
3. The metes and bounds parcel is approximately 8,414 square feet in size.
4. The proposed one-lot subdivision does not increase the change the boundaries of the parcel. Currently, the parcel is 62.95 feet wide along Park Avenue, its western boundary. It is 121.85 feet long along the north side yard, 66 square feet along the east rear yard, and 129.92 feet long along the south side yard.
5. Per LMC 15.2.4-4, the Minimum Lot Area for non-residential Uses shall be determined by the Planning Commission during the Conditional Use review. The use of the property has always been non-residential, the structure is pre-existing, the

size of the property is not changing and the size of the lot is appropriate for the non-residential use, therefore the minimum lot size shall be 8,414 square feet. The current lot size is comparable to other commercial sites in the district.

6. The proposed use of the existing building as "Office, General" is not a permitted use in a non-historic building in the HRM District.
7. On September 26, 2012, Planning Director Thomas Eddington made a determination that the use of the building could continue being used for commercial/office use as a legal non-conforming use.
8. The existing structure has a footprint 4,544 square feet; however, the proposed alterations will increase the building's gross floor area to 6,694 square feet; however, the proposed modifications will not increase the existing building footprint.
9. There are minimum required Front, Rear, or Side Yard dimensions in the HRM District of fifteen feet (15'), ten feet (10'), and five feet (5'), respectively. There are setbacks associated with the HRM zone of which the parking lot and north and west sections of the building are located. The existing structure currently has a two to four foot (2' - 4') setback increasing from north to south along the front yard, and a forty-three foot (43') rear yard setback. There is a zero foot (0') setback along the north side yard, and a twenty foot (20') setback on the south side yard.
10. A January 16, 2013 letter from the planning director addressed the non-complying status as to the north side yard setback. Applicants are submitting a request for a determination as to the front yard non-compliance.
11. According to LMC Section 15-9-6 (A), any Non-Complying Structure may be altered or enlarged, provided that such alteration or enlargement shall neither create any new non-compliance nor shall increase the degree of the existing non-compliance of all or any part of such Structure.
12. The property is currently accessed from a driveway on Park Avenue. The driveway leads into a rear parking lot containing eleven (11) parking spaces.
13. Sullivan Road is a city-owned private driveway for City Park.
14. Sullivan Road shall not be used as an entrance. All ingress and egress shall be off Park Avenue. The applicant shall not contest the installation of curbs and landscaping along Sullivan Road.
15. The plat must be recorded before the City issues a Certificate of Occupancy.
16. The applicant requests approval of the subdivision application to create a legal lot of record in order to be able to construct the proposed improvements to the exterior, the basement, and the second floor.
17. The property located at 1492 Park Avenue is within the Soils Ordinance Boundary.

#### Conclusions of Law:

1. There is good cause for this Subdivision.
2. The Subdivision is consistent with the Park City Land Management Code and applicable State law regarding Subdivisions.
3. Neither the public nor any person will be materially injured by the proposed Subdivision.
4. Approval of the Subdivision, 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 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 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. Plat must be recorded prior to issuance of a Certificate of Occupancy (CO).
4. A Snow Shed Easement of seven feet (7') is required along the north property line.
5. Modified 13d sprinklers shall be required for all renovation/reconstruction.
6. Per the Soils Ordinance outlined in LMC 11-15-1 Park City Landscaping and Maintenance of Soil Coverage, a Certificate of Compliance must be obtained if the cap is disturbed. Currently, the approved HDDR application does not require a Certificate of Compliance because no excavation or soil will be disturbed.
7. All conditions of the September 23, 1997 variance apply, including that Sullivan Road is a city-owned private driveway for City Park and that Sullivan Road shall not be used as an entrance. All ingress and egress shall be off Park Avenue. The Applicant shall not contest the installation of curbs and landscaping along Sullivan Road.
8. A ten foot (10') public snow storage easement is required along the frontage of the property on Park Avenue and Sullivan Road.

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

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

PARK CITY MUNICIPAL CORPORATION

\_\_\_\_\_  
Dana Williams, MAYOR

ATTEST:

\_\_\_\_\_  
Jan Scott, City Recorder

APPROVED AS TO FORM:

---

Mark Harrington, City Attorney

Attachment 1 – Proposed Plat



**LEGAL DESCRIPTION**

Beginning 1553 feet East and 420 feet North of the Southwest corner of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence North 23°30' West 68 feet; thence North 61°18'30" East 118 feet; thence South 31°18' East 66 feet; thence South 60°30' West 127.2 feet to the point of beginning.

Less and excepting therefrom all sub-surface rights, with all mines and minerals, lodes, veins and deposits found or to be found under or within the line or area of the above granted premises, together with their dips.

**SURVEY DESCRIPTION**

Beginning at a point 1549.93 feet East and 420.19 feet North of the Southwest corner of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian; said point being on the northerly right of way of Park Avenue and running thence North 24°25'23" West 67.95 feet along said right of way; thence North 61°18'30" East 121.85 feet; thence South 31°18'00" East 66.00 feet; thence South 60°30'00" West 129.92 feet to the point of beginning. Containing 8,414 square feet or 0.193 acres.

Less and excepting therefrom all sub-surface rights, with all mines and minerals, lodes, veins and deposits found or to be found under or within the line or area of the above granted premises, together with their dips.

**SURVEYOR'S CERTIFICATE:**

I, Russell E. Campbell, do hereby certify that I am a Professional Land Surveyor and that I hold Certificate No. 316833 as prescribed under the laws of the State of Utah. I further certify that the boundary survey shown hereon was derived from direct field observation and represents the existing conditions and boundary as of the date of survey, September 21, 2012.

J:\Projects-2010\Russ Campbell.jpg  
Russell E. Campbell

Date

**NARRATIVE:**

The survey was prepared for Steve Urry. The purpose of the survey is to locate the boundary, improvements, and adjacent improvements, and to stake the corners. The subject parcel deed bearings match with the Silvermine West Condominiums, which in turn match the Struggler Condominium Plat bearings. A "best fit" of found irons on the boundaries of these 2 plats was used to establish the basis of bearings. The Park Avenue centerline monument bearings were rotated to fit the deed and plat bearings used for the basis of bearings. Measured and record (in parenthesis) are shown on the centerlines. The rebar and cap at the Southwest Corner of the subject parcel was held, this location did not match the deed tie to the section corner so the tie was re-written in the "Survey Description". The north-south lot lines were extended to the monumented right of way line as shown on "Park City, Utah Monument Control Map, prepared for Park City Municipal Corp." and recorded as Entry No. 197765. Public utilities, if shown, were located from available design information and/or by direct surface observation as noted. Owner should contact local utility company or governing municipality for verification and/or location of any underground public utilities. Site Bench Mark is rebar and cap at the Southwest Corner of the parcel, El. 6498.8', NAVD 88 Datum. This survey does not show building setbacks, easements, or underground utilities. Locations of which should be verified prior to any construction. The Owner of the property should be aware of any items affecting the property that may appear in a Title Insurance Report; The Surveyor has found no obvious evidence of easements, encroachments, or encumbrances on the property surveyed except as shown hereon.

**LEGEND**

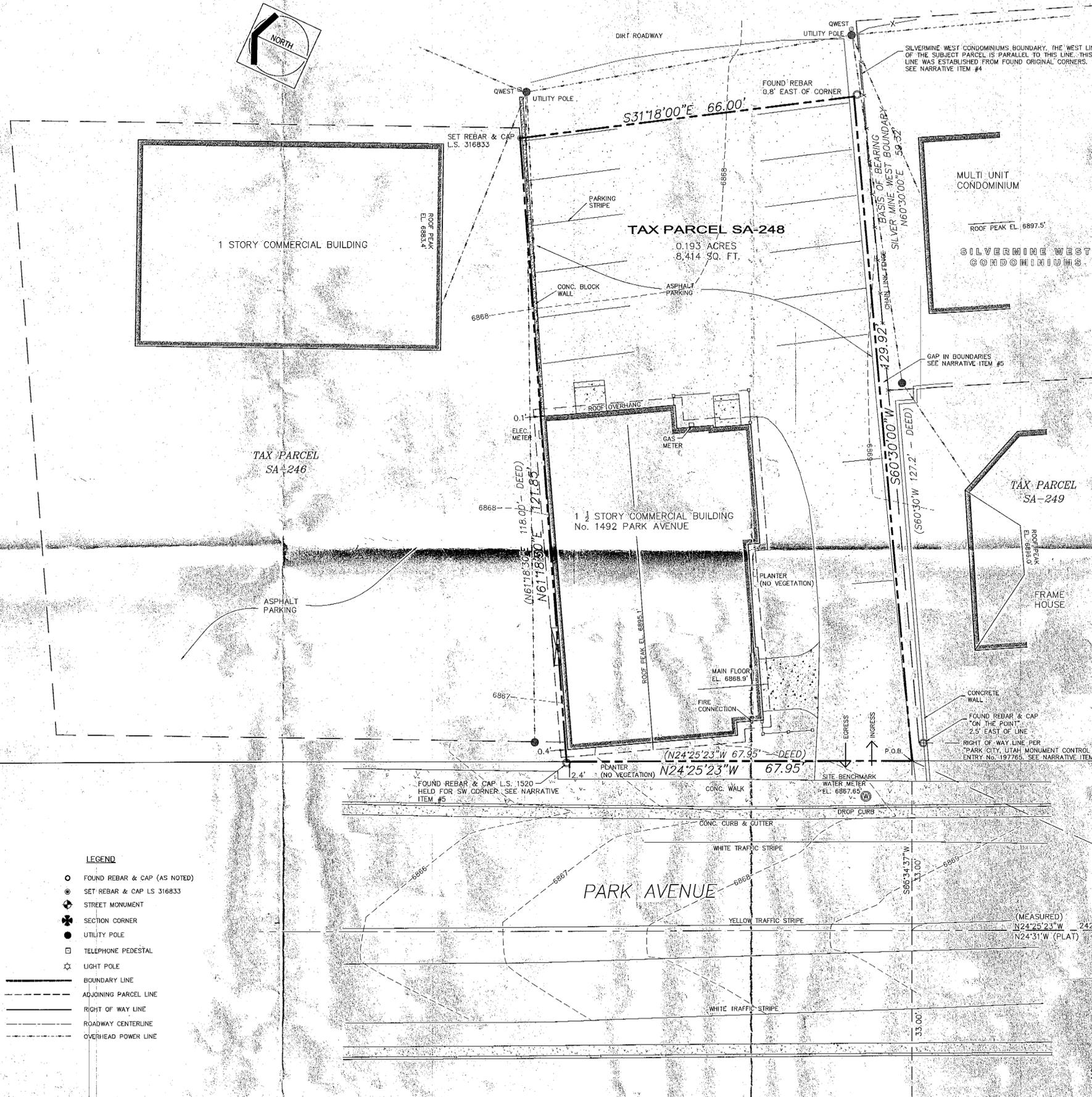
- FOUND REBAR & CAP (AS NOTED)
- SET REBAR & CAP LS 316833
- ⊕ STREET MONUMENT
- ⊙ SECTION CORNER
- UTILITY POLE
- ⊞ TELEPHONE PEDESTAL
- ⊛ LIGHT POLE
- BOUNDARY LINE
- ADJOINING PARCEL LINE
- RIGHT OF WAY LINE
- ROADWAY CENTERLINE
- OVERHEAD POWER LINE

**BASELINE SURVEYING, Inc**  
 1058 E. 2100 S.  
 Salt Lake City, UT 84106  
 (801) 209-2152

DATE	BY	REVISIONS	COMMENTS

JOB No.	936
SURVEY BY:	RC
DRAWN BY:	RC

**BOUNDARY SURVEY**  
**1492 PARK AVENUE**  
**PARK CITY, UTAH**  
**SUMMIT COUNTY, UTAH**



**DEED DESCRIPTION**

Beginning 1553 feet East and 420 feet North of the Southwest corner of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence North 23°30' West 68 feet; thence North 61°18'30" East 118 feet; thence South 31°18' East 66 feet; thence South 60°30' West 127.2 feet to the point of beginning.

Less and excepting therefrom all sub-surface rights, with all mines and minerals, lodes, veins and deposits found or to be found under or within the line or area of the above granted premises, together with their dips.

**SURVEY DESCRIPTION**

Beginning at a point 1549.93 feet East and 420.19 feet North of the Southwest corner of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian; said point being on the northerly right of way of Park Avenue and running thence North 24°25'23" West 67.95 feet along said right of way; thence North 61°18'30" East 121.85 feet; thence South 31°18'00" East 66.00 feet; thence South 60°30'00" West 129.92 feet to the point of beginning. Containing 8,414 square feet or 0.193 acres.

Less and excepting therefrom all sub-surface rights, with all mines and minerals, lodes, veins and deposits found or to be found under or within the line or area of the above granted premises, together with their dips.

**SURVEYOR'S CERTIFICATE**

I, Russell E. Campbell, do hereby certify that I am a Professional Land Surveyor and that I hold Certificate No. 316833 as prescribed under the laws of the State of Utah. I further certify that the boundary survey shown hereon was derived from direct field observation and represents the existing conditions and boundary as of the date of survey, September 21, 2012.



**NARRATIVE**

- 1) The survey was prepared for Steve Urry.
- 2) The purpose of the survey is to locate the boundary, improvements, topography, adjacent improvements, and to stake the corners.
- 3) Site benchmark is the water meter as shown, NAVD 88 datum.
- 4) The subject parcel deed bearings match the Silvermine West Condominiums, which in turn match the Strugler Condominium Plat bearings. A "best fit" of found irons on the boundaries of these 2 plats was used to establish their locations. The survey location of this west line of the Strugler Plat was used as the basis of bearing since there is not a basis of bearing referenced in the subject parcel deed.
- 5) The found rebar and cap of the Southwest Corner of the subject parcel was held; this location did not match the deed tie to the section corner so the tie was re-written in the "Survey Description". Holding this rebar & cap creates a gap on the east line of the subject parcel with the adjacent parcels.
- 6) The north-south subject parcel lines were extended to the monumented right of way line as shown on "Park City, Utah Monument Control Map, prepared for Park City Municipal Corp." and recorded as Entry No. 197765. The right of bearings were rotated to match the Deed bearings of the subject parcel and the Silver Mine Condominium bearings. Measured and record (in parenthesis) are shown on the monument lines.
- 7) Public utilities, if shown, were located from available design information and/or by direct surface observation as noted. Owner should contact local utility company or governing municipality for verification and/or location of any underground public utilities.
- 8) This survey does not show building setbacks, easements, or underground utilities. Locations of which should be verified prior to any construction.
- 9) The Owner of the property should be aware of any items affecting the property that may appear in a Title Insurance Report; The Surveyor has found no obvious evidence of easements, encroachments, or encumbrances on the property surveyed except as shown hereon.

- LEGEND**
- FOUND REBAR & CAP (AS NOTED)
  - SET REBAR & CAP LS 316833
  - ⊕ STREET MONUMENT
  - ⊙ SECTION CORNER
  - UTILITY POLE
  - TELEPHONE PEDESTAL
  - ☆ LIGHT POLE
  - BOUNDARY LINE
  - - - ADJOINING PARCEL LINE
  - RIGHT OF WAY LINE
  - - - ROADWAY CENTERLINE
  - - - OVERHEAD POWER LINE



LOCATED IN THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN SUMMIT COUNTY, UTAH

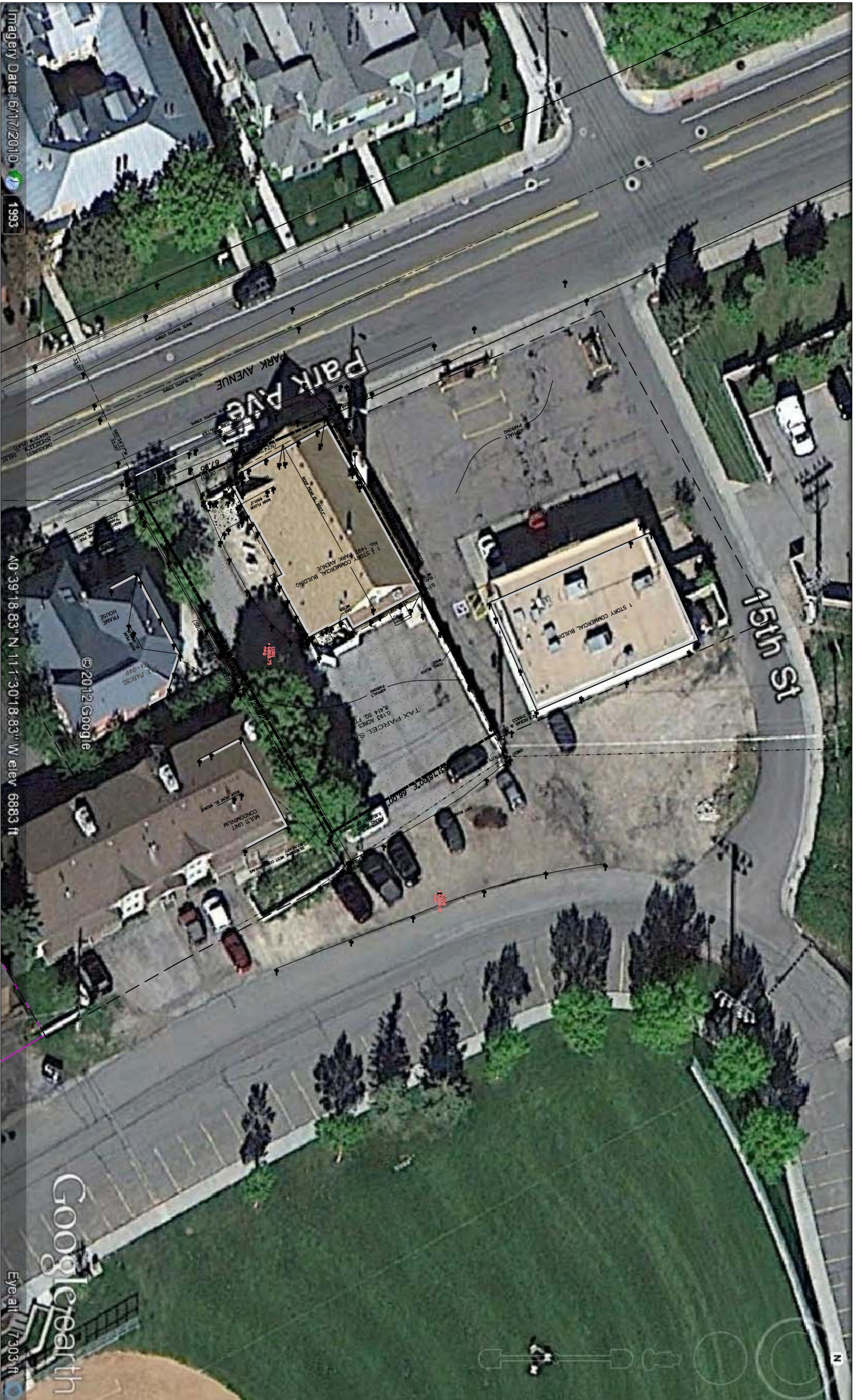
BASELINE SURVEYING, Inc  
1058 S. 2100 S.  
Salt Lake City, UT 84106  
(801) 209-2152

REVISIONS	COMMENTS
DATE	BY

JOB No.	936
SURVEY BY:	RC
DRAWN BY:	RC

BOUNDARY and TOPOGRAPHIC SURVEY  
1492 PARK AVENUE  
PARK CITY, UTAH  
SUMMIT COUNTY, UTAH

SHEET  
1 of 1



Imagery Date: 6/17/2010 1993

40°39'18.83" N 111°30'18.83" W elev 6883 ft

© 2012 Google

Google Earth

Eye alt 17303 ft



16 January 2013

Spencer White  
Element Design  
1308 South 1700 East  
Salt Lake City, UT 84108

**Re: PL-12-01739. 1492 Park Avenue—One-lot subdivision.**

Dear Spencer White:

The existing structure located at 1492 Park Avenue is located on the north property line and is classified as non-complying per our current Land Management Code (LMC). Per the LMC, a non-complying structure is defined as a structure that legally existed before its current zoning designation; and because of subsequent zoning changes, does not conform to the zoning regulation's Setback, Height restrictions, or other regulations that govern the Structure.

Per LMC 15-9-6 Non Complying Structures, no non-complying structure may be moved, enlarged, or altered, except in the manner provided in this Section or unless required by law. These exceptions include:

- (A) **Repair, Maintenance, Alteration, and Enlargement.** Any Non-Complying Structure may be repaired, maintained, altered, or enlarged, provided that such repair, maintenance, alteration, or enlargement shall neither create any new non-compliance nor shall increase the degree of the existing non-compliance of all or any part of such Structure.
- (B) **Moving.** A Non-Complying Structure shall not be moved in whole or in part, for any distance whatsoever, to any other location on the same or any other lot unless the entire Structure shall thereafter conform to the regulations of the zone in which it will be located.
- (C) **Damage or Destruction of Non-Complying Structure.** If a Non-Complying Structure is allowed to deteriorate to a condition that the Structure is rendered uninhabitable and is not repaired or restored within six (6) months after written notice to the Property Owner

that the Structure is uninhabitable and that the Non-Complying Structure of the Building that houses a Non-Complying Structure, is voluntarily razed or is required by law to be razed, the Structure shall not be restored unless it is restored to comply with the regulations of the zone in which it is located. If a Non-Complying Structure is involuntarily destroyed in whole or in part due to fire or other calamity and the Structure or Use has not been abandoned, the Structure may be restored to its original condition, provided such work is started within six (6) months of such calamity, completed within eighteen (18) months of work commencement, and the intensity of Use is not increased.

The aforementioned stipulations will be noted as part of your file as well as part of the plat amendment to create a one-lot subdivision and legal lot of record at 1492 Park Avenue. Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas E. Eddington Jr.", with a stylized flourish at the end.

Thomas E. Eddington Jr., AICP, LLA  
Planning Director

Cc: Anya Grahn, Historic Preservation Planner



26 September 2012

Spencer White  
Element Design  
1308 South 1700 East  
Salt Lake City, UT 84108

**Re: 1492 Park Avenue**

Dear Spencer White:

Based upon your request regarding an inquiry into the non-conforming status for 1492 Park Avenue, I have researched our files and found the following:

1. Currently, the property is located in the Historic Residential-Medium Density (HRM) zoning District. General Office and Retail and Services commercial are allowed only in Historic Structures upon receipt of a Conditional Use Permit. The building at 1492 Park Avenue is not historic.
2. There is an existing commercial use in the building. The building is currently utilized as a salon.
3. On June 17, 1997, the Board of Adjustment approved a change of use to allow for a commercial use in the structure at 1492 Park Avenue to change from a deli to a salon.
4. This site has historically been utilized as service commercial; the site may continue to be utilized for commercial/office use.
5. A commercial use is defined in the Land Management Code as: "Retail business, service establishments, professional offices, and other enterprises that include commerce and/or trade and the buying and selling of goods and services."
6. Parking Requirement must be met in compliance with the LMC Section 15-3-6 (B). A site plan must be verified at time of applying for a business license.
7. Sullivan Road shall not be used as an entrance. All ingress and egress shall be off Park Avenue. The applicant shall not contest the installation of curbs and landscaping along Sullivan Road.
8. All conditions of approval of the June 17, 1997 Board of Adjustment variance/change of use will continue to apply to the property.

Should you have further questions regarding this site, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas Eddington". The signature is fluid and cursive, with a period at the end.

Thomas Eddington  
PCMC, Planning Director



**LEGAL DESCRIPTION**  
 Beginning 1553 feet East and 420 feet North of the Southwest corner of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence North 23°30' West 88 feet; thence North 61°18'30" East 118 feet; thence South 31°18' East 86 feet; thence South 80°30' West 127.2 feet to the point of beginning.

Less and excepting therefrom all sub-surface rights, with all mines and minerals, lodes, veins and deposits found or to be found under or within the line or area of the above granted premises, together with their dips.

**SURVEY DESCRIPTION**  
 Beginning at a point 1549.93 feet East and 420.19 feet North of the Southwest corner of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running solid point being on the northerly right of way of Park Avenue and running thence North 24°25'23" West 87.95 feet along said right of way, thence North 61°18'30" East 121.85 feet; thence South 31°18'00" East 86.00 feet; thence South 80°30'00" West 129.92 feet to the point of beginning.  
 Containing 8.414 square feet or 0.193 acres.

Less and excepting therefrom all sub-surface rights, with all mines and minerals, lodes, veins and deposits found or to be found under or within the line or area of the above granted premises, together with their dips.

**SURVEYOR'S CERTIFICATE:**  
 I, Russell E. Campbell, do hereby certify that I am a Professional Land Surveyor and that I hold Certificate No. 316633 as prescribed under the laws of the State of Utah. The survey was made by me or under my direct supervision and based on direct field observation and represents the existing conditions and boundary as of the date of survey, September 21, 2012.

REVISIONS	DATE	BY	COMMENTS

JOB NO.	936
SURVEY BY:	RC
DRAWN BY:	RC

J:\Projects\2012\1492ParkAve\1492ParkAveCampbell.jpg

**NARRATIVE:**  
 The survey was prepared for Steve Urry. The purpose of the survey is to locate the boundary, improvements, and adjacent improvements, and to stone the corners.

The subject parcel deed bearings match with the Silvermine West Condominiums, which in turn match the Struggler Condominium Plot bearings. A "best fit" of found irons on the boundaries of these 2 plots was used to establish the base of bearings. The Park Avenue centerline monument bearings were rotated to fit the deed and plot bearings used for the base of bearings. Measured and record (in parenthesis) are shown on the centerlines.

The rebar and cap at the Southwest Corner of the subject parcel was held, this location did not match the deed lie to the section corner as the lie was re-written in the "Survey Description".

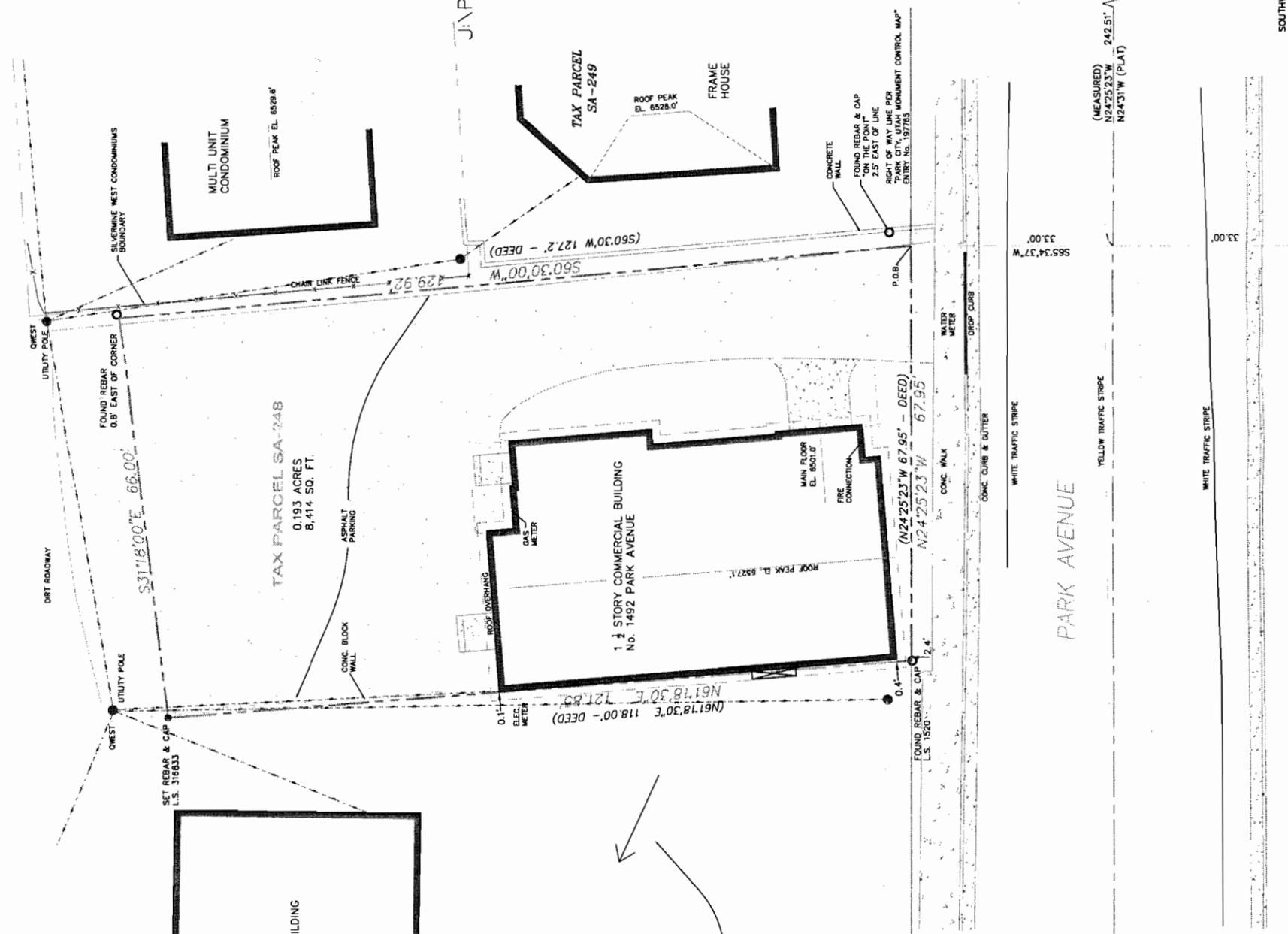
The north south lot lines were extended to the monumented right of way line as shown on "Park City, Utah Monument Control Map, prepared for Park City Municipal Corp." and recorded as Entry No. 197785.

Public utilities, if shown, were located from available design information and/or by direct surface observation as noted. Owner should contact local utility company or governing municipality for verification and/or location of any underground public utilities.

Site Bench Mark is rebar and cap at the Southwest Corner of the parcel, E.I. 6498.8', NAVD 88 Datum.

This survey does not show building setbacks, easements, or underground utilities. Locations of which should be verified prior to any construction.

The Owner of the property should be aware of any items affecting the property that may appear in a Title Insurance Report; The Surveyor has found no obvious evidence of easements, encroachments, or encumbrances on the property surveyed except as shown hereon.



RECEIVED  
 NOV 05 2012  
 PARK CITY  
 PLANNING DEPT.

LOCATED IN THE  
 SOUTHWEST QUARTER OF SECTION 9,  
 TOWNSHIP 2 SOUTH, RANGE 4 EAST,  
 SALT LAKE BASE AND MERIDIAN  
 SUMMIT COUNTY, UTAH

SOUTHWEST CORNER SECTION 9,  
 125. R4E, S88M

PARK CITY PLANNING DEPT.  
**APPROVED**  
 [Signature]  
 SIGNATURE  
 DATE 12-17-12

- LEGEND**
- FOUND REBAR & CAP (AS NOTED)
  - SET REBAR & CAP LS 316633
  - ⊕ STREET MONUMENT
  - ⊙ SECTION CORNER
  - ⊕ UTILITY POLE
  - ⊕ TELEPHONE PEDESTAL
  - ⊕ LIGHT POLE
  - BOUNDARY LINE
  - ADJOINING PARCEL LINE
  - RIGHT OF WAY LINE
  - ROADWAY CENTERLINE
  - OVERHEAD POWER LINE



**Jonathan DeGray**  
Architect  
P.O. Box 1674, 614 Main Street, Suite 302, Park City, Utah 84060  
Tel: 435-649-7253, E-mail: deggray@westoffice.net

**1492 PARK AVENUE OFFICE BUILDING**  
HISTORIC DISTRICT DESIGN REVIEW  
REMODEL/RENOVATION  
PARK CITY, UTAH 84060

**AS-BUILTS**  
FLOOR PLANS AND ELEVATIONS

DATE: OCTOBER 31, 2012  
PROJECT NUMBER: 1211-01  
SHEET NUMBER: **A1.01**

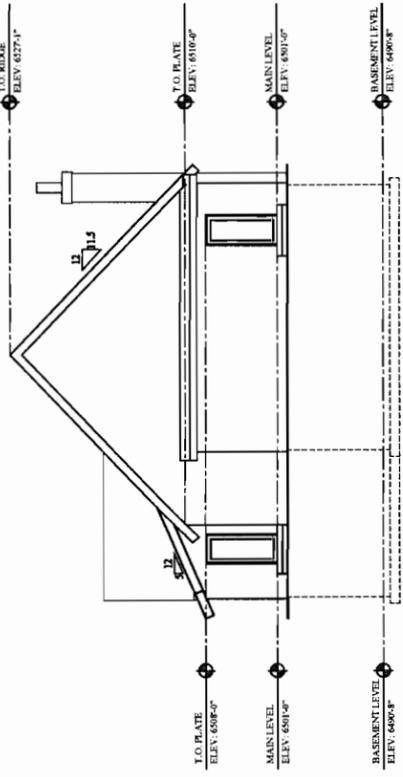
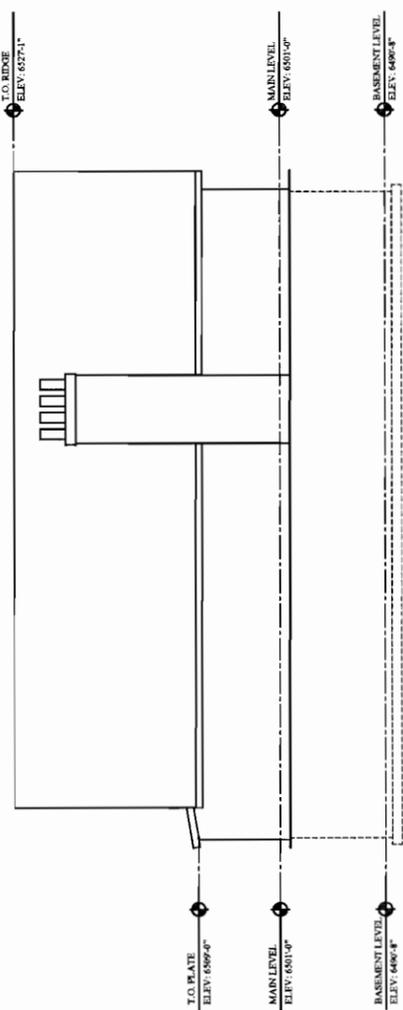
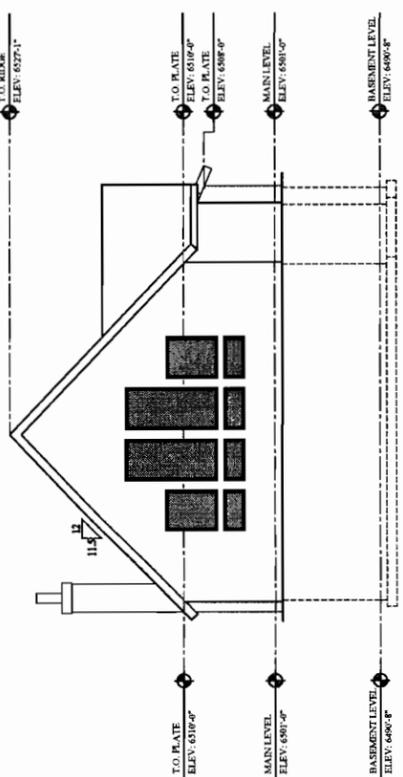
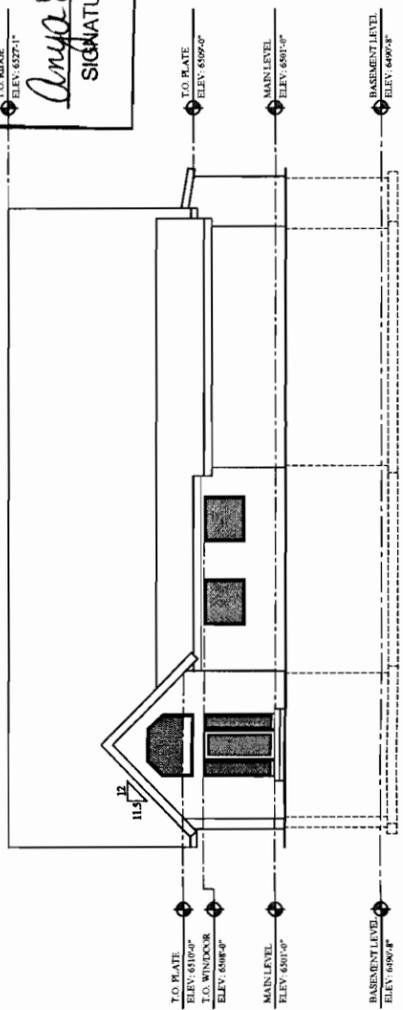
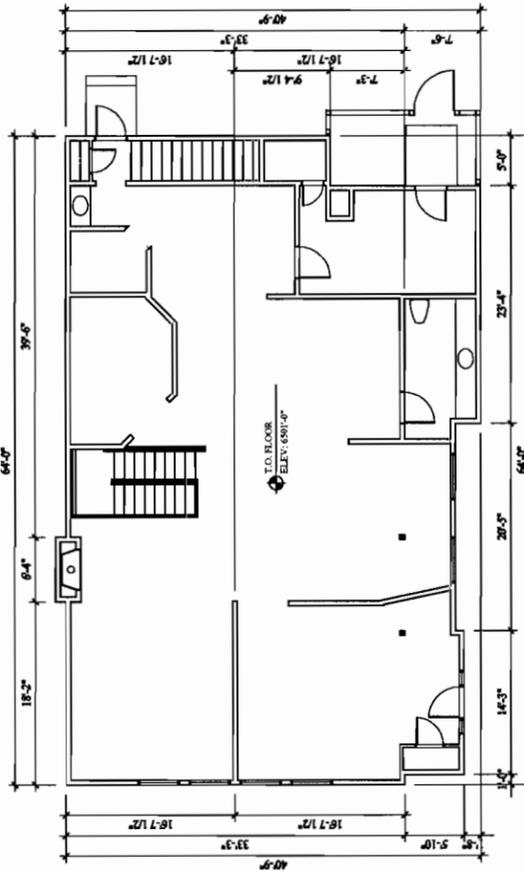
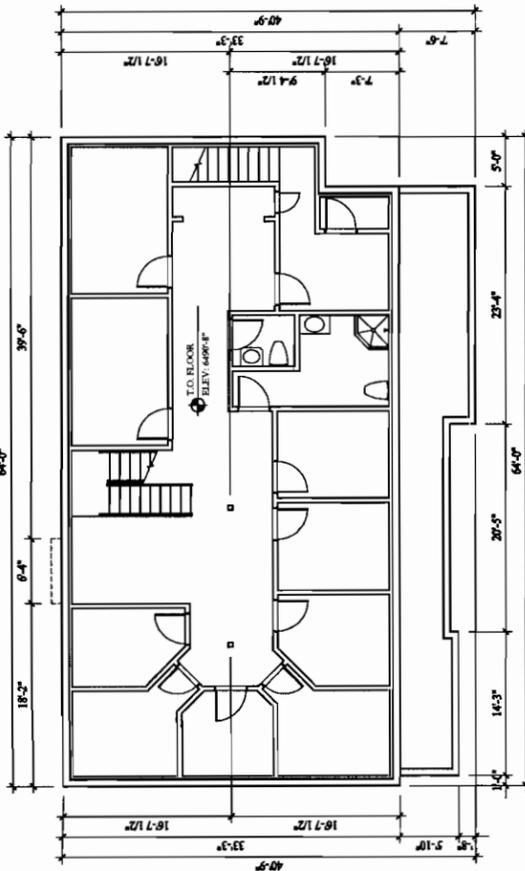
**WALL LEGEND**  
EXISTING CONCRETE WALL  
EXISTING 2x FRAMED WALL

**KEY NOTES**  
ALL DIMENSIONS ARE APPROXIMATE AND ARE TO BE FIELD VERIFIED PRIOR TO ANY CONSTRUCTION

**NOTES**

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**APPROVED**  
Anya Edlmann 12.17.12  
SIGNATURE

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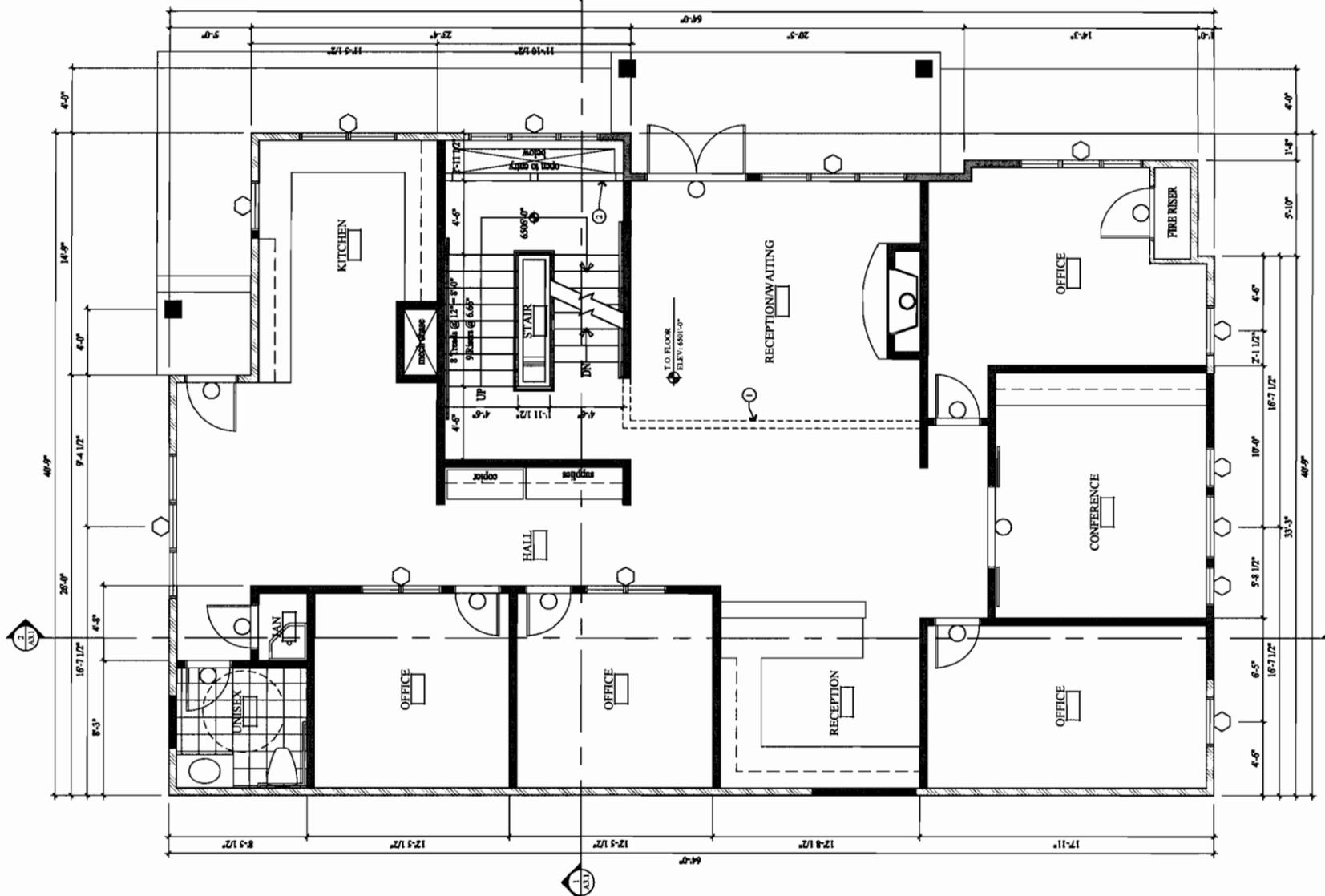
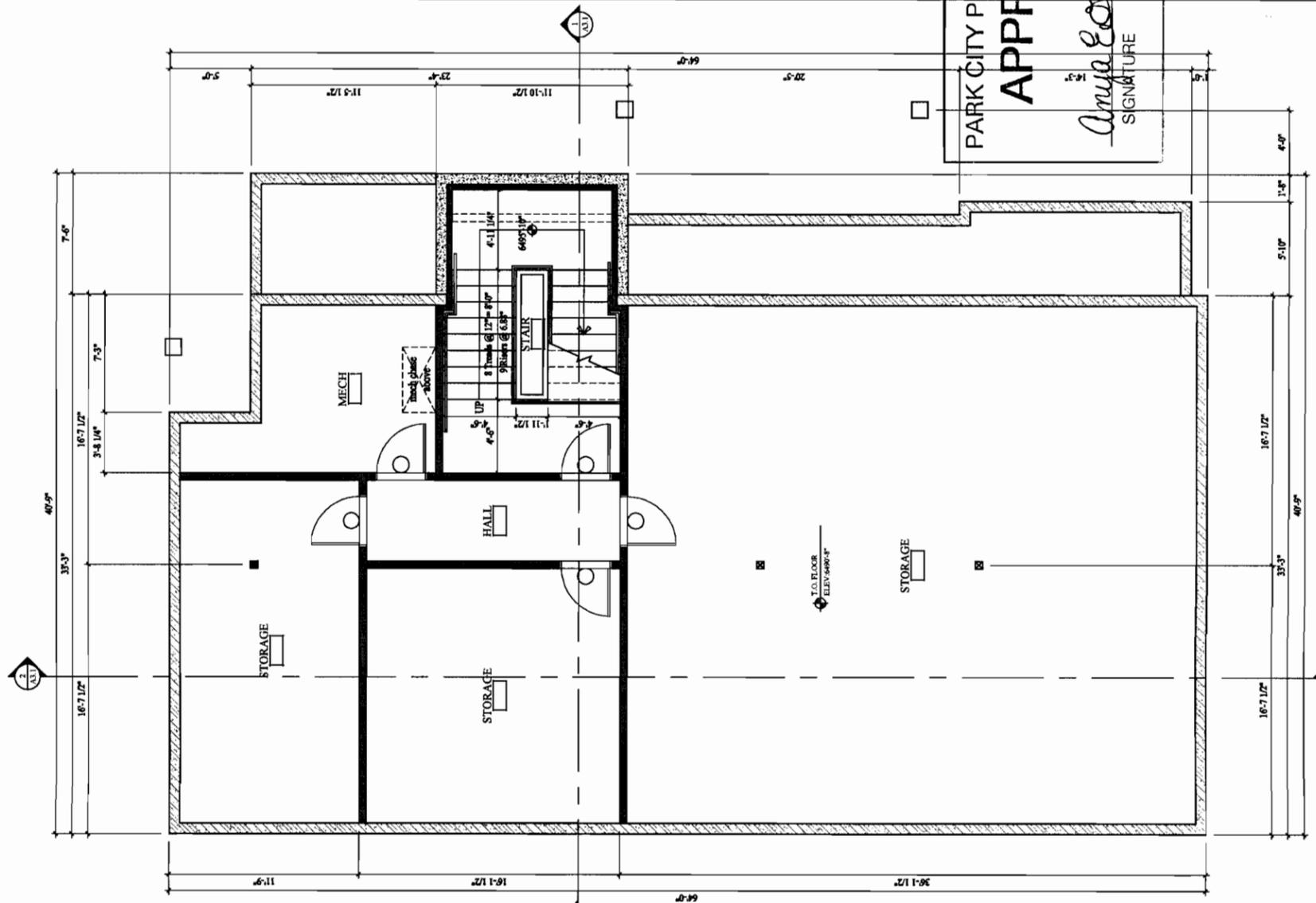


**WALL LEGEND**  
 [Pattern] EXISTING CONCRETE WALL  
 [Pattern] EXISTING 2" FRAMED WALL  
 [Pattern] NEW CONCRETE WALL  
 [Pattern] NEW FRAMED WALL

**KEY NOTES**  
 ALL DIMENSIONS ARE APPROXIMATE AND ARE TO BE FIELD VERIFIED PRIOR TO ANY CONSTRUCTION  
 ① LINE OF FLOOR ABOVE  
 ② 4" HIGH GAUDEMURAIL

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BASEMENT LEVEL PLAN  
 SCALE: 1/4" = 1'-0"  
 AREA: 2181 SQFT

MAIN LEVEL PLAN  
 SCALE: 1/4" = 1'-0"  
 AREA: 2457 SQFT



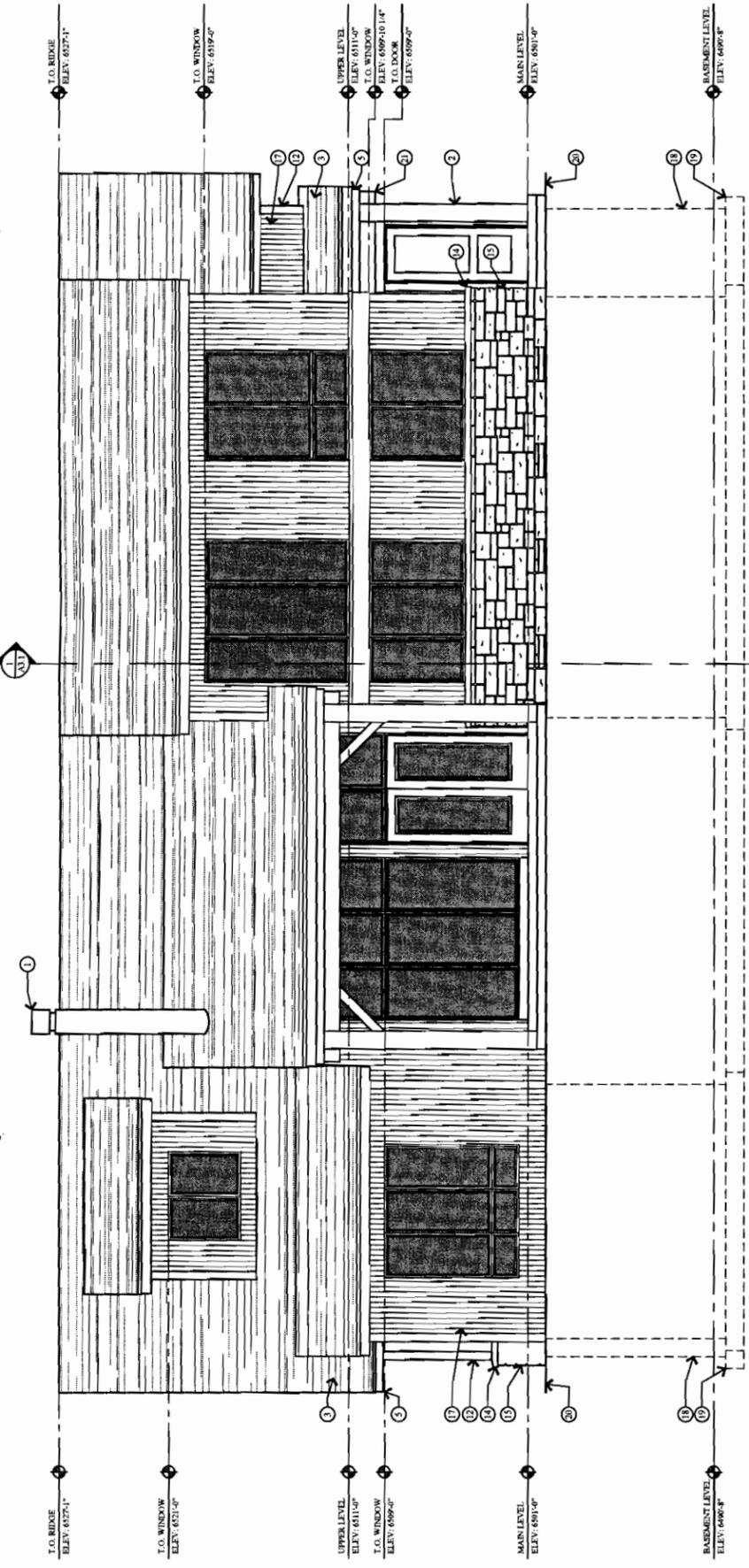
P. O. Box 1074, 614 Main Street, Suite 302, Park City, Utah 84060  
Tel. 435-649-7283, E-mail: degrayarch@westoffice.net

**KEY NOTES**

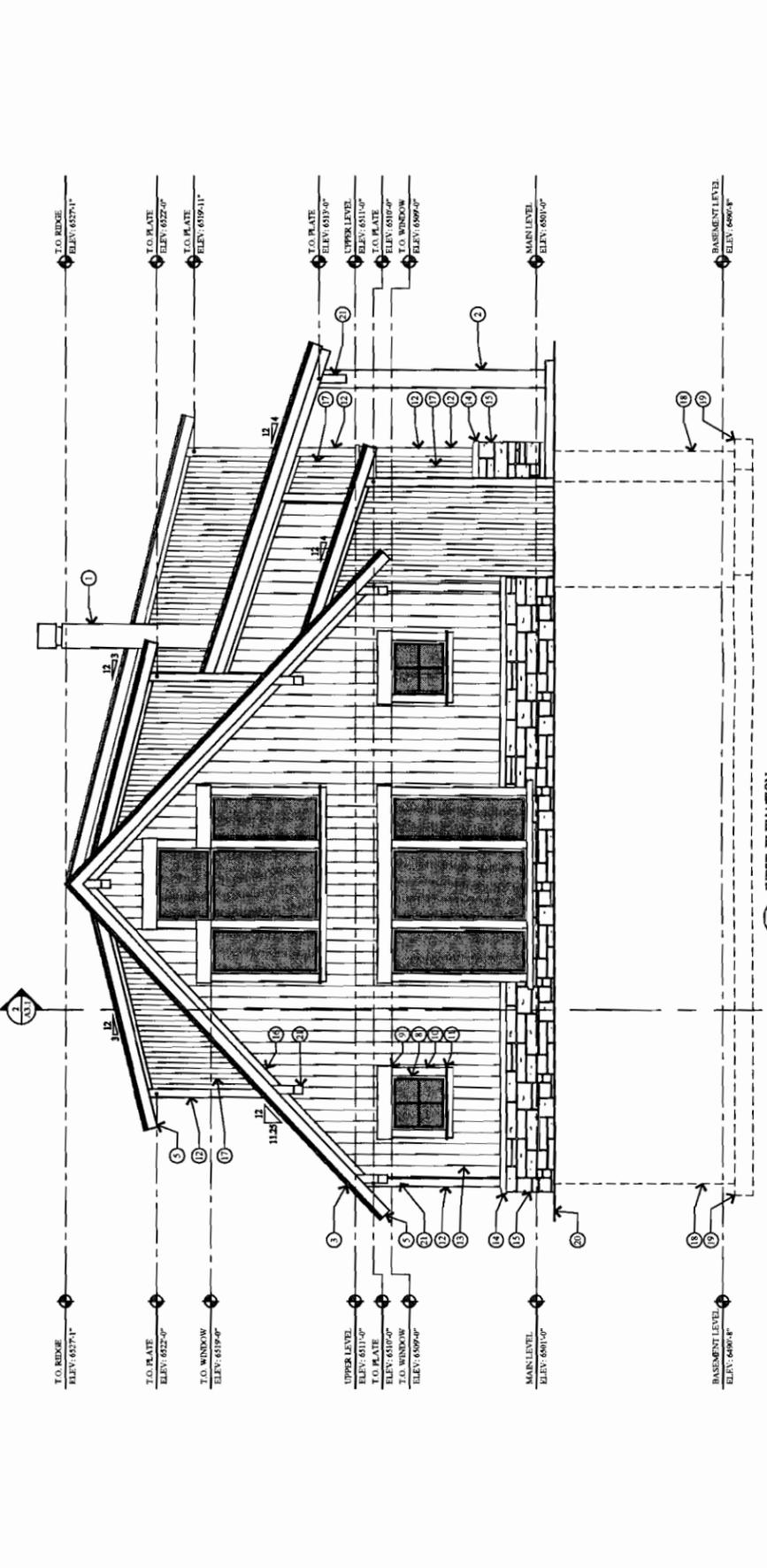
- 1 CHIMNEY PIPE
- 2 1x4x8 TRIM BOARD - STAINED
- 3 WOOD SHAKE SHINGLES - INSTALLATION TO COMPLY W/ IBC 2007 I.C.S. & WATER MEMBRANE OVER ENTIRE ROOF SURFACE
- 4 COMPOSITE RIDGE VENT - CORRA OR EQUAL
- 5 2x4 PARCA - STAINED
- 6 2x4 CEDAR SPOUTT - STAINED W/ CONTINUOUS SPOUTT VENT
- 7 1 1/2" x 3" CONTINUOUS METAL DRIP EDGE
- 8 ALUMINUM CLAD WOOD WINDOWS AND DOORS W/ 1" INSULATED GLASS - SEE SCHEDULE
- 9 2x4 WINDOW/DOOR HEAD - STAINED W/ FLASHING
- 10 2x4 WINDOW/DOOR JAMB - STAINED
- 11 2x4 STOOD ON 2x4 WINDOW SILL - STAINED
- 12 2x4 CEDAR OUTSIDE CORNER BOARD, 2x4 CEDAR INSIDE CORNER BOARD - STAINED
- 13 1/4" VERTICAL CEDAR SIDING ON TYPICAL HOMEWRAP ON 1/2" EXT. SHEATHING ON 2x4 STUDS @ 16" O.C.
- 14 CUT STONE SILL - CONTINUOUS
- 15 2" STONE VENEER - SEE SHEET S.I.1 GENERAL STRUCTURAL NOTE FOR INSTALLATION
- 16 2x4 CEDAR TRIM BOARD - STAINED
- 17 2x4 VERTICAL SIDING ON TYPICAL HOMEWRAP ON 1/2" EXT. SHEATHING ON 2x4 STUDS @ 16" O.C.
- 18 FOUNDATION - SEE STRUCTURAL FOR SIZE & REINFORCING
- 19 FINISH GRADE TO SLOPE AWAY FROM HOUSE A MIN. OF 6" WITHIN THE FIRST 10' TO 30' O.C.
- 20 ROUER SAWN TIMBER BEAMS - STAINED - SEE STRUCTURAL FOR SIZE
- 21 BEVELLED 3x3 ON 2x12 CEDAR TRIM BOARD - STAINED

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DATE

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



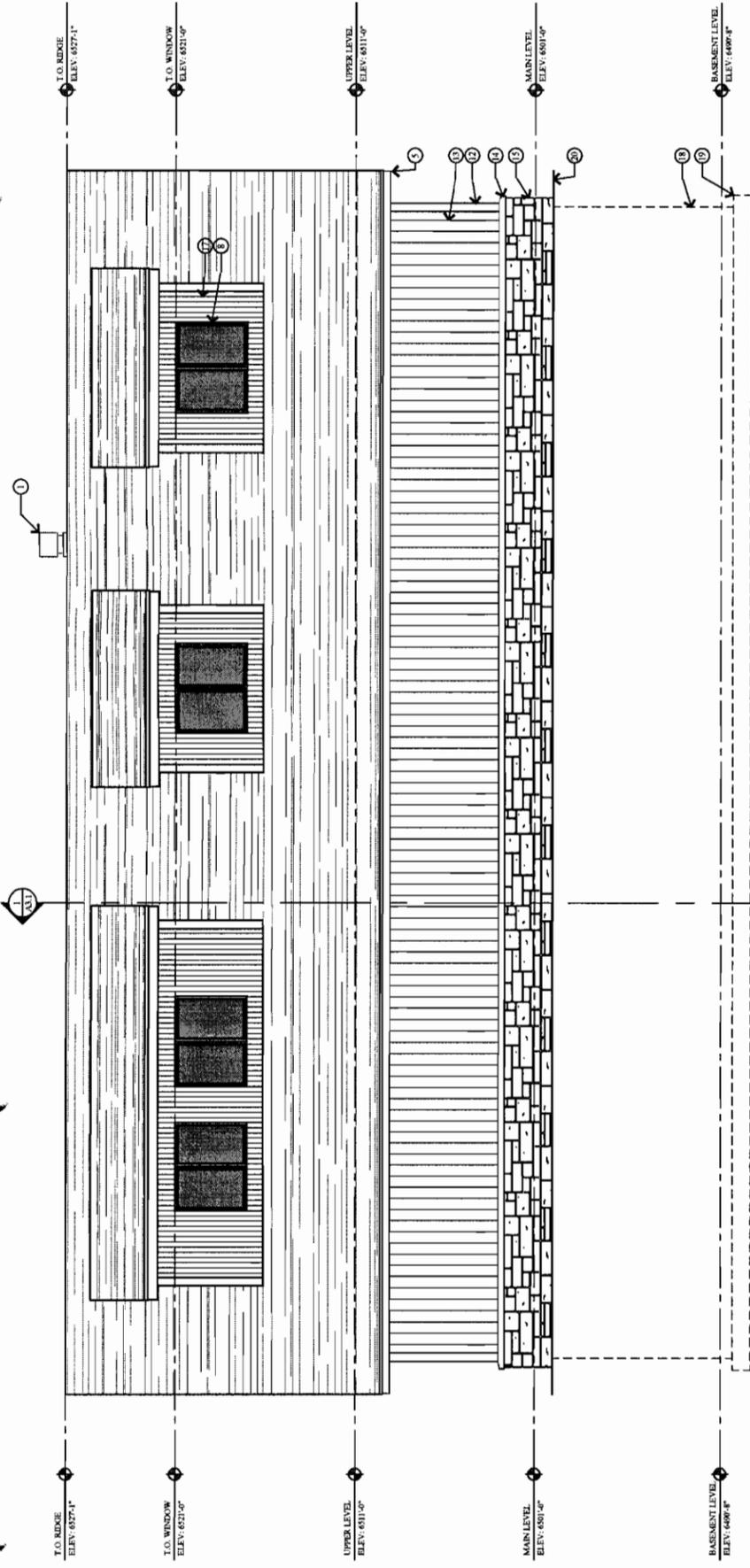
2 WEST ELEVATION  
SCALE 1/4" = 1'-0"

**KEY NOTES**

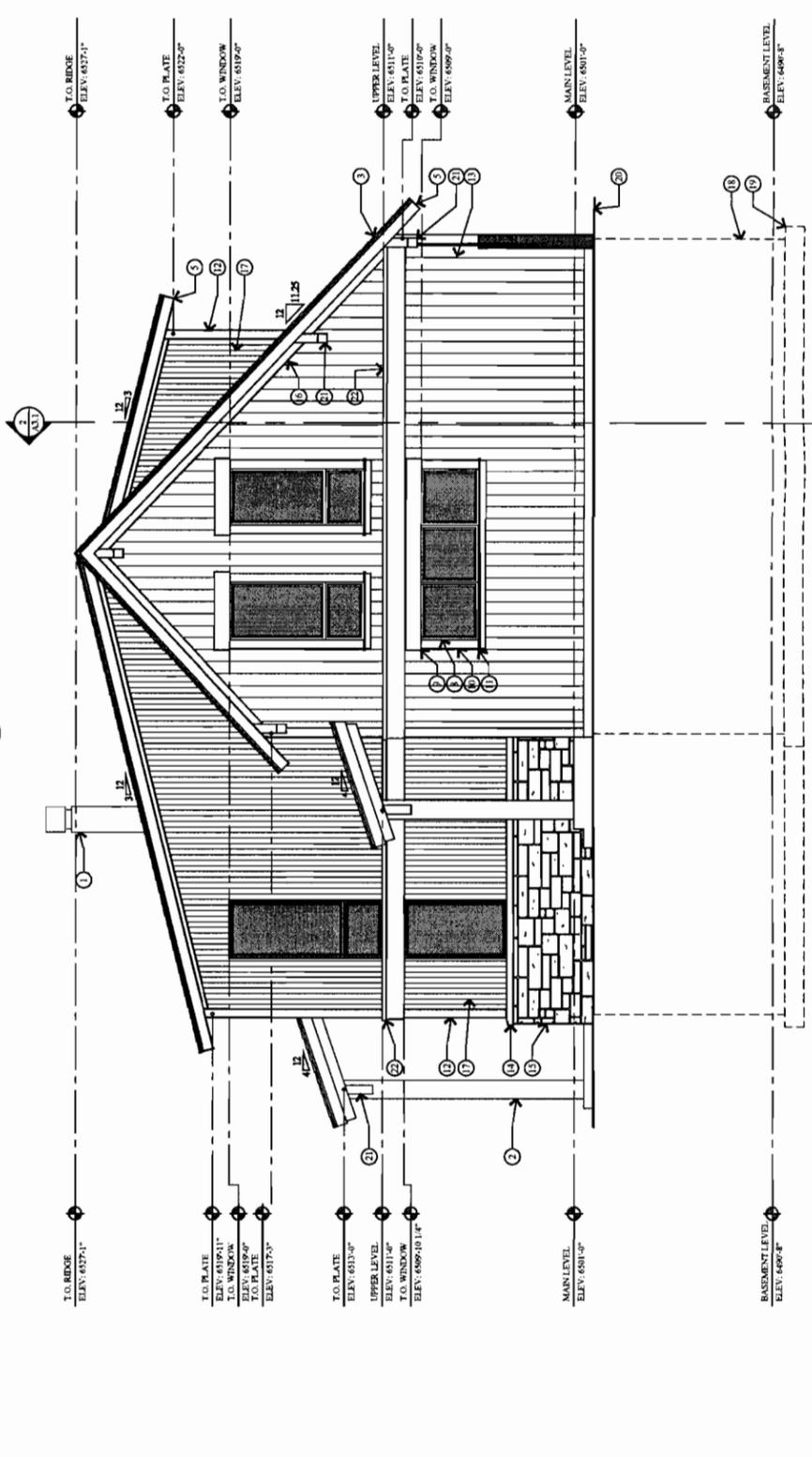
- 1 CERAMIC TILE
- 2 1x12 TIMBER COLUMN - STAINED
- 3 WOOD SHAKES SHINGLES INSTALLATION TO COMPLY W/ IRC 903.7.1.2 & WATER MEMBRANE OVER ENTIRE ROOF SURFACE
- 4 COMPOSITE RIDGE VENT - CORBA OR EQUAL
- 5 2x4 FASCIA - STAINED
- 6 7/8" CEDAR SHUTTLE - STAINED W/ CONTINUOUS SHUTTLE VENT
- 7 1 1/2" x 3" CONTINUOUS METAL DRIP EDGE
- 8 ALUMINUM CLAD WOOD WINDOWS AND DOORS W/ INSULATED GLASS - SEE SCHEDULE
- 9 2x10 WINDOW/DOOR HEAD - STAINED W/ FLASING
- 10 2x6 WINDOW/DOOR LAMB - STAINED
- 11 2x4 STUOL ON 2x4 WINDOW SILL - STAINED
- 12 CEDAR CUTSIDE CORNER BOARD, 2x4 CEDAR INSIDE CORNER BOARD - STAINED
- 13 1x4 VERTICAL CEDAR BRING ON TYPE 1x4x4x8 ON 1/2" EXT. BRACING ON 2x6 STUDS @ 16" O.C.
- 14 CUT STONE SILL - CONTINUOUS
- 15 5" STONE VENEER - SEE SHEET S1.1 GENERAL STRUCTURAL NOTE FOR INSTALLATION
- 16 2x6 CEDAR TRIM BOARD - STAINED
- 17 CORB 10 VERTICAL SIDING ON TYPICAL ROOFLINE ON 2x6 STUDS @ 16" O.C. ON 1/2" EXT. BRACING ON 2x6 STUDS @ 16" O.C.
- 18 FOUNDATION - SEE STRUCTURAL FOR SIZE & REINFORCING
- 19 2x6 WINDOW/DOOR HEAD - STAINED
- 20 FINISH GRADE TO BE LEFT AWAY FROM EXTERIOR MIN. OF 6" WITHIN THE FIRST 16" (IRC 903.1.3)
- 21 BROWN HAVY TRIMMER BEAMS - STAINED - SEE STRUCTURAL FOR SIZE
- 22 REVEALED 3/4" ON 2x12 CEDAR TRIM BOARD - STAINED

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*Anya E. Schach*  
SIGNATURE  
DATE: 12-17-12

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



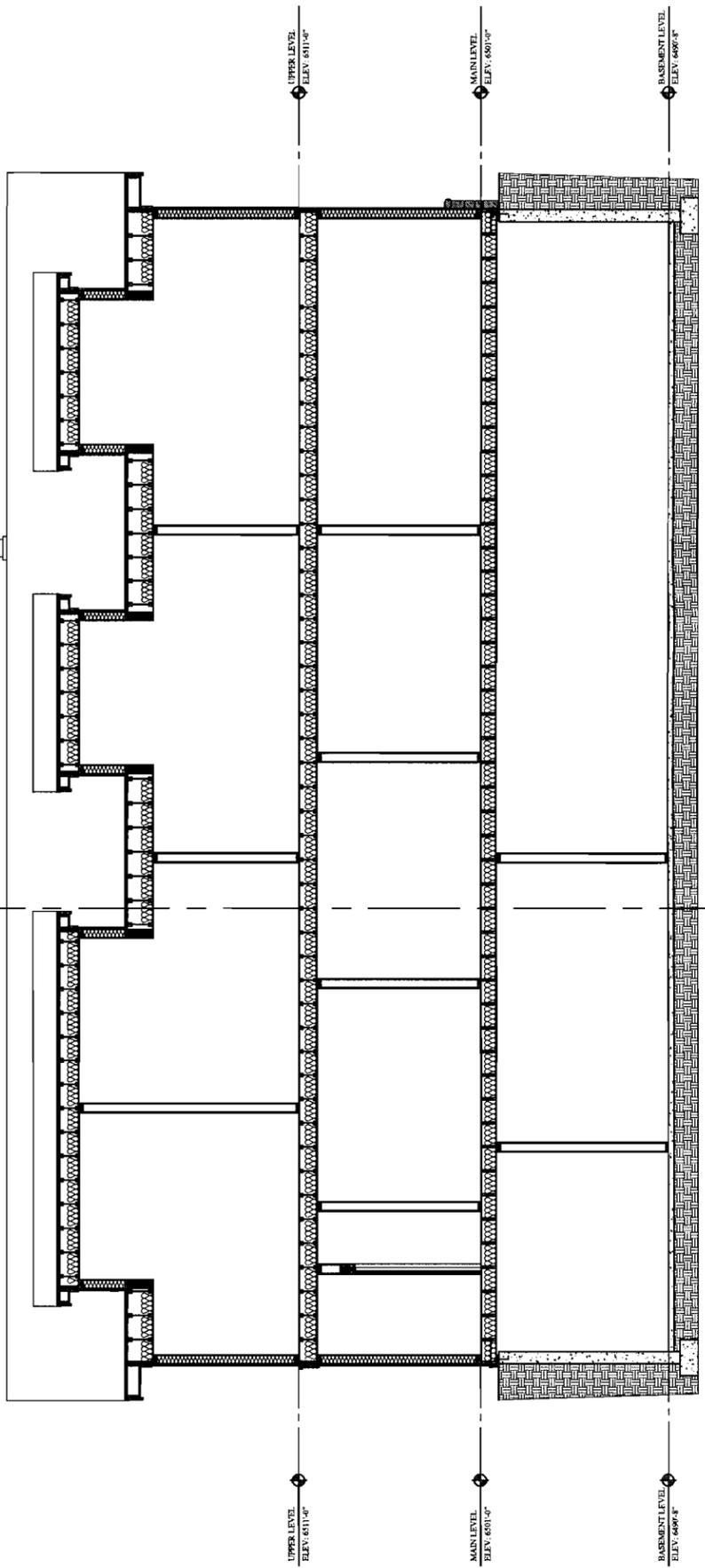
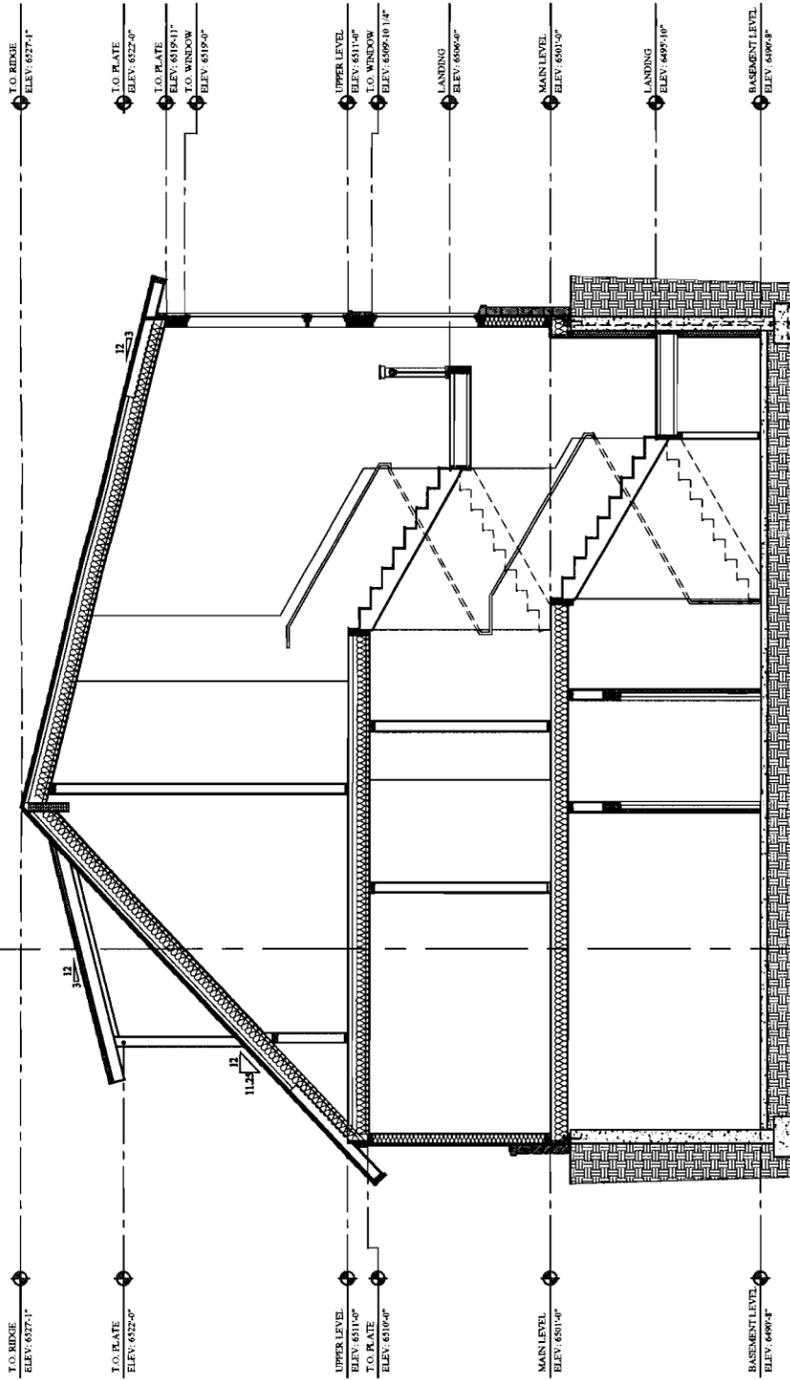
2 EAST ELEVATION  
SCALE: 1/4" = 1'-0"

**KEY NOTES**

- 1 CEMENTY FILL.
- 2 2x12 TIMBER COLUMN - STAINED
- 3 WOOD SHAKE SHINGLES, INSTALLATION TO COMPLY W/ IRC 903.7, ICE & WATER MEMBRANE OVER ENTIRE ROOF SURFACE.
- 4 COMPOSITE EDGE VENT - CORRA OR EQUAL
- 5 2x4 FASCIA - STAINED
- 6 1" x 6" CEILING SUFFIT - STAINED W/ CONTINUOUS SUFFIT JOINT.
- 7 1 1/2" x 3" CONTINUOUS METAL TRIM EDGE.
- 8 ALUMINUM CLAD WOOD WINDOWS AND DOORS W/ 1" INSULATED GLASS - SEE SCHEDULE.
- 9 2x10 WINDOW/DOOR HEAD - STAINED W/ FLASHING.
- 10 2x6 WINDOW/DOOR JAMB - STAINED.
- 11 2x3 STUCCO ON 2x4 WINDOW SILL - STAINED.
- 12 2x4 CEDAR OUTSIDE CORNER BOARD, 2x2 CEDAR INSIDE CORNER BOARD - STAINED
- 13 1/4" VERTICAL CEDAR SIDING ON TYVEK HOMEWRAP ON 1/2" EXT. SHEATHING ON 2x6 STUDS @ 16" O.C.
- 14 CUT STONE SILL - CONTINUOUS
- 15 4" STONE FINISH - SEE SHEET 011 GENERAL STRUCTURAL NOTES FOR INSTALLATION.
- 16 2x4 CEDAR TRIM BOARD - STAINED.
- 17 COME IN VERTICAL SIDING ON TYVEK HOMEWRAP ON 1/2" EXT. SHEATHING ON 2x6 STUDS @ 16" O.C.
- 18 FOUNDATION - SEE STRUCTURAL FOR SIZE & REINFORCING.
- 19 FOOTING - SEE STRUCTURAL FOR SIZE & REINFORCING.
- 20 FINISH GRADE TO SLOPE AWAY FROM HOUSE A MIN. OF 4" WITHIN THE FIRST 10' FROM 1013
- 21 2x6x8 SAWN TIMBER BEAMS - STAINED - SEE STRUCTURAL FOR SIZE.
- 22 2x12x12 ON 2x12 CEDAR TRIM BOARD - STAINED.

PARK CITY PLANNING DEPT.  
**APPROVED**  
*Anya Edgah* 12/17/12  
SIGNATURE DATE

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PARK CITY PLANNING DEPT.



When recorded mail to:  
PCMC  
Attn: City Recorder  
PO Box 1480  
Park City UT 84060

THE BOARD OF ADJUSTMENT  
PARK CITY, SUMMIT COUNTY, UTAH

IN RE: Request to allow a change of use in an existing commercial building at 1492 Park Avenue (VIE Retreat) - Francois D. Pujol

Petition #P97-VAR588 ) Findings of Fact  
) and Conclusions of Law

Legal Description:

Beginning 1553 feet East and 420 feet North of the Southwest corner of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence North 23° and 30' West 68.7 feet; thence North 61° 18' and 30" East 118 feet; thence South 31° 18' East 66 feet; thence South 60° 30' West 127.2 feet to the point of beginning.

The Board of Adjustment of Park City, Utah met on Tuesday, June 17, 1997, for a regularly scheduled and noticed meeting. After determining that a quorum of members of the Board were present, the Board conducted its scheduled business. Among the petitions heard by the Board was the above entitled petition which was filed on April 30, 1997.

After hearing all interested parties, the Board made the following findings of fact:

1. The existing structure currently exists and was built originally to house commercial uses.
2. The proposed use is a non-conforming use within the Residential-Medium Density District.
3. The proposed change in use requires that the parking be brought up to current standards.
4. The intent of the zoning ordinance would be achieved due to the allowance of a commercial use in the RM zone.
5. The salon requires 11 parking spaces under the parking requirements and provides 11 parking spaces.
6. Limiting the use of the building to a deli only would be unreasonable given the past two businesses have been unsuccessful.
7. Sullivan Road is a city-owned private driveway for City Park.

Considering all relevant facts, the Board of Adjustment concluded that a variance should be **GRANTED** under the provisions of the Land Management Code because:

1. Literal enforcement of the zoning ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the zoning ordinance.

*findings & order*

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 a substantial property right possessed by other property owners in the same district.
4. The variance will not substantially affect the general plan and will not be contrary to the public interest.
5. The spirit of the zoning ordinance is observed and substantial justice done.

The following conditions were placed on the approval of said variance request:

1. The applicant shall meet all Uniform Building Code and other city requirements as determined by the Chief Building Official during building permit review.
2. Parking lot design shall be reviewed and approved by the Community Development Department prior to the issuance of a Business License.
3. Sullivan Road shall not be used as an entrance. All ingress and egress shall be off Park Avenue. The applicant shall not contest the installation of curbs and landscaping along Sullivan Road.
4. Any changes or modification to the building, including lighting, painting, signs, shall be reviewed by the Community Development Department prior to issuance of building permits.
5. All Standard Project Conditions shall apply.

Dated this 23<sup>rd</sup> day of Sept, 1997



Chairperson, Board of Adjustment

# Planning Commission Staff Report



**Subject:** 315 Park Avenue Subdivision- plat amendment  
**Author:** Kirsten Whetstone, Senior Planner  
**Date:** February 13, 2013  
**Type of Item:** Administrative – Plat Amendment  
**Project Number:** PL-12-01728

## **Summary Staff Recommendation**

Staff recommends that the Planning Commission hold a public hearing for the 315 Park Avenue Subdivision plat amendment and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

## **Description**

**Applicant:** Thayne’s Capital Park City LLC (Damon Navarro)  
**Location:** 315 Park Avenue  
**Zoning:** Historic Residential (HR-1)  
**Adjacent Land Uses:** Residential single family and condominiums  
**Reason for Review:** Plat amendments require Planning Commission review and City Council approval

## **Proposal**

The applicant is requesting a plat amendment (Exhibit A) for the purpose of reconfiguring Lots A, B, and C of the 315 Park Avenue Subdivision. The 315 Park Avenue Subdivision is a three lot subdivision combining Lots 4, 5, 6, 27, 28, 29 Block 3 of the Park City Survey and platting them into three lots of record. The 315 Park Avenue Subdivision was approved by City Council on March 16<sup>th</sup>, 2006 and extended on June 28<sup>th</sup>, 2007 and finally recorded at Summit County on September 24<sup>th</sup>, 2007. The property is vacant (Exhibits B and C). The applicant wishes to reconfigure these three lots into three lots that are more equal in size for three future single family houses, reducing the potential density from 4 units to 3 units and a reduction in potential parking required from 8 spaces to 6 spaces due to a reduction in the lot area of Lot C so that a duplex would not be allowed on any of the proposed amended lots (Exhibit D).

## **Background**

The property consists of three lots of record, namely Lots A, B, and C. These lots are currently vacant and undeveloped with the exception of low rock walls, railroad tie and concrete retaining walls, as well as a shed, a “sliver” of which encroaches on these lots from an adjacent lot(s).

The lots were created during the plat amendment approval for 315 Park Avenue Subdivision, and are a replat of Lots 4, 5, 6, 27, 28, and 29, Block 3 of the Park City Survey. Lots B and C have frontage on Woodside Avenue and Lot A has frontage on Park Avenue. The 315 Park Avenue Subdivision was approved by the City Council on March 16<sup>th</sup>, 2006, extended on June 28<sup>th</sup>, 2007 and recorded at Summit County on September 24<sup>th</sup>, 2007 (Exhibits E and F).

Currently Lot A contains 3,037.5 square feet, Lot B contains 1,875 square feet, and Lot C contains 3,750 square feet. Lots A and B are of sufficient lot area for a single family house. Lot C has sufficient lot area for a duplex. A duplex requires a Conditional Use permit and single family homes are an allowed use in the HR-1 zone.

A house previously stood at 315 Park Avenue which was constructed across the underlying Park City Survey lot lines. On May 7, 2007, the house was determined by the Historic Preservation Board to be a non-historically significant structure (Exhibit G). On June 6, 2007 a demolition permit was issued and the structure was removed.

On November 27, 2012 the owner submitted an application for a plat amendment to reconfigure the property lines for the three existing lots. The application was deemed complete on January 2, 2013.

### **Analysis**

The current application is a request to reconfigure these three existing Lots in to three lots that are more equal in size and have more logical property lines. The request is to create Lot A amended to contain 2,812.5 sf, Lot B amended to contain 3,037.5 sf, and Lot C amended to contain 2,812.5 sf. All three amended lots are of sufficient lot area for a single family house in the HR-1 zone. The zone requires a minimum lot area of 1,875 square feet. All lots meet this minimum lot size.

No changes are proposed to the access and frontage with amended Lots B and C fronting onto Woodside Avenue and amended Lot A fronting onto Park Avenue. There is a reduction in the both the potential density and the parking required to be provided as the previous plat allowed one lot to be a duplex. Potential density existing is 4 dwelling units and potential density with re-plat is 3 dwelling units. Parking with 4 dwelling units is 8 spaces and parking with 3 units is 6 spaces.

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

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

- F. establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.

### **Existing Lots - Requirements**

- Lot Size: Lot A - 3037.5 sf, Lot B - 1,875 sf, Lot C 3,750 sf
- Max Footprint: Lot A - 1,280.46 sf  
Lot B - 844 sf  
Lot C - 1,519 sf
- Setbacks: Lot A - Front/Rear- 10' Side- 3'  
Lot B - Front/Rear- 10' Side- 3'  
Lot C - Front/Rear- 10' Side- 5'
- Height: All lots - 27 feet

### **Re-platted Lots- Requirements**

- Lot Size: Lot A amended - 2,812.5 sf, Lot B amended- 3,037.5 sf,  
Lot C amended - 2,812.5 sf
- Max Footprint: Lot A amended - 1,200.66 sf  
Lot B amended - 1,280.46 sf  
Lot C amended - 1,200.66 sf
- Setbacks: Lot A amended Front/Rear - 10' Side - 3'  
Lot B amended Front/Rear - 10' Side - 3'  
Lot C amended Front/Rear - 10' Side - 3'
- Height: All lots - 27 feet

The proposed plat amendment does not create any new non-conforming situations as the lots are vacant. There are existing encroachments onto the lots that will need to be resolved prior to recordation of the plat, as they were not previously addressed by the subdivision plat in 2006. There are rock walls from adjacent Lot 30 onto Lot C, as well as a concrete retaining wall across the frontage of Woodside Avenue onto adjacent Lot 30 from amended Lot C. There are also railroad tie retaining walls and a sliver of a shed from adjacent Lot 6 onto amended Lot A. There are low rock walls on amended Lot B that do not encroach onto adjacent lots and do not required resolution. These encroachments are addressed in the conditions of approval to be resolved prior to recordation of the plat by either removing the encroachment or recording easements for them.

### **Good Cause**

Planning Staff finds that there is good cause for this plat amendment as the plat amendment reconfigures the existing platted lots to create more logical property boundaries, resolves encroachment issues, reduces the density from a potential of four units to three units, reduces the parking requirement from eight off-street spaces to six off-street spaces, and secures public snow storage easements across the frontage of the proposed lots. The plat amendment resolves encroachment issues by requiring removal of or easements for the existing encroachments. Staff finds that the plat will not

cause undo harm to adjacent property owners and all requirements of the Land Management Code for any future development shall be met.

### **Process**

Approval of this application by the City Council constitutes Final Action that may be appealed following the procedures in LMC 1-18. Prior to issuance of a building permit for the amended Lots, approval of a Historic District Design Review application and approval of a Building Permit is required for each lot. Lot C contains areas of slope that are 30% or greater and if development is proposed in these areas then a Steep Slope Conditional Use permit is required prior to issuance of a building permit.

### **Department Review**

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

### **Notice**

The property was posted and notice was mailed to property owners within 300 feet in accordance with the requirements in the LMC. Legal notice was also published in the Park Record and on the public notice website in accordance with the requirements of the LMC.

### **Public Input**

No public input was received at the time of writing this report. Public input may be taken at the regularly scheduled Planning Commission public hearing and at the Council meeting noticed for February 28, 2013.

### **Alternatives**

- The Planning Commission may forward a positive recommendation to the City Council on the First Amended 315 Park Avenue Subdivision as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council on the First Amended 315 Park Avenue Subdivision and direct staff to make Findings for this decision; or
- The Planning Commission may continue the public hearing and discussion on the First Amended 315 Park Avenue Subdivision to a date certain and provide direction to the applicant and/or staff to provide additional information necessary to make a recommendation.
- The “take no action” alternative is not an option for administrative plat amendments.

### **Significant Impacts**

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

### **Consequences of not taking the Suggested Recommendation**

The proposed plat amendment could not be recorded. Development could be proposed on the three existing lots, including Lot C which could be built with a duplex, subject to a

conditional use permit, Historic District Design Review, and if development is proposed on a slope of 30% or greater a Steep Slope Conditional Use permit is also required.

### **Recommendation**

Staff recommends that the Planning Commission hold a public hearing for the 315 Park Avenue Subdivision plat amendment and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

### **Exhibits**

Ordinance

Exhibit A- Plat

Exhibit B- Existing conditions site plan

Exhibit C- Aerial photo/vicinity Map

Exhibit D- Applicant letter and authorization

Exhibit E- Existing Recorded Plat

Exhibit F- Previous staff reports and published Ordinances

Exhibit G- HPB Action letter- Determination of Insignificance

Exhibit H- Photos

Draft Ordinance

Ordinance No. 13-

**AN ORDINANCE APPROVING THE FIRST AMENDED 315 PARK AVENUE  
SUBDIVISION, PARK CITY, UTAH**

WHEREAS, the owner of property located at 315 Park Avenue petitioned the City Council for approval of the First Amended 315 Park Avenue Subdivision; and

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

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

WHEREAS, the Planning Commission held a public hearing on February 13, 2013 to receive input on the 315 Park Avenue Subdivision plat amendment;

WHEREAS, the Planning Commission, on February 13, 2013, forwarded a recommendation to the City Council;

WHEREAS, the City Council held a public hearing on February 28, 2013; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 315 Park Avenue Subdivision plat amendment to reconfigure the existing platted lots in order to create more logical property boundaries, resolve encroachment issues, reduce the density from a potential of four units to three units, reduce the parking requirement from eight off-street spaces to six off-street spaces, and secure public snow storage easements across the frontage of the proposed lots.

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 First Amended 315 Park Avenue Subdivision as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 315 Park Avenue and consists of three lots of record, namely Lots A, B, and C of the 315 Park Avenue Subdivision.
2. The property is located within the Historic Residential (HR-1) zoning district.
3. The lots are currently vacant and undeveloped with the exception of low rock walls, railroad tie and concrete retaining walls, and a sliver of a shed encroaching on these lots from adjacent lots.
4. Constructed across the underlying Park City Survey lot lines, a house previously stood at 315 Park Avenue.

5. On May 7, 2007, the house was determined by the Historic Preservation Board to be a non-historically significant structure.
6. On June 6, 2007 a demolition permit was issued and the structure was removed. The house was not listed on the Park City Historic Sites Inventory.
7. The existing lots were created during the plat amendment approval for 315 Park Avenue Subdivision, being a replat of Lots 4, 5, 6, 27, 28, and 29, Block 3 of the Park City Survey.
8. Lots B and C have frontage on Woodside Avenue and Lot A has frontage on Park Avenue.
9. Existing Lot A contains 3,037.5 square feet, Lot B contains 1,875 square feet, and Lot C contains 3,750 square feet. Lots A and B are of sufficient lot area for a single family house. Lot C has sufficient lot area for a duplex.
10. A duplex requires a Conditional Use permit and single family homes are an allowed use in the HR-1 zone.
11. The 315 Park Avenue Subdivision was approved by the City Council on March 16th, 2006, extended on June 28th, 2007 and recorded at Summit County on September 24th, 2007.
12. On November 27, 2012 the owner submitted an application for a plat amendment to reconfigure the property lines for the three existing lots.
13. The application was deemed complete on January 2, 2013.
14. The application is a request to reconfigure the three existing Lots A, B, and C into three lots that are more equal in size and have more logical property boundaries. The request is to create Lot A amended to contain 2,812.5 sf, Lot B amended to contain 3,037.5 sf, and Lot C amended to contain 2,812.5 sf.
15. All three amended lots are of sufficient lot area for a single family house in the HR-1 zone and no lot is of sufficient lot area for a duplex.
16. The HR-1 zone requires a minimum lot area of 1,875 square feet. All lots meet this minimum lot size.
17. No changes are proposed to the access with amended Lots B and C having access and fronting onto Woodside Avenue and amended Lot A having access and fronting onto Park Avenue.
18. There is a reduction in the both the potential density and the parking required to be provided as the existing plat allowed one of the lots to be a duplex, due to the size of the lot. Potential density of the existing plat is 4 dwelling units and potential density with the re-plat is 3 dwelling units. The off-street parking requirement for 4 dwelling units is 8 spaces and for 3 units it is 6 spaces.
19. The lots are subject to the Park City Design Guidelines for Historic Districts and Historic Sites.
20. Lots A and B do not contain areas of slope greater than 30%. Lot C contains areas of slope that are 30% or greater.
21. The proposed plat amendment does not create any new non-conforming situations as the lots are vacant.
22. There are existing encroachments onto the proposed lots that will need to be resolved prior to recordation of the plat. There are rock walls from adjacent Lot 30 onto Lot C, as well as a concrete retaining wall across the frontage of Woodside Avenue onto adjacent Lot 30 from amended Lot C. There are also railroad tie retaining walls and a sliver of a shed from adjacent Lot 6 onto amended Lot A. There

are low rock walls on amended Lot B that do not encroach onto adjacent lots and do not required resolution.

23. The maximum building footprint allowed for amended Lots A and C is 1,200.66 square feet per the HR-1 LMC requirements and the maximum building footprint allowed for amended Lot B is 1,280.46 sf.
24. The plat amendment secures public snow storage easements across the frontage of the lots.
25. Location of the sewer main may require a privately owned and maintained wastewater ejector pump for wastewater services, with final determination to be made at the time of the building permit application.
26. There is good cause to reconfigure the existing platted lots in order to create more logical property boundaries, resolve encroachment issues, reduce the density from a potential of four units to three units, reduce the parking requirement from eight off-street spaces to six off-street spaces, and secure public snow storage easements across the frontage of the proposed lots.

#### Conclusions of Law:

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

#### Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Approval of an HDDR application is a condition precedent to issuance of a building permit for construction on the lots.
4. Approval of a Steep Slope Conditional Use Permit application is a condition precedent to issuance of a building permit if the proposed development is located on areas of 30% or greater slope and over 1000 square feet.
5. Modified 13-D sprinklers will be required for new construction as required by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final mylar prior to recordation.
6. A 10 foot wide public snow storage easement is required along the frontage of the lots with Park Avenue and Woodside Avenue and shall be shown on the plat.
7. Encroachments across property lines must be addressed prior to plat recordation and shall either removed or encroachment easements shall be provided.

8. The Snyderville Basin Water Reclamation District requests that a note shall be added to the plat prior to recordation of the final mylar stating the following, "Lots B and C may require a privately owned and operated wastewater ejector pump for wastewater services". As a condition precedent to plat recordation the SBWRD shall review and sign the plat.

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

PASSED AND ADOPTED this \_\_\_\_ day of February 28, 2013.

PARK CITY MUNICIPAL CORPORATION

\_\_\_\_\_  
Dana Williams, MAYOR

ATTEST:

\_\_\_\_\_  
Jan Scott, City Recorder

APPROVED AS TO FORM:

\_\_\_\_\_  
Mark Harrington, City Attorney

# 315 Park Avenue Subdivision Amended

A reprint of Lots A, B & C  
Block 3, Park City Survey

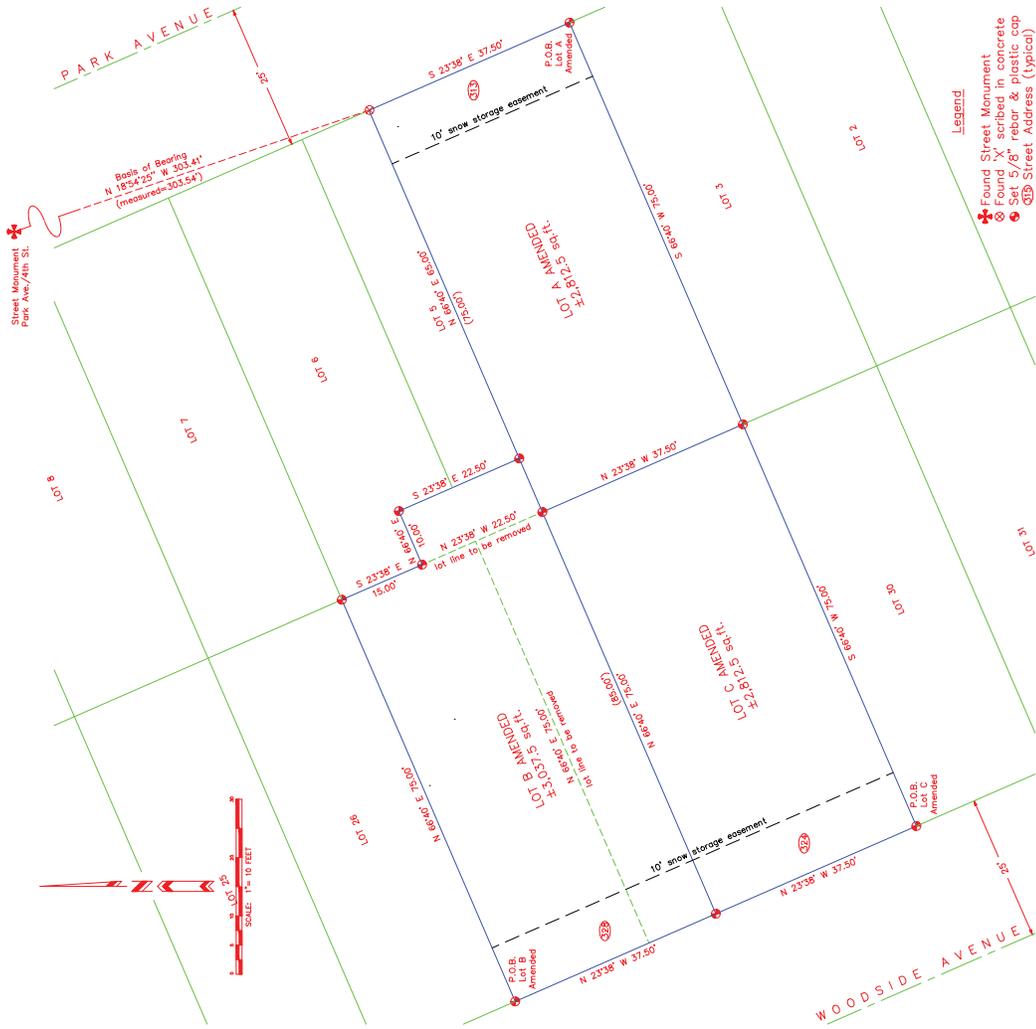
**LEGAL DESCRIPTIONS**

**315 Park Avenue Subdivision Amended**  
Beginning at the Northeastly corner of Lot 3, Block 3, Park City Survey and the Southeastly corner of Lot A, 315 Park Avenue Subdivision, according to the official plats thereof, on file and of record in the office of the Summit County Recorder, and running thence S 66°40' W, along the Southeastly boundary of said 315 Park Avenue Subdivision, thence N 23°38' W, along the Westery boundary of said 315 Park Avenue Subdivision, 75.00 feet, to the Northwestly corner of said 315 Park Avenue Subdivision; thence 75.00 feet to the Northeastly corner of Lot B of said 315 Park Avenue Subdivision; thence N 66°40' E, along the Eastery boundary of said 315 Park Avenue Subdivision, 15.00 feet; thence N 23°38' E, along the Northery boundary of said 315 Park Avenue Subdivision, 10.00 feet; thence N 66°40' E, along the Northery boundary of said 315 Park Avenue Subdivision, 65.00 feet to the Northeastly corner of said 315 Park Avenue Subdivision; thence S 23°38' E, along the Eastery boundary of said 315 Park Avenue Subdivision, 37.50 feet to the point of beginning, containing 61662.6 square feet, more or less.

**LOT A - AMENDED**  
Beginning at the Northeastly corner of Lot 3, Block 3, Park City Survey according to the official plats thereof, on file and of record in the office of the Summit County Recorder, and running thence S 66°40' W, along the Southeastly boundary of said 315 Park Avenue Subdivision, 75.00 feet to the Northwestly corner of said 315 Park Avenue Subdivision; thence N 23°38' W, 37.50 feet; thence N 66°40' E, 75.00 feet to the Northeastly corner of said 315 Park Avenue Subdivision; thence S 23°38' E, along the Eastery boundary of said 315 Park Avenue Subdivision, 37.50 feet to the point of beginning, containing 2,812.5 square feet, more or less.

**LOT B - AMENDED**  
Beginning at the Southwestly corner of Lot 26, Block 3, Park City Survey and the Northwestly corner of Lot B, 315 Park Avenue Subdivision, according to the official plats thereof, on file and of record in the office of the Summit County Recorder, and running thence N 66°40' E, along the Northery boundary of said 315 Park Avenue Subdivision, 75.00 feet to the Northwestly corner of said Lot B, 315 Park Avenue Subdivision; thence along the Westery boundary of said 315 Park Avenue Subdivision, the following: thence S 23°38' E, 22.50 feet; thence N 66°40' W, 85.00 feet to the Westery boundary of said 315 Park Avenue Subdivision; thence N 23°38' W, along the Westery boundary of said 315 Park Avenue Subdivision, 37.50 feet to the point of beginning, containing 5,857.5 square feet, more or less.

**LOT C - AMENDED**  
Beginning at the Northwestly corner of Lot 30, Block 3, Park City Survey and the Southwestly corner of Lot C, 315 Park Avenue Subdivision, according to the official plats thereof, on file and of record in the office of the Summit County Recorder, and running thence N 23°38' W, along the Westery boundary of said 315 Park Avenue Subdivision, 75.00 feet; thence N 66°40' E, 75.00 feet; thence S 23°38' E, 37.50 feet to the Southeastly corner of the Southwestly boundary of said 315 Park Avenue Subdivision, 75.00 feet to the point of beginning, containing 2,812.5 square feet, more or less.



**NARRATIVE**  
Survey requested by: Thyones Capital Park City LLC.  
Basis of survey: found street monuments as shown.  
Property monuments set or found as shown.  
3. Located in the Southeast Quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base & Meridian, be aware of any items affecting the property that may appear in a title insurance report.  
Based on the previous Plat of 315 Park Avenue Subdivision recorded as Entry No. 826141 in the office of the Summit County Recorder.

**SURVEYOR'S CERTIFICATE**  
I, J.D. Galey, 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 herein described property and that this plat is a true representation of said survey.

Date: \_\_\_\_\_ J.D. Galey RLS#359005

**OWNER'S DEDICATION AND CONSENT TO RECORD**  
Know all men by these presents that the undersigned is director of Thyones Capital Park City LLC, a Delaware limited liability company, the owner of the herein described 315 Park Avenue Subdivision, Block 3, Park City Survey, and hereby dedicates and consents to record this Plat Amended to the County Recorder of this Record of Survey Plat, on behalf of said Thyones Capital Park City LLC, in the office of the County Recorder of Summit County, Utah, in accordance with Utah Law, dedication to the City of Park City all the streets, land for local government uses, utilities and easements shown on the plat, in accordance with an irrevocable offer of dedication. In witness whereof, the undersigned has set his hand this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

By: \_\_\_\_\_  
Damon Navarro, Director  
Thyones Capital Park City LLC.

**ACKNOWLEDGEMENT**  
On this \_\_\_\_\_ day of \_\_\_\_\_, 2012, Damon Navarro personally appeared before me, the undersigned Notary Public in and for said State and County, who after being duly sworn, acknowledged to me that he is director of Thyones Capital Park City LLC, and that he has executed this document in his capacity as Director on behalf of Thyones Capital Park City LLC., for the purpose set forth herein.  
Notary commission expires: \_\_\_\_\_  
NOTARY PUBLIC  
RESIDING IN \_\_\_\_\_ COUNTY, \_\_\_\_\_

**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

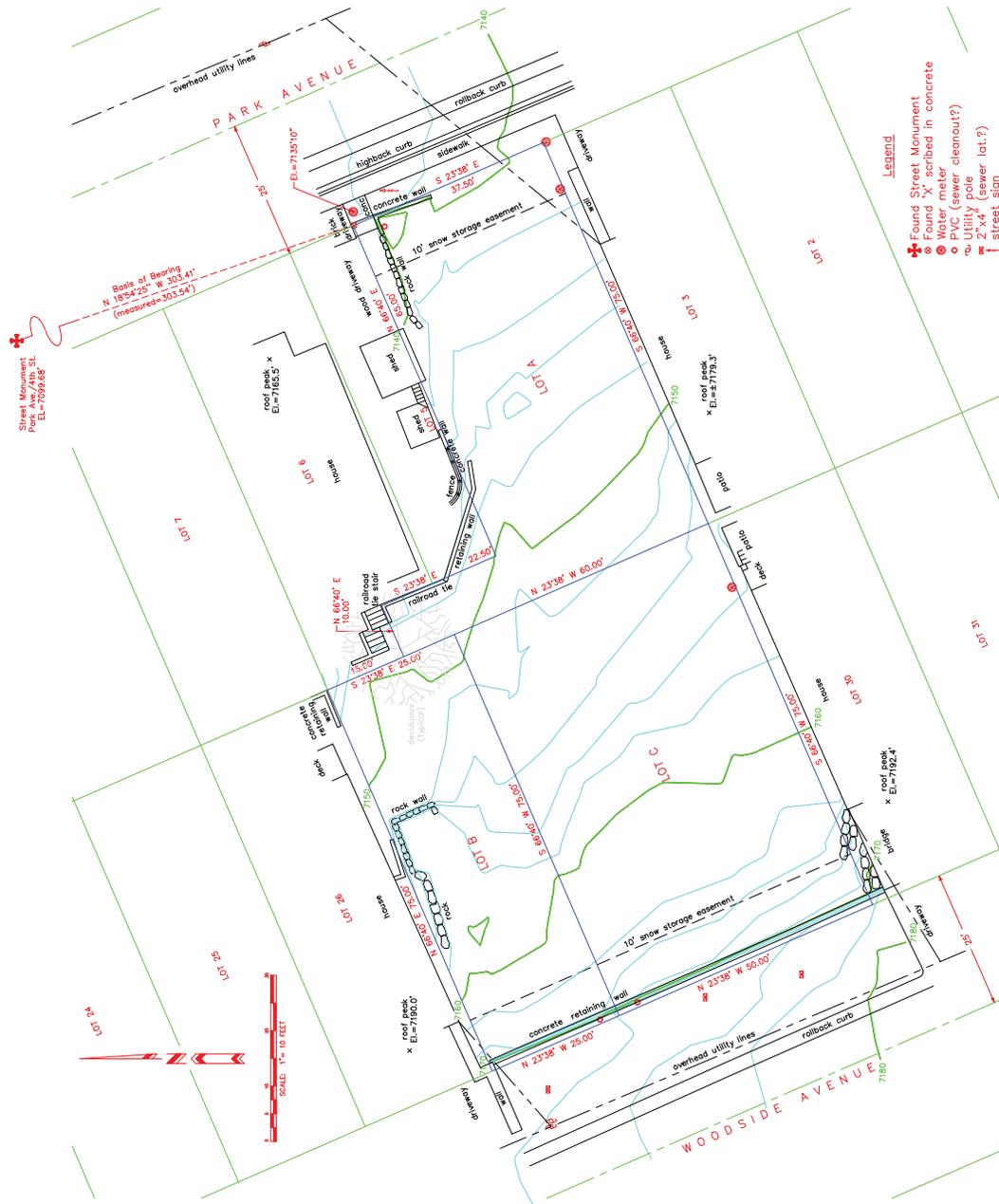
**APPROVAL AS TO FORM**  
APPROVED AS TO FORM THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012 A.D.  
BY: \_\_\_\_\_ PARK CITY ATTORNEY

**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

**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 FILED AT THE REQUEST OF \_\_\_\_\_ BOOK \_\_\_\_\_ PAGE \_\_\_\_\_ DATE \_\_\_\_\_ TIME \_\_\_\_\_ FEE \_\_\_\_\_ RECORDER \_\_\_\_\_

315 Park Avenue Subdivision  
A Portion of Block 3,  
Park City Survey



NARRATIVE

1. Survey requested by, Damon Navarro.
2. Purpose of survey: locate the topographic relief.
3. Basis of survey: found Street Monuments as shown. Block dimensions are from the Park City Monument Control Map by Bush & Gudgeil, Inc. Recorded as Entry No. 199887 in the Office of the Summit County Recorder, Subdivision of Block 3, from the Map of Park City by Caldwell & Richards Engineers, Inc. from the original map, July, 1927.
4. Data obtained from the original map, July, 1927.
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. The owners of the property should be aware of any items affecting the property that may appear in a title insurance report.
8. Elevations are based on an elevation of 7099.88 feet at the Street Monument found at the intersection of Park Avenue and 4th Street, from the Park City Monument Control Map.

DEED DESCRIPTIONS

Lots A, B & C, 315 Park Avenue Subdivision, according to the official plat thereof, on file and of record in the Summit County Recorder's Office.

SURVEYOR'S CERTIFICATE

I, J.D. Galey, 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 heron described property and that this plat is a true representation of said survey.

Date \_\_\_\_\_ J.D. Galey RLS#359005



- Legend
- Found Street Monument
  - Found X scribed in concrete
  - High curb
  - PVC (sewer cleanout?)
  - Utility pole
  - 2"x4" (sewer lat.?)
  - street sign



NOT TO SCALE

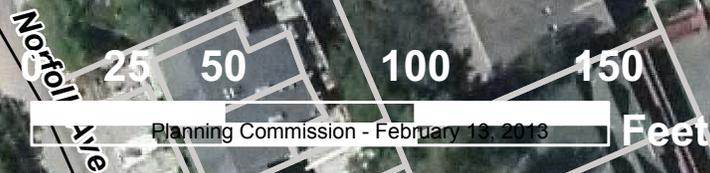
# 315 Park Avenue Plat Amendment Vicinity Map

EXHIBIT C

Main Street Mall

Woodside Ave

Park Ave



November 27, 2012

Park City Municipal Corporation  
443 Marsac Avenue  
Park City, Utah 84060

Attn: Planning Department

Re: 315 Park Avenue Plat Amendment.

Dear Staff,

The 315 Park Avenue Subdivision was platted in 2007 and contains 3 lots of various sizes. Lot A contains a peninsula shaped appendage at the north/west corner. Lot B is a single lot and lot C is a double lot.

The new owners want to adjust the plat lines to maintain the 3 lots but clean up the peninsula and make lots B and C the same size. They feel these adjustments will allow for homes built on the three lots to be better designs on more uniform lot shapes.

Please let me know if you have any questions.

Sincerely,



Jonathan DeGray - Architect



614 Main Street, Suite 302  
P.O. Box 1674, Park City, Utah 84060 Tel./Fax 435-649-7263  
Email: [degrayarch@qwestoffice.net](mailto:degrayarch@qwestoffice.net) Web: [www.degrayarchitect.com](http://www.degrayarchitect.com)

Michael J. Hinton

203.351.4492 Direct

203.351.4534 Fax

mhinton@cl-law.com

www.cl-law.com

Street Address:

Six Landmark Square  
Stamford, CT 06901

Post Office Address:

P.O. Box 120  
Stamford, CT 06904-0120

203.327.1700 Phone

203.351.4535 Fax

December 14, 2012

TO WHOM IT MAY CONCERN

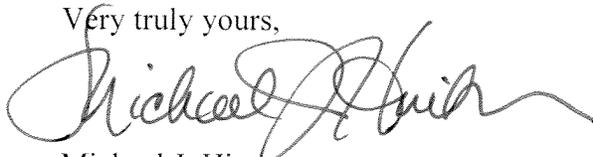
Re: Thaynes Capital LLC; Authority Issues

Dear Sir or Madam:

This letter confirms that I am the outside attorney responsible for forming Thaynes Capital LLC, Thaynes Capital Advisors LLC and Thaynes Capital Park City LLC, each a Delaware limited liability company. The sole manager of Thaynes Capital LLC is Thaynes Capital Advisors LLC. The sole manager of Thaynes Capital Advisors LLC is Damon Navarro. Thaynes Capital Park City LLC is a single member limited liability company and its sole member is Thaynes Capital LLC. The operating agreement of Thaynes Capital LLC, dated as of September 8, 2011, grants its manager the power and authority, acting alone and without the necessity of obtaining any additional vote or consent of the members of Thaynes Capital LLC, to take all actions, ordinary and extraordinary, on behalf of Thaynes Capital LLC. The operating agreement of Thaynes Capital Advisors LLC, effective as of September 8, 2011, also contains an identical grant of power and authority to its manager to take all actions, ordinary and extraordinary, on behalf of Thaynes Capital Advisors LLC. By virtue of being the sole manager of Thaynes Capital Advisors LLC, Damon Navarro has the power and authority to act unilaterally and unconditionally in such capacity, on behalf of each of Thaynes Capital Advisors LLC, Thaynes Capital LLC, and Thaynes Capital Park City LLC, including, without limitation, executing and delivering, on behalf of each of such three entities, all agreements, certificates, applications, notices, instruments and other documents, as he determines appropriate in his sole judgment.

Please let me know if you have any questions concerning the foregoing.

Very truly yours,

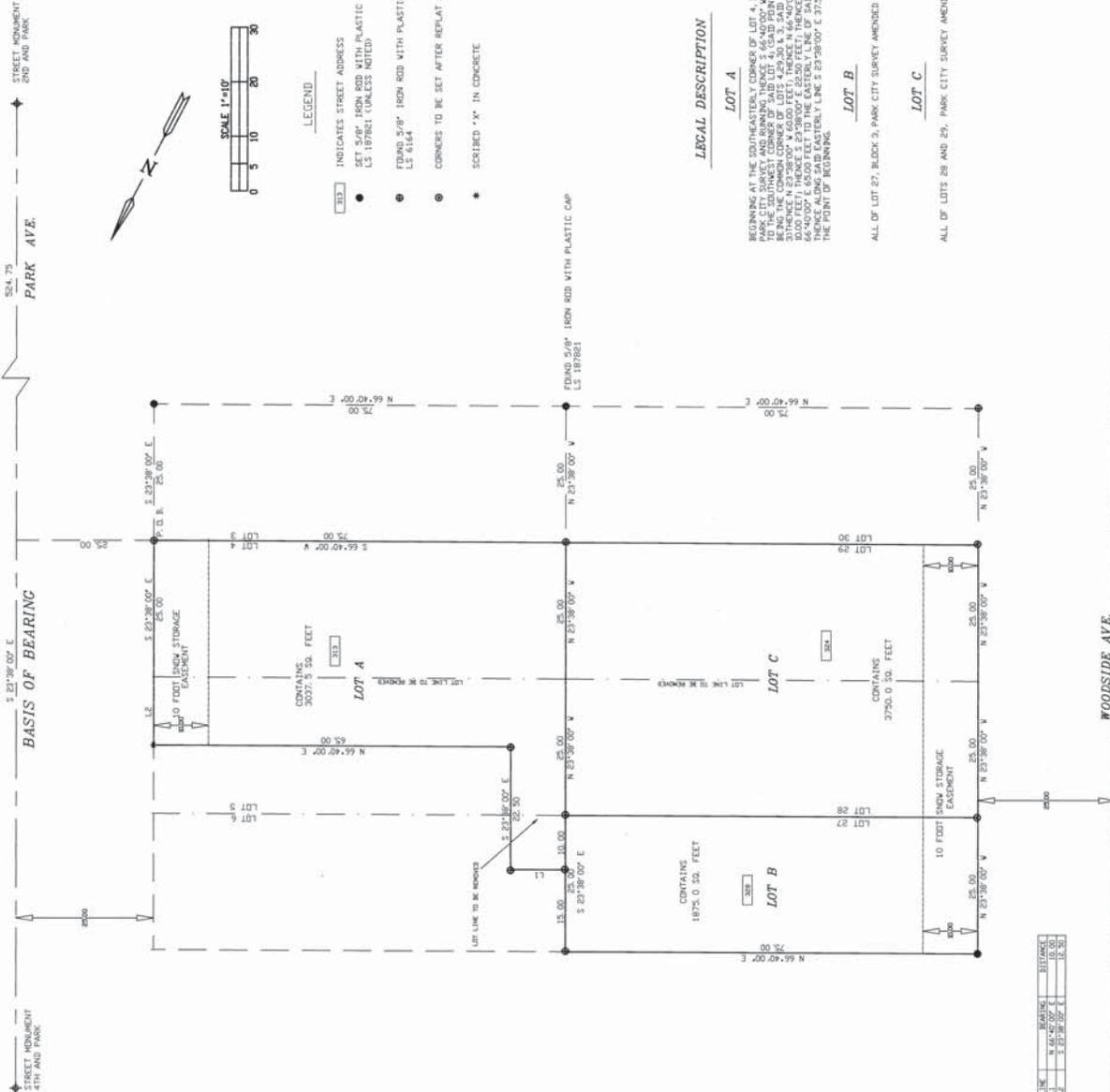


Michael J. Hinton

MJH:cc

315 PARK AVENUE SUBDIVISION  
 AN AMENDMENT TO LOTS 4, 5, 6, 27, 28, 29  
 BLOCK 3, PARK CITY SURVEY  
 AMENDED PLAT

LOCATED WITHIN THE SOUTHEAST 1/4 OF SECTION  
 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST,  
 SALT LAKE COUNTY, UTAH



**OWNER'S DEDICATION AND CONSENT TO RECORD**  
 None of me by these presents that Silver Spur Development, LLC, on the 315 PARK AVE. SUBDIVISION, having obtained the Lot Line Amendment Plat to be placed in the same record of this Record of Survey Map in accordance with Utah Law. After the owner, hereby irrevocably offers for dedication to the City of Park City, Utah, the easement shown on the Plat in accordance with the plat and required utilities and easements shown on the Plat in accordance with a traceable offer of dedication.  
 I, witness whereof, the undersigned at the hour this \_\_\_\_\_ day of \_\_\_\_\_, 2008, at \_\_\_\_\_, Utah.  
 By: \_\_\_\_\_  
 Silver Spur Development, a LLC.  
**ACKNOWLEDGMENT**  
 STATE OF UTAH  
 County of SUMMIT  
 On this \_\_\_\_\_ day of \_\_\_\_\_, 2008, Peter C. Belford personally appeared before me, the undersigned Notary Public, in and for said State of Utah, and acknowledged to me that he is the managing member of Silver Spur Development, LLC, and in behalf of said company for the uses and purposes stated therein and that he has done so freely and voluntarily and is competent to incur freely and voluntarily.  
 My commission expires: \_\_\_\_\_  
 NOTARY PUBLIC  
 RESIDING IN \_\_\_\_\_ COUNTY, UTAH

**SURVEYOR'S CERTIFICATE**  
 I, JACK M. HARMON, CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT I HOLD LICENSE NO. 170946 AS ISSUED BY THE STATE OF UTAH. I HAVE PERSONALLY EXAMINED THIS LOT LINE AMENDMENT PLAT AND THE REQUIREMENTS OF THE PLAT CITY IN ACCORDANCE WITH THE REQUIREMENTS OF THE PLAT CITY AND ACCURATELY REPRESENTS THE PROPERTY.  
 DATE: 12-12-08  
 MARGARITE  
 SURVEY REQUESTED BY SILVER SPUR DEVELOPMENT LLC.



EXHIBIT E

<p><b>JACK HARMON LAND SURVEYING</b>          725 EAST REDDEN ROAD          PARK CITY, UTAH 84098          (435) 648-6511</p> <p>PARK CITY ENGINEER</p>	<p><b>ENGINEERS CERTIFICATE</b>          I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 12<sup>th</sup> DAY OF AUGUST, 2008.          BY: _____          JACK HARMON, L.L.C.</p>	<p><b>COUNCIL APPROVAL AND ACCEPTANCE</b>          APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 26<sup>th</sup> DAY OF JUNE, 2008.          BY: _____          PARK CITY ENGINEER</p>	<p><b>SNYDERVILLE BASIN WATER RECLAMATION DISTRICT</b>          REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS 26<sup>th</sup> DAY OF JUNE, 2008.          BY: _____          SNYDERVILLE BASIN WATER RECLAMATION DISTRICT</p>	<p><b>APPROVAL AS TO FORM</b>          APPROVED AS TO FORM THIS 18<sup>th</sup> DAY OF APRIL, 2008.          BY: _____          PARK CITY ENGINEER</p>	<p><b>CERTIFICATE OF ATTEST</b>          I CERTIFY THESE RECORDS OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 26<sup>th</sup> DAY OF JUNE, 2008.          BY: _____          PARK CITY RECORDER</p>	<p><b>PLANNING COMMISSION</b>          APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 17<sup>th</sup> DAY OF AUGUST, 2008.          BY: _____          PLANNING COMMISSION</p>	<p><b># 286141</b> RECORDED          STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF High Country Title          DATE 9-28-10 TIME 5:10 AM BOOK _____ PAGE _____          REC 432          RECORDED          _____          _____</p>
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# City Council Staff Report



**Subject:** 315 PARK AVENUE  
**Date:** March 16, 2006  
**Type of Item:** Subdivision

**PLANNING DEPARTMENT**

**RECOMMENDATION:** Staff recommends that the City Council review the proposed plat amendment, conduct a public hearing and approve it according to the findings of fact, conclusions of law and conditions of approval outlined in the attached ordinance.

## DESCRIPTION

**Project Name:** 315 Park Avenue  
**Project Planner:** Ray Milliner  
**Applicant:** Monique Abbott  
**Zone:** Historic Residential (HR-1)

## BACKGROUND

The applicant is the owner of Lots 4, 27, 28, 29 and portions of Lots 5 and 6 of Block 3, of the Park City survey. On December 7, 2005 the City received an application to combine Lot 4 and portions of 5 and 6 into one lot of record, and to combine Lots 28 and 29 into one lot of record (No changes are proposed to Lot 27). In addition to the historic home, there is an accessory building on the site that straddles the lot line between Proposed Lots B and C. This application was reviewed by the Planning Commission on March 1, 2006 and forwarded to the City Council with a positive recommendation.

## ANALYSIS

The property is located in the Historic Residential (HR-1) zone. If approved, the property will have three lots of record, one for an existing historic single family home and two for future development. Proposed Lot A would have frontage onto Park Avenue and Proposed Lots B and C would have frontage onto Woodside Avenue. Lot A, would consist of 3,162 square feet, Lot B 1,875 square feet and Lot C 3,750 square feet. The minimum lot requirement for a lot in the HRL zone is 1,875 square feet. In order to respect the newly created lot lines and comply with the applicable HR-1 setbacks, the historic structures will need to be moved from their current locations, to become code compliant in their final locations. Staff is proposing that the Commission approve conditions of approval stating that the buildings must be moved to their permanent foundations and inspected for building code compliance prior to the recordation of this plat, in order to prevent the creation of a non-complying situation on the property.

In order to facilitate sensible future development, staff is recommending that the Commission require that the applicant create a reciprocal snow shed easement between proposed Lots B and C.

## NOTICE

Notice of this hearing was sent to property owners within 300' on February 1, 2006. No comments regarding this application have been received by staff at the date of this writing.

## **ALTERNATIVES**

1. The City Council may approve the subdivision at 315 Park Avenue as conditioned or amended, or
2. The City Council may deny the subdivision at 315 Park Avenue and direct staff to make Findings for this decision, or
3. The City Council may continue the discussion on the subdivision at 315 Park Avenue.

## **SIGNIFICANT IMPACTS**

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

## **DEPARTMENT REVIEW**

The Planning Department has reviewed this request. The City Attorney and City Engineer will review the plat for form and compliance with the LMC and State Law prior to recording. The request was discussed at a Staff Review Meeting on January 10, 2006, where representatives from local utilities and City Staff were in attendance.

## **RECOMMENDATION**

Staff recommends that the City Council review the proposed plat amendment, conduct a public hearing and approve it according to the findings of fact, conclusions of law and conditions of approval outlined in the attached ordinance.

## **EXHIBITS**

- Exhibit A – Proposed Ordinance
- Exhibit B – Proposed Plat Amendment

# City Council Staff Report



PLANNING DEPARTMENT

**Author:** Ray Milliner  
**Subject:** 315 PARK AVENUE  
**Date:** June 28, 2007  
**Type of Item:** Legislative

**Summary Recommendation:** Staff recommends that the City Council Approve the request for a one year extension to the March 16, 2006 plat amendment approval for the property located at 315 Park Avenue according to the Findings of Fact, Conclusions of Law and Conditions of Approval in the attached ordinance. The new expiration date would be March 16, 2008.

## TOPIC

**Owners:** Monique Abbott  
**Location:** 315 Park Avenue  
**Zoning:** HR-1  
**Adjacent Land Uses:** Historic Residential  
**Project Planner:** Ray Milliner

## BACKGROUND

On March 16, 2006 the applicant received approval from the City Council to combine to combine Lot 4 and portions of 5 and 6 into one lot of record, and to combine Lots 28 and 29 into one lot of record. On February 12, 2007 the applicant requested in writing that the City Council approve a one year extension of the approval. The extension was requested because the applicant was working to resolve the existing structure on the property. On June 5, 2007, the Historic Preservation Board found the structure to be historically insignificant, enabling the applicant to move forward with this extension.

The property is currently vacant, and is located within the HR-1 zone. The applicant was unable to record the plat prior to the expiration of the subdivision approval and is therefore requesting that the City Council grant another one year extension to the March 16, 2006 approval.

## ANALYSIS

The applicant is seeking a one year extension to an plat amendment that was granted by the City Council in 2006. The applicant is eligible for the extension because she submitted in writing a request for the extension prior to the expiration of the plat. Staff has been working with the applicant to ensure that all issues relating to the home on the property were taken care of prior to scheduling the extension hearing in front of the City Council. Section 15-1-10 (G) of the LMC requires that the applicant demonstrate that no change in circumstance has occurred since the previous approval that would result in an unmitigated impact to the community as a result of the extension. The applicant is requesting that the City Council extend the 2006 approval with a change in condition of approval number 2 that states (new language is underlined):

Prior to the recordation of the plat, the historic residence shall be either removed from the property or moved and inspected for building code compliance to a final location that is compliant with all applicable LMC setback requirements in the HR-1 zone.

The reason for the modification of this condition of approval is based on the June 5, 2007 finding by the Historic Preservation Board that the existing home on the property is historically insignificant. This finding enables the applicant to remove the home from the property, or to move it to a new location on the site.

Staff finds that although this change of the conditions of approval has occurred since the time of the original approval no unmitigated impact on the community will result as of this exception. Additionally, no applicable changes to the LMC have occurred in the time since the application was initially approved.

### **RECOMMENDATION**

Staff recommends that the City Council Approve the request for a one year extension to the March 16, 2006 plat amendment approval for the property located at 315 Park Avenue according to the Findings of Fact, Conclusions of Law and Conditions of Approval in the attached ordinance. The new expiration date would be March 16, 2008.

### **EXHIBITS**

- Exhibit A – Proposed Ordinance
- Exhibit B – Proposed Plat Amendment
- Exhibit C – March 16, 2006 Approved Ordinance

**Ordinance No. 06-09**

**AN ORDINANCE APPROVING A SUBDIVISION OF LOTS 4, 27, 28, 29 AND PORTIONS OF LOTS 5 AND 6 OF BLOCK 3, OF THE PARK CITY SURVEY, LOCATED AT 315 PARK AVENUE, PARK CITY, UTAH**

**WHEREAS**, the owner of the property known as 315 Park Avenue, has petitioned the City Council for approval of a Subdivision; and

**WHEREAS**, proper notice was sent and the property posted according to requirements of the Land Management Code and State Law; and

**WHEREAS**, on March 1, 2006 the Planning Commission held a public hearing on the proposed Subdivision and forwarded a positive recommendation of approval to the City Council; and

**WHEREAS**, on March 16, 2006 the City Council held a public hearing on the proposed subdivision; and

**WHEREAS**, the proposed Subdivision allows the property owner to combine four lots and portions of two others into three lots of record; and

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

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

**SECTION 1. FINDINGS OF FACT.** The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

1. The property is located in the Historic Residential (HR-1) zone.
2. The HR-1 zone is a residential zone characterized by a mix of contemporary residences and smaller historic homes.
3. The amendment will subdivide four platted lots and portions of two others into three lots of record.
4. Lot A is accessed from Park Avenue, Lots B and C are accessed from Woodside Avenue.
5. Proposed Lot A would consist of approximately 3,162 square feet.
6. Proposed Lot B would consist of approximately 1,875 square feet.
7. Proposed Lot C would consist of approximately 3,750 square feet.
8. The minimum lot size for a single family home in the HR-1 zone is 1,875 square feet.
9. There is an existing historic single family home and an accessory building on the property.
10. In its current location, the historic home and accessory building would not respect the newly created lot lines and could not meet the required HR-1 setbacks for proposed lots.
11. No other applications have been filed with the Planning Department with regard to this application.
12. Minimal construction staging area is available along Park and Woodside Avenues.
13. Snow removal is necessary for emergency access, and snow storage areas are necessary for good snow removal.

**SECTION 2. CONCLUSIONS OF LAW.** The City Council hereby adopts the following Conclusions of Law:

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

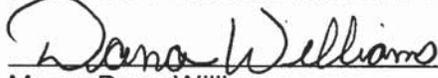
**SECTION 3. CONDITIONS OF APPROVAL.** The City Council hereby adopts the following Conditions of Approval:

1. The City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. Prior to the recordation of the plat, the historic residence shall be moved and inspected for building code compliance to a final location that is compliant with all applicable LMC setback requirements in the HR-1 zone.
3. Prior to recordation of the plat, a reciprocal snow shed easement shall be recorded between Lots B and C.
4. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
5. A financial guarantee for public improvements including road repairs from utility installation shall be provided in a form acceptable to the City Attorney and in an amount acceptable to the City Engineer prior to plat recordation.
6. A ten-foot-wide public snow storage easement shall be dedicated along the Park Avenue and Woodside Avenue frontage of all lots.

**SECTION 4. EFFECTIVE DATE.** This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 16<sup>th</sup> day of March 2006.

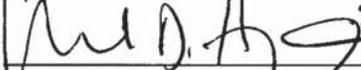
PARK CITY MUNICIPAL CORPORATION

  
\_\_\_\_\_  
Mayor Dana Williams

Attest:

  
\_\_\_\_\_  
Janet M. Scott, City Recorder

Approved as to form:

  
\_\_\_\_\_  
Mark D. Harrington, City Attorney



**Ordinance No. 07-40**

**AN ORDINANCE APPROVING A ONE YEAR EXTENSION OF A SUBDIVISION OF LOTS 4, 27, 28, 29 AND PORTIONS OF LOTS 5 AND 6 OF BLOCK 3, OF THE PARK CITY SURVEY, LOCATED AT 315 PARK AVENUE PARK CITY, UTAH**

WHEREAS, the owners of the property known as 315 Park Avenue have petitioned the City Council for approval of an extension to a plat amendment; and

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

WHEREAS, on March 16, 2006, the City Council approved proposed plat amendment; and

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

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

**SECTION 1. FINDINGS OF FACT.** The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

**Findings of Fact**

1. The property located at 315 Park Avenue is located in the HR-1 zone.
2. Plat amendments expire one year from the date of City Council approval.
3. The applicant received approval for a subdivision plat amendment on March 16, 2006.
4. The applicant is requesting a one year time extension of the plat to subdivide lots 4, 27, 28, 29 and portions of lots 5 and 6 of Block 3 of the Park City survey into 3 lots of record.
5. No changes to the existing approval are proposed that will cause an unmitigated impact on the community.
6. No change in circumstance has occurred since the previous approval that would result in an unmitigated impact to the community as a result of the extension.
7. The approval will expire on March 16, 2008.
8. No building permits will be issued for the property until the plat amendment is recorded at the county.

**SECTION 2. CONCLUSIONS OF LAW.** The City Council hereby adopts the following Conclusions of Law:

**Conclusions of Law**

1. There is good cause for this extension.

2. The extension 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 extension.

**SECTION 3. CONDITIONS OF APPROVAL.** The City Council hereby adopts the following Conditions of Approval:

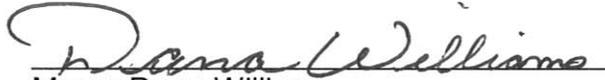
**Conditions of Approval**

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Park City Land Management Code, and the conditions of approval prior to recordation of the plat.
2. All conditions of approval for the plat amendment will continue to apply as found in the City Council approval on March 16, 2006, with the exception of condition #2 that will be changed to read, "Prior to the recordation of the plat, the historic residence shall be either removed from the property or moved and inspected for building code compliance to a final location that is compliant with all applicable LMC setback requirements in the HR-1 zone.
3. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.

**SECTION 4. EFFECTIVE DATE.** This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 28<sup>th</sup> day of June 2007.

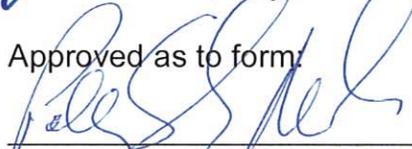
PARK CITY MUNICIPAL CORPORATION

  
 Mayor Dana Williams

Attest:

  
 Janet M. Scott, City Recorder

Approved as to form:

  
 Mark D. Harrington, City Attorney  
 Polly Samuels McLean  
 Assistant City Attorney





May 10, 2007

Scandia Contracting  
PO Box 681628  
Park City, Utah 84068

NOTICE OF HISTORIC PRESERVATION BOARD ACTION

Project Address:                   **315 Park Avenue**  
Project Description:           **Determination of Historic Significance**  
Date of Action:                   **May 7, 2007**

Action Taken By Historic Preservation Board: Building found to be historically insignificant in accordance with the Findings of Fact and Conclusions of Law as written below:

Findings of Fact

1. The residence located at 309 Park Avenue is located in the Historic Residential (HR-1) zone.
2. The property is not included in either the 1995 or 1984 historic surveys of Park City.
3. The buildings contiguous to the featured property are contemporary single-family homes and smaller historic residential homes.
4. The structure is not distinctive in, character, method of construction, or period of construction from other structures in the Historic District.
5. The 309 Park Avenue home is not contributory to the historic district because it is of marginal architectural merit.
6. The building does not form a strong physical relationship with other historic buildings in Park City, and therefore does not contribute to the over all historic district.
7. No evidence has been submitted or found which indicates that the structure on the property is tied to a significant historic event or person from Park City's past.
8. All findings from the Analysis section are incorporated here in.

Conclusions of Law

1. The home located at 309 Park Avenue does not demonstrate any significance in local architecture.
2. The home does not exhibit any features which make it of any worth historically.
3. The home does not substantially comply with the standards of review found in LMC Section 15-11-12(A) and therefore is historically insignificant pursuant to LMC Section 15-11-12.

Any person who submitted written comment on a proposal, the owner of any property within three hundred (300) feet of the boundary of the subject site, or the owner of the subject property may appeal to the Historic Preservation Board any action pertaining to the approval or denial. The petition must be filed in writing with the Planning Department within ten (10) calendar days of an administrative decision.

Respectfully,

Ray Milliner  
Planner

EXHIBIT H



LOOKING SW FROM PARK AVE



LOOKING WEST FROM PARK AVE



LOOKING WEST FROM PARK AVE



LOOKING NW FROM PARK AVE



HOUSES TO THE SOUTH ON PARK AVE



LOOKING NE FROM WOODSIDE TO ADJACENT HOUSE



LOOKING SE FROM WOODSIDE TO ADJACENT HOUSE ON PARK AVE



LOOKING SE FROM WOODSIDE TO ADJACENT HOUSE ON WOODSIDE