

**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION
CITY HALL, COUNCIL CHAMBERS
FEBRUARY 27, 2013**



AGENDA

MEETING CALLED TO ORDER - 5:30 PM

WORK SESSION – *Discussion items. No action will be taken. Planning Commission may move the Work Session until after the Regular Agenda at their discretion.* pg

General Plan – Discussion and Overview of Old Town neighborhood 3

ROLL CALL

ADOPTION OF MINUTES OF FEBRUARY 13, 2013 33

PUBLIC COMMUNICATIONS – *Items not scheduled on the regular agenda*

STAFF AND BOARD COMMUNICATIONS/DISCLOSURES

REGULAR AGENDA – *Discussion, public hearing, and possible action as outlined below*

520 & 522 Park Avenue – Plat Amendment 57
Public hearing and possible recommendation to City Council Planner Astorga

421 Park Avenue – Plat Amendment 107
Public hearing and possible recommendation to City Council Planner Astorga

496 McHenry Avenue, Lots 21-32 Echo Spur Subdivision – Plat Amendment 121
Public hearing and discussion Planner Astorga

ADJOURN

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

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 Staff Report



Subject: General Plan
Author: Katie Cattan, AICP
Date: February 27, 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 and 2.27.2013
 - 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. Neighborhood 5, Old

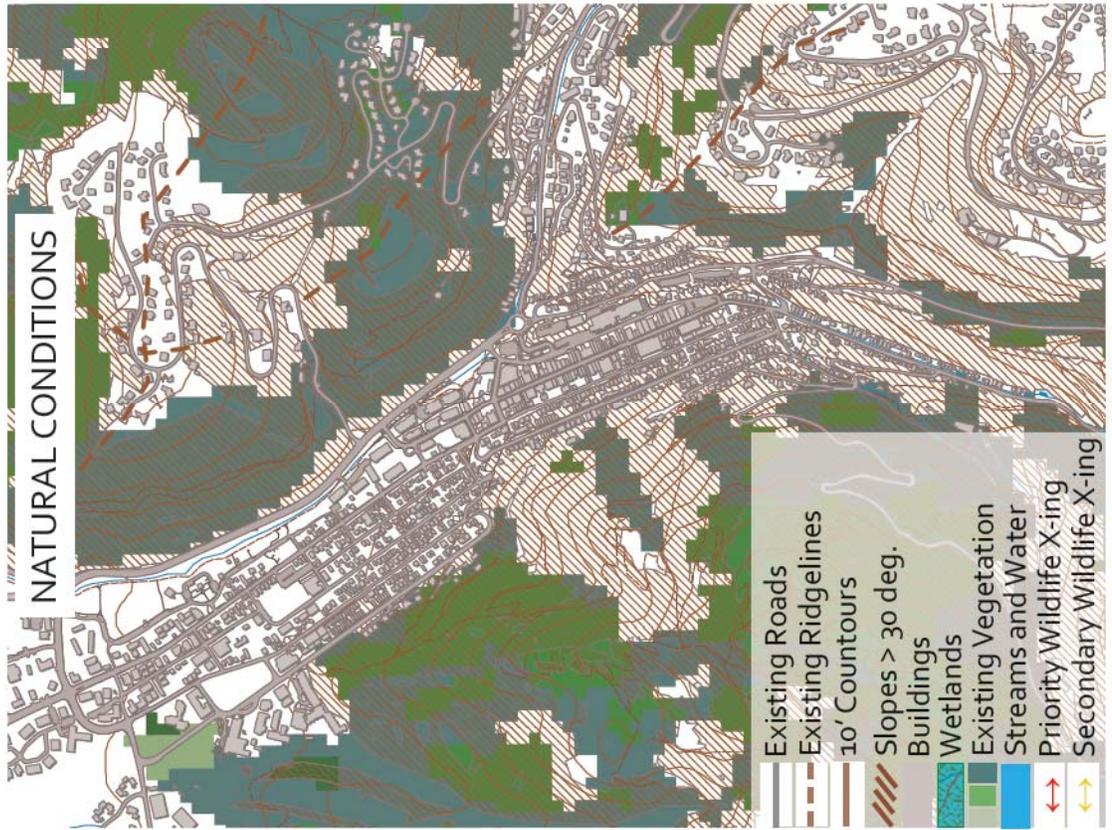
Town, will be reviewed by the Planning Commission during the February 27, 2013 meeting.

Exhibits

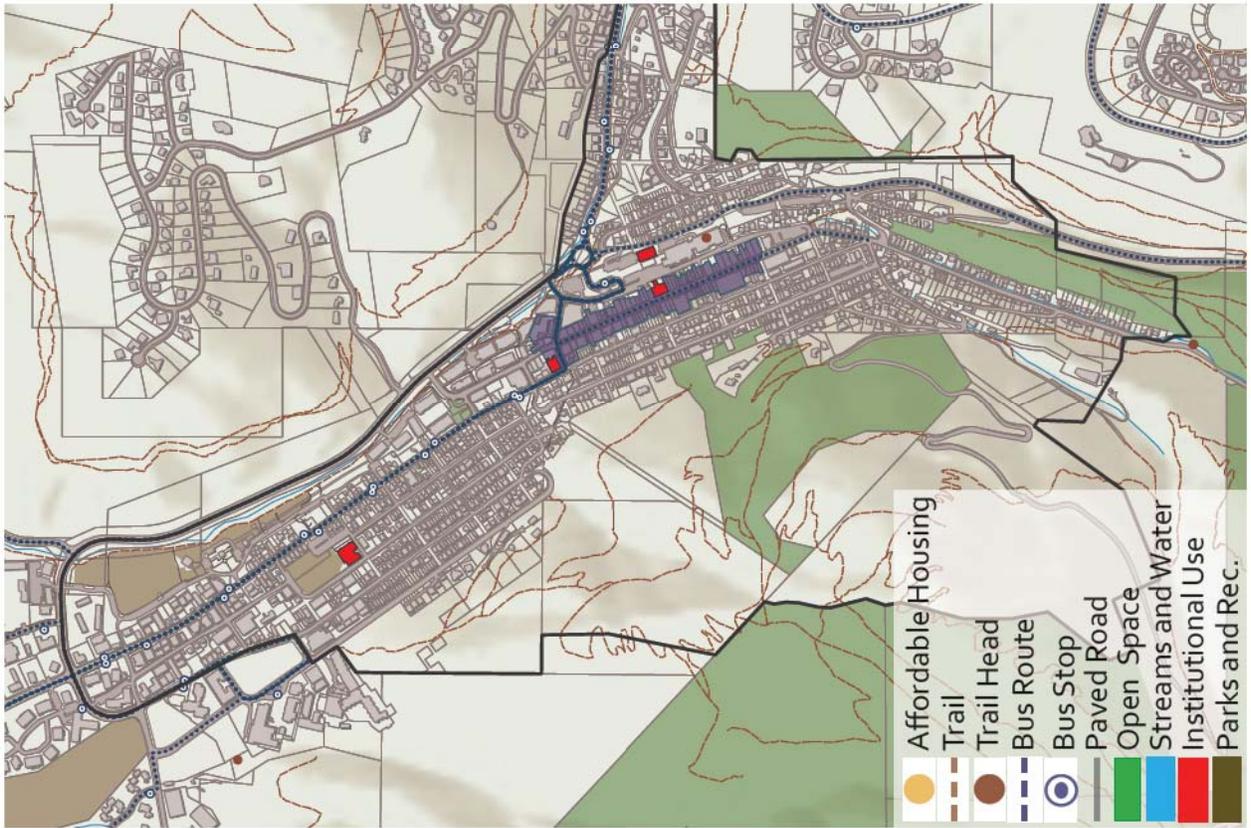
Exhibit A: Neighborhoods 5 Old Town



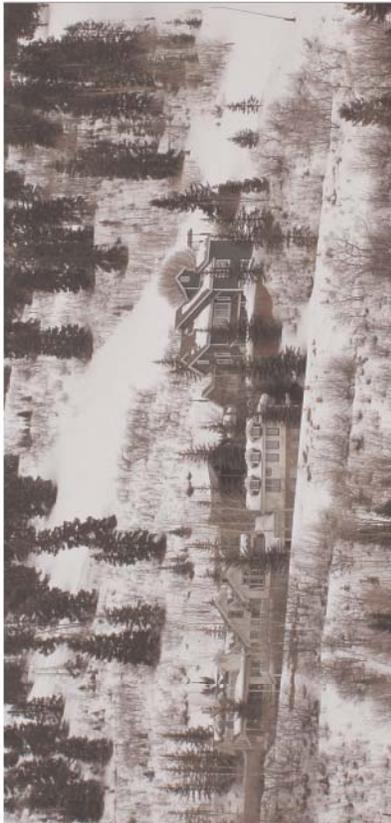
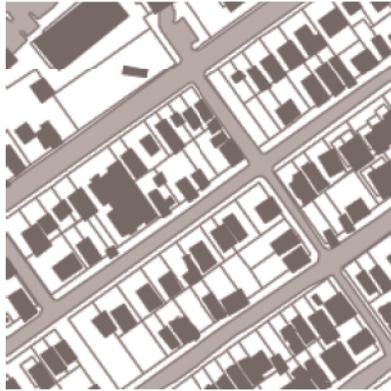
NEIGHBORHOOD 5: OLD TOWN



Total Area (sq. miles)	.83 square miles	
Total Area (acres)	530 acres	
Total Units	2,431	
Unbuilt Units	860	
% of Total PC Units	26%	
Average Density	17.35 units per acre	
Range of Density	0.29 – 200 units per acre	
Population	1284	
Population Density	1548 people per acre	
Housing Types	Single Family, Condos, multi-family & Boarding house	
Historic Sites	416 sites on Historic Inventory	
Affordable Housing	Washington Mill (8) The Line Condos (22)	
Occupancy	25% primary residences 11% owner-occupied 14% renter-occupied 57% seasonal 18% vacant	
Neighborhood Icons	Historic Miner Homes Main Street Historic District Miner's Hospital Santy Auditorium Carl Winter's School Unofficial Dog Park Poison Creek Pathway Shoe Tree Stairways connecting streets Steep Slopes	
Parks	City Park Skateboard Park Main Street Park Miner's Park	
Open Space	Library Field Treasure Mountain Daly Canyon	
Trails	Extensive single track trails on mountainside above Old Town connecting to adjacent neighborhoods and the greater Wasatch region.	
Walkability	Extremely walkable due to dense housing in close proximity to the Main Street commercial district.	



As the most dense neighborhood in Park City, a typical lot measures 25' x 75'. In the 1970's and 1980's new development often combined several lots creating wider frontage along Main Street. This trend is also seen within the Master Planned Developments North of Heber Avenue. Larger residential lots exist along the periphery of Old Town and occasionally midblock where multiple lots have been combined.



5.1. Old Town: Infill and new additions should be compatible within the neighborhood context and subordinate to existing historic structures.

The Design Guidelines for Historic Districts and Historic Sites should guide infill (additions and new construction) to ensure that infill is compatible within the neighborhood context. In an effort to be consistent, the City must raise the level of review for whether or not additions are "compatible" and "subordinate" to the primary structure. Compatibility regulations should be created to limit lot size, massing, siting, and height in order to guide compatible neighborhood development. (See compatibility insert on pg __.) Specific criteria to measure subordinate design should also be adopted. (See subordinate design insert on pg __.) The future amendments to the design

guidelines and zoning regulations must be clear and easy to follow, not only for developers and designers, but also for the City as a regulator to ensure that the public does not feel unjustly targeted by additional design controls.

Revisions to the Land Management Code (LMC) should also ensure the preservation of the neighborhood's historic integrity. Traditionally, historic one-story homes accommodated the limited needs of early miners. Though small additions were common, few homes were built to the maximum envelope as they are today. Though the LMC currently permits building heights up to twenty-seven feet (27') in the residential area, this exceeds the height of the majority of historic mining homes. The LMC also limits the size of structures by establishing minimum front, side, and rear yard setbacks;



however, combining Old Town lots through plat amendments has created larger building pads than historically was built upon. To better define standards which result in the compatibility of new infill development, the Planning

Commission must identify regulatory thresholds for accommodating change in historic districts. To do this, Park City must first identify our historic resources through reconnaissance and intensive level surveys to better understand building typologies, urban fabric, and

patterns of development. The City may then define the basic framework of our neighborhoods, looking to historic development to determine the traditional configuration of blocks and streets, building orientation and siting, as well as mass and scale. New development must fit within the historic context while meeting the needs of the residents. Size of a home is not the sole deciding factor for compatibility, although it is an important one. The visual effects of new development can be gauged through compatibility criteria and analyzed within illustrated streetscapes or three-dimensional models.

To effectively guide development through the LMC and ensure the Design Guidelines resolve future issues with compatibility, a number of steps must be taken. Maximum wall width and height should be defined to ensure that



the front wall plane of a new structure relates the traditional façade height and width of structures along the streetscape. The maximum building height and necessary stepping must be identified to prevent infill development from appearing out-of-scale with surrounding



historic buildings. Floor level elevations should relate to the street grade and reinforce the historic neighborhood pattern of floor levels. All criteria for compatibility should be included within the design review process. (See compatibility insert pg ___.)



5.2. Old Town: To maintain local, state, and national historic district designations, the City must prevent incompatible infill, significant modifications/alterations to historic structures, and the loss of historic resources.

Park City standards of compatibility and historic preservation have not mirrored federal preservation standards. While more flexible standards accommodated redevelopment and adaptive re-use, overall district integrity suffered. In 2009, new land management code (LMC) regulations and historic district design guidelines were adopted to prevent further loss of historic resources. Using the tools described in section 5.4, Park City can strengthen the review criteria to measure “compatibility” and “subordinate design”.

Historic building materials

must be retained, maintained, and preserved to prevent the decline and loss of local historic resources. Preservation, rehabilitation, and restoration are three supported historic preservation practices in Park City. Preservation is the first treatment to consider in updating a historic building. Preservation emphasizes conservation, maintenance, and repair. Rehabilitation is the appropriate treatment for updating a building from its current use to a new use. Rehabilitation emphasizes retention and repair of historic materials, though replacement is allowed because of the documentation of the poor condition of existing materials or necessary modifications to accommodate the new use. Modifications should not threaten the integrity of the structure. The third treatment, restoration, is the process of taking a building



527 Park Avenue is exemplary rehabilitation. The owners recessed the garage door increasing the degree of subordinate design, removed faux stone, and reintroduced stone walls and foundation utilizing local stone.

back to an earlier time by removing later features. This treatment centers on retaining materials from the most significant period in the property's history. Reconstruction is the last alternative and is rarely recommended. Reconstruction is utilized to bring back a building that no longer exists or cannot be repaired. Reconstruction lacks original materials.

To limit the removal of historic materials, new additions should be separated from historic structures by transitional elements creating a connections between the



historic and the addition in the least impactful manner. Porches, doors and windows, cladding, and other materials should be repaired rather than replaced maintain the integrity of the structure. Routine maintenance is vital to assessing the conditions of these materials and addressing issues as they arise. Deferred maintenance can lead to the rapid decline of these historic building materials, significantly contributing to costly repairs, the loss of these fragile elements, and in the worst instance, demolition by neglect.

5-3. Secondary/accessory structures, ruins, and archeological sites should be recognized as historically significant and listed in local, state, and national registers.

The historic sites inventory includes those structures significant to the mining boom era (1972-1929). In order to preserve the entirety of Park City historic resources, the City must identify secondary/accessory structures, ruins, and archaeological sites that may have been overlooked in past inventories and incorporate these cultural resources into new inventories and surveys. Existing historic preservation policy should be applied to preserve ruins and archeological sites, ensuring their preservation while maintaining public safety. Park City should also consider updating the local Historic Sites Inventory to protect ski-era structures from invasive alterations and modifications

that would diminish their historic integrity.

These historic resources should be protected through local and state historic designations as well as the National Register of Historic Places. Local designation will require that the Planning Department review and approve any proposed changes to secondary/accessory structures using the criteria set by our LMC and Design Guidelines. Moreover, greater public awareness and City understanding of the historic significance of ruins and archeological sites will ensure the conservation of these local resources.

Incentives to maintain Park City's secondary structures should be introduced. One practice that is utilized in Crested Butte, CO is an exception to secondary structures. In Crested Butte, a historic secondary unit is allowed to be occupied if



it is deed restricted as an affordable rental unit. This incentive would assist in the City's need for workforce housing while creating funding for residents to maintain the historic secondary structures. To maintain the pattern of smaller secondary buildings in Park City, the Planning Commission should consider footprint exceptions to allow secondary units to be reintroduced into Old Town, reinforcing the pattern. Incentives could be applied to the old mining buildings within the ski resorts. Restoration of the historic mining facilities into dorms



for the seasonal workforce/summercamps should be considered as an allowed modification to master planned developments, without impacting unit equivalents. Workforce housing and preservation of a cherished community asset would result.

5.4. Old Town: The character of historic sites should be retained and preserved.

The character of historic sites must be retained and preserved to understand the relationship of the building to its site. Building setbacks and orientation contribute to the character of the site; however, stone retaining walls, trees, natural grade, and landscaping are equally important. Today, these traditional aspects of the site are threatened by parking demands, and many sites are losing their historic integrity due to the addition of driveways, parking pads, and removal of landscaping



The natural context of the site was completely removed, leveled, and paved for additional parking, impacting the streetscape. The home on the right has maintained the historic setting and context.

elements to accommodate the car. These site-specific details also contribute to the overall historic character of the streetscape, and their loss diminishes the historic integrity of the neighborhood. An amendment to parking requirements for infill development should be considered to prevent further impacts to the streetscape.

Historically, Park City's 25 foot by 75 foot Old Town lots were platted to accommodate a high density. Small mining cottages with accessory structures fit comfortably within these plats, allowing



adequate spacing between structures while providing sufficient backyard spaces. The Sandborne Fire Maps of the early 20th century are documented proof of the original settlement pattern of Park City.

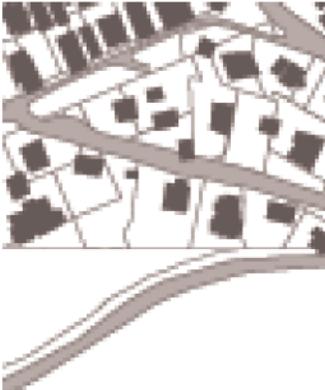
Planning and engineering requirements for setbacks, off-street parking, and snow-shed have threaten the historic urban fabric.

Lot combinations have become common practice to accommodate larger residential structures and additions. To disincentivize incompatible lot combinations, the City has applied a footprint formula which decreases relatively as the resulting lot increases. This approach was not effective during the post Olympic boom with an increase in demand for larger homes.

The resulting incremental changes have caused adverse effects on the historic pattern

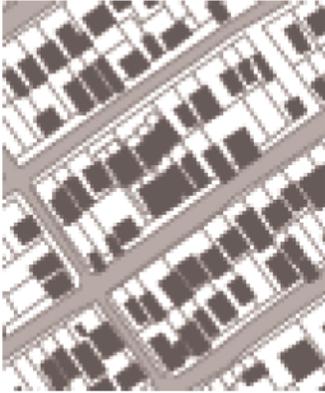
and aesthetic of the Old Town neighborhood. Although there are many influencing factors to compatibility, lot combinations is one major influence. Lot combinations must be reassessed by the Planning Commission to create new regulations to prevent further negative impacts to the fabric of the neighborhood.

Two complimentary zoning tools to regulate future infill development to complement the historic pattern of the neighborhood should be adopted. First, lot combinations should be limited within existing blocks to respect the historic fabric of the block. For example, lot combinations in the 900 block of Woodside would set a maximum of combining 2 lots, while lot combinations on Sampson Ave would require a minimum of 2 lots with no maximum. Next, the City should adopt a maximum width of new structures and additions



Lots and built structures on Sampson Avenue.

based on the historic context. By doing so, in areas such as Sampson Ave where more than 2 lots may be combined, the built structure's width would not exceed the width of what could be achieved within a two lot combination. Adopting limitations to lot combinations and maximum building widths will preserve the rhythm of the streetscape set by the historic urban fabric of the neighborhood, while maintaining its intended density.



Lots and built structures within the 900 Block of Norfolk Avenue

5.5. To prevent demolition by neglect, stricter enforcement of municipal regulations, public programming, and financial assistance shall be utilized.

Demolition by neglect is caused by severe deterioration, beyond repair, of historic structures due to deferred maintenance. This is caused by property owners neglect or inability to upkeep a property. In some instances, the neglect causes owners to abandon properties all together, leading to even greater deferred maintenance and often problems with nuisance.



The home at ___ was demolished due to neglect. The City required a preservation plan and placed a lien on the property prior to demolition.

Demolition by neglect procedures must be enforced as a top priority to prevent the loss of historic materials and structures. The Building and Planning Departments must work together to effectively monitor and enforce maintenance, to ensure the stewardship of historic structures.

Hardship provisions must safeguard against the argument of owner's that their own neglect has caused an economic hardship. Ordinances should also give local government the authority to make repairs directly and keep owners accountable through



placing a lien on neglected properties. Non-profit or city-organized volunteer crews may also be developed to complete routine maintenance and reduce costs for owners.



5.6. Old Town: Financial incentives should be made available to facilitate intensive restoration, and rehabilitation, and preservation projects.

The City should promote the availability of financial incentives such as tax incentives, low-cost loans, and grants, to encourage property owners to complete routine maintenance and offset the costs. By maintaining funding in Park City's Historic District Grant program, the City has the opportunity to assist property owners in financing their projects. Establishment of a low-interest revolving loan fund would provide increased funding and financing opportunities for GAP financing, interior renovations, and those expenses not covered by the Historic District Grant.

The National Register does not place additional obligations on property

owners; it does, however, increase the availability of financial incentives for preservation that may help property owners offset the high cost of maintenance and restoration projects. While the National Register does not prevent demolition by private parties, it does prevent federal funds from being used to significantly alter or demolish historic resources.

State and federal historic tax credits can be applied to building preservation and renovation, so long as construction work complies with the Secretary of the Interior's Standards. Many organizations have also partnered affordable housing tax credits and new market tax credits to fund preservation. The City shall continue to use funds from established tax increment financing (TIF) within redevelopment areas, including the Main Street RDA and the Lower



601 Sunnyside received a matchin grant in 2009 to stabilize the miner's home with a foundation and reconstruct the compromised exterior.



Park Avenue RDA. Special service area (SSA) is another tool which creates tax districts to reinvest community tax dollars into infrastructure projects that spur redevelopment and neighborhood revitalization. Moreover, business improvement districts (BIDs) can also be designated so that funding may be invested in a specific commercial neighborhood.

It is vital that information on available funding alternative be shared with the public in an effective manner. Planning Staff should be familiar with financial sources and refer applicants to

the proper governmental departments for additional information. Funding should also be promoted online, easily accessible to those visiting the City's website. Annual updates,, providing information about City-provided funding as well as state and local preservation tax credits, should be included within the City's electronic newsletter. Radio programming should also be utilized to share this information.

5-7 To maintain a balance of residential and resort oriented development, Old Town should maintain a mix of uses by limiting nightly rentals with a maximum cap for the overall housing stock within the neighborhood.

According to the 2010 census, the Old Town neighborhood is dominated by vacant housing; however, there are several blocks that contain a majority of occupied housing. Old Town contains a mix of primary homes, second homes, and nightly rentals. Nightly rentals are income properties, in which an owner collects a rental fee in exchange for accommodations of less than 30 days.

The Old Town neighborhood has the most nightly rental inventory, making up 25% of nightly rentals Citywide. In 2012, 48% of existing units within the Old Town

neighborhood were nightly rentals. However, second home ownership consists of ___ % of the neighborhood housing stock, relatively low compared to the Deer Valley neighborhoods.

Due to the high density historic configuration of Old Town's platted lots (typically 1,875 square feet), there is an urban environment of approximately 23 units per acre. Sources indicate a population of approximately 4,200 people in Old Town in the 1930's, supporting that the neighborhood pattern supported almost twice the 2010 population.

Planning efforts to maintaining primary home ownership in the Old Town neighborhood is motivated by the community vision. In order to Keep Park City, Parkites be located in the heart of the City. There is also a need to allow



nightly rental in the district to provide visitors with the authentic Park City experience. To maintain a balance of primary residents and nightly rentals, the City should consider capping the amount of nightly rental business permits within the neighborhood.

Nightly rentals in Old Town should be limited with a capped maximum for all housing units within the neighborhood. This limit will guide Old Town to remain as a diverse mix of full time residents and secondary home owners, without being overtaken by nightly rentals.

5.8 Main Street: The Heart Park City

In the past, Main Street was a community gathering space for merchants, shoppers, craftsmen, and city dwellers. Though Park City's Historic Main Street has changed significantly since the late-1800s, it remains an active gathering spot for tourism. Historic buildings along Main Street demonstrate how the street has evolved along with the residents it caters to, eluding to our heritage, the present, and the future. The street has retained much of its historic architecture, through preservation and rehabilitation to accommodate the changing uses over the decade. Ongoing efforts by the City, business owners, and residents to protect this community jewel is evident through the retained cultural resources. Future restoration efforts by property owners to take a building and/or

site back to an earlier time by removing non-historic features, will add to the cultural tourism of Park City.

Main Street is truly the heart of the community connected to local neighborhoods, Snyderville Basin, the Wasatch Back and SLC through the trail systems, state of the art public transportation transit center, state road 224, a ski lift to PCMR, and possibly future connectivity to Deer Valley and the Cottonwood Canyons. With direct ski access to Park City Mountain Resort and Deer Valley only a 2 minute drive away, historic Main Street is an easily accessible destination for visitors. The China Bridge parking garage adds to the convenience for patrons of the street. City efforts to maintain ease of access and continue to improve connectivity to the local resorts and neighborhoods will continue to add to the



success of Main Street.

Main Street is home to over 200 unique businesses, with a mix of boutiques, entertainment venues, restaurants, bars, spas, and galleries. As a prominent employment center, Main Street acts as an incubator for small, independent businesses that promote local products and cater to tourists' needs. It preforms as an economic engine for Park City, contributing to the tax base that funds the local infrastructure. To keep this area activated, drawing in tourist and locals, participation from a variety

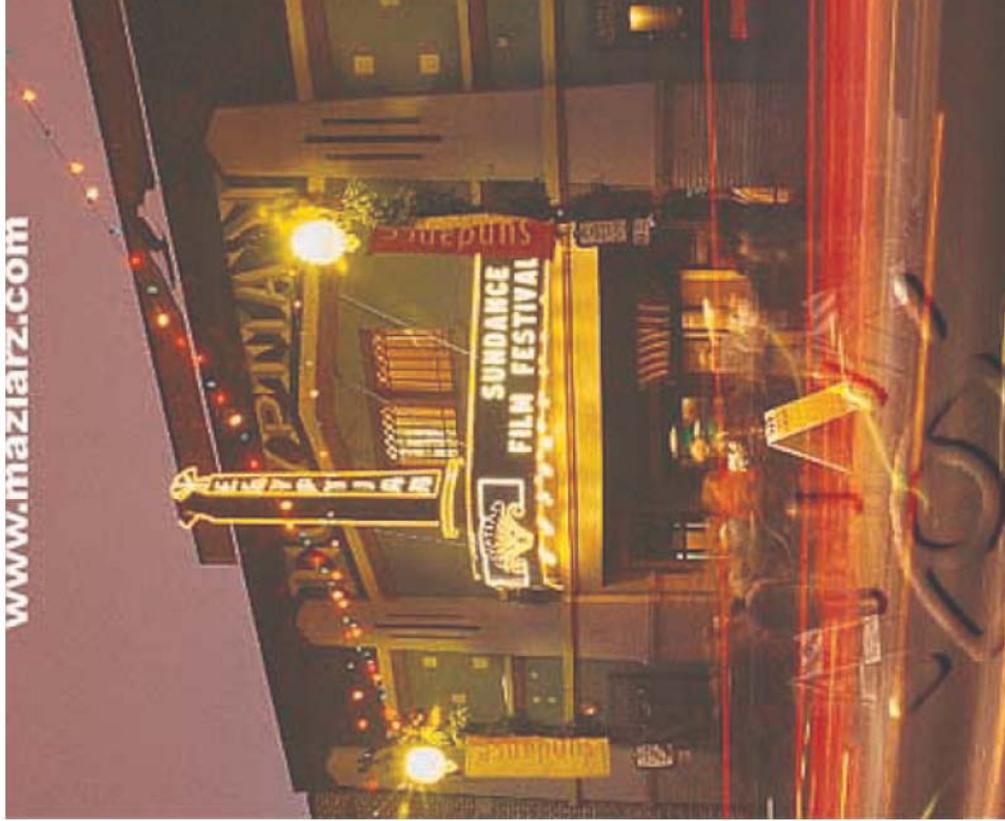
of entities is necessary. The Historic Park City Business Alliance (HPCBA) organizes the shop owners with activity programming, ongoing maintenance, and shared back of house necessities for the street (recycling, garbage disposal, street cleaning). The City works closely with the HPCBA for special events, upkeep of public areas (sidewalks, parks, and walkways), parking, public improvements, and infrastructure maintenance. A five year plan was established and implemented in 2013 for sidewalk, plaza, pocket parks, landscaping, and

infrastructure improvements to enhance the streetscape while emphasizing the preservation of the historic resources. The City has worked in cooperation with the HPCBA to ensure that the five year plan is in alignment with the HPCBA's goals. Continued public-private partnerships ensure a pleasant visitor experience and upkeep of one of Park City's most treasured assets.

This central core is also the backdrop to community events such as parades, festivals, competitions, and concerts. Continued programming of the street provides local businesses with year round patrons. As a center for cultural and recreation tourism, the street is becoming more than a winter destination, but host to events year round. Being in the spot light for large events translates into national and international advertising of the Park City

experience and capturing new visitors. Ensuring quality management, safe venues, and a straightforward process by the City for master festival and special events license holders is key to continued success for programming the street.

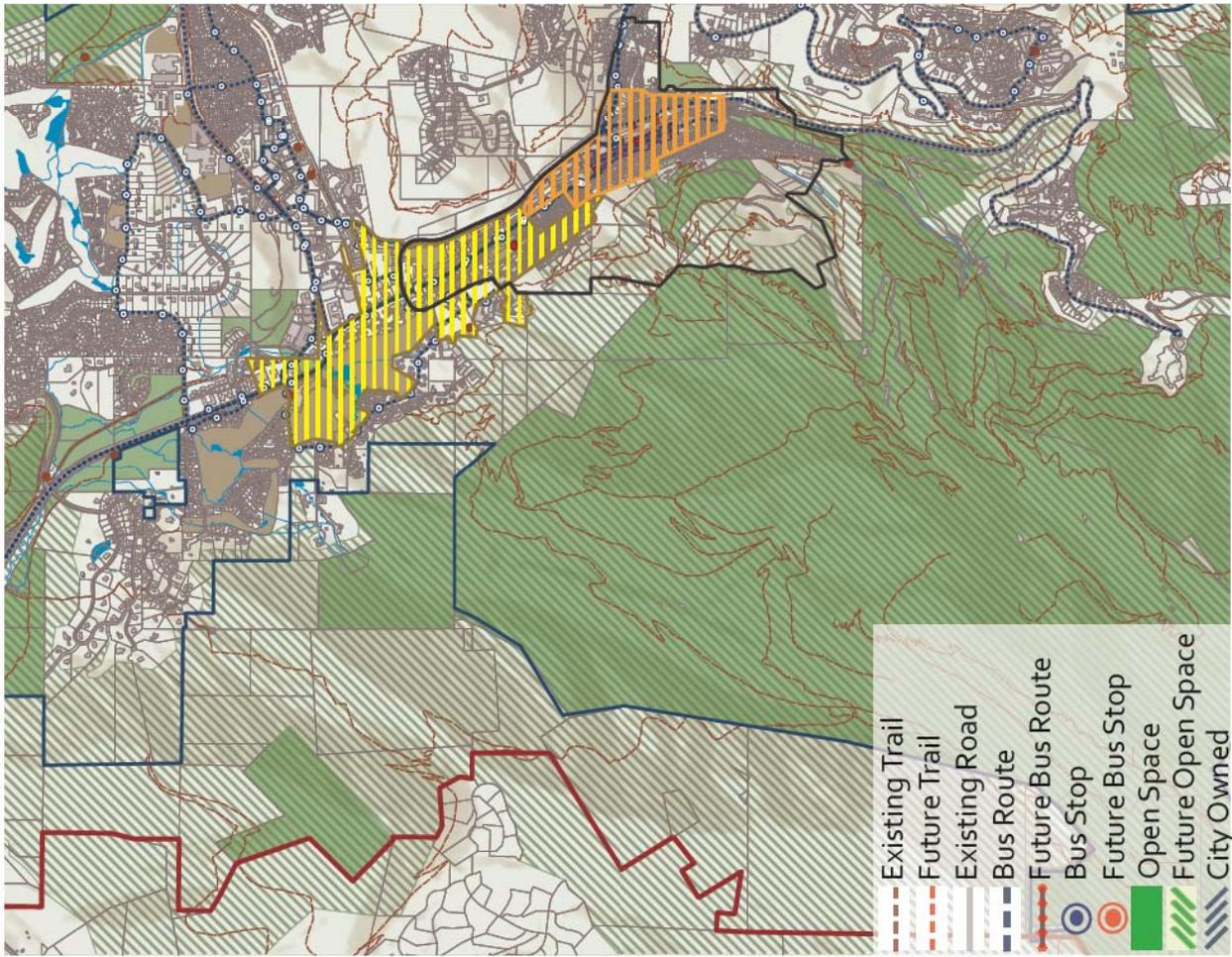
Main Street is also a civic forum in which local government and citizens gather. The US Post Office and City Hall are located within the district maintaining the area as a frequented destination for locals. Local non-profits including the Park City Museum and the Kimball Arts Center draw in Parkites for various events and classes. Although Main Street is visited by locals, it has shifted over the years from being the local hub to a tourism hub. To maintain the street as the heart of the City, the locals must be kept in the equation. Creative solutions to maintain local



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needs on the street should be given top priority when a local attraction is threatened. Also, as the City's needs expand, priority should be given to restoration of historic buildings within the City's core, prior to building new facilities.

be given to restoration of historic buildings within the City's core, prior to building new facilities.





City must maintain flexibility to support the continued mix of unique characteristics within the neighborhood.



preserve historic building materials (5.3), secondary/ accessory structures (5.4), and the character of the site (5.5). The Old Town experience goes beyond preservation and includes the mixed "hodge podge", "funkiness" and "eye candy" of the neighborhood. Park



5-9 The aesthetic of the Old Town neighborhood should be preserved.

Aesthetics are influenced by multiple guiding principles already introduced, including compatibility (5.1), subordinate design (5.1), retain, maintain, and

OLD TOWN
PRINCIPLES & STRATEGIES

Small Town

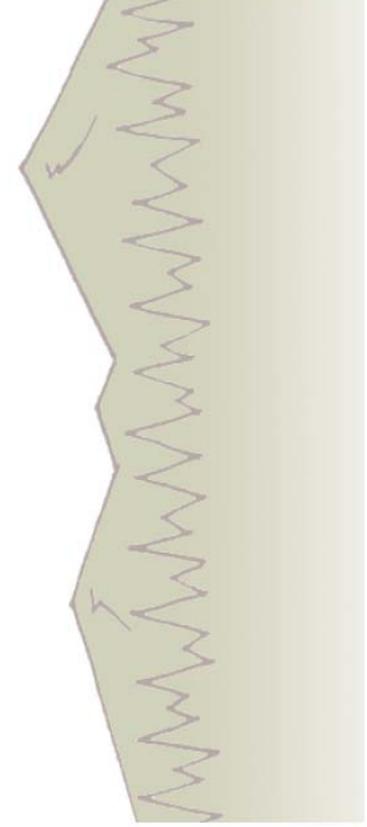
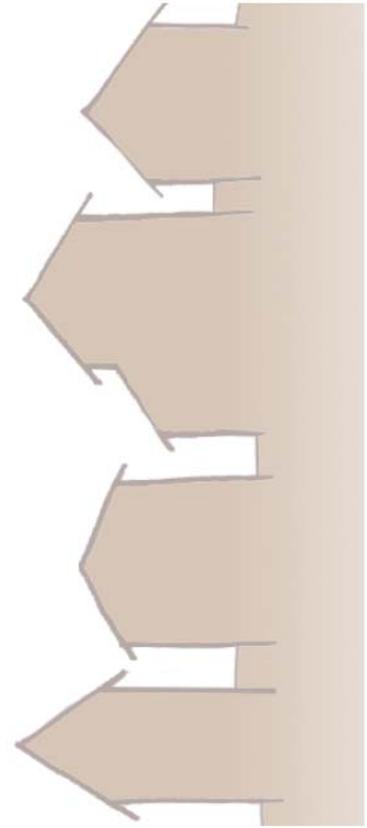
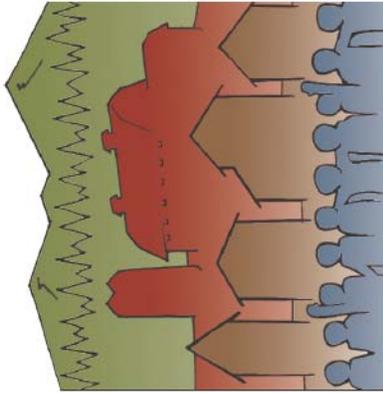
PRINCIPLES

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Natural Setting

PRINCIPLES

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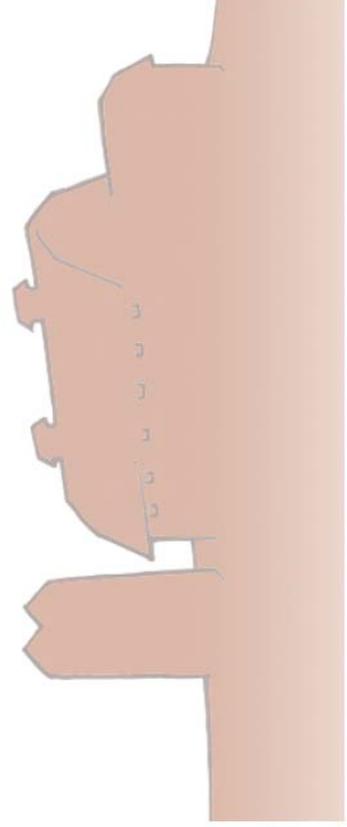
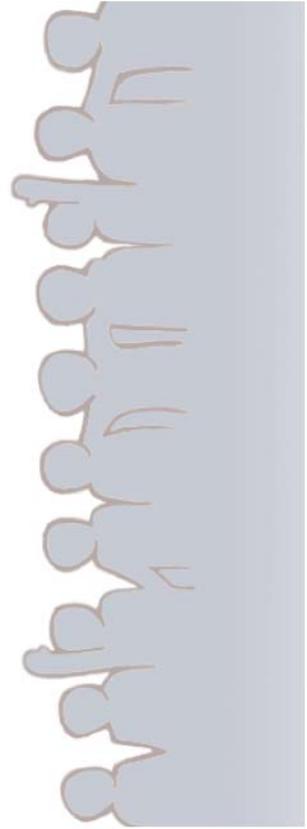
Sense of Community
PRINCIPLES

Historic Character
PRINCIPLES

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STRATEGIES

STRATEGIES



sub-or-di-nate

Within historic preservation, subordinate design refers to additions or new construction that is visually contiguous to a historic structure, yet reinforces the visual dominance of the historic structure. While a smaller addition is visually preferable to achieve subordinate design, various design strategies can achieve subordinate design with increased size. Subordinate design can be achieved through the following 6 principles.

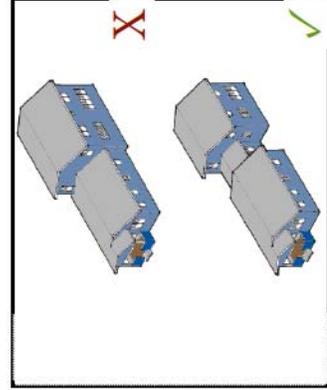
1 Simple design to prevent competition with primary facade.



2 Cornice Line & Upper Level Setbacks are consistent with the historic building.



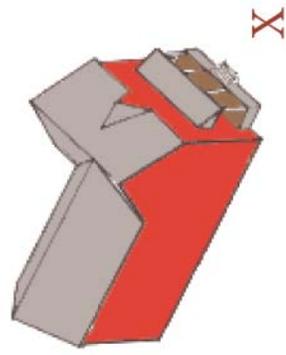
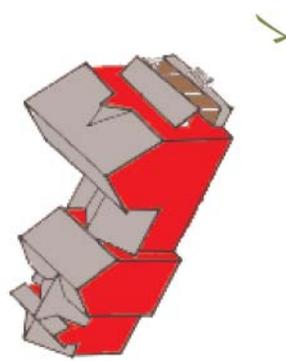
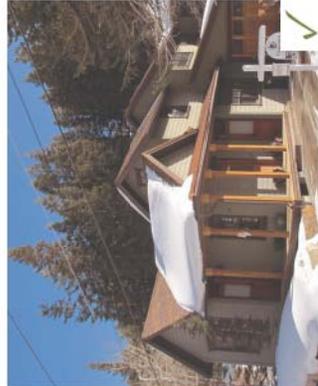
3 New building is set back or a visual 'seam' is provided.



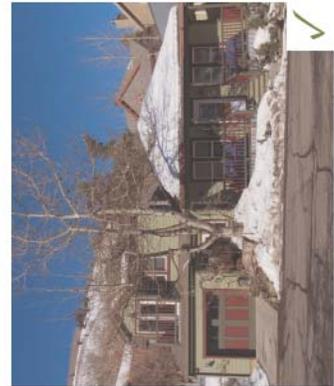
4 Massing and setbacks of new construction compliment and reinforce visual dominance of historic structure



5 For larger additions, break up the massing into smaller modules that relate to the historic structure.



6 Complementary street wall treatments.



com·pat·i·bil·i·ty

In historic preservation, compatibility refers to the relationship between new additions and infill and existing, historic structures. While new construction and additions should complement existing historic structures, they must also be seen as a product of their own time. Compatibility does not mean that new infill or additions must duplicate existing structures.

Why Does Compatibility Matter?

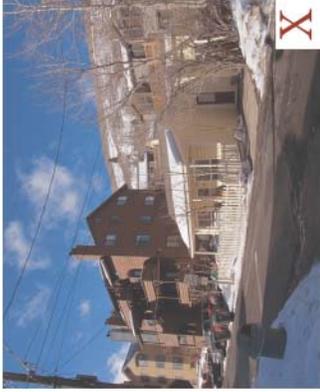
The Historic District as a whole should be perceived as a historic resource; however, this whole is comprised of significant parts. New construction and additions must contribute to the overall historic character of the neighborhood, rather than detract from it, in order to protect the historic integrity and coherence of the historic district. For this reason, design reviews are necessary to ensure that new construction and additions maintain the overall feel and composition of the neighborhood by taking a holistic design approach. While historic structures represent their era of significance, the district as a whole is not frozen in time. New construction is necessary to create greater urban density, spur investment, and promote the economic vitality of the community.

Measuring Compatibility

The compatible design of new construction and additions creates a harmonious appearance along streetscapes and the district as a whole. Similarities between structures and designs are necessary to preserve the neighborhood's overall historic integrity, character, and composition, and compatibility can be achieved through:

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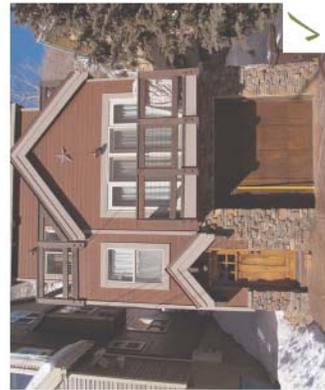
1 Mass, scale, and height of buildings should follow the predominant pattern of the neighborhood.



2 Proportion of facade elements should be compatible in scale, proportion, texture, and finish to those used on Historic Sites.



3 Relationships of solids to voids on primary facades should be similar to those seen on Historic structures.



4 Rhythm of spacing of buildings on streets should follow the predominant pattern of historic buildings on the street.



Insert Picture

Insert Picture



5 The rhythm of entrances and/or porch projections should reinforce the established pattern along the street.

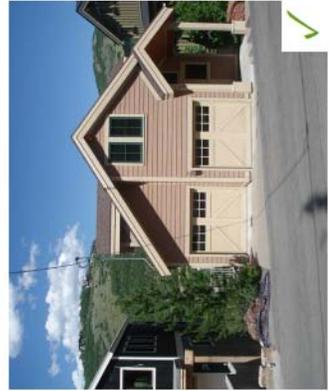


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6 Roofs of new buildings should be visually compatible with the roof shapes and orientation of surrounding Historic Sites.



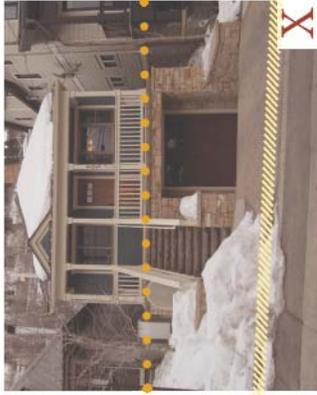
Insert Picture

7 The directional expression of front elevation should reinforce the overall pattern established in the streetscape.

Insert Picture



Insert Picture



Insert Picture

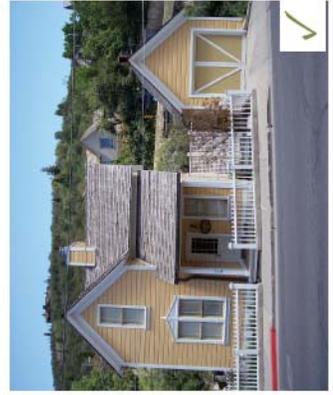
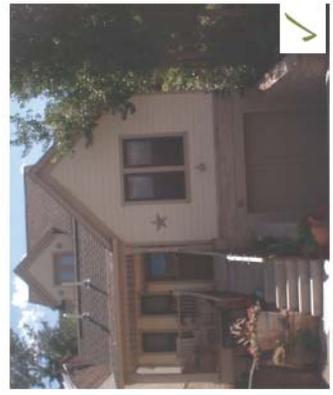


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8 Floor level elevations should relate to the street grade and reinforce the neighborhood pattern.

9 Additions and modifications made to historic structures should be visually and aesthetically compatible with the structure.



**PARK CITY PLANNING COMMISSION
WORK SESSION MINUTES
February 13, 2013**

PRESENT: Nann Worel, Brooke Hontz, Stewart Gross, Mick Savage, Adam Strachan, Jack Thomas, Thomas Eddington, Katie Cattan, Kirsten Whetstone, Francisco Astorga, Polly Samuels McLean

WORK SESSION ITEMS

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

On January 9, 2013 the Planning Commission discussed a number of scenarios prepared by the Staff that could occur on downhill lots. The Commissioners would review scenarios for uphill lots for discussion this evening. Planner Astorga had prepared specific scenarios for 50%, 30%, 45% and 60% slopes. He wanted to make sure the Staff and Commissioners had the same understanding regarding the current Land Management Code height provisions in the HR-1, HR-2 and HR-L zones.

Planner Astorga noted that the blue lines on the drawings in the packet represented the property lines on 75' lots. The red line on the bottom represented the grade. The bold red line was the existing regulation that indicates that the final grade shall be within four feet of existing grade on the periphery of each structure. The red line on top was the maximum height, which was capped at 27'. Planner Astorga noted that the Staff had designed what they considered to be worst case scenarios.

Planner Astorga presented Scenario A at 15% grade. The scenario has one exterior and one interior parking space, which pushed the front yard setback to 18 feet; the minimum area required for the exterior parking. This scenario has a mid-level access and a top level rear walk-out. It would be impossible to have a walk-out on the mid-level because it would not be within four feet of existing grade. Director Eddington pointed out that there could be windows on the mid-level. Planner Astorga agreed, noting that there could also be window wells on the basement level. Commissioner Gross asked about cathedral windows. Planner Astorga replied that cathedral windows would be allowed as long as they comply with the Historic District Design Guidelines. It would be challenging but good designers could make it work. The driveway in this first scenario was the 14% maximum.

Commissioner Thomas pointed out that if the driveway is 14% off the edge of the road and there is no transition, you would hit your bumper before you started driving up the hill. He suggested that practical and logical may be less than 14%.

Planner Astorga noted that Scenario A did not include the 10-foot stepback on the front because the basement is completely buried and stepback is not required. Commissioner Strachan asked if the stepback would be required if the basement was not completely buried and was within four feet of existing grade. Planner Astorga answered yes because a portion of the basement would be exposed.

Planner Astorga presented Scenario B at 15% grade with two interior parking spaces. The driveway is 14%. The house is slightly larger than Scenario A. Commissioner Savage asked why the front

distance in Scenario B was shorter than in Scenario A. Commissioner Gross assumed it was because Scenario B had two interior parking spaces and Scenario A parks one car outside. Planner Astorga replied that this was correct.

The Commissioners discussed house size and footprint. Craig Kitterman, a member of the public, remarked that there is a maximum footprint which determines the size of the house. Planner Astorga agreed. He noted that all the scenarios were governed by the maximum building footprint.

Commissioner Strachan had questions regarding the stepback. Chair Worel asked if a stepback would be required if any part of the bottom level was exposed. Planner Astorga answered yes, except for a window well. He read from Page 3 of the Staff report, second bullet point, "Final grade must be within four vertical feet of existing grade around the periphery of the structure except for the placement of approved window well, emergency egress, and garage entrances". He noted that the basement could still be buried and have a window well, but it would not require the stepback.

Commissioner Thomas noted that emergency egress can be any window or door out of a bedroom, and he found that to be problematic.

NOTE: Due to equipment problems, a portion of the meeting was not recorded. The problem was discovered and resolved.

During the non-recorded portion, Planner Astorga had continued his presentation and the Commissioners discussed the remaining scenarios.

Craig Elliott, as a member of the public, questioned why they were having this discussion. He passed around photos that were taken in 2003 and in 2013. From the standpoint of a big picture for the City, he was trying to figure out whether anything was really causing a problem. Mr. Elliott presented boards illustrating various built structures and noted that the majority of the buildings were over 27 feet tall. He stated that in the last ten years there has not been a significant change in Old Town that has created a negative impact to the visual. Mr. Elliott pointed out that with every application the Commissioners want to see a cross-canyon view, but in looking at the illustrations, there is no change over the years, other than the trees grew larger.

Commissioner Thomas remarked that the boards Mr. Elliott presented showed the perspective from a distance, and it did not take into consideration the streetscape and the visual impact walking down the street. He believed the purpose of the Steep Slope CUP is to bring down the scale.

Mr. Elliott understood that the neighbors complain whenever the Planning Commission reviews a Steep Slope project, but that just happens. Neighbors always fight new development because they want to keep the land next door vacant. However, people have the right to build. Mr. Elliott stated that the difference is minimal between what was there and what changed in ten years through the largest building boom. He realized that the LMC changes in 2009 were in response to specific projects, and in hindsight he should have attended the public hearings to argue about the 3-story limitation. It was a mistake on his part and he was attending now to have this discussion. Mr. Elliott noted that there were nine statements of purpose in the LMC. They might be accurately discussing one, but the rest were going the wrong way. Applicants are always asked whether they read the purpose statement. He was now asking the Planning Commission if the discussion they were

having meets the purpose statement. He could not understand the purpose of their discussion and he did not believe anything in their discussions would improve things through the Land Management Code. Mr. Elliott stated that restricting height on a 75' lot to 35' to 37-1/2' might make sense; but he could not understand it for a lot over 75'. The nature of Park City is that it keeps stepping up the mountain.

Commissioner Strachan asked if there would be a difference if Mr. Elliott had taken the picture 25 years ago. Mr. Elliott believed that most of the structures shown were built before the 1980's. Commissioner Strachan believed that most of the larger houses Mr. Elliot was showing were not built 25 years ago. Mr. Elliot pointed out that the larger houses would never go away. If they were to burn down they would be replaced with the same size structure in the same place. He felt that the Planning Commission has spent the last few months talking about heights and squares and angles, when they should be talking about the big picture and why they were having these discussions. If the discussion is that they want to limit the ability to develop, they were moving in the wrong direction.

Commissioner Savage stated that Mr. Elliott is a professional who presented visuals to support his position. He believed Mr. Elliott had a valid point. They can look at the various scenarios presented, but the reality of importance is the sense from the perspective of where these developments will take place and whether something is or is not consistent with that particular location and a particular set of visuals. Commissioner Savage thought that should be their guiding parameters more than trying to create a formula for calculating volume as a function of lot size.

Mr. Elliott stated that he works in Old Town every day. He experiences the streets every day and he walks to most of his projects. He was confident that the things that have happened over the past ten years have not negatively impacted the quality of the town. Changes are made and it does not make any difference in the overall impact. These discussions have kept people from building houses for the last six months and will cause them to miss two seasons of construction. Mr. Elliott believed the major question was why they were having these discussions and what it would accomplish.

Commissioner Thomas stated that prior to creating the 2009 LMC, they were seeing buildings stepping up the mountainside to maximize the volumetric. That had a dramatic visual impact on the neighbors, the street and the scale of the community. The reason for these discussions is to have a sense of scale to the historic fabric of the community at the street level. He did not think some of the images Mr. Elliott presented was a fair comparison of what this town is about or the character of the town. Mr. Elliott disagreed. Commissioner Thomas stated that the image does not represent what the neighbors experience when someone builds an enormous house next to an historic house. The purpose of the 2009 changes was to respect the neighbors and what was left of the historic fabric that was being whittled away by these monstrous structures.

Mr. Elliott reiterated that the Planning Commission should address the real question of "why" and if whether the "why" fits within the Land Management Code purpose statement. In his opinion it did not.

Commissioner Strachan asked if Mr. Elliott had any recommendations on how they could bring more families and primary homeowners back into Old Town. Mr. Elliott felt that would be driven by a

number of different things. He suggested that current projects would bring people into town. He thought they would be fighting the issue of value for a long time because of its proximity to Main Street.

Ruth Meintsma stated that she lives on a street that is primarily second homes and nightly rentals. She does not mind nightly rentals in her neighborhood because it works. However, the houses in-between where people live are very important and adds cohesion to the neighborhood. Ms. Meintsma understood the reasons for limitations. A house across the street from hers is nightly rental. People come in and out and you never talk to them. The number of cars is astounding and the amount of trash in one weekend is more than she creates in two months. Ms. Meintsma believes there needs to be a balance. In talking about limitations, she understood the three stories limit and size reduction for second homes and nightly rentals because extra space is not needed for that type of living. However, when someone has a family they need to think about a new way of living. They need to think about space for storage, tools, food storage, etc. She believes that if there could be a second criteria of house building where a home or a residence is signed in perpetuity to no nightly rental, it would add to affordable housing because people could come in a rent for a minimum of one year. With larger structures people would create a home and it would allow for families. Sometimes the fourth story is necessary for a family. If someone wants to build a home for their family and wants extra space, the City should hold them to the family home use by having them sign in perpetuity to no nightly rental.

Planner Cattan stated that limiting nightly rental was not necessarily limiting second homes. Ms. Meintsma agreed, but it would still be someone's home. Commissioner Savage commented on the economic impact. If someone did not have the ability for nightly rental they possibly could not afford the home. In other cases, some people buy second homes on the fact that they can enjoy it themselves and offset some of their expenses by renting when they are not there. Ms. Meintsma understood the concern, but if someone was willing to sign their home into perpetuity from nightly rentals, they should be given some incentive such as extra space in their home.

Mary Wintzer stated that when side yard setbacks were reduced years ago, they saw huge impacts with snow shedding and people began to maximize their houses. The lifestyle of those living in Old Town has been drastically affected. Her neighbors raised four kids in a three-story house. When she was growing up people shared bedrooms. Ms. Wintzer was not totally opposed to the incentive of a fourth story, but if they return to what used to be they would not need monstrous homes.

Ms. Meintsma pointed out that lifestyles are completely different than how they used to live. She clarified that she was not talking about greater height or greater mass. She was only talking about an additional story. She understood that excavation was a major concern, but she believed that could be mitigated.

Ms. Wintzer remarked that several years ago four owners on Rossi Hill imposed a house size restriction on themselves. They realized that it would limit their profit when they decide to sell because the lots could not be maximized, but they did it because they value their neighborhood. Ms. Wintzer stated that they love Old Town, they love the mountain and they love what the community has given them. It is the neighborhood, the people and the land, and they are building up every square inch of the earth in Town. She believed they would pay a price some day. The old timers talk about the years when they had bad spring runoff and mud slides on this side of the

Canyon. They have not seen that yet, but it is possible. If it occurs, there is no earth left to absorb it because it is all developed.

Commissioner Hontz felt good about this exercise because it was based on the purpose statements and it came out of the realization and the factual evidence of how many undeveloped lots are left and how tightly constrained they are. In her mind this was an exercise of education, but it also explored whether what they have meets what they want to do, how they need to tweak it, if at all, and if the scenarios were representative of what they thought they were trying to achieve. The discrepancy on the definition of story was another reason that prompted the exercise. Without those reasons they would have never done this and nothing would change. Instead, they went through this very thorough discussion to possibly visit some potential changes. Commissioner Hontz thought this was a useful experience. She was unsure what the result would be based on all their opinions, but this was instrumental in educating the Planning Commission to be able to move forward.

Planner Astorga noted that page 2 of the Staff report contained language from the current Code. He asked if the Planning Commission had issues with any of the regulations and whether it needed to be strengthened or rewritten. He believed there was some consensus for spending more time and resources on adding internal maximum height. He asked if any of the other height parameters needed to be fine tuned. Commissioner Strachan felt it was sufficient to have the internal height limitation.

Commissioner Savage had issues with the third bullet point and the definition of three stories, and whether three stories was measured from a vertical point or by some other metric. Commissioner Strachan thought the three story restriction could be eliminated if they use the internal height restriction. Commissioner Thomas agreed. The internal height gives the designers more flexibility with the floor plan.

Director Eddington understood that the Planning Commission would not have as much consternation with regard to split levels and partial stories inside the building. He was told that this was correct. Commissioner Strachan clarified that applicant could do whatever he wanted within his own box as long as it meets the internal height limit.

Commissioner Thomas suggested a site visit to several sites that reflect the conditions discussed on uphill and downhill lots so they could see them in the field.

General Plan – Discussion and Overview of neighborhoods – the neighborhoods to be discussed include: Thaynes Canyon, Park Meadows, and Bonanza Park/Prospector

Nightly Rentals

Planner Cattan reported that the Staff had prepared a discussion on nightly rental because it was one of the more controversial topics to be discussed neighborhood by neighborhood as they decide to rezone and talk about residential neighborhood versus resort neighborhood. She preferred to start with nightly rentals before moving into the neighborhoods discussion.

Planner Astorga read that the current Land Management Code definition of a nightly rental. “The rental of a dwelling unit for less than 30 days.” Another clause states, “Nightly rentals do not

include the use of dwelling units for commercial uses.” Commissioner Savage asked for clarification on the language regarding the use of dwelling units for commercial uses. Assistant City Attorney McLean explained that as an example, gifting parties cannot be held in a home that is a nightly rental.

Planner Astorga noted that nightly rental is allowed in every zoning district except the ROS, POS, PUT, and the SF. The exception is that it is allowed in the Prospector Village Subdivision. In the HRL zone, nightly rental is allowed through a conditional use permit. Other exceptions are that nightly rentals are not allowed in April Mountain or Mellow Mountain Estates in the RD zone.

Planner Astorga presented a breakdown of the number of nightly rentals by neighborhood. The percentage of nightly rentals city-wide is 46%. There are nearly 4,000 nightly rentals. He noted that the numbers were current as of January 2012 and were taken from the business license. Therefore, the number could actually be higher because some people rent nightly without a license.

Planner Astorga stated that the focus this evening was in the residential districts. Next month they would talk about the resort neighborhoods, including Old Town. Planner Astorga presented the overall numbers per neighborhood. The percentage numbers in green in the fourth column represented the percentage per neighborhood. For that reason, the Staff identified that these neighborhood tend to be residential oriented versus resort oriented.

The Thaynes neighborhood has 2% nightly rental. Iron County used to be zoned RD, which allowed nightly rentals. That is why the percentage is low with only five nightly rentals. The zoning was changed and nightly rentals are no longer allowed in the Thaynes neighborhood. If the five owners kept an active business license, they are legal non-conforming.

Park Meadows has 8% nightly rentals. Bonanza Park and Prospector together had 30%. Masonic Hill has approximately 20% nightly rentals. Commissioner Strachan did not think it was fair to connect Bonanza Park and Prospector in this statistic. He lives in Prospector and there are no nightly rentals in his immediate area. However, there are many in Bonanza Park. Commissioner Strachan thought that they should separate those two neighborhoods. Planner Astorga pointed out that there were actually more nightly rentals in Prospector than in Bonanza Park. Commissioner Strachan assumed the area of Prospector with nightly rentals was the area by the Silver Mill in between Comstock and Bonanza Drive. Planner Astorga offered to look into separating the two.

Commissioner Savage asked what the Staff wanted the Commissioners to look for in this presentation. Planner Astorga stated that they should be thinking about the future of nightly rentals in the five primary residential neighborhoods, and what should be done with nightly rentals.

Planner Astorga presented occupancy types gathered from the census. Vacant housing means that the house is built but vacant or the owner is trying to sell it. Planner Cattan stated that if it is not the primary residence it can be a second home. It can be vacant because it's on the market, and it could also be vacant because it is long-term rental property that is not occupied at that time. In the census data, nobody claimed that as their home. Occupied housing has a full-time resident and they claimed it as their full-time residency during the census. No housing was the open space areas.

Planner Astorga stated that for the purpose of this exercise, the Staff found that Thaynes, Park Meadows, Bonanza Park and Prospector, Masonic Hill and Quinn's Junction tend to have more occupied housing versus vacant housing.

Planner Astorga reviewed an intensity map taken from the census data. The darker tones indicated a higher percentage of second homes. The lighter tones were a lower percentage of second home ownership. Thaynes was slightly darker, Park Meadows was mostly primary homes, Prospector and Bonanza was slightly lighter and Masonic Hill was 50/50.

The Staff recommendation was that in order to maintain the balance of primary residents and resort oriented neighborhoods, they should focus on keeping these specific neighborhoods as primary residential. Planner Astorga presented the map showing a mix of RD in Park Meadows which allows nightly rentals. The Aerie was single family with nightly rental on the edge near Sunny Slopes. Director Eddington pointed out that while the Aerie has fewer nightly rentals, there were more second homes showing as vacant.

Commissioner Savage clarified that the 46% nightly rental would include any second homes that are part of the nightly rental pool, and exclude second homes that are not part of the nightly rental pool. He asked what percentage of the second homes were nightly rental. The Staff had not calculated that data but they would find it.

Planner Astorga noted that the Staff believes the City should change the LMC to disallow nightly rentals in the primary residential neighborhoods in order to keep a good a mix of primary residential neighborhoods and resort.

The Planning Commission was asked what they thought should be done regarding nightly rentals in these residential neighborhoods: 1) do nothing and let the market drive it; 2) limit the number of nightly rentals and put a maximum cap to the overall number of nightly rentals; 3) prohibit nightly rentals in these neighborhoods and create legal non-conforming situations; 4) prohibit nightly rentals and have some sort of sunset clause.

Commissioner Hontz asked if there was data on how much tax revenue was generated by nightly rentals. Planner Astorga stated that it would be a difficult study because nightly rentals are also second home ownership.

The Commissioners voted on the question using their key pads and the result was 1) 0%
2) 33% 3) 50% 4) 17%

Commissioner Savage asked if it was possible to implement a Code change that would disallow future applicants the ability to have nightly rentals. Planner Astorga replied that the Code could be changed to prohibit nightly rentals in the zones where they are currently allowed.

Commissioner Hontz was concerned about the actual number of nightly rentals if they could capture everyone who was operating without a business license and not paying taxes. Without a better understanding, she preferred to limit the number of nightly rentals. There are areas where nightly rentals are important and she would not favor eliminating them completely.

Planner Cattan stated that 25% of the nightly rentals in the City are located in Old Town; and 48% of the units in Old Town are nightly rentals. The Staff thought there might be a different tool to use within Old Town. Ms. Meintsma believed the number was much higher than 48%.

Using the same four choices in the above question, the Commissioners were asked what they thought should be done for nightly rentals in Old Town. The Commissioners voted with their key pad and the result was 1) 33% 2) 33% 3) 17% 4) 17%.

To allow sufficient time to adequately discuss the specific neighborhoods, the Planning Commission chose to postpone that discussion this evening and hold a special General Plan work session on Wednesday, February 20, 2013 at 5:30 p.m. Planner Cattan provided a brief explanation on the layout of the General Plan document. The time frame is to have the document finalized by the end of March.

The Work Session was adjourned.

DRAFT

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
FEBRUARY 13, 2013

COMMISSIONERS IN ATTENDANCE:

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

EX OFFICIO:

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

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REGULAR MEETING

ROLL CALL

Chair Worel called the meeting to order at 5:30 p.m. and noted that all Commissioners were present except Commissioner Wintzer who was excused.

Planner Worel moved the Work Session items to the end of the Regular Meeting to allow the applicants the opportunity to leave if they were not interested in sitting through the work session.

ADOPTION OF MINUTES

October 24, 2012

Commissioner Hontz referred to page 47 of the Staff report, page 1 of the minutes under Public Input, first sentence, and noted that a quotation mark needed to be added before the word Preserve in "Preserve Historic Main Street".

MOTION: Commissioner Savage moved to ADOPT the minutes of October 24, 2012 as modified with the addition of the quotation mark. Commissioner Gross seconded the motion.

VOTE: The motion passed unanimously.

December 11, 2012

MOTION: Commissioner Savage moved to ADOPT the minutes of December 11, 2012 as written. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

January 9, 2013

Commissioner Hontz referred to the conditions of approval on pages 106 and 107 of the Staff report, pages 16 and 17 of the minutes, and asked if the conditions would ratify what the Planning

Commission had approved on 99 Sampson Avenue. She did not believe the conditions of approval matched the terms of their vote. Commissioner Hontz read Condition #6, "The applicant shall limit the number of motor vehicles parked on the property during any given rental period to no more than eight persons total", and stated that the condition was incorrect. Commissioner Hontz read Condition #7, "The applicant shall limit the motor vehicles parked on the property during any given rental period to no more than two". She suggested looking back at the original language for Condition 6 for the correct language.

Commissioner Hontz referred to Condition #8, and noted that page 103 of the Staff report, page 13 of the minutes, reflected the concurred decision of the Planning Commission for Condition #8 to reflect the language of the business license requirements. She believed Condition #8 was inaccurate as written, as well as omitting the requirements of the business license. Commissioner Hontz corrected Condition #8 to reference the business license language read by Assistant City Attorney McLean on page 13 of the minutes, page 103 of the Staff report.

Commissioner Hontz referred to Condition #10 and recalled that the Planning Commission decided on a three strike rule instead of a one year review. She referred to a comment by Commissioner Wintzer on page 103 of the Staff report that a one year review was an onerous process. Commissioner Hontz was uncomfortable with Condition #10 as written.

Commissioner Hontz referred to pages 105-106 of the Staff report and noted that Finding of Fact #17 was also incorrect because it did not match the business license language.

Commissioner Hontz was uncomfortable approving the minutes because they did not reflect the motion for approval. Even though she had voted against the motion, she understood the conditions behind the approval and the conditions written were not what they voted to approve.

Director Eddington stated that the Staff would go back and look at the conditions. He recalled that the Planning Commission wanted to match the 24 hour requirement of the business license. He believed the change made to Condition #8 to change 15 hours before and 15 hours after trash pickup to 12 hours before and 12 hours after matched the business license requirements. Commissioner Hontz disagreed because 12 hours before and 12 hours after sounds like 24 hours, except when the trash pickup does not come. For that reason, it needs to match the business license; otherwise it could be 12 hours six days prior to pickup. She felt strongly that the language needed to match the business license language referenced on page 103 of the Staff report. Director Eddington stated that Condition #8 could be tied to the business license. However, he thought there was a subsequent discussion about 12 and 12, which is why the condition was written to replace 15 and 15 instead of specifying 24 hours.

Director Eddington stated that the discussion would be confirmed with the recording and with Planner Matt Evans.

Commissioner Hontz referred to page 126 and 127 of the Staff report and the Findings of Fact, Conclusions of Law, and Conditions of Approval for the Richards Annexation. She asked if the conditions matched what the Planning Commission approved that evening or what was approved by

the City Council. Director Eddington stated that Planning Commission minutes should match the Planning Commission approval.

Commissioner Hontz referred to Condition of Approval #1 and noted that the Planning Commission did not approve having the entire parcel zoned ROS and SF. Director Eddington recalled that it should be SF and some ROS on the Richards parcel. Commissioner Hontz understood that the zoning had been changed by the City Council, but it was not the record of the Planning Commission.

Commissioner Hontz requested that the Staff review all the findings, conclusions and conditions for the Richards Annexation because she recalled that something else had not referenced exactly what was approved.

Commissioner Hontz suggested a search and replace to correctly spell Deters by adding an s. The correct name is Heinrich Deters.

The minutes were tabled to the next meeting pending verification of the conditions and findings outlined by Commissioner Hontz.

PUBLIC INPUT

Ruth Meintsma, a resident at 305 Woodside, commented on what appears to be a problem with the historic preservation process. It is serious enough that it compromised a preservation effort and caused unnecessary loss of historic fabric. She was speaking about a particular project at 335 Woodside, but the same glitch has occurred in the process for both greater and lesser projects in Old Town. Ms. Meintsma stated that after the fall of the home at 335 Woodside, in an effort to rewrite the now invalid preservation plan for 335 Woodside, the Planning Staff was pro-active in first setting up a site visit. Present at the site visit were the Building Official in charge, the applicant's architect and engineer, the crane operator, Planner Francisco Astorga, the Historic Preservation Planner and Ms. Meintsma and her brother. Ms. Meintsma clarified that she attended the site visit because she had been following the project from the beginning. Her brother has background in construction and historic preservation and he had also followed the project. The site visit concluded with Planner Astorga asking that the applicant's representatives to submit a plan in writing to amend the house tipping into the hole and emphasizing the need to save as much of the house and historic material as possible.

Ms. Meintsma stated that after receiving the requested written plan from the applicant's engineer, which created more questions, the Planning Department set up a round table meeting that included the Chief Building Official, the Building Official in charge, Planner Astorga, the Historic Preservation Planner, the Crane operator and herself and her brother. At the conclusion of what was a brainstorming meeting, the engineer's proposal was discarded and after considering several options, the consensus was that the best way to approach the redress of 335 Woodside was to surgically disassemble the roof to save the valuable 1"x10" 100-year-old rough hewn roof deck planks and beams for possible use in replacing damaged portions of the structure. To remove the north and east walls as whole panels and to evaluate and save the damaged but not destroyed south wall. Ms. Meintsma noted that after the meeting the Building Department dismissed the

aforementioned plan for the reasons that it was too time consuming and labor intensive to disassemble the roof, and it was too dangerous to work under the roof.

Ms. Meintsma believed the process went awry when a new plan was devised by the Building Department to cut free and pull only the north and east walls, and let the roof and everything else fall into the hole to be removed as waste. The new plan was not sent back to the Planning Department for a preservation overview, and the Building Department justified overstepping the Planning Department by saying that it was not necessary nor was it required to have input from the Planning Department. Ms. Meintsma stated that if the proper protocol is not to require proper input from the Planning Department when changes to a historic project occur after approval and a building permit is in place, this weak point has and will continue to compromise the preservation process and the protocol should be re-evaluated. If it was not the proper protocol and the Building Department should have had input from the Planning Department on an HSI project, then the Building Department needs to be given direction on this all important point. Ms. Meintsma noted that from personal experience, the Building Department does not have preservation purview. They are never able to answer her questions and she has to do her own research or eventually seek answers from the Planning Department.

Referring back to the house at 335 Woodside Avenue, Ms. Meintsma remarked that two walls were partially saved; one was damaged in the removal. The rest was trashed. She had taken a number of photos to show that there was still plenty of historic material that could have been saved, including the gable on the south wall and the planks from the roof. Unfortunately it was all trashed and hauled away.

Ms. Meintsma believed that more of the historic material would have been saved if the Planning Department had been involved in the final follow-up and mitigation of the house. She wanted to know if the proper protocol was followed, and if it was, the protocol needs to change. She noted that the contractors on site insisted that the roof planks were rotten. She understood why they took that position because it would have been a laborious effort to remove and save the planks. Ms. Meintsma felt that the Planning Department would have taken a different point of view in terms of how long it would have taken to disassemble the roof. She encouraged a change in the process to keep the Planning Department involved in every step of changing plans after an approval.

Director Eddington reported that the Planning Commission was working with the Building Department to look at the plan and identify whether any issues were not properly addressed.

Henry Sigg, the owner of Lots 48A-D and parking lot G in Prospector, stated that with all the new planning in Bonanza Park and zone 3, it was brought to his attention that some of the diagrams have roadways coming through his platted lots. Mr. Sigg understood that his lot was part of the discussion but it was not in the mix. He wanted to ensure that it becomes part of the mix because he has development rights. Mr. Sigg stated that he already had discussions with Director Eddington, Planner Astorga and the City Engineer, and he believed many people on Staff were not aware that some of the properties existed in ownership in part of Prospector Square and the common area. Mr. Sigg had provided the plat information and he encouraged the Planning Commission to include any unbuilt lots in Prospector with the same re-development rights that might occur in some of the other areas being considered.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Director Eddington reminded the Planning Commission about an email they received regarding Camp Training, which is training for historic preservation. The Historic Preservation Board, the City Council, the Planning Commission, Staff and others were invited. It is a one-day intensive training on historic design review, the challenges, public participation, legal issues, and other issues related to historic preservation. It is a one-day seminar and the Planning Commission was encouraged to attend. The last training camp was held in 2009. The Camp was scheduled for Friday, June 7th at the Treasure Mountain Inn. The time would be confirmed later.

Planner Astorga reported that the CNU, Congress New Urbanism Group, was holding their National Conference in May. The group primarily focuses on traditional neighborhood design. The conference will be held in Salt Lake City and the Staff would be involved in some of the workshops. He encouraged the Planning Commission to check the website or contact the Staff for additional information if they were interested in learning more about the concepts.

Director Eddington offered to email the website address to the Commissioners. It is an extraordinary conference and they were fortunate that it was being held in Salt Lake this year. He noted that the workshops would be held in Salt Lake; however, they were trying to make arrangements for tours in Park City, biking, hiking, etc., as part of the mobile workshops.

REGULAR AGENDA – Discussion, Public Hearing and Possible Action

1. 1492 Park Avenue – Plat Amendment (Application #PL-12-01739)

Planner Anya Grahn reported that both the Building and Planning Departments have been working closely with the applicants on a proposed remodel. They have been working to create a building permit and to issue a demolition permit. The demolition permit was only for removing the exterior stucco and the roofing materials. However, the roof is gone and only the trusses are left. The issue with removing the stucco was that it was plied to a fiberboard and the board was attached to the stud. When the stucco was removed it also ripped out the board that was holding it in place. There were unanticipated structural issues and the Staff was currently trying to decide how to move forward. Planner Grahn noted that the structure was not historic.

Planner Grahn understood that the Building Department intended to double the cost of the building permit when one is issued; however, they were still working out the details.

Planner Grahn reviewed the application for the requested plat amendment. During the HDDR the Staff realized the property was a metes and bounds parcel and the applicant would like to make it a legal lot of record. Planner Grahn presented the survey and noted that the applicant intends to follow the metes and bounds description and the existing lot lines would not be adjusted. Land would not be added or subtracted. The applicant was requesting the plat amendment to make the parcel a legal lot of record.

Planner Grahn stated that after meeting with the Building Department, an additional condition of approval should be added to require an encroachment agreement. The Staff has been working with the Legal Department and Building Department to resolve the encroachment issue. She noted that 2' of the existing roof overhangs on the north side of the property line, which is shared by 7-Eleven.

Planner Grahn stated that a condition of approval was written to address a snow shed easement; however, snow clips would be put on the rebuilt roof. That should resolve the snow shed issue and the easement would not be necessary

The Staff recommended that the Planning Commission forward a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law and Conditions of Approval.

Chair Worel referred to Condition #4 on page 136 of the Staff report, "A Snow Shed Easement of seven feet (7') is required along the north property line". She then referred to language on page 130 of the Staff report which states that there is no setback on the north side. Planner Grahn explained that it is a non-complying structure because it was built at zero setback on the north property line. It also has less than a 15' setback across the front of the property line, which is an issue and contributes to making it a non-complying structure. She noted that because the remodel would not expand the footprint the amount of non-compliance would not be expanded, which complies with the LMC.

Steve Urry, representing the applicant, apologized for the accidental removal of the roof. He emphasized that there was no intention to do anything contrary. It was a misinterpretation between the General Contractor and the Building Official, and the definition of removing the building materials was never discussed in detail. Mr. Urry commented on his discussion with the Building Department and how they intend to address the encroachment of the roof that extends 2' over the property line. He noted that the encroachment has existed since 1970 and there has been a dispute or argument between the two property owners past or present. Mr. Urry stated that the applicant has been communicating with the adjacent property owner and they have an agreement for access to set up the 7' disturbance area.

Commissioner Gross remarked that this building represents a gateway view into the community because it is the first anyone sees coming from the Park Avenue/Deer Valley intersection. Unless they get the right treatment along the north side to make it more inviting to the public, it would not serve the community or the tourists at any level. In his opinion it is a garbage building and he was unsure why the applicant wanted to keep it up.

Mr. Urry thought the elevations showed that they were making substantial improvements to the structure. Mr. Gross reiterated that this was a gateway into Old Town and it needs to be more enticing. Mr. Urry stated that they were putting in stone and wood, changing the roofline and adding dormers to make it more aesthetically pleasing. He was confident that the finished product would be a significant improvement.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Thomas moved to forward a POSITIVE recommendation to the City Council for the plat amendment at 1492 Park Avenue, based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance.

Assistant City Attorney McLean recommended that the Planning Commission consider the Staff recommendation to add the Condition of Approval regarding the encroachment of the roof overhang.

They should also add a finding of fact stating that there is an encroachment of the roof overhang across the north property line. The Condition of Approval should state that the roof overhang encroachment must either be resolved or the applicant must obtain an encroachment agreement.

Commissioner Strachan asked if they could make a finding that the roof encroaches since the roof is gone. He was comfortable with a condition of approval requiring an encroachment agreement for the overhang on the north side, but he did not think they could make a finding that the roof encroaches when there is no roof. Ms. McLean wanted to make sure that the encroachment was addressed if the roof is rebuilt the same way.

Assistant City Attorney McLean suggested that they revise Condition #4 to state that if snow melt is addressed, the snow shed agreement would not be needed. Director Eddington drafted language stating, "If snow clips or snow melt is utilized in accordance with the Building Department, an easement for snow shedding is not necessary."

Commissioner Thomas amended his motion to include the revisions as stated. Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 1492 Park Avenue

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 or 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 (1'- 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.
18. Prior to its demolition, the roof encroached two feet (2') across the north property line. In the reconstruction of the roof structure, the Building Department has requested that any snow shedding be resolved, or a snow shed agreement be obtained with the neighboring property. Similarly, the encroachment must be resolved or an encroachment agreement must be obtained.

Conclusions of Law – 1492 Park Avenue

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 Subdivision.
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 – 1492 Park Avenue

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 is granted by the City Council.
3. Plat must be recorded prior to issuance of a Certificate of Occupancy (CO).
4. Snow shedding must be resolved to the satisfaction of the Building Department, or a Snow Shed Easement of seven feet (7') will be 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, 1977 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 of Park Avenue. The Applicant shall not contest the installation of cubs 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.
9. All encroachments along the north property line must be resolved to the satisfaction of the Building Department or an Encroachment Agreement must be obtained.

**2. 315 Park Avenue – Plat Amendment
(Application PL-12-01728)**

Planner Kirsten Whetstone reviewed the request for a plat amendment to reconfigure three lots of the existing plat called the 315 Park Avenue Subdivision. The subdivision was a combination of Lots 4, 5, 6, 27, 28, 29 of Block 3 and configured into three lots. The plat was recorded with the County in 2007. The applicant would like to reconfigure the lots to make them more equal in size. The existing configuration includes one large lot, which is Lot C at 3750 square feet, which allows a duplex. If the lots are made equal in size as proposed, all the lots would be single family lots and a duplex would not be allowed. She indicated a small peninsula that would be an extension of Lot B in the reconfiguration, as opposed to being an extension of Lot A.

The Planning Staff reviewed the proposed plat and finds good cause for this plat amendment as the plat amendment reconfigures the existing platted lots to create more logical property boundaries. It also resolves encroachment issues with conditions of approval. The encroachments are the low walls and a sliver of the shed on Lot A. The lots are vacant. The proposal reduces the density from a potential of four units to three units, and secures public snow storage easements along the two right-of-ways.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval outlined in the ordinance. Jonathan DeGray, representing the applicant, was available to answer questions.

Chair Worel opened the public hearing.

Ruth Meintsma was pleased that the lots were going to be developed. She referred to page 157 of the Staff report, the existing lots and replatted lots. In terms of lot size and footprint, she believed that the numbers for Lots A and B were transposed. Ms. Meintsma favored more equal sized lots; however, if the lot size changes, the side yard setback on the large lot would be reduced to a 3' setback, which results in a 4' loss of open space. She asked if the applicant would consider retaining two of the side yard setbacks as a benefit the neighborhood.

Chair Worel closed the public hearing.

Commissioner Hontz referred to page 157, the existing lot requirements, and noted that the maximum footprints for Lots A, B and C add up to a maximum footprint of 3,543.46. In looking at the replatted lot requirements under maximum footprint for Lots A, B and C, the total maximum footprint is 3,681.78. This was the basis for Meintsma's observation that the difference between

the two numbers results in a reduction of the side yard setback and creates a larger footprint. Commissioner Hontz agreed that maintaining a similar footprint would benefit the neighborhood and that could be accomplished by maintaining the existing setbacks. She could also be comfortable with only maintaining the existing maximum footprint number of 3,543.46.

Commissioner Strachan clarified that the issue was only with Lot C where the side yard setback would move from 5' to 3'. Planner Whetstone explained that the Lot footprints were based on the lot size, and the setbacks were based on the LMC requirement for the width of a lot. She stated that the information under the re-platted lot requirements gives the applicant what the LMC currently allows. The footprint calculations under the existing requirements were based on the LMC requirements for the size of the lot.

Commissioner Hontz asked if Lot C would need a Steep Slope CUP. Planner Whetstone replied that any of the lots could require a Steep Slope CUP, depending on where the structures are located on the site.

Mr. DeGray assumed that Lots B and C would have to go through the Steep Slope process. Commissioner Thomas stated that the setbacks could be increased during the process because that is one of the stipulations of the Steep Slope CUP. Planner Whetstone pointed out that the Planning Commission would have more specific design information at that time, as well as the visuals.

Commissioner Hontz stated that if they wait until the Steep Slope CUP process, she wanted a finding of fact or condition of approval stating that the footprints may be reduced at the time of a Steep Slope CUP. She noted that the maximum footprint was already referenced in Finding of Fact #23 on page 162, but she thought it should also include the fact that it could be reduced through the Steep Slope CUP. Commissioner Thomas believed that the ability to reduce the footprint was already a criteria of the Steep Slope CUP process.

Director Eddington understood that Commissioner Hontz was asking to specifically include the setbacks in the finding. He suggested the language, "This may be reduced at the time of the Steep Slope CUP."

Planner Whetstone clarified that the lots sizes for Lots A and C reflected in the Staff report were correct based on the plat. Lots A and C were 2,812.5 and Lot B was 3,037.5 square feet.

Commissioner Hontz referred to the Good Cause statement on page 157, first sentence, second line, and suggested that they revise the language to read, "...reconfigure the existing platted lots to **create property boundaries preferred by the applicant**, resolves encroachment issues, reduces the density from a potential four units to three units, reduces the **potential** parking requirement...." "The plat amendment resolves encroachment issues by requiring removal of, or easements for, the existing encroachments."

Planner Whetstone noted that the good cause language was also Finding #26, and the finding should be revised to include the suggested changes.

Commissioner Strachan asked if encroachment agreements were currently in place. Planner Whetstone answered yes. Commissioner Strachan asked how the plat was amended the first time. Commissioner Hontz noted that the findings and conditions reference the requirement for encroachment agreements. Planner Whetstone explained that typically an encroachment is recorded before the plat is recorded. She did not believe there were Findings at the time of the original plat and that the walls may be remnants of the historic home. Commissioner Strachan assumed that no one had bothered to get encroachment agreements when the plat was recorded.

MOTION: Commissioner Thomas moved to forward a POSITIVE recommendation to the City Council for the plat amendment for 315 Park Avenue based on the Findings of Fact, Conclusions of Law and Conditions of Approval found in the draft ordinance and as amended. Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 315 Park Avenue

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 ties 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. Setbacks may be reduced at the time of the Steep Slope CUP per LMC Section 15-2.2-6(B)(7).
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 to create property boundaries preferred to the applicant, resolve encroachment issues, reduce the density from a potential of four units to three units, reduce the potential 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 – 315 Park Avenue

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 – 315 Park Avenue

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 be removed or encroachment easement 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.

The Planning Commission adjourned the regular meeting and moved into Work Session. That discussion can be found in the Work Session minutes dated February 13, 2013.

The Park City Planning Commission meeting adjourned at 9:00 p.m.

Approved by Planning Commission: _____

Planning Commission Staff Report



Application #: PL-13-01813
Subject: 520 Park Avenue Replat
Author: Francisco Astorga, Planner
Date: February 27, 2013
Type of Item: Administrative – Plat Amendment

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the 520 Park Avenue Replat 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: Chase Bickmore, represented by Hal Timmons
Location: 520 Park Avenue
Zoning: Historic Residential (HR-2) District
Adjacent Land Uses: Residential
Reason for Review: Plat amendments require Planning Commission review and City Council action

Proposal

Plat Amendment request to combine two (2) Old Town lots one (1) lot of record. The site at 520/522 Park Avenue is currently vacant.

Purpose

The purpose of the HR-2 District is to:

- A. allow for adaptive reuse of Historic Structures by allowing commercial and office Uses in Historic Structures in the following Areas: Upper Main Street; Upper Swede Alley; and Grant Avenue,
- B. encourage and provide incentives for the preservation and renovation of Historic Structures,
- C. establish a transition in Use and scale between the HCB, HR-1, and HR-2 Districts, by allowing Master Planned Developments in the HR-2, Subzone A,
- D. encourage the preservation of Historic Structures and construction of historically Compatible additions and new construction that contributes to the unique character of the Historic District,
- E. define Development parameters that are consistent with the General Plan policies for the Historic core that result in Development that is Compatible with Historic Structures and the Historic character of surrounding residential neighborhoods and consistent with the Design Guidelines for Park City's Historic

- Districts and Historic Sites and the HR-1 regulations for Lot size, coverage, and Building Height, and
- F. provide opportunities for small scale, pedestrian oriented, incubator retail space in Historic Structures on Upper Main Street, Swede Alley, and Grant Avenue,
 - G. ensure improved livability of residential areas around the historic commercial core,
 - H. encourage and promote Development that supports and completes upper Park Avenue as a pedestrian friendly residential street in Use, scale, character and design that is Compatible with the historic character of the surrounding residential neighborhood,
 - I. encourage residential development that provides a range of housing opportunities consistent with the community's housing, transportation, and historic preservation objectives,
 - J. minimize visual impacts of the automobile and parking by encouraging alternative parking solutions,
 - K. minimize impacts of Commercial Uses on surrounding residential neighborhood

Background

On January 15, 2013 the City received a completed Plat Amendment application for the 520 Park Avenue Replat. The property is located at 520 & 522 Park Avenue in the Historic Residential (HR-2) District. The subject site contains parcels PC-124-D-1 and PC-124-D-2. The proposed plat amendment combines most of Lot 43 and all of Lot 44, Block 9 of the Park City Survey into one (1) lot of record. The proposed new lot will be 3,704 square feet in size.

The site is currently vacant. The applicant requests to eliminate the lot line between Lot 43 and Lot 44. In the future the owner is planning on building one (1) single family-dwelling. A building permit cannot be issued for construction across a lot line. In Old Town a Conditional Use Permit (CUP) is required for any structure in excess of 1,000 square feet if said structure and/or access is located upon any existing slope of thirty percent (30%) or greater.

The property owner of Lot 43, Block 9, of the Park City Survey requested a variance from the minimum lot area. In March 2012 the Park City Board of Adjustments granted a variance to the required minimum lot area per Land Management Code (LMC) § 15-2.3-4(A) for Lot 43. The site was 1,829 square feet, making the lot 46 square feet smaller than the minimum lot size of 1,875 square feet.

The area of discrepancy was created by the historic encroachment of the historic building located at 515 Main Street, a Significant Site identified on the Historic Site Inventory (HSI). In February 2012 staff sought Planning Commission input related to the submitted variance and their thoughts in relation to the site at 515 Main Street. The Commission indicated that they supported the Staff's recommendation of granting the variance to keep the smaller Old Town character as it would be in compliance with the various discussions related to the General Plan update.

At this time the property owner requests to combine Lot 43 (minus the 46 square feet they don't own) and Lot 44 to create one lot of record to eventually build one (1) single-family dwelling surrendering the granted variance which allowed one (1) single family dwelling on each lot.

Analysis

The proposed plat amendment creates one (1) lot from almost two (2) Old Town lots within the HR-2 District. The applicant requests to eliminate the shared lot line. Staff has reviewed the proposed plat amendment request and found compliance with the following Land Management Code (LMC) requirements for lot size and width:

	LMC requirement	Proposed
Minimum lot size	1,875 sq. ft.	3,704 sq. ft.
Minimum lot width	25 ft.	50 ft.

Staff finds good cause for this plat amendment. The proposed lot area yields a maximum building footprint of 1,504 square feet. The proposed Plat Amendment removed the need for the variance for Lot 43. The plat amendment reduces the potential density at this property from one (1) unit on each lot to one (1) unit on the combined area; therefore, it also reduces the required parking from four (4) spaces to two (2) spaces. The plat amendment dedicates 10' wide public snow storage easements along Park Avenue. The proposed lot will meet the lot and site requirements of the HR-2 District. According to the Boundary and Topographic Survey, Exhibit B, a shed on the lot north of Lot 43 (526 Park Ave.) encroaches onto Lot 43. This site is not historic as it is not listed on HSI. Staff recommends that the applicant resolves this item by obtaining an encroachment agreement from that neighboring property owner or by removal of the shed encroachment. There are no other violations or non-compliances found on the site dealing with setbacks and other development standards as identified below:

	Permitted
Height	27 feet maximum
Front setback	10 feet minimum
Rear setback	10 feet minimum
Side setbacks	5 feet minimum
Footprint	1,504 square feet maximum
Parking	2
Stories	3 stories maximum

In the future the property owner will have to follow the adopted Historic District Design Guidelines and additional applicable LMC criteria pertaining to development in the HR-2 District.

Process

The applicant will have to submit a Historic District Design Review application, which is reviewed administratively by the Planning Department. A Steep Slope Conditional Use

Permit application will be required, which is reviewed by the Planning Commission. They will also have to submit a Building Permit application. Approval of this plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18.

Department Review

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

Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record according to requirements of the Land Management Code.

Public Input

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

Alternatives

- The Planning Commission may forward positive recommendation to the City Council for the 520 Park Avenue Replat as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the 520 Park Avenue Replat and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on the 520 Park Avenue Re-plat Plat Amendment.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The configuration of these two (2) lots would remain as is and no construction could take place across the shared lot line. The property owner would be able to build a single family dwelling on each lot.

Recommendation

Staff recommends the Planning Commission hold a public hearing for the 520 Park Avenue Replat 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 – Boundary and Topographic Survey
- Exhibit C – County Tax Map
- Exhibit D – BOA Staff Report

Exhibit A – Draft Ordinance with Proposed Plat

Ordinance No. 13-__

AN ORDINANCE APPROVING THE 520 PARK AVENUE REPLAT LOCATED AT 520 PARK AVENUE, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 520 Park Avenue has petitioned the City Council for approval of the plat amendment; and

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

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

WHEREAS, the Planning Commission held a public hearing on February 27, 2013, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on February 27, 2013, forwarded a positive recommendation to the City Council; and,

WHEREAS, on March 14, 2013, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 520 Park Avenue Re-plat.

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

SECTION 1. APPROVAL. The 520 Park Avenue Re-plat Plat Amendment as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 520 & 522 Park Avenue.
2. The property is identified as Lot 43 & 44, Block 9 of the Park City Survey.
3. The property is located in the Historic Residential (HR-2) District.
4. The proposed lot is 3,704 square feet in size.
5. The minimum lot size within the HR-2 District is 1,875 square feet.
6. The lot width of the proposed lot is fifty feet (50').
7. The minimum lot width within the HR-2 District is twenty-five feet (25').
8. The maximum footprint for a lot this size is 1,504 square feet.
9. The site is currently vacant with the exception of a non-historic shed that encroaches towards the north area of the lot.
10. There are no other violations or non-compliances found on the site.

- 11. No remnant parcels of land are created with this plat amendment.
- 12. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law:

- 1. There is good cause for this plat amendment as it removes the need for the variance for Lot 43.
- 2. The plat amendment reduces the potential density at this property from one (1) unit on each lot to one (1) unit on the combined area; therefore, it also reduces the required parking from four (4) spaces to two (2) spaces.
- 3. The plat amendment dedicates 10' wide public snow storage easements along Park Avenue.
- 4. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
- 5. Neither the public nor any person will be materially injured by the proposed plat amendment.
- 6. 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 request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
- 3. Modified 13-D sprinklers may be required for new construction as required by the Chief Building Official at the time of review of the building permit submittal.
- 4. A 10 foot wide public snow storage easement is required along the frontage of the lot with Park Avenue and shall be shown on the plat.
- 5. The applicant shall resolve the encroachment of the shed on the 526 Park Avenue by obtaining an encroachment agreement from that neighboring property owner or by removal of the shed encroachment.

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

PASSED AND ADOPTED this 14th day of March, 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

Attachment A - Proposed Plat

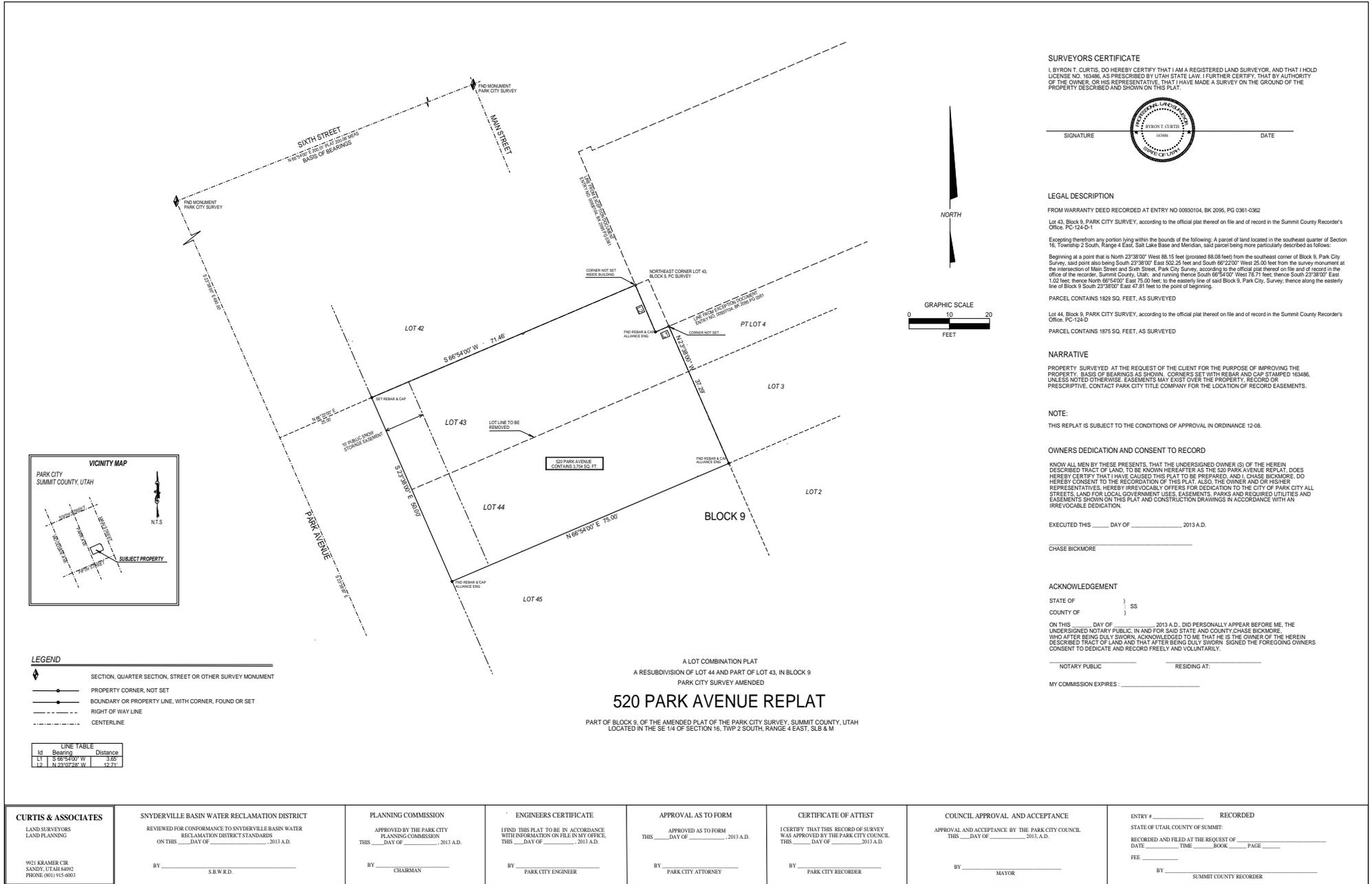
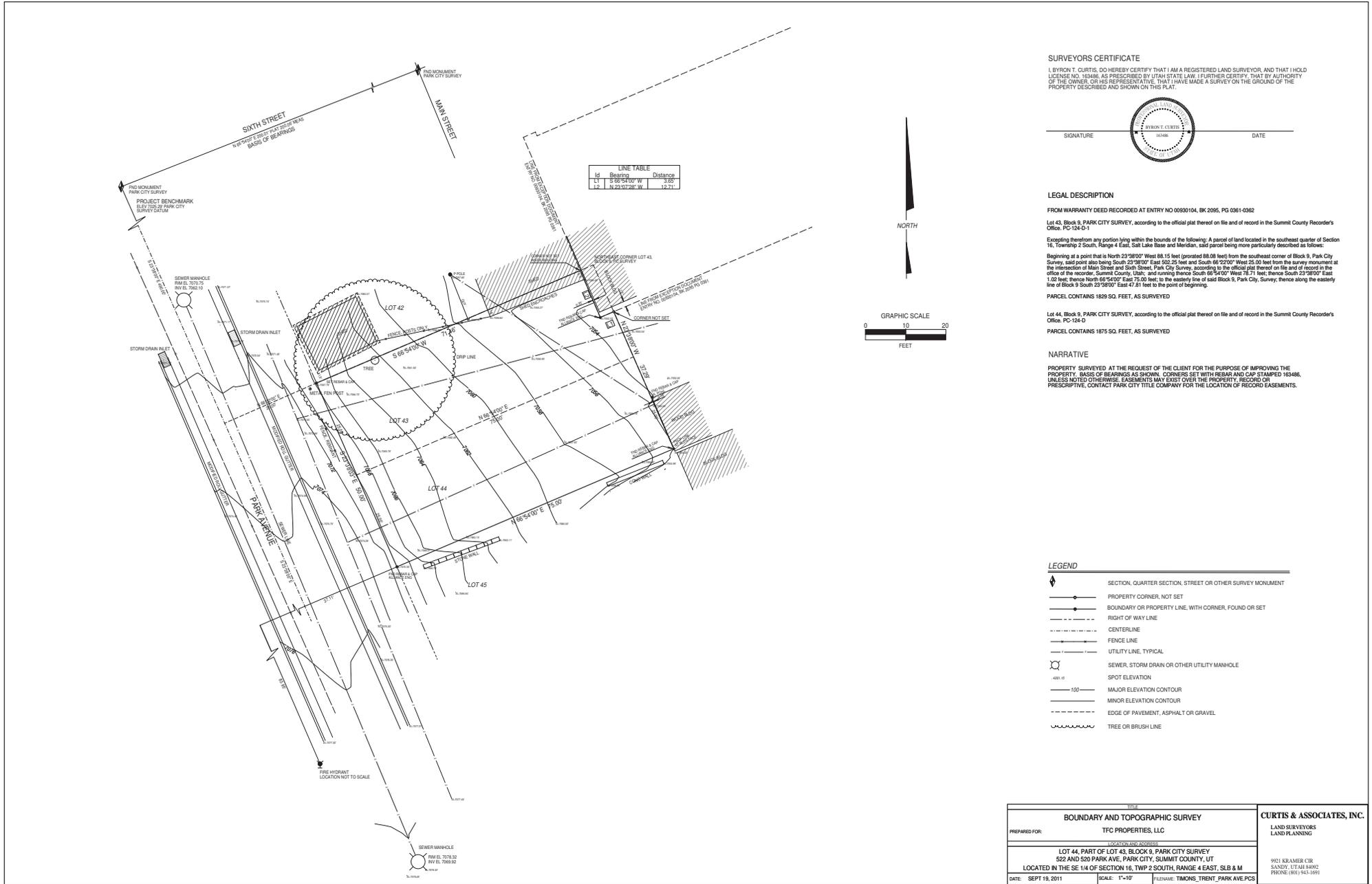
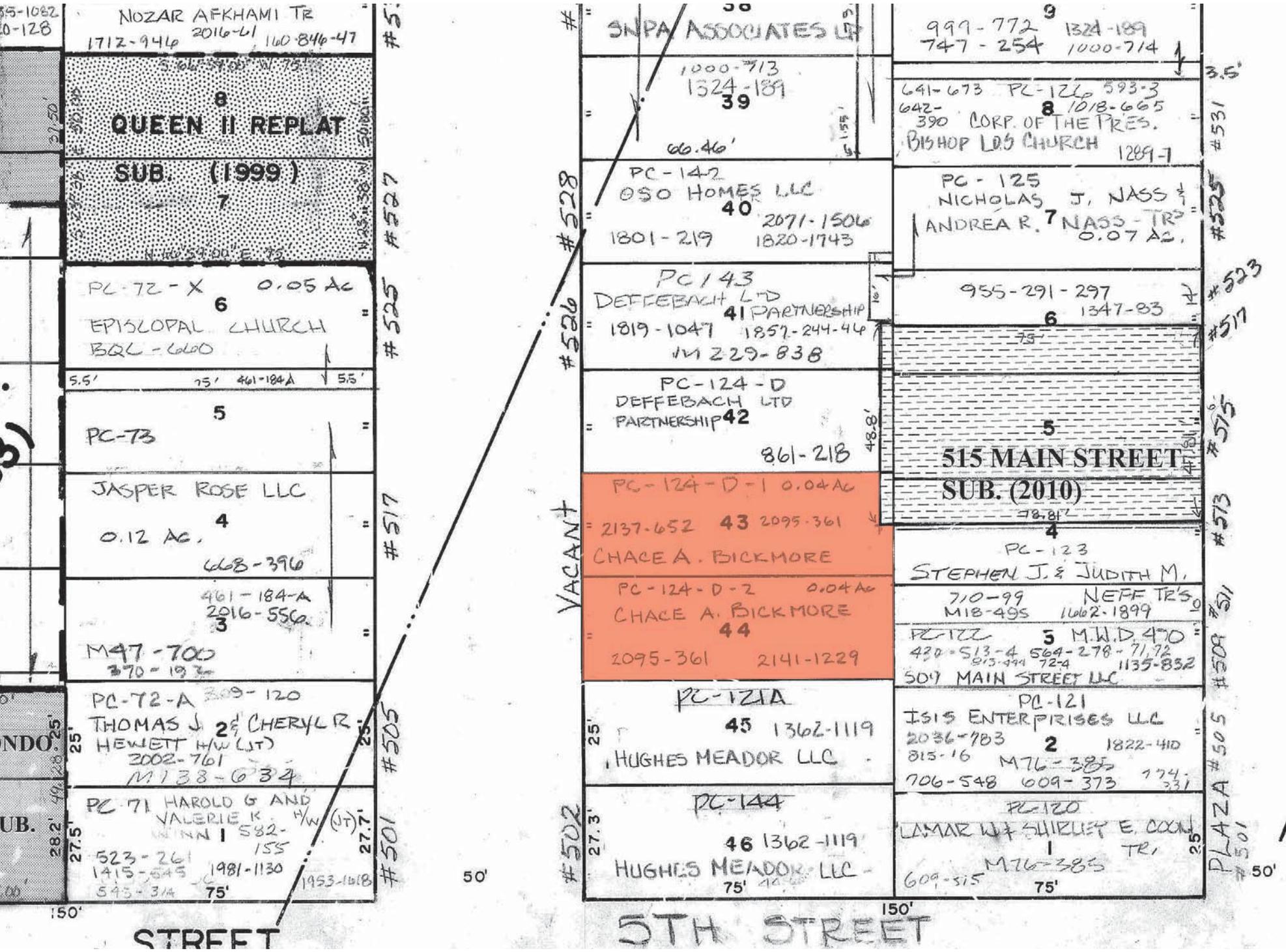


Exhibit B – Boundary and Topographic Survey





Board of Adjustments Staff Report



Application #: PL-11-01391
Subject: Lot 43, Block 9, Park City Survey
Author: Francisco Astorga, Planner
Date: March 6, 2012
Type of Item: Variance

Summary Recommendations

Staff recommends that the Board of Adjustments review the proposed variance to the required minimum lot area per Land Management Code § 15-2.3-4(A), conduct a public hearing, and consider granting the variance based on the findings of facts and conclusion of law.

Description

Applicant: Trent Timmons, TFC Properties LLC, represented by Hal Timmons
Location: 520 Park Avenue (approximately)
Zoning: Historic Residential (HR-2) District
Adjacent Land Uses: Residential on Park Avenue and Commercial on Main Street
Reason for Review: Variances require Board of Adjustment approval

Proposal

The property owner of Lot 43, Block 9, of the Park City Survey requests a variance from the minimum lot area. The site is 1,829 square feet, making the lot 46 square feet smaller than the minimum lot size of 1,875 square feet required in the HR-2 District.

Purpose

The purpose of the Historic Residential (HR-2) District is to:

- A. allow for adaptive reuse of Historic Structures by allowing commercial and office Uses in Historic Structures in the following Areas:
 1. Upper Main Street;
 2. Upper Swede Alley; and
 3. Grant Avenue,
- B. encourage and provide incentives for the preservation and renovation of Historic Structures,
- C. establish a transition in Use and scale between the HCB, HR-1, and HR-2 Districts, by allowing Master Planned Developments in the HR-2, Subzone A,
- D. encourage the preservation of Historic Structures and construction of historically Compatible additions and new construction that contributes to the unique character of the Historic District,
- E. define Development parameters that are consistent with the General Plan policies for the Historic core that result in Development that is Compatible with

Historic Structures and the Historic character of surrounding residential neighborhoods and consistent with the Design Guidelines for Park City's Historic Districts and Historic Sites and the HR-1 regulations for Lot size, coverage, and Building Height, and

- F. provide opportunities for small scale, pedestrian oriented, incubator retail space in Historic Structures on Upper Main Street, Swede Alley, and Grant Avenue,
- G. ensure improved livability of residential areas around the historic commercial core,
- H. encourage and promote Development that supports and completes upper Park Avenue as a pedestrian friendly residential street in Use, scale, character and design that is Compatible with the historic character of the surrounding residential neighborhood,
- I. encourage residential development that provides a range of housing opportunities consistent with the community's housing, transportation, and historic preservation objectives,
- J. minimize visual impacts of the automobile and parking by encouraging alternative parking solutions,
- K. minimize impacts of Commercial Uses on surrounding residential neighborhood.

Background

On November 1, 2011, the City received a complete application for a variance request at 520 Park Avenue. The property is located in the heart of historic Park Avenue within the HR-2 District. The proposed variance request is a waiver/modification of the requirements of the Land Management Code (LMC) related to minimum lot size.

The site is currently vacant with the exception of a non-historic shed that encroaches towards the north area of the lot. The property to the rear which faces Main Street is 515 Main Street, known as the Talisker restaurant site. That property has a small strip of land located on the former rear portion of this parcel where the historic building sits. This strip of land is 3.65 feet wide and 12.71 feet long and is the reason the subject lot does not comply with the minimum lot area requirement. This area was separated from the subject lot by a quit claim deed in 2007 to accommodate the entire historic building to be part of such deed, instead of having the small area of discrepancy belong to another entity.

In the 2009 the City approved the 515 Main Street Plat Amendment, which included the area of the historic building encroachment. To serve as a notice and to protect future ownership, there was a condition of approval on the 515 Main Street Plat Amendment which indicated the following:

- To serve as a notice and to protect future owner the applicant will place a notice of interest on the portion of those lots which they own which indicates that the three (3) lots do not comply with the minimum lot area and that development will not be able to move forward until the issue is resolved. The notice will be recorded at the County Office to aid and facilitate accurate and efficient research on these lots.

The notice was recorded at the County Offices to aid and facilitate accurate and efficient research on these lots. See Exhibit B (515 Main Street City Council staff report). The reduced lot size can be resolved by either a variance or a lot combination.

The applicant, who bought the property in September 2011 from TFC Properties LLC, seeks a variance to the required minimum lot area to be able to build a single family dwelling on a lot that does not comply with the minimum lot area of 1875 square feet. The lot is 46 square feet smaller than the minimum standard due to the encroachment of the historic building.

Analysis

In order to grant the requested variance to the minimum lot area of 1,875 square feet for a single family dwelling, the Board of Adjustment must find that all five (5) criteria located in LMC § 15-10-9 are met. The Applicant bears the burden of proving that all of the conditions justifying a variance have been met.

Criteria 1. Literal enforcement of the LMC would cause an unreasonable hardship for the Applicant that is not necessary to carry out the general purpose of the LMC. In determining whether or not enforcement of the zoning ordinance would cause unreasonable hardship under the BOA may not find an unreasonable hardship unless the alleged hardship is located on or associated with the Property for which the variance is sought and comes from circumstances peculiar to the Property, not from conditions that are general to the neighborhood. In determining whether or not the enforcement of the LMC would cause unreasonable hardship the BOA may not find an unreasonable hardship if the hardship is self-imposed or economic.

The unreasonable hardship is that the property owner is prevented from using the lot for the construction of single family dwelling based on the current lot area. The reduced lot size is due to the previous owners selling the area beneath the historic structure (515 Main Street), which was built over 100 years ago and deed to the owners of the historic structure in 2007. When the 515 Main Street plat amendment was approved by the City in 2009 this issue was identified and a notice recorded that indicated that the lot did not comply with the minimum lot area and that development will not be able to move forward until the issue is resolved.

The City sent a letter to the owner of 520 Park Avenue outlining the situation and noting that in order to build on this lot the property owner would have to apply for a variance or combine it with a neighboring lot (Exhibit C-5). So although the plat amendment and the creation of the substandard lot are recent (2009), they memorialized the location of the historic building and subsequent reduction in lot size for 520 Park Avenue.

Also, it is in the best interest of the City's historic preservation goals and current development practices to encourage plat amendments to allow historic buildings to remain on the historic property and to remove ownership lines that historic structures encroach over.

The Park City Survey was mostly platted with lots containing a rectangular configuration of 1,875 square feet, twenty five feet (25') wide by seventy-five feet (75') long. Historically, not all structures were built respecting these platted lot lines, and in some cases the buildings were constructed prior to the platting of these lots. Over time, development practices and policies have changed through the use of modern planning and buildings are required to be placed on the property without encroachments. The existence of the 100 year "encroachment" and subsequent recording of ownership by the adjoining land owner in 2009 allows the Board of Adjustment to consider the hardship to be historic.

Criteria 2. There are special circumstances attached to the Property that do not generally apply to other Properties in the same zone. In determining whether or not there are special circumstances attached to the Property the BOA may find that special circumstances exist only if the special circumstances relate to the hardship complained of and deprive the Property of privileges granted other Properties in the same zone.

The existence of the 100 year encroachment upon the property is a special circumstance that does not generally apply to other properties in the district wherein numerous single family dwellings have been built on the required 1875 square foot lots.

Criteria 3. Granting the variance is essential to the enjoyment of a substantial Property right possessed by other Property in the same zone.

Granting of the variance allows to the applicant the same rights as other property owners in the district. Without the variance the lot would become un-buildable or else lots would have to be combined which would not be as compatible with the other properties in the zone. With the variance the applicant is allowed to propose a single family house with a smaller building footprint that is adjusted by the building footprint formula and based on the smaller lot size.

Criteria 4. The variance will not substantially affect the General Plan and will not be contrary to the public interest.

Granting of the variance allows the construction of a single family dwelling compatible with other sites containing the minimum standard. One of the goals identified on the current General Plan is to ensure that the character of new construction that is architecturally-compatible to the existing historic character of Park City.

The property owner could combine this lot with the lot on the south. A lot combination would allow the property owner to have a buildable lot, however, it would also enable them to have a bigger footprint and build a bigger structure. Given the related compatibility between historic structures and new construction Staff finds that the character of this neighborhood would be better maintained by granting of the variance and allowing smaller structure on the lot.

Criteria 5. The spirit of the Land Management Code is observed and substantial justice done.

The spirit of the Land Management Code is observed and substantial justice done as the LMC lists the following purposes related to residential infill in the HR-2 District:

- encourage the preservation of Historic Structures and construction of historically Compatible additions and new construction that contributes to the unique character of the Historic District,
- define Development parameters that are consistent with the General Plan policies for the Historic core that result in Development that is Compatible with Historic Structures and the Historic character of surrounding residential neighborhoods and consistent with the Design Guidelines for Park City's Historic Districts and Historic Sites and the HR-1 regulations for Lot size, coverage, and Building Height, and [...]

Both items above deal with new construction being compatible with historic structures. This can be accomplished by allowing the property to build on a smaller lot rather than on a lot combination.

Planning Commission Discussion

The City Council and Planning Commission have expressed concerns with the existing LMC maximum footprint regulation and plat amendment process allowing the possibility of larger lots of record yielding larger structures that are incompatible with the development pattern and character of historic Old Town. These issues were discussed in 2007, which outcome was the 2009 LMC amendments that reduced the massing and size of buildings and the adoption of new Design Guidelines for Historic Districts and Historic Sites. These documents specifically rejected further alterations to the maximum footprint table.

Due to the small discrepancy of 46 square feet, granting the variance allows the construction of a single family dwelling compatible with other sites containing the minimum standard. One of the goals identified on the General Plan is to ensure that the character of new construction is architecturally-compatible with the existing historic character of Park City.

The property owner could combine this non-complaint lot with the lot to the south. Staff does not find this to be the optimal solution as the scale of historic structures tends to be smaller than a resulting structure on a combination of two (2) lots. A lot combination would allow the property owner to have a buildable lot, however, it would also enable them to have a bigger footprint and build a bigger structure.

Given the direction that the City Council and Planning Commission provided last August related to floor area/footprint and the related compatibility between historic structures and new construction, Staff finds that the character of this neighborhood would be better

served by granting the variance and allowing a smaller structure, rather than making the property owner combine lots that would enable a compliant, but bigger, lot area yielding a bigger structure that wouldn't be as compatible in scale, volume, and massing as two (2) smaller dwellings. It is also worth noting that the Planning Commission recommended LMC revisions to the HR-2 District in April 2010 that encouraged the construction of single family structures on these lots (along the east side of Park Avenue) to tie into the residential fabric that currently exists on the west side of Park Avenue.

Another option that the applicant could explore is requesting to purchase the area of non-compliance back from the 515 Main Street owner to be able to come up with that minimum standard of 1,875 square feet. This would be facilitated with the cooperation of such rear neighbor and actual re-platting the 515 Main Street site to reflect that the 46 square foot portion of the historic structure would now sit on the applicant's lot and an encroachment agreement would be memorialized to facilitate maintenance, etc. for the encroaching 515 Main Street structure.

On February 08, 2012, staff sought Planning Commission input related to the submitted variance and their thoughts in relation to the 515 Main Street Subdivision. The Commission indicated that they supported the Staff's recommendation of granting the variance to keep the smaller Old Town character as it would be in compliance with the various discussions related to the General Plan update.

In granting a variance, the BOA may impose additional requirements on the applicant that will mitigate any harmful effects of the variance or serve the purpose of the standard or requirement that is waived or modified. Staff does not recommend placing expiration on this variance.

The minimum lot area of 1,875 square feet yields a maximum footprint of 844 square feet. Staff recommends that if a variance granted that the maximum footprint be governed by the footprint formula based on the substandard lot size which would yield the maximum footprint of this site to be 825 square feet based upon the current code. In addition, the setbacks would also have to comply with code requirements.

Process

Any improvements on the lots will require a Historic District Design Review, which are reviewed administratively by the Planning Department. Staff review of a Building Permit is not publicly noticed unless appealed. The approval of this variance request by the Board of Adjustments constitutes Final Action that may be appealed following the procedures found in LMC § 15-10-13.

Department Review

This project has gone through an interdepartmental review, including the Planning Director and City Attorney. No further issues were brought up at that time.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The property would remain as is and no construction could take place over the lot and the area would be an unbuildable lot unless the applicant files a plat amendment application to combine property adjacent to the site to create a lot of legal size.

Recommendation

Staff recommends that the Board of Adjustments review the proposed variance to the required minimum lot area per Land Management Code § 15-2.3-4(A), conduct a public hearing, and consider granting the variance based on the findings of facts and conclusion of law.

Findings of Fact

1. The property is identified as Lot 43, Block 9 of the Park City Survey.
2. The property is located at approximately 520 Park Avenue.
3. The property is within the Historic Residential (HR-2) District.
4. The property owner requests a variance from the minimum lot area of 1,875 square feet to build a single family dwelling.
5. The site is 1,829 square feet, making the lot 46 square feet smaller than the minimum lot size.
6. The site is currently vacant with the exception of a non-historic shed that encroaches towards the north area of the lot.
7. The property to the rear which faces Main Street is 515 Main Street, known as the Talisker restaurant site. The property has a small strip of land located on the former rear portion of this parcel where the historic building sits.
8. The rear property has a small strip of land located on the former rear portion of this site where a portion of a historic Significant building at 515 Main Street.
9. This strip of land is 3.65 feet wide and 12.71 feet long and is the reason the subject lot does not comply with the minimum lot area requirement.
10. The unreasonable hardship is that the property owner is prevented from using the lot for the construction of single family dwelling based on the current lot area.
11. The reduced lot size is due to the previous owners selling the area beneath the historic structure which was built over 100 years ago to the owners of the historic structure in 2007.
12. It is in the best interest of the City's historic preservation goals and current development practices to encourage plat amendments to allow historic buildings to remain on the historic property and to remove ownership lines that historic structures encroach over.
13. The existence of the 100 year encroachment and subsequent recording of ownership by the adjoining land owner in 2009 allows the Board of Adjustment to consider the hardship to be historic.
14. The existence of the 100 year encroachment upon the property is a special circumstance that does not generally apply to other properties in the district wherein numerous single family dwellings have been built on the required 1875 square foot lots.

15. Granting of the variance allows to the applicant the same rights as other property owners in the district.
16. Without the variance the lot would become un-buildable or else lots would have to be combined which would not be as compatible with the other properties in the district.
17. Granting of the variance allows the construction of a single family dwelling compatible with other sites containing the minimum standard.
18. One of the goals identified on the current General Plan is to ensure that the character of new construction that is architecturally-compatible to the existing historic character of Park City.
19. The spirit of the LMC is observed and substantial justice done.
20. The LMC encourage the preservation of historic structures and construction of historically compatible new construction that contributes to the unique character of the Historic District.
21. The LMC defines development parameters that are consistent with the General Plan policies for the Historic core that result in development that is compatible with Historic Structures and the historic character of surrounding residential neighborhoods and consistent with the Design Guidelines for Park City's Historic Districts and Historic Sites.
22. Given the direction that the City Council provided last August related to floor area/footprint and the related compatibility between historic structures and new construction the character of this neighborhood would be better served by granting the variance and allowing a smaller structure, rather than making the property owner combine lots that would enable a compliant, but bigger, lot area yielding a bigger structure that wouldn't be as compatible in scale, volume, and massing as two (2) smaller dwellings.
23. On February 08, 2012 staff sought Planning Commission input related to the submitted variance and their thoughts in relation to the 515 Main Street Subdivision.
24. The Commission indicated that they supported the Staff's recommendation of granting the variance to keep the smaller Old Town character as it would be in compliance with the various discussions related to the General Plan update.

Conclusion of Law

1. Literal enforcement of the HR-2 District requirement that a lot have a minimum area of 1,875 square feet for a single family dwelling causes an unreasonable hardship that is not necessary to carry out the general purpose of the zoning ordinance.
2. There are special circumstances attached to the property that do not generally apply to other properties in the same district in that the building encroachment of the 515 Main Street building has existed over one hundred years.
3. Granting the variance is essential to the enjoyment of substantial property right possessed by other property owners in the same district in that the existing discrepancy created an unbuildable lot due to the encroachment and memorialization of such building encroachment.
4. The proposal is consistent with the General Plan.

5. The spirit of the zoning ordinance is observed by this application.
6. All of the conditions justifying a variance, pursuant to LMC § 15-10-9, have been met.

Order

1. The variance to LMC § 15-2.3-4(A) is hereby granted allowing a lot area of 1,829 square feet for a single family dwelling.
2. The variance runs with the land.

Exhibits

Exhibit A – Survey of the property

Exhibit B – Planning Commission Work Session Staff Report 02.08.2012

Exhibit C – 515 Main Street Plat Amendment Staff Report/Exhibits

1. Staff Report
2. Draft Ordinance
3. Aerial Vicinity Map
4. Survey
5. Letter to Adjacent Property Owner
6. County Plat Map

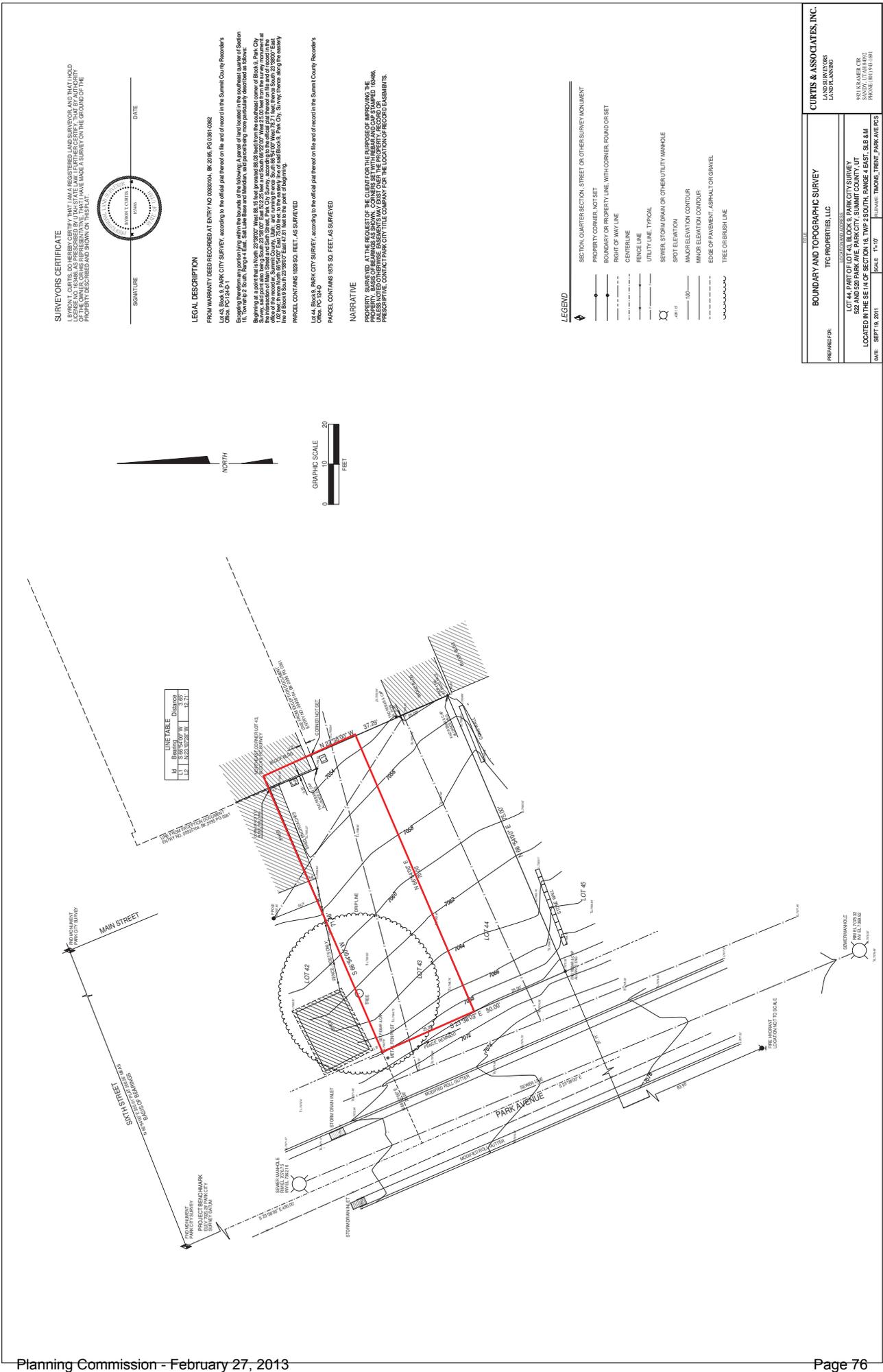
Exhibit D – Recorded Notice

Exhibit E – Planning Commission Minutes 10.28.2009

Exhibit F – Applicant's statement to variance request

Exhibit G – 02.08.202 Planning Commission Work Session Draft Minutes

EXHIBIT A – SURVEY OF THE PROPERTY



Planning Commission Staff Report



Application #: PL-11-01391
Subject: Lot 43, Block 9, Park City Survey
Variance Request
Author: Francisco Astorga, Planner
Date: February 8, 2012
Type of Item: Work Session

Summary Recommendations

Staff recommends the Planning Commission provide input and direction to Staff related to a submitted variance. The Board of Adjustment is responsible for granting variances.

Description

Applicant: Trent Timmons, represented by Hal Timmons
Location: 520 Park Avenue (Tax ID no. PC-124-D-1)
Zoning: Historic Residential (HR-2) District
Adjacent Land Uses: Residential
Reason for Review: Review the variance request to provide input to Staff and the Board of Adjustment

Proposal

The property owner of Lot 43, Block 9, of the Park City Survey requests a variance from the minimum lot area. The site is 1,829 square feet. The minimum lot area is 1,875 square feet. The lot is 46 square feet smaller than the minimum lot size.

Background

The property is located at 520 Park Avenue in the heart of historic Park Avenue within the HR-2 District. The site is currently vacant with the exception of a shed that encroaches towards the north area of the lot. This shed is not historic. The property to the rear which faces Main Street is 515 Main Street, known as the Talisker restaurant. That property has a small strip of land located on the former rear portion of this site where the historic building sits. This strip of land is approximately 3.65 feet wide and 12.71 feet long and is the reason the subject lot does not comply with the minimum lot area requirement. The land was deeded to the applicant (constituting an illegal subdivision) by the property owner to the west (who formerly owned the subject property) in 2007.

In the 2009, the City approved the 515 Main Street Plat Amendment, which included the area of the historic building encroachment. To serve as a notice and to protect future ownership, there was a Condition of Approval that the applicant (515 Main Street Plat) place a notice of interest on the portion of the lots which they own indicating that the three (3) lots (including the subject site) do not comply with the minimum lot area and that development will not be able to move forward until the issue is resolved. The notice

was recorded at the County Offices to aid and facilitate accurate and efficient research on these lots. See Exhibit B (515 Main Street City Council staff report.)

The applicant seeks a variance to construct a single family dwelling on a lot that does not comply with the minimum lot area of 1875 square feet. The lot is 46 square feet smaller than the minimum standard due to the encroachment of the historic building.

Discussion Requested

The City Council and Planning Commission have expressed concerns with the existing Land Management Code (LMC) maximum footprint regulation and plat amendment process allowing the possibility of larger lots of record yielding larger structures that are incompatible with the development pattern and character of historic Old Town. These issues were discussed in 2007, which outcome was the 2009 LMC amendments which reduced the massing and size of buildings and adoption of new Design Guidelines for Historic Districts and Historic Sites, but specifically rejected further alterations to the maximum footprint table by imposing a maximum footprint. The City spent additional time last August with analysis and recommendations regarding floor area limitations for new construction, but ultimately nothing was approved as it was recognized that the City's General Plan is currently being updated and may lead to additional analysis and recommendations.

Due to the small discrepancy of 46 square feet, granting the variance allows the construction of a single family dwelling compatible with other sites containing the minimum standard. One of the goals identified on the General Plan is to ensure that the character of new construction is architecturally-compatible with the existing historic character of Park City.

The property owner could combine this non-complaint lot with the lot to the south. Staff does not find this to be appropriate solution as the scale of historic structures tends to be smaller. A lot combination would allow the property owner to have a buildable lot, however, it would also enable them to have a bigger footprint and build a bigger structure.

Given the direction that the City Council and Planning Commission provided last August related to floor area/footprint and the related compatibility between historic structures and new construction, Staff finds that the character of this neighborhood would be better served by allowing a smaller structure rather than making the property owner combine lots that would enable a compliant, but bigger, lot area yielding a bigger structure that might have challenges in meeting the Historic District Design Guidelines in terms of scale, volume, and compatibility. It is also worth noting that the Planning Commission recommended LMC revisions to the HR-2 District in April 2010 that encouraged the construction of single family structures on these lots (along the east side of Park Avenue) to tie into the residential fabric that currently exists on the west side of Park Avenue.

Another option that the applicant could explore is requesting to purchase the area of non-compliance back from the 515 Main Street owner to be able to come up with that minimum standard of 1,875 square feet. This would be facilitated with the cooperation of such rear neighbor and actual re-platting the 515 Main Street site to reflect that the 46 square foot portion of the historic structure would now sit on the applicant's lot and an encroachment agreement would be memorialized to facilitate maintenance, etc.

Process

Any improvements on the lots will require a Historic District Design Review, which are reviewed administratively by the Planning Department. Staff review of a Building Permit is not publicly noticed nor subject to review by the Planning Commission unless appealed. The approval of a variance application by the Board of Adjustments constitutes Final Action that may be appealed following the procedures found in LMC 15-10-13.

Department Review

This project has gone through an interdepartmental review. It has also been reviewed by the Planning Director and City Attorney. No further issues were brought up at that time.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The property would remain as is and no construction could take place over the lot unless the applicant files a plat amendment application to combine property adjacent to the site.

Recommendation

Staff recommends the Planning Commission provide input and direction to Staff related to a submitted variance. The Board of Adjustment is responsible for granting variances.

Exhibits

- Exhibit A – Survey of the property
- Exhibit B – 515 Main Street Plat Amendment Staff Report and Exhibits
- Exhibit C – Recorded Notice
- Exhibit D – Planning Commission Minutes 10.28.2009
- Exhibit E – Applicant's statement to variance request

City Council Staff Report



Subject: 515 Main Street
Author: Francisco Astorga
Date: November 12, 2009
Type of Item: Administrative – Plat Amendment

Summary Recommendations

Staff recommends the City Council review the application, hold a public hearing and consider approving the 515 Main Street Plat Amendment based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Description

Applicant: Talisker Main Street LLC, represented by David Smith
Location: 515 Main Street
Zoning: Historic Commercial Business (HCB) District
Adjacent Land Uses: Retail
Reason for Review: Plat amendments require Planning Commission review and City Council approval

Purposes of the HCB District

The purpose of the Historic Commercial Business (HCB) District is to:

- A. preserve the cultural heritage of the City's original Business, governmental and residential center,
- B. allow the Use of land for retail, commercial, residential, recreational, and institutional purposes to enhance and foster the economic and cultural vitality of the City,
- C. facilitate the continuation of the visual character, scale, and Streetscape of the original Park City Historical District,
- D. encourage the preservation of Historic Structures within the district,
- E. encourage pedestrian-oriented, pedestrian-scale Development,
- F. minimize the impacts of new Development on parking constraints of Old Town,
- G. minimize the impacts of commercial Uses and business activities including parking, Access, deliveries, service, mechanical equipment, and traffic, on surrounding residential neighborhoods,

- H. minimize visual impacts of automobiles and parking on Historic Buildings and Streetscapes, and
- I. support Development on Swede Alley which maintains existing parking and service/delivery operations while providing Areas for public plazas and spaces.
- J. maintain and enhance the long term viability of the downtown core as a destination for residents and tourists by ensuring a Business mix that encourages a high level of vitality, public Access, vibrancy, activity, and public/resort-related attractions.

Background

On April 1, 2009 the City received a completed application for the 515 Main Street Plat Amendment. The property is located at 515 Main Street in the HCB District. The proposed plat amendment combines Lot 5 and portions of Lot 4, 6, 41, 42, and 43 in Block 9, Park City Survey into one lot of record. The proposed new lot will be 3,757 square feet in size.

The site has been identified as a Significant Site by the Historic Site Inventory adopted by the Historic Preservation Board in February 2009. The site is located in the heart of historic Main Street, which is surrounded by commercial/retail land use. The subject area is surrounded by Landmark Sites to the North and the South. The site to the south (511 Main St.) has a one-story frame 1-part block building, built in the 1910's, which houses a retail shop. The site to the north (523 Main St.) has a two-story frame 2-part block building, built circa 1900, which houses also houses a retail shop.

The applicant wishes to combine the lots into one (1) lot to facilitate the use of a new outdoor dining area on the property. A Historic District Design Review application was submitted to the City which included adding a retractable awning, bracing the front façade, adding mechanical equipment on the roof, and adding clerestory windows on the south elevation towards the rear of the building. Work also included building an outdoor patio. Staff found the request compliant with the Historic District Design Guidelines. A building permit was issued for the work, since most of the requested work did not take place over the lot lines. The Park City Building Dept. gave a conditional permit for the work on the patio with a condition that the plat amendment be approved which removes the under lying lot lines. An administrative Conditional Use Permit for the outdoor dining was also submitted to the City for review. It was determined by the City that that the plat amendment application had to be approved prior to the consideration of the outdoor dining permit.

Other than building permits, sign permits and Sundance related permits, there have been no land use applications for the building or the lots.

The Planning Commission reviewed this request during their October 28, 2009 regular meeting. A public hearing was held and the Commission forwarded a positive recommendation to the City Council. No public comments were made.

Analysis

The proposed plat amendment creates one (1) lot from Lot 5 and portions of Lots 4, 6, 41, 42, and 43 in Block 9, Park City Survey, within the HCB District. Staff has reviewed the proposed plat amendment and found compliance with the following Land Management Code (LMC) requirements for lot area, size and width:

	LMC requirement	Proposed
Minimum lot area	1,250 sq. ft.	3,757 sq. ft.
Minimum lot width	25 ft.	47.81 ft.
Minimum lot depth	50 ft.	78.71 ft.

Staff finds good cause for this plat amendment as the combined lot will clean up the various lot lines through the Historic Site, including the building. The combination will also facilitate the use of an outdoor dining area on the pad located north of the building, which meets the purpose of the HCB District. All future construction must comply with the LMC requirements for the HCB District including compliance of the Design Guidelines for Historic Districts.

There is a small strip of land located on the rear portion of this site which contains portions of Lot 41, 42, and 43 and are part of this lot combination. This strip of land is approximately 3.5 feet wide. The historic building was built on top of these lots as indicated on the submitted survey (Exhibit C). The building encroachment on the rear lots is approximately 114 square feet. The land was deeded to the applicant (constituting an illegal subdivision) by the property owner to the west (who formerly owned the subject property) in 2007.

The three residential lots located to the rear of the subject property do not comply with the minimum lot area requirement within the Historic Residential (HR-2) District, which is 1,875 square feet, as prescribed in LMC §15-2.3-4(A). The affected lots are Lot 41, 42, and 43 of Block 9 of the Park City Survey, parcel no: PC-143, PC-124-D, and PC-124-D-1, respectively. Staff has notified the property owner of this non-compliance (Exhibit D) outlining the issue and their specific options for future development, which includes a request to the Board of Adjustments for a variance or a plat amendment application which would comply with current development standards.

To serve as a notice and to protect future ownership Talisker is placing a notice of interest on the portion of those lots which they own which indicates that the three (3) lots do not comply with the minimum lot area and that development will not be able to move forward until the issue is resolved. The notice will be recorded at the County Offices to aid and facilitate accurate and efficient research on these lots (see Exhibit D).

The building located to the south, 511 Main Street (Landmark Site), sits on the remaining bottom portion of Lot 4 and also on the top portion of Lot 3. The lot line goes right through the middle of the building (see Exhibit C). The building located to the north, 523 Main Street (Landmark Site), sits on the remaining top portion of Lot 6. It

also encroaches six inches (6") on to the area owned by the applicant for the entire length of the building. The applicant is willing to grant the owner of this building consent to encroach. Both of these Landmark Sites do not comply with the minimum lot width requirement of twenty-five feet (25') or the minimum lot area of 1,250 square feet. Because of the historic nature of the sites, which includes these historic buildings, Staff does not find a dilemma with these discrepancies.

Planning Commission Discussion

Due to the age of the building (built circa 1898) it can be determined that the rear building encroachment has existed for over a hundred years and has acquired historical significance. The rear encroachment addition is shown on the 1900 and 1907 Sanborn Insurance Maps, which matches the 1968 tax record and the existing footprint of the building, which is 73 feet deep by 32 feet wide. Staff estimates that this rear encroachment addition was built sometime between 1889 and 1900. Also according to the applicant Coalition Title has confirmed that the strip along the north side of 515 Main Street (i.e., the south half of Lot 6) was acquired by previous property owner just over 20 years ago but Lot 6 was actually split into its current configuration in 1895, which matches the approximate date of when the building was constructed, circa 1900. Even though the lots have not been requested to be re-configured until now, there is an indication that the current configuration was historically distinguished.

The site to the west, 526 Park Avenue, Lot 41, has a front-facing gable-roofed frame house built circa 1897. This site has been identified as a Significant Site by the Historic Site Inventory. The submitted survey (Exhibit C) also shows a small storage shed towards the back, which is not listed in the Historic Site Inventory. Lots 42 and 43 are both vacant lots with the exception of the storage shed towards the back as shown on Exhibit C. This shed is also not listed in the Historic Site Inventory. The survey also shows that the roof of the storage shed is attached to the 515 Main Street building. The applicant is willing to grant the owner of this storage shed a consent to encroach, which outlines the flashing affixed to the shed is also attached to the building.

Staff discussed this lot combination with the Planning Commission during their October 28, 2009 meeting. The Planning Commission concurred with Staff with the conclusion of good cause for this plat amendment. Approval of this lot combination will clean up the lot lines on site, memorializing the Park City Survey lot and remaining lot portions into one lot of record but at the same time it will create three (3) non-compliant lots on Park Avenue and two (2) non-compliant lots on Main Street.

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. Staff review of a Building Permit is not publicly noticed nor subject to review by the Planning Commission unless appealed.

Department Review

This project has gone through an interdepartmental review. All items have been addressed throughout this staff report.

Notice

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

Public Input

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

Alternatives

- The City Council may approve the 515 Main Street Plat Amendment as conditioned or amended; or
- The City Council may deny the 515 Main Street Plat Amendment and direct staff to make Findings for this decision; or
- The City Council may continue the discussion on 515 Main Street Plat Amendment.
- The City Council may remand the item back to the Planning Commission for specific discussion on topics and/or findings.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The lots would remain as is. No construction across lot lines could occur.

Recommendation

Staff recommends the City Council review the application, hold a public hearing and consider approving the 515 Main Street Plat Amendment based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Exhibits

Exhibit A – Draft Ordinance

Exhibit B – Aerial Photograph

Exhibit C – Survey

Exhibit D – Letter to adjacent (rear) property owner

Exhibit E – County Tax Map

EXHIBIT C-2 DRAFT ORDINANCE

Exhibit A: Draft Ordinance

Ordinance No. 09-

AN ORDINANCE APPROVING THE 515 MAIN STREET AVENUE PLAT AMENDMENT LOCATED AT 515 MAIN STREET, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 515 Main Street has petitioned the City Council for approval of the plat amendment; and

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

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

WHEREAS, the Planning Commission held a public hearing on October 28, 2009, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on October 28, 2009, forwarded a positive recommendation to the City Council; and,

WHEREAS, on November 12, 2009, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 515 Main Street Plat Amendment.

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

SECTION 1. APPROVAL. The 515 Main Street Plat Amendment as shown in Attachment 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 515 Main Street.
2. The zoning is Historic Commercial Business (HCB).
3. The proposed lot is 3,757 square feet in size.
4. The current minimum lot size within the HCB District is 1,250 sq. ft.
5. The lot width of the proposed lot is 47.81 feet.
6. The current minimum lot width within the HCB District is 25 feet.
7. The lot depth of the proposed lot is 78.71 feet.
8. The current minimum lot depth within the HCB District is 50 feet,
9. The site contains a historic building.
10. The site has been identified as a Significant Site by the Historic Site Inventory.

11. The plat amendment will clean up the various lot lines through the site, including under the historic building.
12. There is a building encroachment of six inches (6") by the building located on adjacent property to the north (523 Main Street).
13. The applicant is willing to grant the owner of the building to the north consent to encroach.
14. The existing building located at 515 Main Street encroaches over the rear property line on to Lot 42 and 43 for a distance of approximately three and half feet (3.5") for the entire width of the building of approximately 32 feet.
15. To serve as a notice and to protect future ownership Talisker is placing a notice of interest on the portion of those lots which they own which indicates that the three (3) lots do not comply with the minimum lot area and that development will not be able to move forward until the issue is resolved. The notice will be recorded at the County Offices to aid and facilitate accurate and efficient research on these lots.
16. The Park City Building Dept. gave a conditional permit for the work on the patio with a condition that the plat amendment be approved which removes the under lying lot lines.
17. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law:

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
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 must 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 shall 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.
3. To serve as a notice and to protect future ownership the applicant will place a notice of interest on the portion of those lots which they own which indicates that the three (3) lots do not comply with the minimum lot area and that development will not be able to move forward until the issue is resolved. The notice will be recorded at the County Offices to aid and facilitate accurate and efficient research on these lots.
4. The applicant will issue encroachment agreements to the corresponding owners that will indicate the encroachment of the building to the north and the affixed flashing of the storage shed to the west.

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

PASSED AND ADOPTED this 12th day of November, 2009.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, MAYOR
ATTEST:

Jan Scott, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Attachment A – Proposed Plat



SURVEYOR'S CERTIFICATE

I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold authority of the owner, I have prepared this Record of Survey map of the 515 MAIN STREET SUBDIVISION and that the same has been or will be monumented on the ground as shown on this plat.

John Demkowicz _____ Date _____

BOUNDARY DESCRIPTION

A parcel of land located in the southeast quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:
Beginning at a point that is North 23°38'00" West 86.15 feet (rounded 86.08 feet) from the intersection of Main Street and Sixth Street, Park City, Survey, according to the East 502.25 feet and South 66°22'00" West 25.00 feet from the survey monument at the intersection of Main Street and Sixth Street, Park City, Survey, according to the City of Park City, Utah; and running thence South 68°54'00" West 78.71 feet; thence North 23°07'28" West 48.80 feet; thence North 66°22'00" East 3.28 feet; thence South 23°38'00" East 1.02 feet; thence North 66°22'00" East 3.28 feet; thence North 23°38'00" East 47.81 feet; City Survey thence along the easterly line of Block 9 South 23°38'00" East 47.81 feet to the point of beginning.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that the undersigned, the owner of the hereinafter described property, 515 Main Street, SUBDIVISION, does hereby certify that he has caused this Plat to be prepared, and does hereby consent to the recordation of this Plat.

In witness whereof, the undersigned set his hand this _____ day of _____, 2008.

TALISKER MAIN STREET, LLC
By: TALISKER DEVELOPMENTS, INC., Its Manager
By: Mark R. Thorne, Vice President

ACKNOWLEDGMENT

State of Utah: _____
County of Summit: _____

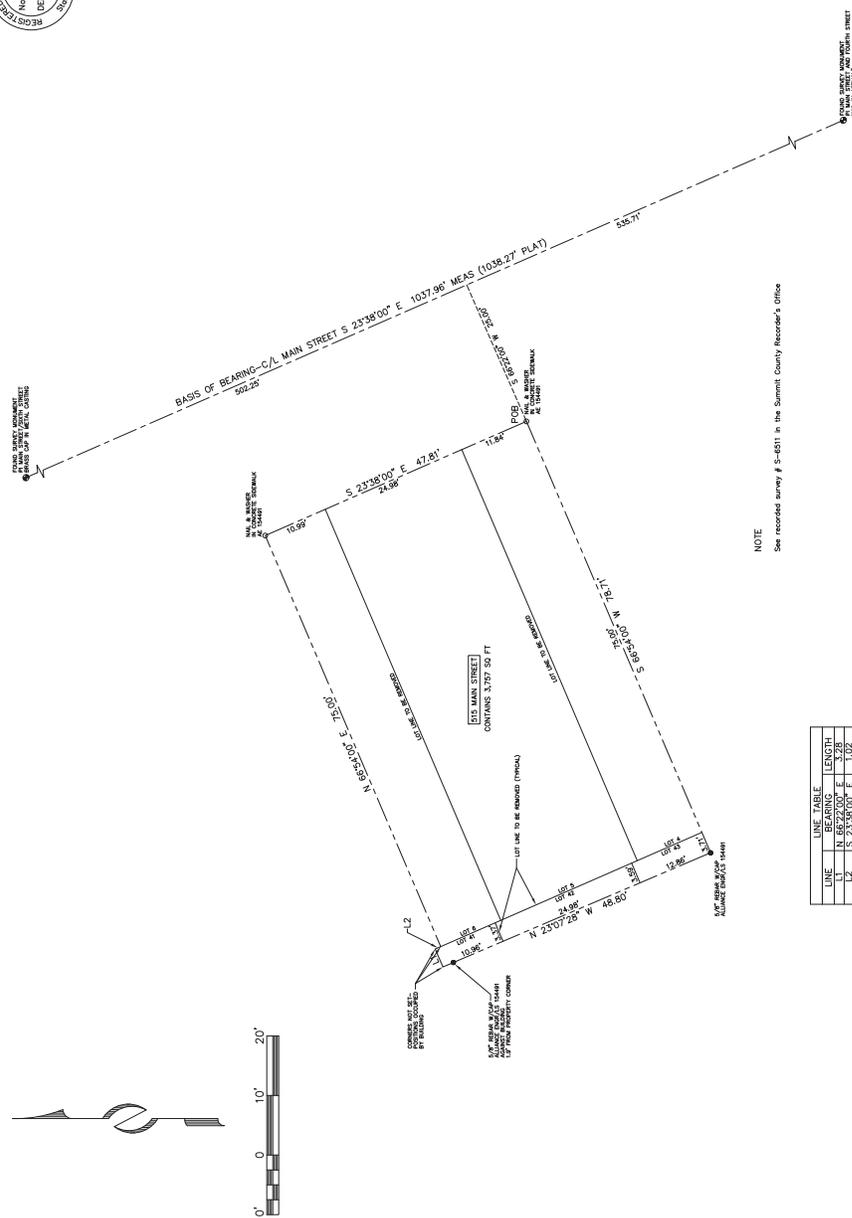
On this _____ day of _____, 2008, personally appeared before me the undersigned Notary Public, in and for said state, Mark R. Thorne, who after being duly sworn, acknowledged to me that he is the Vice President of Talisker Developments, Inc., a Utah corporation, and that Talisker Developments, LLC, that he signed the foregoing Owner's Dedication and Consent to Record on behalf of the corporation with full authority of its bylaws.

A Notary Public commissioned in Utah

Printed Name _____

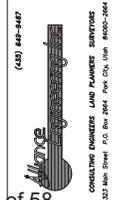
Residing in: _____

My commission expires: _____



A LOT COMBINATION PLAT OF LOT 5 AND PORTIONS OF
LOTS 4, 6, 41, 42 AND 43 IN BLOCK 9, PARK CITY SURVEY
515 MAIN STREET SUBDIVISION

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



SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2009 A.D.
BY _____ S.B.W.R.D.

PLANNING COMMISSION
APPROVED BY THE PARK CITY PLANNING COMMISSION ON THIS _____ DAY OF _____, 2009 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 _____, 2009 A.D.
BY _____ PARK CITY ENGINEER

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS _____ DAY OF _____, 2009 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 _____, 2009 A.D.
BY _____ PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2009 A.D.
BY _____ MAYOR

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



**515 Main Street
Aerial Vicinity Map**

Exhibit B

EXHIBIT C-4 SURVEY

SURVEYOR'S CERTIFICATE

To Talisker Main Street, LLC and Park City Title Company:

This is to certify that this map or plat and the survey on which it is based were made in accordance with "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys", jointly established and adopted by ALTA, ACSM and NPS in 2005, and includes items 1, 4, 7a, 8, 10, 11, 13 and 14 of Table A thereof. Pursuant to the Accuracy Standards as adopted by ALTA, NPS, and ACSM and in effect on the date of this certification, undersigned further certifies that the Positional Uncertainties resulting from the survey measurements made on the survey do not exceed the allowable Positional Tolerance.

4-10-07 Date

John Demitkiewicz, No. 154491

LEGAL DESCRIPTION

A parcel of land located in the southeast quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point that is North 23°38'00" West 88.15 feet (prorated 88.08 feet) from the southeast corner of Block 9, Park City Survey, said point also being South 23°38'00" East 502.25 feet and South 66°22'00" West 25.00 feet from the survey monument at the intersection of Main Street and Sixth Street, Park City Survey, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah; and running thence South 66°54'00" West 78.71 feet; thence North 23°07'28" West 48.80 feet; thence North 66°22'00" East 3.28 feet; thence South 23°38'00" East 1.02 feet; thence North 66°54'00" East 75.00 feet to the easterly line of said Block 9, Park City Survey; thence along the easterly line of Block 9 South 23°38'00" East 47.81 feet to the point of beginning.

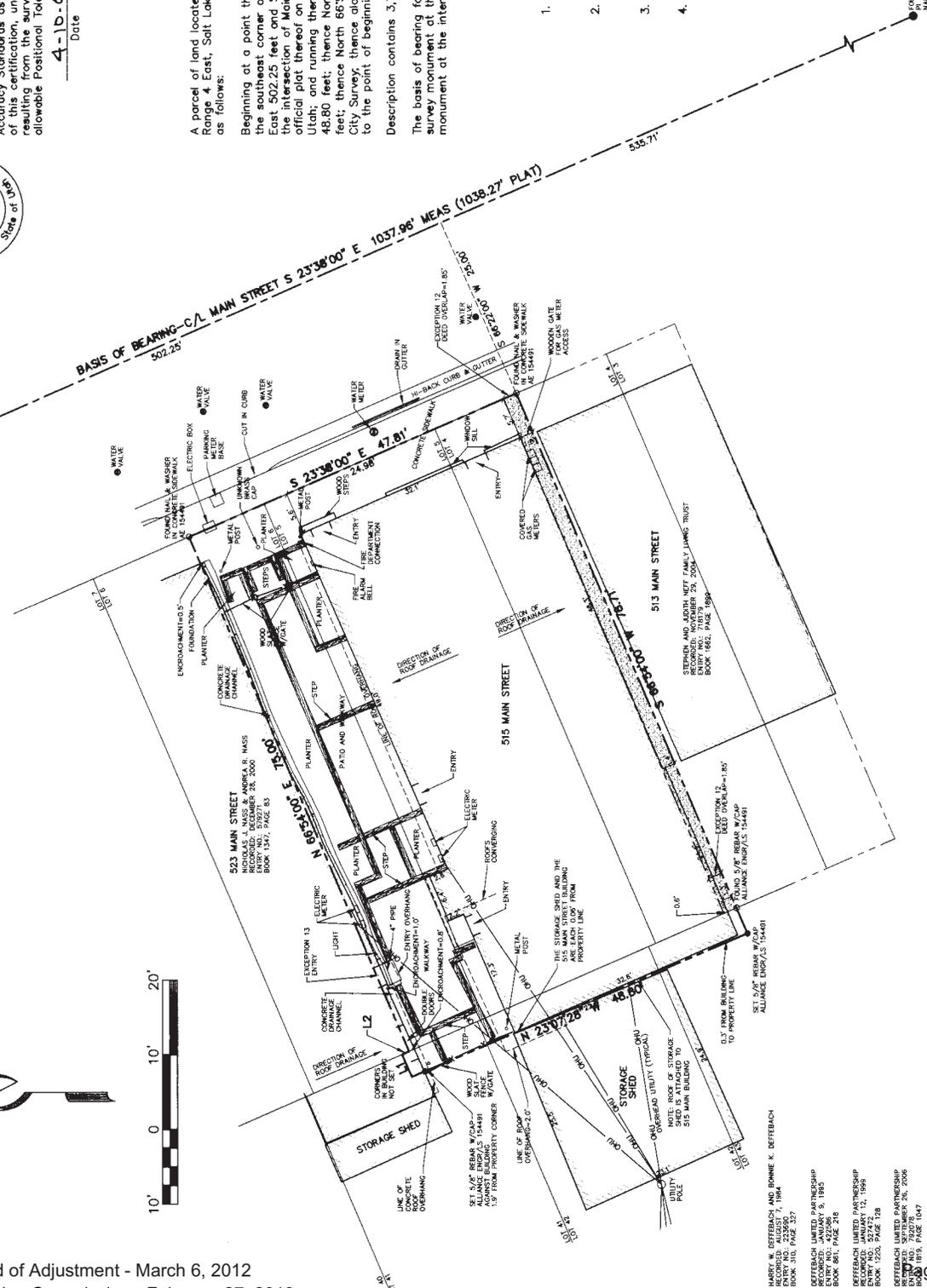
Description contains 3,757 square feet.

The basis of bearing for the above description is South 23°38'00" East between the survey monument at the intersection of Main Street and Sixth Street and the survey monument at the intersection of Main Street and Fourth Street, Park City Survey.

NARRATIVE

1. This survey is performed in conjunction with a Commitment for Title Insurance issued by Park City Title Company dated March 27, 2007 as File No. 17422.
2. The following exceptions in Schedule B, Section II of the title commitment dated March 27, 2007 as File No. 17422 are not addressed by this survey: 1-11 and 14-15.
3. Underground utilities are not within the scope of this survey.
4. A proration of 0.99926 is applied to plat distances to conform with measured right-of-way monuments.

LINE	BEARING	LENGTH
L1	N 66°22'00" E	3.28
L2	S 23°38'00" E	1.02



ALTA/ACSM LAND TITLE SURVEY
515 MAIN STREET

FOR: TALISKER
JOB NO.: 1-1-01
FILE: X:\ParkCitySurvey\dwg\arv\01010101.dwg

SHEET 1 OF 1

STAFF: MARSHALL KING
BLAKE MYERS
MARTY MORRISON

DATE: 4/10/07

(435) 649-9467

CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
322 Main Street, P.O. Box 2864, Park City, Utah 84302-2864



Building • Engineering • Planning

October 14, 2009

Bonnie Deffebach
Deffebach Limited Partnership
1534 N. Beverly Drive
Beverly Hills, CA 90210

RE: Lots 41, 42, and 43, Block 9, Park City Survey

Dear Ms. Deffebach:

The Park City Planning Department is currently reviewing a plat amendment to create one (1) lot of record at 515 Main Street. During this review process we have learned that three (3) Old Town lots owned by you do not comply with the minimum lot area requirement within the Historic Residential (HR-2) District, which is 1,875 square feet, as prescribed in Land Management Code (LMC) §15-2.3-4(A). The affected lots are Lot 41, 42, and 43 of Block 9 of the Park City Survey, Parcel No.: PC-143, PC-124-D, and PC-124-D-1, respectively.

In order to construct a building or other improvements the Planning Department must review the application to determine whether the proposal complies with all applicable development requirements of the zoning district.

You may submit a plat amendment application which requests to re-plot the configuration of the lots which would comply with the development standards of the LMC, including the minimum lot area. Specific information about plat amendments can be found in LMC §15-7. Development will only be able to move forward once you comply with development standards for the district.

The site (515 Main Street) has been identified as a Significant Site by the Historic Site Inventory adopted by the Historic Preservation Board in February 2009. The building is a one-part block building with a faux façade built around 1898. Most of the structure sits on Lots 4 and 5, but it also encroaches over the rear property line onto Lots 42 and 43. This historic structure's lot line encroachment causes a unique situation given that the encroachment has existed over 100 years.

According to LMC §15-10-8 the Board of Adjustments may hear applications for special exceptions to the terms of the LMC, which apply to variances, modifications of non-conforming uses, etc. Any person desiring a waiver or

Park City Municipal Corporation • 445 Marsac Avenue • P.O. Box 1480 • Park City, Utah 84060-1480
Building (435) 615-5100 • Engineering (435) 615-5055 • Planning (435) 615-5060

FAX (435) 615-4906

modification of the requirements of the LMC as applied to a parcel or property that he/she owns, leases, or in which he/she holds some other beneficial interest may apply to the Board of Adjustments for a variance from the terms of the LMC. Specific information about the variance application, process, and conditions can be found on LMC §15-10-9.

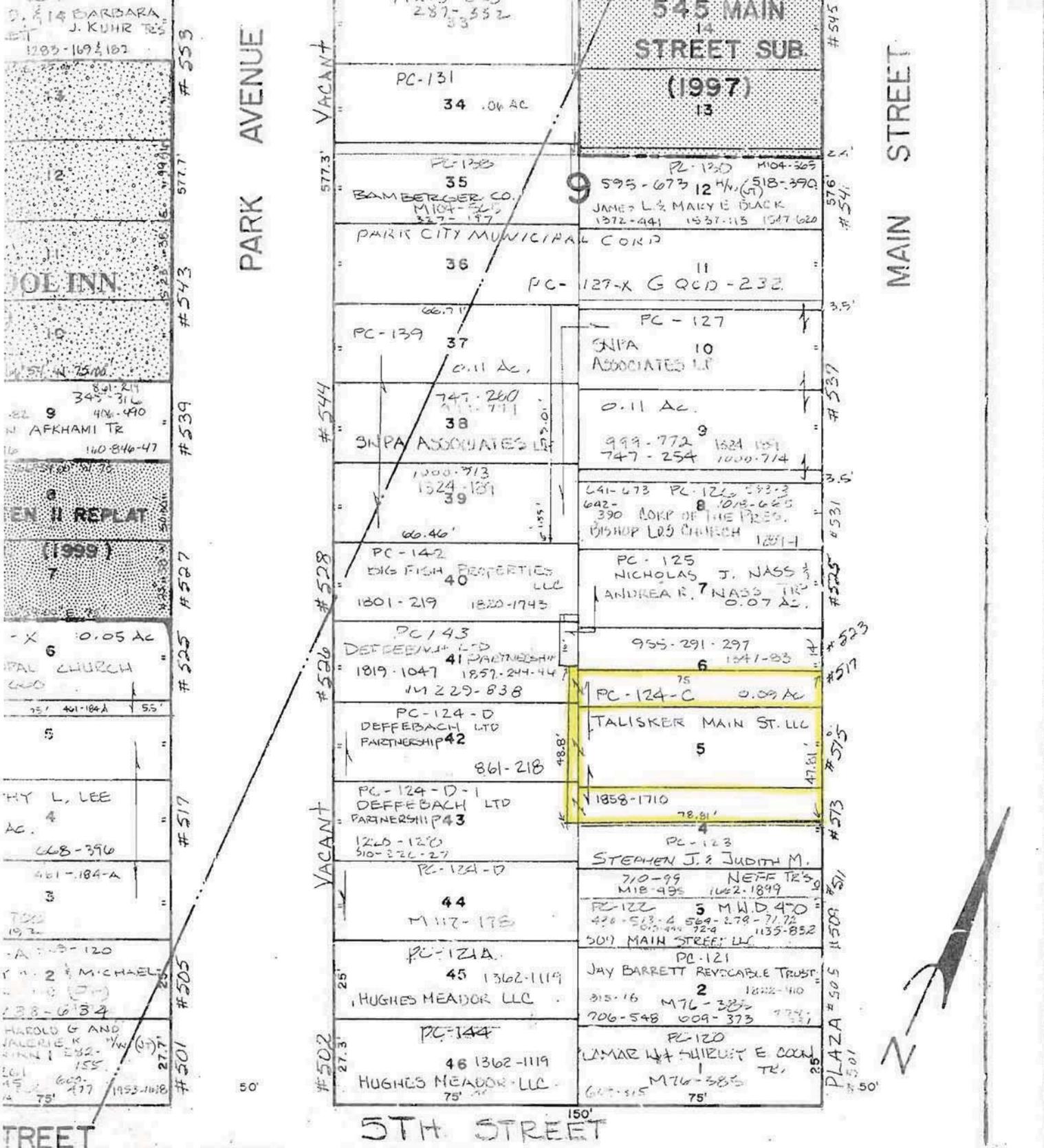
To serve as a notice and to protect future ownership Talisker is placing a notice of interest on the portion of those lots which they own which indicates that your three (3) lots do not comply with the minimum lot area and that development will not be able to move forward until this issue is resolved. This notice will be recorded at the County Offices to aid and facilitate accurate and efficient research on these lots. Feel free to contact us should you have any questions.

Respectfully,



Francisco Astorga
Planner

cc: 515 Main Street Plat Amendment file
Thomas Eddington Jr., Planning Director
Ron Ivie, Chief Building Official
Polly Samuels-McLean, Assistant City Attorney
Peterson – Calder Real Estate Group



IT COUNTY, UTAH

SCALE
ONE INCH = 40 FEET
BOOK PAGE

Exhibit E

EXHIBIT C-6 COUNTY PLAT MAP

Board of Adjustment - March 6, 2012
Planning Commission - February 27, 2013

Page 45 of 58
Page 93

WHEN RECORDED, RETURN TO:
Lorrie J. Hoggan
1850 Sidewinder Drive, 2nd Floor
P. O. Box 4349
Park City, UT 84060

00891263 B: 2019 P: 1048
Page 1 of 4
Alan Spriggs, Summit County Utah Recorder
02/01/2010 01:48:29 PM Fee \$16.00
By COALITION TITLE AGENCY, INC.
Electronically Recorded by Simplifile

NOTICE

This Notice relates to the property identified on Exhibit "A" attached hereto (the "Property"). By Warranty Deed recorded April 12, 2007, the owner of the Property conveyed the following-described portion of the Property to Talisker Main Street, LLC ("Talisker"), which is depicted on Exhibit "B" attached hereto and is more fully described as:

A parcel of land located in the southeast quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at the southernmost corner of Lot 5, Block 9, Amended Plat of Park City, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah, said point also being on the easterly boundary of Lot 43, Block 9 of said Amended Plat of Park City; and running thence along the easterly boundary of Lot 43 South 23°38'00" East 11.84 feet; thence South 66°54'00" West 3.71 feet; thence North 23°07'28" West 48.80 feet; thence North 66°22'00" East 3.28 feet to the boundary common to Lots 6 and 41, Block 9, Amended Plat of Park City; thence South 23°38'00" East 37.00 feet to the point of beginning.

Description contains 170 square feet.

Part of Tax Serial No. PC-124-C

Any future development of the Property will require the approval by Park City Municipal Corporation (the "City"), including, for example, approval of a plat amendment to increase the size of the lots to meet the City's Historic Residential (HR-1) minimum lot size requirement, or approval of a variance to the City's Historic Residential (HR-1) minimum lot size requirements to allow a substandard lot size. This Notice is filed to comply with the City's requirements relative to the above-described portion of the Property owned by Talisker.

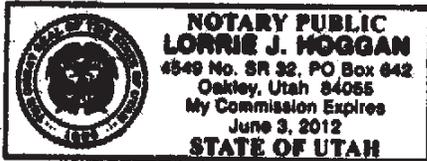
DATED THIS 29th day of January, 2010.

TALISKER MAIN STREET, LLC,
a Utah limited liability company

By: TALISKER DEVELOPMENTS, INC.,
a Utah corporation, its Manager

By: *David J. Smith*
David J. Smith

Its: Authorized Signing Officer



STATE OF UTAH)
 :
COUNTY OF SUMMIT)

On this 29th day of January, 2010, personally appeared before me David J. Smith, the Authorized Signing Officer of Talisker Developments, Inc., a Utah Corporation, Manager of Talisker Main Street, LLC, a Utah limited liability company, on behalf of such limited liability company.

NOTARY PUBLIC: *Lorrie Hoggan*
My commission expires: *6-3-12* Residing in: *Oakley, Utah*

EXHIBIT "A"

Description of the Property:

Lots 41, 42 and 43, Block 9, Amended Park City Survey, according to the official plat thereof on record with the Summit County Recorder.

00891263 Page 3 of 4 Summit County

A-1 |

EXHIBIT "B"

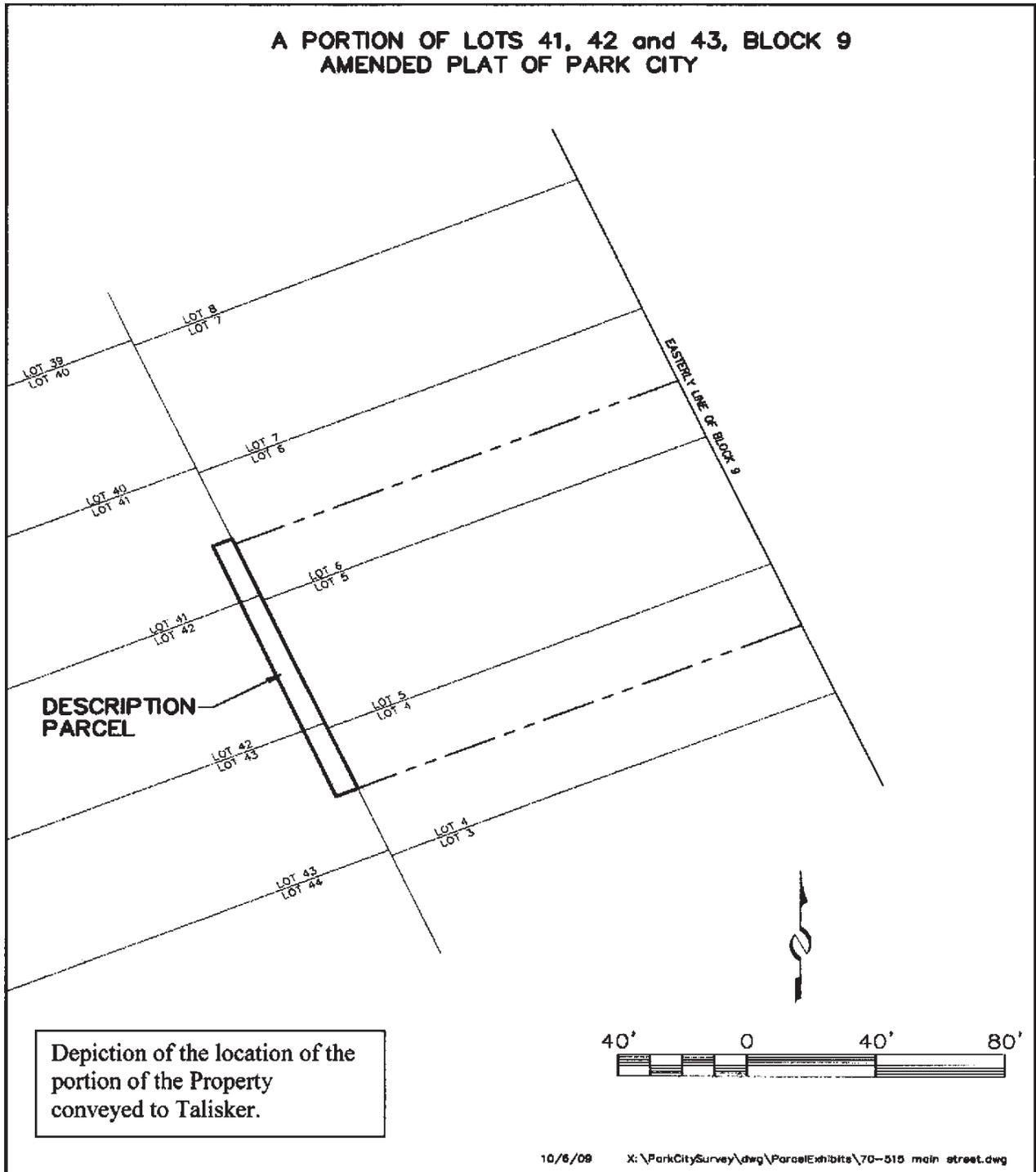


EXHIBIT E – PLANNING COMMISSION MINUTES 10.28.2009

Planning Commission Meeting
October 28, 2009
Page 12

7. As part of the pending MPD review process, the Planning Commission may require the submittal of a Construction Mitigation Plan prior to final action.
8. A finding of compliance with the General Plan is required prior to submittal of applications for the Master Planned Development and Conditional Use permit. Compliance with applicable criteria outlined in the Land Management Code, including the RD zone and the Master Planned Development requirements (LMC-Chapter 6) and review criteria for a Conditional Use Permit.
9. Planning Commission action for General Plan compliance does not constitute approval of a Conditional Use Permit or Master Planned Development. Final site plan and building design are part of the Conditional Use Permit and Master Planned Development. Final site plan and building design are part of the Conditional Use Permit and Master Planned Development review. General Plan compliance allows an applicant to submit a formal MPD application for Planning Commission review.
10. The discussion in the Analysis section is incorporated herein.

Conclusions of Law - 1200 Little Kate Road

1. The pre-application submittal complies with the Land Management Code, Section 15-6-4(B) Pre-application Public Meeting and Determination of Compliance.
2. The proposed Master Planned Development concept initially complies with the Park City General Plan, as conditioned.
3. 515 Main Street, Talisker - Plat Amendment
(Application #PL-09-00683)

Commissioner Wintzer resumed the Chair.

Planner Francisco Astorga reviewed the application for a plat amendment at 515 Main Street within the Historic Commercial (HCB) District. The request is to combine Lot 5 and portions of lots 4, 6, 41, 42 and 43 in Block 9 into one lot of record.

The Staff recommended that the Planning Commission review the application, conduct a public hearing and consider forwarding a positive recommendation to the City Council.

Planner Astorga stated that the lot combination meets the requirements of the HCB zone in regards to lot area, width and depth. The Staff requested input from the Planning Commission on this plat amendment and whether or not they concur with the Staff's findings for the conclusion of good cause. Planner Astorga noted that approval of this lot combination would clean up the lot lines on site and memorialize the configuration of this historic site, and at the same time combine Lot 5 and the surrounding lot portions into one lot of record. He pointed out that several lot lines go through the same building and the proposed plat amendment would create three non-complying lots on

Park Avenue, found within the HR-2 District. It would also create two non-complying lots on the north and south side of Main Street.

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

Commissioner Peek asked if the plat amendment created four non-complying lots on Park Avenue. He had counted Lots 41, 42, 43 and 44. Planner Astorga replied that it was Lots 41, 42 and 43. Commissioner Peek pointed out that Lot 44 is owned by the same owner and asked if that was a compliant lot. Planner Astorga answered yes.

Commissioner Peek noted that Lot 42 has a concrete structure attached to the subject building on Main Street. David Smith, representing the applicant, stated that the structure is a shed that comes off the back of the building. Commissioner Peek asked if there was a fire separation for the commercial use on Main Street and the shed on the Park Avenue lot. He was having a difficult time understanding the relationship between the two structures. Planner Astorga noted that the survey contained in the Staff report indicates that the roof of the storage shed is attached to the structure at 515 Main Street. He understood that the fire sprinkler system for the shed also goes through the building at 515 Main Street. Mr. Smith replied that this was correct.

Planner Astorga stated that Ron Ivie studied the situation and recommended recording a document similar to a Consent to Encroach that would indicate the flashing attached to the shed and the historic building, as well as the fire sprinkler system. Talisker had agreed to record that document as recommended by Ron Ivie. Planner Astorga reported that the Building Department was comfortable with this application.

Chair Wintzer asked about an entrance from the main building to the shed and whether they were two separate buildings. Mr. Smith stated that the buildings are physically separate with their own separate exterior walls. A piece of flashing across the top is the only connection.

Commissioner Peek asked if the building on the north property line encroaches on to the proposed lot. Mr. Smith answered yes and noted that a consent has been executed for the encroachment on to Talisker property. Commissioner Peek asked about the lines identified as L1 and L2 shown on the drawing. Planner Astorga replied that it was a bump out. He was unsure why it was there but it has always been part of the historic configuration of the site. Commissioner Peek asked if that area was included in the property deeded to this parcel. Planner Astorga answered yes.

Commissioner Russack understood the lot combination was from north to south, but the shed sits on a lot to the west of the main structure and both are in two different zones. Planner Astorga stated that the shed is in the HR-2 zone and the main building is in the HCB. Commissioner Russack clarified that approving this plat amendment would not allow any development on the shed to be dictated by the zone for 515 Main Street. He wanted to be sure that the two structures were considered separate and subject to their own zoning requirements. Commissioner Thomas understood that modifications to the sprinkler system or the flashing could be entertained in

conjunction with 515 Main Street. Director Eddington replied that the sprinklers or flashing could be modified, but the use for the shed is still dictated by the HR-2 zone.

Commissioner Strachan asked if there were any existing non-complying structures on any of the lots combined by the plat amendment. Planner Astorga answered no. Commissioner Strachan was concerned about the potential for creating a problem of enlarging a non-compliant use in the future by approving this plat amendment. Planner Astorga stated that the structures to the north and south are currently in the Historic Sites Inventory and a plat amendment would be required before any work could be done on those structures.

Director Eddington clarified that the use at 515 Main Street is a permitted use within the HCB zone and the existing structures are compliant.

Commissioner Strachan asked for an explanation of the Notice of Interest. Planner Astorga explained that whenever a future buyer researches information to purchase those lots, the notice would inform them that the lots do not meet the minimum lot size. Commissioner Strachan was unsure why the lots would comply with the Code if they do not meet the minimum lot size. Planner Astorga replied that the three lots in the back are not compliant. Commissioner Strachan understood that it would be forcing a non-compliant situation. Planner Astorga replied that the configuration of the six lots or portions of lots have existed for over a hundred years. Commissioner Strachan asked if the lot sizes have always been non-compliant. Planner Astorga pointed out that years ago there were no minimum lot sizes. Commissioner Thomas explained that the lots became non-compliant when the minimum lot size was established. Commissioner Strachan was unclear on why a person would not run into the challenge of building on a non-compliant lot in the future. Director Eddington replied that a variance would be required in order to build.

City Attorney, Mark Harrington, stated that the reason for the plat amendment was to adjust the lot lines between three lots for compliance and not have the expectation of being able to build on three individual lots. Commissioner Strachan asked if it was physically possible to create lot lines that comply with the Code through a plat amendment for the three back lots. Mr. Harrington replied that it is possible but lots would need to be combined.

Director Eddington stated that the Staff had a similar concern. The question was whether three regular Old Town lots should be made into two larger lots. To keep three lots would require a request to the Board of Adjustment for a variance, given the unique situation of the encroachment that has existed over a hundred years.

Commissioner Peek pointed out that four lots are being sold, two at an equal price. He felt it was obvious that a plat amendment needed to occur between 41 and 42 or some combination. Otherwise a variance would be required. If the land was not deeded to the Main Street parcel and the building had an encroachment, Commissioner Peek wanted to know if that would be a legal complying lot. He was told that it would be. Planner Astorga still preferred to have a notice on those portions saying that there is an encroachment.

Commissioner Russack asked if the shed would need to be removed if the lots behind it were ever sold. Mr. Smith was comfortable with keeping the sprinkler connected and the flashing. He believed the decision on whether or not to remove the shed would be up to the buyer.

Chair Wintzer opened the public hearing.

There was no comment.

Chair Wintzer closed the public hearing.

MOTION: Commissioner Thomas made a motion to forward a POSITIVE recommendation to the City Council for 515 Main Street plat amendment, based on the Findings of Fact, Conclusions of Law and Conditions of Approval found in the draft ordinance. Commissioner Peek seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - 515 Main Street

1. The property is located at 515 Main Street.
2. The zoning is Historic Commercial Business (HCB).
3. The proposed lot is 3,757 square feet in size.
4. The current minimum lot size within the HCB District is 1,250 sq. ft.
5. The lot width of the proposed lot is 47.81 feet.
6. The current minimum lot width within the HCB District is 25 feet.
7. The lot depth of the proposed lot is 78.71 feet.
8. The current minimum lot depth within the HCB District is 50 feet.
9. The site contains a historic building.
10. The site has been identified as a Significant Site by the Historic Site Inventory.
11. The plat amendment will clean up the various lot lines through the site, including under the historic building.
12. There is a building encroachment of six inches (6") by the building located on adjacent property to the north (523 Main Street).

13. The applicant is willing to grant the owner of the building to the north consent to encroach.
14. The existing building located at 515 Main Street encroaches over the rear property line on to Lot 42 and 43 for a distance of approximately three and a half feet (3.5') for The entire width of the building of approximately 32 feet.
15. To serve as a notice and to protect future ownership, Talisker is placing a notice of interest on the portion of those lots which they own which indicates that the three (3) lots do not comply with the minimum lot area and that development will not be able to move forward until the issue is resolved. The notice will be recorded at the County Offices to aid and facilitate accurate and efficient research on these lots.
16. The Park City Building Department gave a conditional use permit for the work on the patio with a condition that the plat amendment be approved, which removes the underlying lot lines.
17. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law - 515 Main Street

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 lot combinations.
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 state below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval - 515 Main Street

1. The City Attorney and City Engineer must review and approve the final form and content of 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.
2. The applicant shall record the plat amendment agt 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.
3. To serve as a notice and to protect future ownership, the applicant will place a notice of interest on the portion of those lots which they own which indicates that the three (3) lots do not comply with the minimum lot area and that the development will not be able to move

forward until the issue is resolved. The notice will be recorded at the County Offices to aid and facilitate accurate and efficient research on these lots.

4. The applicant will issue encroachment agreements to the corresponding owners that will indicate the encroachment agreements to the corresponding owners that will indicate the encroachment of the building to the north and the affixed flashing of the storage shed to the west.
4. 1110 Empire Avenue - Condominium Conversion
(Application #PL-09-00772)

Planner Astorga reviewed the application for a condominium record of survey for a duplex located at 1110 Empire Avenue. He noted that in 2006 a variance was granted by the Board of Adjustment to reduce the minimum lot size allowed for a duplex. In January 2007 a plat amendment was approved; however, the applicant failed to record the plat amendment with the County within one year of approval and the approval expired. A new plat amendment was reviewed and approved by the Planning Commission. In September 2007 the Planning Commission reviewed and approved a conditional use permit for a duplex and a CUP for development on a steep slope. In addition, the site has gone through a historic district design review.

Planner Astorga reported that the applicant was having financing difficulties since there were no other duplexes in the area for comparison. The bank indicated that they would be able to compare it to other condominiums in the area, which is the reason for the request this evening.

The Staff recommended that the Planning Commission review the application, conduct a public hearing and consider forwarding a positive recommendation to the City Council.

Chair Wintzer opened the public hearing.

There was no comment.

Chair Wintzer closed the public hearing.

Commissioner Peek ask for the nature of the tie-breaker mechanism. Planner Astorga replied that since there are only two owners, it would aid the owners in making a decision in the case of a dispute. He noted that it is typically based on the floor area of the larger unit. It is not uncommon for a tie-breaker mechanism to be included in the CC&Rs.

Commissioner Thomas made a motion to forward a POSITIVE recommendation to the City Council for the condominium conversion at 1110 Empire Avenue based on the Findings of Fact, Conclusions of Law and Conditions of Approval found in the draft ordinance. Commissioner Pettit seconded the motion.

VOTE: The motion passed unanimously.

EXHIBIT F – APPLICANT’S STATEMENT TO VARIANCE REQUEST

Statement Attached To Variance Request
Lot #43, Block #9, Park City Survey

FACTS

The hardship sought to be remedied by this variance application resulted from the filing of an amended subdivision plat by the owner of an adjoining lot fronting on Main Street. The amendment resulted in lot reduction along the rear lot line of approximately 46 square feet (3.28 x 14) and reduced the lot size from 1875 square feet to 1829 square feet. In accordance with Park City Municipal Code Section 15-2-3-4(A), Historical Code, all lots in the HR-2 zone are required to be a minimum of 1875 square feet. As a result, the remaining lot violates the code’s minimum lot requirements and is an unbuildable lot. The amended plat was recorded to make a public record of the ownership resulting from the encroachment of a building constructed approximately 100 years ago which construction was in apparent violation of existing setback and building footprint requirements. That building has been deemed of historical significance. The recording of said encroachment in 2009 was not joined in or approved by any owner or the applicant herein.

CONCLUSIONS

This request meets the statutory requirements of the Park City Municipal Code Section 15-10-9 regarding the conditions justifying a variance as follows:

Section 15-10-9(C)

1. The unreasonable hardship is that the applicant is prevented from use of the lot for the construction of any residence and, in addition, the granting of the variance to enable the applicant to build a small lot historic residence is in harmony with the general purpose of the Land Management Code for that zone.
2. The existence of a 100 year encroachment upon the property is a special circumstance that does not generally apply to other properties in the same zone wherein numerous residences have been built on the required 1875 square foot lots.
3. Granting of the variance affords to the applicant the same rights as other property owners in the zone.
4. Granting of the variance to allow the construction of a small lot residence on a lot minimally smaller than the required size but substantially meets the requirements of the ordinance would not effect the General Plan, would not be contrary to the public interest, is clearly within the spirit of the Code and substantial justice would be done.

Section 15-10-9(D)

1. The hardship is located on the property for which the variance is sought and comes from circumstances peculiar to the property not general to the neighborhood.
2. The hardship complained of was created by the existence of a 100 year encroachment and the subsequent recording of ownership by an adjoining land owner. Said change in the boundary was not initiated nor consented to by any owner or the applicant and, therefore, the circumstances relating to the hardship were not self imposed. Utah case law indicates that the hardship is not demonstrated by economic loss alone but must be tied to the special circumstances. Clearly, the hardship and resulting economic impact of not building any residence upon the lot is tied directly to the encroaching special circumstance.

OCT 27 2011

EXHIBIT G – 02.08.202 PLANNING COMMISSION WORK SESSION DRAFT MINUTES

Planning Commission Meeting
February 8, 2012
Page 2

Chair Wintzer opened the public hearing. There was no comment. Chair Wintzer closed the public hearing.

MOTION: Commissioner Hontz moved to CONTINUE 60 Sampson Avenue – Ratification of Findings for the CUP to February 22, 2012. Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously.

WORK SESSION – DISCUSSION ITEMS

1. **520 Park Avenue – Discussion regarding a variance**
(Application #PL-11-01391)

Planner Francisco Astorga requested that the Planning Commission review the variance request and provide input and direction to Staff and the Board of Adjustment based on the specifics of character outlined in the proposed and current General Plan

Planner Astorga remarked that the parcel in question is identified as PC124-D-1. The applicants purchased the site in August 2011 and submitted a variance for Lot 43, which does not meet the minimum lot size of 1875 square feet. The lot area is 1829 as identified on the survey. The survey was attached to the Staff report as an Exhibit.

Planner Astorga stated that the issue was that in 2009, through a previous sale in 2007, the portion in question was made part of 550 Main Street, the Talisker Restaurant Building. When the subdivision was created it resulted in three lots of record that no longer comply with the minimum lot size. Planner Astorga explained that a historic addition encroached on to the back property lots. What was perceived as the configuration has existed in the area for over a hundred years.

Planner Astorga stated that if the Board of Adjustment grants a variance they would be able to build two smaller homes, which was more in character with what the City is trying to accomplish through the General Plan amendments for keeping the scale, mass and volume of structures smaller and more compatible with historic architecture.

Planner Astorga reported that Trent Timmons, the applicant, purchased Lot 44, which allows him the option to combine the two lots and have a lot of record. However, that would sacrifice the intent of smaller scale.

Commissioner Savage asked if the variance would preclude a lot combination. Assistant City Attorney McLean answered no. Mr. Timmons, the applicant, stated that it would not preclude a lot combination but he would be willing to agree it.

Planner Astorga requested input as to whether the Planning Commission would support the variance. The Staff felt they could make appropriate findings to recommend that the Board of Adjustment grant the requested variance.

Commissioner Savage was willing to support the variance if the applicant would agree to the condition regarding the lot combination. Assistant City Attorney McLean recognized that it was unusual for a variance issue to come before the Planning Commission. However, in light of the history of the property and the plat amendment, as well as General Plan discussions, it was important to hear whether the Planning Commission supported the Staff position that the variance met the goals of the General Plan.

Commissioner Thomas believed another issue regarding the variance was that the historic structure was inconsistent with the property. Planner Astorga agreed that another argument for the variance was to address the encroachment that has existed over a hundred years.

Director Eddington noted that the Planning Commission previously made recommendations to the City Council to amend the HR-2 Zoning District to allow some commercial to encroach into the HR-2 Zoning District as long as it was basement space that was not visible. Director Eddington pointed out that one reason for that recommendation was to also allow for the fabric to be returned to Park Avenue above ground. The Staff supports smaller houses being located along that portion of Park Avenue to recreate that fabric.

Mr. Timmons stated that over the last 10 years they have built 12 smaller homes. They believe smaller homes are more compatible with the historic character. Commissioner Worel applauded Mr. Timmons for those efforts, instead of combining lots and building larger structures.

Commissioners Hontz and Thomas supported the variance. As the liaison to the Board of Adjustment, Commissioner Hontz would relay their recommendation to the Board.

Bonanza Park Area Plan – revised supplement to General Plan - Discussion

Chair Wintzer disclosed that he owns property in the Bonanza Park area.

Planner Katie Cattan highlighted the major changes to the first draft of the General Plan for the Bonanza Park Area and noted that the second draft was available online.

Planner Cattan noted that the first item was the suggestion to add a key terms page. Commissioner Hontz pointed out that under the key terms, Area Medium Income should be Area Median Income. Commissioner Hontz thought the word “zoning” in the Base Plan and Incentivized Plan definitions was confusing. Planner Cattan believed that would be the outcome of the Form Base Code and whether or not it will be an overlay zone option. They should be able to better define that as they delve into the Form Base Code discussion.

Planning Commission Staff Report



Application #: PL-13-01797
Subject: 421 Park Avenue Re-plat
Author: Francisco Astorga, Planner
Date: February 27, 2013
Type of Item: Administrative – Plat Amendment

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the 421 Park Avenue Replat 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: Palmer Thornton, represented by Jonathan DeGray, Architect
Location: 421 Park Avenue
Zoning: Historic Residential (HR-1) District
Adjacent Land Uses: Residential
Reason for Review: Plat amendments require Planning Commission review and City Council action

Proposal

Plat Amendment request to combine two (2) Old Town lots and a portion of another lot into one (1) lot of record. There is an existing historic structure located at 421 Park Avenue which was constructed across two (2) existing lot lines.

Purpose

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.

Background

On January 9, 2013 the City received a completed Plat Amendment application for the 421 Park Avenue Replat. The property is located at 421 Park Avenue in the Historic Residential (HR-1) District. The subject site is parcel no. PC-54. The proposed plat amendment combines all of Lot 5, all of Lot 6, and the north twelve feet (12') of Lot 4, Block 4 of the Park City Survey into one (1) lot of record. The proposed new lot will be 4,650 square feet in size.

The current use of the property is a single family dwelling. The applicant requests the removal of the two (2) existing lot lines going through the structure. In the future the owner is planning foundation and deck repair/expansion. Prior to any City approvals of a Historic District Design Review (HDDR) application, and subsequent building permit, the interior lot lines would need to be removed through a plat amendment. The structure is currently listed as a Landmark Site on Park City's Historic Sites Inventory (HSI). The historic structure is known as the Reese Williams House, built circa 1898. It is currently listed on the National Register of Historic Places. According to Summit County records the structure is 1,857 square feet in size.

A building permit cannot be issued for construction across a lot line. In Old Town a Conditional Use Permit (CUP) is required for any structure in excess of 1,000 square feet if said structure and/or access is located upon any existing slope of thirty percent (30%) or greater.

Analysis

The proposed Plat Amendment creates one (1) lot of record from a portion of Lot 4 consisting of 900 square feet, and all of Lot 5 and 6 within the HR-1 District. The applicant requests to eliminate the lot lines going through the historic structure. Because the site is designated as a Landmark Site the historic structure is currently protected from demolition.

Even though there are almost two and a half (2½) lots, the site is limited by the location of the existing historic structure over the lot lines. Two (2) single family dwellings could not be built on the two (2) lots as the historic structure is protected. Staff has reviewed the proposed plat amendment request and found compliance with the following Land Management Code (LMC) requirements for lot size and width:

	LMC requirement	Proposed
Minimum lot size	1,875 sq. ft.	4,650 sq. ft.
Minimum lot width	25 ft.	62 ft.

Staff finds good cause for this plat amendment as the combined lot will remove the lot lines going through the historic structure and place the historic house on one (1) lot of record. The Plat Amendment could also provide an opportunity for a limited addition to the historic house. According to Summit County records the structure is 1,857 square feet in size. The existing building footprint is approximately 1,066 square feet.). The proposed lot will meet the lot and site requirements of the HR-1 District.

The existing front yard setback is eleven feet (11'). The existing rear yard setback is twenty-two feet (22'). The existing north side yard setback is twelve feet (12'). The existing south side yard setback is nine feet (9'). There are no violations or non-compliances found on the site dealing with setbacks and other development standards as identified below:

	Permitted
Height	27 feet maximum
Front setback	10 feet minimum
Rear setback	10 feet minimum
Side setbacks	5 feet minimum, 14 feet total
Footprint	1,790 square feet maximum
Parking	None required for historic structures
Stories	3 stories maximum

If an addition is to take place in the future the applicant will have to follow the adopted Historic District Design Guidelines and applicable LMC standards.

Process

The applicant may have to submit a Historic District Design Review application, which is reviewed administratively by the Planning Department. A Steep Slope Conditional Use Permit application may also be required, which is reviewed by the Planning Commission. They would also have to submit a Building Permit application. The approval of this plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18.

Department Review

This project has gone through an interdepartmental review. All issues have been resolved by revisions to the application or conditions of approval. No further issues were brought up at that time.

Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record according to requirements of the Land Management Code.

Public Input

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

Alternatives

- The Planning Commission may forward positive recommendation to the City Council for the 421 Park Avenue Replat as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the 421 Park Avenue Replat and direct staff to make Findings for this decision; or

- The Planning Commission may continue the discussion on the 421 Park Avenue Replat.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The historic structure would remain as is and no construction could take place across the existing lot lines.

Recommendation

Staff recommends the Planning Commission hold a public hearing for the 421 Park Avenue Replat 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 & Topographic Survey
- Exhibit C – Survey S01745 filed with Summit County
- Exhibit D – Aerial Photograph
- Exhibit E – County Tax Map
- Exhibit F – Front Elevation Photograph

Exhibit A – Draft Ordinance with Proposed Plat

Ordinance No. 13-__

AN ORDINANCE APPROVING THE 421 PARK AVENUE REPLAT LOCATED AT 421 PARK AVENUE, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 421 Park Avenue has petitioned the City Council for approval of the plat amendment; and

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

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

WHEREAS, the Planning Commission held a public hearing on February 27, 2013, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on February 27, 2013, forwarded a recommendation to the City Council; and,

WHEREAS, on March 14, 2013, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 421 Park Avenue Replat.

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

SECTION 1. APPROVAL. The 421 Park Avenue Replat as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 421 Park Avenue.
2. The property is located in the Historic Residential (HR-1) District.
3. The proposed lot is 4,650 square feet in size.
4. The minimum lot size within the HR-1 District is 1,875 square feet.
5. The lot width of the proposed lot is sixty-two feet (62').
6. The minimum lot width within the HR-1 District is twenty-five feet (25').
7. The existing footprint of the structure is 1,066 square feet.
8. The maximum footprint for a lot this size is 1,790 square feet.
9. The current use of the property is a single family dwelling.
10. The existing front yard setback is eleven feet (11').
11. The existing rear yard setback is twenty-two feet (22").

12. The minimum front and rear yard setbacks are ten feet (10')
13. The existing north side yard setback is twelve feet (12').
14. The existing south side yard setback is nine feet (9').
15. The side yard setbacks are five feet (5') minimum, eighteen feet total.
16. There is a historic structure on the site.
17. The Historic Site Inventory lists the site as a Landmark.
18. The historic house sits on two lots lines, which the applicant is proposing to be removed with this application.
19. No remnant parcels of land are created with this plat amendment.
20. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law:

1. There is good cause for this plat amendment in that the combined lot will remove the lot lines going through the historic structure.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
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. Modified 13-D sprinklers may be required for new construction as required by the Chief Building Official at the time of review of the building permit submittal.
4. A 10 foot wide public snow storage easement is required along the frontage of the lot with Park Avenue and shall be shown on the plat.

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

PASSED AND ADOPTED this 14th day of March, 2013.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, MAYOR

ATTEST:

Jan Scott, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Attachment A – Proposed Plat

Attachment A – Proposed Plat

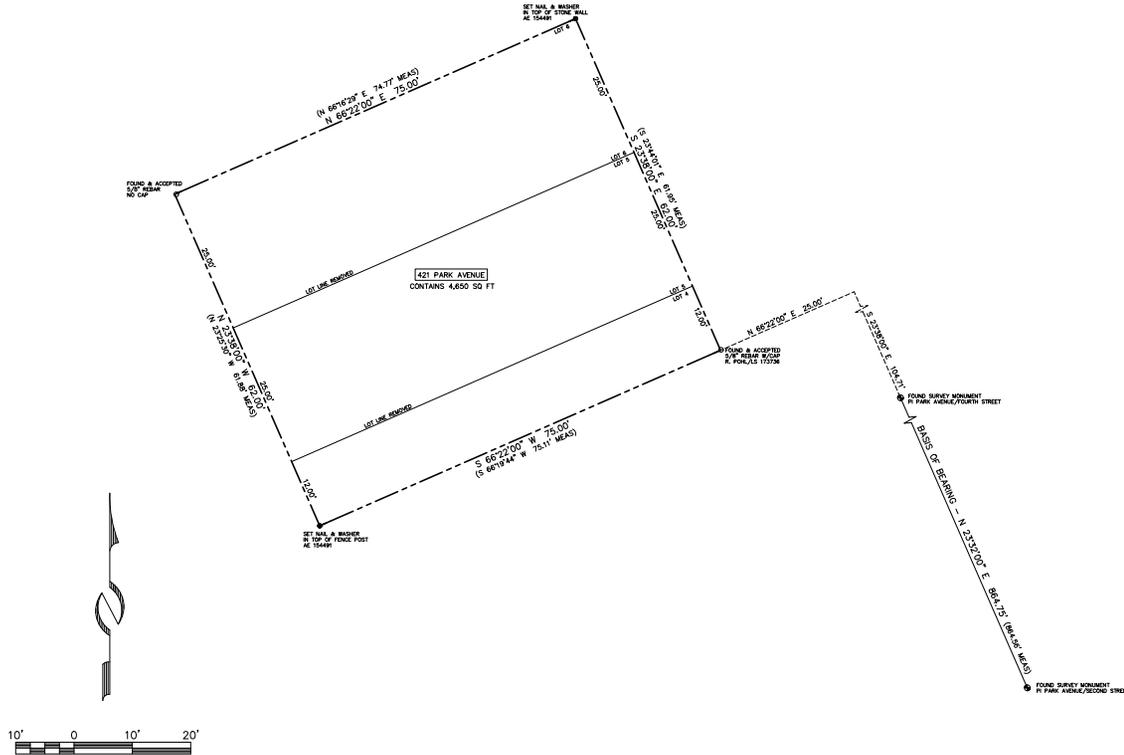


SURVEYOR'S CERTIFICATE

I, Martin A. Morrison, certify that I am a Registered Land Surveyor and that I hold Certificate No. 4938739, as prescribed by the laws of the State of Utah, and that by authority of the owner, I have prepared this Record of Survey map of the 421 PARK AVENUE REPLAT and that the same has been or will be monumented on the ground as shown on this plat. I further certify that the information on this plat is accurate.

BOUNDARY DESCRIPTION

Lots 5 and 6 and the North 12 feet Lot 4, Block 4, PARK CITY SURVEY, according to the official plat thereof, as recorded in the office of the Summit County Recorder.



A COMBINATION OF THE NORTHERLY 12' OF LOT 4 AND LOTS 5 & 6 IN BLOCK 4, PARK CITY SURVEY

421 PARK AVENUE REPLAT

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

NOTES

- See recorded survey S-7415 in the Summit County Recorder's Office.
- A Snow Shed Easement Agreement recorded August 29, 2005, as Entry No. 748625, in Book 1728 at Page 666 affects the subject property. The location and dimensions of said easement are not disclosed.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that the undersigned owner of the herein described tract of land, to be known hereafter as 421 PARK AVENUE REPLAT, does hereby certify that he has caused this replat to be prepared, and I, Palmer C. Thornton, hereby consent to the recordation of this replat.

In witness whereof, the undersigned set his hand this _____ day of _____, 2013.

Palmer C. Thornton, Owner

ACKNOWLEDGEMENT

State of _____;
ss: _____
County of _____

On this _____ day of _____, 2013, Palmer C. Thornton personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Palmer C. Thornton acknowledged to me that he is an owner of the herein described tract of land, and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

A Notary Public commissioned in Utah

Printed Name _____

Residing in: _____

My commission expires: _____

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that the undersigned owner of the herein described tract of land, to be known hereafter as 421 PARK AVENUE REPLAT, does hereby certify that she has caused this replat to be prepared, and I, Allison R. Thornton, hereby consent to the recordation of this replat.

In witness whereof, the undersigned set her hand this _____ day of _____, 2013.

Allison R. Thornton, Owner

ACKNOWLEDGEMENT

State of _____;
ss: _____
County of _____

On this _____ day of _____, 2013, Allison R. Thornton personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Allison R. Thornton acknowledged to me that she is an owner of the herein described tract of land, and that she signed the above Owner's Dedication and Consent to Record freely and voluntarily.

A Notary Public commissioned in Utah

Printed Name _____

Residing in: _____

My commission expires: _____

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that the undersigned owner of the herein described tract of land, to be known hereafter as 421 PARK AVENUE REPLAT, does hereby certify that she has caused this replat to be prepared, and I, Hilary Thornton, hereby consent to the recordation of this replat.

In witness whereof, the undersigned set her hand this _____ day of _____, 2013.

Hilary Thornton, Owner

ACKNOWLEDGEMENT

State of _____;
ss: _____
County of _____

On this _____ day of _____, 2013, Hilary Thornton personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Hilary Thornton acknowledged to me that she is an owner of the herein described tract of land, and that she signed the above Owner's Dedication and Consent to Record freely and voluntarily.

A Notary Public commissioned in Utah

Printed Name _____

Residing in: _____

My commission expires: _____

SHEET 1 OF 1

12/19/11 JOB NO.: 3-11-12 FILE: X:\ParkCitySurvey\dwg\ar\plat2012\031112.dwg

<p>(435) 648-9487 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street, P.O. Box 2664, Park City, Utah 84060-2664</p>	<p>SNYDERVILLE BASIN WATER RECLAMATION DISTRICT</p> <p>REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2013 A.D.</p> <p>BY _____ S.B.W.R.D.</p>	<p>PLANNING COMMISSION</p> <p>APPROVED BY THE PARK CITY PLANNING COMMISSION THIS DAY OF _____, 2013 A.D.</p> <p>BY _____ CHAIR</p>	<p>ENGINEER'S CERTIFICATE</p> <p>I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS DAY OF _____, 2013 A.D.</p> <p>BY _____ PARK CITY ENGINEER</p>	<p>APPROVAL AS TO FORM</p> <p>APPROVED AS TO FORM THIS DAY OF _____, 2013 A.D.</p> <p>BY _____ PARK CITY ATTORNEY</p>	<p>CERTIFICATE OF ATTEST</p> <p>I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2013 A.D.</p> <p>BY _____ PARK CITY RECORDER</p>	<p>COUNCIL APPROVAL AND ACCEPTANCE</p> <p>APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2013 A.D.</p> <p>BY _____ MAYOR</p>	<p>RECORDED</p> <p>STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____</p> <p>DATE _____ TIME _____ BOOK _____ PAGE _____</p> <p>ENTRY NO. _____ FEE _____ RECORDER _____</p>
	<p>12/27/13</p>						

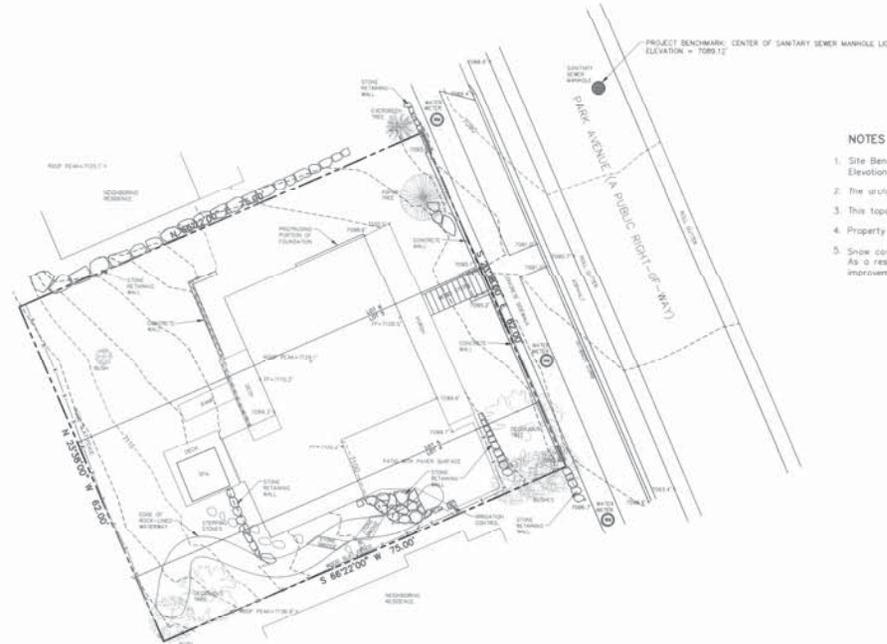
Exhibit B – Existing Conditions & Topographic Survey



SURVEYOR'S CERTIFICATE

I, Martin A. Morrison, do hereby certify that I am a registered land surveyor and that I hold certification no. 4836739 as prescribed under the laws of the State of Utah. I further certify that a topographic survey has been made under my direction of the lands shown and described hereon. I further certify that this topographic survey is a correct representation of the land surveyed at the time the field work was completed and is in compliance with generally accepted industry standards for accuracy.

[[-2.9-]]



NOTES

1. Site Benchmark, Center of sanitary sewer manhole lid Elevation=7089.12
2. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
3. This topographic map is based on a field survey performed on November 15, 2011.
4. Property corners were set.
5. Snow coverage at the time of the survey was approximately 6" to 8". As a result, actual elevations may vary from elevations shown on this survey. In addition, monuments, improvements and/or conditions may exist which are not shown on this survey.



 <small>CONSULTING ENGINEERS LAND PLANNERS SURVEYORS</small> <small>333 West Street, P.O. Box 2884, Park City, Utah 84302-2884</small>	<small>(435) 849-8487</small> STAFF: MARSHALL KING MARTY MORRISON	EXISTING CONDITIONS AND TOPOGRAPHY 421 PARK AVENUE BLOCK 4, PARK CITY SURVEY	SHEET 1 OF 1
	DATE: 11/29/11	FOR: ANDREW SEPP JOB NO.: 4-11-11 FILE: X:\ParkCitySurvey\dwg\srvtopo2011\041111.dwg	



SURVEYOR'S CERTIFICATE

I, Martin A. Morrison, certify that I am a Registered Land Surveyor and that I hold Certificate No. 4938739, as prescribed by the laws of the State of Utah, and that a survey of the following described property was performed under my direction.

Martin A. Morrison
Martin A. Morrison

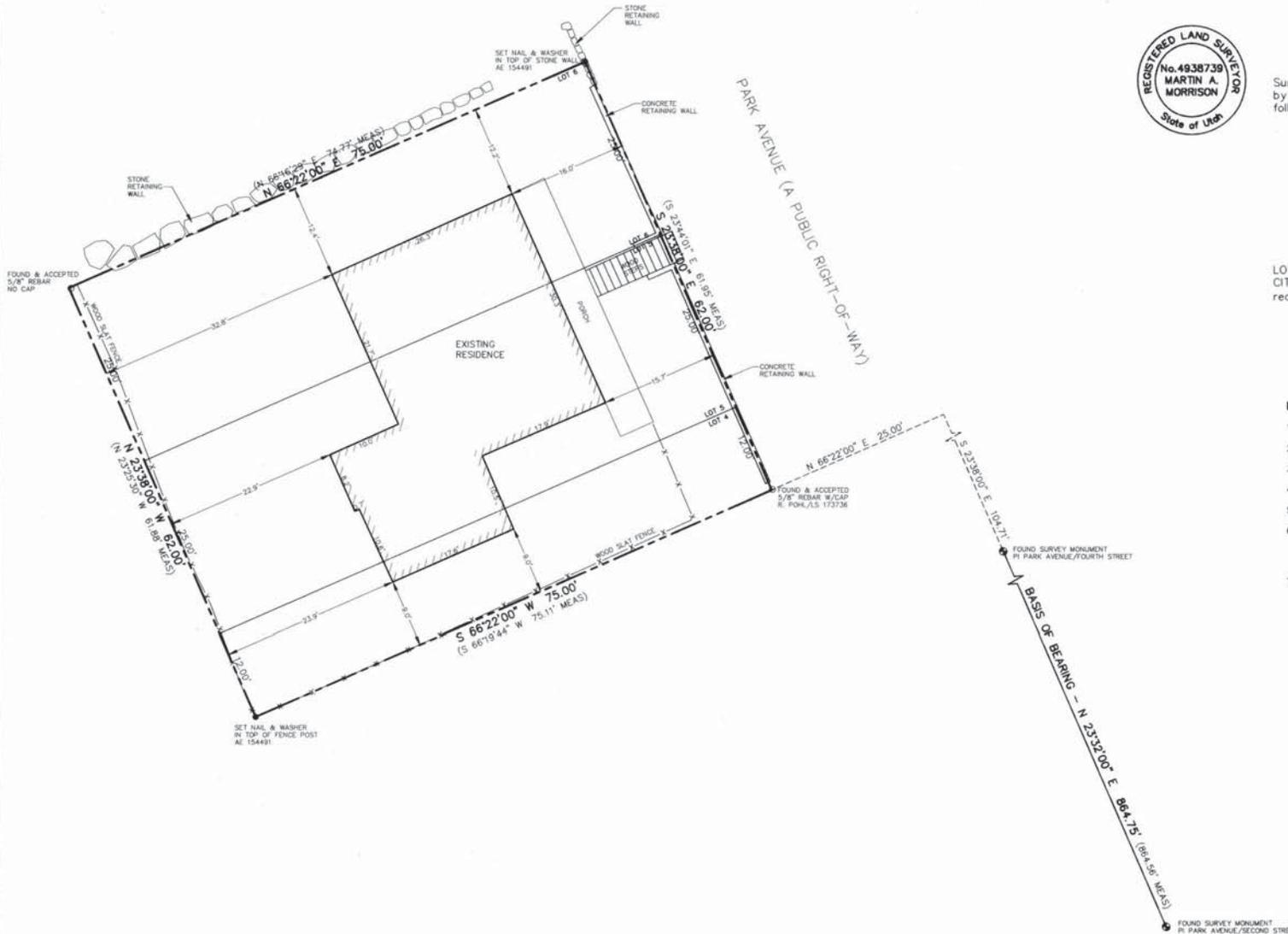
11-28-11
Date

LEGAL DESCRIPTION

LOTS 5 & 6 AND THE NORTH 12 FEET OF LOT 4, BLOCK 4, PARK CITY SURVEY according to the official plat thereof on file and of record in the Summit County Recorder's Office.

NOTES

1. Basis of survey: Found survey monuments as shown.
2. Property corners were set or found as shown.
3. Date of survey: November 14, 2011
4. Property location: Southeast quarter of Section 16, T2S, R4E, SLB&M
5. Purpose of survey: Building remodel
6. Improvements on the property at the time of the survey are as shown. Additional improvements and topography are shown on the existing conditions survey which was prepared by Alliance Engineering in conjunction with this boundary survey.
7. Snow coverage at the time of the survey was approximately 6". As a result, monuments, improvements, and/or conditions may exist which are not shown on this survey.



FILE NO. S0007415

12/30/2011 01:34:44 PM
Survey 1 of 1
SLB&M-SEPTOCS, SUMMIT COUNTY RECORDER
FEE \$ 10.00 BY

 (435) 649-9467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664	STAFF: MARSHALL KING MARTY MORRISON	SHEET 1 OF 1	BOUNDARY SURVEY 421 PARK AVENUE LOTS 5 & 6, BLOCK 4, PARK CITY SURVEY FOR: ANDREW SEPP JOB NO.: 4-11-11 FILE: X:\ParkCitySurvey\dwg\sr\srvy2011\041111.dwg
	DATE: 11/28/11		

Exhibit C – Survey S01745 filed with Summit County

Exhibit D – Aerial Photograph



SUBJECT
PROPERTY

 <small>CONSULTING ENGINEERS LAND PLANNERS SURVEYORS</small> <small>323 Main Street P.O. Box 2654 Park City Utah 84060-2654</small>	<small>(435) 648-9457</small>	<small>STAFF:</small> MARSHALL KING	AERIAL PHOTOGRAPH 421 PARK AVENUE BLOCK 4, PARK CITY SURVEY	SHEET 1 OF 1
	<small>DATE:</small> 11/20/12	<small>FOR:</small> PALMER THORNTON <small>JOB NO.:</small> 3-11-12 <small>FILE:</small> X:\ParkCitySurvey\dwg\Exhibits\421 park avenue-ortho.dwg		

Exhibit E - County Tax Map

Note: # Refers to Street Address



Approved Utah State Tax Comm	REVISIONS - DATE AND INITIAL (In Pencil)	SCALE ONE INCH = 40 FEET
Date	By	BOOK PAGE

SUMMIT COUNTY, UTAH



Planning Commission Staff Report



PLANNING DEPARTMENT

Application #: PL-12-01717
Subject: McHenry Subdivision Replat
Author: Francisco Astorga, Planner
Date: February 27, 2013
Type of Item: Administrative – Plat Amendment Discussion & Public Hearing

Summary Recommendations

Staff recommends the Planning Commission review the Plat Amendment located at 496 McHenry Avenue, McHenry Subdivision Replat, for compliance with the Land Management Code (LMC), the vacation of the 4th Street right of way, and provide direction to the applicant and Staff regarding the proposed Plat Amendment and vacation of the right of way; and hold a public hearing.

Description

Applicant: Sean Kelleher, JGC Beach Properties
Location: 496 McHenry Avenue (Echo Spur)
Zoning: Historic Residential (HR-1) District
Adjacent Land Uses: Residential
Reason for Review: Plat amendments require Planning Commission review and City Council action

Proposal

The property owner requests to combine lots 21-25, 29-32, a portion of lot 26-28, of block 58 and portion of lot 17 & 19 of Block 59 of the Park City Survey into one (1) lot of record. The request is for a Plat Amendment to combine these lots and a street vacation of the Right-of-Way of the eastern half of 4th Street between Ontario and platted McHenry (Echo Spur) so that the entire property is contiguous. The entire combined property would then be re-platted as a Condominium Record of Survey containing eight (8) separate residential units which are to be designed to reflect single-family dwellings. One (1) of the units, the smaller one closest to Rossie Hill Drive, would be a Kimball Art Center living quarters for an artist-in-residence. See detailed statement submitted by the owner in Exhibits A & H.

Purpose

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

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

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

Background

On December 11, 2012 the City received a completed Plat Amendment application for the McHenry Subdivision. The purpose of this Plat Amendment is to combine all of the parcels shown on the proposed plat (Exhibit G). The applicant is also requesting that a portion of 4th Street Right-of-Way to be vacated and incorporated into this Plat Amendment.

The proposed Plat Amendment has a note which indicates that the purpose of the purpose of this Plat is to combine all parcels as shown hereon to be re-subdivided at a later date. This future re-subdivision would be a Condominium Record of Survey (ROS) plat which would identify private, limited common and common areas within the project. Recordation of a ROS plat enables the owner to sell individual condominium units. The future ROS plat would identify the eight (8) residential units. The applicant has submitted various exhibits that describe the existing property conditions, property lines, topographic survey, and aerial photography. See Exhibits E - H.

The Planning Commission held a site visit and work session discussion on a recent Plat Amendment request by a different property owner for adjacent property in the neighborhood in December 2012. The December 2012 discussion mainly focused on ridgeline development/vantage point analysis. However, many other items relative to this area were also discussed, see Attachment 3.

On January 9, 2013 the Planning Commission reviewed the requested Plat Amendment application during a work session discussion. The Planning Commission provided direction as indicated in the draft minutes incorporated within this Planning Commission packet. The Commission requested that Staff come back with more specific questions related to the proposed development; see Attachment 5.

Analysis

The applicant submitted a preliminary concept plan proposing an eight (8) unit development on the subject property containing 0.614 acres (26,745.84 square feet). The site equates to approximately twelve (12) Old Town lots. The preliminary concept plan also shows a shared vehicular access to the site off built Rossi Hill Drive. This access provides underground parking for the eight (8) proposed structures. See Attachment 2 – Underground Driveway Exhibit.

Use

In 2005/2006 the City approved a project located at 801 - 817 Park Avenue, known as Parkwood Place Condos with a similar ownership and parking configuration. The City approved a common underground parking area for all of the eight (8) structures on site

and structural connections between the HR-1 single family homes to the commercial structures in the adjacent HRC zone, with one (1) access point off Park Avenue. See Attachment 4 – City Council Staff Report (Parkwood Place Condos Plat).

Attachment 2 further explains the applicants concept plan. This exhibit shows their proposed underground garage accessed off Rossie Hill Drive, the proposed building envelope for each structure, and section cut. In order to minimize impacts of the site, the driveway makes a complete circular turn as it drops one (1) level from the access point on Rossie Hill Drive. The driveway provides a longer driveway all the way to the last unit. The underground driveway drops in increments of four feet (4') or less as it approaches the seven (7) underground garage entrances. On top of each lower level entry area there are two (2) additional floors making each residential unit three (3) stories, including their garage level. The underground garage is completely below existing grade which would make the perceived height from the existing grade at the curb no more than two (2) stories.

Attachment 2 provides a proposed unit building envelope with a six foot (6') separation between above ground adjacent structures. Under the LMC, the side yard setback on these *perceived lots* would be either three feet (3') or five feet (5') depending on the *perceived lot width* which ranges from 36 feet to 43 feet, respectively. This would create a separation of either six feet (6') or ten feet (10') between homes.

Discussion: The eight (8) privately owned single-family dwelling units would share the common ownership underground parking garage through the subsequent Condominium Conversion. The two (2) upper floors of each residential unit would be completely separate from each unit. The end result is not a multi-unit dwelling. Staff classifies the proposal as single-family dwellings with a common underground garage, which is consistent with the approved Parkwood Place project. Does the Planning Commission concur with this determination?

Footprint

LMC § 15-3-8 relates specifically to Parking in the Historic District. It indicates the following:

- A. *To encourage the location of parking in the Rear Yard and/or below Grade, the City allows common driveways along shared Side Yards to provide Access to parking if the Owner restricts the deeds to both Properties to preserve the shared drive in perpetuity.*
- B. *Common Parking Structures are allowed as a Conditional Use where it facilitates:*
 1. *The Development of individual Buildings that more closely conform to the scale of Historic Structures in the district; and*
 2. *The reduction, mitigation or elimination of garage doors at the Street edge.*

- C. Parking Structure may occupy below Grade Yards between participating Developments if the Structure maintains all Setbacks above Grade and the Area above Grade is properly landscaped, subject to Conditional Use permit [CUP] or Master Planned Development (MPD).
- D. *Driveways between Structures are allowed in order to eliminate garage doors facing the street, to remove cars from on-Street parking, and to reduce paved Areas, provided the driveway leads to an approved garage or Parking Area.*
- E. *Turning radii are subject to a review by the City Engineer as to function and design.*

The HR-1 District establishes a maximum building footprint based on the size of the lot as applied to a mathematical equation found in LMC § 15.2.2-3(D). This section further clarifies that the maximum building footprint for any structure located on a lot or combination of lots exceeding 18,750 square feet in lot area shall be 4,500 square feet. However, there is a provision under the MPD regulation in LMC § 15-6-5(B)(1)(a) which indicates that the area of below grade parking in the HR-1 does not count against the maximum building footprint. It states, "The Area of below Grade parking in the HR-1 and HR-2 zones shall not count against the maximum Building Footprint of the HR-1 or HR-2 Lots." LMC § 15-6-5(B)(1)(a)

Staff identified interprets that the current proposal does not trigger an MPD. LMC § 15-6-2 Applicability, indicates that an MPD is required in all zones except in the **HR-1**, HR-2, HR-L, and HRM if specific criteria is met. It also indicates that an MPD is allowed but is not required HCB, HRC, **HR-1**, and HR-2 zones, provided the subject property includes two (2) or more zoning designations. Because the subject site does not include two (2) zones, it does not trigger an MPD.

Unlike the MPD regulation, the CUP language in the LMC fails to mention an exception to the below grade parking footprint. However, LMC § 15-3-8 encourages the location of parking below grade through a CUP. Also the HR-1, HR-2 and HR-L LMC parking regulations further reiterate that a parking structure may be placed underground if the structure maintains all setbacks above grade through a CUP. Staff finds that if a CUP for an underground common parking structure is obtained, the footprint of such underground structure would not be counted towards the maximum building footprint. The benefits of a shared underground parking garage include: the reduction or elimination of garage doors at the street edge, removing cars from on-street parking, reduction of paved areas, individual buildings that more closely conform to the scale of historic structures, etc.

At this stage no additional information has been presented to staff related to either the above ground footprint of the eight (8) structures or the underground parking garage other than Attachment 2 which indicates the proposed building envelopes for each

above grade structure. The applicant has not submitted a CUP application for the proposed underground parking garage at this time.

The HR-1 District indicates that a Residential Parking Area or Structure with five (5) or more spaces for residential, non-commercial, uses is a conditional use to be reviewed and approved by the Planning Commission subject to current CUP criteria found in LMC 15-1-10.

Discussion: Does the Planning Commission concur with this finding related to not counting the footprint of the underground common parking structure through an approved Conditional Use Permit?

Ridgeline Development

Regarding development on ridgelines, the LMC provides the following references:

- LMC 15-15-1.217 RIDGE LINE AREA. The top, ridge or Crest of Hill, or Slope plus the land located within one hundred fifty feet (150') on both sides of the top, crest or ridge.
- LMC 15-7.3-1. CONFORMANCE TO APPLICABLE RULES AND REGULATIONS.

[...]

(D)RESTRICTIONS DUE TO CHARACTER OF THE LAND. **Land which the Planning Commission finds to be unsuitable for Subdivision or Development due to** flooding, improper drainage, Steep Slopes, rock formations, Physical Mine Hazards, potentially toxic wastes, adverse earth formations or topography, wetlands, geologic hazards, utility easements, or **other features, including ridge lines**, which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the Subdivision and/or its surrounding Areas, **shall not be subdivided or developed unless adequate methods are formulated by the Developer and approved by the Planning Commission, upon recommendation of a qualified engineer, to solve the problems created by the unsuitable land conditions.** The burden of the proof shall lie with the Developer. Such land shall be set aside or reserved for Uses as shall not involve such a danger.

- LMC 15-7.3-2. GENERAL SUBDIVISION REQUIREMENTS.

[...]

(D)RIDGE LINE DEVELOPMENT. Ridges shall be protected from Development, which Development would be visible on the skyline from the designated Vantage Points in Park City.

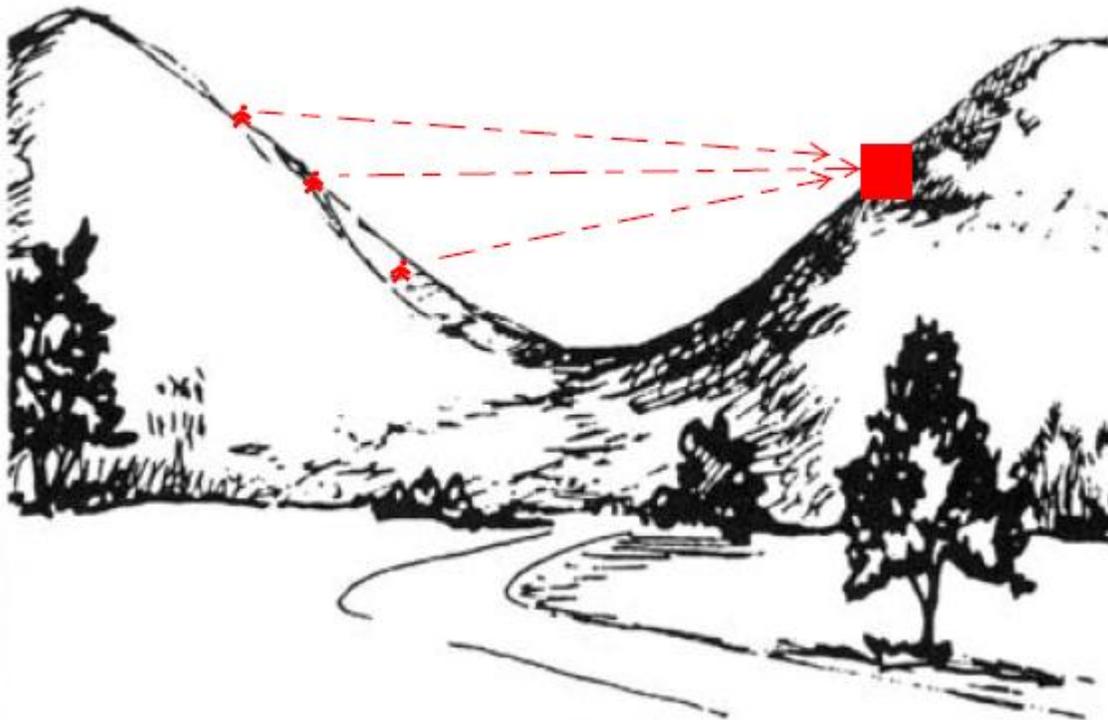
- LMC 15-15-1.283 **VANTAGE POINTS**. A height of five feet (5') above a set reference marker in the following designated Vantage Points within Park City that

function to assist in analyzing the visual impact of Development on hillsides and Steep Slopes:

- (A) Osguthorpe Barn;
- (B) Treasure Mountain Middle School;
- (C) Intersection of Main Street and Heber Avenue;
- (D) Park City Ski Area Base;
- (E) Snow Park Lodge;
- (F) Park City Golf Course Clubhouse;
- (G) Park Meadows Golf Course Clubhouse;
- (H) State Rd. 248 at the turn-out one quarter mile west from US Highway 40;
- (I) State Rd. 224, one-half mile south of the intersection with Kilby Rd;
- (J) Intersection of Thaynes Canyon Drive and State Rd. 224; and
- (K) Across valley view.

The site cannot be seen by Vantage points A-J. Across valley view is not currently defined by the LMC. The applicant's design does not seem to maximize the building height as they would only request to build no more than two (2) stories above the existing grade at the curb. At this time the applicant has not submitted additional information related to building footprint and square footages related to each structure. However, Attachment 2 further clarifies their proposal.

Staff interprets *across valley view* as the representation of the development from across the valley at approximately the same elevation. The following exhibit further clarifies staff's interpretation.



Discussion: Should the applicant submit additional exhibits showing their concept plan to review if the site would be visible on the skyline from across valley view? This is to include views across Deer Valley Drive and across Main Street.

Sensitive Lands Overlay (SLO) Analysis

Although there are steep slopes and ridge lines associated with this property, the property is not within the SLO and therefore a SLO analysis is not applicable. The purpose of the SLO is to: require dedicated open space in aesthetically and environmentally sensitive areas; encourage preservation of large expanses of open space and wildlife habitat; cluster development while allowing a reasonable use of property; prohibit development of ridge line areas, steep slopes, and wetlands, and protect and preserve environmentally sensitive land.

Right-of-Way Vacation

The applicant also requests that the City vacate/abandon a portion of the 4th Street Right-of-way. Resolution No. 8-98 adopted a policy statement regarding the vacation of public right-of-way. The City may generally find "good cause" when a proposal evaluated demonstrates a "net tangible benefit" to the immediate neighborhood and to the City as a whole. The City will evaluate a particular proposal against specific criteria to determine whether a "net tangible benefit" has been demonstrated by the petitioner.

On Exhibit A the applicant outlined six (6) items listed in exchange of the eastern half of the 4th Street Right-of-Way (ROW):

1. Shorty's Stair extension along the western half of the ROW between Ontario Avenue and Echo Spur.
2. Three (3) car parking spots to be located on the southern side of Rossie Hill Drive west of the Echo Spur intersection.
3. Walkway access from the aforementioned parking spots to the Shorty's Stairs extension.
4. Living quarters and an off-street parking spot for an artist-in-residence with a below-market, long term lease to terminate in fifteen (15) years which will then be deeded to the Kimball Art Center.
5. Donation to the Park City Foundation of 1.5% of the lot sales proceeds upon the sale of each re-platted lot to homebuyers.
6. Ownership of the stub lot on Block 59, lot 19 to Park City Municipal Corporation.

Proposals must compensate the City for the loss of the ROW. Consideration favored by the City will generally be financial, open space dedication above and beyond normal subdivision or development approval requirements; trail or public access dedication above and beyond normal subdivision or development approval requirements; replacement of ROW dedication; and/or any other public amenity deemed in the best interests of Park City's residents.

According to the applicant the proposal includes an advanced home energy strategy to reduce the carbon footprint and external energy needs of the residential structures. This strategy includes the following:

- Energy Star appliances
- Superinsulation
- Advance ventilation
- Passive heating
- Solar photovoltaic
- Thermal & geothermal
- Rainwater storage

The applicant anticipates that their passive and external strategies will reduce the need for external energy sources by 70-90%

Process

At this stage staff requests that the applicant officially submit the CUP for the underground parking garage. This would allow Staff and the Planning Commission to review specific regulations such as building footprint, elevations, setbacks, height, etc. This site will also need approval of a Steep Slope CUP, Historic District Design Review, and eventually Condominium Record of Survey. All of these applications can be reviewed concurrently. The requested CUP would allow further review of the standard CUP criteria outlined in LMC 15-1-10.

Discussion: Does the Planning Commission concur with this finding of reviewing the CUP for the underground parking garage concurrently with this Plat Amendment request?

Recommendation

Staff recommends the Planning Commission review the Plat Amendment located at 496 McHenry Avenue, McHenry Subdivision Replat, for compliance with the Land Management Code (LMC) and provide direction to the applicant and Staff regarding the proposed Plat Amendment; and hold a public hearing.

Staff is requesting discussion and input/direction on the following items:

- Use. Staff classifies the proposal as single-family dwellings with a common underground garage, which is consistent with the approved Parkwood Place project. Does the Planning Commission concur with this determination?
- Footprint. Does the Planning Commission concur with the finding related to not counting the footprint of the underground common parking structure through an approved Conditional Use Permit?
- Ridgeline Development. Should the applicant submit additional exhibits showing their concept plan to review if the site would be visible on the skyline from across

valley view? This is to include views across Deer Valley Drive and across Main Street.

- Process. Does the Planning Commission concur with the finding of reviewing the CUP for the underground parking garage concurrently with this Plat Amendment request?

Attachments

Attachment 1 – January 9, 2013 Planning Commission Staff Report

Exhibit A – Applicant’s Statement & Presentation

Exhibit B – Vicinity Map

Exhibit C – County Tax Map (Block 58, Park City Survey)

Exhibit D – County Tax Map (Block 59, Park City Survey)

Exhibit E – Topography with Aerial Photograph

Exhibit F – Topographic Survey

Exhibit G – McHenry Subdivision (Proposed Plat Amendment)

Exhibit H – Conceptual Site Plan

Exhibit I – Resolution No. 8-98

Attachment 2 – Underground Driveway Exhibit

Attachment 3 – December 12, 2012 Planning Commission Minutes

Attachment 4 – May 4, 2006 City Council Staff Report (Parkwood Place Condos Plat)

Attachment 5 – January 9, 2013 draft Planning Commission work session Minutes

Planning Commission Staff Report



Application #: PL-12-01717
Subject: McHenry Subdivision Re-plat
Author: Francisco Astorga, Planner
Date: January 9, 2013
Type of Item: Administrative – Plat Amendment Work Session Discussion

Summary Recommendations

Staff recommends the Planning Commission review the application for a plat amendment located at 496 McHenry Avenue, McHenry Subdivision Re-plat, for compliance with the Land Management Code (LMC) and provide direction to the applicant and Staff regarding the proposed plat amendment.

Description

Applicant: Sean Kelleher, Managing member, for JGC Beach Properties LLC represented by Preston Campbell
Location: Lots 21-32, Block 58, Park City Survey
496 McHenry Avenue (Echo Spur)
Zoning: Historic Residential (HR-1) District
Adjacent Land Uses: Residential
Reason for Review: Plat amendments require Planning Commission review and City Council action

Proposal

The property owner requests to combine lots 21-25, 29-32, a portion of lot 26-28, of block 58 and portion of lot 17 & 19 of Block 59. The request is for a plat amendment to combine these lots and vacation of the Right-of-Way of the eastern half of 4th Street between Ontario and platted McHenry (Echo Spur) so that the entire property is contiguous. The entire combined property will then re-platted as a condominium plat with seven (7) separate units which are to be designed to reflect single family dwellings. See detailed statement submitted by the owner in Exhibits A & H.

Purpose

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

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

- E. define Development parameters that are consistent with the General Plan policies for the Historic core, and
- F. establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.

Background

On December 11, 2012 the City received a completed application for the McHenry Subdivision [Plat Amendment]. The purpose of this plat amendment is to combine all of the contiguous property under common ownership in this location, (see Exhibit G) and re-subdivide it as individual condominium units through a Condominium Record of Survey, at a later date. The applicant requests that a portion of 4th Street Right-of-Way to be vacated and incorporated into this plat amendment.

The applicant has submitted various exhibits that describe the existing property conditions, property lines, topographic survey, and aerial photography. See exhibits E - H.

The Planning Commission held a site visit and work session discussion on a request in this same neighborhood on December 12, 2012. The draft minutes have been attached in the packet with this staff report as the Commission will review the minutes and possibly adopt them during this meeting. The December 2012 discussion mainly focusses on ridgeline development/vantage point analysis. However, many other items relative to this area were also discussed.

Analysis

The applicant submitted a preliminary concept plan showing seven (7) structures to be built on the subject property. The preliminary concept plan also shows a shared vehicular access to the site off built Rossi Hill Drive. This access provides underground parking for the seven (7) proposed structures.

Use

The Land Management Code (LMC) indicates that a single family dwelling is an allowed use in the HR-1 District. Furthermore, the LMC contains the following definitions:

1.87 DWELLING.

- A. *Dwelling, Duplex. A Building containing two (2) Dwelling Units.*
- B. *Dwelling, Triplex. A Building containing three (3) Dwelling Units.*
- C. *Dwelling, Multi-Unit. A Building containing four (4) or more Dwelling Units.*
- D. *Dwelling, Single Family. A Building containing not more than one (1) Dwelling Unit.*

1.88 DWELLING UNIT. *A Building or portion thereof designed for Use as the residence or sleeping place of one (1) or more Persons or families and includes a Kitchen, but does not include a Hotel, Motel, Lodge, Nursing Home, or Lockout Unit.*

1.33 BUILDING. *Any Structure, or any part thereof, built or used for the support,*

shelter, or enclosure of any Use or occupancy by Persons, animals, or chattel.

(A) *Building, Attached.* A Building connected on one (1) or more sides to an adjacent Building by a common Party Wall with a separate exterior entrance for each Building.

(B) *Building, Detached.* Any Building separated from another Building on the same Lot or Parcel.

(C) *Building, Main.* The principal Building, or one of the principal Buildings on a Lot, that is used primarily for the principal Use.

[...]

Discussion: How would the Planning Commission define their requested concept? The seven (7) privately owned single family dwelling units would share the common ownership underground parking garage through the subsequent Condominium Conversion. A condominium is not a use, but rather a type of ownership. The HR-1 District indicates that a single family dwelling is an allowed use; a duplex is a conditional use; and triplex/multi-unit dwelling is not allowed.

Footprint as Related to the Underground Parking Garage

The LMC indicates that the maximum building footprint of any structure located on a lot or combination of lots shall be calculated according to the footprint formula:

$$\text{MAXIMUM FP} = (A/2) \times 0.9^{A/1875}$$

Where FP= maximum Building Footprint and A= Lot Area.

Example: 3,750 sq. ft. lot: $(3,750/2) \times 0.9^{(3750/1875)} = 1,875 \times 0.81 = 1,519$ sq. ft.

The LMC further clarifies that the maximum building footprint for any structure located on a lot or combination of lots exceeding 18,750 square feet (equivalent to 10 standard Old Town lots) in lot area shall be 4,500 square feet. A Condition Use Permit is required for all structures with a proposed footprint of greater than 3,500 square feet.

Building footprint is defined as *the total Area of the foundation of the Structure, or the furthest exterior wall of the Structure projected to Natural Grade, not including exterior stairs, patios, decks and Accessory Buildings listed on the Park City Historic Structures Inventory that are not expanded, enlarged or incorporated into the Main Building.*

The LMC indicates the following under Parking in the Historic District found in the Off-Street Parking Chapter:

LMC 15-3-8. PARKING IN THE HISTORIC DISTRICT.

A. *To encourage the location of parking in the Rear Yard and/or below Grade, the City allows common driveways along shared Side Yards to provide Access to*

parking if the Owner restricts the deeds to both Properties to preserve the shared drive in perpetuity.

B. Common Parking Structures are allowed as a Conditional Use where it facilitates:

- 1. The Development of individual Buildings that more closely conform to the scale of Historic Structures in the district; and*
- 2. The reduction, mitigation or elimination of garage doors at the Street edge.*

C. Parking Structure may occupy below Grade Yards between participating Developments if the Structure maintains all Setbacks above Grade and the Area above Grade is properly landscaped, subject to Conditional Use permit or Master Planned Development (MPD).

D. Driveways between Structures are allowed in order to eliminate garage doors facing the street, to remove cars from on-Street parking, and to reduce paved Areas, provided the driveway leads to an approved garage or Parking Area.

E. Turning radii are subject to a review by the City Engineer as to function and design.

The HR-1 District indicates that a Residential Parking Area or Structure with five (5) or more spaces for residential, non-commercial, uses is a conditional use to be reviewed and approved by the Planning Commission subject to LMC 15-1-10.

Discussion: How would the Planning Commission interpret the requested use of the future Condominium Conversion in terms of building footprint within the HR-1 District, specifically related to the allowance for below grade parking area? How would the Planning Commission interpret how to count the footprint of the underground garage, if applicable?

Previous plat amendment request within the neighborhood

Staff has forwarded the draft Planning Commission minutes from December 12, 2012 to make the applicant aware of the items of concerns dealing with the ridgeline development/vantage point analysis, road acceptance by the city, and various applicable concerns. At this time the applicant has not submitted additional information related to building footprint and square footages related to each structure.

Right-of-Way Vacation

The applicant also requests that the City vacate/abandon a portion of the 4th Street Right-of-way. Resolution No. 8-98 adopted a policy statement regarding the vacation of public right-of-way. The City may generally find "good cause" when a proposal evaluated demonstrates a "net tangible benefit" to the immediate neighborhood and to the City as a whole. The City will evaluate a particular proposal against specific criteria

to determine whether a "net tangible benefit" has been demonstrated by the petitioner. See Exhibit I.

Recommendation

Staff recommends the Planning Commission review the application for a plat amendment located at 496 McHenry Avenue, McHenry Subdivision Re-plat, for compliance with the Land Management Code (LMC) and provide direction to the applicant and Staff regarding the proposed plat amendment.

Exhibits

Exhibit A – Applicant’s Statement & Presentation

Exhibit B – Vicinity Map

Exhibit C – County Tax Map (Block 58, Park City Survey)

Exhibit D – County Tax Map (Block 59, Park City Survey)

Exhibit E – Topography with Aerial Photograph

Exhibit F – Topographic Survey

Exhibit G – McHenry Subdivision (Proposed Plat Amendment)

Exhibit H – Conceptual Site Plan

Exhibit I – Resolution No. 8-98

Exhibit A – Applicant’s Statement

Statement

The intent of this request is a replat of the described property as well as a vacation of the eastern half of the 4th Street right-of-way (the “ROW”) between Ontario Avenue and the new Echo Spur so that the entire property associated with this application will be contiguous. The entire combined property will then be placed into a homeowner’s association (“HOA”) for the purpose of creating a condominium plat with seven separate units. While the condominium units will have common walls below final grade, above grade they will have separate walls, providing the appearance of single family residences. More details on each of these topics are discussed below.

Vacation of ROW

JGC requesting the vacation of the eastern half of the 4th Street ROW. In exchange, the HOA is proposing that the following compensation be offered to Park City and the citizens of Park City:

1. JGC and the proposed HOA will extend Shorty’s Stairs along the western half of the ROW between Ontario Avenue and Echo Spur, providing a continuous pedestrian path from Rossi Hill Drive to Old Town
2. JGC and the proposed HOA will provide three car parking spots to be designated for the owners of several Ontario Avenue homes. These parking spots will be located on the southern side of Rossi Drive just west of the Echo Spur intersection. The HOA will landscape this parking area to minimize the visual impact to neighbors.
3. In addition, the JGC and the proposed HOA will provide walkway access from these parking spots to the Shorty’s Stairs extension and the rear entry of each of the Ontario residences on each homeowner’s property.
4. JGC and the proposed HOA are negotiating a proposal (see Exhibit A) for the Kimball Arts Center (“KAC”) that would provide living quarters and an off-street parking spot for an artist-in-residence program which KAC seeks to commence in 2014. The proposal provides KAC with a below-market, long term lease which terminates in fifteen years; at that time, the HOA will deed to KAC the living quarters with no further payments due (besides KAC’s share of HOA dues and property taxes).
5. JGC has agreed to donate to the Park City Foundation a payment of 1.5% of the lot sales proceeds upon the sale of each replatted lot to homebuyers.
6. The HOA will deed to Park City the stub lot on Block 59, lot 19, which lies east of Rossi Hill Drive.

Condominium Strategy

The HOA believes that most, if not all, of the proposed residences will be built with first floors that will be substantially below final grade. These lower floors will house garages, mechanicals, storage, laundry, and other similar home needs. Because the lower floor will be below final grade, this allows the homes to have large, underground parking, thereby keeping the homeowners autos off Echo Spur. The HOA has determined that the most efficient way to achieve this is to provide each residence with underground parking, which will be accessed from a proposed driveway off of Rossi Hill Drive. This driveway will be heated from the point at which it meets Rossi Hill Drive until it reaches a garage door which will be lower section of the unit housing the KAC artist-in-residence living quarters. It is anticipated that the driveway will not exceed a slope of 16 degrees, and will continue to submerge under the existing grade of the lots and ROW until it reaches a depth of at least twelve feet below current grade. This underground alleyway will:

- Allow for 100% of the parking for the non-KAC residences to be off-street;

If you have questions regarding the requirements on this application or process please contact a member of the Park City Planning Staff at (435) 615-5060 or visit us online at www.parkcity.org.



- Connect each residence as the underground alleyway will run the length of the property. Since the alleyway provides a natural connection between each residence and a condominium plat allows for below final grade first floors to excavate to the property's lot lines, the HOA will utilize the ability to create larger below final grade first floors by excavating nearly to the replatted lot lines. Lot line excavation is also beneficial for our energy strategy as described below.

Home Energy Strategy

The HOA believes that building highly energy efficient homes is the appropriate strategy given current energy prices, mortgage rates, and costs for solar photovoltaic and thermal equipment. Our goal is to develop homes which "Raise the bar" in advanced strategies to reduce the carbon footprint and external energy needs of residential structures. While the homes will use standard strategies such as Energy Star appliances, we also anticipate using the following energy saving strategies:

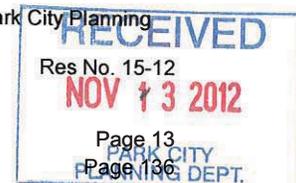
- "Passive House" building strategies
 - Superinsulation: superinsulation strategies are emerging as the most economically efficient strategy for reducing carbon-based energy usage. Superinsulation reduces energy gain/loss because of the house's air tightness and eliminates thermal bridging. Superinsulation results in extremely thick walls, making it difficult to build efficiently on standard Old Town lots (i.e., the internal square footage of a home built on a 25 x 75 lot is compromised due to the thicker walls).
 - Advanced ventilation strategies:
 - Passive heating: proper building siting, overhang shading, glazing are just three examples of the use of passive strategies to manage and store heat.
- External Systems strategies: we anticipate using solar photovoltaic and thermal and geothermal systems to source electricity and hot water, which will also reduce external, carbon-based energy needs.
- The use of a condominium strategy may allow the separate residences to share solar PV. While Rocky Mountain Power policy does not allow the sharing of electricity between single family homes, condominium units can distribute energy across units. Since we anticipate that 50% of the homes will be second homes, the sharing of solar PV generation lowers the initial capital cost of solar PV installation.
- Finally, changes in Utah law in 2010 allow for the storage of rainwater, and the HOA anticipates building each home with rainwater storage capabilities.

Our Passive and External Systems strategies will reduce the need for external energy sources by 70-90% and will do so in a manner that is economically efficient. We believe that one outcome of this project will be to raise awareness that building with highly energy efficient strategies not only is good for the environment but is also good for the homeowner's finances.

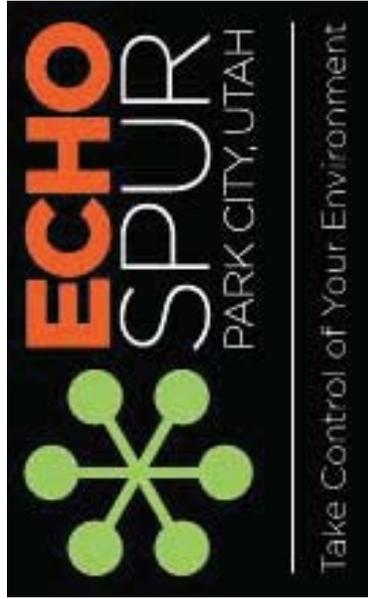
Architecture & Building Strategy

With the downturn in the economy and excess of residential homes on the market, the developers are pursuing an architectural strategy that has a more contemporary element but still remains true to the Park City/Old Town vernacular. The use of concrete and metal exteriors will be emphasized; flatter roof lines, which are more typical of contemporary homes, will also be emphasized. Importantly, flatter roof lines will also be critical to our energy strategy; because of the downward slope of the property to the north, steep roof lines would tend to block solar access. The use of flatter roof lines allow for greater flexibility in siting solar PV panels, a critical element to our energy plans. In addition, flatter roof lines will allow for greater snow storage and will link into our rainwater retention plans.

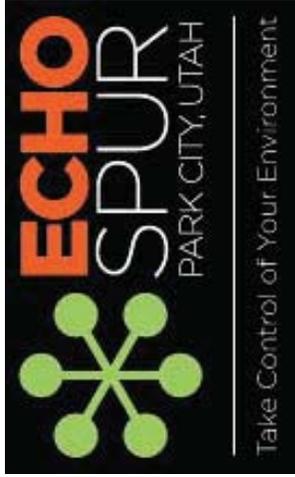
If you have questions regarding the requirements on this application or process please contact a member of the Park City Planning Staff at (435) 615-5060 or visit us online at www.parkcity.org.



Planning Commission Meeting
Echo Spur Project



History of Property Ownership/Development



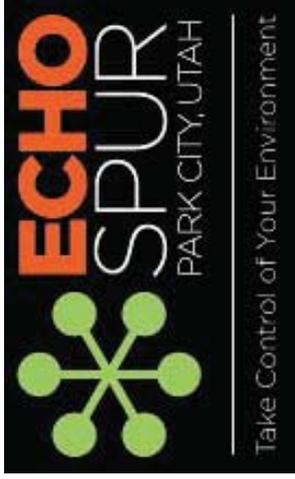
- Kelleher had no development rights until 2011 and therefore had no influence on plat and development applications submitted to Park City in 2007, 2010, 2011
- Portions of the property have been offered to PCMC twice in past 4-5 years for Open Space purchase; PCMC declined

	2006	2007	2008	2009	2010	2011	2012	
Land	Block 58, lots 17-19	Bilbrey					Tlou	
Ownership	Block 58, lot 20	Bilbrey/Kelleher (Tenants-in-Common)					Bilbrey	Green
	Block 58, lots 21-31	Bilbrey/Kelleher (Tenants-in-Common)					Kelleher	
	Block 58, lot 32	Bilbrey				Kelleher		
	Block 59, lots 17-19	Bilbrey					Kelleher	

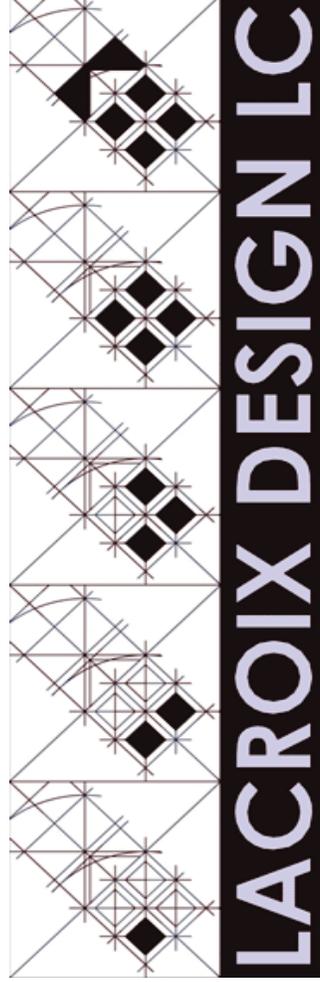
Development Rights	Block 58, lots 17-19	plat app		Bilbrey	plat app	plat app	Tlou	
	Block 58, lot 20					Open Space Offer	Kelleher	Green
	Block 58, lots 21-31						Kelleher	
	Block 58, lot 32							
	Block 59, lots 17-19						Kelleher	

Infrastructure Completion	Bilbrey							{Kelleher stepped in to complete}
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Introduction of Team



- Local service providers with a proven track record *as a team*
- An established history of developing energy efficient housing solutions



Heliocentric is a Utah-based, energy and environmental engineering firm that provides technical assistance, consulting services, and systems solutions to owners, architects, builders and engineers. We specialize in the engineering and design of high performance buildings and communities, passive buildings, net-zero homes, and sustainable whole-building energy solutions.

How is the Echo Spur Plan in Keeping with Park City Objectives?

- ❖ **Develop new cutting-edge technologies.**
- ❖ Create new energy-related manufacturing opportunities.
- ❖ Address infrastructure needs
- ❖ **Promote energy efficiency and conservation.**
- ❖ **Responsible development of Utah's energy resources, including ..., alternative fuels and renewable fuels.**
- ❖ Expand opportunities for Utah to market and export energy
- ❖ **Enhance partnerships between industry, universities & GVT.**
- ❖ Collaborate with other Western states to federal regulators

Governor's 10-Year Strategic Energy Plan

ENGINEERING GEOLOGY OF PARK CITY (1983)

- Preserve the mountain character of PC, environmental quality, open space, & outdoor recreational activities
- Maintain PC's historic & unique identity
- Manage the amount, rate form & location of growth
- Encourage a diversity of housing opportunities
- Involve the community in decision-making

Park City General Plan (Balanced Growth Strategy Outline, Bonanza Park Plan, PC 2030)

Land Management Code

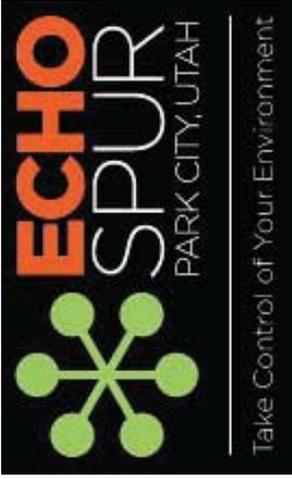
Implement the goals of the General Plan; promote the general health, welfare and safety of Park City inhabitants; protect and enhance the quality of life for Park City residents; protect and preserve peace and good order and aesthetics in Park City; protect the tax base; allow development in a way that encourages preservation of scenic vistas, environmentally sensitive lands, and historic structures; provision of well planned commercial and residential structures; provision of safe and efficient traffic and pedestrian circulation; and to prevent development that is susceptible to natural disaster.

Historic District Guidelines

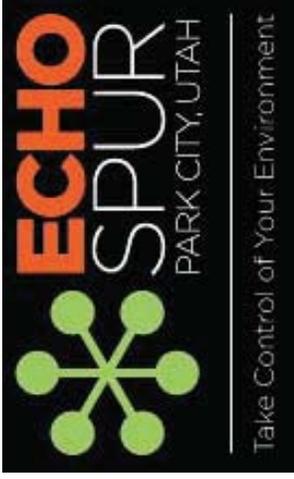
Meet the needs of various interests in the community by providing guidance in determining the suitability and architectural compatibility of proposed projects

Park City Environmental Plan

- Preserve & enhance PC's ecological systems & diversity
- Encourage efficient use of resources to develop sustainable sources of energy
- Encourage environmental stewardship & protection of PC's environment through community participation
- Incorporate environmental considerations as an integral part in assessing growth management options
- Investigate best practices that have the potential of substantially improving the environment



How is the Echo Spur Plan in Keeping with Park City Objectives?



AFFORDABLE HOUSING

- ❖ A self-imposed, 1.5% “tax” on lot sales is being donated to the Park City Foundation & targeted to Open Space & Affordable Housing
- ❖ A below-market lease & purchase deal is being developed with the Kimball Arts Center for an “Artist-in-Residence” living space

SUSTAINABILITY

- ❖ PASSIVE HOUSE: superinsulation will reduce our carbon footprint by 60-80%;
- ❖ Solar PV/Thermal: allows for a further reduction of 20-30%;
- ❖ A **UNIQUE** inter-home PV sharing strategy driven by the condo plat will create the most cost-effective solar PV option possible and be a game-changer for the residential market
- ❖ LEED strategies (water efficient systems, low VOC paint, etc.)

SENSE OF NEIGHBORHOOD

ENCOURAGE THE ARTS

PRESERVE OPEN SPACE

ARCHITECTURE

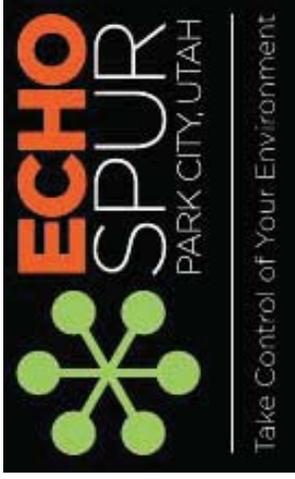
- ❖ Extend Shorty’s Stairs and add Ontario Ave. neighbor parking & access
- ❖ Bring Park City institutions (KAC) into the residential neighborhoods
- ❖ Create a neighborhood “Pocket Park” on 4th Streer ROW and Block 59 lots
- ❖ Echo Spur is an in-fill development;
- ❖ Underground parking limits road congestion (LMC 15-3-8)
- ❖ “Mountain modern” within the Park City vernacular; if 7 home are built, conditioned/living space for each home will range from 2800-3500 sq. ft.

What is a Passive House?

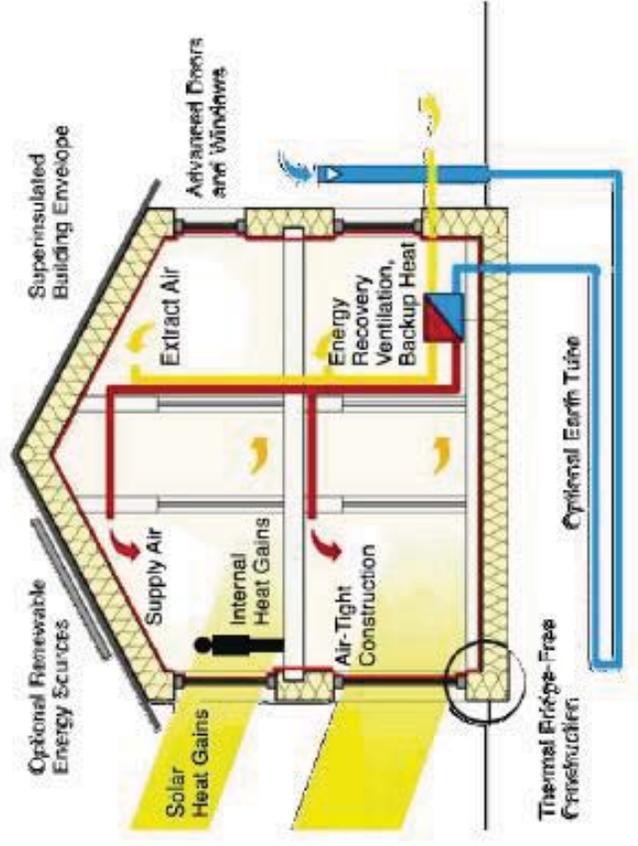
A Passive House is a very well-insulated, virtually air-tight building that is primarily heated by passive solar gain and by internal gains from people, electrical equipment, etc. Energy losses are minimized. Any remaining heat demand is provided by an extremely small source. Avoidance of heat gain through shading and window orientation also helps to limit any cooling load, which is similarly minimized. An energy recovery ventilator provides a constant, balanced fresh air supply. The result is an impressive system that not only saves up to 90% of space heating costs, but also provides a uniquely terrific indoor air quality.

Performance Characteristics

- Airtight building shell
- Minimal heating requirement ≤ 15 kWh/m²/year (4.75 kBtu/sf/yr)
- Ventilation system with heat recovery
- Thermal Bridge Free Construction ≤ 0.01 W/mk



PASSIVE HOUSE SCHEMATIC (Details vary with climate)



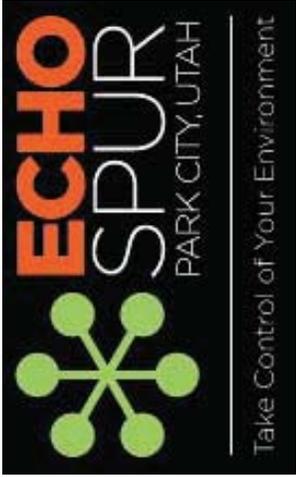
Discussion of Building Strategy: Energy

Our over-arching vision: to create economically viable, sustainable, environmentally-friendly homes based on market-priced technologies that are forward-thinking for the goals and aesthetics of their community

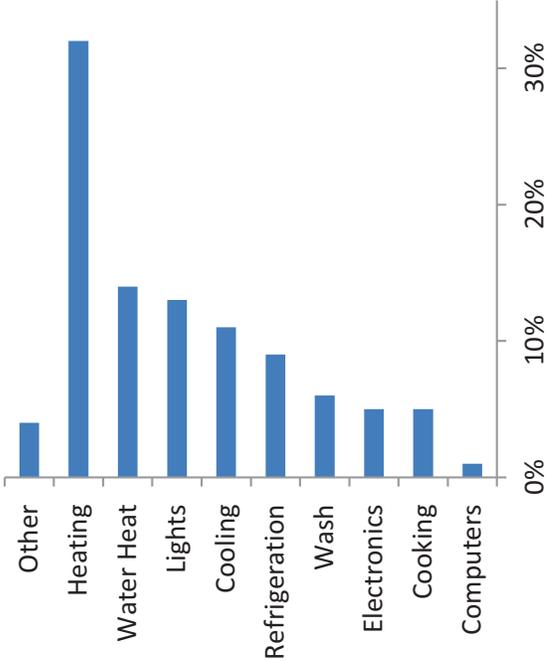
- ❖ *the “Passive House” strategy is the only Green/energy efficient strategy that satisfies this vision*
- ❖ *wind/solar PV & geothermal are potential “add-ons” based on buyer’s objectives, but are useful only in the context of Passive House.*
- ❖ *Solar-heated water should also achieve these goals*
- ❖ *Use Energy Star appliances, water conservation strategies, natural vegetation*
- ❖ *LEEDs standards will also be considered in construction strategy*



USGBC
 U.S. Green Building Council



Residential Energy Usage



Source: Lawrence Berkley National Lab, 2006

Passive House plus Solar PV makes economic sense

Rocky Mountain Power submits largest rate hike request ever

BY STEVEN OBERBECK THE SALT LAKE TRIBUNE
PUBLISHED JANUARY 28, 2011 11:51 AM

Rocky Mountain Power is asking for the largest rate hike in its history, a \$232.4 million increase that if approved by state utility regulators will raise the typical Utah homeowner's electricity bill by approximately \$120 a year. And that may just be the beginning.

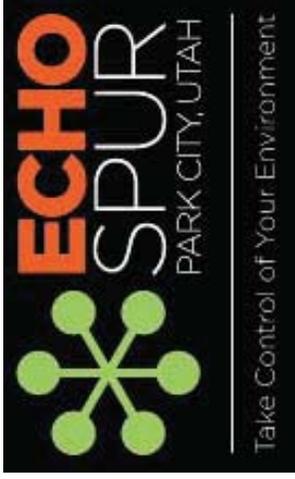
Due to what it describes as the rising demand for electricity throughout the state, **the utility warns Utah consumers may see annual price increases of 8 percent to 10 percent annually for the next decade.**

"Our Utah customers are using more electricity than ever before," Rocky Mountain Power spokesman Dave Eskelsen said.

Low electricity rates are attracting a lot of new industry, which puts pressure on existing generating capacity, he said.

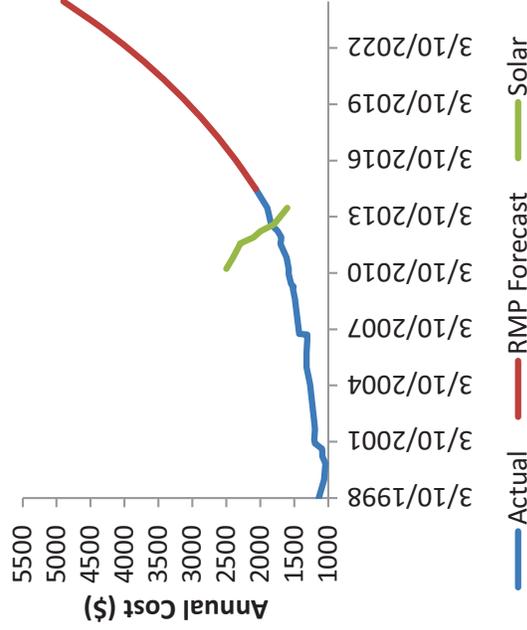
The power company, which filed the rate hike request earlier this week without announcing it publicly, said it needs the 13.7 percent increase to help it deal with the steadily rising cost of producing electricity and to upgrade its existing generating facilities.

The \$232.4 million requested increase dwarfs the utility's previous record high request of \$194.1 million in 2006, although in that case the power company eventually settled for a \$115 million increase, or a 9.15 percent raise in its rates.



Rocky Mountain Power rates have been rising faster than cost of inflation AND solar PV

5 year annualized increase: 5.0%
10 year annualized increase: 4.4%
RMP Forecast: ~ 9%



Annual cost for a typical Utah home using 1400 kwh/month
Source: Rocky Mountain Power

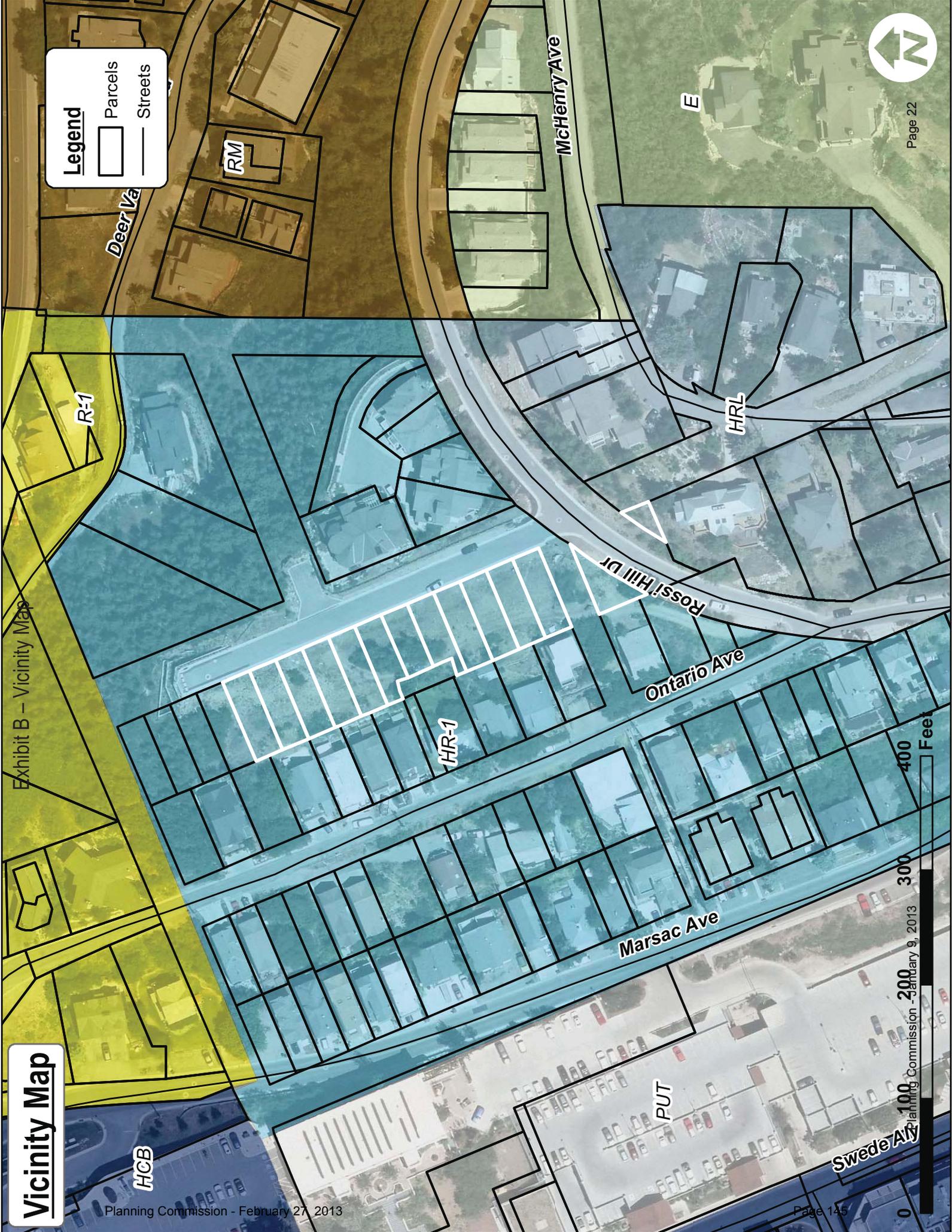


Legend

-  Parcels
-  Streets

Exhibit B - Vicinity Map

Vicinity Map



Swede Ave

PUT

Marsac Ave

Ontario Ave

Ross Hill Dr

HRL

E

McHenry Ave

Deer Va

RM

R-1

HR-1

HCB

Exhibit C – County Tax Map (Block 58, Park City Survey)

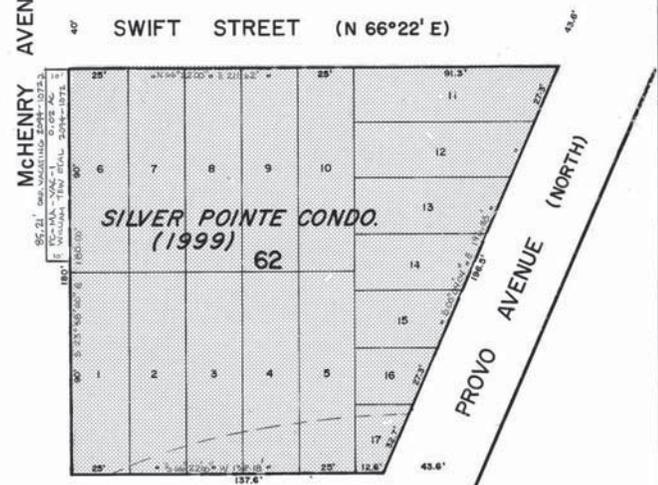
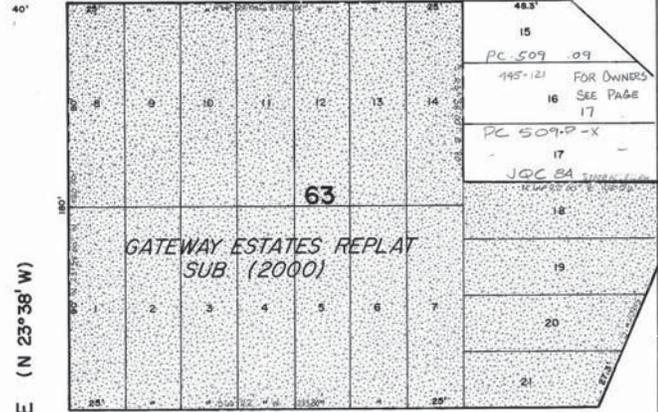
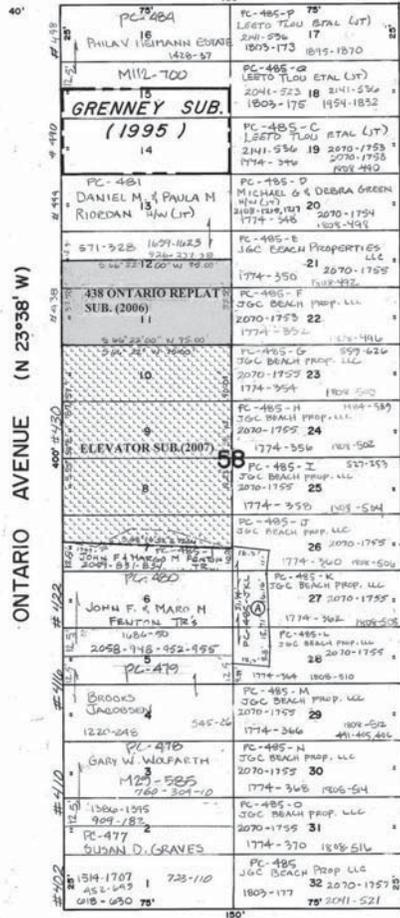
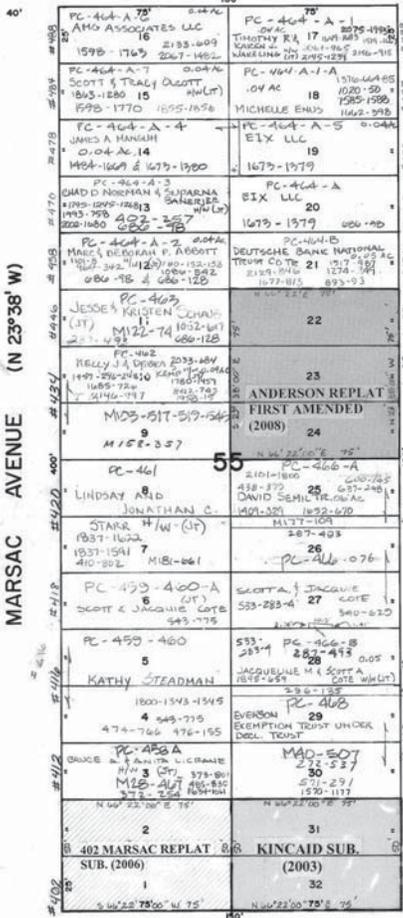
PARK CITY – BLOCKS 55,58,62,63, SECTION 16, T2S R4E, S.L.B. 8 M.

BOOK PAGE

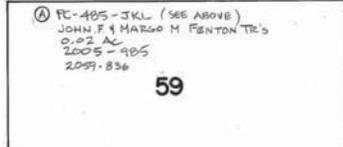
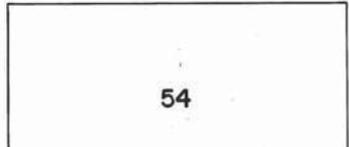
57

Note: # Refers to Street Address

THIRD STREET (N 66°22' E)
AKA - FIFTH ST



FOURTH STREET (N 66°22' E)



Approved	REVISIONS - DATE AND INITIAL	(In Pencil)	SCALE
Utah State Tax Comm	Sept 7 2010		ONE INCH = 40 FEET
Date	By		BOOK PAGE

SUMMIT COUNTY, UTAH

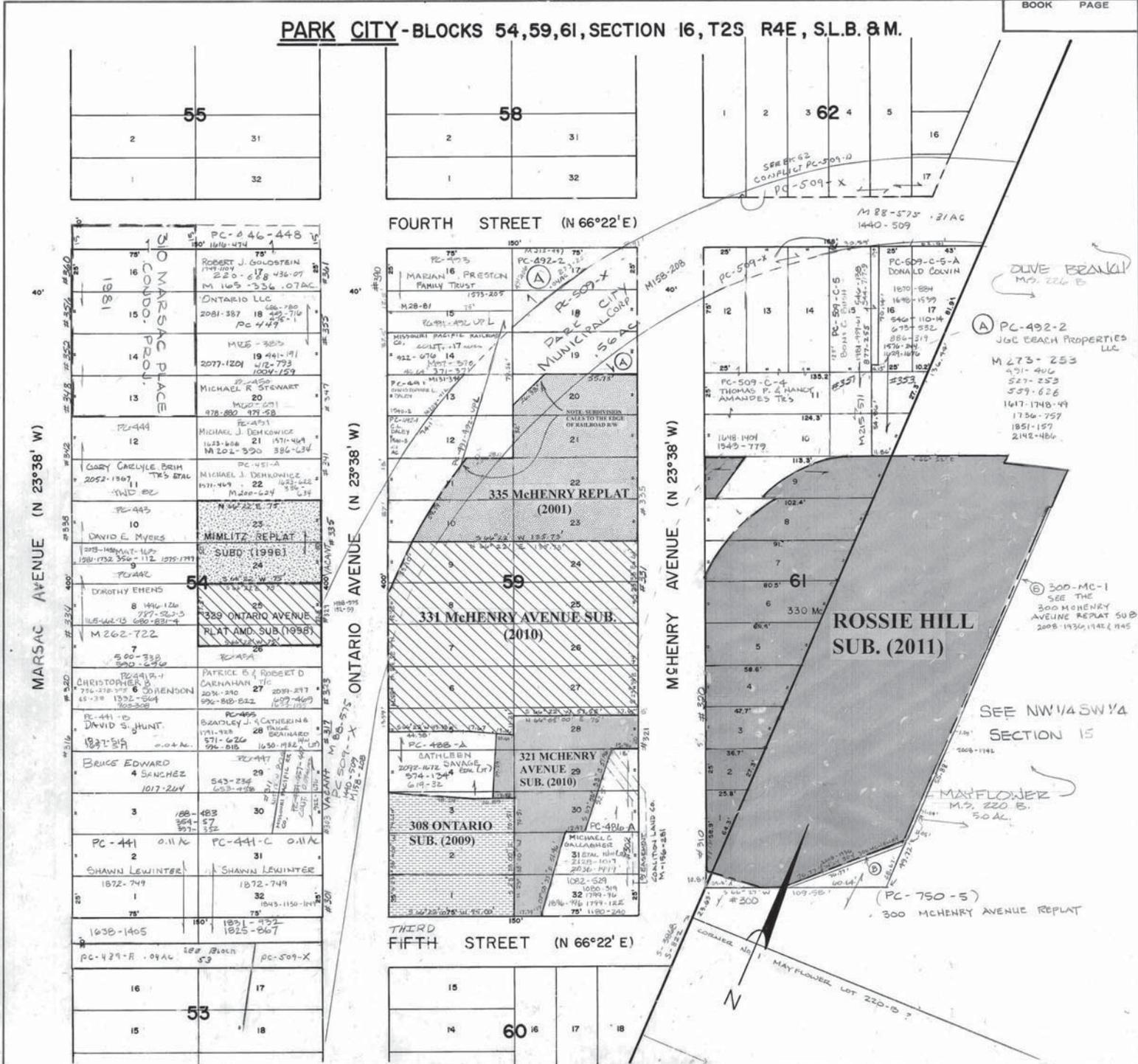
Engineering Associates Inc.

Exhibit D - County Tax Map (Block 59, Park City Survey)

NOTE: # Refers to Street Address

PARK CITY - BLOCKS 54, 59, 61, SECTION 16, T2S R4E, S.L.B. & M.

BOOK PAGE



Approved	REVISIONS - DATE AND INITIAL	(In Pencil)
Utah State Tax Comm	Sept 20 2011	
Date	By	

SUMMIT COUNTY, UTAH

SCALE
ONE INCH 40 FEET
BOOK PAGE

Exhibit E – Topography with Aerial Photograph



- LEGEND**
- SET REBAR & CAP IN SINKS
 - FOUND CORNER (AS NOTED)
 - EXISTING STREET ALIGNMENT
 - WATER METER
 - HYDRANT
 - U.S. WEST BOX
 - SINKER CLEANSOUT
 - CABLE BOX
 - POWER BOX



LOCATED IN
BLOCK 58 & 59
PARK CITY SURVEY
SUMMIT COUNTY, UTAH

SHEET
1 of 1

TOPO W/ AERIAL FOTO
PARTS OF BLOCK 58 & 59
PARK CITY SURVEY
PARK CITY, UTAH

JOB NO.	884
SURVEY BY:	RC
DRAWN BY:	JFB

DATE	BY	COMMENTS	REVISIONS

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

Exhibit H – Conceptual Site Plan



Take Control of Your Environment

Shorty's Stair's extension

Public space

Access to underground driveway/KAC Artist Studio

Additional neighborhood parking

Rossi Hill Drive

Echo Spur



This schematic is for illustrative purposes only. The actual location, scale, style, and number of homes, plantings, and walkways may change. As of December 2012, no regulatory approvals have been granted for this project.



Resolution No. 8-98

**RESOLUTION ADOPTING A POLICY STATEMENT REGARDING
THE VACATION OF PUBLIC RIGHT-OF-WAYS WITHIN PARK CITY, UTAH**

WHEREAS, the Municipal Land Use Development and Management Act of the Utah Code (“Act”) provides that the City Council may vacate public right-of-ways upon findings of: (1) good cause for the proposed vacation; and (2) that neither the public nor any person will be materially injured by the proposed vacation; and

WHEREAS, the Act and relevant common law fail to further define “good cause” and allow the local jurisdiction discretion in disposing of public right-of-ways; and

WHEREAS, to help assure the consistent and reasonable application of the Act, the Planning Commission and City Council wish to provide their constituents with some general guidance as to the circumstances in which the City may favorably consider vacating public right-of-ways; and

WHEREAS, this policy statement is not an evaluation of any particular request for vacation, but a general position regarding the terms and conditions in which the City may typically grant a citizen’s request to vacate a public right-of-way within the City; and

WHEREAS, nothing herein shall be construed as an abandonment of public right-of-way within Park City; and

WHEREAS, this policy shall not be construed as creating a vested right nor entitlement of any nature with regard to vacation of right-of-way, but shall only be advisory for the Planning Commission and City Council to utilize when exercising their legislative discretion in evaluating the merits of a vacation petition; and

WHEREAS, the Planning Commission and City Council shall continue to evaluate vacation petitions on a case-by-case basis; and

WHEREAS, although the City Council will give significant weight to the Planning Commission recommendation the ultimate decision to vacate or not rests squarely with the City Council.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of Park City, Utah hereby adopt the following guidelines:

SECTION 1. GOOD CAUSE. The City may generally find “good cause” when a proposal evaluated as a whole demonstrates a “net tangible benefit” to the immediate neighborhood and to the City as a whole. The City will evaluate a particular proposal against the following criteria to determine whether a “net tangible benefit” has been demonstrated by the petitioner:

- (a) **No Increase in Density.** Existing density shall be determined by counting the lots/units that the petitioner could reasonably obtain a building permit for at the time the petition is filed. The existing density must have existing access and must not require a plat amendment in order to obtain a building permit. Street rights-of-way will generally not be vacated to facilitate greater density, floor area or area of disturbance. New applications which proposed the subdivision of rights-of-way shall be reviewed under Land Management Code (“LMC”) Chapter 15, Subdivisions, and must result in a lower density than that permitted by the underlying zoning (Chapter 7), without the vacated right-of-way.

- (b) **Neighborhood Compatibility.** The proposed shall be analyzed according to the following criteria: the application complies with all requirements of the LMC; the use will be compatible with surrounding structures in use, scale, mass and circulation; the use is consistent with the Park City General Plan, as amended; and the effects of any differences in use or scale have been mitigated through careful planning. The City shall review each of the following items when considering compatibility: (1) size and location of the site; (2) traffic impacts including capacity of the existing streets in the area; (3) utility capacity; (4) emergency vehicle access; (5) location and amount of off-street parking; (6) internal circulation; (7) fencing, screening, and landscaping to separate the use from adjoining uses; (8) building mass, bulk, and site plan; (9) usable open space; (10) signs and lighting; (11) physical design and compatibility with surrounding structures in mass, scale, style, design, and architectural detailing; (12) provision of snow storage, and mitigation of noise, vibration, odors, steam, or other mechanical factors that might affect people and property off site; (13) control of delivery and service vehicles, loading and unloading zones, and screening of trash pick-up areas; (14) expected ownership and management of the project as primary residences, condominiums, time interval ownership, nightly rental, or commercial tenancies; (15) proposed uses in an historic district must comply with the Historic District Architectural Guidelines provided in a supplement to the LMC; (16) all proposed uses in the zones outside an historic district must comply with the General Architectural Guidelines in LMC Chapter 9; and (17) the Sensitive Area Overlay Zone Regulations (which normally apply only to property within the Sensitive Area Overlay Zone) shall apply to all development proposals including a petition to vacate right-of-way, regardless of the underlying zoning/platting of the development.

- (c) **Consideration.** Proposals must compensate the City for the loss of the right-of-way. Consideration favored by the City will generally be financial (market value based upon

square footage); open space dedication above and beyond normal subdivision or development approval requirements; trail or public access dedication above and beyond normal subdivision or development approval requirements; replacement of right-of-way dedication; and/or any other public amenity deemed in the best interests of Park City's citizens.

- (d) **Utility of existing Right-of-Way.** The City shall typically dispose of public right-of-way only when the right-of-way is no longer of significant utility to the City. The City shall consider the right-of-way's status as listed in the Streets Master Plan. The recommendation to the City Engineer, existing improvements and utilities within the right-of-way, and the Capital Improvement Plan. Replacement of the prior right-of-way alignment or dedication of new right-of-way must meet the construction and width standards in the Street Master Plan, unless otherwise reduced by the City Engineer.

SECTION 2. MATERIAL INJURY. The City must find that no person nor the public is "materially injured" by the proposal. "Materially injured" generally means direct or indirect injury to property or a property right as a result of the proposal. The injury must be significant enough to raise to the level of interfering with the injured party's use of his/her property or property right. The injury must be demonstrated by evidence on the record, or the City's reasonable inference therefrom, and shall not merely be conjecture nor public clamor.

SECTION 3. JOINT MEETINGS. Joint meetings between the Planning Commission and City Council, and Historic District Commission as necessary, are encouraged early in the process for large (greater than five lot) projects and master planned developments, which propose vacation and reconfiguration of public rights-of-way.

SECTION 4. EFFECTIVE DATE. This Resolution shall take effect upon adoption.

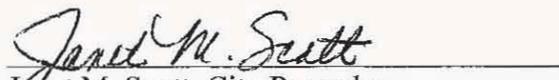
PASSED AND ADOPTED this 9th day of July, 1998.

PARK CITY MUNICIPAL CORPORATION



Mayor Bradley A. Olch

Attest:



Janet M. Scott, City Recorder



individual smaller components that are compatible with the District. The garage must be subordinate in design of the main building. Commissioner Strachan believed the language encourages having a separated garage. It would be hard to predict whether or not someone would try to enclose it eventually. Commissioner Strachan felt that overall the dwelling mass and volume was incompatible with the surrounding houses, with the exception of 205 Norfolk which should not be a basis for compatibility analysis. He views the analysis as a bell curve and the proposed project should be near the middle to be considered even close to compatible.

Mr. DeGray asked if the compatibility issue was the size of the building or the mass above grade. Mr. Strachan replied that it was mass of the building above grade. Mr. DeGray pointed out that the average for the area came in at 3700 square feet. The proposed project is larger at 4500 square foot gross, but they are comparable to the other structures at 60 Sampson, 50 Sampson and the recently approved projects at 16 Sampson and 201 Sampson. Commissioner Strachan remarked that the smaller structures such as the one at 41 Sampson are the ones that need to be taken into account. He clarified that in addition to the size above grade, it is also the size of the entire living space. Commissioner Strachan pointed out that the purpose statements in the Code do not differentiate between above grade and below grade. His primary concern was the massing above grade; however, the CUP process analysis will also look at the total area.

Commissioner Savage thought the applicant was in the zone they needed to be in as it relates to the comparables in that particular part of the neighborhood. The house looks nice and interesting and it appears to adapt to an extremely challenging lot situation. Commissioner Savage suggested that the applicant look at changing the façade of the home to make it look and feel more historic in terms of presentation. From his perspective, the design and configuration as proposed was not inconsistent with what exists in the neighborhood. He felt it was difficult to be consistent with a hodgepodge of structures.

Commissioner Hontz noted that page 73 of the Staff report showed the size of surface parking and asked for the dimensions. Mr. DeGray replied that it was 9' x 18'.

Vice-Chair Thomas agreed that it was a difficult argument to fit within the purpose statements and the burden was on the applicant to demonstrate compatibility with the historic fabric of the community in terms of mass, scale and height, and how it is consistent with the purpose statements. He noted that the Planning Commission has the purview to reduce height on a Steep Slope CUP and he would prefer to see the height reduced. Vice-Chair Thomas struggled with the drawings presented and questioned how it was not one house based on the design. The roof is connected to the elevator and the elevator is connected to the garage, which makes it one structure exceeding three stories. Vice-Chair Thomas felt the argument was whether or not this was one house.

Mr. DeGray stated that the deck and patio are required to meet setback requirements, which treats them like a structure. Having a deck or patio connect from an accessory structure to a main structure does not technically connect buildings. Vice-Chair Thomas understood the point Mr. DeGray was making, however, he wanted to see that defined in the drawings to prove his point. Planner Evans remarked that it would definitely be an issued if the foundation was connected. Mr. DeGray noted that the deck touches the elevator shaft, but it is an open air connection.

Lot 17, 18 and 19 Echo Spur Development – Plat Amendment

(Application PL-12-01629)

Planner Francisco Astorga noted that on September 12, 2012 the Planning Commission requested a site visit and work session for the Echo Spur Development Replat. The applicant also submitted additional information that was requested, including preliminary plans of the site. Planner Astorga noted that the plans were more specific than preliminary and the Staff was still working on reviewing the plans.

Planner Astorga reviewed the application for a plat amendment on platted McHenry. As previously noted, the City Engineer would eventually change the name of the road once it is fully dedicated to the City.

Planner Astorga reported that the applicant had submitted an application for a plat amendment to combine lots 17, 18 and 19. He presented slides to orient the Planning Commission to what they had seen during the site visit. He also presented the County Plat showing the ownership of the property. On September 12, 2012 the Planning Commission discussed vantage points per the Land Management Code. Planner Astorga noted that the LMC does not have a defined vantage point from where the development would be visible. However, the LMC identifies cross-canyon view as a vantage point. The applicant had submitted a total of six vantage points; three on Deer Valley Drive by the access to Main, one by the entrance at the Summit Watch, one at the roundabout, and another closer to the property. Planner Astorga reviewed slides from the stated vantage points.

Commissioner Savage concluded from the photographs that the development was basically invisible. Commissioner Gross concurred. Commissioner Hontz stated that she personally stood at each of the vantage points and concluded that the development would be visible, particularly the retaining wall. Commissioner Strachan remarked that the brown house behind the retaining wall was also visible. He pointed out that photographs are not entirely reflective of what the human eye would actually see.

Scott Jaffa, the project architect stated that the intent was never to make the house invisible. The existing scrub oak is 12 feet high and the house would sit approximately 12 feet above. It is surrounded by houses at the bottom on Ontario, as well as houses above it. The house is nestled in its surrounding environment.

Planner Astorga reviewed the elevations. He noted that the site is zoned HR-1 which has a 27' foot height limitation and a required 10 feet setback on the downhill façade. Planner Astorga stated that at the last meeting the Planning Commission discussed the 2007 settlement agreement. He had verified with Jack Fenton that the disputes with the settlement agreement had been resolved and both parties were satisfied with the outcome. Planner Astorga had done a more specific analysis of the Ontario neighborhood as shown on page 9 of the Staff report. The analysis concluded that the average width is approximately 36 feet and the average lot area is approximately 2800 square feet for those lots.

Planner Astorga referred to an Exhibit showing the outskirts of the Park City survey. He commented on the Gateway Estates subdivision. Because of the orientation of the houses and access off of Deer Valley Loop Road, it provided a better way to transition Old Town to what is called the Deer Valley entry area. In terms of house size the two houses that were originally platted for Gateway

Estates were planned to be much larger than the Old Town historic character.

Planner Astorga requested that the Planning Commission discuss whether this Echo Spur neighborhood provides an appropriate area for transitioning between the larger lots of record versus the Ontario neighborhood, which tends to follow a different pattern than the standard 25' x 75' configuration. Since September the Staff has held several meetings with the owner to review the current definition of gross residential floor area and how that applies. The Staff recommendation was to limit the gross residential floor area to 3600 square feet. The Staff reviewed the preliminary plans submitted and found that the proposal would comply with the Staff recommendation of limiting the gross residential floor area.

Commissioner Wintzer remarked that the three lots are contiguous to a neighborhood of historic platted lots of 25' x 75'. That is the neighborhood they need to look at rather than the homes above or below. Planner Astorga pointed out that after the General Plan update is completed the next task is to do an analysis of the zoning districts to see how that can be improved.

Vice-Chair Thomas stated that he was on the Planning Commission when the Deer Valley Loop Road lots were approved, and there was a dramatic effort to minimize the massing and to make the units fit into the hillside. He pointed out that the grading on those three lots was dramatically different than the grading on the three Echo Spur lots. Vice-Chair Thomas believed that would have to be highly considered in this process. Planner Astorga noted that only one house was actually built and the other two houses lost their approval because they did not move forward on the building permit.

Planner Astorga recalled that another discussion point in September was what would happen in the neighborhood. Since the September meeting the Staff met with Mike Green, the owner of Lot 20. Mr. Green plans to build a single family dwelling and is currently working on an application. The other twelve lots are owned by Sean Kelleher, who submitted a complete application yesterday. The Planning Commission would review Mr. Kelleher's application during a work session in January. He proposes to build seven single family units through a condominium plat on his 12 lots of record. Vice-Chair Thomas stated that he would be recusing himself from the Kelleher discussion and he was uncomfortable talking about that proposal this evening.

Planner Astorga stated that ridgeline development was another issue carried over from the September meeting. He noted that Lot combinations in the HR-1 zone require an overall setback of 18 feet, with a minimum of 5 feet. The Staff request that the setback on the northern side be increased to 15 feet to aid with drainage issues and slope mitigation issues. Planner Astorga asked for input from the Planning Commission regarding the Staff analysis.

Planner Hontz referred to the minutes from the September 12, 2012 meeting on page 15 of the Staff report, fifth paragraph, and revisited a number of issues that were still pertinent. The first was that the road is still not dedicated to the City. In speaking with Matt Cassel during the site visit she understood that some conditions have not been fulfilled and issues still remain. Commissioner Hontz was not comfortable with the safety of the road related to the gate, the vegetation that needs to be replaced and enhanced, the retaining wall and other issues. She thought there could be possible pressure from the applicant to whoever was responsible for fulfilling the conditions if it was a requirement to move forward with this application. Since the City Engineer had decided to place

the road under the City's road system, they should do nothing until they know for sure that the road is acceptable to the City. A second point is that Third Street, which is located to the north of Lot 17, is currently a platted dedicated right-of-way. Because it was a right-of-way, someone decided to dig it up and put in a road. If this application moves forward, Commissioner Hontz wanted to make sure that no access would ever be provided to any lots in any area off of that existing right-of-way. A third point was that lots 17, 18 and 19 had to be combined in order to have access. In looking at the plat, lot 19 is the only lot that has access off of Echo Spur. Commissioner Hontz thought it was unrealistic to say that Lots 17 and 18 would be developed off of the current configuration of Echo Spur Drive. Standing at the gate and looking over a 40 foot drop, the amount of retaining required to get to the lots makes them unbuildable. Commissioner Hontz remarked that in reality this was one lot.

Commissioner Hontz referred to page 15 of the Staff report regarding the settlement area. She appreciated that the Staff took the extra step to confirm that an agreement was reached. However, she would like to see how the land was deeded. According to the publicly available agreement, the land would change hands and there would be different lot configurations for the lots adjacent to this property further north that could possibly have an effect.

Commissioner Hontz referred to Item 5 on page 15 and reiterated that the property and the road are part of a ridgeline. They cannot change the definition of a ridgeline because of what has happened around it. She thought they may be able to say that due to setbacks, the structure is placed far enough off of the ridgeline, but regardless, the property is part of the ridgeline and the setbacks should be closely scrutinized. Commissioner Hontz commented on LMC 15-7.3-1(D) and noted that this is a very sensitive area and there are impacts related to the ridgeline.

Commissioner Hontz referred to Items 6 and 7, additional limitations on maximum square footage and visibility from the roundabout. She felt it was a unique strategy to separate these lots from what was previously reviewed as a subdivision, because they now have to look at it as a new application. If this application moves forward, the applicant would have to maximize the number of lots on this particular substandard road, which can only be reached by other substandard Old Town streets. Based on traffic impact models, Commissioner Hontz understood that one house would generate approximately 12 vehicle trips per day. Assuming build-out on the nine lots, the per day vehicle trips would exceed 108 per day on this substandard street. She thought it was ludicrous to create that much additional traffic into that neighborhood on substandard streets. Commissioner Hontz pointed out that it was not just one home. They need to consider the compound impacts of all the lots.

Commissioner Gross asked about the cars backing out of the driveway and how they would get up the street. In his opinion it looked very tight and he was unsure how a car would get out. He requested a diagram showing how it would work. Commissioner Gross had spoken with City Engineer Matt Cassel about the fire safety issues and there is a turnaround below for fire trucks. He assumed that once the street is accepted by the City it would provide the proper access for people to build.

Planner Astorga asked if the Planning Commission would feel comfortable approving the propose development once the road is accepted by Matt Cassel, particularly regarding the road compliance issue raised by Commissioner Hontz. Planner Astorga noted that LMC 15-7.3 indicates that these

types of development must be approved by the Planning Commission and that upon recommendation of a qualified engineer these items can be mitigated. The burden is on the applicant to hire a qualified engineer to determine whether the issues are mitigated. Planner Astorga clarified that the LMC implies that the applicant is allowed to find appropriate mitigation for these types of unforeseen development conditions on the land.

Commissioner Wintzer pointed out that the applicant has that ability with everything except the ridgeline. He read language in the same Chapter of the LMC that states, "For other features including ridgelines." Commissioner Hontz remarked that per the LMC the impact mitigation is formulated by the developer and approved by the Planning Commission. The applicant can propose a solution but the Planning Commission has the purview to determine whether the solution is suitable to mitigate the problem. Planner Astorga agreed. However, his interpretation of the LMC language is that the burden of mitigation is on the applicant, which also includes the ridgeline. He wanted to make sure the Planning Commission shared his interpretation. Commissioner Wintzer agreed with the interpretation with regards to geological hazards. His reading of the LMC language did not include the ridgeline. Commissioner Wintzer recalled that this same paragraph was read to the previous owner five years ago and at that time the Planning Commission had the same concerns that combining these three lots would encourage development to move down the hill further on the ridgeline. They faced the same issue with this application and he could see no way around it.

Planner Astorga remarked that the Staff interpretation was that ridgeline impacts could be mitigated if adequate methods are formulated. Due to the discrepancy in interpretation, he believed further discussion was necessary. He asked if the Staff was interpreting the Code incorrectly. The Commissioners answered yes.

Commissioner Strachan questioned whether the applicant could even find adequate methods. In addition, language in LMC 15-17.3-2(D) prohibits ridgeline development. There was no qualifier in the language to indicate that it would be allowed with adequate mitigation methods. Commissioner Strachan felt the LMC was clear that ridgeline development would not be allowed in any circumstance. In his opinion, this was still a ridgeline, even though the previous owner tried to eliminate that fact by digging a road through the property.

Planner Astorga understood that the Planning Commission would be prepared to make findings that this is a ridgeline and construction is prohibited on a ridgeline. Commissioner Savage stated that the Planning Commission was looking at a set of platted lots that also included other lots along that same ridgeline, and there were property rights associated with those particular lots. He understood the ridgeline issue; however, the fact that the lots were platted and exist as platted lots entitles the owners of those lots to some level of development rights independent of the ridgeline.

Assistant City Attorney McLean agreed that City cannot take away all rights to the use of a property; however, there are restrictions in the Code that prohibit structures on ridgelines. Therefore, those two issues need to be balanced. Commissioner Savage asked if the contextual precedence in that particular area has any influence on how the Planning Commission should view ridgeline development. In looking at the topography, it is clear that a ridgeline runs along the road and through the middle of the lots. He pointed out that existing homes above those lots on the ridgeline have already compromised the ridgeline in that area. He asked if that should have any impact on how these applications are reviewed. Commissioner Savage asked if the applicant would have the

ability to say that within the constraints of this particular development site, as well as the existing homes, this is the ridgeline visual impact with the proposed home versus not building at all. Ms. McLean replied that the Planning Commission could have that discussion. Commissioner Savage wanted the applicant to pursue that direction unless it would be a waste of time because it is a ridgeline and development would be denied.

Mr. Jaffa pointed out that this was a new subdivision that was still in the process of dedicating the road to the City. He questioned why the subdivision would have been approved with platted lots if the lots could not be built on. Commissioner Wintzer noted that the previous subdivision application never came before the Planning Commission and it was never approved. Planner Astorga explained that it was a historic part of the Park City survey that was historically platted a hundred years ago.

Commissioner Strachan asked Assistant City Attorney McLean for her interpretation of LMC 15-7.3-1(D) as opposed to 15-7.3-2(D). Ms. McLean stated that when there are competing ordinances in the Code, they look at the plain meaning of the language. She noted that when language is added to address restrictions due to the character of the land, they try to have the statutes comport. Ms. McLean thought that should be balanced with making sure property rights are not being taken away from an existing lot. She believed that sub (D) in 15-7.3-1 also goes to health and safety issues; whereas, in 15-7.3-2(D), ridgeline development, the issue is more aesthetic.

Commissioner Strachan recalled that when the LMC provisions conflict the policy is to follow the one that is most specific. He considered the language in 15-7.3-1 to be more general than the language in 15-7.3-2.

Commissioner Savage asked to look at the topo map. Commissioner Wintzer pointed out the top of the ridge on the map to identify the exact ridgeline. Assistant City Attorney McLean read the definition of ridgeline area in the LMC. "The top ridge or crest of hill or slope, plus the land located within a 150 feet on both sides of the top crest or ridge." Commissioner Hontz pointed out that Lot 19 was different than in the previous proposal. Commissioner Wintzer personally believed it was a ridgeline and combining the lots would allow the applicant to move further down the ridgeline. He has walked the property and drawn the ridgeline on the topo. Commissioner Wintzer could see no way of getting around that fact. It is an important issue and the General Plan and the LMC address ridgelines in several places. Commissioner Hontz did not believe the Planning Commission should compromise on ridgeline development.

Vice-Chair Thomas remarked that the reason for being sensitive to ridgelines is based on the observation from the community of what appears to be a ridgeline and the problems created when the ridgeline is broken. The type of ridge is irrelevant. this is a ridgeline with regard to a large percentage of the community. Commissioner Savage did not disagree that this was a ridgeline. He was only pointing out that there are many ridgelines in that area and some of those ridgelines had been compromised.

Assistant City Attorney McLean read the language from LMC 15-7.3-2(D) - General Subdivision Requirements for Ridgeline Development. "Ridges shall be protected from development in which development would be visible on the skyline from the designated vantage points in Park City." The specific vantage points are the Osguthorpe Barn, Treasure Mountain Middle School, the intersection

of Main Street and Heber Avenue, the Park City ski area base, Snow Park Lodge, the Park City golf course clubhouse, the Park Meadows Golf Course Clubhouse, State Road 248 at the turnout one-quarter mile west from US Highway 40, State Route 224 one-half mile south of the intersection of Kilby Road, the intersection of Thaynes Canyon Drive and State Road 224 and across valley views.

Commissioner Hontz stated that the cross valley view could be from any point across the valley. Vice-Chair Thomas remarked that the intersection of Main Street and Heber Avenue would be a critical vantage point in this situation.

Commissioner Savage thought an important piece of the language was the reference regarding visibility on the skyline from the designated vantage points. Vice-Chair Thomas informed Mr. Jaffa that the Planning Commission would need to see visuals from the specific vantage points mentioned. Commissioner Strachan stated that the three related vantage points were Heber Avenue, the base of PCMR and the base of the Park City golf course. Commissioner Strachan suggested that the Planning Commission could personally visit those vantage points.

Mr. Jaffa asked for clarification on across valley. The Planning Commission discussed other potential vantage points where the development might be visible. Commissioner Savage believed the analysis could be done using the topography map without a site visit to the vantage points. Commissioner Wintzer stated that in his opinion it was very clear that development would hit the ridge and penetrate the skyline. Commissioner Savage remarked that every object would penetrate the skyline from some given point. Vice-Chair Thomas agreed, but noted that there were primary valleys in the community that needed to be protected.

Assistant City Attorney McLean stated that height restrictions or other limitations are often placed in subdivisions to address the issues on a problematic property. She noted that the applicant has submitted a subdivision application and provided a conceptual idea of what they would like build. She suggested that the Planning Commission could discuss placing restrictions on the site to make sure it complies with all the elements of the Code. Commissioner Strachan remarked that the Planning Commission was being asked whether or not there was good cause for a plat amendment.

In his opinion, there would not be good cause if the site is on a ridgeline and no structure, regardless of the height, could be built. Ms. McLean agreed, if the Planning Commission finds to that extreme. However, if as an example, if they find that a one story structure would not violate the elements of the Code, they could place those restrictions. Commissioner Strachan was unsure whether the Planning Commission would be able to make that finding. Ms. McLean stated that if the Planning Commission could not find good cause they would need to define very specific findings related to the vantage points and visibility on the skyline.

Mr. Jaffa used the color coded map to point out that while this may be a ridgeline, it was definitely not the highest element in that neighborhood. He indicated three houses that are substantially higher than the proposed structure. Commissioner Wintzer reiterated that those houses were approved in that location as a trade-off to stop development from coming further down the ridge. This is a different process and if this application is approved they would be putting one house on the ridge.

Vice-Chair Thomas requested that the Staff delineate the ridge that separates Deer Valley Drive from Main Street. If that ridge goes through this property the argument would be resolved. He directed the applicant to work with the Staff and seriously consider the comments made this

evening.

Commissioner Savage clarified that he was not arguing whether or not it was a ridgeline. He was concerned that there was not a working definition on how to make that analysis. Commissioner Wintzer pointed out that the Planning Commission can only adhere to the Code. He agreed that the Code is sometimes vague, but the Planning Commission is tasked with interpreting the Code to make their decisions.

Commissioner Gross asked if the applicant could build on any part of Lots 17, 18 and 19. Commissioner Wintzer stated that Lot 19 is a platted lot on a ridge. The applicant could build a house on Lot 19 based on the current Code. The issue is that combining the lots would require a Steep Slope analysis. Planner Astorga remarked that all three lots would require a Steep Slope CUP.

The applicant, Leeto Thlou understood the comments expressed this evening. He asked if the other landowners in that area would have the same problem. Commissioner Savage replied that it would depend on the steepness of the individual lot and whether a Steep Slope CUP would be required. It was clear that Lots 17, 18 and 19 would require a Steep Slope CUP; therefore, the ridgeline issue needs to be resolved.

Commissioner Hontz clarified that the points she identified earlier in the discussion also apply to all the lots in that same area.

The Work Session was adjourned.

City Council Staff Report



Author: Ray Milliner
Subject: 801 Park Avenue
Date: May 4, 2006
Type of Item: Administrative

PLANNING DEPARTMENT

SUMMARY: Staff requests that the City Council review the proposed record of survey application, 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: Parkwood Place Condominiums
Applicant: David Belz
Representative: Jeffery Kuhn
Location: 801 – 817 Park Avenue
Zone: Historic Residential (HR-1) Historic Residential Commercial (HRC)

BACKGROUND

On February 6, 2006 the applicant submitted a Record of Survey Plat amendment application for an 8 unit condominium project for the Parkwood Place Condominiums. The property has frontage on both Park and Woodside Avenues and has two zoning designations (HRC to the east and HR-1 to the west). The Commission approved a Master Planned Development application for the property on April 30, 2005 and a development agreement on December 14, 2005. The applicant has submitted an application for historic design guideline review for the property that will be reviewed by staff prior to the issue of a building permit.

The purpose of a condominium record of survey plat is to identify private, limited common and common areas within the project. Recordation of a record of survey plat enables the owner to sell individual condominium units. This record of survey plat identifies 8 residential units.

ANALYSIS

The project is located at 801-817 Park Avenue, within the Park City limits. The property is zoned HR-1, Historic Residential and HRC, Historic Residential Commercial, and is subject to the 801-817 Park Avenue MPD. The proposed condominium locations are consistent with the zoning districts and the approved MPD. The record of survey plat is for the entire project. Primary access to the project is from Park and Woodside Avenues. The plat is consistent with the approved MPD, in terms of size and location of the buildings, proposed uses, and required parking. All conditions of approval of the 801-817 Park Avenue MPD approval continue to apply.

Staff finds that the record of survey plat will not cause undo harm on any adjacent property owners because the proposal meets the requirements of the Land

Management Code and all future development will be reviewed for compliance with the approved Master Planned Development site plan and conditions of approval as well as all requisite Building and Land Management Code requirements.

DEPARTMENT REVIEW

This request was discussed at a Staff Review Meeting on April 11, 2006, where representatives from local utilities and City Staff were in attendance. No additional issues or concerns were identified.

NOTICE

The property was posted and notice was mailed to property owners within 300 feet on April 12, 2006. Legal notice was published in the Park Record on April 5, 2006.

ALTERNATIVES

1. The City Council may approve the Record of Survey Plat for the Parkwood Place Condominiums as conditioned, or
2. The City Council may deny the Record of Survey Plat for the Parkwood Place Condominiums and direct staff to make Findings for this decision, or
3. The City Council may continue the discussion on the Record of Survey Plat for the Parkwood Place Condominiums.

SIGNIFICANT IMPACTS

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

RECOMMENDATION

Staff requests that the City Council review the proposed record of survey application, 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 Record of Survey plat

Ordinance No. 06-

**AN ORDINANCE APPROVING A RECORD OF SURVEY PLAT FOR THE
PARKWOOD PLACE CONDOMINIUMS, LOCATED AT 801-817 PARK AVENUE,
PARK CITY, UTAH**

WHEREAS, the owner of the property known as the Parkwood Place Condominiums, has petitioned the City Council for approval of the record of survey; and

WHEREAS, proper notice was sent and the property posted according to requirements of the Land Management Code and State Law; and

WHEREAS, on April 26, 2006 the Planning Commission held a public hearing to receive public input on the proposed amended record of survey and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, on May 4, 2006 the City Council held a public hearing on the proposed amended record of survey; and

WHEREAS, the proposed record of survey plat allows the property owner to create an 8 unit condominium project; and

WHEREAS, it is in the best interest of Park City Utah to approve the record of survey.

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 Commercial (HRC) and Historic Residential (HR-1) zones.
2. The HRC zone provides a transition in use and scale between the Commercial uses in the Historic Commercial Business zone and the HR-1 zone.
3. The HR-1 zone is characterized by a mix of contemporary residences and small historic homes.
4. The applicant is proposing an 8 unit development on a parcel 175' wide and ranging from 129' to 138' deep. Four units are proposed as commercial / residential facing Park Avenue in the HRC zone and four units are proposed as residential in the HR-1 zone.
5. The entire site is approximately 23,043 square feet in size.
6. On May 11, 2005 the Planning Commission approved a Master Planned Development application for the project.
7. On December 14, 2005, the Planning Commission approved a development agreement for the property.

8. The location and design of the proposed structures is consistent with the approved MPD site plan and design.
9. No additional units are created by this record of survey amendment.
10. The applicant stipulates to the conditions of approval.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby adopts the following Conclusions of Law:

1. There is good cause for this Record of Survey.
2. The Record of Survey is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed Record of Survey, as conditioned.
4. Approval of the Record of Survey, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.
5. The proposed record of survey plat is consistent with the approved 801-817 Park Avenue MPD Development Agreement.

SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the amended Record of Survey for compliance with State law, the Land Management Code, and the conditions of approval, as a condition subsequent to plat recordation.
2. The City Attorney will review and approve the final form of the Condominium Declaration and CCR's, as a condition subsequent to plat recordation.
3. The applicant will record the Record of Survey 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.
4. All conditions of approval of the 801-817 Park Avenue MPD continue to apply.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 4th day of May 2006.

PARK CITY MUNICIPAL CORPORATION

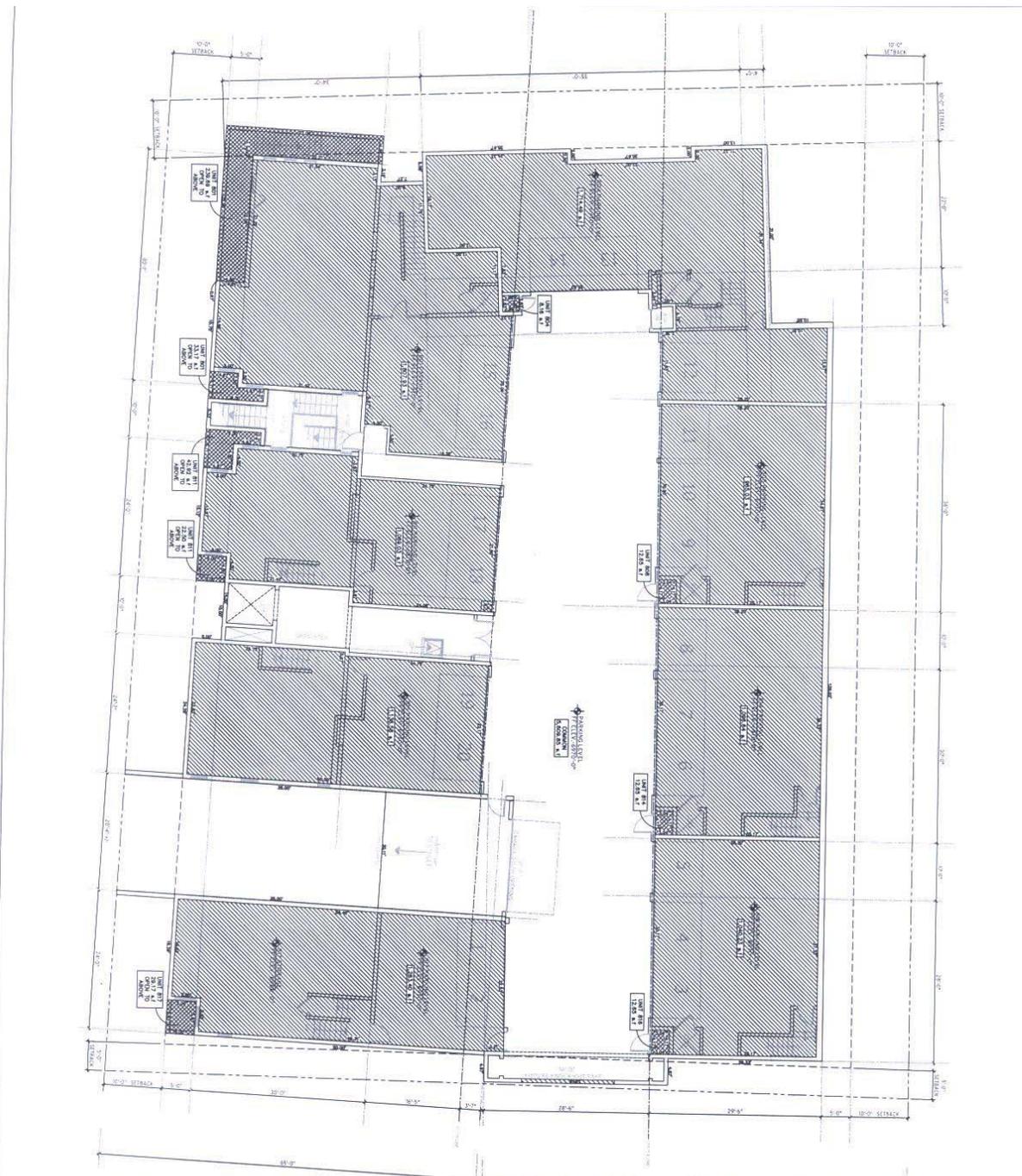
Dana Williams, Mayor

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington, City Attorney



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MAR 15 2006
PARK CITY
PLANNING DEPT.

HATCHING LEGEND

- COMMON AREA
- LIMITED COMMON AREA
- PRIVATE AREA

AREA TABULATIONS

AREA	AREA	AREA
COMMON AREA -	5,609.85 SF	
LIMITED COMMON -	413.56 SF	
UNIT 801 -	272.88 SF	
UNIT 802 -	81.6 SF	
UNIT 803 -	12.65 SF	
UNIT 804 -	12.65 SF	
UNIT 805 -	12.65 SF	
UNIT 806 -	12.65 SF	
UNIT 807 -	12.65 SF	
UNIT 808 -	12.65 SF	
UNIT 809 -	12.65 SF	
UNIT 810 -	12.65 SF	
UNIT 811 -	12.65 SF	
UNIT 812 -	12.65 SF	
UNIT 813 -	12.65 SF	
UNIT 814 -	12.65 SF	
UNIT 815 -	12.65 SF	
UNIT 816 -	12.65 SF	
UNIT 817 -	12.65 SF	
UNIT 818 -	12.65 SF	
UNIT 819 -	12.65 SF	
UNIT 820 -	12.65 SF	
UNIT 821 -	12.65 SF	
UNIT 822 -	12.65 SF	
UNIT 823 -	12.65 SF	
UNIT 824 -	12.65 SF	
UNIT 825 -	12.65 SF	
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UNIT 827 -	12.65 SF	
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UNIT 832 -	12.65 SF	
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UNIT 836 -	12.65 SF	
UNIT 837 -	12.65 SF	
UNIT 838 -	12.65 SF	
UNIT 839 -	12.65 SF	
UNIT 840 -	12.65 SF	
UNIT 841 -	12.65 SF	
UNIT 842 -	12.65 SF	
UNIT 843 -	12.65 SF	
UNIT 844 -	12.65 SF	
UNIT 845 -	12.65 SF	
UNIT 846 -	12.65 SF	
UNIT 847 -	12.65 SF	
UNIT 848 -	12.65 SF	
UNIT 849 -	12.65 SF	
UNIT 850 -	12.65 SF	
UNIT 851 -	12.65 SF	
UNIT 852 -	12.65 SF	
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UNIT 891 -	12.65 SF	
UNIT 892 -	12.65 SF	
UNIT 893 -	12.65 SF	
UNIT 894 -	12.65 SF	
UNIT 895 -	12.65 SF	
UNIT 896 -	12.65 SF	
UNIT 897 -	12.65 SF	
UNIT 898 -	12.65 SF	
UNIT 899 -	12.65 SF	
UNIT 900 -	12.65 SF	
PRIVATE AREA -	10,093.33 SF	

**PARKWOOD PLACE CONDOMINIUMS
BUILDING FLOOR PLANS
PARKING LEVEL**

MR. DAVID BELZ

0277_A-100.DWG

0277

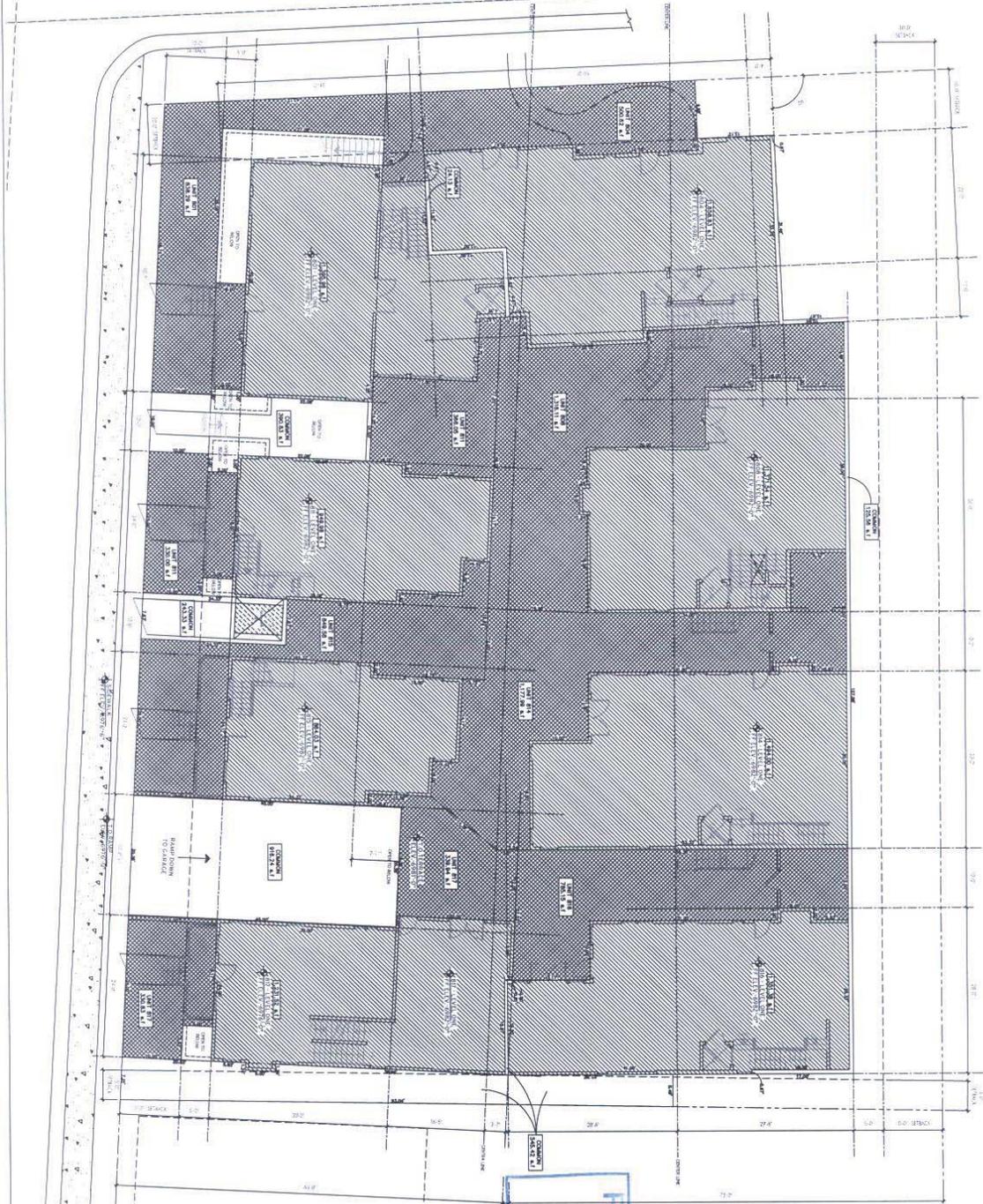
REVISIONS

DATE	BY	COMMENTS

Evergreen Engineering, Inc.

500 West 1000 South, Suite 200
Park City, UT 84302
Phone: 435-644-4477 Fax: 435-644-9218
E-mail: office@evergreen-eng.com

8th STREET



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PLANNING DEPT.

HATCHING LEGEND

- COMMON AREA
- LIMITED COMMON AREA
- PRIVATE AREA

AREA TABULATIONS

AREA	AREA	AREA
COMMON AREA -	2,246.51	
LIMITED COMMON -	6,634.56	
UNIT 801 -	838.29	
UNIT 802 -	1,325.52	
UNIT 803 -	1,318.11	
UNIT 804 -	698.05	
UNIT 805 -	1,748.58	
UNIT 806 -	785.15	
UNIT 807 -	970.77	
PRIVATE AREA -	10,317.24	
UNIT 801 -	1,395.96	
UNIT 802 -	1,325.52	
UNIT 803 -	1,318.11	
UNIT 804 -	949.98	
UNIT 805 -	1,894.00	
UNIT 806 -	1,351.38	
UNIT 807 -	1,231.52	

A-10
ARCHITECT'S MARK

8th STREET



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HATCHING LEGEND

- COMMON AREA
- ▨ LIMITED COMMON AREA
- ▩ PRIVATE AREA

AREA TABULATIONS

AREA	AREA	AREA
COMMON AREA -	283.46	SF
LIMITED COMMON -	3,241.74	SF
UNIT 801 -	1,724.06	SF
UNIT 804 -	1,300.60	SF
UNIT 808 -	4,781.11	SF
UNIT 814 -	460.03	SF
UNIT 815 -	713.47	SF
UNIT 817 -	484.62	SF
PRIVATE AREA -	7,888.91	SF
UNIT 804 -	1,568.16	SF
UNIT 808 -	1,568.97	SF
UNIT 811 -	1,363.33	SF
UNIT 815 -	1,316.00	SF
UNIT 816 -	1,433.46	SF
UNIT 817 -	723.00	SF



8th STREET



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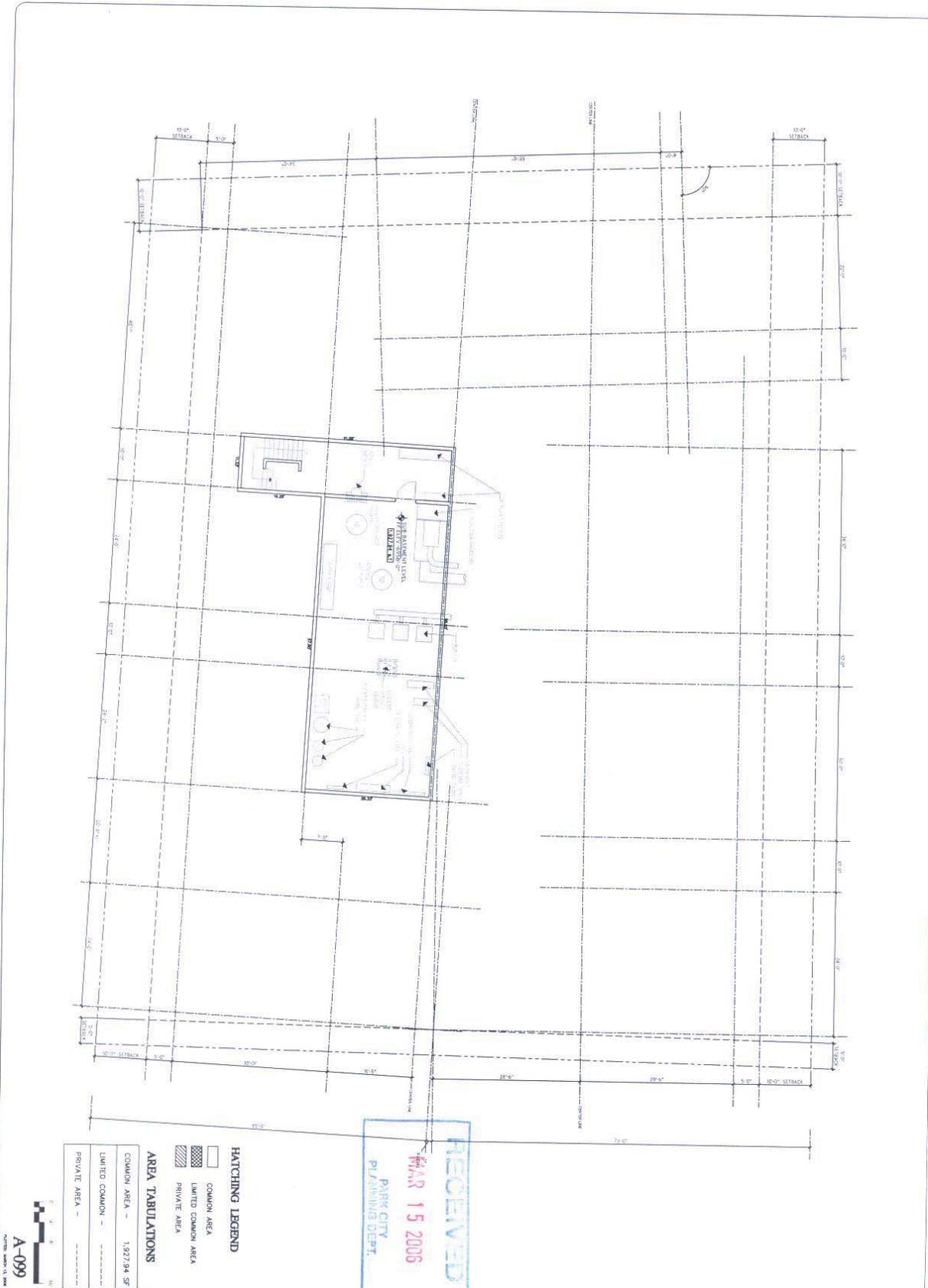
HATCHING LEGEND

- COMMON AREA
- ▨ LIMITED COMMON AREA
- ▩ PRIVATE AREA

AREA TABULATIONS

COMMON AREA -	92.4
LIMITED COMMON -	2,783.7
UNIT 801 -	438.06
UNIT 802 -	802.22
UNIT 811 -	767.00
UNIT 812 -	675.97
UNIT 817 -	
PRIVATE AREA -	5,252.6
UNIT 801 -	398.57
UNIT 802 -	1,384.01
UNIT 811 -	1,528.06
UNIT 812 -	1,426.04
UNIT 817 -	





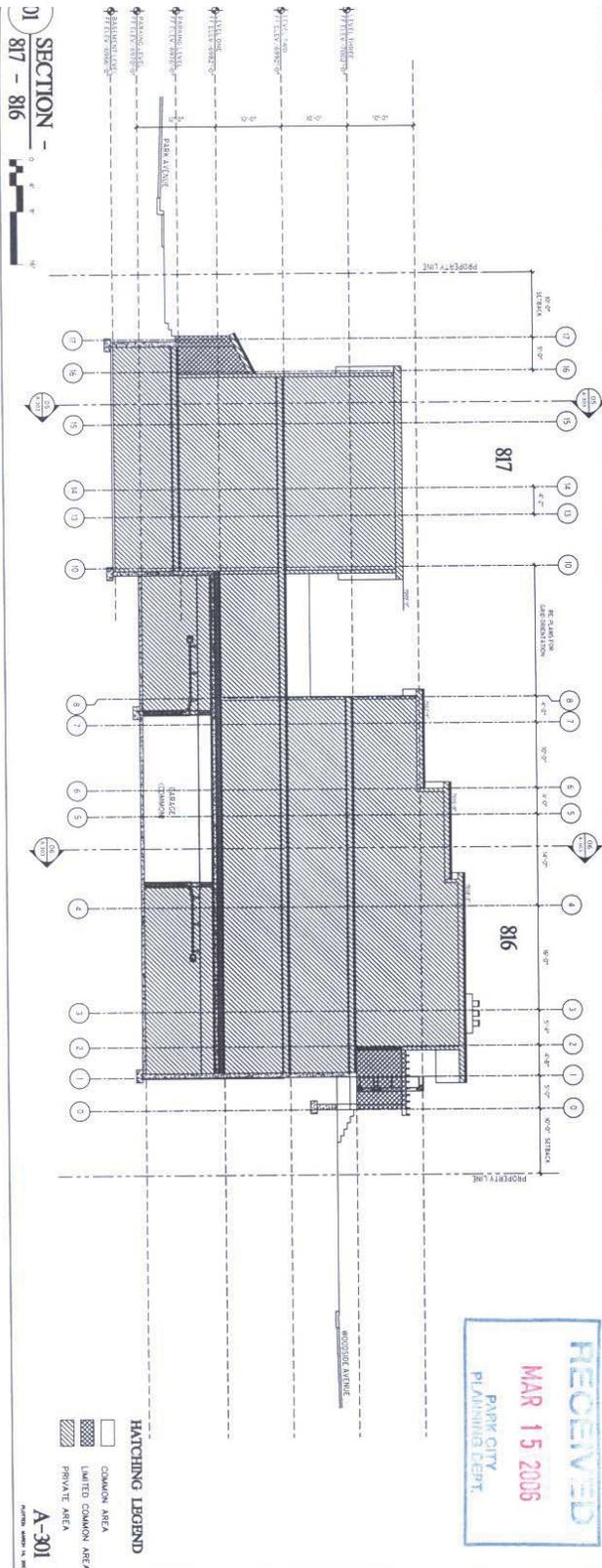
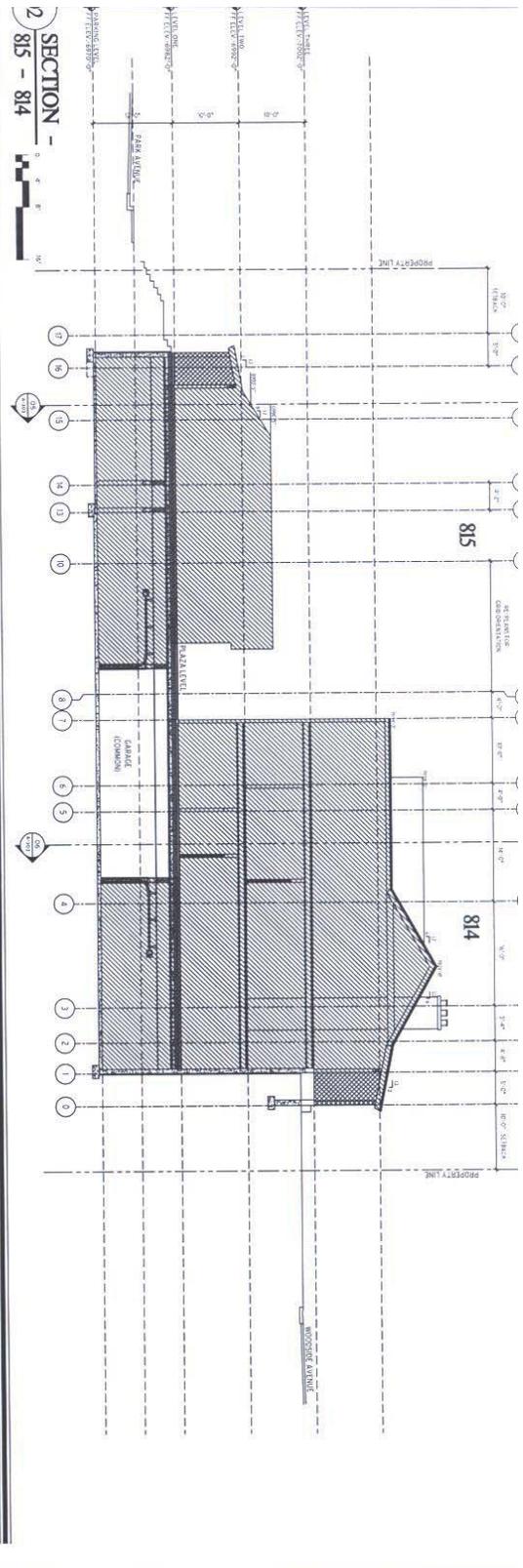
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MAR 15 2006

PARK CITY
PLANNING DEPT.

- HATCHING LEGEND**
- COMMON AREA
 - ▨ LIMITED COMMON AREA
 - ▩ PRIVATE AREA
- AREA TABULATIONS**
- | | |
|-----------------------|-------------|
| COMMON AREA - | 1,927.94 SF |
| LIMITED COMMON AREA - | - |
| PRIVATE AREA - | - |

A-099
DATE: MAR 15, 2006



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HATCHING LEGEND

- COMMON AREA
- LIMITED COMMON AREA
- PRIVATE AREA

A-301
APPROX. SCALE: 1/8" = 1'-0"

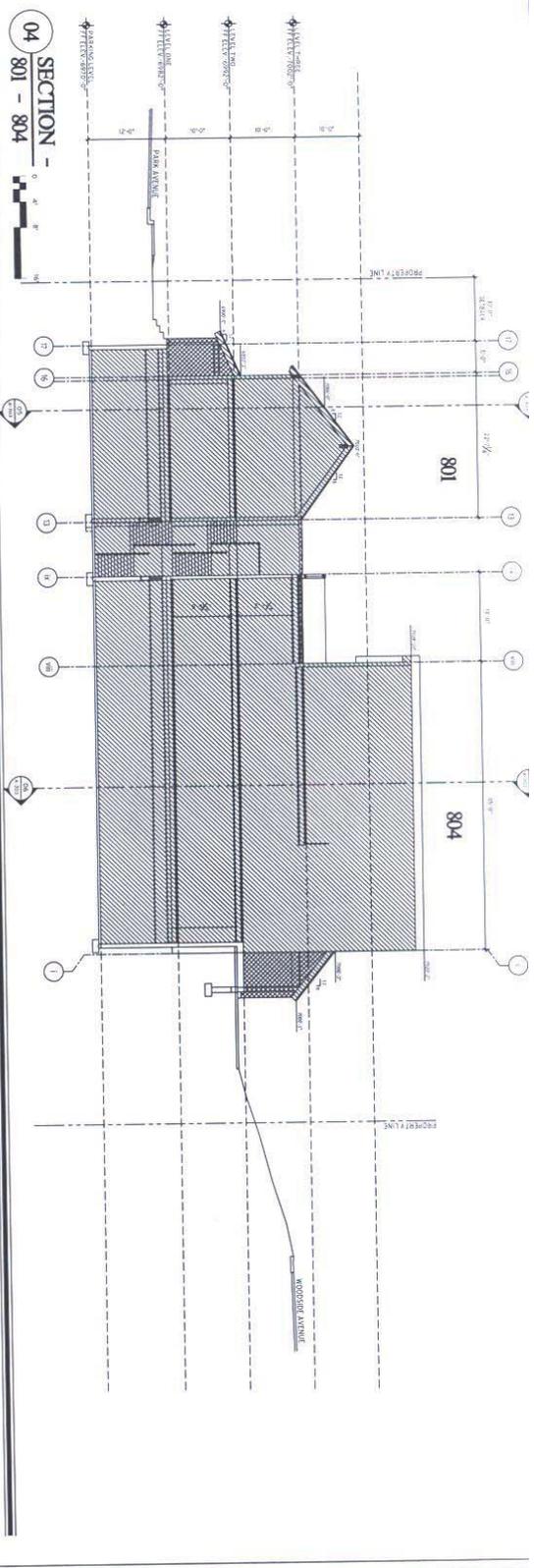
PARKWOOD PLACE CONDOMINIUMS
BUILDING SECTIONS
 816-817 AND 814-815

DESIGNED BY
 EWA ARCH
 DRAWN BY
 JEFFREY
 CHECKED BY
 ADV/OSW

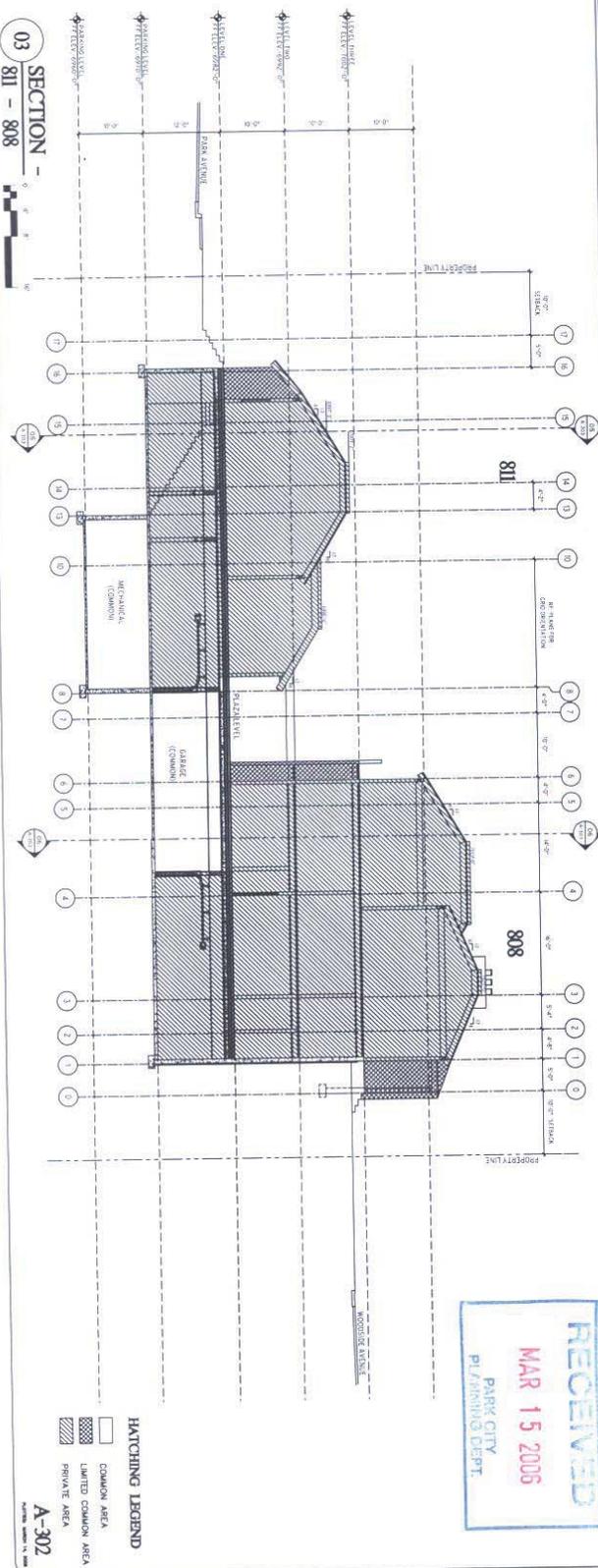


REVISIONS		
DATE	BY	COMMENTS

Evergreen Engineering, Inc.
 Civil Engineering • Land Surveying • Land Planning
 50 Beaver Ridge Drive • Level 81 • Suite 200



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 PARK CITY
 PLANNING DEPT.



HATCHING LEGEND

	COMMON AREA
	LIMITED COMMON AREA
	PRIVATE AREA

A-302
DATE: 02/13/06

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 13th.

**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 12th 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.