

**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION
CITY HALL, COUNCIL CHAMBERS
APRIL 10, 2013**



AGENDA

MEETING CALLED TO ORDER - 5:30 PM		<i>pg</i>
ROLL CALL		
ADOPTION OF MINUTES OF FEBRUARY 20, 2013		3
ADOPTION OF MINUTES OF MARCH 27, 2013		25
PUBLIC COMMUNICATIONS – <i>Items not scheduled on the regular agenda</i>		
STAFF AND BOARD COMMUNICATIONS/DISCLOSURES		
REGULAR AGENDA – <i>Discussion, public hearing, and possible action as outlined below</i>		
343 Park Avenue – Plat Amendment <i>Public hearing and possible recommendation to City Council</i>	PL-13-01836 <i>Planner Whetstone</i>	53
206 Grant Avenue – Plat Amendment <i>Public hearing and possible recommendation to City Council</i>	PL-13-01819 <i>Planner Evans</i>	67
30 Sampson Avenue – Steep Slope Conditional Use Permit <i>Public hearing and possible action</i>	PL-12-01487 <i>Planner Evans</i>	81

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 - April 10, 2013

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
SPECIAL WORK SESSION – GENERAL PLAN
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
FEBRUARY 20, 2013

COMMISSIONERS IN ATTENDANCE:

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

EX OFFICIO:

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

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SPECIAL WORK SESSION – GENERAL PLAN

ROLL CALL

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

PUBLIC COMMUNICATIONS

There were no comments.

STAFF OR BOARD COMMUNICATIONS/DISCLOSURES

Commissioner Hontz stated that Planner Astorga was making copies of an email he had received today so the Commissioners would have it for their discussion.

Director Eddington reminded the Planning Commission that they were invited to the reception the following evening after the City Council Visioning at Hotel Park City at 5:30 p.m.

Chair Worel disclosed that she would be out-of-town for the March 13th Planning Commission meeting. Commissioner Gross would also be out-of-town for that meeting.

Commissioner Thomas disclosed that he would be unable to attend the Planning Commission meeting on February 27th.

WORK SESSION – GENERAL PLAN – Discussion and Overview of neighborhoods – the neighborhoods to be discussed include: Thaynes Canyon, Park Meadows and Bonanza Park/Prospector

Planner Cattan reported that there were a total of nine neighborhoods. The Thaynes Canyon, Park Meadows and BonanzaPark/Prospector neighborhoods would be discussed this evening. Planner

Cattan provided a brief overview of the setup of the General Plan and how the neighborhoods are defined within the General Plan.

She outlined the four core values that emerged from Visioning. Small Town looks at land use, regional land use planning and transportation. Natural Setting addresses open space, resource conservation, and climate adaptation. Sense of Community looks at housing, parks and recreation, special events, economy and community facility. Historic Character relates to historic preservation.

Neighborhoods are set up after the Staff filters through the data collection, uses what they learned from the census, and looks at the built environment, as well as the existing trail systems, connectivity and walkability. They also look at the configuration of lots and the pattern of the neighborhood. Each neighborhood has guiding principles related to the aesthetics of the neighborhood.

Planner Cattan remarked that in the end, each neighborhood would have its own principles and strategies that relate to each of the four core values.

Planner Cattan reported that significant public outreach was done in 2011 and 2012. Meetings were set up for each neighborhood and the citizens were asked to fill out a survey. There was also a sticker presentation to determine what people wanted to see in each of their neighborhoods.

Thaynes Canyon

Planner Cattan stated that within the Thaynes neighborhood they saw a real connection to the Farm, but not much in terms of mixed-use within the neighborhood. In the raw data of what makes the neighborhood unique, what are the neighborhood icons, and what needs to be improved, the Staff used the data to figure out what needs to be addressed and what needs to be protected. That came from strategies as well as good planning practices. Planner Cattan noted that people were also asked to do an online survey to address types of preferred residential development and appropriate affordable housing in their neighborhood. For the Thayne neighborhood they heard a lot about single-family, mother-in-law apartments. There was less interest for multi-family housing in Thaynes. There was also a lot of support for sustainable initiatives. Planner Cattan pointed out that only 15 people participated in the survey for Thaynes; therefore, the data collection was small.

Planner Cattan reviewed a map of secondary homes and nightly rentals. She noted that there were only four nightly rentals in the Thaynes neighborhood. In terms of density, Iron County was less dense than the actual Thaynes neighborhood moving towards the golf course.

Planner Cattan outlined the natural and existing conditions. The density is approximately 3.16 units per acre per homes on average. There is no affordable housing in the Thaynes neighborhood. The occupancy rate is 65% primary residents. The primary occupancy rate was tied with Park Meadows, followed by Bonanza Park and Prospector. The owner/occupied rate was 59%, which exceeds all the other neighborhoods.

Planner Cattan had distributed copies of the data from the 2010 census so they would be able to compare all the neighborhoods.

Planner Cattan stated that Thaynes is a walkable neighborhood internally. However, there are few amenities within a quarter-mile to decrease vehicle miles traveled, which is how the walkability index is rated. For that reason, the walkability index for Thaynes was fairly low.

Planner Cattan commented on the strategies. The McPolin Barn is the gateway icon to Park City. She noted that they had talked about the City boundary being a shared greenbelt and wildlife corridor with the County. There has been a lot of emphasis over the years to protect the edge coming into the City with the entry protection and frontage protection zones.

Chair Worel referred to language about considering annexing the land up to the Ridge. She asked if that was being considered at this point or if it was something for the future. Planner Cattan replied that it is not being considered now but it could be in the future.

The Staff had prepared questions for the Planning Commission to vote on using their key pads.

Question - 1.2 states that Park City must work with Summit County to establish a regional greenbelt shared between the communities. It is a policy statement and the Commissioners were asked if they agreed.

The Commissioners voted and the result was: 100% agreed.

Commissioner Hontz felt the City would want to cooperate based on the wording. However, if the other party did not want to cooperate, she questioned whether the City wanted it badly enough to pursue it.

Planner Cattan commented on Ivers SPA development that was approved for 30 units behind St. Mary's church. There is flexibility for them not to build on the designated building pads and shift development to the other pads. The Staff added a recommendation to the Park City General Plan to work with the County to shift units behind the line of sight at St. Mary's to protect the open space.

Question – Do you agree with the recommendation to work with the County to shift units behind the line of sight of St. Mary's.

Commissioner Thomas disclosed that his office is across the street from the Catholic Church. He was aware of the situation with the property and for that reason he would recuse himself from voting on the question. Assistant City Attorney McLean clarified that since this was a legislative work session, Commissioner Thomas could participate in the discussion of the neighborhood as a whole, as long as he disclosed his connection to the area. If he recused himself, he would have to leave the room. Commissioner Thomas preferred to leave the room and not participate in the discussion.

Commissioner Gross asked if the property was within the City limits. Director Eddington replied that it was outside of the City limits but within the entry corridor. The Ivers SPA came through in the early 1990's and it was amended in the late 1990's and early 2000.

Commissioner Hontz felt this was another situation where alternative solutions besides working with the County might produce better results. In her opinion, the question should be whether they would be in support of not having dwelling units in that location. Commissioner Wintzer agreed, because the question worded by the Staff would result in 100% yes answers, without delving into the problem.

Director Eddington stated that if the Planning Commission agreed that it would be better to move development out of the pod in the open space area into the other area, it would coincide with the question of whether they agreed with the Staff recommendation to shift units behind the line of sight of St. Mary's. The question was restated, removing the language, "to work with the County".

Restated question - Do you agree with the Staff recommendation to shift units behind the line of sight of St. Mary's.

The Commissioners voted and the result was: 100% - Yes. Commissioner Thomas had left the room and did not vote.

Director Eddington clarified that the Commissioners wanted to discuss other alternatives besides working with the County. Commissioner Hontz answered yes, noting that annexation and an outright negotiation of purchase were two of a long list of alternatives. She pointed out that if there is an approved SPA with associated development rights, they need to respect those and understand the best way to facilitate if they feel strongly about moving them.

Planner Cattan noted that the lots are located at the beginning of a County Road. Therefore, the option of annexing would also bring new responsibilities tied to those properties, unless it was open space and undeveloped. Commissioner Wintzer remarked that it would be difficult for the City to go that far out to snow plow a subdivision.

Assistant City Attorney McLean pointed out that currently the property was not part of the City's Annexation boundary area. That would have to be addressed before annexation could be considered.

Question – Do you agree with the level of detail.

Planner Cattan noted that the document is called the General Plan, but there has been significant discussion through other applications indicating that the General Plan does not always provide enough guidance. The question was more overall in terms of specificity in within the General Plan update.

Commissioner Hontz used the drawing presented to explain why she was unable to say whether there was enough detail in that particular drawing to understand if there was a real value in moving those units. Planner Cattan remarked that it was still at a high level in terms of having a line of sight

and finding a way to move the development to one side of that line of sight. She pointed out that it was not to the exact science of specifying number of units, etc. The question was whether or not the Commissioners agreed with the level of detail in general.

Director Eddington indicated the line of sight and pointed out which pods the Staff recommended should be moved and where they should be moved to.

Commissioner Wintzer clarified that the recommendation reads that everything should be behind the line of sight. Director Eddington answered yes.

The Commissioners voted and the result was: 100% - Yes.

Director Eddington remarked that the intent was to keep the General Plan general; but give direction in policy when needed.

Planner Cattan noted that 1.4 of the General Plan stated that Thaynes neighborhood is a local neighborhood in which primary residents choose to live. The section talks about keeping Thaynes a primary neighborhood and making sure it has the amenities to meet the needs of the primary residents. Transportation, trail access, sidewalks, parks and access to public transportation are a priority in this neighborhood.

Commissioner Wintzer noted that the last sentence, "Future annexation should require" was incomplete. Planner Cattan replied that the full sentence should read, "Future annexation should require affordable housing."

Commissioner Hontz questioned how that would occur since a recent project already had that requirement. Planner Cattan replied that language states, "rather than multi-family housing, affordable housing opportunities should take the form of small cottage style co-housing development, similar to the Snow Creek development. Multi-family housing is not appropriate."

Commissioner Hontz was uncomfortable with the term "co-housing". She was not opposed to small cottage style development similar to Snow Creek development. She was concerned that "co-housing" might be a fad that would not apply several years from now.

Question – 1.5 states, Compatible options for the Thaynes Canyon neighborhood includes single-family homes, attached accessory dwelling units and detached accessory dwelling units. The Commissioners were asked whether or not they agreed with this statement?

Planner Cattan clarified that the Staff did not support multi-family.

Commissioner Wintzer noted that Thaynes Canyon is already platted and has established CC&Rs. He asked if the Staff was suggesting this for Thaynes Canyon. Planner Cattan stated that it would apply to new development on the edge, or in the event of a replat they would still say that single-family is appropriate. She remarked that the Code could also be changed to allow an attached or detached accessory dwelling unit as an allowed use. Commissioner Wintzer has concerns with automatically making changes within a finished subdivision without involving the homeowners.

Planner Cattan stated that currently Thaynes has a CUP process for accessory dwellings; however, only one accessory dwelling is allowed within every 300 feet. Commissioner Wintzer asked if the City could trump the CC&Rs. Planner Cattan replied that the CC&Rs would govern. She explained that the accessory dwelling would be a modification to the current use table.

The Commissioners voted and the result was: 83% - Yes 17% - No.

Commissioner Wintzer emphasized his comment that the City needed to be careful about making changes and adding to finished neighborhoods.

Director Eddington understood that there was general agreement that a development such as Snow Creek, where they went into a neighborhood and did a replat and built, would be an appropriate concept. Commissioner Wintzer concurred. He just wanted to make sure that the neighbors were involved in the conversation if that approach is taken. Planner Cattan noted that accessory dwelling units would not be allowed if they are prohibited by the CC&Rs, regardless of the City Code. Assistant City Attorney McLean clarified that whichever is the more restrictive applies. For example, if the CC&Rs require a 20' setback and the City Code requires 10', the HOA could enforce the CC&Rs and make the setbacks 20 feet.

Question – 1.5 states that rather than multi-family housing, affordable housing opportunities should take the form of small cottage style development similar to the Snow Creek development. Multi-family housing is not appropriate in this neighborhood. The Commissioners were asked whether or not they agreed with this statement.

Commissioner Thomas noted that multi-family housing could be in any form, including cottage-style. Director Eddington clarified that the language addresses building types. Per the LMC, multi-family housing is defined as three or more units in a single building. Chair Worel understood that the language required affordable housing in the Thaynes neighborhood to be single family type structures. Planner Director replied that this was correct. Planner Cattan pointed out that multi-family housing would be appropriate in Park Meadows due to the context of condominiums.

The Commissioners voted and the result was: 60% - Yes 40% - No.

Planner Cattan asked if multi-family housing should be considered for the Thaynes neighborhood. Director Eddington stated that he and Commissioner Thomas had an internal discussion a few weeks earlier regarding the possibility of having a structure that appeared to be a single family house, but could be three affordable units. The issue was the unlikelihood of that actually occurring, which prompted the recommendation to move away from multi-family housing in Thaynes.

City Council Member, Alex Butwinski, asked Commissioner Hontz to restate her objection to cottage-style, co-housing development similar to the Snow Creek development. Commissioner Hontz stated that she objected to the word "co-housing". Mr. Butwinski noted that "co-housing" was a generally defined term in the current development situation in Town. Whether or not she accepted that word, he felt that saying "co-housing development similar to the Snow Creek development," loosely implies that Snow Creek has co-housing. Director Eddington clarified that that the Snow

Creek development is not considered co-housing, which is why Commissioner Hontz asked that the word be eliminated. Commissioner Thomas agreed that the word “co-housing” was too restrictive because it defines a particular type of housing.

Council Member Butwinski believed that co-housing was part of their vision and it should be considered as part of the goals for affordable, attainable housing. Mr. Butwinski did not think it was too restrictive if they said “including co-housing”. Director Eddington asked if he was suggesting language, “...including co-housing, may be single-family cottage development similar to Snow Creek, etc.” Mr. Butwinski replied that his suggestion would make co-housing supplemental rather than restrictive.

Commissioner Hontz pointed out that the idea of the language was to require single-family and nothing else. The language needed to be revised to reflect that or it needed to state that other types of housing would be allowed. She asked if there was consensus among the Planning Commission to limit the housing to single family, which could also mean co-housing.

Planner Cattan amended the language to read, “...to take the form of small cottage style, single-family housing developments similar to Snow Creek Development. Single family could include co-housing, land trusts or other styles. Planner Cattan reiterated the intent that multi-family was not appropriate in this neighborhood. However, she noted from the voting that several people disagreed with that intent.

Question: Of the nine neighborhoods in Park City, Thaynes and Masonic Hill are the only neighborhoods that lack any deed restricted affordable units. Should the Thaynes neighborhood have deed restricted units in the future: 1) yes, all neighborhoods should have affordable housing; 2) yes, primary residential neighborhoods should have affordable housing; 3) no, Thaynes lacks the amenities necessary for affordable housing.

Chair Worel asked how deed restricting affordable housing would work with the established CC&Rs. Planner Cattan replied that a home could be purchased and become deed restricted by the City, or it could occur through a future annexation.

Regarding Option 2, Director Eddington pointed out that the primary residential neighborhoods were the ones being presented this evening; Bonanza Park, Park Meadows and Thaynes.

The Commissioners voted and the result was: 1) 33% 2) 17% 3) 50%.

Commissioner Strachan was surprised that 50% voted for Option 3 because Thaynes has great amenities. It is the closest single-family premier Park City neighborhood near the liquor store and a grocery store and it has great trails. The only neighborhood that was even close was Park Meadows. In his opinion, if Thaynes lacks amenities, then none of the other neighborhoods have amenities.

Commissioner Wintzer stated that he was in the 50% because he could find nothing within a walkable distance. It starts above the golf course and heads down a very busy road. One then needs to cross another busy road in order to go anywhere. He could see Commissioner Strachan's point, but he had not thought about it when he voted. Commissioner Strachan agreed that the

amenities are not as close as bigger cities, but it is a reasonable distance for Park City. He stated that the Dan's grocery store, the liquor store, the Rite-Aid and Fresh Market were the only amenities in town.

The Commissioners voted on the same question again. The result was: 1) 50% 2) 33% 3) 17%.

Commissioner Hontz suggested that the Staff replace some of the photos that were used to reflect the aesthetics of the Thaynes neighborhood with ones that were more recent and accurate. Planner Cattan stated that a Planner would be out taking better and more updated photos, and also include the natural and pastoral scenes as well as the built environment.

Planner Cattan remarked that the language regarding aesthetics talks about the pattern of the lots and protecting views, rather than the river stone or the type of railing.

Question: Should the aesthetics within Thaynes begin a discussion on regulating materials.

Planner Cattan stated that the LMC regulates materials in the type of design allowed within Park City. However, it does not specify a 12" timber versus a 6" timber in the Thaynes neighborhood. She asked if the Planning Commission preferred to see that type of specificity or if they were satisfied with only talking about lot configurations and the pattern of the overall neighborhood for the future.

Commissioner Gross asked if that would include the Richards annexation. Planner Cattan replied that it would influence any new annexation.

The Commissioners voted and the result was: Yes – 50% No – 50%

Commissioner Wintzer thought they needed to look at incorporating design guidelines for City-owned right-of-ways to possibly get uniformity in signage, plants, fencing materials, etc. that ties into the neighborhood. A lot of time is spent designing what goes inside the lots in the subdivisions, but people actually walk and drive along the edge. Commissioner Wintzer pointed out that there are guidelines to let people know what their neighbor can do, but no one knows what the City can do.

Commissioner Thomas stated that his issue with guidelines is that they always seem to be a frozen moment in time in terms of what is appropriate now. The vernacular changes and evolves, which is something they continually struggle with for the Historic District. Commissioner Thomas stated that if design guidelines are created, there needs to be a design factor that allows for evolution in that set of guidelines. Most of the HOAs he works with are beginning to do that with their guidelines.

Planner Cattan asked the ones who voted in favor of regulating the materials, which materials they would like to see regulated. Commissioner Thomas stated that once they begin regulating siding materials and exterior walls they fall into the frozen moment in time concept. He preferred to leave it more open. Commissioner Wintzer referred to a new house with all flat roofs up Deer Valley Drive that fits very well into the neighborhood and into the hillside. He assumed it was not allowed by the CC&Rs and somehow the owner obtained permission. To Commissioner Thomas' point, that would have never been allowed ten years ago.

Director Eddington emphasized that there are architectural standards in the LMC that are fairly high level, and that may be enough. The Staff would look into it further to see whether the standards are sufficient or if they need to be supplemented. Commissioner Thomas pointed out that they were quick to create design guidelines, but they veer away from requiring a higher level of design. He was unsure why the City continued to allow non-professionals to work in the design environment. Director Eddington noted that the City Council has had that same discussion.

Planner Cattan reviewed the last section that ties all the principles and strategies back to the individual neighborhood. Commissioner Hontz referred to a map in their packet that showed future conditions. She was bothered by the language regarding a park and ride somewhere in the entry corridor. In her opinion, a park and ride should not be located in areas where they would not want people to gather and terminate, particularly on this road in this neighborhood. Commissioner Hontz pointed out that there was no desire for a commercial node in that area; therefore, there would be no benefit to having a park and ride situation.

Commissioner Thomas noted that when the Bay Area Rapid Transit was built, park and ride stations were located throughout the environment and each station became a central place for growth, commercial activity and density. He concurred with Commissioner Hontz's observation. Director Eddington thought the park and ride could be more appropriately tied into the Snow Creek shopping or BoPa. Commissioner Hontz emphasized that the destination should not be at the beginning or end of a trail.

Planner Cattan stated that the Planning Commission would have the opportunity to discuss park and ride situations with the Park Meadows neighborhood.

Commissioner Strachan commented on the large lots in the Thayne neighborhood, and he requested that the Staff add a sentence under Natural Setting Planning Strategies stating that lawns and high water use yards should be discouraged. Commissioner Thomas thought the same strategy should expand to the entire community. Commissioner Strachan was unsure whether it should apply to Old Town because the lots are small and families need some lawn area for their children. He believed that lawns do have a place in some areas and he was not willing to ban them throughout the entire City.

Director Eddington suggested the possibility of a percentage of area calculation similar to what was discussed for an MPD. Commissioners Thomas and Hontz concurred.

Commissioner Gross asked for an explanation of Principle 11B, "Maintain the unique Park City experience through regulating design of the built environment." Planner Cattan explained that it addresses the design of the built environment to maintain architectural standards. Commissioner Gross replied that the Park City experience is more than just within the built environment. Director Eddington asked if Commissioner Gross was suggesting that they expand the language to include some of the other concepts that make up that experience. Commissioner Gross answered. He thought adding a period after the word "design" and eliminating "built environment" made the language more inclusive.

The Commissioners pointed out misspelled words in the Principles and Strategies. Director Eddington noted that they were using Adobe and Design for the presentations. The Staff will spell check everything before it is finalized. He encouraged the Commissioners to continue to point out misspelled words.

Planner Cattan called for general discussion on the Thaynes neighborhood. Commissioner Wintzer believed that Thaynes would start getting rebuilt fairly soon. When that occurs, they could see a shift towards second homes if they are not careful.

Chair Worel called for public comment on the Thaynes neighborhood.

Rob Slettom stated that Thaynes is one of the oldest areas and it has the poorest quality water. He has been a Thaynes resident for 17 years and a prior to that, a resident of Park Meadows and Old Town. Mr. Slettom also sits on the Board of Directors for the Thaynes Canyon HOA 1. He noted that there are three HOAs within Thaynes Canyon. Out of the three HOAs, Thaynes 1 encompasses Payday Drive and Thaynes Canyon Drive down to the Three Kings intersection. Mr. Slettom noted that the HOA has an active architectural committee that has been overseeing some of the remodels. The CC&Rs in Thaynes 1 do not allow accessory apartment with the exception of one that was grandfathered in. From time to time that becomes a real problems because the space above the garage is large enough to fit six or eight kids during the ski season, and each one has a car. The subdivision has parking regulations but enforcement is difficult. Mr. Slettom stated that as the Planning Commission looks at accessory apartment throughout Park City, they need to consider that occupancy is very critical and the problems related to off-street parking. Mr. Slettom referred to page 14 of the handout, Section 1.4, and language about extending the bus routes. Several years ago he was one who helped put the kibosh on extending the bus route down Pay Day Drive and going on Thaynes Canyon Drive. At that time, the buses were primarily servicing the tourists and every time the bus made a detour the bus time was extended and the passengers had to ride through all the neighborhoods. Mr. Slettom believed that was a still a consideration for concern. Mr. Slettom noted that 1.5 states that Thaynes should remain a quiet residential neighborhood dominated by single family homes. He could not imagine what it would be like to have a City bus go by your house every ten minutes. He recommended the possibility of an on-call bus.

Commissioner Wintzer remarked that from a different perspective, he had friends who raised their children in Thaynes and they complained that their kids could not ride the bus to go skiing. Planner Cattan stated that there was also the ongoing debate about the transit system being more oriented to tourists rather than locals.

Mr. Slettom was not entirely opposed to bus service in Thaynes if it could be done in a proper way. He agreed with the assessment about keeping Thaynes a quiet neighborhood. Sometimes with accessory dwellings or deed restricted affordable housing the quietness starts to go away.

Park Meadows

Planner Cattan reported that the Staff had received different feedback from the Park Meadows Neighborhood Outreach. With the old Racquet Club, now called the MARC, there was definite interest for a restaurant or neighborhood deli, public art, and a dedicated car-share parking area.

Planner Cattan stated that there were three different area maps and all three showed the trend for something more than just the Rec Center and the desire for a community gathering place. On the question of what makes this neighborhood unique was the great access to open space around the edge and the view of the mountain areas and open space. The Park Meadows neighborhood is also family oriented with primarily full-time residents, and has a suburban character. The icons of the neighborhood were the Racquet Club, Round Valley, the Park Meadows golf course, Park City Hill, the schools and Eccles. Planner Cattan believed this neighborhood was the model neighborhood for good planning.

Desired improvements to the Park Meadows neighborhood during Outreach included improving sidewalks, a year-round pool, improvement to the tennis courts, allowing cross country and snowshoes on the golf course. Other issues mentioned were too many people live in one home and that the cut-through traffic needed to be managed.

Planner Cattan stated that some of the responses indicated that 100% of residents have access to recreation out their back door. For affordable housing the most attractive was to create more single family homes for affordable housing, or mother-in-law apartments within a primary home. Planner Cattan showed a side by side comparison of the responses heard from the Thaynes Neighborhood and from Park Meadows. Some of the trends were similar. Planner Cattan noted that 50% did not think more affordable housing was needed in the Park Meadows neighborhood.

Commissioner Strachan asked if Park Meadows currently had affordable housing. He was told that most of the affordable housing is located in Park Meadows. The Park Meadows neighborhood boundary includes Snow Creek and the Racquet Club which has most of the affordable housing.

Planner Cattan presented a census map showing secondary homes and nightly rental. The darker blue was more secondary homes and the yellow dots indicated nightly rentals. She presented another map showing the density in various areas. The natural conditions of Park Meadows was the great access to open space all the way around the neighborhood leading into Summit County.

Planner Cattan stated that Park Meadows was a great place to look at mix of density within a neighborhood. The density ranges from .14 to 39.41 units per acre. The population is 2,604 people, making it the most populated neighborhood within Park City. There is a mix of single-family, condos and multi-family. Park Meadows is tied with Thaynes for occupancy with 65% primary. The units are 50% owner-occupied and 30% renter occupied.

Planner Cattan reported that the Park Meadows neighborhood is tucked behind Boot Hill and the entryway, with a comfortable buffer for wildlife. She presented a map showing the open space of Round Valley. Boot Hill is protected, but one area in between that goes over the back side of the ridge into Summit County is not protected.

Question – The City should work to ensure that the area between Mountain Top and Round Valley does not become fragmented due to development. The Commissioners were asked if they agreed with this statement. The Commissioners voted and the result was: Yes – 83% No – 17%

Question – What is more important? 1) preventing fragmentation of open space; 2) creating a greenbelt around the city; 3) equally important; 4) neither is important.

The Commissioners voted and the result was: 1) 0% 2) 33% 3) 50% 4) 17%

Planner Cattan stated that Park Meadows is the last stop in Park City heading east towards Salt Lake City.

Question – Do you agree with a park and ride within the entry corridor.

Planner Cattan explained that the thought was to capture ridership since it was the last stop out of town. The Commissioners voted and the result was: No - 100%.

Planner Cattan stated that in reviewing the core values they talked about TDRs and allowing more density within neighborhoods. The Commissioners were very clear that additional density should only be allowed within an existed platted neighborhood if open space was acquired for it and there was a TDR exchange. Planner Cattan provided an example showing how a TDR could work within Park Meadows, making sure that there was access to the right-of-way and that the new lots were in the context of the neighborhood in terms of size and pattern. She clarified that a TDR and a plat amendment would have to occur, and that would result in a highly public process. It would also require agreement by the HOA.

Commissioner Gross disclosed that one of the examples shown was literally in his backyard.

Commissioner Wintzer asked there was any way the public process could be trumped. Planner Cattan answered no. Commissioner Wintzer was skeptical on the idea in general, but he did not want to completely close the door on having a conversation if there was a way to add even one affordable unit.

Planner Astorga understood that currently the Code allows density without a TDR credit. Planner Cattan replied that under the current Code someone could apply for a re-subdivision without the credit, but it would still require the public process. It would also require meeting the minimum lot size, as well as a vote of approval by two-thirds of the HOA.

Commissioner Hontz reiterated her previous concern about making sure the mechanism works and that the City derives value where the TDR credit comes from. She was still uncomfortable talking about TDRs without having a better understanding. Commissioner Hontz wanted to see that the value actually exists, instead of just giving density away. It should be valued so high that someone would be willing to sell and/or buy. She was willing to transfer density but she wanted it to be value desired.

Commissioner Gross preferred to see an additional level at Bonanza Park with nine units rather than nine houses behind his street. Commissioner Wintzer noted that Park Meadows was the second subdivision in Park City. Holiday Ranchette had the biggest lots in Park City and it was in a financial mess because the lots did not sell. It was designed as horse property and no one wanted a horse. Therefore, the land is being maintained and irrigated but without much use. Commissioner

Wintzer thought it was important to make sure the value scale they set for what they get is high enough to be worth it.

Commissioner Thomas remarked that the homes at Holiday Ranchette compared to the rest of the community was a dramatic difference in size and quality. It is a different neighborhood with a different character than the rest of the community.

Question – Do you agree with the concept of utilizing TDR credits for future subdivision to preserve open space?

Commissioner Hontz stated that her vote would be “it depends”, based on the mechanics of the TDR. Director Eddington understood that Commissioner Hontz wanted language that would guarantee that value is associated with the TDR and that the density would come from somewhere else to be located in the right location. Commissioner Hontz agreed, adding that she would also want to make sure the value was worth it. The question was how that could be quantified.

The Commissioners voted and the result was: 17% - Yes 83% - No.

Planner Cattan asked if there were any lots that those who voted no would see as a yes. She asked if there was something contextually wrong with the lots the Staff suggested, or was it the overall strategy.

Director Eddington asked if the Commissioners had any concerns about tear down and rebuilds in the Park Meadows area with the scale of housing. Commissioner Gross pointed out that it is already occurs in Park Meadows. They have architectural committees and it is welcomed. Commissioner Gross did not see it as a concern.

Planner Cattan presented the next slide talking about aesthetics and the pattern of lots and protecting the views. She noted that they were not addressing materials or building forms. Commissioner Hontz pointed out that 2.5 talks about preserving the aesthetics of the Park Meadows neighborhood. She questioned whether some of the photos shown were an iconic aesthetically pleasing set of structures and whether they wanted to preserve that look. She personally would like to see the photos of the condos replaced with a better example. She did not mind the condos but it was not a good representation for the statement.

Commissioner Gross suggested changing the statement to say, “The livability of the Park Meadows neighborhood should be preserved.” Planner Cattan noted that this statement related to the aesthetics of the built environment. Commissioner Thomas did not think the statement was as meaningful in the Park Meadows community as it might be in other communities. Commissioner Wintzer concurred. He did not believe the General Plan talked about quality of design as much as it should. They somehow need to raise the quality and level of design but that has not been addressed. Chair Worel asked where that should be addressed in the General Plan.

Planner Cattan restated Director Eddington’s question and asked if the Commissioners felt threatened by future infill and tearing down older homes and replacing them with larger homes that take up the majority of the lot. She noted that the plats do not identify the exact building pad area.

Commissioner Thomas asked if there was a building size limitation. Director Eddington replied that it was only identified by setbacks, not FARs.

Dick Webber, representing the Park Meadows HOA, explained that there are platted house pads and barns pad. If someone wants to tear a house down and build a new home outside of the original pad footprint, they need approval to do so from the adjacent neighbors on both sides and the neighbor in front and the neighbor in back. Planner Cattan asked if that was the case for all lots within the Park Meadows neighborhood. Vice-Chair Thomas noted that there are defined areas in Park Meadows that are narrower and smaller than the City setbacks and those are platted lots.

Commissioner Hontz remarked that if people want bigger homes, Park Meadows or Thaynes is where that should occur.

Mr. Webber recalled that open corridors was a big asset for how the specific pads and pods were laid out. It was broken into open space, pasture and pads. Commissioner Thomas concurred, but clarified that it was only for the Holiday Ranchettes and not for all of Park Meadows.

Planner Cattan understood that some phases of Park Meadows do not have designated building pads and were governed by setbacks. She suggested that they look at either defining building pads or increasing the setback requirements to maintain the pattern in that neighborhood. That would help avoid the problem of someone tearing down a structure and building a monster home within the smaller home community.

Question – Should the aesthetics within Park Meadows include a discussion on regulating materials. The Commissioners voted and the result was: Yes – 33% No – 67%.

Commissioner Gross asked how they would encourage local food production and sales. Planner Cattan replied that it could be through community gardens. She noted that there were great opportunities within Park Meadows for community gardens, particularly on the cul-de-sacs with shared green space. Another way would be to allow a farm stand at the MARC. Greenhouses would be another option.

Commissioner Thomas asked with each neighborhood, how they were encouraging pedestrian connectivity between each one and other critical nodes in the community. The pointed out that the neighborhoods are not independent entities; they are connected to everything else. He thought that should be considered. Commissioner Wintzer thought the trail map should identify exit trails going out and coming in within the neighborhood. Commissioner Thomas clarified that he was more focused on pedestrians and was less concerned about vehicle connectivity.

Planner Cattan explained that within all the neighborhoods they have streets, pedestrian paths and bike paths contributing to a full connected system. It is a principle they should always be moving towards. Commissioner Wintzer suggested that they identify where those should be to show connectivity from one neighborhood to another. Planner Cattan outlined potential connectivity possibilities. Commissioner Strachan stated that he would add the same strategies on lawns. The Commissioners concurred.

Chair Worel called for public comment regarding Park Meadows.

Paul Marsh, current chair of the Holiday Ranches, stated that they are a fairly active HOA and they work very well with Planning Department on architectural issues, setbacks and other issues. Fifteen years ago the HOA adopted a policy that they would be consistent with the City to avoid sending mixed message to architects and owners in terms of what could be developed. As this process moves forward, Mr. Marsh requested that the HOA have the ability to provide input and be a resource for the City. He offered that level of participation to the Planning Department directly and with individual Commissioners. The HOA would be able to provide background and accuracy on development issues. They would also be able to say whether an idea would work and could be supported. Mr. Marsh noted that Park Meadows is one of the highest principally occupied developments in the community.

Bonanza Park/Prospector

Commissioner Wintzer disclosed that he owns property in the Bonanza Park area. Since this was a General Plan discussion it did not relate to his property.

Planner Cattan reported that from the Neighborhood Outreach in 2011 they found that there were definite areas that were utilized, that the neighborhood area was appropriate for mixed-use development, a park and ride, dedicated car share parking and public arts. There was support for a neighborhood convenience store.

Planner Cattan presented a slide showing the number of secondary homes and nightly rentals by census block. There is a predominantly single-family neighborhood within the Prospector Square neighborhood. However, there is an exception for nightly rental within one of the patted neighborhoods. Planner Cattan noted that Bonanza Park/Prospector is one of the more dense neighborhoods in Park City.

Regarding future development, the priorities included 100% access to outdoor recreation, sustainability initiatives, and transportation. People in that area use the car less and bike more often. Forty-two percent sometimes walk. For future development there was a preference for more single family homes. Planner Cattan assumed the majority of citizens who participated in the Neighborhood Outreach live in the Prospector neighborhood rather than Bonanza Park. Mixed-use was also a higher preference than what they had seen in the other neighborhoods.

In terms of affordable housing, single family housing equal with multi-family family and apartments. Mother-in-law apartments and primary homes also rated high. Planner Cattan indicated a wildlife corridor at the edge of the neighborhood that goes up to the PC Mountain and back towards the Aerie.

Character defining characteristics included an average density of 8.07 acres. The range of density was 0.7 to 260 per acre. The population ranked with Park Meadows at 2,500. Planner Cattan estimated that 45-50% of the affordable housing in town was in this neighborhood. The primary residence occupancy was 51%, which was lower than Park Meadows and Thaynes. The owner-occupied housing was 22% owner-occupied. There were more rental units in this neighborhood at

29%. Bonanza Park/Prospector is considered one of the most walkable neighborhoods in terms of proximity between amenities and housing.

Commissioner Hontz noticed that the affordable housing boundary also included Snow Creek. Director Eddington replied that Snow Creek was technically in this neighborhood according to the boundaries. It was included in the Park Meadows neighborhood by mistake. Commissioner Hontz had circled the pods of what she knows to be affordable housing, but it did not match the list. She noted that Fireside and Iron Horse were the same price point as affordable housing. Planner Cattan stated that the list only included deed restricted units. Commissioner Hontz asked about the units on Cook Drive. Director Eddington acknowledged that a few deed restricted units had been omitted.

Commissioner Gross referred to the 60 unbuilt units and asked how much density they were interested in putting into BoPa. Planner Cattan stated that the 60 unbuilt units represent platted lots that are yet to be developed. The number 60 is not a clear picture for that neighborhood in terms of redevelopment. Commissioner Gross wanted to understand how the density would change when they look at the 100 acres of Bonanza Park. Director Eddington stated that they could see anywhere from 900 hundred up to 1780 units in Bonanza Park, based on the amount of mixed-use development and every square foot built out.

Commissioner Thomas had done a model of the Bonanza Park area for the City and the number of units that could potentially be built out under the existing Code was staggering. Commissioner Thomas noted that they approximately 5.8 million potential square feet under the existing zone. He asked if they were contemplating creating incentives for more density when the potential density was already staggering. Director Eddington replied that the Bonanza Park Area Plan talks about the opportunity for some increase in density for the "give and gets". The incentives for increased density were insignificant and it follows the Form Based Codes.

Planner Cattan commented on the pattern of the area and noted that there were a lot of single family homes at the eastern edge of the Prospector neighbor. The lots become larger as you move into the commercial area. The development gets tighter along the hillside by Fireside

Commissioner Wintzer believed the Prospector single family homes were 99% built out. Any new development would be mixed-use. Director Eddington noted that there was still a few vacant lots in Prospector.

Planner Cattan stated that the plan talks about Bonanza Park and Prospector being a mixed-use neighborhood where locals live. One of the greatest threats to the relatively affordable Bonanza Park and Prospector neighborhoods is gentrification. As the City adopts new policies to create a great neighborhood for locals, it is imperative that the locals be kept in the equation. The overriding goal for this neighbor is to create and maintain affordable housing opportunities. To support local start-up businesses and services is also essential to maintain affordable leases within the area.

Planner Cattan noted that 3.1 states that as the neighborhood continues to evolve, multi-family residential uses should be concentrated within the Bonanza Park redevelopment area and

Prospector Square commercial area. Single family dwellings should only be allowed within the existing single family subdivision on the eastern edge and low density character zones of the Form Based Code.

Question – Do you agree with the statement overall of multi-family in the Bonanza Park Area and maintaining single family on the eastern edge of Prospector. The Commissioners voted and the result was: Yes – 67% No – 33%

Commissioner Thomas stated that the problem with voting is that it eliminates creative thinking and the options and variables. It was hard to be that absolute and he encouraged the Commissioners to be open-minded.

Question – If you were to direct future re-development of the BoPa area, what would be your top priority: 1) creating jobs; 2) residential development; 3) 50/50 mix.

Assistant City Attorney McLean asked for clarification of the BoPa area. Planner Cattan replied that it was the Bonanza Plan area from Bonanza Park west.

The Commissioners voted and the result was: 1) 80% 2) 0% 3) 20%. Commissioner Wintzer did not vote.

Planner Cattan referred to 3.4 which talks about Bonanza Park and Prospector being a model for sustainable re-development.

Planner Cattan presented a map where she had highlighted the yellow area for Prospector Square. Prospector has great pedestrian paths that are very under-utilized because it faces north. She and Director Eddington discussed whether it should have been included in the original area plan to make sure there was more connectivity. It would definitely be within the General Plan as something to look at in the future.

Commissioner Thomas pointed out that there is internal connection but it is closed on all ends. It was like a path to nowhere. Commissioner Strachan agreed. It would have a purpose if it went all the way through and continued east into the neighborhood. Planner Cattan stated that Aspen Villas was another issue of connectivity. That neighborhood has one connection on the corner to get into the rest of Prospector. There is no way for the Cook Drive area to connect into the Prospector neighborhood without cutting through Aspen Villas. With so many families living in the area, the goal is for safe connections throughout the neighborhoods. There is a great underpass, but as Bonanza Park develops out, there needs to be a direct connection to the Rail Trail.

Question – Do you believe pedestrian and street connectivity should be improved within the Prospector area: 1) yes; 2) no; 3) unsure. The Commissioners voted and the result was: Yes – 100%.

Commissioner Strachan did not believe the neighborhoods were defined properly. In his opinion, BoPa and Prospector are different and they should have their own discussion. Commissioner Strachan thought the General Plan should be separated in that respect. He understood that the

work was already done, but putting them together was a mistake. Commissioner Wintzer concurred with Commissioner Strachan, and he did not think it was too late to separate them in the General Plan.

Director Eddington thought the line for Prospector was already unclear. He believed there was a future opportunity to better connect the residential section to the commercial section. Commissioner Strachan thought the reasonable place to draw the line was Bonanza Drive.

The Commissioners discussed the Bonanza Park/Prospector areas, the appropriate boundary lines for separation, and the pros and cons of making them separate. Commissioner Strachan felt they could run into problems in the future, because once BoPa is developed, the people who live there would have a much different view about the General Plan. They will have different ideas on what it is to be mixed use, whether they want more commercial, more single-family, etc. It will be a different Parkite living there. He pointed out that a Parkite living in Old Town is different in General Plan terms than a Parkite who lives in Park Meadows. Commissioner Wintzer agreed. Commissioner Thomas suggested that they create subzones with different numbers and calculations because it is uniquely different.

Director Eddington questioned whether they really wanted to separate the commercial from the residential. He thinks of Snow Creek as being very connected to Dan's, the liquor store, the coffee shop, and the general commercial character. He believed it would be less of a neighborhood without the commercial character.

Commissioner Thomas remarked that the guidelines for future planning may be different for this subzone than what currently exists. Director Eddington agreed that there was a differentiation between the two, but in his opinion, connectivity between the two neighborhoods is essential because Prospector is uniquely fortunate in terms of its commercial area. Commissioner Wintzer did not disagree. However, he wanted to make sure that whatever occurs in BoPa would not schlep down the road because there is no separation.

Planner Cattan stated that the Staff could make revisions; however, the data has been collected and neighborhood input was given on the boundaries presented. It would be difficult to separate the data. Commissioner Wintzer stated that it was much easier to change a drawing than to change a building. He was not comfortable moving something forward on the reason that it was too late to make the change. He requested that the Staff look at the possibility and allow the Planning Commission the opportunity to at least have the conversation. He agreed with Commissioner Strachan that this is a unique neighborhood and it is important to make sure they get it right.

Director Eddington referred to the map and noted that there was no recommendation in the General Plan to alter any zoning in that area. He explained that connectivity was the primary reason why the overall neighborhood was defined the way it was. The land use is protected, but the neighborhood is more than just that land. Commissioner Thomas clarified that the concern is that the large commercial structures would metastasize into the residential neighborhoods. Director Eddington replied that the Staff could draft specifically defined language with regards to the zoning to alleviate the concern.

Commissioner Strachan remarked that one of the Principles for Bonanza Park and Prospector was, "to locate regional institutions and service centers". He felt that language was a problem because that could not be done in a single family neighborhood. He indicated an area on the map on the far east side near the Skid Row bike trail, and noted that it was developable land. It belongs to the County but the lots are platted. Commissioner Strachan was uncomfortable with a General Plan that does not specify that that area is to remain single family and has directives to put in commercial or higher density development.

Commissioner Hontz thought Commissioner Strachan made a good point. She noted that the first Principle is "infill development for TDR"; however, they had only specified BoPa for that, but not Prospector. Commissioner Hontz believed that necessitated the same discussion that they had for Park Meadows, but she did not think there was an opportunity in Prospector. Commissioner Hontz stated that even if the two are not separated, they should at least break down the Principles because Principle 1A does not work for Prospector.

Planner Cattan thought the same was true with Park Meadows and Thaynes, because all the Principles do not apply to everywhere within those neighborhoods. It is a strategy that could be applied if appropriate. Commissioner Hontz agreed that there might be opportunities in the Park Meadows and Thaynes neighborhoods, but it was not even a question for Prospector. Planner Cattan reiterated that not every Strategy and Principle would apply to every lot within every neighborhood. Commissioner Strachan pointed out that the language does not say that. The sections in Prospector are so different that some of the Principle and Strategies are not applicable to the eastern part and some are not applicable to the west. Park Meadows and Thaynes are different because those neighborhoods have a homogenous group of people and use patterns.

Commissioner Thomas stated that if Prospector was broken into subzones, they could be more specific as to what would be allowed in each subzone. Commissioner Strachan suggested three subzones; BoPa, Prospector commercial and Prospector residential. Director Eddington remarked that there were several ways to accomplish what they want, and the Staff would work with the different options.

Commissioner Strachan referred to the last question and stated that walkability around the east side of Prospector in the family section was great. However, he did not think it was good through the commercial section. Commissioner Wintzer thought walkability could still be better in some spots on the east side.

Question – Do you see Bonanza Park as a central hub for public transportation: 1) yes; 2) no; 3) must be studied further. The Commissioners voted and the result was: 1) 50%
3) 50%.

Planner Cattan had left out a big box discussion. She presented the major existing commercial in the area and the square footage of each; ranging from Frontier bank at 13,414 square feet to Fresh Market at 52,678 square feet. The Yarrow is two stories at 144,246 square feet. Commissioner Gross thought Snow Creek and Dan's should have also been included. The Staff had not included Snow Creek and Planner Cattan agreed that it could have been included. Planner Cattan stated that the current General Plan within the existing Bonanza Park Supplement, lays out what exists in

terms of Rite-Aid and future development. However, there is no set limitation. The Staff believes the new General Plan should set a square footage limit for future big box.

Question – Along the entry way for Park Avenue, would you agreed that setting a maximum footprint of 20,000 square feet would be appropriate, and nothing beyond 20,000 would be allowed.

Commissioner Thomas stated that typically the maximums become the minimums. He wanted to know how they could create variety if everything maxes out at 20,000 square feet. Director Eddington replied that Form Based Code was probably the first step and most effective way to achieve that variety. Commissioner Wintzer noted that Form Based Code does not restrict the size of anything, except for the streets. Director Eddington stated that Form Based Code does not have that restriction now, but it will eventually. When the Bonanza Park Plan was written, they talked about wanting variety in terms of height, development and fabric on the street.

The Commissioners voted and the result was: Yes – 60% No – 40%. Commissioner Wintzer did not vote.

Director Eddington asked if the 40% who voted no thought it should be more restrictive or less restrictive. Commissioner Gross stated that he voted no because he could not figure out which was best.

Chair Worel thought the Planning Commission needed to discuss it further. Commissioner Thomas had mixed feelings. He could see 20,000 square feet being a reasonable maximum, but he was concerned that everything would end up being 20,000 square feet. Director Eddington agreed that people would build to the max. Chair Worel stated that she had voted no for that reason.

Director Eddington stated that they could talk about building liner shocks around larger buildings and possibly mandate it as part of the Form Based Code. Putting smaller buildings around the larger building gives the appearance of relating better to the walkability of the streetscape. Commissioner Thomas remarked that it gets into a philosophical discussion about scale, encouraging small businesses and breaking the spaces down. He noted that Telluride does not allow big boxes and there is nothing over 20,000 square feet in Telluride. The Commissioners discussed various examples and ideas. Commissioner Thomas thought they should ask for what they want as opposed to hinting at it. He suggested breaking up the facades of the blocks with smaller scale businesses, and allowing the larger volume to happen with the block where it has less visual impact. Commissioner Wintzer thought it would be controlled by the car, because people will not visit a Best Buy if they cannot drive close enough to load their merchandise.

Director Eddington stated that the Staff would look at various options and bring it back to the Planning Commission. He suggested that it might be accomplished with design versus square footage.

Chair Worel asked if there were any examples of urban areas that use cell phone lots for taxis. Assistant City Attorney McLean discouraged them from talking about taxi cabs because it has its own set of issues.

Chair Worel called for public input.

Mary Wintzer, speaking on behalf of Wintzer Wolf Properties, referred to the map shown on pages 141 and 187 of the Staff report, and wanted to go on record saying that the area labeled “future bus route”, has not been determined, and Wintzer Wolf Properties has not agreed to that in discussions with the Planning Department. Director Eddington pointed out that the red line Ms. Wintzer was referring to was intended to be a trail. Ms. Wintzer was very enthusiastic about a walking path, a paseo, since their neighborhood is walkable. Wintzer Wolf Properties was not enthusiastic about having a connective route through their project that buses and salt trucks would use disturbing business and residents.

Planner Cattan noted that the green line was still a road and that color needed to be changed on the Bonanza Park map. She clarified that it would not be a bus route but it is a street. Ms. Wintzer would be not be opposed as long as the street is a paseo and not open to traffic. She had walked from Iron Horse straight through to Kearns and it was no more than a three minute walk to get from one street to the other. If there would be a bus cutting through their property, she would echo the same concerns addressed by Rob Sletton regarding the Thaynes objection to buses.

Commissioner Thomas referred to page 3 of the large packet and reference to “future right-of-way dedications and pedestrian improvements on paths imperative to actualize the vision of live, work and a walkability urban district.” He agreed that future right-of-way dedications and pedestrian improvements were imperative, but he wanted to make sure that it was not implying that that particular grid layout was imperative. Planner Cattan replied that the grid layout needed to be modified to show the pedestrian paseo. Commissioner Wintzer suggested revising the language to say, “proposed future improvements.” Director Eddington stated that the Staff would work on revising the language.

The Work Session adjourned at 8:15 p.m.

**PARK CITY PLANNING COMMISSION
WORK SESSION MINUTES
March 27, 2013**

PRESENT: Nann Worel, Brooke Hontz, Mick Savage, Adam Strachan, Jack Thomas, Charlie Wintzer, Thomas Eddington, Katie Cattan, Francisco Astorga, Polly Samuels McLean

WORK SESSION ITEMS

General Plan – Discussion and Overview of Neighborhood Plans for Lower and Upper Deer Valley, Masonic Hill and Quinn’s Junction.

Director Eddington noted that these were the last neighborhoods to discuss. If the Commissioners had written comments they should submit them to the Planning Department to be incorporated into the final draft of the General Plan. Director Eddington stated that because the document was only a draft, they would find places where the Staff would be asking for specific information and input over the next several months working towards final approval.

Director Eddington noted that the Planning Commission would receive the draft document on Friday. It is approximately 350 pages. To give the Commissions adequate time to review the document, it would not be back on the agenda until late April.

Masonic Hill

Planner Cattan stated that Masonic Hill is surrounding by open space and it has a great trails system. The majority of residents in this neighborhood are second home owners. Due to its proximity and the fact that it is within the natural resource study, it is a highly substantive area in terms of wildlife, central location and possible future fire hazard. The Staff believes that Masonic Hill should be conservation neighborhoods and they should talk about limits of disturbance to protect natural vegetation, as well as wildfire mitigation and protection of the natural setting.

Question – Do you agree with 5.1, that Masonic Hill should be a natural conservation neighborhood? The Commissioners voted and the result was: Yes – 100%.

5.2 – Masonic Hill is a neighborhood dominated by second homes and primary residents. Planner Cattan stated that in most of the other neighborhoods dominated by second homes, there is no restriction on nightly rentals. Currently, Masonic Hill is single family development and nightly rentals are not allowed. The Staff believes it should remain the same to maintain the quieter neighborhood. Planner Cattan clarified that it would not be a change for Masonic Hill, but it was different from how they treated other neighborhoods that have a majority of second homeownership. Because of its proximity and the sensitive lands issue, the Staff recommended that they continue to prohibit nightly rentals. It would also prohibit lockouts and accessory dwelling units. Affordable housing would only be through deed restricted entitled units.

Chair Worel asked about procedure if the HOA decided to allow nightly rentals. Planner Cattan replied that nightly rentals would be prohibited by Code and the Zoning Code would rule.

Commissioner Wintzer felt Masonic Hill would be a great neighborhood for the second level of deed

restricted units.

Question – Do you agree with 5.2, that Masonic Hill should remain a neighborhood dominated by second homes and primary residents? The Commissioners voted and the result was: Yes – 100%.

5.3 – Improve pedestrian connectivity to Old Town. Planner Cattan noted that currently there was great connectivity in terms of trails, and the Staff was thinking about a more direct connection to Main Street.

Commissioner Hontz referred to a page in the packet showing the layout of the homes versus the roads. She noted that it represented 3% of all the units in Park City and 267 primary residents. In looking at the layout of the homes, Commissioner Hontz noted that 9 lots were remotely close to the street that connects to SR224. She did think it was a good return on investment or return on community to spend money on a connection for 267 people when most would never use the path or they would only use it once. Masonic Hill is designed as a drive-thru subdivision and that should be okay. It was developed as a mountaintop development and it should not be prioritized in any way as a place to spend money on a connection. This is the one instance where people should drive their cars or use the bike trails. Commissioners Savage and Wintzer concurred.

Chair Nann thought it would be beneficial to provide a connection to Main Street from the trails. Commissioner Thomas was not opposed to spending money on a connection if it stops people from driving to the market. Commissioner Wintzer did not think it was practical because of the grade.

Commissioner Strachan thought a direct trail to Main Street made sense because there was no way to get from the Aerie to Main Street. Commissioner Wintzer pointed out that a direct trail would be a vertical cliff.

Question – Do you agreed with 5.3, improving the pedestrian connectivity to Old Town. The Commissioners voted and the result was: Yes – 50% No – 50%.

Commissioner Strachan referred to the BLM Land and asked if the City had a policy to purchase that land as open space. Planner Cattan replied that it was calling for open space within the mapping. All the areas shown in green were protected. Commissioner Strachan pointed out that BLM land could not be deed restricted. Planner Cattan stated that it was deemed as deed restricted open space.

Commissioner Hontz recommended that they add a zoning layer to deed restricted open space and possibly consider conservation easements. She was more comfortable with multiple layers because a deed restriction is easy to break. Commissioner Strachan suggested adding a policy in the General Plan to purchase BLM land as it becomes available to preserve open space.

Lower Deer Valley

Planner Cattan reviewed graphs and charts showing trends that she believed were telling about Deer Valley and what has occurred over the past fifteen years since 1995. More and more sales are coming from Deer Valley and it is becoming a greater commercial area. The majority of sales are hotel and residential sales. Commissioner Savage thought it was important to recognize that the increase was due to the creation of new inventory. Deer Valley has become a popular place to stay

when people come to Park City.

Planner Cattan wanted the Commissioners to have these trends in mind for when they start looking at strategies for the future.

Commissioner Savage clarified that the numbers presented were related to sales activity in terms of lodging, restaurants, retail, or other purchases. It did not reflect the activity that occurred relative to residential real estate sales. Planner Cattan understood that it was sales and not real estate. Commissioner Wintzer was not surprised by the increased numbers because two major projects came online during the recession and did well. He assumed the numbers would look different if the Montage and St. Regis were taken out of the equation. Commissioner Hontz pointed out that St. Regis is in Wasatch County and would not be included in the sales numbers. Director Eddington explained that the St. Regis hotel is actually in Park City in Wasatch County, so the City does get their sales. He noted that the Deer Crest homes are solely in Wasatch County and Park City gets none of the benefit.

Planner Cattan stated that 7.1, the first point in the Deer Valley section was, a resort neighborhood catering to second homes and nightly rentals. She believed that was in line with trending they were seeing. The second point, 7.2 Lower Deer Valley: future development of the parking lots and Transfer of Development Rights receiving zone.

Planner Cattan noted that currently there are 16 pulled business licenses at the base of Deer Valley. In Upper Deer Valley the number is 34 business licenses. The numbers did not count nightly rental units as a business.

Planner Cattan stated that 7.2 talks about the future of the Deer Valley MPD and the parking lots, and the future of redevelopment. The Staff believed there would be a need to maintain view corridors and compatibility of mass and scale. There may be a need for additional height. She recalled that the height was capped at 45 feet. It also talks about flexibility within the building pads to achieve the best view corridors. Planner Cattan noted that this was the last development in Deer Valley. Deer Valley has done a great job with development, but sometimes the last one is more difficult.

Commissioner Thomas stated that the consequence of Silver Lake were building clustered around the base of Silver Lake Lodge. At that time the perception of the valley and the mountain was elegant with the way the lodge sat in the meadow. Today, the meadow, the lodge and the base of the mountain can no longer be seen. When talking about view corridors, they need to think about how massing and the perception of buildings, and be careful with what they do at the base. Commissioner Savage thought a really cool village at the base of Snow Creek would be terrific. Commissioner Thomas clarified that the point of his comment is when that would occur, it is important to have the ability to see through it.

Planner Cattan stated that if additional height was requested in the future, it would be reviewed by the Planning Commission as an amendment to the MPD if additional. It was not the typical process but it was included in the General Plan because as the last piece, height may be needed to get the best design.

Planner Cattan commented on the TDR receiving zone. Currently, 23,000 square feet of

commercial is allowed within the MPD for that area. With the numbers they were seeing of growth with hotels and nightly rentals, this would be a great TDR receiving zone.

Question – 7.2 - To ensure the best design to protect view corridors and improve circulation, additional flexibility within the MPD may be necessary. 1) Yes; 2) No; 3) Abstain. The Commissioners voted and the result was: 1) 100%.

Commissioner Thomas stated that if there were to be additional height in a resort, it should be done at the base of the resort and not on top of the mountain. In his opinion, this was one place where they could afford a little more height.

Question – 7.2 – With only 22,000 square feet of commercial within the Snow Park sites this is the appropriate area for a receiving zone. 1) Yes; 2) No; 3) Abstain. The Commissioners voted and the result was: 1) 100%

Commissioner Savage asked if commercial included bars and restaurants. Planner Cattan answered yes. Commissioner Savage noted that the Montage has over 1 million square feet and he wanted to know why the square footage number was so small. Planner Cattan stated that it came from the original MPD. He was told that it came from the desire at that time not to have the competition of Main Street.

The Commissioners discussed traffic load-out issues related to additional commercial in Deer Valley.

Planner Cattan asked Bob Wells to talk about the Deer Valley model of having people extend their stay. Mr. Wells stated that the thought is that the ultimate development of the parking lots with entertainment and an increased dining and drinking level would slow down the load-out. Affecting the load-out time by 30 minutes would be a significant step because of the two clogs that exist coming out of Deer Valley. Keeping people around longer would be the main goal. Mr. Wells stated that Deer Valley has existed 30 years relying on Main Street because they do not have a base village. It would be nice to have more activity there.

Commissioner Wintzer commented on language referencing emergency egress, and noted that once again Guardsman Pass was mentioned. He was unsure how opening Guardsman Pass would affect Deer Valley, but he definitely knew what it would do to Marsac. Commissioner Wintzer thought they should be careful about putting Guardsman Pass as a potential exit out of town. Planner Cattan explained that the language was meant to say that if Guardsman Pass and/or Deer Valley Drive became impassable, there would be a need for other routes from Lower Deer Valley to get out of town.

Commissioner Wintzer thought the language addressing alternative transportation in Lower Deer Valley should be strengthened. Deer Valley will not work if it gets totally built out and people cannot get in or out. Commissioner Thomas agreed.

Upper Deer Valley

8.1 – Upper Deer Valley: Connected to the heart of the City. Planner Cattan stated that in the near future there should be a connection from Main Street to Upper Deer Valley. Commissioner Wintzer concurred.

Question – Improve connectivity to decrease vehicle miles traveled to connect this remote neighborhood to the rest of town. 1) Yes; 2) No; 3) Abstain. The Commissioners voted and the result was: 1) 100%.

Commissioner Savage asked if there was any thought as to how the connection would work. There has been talk about having it go from the Brew Pub, but he wondered how much time and effort had been spent on vetting the alternatives relative to starting and ending points. Commissioner Savage would not want Park City and Deer Valley to make a commitment to establish that kind of connectivity without understanding the long-term strategies for overall connectivity between the resorts. Commissioner Wintzer agreed, but the question was whether they should begin exploring it.

Planner Cattan asked if Commissioner Savage would like additional language calling for a study with alternatives and pros and cons. Commissioner Thomas supported Commissioner Savage's idea of a macro plan approach and understanding how the big picture works. It was a new concept for the community because they tend to look at smaller pieces. Their nature is to get from point A to point B without looking at the ramifications of that particular choice.

Commissioner Hontz referred to the current conditions map and noted the different types of open space with varying degrees of protection. Planner Cattan thought the map needed to better explain the types of open space. She noted that some of the areas identified as zoned open space that have not been purchased are deed restricted. Commissioner Hontz thought ownership was a different issue. City owned open space should be one color. Privately owned open space that has a conservation easement is another color. A deed restriction would be a third color. She stated that those values are completely different. Some areas might be private property that could be developed in the future.

Planner Astorga asked Commissioner Hontz if this was the place to include the added protections layers she had talked about earlier, or whether it should be addressed in a different section of the General Plan. Commissioner Hontz was unsure if it needed to be in the different neighborhoods, but it was not representative of what they were trying to do in the neighborhoods. Looking at the green you would assume it is protected open space but it is not. Planner Cattan understood that anything identified with a green open space layer was protected. Commissioner Hontz pointed out that there were different layers of protections. He noted that currently some lands were being developed that had a conservation easement on it. She was not comfortable with a planner or a member of the public looking at the map and thinking that green equals open space and that means forever.

Planner Cattan noted that within 8.3 they talk about not extending the annexation area and not expanding it to incorporate Bonanza Flats or Brighton Estates. Commissioner Wintzer noted that there would still be development whether or not it is annexed into the City. The issue is how to control the traffic coming into Park City.

Question – 8.3, Upper Deer Valley, a neighborhood surrounded by open space. 1) Yes; 2) No; 3) Abstain. The Commissioners voted and the result was: 1) 83% 2) 17%

3) 0%.

8.4 – Upper Deer Valley: Environmentally responsible second homes. Planner Cattan reported that 91% of the residential units are utilized as secondary homes. The Aspen Second Home Study found that unoccupied homes use as much, if not more, than a full time resident. Moving forward the City has goals to reduce the carbon footprint in Park City 15% by 2020. It will take a combined effort of primary and secondary homes. Planner Cattan noted that 8.4 also talks about the trend in larger home size.

Question – In the future should Park City start implementing strategies towards environmentally responsible secondary homes. The Commissioners voted and the result was: Yes – 100%.

Bob Wells stated that he had a handful of correction-type comments that he would submit to the Staff in writing. His comments would not affect anything substantive.

Quinn's Junction

Commissioner Wintzer noted that People's Health was included and he suggested that they also mention the Summit County Health Building.

Commissioner Hontz noted that the wildlife crossings that she was told did not exist when reviewing a previous project, were identified in the Quinn's Study. She also noted that the map of tailings was not part of the Quinn's discussion. Commissioner Hontz understood that Round Valley had not been annexed in. Assistant City Attorney McLean stated that the petition had just been accepted by the City. Commissioner Hontz wanted annexing that land to be one of the goals. Assistant City Attorney believed the annexation would be processed around the same time the General Plan would be adopted.

Director Eddington asked if the lands east of US40 should be in the ADA boundary for the draft discussion. Commissioner Hontz answered yes.

Planner Cattan presented the original map from 2004. She identified land that was purchased as open space and pointed out that that area would come in with the annexation. Planner Cattan indicated the triangle parcel that is in joint ownership with the City and the County. Planner Cattan pointed out the area for development. It is zoned Light Industrial and the decision was made in joint discussions to keep that as a new industrial area. Planner Cattan stated that the area shown in light green should be recreational open space. Director Eddington asked if it was time to consider crossing US40, and to look at the entry corridor in terms of protection, ownership, zoning rights, etc.

Commissioner Savage asked if there was a list of open space objectives to determine a list of priorities. Director Eddington replied that the recently re-established COSAC was currently working on open space objectives and criteria. Commissioner Savage thought there were other places that would be much more important to protect than the area from Quinn's Junction going up towards Home Depot. Director Eddington agreed that it was not the most aesthetically pleasing open space. However, it is the City's primary wildlife corridor and the primary east-west movement. Director Eddington stated that they have always talked about nodal development and areas where they would not want a corridor of development. That is another justification for potential protection and/or

acquisition of open space.

Commissioner Savage stated that if they could address the wildlife corridors in an acceptable way, having the corridor as open space is only one solution for an attractive entry corridor. He believed that development along the corridor would not necessarily create an unattractive entry corridor, as long as it was thoughtfully managed and designed. In terms of having open space that matters to the integrity of the community, he would not make the corridor a high priority. Commissioner Savage clarified that protection of the wildlife would be a major factor and consideration.

Commissioner Hontz remarked that relocating the annexation boundary is a political move that puts people on notice that the City is interested in having input in the process. Commissioner Savage asked if the City had the right to make that decision or whether it needed County approval. Commissioner Hontz outlined the multiple steps involved in the process. Extending the boundary was the first step by saying that the City might want to consider going through the process in the future. It would then be a public process that would involve the County.

Commissioner Hontz noted that the wildlife studies that were done show how the wildlife come east into Park City, but it never shows them going in any other direction. She believed the wildlife go through the I-40 corridor because it is the only space left. The more they develop the more they shape where the wildlife go. Commissioner Thomas stated that the Planning Commission did not have enough information to address their questions and they needed to talk to a wildlife expert to discuss the significance of the wildlife corridor and related issues.

Planner Cattan stated that by creating a receiving zone, they were having the discussion on the core values and a balance portfolio. They are allowing development but putting it in nodes to protect the wildlife and the corridor. She remarked that the view corridor coming into town does not speak to "anywhere USA". It is Park City, it is natural land, and it has an identity. Director Eddington stated that the opportunity to connect some of the trails up toward Promontory is the regionalism they have always talked about. They do not have it yet but it is something they should strive for with that neighbor.

Commissioner Thomas stated that the open space you see before reaching a community is what distinguishes small towns. Commissioner Wintzer believed that the goal has always been to make Park City an island surrounded by open space and they need to continue working on that goal. Commissioner Hontz concurred. She indicated the area on the map proposed as a potential receiving zone, and stated that if they look at all the existing rights and everything in light green, they could do three times that amount and still not be too tall or sprawling in the receiving area.

Planner Cattan thanked the Commissioners for their input and their willingness to attend extra meetings to help draft the General Plan. The Planning Commission thanked the Staff for all their work. Director Eddington stated that the draft document would be available on Friday and the Planning Staff would probably go out to celebrate after work on Friday. The Commissioners were invited to join them.

The Work Session was adjourned.

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
MARCH 27, 2013

COMMISSIONERS IN ATTENDANCE:

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

EX OFFICIO:

Planning Director, Thomas Eddington; Katie Cattan, 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 5:35 p.m. and noted that all Commissioners were present except Commissioner Gross, who was excused.

ADOPTION OF MINUTES

January 9, 2013

MOTION: Commissioner Wintzer moved to APPROVE the minutes of January 9, 2013 as corrected. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

February 27, 2013

MOTION: Commissioner Wintzer moved to APPROVE the minutes of February 27, 2013. Commissioner Savage seconded the motion.

VOTE: The motion passed 5-0. Commissioner Thomas abstained since he was absent from the February 27th meeting.

March 13, 2013

Chair Worel noted that she was absent from the March 13th meeting. She referred to page 93 of the minutes and the discussion regarding the process and the timing of when minutes are approved versus when the items are sent to the City Council. She was unable to tell from the minutes the outcome of the decision.

Director Eddington noted that the discussion related to the challenge of taking the project to the City Council without the minutes because it goes to the Council within one to two weeks. The Staff has

tried to implement a better process for review beginning in March. He noted that the City Council typically does not receive the Planning Commission minutes and if the Planning Commission would like minutes to be part of the process it was important to understand that it would delay the current timeline for sending projects to the City Council by a week or two.

Commissioner Wintzer noted that when the Echo Spur project came before the Planning Commission it was continued. He noted that Echo Spur was listed on the next City Council agenda as an item based on the assumption that the Planning Commission would take action. He believed that was too fast. When an item is listed on the Planning Commission agenda one week and on the City Council agenda the following week it assumes that the Planning Commission votes in favor every time. He had called Planner Astorga who told him that Echo Spur would be continued by the City Council. Commissioner Wintzer thought the Staff needed to make the process less streamlined and more prudent. He was not interested in slowing projects, but when conditions or approvals are revised or the Planning Commission comments are relevant, the City Council should have that information.

Commissioner Savage asked if it made sense to rely on Staff to make a determination as to whether the subject was ambiguous or controversial enough to warrant a continuation. Director Eddington stated that the Staff schedules the City Council agenda approximately a month out in order to provide proper public notice. If an item is not ready to go before the City Council it is continued and re-noticed.

Commissioner Wintzer suggested that the Staff could ask the Planning Commission at each meeting if they were comfortable passing an item on to the City Council. That would be straightforward and the Staff would not have to make that determination. Planner Astorga remarked that the only problem with that suggestion is that once the Staff receives an application and deems it complete, they only require that the applicant submit one set of envelopes for noticing both meetings. It would be up to the applicant to decide whether or not to move forward as fast as possible with action for either approval or denial. Under Commissioner Wintzer's suggestion, the Staff would need to figure out the best way to notice the second required public hearing at the City Council meeting. Chair Wintzer stated that they could notice it for the City Council and inform the Planning Commission that it was placed on the agenda. At that point the Planning Commission could recommend that the City Council continue the item.

Director Eddington clarified that the Staff would list the item on the agenda as is and make sure the notice is sent to the neighbors well in advance. If the item goes through the Planning Commission smoothly, it would be carried through to the City Council. If not, it would be continued and the public would know to wait until the following City Council meeting.

Commissioner Hontz was still uncomfortable with that process. She recalled a time when the Planning Commission agenda had Consent Agenda items that were basically automatic approvals. The Consent Agenda was eventually eliminated because the Commissioners realized that nothing that comes before them is an immediate consent. She struggled with applications that were not meeting the requirements. Commissioner Hontz clarified that when the Planning Commission continues an item they are not slowing down the process, they are only asking the applicant to fulfill the process mandated by Code. She thought the Staff should change the current process and

automatically add one or two weeks before scheduling an item before the City Council. She thought it was absurd to expect a project with the magnitude of Echo Spur to be ready for the City Council within a week or two of coming before the Planning Commission. Commissioner Hontz believed the current process and scheduling gives the applicant a false expectation that their application is complete and ready for approval.

Planner Astorga clarified that the applicants for Echo Spur understood the process and at no time did they believe they had an approval before the City Council. Planner Astorga thought the concerns could be alleviated by two notices; one for the Planning Commission and a separate one for the City Council after the Planning Commission forwards their recommendation.

Commissioner Savage understood from the last meeting that the Staff was to come back with a recommendation and language to address their concerns with the process. He suggested giving the Staff that same direction for the next meeting.

Director Eddington believed the issue of revised findings, conclusion and conditions had been resolved by making sure that the Staff sends the revisions to Mary May for the minutes. However, if the issue is that the minutes should be sent to the City Council on controversial cases, it would significantly change the timing for moving projects forward. The Staff would come back with a proposal for discussion at the next meeting.

Commissioner Hontz noted that in addition to the minutes, a second issue is how to handle the action letters. She would prefer that action letters not be sent until after the Planning Commission reviews and approves the findings of fact, conclusions of law and conditions of approval in the minutes. She would like the Staff to include that in their proposal as well.

MOTION: Commissioner Hontz moved to APPROVE the minutes of March 13, 2013. Commissioner Thomas seconded the motion.

VOTE: The motion passed 4-0. Commissioners Strachan and Worel abstained since they were absent on March 13th.

PUBLIC INPUT

Lawrence Meadows, a resident at 515 Woodside Avenue, clarified that he was the appellant in the appeal before the Planning Commission this evening; however, his comments at this time were being made as a citizen and a member of the public. Mr. Meadows stated that he first came to Park City in 1995. Before coming to Park City he was an Air Force Officer and a Military Pilot and served for six years and was also in Gulf War I. As part of his job he had to follow regulations. It is the same thing with the Land Management Code. He expects that applicants should be expected to comply with the Land Management Code the same as anyone else.

Mr. Meadows read a letter he had written and sent to Park City Municipal Corp. As the appellant in the referenced HDDR application, he reported that his property rights had been adversely affected as a result of the unethical conduct and Historic Preservation Board Member, David White, who was also a professionally license architect. The letters states that Mr. White has made HDDR

applications submission in support of the matter of the appeal being heard today, which contained material omissions and material misstatements of fact in an apparent attempt to mislead the Planning Staff in an effort to obtain unlawful final approval in violation of both the LMC and the Historic District Guidelines. In his letter Mr. Meadows states that he wrote Mr. White asking him to withdraw the application, correct his deficiencies and properly submit the application. Mr. White did not avail himself of that opportunity. The letter also states that Mr. White's HDDR approval on 505 Woodside Avenue was under review by the Utah Property Rights Ombudsman. Mr. Meadows noted that this was the second time in three years that Mr. White and the same owner have been engaged in similar unethical conduct on the same property. In his letter Mr. Meadows outlined the details of those two occasions and provided an opinion issued by the Utah Office of the Property Ombudsman who deemed that Mr. White's submissions rendered his application incomplete and therefore improper and not vested. On those occasions Mr. Meadows had refrained from filing a complaint with the Utah Department of Professional Licensing but now he was left with no choice but to do so. He had attached the DOPL Complaint to his to his letter.

Mr. Meadows further stated that when he approached the HPB regarding Mr. White's unethical conduct, instead of expressing concern he was admonished by one of its Board members, which he found to be totally unacceptable. Mr. Meadows stated that Mr. White's conduct can no longer be ignored and must not be tolerated. To do otherwise would taint the very integrity of the HPB as a whole and erode the public's trust in that body. He respectfully requested that pending the outcome of his DOPL Complaint, that Mr. White be immediately suspended from the HPB, and that PCMC individually conduct an investigation into the unethical conduct raised in his complaint. Mr. Meadows further suggested in his letter that if his allegations are supported by PCMC and/or DOPL, that Mr. White be permanently removed from the HPB and barred from any future participation on any PCMC councils, commissions or boards.

Mr. Meadows concluded his letter by suggesting that in the interim the City give serious consideration to staying the appeal of the instant application/approval. The first was based on a flawed submission and resultant flawed approval. The second was because the successive appeal provisions contained in the Park City LMC are unlawful and violate the Utah Municipal Land Use Development Act as was previously ruled by the Utah 3rd District Court in Love versus PCMC.

Commissioner Savage was unclear as to why Mr. Meadows' letter and comments were different from the appeal scheduled on the agenda. Mr. Meadows replied that he was reporting to the Planning Commission on unethical conduct by a Board Member of a City Board. His report was relevant to the proceeding that was scheduled to take place this evening.

Ann Marie Meadows, a resident at 515 Woodside Avenue, noted that the applicant at 505 Woodside was doing a green roof. Green roofs are new in town and she had done her own research.

Commissioner Thomas noted that 505 Woodside was scheduled on the agenda this evening. Ms. Woods clarified that she was referencing the design and not the appeal. Commissioner Thomas noted that she was still referencing a project that the Planning Commission would be addressing this evening. He suggested that she keep her comments more general.

Ms. Meadows reiterated that green roofs are new to the City and the Code does not address how to maintain it. Living next door, she thought there should be some Code regulation on how the roof should look and be maintained.

Commissioner Wintzer recommended that Ms. Meadows take her suggestion to the City Council since the Council had approved green roofs. The Planning Commission was not given the opportunity to provide input or make comments before the decision was made and her comments should be made to the City Council.

Mary Wintzer, representing Wintzer-Wolf Properties, intended to make comments regarding Bonanza Park.

Commissioner Wintzer recused himself and left the room.

Ms. Wintzer stated that Wintzer-Wolf Properties were owners of the Iron Horse District. When she spoke at the last public hearing Commissioner Savage had requested maps, which were provided this evening, to help them understand the area she was describing. Ms. Wintzer indicated that the first concept shown was drawn in by Rodman Jordan who used to be a partner of Mark Fischer, the developer of Bonanza Park. Rodman Jordan was eventually dismissed. As a property owner, Ms. Wintzer was tired of seeing a labeled road through their property. The Staff advised her to take her concern to the Planning Commission or the City Council and request that they direct the Staff to remove it. Ms. Wintzer preferred that it be labeled as a walking paseo or a pedestrian bike pathway, or in worst case, a "possible" road. She noted that nothing has been cited in the design and every time it appears with the road through their property, it causes her concern. It would push their buildings into non-conforming uses and they would have non-conforming structures, which would be a taking by the City. Ms. Wintzer felt it was too presumptuous and too soon at this stage of design for Bonanza Park, to have it labeled as a road.

Ms. Wintzer noted that the Staff had asked what Wintzer-Wolf Properties would like to see in their project. She asked if the Planning Commission would be interested in seeing some of their ideas for what they feel would work in their neighborhood both economically and aesthetically. They have been there 30 years and know the area better than anyone. If the Planning Commission was open to looking at conceptual designs, she would put something together that reflects what the Iron Horse District neighborhood could look like in the future as part of Bonanza Park.

Director Eddington stated that the Staff had a map available showing it as a paseo. They would present the map during the General Plan discussion this evening. Commissioner Savage felt it was unclear in terms of how much was definitive and what was conceptual. Director Eddington stated that the Staff would have better answers on May 8th when Gateway Planning comes back to the Planning Commission with a Form Based Code presentation. He believed the Commissioners would have a better understanding after that presentation.

Commissioner Strachan recommended that the Staff set aside time on May 8th to allow Mary Wintzer, Mark Fischer and other Bonanza Park Stakeholders to present their conceptual plans so the Planning Commission does not give a nod to a Form Based Code that is completely inconsistent with what might be an awesome conceptual plan. Director Eddington recommended that the

Planning Commission look at everything holistically on May 8th rather than looking at it property by property. Commissioner Strachan requested that all conceptual plans submitted by the Bonanza Park Stakeholders be attached to the Staff report as exhibits. Director Eddington asked if the Planning Commission would prefer to look at individual concept plans rather than the Form Based Code on May 8th.

Commissioner Savage thought the minutes from the last meeting reflected their discussion about looking at the big picture in conjunction with development of the General Plan. He believed there was a conceptual embracement of Form Based Code that everyone supported; however, its direct implementation within the geography of the zone is a separate issue. He thought that related to Ms. Wintzer's concern, which was representative of concerns they would hear from other Stakeholders. Unless they begin with a big picture view of what this would look like, it is hard to understand how the smaller but important details fit into that as it relates to Form Based Code. Director Eddington stated that the intent is to bring that back and to explain in detail the character zone because that was the one area that Gateway Planning had not presented in much detail. Understanding the character zones takes into account Ms. Wintzer's concern and other pieces of information heard during the initial meeting with regard to Bonanza Park and the Form Based Code.

Commissioner Strachan wanted to avoid having Stakeholders pass out additional information at the meeting that was not included in the packet and ask the Planning Commission to consider it. Commissioner Hontz wanted to be able to look at the big picture, but in her opinion the big picture was the grid. She was uncomfortable with some of the linkages at the first meeting and they were still there. Commissioner Hontz did not think they were making progress or looking at the big picture. They continue to look the details without addressing the fact that it was not working. She needs to see all the information at one time and in enough time to review it. Commissioner Strachan recommended that the Staff give the Stakeholders a deadline to submit whatever materials they want the Commissioners to consider.

Ms. Wintzer pointed out that the road only benefits Mr. Fischer's property by providing access through her property. It does not benefit the ambiance or the aesthetics or flow of residents in her property. She also realized that many residents in Homestake would be displaced and they would not be able to find homes in Mr. Fischer's project with the price point he will have. Ms. Wintzer thought those residents might be able to find homes in her neighborhood. If they renew their neighborhood they feel they were being driven towards more residential and less commercial.

Chair Worel asked if there was consensus among the Planning Commission to see conceptual plans. Commissioner Thomas felt the more conceptual ideas they could see and include in the process the better it would be, particularly when it is inspired by someone who has lived in the community for 30 years. He thought they should hear it earlier rather than later.

Commissioner Wintzer returned to the meeting.

David White responded to the accusations made on his character. He has been a licensed architect in the State of Utah since January 1973. He has worked in his profession from that time until now with joy and diligence and he has never had his honesty, professionalism or integrity questioned. Mr. White stated that as he has traveled the last 40 years in his profession he can always think

back and said he made mistakes or wished he had done something different on a specific project. However, he can say that he has never been dishonest. Mr. White noted that the appellant had accused that he received special treatment from the Planning Staff with regard to the project on appeal this evening. He has worked with the Park City Planning and Building Departments, the Planning Commission, and the City Council over the last 30 years and he has had many disagreements with all of them. He prides himself on the fact that at the end of the discussion they all have a small and a handshake rather than animosity, and knows that they came up with a solution that benefits everyone concerned. Mr. White noted that on page 64 of the Staff report, the appellant falsely accuses him of issuing fraudulent submissions of fabricated historic photos containing material omissions and misstatement of facts. He remarked that this was a blatant misrepresentation of his integrity. He invited the appellant to provide real proof of his accusations. Mr. White stated that he has worked with the Planning Department and the City Historic Preservation throughout this entire project and some of the photos and information were supplied to him by their offices, which he deemed to be correct. Mr. White remarked that the survey used for the project was supplied by a license professional surveyor. Mr. White pointed out that the appellant also recommends that he step down from his term with the HPB and that he be barred from every participating with any other City Board, Commission or Council. The only way he would leave his termed duties would be to have his fellow Board members, the City Council and the Planning Director vote him to step down. He invited anyone on the above Boards or Council or anyone from the public who has questions or concerns about this matter to meet with him in public or private to discuss it.

Commissioner Wintzer felt it was very important to understand that sometimes people have a conflict in a small town. He wanted to make sure that they do not preclude professional people from sitting on these Boards because it is important to have architects, engineers and contractors. He has never seen it to be a problem and those with conflicts always recuse themselves. Commissioner Wintzer stated that Jack Thomas' knowledge of architecture is very important to the Planning Commission and Mr. White's knowledge is equally important to the HPB. Commissioner Wintzer clarified that he was not taking sides on this particular issue, but he was taking a side on the importance of having professional people in this small community involved on these Boards.

Commissioner Wintzer stated that in the last couple of weeks people have questioned him about MPDs in Old Town. He noted that the Planning Commission previously discussed MPDs in Old Town and gave the Staff direction. The Staff came back with different direction and the conversation stopped. Commissioner Wintzer thought the matter needed to come back to the Planning Commission for continued discussion and it should be done in a timely manner.

Commissioner Strachan remarked that the discussion of allowing MPDs in Old Town should take place independent of the Kimball Arts Center potential application. He agreed that the conversation should take place soon. They have already done a lot of work and instructed Staff on drafting specific language. Commissioner Strachan thought they were very close to making a decision.

Director Eddington noted that the Planning Commission had forward a recommendation to the City Council on LMC changes for other Chapters. The MPDs in Old Town was the only change still outstanding. The Staff intended to schedule that discussion after the General Plan was completed. Director Eddington anticipated that the item would be on the agenda for the second meeting in April.

Planner Astorga remarked that the Staff would also bring back the height parameters that were revised per their discussion. That should also be the second meeting in April.

Commissioner Strachan understood the delay if it was due to Staff workload. He wanted to make sure that the Staff was not holding the MPD discussion until the Kimball Arts Center submitted a formal application. Director Eddington assured him that it was a workload issue.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Commissioner Wintzer disclosed that he is recused from matters related to Bonanza Park, which was why he left the room when his wife, Mary Wintzer, spoke during Public Input.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. **505 Woodside Avenue – Appeal of Staff decision regarding Steep Slope Conditional Use Permit determination and that a Conditional Use Permit for retaining walls is not necessary at this time. Application # PL-13-01871**

Chair Worel announced that the Planning Commission was only looking at the LMC requirements and whether or not a Steep Slope CUP was required for the retaining walls.

Planner Astorga clarified that Kirsten Whetstone was the project planner on this application and the author of the current Staff report. Planner Whetstone was unable to attend and he was representing her this evening. Planner Astorga stated that since this was not his project, he may not be able to answer all their questions; however, he would do his best to find the answers.

Planner Astorga reported that the Planning Commission was reviewing a quasi-judicial appeal at 505 Woodside Avenue. The site is owned by Woodside Development, LLC, represented by Jerry Fiat. The appellant was Lawrence Meadows, representing Casa Di Lorenzo. Mr. Meadows resides at 515 Woodside Avenue.

Planner Astorga reviewed a brief background contained in the Staff report. In September 2012 the Planning Department received an application for a Historic District Design Review for an addition to the structure at 505 Woodside. The structure is currently listed on the Park City Historic Sites Inventory as a significant site. The Staff began reviewing whether the proposed addition would trigger the mechanism to require a Steep Slope CUP. At that time the Staff made a determination that the proposed addition and access to the structure as proposed would not trigger the Steep Slope CUP requirement. Planner Astorga noted that per the LMC, "Construction or an addition placed on a slope that is 30% or greater must come before the Planning Commission for review."

Planner Astorga noted that the HDDR application was approved on February 4, 2013. Within ten days of that approval the City received an appeal indicating that the Staff had erred in that determination.

Planner Astorga reported that the Staff had received additional documents from both the applicant of the HDDR and the appellant. The applicant had submitted three separate documents; one from Alliance Engineering, one from David White, and another from Bradley Cahoon with the law firm Snell & Wilmer, L.L.P. All three documents were professional opinions indicating the Staff had not erred and that the addition and access were not on slopes 30% or greater. Copies of the three documents were provided to the Planning Commission. A copy was also provided to the Secretary to be filed with the minutes as part of the record.

Planner Astorga reported that the appellant had submitted a Planning Commission Exhibits Package for consideration related to the appeal. It was also provided to the Planning Commission.

Planner Astorga read from page 112 of the Staff report, "The retaining wall issue was addressed with a number of conditions of approval, reiterating that all retaining walls shall comply with the LMC requirements, including review of an administrative conditional use permit if warranted." He noted that by writing that language, Planner Whetstone indicated that she would honor the Code which indicates that if a retaining wall in the front yard setback ranges from 4'-6' it would require an Administrative Conditional Use Permit. Planner Astorga stated that this was not part of the appeal, but he wanted the Commissioners to know that it would be addressed through the standard procedure. If the retaining wall was over 6 feet it would come before the Planning Commission through the standard conditional use permit process.

Planner Astorga reported that relative to the appeal as indicated by the appellant, the Staff found that the areas where the addition was being placed in both the front and the rear and including the access in the front, did not measure 30% or greater slope. The area measured did not meet the required minimum horizontal distance of 15 feet.

Planner Astorga read the Conclusions of Law on page 117 of the Staff, "The existing grade of the lot, in areas proposed for the addition and driveway, does not meet the requirements for applicability of a Steep Slope Conditional Use permit. The existing grades are not thirty percent (30%) or greater when measured for a minimum horizontal distance of fifteen feet (15') in areas proposed for development." He clarified that the Planning Commission was required to make a determination on whether or not the Staff erred in their determination.

Commissioner Strachan asked Planner Astorga to walk through the process of how they take the measurement of the 15' feet horizontal from the time they get on site, the tools used, etc. Planner Astorga stated that the Staff uses the specific criteria outlined in the Code. The determination is based on the appropriate complete submittal required from the applicant, which includes a survey produced by a licensed engineer with 2-foot contours. That is the most critical piece of this type of analysis. Planner Astorga stated that the second submittal required is where the architect or designer overlays the proposed site plan on that specific survey. The next step is to identify those areas where the slope is greater than 30% and indicate whether the addition or new construction would be on a slope 30% or greater. Planner Astorga stated that it is sometimes difficult to conduct a field inspection depending on weather and amount of snow on the ground. However, the analysis made on the survey and the proposed site plan should be appropriately drafted to help make that specific determination.

Commissioner Strachan understood that 15 feet of the proposed construction has to be on the 30% or greater slope before a Steep Slope CUP is required. He verified that at least 15 feet of the structure has to touch the 30% or greater slope in order to require a CUP. Planner Astorga replied that this was correct. Commissioner Strachan asked for the determination of how many feet at 505 Woodside was on 30% or greater. Planner Astorga replied that according to Planner Whetstone's analysis the addition never reached 30% in its proposed location.

Commissioner Hontz referred to page 111 of the Staff report, under the Appeal heading and interpreted that to say that the appeal was not limited to just the Steep Slope Conditional Use Permit. The appellant had also challenged other things, including the retaining wall as a Land Management Code issue, and that would be relevant to their discussion. Assistant City Attorney McLean understood that currently the retaining wall was not shown to be greater than 6 feet. Commissioner Hontz clarified that the Planning Commission could still discuss the retaining wall. Ms. McLean replied that they could discuss it in terms of height and whether it would trigger a CUP. They should not discuss the design of the retaining wall.

Commissioner Hontz noted that language on page 111 states that revised plans were submitted. She asked if the revised plans in any way changed the Steep Slope analysis. Director Eddington answered no.

Lawrence Meadows, the appellant, stated that he is an adversely affected property owner. He has developed real estate over the last ten years and six of the homes are on the 500-600 Block of Woodside Avenue. He is very familiar with the area surrounding the subject property.

Mr. Meadows felt that David White should be recused from this proceeding. Assistant City Attorney stated that Mr. White did not need to be recused because he was not a member of the Planning Commission. Mr. Meadows pointed out that the City disagreed with his position and believes that this appeal piggybacks on to the HPB appeal from last week. If this is one appeal as the City argues, and not a distinct and separate proceeding, then Mr. White is a party to the appeal and should not be in the room because he is an HPB Board member. Ms. McLean reiterated that Mr. White is not a member of the Planning Commission and she advised Mr. White that there was no reason for him to be recused.

Mr. Meadows duly noted Assistant City Attorney McLean's advisement and would log an objection.

Mr. Meadows contended that this was a successive appeal. He was being forced to appeal his issue to two separate municipal bodies, which clearly violates the Utah Management Land Use and Development Act, and has been borne out of a Third District Court Ruling. He would not forfeit his rights and refuse to move forward with these proceedings, but he would do so under protest. Unless the City elects to stay these proceedings pending the outcome of the Ombudsman Complaint, he would move forward.

Mr. Meadows was told to proceed.

Mr. Meadows addressed Staff report issue. On one hand the Staff says that Steep Slope is not part of the HDDR process. He argues that it is. He noted that LMC 15-11-10 states that, "The Planning

Department shall review, approve, approve the conditions or deny all Historic District Site Design Review applications involving allowed use or a conditional use, which would mean a Steep Slope permit. In his opinion, for the Staff to not process this at the HDDR level was improper.

Mr. Meadows stated that LMC 15-1-18, Appeals and Reconsideration, states that the appeals of decisions regarding design guidelines for Historic Districts and Historic Sites shall be reviewed by the Historic Preservation Board, period. Not by the Preservation Board and the Planning Commission. There was no other body designated to appeal to other than the Historic Preservation Board. Mr. Meadows felt this was selective enforcement. The Historic Preservation Board took it upon themselves to review LMC issues such as the retaining wall, significant vegetation, roof issues.

On one hand the Historic Preservation Board was perfectly fine evaluating issues under the LMC, but they did not want to deal with the Steep Slope and instead pushed it off to the Planning Commission. Mr. Meadows stated that as an adversely affected party, the process put him on a path of two appeals.

Mr. Meadows walked the Commissioners through each page of the Exhibit packet he had provided. Page 1 was the applicant's topographic exhibit submitted in support of this meeting. He believed it was an overlay on top of the certified survey. Mr. Meadows had broken down the two areas on Page 1A. Area A was the front area around the driveway. He contends that the driveway is too steep and exceeds 14%, and that the area under the driveway is a steep slope that exceeds 30%. He also contends that Area B in the northwest corner of the property was a steep slope, which is the area contained within the new addition.

Mr. Meadows noted that page 2 of his submittal was LMC Chapter 15-3-2, paragraph 4, which clearly states that driveways must not exceed 14% slope. Page 3 was the site plan submitted by the applicant. The applicant has asserted that there is 31 feet of run from the curb to the garage door threshold. Based on the survey, it rises from 7110 feet to 7114 feet. Mr. Meadows pointed out that the first 15 feet was within the City right-of-way. Per the City Engineer and the LMC, it cannot exceed 10% slope in the City right-of-way. Mr. Meadows used his own calculations to show that the driveway slope was 15.635%.

Page 4 of the submittal was LMC 15-2.2-6, Development on Steep Slopes. Mr. Meadows read from the language which states that a conditional use permit is required for any structure in excess of 1,000 square feet if the said structure or access is located upon existing slope of 30% or greater. Mr. Meadows understood that Planner Astorga had based the slope evaluation on the submitted survey. Planner Astorga clarified that Planner Whetstone had done the analysis. Mr. Meadows asked if it was field measured or based on the survey. Planner Astorga believed it was based on the survey. Mr. Meadows contends that the survey and the site plan did not match up.

Mr. Meadows read from the LMC, "The Code must be interpreted according to the literal plain meaning of the word, and the Code shall be evenly and fairly applied consistently from case to case". He believed there was subjective interpretation of these rules and everyone has their own opinion. However, it is clear that the measurement shall quantify the steepest slope within a building footprint and driveway. The language clearly states that the measurement is a minimum distance of 15 feet horizontally. It does not talk about averages or exclusions. Mr. Meadows felt a problem with the Code is that each individual Code item can be interpreted individually and subject to distortion.

He believed there was a sliding scale standard of review and applicants are evaluated differently depending on who they are.

Mr. Meadows referred to page 10 of his exhibits package which showed the streetscape that was submitted by the applicant. He pointed out that the structure at 505 Woodside was far above the stringline between the ridge tops, which is a common violation for visual massing. Mr. Meadows stated that his personal house is next door at 515 Woodside and he pointed out that the northernmost end of his gable roof clips the stringline of the streetscape. He was asked to cut off his roof and make a hip roof to it would not violate the stringline. Mr. Meadows complied. Now this applicant can pierce the stringline by eight to ten feet without it being a problem. He pointed out the structures that have been designed within the Code over the last ten years. Mr. Meadows remarked that the Code was not being applied the same.

Commissioner Wintzer informed Mr. Meadows that the Planning Commission was asked to address steep slopes and not roofs. Mr. Meadows believed his comments were relevant to steep slopes because visual massing of the stringline is part of the analysis. Commissioner Wintzer clarified that the Planning Commission was trying to determine whether a steep slope CUP was necessary. They did not have enough information to evaluate the steep slope.

Mr. Meadows stated that page 5 was a site plan submitted by the applicant. Page 5A was the site plan with the topo overlay. Mr. Meadows had added everything shown in red and black. Referring to Area A, Mr. Meadows had provided his own calculations to show that the retaining wall was taller than the 4-foot Mr. White had implied to evade the CUP process. Mr. Meadows stated that on a field measurement, the existing wall was 5'9" tall. Using the certified topo lines on the site plan provided by the applicant, Mr. Meadows again used his calculations to show that the grade under the driveway was 58.8%. From the base of the stairs the grade climbs up to 60% grade. Using the same calculations, Mr. Meadows determined that the building footprint for the new addition was at 60% grade on the right and 40% grade in the center and to the left. He clarified that the calculations were based on the elevations shown on the applicant's submitted site plan with topographic overlays.

Page 6 was an aerial survey performed by the Sweeney master plan and encompassed 515 Woodside, 505 Woodside, and Lots 6 and 7. Mr. Meadows had calculated the numbers and noted that the aerial survey showed the same 60% and 40% grade. He contends that it is accurate.

Mr. Savage asked if the information presented this evening had been submitted to the Planning Department in advance of this meeting. Mr. Meadows answered yes. Mr. Savage clarified that all the recommendations made so far were been made with the full understanding of Mr. Meadows' analysis and interpretation. Mr. Meadows replied that this was correct. The exhibits provided were either his or from the applicant.

Mr. Meadows stated that he built 515 Woodside, 503 and 503-1/2 Woodside, all of which are steep lots. Yet somehow the Lot at 505 Woodside was deemed not to be steep. He found that to be a problem. Mr. Meadows presented a full size survey from Dominion Engineering that was performed when the 5th Street tunnel was built. He believed it corroborated everything on the aerial survey. Mr.

Meadows contends that all the elevation lines he used were based on factual record and what the applicant had submitted, and they are all fact supported.

Mr. Meadows stated that in addition to steep slopes, retaining walls and vegetation were important issues for the Planning Commission to consider. Chair Worel requested that Mr. Meadows focus his comments on the Steep Slope. Mr. Meadows once again logged an objection because he had exhibits to show that the project would require a 6-foot wall in the front yard and a 6-8 foot wall in the driveway. A significant vegetation issue was brought before the HPB and one of the biggest points of contention was a large tree in the northeast corner in the City right-of-way. An arborist and engineer are trying to decide what to do with the wall to protect that tree. As an adjacent property owner Mr. Meadows wanted to make sure the significant vegetation is preserved and loss mitigation is provided.

Mr. Meadows stated that he has a lot of experience with the Land Management Code. He has been put through the ringer and he was happy to meet all the Code requirements. He follows the Code, his word is his bond, does not lie and he is honorable. Mr. Meadows believes everyone should be treated the same. While this applicant is bypassing the Steep Slope review, the owner at 543 Woodside has been put through the ringer for three years and he still did not have an approval. The process is inconsistent and the Code is selectively enforced. It should not be that way. Mr. Meadows appreciated the Planning Commission giving him this time. He apologized if his comments were heated, but this subject was close to his heart and his personal interest.

Commissioner Strachan asked which lots besides 503 and 515 were deemed to be steep slopes. Mr. Meadows replied that it was 503, 515 and 503-1/2. Commissioner Strachan asked if Lots 6 and 7 were served by the tunnel. Mr. Meadows answered yes. Commissioner Strachan noted that those lots are not on Woodside proper. Mr. Meadows clarified that the lots were steep but they were not put through a Steep Slope CUP because they required CUP due to the Sweeney master plan. Commissioner Strachan asked which lots were on Woodside proper. Mr. Meadows stated that it was 515 Woodside, 519 Woodside, 521, 543, 605 and basically all the lots because the whole street is the same steep topography. Commissioner Strachan pointed out that steep was a subjective term. He wanted to know which lots actually required a Steep Slope CUP. Mr. Meadows stated that 515, 519 and 521. He noted that 543 Woodside was tied up due to steep slope issues.

Jerry Fiat, representing the applicant, disputed the measurements Mr. Meadows had calculated and presented. Mr. Meadows had measured the driveway to the front of the deck, which is why it measured 15.9% grade. The garage actually starts two or three feet behind the back of the deck. Mr. Fiat remarked that there was an extra 8 feet before reaching the garage door. He knew for certain that Planner Whetstone had done a number of field visits and had taken the measurement numerous times. He recalled that Planner Whetstone had measured the driveway at 12.9%. Mr. Fiat stated that if the Planning Commission thought that was too steep the driveway could be changed. He explained that the intent was to raise it as much as reasonable so that from the primary right-of-way the historic house would not be overwhelmed by a big garage.

Mr. Fiat noted that Mr. Meadows had mentioned that the top of wall would be over 6 feet. He noted that the wall is an existing concrete wall with a flat stone veneer. Commissioner Wintzer asked Mr. Fiat to focus on the steep slope issue.

Mr. Fiat noted that Mr. Meadows had stated a 60% grade. However, everyone who looked at it, including several people from Alliance Engineering and the Staff, made the determination that the grade was less than 30%. Mr. Fiat noted that the main level has a walkout in the back where you can walk out to the back of the lot.

Mr. Fiat referred to Mr. Meadows' comment about everything on Woodside being a steep slope. He pointed out that the road is perfectly flat and then it drops off on the north side of 505 Woodside. He presented a historic photo to show the street and commented on the different lots.

Commissioner Strachan understood from Mr. Fiat that 501 Woodside was not a steep slope. He asked how Mr. Fiat knew that. David White stated that he was the architect for 501 Woodside and it was corroborated by the Planning Staff. There is no record that 501 Woodside went through a Steep Slope CUP. Mr. White recalled that 501 Woodside was renovated in 2005.

Chair Worel opened the public hearing.

There was no comment.

Chair Worel closed the public hearing.

Mr. Meadows referred to page 3 of his submittal. He noted that none of the plans submitted by the applicant had dimensions and everything had to be scaled. He pointed out that the driveway scales out to a 31' driveway run from the edge of the curb to the garage threshold, 15' of which is in the City right-of-way. Mr. Meadows contested Mr. Fiat's claim regarding the driveway.

Mr. Meadows noted that the retaining wall has to support the existing tree. In some shape or form an engineered wall will be required because a dry stack stone will not hold up a 40' spruce tree. The plans do not have cross sections or retaining wall designs and that was a major issue for him personally. Mr. Meadows remarked that the main level has a walkout to walk out to the back because the grade is being raised four feet in the back to accommodate the slope.

Mr. Meadows stated that anyone who could read a survey and understand the topo lines would know that the grade of the road does not change. He pointed out that road grade is not addressed in the Code. Mr. Meadows knew that 501 Woodside was not subjected to a Steep Slope CUP, but he never knew why. However, the fact that David White was the architect did not surprise him.

Commissioner Thomas referred to the aerial survey on page 6 of Mr. Meadows' submittal and noted that as an architect he has never used an aerial survey to establish slope. He has always used a license surveyor or engineer to evaluate slope. In his opinion there is a big difference between an aerial survey and an actual survey. He does not use aerial surveys because they are not accepted by the City and they are inaccurate.

Commissioner Wintzer stated that the Planning Commission was being asked to make mathematical decisions and review a set of plans; however, he did not think the application had enough information to make those decisions. Commissioner Wintzer recommended that the

Planning Commission not get involved in trying to resolve disputing maps. He thought the City should hire an independent professional to measure the lot and come back with a ruling.

Commissioner Hontz stated that the information provided in the Staff report was illegible. She believed there should be a certain agreement on a point of measurement based on the Code. She thought the Staff should have done the same analysis that was done by the appellant. When she reviewed the Staff report there was some analysis that identified various slopes, but it did not talk about specific points in the appeal that they needed to respond to. Commissioner Hontz did not think this should be an argument. They should all be able to agree on the elevations based on the certified survey. She noted that the LMC provides clarity regarding the measurement of slope. "The measurement of slope shall quantify the steepest slope within the building footprint and the driveway". That may have been done but it was not reflected in the Staff report. Commissioner Hontz understood from her reading that the measurement was done using a ruler on paper rather than in the field. She supported Commissioner Wintzer's suggestion to identify specific points from where the measurements should be taken. Commissioner Hontz had done the math and it was right, but the answer should have been clear without confusion.

Commissioner Wintzer felt the matter would be appealed regardless of their decision this evening. For that reason, he preferred to involve an expert. Director Eddington noted that the drawing on page 168 of the Staff report reflected most of the analysis that started to examine any place that would cross over 15 feet. Commissioner Hontz stated that it was unclear who had provided that drawing and she was unaware that it was the Staff analysis. Director Eddington reviewed the drawing and explained the analysis. He identified the area of the new addition and noted that none of that area crosses over 15 feet perpendicular to the slope. He pointed out where non-historic existing additions were being removed. There are no steep slopes underneath the existing structures because those have already been altered and have foundations. Director Eddington emphasized that the area of new construction was very small.

Director Eddington stated that field measurements are helpful. Planner Whetstone had been to the site a number of times. In 2009 Brooks Robinson and Katie Cattan had been to the site and also conducted an analysis.

Commissioner Hontz pointed out discrepancies regarding the length of the driveway. Director Eddington noted that the distance was 14 feet to the retaining wall. At that point the slope was 28%. However, based on a technical measurement to the property line, the distance was closer to 8 feet. Commissioner Hontz clarified that Director Eddington agreed that the distance over 15 feet was 28.6% between the existing structure and the existing retaining wall. However, the analysis that takes it all the way to the road and only allows it to be 10% had not been done. Director Eddington explained that it stops at the retaining wall. By definition, if they go beyond the retaining wall it would hit a 90 degree grade.

Commissioner Hontz understood the explanation. However, in reading the Code regarding driveways and steep slopes and the distance that the driveway would have to impact, she was still trying to understand the argument completely. She pointed out that the driveway would not stop at the retaining wall. Director Eddington agreed, but noted that beyond the wall was fairly flat asphalt parking space. The driveway would meet grade at the retaining wall but the driveway would go all

the way to the curb for access. Commissioner Hontz thought the measurement should be taken from the curb to the elevation of the garage.

Commissioner Wintzer asked for a section drawing. Mr. White presented a drawing of the south elevation showing the driveway. The Commissioners reviewed the drawing. Planner Astorga summarized for the record that Mr. White had shown the Planning Commission that the distance from the wall of the proposed garage to the back of curb was 31 feet and that the elevation was 7114.

Commissioner Savage did not understand the motivation associated with trying to cause this application to go through a CUP process. Mr. Meadows clarified that it was based on his property right. Commissioner Savage stated that to the best of his understanding they had objective criteria for measuring and determining steep slopes with respect to the LMC. What he was hearing and seeing from the packet was that the applicant used qualified surveys and validated through the Planning Department and through other firms that this application did not require a Steep Slope CUP. Commissioner Savage understood Mr. Meadows' measurements and calculations on the graphs, and he respects Mr. Meadows' background, but it did not give him the same sense of validation. The Planning Commission had seen a number of conclusive demonstrations indicating that this was not a steep slope requirement, but he had not seen the same level of scrutiny applied on the side of the appellant.

Commissioner Thomas stated that the slope of the driveway, based on the drawing presented by Mr. White showing that the driveway is 31 feet long with the section from the garage door to the property line being less than 14% was possible; and from the property to the street being possible. He asked for the City regulation on the maximum slope from the property line to the back of curb for a driveway. Director Eddington replied that it is typically 10%. He believed it could go up to 14%. Planner Astorga stated that the 14% Mr. Meadows had indicated was within private property, and it was to the discretion of the City Engineer since he controls any development on the rights-of-way.

Mr. Meadows stated that Matt Cassel had confirmed 10% yesterday. Commissioner Wintzer recalled from a personal experience that 10% was the City guideline. Mr. Meadows remarked that he wanted everyone to interpret the Code the way it is written without subjectivity. He was very frustrated with the process and their comments because the Code is very clear.

Commissioner Thomas understood that the maximum slope from the garage doors to the property line was 14%. If it was at 14%, then the segment from the property line to the back of the curb would be 11.875%, not 10%. Therefore, if there is a restriction of the segment from the back of the curb to the property line of 10%, it exceeds the City requirement.

Commissioner Savage asked if the analysis of the driveway was relevant to the decision as to whether a Steep Slope was required. Director Eddington replied that the analysis for the driveway would take place when the applicant applies for a building permit. The City Engineer would have to field verify that the requirements are met. It is different from the CUP because the Planning Department looks at what exists.

Commissioner Hontz noted that a separate issue related to the driveway is that the area under the driveway has to be considered when determining whether it is a steep slope. A measurement needs to be taken underneath the steepest part of the driveway as illustrated by Staff. The question is at which point it should be measured from. Director Eddington noted that per Code it is for current existing grade and not what is proposed. The slope would have to exceed 30% as it exists in order to classify it as a steep slope.

Commissioner Strachan deferred to the expertise of Commissioners Wintzer and Thomas.

Commissioner Thomas stated that in his profession he always leaves the site analysis to a licensed engineer. If the engineer indicates that he is over a certain slope anywhere in the context of the footprint then he deals with it. Commissioner Thomas was less concerned about the slope under the structure, but he was still confused about how to deal with the 14% driveway if there is a restriction between the property line and back of curb. He requested clarification on whether or not that would weigh into the decision regarding steep slope. Commissioner Wintzer believed it was a separate issue from the CUP.

Commissioner Thomas stated that in his opinion, the scaled drawings clearly showed that the slope did not exceed 30%. He trusted the judgment of Alliance Engineering.

Commissioner Wintzer concurred with Commissioner Thomas. He was not prepared to say that a licensed engineer was wrong. He did not have the personal ability to do it and he also trusted Alliance Engineering. Unless another licensed engineer disputed it, he would agree with the determination.

Commissioner Wintzer informed the Staff that the Staff report was incomplete and difficult to read. The Commissioners should have been provided with drawings that could be easily read. After seeing the larger drawings he did not think the Planning Commission should be involved in this issue.

Assistant City Attorney McLean read from the LMC 15-3-3, General Parking Area and Driveway Standards, "Driveways must not exceed a 14% slope". Commissioner Wintzer clarified that the driveway had nothing to do with the issue of whether or not a Steep Slope CUP was required. It was a separate issue to be addressed at a later time.

Commissioner Hontz stated that in interpreting the drawing on page 168 of the Staff report, the area under the driveway currently reaches 28.6%. It is an interesting application because the way the new additions and the home were laid out was clever in that it never impacts 30% by utilizing the existing structure. Without seeing the entire packet and the surrounding houses, it appears to speak to an application that they would typically see as a Steep Slope CUP. Commissioner Hontz found the situation to be frustrating because the project might be better under a Steep Slope review, but based on the analysis provided she could not make that determination.

MOTION: Commissioner Savage moved to DENY the appeal of the Staff determination on 505 Woodside Avenue, according to the Findings of Fact and Conclusions of Law.

Mr. Meadows informed the Planning Commission that this was a de Novo review and they needed to follow procedure. De Novo review was as if it had never happened at the Staff level. The Planning Commission was supposed to look at this application with fresh eyes.

Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 505 Woodside – Appeal

1. The single family residence located at 505 Woodside Avenue is located in The Historic Residential (HR-1) zone.
2. 505 Woodside is listed as a significant site on the Park City Historic Site Inventory.
3. The historic home is located on Lot 1 of the 505 Woodside Avenue Subdivision. Lot 1 is approximately 4375 square feet in lot area.
4. The applicant is proposing to restore and preserve the original exterior walls of the historic home and construct an addition to the rear and north side, after removing non-contributory additions.
5. The existing house contains approximately 2,081 square feet of floor area. The proposed house design contains approximately 3,603 square feet of floor area. The historic footprint is 829 sf and the existing footprint is 1,653 sf. The proposed footprint is 1,707 sf.
6. The historic home will remain in the original location and elevation.
7. A basement and garage are proposed to be constructed beneath the historic house.
8. A certified topographic survey was prepared and certified by a licensed surveyor. There are 2' contour intervals on the survey. The survey was submitted with the HDDR application.
9. Based on the certified survey the existing grade of the lot, in areas proposed for the addition and driveway do not meet the requirements for applicability of a Steep Slope Conditional Use permit. The existing grades are not thirty percent (30%) or greater when measured for a minimum horizontal distance of fifteen feet (15').
10. Based on the certified survey and proposed site plan, the proposed driveway slope is 12.9% (4 feet in elevation change from the garage floor

elevation to the street for a distance of 31 feet).

11. Retaining walls that are 4 feet in height or less in the front yard setback do not require an administrative Conditional Use Permit. Retaining walls that exceed four feet in height but are less than six feet (6') in height require review by the City Engineer
12. Once the front retaining wall design is determined, and a report from the applicant's engineer and the city arborist are received from the applicant, staff will review the wall design and make a determination as to whether an administrative Conditional Use permit is required for the walls, based on the height of the proposed walls.

Conclusions of Law – 505 Woodside – Appeal

1. The existing grade of the lot, in areas proposed for the addition and driveway, does not meet the requirements for applicability of a Steep Slope Conditional Use permit. The existing grades are not thirty percent (30%) or greater when measured for a minimum horizontal distance of fifteen feet (15') in areas proposed for development.
2. If the front retaining wall is redesigned to be greater than six feet (6') in height, then an administrative conditional use permit will be required prior to issuance of a building permit for construction of the front wall.

Order

1. The Planning Staff did not err in the determination that a Steep Slope CUP was not required for the proposed additions or new driveway for 505 Woodside Avenue.
2. The Planning Staff did not err in the determination that the driveway slope does not exceed 14%.
3. Appellant's request for a reversal of the Planning Staff's decision to not require a Steep Slope Conditional Use Permit is denied.

The Planning Commission adjourned the regular meeting and moved into work session to discuss the General Plan. The work session discussion can be found in the Work Session Minutes dated March 27, 2013.

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

Approved by Planning Commission: _____

Planning Commission Staff Report



Subject: 343 Park Avenue Subdivision- plat amendment
Author: Kirsten Whetstone, Senior Planner
Date: April 10, 2013
Type of Item: Administrative – Plat Amendment
Project Number: PL-13-01836

Summary Staff Recommendation

Staff recommends that the Planning Commission hold a public hearing for the 343 Park Avenue re-plat 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: Russell Long, owner
Location: 343 Park Avenue
Zoning: Historic Residential (HR-1)
Adjacent Land Uses: Residential single family and condominiums
Reason for Review: Plat amendments require Planning Commission review and City Council approval

Proposal

The applicant is requesting a plat amendment (Exhibit A) for the purpose of combining Lot 11 with the southerly one-half of Lot 12, Block 3 of the Park City Survey. There is an existing historically significant house on the property straddling the common lot line (Exhibit B). The applicant wishes to combine the lots to remove the property line the house was constructed over, thus resolving an existing encroachment issue.

Background

The property consists of one and one-half “Old Town” lots. The lots have frontage on Park Avenue and are located within the HR-1 zoning district. There is an existing historic house on the property that is listed as a “Significant” structure on the City’s Historic Sites Inventory (HSI).

On February 11, 2013, the owner submitted an application for a plat amendment to combine the lots in order to create one (1) legal lot of record for the existing house and to resolve the encroachment issue caused by the house straddling the property line. There are other minor encroachments of low rock retaining walls along the north and south property lines, as well as very minor encroachment onto the Park Avenue right-of-way (ROW) that will be resolved either by removal of the encroachment or by recordation of an encroachment easement, prior to recordation of the final plat. The application was deemed complete on February 15, 2013.

Analysis

The current application is a request to combine one and one-half lots into one lot of record containing 2,812 square feet of lot area. The HR-1 zone requires a minimum lot area of 1,875 square feet for a single family house and 3,750 square feet for a duplex. The lot meets the required lot size for the existing single family house.

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.

Re-platted Lot 1

- Min Lot Size: 1,875 square feet (sf) (2,812 sf existing with re-plat)
- Max Footprint: 1,200.68 sf (1128.9 sf existing)
- Min Front/Rear Setbacks: 10 feet (14.5 feet /17.6 feet existing)
- Min Side Setbacks: 3 feet (5 feet existing)
- Maximum Height: 27 feet (25 feet existing)

The proposed plat amendment does not create any new non-conforming situations. Existing encroachments will need to be resolved prior to recordation of the plat. There are rock walls from adjacent lots to the north and south as well as minor encroachments of the front rock wall onto Park Avenue ROW. These encroachments are addressed in the conditions of approval to be resolved prior to recordation of the plat by either removing the encroachments or by recording easements for them.

Good Cause

Planning Staff finds that there is good cause for this plat amendment as the plat amendment resolves encroachment issues that resulted from construction of the house across a property line as well as minor encroachments due to existing retaining walls. The plat amendment also secures public snow storage easements across the frontage of the proposed lot. Staff finds that the plat will not cause undo harm to adjacent property owners and all requirements of the Land Management Code for any future development can be met.

Process

Approval of this application by the City Council constitutes Final Action that may be appealed following the procedures in LMC 1-18. A Historic District Design Review application or pre-application is required prior to issuance of any building permits for new construction on the property. Any area proposed for future construction that meets requirements for applicability of a Steep Slope Conditional Use permit shall be reviewed for compliance with the Steep Slope Conditional Use permit review criteria, prior to issuance of any building permits.

Department Review

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

Notice

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

Public Input

No public input was received at the time of writing this report. Public input may be taken at the regularly scheduled Planning Commission public hearing and at the Council meeting noticed for May 2, 2013.

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council on the 343 Park Avenue re-plat as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council on the 343 Park Avenue re-plat and direct staff to make Findings for this decision; or
- The Planning Commission may continue the public hearing and discussion on the 343 Park Avenue re-plat to a date certain and provide direction to the applicant and/or staff to provide additional information necessary to make a recommendation.
- The “take no action” alternative is not an option for administrative plat amendments.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The lots would remain as they currently exist and the house would remain encroaching across the common lot line. A building permit for new construction could not be issued due to the existing encroachments.

Recommendation

Staff recommends that the Planning Commission hold a public hearing for the 343 Park Avenue re-plat and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

Exhibits

Ordinance

Exhibit A- Plat

Exhibit B- Existing conditions site plan

Exhibit C- Aerial photo/vicinity Map

Exhibit D- Photos

Draft Ordinance

Ordinance No. 13-

**AN ORDINANCE APPROVING THE 343 PARK AVENUE REPLAT
COMBINING LOT 11 WITH THE SOUTHERLY HALF OF LOT 12, BLOCK 3,
AMENDED PLAT OF THE PARK CITY SURVEY, LOCATED IN PARK CITY, UTAH**

WHEREAS, the owner of property located at 343 Park Avenue petitioned the City Council for approval of the 343 Park Avenue re-plat; 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 April 10, 2013, to receive input on the 343 Park Avenue Subdivision plat amendment;

WHEREAS, the Planning Commission, on April 10, 2013, forwarded a recommendation to the City Council;

WHEREAS, the City Council held a public hearing on May 2, 2013; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 343 Park Avenue re-plat to combine Lot 11 with the southerly half of Lot 12 in order to create a lot of record for an existing historically significant structure, to resolve encroachment issues that resulted from construction of the house across a property line as well as minor encroachments due to existing retaining walls. The plat amendment also secures public snow storage easements across the frontage of the proposed lot.

WHEREAS, Staff finds that the plat will not cause undo harm to adjacent property owners and all requirements of the Land Management Code for any future development can be met.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The 343 Park Avenue re-plat as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 343 Park Avenue and consists of one and one half "Old Town" lots, namely Lot 11 and the southerly half of Lot 12, Block 3, of the amended Park City Survey.
2. The property is located within the Historic Residential (HR-1) zoning district.

3. There is an existing historic house straddling the common lot line. The house is listed as a "Significant" Historic Structure on the Park City Historic Sites Inventory. There are also various rock retaining walls in the front, side, and rear yards that encroach upon the adjacent property or City ROW.
4. Constructed across the underlying Park City Survey lot lines, the existing historic house is a complying structure in terms of setbacks, footprint, and height.
5. The property has frontage on Park Avenue and the combined lot contains 2,812 square feet of lot area. The minimum lot area for a single family lot in the HR-1 zone is 1,875 square feet. The minimum lot area for a duplex in the HR-1 zone is 3,750 sf.
6. Single family homes are an allowed use in the HR-1 zone.
7. On February 11, 2013, the owner submitted an application for a plat amendment to combine the lot and one half into one lot of record for the existing single family house.
8. The application was deemed complete on February 15, 2013.
9. The HR-1 zone requires a minimum lot area of 1,875 square feet.
10. The property has frontage on and access from Park Avenue.
11. The lot is subject to the Park City Design Guidelines for Historic Districts and Historic Sites for any new construction on the structure.
12. A Steep Slope Conditional Use Permit is required for any new construction over 1,000 sf of floor area and for any driveway/access improvement if the area of construction/improvement is a 30% or greater slope for a minimum horizontal distance of 15 feet.
13. The proposed plat amendment does not create any new non-complying or nonconforming situations.
14. There are existing encroachments onto the proposed lot that will need to be resolved prior to recordation of the plat, these encroachments include rock walls in the front, side, and rear property.
15. The maximum building footprint allowed for Lot One is 1,200.68 square feet per the HR-1 LMC requirements and based on the lot size. The existing house has a building footprint of 1128.9 square feet.
16. The plat amendment secures public snow storage easements across the frontage of the lot.
17. There is good cause to combine Lot 11 with the southerly half of Lot 12 in order to create a lot of record for an existing historically significant structure, to resolve encroachment issues that resulted from construction of the house across a property line as well as minor encroachments due to existing retaining walls. The plat amendment also secures public snow storage easements across the frontage of the proposed lot.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Approval of an HDDR application is a condition precedent to issuance of a building permit for construction on the lot.
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 per the LMC.
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 lot with Park Avenue and shall be shown on the plat.
7. Encroachments across property lines must be addressed prior to plat recordation and shall either removed or encroachment easements shall be provided.

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

PASSED AND ADOPTED this ____ day of May 2, 2013.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, MAYOR

ATTEST:

Jan Scott, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

SURVEYOR'S CERTIFICATE

I, Martin A. Morrison, certify that I am a Registered Land Surveyor and that I hold Certificate No. 43373 in the State of Utah. I have personally surveyed and measured the land shown on this plat 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

All of Lot 11 and the South 1/2 of Lot 12, Block 3, Park City Survey, as recorded in Summit County Records' Office, according to the official plat thereof, on file and of record in the Summit County Recorder's Office.

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 shown hereafter as 343 PARK AVENUE REPLAT, does hereby certify that he has caused this plat to be prepared and hereby consent to the recording of this plat.

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

ACKNOWLEDGEMENT

Russell Long, Owner

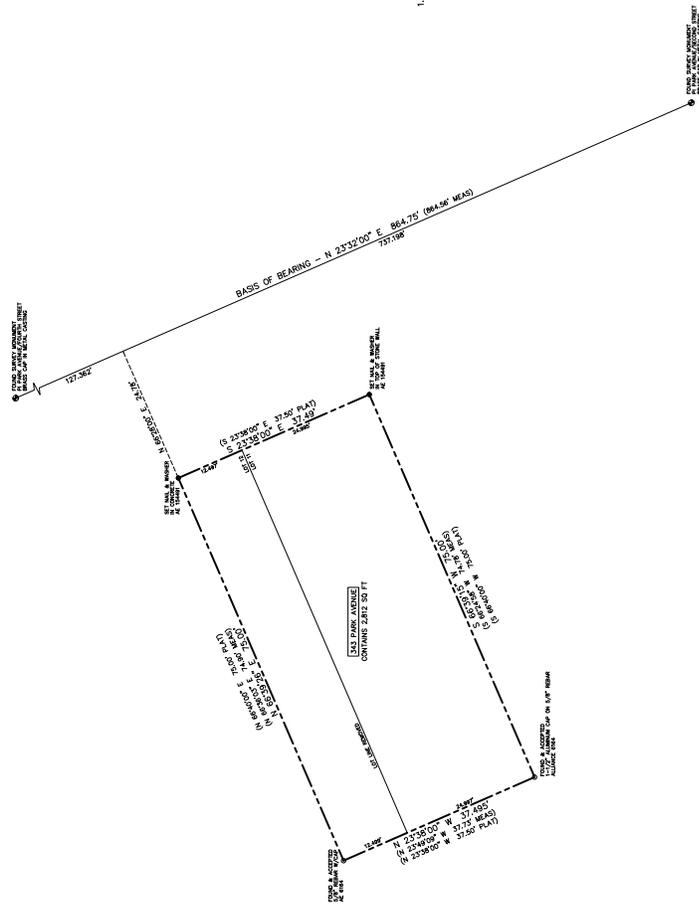
State of _____
 County of _____
 On this _____ day of _____, 2013, Russell Long personally appeared before me, the undersigned Notary Public, in and for said state and county, having been duly sworn, Russell Long acknowledged to me that he is the owner of the herein described tract of land, and that he signed the above Owner's Dedication and Consent to Record hereof and consent to record hereof and consent to record hereof.

A Notary Public commissioned in Utah

Printed Name _____
 Residing in _____
 My commission expires _____

NOTES

1. Basis of survey: Found survey monuments as shown. A projection was applied based upon the measured distance between the survey monuments.



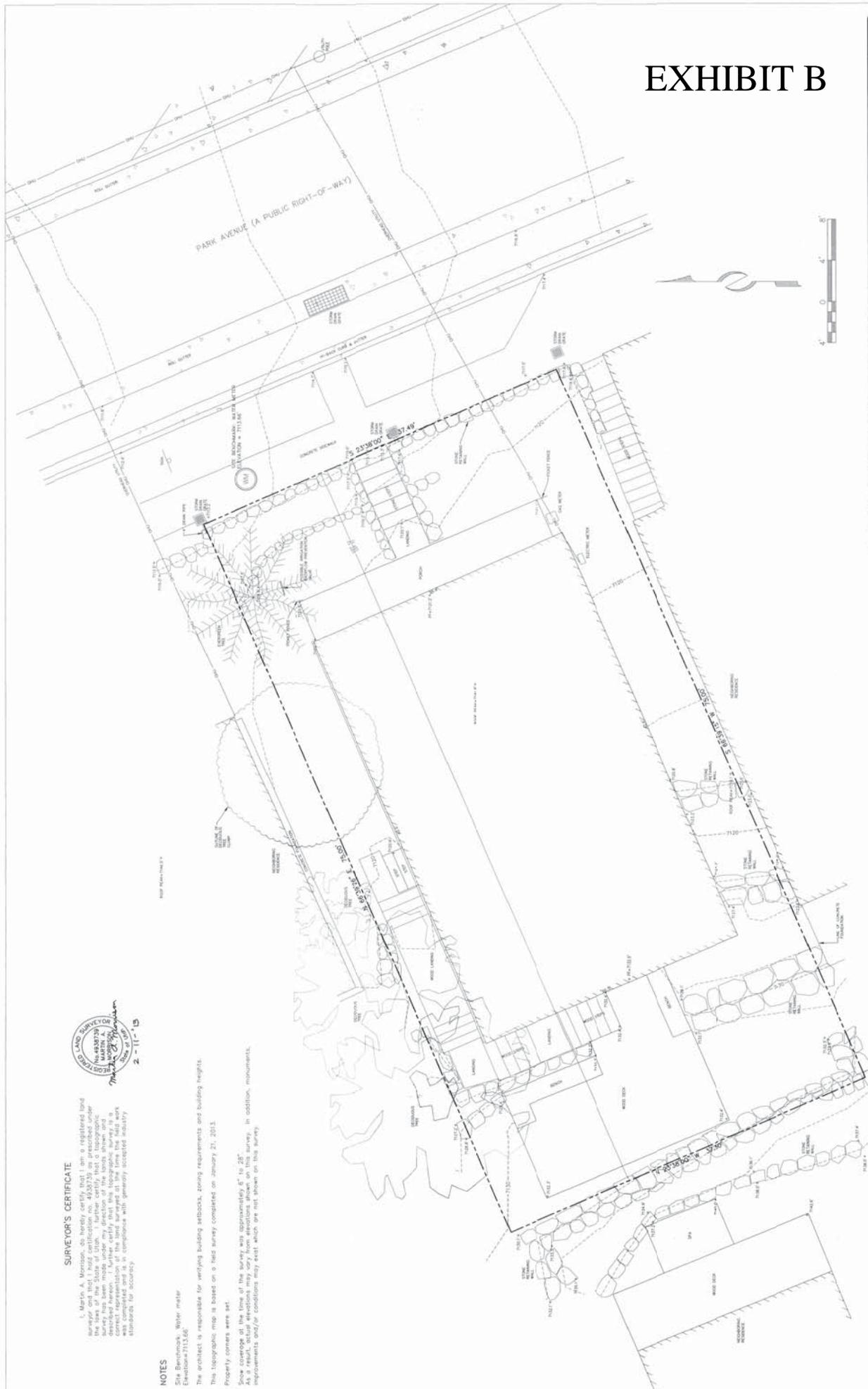
THE SOUTHERLY 1/2 OF LOT 12 IN BLOCK 3, PARK CITY SURVEY
343 PARK AVENUE REPLAT
 LOCATED IN THE SOUTHEAST QUARTER OF SECTION 16
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
 PARK CITY, SUMMIT COUNTY, UTAH



<p>PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2013 A.D. BY _____ CHAIR</p>	<p>ENGINEER'S CERTIFICATE I ENDORSE THIS PLAT TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE UTAH SURVEYING ACT AS FILED IN MY OFFICE THIS _____ DAY OF _____, 2013 A.D. BY _____ PARK CITY ENGINEER</p>	<p>APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2013 A.D. BY _____ PARK CITY ATTORNEY</p>	<p>CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MADE BY _____ DAY OF _____, 2013 A.D. OF _____ BY _____ PARK CITY RECORDER</p>	<p>COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2013 A.D. BY _____ MAYOR</p>	<p>RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ BOOK _____ PAGE _____ ENTRY NO. _____ FEE _____ RECORDER _____</p>
---	---	--	--	--	---



EXHIBIT B



SURVEYOR'S CERTIFICATE

I, Martin A. Morrison, do hereby certify that I am a registered land surveyor in the State of Utah, License No. 443739. The survey has been made under my direction at the time shown and is a correct representation of the land surveyed at the time the field work was completed, in compliance with generally accepted industry standards for accuracy.



NOTES

1. Site Benchmarks: Water meter Elevation=713.66'
2. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
3. This topographic map is based on a field survey completed on January 21, 2013.
4. Property corners were set.
5. Snow coverage at the time of the survey was approximately 4" to 28". As a result, certain 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.

	STAFF: MARSHALL KING BRADY ANDERSON BLAKE MYERS	SHEET 1 OF 1
TOPOGRAPHIC SURVEY PARK CITY SURVEY, BLOCK 3 PARK AVENUE, 343 PARK AVENUE		
FOR: RUSSELL LONG JOB NO.: 4-1-13 FILE: A:\Projects\perry\topo\topo0313\04113.dwg		
DATE: 2/11/13		

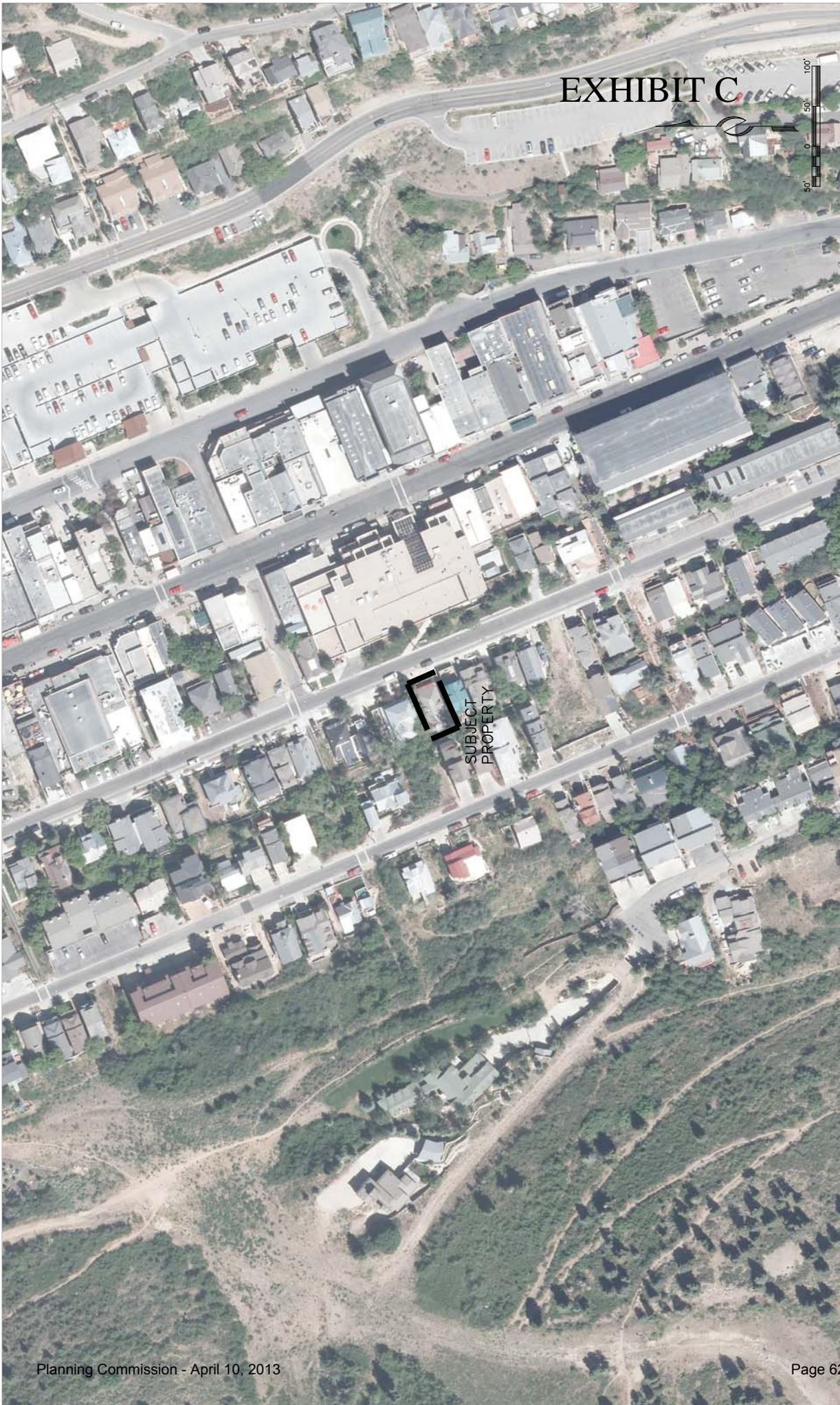


EXHIBIT C

SHEET
1
OF
1

AERIAL PHOTOGRAPH
343 PARK AVENUE
BLOCK 3, PARK CITY SURVEY
FOR: RUSSELL LONG
JOB NO. 24-1-13
FILE: X:\ParkCitySurvey\Map\Exhibit\343 park avenue-ortho.png

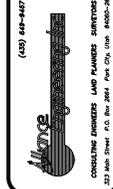
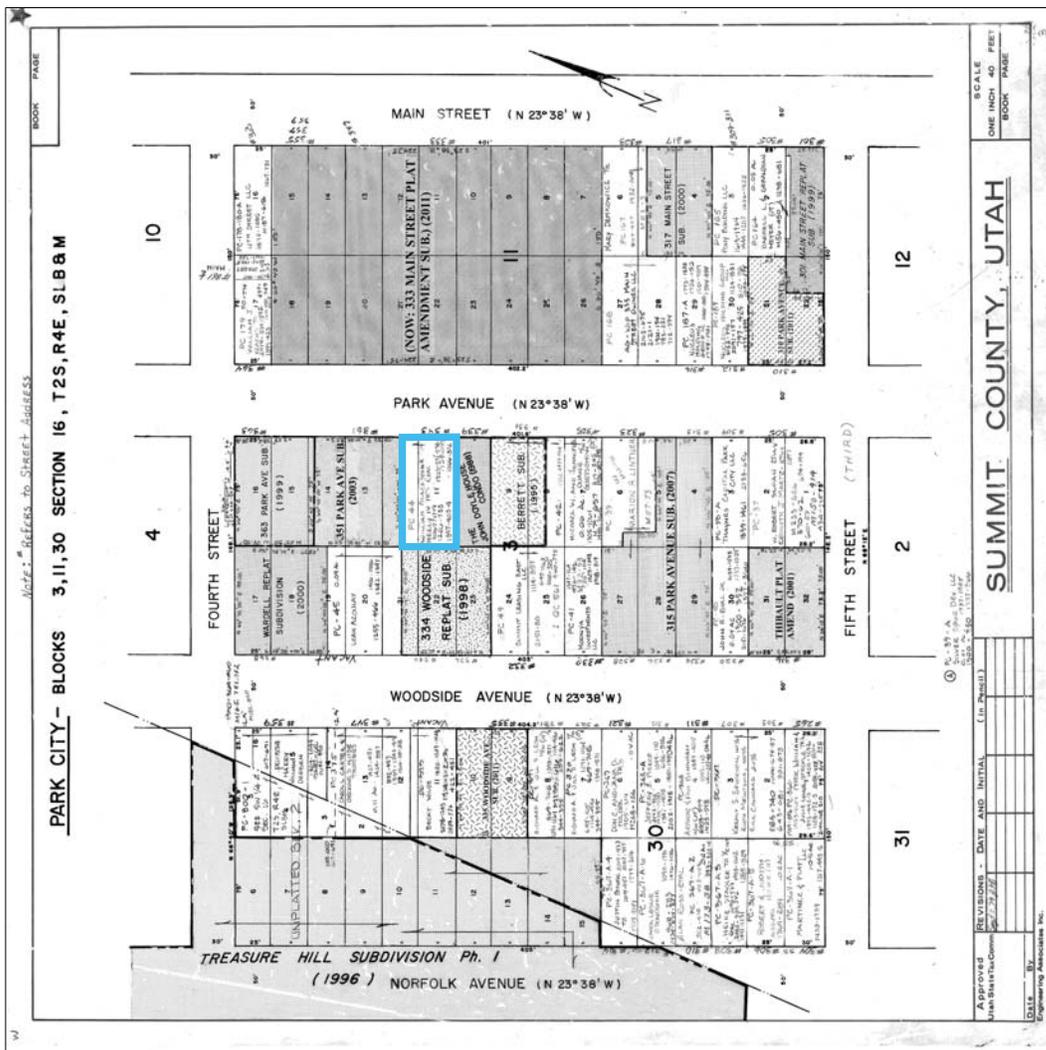
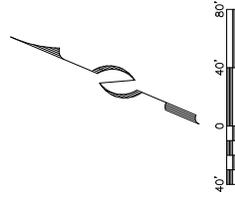
STAFF:
MARSHALL KING
DATE: 2/5/13

(435) 648-8427



INSURANCE PRODUCTS
1450 KENNEDY BLVD. SUITE 200
2210 SOUTH 2000 EAST, PROVO, UT 84601-2000

EXHIBIT C2



STAFF:
MARSHALL KING

OWNERSHIP PLAT
343 PARK AVENUE
FOR: RUSSELL LONG
JOB NO: 4-1-13
FILE: K:\ParkCitySurvey\Map, Exhibit\343 park avenue-ownership map.dwg

SHEET
1
OF
1



343 Park Avenue Rear





343 Park Avenue Front

Planning Commission Staff Report



Subject: 206 Grant Avenue Plat Amendment
Author: Mathew Evans, Senior Planner
Date: April 10, 2013
Type of Item: Administrative – Plat Amendment
Project Number: PL-13-01819

Summary Recommendations

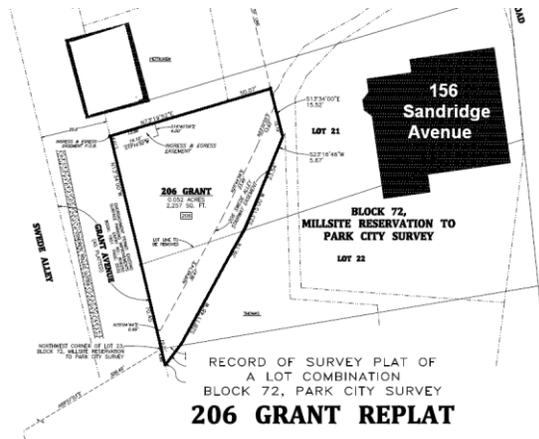
Staff recommends that the Planning Commission hold a public hearing for the Grant Avenue Plat Amendment and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

Description

Applicant: Myke Hughes
Location: 206 Grant Avenue (Swede Alley)
Zoning: Historic Residential (HR-2 – Subzone “B”)
Adjacent Land Uses: Residential and Commercial
Reason for Review: Plat amendments require Planning Commission review and City Council approval

Proposal:

The applicant is requesting a Plat Amendment for the purpose of combining the west portion of Lots 21 and 22, Block 72 of the Millsite Reservation to Park City, into one new lot of record. The applicant is exploring one of two possibilities for the property; a garage to provide covered parking for their existing historic home located on an adjacent lot on 156 Sandridge Avenue, or a small home. Both proposals will require the combination of the two partial lots. Future development processes will include a Historic District Design Review (HDDR) and possibly a Steep Slope Conditional Use Permit.



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

In May, 2012, the applicant submitted a Historic District Design Review (HDDR) pre-application to explore the possibility of constructing either a new two-car parking garage or a new single-family home on the subject property. Staff noted that any proposed development on the property will require that any existing lot lines be removed through the plat amendment process. The property is vacant with exception of the "206 Swede Alley" Staircase, which was previously constructed on the property in about 1994 and

exists as an easement granted to the City (by the City, who was the previous property owner) in 2006.

The City purchased the property out of receivership (foreclosure) prior to 2006. The City actually purchased four properties in total, including 222, 210, and 206 Grant Avenue, as well as the Imperial Hotel property at 221 Main Street. Since that time all of the properties have been sold, and likely re-sold to individuals. It was likely during this time that the City owned the property that they recorded the stairway easement. There has been some confusion regarding the previous use of the property for parking at the Imperial Hotel. When 206 Grant was under the same ownership, the flat part of the property was used for parking for the Imperial Hotel. However, once the property was sold, there was no parking easement retained or implied. It does not appear that the parking was constructed to meet any sort of City standards, as there is just asphalt along the frontage of the property adjacent to Swede Alley, and appears to vary between 6-10 feet from the curb. Most of the asphalt is within the Grant Avenue right-of-way based on the survey provided by the applicant.

Analysis

The existing parcel appears to be a remnant of the western portion of Lots 21 and 22 Block 72 of the Millsite Reservation to Park City. These lots have frontage onto both Grant and Sandridge Avenue. The 206 Grant Avenue property is vacant and therefore is not listed as historically “significant” or as a “landmark” site of the City’s Historic Sites Inventory. The adjacent 156 Sandridge property that is on the other portions of Lots 21 and 22 that have frontage onto Sandridge Avenue are listed on the HSI as both Significant and Landmark.

Staff has reviewed the proposed plat amendment request and found compliance and potential compliance with the following Land Management Code (LMC) requirements for lot size, allowed footprint, setbacks, width, and other factors:

206 Grant Ave HR-2(B) Zone Designation Lot Requirements

- Lot Size: 2,257 square feet
- Required Minimum Lot Size: 1,875 square feet
- Maximum Allowed Footprint 994 square feet
- Lot Width: 70.45 feet
- Required Setbacks – Front/Rear: 20 feet, 10 feet minimum
- Required Setbacks – Side: 14 feet total, 5 feet minimum
- Maximum Height: 27 feet

The lot itself is the limiting factor for potential development for the site. The lot configuration is wide (70+ feet) in the front, and narrows to approximately fifteen feet (15’) in the rear. The wide-width of the lot dictates a greater side yard setback that would be typical of a lot this size. Staff has calculated that, based on the lot configuration and setback requirements, the achievable building pad would be approximately 600 square feet, with a potential building envelope (three stories) of

to match the existing pattern along the east side of Swede Alley, which are smaller homes and garages close to the street opposite to the back side of commercial buildings that front on Main Street. The plat amendment is necessary in order for the applicants utilize the property for any sort of future development. If left un-platted, the property remains as two substandard lots. Although the shape of the proposed Lot is not ideal, the lots left un-platted are even less rectangular and more un-usable.

Staff finds that the plat will not cause undo harm on any adjacent property owner because the proposal meets the requirements of the Land Management Code and all future development will be reviewed for compliance with requisite Building and Land Management Code requirements. The proposed uses are contemplated in this zone.

The property is the location of the 206 Swede Avenue Staircase which runs diagonal from Swede Alley along the side of the hill up to Sandridge Avenue. An easement for the staircase was recorded in on the property in 2006, although the stairs were likely constructed before the easement was put in place (Sustainability Staff estimates 1994). The staircase provides connectivity from the Sandridge parking lot and residential area of Marsac, Ontario, McHenry, etc. to Main Street. As shown on the proposed plat, the easement will remain in place and be memorialized on the plat when recorded.

Any development on the new Lot will require at least a Historic District Design Review (HDDR). Because the backside of the lot exceeds 30% slope, any structure over 1,000 square feet (total, not just footprint) will require a Steep Slope CUP if located in this area. Future variances for the property are unlikely due to the fact that the size and shape of the lot is being created here and the lot is buildable albeit challenged. As is standard for all plat amendments, a ten foot (10') wide snow storage easement will be required along the frontage of the lot.

Process

Approval of this 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. There were no issues related to service delivery to the project, both water and sewer are readily available to the property

Notice

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

Public Input

No public input was received at the time of writing this report. Public input may be taken at the regularly scheduled Planning Commission public hearing and at the Council meeting May 2, 2013.

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council for the 206 Grant Avenue Plat Amendment as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the 206 Grant Avenue Plat Amendment and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on 206 Grant Avenue Plat Amendment to a date certain.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The proposed plat amendment would not be recorded and two existing parcels would not be adjoined, leaving both lots as “substandard” and undevelopable.

Recommendation

Staff recommends the Planning Commission hold a public hearing for the 206 Grant Avenue Plat Amendment and forward a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Exhibits

Ordinance

Exhibit A – Vicinity Map

Exhibit B – Plat and Record of Survey

Draft Ordinance

Ordinance No. 13-

**AN ORDINANCE APPROVING THE 206 GRANT AVENUE PLAT AMENDMENT
LOCATED AT 206 GRANT AVENUE, PARK CITY, UTAH.**

WHEREAS, the owner of property located at 206 Grant Avenue have petitioned the City Council for approval of the 206 Grant Avenue 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 April 10, 2013 and April 10, 2013, to receive input on the 206 Grant Avenue Plat Amendment;

WHEREAS, the Planning Commission, on the April 10, 2013, forwarded a recommendation to the City Council;

WHEREAS; the City Council, held a public hearing on May 2, 2013; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the 206 GRANT Avenue Plat Amendment.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The 206 Grant Avenue Plat Amendment as shown in Exhibit B 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 206 Grant Avenue within the Historic Residential (HR-2 Subzone "B") District.
2. The property is vacant and is not shown on the Historic Sites inventory as a significant site and there are no structures located on the property other than the 206 Swede Alley Stairs.
3. The applicants are requesting to combine two partial Old Town lots into one buildable Lot for the purpose of future development on the property. The applicant has previously contemplated either a garage to serve their existing home on Sandridge Avenue or a small home on the property, both of which are allowed uses within the HR-2 District.

4. The plat amendment is necessary in order for the applicant to move forward with and HDDR for the purpose of a basement level and rear yard addition to the home.
5. The amended plat will create one new 2,257 square foot lot.
6. Currently the property is comprised of a portion of Lots 21 and 22, Block 72 of the Millsite Addition to Park City Plat. Neither portion meets the minimum lot size requirements alone.
7. The property is triangular in shape, and due to required setbacks, has a limited building pad available.
8. Any development on the site will require a Historic District Design Review (HDDR) prior to the issuance of a building permit.
9. Any development on the property in excess of 1,000 square feet will require a separate Steep Slope Conditional Use Permit (CUP) if proposed on areas of 30% or greater slope.
10. The lots by themselves are substandard and not developable unless combined with other properties.
11. The proposed lot meets/exceeds the minimum lot size established in the HR-2 District.
12. The maximum building footprint allowed is 994 square feet per the HR-2 LMC requirements. However, potential development on the property is limited by required setbacks and the shape of the lot, which will likely limit the achievable building pad to approximately 600 square feet, and a conceivable building area of approximately 500 square feet (+/- based on typical building form constraints).
13. The wide-width and unusual configuration of the lot requires by Code a greater side yard setback than what is typical with a lot of this size. The staircase easement is within the side yard easement (ten feet required, whereas easement is seven feet). The shape of the lot will likely dictate that the developed area be on the opposite side of the lot from the staircase.
14. There is Good Cause to approve the proposed plat amendment as the plat does 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 requisite Building and Land Management Code requirements. The proposed plat, when recorded, will provide the City with snow storage easements, as well as memorialize the staircase easement for public pedestrian connectivity between the Sandridge Avenue and Swede Alley residential areas and Main Street.
15. There are no known issues related to the ability to provide required utilities to the property. Water and sewer are readily available to the property.
16. There is a recorded easement for parking and access to the benefit of 210 Grant Avenue on the north property line that is entirely within the north side-yard setback (encroachment is approximately four feet, setback is five feet) that is shown on the plat. There are no other known encroachments to be resolved.
17. The property is located within the Soils Disposal Ordinance Area.

Conclusions of Law:

1. There is good cause for this plat amendment.

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. No building permit for any work shall be issued unless the applicant has first made application for a Historic District Design Review and a Steep Slope CUP application if applicable
4. Modified 13-D sprinklers may be required by the Building Official for new any construction.
5. A 10 foot wide public snow storage easement will be provided along the frontage of the property.
6. Any soil removed from the property during excavation is required to be properly disposed of at an approved site to accept contaminated soils

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

PASSED AND ADOPTED this ____ day of May, 2013.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, MAYOR

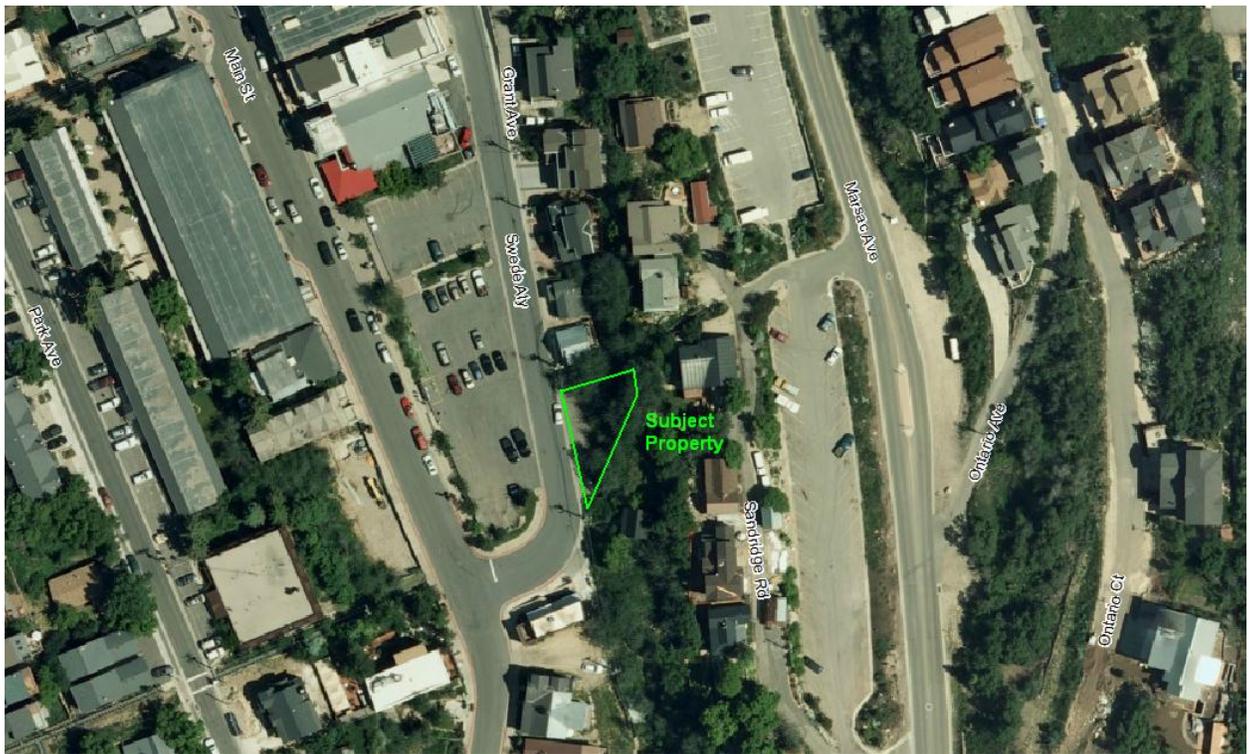
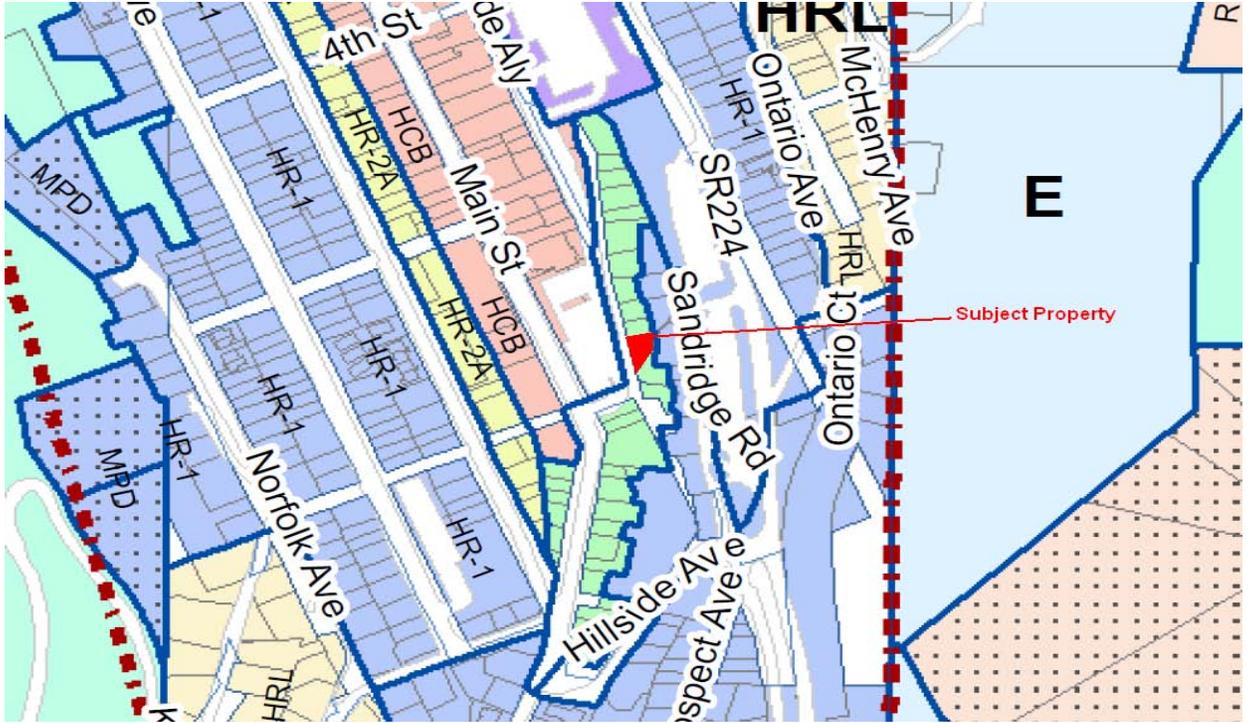
ATTEST:

Jan Scott, City Recorder

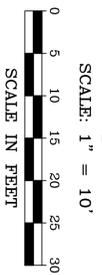
APPROVED AS TO FORM:

Mark Harrington, City Attorney

Exhibit A



NORTHEAST CORNER OF AMENDED PLAN OF PARK CITY



SURVEYOR'S CERTIFICATE

I, JOHN W. FRANCOM, A PROFESSIONAL LAND SURVEYOR HOLDING LICENSE NO. 156213 IN ACCORDANCE WITH THE LAWS OF THE STATE OF UTAH HEREBY CERTIFY THAT I HAVE MADE A SURVEY OF THE HEREIN DESCRIBED PARCEL AND THAT THIS PLAN IS A TRUE AND CORRECT REPRESENTATION OF SAID SURVEY.

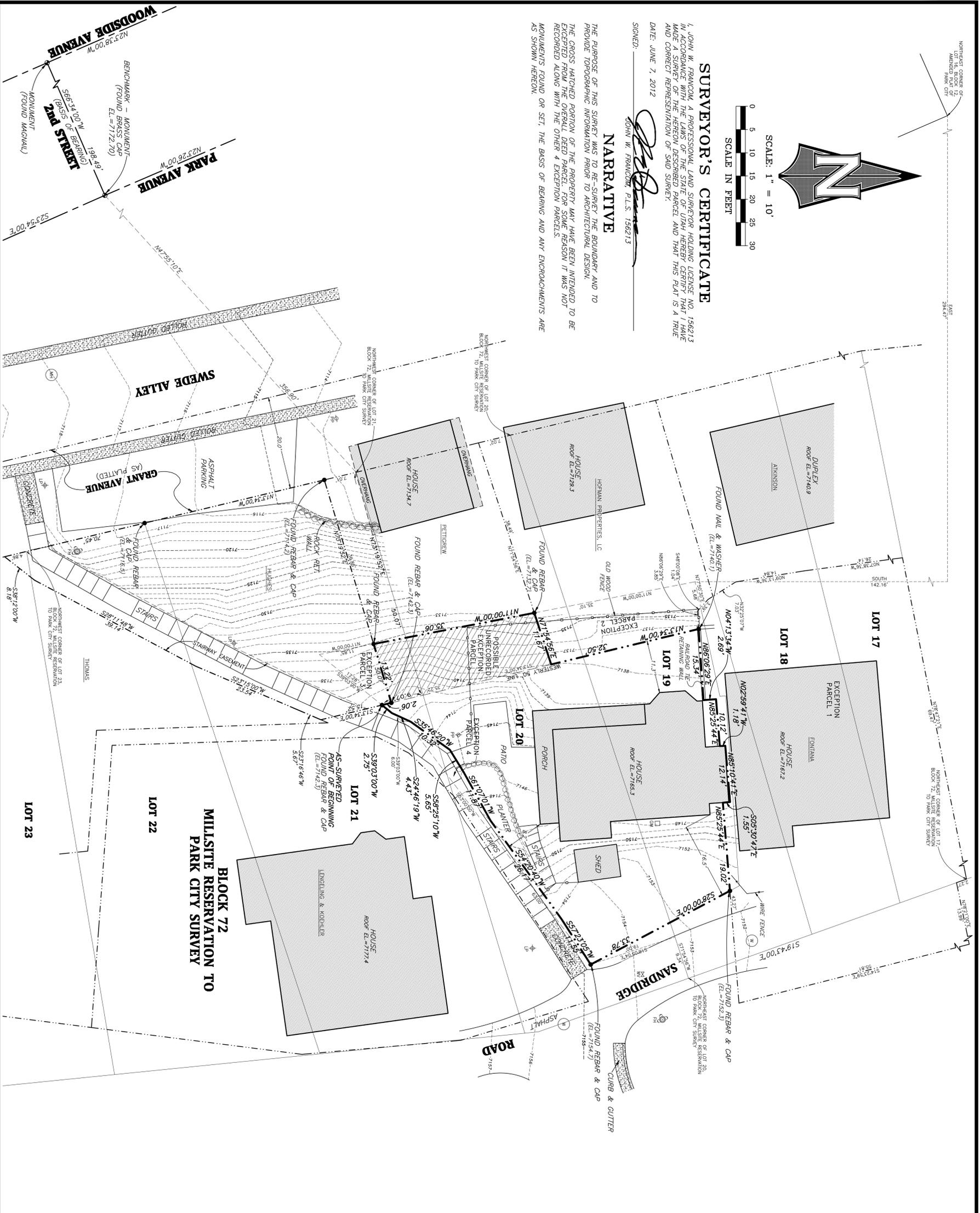
DATE: JUNE 7, 2012

SIGNED: *[Signature]*
JOHN W. FRANCOM P.L.S. 156213

NARRATIVE

THE PURPOSE OF THIS SURVEY WAS TO RE-SURVEY THE BOUNDARY AND TO PROVIDE TOPOGRAPHIC INFORMATION PRIOR TO ARCHITECTURAL DESIGN. THE CROSS HATCHED PORTION OF THE PROPERTY MAY HAVE BEEN INTENDED TO BE EXCEPTED FROM THE OVERALL DEED PARCEL, FOR SOME REASON IT WAS NOT RECORDED ALONG WITH THE OTHER 4 EXCEPTION PARCELS.

MONUMENTS FOUND OR SET, THE BASIS OF BEARING AND ANY ENCROACHMENTS ARE AS SHOWN HEREON.



DEED DESCRIPTION

BEGINNING AT AN EXISTING FENCE CORNER THAT IS DUE EAST 294.47 FEET AND DUE SOUTH 142.16 FEET FROM THE NORTHEAST CORNER OF LOT 16, BLOCK 12, AMENDED PLAN OF PARK CITY; THENCE NORTH 77°50'30" EAST ALONG A FENCE 28.22 FEET; THENCE NORTH 4° WEST 1.25 FEET; THENCE NORTH 86° EAST BETWEEN TWO HOUSES 41.0 FEET TO THE WESTERLY SIDE OF AN EXISTING ROAD; THENCE SOUTH 28° EAST ALONG SAID ROAD 36 FEET TO THE EXTENSION OF THE NORTHWESTERLY SIDE OF A 3 FOOT WOODEN STAIRWAY; THENCE SOUTH 53° WEST ALONG SAID STAIRWAY 63 FEET TO AN ANGLE POINT; THENCE CONTINUING ALONG SAID STAIRWAY SOUTH 39°03' WEST 28.03 FEET TO A POINT ON A FENCE LINE EXTENDED; THENCE NORTH 1°03' WEST 28.03 FEET; THENCE SOUTH 82.0 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPTING THE FOLLOWING:

PARCELS OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, SAID PARCELS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

(1) DESCRIPTION FOUND IN INSTRUMENT RECORDED IN BOOK 646 AT PAGE 407, SUMMIT COUNTY RECORDS.

(2) BEGINNING AT A POINT THAT IS SOUTH 13°34'00" EAST 7.02 FEET AND NORTH 71°54'56" EAST 38.49 FEET FROM THE NORTHWEST CORNER OF LOT 20, BLOCK 72, MILLSITE RESERVATION TO PARK CITY SURVEY; AND RUNNING THENCE ALONG THE WESTERLY AND NORTHERLY BOUNDARIES OF A PARCEL DESCRIBED IN THAT CERTAIN QUIT-CLAIM DEED RECORDED ON APRIL 28, 1987, IN BOOK 429 AT PAGE 254 AS ENTRY #270452 THE FOLLOWING TWO (2) COURSES: (1) NORTH 11°00'00" WEST 35.10 FEET; THENCE (2) NORTH 77°50'30" EAST 5.68 FEET TO THE SOUTHERLY BOUNDARY OF A PARCEL DESCRIBED IN THAT CERTAIN QUIT-CLAIM DEED RECORDED MAY 1, 1988, IN BOOK 1141 AT PAGE 466 AS ENTRY #508809; THENCE ALONG THE SOUTHERLY BOUNDARY OF SAID PARCEL THE FOLLOWING TWO (2) COURSES: (1) SOUTH 48°00'08" EAST 1.04 FEET; THENCE (2) NORTH 88°06'29" EAST 3.85 FEET TO THE LINE OF THE WESTERLY 50 FEET OF LOT 19, BLOCK 72, MILLSITE RESERVATION TO PARK CITY; THENCE ALONG SAID WESTERLY 50-FOOT LINE SOUTH 13°34'00" EAST 32.50 FEET; THENCE SOUTH 71°54'56" WEST 11.67 FEET TO THE POINT OF BEGINNING.

(3) BEGINNING AT A POINT THAT IS SOUTH 13°34'00" EAST 7.01 FEET AND NORTH 71°54'56" EAST 36.85 FEET FROM THE NORTHWEST CORNER OF LOT 21, BLOCK 72, MILLSITE RESERVATION TO PARK CITY SURVEY; RUNNING THENCE NORTH 71°19'52" EAST 13.22 FEET TO THE LINE OF THE WESTERLY 50 FEET OF LOT 21, BLOCK 72, MILLSITE RESERVATION TO PARK CITY SURVEY; THENCE ALONG THE WESTERLY 50-FOOT LINE SOUTH 13°34'00" EAST 2.06 FEET TO THE SOUTHERLY BOUNDARY OF A PARCEL DESCRIBED IN THAT CERTAIN QUIT-CLAIM DEED RECORDED ON APRIL 28, 1987, IN BOOK 429 AT PAGE 254 AS ENTRY #270452; THENCE ALONG THE SOUTHERLY AND WESTERLY BOUNDARIES OF SAID PARCEL THE FOLLOWING TWO (2) COURSES: (1) SOUTH 39°03'00" WEST 17.28 FEET; THENCE (2) NORTH 11°00'00" WEST 11.85 FEET TO THE POINT OF BEGINNING.

(4) BEGINNING AT A POINT THAT IS SOUTH 71°54'56" WEST 9.34 FEET AND SOUTH 18°05'04" EAST 19.00 FEET FROM THE NORTHWEST CORNER OF LOT 20, BLOCK 72, MILLSITE RESERVATION TO PARK CITY SURVEY, SAID POINT ALSO BEING ON THE BOUNDARY OF A PARCEL DESCRIBED IN A QUIT-CLAIM DEED, ENTRY #211237, RECORDED SEPTEMBER 26, 1983, IN THE OFFICE OF THE SUMMIT COUNTY RECORDER, SUMMIT COUNTY, UTAH, AND RUNNING THENCE ALONG THE BOUNDARY OF SAID QUIT-CLAIM DEED SOUTH 39°03'00" WEST 6.00 FEET; THENCE SOUTH 53°10'00" WEST 63.00 FEET; THENCE (2) SOUTH 39°03'00" WEST 6.00 FEET; THENCE NORTH 24°46'19" EAST 4.43 FEET; THENCE NORTH 35°46'20" EAST 6.10 FEET; THENCE NORTH 58°25'10" EAST 5.65 FEET; THENCE NORTH 81°07'01" EAST 11.87 FEET; THENCE NORTH 54°20'10" EAST 26.17 FEET; THENCE NORTH 57°23'05" EAST 11.55 FEET TO THE POINT OF BEGINNING.

AS-SURVEYED DESCRIPTION

BEGINNING AT A POINT WHICH IS NORTH 73°19'52" EAST 50.07 FEET AND SOUTH 13°34'00" EAST 9.07 FEET FROM THE NORTHWEST CORNER OF LOT 21, BLOCK 72, MILLSITE RESERVATION TO PARK CITY SURVEY; RUNNING THENCE NORTH 73°19'52" EAST 14.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 13°34'00" WEST 2.06 FEET; THENCE SOUTH 73°19'52" WEST 13.22 FEET; THENCE NORTH 11°00'00" WEST 53.06 FEET; THENCE NORTH 71°54'56" EAST 11.67 FEET; THENCE NORTH 13°34'00" WEST 32.50 FEET; THENCE NORTH 86°08'29" EAST 15.34 FEET; THENCE NORTH 04°13'34" WEST 2.69 FEET; THENCE NORTH 85°28'44" EAST 10.12 FEET; THENCE SOUTH 05°30'42" EAST 1.53 FEET; THENCE NORTH 85°10'41" EAST 12.14 FEET; THENCE SOUTH 28°00'00" EAST 33.78 FEET; THENCE SOUTH 57°23'05" WEST 11.87 FEET; THENCE SOUTH 54°20'10" WEST 26.17 FEET; THENCE SOUTH 35°46'20" WEST 10.32 FEET; THENCE SOUTH 24°46'19" WEST 4.43 FEET; THENCE SOUTH 39°03'00" WEST 2.75 FEET TO THE POINT OF BEGINNING.

CONTAINS: 0.080 ACRES (3,464 SQUARE FEET)

JOHN W. FRANCOM & ASSOCIATES
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MIKE HUGHES
206 SWEDE ALLEY & 222 SANDRIDGE ROAD
PARK CITY, UTAH 84060

REVISIONS:

DRAWN BY: JAS	CHECKED BY: JWF	SURVEYED BY: NLE/JAS
DATE: 6/5/12	JOB NO: 12-021	ELEC. DATA COLLECTION
		DWG: HUGHES-TOPO

SHEET DESCRIPTION: **BOUNDARY & TOPOGRAPHIC SURVEY**

SHEET NO. **1** OF **ONE**

Planning Commission Staff Report



Subject: 30 Sampson Avenue
Project #: PL-12-01487
Author: Mathew Evans, Senior Planner
Date: April 10, 2013
Type of Item: Administrative – Steep Slope Conditional Use Permit

Summary Recommendations

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

Description

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

Proposal

This application is a request for a Steep Slope Conditional Use Permit for a new residence (home) to be located at 30 Sampson Avenue. The vacant lot is located within the Historic Residential Low (HRL) Zone designation. The HRL Zone requires that any new construction 1,000 square feet or greater, on slopes exceeding thirty percent (30%), first obtain a Conditional Use Permit for steep slope construction prior to the issuance of a building permit.



Background

On January 5, 1995, the City Council approved the “30, 40, and 50 Sampson Avenue Amended Plat,” also known as the Millsite Supplemental Plat Amended Subdivision, which was a combination of thirteen (13) whole and partial lots as well as a portion of “Utah Avenue” within the original Millsite addition to Park City Subdivision Plat. The Plat was recorded with a note that limited the “maximum size for residential structures” to 3,000 square feet for Lots One (1) and Three (3), and 3,500 square feet for Lot Two (2). The conditions of approval reflect that there would be a 400 square foot “credit” for garages (see Exhibit “C”). This application is for Lot Three (3) of the Millsite Supplemental Plat Subdivision totaling 7,089 square feet.

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

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

This application is a request for a Conditional Use Permit (CUP) for construction of a new single family dwelling including a detached garage. Because the total proposed structure square footage is greater than 1,000 square feet and would be constructed on a slope greater than thirty percent (30%), the applicant is required to file a CUP application for review by the Planning Commission, pursuant to LMC § 15-2.1-6. A Historic District Design Review (HDDR) application is being reviewed concurrently by staff for compliance with the Design Guidelines for Historic Districts and Historic Sites adopted in 2009. No action has been taken on the HDDR as the Steep Slope CUP process is required prior to the processing of the HDDR.

On August 22, 2012, this application came before the Planning Commission and Public Comment was taken at the same meeting (see meeting minutes attached as Exhibit “E”). The Planning Commission closed the Public Hearing and voted unanimously to continue the item to a date uncertain for the purpose of reviewing the existing definition of “stories”. The applicant has since requested to have the application put back before the Planning Commission for consideration of the Steep Slope CUP. In an effort to reduce the mass and scale of the garage, the applicant has re-designed the garage from a side-by-side two door configuration, to a one door tandem garage.

Also, based upon the Planning Commission’s subsequent discussions regarding the definition of stories, this application for a home with a detached garage appears to meet the three story requirement under the current definition in the code. The plans show a detached garage that includes an elevator, which connects to a patio area in front of the

house. Since the garage is detached, it does not violate the 3 story height restriction in the code.

The current LMC defines of a “story” as follows:

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

On December 12, 2012, the applicant came back before the Planning Commission on as a work session item, the minutes of which are attached hereto as Exhibit “F”. During the meeting, the Planning Commission brought up the following summary of potential issues related to the proposed Conditional Use Permit in no particular order. Staff notes are in *italics*:

- The comparison of existing houses on page 61 of the Staff report and suggested that the Staff also include the proposed project to the table to make it easier to compare. *Staff notes: This has been addressed.*
- Compatibility of the proposed home with existing historic structures is an issue based on the purpose statement of the HRL District, although it was acknowledged that larger structures had been constructed on Sampson Avenue in the past.
- 201 and 205 Norfolk Avenue properties should be discarded from the Existing Home Size Analysis due to the fact that they are not Sampson Avenue properties or located within the HRL District. *Staff notes: Staff included these properties for two reasons; both lots have driveway access to Sampson Avenue, and; 205 Norfolk Avenue is an adjacent property. Also noted by Staff is that the HR-1 District is actually less restrictive than the HRL in terms of minimum lot size, and allowed uses. Furthermore, Staff should point out that the adjacent Lot 1 of the Treasure Hill Subdivision, which is directly adjacent to the subject property, has an allowable footprint of 3,500 square feet per the Treasure Hill MPD. The proposed home at 30 Sampson is closer to the potential building sites of the Norfolk and King Road homes than it is to that of homes located on Sampson Avenue.*
- The proposed deck that connects the elevator to the main level of the home is a possible LMC violation because the deck attaches both buildings. The Planning Commission is concerned that this area could eventually be “filled in” to become one structure. *Staff note – The deck, so long as it is within the setback, can extend from one structure to another without violating the LMC. The deck is not counted towards the footprint of the home, and the deck is treated much the same way a patio would be, extending from one structure to another, again, so long as they are on the same property and so long as they are within the required setback area. There is no foundation for the deck, thus it is not technically adjoining the buildings together as one structure. Building Code does not regulate this issue because a deck is not a structure in the same way a building encloses and/or attaches living space. Staff cannot speak to the scenario of the area becoming a structure in the future because there is no way to anticipate what future LMC codes will allow the applicant to do with this area. If the codes*

were relaxed to allow greater footprint, etc., it is conceivable that more home additions would be proposed for any number of properties in old town.

- The story height of the proposed structures is compromised by the deck extension from the elevator to the top floor of the proposed home because connecting the two buildings would cause it to exceed three stories. *Staff notes: See previous Staff notes above. The deck extension from one building to another does not connect the two structures any more than a patio would or cement walkway would connect the two. The deck is not footprint and does not have a foundation.*
- The proposed facade of the home should be made to look and feel more historic in term of presentation. *Staff note – The Design Guidelines for Historic Districts and Historic Sites discourages the mimicking of historic design, but rather suggests that new homes and structures “compliment” existing historic structures nearby, in terms of like materials and form. The design of the proposed home has not been approved, and requires a Staff level review, as well as a Design Review Team review of the proposed elevations. The Planning Commission is not approving the design of the home, only the location, form, mass, scale, and other considerations as described in LMC § 15-2.1-6.*
- The proposed basement does not meet the requirement as stipulated in the letter from former Community Development Director Richard E. Lewis that clarified that the maximum size for residential structures noted on the plat excluded basements as defined by the LMC, so long as no portion of the basement was above ground. *Staff notes: The proposed basement is entirely underground with the only exposure coming from the building code-required window wells for emergency egress. The plans do not indicate that any portion of the proposed basement is above ground. Basements, as explicitly noted in CDD Lewis’ letter, are not counted into floor area calculations for residential properties.*
- Snow shedding onto adjacent property is a concern. *Staff note: This item has been addressed in the Conditions of Approval. The Building Official will have to review the proposed plans for snow shedding, which the applicant will have to prove mitigation for prior to the issuance of a building permit.*
- The LMC encourages homes on steep slopes be stepped with the grade and broken into a series of individual smaller components, as well as encourages detached garages, and that the applicant has done both, but the proposed structure is still incompatible with the volume and mass of surrounding homes. The design appears to comply with these requirements.
- The proposed home is across the street from 41 Sampson Avenue, and the proposal it is not compatible with respect to mass, scale, size, etc. *Staff note: The owner of 41 Sampson Avenue has plans to lift the home and place a basement foundation underneath, and also anticipates a historically compatible addition to the home. Staff has not seen the proposal and cannot speak to the actual size of the contemplated additions to the square feet; however the conceivable footprint based on lot size alone, is 1,830 square feet.*

Purposes of the HRL District

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

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

Analysis

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

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

The applicant is proposing required two off-street parking spaces. There are two off-street spaces provided, one within the garage and one provided on an un-covered parking pad. In addition to the parking pad spot, the one-car garage is about two feet short of meeting the requirement for two tandem spaces so there would be parking for 3 vehicles albeit one would have to be small. A variation to the parking dimensions could be allowed by the City Engineer, but only two spaces are required, thus the applicant meets the minimum requirements for the two spaces.

The main home has a footprint of 1,189 square feet with a total of 3,601 square feet, and the total size of all the structures (excluding basement and 400 square feet for garage) is 2,996 square feet. The total space including the detached garage is 4,132

square feet. Below is an analysis of each floor and accounts for the total square footage of the entire project:

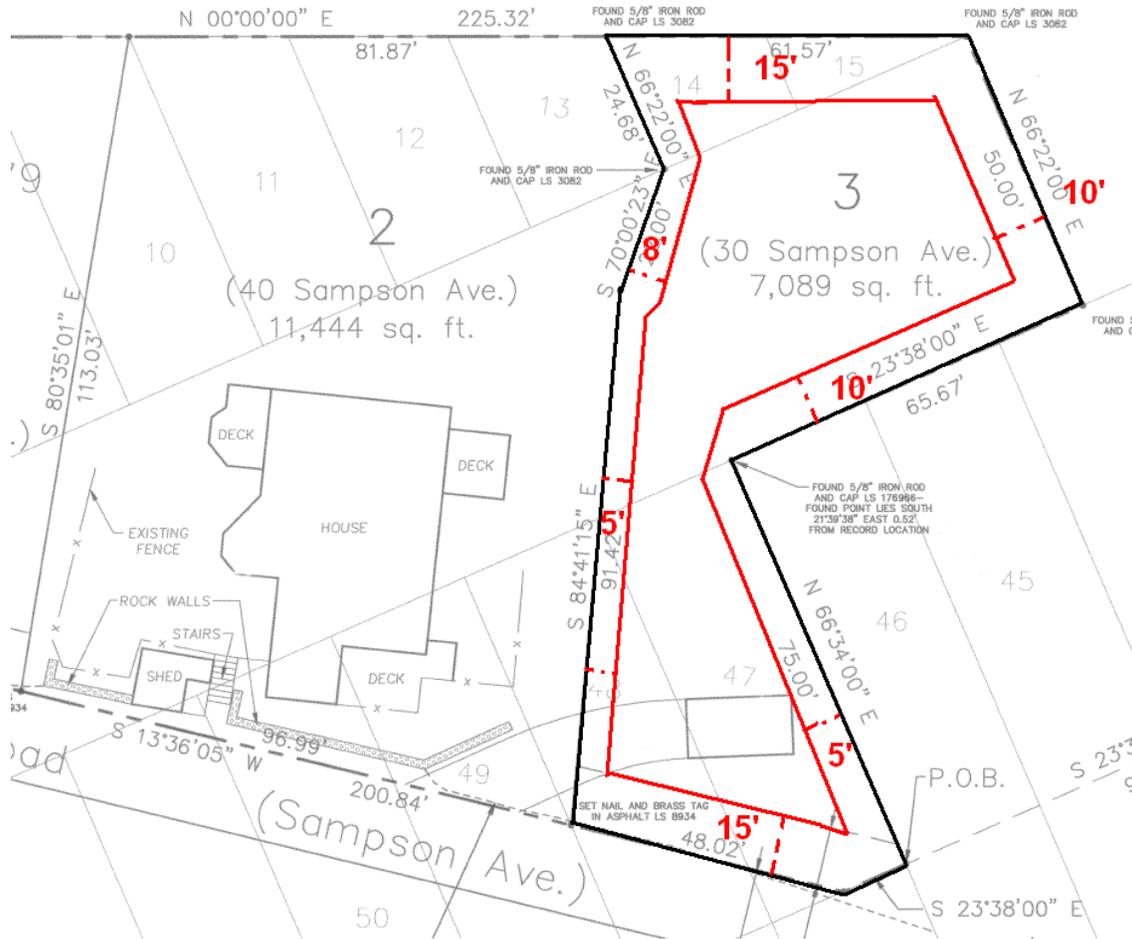
Floor	Proposed floor area
3 rd Story	1,209 square feet – Main (top) Level
2 nd Story	1,203 square feet – Lower Level
1 st Story	1,189 square feet – Basement
Garage/Accessory Building Area	453 square feet garage (400 sq ft allowance) 350 square feet – Garage Entry Area 180 square feet – Mud Room
Overall area	4,585 grand total square feet + garage
Overall size (excluding basement and 400sf for the garage)	2,996 square feet (above grade living space)
Total size above grade (including garage)	3,396 square feet total above grade including 400 sq ft garage allowance)

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

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

Setback Determination	
Required Setbacks	Proposed Setbacks
1. Front Yard – 15 feet (10 feet per LMC)	(East) Front – 15 feet (complies)
2. Side Yard south property line to “tapper” area (see diagram below) – 5 Feet (3 to 5 feet per LMC)	South Side-yard – 5 feet (complies)
3. Side Yard north property line to the southwest corner of Lot 46, Block 78 of the Subdivision #1 of the Millsite Reservation – 5 feet (5 feet per LMC)	North Side-yard – 5 feet (complies)
4. Combined Side Yards (north and south) of main portion of lot – 18 feet total, south-side shall be 8 feet; north-side shall be 10 feet (6 to 10 feet per	Combined north/south side-yard for main body of lot – 18 feet total (complies)

LMC)	
5. Rear Yard – 15 feet (10 feet per LMC)	Rear yard – 15 feet (complies)
6. North Side Yard property line – 10 feet (5 feet per LMC)	Side-yard north for main portion - 10 feet (complies)
7. West Side Yard property line – 10 feet (10 feet per LMC)	Side-yard west property line – 10 feet (complies)



The above ground square footage equates to sixty-nine percent (69%) of the total building size with the remaining 1,189 square feet of building space located underground. The total square footage (including the garage) above ground is 3,396 square feet which is compliant with the 1998 clarification letter written by Community Development Director Lewis.

Staff made the following LMC related findings:

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

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

Existing Home Size Analysis – Neighboring Properties
(based on Summit County Records available to Staff as of 12-7-12)

Address	House Size + garage (sq. ft.)	Footprint (total sq. ft. estimate)	Total Size (sq. ft.)	Lot Size (total ac/sq. ft.)
205 Norfolk	7,711 + 612	3,200	8,323	.38 or 16,553
201 Norfolk	4,286 + 546	2,165	4,832	.14 or 6,115
16 Sampson*	3,684 + 457	2,160	4,141	.14 or 6,100
40 Sampson	(Unknown) + 0	1,746	0**	.26 or 11,444
41 Sampson	908 + 0	908 (1,830 possible)	908	.11 or 4,792
50 Sampson	3,674 + 500	1,830	4,174	.16 or 6,970
60 Sampson	3,800 + 446	1,900	4,246	.15 or 6,534
99 Sampson	2,990 + 500	1,500	3,490	.10 or 4,560
121 Sampson	1,854 + 0	680	1,854	.15 or 6,534
131 Sampson	2,085 + 240	750	2,325	.14 or 6,098
133 Sampson	2,593 + 626	1,200	3,219	.09 or 3,920
135 Sampson	3,014 + 484	560	3,498	.13 or 5,600
30 Sampson	3,471 + 1114	2,272	4,585	.16 or 7,089

*HDDR and SS-CUP previously approved, but the home is not yet built.

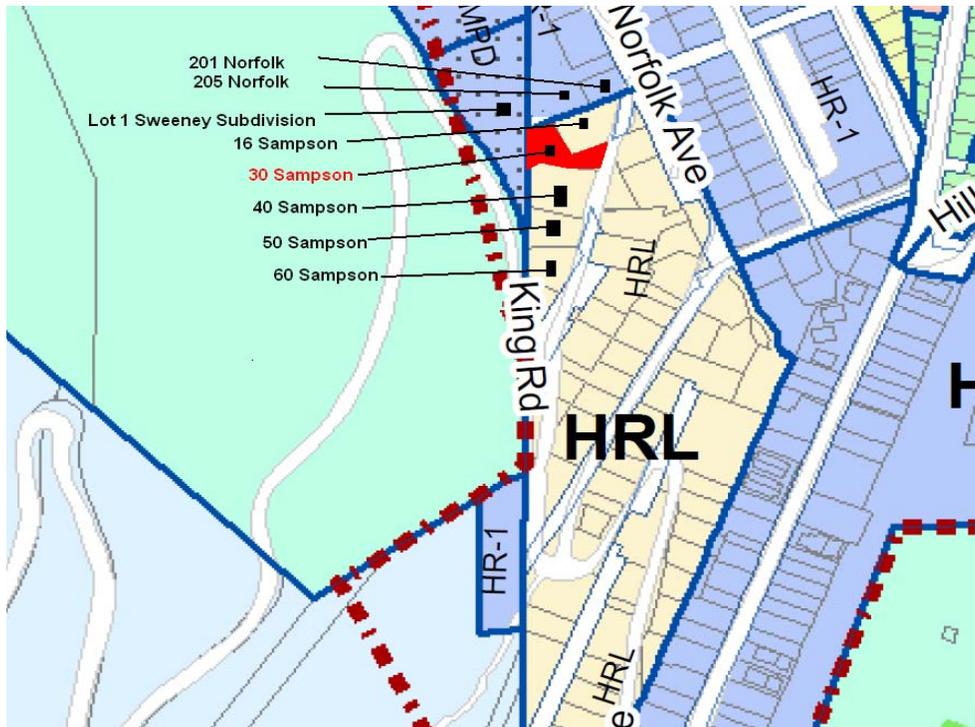
**Not used to calculate average home size below, however lot size and footprint were used.

Based on the analysis above with the numbers available to Staff through City and County records available on this date, the average total home size for the adjoining properties and the Sampson Avenue properties is 3,728 square feet, the average lot size is .16 acres, and the average footprint is approximately 1,550 square feet.

It is important to note that the subject property is 7,089 square feet, which would be the second largest lot on Sampson Avenue. Only 40 Sampson Avenue has a bigger lot (11,444 square feet), and the next closest in size is 50 Sampson Avenue with a 6,970 square foot lot. The home size of 40 Sampson Avenue is unknown, but county records show a footprint of 1,746 square feet (a portion of the house is two stories), and 50 Sampson Avenue is 4,074 with a footprint of 1,830 square feet.

Considering the proposed location of the proposed home on Sampson Avenue, all adjacent properties should be considered in the analysis, not just the Sampson Avenue properties. The proposed home will actually be situated closer to 205 Norfolk and the any future home built on Lot 1 of the Treasure Hill Subdivision, which sits directly to the west of (above) 30 Sampson Avenue. Thus the existing footprint and home size of 201

and 205 Norfolk are included. It is also important to consider the potential of Lot 1 of the Treasure Hill Subdivision has an allowed footprint of 3,500 square feet (per the Treasure Hill MPD). As previously noted, 201 and 205 Norfolk Avenue (as well as Lot 1 Treasure Hill) are in the HR-1 District, which is less restrictive than the HRL District with respect to lot size and allowed uses (see illustration below).



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

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

Criteria 1: Location of Development.

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

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

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

The proposed coverage of the building is thirty-one percent (31%) of the overall lot. The applicant is proposing to plant forty (40) new trees on the property, and there is some existing native vegetation located on the lot, some of which will be disturbed; however, there are no large native trees or evergreens identified on the property, and the level of disturbance of existing vegetation will be mitigated by the planting of new vegetation as shown on the attached plans (sheet A02 of Exhibit A).

Criteria 2: Visual Analysis.

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

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

For the purpose of visual analysis it's also important to keep in mind that there are two more homes to be built in the area that are directly adjacent to the subject property, 16 Sampson Avenue, which is roughly the same size as 30 Sampson Avenue, and Lot 1 of the Treasure Hill Subdivision, which is approved for a 3,500 square foot footprint. Lot 1 of Treasure will be built at a higher elevation, and roughly adjacent to the location of the 30 Sampson Home. When built, the Lot 1 Treasure Hill home could potentially tower over 30 Sampson considering it is higher up the hillside, and has a much larger allowable footprint.

Criteria 3: Access.

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

The proposed design incorporates a driveway from Sampson Avenue. The applicant is proposing retention on both sides of the driveway. The driveway access will be located on the south side of the lot where the finished grade of the street and the natural grade of the lot are closest in elevation. Again, as proposed, there will be minor retention of the driveway on both sides, although the access points and driveways are designed to minimize Grading of the natural topography and reduce the overall Building scale.

The driveway has a maximum slope of nine percent (9%). The applicant is proposing a one-car garage (not quite legal for two spaces within the garage) and one additional uncovered parking space provided on a pad adjacent to the garage, which will provide a total of two legally recognized parking spaces. The LMC requires two (2) off-street parking spaces. Because Sampson Avenue is an extremely narrow street, there is no available on-street parking. This means that the owners and guests will need to park on-site and parking is provided on site for this.

Criteria 4: Terracing.

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

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

Criteria 5: Building Location.

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

The building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography. The proposed house sits on the uphill side of the lot where there is area with less than thirty percent (30%) slope on which to build. The existing eight-sided lot was approved in 1995 as a recorded subdivision lot. The lot is somewhat hourglass-shaped with a vast majority of the buildable area located in the rear of the lot. The street side of the lot has limited building area available which has dictated the location of the proposed home. The site design, reduced building footprint (smaller than what is allowed per code), and increased setbacks (to the code minimums established in the HRL District) maximize the opportunity for open area and natural vegetation to remain. Although the proposed home will be located on Sampson Avenue, it will appear as though it's grouped together with the larger homes on King Road within the Treasure Hill subdivision. As previously noted, the home will be closer to Lot 1 of Treasure Hill, which has an allowable footprint of 3,500 square feet, than it will be to the smaller, historic homes on Sampson Avenue. Only the garage will have a "presence" on Sampson Avenue.

Criteria 6: Building Form and Scale.

Where Building masses orient against the Lot's existing contours, the Structures must be stepped with the Grade and broken into a series of individual smaller components that are Compatible with the District. Low profile Buildings that orient with existing contours are strongly encouraged. The garage must be subordinate in design to the main Building. In order to decrease the perceived bulk of the Main Building, the

Planning Commission may require a garage separate from the main Structure or no garage. **No unmitigated impacts.**

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

The garage is detached and completely subordinate to the main home and the design of the main building. The home and garage/elevator building are separated by a ten foot (10') setback. Only the elevator building connects directly to the garage and is only accessible to the home by a patio and deck area, which is considered flatwork and is not connected by foundation. The connection between the garage the elevator is completely underground and not visible. Only two (2) stories of the proposed home are exposed, with the basement completely underground with no portion thereof expose.

The top level (3rd story) consists of approximately 1,209 square feet, approximately one-half (½) of the total allowed above-ground square feet, and the exposed massing significantly steps with the hillside. The lower level contains 1,203 square feet which is above ground, the remaining 1,189 square feet of building space is under ground. The garage is 546 square feet (total w/mudroom and entry way) which is above ground and steps between 17to 24 feet in height.

Criteria 7: Setbacks.

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

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

Criteria 8: Dwelling Volume.

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

Discussion Requested.

The proposed house is both horizontally and vertically articulated and broken into compatible massing components. The design includes two detached buildings; the increased setbacks (per the Planning Director’s Setback Determination per LMC Section 15-4-17) offer variation and the proposed lower building height for portions of

the structure reduces visual mass. Since the submittal of the initial design, the applicant has redesigned the garage to a one-door bay with a tandem garage, rather than two separate side-by-side garage doors. Does the Planning Commission believe a reduction in mass is necessary? A change, or increase in building articulation that would still be compliant with setbacks, or does the unique shape of the lot compensate for this?

Criteria 9: Building Height (Steep Slope).

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

The proposed home does meet the twenty-seven feet (27') maximum building height requirement measured from existing grade. The unique shape of the lot has dictated the design of the home, with the garage portion close to the street, and the main structure (home) to be situated further up the hill where the vast majority of the buildable area exists. The garage and the house as they appear on the color rendering appear to create a significant mass – does the Planning Commission believe this is compatible with the neighborhood, considering two adjacent homes (one within the same zone district) are larger? The applicant has noted that the home will likely not be visible from the Street to those passing by due to the location of the home further up the hill. It is also conceivable that a home could be built above 30 Sampson, as Lot 1 of the Treasure Hill Subdivision is a buildable, vacant lot with a conceivably much larger footprint than that of 30 Sampson's footprint.

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

Process

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

Department Review

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

Public Input

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

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

Since the last meeting, the applicant has revised the site plan and landscape plan to address many of the concerns raised by Ms. Schneckloth (see Exhibit "A" pages 1 and 2). An e-mail from Ms. Schneckloth was forwarded to the Planning Commission on March 11, 2013.

Alternatives

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

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

A Conditional Use is an approved use with specific conditions to mitigate potential impacts of the proposed development. If denied, the applicant would not be able to move forward with the Historic District Design Review. The Planning Commission should consider approving the Steep Slope CUP with specific conditions of approval to mitigate any of the impacts as outlined in LMC § 15-2.1-6.

Recommendation

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

Findings of Fact:

1. The property is located at 30 Sampson Avenue.
2. The property is within the Historic Residential (HRL) District and meets the purposes of the zone.
3. The property is Lot 3 of the Millsite Reservation Supplemental Plat, which was recorded in 1995.
4. The Lot area is 7,088 square feet.
5. A Historic District Design Review (HDDR) application is currently being reviewed by staff for compliance with the Design Guidelines for Historic Districts and Historic Sites adopted in 2009.
6. The proposal consists of single family dwelling of 4,585 square feet which includes a 453 square foot detached garage, a 350 square foot garage entry and a 106 square foot access tunnel which is located below ground.
7. Plat notes indicate the maximum square footage allowed for this lot is 3,000 square feet with an additional allowance of 400 square foot for a garage.
8. A subsequent 1998 letter from the (then) Community Development Director determined that the 3,000 square foot maximum only applied to the above ground portion of the future dwelling, and that basement areas would not count against the 3,000 square foot maximum. This letter was recorded on the title of the property.
9. The applicant meets the 3,000 square foot house size maximum as recorded on the plat notes of the Millsite Reservation Amended Plat with the further clarification of the 400 square foot allowance for a garage and non-calculated basement area as long as the basement is located below the final grade.
10. An overall building footprint of 2,272 square feet is proposed. Under the current LMC, the maximum allowed footprint is 2,355.5 square feet, based on the total lot area.
11. The proposed home includes three (3) stories including a completely below grade basement level.
12. The proposed home and detached garage, are not considered a single structure and the proposed configuration is consistent with requirements of the LMC regarding the number of allowed stories within a structure.
13. The applicant submitted a visual analysis, including a model, and renderings showing a contextual analysis of visual impacts.
14. The proposed structure will not be seen from the key vantage points as indicated in the LMC Section 15-15-1.283, with the exception of a cross canyon view from the corner of the Main Street Trolley turn-around (Hillside Ave/Main Street/Daly Ave intersection), which is largely mitigated by the presents of dense vegetation and trees.
15. The cross canyon view contains a back drop of a two (2) story building and a 2 story garage below the home.
16. The proposed design incorporates a driveway from Sampson Avenue on the top slope of the street to avoid excessive cuts and grading for the proposed driveway.
17. Retaining is necessary around the home on the upper-side of the lot. The plans as shown indicate that there will be retaining walls around much of the site, but there will be no free-standing retaining walls that exceed six feet in height.

18. The building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography and will leave more than half of the lot undeveloped.
19. The site design, stepping of the building mass, reduced building footprint, and increased setbacks maximize the opportunity for open area and natural vegetation to remain.
20. As required by the LMC, the applicant is providing two legal off street parking spaces, including one legal covered space, and one legal pad-site space. There is no on-street parking available on Sampson Avenue due to its narrow width, although it is conceivable that one or two more cars could be parked on site depending upon size.
21. The detached garage/elevator building is set back fifteen feet (15') from the front property line, and the main portion of the building (the habitable portion of the overall dwelling) is located approximately 77 feet from the street.
22. 2,996 square feet of the total 4,041 square feet of building space is above ground.
23. 1,594 square feet of building space is under ground, which equates to thirty-six percent (36%) of the overall square footage.
24. The lot has been deemed to have eight (8) different sides, and thus a Planning Director determination for setbacks has previously been determined and calculated as outlined within the analysis section of the report.
25. The design includes setback variations (greater than those required within the HRL District) and lower building heights (than is allowed by code) for portions of the structure.
26. The proposed massing and architectural design components are compatible with both the volume and massing of other single family dwellings in the area.
27. The proposed structure meets the twenty-seven feet (27') maximum building height requirement measured from existing grade. Portions of the house are less than 27' in height.
28. Lot 1 of the Treasure Hill Subdivision, which is directly adjacent to the Subject property, has an allowed footprint of 3,500 square feet, and when built and if built to the maximum height and footprint, any future home on that property will appear visually much larger than the proposed home on 30 Sampson Avenue.
29. The findings in the Analysis section of this report are incorporated herein.
30. The applicant stipulates to the conditions of approval.
31. The necessary removal of vegetation from the site to accommodate the building will be mitigated by the installation of approximately forty (40) trees, seventy (70) shrubs and other plantings mixed with ground cover. A final landscape plan addressing the removal of existing vegetation and a replacement plan is required prior to the granting of a building permit. No significant trees (large evergreens or otherwise) are proposed to be removed.

Conclusions of Law:

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.1-6(B).
2. The CUP, as conditioned, is consistent with the Park City General Plan.
3. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.

4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval:

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
3. A final utility plan, including a drainage plan for utility installation, public improvements, and drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers prior to issuance of a building permit.
4. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
5. A final landscape and vegetation replacement plan shall be submitted for review and approved by the City Planning Department, prior to building permit issuance.
6. No building permits shall be issued for this project unless and until the design is reviewed and approved by the Planning Department staff for compliance with this Conditional Use Permit and the 2009 Design Guidelines for Historic Districts and Historic Sites.
7. If required by the Chief Building official based on a review of the soils and geotechnical report submitted with the building permit, the applicant shall submit a detailed shoring plan prior to the issue of a building permit. If required by the Chief Building official, the shoring plan shall include calculations that have been prepared, stamped, and signed by a licensed structural engineer.
8. This approval will expire on April 10, 2014, if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval is applied for before the expiration and is granted by the Planning Director.
9. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission on March 4, 2013.
10. All retaining walls within any of the setback areas shall not exceed more than six feet in height measured from final grade. Front setback retaining walls are limited to four feet, unless reviewed by the City Engineer for walls up to six feet. Walls over 6 feet require an administrative CUP, though none are anticipated.
11. A snow shed agreement and/or snow shed mitigation shall be required, and is required to meet the satisfaction of the Chief Building Official prior to the issuance of the building permit for the home.

Exhibits

Exhibit A – Stamped Survey and Plans (site plan, elevations, floor plans, landscape plan) and Aerial Map

Exhibit B – Visual Analysis

Exhibit C – City Council Meeting Minutes for the Millsite Reservation Supplemental Plat.

Exhibit D – Richard E. Lewis letter to property owner(s) of the Millsite Reservation Supplemental Plat.

Exhibit E – August 22, 2012 Planning Commission meeting Minutes.

Exhibit F – December 12, 2012 Planning Commission Work Session Minutes.

JORGENSEN RESIDENCE

HISTORIC DISTRICT DESIGN REVIEW / STEEP SLOPE CONDITIONAL USE APPLICATION SET

30 SAMPSON AVENUE PARK CITY, UTAH 84060

Jonathan DeGray
Architect
P.O. Box 1674, 614 Main Street, Suite 202, Park City, Utah 84060
Tel: 435-649-7263, E-mail: degrayjrch@qwestoffice.net

JORGENSEN RESIDENCE
HISTORIC DISTRICT DESIGN REVIEW AND
STEEP SLOPE CONDITIONAL USE APPLICATION SET
30 SAMPSON AVENUE, PARK CITY, UTAH 84060

COVER SHEET

DATE: NOVEMBER 19, 2012
PROJECT NUMBER: 1112-02
SHEET NUMBER:

Aa

CONSULTANTS

INDEX TO DRAWINGS

#	SHEET #	COVER SHEET	SHEET DESCRIPTION
1	Aa	COVER SHEET	SURVEY
2	1of1	TOPOGRAPHIC MAP	ARCHITECTURAL
3	A0.1	ARCHITECTURAL SITE PLAN	
4	A0.2	LANDSCAPE PLAN	
5	A1.1	GARAGE LEVEL PLAN	
6	A1.2	BASEMENT LEVEL PLAN	
7	A1.3	LOWER LEVEL PLAN	
8	A1.4	MAIN LEVEL PLAN	
9	A1.5	ROOF PLAN	
10	A2.0	STREETSCAPE ELEVATION	
11	A2.1	NORTH AND SOUTH ELEVATIONS	
12	A2.2	EAST AND WEST ELEVATIONS	
13	A2.3	WEST ELEVATION	
14	A2.4	GARAGE SOUTHEAST AND NORTHEAST ELEVATIONS	
15	A2.5	HOUSE AND GARAGE SOUTH ELEVATION	
16	A3.1	BUILDING SECTIONS	

CODE ANALYSIS

GARAGE	AREA SQUARE FOOT CALCULATIONS		GARAGE
	BELOW GRADE	ABOVE GRADE	
ENTRY			530
MUD ROOM			181
BASEMENT	1189		
LOWER		1203	
MAIN		1209	
TOTALS	1189	2412	584
TOTAL ABOVE GRADE AREA = 2994 SF			
TOTAL LIVING AREA = 4132 SF (excludes garage)			

APPLICABLE CODES
 2009 IRC 2009 IPC 2009 IMC
 2011 NEC 2009 IFGC
 2009 BECC 2009 IRC

OCCUPANCY: R2

CONSTRUCTION TYPE: VB
 BUILDING TO BE FIRE SPRINKLED: CONTRACTOR
 TO PROVIDE APPROVALS PRIOR TO
 INSTALLATION.

ALLOWABLE AREA
 ABOVE GRADE LIVING AREA: 3,000 SF (PER PLAT
 APPROVAL)
 GARAGE ALLOWANCE: 400 SF (PER PLAT APPROVAL)
 MAX. ALLOWED FOOTPRINT AREA: 2,355 SF (PER LMC)

AREA CALCULATIONS
 LOT AREA: 7,083.39 SF
 FOOTPRINT AREA: 2,272 SF

LEGEND

	BRICK & STONE		ROOM NAME ROOM NUMBER
	EARTH		FLOOR, POINT ELEV.
	CONCRETE		CENTER LINE
	CONCRETE MASONRY UNIT		ROUND, DIA.
	STEEL (LARGE SCALE)		CHANNEL
	RIGID INSULATION		ANGLE
	ROUGH WOOD		DETAIL
	BLOCKING		SECTION CUT, DETAIL
	ALUMINUM (LARGE SCALE)		BUILDING SECTION
	GRAVEL		KEYED NOTES
	FINISHED WOOD		WINDOW TYPE
	BATT OR BLOWN INSULATION		DOOR NUMBER
	PLASTER, SAND, GROUT, MORTAR		REVISION
	STEEL (SMALL SCALE)		INTERIOR WALL ELEV.
	BITUMINOUS PAVING		WALL TYPE
	PLYWOOD		
	GYPNUM BOARD		

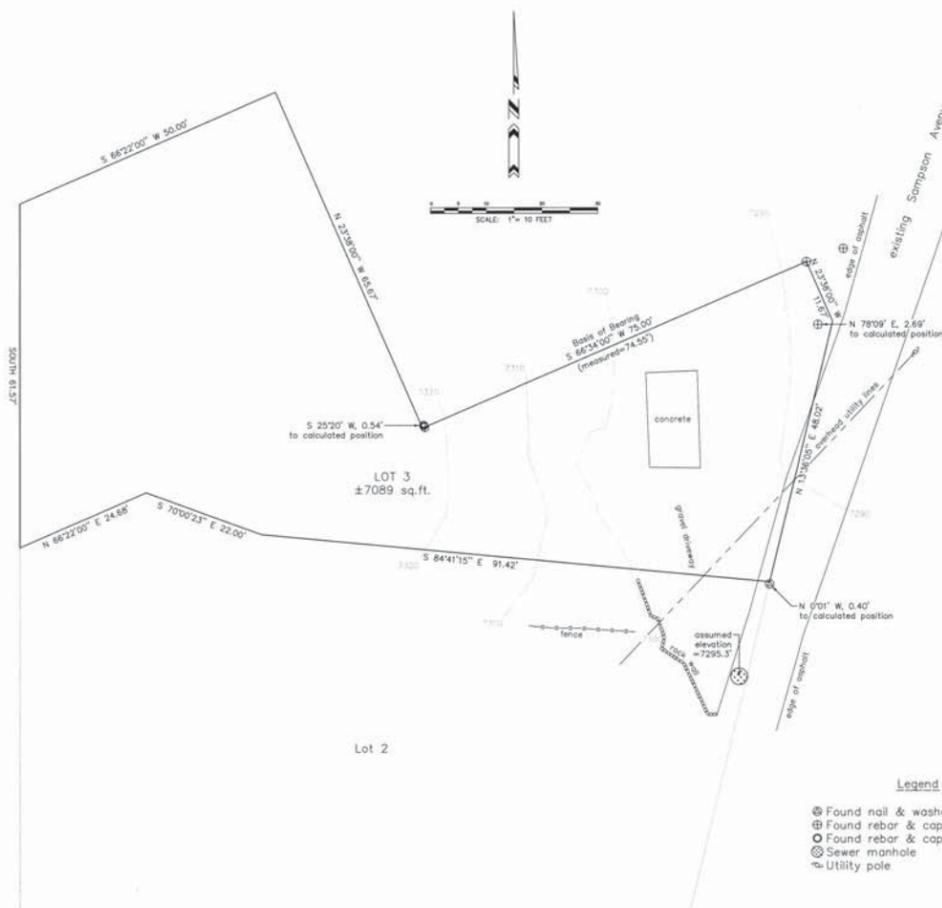
ABBREVIATIONS

AC	AIR CONDITIONING	FR	PAIR
ACCUST.	ACOUSTICAL	R.D.	ROOF DRAIN
ADD.	ADDENDUM	REG.	REGULAR
ADJ.	ADJUSTABLE	R.S.	ROUGH-SAWN
AL.	ALUMINUM	R.F.	REINFORCING
ALUM.	ALUMINUM	REIN.	REQUIRED
APPROX.	APPROXIMATE	REV.	REVISED
B.D.	BOARD	R.M.	ROOM
B.U.	BUILT-UP	R.O.	ROUGH OPENING
B.W.	BOTH WAYS	S & R	SHELF AND ROD
BLDG.	BUILDING	S.C.	SOLID CORE
BLK.	BLOCK	S.D.	SCHEDULE
B.L.C.	BLOCK	SH.	SHED
C.I.	CAST IRON	SHR.	SHRUB
C.J.	CONTROL JOINT	SIM.	SIMILAR
C.M.U.	CONCRETE MASONRY UNIT	SPEC.	SPECIFICATION
CLG.	CEILING	STD.	STANDARD
COL.	COLUMN	STL.	STEEL
COMP.	COMPOSITE	STR.	STRUCTURAL
CONC.	CONCRETE	SYS.	SYSTEM
CONC.	CONCRETE	T & B	TONGUE AND GROOVE
CONC.	CONCRETE	T.O.	TOP OF
CONT.	CONTINUOUS	T.O.F.	TOP OF FOOTING
CONT.	CONTINUOUS	T.O.W.	TOP OF WALL
D.F.	DRINKING FOUNTAIN/DOUGLAS FIR	TYP.	TYPICAL
DIA.	DIAMETER	T.S.	STEEL TUBE COLUMN
DIM.	DIMENSION	UN.	UNLESS NOTED OTHERWISE
DN.	DOWN	UP.	UP
DWG.	DRAWING	V.L.	VENT THROUGH ROOF
EACH	EACH	W.	WOOD
E.F.	EXHAUST FAN	W/	WITH
E.I.	EXT. INSUL. FINISH SYSTEM	WP.	WATERPROOF
E.L.C.	ELECTRICAL	W.R.	WATER RESISTANT
ELEV.	ELEVATION	W.F.	WATER FINISH
EQ.	EQUAL	W.W.F.	WELDED WIRE FABRIC
EXIST.	EXISTING	W.W.M.	WOVEN WIRE MESH
EXT.	EXTERIOR		

GENERAL NOTES

- THIS DESIGN IS AN ORIGINAL UNPUBLISHED WORK AND MAY NOT BE DUPLICATED, PUBLISHED AND/OR USED WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT/ENGINEER.
- THESE SHEETS - LISTED BY DRAWING INDEX, ALL ACCOMPANYING SPECIFICATIONS FOR MATERIALS, WORKMANSHIP QUALITY, AND NOTES HAVE BEEN PREPARED SOLELY FOR THE CONSTRUCTION AND FINISH OF PROJECT IMPROVEMENTS, COMPLETE AND READY FOR OCCUPANCY AND USE.
- ALL WORK IS TO BE PERFORMED IN ACCORDANCE WITH PERTINENT JURISDICTIONAL CODES, RESTRICTIONS, COVENANTS, AND/OR ORDINANCES. ANY CONFLICT BETWEEN DESIGN AND REQUIREMENT SHALL BE REPORTED TO THE ARCHITECT/ENGINEER BEFORE PROCEEDING.
- ANY AND ALL PROPOSED CHANGE, MODIFICATIONS AND/OR SUBSTITUTION SHALL BE REPORTED TO THE ARCHITECT/ENGINEER BEFORE PROCEEDING.
- IN THE EVENT OF CONFLICT BETWEEN THE DESIGN DOCUMENTS AND/OR JURISDICTIONAL REQUIREMENTS, THE MORE RESTRICTIVE FROM THE STANDPOINT OF SAFETY AND PHYSICAL SECURITY SHALL APPLY.
- ANY INSTALLATION, FINISH, OR COMPONENT INTENDED TO PROVIDE ENCLOSURE, WEATHER ABILITY OR APPEARANCE QUALITY SHALL BE PRODUCED AS A REPRESENTATIVE SAMPLE PRIOR TO PROCEEDING WITH COMPLETION. WORK PERFORMED WITHOUT WRITTEN APPROVAL OF SUCH SAMPLE BY THE ARCHITECT/ENGINEER SHALL BE DONE AT THE RISK OF THE CONTRACTOR. A MINIMUM OF TWO (2) WORKING DAYS NOTICE SHALL BE GIVEN.
- ALL WORK SHALL BE INSPECTED BY GOVERNING AGENCIES IN ACCORDANCE WITH THEIR REQUIREMENTS. JURISDICTIONAL APPROVAL SHALL BE SECURED BEFORE PROCEEDING WITH WORK.
- BUILDING DESIGN IS GENERALLY PREDICATED UPON PROVISIONS OF THE 2009 IRC AND OR 2009 IPC AND AMENDMENTS AS MAY HAVE BEEN LOCALLY ENACTED. ALL REQUIREMENTS OF THE JURISDICTIONAL FIRE SAFETY/PREVENTION DISTRICT SHALL BE ACCOMMODATED BY THIS DESIGN AND ANY CONSEQUENT CONSTRUCTION.

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



NARRATIVE

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

LEGAL DESCRIPTION

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

SURVEYOR'S CERTIFICATE

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

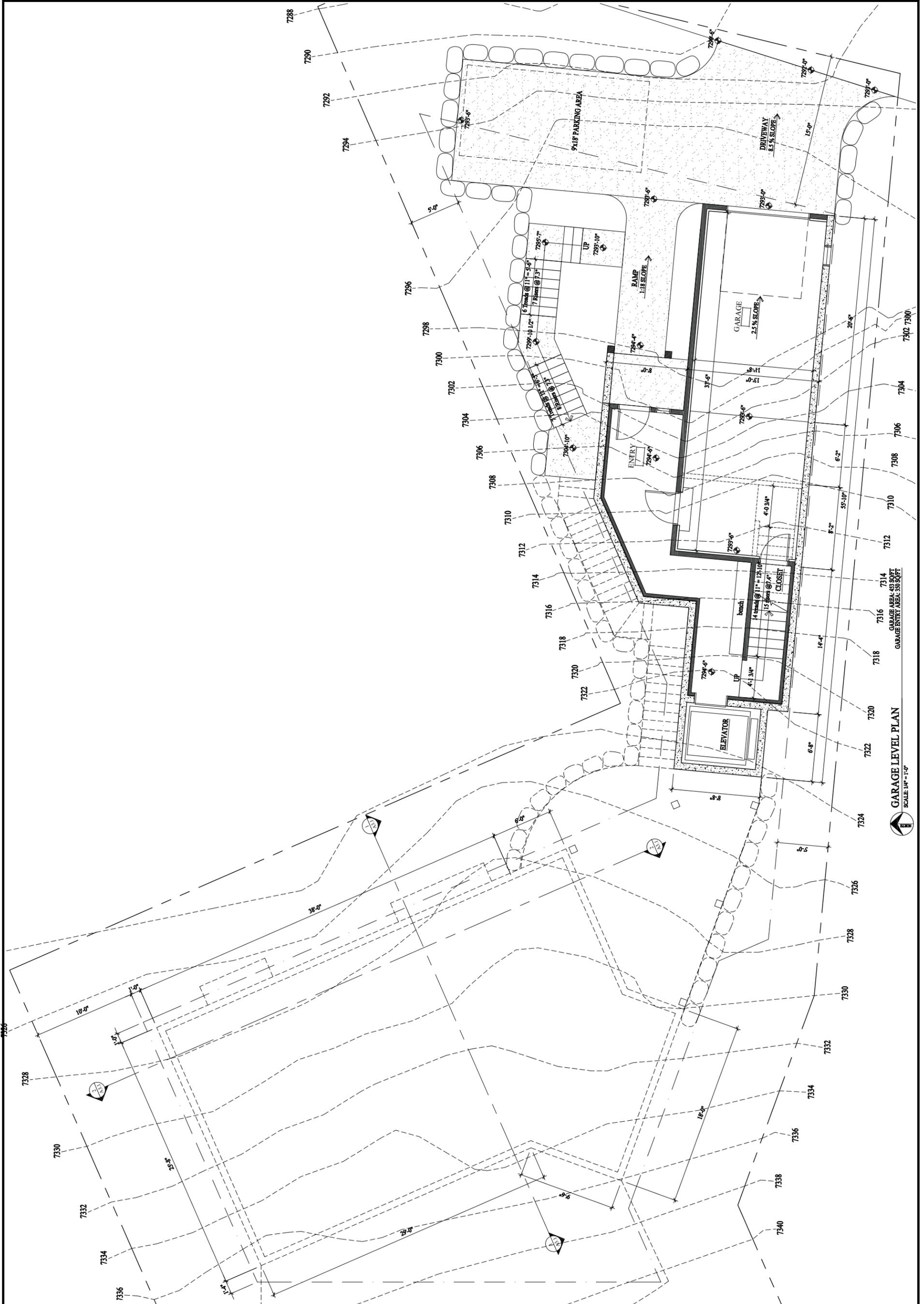
Sept 11, 12
Date



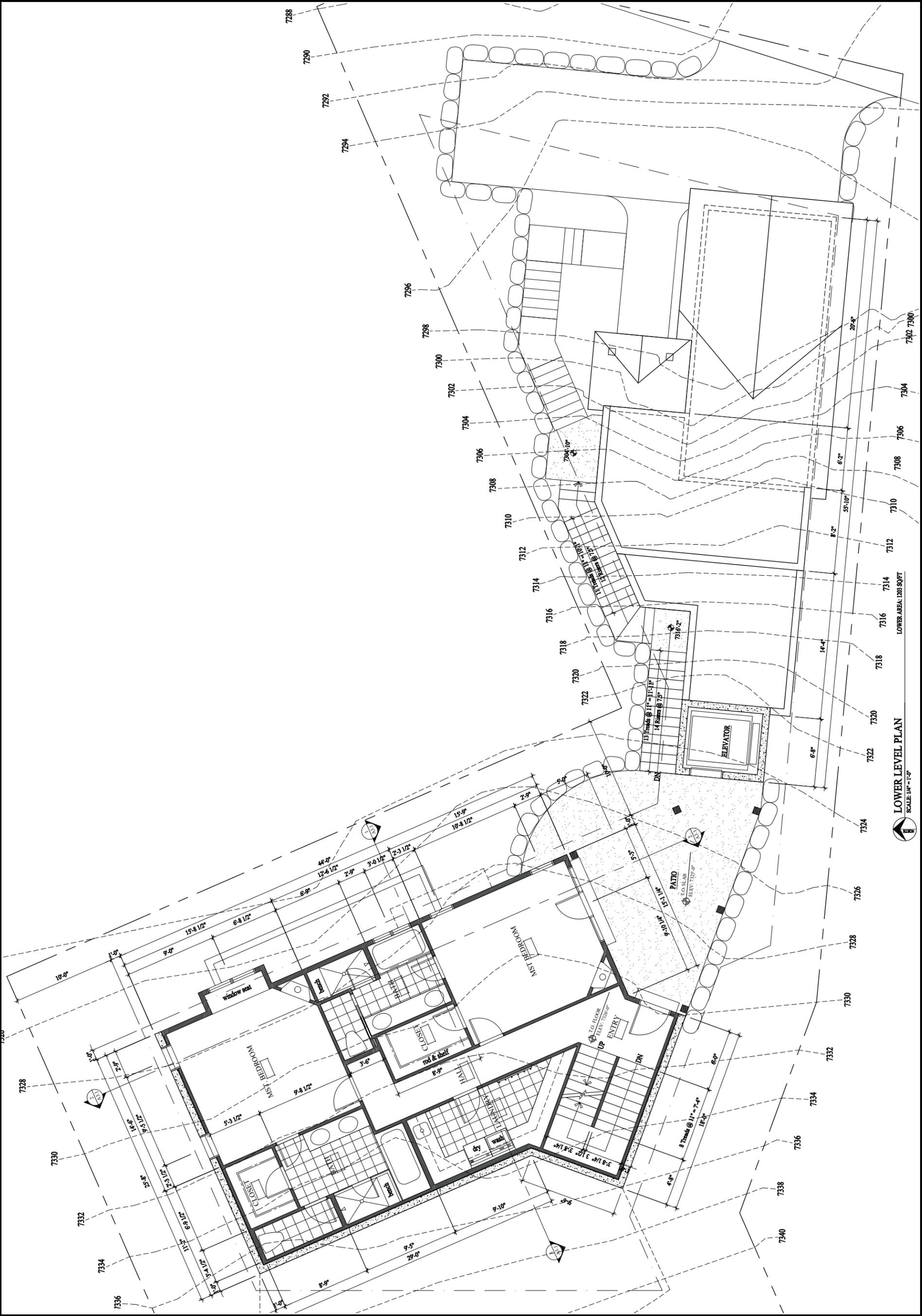
J.D. GALLEY LMS 359005

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

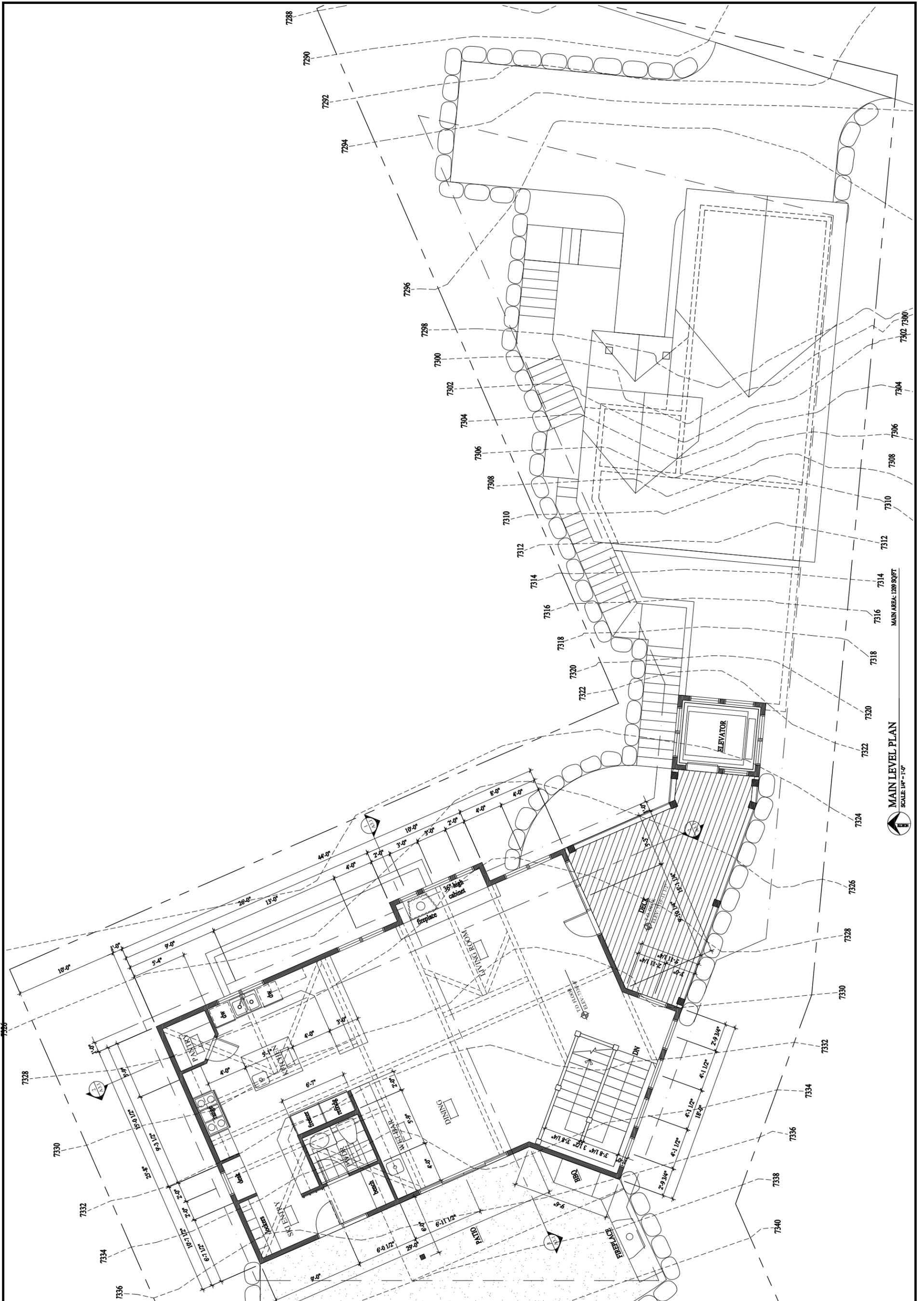




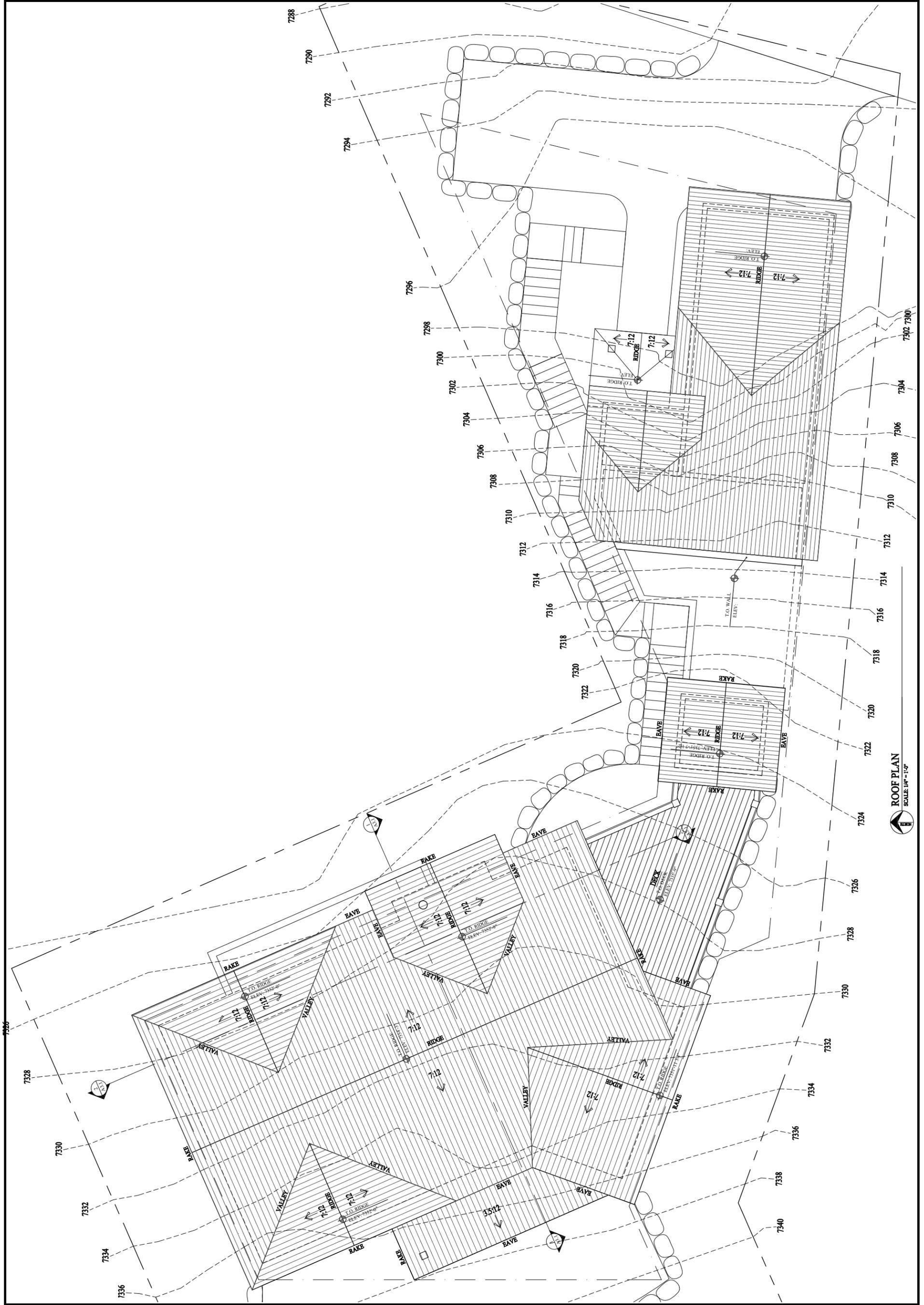
GARAGE LEVEL PLAN
SCALE: 1/4" = 1'-0"
GARAGE AREA: 433 SQFT
GARAGE ENTRY AREA: 300 SQFT



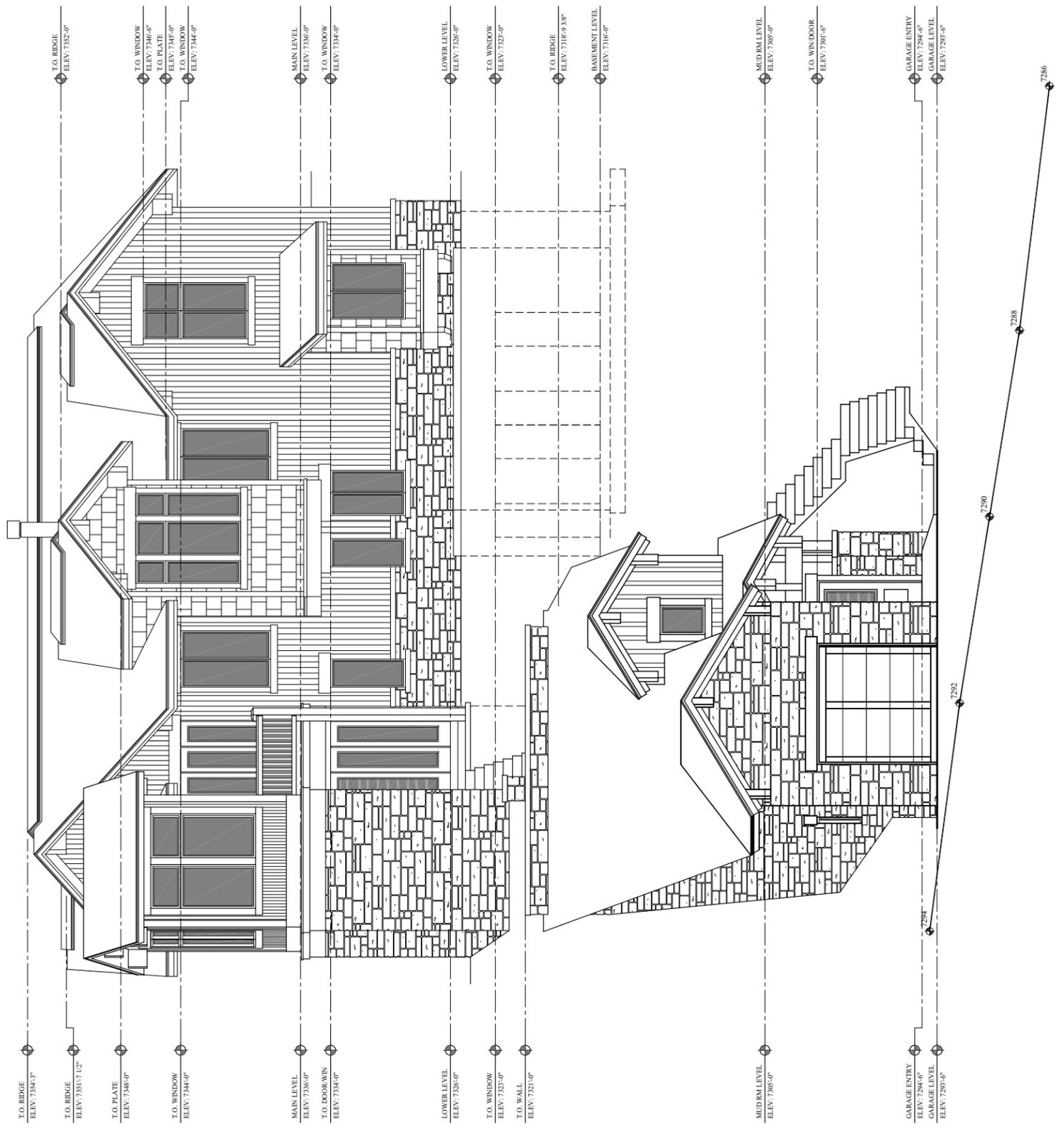
LOWER LEVEL PLAN
SCALE: 1/4" = 1'-0"
LOWER AREA: 1205 SQFT



MAIN LEVEL PLAN
SCALE: 1/4" = 1'-0"
MAIN AREA: 1200 SQFT



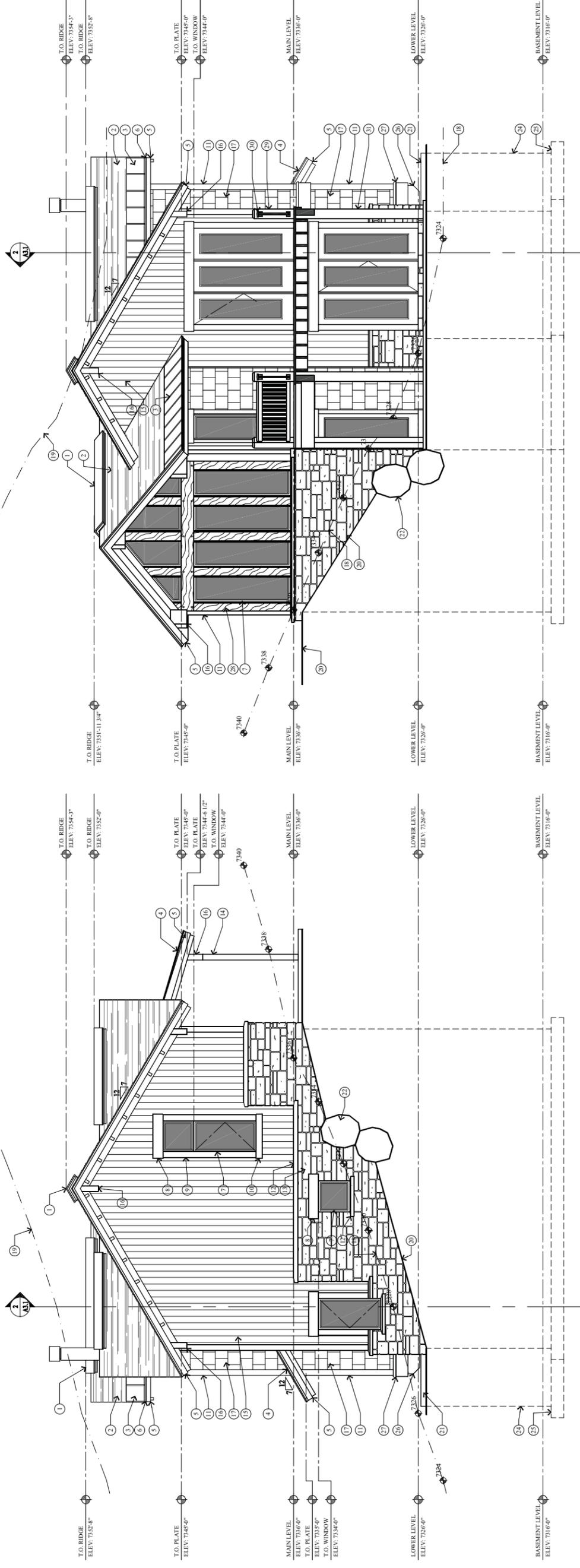
ROOF PLAN
SCALE: 1/4" = 1'-0"



1 STREETSCAPE ELEVATION
A2.0 SCALE 1/4" = 1'-0"

KEY NOTES

- 1 STANDING SEAM METAL ROOF ON BUILT-UP RIDGE VENT.
- 2 ARCHITECTURAL GRADE COMPOSITION SHINGLE 50 YEAR PRESIDENTIAL TL 05M PER SQUARE, MIN) ON ICE AND WATER MEMBRANE. HOLD MEMBRANE 12" DOWN FROM RIDGE.
- 3 STANDING SEAM METAL ROOF TO EXTEND 3'-0" UP THE EAVE. TYPICAL. METAL ROOF TO BE ICC-ES APPROVED.
- 4 STANDING SEAM METAL ROOF - TYPICAL. METAL ROOF TO BE ICC-ES APPROVED.
- 5 2x6 FASCIA ON 3x10 RAFTER OUTLOOKS.
- 6 1 1/2" x 3" CONTINUOUS METAL DRIP EDGE.
- 7 ALUMINUM CLAD WOOD WINDOWS AND DOORS W/ 1" INSULATED GLASS. SEE SCHEDULE.
- 8 2x4 WINDOW/DOOR HEAD - STAINED W/ FLASHING.
- 9 2x6 WINDOW/DOOR LAMB - STAINED.
- 10 2x6 WINDOW SILL - STAINED.
- 11 2x6 CEDAR OUTSIDE CORNER BOARD, 2x2 CEDAR INSIDE CORNER BOARD - STAINED.
- 12 CUT STONE CAPSILL.
- 13 6" STONE VENER. SEE SHEET S1.1 GENERAL STRUCTURAL NOTE FOR INSTALLATION.
- 14 6x6 TIMBER COLUMN - STAINED.
- 15 1x VERTICAL SIDING ON TYVEK HOMEWRAP ON 12" EXT. SHEATHING.
- 16 ARCHITECTURAL GRADE ROUGH SAWN BEAM - SEE STRUCTURAL FOR SIZE.
- 17 METAL INTERLOCKING SIDING ON TYVEK HOMEWRAP ON 12" EXT. SHEATHING.
- 18 LINE 27'-0" HEIGHT ABOVE EXISTING GRADE.
- 19 FINISH GRADE TO BE OPEN AWAY FROM HOUSE A MIN. OF 6" WITHIN THE FIRST 10'. IBC 8401.5.
- 20 CONCRETE WINDOW WELL.
- 21 BOULDER RETAINING WALL, NOT TO EXCEED 4'-0" IN HEIGHT. - SEE DETAIL 2A0.1
- 22 ROOF TO WALL SURFACE. EXTEND BUTYLANE MEMBRANE OVER ROOF DECK AND UP WALL SURFACE 24".
- 23 FOUNDATION - SEE STRUCTURAL FOR SIZE AND REINFORCING.
- 24 FOOTING - SEE STRUCTURAL FOR SIZE AND REINFORCING.
- 25 6x12 TIMBER CORBELS - STAINED.
- 26 REVELED 3x4 ON 3x12 CEDAR TRIM BOARD - STAINED.
- 27 ROUGH SAWN TIMBER - STAINED.
- 28 8x8 NEWL POST - STAINED.
- 29 3x4 HIGH RAILING. 4x6 SHAPED TOP RAIL, W/ 2x2 BALLAST @ 5' 12" O.C. W/ 3x6 SHAPED BOTTOM RAIL.
- 30 10x10 TIMBER COLUMN - STAINED.

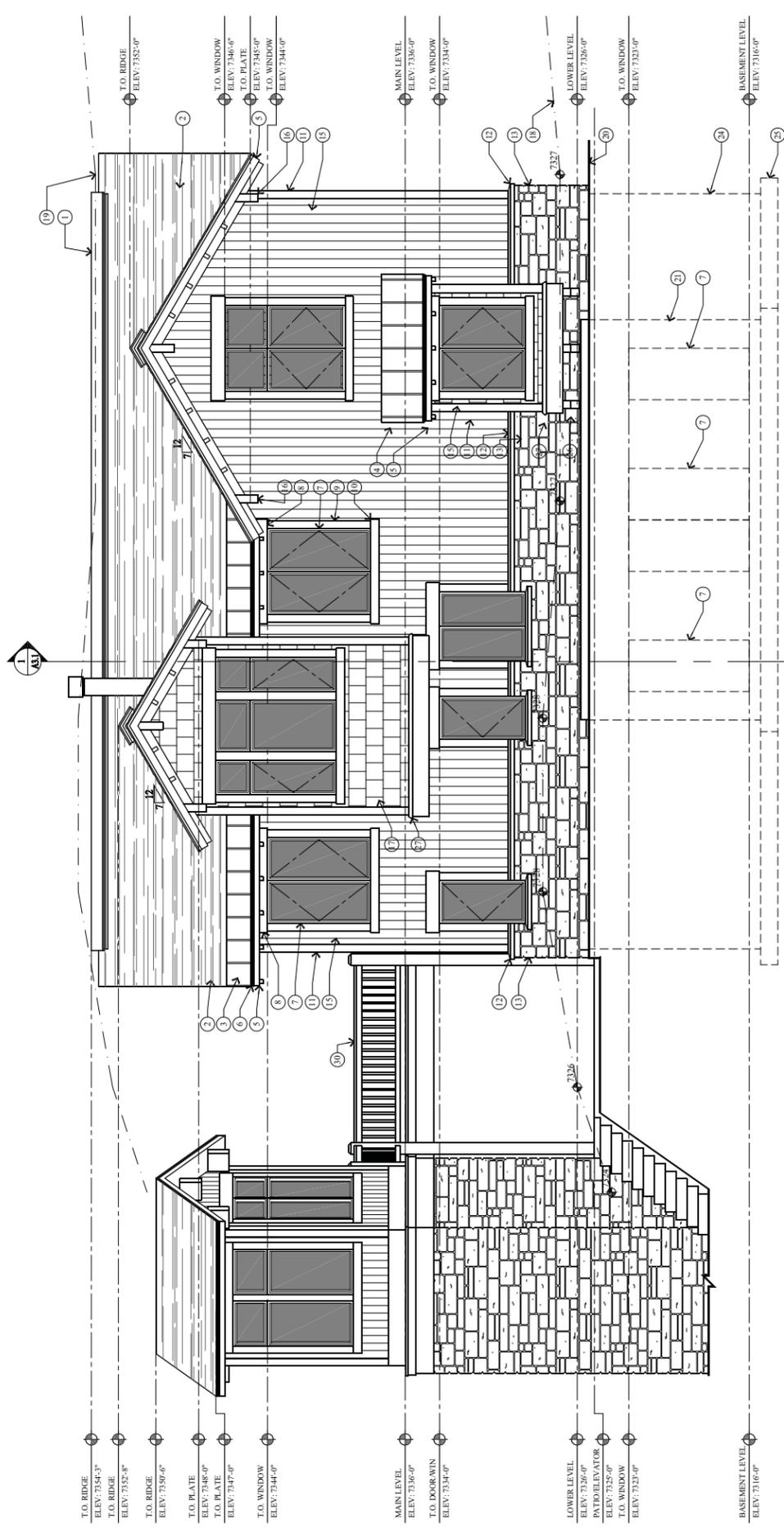


2 SOUTH ELEVATION
SCALE: 1/4" = 1'-0"

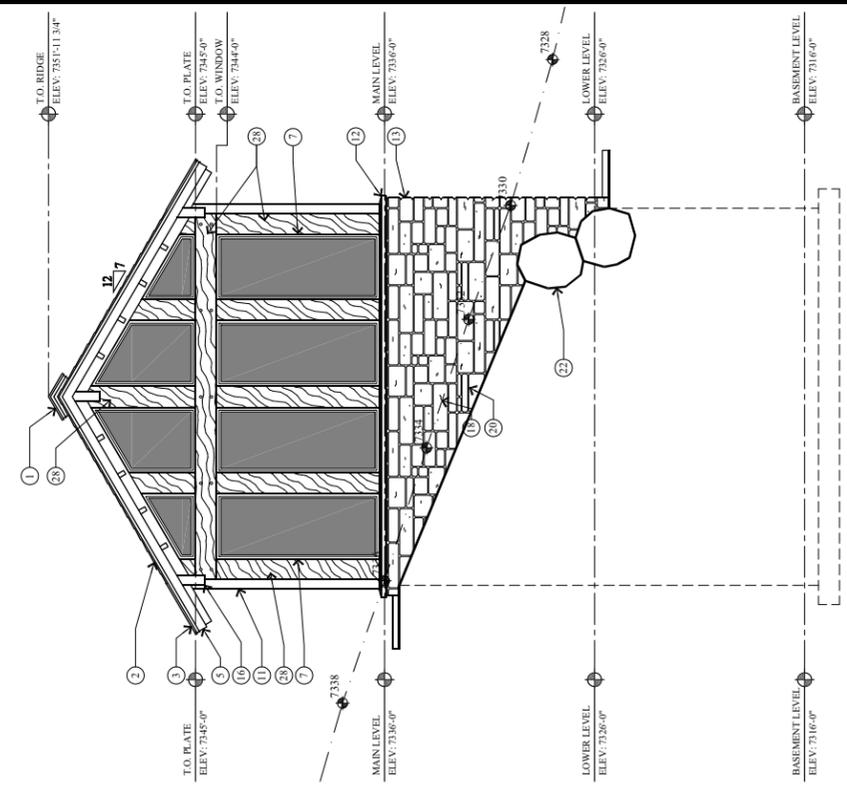
1 NORTH ELEVATION
SCALE: 1/4" = 1'-0"

KEY NOTES

- 1 STANDING SEAM METAL ROOF ON BUILT-UP RIDGE VENT.
- 2 ARCHITECTURAL GRADE COMPOSITION SINGLE 50 YEAR PRESIDENTIAL T.L. (55# PER SQUARE, MN) ON ICE AND WATER MEMBRANE. HOLD MEMBRANE 12" DOWN FROM RIDGE.
- 3 STANDING SEAM METAL ROOF TO EXTEND 3'-0" UP THE RAVE. TYPICAL. METAL ROOF TO BE ICC-ES APPROVED.
- 4 STANDING SEAM METAL ROOF - TYPICAL. METAL ROOF TO BE ICC-ES APPROVED.
- 5 2x6 FASCIA ON 3x10 RAFTER OUTLOOKS.
- 6 1 1/2" x 3" CONTINUOUS METAL DRIP EDGE.
- 7 ALUMINUM CLAD WOOD WINDOWS AND DOORS W/ 1" INSULATED GLASS. SEE SCHEDULE.
- 8 2x4 WINDOW/DOOR HEAD - STAINED W/ FLASHING.
- 9 2x6 WINDOW/DOOR LAMB - STAINED.
- 10 2x6 WINDOW SILL - STAINED.
- 11 2x6 CEDAR OUTSIDE CORNER BOARD, 2x2 CEDAR INSIDE CORNER BOARD - STAINED.
- 12 CUT STONE CAPSELL.
- 13 6" STONE VENER. SEE SHEET S1.1 GENERAL STRUCTURAL NOTE FOR INSTALLATION.
- 14 6x6 TIMBER COLUMN - STAINED.
- 15 1x VERTICAL SIDING ON TYVEK HOMEWRAP ON 12" EXT. SHEATHING.
- 16 ARCHITECTURAL GRADE ROUGH SAWN BEAM - SEE STRUCTURAL FOR SIZE.
- 17 METAL INTERLOCKING SIDING ON TYVEK HOMEWRAP ON 12" EXT. SHEATHING.
- 18 LINE 27'-0" HEIGHT ABOVE EXISTING GRADE.
- 19 FINISH GRADE TO BE ONE FOOT AWAY FROM HOUSE A MIN. OF 6" WITHIN THE FIRST 10'. R.C. 8401.5
- 20 CONCRETE WINDOW WELL.
- 21 BOULDER RETAINING WALL, NOT TO EXCEED 4'-0" IN HEIGHT. - SEE DETAIL 2A0.1
- 22 ROOF TO WALL SURFACE. EXTEND BUTYLANE MEMBRANE OVER ROOF DECK AND UP WALL SURFACE 24".
- 23 FOUNDATION - SEE STRUCTURAL FOR SIZE AND REINFORCING.
- 24 FOOTING - SEE STRUCTURAL FOR SIZE AND REINFORCING.
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- 26 REVEAL 3/4" ON 3x12 CEDAR TRIM BOARD - STAINED.
- 27 ROUGH SAWN TIMBER - STAINED.
- 28 3x6 NEWL POST - STAINED.
- 29 3x6 HIGH RAILING. 4x6 SHAPED TOP RAIL W/ 2x2 BALLAST @ 5' 12" O.C. W/ 3x6 SHAPED BOTTOM RAIL.
- 30 10x10 TIMBER COLUMN - STAINED.



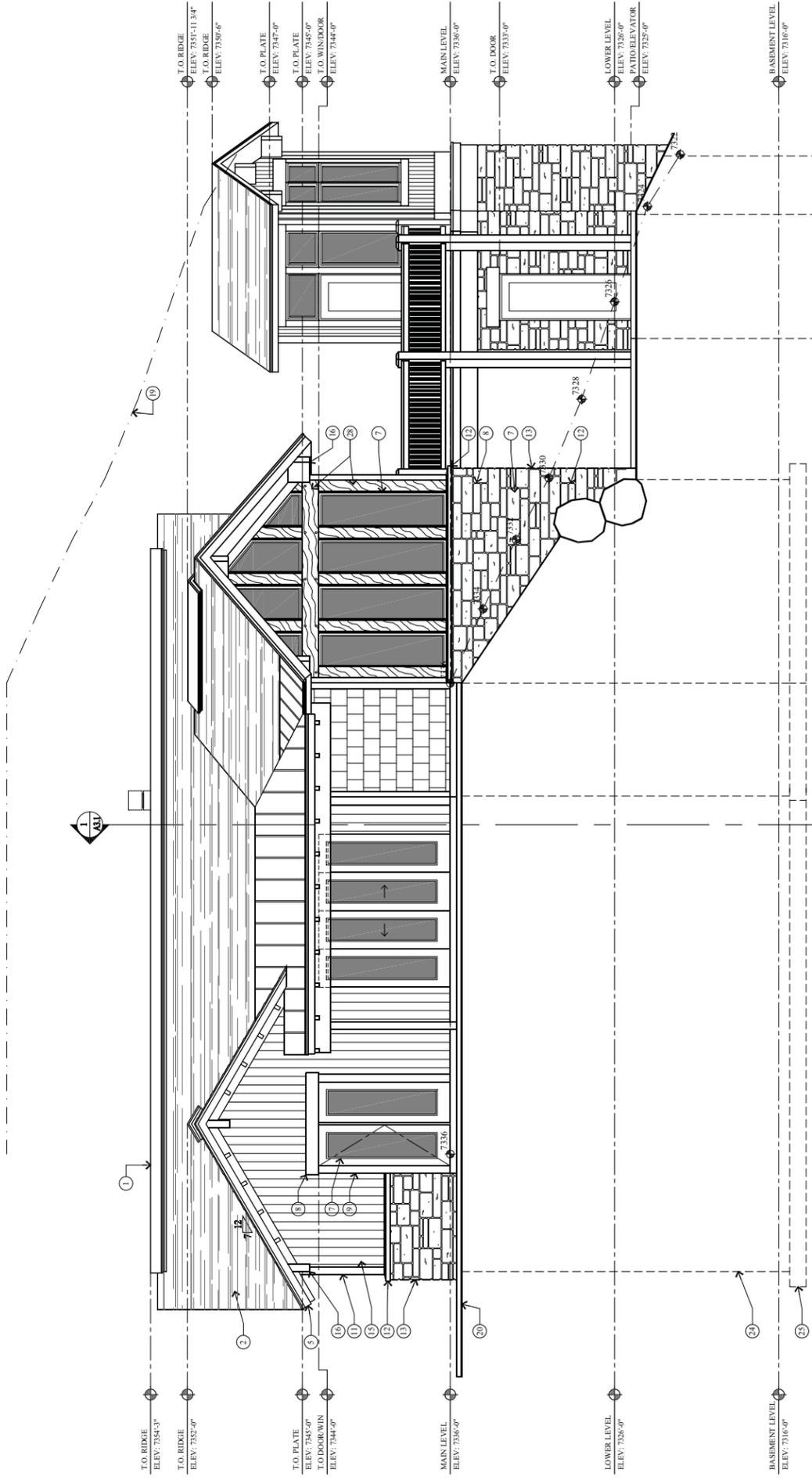
1 EAST ELEVATION
SCALE: 1/4" = 1'-0"



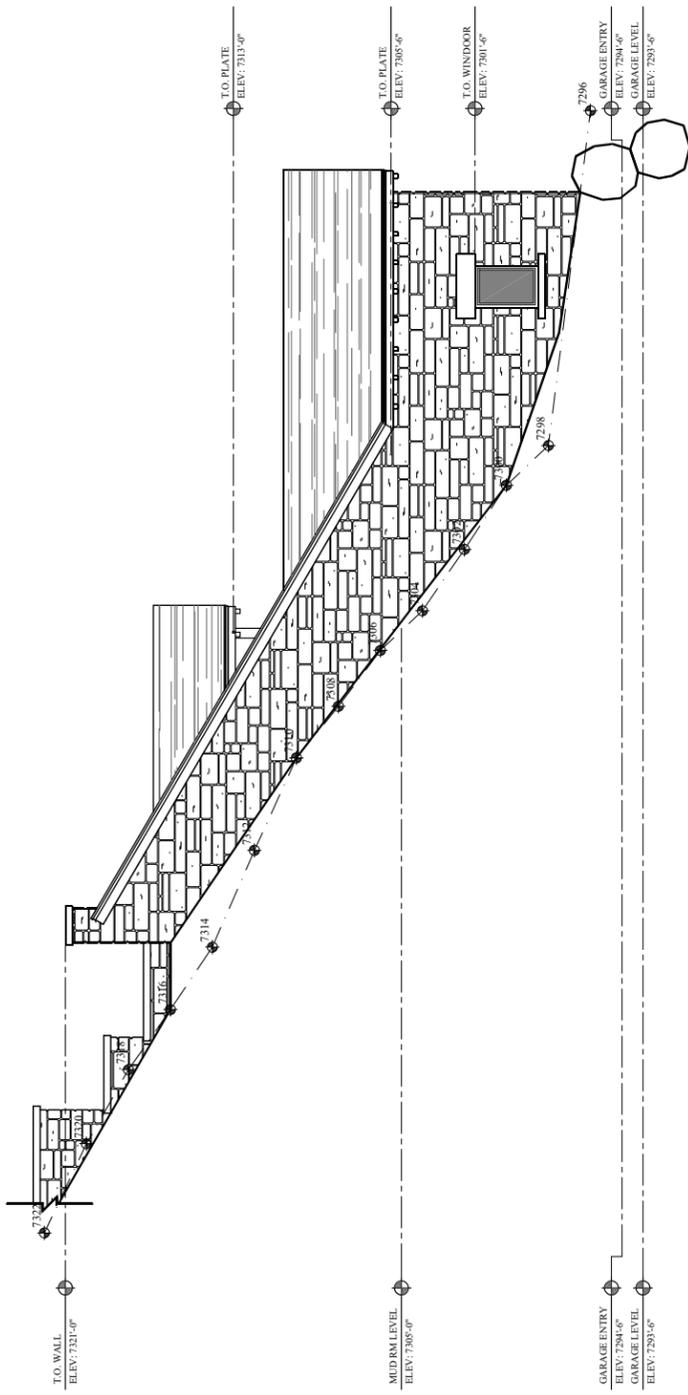
2 SOUTHWEST ELEVATION
SCALE: 1/4" = 1'-0"

KEY NOTES

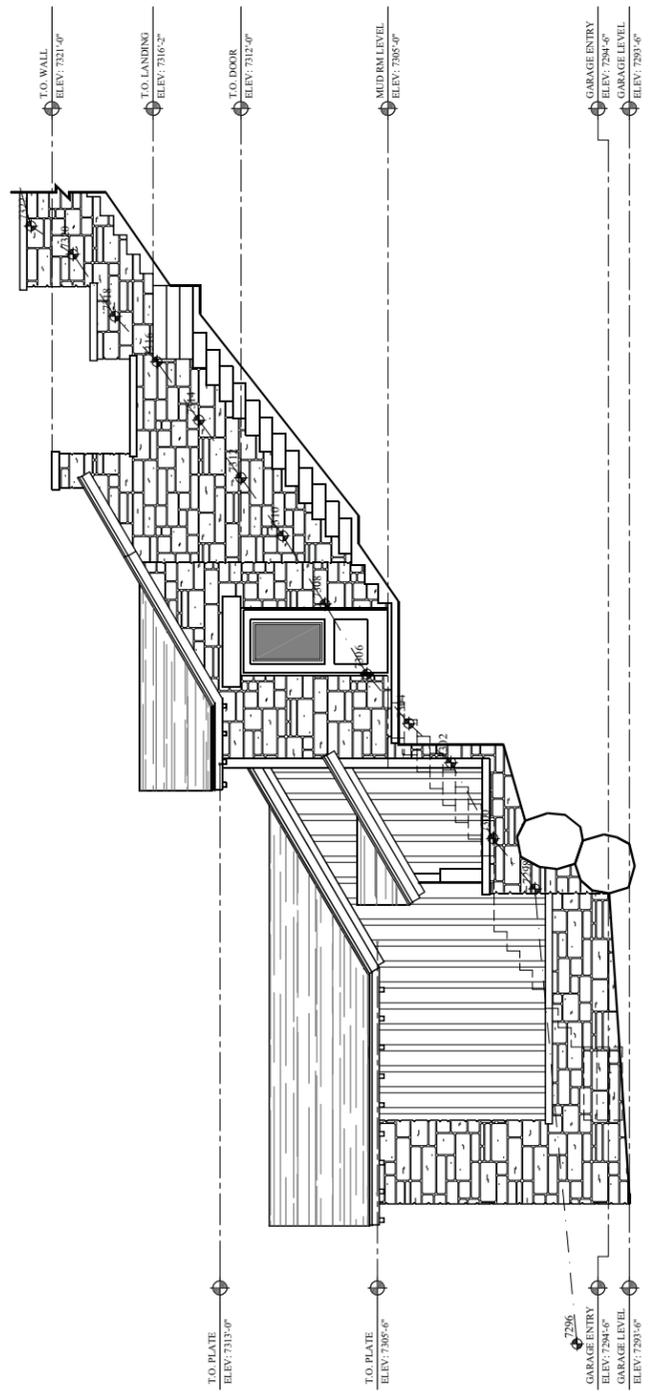
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- 10 2x6 WINDOW SILL - STAINED.
- 11 2x6 CEDAR OUTSIDE CORNER BOARD, 2x2 CEDAR INSIDE CORNER BOARD - STAINED.
- 12 CUT STONE CAPSILL.
- 13 6" STONE VENER. SEE SHEET S1.1 GENERAL STRUCTURAL NOTES FOR INSTALLATION.
- 14 6x6 TIMBER COLUMN - STAINED.
- 15 1x VERTICAL SIDING ON TYVEK HOMEWRAP ON 12" EXT. SHEATHING.
- 16 ARCHITECTURAL GRADE ROUGH SAWS BEAM - 12" EXT. SHEATHING.
- 17 METAL INTERLOCKING SIDING ON TYVEK HOMEWRAP ON 12" EXT. SHEATHING.
- 18 LINE OF EXISTING GRADE.
- 19 LINE 27'-0" HEIGHT ABOVE EXISTING GRADE. FINISH GRADE TO BE 6" AWAY FROM HOUSE A MIN. OF 6" WITHIN THE FIRST 10'. IBC R401.5
- 20 CONCRETE WINDOW WELL.
- 21 BOULDER RETAINING WALL, NOT TO EXCEED 4'-0" IN HEIGHT. - SEE DETAIL 2A.01
- 22 ROOF TO WALL SURFACE. EXTEND BUTYLTHANE MEMBRANE OVER ROOF DECK AND UP WALL SURFACE 2".
- 23 FOUNDATION - SEE STRUCTURAL FOR SIZE AND REINFORCING.
- 24 FOOTING - SEE STRUCTURAL FOR SIZE AND REINFORCING.
- 25 6x12 TIMBER CORBELS - STAINED.
- 26 REVEAL 3/4" ON 3x12 CEDAR TRIM BOARD - STAINED.
- 27 ROUGH SAWS TIMBER - STAINED.
- 28 3/4" HIGH RAILING. 4x6 SHAPED TOP RAIL W/ 2x2 BALLAST @ 5 1/2" O.C. W/ 3/8 SHAPED BOTTOM RAIL.
- 29 10x10 TIMBER COLUMN - STAINED.
- 30 CONCRETE RETAINING WALL.
- 31 GREEN ROOF.



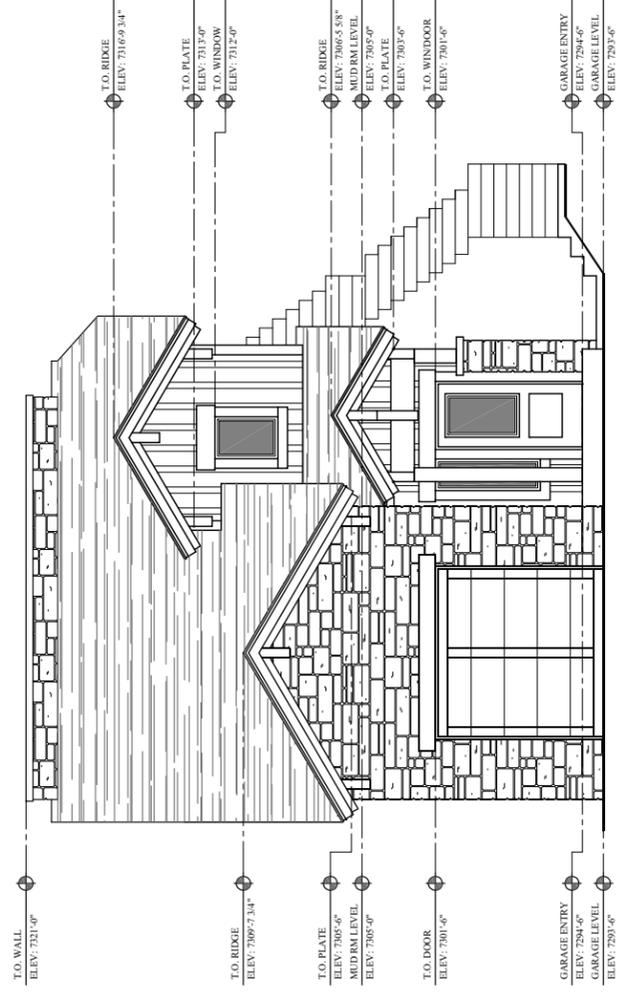
1 WEST ELEVATION
SCALE 1/4" = 1'-0"



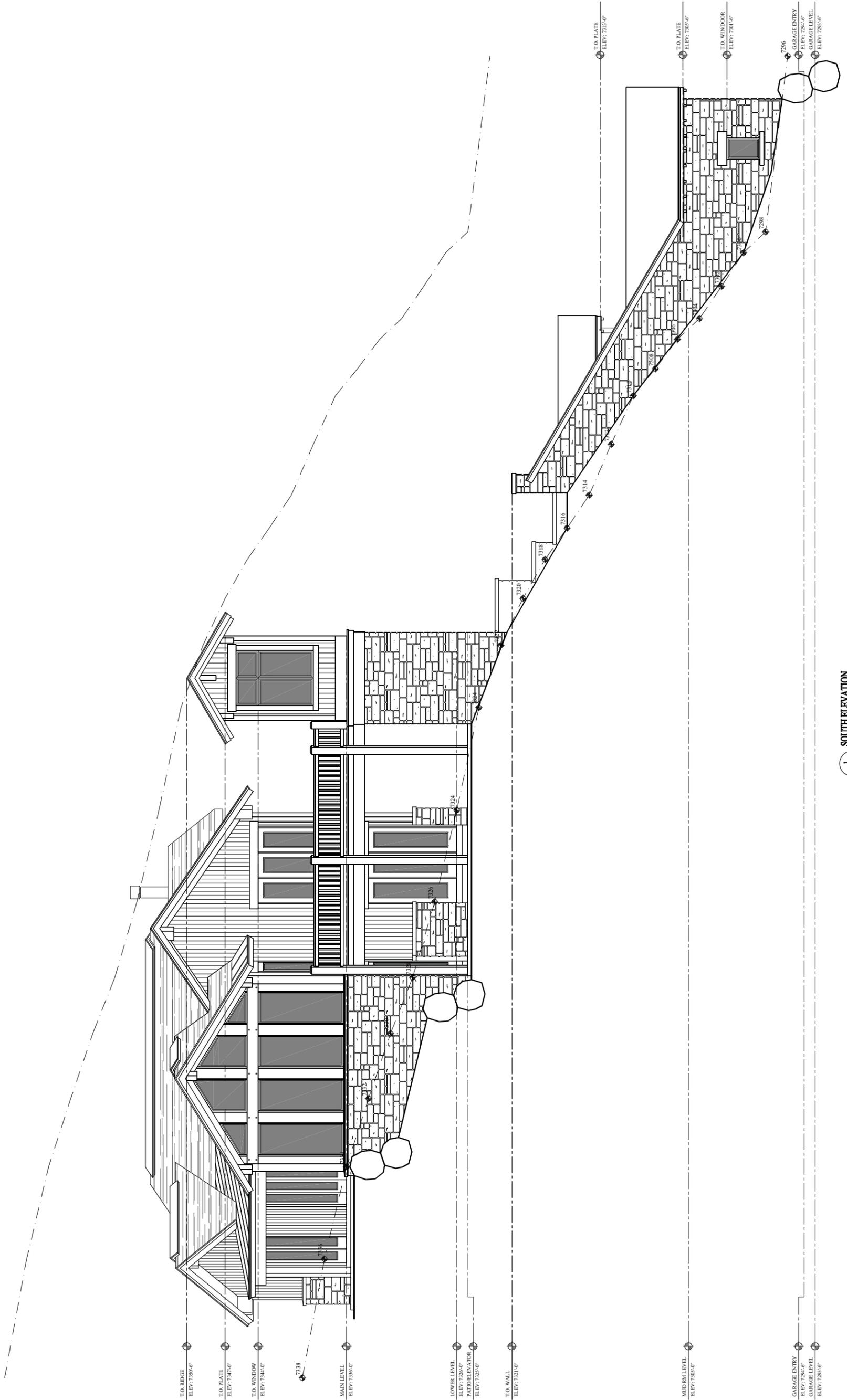
1 SOUTH ELEVATION
 SCALE: 1/4" = 1'-0"



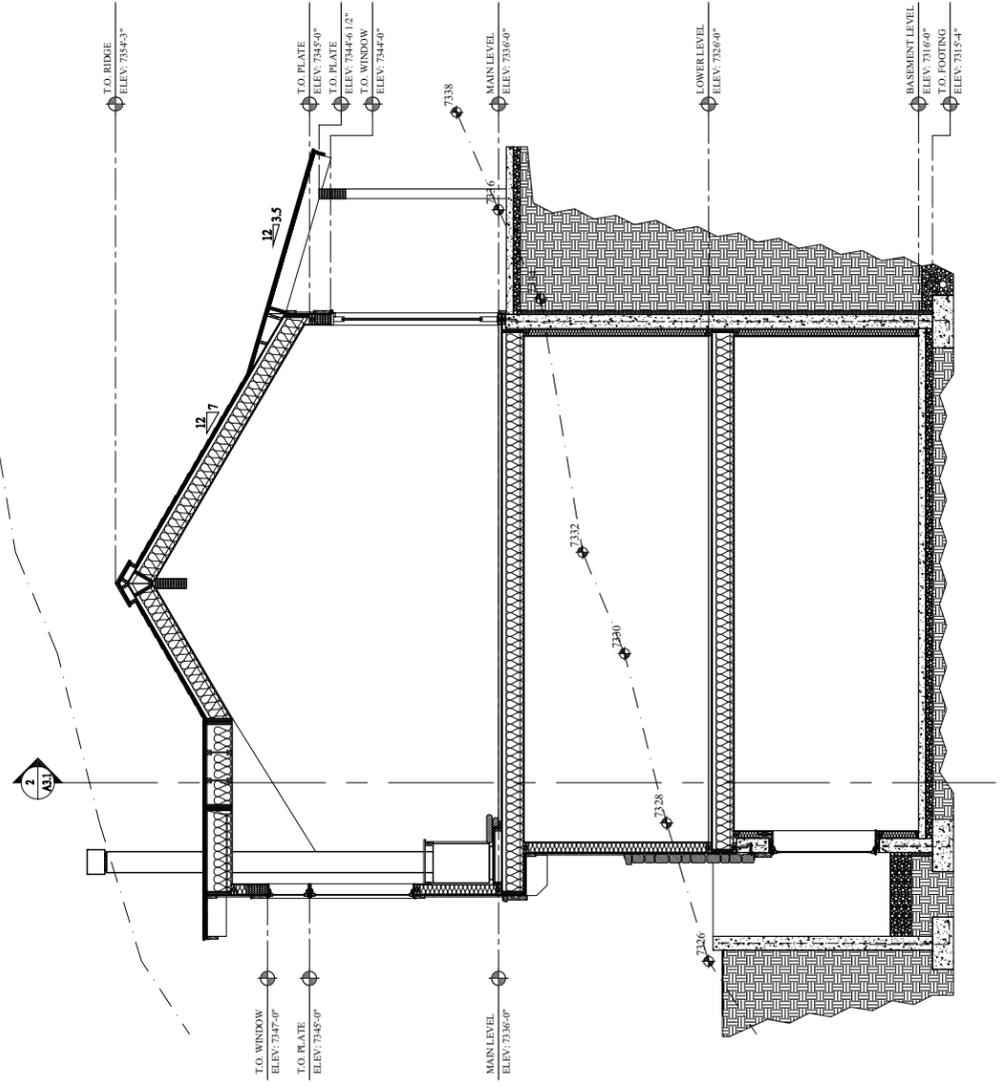
2 NORTH ELEVATION
 SCALE: 1/4" = 1'-0"



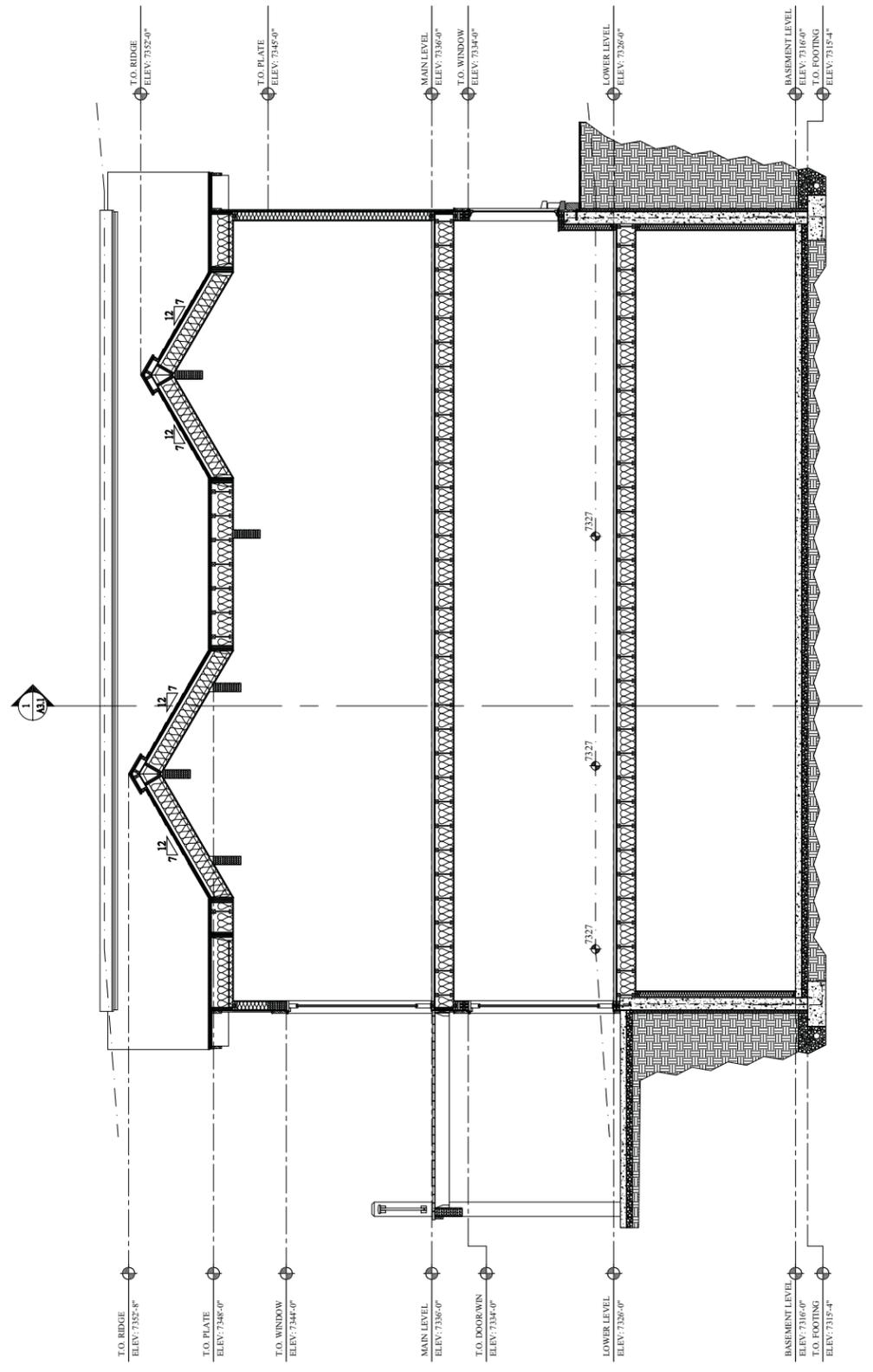
3 EAST ELEVATION
 SCALE: 1/4" = 1'-0"



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



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



2 BUILDING SECTION
SCALE: 1/4" = 1'-0"





RECEIVED
DEC 03 2012
PARK CITY
PLANNING DEPT.

07/02/2012



PARK CITY
PLANNING DEPT.
DEC 03 2012

07/02/2012

Planning Commission Meeting
Minutes of December 14, 1994
Page 5

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

V. PUBLIC HEARINGS/ACTION ITEMS

1. 30, 40, 50 Sampson Avenue Plat Amendment

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

Chair Child opened the public hearing.

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

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

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

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

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

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

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

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

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

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

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

Commissioner Diane Zimney seconded the motion.

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

VOTE: The motion passed unanimously.

Conditions of Approval - 30, 40, 50 Sampson Avenue

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

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

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

2. Blockbuster Video CUP for Signage

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

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

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

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

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

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



March 30, 1998

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

Dear Debra:

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

Lot 1 - 3000 square feet

Lot 2 - 3500 square feet

Lot 3 - 3000 square feet

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

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

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

Sincerely,

A handwritten signature in dark ink, appearing to read "Richard E. Lewis".

Richard E. Lewis
 Community Development Director

M CDD RL LETTER 1998 SCHNECL001

00503794 Bk01134 Pg00399-00400

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

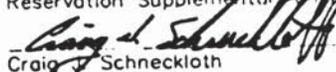
LEGAL DESCRIPTION

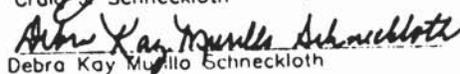
Beginning at the Northeast Corner of Lot 47, Block 78, Mill-site Reservation, The Park City Survey, and as recorded in Summit County, Utah, and running thence South 23°38' East along the Easterly line of said Lot 47, a distance of 11.67 feet to the Westerly edge of an existing road, thence South 13°36'05"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

Contains 0.58 acres more or less

OWNER'S DEDICATION AND CONSENT TO RECORD

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


Craig J. Schneckloth


Debra Kay Muriillo Schneckloth

00503794 Bk01134 Pg00400

Joint Tenants

**PARK CITY PLANNING COMMISSION
WORK SESSION MINUTES
DECEMBER 12, 2012**

PRESENT: Jack Thomas, Brooke Hontz, Stewart Gross, Mick Savage, Adam Strachan, Thomas Eddington, Kirsten Whetstone, Francisco Astorga, Matthew Evans, Polly Samuels McLean

The Planning Commission held site visits prior to the work session at Lot 17, 18 and 19 of the Echo Spur Development and 30 Sampson Avenue.

WORK SESSION ITEMS

30 Sampson Avenue – Steep Slope CUP (Application PL-12-01487)

Planner Matthew Evans reviewed the application for a Steep Slope CUP for 30 Sampson Avenue. The property is located in the HRL zone which requires that any development over 1,000 square feet be reviewed as a Steep Slope conditional use permit. Planner Evans remarked that the Staff report contained several numbers related to house size, plat notes and decisions that allow a larger house than what was noted on the plat. He noted that the Staff and applicant were in agreement on the numbers outlined.

Planner Evans reported that the lot was a result of a plat amendment. It was a combination of Millsite designation lots that were combined into one larger lot approximately 7,000 square feet, and it is part of a subdivision that was approved in 1995 as Lots 30, 40 and 50 Sampson Avenue. The Staff reviewed the Staff report from the original subdivision and found that the City Council made findings for the approval of that subdivision based on the purpose statement of the HRL zone.

Planner Evans stated that this application was for a single-family dwelling unit, which is an allowed use. The conditional use is based on the fact that it is a steep slope property and must be reviewed by the Planning Commission under specific criteria. The Staff report contained the list of criteria. The Staff analysis found unmitigated impacts on Criteria 8 – dwelling volume and Criteria 9 – Building height. The Staff requested that the Planning Commission discuss the current design and provide direction to the applicant on the two unmitigated issues. The Staff found no other unmitigated impacts in the proposal submitted by the applicant.

Planner Evans reported on public input he received from the adjacent property owner, Ms. Schneckloft, regarding the snow shed easement. Planner Evans clarified that a snow shed easement is not reviewed at this point in the process; however, it would be addressed at a later time by the Building Official. When this application is further reviewed for a motion, he believed Ms. Schneckloft would offer recommendations for conditions of approval.

Commissioner Wintzer referred to the comparison of existing houses on page 61 of the Staff report and suggested that the Staff also include the proposed project to the table to make it easier to compare. Based on the purpose statement of the zones, Commissioner Wintzer could not find that the proposed structure was compatible with historic structures in the neighborhood. He acknowledged that larger structures were built before his time on the Planning Commission; however, the structure as proposed does not meet the purpose to preserve the character of historic structures. Commissioner Wintzer had additional concerns with the project, but the inability to meet the purpose statement was his primary concern regarding compatibility.

Jonathan DeGray, the project architect, asked Commissioner Wintzer for more specifics on where he believed the structure failed on incompatibility. Commissioner Wintzer replied that it was the height and mass compared to the historic structures. He was not looking at compatibility with the new structures in the neighborhood. He did not believe the City had done a good job enforcing the purpose statements in the past. In his opinion, they first need to look at compliance with the General Plan and the purpose statements of the zone before addressing setbacks and other elements. Commissioner Wintzer did not believe the proposed structure was even close to being compatible to historic structures in the neighborhood.

Mr. DeGray asked if Commissioner Wintzer was suggesting that the analysis should be geared towards historic structures and not as broad as the structures compared in the Staff report. Commissioner Wintzer answered yes because historic compatibility is identified in the purpose statements.

Commissioner Hontz concurred with Commission Wintzer in terms of height, scale and massing. She referred to page 57 of the Staff report and the Code definition for basements at the time of the plat. Commissioner Hontz stated that when the plat was written and the 3,000 square foot limitation was placed on the plat, her interpretation was that the basement as currently designed would not have been considered a basement, and therefore, would be have been counted in the square footage. She understood that 400 square feet for the garage is not counted as part of the square footage as established by the former Planning Director. Commissioner Hontz struggled with the detachment of the two structures, the elevator and the patio in between. She did not believe it was a realistic design for Park City's climate to have people go up an elevator and walk outside to reach their homes. She was concerned that at some point in the future someone would try to attach the two structures and take apart what was created to get around the story limitation. Commissioner Hontz was uncomfortable creating new problems for enforcement and more issues for neighbors and Staff, which she believed could occur if someone tried to enclose the structures. Commissioner Hontz also had concerns with the stabilization of the snow shed and keeping it within the property, and making sure the retaining walls maintain the sides. She found the driveway to be perplexing and requested a drawing to scale to show how the driveway would work.

Commissioner Gross agreed with Commissioner Hontz. He had concerns about the 20 foot access during the winter and he asked if the proposal included radiant heat from the patio to the front door. Mr. DeGray stated that there would be a waterproof deck above that provides a cover over to the elevator. The plan is also for a heated slab. Mr. DeGray noted that page 83 of the Staff report showed the elevator and the walkway underneath. He pointed out that the elevator also goes to the main floor. In inclement weather the house could be accessed from the lower level. Mr. DeGray stated that the idea of detached structures is encouraged in the Code for the H zones in terms of detached garages and separate structures to break down the mass. He felt the comments from the Commissioners conflicted with the direction encouraged in the Code.

Commissioner Gross understood the concerns regarding historic compatibility; however, he was more concerned about how it would all tie in together.

Commissioner Strachan echoed Commissioners Wintzer and Hontz. However, he agreed with Mr.

DeGray that per the Code the structures must be stepped with the grade and broken into a series of 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.