

**PARK CITY MUNICIPAL CORPORATION  
 PLANNING COMMISSION  
 CITY HALL, COUNCIL CHAMBERS  
 APRIL 24, 2013**



**AGENDA**

<b>MEETING CALLED TO ORDER - 5:30 PM</b>		<i>pg</i>
<b>ROLL CALL</b>		
<b>ADOPTION OF MINUTES OF NOVEMBER 5, 2012</b>		<b>5</b>
<b>ADOPTION OF MINUTES OF APRIL 10, 2013</b>		<b>17</b>
<b>PUBLIC COMMUNICATIONS – <i>Items not scheduled on the regular agenda</i></b>		
<b>STAFF AND BOARD COMMUNICATIONS/DISCLOSURES</b>		
<b>REGULAR AGENDA – <i>Discussion, public hearing, and possible action as outlined below</i></b>		
59 Silver Strike Trail – Amendment to Record of Survey <i>Public hearing and possible recommendation to City Council</i>	PL-13-01828 <i>Planner Whetstone</i>	43
77 Silver Strike Trail – Amendment to Record of Survey <i>Public hearing and possible recommendation to City Council</i>	PL-13-01829 <i>Planner Whetstone</i>	61
9100 Marsac Avenue, Montage – Conditional Use Permit for Outdoor Events <i>Public hearing and possible action</i>	PL-13-01845 <i>Planner Tech Stokes</i>	79
206 Grant Avenue – Plat Amendment <i>Public hearing and possible recommendation to City Council</i>	PL-13-01819 <i>Planner Evans</i>	91
30 Sampson Avenue – Ratification of Findings for a Steep Slope Conditional Use Permit <i>Public hearing and possible action</i>	PL-12-01487 <i>Planner Evans</i>	105
<b>WORK SESSION – <i>Discussion items only, no action taken.</i></b>		
Municipal Outdoor Lighting – Discussion on possible Land Management Code Amendments	<i>Planner Grahn</i>	133

**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.



## **MINUTES – NOVEMBER 5, 2012**



**PARK CITY PLANNING COMMISSION  
SNYDERVILLE BASIN PLANNING COMMISSION  
JOINT MEETING  
November 5, 2012**

COMMISSIONERS: Bruce Taylor (SB), Mike Franklin (SB), Chuck Klingenstein (SB), Greg Larson (SB), Annette Velarde (SB), Charlie Wintzer (PC), Brooke Hontz (PC), Nann Worel (PC), Stewart Gross (PC)

Ex Officio: Thomas Eddington (PC) Don Sargent (SB), Francisco Astorga (PC), Kirsten Whetstone (PC), Anya Grahn (PC), Amir Caus (SC), Matthew Evans (PC) Jennifer Strader (SC), Molly Orville (SC), Tiffany Robinson (SC) Patricia Abdulla (PC), Diane Foster, (PC)

The meeting was called to order at 6:03 p.m.

Park City Planning Director, Thomas Eddington, remarked that the last time the Commissioners met in joint session they worked with envision Utah and reviewed the Summit County Plan and the Park City Balanced Growth Study. The purpose of this meeting was to gather information from the Planning Commissioners through a series of questions that each would be voting on using individual key pads.

Mr. Thomas Eddington, asked everyone to introduce themselves and identify what they thought was one of the more pressing issues in either Summit County or Park City.

Bruce Taylor felt the most pressing issue was to define the character of the community. He realized it would be difficult to find middle ground between long-time residents who say there is no character and newer residents who do not want the character to change. There is an identity that draws people to the community and whatever they define that to be, he wanted to do his best to preserve it and to stop urban sprawl.

Annette Velarde thought the I-40 corridor was a critical point. She also agreed with Mr. Taylor.

Greg Larson echoed Mr. Taylor's sentiments at the regional level. At the Snyderville Basin level, he believed that updating the General Plan was a top priority.

Charlie Wintzer thought both the County and the City needed to update their General Plan and move them closer together.

Brooke Hontz stated that she worries about all the issues.

Chuck Klingenstein remarked that like Brooke Hontz, there was very little he did not worry about. He thought it was important to mutually understand the regional economics because it ties to the General Plan and defines who they are, what is special and what needs to be protected.

Stewart Gross stated that everything matters and no one issue is more important than another. If he had to pick one at this point it would be the perceived explosive growth that is occurring, and where they are going to put all the people who allow the services to continue to work.

Mike Franklin believed that a key issue was reasonable growth in a responsible manner.

The Staff was also asked to introduce themselves.

Patricia Abdullah, is the Planning Analyst for Park City. Francisco Astorga, Matthew Evans, Kirsten Whetstone and Anya Grahn were the Park City Planners. Amir Caus, Molly Orville, Jennifer Strader, and Tiffany Robinson were the Summit County Planners.

Don Sargent, the Summit Community Development Director, introduced himself and acknowledged Bob Jasper, the Summit County Manager. He noted that Mr. Jasper is very involved in the planning process and he is always looking for input and offering suggestions and ideas.

Mr. Sargent stated that he and Mr. Eddington had collaborated on this meeting for some time to figure out how they could be productive and make the most of everyone's time. Park City now has key pad polling as a resource and they tried to come up with good questions to address some of the ideas, concepts and concerns previously raised, moving forward in a regional planning aspect. At the last joint meeting in May, the group set a tone for moving forward to continue addressing where they are today, where they want to go in the future, and how to get there. He hoped the input they receive this evening would collaboratively help him and Mr. Eddington and their organizations come together in a regional aspect with respect to bringing together a regional plan that will benefit everyone. At the same time, the City and the County were working on their individual General Plans updates.

Mr. Sargent reported that he and Mr. Eddington had met with Envision Utah since the last joint meeting. A meeting was scheduled with Charles Buki, a consultant who has done growth management work with Park City, but that meeting was cancelled when Mr. Buki was unable to travel due to Hurricane Sandy. They intend to reschedule with Mr. Buki. They also plan to begin discussions with Wasatch County regarding regional aspects that can be pulled together in a global format to address some of the continual concerns.

Mr. Eddington noted that both the City and the County were on the same timetable for updating their General Plan, and that has worked well in their collaboration efforts. Mr. Eddington stated that the Park City General Plan has four primary chapters that are based on the core elements of their visions statement. The Planning Staff has presented two of the chapters to the Planning Commission and meetings were scheduled to present the last two. This evening they were hoping to gather information on how the General Plans are better integrated and to capture the interests of both sides.

Mr. Eddington noted that there were 75-80 prepared questions for the Commissioners. The first half was primarily questions. The second half was visual preference surveys. The Commissioners would see the answers to the questions after each vote, but the polling was anonymous.

Mr. Sargent stated that both Planning Staffs had been involved with the questions and it was based on comments heard from both Planning Commissions. The questions were drafted accordingly to get a consensus of the direction they should be going.

Mr. Eddington explained the key pad polling process and how it works.

Mr. Eddington began with the questions.

- 1) Identify your top three regional planning concerns. The Commissioners voted and the priorities were: 1) open space; 2) sprawl; 3) density.
- 2) Which of those there issues do you believe we have the most control over? The Commissioners voted and the top two were: Open Space and Sprawl.
- 3) Which do we have the least control over? The Commissioners voted and the top two were: Carbon Footprint and increasing traffic congestion. Affordable housing came in third.
- 4) What defines our Region? The Commissioners voted and the result was: Park City, Summit and Wasatch.
- 5) What is the first step towards better regional planning? The Commissioners voted and the majority was: Regional visioning.
- 6) Who is responsible for driving a regional partnership? The Commissioners voted and the majority chose: All of the above.
- 7) If somebody were to ask you if the Snyderville Basin and Park City area is unique, would you answer yes or no? The Commissioners voted and the result was: 100% yes.
- 8) What makes the Snyderville Basin Area unique? 1) where we are; 2) what we are; 3) who we are. The Commissioners voted and 44% chose: 1) where we are/the setting.
- 9) What makes Park City unique? 1) where we are; 2) what we are; 3) who we are. The Commissioners voted and 44% chose: 2) what we are/resort community.

Annette Velarde stated that if they are unique, she was curious to know how they were different from Vail or Aspen or other resort areas that have the same amenities.

- 10) What is your level in developing some type of liaison committee between Park City and Summit County? The Commissioners voted and the result was: 78% thought it was necessary.
- 11) 56% said yes.
- 12) What is your definition of rural? 1) distance from the nearest Starbucks; 2) number of people per acre; 3) proximity to neighbors; 4) open fields and views to the mountains; 5) agricultural use; 6) presence of wildlife; 7) built environment design. The Commissioners voted and the two top answers were: 2) number of people per acre and 5) agricultural use.

- 13) Do you feel Snyderville Basin is rural in nature? The Commissioners voted and the result was: 78% - no.

Ms. Velarde thought the largest question that had not been discussed directly was the change they have seen since 2008.

Mr. Eddington assumed the answer to question 13 would have been different if it has been asked about the County. Snyderville Basin is no longer rural, and he asked those who answered no if they thought it was suburban.

Mr. Klingenstein thought it was a mixture of urban, suburban and sub-rural. He stated that some rural characteristics still remained, but they had lost the agricultural base. Ms. Velarde thought it was more appropriately titled, Pretend Rural or Gentleman Ranches. Mr. Klingenstein noted that the citizens have said that they want an honoring of a rural character. He felt it was important to determine what that character should be and whether rural means keeping a few cows and barns in strategic locations. He has been looking for the definition of rural for a long time.

Mr. Sargent noted that the top answer to a previous question on the definition was that rural was proximity to neighbors. He was curious to know whether that meant near or far apart. Mr. Eddington remarked that the intent of the question was far apart. Ms. Velarde interpreted the question differently. Cluster development with 100 acres around it results in a low number of people per acre. Surrounding open space keeps it rural in nature.

Greg Larson commented on the aspect of different neighborhoods having more rural characteristics than other neighborhoods. He believed there was a component of ruralness in the Snyderville Basin. Mr. Klingenstein remarked that it would behoove them to finally define what that is.

- 14) Do you feel Park City is rural in nature? The Commissioners voted and the result was: 89% - no.
- 15) Do you think we should be, as a group, working with UDOT on road widening plans? The Commissioners voted and the result was: 78% - no.
- 16) Should we be working with them to narrow, creating road diet plans? The Commissioners voted and the result was: 78% - no.

Mr. Klingenstein believed that in reality they want to work with UDOT, but it needs to be done cooperatively to make sure it meets their regional transportation needs. He suggested a Transportation Management Center for the entire Basin so it could be done smarter. Director Eddington noted that they would eventually see questions that address other opportunities to work with UDOT.

- 17) Should Park City and Summit County consider adopting a comprehensive General Plan that mirrors each other's efforts? The Commissioners voted and the result was: 89% - yes.

- 18) Should we consider adopting regional architectural standards that are similar to each other? The Commissioners voted and the result was: 68% - no.

Mr. Eddington assumed the majority voted no primarily because the City and Snyderville should be distinct from one another. The guidelines should be independent and reflect the unique character of each one.

Mr. Klingenstein stated that Snyderville has seven different neighborhood plans and they want to honor each area. The City is one big neighborhood. Ms. Velarde thought the answer on this particular question depended on which Planning Commission you were on. Specific buildings and architectural design in both the City and Snyderville Basin could influence the answer.

Mr. Eddington asked if there was general agreement that architectural standards are important. Everyone answered yes.

- 19) Should the Snyderville Basin consider instituting any agricultural land use preservation methods? The Commissioners voted and the result was: 56% - yes.

Mr. Klingenstein stated that he voted no because there is so little left that is was no longer economically viable.

Mr. Sargent asked if someone wanted to continue to farm their land, whether there should be preservation methods or tools to address nuisance laws, complaints, odors, noise, or dust. Mr. Klingenstein was not opposed to preservation activities, but it was not a major priority.

Mr. Eddington asked if agricultural land use preservation was significantly different than open space. He was told that it was.

- 20) What is the future use of SR224 from Kimball to Old Town. They were asked to think 15-20 years ahead and prioritize the choices. He noted that trolley would be considered light rail. The Commissioners voted and the result was: 27% - Light rail; 27% BRT, 18% - Increased bus service

Mr. Eddington noted that an alternative mode was favored. He explained that BRT is where a center lane is reserved for buses only and could not be used by other vehicles. Increased bus service might be the quantity of bus times allocated to a bus stop.

- 21) What is the future use of I-80 from Salt Lake City to Park City/Snyderville Basin 15-20 years out? They were again asked to prioritize the top choices. The Commissioners voted and the result was: 30% - Light rail; 26% Increased bus service. There were some votes for a carpool lane.

- 22) How critical is collaboration between Park City and Summit County to create a regional plan

for the entire Wasatch Back area? The Commissioners voted and the result was: 45% - critical at this time.

- 23) How essential is collaboration on a shared TDR, Transfer of Development Rights program. The question addressed Park City and Snyderville Basin. Currently, State law does not allow the transfer of development rights between the City and the County because intra-jurisdictional transfers are not allowed. However, that may change in the future. The Commissioners voted and the result was: 56% - Very essential.
- 24) Implementation of a regional TDR program would allow your community to gain from accepting density outside your jurisdiction. The Commissioners voted and the result was: 56% - true.
- 25) Should the following land use principle be adopted regionally – “Direct desired land uses and development to existing developed areas that are well suited for the use. Supporting energy and greenhouse gas emission, reduction, goals and have available resource capacity. Infill development should complement the existing developed area.”

Mr. Klingenstein revised the language to say, “complement and improve”.

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

- 26) Should this principle be adopted regionally – “Each neighborhood should have a well defined edge such as an open space or a naturally landscaped buffer zone permanently protected from development, with the exception of areas where a neighborhood transitions into another neighborhood.” The Commissioners voted and the result was: 100% - yes.
- 27) A think tank organization has four planning principles which were listed on the screen. The Commissioners were asked to rank the top two they would like to see adopted in the City and County’s General Plan. The Commissioner voted and the result was: 48% greenbelt; 28% institutions.

Ms. Velarde thought it was an interesting statistic because the current Code says very little about wildlife.

Questions 28 through 59 were a visual preference survey. Mr. Eddington explained that two photos would be presented on the screen and the Commissioners should vote for their preference. Number one would be the slide on the left and number two would be the slide on the right. They were asked to vote based on their initial instinct.

On questions 60 through 68, the Commissioners were shown photos of open space and asked to vote on whether it was 1) private open space; 2) public active open space, 3) public passive open space, 4) not open space; 5) circulation.

- 69) The Commissioners were shown a variety of open space photos and asked if they would support it as a greener open space project. The Commissioners voted and the result was: 100% - yes.
- 70) The Commissioners were asked if they would still support it if it was above a Home Depot and grocery store. It was noted that the project shown has 90 residential units and 200,000 square feet of retail.

Ms. Velarde thought the real question was whether the Development Code would count that as open space in the requirements. Mr. Eddington stated that it is currently not addressed in the Code and, therefore, it is not counted. The purpose of the questions was to see whether the Commissioners would support this type of project as open space. Mr. Gross remarked that it would become private open space. Ms. Velarde asked if support meant that they would forgive some of the open space requirements in the development. Director Eddington answered yes. It may be setbacks or some other form of open space. He noted that the challenge is that setbacks in open space often become circulation and trails, and they are not always identified as open space to the typical by-passer.

Planner Astorga noted that the development shown in the photo is on a light-rail line and the parking garage would be buried.

The Commissioners voted and the result was: 67% - yes.

Mr. Eddington believed this type of project would be better suited for the heart of Kimball Junction or for Park City.

Mr. Eddington clarified that the many of the questions were not applicable for Snyderville Basin or Park City; however, the Staff was trying to derive architectural cues and/or open space cues. Their answers were very helpful. Mr. Eddington stated that there are a number of challenges in Park City regarding open space, particularly in how they utilize and define urban open space. Currently in Park City, hardscape and sidewalks on a property count as open space. However, as indicated from the answers, most people think of it as circulation and not open space. In looking at roof top gardens in the future, they need to determine whether that should count as open space, and if so, what percentage should be counted as open space. Whether it is food production and/or carbon reduction, the challenge is addressing how that open space should be used. Is it just for people, for viewing, or for the environment.

Mr. Eddington believed that in the Snyderville Basin they were grappling with larger open space issues. Is it used for open space passive visual or agricultural, and whether they would support Code changes. Mr. Sargent noted that Mr. Eddington had offered the use of the key pad polling system. He would like to use it as they progress more into the General and Regional Planning at the Planning Commission level. It would be helpful in addressing some of the questions regarding open space, the built environment, access, and other issues.

Mr. Eddington thought the answers this evening showed that both Planning Commissions had indicated a preference for nodes of development, which is a major part of the regional planning effort. Mr. Sargent stated that another challenge for Snyderville Basin is that the Development Code has certain standards and regulations; however, often times a project complies with the standards but the end result is not the quality they anticipated. He would like to look at the built environment under the current standards and regulations to see where there are deficiencies and what changes should be made to achieve the result they anticipate when the project is approved.

Mr. Eddington noted that the Park City Staff had a meeting with the Park City Planning Commission to discuss the Bonanza Park area between SR224 and SR248. The City is looking to do Form Based Code in that area. What the Staff heard from the Planning Commission was a desire to see more pictures and images and design guidelines so the end product is much clearer.

Ms. Velarde suggested the idea of a joint architectural standards committee. Even though Kimball Junction will always have a more industrial feel than Old Town Park City, to be able to blend those two would be very beneficial and help to complement each other. Mr. Sargent agreed. The two areas are different in their own respect, but there should be some complimentary elements, features, style and form so it looks like Snyderville Basin and Park City are still in the same community. Ms. Velarde remarked that when people turn off I-80 into Kimball Junction to go to Park City, they should feel like they have arrived at a vacation destination rather than an industrial center.

Mr. Klingenstein noted that Summit County split their General Plan in July because of different issues. Mr. Sargent and his Staff have to deal with two Planning Commissions; Snyderville Basin and Eastern Summit County, and they face an incredible work load. A major concern is that the Planning Commission wants to do a better job but they do not have the tools. A good example is the Village at Kimball Junction, where he believed they could have done a better job with the proper tools in place. Mr. Klingenstein remarked that the County is now going into re-development, which is another element of the General Plan, Phase 2. With re-development they can use economic development incentives to do a better job, along with the urban design. He believed they all have great desires, but lack of funds is one of the biggest problems in achieving those desires. Mr. Klingenstein was concerned that they were trending towards having a Sandy or Murray in the mountains if they did not get their tools in order quickly. He advocates for the economic base analysis, because if they truly are a resort driven economy and that is the base economy, the non-base economy builds off of that and they should honor it. They have the ability to make choices but they need the appropriate information.

Mr. Eddington asked if Mr. Klingenstein thinks of Snyderville as resort-base driven. Mr. Klingenstein replied that he would like to think that, but he was uncertain because they have a mixture of economic uses. Ms. Velarde did not agree that Snyderville Basin was resort based. However, Snyderville Basin would not exist without the resort based economy of Park City. Snyderville Basin provides support services, and it is also the attraction to the population because it brings in Salt Lake. Ms. Velarde understood from other discussions that incorporated Park City wants to stay resort and second home owner based, whereas, Snyderville Basin is full-time

residential based. Those were two different approaches to growth.

Mr. Eddington questioned whether the Park City Planning Commission would agree that Park City wanted to stay second home based. Commissioner Wintzer pointed out that Park City is trending that way and he could not see it stopping. He noted that Park City went from 100% primary homes to every home being sold as a second home.

Mr. Sargent reported that County-wide it was 50/50, excluding Park City. He believed the trend in the County was more permanent residents. Mr. Eddington agreed that the trend in the County was more permanent and the trend in the City was more second homes.

Ms. Velarde stated that if they accept that as fact, they could not plan effectively. Mr. Klingenstein thought it would be nice to have the data to understand where it was going. Mr. Eddington asked if the group wanted to discuss any issues that had not been addressed in the presentation.

Mr. Gross suggested parking and signage. Mr. Eddington noted that the Park City Code currently has parking standards that require a minimum. He asked if the parking standards should require a maximum. Commissioner Gross thought it was difficult to get people out of their cars. Park City has very difficult parking situations and people tend to stay home to avoid the parking problems rather than use the bus. From a commercial standpoint it creates a problem for businesses. He was unsure if a maximum standard was the answer because developers will develop as much as they can. Mr. Eddington noted that developers typically develop beyond the minimum. Commissioner Wintzer anticipated that at a cost of \$30,000 per car to build structured parking, the trend would change. He thought it would reduce the parking standards and hopefully encourage people to ride the bus.

Mr. Gross asked if it was the job of the taxpayers to underwrite the transit infrastructure to allow the minimum. Mr. Wintzer replied that it could be if they gain from it, such as less traffic and a better environment.

Ms. Velarde felt they needed improved bus service in the Snyderville Basin area because there are still many places where there is no bus, and other situations where you have to ride the bus all around town to get to your destination. She liked the light rail in Salt Lake and thought they did great PR to encourage people to ride it. The County needed to do a PR campaign to get people attending events in Park City to park in Snyderville and bus into Park City.

Mr. Sargent stated that the Staff would provide the results of this meeting to everyone for their review. The City and County would use the analysis to see if they were on the same mindset. Mr. Sargent would like to continue the joint discussions as they look at their regional planning efforts and both General Plans continue to refine.

Ms. Velarde suggested using the key pads to gain feedback from the public using the same set of slides and questions.

Mr. Klingenstein requested an actual commitment in writing outlining how they would move forward. It was a long time between this meeting and the last, and he believed everyone wanted to keep moving forward. He would like to see a schedule and a very global work plan based on their comments this evening. Mr. Eddington stated that both Staffs would like to expedite some of this collaboration and he and Mr. Sargent would work towards doing that. Mr. Klingenstein remarked that the gateway corridors were also under attack. Park City had done a good job stopping the movie studio. The County was facing the possibility of three lanes each direction from Kimball to the Canyon. In his opinion it would be the worst urban solution. Mr. Klingenstein stated that there were too many issues to be concerned about and they needed to stop spinning their wheels.

Mr. Sargent stated that once they re-connect with Charles Buki and Envision Utah, and the Staff figures out how to move forward with the regional plan, they should be able to set a schedule.

Diane Foster, interim Park City Manager, stated that plans were underway for the managers and planning directors from Park City, Heber City and Summit and Wasatch Counties to meet with Charles Buki to begin a regional planning discussion.

Commissioner Gross asked about relationships with UDOT. Ms. Foster stated that the City and Summit County have good relations with UDOT and UTA. Kent Cashel with Park City and Kevin Callahan with Summit County stay very involved with both entities. Commissioner Klingenstein stated that UDOT has taken a more active role with the communities as opposed to their past approach. He believed the City and County needed to approach UDOT together and have elected and appointed officials attend public hearings so they realize it is the community and not just Staff.

Director Eddington offered to compile the results from this meeting and email it to everyone. They would also work to schedule another joint meeting

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

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## **MINUTES – APRIL 10, 2013**



PARK CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION MEETING MINUTES  
COUNCIL CHAMBERS  
MARSAC MUNICIPAL BUILDING  
APRIL 10, 2013

COMMISSIONERS IN ATTENDANCE:

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

EX OFFICIO:

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

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REGULAR MEETING

**ROLL CALL**

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

**ADOPTION OF MINUTES**

February 20, 2013

Commissioner Hontz referred to page 23 of the Staff report, page 25 and noted that he had recused himself prior to Mary Wintzer speaking during public input. He corrected the minutes to reflect that he had recused himself and left the room.

Also on page 25 of the minutes, last paragraph, last sentence, Commissioner Wintzer corrected the sentence, "Commissioner Wintzer suggested revising the language..." to correctly read, "**Mary Wintzer** suggested revising the language..."

Commissioner Hontz referred to page 21 of the Staff report regarding the Prospector/Bonanza Park discussion and recalled a request from the Planning Commission to further separate the two areas. She thought the Planning Commission had resolved a way to address the separation. Commissioner Wintzer recalled that the Planning Commission had agreed that the residential part of Prospector should be treated like a residential neighborhood and they gave the Staff direction to look into it. Chair Worel did not believe the Commissioners had come to a resolution.

Director Eddington reported that the Staff went back and looked at some of the indicators that were being used for that particular neighborhood, and they ended up removing some of those indicators because some were commercially based and others were residentially based. The draft General Plan included a sanitized version of those indicators, which addresses that concern. However, the Staff also made a note to address it further as they go through the draft General Plan over the next

eight months. The Planning Commission would receive a matrix of a proposed schedule to review the General Plan in an effort to have it finalized by the end of the year.

MOTION: Commissioner Wintzer moved to APPROVE the minutes of February 20, 2013 as corrected. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously. Commissioner Savage was not present for the vote.

#### March 27, 2013 – Work Session

Commissioner Wintzer noted that on page 39 of the Staff report, the Staff had asked about the MPD for Old Town. He asked if a date had been scheduled for that discussion. Director Eddington intended to provide an update during the Staff Communication portion of this meeting.

Commissioner Hontz referred to page 29 of the Staff report, page 5 of the minutes, 5<sup>th</sup> paragraph, second to the last sentence and corrected “He noted that currently some lands....” to correct read, “**She** noted...” because she was the one who made the comment.

#### March 27, 2013 – Regular Meeting

Commissioner Hontz referred to page 47 of the Staff report, page 15 of the minutes, second paragraph, last line, and corrected Commission Hontz to correctly read, **Commissioner Hontz**.

MOTION: Commissioner Hontz moved to APPROVE the minutes of March 27, 2013 for the Work Session and the regular meeting as amended. Commissioner Thomas seconded the motion. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously. Commissioner Savage was not present for the vote.

**Commissioner Savage arrived.**

#### **PUBLIC INPUT**

Jim Tedford, a Park City resident representing a group concerned with preserving Historic Main Street. Mr. Tedford provided a copy of a letter dated January 3, 2013, which was the date he wrote the letter and submitted it to the Planning Department. He had written the letter with the understanding that the matter of MPDs in Historic Main Street would be on the agenda for the next meeting in January. Mr. Tedford noted that the matter was not scheduled on that agenda and has not appeared on any agenda for three months as a proposed change to the Land Management Code. Mr. Tedford wanted to know why the item was never placed on the agenda as it was supposed to be in January, and when it would reappear for discussion.

Director Eddington stated that the Planning Commission would be reviewing two sections of the LMC on May 8<sup>th</sup>. One was the MPD and the other one was height. Director Eddington noted that after the Planning Commission had forwarded recommended changes to the LMC in December, the

Staff put the remainder of the LMC amendments on hold to focus on the General Plan. Those were scheduled to come back on May 8<sup>th</sup>.

Mr. Tedford read his letter dated January 3, 2013 into the record. In his letter he noted that it was time to decide whether they wanted to maintain Main Street's integrity as an authentic mining era business district or if they would let it deteriorate into just another Main Street USA. He noted that all advertisement enticing visitors to Park City includes the word "historic". The Main Street Business Association is named the Historic Park City Alliance. He noted that everyone in the region has a vested interest in the future of downtown Park City and they all cherish it as a part of the hometown culture. Mr. Tedford provided a brief history of Main Street commenting on its revival, as well as mistakes that were made. He also pointed out current and recent construction on Main Street that is not compatible with its historic nature. It was hard to understand how projects of this magnitude met the compatibility criteria of the LMC, the HDDR guidelines and the General Plan.

Mr. Tedford recognized that there was nothing they could do about past mistakes, but they could make sure that all future Main Street projects complement the existing historic qualities of their mountain community. The Land Management Code and the Historic District Design Guidelines determine what can and cannot be built. He suggested that it was time to strengthen these laws and not weaken them by creating exceptions and ambiguous language that allow projects that do not belong on Main Street.

Based on the Land Management Code citizens can always request that the City initiate proposed changes to the LMC. Mr. Tedford requested that the Planning Commission initiate the three proposed changes to the LMC that were attached to his letter and address the applicability of an MPD, the pre-application conference and the duties of the HPB.

Chair Worel thanked Mr. Tedford for his comments and the time he spent preparing his handout.

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

Director Eddington reiterated that the LMC amendments were scheduled for the meeting on May 8<sup>th</sup>.

He noted that another meeting with the consultants regarding Bonanza Park and Form Based Code was scheduled for May 22<sup>nd</sup>. The Staff and Planning Commission would have a work session discussion on May 8<sup>th</sup> prior to meeting with the consultants.

The Planning Commission would be receiving a calendar of scheduled meetings to discuss the draft General Plan.

Director Eddington announced that a ground breaking ceremony for the new Residential Transit building at the Iron Horse public Works Facility would be held tomorrow at 4:30 p.m. The Commissioners were invited.

Director Eddington noted that Patricia Abdullah had been out on FMLA due to family health issues. She was back and they were working on a plan to address the discussion from the last meeting regarding Minutes.

## **REGULAR AGENDA – Discussion, Public Hearing and Possible Action**

### **1. 343 Park Avenue – Plat Amendment (Application #PL-13-01836)**

Planner Whetstone reviewed the application for a plat amendment at 343 Park Avenue. The request was to combine Lot 11 and the southerly half of Lot 12, Block 3 of the Park City Survey. The lots have frontage on Park Avenue. And existing historically significant house on the property straddles the common lot line. The applicant would like to combine the lots to create a lot of record and remove the property line that the house was constructed over, resolving the existing encroachment issue.

The Staff had reviewed the application with the Development Review Committee and finds good cause for the plat amendment. It resolves the encroachment issues as well as encroachments of low walls and other minor encroachments. The plat also secures a public snow storage easement on the frontage on Park Avenue. It also addresses the issue of residential fire sprinklers. The Staff finds that the plat would not cause undue harm to adjacent property owners and that all requirements of the Land Management Code for future development could be met.

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

Commissioner Strachan asked if a structure encroaches over a property line on to someone else's property, whether the applicant could just remove it. Planner Whetstone replied that the owner removing the encroachment would need permission from the other property owner. Commissioner Strachan wanted to know what would happen if the owner either refused to allow the removal of the encroachment or refused an encroachment agreement.

Assistant City Attorney McLean explained that the idea is to clean up the property lines and the encroachments. In her experience, people either want the encroachment removed or they are willing to do an encroachment agreement.

Planner Whetstone identified encroachment areas for 343 Park Avenue. She noted that there was a minor retaining wall encroachment on to City property in the front, which would be addressed through an encroachment agreement with the City. A retaining wall in the back is on and off the property.

Commissioner assumed that the formal encroachment agreement states that the owner being encroached upon has the right, but not the obligation to allow an encroachment.

Assistant City Attorney McLean stated that the City does not provide encroachment agreement for the parties. The agreements are drawn up between the two parties and each agreement can be different. The City only makes sure the encroachment issue is addressed. In response to Commissioner Strachan's questions, Ms. McLean stated that in the situation of a refusal, the matter would be handled on a case by case basis.

Marshal King, with Alliance Engineering and representing the applicant, asked how the City could require an agreement between two private parties; particularly if the neighbor would not cooperate, regardless of whether it is the person encroaching or the one encroached upon. Planner Whetstone believed it would become a civil matter. However, if the structure is historic, she doubted that a judge would order it to be removed.

Commissioner Savage clarified that the City does not enforce the encroachment agreement. Enforcement of the agreement is between the parties who are the subject of the agreement. However, the existence of the encroachment agreement could be a requirement by the City to allow a plat amendment. He was told that this was correct.

Chair Worel opened the public hearing.

There were not comments.

Chair Worel closed the public hearing.

Commissioner Hontz referred to page 58 of the Staff report, Finding of Fact 12, and page 59, Condition of Approval 4, and thought the language should match. She revised Finding 12 to read "A Steep Slope Conditional Use Permit is required for any new construction over 1,000 sf of floor area and for any driveway/access **and/or** improvement if the area of construction/improvement is a 30% or greater slope for a minimum horizontal distance of 15 feet." She read from Condition 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." Commissioner Hontz thought the requirements for what triggers a steep slope approval should be the same in both the findings and the conditions and it should be consistent.

Commissioner Hontz referred to page 59, Condition of Approval 5, regarding Modified 13-D sprinklers. She recalled that the Planning Commission had updated the language in previous meetings for the condition in general and this language was inconsistent. She noted that the wording was not "will" and "as required." Commissioner Hontz requested that the previous update language be used as standard language and that Condition #5 be revised to follow that language. They were finding that sprinklers were not being required for historic structures and the language "shall be required" should be changed to, "may be required."

Planner Whetstone stated that changing "shall" to "may" was consistent with the last application that was revised. Commissioner Hontz did not believe they needed to use the word required twice. She modified the first sentence to read, "Modified 13-D sprinklers may be required for new construction by the Chief Building Official."

Commissioner Savage questioned whether the sprinklers should be a condition of approval. Assistant City Attorney McLean noted that the Building Department has always wanted it identified on the plat as a condition.

Commissioner Hontz corrected Condition 7 to read, "Encroachments across property lines must be addressed prior to plat recordation and shall either **be** removed or encroachment easements shall be provided."

To address Commissioner Hontz concerns with Finding 12 and Condition 4, Commissioner Strachan suggested that they strike Condition 4 and add the language from Finding 12. He did not believe the language was a finding and recommended that it be stricken from the Findings of Fact. Commissioner Hontz was comfortable with that change.

MOTION: Commissioner Savage moved to forward a POSITIVE recommendation to the City Council for the 343 Park Avenue Plat Amendment, based on the Findings of Fact, Conclusions of Law and Conditions of Approval found in the draft ordinance and as amended. Commissioner Wintzer seconded the motion.

#### Findings of Fact – 343 Park Avenue

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. Planning Commission - April 10, 2013 Page 57 of 1283.
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 §
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. The proposed plat amendment does not create any new non-complying or Non-conforming situations.
13. 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, aide, and rear property.
14. 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.
15. The plat amendment secures public snow storage easements across the frontage of the lot.
16. 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 – 343 Park Avenue

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

#### Conditions of Approval – 343 Park Avenue

1. The City Attorney and City Engineer will review and approve the final form and

content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.

2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Approval of an HDDR application is a condition precedent to issuance of a building permit for construction on the lot.
4. 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.
5. Modified 13-D sprinklers shall be required for new construction 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.

2. **206 Grant Avenue – Plat Amendment**  
**(Application PL-13-01819)**

Planner Matt Evans reviewed the application for a plat amendment to combine two partial lots of the Millsite Subdivision, Block 72, into one parcel to create one new buildable lot. The property is located in the HR-2 zone, which is a residential district. The applicant was contemplating future development of the property. The applicant was considering one of two possible uses. One was a potential garage for the property which was actually 222 Sandridge Avenue and not 156 as incorrectly stated in the Staff report. A second possibility was a potential small home on the site.

Planner Evans stated that the property has unique circumstances, and the shape of the property would dictate some of the lot requirements. The size of the lot is 2,257 square feet. The minimum required is 1875 square feet. The maximum allowed footprint of 994 square feet was a potential based on the lot size. The lot width was 70 feet, which dictates the setback requirements for the side yard. The required setbacks would be 20 feet combined; a ten foot minimum front and rear, which makes the setback totals 14 feet with a five foot minimum setback. Maximum height is 27 feet.

Planner Evans presented a slide showing the configuration and the two lots being combined. He had also shown the setbacks and the conceivable building pad, which was estimates to be approximately 600 square feet. Planner Evans presented what he believed to be a conceivable building form based on the setback requirements. He noted that the situation is complicated because the existing stairway easement is approximately 7 feet and the setback requirement is 9 feet. Therefore, even if the new structure could be built within that area it would not encroach into the existing stairwell easement because the setback requirement is larger than the actual easement area.

Planner Evans reviewed future required processes as outlined in the Staff report. At a minimum an HDDR would be required in the future if the applicant chose to move forward with development. If the structure is over a 1,000 square feet, the property would more than likely exceed the 30% slope and a Steep Slope CUP would also be required.

The Staff found good cause for this plat amendment. Planner Evans noted that without the plat amendment the two lots could not be developed independently. He commented on easement issues related to the property as outlined in the Staff report.

Jonathan DeGray, representing the applicant, was available to answer questions.

Commissioner Hontz asked about the parking space easement. Mr. DeGray stated that the previous owner who owned 206 and 210 Grant, as a provision of the sell, created a parking pad for 210. Therefore, 210 Grant Avenue has a parking space off of Swede Alley and that was the easement. Mr. DeGray noted that the parking space is 9' x 18' and it needed to encroach on to the lot at 206 in order to be a parking space for the 210 property. Director Eddington was unsure of the negotiation details, but the owner worked with the City Engineer to add a parking space. He noted that the parking space was historically existing and it was improved for 210 Grant.

Commissioner Wintzer understood that approval of the plat amendment would not affect the easement.

Chair Worel opened the public hearing.

There were not comments.

Chair Worel closed the public hearing.

Commissioner Hontz referred to page 74, and noted that Finding of Fact #4 was incorrect. She assumed it was a cut and paste error. Planner Evans verified that she was correct. Finding 4 should be deleted and the findings renumbered.

Commissioner Hontz suggested that the language in Finding of Fact #9 should be revised to match the standard language as stated in the previous matter. Commissioner Hontz suggested that they delete the first sentence in Finding of Fact #12 and begin the Finding with the second sentence.

Commissioner Hontz referred to page 75, and thought Condition of Approval #3 was in incorrect as written. She split it into two conditions of approval and revised the language to read:

Condition #3 - Approval of an HDDR application is a condition precedent to issuance of a Building Permit for construction on the lot.

Condition #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 1,000 square feet per the LMC.

Commissioner Hontz noted that the written Condition #4 would become Condition #5. She revised that language to read, “Modified 13-D sprinklers may be required by the Building Official for any construction.” She commented on the important of making sure the Findings and Conditions are concise and legally defensible.

Regarding the language the new Condition #5, Director Eddington preferred to expand the modified condition to match the language in the condition of approval for 343 Park Avenue. “Modified 13-D sprinklers shall be required for new construction 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.” Commissioner Hontz concurred.

Commissioner Savage stated that he was not as detail-oriented as some of the other Commissioners, but he was curious about language in Finding of Fact #12 that talks about the maximum allowed footprint of 994 square feet, but then says the footprint will not exceed 600 feet. He understood the intent but it was confusing. Commissioner Hontz clarified that it was her reason for suggesting that the first sentence be deleted and that the Finding begins with “Potential development on the property is limited to...”

Commissioner Strachan pointed out that Finding of Fact #14 was actually a Conclusion of Law. He recommended that it be deleted from the Findings and insert the language as Conclusion of Law #1.

MOTION: Commissioner Savage moved to CONTINUE the discussion of the 206 Grant Avenue plat amendment to April 24, 2013 Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

**3. 30 Sampson Avenue – Steep Slope Conditional Use Permit.**  
**(Application PL-12-01487)**

Commissioner Wintzer disclosed that he has a business association with Wade Budge, the attorney for the applicant. Commissioner Thomas disclosed that he also knew Wade Budge.

Planner Evans noted that the Planning Commission reviewed this item in December as a work session. The Work Session minutes were attached as Exhibit F. The minutes from the August

2012 meeting session was identified as Exhibit E in the Staff report; however, that Exhibit was inadvertently left out of the Staff report.

Planner Evans had emailed a corrected analysis to the Commissioners showing the correct numbers for the home at 30 Sampson Avenue. He noted that a lot of numbers were involved in the Staff report and any questions regarding the numbers would be referred to the applicant's representatives.

Commissioner Savage assumed that Planner Evans had reviewed and corroborated all the numbers, and any comments or explanations by the applicant or his representatives would also be on behalf of Planner Evans. Planner Evans replied that the Staff and the applicant had reviewed the numbers and agreed upon them. Mr. DeGray concurred that the only discrepancy were the numbers on the matrix for 30 Sampson and that had been corrected.

Planner Evans remarked that there are nine criteria to be considered when reviewing the Steep Slope CUP. He noted that the project would go through a formal HDDR process, but that had not yet occurred. Therefore, any design features have not been approved and were still subject to HDDR review. He recommended that the Planning Commission look at the house and associated structures from the standpoint of form rather than the actual details with respect to materials and design.

Commissioner Thomas pointed out that mass, form and scale were also design elements, and as an architect, they are critical design elements. Planner Evans agreed. He was only pointing out that the Staff and the Design Review Team would be looking at those issues independent of the steep slope conditional use permit.

Planner Evans reviewed the nine criteria for review and how it was specifically applied to 30 Sampson Avenue. The Staff no unmitigated impacts on Criteria 1-7, and requested discussion on Criteria 8 and 9.

Criteria 1 – Location of Development. Planner Evans indicated an existing platted subdivision lot that was created in 1995 and specific conditions and criteria was recorded on the property, as documented in the Staff report. The structure was limited to 3,000 square feet. Discussions during the 1995 approval allowed a 400 square feet addition for a garage, for a total maximum of 3400 square feet. Planner Evans remarked that the Staff report also notes that in 1998 a decision was made by the Community Development Director that the 3400 square feet did not apply to a basement that is completely subterranean underground that meets that criteria. For that reason, Planning Commission was looking at a building that appeared to be much larger than what is recorded on the plat. The letter from the former Community Development Director was attached to the Staff report as Exhibit D.

Commissioner Thomas asked if the previous decisions over-rules the 2009 Code that has different stipulations for those areas. Planner Evans stated that the applicant is vested for 3,000 square feet plus 400 square feet for the garage, not counting the basement. Commissioner Thomas thought the applicant was also held accountable to the interpretation of the 2009 revised Steep Slope CUP process. Planner Evans answered yes. Commissioner Thomas questioned the process if the

current Code differs from the letter issued from the Community Development Director in 1998. Planner Evans replied that how it differs would depend on the Planning Commission's interpretation.

Commissioner Savage asked if the letter was considered to be a modification or an interpretation. Planner Evans replied that it was an interpretation. Commissioner Strachan understood that it was an interpretation of the plat amendment, not the Code. Planner Evans agreed that it was not a Code interpretation.

Criteria 2 – Visual Analysis. Planner Evans pointed out that the visual analysis had two missing components. One was 16 Sampson, which is an approved HDDR and Steep Slope CUP, and has a similar sized home being built. The second was the potential development above this lot on Lot 1 of Treasure Hill, which also would add to the visual analysis but is currently an unknown.

Commissioner Wintzer clarified that the Treasure Hill property was not in this zone. Planner Evans replied that this was correct. It was directly above 30 Sampson in the HR-1 zone.

Criteria 3 – Access. Planner Evans noted that this property only has access on Sampson Avenue. No other access is contemplated.

Criteria 4 - There is no terracing; however, there is initial grading and stabilization. Some retention will be required.

Criteria 5 – Building location. Planner Evans reiterated that they were dealing with a previously approved building lot, Lot 3 of the Millsite Subdivision amended plat.

Criteria 6 – Building form and scale. The Planning Commission would be looking at the form, mass and scale of the home.

Criteria 7 – Setbacks. As indicated in the Staff report, because of the shape of the lot, the Code requires that the Planning Director do a setback analysis, which was previously done and included in the Staff report. Planner Evans stated that a lot with this configuration might have a 10' front yard and 10' rear yard and 5' side yard setbacks based on the lot width. This is an odd shaped lot with many different sides. Therefore, the Planning Director made a determination as to setbacks; 15' front, 15' rear and setbacks that vary on the side from 5' to 8' feet and 10' in some spots.

Criteria 8 – Dwelling volume. The Staff requested discussion from the Planning Commission on the building volume. The applicant had redesigned the home from its original design, which contemplated a two car garage, to a one-car garage in an effort to reduce the appearance of the building volume looking at it from Sampson Avenue.

The Staff had proposed questions for discussion.

Criteria 9 – Building Height. Planner Evans remarked that the maximum building height was 27'. The proposed dwelling does not exceed 27'; however, because of the steep slope situation, the Staff requested discussion by the Planning Commission.

The Staff had drafted findings of fact, conclusions of law and conditions of approval.

Wade Budge, counsel representing the applicant, introduced the property owners, Michael and Lori Jorgensen. Mr. Budge provided a brief background of the history of the property. He felt it was important to keep in mind that this property was platted from approximately 13 lots, allowing the potential to have more density in this area. However, in 1995 the property was part of a plat amendment to have three lots placed in this area and the plat was recorded. Mr. Budge stated that 30 Sampson was the last of the three lots to be developed.

Mr. Budge pointed out that the minutes from the 1994 Planning Commission meeting was attached to the Staff report. At that time it was determined that a home was appropriate for this site and plat notes were placed on the plat reflecting that. Mr. Budge felt it was important to note that the garage issues was discussed; as well as the idea of having a home on the property. He remarked that the slope was also discussed at that time. Those issues have already been considered, and he was pleased that they would be considered again because they were interested in hearing input from the Planning Commission before proceeding.

Mr. Budge thought the Staff report was very thorough and well-done, the applicants agreed with the analysis. He wanted to touch on a few points and asked Jonathan DeGray, the project architect, to talk about massing and some of the design changes. He believed the changes were important as the Planning Commission considers potential impacts.

Mr. DeGray reviewed changes to the garage based on the discussion with the Planning Commission during the site visit. Based on their concerns, the driveway was dropped approximately 1 foot and the slope was reduced. Mr. DeGray reviewed the site plan and noted that it was virtually flat on the south side of the driveway going to about a 10% grade on the right-hand side of the driveway facing it from the street. Mr. DeGray stated that since the initial application, the garage was changed from a two-car to a single-car garage. By doing so reduced the width of the frontage.

Commissioner Savage asked if it was a single car garage or a tandem two-car garage.

Mr. DeGray replied that it was a long single-car garage. It does not meet the requirements of tandem. However, two small cars could fit in it. Mr. DeGray stated that the second off-street parking space would be maintained on grade with the spur that goes off to the north.

Mr. DeGray stated that the width of the building was reduced to soften the appearance on the street. In terms of relationships to other buildings on the street it is probably one the smallest structures on Sampson. The shape of the lot dictates that the bulk of the building be set back. As noted in the Staff report, the distance of the property line to the front of the building of the residence is 77 feet, which is considerably further back on the lot.

Mr. DeGray referred to Criteria 8 and 9 in the Steep Slope CUP. Regarding Criteria 8, Mr. DeGray stated that building volume is a product of the lot shape. The Planning Commission has already discussed the unusual hourglass shape and topography of the lot. It is dictated that the house be broken into two pods; the driveway/garage portion closest to the street, and then 70+ feet back up the hill is the residence. The residence above grade is a two-story structure on the front and single story at the rear. Above grade the two stories equal 2400 square feet of building area. Mr. DeGray

believed the home was modest home in terms of building size visible from the street. He noted that 77 feet back would allow for significant vegetation between the garage and the main house. Surrounding the main house is predominantly a scrub oak forest. Mr. DeGray stated breaking it into two pods reduced the dwelling volume considerably, compared to other structures on the street. He used 40, 60 and 99 Sampson as examples of larger structures along the road.

Mr. DeGray stated that the proposed garage is a 900 square foot structure. He noted that 50% of the garage structure is buried into the hillside; however, the entire square footage of the garage is counted in the maximum square footage. Mr. DeGray pointed out that the height of the structure is limited to 25 feet. One area of the home is 27 feet.

Mr. DeGray referred to the visual analysis drawings and noted that the house was only found to be visible from the trolley turnaround or from the top of Hillside at the intersection of Marsac. Mr. DeGray stated that another consideration was how the structure fits into the hillside and how it looks with the other residences. He would argue that it fits within the context of the entire hillside.

Mr. Budge thought the minutes from the 1995 process were informative. A lot of analysis was done by the Planning Commission at that time, and while it should not substitute for the judgment of the current Planning Commission, it was helpful and should contribute to their analysis. Mr. Budge believed the 1995 analysis shows that there was a lot of discussion about the kind of square footage that would be appropriate for this particular terrain. An in the case of the adjacent lot at 40 Sampson, the determination was made that a larger structure would be appropriate. At some point in time it was possible that up to 3500 square feet above ground could be located next door and due south of this structure. Mr. Budge felt that was important to keep in mind as they analyzed the issues.

Mr. Budge remarked that a Code exception resulted from the 1995 process and is found in the Park City Code. He noted that it has been referred to as the Schneckloth exception. The exception allows someone in this particular subdivision to avoid this CUP process. Mr. Budge stated that the applicants were here this evening because they submitted an application, but he felt it was important to read what the City Council determined and said about this particular subdivision relative to that process. Mr. Budge read, "In conjunction with the subdivision or plat amendment, several property owners have undergone a review process comparable to that listed in the conditional use section B above." That section is the steep slope process they were talking about today. Mr. Budge stated that the City did not seek to subject those owners to additional Planning Commission review. He noted that further language allows the applicant to bypass the process and go directly to the Planning Director.

Mr. Budge emphasized that this property has already gone through great review. As an applicant, they have been very careful to make sure their proposal is in strict conformity with what was approved. Mr. Budge summarized that a plat was approved and recorded in 1995 and a statement was made that the maximum size of 3,000 square feet was appropriate for the site. In those same discussions a clarification was made relative to a 400 square foot garage not being included in the 3,000 maximum. In addition, as reflected in Exhibit D in the Staff report, in 1998 a determination was made regarding the basement issue. Mr. Budge reported that Mr. Jorgensen wanted the issue clarified before purchasing the property. Therefore, the seller, Ms. Schneckloth, sought that

determination from the Community Development Director and the determination was recorded against this property. On that understanding, Mr. Jorgensen purchased the property that same year.

Mr. Budge stated in talking about detrimental impacts, they need to balance the interests and the expectations of the property owner with the impacts that would be created by his proposed structure.

Mr. DeGray commented on Criteria 9 – Building height. He reiterated that 25' was the general height of the main home. One portion was 27'. The structure is two stories in the front and one story in the back sitting parallel to the contours. He indicated a vertical change in the building site of 30 feet between the front garage pad and the home. Combined with the 70 feet of horizontal change there is a great deal of variation in terms of building volume and the perceived building height as the building is viewed from the street and from a distance.

Mr. DeGray did not believe the renderings clearly showed the actual separation between the buildings. He reviewed the south elevation to show the distance between the garage and the main building. He noted that the portion in between the garage and the elevator is also a planting area. The garage would be a lower structure just over 20 feet at the ridge. He pointed out the 27' height line directly above the main house. It would be a modest structure of 2400 square feet sitting on top of the hill.

Mr. DeGray commented on the purpose statements in the HRL zone. He read from Item A, "Reduce the density that is accessible only by substandard streets so that these streets are not impacted beyond a reasonable capacity." Mr. DeGray reiterated that the plat reduced the subdivision from 13 platted lots to three platted lots. The property is in the HR-L zone. Historically HR-L zoning is larger lots at a two lot minimum of 3750 square feet and larger homes. The HR-L densities are different from the densities in the HR-1 zone.

Mr. DeGray read from purpose statement B, "Provide an area of lower density residential use within the old portion of Park City. He again noted that the plat reduced the density and therefore meets the purpose. Item C, "Preserve the character of historic residential development in Park City". Mr. DeGray stated that the proposed home would meet the design guidelines, it meets the steep slope criteria, and it is sensitive to the character of historic residences in the area. Item D, "Encourage preservation of Historic Structures." Mr. DeGray pointed out that there are no historic structures on the site. The closest historic structure is the adjacent property which is also within the same subdivision. As previously stated, that lot has an above grade building size of 3500 square feet plus basement plus a 400 square foot garage. It is the largest lot on Sampson Avenue at 11,000 square feet. Item E, "Encourage construction with historically compatible structures that contribute to the character and scale of the historic district and maintain existing residential neighborhoods. Mr. DeGray stated that compatibility within the HRL Zone is only defined in the LMC as height, footprint, setbacks, and meets the criteria of the steep slope CUP. Mr. DeGray believed the design as proposed met all the requirements.

Mr. DeGray noted that the Staff had provided additional comparisons of building size in the Matrix contained in the Staff report. If one of the criteria for compatibility is viewed as building size, as proposed by Staff, he thought it was fair to review compatibility with historic structures by reviewing

what the historic structures in the area actually are, as well as how they have been renovated and could potentially be renovated. Mr. DeGray stated that 16 Sampson Avenue, which recently received an approval, is a historic structure. The project is a reconstruction resulting in 4,141 square feet gross. The lot size is equivalent to 3.2 lots. Mr. DeGray remarked that 40 Sampson Avenue is the Schneckloth property. The lot is the equivalent of six old town lots and the structure could be as large as 3500 square feet. Mr. DeGray noted that 41 Sampson across the street is currently a condemned structure due to the wall that supports Sampson Avenue. However, that property has an approval for a new structure at 4,154 square feet gross. He noted that 60 Sampson Avenue, which is a historic renovation, is 4,246 square feet on the equivalent of 3.5 lots. In comparison, Mr. DeGray pointed out that 30 Sampson Avenue is the equivalent of 3.7 lots at 7,000 square feet. It is the second largest lot on the street. The applicant was proposing a gross square footage of 4,585 square feet. Mr. DeGray remarked that this proposal was very compatible based on the historic homes in the area and how they have been renovated. The same could be said for compatibility with new construction at 50 Sampson, as well as the homes at 201 Norfolk, 99 Sampson, and other properties in the neighborhood.

Mr. DeGray pointed out a smaller structure at 121 Sampson at 854 square feet. It is not a historic structure and could be torn down. The structure sits on 3.5 lots.

Mr. DeGray stated that building size is one level of comparison for determining compatibility, and he believed another level needs to be mass and scale. They have talked about the visual analysis and how the mass and scale of the building fits within the context of the hillside of the Sampson Avenue/Norfolk/King Road/Woodside area. He would argue that the building fits within that character.

Mr. DeGray remarked that a third level to judge compatibility would be the fact that the home needs to work within the Historic District Design guidelines. He emphasized that the home would meet those guidelines, and therefore would be compatible in its design and appearance. Mr. DeGray stated that the last item for judging compatibility was the 1995 plat, which stipulates compatibility based on building size. They also meet that criteria.

Mr. Budge understood that the elevator was discussed in prior meetings. He clarified that the purpose of the elevator was more than just convenience. Michael Jorgensen is a doctor. He does not see patients at home, but some of his friends, particularly one in a wheelchair, need accessibility. The elevator allows the owners to make use of their property and make sure that all of their guests could access their home. Mr. Budge believed the proposed design accomplishes that, and is done in a way that is consistent with the Code.

Mr. Budge stated that they have tried to anticipate all detrimental impacts and mitigate them as best as possible. They believed all the impacts had been mitigated by the design, but they were interested in hearing from the Planning Commission.

Chair Worel opened the public hearing.

John Vrabel stated that he lives across from 30 Sampson Avenue. Mr. Vrabel commented on structures in the area that were smaller homes, including 41 Sampson at 1100 square feet. His

house at 33 Upper Norfolk is only 800 square feet. Mr. Vrabel noted that the proposal for 30 Sampson was not totally compatible with all the surrounding structures. In his opinion, two parking spaces was not sufficient for the size of the home proposed.

Susan Fredston-Herman stated that she was an adjacent property owner and was concerned with the status of Sampson Avenue. A building permit has been issued on her property and they are required to begin construction on May 15<sup>th</sup>. They have been told that the road cannot handle construction traffic, which puts them in a very difficult situation. They have a contractor waiting to start, but no one know if they can move forward. Ms. Fredston-Herman remarked that the integrity of the road is an issue. The road is clearly failing, which is why 41 Sampson has been condemned. She was concerned about the construction schedule of her project and additional projects. With no disrespect to the Jorgensen project or anything else, Ms. Fredston-Herman requested that this item be continued until the City makes a determination on when the road would be repaired, how it would be repaired and how it affects the property owners on Sampson Avenue and adjacent properties. Ms. Fredston-Herman believed the issue of road safety was important and her concern was the sequence of events on Sampson. Until there is clarity on that situation and whether the road can handle construction equipment this item should be continued.

Chair Worel closed the public hearing.

Commissioner Savage asked if he was correct in assuming that the Planning Commission was looking at a recommendation on a conditional use permit related to a steep slope, and that the issuance of a building permit associated with construction of that project would be subject to separate reviews as mentioned by Ms. Fredston-Herman.

Director Eddington stated that if construction could not be started within a certain period following the CUP approval, the owner loses the CUP. He understood that this was a real concern with regard to Sampson Avenue. Director Eddington noted that the City Engineer was currently working with the Chief Building Official to determine what needs to be done on Sampson Avenue, and there are concerns with some of the safety features of the road on the downhill side regarding a retaining wall that is adjacent to 41 Sampson Avenue. Until that issue is addressed, Director Eddington assumed there were concerns about taking up heavy equipment and it was a valid concern.

Responding to Commissioner Savage's question, Assistant City Attorney McLean stated that the timing for this project to move forward would not be right away because they still needed to go through the HDDR process and do other things before pulling a building permit. Ms. McLean did not recommend delaying a decision on this application based on resolution of the road issue.

Commissioner Savage stated that having reviewed this proposal a few times and visiting the site, he understood some of the challenges related to this particular lot, as well as the challenges of the neighborhood and compatibility. He believed the applicant had done a good job making some of the recommended changes. He thought the change to the garage was positive and he was comfortable with the height. Commissioner Savage believed that certain things were aesthetically possible and would enhance the compatibility and nature of the structure as it relates to cross valley views and other neighborhood compatibility questions, without being detrimental to their own

objectives. Commissioner Savage stated that unless he hears something in the discussion this evening that would sway his opinion, he would support the project.

Commissioner Gross concurred with Commission Savage.

Commissioner Hontz referred to the continual mention about potential future development that has not yet been applied for or approved. However, in the same Staff report, the Staff could not speak to the scenario of future development because there is no way to anticipate what future LMC Codes would allow an applicant to do with an application. She pointed out that it could not be both ways and everyone understands that there is no way to anticipate what might occur on those properties. Commissioner Hontz took issue with the reference in terms of it possibly being part of the visual scenario and part of massing of a certain size. She emphasized that it should not be a factor in their decision-making.

Commissioner Hontz referred to page 84 of the Staff report and the purposes of the HRL District. She believed all of her comments would build up to support why this application did not meet the purposes of the HRL District. Specifically, Letter C – Preserve the character of the historic residential character of the historical residential development in Park City; Letter E – Encourage construction of historically compatible structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods; Letter F – Establish development and review criteria for new development for new development on steep slopes which mitigate impacts to mass and scale and the environment. Commissioner Hontz believed the application in its current format did not meet statements C, E and F. She was prepared to provide examples to support her opinion.

Commissioner Hontz did not believe that any of the properties in the Matrix on page 89 of the Staff report were reviewed under the current LMC. Therefore, it was an inaccurate analysis. Commissioner Hontz was unsure why time was spent doing an analysis on homes that may or may not be built today because of Code changes. She also noted that the Matrix only included historic homes that had major renovations. There are numerous homes in close proximity on Upper Norfolk that are much smaller in size and footprint.

Commissioner Hontz read the Land Management Code language for the HRL District on page 90 of the Staff report. Section 15-2.1-6 – Development on Steep Slopes are regulated. “Development on Steep Slopes must be environmentally sensitive to hillside areas carefully planned to mitigate adverse effects on neighboring land and improvements and consistent with the Historic District Guidelines. Development, subsection (1), “Location of development needs to be designed to reduce visual and environmental impacts of its structure.” Commissioner Hontz stated that due to the shape of the lot, addressed in Criteria 1, it would be challenging to limit the visual impacts of the lot unless they only developed on one portion of it. However, moving up the hill and building from Sampson Avenue all the up to the top rear line does not reduce the visual impact. It also does not reduce or mitigate environmental impacts because they would be impacting the entire lot. For those reasons, Commissioner Hontz did not think it was a reduction to visual or environmental impacts.

Commissioner Savage asked Commissioner Hontz to clarify her statement regarding density reduction. Commissioner Hontz noted that Criteria 1 states that development is located and designed to reduce the visual and environmental impacts of the structure. They have to look at the lot to see if it is a reduction over what it could be. Commissioner Savage clarified that the reduction was over what it could be, not over what it is. He was trying to understand Commissioner Hontz's perspective for her argument as to why it was not a reduction and from what. Commissioner Hontz replied that she would argue that it could be a more appropriate design.

Commissioner Hontz referred to Criteria 2 – Visual analysis from the across canyon view. She believed this was a great demonstration of how it is not screened and that the vegetation is not protected. It also shows how the structures take up the entire lot. The development grows as it continues up the hill.

Commissioner Hontz referred to Criteria 4 – Terracing. She noted that the Staff reports states that the project may include terraced retaining structures if necessary to regain natural grade. It further states that no terracing is proposed. Commissioner Hontz found that to be confusing because she has seen multiple places where retaining is defined as terracing because multiple levels of retaining occur on the site. She stated that at a minimum they have to acknowledge that terracing occurs on the site. She was not arguing that it should not happen and believed it needed to be done; however, it was an inaccurate statement to support something that was untrue because terracing will occur.

Commissioner Hontz referred to Criteria 5 – Building location. She read, "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 access and provide variation of the front yard." Commissioner Hontz remarked that the first part of that statement, "maximize opportunities for open areas and preservation of natural vegetation" are not supported by this current version of the application. She agreed that from the previous version, the driveway and parking area was minimized. However, based on comments during the public hearing, with a house of this size and a road you cannot park on, perhaps the parking area should not be minimized. Commissioner Hontz pointed out that this was a situation that may need three parking spaces but there was no room for it. The question was whether they wanted a less desirable design with a larger garage facing the street or impacting the neighborhood by parking on the street. She was unsure which would be worse.

Criteria 6 – Building form and Scale. "Low profile buildings that orient to the existing contours are strongly encouraged." Commissioner Hontz was unable to say that they were looking at that in this design. In her opinion they are not low profile buildings and that they move up with the contours.

Criteria 7 – Setbacks. Commissioner Hontz recognized that this was a very challenging site based on the unusual configuration. However, challenging is not an excuse for a bigger house size that does not meet compatibility with surrounding historic structures. She thought they needed to look closer to make sure the setbacks are big enough.

Criteria 8 – Building Volume. "The Planning Director and/or Planning Commission may further limit the volume of a proposed structure to minimize its visual mass and/or to mitigate difference in the scale between and proposed structure and existing structures. Commissioner Hontz noted that the

basement was adding to the volume. She thought the previous Planning Commission was very concerned about how this would look and feel on the site. She believed they would be distressed to see this application move forward in its current format and given a steep slope approval because the volume is very large above ground.

Criteria 9 – Building Height (Steep Slope). Commissioner Hontz stated that the Planning Commission could require a reduction in building height for all portions of the structure if they felt it would help mitigate some of the concerns related to size and scale. Even though the proposed height meets the zone height, it pushes the structure to look larger as it goes up the hill.

Commissioner Hontz noted that Finding of Fact #17 on page 96 supports that there is obviously terracing and retaining around the entire structure. She remarked that Finding of Fact #28 on page 97 needed to be removed because it was not pertinent to this application. Commissioner Hontz referred to Conclusion of Law #4 on page 98, which talks about the effects of any differences in use or scale. She noted that there could not be a difference in use outside of the allowed use of this zone. If this project moves forward, Conclusion of Law #4 should be revised to say, “The affects of any difference in scale have been mitigated.” Commissioner Hontz clarified that even as revised, she did not agree with the Conclusion of Law.

Commissioner Wintzer concurred with Commissioner Hontz’s assessment. He noted that the Planning Commission has the right to reduce height and increase setbacks, and the reason is to better address mass and scale. Commissioner Wintzer referred to the Matrix on page 89 of the Staff report and disagreed that it represented historic structures. Commissioner Wintzer stated that 15 years ago his neighborhood wrote the HRL zone and the purpose was to create a neighborhood that people want to live in.

Commissioner Wintzer disagreed with Mr. DeGray that this project meets the General Plan. He found five areas in the General Plan that talks about reducing the mass and scale of Old Town and that new development should be a modest scale compatible with historic structures. In a survey taken, people said that new construction is threatening the mass and scale of the historic structures. Commissioner Wintzer stated that discussions about mass and scale should be about what they are trying to preserve, which is the mass and scale of the community. They are not trying to preserve mega-homes. In looking at page 141 of the Staff report, Commissioner Wintzer counted four floors in the first structure, which is not permitted by Code. He believed the first structure was connected to the second structure.

Commissioner Thomas agreed this was a difficult site with a lot of design challenges. However, he had to agree with comments made by Commissioners Hontz and Wintzer. Commissioner Thomas challenged the City’s interpretation that this was not one structure because it is one single family residence. Commissioner Thomas believed the intent of the 2009 was to limit a structure to three stories. He counted five stories. He read from LMC Section 15-2.2-5, “No structure shall be erected to a height greater than 27 feet from existing grade.” He reiterated previous comments that the Planning Commission has the purview to reduce the height. Commissioner Thomas further read, “Final grade must be within 4 feet of the existing grade around the periphery of the structure.”

With regards to the main house, Commissioner Thomas commented on the long linear window that was created to achieve two legal bedrooms that would otherwise not be legal. He would challenge

the logic of putting bedrooms below grade where some had to climb up to safety and it caused him great concern.

Per the LMC, "The structure may have a maximum of three stories." Commissioner Thomas stated that in 2009 the Code was modified to count a basement as a story in the zone. Commissioner Thomas reviewed an elevation that showed a four story elevator; two stories above and two stories below grade, with beams and a walkway that physically connects one side to the other. Commissioner Thomas could not understand how the Staff could ever determine that this was not a connected continuous structure. He disagreed with the Staff interpretation and he also believed it would be questioned by the Building Department. Planner Evans clarified that the Building Department had already looked at the plans.

Commissioner Thomas was unsure how they could get over the hurdle that this was not a five story building. It is a burdensome lot but the proposed design solution was wrong in terms of number of stories and the visual impacts on the community. Commissioner Thomas noted that he had previously requested a cross section through the garage and the elevator, and he was still waiting for it. In his opinion, this was an incomplete application. The streetscape is grossly inadequate and it was not what the Planning Commission had asked for. They wanted to see a streetscape showing the buildings and the context of the buildings next door. Commissioner Thomas believed the applicant had design hurdles to overcome, but as proposed he could not support it.

Commissioner Strachan asked if the applicant had applied for the Schneckloth exception under the conditional use. Mr. Wade replied that it was applied for and it was denied. Director Eddington noted that the applicant had been before the Planning Commissioner prior to asking for the exception. Commissioner Strachan understood that the applicant came to the Planning Commission, then applied for the exception, the exception was denied and it was again before the Planning Commission. Director Eddington explained that the exception was denied on the basis of a pending application and the need for review by the Planning Commission.

Commissioner Strachan asked if the applicant believed he needed the exception. Mr. Wade stated that it was needed in the sense that it reflects the fact that a project had already been reviewed. If they had not submitted an application for review by the Planning Commission, they could have gone to the Planning Director and requested a determination. However, because it a pending application before the Planning Commission, the Planning Director declined to strip away that review and would not grant the exception. If the Planning Commission does not approve the application, they would appeal directly to the City Council. Commissioner Strachan clarified that the exception was no longer an option for the applicant. They would either take an approval by the Planning Commission or appeal it to the City Council.

Commissioner Strachan stated that he still could not find that the dwelling volume was compatible with the surrounding structures. He thought the analysis on page 89 comparing it to existing structures was all they needed to make a finding that the dwelling volume is incompatible. Only two other structures would be larger in terms of total square footage. Commissioner Strachan agreed with Commissioner Wintzer that most of the structures on the list were non-historic structures. The compatibility analysis turns on a comparison to historic structures and not new development.

Commissioner Strachan thought the visual mass impact had not been mitigated. The difference in scale between the proposed structure and the existing structures in the surrounding area had not been mitigated as well. Commissioner Strachan did not believe the proposal could be compared to what might be built on different lots. The Code is clear that the comparison should be to existing structures. In comparing this proposal to existing structures the difference in scale was incompatible. He could not make a positive finding on that criteria in the Code.

Commissioner Hontz stated that she had read the historic minutes from December 14, 1994 on page 120 of the Staff report, to make sure she understood how they reached this point in terms of the lot, size and the thoughts of the previous Planning Commission. Commissioner Hontz thought the previous Commissioners had done a good job communicating their concern for setting a precedent for incremental buildup in the area. That was where they talked about reducing homes sizes and specifying it as a plat note. Commissioner Hontz stated that the convincing language from the minutes were key, "Commissioner Jones concurred with Commissioner Klingenstein and remarked that the real issue is compatibility. The floor area ratios 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 Hontz noted that the discussion continues as the former Commissioners tried to craft conditions of approval to support their concerns related to size, height, massing, and neighborhood compatibility. She believed this Planning Commission was continuing that discussion.

Commissioner Wintzer noted that the existing approvals were done in 1994 and did not believe any of the houses being compared were built in 1994. He believed what the City Council and the Planning Commission envisioned in 1994 was half the size of what they see today. The issue is that the community has allowed this creep and size to continue and they now realize it is not what they want.

Commissioner Savage asked if compatibility relates to back to the older period of time or to the current period. Commissioner Wintzer replied that the Code talks about compatibility with historic structures. At some point compatibility was being compared to newer structures and that was where they got off track. Somehow they needed to go back to what is directed in the Code.

Assistant City Attorney McLean read the definition of compatibility, from the definition section of the LMC, "Characteristics of different uses or designs that integrate with and relate to one another to maintain and/or enhance the context of a surrounding area or neighborhood. Elements affecting compatibility include, but are not limited to, height, scale mass and bulk of building, pedestrian and vehicular circulation, parking, landscaping and architecture, topography and environmentally sensitive areas."

**MOTION:** Commissioner Wintzer made a motion to CONTINUE 30 Sampson Avenue and direct the Staff and the applicant to come back with findings that the building is not a three-story and to address the incompatible mass, scale and size. They also need to provide a streetscape that would allow the Planning Commission to look at compatibility and compare it with the adjacent buildings rather than a picture take from across the canyon.

Commissioner Strachan thought the Planning Commission need to decide if they wanted to continue this item with direction to Staff to remedy the stated issues, or if they wanted to deny it.

Assistant City Attorney McLean explained that typically when the Planning Commission does not adopt the Findings suggested by Staff, they could vote to deny based on their discussion and the Staff would draft findings for denial for ratification to make sure they would reflect all the pertinent comments given this evening. Commissioner Savage understood that Ms. McLean was suggesting that the Planning Commission either approve or deny this evening. Ms. McLean answered yes. Commissioner Gross clarified that if the Planning Commission votes to deny, the applicant to appeal their decision to the City Council. Ms. McLean replied that this was correct; however, the City Council would not hear the appeal until the Findings were ratified with the reasons for denial.

Commissioner Wintzer withdrew his motion.

Commissioner Strachan felt that even if they continued to another meeting, the Commissioner would still have the same concerns and issues. Commissioner Gross agreed. Commissioner Hontz noted that some information has been requested that could either further illustrate how this did not meet Code, or demonstrate changes that might moves the project closer to Code.

Mr. Budge stated that the applicant would like a decision this evening.

Commissioner Strachan pointed out that if the Planning Commission denies the application and it is appealed to the City Council, the City Council could overturn the Planning Commission decision. If they continue it with direction to the applicant to decrease the building volume and make a three-story structure, and other issues; the applicant could reject the continuation and request a denial.

Ms. McLean pointed out that the applicant had just requested a decision. She explained why the timing would be the same with either a continuation or a denial.

Commissioner Strachan asked if the plans presented this evening was the design the applicant wanted to take to the City Council. Mr. Jorgensen stated that if the Planning Commission wanted to put remove the detached portion that they were calling two stories, it would require long terracing and other things that he was unsure were even possible at that grade.

Mr. DeGray stated that based on the issues raised by the Planning Commission, they had been through an inter-department Staff review, including the Legal and Building Departments, and they had received no feedback saying that they were not in compliance with the number of building levels represented in the plan. He understood that the Planning Commission had a different interpretation.

Mr. Wade wanted to satisfy the concerns expressed by the Planning Commission, but given the topography of the lot and the fact that this was an approved use, he did not believe they could make additional changes to satisfy the Planning Commission.

MOTION: Commissioner Savage moved to APPROVE the Steep Slope Conditional Use Permit at 30 Sampson Avenue based on the Findings of Fact, Conclusions of Law and Conditions of Approval found in the Staff report.

The motion died for lack of a second.

MOTION: Commissioner Savage motion to DENY the request for a Steep Slope CUP at 30 Sampson Avenue. Commissioner Strachan seconded the motion with the direction to Staff to prepare proposed Findings of Fact and Conclusions of Law for Denial based on the discussion this evening.

VOTE: The motion passed unanimously.

The Park City Planning Commission meeting adjourned at 7:50 p.m.

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

## **REGULAR AGENDA**



# Planning Commission Staff Report



**Subject:** Third Supplemental Plat for Belles at Empire Pass Unit 4 Condominium plat  
**Author:** Kirsten A Whetstone, AICP  
**Date:** April 24, 2013  
**Type of Item:** Administrative – Supplemental Plat (condominium plat amendment)  
**Project Number:** PL-13-01828

## Summary Recommendations

Staff recommends that the Planning Commission hold a public hearing for the Third Supplemental Plat for Constructed Units for the Belles at Empire Pass Condominium plat amending Unit 4 and consider forwarding a positive recommendation to City Council based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

## Topic

**Applicant:** Belles at Empire Pass HOA and owner of Unit 4  
**Location:** 59 Silver Strike Trail  
**Zoning:** Residential Development (RD) as part of the Village at Empire Pass MPD  
**Adjacent Land Uses:** Single family condominium units, multi-family condominium units, development parcels of the Village at Empire Pass MPD, ski trails and open space.  
**Reason for Review:** Plat amendments require Planning Commission review and a recommendation with final action by the City Council.

## Proposal

The purpose of this application is to plat as-built conditions of constructed Unit 4 and to identify common, limited common and private areas for this Unit, as stipulated by the underlying Silver Strike Subdivision plat and the Amended, Consolidated, and Restated Condominium plat of The Belles at Empire Pass condominium plat. A condition of approval of this underlying condominium plat requires that upon completion of the condominium units, a supplemental condominium plat identifying as built conditions, shall be approved by the City Council and recorded at Summit County as a condition precedent to issuance of a final certificate of occupancy

## Purpose

The purpose of the Residential Development RD District is to:

- A. Allow a variety of Residential Uses that are Compatible with the City's Development objectives, design standards, and growth capabilities,

- B. Encourage the clustering of residential units to preserve natural Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of municipal services,
- C. Allow commercial and recreational activities that are in harmony with residential neighborhoods,
- D. Minimize impacts of the automobile on architectural design,
- E. Promote pedestrian connections within Developments and between adjacent Areas; and
- F. Provide opportunities for variation in architectural design and housing types.

### **Background**

On February 5, 2013, the City received a complete application for this plat to memorialize as-built conditions for Unit 4 of the Amended, Consolidated, and Restated Condominium plat of The Belles at Empire Pass condominium plat that was approved by City Council on March 24, 2011 and recorded at Summit County on November 28, 2011.

On June 24, 1999, Council adopted Ordinance 99-30 and Resolution 20-99 approving the annexation and development agreement for the 1,655 acre Flagstaff Mountain area. Resolution 20-99 granted the equivalent of a "large-scale" master planned development (MPD) and set forth the types and locations of land use; maximum densities; timing of development; development approval process; as well as development conditions and amenities for each parcel.

On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass, aka Pod A. The MPD identified an area of Pod A as the location for 18 detached single family homes, similar to the Paintbrush units currently under construction in other parts of Empire Pass. The Development Agreement allowed a total of 60 units (single detached or duplex) within the annexation area and the rest of the units being multi-family (stacked-flat or tri-plex or greater attached). The Belles at Empire Pass condominiums (formerly known as Christopher Homes) utilize 17 of the 60 allocated PUD style units for the Flagstaff Development area.

On June 29, 2006, City Council approved the Silver Strike Subdivision creating two lots of record within Pod A. Lot 1 is 4.37 acres in size while lot 2 contains 1.99 acres. The plat was recorded on December 1, 2006. The subject unit, Unit 4 of the Belles at Empire Pass, is located on Lot 2 of the Silver Strike Subdivision and was originally platted as part of the Christopher Homes Phase 1 condominium plat.

March 24, 2011, the City Council approved the Amended, Consolidated, and Restated Condominium Plat of The Belles at Empire Pass amending, consolidating, and restating the previously recorded Christopher Homes at Empire Pass condominium plats Phases I, II, III, and IV. Also on March 24, 2011, the City Council approved the First Supplemental Plat for Constructed Units 1, 2, and 12 of the Belles at Empire Pass Condominiums. These plats were recorded November 28, 2011. A condition of approval

of the Amended, Consolidated, and Restated Condominium plat of The Belles at Empire Pass plat requires that upon completion of the condominium units, a supplemental condominium plat identifying as built conditions, shall be approved by the City Council and recorded at Summit County as a condition precedent to issuance of a final certificate of occupancy.

All conditions of the underlying approvals, namely the Village at Empire Pass MPD; Silver Strike Subdivision; and the Amended, Consolidated, and Restated Belles at Empire Pass condominium plat continue to apply and are reflected as conditions of approval and plat notes on this proposed supplemental plat (Exhibit A).

On June 28, 2012, the City Council approved the Second Supplemental Plat for Constructed Unit 9. This plat was recorded on November 20, 2012.

**Analysis**

This request for a Third Supplemental plat for Constructed Units at The Belles at Empire Pass amends Unit 4 and documents the final as built conditions of this constructed unit in accordance with the Utah Condominium Act. The zoning is Residential Development (RD-MPD); subject to the Village at Empire Pass MPD.

The Silver Strike subdivision restricts each unit to a maximum house size of 5,000 square feet of Gross Floor Area as defined in the LMC, excluding 600 square feet for garage area and the basement area that is below final grade.

The Flagstaff Development Agreement requires calculation of unit equivalents (UE) for these units, in addition to maximum house size. The UE formula includes all interior square footage “calculated from the inside surfaces of the interior boundary wall of each completed unit, excluding all structural walls and components, as well as all shafts, ducts, flues, pipes, conduits and the wall enclosing such equipment. Also excluded from the UE square footage are garage space up to 600 square feet per unit and all space designated as non-habitable.” Basement area is included in the UE calculations.

A total of 90,000 square feet (45 UE) were approved for the Belles at Empire Pass area (formerly known as the Christopher Homes at Empire Pass condominiums). Within the Flagstaff Development Agreement one residential unit equivalent equals two thousand square feet of Gross Floor Area, including the basement area. Unit 4 meets the maximum house size requirement in both Gross Floor Area and Unit Equivalent calculation as noted above. Unit 4 contains 4,811 sf of Gross Floor Area, excluding basement area and 600 sf garage area and accounts for 2.815 UEs based on the Total Floor area of 5,629.3 sf (includes basement area but not garage area). The five units platted to date (Units 1, 2, 5, 9, and 12) utilize 14.633 Unit Equivalents (UE).

Site development parameters are as follows:

	<b>Permitted</b>	<b>Approved</b>
Height	28’ (+5’ for pitched roof)	33’ max with pitched roof. No height exception. <b><u>Unit 4 complies.</u></b>

Front setback	20', 25' to front facing garage	20' minimum to house 25' minimum to garage. <b><u>Unit 4 complies</u></b>
Rear setback	Setbacks are per the Building Code and MPD (MPD allows zero setback)	10' minimum from Lot boundary. <b><u>Unit 4 complies.</u></b>
Side setbacks	Setbacks are per the Building Code and MPD (MPD allows zero setbacks).	12' minimum from Lot boundaries. <b><u>Unit 4 Complies</u></b>
Parking	Two spaces required	2 per unit. <b><u>Unit 4 Complies.</u></b>
Maximum house size (based on the Silver Strike subdivision and defined per the Land Management Code)	5,000 sf (Gross Floor Area excludes basement area below final grade and 600 sf of garage area).	Unit 4 contains 4,811 sf Gross Floor Area <b><u>Unit 4 Complies</u></b>
Unit Equivalent (based on the Village at Empire Pass MPD)	Maximum of 45 UE for all of the Belles Condominiums. Gross floor area for UE calculations excludes 600 sf garage and any uninhabitable space, i.e. crawl space, attics, etc. Includes basement area.	Unit 4 – 5,629.3 sf which is 2.815 UE. <b><u>Unit 4 Complies</u></b> Total of all platted units to date is 14.633 UE (Units 1, 2, 4, 9, and 12)

**Good Cause**

Staff finds good cause for this record of survey amendment as it memorializes and documents as-built conditions and UE calculations for this unit. Unit 4 complies with the conditions of approval of the underlying plats, namely the Silver Strike subdivision plat and the Amended, Consolidated, and Restated Condominium plat of The Belles at Empire Pass. In addition the unit is consistent with the development pattern envisioned in the Village at Empire Pass MPD and the 14 Technical Reports.

**Department Review**

This project has gone through interdepartmental review by the Development Review Committee on February 26, 2013, and no issues were raised pertaining to the requested plat amendment.

**Notice**

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

**Public Input**

Staff had not received public input on this application at the time of this report.

**Process**

Approval of this application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18. A Building Permit is publicly noticed by posting of the permit.

### **Alternatives**

- The Planning Commission may recommend that the City Council approve the application for the Third Supplemental plat for Constructed Units at The Belles at Empire Pass for Unit 4 as conditioned or amended, or
- The Planning Commission may recommend that the City Council deny the application and direct staff to make Findings for this decision, or
- The Planning Commission may continue the discussion and provide Staff and the Applicant with specific direction regarding additional information necessary to make a recommendation on this item.

### **Significant Impacts**

There are no significant fiscal or environmental impacts from this application. Water and sewer impact fees, and other fees associated with increased floor area, are evaluated during the building permit process and collected prior to issuance of any building permits.

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

No certificate of occupancy may be granted until the plat is recorded.

### **Recommendation**

Staff recommends that the Planning Commission hold a public hearing for the Third Supplemental Plat for Constructed Units for the Belles at Empire Pass Condominium plat amending Unit 4 and consider forwarding a positive recommendation to 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- Supplemental plat for Belles Unit 4

Exhibit B- Amended, Consolidated, and Restated Condominium Plat of the Belles at Empire Pass

**Ordinance No. 13-**

**AN ORDINANCE APPROVING THE THIRD SUPPLEMENTAL PLAT FOR  
CONSTRUCTED UNITS AT THE BELLES AT EMPIRE PASS CONDOMINIUMS  
AMENDING UNIT 4, LOCATED AT 59 SILVER STRIKE TRAIL, PARK CITY, UTAH.**

WHEREAS, the owners of the property known as The Belles at Empire Pass Condominium Unit 4, have petitioned the City Council for approval of the Third Supplemental plat for Constructed Units at the Belles at Empire Pass, a Utah Condominium project; and

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

WHEREAS, proper legal notice was published in the Park Record and notice letters were sent to all affected property owners, in accordance with the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on April 24, 2013, to receive input on the supplemental plat;

WHEREAS, the Planning Commission, on April 24, 2013, forwarded a recommendation to the City Council; and,

WHEREAS, on May 2, 2013, the City Council held a public hearing on the amended record of survey plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Third Supplemental plat for Constructed Units at the Belles at Empire Pass, a Utah Condominium project to document the as-built conditions and constructed Unit Equivalents for this completed condominium unit.

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 Third Supplemental plat for Constructed Units at the Belles at Empire Pass, a Utah Condominium project, 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, Unit 4 of the Amended, Consolidated, and Restated Condominium Plat of The Belles at Empire Pass and associated common area, is located at 59 Silver Strike Trail. The property is located on portions of Lot 2 of the Silver Strike subdivision and is within Pod A of the Flagstaff Mountain Development, in an area known as the Village at Empire Pass.
2. The property is located within the RD –MPD zoning district and is subject to the Flagstaff Mountain Development Agreement and Village of Empire Pass MPD.

3. The City Council approved the Flagstaff Mountain Development Agreement and Annexation Resolution 99-30 on June 24, 1999. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum densities, location of densities, and developer-offered amenities.
4. On July 28, 2004, the Planning Commission approved a Master Planned Development (MPD) for the Village at Empire Pass, aka Pod A. The MPD identified the area of the proposed condominium plat as the location for 18 PUD –style detached single family homes and duplexes.
5. On June 29, 2006, the City Council approved the Silver Strike Subdivision creating two lots of record. Unit 4 is located on Lot 2 of the Silver Strike Subdivision.
6. On August 17, 2007, the City Council approved 4 units on Lot 2 as the Christopher Homes at Empire Pass Phase I condominium plat. The plat was recorded at Summit County on October 3, 2007.
7. On November 29, 2007, the City Council approved the first amended Christopher Homes at Empire Pass Phase II condominium plat creating an additional 4 units on Lot 2. The plat was recorded at Summit County on February 20, 2008.
8. On April 23, 2008, the City Council approved two more condominium units on Lot 1 of the Silver Strike subdivision as Christopher Homes at Empire Pass Phase III condominium plat. The plat was recorded at Summit County on December 1, 2008.
9. On August 28, 2008, the City Council approved the Christopher Homes at Empire Pass Phase IV plat for eight additional condominium units on Lots 1 and 2, specifically units 5/6, 7/8, 13/14, and 17/18 in duplex configurations. The plat was recorded at Summit County on November 19, 2008.
10. March 24, 2011, the City Council approved the Amended, Consolidated, and Restated Condominium Plat of The Belles at Empire Pass amending, consolidating, and restating the previously recorded Christopher Homes at Empire Pass condominium plats Phases I, II, III, and IV. Also on March 24, 2011, the City Council approved the First Supplemental Plat for Constructed Units 1, 2, and 12 of the Belles at Empire Pass Condominiums. These plats were recorded November 28, 2011.
11. On June 28, 2012, the City Council approved the Second Supplemental Plat for Constructed Unit 9. This plat was recorded on November 20, 2012.
12. On February 5, 2013, the Planning Department received a complete application for the Third Supplemental Plat for Constructed Unit 4.
13. The purpose of the supplemental plat is to describe and document the as-built conditions and the UE calculations for constructed Unit 4 at the Belles Condominiums prior to issuance of a certificate of occupancy and to identify private, limited common and common area for this unit.
14. The supplemental plat complies with the conditions of approval of the underlying plats, namely the Silver Strike subdivision plat and the Amended, Consolidated, and Restated Condominium plat of The Belles at Empire Pass. The plat is consistent with the development pattern envisioned by the Village at Empire Pass MPD and the 14 Technical Reports of the MPD and the Flagstaff Development Agreement.
15. Unit 4 is located on Lot 2 of the Silver Strike subdivision plat.
16. The approved maximum house size is 5,000 square feet of Gross Floor Area, as defined by the LMC. Gross Floor Area exempts basement areas below final grade and 600 square feet of garage area. Unit 4 contains 4,811 sf Gross Floor Area.
17. The Flagstaff Development Agreement requires calculation of unit equivalents (UE) for all Belles units, in addition to the maximum house size. The UE formula includes all interior square footage “calculated from the inside surfaces of the interior

boundary wall of each completed unit, excluding all structural walls and components, as well as all shafts, ducts, flues, pipes, conduits and the wall enclosing such facilities. Unit Equivalent floor area includes all basement areas. Also excluded from the UE square footage are garage space up to 600 square feet per unit and all space designated as non-habitable on this plat.” Within the Flagstaff Development Agreement one residential unit equivalent equals 2,000 sf.

18. Unit 4 contains a total of 5,629.3 square feet and utilizes 2.815 UE. The total UE to date for constructed units 1, 2, 4, 9, and 12 is 14.633 Unit Equivalents of the 45 total UE allocated for the Belles at Empire Pass.
19. As conditioned, this supplemental plat is consistent with the approved Flagstaff Development Agreement, the Village at Empire Pass MPD, and the conditions of approval of the Silver Strike Subdivision.
20. The findings in the analysis section are incorporated herein.

#### Conclusions of Law:

1. There is good cause for this supplemental plat as it memorializes the as-built conditions for Unit 4.
2. The supplemental plat is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed supplemental plat.
4. Approval of the supplemental plat, subject to the conditions of approval stated below, will 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 of the supplemental plat 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 at Summit County within one year from the date of City Council approval. If recordation has not occurred within the one year timeframe, this approval 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. All conditions of approval of the Village at Empire Pass Master Planned Development, the Silver Strike Subdivision plat, and the Amended, Consolidated, and Restated Condominium Plat of The Belles at Empire Pass shall continue to apply.
4. As a condition precedent to issuance of a final certificate of occupancy for Unit 4, the supplemental plat shall be recorded at Summit County.
5. A note shall be added to the plat prior to recordation stating the following, “At the time of resurfacing of Silver Strike Trail, the Master Association shall be responsible to adjust wastewater manholes to grade according to Snyderville Basin Water Reclamation District Standards”.
6. The size and UE shall be reflected on the plat as they are to reflect the actual size an UE of the Unit.

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

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

PARK CITY MUNICIPAL CORPORATION

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

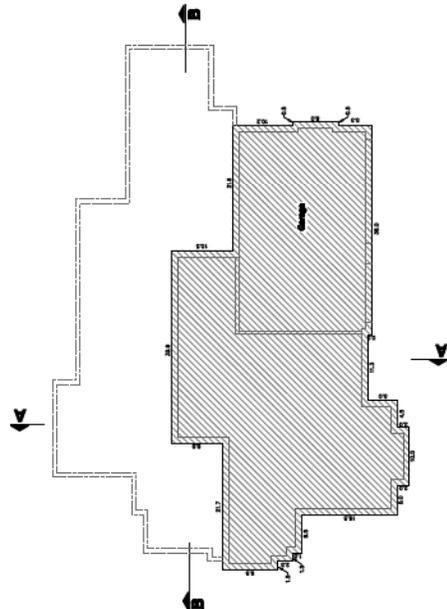
ATTEST:

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

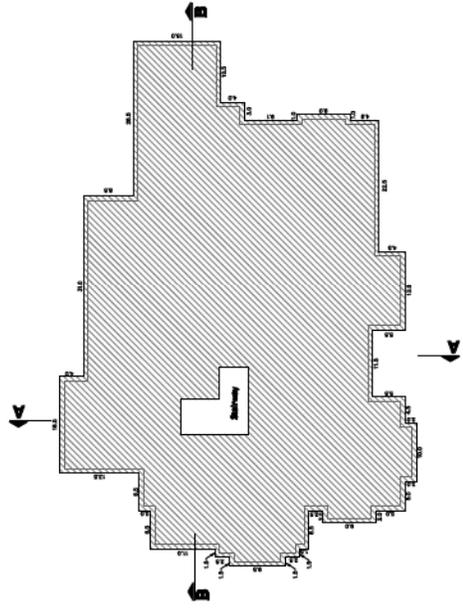
APPROVED AS TO FORM:

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

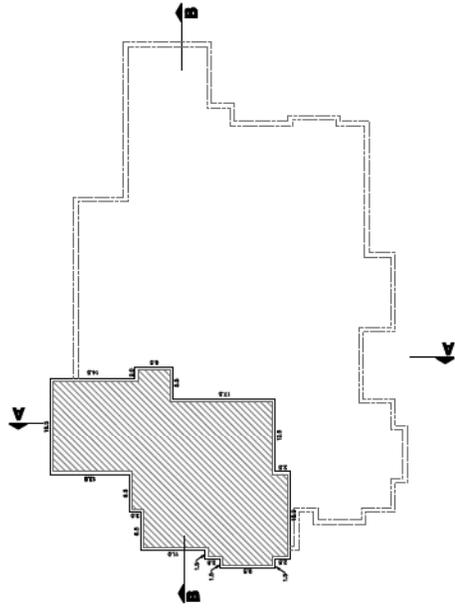




1 LOWER LEVEL AREAS  
SCALE: 1" = 10'



2 MAIN LEVEL AREAS  
SCALE: 1" = 10'



3 UPPER LEVEL AREAS  
SCALE: 1" = 10'

- COMMON AREA
- PRIVATE OWNERSHIP UNIT
- LIMITED COMMON AREAS AND FACILITIES

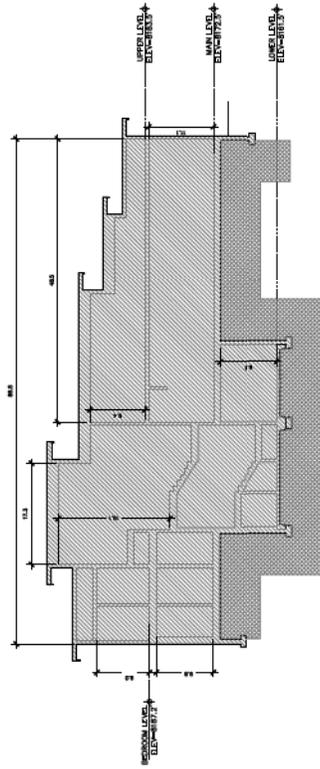
UNIT SQUARE FOOTAGE TABLE\*

LEVELS	LS.	GROSS FLOOR AREA (SF)
LOWER	1183.0 SF	208.0 SF
MAIN	3,254.4 SF	3,254.4 SF
UPPER	864.3 SF	864.3 SF
TOTAL SF	5,299.7 SF	4,916.4 SF
GARAGE	742.7 SF	658 SF

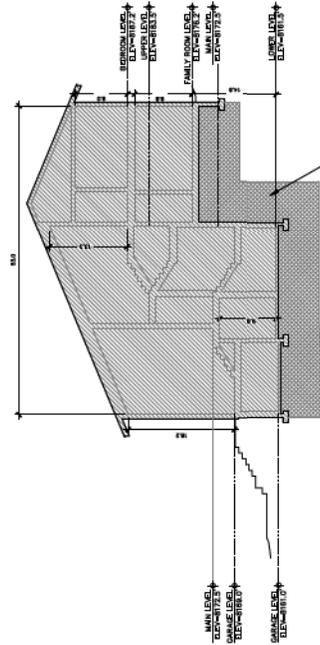
\* Per Architectural Drawings

RECORDED  
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED  
AT THE RESULT OF  
DATE: \_\_\_\_\_ TIME: \_\_\_\_\_ BOOK: \_\_\_\_\_ PAGE: \_\_\_\_\_  
FILE: \_\_\_\_\_ RECORDER: \_\_\_\_\_

THIRD SUPPLEMENTAL PLAN FOR CONSTRUCTED UNITS  
**THE BELLES AT EMPIRE PASS**  
A UTAH EXPANDABLE CONDOMINIUM PROJECT AMENDING UNIT 4  
LOCATED IN SECTION 28, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASIN AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH



**B** BUILDING SECTION  
SCALE: 1" = 10'



**A** BUILDING SECTION  
SCALE: 1" = 10'

- COMMON AREA
- PRIVATE OWNERSHIP UNIT
- LIMITED COMMON OWNERSHIP

RECORDED  
STATE OF UTAH, COUNTY OF SUMMIT, AND PLUD  
AT THE REQUEST OF  
DATE: \_\_\_\_\_ TIME: \_\_\_\_\_ BOOK: \_\_\_\_\_ PAGE: \_\_\_\_\_  
FILE: \_\_\_\_\_ RECORDED: \_\_\_\_\_

THIRD SUPPLEMENTAL PLAT FOR CONSTRUCTED UNITS  
**THE BELLES AT EMPIRE PASS**  
A UTAH EXPANDABLE CONDOMINIUM PROJECT AMENDING UNIT 4  
LOCATED IN SECTION 08, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASIN AND MERIDIAN, PARK  
CITY, SUMMIT COUNTY, UTAH

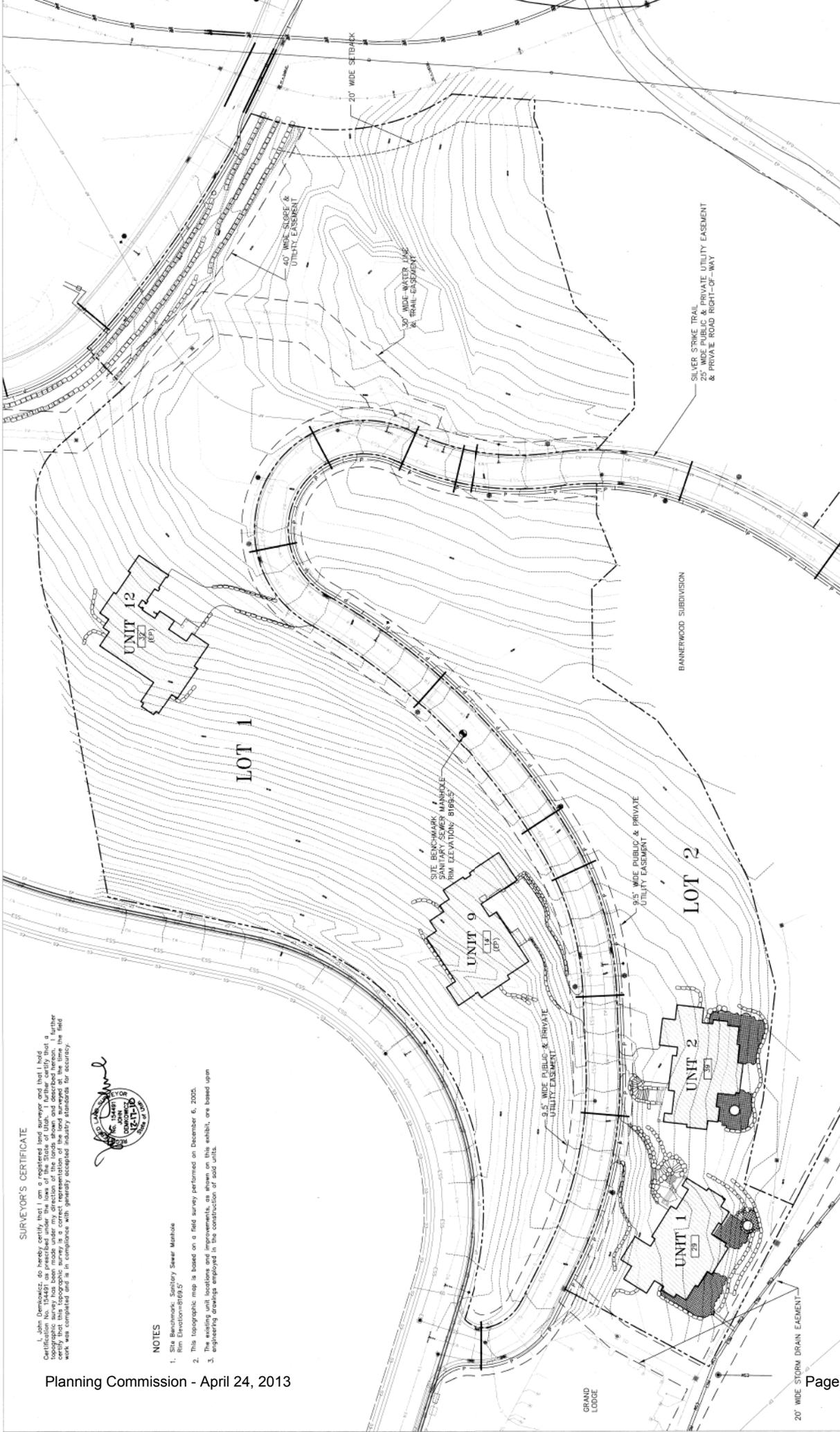
**SURVEYOR'S CERTIFICATE**

I, **John Demkowicz**, do hereby certify that I am a registered land surveyor and that I hold in full and true possession of the original plat of this survey. I further certify that this topographic survey is a correct representation of the land surveyed at the time the field work was completed and is in compliance with generally accepted industry standards for accuracy.



**NOTES**

1. Site Benchmark: Sanitary Sewer Manhole from Elevations 8169.57'
2. This topographic map is based on a field survey performed on December 6, 2005.
3. The existing unit locations and improvements, as shown on this exhibit, are based upon engineering drawings employed in the construction of said units.



SHEET  
1  
OF  
1

**EXISTING CONDITIONS TOPOGRAPHIC SURVEY**

**THE BELLES AT EMPIRE PASS**

FOR: **WALSH, LLP**  
JOB NO.: 04-06-01  
FILE: X:\Emp\Topo\thwertless\bellas\existing topo 11-3-10.dwg

DATE: 12/15/10

STAFF:  
J. DEMKOWICZ  
S. SCHUELER

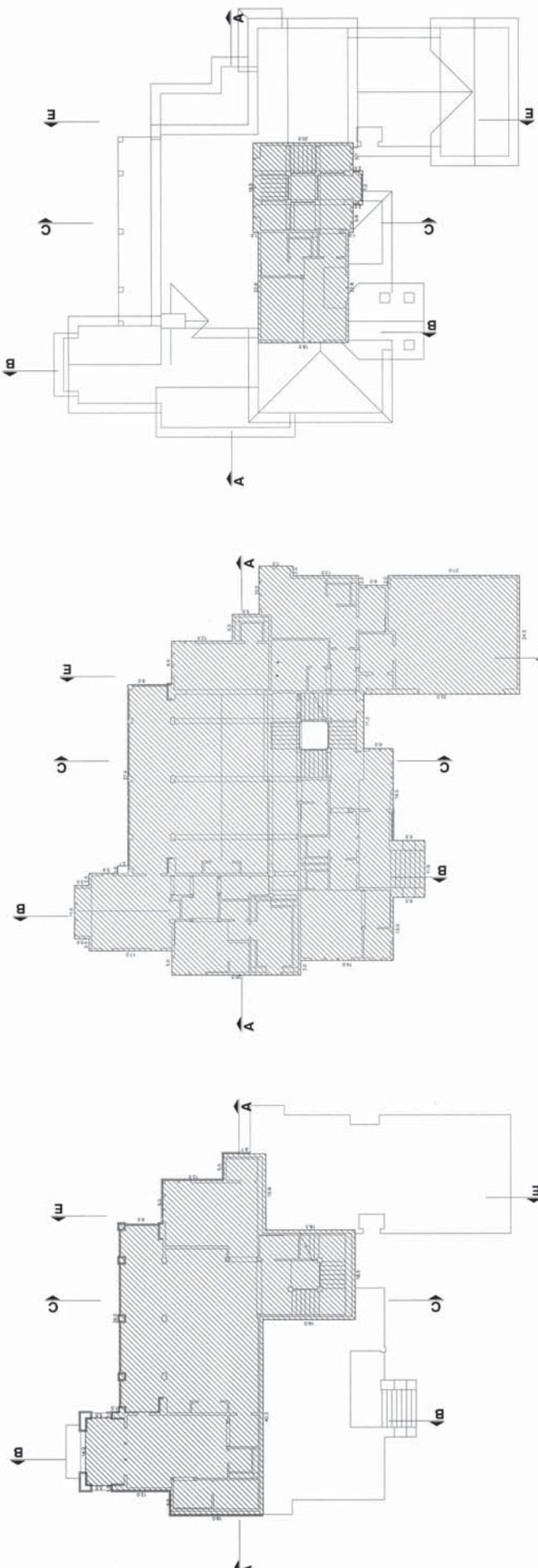
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS  
122 West Street, 212 West Street, 2nd Floor, New York, NY 10038-2004  
(408) 446-8467



**LEGEND**

---	EXISTING SANITARY SEWER
---	EXISTING STORM DRAIN
---	EXISTING POWER
---	EXISTING TELEPHONE
---	EXISTING TREE OPTICS
---	ABANDONED WATER
---	ABANDONED POWER





1 LOWER LEVEL AREAS  
SCALE: 1" = 10'

2 MAIN LEVEL AREAS  
SCALE: 1" = 10'

3 UPPER LEVEL AREAS  
SCALE: 1" = 10'

COMMON AREA  
PRIVATE OWNERSHIP UNIT  
LIMITED COMMON AREAS AND FACILITIES,  
AS SHOWN ON SHEET 1.

UNIT SQUARE FOOTAGE TABLE\*

LEVELS	SQUARE FOOTAGE (GROSS)	GROSS FLOOR AREA (GFA)
LOWER	1,727 SF	967 SF
MAIN	3,504 SF	3,504 SF
UPPER	507 SF	507 SF
TOTAL SF	5,738 SF	4,968 SF
GARAGE	592 SF	592 SF

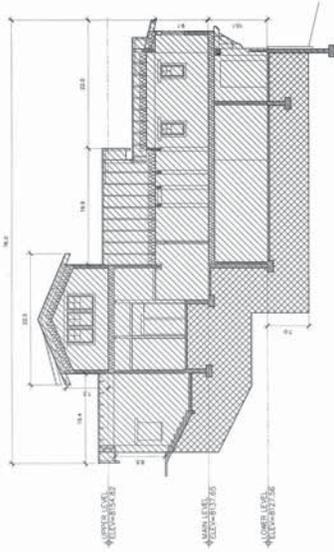
\* Per Architectural Drawings

SECOND SUPPLEMENTAL PLAT FOR CONSTRUCTED UNITS

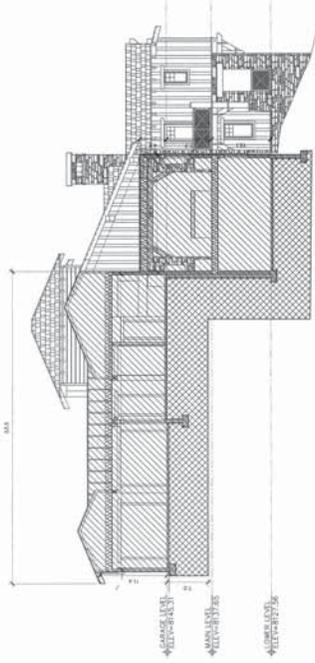
# THE BELLES AT EMPIRE PASS

A UTAH EXPANDABLE CONDOMINIUM PROJECT AMENDING UNIT 9  
LOCATED IN SECTION 28, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

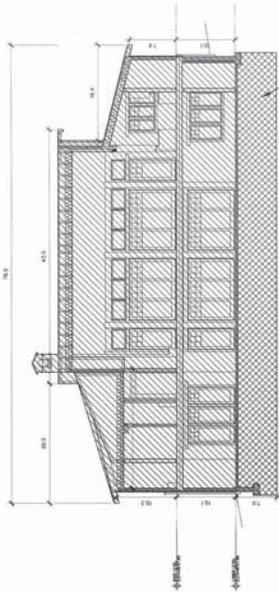
JOB NO. E-4-10  
#127526  
RECORDED  
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED  
DATE 12/11/13 TIME 10:48 AM BOOK PAGE  
\$91.00  
C. Willoughby - Agency  
RECORDERS FEE



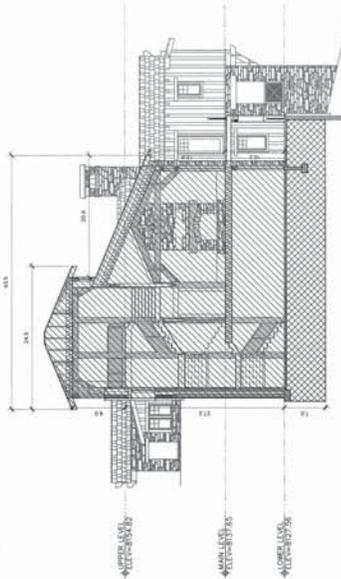
**B** BUILDING SECTION  
SCALE: 1" = 10'



**E** BUILDING SECTION  
SCALE: 1" = 10'



**A** BUILDING SECTION  
SCALE: 1" = 10'



**C** BUILDING SECTION  
SCALE: 1" = 10'

- COMMON AREA
- PRIVATE OWNERSHIP UNIT
- LIMITED COMMON OWNERSHIP

The area under the unit, extending to 7 feet below the finished floor is designated Limited Common. Additional Limited Common area on the ground surface is described and shown on Sheet 1.

JOB NO. 6-16-10  
 #957534 RECORDED  
 STATE OF UTAH, COUNTY OF SUMMIT, AND FILED  
 DATE 10/14/10 THE DEED BOOK PAGE  
 \$97.00 FEE  
 C. Wilkerson  
 RECORDER

SECOND SUPPLEMENTAL PLAT FOR CONSTRUCTED UNITS  
**THE BELLES AT EMPIRE PASS**  
 A UTAH EXPANDABLE CONDOMINIUM PROJECT AMENDING UNIT 9  
 LOCATED IN SECTION 28, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN PARK  
 CITY, SUMMIT COUNTY, UTAH





# Planning Commission Staff Report



**Subject:** Fourth Supplemental Plat for Belles at Empire Pass Units 5 and 6  
Condominium plat

**Author:** Kirsten A Whetstone, AICP

**Date:** April 24, 2013

**Type of Item:** Administrative – Supplemental Plat (condominium plat amendment)

**Project Number:** PL-13-01829

## Summary Recommendations

Staff recommends that the Planning Commission hold a public hearing for the Fourth Supplemental Plat for Constructed Units for the Belles at Empire Pass Condominium plat amending Units 5 and 6 and consider forwarding a positive recommendation to City Council based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

## Topic

**Reason for Review:** Plat amendments require Planning Commission review and a recommendation to City Council.

**Applicant:** Belles at Empire Pass HOA and owner of Units 5 and 6

**Location:** 77 Silver Strike Trail

**Zoning:** Residential Development (RD) as part of the Village at Empire Pass MPD

**Adjacent Land Uses:** Single family condominium units, multi-family condominium units, development parcels of the Village at Empire Pass MPD, ski trails and open space.

**Reason for Review:** Plat amendments require Planning Commission review and recommendation with final action by the City Council.

## Proposal

The purpose of this application is to plat as-built conditions of constructed Units 5 and 6 and to identify common, limited common and private areas for these Units, as stipulated by the underlying Silver Strike Subdivision plat and the Amended, Consolidated, and Restated Condominium plat of The Belles at Empire Pass condominium plat. A condition of approval of this underlying condominium plat requires that upon completion of the condominium units, a supplemental condominium plat identifying as built conditions, shall be approved by the City Council and recorded at Summit County as a condition precedent to issuance of a final certificate of occupancy

## Purpose

The purpose of the Residential Development RD District is to:

- A. Allow a variety of Residential Uses that are Compatible with the City's Development objectives, design standards, and growth capabilities,

- B. Encourage the clustering of residential units to preserve natural Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of municipal services,
- C. Allow commercial and recreational activities that are in harmony with residential neighborhoods,
- D. Minimize impacts of the automobile on architectural design,
- E. Promote pedestrian connections within Developments and between adjacent Areas; and
- F. Provide opportunities for variation in architectural design and housing types.

### **Background**

On February 5, 2013, the City received a complete application for this plat to memorialize as-built conditions for Units 5 and 6 of the Amended, Consolidated, and Restated Condominium plat of The Belles at Empire Pass condominium plat that was approved by City Council on March 24, 2011 and recorded at Summit County on November 28, 2011.

On June 24, 1999, Council adopted Ordinance 99-30 and Resolution 20-99 approving the annexation and development agreement for the 1,655 acre Flagstaff Mountain area. Resolution 20-99 granted the equivalent of a "large-scale" master planned development (MPD) and set forth the types and locations of land use; maximum densities; timing of development; development approval process; as well as development conditions and amenities for each parcel.

On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass, aka Pod A. The MPD identified an area of Pod A as the location for 18 detached single family homes, similar to the Paintbrush units currently under construction in other parts of Empire Pass. The Development Agreement allowed a total of 60 units (single detached or duplex) within the annexation area and the rest of the units being multi-family (stacked-flat or tri-plex or greater attached). The Belles at Empire Pass condominiums (formerly known as Christopher Homes) utilize 17 of the 60 allocated PUD style units for the Flagstaff Development area.

On June 29, 2006, City Council approved the Silver Strike Subdivision creating two lots of record within Pod A. Lot 1 is 4.37 acres in size while lot 2 contains 1.99 acres. The plat was recorded on December 1, 2006. The subject units, Units 5 and 6 of the Belles at Empire Pass, are located on Lot 2 of the Silver Strike Subdivision and were originally platted as part of the Christopher Homes Phase IV condominium plat.

All four phases of the Christopher Homes Condominium plats were consolidated, amended and recorded at Summit County on November 28, 2011, as the Amended, Consolidated, and Restated Condominium plat of The Belles at Empire Pass condominium plat. Subject Units 5 and 6 are two of these Belles units. A condition of approval of the Amended, Consolidated, and Restated Condominium plat of The Belles at Empire Pass plat requires that upon completion of the condominium units, a

supplemental condominium plat identifying as built conditions, shall be approved by the City Council and recorded at Summit County as a condition precedent to issuance of a final certificate of occupancy.

On March 24, 2011 the City Council approved the First Supplemental Plat for Constructed Units 1, 2 and 12 of the Belles at Empire Pass Condominiums. The plat was recorded November 28, 2011. On June 28, 2012, the City Council approved the Second Supplemental Plat for Constructed Unit 9. This plat was recorded on November 20, 2012. The Third Supplemental Plat for Constructed Unit 4 was submitted concurrently with this Fourth Supplemental Plat and is being reviewed at this same meeting.

All conditions of the underlying approvals, namely the Village at Empire Pass MPD; Silver Strike Subdivision; and the Amended, Consolidated, and Restated Belles at Empire Pass condominium plat continue to apply and are reflected as conditions of approval and plat notes on this proposed supplemental plat (Exhibit A).

### **Analysis**

This request for a Fourth Supplemental plat for Constructed Units at The Belles at Empire Pass amends Units 5 and 6 and documents the final as built conditions of this constructed unit in accordance with the Utah Condominium Act. The zoning is Residential Development (RD-MPD); subject to the Village at Empire Pass MPD.

The Silver Strike subdivision restricts each unit to a maximum house size of 5,000 square feet of Gross Floor Area as defined in the LMC, excluding 600 square feet for garage area and the basement area that is below final grade.

The Flagstaff Development Agreement requires calculation of unit equivalents (UE) for these units, in addition to maximum house size. The UE formula includes all interior square footage "calculated from the inside surfaces of the interior boundary wall of each completed unit, excluding all structural walls and components, as well as all shafts, ducts, flues, pipes, conduits and the wall enclosing such equipment. Also excluded from the UE square footage are garage space up to 600 square feet per unit and all space designated as non-habitable." Basement area is included in the UE calculations.

A total of 90,000 square feet (45 UE) were approved for the Belles at Empire Pass area (formerly known as the Christopher Homes at Empire Pass condominiums). Within the Flagstaff Development Agreement one residential unit equivalent equals two thousand square feet of Gross Floor Area, including the basement area. Units 5 and 6, a duplex, meet the maximum house size requirement in both Gross Floor Area and Unit Equivalent calculation as noted above. Unit 5 contains 4,194 sf of Gross Floor Area, (includes all lower level because it does not qualify as basement area and excludes 600 sf garage area) and accounts for 2.097 UEs based on the Total Floor area of 4,194 sf (includes basement area but not garage area). Unit 6 contains 3,673.5 sf of Gross Floor Area, (includes all lower level because it does not qualify as basement area and excludes 600 sf of garage area) and accounts for 1.837 UEs based on the Total Floor area of 3,673.5 sf (includes basement area but not garage area). The seven units platted to date (Units 1, 2, 4, 5, 6, 9 and 12) utilize 18.567 Unit Equivalents (UE).

Site development parameters are as follows:

	<b>Permitted</b>	<b>Approved</b>
Height	28' (+5' for pitched roof) total maximum of 33'	33' max with pitched roof. No height exception. <b><u>Units 5 and 6 comply.</u></b>
Front setback	Minimum of 20', 25' to front facing garage	30' minimum to house, 25' minimum to garage. No setback reductions. <b><u>Units 5 and 6 comply.</u></b>
Rear setback	Per Building Code and MPD (allows zero setback to internal property line)	Minimum 65' from Lot boundary. <b><u>Units 5 and 6 comply.</u></b>
Side setbacks	Per Building Code and MPD (allows zero setback to internal property line)	7' on north side and 12' on south side from Lot boundary. <b><u>Units 5 and 6 comply.</u></b>
Parking	Two spaces required	2 per unit. <b><u>Units 5 and 6 Comply.</u></b>
Maximum house size (based on the Silver Strike subdivision and defined per the Land Management Code)	5,000 sf (Gross Floor Area excludes basement area below final grade and 600 sf of garage area).	Unit 5 contains 4,194 sf Gross Floor Area Unit 6 contains 3,673.5 sf Gross Floor Area  <b><u>Units 5 and 6 Comply</u></b>
Unit Equivalent (based on the Village at Empire Pass MPD)	Maximum of 45 UE for all of the Belles Condominiums. Gross floor area for UE calculations excludes 600 sf garage and any uninhabitable space, i.e. crawl space, attics, etc.	Unit 5- 4,194 sf which is 2.097 UE Unit 6- 3,673.5 sf which is 1.837 UE  <b><u>Units 5 and 6 Comply</u></b> Total of all platted units to date is 18.567 UE (Units 1, 2, 4, 5, 6, 9 and 12)

**Good Cause**

Staff finds good cause for this record of survey amendment as it memorializes and documents as-built conditions and UE calculations for this unit. Units 5 and 6 comply with the conditions of approval of the underlying plats, namely the Silver Strike subdivision plat and the Amended, Consolidated, and Restated Condominium plat of The Belles at Empire Pass. In addition the unit is consistent with the development pattern envisioned in the Village at Empire Pass MPD and the 14 Technical Reports.

### **Department Review**

This project has gone through interdepartmental review by the Development Review Committee on February 26, 2013, and no issues were raised pertaining to the requested plat amendment.

### **Notice**

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

### **Public Input**

Staff had not received public input on this application at the time of this report.

### **Process**

Approval of this application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18. A Building Permit is publicly noticed by posting of the permit.

### **Alternatives**

- The Planning Commission may recommend that the City Council approve the application for the Fourth Supplemental plat for Constructed Units for the Belles at Empire Pass amending Units 5 and 6, as conditioned or amended, or
- The Planning Commission may recommend that the City Council deny the application and direct staff to make Findings for this decision, or
- The Planning Commission may continue the discussion and provide Staff and the Applicant with specific direction regarding additional information necessary to make a recommendation on this item.

### **Significant Impacts**

There are no significant fiscal or environmental impacts from this application. Water and sewer impact fees, and other fees associated with increased floor area, are evaluated during the building permit process and collected prior to issuance of any building permits.

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

No certificate of occupancy may be granted until the plat is recorded.

### **Recommendation**

Staff recommends that the Planning Commission hold a public hearing for the Fourth Supplemental Plat for Constructed Units for the Belles at Empire Pass Condominium plat amending Units 5 and 6 and consider forwarding a positive recommendation to 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- Supplemental plat for Belles Units 5 and 6

Exhibit B- Amended, Consolidated, and Restated Condominium Plat of the Belles at Empire Pass

Exhibit C- Aerial Photo

**Ordinance No. 13-**

**AN ORDINANCE APPROVING THE FOURTH SUPPLEMENTAL PLAT FOR CONSTRUCTED UNITS AT THE BELLES AT EMPIRE PASS CONDOMINIUMS AMENDING UNITS 5 AND 6, LOCATED AT 77 AND 83 SILVER STRIKE TRAIL, PARK CITY, UTAH.**

WHEREAS, the owners of the property known as The Belles at Empire Pass Condominium Units 5 and 6, have petitioned the City Council for approval of the Fourth Supplemental plat for Constructed Units at the Belles at Empire Pass, a Utah Condominium project; and

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

WHEREAS, proper legal notice was published in the Park Record and notice letters were sent to all affected property owners, in accordance with the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on April 24, 2013, to receive input on the supplemental plat;

WHEREAS, the Planning Commission, on April 24, 2013, forwarded a recommendation to the City Council; and,

WHEREAS, on May 2, 2013, the City Council held a public hearing on the amended record of survey plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Fourth Supplemental plat for Constructed Units at the Belles at Empire Pass, a Utah Condominium project to document the as-built conditions and constructed Unit Equivalents for this completed condominium unit.

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 Fourth Supplemental plat for Constructed Units at the Belles at Empire Pass, a Utah Condominium project, 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, Units 5 and 6 of the Amended, Consolidated, and Restated Condominium Plat of The Belles at Empire Pass and associated common area, are located at 77 and 83 Silver Strike Trail. The property is located on portions of Lot 2 of the Silver Strike subdivision and is within Pod A of the Flagstaff Mountain Development, in an area known as the Village at Empire Pass.
2. The property is located within the RD –MPD zoning district and is subject to the Flagstaff Mountain Development Agreement and Village of Empire Pass MPD.

3. The City Council approved the Flagstaff Mountain Development Agreement and Annexation Resolution 99-30 on June 24, 1999. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum densities, location of densities, and developer-offered amenities.
4. On July 28, 2004, the Planning Commission approved a Master Planned Development (MPD) for the Village at Empire Pass, aka Pod A. The MPD identified the area of the proposed condominium plat as the location for 18 PUD –style detached single family homes and duplexes.
5. On June 29, 2006, the City Council approved the Silver Strike Subdivision creating two lots of record. Units 5 and 6 are located on Lot 2 of the Silver Strike Subdivision.
6. On August 17, 2007, the City Council approved 4 units on Lot 2 as the Christopher Homes at Empire Pass Phase I condominium plat. The plat was recorded at Summit County on October 3, 2007.
7. On November 29, 2007, the City Council approved the first amended Christopher Homes at Empire Pass Phase II condominium plat creating an additional 4 units on Lot 2. The plat was recorded at Summit County on February 20, 2008.
8. On April 23, 2008, the City Council approved two more condominium units on Lot 1 of the Silver Strike subdivision as Christopher Homes at Empire Pass Phase III condominium plat. The plat was recorded at Summit County on December 1, 2008.
9. On August 28, 2008, the City Council approved the Christopher Homes at Empire Pass Phase IV plat for eight additional condominium units on Lots 1 and 2, specifically units 5/6, 7/8, 13/14, and 17/18 in duplex configurations. The plat was recorded at Summit County on November 19, 2008.
10. March 24, 2011, the City Council approved the Amended, Consolidated, and Restated Condominium Plat of The Belles at Empire Pass amending, consolidating, and restating the previously recorded Christopher Homes at Empire Pass condominium plats Phases I, II, III, and IV. Also on March 24, 2011, the City Council approved the First Supplemental Plat for Constructed Units 1, 2, and 12 of the Belles at Empire Pass Condominiums. These plats were recorded November 28, 2011.
11. On June 28, 2012, the City Council approved the Second Supplemental Plat for Constructed Unit 9. This plat was recorded on November 20, 2012. The Third Supplemental Plat for Constructed Unit 4 was submitted concurrently with this Fourth Supplemental Plat and is being reviewed at this same meeting.
12. On February 5, 2013, the Planning Department received a complete application for the Fourth Supplemental Plat for Constructed Units 5 and 6.
13. The purpose of the supplemental plat is to describe and document the as-built conditions and the UE calculations for constructed Units 5 and 6 at the Belles Condominiums prior to issuance of a certificate of occupancy and to identify private, limited common and common area for this unit.
14. The supplemental plat complies with the conditions of approval of the underlying plats, namely the Silver Strike subdivision plat and the Amended, Consolidated, and Restated Condominium plat of The Belles at Empire Pass. The plat is consistent with the development pattern envisioned by the Village at Empire Pass MPD and the 14 Technical Reports of the MPD and the Flagstaff Development Agreement.
15. Units 5 and 6 are located on Lot 2 of the Silver Strike subdivision plat.
16. The approved maximum house size is 5,000 square feet of Gross Floor Area, as defined by the LMC. Gross Floor Area exempts basement areas below final grade and 600 square feet of garage area. Unit 5 contains 4,194 sf Gross Floor Area and Unit 6 contains 3,673.5 sf Gross Floor Area.

17. The Flagstaff Development Agreement requires calculation of unit equivalents (UE) for all Belles units, in addition to the maximum house size. The UE formula includes all interior square footage “calculated from the inside surfaces of the interior boundary wall of each completed unit, excluding all structural walls and components, as well as all shafts, ducts, flues, pipes, conduits and the wall enclosing such facilities. Unit Equivalent floor area includes all basement areas. Also excluded from the UE square footage are garage space up to 600 square feet per unit and all space designated as non-habitable on this plat.” Within the Flagstaff Development Agreement one residential unit equivalent equals 2,000 sf.
18. Unit 5 contains a total of 4,194 square feet and utilizes 2.097 UE. Unit 6 contains a total of 3,673.5 square feet and utilizes 1.837 UE. The total UE to date for constructed units 1, 2, 4, 5, 6, 9, and 12 is 18.567 Unit Equivalents of the 45 total UE allocated for the Belles at Empire Pass.
19. As conditioned, this supplemental plat is consistent with the approved Flagstaff Development Agreement, the Village at Empire Pass MPD, and the conditions of approval of the Silver Strike Subdivision.
20. The findings in the analysis section are incorporated herein.

#### Conclusions of Law:

1. There is good cause for this supplemental plat as it memorializes the as-built conditions for Units 5 and 6.
2. The supplemental plat is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed supplemental plat.
4. Approval of the supplemental plat, subject to the conditions of approval stated below, will 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 of the supplemental plat 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 at Summit County within one year from the date of City Council approval. If recordation has not occurred within the one year timeframe, this approval 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. All conditions of approval of the Village at Empire Pass Master Planned Development, the Silver Strike Subdivision plat, and the Amended, Consolidated, and Restated Condominium Plat of The Belles at Empire Pass shall continue to apply.
4. As a condition precedent to issuance of a final certificate of occupancy for Units 5 and 6, the supplemental plat shall be recorded at Summit County.
5. A note shall be added to the plat prior to recordation stating the following, “At the time of resurfacing of Silver Strike Trail, the Master Association shall be responsible to adjust wastewater manholes to grade according to Snyderville Basin Water Reclamation District Standards”.

6. The size and UE shall be reflected on the plat as they are to reflect the actual size an UE of the Unit.

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

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

PARK CITY MUNICIPAL CORPORATION

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

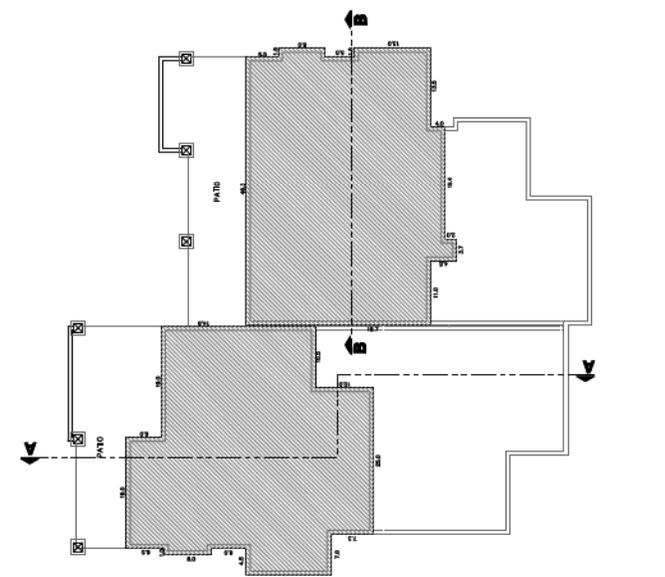
ATTEST:

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

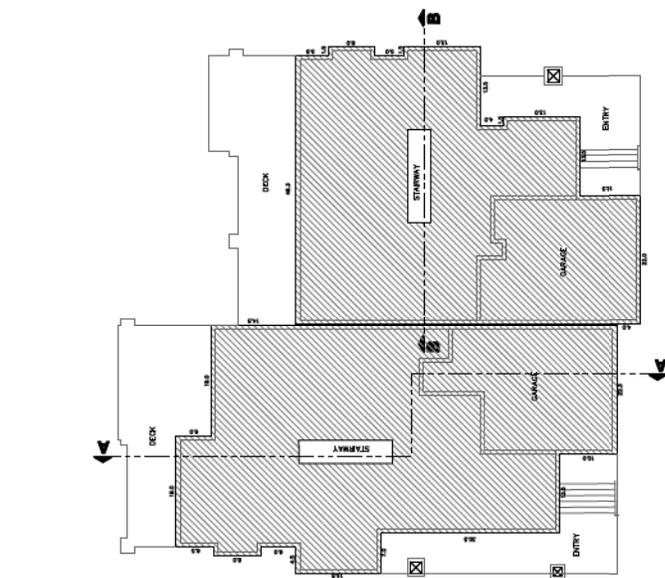
APPROVED AS TO FORM:

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

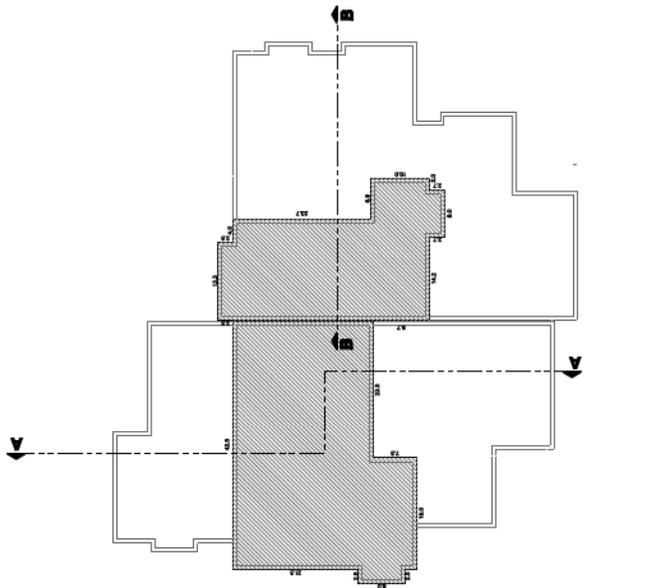




1 LOWER LEVEL AREAS  
SCALE: 1" = 10'



2 MAIN LEVEL AREAS  
SCALE: 1" = 10'



3 UPPER LEVEL AREAS  
SCALE: 1" = 10'

- COMMON AREA
- PRIVATE OWNERSHIP UNIT
- LIMITED COMMON AREAS AND FACILITIES

UNIT 6 SQUARE FOOTAGE TABLE\*

LEVELS	SQUARE FOOTAGE	GROSS FLOOR AREA (GFA)
LOWER	1,261.3 SF	1,261.3 SF
MAIN	2,274.4 SF	2,274.4 SF
UPPER	816.0 SF	816.0 SF
TOTAL (GFA)	4,351.7 SF	4,351.7 SF
GARAGE	542 SF	542 SF

\* Per Architectural Drawings

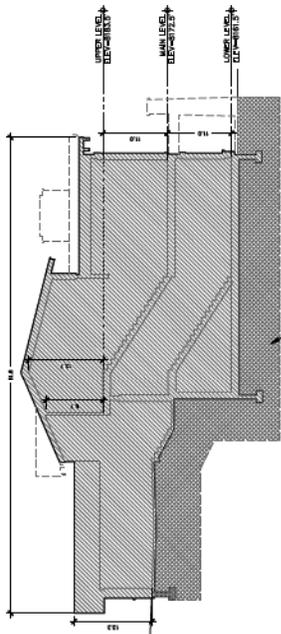
UNIT 6 SQUARE FOOTAGE TABLE\*

LEVELS	SQUARE FOOTAGE	GROSS FLOOR AREA (GFA)
LOWER	1,439.8 SF	1,439.8 SF
MAIN	2,100.8 SF	2,100.8 SF
UPPER	822.3 SF	822.3 SF
TOTAL (GFA)	4,363.9 SF	4,363.9 SF
GARAGE	522 SF	522 SF

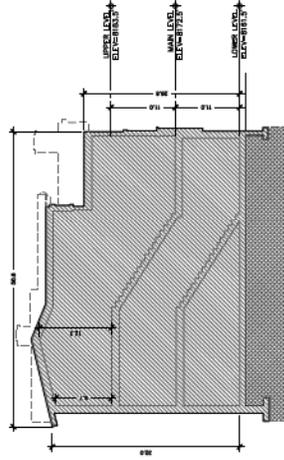
\* Per Architectural Drawings

RECORDED  
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DATE: \_\_\_\_\_ TIME: \_\_\_\_\_ BOOK: \_\_\_\_\_ PAGE: \_\_\_\_\_  
FILE: \_\_\_\_\_ RECD: \_\_\_\_\_

THIRD SUPPLEMENTAL PLAN FOR CONSTRUCTED UNITS  
**THE BELLES AT EMPIRE PASS**  
A UTAH EXPANDABLE CONDOMINIUM PROJECT AMENDING UNITS 5 + 6  
LOCATED IN SECTION 08, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASIN AND MERIDIAN, PARK  
CITY, SUMMIT COUNTY, UTAH



**A** BUILDING SECTION  
SCALE: 1" = 10'



**B** BUILDING SECTION  
SCALE: 1" = 10'

- COMMON AREA
- PRIVATE OWNERSHIP UNIT
- LIMITED COMMON AREAS AND FACILITIES

JOB NO: B-4-10  
 RECORDED  
 STATE OF UTAH, COUNTY OF SUMMIT, AND FILED  
 AT THE RESULT OF  
 DATE: \_\_\_\_\_ TIME: \_\_\_\_\_ BOOK: \_\_\_\_\_ PAGE: \_\_\_\_\_  
 FILE RECORDER

THIRD SUPPLEMENTAL PLAN FOR CONSTRUCTED UNITS  
**THE BELLES AT EMPIRE PASS**  
 A UTAH EXPANDABLE CONDOMINIUM PROJECT AMENDING UNITS 5 + 6  
 LOCATED IN SECTION 08, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASIN AND MERRIDAN, PARK  
 CITY, SUMMIT COUNTY, UTAH

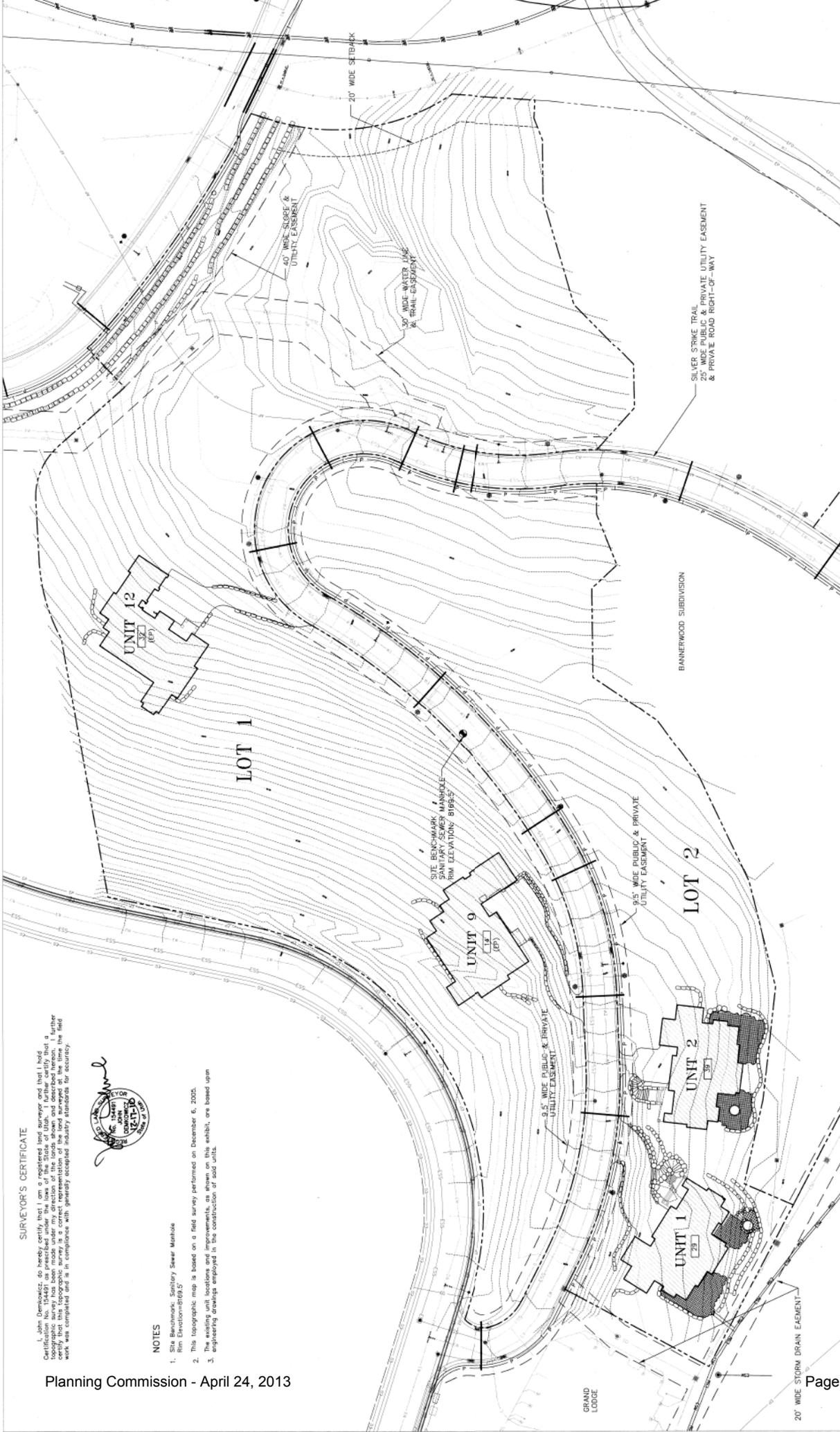
**SURVEYOR'S CERTIFICATE**

I, **John Demkowicz**, do hereby certify that I am a registered land surveyor and that I hold in full and true possession of the original plat of this survey. I further certify that this topographic survey is a correct representation of the land surveyed at the time the field work was completed and is in compliance with generally accepted industry standards for accuracy.



**NOTES**

1. Site Benchmark: Sanitary Sewer Manhole from Elevations 8199.5'
2. This topographic map is based on a field survey performed on December 6, 2005.
3. The existing unit locations and improvements, as shown on this exhibit, are based upon engineering drawings employed in the construction of said units.



SHEET  
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**EXISTING CONDITIONS TOPOGRAPHIC SURVEY**  
**THE BELLES AT EMPIRE PASS**

FOR: **WALSH, LLP**  
JOB NO.: 04-06-01  
FILE: X:\Emp\Topo\Bannerwood\Banner\existing topo 11-3-10.dwg

STAFF:  
J. DEMKOWICZ  
S. SCHUELER

DATE: 12/15/10

CONSULTING ENGINEERS LAND PLANNERS SURVEYORS  
122 West Street, P.O. Box 2048, Fort St. Vrain, Colorado 80526

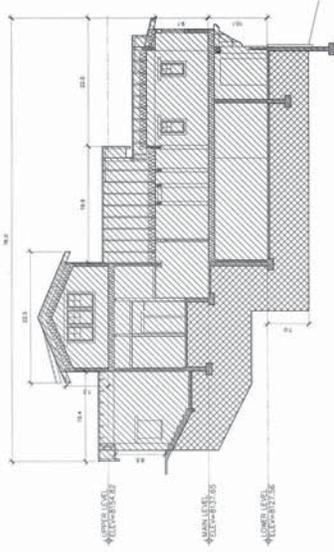


**LEGEND**

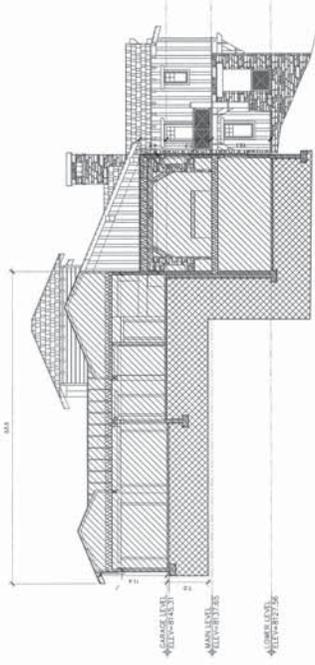
---	EXISTING SANITARY SEWER
---	EXISTING STORM DRAIN
---	EXISTING POWER
---	EXISTING TELEPHONE
---	EXISTING TREE OPTICS
---	ABANDONED WATER
---	ABANDONED POWER



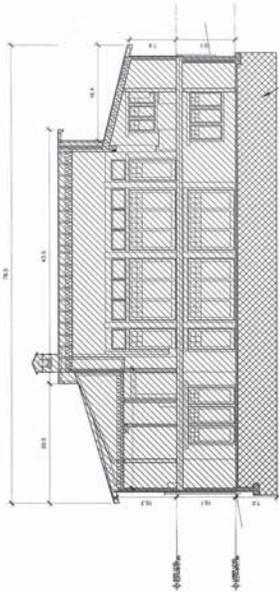




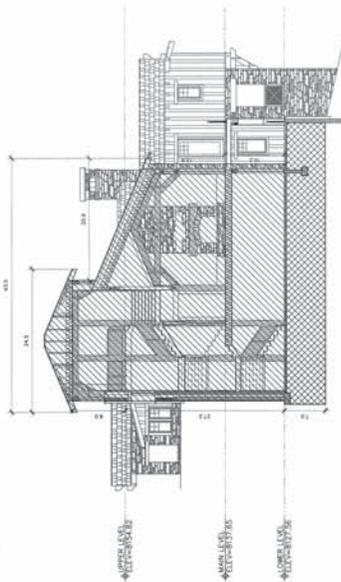
**B** BUILDING SECTION  
SCALE: 1" = 10'



**E** BUILDING SECTION  
SCALE: 1" = 10'



**A** BUILDING SECTION  
SCALE: 1" = 10'



**C** BUILDING SECTION  
SCALE: 1" = 10'

- COMMON AREA
- PRIVATE OWNERSHIP UNIT
- LIMITED COMMON OWNERSHIP

The area under the unit, extending to 7 feet below the finished floor is designated Limited Common.  
Additional Limited Common area on the ground surface is described and shown on Sheet 1.

JOB NO. 6-6-10  
 #957536 RECORDED  
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 DATE 10/14/10 THE DEED BOOK PAGE  
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 C. Wilkley  
 RECORDER  
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SECOND SUPPLEMENTAL PLAT FOR CONSTRUCTED UNITS  
**THE BELLES AT EMPIRE PASS**  
 A UTAH EXPANDABLE CONDOMINIUM PROJECT AMENDING UNIT 9  
 LOCATED IN SECTION 28, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN PARK  
 CITY, SUMMIT COUNTY, UTAH



**INTECH**  
CONSULTING ENGINEERS LAND PLANNERS ARCHITECTS  
222 Main Street, P.O. Box 2880, Fort Collins, CO 80522-2880

CALL 949-449-4447

STAFF:  
J. SKONOWICZ  
S. SCHUELER

DATE: 1/28/13

FOR: Wichita IZP  
JOB NO.: 6-4-10  
FILE: S:\wip\13\06\13\wip\13\6-4-10\13\ortho\ortho.dwg

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## Planning Commission Staff Report

**Subject:** 9100 Marsac Avenue  
**Author:** Shauna Stokes, Planning Technician  
**Date:** April 24, 2013  
**Type of Item:** Conditional Use Permit  
**Project Number:** PL-13-01845

### Summary Recommendation

Staff recommends that the Planning Commission review the proposed Conditional Use Permit (CUP) application for temporary structures, open the public hearing, and consider approving the CUP application in accordance with the findings of fact, conclusions of law, and conditions of approval.

### Description

**Project Name:** Montage Deer Valley  
**Applicant:** James Condon, Engineering Administrative Assistant  
**Location:** 9100 Marsac Avenue, adjacent to the Deer Valley Empire Day Lodge and located on Lot C of the Parcel B-2 Empire Village Subdivision.  
**Proposal:** Conditional Use Permit for Temporary Structures longer than fourteen (14) days or more than five (5) times per year.  
**Zoning:** Residential Development as part of the Empire Pass Master Planned Development (RD-MPD)  
**Adjacent Uses:** Ski terrain of Deer Valley Resort

### Proposal

This application is a request for a (CUP) for proposed temporary structures (tents, tepees, yurts, and stages) to be located within the existing Montage Deer Valley property longer than fourteen (14) days or more than five (5) times per year. The property is located within the Residential Development (RD) District and is within the Empire Pass Master Planned Development (MPD), which requires a CUP reviewed by the Planning Commission. The applicant proposes to allow temporary structures up to fifteen (15) times per year of which four (4) may be allowed for a maximum period of sixty (60) days

### Background

The property is located at 9100 Marsac Avenue in the Residential Development (RD-MPD) District and as part of the Empire Pass Master Planned Development which was originally approved on June 24, 1999 and amended and restated on March 02, 2007.

The Land Management Code (LMC) was revised in 2009 to address the duration in which temporary structures may be installed. There were several temporary structures located on hotel properties in town that had been approved as temporary structures but

were left standing in virtual perpetuity. To make sure this trend would not continue, new duration parameters were adopted in 2009. The RD District allows temporary structures with the issuance of an Administrative CUP (approved by the Planning Department) so long as the temporary structure is not left erected for longer than fourteen (14) days and for not more than five (5) times a year. Longer durations or an increase in the frequency of occurrences requires a CUP and must be approved by the Planning Commission.

On February 21, 2013, the Planning Department received a complete application for a CUP to allow temporary structures up to fifteen (15) times per year of which four (4) may be allowed for a maximum period of sixty (60) days at the Montage Deer Valley. Without the proposed CUP the Hotel would be limited to five (5) times per year and for no more than fourteen (14) consecutive days and also requires an Administrative CUP each time. The Montage Deer Valley has numerous events (weddings and parties) in which the client prefers to be outside. In 2013 alone, the hotel was issued five (5) separate administrative CUPs for temporary structures. The applicant is requesting to receive a CUP to allow temporary structures up to a maximum of fifteen (15) times per year with four (4) temporary structures receiving a longer duration of sixty (60) days.

### **Analysis**

Within the Land Management Code (LMC) section 15-4-16(A) (7) a temporary structure may not be installed for a duration longer than fourteen (14) days and for more than five (5) times a year, unless a longer duration or greater frequency is approved by the Planning Commission consistent with CUP criteria in LMC section 15-1-10 and the criteria for temporary structures in LMC section 15-4-16(C). The applicant is requesting that the Planning Commission consider approving a CUP to allow temporary structures up to a maximum of fifteen (15) times per year with four (4) temporary structures receiving a longer duration of sixty (60) days due to the higher frequency of weddings and outdoor parties.

According to the Land Management Code, Section 15-4-16(C), Temporary structures on private property are a Conditional Use with consideration of the following review criteria to be considered by the Planning Commission:

*(1) The proposed Use must be on private Property. The Applicant shall provide written notice of the Property Owner's permission.*

**Complies.** The temporary structure is within the private property of the Montage Deer Valley and the owner has given consent for this application.

*(2) The proposed Use should not diminish existing parking. Any net loss of parking shall be mitigated in the Applicant's plan.*

**Complies.** The proposed use will result in an increase in cars attending the event in the temporary structure(s). The additional cars will have to be accommodated within the existing parking areas of the Montage Deer Valley. Currently, there are 593 parking spaces. The applicant previously completed a parking study on the busiest day of the

year where occupancy of the hotel was 100%, and found 48% usage of the parking lot. They estimate that the addition of a temporary structure at maximum capacity and all guests arriving from off-site would diminish the parking by an additional 17%. Therefore, parking would be at 65% of total parking capacity. See Exhibit A.

*(3) The proposed Use shall not impede pedestrian circulation, emergency Access, or any other public safety measure.*

**Complies as Conditioned.** Consistent with Condition of Approval #1, all temporary structures must be inspected by the building department prior to occupancy. The building department will inspect circulation, emergency access, and all other applicable public safety measures. The location of the proposed temporary structures would not impede pedestrian circulation.

*(4) The Use shall not violate the City Noise Ordinance.*

**Complies as Conditioned.** Consistent with Condition of Approval #2, the use shall not violate the City noise ordinance. Any violation of the City noise ordinance may result in the Condition Use Permit becoming void.

*(5) The Use and all signing shall comply with the Municipal Sign and Lighting Codes.*

**Complies.** Signs to the interior of a project are not regulated under the sign code. Any exterior signs must be approved by the Planning Department consistent with the City Municipal Code. All exterior lighting must be approved by the Planning Department and comply with the Land Management Code.

*(6) The Use shall not violate the Summit County Health Code, the Fire Code, or State Regulations on mass gathering.*

**Complies.** All uses within the temporary structure must be permitted. The property owner is responsible for obtaining the correct permits for each proposed use, including Building Permits, Summit County Health Code permits, Fire Code permits, Single Event Liquor Licensing and permits issued by the State of Utah.

*(7) The Use shall not violate the International Building Code (IBC).*

**Complies as Conditioned.** Consistent with Condition of Approval #1, all temporary structures must have all required building permits and be inspected by the building department prior to occupancy. The building department will inspect the temporary structure for compliance with the IBC.

*(8) The Applicant shall adhere to all applicable City and State licensing ordinances.*

**Complies.** All commercial activities within the temporary structure must be licensed. The property owner is responsible for obtaining the correct City and State licensing for each proposed use within the temporary structure.

Condition Use Permit Criteria (LMC 15-1-10 (E))

The Planning Commission must review each of the following criteria and considering whether or not the proposed Conditional Use mitigates impacts of and addresses each of the items:

*(1) Size and location of the Site;*

**No Unmitigated Impacts.** The Montage Deer Valley is located on 15.96 acres and has six (6) locations for temporary structures: The Grand Lawn (19,953 sq. ft.), Compass Lawn (6,481 sq. ft.), Mountain Lawn (5,513 sq. ft.), Front Lawn (13,573 sq. ft.), Vista Terrace (2,133 sq. ft.), and the Grand Terrace (6,678 s. ft.). See Exhibit B.

*(2) Traffic considerations including capacity of the existing Streets in the Area;*

**No Unmitigated Impacts.** The Montage Deer Valley may be accessed via Marsac Avenue. Guests and patrons using the temporary structures would have to abide by the same parking restrictions as other hotel guests and visitors as outlined in the original conditions of approval. Any extra parking caused by the activity in the temporary structures must be accommodated within the Montage Deer Valley parking lots.

*(3) Utility capacity;*

**No Unmitigated Impacts.** Any additional utilities that are necessary for the temporary structures are available through the hotel. The increase in guests for the events will result in an increase in demand for water, gas, sewer and trash. The existing infrastructure is adequate to accommodate the additional guests and demand on utilities.

*(4) Emergency vehicle Access;*

**No Unmitigated Impacts.** Emergency vehicle access will not be impacted by the proposal.

*(5) Location and amount of off-Street parking;*

**No Unmitigated Impacts.** The proposed use typically results in an increase in vehicular traffic attending the event in the temporary structure. The additional vehicles will have to be accommodated within the existing parking garage of the Montage Deer Valley. Currently, there are 593 spaces available in the parking garage.

*(6) Internal vehicular and pedestrian circulation system;*

**No Unmitigated Impacts.** Due to the unique location of the hotel, there is no internal vehicular circulation other than the drop off areas. The building department will inspect the temporary structures for pedestrian circulation requirements prior to issuance of a certificate of occupancy.

*(7) Fencing, Screening, and landscaping to separate the Use from adjoining Uses;*

**No unmitigated impacts.** The adjacent uses are ski terrain of Deer Valley Resort. Fencing and screening is not required. The temporary structures will be placed appropriately within the landscape.

*(8) Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots;*

**No unmitigated impacts.** The temporary structures are appropriate within the hotel site. There are no anticipated negative impacts due to the mass, bulk, and orientation of the temporary structures.

*(9) Usable Open Space;*

**No unmitigated impacts.** The temporary structures that are proposed are within the usable open space of the hotel. The temporary structures will not negatively impact the open space. The open space calculation will not be changed by the existence of the temporary structures. Staff would not recommend allowing a temporary structure to stand in this area for over 60 consecutive days due to impacts to the lawn

*(10) Signs and lighting;*

**No unmitigated impacts.** Signs to the interior of a project are not regulated under the sign code. Any exterior signs must be approved by the Planning Department consistent with the City Municipal Code. All exterior lighting must be approved by the Planning and Building Departments and comply with the Land Management Code.

*(11) Physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing;*

**No unmitigated impacts.** The design of the temporary structure is simple. Temporary structures that are located within hotel grounds are a normal occurrence for the use and compatible.

*(12) Noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site;*

**No unmitigated impacts.** Consistent with Condition of Approval #2, the use shall not violate the City noise ordinance. Any violation of the City noise ordinance may result in the Condition Use Permit becoming void.

*(13) Control of delivery and service vehicles, loading and unloading zones, and Screening of trash pickup Areas;*

Not applicable.

*(14) Expected Ownership and management of the project as primary residences, Condominiums, time interval Ownership, Nightly Rental, or commercial tenancies, how the form of Ownership affects taxing entities; and*

Not applicable.

*(15) Within and adjoining the Site, impacts on Environmentally Sensitive Lands, Slope retention, and appropriateness of the proposed Structure to the topography of the Site.*

**No unmitigated impacts.** The temporary structures would not have any impact on Sensitive lands

### **Process**

Approval of this application constitutes Final Action that may be appealed following the procedures found in LMC Section 1-18.

### **Department Review**

This project has gone through an interdepartmental review. There were no comments.

### **Notice**

The property was posted and notice letters were mailed to property owners within 300' of the property. Legal notice was published in the Park Record.

### **Public Input**

As of this date no public input has been received by Staff. Public comment will be taken at the regularly scheduling meeting on April 24, 2013.

### **Alternatives**

1. The Planning Commission may approve the CUP for the temporary structures as proposed and conditioned; or
2. The Planning Commission may deny the CUP and direct staff to prepare findings supporting this recommendation; or
3. The Planning Commission may continue the discussion to a date certain to allow the applicant time to respond to any additional concerns or issues raised at the Planning Commission hearing.

### **Significant Impacts**

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

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

The applicant will have to apply for an Administrative CUP for each temporary structure. The applicant will not be allowed to have more than five (5) temporary structures within a year and each temporary structure may stay up for a maximum of fourteen (14) days.

### **Recommendation**

Staff recommends the Planning Commission discuss the proposed application for a CUP for temporary structures to be located within the Montage Deer Valley, conduct a public hearing, and consider approving the CUP according to the following findings of fact, conclusions of law, and recommended conditions of approval, as follows:

### **Findings of Fact:**

1. On February 21, the City received a complete application for a CUP for temporary structures to be located within the Montage Deer Valley up to fifteen (15) times per year of which four (4) may be allowed for a maximum of sixty (60) days.
2. Temporary structures require a CUP in the RD Zone.
3. No additional signs or lighting are proposed with this application.
4. In 2012, the hotel pulled five (5) separate Administrative CUPs for temporary structures.
5. Within the Land Management Code (LMC) section 15-4-16(A)(7) a temporary structure may only be installed for a duration longer than fourteen (14) days and for more than five (5) times a year with an Administrative CUP and the Planning Commission must approve a CUP for any longer duration or greater frequency consistent with CUP criteria in LMC section 15-1-10(E) and the criteria for temporary structures in LMC section 15-4-16(C).
6. The applicant is requesting that the Planning Commission consider approving a CUP to allow the applicant to install temporary structures up to fifteen (15) times per year of which four (4) may be allowed for a maximum of sixty (60) days, due to the higher frequency of weddings and outdoor parties. There may be occasions when more than one temporary structure is installed for an activity.
7. The Montage Deer Valley has six (6) locations for temporary structures: The Grand Lawn (19,953 sq. ft.), Compass Lawn (6,481 sq. ft.), Mountain Lawn (5,513 sq. ft.), Front Lawn (13,573 sq. ft.), Vista Terrace (2,133 sq. ft.), and the Grand Terrace (6,678 sq. ft. See Exhibit B
8. This application is reviewed under Land Management Code Section 15-1-10 (E) and Section 15-4-16(C).
9. The Montage Deer Valley may be accessed via Marsac Avenue. People using the temporary structures would have to abide by the same parking restrictions as other hotel guests.
10. According to a recent parking analysis, there are 593 parking spaces. The applicant conducted a parking study on the busiest day of the year where occupancy was 100% and found 48% usage of the parking lot. They estimate that the addition of temporary structures at maximum capacity and all guests arriving from off-site would diminish the parking by an additional 17%. Therefore, parking would be at 65% of total parking capacity. See Exhibit A.

11. The property was posted and notice letters were mailed to property owners within 300' of the property. Legal notice was published in the Park Record.
12. The project has access from Marsac Avenue.
13. The property is located within the Residential Development as part of the Empire Pass Master Planned Development (RD-MPD).
14. The Findings in the Analysis Section are incorporated herein.

**Conclusions of Law:**

1. The Use, as conditioned complies with all requirements of the Land Management Code, Section 15-1-10.
2. The Use, as conditioned complies with the Empire Pass Master Planned Development.
3. The Use, as conditioned is consistent with the Park City General Plan.
4. The Use, as conditioned is compatible with surrounding structures in use, scale, mass, and circulation.
5. The effects of any differences in use or scale have been mitigated through careful planning.
6. The Application complies with all requirements outlined in the applicable sections of the Land Management Code, specifically Sections 15-1-10 review criteria for Conditional Use Permits and 15-4-16(C) review criteria for temporary structures.

**Conditions of Approval:**

1. All temporary structures require a permit issued by the Building Department. All temporary structures must be inspected by the Building Department prior to occupancy. The Building Department will inspect circulation, emergency access, and all other applicable public safety measures.
2. Prior to installing a temporary structure, the Planning Department must sign off on a building permit and record the date within the CUP application folder.
3. A maximum of fifteen (15) events which include temporary structures per year are allowed.
4. The maximum duration of a temporary structure is fourteen (14) days, with the exception of four (4) temporary structures per year having a maximum duration of sixty (60) days.
5. The use shall not violate the City noise ordinance. Any violation of the City noise ordinance may result in the CUP becoming void.
6. Exterior signage must be approved by the Planning Department consistent with the City Municipal Code. All exterior lighting must be approved by the Planning Department and comply with the Land Management Code.

**Exhibits**

Exhibit A – Applicant's request and parking study

Exhibit B – Site Plan



DEER VALLEY

James Condon  
 Montage Deer Valley  
 9100 Marsac Ave  
 Park City, UT 84060  
 JCondon@montaghotels.com  
 (435) 604-1315

Park City Municipal Corporation  
 Planning Department  
 445 Marsac Ave  
 Park City, UT 84060

To whom it may concern:

This application is sent in request of a conditional use permit to allow for 15 temporary structures annually at Montage Deer Valley, of which 4 may be erect for a maximum period of 60 days. Montage Deer Valley is a year-round resort destination for leisure guests, corporate retreats and special events. Many of our clients have requests for special events that include a variety of temporary structures. Weddings, auto manufacturer vehicle launches and concerts are examples of the special events we have put on within the past year.

The term "temporary structures" is inclusive of tents, tipis, yurts and stages. These temporary structures may be located on the Grand Lawn, Compass Lawn, Mountain Lawn, Front Lawn, Vista Terrace and Grand Terrace. The location of these areas can be referenced on the schematic plans attached to this application. These proposed sites are suitable for the proposed use; the egress routes are well marked, there is ample square footage, readily available electrical hook-ups and all areas will not impact adjacent lots/uses or property owners. The proposed use will not emit noise, glare dust, pollutants or odor. The proposed use will not violate the City Noise Ordinance.

With the ability to allow additional temporary structures, Montage Deer Valley will be able to continue hosting world-class special events. These special events provide numerous economic benefits to Park City and the surrounding area. Many of our special events take place during our low season, April 15<sup>th</sup>-December 8<sup>th</sup>. This provides yearlong, full-time employment for hundreds of employees. In addition, many of the special event attendees spend time and money in Park City and the surrounding area during their stay at Montage Deer Valley.

Adjacent uses to Montage Deer Valley include ski resort and related use, hotel/condominium units, open space, single family residences and lots. Located in the Entry Corridor Protection (ECP) zoning district, the proposed use is consistent with these standards. These additional temporary structures will be setback further than the 250' minimum and will not detract from the visual character of Park City as specified in the General Plan and Park City Municipal Code-Title 15-2.20-5. Entry Corridor Protection Overlay.



9100 MARSAC AVENUE, P.O. BOX 4680, PARK CITY, UT 84060  
 (435) 604-1300 FAX (435) 604-1310



DEER VALLEY

Montage Deer Valley can be accessed via Marsac Avenue. All parking is located within the resort's underground parking garage. There are 593 parking spaces available in the parking garage. On Saturday, February 9, 2013, resort occupancy was 100% and 286 parking spaces, or 48%, were filled. This includes employee, guest, contractor and fleet vehicles. The proposed use will result in an increase in cars using these available spaces; however, we estimate the proposed use would attract a maximum of an additional 100 vehicles, or a 65% filled parking garage.

Please find included with this letter: Completed and signed application form, two 24" x 36" schematic plans, two 11" x 17" schematic plans, current title report, property owners within 300 feet and five pre-addressed and stamped envelopes for property owners.

Please contact me if you have any questions.

Sincerely,

James Condon  
Montage Deer Valley  
Engineering Admin Assistant

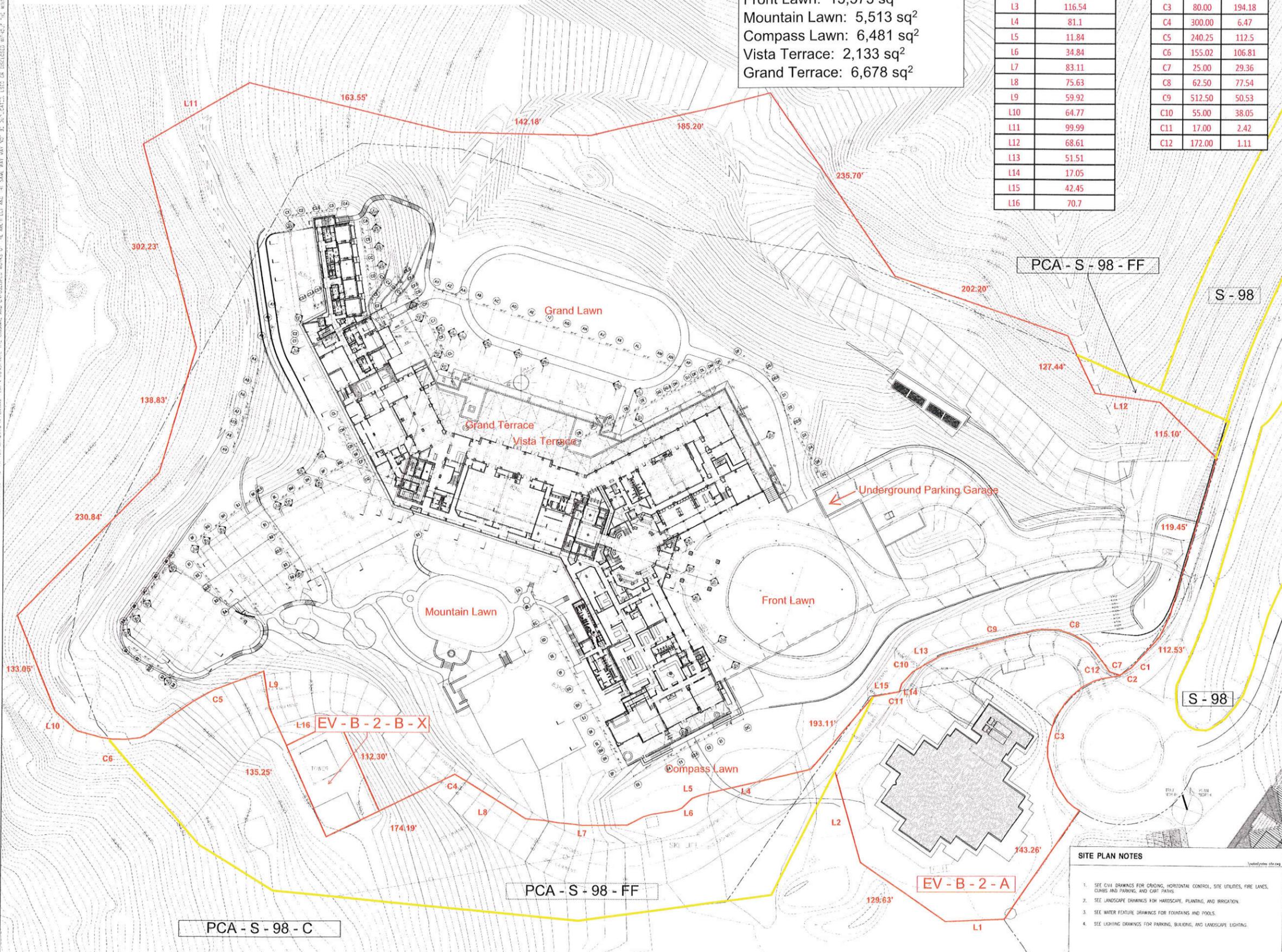
Montage Deer Valley - Conditional Use Permit Application  
 Schematic Plans  
 February 10, 2013

EXHIBIT B

Property: 15.96 acres  
 Parking Availability: 593 Spaces  
 Grand Lawn: 19,953 sq<sup>2</sup>  
 Front Lawn: 13,573 sq<sup>2</sup>  
 Mountain Lawn: 5,513 sq<sup>2</sup>  
 Compass Lawn: 6,481 sq<sup>2</sup>  
 Vista Terrace: 2,133 sq<sup>2</sup>  
 Grand Terrace: 6,678 sq<sup>2</sup>

Line	Distance
L1	94.35
L2	88.12
L3	116.54
L4	81.1
L5	11.84
L6	34.84
L7	83.11
L8	75.63
L9	59.92
L10	64.77
L11	99.99
L12	68.61
L13	51.51
L14	17.05
L15	42.45
L16	70.7

Curve Table		
Curve	Radius	Distance
C1	175.00	113.64
C2	10.00	5.37
C3	80.00	194.18
C4	300.00	6.47
C5	240.25	112.5
C6	155.02	106.81
C7	25.00	29.36
C8	62.50	77.54
C9	512.50	50.53
C10	55.00	38.05
C11	17.00	2.42
C12	172.00	1.11



MONTAGE-RESORT, SPA & RESIDENCES  
 PARK CITY, UTAH

DATE	02-10-13

- SITE PLAN NOTES**
- SEE CIVIL DRAWINGS FOR GRADING, HORIZONTAL CONTROL, SITE UTILITIES, FIRE LANES, CURBS AND PARKING, AND CART PATHS.
  - SEE LANDSCAPE DRAWINGS FOR HARDSCAPE, PLANTING, AND IRRIGATION.
  - SEE WATER FEATURE DRAWINGS FOR FOUNTAINS AND POOLS.
  - SEE LIGHTING DRAWINGS FOR PARKING, BUILDING, AND LANDSCAPE LIGHTING.





# Planning Commission Staff Report



**Subject:** 206 Grant Avenue Plat Amendment  
**Author:** Mathew Evans, Senior Planner  
**Date:** April 24, 2013  
**Type of Item:** Administrative – Plat Amendment  
**Project Number:** PL-13-01819

## Summary Recommendations

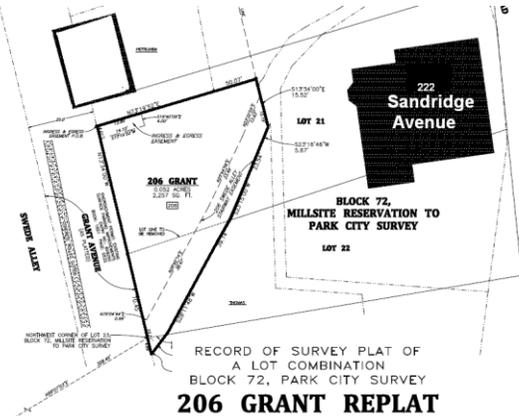
Staff recommends that the Planning Commission hold a public hearing for the Grant Avenue Plat Amendment and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

## 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 222 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**

On April 10, 2013, the Planning Commission held a public hearing for the 206 Grant Avenue Plat Amendment and continued the item to the April 24, 2013 Planning Commission meeting in order for Staff to make minor edits to the Conditions of Approval, and a few minor changes to the Findings of Fact and Conclusions of Law. Staff has since made the requested changes.

The changes made to the Staff Report include:

- Removal of Finding of Fact #4.
- Minor change in the wording of Finding of Fact #12 (now #11) to read *Potential development on the property is limited by required setbacks and the shape of the lot, which will 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).*
- Removed Finding of Fact #14 (“Good Cause” language) to Conclusions of Law (now the 4<sup>th</sup> Conclusion of Law).
- Replaced Condition of Approval #3 with the following language “*Approval of an HDDR application is a condition precedent to the issuance of a building permit for construction on the lot.*”
- Replaced Condition of Approval #4 with the following language “*Approval of Street Slope CUP application is a condition precedent to the issuance of a building permit for any structure in excess of 1,000 square feet.*”
- Replaced Condition of Approval #5 with the following language “*Modified 13-D sprinklers may be required for new construction as required by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final mylar prior to recordation.*”

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 222 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.

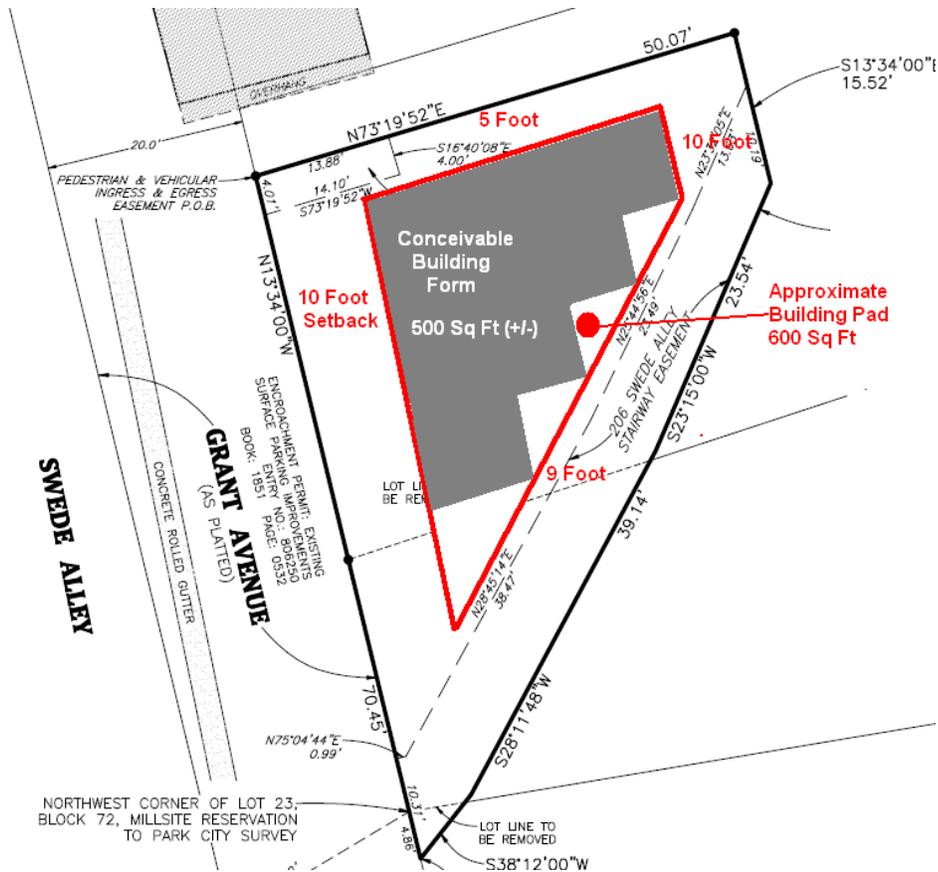
Staff has reviewed the proposed plat amendment request and found compliance and potential compliance with the following Land Management Code (LMC) requirements for lot size, allowed footprint, setbacks, width, and other factors:

### **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 1,800 square feet or less (considering the required third story ten foot setback).

Another limiting factor for the development of the property is its shape. Although it is likely that the owner could achieve a building pad of 600 square feet, the lot is angular and triangle shaped, which will likely reduce the building pad further. Based on typical building standards and forms, it is conceivable based on the shape and setback requirements that a structure built on the property would likely have a building pad area of about 500 square feet (thus a potential building envelope of fifteen hundred square feet minus the reduction for the third story step). Below is an illustration which shows the potential building pad and the conceivable building form for illustration purposes only for the purpose of demonstrating how a building could be constructed on the lot:



The proposed uses contemplated by the applicant are allowed in the HR-2(B) District. Per LMC § 15-2.3-2(A) Allowed Uses (HR-2 District) a “single-family dwelling” (15-2.3-2[A][1]) and a “residential parking area or structure with four (4) or fewer spaces (15-2.3-2[A][11]) are permitted.

**Good Cause**

Planning Staff believes there is good cause for the application. Neither parcel is developable independently. Combining the Lots will allow the property to be developed 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 23, 2013, to receive input on the 206 Grant Avenue Plat Amendment;

WHEREAS, the Planning Commission, on the April 23, 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 amended plat will create one new 2,257 square foot lot.
5. 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.
6. The property is triangular in shape, and due to required setbacks, has a limited building pad available.
7. Any development on the site will require a Historic District Design Review (HDDR) prior to the issuance of a building permit.
8. 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.
9. The lots by themselves are substandard and not developable unless combined with other properties.
10. The proposed lot meets/exceeds the minimum lot size established in the HR-2 District.
11. Potential development on the property is limited by required setbacks and the shape of the lot, which will 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).
12. 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.
13. 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.
14. 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.
15. 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.
5. 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.

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 the issuance of a building permit for construction on the lot.
4. Approval of Street Slope CUP application is a condition precedent to the issuance of a building permit for any structure in excess of 1,000 square feet.
5. Modified 13-D sprinklers may be required for new construction as required by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final mylar prior to recordation.
6. A 10 foot wide public snow storage easement will be provided along the frontage of the property.
7. 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 24<sup>th</sup> day of April, 2013.

PARK CITY MUNICIPAL CORPORATION

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

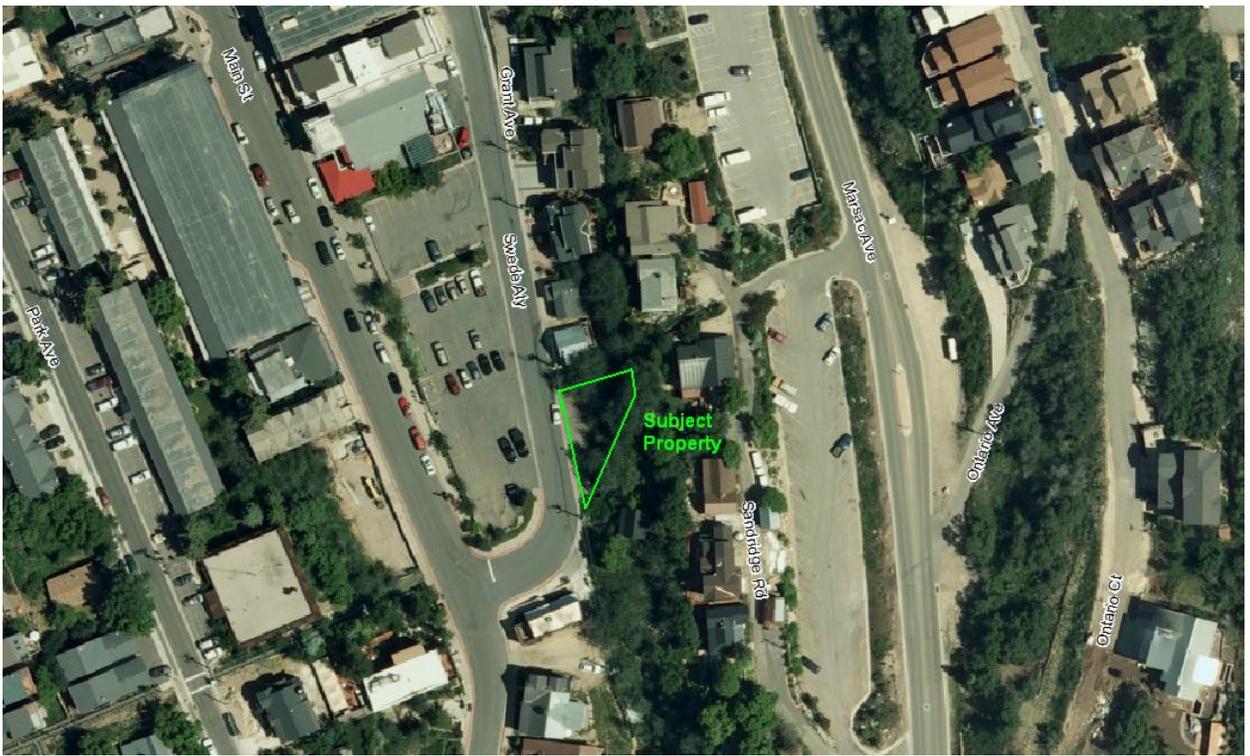
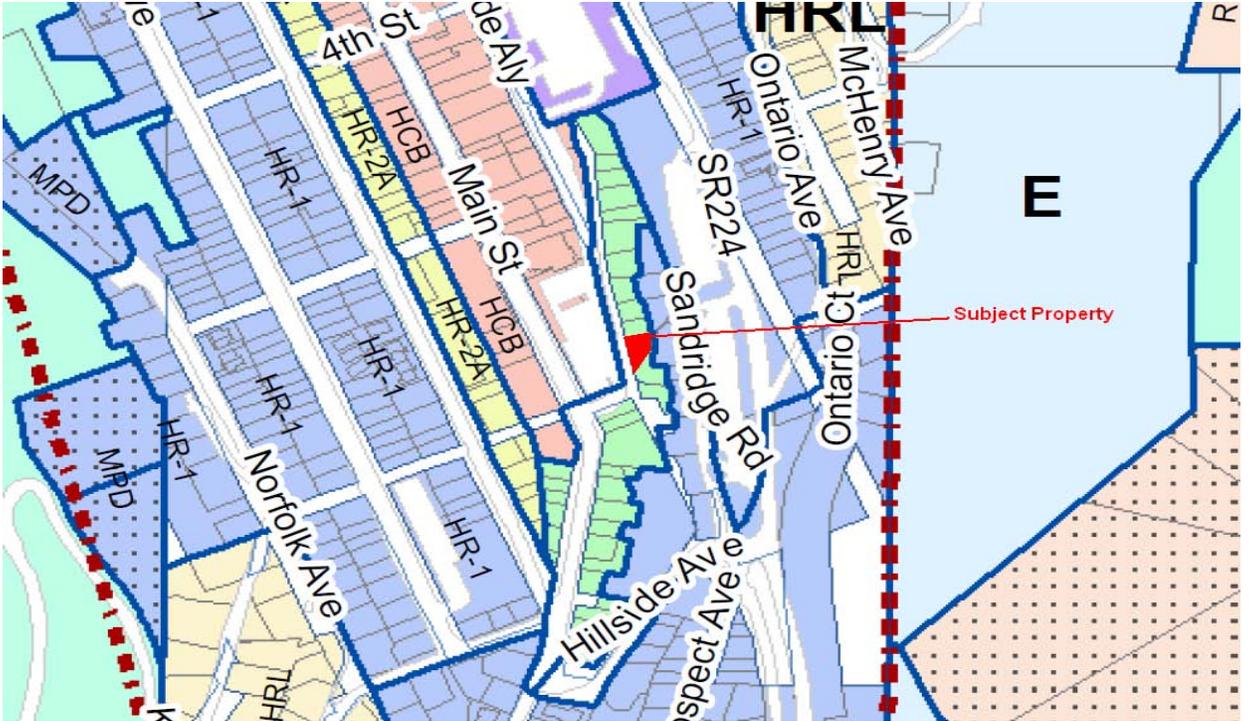
ATTEST:

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

APPROVED AS TO FORM:

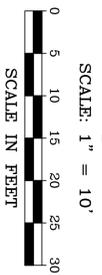
\_\_\_\_\_  
Mark Harrington, City Attorney

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.

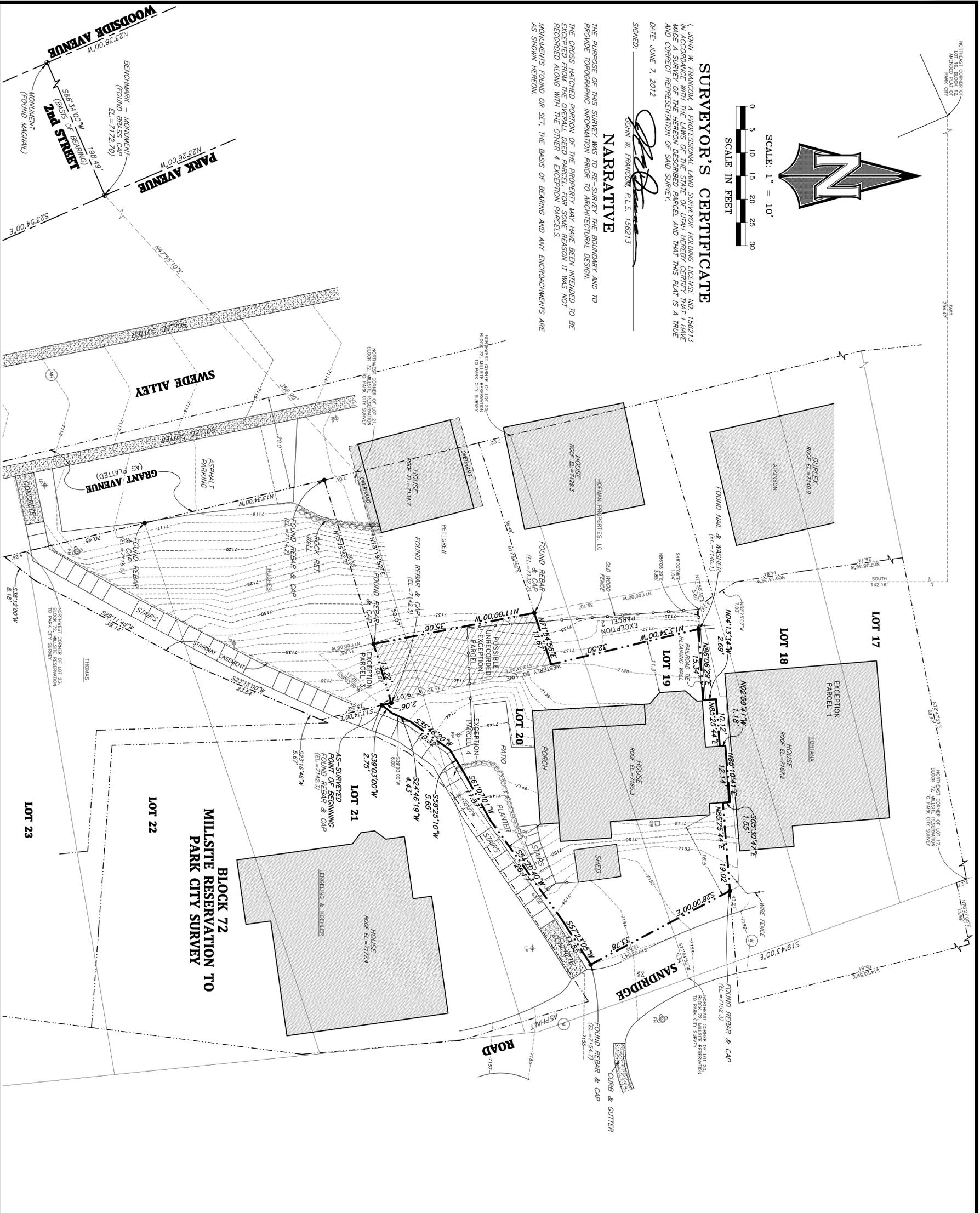
DATE: JUNE 7, 2012

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 55° 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 5° EAST ALONG THE EXTENSION OF AND THE FENCE LINE 92.0 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 73°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 SOUTH 80°00'00" WEST 63.00 FEET; THENCE (2) SOUTH 39°03'00" WEST 6.00 FEET; THENCE NORTH 53°19'42" EAST 4.43 FEET; THENCE (2) SOUTH 38°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 11.87 FEET; THENCE NORTH 13°34'00" WEST 2.06 FEET; THENCE NORTH 73°19'52" WEST 13.22 FEET; THENCE NORTH 11°00'00" WEST 55.06 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 11.55 FEET; THENCE SOUTH 54°20'40" WEST 26.17 FEET; THENCE SOUTH 61°07'01" WEST 11.87 FEET; THENCE SOUTH 58°25'10" WEST 5.65 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**  
LAND SURVEYORS  
BOUNDARY, TOPOGRAPHIC & CONSTRUCTION SURVEYS  
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**MIKE HUGHES**  
206 SWEDE ALLEY & 222 SANDRIDGE ROAD  
PARK CITY, UTAH 84060

REVISIONS:

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

SHEET DESCRIPTION: **BOUNDARY & TOPOGRAPHIC SURVEY**

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



# Planning Commission Staff Report



PLANNING DEPARTMENT

**Subject:** 30 Sampson Avenue  
**Project #:** PL-12-01487  
**Author:** Mathew Evans, Senior Planner  
**Date:** April 24, 2013  
**Type of Item:** Conditional Use Permit – Ratification of Findings

## Summary Recommendations

Staff recommends the Planning Commission ratify the Findings of Fact and Conclusions of Law to deny the Conditional Use Permit for a nightly rental request at 30 Sampson Avenue for an existing home located in the HRL Zone according to the Findings of Fact and Conclusions of Law.

## 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

## Background

On April 10, 2013 the Planning Commission held a regularly scheduled meeting to consider an application for a Steep Slope Conditional Use Permit for a proposed single-family dwelling. The proposed home and site are located in the Historic Residential Low (HRL) District wherein any proposed development that results in a structure of 1,000 square feet or greater on a slope of 30% or greater, requires a Conditional Use Permit for the steep slope development.

On the aforementioned date, the Planning Commission reviewed the application and the Staff Report (see Exhibit "A") held a public hearing and took public input. After a lengthy discussion by the Planning Commission, a motion to approve the Steep Slope CUP was put forth by Commissioner Savage, which died due to the lack of a seconding of the motion. Commissioner Savage then made a motion to deny the Steep Slope CUP, which was seconded and the vote to deny was a unanimous 5-0 vote (no draft minutes at this time) with the direction to incorporate the findings and conclusions raised during the Planning Commission discussion into the Findings of Fact and Conclusions of Law of the Ratification of Findings (this Staff report).

During April 10, 2013 meeting, the Planning Commission discussed several issues related to the proposed project which supported denying the Steep Slope CUP. The following is a brief summary of those issues:

- The visual analysis cannot contemplate what could potentially be built around the home, specifically what could be built above the home on Lot 1 of the Treasure Hill Subdivision, and on the adjacent 16 Sampson Avenue properties, and references to these future (un-built) developments within the Analysis section of the Staff Report are irrelevant to the current LMC requirements or the General Plan goals for this area.
- The application does not meet the purpose statement of the Historic Residential-Low (HRL) district, specifically §15-2.1-1(C) *preserve the character of Historic residential Development in Park City*; and (E) *encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District, and maintain existing residential neighborhoods*; and (F) establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.
- The Existing Home Size Analysis for neighboring properties in the Staff Report did not account for nor reflected the fact that previous developments on Sampson Avenue would not meet current LMC requirements. Most of the homes in the area were built prior to the current code requirements, and thus should not be used when looking at comparable home sizes, and that the Planning Commission must consider the fact that some of the homes in the Staff Report aforementioned analysis could not be built under the current LMC requirements. Furthermore, said analysis does not include homes located within the same District (HRL) located on the adjacent lower portion of King Road, that have much smaller footprints.
- The shape of the existing lot makes it difficult to comply with LMC §15-2.1-6 which requires that homes on steep slopes “must be environmentally sensitive to hillside Areas, carefully planned to mitigate adverse effects on neighboring land and Improvements, and consistent with Historic District Design Guidelines.” More specifically LMC §15-2.1-6(B)(1) “Location of Development – Development is located and designed to reduce visual and environmental impacts of the structure” – this is due to the fact that the proposal climbs up the hill and utilizes virtually the entire lot rather than concentrating the structure on one portion of the lot. The structures are not located on a lot in a manner that reduces the visual impact. No other homes within the HRL District have been developed as contemplated by the applicant.
- The proposal does not meet nor does it mitigate the potential negative impacts as identified in LMC §15-2.1-6(B)(2) “Visual Analysis” because the proposal does not provide screening, vegetation protection, or other design opportunities that could have been incorporated into the design to help mitigate these issues.
- The proposal does not comply with LMC §15-2.1-6(B)(5) “Building Location” due to the fact that the proposal does not coordinate with adjacent properties to maximize opportunities for open areas and preservation of natural vegetation to minimize parking areas. However in this case, additional off-street parking should be considered because Sampson Avenue is a narrow roadway incapable of offering additional parking opportunities.
- The proposal does not comply with LMC §15-2.1-6(B)(6) because the applicant is not proposing “smaller components” nor are proposing low-profile buildings that orient with the existing contours. Both buildings are large and are not broken into the smaller components as encouraged by this sub-section of the LMC.

- The proposed setbacks only help to maximize the building site and are not compatible with other historic structures in the neighborhood. LMC §15-2.1-6(B)(7) requires that variation (in setbacks) will be a function of the site constraints, proposed building scales and setbacks from adjacent structures, and the proposed buildings do not consider the site constraints and are proposed only to maximize the home size.
- The proposed home does not comply with LMC §15-2.1-6(B)(8) due to the fact that the proposed basement adds significant volume to the building, which was an issue that was raised by the City Council in the minutes of the 1994 City Council meeting to approve the original Millsite Reservation Supplemental Plat Subdivision that created the subject lot.
- The proposed home is not compatible with existing historic homes in the neighborhood with respect to height, setbacks, mass or scale.
- Height within the HRL District is limited to twenty seven feet (27') and no more than three stories. With this restriction in mind, the proposal appears visually as a five (5) story building due to the fact that both the main structure (the home) and the garage and elevator building are relatively close and attached with both a deck (which would require footings) and a patio. Thus the proposal does not meet the intent of the LMC §15-2.1-5(B).
- The proposed basement level of the home does not appear to meet the criteria for not having it count against the overall building size maximum of 3,000 square feet as noted on the plat. This is due to the fact that the current design includes windows and a large window well in the basement, which by definition does not comply with the requirement that the basement be fully below grade, as was the criteria identified in the 1998 Letter from Richard E. Lewis provided to the original property owner for clarification for the overall structure size.
- The visual mass of the proposed dwellings have not been mitigated by this home design.

**Findings of Fact, Conclusions of Law and Order regarding 30 Sampson Avenue Steep Slope Conditional Use Permit for a proposed new single-family residential dwelling with a detached garage within the Historic Residential Low District.**

The Planning Commission hereby ratifies the Findings of Fact, Conclusions of Law as follows:

**Findings of Fact:**

1. The property is located at 30 Sampson Avenue.
2. The property is within the Historic Residential (HRL) District.
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, the minimum lot size in the HRL district is 3,570 square feet.
5. The subject property is very steep ranging from flat areas near Sampson Avenue and climbing uphill with slopes reaching between 30-40% before reaching the main body of the lot.

6. The proposal consisted of a 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 1998 letter from the (then) Community Development Director Richard Lewis, 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 so long as they were constructed fully below the finished grade. This letter was recorded on the title of the property.
9. The Land Management Code has been amended numerous times since 1998.
10. An overall building footprint of 2,272 square feet was proposed. Under the current LMC, the maximum allowed footprint is 2,355.5 square feet, based on the total lot area.
11. The applicant submitted a visual analysis, and renderings showing a contextual analysis of visual impacts.
12. No streetscape analysis was presented to staff
13. The cross canyon view contains a back drop of both structures, a two (2) story home up the hill with a two (2) story garage building in front.
14. The proposed design incorporates a driveway from Sampson Avenue on the top slope of the street and provides two (2) legal off-street parking spaces, which meets the minimum parking requirement.
15. 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.
16. At their closest points, the two buildings are approximately nine (9) feet apart from each other and are attached by a deck with footings, which attaches the elevator building to the upper (second) floor of the main house.
17. The proposed height of the main building (home) and the elevator building is twenty seven feet (27').
18. 2,996 square feet of the total 4,041 square feet of building space is above ground.
19. The building locations and the proposed building designs both climb up the hill from Sampson Avenue. The proposal utilizes virtually the entire lot rather than concentrating the structure on one portion of the lot. The structures by their placement, massing and height are not located on the lot in a manner that reduces the visual impact.
20. 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.
21. The proposed home attempts to maximize the minimum setbacks on each of the property lines. The proposed garage building maximizes the setbacks on the front and on the south property line.
22. There is no proposed screening of the home from Sampson Avenue due to the fact that the home climbs up the hill from the right-of-way, and that there is proposed parking and driveway area in front of the garage. There is no proposed screening of the home between the elevator building and the home due to the fact that the applicant has proposed an attached deck and patio connecting the

two structures, thus minimizing any screening opportunities with exception of adjacent properties that are already screened by existing "Gamble Oaks" and other existing vegetation.

23. The scope of the project requires extensive retention of the hillside, and no substantial mitigation has been proposed to reduce the detrimental impacts to the hillside and the design is not appropriate to the topography of the site. The revised design provided by the applicant since the original inception shows substantial retention and retaining walls around the south property line and substantial retention and retaining walls around the garage building on the north property line.
24. The visual analysis cannot include what could potentially be built around the proposed home as doing so would be purely hypothetical.
25. The lot analysis presented by staff for Sampson Avenue and adjacent properties to the subject property are irrelevant for comparison because the study only takes into consideration lot size and home size, and does not take into consideration the height, setbacks, mass and scale of existing historic homes located on adjacent property, or nearby properties, including those located within the same District on King Road, thus making the analysis dissimilar for compliance with the LMC and General Plan.
26. The Existing Home Size Analysis for neighboring properties in the Staff Report does not reflect current LMC requirements, and most of the homes in the area were built prior to the current code requirements and considerations, and thus should not be used when looking at comparable home sizes consider that some of the homes in the analysis could not be built under the current LMC requirements.
27. There are existing historic homes as listed in the Historic Sites Inventory near the proposed site on Sampson Avenue, including the adjacent 40 Sampson Avenue, (approximately 1,700 square feet), 41 Sampson which is across the street from the subject property (approximately 900 square feet) as well as nearby 60 Sampson Avenue and 115 Sampson Avenue.
28. The proposal does not meet the purpose statement of the Historic Residential-Low (HRL) district, specifically §15-2.1-1(C) *preserve the character of Historic residential Development in Park City.*
29. The proposal does not meet purpose statement (LMC §15-2.1-1)(E) *encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District, and maintain existing residential neighborhoods.*
30. The proposal does not meet purpose statement (LMC §15-2.1-1)(F) *establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.*
31. The proposed development has impacts that cannot be substantially mitigated with respect to LMC §15-2.1-6(B)(1) "Location of Development" due to the fact that the building locations and the proposed building designs do not reduce visual and environmental impacts because both climb up the hill from Sampson Avenue, and because the proposal utilizes virtually the entire lot rather than concentrating the structure on one portion of the lot. The structures are not located on the lot in a manner that reduces the visual impact.
32. The proposed development has impacts that cannot be substantially mitigated with respect to LMC §15-2.1-6(B)(2) "Visual Analysis" because the proposal does

- not provide screening, vegetation protection, or other design opportunities that could have been incorporated into the design to help mitigate these issues.
33. The proposed development has impacts that cannot be substantially mitigated with respect to LMC §15-2.1-6(B)(5) "Building Location" due to the fact that the proposal does not coordinate with adjacent properties to maximize opportunities for open areas and preservation of natural vegetation to minimize parking areas.
  34. The proposal has impacts that cannot be substantially mitigated with respect to LMC §15-2.1-6(B)(6) "Building Form and Scale" because the applicant is not proposing "smaller components" nor are they proposing low-profile buildings that orient with the existing contours. Both buildings are large and are not broken into the smaller components as encouraged by this sub-section of the LMC.
  35. The proposed has impacts that cannot be substantially mitigated with respect to LMC §15-2.1-6(B)(7) "Setbacks" due to the fact that the proposed setbacks only help to maximize the building site and are not compatible with other historic structures in the neighborhood.
  36. LMC §15-2.1-6(B)(7) requires that the variation in setbacks will be a function of the site constraints, proposed building scales and setbacks from adjacent structures, and the proposed buildings do not consider the site constraints and thus cannot be substantially mitigated.
  37. The proposed home has impacts that cannot be substantially mitigated with respect to LMC §15-2.1-6(B)(8) "Dwelling Volume" due to the fact that the proposed basement adds significant volume to the building, which was an issues that was raised by the City Council in the minutes of the 1994 City Council meeting to approve the Subdivision that created the subject lot.
  38. The proposed home is not compatible with existing historic homes in the neighborhood with respect to height, setbacks, mass or scale, and the proposed home and garage buildings offer no substantial mitigation measures necessary to show compatibility with the nearby existing structures.
  39. Height within the HRL District is limited to three stories, and the proposal is for two buildings, a main structure (home) and a garage with an elevator building that connects to the home by a patio and a deck. The two buildings appear by their placement to be a 5 story building from across the canyon. Connecting the buildings in this manner, regardless of any separate building code loopholes, does not meet the intent of the LMC §15-2.1-5(B), which is an LMC issue, not a building code issue.
  40. The basement proposed does not meet the criteria for not having it count against the overall building size maximum of 3,000 square feet as noted on the 1995 Millsite Supplemental Plat, because there are windows and a window well in the basement, making the basement not fully below grade, which was the criteria as described in Finding of Fact #7.
  41. The visual mass of the proposed dwellings have not been mitigated by this home design.
  42. Additional parking beyond the minimum two (2) required spaces might be necessary due to the location of the home on a sub-standard street that offers no off-site parking.

### **Conclusions of Law:**

1. The proposed development does not meet the “Purpose” of the HRL District, specifically with respect to LMC §15-2.1-1(C)(E) and (F).
2. The proposed does not meet the criteria for development on steep slopes, specifically Land Management Code §15-2.1-6(B)(1-2), and (6-9).
3. The proposal is not historically compatible with other buildings within the HRL District, or areas nearby with respect to setbacks, height, mass or scale.
4. The proposed development does not meet the intent of the maximum height requirement restriction of no more than three (3) stories as required in LMC §15-2.1-5(B).
5. The reasonably anticipated detrimental effects of the proposed home and garage buildings on a steep slope cannot be substantially mitigated by the proposal or imposition of reasonable conditions to achieve compliance with the applicable standards specifically LMC §15-2.1-6(B)(1-2) and (6-9).

**Order:** The Steep Slope Conditional Use Permit for the proposed new single-family dwelling 30 Sampson Avenue is hereby denied for the reason specified within the Findings of Fact and Conclusions of Law listed herein.

Dated this 23<sup>rd</sup> day of April, 2013.

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Nann Worel, Chairwoman, Planning Commission

**Exhibits**

Exhibit A – April 10, 2013 Staff Report

# 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:

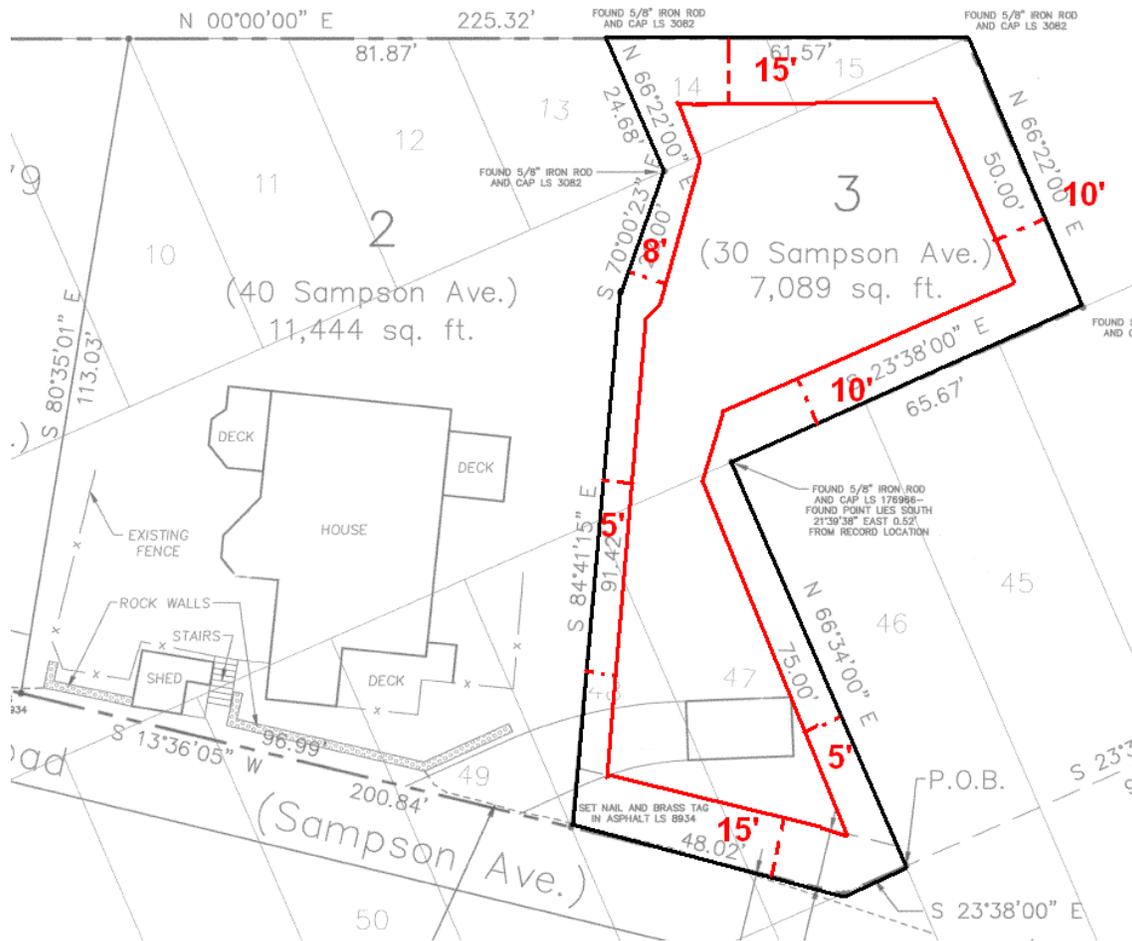
<b>Floor</b>	<b>Proposed floor area</b>
3 <sup>rd</sup> Story	1,209 square feet – Main (top) Level
2 <sup>nd</sup> Story	1,203 square feet – Lower Level
1 <sup>st</sup> Story	1,189 square feet – Basement
Garage/Accessory Building Area	453 square feet garage (400 sq ft allowance) 350 square feet – Garage 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:

<b>Setback Determination</b>	
<b>Required Setbacks</b>	<b>Proposed Setbacks</b>
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 <sup>st</sup> story is completely below finished grade.	First (1 <sup>st</sup> ) 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
<b>30 Sampson</b>	<b>3,471 + 1114</b>	<b>2,272</b>	<b>4,585</b>	<b>.16 or 7,089</b>

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

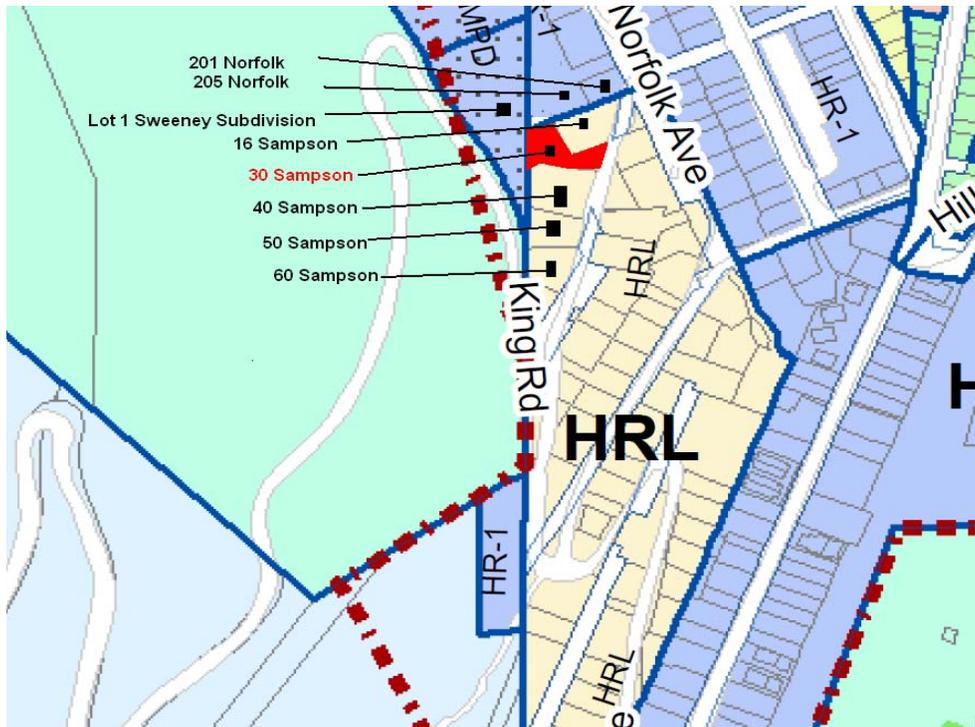
\*\*Not used to calculate average home size below, however lot size and footprint were used.

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 (3<sup>rd</sup> 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.



## **WORK SESSION**





PLANNING DEPARTMENT

## Planning Commission Staff Report

**Subject:** Municipal Outdoor Lighting,  
Land Management Code Amendments

**Author:** Thomas Eddington, Planning Director  
Anya Grahn, Historic Preservation Planner

**Project Number:** GI-12-00184

**Date:** April 10, 2013

**Type of Item:** Land Management Code Amendments –  
Seasonal Lighting  
Work Session Discussion

### **Summary Recommendations**

Staff recommends that the Planning Commission review the proposed amendments to the Land Management Code (LMC) regarding outdoor lighting and provide feedback on the suggested discussion points.

### **Proposal**

Review proposed amendments to the LMC regarding outdoor lighting.

Staff asks that the Planning Commission give feedback on the following:

- Seasonal/Non-Seasonal Lighting
- Façade/Uplighting
- Lighting for Outdoor Dining
- Commercial Entrance/Parking Lot Lighting
- Landscape/Tree Lighting

### **Purpose**

In addressing seasonal lighting, Planning Staff have learned that there are a number of issues that need to be addressed in terms of outdoor lighting. These issues include differences in seasonal/non-seasonal lighting, façade and uplighting, lighting for outdoor dining, commercial entrance/parking lot lighting, as well as landscaping and tree lighting. Staff would like to review these items with the Planning Commission and receive feedback for moving forward.

### **Background**

In October 2012, Staff brought attention to an inconsistency regarding dates that lights are permitted between the Land Management Code (LMC) and Municipal Code—Sign Code to the attention of City Council. City Council recommended that Planning Commission review the inconsistencies and make recommendations to change the language to remove these discrepancies. Beyond that, City Council had a lively discussion regarding the issue of lighting and timing. Staff had recommended considering amending the LMC to allow the lights to remain on until 2am when bars closed. City Council, however, voted 3 to 2 at amending the LMC and Municipal Code

to allow year-round seasonal lights on and off of Main Street to be allowed to be left on all night long. They also suggested that Staff address other types of lighting, such as façade/uplighting, lighting for outdoor dining, safety lighting, and landscape/tree lighting.

In November 2012, the Sustainability and Planning Departments brought the issue of Municipal Outdoor Lighting and Lighting of Public Art to the City Council. At that time, City Council chose not to hire a lighting consultant to assess municipal lighting from a technical, financial, and holistic impact perspective. Moreover, they preferred not to support a strict Dark Skies Ordinance on a community-wide basis due to the high costs of retrofitting existing fixtures.

These lighting issues were discussed by the Planning Commission in December 2012. At that time, the seasonal lighting date inconsistencies were corrected, and the end date for seasonal lights in the LMC was set on April 15<sup>th</sup>. The Planning Commission adopted language addressing up-lighting in LMC 15-5-4(I)(16). Other than the inconsistencies, the Planning Commission has not reviewed the other changes as suggested by Council.

At this time, Staff asks that the Planning Commission provide input on this topic and direction for moving forward. As the Planning Department moves forward with this discussion, staff will work with the HPCA as well as Dark Skies advocates for greater input and analysis. At this time, however, only the HPCA has provided commentary about seasonal lights.

### **Analysis**

The issue of lighting is complex. Lighting is used for both function and aesthetic purposes in our community; however, our codes are not up-to-date to address or regulate these varying purposes. Staff has begun to narrow down the issues and wanted to share what we have learned with the Planning Commission before bringing back detailed recommendations for a thorough review.

Staff has analyzed and requests feedback on the following:

1. **Seasonal/Non-seasonal Lighting**

Per LMC 15-5-4(I)(13), seasonal lighting is restricted on commercial buildings within the HCB, GC, LI, and HRC zones, and the use of such is limited from November 1<sup>st</sup> through April 15<sup>th</sup>. Displays should be turned off by midnight. Though many business display “seasonal” lights year-round, this defies the code. Business owners, however, believe that the use of these year-round seasonal lights add to the ambiance of the commercial district, particularly Historic Main Street.

Should year-round non-seasonal lights be permitted to outline buildings and add to the ambiance of the City’s commercial districts? If so, should businesses be required to turn off the seasonal lightings at a set curfew, such as 2am or should they keep the lights burning all night long? Should non-seasonal lighting installations be limited to certain zoning designations such as the Historic Recreation Commercial (HRC) and Historic Commercial Business (HCB)

Districts? Should seasonal and non-seasonal lighting be limited only to the use of LEDs due to their energy savings? Should a specific UL listing be required for seasonal lighting in order to ensure that the lights are temporary and not a permanent fixture?

Staff recommends that seasonal and non-seasonal lighting be permitted in commercial districts. Though the HPCA agrees with the City Council that the lights should be left on all night long, staff believes there should be a curfew to prevent light displays during daytime hours. LEDs should be required and specific UL listings should be specified to ensure safety and compliance with building codes.

## 2. Façade/Uplighting

In December 2012, the Planning Commission approved changes to the LMC to include uplighting in 15-5-4(l)(16). Uplighting is permitted residentially or commercially for public statues, public monuments, ground-mounted public art, and the U.S. flag. All up-lighting must be shielded and limited to the illuminated object only. Uplighting is permitted thirty (30) minutes before sunset until 11pm or until one (1) hour after the close of location based on normal hours of operation, whichever is later.

In addition to year-round seasonal lighting, should uplighting be permitted to highlight architectural features on buildings or be limited to only specific buildings such as historic or city-owned structures? Should there be limits in place to prevent excessive uplighting that defies the Dark Skies Ordinance? Should uplighting be limited to specific zoning districts?

Staff recommends that façade/uplighting be permitted with restrictive criteria. In meeting with a lighting specialist, staff learned that the International Energy Conservation Code (I.E.C.C.) recommends .25 watts/square foot.

Façade/uplighting should be limited to commercial buildings only, and criteria should be set to prevent excessive light pollution. Moreover, restrictions should be developed limiting the placement of lamps, ensuring the lamps are shielded, and that the light only illuminates the intended object.

## 3. Lighting for Outdoor Dining

Currently, Outdoor dining must be comply with the lighting code and is approved by the Planning Department. LMC 15-5-4(l)(5) requires lights to be down-directed and shielded. Apart from this, no specific regulations are provided in the LMC to provide criteria for outdoor dining. Much like seasonal lighting, lighting above outdoor dining adds to the ambiance of Main Street. Yet, as noted in the City Council minutes from October 25<sup>th</sup>, the City Council perceived seasonal and lighting over outdoor lighting as two separate issues.

Does the Planning Commission feel that there should be specific regulations addressing outdoor lighting in the LMC? If so, should outdoor lighting be limited to business hours, or even a curfew, such as was proposed for seasonal

lighting? Should there be specific UL ratings specified for the use of outdoor lighting above dining areas? Should outdoor dining lighting be limited to Main Street, or should it be permitted in all commercial districts?

Staff recommends that lighting for outdoor dining continue to be treated as general outdoor lighting, rather than have specific criteria.

4. Commercial Entrance/Parking Lot Lighting

Generally, commercial entrance/parking lot lighting is provided at commercial entrances or in parking lots to protect people and property from criminal activity by eliminating shadows near buildings and providing even landscape illuminations for pedestrian safety. Currently, LMC 15-5-4(l)(5) requires lights to be down-directed and shielded. Should provisions be made to the LMC address entrances and exits, pedestrian walkways, and other areas to limit light pollution while providing ample light for safety? Should lighting be limited so as to only illuminate entrances and parking lots during business hours, or shortly thereafter?

Staff recommends that criteria be added to the LMC to address excessive lighting of commercial entrances and parking lots that detracts from our Dark Skies. It is not uncommon in the Eastern United States for businesses to turn off entrance lights when they are closed, reduce the number of parking lot lights during later business hours when foot traffic is slow, or to turn off the parking lot lights altogether when the business is closed.

5. Landscape/Tree Lighting

Businesses appreciate the ambiance of seasonal/non-seasonal lighting in trees and shrubs. Year-round lighting, however, can impair the natural growth of these plantings. There have also been cases where deteriorated electrical wiring has caused fire damage to trees. As a Tree City, Park City wants to encourage best practices to ensure the maintenance and care of our trees. Should there be strict provisions in the code requiring annual maintenance and inspection of such seasonal lights? Should there be limitations as to when seasonal/non-seasonal lights on landscaping can be displayed in order to prevent damage to trees and not restrict growth?

Staff recommends that seasonal lights be permitted in trees and shrubs for limited periods of time. Criteria should be provided so that the light strands are not wrapped so tightly around the trees that they inhibit growth. By limiting the use of landscape/tree lighting, property owners will be able to remove and inspect the condition of the light strands. Moreover, it will prevent strands from thwarting the growth of the trees and shrubs.

**Department Review**

This report has been reviewed by the Planning, Sustainability, and Legal Departments.

**Recommendation**

Staff recommends the Planning Commission review the proposed discussion points that will lead to LMC changes in regards to outdoor lighting as well as provide direction to Staff for a future public hearing.

**Exhibits**

Exhibit A – Minutes from City Council Meeting 10.25.12

Exhibit B – Minutes from City Council Meeting 11.29.12

**PARK CITY COUNCIL WORK SESSION MINUTES  
SUMMIT COUNTY, UTAH  
OCTOBER 25, 2012**

**Present:** Mayor Dana Williams; Council members Andy Beerman; Alex Butwinski; Dick Peek; and Liza Simpson

**Diane Foster, Interim City Manager; Mark Harrington, City Attorney; Anya Grahn, Planner; Thomas Eddington, Planning Manager; Jonathan Weidenhamer, Economic Development Manager; Deb Wilde, Code Enforcement Officer; Ken Fisher, Recreation Manager; Michelle Stucker, Business and Marketing Coordinator; Tate Shaw, Recreation Supervisor; Karen Yocum, Recreation Supervisor; Jessica Moran, Recreation Supervisor; Michael O'Keefe, Director of Tennis; and Heather Todd, Recreation Coordinator**

**Absent:** Council member Cindy Matsumoto

1. **Council questions/comments.** Liza Simpson discussed the new update portion of the interagency meeting on projects which is beneficial. Alex Butwinski referred to the productive joint meeting held with the Planning Commission last night on Bonanza Park. Andy Beerman commented on the early snow storm. He attended the Bonanza Park stakeholders meeting and the Empire Avenue neighborhood meeting and commended Matt Cassel on addressing questions and concerns of residents.

Mr. Beerman attended a Summit Lands Conservancy meeting; members requested that Risner Ridge open space be considered by Council in the near future. He believed it is scheduled in November. SLC would like input on the management of the open space next to the Richards Annexation area and there were questions about the Resort Cities Sales Tax initiative. This was also a topic of interest at the Mountain Trails Foundation meeting. Andy Beerman stated that Mountain Transportation is meeting on November 2 and staff will be representing Park City. With regard to hosting the Winter Games again, the recommendation is now to bid on the 2026 Olympics.

Mayor Williams complimented Alison Butz, HPCA, on her radio interview on the proposed Resort Cities Sales Tax increase. He thanked Thomas Eddington and the planning staff on the joint meeting last night and felt that informal meetings are very productive. The Mayor discussed the introduction of the form-based code by the consultants and was excited by the project. He participated in the Peace House Domestic Violence March and thanked the Park City Police Department and the Summit County Sheriff's Office for their support. He met with the Dean of Economics from Shanghai University and a delegation. Master students from China will be coming to Park City beginning in August. Steve Mullins from PCMR was there and was very knowledgeable about accommodating international visitors. The students will spend about seven months in Park City and the next step is bringing this idea to the community.

Alex Butwinski reported that he was appointed to the Quality Growth Commission by Governor Herbert.

**2. Seasonal lighting regulations.** Thomas Eddington introduced Preservation Planner Anya Grahn. He referred to the study session held a month ago where dark skies and lighting were discussed. One of the goals is to make the Municipal Code section consistent with the Land Management Code section on seasonal lighting. One allows seasonal lights until March 31 and the other April 15; staff is recommending April 15 as the cut-off. Staff is also proposing an extension from midnight to 2 a.m. because many businesses are open through that hour. Dick Peek asked if there is a time to turn them on. Mr. Eddington explained that most come on at dusk but a time could be designated like 4 p.m. Jonathan Weidenhamer felt a start time is not a good idea and urged that Council provide flexibility for merchants.

Mike Sweeney, business owner, explained that his lights are all on photocells and have been for the last five years.

Mayor Williams expressed concerns about spending too much time on this matter, pointing out that seasonal lighting does not affect dark skies or light pollution. Thomas Eddington agreed and noted that the street lights on Main Street are high pressure sodium. Most of the seasonal lighting is off during the day and he suggested an off period of 2 a.m. to 6 p.m. Mayor Williams asked why the City should care and Liza Simpson relayed that she has received fairly negative input from people who live cross canyon to Main Street about lights being on all night on the upper end of Main Street. The Mayor pointed out that lights can be left on all night long on the residential street behind Main Street and it seems like a double standard. He acknowledged that Grappa has its lights on all of the time and is not in compliance with the ordinance.

Deb Wilde, Code Enforcement Officer, explained that seasonal lighting outlines buildings, but pointed out that Wahso has illuminated red and orange balls on its balcony which are not part of seasonal lighting and goes through a different process. Lighting over outdoor dining is a separate issue. Lighting on trees falls into seasonal lighting unless they are part of an outdoor dining plan, like Talisker.

Andy Beerman disclosed that this discussion impacts his Main Street business. He clarified that there is holiday lighting for Grappa and year-round lighting on the trees. Mayor Williams asked if that is a bad thing. Alex Butwinski expressed his support of outdoor lighting. Liza Simpson felt it important to find a balance between vibrancy and not turning into Disney Land. She preferred that the lights be turned off at 2 a.m. and not come on until 10 a.m. because it is a waste of electricity. Dick Peek felt that the few businesses that are open before 10 a.m. should be able to have their lights on earlier but felt they should be off between 2 a.m. and 6 a.m. Lights should be off until businesses open.

Alison Butz stated that the HPCA is definitely in favor of the November 1 to April 15 time period which makes more sense than the end of March. She felt that 2 a.m. is more reasonable than midnight but agreed there should be consistency in the residential district. The lights add character to the street and she suggested that the lighting processes be simplified. The majority of the lights are not tacky or a problem but she worries about having more regulations. The ordinance does not allow lights to be in trees year-round yet many outdoor dining establishments have them.

Dick Peek believed building code lighting requirements should be clearly delineated from seasonal lighting and Mr. Eddington stated that they are differentiated. Andy Beerman supported the 2 a.m. time and looser laws in general makes sense when supporting vitality on the street. In theory, it makes sense to turn off lights but enforceability will be difficult. Ms. Simpson felt that it is easy to put lights on timers and midnight is already on the books. Thomas Eddington suggested 2 a.m. to 6 a.m. but a business has to be open.

Mike Sweeney felt there are tremendous opportunities to make Main Street unique because of new technology. He explained his lighting plan for the bridge which is managed with a photocell since buying timers isn't as practical. There were no complaints about the bridge and he urged the Council to allow businesses to be more creative. He pointed out the other commercial districts in town; the City's lighting plan should be comprehensive.

Stephanie Johnston, Summit Watch, pointed out that she is open 24 hours a day and guests arrive at any time. Adding vibrancy to Main Street is huge.

Deb Wilde stressed the importance of safety and lights should be UL listed. Many lights are lit for months, wear out and become unsafe.

Mayor Williams expressed that these lights do not create a foot candle issue and Mr. Eddington noted that this matter is tied to a specific code enforcement issue to rectify both the Municipal and Land Management Codes and to obtain Council's direction on permanent displays of lights on Main Street. This is more of an enforcement problem than dark sky matter.

Discussion ensued on the meaning of foot candles and lumens. The Mayor stated that he doesn't support turning lights off between 2 a.m. and 6 a.m. because some businesses are open 24 hours a day and he feels that the lights enhance the street. The Mayor suggested tabling this matter and inviting business owners to a meeting. Mr. Butwinski believed that the rush to do this is prompted by current non-compliance. Mr. Beerman pointed out that this is a proposal for a trial period but the Mayor felt this will upset many businesses. Andy Beerman clarified that this is what businesses are asking for and Thomas Eddington explained that currently seasonal lights in trees are not allowed. Main Street (HRC and HCB Zones) would be exempt from the restriction on dates for seasonal lighting which would be allowed year-round subject to criteria and

could be processed through a Historic District Design Review. Trees could be added to the HRC and HCB Zones but this is not recommended City-wide. The amendment would extend the time from midnight to 2 a.m. and allowing the HRC and HCB Zones go year-round subject to certain criteria. Mr. Eddington acknowledged that there might be problems with other commercial districts which are non-compliant.

Andy Beerman suggested that LEDs be mandatory for year-round lighting plans because of energy savings and heat issues. He felt that annual permitting makes sense but was unclear about annual inspections by owners. Thomas Eddington explained that the inspections will ensure that owners examine their lights for damage. Mr. Beerman suggested that the permit fee include enough money so they can be City inspected every year. It may be a hassle chasing people down and inspections will be inconsistent. Other commercial districts should be addressed and he pointed out that Deer Valley has many lighting plans. Liza Simpson asked why lighting has not been addressed City-wide. Thomas Eddington felt that the ordinance is strict right now and staff felt that creating vitality in the downtown area made sense and the HDDR is already in place. He recognized that other areas may be non-compliant but the HDDR could not be utilized in those zones and a set of standards would need to be crafted.

Ms. Simpson acknowledged that she is more sensitive to an architectural review for the Main Street area than other commercial areas. She agrees with Mr. Beerman about the use of LEDs and with the Mayor about the inconsistency of enforcing different regulations in the residential area adjacent to Main Street which she feels is more of a zoning issue.

Thomas Eddington understood consensus to be matching the Municipal Code with the LMC and staff can research what time frame other cities are allowing. Liza Simpson believed that if the Council allows the lights to be turned on all night, there will be much less of an enforcement burden.

Mike Sweeney interjected that the City requires him to keep the lights on his deck on all night. Lights on parking lots are also required to be on all night long.

The Mayor polled members in attendance. Andy Beerman and Alex Butwinski favored all night while Liza Simpson and Dick Peek preferred the 2 a.m. time. The Mayor broke the tie by supporting lights on all night. Mr. Eddington acknowledged Council support of the HDDR requirement. He added that staff will explore potential criteria for City-wide lighting plans.

**3. Recreation Annual Report.** Ken Fisher presented the ICMA Voice of the People Award for Excellence the City received. Awards were based on a survey from the National Research Center in 2011 for the highest ratings in city parks, programs and classes. Awardees had to rank in the top three of all of the communities surveyed in 2011 and within the top 10% of ICMA's database with 500 communities. Mr. Fisher relayed that staff is looking for feedback on the content of the Annual Report as well as

providing answers to any questions members might have. The PC MARC was opened on December 30, 2011 and one of the goals of the facility was to provide a community gathering spot and to create a place where all ages, ethnicity, and/or physical abilities can go. He emphasized that the diversity of the user is so much greater than experienced at the Racquet Club. There are many more Latinos working out at the facility than at the Racquet Club. He stated that the success of the facility has been amazing and something the City Council should be proud of, acknowledging the controversy of building the facility given the economy and the scope of the project at the time.

Michelle Stucker addressed the new branding associated with the facility and the outstanding work of artist Linden Leader on logo designs. Changing the name was a positive move and everything was rebranded like Play Magazine which is distributed to residents and Snyderville Basin. On-line registrations have dropped off slightly but many people are registering in person while at the facility. Staff is exploring ways to make on-line registration friendlier. Liza Simpson asked why the Department is using Constant Contact instead of eNotify. Ms. Stucker explained that eNotify is used when there are updates to the website but Constant Contact is a tool for newsletters and there is a link to eNotify. In response to a question from Andy Beerman, Ms. Stucker responded that in person and phone registrations are not tracked. Jessica Moran interjected that staff is researching new software products as the current software is about 12 years old and doesn't meet current needs. Phone-in registration is probably the bigger number because it is more convenient. Mr. Beerman asked about providing a computer at the facility for registrations. Ms. Moran relayed that it has been done in the past but it complicates the operation at the front desk and Ms. Stucker pointed out that the recreation staff often helps patrons chose the right program for them. The recreation site receives 40% of the City website visits. She spoke about joint marketing with the ice arena, library and golf course whenever possible and free advertising on KPCW is a great benefit. Staff is working with the Park Record on digital marketing which is cost effective and will target visitors.

Michael O'Keefe reported that the growth of tennis programs at the MARC is record-setting. Over the last year, the youth program was redefined with USTA for 10 year olds and under and the court lines were adjusted for younger players which has excelled their learning curve and made efficient use of the courts. The boy's high school team won the state title and the girl's high school team came in second; these kids are great athletes and sportsmen. The men's national tournament is held in Park City and tournaments have jumped from Level 5 up to Level 2 because entrance numbers have been so high. Laurie Lambert just administered a tournament with over 200 attendees and 250 matches over a six day period. He noted that many junior aged players have been attracted to the sport which is a testament to the quality of the teaching. The top recreation players in the nation will be participating in a tournament next week and he discussed the wheel chair tennis program. The Pro Shop has been very successful and is subsidizing itself. He spoke about receiving a grant in the amount of \$450,000 to rebuild the outside tennis courts next spring.

Heather Todd pointed out that the Recreation Department went from one and a half spaces to having three beautiful fitness rooms, a spin studio, aerobics room and a soft arts room. This has allowed going from 52 classes a week to 74 classes and participation has grown substantially. The spin classes are very popular and 20 new bikes have been purchased and installed increasing capacity to 25 participants. Other classes have been added to broaden the demographics, to keep up with industry trends and to meet the requests of the recreation survey last spring. In addition to fitness, a wellness component has been introduced to patrons at the facility.

Tate Shaw reported that statistics show that 37% of American adults are obese; 68% are actually over weight and by 2030 at this current rate, 50% of the American population will be obese. The Recreation Department's focus is innovative and ahead of the curve because of its health and wellness approach. He noted that a wide variety of wellness classes and *lunch and learns* are held as well as staff challenges. The facility has equipment for BMI testing and heart rate monitoring and when the PC MARC opened, about \$98,000 worth of new equipment was acquired and the equipment replacement plan was discussed. There is a wide variety of other offerings like fun runs.

Jessica Moran stated that the summer day camp program is one of the longest running and most successful programs. In 2011 Park City became a Utah state licensed out of school program which was important to many parents. Fifty six spots are available and with the exception of four days, the day camp was sold out. The soccer program for youth is the only traditional youth sport Park City offers because Basin Recreation handles so many of the other team sports. She spoke about refining the soccer programs and offering classes for three to five year olds which was missing for this age group. She elaborated on other youth soccer programs and building relationships with REAL Salt Lake, the Park City Soccer Club, and Black Diamond. This has resulted in high level professional coaching and in exchange these organizations get more skilled players coming into their competitive programs.

Karen Yocum explained that another popular summer activity is Adventure Camp. It started out as two single weeks in the year and the program has grown to five weeks. Local partnerships include White Pine Touring, the National Ability Center, Park City Sailing, US Luge, Utah Olympic Park, Park City Yoga Adventures, and the Utah Mountain Association in Salt Lake. These organizations and the Adventure Camp staff make this program successful.

Tate Shaw stated that there is information on outreach but due to time restraints, this will be highlighted at another time. The Mayor commented on branding and marketing the facility which is wonderful. He felt that perhaps more could be offered to people with disabilities but he is very pleased with the success of the PC MARC. Liza Simpson was pleased with the Annual Report; the numbers are mind-blowing in terms of the increase in scholarships and cost recovery levels. She is very proud of the expansion of

programs and commented on the value of the CPR class. Alex Butwinski thanked the recreation staff and felt the new facility has worked really well. Andy Beerman discussed the importance of the continuation of recreation grants for disadvantaged youth. He noticed the corporate wellness program and encouraged staff to get the word out, perhaps through business licensing. Michelle Stucker spoke about a new Silver Sneakers program through Health Wise for seniors.

Dick Peek commented on the project going through the public process including building the facility, responding to public input, and hearing about the programming and how popular group fitness is brings it to full cycle. He congratulated staff on the great numbers in the report.

Prepared by Janet M. Scott, City Recorder

**PARK CITY COUNCIL WORK SESSION MINUTES  
SUMMIT COUNTY UTAH  
NOVEMBER 29, 2012**

Present: Mayor Dana Williams, Alex Butwinski, Liza Simpson, Dick Peek, Cindy Matsumoto, Andy Beerman.

Staff present was Diane Foster, Interim City Manager; Mark Harrington, City Attorney; Thomas Eddington, Planning Director; Katie Cattan, Planner; Heinrich Deters, Trails and Open Space Project Manager; Jim Blankenau, Environmental Regulatory Programs Manager; Brent Howser, Strategic Initiatives Manager; Tyler Poulson, Environmental Sustainability Program Manager.

**1. Council questions/comments.** Council Member Simpson had attended a joint Transit Advisory Board meeting. The Park City to Salt Lake bus route is changing slightly and getting ready to go into full winter service. A more extensive update would be given in February and she suggested that Mayor Williams or Council Member Beerman be included in that discussion due to their work on Mountain Transportation issues. The Transit Advisory Board also talked about CNG.

Alex Butwinski had attended two Planning Commission meetings: a special work session dedicated to the General Plan update, and the regular meeting which included a discussion on a number of LMC amendments, including the possibility of allowing MPDs in the Heber Avenue subzone. The Planning Commission heard considerable public input and he noted the hearing was very civil and everyone had researched the facts. Council Member Butwinski had also attended an Arts and Culture meeting. The Art Board and other non-profits meet once a month to discuss their current projects.

Mayor Williams reported that he had not attended the Council of Governments meeting because of the City Manager interviews. However, he understood that Kent Cashel would be part of that group primarily due to the use of funds collected through driver's license fees for purchasing property and right-of-ways for improvement projects. Mayor Williams expressed his appreciation to the Staff and the Citizens Committee for their work in the City Manager hiring process. He also thanked the City Council for their participation and stated when the process is completed he believes they will have made the best decision possible.

**2. General Plan Update.** Planning Director Thomas Eddington presented the layout for the new General Plan which was divided into four chapters based on the Core Elements of Small Town, Natural Setting, Sense of Community and Historic Character, which were identified during Visioning 2009. The Planning Commission had reviewed the first three Chapters and the final chapter, Historic Character, would be presented and discussed on December 11, 2012. Director Eddington stated that significant public input has been received and there has been interesting dialogue among the Planning Commission. The Staff has software that allows the Planning Commission to answer questions anonymously before discussing the related issues. The process is going well and moving forward.

Planner Katie Cattan spoke about the task force, which has also been of significant benefit to the General Plan process. During the month of August and September the Staff met with the task force comprised of 12 members of the community. That was the first time they started using the key pad polling process to answer questions. The task force discussed current trends in Park City and the goals and strategies necessary to keep the healthy trends moving forward, as well as a shift in trends that were seen as threatening to the core values. Planner Cattan remarked that four task force meetings were scheduled; however, based on the success, a fifth meeting was held to discuss the items that had evolved throughout the conversations. She noted that much of the task force discussion focused on primary homes, energy, housing, and affordable housing.

Planner Cattan stated that the next step in the process was to edit the task force discussions and to hear feedback from the internal Staff and departments who would be influenced by the goals and strategies. Phyllis Robinson, who played a large role in helping with the Bonanza Park Plan, was asked to do a final edit of the General Plan. Planner Cattan stated that the process had reached the point of implementing Planning Commission edits. The Staff was working diligently to have a complete draft of the General Plan by January 31<sup>st</sup>.

Dick Roth, a task force member, stated that he was astounded by the professionalism of Director Eddington, Planner Cattan, and others from the Planning Department and wanted the City Council to know the caliber of people on staff. They had assembled a task force of a broad group of people from different areas of expertise. Mr. Roth looked forward to participating in more City processes.

Council Member Beerman stated that he also attended the Planning Commission meeting on Tuesday evening and he was very impressed with the presentation on the General Plan. The articulation of the goals was deeper than the outline presented today, and he found it to be thoughtful and exciting. Council Member Beerman thought the Staff was headed in the right direction with the General Plan and he complimented their work.

Interim City Manager Diane Foster clarified that the draft would be completed by January 31<sup>st</sup> and work sessions were scheduled for February. In terms of expectation, she wanted everyone to understand that it could still be several months before the General Plan was finalized.

Council Member Peek referred to Goal 7, Sense of Community Housing, and asked if that was aimed at everyone or just the City. Director Eddington replied that it was for everyone. He explained that the General Plan identifies different strategies for each goal. Some are more municipal based and others are more holistic City-wide based. Planner Cattan stated that the General Plan is planning action strategies for those that would be implemented by the LMC and affect the greater community.

Council Member Peek referred to Goal 14 and asked if there was a reason why National Designated Historic Resources and Districts were not included in the sentence. Director Eddington noted that the strategies and action implementations for that goal talk about preserving the National District. Planner Cattan pointed out that Park City has more locally designated historic resources than nationally designated districts. Addressing the local also captures the national. Council Member Peek was concerned that if the word “national” was not in the General Plan, it would be dropped from the LMC re-writes over time.

Council Member Butwinski echoed the comments regarding the great work by the Staff. He believed the most amazing was the interaction and the public participation that has been part of this process. People attended the special General Plan work sessions and were willing to make comment or ask questions. He observed the same type of public participation at the regular Planning Commission meeting regarding the MPD, and noted that many of the same people had attended both meetings. They were actually interested in the overall planning of the community and not just single issue participants. Council Member Butwinski remarked that citizen participation is a key part of this and it should be highly publicized so people understand that their voices can be heard.

Council Member Beerman read from 3C, Sense of Community and Special Events, “Park City shall provide world-class recreation infrastructure to host events”. He thought the infrastructure provided goes beyond recreational infrastructure. In his opinion, recreational infrastructure includes chairlifts, trails, etc.; however, the City was also providing transportation systems, lodging and other forms of infrastructure. Planner Cattan agreed that the term “recreation infrastructure” was too narrow and it should be changed.

Mayor Williams summarized that there was general agreement among the City Council that the General Plan was moving in the right direction and they were pleased with the results of the process. Mayor Williams particularly liked the connectivity to the Vision.

**3. Mine Hazard Update.** Heinrich Deters, Trails and Open Space Project Manager, provided an update of the Mine Hazard Ordinance and how Park City Municipal, as a landowner, came into compliance. He reported that the City Council adopted the Physical Mine Hazard Ordinance in April 2011, with the goal of reducing hazards primarily related to open holes or mine shafts. The City had received a letter of Notification of the Ordinance which explained the ordinance and the timelines. It also showed the 38 City-owned parcels that needed to be evaluated. The Staff evaluated each parcel and through the due diligence process had determined which parcels had past mining claims and potential mining hazards. Using the mining map they were able to identify specific locations through GPS. Mr. Deters stated that the Staff compiled the documentation, printed photos, and put everything together in a packet. He reported that no hazards were found on City-owned property that needed mitigation.

Jim Blankenau, Environmental Regulatory Programs Manager, noted that property owners were asked to evaluate their own property. If they find hazards that require mitigation, a mitigation plan must be submitted prior to December 1, 2012. There is an option for a one-year extension if the property owner can show that progress is being made in their evaluation. Mitigation must occur within three years.

Council Member Peek asked if there was ongoing monitoring of some of the sites. Mr. Deters replied that in his opinion, there has to be some ongoing monitoring. They had hiked to unusual places without trails which should be watched to avoid unexpected situations. However, he definitely thought areas on the trails should be monitored. When the ordinance was enacted it included a provision whereby if a new hazard was found and it was reported to the City or another property owner, they would have an obligation to submit a new mine hazard mitigation form.

Council Member Butwinski asked about compliance enforcement. Mr. Deter stated that most of the evaluations have been received with the exception of a few property owners. Two letters were sent to property owner over the past year as a reminder of the December 1<sup>st</sup> deadline. A penalty of up to \$1,000 per violation would be implemented for those who do not comply.

Mayor Williams understood that they were primarily looking for sealed shafts, but not testing for compliance with the Soils Ordinance. Mr. Deter replied that this was correct. They were looking for hazards that could cause physical harm. Mayor Williams asked if the BLM was notified because they control the area east of the Prospector Ponds, including some of the Prospector Ponds. Mr. Deter believed he was referring to the Hidden Meadows open space area and that was included as part of the City's inventory.

**4. Quarterly Goals Format.** Brent Howser, Strategic Initiatives Manager, reported the intent to tie the Quarterly Goals Update to the Strategic Planning Process. He provided a brief background of the recently adopted Park City 2030 long range strategic plan, which outlined the Council priorities to eventually achieve the community vision and desired outcomes. Mr. Howser noted that one recommendation in the Long Range Strategic Plan was to come up with a department by department business plan that lays out strategies in each department, and the action steps necessary to pursue those strategies. He also presented the budgeting concepts they have been working on for a few years. Mr. Howser reported that the Department Business Plans would be made available to the City Council and the public on the website through a link on document central. He reviewed a Public Works Business Plan as an example of how the plan works.

Mr. Howser remarked that the report in the new Quarterly Goals Report compiles all the actions steps from each business plan into one report. However, the report is lengthy because it contains all the action steps from every City department. He presented the

Quarterly Goals Report contained in the Staff report and indicated how the layout flows from the Council Priority area to strategies in the Business Plans and the action steps for each strategy. The report is laid out to show what is being done, the deliverables outcome, and who has the responsibility. He indicated the area on the report for status updates when quarterly updates are done. There was also an area for comments when explanations are needed.

Mr. Howser noted that the current report was 32 pages and requested input from the Council on the layout and ideas for shortening the report. He was concerned that a shorter report would require eliminating some of the content. Mr. Howser offered suggestions on how a shorter report could be accomplished.

Council Member Beerman understood that they were trying to match up everything with the strategy plans and goals and priorities. However, he noticed that a number of departments were repeated. For example, the emergency management plan was shown in five different locations. To avoid being repetitive, he suggested consolidating by department and having sub-headings to show what goals or priorities they tie back to. Mr. Howser pointed out that the action steps were not repeated, but he agreed that the departments could possibly be consolidated. Diane Foster stated that multiple departments that go into a single program might be consolidated. She thought the suggestion from Council Member Beerman would be an easier process for the Staff.

Council Member Peek suggested using color and bold type in the format to make it easy to scan for changes in the report. He liked the page format as opposed to something larger.

Mayor Williams asked if the Council was generally comfortable with the layout. Council Member Simpson thought the material presented was a lot to digest; and suggested that they use the format presented a few times before they take steps to shorten it. She preferred to have a longer report where they could see all the actions items rather, than have someone else choose what they may or may not be interested in seeing.

Council Member Butwinski agreed that they should use the current format until they define what they really need. Regarding the format, he suggested using italics to highlight the changes since there was already bold type used in the report. Council Member Butwinski thought the goal for snow plowing on Page 20 should also include, "one pass down every street at least every 24 hours". That was agreed to over two years ago and he assumed it had slipped through the cracks. Using Page 21 as an example, he thought there could be better headings under Strategies to clarify the intent.

Ms. Foster summarized that the formatting suggestions should be incorporated into the report, and that the length and content of the report should remain in its current form for now. The Council concurred.

**5. Municipal lighting and lighting public art.** Tyler Poulson, Environmental Sustainability Program Manager, reported on a study session that was held in July regarding dark skies. One topic of interest resulting from that study was uplighting public art. The Staff had evaluated the uplighting of public art and monuments, taking into account the City Council goals and some industry standards. The Staff recommendation was that the uplighting of public art, monuments and statues would achieve various Council goals with marginal downsides, such as a minimal impact to dark skies and a small energy footprint related to that activity.

Mr. Poulsen reviewed visual examples of what uplighting looks like from both a fixture perspective and from an art/monument perspective. The concept of uplighting is to direct light upwards towards an object. Uplighting is used to enhance the character and profile of major public monuments. The Eiffel Tower and various pyramids were positive examples of the use of uplighting. To demonstrate the negatives of uplighting, Mr. Poulsen presented an example of a monument that was well lit; however, there was a lot of light trespass and the lighting was intrusive. He presented an example of an art piece to show how lighting added visual value. Mr. Poulsen stated that part of the decision in the Staff recommendation was looking at the relative impact of uplighting art to light pollution and dark skies in general. If the uplighting is done well, it has minimal impact and adds good value.

Mr. Poulsen remarked that the LMC currently states that uplighting of all flags except for the U.S. Flag is prohibited. The Federal government issues guidance on U.S. flags and states that if flags are flown at night they should not be enveloped in darkness. He noted that the LMC has restrictions in terms of maximum flag size and pole height. A flag cannot be above 24 square feet in size or 28 feet in height. Mr. Poulsen stated that the language recommendation provided for the LMC allows uplighting of the U.S. flag.

The Staff recommended that the City Council pursue the LMC amendment to allow uplighting of public statues, monuments, ground mounted art, and to also include U.S. flags. If the City Council agrees with that recommendation, the Staff would take it to the Planning Commission in January and it would ultimately return to the City Council for formal action.

Mr. Poulsen stated that when he and the Planning Department drafted the LMC language, they were looking at publicly owned installations, primarily due to the amount of control and discretion that could be provided towards the uplighting project. He noted that the language was intentionally not overly prescriptive in terms of defining how uplighting would apply to each project.

Council Member Beerman clarified that the intent was the ability to uplight public art; but not uplight the bus shelter art and other areas unless there was a determined need. He was told that this was correct.

The Council members generally supported the Staff recommendation. Director Eddington stated that the recommendation would go before the Planning Commission with other LMC amendments on January 9, 2013. Ms. Foster asked if the Staff would add "municipal owned" for clarification. Director Eddington stated that private art and private uplighting were addressed in the Code, however, it was ambiguous. He offered to revise the language to address municipal public art.

Mr. Poulsen stated that Municipal Lighting was another topic discussed during the Dark Skies study session. Comments from Council members in July was that the City should consider leading the way in terms of Municipal owned lighting before taking on a community-wide dark skies initiative where people are asked to retrofit and become dark skies compliant. The Staff considered that recommendation and provided information in the Staff report regarding the process and associated costs. At this time the Staff was not recommending a professional survey or full-scale retrofit of Municipal owned lighting. Mr. Poulsen reviewed slides of Municipal-owned lighting.

The first example was three fixtures on Swede Alley that were installed at different times for a different purpose. Another example was a pole and fixture along Main Street. Mr. Poulson noted that the Staff report referenced commentary from the City's Historic Preservation Consultant. As they consider Main Street Improvements, the City should either refurbish or replace in-kind fixtures along Main Street to maintain their historic integrity. A third example showed a variety of fixtures and poles that were installed as part of different developments at different times. Mr. Poulson commented on the costs and environmental impacts of migrating towards standardized lighting. He presented examples of recreation lighting that has been installed in an effort to balance the needs of a world-class resort with amenities to the community. Mr. Poulson that the lights on the tennis courts at City Park is considered a shielded light fixture. He pointed out the lighting needs depend on the space to be lighted. The light fixture for a soccer field may be different than the lighting utilized for a tennis court.

Mr. Poulson presented images of the recreation lighting and light poles at Quinn's field. He stated that in 2010 the Staff investigated the concept of attaching visor to those lights as a way to focus light in different areas. At that time a professional assessment concluded that wind loading issues would put an undue burden on the poles and cause a safety hazard. The only way to change out those lights would be a full replacement, costing approximately \$250,000. The decision was made not to move forward with that replacement.

Mr. Poulson provided recent examples of where the City was installing new and more efficient lighting. One example was the Public Works Building at 1053 Ironhorse. Similar lighting fixtures were utilized at some public restrooms in parks. Mr. Poulson commented on an added level of complexity with street lighting. The City owns a number of the street lights within the City limits; however, Rocky Mountain Power and other public entities also own a number of street lights. In order to move towards a streamlined process, the City would have to take ownership and maintenance of all those light fixtures. Staff had determined that the timing was not right for the City to consider that step now.

Council Member Simpson wanted to know who pays the power bill on the lights owned by other entities. Mr. Poulson replied that the lights owned by Rocky Mountain Power are organized under a state level rate at the Public Service Commission. The City pays for the use of the fixtures, but not the kilowatt power used. The City pays Rocky Mountain Power for the service of providing street lighting.

Mr. Poulson reviewed slides of LED lights that were piloted in the parking lots at City Hall. In addition to assessing the aesthetics of those lights, the Staff also looked at financial cost benefit. With the existing high sodium lights in the south parking lot, there was no compelling payback to move towards an expensive \$1100 LED fixture. However, LED fixtures are becoming better, more efficient and more durable, and the market is moving in that direction.

The Staff recommendation for outdoor lighting was not to pursue a robust or a major retrofit of Municipal lighting. The Staff will continue to pursue using LED and highly efficient lights when doing new installs or where it makes sense.

Council Member Butwinski asked if making LED lighting warmer would change the light distribution. Mr. Poulson replied that the lighting can be tailored to what they want by changing the shield, the lighting color, etc.

Council Member Beerman stated that he recently piloted several rooms in the hotel with LED lighting. They have incredible warm light and it disburse much better than fluorescent lights. He thought the City should be ready to update when they have to start replacing lights to avoid having to purchase more of the old type lights.

The Council was generally in favor of the Staff recommendation.

**PARK CITY COUNCIL MEETING  
SUMMIT COUNTY UTAH  
NOVEMBER 29, 2012**

**I ROLL CALL**

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6:00 p.m. at the Marsac Municipal Building on Thursday, November 29, 2012. Members in attendance were Mayor Dana Williams, Alex Butwinski, Liza Simpson, Dick Peek, Cindy Matsumoto, and Andy Beerman. Staff present was Diane Foster, Interim City Manager; Mark Harrington, City Attorney; Dave Gustafson, Project Manager; Lori Collett, Finance Manager; Rebecca Gillis, Accounting Manager; Nate Rockwood, Budget Department; Bret Howser, Strategic Initiatives Manager.

**II PUBLIC INPUT**

1. Take One Production Film Permit. City Staff performed a skit to honor Jill Miller, retiring Managing Director of the Sundance Institute.
2. Take One Production Resolution of Appreciation. Mayor Williams read the Resolution of Appreciation presented to Jill Miller for her 20 years of work and dedication to the Sundance Institute and the Sundance Film Festival.
3. Dave Gustafson, Sustainability Department Project Manager, reported that Sundance was requesting to use the Library for private showings on Thursday nights and this was a change from the original Supplemental Plan approved by Council. Diane Foster, Interim City Manager, explained that the City Council could discuss this at the next meeting if they needed more time to consider the concept. She noted that Sundance had already rented the facility and it was only a question of implementing the change to use the library for Thursday night screenings. The City Council supported the request.
4. Neil Krasnick, a Park City resident, stated that in the interest of open space and transportation he would like the City Council to consider the possibility of using the tunnels between Park City and Big and Little Cottonwood Canyons as a way of transporting people instead of using gondolas. He thought the City should find a way to obtain funding from the Federal Government, resorts and power companies to pursue the idea. Mr. Kraznick realized that his proposal was unusual, but he believed it could be accomplished by using the knowledge and expertise of people who live in town.

**III. MINUTES OF MEETING OF NOVEMBER 8, 2012**

Alex Butwinski, "I move we approve the meeting minutes from November 8, 2012 as written". Dick Peek seconded the motion. Motion carried unanimously.

#### IV. NEW BUSINESS

1. Consideration of acceptance of 2012 Comprehensive Annual Financial Report for Park City, Utah, extraordinary request for a special service contract for Habitat for Humanity. Lori Collett, Finance Manager, introduced Rebecca Gillis, the new Accounting Manager. Ms. Collett requested acceptance of the Fiscal Year 2012 Comprehensive Annual Financial Report.

Council Member Beerman indicated a reference to the debt limit imposed by the State. He noted that Park City was nowhere near that limit in money spent; however, Park City has bonded for more than the debt limit in water bonds. He asked if the water bonds were exempt. Ms. Collett replied that the number only included GO bonds and Sales Tax. Water bonds are not included.

Council Member Peek referred to the water fund on page 35 of CAFR, and the \$480,000 for buildings. He assumed the water treatment plant was included in that number for next year. Ms. Collett replied that the water treatment plan was included in the numbers for this year and pointed out the total cost was split between building, improvements and equipment.

Liza Simpson, "I move that we accept the 2012 Comprehensive Annual Financial Report for Park City, Utah. Alex Butwinski seconded the motion. Motion carried unanimously.

2. Consideration of an Ordinance adopting an additional Resort Cities Sales Tax for Park City, Utah. Nate Rockwood, Budget Department, reported on the ongoing process of the Resort City Sales Tax. On November 6, 2012 the Park City voters approved enacting an additional resort community sales tax by a vote of 58% in favor and 41% against. Mr. Rockwood stated that the ordinance contained in the Staff report was changed to reflect that the new ordinance adopts the additional resort tax as opposed to repealing the old resort tax and increasing it. The revised ordinance follows language in the State Code. The next step would be to present the ordinance to the State Tax Commission. After a 90 day waiting period the new tax would take effect beginning April 1, 2013.

The Mayor opened the public hearing; there were no comments and the public hearing was closed.

Andy Beerman, "I move that we pass an ordinance adopting an additional .5% Resort Community Sales and Use Tax to be installed beginning April 1<sup>st</sup>, 2013". Liza Simpson seconded the motion. Motion carried unanimously.

3. Consideration of a Real Estate Purchase Contract for 1450 & 1460 Park Avenue with Greenpark, LLC in the amount of \$400,000 in a form approved by the City Attorney. Bret Howser, Strategic Initiatives Manager, reported that several years ago the City purchased the properties at 1450 and 1460 Park Avenue with Lower Park Redevelopment Agency funds with the intent of an eventual affordable housing project. An RFP was sent out in 2011 to solicit bids for the property and the process was completed in early 2012. In March the City Council directed the Staff to proceed with negotiations with Greenpark Cohousing, LLC on the purchase of the property following their selection in the RFP process.

Mr. Howser reviewed the details of the purchase agreement outlined in the Staff report. The purchase price was set \$400,000 plus 80% of any net profit from the sale of units. The settlement date was set at June 15, 2013. Greenpark Cohousing, LLC agrees to preserve and restore the existing units in place without reconstruction. They also agree to develop ten full housing units with a minimum of six units being sold at or below affordable levels. The City agrees to guarantee a construction loan in order to facilitate the project.

The Staff believes the project fits in well with the Lower Park Area master plan and it represents a good opportunity to partner with a private participant, Greenpark LLC, to bring a project unlike any other in the community. The Staff presented the contract for consideration.

The Mayor opened the public hearing; there were no comments and the public hearing was closed.

Mayor Williams remarked that the idea came from a group of citizens who were willing to try it, which is why the City was willing to think out of the box and act on it. He thanked everyone involved for their hard work.

Council Member Butwinski stated that they got interested in this concept when they were in Fort Collins and it was great to see it come to fruition in Park City.

Dick Peek, "I move that we approve the sale of 1450 & 1460 Park Avenue to Greenpark Cohousing, LLC according to the terms outlined in the attached Real Estate Purchase Contract. Liza Simpson seconded the motion. Motion carried unanimously.

4. Consideration of an amendment to the Lower Park Avenue Redevelopment Plan  
The Mayor opened the public hearing; there were no comments and the public hearing was closed.

Cindy Matsumoto, "I move that we pass an ordinance amending the Lower Park Avenue Redevelopment Plan as stated in the Staff report". Alex Butwinski seconded the motion. Motion carried unanimously.

## **VI ADJOURNMENT**

With no further business, the regular meeting of the City Council was adjourned.

## **MEMORANDUM OF CLOSED SESSION**

The City Council met in closed session at approximately 2:15 p.m. Members in attendance were Mayor Dana Williams, Andy Beerman, Alex Butwinski, Liza Simpson, Cindy Matsumoto, Dick Peek. Staff present were Diane Foster, Interim City Manager; Tom Daley, Deputy City Attorney; Clint McAfee, Water Manager, Heinrich Deters, Trails and Open Space Coordinator; Nate Rockwood, Capital Budget and Grants Manager. Andy Beerman, "I move to close the meeting to discuss personnel, litigation and property". Dick Peek seconded. Motion carried unanimously.

The meeting opened at approximately 4:15 p.m. Andy Beerman, "I move to open the meeting". Liza Simpson seconded. Motion carried unanimously.

The meeting for which these minutes were prepared was noticed by posting at least 24 hours in advance and by delivery to the new media two days prior to the meeting.

Prepared by Mary May, Secretarial Service