

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
MAY 27, 2015

COMMISSIONERS IN ATTENDANCE:

Vice-Chair Steve Joyce, Melissa Band, Preston Campbell, John Phillips, Doug Thimm, Nann Worel,

EX OFFICIO:

Kayla Sintz, Planning Manager; Francisco Astorga, Planner; Kirsten Whetstone, Planner; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING

ROLL CALL

Vice-Chair Joyce called the meeting to order at 5:35 p.m. and noted that all Commissioners were present except Commissioner Strachan who was excused.

ADOPTION OF MINUTES

May 13, 2015

Vice-Chair Joyce referred to Page 32 of the Minutes, 5th paragraph, last line, and changed Commissioner Wintzer to correctly read **Mr. Wintzer**.

Commissioner Worel referred to Page 44 of the Minutes, 3rd Paragraph, first line, and changed Chair Worel to correctly read **Commissioner Worel**.

Since Commissioner Strachan was absent this evening and Commissioners Joyce, Thimm and Band had not attended the May 13th meeting, the Planning Commission lacked a quorum to approve the minutes. Approval of the Minutes of May 13, 2015 was tabled to the June 10th meeting.

PUBLIC INPUT

Jim Tedford stated that he recently heard discussion on the radio regarding the new building at 205 Main Street. It made him recall a letter that he wrote to the Planning Commission in January 2013 concerning that and other things. Mr. Tedford stated that he represents a group called Preserve Historic Main Street and they feel strongly about preserving historic Main Street.

Since most of the Commissioners were new to the Planning Commission, Mr. Tedford read into the record the letter he had submitted in 2013 because the comments were still pertinent today in terms of preserving the Historic District. His letter identified the importance of Park City to visitors and it provided a history of the transformation of Main Street beginning in 1950 after the mining decline. He pointed out that some of the transformations were good and others were mistakes. Mr. Tedford noted that in 2013 his letter indicated that a townhouse project on Main Street between the Imperial and Grappa that was approved by the Planning Commission would be too massive and moderate for Main Street, and there was no commercial space on the ground floor. Mr. Tedford pointed out that he had noted at that time that the 205 Main Street building was inappropriate.

Mr. Tedford continued reading his letter, which stated that it was too late to correct past mistakes but the City could make sure that future projects complement the existing historic qualities of their mountain community. He noted that the LMC and Historic District Design Guidelines determine what can and cannot be built, and it was time to strengthen those laws as opposed to weakening them by creating exceptions or including ambiguous language that would allow projects that do not belong on Main Street.

Mr. Tedford stated that when he found his letter on the computer, it reminded him that he had never received a response on a request he made of the Planning Commission in 2013. Mr. Tedford remarked that he has had an opportunity over the last couple of years to work with the Planning Department and to provide input on the General Plan; and he found them to be very receptive to his ideas. He appreciated the fact that the public is invited to participate in the process and to have their ideas incorporated. Mr. Tedford had written in his letter that according to the LMC Amendment Section of the Planning Application page, "Citizens can always request that the City, being the Planning Department, Planning Commission, City Council or the Historic Preservation Board, initiate proposed changes to the LMC." Mr. Tedford had requested that the Planning Commission initiate two proposed changes to the LMC that he had attached to his letter. He was mentioning it again this evening because he never received a reply. After waiting a year he was told that they first needed to deal with the General Plan, but he never heard from anyone whether or not they intended to consider his suggestions. Mr. Tedford clarified that he only wanted an answer one way or the other. He was submitting his same suggestions again in hopes of getting a response this time.

Mr. Tedford read the proposed changes to the LMC as stated in his letter. One concerned the pre-application conference. He read the current language and believed it provided a significant amount of gray area and left the door open to do something contrary to what was originally intended. The second suggested change concerned the HPB. When he arrived in Park City in 1963 the Historic Preservation Board had more power than it does currently. Mr. Tedford read the current language which states that the HPB may participate

in the design review of any City-owned project located within the designated Historic District. He recommended giving the HPB a larger role and they should participate in the review of any projects located within the zones. Mr. Tedford reiterated that if the City was not interested in considering his suggestions he would understand, but he would like someone to tell him.

On another issue, Mr. Tedford noted that when the plans were submitted for the addition to the Carl Winters Building for the Library, he had made comments that the proposal did not fit with meet the National Parks Service Guidelines or the Historic District Design Guidelines. His comments were based on the drawings and after seeing the actual building, he believed his comments were accurate. Mr. Tedford thought the addition is totally out of place and it could have been done much nicer. He used the Marsac Building as an example of great preservation.

Planning Manager Sintz responded to Mr. Tedford's comment regarding the pre-application conference. She stated that the Historic District Guidelines would be reviewed this summer and the Staff would welcome Mr. Tedford's input on how to revise the language. She explained that the review would begin with the HPB Board and she suggested that Mr. Tedford contact Planner Anya Grahn who would be scheduling the meetings.

Regarding the role of the HPB, Ms. Sintz recommended that Mr. Tedford attend a City Council meeting and make his request since the Council designates the role of the HPB.

Planning Manager Sintz informed Mr. Tedford that the building at 205 Main Street was scheduled for discussion at the City Council meeting the following evening. Planner Astorga stated that the discussion would pertain to the clarification of the use.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Planning Manager Kayla Sintz reported that the City Engineer, Matt Cassel, would be at the next meeting to answer questions from the Planning Commission regarding the CIP report that was included in the May 13th Staff report.

Vice-Chair Joyce commented on the work that Snyderville Basin has been doing towards banning wood burning fireplaces. He was disappointed with the lack of fight by the State and the action that was taken during the last legislative session. Vice-Chair Joyce was impressed with the efforts being made in Snyderville Basin and he asked if the Planning Commissioners would be interested in having a conversation on whether or not to pursue a potential ban in Park City. He understood that it was a sensitive issue and that there would be pushback from the community and the developers. Commissioner Worel thought they should at least look at it. Vice-Chair Joyce stated that the County Planners have spent

significant time and effort researching the matter and he suggested that Planning Manager Sintz contact the head planner at the County and try to piggyback on the information that has already been researched. It would also be helpful to schedule it as a work session and ask one of the Snyderville Basin Commissioners to speak with this Planning Commission regarding their concerns.

CONTINUATIONS (Public Hearing and Continue to date specified.)

Vice-Chair Joyce opened the public hearing on the following items. There were no comments. Vice Chair Joyce closed the public hearing.

1. 875 Main Street – Conditional Use Permit for an Off-site Private Residence Club in the Historic Recreation Commercial (HRC) Zoning District for Victory Ranch Member Center (Application PL-15-02732)
2. Alice Claim south of intersection of King Road and Ridge Avenue – Alice Claim Subdivision and Plat Amendment (Application PL-08-00371)
3. Alice Claim south of intersection of King Road and Ridge Avenue – Conditional Use Permit for Retaining walls up to 10' in height. (Application PL-1502669)
4. 7101 Stein Circle – Stein Eriksen Residences Condominium Plat Amending the North Silver Lake Condominium Plat (Application PL-15-02680)
5. Land Management Code Amendments regarding 1) Setbacks for patios and hot tubs in HRL, Chapter 2.1, HR-1 Chapter 2.2, Chapter 2.3, RC Chapter 2.16; 2) Annexations procedure and review in Chapter 8; 3) Non-conforming uses and non-complying structures in Chapter 9; 4) Definitions of carports, essential municipal and public utilities, facilities and uses and others in Chapter 15; 5) Applicability of Steep Slope Conditional Use Permits in HRL, HR-1, and HR-2; 6) Conditional Use Permits review and site requirements in HRM Section 15-2; 7) Board of Adjustment standard of review and appeals in Chapter 1 and Chapter 10; and 8) Combination of condominium units procedure in Chapter 7. (Application PL-14-02595)
6. 1893 Prospector Avenue – Master Planned Development of a new building containing 11 residential units on Lot 25b of the Giga plat replat of parking Lot F at Prospector Square. (Application PL-15-02698)

MOTION: Commissioner Phillips moved to CONTINUE the CUP for 875 Main Street; the Alice Claim Subdivision and Plat Amendment; the Alice Claim CUP for retaining walls up to 10' in height; the condominium plat for 1701 Stein Circle; and the LMC Code Amendments

to June 10, 2015; and to CONTINUE the MPD for 1893 Prospector Avenue to July 8, 2015. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

CONSENT AGENDA

Chair Worel requested that 317 Woodside Avenue be removed from the Consent Agenda for further discussion.

1. 119 Woodside Avenue Plat Amendment to combine two lots into a single lot of record. (Application PL-15-02709)

Vice-Chair Joyce opened the public hearing on the Consent Agenda
There were no comments.

Vice-Chair Joyce closed the public hearing.

Commissioner Phillips disclosed that at one point he was the general contractor on 119 Woodside Avenue; and after it was sold he was approached by the designers to do the additional work they planned to do. He was certain that his previous experience on this project did not present a conflict or affect his ability to be objective.

MOTION: Commissioner Phillips moved to APPROVE the Consent Agenda. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 119 Woodside Avenue

1. The property is located at 119 Woodside Avenue.
2. The property is in the Historic Residential (HR-1) District.
3. The subject property consists of Lot 6 and Lot 7, Block 32 of the Park City Survey.
4. Lot 6 contains a single-family dwelling, built in 2013. The building footprint of the single-family dwelling is approximately 841 square feet.
5. Lot 7 is currently vacant.

6. The proposed plat amendment creates one (1) lot of record from the existing area consisting of approximately 3,750 square feet.
7. A single-family dwelling is an allowed use in the Historic Residential (HR-1) District.
8. The minimum lot area for a single-family dwelling is 1,875 square feet; the lot at 119 Woodside Avenue will be 3,750 square feet. The proposed lot meets the minimum lot area for a single-family dwelling.
9. The maximum building footprint for a lot this size, 3,750 square feet, is 1,519 square feet.
10. The proposed lot meets the minimum lot area for a duplex dwelling. Conditional uses are reviewed and approved by the Planning Commission.
11. The minimum lot width allowed in the district is twenty-five feet (25'). The proposed lot is fifty feet (50') wide. The proposed lot meets the minimum lot width requirement.
12. The minimum side yard setbacks for a twenty-five foot (25') wide lot are three feet (3').
13. The minimum side yard setbacks for a fifty foot (50') wide lot are five feet (5').
14. When the single-family dwelling was built in 2013, it was built with the minimum side yard setbacks of three feet (3') as the lot width qualified as such.
15. Once the two (2) lots are combined, it would make the existing single-family dwelling legal non-complying as the structure would not meet the increased side yard setbacks from three feet (3') to five feet (5').
16. The combined side yards setbacks are to be ten feet (10') per Table 15-2.2 in the Land Management Code.
17. As currently built the house was designed three feet (3') from the south property line.
18. There is an existing historic rock wall associated with the historic structure located to the north at 133 Woodside Avenue. The historic rock wall extends along the east property line of Lot 7. The historic rock wall cannot be removed.

19. The proposed plat amendment will not cause undo harm to adjacent property owners.
20. The proposed lot area of 3,750 square feet is a compatible lot combination as the entire Historic Residential-1 District has abundant sites with the same dimensions.
21. The applicant applied for a Historic District Design Review (HDDR) application to construct an outdoor living space and storage shed on March 3, 2015. A Pre-Historic District Design Review
22. The applicant applied for a Plat Amendment application on March 3, 2015. The Plat Amendment application was deemed complete on March 26, 2015.
23. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law – 119 Woodside Avenue

1. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
2. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
3. 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 – 119 Woodside Avenue

1. The City Attorney and City Engineer will review and approve the final form and content of the 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 the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. A ten feet (10') wide public snow storage easement will be required along the

Woodside Avenue frontage of the property and shall be shown on the plat prior to recordation.

4. The property owner must enter into an encroachment agreement with the owner(s) of 133 Woodside Avenue for the existing historic rock wall located on the east property line of Lot 7.

5. 13-D sprinklers are required for any new construction or significant renovation of existing.

6. A note shall be added on the Plat that recognizes the discrepancy from the minimum standard from three feet (3') to five feet (5') on the south side yard area. It shall also be noted on the plat that the combined side yard setbacks of ten feet (10') shall complied with as the setback on the north side can be increased to seven feet (7') minimum.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. 327 Woodside Avenue – Plat Amendment to combine two lots into a single lot of record (Application PL-15-02714)

Commissioner Worel referred to the Conditions of Approval on page 62 of the Staff report. She read Conditions 5 “The minor railroad tie retaining walls built over the south property line shall be addressed prior plat to recordation; and Condition 6, “The encroachments into the Woodside Avenue must be addressed prior to plat recordation.” She could not recall ever seeing that language in the past and thought it was vague.

Planner Astorga explained that when the plat amendment was reviewed the Staff found that the retaining walls were built over the property lines; however, it was not how they were approved. Therefore, this applicant would have the responsibility of either removing the minor railroad retaining walls to meet what was approved, or to work with the neighboring property owner to get the retaining walls properly approved. One of those solutions would have to occur before the plat is recorded.

Commissioner Worel stated that she would be more comfortable if the language was changed to simply spell out what Planner Astorga had explained.

Planning Manager Sintz drafted language to say that, “The encroachment would be removed or an easement obtained with the adjacent property owner property owner prior to plat recordation.” Commissioner Worel requested the same for Condition #6.

Assistant City Attorney McLean recommended replacing the word “addressed” with “resolved” to indicate that the retaining walls must be resolved with either an easement or removal prior to recordation.

Commissioner Campbell had an issue with Condition 7 and requested that it be re-written for clarification. He noted that the reference of 3’ to 5’ did not call out what was being changed. It was also noted that the word “complied with” in the second sentence should be replaced with the word “comply”.

Commissioner Campbell asked if the first sentence of Condition 7 was implying that the front yard setback was being increased from 3’ to 5’. Planner Astorga replied that it was the side yard setback. Commissioner Campbell pointed out that the condition did not specify that it was a side yard setback. Planner Astorga noted that the last part of the sentence states that it is the north side yard area. Commissioner Campbell remarked that if the side yard setback was being changed then the condition should specifically say “the side yard setback”. He thought the condition as written was unclear. Commissioner Thimm agreed.

Assistant City Attorney McLean recommended revising Condition #7 to read, “A note shall be added on the plat that states the LMC requirement of a 5’ setback for this size lot on the north side yard area is not complied with, and it is currently 3 feet”. She explained that the intent is to put people on notice that the side yard setback is an existing non-complying situation. For example, if someone wants to put an addition behind the structure, they would have to abide by the 5’ setback requirement.

Vice-Chair Joyce thought the same language needed to be replicated for the second sentence of Condition #7 regarding the 10’ and 7’ setbacks.

Assistant City Attorney McLean clarified that the intent of the second sentence was to indicate that the overall setback needs to add up to 10’. Planner Astorga explained that the LMC is written such that there are two standards for setbacks; the minimum setback which is 5’; and then adding both sides for a total of 10’. If they leave the existing setbacks it would be 3’ on one side and 5’ on the other side for a total of 8’, which would not comply with the 10’ combined total setback.

Assistant City Attorney McLean drafted language for the second sentence to read, “The note shall state on the plat that the combined yard setbacks shall be 10’. The south side yard setback side shall be a minimum of 7 feet.”

Commissioner Thimm pointed out that Condition 7 as revised also applied to 119 Woodside Avenue; however, he recognized that it had already been approved and it was too late to make any changes. Ms. McLean remarked that 119 Woodside would be going to the City Council for final approval and the Staff could revise the language prior to the City Council meeting.

Planner Astorga stated that he had inadvertently mixed up the north and south. He changed the reference to the north side yard to correctly read the south side yard.

MOTION: Commissioner Phillips moved to forward a POSITIVE recommendation to the City Council for the 327 Woodside Avenue plat amendment based on the Findings of Fact, Conclusions of Law and Conditions of Approval as amended. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 327 Woodside Avenue

1. The property is located at 327 Woodside Avenue.
2. The property is in the Historic Residential-1 District.
3. The subject property consists of Lot 7 and Lot 8, Block 30, Park City Survey.
4. Lot 7 contains a single-family dwelling, built in 2001.
5. Lot 8 is currently vacant.
6. The proposed Plat Amendment creates one (1) lot of record from the existing two (2) lots consisting of a total of 3,750 square feet.
7. The maximum building footprint for a lot this size, 3,750 square feet, is 1,519 square feet.
8. A single-family dwelling is an allowed use in the Historic Residential-1 District.
9. The minimum lot area for a single-family dwelling is 1,875 square feet.
10. The proposed lot meets the minimum lot area for a single-family dwelling.
11. A duplex dwelling is a conditional use in the Historic Residential-1 District.

12. The minimum lot area for a duplex dwelling is 3,750 square feet.
13. The proposed lot meets the minimum lot area for a duplex dwelling. Conditional uses are reviewed and approved by the Planning Commission.
14. The minimum lot width allowed in the Historic Residential-1 District is twenty-five feet (25').
15. The proposed lot is fifty feet (50') wide.
16. The proposed lot meets the minimum lot width requirement.
17. The minimum side yard setbacks for a twenty-five foot (25') wide lot are three feet (3').
18. The minimum side yard setbacks for a fifty foot (50') wide lot are five feet (5').
19. When the single-family dwelling was built in 2001, it was built with the minimum side yard setbacks of three feet (3') as the lot width qualified as such.
20. Once the two (2) lots are combined, it would make the existing single-family dwelling legal non-complying as the structure would not meet the increased side yard setbacks from three feet (3') to five feet (5').
21. The combined side yards setbacks are to be ten feet (10') per Table 15-2.2 in the Land Management Code.
22. As currently built a small portion of the house was designed three feet (3') from the north property line and most of the house is approximately four-and-a-half feet (4.5') from the same property line.
23. The submitted certified as-built survey shows four (4) minor railroad tie retaining walls on the south property line.
24. Staff was not able to identify the retaining wall on the south property line on the original building permit in 2000.
25. The railroad tie retaining walls and any encroachments across property lines need to be resolved prior to plat recordation.

26. The applicant bears the burden of proper approvals for the retaining walls, which may include an encroachment agreement with the neighbor, or the railroad tie retaining walls may be relocated or removed.

27. The proposed plat amendment will not cause undo harm to adjacent property owners.

28. The proposed lot area of 3,750 square feet is a compatible lot combination as the entire Historic Residential-1 District has abundant sites with the same dimensions.

29. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law – 327 Woodside 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 – 327 Woodside Avenue

1. The City Attorney and City Engineer will review and approve the final form and content of the 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 the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. A ten feet (10') wide public snow storage easement will be required along the front of the property.

4. Fire sprinklers shall be required for all new construction or substantial renovations, as determined by the Park City Building Department during building permit review.
5. The minor railroad tie retaining walls built over the south property line shall be resolved prior plat recordation. The encroachment would be removed or an easement obtained with the adjacent property owner property owner prior to plat recordation.
6. The encroachments into the Woodside Avenue must be resolved prior to plat recordation. The encroachment would be removed or an easement obtained with the City prior to plat recordation.
7. A note shall be added on the Plat that states the LMC requirement of a five foot (5') setback for this size lot on the north side yard area is not complied with and is currently three feet (3'). The note shall state on the plat that the combined side yard setbacks shall be ten feet (10'). The side yard setback of the north side yard setback shall be a minimum of seven feet (7').

2. **429 Woodside Avenue – Steep Slope Conditional Use Permit for a new accessory structure on a lot with an existing historic home (Application PL-15-02733)**

Planner Kirsten Whetstone reviewed the application for construction on a steep slope for a detached accessory building behind the historic house on 429 Woodside. The home has a large addition that was previously approved and constructed.

Planner Whetstone noted that this item was not put on the Consent Agenda due to the amount of public input received during the plat amendment process, as well as conversations she had with the Quittin' Time Condominium project during the HDDR review. The Staff felt it was best to put this item on the regular agenda for a public hearing.

Planner Whetstone reported that in September of 2012 there was a plat amendment at 429 Woodside Avenue. The owner purchased a large parcel behind the lot and received an approval for a plat amendment to combine the lots. Several conditions of approval were attached to the plat amendment. Planner Whetstone noted that the property was landlocked and only this owner or the condominiums could purchase the land and actually use it. She stated that the parcel was purchased with the intention of using it for additional living area.

Planner Whetstone stated that a condition of approval states that if the accessory structure contained more than 660 square feet of floor area it would require a Steep Slope CUP. She pointed out that the requirement is normally a 1,000 square feet, but due to the steepness of this particular lot, the Planning Commission reduced the requirement to 660 square feet through a condition of approval.

Planner Whetstone stated that the proposal presented this evening was a two-story accessory structure, approximately 924 square feet of floor area plus 396 square feet of basement area. The back of the lower story is considered basement area.

Planner Whetstone reported that another condition that was put on the plat stated that this accessory building could not be separately leased, rented or sold. Therefore, it could not be an accessory apartment. It also cannot be a guest house because it is not allowed to be a dwelling unit with a kitchen. Planner Whetstone remarked that it does have a kitchenette, which is allowed. It also has bedrooms and bathrooms.

Planner Whetstone stated that on this conditional use permit the Staff was recommending a condition to deed-restrict this property prior to receiving a building permit, which states, "The detached accessory building may not be sold, leased or used as a separate dwelling unit or as an accessory apartment, and the detached accessory building may not be attached to the main house. Planner Whetstone reiterated that the structure cannot have a kitchen as defined by the LMC as a range having a 220 volt. The Staff also recommended a condition stating that there cannot be separate utilities and all of the utilities must come from the existing house. In addition, there must be substantial compliance with the plans before a building permit can be issued.

The Planning Staff reviewed the proposed building for compliance with the Steep Slope Criteria and found that it meets the footprint requirement, it is within the platted building pad, and the building height is lower than the maximum.

The Staff recommended that the Planning Commission conduct a public hearing and consider approving the Steep Slope Conditional Use Permit at 429 Woodside Avenue based on the findings of fact, conclusions of law and conditions of approval outlined in the Staff report.

Vice-Chair Joyce opened the public hearing.

There were no comments.

Vice-Chair Joyce closed the public hearing.

Vice-Chair Joyce asked if the deed restriction would be noted on the plat. Planner Whetstone replied that the plat was already recorded; however the restriction would be recorded against the deed. Commissioner Band noted that it would come up in a title search.

Vice-Chair Joyce explained that he asked the question because many times people pull the plat but they do not research the history of Planning Commission meetings to see whether there were specific restrictions. He wanted to make sure that the deed restrictions were clear and easy for a future owner to identify. Planner Whetstone stated that a note on the plat indicates that the dwelling cannot be separately leased or sold. Vice-Chair Joyce was comfortable with having that note on the plat.

MOTION: Commissioner Thimm moved to APPROVE the Steep Slope CUP for 429 Woodside Avenue based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the Staff report. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 429 Woodside Avenue

1. The property is Lot 1 of the 429 Woodside Avenue plat amendment. The plat amendment was approved by City Council on September 27, 2012, and recorded at Summit County on June 5, 2013.
2. Lot 1 contains 11,426 sf of lot area and is an uphill lot that slopes up and westward towards the adjacent Park City Mountain Resort ski trails.
3. The property is located within the Historic Residential (HR-1) zone. The Historic Residential zone is characterized by a mix of single family homes, multi-family homes, and smaller historic homes.
4. The existing house is listed as a “Significant” structure on the Park City Historic Sites Inventory.
5. On September 10, 2008, the Planning Commission approved a Steep Slope Conditional Use Permit for the reconstruction and addition at 429 Woodside Avenue. The reconstruction and addition to 429 Woodside is complete and a certificate of occupancy has been issued.
6. A Steep Slope Conditional Use Permit is a condition of approval of the 429 Woodside Avenue plat amendment for construction of an accessory building greater

than 660 sf within the platted building pad.

7. The LMC requires a Steep Slope Conditional Use Permit for construction of more than 1,000 sf on a slope of 30% or greater. The proposed construction of 1,320 sf is located on an area with slopes ranging from 40% to 46%.

8. On April 1, 2015, the applicant submitted a Steep Slope CUP application for the accessory building to be located on the property behind the historic house. The application was considered complete on April 14, 2015.

9. This Steep Slope CUP application is for construction of an accessory building containing 924 sf of residential floor area (1320 sf of total living area with 396 sf of basement area below final grade) with a building footprint of 660 sf.

10. Access to the property is from Woodside Avenue. Access to the accessory building is from the patio area behind the main house. No changes are proposed to the existing driveway, access or garage.

11. The minimum lot size for a single family home in the HR-1 zone is 1,875 sf.

12. The maximum building footprint for the lot is 3,006 sf. The plat amendment limited the total building footprint to 2,698 sf. The proposed building footprint is 2,529.3 sf including the existing footprint of the historic house, completed additions, and the proposed accessory building. The allowed maximum building footprint for the accessory building is 660 sf to be located within the 804 sf platted building pad area. The proposed building footprint for the accessory building is 660 sf.

13. The maximum height limit in the HR-1 zone for a single family home is 27' above existing grade. The Planning Commission approved a height exception of 33'1" on September 10, 2008 for the central dormer addition to the historic house. The proposed accessory building has a height of approximately 17'10" above existing grade. Accessory buildings located within the rear setback area have a maximum height of 18'. The proposed building is not located with the rear setback area.

14. Setbacks for the lot are 5' minimum on the sides with a combined side yard minimum of 14', and 15' minimum for existing house in front and 15' in rear for accessory building.

15. Existing historic house has a 13' front setback and is a legal non-complying structure. The existing addition has a 20' front setback.

16. Construction of the accessory building is limited to the platted building pad located behind the existing house. The accessory building has a 37' rear setback, a 5' south side setback, and 54' north side setback.

17. A total of 2 parking spaces exist with one space in a garage and one space on the driveway. No additional parking is required.

18. One of the goals identified in the current General Plan is to ensure that the character of new construction is architecturally-compatible to the existing historic character of Park City. The design has been reviewed for compatibility with the adopted Historic District Design Guidelines.

19. The HDDR application was submitted on December 29, 2014, and deemed complete on February 14, 2015. Additional revisions were provided on March 2, 2015 and the HDDR was approved on April 10, 2015 with a condition that a Steep Slope CUP was a condition precedent to issuance of a building permit for the accessory building.

20. The plans indicate no change in final grade around the perimeter of the house exceeds four (4') feet with the change in grade generally limited to two feet or less.

21. The proposed massing and architectural design components are compatible with both the volume and massing of the existing house and neighboring structures. The building volume is not maxed out in terms of overall footprint, setbacks, height, or potential floor area and much of the building volume of the lower floor is located below final grade.

22. The proposed structure will not be viewed from the key advantage points as indicated in the LMC Section 15-15-1.283, with the exception of the cross canyon view.

23. The applicant submitted a visual analysis/ perspective, cross canyon view and a streetscape. The design mitigates visual impacts of the cross canyon view in that the proposed structure is located to the rear of the four story house set back more than eighty (80) feet from the edge of Woodside Avenue. The height is minimized and the foundation steps with the topography. No changes are proposed to the front façade, garage, or access.

24. The accessory building is located and designed in such a manner as to minimize cut and fill that would alter the perceived natural topography as the

foundation is stepped and the final grade is within two feet of the existing grade.

25.The design includes a stepped foundation, minimal grading, increased setbacks, and approximately half of the lower floor is basement space below grade to maximize the opportunity for open area and natural vegetation to remain on the site.

26.Due to the height of the main house at thirty-one feet and the two story accessory building located 24' behind the main house, the structure will not be visible from the Woodside Avenue right-of-way and is subordinate to the main building.

27.No wall effect along Woodside Avenue is created by the accessory building due to the proposed location behind the main house. No changes to the front façade are proposed.

28.The accessory building is incidental to the main use, operated and maintained for the benefit of the primary use (the main house) and is not a dwelling unit. Accessory buildings are an allowed use in the HR-1 zone.

29.The 429 Woodside plat includes a note stating that “any detached, accessory structure constructed on the rear portion of the Lot must be used as a part of the existing house and may not be rented, sold, or leased separately from the main house”.

30.The accessory building is not a Guest House as it is not a dwelling unit.

31.The accessory building is proposed to be used as additional living space for the main house and contains three bedrooms, three bathrooms, a living/dining room, a kitchenette, and ski prep/storage space.

32.The LMC defines a Kitchenette as, “An area used or designed for the preparation of food and containing a sink, refrigerator, and an electrical outlet which may be used for a microwave oven. No 220V outlet for a range or oven is provided. A Kitchenette is not intended to be used in such a manner as to result in the establishment of an additional Dwelling Unit”.

33.All utility services for the accessory building will be extended from those that exist for the house.

34.The findings in the Analysis section of this report are incorporated herein.

35. The applicant stipulates to the conditions of approval.

Conclusions of Law – 429 Woodside Avenue

1. The Steep Slope CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.2-6(B), criteria for Steep Slope CUP.
2. The Steep Slope 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 – 429 Woodside Avenue

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan (CMP) is a condition precedent to the issuance of any building permits. The CMP shall include language regarding the method of protecting the historic house on the property.
3. A final utility plan, including a drainage plan, for utility installation, public improvements, and storm drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers, including Snyderville Basin Water Reclamation District, prior to issuance of a building permit. Separate utility service/metering is not allowed for the accessory service
4. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
5. A final landscape plan shall be submitted for review and approval by the City Planning Department, prior to building permit issuance.
6. No building permits shall be issued for this project unless and until the design is reviewed and approved by the Planning Department staff for compliance with this Steep Slope Conditional Use Permit and the Historic District Design Review.

7. All conditions of approval of the 429 Woodside Avenue plat amendment, as stated in Ordinance 12-28, shall continue to apply.

8. As part of the building permit review process, the applicant shall submit a copy of the certified topographical survey of the property with roof elevations over topographic and USGS elevation information relating to existing grade and proposed building height to confirm that the building complies with all height restrictions.

9. The applicant shall submit a detailed shoring plan prior to the issue of a building permit. The shoring plan shall include calculations that have been prepared, stamped, and signed by a licensed structural engineer. The shoring plan shall take into consideration protection of the historic structure on the lot.

10. This approval will expire on May 27, 2016, if a building permit application has not been received and a permit issued before the expiration date, unless an extension of this approval has been requested in writing prior to the expiration and is granted by the Planning Director, upon required public notice.

11. Modified 13-D residential fire sprinklers are required for all new construction on this lot, unless otherwise stipulated by the Chief Building Official.

12. All exterior lighting shall be shielded to prevent glare onto adjacent property and public rights-of-way and shall be subdued in nature. Light trespass into the night sky is prohibited.

13. Construction waste shall be diverted from the landfill and recycled when possible.

14. All electrical service equipment and sub-panels and all mechanical equipment, except those owned and maintained by public utility companies and solar panels, shall be painted to match the surrounding wall color or painted and screened to blend in with the surrounding natural terrain.

15. A deed restriction shall be recorded against the property prior to issuance of a building permit stating that the detached accessory building may not be sold, leased, or used as a separate dwelling unit or as an accessory apartment and the detached accessory building may not be attached to the main house.

16. The accessory building may not contain a kitchen as defined by the LMC and 220 V outlets are not permitted within the accessory building. This condition shall be reflected on the deed restriction.

17. All utility services, including water, sewer, power, etc., for the accessory building shall be extended from the existing utility services and shall not be installed as separate services that would allow the accessory building to become a separate unit. This condition shall be reflected on the deed restriction.

18. Plans submitted for a Building Permit must substantially comply with the plans reviewed by the Planning Commission on May 27, 2015.

Commissioner Thimm understood that the LMC defines a kitchen as a room with a 220 volt outlet. He asked if it would not be considered a kitchen if someone put in a gas range. Planner Whetstone believed the definition also specifies an oven or range. Commissioner Band recalled that the LMC prohibits a 220 volt outlet in the entire dwelling, which also prohibits a dryer.

Assistant City Attorney McLean read the definition of a kitchenette from the LMC. "A kitchenette is defined as an area used or designated for the preparation of food and containing a sink, refrigerator and electrical outlet which may be used for a microwave oven. No 220 volt outlet for a range or oven is provided. A kitchenette is not intended to be used in such a manner as to result in the establishment of an additional dwelling unit."

Ms. McLean stated that a kitchen is defined as, "An enclosed area for the preparation of food and containing a sink, refrigerator and stove." She read the definition of a dwelling unit as defined by Code. "A dwelling unit is a building or a portion thereof that is designed for use as the residence or sleeping place of one or more persons or families, and includes a kitchen but does not include a hotel, motel, lodge, nursing home, or walk-out unit."

Vice-Chair Joyce thought the definition of a kitchenette aligns with the idea of not having a 220 volt outlet; however, it ignores the fact that it is not supposed to have an oven or stove. Specifying a 220 volt outlet would not prohibit a gas range in a kitchenette.

The Planning Commission and the Staff agreed that the definitions should be revised and clarified as an LMC Amendment.

The Park City Planning Commission Meeting adjourned at 6:20 p.m.

Approved by Planning Commission: _____

FOR THE RECORD
MAY 27th mtg.

January 3, 2013 (Revised May 27, 2015)

To: Park City Planning Commission,

What lies ahead for our Historic Main Street? As we welcome in another new year, and the 50th anniversary of destination skiing in Park City, we must decide if we want to maintain Main Street's integrity as an authentic mining era business district, or if we want to let it deteriorate into just another main street U.S.A. Obviously, it's historic nature is treasured since every advertisement, magazine article, flyer, and TV commercial includes the word "Historic". Even the main street business association is named the Historic Park City Alliance. Everyone from Silver Creek to Silver Lake and Summit Park to Promontory has a vested interest in the future of our downtown. We all cherish it as a part of our hometown culture.

As the mines gradually closed in the 1950's, many people were leaving town, and Main Street was looking a little rough around the edges. Then, with the arrival of Treasure Mountains Resort in 1963 the economy started to turn around. New buildings popped up, old wrecks were torn down, and many existing buildings were renovated and remain significant symbols of our past. Most of the new construction was true to the historic nature of Main Street. Over the years, however, there have been a few unfortunate mistakes: the Treasure Mountain Inn, built in 1965 when any new construction was welcome, the Main Street Mall, and the Galleria. There is soon to be another such building on upper Main Street. The townhouse project between The Imperial and Grappa, already approved by the Planning Department and coming in the spring, is too massive and modern for Main Street and has no commercial space on the ground floor. It is hard to understand how projects of this magnitude meet the compatibility criteria of the Land Management Code, the Historic District Design Guidelines, and the General Plan.

We cannot do much about past mistakes, but we can certainly make sure all future Main Street projects complement the existing historic qualities of our mountain community. The Park City Land Management Code and the Historic District Design Guidelines determine what can be built and what cannot be built. It is time to strengthen these laws, not weaken them by creating exceptions and including ambiguous language that would allow projects that do not belong on Main Street. These laws apply equally to all developers – public, private, and non-profit. It is bad policy to create, delete, or modify land management laws to accommodate any one project. Do we want to take the "Historic" out of Historic Main Street, one of the biggest attractions in Summit County?

According to the Land Management Code Amendment section of the Planning Applications page, "Citizens can always request that the City (Planning Department, Planning Commission, City Council, or Historic Preservation Board) initiate proposed changes to the Land Management Code". I request that the Planning Commission initiate the attached two proposed changes to the Land Management Code.

Jim Tedford,
Preserve Historic Main Street

PARK CITY MUNICIPAL CODE – TITLE 15 LMC, Chapter 11 – Historic Preservation

15-11-12 **PRE-APPLICATION CONFERENCE**

- (1) No Change
- (2) Each application shall comply with all the Design Guidelines for Historic Districts and Historic Sites. ~~unless the Planning Department determines that, because of the scope of the proposed Development, certain guidelines are not applicable. If the Planning Department determines certain guidelines do not apply to an Application, the Planning Department staff shall communicate, via electronic or written means, the information to the applicant.~~ It is the responsibility of the Applicant to understand the requirements of the Application.
- (3) Paragraph 1 – No Change
Paragraph 2 – No Change
Paragraph 3 – Applications that may be exempt from the Historic Design Review process, ~~include, but~~ are ~~not~~ limited to the following:
 - (a) – No Change
 - (b) – No Change
 - (c) - No Change

PARK CITY MUNICIPAL CODE –TITLE 15 LMC, Chapter 11 – Historic Preservation

15-11-6. **ADDITIONAL DUTIES.**

In addition to the powers set forth in Section 15-11-5, the HPB may, at the direction of the City Council:

- (A) Participate in the design review of any ~~City-owned~~ projects located within the ~~designated~~ Historic ~~District Zones~~.
- (B) - No change.
- (C) - No change.
- (D) - No change.