



AGENDA

MEETING CALLED TO ORDER AT 5:30PM

ROLL CALL

ADOPTION OF MINUTES OF July 8, 2015

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

STAFF/BOARD COMMUNICATIONS AND DISCLOSURES

WORK SESSION – *Discussion items only, no action taken*

Construction Mitigation Plans – The Building Department recommends that the Planning Commission discuss the current process for addressing construction mitigation. 35

Capital Improvement Projects – Yearly report given to Planning Commission regarding the Capital Improvement Projects approved by City Council. 45

CONTINUATIONS

Land Management Code Amendments regarding vertical zoning storefront regulations in Chapter 15-2.5-2 Uses in Historic Recreation Commercial (HRC), Chapter 15-2.6-2 Uses in Historic Commercial Business (HCB), and associated Definitions in Chapter 15-15 Defined Terms. 55
Public hearing and continuation to August 26, 2015
 PL-15-02810
 Planner Whetstone

281 & 283 Deer Valley Drive – Bee Plat Amendment to combine Lot 4 and Lot 26 and combine Lot 3 and Lot 27 to create two (2) lots of record in Block 66, of the Amended Plat of Park City Survey 79
Public hearing and continuation to uncertain date
 PL-15-02808
 Planner Turpen

Land Management Code Amendment regarding Nightly Rentals use in the HR-L Chapter 2.1 and green roof definition and application in HR-L Chapter 2.1, HR-1 Chapter 2.2, HR-2 Chapter 2.3, RC Chapter 2.16, and Definitions Chapter 15. 80
Public hearing and continuation to September 23, 2015
 PL-15-02817
 Planner Astorga

162 Ridge Avenue – Steep Slope Conditional Use Permit for a new single-family home on a vacant lot. 81
Public hearing and continuation to August 12, 2015
 PL-15-02761
 Planner Alexander

CONSENT AGENDA – *All items on the consent agenda shall be passed or denied by a single motion at the Commission meeting, unless a motion to remove a specific item is made. If a member of the public or a member of the Planning Commission requests a public hearing on a consent agenda item, then the item shall be removed from the consent agenda and acted on at the same meeting.*

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

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

279 Daly Avenue – Steep Slope Conditional Use Permit for renovation of a landmark historic house and construction of a new addition. <i>Public hearing and possible action</i>	PL-15-02766 <i>Planner Grahn</i>	83
533-537 Woodside Avenue Mountain Spirits Condominium plat replacing Hunter Villa Condominiums plat. <i>Public hearing and possible recommendation to City Council on August 27, 2015</i>	PL-15-02740 <i>Planner Whetstone</i>	131
147 Grant Avenue – Thomas Replat – Plat Amendment to combine portions of Lots 21, 22, 23 & 24, Block 72, of the Millsite Reservation to Park City into one (1) lot of record. <i>Public hearing and possible recommendation to City Council on August 20, 2015</i>	PL-15-02663 <i>Planner Astorga</i>	165
950 Empire Avenue – 950 Empire Avenue Plat Amendment combining one and a half lots in order to remove the lot line under an existing non-historic home. <i>Public hearing and possible recommendation to City Council on August 20, 2015</i>	PL-15-02785 <i>Planner Alexander</i>	181

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

Alice Claim south of intersection of King Road and Ridge Avenue – Alice Claim Subdivision and Plat Amendment <i>Public hearing and possible recommendation to City Council on September 3, 2015</i>	PL-08-00371 <i>Planner Alexander</i>	197
Alice Claim south of intersection of King Road and Ridge Avenue – Conditional Use Permit for retaining walls up to 10' in height. <i>Public hearing and possible action</i>	PL-15-02669 <i>Planner Alexander</i>	276

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.

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PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
JULY 8, 2015

COMMISSIONERS IN ATTENDANCE:

Chair Adam Strachan, Melissa Band, Steve Joyce, John Phillips, Doug Thimm

EX OFFICIO:

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

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REGULAR MEETING

ROLL CALL

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

ADOPTION OF MINUTES

June 24, 2015

Commissioner Band referred to Page 8 of the Staff report, page 6 of the Minutes, and the phrase, "They were talking about Deer Valley but now they would eventual have the same discussion...". She corrected the word eventual to correctly read **eventually**.

Commissioner Joyce referred to page 24 of the Staff report, page 22 of the Minutes and corrected Chair Worel closed the public hearing to correctly read **Chair Strachan closed the public hearing**.

MOTION: Commissioner Joyce moved to APPROVE the minutes of June 24, 2015 as corrected. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Planning Manager Kayla Sintz announced that she was resigning from Park City Municipal to be closer to family in Toronto/Ontario Canada. She and her partner have a wedding planned in October and they plan to assist with a family business. Ms. Sintz stated that she has been with the City since 2008 and she was now looking forward to an exciting culture change.

The Board congratulated Ms. Sintz. Chair Strachan stated that he has worked with Kayla for many years and she is a consummate professional and a joy to work with. He was sad to see her go but he was certain that she would shine in whatever she does.

Commissioner Phillips disclosed that he would be recusing himself from 52 and 58 Silver Strike Trail due to the fact that he has contracts and has performed work on those projects.

Commissioner Phillips also recused himself from the Alice Claim items on the agenda due to a prior relationship with the applicant.

WORK SESSION

The applicant had requested that this work session be postponed to allow time to re-design a portion of their project. The Staff was not opposed to a postponement; and since work sessions are not published or noticed there were no issues with a postponement.

Planner Astorga stated that he has been communicating with three people who provided public comment and he informed them that the work session would be postponed.

Since the item was scheduled on the agenda, Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

CONSENT AGENDA

Chair Strachan requested that Lot 20, Block 9, Snyder's Addition, Norfolk Avenue be removed from the Consent Agenda for discussion.

MOTION: Commissioner Worel moved to remove Lot 20, Block 9, Snyder's Addition, Norfolk Avenue from the Consent Agenda and move it to the first item on the regular agenda. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

Because Commissioner Phillips had recused himself from 52 and 58 Silver Strike Trail, the Planning Commission took separate action on the remaining Consent Agenda items.

Chair Strachan opened the public hearing on the Consent Agenda.

1. 940 Empire Avenue Subdivision – Plat Amendment Combining one and a half lots in order to remove the lot line under an existing non-historic home.
(Application PL-15-02762)

MOTION: Commissioner Joyce moved to forward a POSITIVE recommendation to the City Council for the 940 Empire Avenue Subdivision Plat on the Consent Agenda, based on the Findings of Fact, Conclusions of Law and Conditions of Approval found in the draft ordinance. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 920 Empire Avenue

1. The plat is located at 940 Empire Avenue within the Historic Residential (HR-1) District.
2. The 940 Empire Avenue Subdivision consists of Lots 23 & southerly ½ of 22 of Block 15 of the Snyder's Addition to the Park City Survey.
3. On May 7, 2015, the applicants submitted an application for a plat amendment to combine one and a half (1.5) lots containing a total of 2,812.5 square feet into one (1) lot of record.
4. The application was deemed complete on May 7, 2015.
5. The lots at 940 Empire Avenue currently contain an existing A-frame single family home.
6. The HR-1 zone requires a minimum lot area of 1,875 square feet for a single family dwelling.
7. The maximum footprint allowed in the HR-1 zone is 1,201 square feet for the proposed lot based on the lot area of the lot.
8. The existing home currently has a zero foot (0') southerly side setback and the existing home encroaches onto 936 Empire Avenue by approximately 0.3 feet on the

lot line shared with 936 Empire Avenue as well as the existing retaining wall that encroaches approximately one foot onto 936 Empire Avenue.

9. An encroachment agreement was previously recorded between 936 Empire Avenue and 940 Empire Avenue on 2015.

10. The existing side yard setbacks to the north are 13.5 feet which complies with the LMC.

11. The front yard setback is 27 feet which complies with the LMC but the rear yard setback is only 7 feet which makes this structure legal, non-conforming.

12. The plat amendment secures public snow storage easements of ten (10') feet across the frontage of the lot.

Conclusions of Law – 920 Empire Avenue Subdivision

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 – 920 Empire Avenue Subdivision

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. Recordation of this plat and completion and approval of a final Historic District

Design Review (HDDR) and Steep Slope CUP, if required, applications are required prior to building permit issuance for any construction on the proposed lot.

4. Modified 13-D sprinklers will 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.

5. A ten foot (10') wide public snow storage easement is required along the frontage of the lots with Lowell Avenue and shall be shown on the plat.

6. Snowshed agreements from the northerly neighbor are required prior to plat Recordation.

2. 52 and 58 Silver Strike Trail – Seventh Supplemental Plat for the Belles at Empire Pass (Application PL-15-02775)

MOTION: Commissioner Worel moved to forward a Positive recommendation to the City Council for 52 and 58 Silver Strike Trail, the Seventh Supplemental Plat for Belles at Empire Pass Units 15 and 16 on the Consent Agenda, based on the Findings of Fact, Conclusions of Law and Conditions of Approval found in the draft ordinance. Commissioner Thimm seconded the motion.

VOTE: The motion passed. Commissioner Phillips abstained.

Findings of Fact – 52 and 58 Silver

1. The property, Units 15 and 16 of the Amended, Consolidated, and Restated Condominium Plat of The Belles at Empire Pass and associated common area, are located at 52 and 58 Silver Strike Trail. The property is located on portions of Lot 1 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 15 and 16 are located on a portion of Lot 1 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 May 9, 2013, the City Council approved the Third Supplemental Plat for Constructed Unit 4 and the Fourth Supplemental Plat for Constructed Units 5 and 6. These plats were recorded on October 28, 2013.

13. On February 6, 2014, the City Council approved the Fifth Supplemental Plat for Constructed Units 10 and 11.

14. On April 3, 2014, the City Council approved the Sixth Supplemental Plat for Constructed Units 7, 8, and 17. On December 11, 2014, the City Council approved an amendment to the Sixth Supplemental Plat.

15. On May 19, 2015 the Planning Department received a complete application for the Seventh Supplemental Plat for Constructed Units 15 and 16.

16. The purpose of the supplemental plat is to describe and document the as-built conditions and the UE calculations for all constructed units at the Belles Condominiums prior to issuance of a certificate of occupancy and to identify private, limited common and common area for this unit.

17. 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.

18. Units 15 and 16 are located on a portion of Lot 1 of the Silver Strike subdivision plat.

19. 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.

20. Unit 15 contains 4,988.8 sf of Gross Floor Area, excluding basement area and 600 sf garage area and accounts for 3.31 UEs based on the Total Floor area of 6,626.8 sf (includes basement area but not 600 square feet of garage area).

21. Unit 16 contains 4,977.8 sf of Gross Floor Area, excluding basement area and 600 sf garage area and accounts for 3.45 UEs based on the Total Floor area of 6,901.8 sf (includes basement area but not 600 square feet of garage area).

22. The twelve (12) units platted to date (Units 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 17) utilize 31.07 Unit Equivalents (UE). Adding Units 15 and 16 brings the current total to 37.83 UE. Units 2, 13, and 14 are yet to be constructed.

23. 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.

24. 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.

25. The findings in the analysis section are incorporated herein.

Conclusions of Law – 52 and 58 Silver Strike Trail

1. There is good cause for this supplemental plat as it memorializes the as-built conditions for Units 15 and 16.
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 – 52 and 58 Silver Strike Trail

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 present the final signed mylar plat to the City, for City signatures and recordation at Summit County, within one year of the date of City Council approval, or this approval will be considered void; unless an extension request 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 15 and 16, this 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 unit sizes and UEs shall be reflected on the plat.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. **Lot 20, Block 9, Snyder's Addition, Norfolk Avenue, the property is located between 1046 Norfolk Avenue and 1102 Norfolk Avenue on a vacant lot - Steep Slope Conditional Use Permit for construction of a new single-family dwelling on a vacant lot. (Application PL-15-02723)**

Planner Hannah Turpin reviewed the request for a Steep Slope CUP for a new single family home on a vacant lot located at Lot 20 on Norfolk Avenue. Lot 20 is located between 1046 Norfolk Avenue and 1102. The driveway is the only portion of the structure located on a slope greater than 30%, which was due to the increased height of Norfolk Avenue.

Planner Turpin reported that a Historic District Design Review application for the design was approved on June 10th. Staff finds that the proposed application and design comply with the criteria for a Steep Slope Conditional Use Permit and has no unmitigated impacts.

Planner Turpin asked Chair Strachan if there was a specific criteria he wanted to discuss. Chair Strachan had questions regarding the stepping on the downhill façade and the 27' height. He referred to the site drawings on page 156 of the Staff report. He pointed to the drawing at the bottom left that was marked architectural shingles and indicated a 27' height restriction at wall. Chair Strachan questioned why the ridge was higher than the actual line. Planner Turpin stated that in looking at the topo survey, the topo goes down in that location so the ridge actually meets the 27' foot height. She clarified that it was measured at the actual façade and not in the middle of the structure.

Planning Manager Sintz explained that it was measured and calculated through the roof over topo, which is more accurate than projecting a line up 27' feet. However, in looking at the elevation the height was a little deceiving. Planner Turpin remarked that the 27' line is a requirement on the actual application, even though the Staff uses the roof over topo.

Commissioner Phillips stated that he has seen this on several projects. However, he was confused by the language in parenthesis, "at wall". Planner Turpin understood that "at wall" was only saying that the line was representative of the existing grade at the bottom of the wall. Planning Manager Sintz stated that different designers and architects notate their drawings differently, but it was not how the Staff analyzes the height.

Chair Strachan commented on stepping. He could see where the first floor was completely subterranean, but he could not find the complete submersion of the first floor. Planner Turpin presented a drawing and pointed to the area where the first floor was submerged. Chair Strachan indicated the portion of the first floor that he believed was still not subterranean. Planner Turpin agreed that some, but not all, of the first floor was submerged. Chair Strachan asked if it triggers the stepping if the first floor is not completely subterranean. Planner Turpin recalled that the Staff accepted the above ground portion because the applicant changed the materials to break it up into different components. She pointed out that they had also stepped the roof.

Chair Strachan clarified that his concern was compliance with the Code language stating that stepping was not required if the entire first floor is submerged underground. He pointed out that in this case much of the first floor is submerged but not all of it.

Planner Turpin stated that the downhill façade is stepped and she pointed out where it goes up 23' and back 10'. Commissioner Phillips clarified that it was 23' from existing grade. Planner Turpin answered yes, noting that the grade was not changed more than four feet below that. Commissioner Phillips believed the design did meet the required stepping. Chair Strachan was comfortable with Commissioner Phillip's assessment. Commissioner Thimm stated that he had looked closely at the plans and he was satisfied that it met the requirements.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

MOTION: Commissioner Joyce moved to APPROVE the Steep Slope Conditional Use Permit for Lot 20, Block 9, Snyder's Addition, Norfolk Avenue, based on the Findings of

Fact, Conclusions of Law and Conditions of Approval found in the Staff report. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – Lot 20, Block 9, Norfolk Avenue

1. The property is located on Norfolk Avenue at Lot 20, Block 9 of Snyder's Addition to the Park City Survey.
2. The property is located within the Historic Residential (HR-1) District and meets the purpose of the zone.
3. A single family dwelling is an allowed use in the HR-1 District.
4. The property is described as Lot 20, Block 9 of the Snyder's Addition to the Park City Survey.
5. The lot contains 1,875 square feet.
6. The lot is currently vacant.
7. A Historic District Design Review (HDDR) application was approved by staff on June 10, 2015 for compliance with the Design Guidelines for Historic Districts and Historic Sites adopted in 2009.
8. This is a 25' x 75' "Old Town" lot. There is minimal existing vegetation on this lot. This is a downhill lot.
9. Access to the property is from Norfolk Avenue, a public street.
10. Two parking spaces are proposed on site. One space is located inside a single car garage and one is accommodated by a driveway parking space.
11. The neighborhood is characterized by a mix of historic and non-historic residential structures, single family homes and duplexes.
12. The proposal consists of a single family dwelling of 2,532 square feet, including the basement area and single car garage.
13. The driveway is designed with a maximum width of eleven feet three and-a-half

inches (11'3.5") and is approximately thirty five feet (35') in length from the garage to the existing edge of Norfolk Avenue with a minimum of eighteen feet (18') of driveway located on the property. The garage door complies with the maximum height and width.

14. The proposed driveway has an overall slope of 8.9% as measured from the front of the garage to the edge of the paved street.

15. An overall building footprint of 844 square feet is proposed. The maximum allowed footprint for this lot is 844 square feet.

16. The proposed structure complies with all setbacks. The minimum front and rear yard setbacks are ten feet (10'). The minimum side yard setbacks are three feet (3').

17. The Chief Building Official determined that the rear setback separating the encroaching historic garage (associated with 1053 Woodside Avenue) and the new single-family dwelling fitted with a NFPA 13 Modified System shall be eight feet (8') (Condition of Approval #11). If no sprinkler system is installed on the new single-family dwelling, the rear setback separation shall be ten feet (10'). The rear setback separation measurement includes eaves and decks. The proposed structure is setback eight feet (8') from the encroaching historic garage.

18. The proposed structure complies with the twenty-seven feet (27') maximum building height requirement measured from existing grade. Portions of the house are less than twenty seven feet (27') in height.

19. The applicant submitted a visual analysis, cross valley views and a streetscape showing a contextual analysis of visual impacts of this house on the cross canyon views and the Norfolk Avenue streetscape. Staff finds that the proposed house is compatible with the surrounding structures based on this analysis.

20. 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. There is no existing significant vegetation on the lot.

21. The site design, stepping of the foundation and building mass, increased articulation, and decrease in the allowed difference between the existing and final grade mitigates impacts of construction on the 40% slope area.

22. The design includes setback variations in the front and back and lower building heights for portions of the structure in both the front and back where facades are

less than twenty-seven feet (27') in height.

23. The proposed massing and architectural design components are compatible with both the volume and massing of other single family dwellings in the area. No wall effect is created with adjacent structures due to stepping, articulation, and placement of the house on the lot.

24. The proposed structure follows the predominant pattern of buildings along the street, maintaining traditional setbacks, orientation, and alignment. Lot coverage, site grading, and steep slope issues are also compatible with neighboring sites. The size and mass of the structure is compatible with surrounding sites, as are details such as foundation, roofing, materials, window and door openings, and single car garages.

25. This property is required to have independent utility services for water, sewer, power, etc.

26. No lighting has been proposed at this time. Lighting will be reviewed at the time of the HDDR and Building Permit application for compliance with the LMC lighting code standards.

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

28. The applicant stipulates to the conditions of approval.

Conclusions of Law – Lot 20, Block 9 Snyder's Addition, Norfolk Avenue

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.2-6(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 – Lot 20, Block 9, Snyder's Addition, Norfolk Avenue

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. The CMP shall include language regarding the method of protecting the historic house to the west from damage.
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.
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 to the City for review prior to building permit issuance. Such plan will include water efficient landscaping and drip irrigation. Lawn area shall be limited in area.
6. 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. The shoring plan shall take into consideration protection of the historic structure to the west and the non-historic structure to the north.
7. This approval will expire on June 24, 2016, if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval has been requested in writing prior to the expiration date and is granted by the Planning Director.
8. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission and the Final HDDR Design.
9. All retaining walls within any of the setback areas shall not exceed more than six feet (6') in height measured from final grade, except that retaining walls in the front yard shall not exceed four feet (4') in height, unless an exception is granted by the City Engineer per the LMC, Chapter 4.
10. Modified 13-D residential fire sprinklers are required for all new construction on this

lot.

11. The Chief Building Official determined that the rear setback separating the encroaching historic garage (associated with 1053 Woodside Avenue) and the new single-family dwelling fitted with a NFPA 13 Modified System shall be eight feet (8'). If no sprinkler system is installed on the new single-family dwelling, the rear setback separation shall be ten feet (10'). The rear setback separation measurement includes eaves and decks.

12. The driveway width must be a minimum of ten feet (10') and will not exceed twelve feet (12') in width.

13. All exterior lighting, on porches, decks, garage doors, entryways, etc. 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. Final lighting details will be reviewed by the Planning Staff prior to installation.

14. Construction waste should be diverted from the landfill and recycled when possible.

15. 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 with the surrounding natural terrain.

**2. 222 Sandridge Avenue – Plat Amendment to combine portions of Lots 19, 20 and 21 in Block 72 of the Park City Survey into one lot of record
(Application PL-15-02769)**

Planner Whetstone reviewed the request for a plat amendment at 222 Sandridge Avenue . The owner, 222 Sandridge LLC, was represented by David Baglino. The request is to combine portions of Lots 19, 20 and a small piece of Lot 21 in Block 72 into one lot of record. An existing historic house sits over the lots lines.

Planner Whetstone stated that the applicant would like to do an addition to the home. The Staff was in the process of working on a HDDR application. Planner Whetstone explained that the lots needed to be combined in order to move forward with the proposed addition.

Planner Whetstone stated that this item was not put on the Consent Agenda because she had received a call from a neighbor requesting the survey and title information. She had not heard back from the neighbor and assumed that he was satisfied with the information

provided. Another reason was that there seemed to be a discrepancy between the GIS and the City's legal description. The City Engineer had reviewed the title report, the legal description, the existing conditions survey, and photos. When Planner Whetstone visited the site she noticed that the property corners were marked at the west edge. She noted that the legal description states that the property goes to the west edge of the road; however, the map shows it going to the east edge of the road. To address the issue, the City Engineer had suggested adding a condition of approval stating that "Prior to plat recordation the property owner shall verify that the driveway for 228 Sandridge is not located on subject property (222 Sandridge), and if it is located on 222 Sandridge or a portion thereof, an access easement shall be provided for the benefit 228 Sandridge Avenue."

Mr. Baglino stated that the applicant agreed with adding the condition of approval.

Planner Whetstone noted that the survey, the title report and the legal description on the Historic Sites Inventory comports with the title report that the applicant does not own the road.

Mr. Baglino remarked that the survey done by Alliance Engineering indicates that the roadway is not part of the property; but that was not shown on the legal description. Planner Whetstone clarified that because of the discrepancy with the GSI the City Engineer wanted verification of ownership.

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 as outlined in the draft ordinance.

Mr. Baglino remarked that all three parcels are owned by 222 Sandridge and the purpose was a simple lot line cleanup.

Commissioner Worel referred to page 189 and the reference to tiered historic low rubble stone walls that do not have foundations. She asked if the walls needed to be shored up and whether they had a retaining purpose. Planner Whetstone stated that the walls between the two properties served no purpose; but she did not believe the walls should be removed. Mr. Baglino clarified that the wording "rubble" was correct and that the walls served no retaining purpose. Mr. Baglino stated that they do intend to shore up the foundation.

Planner Whetstone indicated an encroaching railroad tie wall and noted that the owner of 222 would need to provide an encroachment for the property on the north.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

MOTION: Commissioner Phillips moved to forward a POSITIVE recommendation to the City Council for the 222 Sandridge Avenue Plat Amendment based on the Findings of Fact, Conclusions of Law and Conditions of Approval found in the draft ordinance. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 222 Sandridge Avenue Subdivision

1. The property is located at 222 Sandridge Avenue.
2. The property is in the Historic Residential-1 (HR-1) Zoning District.
3. The subject property consists of portions of Lots 19, 20, and 21, Block 72, Park City Survey.
4. The property is recognized by Summit County as Parcel PC-600 (Tax ID).
5. There is an existing landmark historic structure located on Lots 19 and 20 that straddles the common property line. The house was constructed circa 1904.
6. The proposed Plat Amendment creates one (1) lot of record from portions of three (3) lots consisting of a total of 3,553 square feet.
7. The maximum building footprint for a lot this size is 1,455 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 does not meet the minimum lot area for a duplex dwelling.

14.The minimum lot width allowed in the Historic Residential-1 District is twenty-five feet (25'). The proposed lot is 31.96 feet wide and meets the minimum lot width requirement.

15.The existing historic house has a zero side yard setback on the north property line. This is a legal non-complying condition because the house is historic and this portion of the house was added on circa mid- 1940s. Existing house complies with the south side yard setback.

16.The submitted certified as-built survey shows a tiered historic low rubble stone wall (no foundation, just piled stones) buried in heavy vegetation encroaching a diminimus 3"-4" onto subject property from the property to the west for approximately five feet (5') along the rear property line.

17.An historic rubble pile of rocks is also located between the subject property and property to the north. It is about 18" high and does not have a foundation. The pile of rocks retains the ground between the two houses. This encroachment is historic and diminimus in nature.

18.A railroad tie retaining wall is located on the property line between the subject property and adjacent property to the north. The railroad tie wall encroaches from the property to the north onto subject property a diminimus 1"-2" for about five feet (5') in one area and encroaches approximately 15" onto subject property at another location to the east.

19.The applicant bears the burden of proper approvals for the railroad wall that encroaches 15", which may include providing an encroachment agreement for the neighbor, or the retaining walls may be relocated or removed to be completely on each separate property.

20.The property is located within the Flood Plain area identified on the FEMA maps.

21.The property is located within the Park City Soils Ordinance boundary.

22.Establishment of a sewer easement and upgraded sewer laterals are required for this property.

23.According to the title report and existing conditions survey, the road, "Sandridge

Avenue”, is not part of the proposed plat. To ensure that access to 228 Sandridge is not impeded by this proposed plat Staff recommends a condition of approval that prior to recordation of the plat the property owner will verify that the driveway access to 228 Sandridge Avenue is not impeded and if the driveway is located on a portion of 222 Sandridge Avenue then an access easement will be required to be provided for the benefit of 228 Sandridge Avenue.

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

Conclusions of Law – 222 Sandridge Avenue Subdivision

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 plat amendments.
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 – 222 Sandridge Avenue Subdivision

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 the final signed mylar has not been presented to the City for City signatures for recordation 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 of July 30, 2016, and an extension is granted by the City Council.
3. All new construction shall comply with LMC setback regulations in effect at the time of building permit issuance.
4. A ten feet (10') wide public snow storage easement will be required along the Sandridge Avenue frontage of the property and shall be shown on the plat prior

to recordation.

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

6. The encroaching railroad tie retaining wall on the north property line shall be resolved prior to plat recordation.

7. An elevation certificate, showing that the lowest occupied floor is at or above the Base Flood Elevation (BFE), shall be submitted prior to issuance of a building permit and reviewed by the City Engineer.

8. All requirements of the Park City Soils Ordinance shall be complied with as part of the building permit process for any future construction on this property.

9. All requirements of the Snyderville Basin Water Reclamation District shall be satisfied prior to recordation of the plat.

10. Prior to plat recordation the property owner shall verify that the driveway for 228 Sandridge is not located on subject property (222 Sandridge) and if it is located on 222 Sandridge or a portion thereof, an access easement shall be provided for the benefit 228 Sandridge Avenue.

3. 1893 Prospector Avenue – Master Planned Development Application for 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)

Planner Whetstone reviewed the application for a Master Planned Development for an 11 residential dwelling unit building proposed at 1893 Prospector Avenue. Nine units are proposed as market rate low attainable units. Two units are proposed as deed restricted units in compliance with the City's Housing Resolution 25-12.

The project is located in the General Commercial zone, which requires a conditional use for residential uses. The Planning Commission approved the CUP on May 13, 2015. On May 13th the Planning Commission also reviewed the Master Planned Development, at which time it was discovered that the LMC as written did not allow an MPD for this project. The Planning Commission recommended that the Staff relook at that section of the Code. The Staff came back with a Land Management Code Amendment to allow any project to be submitted as an MPD in the GC and LI zone, which would allow smaller projects to take

advantage of some of the criteria and planning flexibility. The LMC amendment was approved by the City Council.

Planner Whetstone reiterated that the Planning Commission held a public hearing and reviewed this project on May 13th and continued the item. The applicants were back again this evening for action by the Planning Commission.

Planner Whetstone reported that the Staff had completed an analysis of all of the criteria of the Master Planned Development. Specifically, the applicant was requesting a height exception of approximately 6' over the zone height of the GC, which is 35 feet for a flat roof and 40' for a pitched roof. In order to grant the height exception the Planning Commission must find that it complies with specific criteria.

The Staff requested that the Planning Commission conduct a public hearing and consider approving the MPD at 1893 Prospector Avenue.

Ehlias Lewis, representing the applicant, had nothing to add to their previous presentation. He stated that the intent was to create an interesting design with attainable housing inside City limits. He stated that with the high importance of having natural lighting in each unit and having oriented the building to achieve that, the previous discussion was centered around the height exception. Mr. Lewis pointed out that only 30% of the building would be above the height restriction in the GC zone in Prospector Square.

Mr. Lewis stated that the building was intentionally laid out to give open space for public decking for the residents. Their burden is the development agreement they have with the Prospector Square Property Owners Association to retain the parking because the lot was moved. To meet that burden the building is on stilts. Mr. Lewis requested that they be allowed the height exemption for the top section which has two units. He thought the design was much more interesting than a simple rectangular building, which they were allowed to do without coming to the Planning Commission. Mr. Lewis believed this project was a benefit to the City and he explained how they were trying to promote alternative uses of transportation. There is emphasis on the Rail Trail connection to get the occupants in and out of the building in a resort style.

Mr. Lewis had prepared models for the May 13th meeting and he brought the models back this evening. He noted that the design had not changed since the last meeting.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

Commissioner Band pointed out that attainable housing was not a condition of approval of this project, and everyone was pleased that they were doing it. Commissioner Band understood that Mr. Lewis has been hesitant to limit nightly rental in the property. She is in real estate for a living and she knows how difficult it can be to finance a project when there is nightly rental. Commissioner Band stated that nightly rental does not in and of itself make it a non-warrantable condo. A non-warrantable condo requires 20% down, which makes it more difficult to be attainable for young professionals. However, when they get to the point of 48% investment, i.e. nightly rental, anything above that becomes non-warrantable. Commissioner Band stated that when they begin selling to young professionals she was not convinced that they would not be inundated with second homeowners looking for nice priced new construction in Park City. She believed they could quickly end up with nightly rentals and a second home project.

MOTION: Commissioner Phillips moved to APPROVE the Central Park City Condominiums MPD based on the Findings of Fact, Conclusions of Law and Conditions of Approval found in the Staff report. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – Central Park City Condominiums

1. The subject property is located at 1893 Prospector Avenue and consists of Lot 25b of the Gigaplat replat, a replat of Lots 25a, 25b, and Parking Lot F of the Prospector Square Supplemental Amended Plat.
2. The Gigaplat replat was approved by City Council on June 5, 2014. The final mylar was recorded on May 1, 2015.
3. Lot 25b is a vacant, undeveloped privately owned development lot that is currently part of an asphalt parking lot. The lot contains 5,760 sf.
4. The property is located in the General Commercial (GC) zone and within the Prospector Square Subdivision Overlay.
5. On December 15, 2014, Staff received an application for a pre-MPD for the Central Park City Condominiums (aka Central Park City Apartments) project located in the General Commercial zoning district. The application was considered complete on February 24, 2015.

6. On February 24, 2015, the applicant submitted a complete application for the Conditional Use Permit for residential uses in the GC District. The CUP application was revised on April 13, 2015 to incorporate the required affordable unit, bringing the total number of residential units to eleven.

7. The MPD is being processed concurrently with the Conditional Use Permit for residential uses in the General Commercial district.

8. On March 25, 2015, the Planning Commission conducted a public meeting on the pre-MPD and Conditional Use Permit application. The Commission found that the pre-MPD preliminary concept plans were consistent with the General Plan and GC Zone. The Conditional Use Permit application was reviewed and continued to the April 8th meeting where it was continued to the May 13, 2015 meeting.

9. In the General Commercial (GC) zoning district, residential uses, including multi-dwelling units, are required to be reviewed per the Conditional Use Permit criteria in the Land Management Code (LMC) and require approval by the Planning Commission. Retail, restaurant, bars, offices uses, and similar uses are allowed uses in the GC zone.

10. An FAR of 2 is allowed for buildings within the Prospector Square Subdivision Overlay.

11. The proposed building consists of approximately 11,279 sf of residential uses and circulation area. The proposed FAR is 1.96. There are seven units at approximately 810 sf, three units at 1,017 s, and one studio unit at 500 sf. The units are designed to be smaller, attainable market rate dwelling units for full time residents. At least one, if not two of the units will be deed restricted affordable units to satisfy the required affordable housing obligation required by Resolution 2-15, pending approval by the Housing Authority. The remaining units will be market rate units.

12. Maximum building height in the GC zone is 35' and the applicant has requested through the MPD application, a building height exception of six feet six inches (6'6") for the eastern portion of the building to a height of 41'6". Approximately 30% of the total roof area is subject to the height exception request. The remaining roof areas (70%) of the building less than 35' in height.

13. The building does not exceed the allowable density or maximum floor area ratio (FAR of 2) as allowed by the GC zone based on the total lot area.

14. There are no adjacent structures that will experience potential problems, such as

shadowing, loss of solar Access, and loss of air circulation due to the extra 6'6" of building height for the eastern 30% of the building. The neighboring condominium properties to the east and west are located more than 120' away from the subject building. The proposed building at 1897 Prospector is located 50' to the north with the residential units located on the upper floors and the property management shop located on the eastern portion of the building so as to not be affected by shadows, solar access or air circulation. The rail trail, while not an adjacent Structure, is located approximately 65' to the south of the building, and is approximately 12' higher than the parking lot. The building will not cause loss of solar access or air circulation on the rail trail due to the location, orientation, and relationship of the building to the trail.

15. Additional landscaping is proposed that does not currently exist within the parking lot and along the perimeter of Parking Lot F that will provide vegetated buffering between the proposed building and adjacent structures and rail trail as noted in #13 above. There is sufficient setback and separation between the proposed building and the edge of Parking Lot F to buffer the adjacent condominium buildings from adverse impacts due to the additional building height.

16. There is no requirement of open space in the GC zone, however, additional Building Height results in a more articulated and open building design with the opportunity to provide open decks and patios as useable open areas for the residents.

17. The applicant provided renderings, floor plans, and elevations that demonstrate the transition in roof elements and articulation provided by the additional height for a portion of the building that complies with the façade variation and articulation as required in Chapter 5 Architectural Guidelines.

18. Utilities necessary for this use are available at or near the site. A utility plan was approved by the City Engineer and utility providers and utility easements necessary for the use were provided on the plat amendment prior to recordation.

19. Any additional utility capacity, in terms of fire flows and residential fire sprinklers will be reviewed by the Fire District, Water Department, and Building Department prior to issuance of a building permit and prior to recordation of the subdivision plat. Necessary utilities and upgrades shall be installed as required by the City Engineer.

20. Twelve (12) parking spaces are required for the proposed residential uses. Twelve covered parking spaces are proposed on the main level. Parking within Prospector Square is shared and upon completion of the reconfigured Parking Lot F,

there will be a total of 103 parking spaces, including the 12 spaces located under the building, as per the Owner's parking agreement with the Prospector Square Property Owner Association. All 103 parking spaces are intended to be shared parking per the parking agreement. There are approximately 91 spaces currently.

21. A pedestrian bridge connection to the Rail Trail is proposed from the building. The Rail Trail is owned by State Parks and certain permits and/or encroachment agreements will be necessary in order to construct the bridge. The informal connection from Lot F to the Rail Trail will be maintained.

22. The site plan includes an existing trash/refuse area that the applicant will screen by constructing an enclosure of materials compatible with the building. Recycling facilities for the building will be provided on the lower parking level to be convenient to the residents.

23. No outdoor storage of goods or mechanical equipment is proposed.

24. No fencing is proposed.

25. The three and four story building is proposed to be located north of the Rail Trail fully within platted Lot 25b. The Prospector Overlay within the GC zone allows zero setbacks to property lines. The building is oriented towards the Rail Trail and is separated from the Rail Trail and adjacent buildings so as not to cause adverse shadowing on any existing units, or on the Rail Trail.

26. The building includes façade shifts on all elevations. Residential uses are located on the second, third, and fourth floors with common outdoor terraces and green roof elements oriented to the south.

27. No changes to the existing open space within the Prospector Square planned area are proposed with the residential uses. The new building is proposed to be constructed on an existing re-platted lot. Common decks and terraces are provided as open areas for the residents of the units to share.

28. The physical design of the building, in terms of mass, scale, style, design and architectural detailing complies with Title 15-5-5- Architectural Design Guidelines of the Land Management Code and is compatible with the surrounding buildings. The proposed building is contemporary and distinct in design and compliments the variety of building styles in the area. Materials consist of wood, metal, concrete and glass. Green planted roofs and roof terraces provide outdoor space for the residents.

29. No signs are proposed at this time. All signs are subject to the Park City Sign Code.
30. Exterior lighting will be reviewed at the time of the building permit review.
31. The residential uses will not create noise, vibration, odors, steam or other mechanical factors that might affect people and property off-site.
32. The applicants propose to design and construct an enclosure for the existing trash dumpster located at the southwest corner of the parking lot. The service area within the enclosed parking area will include a recycling area.
33. There are no loading docks or delivery bays associated with these uses.
34. The applicant initially intends to own the building and rent the units as long term residences. If the owner desires to sell individual units in the future, a condominium record of survey plat will need to be applied for and recorded at Summit County.
35. The proposal exists within the Park City Soil Ordinance Boundary.
36. The development is located in a FEMA Flood Zone A.
37. The development is located adjacent to a stream with wetlands.
38. The project must comply with the Park City Housing Resolution 02-15 which requires a 15% affordable housing obligation (1.5 AUE at 900 sf per AUE). The applicant's affordable housing mitigation plan outlines two options: 1) include on site the necessary affordable unit equivalents (AUE) or 2) include one affordable unit for a portion of the required AUE and pay the in-lieu fee for the remaining AUE square footage (Exhibit A2). The applicant's preference is to include two required deed restricted units and nine market rate units within the proposed building. The Park City Housing Authority has final approval authority of the Housing Plan.
39. On May 13, 2015, the Planning Commission conducted a public hearing and approved a Conditional Use Permit for residential uses in the GC Zoning District for this project and continued the Master Planned Development to May 27, 2015.
40. On May 27, 2015, the Planning Commission conducted a public hearing and continued the item to July 8, 2015. No public input was provided.
41. The findings in the Analysis section of this report are incorporated herein.

Conclusions of Law – Central Park City Condominiums MPD

1. The MPD, as conditioned, complies with all the requirements of the Land Management Code.
2. The MPD, as conditioned, meets the minimum requirements of Section 15-6-5 of the LMC Code.
3. The MPD, as conditioned, is consistent with the Park City General Plan.
4. The MPD, as conditioned, provides the highest value of open space, as determined by the Planning Commission.
5. The MPD, as conditioned, strengthens and enhances the resort character of Park City.
6. The MPD, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible.
7. The MPD, as conditioned, is Compatible in Use, scale and mass with adjacent Properties, and promotes neighborhood Compatibility and protects residential neighborhoods and Uses.
8. The MPD provides amenities to the community so that there is no net loss of community amenities.
9. The MPD, as conditioned, is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed.
10. The MPD, as conditioned, meets the provisions of the Sensitive Lands requirements of the Land Management Code. The project has been designed to place Development on the most developable Land and least visually obtrusive portions of the Site.
11. The MPD, as conditioned, promotes the Use of non-vehicular forms of transportation through design and by providing trail connections.
12. The MPD has been noticed and public hearing held in accordance with this Code.

13. The MPD, as conditioned, incorporates best planning practices for sustainable development, including water conservation measures and energy efficient design and construction, per the Residential and Commercial Energy and Green Building programs and codes adopted by the Park City Building Department in effect at the time of the Application.

14. The MPD, as conditioned, addresses and mitigates Mine Waste and complies with the requirements of the Park City Soils Boundary Ordinance.

15. Additional building height, as reviewed by the Planning Commission on July 8, 2015, complies with the criteria for additional building height per LMC Section 15-6-5 (F).

Conditions of Approval – Central Park City Condominiums MPD

1. All standard conditions of project approval shall apply to this project.
2. Any signs associated with the use of the property must comply with the City's Sign Code.
3. No outdoor storage of goods or mechanical equipment is allowed on-site. The location of the trash dumpster enclosure shall be approved by the Planning Department prior to building permit issuance.
4. Review and approval of a final drainage plan by the City Engineer is required prior to building permit issuance.
5. Review and approval of the final utility plans, including review to ensure adequate fire flows for the building, is required prior to building permit issuance.
6. Prior to issuance of a certificate of occupancy for the building, the reconfigured Parking Lot F shall be completed, including paving, striping, and landscaping.
7. Final building plans, exterior building materials and colors, and final design details must be in substantial compliance with the plans reviewed by the Planning Commission on July 8, 2015 and shall be approved by staff prior to building permit issuance.
8. Building Height will be verified for compliance with the approved MPD plans prior building permit issuance.
9. The Construction Mitigation Plan, submitted prior to building permit issuance, shall

include detailed information regarding coordination of utility installation, reconstruction of Parking Lot F, and the provision of an interim parking plan during construction.

10. Prior to construction of the pedestrian bridge connection to the Rail Trail all required permits and/or encroachment easements and agreements shall be obtained from the State Parks property owner and the City. If required permits, easements, and agreements are not obtained the bridge will not be constructed.

11. A stream alteration permit and/or 404 permit will be required for any work in the stream area.

12. An elevation certificate will be required showing that the lowest occupied floor is at or above the base flood elevation.

13. A stream study will be required to determine the upstream and downstream flood plain impacts. Impacts will be required to be mitigated.

14. A wetland delineation study by a certified wetland delineator will be required prior to building permit issuance to verify if any wetlands will be disturbed with construction of the building.

15. As part of the final utility plan and prior to issuance of a building permit, the water system must be modeled to verify that adequate fire flows and pressures can be provided to this building.

16. All exterior lighting on the terraces and porches shall be reviewed by the Planning Department with the Building Permit application and shall be subdued, down directed, shielded, and with no exposed bare bulbs.

17. A Development Agreement shall be ratified by the Planning Commission within six months of this approval. The Agreement shall reiterate all applicable requirements for Development Agreements in the LMC as well as zoning requirements related to findings, conclusions, and conditions of approval of the MPD.

18. The Affordable Housing Mitigation Plan shall be approved by the Housing Authority and shall be included in the final Development Agreement.

19. All required affordable housing shall be complete, with certificates of occupancy issued and/or fees in-lieu paid in full, prior to issuance of any certificates of occupancy for the market rate units.

20. The building plans shall be reviewed at the time of the building permit review for incorporation of best planning practices for sustainable development, including water conservation measures and energy efficient design and construction, per the Residential and Commercial Energy and Green Building programs and codes adopted by the Park City Building Department in effect at the time of the Application.

4. **Alice Claim south of intersection of King Road and Ridge Avenue – Alice claim Subdivision and Plat Amendment (Application PL-08-00371)**
5. **Alice Claim south of Intersection of King Road and Ridge Avenue – Conditional Use Permit for retaining walls up to 10' in height (Application PL-15-02669)**

Commissioner Phillips recused himself and left the room.

Planner Christy Alexander reported that the Planning Commission had reviewed the applications on June 10th, 2015, at which time the applicant requested that the Planning Commission continue the items to allow them time to prepare a written response to the comments made by the public and the Commissioners. The applicant was given a deadline of June 24th to submit those comments. The applicant did not meet the June 24th deadline; however, on June 30th they submitted a letter requesting that the Planning Commission continue these items to the July 22nd meeting. In their request they indicated that they were working on negotiations with the neighbor, and they also needed additional time to draft their comments.

The Staff recommended that the Planning Commission grant the request for a continuance to July 22nd because at the last meeting some of the Commissioner chose to defer some of their comments until they saw the applicant's response. The Staff would like those comments submitted on the record on July 22nd so they could make sufficient findings for whatever recommendation is made at that meeting.

The Staff recommended that the Planning Commission conduct a public hearing and continue the two items until July 22, 2015. The Staff also requested that the Planning Commission place a firm deadline on the applicant that all comments must be submitted by noon on July 13th. Planner Alexander pointed out that the Planning Commission has the discretion to decide whether or not to grant the continuation.

Brad Cahoon, legal counsel for the applicant, stated that when they met on June 10th they heard a number of comments from the Planning Commission and the public; and at that time they were not quite sure how they would approach it. Mr. Cahoon stated that when

these items were continued to this evening he had forgotten about a scheduled vacation that took two weeks of his time. He had drafted a lengthy letter and they had eight new exhibits that the Planning Staff had not yet seen. They would have the materials finalized and ready to submit on Monday, July 13th.

Jerry Fiat, representing the applicant, stated that there have been a lot of comments about the history of Alice Lode and what it is, and he wanted to clarify the big picture from a historical perspective. Chair Strachan was willing to hear Mr. Fiat this evening, but he suggested that it might be in his best interest to present everything at one time on July 22nd.

Chair Strachan was personally inclined to grant the continuance until July 22nd and allow the applicants the opportunity to submit their items and make their case. The Commissioners concurred.

Commissioner Thimm stated that he would be on vacation and would miss the meeting on July 22nd. He recalled that Chair Strachan had also mentioned that he would not be in attendance on July 22nd. Since Commissioner Phillips recuses himself from the Alice Claim items, Commissioner Thimm was concerned about having a quorum for the meeting.

Commissioners Band, Joyce and Worel all stated that they would be at the July 22nd meeting. Chair Strachan noted that they would have a quorum if Commissioner Campbell would be there. Planner Alexander offered to check with Commissioner Campbell. Chair Strachan remarked that the dates had been set by the Staff and the applicant and if there was not a quorum it would have to be continued to another date. He asked the Staff to give the applicant as much notice as possible if it needed to be continued beyond July 22nd.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

MOTION: Commissioner Thimm moved to CONTINUE Alice Claim south of Intersection of Kind Road and Ridge Avenue – Alice Claim Subdivision and Plat Amendment to July 22, 2015 with a deadline for the applicant to submit all materials by noon on July 13, 2015. Commissioner Worel seconded the motion.

VOTE: The motion passed. Commissioner Phillips was recused.

MOTION: Commissioner Thimm moved to CONTINUE the Alice Claim south of intersection of King Road and Ridge Avenue – Conditional Use Permit for retaining walls up to 10' in height to July 22, 2015, with a deadline for the applicant to submit all materials by noon on July 13, 2015. Commissioner Worel seconded the motion.

VOTE: The motion passed. Commissioner Phillips was recused.

Assistant City Attorney McLean stated that if the applicant misses the July 13th deadline, the Planning Commission would be notified. If that happens, she suggested that the Commissioners submit the comments they deferred from the last meeting to the Staff in writing by July 15th to be discussed and incorporated into the record on July 22nd. Ms. McLean clarified that if the applicant submits their material on July 13th the Commissioners should wait and comment on the new information.

The Park City Planning Commission Meeting adjourned at 6:25 p.m.

Approved by Planning Commission: _____

**Planning Commission
Staff Report**



Subject: Construction Mitigation Plans
Author: Chad Root, Building Official
Michelle Downard, Deputy Building Official
Date: June 22, 2015
Type of Item: Informational Item

Description

The Building Department recommends that the Planning Commission discuss the current process for addressing construction mitigation.

Background

Construction Mitigation Plans (CMP) are drafted by Code Enforcement during the building permit application review process. Construction Mitigation Plans list requirements set forth within the Park City Municipal Code in addition to other site specific requirements as a result of site conditions or scope of activity. The applicant (property owner or contractor) and the code enforcement office then sign the CMP at the time of permit issuance. Failure to comply with the CMP can result in warnings, stop work orders or administrative fines.

Process

Park City is experiencing record construction in 2015. The amount of construction occurring will have an impact on residents and visitors. The Building Department and Code Enforcement have been utilizing the Construction Mitigation Plans as tools to lessen those impacts.

Department Review

This process has not gone through an interdepartmental review.

Public Input

No public input has been requested at the time of this report.

Recommendation

The Building Department recommends that the Planning Commission review the current CMP process and provide staff with direction on potential changes.

Exhibit

Exhibit A – General Construction Mitigation Plan- no site specifics



CONSTRUCTION MITIGATION PLAN

Subject to Change at Any Time

PERMIT # _____

ADDRESS: _____

CONTRACTOR: _____

Contact Person, 24/7 Phone Numbers

1. **Hours of Operation** are 7:00 a.m. to 9:00 p.m. Monday through Saturday and 9:00 a.m. to 6:00 p.m. on Sundays. Construction activity is not permitted to occur on dates that it would have a negative impact on Special Events and/or Holidays. Other work hour limitations may be placed on Main St and Old Town area Construction sites.

Anticipated events at this time are Sundance, Savor the Summit, July 4th, Tour of Utah, Food & Wine, Triple Crown, Art Festival, Miners Day, Pioneer Day, Halloween. Limitations and other main street events:

There will be **NO WORK during Art Festival, Sundance and on the weeks of Thanksgiving.**

Christmas and New Year's (Dec 23-Jan5). Additional dates may be added by PCMC at their discretion.

If minimal work can be accommodated within the site during any of the events or holidays and can be proven to not have a negative impact on the Event or holiday, it can be considered by the Building Department for approval. If your construction site is in the Main Street or Old Town areas your work areas will be impacted.

During Events you will be required to comply with any requests from the Special Events Coordinator.

Work hour extensions may be approved by the Park City Building Official when needed. In order to be approved, a written request for the extension must be received a minimum of 48 hours in advance and must include the dates and times for the extension and a description of any of the anticipated impacts, (deliveries, outdoor lighting, noise, etc.). The request will not be automatically approved once submitted. It must be considered, and a determination will be made.

2. Parking will not block reasonable public and safety vehicle access. An approved parking plan will be obtained from the Public Works Department prior to permit being issued.

The construction mitigation plan shall include a parking plan. Construction vehicle parking may be restricted to one side of the street at construction sites so as to not block reasonable public and safety vehicle access along streets and sidewalks. Construction parking in paid or permit only parking areas require the Public Works Department review and approve a parking plan. The plan shall also include anticipated temporary parking, e.g. delivery vehicles, large equipment parking. Any street closures require an approved permit from the Building Department or Police Department.

Comments: Any parking in city lots, city property or on street parking must be approved by the Parking Dept. and is not approved with the building permit. No Construction equipment, (fork lifts, cranes, backhoes, etc.) are permitted to be driven or parked on a city street or any other property unless otherwise approved (this includes staging materials, unloading of deliveries, See Deliveries below.)

****No Main St Parking is approved with this building permit for any construction activity or vehicles. Only a very limited amount of parking passes are available at any given time and must be applied for with our Parking Department. Please count on the vast majority of your employees/workers having to car pool to minimize your impacts in the Main Street Corridor. The Construction activity cannot block city sidewalks unless approved with the Building and Engineering Depts.**

Additional staff must carpool from an approved area not located in the Main Street corridor. Transportation/shuttle will be the responsibility of the contractor(s)

Comments _____

3. Deliveries will be during hours of operation only. Contractor will get the appropriate Partial Road Closure Permits approved for Deliveries that take over one hour or close the road. Unless approved otherwise Deliveries will follow the PCMC code for deliveries on Main St. A FULL road closure requires approval from the Chief Building Official no less than 48 hours in advance. _____

Comments: _____

4. Stockpiling & Staging will be on site and within the approved limits of disturbance fence. Comments: If storage cannot be accommodated on site, an off premise site will have to be obtained. Any additional site must be approved including a LOD fence and bond by PCMC.

Comment: _____

5. Construction Phasing if necessary may be required and will be authorized by the Building Official and a copy will be put in the building file.

Comments: During hours of Operation the crane cannot boom over the street without an approved partial road closure permit that includes a traffic control plan meeting MUTCD. _____ **See section 14**

6. Trash Management & Recycling - Construction site will provide adequate storage and program for trash removal and will keep site clean daily. Recycling is encouraged. If the port of potty is installed behind the Construction fencing and is visible to the public it will be required to be screened. Comments: _____

7. Control of Dust & Mud will be controlled daily. Gravel will be placed in the egress and ingress areas to prevent mud and dirt from being tracked on streets. Water will be on site to prevent dust. Comments: _____

8. **Noise** will not be above 65 decibels which violates the noise ordinance and will not be made outside the hours of operation. Comments:

9. **Grading & Excavation** will be during hours of operation and trucking routes may be restricted to prevent adverse impacts. Truck Route to be preapproved by Park City Engineering Department.

Cubic Yards to be removed: _____ Destination: _____

Comments: _____

10. **Temporary Lighting** if used will be approved by the Planning Department. Lighting will be required in a boardwalk if it is determined to be needed. See sec 16

Comments: _____

11. **Construction Sign** will be posted on site and in a location that is readable from the street. The sign will not exceed 12 square feet in size and 6 feet in height. The lettering will not exceed 4 inches in height and will include the following information: Contractor name, address, phone number and emergency contact information. Comments:

12. **Other Issues:** Dogs will be prohibited from construction site. Information will be provided to neighboring property owners to help them be aware of project and to keep the lines of communication open. Comments:

13. Erosion Control: Storm Water Management Plan - Attachment A - will be reviewed, signed and attached to this construction mitigation plan. Comments: Contractor will monitor entry into job site and ensure that no mud or debris enters the gutter or street area that may empty into the city's storm drains. It will also be cleaned daily._____

14. Cranes: All cranes must be preapproved with the Chief Building Official. Contractor will provide a drawing/plan showing radius of boom over neighboring properties.

The boom CANNOT with or without loads be swung over a city street or neighboring properties without prior approval. If approval is given, flaggers will be required.

Airspace or trespass agreements will be required to be in place and a copy in the file before the crane can be installed on the property._____

15. Right Of Way Permits: Right of way permits are required from the City Engineers Office for any work, damage or reconstruction in the Public Right of Way.

A separate Right of Way Permit is required if materials, dumpsters or toilets are to be placed in the Public Right Of Way.

11-14- 2. FENCING OF PUBLIC

RIGHT-OF-WAY. In those zones, which permit construction of buildings up to property lines or within five feet (5') of property lines, leaving a very limited or no setback area, the building official may permit construction fences to be built across sidewalk area where there are sidewalks, or into the parking lane of the street where there is no sidewalk. Where street width will permit, in the judgment of the building official, the construction fence shall also provide a temporary sidewalk area, which may be built in the parking lane of the street. Any sidewalk built as a part of a

construction site fence must be covered with a structural roof, which complies with Section 3306 of the International Building Code. The International Building Code requirements for construction of a temporary sidewalk may be reduced or waived by the Building Official where conditions will not permit the full four foot (4') width. The location of fencing within the public way and the determination of whether to require sidewalk shall be made by the Building Official, subject to review by the City Manager. In the event that changes in parking regulations are required by the construction of such a fence, the Police Chief is authorized to post signs prohibiting or otherwise regulating parking in the area adjoining the construction site.

16. Damage of sidewalks and roadways in construction areas: Boardwalks are required by code and will be required. Boardwalk will have a mine theme and will be required to have lights and/or reflectors. Hand out available with specs.

Sidewalks inside the LOD will be considered a loss and it is expected that the sidewalk will be rebuilt to current city standards. Any damage to existing sidewalks crossed over or under boardwalks during construction will be rebuilt back to city standards, Before Certificate of Occupancy, No exceptions. Bond money may be required by the Engineering Department for Road damage.

*****If a boardwalk is required you can get guidelines at the Building Department.**

17. Toilet Facilities: All construction sites shall have permanent toilets, or an approved temporary toilet facility positioned in a location approved by the Building Department, at the rate of one toilet per fifteen on-site employees (1-15 employees = one toilet, 16-30 employees = two

toilets and so on). Portable toilets will be screened from public view. Suggestions are 3 sheets of Plywood painted dark green or black. Door facing job site. If you would like to do something different to make them aesthetically pleasing it may be approved by Community Service.

18. FENCING. Construction fencing is required. If the excavation is 4' or deeper a six foot chain link will be required for safety. If not it can either be out of dark green or black plastic fencing. We will require wattle or silt fencing in the areas that may be of concern for erosion control. If there is a storm drain(s) in the vicinity the contractor will be required to protect it.

PCMC give no guarantee of partial CO's.

PCMC reserves the right to take abatement action as they determine necessary for inactive construction sites.

PCMC may require the contractor to complete neighborhood noticing to their satisfaction as needed.

** Special Instructions may be given at any time.

Validity of Permit: The issuance or approval of plans, specifications and computations shall not be a permit for, or an approval of any violation to any of the provisions of the Building Code, Fire Code or any of the city Ordinances. Permit presuming to give authority to violate or cancel provisions of the Codes and Ordinances of the Park City Municipal Corporation shall not be valid.

All plans approved are subject to field inspection and interpretation of the field inspectors or the Building Official.

If applicable, construction sites must adhere to ALL conditions of approval.

Contractor _____ **Signature:** _____
Date: _____

Approved _____ **By:** _____
Date: _____

**Planning Commission
Staff Report**

Subject: FY 2016 Capital Improvement Project Plan
Author: Matt Cassel, City Engineer
Date: July 22, 2015
Type of Item: Informational Item



Description

The City Engineer recommends that the Planning Commission review the 2016 Capital Improvement Project Plan for consistency with the General Plan. The projects highlighted in the plan are those that could have planning implications.

Background

In previous years after the Capital Improvement Plan (CIP) Committee (made up by staff) had completed their analysis and project prioritization and provided their final recommendation to the City Manager, the plan has been forwarded to the Planning Commission for review for consistency with the existing General Plan.

Process

Using a ranking system developed by the Budget Department, individual projects submitted by each department were ranked and scored by the committee members, the results were combined and a project prioritization list was created. The CIP Committee completed their analysis and project prioritization in late March and this list is attached as Exhibit A.

The ranking system included five criteria;

- ✓ **Criteria 1 – Objectives** - Meets the vision of a current City Council Goal/Priority (Weight 1.25),
- ✓ **Criteria 2 – Funding** – Source availability an competition for funds (Weight 1.5),
- ✓ **Criteria 3 – Necessity** – Project is a “need have” verses a “nice to have” (weight 1.25),
- ✓ **Criteria 4 – Investment** – Project has a positive history of prior investment suggesting additional support (Weight 1.00), and
- ✓ **Criteria 5 – Cost/Benefit Analysis** – Revenues (or savings) compared to costs (operating and capital) (Weight 1.00).

Department Review

This project has not gone through an interdepartmental review.

Public Input

No public input has been requested at the time of this report.

Recommendation

The City Engineer recommends that the Planning Commission review the 2016 Capital Improvement Project Plan for consistency with the General Plan.

Exhibit

Exhibit A – CIP Description Report

Capital Improvement Plan		
FY 2015 - 2020		
Project Number & Name	Manager	Project - Description
New 000352 Legal Software for Electronic Document Management and Workflow	Robertson	During the past two years, legal staff has researched a few software storage companies to fit the needs of the department with eliminating hard files that can be effortlessly converted over to an efficient paperless system (electronically). The Legal Staff has decided to begin converting over with the Prosecution Program first and is anticipating moving in the same direction at a later time for all civil litigation files and project files.
New 000362 McPolin Farm Barn Seismic Upgrade	Carey	The existing structure is currently inadequate to resist snow loads, wind loads and high seismic loads required by local building codes. There are several structural deficiencies with the general framing of the building that should be repaired. The connection of the floor beams to the exterior wood post needs to be strengthened, the gable walls need to be stiffened and the floor framing at the stairs need to be strengthened. The gable walls need to be stiffened and the floor framing at the stairs needs to be strengthened. Under design snow loads, the roof structure is highly over stressed. One of the 2014 top priorities for City Council is historic preservation. The McPolin farm is considered a historic icon in the entryway corridor to Park City. If it falls down we'll all be in trouble. Staff and the FOF Committee feel that the City should also make the barn available for small tours while they are in the process of the stabilization. A survey by the community will be completed by March 15, and will be presented to Council 3/26/15
New 000363 Payment for snow storage lot	McAfee	Fall of 2014 City Council approved the purchase of .78 acres located at Round Valley Drive in the Quinn's Junction area for the purpose of remote snow storage lot and laydown yard.
New 000366 1450-60 Park Avenue	Robinson	Development of an 8 - 12 unit affordable housing subdivision at 1450-60 Park Avenue. This property was purchased in 2009 for affordable housing. Council has provided direction to move forward with the city as the sponsor/developer. Estimated development costs including soft costs and construction is \$2,61,750. It is expected that 85 percent of the CIP request (\$1.92m) will be reimbursed through proceeds of sale.
New 000368 Artificial Turf Replacement Quinn's	Fonnesbeck	Artificial turf field was installed in 2005 and has a life expectancy of 10-15 years. We are projecting replacement in 2020.
New 000369 Parks Irrigation System Efficiency Improvements	Fonnesbeck	Create a program to fund irrigation system improvement to increase system efficiencies. Some of our irrigation systems are approaching 30 years old and in need of an upgrade. With new irrigation equipment or modifications, current systems could be updated to improve system efficiencies. The program would include: <ul style="list-style-type: none"> • Perform a water audit using a certified third party auditor to test the distribution uniformity (DU) of the larger systems. • Evaluate each park design and functionality; identify opportunities to modify existing park area to create a lower water use landscape. • Use audit information to identify inefficiencies in each system and outline future projects. • Create a program to systematically upgrade irrigation system and/or landscaping. Following system upgrades, the park would be retested to verify efficiency increases. The program would be an on-going program investing 25,000 annually.
New 000370 Remote snow storage site improvements	McAfee	Site improvements are necessary to ensure proper BMP's are established and create better usage of property.
New 000371 Streets and Water Maintenance Building	McAfee	Public Works Operations Facility for Streets and Water Operations and Equipment.
New 000376 Expand Rental Locker Capacity	Noel	Add 22 rental lockers to our current inventory of 64.
New 000380 Private Land Acquisition #1	Robinson	This is a joint acquisition with the open space fund of private property. The land will be developed to include publicly accessed open space as well as a small subdivision of approximately 8 single family homes. The total acquisition cost is \$500,000. This CIP request is for \$250,000.
New 000381 Private Land Development #1	Robinson	Development of an 8 unit affordable housing community. The land is currently under negotiation. This request is dependent upon successful acquisition. The initial phase of the request is for \$184,000 in predevelopment funding. Total estimated development costs including soft costs and construction is \$2,288,400. It is expected that 90 percent of the CIP request will be reimbursed through proceeds of sale.
New 000382 13th Avenue Corridor	Robinson	This is a request for predevelopment funding in FY 18 and construction funding in FY 19 to create 8 small cottages along 13th Street on the edge of the library field. This was a site Council added to the five-year housing agenda. It will be considered this spring during the Lower Park Avenue design charrette. Total estimated development costs are \$1,886,000.
New 000384 Old Town Housing	Robinson	This project is the development of 12-units townhouse/stacked flat in Old Town on land to be acquired. Estimated development costs including soft costs and construction is \$3,205,000. It is expected that 84 percent of the CIP request will be reimbursed through proceeds of sale. This percentage may increase depending on the cost of soil remediation and overall construction costs.
New 000386 Land Acquisition/Banking Program	Robinson	This request is for funding for feasibility and land acquisition for future development. Several potential sites have been identified. As the City begins an aggressive housing development program, it will be necessary to have a source of funding for future land acquisition to respond to new opportunities. Land acquisitions may be done in tandem with open space purchases.
New 000387 Neighborhood Preservation Program	Robinson	This an acquisition/rehabilitation/resale program targeted to older neighborhoods in Park City that are being targeted for tear down/redevelopment and pushing prices beyond even middle income residents. This is designed as a pilot program to promote reinvestment by the private sector and develop new funding sources and mechanisms for homeownership. There is currently on property under negotiation.
New 000388 Traffic Management Cameras	Cashel	Real time visual monitoring of developing traffic conditions will enable the City to respond more effectively to traffic events.
New 000391 Master Plan for Recreation Amenities	Fisher	We have completed the Mountain Recreation Action Plan but need to complete a master plan for the Park City Sports Complex as well as the PC MARC. Facilities have been identified but need to take a global look at existing spaces and facilities so we have a clearer picture of what goes where.
New 000392 Comstock Tunnel Discharge	Ober	Elimination of groundwater discharge to Silver Creek. This will prevent the need for a UPDES Permit and potential treatment of water.
New 000396 HR: Applicant Tracking Software (Recruiting software)	Robertson	Currently all recruitments (part time, seasonal, full time, etc.) are handled manually by HR and the respective departments conducting a recruitment. The recruitment process involves manual entry of resumes and applicants' information. When a successful candidate is hired, the candidate must complete additional paperwork, that otherwise could be automated. Applicant tracking software would streamline the HR recruitment process. Applicant software generates digital versions of paper forms and tracks the candidates' progress through the recruitment. Thus improving the overall process.
New 000398 Replacement of Data Backup System	Robertson	Currently all City data is stored on a platform that provides data backup and recovery services. However, our City data has grown at exceptionally high rates in the past two years, thus our backup platform requires an upgrade to meet these new demands.
New 000399 Video Storage Array	Robertson	The capture, storage and archiving of video information is a large component to the City's information store. However, much of this information should be separated into lower cost infrastructure. Thus reducing the cost of upgrading existing (higher-priority) storage array.
New 000400 Paid Parking Infrastructure for Main Street Area	Fonnesbeck	Paid Parking Infrastructure for Main Street Area - Gates, technology, signage, other improvements
New 000401 C7 - Neck Tank to Last Chance	McAfee	Replace undersized and inadequate supply line in lower deer valley

New 000402 C1 - Quinns WTP to Boothill - Phase 1	McAfee	This is project will increase the water line size in a key area of our system between the Quinns WTP and the Boothill Tank. This will be required to deliver more water associated with at WTP expansion.
New 000403 Regionalization Fee	McAfee	This is a contractual obligation associated with the Western Summit County Project
New 000404 Operational Water Storage Pond	McAfee	Operational water storage pond for the Lost Canyon Importation Project
New 000407 Building Permit Issuance Software	Robertson	In order to increase customer service, efficiency and capabilities, the Building Department is requesting a new permit tracking software. Currently, the Building Department office staff manually type an inspection schedule to post online each day. Redundant permit files are created in order to receive fees (at the time of plan review deposit, permit issuance, increased bonds, etc.) a new permit is created. Applicants complete a carbon copy application forms and then must wait to allow time for the office staff to manually input their information into the computer. Inspectors hand write inspection reports in the field and then type the inspection results into the computer at the end of the day when they return to the office. (City Manager Recommended)
New 000408 LED Streets Lights Phase I	McAfee	Awarded as part of the innovation grant challenge.
New 000409 Bus Stop Play Project	Fisher	Awarded as part of the innovation grant challenge.
New 000410 Park City Disc Golf	Rockwood	The Budget, Recreation and Sustainability departments are currently evaluating the possibilities of installing a 18 to 27 hole disc golf course in Park City. Disc golf is a rapidly growing sport across the County and is played by a wide user base of men and women from ages 8 to 80 as a low cost alternative outdoor recreation activity. In the United States alone, there are currently over 4,900 disc golf courses available in a multitude terrains and skill levels. The addition of a free, publicly available, disc golf course in Park City would be a great addition to the outdoor recreation options for guests and the local community. With this project, staff is proposing the addition of a world class level course suitable for amateurs and professionals as well as new comers to the sport. Staff is currently evaluating location options which may possible be suitable and appropriate for disc golf. Disc golf courses are sustainable options which use the current topography and have low impact on the environment. A disc golf course requires little maintenance and minimal staff time. Staff's intention is to create a high quality course which will meet the high Park City recreation standards. Staff will return to council with additional details and proposals as options are evaluated.
New 000411 Parks and Golf Maintenance Buildings	Fonnesbeck	
CP0001 Planning/Capital Analysis	Rockwood	Annual analysis of General Impact Fees to determine/justify formula, collection, use. Including GASB 34 planning and implementation.
CP0002 Information System Enhancement/Upgrades	Robertson	Funding of computer expenditures and major upgrades as technology is available. Technological advancements that solve a City need are funded from here. Past examples include web page design and implementation, security systems, document imaging, telephony enhancements, etc.
CP0003 Old Town Stairs	Twombly	An ongoing program to construct or reconstruct stairways in the Old Town Area. Stairways that are in a dilapidated condition beyond effective repair are replaced. Most of the stair projects include retaining walls, drainage improvements and lighting. Like trails, the priority depends on factors such as adjacent development, available easements, community priority and location. Funding comes largely from RDAs so most funding is restricted for use in a particular area. Tread replacements are planned beginning with the oldest in closest proximity to Main Street. New sets proposed include 9th St. with three new blocks at \$300,000 (LPARDA);10th St. with 1 new block at \$100,000 (LPARDA);possible improvements to Crescent Tram pending resolution of the current parcel discussions (no identified funding); Reconstruct 3rd St, 4th St, 5th St, others as prioritized (Main St RDA). See also Project #722.
CP0005 City Park Improvements	Fisher	As Park City and surrounding areas continue to grow, there is a greater public demand for recreational uses. This project is a continuing effort to complete City Park. The funds will be used to improve and better accommodate the community's needs with necessary recreational amenities.
CP0006 Pavement Management Implementation	McAfee	This project provides the funding necessary to properly maintain and prolong the useful life of City owned streets and parking lots. Annual maintenance projects include crack sealing, slurry sealing, rototilling, pavement overlays and utility adjustments.
CP0007 Tunnel Maintenance	McAfee	Maintenance and inspection of the Judge and Spiro Mine tunnels. Replacement of rotting timber with steel sets and cleanup of mine cave ins. Stabilization of sidewall shifting with split set of bolts and screening. Track replacement. Flow meter OM&R.
CP0009 Transit Rolling Stock Replacement	Fonnesbeck	This program provides for the replacement of the existing transit fleet. It is anticipated what the Federal Transit Administration will be providing 80 percent of the purchase cost.
CP0010 Water Department Service Equipment	McAfee	Replacement of vehicles and other water department service equipment that is on the timed depreciation schedule.
CP0013 Affordable Housing Program	Robinson	The Housing Advisory Task Force in 1994 recommended the establishment of ongoing revenue sources to fund a variety of affordable housing programs. The city has established the Housing Authority Fund (36-49048) and a Projects Fund (31-49058). Fund 36-49048 will be for the acquisition of units as opportunities become available, provision of employee mortgage assistance, and prior housing loan commitments. It will also provide assistance to developers in the production of units.
CP0014 McPolin Farm	Carey	City Farm Phase II - Landscaping. Trailhead parking. Completion of the sidewalks, ADA accessible trail to safely accommodate the passive use of the property. Pads and interpretive signs to display antique farm equipment.
CP0017 ADA Implementation	Fonnesbeck	Many of the City's buildings have restricted programs due to physical restraints of the buildings. An ADA compliance audit was conducted by the building department and phase one improvements have been made. Additional funds will be needed to continue the program to complete phase 2 and 3 improvements.
CP0019 Library Development & Donations	Juarez	Project 579 also includes a category 39124. Public Library development grant. This is a grant made to all public libraries in Utah by the State, based on population and assessed needs. The uses of this money are restricted by State statute, and must be outlined in the Library goals which are set by the Library Board and due to the State Library at the end of October each year.
CP0020 City-wide Signs Phase I	Weidenhamer	Funded in FY02 - Continue to coordinate and install way-finding and directional signs throughout the City.
CP0021 Geographic Information Systems	Robertson	Utilize the geographic information system software obtained in grant from ESRI to produce a base map, parcel map, and street center line map. Maps will be used by numerous city departments for planning and design purposes. This program is a joint venture between PCMC & SBSID. An interlocal agreement is pending between PCMC, SBSID, and Summit County.
CP0025 Bus Shelters	Fonnesbeck	Passenger amenities such as shelters, and benches have proven to enhance transit ridership. This project will provide the funding necessary to redesign and install shelters and benches at new locations. These locations will be determined using rider and staff input as well as rider data. Funding will be 80% FTA funds, 20% transit fund balance.
CP0026 Motor Change-out and Rebuild Program	McAfee	In order to minimize the potential for water distribution interruptions all system pumps and motors are evaluated at least yearly with those indicating a problem taken out of service and either repaired or replaced. Funded by user fees.
CP0028 5 Year CIP Funding	Rockwood	This account is for identified unfunded projects.
CP0036 Traffic Calming	Cassel	Over the last few years residents have expressed concerns with the speed and number of vehicles, safety of children and walkers. The interest of participation for traffic calming has come in from all areas of town. Funding covers traffic studies, signage, and speed control devices.

CP0040 Water Dept Infrastructure Improvement	McAfee	General asset replacement for existing infrastructure including such assets as pipelines, pump stations, valve vaults, etc.
CP0041 Trails Master Plan Implementation	Twombly	Existing Funds will be utilized to construct the following trails and infrastructure: Prospector connection, April Mountain Plan, Historic trail signage and Daly Canyon connections. Additionally, Phase III trailheads at April Mountain and Meadows Dr. East. Requested funds for future FY include projects associated with continuation of trail connectivity as outlined in the Trails Master Plan and those identified in the PC Heights MPD, more specifically identified as Phase I and II of the Quinn's Park and Ride connections. Easements have been secured for these pathways. Staff will utilize local and state grants to offset costs associated with these connections.
CP0042 Property Improvements Gilmore O.S.	Twombly	The City's property acquisitions often require improvements for the City's intended uses. Improvements typically include structural studies, restoration, environmental remediation, removal of debris, basic cleanup, landscaping, and signs.
CP0046 Golf Course Improvements	Fonnesbeck	This fund encompasses all golf course related projects, enlarging tee boxes, fairways, restroom upgrade, landscaping, pro-shop improvements and other operational maintenance projects.
CP0047 Downtown Enhancements/Design	Gustafson	Close Out Project
CP0061 Economic Development	Weidenhamer	The project was created to provide "seed money" towards public/private partnership ideas. These expenditures are a result of the beginning stages of economic development plan.
CP0069 Judge Water Treatment Improvements	McAfee	Funded by federal funds, user fees, bonds. This project will fund improvement necessary to meet EPA water quality mandates for the Judge Tunnel source.
CP0070 Meter Reading Upgrade	McAfee	This project will provide funding to upgrade meters to enable remote radio reading of water meters. This process will improve the efficiency and effectiveness of water billing.
CP0073 Marsac Seismic Renovation	Gustafson	Marsac seismic, HVAC, ADA and associated internal renovations.
CP0074 Equipment Replacement - Rolling Stock	Andersen	This project funds the replacement of fleet vehicles based upon a predetermined schedule. The purpose of the project is to ensure the City has the funding to replace equipment that has reached the end of its useful life.
CP0075 Equipment Replacement - Computer	Robertson	The computer replacement fund supports replacement of computer equipment and support infrastructure including network, servers, and climate control systems. However, replacement decisions are driven by technological advancements, software requirements, and obsolescence.
CP0081 OTIS Water Pipeline Replacement	McAfee	Water Replacement as part of the OTIS road projects
CP0089 Public Art	Rockwood	This project is designed to fund public art as part of an "Arts Community Master Plan". Public Art will be funded following the Council adopted 1% allocation form each City construction project policy where applicable.
CP0090 Friends of the Farm	Carey	Use to produce events to raise money for the Friends of the Farm and use for improvements to the farm.
CP0091 Golf Maintenance Equipment Replacement	Fonnesbeck	This fund is used for golf course equipment replacement.
CP0092 Open Space Improvements	Fonnesbeck	This fund provides for maintenance, improvements, and acquisition of Park City's Open Space.
CP0097 Bonanza Drive Reconstruction	Cassel	To accommodate new water lines, pedestrian enhancements, gutters, storm drains and landscaping. Possible UDOT small urban area funding.
CP0100 Neighborhood Parks	Twombly	This project includes the creation of neighborhood parks through the use of Park and Ice bond proceeds. This includes projects in Park Meadows, Prospector, and Old Town.
CP0107 Retaining Wall at 41 Sampson Ave	Cassel	City contribution of retaining wall at 41 Sampson Avenue (Donnelly House)
CP0108 Flagstaff Transit Transfer Fees	Cashel	Account for transit transfer fees dedicated to improvement enhancement of Park City transit system.
CP0115 Public Works Complex Improvements	Fonnesbeck	This project will provide for additional office space & furnishings required to house streets/transit/fleet personnel.
CP0118 Transit GIS/AVL System	Fonnesbeck	GIS and AVL systems to provide real time information to passengers and managers to better manage the transit system.
CP0123 Replace Police Dispatch System	Robertson	Replace police CAD/RMS system to meet Public Safety demands.
CP0128 Quinn's Ice/Fields Phase II	Twombly	Additional development of outdoor playing fields and support facilities
CP0136 County Vehicle Replacement Fund	Fonnesbeck	Holding account for Regional Transit Revenue dedicated to vehicle replacement of county owned equipment.
CP0137 Transit Expansion	Fonnesbeck	These funds are dedicated to purchasing new busses for expanded transit service.
CP0140 Emergency Power	McAfee	Complete study to develop recommendations for emergency backup power needs for the water system.
CP0142 Racquet Club Program Equipment Replacement	Fisher	For ongoing replacement of fitness equipment.
CP0146 Asset Management/Replacement Program	Fonnesbeck	Money is dedicated to this account for asset replacement each year. Creation of schedule in FY 07 for Building replacement. Updated in FY 13.
CP0150 Ice Facility Capital Replacement	Noel	For ongoing capital replacement at Quinn's Ice Facility. Funding provided by City and Basin per interlocal agreement.
CP0152 Parking Equipment Replacement	Andersen	For replacement of parking meters on Main St., parking vehicles, and handheld ticket writers. Funded by meter fee revenues.
CP0155 OTIS Phase II(a)	Cassel	OTIS Phase II and III – These projects are a continuation of the Old Town Infrastructure Study and resulting rebuild of Old Town roads that started in 2002. The upcoming roads include 8th Street, 12th Street, McHenry Avenue, Rossi Hill Drive and Silver King.
CP0157 OTIS Phase III(a)	Cassel	OTIS Phase II and III – These projects are a continuation of the Old Town Infrastructure Study and resulting rebuild of Old Town roads that started in 2002. The upcoming roads include 8th Street, 12th Street, McHenry Avenue, Rossi Hill Drive and Silver King.
CP0160 Ice Facility Capital Improvements	Noel	For various projects related to the Ice Facility as outlined in the Strategic Plan.
CP0163 Quinn's Fields Phase III	Twombly	Construction of remaining 3 planned playing fields, sports lighting for 2 fields, scoreboards for all fields, parking spaces for 167 vehicles, parking lot lights, trails, sidewalks, and supporting irrigation system, utilities, landscaping and seeding.
CP0167 Skate Park Repairs	Fisher	Re-paint fence and re-caulk the concrete joints.
CP0171 Upgrade OH Door Rollers	Fonnesbeck	Maintenance Equipment & Parts for Old Bus Barn Doors
CP0176 Deer Valley Drive Reconstruction	Cassel	Total estimated project cost: \$2,000,000. Unfunded amount is the difference between \$1,000,000 in requested impact fees and local match (which is funded by Transfer from General Fund).
CP0177 China Bridge Improvements & Equipment	Andersen	Stairwell Old CB; Fire Sprinkler Upgrade Old CB; Snow Chute
CP0178 Rockport Water, Pipeline, and Storage	McAfee	This project will construct upgrades to the Mt. Regional Water Pump Station at Rockport and a new pump station and intake that will be owned and operated by WBWCD, all to deliver Park City's reserved water from Rockport and Smith Morehouse reservoirs. Also included is the cost of water from WBWCD and replacement fund for the infrastructure.
CP0181 Spiro Building Maintenance	McAfee	Construct upgrades to office building supports that are rotting and determine and construct necessary drainage improvements to the building.
CP0186 Energy Efficiency Study -City Facilities	Ober	Data management for all municipal utilities. This tool will expedite carbon foot printing and better identify energy and cost saving opportunities.

CP0191 Walkability Maintenance	McAfee	This funding is provided for the purpose of ongoing maintenance of completed Walkability Projects.
CP0196 Downtown Projects - Phase III	Weidenhamer	Pedestrian connections and enhancements in the downtown corridor
CP0201 Shell Space	Gustafson	Construction of Shell Space
CP0203 China Bridge Event Parking	Andersen	This project will provide additional parking for Park City.
CP0216 Park & Ride (Access Road & Amenities)	Fonnesbeck	This project will provide funding to construct an access road from Wasatch County to the new park and ride at Richardson Flats. Intersection improvements at SR-248 are necessary for safe and efficient operations of Park and Ride and Park City Heights.
CP0217 Emergency Management Program	Daniels	This project funds Emergency Program Management, the Emergency Operations Center (EOC), City building emergency preparedness supplies, emergency response equipment and supplies, interim mobile command post, community outreach and emergency information technology and communications. Apparently our request for \$15,000 for FY2014 was inadvertently left off in 2012 and was not included in the two-year budget. Projects we anticipated having those funds for are now on hold. However after reviewing the program I believe we can decrease the original FY14 request to \$10,000 from \$15,000. For FY15 & FY16 the \$10,000 for each year increases EOC, response, sheltering and technological capabilities.
CP0226 Walkability Implementation	Weidenhamer	This project funds varying projects related to the Walkability Community program. The projects to be completed with this funding will be as outlined by the Walkability Steering and CIP committees and as approved by City Council during the 2007 Budget Process This was cp0190 in the FY2009 budget
CP0228 Snow Creek Affordable Housing	Robinson	For the planning, design, and construction of the Snow Creek Affordable Housing Project.
CP0229 Dredge Prospector Pond	Fonnesbeck	This fund would pay for the dredging of the Prospector Pond. (Project delayed for Storm Water Master Plan)
CP0231 Mortgage Assistance Program	Robinson	This program provides second mortgage loans to assist employees to purchase homes in the city/school district. The importance of local employees has been recognized during emergency mgmt. planning. It is also an employee recruitment/retention tool.
CP0236 Triangle Property Environmental Remediate	Ober	Cost associated with the assessment and closure of the property through the Utah Voluntary Clean-up program.
CP0238 Quinn's Junction Transmission Lines	McAfee	This is complete and should be deleted
CP0239 PC Heights Capacity Upgrade (tank)	McAfee	This is to pay for an upsize of the Park City Heights Tank per the Water Agreement
CP0240 Quinn's Water Treatment Plant	McAfee	Capacity expansion of Quinns Water Treatment Plant and pig launch/retrieval facility.
CP0244 Transit Contribution to County	Fonnesbeck	For annual capital contribution to Summit County
CP0248 Middle Silver Creek Watershed	Ober	Non-water related acres: accrued a liability and expenditure of \$272,000 in the government-wide statements, governmental activities column
CP0250 Irrigation Controller Replacement	Fonnesbeck	The Parks Department has a total of 38 irrigation controllers located throughout town at all City facilities including, City buildings, athletic fields, parks, school fields, etc. These electronic devices provide irrigation control to landscaped areas by radio communication from the Central computer to the individual field units. Some of these controllers are 20 years old, as they were originally installed in the early 1990s. Over the past four years we've continued to experience many electronic/communication problems with these old outdated field units. We recommend taking a systematic approach by replacing 2-4 controllers a year for the next several years. To date we are about 30% complete.
CP0251 Electronic Record Archiving	Robertson	This project is used to purchase and implement electronic archival solutions for storage and conversion of paper processes/workflows. As of February 2014, phase one has been paid and implementation will soon begin. Finance will be the initial benefactor and will begin processing and storing invoices electronically saving storage and retrieval time.
CP0252 Park City Heights	Robinson	Predevelopment expenses for PC Hts including consultants (wholly our cost) engineering, traffic and design studies (split with Boyer)
CP0255 Golf Course Sprinkler Head Upgrade	Fonnesbeck	The sprinkler heads on the course are 26 years old. These heads are worn out and outdated. The new sprinkler heads are more efficient in water application and distribution uniformity. PROJECT COMPLETED - PLEASE REMOVE
CP0256 Storm Water Improvements	Cassel	This money would be to fix and repair any of our current storm water issues within the city.
CP0258 Park Meadows Ponds Control Structure	Cassel	The existing control structure uses planks that are occasionally removed causing downstream flood. This would replace the wood planks with a lockable gate.
CP0260 Monitor and Lucky John Drainage	Cassel	Correct the drainage issue around the Lucky John and Monitor intersection.
CP0263 Lower Park Avenue RDA	Weidenhamer	The project entails planning, design, demolition, reconstruction of historic buildings, construction of new buildings, and possible land acquisition in the Lower Park, Woodside, platted Norfolk and Empire Avenues North of 13th Street within the Lower Park Avenue RDA. PM I includes new community center and reconstruction of 2 historic houses at Fire Station area.
CP0264 Security Projects	Daniels	The Building Security Committee was established in 2008 and makes recommendations on security issues, training and equipment for all occupied city buildings. The two largest components are Closed Circuit Video Systems (CCVS) and Electronic Access Controls (electronic door locks), along with some smaller security upgrades including, alarms, fragment retentive film, lighting and training. This is a multi-year project with estimates for camera upgrades and expansion at \$200,000, Access Controls at \$150,000 and other projects at \$50,000. Some funding for upgrades may be available from the Asset Management Fund. The funds from the LPARDA are for the City Park Recreation Building and/or the Library/Education Center. Emergency Management Information Technology and Building Maintenance are partners in this project.
CP0265 Crescent Tramway Trail	Cassel	This request is to secure funds specifically for the improvement of the Crescent Tramway Trail creating an identifiable, safe, and connected pedestrian trail. The Crescent Tramway easement follows the historic route of a narrow-gauge railroad which was first used in the late 1800s to carry ore from the Crescent Mine to the Park City Smelting Company. The trail begins near the corner of Park Ave and Heber Ave and winds up the foothills. It passes Woodside Ave, Norfolk Ave, and Lowell Ave, before it reaches a plethora of trails within the recreational open space areas. The tram route closed in 1898 after the smelter burned to the ground, and the railroad tracks were pulled up around 1901. The tramway has since been used as a pedestrian path, hiking trail, and bike route. Past development along the Crescent Tramway Trail has made it difficult to follow the pedestrian easement and it is even unrecognizable as a pedestrian trail in areas.
CP0266 Prospector Drain - Regulatory Project	Ober	Project is being done under an Administrative Order on Consent with the EPA to address the discharge of metals impacted water from the Prospector Drain and Biocell. Project involves first conducting an Engineering Evaluation and Cost Analysis, then selecting a remedial action and implementation. In addition, a Natural Resource Damage Assessment must be done that will determine compensatory restitution for damages to natural resources.

CP0267 Soil Repository	Ober	Should we successfully complete the current negotiations with the EPA on the Multi-Party agreement then Park City would likely need to financially participate in a portion of the construction of a soils repository. These would be a one-time cost. Ongoing costs for the repository would likely be incurred by United Park City Mines. Park City would likely not have a future role in the operation of the repository.
CP0269 Environmental Revolving Loan Fund	Ober	Sustainability Staff is requesting \$100,000 in additional funds for the Environmental Revolving Loan Fund. With the hire of an Energy Project Manager through Rocky Mountain Power's demand side management program, Sustainability will be pursuing 3,000,000 kWh in energy savings over the next three years. This work will result in annual, ongoing savings of at least \$75,000 per year (\$225,000 per year by 2019). Increasing the Environmental Revolving Loan Fund by \$100,000, or to a total balance of \$278,000, will allow the Energy Project Manager to rapidly fund and deploy projects. The Environmental Revolving Loan Fund is repaid through energy savings. All but \$24,000 of the fund is currently invested in high return projects.
CP0270 Downtown Enhancements Phase II	Weidenhamer	10 year improvement plan for pedestrian enhancements and public gathering spaces in the Main Street area. Pedestrian enhancements consist of replacing the curb, gutter, sidewalks, street lights, and the addition of storm drains, benches, trash and recycling bins... Gathering spaces include plazas and walkways.
CP0273 Landscape Water Checks	McAfee	sprinkler audits and improvement recommendations
CP0274 PC Heights Development Infrastructure	McAfee	
CP0275 Smart Irrigation Controllers	McAfee	This is an incentive program designed to reduce water demand through the use of technology that adjusts watering amounts based on climatic conditions.
CP0276 Water Quality Study	McAfee	This is for various water quality related studies and activities such as pipe cleaning, monitoring equipment installation, studies, and research opportunities.
CP0277 Rockport Capital Facilities Replacement	McAfee	This is for asset replacement related to the diversion and pumping structures on the Rockport Reservoir
CP0278 Royal Street	Cassel	Royal Street Project – The Royal Street Project is the permanent repairs to the section of Royal Street that slide during the high spring run-off from a three years ago. This project will reinforce the existing wall to give it a 20 plus year life span. Current life span at construction was estimated at five years. Construction will start this July and be completed by October.
CP0279 224 Corridor Study and Strategic Plan	Cashel	Project includes a corridor study and strategic plan for State Route 224 between Thaynes Canyon Drive and the Deer Valley Drive/Bonanza Drive intersection. The resulting Plan will be a guideline for future decisions regarding Walkability projects and connectivity, transportation efficiencies, and access. The Plan will fold into land use and redevelopment decisions regarding the western side of the Bonanza Park district and General Plan discussions.
CP0280 Aquatics Equipment Replacement	Fisher	There is no capital replacement fund for the two outdoor pools. This will be set up to build a fund balance for the eventual replacement of pool infrastructure and equipment. This year we had to use Asset Management Funds for several repair/replacement items.
CP0282 Fuel Trailer	Andersen	Purchase a fuel trailer with capacity enough to refuel emergency generators from city fuel tanks at new fueling facility
CP0283 Storm Water Utility Study	Cassel	Storm Water Utility Study – This study will look at the opportunities in creating a storm water utility which would then be used to fund our storm water system operation and maintenance activities. Currently funds are used from other Public Work programs to maintain our current storm water system. This study will look at how the utility will be structured, the potential revenue generated and the administrative operations of the utility.
CP0285 PCMR Transit Center	Fonnesbeck	This CIP will fund the design and construction of a new transits center at Park City Mountain Resort
CP0286 Ironhorse Electronic Access Control	Fonnesbeck	This CIP will provide for Electronic Access Control for the 72 doors at Ironhorse Public Works Facility. Costs are shared based upon proportional share of doors. Project will be phased over 3 years.
CP0287 Ironhorse Seasonal Housing	Fonnesbeck	Seasonal housing (Dorm Style) for up to 16 seasonal transit employees to be constructed on Ironhorse Property. Rents will recapture op expenses, capital renewal, and initial capital.
CP0288 Transit Signal Priority	Fonnesbeck	This CIP project will install Transit Signal Priority equipment in Signals along SR-248 and SR-224. this system will provide extra green light when a transit bus is in the signal queue. This increased green time will contribute to the convenience and dependability of Transit travel times.
CP0289 Ironhorse Transit Facility Asset Management	Fonnesbeck	This CIP will fund ongoing Capital Renewal needs for the City's expanded Ironhorse Transit facility. This fund will provide for roof, parking garage, HVAC, lifts and equipment capital renewal. Summit County contributes its proportional share.
CP0290 APP Development	Robertson	This App Development request consists of development services required to create and maintain new "Apps" that are becoming an expected part of city services delivery. It is anticipated that several core functions could be offered through Apps on mobile devices, namely requesting information and work from city staff. A proposed historic web app has been approved by Council and is expected to be completed fall 2014.
CP0291 Memorial Wall	Fisher	Council was supportive of building a Memorial Wall at the PC Cemetery. The cost of construction will be recovered through the sale of "plates" that will be installed on the wall.
CP0292 Cemetery Improvements	Fisher	City Council has an interest in developing a head stone replacement and restoration program for the cemetery. There is also an interest in using ground penetrating radar to see if the southwest corner of the cemetery can be reclaimed.
CP0293 Parking System Software	Andersen	Replace existing parking system software and hardware
CP0294 Spriggs Barn	Fonnesbeck	This option will provide funding to stabilize the Spriggs Barn from further dilapidation and begin a long rang plan for restoration.
CP0296 Staff Interactive Budgeting Software	Briggs	Close Out Project - Budgeting for Outcomes software to streamline budgeting process. The software will include an easy-to use and aesthetically pleasing interface (dashboard), budget monitoring and reporting, forecasting, adhoc analysis, real-time updates, and a performance measurement component. Software also includes the ability to breakdown current departmental budgets into distinct BFO programs in an user-friendly format. Software also includes advanced budget monitoring capabilities as well as performance measure integration. Should work seamlessly with the Eden Accounting System.
CP0297 Parking Wayfinding	Andersen	Wayfinding for Main Street parking resources. First year is for signage and consulting assistance with finding garage and internal garage circulation. Years 2 and 3 are for a smart system to indicate stalls available.

CP0298 Historic Preservation	Eddington	1. National Register historic district study. 2. Intensive level surveys within National Register District. 3. Intensive level surveys of Landmark Buildings. 4. Intensive level surveys of significant buildings.
CP0299 Raw Water Line and Tank	McAfee	This can be deleted
CP0300 Irrigation Screening Facility	McAfee	The irrigation screening facility will provide screening of water from the Weber River and the potential Round Valley Reservoir. The purpose of this facility is to screen fine particles and organic material prior to entering the irrigation system. Without this facility, existing irrigation systems would become clogged and would not function properly.
CP0301 Scada and Telemetry System Replacement	McAfee	This project is to replace and upgrade the water system's SCADA (supervisory control and data acquisition) system. There are many limits to the current system including limited technical experts that understand the programming, limited ability to report, trend, and integrate water quality monitoring and trending. This upgrade will allow the system to be better integrated into the Quinns WTP system and the AMR system.
CP0302 Deer Valley Drive - Water Infrastructure	McAfee	This project will be a part of the road reconstruction project and will replace water infrastructure including a distribution and transmission mainline, several valve vaults, and a modification to a underground pump station. It is recommended that this water infrastructure be replaced in conjunction with the road project to avoid future emergency repairs.
CP0303 Empire Tank Replacement	McAfee	As part of the drinking water solution for the Judge Tunnel Source, the Empire Tank will be converted into a raw water tank and as a result will need to be replaced to meet drinking water storage requirements. In addition to the projected water storage deficit in the Old Town area, the existing Woodside tank is approximately 50 years old. Both of these factors will be considered with the new tank construction.
CP0304 Quinn's Water Treatment Plant Asset Replacment	McAfee	With the addition of Quinns Junction Water Treatment Plant (QJWTP), a budget line item is required for asset management of this \$14,000,000 facility. This money will be used to replace valve, pumps, membranes, and other items to be replaced at the facility over time.
CP0305 Quinn's Dewatering	McAfee	A mechanical dewatering process addition at QJWTP will be required once Judge Tunnel water is treated at this facility. Judge water contains various constituents in particulate form which will be filtered out by the membranes at QJWTP creating a concentrated waste stream that requires treatment. The current waste stream is discharged into the sanitary sewer which is then treated at Snyderville Basin's Silver Creek Facility. However, with the addition of Judge's waste stream, discharge to the sewer will be prohibited as a result of the concentrated metal content.
CP0306 Open Space Acquisition	Rockwood	City Council pledged \$15 million as part of the Additional Resort Sales Tax. Funds were allocated or planned in three phases as a mixture of cash and debt. Phases were to be adjusted as necessary to match actual land acquisition needs. Phase I, \$4.5 M. FY2014; Phase II, \$5.5 M. FY2015; Phase III, \$5 M. FY2017.
CP0307 Open Space Conservation Easement Monitor	Rockwood	
CP0308 Library Remodel	Twombly	The library renovation will start in June 2014 and completion is estimated in Spring 2015. The construction budget is \$6.82 M, and the total budget is \$9.32. The scope includes: <ul style="list-style-type: none"> Interior renovation and expansion of the library into all of floors one and two; Interior renovation of the 3rd floor for flexible community space and Park City Cooperative Preschool (PCCP) and Park City Film Series (PCFS). This community space is anticipated to be used in the short term to house senior center functions and support community activities during off hours, including pre and post function support to the Santly; An added, single-story entry sequence to the library at the north façade; A 2 story addition at the northwest corner providing added function, flexibility and consolidation of services; and Modifications of the 1992 addition to expose the original historic structure on the south, west and north facades.
CP0309 Multi-Generational Housing	Weidenhamer	Park City is in need of housing that is structured to meet the changing needs of the community. Multi-generational housing can include smaller, multi-level units for singles and young couples, larger units for growing families and smaller single-level units with built-in fixtures that allow a person to age-in-place. <p>Pursue an age-in-place and attainable housing project on city-owned land at the location of the current senior center, former Park Avenue fire station and adjacent land acquired from Knudson and Elliott Work Group. The current schedule allows for a charrette to identify goals, relative density and scope of the project in summer 2014 with a projected start of construction in spring 2016.</p>
CP0311 Senior Community Center	Weidenhamer	Possible renovation to City facilities in LPARDA such as the Miner's Hospital to provide for senior and community needs.
CP0312 Fleet Management Software	Fonnesbeck	Procurement and implementation of fleet management software to replace Lucity and Fuel Management equipment that has proven inadequate to provide Fleet Management with data and reporting necessary to meet stringent federal transit administration reporting requirements and analytical support required for sound fleet mgmt. Staff has worked closely with it on assessment of current system and all parties agree replacement is justified.
CP0313 Transportation Plans and Studies	Cashel	Funding for transportation/transit plan studies (e.g. short range transit development plan SR-224, corridor studies, mountain transportation plans). These plans & studies will determine required transit/transportation capital programs for future years.
CP0314 Richardson Flat Road-Improvement	Fonnesbeck	Obligation to improve Richardson Flat Road as set forth in Park City Heights Annexation Agreement development agreement and sales agreement.
CP0316 Transit Facility Capital Renewal Account	Fonnesbeck	This project will serve as a reserve account for capital assets owned and operated by park city transit. Annual contributions will ensure critical buildings will have a local funding source as they require renewal. Level of funds assume federal transit admin. grants are available when required. Funds will be used for Major capital items such as roofing, paint, siding, cameras, etc.
CP0317 Deer Valley Dr. Phase II	Cassel	Deer Valley Drive Phase 2 – This project follows the Deer Valley Drive road project that was completed last year. This project includes adding more sidewalk, pedestrian lighting, landscaping, bus pullouts and bridge repair amongst other things. Construction will start in July of this year and be completed by October.

CP0318 Bonanza Park/RMP Substation Mitigation	Rockwood	\$1.5 million was originally allocated by Council to provide mitigation and relocation costs related to the Rocky Mountain Power Bonanza Park Substation. Staff recommends these funds remain in the Bonanza Park project area to be used for mitigation, economic development and infrastructure improvements contingent on the completion and adoption of the Bonanza Park Area Plan.
CP0321 Fitness in the Park	Fisher	Installation of at least 8 pieces of fitness equipment located outside. Locations being considered are city park, or the farm trail.
CP0322 Cement Practice Walls	Fisher	Practice walls can be used by various groups and individuals to practice ball sports against. These would be built to the specs of an outdoor handball court. Potential locations include sports complex or City Park
CP0323 Dog Park Improvements	Fisher	Looking to create a more attractive dog park at the Park City Sports Complex. This project may include additional shade, terrain, variations and obstacle course as well as landscape enhancements.
CP0324 Recreation Software	Fisher	The recreation department is looking to replace the current class software system that provides program registration, membership sales, facility and court booking, league scheduling and online services. This system is utilized by the PC MARC, the recreation and tennis departments, and to a lesser degree the HR, special Events and Parks departments. The services this software system provides are CORE City services. The current system is outdated, and the client/server system seems to be fading out industry-wide.
CP0325 Network & Security Enhancements	Robertson	This project provides for hardware and software to better protect key departments and the organization for internal and external cyber threats. This project also assists with compliance for PCI, Homeland Security and PCI. Phase one of this project has been completed, phase two includes expansion of network security filters across remaining departments.
CP0326 Website Remodel	Robertson	The City website is in need of an upgrade. While visual enhancements will be a function of this project, the key changes will include improved mobile capabilities, content management and incorporation of new technologies. As of January 2014, IT has met with department website publishers to identify needs and wants with project kick-off in April/May.
CP0327 Outdoor Tennis Court Rebuild	Fisher	Rebuild seven outdoor courts at PC MARC and add 4 pickleball courts. Project needs an additional \$70,000 to complete it properly. This includes \$22,000 in change orders, \$16,500 in removable fence panels around the bubble, \$15,200 for 4 shade cabanas and \$17,000 to cover irrigation & landscaping
CP0328 Meeting Documentation Software	Glidden	This project is for the purchase and implementation of a Meeting Management software solution that is primarily for the recording and streaming of public meetings for both audio and video (utilization of video streaming will be a phased consideration with meeting room upgrades). The software will also support work flow process for meeting packets. As of February 2014, the initial project kick-off meeting has been initiated.
CP0329 Main Street Infrastructure Asset Management	McAfee	This Funding is dedicated for replacement and maintenance to the Main Street Improvement program
CP0330 Spiro/Judge Pre-treatment	McAfee	This is for treatment of the Judge and Spiro mine tunnels to comply with the clean water act
CP0331 Micro-Hydro/Thaynes Pump Station	McAfee	
CP0332 Library Technology Equipment Replacement	Robertson	In 2014, Council approved a Library facility remodel that included operational enhancements and public space for a digital media and technology lab. This CIP serves as a fund to replace aging technology not eligible under the Computer Replacement Fund.
CP0333 Engineering Survey Monument Re-establish	Cassel	Monument Re-establishment – this project sets a small amount of money aside to start re-establishing survey monuments that have been damaged or destroyed over the years. These monuments are located very two to three blocks and were set in the early 1980s. Without a County Surveyor to oversee the County monument system, the task falls to the Cities to maintain their own survey monument system. Many of our survey monuments around town have been disturbed/destroyed. This CIP re-establishes the most critical monuments most notably those along Main Street.
CP0334 Repair of Historic Wall/Foundation	Cassel	The historic wall/foundation located just south of Hillside Avenue is located in the ROW and is showing signs of disrepair. This project is to have the wall structurally evaluated and to have the repairs completed.
CP0335 Engineering Small Projects Fund	Cassel	Small Project Funds – This project will address small projects around town which currently include stair repairs north of Marsac, replacement of handrails along Heber, Main Street bridge repairs and bridge evaluations. The purpose of completing these projects is to keep our image polished.
CP0336 Prospector Avenue Reconstruction	Cassel	Prospector Avenue Reconstruction – Park City is slated to receive \$1,000,000 in Small Urban Fund Grant money in 2016. These funds require a 7% match but also have strict restrictions on how they are used. The CIP money requested is to allow our staff to complete the project in one season. Elements of the project include updated storm drains, sidewalks, bus pullouts, additional lighting, resurfacing of the road, bike lanes, etc.
CP0337 Solar Installation - MARC	Ober	This request is for a solar installation on the MARC. This 194kW system will be the City's largest and most prominent solar installation.
CP0338 Council Chambers Advanced Technology Upgrade	Robertson	This project provides for significant technology upgrades to the Council Chambers area to allow for public audio and video feeds. This supports flexibility and multipurpose use of the area. Also, this allows for the improved recording and zone acoustics. This project addresses the structural limitations of the room requiring concrete cuts and conduit.
CP0339 Fiber Connection to Quinn's Ice & Water	Robertson	This project provides for a high-speed fiber connection to the Quinn's water treatment plant and to the Ice arena with the potential to serve other public/private needs.
CP0340 Fleet Shop Equipment Replacement	Andersen	This project funds the acquisition and replacement of fleet shop necessary for vehicle servicing equipment such as computer diagnostic equipment, tire servicing equipment, and vehicle lifts/jacks that are not affixed to the building based upon a useful life calculations. The purpose of the project is to ensure the City has the funding to replace equipment that has reached the end of its useful life.
CP0341 Regional Interconnect	McAfee	This is one of 3 interconnects that are planned to connect park city's water system with Mountain Regional and Summit Water. This was a part of the Western Summit County Regional Water Supply Agreement we entered into in 2013.
CP0342 Meter Replacement	McAfee	This is the meter and laterals asset management program
CP0343 Park meadows Well	McAfee	The park meadows well has been classified as ground water under the direct influence of surface water. This designation happened in 2014 and will require treatment. This is one of 8 critical water sources for the City.
CP0344 PRV Improvements for Fire Flow Storage	McAfee	This project will replace aging PRV's and allow us to balance the surplus water storage in certain areas of the City with areas that have a storage deficit.
CP0345 Three Kings/Silver King Pump Station	McAfee	
CP0346 Fairway Hills to Park Meadows Redundancy	McAfee	This will provide access to the Fairway hills storage for the boot hill pressure zone.
CP0347 Queen Esther Drive	McAfee	



Planning Commission Staff Report

Subject: LMC Amendments
Author: Kirsten Whetstone, MS, AICP, Senior Planner
Date: July 22, 2015
Type of Item: Legislative – LMC Amendments

Summary Recommendations

Staff recommends the Planning Commission conduct a public hearing and continue the Land Management Code Amendments regarding vertical zoning regulations in Storefronts in the Historic Recreation Commercial (HRC) and Historic Commercial Business (HCB) Zoning Districts, and Definitions Chapter 15, to August 26, 2015, to allow Staff time to conduct additional public outreach.

Description

Project Name: LMC Amendments related to Chapter 2.5 Historic Recreation Commercial (HRC), Chapter 2.6 Historic Commercial Business (HCB), and Chapter 15 Defined Terms related to vertical zoning requirements and definitions Chapter 6 Master Planned Developments.

Approximate Location: Historic Main Street and Lower Main Street business district

Proposal: Amendments to the Land Management Code (LMC) require Planning Commission review and recommendation with final action by the City Council.

Executive Summary

Staff proposes amendments to the Land Management Code revising Chapter 2.5 Historic Recreation Commercial (HRC) Zoning District, Chapter 2.6 Historic Commercial Business (HCB) Zoning District, and Chapter 15 Defined Terms regarding vertical zoning requirements and related definitions. The purpose of these amendments is to address and clarify existing language and definitions in the code that are not consistent with the intent of the original Ordinance 07-55 or that may need to be updated with the expansion commercial activity in the Main Street area.

Staff requests the Commission discuss and consider revising the LMC to include certain exempted lower Main Street Storefront Properties within the Vertical Zoning overlay and recommends the definition of Storefront be broadened to include property that fronts on public and private pedestrian plazas, ways, and alleys. Staff also recommends language be added to the Code to prohibit new construction that does not include Storefronts along streets and plazas.

An initial discussion and public hearing was conducted by the Planning Commission on June 24, 2015, and a pending Ordinance is in place. See Exhibit A.

Exhibits

Ordinance and Exhibits

Pending Ordinance
Ordinance 15-

AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE OF PARK CITY, UTAH, REVISING CHAPTER 15-2.5 HISTORIC RECREATION COMMERCIAL (HRC) ZONING DISTRICT, CHAPTER 15-2.6 HISTORIC COMMERCIAL BUSINESS (HCB) ZONING DISTRICT, AND CHAPTER 15 DEFINED TERMS RELATING TO VERTICAL ZONING REGULATIONS PROHIBITING OFFICE, RESIDENTIAL, PARKING, NON-SALES TAX GENERATING USES, AND SIMILAR OR ASSOCIATED USES WITHIN STOREFRONT PROPERTY IN THE HISTORIC MAIN STREET DOWNTOWN AREA

WHEREAS, the Land Management Code was adopted by the City Council of Park City, Utah to promote the health, safety and welfare of the residents, visitors, and property owners of Park City; and

WHEREAS, the Land Management Code implements the goals, objectives and policies of the Park City General Plan to maintain the quality of life and experiences for its residents and visitors and to preserve the community's unique character and values; and

WHEREAS, the City reviews the Land Management Code on a regular basis and identifies necessary amendments to address planning and zoning issues that have come up; to address specific LMC issues raised by Staff, Planning Commission, and City Council; and to align the Code with the Council's goals; and

WHEREAS, Park City has an interest in promoting vibrancy and activity in the historic Main Street downtown area located in the Historic Commercial Business (HCB) and the Historic Recreation Commercial (HRC) Zoning Districts and finds this vibrancy to be essential to the City's long term economic and financial well-being; and

WHEREAS, these proposed Land Management Code (LMC) amendments were reviewed for consistency with the recently adopted Park City General Plan.

WHEREAS, the Park City General Plan includes Goal 16 that states, "Maintain the Historic Main Street District as the heart of the City for residents and encourage tourism in the district for visitors." Objective 16B states, "Limit uses within the first story of buildings along Main Street to retail and restaurant establishments that are inviting to the passing pedestrian. Uses that should be discouraged include office space, real estate show rooms, parking, etc." Implementation Strategy 16.10 states, "Re-examine the City's existing Vertical Zoning Ordinance that requires commercial retail shops along Main Street; consider strengthening the Ordinance."

WHEREAS, Park City's Economic Development Plan encourages facilitation and establishment of more attractions and areas of interest for both visitors and residents, maintaining and improving the balance of Sustainable Community goals by going

beyond economic initiatives to include social and environmental strategies; and protection and preservation of the historic Main Street downtown area as the heart of the region; and

WHEREAS, in the HRC and HCB Zoning Districts, Uses that are not inviting to the general public will diminish the vibrancy, diversity, and activity of the historic Main Street area; and

WHEREAS, the City monitors the downtown business mix and sales tax generation as part of its financial health assessment and finds a diversified business mix is critical to the attractiveness, vitality, and success of the historic Main Street downtown area; and

WHEREAS, the long-term economic sustainability of Park City depends upon the continued economic success and aesthetic attractiveness of the historic Main Street area; and

WHEREAS, in the HRC and HCB Districts, Uses that are not inviting to the general public have a negative effect upon the overall economy and vitality of the historic downtown area in terms of satisfaction of visitor experience, diversity of visitors, activity on the street, and sales tax revenue generation; and

WHEREAS, the Planning Commission duly noticed and conducted public hearings at the regularly scheduled meetings on June 24th and July 22nd, 2015, and forwarded a recommendation to City Council; and

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on August 6, 2015; and

WHEREAS, it is in the best interest of the residents of Park City, Utah to amend the Land Management Code to be consistent with the values and goals of the Park City General Plan and the Park City Council; to protect health and safety and maintain the quality of life for its residents and visitors; to preserve and protect the vitality, attractiveness, activity and success of the historic Main Street area; to ensure compatible development; to preserve historic resources; and to preserve the community's unique character.

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

SECTION 1. APPROVAL OF AMENDMENTS TO TITLE 15 - Land Management Code Chapter 15-2.5 Historic Recreation Commercial (HRC) Zoning District. The recitals above are incorporated herein as findings of fact. Chapter 15-2.5 of the Land Management Code of Park City is hereby amended as redlined in Exhibit A.

SECTION 2. APPROVAL OF AMENDMENTS TO TITLE 15 - Land Management Code Chapter 15-2.6 Historic Commercial Business (HCB) Zoning District. The recitals above are incorporated herein as findings of fact. Chapter 15-2.6 of the Land Management Code of Park City is hereby amended as redlined in Exhibit B.

SECTION 3. APPROVAL OF AMENDMENTS TO TITLE 15 - Land Management Code Chapter 15 Defined Terms. The recitals above are incorporated herein as findings of fact. Chapter 15 of the Land Management Code of Park City is hereby amended as redlined in Exhibit C.

SECTION 2. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this ____ day of _____, 2015

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, Mayor

Attest:

Marci Heil, City Recorder

Approved as to form:

Mark Harrington, City Attorney

Exhibits

Exhibit A – LMC Chapter 2.5 HRC Zoning District

Exhibit B – LMC Chapter 2.6 HCB Zoning District

Exhibit C – LMC Chapter 15- Defined Terms

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.5 - HISTORIC RECREATION COMMERCIAL (HRC) DISTRICT

Chapter adopted by Ordinance No. 00-51

15-2.5-1. PURPOSE.

The purpose of the Historic Recreation Commercial (HRC) District is to:

- (A) maintain and enhance characteristics of Historic Streetscape elements such as yards, trees, vegetation, and porches,
- (B) encourage pedestrian oriented, pedestrian-scale Development,
- (C) minimize visual impacts of automobiles and parking,
- (D) preserve and enhance landscaping and public spaces adjacent to Streets and thoroughfares,
- (E) provide a transition in scale and land Uses between the HR-1 and HCB Districts that retains the character of Historic Buildings in the Area,
- (F) provide a moderate Density bed base at the Town Lift,

(G) allow for limited retail and Commercial Uses consistent with resort bed base and the needs of the local community,

(H) encourage preservation and rehabilitation of Historic Buildings and resources.

(I) maintain and enhance the long term viability of the downtown core as a destination for residents and tourists by ensuring a Business mix that encourages a high level of vitality, public Access, vibrancy, activity, and public/resort-related attractions.

(Amended by Ord. No. 07-55)

15-2.5-2. USES.

Uses in the HRC are limited to the following:

(A) **ALLOWED USES.**

- (1) Single Family Dwelling⁵
- (2) Duplex Dwelling⁵
- (3) Secondary Living Quarters⁵

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(4) Lockout Unit ^{1,5}	(19) Parking Area or Structure, with four (4) or fewer spaces ⁵
(5) Accessory Apartment ^{2,5}	
(6) Nightly Rental	
(7) Home Occupation	
(8) Child Care, In-Home Babysitting	(B) <u>CONDITIONAL USES</u> ⁹ .
(9) Child Care, Family ³	(1) Triplex Dwelling ⁵
(10) Child Care, Family Group ³	(2) Multi-Unit Dwelling ⁵
(11) Child Care Center ³	(3) Guest House, on Lots one acre ⁵
(12) Accessory Building and Use	(4) Group Care Facility ⁵
(13) Conservation Activity	(5) Public and Quasi-Public Institution, Church, School
(14) Agriculture	(6) Essential Municipal Public Utility Use, Facility, Service and Structure
(15) Bed and Breakfast Inn ^{4,5}	(7) Telecommunication Antenna ⁶
(16) Boarding House, Hostel ⁵	(8) Satellite Dish, greater than thirty-nine inches (39") in diameter ⁷
(17) Hotel, Minor, fewer than 16 rooms ⁵	(9) Plant and Nursery stock products and sales
(18) Office, General ⁵	(10) Hotel, Major

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¹Nightly rental of Lockout Units requires a Conditional Use permit

²See LMC Chapter 15-4, Supplementary Regulations for Accessory Apartments

³See LMC Chapter 15-4-9 for Child Care Regulations

⁴Requires an Administrative or Administrative Conditional Use permit, see Section 15-4.

⁵ Prohibited in HRC Zoned Storefront Property on Main Street, Swede Alley, Heber Avenue, and Park Avenue, excluding those HRC zoned Areas on the west side of Park Avenue north of Heber Avenue. Hotel rooms shall not be located within Storefront Property. Access and Lobbies for prohibited Uses are permitted within Storefront Property provided they take up no more than 25% of the total Storefront Area. Buildings shall not be designed, redesigned, or constructed to

eliminate Storefront Property on Main Street, Swede Alley, Heber Avenue and Park Avenue, storefronts adjacent to the Main Street, Swede Alley, Heber Avenue, or Park Avenue Rights of Way, excluding those HRC zoned Areas north of 8th Street; excluding without limitation, addresses contained within the following Buildings: 702 Main Street, 710 Main Street, 780 Main Street, 804 Main Street, 890 Main Street, and 900 Main Street

⁶See LMC Chapter 15-4-14, Supplemental Regulations For Telecommunication Facilities

⁷See LMC Chapter 15-4-13, Supplemental Regulations For Satellite Receiving Antennas

- (11) Timeshare Projects and Conversions⁵
- (12) Private Residence Club Project and Conversion^{4,5}
- (13) Office, Intensive⁵
- (14) Office and Clinic, Medical⁵
- (15) Financial Institution, without drive-up window⁸
- (16) Commercial Retail and Service, Minor⁸
- (17) Commercial Retail and Service, personal improvement⁸
- (18) Neighborhood Convenience Commercial, without gasoline sales
- (19) Café or Deli⁸
- (20) Restaurant, General⁸
- (21) Restaurant and café, Outdoor Dining⁴
- (22) Outdoor Events and Uses⁴
- (23) Bar
- (24) Parking Area or Structure, with five (5) or more spaces⁵
- (25) Temporary Improvement
- (26) Passenger Tramway Station and Ski Base Facility
- (27) Ski Tow, Ski Lift, Ski Run, and Ski Bridge

- (28) Recreation Facility, Commercial, Public, and Private⁵
- (29) Entertainment Facility, Indoor
- (30) Fences greater than six feet (6') in height from Final Grade⁴
- (31) Private Residence Club, Off-Site⁵
- (32) Special Events⁴

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(C) **PROHIBITED USES.** Unless otherwise allowed herein, any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

(Amended by Ord. Nos. 04-39; 06-69; 07-55; 09-10; 12-37)

15-2.5-3. LOT AND SITE REQUIREMENTS.

Except as may otherwise be provided in this Code, no Building Permit shall be issued for a Lot unless such Lot has the Area, width, and depth as required, and Frontage on a Street shown as a private or Public Street on the Streets Master Plan, or on a private easement connecting the Lot to a Street shown on the Streets Master Plan.

All Development activity must comply with the following minimum Lot and Site requirements:

(A) **FRONT YARD.** The minimum Front Yard is ten feet (10').

⁸If Gross Floor Area is less than 2,000 sq. ft., the Use shall be considered an Allowed Use

⁹No community locations are defined by Utah Code 32-B-1-102 (Alcoholic Beverage Control Act) are permitted within 200 feet of Main Street unless a variance is permitted for an outlet, as defined by Utah Code 32B-1-202, to obtain a liquor license.

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.6 - HISTORIC COMMERCIAL BUSINESS (HCB) DISTRICT

Chapter adopted by Ordinance No. 00-15

15-2.6-1. PURPOSE.

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

- (A) preserve the cultural heritage of the City’s original Business, governmental and residential center,
- (B) allow the Use of land for retail, commercial, residential, recreational, and institutional purposes to enhance and foster the economic and cultural vitality of the City,
- (C) facilitate the continuation of the visual character, scale, and Streetscape of the original Park City Historical District,
- (D) encourage the preservation of Historic Structures within the district,
- (E) encourage pedestrian-oriented, pedestrian-scale Development,
- (F) minimize the impacts of new Development on parking constraints of Old Town,

(G) minimize the impacts of commercial Uses and business activities including parking, Access, deliveries, service, mechanical equipment, and traffic, on surrounding residential neighborhoods,

(H) minimize visual impacts of automobiles and parking on Historic Buildings and Streetscapes, and

(I) support Development on Swede Alley which maintains existing parking and service/delivery operations while providing Areas for public plazas and spaces.

(J) maintain and enhance the long term viability of the downtown core as a destination for residents and tourists by ensuring a Business mix that encourages a high level of vitality, public Access, vibrancy, activity, and public/resort-related attractions.

(Amended by Ord. No. 07-55)

15-2.6-2. USES.

Uses in the Historic Commercial Business (HCB) District are limited to the following:

- (A) **ALLOWED USES.**

- | | |
|---|---|
| <ul style="list-style-type: none"> (1) Single Family Dwelling¹ (2) Multi-Unit Dwelling¹ (3) Secondary Living Quarters¹ (4) Lockout Unit^{1,2} (5) Accessory Apartment^{1,3} (6) Nightly Rental⁴ (7) Home Occupation¹ (8) Child Care, In-Home Babysitting¹ (9) Child Care, Family^{1,5} (10) Child Care, Family Group^{1,5} (11) Child Care Center^{1,5} (12) Accessory Building and Use¹ (13) Conservation Activity (14) Agriculture (15) Bed and Breakfast Inn^{6,1} | <ul style="list-style-type: none"> (16) Boarding House, Hostel¹ (17) Hotel, Minor, fewer than 16 rooms¹ (18) Office, General¹ (19) Office, Moderate Intensive¹ (20) Office and Clinic, Medical¹ (21) Financial Institution, without drive-up window (22) Commercial Retail and Service, Minor (23) Commercial Retail and Service, personal improvement (24) Commercial Neighborhood Convenience, without gasoline sales (25) Restaurant, Cafe or Deli (26) Restaurant, General (27) Bar (28) Parking Lot, Public or Private with four (4) or fewer spaces¹ (29) Entertainment Facility, Indoor (30) Salt Lake City 2002 Winter Olympic Games Legacy Displays⁷ |
|---|---|

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¹ Prohibited in HCB Zoned Storefront Property on storefronts adjacent to the Main Street, Heber Avenue, and/or Swede Alley. Rights-of-Way Hotel rooms shall not be located within Storefront Property. Access and Lobbies for prohibited Uses are permitted within Storefront Property provided they take up no more than 25% of the total Storefront Area. Buildings shall not be designed, redesigned, or constructed to eliminate Storefront Property on Main Street, Swede Alley, Heber Avenue and Park Avenue.

²Nightly Rental of Lock Units requires a Conditional Use permit

³See LMC Chapter 15-4, Supplementary Regulations for Accessory Apartments

⁴Nightly Rental of residential dwellings does not include the Use of dwellings for Commercial Uses

⁵ See LMC Chapter 15-4-9 for Child Care Regulations

(B) **CONDITIONAL USES¹⁰**

- (1) Group Care Facility¹

⁶Requires an Administrative or Administrative Conditional Use permit

⁷Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed on the original Property set forth in the services Agreement and/or Master Festival License. Requires an Administrative Permit.

- (2) Public and Quasi-Public Institution, Church, School
- (3) Essential Municipal Public Utility Use, Facility, Service, and Structure
- (4) Telecommunication Antenna⁸
- (5) Satellite Dish, greater than thirty-nine inches (39") in diameter⁹
- (6) Plant and Nursery stock products and sales
- (7) Hotel, Major
- (8) Timeshare Projects and Conversions¹
- (9) Timeshare Sales Office, Off-Site within an enclosed Building¹
- (10) Private Residence Club Project and Conversion^{1,6}
- (11) Commercial Retail and Service, Major
- (12) Office, Intensive¹
- (13) Restaurant, Outdoor Dining⁶
- (14) Outdoor Events and Uses⁶
- (15) Hospital, Limited Care Facility¹
- (16) Parking Area or Structure for five (5) or more cars¹

- (17) Temporary Improvement
- (18) Passenger Tramway Station and Ski Base Facility
- (19) Ski Tow, Ski Lift, Ski Run, and Ski Bridge
- (20) Recreation Facility, Public or Private¹
- (21) Recreation Facility, Commercial
- (22) Fences greater than six feet (6') in height from Final Grade⁶
- (23) Private Residence Club, Off-Site¹
- (24) Special Events⁶

(C) **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

(Amended by Ord. Nos. 02-38; 04-39; 06-69; 07-55; 09-10; 12-37)

15-2.6-3. LOT AND SITE REQUIREMENTS.

Except as may otherwise be provided in this Code, no Building Permit will be issued for a Lot unless such Lot has the Area, width, and depth as required, and Frontage on a Street shown as a private or Public Street on the Streets Master Plan, or on private easement connecting the Lot to a Street shown on the Streets Master Plan. All Development must comply with the following:

(A) **LOT SIZE.** The minimum Lot Area is 1250 square feet. The minimum Lot Width is twenty-five feet (25') and Minimum Lot Depth is fifty feet (50').

⁸See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunication Facilities

⁹See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

¹⁰No community locations as defined by Utah Code 32B-1-102 (Alcoholic Beverage Control Act) are permitted within 200 feet of Main Street unless a variance is permitted for an outlet, as defined by Utah Code 32B-1-202, to obtain a liquor license.

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 15 - DEFINITIONS

Chapter adopted by Ordinance No. 00-25

CHAPTER 15 - DEFINED TERMS.

15-15-1. DEFINITIONS.

For the purpose of the LMC, certain numbers, abbreviations, terms, and words shall be used, interpreted, and defined as set forth herein. Defined terms will appear as proper nouns throughout this Title. Words not defined herein shall have a meaning consistent with Webster’s New Collegiate Dictionary, latest edition.

Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word “herein” means “in these regulations”; the word “regulations” means “these regulations”; “used” or “occupied” as applied to any land or Building shall be construed to include the words “intended, arranged, or designed to be used or occupied”.

1.1 **ACCESS.** The provision of vehicular and/or pedestrian ingress and egress to Structures, facilities or Property.

1.2 **ACCESSORY APARTMENT.** A self-contained Apartment, with cooking, sleeping, and sanitary facilities, created either by converting part of and/or by adding on to a Single-Family Dwelling or detached garage. Accessory Apartments do not increase the residential Unit Equivalent of the Property and are an Accessory Use to the primary Dwelling.

1.3 **ACCESSORY BUILDING.** A Building on the same Lot as the principal Building and that is:

- (A) clearly incidental to, and customarily found in connection with such principal Building, such as detached garages, barns, and other similar Structures that require a Building Permit;
- (B) operated and maintained for the benefit of the principal Use;
- (C) not a Dwelling Unit; and
- (D) also includes Structures that do not require a Building Permit, such as sheds, outbuildings, or similar Ancillary Structures. See Ancillary Structure.

1.130 **HISTORIC INTEGRITY.** The ability of a Site to retain its identity and, therefore, convey its Significance in the history of Park City. Within the concept of Historic Integrity, Park City Municipal Corporation recognizes seven (7) aspects or qualities as defined by the National Park Service, that in various combinations define integrity. They are as follows:

(A) **Location.** The place where the Historic Site was constructed or the Historical event took place.

(B) **Design.** The combination of physical elements that create the form, plan, space, Structure, and style of a Site. Design includes such considerations as the structural system, massing, arrangement of spaces, pattern of fenestration, textures and colors of surface materials, type, amount and style of ornamental detailing, and arrangement and type of plantings in the designed landscape.

(C) **Setting.** The physical environment, either natural or manmade, of a Historic Site, including vegetation, topographic features, manmade features (paths, fences, walls) and the relationship between Structures and other features or open space.

(D) **Materials.** The physical elements that were combined or deposited during a particular period of time in a particular pattern or configuration to form a Historic Site.

(E) **Workmanship.** The physical evidence of the crafts of a particular culture or people during any given period of history,

including methods of construction, plain or decorative finishes, painting, carving, joinery, tooling, and turning.

(F) **Feeling.** A Site’s expression of the aesthetic of Historic sense of a particular period of time. Feeling results from the presence of physical features that, taken together, convey the Property’s Historic character.

(G) **Association.** The direct link between an important Historic era or Person and a Historic Site. A Site retains association if it is in the place where the activity occurred and is sufficiently intact to convey that relationship to an observer.

1.131 **HISTORIC SITES INVENTORY.** A list of Historic Sites, as determined by the Historic Preservation Board, that meets specified criteria set form in Land Management Code Chapter 15-11.

1.132 **HOME OCCUPATION.** A Business carried on entirely within a dwelling by Persons residing within the dwelling, which Business is clearly incidental and secondary to the Use of the dwelling for residential purposes.

1.133 **HOSPITAL.** An institution specializing in clinical, temporary or emergency medical services to humans and/or licensed by the state to provide facilities and services in surgery, obstetrics, and general medical practice. Does not include Uses defined as “Office, Medical”.

(A) **Hospital, Limited Care.** An institution licensed by the state to provide

An easement that includes, as minimum stipulations, a conveyance of design approval for exterior changes, and a program whereby the Owner commits to restore and maintain a Structure following the Secretary of Interior’s Standards for rehabilitation, in a form approved by the City. A time frame for completion of the restoration program may be specified in the easement agreement.

1.198 PRIVATE PLAZA. Private Property in excess of 1,000 square feet that generally serves as common area to adjoining Commercial Development and is free of Structures, is hard surfaced and/or landscaped. Private Plazas generally provide an Area for pedestrian circulation, common amenities, and act as a gathering space for private or public purposes.

1.198 **PROPERTY.** Any Parcel, Lot, or tract of land, including improvements thereon, in the possession of or owned by, or recorded as the real Property of, the same Person or Persons.

(A) **Property, Storefront.** A separately enclosed space or unit that has a window or entrance that fronts on a Public Street or on a Public or Private Plaza. For purposes of this provision, the term “fronts on a Public Street or on a Public or Private Plaza” shall mean a separately enclosed space or unit with:

- (1) A window and/or entrance within fifty lateral/horizontal feet (50’) of the adjacent Public Street or Public or Private Plaza. baek, inside building edge, of the public sidewalk; and

- (2) A window and/or entrance that is not more than eight feet (8’) above or below the grade of the adjacent Public Street or Public or Private Plaza.

In the case of split-level, multi-level Buildings with only one primary entrance, only those fully enclosed spaces or units that directly front the Street or Public or Private Plaza as set forth above, shall be designated to be a “Storefront Property.” The Planning Director or ~~their~~ designee shall have the final determination of applicability.

1.199 **PROPERTY LINE.** The boundary line of a Parcel or Lot.

(A) **Property Line, Front.** That part of a Parcel or Lot which abuts a Street.

1.200 **PROPERTY OWNER.** Any Person, or group of Persons, having record title to a Property, and the Owner’s Agent.

1.201 **PUBLIC ART.** Any visual work of art displayed for two weeks or more in an open city-owned area, on the exterior of any city-owned facility, inside any city-owned facility in areas designated as public areas, or on non-city property if the work of art is installed or financed, either wholly or in part, with city funds or grants procured by the city.

1.202 **PUBLIC IMPROVEMENT.** Any Building, water system drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, Off-Street Parking Lot, space or Structure, Lot improvement, or

other facility for which the City may ultimately assume responsibility, or which may effect a City improvement.

1.203 **PUBLIC USE**. A Use operated exclusively by a public body, to serve the public health, safety, or general welfare.

1.204 **QUALIFIED PROFESSIONAL**. A professionally trained Person with the requisite academic degree, experience, and professional certification or license in the field or fields relating to the matter being studied or analyzed.

1.205 **QUASI-PUBLIC USE**. A Use operated by a private nonprofit educational, religious, recreational, charitable, or philanthropic institution, serving the general public.

1.206 **RECEIVING SITE**. A Parcel of real property denoted as a receiving site in the Transfer of Development Rights Overlay Zone, as shown on the Park City zoning map. A receiving site is the site to which Development Credits may be Transferred.

1.207 **RECONSTRUCTION**. The act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving Site, landscape, Building, Structure or object for the purpose of replicating its appearance at a specific period of time and in its Historic location.

1.208 **RECREATION EQUIPMENT, OUTDOOR**. Playground equipment and accessory park related amenities, such as swing sets, slides, jungle gyms, sand boxes, picnic tables, volleyball nets, baseball

backstops, basketball standards, frisbee golf holes, soccer goals, and similar amenities.

1.209 **RECREATION FACILITIES**.

(A) **Recreation Facilities, Commercial**. Recreation Facilities operated as a Business on private or public Property and open to the public for a fee.

(B) **Recreation Facilities, Private**. Recreation facilities operated on private Property and not open to the general public. Including Recreation Facilities typically associated with a homeowner or Condominium association, such as pools, tennis courts, playgrounds, spas, picnic Areas, similar facilities for the Use by Owners and guests.

(C) **Recreation Facilities, Public**. Recreation facilities operated by a public agency and open to the general public with or without a fee.

1.210 **RECYCLING FACILITY**. A building, structure or land area used for the collection, processing or transfer of recyclable materials such as glass, paper, plastic, cans, or other household scrap materials.

(A) **Recycling Facility, Class I**. Recycling containers totaling up to 60 cubic yards of capacity per residential lot or business used for the collection and temporary storage of recyclable materials such as glass, plastic, aluminum, mixed metals, fiber, and cardboard. These facilities are generally, but not limited to the use by a specific residential neighborhood, civic facility, or commercial business park, and

can be for the use of the entire community.

1.211 **REFRACTIVE LIGHT SOURCE.** A light source that controls the Vertical and Horizontal Foot Candles and eliminates glare.

1.212 **REGULATED USE.** A Use that is allowed, subject to certain regulations and restrictions as prescribed in this Code.

1.213 **REHABILITATION.** The act or process of making possible a compatible Use for a Property through repair, alterations, and additions while preserving those portions or features which convey its Historical, cultural, or architectural values.

1.214 **RESIDENTIAL USE.** Uses and project that consist primarily of activities that are residential in nature that may include other support Uses, such as support commercial, but where the primary Use is for human habitation and associated activities. Residential Use includes occupancy of a dwelling as living quarters and all associated Uses, but not including temporary Structures such as tents, railroad cars, trailers, or similar units.

1.215 **RESORT SUPPORT COMMERCIAL.** Use that is clearly incidental to, and customarily found in connection with, the principal Building or Use, and that is operated and maintained for the benefit and convenience of the Owners, occupants, employees, customers, or visitors to the principal Use or Building.

1.216 **RESTAURANT.** A Business in which food is prepared and sold for

consumption.

(A) **Restaurant, Drive-Through.** A Restaurant, Deli, Café, fast food Restaurant, or other similar Business that includes a window or similar feature which allows food to be ordered and taken from the premises for consumption elsewhere, without leaving a vehicle.

1.217 **RESTORATION.** The act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of removal of features from other periods in its history and Reconstruction of missing features from the restoration period.

1.218 **RESUBDIVISION.** A change in a map of an approved or recorded Subdivision Plat if such change affects any Right-of-Way, or Lot Line; or any change in a map or plan legally recorded prior to the adoption of regulations controlling Subdivisions.

1.219 **RETAIL AND SERVICE.**
(A) **Retail and Service, Commercial-Auto Related.** An establishment primarily engaged in the sale or rental of goods, merchandise, and services related to the automobile, such a auto repair, auto body work, painting, detailing, auto and auto related equipment sales, with moderate to high volume of customer turnover and moderate to high parking demand. These Uses do not include auto dismantling, salvage, junk yards, and similar Uses. Self-service car washes are included.

(B) **Retail and Service, Commercial-Major.** A large scale Business engaged

primarily in the sale or rental of goods, merchandise, or services with a high customer turnover and high parking demand. These establishments may have large interior showrooms or semi-truck loading docks. Examples of these Uses include large department, grocery, variety, drug, super stores. Fully-enclosed car washes are included.

(C) **Retail and Service, Commercial-Minor.** A Business primarily engaged in the sale or rental of goods, merchandise, or services with a low volume of customer turnover, low parking demand, and no outdoor storage of goods. These Uses do not include automobile or large equipment rental or sales. Such Uses include antique stores, art galleries, art supply stores, bakeries, book stores, clothing stores, candy stores, florists, gift shops, liquor stores, pharmacies, sporting goods stores, auto parts stores, interior design stores, and home furnishing stores.

(D) **Retail and Service, Commercial-Personal Improvement.** A Business engaged in or offering courses and services for the enhancement of personal recreational interests, Business skills, vocational training, dance training, art and drama classes, public speaking, and similar Uses where the class or session meets as a group.

1.220 **RIDGE LINE AREA.** The top, ridge or Crest of Hill, or Slope plus the land located within one hundred fifty feet (150') on both sides of the top, crest or ridge.

1.221 **RIDING STABLE, COMMERCIAL.** A Structure and/or Site

for horses, ponies, and/or mules, that is rented or used for compensation.

1.222 **RIGHT-OF-WAY.** A strip of land, dedicated to public Use that is occupied or intended to be occupied by a Street, crosswalk, trail, stairway, ski lift, railroad, road, utilities, or for another special Use.

1.223 **ROAD.**

(A) **Road, Collector.** A road intended to move traffic from local roads to major thoroughways. A Collector Road serves a neighborhood or a large Subdivision.

1.224 **ROAD CLASSIFICATION.** The Streets, highways, Roads, and Rights-of-Way designated on the Streets master plan.

1.225 **ROAD RIGHT-OF-WAY WIDTH.** The distance between Property Lines measured at right angles to the center line of the Street.

1.226 **SALT LAKE CITY 2002 WINTER OLYMPIC GAMES OLYMPIC LEGACY DISPLAYS.** Official exhibits from the Salt Lake City 2002 Winter Olympic Games created and/or provided by the Salt Lake Organizing Committee (SLOC) as part of the SLOC/Park City Municipal Corporation Olympic Services agreement and/or Olympic Master Festival License and approved by the City Council for installation on City Property, public Rights-of-Way and/or within the Areas that were Olympic venue Sites during the 2002 Winter Olympic Games at Park City Mountain Resort and Deer Valley Resort, or replacement exhibits

that expressly commemorate the Salt lake City 2002 Olympic Winter Games. Olympic Legacy Displays may include the following additional information:

(A) Park City Municipal Corporation or Venue name and/or logo provided said information does not exceed twenty percent (20%) of the display area; and/or

(B) Master Festival Event identification provided said information does not exceed twenty percent (20%) of the display area, and is not displayed for more than two (2) weeks unless otherwise approved as part of the Master Festival License.

1.227 **SATELLITE RECEIVING STATION.** Any apparatus or device designed for the purpose of transmitting and/or receiving radio, television, satellite microwave, or other electromagnetic energy signals between terrestrially and/or orbitally based Uses. This definition includes but is limited to what are commonly referred to as satellite earth stations, satellite microwave Antennas, TVRO's or dish Antennas. This definition does not include conventional television Antennae.

1.228 **SBWRD.** Snyderville Basin Water Reclamation District.

1.229 **SCREEN OR SCREENED.** The act, process, or result of visually and/or audibly shielding or obscuring a Structure or Use from adjacent Property by Fencing, walls, berms, densely planted vegetation or other landscaping features.

1.230 **SECONDARY LIVING**

QUARTERS. An Area within a main dwelling which is used by the Property Owner or primary tenant as a dwelling for the private Use of the Property Owner's relatives, domestic help, caretakers, nursing staff, house guest, or similar user.

1.231 **SENDING SITE.** A Parcel of real property denoted as a sending site in the Transfer of Development Rights Overlay Zone, as shown on the Park City zoning map. A Sending Site is the Site from which Development Credits may be Transferred.

1.232 **SENSITIVE LAND.** Land designated as such by a Sensitive Lands Analysis and as reflected on the Official Zoning Map.

1.233 **SENSITIVE LANDS ANALYSIS.** A comprehensive analysis performed by a qualified professional(s) that examines, identifies, and delineates on a map and in a written report all Areas of a Property deemed to be environmentally and aesthetically important to the community as expressed in the Park City General Plan, including, but not limited to, Steep Slopes, Very Steep Slopes, Significant Ridge Line Areas, wetlands, streams and lakes, wildlife habitat Areas, entry corridors, Vantage Points, Significant Vegetation, and Wildfire/ Wildland Interface Zones.

1.234 **SENSITIVE OR SPECIALLY VALUED SPECIES.** Federally Threatened and Endangered Species; State of Utah Threatened and Endangered Species; State of Utah Species of Concern as identified in the document; animals and plants of special concern to the Park City Community as

identified in the General Plan and in need of special protection.

1.235 **SETBACK.** The required minimum distance between a Building Pad and the closest of the following:

- (A) Property Line;
- (B) platted Street; or
- (C) existing curb or edge of a Street.

1.236 **SEXUALLY ORIENTED BUSINESSES.** Businesses defined as such according to Municipal Code Section 4-9-4.

1.237 **SIGNIFICANCE.** The quality of having Historical consequence or being regarded as having great architectural value.

1.238 **SIGNIFICANT RIDGE LINE AREA.** Ridge lines in Areas deemed to be significant or sensitive as determined during the Sensitive Lands Analysis, the significance of these ridge lines is to be determined during the sensitive lands visual analysis process.

1.239 **SIGNIFICANT SITE.** Any Site, including a Building (main, attached, detached or public), Accessory Building, and/or Structure that is determined by the Historic Preservation Board to meet specified criteria set forth in LMC Chapter 15-11.

1.240 **SIGNIFICANT VEGETATION.** Includes all large trees six inches (6") in diameter or greater measured four and one-half feet (4.5') above the ground, all groves of small trees, and all clumps of oak or maple covering an Area fifty square feet (50

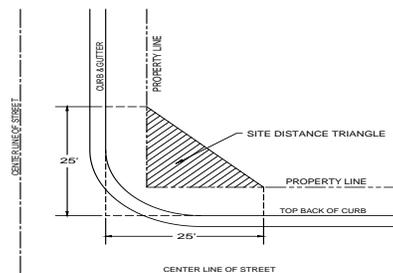
sq. ft.) or more measured at the drip line.

1.241 **SINGLE FAMILY SUBDIVISION.** A Development consisting of primarily, although not exclusively, of Single Family Dwellings.

1.242 **SITE.** An Area, Lot, or piece of land where a Building (main, attached, detached or public), Accessory Building, and/or Structure was, is, or will be located.

1.243 **SITE DEVELOPMENT STANDARDS.** Regulations unique to each zone concerning standards for Development including, but not limited to Lot Areas, Setbacks, Building Height, Lot coverage, open space.

1.244 **SITE DISTANCE TRIANGLE.** A triangular Area at the intersection of two Streets formed by the Streets at Property Line and a line connecting them at points twenty-five feet (25') from the intersection of the Street lines.

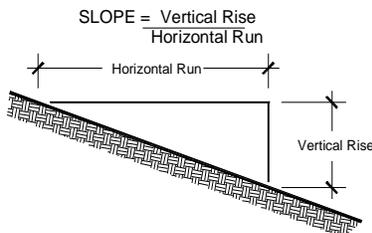


1.245 **SITE SUITABILITY ANALYSIS.** A comprehensive analysis of a Property or Site used in making a determination of appropriate Density considering such factors as Sensitive Lands, existing and proposed utilities and transportation systems, and other community objectives as stated in the

General Plan.

1.246 **SKETCH PLAT.** A Sketch preparatory to the Preliminary Plat, or Subdivision Plat in the case of Minor Subdivisions, to enable the Owner to save time and expense in reaching general agreement with the Planning Commission as to the form of the plat.

1.247 **SLOPE.** The level of inclination of land from the horizontal plane determined by dividing the horizontal run or distance of the land into the vertical rise or distance of the same land and converting the resulting figure in a percentage value.



(A) **Slope, Steep.** Slope greater than fifteen percent (15%).

(B) **Slope, Very Steep.** Slope greater than forty percent (40%).

1.248 **SPACING.** Distance between the closer edges of adjoining driveways or driveways and Right-of-Way lines of intersecting Streets.

1.249 **SPECIAL EVENT.** Any event, public or private, with either public or private venues, requiring City licensing beyond the scope of normal Business and/or

liquor regulations, as defined by this Code, or creates public impacts through any of the following:

- (A) The use of City personnel;
- (B) Impacts via disturbance to adjacent residents;
- (C) Traffic/parking;
- (D) Disruption of the normal routine of the community or affected neighborhood; or
- (E) Necessitates Special Event temporary beer or liquor licensing in conjunction with the public impacts, neighborhood block parties or other events requiring Street closure of any residential Street that is not necessary for the safe and efficient flow of traffic in Park City for a duration of less than one (1) day shall be considered a Special Event.

1.250 **STEALTH.** A Telecommunications Facility which is disguised as another object or otherwise concealed from public view.

1.251 **STOREFRONT PROPERTY.** A separately enclosed space or unit that has a window or entrance that fronts on a Public Street or on a Public or Private Plaza. For purposes of this provision, the term “fronts on a Public Street or on a Public or Private Plaza” shall mean a separately enclosed space or unit with:

- (1) A window and/or entrance within fifty lateral/horizontal feet (50’) of the adjacent Public Street or Public or Private Plaza. ~~back, inside~~

~~building edge, of the public sidewalk~~; and

(2) A window and/or entrance that is not more than eight feet (8') above or below the grade of the adjacent Public Street or Public or Private Plaza.

In the case of split-level, multi-level Buildings with only one primary entrance, only those fully enclosed spaces or units that directly front the Street or Public or Private Plaza, as set forth above, shall be designated to be a "Storefront Property." The Planning Director or ~~their~~ designee shall have the final determination of applicability.

1.252 **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.

1.253 **STREAM**. A naturally-fed water course, that flows year round or intermittently during years of normal rainfall. This definition excludes ditches and canals constructed for irrigation and drainage purposes.

1.254 **STREAM CORRIDOR**. The Corridor defined by the Stream's Ordinary High Water Mark.

1.255 **STREET**. Any highway, avenue, boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, easement, or other way.

(A) **Street, Public**. A Street that has been dedicated to and accepted by the City Council; that the City has acquired and accepted by prescriptive right; or that the City owns in fee.

1.256 **STREETSCAPE**. The distinguishing characteristics of a particular Street including paving materials, adjacent space on both sides of the Street, landscaping, retaining walls, sidewalks, Building Facades, lighting, medians, Street furniture, and signs.

(A) **Streetscape, Architectural**. The Architectural Streetscape required as part of the Historic District Design Review process and Steep Slope CUP process.

1.257 **STRUCTURE**. Anything constructed, the Use of which requires a fixed location on or in the ground, or attached to something having a fixed location on the ground and which imposes an impervious material on or above the ground; definition includes "Building".

1.258 **STUDIO APARTMENT**. A Dwelling Unit consisting of a single room equipped for cooking, living, and sleeping, having a separate bathroom or Kitchen for the exclusive Use of the dwelling, and a Floor Area of not more than one thousand square feet (1,000 sq. ft.).

1.259 **SUBDIVISION**. Any land, vacant or improved, which is divided or proposed to be divided or combined into one (1) or more Lots, Parcels, Site, Units, plots, or interests for the purpose of offer, sale, lease, or Development, either on the installment

Planning Commission Staff Report



Subject: Bee Subdivision, 281 & 283 Deer Valley Drive
Author: Hannah Turpen, Planner
Project Number: PL-15-02808
Date: July 22, 2015
Type of Item: Administrative – Plat Amendment

Summary Recommendations

Staff recommends the Planning Commission conduct a public hearing and continue the item to a date uncertain to allow additional time for internal review.

Description

Applicant: George and Giovanna Bee (represented by Jonathan DeGray, Architect)
Location: 281 & 283 Deer Valley Drive
Zoning: Residential (R-1) District
Adjacent Land Uses: Residential
Reason for Review: Plat Amendments require Planning Commission review and City Council review and action

Planning Commission Staff Report



Subject: LMC Amendments
Author: Francisco J. Astorga, Senior Planner
Date: July 22, 2015
Type of Item: Legislative – LMC Amendments
Nightly Rental in the HRL East District
Green Roofs in the Historic Residential and the RC Districts

Summary Recommendations

Staff recommends the Planning Commission conduct a public hearing and continue the Land Management Code Amendment regarding Nightly Rentals use in the HR-L Chapter 2.1 and possible amendments to the Green Roof definition and application in HR-L Chapter 2.1, HR-1 Chapter 2.2, HR-2 Chapter 2.3, RC Chapter 2.16, and Definitions Chapter 15 to September 23, 2015, to allow Staff additional time to work through the research.

Description

Project Name: LMC Amendment regarding Nightly Rental use in the HR-L Chapter 2.1. Review of the Green Roof definition and its application in HR-L Chapter 2.1, HR-1 Chapter 2.2, HR-2 Chapter 2.3, RC Chapter 2.16, and Definitions Chapter 15.

Applicant: Planning Department
Proposal: Possible revisions to the Land Management Code

Background

For several years the Planning Department has been having discussions with residents in the HR-L District, east of Main Street, regarding the Conditional Use of Nightly Rentals in this part of town. In 2009 the City added a provision regarding Green Roofs being allowed in the HR-L, HR-1, HR-2, and RC Districts. An initial discussion was conducted with the Planning commission on May 13, 2015.

Planning Commission Staff Report



Subject: 162 Ridge Avenue
Project #: PL-15-02761
Authors: Christy Alexander, AICP, Planner II
Date: July 22, 2015
Type of Item: Administrative – Steep Slope Conditional Use Permit

Summary Recommendations

Staff recommends the Planning Commission conduct a public hearing and continue the item to August 12, 2015. The applicant is submitting revisions as requested by Planning Staff and staff will need adequate time to analyze the updates and revise the report in time for this meeting.

Description

Owner/ Applicant: Thaynes Capital Park City LLC – Damon Navarro
Architect: Jonathan DeGray
Location: 162 Ridge Avenue
Zoning: Historic Residential (HRL)
Adjacent Land Uses: Vacant lots and residential
Reason for Review: Construction of structures with greater than 1,000 square feet of floor area and located on a steep slope (30% or greater) requires a Conditional Use Permit

Planning Commission Staff Report

Subject: 279 Daly Avenue
Project #: PL-15-02766
Author: Anya Grahn, Historic Preservation Planner II
Date: July 22, 2015
Type of Item: Administrative – Steep Slope Conditional Use Permit

Summary Recommendations

Staff recommends the Planning Commission review the application for a Steep Slope Conditional Use Permit (CUP) at 279 Daly Avenue, conduct a public hearing, and consider approving the Steep Slope CUP. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

Staff reports reflect the professional recommendation of the Planning Department. The Planning Commission, as an independent body, may consider the recommendation but should make its decisions independently.

Description

Owner/ Applicant: Julie and Robert Thurber
Architect: Michael Stoker
Location: 279 Daly Avenue
Zoning: Historic Residential (HR-1)
Adjacent Land Uses: Residential single family homes and duplexes
Reason for Review: Construction of structures with greater than 1,000 square feet of floor area and located on a steep slope (30% or greater) requires a Conditional Use Permit

Proposal

This application is a request for a Steep Slope Conditional Use Permit for the renovation and addition to an existing Landmark historic home on an 8,346.73 square foot lot located at 279 Daly Avenue. The total floor area of the new construction exceeds 1,000 square feet and the construction is proposed on a slope of greater than 30%.

Purpose

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

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

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

Background

On May 11, 2015, the City received an application for a Steep Slope Conditional Use Permit (CUP) for "Construction on a Steep Slope" at 279 Daly Avenue. The applicant proposes to construct a new 1,904 square foot addition (with a garage) to a landmark historic structure. The total square feet of the project following completion will be approximately 2,641 square feet. The application was deemed complete on June 17, 2015. Because the total square footage of the proposed addition is greater than 1,000 square feet, and the slope on which it will be constructed is greater than thirty percent (30%), the applicant is required to file a Steep Slope Conditional Use Permit application for review by the Planning Commission, pursuant to LMC § 15-2.2-6 and prior to issuance of a building permit.

The property is described as Lot A of the 279 Daly Avenue Plat Subdivision, and it is located in the Historic Residential (HR-1) District. The lot contains 8,346.73 square feet. A plat amendment for this property was approved by City Council on March 13, 2008 (See Exhibit E). There were no Conditions of Approval on this plat related to development of Lot A.

A separate Historic District Design Review (HDDR) application required for the renovation and new addition was submitted on May 11, 2015 and was deemed complete on May 15, 2015. This application is being reviewed concurrently for compliance with the Design Guidelines for Historic Districts and Historic Sites that were adopted in 2009. Issuance of a building permit for the proposed renovation, including the new addition, is dependent on approval of the HDDR and this Steep Slope CUP.

Analysis

The property is relatively flat overall, but the wall of the canyon is steep in grade at the rear of the property, directly behind the existing historic structure. The lot has an average slope, across the entire length, of 38.4 percent (%) with at least 75 percent (%) slope over the first 30 feet (30') directly behind the existing landmark house. This steep slope is where the new addition is proposed to be constructed. A Steep Slope CUP is required for lots over 30 percent (%). This property already has access to utility services for water, sewer, etc. off of Daly Avenue; however, it is likely that some of these utilities may need to be upgraded during the renovation.

Because it is historic, the house could not be moved on the property in order to accommodate development on the flat portion of the lot. In order for the house to be relocated, it must meet the criteria outlined in Land Management Code 15-11-13(A) which states that the Planning Department shall find the project complies with the following criteria:

- (1) The proposed relocation and/or reorientation will abate demolition of the Historic Building(s) and/or Structure(s) on the Site; or

- (2) The Planning Director and the Chief Building Official determine that unique conditions warrant the proposed relocation and/or reorientation on the existing Site; or
- (3) The Planning Director and the Chief Building Official determine that unique conditions warrant the proposed relocation and/or reorientation to a different site.

Staff finds that this application does not comply with these criterion as the building is not threatened by demolition nor are there unique conditions warranting the relocation of the historic house.

The proposed addition will add a total of 1,904 square feet to the 842 square foot existing historic house. The proposed building footprint on the lot totals 1,812 square feet with the new addition. The 8,346.73 square foot lot allows a building footprint of 2,610.9 square feet. The new addition complies with all setbacks, building footprint, building height from existing grade, articulation, and interior building height requirements of 35' of the HR-1 zone.

Staff reviewed the plans and made the following LMC related findings:

Requirement	LMC Requirement	Proposed
Lot Size	Minimum of 1,875 square feet	8,347.73 SF; <i>complies</i>
Building Footprint	2,610.9, per footprint formula	1,812 SF; <i>complies</i>
Front and Rear Yard	12 feet minimum; 25 feet total	Front: 24 feet; <i>complies</i> Rear: 20.95 feet; <i>complies</i>
Side Yard	5 feet minimum, 14 feet total	6.5 feet on north side; <i>complies</i> 10.5 feet on south side; <i>complies</i>
Height	27 feet above existing grade, <u>maximum.</u>	Various heights all at or less than 19 feet; <i>complies</i>
Total Building Height	35 feet from lowest floor plane to highest wall plate	27 feet; <i>complies</i>
Final grade	Final grade must be within 4 vertical feet of existing grade around the periphery of the structure.	4 feet or less; <i>complies</i>
Vertical articulation	A 10 foot minimum horizontal step in the downhill façade is required unless the First Story is located completely under the finish Grade on all sides of the Structure. The horizontal step shall take place at a maximum height of 23 feet from where Building Footprint meets the lowest point of existing Grade.	The front gable of the historic house will be 19 feet above grade. The house and transitional element then extend approximately 39 feet back to the new addition. The addition will measure approximately 18.5 feet or less above existing grade as it rises above the steep wall of the canyon. <i>Complies.</i>

Roof Pitch	Roof pitch must be between 7:12 and 12:12 for primary roofs. Non-primary roofs may be less than 7:12.	8:12 for the roof structure of the new addition; <i>complies</i>
Parking	No parking is required for the existing historic house.	1-car garage proposed and parking for 1 car in driveway; <i>complies</i>

With the addition, the size of this renovation is comparable to neighboring houses on the east side of Daly Avenue that have the similar condition of a steep slope at the back of lots greater than 75 feet in depth:

Address	Lot Size	Historic Designation	Allowable Footprint	Existing SF of the House, per Summit County
257 Daly Ave	Approx. 9,147.6 SF ¹	Significant	2,735.51 SF	Vacant Lot
269 Daly Ave	7,283 SF	Landmark	2,000 SF max gross floor area ²	805 SF
279 Daly Ave	8,346.73 SF	Landmark	2,610.9 SF	842 SF (proposed 2,641 SF)
291 Daly Ave	6,718.3 SF	Significant	2,302.91 SF	2,307 SF
295 Daly Ave	4,137.1 SF	N/A	1,639.47 SF	Undeveloped
297 Daly Ave	8,158 SF	Significant	2,579.08 SF	3,436 SF
313 Daly Ave	8,241.13 SF	N/A	2,982 SF max gross floor area ³	2,603 SF
319 Daly Ave	8,636.61 SF	N/A	3,056 SF max gross floor area ³	958 SF
325 Daly Ave	7,217 SF	N/A	2,405.5 SF	2,792 SF
329 Daly Ave	7,217 SF	N/A	2,405.5 SF	2,684 SF

¹ 257 Daly contains two (2) commonly owned parcels that have not yet been combined.

² 269 Daly's plat includes a no build line that restricts development on steep slopes. The plat also limited the maximum gross floor area.

³ The 313 Daly Avenue Subdivision (which includes 313 and 319 Daly) restricted the buildable area to the portion of the lot that is less than 30% slope and limited the gross floor area to 115% of the footprint for each lot.

Steep Slope Review Criteria

LMC § 15-2.2-6 provides for development on steep sloping lots (30% or greater) if the structure contains more than one thousand square feet (1,000 sq. ft.) of floor area, including the garage, within the HR-1 District, subject to the following criteria:

Criteria 1: Location of Development.

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

The proposed addition is located at the rear of the property, but on the hillside. The location of the addition is set back significantly from the front façade of the house, which limits the visibility of its mass and bulk. The main level of the addition is largely

underground, with only the front west wall of the garage exposed. Following completion of construction, finished grade will be restored around the perimeter of the new addition to reduce the visual and environmental impacts of the structure. This will also limit the amount of excavation necessary to accommodate the new addition. The proposed 1,812 square foot footprint of the renovated historic house and addition complies with and is significantly less than that allowed for the lot area.

There is a single tree on the north property line that will need to be removed for construction; however, Condition of Approval # 13 states that any significant vegetation that needs to be removed shall be replaced in-kind or a multiple of trees of the same caliper shall be provided to match the diameter of the existing tree.

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, cross canyon view, streetscape elevations, and photographs showing a contextual analysis of the proposed house related to visual impacts (Exhibit B). The attached renderings of the proposed renovation and addition show the bulk and mass of the new addition is buried below ground in the hillside (Exhibit D). Though the addition is taller than the historic house due to the steep slope, this addition will be set back approximately 39 feet from the façade of the historic house. The length and one-story height of the transitional element also provides greater separation between the historic house and its new addition. From the street, much of the mass and bulk of the addition will be shielded by the historic house and the height minimized by its distance from the front façade. The cross canyon view contains a back drop of two (2) and three (3) story single family and duplex homes, and this addition is consistent with neighboring projects (Exhibit B).

The visual analysis and streetscape demonstrate that the proposed design of the renovation and new addition are visually compatible with the neighborhood, compatible in scale and mass with surrounding structures, and visual impacts are mitigated. Potential impacts of the design are abated by locating the bulk of the new addition back 39 feet from the front façade of the historic house, burying the bulk underground, and keeping a low-profile shed roof on the new addition. The low height and massing of the new addition will be minimally visible from north and south elevations, and much of it will be hidden behind the historic house. Additionally, the garage door is located approximately 85 feet back from the edge of Daly Avenue and the driveway lined with vegetation, which will significantly limit the visibility of the garage and long driveway.

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 uses access off of Daly Avenue. Due to the placement of the historic house on the lot, a new driveway will be constructed along the north side of the property and accessing the garage, which is set back about 85 feet from the edge of the street. The driveway width is limited to 10 feet, and the applicants will plant additional vegetation along the north side yard so as to reduce the visibility of the driveway. The driveway is relatively flat. The one-car garage extends to the north of the house and much of the first level is buried below the hillside so that only the garage door is seen.

Criteria 4: Terracing.

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

The lot has an average slope, across the entire length, of 38.4 percent (%) with at least 75% slope over the first 30 feet directly behind the existing landmark house. Retaining walls will be constructed on the north, east, and south elevations of the house. The retaining walls have been incorporated into the design of the house to blend into the walls of the new addition and the hillside. The tallest of these retaining walls is seven feet, and the wall acts as both a retaining wall and railing for the patio area above the garage on the north side. The north wall of the garage is only four feet (4') above final grade. All of these retaining walls are located within the necessary side yard setbacks. The lots to the north and south of the subject lot have existing single family homes, retaining between them is not necessary.

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 new addition is located in such a manner as to minimize cut and fill that would alter the perceived natural topography. The addition is set back about 84 feet from the front property line along Daly Avenue. Side setbacks and building footprints are maintained consistent with the pattern of development and separation of structures in the neighborhood. The driveway width is 10 feet. The garage door is setback 84 feet from the edge of the street and at least 7' from the north property line. The new driveway will provide additional parking; however, it will also be screened with new vegetation along the north property line. The front yard area adjacent to the driveway entrance will be landscaped with drought tolerant plants and trees.

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.***

Much of the bulk of the new addition will be located on the steep slope. Nevertheless, much of this mass is buried below ground so that only the wall of the garage will be exposed. The building steps with the natural grade, creating outdoor patio areas. The long west-facing shed roof also helps diminish the overall mass of the structure. The addition will measure approximately 18.5 feet or less above existing grade as it rises above the steep wall of the canyon. The low form of the addition allows it to be largely shielded by the historic house when viewed from the public right-of-way. The applicant will utilize new rock retaining walls to retain the grade and restore the slope of the hillside as well; however, these walls blend into the design of the house.

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 renovation and addition will not cause a "wall effect" along the street. The existing historic house is already setback significantly from the street, creating a spacious front yard. Unlike other neighborhoods in Park City, the historic houses along Daly Avenue are staggered on their lots and do not create a clear rhythm and pattern along the street.

The addition will not create a new "wall effect." It will sit approximately 84 feet back from the edge of Daly Avenue. Side setbacks are consistent with the pattern of development and separation in the neighborhood. The location of the new addition on the hillside buries much of the mass and bulk of the new structure underground. The architect has kept the overall height of the structure below 18.5 feet, and the west-facing shed roof helps minimize the appearance of the addition behind the historic house. The new addition steps up the grade, creating private terraces and patios. New stone retaining walls will also allow minimal changes to the existing grade.

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. **No unmitigated impacts.***

As previously noted, the large rectangular shape of the addition will be largely buried below ground so that only the garage wall is exposed to the street view. Though the addition is taller than the historic house, it is separated from the historic house by a transition that allows the addition to start approximately 39 feet from the façade of the historic home. From the street, much of the mass and bulk of the addition will be shielded by the historic house and the height minimized by its distance from the front façade. Following completion of construction, finished grade will be stepped around the perimeter of the new addition to reduce the visual and environmental impacts of the structure.

The proposed building is both articulated and broken into compatible massing components. The addition is dominated by a west-facing sloping shed roof. The scale and massing of this shed roof is broken up by a projecting gable that mimics the pitch of the gable on the historic house. The bulk of the above ground portion of the addition is also broken into smaller components and angles, to create visual interest and reduce the bulk of the addition.

As noted in the table earlier, this addition does not maximize the allowed footprint for this lot. The applicant is proposing a footprint of 1,812 square feet, about 69 percent (%) of the total allowed footprint of 2,610 square feet. They have also nearly doubled their required setbacks, providing 24 feet front and 20.95 feet rear setbacks when 12 feet is the minimum requirement. Similarly, the required side yard setback is 5 feet, yet the applicant is providing 6.5 feet on the north and 10.5 feet on the south side yards. These efforts have allowed the applicant to significantly reduce the scale and massing of the overall addition.

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. **Complies.***

The proposed structure is less than the allowed twenty-seven feet (27') maximum building height requirement measured from existing grade. The front gable of the historic house will be 19 feet above grade. The house and transitional element then extend approximately 39 feet back to the new addition. The addition will measure approximately 18.5 feet or less above existing grade as it rises above the steep wall of the canyon. The low form of the addition allows it to be largely shielded by the historic house when viewed from the public right-of-way.

Staff finds that the design allows additional architectural elements and aesthetics, provides compatibility of design at the street level, meets the overall building Height requirement, and reduces the mass of the addition by burying it within the hillside and shielding it with the historic house.

Process

Approval of this application constitutes Final Action that may be appealed to the City Council following appeal procedures found in LMC § 15-1-18. Approval of the Historic

District Design Review application is noticed separately and is a condition of building permit issuance.

Department Review

This project has gone through an interdepartmental review. No further issues were brought up at that time other than standards items that have been addressed by revisions and/or conditions of approval.

Notice

On July 4, 2015, legal notice was published in the Park Record in accordance with requirements of the LMC. On July 8, 2015 the property was posted and notice was mailed to property owners within 300 feet.

Public Input

No public input was received on this Steep Slope CUP application.

Alternatives

- The Planning Commission may approve the Steep Slope Conditional Use Permit for 279 Daly Avenue as conditioned, or
- The Planning Commission may deny the Steep Slope CUP Permit for 279 Daly Avenue and direct staff to make Findings for this decision, or
- The Planning Commission may request the applicant provide revisions or provide other specific items and continue the discussion to a date certain.

Significant Impacts

As conditioned, there are no significant fiscal or environmental impacts from this application.

Recommendation

Staff recommends the Planning Commission review the application for a Steep Slope Conditional Use Permit at 279 Daly Avenue, conduct a public hearing, and consider approving the Steep Slope CUP for 279 Daly 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 279 Daly Avenue.
2. The property is located within the Historic Residential (HR-1) District and meets the purpose of the zone.
3. The property is described as Lot A of the 279 Daly Avenue Plat Subdivision. The lot area is 8,346.73 square feet.
4. A Historic District Design Review (HDDR) application is required and will be reviewed by staff for compliance with the Design Guidelines for Historic Districts and Historic Sites adopted in 2009.
5. Access to the property is from Daly Avenue, a public street.
6. The neighborhood is characterized primarily by non-historic and historic residential structures, single family homes and duplexes.
7. The proposal consists of a total of 2,641 total square feet, including the garage.

8. The applicant is proposing a footprint of 1,812 square feet, about 69% of the total allowed footprint of 2,610 square feet.
9. The minimum side yard setback is 5 feet. The applicant is providing 6.5 feet on the north and 10.5 feet on the south side yard setbacks.
10. The proposed driveway has a maximum width of ten feet (10') and is approximately 84 feet in length from the garage to the existing edge of street. The driveway is located on the north side of the property. The garage door complies with the maximum height and width of nine feet by nine feet (9'x9').
11. The proposed driveway has an overall slope of 14% as measured from the front of the garage to the edge of the paved street.
12. An overall combined building footprint with the existing Landmark historic house and new addition of 1,812 square feet is proposed. The maximum allowed footprint for this lot is 2,610.9 square feet. The proposed structure complies with all setbacks of 5 feet side yards (14 feet total) and 12 feet front and rear yards (25 feet total). The historic house and new addition will have a 24 feet setback on the front (west), 20.95 feet setback on the rear (east), 6.5 feet (north) and 10.5 feet (south) side yard setbacks.
13. The proposed structure complies with the twenty-seven feet (27') maximum building height requirement measured from existing grade.
14. The proposed structure complies with the LMC required total building height of 35 feet from the lowest floor plane to the highest wall plate and is in compliance with the LMC required step back of 10 feet at the building height of 23 feet at the front façade of the existing historic home.
15. The applicant submitted a visual analysis, cross valley views and a streetscape showing a contextual analysis of visual impacts of this home on the cross canyon views and the Daly Avenue streetscape.
16. Retaining walls will be constructed on the north, east, and south elevations of the house. The retaining walls have been incorporated into the design of the house to blend into the walls of the new addition and the hillside. The tallest of these retaining walls is seven feet (7'), and the wall acts as both a retaining wall and railing for the patio area above the garage on the north side. The north wall of the garage is only four feet (4') above final grade. All of these retaining walls are located within the necessary side yard setbacks. There will be no free-standing retaining walls.
17. 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.
18. The site design, stepping of the foundation and building mass, increased articulation, and decrease in the allowed difference between the existing and final grade mitigates impacts of construction on the 30% or greater slope areas at the rear half of the property, which requires the Steep Slope CUP.
19. Much of the bulk of the new addition will be located on the steep slope. Nevertheless, much of this bulk is buried below ground so that only the wall of the garage will be exposed. The building steps with the natural grade, creating outdoor patio areas. The long west-facing shed roof also helps diminish the overall mass of the structure. The addition will measure approximately 18.5 feet or less above existing grade as it rises above the steep wall of the canyon. The low form of the addition allows it to be largely shielded by the historic house when viewed from the public right-of-way. The proposed massing and architectural design components are compatible with both the volume and massing of other buildings in the area. No wall

effect is created with adjacent structures due to stepping, articulation, and placement of the house on the lot.

20. The proposed structure follows the predominant pattern of buildings along the street, maintaining traditional setbacks, orientation, and alignment. Lot coverage, site grading, and steep slope issues are also compatible with neighboring sites. The size and mass of the structure is compatible with surrounding sites, as are details such as foundation, roofing, materials, window and door openings, and single car garages.
21. No lighting has been proposed at this time. Lighting will be reviewed at the time of Building Permit application for compliance with the LMC lighting code standards.
22. The applicant submitted a visual analysis, cross canyon view, and streetscape showing a contextual analysis of visual impacts of the proposed structure on the adjacent streetscape.
23. The findings in the Analysis section of this report are incorporated herein.
24. The applicant stipulates to the conditions of approval.
25. The property is located in a FEMA Flood Zone A.

Conclusions of Law:

1. The Steep Slope CUP application is consistent with the Park City General Plan.
2. The application is consistent with requirements of the Park City LMC, specifically Section 15-2.2-6 (B) (1-10) regarding development on Steep Slopes.
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 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.
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 Conditional Use Permit, the 2009 Design Guidelines for Historic Districts and Historic Sites (Historic District Design Review) and the Land Management Code.
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 issuance 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 July 22, 2016, if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval has been requested in writing prior to the expiration date and the request is granted by the Planning Director.
 9. Modified 13-D residential fire sprinklers are required for all new structures on the lot.
 10. All exterior lighting, on porches, garage doors, entryways, etc. shall be shielded to prevent glare onto adjacent property and public rights-of-way. Light trespass into the night sky is prohibited. Any new lighting shall be approved by the Planning Department prior to installation.
 11. Construction waste should be diverted from the landfill and recycled when possible.
 12. 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 surroundings.
 13. Any significant vegetation that needs to be removed shall be replaced in-kind or a multiple of trees of the same caliper shall be provided to match the diameter of the existing tree

Exhibits

- Exhibit A - Plans (Applicant's description, existing conditions, site plan, landscape plan, floor plans, elevations, section)
- Exhibit B - Visual Analysis and Streetscape
- Exhibit C – Photographs and Vicinity Map
- Exhibit D - Renderings of Development
- Exhibit E- 2008 Recorded Plat



June 15, 2015

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

RE: Steep Slope C.U.P.
Thurber Residence - Remodel & Addition
Landmark Historic Structure
297 Daly Avenue - Park City, Utah

Dear Planning Department:

PROJECT DESCRIPTION

The proposed project partially consists of providing a much needed concrete foundation for the historic portion of the house.

The interior of the existing house will be modified to accommodate the active living spaces of the house (kitchen, living room, bathroom), while upgrading the structural integrity and structural system of the historic house.

From Daly Avenue, the street side façade of the historic home will remain virtually unchanged. The existing house will be raised twenty-four inches. A new roof and new paint will compliment the existing historic structure.

The raised floor level will also allow the main floor to not only be above the flood elevation, but, will accommodate less impact on the existing hillside where the proposed addition is planned. This addition will include passive areas of the house (garage, bedrooms, bathrooms).

DESIGN ISSUES

The proposed design for the remodel work on the historic portion of the home will have minimal impact on the historic structure, the neighboring properties and as viewed from the public right-of-way.

The new main and upper levels behind the existing historic house have been design with a transition area between the old and new. This transition includes both horizontal and vertical changes in planes, along with a change in wall materials. The siding will be similar, yet different to differentiate the addition from the existing. New, different wall materials will distinguish the new addition from the historic house. The metal roofing on all portions of the house will tie the structures together visually.

DEVELOPMENT ON STEEP SLOPE

The development is located and designed to reduce visual and environmental impacts:

- The property consists of what was historically two parcels and consists of over 8,346 square feet. These parcels were combined into one lot with a lot combination plat in 2008. The entire existing and new footprint will be located on less than half the property.
- The access points and driveway are designed to minimize grading of the natural topography by being located on the flattest sections of the property.
- The project includes areas of terracing.
- The building location has been designed to match the existing main floor height of the historic structure with the new main floor height. The second floor is designed to be nine feet above the main level. This provides for minimizing the height of the new structure.
- The height of the new roof is 12 feet below the allowable height limit of 27 feet above existing grade.
- The height of the new roof is only 8' above existing grade...19 feet below the allowable building height.
- The highest ridge line is over 100 feet from the front property line.
- The building form and scale steps down with the natural grade and is broken into a series of individual smaller components that are compatible with the Historic District.
- The proposed building footprint complies with all applicable setbacks.

SITE FEATURES

Topography - The existing topography of the site consists of a relatively flat front yard and a steep hillside to the back of the house. The front and the sides of the structure will remain similar to the existing topography.

Landscaping - The landscaping consist of the addition of several evergreens to replace any evergreens lost on the hillside where the new addition will be built. All areas of disturbance during construction will be re-landscaped to reflect the existing conditions with natural grasses.

Retaining Walls - The retaining walls shown on the plans are extensions of the foundation walls and will be faced with natural stone.

PROJECT TEAM

The owner has compiled a project team that has extensive work experience in the Park City Historic District, and, have worked together on numerous projects. The primary project team members are as follows:

ARCHITECT

Michael J. Stoker, AIA, NCARB
Stoker Architecture, Inc.
1733 Sidewinder Drive
Park City, UT 84060
435.647.5876
mike@stokerarch.com

STRUCTURAL ENGINEER

Barry H. Welliver
BHW Engineers, LLC
13623 South Bridle Trail Road
Draper, UT 84020
801.553.0162
bhwelliver@gmail.com

SURVEYOR

Ted Mason
Ted Mason Land Surveying & Design
3100 Pinebrook Road
Park City, UT 84098
435.655.0956
ted@mason-pls.com

GENERAL CONTRACTOR

Hayden Andrews
Hayden Construction Company
1733 Sidewinder Drive
Park City, UT 84060
435.640.1617
whayden88@gmail.com

Please contact me should you need any clarification or further information.

Sincerely,



Michael J. Stoker, AIA, NCARB - Architect
President, Stoker Architecture, Inc.

INDEX TO DRAWINGS

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H-1	HISTORIC FLOOR PLAN & ELEVATIONS
H-2	STREETSCAPE ELEVATION
ED-1	EXISTING / DEMOLITION FLOOR PLAN
F-1	CRAWLSPACE LEVEL FLOOR PLAN
F-2	MAIN LEVEL FLOOR PLAN
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M-1	MECHANICAL / PLUMBING / ELECTRICAL GENERAL NOTES

THURBER RESIDENCE

A REMODEL & ADDITION FOR:
ROBERT & JULIE THURBER

279 DALY AVENUE
HISTORIC DISTRICT
PARK CITY, UTAH

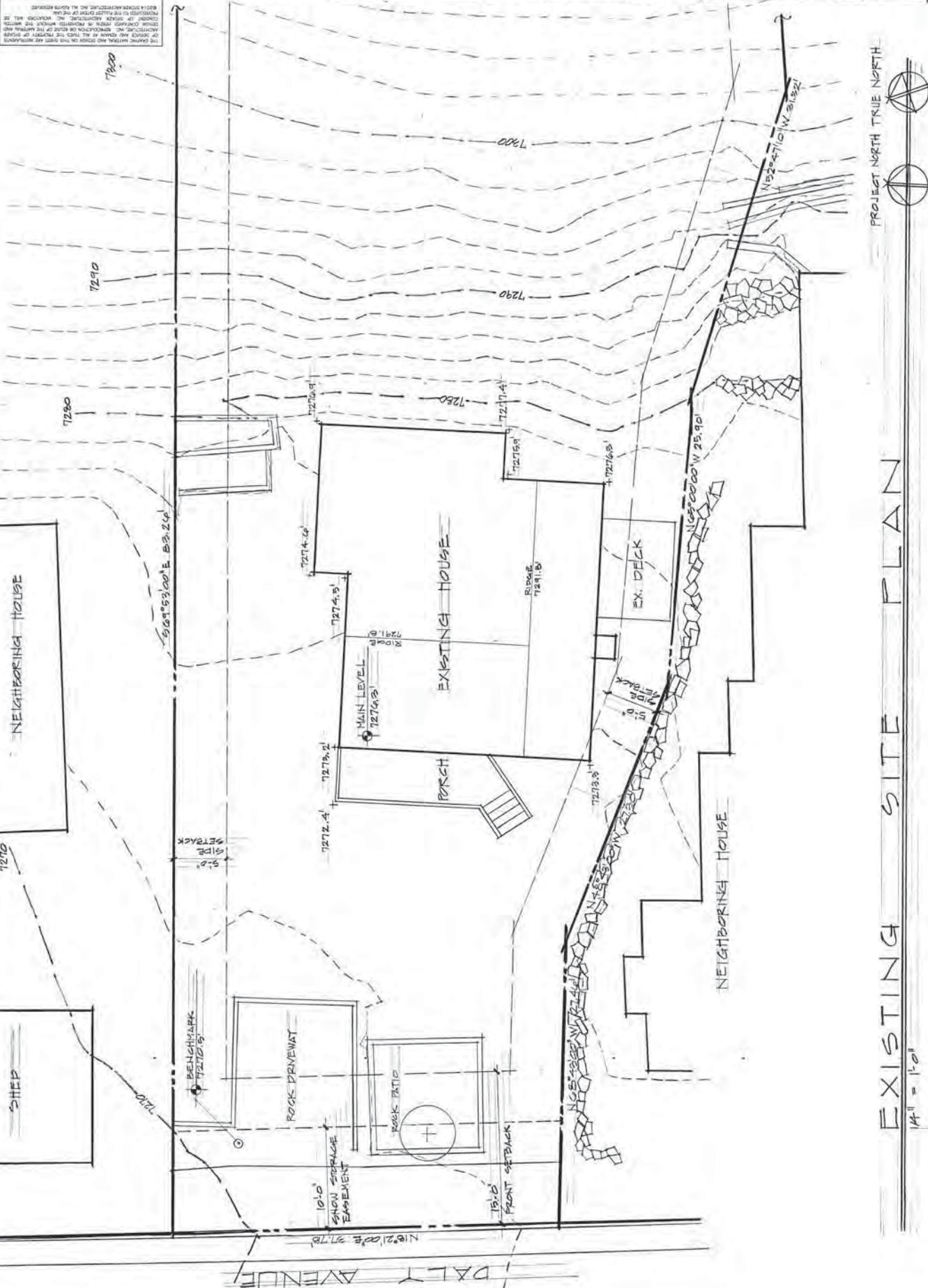
THE THURBER RESIDENCE
PARK CITY, UTAH
NOVEMBER 2014
NO. 143-14-0018



THURBER RESIDENCE
A REMODEL & ADDITION FOR:
ROBERT & JULIE THURBER
279 DALY AVENUE
HISTORIC DISTRICT - PARK CITY, UTAH

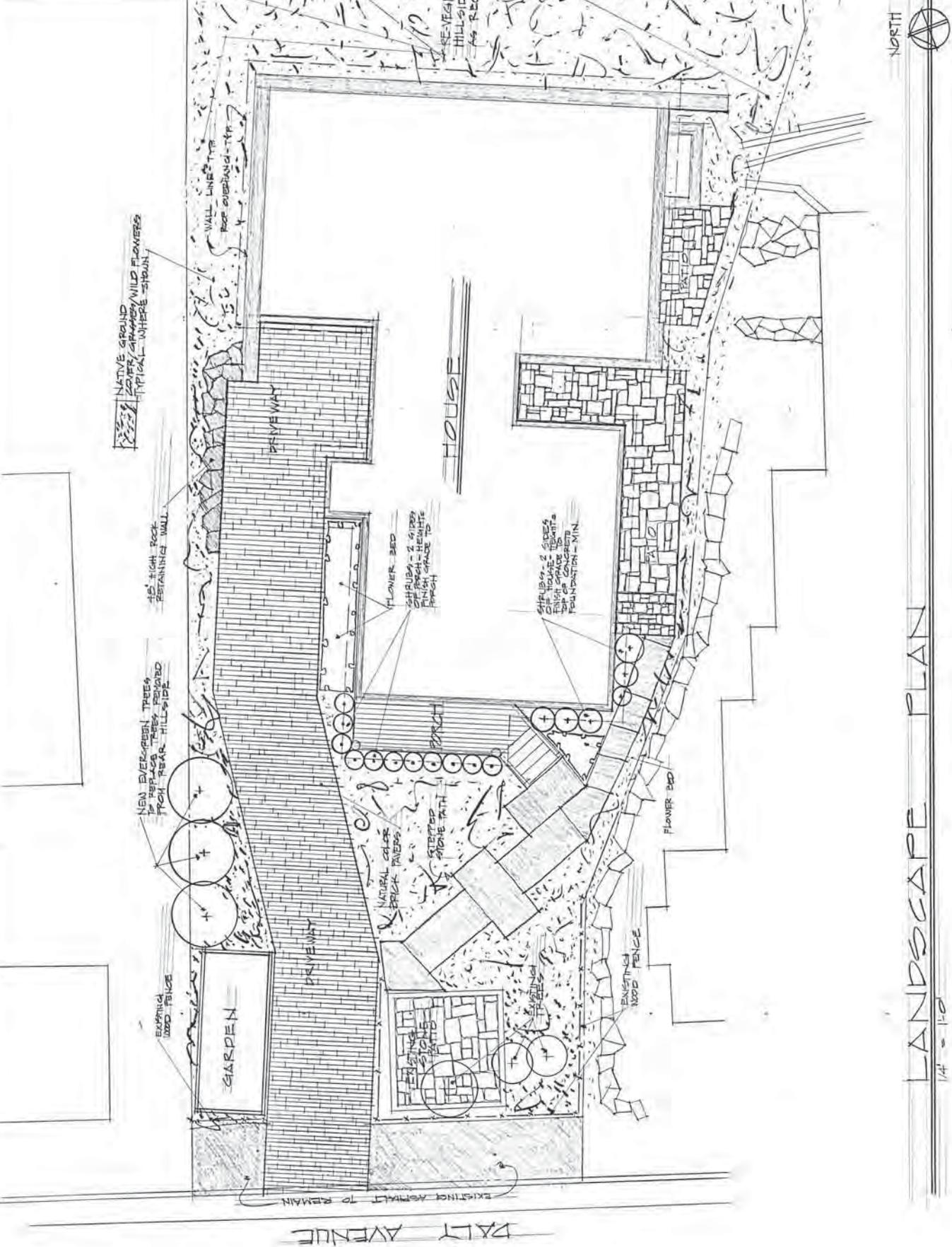
REVISIONS	
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DATE	08.14.14
SHEET	1

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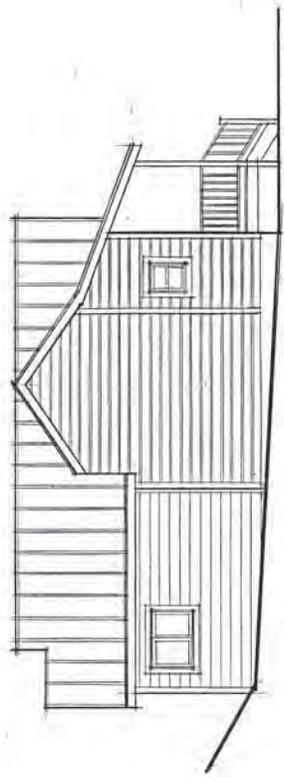




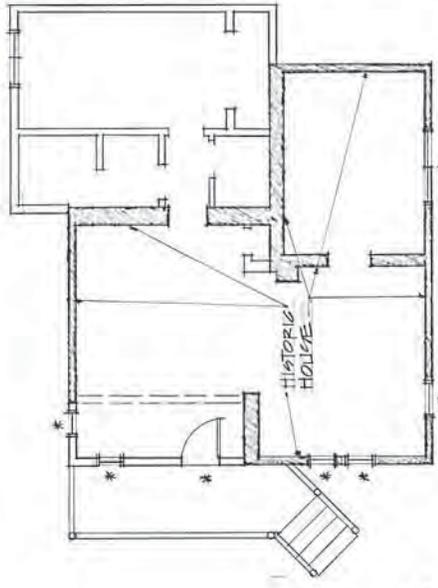
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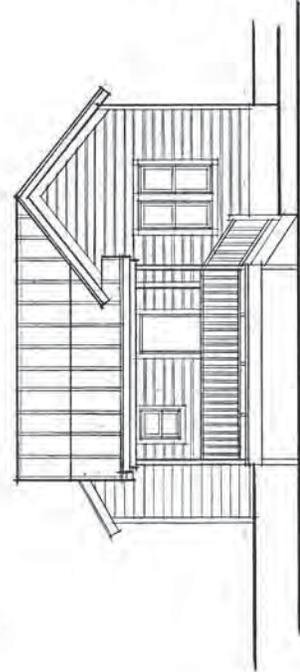
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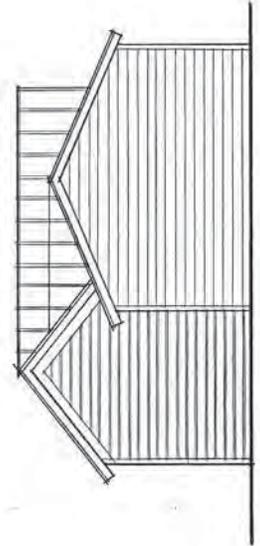
LEFT/NORTH ELEV.



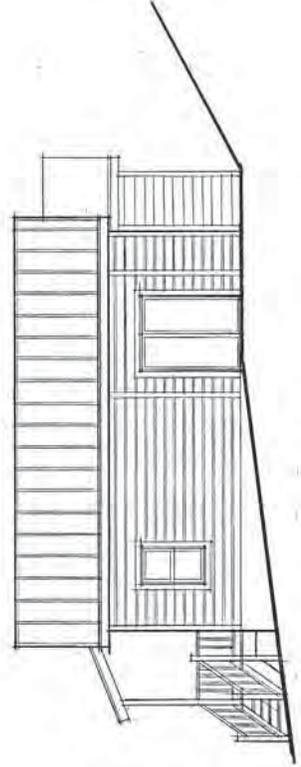
HISTORIC FLOOR PLAN
 * = NON-HISTORIC DOORS & WINDOWS



FRONT/WEST ELEV.

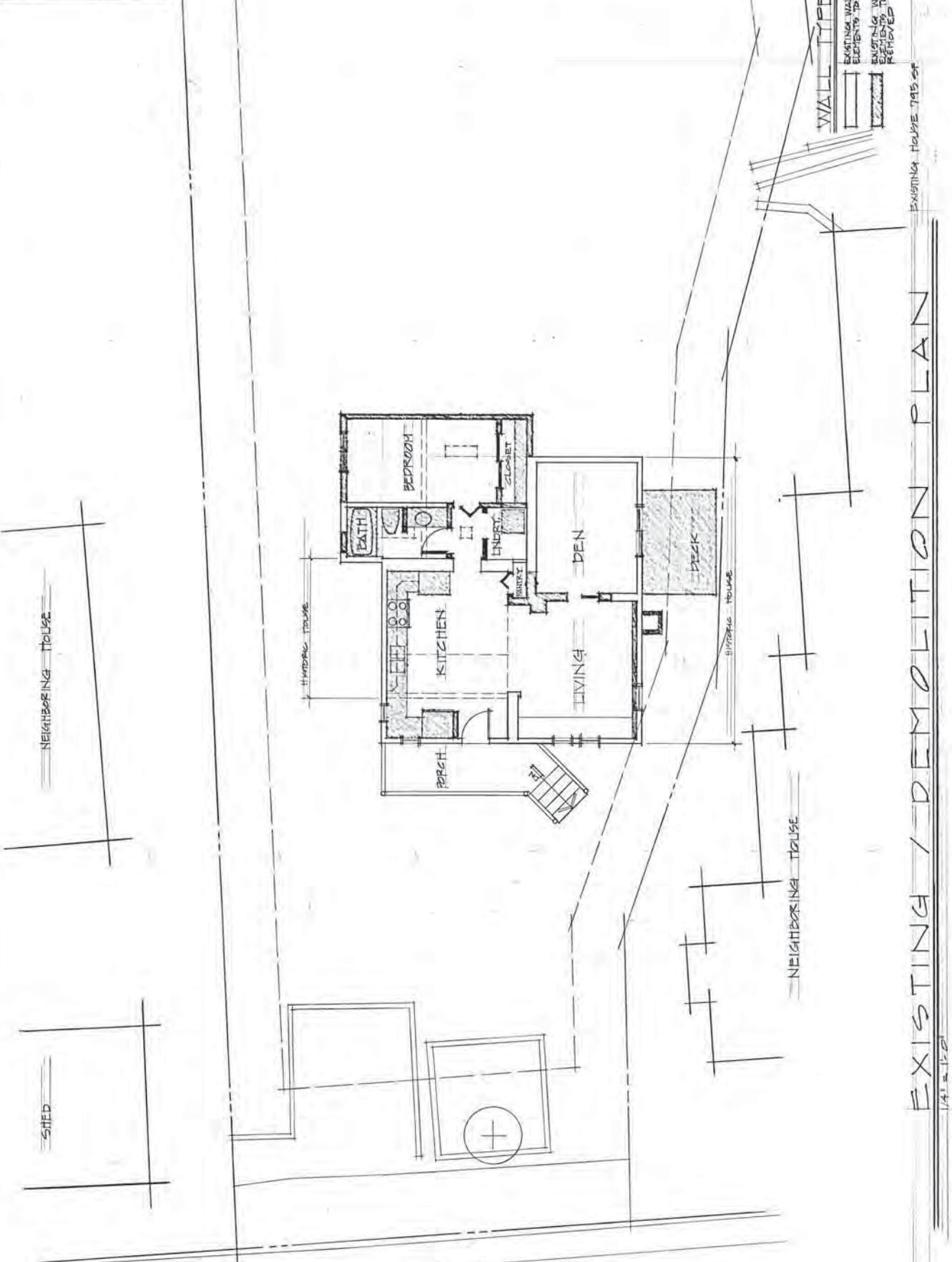


REAR/EAST ELEV.



RIGHT/SOUTH ELEV.

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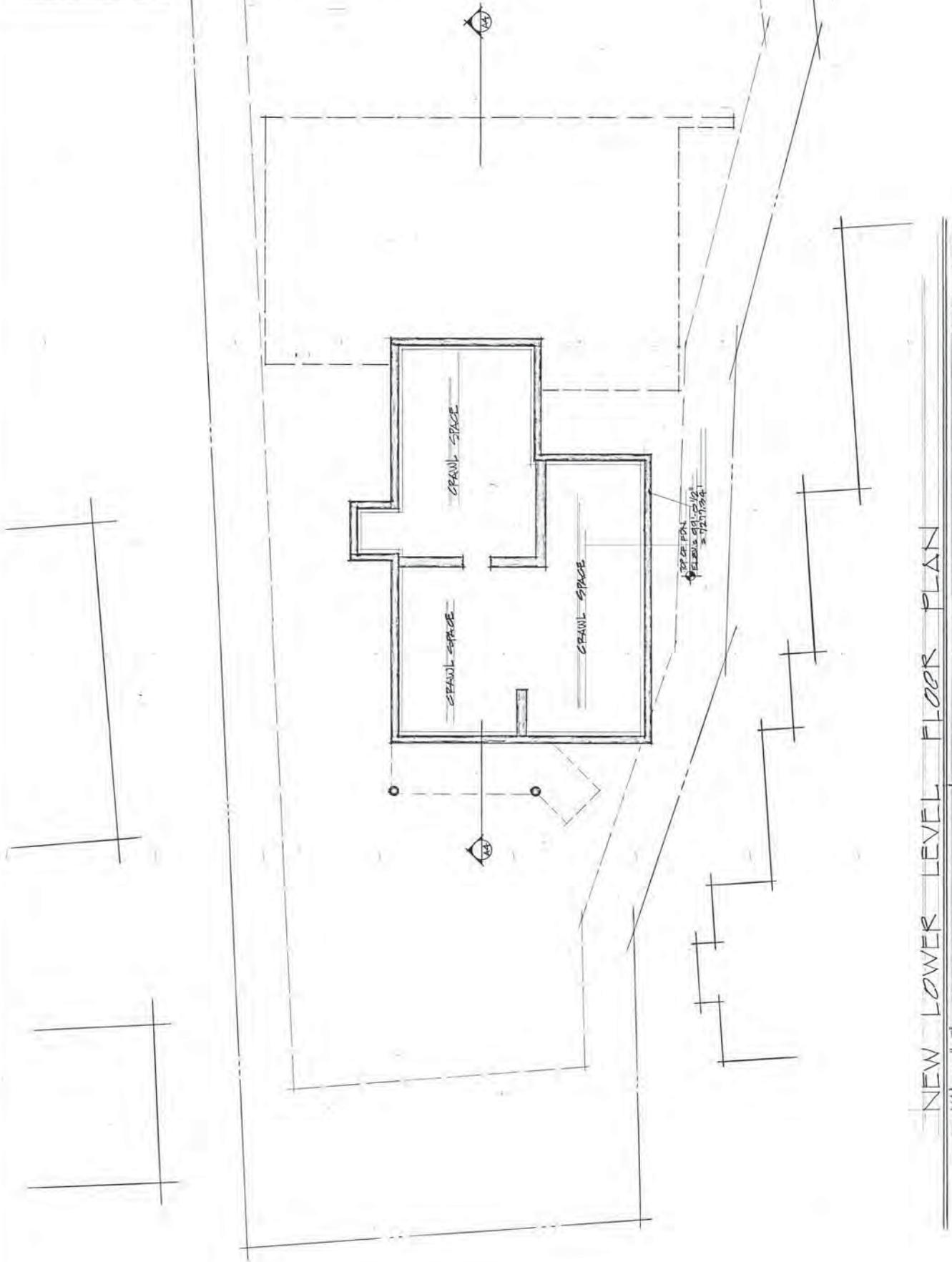
WALL TYPES

[Symbol]	EXISTING WALLS / ELEMENTS TO REMAIN
[Symbol]	EXISTING WALLS / ELEMENTS TO BE DEMOLISHED

EXISTING HOUSE 795 sq ft

EXISTING / DEMOLITION PLAN

The owner, architect, and contractor shall be responsible for obtaining all necessary permits and approvals from the local, state, and federal agencies. The architect shall be responsible for providing all necessary information to the contractor. The contractor shall be responsible for providing all necessary information to the owner. The architect shall be responsible for providing all necessary information to the owner.



NEW LOWER LEVEL FLOOR PLAN
1/4" = 1'-0"

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THE ARCHITECT'S OFFICE
MICHAEL J. BROWN, AIA - ARCHITECT

MJS
STOKER ARCHITECTURE, INC.
300 S. BROADWAY, SUITE 200
CHARLOTTE, NC 28202
704.333.1111

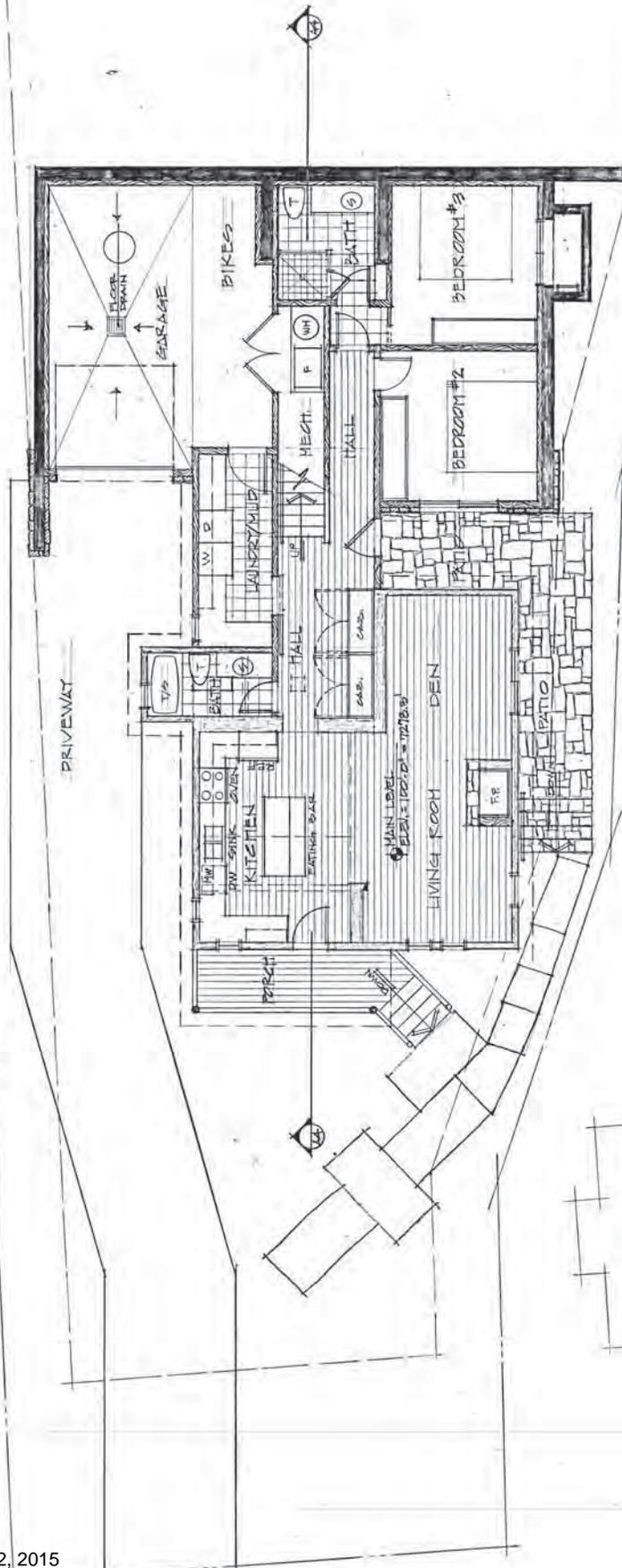
THURBER RESIDENCE
A RENOVATION & ADDITION TO:
ROBERT & JULIE THURBER
279 GAY AVENUE
HISTORIC OLD TOWN - PARK CITY, VT

REVISIONS

SCALE 1/4" = 1'-0"
DRAWN MJS
DATE 10/14/11

PROJECT

A-2



WALL TYPES

[Pattern]	EXISTING WALLS TO REMAIN
[Pattern]	NEW 2x4/2x6 WOOD STUD @ 16" OC WALLS
[Pattern]	NEW STONE VENEER
[Pattern]	NEW CONCRETE WALLS

EXISTING TO LIVE BEHOLD 646 SF
NEW HOUSE ADDITION = 743 SF
NEW GARAGE ADDITION = 411 SF
TOTAL MAIN LEVEL = 1800 SF

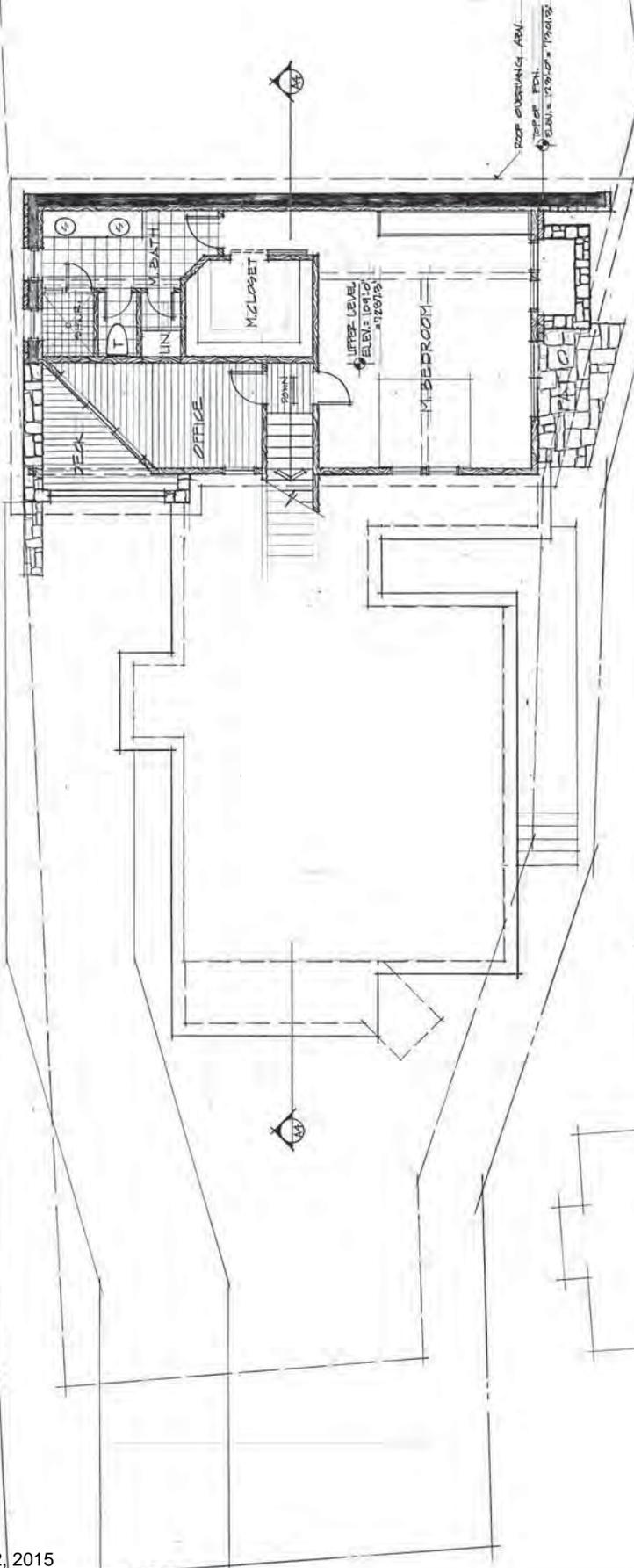
NEW MAIN LEVEL FLOOR PLAN
1/4" = 1'-0"

NEW UPPER LEVEL FLOOR PLAN

14-110

NEW HOUSE ADDITION 625 SF
NEW DECK ADDITION 52 SF
TOTAL UPPER LEVEL 677 SF

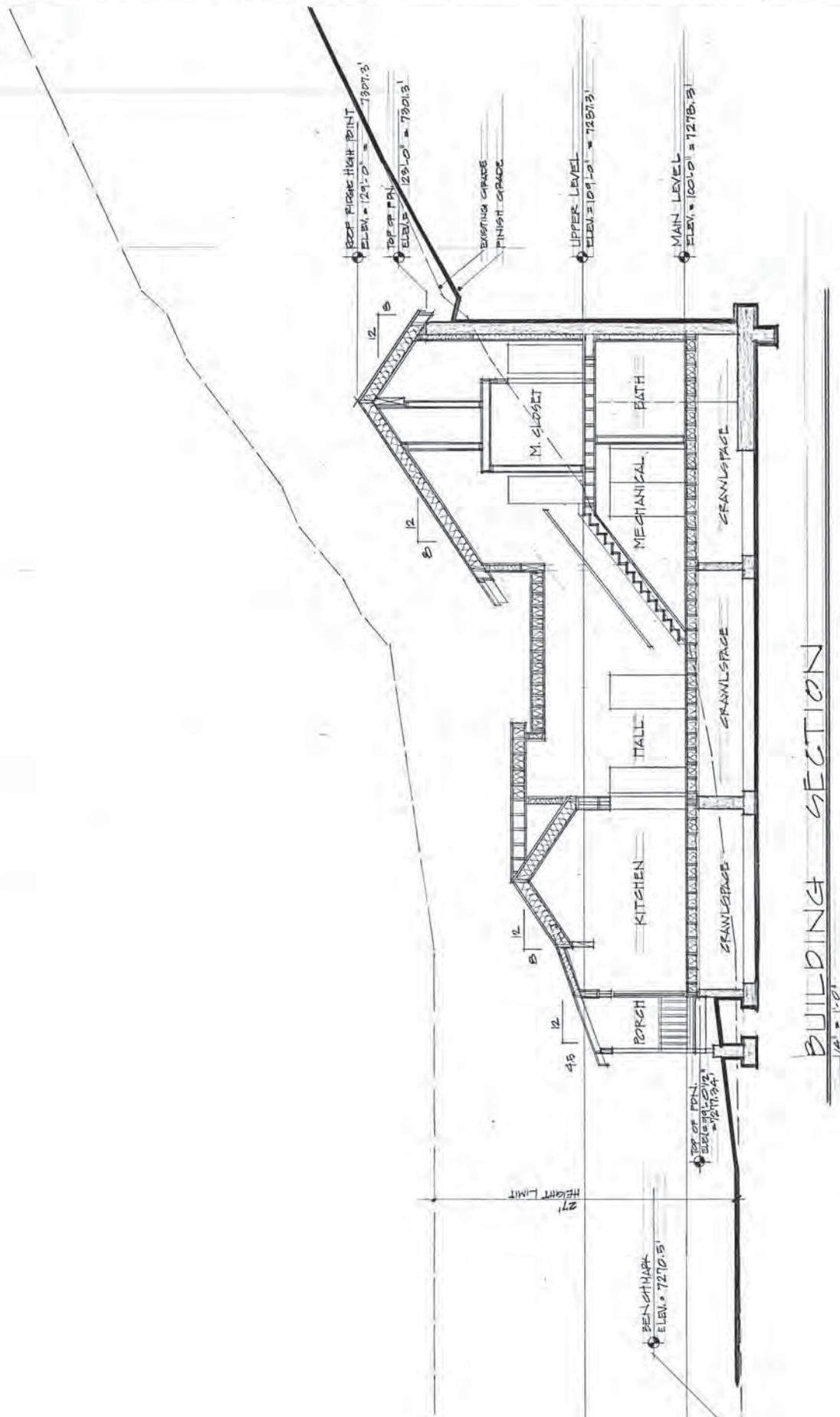
- WALL TYPES**
- NEW 2x4 / 2x6 WOOD STUD 6" G.C.B. WALL
 - NEW STONE VENEER
 - NEW CONCRETE WALLS



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21'-0" HEIGHT LIMIT @
FRONT EAST FACADE BUSTARD

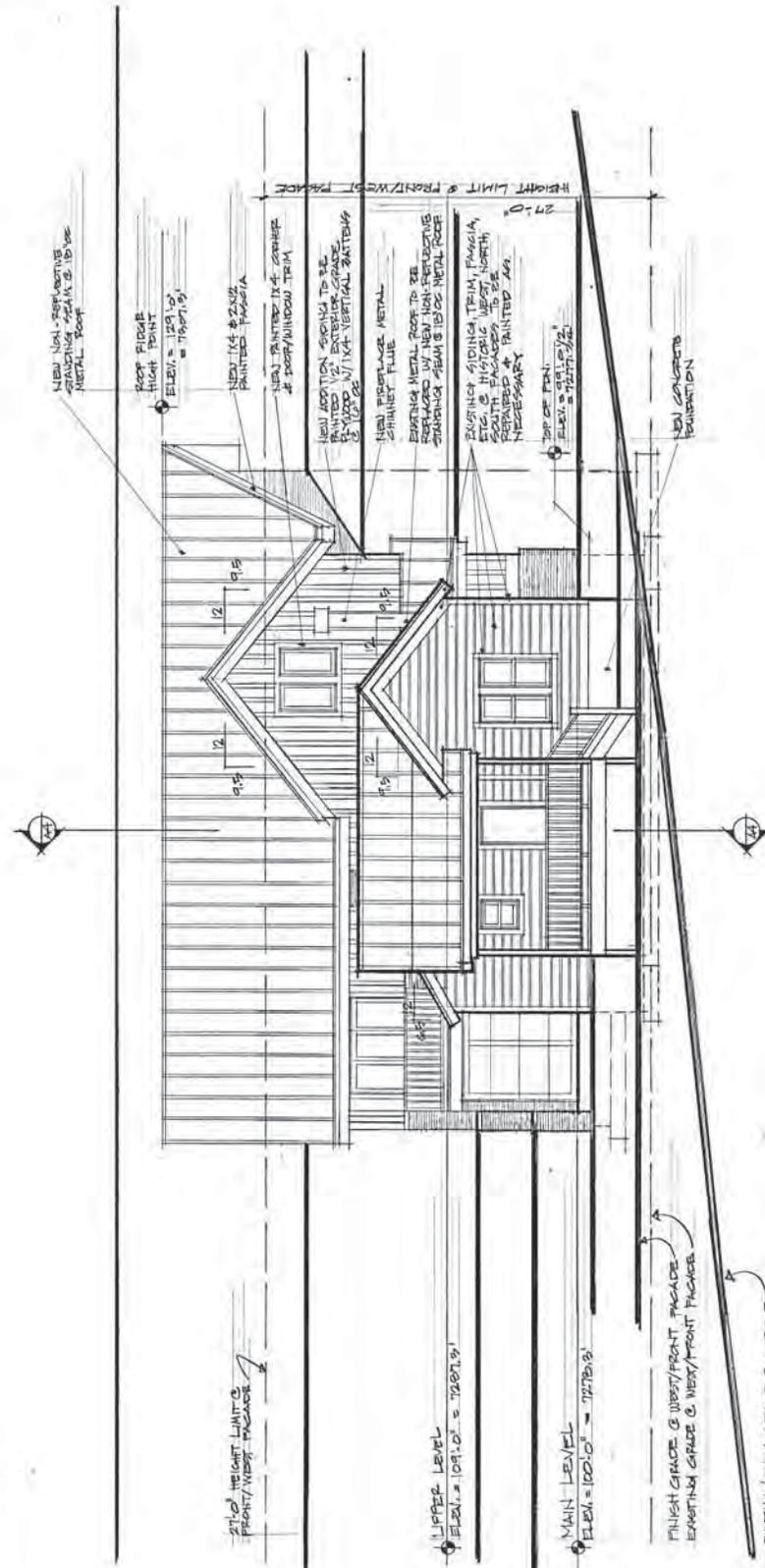
21'-0" HEIGHT LIMIT @
FRONT WEST FACADE

UPPER LEVEL
ELEV. = 109'-0" = 12871.9'

MAIN LEVEL
ELEV. = 100'-0" = 12778.9'

FINISH GRADE @ WEST/FRONT FACADE
EXISTING GRADE @ WEST/FRONT FACADE

EXISTING/FINISH GRADE @ STREET



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

REVISION	
SCALE	1/4"
DRAWN	MJS
DATE	12B 14-4911
SHEET	AS

THURBER RESIDENCE
A REMODEL & ADDITION FOR
ROBERT & JULIE THURBER
279 DAVE AVENUE
HISTORIC OLD TOWN - PARK CITY, UTAH

STOKER ARCHITECTURE, NC
www.stokerarch.com
MJS

THOMAS J. STOKER, AIA - ARCHITECT
111 HARRISON ROAD
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TEL: 435.633.8888

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SHEET

DATE

JOB: 14-441

DESIGN: MJS

SCALE: 1/4"

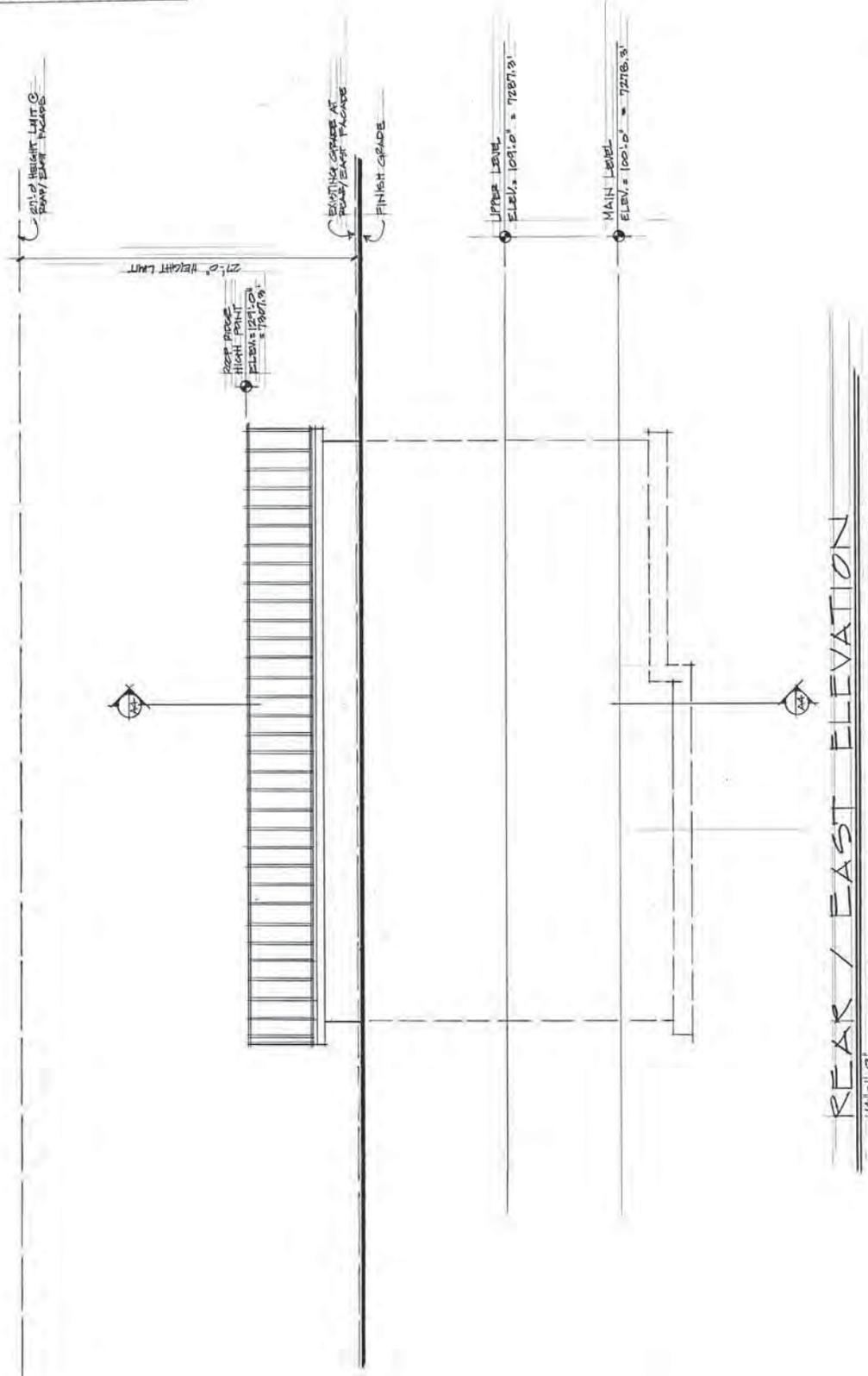
REVISIONS

THURBER RESIDENCE
 A RESIDENTIAL ADDITION FOR
 ROBERT & JULIE THURBER
 279 DAVE AVENUE
 HISTORIC OLD TOWN - PARK CITY, UTAH

MJS
 STOKER ARCHITECTURE, INC.
 1001 S. STATE ST. SUITE 200
 PARK CITY, UTAH 84302
 TEL: 435.633.8888

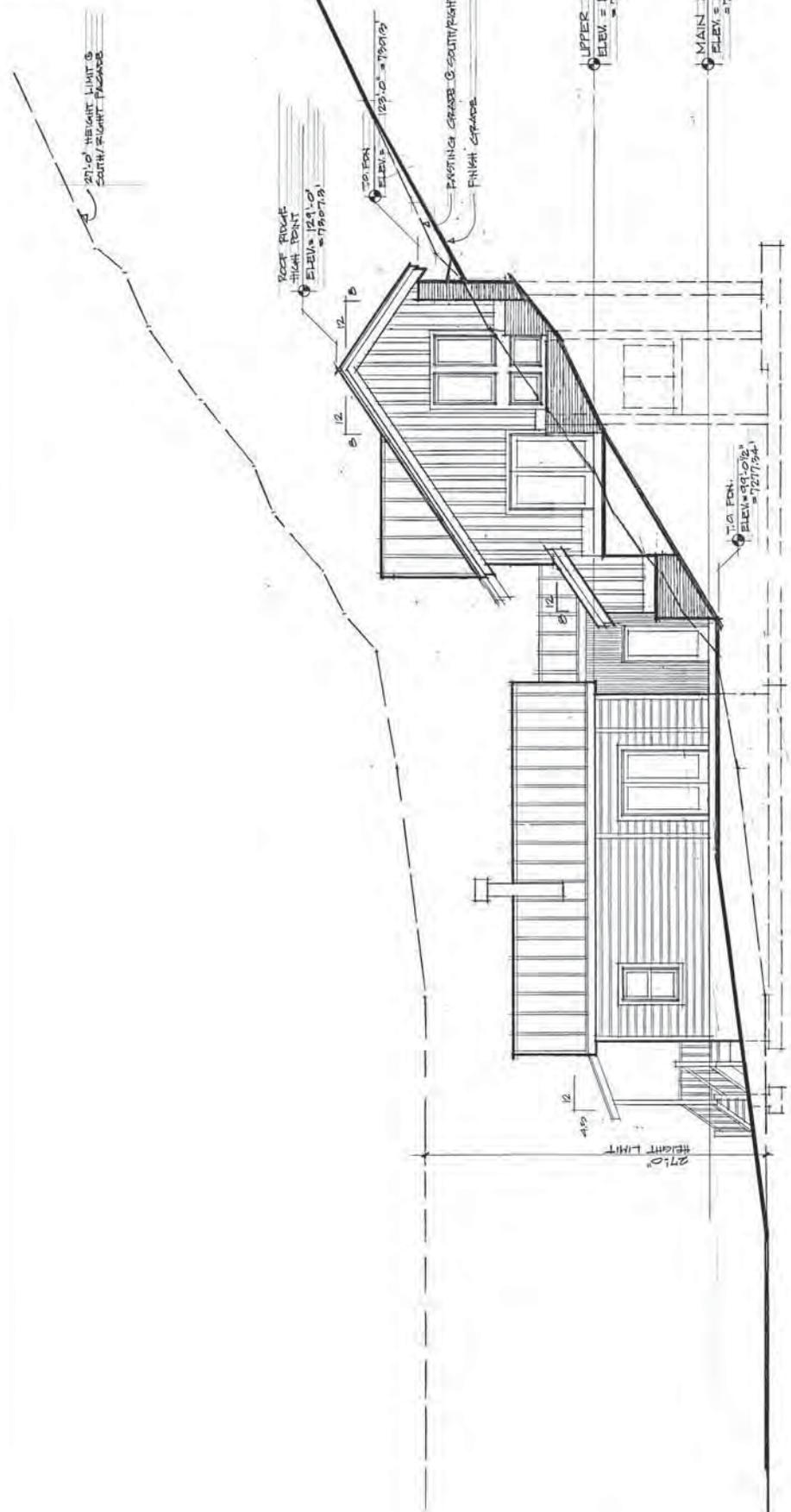
HOOPER & STOKER, A.A. - ARCHITECT

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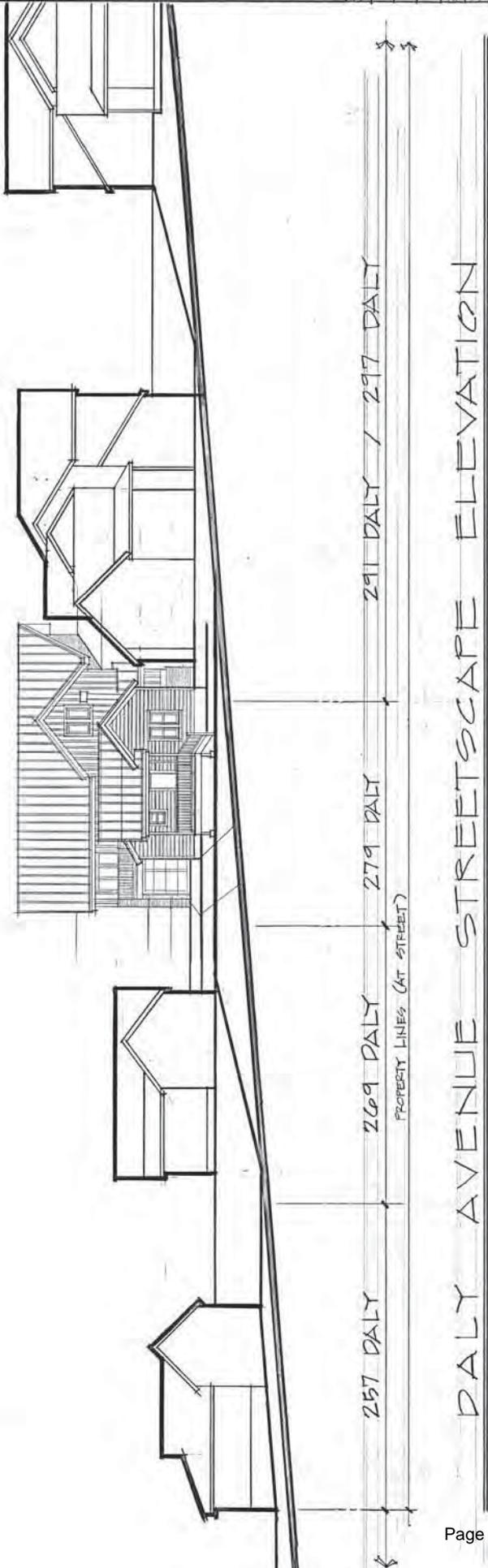
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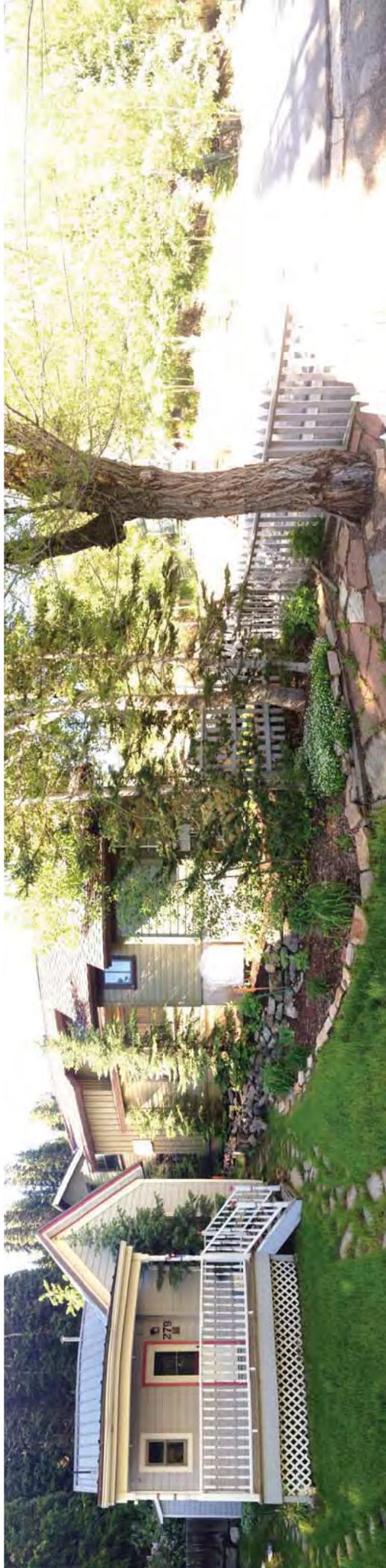
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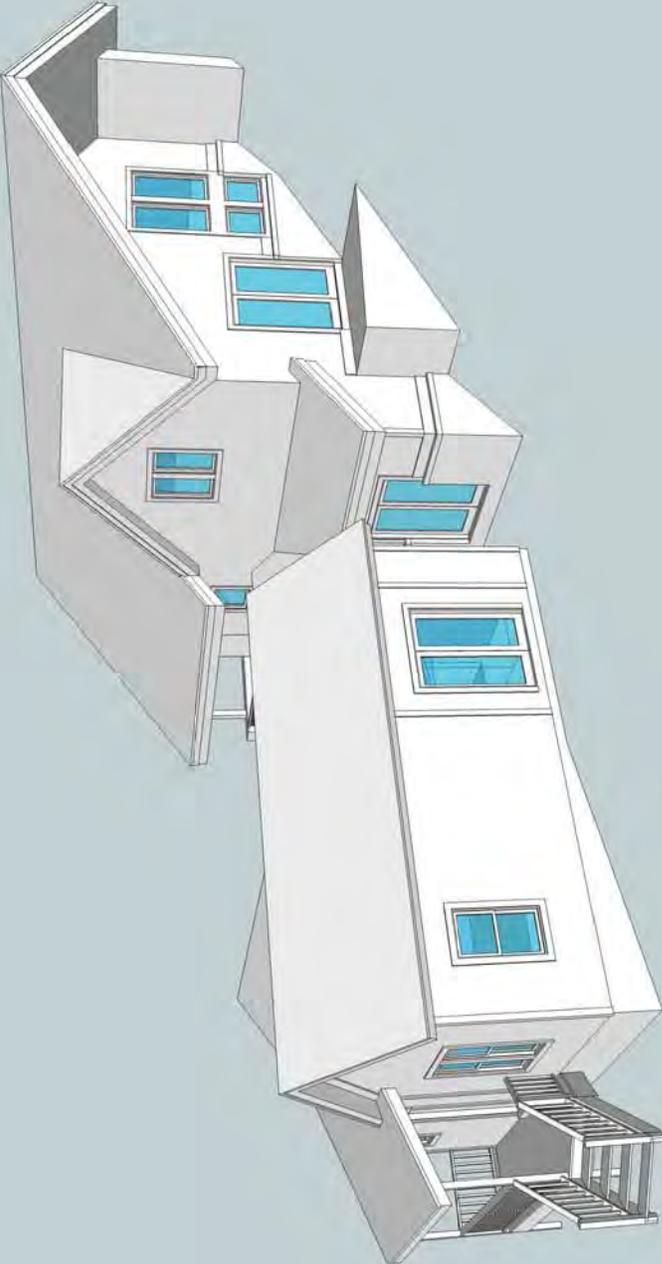


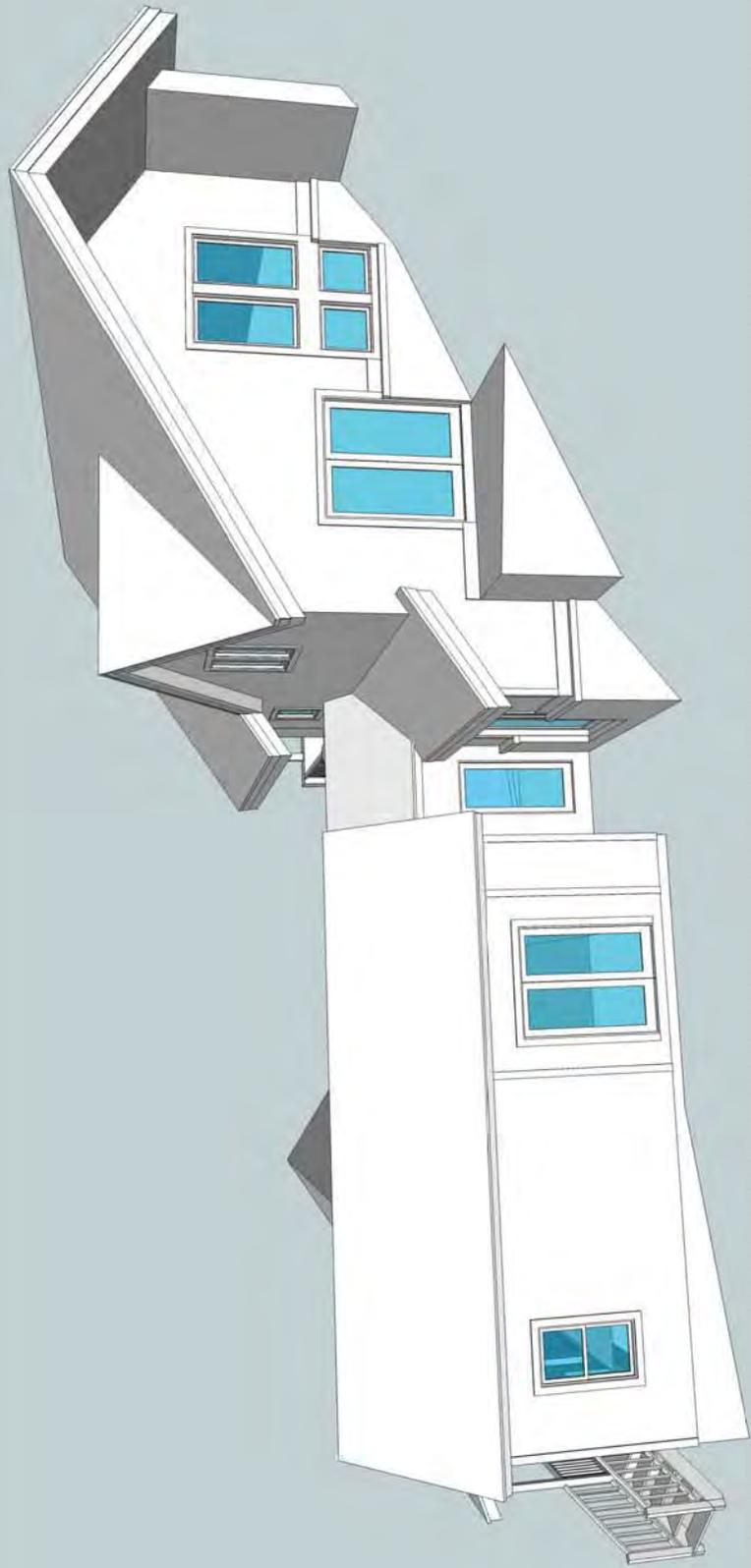


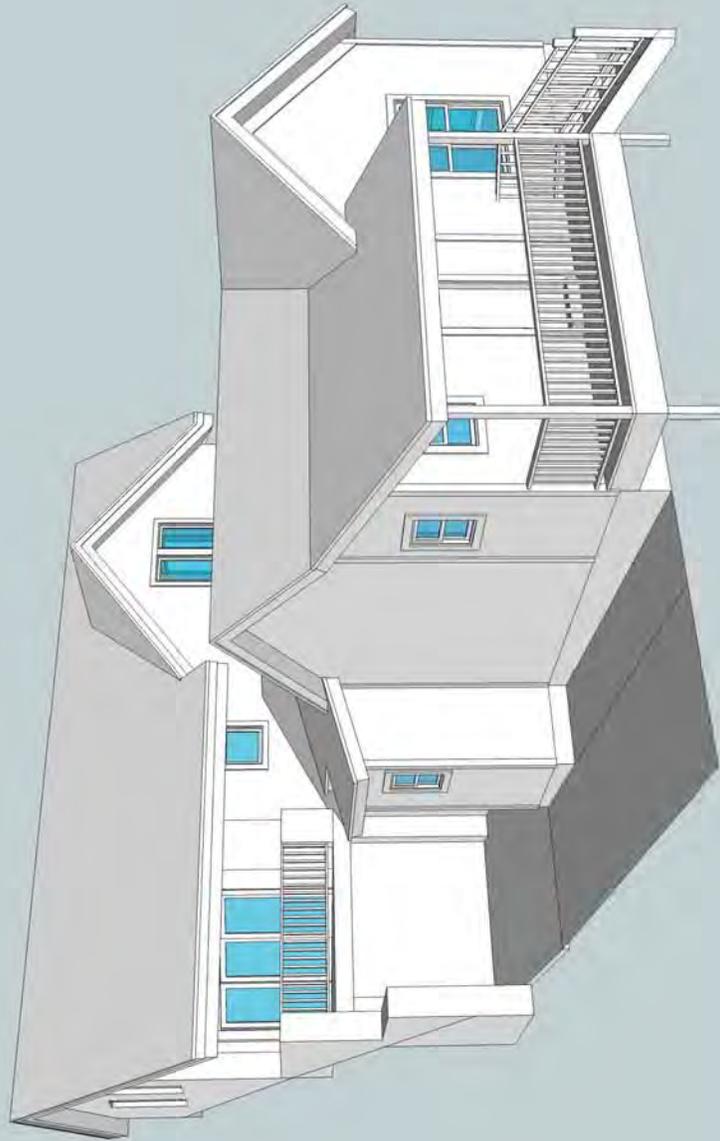


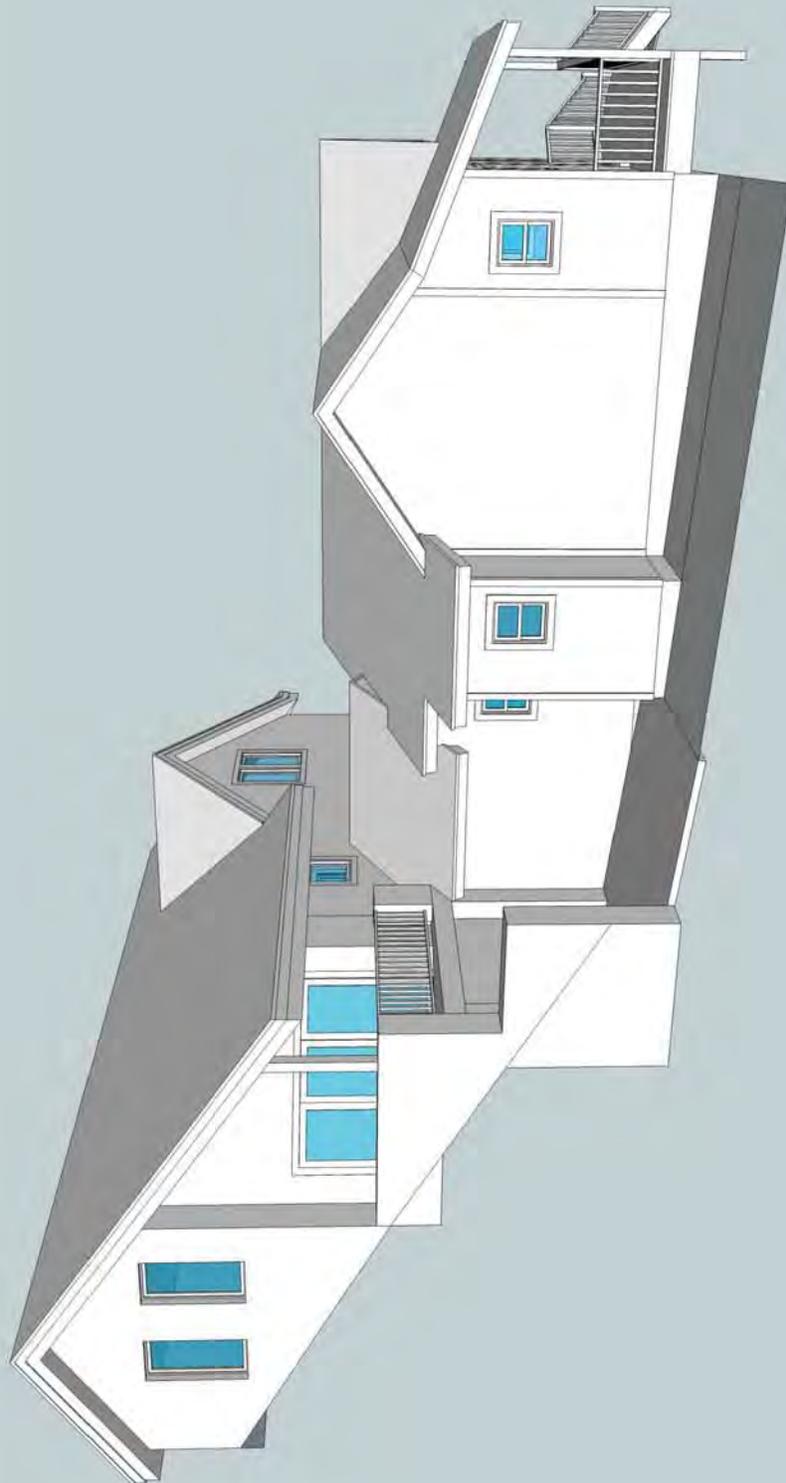














Ordinance No. 08-09

**ORDINANCE APPROVING THE 279 DALY AVENUE SUBDIVISION PLAT,
AN AMENDMENT TO PARCELS 1 AND 2 LOCATED AT
279 DALY AVENUE, PARK CITY, UTAH**

WHEREAS, the owners of two metes and bounds parcels located at 279 Daly Avenue have petitioned the City Council for approval of the plat amendment; and

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

WHEREAS, there applicant would like to combine the existing two metes and bound parcels into one lot of record; and

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

WHEREAS, the Planning Commission held a public hearing on February 27, 2008, to receive input on the plat amendment; and

WHEREAS, the Planning Commission, on February 27, 2008, forwarded a positive recommendation to the City Council; and,

WHEREAS, on March 13, 2008, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 279 Daly Avenue Subdivision Plat.

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 279 Daly Avenue Subdivision Plat, as shown in the attachment 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 279 Daly Avenue.
2. The zoning is Historic Residential (HR-1).
3. The current configuration at 279 Daly Avenue is two tandem metes and bound parcels of land (Parcel 1 and Parcel 2).
4. The proposed lot amendment combines the two existing parcels into one lot of record.
5. The size of the proposed lot is 8347 square feet.
6. According to the Land Management Code the minimum lot width in the HR-1 District is 25'. The lot width of the 279 Daly Avenue Subdivision Plat is 37.78.
7. According to the Land Management Code the minimum lot area in the HR-1 is 1,875 square feet. The lot area of the 279 Daly Avenue Subdivision Plat is 8347.26 square feet.
8. An existing historic home is located on the front parcel of land.
9. The proposed lot creates a snow storage easement 10 feet wide along the front property line off of Daly Avenue
10. No remnant parcels of land are created by this plat amendment.
11. Access to the lot is from Daly Avenue.

12. No trails exist across the property.
13. All findings within the Analysis section are incorporated within.

Conclusions of Law:

1. There is good cause for this Plat Amendment because it will create one lot of record from two metes and bounds parcels of land.
2. The Plat Amendment is consistent with the Park City Land Management Code complying with the minimum requirements for lot width and area.
3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

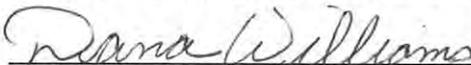
Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the Plat Amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the Plat Amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.

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

PASSED AND ADOPTED this 13th day of March, 2008.

PARK CITY MUNICIPAL CORPORATION



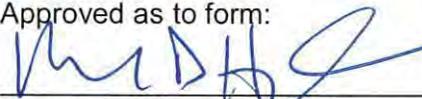
Mayor Dana Williams

Attest:



Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney





Planning Commission Staff Report

Subject: Mountain Spirits Condominiums
Author: Kirsten Whetstone, MS, AICP- Senior Planner
Project Number: PL-15-02740
Date: July 22, 2015
Type of Item: Administrative – Condominium Record of Survey Plat

Summary Recommendations

Staffs recommends the Planning Commission hold a public hearing and consider forwarding a positive recommendation to City Council to approve the Mountain Spirits Condominiums Record of Survey plat located at 533-537 Woodside Avenue based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

This Staff report reflects the professional recommendation of the Planning Department. The Planning Commission, as an independent body, may consider the recommendation but should make its decisions independently.

Description

Applicant: Mulecor Investments, LLC
Represented by Marshall King, Alliance Engineering
Location: 533-537 Woodside Avenue
Zoning: Historic Residential 1 (HR-1)
Adjacent Land Uses: Historic and non-historic single family and duplex residences, Sweeney MPD Fifth Street large lot houses and open space, Washington School House Inn.
Reason for Review: Condominium Record of Surveys require Planning Commission review and City Council review and action

Executive Summary/Proposal

The property owner proposes to record a Condominium Record of Survey (Exhibit A) for a three (3) unit residential building to replace in its entirety the four (4) unit Hunter Villas Condominium record of survey plat (recorded in 1983) to reflect the recent internal and external remodel of the existing building. The property owner requests to record the proposed Record of Survey in order to sell units individually.

Background

On April 14, 2015, the City received a completed application for the Mountain Spirits Condominiums. The application was considered complete on June 12, 2015. The property is located at 533-537 Woodside Avenue in the Historic Residential 1 (HR-1) Zoning District. The subject property consists of Lots 8, 9, and 10, Block 28 of the Park City Survey. An existing, non-historic multi-family building is located on the property that is currently undergoing a significant remodel. (See Exhibit B for the existing conditions

survey, Exhibit D for the vicinity map, Exhibit E for the recorders plat of this property, and Exhibit G for photographs of the previous building and current remodel).

In 1983, the Hunter Villas Condominium plat (Exhibit C), which is a four unit multi-family building, was recorded at Summit County. The applicants are completing a remodel of the existing building and desire to replace the four unit Hunter Villas record of survey plat with the proposed three Unit Mountain Spirits record of survey plat. The owner of the original building, according to the Certificate of Occupancy, was listed as Mountain Spirits.

On June 28, 1979, a Conditional Use Permit (CUP) application was submitted for the four- unit building. The City found the proposed building complied with the Land Management Code (LMC) in effect at that time (June 1978). It was determined that the building met the height, setbacks, minimum lot size and minimum lot width, building coverage, and parking in effect at the time. Construction of the building started in 1980 with a building permit (#213-80) approved by Park City Building Department on October 29, 1980. Upon completion of construction a Certificate of Occupancy was issued by the Park City Building Department on October 2nd, 1986. According to documents on file at the Planning and Building Departments, the building complied with the LMC at the time of the CUP and the Building Permit applications. (See Exhibit F for historic documents).

On September 20, 2011, an application for a Historic District Design Review for a remodel of the building was submitted to the Planning Department. The Historic District Design Review was approved on September 4, 2012 (Exhibit H) and included removing the steep pitched roof/chimney elements, replacing the fifth floor with an open roof top garden and deck, replacing all exterior siding, re-designed fenestration and glazing, providing a new garage door, re-landscaping of the front and rear yard areas, removing the asphalt parking in the front yard and City ROW area, adding an elevator, modifying the interior unit spaces, and modifying the unit entrances and circulation areas. The building footprint was decreased slightly due to removing large bay window features. Building setbacks were not changed (the entire garage level remained as originally constructed).

Due to surveying methods there is a discrepancy between the new existing conditions survey and the recorded Hunter Villas plat in terms of foundation dimensions and setbacks. The proposed record of survey plat is based on a current survey of existing conditions and is not based on the Hunter Villas record of survey plat.

The building was reduced from four units to three and parking within the garage was reduced from eight spaces to six. A building permit for the remodel was issued on March 5, 2013. Construction is underway and the building permit is current.

District Purpose

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

- A. Preserve present land Uses and character of the Historic residential Areas of Park City,

- B. encourage the preservation of Historic Structures,
- C. encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods,
- D. encourage single family Development on combinations of 25' x 75' Historic Lots,
- E. define Development parameters that are consistent with the General Plan policies for the Historic core, and
- F. establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.

Analysis

A condominium is not a type of use but a form of ownership. The following requirements apply to development in the Historic Residential (HR-1) Zoning District:

Regulation- Current LMC	Existing
<p>Use: Multi-Unit Dwelling (3 residential dwelling units).</p> <p>Unit A – 1,763.9 sf Unit B – 1,691.2 sf Unit C – 4,320.9 sf Total – 7,776.0 sf</p>	<p>Non-conforming use. Building Permit issued under the June 1978 LMC that allowed three and four unit buildings as a Conditional Use. Conditional Use Permit (CUP) (June 28, 1979) approved and four-plex constructed in 1981 (permit #213-80). Certificate of Occupancy for four-plex was approved on October 2, 1986. Current zone does not allow three or four unit buildings. <u>Legal non-conforming use per Conditional Use Permit, Building Permit, and Certificate of Occupancy</u></p>
<p>Minimum lot area: 5,625 square feet (three “Old Town” lots) required for four-plex at time of construction. Current code requires minimum lot area of 1,875 sf for single family house and 3,750 sf for duplex. No minimum lot area specified as four-plex not allowed in the HR-1 zone under current LMC.</p>	<p>Existing lot area is 5,625 square feet (3 “old Town” lots for 3 units). <u>Existing legal non-complying per Building Permit and Certificate of Occupancy.</u></p>
<p>Minimum lot width: 25 feet</p>	<p>75 feet, <u>complies.</u></p>
<p>Front, Rear, and Side Yards: 10’ front and 10’ rear. 5’ minimum side and 18’ total side.</p>	<p>14.43’ to 15.01’ front setbacks 14.74’ to 15.33’ rear setbacks <u>complies.</u> 3.92’ to 4.72’ s, side setbacks</p>

	4.77' to 5.58' n, side setbacks Total side is 8.69' (minimum) <u>Existing legal non-complying per Building Permit and Certificate of Occupancy.</u>
Maximum Building Footprint: 2,050 sf (based on lot area)	Existing building footprint is 2,999.5 square feet. Building constructed in 1981 in compliance with LMC at that time- no maximum building footprint required. Previous building footprint was 3,070.55. <u>Existing legal non-complying per Building Permit and Certificate of Occupancy.</u>
Minimum parking requirements for Apartment/Condominium 2,000 sf floor area or greater: 2 per dwelling unit.	Unit A- 1,763 sf- 1.5 spaces Unit B- 1,691 sf- 1.5 spaces Unit C- 4,320 sf- 2.0 spaces
Minimum parking requirements for Apartment/Condominium between 1,000 sf and 2,000 sf floor area or greater: 1.5 per dwelling unit.	Five spaces are required and six spaces are provided for the three dwelling units. <u>complies.</u>

Review of Existing Non-compliance

According to the June 28, 1979, CUP application and building permit #213-80 issued on October 29, 1980, the building complied with the Land Management Code in effect at that time (June 1978) for height, setbacks, minimum lot size and minimum lot width, and parking. There was no maximum building footprint at that time (Exhibit F). In the June 1978 LMC, four-plex buildings required a CUP and required a minimum lot area of 5,625 square feet. The existing building does not comply with the current LMC in terms of side setbacks, building height, building footprint, and lot area requirements of the HR-1 Zoning District. The current LMC does not permit tri-plex or four-plex buildings in the HR-1 Zoning District.

Setbacks

According to the existing conditions survey submitted with this application (Exhibit B), the actual front setback of the existing foundation is 15.33' at the northeast corner and 14.74' at the southeast corner. The current LMC requires a front setback of ten feet (10') based on the lot depth of seventy-five feet (75').

According to the existing conditions survey the actual rear setback for the existing foundation is 14.43' at the northwest corner and 15.01' at the southwest corner. The

current LMC requires a rear setback of ten feet (10') based on the lot depth of seventy-five feet (75').

According to the existing conditions survey, the actual side setbacks of the existing foundation range from 3.92' to 4.72' along the south property line and 4.77' to 5.58' along the north property line. The total side setback measures 8.69'. The current LMC requires side setbacks of 5' minimum (18' total) based on the combined lot width of 75'.

Building Height

The building was approved with a 28' building height to the midpoint of the gable roof in compliance with the LMC at the time of construction. Prior to the remodel and modification of the roof the highest ridgeline was noted on the recorded plat at USGS elevation of 7142.5. The current highest roofline, as depicted on the proposed plat is at USGS elevation of 7132.4. The overall height of the building was reduced by ten feet.

The remodel did not increase the degree of non-compliance with the LMC in effect at the time of construction in terms of building height. The building permit was issued prior to the latest LMC amendments to Section 15-2.2-5 regarding required horizontal stepping and maximum overall building height as well as a building height of 27' from existing natural grade to ridgeline. The building is non-complying with regards to the current LMC Section 15- 2.2-5 because it was constructed prior to adoption of the current language.

Building Footprint

According to the current LMC, the maximum allowed building footprint for the property is 2,050 sf based on the lot size. The remodel did not increase the building footprint from what was approved with the original building permit. No maximum building footprint was required by the LMC at the time of construction. According to the CUP the building was approved with a maximum building coverage of 3,250 sf. The existing building footprint, according to the current survey is 2,999 sf.

Lot area

The current lot is 5,625 square feet in area. In the HR-1 Zoning District the minimum lot size for a single family house is 1,875 square feet and the minimum lot size for a duplex is 3,750 square feet. At the time of construction the minimum lot size for both a tri-plex and a four- plex was 5,625 square feet. The building complied with the LMC in effect at the time of construction and is currently non-complying with the current LMC in terms of minimum lot size.

Summary of non-complying structure

Upon completion of construction of the four-plex a Certificate of Occupancy was issued by the Park City Building Department on October 2nd, 1986. According to documents on file at the Planning and Building Departments, the building complied with the LMC at the time of the Conditional Use Permit (CUP) and the Building Permit applications. The existing building continues to be a non-complying building according to the current Land Management Code in terms of side setbacks, building height, and building footprint and

non-conforming in terms of use and lot area.

Good Cause

Staff finds Good Cause for the Condominium Record of Survey Plat as the requested form of ownership, as individually owned condominium units, is not detrimental to the overall character of the neighborhood. The proposed plat accurately reflects the as-built condition of this building. This application, as shown on the proposed plat, allows the following units to be platted as private ownership:

Unit A – 1,763.9 sf

Unit B – 1,691.2 sf

Unit C – 4,320.9 sf

Total – 7,776.0 sf

Common space is platted for the parking garage, common rear stairs, mechanical room, roof, foundation, exterior walls, etc. Limited common spaces include the storage areas specific to individual units, entrance stairs and landing for specific units, balconies, patios, etc.

Condominium Plat

LMC § 15-4-12 indicates that existing structures shall not be converted to condominium ownership without first receiving a review and recommendation from the Planning, Engineering and Building Departments, City Attorney, and Record of Survey plat approval from the City. Furthermore, required public improvements and landscaping shall be completed at the time of conversion or security provided to ensure completion as provided by ordinance. The building was initially converted to condominium ownership in 1983 as Hunter Villa Condominiums. Staff recommends a condition of approval that prior to recordation of the proposed Mountain Spirits Condominiums record of survey plat, that replaces the existing Hunter Villa Condominiums record of survey plat, the Planning and Building Departments shall verify that the structure complies with the current Building code and all required public improvements and landscaping are complete.

Process

Approval of this record of survey plat application by the City Council constitutes Final Action that may be appealed following the procedures found in Land Management Code Section 1-18.

Department Review

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

Notice

On July 8, 2015, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record on July 4, 2015, in accordance with noticing requirements of the Land Management Code.

Public Input

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

Alternatives

- The Planning Commission may forward a positive recommendation to City Council to approve Mountain Spirits Condominiums record of survey plat; or
- The Planning Commission may forward a negative recommendation to City Council to deny the Mountain Spirits Condominiums record of survey plat and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion to a date certain and provide staff with direction to provide additional information necessary in order to make a recommendation on the record of survey plat.

Significant Impacts

There are no significant fiscal or environmental impacts resulting from this application for a record of survey plat to change the form of ownership for this building.

Consequences of not taking the Planning Department's Recommendation

The property owner would not have the option to sell units individually.

Summary Recommendation

Staffs recommends the Planning Commission hold a public hearing and consider forwarding a positive recommendation to City Council to approve the Mountain Spirits Condominiums Record of Survey plat located at 533-537 Woodside Avenue based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Exhibits

Draft Ordinance

Exhibit A – Proposed Condominium Record of Survey

Exhibit B – Existing Conditions Survey

Exhibit C – Current Plat of Hunter Villas Condominiums

Exhibit D – Vicinity Map Aerial

Exhibit E – Recorder plat

Exhibit F – Certificate of Occupancy/Building Permit Log/CUP

Exhibit G – Photos (Note- I still need to take more current photos as the ones submitted with the application are from winter with the plastic over the front)

Exhibit H – HDDR approval letter

Draft Ordinance No. 15-

AN ORDINANCE APPROVING MOUNTAIN SPIRITS CONDOMINIUMS RECORD OF SURVEY PLAT, REPLACING HUNTER VILLA CONDOMINIUMS RECORD OF SURVEY PLAT, LOCATED AT 533-537 WOODSIDE AVENUE PARK CITY, UTAH.

WHEREAS, the owner of the property located at 533-537 Woodside Avenue has petitioned the City Council for approval of the condominium record of survey plat; and

WHEREAS, on July 4, 2015, notice of the public hearing was posted and legal notice published in the Park Record according to the requirements of the Land Management Code; and

WHEREAS, July 8, 2015, proper legal notice was sent to all affected property owners and the property was posted; and

WHEREAS, the Planning Commission held a public hearing on July 22, 2015, to receive input on the condominium record of survey plat; and

WHEREAS, the Planning Commission, on July 22, 2015, forwarded a recommendation to the City Council; and,

WHEREAS, on August 20, 2015, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Mountain Spirits Condominiums record of survey plat for the existing building located at 533-537 Woodside Avenue.

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

SECTION 1. APPROVAL. Mountain Spirits Condominiums record of survey plat as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 533-537 Woodside Avenue.
2. The property is in the Historic Residential (HR-1) Zoning District.
3. There is an existing non-historic 3 unit building located on the property that is an on-going remodel of a non-historic 4-plex condominium building, known as Hunter Villa Condominiums.
4. Hunter Villa Condominiums record of survey plat was recorded at Summit County on February 14, 1983.

5. The property consists of three (3) standard "Old Town" lots and a total of 5,625 square feet of lot area. The underlying lots are Lots 8, 9, and 10, Block 28, of the Park City Survey.
6. On June 28, 1979, a CUP application was submitted for a four unit building on the subject property. According to the CUP application and subsequent building permit the building complied with the Land Management Code in effect at that time (June 1978) for height, setbacks, minimum lot size and minimum lot width, building coverage, and parking.
7. In the June 1978 Land Management Code, four-plex buildings required a CUP and required a minimum lot area of 5,625 square feet. Minimum side setbacks of five feet (5'), front setbacks of fifteen feet (15') and rear setbacks of ten feet (10') were required. Maximum building height was 28' measured from the mid-point of the gable roof to natural grade. Minimum lot width of 75' was required.
8. Construction of the building started in 1980 with a building permit (#213-80) approved by Park City Building Department on October 29, 1980.
9. On October 2, 1986, upon completion of construction of the four-plex, a Certificate of Occupancy was issued by the Park City Building Department.
10. According to documents on file at the Planning and Building Departments, the building complied with the LMC at the time of the CUP, the Building Permit application, and Certificate of Occupancy.
11. According to the existing conditions survey submitted with this application, the actual front setback of the existing foundation is 15.33' at the northeast corner and 14.74' at the southeast corner. The current LMC requires a front setback of ten feet (10') based on the lot depth of seventy-five feet (75').
12. According to the existing conditions survey the actual rear setback for the existing foundation is 14.43' at the northwest corner and 15.01' at the southwest corner. The current LMC requires a rear setback of ten feet (10') based on the lot depth of seventy-five feet (75').
13. According to the existing conditions survey, the actual side setbacks of the existing foundation range from 3.92' to 4.72' along the south property line and 4.77' to 5.58' along the north property line. The current LMC requires side setbacks of 5' minimum (18') based on the combined lot width of 75'.
14. The building was approved with a 28' building height to the midpoint of the gable roof in compliance with the LMC at the time of construction. Prior to the remodel and modification of the roof the highest ridgeline was noted on the recorded plat at USGS elevation of 7142.5. The current highest roofline, as depicted on the proposed plat is at USGS elevation of 7132.4. The overall height of the building was reduced by ten feet.
15. The remodel did not increase the degree of non-compliance with the LMC in effect at the time of construction in terms of building height. The building permit was issued prior to the latest LMC amendments to Section 15-2.2-5 that require horizontal stepping and maximum overall building height. The building is non-complying with regards to the current LMC Section 15- 2.2-5 (building height) because it was constructed prior to adoption of the current language.
16. The remodel did not increase the building footprint from what was approved with the original building permit. No maximum building footprint was required at the

time of construction. According to the CUP the building was approved with a maximum building coverage of 3,250 sf. The existing building footprint, according to the current survey is 2,999 sf.

17. According to the current LMC, the maximum allowed building footprint for the property is 2,050 sf based on the lot size.
18. The existing building continues to be a non-complying building according to the current Land Management Code in terms of side setbacks, building height, and building footprint and lot size and non-conforming in terms of use.
19. The existing building provided eight parking spaces for four units in compliance with the LMC at the time of construction. The remodel reduced the parking to six parking spaces for three units in compliance with the current LMC.
20. The proposed condominium Record of Survey plat memorializes each dwelling unit within the multi-unit dwelling as a separate unit that can be leased or owned separately.
21. A condominium is not a type of use but a form of ownership.
22. The current lot is 5,625 square feet. In the HR-1 Zoning District the minimum lot size for a single family house is 1,875 square feet and the minimum lot size for a duplex is 3,750 square feet. At the time of construction the minimum lot size for both a tri-plex and a four-plex was 5,625 square feet. The building complied with the LMC in effect at the time of construction and is currently non-complying with the current LMC in terms of minimum lot size.
23. The current lot width is 75' and complies with the minimum lot width of 25 feet in the Historic Residential Zoning District.
24. The requested form of ownership is not detrimental to the overall character of the neighborhood.
25. This application allows the following units to be platted as private ownership:
 - a. Unit A – 1,763.9 sf
 - b. Unit B – 1,691.2 sf
 - c. Unit C – 4,320.9 sf
26. Common space is platted for the parking garage, common rear stairs, mechanical room, roof, foundation, exterior walls, etc.
27. Limited common spaces include the storage areas specific to individual units, entrance stairs and landing for specific units, balconies, patios, etc.
28. On September 20, 2011, an application for a Historic District Design Review for a remodel of the building was submitted to the Planning Department.
29. The Historic District Design Review was approved on September 4, 2012, and included removing the steep pitched roof/chimney elements, replacing the fifth floor with an open roof top garden and deck, replacing all exterior siding and insulation, re-designed fenestration and glazing, providing new garage door, re-landscaping of the front and rear yard areas, removing the asphalt parking in the front yard and City ROW area, adding an elevator, modifying the interior unit spaces, and modifying the unit entrances and circulation areas.
30. Due to surveying methods there is a discrepancy between the new existing conditions survey and the recorded Hunter Villas plat in terms of foundation dimensions and setbacks. The proposed record of survey plat is based on a current survey of existing conditions and is not based on the Hunter Villas record

of survey plat.

31. The number of units was reduced from four units to three units and parking within the garage was reduced from eight spaces to six spaces. The building requires five parking spaces and six spaces are provided in compliance with the current LMC Chapter 3 Off-Street Parking requirements.
32. A building permit for the remodel was issued on March 5, 2013. Construction is underway and the building permit is current.
33. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law:

1. The Condominium Plat is consistent with the Park City Land Management Code and applicable State law regarding condominium record of survey plats.
2. Neither the public nor any person will be materially injured by the proposed Condominium Plat.
3. Approval of the Condominium Plat, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.
4. The Condominium plat does not create any new non-compliance with the HR-1 requirements and the building remains a legal non-conforming building as a triplex and a legal non-complying structure with regards to side setbacks, building height, and building footprint according to the Land Management Code in effect at the time of construction, Building Permit #213-80, and the Certificate of Occupancy issued on October 2nd, 1986.

Conditions of Approval:

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 or submit a written request for an extension, prior to expiration.
3. Prior to recordation of the proposed Mountain Spirits Condominiums record of survey plat, to replace the existing Hunter Villa Condominiums record of survey plat, the Planning and Building Departments shall verify that the structure complies with the current Building code and all required public improvements and landscaping are complete, or a financial security for completion of all requirements is in place.
4. The Hunter Villa Condominiums record of survey plat shall be retired prior to recordation of the Mountain Spirits Condominiums record of survey plat.
5. A ten foot (10') public snow storage easement across the lot frontage along Woodside Avenue shall be shown on the plat.
6. All recorded easements of record for utilities, access, encroachments, etc. associated with the property shall be noted on the plat.

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

PASSED AND ADOPTED this ____ day of August, 2015.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

ATTEST:

Marci Heil, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Exhibit A- Proposed Plat



SURVEYOR'S CERTIFICATE

I, Martin A. Morrison, do hereby certify that I am a Registered Land Surveyor and that I hold Certificate No. 4938739, as prescribed by the laws of the State of Utah, and that I have caused to be made under my direction and by authority of the owner, this plat of MOUNTAIN SPIRITS CONDOMINIUMS a Utah Condominium Project, in accordance with the provisions of the Utah Condominium Ownership Act. I further certify that the information shown hereon is correct.

PROPERTY DESCRIPTION

Units A, B, C and D, contained within the Hunter Villa Condominiums, a Utah Condominium Project as the same is identified in the record of survey map recorded on February 14, 1983, in Summit County, as Entry No. 202142, (as said record of survey map may have heretofore been amended or supplemented) and in the Declaration recorded on February 14, 1983, in Summit County, as Entry No. 202143, in Book 250, at Page 578 (as said record of survey map may have heretofore been amended or supplemented).

Together with the apartment undivided interest in said Project's common areas as established in said declaration and allowing for period alteration both in the magnitude of said undivided interest and in the composition of the common areas and facilities to which said interest relates.

Also, together with those perpetual apartment non-exclusive easements (access easement) as disclosed in those certain easement quitclaim deeds (with condition precedent and possibility of reverter), recorded January 9, 2008, as Entry No. 834413, in Book 1908, at Page 1815; January 9, 2008, as Entry No. 834414, in Book 1908, at Page 1815; January 9, 2008, as Entry No. 834415, in Book 1908, at Page 1821; and January 9, 2008, as Entry No. 833416, in Book 1908, at Page 1826, Summit County Recorder's Office.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, the undersigned is the owner of the existing units of Hunter Villa Condominiums, including the apartment Common Areas of Hunter Villa Condominiums described herein and does hereby certify that it has caused the record of survey map to be made and this Condominium Plat of Mountain Spirits Condominiums to be prepared and hereby consents to the recording of this Condominium Plat and submit to the Utah Condominium Ownership Act. In witness whereof the undersigned has executed this certificate and dedication this ____ day of _____, 2015.

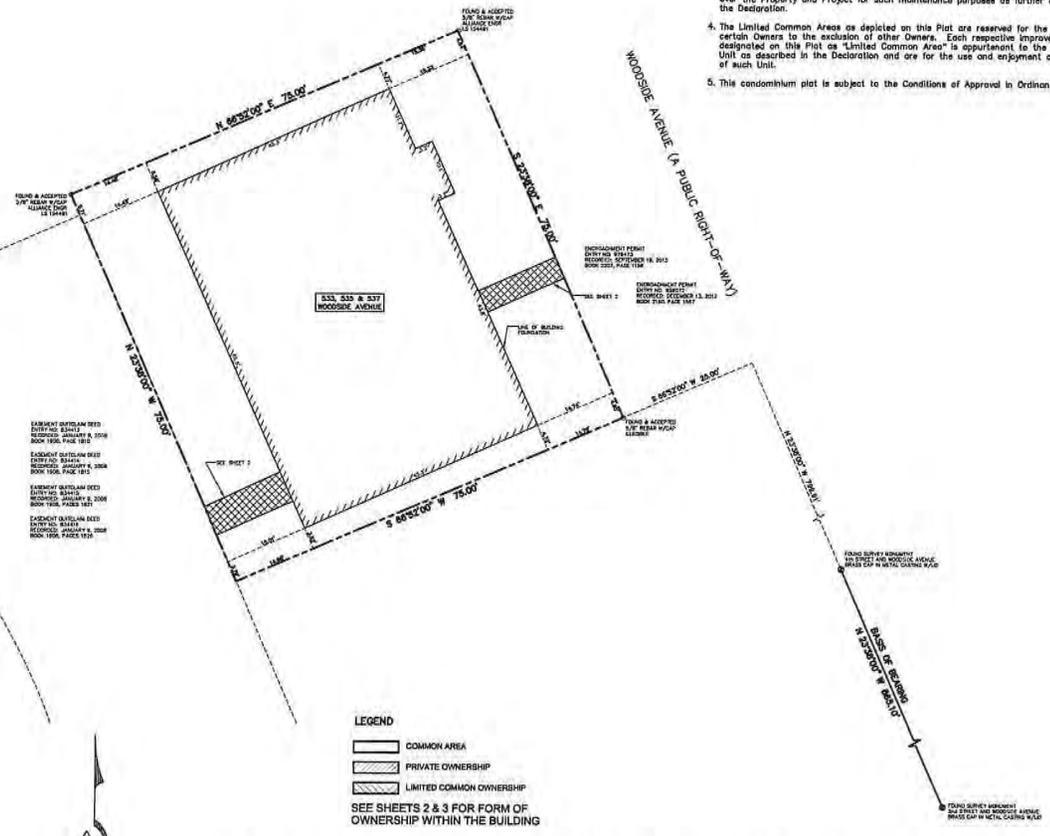
Mulcor Investments, LLC
An Arizona limited liability company
Michael E. Mueller, manager

ACKNOWLEDGMENT

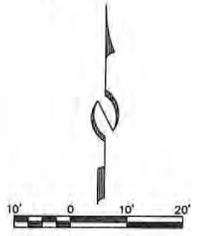
State of _____
County of _____
On this ____ day of _____, 2015, personally appeared before me Michael E. Mueller, whose identity is personally known to me (or proven on the basis of satisfactory evidence) and who by me duly sworn/affirmed, did say that he is the manager of Mulcor Investments, LLC, an Arizona limited liability company; and that said document was signed by him on behalf of said corporation by authority of its bylaws, or (resolution of its board of directors), and said Michael E. Mueller acknowledged to me that said corporation executed the same.
Notary Public
Printed Name _____
Residing in: _____
My commission expires: _____

NOTES

- The Units of this Condominium are served by a common private lateral wastewater line. The Mountain Spirits Condominium Home Owners Association, a Utah non-profit corporation (the "Association"), shall be responsible for ownership, operation and maintenance of all common private lateral wastewater lines.
- This Plat relates to real property which is subject to that certain Amended and Restated Condominium Declaration for Mountain Spirits Condominiums, and subsequent amendments thereto ("Declaration"). The Declaration sets forth the easements, restrictions and general plan of improvement for the project as described in this Plat. Unless the context clearly indicates otherwise, all capitalized terms as used on this Plat shall have the meanings set forth in the Declaration.
- Pursuant to the Declaration, the Association is responsible for maintaining certain portions of the project, including but not limited to the Common Areas and Limited Common Areas, and the Association shall have a perpetual non-exclusive easement over the Property and Project for such maintenance purposes as further described in the Declaration.
- The Limited Common Areas as depicted on this Plat are reserved for the use of certain Owners to the exclusion of other Owners. Each respective improvement designated on this Plat as "Limited Common Area" is appurtenant to the respective Unit as described in the Declaration and are for the use and enjoyment of the Owners of such Unit.
- This condominium plat is subject to the Conditions of Approval in Ordinance 15-_____



LEGEND
 COMMON AREA
 PRIVATE OWNERSHIP
 LIMITED COMMON OWNERSHIP
 SEE SHEETS 2 & 3 FOR FORM OF OWNERSHIP WITHIN THE BUILDING



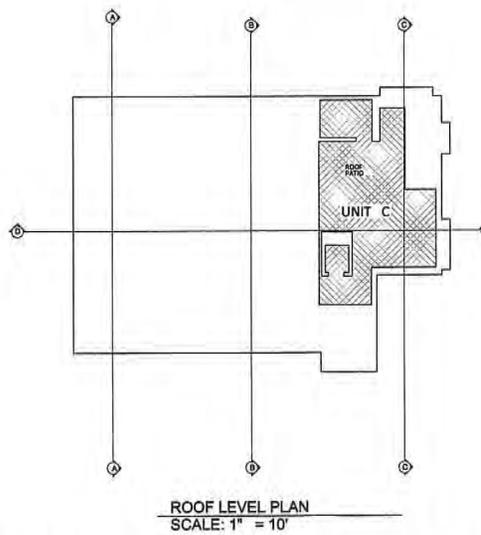
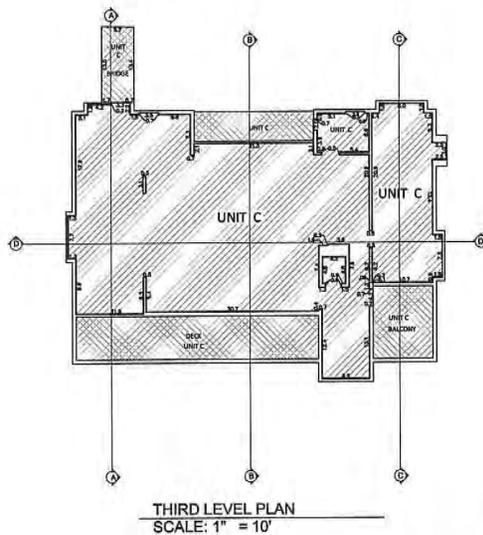
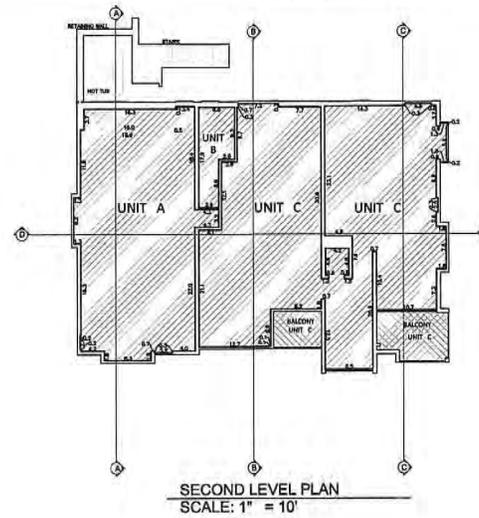
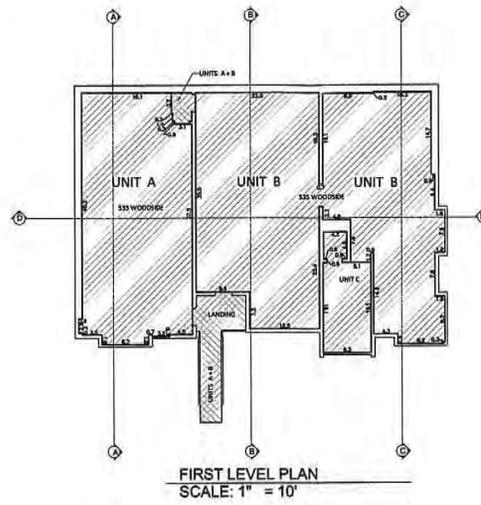
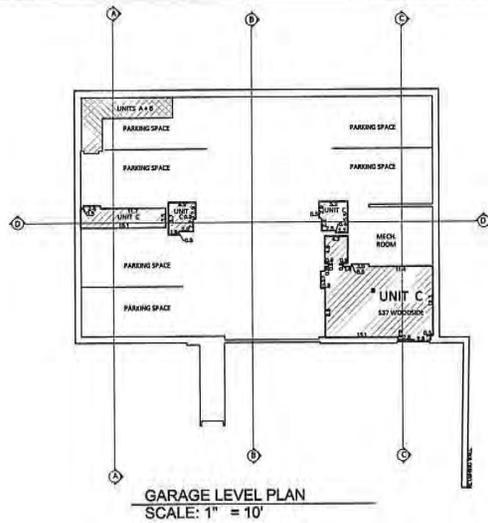
RECORD OF SURVEY

MOUNTAIN SPIRITS CONDOMINIUMS

A UTAH CONDOMINIUM PROJECT
 (FORMERLY HUNTER VILLA CONDOMINIUMS)
 BLOCK 28, PARK CITY SURVEY
 LOCATED IN THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST,
 SALT LAKE BASIN AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

RECEIVED
 SHEET 1 OF 3

 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2084 Park City, Utah 84060-2084	(435) 849-0427 SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2015 BY _____ S.B.W.R.D.	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2015 BY _____ CHAIR	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2015 BY _____ PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2015 BY _____ PARK CITY ATTORNEY	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2015 BY _____ MAYOR	CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2015 BY _____ PARK CITY RECORDER	RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ PLANNING DEPT. DATE _____ TIME _____ ENTRY NO. _____ FEE _____ RECORDER _____
	JOB NO.: 7-4-11 FILE: X:\ParkCitySurvey\449\107026\107026.dwg 10/26/11						



SQUARE FOOTAGE TABLE*

LEVELS	UNIT A	UNIT B	UNIT C
GARAGE			378.0 SF
FIRST LEVEL	847.8 SF	1,800.1 SF	159.1 SF
SECOND LEVEL	916.1 SF	91.1 SF	1,587.7 SF
THIRD LEVEL			2,196.1 SF
TOTAL SF	1,763.9 SF	1,891.2 SF	4,320.9 SF

* Per Architectural Drawings

LEGEND

- COMMON AREA
- PRIVATE OWNERSHIP
- LIMITED COMMON AREA



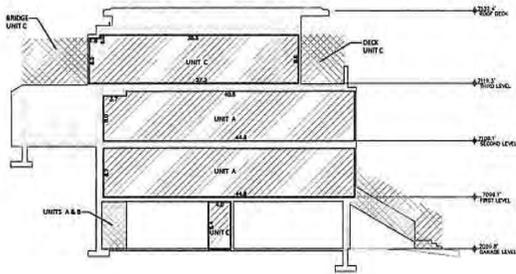
RECORD OF SURVEY
MOUNTAIN SPIRITS CONDOMINIUMS

A UTAH CONDOMINIUM PROJECT
(FORMERLY HUNTER VILLA CONDOMINIUMS)
BLOCK 28, PARK CITY SURVEY
LOCATED IN THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

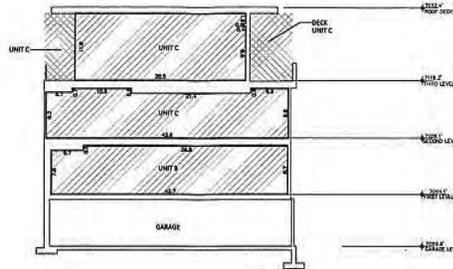
SHEET 2 OF 3

JOB NO: 7-4-11 FILE: \\P:\GIS\Survey\mg\m\1012011\070411.dwg

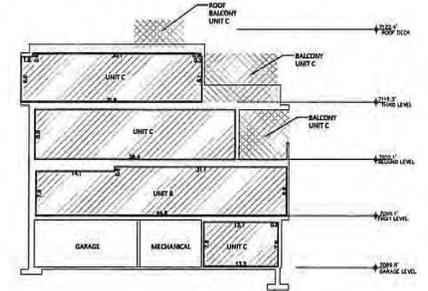
RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
AT THE REQUEST OF _____
DATE _____ TIME _____ ENTRY NO. _____
FEE _____ RECORDER _____



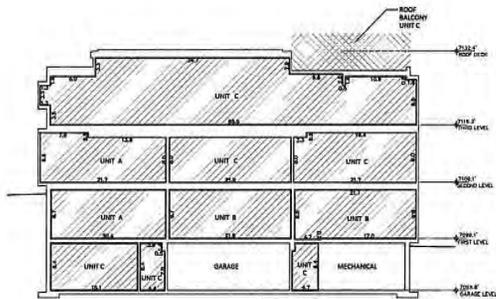
SECTION A-A
SCALE: 1" = 10'



SECTION B-B
SCALE: 1" = 10'



SECTION C-C
SCALE: 1" = 10'



SECTION D-D
SCALE: 1" = 10'

LEGEND

-  COMMON AREA
-  PRIVATE OWNERSHIP
-  LIMITED COMMON AREA

RECORD OF SURVEY
MOUNTAIN SPIRITS CONDOMINIUMS

A UTAH CONDOMINIUM PROJECT
(FORMERLY HUNTER VILLA CONDOMINIUMS)
BLOCK 28, PARK CITY SURVEY
LOCATED IN THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASIN AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH



SHEET 3 OF 3

JOB NO: 7-4-11 FILE: X:\ParkCitySurvey\Map\Map\1020411.dwg

RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
AT THE REQUEST OF _____
DATE _____ TIME _____ ENTRY NO. _____
FEE _____ RECORDER _____

EXHIBIT B

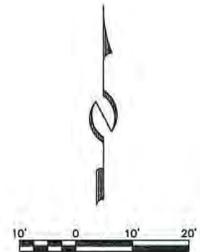
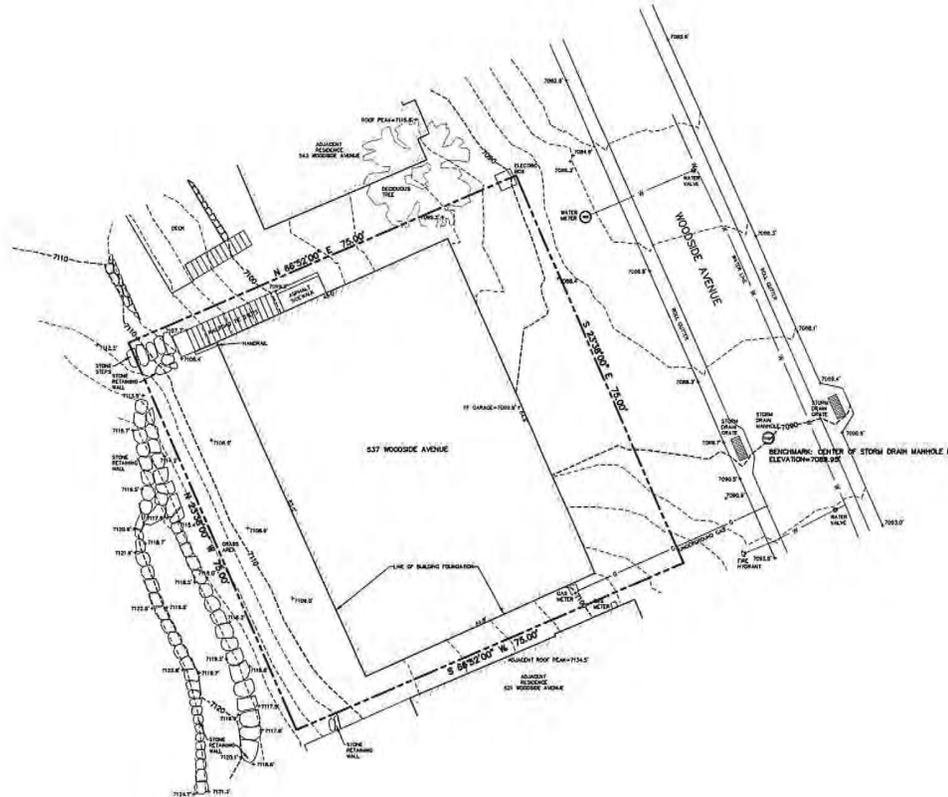


SURVEYOR'S CERTIFICATE

I, Martin A. Morrison, do hereby certify that I am a registered land surveyor and that I hold certification no. 4938739 as prescribed under the laws of the State of Utah. I further certify that a topographic survey has been made under my direction of the lands shown and described herein. 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: Center of storm drain manhole lid
Elevation=7089.95'
2. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
3. This topographic map is based on a field survey performed on May 2, 2011.
4. Since the property was under construction as of the date of this document, conditions and elements that have changed since the survey of May 2, 2011, have been removed or adjusted.
5. Snow coverage at the time of the survey was approximately 0" to 12".
As a result, actual elevations may vary from elevations shown on this survey. In addition, monuments, improvements and/or conditions may exist which are not shown on this survey.



RECEIVED
APR 14 2015
PARK CITY
PLANNING DEPT.

<p>(435) 648-6487 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 222 Main Street, P.O. Box 2064, Park City, Utah 84099-2064</p>	<p>STAFF: MARSHALL KING MARTY MORRISON JEFF KITCHEN HARRISON HOLLEY</p>	<p>TOPOGRAPHIC MAP 537 WOODSIDE AVENUE MOUNTAIN SPIRITS CONDOMINIUMS</p>	<p>SHEET 1 OF 1</p>
		<p>FOR: MULECOR INVESTMENTS, LLC JOB NO.: 7-4-11 FILE: X:\ParkCitySurvey\dwg\m\hpa2011\070411-2015.dwg</p>	

EXHIBIT C

BOUNDARY DESCRIPTION

PROPERTY DESCRIPTION, BEGINNING AT THE SOUTHWEST-CORNER OF LOT 8, BLOCK 28, PARK CITY SURVEY, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE SUMMIT COUNTY RECORDS' OFFICE AND RUNNING THENCE S 66° 52' W, 75.0' FEET; THENCE N 23° 38' W, 75.0' FEET; THENCE N 66° 52' E, 75.0' FEET; THENCE S 23° 38' E, 75.0' FEET TO THE POINT OF BEGINNING, SAID PROPERTY ALSO DESCRIBED AS LOTS 8, 9, AND 10, BLOCK 28, PARK CITY SURVEY, CONTAINING 0.12 ACRES.

RIGHT OF WAY DESCRIPTION, BEGINNING AT A POINT WHICH IS N 23° 38' W, 20.0' FEET OF THE SOUTHWEST-CORNER OF LOT 8, BLOCK 28, PARK CITY SURVEY, AND RUNNING THENCE S 66° 52' W, 82.0' FEET; THENCE N 23° 38' W, 21.0' FEET; THENCE N 66° 52' E, 81.0' FEET; THENCE S 23° 38' E, 22.0' FEET TO POINT OF BEGINNING.

SURVEYOR'S CERTIFICATE

I, CHARLES V. KING, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT I HOLD CERTIFICATE NO. 1390 AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH AND THAT I HAVE CAUSED TO BE MADE UNDER MY DIRECTION AND BY AUTHORITY OF THE OWNERS, THE RECORD OF SURVEY MAP OF THE HUNTER VILLA CONDOMINIUMS IN ACCORDANCE WITH THE PROVISIONS OF SUB-SECTION 1 OF SECTION 57-1-12 OF THE UTAH CONDOMINIUM OWNERSHIP ACT. I FURTHER CERTIFY THAT THERE ARE NO VISIBLE ENCUMBRANCES ON THE SURVEYED CONVEYED PROPERTY AND THAT THE SAME HAS BEEN SURVEYED & STAKED ON THE GROUND AS SHOWN ON THIS PLAT.

12-20-82
DATE

Charles V. King
SURVEYOR

OWNER'S CERTIFICATE OF CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT I, THE UNDERSIGNED OWNER OF THE HEREIN DESCRIBED TRACT OF LAND TO BE HEREAFTER KNOWN AS HUNTER VILLA CONDOMINIUMS, DO HEREBY MAKE THIS CERTIFICATE, THAT I HAVE CAUSED A SURVEY TO BE MADE, AND THIS RECORD OF SURVEY MAP TO BE PREPARED, I DO HEREBY CONSENT TO THE RECORDATION OF THIS RECORD OF SURVEY MAP IN ACCORDANCE WITH THE UTAH CONDOMINIUM OWNERSHIP ACT SUBMITTING THE DESCRIBED TRACT TO SAID CONDOMINIUM ACT. I DO HEREBY FURTHER CONSENT TO THE PROVISIONS OF THE RIGHT OF WAY SURVEY ON THIS RECORD OF SURVEY MAP FOR THE PRACTICAL USE OF THE PURCHASERS OF THE HUNTER VILLA CONDOMINIUMS.

IN WITNESS WHEREOF I HAVE SET MY HAND HEREUNTO THIS 10th DAY OF DEC. 1982.

Daniel C. Hunter III
DANIEL C. HUNTER III
OWNER

ACKNOWLEDGEMENT

STATE OF UTAH }
COUNTY OF SALT LAKE } S.S.
ON THIS 10th DAY OF DECEMBER, A.D. 1982, PERSONALLY APPEARED BEFORE ME THE SIGNER OF THE FOLLOWING CERTIFICATE WHO DULY ACKNOWLEDGED TO ME THAT HE DID EXECUTE THE SAME.

NOTARY PUBLIC DATE MY COMMISSION EXPIRES

CITY COUNCIL APPROVAL

PARK CITY A MUNICIPAL CORPORATION HEREBY APPROVES THIS RECORD OF SURVEY MAP OF "HUNTER VILLA CONDOMINIUMS" THIS 10th DAY OF DECEMBER, A.D. 1982.

Julius J. ... MAYOR
... CITY CLERK

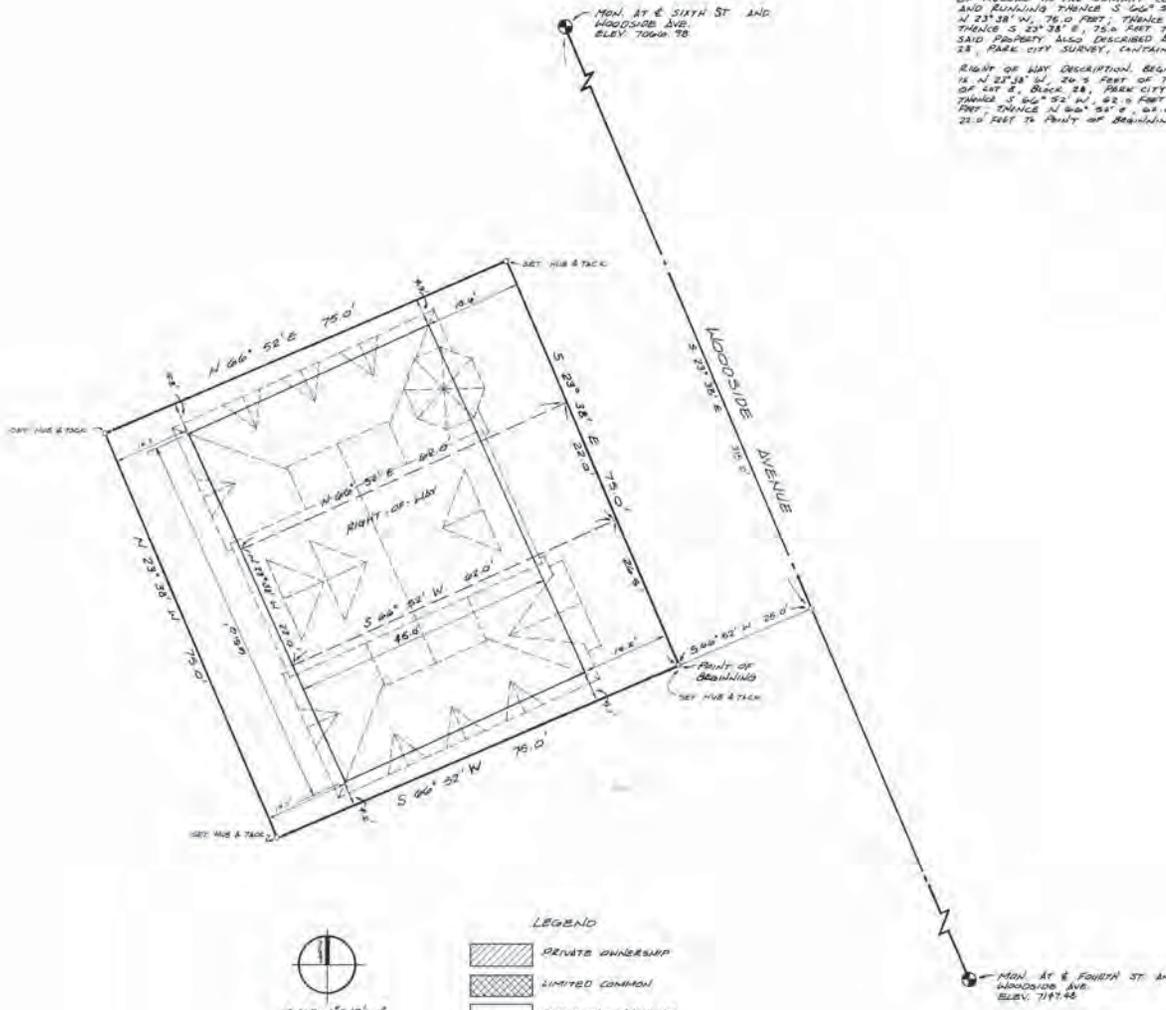
PLANNING COMMISSION APPROVAL

APPROVED THIS 10th DAY OF DECEMBER, A.D. 1982, BY THE PARK CITY PLANNING COMMISSION.
H. ...
CHAIRMAN PLANNING COMMISSION

HUNTER VILLA CONDOMINIUMS

PARK CITY, SUMMIT COUNTY, UTAH

SHBET 1 OF 3



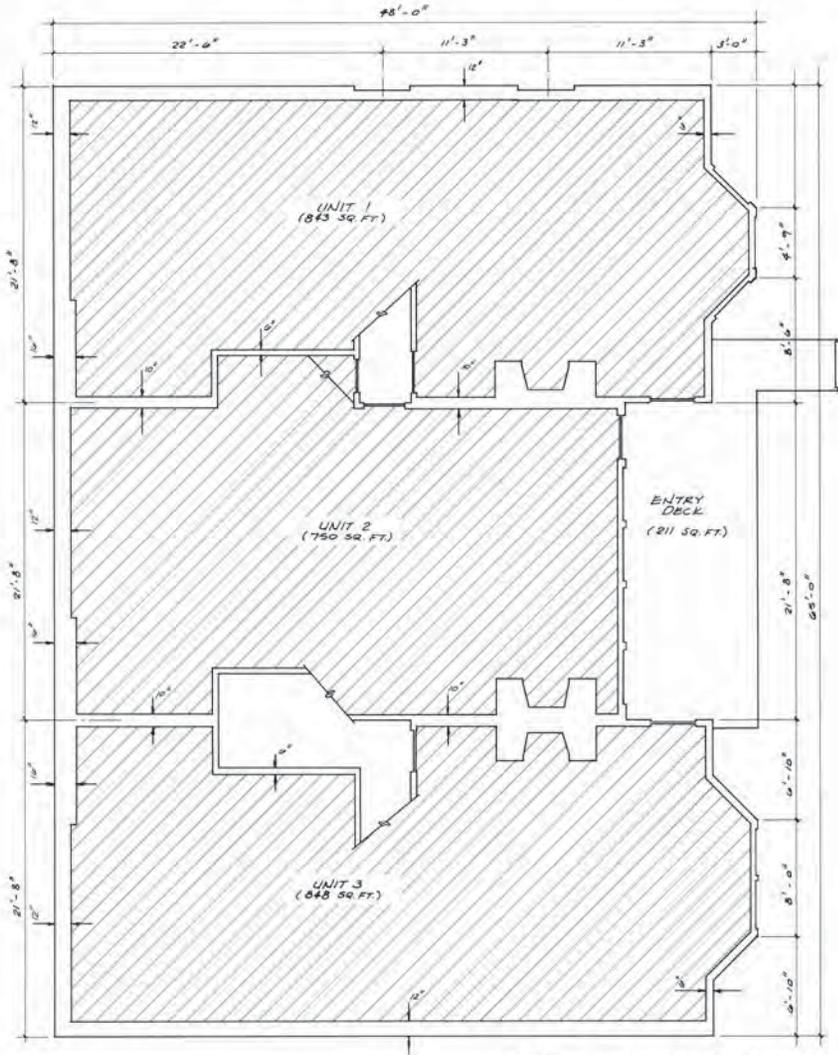
LEGEND

- Private Ownership
- Limited Common
- Common Ownership

TOTAL UNIT SQUARE FOOTAGES

UNIT 1	1679	50 FT.
2	1737	50 FT.
3	1723	50 FT.
4	1281	50 FT.

KING ASSOCIATES ARCHITECTS/ENGINEERS 1000	CITY ENGINEER APPROVED AND ACCEPTED BY THE PARK CITY ENGINEERING DEPARTMENT ON THIS 20th DAY OF DECEMBER, A.D. 1982. <i>Eric W. D. Noon, P.E.</i> CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM ON THIS 10th DAY OF DECEMBER, A.D. 1982. <i>James E. ...</i> CITY ATTORNEY	RECORDED: 2-17-83 32: 1130 STATE OF UTAH COUNTY OF SUMMIT RECORDED AND FILED AT THE REQUEST OF ... COURT RECORDER
	FEES \$ 32.00		

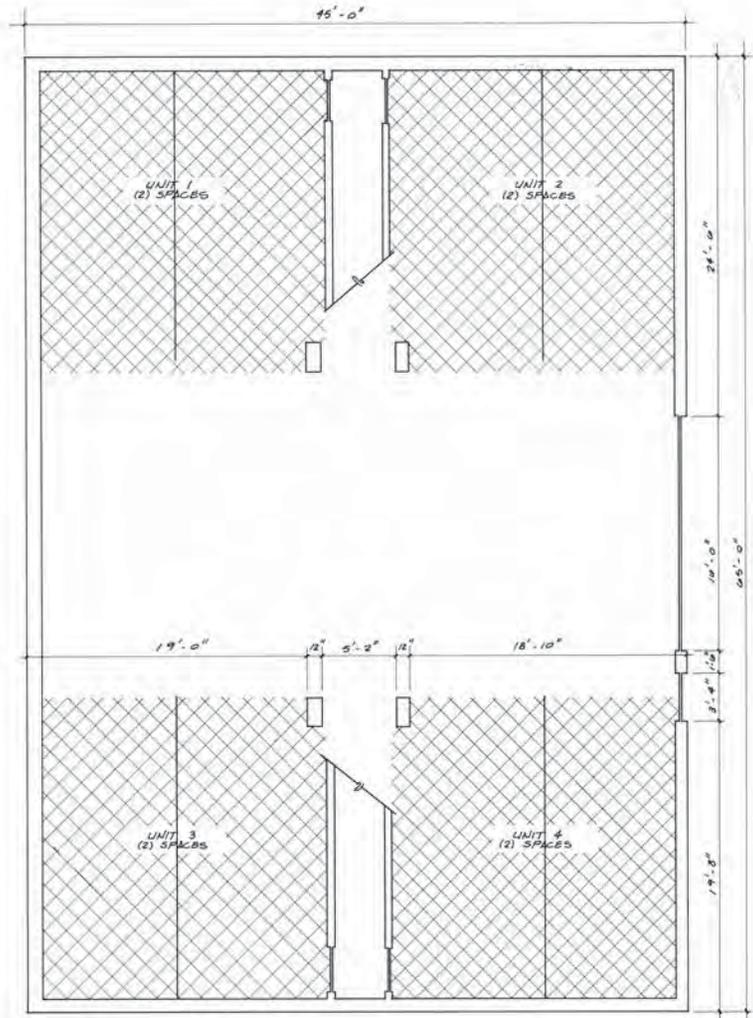


LEVEL 1
SCALE: 1/4" = 1'-0"

I CERTIFY THAT THE BUILDING SPECIFICATIONS HUNTER VILLA CONDOMINIUMS, A UTAH CONDOMINIUM PROJECT ARE AS SHOWN ON THIS PLAN.

DATE

Charles V. King
CHARLES V. KING
LICENSE NO. 1929



PARKING LEVEL
SCALE: 1/4" = 1'-0"

**HUNTER VILLA
CONDOMINIUMS**

PARK CITY, SUMMIT COUNTY, UTAH

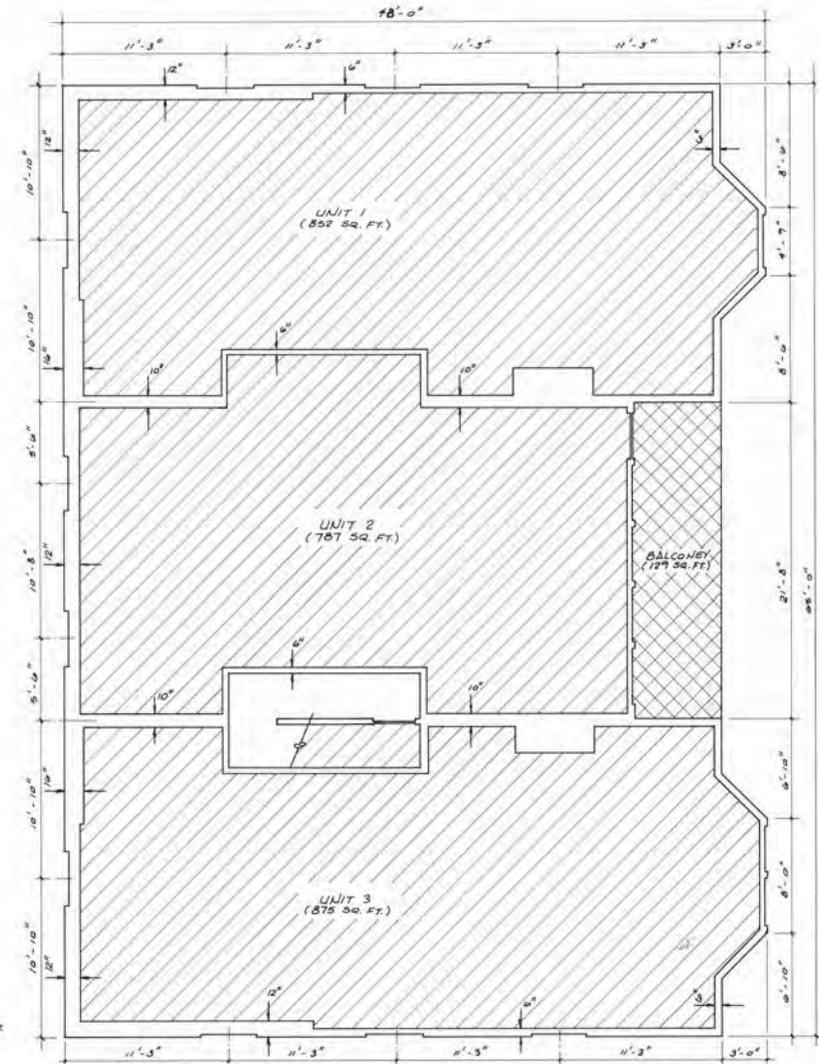
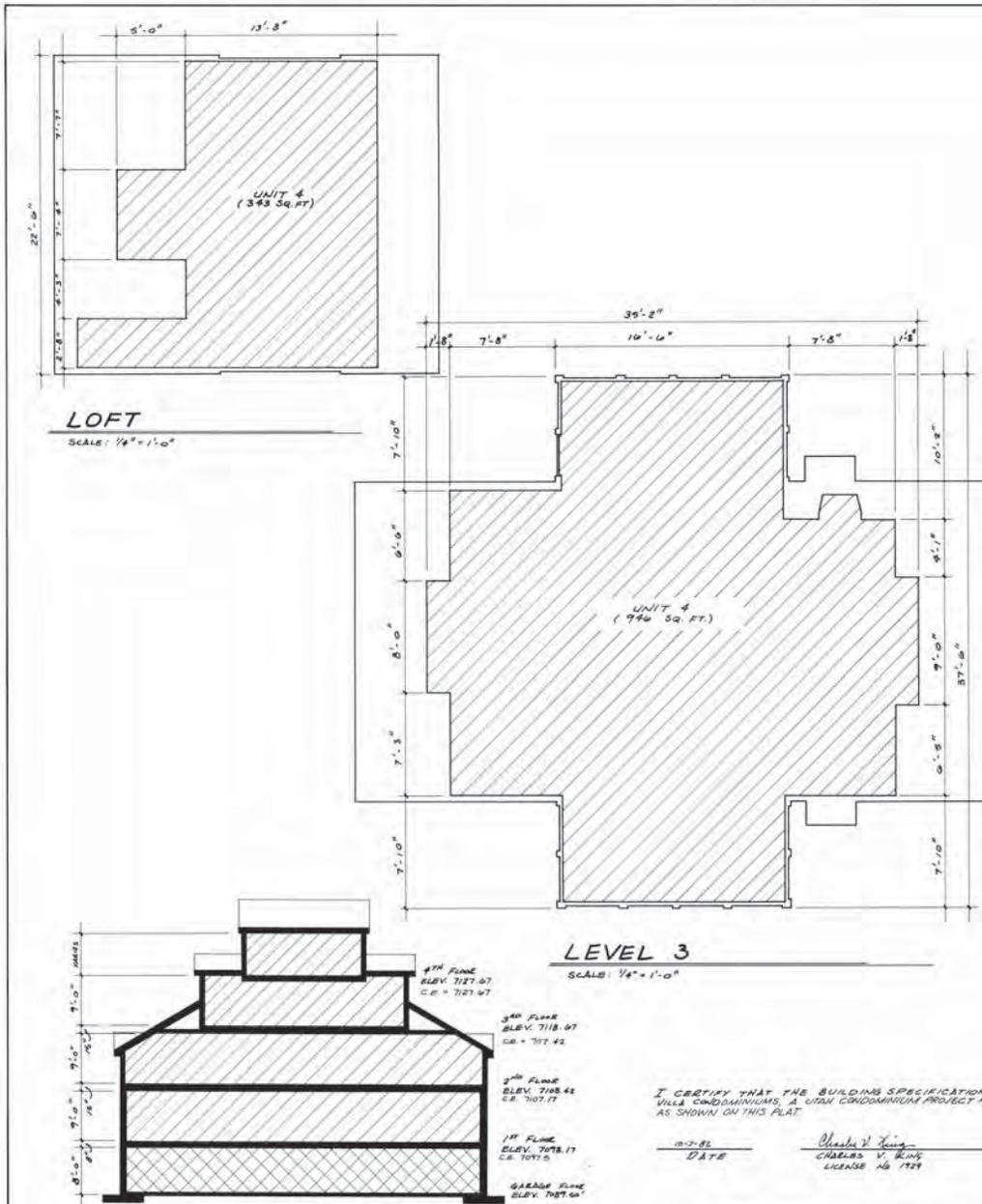
SHEET 2 OF 3

KING ASSOCIATES
ARCHITECTS/ENGINEERS

CITY ENGINEER
APPROVED AND ACCEPTED BY THE
CITY ENGINEERING DEPARTMENT
ON THIS _____ DAY OF _____
A.D. 19 _____

APPROVAL AS TO FORM
APPROVED AS TO FORM ON THIS
DAY OF _____ AD 19 _____

RECORDED: 2-14-83
BY: 1130
STATE OF UTAH
COUNTY OF SUMMIT
RECORDED AND FILED AT THE REQUEST OF
COUNTY RECORDER



I CERTIFY THAT THE BUILDING SPECIFICATIONS HUNTER VILLA CONDOMINIUMS, A UTAH CONDOMINIUM PROJECT ARE AS SHOWN ON THIS PLAN.

DATE: 07-02
 Charles V. King
 CHARLES V. KING
 LICENSE NO. 1999

HUNTER VILLA
 CONDOMINIUMS
 PARK CITY, SUMMIT COUNTY, UTAH
 SHEET 3 OF 3

SECTION
 SCALE: 1" = 10'-0"

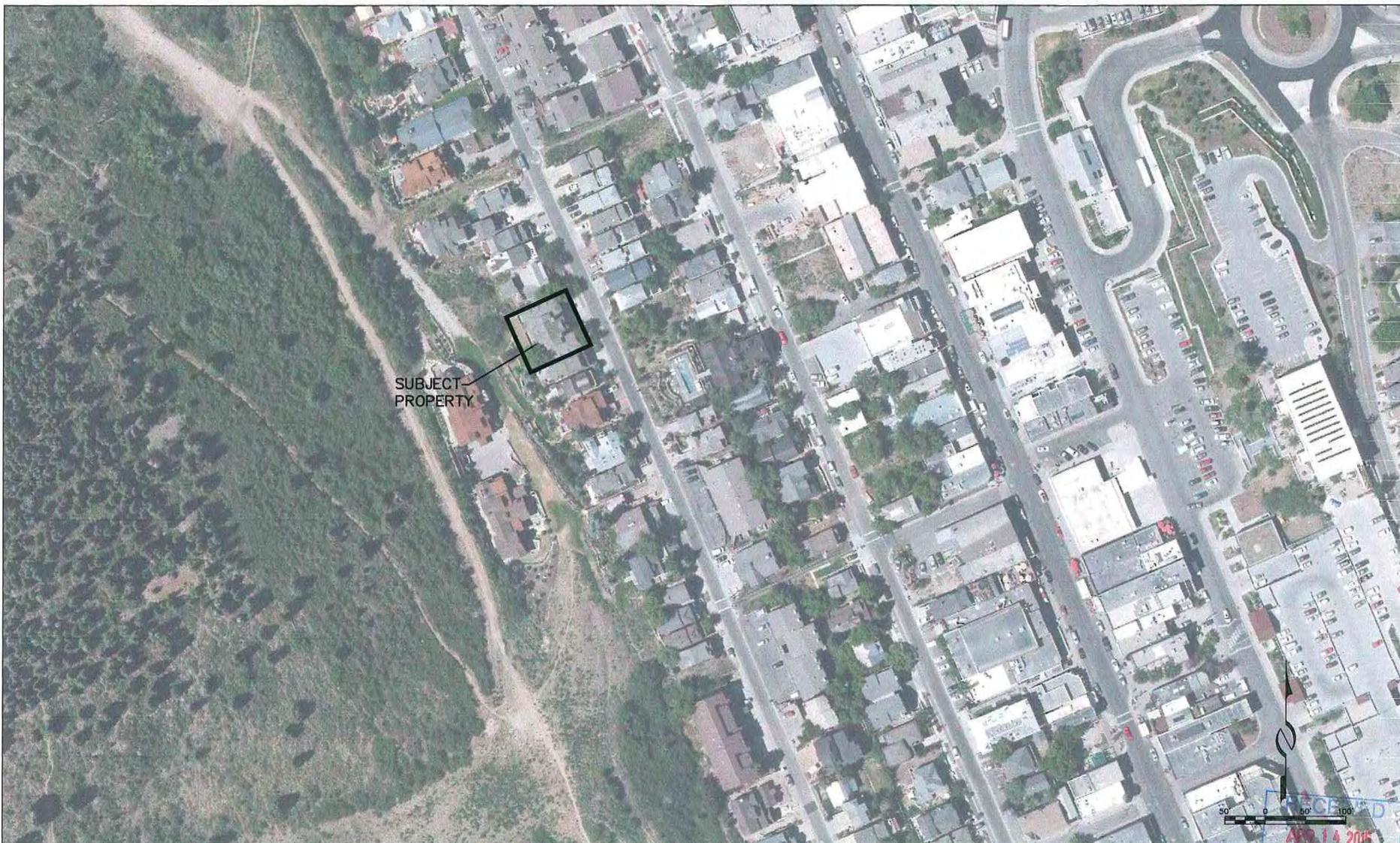
KING ASSOCIATES
 ARCHITECTS/ENGINEERS

CITY ENGINEER
 APPROVED AND ACCEPTED BY THE
 CITY ENGINEERING DEPARTMENT
 ON THIS _____ DAY OF _____ AD 19____

APPROVAL AS TO FORM
 APPROVED AS TO FORM ON THIS _____ DAY OF _____ AD 19____

RECORDED: 2-14-83
 AT: 11:30
 COUNTY OF SUMMIT
 RECORDED AND FILED AT THE REQUEST OF:
 _____ COUNTY RECORDER
 FEES: \$ 32.00

EXHIBIT D



SUBJECT
PROPERTY

 <p>(435) 949-9497 ENGINEERING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street, P.O. Box 2884 Park City Utah 84060-2884</p>	<p>STAFF: MARSHALL KING JEFF KITCHEN</p> <p>DATE: 3/2/15</p>	<p>AERIAL PHOTOGRAPH MOUNTAIN SPIRITS CONDOMINIUMS BLOCK 28, PARK CITY SURVEY</p> <p>FOR: MIKE MUELLER JOB NO.: 7-4-11 FILE: X:\PCS\dwg\537 Woodside\exhibit\537woodside-cortfo.dwg</p>	<p>APR 14 2015</p> <p>SHEET 1</p>
			<p>OF 1</p>

EXHIBIT E

Note: * Refers to Street Address

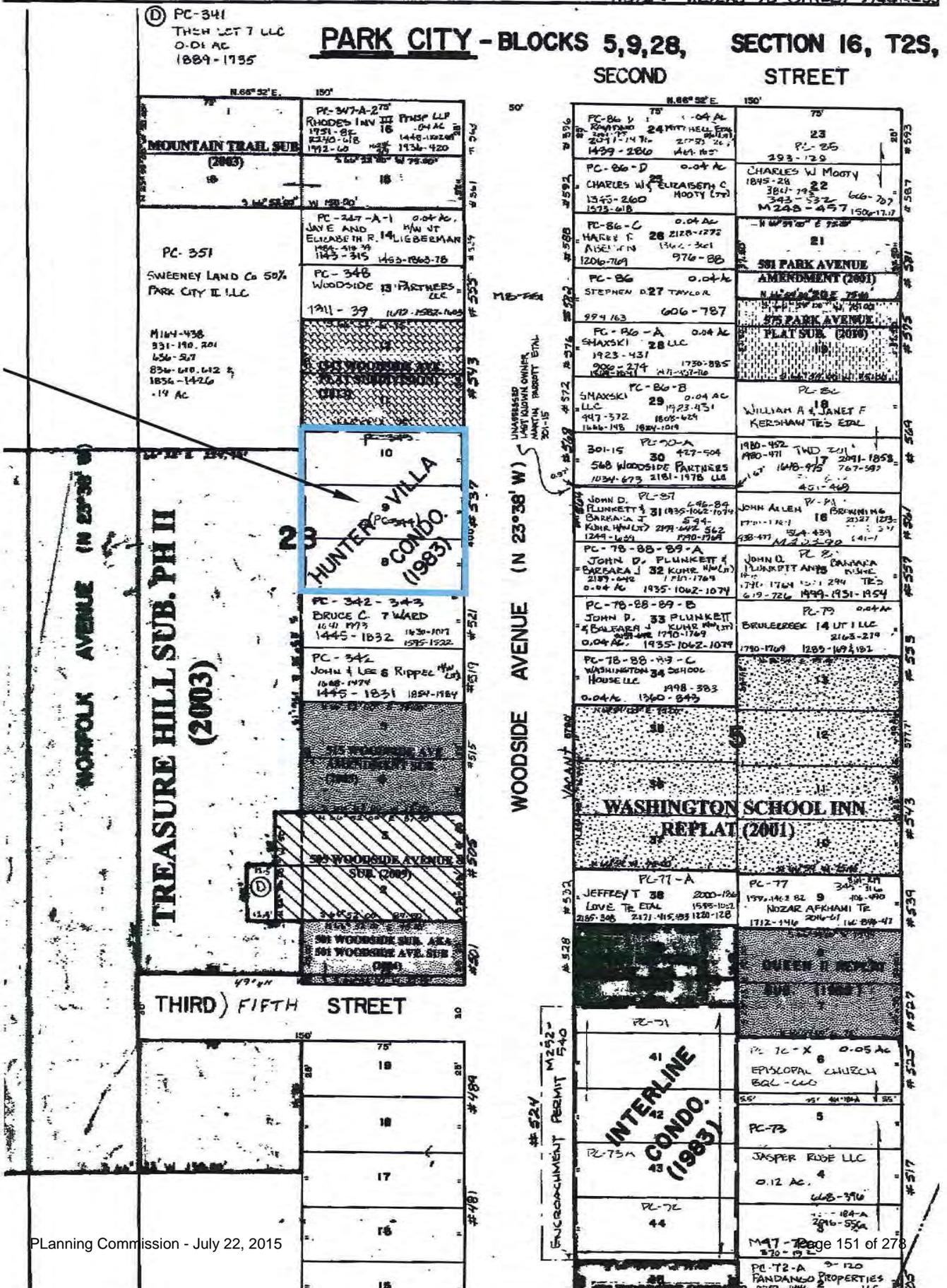


EXHIBIT F

Certificate of Occupancy

City of PARK CITY

Department of Building Inspection

This Certificate issued pursuant to the requirements of Section 306 of the Uniform Building Code certifying that at the time of issuance this structure was in compliance with the various ordinances of the City regulating building construction or use. For the following:

Use Classification 4-Plex - Hunter Villa Bldg. Permit No. 213-80
 Group R-3 Type Construction V-N Fire Zone - Use Zone HR-1
 Owner of Building Mountain Spirits Address 537 Woodside Ave.
 Building Address 537 Woodside Ave. Locality Park City, Utah 84060
 By: Thomas K. Davis
Richard Carlisle, B.S.D. Date: October 2nd, 1986
 Building Official

POST IN A CONSPICUOUS PLACE

ADDRESS 535-537 Woodside ZONE HR-1

SUBDIVISION _____

OWNER Daniel C. Hunter

CONTRACTOR Valley Design & Const.

TYPE OF USE Multi Family Dwelling (4 units)

FIRE SPRINKLERS YES NO

TYPE OF BUILDING _____ TYPE OF CONSTRUCTION _____

NUMBER OF BUILDINGS _____ NUMBER OF STORIES _____

NUMBER OF UNITS _____ OCCUPANCY GROUP _____

CONDITIONAL USE PERMIT _____

BOARD OF ADJUSTMENT _____

OTHER _____

	DATE ISSUED	CERTIFICATE OF OCCUPANCY
BUILDING PERMIT NO. <u>#213-80</u>	<u>10/29/80</u>	
<u>Retaining Wall</u> #690-81	<u>9/24/81</u>	
<u>#4 Remodel</u> #3125-87	<u>5/4/87</u>	
<u>Roof Repair</u> #4619	<u>10-13-89</u>	
<u>elkterical Rem.</u> #4523	<u>8-28-89</u>	
<u>Chimney Repair</u> BA4-02225	<u>8-7-96</u>	
<u>Deck Railing</u> BA9-04844	<u>6/7/99</u>	
<u>Reroof</u> BO4-09273	<u>4/22/04</u>	
<u>Hand-Rail</u> BO4-09807	<u>9/16/04</u>	











September 4, 2012

Troy Worgull
 Don Ziebell
 OZ Architects, Inc.
 7401 E Redfield Road
 Scottsdale, AZ 85260

NOTICE TO APPLICANT OF PLANNING STAFF ADMINISTRATIVE ACTION

Project Address: 537 Woodside Avenue
Project Description: Remodel exterior and interior of non-historic structure located within HR-1 Zoning District. Proposal includes removal of the existing steeply pitched roof, oversized chimneys, and the upper floor. Proposal includes a reduction from four residential units to three.
Date of Action: September 4, 2012
Project Number: PL-11-01361
Project Planner: Kirsten Whetstone, MS, AICP

Summary of Staff Action

This letter serves as the final action letter and Historic District Design Review approval for the proposed remodel of 537 Woodside Avenue. Staff reviewed this project for compliance with the Historic District Design Guidelines; specifically with 1) Universal Guidelines for Non-historic sites and 2) Specific Guidelines for Non-historic sites, and has approved the proposed design for modifications to the non-historic site pursuant to the following findings of fact, conclusions of law, and conditions of approval:

Findings of Fact

1. The property is located at 537 Woodside Avenue.
2. The property is located within the Historic Residential (HR-1) District.
3. The existing four-plex condominium building, known as the Hunter Villa Condominium, is a non-historic structure. There are no historic structures located on this lot.
4. The property contains three (3) standard "Old Town" lots and 5,625 square feet.
5. The Hunter Villa Condominium four-plex was constructed in 1980-81. The condominium record of survey plat was recorded at Summit County on February 14th, 1983.
6. The existing structure has a building footprint of 3,070.55 square feet. No increase in building footprint is proposed.
7. No changes are proposed to the existing building setbacks.

8. No new non-conforming situations are proposed for walls, footprint, setbacks, or building height. Existing retaining walls on the property cross onto the Woodside ROW.
9. For construction and maintenance purposes, access and construction easements should be acquired from the adjacent property owners for any work that requires use of an adjacent property, or construction shall occur completely on the subject property.
10. The remodel includes changes to the walls, for structural support and insulation, as well as siding, windows, doors, patios, decks, circulation and access. The work is considered to be a remodel of an existing legal non-conforming structure. A new garage door is proposed that will complement the new architecture. Windows, doors, porch and balcony details are consistent with the architecture of the building and compatible with the historic district.
11. The remodel does not create any new non-compliance nor increase the degree of the existing non-compliance of the structure.
12. The proposal includes installation of a new garage door, consistent with the architectural design of the remodel, in the existing opening. Due to the existing opening and physical situation of the existing garage, one double garage door is approved for this structure.
13. The building is a legal non-conforming use, in that it contains an existing four-plex. The LMC was revised to exclude multi-family condominiums from the HR-1 zone, after the existing structure was legally constructed. The proposed plans will reduce the degree of non-conformance by removing one unit. No increase in floor area is proposed with the approved plans.
14. There is an existing historic single family house on the adjacent property at 543 Woodside. The 543 Woodside structure is listed as a significant site on the Historic Sites Inventory. There is an existing historic single family house on the lot across Woodside at 564 Woodside, listed as a landmark structure on the Sites Inventory.
15. The applicants propose to meet LEED standards for construction and a Green Roof is proposed.

Conclusion of Law

1. The proposal complies with the 2009 Park City Design Guidelines for Historic Districts and Historic Sites as conditioned.
2. The proposal complies with the Land Management Code requirements pursuant to the HR-1 District.

Conditions of Approval

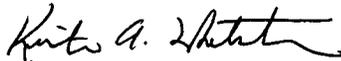
1. Receipt and approval of a Construction Mitigation Plan (CMP) by the Building Department is a condition precedent to the issuance of any building permit. The CMP shall consider and mitigate impacts to the adjacent historic home and existing infrastructure/streets from the construction. All anticipated road closures shall be described and permitted in advance by the Building Department.

2. Final building plans and construction details shall reflect substantial compliance with the drawings stamped in on August 23rd and 29th, 2012, approved by the Planning Department on September 4, 2012. Any changes, modifications, or deviations from the approved design shall be reviewed and approved by the Planning Director prior to construction.
3. The designer and/or applicant shall be responsible for coordinating the approved architectural drawings/documents with the approved construction drawings/documents. The overall aesthetics of the approved architectural drawings/documents shall take precedence. Any discrepancies found among these documents that would cause a change in appearance to the approved architectural drawings/documents shall be reviewed and approved prior to construction. Any changes, modifications, or deviations from the approved design that have not been approved by the Planning and Building Departments may result in a stop work order.
4. All standard conditions of approval shall apply (see attached).
5. If a building permit has not been obtained by September 4, 2013, this HDDR approval will expire, unless an extension is requested in writing prior to the expiration date and an extension is granted by the Planning Department.
6. Any area disturbed during construction of the proposed work shall be landscaped according to an approved Landscape Plan, and approved by the Planning Department prior to issuance of a Certificate of Occupancy.
7. A final Landscape Plan shall be submitted with the building permit submittal and shall be reviewed in conjunction with the building permit. The Landscape Plan shall include irrigation details for the landscaped area, plant lists for type and size, information regarding ground cover, and details on the Green Roof plantings, structure, and irrigation. The landscape plan shall be a water conserving plan.
8. Construction waste should be diverted from the landfill and recycled when possible.
9. Any proposed roof mounted solar panels shall be shown on the plans submitted for building permit review and shall be located towards the rear of the building, when possible. Wall mounted solar panels may be considered on the rear façade or back portions of the side facades.
10. Lighting fixture details have not been submitted, included or reviewed as part of this application. All exterior lighting cut sheets and locations shall be submitted to the Planning Department for review and approval prior to installation. All exterior lighting shall meet Park City's lighting ordinance and be downward directed and shielded.
11. City Engineer review and approval of all appropriate grading, utility installation, public improvements, drainage plans, and flood plain issues, for compliance with City and Federal standards, is a condition precedent to building permit issuance. All proposed work within the Woodside Ave ROW requires a permit from the City Engineer. An encroachment permit is required, prior to issuance of a building permit for all existing encroachments into the Woodside Ave ROW.

12. 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 with the surrounding natural terrain. Roof mounted equipment and vents, with the exception of solar panels and small energy systems, shall be painted to match the roof and/or adjacent wall color and shall be screened or integrated into the design of the structure.
13. Exterior wood surfaces shall be treated with an opaque rather than transparent finish, unless otherwise approved by the Planning Director. Provide a weather protective finish to wood surfaces that were not historically painted. Low VOC paints and paints are recommended to be used. Samples of all exterior materials shall be provided to the Planning Department for approval prior to installation.
14. The proposed windows, doors, railings and balcony/porch details, including dimensions and cut sheets, shall be shown on the building plans or provided separately with the building permit application and shall be consistent with the approved plans.
15. Approval of this HDDR was noticed on September 4, 2012, any approval is subject to a 10 day appeal period.
16. No preservation guarantee is required as this is not an historic structure.
17. As a condition precedent to issuance of a building permit, all Land Management Code requirements, including the HR-1 zoning district requirements, with approved allowances for the non-complying and non-conforming elements, shall be met. No increase in existing building footprint is proposed or approved. No increase in existing building height is approved and building height is approved as shown on the stamped plans.
18. An amended record of survey plat application for the reconfigured units shall be recorded at Summit County prior to issuance of a certificate of occupancy for any revised unit.

If you have any questions about this approval, please do not hesitate to contact me. I can be reached at (435) 615-5066, or via e-mail at Kirsten@parkcity.org

Sincerely,



Kirsten A. Whetstone
Senior Planner

PARK CITY MUNICIPAL CORPORATION
STANDARD PROJECT CONDITIONS

1. The applicant is responsible for compliance with all conditions of approval.
2. The proposed project is approved as indicated on the final approved plans, except as modified by additional conditions imposed by the Planning Commission at the time of the hearing. The proposed project shall be in accordance with all adopted codes and ordinances; including, but not necessarily limited to: the Land Management Code (including Chapter 5, Architectural Review); International Building, Fire and related Codes (including ADA compliance); the Park City Design Standards, Construction Specifications, and Standard Drawings (including any required snow storage easements); and any other standards and regulations adopted by the City Engineer and all boards, commissions, agencies, and officials of the City of Park City.
3. A building permit shall be secured for any new construction or modifications to structures, including interior modifications, authorized by this permit.
4. All construction shall be completed according to the approved plans on which building permits are issued. Approved plans include all site improvements shown on the approved site plan. Site improvements shall include all roads, sidewalks, curbs, gutters, drains, drainage works, grading, walls, landscaping, lighting, planting, paving, paths, trails, public necessity signs (such as required stop signs), and similar improvements, as shown on the set of plans on which final approval and building permits are based.
5. All modifications to plans as specified by conditions of approval and all final design details, such as materials, colors, windows, doors, trim dimensions, and exterior lighting shall be submitted to and approved by the Planning Department, Planning Commission, or Historic Preservation Board prior to issuance of any building permits. Any modifications to approved plans after the issuance of a building permit must be specifically requested and approved by the Planning Department, Planning Commission and/or Historic Preservation Board in writing prior to execution.
6. Final grading, drainage, utility, erosion control and re-vegetation plans shall be reviewed and approved by the City Engineer prior to commencing construction. Limits of disturbance boundaries and fencing shall be reviewed and approved by the Planning, Building, and Engineering Departments. Limits of disturbance fencing shall be installed, inspected, and approved prior to building permit issuance.
7. An existing conditions survey identifying existing grade shall be conducted by the applicant and submitted to the Planning and Building Departments prior to issuance of a footing and foundation permit. This survey shall be used to assist the Planning Department in determining existing grade for measurement of building heights, as defined by the Land Management Code.
8. A Construction Mitigation Plan (CMP), submitted to and approved by the Planning, Building, and Engineering Departments, is required prior to any construction. A CMP shall address the following, including but not necessarily limited to: construction staging, phasing, storage of materials, circulation, parking, lights, signs, dust, noise, hours of operation, re-vegetation of disturbed areas, service and delivery, trash pick-up, re-use of construction materials, and disposal of excavated materials. Construction staging areas shall be clearly defined and placed so as to minimize site disturbance. The CMP shall include a landscape plan for re-vegetation of all areas disturbed during construction, including but not limited to: identification of existing vegetation and replacement of significant vegetation or trees removed during construction.
9. Any removal of existing building materials or features on historic buildings shall be approved and coordinated by the Planning Department according to the LMC, prior to removal.

10. The applicant and/or contractor shall field verify all existing conditions on historic buildings and match replacement elements and materials according to the approved plans. Any discrepancies found between approved plans, replacement features and existing elements must be reported to the Planning Department for further direction, prior to construction.
11. Final landscape plans, when required, shall be reviewed and approved by the Planning Department prior to issuance of building permits. Landscaping shall be completely installed prior to occupancy, or an acceptable guarantee, in accordance with the Land Management Code, shall be posted in lieu thereof. A landscaping agreement or covenant may be required to ensure landscaping is maintained as per the approved plans.
12. All proposed public improvements, such as streets, curb and gutter, sidewalks, utilities, lighting, trails, etc. are subject to review and approval by the City Engineer in accordance with current Park City Design Standards, Construction Specifications and Standard Drawings. All improvements shall be installed or sufficient guarantees, as determined by the City Engineer, posted prior to occupancy.
13. The Snyderville Basin Water Reclamation District shall review and approve the sewer plans, prior to issuance of any building plans. A Line Extension Agreement with the Snyderville Basin Water Reclamation District shall be signed and executed prior to building permit issuance. Evidence of compliance with the District's fee requirements shall be presented at the time of building permit issuance.
14. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
15. When applicable, access on state highways shall be reviewed and approved by the State Highway Permits Officer. This does not imply that project access locations can be changed without Planning Commission approval.
16. Vesting of all permits and approvals terminates upon the expiration of the approval as defined in the Land Management Code, or upon termination of the permit.
17. No signs, permanent or temporary, may be constructed on a site or building without a sign permit, approved by the Planning and Building Departments. All multi-tenant buildings require an approved Master Sign Plan prior to submitting individual sign permits.
18. All exterior lights must be in conformance with the applicable Lighting section of the Land Management Code. Prior to purchase and installation, it is recommended that exterior lights be reviewed by the Planning Department.

April 2007



Planning Commission Staff Report

Subject: Thomas Replat
Author: Francisco J. Astorga, Senior Planner
Project Number: PL-15-02663
Date: July 22, 2015
Type of Item: Administrative – Plat Amendment

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the Thomas Replat located at 147 Grant Avenue and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Staff reports reflect the professional recommendation of the Planning Department. The Planning Commission, as an independent body, may consider the recommendation but should make its decisions independently.

Description

Applicant: Kathleen and Jamie Thomas
Location: 147 Grant Avenue
Zoning: Historic Residential-2
Adjacent Land Uses: Residential
Reason for Review: Plat Amendments require Planning Commission review and City Council review and action

Proposal

The Applicant requests to combine their land consisting of portion of Lots 21, 22, 23, and 24, Block 72, Millisite Reservation to Park City Plat. The Applicant desires to unify the property into one (1) lot of record.

Background

On May 8, 2015, the City received a completed Plat Amendment application for the Thomas Replat. The property is located at 147 Grant Avenue. The property is in the Historic Residential-2 District. The subject property consists of a portion of Lots 21, 22, 23, and 24, Block 72, Millisite Reservation to Park City Plat. The entire area is recognized by the County as Parcel PC-587 (Tax ID) and is 3,634 square feet. Currently the site is vacant.

Purpose

The purpose of the Historic Residential-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.

Analysis

The proposed plat amendment creates one (1) lot of record from the existing lot portions consisting of 3,634 square feet. A single-family dwelling is an allowed use in the Historic Residential-2 District. The minimum lot area for a single-family dwelling is 1,875 square feet. The proposed lot meets the minimum lot area for a single-family dwelling. A duplex dwelling is a conditional use in the Historic Residential-2 District. The minimum lot area for a duplex dwelling is 3,750 square feet. The proposed lot does not meet the minimum lot area requirements for a duplex dwelling. The minimum lot width allowed in the Historic Residential-2 District is twenty-five feet (25’), measured fifteen feet (15’) back from the front lot line. The proposed lot is approximately forty five feet (45’) wide. The proposed lot meets the minimum lot width requirement. The following table shows applicable development parameters in the Historic Residential-2 District:

LMC Requirements	Requirements
Building Footprint	1,482.4 square feet, maximum based on lot size.

Front/Rear Yard Setbacks	10 feet, minimum.
Side Yard Setbacks	5 feet minimum, 10 feet total.
Building (Zone) Height	No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade.
Final Grade	Final Grade must be within four vertical feet (4') of Existing Grade around the periphery [...].
Lowest Finish Floor Plane to Highest Wall Top Plate	A Structure shall have a maximum height of thirty five feet (35') measured from the lowest finish floor plane to the point of the highest wall top plate [...].
Vertical Articulation	A ten foot (10') minimum horizontal step in the downhill façade is required [...].
Roof Pitch	Roof pitch must be between 7:12 and 12:12 for primary roofs. Non-primary roofs may be less than 7:12.

Legal Description

The legal description as indicated on the survey, title report, and proposed plat, has specific language tied to two (2) fence lines. In order to ensure appropriate property boundaries, Staff has been advised by the City Engineer to add a Condition of Approval that would have a Utah licensed surveyor address and resolve any possible discrepancies. The drafted condition is as follows:

The Applicant shall submit appropriate documentation prepared by a Utah licensed Surveyor regarding property boundary to ensure that no discrepancies exist on the proposed Plat Amendment. The documentation may include reconciling quit claim deeds, warranty deeds, adjacent recorded Plat Amendments, etc. The 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.

City Stairs

The site is located adjacent to City stairs to the North. As indicated on the certified survey, these City stairs are not on the subject site. The City stairs are located on 206 Grant Avenue property, which was re-platted in 2013 with a City easement of approximately ten feet (10') for the City stairs.

Construction Impacts

The applicant has been notified that the City is planning on building on the site known as the Brew Pub lot directly across the street from the subject site. Construction is anticipated to begin in 2016.

Soils Ordinance

The subject site is located within the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance), and is required to meet to Soils Ordinance capping requirements.

Past Applications

In 2008, the applicant submitted the same Plat Amendment application to the City. That application was denied due to inactivity.

Good Cause

Staff finds good cause for this plat amendment as the existing lot portions, remnant parcels, will become part of a legal lot of record. Staff finds that the plat amendment will not cause undo harm to adjacent property owners and all requirements of the Land Management Code for any future development can be met.

Process

The approval of this plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in Land Management Code § 1-18.

Department Review

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

Notice

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

Public Input

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

Alternatives

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

Significant Impacts

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

Consequences of not taking the Planning Department's Recommendation

The site would remain as is. No construction would take place over any of the lot lines.

Summary Recommendation

Staff recommends the Planning Commission hold a public hearing for the Thomas Replat located at 147 Grant Avenue and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Exhibits

Exhibit A – Draft Ordinance with Proposed Plat

Exhibit B – Survey

Exhibit C – Applicant Project Description

Exhibit D – County Plat Map

Exhibit E – Aerial Photograph

Exhibit F – Site Photograph 1

Exhibit G – Site Photograph 2

Exhibit A: Draft Ordinance

Ordinance No. 15-XX

AN ORDINANCE APPROVING THE THOMAS REPLAT LOCATED AT 147 GRANT AVENUE, PARK CITY, UTAH.

WHEREAS, the owners of the property located at 147 Grant Avenue have petitioned the City Council for approval of the Plat Amendment; and

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

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

WHEREAS, the Planning Commission held a public hearing on July 22, 2015, to receive input on Plat Amendment; and

WHEREAS, the Planning Commission, on July 22, 2015, forwarded a recommendation to the City Council; and,

WHEREAS, on August 20, 2015, the City Council held a public hearing to receive input on the plat amendment; and

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

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

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

Findings of Fact:

1. The property is located at 147 Grant Avenue.
2. The property is in the Historic Residential-2 District.
3. The subject property consists of a portion of Lots 21, 22, 23, and 24, Block 72, Millisite Reservation to Park City Plat.
4. The site is currently vacant.
5. The proposed plat amendment creates one (1) lot of record from the existing lot portions consisting of 3,634 square feet.
6. A single-family dwelling is an allowed use in the Historic Residential-2 District.
7. The minimum lot area for a single-family dwelling is 1,875 square feet.
8. The proposed lot meets the minimum lot area for a single-family dwelling.

9. A duplex dwelling is a conditional use in the Historic Residential-2 District.
10. The minimum lot area for a duplex dwelling is 3,750 square feet.
11. The proposed lot does not meet the minimum lot area requirements for a duplex dwelling.
12. The minimum lot width allowed in the Historic Residential-2 District is twenty-five feet (25'), measured fifteen feet (15') back from the front lot line.
13. The proposed lot is approximately forty five feet (45') wide measured fifteen feet (15') back from the front lot line.
14. The proposed lot meets the minimum lot width requirement.
15. The maximum building footprint for a lot this size, 3,634 square feet, is 1,481.4 square feet.
16. The legal description as indicated on the survey, title report, and proposed plat, has specific language tied to two (2) fence lines.
17. In order to ensure appropriate property boundaries, Staff has been advised by the City Engineer to add a Condition of Approval that would have a Utah licensed surveyor address and resolve any possible discrepancies.
18. The site is located adjacent to City stairs to the North.
19. As indicated on the certified survey, these City stairs are not on the subject site.
20. The site is located within the Park City Landscaping and Maintenance of Soil Cover Ordinance, and is required to meet to Soils Ordinance capping requirements.
21. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat 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 foot (10') wide public snow storage easement will be required along the front of the property.
4. The Applicant shall submit appropriate documentation prepared by a Utah licensed Surveyor regarding property boundary to ensure that no discrepancies

exist on the proposed Plat Amendment. The documentation may include reconciling quit claim deeds, warranty deeds, adjacent recorded Plat Amendments, etc. The 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.

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

PASSED AND ADOPTED this 20th day of August, 2015.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

ATTEST:

Marci Heil, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Attachment 1 – Proposed Plat

LINE TABLE

LINE	LENGTH	BEARING
L1	8.18'	N08°12'00"E
L2	28.14'	N20°11'40"E
L3	23.54'	N22°15'00"E
L4	7.30'	N22°10'40"E

LEGEND:

- PROPERTY LINE
- CENTER LINE
- LOT LINE
- FENCE
- LOT #
- STREET ADDRESS ON GRANT AVE.
- FOUND REBAR & CAP L5154491
- FOUND REBAR & CAP L5156213
- FOUND REBAR & CAP L54861
- FOUND REBAR & CAP L5350025
- FOUND REBAR & CAP L58182803
- FOUND 1/4" REBAR NO CAP
- STREET MONUMENT

VICINITY AND ZONING MAP
NOT TO SCALE

THOMAS REPLAT
147 GRANT AVENUE
LOCATED IN THE SOUTHEAST QUARTER OF SECTION 16
TOWNSHIP 2S RANGE 4E
SALT LAKE BASE AND MERIDIAN

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT JAMIE G. THOMAS AND KATHLEEN THOMAS AS JOINT TENANTS, THE UNDERSIGNED OWNERS OF THE ABOVE DESCRIBED TRACT OF LAND, HAVE CAUSED SAME TO BE SUBDIVIDED INTO LOTS AND STREETS TO BE HEREAFTER KNOWN AS THE THOMAS REPLAT. DOES HEREBY CERTIFY THAT THEY HAVE CAUSED THIS PLAT AMENDMENT TO BE PREPARED. JAMIE THOMAS HEREBY CONSENTS TO THE RECOGNITION OF THIS PLAT AMENDMENT. ALSO, THE OWNERS, OR HIS REPRESENTATIVE, HEREBY IRREVOCABLY OFFERS FOR DEDICATION TO THE CITY OF PARK CITY ALL THE STREETS, LAND FOR LOCAL GOVERNMENT USES, CASUALTIES, PARKS AND RECREATION UTILITIES AND EASEMENTS SHOWN ON THE PLAT AND CONSTRUCTION DRAWINGS IN ACCORDANCE WITH AN IRREVOCABLE OFFER OF DEDICATION.

IN WITNESS WHEREOF THE UNDERSIGNED SET HIS HAND THIS _____ DAY OF _____, 2015

JAMIE G. THOMAS _____

KATHLEEN THOMAS _____

ACKNOWLEDGMENT

STATE OF UTAH: _____
COUNTY OF SUMMIT: _____

ON THIS _____ DAY OF _____, 2015, _____ PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID STATE AND COUNTY, HAVING BEEN DULY SWORN, _____ ACKNOWLEDGED TO ME THAT HE IS THE OWNER OF THE HEREIN DESCRIBED TRACT OF LAND, AND THAT HE SIGNED THE ABOVE OWNERS DEDICATION AND CONSENT TO RECORD FREELY AND VOLUNTARILY.

MY COMMISSION EXPIRES _____ NOTARY PUBLIC
RESIDING IN _____

LEGAL DESCRIPTION:

ALL OF LOT 1, THOMAS REPLAT, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
A PORTION OF LOTS 21, 22, 23 AND 24, BLOCK 72, MILL SITE RESERVATION TO PARK CITY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHWEST CORNER OF LOT 23, BLOCK 72, MILL SITE RESERVATION TO PARK CITY, AND RUNNING THENCE NORTH 12°34'00" WEST 23.14 FEET ALONG THE WEST LINE OF SAID BLOCK 72, THENCE NORTH 30°12'00" EAST 8.18 FEET, THENCE NORTH 80°11'40" EAST 28.14 FEET, THENCE NORTH 27°07'00" EAST 23.54 FEET, THENCE NORTH 27°10'40" EAST 7.30 FEET TO A POINT ON A FENCE LINE, THENCE SOUTH 11°02'00" EAST 48.89 FEET ALONG SAID FENCE LINE TO A POINT ON ANOTHER FENCE LINE, THENCE SOUTH 85°31'10" EAST 26.08 FEET ALONG SAID FENCE LINE, THENCE SOUTH 2°48'10" EAST 85.86 FEET, THENCE NORTH 70°48'30" WEST 85.27 FEET TO THE POINT OF BEGINNING.
CONTAINING 3624 SQ. FT. ±

CONSENT TO RECORD

STATE OF UTAH: _____
COUNTY OF SUMMIT: _____

THE UNDERSIGNED LIEN HOLDER HEREBY CONSENTS TO THE RECOGNITION OF THIS PLAT _____ BY _____ AUTHORIZED OFFICIAL.

THE FOREGOING CONSENT TO RECORD WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2015 BY _____ MY COMMISSION EXPIRES _____ NOTARY PUBLIC
RESIDING IN _____

NOTES:

1. MODIFIED 15-0 SPRINGERS WILL BE REQUIRED FOR NEW CONSTRUCTION AS REQUIRED BY THE CDEP BUILDING OFFICIAL AT THE TIME OF REVIEW OF THE BUILDING PERMIT SUBMITTAL.
2. THIS PLAT IS SUBJECT TO THE CONDITIONS OF APPROVAL IN ORDINANCE 01-1408

SURVEYOR'S STATEMENT

I GREGORY J. FERRARI, P.L.S. 5046808 EXPIRES MARCH 31, 2017

FERRARI SURVEYING, LLC
P.O.B. 885001 PARK CITY, UT
(435) 640-0412

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2015 A.D.

BY: _____ S.B.W.R.C.

PLANNING COMMISSION

APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2015

BY: _____ CHAIRPERSON

ENGINEER'S CERTIFICATE

I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2015 A.D.

BY: _____ PARK CITY ENGINEER

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS _____ DAY OF _____, 2015 A.D.

BY: _____ PARK CITY ATTORNEY

CERTIFICATE OF ATTEST

I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2015 A.D.

BY: _____ PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2015 A.D.

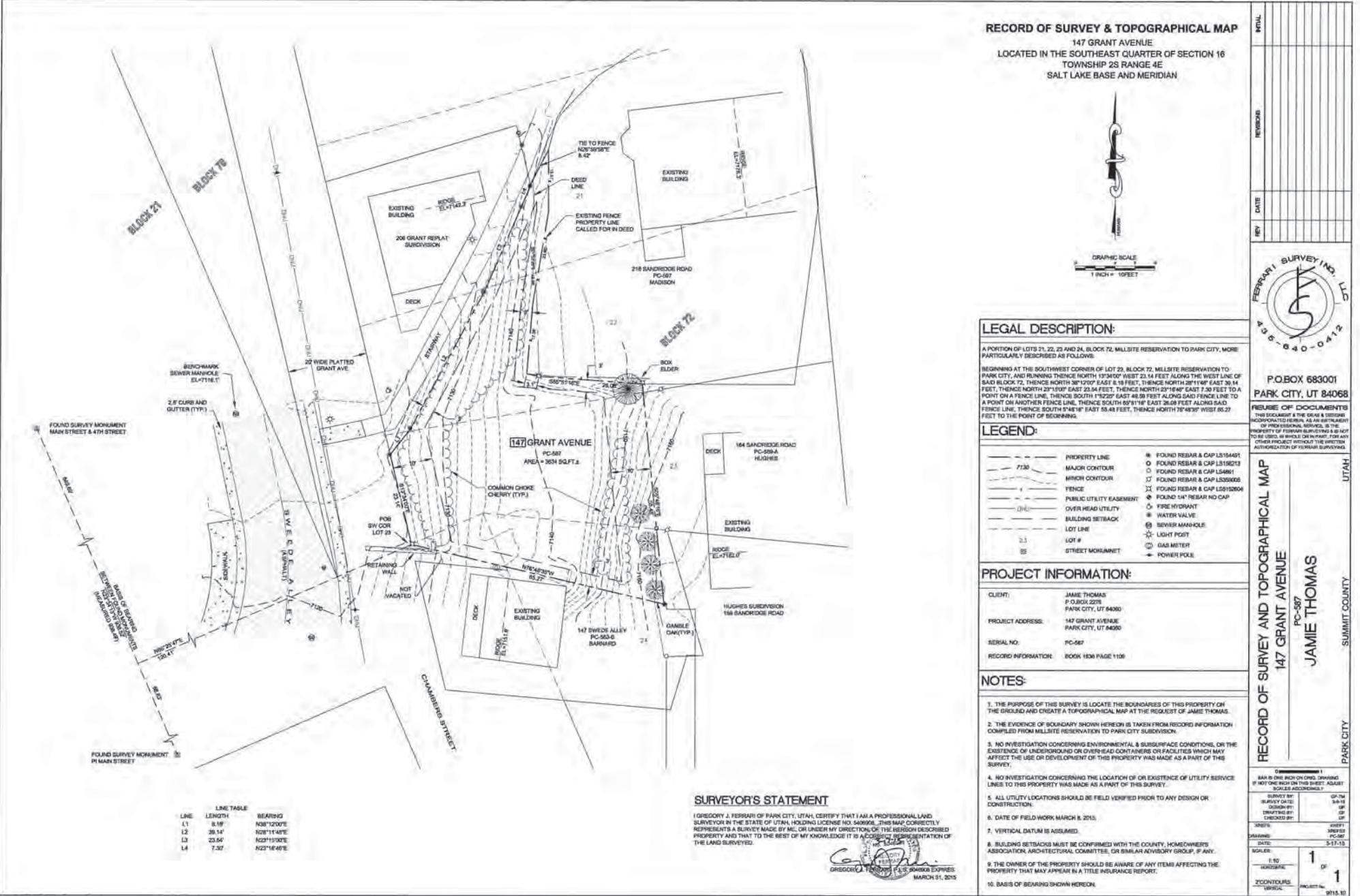
BY: _____ MAYOR

RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____

DATE _____ TIME _____ BOOK _____ PAGE _____

FEE _____ RECORDER _____



RECORD OF SURVEY & TOPOGRAPHICAL MAP
 147 GRANT AVENUE
 LOCATED IN THE SOUTHEAST QUARTER OF SECTION 16
 TOWNSHIP 2S RANGE 4E
 SALT LAKE BASE AND MERIDIAN



LEGAL DESCRIPTION:

A PORTION OF LOTS 21, 22, 23 AND 24, BLOCK 72, MILLSITE RESERVATION TO PARK CITY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 BEGINNING AT THE SOUTHWEST CORNER OF LOT 23, BLOCK 72, MILLSITE RESERVATION TO PARK CITY, AND RUNNING THENCE NORTH 13°34'00" WEST 23.14 FEET ALONG THE WEST LINE OF SAID BLOCK 72, THENCE NORTH 38°12'00" EAST 8.18 FEET, THENCE NORTH 28°11'48" EAST 38.14 FEET, THENCE NORTH 23°11'00" EAST 23.84 FEET, THENCE NORTH 02°16'48" EAST 7.32 FEET TO A POINT ON A FENCE LINE, THENCE SOUTH 1°52'20" EAST 48.39 FEET ALONG SAID FENCE LINE TO A POINT ON ANOTHER FENCE LINE, THENCE SOUTH 89°11'18" EAST 28.68 FEET ALONG SAID FENCE LINE, THENCE SOUTH 9°48'18" EAST 53.43 FEET, THENCE NORTH 78°49'30" WEST 65.22 FEET TO THE POINT OF BEGINNING.

LEGEND:

- | | | | |
|-----------|-------------------------|---|----------------------------|
| — 77.30 — | PROPERTY LINE | ⊗ | FOUND REBAR & CAP L3154401 |
| — 77.30 — | MAJOR CONTOUR | ○ | FOUND REBAR & CAP L3158013 |
| — 77.30 — | MINOR CONTOUR | □ | FOUND REBAR & CAP L344601 |
| — 77.30 — | FENCE | ⊠ | FOUND REBAR & CAP L3450005 |
| — 77.30 — | PUBLIC UTILITY EASEMENT | ⊞ | FOUND REBAR & CAP L3519304 |
| — 77.30 — | OVER HEAD UTILITY | ⊕ | FOUND 1/4" REBAR NO CAP |
| — 77.30 — | BUILDING SETBACK | ⊖ | FIRE HYDRANT |
| — 77.30 — | LOT LINE | ⊗ | WATER VALVE |
| — 77.30 — | DECK | ⊗ | SEWER MANHOLE |
| — 77.30 — | STREET MARKER | ⊗ | LIGHT POST |
| — 77.30 — | | ⊗ | GAS METER |
| — 77.30 — | | ⊗ | POWER POLE |

PROJECT INFORMATION:

CLIENT: JAMIE THOMAS
 P.O. BOX 2278
 PARK CITY, UT 84300
 PROJECT ADDRESS: 147 GRANT AVENUE
 PARK CITY, UT 84300
 SERIAL NO: PC-067
 RECORD INFORMATION: BOOK 1838 PAGE 1106

NOTES:

- THE PURPOSE OF THIS SURVEY IS LOCATE THE BOUNDARIES OF THIS PROPERTY ON THE GROUND AND CREATE A TOPOGRAPHICAL MAP AT THE REQUEST OF JAMIE THOMAS.
- THE EVIDENCE OF BOUNDARY SHOWN HEREON IS TAKEN FROM RECORD INFORMATION COMPILED FROM MILLSITE RESERVATION TO PARK CITY SUBDIVISION.
- NO INVESTIGATION CONCERNING ENVIRONMENTAL & SUBSURFACE CONDITIONS, OR THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONDUITS OR FACILITIES WHICH MAY AFFECT THE USE OR DEVELOPMENT OF THIS PROPERTY WAS MADE AS A PART OF THIS SURVEY.
- NO INVESTIGATION CONCERNING THE LOCATION OF OR EXISTENCE OF UTILITY SERVICE LINES TO THIS PROPERTY WAS MADE AS A PART OF THIS SURVEY.
- ALL UTILITY LOCATIONS SHOULD BE FIELD VERIFIED PRIOR TO ANY DESIGN OR CONSTRUCTION.
- DATE OF FIELD WORK: MARCH 8, 2015.
- VERTICAL DATUM IS ASSUMED.
- BUILDING SETBACKS MUST BE CONFIRMED WITH THE COUNTY, HOMEOWNERS ASSOCIATION, ARCHITECTURAL COMMITTEE, OR SIMILAR ADVISORY GROUP, IF ANY.
- THE OWNER OF THE PROPERTY SHOULD BE AWARE OF ANY ITEMS AFFECTING THE PROPERTY THAT MAY APPEAR IN A TITLE INSURANCE REPORT.
- BASIS OF BEARING SHOWN HEREON.

SURVEYOR'S STATEMENT

I, GREGORY J. FERRARI OF PARK CITY, UTAH, CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH, HOLDING LICENSE NO. 5409908. THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION OF THE HEREON DESCRIBED PROPERTY AND THAT TO THE BEST OF MY KNOWLEDGE IT IS A CORRECT REPRESENTATION OF THE LAND SURVEYED.

GREGORY J. FERRARI
 LICENSE NO. 5409908
 MARCH 31, 2015

DATE	
REVISIONS	
NO.	
DATE	
BY	

FERRARI SURVEY INC. LTD.
 435-640-0412
 P.O. BOX 683001
 PARK CITY, UT 84068
 REUSE OF DOCUMENTS: THIS DOCUMENT & THE DATA & DESIGN INCORPORATED HEREON, AS AN INSTRUMENT OF PROFESSIONAL SERVICE, IS THE PROPERTY OF FERRARI SURVEYING & IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, WITHOUT THE WRITTEN AUTHORIZATION OF FERRARI SURVEYING.

RECORD OF SURVEY AND TOPOGRAPHICAL MAP
 147 GRANT AVENUE
 PC-067
 JAMIE THOMAS
 SUMMIT COUNTY
 PARK CITY
 UTAH

SCALE: 1" = 10'
 DATE: 3-17-15
 DRAWING: 3-17-15
 SHEET: 1 OF 1
 PROJECT NO: 0715.01

147 Grant Ave Replat

April 30, 2015

To whom it may concern

General Description

The property is currently Located at 147 Grant Ave, is vacant land comprising portions of lots 21,22,23&24 of Subdivision #1 of the Millsite Reservation.

Reason for Replat.

Combine existing lots by erasing internal lot lines to create 1 single lot.

Sincerely

Jamie Thomas
435 962 1122

Note: # Refers to Street Address

BOOK PAGE

PARK CITY - BLOCKS 21, 70, 72, SECTION 16, T2S R4E, S.L.B. & M.



2		31
54		32
FIFTH STREET (N 23°38' W)		
16	17	
15	18	
14	19	
13	20	
12	21	
11	22	
10	23	
9	24	
8	25	
7	26	
6	27	
5	28	
4	29	
3	30	
2	31	
1	32	
SIXTH STREET (N 66°22' E)		
15	16	
14	17	
12	18	

Approved Utah State Tax Comm	REVISIONS - DATE AND INITIAL (In Pencil)
Date	By
Engineering Associates Inc.	

SUMMIT COUNTY, UTAH

SCALE
ONE INCH = 40 FEET
BOOK PAGE

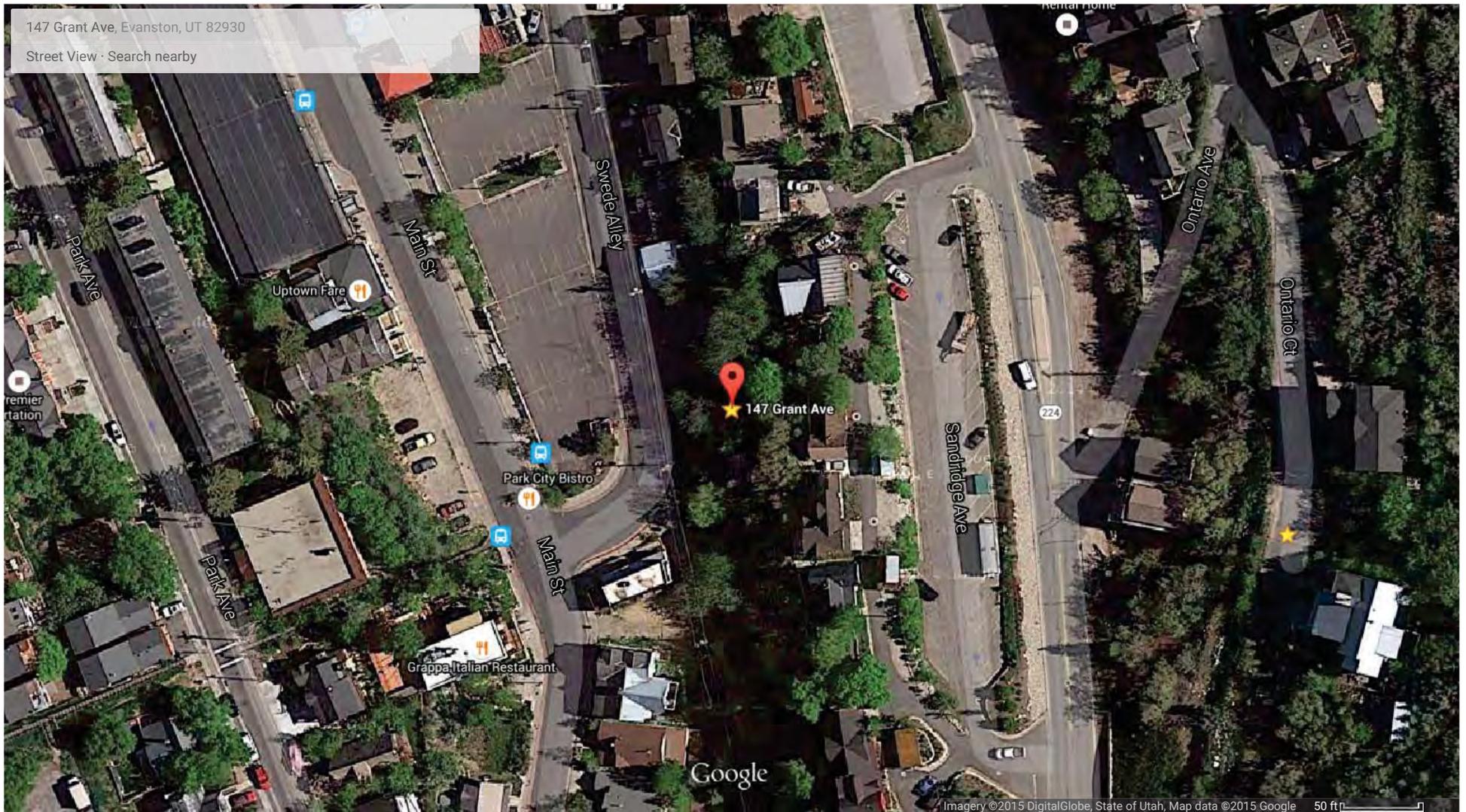
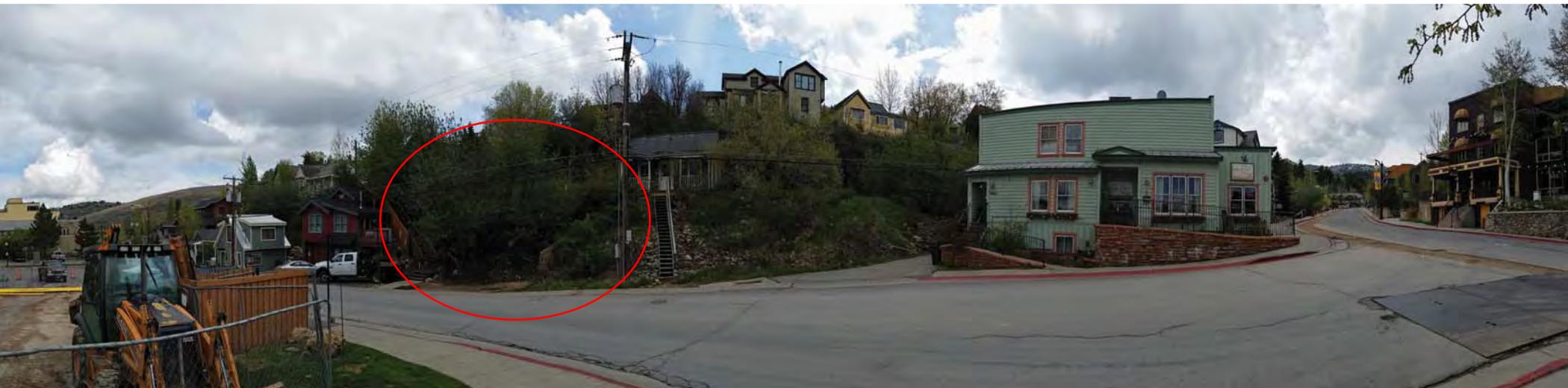


Exhibit E – Aerial Photograph

Exhibit F –Site Photograph 1



Exhibit F –Site Photograph 1



Planning Commission Staff Report



Subject: 950 Empire Avenue Plat Amendment
Author: Christy J. Alexander, AICP, Planner II
Project Number: PL-15-02785
Date: July 22, 2015
Type of Item: Administrative – Plat Amendment

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing and consider forwarding a positive recommendation for the 950 Empire Ave plat amendment, based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Staff reports reflect the professional recommendation of the planning department. The Planning Commission, as an independent body, may consider the recommendation but should make its decisions independently.

Description

Applicant: Norfolk TKA, LLC, owner/James Carroll, representative
Location: 950 Empire Ave
Zoning: Historic Residential (HR-1)
Adjacent Land Uses: Single-family and Duplex homes
Reason for Review: Plat amendments require Planning Commission review and City Council action

Proposal

The applicant is requesting a Plat Amendment for the purpose of combining one (1) and a half (1.5) existing lots (Lots 21 & half of Lot 22) into one (1) lot of record located in Block 15 of the Snyder's Addition to the Park City Survey. The applicant currently owns both lots and requests to combine the lots to create one (1) new larger lot on which they plan to demolish the existing A-frame home and build a new single-family home at 950 Empire Avenue.

Purpose

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

- (A) Preserve present land Uses and character of the Historic residential areas of Park City,
- (B) Encourage the preservation of Historic Structures,
- (C) Encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods,
- (D) Encourage single family development on combinations of 25' x 75' Historic Lots,

- (E) Define development parameters that are consistent with the General Plan policies for the Historic core, and
- (F) Establish development review criteria for new development on Steep Slopes which mitigate impacts to mass and scale and the environment.

Background

On May 22, 2015 the applicant submitted a complete application for the 950 Empire Avenue plat amendment. The property is located at 950 Empire Avenue in the Historic Residential (HR-1) District.

Currently both Lots 21 and the northerly ½ of 22 contain one A-frame single family home. Both lot 21 and the north half of lot 22 are now owned by Norfolk TKA, LLC. There have been several lot splits consistently down the same street where others have combined one and a half lots. Only one lot in this proposal (Lot 21-a standard Old Town lot) currently meets the minimum lot area standards as given for the HR-1 District and the other is a remnant half lot. The applicant states their intentions are to demolish and build a single-family home on the proposed combined lot.

Analysis

The proposed plat amendment creates one (1) lot of record consisting of 2,812.5 square feet. The minimum lot area for a single family dwelling is 1,875 square feet. Both lots currently contain an existing non-historic A-frame single family home. The combined lot area does not meet the minimum lot size of 3,750 square feet for a duplex. The applicant has not yet submitted a Historic District Design Review application or plans for the proposed structure on the lot.

There are currently existing homes on the north and south side of the proposed lot. The lot to the north (Lot 20, 954 Empire Ave) contains a home setback only 2.19 feet from the property line shared with 950 Empire Avenue. The lot to the south (940 Empire Avenue) of 950 Empire Avenue contains a home which is setback 13.75 feet off the property line. Any new structure that is under 6 feet setback from the adjacent home at 954 Empire Ave would need to meet IBC Code regarding firewall construction. Snow shedding agreements will also need to be obtained between neighbors prior to building permit approval.

Any new structure proposed for the combined lot created by this plat amendment would need to meet the current LMC code requirements of 3 feet side yard setbacks (6 total),. Front and rear yard setbacks would need to meet current code standards of a minimum of ten feet (10'). The properties within 200 feet across the street on the west side of Empire Ave consist of mainly duplex dwellings, larger single-family dwellings and vacant lots.

The minimum lot width allowed in the district is twenty-five feet (25'). The proposed width will be thirty-seven and a half (37.5') feet. The proposed lot will be compatible with the existing neighborhood as the three lots to the south side of the proposed lot are approximately each thirty-seven and a half (37.5') feet in width as well and the two lots to the north are twenty five feet (25') wide. The houses within 200 feet to the north and south on the east side of Empire Ave consist of typical "Old Town" single-family dwellings and vacant lots. The proposed lot combination meets the lot and site requirements of the HR-1 District described below:

Required	Existing	Permitted
Lot Size	2,812.5 square feet	1,875 square feet minimum
Building Footprint	Approximately 831.25 square feet	1,201 square feet maximum (based on the lot area of 2,812.5 square feet)
Front/rear yard setbacks	Approximately 30.63 feet front yard setback and 6.25 feet rear yard setback	10 feet minimum, 20 feet total (based on the lot depth of 75 feet)
Side yard setbacks	Approximately 3.75 feet northerly side setback and 4.38 feet southerly side setback	3 feet minimum, 6 feet total (based on the lot width of 37.5 feet);
Height	N/A	27 feet above existing grade, maximum. 35 feet above existing grade is permitted for a single car garage on a downhill lot upon Planning Director approval.
Height (continued)	N/A	A Structure shall have a maximum height of thirty five feet (35') measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters.
Final Grade	N/A	Final grade must be within four (4) vertical feet of existing grade

		around the periphery of the structure.
Vertical Articulation	N/A	A ten foot (10') minimum horizontal step in the downhill façade is required unless the First Story is located completely under the finish Grade on all sides of the Structure. The horizontal step shall take place at a maximum height of twenty three feet (23') from where Building Footprint meets the lowest point of existing Grade.
Roof Pitch	N/A	Between 7:12 and 12:12. A roof that is not part of the primary roof design may be below the required 7:12 roof pitch.
Parking	Two parking spaces	Two (2) parking spaces per dwelling.

This plat amendment is consistent with the Park City LMC and applicable State law regarding plat amendments. Any new structures must comply with current LMC requirements. A steep slope conditional use permit may be required for development on the amended lot. Recordation of this plat amendment and completion and approval of a final Historic District Design Review (HDDR) and Steep Slope CUP application, if required, are required prior to building permit issuance for any construction on the proposed lot.

Good Cause

Planning Staff finds there is good cause for this plat amendment. Combining the lots will allow the existing house to clear up the lot line running underneath the home and any new construction will be on one sole lot. The plat amendment will incorporate a remnant ½ lot into a platted lot. The plat amendment will also utilize best planning and design practices, while preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City community.

Staff finds that the plat amendment will not cause undo harm to adjacent property owners and all future development will be reviewed for compliance with requisite Building and Land Management Code, and applicable Historic District Design Guidelines requirements.

Department Review

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

Notice

The property was posted and notice was mailed to property owners within 300 feet in accordance with the requirements in the LMC on July 8, 2015. Legal notice was also published in the Park Record by July 4, 2015 and on the public notice website in accordance with the requirements of the LMC.

Public Input

Staff has not received public input on this application at the time of this report. Public input may be taken at the regularly scheduled City Council public hearing.

Process

Approval of this application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18. Any new structures may require a Steep Slope CUP and will require a Historic District Design Review. A Building Permit is publicly noticed by posting of the permit.

Alternatives

- The Planning Commission may forward a positive recommendation for approval of the 950 Empire Avenue plat amendment as conditioned or amended; or
- The Planning Commission may forward a negative recommendation for the 950 Empire Avenue plat amendment and direct staff to make findings for this decision; or
- The Planning Commission may continue the discussion on the plat amendment to a date certain and provide direction to the applicant and/or staff to provide additional information necessary to make a decision on this item.

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 one and a half (1.5) existing lots would not be adjoined and would remain as is. The lots at 950 Empire Avenue would remain with an existing home situated on top of a lot line and any new construction would have to comply with the current LMC requirements for any new structures on typical "Old Town" single lots. The remnant lot would remain.

Recommendation

Staff recommends the Planning Commission hold a public hearing and consider approving the 950 Empire Avenue plat amendment based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

Exhibits **Ordinance**

Exhibit A –Proposed Plat Amendment
Exhibit B – Existing Conditions Survey
Exhibit C – Vicinity Map/Aerial
Exhibit D – Photographs

**AN ORDINANCE APPROVING THE 950 EMPIRE AVENUE PLAT AMENDMENT,
LOCATED AT 950 EMPIRE AVENUE, PARK CITY, UTAH.**

WHEREAS, the owners of the property known as the 950 Empire Avenue plat amendment located at 950 Empire Avenue, have petitioned the City Council for approval of the 950 Empire Avenue plat amendment; and

WHEREAS, on July 8, 2015, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on July 8, 2015, proper legal notice was sent to all affected property owners according to the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on July 22, 2015 to receive input on the proposed plat amendment;

WHEREAS, on July 22, 2015 the Planning Commission forwarded a recommendation to the City Council; and,

WHEREAS, on August 20, 2015 the City Council held a public hearing on the proposed 950 Empire Avenue plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the proposed 950 Empire 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 950 Empire Avenue plat amendment, 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 plat amendment is located at 950 Empire Avenue within the Historic Residential (HR-1) District.
2. The 950 Empire Avenue plat amendment consists of Lots 21 & northerly ½ remnant lot of 22 of Block 15 of the Snyder's Addition to the Park City Survey.
3. On May 22, 2015, the applicants submitted an application for a plat amendment to combine one and a half (1.5) lots containing a total of 2,812.5 square feet into one (1) lot of record.
4. The application was deemed complete on May 22, 2015.
5. The lots at 950 Empire Avenue currently contain an existing A-frame single family home.

6. The HR-1 zone requires a minimum lot area of 1,875 square feet for a single family dwelling.
7. The maximum footprint allowed in the HR-1 zone is 1,201 square feet for the proposed lot based on the lot area of the lot.
8. The existing side yard setbacks to the north are 3.75 feet and 4.38 feet to the south which complies with the LMC.
9. The front yard setback is 30.63 feet which complies with the LMC but the rear yard setback is only 6.25 feet which makes this structure legal, non-conforming.
10. The plat amendment secures public snow storage easements of ten (10') feet across the frontage of the lot.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat amendment.
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 amendment 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. Recordation of this plat amendment and completion and approval of a final Historic District Design Review (HDDR) and Steep Slope CUP, if required, applications are required prior to building permit issuance for any construction on the proposed lot.
4. Modified 13-D sprinklers will 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.
5. All new construction shall meet the site and lot requirements in the Land Management Code current at the time of building permit application.
6. A ten foot (10') wide public snow storage easement is required along the frontage of the lots with Lowell Avenue and shall be shown on the plat amendment.
7. Snowshed agreements from each neighbor are required prior to building permit approval.

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

PASSED AND ADOPTED this ____ day of _____, 2015

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

ATTEST:

Marci Heil, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

EXHIBIT A

950 EMPIRE AVENUE REPLAT LOT LINE ADJUSTMENT

LYING WITHIN BLOCK 15
OF SNYDER'S ADDITION TO
PARK CITY SURVEY



OBSTRUCTIONS EXIST
UNABLE TO SET
PROPERTY COR,
SET LATH

BLOCK 15

PARCEL ID SA-161-158-A
MARY C. VARHOLICK TRUSTEE
954 EMPIRE AVE.

PARCEL ID GAR-ALL
BRYAN B. GARDENER
945 NORFOLK AVE.

LOT 1
950 EMPIRE AVE.
0.6 +/- ACRES

PARCEL ID SA-161
CLARK LOWDER
TRUSTEE
940 EMPIRE AVE.

SURVEYOR'S CERTIFICATE

I, Shane Johanson do hereby certify that I am a Land Surveyor, and that I hold certificate No. 7075114, as prescribed under the laws of the State of Utah. I further certify that by authority of the Owners, I have made a survey of the tract of land shown on this plat and described below, hereafter to be known as 950 EMPIRE AVENUE REPLAT, and that same has been surveyed and shown on this plat. This survey was performed within the accordance of the minimum accuracy of an urban survey, Class "A", or a linear closure of 1:15,000'. The purpose of this survey is to locate the boundaries of the described lots and to combine these lots into one single lot, for the eventual purpose of constructing and building future development.

LEGAL DESCRIPTION

Lot 21 and half lot 22, Block 15 Snyder's Addition to Park City survey on file within the official records of Summit County, Utah.
Containing 0.6 +/- Acres

SURVEYORS NOTES:

1. Location of this Subdivision is established by the found street monumentation along Empire Avenue of the recorded Park City block 15 Snyder's addition to Park City, as well as found local property corners.
2. This subdivision does not amend previous requirements, agreements, covenant, as laid down in previous subdivision recording. See Block 15 Snyder's addition to Park City for additional notes and information.

OWNER'S DEDICATION

Know all men by these presents that _____, the undersigned owner(s) of the above described tract of land having caused same to be subdivided into lots and streets to be hereafter known as

950 EMPIRE AVENUE REPLAT

do hereby dedicate for perpetual use of the public all parcels of land shown on this plat as intended for public use
In witness whereof _____ have hereunto set this _____ day of _____ A.D., 20__

ACKNOWLEDGMENT

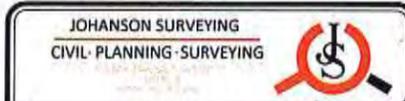
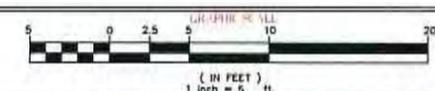
STATE OF UTAH | S.S.
County of SUMMIT
On the _____ day of _____ A.D., 20__, personally appeared before me _____, who being by me duly sworn did say the he/she is the _____ of _____, and that the within and foregoing instrument was signed voluntarily for said corporation and for the uses and purposes herein mentioned.

My commission expires: _____ Notary Public

residing in: _____

950 EMPIRE AVENUE REPLAT A LOT LINE ADJUSTMENT

Lying within Block 15 Snyder's Addition to Park City survey on file within the official records of Summit County, Utah.



PARK CITY PLANNING COMMISSION APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON THIS ____ DAY OF _____, 20__ BY _____ date _____ Chairman	CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS ____ DAY OF _____, 20__ BY _____ PARK CITY RECORDER	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS ____ DAY OF _____, 20__ BY _____ S B W R D	ENGINEERS CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE ON THIS ____ DAY OF _____, 20__ BY _____ PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS ____ DAY OF _____, 20__ _____ PARK CITY ATTORNEY	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL ON THIS ____ DAY OF _____, 20__ _____ PARK CITY ATTORNEY	COUNTY RECORDER# State of Utah, County of Summit, recorded and filed at the request of _____ Date _____ Time _____ Book _____ Page _____ Fee \$ _____ County Recorder	NUMBER _____ ACCOUNT _____ SHEET _____ OF 1 SHEETS RECEIVED MAY 22 2015 PARK CITY
---	--	--	--	---	---	--	---

EXHIBIT B

PARCEL ID SA-161-158
CHARLES T. SAACKE
955 NORFOLK AVE.

PARCEL ID SA-161-158-A
MARY C. VARHOLICK TRUSTEE
954 EMPIRE AVE.

PARCEL ID SA-161-A
SKINSKI LC.
950 EMPIRE AVE.

PARCEL ID GAR-ALL
BRYAN B. GARDENER
945 NORFOLK AVE.

PARCEL ID SA-161
CLARK LOWDER TRUSTEE
940 EMPIRE AVE.

RECORD OF SURVEY TOPOGRAPHIC

CLIENT CONTACT
MR. JACK LOPEZ
17326 FOUNTAIN VIEW
SAN ANTONIO, TEXAS 78248

950 EMPIRE AVENUE
LOCATED WITHIN, SUMMIT COUNTY,
UTAH, LYING WITHIN BLOCK 15 OF
THE SNYDER'S ADDITION TO PARK
CITY SURVEY, A PART OF THE N.W. 1/4
SEC. 16, T. 2 S. R. 4 E. S.L.B.&M.

PROPERTY DESCRIPTION
Lot 21 and half lot 22, Block 15 Snyder's Addition to Park City survey on file within the official records of Summit County, Utah. Containing 0.6 +/- Acres

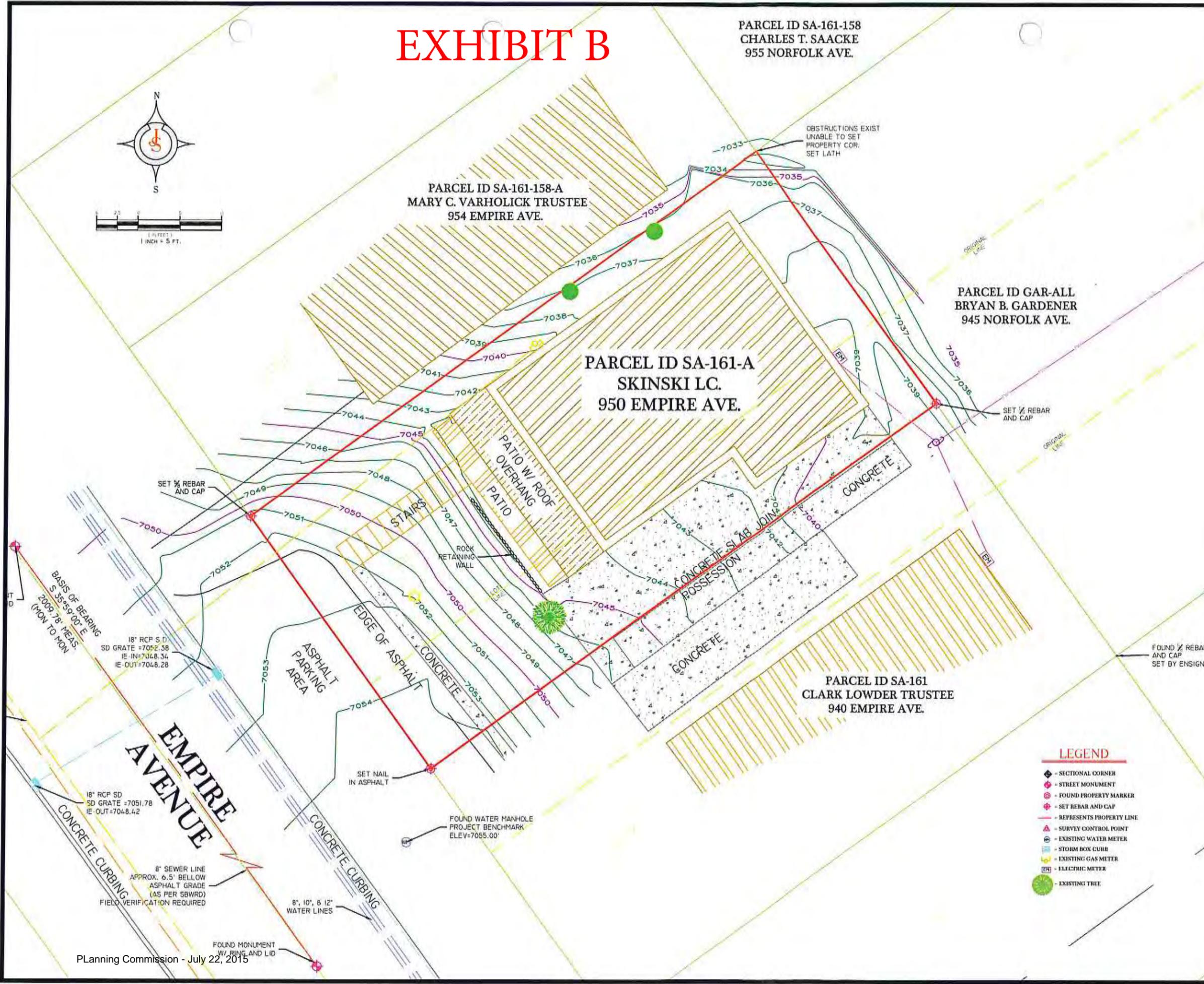
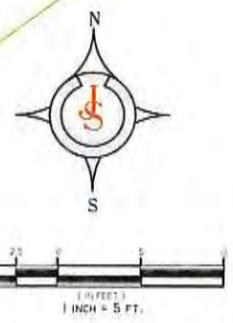
SURVEYOR'S NARRATIVE
This survey was performed at the request of Jack Lopez. For the purpose to locate property lines in relation to existing fencing, and other improvements, also for the purpose of future building, landscaping, or property sales.
The basis of bearing was derived from the found street monuments along Empire Avenue of the recorded Park City block 15 Snyder's addition, as well as found local property corners and utilized on this survey as N 33°50'00" W as shown hereon.
Shown are Two foot Contours Highlighted at Ten foot intervals as labeled. The elevation base is determined by the field G.P.S. Projection Based on USGS Utah North NAD 1983 Projection then rounded off to the nearest 10 foot mark for a more efficient Bench Mark Base. The project Bench Mark is 7055.00' - Found water manhole lid, located along Empire Avenue as shown hereon.

- NOTE:**
1. Surveyor has made no investigation or independent search for easements of record encumbrances restrictive covenants ownership title evidence, or any other facts, conflicts, or discrepancies which may be disclosed by the details of a current title insurance policy.
 2. See city and county planning, and zoning maps for information regarding setback, side yard, and rear yard instances as well as other building, use restrictions, and requirements.
 3. Utility pipes, wires etc. may not be shown on this map, contractors builders and excavators shall verify the location of all existing utilities prior to construction, and/or excavation. Utility's shown are as per utility drawings. Contact blue stakes and refer to utility maps for additional information.
 4. Subdivision plat notes, pertaining to this lot and other restrictions obligations, covenants etc. that may effect the design and use of this lot, see subdivision.

SURVEYOR'S CERTIFICATE
I, R. Shane Johanson, do hereby certify that I am a Professional Land Surveyor, holding certificate No. 707314, as prescribed under the laws of the State of Utah, and that I have made a survey of the described tract of land as shown on this plat and that this survey retraces lot lines and may have adjusted said lot lines to coincide with found evidence and other interpolations based from ground measurements and found records. Furthermore I recognize that other unwritten rights of ownership or lines of possession may exist, I do not imply to certify any of those rights, unless agreed upon by the appropriate parties.

REVISIONS:

REV #	DESCRIPTION	DATE



- LEGEND**
- ◆ SECTIONAL CORNER
 - STREET MONUMENT
 - ⊙ FOUND PROPERTY MARKER
 - ⊕ SET REBAR AND CAP
 - REPRESENTS PROPERTY LINE
 - ▲ SURVEY CONTROL POINT
 - ⊖ EXISTING WATER METER
 - ⊖ STORM BOX CURB
 - ⊖ EXISTING GAS METER
 - ⊖ ELECTRIC METER
 - EXISTING TREE



JOHANSON ENGINEERING
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909 EAST 6500 SOUTH SUITE 207
SALT LAKE CITY, UTAH 84117
PHONE (801) 915-2541

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This drawing is and at all times remains the exclusive property of Johanson Engineering shall not be used without complete authorization and written support.

STAMP: R. SHANE JOHANSON, PROFESSIONAL LAND SURVEYOR, UTAH, LICENSE NO. 707314

RECEIVED: MAY 22 2015

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EXHIBIT C

PROPOSED CONSTRUCTION:
MEETS & BOUNDS
950 EMPIRE AVE
PARK CITY, UT 84060

PREPARED FOR:
MR. JACK LOPLIN
17326 FOUNTAIN VIEW
SAN ANTONIO, TX 78248
(210) 393-8099

PREPARED BY:
JAMES L. CARROLL & ASSOCIATES
230 WEST 400 SOUTH #203
SALT LAKE CITY, UTAH 84101
(801) 359-8517

FLOOR ELEVATIONS

DRIVE @ STREET: 7052.0'	MSTR BATH: 7039.5'
GARAGE: 7052.0'	MSTR / LOWER FLOOR: 7037.5'
ENTRY: 7052.5'	JR. SUITE: 7029.0'
MAIN FLOOR: 7048.5'	BASEMENT FLOOR: 7027.0'

LEGEND

EXISTING GRADE _____ PROPOSED GRADE _____



James L. Carroll & Associates
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MEETS & BOUNDS
950 EMPIRE AVE
PARK CITY, UT, 84060

ALL WORK PREPARED BY THIS OFFICE SHALL BE IN ACCORDANCE WITH THE UTAH PROFESSIONAL LAND SURVEYING ACT AND THE UTAH PROFESSIONAL ENGINEERING ACT. THE ENGINEER AND ARCHITECT ASSUME NO LIABILITY FOR ANY ERRORS OR OMISSIONS IN THIS PLAN. THE USER OF THIS PLAN SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE USER OF THIS PLAN SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE USER OF THIS PLAN SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

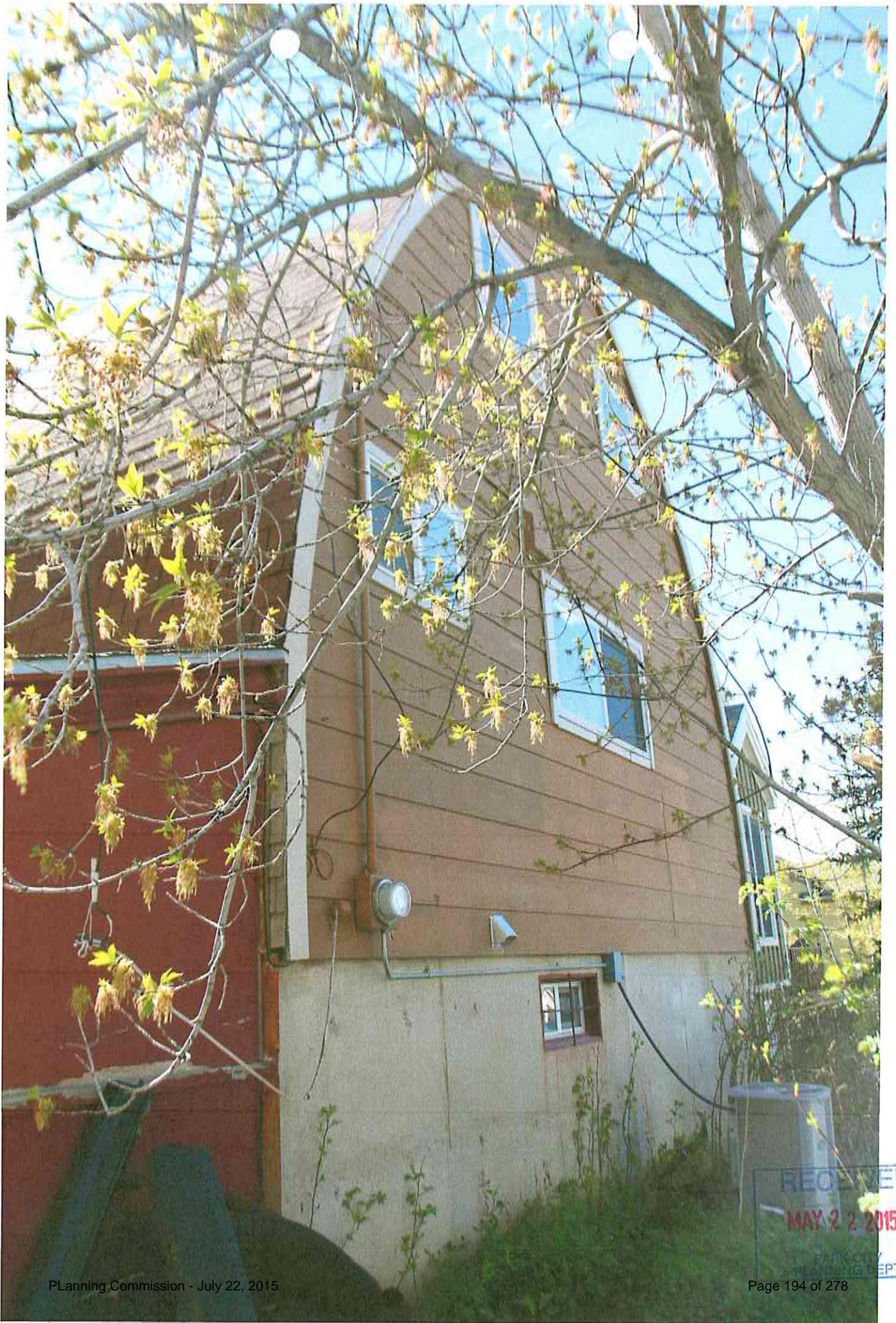


1
L-20

AERIAL PROPERTY OUTLINE
SCALE: 1" = 40'
RECEIVED
MAY 22 2015
PARK CITY PLANNING DEPT

EXHIBIT D





RECEIVED
MAY 22 2015
PARK CITY
PLANNING DEPT.





RECEIVED
MAY 22 2015
PARK CITY
PLANNING DEPT.

Summit
Sotheby
INTERNATIONAL
Jennifer Wild
801.915.94

Planning Commission Staff Report



Subject: Alice Claim aka Alice Lode
Subdivision & Plat Amendment

Project Number: PL-08-00371

Author: Christy Alexander, AICP, Planner II

Date: July 22, 2015

Type of Item: Legislative – Subdivision & Plat Amendment

Summary Recommendations

Staff recommends that the Planning Commission hold a public hearing for the Alice Claim Subdivision and Plat Amendment located at approximately Alice Claim south of intersection of King Road, Ridge Avenue and Sampson Avenue, submit all Commissioner's comments for the record and (based on the proceedings of the June 10, 2015 Planning Commission meeting and the two response letters submitted by the Applicant's representatives dated July 13, 2015) continue the item until the August 12, 2015 meeting for the Planning Commission to vote on a recommendation to City Council and adopt findings of fact and conclusions of law supporting that recommendation.

Staff reports reflect the professional recommendation of the Planning Department. The Planning Commission, as an independent body, may consider the recommendation but should make its decisions independently.

Description

Applicant: King Development Group, LLC ("Applicant" or "King Development")

Location: Alice Claim south of intersection of King Road, Ridge Avenue and Sampson Avenue

Zoning: Historic Residential (HR-1) and Estate (E) Districts with Sensitive Lands Overlay (SLO)

Adjacent Land Uses: Open Space and Residential (developed and undeveloped)

Reason for Review: Planning Commission review and recommendation to City Council

Proposal

The Applicant is proposing that the Planning Commission consider the application of a nine (9) lot Preliminary and Final subdivision on 8.65 acres and a Plat Amendment on 0.38 acres, located at approximately the intersection King Road and Sampson Avenue within the City's Historic Residential (HR-1) and Estate (E) Districts with Sensitive Lands Overlay (SLO). One lot is within the Estate (E) District and is 3.01 acres in size. The other eight (8) lots are within the Historic Residential (HR-1) District and range in size from 7,714 square feet to 7,910 square feet.

The current plan will also include a plat amendment that will remove existing lot lines on contiguous platted lots encumbered by the existing prescriptive King Road and Sampson Avenue. If approved, the property would be dedicated to the City as right-of-way.

Background

Please reference prior staff reports for the history of this application, most recently being:

- October 8, 2014 Planning Commission Work Session
- April 8, 2015 Planning Commission Meeting
- June 10, 2015 Planning Commission Meeting
- July 8, 2015 Planning Commission Meeting

The Applicant submitted a request on June 30, 2015 (Exhibit D) to continue the Alice Claim items to the July 22, 2015 meeting in order to have additional time to submit comments and work on the alternative access.

At the July 8, 2015 Planning Commission meeting, the Commission held a public hearing with no public input and voted unanimously to continue the items to the July 22, 2015 meeting with a firm deadline that all comments from the Applicant must be submitted to staff by 12 noon on July 13, 2015. The minutes from the July 8, 2015 meeting are attached as Exhibit A to this report. Staff recommended at that meeting that the Planning Commission be prepared to submit all comments on the record at the July 22, 2015 meeting which staff will use as a basis to prepare draft findings of fact and conclusions of law to support the Planning Commission recommendation.

The Applicant submitted two response letters on July 13, 2015, one from the Applicant's attorney, Brad Cahoon (Exhibit B) and one from the Applicant's consultant, Marc Diemer (Exhibit C) which are attached as exhibits.

Purpose of "HR-1" and "E" Zoning Districts

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

- (A) Preserve present land Uses and character of the Historic residential Areas of Park City,
- (B) Encourage the preservation of Historic Structures,
- (C) Encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods,
- (D) Encourage single family Development on combinations of 25' x 75' Historic Lots,
- (E) Define Development parameters that are consistent with the General Plan policies for the Historic core, and
- (F) Establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.

The purpose of the Estate (E) District is to:

- (A) Allow very low density, environmentally sensitive residential Development which:
 - (1) Preserves ridge tops, meadows, and visible hillsides,
 - (2) Preserves large, cohesive, unbroken Areas of Open Space and undeveloped land,
 - (3) Preserves and incorporates wetlands, drainage ways, and intermittent streams as amenities of Development,
 - (4) Mitigates geologic and flood hazards,
 - (5) Protects views along the City's entry corridors, and
 - (6) Decreases fire risk by keeping Development out of sensitive wild land interface Areas.
- (B) Incorporate pedestrian trail linkages between and through neighborhoods; and
- (C) Encourage comprehensive, efficient, Compatible Development which results in distinct and cohesive neighborhoods through application of the Sensitive Lands Ordinance.

Analysis

Good Cause

As discussed at the June 10, 2015 meeting, the Planning Commission must find Good Cause for the proposed development. As defined in the LMC in Section 15-15-1.112 Good Cause is defined as: "Providing positive benefits and mitigating negative impacts, determined on a case by case basis to include such things as: providing public amenities and benefits, resolving existing issues and non-conformities, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning practices, preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City community."

At the June 10, 2015 meeting the Commission mostly shared concerns regarding resolving existing issues, addressing issues related to density, and preserving the character of the neighborhood which are further addressed in the sections below.

Clustering, Home size and compatibility within the HR-1 zone

The Commission expressed concerns at the June 10, 2015 meeting that the proposed development is not compatible with the purposes of the HR-1 District, as the lots and proposed buildings are significantly larger than those in HR-1 and other nearby Historic Districts, specifically LMC 15-2(C) and (D) as follows:

- (C) Encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods,
- (D) Encourage single family Development on combinations of 25' x 75' Historic Lots,

The Commissioner's had noted that in order to comply with purpose of the zone, the application should cluster the lot locations more tightly in the portions of the property without Very Steep Slopes such as on the lower portion of the proposed Alice Claim Court drive, and reducing the size of the building pads which would improve the

proposal's compatibility with the purposes of the HR-1 District and reduce cut and fill which staff agrees on.

Under the current LMC standards for HR-1 the proposed homes could be up to 27 feet height from existing grade with any and all building height exceptions applying such as an additional:

- 5 feet for chimneys, antennas, etc.
- Elevator Access – extra height as allowed by the Planning Director.
- Up to 35 feet for a single car garage on a downhill lot as allowed by the Planning Director.

Front yard, rear yard and side yard setbacks would remain the same as listed in the LMC (which change with Lot size) as well as the 10 foot minimum horizontal step in the downhill façade requirement at a maximum height of 23 feet. The Commission could place conditions of approval on the application changing any of these requirements so long as the conditions are linked to the Land Management Code as well as the applicant stipulated conditions below.

Staff proposed, with the applicant's stipulation, to limit the proposed homes to a maximum exterior height of 25 feet from existing grade, maximum interior height of 30 feet from lowest finished floor plane to highest top wall plate, and a maximum of two stories so that the homes would not be as visibly massive on the hillside. The Applicant proposed to limit the homes to a maximum total floor area including basement and garages of 5,000 square feet and a maximum footprint of 2,500 square feet. This staff recommendation of lowering the building heights came from a compatibility analysis of footprints in the nearby Daly Ave HR-1 neighborhood and Sampson, King and Ridge Ave HR-L neighborhoods (Exhibit F). After having generally reviewed the mean footprints in the surrounding HR-1 and HR-L neighborhoods, staff looked at ways to minimize the proposed homes which have a large footprint for the zone and the neighborhood. After having heard Commissioners and public input regarding the total square footages of homes in these neighborhoods, staff has done further analysis on neighborhood compatibility and does not find the HR-1 homes proposed by the Applicant to be compatible with the surrounding neighborhoods and Historic District.

Table indicating Staff's analysis of nearby lot, home and footprint sizes versus what the Applicant is proposing:

	Average Lot Sizes SF	Average Total Bldg Size	Average Footprint Size
Daly Ave (HR-1)	4,356 sf	1,795 sf	1,465.44 sf
King Rd (HR-L)	8,421 sf	2,003 sf	1,342.31 sf
Sampson Ave (HR-L)	6,126 sf	1,805 sf	1,619.58 sf
Ridge Ave (HR-L)	6,025 sf	2,526 sf	2,076.72 sf

HR-1	4,607 sf	1,318 sf	1,482.24 sf
HRL	4,971 sf	1,480 sf	1,540.15 sf
Estate	326,710 sf	5,111 sf	5,438.76 sf
	<i>*Data from County Assessor</i>	<i>*Data from County Assessor</i>	<i>*Data from City's GIS</i>

	Proposed Lot Sizes	Proposed Total Bldg Size	Proposed Footprint Size
Alice Claim HR-1 proposed lots	7,714 sf – 7,910sf	5,000 sf	2,500 sf

As you can see from this table, the lot sizes along King, Sampson and Ridge are much larger (all zoned HR-L) than those along Daly Ave (HR-1) , however the average footprint size and building size tend to compare more evenly. The comparison the Applicant had submitted included in the averages the outlier, larger than usual, Sweeney Master Plan Development approved homes that, staff recommends should not be included and which also made their calculations much higher than if you take those homes out of the equation.

Based upon this further analysis, Staff would even recommend limiting the lot size, total square footage of homes and footprint size more so than in previous reports. Staff would recommend limiting lot sizes to be a maximum of 4,400 square feet to be consistent with HR-1 lot sizes along Daly Avenue and limiting them with the standard LMC maximum footprint of 1,519 square feet for that sized lot and leave the rest of the land for open space. Staff would recommend further clustering the lots to be compatible with the HR-1 District and would not recommend placing a height or maximum square footage restriction on the homes so long as they are limited to this lot and footprint size and clustered.

If the Planning Commission finds good cause for the subdivision as proposed with the lots spread out with a large footprint of 2,500 square feet, staff recommends limiting the building height to 25 feet as stated above in order to minimize the visibility of the homes on the hillside. Staff would not recommend limiting setbacks for the HR-1 homes but maintain those as required in the LMC for the respective lot sizes.

Even with these comparisons, the proposed homes in the HR-1 District within Alice Claim are significantly larger than the current size of homes in the surrounding HR-1 and HRL, not to mention the HR-1 and HRL districts as a whole throughout the City as shown in the above table. It is only using the HR-1 MPD houses which are unusually large that the larger proposed numbers by the Applicant (2500sf foot print and 5000sf total house size) are justified to be compatible with the surrounding neighborhoods.

The Commission also expressed concern that the application wasn't compatible with the HR-1 zone and in order to be compatible the lot size should be minimized and clustered closer together away from the very steep slopes (which is an item separate from the

home size). The majority of lots within the HR-1 are typical single 25x75 square foot lots, with a variety of one and a half remnant lots combined and two 25x75 square foot lots combined which are 3,750 square feet lot size. Here the applicant is proposing HR-1 lots range in size from 7,714 to 7,910 square feet. The Commission had stated at the June 10, 2015 meeting that they would be more in favor of the proposed development if the Applicant came back with a new, more clustered layout. The Applicant is not proposing to change the layout, or size of the lots and homes at the time of this report.

The issue of HR-1 zoning and why it was not zoned HR-L

The question came up during the Planning Commission discussion of why the area was zoned HR-1 and not HR-L (which it is surrounded by). The HR-1 district area which the applicant currently had vested at time of application is actually now zoned Estate. It appears that there may have been a “map creep” based upon research done by a previous planner, Brooks Robinson. Over various iterations from hand-drawn to AutoCAD, the zoning boundary between the HR-1 zone and Estate zone “creeped”, creating more HR-1. This boundary creep was memorialized in adopted zoning maps and therefore was relied upon by the current Applicant. In 2013 the current line moved the HR-1 boundary back to where it was originally drawn (and dimensioned) in 1968 to be Estate. Vesting for purposes of zoning occurs upon the filing of a complete Application and therefore the Applicant is vested for zoning of HR-1 as shown in their proposed plat.

Subdivision Procedures

Staff recommends that the Commission review the Subdivision Procedures chapter of the LMC Section 15-7.1 attached as Exhibit E. More specifically in Section 15-7.1-6.(C) Planning Commission and City Council Review of Final Subdivision Plat it states, “The Planning Commission shall review the Final Subdivision Plat and the report of the Staff taking into consideration requirements of the Land Management Code, the General Plan, and any Master Plan, site plan, or Sensitive Lands Analysis approved or pending on the property. Particular attention will be given to the arrangement, location and width of Streets, and their relation to sewerage disposal, drainage, erosion, topography and natural features of the property, location of Physical Mine Hazards and Geologic Hazards, Lot sizes and arrangement, the further Development of adjoining lands as yet un-subdivided, requirements of the Preliminary Plat (if a Preliminary Plat was required), and requirements of the Official Zoning Map and Streets Master Plan, as adopted by the Planning Commission and City Council. The Planning Commission shall make a finding as to Good Cause prior to making a positive recommendation to City Council.” The Commission should take all of these requirements into consideration and staff recommends discussing and paying particular attention to the lot sizes and arrangement as was discussed previously under Compatibility with HR-1.

There may be future negative geographical and visual impacts to the City as a result of this application with respect to additional site stabilization, proposed retaining walls, and other unforeseen issues related to development within steep slope areas.

Safety of Roads and Access

There was also a discussion on the safety of the roads at the June 10th Meeting. The City Engineer stated that a couple of dump trucks in the past have fallen over on the roads as they come down King Rd turning left onto lower King Rd below Ridge Ave and that this does concern him. The City Engineer's goal is to improve site lines and maneuverability of the intersection which the Applicant's consultant Fehr and Peer's has not finalized. Traffic counts are not the concern as much as the health and safety of the residents travelling through the proposed inadequate five point intersection. The Applicant states that their proposed plan gives them two exit options at King Rd and their Ridge Ave stub street. As proposed that is only a stub and the rest of the existing Ridge Ave ROW sits on steep slopes and is not constructed so staff does not see that as a viable emergency exit as proposed at this point. As proposed Ridge Ave would be the only exit to the subdivision.

The proposed access point to the property does not minimize the grading of the natural slope and provides more uncertainty to an already inadequate four point intersection. The proposed access road cuts significantly into an undisturbed Very Steep Slope. Using another entry point that does not require such significant grading is preferable to which the applicant states they are currently in negotiations with the neighbor to grant such access. At the time of this report the Applicant has not submitted any updates on the access negotiations only that they are still in the process.

Under the LMC Section 15-7.3-1, development must conform to applicable rules and regulations. More specifically in subsection (D) Restrictions Due to Character of Land. "Land which the Planning Commission finds to be unsuitable for Subdivision or Development due to flooding, improper draining, Steep Slopes, rock formations, Physical Mine Hazards, potentially toxic wastes, adverse earth formations or topography, wetlands, geologic hazards, utility easements, or other features, including ridge lines, which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the Subdivision and/or its surrounding Areas, shall not be subdivided or developed unless adequate methods are formulated by the Developer and approved by the Planning Commission, upon recommendation of a qualified engineer, to solve the problems created by unsuitable land conditions. The burden of the proof shall lie with the Developer. Such land shall be set aside or reserved for Uses as shall not involve such a danger." From the June 10, 2015 meeting staff heard the Commission still has concerns over the suitability of development on steep slopes (cut and fill), physical mine hazards, potentially toxic wastes, utility easements, and ridgelines. The Applicant has addressed these concerns in the July 13, 2015 response letters as well as previous submittals and believes to have properly addressed the concerns with appropriate mitigation. Should the Commission desire further studies, final utility design, etc. they may request these of the Applicant at this meeting or address what else is of concern that the Applicant has not properly mitigated.

Other items to discuss within the Applicant's Response Letter dated July 13, 2015
Walls:

The Applicant mentioned on page 8 that the Planning Commission must approve the CUP application. Because this CUP application is running concurrently and relies upon

the approval of the subdivision and plat amendment, the CUP should only be approved if the subdivision and plat is approved and the Planning Commission can place reasonable conditions upon the CUP approval to properly mitigate the impacts of the retaining walls. Staff's preferential access point would be the existing access that is currently in negotiations. Please refer to the June 10, 2015 CUP staff report for more analysis.

Conditions of Approval that have not been discussed elsewhere in this report:
Water pressure- minimum requirements have appeared to have been met with the revisions to the site plan but the water model must still be updated to receive formal approval by the Water Department.

Sewer Design- no final utility engineering plans have been submitted to the City or the Snyderville Basin Water Reclamation District (SBWRD), there is no way to know these are adequate until final engineered plans are submitted and reviewed.

Sensitive Lands Overlay (SLO):

The Applicant claims that the proposed Estate Lot is not subject to the SLO requirements as it is an allowed use. The SLO chapter of the LMC dictates which requirements apply according to the land and is stricter to than the Estate Lot Chapter and thus the stricter of the two apply and that is how staff has interpreted the need for SLO review. Staff has stated in past staff reports that the SLO has not been an issue and that the Applicant submitted the proper Sensitive Lands Analysis which staff reviewed. The Applicant states that the zoning map they had in 2005 (dated 2001) did not identify the location of the SLO District. Staff has reviewed that map, which was not signed and does not appear to be an official map as maps at that time were always signed, and it appears that it was an error that it was left off the map. There is also a note on that map that says that "zoning designations illustrated on this map may not be current. If you have specific questions, please contact the planning office." Also there is the Sensitive Area Overlay showing under the Legend but the line coloring that is supposed to depict that is not showing; therefore it seems there was just an error adding that onto the map. As can be seen by the official signed map which was current at the time of their application, the SLO was an overlay zone covers only the estate zone.

July 8, 2015 Staff Report:

Staff is in agreement with the Applicant that there were three errors in the previous staff report regarding only one setback variance needed for the Estate lot and the Limits of Disturbance is indicated on the plat by the lot boundary lines. Staff would recommend that the Planning Commission limit the LOD area to half the size of the lots or to the footprint of the homes in order to preserve the existing vegetation. Also it was clarified at that meeting that the old City water lines will be abandoned and the new water lines will be within City property.

Estoppel:

Please refer to the October 8, 2014 staff report and exhibits for staff's previous summary of the estoppel. Also see attached Exhibit G, Response by Ron Ivie.

Department Review

Staff took the project back before the Development Review Committee on September 9, 2014, February 10, 2015, March 24, 2015, and May 12, 2015. The City Engineer and Fire Chief continue to express concerns with the site and emergency access, road safety and lack of final utility engineering design, SBWRD continues to express concern with lack of sewer lateral design, and the Water Department continues to express concern with the low water pressures available even if the Applicant can demonstrate that it meets the minimum requirements. Planning staff's concerns are appropriate clustering of homes and compatibility within the HR-1 district as well as visual impacts of such tall retaining walls in a historic residential district.

Notice

The property was posted on February 11, 2015 and notice was mailed to property owners within 300 feet in accordance with requirements of the LMC on February 11, 2015. Legal notice was also published in the Park Record on February 6, 2015 and on the public notice website in accordance with the requirements of the LMC on February 9, 2015. The property has been posted to notice the continuations to this date.

Public Input

Public comment was taken during the various past meetings held to discuss the project. The various Planning Commission meeting minutes will reflect that public input. Any public comment received prior to the meeting will be forwarded to the Planning Commission.

Process

This application is for a major subdivision and plat amendment as defined in 15-7.1-3(A) (2). A major subdivision requires a Preliminary Plat and a Final Plat although the Planning Commission may, at its sole discretion, combine the required hearings for both preliminary and final Subdivision Plat approval. Staff is recommending the hearings be combined and a final Subdivision Plat is considered. The approval or denial of this subdivision and plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18. Any retaining walls over 6 feet will require a CUP. Any new structures may require a Steep Slope CUP and all will require a Historic District Design Review. A Building Permit is publicly noticed by posting of the permit.

Significant Impacts

There are no immediate significant fiscal impacts to the City from this application. If construction on the site were permitted, it will require a detailed Construction Mitigation Plan (CMP) to protect existing development located near the proposed subdivision. Health and Safety concerns have been raised by the City Engineer as to the existing road at the entrance to the site which this application does not mitigate. Emergency access at an already unsafe intersection has been discussed as a concern by the City Engineer and Fire Chief. Site stabilization might also be an important consideration depending upon the amounts of vegetation proposed to be removed as a result of the

proposed development. The drive leading to Lots 2, 3, 4, and 5 creates large visual and environmental impacts. Previous mining activities, strong ground motion, slope stability, debris flow and avalanche, shallow bedrock and perched groundwater are the most significant engineering geology and geotechnical aspects which could affect design and construction at the site. Most, if not all of the lots in the HR-1 zone will require Steep Slope Conditional Use Permits. Each home, including the home within the “Estate” zoning designation, as well as retaining walls will require a Historic District Design Review prior to home design and construction.

Alternatives

- The Planning Commission may continue the item until the August 12, 2015 meeting for the Planning Commission to vote and adopt findings of fact and conclusions of law, or
- The Planning Commission may forward a negative recommendation to the City Council for the Alice Claim Subdivision and Plat Amendment and direct staff to make Findings of Fact and Conclusions of Law for this decision; or
- The Planning Commission may forward a positive recommendation to the City Council for the Alice Claim Subdivision and Plat Amendment as conditioned on the June 10, 2015 draft ordinance or amended; or
- The Planning Commission may continue the discussion on the subdivision and plat amendment to a date certain and provide specific direction to the applicant and/or staff to provide additional information necessary to make a recommendation on this item.

Recommendation

Staff recommends that the Planning Commission hold a public hearing for the Alice Claim Subdivision and Plat Amendment located at approximately Alice Claim south of intersection of King Road, Ridge Avenue and Sampson Avenue, submit all Commissioner’s comments for the record and (based on the proceedings of the June 10, 2015 Planning Commission meeting and the two response letters submitted by the Applicant’s representatives dated July 13, 2015) continue the item until the August 12, 2015 meeting for the Planning Commission to vote on a recommendation to City Council and adopt findings of fact and conclusions of law supporting that recommendation.

Exhibits

- Exhibit A – Minutes from the July 8, 2015 Planning Commission meeting
- Exhibit B – Response letter from Applicant’s attorney, Brad Cahoon, dated July 13, 2015
- Exhibit C – Response letter from Applicant’s consultant, Marc Diemer, dated July 13, 2015
- Exhibit D – The proposed May 18, 2015 Alice Claim Subdivision and Plat Amendment
- Exhibit E – LMC Section 15-7.1-7 Subdivision Procedures
- Exhibit F – Mean Building Footprints by Zone Calculations
- Exhibit G – Response by Ron Ivie in review of July 13, 2015 letter by Applicant as dictated by Polly Samuels McLean on July 17, 2015

EXHIBIT A

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
JULY 8, 2015

COMMISSIONERS IN ATTENDANCE:

Chair Adam Strachan, Melissa Band, Steve Joyce, John Phillips, Doug Thimm

EX OFFICIO:

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

=====

REGULAR MEETING

ROLL CALL

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

ADOPTION OF MINUTES

June 24, 2015

Commissioner Band referred to Page 8 of the Staff report, page 6 of the Minutes, and the phrase, "They were talking about Deer Valley but now they would eventual have the same discussion...". She corrected the word eventual to correctly read **eventually**.

Commissioner Joyce referred to page 24 of the Staff report, page 22 of the Minutes and corrected Chair Worel closed the public hearing to correctly read **Chair Strachan closed the public hearing**.

MOTION: Commissioner Joyce moved to APPROVE the minutes of June 24, 2015 as corrected. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

20. The building plans shall be reviewed at the time of the building permit review for incorporation of best planning practices for sustainable development, including water conservation measures and energy efficient design and construction, per the Residential and Commercial Energy and Green Building programs and codes adopted by the Park City Building Department in effect at the time of the Application.

4. **Alice Claim south of intersection of King Road and Ridge Avenue – Alice claim Subdivision and Plat Amendment (Application PL-08-00371)**
5. **Alice Claim south of Intersection of King Road and Ridge Avenue – Conditional Use Permit for retaining walls up to 10' in height (Application PL-15-02669)**

Commissioner Phillips recused himself and left the room.

Planner Christy Alexander reported that the Planning Commission had reviewed the applications on June 10th, 2015, at which time the applicant requested that the Planning Commission continue the items to allow them time to prepare a written response to the comments made by the public and the Commissioners. The applicant was given a deadline of June 24th to submit those comments. The applicant did not meet the June 24th deadline; however, on June 30th they submitted a letter requesting that the Planning Commission continue these items to the July 22nd meeting. In their request they indicated that they were working on negotiations with the neighbor, and they also needed additional time to draft their comments.

The Staff recommended that the Planning Commission grant the request for a continuance to July 22nd because at the last meeting some of the Commissioner chose to defer some of their comments until they saw the applicant's response. The Staff would like those comments submitted on the record on July 22nd so they could make sufficient findings for whatever recommendation is made at that meeting.

The Staff recommended that the Planning Commission conduct a public hearing and continue the two items until July 22, 2015. The Staff also requested that the Planning Commission place a firm deadline on the applicant that all comments must be submitted by noon on July 13th. Planner Alexander pointed out that the Planning Commission has the discretion to decide whether or not to grant the continuation.

Brad Cahoon, legal counsel for the applicant, stated that when they met on June 10th they heard a number of comments from the Planning Commission and the public; and at that time they were not quite sure how they would approach it. Mr. Cahoon stated that when

these items were continued to this evening he had forgotten about a scheduled vacation that took two weeks of his time. He had drafted a lengthy letter and they had eight new exhibits that the Planning Staff had not yet seen. They would have the materials finalized and ready to submit on Monday, July 13th.

Jerry Fiat, representing the applicant, stated that there have been a lot of comments about the history of Alice Lode and what it is, and he wanted to clarify the big picture from a historical perspective. Chair Strachan was willing to hear Mr. Fiat this evening, but he suggested that it might be in his best interest to present everything at one time on July 22nd.

Chair Strachan was personally inclined to grant the continuance until July 22nd and allow the applicants the opportunity to submit their items and make their case. The Commissioners concurred.

Commissioner Thimm stated that he would be on vacation and would miss the meeting on July 22nd. He recalled that Chair Strachan had also mentioned that he would not be in attendance on July 22nd. Since Commissioner Phillips recuses himself from the Alice Claim items, Commissioner Thimm was concerned about having a quorum for the meeting.

Commissioners Band, Joyce and Worel all stated that they would be at the July 22nd meeting. Chair Strachan noted that they would have a quorum if Commissioner Campbell would be there. Planner Alexander offered to check with Commissioner Campbell. Chair Strachan remarked that the dates had been set by the Staff and the applicant and if there was not a quorum it would have to be continued to another date. He asked the Staff to give the applicant as much notice as possible if it needed to be continued beyond July 22nd.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

MOTION: Commissioner Thimm moved to CONTINUE Alice Claim south of Intersection of Kind Road and Ridge Avenue – Alice Claim Subdivision and Plat Amendment to July 22, 2015 with a deadline for the applicant to submit all materials by noon on July 13, 2015. Commissioner Worel seconded the motion.

VOTE: The motion passed. Commissioner Phillips was recused.

MOTION: Commissioner Thimm moved to CONTINUE the Alice Claim south of intersection of King Road and Ridge Avenue – Conditional Use Permit for retaining walls up to 10' in height to July 22, 2015, with a deadline for the applicant to submit all materials by noon on July 13, 2015. Commissioner Worel seconded the motion.

VOTE: The motion passed. Commissioner Phillips was recused.

Assistant City Attorney McLean stated that if the applicant misses the July 13th deadline, the Planning Commission would be notified. If that happens, she suggested that the Commissioners submit the comments they deferred from the last meeting to the Staff in writing by July 15th to be discussed and incorporated into the record on July 22nd. Ms. McLean clarified that if the applicant submits their material on July 13th the Commissioners should wait and comment on the new information.

The Park City Planning Commission Meeting adjourned at 6:25 p.m.

Approved by Planning Commission: _____

EXHIBIT B



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July 13, 2015

DENVER
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ORANGE COUNTY
PHOENIX
RENO
SALT LAKE CITY
TUCSON

VIA E-MAIL

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Re: King Development Group, LLC - Alice Claim Land Use Applications

Dear Commissioners:

I write on behalf of King Development Group, LLC. We were disappointed with the outcome of last month's Alice Claim hearing for many reasons. Several inaccurate statements were made by the public and the Commissioners, and none of them was corrected by the Commissioners or the staff.

1. HR-1 Zone. First of all, the negative position of all of the Commissioners appeared to be based primarily on the HR-1 zoning, even though we thought we had dealt with that issue from a planning point of view. Nevertheless, with respect to that issue, we have spent ten years presenting various nine lot development plans, and for the most part there was no objection on the part of the City to nine lots, until the last hearing on June 10, 2015. Certainly if that was the opinion of the Commissioners, we should have been told in October if not much earlier. Instead, in October and again in April, we were asked to make several very specific changes to the nine lot plan, which we did. In just those eight months since October we spent more than half a million dollars and much time and effort complying with the City's requests.

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A Commissioner stated that he just could not in good conscience approve this plan in an HR-1 zone, that “it still doesn’t feel at all both [in] size and layout like HR1 to me,” and made a reference to rezoning, which is the first time in ten years that has been suggested.

Another Commissioner stated that our plan “did not meet the purpose statement of the HR-1 District.” Another Commissioner stated that our “project did not look and layout as HR-1.”

We would like to correct the perception that our plan is not consistent with HR-1. We are being processed under the City Land Management Code (“LMC”) and other regulations as of 2005. The 2004 version of HR-1 provides that the purpose of the HR-1 District is as follows:

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

LMC 15-2.2-1 (2004). Our plan does not change the current land uses and character of surrounding residential areas. There are two nearby homes next to Alice Claim at 123 and 135 Ridge Avenue. Both are modern and in no sense historical. Our presentation materials demonstrate that we are preserving the surrounding residential area and creating large areas of open space; however, there are no historic structures to preserve on Alice Claim. Single family homes will be built on our lots that are comparably sized with other lot combinations approved throughout Old Town by the City.

The 2004 LMC is clear that the Conditional Use Permit (“CUP”) steep slope process applies only to “Structures” not lots. *Id.* 15-2.2-6. It appears that Staff and the Commission are trying to apply this steep slope CUP process now, prematurely. This is not allowed by the LMC.

In addition, the Commissioners’ subjective statements that our plan does not “feel” or “look” like HR-1 are improper findings. The 2004 LMC provides that our single family dwellings are allowed uses in the HR-1. Further, all of the past Staff Reports confirm that our plan meets all of the “objective criteria” of the 2004 LMC regarding Lot and Site Requirements, such as lot size, building envelope, building pad, building footprint, front, rear and side yards,

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and so forth. Id. 15-2.2-2(A), 15-2.2-3; Utah Code Ann. § 10-9a-509.5(b) (only “objective ordinance-based application criteria” of LMC must be met).

Finally, it should be noted that the 2004 LMC allows the Planning Department to grant building height exceptions higher than 27 feet to accommodate historic roof forms. At the June hearing, staff proposed imposing a height limit on our HR-1 lots of 25 feet. This directly conflicts with the 27 foot height limit of LMC section 15-2.2-5. Regardless, we have agreed to the 25-foot limit as a concession for approval.

2. Density. We are confused by many comments from the Commission and the public to the effect that our plan is too dense. At the same time, we are told that we need to conform to HR-1 zoning, but HR-1 allows for much higher density than HRL. Objectors and Commissioners made statements that Alice Claim has only one lot of record, has a “vested right to build one dwelling,” or should remain open space. Another Commissioner stated, “It’s a parcel that’s good for building one house. And so we really are looking at adding density, adding development rights to this.” All of these statements are incorrect.

Alice Claim currently has 13 lots of record. See Alice Lode Factual Background, p.4 ¶25 and Exhibit 4 thereto. Moreover, Planning Staff determined in its July 27, 2005 Staff Report that our maximum permitted density in HR-1 is 41 lots and 56 lots for all 8.82 acres of Alice Claim. See Exhibit A. See also Memorandum, dated October 30, 2008, from Tesch Law Offices to Park City Attorney (Planning Commission and City Council have no authority to reduce lot density permitted by Zoning Districts) (attached as **Exhibit B**). We are proposing just eight (8) lots in the HR-1 Zone and one lot in the Estate Zone, a significant voluntary reduction in density.

Regarding the open space comments, the Park City Open Space Committee years ago recommended that the City not purchase Alice Claim for open space. See October 25, 2006 Planning Staff Report. We always have been ready and willing to sell the property to the City for a fair price.

3. Home Size & Compatibility. At the April 2015 Planning Commission hearing on the Alice Claim, there was a discussion culminating in agreement regarding the size of the homes. We agreed that, in return for a 2500 square foot footprint, we would limit our eight HR-1 houses to two stories with a 25-foot height limit, further reducing their visibility, and a maximum of 5,000 square feet including garages and basements. The estate lot height would be limited by the LMC. So it was more than disappointing to find that the Commissioners were unwilling to honor their agreement just one meeting later.

Regarding the foregoing agreement, the Planning Department “concur[s] with the applicant’s stipulation to placing conditions of approval on the plat that the homes shall be limited to 5,000 square feet maximum total floor area including basement and garages, two

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stories, and no more than 25 feet maximum building height from existing grade.” See June 10, 2015 Staff Report.

Mr. Doilney contended that the City had measured his house at 50 Sampson Avenue as 3,000 square feet, not 5,000 square feet as represented by us on our compatibility chart presented at the June hearing. However, he admitted that his lot is limited to 3,000 feet of “living area” and that his architect had counted his stairwell for just one level. His basement and garage were not included in his calculation. Further, 30 Sampson, 40 Sampson and 50 Sampson are within a platted subdivision that allows for 3,000 s.f. (net) living space; nonetheless, our architect informed us that the City just approved a 5,013 s.f. (gross) home at 30 Sampson. See Exhibit C.

The City’s professional planning staff dealt with issues of compatibility of our development. Even though we stand by our compatibility analysis, staff used an analysis which was less favorable to an approval for us, but nevertheless endorsed our plan and made a positive recommendation. So, again, it was disappointing that the Commission did not follow its own professional planners on a technical planning issue.

In addition, the general purpose of HR-1 is to “encourage” building of homes that “contribute” to and “maintain” the Old Town neighborhood. This is far from mandatory and is full of subjectivity; nevertheless, our nine lot plan meets all of the objective criteria for that zone. We have attached a revised Alice Claim Neighborhood Compatibility graphic and a corresponding chart that further confirm and support our size compatibility with the surrounding neighborhood. See Exhibit D. We note that many of these homes have not had their basements and garages included in the square foot calculation; however, we have agreed to include these areas inside our 5,000 s.f. calculation.

Finally, before changing his mind to join the other Commissioners against our project at the June 10th hearing, Commissioner Thimm, a professional architect, observed that we had resituated our lots so that they are “loving the land,” “defining a street edge,” “following the contours,” “paralleling the contours rather than going against them,” and “using the buildings to take up grade.” He also acknowledged that limiting the height to “25 feet is a concession that is very important” and is a “logical response to the height” of the building sites. All of these observations demonstrate that our project is compatible.

4. Lot Locations. The Commission always wanted the houses to be lower down on the hill, and there were specific objections to the Estate lot and Lot 7. We went to considerable trouble to move both of these home sites to completely different locations to satisfy the Commissioners’ requests. Over the course of years of meeting with the Commission and Planning staff we also moved all of the other lots farther downhill. Therefore, it was disappointing to be told at this late date that it did not matter where we put the houses; the Commission just was not going to give us a positive recommendation.

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5. Good Cause. Objectors and Commissioners questioned whether there was good cause for approval. The unanimous answer was there was no good cause whatsoever: “No affordable housing” was used as an example. In fact, we made a detailed presentation in writing and to the Commission at earlier meetings enumerating how there is good cause for approving this subdivision. We did not repeat it at the June meeting because we tried to limit ourselves to dealing with issues raised at the April hearing, which we thought were all of the issues we had left to resolve.

In our letter dated January 23, 2015 to the Planning Commission, we explained that the legal standard for approval of our subdivision is “substantial evidence” not good cause and that it would be arbitrary and capricious for the Planning Commission to make a negative recommendation to the City Council based on a lack of good cause. Nevertheless, there is substantial evidence of good cause, as follows:

a. We spent upwards of \$1 million to clean up what we have been told was the most lead-polluted site in Utah. About half of that amount was spent to clean the City’s land, which was the most contaminated area. The City begged us to do the clean-up and to do it immediately before Richardson Flat was closed. If we had not done the cleanup, it may never had been done or it would have cost orders of magnitude more than the \$1 million to dispose of the waste elsewhere. The cleanup was integrally tied to the nine lot subdivision. In fact, the cleanup cannot get a sign-off from UDEQ until the City approves the subdivision. As the City well knew, the cleanup was designed and completed based on where the houses would go. In fact, as co-applicant with us, the City signed the application and agreement that included our nine lot subdivision after the plan was reviewed by all relevant City departments.

How can the Commission and public ignore that this was a major element of good cause? A past Planning Commission chair stated that our cleanup was a “major contribution to the community.” See September 10, 2008 Staff Report. Further, our cleanup of Alice Claim avoided the “regulatory stigma and the potential of having another site listed on the CERCLIS database pending further scrutiny. This strategy also benefit[ed] property owners surrounding the site from the exposure of having a CERCLIS site neighbor. The City . . . preferred not to have another site listed on the CERCLIS database, as getting it off once it is on is no small feat.” See October 25, 2006 Staff Report (emphasis added).

Have many other projects approved by the City provided as substantial a benefit to the City and its citizens? There is absolutely no dispute that the mine waste polluting the soils, streambed and watershed have been cleaned up based on the nine lot subdivision and resulted in the following public benefits:

- We relocated and rebuilt portions of trails that are now safe for hikers and bikers.
- The property was cleaned to a level matching its residential zoning.

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- Mine waste is no longer polluting the watershed.
- The mine shaft is filled.
- Alice Claim is no longer an eyesore but is a gateway to the open space above Old Town.
- We re-vegetated barren areas where nothing would grow.
- The cleanup also forced the Silver King Mine to clean its property upstream from Alice Claim.
- The cleanup allowed the City to receive funding for other projects.
- The cleanup relieved EPA pressure on the City.

b. We heard a number of residents testify to how they had been hiking through the Alice Claim for years and how much they enjoyed it. We have permitted and even welcomed use by the public of the trails on our land. We have now made it safe for them to hike the Alice Claim trails and to use them to get to other Park City trails. Perhaps, they already have forgotten how dangerous the Alice Claim was before the cleanup, and not just from pollution. We have improved those trails and will improve and preserve them even more as we develop the property.

Dedicating the trails on our plat for use by the public avoids legal disputes over future use of the trails. Certainly, this is another element of good cause to approve this project. There are currently no easements for the public to use the trails through Alice Claim. There are no recorded easements and prescriptive easements require that the use be adverse. The use of the trails was always permitted by us and therefore was not adverse. Moreover, portions of the trails were changed, relocated and rebuilt during the cleanup. By approving the Plat, the City will ensure the use of the trails by the public in the future. Based on public testimony at the June 10th hearing, it is clear that many people enjoy the use of the trails and ensuring that use in the future is certainly one of many elements of good cause for subdivision approval.

c. We heard from the Commission how we were going to “rip that hillside apart.” Of course no development can be done without some impairment, but a project where 73% of our land will be devoted to open space with an easement guaranteeing perpetual protection of that open space is certainly an element of good cause for approving the subdivision. The iterations of our subdivision plan over the past seven years have increased open space from 27% to 73%. Moreover, the historic mining use of this property and the city’s water line projects already have done their fair share of ripping up this property. The \$1 million cleanup made tremendous improvements to the landscape in anticipation for the building of nine homes on this

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already disturbed ground. Have many other projects approved by the City provided as substantial a benefit to the City and its citizens?

d. We have proposed to donate 0.38 of an acre of land to the City for road right-of-way and additional open space, and we have proposed reserving us an easement for landscaping the area not used for the right-of-way. Although this land has its complications, we believe it has considerable value to the City and to us because a small house could be built on it. Surely this is an element of good cause for approving our development.

e. Good cause is further demonstrated by:

- An 84% reduction in density (and corresponding 84% reduction in traffic) from what the current zoning allows on Alice Claim.
- Granting and preservation of bike trail and water line easements.
- Improved access to the City's water tank.
- Relocation of city water lines into the Park City parcel within Alice Claim.
- Connection of a road to the Park City parcel.

f. The eight (8) Planning Commission work sessions and two recent public hearings, as well as innumerable meetings over a period of ten years with staff from Planning, Engineering, Building, Legal, Water, Fire and Sewer, have resulted in a plan that incorporates best planning and design practices and is compatible with the neighborhood surrounding the Alice Claim and with the planning goals of Park City. The plan preserves large evergreen trees, avoids sensitive areas, provides open spaces, and preserves and improves access to trails for bikers and hikers. Indeed, we have literally presented dozens of plan iterations responsive to Park City's expressed concerns and comments.

Surely there are few projects approved by the Park City Plan Commission that have more "good cause" than this one. Yet again and again at the June hearing we were told that there was absolutely no good cause for approving this subdivision, and no one from the Commission or staff stood up to rebut those arguments even though they had to know they were not true.

6. Open Space. Our property was characterized as public open space which the City would be giving away for no good reason if they approved our development. In fact, our property is private, and the public has no right to be on the land. Rather than giving away public property, the City would be preserving 73% of our private land as permanent open space by approving our proposed development.

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7. Walls. We have one remaining wall requiring a CUP, assuming we continue to be unable to acquire an easement over the historic access road. It was said that this would be the largest wall in Park City, and “it almost feels completely out of place in Old Town.” We spent the afternoon photographing numerous retaining walls of 30, 40 and 50 feet and more. Many were done thoughtfully with appropriate materials and screening and were in some cases not only unobtrusive but actually quite attractive. Others, including many approved recently, were out of character with Old Town and detracted from their surroundings. The worst of these seem consistently to be those built by the City. With all due modesty, the best are those built by us.

Our previous applications required CUP approval for numerous retaining walls. This was a legitimate cause of concern to the Commission, even though we extensively mitigated the impacts. So we redesigned the plan (at considerable expense, as was the case with every modification to the plan) to eliminate the need for any CUP approval, except at the entrance (and we are still working on eliminating the need for that one). The entrance wall was endorsed by staff subject to some tweaks regarding the landscaping, but nevertheless the Commission still was not satisfied, criticizing the impact of the entrance wall and even some of the other shorter walls not subject to a CUP.

As explained in our January 23, 2015 letter, by law, because reasonable conditions in accordance with applicable standards in the LMC are proposed to mitigate reasonably anticipated detrimental effects of the entry wall, the Planning Commission must approve the CUP Application. The wall will be largely hidden and mitigated by structural design, stone veneer and landscaping. The City has permitted or built itself numerous similar walls throughout the City. There is no reasonable basis for treating us differently.

8. Conditions of Approval. One of the Commissioners stated, “I don’t know that this is ready. There are so many if’s that we are trying to draft conditions for approval for.” The same Commissioner stated, “Many things still needed to be done over and above a simple CUP or a plat amendment or subdivision.” This is incorrect. We have met “all objective ordinance-based application criteria” of the LMC and that is all that the law requires. See Utah Code Ann. § 10-9a-509.5(b). The conditions of approval were treated as unresolved issues, which is not the case.

- a. Water pressure has been approved by the City and engineers and is simply not an issue.
- b. There is absolutely no issue with regard to the mine shaft, which took up so much time at the hearing.
- c. There is no reason to think the sewer design is inadequate, but after the Plat is approved by the City Council, the Sewer District has to sign off on the Plat. It is premature to ask them to do so now.

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d. Traffic issues have been analyzed by the City and outside consultants, and there is agreement on some minor improvements to the public roads that would be helpful, but everyone, including the City Engineer has signed off on the traffic and intersection issues. There are requirements for our streets which have all been resolved with the City and are not an issue.

e. The Staff report indicated incorrectly that we wanted three setback waivers for the Estate lot, but we need only one, necessitated by moving the house down the hill per the Planning Commission's request.

f. There is agreement now, contrary to the Staff Report, that no easement is needed for the City's water pipes; the old ones have been abandoned and the new ones are on City property.

g. Other conditions simply note or reiterate what the City ordinances and regulations already require be done after the plat is approved but prior to plat recording. One example of this is requiring installation of improvements or bonding for their completion before plat recording.

So, it is untrue to say that there are too many open issues to provide a positive recommendation to the City Council on our application.

Another Commissioner stated that the "Commission had not done a site visit." This is incorrect. The Commission did a number of site visits, most recently in April, and some Commissioners reported that they visited the site ahead of the June hearing.

9. Mine Shaft. At the June hearing, the Planning Department stated that the "City Engineer had reviewed the geo-technical report and felt that it met City standards. The site is on bedrock and the soils are the same as other areas within the City that were developed. Planner Alexander pointed out that the mine was filled in as noted in the letter from the applicant's engineer. It would also be noted on the plat with a restriction that no construction can occur within ten feet of the mine shaft." Commissioner Thimm also "found no red flags" in our geo-tech report. Our engineer has verified that the mine shaft was properly filled and is safe for development around the shaft with a 10' building setback. See **Exhibit E**. Yet an objector to the project was allowed to make inaccurate assumptions about safety in regards to the mine shaft.

10. Traffic and Access. Our experts and Departments of the City have spent a lot of time reviewing traffic and maneuverability, and they are in agreement with the current plan. City Engineer Cassel testified, "I don't see any fatal flaws in any of the alternatives right now, they will all work."

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One objector raised concerns about exiting Alice Claim in the event of a wildfire and gave information about a neighborhood in Oakland, California where people perished in a wildfire in 1991. More than 3,000 homes were lost; some have called it the single largest fire in California history. This incident is not an apples to apples comparison with Alice Claim. Residents in Alice Claim have two exit options, King Road or Ridge Road, whereas the narrow twelve foot Charing Cross Road was the only point of exit. In addition, the new roads we are building will be 24 feet wide with no on-street parking allowed and a generous turn around sized for fire trucks. We will also have fire hydrants, which was another problem at Charing Cross; no access to water. Building this development arguably will make the existing neighborhood safer because it will have improved access and water supply and emergency access infrastructure needed to fight a wildfire.

There were issues regarding Ridge Avenue raised by objectors, including a stub of a road which is on the plat because it is a trail, but that is not an issue for the Commission to consider with respect to our application.

There were claims of excessive increased traffic from Alice Claim by an objector who admittedly is not a traffic expert. These assertions were incorrect according to our traffic engineer Fehr & Peers. See Exhibit F.

11. Water. Objectors claimed that there were still outstanding issues regarding water delivery and supply. This is not the case. Based on studies conducted by Stantec and reviewed by Fire, Water, Engineering, Building and Planning Departments, water supply and delivery for homes and fire protection is no longer an issue. This was reinforced further when the higher elevation lots were lowered in response to the April hearing comments.

12. Sensitive Lands Overlay (“SLO”). A Commissioner stated that “we haven’t seen the SLO analysis.” First of all, the HR-1 District is not part of the SLO District per the current or 2004 LMC. Further, the Estate home lot is an Allowed Use and is not subject to SLO review. In any event, the Planning Department confirmed that we had submitted a Sensitive Lands Analysis that meets the LMC requirements for the Estate Lot. See June 10, 2015 Staff Report, Exhibit P.

Several times throughout the development review process for the Alice Claim, City Staff and the Planning Commission have referenced the need for SLO review. The SLO is a zoning district, specifically Title 15 of the LMC in Chapter 2.21, in the current LMC and the LMC that was in place at the time of our complete 2005 Application. The zoning map that was current in 2005 (dated 2001) did not identify the location(s) of the SLO District, but the Estate District regulations did define the requirement for the additional SLO District review for all Conditional Uses. That was true in 2005 and is still valid today. The proposed use for the Estate Zone District on the Alice Claim project is a single family home which is an Allowed Use, therefore not subject to the SLO District regulations.

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There may be some confusion because the Zoning Map was revised after the Plat Amendment (Subdivision) application was deemed complete by the City in 2005, and the new map identifies the area previously defined as Estate Zone as now an SLO District. The project has vested rights to the Zoning Map at the time of application completeness in 2005; therefore, the map dated 2001 is pertinent to this issue and does not define the area within Alice Claim as an SLO District.

Regarding the Estate lot, “Staff has determined that the Applicant *meets all regulations* based on the location of the buildable area being at the low point of the canyon where Lot 1 is proposed, the maximum footprint of 2,500 sf that will not be benched or terraced, retaining walls are addressed within the concurrent CUP and not located near or on Lot 1, the development will have no adverse impact on adjacent properties, the density is compatible with that of adjacent HR-1 properties within the proposed subdivision.” See June 10, 2016 Staff Report (emphasis added). Further, 87% of the Estate lot will be open space (LMC requires 75%). *Id.*

13. July 8, 2015 Staff Report. The latest Staff Report on our Subdivision application does not make any findings that contradict the Planning Department’s recommendation for approval in its June 10, 2015 Staff Report. However, the July 8th report does not correct some mistakes in the June 10, 2015 Staff Report: We are asking for one setback variance by the Planning Commission, not three. The limits of disturbance are indicated on the plat; they are within each lot’s boundary lines.

14. Estoppel. Exceptional circumstances affect our Applications. The Planning Commission may consider equities in making decisions. Our reliance went far beyond our mere ownership of land. The actions by Park City on which we reasonably relied were clear, definite and affirmative. Park City’s action went beyond silence or inaction. The bottom line is that without the City’s assurances, King Development would not have purchased or even could have afforded to purchase the property and clean up the City’s property and our own property. We relied on the City’s assurances to purchase Alice Claim. In proceeding with the investigation, design and cleanup for the Alice Claim subdivision, we relied on the City’s statements and the City’s signing the agreement and application with UDEQ and King Development as a co-applicant (“Joint Cleanup Agreement”). See Alice Lode Factual Background, Exhibit 23. We would never have spent the \$1 million in the middle of The Great Recession to complete the voluntary cleanup if we had no assurance from the City of developing the nine homes to recover our significant investment. There is no question that we made a substantial change in position by completing the \$1 million cleanup shaped around a nine lot subdivision.

Further, Park City fully participated in designing our subdivision plan for the future development of nine homes that would take place after we had cleaned up Alice Claim and the City’s property. The City raised objections to our initial plan concerning visibility of homes, site disturbance, and cutting of large trees. We responded with a plan that made the requested adjustments to the nine lots. When we presented our revised plan, the City had no major

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objections to the nine lot plan but requested that we resolve access with our neighbor. Our revised nine lot plan became Figure 2 to the Mitigation Work Plan (“Cleanup Plan”). See id. Exhibit 17.

After initially endorsing and supporting our nine lot plan and exhausting its search for funding its own cleanup, Park City induced us to pay for the cost of cleaning up the Alice Claim and the City’s parcel. By entering with us into the Joint Cleanup Agreement that included our nine lot plan as part of the Cleanup Plan, the City manifested to us the City’s approval of developing nine homes in Alice Claim and induced us to pay for all of the \$1 million in cleanup costs.

The record shows that Park City knew that the cleanup would be based on our nine lot plan. Throughout the process, Park City knew that we would remove contaminated soils and cover other soils based on where the nine homes, open areas, roads and driveways would be located in the future. At one point, in December 2005, we informed Park City that the voluntary cleanup was stopped until the future location of the nine lots and roads were determined. Further, just nine days before Park City executed the Joint Cleanup Agreement, City officials affirmatively asked for two home lots to be changed over the historic mine shaft area (now Lots 6 and 7). After the Cleanup Plan was changed and approved by UDEQ, City Manager Tom Blakely signed the Joint Cleanup Agreement making Park City a Co-Applicant with us and UDEQ.

When word surfaced that the nearby Richardson Flat repository may close, the City pushed to have us complete the cleanup to avoid sharply increased cleanup costs. The City feared that we would back out of the cleanup if the costs dramatically increased. Park City Chief Building Official Ron Ivie told us that he would issue a permit for grading the roads into Alice Claim for the nine lots. The day we were to begin the grading and cleanup work on Alice Claim, Mr. Ivie told us that we did not need the grading permit after all because it was a state cleanup project. He told us to go ahead and cut our roads and do the cleanup. After we were nearly done with the grading and cleanup, the Planning Commission ordered us to stop because our nine lot plan had not yet received zoning approval. Mr. Ivie told us not to stop and to finish the cleanup because the City had no authority to stop us. We relied on Mr. Ivie’s direction and proceeded to finish the cleanup pursuant to the Cleanup Plan.

Most importantly, after Park City enticed us to pay for Park City’s cleanup, Park City later failed to support our nine lot plan before the Planning Commission, and Park City planning staff promoted alternative site plans that were inconsistent with the Cleanup Plan. Nevertheless, consistent with Park City’s prior commitments to us, the April 2015 and June 2015 Staff Reports recommended a positive recommendation by the Planning Commission for our nine lot plan.

Given the City’s extensive involvement in our development planning that dovetailed with the Joint Cleanup Agreement, we relied in good faith on the City’s actions with the expectation

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July 13, 2015
Page 13

that a nine lot plan would be approved. Our substantial change in position by incurring extensive expenses in completing the \$1 million cleanup renders Park City estopped from denying approval of our nine lot plan.

See Alice Lode Factual Background, submitted to Planning Department on September 29, 2014; Declaration of Jerry Fiat attached as **Exhibit G**; Declaration of D. Kagan, Exhibit 13 to Alice Lode Factual Background; Declaration of K. Harris, submitted to Planning Department on January 23, 2015; Declaration of J. Tesch, submitted to Planning Department on January 23, 2015; Planning Commission Minutes August 27, 2008; Planning Commission Minutes September 10, 2008.

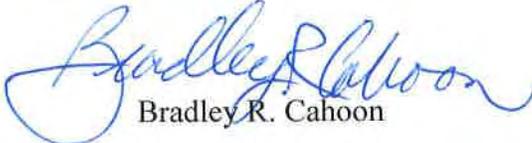
Conclusion

Respectfully, the Commission appears to have been swayed by “public clamor” against our nine home plan, which is an inappropriate justification under Utah zoning law to deny a land use application. See Davis County v. City of Clearfield, 756 P.2d 704 (Utah Ct. App. 1988).

We respectfully reiterate our request that the Commission vote to (i) make a positive recommendation on our Subdivision Application (plat and site plan attached to June 10, 2015 Staff Report) with the requested rear yard 10’ setback adjustment and (ii) approve our CUP application for our entry wall, together with a finding that if the historic Woodside Gulch access becomes available to us, that this would be the Commission’s preferred access.

Very truly yours,

SNELL & WILMER



Bradley R. Cahoon

BRC:hks

Enclosures

cc: King Development Group, LLC
Joseph Tesch, Esq. joet@teschlaw.com
Gregg Brown, DHM Design dhmdesign@dhmdesign.com
Polly Samuels McLean, Assistant City Attorney pmclean@parkcity.org
Kayla Sintz, Acting Planning Director kayla.sintz@parkcity.org
Christy Alexander, AICP, Planner II christy.alexander@parkcity.org

A

Planning Commission Staff Report



Subject: ALICE LODGE
Date: July 27, 2005
Type of Item: Administrative; Subdivision

RECOMMENDATION: Staff recommends that the Planning Commission review the proposed subdivision as a work session item and provide the applicant and staff with direction.

DESCRIPTION

Project Name: Alice Lode Subdivision
Project Planner: Ray Milliner
Applicant: Jerry Fiat
Location: Woodside Gulch, from King Road
Zone: Historic Residential (HR-1), Historic Residential Low (HRL), Estate (E).

BACKGROUND

On May 23 2005, the applicant submitted a subdivision application for a 9 lot subdivision at the Alice Lode, located in Woodside Gulch above the intersection of Ridge Avenue and King Road. The property is currently a series of mining claims and metes and bounds parcels consisting of approximately 8.8 acres. It is located at an intersection of the HRL, HR-1 and Estate zones. Bisecting the property is the City owned water facility, including an abandoned water tank, an in-use water tank, and an active pipeline in a narrow strip of land leading to the intersection of Ridge and King (used for the pipeline). There is an existing gravel road running up Woodside Gulch to the City water tanks that provides access.

The property was historically used as a mining operation for ore extraction and processing from 1900-1920. The buildings and machinery used in the operation are now gone, but the hazardous tailings remain. In July of 2002 staff received an application for a 5 lot subdivision of the property (it was withdrawn prior to any hearing by the Planning Commission). At that time, an analysis of the property was conducted indicating that a large portion of the site exceeds minimum Federal regulations for hazardous materials. An application was filed for Brownfield (a federally funded grant program that provides communities with money to clean-up waste repositories) grant money to aid in the reclamation of the site. The application was denied by the Federal regulators.

ANALYSIS

The applicant is proposing a 9 lot subdivision on 8.8 acres. The site rises from a flat canyon bed up a steeply pitched hillside with significant evergreen and deciduous vegetation. The applicant is proposing that access to the property come from a road/driveway that would be cut from the intersection of King Road and Sullivan Avenue, switching back and running south toward the City owned water tanks where it would terminate with a cul-de-sac (see attached subdivision plan). All proposed units would have access from that road. The applicant is proposing 6 lots in the HR-1 zone, 2 in the HRL zone and 1 in the Estate zone. Because the applicant is proposing 9 lots (10 lots trigger MPD review), the requirements of the MPD section of the LMC are not applicable; rather, the applicant will be subject to the review of the HR-1 zone, HRL zone, Estate zone, Chapter 7, Subdivision Requirements of the LMC and for the lot in the Estate zone,

the Sensitive Lands Ordinance. Staff has conducted an initial review of the project and has outlined its concerns in the analysis provided below.

Waste Clean-Up

As part of the development process, the applicant is proposing to remediate the site to acceptable local and federal standards solely at his cost. This would include the portion of the site owned by the City. The Alice Lode site is known to contain significant mine tailing waste, and therefore heavy metal constituents (i.e. lead, arsenic, mercury). Although the site is located within the Park City limits, it is outside of the Expanded Soils Ordinance Area, so the ordinance is not applicable. As a result, any soils generated from construction activities will have to be managed in accordance with State (UDEQ) and Federal (USEPA) RCRA and CERCLA Standards. Staff will require an approved UDEQ Work Plan that defines all operational and constructional procedures during the remediation. The Work Plan will need to include, but not limited to, the means and methods of mitigating any human and environmental exposures, the extent and location of soil movement on and off-site, and the proposed remediation of the area upon which the subdivision will reside.

Density

The applicant is proposing 9 single family units on the site. In the HR-1 zone he is proposing 6, in the HRL zone 2 and in the Estate zone 1.

The HR-1 section of the property is has 77,382 square feet of unplatted land with 4 platted lots and 8 platted partial lots located between King Road and Sampson Avenue, all of the lots are bisected by either Sampson Avenue or King Road. Section 15-2.2-3(A) sets the minimum lot size for the HR-1 zone at 1,875 square feet. Therefore, 77,382 square feet of land area divided by 1,875 square feet yields a theoretic maximum density of 41 lots.

The HRL section of the property has 39,697 square feet of unplatted land. LMC Section 15-2.1-3(A) sets the minimum lot size for the HRL zone at 3,750 square feet. Therefore, 39,697 square feet of land area divided by 3,750 square feet is 10 lots.

The Estate section of the property is 5.5 acres in size. LMC Section 15-2.10-3(A) sets the minimum lot size for a single family home in the Estate zone at 3 acres per unit. Therefore, 5.5 acres of land divided by 3 acres is 1 lot.

ZONE	AMOUNT OF LAND	POTENTIAL LOTS	PROPOSED
HR-1	77,382 square feet	41	6
HR-1 Platted	11,364 square feet	4 full 8 partial	0
HRL	39,697 square feet	10	2
ESTATE	5.5 acres	1	1
TOTAL	8.82 acres	56	9

The above described maximum density calculation reflects the maximum density allowable under ideal circumstances. Factors such as grading, vegetation protection, steep slope and access are all limiting aspects that will significantly reduce the ultimate LMC/Subdivision Code compliant density.

Access / Grading

The applicant is proposing a separate road access to the property that would enter approximately from the intersection of Sampson Avenue and King Road. This road would switch back from King Road running south toward the water tanks. It would provide access for all of the proposed units. In order to access the HRL lots, the driveways would

be required to cross the strip of land for the water pipeline owned by the City, and may interfere with the existing trail that enters the property in that general vicinity. To gain access to these lots, the City would have to grant an access easement over the pipeline property. Driveways for the HR-1 lots and Estate lots would access up-hill off the road. Access to the City owned water tower would also come from the new road.

One reason for the requested new road is that the applicant does not have clear access to the property from the existing access drive from the intersection of Ridge Avenue and King Road, as the property is owned by the City and another adjacent property owner.

Grading for the new drive would be significant. Preliminary drawings submitted by the applicant indicate that the drive would have cuts and fill ranging from 5 to more than 20 feet in height. This amount of grading in addition to the cuts necessary for the homes would have a significant impact on the existing topography and vegetation.

Slope

Approximately 67% of the property is sloped at 40% or greater. The lot in the Estate zone is within the Sensitive Lands Overlay, and would be subject to Planning Commission review for appropriateness for development prior to the approval of the subdivision plat. The lots within the HRL and HR-1 zones would be required to receive a CUP for construction on a slope of greater than 30% prior to the issue of a building permit. However, because subdivision plat approval would entitle the applicant to the density within the HR-1 zone staff recommends that the Commission consider the application for steep slope criteria in analysis of the final subdivision approval.

Vegetation

On the hill side above the mine reclamation site, there is a significant amount of natural vegetation including both deciduous and large coniferous trees. To develop the property in its current configuration would require that a significant amount of the existing vegetation be removed, including many of the large if not most of the evergreen trees on the site. Although much of the necessary remediation will require the removal of vegetation, it is not yet clear how much will be required on the hill side above the former mine site. Staff has significant concerns with the overall amount of site grading and tree loss associated with this plan. Should the project move forward, the applicant will need to demonstrate how the proposed units can be constructed without mass grading the site.

QUESTIONS

Staff is requesting that the Planning Commission review the proposed subdivision and provide staff and the applicant with direction on the following questions:

1. The proposed density, house size, access and lot layout appropriate for the site?
2. Which sections of the property are considered most important for vegetation preservation and slope protection?

RECOMMENDATION

Staff recommends that the Planning Commission review the proposed subdivision application as a work session item and provide the applicant and staff with direction.

EXHIBITS

- Exhibit A – Proposed Plat Amendment
- Exhibit B – Site Survey

Planning Commission Staff Report



Subject: Alice Claim
Author: Brooks T. Robinson
Date: August 27, 2008
Type of Item: Work Session Update

Summary

Staff and the applicant will be giving an update to the Planning Commission on the Alice Claim. No action or direction is requested.

Topic

Applicant: King Development Group, LLC
Location: Alice Claim south of intersection of King Road and Ridge Avenue
Zoning: Historic Residential (HR-1) and Estate (E)
Adjacent Land Uses: Open Space and Residential (developed and undeveloped).

Background

On May 23, 2005, the City received a completed subdivision application for the Alice Claim. The Alice Claim is located on HR-1 and Estate zoned land south of the King Road and Ridge Avenue intersection. The application is for a 9 lot subdivision on 8.65 acres. This area, historically known as Woodside Gulch, has mining history and was early access to the Silver King Mine further up the gulch. A City water tank and a former water tank are adjacent to the south and a City-owned parcel bisects the property.

Brief Timeline:

July 27, 2005, Planning Commission work session
January 11, 2006, Planning Commission work session based on revised site plan
October 26, 2006, Planning Commission public hearing on further revised site plans
Legal access a primary concern
January 24, 2008, email from Gregg Brown (architect) "very close to completing (access) easements"
May 15 2008, Jerry Fiat (representing the ownership group) and Gregg Brown meet with Interim Planning Director Gary Hill. Access still not perfected; decision made not to close file as applicants were still exploring options. Staff requested an update to be presented to Planning Commission.

Due to the length of time between meetings with the Planning Commission and the current activity at the site, Staff wishes to provide the Commission with an update on the status of the site. The City has received questions from the Commission and the public on the current activities.

What is going on there now?

The Alice Claim has a significant amount of regulated mine waste and an open shaft on site. There is currently a voluntary remediation underway to remove the regulated material and improve the quality of the seasonal stream that runs through the property. The reclamation project, which is regulated by the Utah Department of Environmental Quality (UDEQ) requires a significant amount of grading and excavation. Park City also owns land in the area and is participating as a partner in the clean-up.

Is this development of the site?

No. The current site work is related only to the remediation. While the majority of the proposed development (if approved) would take place within the disturbed areas from the remediation (as had been previously recommended by staff and the Commission), the applicants have received no approvals for any work related to the subdivision.

Proposed Development

The applicant has provided color copies of two possible alternatives regarding access to the site and adjacent properties for the Commission's information. No discussion or specific direction is sought as to the preference of these alternatives and other alternatives may exist. The options are provided as illustrative of the applicant's current thinking as they seek to provide access to the site.

B

MEMO

To: Park City Attorney
From: Joe Tesch & Stephanie Matsumura
Date: October 30, 2008
Re: Alice Claim —Vested Density

We have researched the issue of whether the Planning Commission or City Council could reduce the density beyond that permitted in the underlying zones with regard to the application for a nine (9) lot Major Subdivision on the Alice Claim Property.

The Alice Claim Property consists of 8.8 acres located within the HR-1, HRL and Estate Zoning districts. The Major Subdivision application proposes to create eight (8) lots within the HR-1 Zone and one (1) lot within the Estate Zone. No lots are proposed within the HRL zone.

Analysis

Based upon our review, we conclude that the Planning Commission or City Council may not reduce the density below that permitted in the underlying zones, but may only adjust the dimensions of lots, this location and other adjustments for good, efficient planning.

1. Density with the Zoning Districts:

- i. HR-1 Historic Residential District: According to the Planning Commission Staff Report of October 2006, there are 77,832 square feet of unplatted land within the HR-1 Zoning District between Sampson Avenue or King Road. The minimum Lot Area is 1,875 square feet (minimum width 25' x minimum depth of 75'). Therefore, the maximum density allowed equals 41.51 lots ($77,832 \div 1,875$). The application is for only 8 lots in this zone, with a total square footage of significantly less than 77,832 sq. ft. Therefore, while some discretion exists concerning the location and size of those lots, the number of them cannot be reduced below eight (8) lots "while preserving the density" of the underlying zone.¹

The Planning Director determines Lot width measurements for unusual Lot configurations. *Section 15-2.2-3 of the Park City Land Management Code* ("LMC" hereinafter). There are no maximum size restrictions within Section 15-2.2-3. The

¹ In actuality there are 3.47 total acres in the HR1 Zone for a total of 151,153.2 square feet which translates into a base density of 80.62 residential lots. Alice Lode is requesting only 10% of the base density.

building pad, building footprint and height restrictions define the maximum building envelope within which all development must occur. *Section 15-2.2-3(B)*. The building pad, building footprint and setback requirements are defined in Section 15-2.2-3 and provided in Table 15-2.2 of the LMC. It should be noted that a Conditional Use permit is required for all structures with a proposed footprint of greater than 3,500 square feet. *Section 15-2.2-4*. Lot sizes determine the house size. However, the conditions imposed relate to specific lots, not to underlying density. The proposed use (i.e., single family dwellings) for the eight lots is considered an “allowed use” under Section 15-2.2-2(A)(1) of the LMC.

- ii. Estate Zoning District: The minimum Lot size for single family residences within the Estate Zoning District is three (3) acres. The Planning Commission may reduce the minimum Lot size during the review of a Major Subdivision Plat to encourage clustering of Density. The maximum density is one (1) unit per three (3) acres. In addition, the minimum Lot Width is one hundred feet (100’). The Planning Commission may reduce the minimum Lot Width during the review of the Major Subdivision Plat. Also, the minimum Front, Side and Rear Yards for all structures is thirty feet (30’). However, while the Planning Commission may vary the required yards, in no case shall it be reduced to less than ten feet (10’) between structures. *Section 15-2.10-3*. There are other front yard, rear yard, and side yard exceptions that can be found in *Section 15-2.10-3 of the LMC*. The single lot applied for that is located within the Estate Zoning District will be a single family dwelling and, therefore, it is an “allowed use” pursuant to Section 15-2.10-2 of the LMC.
2. Subdivision Plat Approval Process: Under the LMC, an applicant has applied for a Major Subdivision. A Major Subdivision is one that contains “four (4) or more Lots [but not exceeding ten (10) lots], or any size Subdivision requiring any new Street.” As a result, since the Alice Claim Property application is for nine lots, it qualifies as a Major Subdivision.² As such, it is subject to the review process outlined in Sections 15-7-1 et seq. and 15-7.1-1 et seq. of the LMC.

As part of the Major Subdivision review process and prior to subdividing land, the Planning Commission reviews the Preliminary Plat of the proposed subdivision giving “particular attention” to “Lot sizes and arrangement.” *Section 15-7.1-5(D) of the LMC*. While the Planning Commission is provided with the authority to review lot sizes and arrangement, there is no provision in the Land Management Code authorizing the Planning Commission to reduce the number of Lots, or more specifically, the density below that allowed in the underlying zone.

In fact, under the General Subdivision Provisions of the LMC, there is a general policy and stated intent to preserve the density assigned to each zoning district. More specifically, the stated purpose of the Subdivision regulations is to, *inter alia*, “provide for open spaces through the most efficient design and layout of the land, including the Use of flexible Density or cluster-type zoning in providing for minimum width and Areas of Lots, **while preserving the Density of land as established in the Land Management Code of**

² Under the proposed development plan for eight lots within the HR-1 Zoning District and one lot within the Estate Zoning District, the application need not be submitted as a Master Planned Development.

Park City.” Section 15-7-2(L). (Emphasis Added) Clearly, the ordinances regulating Subdivisions are designed to preserve the density of the land as established in the LMC.

3. Zoning/ Lot Restrictions on HR-1 and Estate Zoning Districts: As previously mentioned, the Alice Claim Development proposes lots within the HR-1 and Estate Zoning Districts. The HR-1 Zoning District and Estate Zoning District are subject to different requirements and restrictions as follows:

- i. Lot Size Restrictions

- a. HR-1 Zoning District: Section 15-2.2: As established in Paragraph 1.i., the eight lots proposed in the HR-1 Zoning District comply with the zoning lot size requirements for the HR-1 Zoning District. There are no provisions within the HR-1 Zoning District restrictions that allow the Planning Commission and/ or Planning Department to require lots greater than the required minimum size dimensions.

However, it should be noted that under the HR-1 Zoning District Restrictions, Section 15-2.2-6 “Development on Steep Slopes,” a **conditional use permit is required** for any Structure³ in excess of one thousand square feet (1,000 sq. ft.) if said Structure and/ or Access⁴ is located upon any existing Slope⁵ of thirty percent (30%) or greater.

As will be described in more detail below, under a conditional permit review the Planning Commission and/ or Planning Department are authorized to adjust the lot size, building height, and setback requirements. Again, there is no authority within this section for the Planning Commission and/ or Planning Department to reduce or make these adjustments to density below that allowed in the underlying zone. The review process for a Conditional Use permit is described in more detail below.

- b. Estate Zoning District: Section 15-2.10: As noted in Paragraph 1.iii, it appears that the one lot proposed in the Estate Zoning District meets the zoning restrictions and requirements. As previously mentioned in Paragraph 1.ii, the Lot Width and required setbacks may be reduced by the Planning Commission; however, there is no provision that allows the Planning Commission and/ or Planning Department to reduce density below that permitted in the underlying zone.

³ “Structure” is defined under the LMC as “anything constructed, the Use of which requires a fixed location on or in the ground or attached to something having a fixed location on the ground and which imposes an impervious material on or about the ground.” Section 15-15-1.224

⁴ “Access” is defined under the LMC as “the provision of vehicular and/ or pedestrian ingress and egress to Structures, facilities or Property.” Section 15-15.1.1

⁵ “Slope” is defined under the LMC as “the level of inclination of land from the horizontal plane determined by dividing the horizontal run or distance of the land into the vertical rise or distance of the same land and converting the resulting figure in a percentage value.” Section 15-15-1.215

ii. Whether Proposed Development is a Conditional or Allowed use:

a. HR-1 Zoning District: Pursuant to Section 15-2.2-2(A), single family dwellings are an Allowed Use, and therefore not a Conditional Use, within the HR-1 Zoning District. Therefore, the eight lots proposed in the HR-1 Zoning District are not subject to the Conditional Use process.

aa. Structures on Steep Slopes. However, as previously noted, if the proposed structure is greater than 1,000 square feet located on a slope greater than 30%, a conditional use permit is required. Based upon the previous Planning Commission Staff Reports (specifically of October 25, 2006), approximately 67% of the property is sloped at 40% or greater. The eight single family units proposed in the HR-1 Zoning District site may be in areas where the property is sloped at 40% or greater, and thus require a **conditional use permit**. See *October 25, 2006 Planning Commission Staff Report*.

The Planning Commission reviews a Conditional Use Permit application based upon criteria specified in Section 15-2.2.9(B) of the LMC. Among the criteria reviewed is the location of the development, visual analysis, building location, setbacks and dwelling volume. The Planning Department and/ or Planning Commission may require an applicant to adjust the building location, the building form and scale, the setbacks and the dwelling volume⁶. *Section 15-2.2-6 of the LMC*. However, there is no authority to eliminate density. The only authority is to place conditions on its use.

The “maximum volume of any Structure is a function of the Lot size, Building Height, and Setbacks.” *Section 15-2.2-10(8) of the LMC*. As part of the Conditional Use Application Review, the Planning Department and/ or Planning Commission “may further limit the **volume** of a proposed Structure to minimize the visual mass and/ or to mitigate differences in scale between a proposed Structure and existing Structures.” *Id.* Therefore, the Planning Department and/ or Planning Commission may limit the Lot size, Building Height, and Setbacks to minimize its visual mass and mitigate differences in scale; however, there is no provision that they may reduce density below the amount permitted in the underlying zone.

bb. Structures less than 1,000 square feet on Slopes Less than 30%. For those lots on Alice claim with structures less than 1,000 square feet (including the garage) and/ or Access to said

⁶ We were unable to locate a section of the LMC that defines and sets forth how dwelling volume is determined beyond the general statement that it is a function of Lot Size, Building Height, and Setbacks.

Structure is located upon an existing Slope greater than thirty percent (30%), those lots are not subject to the Conditional Use process.

- b. Estate Zoning District: Similar to the HR-1 District, pursuant to Section 15-2.10-2(A), single family dwellings are among the Allowed Uses, within the Estate Zone District. **Only Conditional Uses** in the Estate District are subject to the Sensitive Lands Overlay Review. *Section 15-2.10-6 of the LMC*. The Sensitive Land Overlay Zone Regulations imposes further review, restrictions and regulations upon development that may affect the overall density.⁷
4. Planning Commission and City Council are without Authority to Reduce Density under these facts: Since there is no grant of authority to reduce density under these facts, the Planning Commission is prohibited from doing so. Municipalities are granted the authority to enact ordinances, rules, regulations, etc. with regard to, among other things, density. *Utah Code Ann. § 10-9a-102*. An owner of property holds it subject to zoning ordinances enacted pursuant to a city's police power. *Smith Investment Company v. Sandy City*, 958 P.2d 245 (Utah App. 1998) (citing to *Western Land Equities, Inc. v. City of Logan*, 617 P.2d 388, 390 (Utah 1980)). If a zoning regulation or other land use restriction is unreasonable or irrational, it may violate substantive due process rights of the property owner and not be upheld. *Smith Inv. Co.*, 958 P.2d 245. However, zoning ordinances that promote the general welfare, or demonstrate a reasonably debatable inherent interest of the general welfare will be upheld and the municipality's legislative judgment controls. *Id.*

Under Utah statute, 10-9a-509, "an applicant is entitled to approval of a land use application if the application conforms to the requirements of the municipality's land use maps, zoning maps, and applicable land use ordinance in effect when a complete application is submitted and all fees have been paid, unless: (1) the land use authority on the record, finds that a compelling, countervailing public interest would be jeopardized by approving the application; or (2) in the manner provided by local ordinance and before the application is submitted, the municipality has formally initiated proceedings to amend its ordinances in a manner that would prohibit approval of the application as submitted." In addition, under the Park City Land Management Code, vesting for purposes of zoning occurs upon the filing of a complete Application. *See Section 15-7.1-6 of the LMC*. The LMC also states that "an applicant is entitled to approval of a land Use Application if the Application conforms to the requirements of an applicable land Use ordinance in effect...unless...the land Use authority, on the record, finds that a compelling

⁷ It should be noted that the Planning Commission Staff Report of October 25, 2006 notes that the lot in the Estate zone is within the Sensitive Overlay Land Zone. Notably, however, the October 25, 2006 Planning Commission report accurately notes that the lots in the HR-1 zone are not subject to the Sensitive Overlay Land Zone. According to a telephone conversation with Planner Brooks Robinson on September 29, 2008, all Estate Property located within Old Town is subject to the Sensitive Land Overlay Zone restrictions. The current Zoning Map appears to show that the outer perimeter of the Estate Zoning District on the Alice Claim Property is part of the Sensitive Land Overlay Zone. However, this should be confirmed. Although the Planning Commission (as found in the October 25, 2006 Planning Commission Staff Report) suggests that the one lot within the Estate Zone is within the Sensitive Land Overlay Zone, this suggestion appears to be contrary to Section 15-2.10-6 of the LMC. Nonetheless, the following section discusses how the Sensitive Lands Review, if applied, could affect density.

countervailing public interest would be jeopardized by approving the Application.”
Section 15-1-17 of LMC.

The case of *Western Land Equities, Inc. v. City of Logan*, 617 P.2d 388 (Utah 1980) is instructive as to a city’s authority to withhold approval of subdivision that meets all zoning requirements at the time of application. In *Western Land Equities*, applicant owners sought relief from the city’s refusal to approve a proposed single-family subdivision that met the minimum zoning requirements. Specifically, the applicants sought approval of a single family residential subdivision on land within a manufacturing zone which permitted single-family dwellings.

The court held that “an applicant is entitled to a building permit or subdivision approval if his proposed development meets the zoning requirements in existence at the time of his application and if he proceeds with reasonable diligence, absent a compelling, countervailing public interest.” *Id.* at 396. In its decision, the court noted that “[t]here may be instances when an application would for the first time draw attention to a serious problem that calls for an immediate amendment to a zoning ordinance, and such an amendment would be entitled to a valid retroactive effect.” But the court further stated that, “[i]t is incumbent upon a city, however, **to act in good faith and not reject an application because the application itself triggers zoning reconsiderations that result in a substitution of the judgment of current city officials for that of their predecessors.**” *Id.* The reasons provided by the city for withholding approval, specifically for the city’s belief that fire protection would be undermined because of limited access to roads and the city’s objections to inadequate sidewalks and other problems, were not so compelling to overcome the presumption that the applicants were entitled to affirmative official action if they met the zoning requirements in force at the time of application.⁸ *Id.*

In addition to an applicant’s vested right to approval if the proposed development meets the zoning requirements, under Section 10-9a-509(2) of the Utah Code provides that, “**a municipality is bound by the terms and standards of applicable land use ordinances and shall comply with mandatory provisions of those ordinances.**” Park City’s stated policy for subdivisions is to “**preserve the Density of land as established in the Land Management Code of Park City.**” *Section 15-7-2(L) of LMC.* This mandatory provision is an expressed intent to preserve the density established through zoning ordinances. Accordingly, neither the Planning Commission nor the City Council has the authority to reduce the applied for density of nine (9) lots since this density is consistent with the provisions of the underlying zones.

Thank you for your review of these authorities.

⁸ It should be noted, however, that in the case of *Mouty v. The Sandy City Recorder*, 122 P.3d 521 (Utah 2005), the Utah Supreme Court recognized that the exercise of the people’s referendum right is of such importance that it properly overrides “individual economic interests” and constitutes a “compelling, countervailing public interest.”

C

Jonathan DeGray - Architect

July 8, 2015

Mr. Jerry Fiat
P. O. Box 4581
Park City, UT 84060

Re: Building Areas on Sampson Avenue

Dear Jerry,

Please find below the gross areas of homes I have designed on and around Sampson Avenue. These areas include the living and garage areas. I have copied the area information from the permit set title sheets for each.

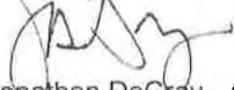
60 Sampson – 4243 Gross

30 Sampson – 5013 Gross

147 Ridge – 4382 Gross

Please do not hesitate to contact me with any questions.

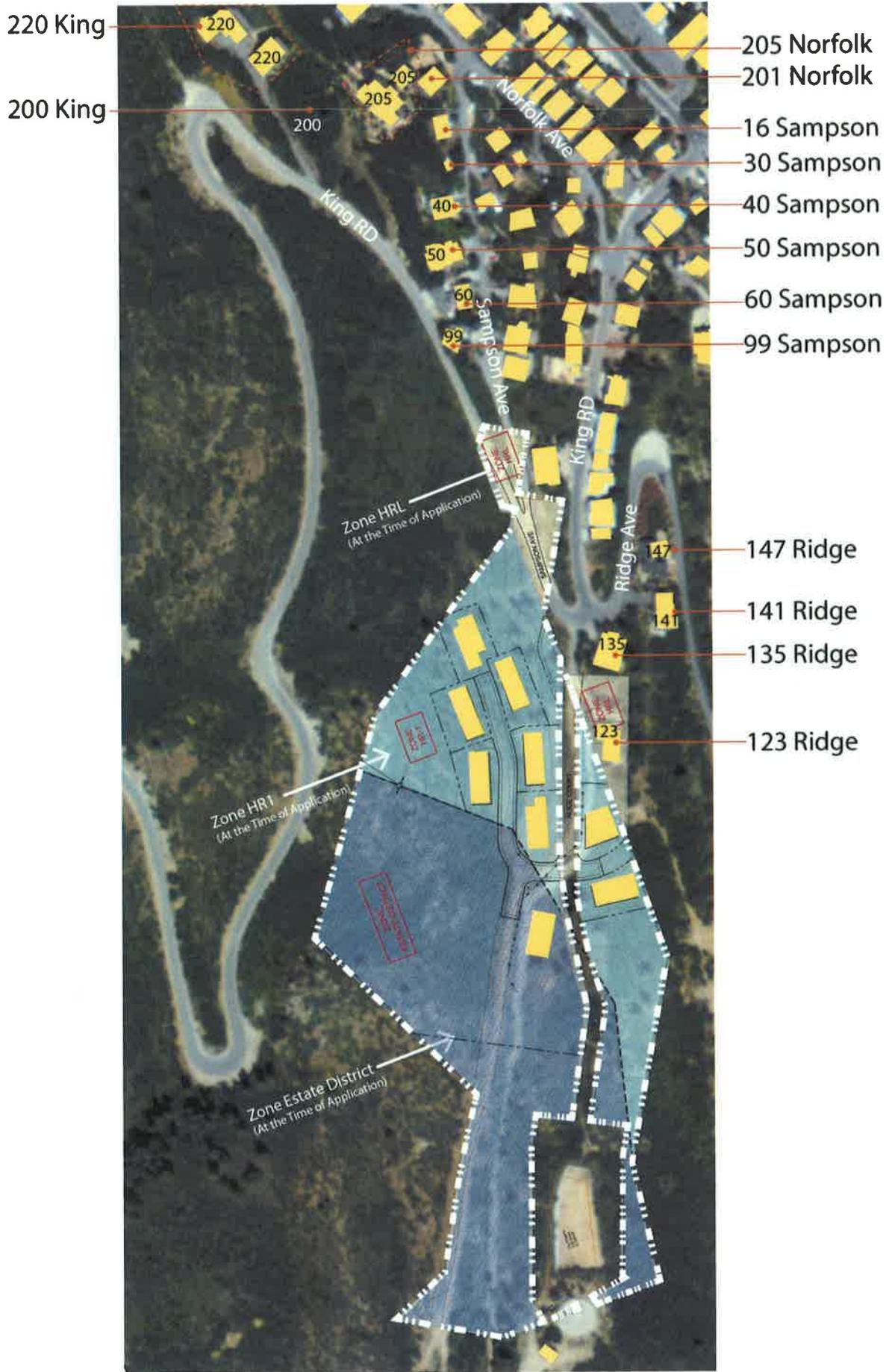
Sincerely


Jonathan DeGray - Architect



614 Main Street, Suite 302
P.O. Box 1674, Park City, Utah 84060 Tel./Fax 435-649-7263
Email: degrayarch@qwestoffice.net Web: www.degrayarchitect.com

D



Compatibility Response:

Viewed from across the valley directly below the property (from right to left and above Sampson and Ridge roads) are the following representative homes. Data gathered from listing sheets, architects, owners, actual measurements and approximations (noted):

1. 220 King, Estate Zone, about 40,000 sq. ft. lot, 3500 sq. ft. allowable foot print. **8500 sq. ft. house (split into two structures)**
2. 200 King, Estate Zone about 40,000 sq. ft. lot **3500 sq. ft. allowable foot print** same as 220 King
3. 205 Upper Norfolk, HRL Zone, about 20,000 sq. ft. lot, **7500 sq. ft. house**
4. 201 Upper Norfolk, HRL Zone 3750 lot **4,000 sq. ft. house**
5. 16 Sampson, HRL Zone 5,000 sq. ft. lot, **4,000 sq. ft. house**
6. 30 Sampson, HRL Zone 7,000 sq. ft. lot, **5,013 sq. ft. house**
7. 40 Sampson, HRL Zone 7,000 sq. ft. lot, **3,000 sq. ft. house, (approximate) (“net” living space and excludes any basement, mechanical, garage and has same plat restriction as 5,013 s.f. “gross” 30 Sampson home)**
8. 50 Sampson, HRL Zone 7,000 sq. ft. lot, **5,000 sq. ft. house**
9. 60 Sampson, HRL Zone, 4,000 sq. ft. lot, **4,243 sq. ft. house**
10. 99 Sampson, HRL Zone, 4,000 sq. ft. lot, **3,000 sq. ft. house**
11. 123 Ridge Ave, HRL Zone 4000 sq. ft. lot **3,975 sq. ft. house**
12. 135 Ridge Ave, HRL Zone 4000 sq. ft. lot, **3,975 sq. ft. house (approximate)**
13. 141 Ridge Ave, HRL Zone 4000 sq. ft. lot, **3,975 sq. ft. house (approximate)**
14. 147 Ridge Ave, HRL Zone 4000 sq. ft. lot, **4,382 sq. ft. house**

AVG LOT SIZE 0.25 acres

AVG HOUSE SIZE 4,933 sq. ft.

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AGEC

Applied GeoTech

July 8, 2015

Jerry Fiat
PO Box 4581
Park City, Utah 84060

EMAIL: jfiat727@aol.com

Subject: Geotechnical Consultation - Alice Claim
Alice Mine Shaft Remediation
In Woodside Gulch
Near Intersection of King Road and Ridge Road
Park City, Utah
Project No. 1150568

Mr. Fiat:

Applied Geotechnical Engineering Consultants, Inc. (AGEC) was requested to provide geotechnical consultation regarding remediation of the Alice mine shaft located in the area of the proposed Alice Claim development. The property is located in Woodside Gulch near the intersection of King Road and Ridge Road in Park City, Utah.

PREVIOUS STUDY

AGEC previously performed subsurface investigation at the site near the Alice mine shaft and provided geotechnical consultation with regards to remediation of the mine shaft in a letter dated December 13, 2006 under Project No. 1060955.

MINE SHAFT REMEDIATION

Information presented in the above-referenced letter indicates the mine shaft had a reported depth of 500 feet and was measured by others to be open to a depth of 230 feet. The mine shaft has diameter of approximately 6 to 8 feet.

AGEC did not observe remediation of the mine shaft. We understand that the mine shaft was filled during grading activities at the site in August 2008. AMEC provided observation during grading activities at the site. Daily reports of observations from August 19, 2008 to August 19 to 27, 2008 were provided to AGEC for review. The daily reports indicate that on-site clean soil was used to fill the mine shaft. Approximately 150 cubic yards of fill was reportedly placed in the mine shaft on August 22, 2008. An additional approximately 150 cubic yards and 30 cubic yards were placed in the mine shaft on August 25 and 27, 2008, respectively. The daily reports indicate the mine shaft appeared to be full after the fill was placed. Water was added to the fill during placement to aid in fill consolidation.

PROPOSED CONSTRUCTION

Construction plans provided by the client indicate that nine single family residences are planned to be constructed in the area. We anticipate residences will consist of multi-level concrete and wood-frame structures, similar to other residences in the area. Paved roads are planned to be constructed to provide access to residences. The site plan provided indicates that proposed residences near the mine shaft are proposed to have at least a setback distance of 10 feet from the mine shaft.

CONCLUSIONS AND RECOMMENDATIONS

Based on information presented in the above-referenced geotechnical letter, information provided regarding the mine shaft remediation and our experience in the area, the following conclusions and recommendations are presented:

1. Recommendations for remediation of the mine shaft and setback distances are presented in the above-referenced geotechnical letter. The letter indicates a setback distance of 10 feet may be used if the mine shaft is filled with soil up to the ground surface.

AGEC did not observe remediation of the mine shaft. Information presented in daily reports provided to AGEC indicates approximately 330 cubic yards of fill were placed in the mine shaft. The fill volume is similar to the estimated volume of the upper, open portion of the mine shaft.

2. Based on information provided, as described above, it is our professional opinion that the mine shaft has been filled. A setback distance of at least 10 feet should be used for the proposed residences.

Consolidation of the fill placed in the mine shaft may occur over time, resulting in settlement at the ground surface. If settlement occurs, additional fill should be placed in the area of the mine shaft.

3. We recommend that geotechnical investigations be performed for each of the proposed residences. Foundation excavations should also be observed at the time of construction.

Jerry Fiat
July 8, 2015
Page 3

LIMITATIONS

This letter has been prepared in accordance with generally accepted geotechnical engineering practices in the area for the use of the client. The conclusions and recommendations included in the letter are based on our understanding of the proposed construction, information presented in the above-referenced geotechnical letter and information provided by the client. If the subsurface conditions, proposed construction or other information presented in this letter is significantly different from conditions at the site or if additional information is available, we should be notified to reevaluate the recommendations given.

If you have any questions or if we can be of further service, please call.

Sincerely,

APPLIED GEOTECHNICAL ENGINEERING CONSULTANTS, INC.



Scott D. Anderson, P.E.

Reviewed by DRH, P.E., P.G.

SDA/rs

cc: Kathy Harris (DK Environmental, email: kathyharris027@gmail.com)
Brad Cahoon (Snell and Wilmer, email: bcahoon@swlaw.com)

F



July 7, 2015

Gregg Brown
DHM DESIGN SMA
Privada de Prolongacion Aldama 4A,
Colonia Caracol, San Miguel de Allende,
GTO Mexico 37769

Subject: Traffic Considerations for the Alice Claim development

Dear Mr. Brown:

This letter is written in response to and to provide clarity for traffic concerns raised in an Arguments for Denial letter, dated June 6, 2015, to the Park City Planning Commission regarding the Alice Claim project.

In November, Fehr & Peers conducted a Traffic Impact Study (TIS) for the proposed 9-home Alice Claim development. For this study it was calculated that the trip generation for the development would be 114 weekday daily trips, 16 weekday A.M. peak hour trips, and 12 weekday P.M. peak hour trips (Table 1). These rates were calculated using the fitted curve equation from the Institute of Transportation Engineers (ITE) Trip Generation Manual, 9th Edition for Single-Family Residential Units.

The number of trips generated includes both entering (incoming) and exiting (outgoing) trips. For example, a resident going to work and then returning home would be counted as two trips. The trip generation calculations include visitors and deliveries, as well as trips taken by the resident.

It is important to understand that the 114 additional trips represent an entire day. During the peak hour of trip generation (A.M. Peak), there are 16 trips generated by the Alice Claim development, 4 trips entering and 12 trips exiting. Spread out over the peak hour, this ends up equaling one trip entering every 15 minutes and one trip exiting every 5 minutes.

The public comments made in regard to traffic concerns at the June 10, 2015 hearing were imprecise due to visitor trips being included in the ITE trip generation formula. Further, these comments were exaggerated by including plots that are not part of the Alice Claim development and relying on daily trips instead of peak hour trips, which are used more frequently in traffic analysis.

Gregg Brown
July 7, 2015
Page 2 of 2



After reviewing our study results, the Park City Engineering and Building Departments confirmed that they were not concerned about the added traffic that would be generated by Alice Claim and wanted to focus on intersection maneuverability and mitigation, which we also addressed for them.

Sincerely,

FEHR & PEERS
Alex Roy
Transportation Planner

UT14-1039

G

Bradley R. Cahoon (5925)
Snell & Wilmer L.L.P.
15 West South Temple St., Ste 1200
Salt Lake City, Utah 84101
Telephone: (801) 257-1948
bcahoon@swlaw.com

ALICE CLAIM

DECLARATION OF JERRY FIAT

JERRY FIAT, hereby declares and states as follows:

1. I am an adult male fully competent and a member of King Development Group, LLC (“King Development”) and have been such prior to the year 2005 and up and to the present date.

2. In that capacity, I was fully involved in the investigation for the possible and ultimate purchase by King Development of property known as Alice Claim aka Alice Lode, located in Park City, Utah comprising nearly nine acres (“Alice Claim”). I also have been involved in and have personal knowledge of all of our discussions and interactions with Park City to the present date.

3. The property known as Alice Claim is located at the base of Woodside Gulch and was used historically to access the Silver King Mine located above the Alice Claim. Over many years, Alice Claim became contaminated by releases of mine waste containing heavy concentrations of lead and arsenic and other contaminants. Alice Claim not only threatened human health and the environment with its contaminated soils and stream water and open mine shaft abutting the trail but was a visible barren wasteland. To access its water tank, Park City acquired at the base of Woodside Gulch a roughly two-acre parcel that bisected the Alice Claim. The City’s portion of Alice Claim was the most heavily contaminated area.

4. Park City was concerned about the need to clean up both its portion of Alice Claim and the privately-owned portion. The City identified Alice Claim as a brownfield site and was concerned that it ultimately would become stigmatized as a federal Environmental Protection Agency (“EPA”) site. The City’s efforts to find funding for a proper investigation and cleanup failed. The City was under tremendous pressure from EPA to take action.

5. I lived and owned property near to Alice Claim. The Alice Claim was a concern to me, not only as to health and safety but as blight to the neighborhood and Park City. I

recognized a possible opportunity to remove the hazard and blight through a joint venture or partnership with the City to be made possible through a private development.

6. Before purchasing and in considering the possibility of purchasing Alice Claim, I met many times with Park City Chief Building Official Ron Ivie. In several dealings with the City on various projects, I had come to understand that Mr. Ivie was among the most important and influential officials in the City's government and operations.

7. Recognizing that neither property could be cleaned up without the other and because the City did not have funding to pay for its own cleanup, in consideration for being able to build nine homes on the property, in these meetings, I proposed to Mr. Ivie that King Development would cleanup both the privately-owned portion and the City's portion of Alice Claim.

8. Before our purchase of Alice Claim, Mr. Ivie provided to me the City's Memorandum of Understanding with United Park City Mines ("MOU") and assured King Development that we would be allowed to dispose of the Alice Claim impacted soils at the nearby Richardson Flat.

9. I was involved in the process of developing a nine home lot site plan for Alice Claim. This lot plan became an exhibit to the Mitigation Work Plan for Alice Claim, revised in August of 2006 to include the cleanup of the City's parcel within Alice Claim ("Cleanup Plan"). See Figures 2, 6, 7 and 8 to the Voluntary Cleanup Plan and Exhibit 17 to Alice Lode Factual Background on file with Park City Planning Department.

10. Without the MOU and Mr. Ivie's assurances, King Development would not have purchased or even could have afforded to purchase the property and clean up the City's property. The cleanup of the privately-owned portion of Alice Claim would require relatively small quantities of soil to be disposed of at Richardson Flat or any other landfill. It was the City-owned parcel within Alice Claim that would require the most significant quantities of contaminated soil to be disposed at Richardson Flat.

11. We presented our nine lot plan to the City. Initially, the City raised objections to our plan concerning visibility of homes, site disturbance, and cutting of large trees. We responded with a plan that made the requested adjustments to the nine lots. When we presented our revised plan, the City had no major objections to the plan but requested that we resolve access with our neighbor. This revised plan became Figure 2 to the Cleanup Plan. After a year or so of trying to reach an access agreement with the neighbor, those efforts failed.

12. I learned that that Richardson Flat was about to close, and we may not be able to use it for disposing of the Alice Claim impacted soils. We could not afford to clean up the property without the use of Richardson Flat. There was urgency to complete the Cleanup Plan.

13. In or about July 2008, Park City joined with King Development as a Co-Applicant and signed the agreement with King Development and the Utah Department of Environmental Quality ("UDEQ") that included our nine lot plan as Figure 2 to the Cleanup Plan. I always

understood that we were in a partnership or joint venture with the City in completing the Cleanup Plan and developing our nine lots.

14. Mr. Ivie told me that he was supporting our nine lot plan, it would still need to go through the Planning Commission and City Council for approval, and that they would approve it but may do some "tweaking" or minor changes.

15. We relied on Mr. Ivie's assurances to purchase Alice Claim. In proceeding with the investigation, design and cleanup for the Alice Claim subdivision, we relied on Mr. Ivie's statements and the City's signing the Cleanup Plan agreement and application with UDEQ and King Development.

16. Mr. Ivie told me that he would issue a permit for grading the roads into Alice Claim for the nine lots. The day we were to begin the grading and cleanup work on Alice Claim, Mr. Ivie told me that we did not need the grading permit after all because it was a state cleanup project. He told us to go ahead and cut your roads and do the cleanup.

17. After we were nearly done with the grading and cleanup, the Planning Commission ordered us to stop because our nine lot plan had not yet received zoning approval. Mr. Ivie told us not to stop and to finish the cleanup because the City had no authority to stop us. We relied on Mr. Ivie's direction and proceeded to finish the cleanup pursuant to the Cleanup Plan.

18. The locations of the nine home lots was a primary factor in our completing the cleanup pursuant to the Cleanup Plan. I understand that the Cleanup Plan is risk-based and that the removal of contaminated materials to remediate certain areas is based upon the projected location of the nine single family homes and associated utilities and paved streets. I also understand that where there will be human habitation or roads and other areas where humans will be present, it requires a greater degree of cleanup than in areas where there is not expected to be as much human activity.

19. Figure 7 to the Cleanup Plan shows where concentrations of contaminated soils existed. In the Cleanup Plan it states that "the lots, streets and home locations presented in this document are still in the development stage and have not been officially approved by PCMC [Park City Planning Commission] ... and while the property lines of each lot have not been established at this time, the [Cleanup] Plan assumes that the development will occur simultaneously with the mitigation." From these words and other sources, I concluded that the lot locations in the Cleanup Plan were the locations, or close to, that the Planning Commission and City Council ultimately would approve.

20. Mr. Ivie also stated to me that he would do some public relations and lobbying to help the Cleanup Plan and nine lots get approved. He stated that he would do radio talk spots, speak with City Council members (which he said he had already done to some extent) and that he would be willing to be interviewed by the press.

21. Based upon the location of the nine home lots on Figure 2 of the Cleanup Plan, King Development paid upwards of \$1 million to complete the cleanup of both Park City's property and King Development's property located within Alice Claim.

22. The cleanup of the City's property and the Alice Claim by King Development resulted in direct and indirect benefits to the City and community. Portions of the trails that existed prior to the cleanup no longer exist. We built new trails that are now safe for hikers and bikers and always have allowed the public to use the trails. The property was cleaned to a level matching its residential zoning and is no longer polluting the watershed, and the mine shaft is filled. Alice Claim is no longer an eyesore but is a gateway to the open space above Old Town. The cleanup also forced the Silver King Mine to clean its property upstream from Alice Claim.

23. Mr. Ivie told me that the Alice Claim cleanup by King Development would allow the City to receive funding and that the cleanup relieved EPA pressure on the City.

24. To date, King Development has spent upwards of \$4.5 million to purchase Alice Claim, cleanup Alice Claim and the City's property, and respond to innumerable comments by the Planning and other City Departments, the Planning Commission and the Public on the nine lot plan. None of this would have been spent without the assurances and belief that our nine lot plan would be approved by the City.

25. Alice Claim is an example of an extremely successful adaptive reuse public/private project. King Development did everything that the City asked it to do to complete the cleanup which would have never occurred otherwise. This should be recognized by the City and the public. The City should complete its part of the deal and not look for loopholes and technicalities to avoid completing the Alice Claim project as expected.

I declare under criminal penalty of the State of Utah that the foregoing is true and correct.

Dated this 13 day of July, 2015.

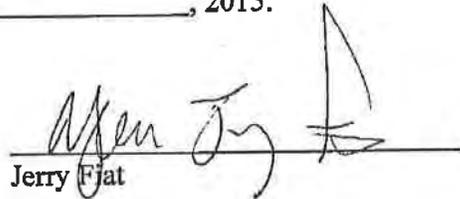

Jerry Fjat

EXHIBIT C

DHM DESIGN

LANDSCAPE ARCHITECTURE | LAND PLANNING | ECOLOGICAL PLANNING | URBAN DESIGN

July 13, 2015

Via Christy.alexander@parkcity.org

Christy Alexander, AICP
Planner II
Park City Planning Department
445 Marsac Ave
Park City, UT 84060

Re: Alice Claim Applications for Subdivision, Plat Amendment, and Conditional Use Permit

Dear Ms. Alexander:

I write on behalf of the applicant, King Development Group, LLC, to provide supporting information on best design practices that have been incorporated into the Alice Claim site plan. We recognized several common concerns raised by the Planning Commissioners related to site planning, including the following:

1. Concerns related to overall site disturbance and reduction of cut and fill.
2. Compatibility and zoning. Specifically responding to the uncommon zoning condition that exists on the Alice Claim site that moves from higher density (HR1) to low density (HRL) and back to higher density (HR1).
3. Architectural approach and the merits of lower more articulated homes with larger footprint as less imposing than taller smaller footprint less articulated homes where both are the same total gross square footage. Also, how lower larger footprint homes are more conducive to family and full time residency than alternative.

1. SITE DISTURBANCE AND REDUCTION OF CUT & FILL

In regards to item 1., above, related to the topic of overall site disturbance and reducing cut and fill, we have strived to do this through the layout of roads and lots that respond appropriately to the topography of the site. We believe the site plan successfully demonstrates a road alignment that follows the contours of the site as closely as possible. This approach is recommended as a means to limit site disturbance and minimize cut and fill, as documented in the widely recognized best-practices guide to development in mountain communities entitled "Design for Mountain Communities" by Sherry Dorward.

Ms Dorward writes: "A number of strategies can be used to minimize grading on a sloping site. Concentrate the site plan to pull in the limits of site work. Test various alternatives for siting roads and buildings in order to find the one that requires the least cut and fill. Experiment with grade adjustments and various types of slope retention methods. For roads and pathways, use retaining structures to regain natural grade more quickly." (Excerpts from Design for Mountain Communities" by Sherry Dorward.)

BUILDING ORIENTATION TO TOPOGRAPHY

2014 and current LMC for HR=1 Zone District, Section 15-2.2-6 states, “Low profile buildings that orient with existing contours are strongly encouraged.”

Current (2009) Design Guidelines for Historic Districts:

Universal Guidelines #4 states, “Building and site design should respect the existing topography, character defining site features, existing trees, and vegetation and should minimize cut, fill and retaining walls.”

We believe the Alice Claim site plan exhibits these planning best-practices recommendations as well as the LMC design guidelines by including roads that follow the site contours as closely as possible, orienting the house sites along contour lines, preserving existing trees and vegetation to the greatest extent possible, and minimizing the cut, fill and retaining walls.

2. COMPATIBILITY AND ZONING

In regards to item 2. above, on the subject of compatibility and zoning, there is an uncommon zoning condition that exists on the Alice Claim site that moves from higher density (HR1) to low density (HRL) and back to higher density (HR1) which poses challenges. This condition seems to be at the heart of what the applicant perceives as conflicting requests as to what density is appropriate and would be considered acceptable for this project.

Most town planners, particularly those that adhere to new-urbanism principles, recognize the importance of the rural-to-urban transect as a more predictable and logical transition of density in a town plan. This rural-to-urban transect is a town planning concept that describes the sequential transition from higher density urban cores to much lower density rural areas - evident in most historic towns. It is a concept and planning tool embraced by new urbanists and traditional town planners.

The rural to urban Transect is a concept and planning tool embraced by new urbanist to analyze and understand urban places — and ultimately to design new settlements that will possess qualities associated with the best old urbanism. Because Transect zones can be described and defined, they are beginning to form the basis for a new generation of zoning codes responsive to human-scale needs and desires.

The article titled The Transect by Better Cities and Towns <http://bettercities.net/article/transect> describes the planning principle in more detail and includes a useful diagram.

We believe the rural-to-urban transect is relevant and useful when evaluating the Alice Claim site plan, as there is an inherent logic in the sequential transition from higher density in the adjacent HR1 to the lower density of HRL, to the low density of the Estate lot, as demonstrated in the site plan.

Further on the subject of compatibility, we reference the current (2009) Design Guidelines for Historic Districts:

Specific Guidelines, section B. 1.1 in Primary Structures states, “The size of a new building, its mass in relation to open space, should be visually compatible with the surrounding Historic Sites.” Therefore, considering the open space proposed for Alice Claim compared to the surrounding historic districts, the buildings mass should be larger, yet the proposal is for nearly identical average sizes.

DHM DESIGN

3. ARCHITECTURAL APPROACH

Finally, on the subject of architectural approach and the merits of lower more articulated homes with larger footprints, the applicant has proposed footprints that are aligned with the topography and that allow for an architectural solution that will be more conducive to family and full time residency than alternative stepped conditions with multiple stories. Please consider the following research on this subject:

ADVANTAGES OF HOMES ALIGNED TO TOPOGRAPHY WITH FEWER FLOOR LEVELS AS PROPOSED

From Wikipedia

Universal design (often inclusive design) refers to broad-spectrum ideas meant to produce buildings, products and environments that are inherently accessible to older people, people without disabilities, and people with disabilities. The term "universal design" was coined by the architect Ronald L. Mace to describe the concept of designing all products and the built environment to be aesthetic and usable to the greatest extent possible by everyone, regardless of their age, ability, or status in life. However, it was the work of Selwyn Goldsmith, author of *Designing for the Disabled* (1963), who really pioneered the concept of free access for disabled people.

Universal design emerged from slightly earlier barrier-free concepts, the broader accessibility movement, and adaptive and assistive technology and also seeks to blend aesthetics into these core considerations. As life expectancy rises and modern medicine increases the survival rate of those with significant injuries, illnesses, and birth defects, there is a growing interest in universal design.

Universal design allows older and handicapped residents to more easily live in Park City. Many potentially full time residents of Park City may be driven away by lack of adequate housing choices. Many current residents of Park City may need to move to another city in order to find adequate housing as they age.

Thank you for considering these additional thoughts and references and site planning best practices.

Sincerely,



DHM Design

Marc Diemer, Associate Principal

cc: King Development Group, LLC
Bradley R. Cahoon, Esq.

EXHIBIT E

PARK CITY MUNICIPAL CODE TABLE OF CONTENTS

TITLE 15 LAND MANAGEMENT CODE - CHAPTER 7.1

TITLE 15 - LAND MANAGEMENT CODE

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 7.1 - SUBDIVISION PROCEDURES

Chapter adopted by Ordinance No. 01-17

**CHAPTER 7.1 - SUBDIVISION
PROCEDURES.**

15-7.1-1. JURISDICTION.

These Subdivision regulations shall apply to all Subdivisions or Re-subdivisions of land, and to Lot Line Adjustments, as defined herein, located within the corporate limits of Park City.

Whenever any Subdivision of land is proposed, before any contract is made for the sale of any part thereof, and before any permit for the erection of a Structure in such proposed Subdivision shall be granted, the subdividing Owner, or his authorized Agent, shall apply for and secure approval of such proposed Subdivision in accordance with the following procedure.

15-7.1-2. PROCEDURE.

No land shall be subdivided within the corporate limits of Park City until:

(A) The Owner, Applicant and/or Developer or his/her Agent submit an Application for Subdivision to the Planning

Commission through the Park City Planning Department;

(B) The Planning Commission holds a public hearing and makes a final recommendation to the City Council; and

(C) Approval of the Subdivision is obtained by the Planning Commission and City Council, or approval by the Planning Director under proper authority; and

(D) The approved Subdivision Plat is filed with the County Recorder.

(Amended by Ord. No. 06-22)

**15-7.1-3. CLASSIFICATION OF
SUBDIVISIONS.**

(A) **SUBDIVISION**. At its discretion, the Planning Commission may waive one or more of the steps in the approval process by allowing the Applicant and/or Developer to combine the requirements of the Preliminary Plat and final Subdivision Plat into a single submittal.

(1) **MINOR SUBDIVISION**. A Subdivision containing not more than three (3) Lots fronting on an

existing Street, not involving any new Street or road, or the extension of municipal facilities, or the creation of public improvements.

(a) **Final Plat.** A Final Plat shall be approved in accordance with these regulations.

(2) **MAJOR SUBDIVISION.** A Subdivision of land into four (4) or more Lots, or any size Subdivision requiring any new Street.

(a) **Preliminary Plat.** A Preliminary Plat may be approved in accordance with these regulations.

(b) **Final Plat.** A Final Plat shall be approved in accordance with these regulations.

(B) **PLAT AMENDMENT.** The combining of existing subdivided Lots into one or more Lots or the amendment of plat notes or other platted elements including but not limited to easements, limits of disturbance boundaries or areas, building pads, and house size limitations. Plat Amendments shall be reviewed according to the requirements of Section 15-7.1-6 Final Subdivision Plat and approval shall require a finding of Good Cause.

(1) **FINAL PLAT.** A Final Plat shall be approved in accordance with these regulations.

(C) **RECORD OF SURVEY.**

(1) **FINAL PLAT.** A Final Plat shall be approved in accordance with these regulations.

(D) **LOT LINE ADJUSTMENT.** The relocation of the Property boundary line between two adjoining Lots.

(1) **FINAL PLAT.** A Final Plat shall be approved in accordance with these regulations.

15-7.1-4. GENERAL PROCEDURE.

(A) **OFFICIAL SUBMISSION DATES.** At its discretion, the Planning Commission may waive one or more of the steps in the approval process by allowing the Applicant and Developer to combine the requirements of both preliminary and final Subdivision Plats into a single submittal. For the purpose of these regulations, for both major and minor Subdivisions, the date of the regular meetings of the Planning Commission at which the public hearings on final approval of the Subdivision Plat, including any adjourned date thereof, is closed, shall constitute the official submittal date of the plat at which the statutory period required for formal approval or disapproval of the plat shall commence to run.

(B) **PHASING PLAN REQUIRED.** All residential Subdivisions with more than twenty (20) Lots or Condominiums shall include a phasing plan, which specifies the timing of public improvements and residential construction.

(1) **PHASING PLAN REQUIREMENTS.** A phasing plan shall include:

- (a) The number of units or Parcels to be developed in each phase and the timing of each phase.
- (b) The timing of construction of public improvements and Subdivision amenities to serve each phase.
- (c) The relationship between the public improvements in the current Subdivision and contiguous land previously subdivided and yet to be subdivided.

(2) **MASTER PLANNED DEVELOPMENT.** If the Subdivision is in an Area covered by an approved Master Planned Development, which has a phasing plan, the phasing plan for the Subdivision shall be consistent with the phasing plan for the Master Planned Development.

(3) **REVISIONS.** An Applicant may request a revision of the phasing plan, which may be necessary due to such conditions as changing market conditions, inclement weather or other factors.

(C) **COORDINATION OF MULTIPLE APPLICATIONS.** It is the intent of these regulations that Subdivision

review be carried out simultaneously with the review of Master Planned Developments. Required Applications shall be submitted in a form to satisfy both the requirements of the Subdivision regulations and Master Planned Development provisions of the Land Management Code. Any project falling within the Sensitive Lands Area Overlay Zone may be subject to additional requirements and regulations as outlined in the Sensitive Area Overlay Zone Regulations.

15-7.1-5. PRELIMINARY SUBDIVISION PLAT.

(A) **PREAPPLICATION REQUIREMENTS.** Before preparing the Preliminary Plat for a Subdivision, the Applicant should arrange for a pre-Application conference with the Planning Department to discuss the procedure for approval of a Subdivision Plat and the requirements as to general layout of Streets and for reservations of land, Street improvements, drainage, sewerage, fire protection, mitigation of environmental impacts as determined, and similar matters, as well as the availability of existing services. The Planning Department shall also advise the Applicant, where appropriate, to discuss the proposed Subdivision with those agencies who must eventually approve those aspects of the Subdivision coming within their jurisdiction; such as, the Snyderville Basin Sewer Improvement District, the Park City Fire Service District, the Park City School District, and the various utility service providers.

**(B) APPLICATION PROCEDURE
AND REQUIREMENTS.**

Prior to subdividing land in a manner, which requires a Preliminary Plat, an Owner of the land or his representative shall file an Application for approval of a Preliminary Plat. The Application shall:

(1) Be made on a form available at the office of the Planning Department and determined complete. A complete Application shall include all elements of the Subdivision and shall produce all information required by the Subdivision Application.

(2) Include all contiguous holdings of the Owner, unless specifically waived by the Planning Department and Planning Commission, including land in the "same ownership," as defined herein, with an indication of the portion which is proposed to be subdivided, accompanied by an affidavit of ownership, which shall include the dates the respective holdings of land were acquired, together with the book and page of each conveyance to the present Owner as recorded in the County Recorder's office. The affidavit shall advise as to the legal Owner of the Property, the contract Owner of the Property, the date a contract of sale was executed, and, if any corporations are involved, a copy of the resolution legally empowering the Applicant to make the Application.

**(C) REVIEW OF PRELIMINARY
PLAT.**

The Planning Department staff shall schedule the Preliminary Plat for review by the Development Review Committee, including officials or agencies of the local government, adjoining counties or municipalities, school and special districts, and other official bodies as it deems necessary or as mandated by law, including any review required by metropolitan, regional, or state bodies under applicable state or federal law.

The Planning Department shall request that all officials and agencies, to whom a request for review has been made, submit their report to the Staff. The Staff will consider all reports submitted by the officials and agencies concerning the Preliminary Plat and shall prepare a staff report for proposed action to the Planning Commission for the next available regular meetings.

Once an Application is received, the Staff will work diligently to review the Application as quickly as time and workload allows. The scale or complexity of a project or Staff workload may necessitate a longer processing period. In such cases, the Staff will notify the Applicant when an Application is filed as to the projected time frame.

**(D) PLANNING COMMISSION
REVIEW OF PRELIMINARY PLAT.**

The Planning Commission shall study the Preliminary Plat and the report of the Staff, taking into consideration requirements of Land Management Code, any Master Plan, site plan, or Sensitive Land Analysis approved or pending approval on the subject Property. Particular attention will be given

to the arrangement, location and width of Streets, their relation to sewerage disposal, drainage, erosion, topography and natural features of the Property, location of Physical Mine Hazards and geologic hazards, Lot sizes and arrangement, the further Development of adjoining lands as yet un-subdivided, and the requirements of the Official Zoning Map, General Plan, and Streets Master Plan, as adopted by the Planning Commission and City Council. The Planning Commission shall make a finding as to whether there is Good Cause in approving the preliminary plat.

(E) **PUBLIC HEARINGS.** The Planning Commission shall hold a public hearing on the Preliminary Plat Application. Such hearings shall be advertised in accordance with the requirements of Section 15-1-12 of the Land Management Code and in the same manner as the subsequent public hearings of the final Subdivision Plat; except, however, that the Planning Commission may, at its sole discretion, combine the required hearings for both preliminary and final Subdivision Plat approval.

(F) **PRELIMINARY APPROVAL.** After the Planning Commission has reviewed the Preliminary Plat and the report of the Staff including any municipal recommendations and testimony and exhibits submitted at the public hearing, the Applicant shall be advised of any required changes and/or additions. One copy of the proposed Preliminary Plat shall be returned to the Developer with the date of approval, conditional approval, or disapproval and the reasons therefore accompanying the plat.

The other copy shall be maintained in the Planning files.

(G) **PUBLIC IMPROVEMENTS.** The Planning Commission may require that all public improvements be installed and dedicated prior to the signing of the final Subdivision Plat by the Chairman of the Planning Commission. If the Planning Commission elects not to require that all public improvements be installed and dedicated prior to signing of the final Subdivision Plat by the Chairman of the Planning Commission, the amount of the Guarantee, in compliance with the requirements of the Land Management Code, shall be established by the Planning Commission based upon the recommendation of the City Engineer, which shall be submitted by the Applicant at the time of Application for final Subdivision Plat approval. The Planning Commission shall require the Applicant to indicate on both the Preliminary and Final Plat all roads and public improvements to be dedicated, all special districts for water, fire, and utility improvements which shall be required to be established or extended, all City approved Street names and addresses, and any other special requirements deemed necessary by the Planning Commission in order to conform the Subdivision Plat to the Official Zoning Map and the Master Plans of Park City.

(H) **EFFECTIVE PERIOD OF PRELIMINARY APPROVAL.** The approval of a Preliminary Plat shall be effective for a period of one (1) year at the end of which time final approval on the Subdivision must have been obtained from the Planning Commission, and the Final plat

shall be signed and filed with the County Recorder within one (1) year of approval. Any plat not recorded within the period of time set forth herein shall be null and void, and the Developer shall be required to resubmit a new Application and plat for preliminary approval subject to all new review requirements, zoning restrictions and Subdivision regulations.

Applicants may request time extensions of the approval of a Preliminary Plat by submitting a request in writing to the Planning Department prior to expiration of the approval. The Planning Director shall review all requests for time extensions of Preliminary Plat approvals and may consider the request when the Applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact or that would result in a finding of non-compliance with the Park City General Plan or the Land Management Code in effect at the time of the extension request. Change in circumstance includes physical changes to the Property or surroundings. Notice shall be provided consistent with the requirements for Preliminary Plat in Section 15-1-12.

The Commission may hold a public hearing on the time extension for a Preliminary Plat approval. Such hearings shall be noticed in accordance with the requirements of Section 15-1-12 of the Land Management Code.

(I) **ZONING REGULATIONS.** Every plat shall conform to existing zoning regulations and Subdivision regulations applicable at the time of proposed final approval, except that any plat which has received preliminary approval shall be exempt from any subsequent amendments to

the Land Management Code rendering the plat nonconforming as to bulk or Use, provided the final approval is obtained within the one (1) year period.

**15-7.1-6. FINAL SUBDIVISION
PLAT.**

(A) **APPLICATION PROCEDURE
AND REQUIREMENTS.**

Following approval of the Preliminary Plat, if necessary, the Applicant, if he wishes to proceed with the Subdivision, shall file with the Planning Department an Application for approval of a final Subdivision Plat. The Application shall:

(1) Be made on forms available at the Planning Department and determined complete. A complete Application shall include all elements of the Subdivision and shall produce all information required by the Subdivision Application.

(2) Include all contiguous holdings of the Owner, unless specifically waived by the Planning Department and Planning Commission, including land in the "same ownership," as defined herein, with an indication of the portion which is proposed to be subdivided, accompanied by an affidavit of ownership, which shall include the dates the respective holdings of land were acquired, together with the book and page of each conveyance to the present Owner as recorded in the County Recorder's office. The affidavit shall advise as to the legal Owner of the Property, the contract

Owner of the Property, the date a contract of sale was executed, and, if any corporations are involved, a copy of the resolution legally empowering the Applicant to make the Application.

(3) Include the entire Subdivision, or section thereof, which derives access from an existing state, county or local government highway.

**(B) REVIEW OF FINAL
SUBDIVISION PLAT.**

The Planning Department staff schedule the Final Plat Application for review by the Development Review Committee, including officials or agencies of the local government, adjoining counties or municipalities, school and special districts, and other official bodies as it deems necessary or as mandated by law, including any review required by metropolitan, regional, or state bodies under applicable state or federal law.

The Planning Department shall request that all officials and agencies, to whom a request for review has been made, submit their report to the Staff. The Staff will consider all the reports submitted by the officials and agencies concerning the Final Subdivision Plat and shall submit a report for proposed action to the Planning Commission.

Once an Application is received, the Staff will work diligently to review the Application, as quickly as time and workload allows. The scale or complexity of a project or Staff workload may necessitate a longer processing period. In such cases the

Staff will notify the Applicant when an Application is filed as to the projected time frame.

**(C) PLANNING COMMISSION AND
CITY COUNCIL REVIEW OF FINAL
SUBDIVISION PLAT.**

The Planning Commission shall review the Final Subdivision Plat and the report of the Staff, taking into consideration requirements of the Land Management Code, the General Plan, and any Master Plan, site plan, or Sensitive Lands Analysis approved or pending on the Property. Particular attention will be given to the arrangement, location and width of Streets and their relation to sewerage disposal, drainage, erosion, topography and natural features of the Property, location of Physical Mine Hazards and Geologic Hazards, Lot sizes and arrangement, the further Development of adjoining lands as yet un-subdivided, requirements of the Preliminary Plat (if a Preliminary Plat was required), and requirements of the Official Zoning Map and Streets Master Plan, as adopted by the Planning Commission and City Council.

The Planning Commission shall make a finding as to Good Cause prior to making a positive recommendation to City Council.

(1) The Planning Commission shall give notice pursuant to Section 15-1-12 of this Code and hold a public hearing on the proposed final Subdivision Plat before making its final recommendation to the City Council.

(2) After considering the final Subdivision Plat and proposed

ordinance, the Planning Commission shall recommend to the City Council approval or disapproval of the Subdivision Application and set forth in detail any conditions to which the approval is subject, or the reasons for disapproval.

(3) The City Council may adopt or reject the ordinance either as proposed by the Planning Commission or by making any revision it considers appropriate.

(4) In the final ordinance the City Council shall stipulate the period of time when the Final Plat shall be recorded and when the performance Guarantee shall be filed or the required improvements installed, whichever is applicable. Provided, however, that no plats will be approved or released for recording until necessary Guarantees have been established in accordance with the Land Management Code. In no event shall the period of time stipulated by the City Council for completion of required improvements exceed two (2) years from the date of the final ordinance.

(5) **Extension of Approval.** Applicants may request time extensions of the City Council approval by submitting a request in writing to the Planning Department prior to expiration of the approval. The City Council may grant an extension to the expiration date when the Applicant is able to demonstrate no change in circumstance that

would result in an unmitigated impact or that would result in a finding of non-compliance with the Park City General Plan or the Land Management Code in effect at the time of the extension request. Change in circumstance includes physical changes to the Property or surroundings. Notice shall be provided consistent with the requirements for a Final Plat in Section 15-1-12.

(D) SUBMISSION AND REVIEW.

Subsequent to the resolution of the Planning Commission, one (1) paper copy of the construction plans, and one copy of the original Subdivision Plat on paper shall be submitted to the Planning Department for final review. No final approval shall be endorsed on the plat until the staff's review has indicated that all requirements of the ordinance have been met.

(E) VESTED RIGHTS. Vesting for purposes of zoning occurs upon the filing of a complete Application provided, however, that no vested rights shall accrue to any plat by reason of preliminary or final approval until the actual signing of the plat by the Chairman of the Planning Commission and the Mayor of Park City. All requirements, conditions, or regulations adopted by the Planning Commission and City Council applicable to the Subdivision or to all Subdivisions generally shall be deemed a condition for any Subdivision prior to the time of the signing of the Final Plat by the Chairman of the Planning Commission and Mayor. Where the Planning Commission or Council has required the installation of improvements prior to signing of the Final

Plat, the Planning Commission or Council shall not unreasonably modify the conditions set forth in the final approval.

(F) **LOT LINE ADJUSTMENTS.** The Planning Director may approve a Lot Line Adjustment between two (2) Lots without a plat amendment, within the corporate limits of Park City, if:

- (1) the Owners of both Lots demonstrate, to the satisfaction of the Planning Director that:
 - (a) no new developable Lot or unit results from the Lot Line Adjustment;
 - (b) all Owners of Property contiguous to the adjusted Lot(s) or to Lots owned by the Applicant(s) which are contiguous to the adjusted Lot(s), including those separated by a public Right-of-Way, consent to the Lot Line Adjustment;
 - (c) the Lot Line Adjustment does not result in remnant land;
 - (d) the Lot Line Adjustment, and resulting Lots comply with LMC Section 15-7.3 and are compatible with existing lot sizes in the immediate neighborhood;
 - (e) the Lot Line Adjustment does not result in

violation of applicable zoning requirements;

(f) neither of the original Lots were previously adjusted under this section;

(g) written notice was mailed to all Owners of Property within three hundred feet (300') and neither any Person nor the public will be materially harmed by the adjustment; and

(h) the City Engineer and Planning Director authorizes the execution and recording of an appropriate deed and Plat, to reflect that the City has approved the Lot Line Adjustment.

(i) Extension of Approval. Applicants may request time extensions of the Lot Line Adjustment approval by submitting a request in writing to the Planning Department prior to expiration of the approval. The Planning Director shall review all requests for time extensions of Lot Line Adjustments and may grant a one year extension.

Extension requests may be granted when the Applicant is able to demonstrate no change in circumstance that

would result in an unmitigated impact or that would result in a finding of non-compliance with the Park City General Plan or the Land Management Code in effect at the time of the extension request. Change in circumstance includes physical changes to the Property or surroundings. Notice shall be provided consistent with the requirements for Lot Line Adjustments in Section 15-1-12.

- (2) If, based upon non-compliance with Subsection (1), the Planning Director denies the Lot Line Adjustment, the Director shall inform the Applicant(s) in writing of the reasons for denial, of the right to appeal the decision to the Planning Commission, and of the right to file a formal plat amendment Application

(Amended by Ord. Nos. 06-22; 11-05)

15-7.1-7. SIGNATURES AND RECORDING OF THE PLAT.

(A) SIGNING OF PLAT.

(1) When a Guarantee is required, the Chairman of the Planning Commission and Mayor shall endorse approval on the plat after the Guarantee has been approved by the City Council, or its administrative designee and all the conditions of the ordinance

pertaining to the plats have been satisfied.

(2) When installation of improvements prior to plat recordation is required, the Chairman of the Planning Commission and Mayor shall endorse approval on the plat after all conditions of the ordinance have been satisfied and all improvements satisfactorily completed. There shall be written evidence that the required public facilities have been installed in a manner satisfactory to the City as shown by a certificate signed by the City Engineer and City Attorney that the necessary dedication of public lands and improvements has been accomplished.

(3) The plat shall be signed by the City Engineer, City Attorney and the City Recorder, if the plat meets the requirements herein.

(4) The plat shall conform to City ordinances and be approved by the culinary water authority and the sanitary sewer authority.

(5) The City may withhold an otherwise valid plat approval until the Owner of the land provides the City Council with a tax clearance indicating that all taxes, interest, and penalties owing on the land have been paid.

(6) a Subdivision Plat recorded without the required signatures is void.

(B) **RECORDING OF PLAT.** It shall be the responsibility of the Developer's licensed title company to file the original Mylar plat with the County Recorder within thirty (30) days of the date of signature. Simultaneously with the filing of the plat, the licensed title company shall record the agreement of dedication together with such legal documents as shall be required to be recorded by the City Attorney.

(C) **SECTIONALIZING MAJOR SUBDIVISION PLATS.** Prior to granting final approval of a Major Subdivision Plat, the Planning Commission and City Council may permit the plat to be divided into two (2) or more sections and may impose such conditions upon the filing of the sections as it may deem necessary to assure the orderly Development of the plat. The Planning Commission and City Council may require that the performance Guarantee be in such amount as is commensurate with the section or sections of the plat to be filed and may defer the remaining required performance Guarantee principal amount until the remaining sections of the plat are presented for filing. The Developer may also file irrevocable offers to dedicate Streets and public improvements only in those sections submitted to be filed and defer filing offers of dedication for the remaining sections until such sections, subject to any additional conditions imposed by the Planning Commission, and offers shall be granted concurrently with final approval of the balance of the plat. The approval of all remaining sections not filed with the County Recorder shall automatically expire unless such sections have been approved for filing by the Planning Commission, all fees paid,

all instruments and offers of dedication submitted and performance Guarantees approved and actually filed with the County Recorder within one (1) year of the date of final Subdivision approval of the Subdivision Plat. See Section 15-7.1-6 of these regulations.

(Amended by Ord. No. 06-22)

EXHIBIT F

Mean Building Footprints By Zone
(Sq. Ft.)

Estate Zone:	5,438.76
HRL Zone:	1,540.15
HR-1 Zone:	1,482.24
Daly Ave:	1,465.44
King Road:	1,342.31
Sampson Ave:	1,619.58
Ridge Ave:	2,076.72

Legend

	Daly Ave Buildings	Zone Type
	Estate Zone Buildings	 E
	HR-1 Zone Buildings	 HR-1
	HRL Zone Buildings	 HRL

EXHIBIT G

Response by Ron Ivie in review of July 13, 2015 letter by Alice Claim as dictated to Polly Samuels McLean on July 17, 2015.

1. I don't know if the clean-up of Alice Claim "forced" the Silver King Mine clean up. It might have encouraged it, but it didn't force that clean up.
2. I don't know what they are talking about regarding the City receiving funding for other projects. I am unaware of any funding tied to this project. Yes, we got other funding for other projects but none of those projects were tied to this one.
3. The mine shaft was closed to the best of our knowledge. There is always a chance that there is an unmapped area which could fail. However, to the extent of the identified mine, it was appropriately closed
4. The one access thing – they were to provide a right of way to Ridge Ave which would give them two access points if Ridge Avenue was developed. That had been agreed to by both parties. It needs to be part of the record that it is beneficial to both areas to have two accesses and helps with the wild land fire issue.
5. The water issue wasn't resolved when I was involved because the elevations of the buildings hadn't been determined and based on some of the elevations it probably wouldn't have worked. But it sounds like that issue has been resolved.
6. Issue 14 – Obviously there had to be something submitted with the VCP. But every time we met, we told them the density and layout issue still had to be solved not by us but by Planning Commission and the City Council. We didn't have an objection to the plan but we never said it would be approved. We did sign the agreement with that plan, but we always said – we had no idea what the outcome of that would be with the PC and CC.
7. It was always our position that it would be better if the houses were lower down from a Planning and water perspective. However, down by the drainage was more contaminated.
8. Stop work – at the time, the work was being done under the VCP and under the State permit – we were an applicant on it. We didn't have jurisdiction to stop work on it. The work was done under the state permit. The only thing we did do fairly actively is making sure the truck route to Richardson Flat was being adhered to. It wasn't our permit so we couldn't stop work on it. As for the subdivision -that density, that layout had to be done by the Planning Commission and City Council.
9. The difficulty that exists when you fill a mine shaft there is no way to consolidate the fill you put in it – it will settle out. It's considered safe because there is something in there. It would never be safe to build right on it because of that subsidence issue. There needs to be some distance from the shaft to build – 10 or 15 feet whatever the setback is.
10. EPA wasn't beating us up. It was part of the discussion with the EPA. We knew that clean up would be mandated. If we owned the property we might have gotten the brown field. "Pressure" may not be the right word – we knew it would have been listed. I don't know what day.
11. There had to be something to established standards for the clean-up but we negotiated access to Richardson flats. That is why the subdivision map was part of the application.
12. We made final EPA cut twice although we didn't get the brown field grant.

13. I remember the general concept of the plan and what we agreed to. We told them every step of the way that Planning Commission and City Council would have to approve it. We had no authority to void the due process that Planning Commission and City Council do. We were hopeful that the access to the road would be resolved.
14. Access – we gave them access on our road. We tried to maintain that access. I approved the greater grade in order to keep that access. We wanted to limit the site disturbance.
15. Jeff Schoenbacher and I had initiated the request to the open space committee to have them consider it for purchase. That was before these guys even bought it. The clean-up would have been more affordable and we would have applied for a brown field. The MOU with the Mine Company was key having access to Richardson Flat.
16. We didn't beg them to do the clean-up. We always told them we had no authority to approve the density/layout. It had to be Planning Commission and City Council.
17. They couldn't have developed that site without clean up. We considered expanding the soils ordinance to that area. The VCP cleans up to a lesser standard than our soils ordinance (still met EPA standards). If we were to have the soils district expanded then we would have to clean up our property and they would have had to clean up theirs. Economically it was much better to do both together due to cross contamination, grade problems and had to figure out the property line issues. VCP gives you some flexibility.
18. The thing we did do was give them access to Richardson. The pressure to clean up was because Richardson Flat was going to close. You could have times the expense by 4-5 times. It would have been tremendously expensive.

Affidavit by Jerry Fiat:

1. I wouldn't think we were under "enormous pressure" - we had tried to get a brown field grant, it had been identified. We knew that if nothing was done it could get listed.
2. We never agreed to approve any density on that site -para 7 is not accurate. We didn't object, but we always told them we had no authority. It's true we had no funding to clean up the site. But he (jerry fiat) voluntarily agreed to clean up the site. We did contact Kerry Gee to make sure there was room in the dump site and that would reduce the price. That was subject to them getting it approved. We could not approve it.
3. I did work with the mine company to make sure we could get the material out there at Richardson Flats.
4. I don't know if supporting is the right word – I had no objections. I surely was not cheerleading anything. I wouldn't say we were supporting – we didn't have any objections. It seems that there is a difference in that wording.
5. Para 16 is accurate. The permit was issued by the state. We didn't issue a grading permit because the permit for the clean-up was being administered by the state.
6. The thing about the statement on 18, that plan –once they got to the open space, the standard by which the clean-up is done changes. It's a different standard for residences. There will have to be analysis if there needs further clean up if there is a change of use. It's so varied. If the

layout changed, there will have to be analysis and maybe a modification or an amendment to the clean-up plan.

7. I never agreed to lobby. My agreement was that I had no objection to their plan but I wasn't going to go out and lobby. (paragraph 20)
8. I don't understand what he is talking about with the funding thing. (para 23). We didn't have any hope of funding with the EPA. We had been denied twice with the brown fields. The only thing we were actively working on was a Bio-cell.
9. Paragraph 25 isn't accurate either. The EPA would have mandated clean up. It would have been cleaned. It had to be. It was more affordable to do it when it was done because of the repository. It had higher numbers than other sites in Park City.

Planning Commission Staff Report



Subject: Alice Claim - Conditional Use Permit
for Retaining Walls up to 10' in Height
Project Number: PL-15-02669
Author: Christy Alexander, AICP, Planner II
Date: July 22, 2015
Type of Item: Administrative – Conditional Use Permit

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the proposed CUP for 3 retaining walls up to 10' in height associated with the proposed Alice Claim Subdivision and Plat Amendment, submit all Commissioner's comments for the record and (based on the proceedings of the June 10, 2015 Planning Commission meeting and the two response letters submitted by the Applicant's representatives dated July 13, 2015) continue the item until the August 12, 2015 meeting for the Planning Commission to vote and adopt findings of fact and conclusions of law pursuant to the reasons listed in the Subdivision and Plat Amendment Staff Report being heard contemporaneously with this application.

Staff reports reflect the professional recommendation of the Planning Department. The Planning Commission, as an independent body, may consider the recommendation but should make its decisions independently.

Description

Applicant: King Development Group, LLC ("Applicant" or "King Development")
Location: Alice Claim south of intersection of King Road, Ridge Avenue and Sampson Avenue
Zoning: Historic Residential (HR-1) and Estate (E) Districts with Sensitive Lands Overlay (SLO)
Adjacent Land Uses: Open Space and Residential (developed and undeveloped)
Reason for Review: Conditional Use Permits require Planning Commission review and approval

Proposal

The Applicant is requesting approval of a Conditional Use Permit (CUP) for retaining walls up to 10' in height to stabilize cut and fill slopes for roadway and house construction. The walls are proposed to be real blonde sandstone veneer. The wall at the entry of the proposed Alice Claim Subdivision will be the most visible to surrounding neighborhoods and are proposed to be screened with landscaping that is proposed to soften the visual impacts of the stone walls.

The Commission has discussed their concerns regarding the proposed access to the development and the need for increased cut and fill and large retaining walls. The existing access that is currently under negotiations to grant access to any new development would be the preferred access as it reduces cut and fill and need for such large retaining walls. The negative impacts of the retaining walls include visual impacts of large expanses of stone on the hillsides, removal of significant vegetation and cut into the existing slopes which could have other unforeseen impacts. Site stabilization might also be an important consideration depending upon the amounts of vegetation proposed to be removed as a result of the proposed walls. The drive and other retaining walls not needing a CUP leading to Lots 2, 3, 4, and 5 creates large visual and environmental impacts. Previous mining activities, strong ground motion, slope stability, debris flow and avalanche, shallow bedrock and perched groundwater are the most significant engineering geology and geotechnical aspects which could affect design and construction at the site.

Notice

The property was posted on February 11, 2015 and notice was mailed to property owners within 300 feet in accordance with requirements of the LMC on February 11, 2015. Legal notice was also published in the Park Record on February 6, 2015 and on the public notice website in accordance with the requirements of the LMC on February 9, 2015. The property has been posted to notice the continuations to this date.

Public Input

Public comment was taken during the various past meetings held to discuss the project. The various Planning Commission meeting minutes will reflect that public input. Any public comment received prior to the meeting will be forwarded to the Planning Commission.

Process

The Planning Commission takes final action on Conditional Use permit applications. Approval or denial of a conditional use permit may be appealed to the City Council according to LMC Section 1-18. Prior to building permit issuance, approval of a Historic District Design Review application is required and any conditions of approval of the CUP, if approval is granted, must be met.

Alternatives

- The Planning Commission may continue the item until the August 12, 2015 meeting for the Planning Commission to vote and adopt findings of fact and conclusions of law, or
- The Planning Commission may deny the Conditional Use Permit and direct staff to make Findings for this decision, or
- The Planning Commission may approve the Conditional Use Permit as conditioned or amended, or
- The Planning Commission may continue the discussion on the Conditional Use Permit to a date certain and provide direction to the applicant and/or staff to provide additional information necessary to make a decision on this item.

Recommendation

Staff recommends the Planning Commission hold a public hearing for the proposed CUP for 3 retaining walls up to 10' in height associated with the proposed Alice Claim Subdivision and Plat Amendment, submit all Commissioner's comments for the record and (based on the proceedings of the June 10, 2015 Planning Commission meeting and the two response letters submitted by the Applicant's representatives dated July 13, 2015) continue the item until the August 12, 2015 meeting for the Planning Commission to vote and adopt findings of fact and conclusions of law pursuant to the reasons listed in the Subdivision and Plat Amendment Staff Report being heard contemporaneously with this application.