

## Planning Commission Staff Report

**Subject:** Alice Claim - Conditional Use Permit for Retaining Walls up to 10' in Height  
**Project #:** PL-15-02669  
**Author:** Christy Alexander, AICP, Planner II  
**Date:** August 12, 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, and consider taking a vote based on the proceedings of the June 10, 2015 and July 22, 2015 meetings and deny the Conditional Use Permit based on the findings of fact and conclusions of law.

*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, Woodside Gulch 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 drives 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.

### 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
- July 22, 2015 Planning Commission Meeting

Please reference the August 12, 2105 Subdivision and Plat Amendment staff report for more detailed comments from the Planning Commission at the July 22, 2015 meeting. This CUP is being heard contemporaneously with that application.

Based on the discussions of the June 10, 2015 and July 22, 2015 meetings, staff has thus prepared findings for denial and as such, staff recommends that the Commission take a vote based on the proceedings of the June 10, 2015 and July 22, 2105 meetings to deny the Conditional Use Permit.

### **Analysis**

The LMC 15-1-10. Conditional Use Review Process sets the following standards for review of Conditional Use Permits:

There are certain Uses that, because of the unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent land Uses, may not be Compatible in Some Areas or may be Compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

If the reasonable anticipated detrimental effects of a proposed Conditional Use cannot be substantially mitigated by the proposal or imposition of reasonable conditions to achieve compliance with applicable standards, the Conditional Use may be denied. A Conditional Use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed Use in accordance with applicable standards.

(D) Standards for Review. The City shall not issue a Conditional Use permit unless the Planning Commission concludes that:

(1) the Application complies with all requirements of this LMC; **does not comply; there is no recorded plat for this subdivision and the proposal does not adequately mitigate all aspects of the CUP in regards to restrictions due to character of land, steep slopes, mine hazards, safety, health and welfare of the community.**

(2) the Use will be Compatible with surrounding Structures in Use, scale, mass and circulations; **does not comply with the Historic District Design Guidelines as to mass and scale, and compatibility with surrounding neighborhood. See also Design Guidelines for New Construction in Historic Districts A.4 Site Grading & Steep Slope Issues and B.1 Mass, Scale and Height.**

(3) the Use is consistent with the Park City General Plan adopted March 20, 1997, as amended; and; **does not comply with the General Plan in maintaining compatibility with surrounding historic districts. Specifically pg. 56 Historic District states “Building height and mass of new structures should be compatible with the historic structures. Consider further limiting building heights and floor area ratios.”** The 3 10’ walls up to 196’ in length are not compatible in mass, scale and height to historic structures in the historic district as they are much larger than any other private residential development that is not part of an MPD and therefore does not comply. Page 34 Environmental and Open Space Policies also state “Direct development to the “toe” of slopes, preserving the ridge tops, meadows and visible hillsides. Open space foregrounds should be incorporated in development proposals to enhance the visual experience of open space.” This development is proposed on visible hillsides and not directed to the toe of slopes and therefore does not comply.

(4) the effects of any differences in Use or scale have been mitigated through careful planning.; **does not comply- no engineered drawings have been submitted to show that adequate mitigation can be achieved and does not comply with use, material, scale, mass, circulation and mitigation with the slope of the landscape.**

Staff finds that the application **does not comply** with the four standards above (See paragraphs (1), (3), (7), (8), and (11) below for detailed facts relating to these 4 items) and how the Applicant has not adequately mitigated the negative impacts as detailed below:

The LMC 15-1-10. (E) Review. sets forth the review process as follows: The Planning Department and/or Planning Commission must review each of the following items when considering whether or not the proposed Conditional Use mitigates impacts of and addresses the following items:

- (1) **Size and location of the Site;**
- (2) Traffic considerations including capacity of the existing Streets in the Area; n/a
- (3) **Utility capacity, including Storm Water run-off;**
- (4) Emergency vehicle Access; n/a
- (5) Location and amount of off-street parking; n/a
- (6) Internal vehicular and pedestrian circulation system; n/a
- (7) **Fencing, screening, and landscaping to separate the Use from adjoining Uses;**

- (8) **Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots;**
- (9) Usable open space; n/a
- (10) Signs and lighting; n/a
- (11) **Physical design and compatibility with surrounding structures in mass, scale, style, design and architectural detailing;**
- (12) Noise, vibration, odors, steam, or other mechanical factors that might affect people and Property off-site; n/a
- (13) Control of delivery and service vehicles, loading and unloading zones, and screening of trash and recycling pickup Areas; n/a
- (14) Expected ownership and management of the project as primary residences, condominiums, time interval ownership, nightly rental, or commercial tenancies, how the form of ownership affects taxing entities, n/a
- (15) **Within and adjoining the Site, Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste and Park City Soils Ordinance, Steep Slopes and appropriateness of the proposed Structure to the existing topography of the Site.**

Staff finds that the proposed application does not properly mitigate the impacts of:

(1) **Size and location of the Site;** the applicant is applying for three 10' walls located at the entrance to the subdivision and visible from the ROW due to the access they are proposing. The walls will be the first thing seen as people enter the subdivision. Should the applicant work through the access issues with the adjacent neighbor, less retaining would be needed and that could be a significant factor to mitigating the visual impact of large massing on the hillside to the community. If the applicant were to shorten the height of the walls and further terrace the walls, the visual impact would be the same; however the 30 linear feet of the overall visual image of the retaining would actually be higher. This CUP would remove an inordinate amount of significant vegetation including at least 4 significant deciduous trees as well as excavate the entire hillside. The location of this subdivision consists of steep and very steep slopes and currently has significant vegetation consisting of stands of oak, maple and aspen trees in addition to areas of smaller shrubs and grasses. There is currently a negative recommendation by Staff for the subdivision that will be voted on by the Planning Commission on August 12, 2015 and forwarded to the City Council for final decision. If the subdivision is not approved, there is no need for the CUP.

Engineering, Building, Water and Sewer Departments have concerns that the drive width available to install utilities might be too narrow to fit all the utilities in correctly (using the standard spacing requirements between utilities) as well as the weight of the retaining walls could impact the adjacent roads, thus impacting the utility lines. No engineering of the walls or final utility plans have been completed to date to mitigate these concerns. The walls also raise issues with snow storage as the Applicant has not shown how snow will be plowed and

stored from these drives. Any snow falling off such high walls creates a health and safety hazard. The walls were also not incorporated into the cross-valley visual analysis that the Applicant provided for the subdivision to demonstrate the visual impact.

**(3) Utility capacity, including Storm Water run-off** The impacts of the Utility capacity within the roads adjacent to the proposed walls have not been mitigated as the Applicant has not properly engineered the roads or retaining walls. The impact of this is that the weight of the walls and/or placement of the utilities near the walls could significantly damage and negatively impact the public utilities and infrastructure. No final engineered plans have been submitted by the Applicant to show footings and foundation and the proximity to the utilities. The utilities need to be far enough away from the walls to be adequately maintained and serviceable and the walls need to be far enough away and adequately engineered to not be too heavy on the drives which could result in potential collapse of the utilities.

**(7) Fencing, screening, and landscaping to separate the Use from adjoining Uses** The three 10' walls create a negative visual impact upon the historic district and surrounding neighborhoods. This has not been properly mitigated as Staff can't determine whether there is enough room to properly plant vegetation to adequately screen the walls. This can only be determined once the final engineered plans are submitted and show that the footings and foundations do not negatively impact the planting space available where the walls terrace and the plans would need to show adequate space to plant and sustain significant vegetation including trees that are 10' tall.

**(8) Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots;** The impacts of the walls' building mass, bulk and orientation have not been adequately mitigated as the walls are each 10' in height which is considered massive and a 30 foot linear height visual of the walls would be higher than the proposed 25 foot height of the homes. The walls' mass and non-organic orientation within the Historic District are approximately twice the height of the majority of retaining walls within the District which are typically 4' to 6' in height. This creates a negative visual impact upon the historic district and surrounding neighborhoods. The walls are straight and lengthy and do not contour with the land.

**(11) Physical design and compatibility with surrounding structures in mass, scale, style, design and architectural detailing** Physical design and compatibility with surrounding structures as the walls are not compatible in size. This creates a negative visual impact upon the historic district and surrounding neighborhoods. This can't be properly mitigated unless the heights of the walls are half the size proposed, which would negate the need for a CUP; Also, none of the proposed walls have shown an exact width of the wall except the longest wall proposed is approximately 196' long, and therefore staff cannot analyze the

amount of excavation needed to adequately retain the project. The plans submitted also don't show any slope which would be required for footings and foundation and could significantly impact the amount of excavation required.

**(15) Within and adjoining the Site, Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste and Park City Soils Ordinance, Steep Slopes and appropriateness of the proposed Structure to the existing topography of the Site** The impacts of the retaining walls on the environmentally sensitive lands, physical mine hazards, historic mine waste and steep slopes have not been properly addressed in these locations with final engineered plans. This presents a negative health, safety and welfare impact if not addressed as the slopes are steep and very steep and contain portions of soils still needing remediation from the historic Alice Claim site. The applicant has not received a Certificate of Completion for the VCP from UDEQ and Steep Slope CUPs for the adjacent homes to ensure the walls are stepping to the contours of the land and will not negatively impact any future homes in that area. No geotechnical reports have been submitted for the retaining wall locations and the massive amount of cut and fill required for the retaining walls will displace significant vegetation. Also no structure may be built within 10 feet of the mine shaft on the property. The applicant is currently not proposing the walls within 10 feet of the mineshaft.

Other large retaining walls within or nearby the historic districts can be found along Hillside Dr., around the north side of City Hall and near the Echo Spur subdivision but do not compare in size to the proposed height of the Alice Claim retaining walls and none of these walls were for private development. They were completed for Public ROW improvements. Those walls were mitigated through multiple terracing, adequate landscaping or homes that completely hide the height of the walls. Any of the proposed walls at the entrance to the Alice Claim Subdivision will be visible from the ROW and visible from the streets outside of the subdivision. Staff finds that the walls as proposed at ten feet are twice in excess to those four to six feet heights typically found within the residential historic districts, there is some but not adequate mitigation to the adverse visual impacts upon the adjacent and neighboring community. The landscape screen of Aspen trees and columnar evergreens as proposed will not appropriately screen the heights of the walls.

In addition to the 3 walls proposed for this CUP, the Applicant is proposing 11 other walls which do not require a CUP. An example of these 6' terraced walls have been shown in Exhibit A. It is important to note that although the individual walls may only be 6' each, the visual impact of 5 walls that terrace creates the visual image of a broken up 30' wall. The applicant is proposing 6' walls in 4 different locations. Near Lots 7 and 6 there are four 6' walls proposed (total 24'), near Lot 2 there are two 6' walls proposed (12'), near Lot 3 there are three 6' walls proposed (18'), and near Lot 4 there are two 6' walls proposed (12'), all of blonde sandstone veneer. Each wall will need to be setback

4' horizontally from each other to provide the proper planting strip and terracing requirements as found in the LMC. The amount of excavation, cut, and fill to the steep slopes and disturbance to the significant vegetation has not been shown to be adequately mitigated as no final engineered plans have been submitted for those walls as well as the three 10' walls which will reflect the amount of excavation which will be required. Also, not all of the walls have shown their exact width, just that the longest wall may be approximately 196' long, therefore staff cannot analyze the amount of excavation needed to adequately retain the project.

Any approval or denial of the CUP should be concurrent with recommending approval or denial of the proposed subdivision and plat amendment, meaning one cannot be approved or denied without the Planning Commission finding the other acceptable for approval or denial. The reason being that if the CUP is not approved or needs modification then it may change the site plan of the subdivision layout regarding house or road placements. The subdivision will not be approved until City Council review. No building permit can be issued until the subdivision plat is recorded.

### **Department Review**

This project has gone through an interdepartmental review. Staff took the CUP application before the Development Review Committee on February 10, 2015, March 24, 2015, and May 12, 2015. Issues were brought up at that time by Snyderville Basin Water Reclamation District, Water Department, City Engineer, Building Official, and the Planning Department. A final utility plan has not been submitted, including storm water plan, sewer, water, dry utilities, and would be required to be reviewed by each respective utility to mitigate their concerns with how the utilities within the roadways will be impacted with the location and weight of the retaining walls. Final engineering of the retaining walls would be required to show how the walls will impact the excavation of the site and cut and fill as well as show how much vegetation can be planted in between the wall terracing to mitigate the visual impacts. Snow shedding and storage would need to be addressed as well as the width of the roads adjacent to the retaining walls.

A final Historic District Design Review (HDDR) is required for each wall in the historic district prior to issuance of a building permit. The landscape plan shall also be reviewed with the HDDR.

### **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 deny the Conditional Use Permit based upon the finding of fact and conclusions of law, or
- The Planning Commission may approve the Conditional Use Permit as conditioned in the June 10, 2015 staff report 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.

### **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. 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. A draft geotechnical report has been previously submitted and reviewed for overall site but not for individual lots or retaining wall locations. 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. Many of the retaining walls will be visible from Old Town and be two times as high as any other residential retaining walls within the Historic District as proposed. If the walls are further tiered, some of the mature trees will be impacted. Utility services have expressed detrimental impacts to the roads and underground utilities contained therein with the weight that such high walls impact the roads if not tied back properly. Any footings for tie backs may impede in adequate vegetation in the setback and tiering of the walls. The walls may not be on top of any utility lines so that the lines may be properly maintained. The walls may also raise issues with snow storage and were not incorporated into the cross-valley visual analysis that the Applicant provided for the subdivision.

### **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, and consider taking a vote based on the proceedings of the June 10, 2015 and July 22, 2015 meetings and deny the Conditional Use Permit based on the findings of fact and conclusions of law.

## **Exhibits**

Exhibit A – The proposed Alice Claim site plan and submittals dated May 18, 2015

Exhibit B – Minutes from the July 22, 2015 Planning Commission meeting

## **Findings of Fact**

1. The property is located at the intersection of King Road, Ridge Avenue, Woodside Gulch and Sampson Avenue (approximately), within the Historic Residential (HR-1) and Estate (E) Districts and Sensitive Lands Overlay (SLO).
2. The proposal includes a subdivision of nine (9) lots on 8.65 acres.
3. The property is a "metes and bounds" parcel with contiguous platted lots.
4. A City water tank and land owned by the City is adjacent to the subject property on the south end, and a City-owned parcel bisects the subject property. The City water line runs within the City owned property.
5. The applicant previously undertook a voluntary remediation of the regulated soils on the site, which included soil remediation both in the Alice Claim 8.49 acre portion and within a 1.7 acre portion of the adjoining City property.
6. The property can only be accessed through the platted King Avenue right-of-way as the owner has not secured legal access through the Woodside Gulch water tank access easement used by the City.
7. The new roadway would require significant excavation and retaining walls in three (3) locations up to ten feet (10') in height which require Conditional Use Permit approval and Historic District Design Review approval.
8. The 3 retaining walls would consist of blonde sandstone veneer up to ten feet (10') in height with four feet (4') of horizontal terracing in between each wall and up to approximately 196' in length, placed at the entrance to Alice Court which will create significant visual and massing/scale and cut and fill and loss of vegetation impacts to the neighborhood.
9. 10 other retaining walls up to six feet (6') in height and one wall up to four (4') feet in height are proposed elsewhere within the development but would not require a Conditional Use Permit. Any retaining walls would still be subject to the Historic District Design Review process.
10. The retaining walls have not been engineered as of the date of this report and would require the City Engineer to approve the engineered plans. This is an unmitigated impact as staff can't analyze exactly how much excavation will occur, and the applicant has not shown the footing and foundation size, and how much separation between the walls will be possible to plant vegetation with any footings or tiebacks that may be required.
11. Historic District Design Review applications are required for any construction of retaining walls within the historic districts or any lots adjacent to the historic district.
12. Snow storage, guardrails and lighting are elements of the retaining walls that require City Engineer and Planning Department approval.
13. There are impacts created by the proposed retaining walls which include:
  - a) Size and location of the Site; the applicant has determined the three 10' walls

must be placed in this location due to the access they are providing and this will create a significant visual impact to the community with the mass, scale and incompatibility to surrounding Historic structures.

- b) Utility capacity within the roads adjacent to the proposed walls as the Applicant has not properly engineered the roads or retaining walls. The impact of this is that the weight of the walls and/or placement of the utilities near the walls could significantly damage and negatively impact the public utilities and infrastructure;
  - c) Screening and landscaping to separate the walls from adjoining uses. This creates a negative visual impact upon the historic district and surrounding neighborhoods if it cannot be mitigated adequately with landscaping. The Applicant has not shown engineered drawings to show that adequate landscaping can possibly be planted between the terraced walls;
  - d) Building mass, bulk and orientation as the walls are 10' in height and width are not exact, which is considered massive, mass and orientation within the Historic District and approximately 2 times the height of the majority of retaining walls within the District which are typically 4' to 6' in height. This creates a negative visual impact upon the historic district and surrounding neighborhoods;
  - e) Physical design and compatibility with surrounding structures as the walls are not compatible in size to other residential homes and retaining walls within the HR-1 District. This creates a negative visual impact upon the historic district and surrounding neighborhoods;
  - f) Environmentally sensitive lands, physical mine hazards, historic mine waste and steep slopes have not been properly addressed in these locations with final engineered plans. This presents a negative health, safety and welfare impact if not addressed. Significant excavation, cut and fill, and loss of significant vegetation along the steep slopes is a negative environmental impact.
14. The applicant submitted draft utility plans dated May 18, 2015 that have not received final approval by the Snyderville Basin Water Reclamation District, Water Department, and City Engineer. The applicant will be responsible to determine what portion of the property is serviceable by the current water system and proposed sewer and storm drainage systems or propose acceptable mitigation and if the proposed walls will negatively impact the utilities. Proposed roads with utilities that are not private driveways next to the retaining walls are required to be 20' wide and are shown as such on the site plan.
15. The applicant has submitted a geotechnical report for the overall site but not for the individual lots or retaining wall locations. 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.
16. A Debris Flow Study has not been submitted to the City Engineer and may affect the construction of the retaining walls.
17. Significant vegetation and at least 4 deciduous trees are proposed to be removed by the layout of the lots, drives, and retaining walls and due to the steepness and height

of the hillside, any structures or 10 foot retaining walls will be visible at the entry to Alice Claim. The retaining walls were not included in the cross canyon views that the Applicant submitted.

18. Most of the remainder of the site has stands of oak, maple and aspen trees in addition to areas of smaller shrubs and grasses.
19. All drives next to retaining walls are proposed over 10% grades and will not be eligible to be converted to public ROWs in the future. All drives must meet the 14% maximum grade requirement. Adequate and safe snow storage has not yet been addressed by the Applicant when snow is pushed over the sides of these retaining walls.
20. The proposed building pad areas near proposed retaining walls on proposed Lots 2, 3, 4, 5, 6, 7, and 8 are all on Very Steep Slopes (over 40%). Only the proposed building pad area on Lot 9 is on slopes less than 30%. Lot 1 is 31%, Lot 2 is 48%, Lot 3 is 50%, Lot 4 is 44%, Lot 5 is 48%, Lot 6 is 50%, Lot 7 is 43%, Lot 8 is 47%, and Lot 9 is 26%. The excavation of the steep slopes for these homes next to the retaining wall has not been addressed to ensure debris flow and the soils surrounding the proposed walls will not be impacted.
21. The Applicant has shown on the plat the limits of disturbance as the proposed lot lines but does not show limits of disturbance for the proposed retaining walls.
22. Several of the retaining walls will be visible from various points within the Historic Districts and are proposed to be twice as high as other retaining walls for private residential development within the Historic Districts.
23. Very few large walls around town, if any, are in the HR-1 District. The walls proposed for this development are not only tall but they are also very wide and carve up the hillside.
24. The walls were not incorporated into the cross-valley visual analysis that the Applicant provided for the subdivision.
25. Proposed tree heights will only screen approximately 50% of the walls vertically where located and proposed spacing of trees will only screen approximately 25% of the walls horizontally which creates a visual impact.
26. Any footings or foundations of the walls could impact what vegetation can be planted to screen the walls and without final engineered plans the Applicant can't prove that the walls will be adequately visually mitigated.
27. The retaining walls proposed do not comply with the General Plan in maintaining compatibility with surrounding historic districts. Specifically page 56 Historic District states "Building height and mass of new structures should be compatible with the historic structures. Consider further limiting building heights and floor area ratios." The three 10' walls up to 196' in length are not compatible in mass, scale and height to historic structures in the historic district as they are much larger than any other private residential development that is not part of an MPD and therefore does not comply with the General Plan. Page 34 Environmental and Open Space Policies also states "Direct development to the "toe" of slopes, preserving the ridge tops, meadows and visible hillsides. Open space foregrounds should be incorporated in development proposals to enhance the visual experience of open space." This development is proposed on visible hillsides and not directed to the toe of slopes and therefore does not comply with the General Plan.

28. In all of the past Planning Commission work session and regular meeting minutes from 2008 discussing this project, there has been continual discussion about the Commission's concern to move proposed homes off the very steep slopes and into the bottom of the canyon (gulch). The current Commission at the July 22, 2015 meeting reiterated that they would be supportive of a plan that is more compact and down in the flatter area of the canyon to reduce the amount of disturbance to the hillside and the need for these large retaining walls.. Also, based on the LMC issues of compatibility, scale and massing, and concern about cut, fill and vegetative disturbance, the Commissioners stated it was interesting to see how consistent all of the Planning Commissions from 2008 to 2015 have been on these issues.
29. Between 2006 and 2009, the Planning Commission conducted three work sessions to discuss the project and visited the property during two site visits.
30. On November 20, 2012, the Planning Department notified the applicant that the application would be closed due to inactivity by the applicant.
31. On November 30, 2012, an appeal of the closing of the file for the Alice Claim Subdivision is filed by the applicant's attorney. The closing of the file was later rescinded by the Planning Director with the stipulation that the applicant either bring the last plan submitted forward to the Planning Commission for action, or redesign the project and submit it within thirty (30) days. The applicant chose to go forward with the last submitted plan.
32. On October 8, 2014 the Planning Commission conducted a site visit and work session to discuss the history and 2009 site plan proposed for this project.
33. The Applicant submitted a revised site plan, plat and all required submittals for the subdivision and plat amendment on January 23, 2015 as well as a new application for a CUP for the proposed retaining walls.
34. The application for the Alice Claim CUP corresponds with the Alice Claim subdivision application that was presented to Past Planning Commissions between 2008-2014 was deemed "complete" by the Planning Department on January 23, 2015.
35. The Applicant submitted on March 16, 2015 further revisions to the plat, site plan and retaining walls to address some of the City's concerns and deficiencies in their application.
36. On April 8, 2015 the Planning Commission held a public hearing for this project and continued the item to May 27, 2015 to give the applicant sufficient time to submit revisions to the layout and clarify the concerns brought up by the Commissioners.
37. The Applicant submitted a revised site plan, plat and all required submittals for the subdivision, plat amendment and CUP on May 4, 2015.
38. The Applicant submitted further revisions to the plat, site plan, and retaining walls to correct discrepancies in the May 4, 2015 submittal on May 18, 2015.
39. On May 27, 2015 the Planning Commission held a public hearing for this project and continued the item to June 10, 2015 in order to give staff sufficient time to review the changes submitted on May 18, 2015.
40. On June 10, 2015 the Planning Commission held a public hearing for this project and continued the item to the July 8, 2015 meeting in order to give the Applicant sufficient time to respond to the Commission and public's comments from that meeting. The Applicant did not submit any comments or changes to the site plan by

the deadline given of June 24, 2015.

41. On July 8, 2015 the Planning Commission held a public hearing for this project and continued the item to the July 22, 2015 meeting in order to give the Applicant more time to respond to the June 10, 2015 meeting comments. The Applicant submitted a response on July 13, 2015.
42. On July 22, 2015 the Planning Commission held a public hearing for this project and continued the item to the August 12, 2015 meeting in order to allow Staff time to prepare the appropriate findings for a vote at that meeting.

### **Conclusions of Law**

1. The CUP is not consistent with all requirements of the Park City Land Management Code in regards to restrictions due to character of land, steep slopes, mine hazards, safety, health and welfare of the community.
2. The CUP is not consistent with the Park City General Plan in maintaining compatibility with surrounding historic districts as defined in the Historic District Design Guidelines for New Construction.
3. The proposed walls are not compatible with the surrounding structures in use, material, scale, mass, circulation and mitigation with the slope of the landscape.
4. The effects of any differences in Use, material, scale, mass and landscaping of the proposed walls have not been properly mitigated through careful planning and compatible layout of the subdivision to the nearby HR-1 districts.
5. The reasonable anticipated detrimental effects of a proposed Conditional Use cannot be substantially mitigated by the proposal or imposition of reasonable conditions to achieve compliance with applicable standards, thus the Conditional Use is denied.

# EXHIBIT A

## LEGEND

-  LOT BOUNDARY
-  LIMIT OF DISTURBANCE/ BUILDING ENVELOPE (ESTATE LOT ONLY)
-  BUILDING FOOTPRINT
-  PROPOSED CONTOUR
-  PROPOSED RETAINING WALL (INCLUDED IN C.U.P. APPLICATION)
-  LANDSCAPE RETAINING WALL (DO NOT REQUIRE C.U.P.)
-  TRAIL EASEMENT

## LOT TABLE

ZONE	LOT NO	TOTAL (SF)	TOTAL (ACRE)	ALLOWABLE BUILDING FOOTPRINT(SF)	BUILDING FOOTPRINT (SF)	ZONE ACREAGE	TOTAL UNDISTURBED AREA(ACRE)	% UNDISTURBED
ESTATE	1	131080	3.01	N/A	2500	5.18	4.93	95.1%
	2	7714	0.18	2500	2500			
	3	7714	0.18	2500	2500			
HR-1	4	7714	0.18	2500	2500	3.47	1.93	55.6%
	5	7714	0.18	2500	2500			
	6	7738	0.18	2505	2500			
	7	7910	0.18	2536	2500			
	8	7714	0.18	2500	2500			
	9	7714	0.18	2500	2500			

## OPEN SPACE PARCEL

PARCEL NO	AREA (SF)	AREA (ACRE)
A	25810	0.59
B	18926	0.43
C	2876	0.07
D	1716	0.04
E	44458	1.02
F	173	0.004
G	71841	1.65

## SUBDIVISION

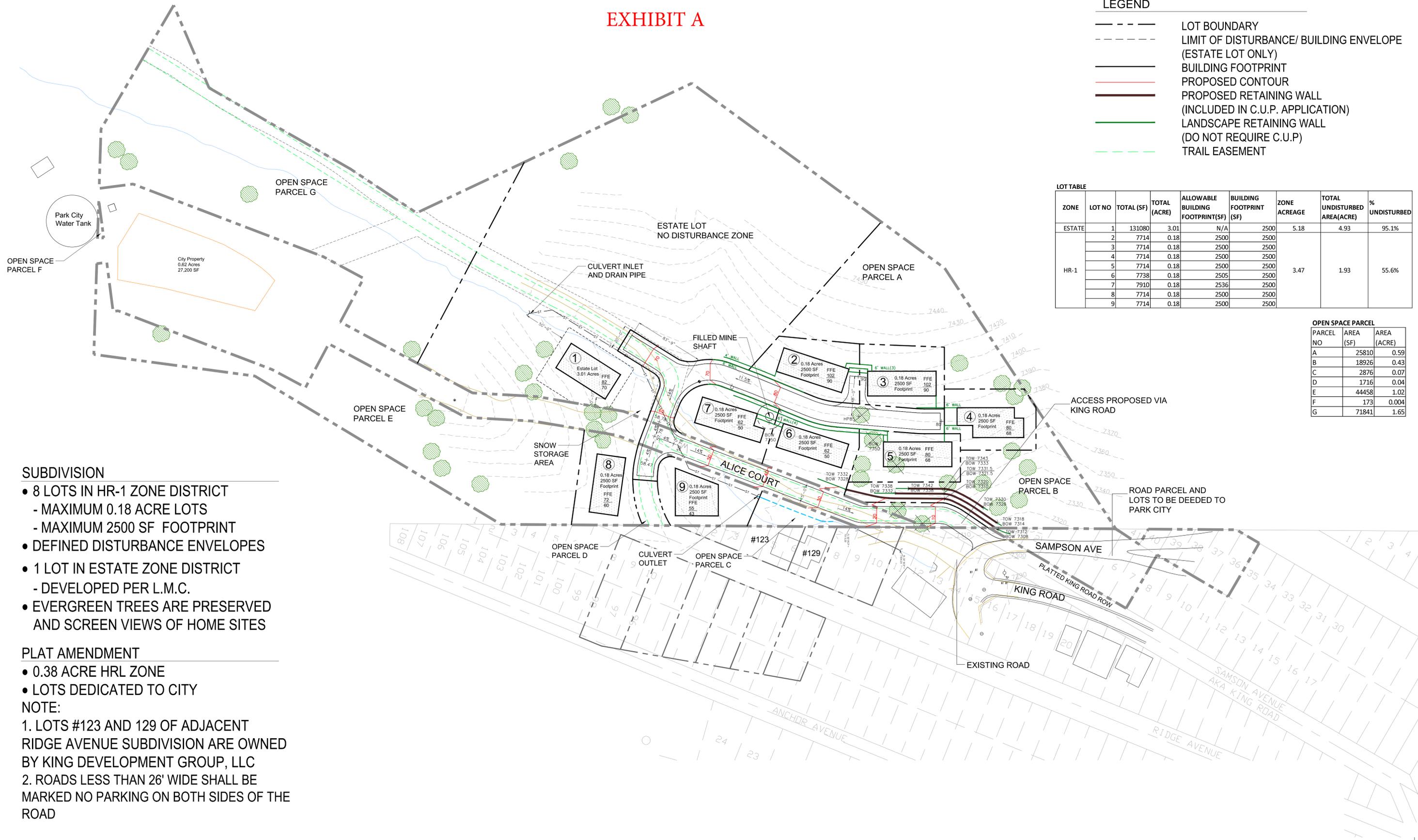
- 8 LOTS IN HR-1 ZONE DISTRICT
  - MAXIMUM 0.18 ACRE LOTS
  - MAXIMUM 2500 SF FOOTPRINT
- DEFINED DISTURBANCE ENVELOPES
- 1 LOT IN ESTATE ZONE DISTRICT
  - DEVELOPED PER L.M.C.
- EVERGREEN TREES ARE PRESERVED AND SCREEN VIEWS OF HOME SITES

## PLAT AMENDMENT

- 0.38 ACRE HRL ZONE
- LOTS DEDICATED TO CITY

## NOTE:

1. LOTS #123 AND 129 OF ADJACENT RIDGE AVENUE SUBDIVISION ARE OWNED BY KING DEVELOPMENT GROUP, LLC
2. ROADS LESS THAN 26' WIDE SHALL BE MARKED NO PARKING ON BOTH SIDES OF THE ROAD



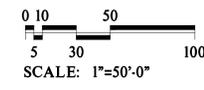
# ALICE CLAIM

## SITE PLAN

KING DEVELOPMENT GROUP, LLC  
 P.O. BOX 244  
 PARK CITY, UTAH 84060



NORTH



DATE: MAY 18 2015

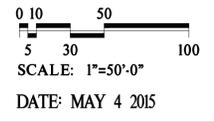




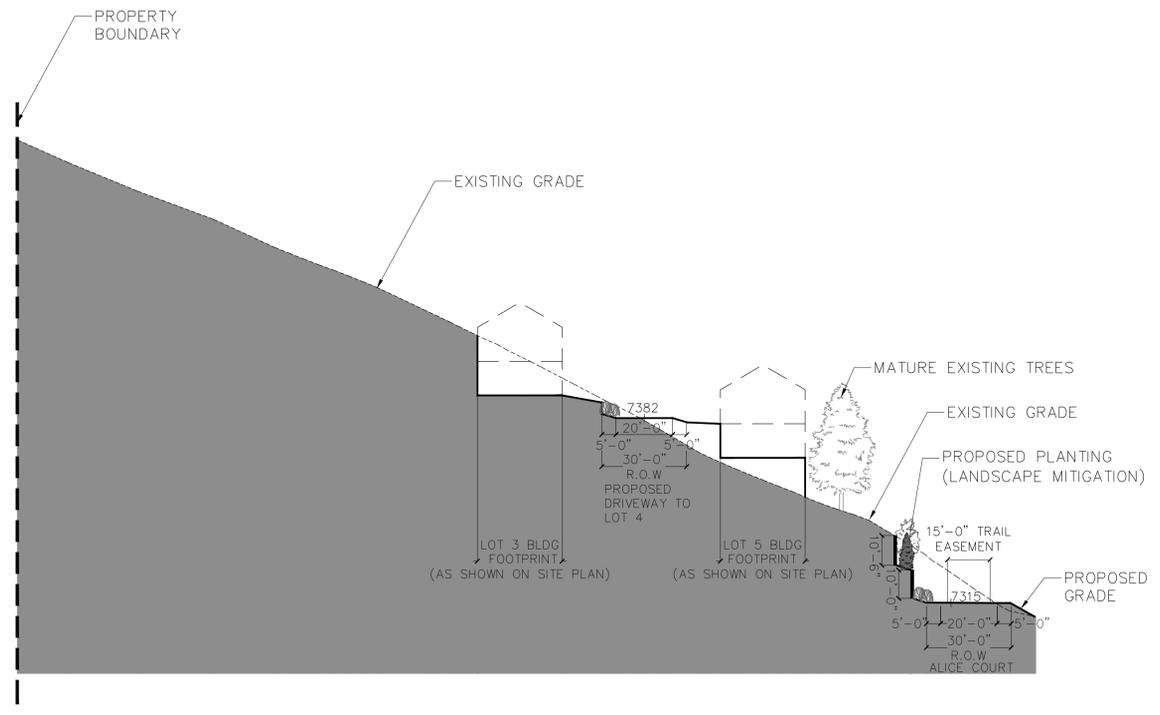
# ALICE CLAIM

## SITE SECTIONS KEY MAP

KING DEVELOPMENT GROUP, LLC  
 P.O. BOX 244  
 PARK CITY, UTAH 84060

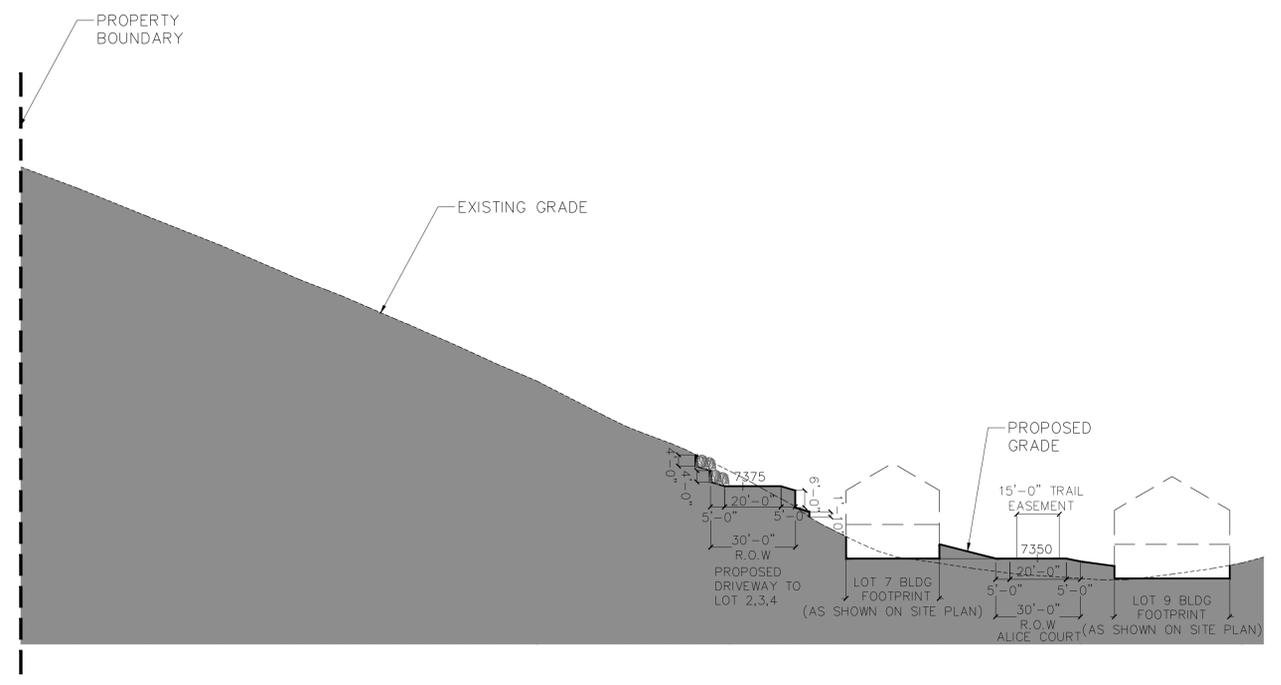






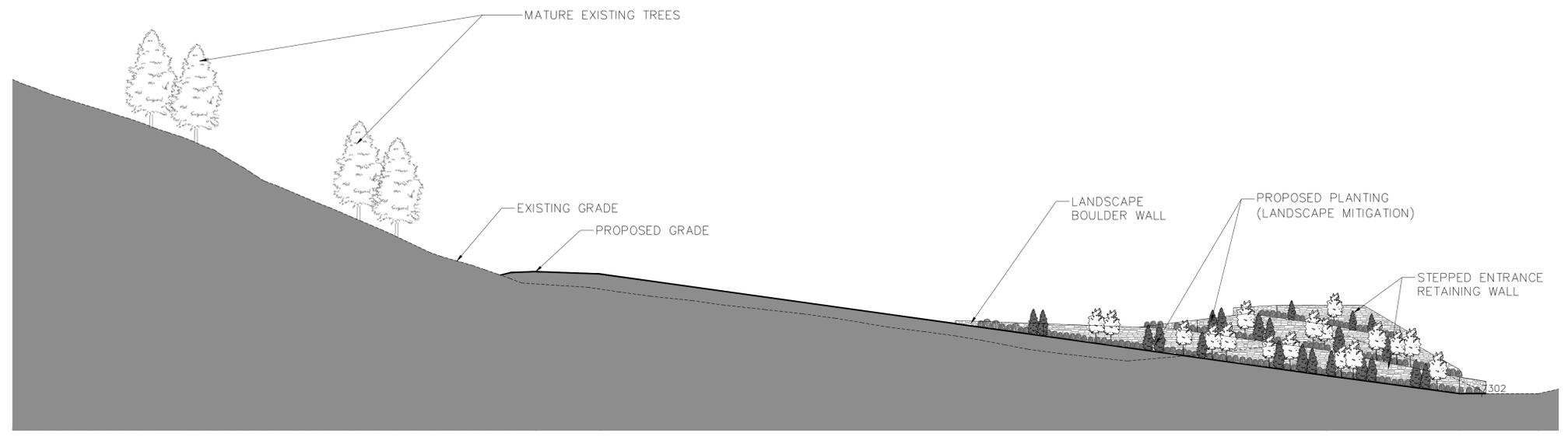
SECTION A

SCALE: 1"=30'



SECTION B

SCALE: 1"=30'



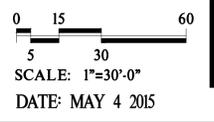
SECTION C

SCALE: 1"=30'

# ALICE CLAIM

## SITE SECTIONS

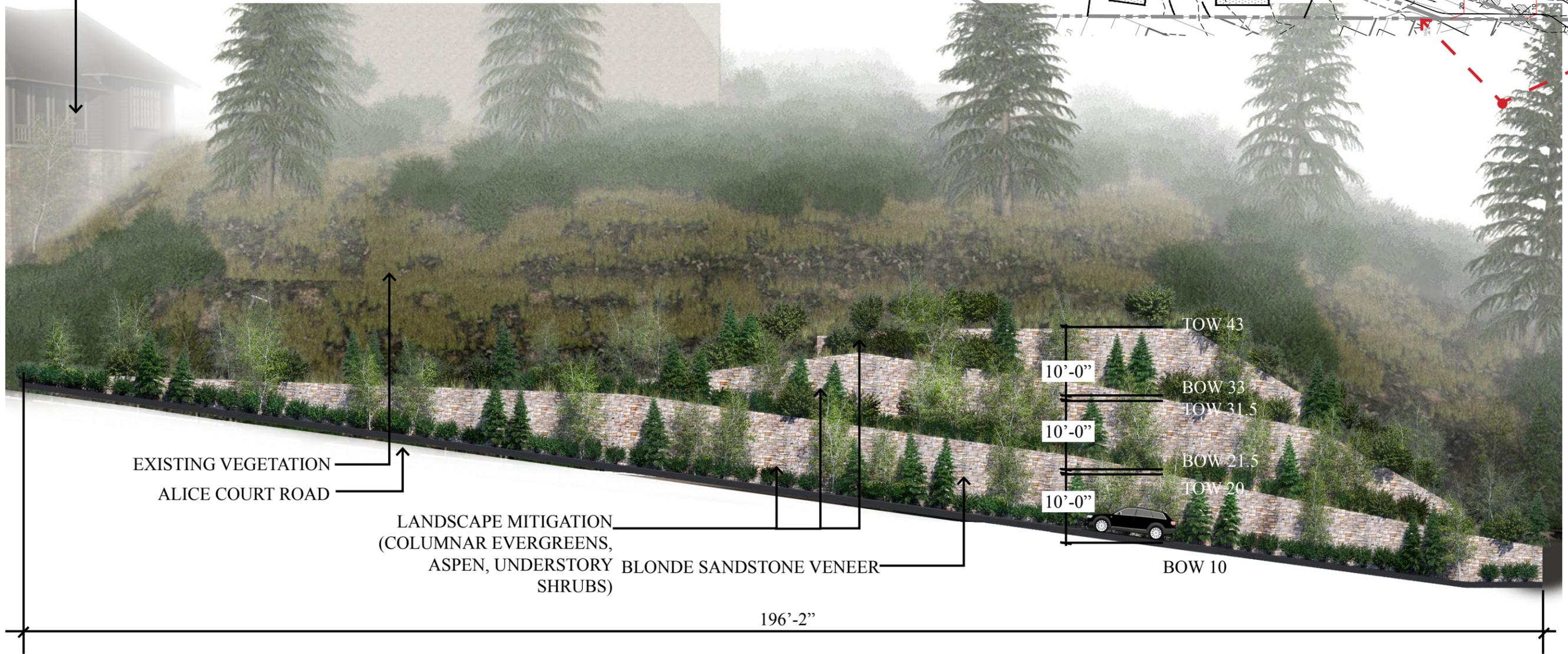
KING DEVELOPMENT GROUP, LLC  
 P.O. BOX 244  
 PARK CITY, UTAH 84060

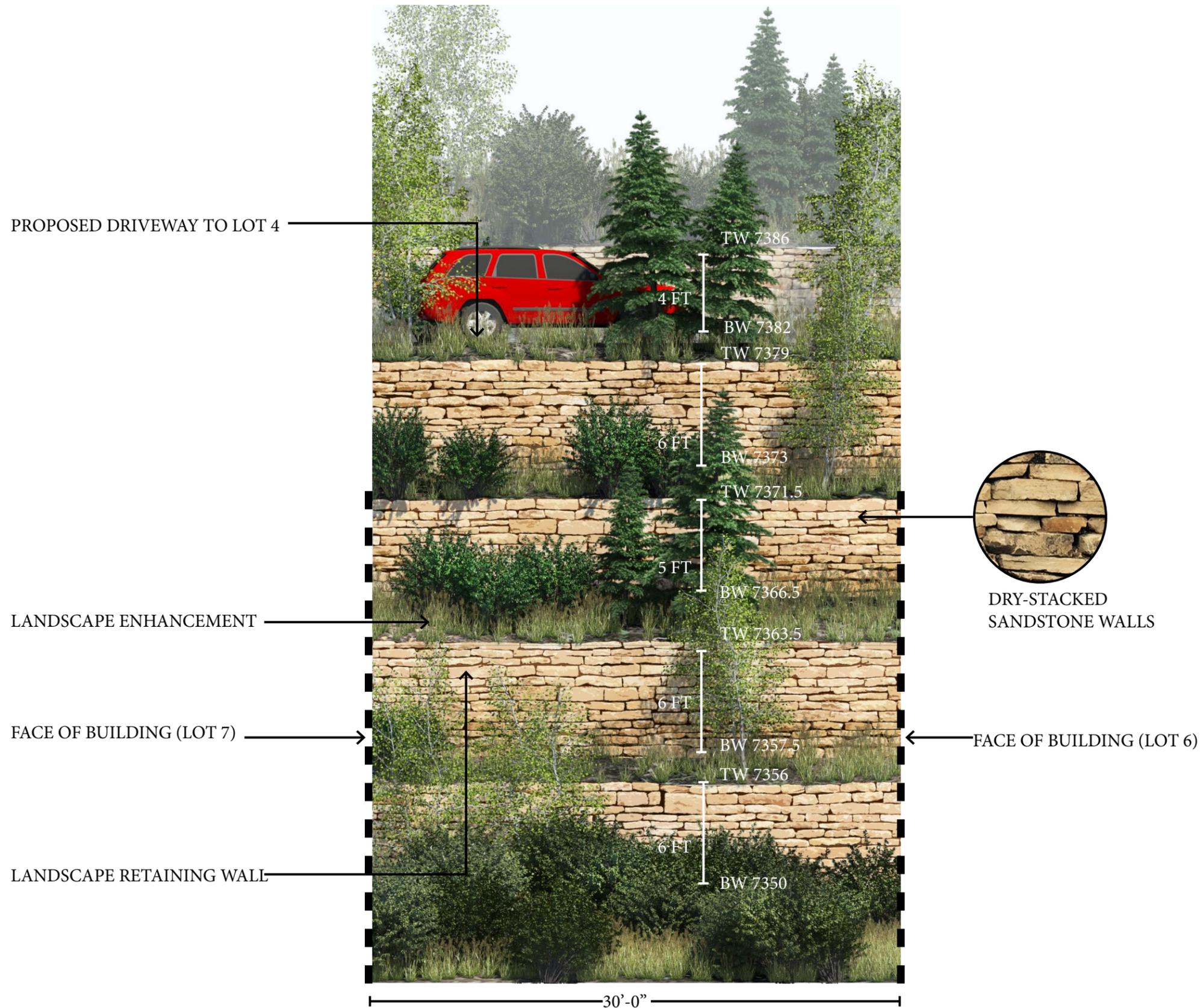


ENTRY WALL KEY MAP



LOT 6





# EXHIBIT B

PARK CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION MEETING MINUTES  
COUNCIL CHAMBERS  
MARSAC MUNICIPAL BUILDING  
JULY 22, 2015

## COMMISSIONERS IN ATTENDANCE:

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

## EX OFFICIO:

Bruce Erickson, Interim Planning Director; Kirsten Whetstone, Planner; Francisco Astorga, Planner; Christy Alexander, Planner; Polly Samuels McLean, Assistant City Attorney; Char Root, Chief Building Official; Matt Cassel, City Engineer

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## REGULAR MEETING

### ROLL CALL

Vice-Chair Joyce called the meeting to order at 5:40 p.m. and noted that all Commissioners were present except Commissioners Strachan and Thimm who were excused.

## REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. **Alice Claim south of intersection of King Road and Ridge Avenue – Alice Claim Subdivision and Plat Amendment.** (Application PL-08-00371)
2. **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 requested that the Planning Commission discuss the two Alice Claim items and open the public hearing on both items together. However, a separate action should be taken for each item.

Planner Alexander reported that the Planning Commission last heard this item on July 8<sup>th</sup>, at which time it was continued from the June 10<sup>th</sup> meeting where there were discussions regarding the subdivision and plat amendment and the CUP for retaining walls. On June 10<sup>th</sup> the applicant had requested time to submit a response to the comments and concerns expressed that evening. Planner Alexander stated that the applicant did not submit materials for the July 8<sup>th</sup> meeting. However, they submitted a letter on June 30<sup>th</sup> requesting a continuance from July 8<sup>th</sup> to this meeting on July 22<sup>nd</sup>. Planner Alexander stated that the

applicant was granted the continuance with a deadline of July 13<sup>th</sup> to submit their responses to the Staff for this meeting. The applicant had met the July 13<sup>th</sup> deadline. Those were included in the Staff report as Exhibits B and C.

Planner Alexander recommended that the Planning Commission conduct a public hearing on the two items, and discuss the applicant's response, as well as the Staff analysis. She recalled from the June 10<sup>th</sup> meeting that some of the Commissioners decided to hold their comments until after hearing the applicant's response. She requested that the Commissioners provide all of their comments for the record this evening and direct the Staff to make findings for either approval or denial or both. Planner Alexander recommended that the Planning Commission continue the item to August 12<sup>th</sup> to allow time for the Staff to prepare the findings as directed for action at the next meeting.

Planner Alexander referred to the analysis section and noted that she had provided the definition of good cause from the LMC, and what the Planning Commission should consider when finding good cause: 1) does it meet or address the issues related to density; 2) does it preserve the character of the neighbor or resolve existing issues; 3) does it promote excellent design and utilize best planning practices. Planner Alexander stated that her analysis also discussed clustering, home size and compatibility with the HR-1 Zone. She had also prepared new tables and did some analysis from the County Assessor's website, as well as from the City GIS data. The table shows the average lot sizes, the average total building sizes, and average footprint sizes for Daly Avenue, King Road, Sampson Avenue, Ridge Avenue, as well as the HR-1, HR-L and Estate zones overall; and compares them with the Alice Claim proposal for the HR-1 lots. Planner Alexander noted that the comparison shows that the Alice Claim lots are much larger than the average lot sizes on the roads and in the zones mentioned. In addition, the total building size is much larger than the average building sizes, and the footprint is much larger as well.

Based upon further analysis, the Staff did not find compatibility. Planner Alexander stated that the Planning Commission could discuss the compatibility issue and make findings. If the Commissioners decided to forward a positive recommendation, she recommended that they place conditions to lower the lot size, building size, and footprint size.

Planner Alexander stated that the Staff report clarified some of the questions previously raised by the Planning Commission as to why it was zoned HR-1 instead of HR-L. The Staff report also outlined some of the subdivision procedures, as well as safety of the roads and access.

Planner Alexander noted that on June 10<sup>th</sup> the applicant had stated that additional time was needed to negotiate the access point and they would come back with an update. She

pointed out that the access negotiation was not listed in the response letter. In discussing it with the applicant she was told that they were still in negotiations and that it may not go through for a few months.

Planner Alexander stated that the Staff report also clarified other items from the applicant's response letter regarding the retaining walls, concerns with the conditions of approval, and sensitive lands overlay.

Planner Alexander stated that the applicant had a presentation for the Planning Commission and that both the Staff and the applicant were prepared to answer questions.

Brad Cahoon, legal counsel representing the applicant, provided handouts to the Commissioners and had prepared a power point presentation. Assistant City Attorney McLean requested that Mr. Cahoon provide the Planning Department with a copy of his power point presentation in addition to the handouts.

Mr. Cahoon commented on the recommendation from Staff to conduct a public hearing this evening. He noted that page 209 of the Staff report confirms in the minutes that Chair Strachan closed the public hearing. Mr. Cahoon explained that it was difficult to respond when there is a continuing supply of comments. He remarked that the typical approach is for the applicant to present and then for the public and Staff to respond. The applicant is then given the opportunity to rebut the comments. When there is a continuing supply of comments there is no end to the discussion. Mr. Cahoon was not opposed if the Commissioners chose to move forward with a public hearing this evening, but he requested that the Planning Commission decide at which point they should bring it up for a vote.

Mr. Cahoon addressed the conditional use permit application for the entry wall. He presented photographs of several walls throughout the City that range from 30 to 50 feet high in some places. Many have attractive stone and are screened and landscaped. However, many of the walls, including recent walls, are unsightly and out of character with Old Town and Park City. Mr. Cahoon explained that showing the walls was in response to comments on June 10<sup>th</sup> regarding their proposed wall and comparing it to existing walls around the City.

Mr. Cahoon stated that the main idea of this application is to have the walls be partially hidden through mitigation, design, stone veneer and landscaping. He noted that the June 10<sup>th</sup> Staff report recommended approval of the walls with minor adjustments for landscaping. Mr. Cahoon stated that both the LMC and the State Code require that the Planning Commission approve a conditional use permit when reasonable conditions in accordance with the Code mitigate anticipated detrimental effects from the walls. He believed the applicant had satisfied that requirement, particularly given the walls that were

already approved and in place. The applicant was proposing a less intrusive wall that was more in keeping with the character of Old Town, and consistent with the walls they had previously built.

Mr. Cahoon addressed the subdivision application. Mr. Cahoon stated that the Staff report, under the section addressing the Sensitive Land Ordinance, mentions an official zoning map from 2005. For the record, he indicated that the applicant had requested a copy of that zoning map but they had not received it. The only map they were aware of that was in effect at the time of the application was the map that was provided with their materials. Mr. Cahoon noted that the applicant was accused of not submitting a Sensitive Lands analysis; however, that was not the case. It was submitted and the Staff has confirmed their compliance with that requirement. Mr. Cahoon pointed out that HR-1 zoning does not require SLO at all. It only applies to the Estate lot; however, for their Estate Lot it is considered an allowed use for this particular home. He also noted that the Estate lot home was moved down from the hill. Mr. Cahoon remarked that there was a legal contention that they were not subject to Sensitive Lands given the timing of the application and the map that was in effect that did not impose an SLO District over this property at that time. Mr. Cahoon wanted it clear that they had submitted the Sensitive Lands analysis and satisfied the requirements.

Mr. Cahoon referred to page 204 of the Staff report and the discussion regarding limit of disturbance, and the suggestion to limit the LOD to half the size of the lots or to the footprint of the homes. He found that suggestion to be unreasonable and unrealistic; and he did not believe that has been imposed on other developers. Mr. Cahoon stated that vegetation would be disturbed beyond the edge of the homes during construction and that could not be avoided. In considering patios, decks, driveways and walkways, Mr. Cahoon did not believe it was a realistic requirement.

Jerry Fiat, representing the applicant, commented on a current development on Ridge Avenue. He stated that typically in Old Town the lots are relatively small and the disturbance is typically lot line to lot line. By the time they complete the excavation and dig for walkways, stairways, etc., there is no way to limit it to footprint size. It would be impossible to build. Mr. Cahoon requested that the limit of disturbance remain as set forth on the proposed plat.

Mr. Cahoon referred to page 203 of the Staff report and noted that the first paragraph references a statement from the City Engineer that a couple of dump trucks in the past have fallen over on the roads as they came down King Road turning left on to Lower King Road below Ridge Avenue; and that it concerned him. Mr. Cahoon wanted it clear that the City Engineer's actual statement was that they had a couple of dump trucks tip over at that intersection as they go from King and then come down and take that corner. He pointed

out that it was actually looking at the whole intersection and trying to make it better. He thought the key language was, "...and right now there are not any fatal flaws." Mr. Cahoon stated that the City Engineer goes on to state, "I don't see any fatal flaws in any of the alternatives right now. They will all work". Mr. Cahoon asked Mr. Fiat to address the truck tipping since he had personal knowledge of the incident.

Mr. Fiat stated that it was only one truck and it was not a dump truck. It was a semi-trailer that was overloaded with dirt. Mr. Fiat pointed out that careless driving cannot be stopped and it can happen anywhere. The driver clipped the corner, got stuck, tried to move himself out and in the process he dumped his load. Mr. Fiat clarified that they were cleaning the Alice Lode at that time and over a thousand trucks came out of Alice Lode without a single complaint or problem. He believed the incident with the semi-trailer resulted from a lack of common sense, and fortunately no one was hurt.

Mr. Cahoon remarked that Tom Gadek had submitted public comment and in his comment he treats Ridge Avenue as the only egress for this project. Mr. Cahoon stated that Mr. Gadek was incorrect. He noted that the first paragraph on page 203 of the Staff report states that "As proposed, Ridge Avenue would be the only exit to the subdivision". He believed that should be corrected to insert the word "not", to read, "As proposed, Ridge Avenue would not be the only exit to the subdivision". Mr. Cahoon remarked that Ridge Avenue was not planned as an exit for the subdivision. There is a stop for the trail but that is all. He noted that both King Road and Sampson were both egress options for this development. They have never been required to connect to Ridge Avenue.

Planner Alexander referred to the sentence Mr. Cahoon had read and thought it should say that Alice Court would be the only exit. Mr. Cahoon clarified that instead of Ridge Avenue, the sentence should state that Alice Court would be the only exit. Planner Alexander answered yes.

Mr. Cahoon stated that page 202 of the Staff report identifies the issue of HR-1 zoning and why it was not zoned HRL. However, he did not believe the Staff report attempts to answer that question. He thought it was important to note because Alice Claim HR-1 is floating within an area of much lower density and much more organically organized homes that respond more to the topography than it does to a grid layout. Whether it was a mistake or an oversight, he thought it should be taken into account when reviewing this application, particularly in terms of compatibility with the neighborhood and how that plays out.

Regarding compatibility, Mr. Cahoon addressed some of the points in the Analysis on page 199 of the Staff report. The first was compatibility. Mr. Cahoon stated that in the record there is data that 30 Sampson was recently approved for 5,013 gross square feet. It was identified as Exhibit D in the materials submitted by the applicant. Mr. Cahoon remarked

that data on 50 Sampson also shows a gross square footage of 5,000 square feet. He noted that these home sizes have already been determined to be compatible with the neighborhood. He believes it confirms that the house size proposed in their project is compatible with the surrounding neighborhood.

Mr. Cahoon stated that the general purpose of HR-1 is to encourage building of homes that contribute to and maintain the Old Town neighborhood. There is no definition of “preserving the character of the neighborhood” or “preserving the character of Park City”. These are standards, and as written they are subjective and not mandatory. Mr. Cahoon thought it was difficult to define “neighborhood” other than by looking at what is already built or approved. He encouraged the Planning Commission to consider compatibility in that realm rather than just saying that the neighborhood is HR-1. Mr. Cahoon remarked that the nearest HR-1 neighborhood is Daly Avenue, which cannot be seen because it is blocked by the hill. What appears to be the neighborhood surrounding their project are the areas identified on Exhibit D.

Mr. Cahoon remarked that Park City is a variety of building shapes, looks, locations and sizes that constitute the look and feel of Park City. He believed their nine lot plan meets all of the objective criteria and that should be the focus. Alice Claim was a historic mining site and there are no historic structures to preserve. Homes at 123 and 135 Ridge Avenue are non-historic modern houses. Mr. Cahoon stated that another purpose of the HR-1 zone set out in the Code is to encourage single-family development on combinations of 25' x 75' historic lots. The pattern of development and the lot combinations that have already taken place have led to a reduction in density and larger homes, which is the standard purpose for HR-1.

Mr. Cahoon presented a slide that reflected the lot combinations and the expanded size from the 25' x 75' grid to the expanded lot sizes. He believed the three and four lot combinations were consistent with their proposal.

Mr. Cahoon noted that page 200 of the Staff report provided new data regarding lot, building and footprint sizes. However, he believed there were flaws in the data and it was important for the Commissioners to understand their position because the data was being used against them to support incompatibility. Mr. Cahoon referred to page 201 of the Staff report and the top three rows of the table, and pointed out that the footprint size was shown to be larger than the building size. He could not understand how that was possible. Mr. Cahoon stated that the assessor records do not always include the non-livable space in the calculation such as mechanical, garage, basement space, etc. He asked Mr. Fiat to provide comments based on his experience.

Mr. Fiat asked to go back to an earlier point regarding the homes on Sampson Avenue. It was stated that 50 Sampson Avenue was 5,000 square feet, and Mr. Fiat thought that was incorrect. He explained that 50 Sampson is the same subdivision as 30 Sampson and 40 Sampson, and the current approval on 30 Sampson is for a 5,000 square foot house. Mr. Fiat clarified that they did not know the actual size of the house built on 30 Sampson. The plat restriction limits it to 3,000 square feet of living space, and 50 Sampson has the same plat restriction. Mr. Fiat clarified that 30, 40 and 50 Sampson have the same plat restriction. He pointed out that 30 Sampson is 5,000 square feet, which means that there is 3,000 square feet of living space and 2,000 square feet of non-living space. Mr. Fiat had done a GRAMA request with the City and actually measured the plans for 50 Sampson. The actual correct square footage was shown on the Exhibits. Mr. Fiat emphasized that it was not 5,000 square feet.

Mr. Cahoon understood that the 5,000 square feet which was noted in Exhibit D for 50 Sampson was based on Mr. Fiat's estimate. Mr. Fiat replied that it was more of a statement. He explained that they were looking at a subdivision and what it allows them to build on their land. He clarified that they were not talking about the actual houses because the houses would have to go through a CUP and specific restrictions would apply. He believed the most apples to apples comparison is what can be built on the lot. Mr. Fiat clarified that he did not know the actual square footage for 50 Sampson when he made his statement, but after measuring the plans the actual dimension is 4,386 gross square feet. Mr. Cahoon stated that Exhibit D would be adjusted to reflect the correct square footage.

Mr. Cahoon stated that when they looked at the chart and the averages and noticed the discrepancy on the second page of the chart where the average footprint was larger than the building square footage, it caused them to question the data. He provided a handout of a slide showing the assessors total building size versus the actual building size for 50 and 60 Sampson, 147 Ridge, and 325 Daly. Mr. Cahoon asked Mr. Fiat to talk about his background on 325 Daly Avenue.

Mr. Fiat stated that in the past he was considering buying 325 Daly. At that time, both the City and County records showed 325 Daly as being 2,792 square feet; however, it was marketed as being 4,970+ livable, usable square feet. Mr. Fiat questioned the numbers and he had an appraiser measure the structure. The house measured more than 5,000 square feet. Mr. Fiat noted that the City and County number reflected the livable/usable square footage and not the gross building size. Mr. Fiat remarked that in all cases the sizes of the homes shown were significantly different than what actually exists.

Mr. Fiat reviewed copies of the County Assessor measurements, as well as a copy of the MLS listing they were referencing. He pointed out that the applicant was proposing a 5,000 square foot gross building square footage of the homes. However, the City made them

commit that they would include all of the non-livable area inside of that 5,000 square feet, including the garage, basement and mechanical space. Mr. Cahoon stated that prior to the meeting he confirmed with Planner Alexander that the numbers she had listed was the living area from the Assessor's information. Her data did not include the basement area or the attached built-in garage area. Mr. Cahoon thought that was an important fact, because when all of those areas are included it shows that what they are proposing is compatible with the surrounding structures. It is even compatible with Daly Avenue, which they do not consider a comparison neighborhood.

Mr. Cahoon presented data regarding eight homes on Sampson Avenue. It showed the actual lots size, the maximum allowed footprint, and actual footprint, the actual gross building size, and the allowable building size per Code. Mr. Fiat explained that one of the reasons that the actual footprint size was missing in some cases was because some of the homes date back to when the City used an FAR rather than footprint. Therefore, the footprint was never identified or listed. Mr. Fiat noted that the current Code only talks about footprint. He remarked that a general rule of thumb is that it is somewhere between 2.5 to 2.75 of the footprint. He clarified that they used a 2.5 multiplier to calculate what they could put on the lot based on the existing Code and the allowable footprint.

Mr. Cahoon referred to the table on page 200 of the Staff report and noted that the average total building size for Sampson Avenue was shown as 1805 square feet. He believed that number only included the livable space in the calculation and not the entire size of the home which includes the non-livable area. Mr. Cahoon reiterated that the data was flawed and could not be used in generating a compatibility analysis.

Mr. Fiat thought it was physically impossible to get an 1800 square foot calculation out of what actually exists on Sampson. He pointed out that 115 Sampson was technically a vacant lot. He estimated the homes at 121 Sampson and 99 Sampson to be approximately 2,500 square feet each. Mr. Fiat stated that if the numbers were averaged out and the basement and garage square footage were removed from the calculation, he thought it would still be over 3,000 square feet. He agreed that the numbers were flawed and they were not even close to the true numbers. Mr. Fiat explained that they used Sampson in their examples because Sampson represented a limited number of homes. One architect had designed four of the homes and it was easy to obtain the data.

Mr. Cahoon asked Mr. Fiat to compare the 5,000 square feet homes he was proposing. Mr. Fiat stated that it would be reasonable to expect that the actual living space is between 3,500 and 4,000 square feet. Mr. Fiat pointed out that the assessor does not count basements in the square footage, even though most basements are livable space. He felt that supported his reason for wanting to introduce a gross square foot number. Mr. Fiat stated that the intent is to create houses that have more articulation and better living areas

that attract families. Using a gross square foot number would eliminate the argument of how to measure and what should be included. Gross is a multiplier and it would be a consistent measurement for everyone.

Mr. Cahoon noted that the past Staff reports addressed density; however, it was not addressed in the current Staff report. He stated that the maximum permitted density in HR-1 is 41 lots. Combined with the entire 8.2 acres, the entire maximum permitted density would be 56 lots. He pointed out that this applicant was proposing 8 lots in the HR-1 zone and one lot in the Estate Zone, which results in an 84% density reduction.

Mr. Fiat referred to the Code section that addresses lot combinations. He pointed out that all of Old Town was platted as 25' x 75' lots except for the Alice Lode. In his opinion, the intent of the Code was not to repeat the grid pattern of 25' x 75'. He believed the intent of the Code was to combine the lots to reduce density for the limited infrastructure that exists in town. From a design point of view, Mr. Fiat believed this proposal was a better design and transition into the open zone than towering it down in the gully. He noted that the homes would be subject to a conditional use permit and specific changes could be made during that process.

Mr. Fiat stated that the homes that were built as three and four stories on smaller footprints end up breaking up the bedrooms and sometimes living space on multiple levels. These homes by design are not always a good fit for families or elderly people or people with disabilities. Mr. Fiat remarked that the goal is to build sensible homes to attract full-time residents who live in Park City year around; yet they do not design structures for that purpose. Mr. Fiat pointed out that the single family home on the Estate lot is a permitted use and does not require an SLO submittal, even if it was in the SLO District.

Mr. Cahoon addressed good cause, since he did not have the opportunity to address it at the June 10<sup>th</sup> meeting. He stated that there was a requirement for finding of good cause; however, they have a legal argument that it is inconsistent with the State Code. His understanding of good cause is that they only have to satisfy the requirements of the subdivision ordinance and have it supported by substantial evidence. In this case, if they are required to demonstrate good cause, he believed there was significant evidence to support good cause. Mr. Cahoon noted that the general statement is, "Providing positive benefits and mitigating impacts". The Code then lists examples. He stated that materials in the Staff report and materials submitted by the applicant attempt to address good cause.

Mr. Cahoon emphasized that you cannot separate what happened with the Alice Lode property regarding the cleanup and the fact that it was a barren, polluted wasteland that the City did not want as open space but wanted it cleaned up. Now that it has been cleaned up and it is ready for residential use, the public suddenly cares about it. He felt that was an

important consideration, as well as all of the facts leading up to the cleanup and all of the history.

Mr. Fiat stated that he knew about the Alice Lode and he lived nearby on Norfolk. The City owns the gully, which was the most contaminated portion of the land. The rest of the land has some contamination but it was a lower level contamination. Mr. Fiat noted that the City had applied for a Brownsfield grant and it was on the EPA radar. If it was not cleaned up the EPA would step in, but there was no funding for the cleanup. Mr. Fiat stated that it was the most visually polluted site in Park City. Mr. Fiat noted that he had not yet purchased the property, but he went to the City and asked if they could develop it if they cleaned it up. After several discussions with the City, he believed that they had a working plan. They anticipated minor changes and understood that it needed to go through the Planning Commission and the City Council. Mr. Fiat explained that they ran into a deadline because of the access. They were asked to try and get the existing access working, but being unable to reach a deal with the property owner put them against a deadline.

Mr. Fiat stated that most of the waste that left the property was from the City property in the gully. The deal that was made regarding Richardson Flat was arranged by the City before the land was purchased. Richardson Flat was closing, and if it closed the Alice Lode would be capped and left as a contaminated site. Mr. Fiat remarked that the cleanup of the Alice Lode not only cleaned up the visual blight and took out the contamination; but it helped the water quality problem and it helped the City with the EPA and potential grants. If they had waited to come before the Planning Commission before doing the cleanup, Richardson Flat would have been closed.

Mr. Cahoon presented before and after pictures of the cleanup.

Mr. Cahoon summarized that the cleanup was tied to the nine lot subdivision. The City entered into a Memorandum of Agreement to provide for the disposal of the contaminated soils at Richardson Flat. The City entered into a voluntary agreement with the developer, and the cleanup plan was attached as part of the plan. Mr. Cahoon stated that after going through initial reviews with the Planning Department and Building Department, this plan was ultimately used as a guide for the cleanup. Mr. Cahoon noted that there needed to be a plan for the future use, and since the property was zoned residential it was cleaned to a residential level to provide for the contemplated development.

Mr. Fiat noted that the cleanup efforts forced United Park City Mines to clean upstream. The Silver King was cleaned up and UPCM rebuilt the stream above the Alice Lode. He pointed out that their cleanup efforts started a chain reaction that would never have happened otherwise. United Park City Mines would not want the risk of re-contaminating

the land once the Alice Lode was cleaned up. Therefore, it ended up being a full upstream cleanup.

Mr. Cahoon presented the proposed plat that was the same version from May, which reflected the nine lot configuration that resulted from the cleanup.

Mr. Cahoon summarized key items that he believed supported a finding of good cause. He noted that the mine shaft located near the trail was filled in and the trail was moved. Other items included matching the cleanup to the zoning, the City's land being the most contaminated, the revegetation, the improvements to the water shed downstream, the reduction in density, a 73% commitment for open space that would be covered by a conservation easement, and hiking and biking trail easements. Mr. Cahoon disputed the assertions made at the last meeting about prescriptive right because permission has always been given for using the trails. He pointed out that putting them on the plat and dedicating the easements would resolve the question and show that it is a public benefit. Mr. Cahoon mentioned the donation of land as part of the plat amendment, the improved access, relocation of the water line wholly within the City's property, and the road connection.

Mr. Cahoon stated that in their materials the applicant provided a summary of the different work sessions this plan has gone through, as well as multiple iterations and fine tuning responses to multiple comments. He noted that the more recent public hearings have led to additional responses, such as moving two of the lots further down into the current configuration. They have submitted multiple studies and have multiple experts dealing with the City's experts on engineering, building, water, fire, sewer, etc.

Mr. Cahoon did not believe there were any outstanding material issues that would prevent an approval of this subdivision plat. He did not believe it made sense to treat this as if they were going to record a plat right now and go through the effort and expense of designing the sewer and other things at this stage in the process. He vigorously opposed any notion that the applicant needed to do all of that at this stage in the process. The focus should be on the design, factoring in the good cause he outlined, and understanding that they have used Best Planning and Design Practices. He thought DHM had done a phenomenal job in designing this subdivision around saving major vegetation, avoiding sensitive areas and providing vast open spaces and trails. Mr. Cahoon believed this plan preserves the character of the neighborhood. It is compatible and they have the evidence to support it.

Mr. Cahoon requested that the Planning Commission approve the CUP application for the entry wall. He also requested positive recommendations to the City Council on the subdivision and plat amendment applications. As requested, they need the 10' setback adjustment for the Estate lot. He was comfortable with the preference for the historic

access, and they were still in good faith negotiations with the property owner. Mr. Cahoon believed they were getting closer to reaching an agreement. Negotiations have been difficult but he felt it was still possible.

Mr. Cahoon commented on the need to move forward and he requested a vote by the Planning Commission that is supported by the evidence that was provided in the record.

Mr. Fiat stated that before they did the cleanup they were told that they would receive a permit for grading the roads. However, when they started the cleanup and went to pick up the permit, but they were told that a permit was not needed and they could proceed without it. Mr. Fiat noted that throughout the process they have done studies for water, sewer, fire, etc.; and a significant amount of money has been spent on other requests for details. He thought it was clear that the subdivision would be approved with conditions and they would not be spending the money if they did not believe they could meet those conditions.

Mr. Fiat used the water model as an example. He noted that the City had them jump hoops to prove that the water would work. They did a water model and proved that it would work. They then lowered the houses further down because that seemed to be what everyone wanted. However, once they lowered the houses they were told that they needed to have a water model. Mr. Fiat pointed out that lowering the houses meant the water model would work better. Mr. Fiat remarked that they agreed to a condition that they would make it work, and he was beginning to feel it was bad faith because they are continually being asked to do the same things over or to for things that were not asked of other developers. He felt they were being held to a different standard.

Mr. Cahoon commented on the unsigned statement that was submitted by the City Attorney's Office regarding the former Chief Building Official, Ron Ivie's, statements in response to Jerry Fiat's affidavit. Mr. Cahoon reiterated that it was prepared by Counsel but it was not signed. He pointed out that throughout the statement, it is repeated that the Planning Commission and City Council would still have to approve the subdivision. Mr. Cahoon emphasized that those statements in no way detract from the reasonableness of the reliance on what was said. Mr. Cahoon explained that counsel only stated what the law requires. The City Council ultimately approves the plat. The applicant never took the statements to mean that there was no chance that the nine lot development could ever be approved. That was never said. And in his statement, Mr. Ivie had no objections to the plan. He pointed out that Mr. Ivie was tied to what was happening both before the applicant purchased the property, and then after the purchase and leading up to the cleanup. When the Planning Commission ordered the cleanup and the work to stop, Mr. Ivie disagreed with the Commission and said the work needed to proceed. Based on Mr. Ivie's statements the applicant finished the cleanup.

Mr. Cahoon stated that there were also written documents such as the Memorandum of Understanding and the joint cleanup plan that had the nine lot subdivision attached that went beyond verbal statements. He noted that the City Manager had signed the agreement to participate on the cleanup. Mr. Cahoon stated that in light of the cleanup of Alice Claim, their reliance on numerous representations, and the joint agreement with the City, was unfair to deny the applicant this nine lot subdivision. In addition, they have demonstrated that they meet all of the objective requirements for a subdivision approval.

Planner Alexander noted that the City Engineer was present to answer questions.

Commissioner Worel asked City Engineer, Matt Cassel, to clarify his opinion regarding the roads. Mr. Cassel stated that in considering the location of the driveway access the applicant was asked to look at improving the intersection. He recalled his previous statement about trucks tipping over and that Mr. Fiat had further detailed once of the instances. Mr. Cassel explained that when he said there are no fatal flaws, it means that for all intense and purpose the intersection works right now. He stated that the goal has always been to try and improve the intersection. If this development moves forward and there is a possibility to make the intersection better, they need to do it. Mr. Cassel remarked that the developer has land on both sides of the road and they have been asked to look at any possible opportunity for improvement. Mr. Cassel noted that the intersection functions in its current condition. Even though it is not the best, there is nothing to indicate that there is a fatal flaw. The intersection does not work to the level he would like it to, but it works. The goal is to mitigate it as best as possible.

Vice-Chair Joyce stated when the Planning Commission looks at a subdivision approval they need to evaluate the safety issues. People continually talk about the road system up there being substandard. When Mr. Cassel previously talked about trucks rolling over, Vice-Chair Joyce took that to mean that there were already safety issues. His concern from a safety standpoint is making a new entry on to the road and basically making it more complex. Vice-Chair Joyce stated that the Planning Commission has an obligation from a safety aspect not to exacerbate a problem. If it was already at a low level with significant issues, he was concerned about adding traffic to that flow. Vice-Chair Joyce did not believe the Commissioners had voiced a concern about traffic from the standpoint of quantity, other than during construction. He felt the issue was more about having very narrow roads all come together.

Mr. Cassel stated that there are two parts to traffic. One is the construction traffic, which is controlled by the construction mitigation plan. The second part is the permanent traffic being created by development. Mr. Cassel noted that as part of the evaluation of the intersection, the developers had Fehr and Peers look at the impacts of the additional traffic from the development. It took it from Level Service A to Level Service A, which reflects an

inconsequential difference to the traffic. Mr. Cassel stated that he wasn't looking at that specifically. As they look at putting an additional drive in this "funky" intersection, they need to make sure that the sight lines and the ability to see other traffic coming is as clear as possible. The sightlines on the King Road are not great and if it can be improved they would like to do so. In addition, as the applicant puts their drive and access into that intersection, they need to make sure their sightlines are clear and meet the Code to avoid creating new safety hazards or lowering the level of safety of the intersection.

Vice-Chair Joyce asked if Mr. Cassel was confident that it was achievable. In looking at the two alternatives for access to the development, Mr. Cassel thought they could keep the impacts to a negligible amount, particularly for sight distances and the ability to see uphill and downhill traffic. He would make sure that the driveways would not impact the ability of that intersection to work. Mr. Cassel pointed out that he was looking even deeper by asking the applicant to explore the possibility of improving the intersection as a whole and not just for their driveways.

Mr. Fiat clarified that they own the land that the road in that location, as well as both sides of the road. They intend to deed that land to City so the road could be significantly improved. He believed that one of the advantages of the non-preferred access is that they would widen the view corridor and the turning radius. Mr. Fiat remarked that the issue of the intersection was primarily the construction traffic going up to the Resort Center; and not the residential traffic on Sampson.

Commissioner Band referred to LMC 15-7.1(5)(d) Site Plan, which states that the Planning Commission shall study the preliminary plat, the report by Staff, taking into consideration the requirements of the LMC, master plan, sensitive lands, width of streets, etc. She asked how the Planning Commission could approve this application when they were still working on improvements. She did not have a sense that Mr. Cassel was confident about the intersection, but it could work and he was hoping to make it better. Commissioner Band stated that if the Commissioners were not looking at the actual improvements, she questioned whether they were looking at the preliminary plat approval properly.

Assistant City Attorney McLean remarked that it goes to the City Engineer's analysis of the intersection and what he means by making it better. Mr. Cassel replied that improving sightlines would make it better. Ms. McLean asked if the intersection would change. Mr. Cassel stated that it was addressed as part of the conditions. He explained that he appeared to be "wishy-washy" because currently there were two different accesses on the table and the applicant needed to decide where the access would be. One access is where they can continue down the road and the other is still in negotiations. Mr. Cassel stated that the access needs to be finalized before he can finish his evaluation.

Commissioner Band understood that the access they were looking at today was the one with the retaining wall that requires the CUP. Mr. Cassel answered yes. Commissioner Band clarified that since it was the only access on the table at this point, she wanted to know how Mr. Cassel felt about that access in terms of improvements. Mr. Cassel replied that it was the best secondary alternative. He still preferred the access to be straight on King Road, but he thought the secondary alternative would work, particularly now that the applicants pushed the access further up the hillside and away from the intersection.

Mr. Cassel clarified that he was comfortable with the access proposed and that the proposed modifications would help the sightlines so everyone could see the traffic coming and going as they go through the intersection.

Commissioner Band asked Mr. Cassel to provide some history on the trucks that have tipped over in that area, and whether it was due to careless driving or a greater concern. Mr. Cassel stated that two vehicles tipped over. Mr. Fiat mentioned one, and the other one was a dump truck. He could not recall the exact details, other than the trucks had tipped over and some cleanup was required.

Commissioner Band asked if there was a time when the City was not able to improve or mitigate roads or intersections. Mr. Cassel could not recall a time in the last eight years.

Commissioner Nann referred to a letter the Commissioners received from a member of the public concerned about inadequate roads in the event of a wildfire and the need to evacuate, and the ability for emergency vehicles to access. She asked Mr. Cassel for his thoughts on this concern. Mr. Cassel stated that it was a difficult question and a battle that took place seven years ago. Hillside Avenue was built at substandard levels and they had to live with it. When people talk about emergency vehicles getting up and residents not being able to get out, it is more widespread than just the Alice Claim site. It also includes Daly, Empire Pass, Deer Valley and the City in general. Mr. Cassel agreed that it was a major issue the City deals with and it needs to be resolved. He did not believe nine homes at Alice Claim would tip the level and exacerbate the problem.

Vice-Chair Joyce opened the public hearing.

Planner Alexander stated for the record that she had received emails and letters of public comment from Brian Barrett, Carol Sletta, Tom Gadek, Brooke Hontz, and Jim Doilney. The written comments were provided to the Planning Commission.

Charlie Wintzer, a Park City resident, stated that the intent of the first part of the subdivision approval is the preliminary plat approval. He did not think the Planning Commission needed to get involved with the deals of house size, etc. at this time. The

focus should be on the number of lots, where they should be located and how they fit on the site. Mr. Wintzer remarked that the more they get involved in the details the further away they get from the questions related to the preliminary plat approval process. Mr. Wintzer commented on the HRL and the HR-1. He stated that when Park City was platted and zoned it was all HR-1. The HRL zone was created on Rossi Hill and the neighborhood asked to be changed to HRL. The same thing occurred on that side of the mountain when the neighbors together decided they wanted to be HRL. Mr. Wintzer did not believe the way the lines were drawn was a mistake. It was a result of those who asked to be downzoned. The City did not have the right to downzone private land, which is why this property was never changed. Mr. Wintzer was unsure why they were looking at a retaining wall CUP for a subdivision that may or may not be approved. He thought the CUP request was out of sequence and they should be focusing on the subdivision. If the subdivision is approved, that would be the time to approve the CUP for the retaining wall. Mr. Wintzer referred to the comment from the applicant about how this project has gone on for eight work session in ten years. He pointed out that it was the applicant's choice and not the choice of the Planning Commission. The Planning Commission did not ask the applicant to come back every year for ten years and to submit another application.

Carol Sletta thanked the Planning Commission and the City Staff for their thoughtful work on this project. She has lived at 135 Sampson since 1980 and having lived in the area next to the proposed subdivision and reading all the information, she could not see good cause for allowing this project. Mr. Sletta did not believe it would preserve the character of this historic residential area. She was very familiar with the streets of Anchor, King, Sampson and Ridge, and calculated that she has driven through that area a minimum of 15,000 times. Over the years she has seen trucks tip over and many other things happen. A lot inexperienced drivers block the intersection in the winter and during a bad winter the roads are nearly impassable. Ms. Sletta stated that she loves that corner because it makes Old Town Park City, Old Town Park City. When the City Engineer mentioned significantly improving the road, she thought it would be terrible because it is not what Old Town Park City is about. Ms. Sletta stated that if another road comes into that intersection she could see it becoming more unsafe. It is a fun, funky road and she would hate to lose that part of Old Town Park City.

Lee Gerstein, a resident adjacent to the proposed project, commented on the construction traffic going to PCMR and watching the vehicles do three, five, and seven point turns. He pointed out that two known accidents over the course of many years did not include the near misses. He watches the trucks get perilously close to the edge of Sampson. They do not always know what is behind them. Mr. Gerstein shared the concern of a five-way intersection with an emergency crew trying to get up as people are trying to flee houses during a fire. He was unsure how they could take what exists and add something to it that makes reasonable turns and angles and egress from there. Retaining walls are very pretty,

but currently they have a forested, vegetated natural hillside that would be chopped down for this project. Mr. Gerstein keeps hearing the word construction mitigation but he questioned its actual meaning, because in looking around he does not see any construction mitigation. It is a great word to use during a meeting, but there is no mitigation for those with children and pets, and those who like to cycle or walk. He has seen several near misses between people and vehicles. Mr. Gerstein stated that the cleanup that was done on the site was laudible and tremendous. He hoped there was no quid pro quo from the town, because it was done with the expectation of building something. He suggested that in a different venue and under different circumstances the applicant should receive some recognition from the town for the cleanup effort.

Sherrie Levington Gerstein stated that she and her husband, Lee Gerstein, own 135 Ridge Avenue, the property that has been in negotiations. Ms. Gerstein opposed this project for all the reasons everyone else had stated. She also respectfully disagreed with the comments that they and the applicant have been in tough negotiations because she did not recall any tough negotiations in the last several months. Mr. Gerstein stated that negotiations went on six years ago, but she wanted it clear for the record that there have been no serious negotiations since that time.

Kathryn Deckert, a resident at 102 Daly Avenue, referenced one of the applicant's good cause for this project being approved in his letter dated July 13<sup>th</sup>. It talks about good cause being the relocation of water lines into the Park City parcel from the development within the Alice Claim, and also connection of a road into the Park City parcel. Ms. Deckert did not see this as being good cause. It is about another parcel that has nothing to do with the Alice Claim. It is 20 lots and to think of having this approved in order to annex or develop another parcel in Old Town is not good for the current residents because it introduces more residential traffic and construction traffic. Ms. Deckert commented on the number of trucks going up Daly in the last month that create safety hazards for hikers, bikers, pedestrians, pets, and children. She was concerned that further development would continue these unsafe conditions for an unlimited time. Ms. Deckert also had issues with nine 5,000 square foot homes that do not reflect the character and scale of the historic district. In her opinion, character means diversity and over the last 30 years Old Town has evolved into a package of different sized homes. Some are still the small mining homes that were there 45 years ago. Having 5,000 square foot homes in one subdivision does not add to the diversity and it creates a disconnect between Old Town and this onclave of 5,000 square foot homes. Ms. Deckert did not believe the proposed project provided the most beneficial relationship for the use of land and circulation of traffic, and for the benefit of the people who live in Old Town.

Brooke Hontz had submitted a lengthy letter prior to the meeting. She did not intend to read the letter into the record but asked that it be incorporated into the minutes in its entirety. The letter can be found at the end of the Alice Claim discussion in the minutes.

Mr. Hontz, a resident on Daly Avenue, asked the Planning Commission to consider forwarding a negative recommendation to the City Council on the Alice Claim application citing substantial credible evidence against the project, and well-articulated reasons for denial. Ms. Hontz stated that in the first part of her letter she requested that the Planning Commission consider safeguarding the official record for this application. There is a lot of information that she had never heard before that is important. She also asked if there was a way to better share the information with the public, as well as for the sake of the applicant. Ms. Hontz stated that the letter from Snell and Wilmer, dated July 13<sup>th</sup>, 2015 references different visions of a plan, and possibly different applications, and multiple different Planning Commissions who have served. Throughout the letter it clearly demonstrates that over ten years the applicant has gone back and forth on a plan and not made substantial progress with the legislative process based on their volition. Ms. Hontz believed a historic timeline prepared by Staff of the applications would show large periods of inactivity by the applicant with an occasional update where no new information is provided to the Planning Commission, and no action was required to be requested of the Planning Commission. Ms. Hontz believed that issue was important. As a Planning Commission member for four and a half years she could speak to that with some authority that she never had the opportunity to provide a recommendation that would have been forwarded to the City Council. It was never asked the entire four and half years that she sat on the Planning Commission. Ms. Hontz noted that the public testimony that has been provided thus far has been educated, thoughtful and related to the requirements of the LMC and the General Plan. The public has provided considerable evidence and anecdotal experience that the Planning Commission can use for their findings of denial. The input provided from the public can substantiate that the application does not meet the subdivision standards of the Land Management Code. The evidence provided is relevant and measurable. Ms. Hontz noted that on page 2 of her letter she talks about how the Snell Wilmer letter references that nine lots or the density had not been an issue for the Planning Commission. However, as a former Planning Commission member she could say that it was patently untrue, and the entire record should reflect that fact. As indicated in her letter, Ms. Hontz thought it was unclear whether the current application was the same application. She suggested that the City Legal Staff should review the entire file and make a determination on the date this application was made, and which General Plan and LMC was applicable to this application. She thought it was important for the Planning Commission to have that specific General Plan and LMC in hand in order to make an accurate denial statement. Based on some of the information mentioned this evening or written in the Snell and Wilmer letter that has never been heard before, Ms. Hontz did not believe they could have it both ways. She did not believe the applicant could want to have

the lots larger like the Estate or HRL lots, but then say they were reducing the density by 87% because they were HR-1. It has to be one or the other. Ms. Hontz believed that concept was argued both ways throughout the July 13<sup>th</sup> letter and also this evening. Ms. Hontz stated that an argument is made in the Snell and Wilmer letter talks about the authority of the City Council. In order for a subdivision to be approved by the City Council, acting under their authority as a land use authority, it must meet the legal standard established in the LMC for subdivisions. No density can be assigned to a parcel until it is subdivided and every box is checked in the checklist of the subdivision ordinance. Ms. Hontz referred to the last page of her letter and noted that one of the arguments made this evening was that the rectangular two-part area that would be dedicated to the City is a benefit to the City. She assumed that there may be a minor benefit in getting the roadway under City ownership. However, it additionally makes representation that a small home could be built within that area that is located under the current Sampson Avenue. Ms. Hontz did not believe that was possible based on current codes. Mr. Hontz stated that she personally met with the Sewer District and the Fire Chief to discuss this project. At the time of those meetings she found that there had been no face to face meetings from the applicant with those entities. Both entities have specific concerns about meeting the subdivision ordinance and being able to provide adequate service. Regarding traffic, Ms. Hontz thought they were wrong in saying that the amount of traffic did not matter. She was pleased to see that her calculation of 90 trips was less than the 114 trips calculated by the Traffic Engineer. She had contacted a traffic engineering firm and discussed all of the issues. She was told that total trips per day is a relevant and important way of looking at traffic for road and traffic engineers when they are trying to understand how to size a roadway. She thought it was ridiculous to say that it does not matter that there will 114 additional trips up that road every day. Based on the size of the road, the steepness, the sightlines, and the construction that will continue to occur on the Mountain for the rest of their lifetime, it is impossible to think it was not an issue. Ms. Hontz stated that on pages 4, 5 and 6 of her letter she had provide the key elements of the Code that were applicable. Those elements were cited on pages 7, 8, 9 and 10, where she had created draft denial Findings of Fact and Conclusions of Law. She took the time to go through public record from many years on this project, including the most recent iteration, as well as Planning Commission comments, and put them into Findings. She also added which part of the Subdivision Code it supports. Ms. Hontz reiterated that she had done a lot of work to substantiate that the application did not meet the subdivision standards. She asked the Commissioners to take the time to review at least a portion of what she had done.

Mary Wintzer, a resident at 320 McHenry, recalled from the last meeting what she had heard on KPCW, which was Chair Strachan telling the applicant that he was facing a unanimous denial of the subdivision. The applicant was given a certain date that he could come back with a significant change in the subdivision applicant. Ms. Wintzer could not see a significant change this evening. She understood that the applicant wants to move

forward, but she also believed the citizens of Old Town also deserved to move forward. Ms. Wintzer believed the applicant had been given more time than was permitted at the last meeting, and she asked the Planning Commission to vote for denial this evening.

Jim Doilney, a resident at 50 Sampson Avenue, asked the Planning Commission to consider whether their votes and comments would be consistent with the Park City Vision Statement which states that there should be no increase in density unless it is for Affordable Housing or in the context of TDRs. Mr. Doilney remarked that it was not happening in this process and the vision statement was not being met. Relative to density, he noted that the changes and subdivided density were discretionary matters. They are not a right. Alice Claim has the density for two lots, not nine lots. To justify the applicant's nine lot goal, Mr. Cahoon stated that there were 13 lots of record. The implied assertion is that King Development was asking for a four lot reduction. Mr. Doilney believed this assertion misrepresents the situation. He pointed out that King Development could demonstrate that it has 13 usable lots which could be serviced using those lots, boundary lines and adjacent platted streets. However, they have not done this because the existing lots are probably not buildable under those standards. Changes to lot lines are not a right, but rather occasionally like subdivisions granted by the City as a discretionary matter. King Development has no right to expect lot line changes incompatible with the City vision. Mr. Doilney stated that in addition, the underlying square footage rights of these 13 lots are likely much less than the square footages proposed in the nine lot application. Mr. Doilney stated that Mr. Cahoon offers that the developer's permitted density is 56 lots, which is only a mathematical equation of dividing the gross footage of the acreage by the minimum lot size. He did not believe that was a fair assertion. Regarding home size and compatibility, Mr. Doilney found it interesting to hear that the applicant and his consultant had calculated his house at 4,300 square feet, and that the issue was confusion between gross and net square footage. He stated that he lives in an approved subdivision that is limited to 3,000 square feet, which is the size of his house according to the City building officials who looked at the plans. Given the fact that prior assertions did not prove to be true, he questions whether assertions by the developer's engineers should be accepted as fact. Mr. Doilney thanked the Commissioners for their time and consideration.

Anita Baer, a resident at 345 McHenry, stated that she has wonderful neighbors and she did not want the town to change that much anymore.

Vice-Chair Joyce closed the public hearing.

Commissioner Band stated that she sympathized with the amount of time and money the applicant had spent; however, it did not mitigate the obligation of the Planning Commission to look at this application solely on its merits. Commissioner Band pointed out that a lot of things have been compared to HRL zone, but it is in the HR-1 zone. Even though it is

adjacent to HRL and the proposed homes feel like HRL does not change the fact that the property is zoned HR-1. She agreed that tax assessor data is often inaccurate because she sees the inaccuracies as a real estate agent. She appreciated the comments made by Charlie Wintzer about not getting into the details of lot and home sizes in this subdivision process; but she thought it was important to do it anyway because those details matter. Commissioner Band agreed that the Planning Commission did not have the authority to reduce lot sizes. However, the Staff has recommended that it be more in line with the HR-1 zoning and the Planning Commission can only approve or deny. Commissioner Band remarked that in walking around the HR-1 zone it is visually different from the HRL zone and from Sampson Avenue. That is also evidenced by looking at the plat and the numbers.

Commissioner Band read from LMC 15-7.1(5)(i), zoning regulations, "Every plat shall conform to existing zone regulations and subdivision regulations applicable at the time of proposed final approval." The purpose statement of HR-1 states, "Encourage construction of historically compatible structures that contribute to the character and scale and encourage single family development on combination lots of 25' x 75'". Commissioner Band believed they were seeing less density because more people are requesting to combine lots. She believed that double lots were probably the largest they would see, which is still substantially less than what this applicant was requesting. Commissioner Band noted that the applicant appears to take issue on this point and several others that the Planning Commission Staff took into account what it calls "public clamor". She agreed that in some cases the input was public clamor, but there were also many excellent well-thought out and well-researched comments, including those by previous Planning Commissioners who provided information on previous history and issues that need to be considered. She recalled from the October Staff report that the former Planning Commissioners consistently wanted the lots to be small and as low as possible.

Commissioner Band felt good cause was the most important issue. Regarding good cause versus substantial evidence, LMC 15-7.1-7C states that, "The Planning Commission shall make a finding as to good cause prior to making a positive recommendation to the City Council". She found that statement to be the overriding command to the Planning Commission. The LMC requires them to look at every aspect of a project coming up for approval and to make a finding as to good cause prior to making a positive recommendation.

Commissioner Band thought the term "blind right turn" was frightening. Regarding the comment about "no fatal flaws" she asked if they needed a fatality to have a fatal flaw. In driving up and down the roads she questioned whether they were doing justice to the public and their health, safety and welfare. If they did not take this into consideration the Planning Commission would not be doing everything they are asked to do as part of a subdivision approval.

Commissioner Band asked for clarification on whether the mine shaft was capped. Vice-Chair Joyce stated that the mine shaft has been filled but not capped. Commissioner Band pointed out that no studies have been done and she thought that was an important factor. She asked if anyone knew the closest a home has ever been built to a mine shaft. She had Googled the question but could not find an answer. She also wanted to know the difference between capping versus filling. Commissioner Band noted that they recently had a collapse in town and there is evidence of settling. They have also had sink holes in town. She thought this issue at least bears studying when they are looking at putting a home that close to a mine shaft since it has never been done in Park City.

Per the LMC, Commissioner Band did not believe the proposed subdivision substantially provided positive benefits and mitigated negative impacts for the zone or for health, safety and welfare. In looking at the pros and cons and looking to mitigate the negative impact of the large homes, the retaining walls, site disturbance and the frightening condition of the roads, she was unable to see adequate mitigation for good cause. She believed the cleanup and the tax revenue were the only benefits.

Commissioner Band stated that at the last meeting all the Commissioners indicated that they would deny this application if the proposal had not changed. She acknowledged that the applicant presented arguments responding to their comments. In her opinion, the Commissioner had been given more relevant information since the last meeting to support a denial.

Commissioner Campbell stated that his comments were the same as the last meeting.

Commissioner Worel agreed with Commissioner Band's comments. Her concern with this project has always been about health and safety and the ability to navigate the roads. She was disappointed to hear from the neighbor that the negotiations regarding a different access were not occurring. She had asked for the status of the negotiations at a previous meeting and the applicant told her that they were in progress. After hearing from the neighbor this evening that is apparently not the case.

Commissioner Worel had tried to contact the Fire Chief earlier today without success. She wanted to hear his comments regarding the ability to get emergency vehicles to the area if an evacuation was ever necessary. She realized that this was a problem all over town, but that was not a reason to approve another project with the same implications. Commissioner Worel wanted the opportunity to review the letter from Brooke Hontz that was given to the Commissioners just before the meeting.

At the request of the interim Planning Director, Commissioner Campbell summarized his comments from the previous meeting for the record. Commissioner Campbell understood the applicant's position and he was sensitive to the rights they have and the time and energy they have expended. Based on their previous work in town he believes the applicant does good work and he was certain that the same quality and design would also be present in the project. Commissioner Campbell did not favor a denial of their right to build; however, his comments at the last meeting were that the proposal was not compatible with what exists in the HR-1. He believed the applicant would see a different outcome if their proposal was laid out to look more like HR-1. Commissioner Campbell believed in the vested rights that the applicant has and he suggested that the applicant look at the possibility of applying for a rezone to achieve what they were trying to build. Based on the sections shown he believed it was compatible with the hillside and he was not opposed to development in that area. He agreed with the comment that there is a need for diverse housing and not just three or four story structures that are not physically conducive for multi-generational families. Commissioner Campbell favored what the applicant was proposing; however, he could not support it based on his reading of the LMC.

Vice-Chair Joyce referred to the comment from Mary Wintzer about not seeing any changes to the plan. He pointed out that the applicant had made it clear in the June meeting that they had no intentions of revising the plan; and that they only intended to respond to the comments from both the Planning Commission and the public. In fairness to the applicant, Vice-Chair Joyce did not believe the Planning Commission had expected to see a revised plan.

Vice-Chair Joyce stated that in reading the July 13<sup>th</sup> letter from King Development, one of the items was that they had spent 10 years presenting a nine-lot plan with no objections. He researched past materials and found a number of places in past minutes, including his own comments in April, where he had asked the question about where nine lots came from. At that time there was a response about it being one less than what would be required for an MPD. Vice-Chair Joyce stated that the research shows that nine lots were consistently brought forward by King Development. He noted that page 239 the Staff report includes a 2008 letter from Joe Tesch defending eight HR-1 lots and one Estate lot and why they could not reasonably ask for less density. Vice-Chair Joyce believed that the letter from 2008 clearly demonstrates that it has been an issue for quite a while. Vice-Chair Joyce clarified that 9 lots was neither the right nor wrong answer. His issue was having nine lots of that size in HR-1 on very steep slopes with the extensive retaining wall. He recognized that ten or 12 units might fit based on size and position on the lots. Vice-Chair Joyce disputed the claim that in ten years no one had disputed the nine lot plan because there was significant evidence showing otherwise.

Vice-Chair Joyce noted that the July 13<sup>th</sup> letter indicates that the applicant was asked to make several specific changes to the nine lot plan and that the changes were made. Vice-Chair Joyce appreciated that lot 7 was moved off the hillside, but over and over he has made reference to the very steep lots, with the worst being Lot 7. He did not believe there had ever been an agreement that everything else would be acceptable if Lot 7 was moved. However, he did recall a long list of discussions about cut and fill and the position of the lots on the hills.

Vice-Chair Joyce referred to the August 27, 2008 Planning Commission meeting minutes which stated, "During the meeting the Planning Commissioners expressed their satisfaction with the quality and results of the cleanup. At the same time the Commissioners expressed concerns that the future home sites were being cleaned up prior to the final approval of the development plan. They also insisted all proposed development should be close to the access road along the bottom of the valley." He pointed out that the same sentiment was expressed at several other Planning Commission meetings moving forward. Each time it was about smaller homes down at the base of the canyon. Commissioner Joyce did not believe the portrayal in the July 13<sup>th</sup> letter from King Development that there was suddenly a change of opinion from the Commissioners was accurate, because documentation from many work sessions and meetings document the fact that the Planning Commission had concerns. He understood that it was never brought to a vote, but the comments are consistent.

Vice-Chair Joyce pointed out that there has been a lot of discussion about how the applicant thinks they should be HRL. Commissioner Joyce emphasized that the property is in the HR-1 zone and the Planning Commission has consistently held to that fact throughout the process. During the March 11, 2009 work session three alternatives were brought forth by the Planning Department; and one alternative referred to changing to HRL. In that same meeting Joe Tesch read from the HRL purpose and stated that, "He believed the development was more in the spirit with the HRL zone". He emphasized that contrary to what was stated in the July 13<sup>th</sup> letter from King Development, the suggestion of rezoning to HRL was not a new concept and it has been discussed repeatedly over the years.

Vice-Chair Joyce commented on the reference that the Planning Commission was trying to apply steep slope to structures rather than lots. He clarified that they were not trying to apply the Steep Slope Cup. They were actually trying to apply LMC 15-7-1.6C and 15-7-31, which directs them to consider the topography and the slopes along with lot size and lot placement.

Vice-Chair Joyce commented on the reference to density and the discussion that it should remain open space. He agreed that it was private property and not public open space. He

recalled that it came out of public comment and it was not accurate. Vice-Chair Joyce stated that the applicant has the right to develop their land, but it needs to be appropriate development. Vice-Chair Joyce referred to the discussion regarding the 2500 square foot footprint, and the statement in the applicant's letter that it was disappointing that the Commissioners were unwilling to honor their agreement just one meeting later. He pointed out that it had been a Staff recommendation. He did not believe that the Planning Commission at any time gave the impression that they were committing to the Staff recommendation.

Vice-Chair Joyce read the statement from the applicant's letter stating, "It did not matter where we put the houses, the Commission was not going to give a positive recommendation." He had two issues with that statement. The first is that location of houses does matter. In all of the documents there has been continual discussion in either work session or regular meetings about moving houses off the very steep slopes and into the canyon. Despite the number of times those comments were made the applicant chose not to adopt that type of plan. He liked what they did in moving Lot 7 and the Estate lot, but there is still a hillside with 100% limit of disturbance on approximately two-thirds of the hill.

Vice-Chair Joyce referred to the 2009 meeting and the discussion that was brought forward by the Planning Department with three alternatives. One alternative pushed the lots to the bottom. When they asked the Planning Commission which of the alternatives they preferred, there was overwhelming support for Alternative B. He believed this current Planning Commission appeared to be going in the same direction as the Planning Commissions of 2005-2011. They would like to see a plan that is more compact and down in the flatter area to reduce the amount of disturbance to the hillside.

Vice-Chair Joyce appreciated the work that was done on the environmental cleanup. He gave the applicant more credit for cleaning up their portion of the land for development; but less credit for cleaning up the City piece because the trade-off was the ability to use Richardson Flat.

Vice-Chair Joyce commented on the photos of walls around town that the applicant showed in their presentation. He agreed that there are large walls around town, but very few, if any, are in the HR-1 District. He pointed out that the walls proposed for this development are not only tall but they are also very wide and carve up the hillside.

Vice-Chair Joyce referred to the concern raised in the applicant's letter about the amount of time spent on the mine. He noted that the geo-tech report states that, "typically mines are closed by backfilling and capped with concrete. However, in the mine assessment it states that they can build within ten feet and the mine was filled with dirt. He explained that

the statement in the geo-tech report was the reason why the Commissioners kept asking questions about the cap.

Vice-Chair Joyce noted the comment by the applicant about the Planning Commission listening to public clamor. However, based on the LMC issues of compatibility, scale and massing, and concern about cut, fill and vegetative disturbance, he thought it was interesting to see how consistent all of the Planning Commissions have been on these issues. Vice-Chair Joyce stated that the Commissioners listen to public input and they appreciate comments that point specifically to LMC issues, but in the end they are tasked with simply applying the LMC.

Vice-Chair Joyce was prepared to comment on some of the points that were held over from the June 10<sup>th</sup> meeting.

Interim Planning Director Erickson stated that the Staff would have to reset the Findings of Fact. If the main points were on the table, the Planning Commission would have the opportunity before the next meeting to review the Staff report to make sure it was what they wanted.

Assistant City Attorney McLean remarked that the Commissioners could submit their comments to the Staff to be incorporated into the Staff report. Mr. Erickson stated that the primary goal is to make sure that the Findings of Fact and Conclusions of Law were consistent with the LMC and with the comments and opinions of the Planning Commission.

Vice-Chair Joyce stated that he would submit his comments to Staff. He assumed the Staff would make it available to the applicant and the other Commissioners.

Vice-Chair Joyce referred to the information the applicant submitted regarding house sizes and compatibility. In what he has looked at so far, the most reliable aspects are lot size and footprint size. He noted that the larger homes in the comparison provided by the applicant were in the HRL zone. He questioned the accuracy of the calculations and he believed the applicants were very selective in the houses they chose when preparing their comparison. Vice-Chair Joyce could find no reason to move away from what the Planning Staff provided for footprint because it was the most consistent. Vice-Chair Joyce stated that personally he would feel more comfortable if the Planning Commission was looking at a plan that was down in the valley and off the hillside and was more compatible with HR1 in lot size and house size. He was not opposed to development but it has to be the right fit. His primary focus was on disturbance, cut and fill, very steep slopes, and the size and layout of the lots.

Mr. Erickson stated that it was more precise for the Staff to deal with building pad size, limits of disturbance and building height in calculating the house, as opposed to regulating the internal volumes of the house. He offered to look at building pad size and limits of disturbance to help regulate these issues in the future. Mr. Erickson asked if the Planning Commission wanted further analysis from the City Engineer on the intersection. He explained that engineering and traffic analyses work in ranges and bands. He clarified that what Mr. Cassel was trying to describe was that the density being proposed did not change the effective band of Level of Service A. That was the why Mr. Cassel said there is no fatal flaw. The intersection does not fail, but adding an additional 100 trips to the model may be significant. Mr. Erickson offered to work with the City Engineer to make sure his recommendations are clear to the Planning Commission, the public and the applicant. The Staff could also look at other mechanisms for regulating house sizes if this moves forward. If the Commissioners intend to forward a recommendation for denial the Staff would not spend the time on it.

Commissioner Worel stated that she would also like to hear from the Fire Chief. Mr. Erickson would make sure that the Staff gets an opinion from the Fire Chief.

Jerry Fiat asked to respond to some of the comments. He stated that they obtain two designs for the mine shaft. One was to fill it with soil and the other was to fill it and cap it. They were also given distances that they would have to setback. Mr. Fiat pointed out that it was not a matter of following the recommendation. They made a decision that the setback would be based on the engineer. In response to the question asked by Commissioner Band, Mr. Fiat stated that both the St. Regis and the Montage were built on top of mine shafts. One advantage of the Alice Lode is that they know exactly what mine shafts are there. There are mine shaft throughout town and he has built homes where they ran into mine shafts because no one knew they were there. Mr. Fiat remarked that the debate about filling it or capping it is a minor issue. If pulling out dirt and capping it with concrete is required they would do it, but he felt the issues was blown out of proportion.

Mr. Fiat referred to the statement by Commissioner Worel indicating that he had said that negotiations regarding the access were progressing. He clarified that it was actually Lee Gerstein who made that statement during a previous public hearing. Mr. Fiat stated that negotiations were still going on, but there is a difference of opinion as to what they were willing to pay for the easement.

Mr. Fiat addressed the comment about the City doing them a favor by letting them put the contaminated soil on Richardson Flat. He stated that very little soil from their property went to Richardson Flat. It was used exclusively for cleaning up the City property.

Mr. Fiat explained that the nine-lot plan started with a conversation he had with Ron Ivie about what they could put on the property and have a dead-end road. He pointed out that the discussions have always been about nine lots because they did not want to go through a major subdivision or MPD. In looking at options A, B and C that were previously presented by Staff and referenced by Vice-Chair Joyce, Mr. Fiat noted that at that time the Planning Director recommended that they look at more lots. Mr. Fiat stated that they were asked to do specific studies and those studies were done and presented. He clarified that he had not drafted the letter submitted on July 13<sup>th</sup>; however, he had approved all of the work that was done at the request of the Planning Department over the years. He felt like they were always being asked for something and then when they give it they are asked for something else. They have complied with all the requests with no guarantee that it would be approved. Mr. Fiat stated that he was reluctant to make any changes to the plans when there is no guarantee that the changes would lead to an approval. They have already spent a significant amount of money on the plans and the cleanup.

Mr. Fiat clarified that they did not terrace the wall to avoid the CUP. They actually lowered the road and lowered the lots which allowed them to reduce the size of the walls significantly. He noted that all the remaining walls are typical of all the construction in Old Town. Mr. Fiat agreed that the entry wall was very large and not typical.

Mr. Cahoon noted that Vice-Chair Joyce had quoted from the geo-tech letter of 2006, which said that the typical approach for filling the mine shaft was to fill it and cap it with cement. He pointed out that the follow up letter confirmed that it was filled and that the 10' setback would be appropriate. Mr. Cahoon remarked that because the original guide was "typical" did not mean that filling was "atypical".

Mr. Cahoon commented on compatibility and noted that the Code says compatibility with the neighborhood. It does not say compatibility with HR-1. He thought it was incorrect to say that they have to ignore the neighborhood below them because it is HRL. Instead, they have been asked to drop all the way down to Daly Avenue for compatibility. Mr. Cahoon had driven down Woodside Avenue where there are very large homes in the HR-1 district that were not mentioned. There are also massive buildings that were recently approved on the other side of the City in the HR-1 zone. He believed that was an important clarification on what the Code required.

Mr. Fiat referred to the comment about how they were selective in the houses they showed in their comparison. He explained that the houses selected were the adjoining houses to their property. Mr. Fiat stated that because the Staff report had calculated numbers for Sampson Avenue and because he was familiar with a number of houses on Sampson, he had provided a complete list of Sampson. He did not include anything he could not substantiate, which is why some of the properties were missing from the list. Mr. Fiat

stated that he could state as fact that 40 and 50 Sampson Avenue were 7,500 square foot lots. He recalled that 121 Sampson was a 6,000 square foot lot. Mr. Fiat emphasized that the list was not selective. It was meant to be complete.

Vice-Chair Joyce believed there was consensus among the Planning Commission to direct the Staff to prepare findings and conclusions for denial. Assistant City Attorney McLean clarified that the Planning Commission would be making a recommendation to the City Council. She suggested that it would be appropriate for them to provide input on the conditions of approval in the event that the City Council would not follow their recommendation and approve the application. Another alternative would be to submit their suggested changes to Planner Alexander and she could summarize them for the City Council.

Commissioner Band referred to Mr. Cahoon's comment about the Code referencing neighborhood compatibility and not zoning. She cited several places in the LMC that references zoning for new subdivisions.

Mr. Erickson stated that the Staff would focus on the subdivision characteristics; however, they would consider compatibility in a relative sense based on the comments from the Planning Commission.

Commissioner Worel felt her concerns had been adequately summarized and addressed in the direction to Staff.

Vice-Chair Joyce reiterated that his primary issues were compatibility of layout, moving off the steep slopes and down into the valley, and size more compatible with the HR-1 zone, which was more in the realm of 4,000 to 5,000 square feet lots and 1,500 to 2,000 square feet footprints.

Vice-Chair Joyce noted that the Staff had requested that the Planning Commission continue these items to allow Staff time to prepare the appropriate findings for a vote at the next meeting.

**MOTION:** Commissioner Worel moved to CONTINUE Alice Claim South of intersection of King Road and Ridge Avenue - Alice Claim Subdivision and plat amendment to August 12, 2015. Commissioner Band seconded the motion.

**VOTE:** The motion passed unanimously.

MOTION: Commissioner Worel moved to CONTINUE Alice Claim South of intersection of King Road and Ridge Avenue – Conditional Use Permit for retaining walls up to 10 feet in height to August 12, 2015. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

Commissioner Cahoon asked if the Planning Commission intended to direct Staff to prepare findings and conclusions for the CUP application. Mr. Erickson explained that the CUP for the retaining wall is tied to the subdivision approval. If the Commissioners forward a negative recommendation for the subdivision approval they could not approve the CUP.

Assistant City Attorney McLean stated that she would advise the Staff on whether it was better to prepare findings for the CUP now or continue it to a date uncertain pending the City Council decision on the subdivision. She could discuss the options with Mr. Cahoon.

Mr. Cahoon asked if a decision was made not to provide conditions of approval in the event the City Council overturns the negative recommendation. Vice-Chair Joyce stated that the Planning Commission had provided guidance to the Staff and they would have the opportunity to review it prior to the next meeting. He personally intended to submit detailed comments from the June meeting to be incorporated.

Mr. Cahoon stated that the applicant has spent a lot of time with the Planning Commission and they were obviously going before the City Council. If an issue arises and the Council sends them back to the Planning Commission, he thought it would be prudent to address the conditions as part of the recommendation. If the City Council had all the information and input from both sides, it could possibly avoid having to come back to the Planning Commission. Mr. Cahoon recommended that the Planning Commission forward that input with their recommendation.

Planner Alexander believed the Planning Commission had already stated what they would like to see changed before they could even consider an approval. She could base the conditions of approval on those comments.

Mr. Cahoon responded to the discussion about the length of time their application has been pending. He noted that the cleanup was conducted in the middle of the Great Recession of 2008. The real estate recovery was very slow and that was a big factor in the timing and the lapse between the time of the cleanup and when they came back to the Planning Department to move forward. Mr. Cahoon thought that was an important consideration in terms of economic history.

The Park City Planning Commission Meeting adjourned at 9:15 p.m.

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

# Planning Commission Staff Report



PLANNING DEPARTMENT

**Subject:** 1105 Lowell Avenue  
**Project #:** PL-15-02729  
**Author:** Francisco J. Astorga, Senior Planner  
**Date:** August 12, 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 1105 Lowell Avenue, conduct a public hearing, and consider approving the Steep Slope CUP for 1105 Lowell Avenue. 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:** Utah KAT LLC, represented by Jack Lopez  
**Architect:** James Carroll  
**Location:** 1105 Lowell Avenue  
**Zoning:** Historic Residential (HR-1)  
**Adjacent Land Uses:** Residential single family  
**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 CUP for a new single-family dwelling containing 3,136 square feet on a 2,590 square foot lot located at 1105 Lowell Avenue. The lot currently contains approximately half of an existing structure, a duplex, which is located at 1103 and 1105 Lowell Ave. The duplex is to be demolished prior to the proposed construction. The total floor area exceeds 1,000 square feet and the construction is proposed on a slope of 30%. The recently platted lot is Lot 1 of Barbara's Subdivision, approved by the City in October 2014. The plat has not yet been recorded.

## **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 March 27, 2015, the City received an application for a Steep Slope CUP for “Construction on a Steep Slope” at 1105 Lowell Avenue. The property is located in the HR-1 District. The application was deemed complete on July 16, 2015 as plans were updated on that date.

**Analysis**

This application is a request for a Steep Slope CUP for construction of a new single-family dwelling on a single lot containing 2,587.10 square feet. The property is described as Lot 1 of the Barbara’s Subdivision approved by the Park City Council in October 2014, but not yet recorded. Because the total proposed structure is greater than 1,000 square feet and the lot has slopes where the house is proposed of 30% or greater, the applicant is required to file a CUP application for review by the Planning Commission, pursuant to LMC § 15-2.2-6 and prior to issuance of a building permit. There is an existing structure currently on the lot. The existing structure is to be demolished as a condition of approval of the plat, Barbara’s Subdivision. The applicant filed a demolition permit for the duplex in May 2015 but has not yet demolished the duplex.

The proposed structure contains a total of 3,136 square feet, including the basement level and a double car garage. The proposed building footprint is approximately 1,118 square feet. The house complies with all setbacks, building footprint, and building height requirements of the HR-1 District. The table below contains a breakdown of the proposed dwelling by floor:

<b>Floor</b>	<b>Proposed Sq. Ft.</b>
Main floor	917 square feet
Lower floor	1,101 square feet
Garage floor	1,118 square feet
Total	3,136 square feet

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

<b>Requirement</b>	<b>LMC Requirement</b>	<b>Proposed</b>
<b>Building Footprint</b>	1,119.6 square feet (based on lot area), <u>maximum</u>	1,118 square feet, <u>complies.</u>
<b>Front/Rear Yard Setbacks</b>	10 feet, minimum	Front: ranges from 14’ to 18’, <u>complies.</u> Rear: 10’, <u>complies.</u>

<b>Side Yard Setbacks</b>	3 feet minimum (6 feet total)	3' on each side, <u>complies.</u>
<b>Building Height:</b> Zone Height	27 feet above existing grade, <u>maximum.</u>	Various heights all at or less than 27 feet, <u>complies.</u>
<b>Building Height:</b> Internal Massing Height	35 feet from lowest floor plane to highest wall plate	35 feet, <u>complies.</u>
<b>Building Height:</b> Final grade	Final grade must be within four (4) vertical feet of existing grade around the periphery of the structure.	(4 feet) or less, <u>complies.</u>
<b>Building Height:</b> Vertical articulation	A ten foot (10') minimum horizontal step in the downhill façade is required.	A 10' horizontal step is located in the downhill façade, <u>complies.</u>
<b>Building Height:</b> Roof Pitch	Roof pitch must be between 7:12 and 12:12 for primary roofs. Non-primary roofs may be less than 7:12.	7:12 for all primary roofs, <u>complies.</u>
<b>Parking</b>	Two (2) off-street parking spaces required.	Two (2) spaces within a double (side to side) car garage, <u>complies.</u>

A separate Historic District Design Review (HDDR) application was submitted to the Planning Department for the proposed single-family dwelling. This application will be reviewed 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 house is dependent on approval of the Historic District Design Review.

#### Steep Slope Review Criteria

LMC § 15-2.2-6 provides for development on steep sloping lots in excess of one thousand square feet (1,000 sq. ft.) within the HR-1 District, subject to the following Steep Slope Conditional Use Permit criteria:

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

*The proposed single family-dwelling is located on the lot in a manner that reduces the visual and impacts of the Structure. The proposed landscape plan maintains existing vegetation in this lot, and the footprint complies with that allowed for the lot area. The front setbacks are increased for portions of the structure. The driveway is located at the front of the property (east section), directly accessible from Lowell Avenue.*

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

*The applicant submitted a visual analysis, including a cross canyon view, streetscape and photographs showing a contextual analysis of the proposed single-family dwelling related to visual impacts.*

*The proposed structure cannot be seen from the key vantage points as indicated in LMC § 15-15-1.283, with the exception of a cross canyon view. The cross canyon view contains a back drop of three (3) story houses. The visual analysis and streetscape demonstrate that the proposed design is visually compatible with the neighborhood, similar in scale and mass to surrounding structures, and visual impacts are mitigated. Potential impacts of the design are mitigated by setting the house lower on the lot and a stepped foundation.*

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

*The proposed design incorporates a driveway from Lowell Avenue, with front access to a two (2) car garage. Approximate slope is 11% as measured from the front of the garage to the edge of the paved street. The driveway is designed to minimize grading of the natural topography and to reduce overall building scale.*

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

*Minor retaining is necessary to regain natural grade around the proposed structure to provide for egress at the rear patio. This area will meet the LMC development standards of retaining walls in setback areas which range from four feet (4') to the maximum height of six feet (6') above final grade. The slope of the property increases from the front to the back of the property.*

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 proposed structure is centered on the site, with extended front setbacks which maximize the visible open area on the lot. The proposed landscape plan incorporates and preserves existing vegetation.*

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

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

*The main ridge orients with the contours. The size of the lot allows the design to not offend the natural character of the site as seen on the submitted model. The house is set lower in the ground as to reduce the visible impact of the garage and garage level floor.*

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. **Unmitigated impacts.**

*The proposed structure meets the standard LMC setbacks for a lot this size consisting of a minimum of ten feet (10') front/rear yard setbacks. Front setbacks are increased as the garage is setback twenty-four feet (24') from the front property line, to accommodate the code required parking space entirely on the lot. The articulation in the front and rear facades reduces the over mass of the structure does not create a wall effect along the street front or rear lot line.*

*The proposed structure meets the minimum side yard setbacks of three feet (3') minimum, and six (6') total. Side setbacks are consistent with the pattern of development and separation in the District.*

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.**

*The proposed structure is articulated and broken into compatible massing components. The design includes setback variations and lower building heights for portions of the structure. The proposed massing and architectural design components are compatible with both the volume and massing of single-family dwellings in the area, which consists of bigger units on the Lowell Avenue West. The design minimizes the visual mass and mitigates the differences in scale between the proposed house and surrounding structures.*

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. **No unmitigated impacts.**

*The proposed structure meets the twenty-seven feet (27') maximum building height requirement measured from existing grade at the highest point. The heights of the main ridges range from 20 to 27 feet above the existing grade.*

*Portions of the house are less than 27' in height. The tallest ridge (27') is midway back from the front and the roof height at this location is not visually apparent from the front, back, or sides of the 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 to be addressed by revisions and conditions of approval.

### **Notice**

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

### **Public Input**

No public input has been received on this application at the time of this report.

### **Alternatives**

- The Planning Commission may approve the Steep Slope Conditional Use Permit for 1105 Lowell Avenue, or
- The Planning Commission may deny the Steep Slope CUP Permit for 1105 Lowell 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**

There are no significant fiscal or environmental impacts from this application. The lot currently contains approximately one-half of a duplex which is also on 1103 Lowell Avenue.

### **Recommendation**

Staff recommends the Planning Commission review the application for a Steep Slope Conditional Use Permit at 1105 Lowell Avenue, conduct a public hearing, and consider approving the Steep Slope CUP for 1105 Lowell 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 1105 Lowell Avenue.
2. The property is located within the Historic Residential (HR-1) District.
3. A single-family dwelling is an allowed use in the Historic Residential (HR-1) District.
4. The property is described as Lot 1 of Barbara's Subdivision.
5. The lot area is 2,590 square feet.

6. The lot currently contains approximately one-half of a duplex.
7. 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.
8. Access to the property is from Lowell Avenue, a public street.
9. Two (2) parking spaces are proposed on site. Both spaces are located inside a side-by-side two (2) car garage.
10. The neighborhood is characterized by a mix of non-historic residential structures, single-family homes and duplexes.
11. The proposal consists of a single-family dwelling of 3,136 square feet, including the basement area and a two car garage.
12. The proposed driveway has an overall slope of 11% as measured from the front of the garage to the edge of the paved street.
13. An overall building footprint of 1,118 square feet is proposed. The maximum allowed footprint for this lot is 1,119.6 square feet.
14. The proposed structure complies with the minimum front and rear setbacks of ten feet (10').
15. The proposed structure complies with the minimum side setbacks of three feet (3').
16. 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 27' in height.
17. 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 Lowell Avenue streetscape.
18. The proposed single-family dwelling is compatible with the surrounding structures as viewed from the submitted Streetscape consisting of the Lowell Avenue West area.
19. 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.
20. 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% slope areas.
21. 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 in height.
22. The proposed massing and architectural design components are compatible with both the volume and massing of other single-family dwellings in the area.
23. 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.
25. Lot coverage, site grading, and steep slope issues are also compatible with neighboring sites.
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.

### **Conclusions of Law:**

1. The Steep Slope Conditional Use Permit application is consistent with requirements of the Park City Land Management Code, specifically Section 15-2.2 for the HR-1 zoning district.
2. The Steep Slope Conditional Use Permit application is consistent with the Park City General Plan.
3. 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.
4. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.
5. The effects of any differences in use or scale have been mitigated through careful planning.

**Conditions of Approval:**

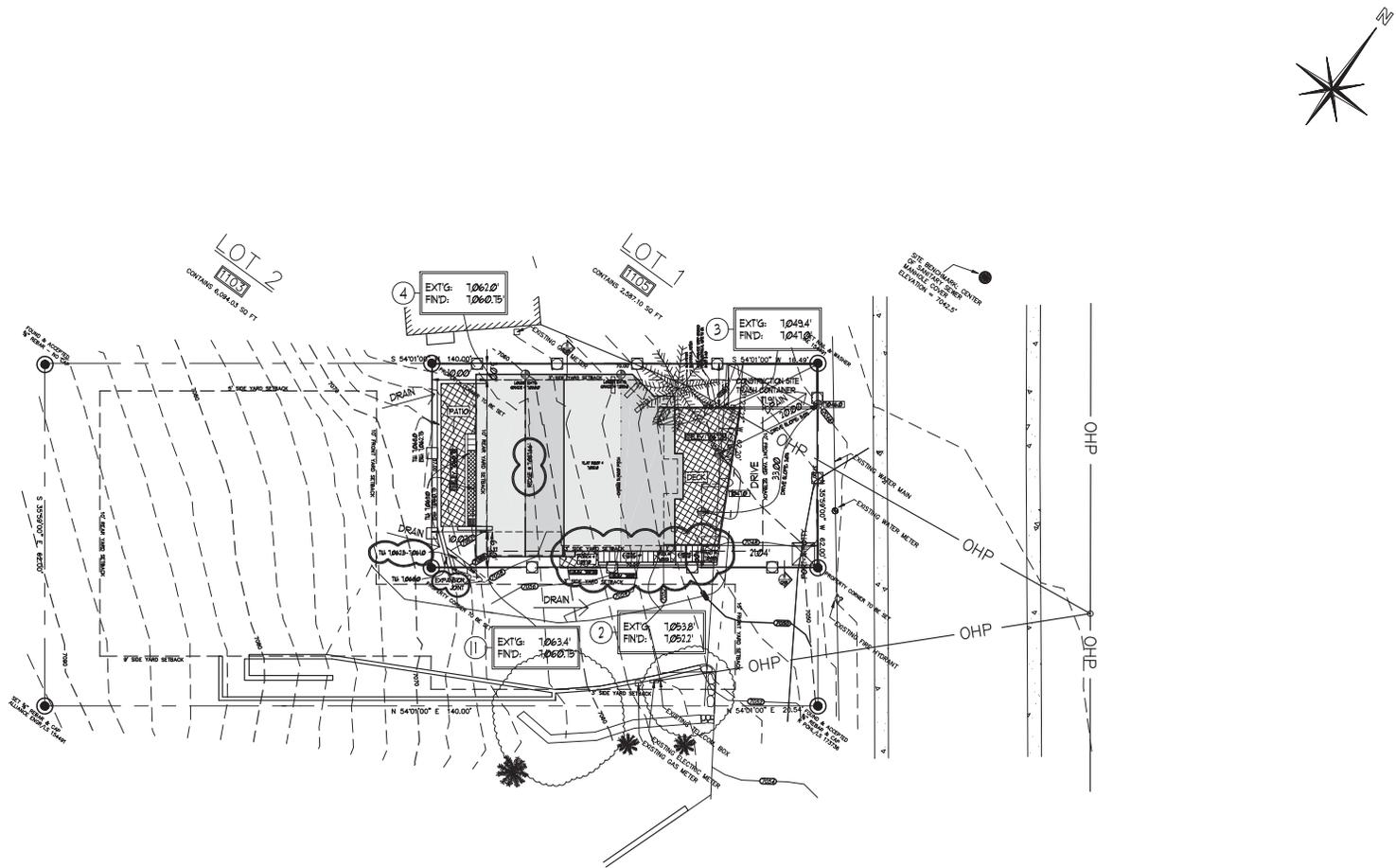
1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
3. A final utility plan, including a drainage plan, for utility installation, public improvements, and storm drainage, shall be submitted 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. Separate, individual utility service is required for 1105 Lowell Avenue.
5. 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.
6. A final landscape plan shall be submitted for review and approval by the City Planning Department, prior to building permit issuance.
7. 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.
8. 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 north and existing retaining wall on the south property line.
9. This approval will expire on August 12, 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.
10. Modified 13-D residential fire sprinklers are required for all new structures on the lot.
11. 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.

**Exhibits**

Exhibit A – Site Plan  
Exhibit B – Landscape Plan  
Exhibit C – Aerial Site View 1103 & 1105  
Exhibit D – Aerial Site View 1105  
Exhibit E – Cross Canyon View 1103 & 1105  
Exhibit F – Cross Canyon View 1105  
Exhibit G – Streetscape View 1103 & 1105  
Exhibit H – Streetscape View 1105  
Exhibit I – Footprint Calculation  
Exhibit J – Elevations, South & East  
Exhibit K – Elevations, North & West  
Exhibit L – Axonometric views  
Exhibit M – Combined Axonometric Views  
Exhibit N – Garage Floor Plan  
Exhibit O – Lower Floor Plan  
Exhibit P – Main Floor Plan  
Exhibit Q – Master Suite Plan  
Exhibit R – Cross Section  
Exhibit S – Roof Plan

# Exhibit A – Site Plan

<p>PROPOSED CONSTRUCTION: LOT #1 1105 LOWELL AVENUE PARK CITY, UTAH 84060</p>	<p>PREPARED FOR: UTAH KAT, LLC. 17326 FOUNTAIN VIEW SAN ANTONIO, TX 78248 (210) 393-8099</p>	<p>PREPARED BY: JAMES L. CARROLL &amp; ASSOCIATES 230 WEST 400 SOUTH #203 SALT LAKE CITY, UTAH 84101 (801) 359-8517</p>	<p><b>FLOOR ELEVATIONS</b></p> <table border="1"> <tr> <td>DRIVE @ PROPERTY:</td> <td>7,046.00'</td> <td>REC RM LVL:</td> <td>7,061.00'</td> </tr> <tr> <td>GARAGE:</td> <td>7,047.00'</td> <td>LIVING RM LVL:</td> <td>7,067.50'</td> </tr> <tr> <td>MUD LVL:</td> <td>7,047.50'</td> <td>MSTR SUITE LVL:</td> <td>7,071.83'</td> </tr> <tr> <td>GST SUITE 1 LVL:</td> <td>7,050.50'</td> <td>MSTR CL LVL:</td> <td>7,073.50'</td> </tr> <tr> <td>ENTRY LVL:</td> <td>7,057.50'</td> <td></td> <td></td> </tr> </table>	DRIVE @ PROPERTY:	7,046.00'	REC RM LVL:	7,061.00'	GARAGE:	7,047.00'	LIVING RM LVL:	7,067.50'	MUD LVL:	7,047.50'	MSTR SUITE LVL:	7,071.83'	GST SUITE 1 LVL:	7,050.50'	MSTR CL LVL:	7,073.50'	ENTRY LVL:	7,057.50'			<p><b>LEGEND</b></p> <table border="1"> <tr> <td>EXISTING GRADE</td> <td>---</td> </tr> <tr> <td>PROPOSED GRADE</td> <td>---</td> </tr> <tr> <td>SILT FENCE</td> <td>○</td> </tr> <tr> <td>LOD. FENCE</td> <td>□</td> </tr> </table>	EXISTING GRADE	---	PROPOSED GRADE	---	SILT FENCE	○	LOD. FENCE	□
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EXISTING GRADE	---																															
PROPOSED GRADE	---																															
SILT FENCE	○																															
LOD. FENCE	□																															



1  
L-10

SITE PLAN  
SCALE: 1" = 10'

NOTE: MINIMUM OF 5% SLOPE AWAY FROM ALL BUILDINGS MINIMUM 10'-0" 2% SLOPE THEREAFTER  
NOTE: ALL GRADING TO BE IN COMPLIANCE W/ SECTION IRC R403.113  
NOTE: BOULDER LANDSCAPING NOT TO EXCEED 50% AS PER IBC 3304.11 REQUIREMENT.

**James L. Carroll & Associates**  
 "INNOVATORS OF AWARD WINNING DESIGN"  
 230 WEST 400 SOUTH SUITE #203  
 SALT LAKE CITY, UTAH 84101 (801) 359-8517  
 www.jamescarrollassociates.com

---

**UTAH KAT 1105**  
 LOT #1  
 1105 LOWELL AVENUE  
 PARK CITY, UTAH 84060

---

**PROJECT:** UTAH KAT 1105  
**PLAN DATE:** 04-28-2015  
**DRAWN BY:** DANIEL BURROUGHS  
**REVIEWED BY:** JENNIFER BURROUGHS  
**REVISED DATE:** 07-13-2015  
**DESCRIPTION:** SITE PLAN

---

SHEET #  
**L-1.0**

# Exhibit A – Site Plan

PROPOSED CONSTRUCTION:  
 LOT #1  
 1105 LOWELL AVENUE  
 PARK CITY, UTAH 84060

PREPARED FOR:  
 UTAH KAT, LLC.  
 17326 FOUNTAIN VIEW  
 SAN ANTONIO, TX 78248  
 (210) 393-8099

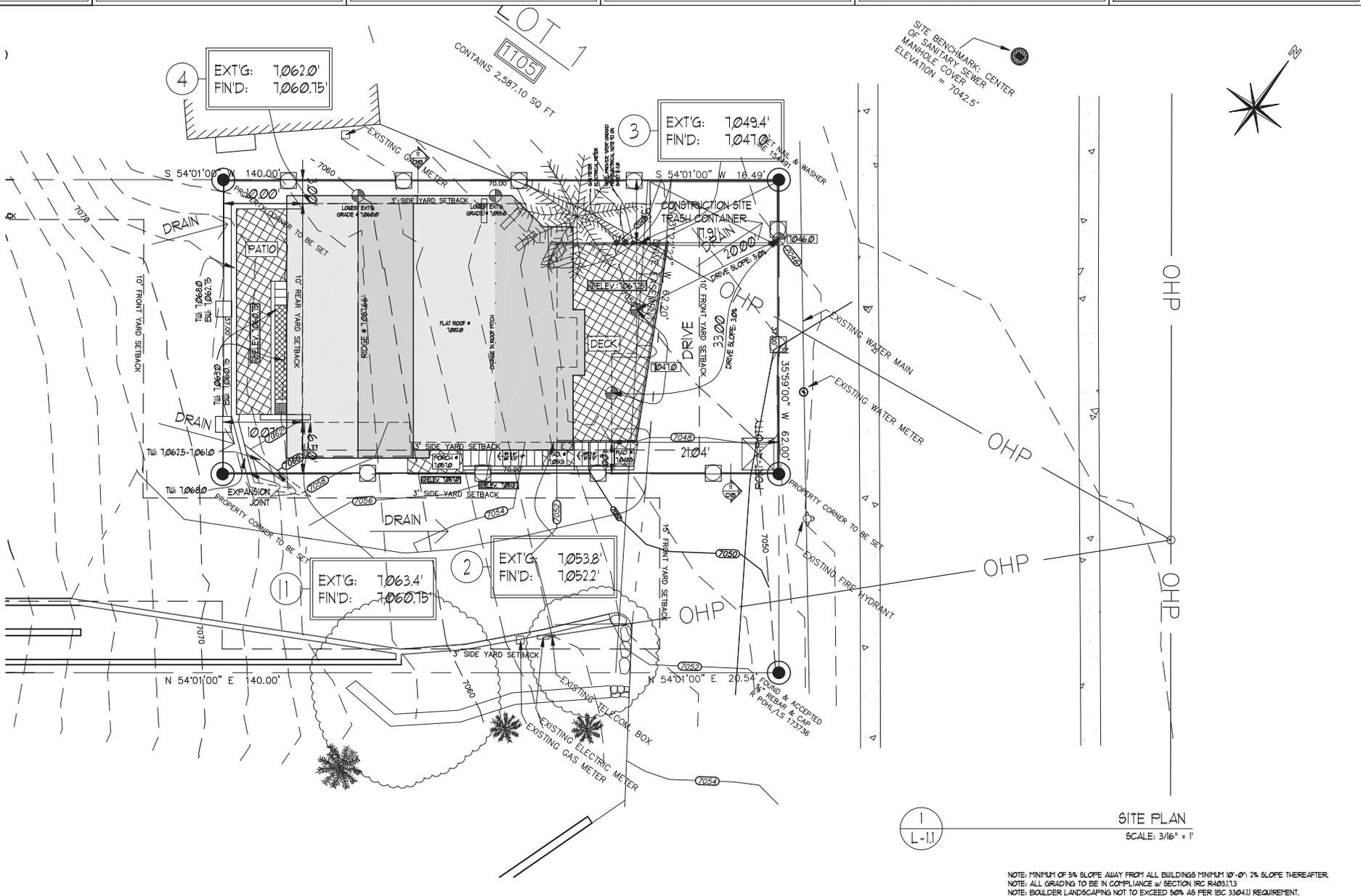
PREPARED BY:  
 JAMES L. CARROLL & ASSOCIATES  
 230 WEST 400 SOUTH #203  
 SALT LAKE CITY, UTAH 84101  
 (801) 359-8517

### FLOOR ELEVATIONS

DRIVE @ PROPERTY:	7,046.00'	REC RM LVL:	7,061.00'
GARAGE:	7,047.00'	LIVING RM LVL:	7,067.50'
MUD LVL:	7,047.50'	MSTR SUITE LVL:	7,071.83'
GST SUITE 1 LVL:	7,050.50'	MSTR CL LVL:	7,073.50'
ENTRY LVL:	7,057.50'		

### LEGEND

EXISTING GRADE	---
PROPOSED GRADE	---
SILT FENCE	○
L.O.D. FENCE	□



**James L. Carroll & Associates**  
 "INNOVATORS OF AWARD WINNING DESIGN"  
 230 WEST 400 SOUTH SUITE #203  
 SALT LAKE CITY, UTAH 84101 (801) 359-8517  
 www.jamescarrollassociates.com

**UTAH KAT 1105**  
 LOT #1  
 1105 LOWELL AVENUE  
 PARK CITY, UTAH 84060

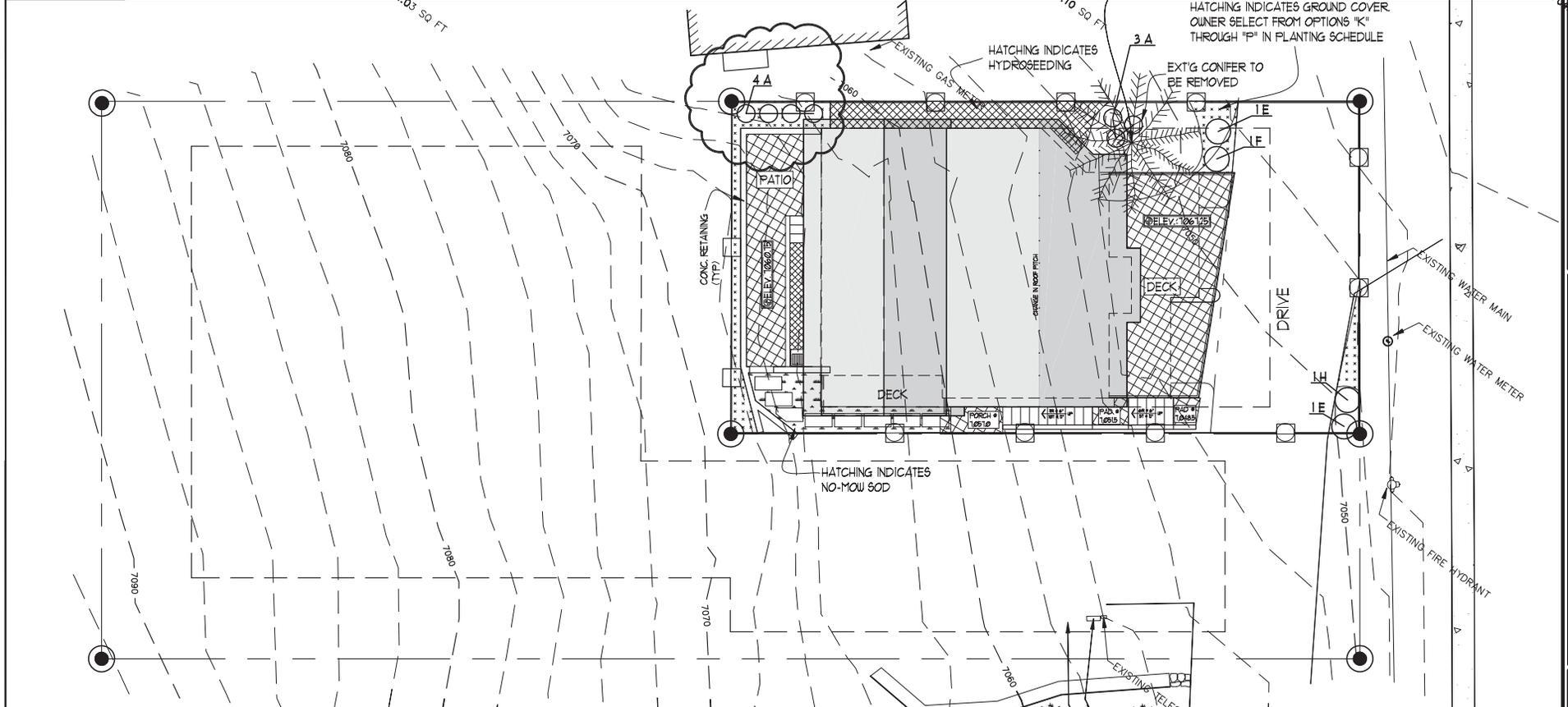
ALL WORK SHOWN ON THIS PLAN IS TO BE DONE IN ACCORDANCE WITH THE UTAH PLANNING ACT AND THE UTAH LAND DEVELOPMENT CODE. THE CLIENT HAS REVIEWED THIS PLAN AND APPROVES IT FOR SUBMITTAL TO THE PLANNING COMMISSION. THE CLIENT HAS REVIEWED THIS PLAN AND APPROVES IT FOR SUBMITTAL TO THE PLANNING COMMISSION. THE CLIENT HAS REVIEWED THIS PLAN AND APPROVES IT FOR SUBMITTAL TO THE PLANNING COMMISSION.

**PROJECT:** UTAH KAT 1105  
**PLAN DATE:** 04-28-2015  
**DRAWN BY:** DANIEL BURROUGHS  
**REVISED BY:** DANIEL BURROUGHS  
**REVISED DATE:** 07-13-2015  
**DESIGNATION:** SITE PLAN  
**SHEET #:** L-1.1

NOTE: MINIMUM OF 5% SLOPE AWAY FROM ALL BUILDINGS MINIMUM 10'-0"; 2% SLOPE THEREAFTER.  
 NOTE: ALL GRADING TO BE IN COMPLIANCE W/ SECTION IRC R403.13  
 NOTE: BOULDER LANDSCAPING NOT TO EXCEED 50% AS PER IBC 3304.4U REQUIREMENT.

# Exhibit B – Landscape Plan

<b>PROPOSED CONSTRUCTION:</b> LOT #1 1105 LOWELL AVENUE PARK CITY, UTAH 84060	<b>PREPARED FOR:</b> UTAH KAT, LLC. 17326 FOUNTAIN VIEW SAN ANTONIO, TX 78248 (210) 393-8099	<b>PREPARED BY:</b> JAMES L. CARROLL & ASSOCIATES 230 WEST 400 SOUTH #203 SALT LAKE CITY, UTAH 84101 (801) 359-8517	<b>FLOOR ELEVATIONS</b> DRIVE @ PROPERTY: 7,046.00' REC RM LVL: 7,061.00' GARAGE: 7,047.00' LIVING RM LVL: 7,067.50' MID LVL: 7,047.50' MSTR SUITE LVL: 7,071.83' GST SUITE 1 LVL: 7,050.50' MSTR CL LVL: 7,073.50' ENTRY LVL: 7,057.50'	<b>LEGEND</b>
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1105 LOWELL AVE, PLANTING SCHEDULE					
QTY	MARK	COMMON NAME	BOTANICAL NAME	SIZE	REMARKS
TREES					
7	A	QUAKING ASPEN	POPULUS TREMULOIDES	5" 30'	● MATURITY
	B	AMUR MAPLE	ALER GINNALA	5" 20'	● MATURITY
	C	BRISTLECONE PINE	PINUS ARISTATA	3" 15'	● MATURITY
	D	PIÑON PINE	PINUS EDULIS	3" 20'	● MATURITY
SHRUBS & GROUND COVER					
2	E	DWARF KELSE DOGWOOD	CORNUS SEBICEA		
1	F	DWARF SMOOTH SUMAC	RHUS GLABRA CISMONTANA		
	G	COMMON SNOWBERRY	SYMPHORICARPOS ALBUS		
1	H	SHRUBBY CINQUE FOIL	POTENTILLA FRUTICOSA		
	J	BLUE SHIMPAKU	JUNIPERUS BLAUW		
	K	COKE FLOWER	ECHINERACIA		
	L	SNOW IN SUMMER	CERASTIUM TOMENTOSA		
	M	CREEPING JENNY	LYSIM ACHIA		
	N	BLANKET FLOWER	GAILLARDIA ARISTATA		
	P	WESTERN CLEMATUS	CLEMATIS LIGUSTICIFOLIA		

NOTE: HYDROSEEDING TO BE 20% SHEEP FESCUE, 20% ALPINE BLUEGRASS, 60% HIGH ALTITUDE WILDFLOWER MIX. BROADCAST @ 1LB PER 100 SQ. FT.



1  
L-2.0

LANDSCAPE PLAN

SCALE: 3/16" = 1'

NOTE: MINIMUM OF 5% SLOPE AWAY FROM ALL BUILDINGS MINIMUM 10'-0"; 2% SLOPE THEREAFTER.  
 NOTE: ALL GRADING TO BE IN COMPLIANCE W/ SECTION IRC R402.1.13  
 NOTE: BOULDER LANDSCAPING NOT TO EXCEED 50% AS PER IBC 3304.1.1 REQUIREMENT.

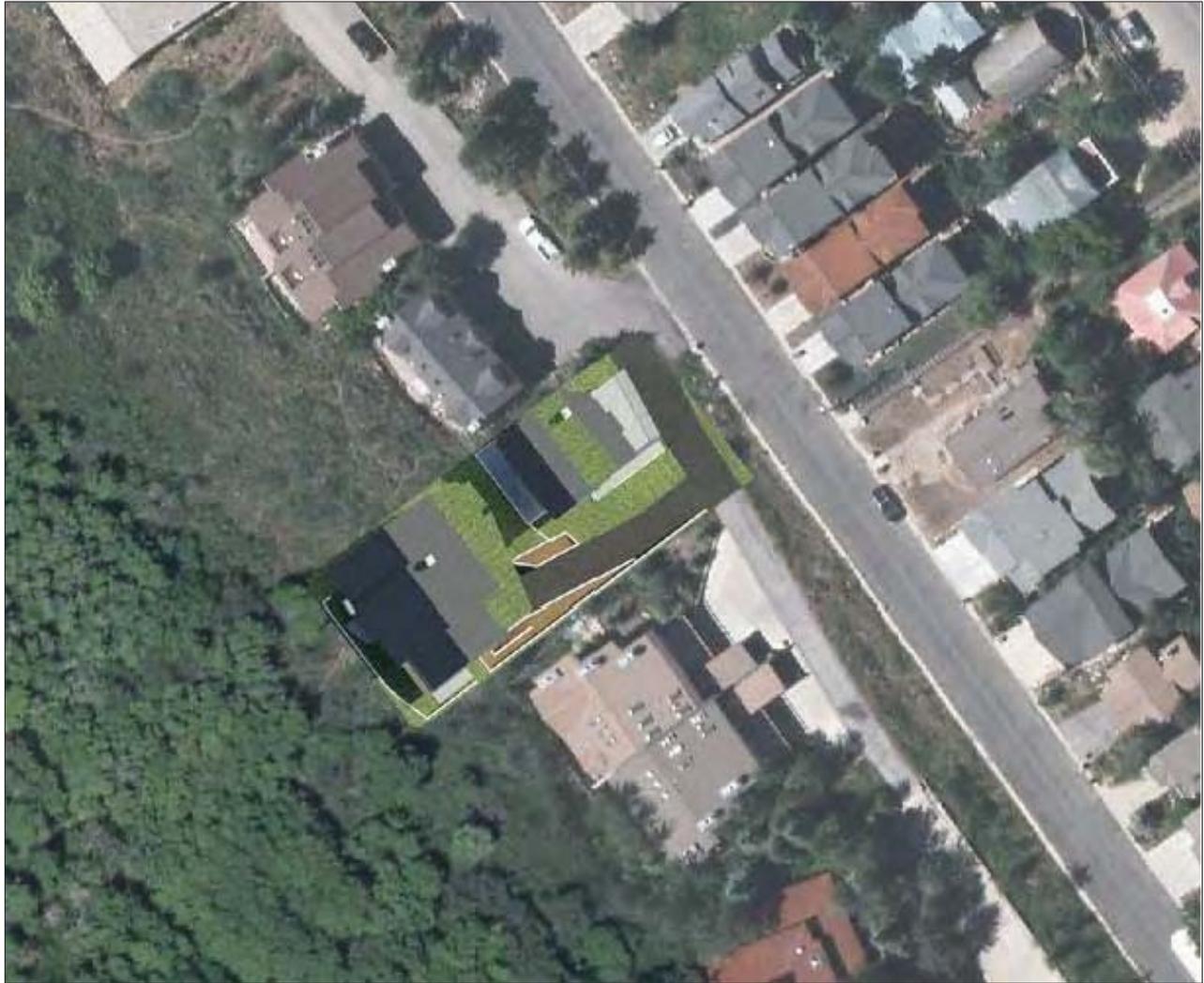
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 www.jamescarrollassociates.com

**UTAH KAT 1105**  
**LOT #1**  
 1105 LOWELL AVENUE  
 PARK CITY, UTAH 84060

**PROJECT:** UTAH KAT 1105  
**DATE:** 04-28-2015  
**DESIGNED BY:** DANIEL BURROUGHS  
**REVISIONS:** 07-13-2015  
**PROJECT NO.:** 1105  
**DESIGN TYPE:** LANDSCAPE PLAN  
**SHEET #:** L-2.0

Exhibit C – Aerial Site View 1103 & 1105

	<p>PROPOSED CONSTRUCTION: LOT #1 1105 LOWELL AVENUE PARK CITY, UTAH 84060</p>	<p>PREPARED FOR: UTAH KAT, LLC. 17326 FOUNTAIN VIEW SAN ANTONIO, TX 78248 (210) 393-8099</p>	<p>PREPARED BY: JAMES L. CARROLL &amp; ASSOCIATES 230 WEST 400 SOUTH #203 SALT LAKE CITY, UTAH 84101 (801) 359-8517</p>	<table border="1"> <thead> <tr> <th colspan="4">FLOOR ELEVATIONS</th> </tr> </thead> <tbody> <tr> <td>DRIVE @ STREET:</td> <td>7,044.00'</td> <td>REC RM LVL:</td> <td>7,061.00'</td> </tr> <tr> <td>GARAGE:</td> <td>7,047.00'</td> <td>LIVING RM LVL:</td> <td>7,067.50'</td> </tr> <tr> <td>MUD LVL:</td> <td>7,047.50'</td> <td>MSTR SUITE LVL:</td> <td>7,071.83'</td> </tr> <tr> <td>GST SUITE 1 LVL:</td> <td>7,050.50'</td> <td>MSTR CL LVL:</td> <td>7,073.50'</td> </tr> <tr> <td>ENTRY LVL:</td> <td>7,057.50'</td> <td></td> <td></td> </tr> </tbody> </table>	FLOOR ELEVATIONS				DRIVE @ STREET:	7,044.00'	REC RM LVL:	7,061.00'	GARAGE:	7,047.00'	LIVING RM LVL:	7,067.50'	MUD LVL:	7,047.50'	MSTR SUITE LVL:	7,071.83'	GST SUITE 1 LVL:	7,050.50'	MSTR CL LVL:	7,073.50'	ENTRY LVL:	7,057.50'			<p>LEGEND</p>
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ENTRY LVL:	7,057.50'																												



1  
L-1.3a

Aerial Site View - 1103 & 1105  
SCALE: NOT TO SCALE

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 www.jamescarrollassociates.com

UTAH KAT 1105  
 LOT #1  
 1105 LOWELL AVENUE  
 PARK CITY, UTAH 84060

**PROJECT:** UTAH KAT 1105  
**DATE:** 04-28-2015  
**DRAWN BY:** DANIEL BURROUGHS  
**REVISOR:** DANIEL BURROUGHS  
**REVISED DATE:** 06-18-2015  
**DESIGNATION:** AERIAL VIEWS  
**SHEET #:** L-1.3a

ALL DATA PROVIDED BY THE CLIENT IS TO BE USED AS A GUIDE ONLY. THE CLIENT IS RESPONSIBLE FOR THE ACCURACY OF ALL DATA PROVIDED. THE DESIGNER ASSUMES NO LIABILITY FOR ANY ERRORS OR OMISSIONS IN THIS DOCUMENT. THE DESIGNER IS NOT RESPONSIBLE FOR ANY CONSTRUCTION DEFECTS OR DAMAGES RESULTING FROM THE USE OF THIS DOCUMENT. THE DESIGNER'S LIABILITY IS LIMITED TO THE DESIGN SERVICES PROVIDED HEREIN. THE DESIGNER'S LIABILITY DOES NOT EXTEND TO ANY OTHER SERVICES PROVIDED BY THE DESIGNER OR ANY OTHER PARTY. THE DESIGNER'S LIABILITY IS LIMITED TO THE DESIGN SERVICES PROVIDED HEREIN. THE DESIGNER'S LIABILITY DOES NOT EXTEND TO ANY OTHER SERVICES PROVIDED BY THE DESIGNER OR ANY OTHER PARTY.



# Exhibit E – Cross Canyon View 1103 & 1105

PROPOSED CONSTRUCTION:  
LOT #1  
1105 LOWELL AVENUE  
PARK CITY, UTAH 84060

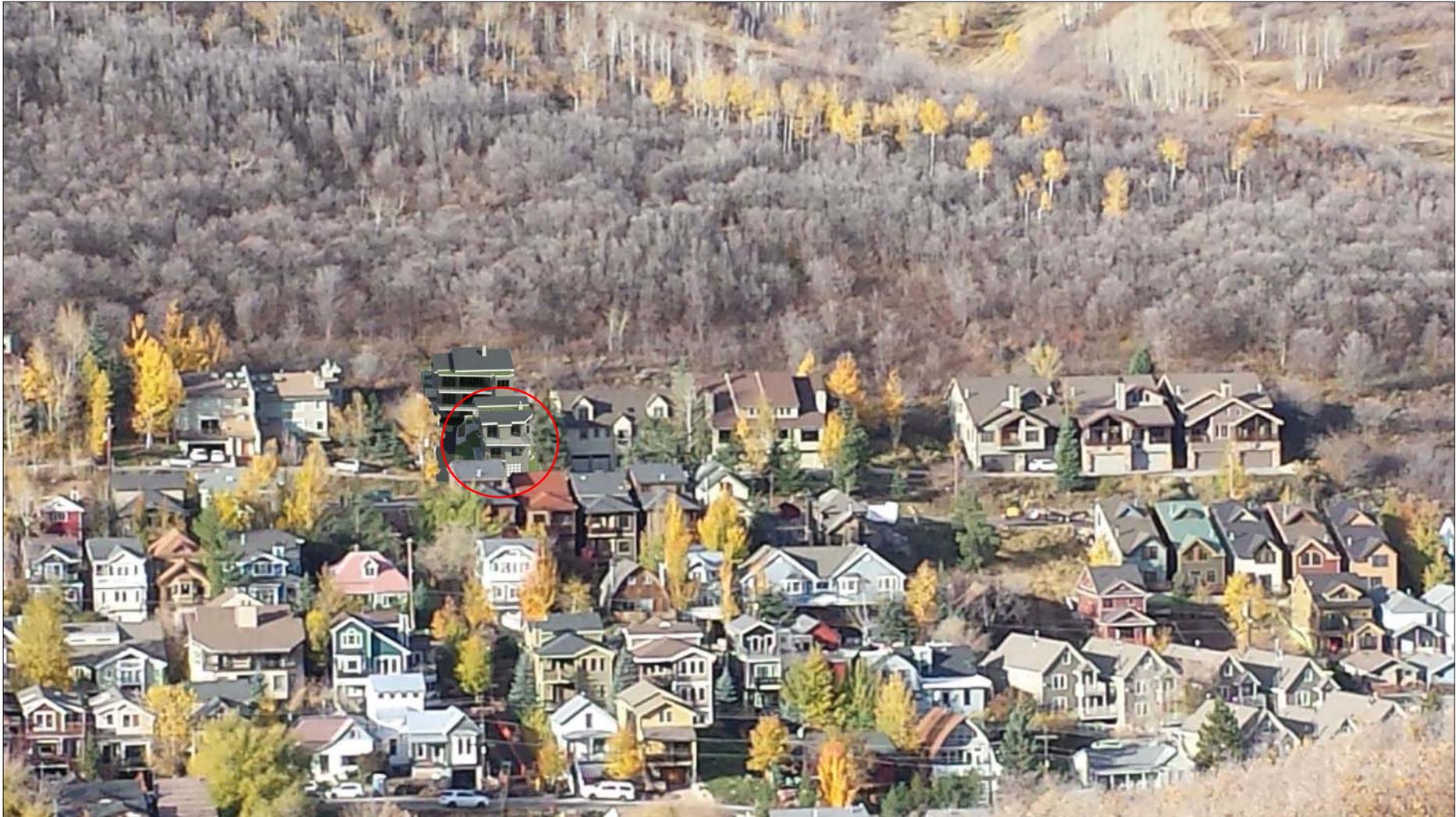
PREPARED FOR:  
UTAH KAT, LLC.  
17326 FOUNTAIN VIEW  
SAN ANTONIO, TX 78248  
(210) 393-8099

PREPARED BY:  
JAMES L. CARROLL & ASSOCIATES  
230 WEST 400 SOUTH #203  
SALT LAKE CITY, UTAH 84101  
(801) 359-8517

### FLOOR ELEVATIONS

DRIVE @ STREET:	7,044.00'	REC RM LVL:	7,061.00'
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GST SUITE 1 LVL:	7,050.50'	MSTR CL. LVL:	7,073.50'
ENTRY LVL:	7,057.50'		

### LEGEND



1  
L-1.4a

Cross-Canyon View - 1103 & 1105  
SCALE: NOT TO SCALE

**James L. Carroll & Associates**  
"INNOVATORS OF AWARD WINNING DESIGN"  
530 WEST 400 SOUTH SUITE #203  
SALT LAKE CITY, UTAH 84101 (801) 359-8517  
www.jamescarrollassociates.com

UTAH KAT 1105  
LOT #1  
1105 LOWELL AVENUE  
PARK CITY, UTAH 84060

**PROJECT:** UTAH KAT 1105  
**PLAN DATE:** 04-28-2015  
**DRAWN BY:** DANIEL BURROUGHS  
**REVISED BY:** DANIEL BURROUGHS  
**REVISED DATE:** 06-18-2015  
**DESIGNATION:** \*\*\*  
**DESCRIPTION:** CROSS-CANYON VIEWS

SHEET #  
L-1.4a

# Exhibit F – Cross Canyon View 1105

<p>PROPOSED CONSTRUCTION:                  LOT #1                  1105 LOWELL AVENUE                  PARK CITY, UTAH 84060</p>	<p>PREPARED FOR:                  UTAH KAT, LLC.                  17326 FOUNTAIN VIEW                  SAN ANTONIO, TX 78248                  (210) 393-8099</p>	<p>PREPARED BY:                  JAMES L. CARROLL &amp; ASSOCIATES                  230 WEST 400 SOUTH #203                  SALT LAKE CITY, UTAH 84101                  (801) 359-8517</p>	<table border="1"> <thead> <tr> <th colspan="2">FLOOR ELEVATIONS</th> </tr> </thead> <tbody> <tr> <td>DRIVE @ STREET:</td> <td>7,044.00'</td> </tr> <tr> <td>GARAGE:</td> <td>7,047.00'</td> </tr> <tr> <td>MUD LVL:</td> <td>7,047.50'</td> </tr> <tr> <td>GST SUITE 1 LVL:</td> <td>7,050.50'</td> </tr> <tr> <td>ENTRY LVL:</td> <td>7,057.50'</td> </tr> <tr> <td>REC RM LVL:</td> <td>7,061.00'</td> </tr> <tr> <td>LIVING RM LVL:</td> <td>7,067.50'</td> </tr> <tr> <td>MSTR SUITE LVL:</td> <td>7,071.83'</td> </tr> <tr> <td>MSTR CL LVL:</td> <td>7,073.50'</td> </tr> </tbody> </table>	FLOOR ELEVATIONS		DRIVE @ STREET:	7,044.00'	GARAGE:	7,047.00'	MUD LVL:	7,047.50'	GST SUITE 1 LVL:	7,050.50'	ENTRY LVL:	7,057.50'	REC RM LVL:	7,061.00'	LIVING RM LVL:	7,067.50'	MSTR SUITE LVL:	7,071.83'	MSTR CL LVL:	7,073.50'	<p>LEGEND</p>
FLOOR ELEVATIONS																								
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MSTR SUITE LVL:	7,071.83'																							
MSTR CL LVL:	7,073.50'																							



1  
L-1.4b

Cross-Canyon View - 1105  
 SCALE: NOT TO SCALE

**James L. Carroll & Associates**  
 "INNOVATORS OF AWARD WINNING DESIGN"  
 230 WEST 400 SOUTH SUITE #203  
 SALT LAKE CITY, UTAH 84101 (801) 359-8517  
 www.jamescarrollassociates.com

UTAH KAT 1105  
 LOT #1  
 1105 LOWELL AVENUE  
 PARK CITY, UTAH 84060

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**PROJECT:** UTAH KAT 1105  
**DATE:** 04-28-2015  
**DRAWN BY:** DANIEL BURROUGHS  
**REVISIONS:** DANIEL BURROUGHS  
**REVISED DATE:** 06-18-2015  
**DESIGNATION:** ARCHITECT  
**CROSS-CANYON VIEWS**

L-1.4b

# Exhibit G – Streetscape View 1103 & 1105

	<b>PROPOSED CONSTRUCTION:</b> LOT #1 1105 LOWELL AVENUE PARK CITY, UTAH 84060	<b>PREPARED FOR:</b> UTAH KAT, LLC. 17326 FOUNTAIN VIEW SAN ANTONIO, TX 78248 (210) 393-8099	<b>PREPARED BY:</b> JAMES L. CARROLL & ASSOCIATES 230 WEST 400 SOUTH #203 SALT LAKE CITY, UTAH 84101 (801) 359-8517	<b>FLOOR ELEVATIONS</b> DRIVE @ STREET: 7,044.00'    REC RM LVL: 7,061.00' GARAGE: 7,047.00'    LIVING RM LVL: 7,067.50' MID LVL: 7,047.50'    MSTR SUITE LVL: 7,071.83' CST SUITE 1 LVL: 7,050.50'    MSTR CL LVL: 7,073.50' ENTRY LVL: 7,057.50'	<b>LEGEND</b> _____
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1  
L-1.5a  
Streetscape View - 1103 & 1105  
SCALE: NOT TO SCALE

**James L. Carroll & Associates**  
 "INNOVATORS OF AWARD WINNING DESIGN"  
 230 WEST 400 SOUTH SUITE #203  
 SALT LAKE CITY, UTAH 84101 (801) 359-8517  
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**UTAH KAT 1105**  
 LOT #1  
 1105 LOWELL AVENUE  
 PARK CITY, UTAH 84060

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**PROJECT:** UTAH KAT 1105  
**PLAN DATE:** 04-28-2015  
**DRAWN BY:** DANIEL BURROUGHS  
**REVISED BY:** DANIEL BURROUGHS  
**REVISED DATE:** 06-18-2015  
**DATE PLOTTED:** 08-11-2015  
**DESIGNATION:** STREETScape VIEWS  
**SHEET #:** L-1.5a

# Exhibit H – Streetscape View 1105

	<b>PROPOSED CONSTRUCTION:</b> LOT #1 1105 LOWELL AVENUE PARK CITY, UTAH 84060	<b>PREPARED FOR:</b> UTAH KAT, LLC. 17326 FOUNTAIN VIEW SAN ANTONIO, TX 78248 (210) 393-8099	<b>PREPARED BY:</b> JAMES L. CARROLL & ASSOCIATES 230 WEST 400 SOUTH #203 SALT LAKE CITY, UTAH 84101 (801) 359-8517	<table border="1"> <thead> <tr> <th colspan="2">FLOOR ELEVATIONS</th> </tr> </thead> <tbody> <tr> <td>DRIVE @ STREET:</td> <td>7,044.00'</td> </tr> <tr> <td>GARAGE:</td> <td>7,047.00'</td> </tr> <tr> <td>MUD LVL:</td> <td>7,047.50'</td> </tr> <tr> <td>GST SUITE 1 LVL:</td> <td>7,050.50'</td> </tr> <tr> <td>ENTRY LVL:</td> <td>7,057.50'</td> </tr> <tr> <td>REC RM LVL:</td> <td>7,061.00'</td> </tr> <tr> <td>LIVING RM LVL:</td> <td>7,067.50'</td> </tr> <tr> <td>MSTR SUITE LVL:</td> <td>7,071.83'</td> </tr> <tr> <td>MSTR CL LVL:</td> <td>7,073.50'</td> </tr> </tbody> </table>	FLOOR ELEVATIONS		DRIVE @ STREET:	7,044.00'	GARAGE:	7,047.00'	MUD LVL:	7,047.50'	GST SUITE 1 LVL:	7,050.50'	ENTRY LVL:	7,057.50'	REC RM LVL:	7,061.00'	LIVING RM LVL:	7,067.50'	MSTR SUITE LVL:	7,071.83'	MSTR CL LVL:	7,073.50'	<table border="1"> <thead> <tr> <th>LEGEND</th> </tr> </thead> <tbody> <tr> <td> </td> </tr> </tbody> </table>	LEGEND	
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LEGEND																											



1  
L-156

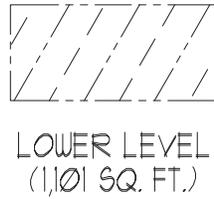
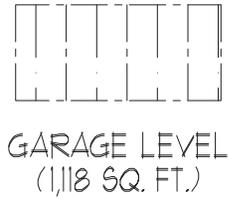
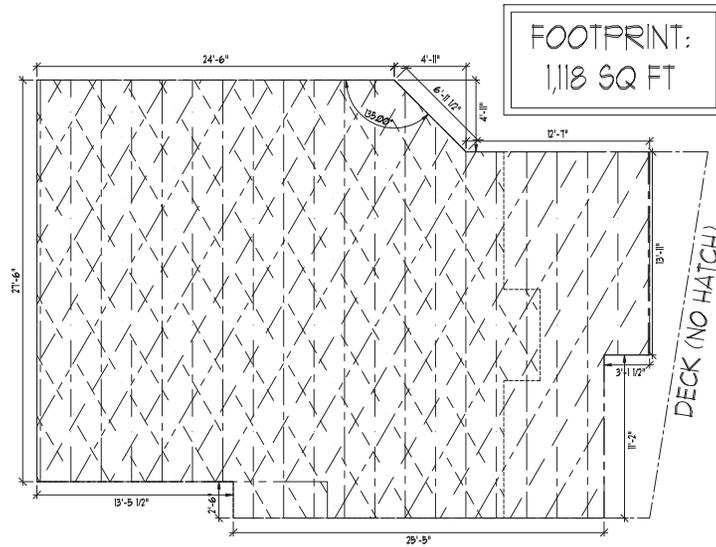
Streetscape View - 1105  
SCALE: NOT TO SCALE

**James L. Carroll & Associates**  
 "INNOVATORS OF AWARD WINNING DESIGN"  
 230 WEST 400 SOUTH SUITE #203  
 SALT LAKE CITY, UTAH 84101 (801) 359-8517  
 www.jamescarrollassociates.com

**UTAH KAT 1105**  
 LOT #1  
 1105 LOWELL AVENUE  
 PARK CITY, UTAH 84060

**PROJECT:** UTAH KAT 1105  
**PLAN DATE:** 04-28-2015  
**DRAWN BY:** DANIEL BURROUGHS  
**REVISED BY:** DANIEL BURROUGHS  
**REVISED DATE:** 06-18-2015  
**PROJECT LOCATION:** 1105 LOWELL AVENUE, PARK CITY, UTAH 84060  
**DESIGNATION:** STREETScape VIEWS  
**SHEET #:** L-156

Exhibit I – Footprint Calculation



1  
A-01

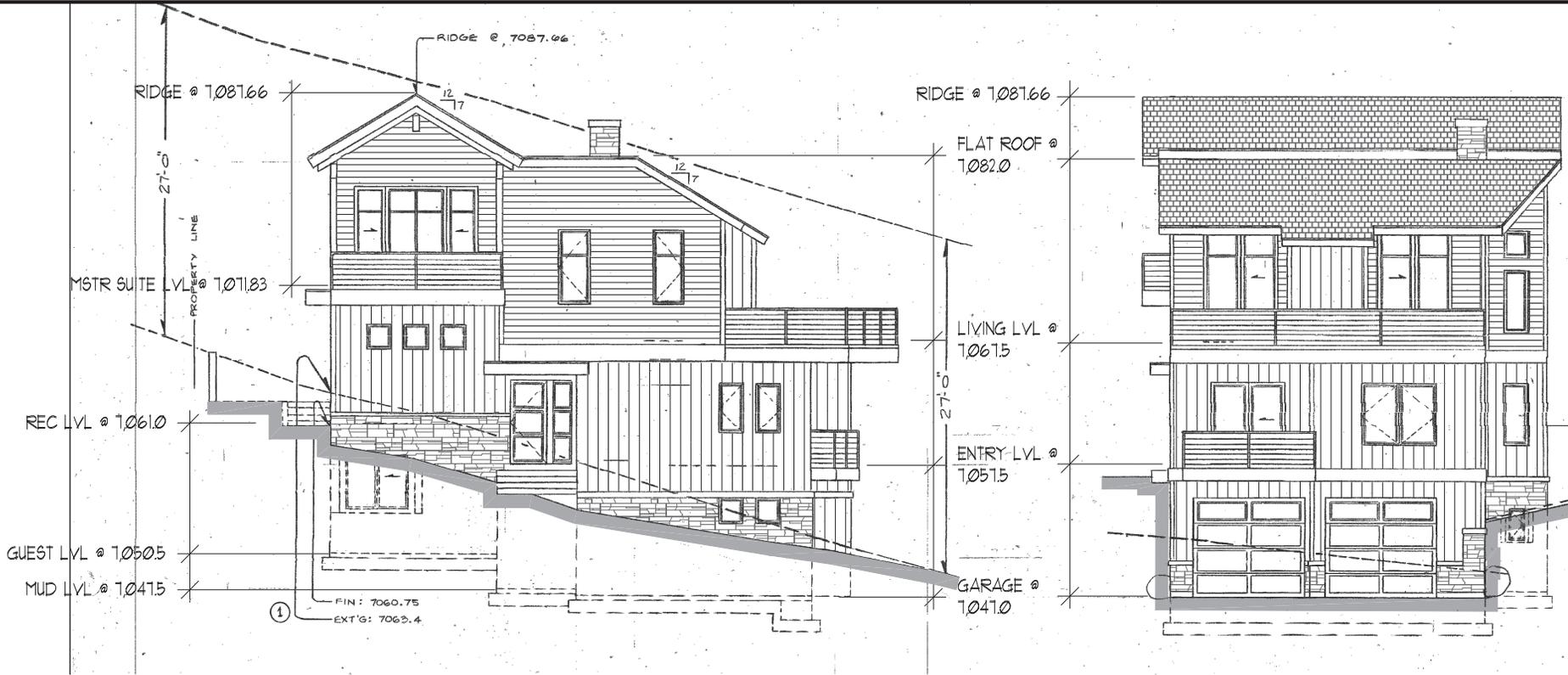
FOOTPRINT CALCS  
SCALE: 1/4" = 1'-0"

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 PARK CITY, UTAH 84060

<b>PROJECT:</b> UTAH KAT 1105	
<b>PLAN DATE:</b> 04-28-2015	<b>DESIGNED BY:</b> DANIEL BURROUGHS
<b>DRAWN BY:</b> DANIEL BURROUGHS	<b>REVISED DATE:</b> 06-18-2015
<b>PROJECT NO.:</b> 15-0000	<b>DESCRIPTION:</b> FOOTPRINT CALCS
<b>SHEET #:</b> A-0.1	

Exhibit J – Elevations, South & East



1  
A-10  
SOUTHEAST ELEVATION  
SCALE: 1/4" = 1'-0"

2  
A-10  
NORTHEAST ELEVATION  
SCALE: 1/4" = 1'-0"

PROPOSED EXTERIOR MATERIALS	
SIDING	HARDIE, MONTERREY TAUPE JH40-20
FASCIA / SOFFIT / TRIM BOARD	HARDIE, ARCTIC WHITE JH10-20
CONCRETE WALLS	NATURAL GREY CONC.
GARAGE / WINDOW / DOOR TRIM	DARK BRONZE / GLASS
EXT. METAL RAILINGS	DARK BRONZE
ROOF	CERTAINTED, PRESIDENTIAL SHINGLE - SHADOW GRAY or CHARCOAL BLACK

- ELEVATION NOTES:**
- ROOFING MATERIALS SHALL COMPLY WITH THE IRIS 1.
  - JOIST BRACES SHALL NOT BE INSTALLED OR SHOWN UNLESS A DOUBLE END BRACE IS USED TO BE INSTALLED IN ACCORDANCE WITH IRC TABLE 2.2.2.
  - PROVIDE 2x4 BARRER FROM FAN'S EDGE TO POINT AT LEAST 4" INSIDE THE EXTERIOR WALL LINE. IRC R602.2.1.
  - ENCLOSED ATTIC AND ROOF TRUSS SHALL HAVE CROSS VENTILATION FOR EACH SQUARE FOOT BY INSULATION DRAPING PROTECTED AGAINST THE INTERIOR OF ROOF AND BRACE TRUSS AND VENTILATED TOTAL VENTILATED AREA SHALL BE EQUAL TO THE AREA OF ROOFING. (1) APPROXIMATELY 1/300 OF THE UNOCCUPIED VOLUME OF THE SPACE UNDER THE ROOF. (2) A FAN VAPOR BARRIER IS INSTALLED IN THE WARM SIDE OF THE CEILING. IRC R606.
  - WALLS SHALL HAVE INSULATION AND VAPOR BARRIERS OVER INSULATION ON EXTERIOR WALLS AND ROOF CEILING. IRC R602.1.
  - PROVIDE 2 LAYERS OF WEATHER BARRIER UNDER STUCCO SYSTEMS & "COLTSEBY" STONE.
  - CORNERSTONE SYSTEMS OF ROOFING SHALL BE INSTALLED PER MANUFACTURER'S INSTRUCTIONS BUT NOT LESS THAN 3" ABOVE THE POINT WHERE THE CORNERSTONE PROTRUS THROUGH THE ROOF. IRC R602.1.
  - CONTRACTOR SHALL PROVIDE AN IRIS EVALUATION REPORT FOR ANY STUCCO OR STUCCO SYSTEM USED. INSPECTIONS ARE REQUIRED FOR ALL STUCCO AND STUCCO SYSTEMS. IRC R602.1.
  - EXTERIOR LIGHTS SHALL COMPLY WITH IRC R602.1.
  - FINISH GRADE AT STRUCTURE SHALL BE AT BELLOW TOP OF FOUNDATION. IRC R601.1.4.
  - FLASHING SHALL BE INSTALLED IN SUCH A MANNER SO AS TO PREVENT INTRUSION FROM ENTERING THE WALL OR TO EXCEED 1/4" TO THE EXTERIOR AS PER IRC R602.1.
  - EXTERIOR WALLS SHALL PROVIDE THE BUILDING WITH A WEATHER RESISTIVE EXTERIOR WALL ASSEMBLY. PROVIDE WEATHER RESISTIVE BARRIER ASSEMBLY WITH 1/2" AIR SPACE. CORNER AND OTHER OPENINGS IN THIS BUILDING ENVELOPE, INCLUDING MANUFACTURER'S INSTALLATION INSTRUCTIONS.
  - CALL FOR INSPECTION OF ALL FLASHING AS REQUIRED BY STATE STATUTE AMENDMENT TO IRC. SEC. 206.
  - PROVIDE CONTINUOUS RIE FAS BRIDGE VENTILATED ROOF.
  - AT THE INTERSECTION OF FOUNDATION TO STUCCO, MASONRY, STONE OR BRICK UNDER AN UNFINISHED CONCRETE REINFORCED MASONRY WALL, A 1/2" GAP IS TO BE MAINTAINED FROM THE EXTERIOR SIDE OF THE FOUNDATION IS REQUIRED.
  - PROVIDE MINIMUM 8" AIR INSULATION AT ALL ROOF JOINTS.
  - PROVIDE MINIMUM 8" AIR INSULATION AT ALL EXTERIOR WALLS.
  - INSPECTIONS ARE REQUIRED FOR ALL STUCCO AND STUCCO SYSTEMS. PROVIDE PRODUCT SPECIFICATIONS AND IRIS INSPECTION REPORT FOR ALL STUCCO AND STUCCO SYSTEMS USED. IRC R602.1.
  - MINIMUM ALLOWABLE HEIGHT: \_\_\_\_\_
  - PROPOSED FINISHED GRADE: \_\_\_\_\_
  - EXISTING GRADE: \_\_\_\_\_

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**UTAH KAT 1105**  
**LOT #1**  
 1105 LOWELL AVENUE  
 PARK CITY, UTAH 84060

**PROJECT:** UTAH KAT 1105  
**DATE:** 04-28-2015  
**DRAWN BY:** DANIEL BURROUGHS  
**REVIEWED BY:** DANIEL BURROUGHS  
**REVISED DATE:** 06-18-2015  
**DESIGNATION:** ARCHITECT  
**SCALE:** AS SHOWN  
**SHEET #:** A-1.0

# Exhibit K – Elevations, North & West

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

PROPOSED EXTERIOR MATERIALS	
SIDING	HARDIE, MONTERREY TAUPE JH40-20
FASCIA / SOFFIT / TRIM BOARD	HARDIE, ARCTIC WHITE JH10-20
CONCRETE WALLS	NATURAL GREY CONC.
GARAGE / WINDOW / DOOR TRIM	DARK BRONZE / GLASS
EXT. METAL RAILINGS	DARK BRONZE
ROOF	CERTAINTED, PRESIDENTIAL SHINGLE - SHADOW GRAY or CHARCOAL BLACK

**NORTHWEST ELEVATION**  
SCALE: 1/4" = 1'-0"

**ELEVATION NOTES:**

1. ROOFING MATERIALS SHALL COVER WITH RIGID 1/2"
2. EXTERIOR WALLS SHALL NOT BE INSTALLED OR USED WITHOUT A DOUBLE GIRDLE JOIST FROM 1 TO 10 UNLESS A DOUBLE UNDERLAYMENT IS INSTALLED IN ACCORDANCE WITH IRC 602.2.2
3. PROVIDE 1/2" BARRIER FROM EAVE'S EDGE TO A POINT AT LEAST 4' ABOVE THE EXTERIOR WALL LINE. (SEE DETAIL 3.1)
4. EXCLUDED ATTIC AND BATTLES SHALL HAVE CROSS VENTILATION FOR EACH BATTLE SPACE BY MEANS OF MECHANICAL EXHAUST FAN OR BY MEANS OF BATTLES WITH 1" SQUARE VENTILATION. TOTAL VENTILATING AREA SHALL NOT BE LESS THAN 1% OF THE GROSS FLOOR AREA. MECHANICAL EXHAUST FAN SHALL BE INSTALLED IN ACCORDANCE WITH IRC 403.1.1. MECHANICAL EXHAUST FAN SHALL BE INSTALLED IN ACCORDANCE WITH IRC 403.1.1. MECHANICAL EXHAUST FAN SHALL BE INSTALLED IN ACCORDANCE WITH IRC 403.1.1.
5. MECHANICAL EXHAUST FAN SHALL BE INSTALLED IN ACCORDANCE WITH IRC 403.1.1.
6. PROVIDE 2 LAYERS OF WEATHER BARRIER UNDER STUCCO SYSTEMS. "CALSTRIP" SYSTEM.
7. CONCRETE SHALL EXCEED 4" ABOVE REBAR. EXTERIOR PORTS BETWEEN 4" OF REBAR. BUT NOT LESS THAN 4" ABOVE THE POINT WHERE THE CHIMNEY PASSES THROUGH THE ROOF. (SEE DETAIL 4)
8. CONTRACTOR SHALL PROVIDE AN OMB EVALUATION REPORT FOR ANY STUCCO OR EIFS SYSTEM. OMB REPORTS ARE REQUIRED FOR ALL STUCCO AND EIFS SYSTEMS. (SEE DETAIL 4)
9. STUCCO AND EIFS SYSTEMS SHALL COMPLY WITH IRC 602.2.2
10. FRANK GASKET STRUCTURE SHALL BE 4" BELOW TOP OF FOUNDATION. (SEE DETAIL 4)
11. FLASHING SHALL BE INSTALLED IN SUCH A MANNER AS TO PREVENT WATER FROM ENTERING THE WALL OR TO DIRECT IT TO THE EXTERIOR AS PER IRC 1903.3
12. EXTERIOR WALLS SHALL PROVIDE THE BUILDING WITH A WEATHER RESISTIVE EXTERIOR WALL SYSTEM. PROVIDE WEATHER RESISTIVE BARRIER AS PER THE MANUFACTURER'S GUIDE AND OTHER CHANGES IN THE BUILDING DEVELOPER, INCLUDE MANUFACTURER'S INSTALLATION INSTRUCTIONS.
13. CALL FOR INSPECTION OF ALL FLASHING AS REQUIRED IN UTILITY STATEMENT. (SEE DETAIL 4)
14. PROVIDE CONTINUOUS RIE AND BRIDGE VENTS AT ROOF.
15. AT THE INTERSECTION OF FOUNDATION TO STUCCO, MASONRY SINKING STONE OR BRICK UNDER AN IMPERMEABLE RESISTANT FLASHING WITH A 1" OVERLAP OVERLAPPING OVER THE EXTERIOR SIDE OF THE FOUNDATION IS REQUIRED.
16. PROVIDE MINIMUM R-38 INSULATION AT ALL ROOF LOCATIONS
17. PROVIDE MINIMUM R-38 INSULATION AT ALL EXTERIOR WALLS
18. INSPECTIONS ARE REQUIRED FOR ALL STUCCO AND EIFS SYSTEMS. PROVIDE PRODUCT SPECIFICATIONS AND OMB EVALUATION REPORT (OR OMB) FOR ANY STUCCO OR EIFS SYSTEMS. (SEE DETAIL 4)

MAXIMUM ALLOWABLE HEIGHT \_\_\_\_\_  
 PROPOSED FINISHED GARAGE \_\_\_\_\_  
 EXISTING GARAGE \_\_\_\_\_

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**PROJECT:** UTAH KAT 1105  
**DATE:** 04-28-2015  
**DRAWN BY:** DANIEL BURROUGHS  
**REVISED BY:** DANIEL BURROUGHS  
**REVISED DATE:** 06-18-2015  
**SCALE:** 1/4" = 1'-0"  
**DISCIPLINE:** ARCHITECTURE  
**SHEET #:** A-1.1

Exhibit L – Axonometric views



AXONOMETRIC VIEWS  
SCALE: NOT TO SCALE

1  
A-12



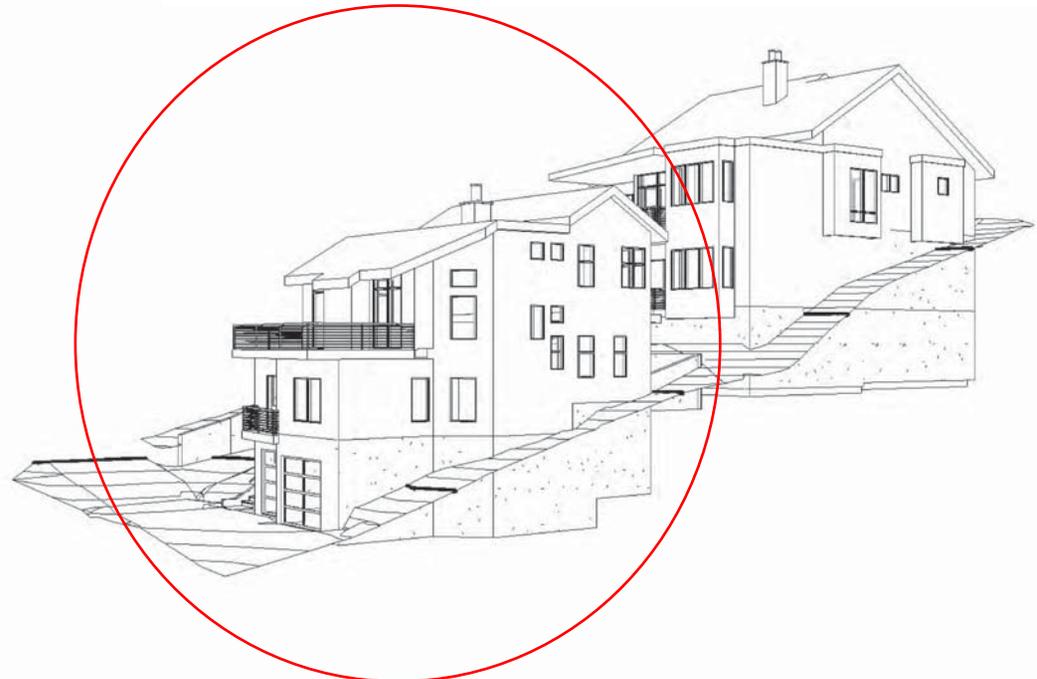
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UTAH KAT 1105  
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**PROJECT:** UTAH KAT 1105  
**DATE:** 04-28-2015  
**DESIGNED BY:** DANIEL BURROUGHS  
**REVISED BY:** DANIEL BURROUGHS  
**REVISED DATE:** 07-13-2015  
**DESIGNED BY:** DANIEL BURROUGHS  
**REVISED DATE:** 07-13-2015  
 AXONOMETRIC VIEWS

A-1.2

Exhibit M – Combined Axonometric Views



1  
A-13

COMBINED AXONOMETRIC VIEWS  
SCALE: NOT TO SCALE

**James L. Carroll & Associates**  
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 530 WEST 400 SOUTH SUITE #203  
 SALT LAKE CITY, UTAH 84101 (801) 589-8517  
 www.jamescarrollassociates.com

**UTAH KAT 1105**  
 LOT #1  
 1105 LOWELL AVENUE  
 PARK CITY, UTAH 84060

**PROJECT:** UTAH KAT 1105  
**PROGRAM DATE:** 04-28-2015  
**DRAWN BY:** DANIEL BURROUGHS  
**DESIGNED BY:** DANIEL BURROUGHS  
**REVISED DATE:** 07-13-2015  
**DATE PLOTTED:** 07-13-2015  
**SCALE:** AS SHOWN  
**DESCRIPTION:** COMBINED AXONOMETRIC VIEWS

SHEET #  
A-1.3



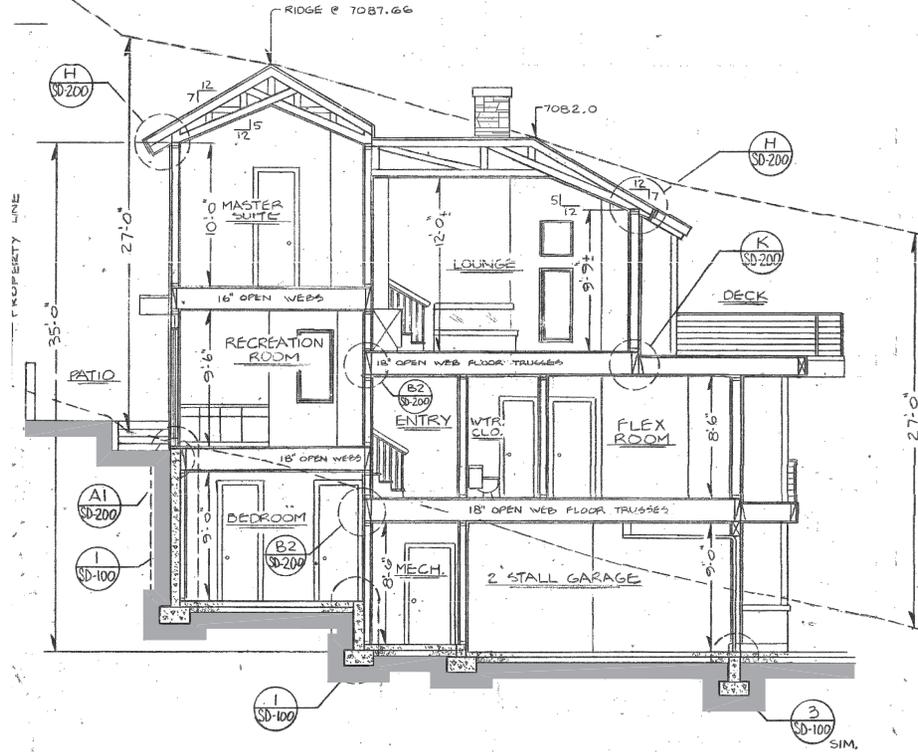






Exhibit R – Cross Section

NOTE: SLAB ON GRADE FLOORS AT EXTERIOR PERIMETER FOUNDATION WALLS THAT ARE ABOVE GRADE ARE REQUIRED TO BE INSULATED



1  
A-5.0  
CROSS SECTION  
SCALE: 1/4" = 1'-0"

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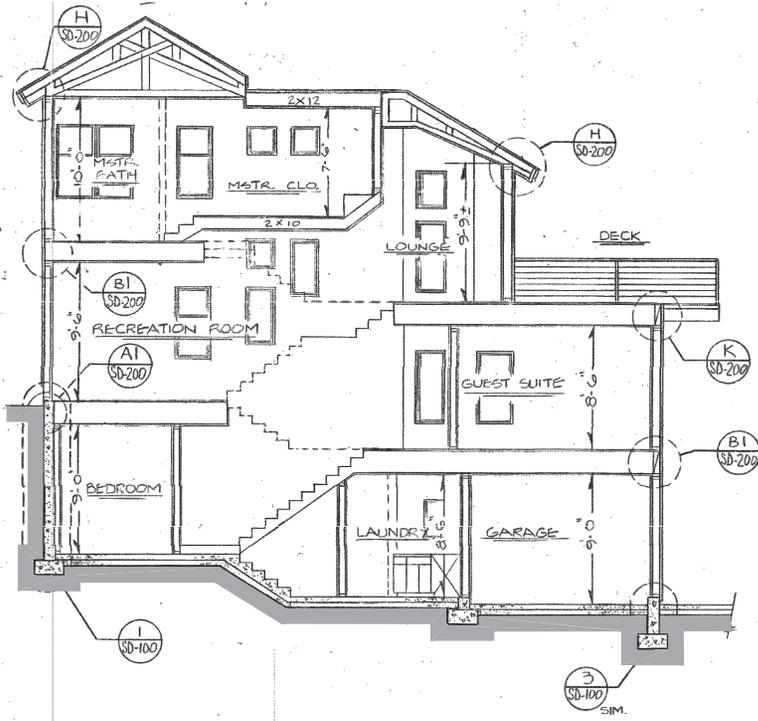
UTAH KAT 1105  
 LOT #1  
 1105 LOWELL AVENUE  
 PARK CITY, UTAH 84060

ALL WORK SUBMITTED BY THE CLIENT IS TO BE DONE IN ACCORDANCE WITH THE UTAH BUILDING CODE AND ALL APPLICABLE REGULATIONS. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTION. THE ARCHITECT'S RESPONSIBILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE WORK SHOWN ON THESE PLANS. THE ARCHITECT DOES NOT WARRANT THE ACCURACY OF ANY INFORMATION PROVIDED BY THE CLIENT. THE ARCHITECT'S LIABILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE WORK SHOWN ON THESE PLANS. THE ARCHITECT DOES NOT WARRANT THE ACCURACY OF ANY INFORMATION PROVIDED BY THE CLIENT.

PROJECT:	UTAH KAT 1105
DATE:	04-28-2015
DRAWN BY:	DANIEL BURROUGHS
REVIEWED BY:	DANIEL BURROUGHS
REVISED DATE:	06-18-2015
DESIGNATION:	ARCHITECT
CROSS SECTIONS:	
SHEET #	A-5.0

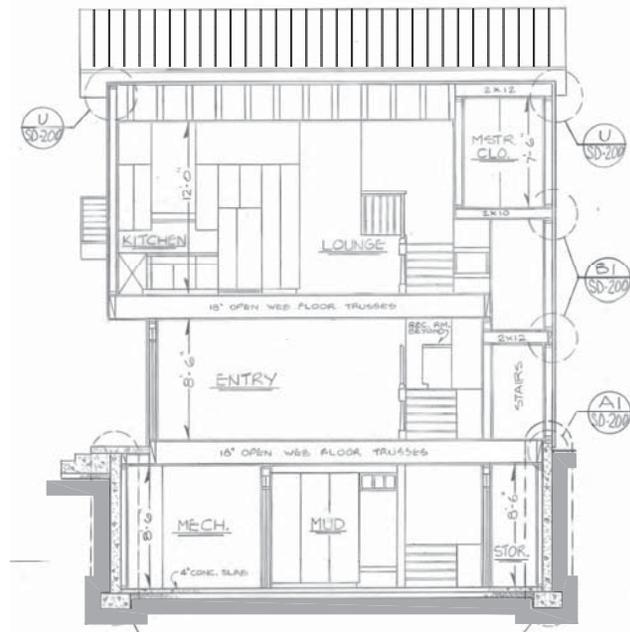
# Exhibit R – Cross Section

NOTE: SLAB ON GRADE FLOORS AT EXTERIOR PERIMETER FOUNDATION WALLS THAT ARE ABOVE GRADE ARE REQUIRED TO BE INSULATED



1  
A-5.1

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



2  
A-5.1

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

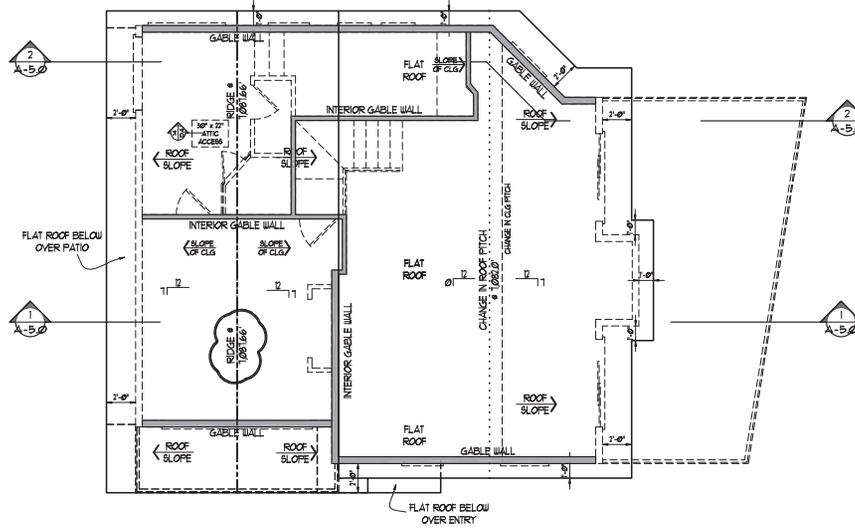
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**UTAH KAT 1105**  
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 PARK CITY, UTAH 84060

ALL WORK SUBMITTED BY THE ARCHITECT SHALL BE FOR THE ARCHITECT'S USE ONLY AND SHALL NOT BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT. THE ARCHITECT'S DESIGN SHALL BE THE SOLE BASIS FOR CONSTRUCTION AND THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR ANY CONSTRUCTION DEFECTS OR OMISSIONS. THE ARCHITECT'S DESIGN SHALL BE THE SOLE BASIS FOR CONSTRUCTION AND THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR ANY CONSTRUCTION DEFECTS OR OMISSIONS.

**PROJECT:** UTAH KAT 1105  
**DATE:** 04-28-2015  
**DRAWN BY:** DANIEL BURROUGHS  
**REVIEWED BY:** DANIEL BURROUGHS  
**REVISED DATE:** 06-18-2015  
**DESIGNATION:** ARCHITECT  
**CROSS SECTIONS**

SHEET # A-5.1



1  
S-40

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

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**PROJECT:** UTAH KAT 1105  
**PLAN DATE:** 04-28-2015  
**DRAWN BY:** DANIEL BURROUGHS  
**REVIEWED BY:** DANIEL BURROUGHS  
**REVISED DATE:** 07-13-2015  
**DESCRIPTION:** ROOF PLAN  
**SHEET #:** S-4.0

ALL WORK SUBMITTED BY THE DESIGNER SHALL BE IN ACCORDANCE WITH THE UTAH ARCHITECTURAL ACT AND THE UTAH BUILDING CODE. THE DESIGNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE, AND FEDERAL AUTHORITIES. THE DESIGNER SHALL BE RESPONSIBLE FOR THE ACCURACY OF ALL INFORMATION PROVIDED TO THE CLIENT. THE CLIENT SHALL BE RESPONSIBLE FOR THE ACCURACY OF ALL INFORMATION PROVIDED TO THE DESIGNER. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR ANY CONSEQUENCES ARISING FROM THE USE OF THIS PLAN FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT WAS DESIGNED.

# Planning Commission Staff Report



**Subject:** 1103 Lowell Avenue  
**Project #:** PL-15-02728  
**Author:** Francisco J. Astorga, Senior Planner  
**Date:** August 12, 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 1103 Lowell Avenue, conduct a public hearing, and consider approving the Steep Slope CUP for 1103 Lowell Avenue. 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:** Utah KAT LLC, represented by Jack Lopez  
**Architect:** James Carroll  
**Location:** 1103 Lowell Avenue  
**Zoning:** Historic Residential (HR-1)  
**Adjacent Land Uses:** Residential single family  
**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 CUP for a new single-family dwelling containing 5,763 square feet on a 6,090 square foot lot located at 1103 Lowell Avenue. The lot currently contains approximately half of an existing structure, a duplex, which is located at 1103 and 1105 Lowell Ave. The duplex is to be demolished prior to the proposed construction. The total floor area exceeds 1,000 square feet and the construction is proposed on a slope of 30%. The recently platted lot is Lot 1 of Barbara's Subdivision, approved by the City in October 2014. The plat has not yet been recorded.

## 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 March 27, 2015, the City received an application for a Steep Slope CUP for “Construction on a Steep Slope” at 1103 Lowell Avenue. The property is located in the HR-1 District. The application was deemed complete on July 16, 2015 as plans were updated on that date.

**Analysis**

This application is a request for a Steep Slope CUP for construction of a new single-family dwelling on a single lot containing 6,090 square feet. The property is described as Lot 2 of the Barbara’s Subdivision approved by the Park City Council in October 2014, but not yet recorded. Because the total proposed structure is greater than 1,000 square feet and the lot has slopes where the house is proposed of 30% or greater, the applicant is required to file a CUP application for review by the Planning Commission, pursuant to LMC § 15-2.2-6 and prior to issuance of a building permit. There is an existing structure currently on the lot. The existing structure is to be demolished as a condition of approval of the plat, Barbara’s Subdivision. The applicant filed a demolition permit for the duplex in May 2015 but has not yet demolished the duplex.

The proposed house contains a total of 5,763 square feet, including the basement level and a double car garage. The proposed building footprint is approximately 2,161.33 square feet. The house complies with all setbacks, building footprint, and building height requirements of the HR-1 District. The table below contains a breakdown of the proposed dwelling by floor:

<b>Floor</b>	<b>Proposed Sq. Ft.</b>
Main floor	2,036 square feet
Lower floor	1,937 square feet
Garage floor	1,790 square feet
<b>Total</b>	<b>5,763 square feet</b>

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

<b>Requirement</b>	<b>LMC Requirement</b>	<b>Proposed</b>
<b>Building Footprint</b>	2,162.6 square feet (based on lot area), <u>maximum</u>	2,161.33 square feet, <u>complies.</u>
<b>Front/Rear Yard Setbacks</b>	10 feet, <u>minimum</u>	10 feet, <u>complies.</u>

<b>Side Yard Setbacks</b>	5 feet, minimum, 14 feet total	North: 5 feet, <u>complies.</u> South: 9 feet, <u>complies.</u>
<b>Building Height: Zone Height</b>	27 feet above existing grade, <u>maximum.</u>	Various heights all at or less than 27 feet - <u>complies.</u>
<b>Building Height: Internal Massing Height</b>	35 feet from lowest floor plane to highest wall plate	35 feet- <u>complies.</u>
<b>Building Height: Final grade</b>	Final grade must be within four (4) vertical feet of existing grade around the periphery of the structure.	(4 feet) or less- <u>complies.</u>
<b>Building Height: Vertical articulation</b>	A ten foot (10') minimum horizontal step in the downhill façade is required.	A 10' horizontal step is located in the downhill façade, <u>complies.</u>
<b>Building Height: Roof Pitch</b>	Roof pitch must be between 7:12 and 12:12 for primary roofs. Non-primary roofs may be less than 7:12.	7:12 for all primary roofs - <u>complies.</u>
<b>Parking</b>	Two (2) off-street parking spaces required	Two (2) spaces within a double (side to side) car garage, <u>complies.</u>

A separate Historic District Design Review (HDDR) application was submitted to the Planning Department for the proposed single-family dwelling. This application will be reviewed 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 house is dependent on approval of the Historic District Design Review.

Steep Slope Review Criteria

LMC § 15-2.2-6 provides for development on steep sloping lots in excess of one thousand square feet (1,000 sq. ft.) within the HR-1 District, subject to the following Steep Slope CUP criteria:

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

*The proposed single-family dwelling is located on the lot in a manner that reduces the visual impacts as the Plat Amendment places the bulk of this lot behind another lot. The proposed landscape plan maintains existing vegetation in this lot. The proposed footprint complies with that allowed for the lot area. The driveway is located on the southeast section of the lot, the only logical place due to the location of 1105 Lowell.*

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

*The applicant submitted a visual analysis, including a cross canyon view, streetscape and photographs showing a contextual analysis of proposed house related to visual impacts.*

*The proposed structure cannot be seen from the key vantage points as indicated in the LMC Section 15-15-1.283, with the exception of a cross canyon view. The cross canyon view contains a back drop of three (3) story houses. The visual analysis and streetscape demonstrate that the proposed design is visually compatible with the neighborhood, similar in scale and mass to surrounding structures, and visual impacts are mitigated. Potential impacts of the design are mitigated by setting the house lower on the lot and a stepped foundation. Additionally, the garage door is located over 70 feet back from the edge of Lowell Avenue as a side entry.*

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

*The proposed design incorporates a driveway from Lowell Avenue, with direct side access to a side entry double garage. Overall slope is 13.9% as measured from the front of the garage to the edge of the paved street. This slope is due to setting the house further back in the lot. The driveway is designed to minimize grading of the natural topography and to reduce overall building scale.*

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

*Minor retaining is necessary to regain natural grade around the proposed structure to provide for egress at the rear patio. Minor and limited retaining is also being requested around the driveway located in the front yard area. Both of these areas will meet the LMC development standards of retaining walls in setback areas which range from four feet (4') to the maximum height of six feet (6') above final grade.*

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 proposed structure is located towards the rear of the site. The driveway access was designed to come right off the built road leading towards the two car garage.*

6. **Building Form and Scale.** Where Building masses orient against the Lot's existing contours, the Structures must be stepped with the Grade and broken into

a series of individual smaller components that are Compatible with the District. Low profile Buildings that orient with existing contours are strongly encouraged. The garage must be subordinate in design to the main Building. In order to decrease the perceived bulk of the Main Building, the Planning Commission may require a garage separate from the main Structure or no garage. **No unmitigated impacts.**

*The main ridge orients with the contours. The size of the lot allows the design to not offend the natural character of the site as seen on the submitted model. The house is set lower in the ground as to reduce the visibility of the garage and garage level floor.*

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. **Unmitigated impacts.**

*The proposed structure meets the standard LMC setbacks for a lot this size consisting of a minimum of ten feet front/rear yard setbacks. The minimum side yard setbacks are five feet (5') minimum and fourteen feet (14') total. No wall effect is created with the proposed design. Side setbacks are consistent with the pattern of development and separation in the neighborhood. The articulation in the front and rear facades reduce the overall mass of the structure and does not create a wall effect along the street front or rear lot line.*

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.**

*The proposed structure is articulated and broken into compatible massing components. The design includes setback variations and lower building heights for portions of the structure. The proposed massing and architectural design components are compatible with both the volume and massing of single-family dwellings in the area. The design minimizes the visual mass and mitigates the differences in scale between the proposed house and surrounding structures.*

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. **No unmitigated impacts.**

*The proposed structure meets the twenty-seven feet (27') maximum building height requirement measured from existing grade at the highest point. The heights of the main ridges range from 22 to 26 feet above the existing grade.*

*Portions of the house are less than 27' in height. The tallest ridge (26') is midway back from the front and the roof height at this location is not visually apparent from the front, back, or sides of the 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 to be addressed by revisions and conditions of approval.

### **Notice**

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

### **Public Input**

No public input has received on this application.

### **Alternatives**

- The Planning Commission may approve the Steep Slope Conditional Use Permit for 1103 Lowell Avenue, or
- The Planning Commission may deny the Steep Slope CUP Permit for 1103 Lowell 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**

There are no significant fiscal or environmental impacts from this application. The lot currently contains one-half of a duplex which is also on 1105 Lowell Ave, and contains some existing vegetation.

### **Recommendation**

Staff recommends the Planning Commission review the application for a Steep Slope Conditional Use Permit at 1103 Lowell Avenue, conduct a public hearing, and consider approving the Steep Slope CUP for 1103 Lowell 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 1103 Lowell Avenue.
2. The property is located within the Historic Residential (HR-1) District.
3. A single-family dwelling is an allowed use in the HR-1 District.
4. The property is described as Lot 2 of Barbara's Subdivision.
5. The lot area is 6,090 square feet.

6. The lot currently contains approximately one-half of a duplex.
7. 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.
8. Access to the property is from Lowell Avenue, a public street.
9. Two parking spaces are proposed on site. Both spaces are located inside a side-by-side two (2) car garage.
10. The neighborhood is characterized by a mix of historic and non-historic residential structures, single family homes and duplexes.
11. The proposed driveway has an overall slope of 13.9% as measured from the front of the garage to the edge of the paved street.
12. An overall building footprint of 2,161.33 square feet is proposed. The maximum allowed footprint for this lot is 2,162.6 square feet.
13. The proposed structure complies with all setbacks.
14. 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 27' in height.
15. 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 Lowell Avenue streetscape. Staff finds that the proposed house is compatible with the surrounding structures.
16. The proposed single-family dwelling is compatible with the surrounding structures as viewed from the submitted Streetscape consisting of the Lowell Avenue West area.
17. 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% slope areas.
18. The building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography.
19. 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 in height.
20. 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.
21. 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.
22. This property is required to have independent utility services for water, sewer, power, etc. Stubbing of these utilities was completed during the Lowell Avenue reconstruction project.
23. 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.
24. The findings in the Analysis section of this report are incorporated herein.

### **Conclusions of Law:**

1. The Steep Slope Conditional Use Permit application is consistent with requirements of the Park City Land Management Code, specifically Section 15-2.2 for the HR-1 zoning district.
2. The Steep Slope Conditional Use Permit application is consistent with the Park City General Plan.
3. 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.
4. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.
5. 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. Separate, individual utility service is required for 1103 Lowell Avenue.
5. 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.
6. A final landscape plan shall be submitted for review and approval by the City Planning Department, prior to building permit issuance.
7. 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.
8. 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.
9. This approval will expire on August 12, 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.
10. Modified 13-D residential fire sprinklers are required for all new structures on the lot.
11. 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.

**Exhibits**

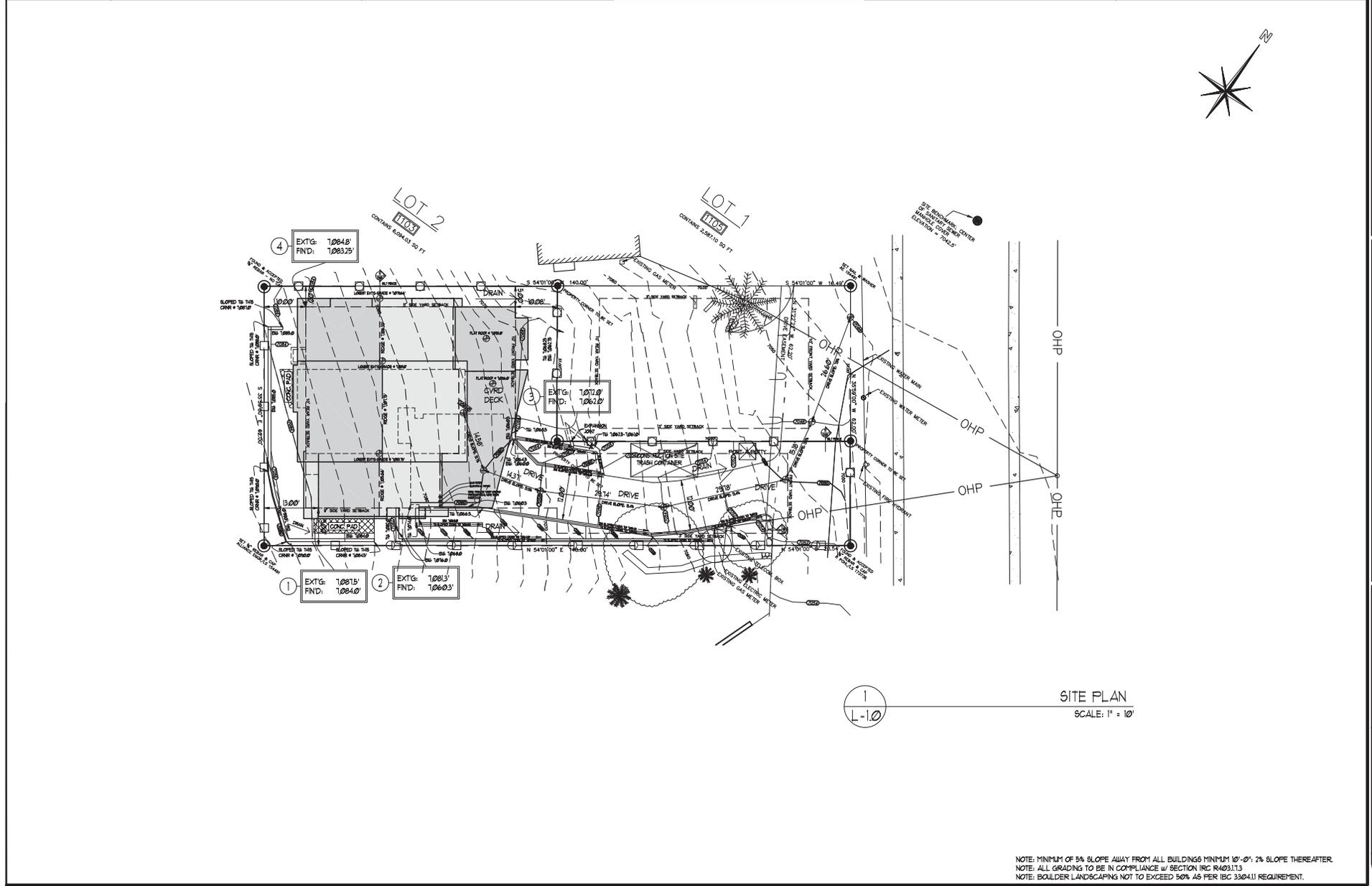
Exhibit A – Site Plan

Exhibit B – Landscape Plan

Exhibit C – Aerial Site View 1103 & 1105  
Exhibit D – Aerial Site View 1103  
Exhibit E – Cross Canyon View 1103 & 1105  
Exhibit F – Cross Canyon View 1103  
Exhibit G – Streetscape View 1103 & 1105  
Exhibit H – Proof of Natural Grade  
Exhibit I – Footprint Calculation  
Exhibit J – Elevations, South & East  
Exhibit K – Elevations, North & West  
Exhibit L – Axonometric views  
Exhibit M – Combined Axonometric Views  
Exhibit N – Garage Floor Plan  
Exhibit O – Lower Floor Plan  
Exhibit P – Main Floor Plan  
Exhibit Q – Cross Section  
Exhibit S – Roof Plan

# Exhibit A – Site Plan

<p>PROPOSED CONSTRUCTION: LOT #2 1103 LOWELL AVENUE PARK CITY, UTAH 84060</p>	<p>PREPARED FOR: UTAH KAT, LLC. 17326 FOUNTAIN VIEW SAN ANTONIO, TX 78248 (210) 393-8099</p>	<p>PREPARED BY: JAMES L. CARROLL &amp; ASSOCIATES 230 WEST 400 SOUTH #203 SALT LAKE CITY, UTAH 84101 (801) 359-8517</p>	<p>FLOOR ELEVATIONS</p> <p>DRIVE @ ENTRANCE: 7,050.25'    MAIN LVL: 7,084.50' GARAGE: 7,062.00' GARAGE LVL: 7,062.50' LOWER LVL: 7,073.00'</p>	<p>LEGEND</p> <p>EXISTING GRADE: - - - - - PROPOSED GRADE: - - - - - SILT FENCE:  LOD. FENCE: </p>
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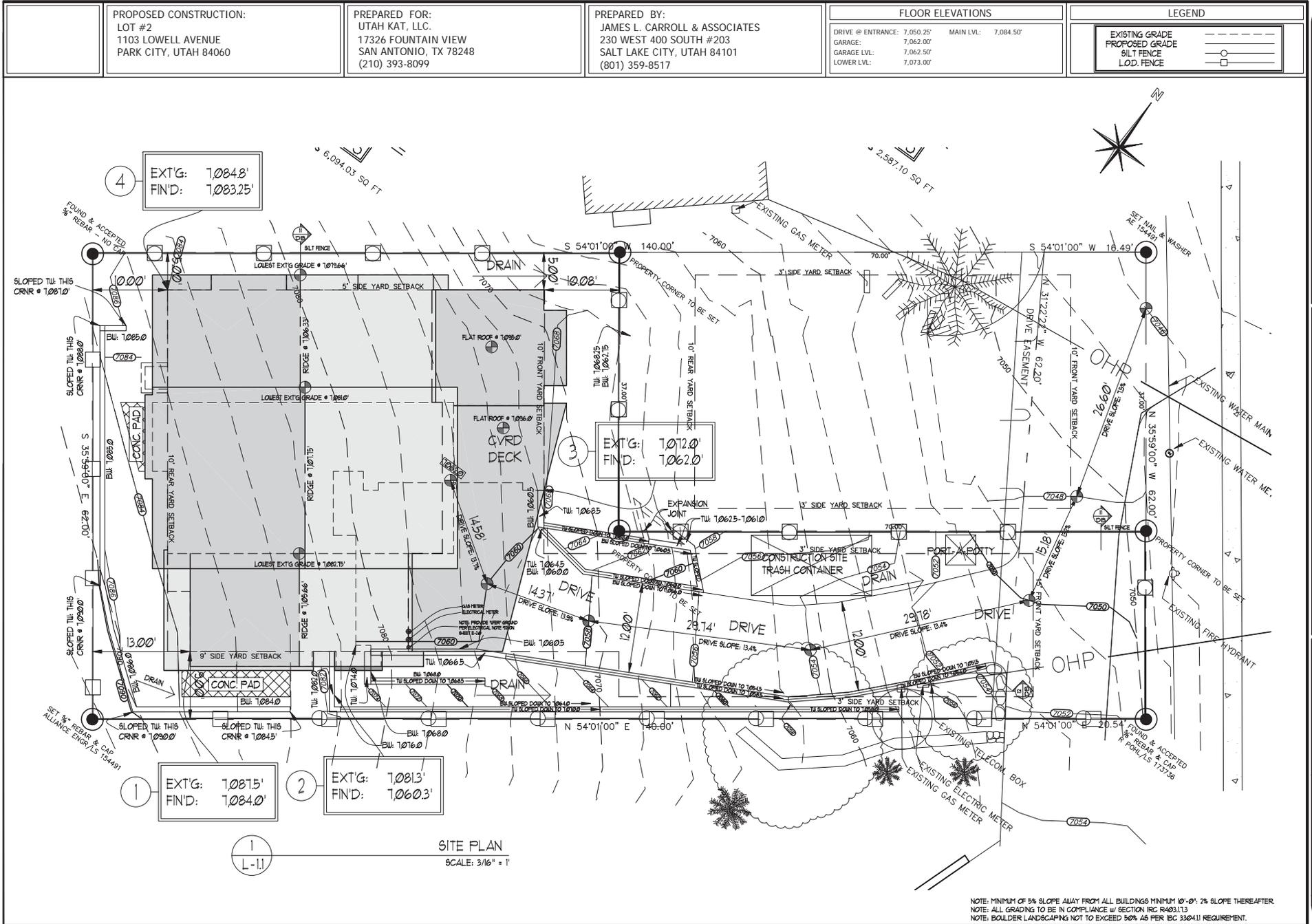
**James L. Carroll & Associates**  
"INNOVATORS OF AWARD WINNING DESIGN"  
230 WEST 400 SOUTH SUITE #203  
SALT LAKE CITY, UTAH 84101 (801) 359-8517  
www.jamescarrollassociates.com

**UTAH KAT 1103**  
**LOT #2**  
1103 LOWELL AVENUE  
PARK CITY, UTAH 84060

<b>PROJECT:</b> UTAH KAT 1103
<b>DATE:</b> 04-28-2015
<b>DESIGNED BY:</b> DANIEL BURROUGHS
<b>REVISIONS:</b> DANIEL BURROUGHS
<b>REVISION DATE:</b> 07-14-2015
<b>LOT DATA:</b> ...
<b>DESIGNER:</b> ...
<b>SITE PLAN</b>
<b>SHEET #</b>

L-1.0

# Exhibit A – Site Plan



**James L. Carroll & Associates**  
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 230 WEST 400 SOUTH SUITE #203  
 SALT LAKE CITY, UTAH 84101 (801) 359-8517  
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**UTAH KAT 1103**  
 LOT #2  
 1103 LOWELL AVENUE  
 PARK CITY, UTAH 84060

**PROJECT:** UTAH KAT 1103  
**PLAN DATE:** 04-28-2015  
**DRAWN BY:** DANIEL BURROUGHS  
**DESIGNED BY:** DANIEL BURROUGHS  
**REVISION DATE:** 07-14-2015  
**DESIGNATION:** CIVIL ENGINEER  
**SCALE:** AS SHOWN  
**SHEET #:** L-1.1



Exhibit C – Aerial Site View 1103 & 1105

PROPOSED CONSTRUCTION:  
LOT #2  
1103 LOWELL AVENUE  
PARK CITY, UTAH 84060

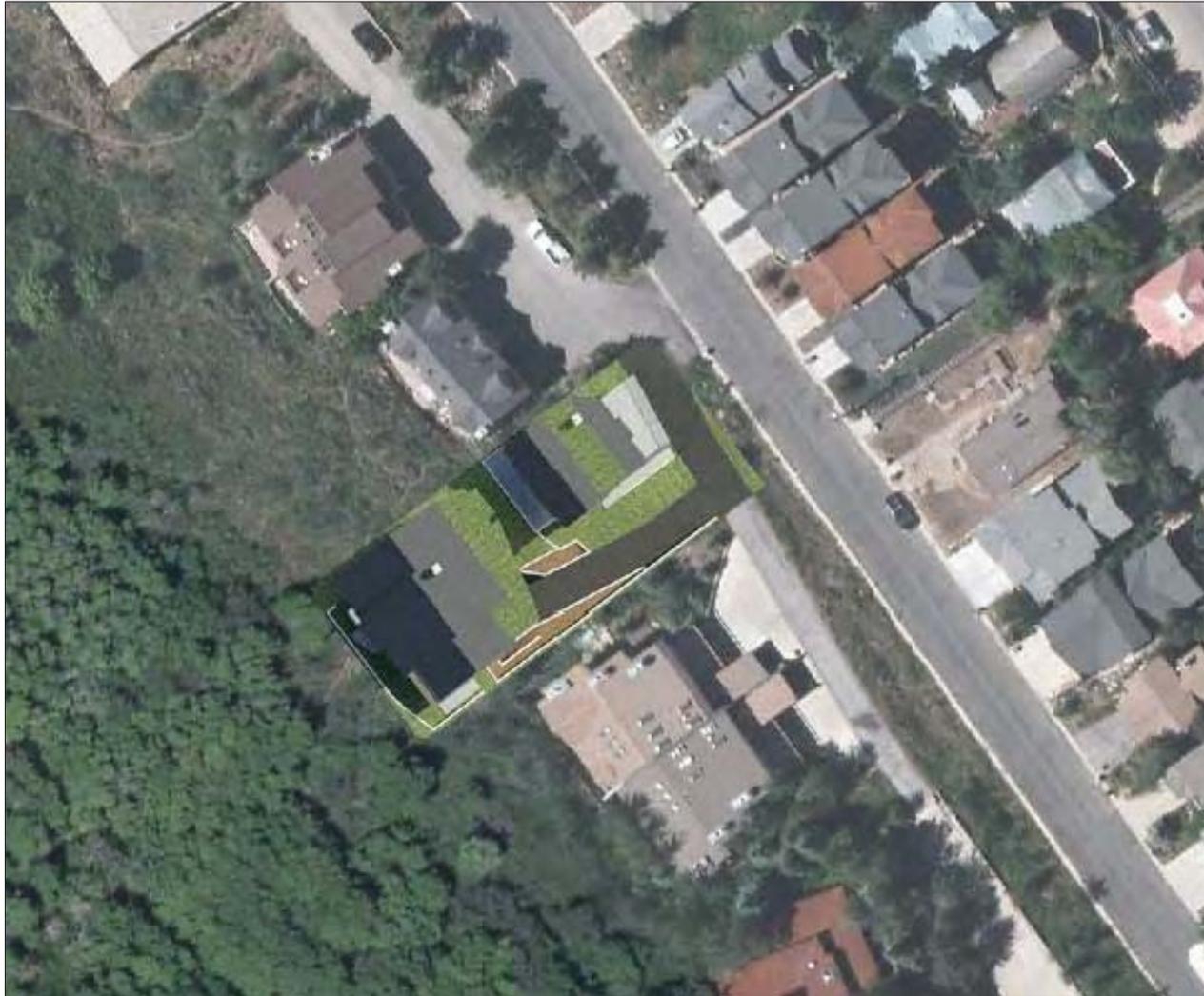
PREPARED FOR:  
UTAH KAT, LLC.  
17326 FOUNTAIN VIEW  
SAN ANTONIO, TX 78248  
(210) 393-8099

PREPARED BY:  
JAMES L. CARROLL & ASSOCIATES  
230 WEST 400 SOUTH #203  
SALT LAKE CITY, UTAH 84101  
(801) 359-8517

FLOOR ELEVATIONS

DRIVE @ ENTRANCE: 7,050.16'    MAIN LVL: 7,084.50'  
GARAGE: 7,062.00'  
GARAGE LVL: 7,062.50'  
LOWER LVL: 7,073.00'

LEGEND



1  
L-1.3a

Aerial Site View - 1103 & 1105

SCALE: NOT TO SCALE

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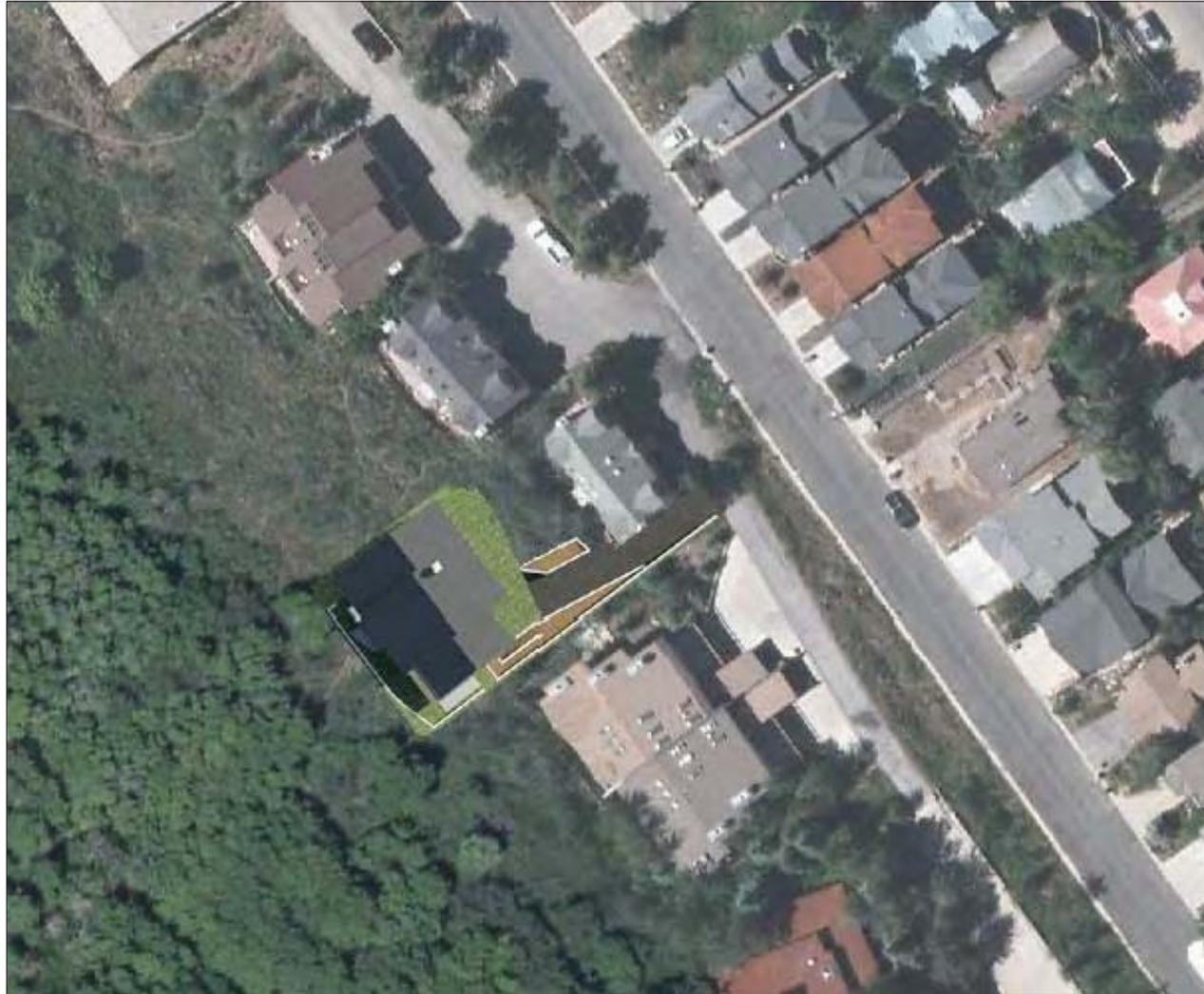
UTAH KAT 1103  
LOT #2  
1103 LOWELL AVENUE  
PARK CITY, UTAH 84060

**PROJECT:** UTAH KAT 1103  
**DATE:** 04-09-2015  
**DRAWN BY:** DANIEL BURROUGHS  
**REVISIONS:** NONE  
**REVISOR:** DANIEL BURROUGHS  
**REVISION DATE:** 04-29-2015  
**DESIGNER:** DANIEL BURROUGHS  
**SCALE:** AERIAL VIEWS

SHEET #  
L-1.3a

# Exhibit D – Aerial Site View 1103

	<b>PROPOSED CONSTRUCTION:</b> LOT #2 1103 LOWELL AVENUE PARK CITY, UTAH 84060	<b>PREPARED FOR:</b> UTAH KAT, LLC. 17326 FOUNTAIN VIEW SAN ANTONIO, TX 78248 (210) 393-8099	<b>PREPARED BY:</b> JAMES L. CARROLL & ASSOCIATES 230 WEST 400 SOUTH #203 SALT LAKE CITY, UTAH 84101 (801) 359-8517	<b>FLOOR ELEVATIONS</b> DRIVE @ ENTRANCE: 7,050.16'    MAIN LVL: 7,084.50' GARAGE: 7,062.00' GARAGE LVL: 7,062.50' LOWER LVL: 7,073.00'	<b>LEGEND</b>
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1  
L-1.3b

Aerial Site View - 1103  
SCALE: NOT TO SCALE

**James L. Carroll & Associates**  
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**UTAH KAT 1103**  
**LOT #2**  
 1103 LOWELL AVENUE  
 PARK CITY, UTAH 84060

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**PROJECT:** UTAH KAT 1103  
**DATE:** 01-09-2015  
**DRAWN BY:** DANIEL BURROUGHS  
**REVISED BY:** DANIEL BURROUGHS  
**REVISED DATE:** 01-29-2015  
**DESIGNATION:** AERIAL VIEWS

SHEET # L-1.3b

# Exhibit E – Cross Canyon View 1103 & 1105

<p>PROPOSED CONSTRUCTION:          LOT #2          1103 LOWELL AVENUE          PARK CITY, UTAH 84060</p>	<p>PREPARED FOR:          UTAH KAT, LLC.          17326 FOUNTAIN VIEW          SAN ANTONIO, TX 78248          (210) 393-8099</p>	<p>PREPARED BY:          JAMES L. CARROLL &amp; ASSOCIATES          230 WEST 400 SOUTH #203          SALT LAKE CITY, UTAH 84101          (801) 359-8517</p>	<p>FLOOR ELEVATIONS</p> <table border="1"> <tr> <td>DRIVE @ ENTRANCE:</td> <td>7,050.16'</td> <td>MAIN LVL:</td> <td>7,084.50'</td> </tr> <tr> <td>GARAGE:</td> <td>7,062.00'</td> <td></td> <td></td> </tr> <tr> <td>GARAGE LVL:</td> <td>7,062.50'</td> <td></td> <td></td> </tr> <tr> <td>LOWER LVL:</td> <td>7,073.00'</td> <td></td> <td></td> </tr> </table>	DRIVE @ ENTRANCE:	7,050.16'	MAIN LVL:	7,084.50'	GARAGE:	7,062.00'			GARAGE LVL:	7,062.50'			LOWER LVL:	7,073.00'			<p>LEGEND</p>
DRIVE @ ENTRANCE:	7,050.16'	MAIN LVL:	7,084.50'																	
GARAGE:	7,062.00'																			
GARAGE LVL:	7,062.50'																			
LOWER LVL:	7,073.00'																			



1  
L-1.4a

Cross-Canyon View - 1103 & 1105  
 SCALE: NOT TO SCALE

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 SALT LAKE CITY, UTAH 84101 (801) 359-8517  
 www.jamescarrollassociates.com

UTAH KAT 1103  
 LOT #2  
 1103 LOWELL AVENUE  
 PARK CITY, UTAH 84060

**PROJECT:** UTAH KAT 1103  
**DATE:** 01-09-2015  
**DESIGNED BY:** DANIEL BURROUGHS  
**REVISED BY:** DANIEL BURROUGHS  
**REVISED DATE:** 01-29-2015  
**DESIGNATION:** ARCHITECT  
**PROJECT:** CROSS-CANYON VIEWS  
**SHEET #:** L-1.4a

# Exhibit F – Cross Canyon View 1103

<p>PROPOSED CONSTRUCTION:          LOT #2          1103 LOWELL AVENUE          PARK CITY, UTAH 84060</p>	<p>PREPARED FOR:          UTAH KAT, LLC.          17326 FOUNTAIN VIEW          SAN ANTONIO, TX 78248          (210) 393-8099</p>	<p>PREPARED BY:          JAMES L. CARROLL &amp; ASSOCIATES          230 WEST 400 SOUTH #203          SALT LAKE CITY, UTAH 84101          (801) 359-8517</p>	<p>FLOOR ELEVATIONS</p> <table border="1"> <tr> <td>DRIVE @ ENTRANCE:</td> <td>7,050.16'</td> <td>MAIN LVL:</td> <td>7,084.50'</td> </tr> <tr> <td>GARAGE:</td> <td>7,062.00'</td> <td></td> <td></td> </tr> <tr> <td>GARAGE LVL:</td> <td>7,062.50'</td> <td></td> <td></td> </tr> <tr> <td>LOWER LVL:</td> <td>7,073.00'</td> <td></td> <td></td> </tr> </table>	DRIVE @ ENTRANCE:	7,050.16'	MAIN LVL:	7,084.50'	GARAGE:	7,062.00'			GARAGE LVL:	7,062.50'			LOWER LVL:	7,073.00'			<p>LEGEND</p>
DRIVE @ ENTRANCE:	7,050.16'	MAIN LVL:	7,084.50'																	
GARAGE:	7,062.00'																			
GARAGE LVL:	7,062.50'																			
LOWER LVL:	7,073.00'																			



1  
L-1.4b

Cross-Canyon View - 1103  
 SCALE: NOT TO SCALE

**James L. Carroll & Associates**  
 "INNOVATORS OF AWARD WINNING DESIGN"  
 230 WEST 400 SOUTH SUITE #203  
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UTAH KAT 1103  
 LOT #2  
 1103 LOWELL AVENUE  
 PARK CITY, UTAH 84060

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PROJECT: UTAH KAT 1103  
 SHEET: L-1.4b  
 PLAN DATE: 01-09-2015  
 DRAWN BY: DANIEL BURROUGHS  
 CHECKED BY: DANIEL BURROUGHS  
 REVISION DATE: 01-29-2015  
 DESIGNATION: CROSS-CANYON VIEWS

# Exhibit G – Streetscape View 1103 & 1105

<p>PROPOSED CONSTRUCTION: LOT #2 1103 LOWELL AVENUE PARK CITY, UTAH 84060</p>	<p>PREPARED FOR: UTAH KAT, LLC. 17326 FOUNTAIN VIEW SAN ANTONIO, TX 78248 (210) 393-8099</p>	<p>PREPARED BY: JAMES L. CARROLL &amp; ASSOCIATES 230 WEST 400 SOUTH #203 SALT LAKE CITY, UTAH 84101 (801) 359-8517</p>	<p>FLOOR ELEVATIONS</p> <p>DRIVE @ ENTRANCE: 7,050.16'    MAIN LVL: 7,084.50' GARAGE: 7,062.00' GARAGE LVL: 7,062.50' LOWER LVL: 7,073.00'</p>	<p>LEGEND</p>
-------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------



1  
L-15 Streetscape View - 1103 & 1105  
SCALE: NOT TO SCALE

**James L. Carroll & Associates**  
 "INNOVATORS OF AWARD WINNING DESIGN"  
 230 WEST 400 SOUTH SUITE #203  
 SALT LAKE CITY, UTAH 84101 (801) 359-8517  
 www.jamescarrollassociates.com

**UTAH KAT 1103**  
 LOT #2  
 1103 LOWELL AVENUE  
 PARK CITY, UTAH 84060

**PROJECT: UTAH KAT 1103**  
 PLAN DATE: 01-09-2015  
 DRAWN BY: DANIEL BURROUGHS  
 REVISED BY: DANIEL BURROUGHS  
 REVISED DATE: 01-29-2015  
 SHEET NO: L-15  
 SHEET TITLE: STREETScape VIEWS

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# Exhibit H – Proof of Natural Grade

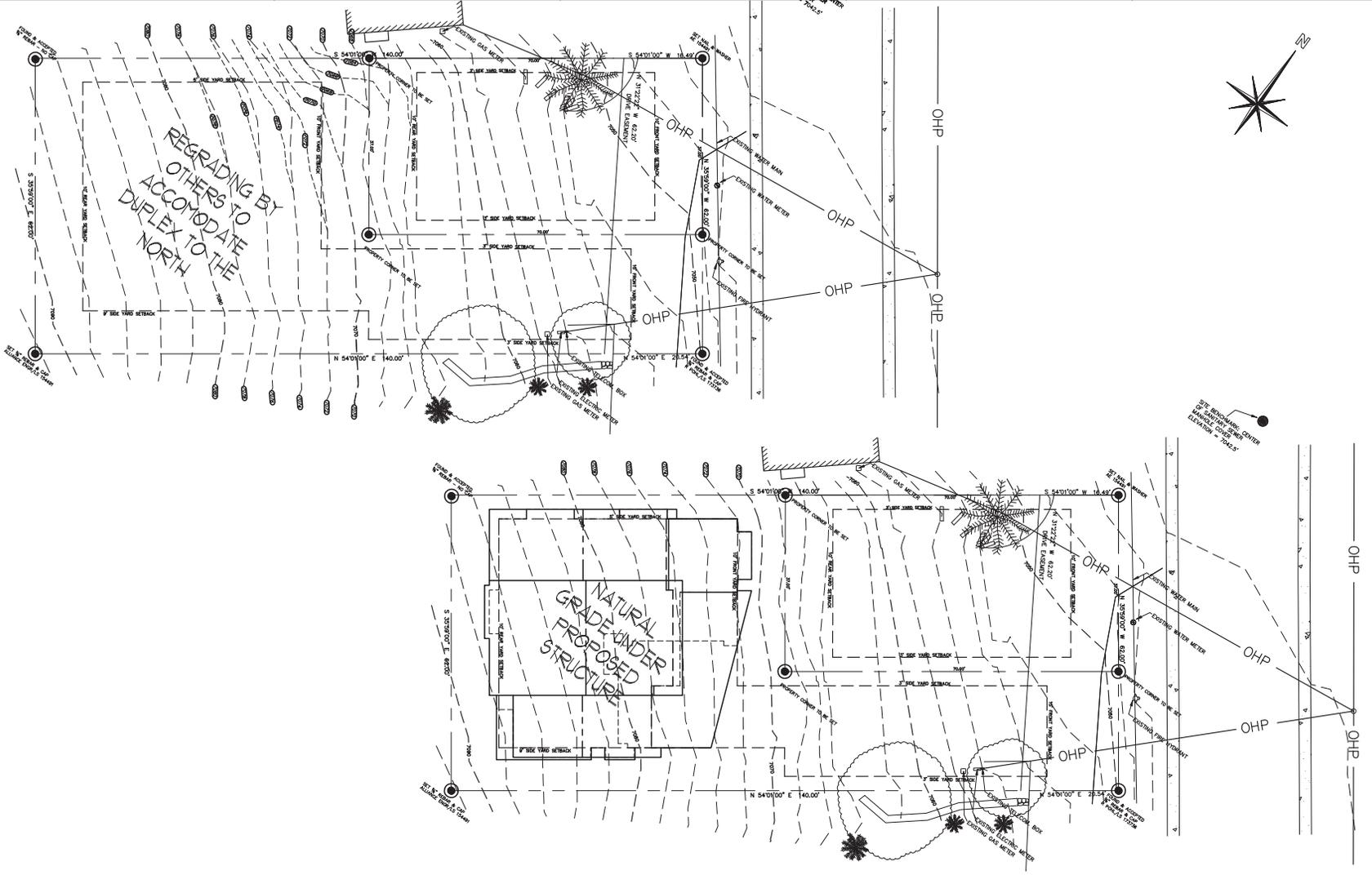
<p>PROPOSED CONSTRUCTION: LOT #2 1103 LOWELL AVENUE PARK CITY, UTAH 84060</p>	<p>PREPARED FOR: UTAH KAT, LLC. 17326 FOUNTAIN VIEW SAN ANTONIO, TX 78248 (210) 393-8099</p>	<p>PREPARED BY: JAMES L. CARROLL &amp; ASSOCIATES 230 WEST 400 SOUTH #203 SALT LAKE CITY, UTAH 84101 (801) 359-8517</p>	<p>FLOOR ELEVATIONS</p> <p>DRIVE @ ENTRANCE: 7,050.25'    MAIN LVL: 7,084.50' GARAGE: 7,062.00' GARAGE LVL: 7,062.50' LOWER LVL: 7,073.00'</p>	<p>LEGEND</p>
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**UTAH KAT 1103**  
 LOT #2  
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 PARK CITY, UTAH 84060

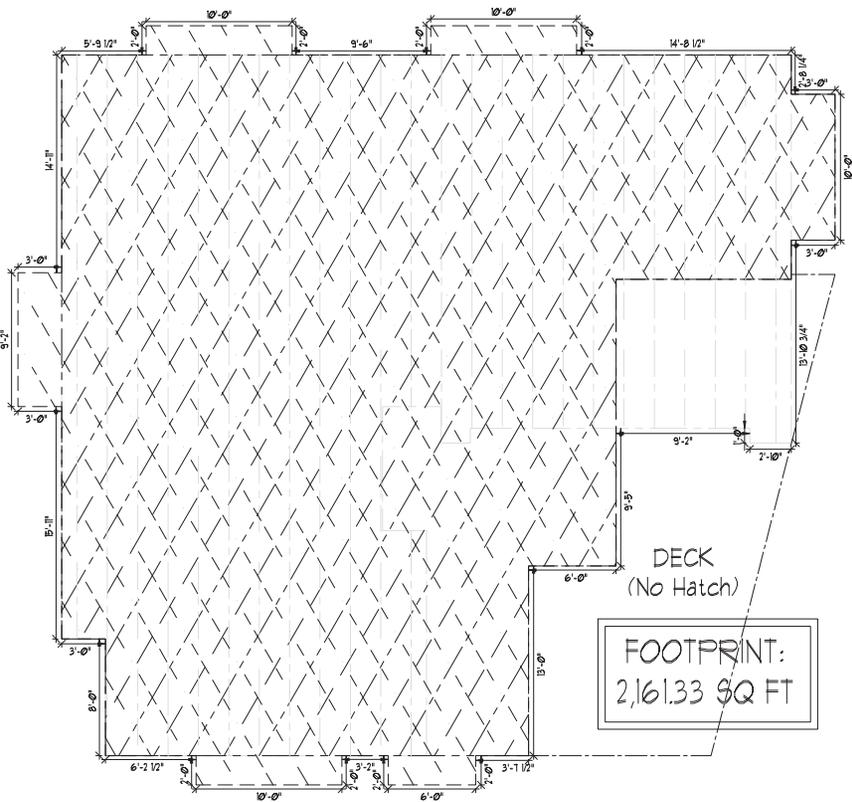
**PROJECT:** UTAH KAT 1103  
**DATE:** 04-28-2015  
**DRAWN BY:** DANIEL BURROUGHS  
**REVIEWED BY:** JONATHAN BURROUGHS  
**REVISION DATE:** 07-14-2015  
**PROJECT DATE:** 07-14-2015  
**DESIGN:** NATURAL GRADE

**SHEET #**  
 L-3.1



1  
 L-3.1  
 PROOF OF NATURAL GRADE  
 SCALE: 1" = 10'

Exhibit I – Footprint Calculation



  
GARAGE LEVEL  
(1,193.5 SQ. FT.)

  
LOWER LEVEL  
(1,936.5 SQ. FT.)

  
MAIN LEVEL  
(2,036.0 SQ. FT.)

1  
A-01

FOOTPRINT CALCS  
SCALE: 1/4" = 1'-0"

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UTAH KAT 1103

LOT #2  
1103 LOWELL AVENUE  
PARK CITY, UT 84060

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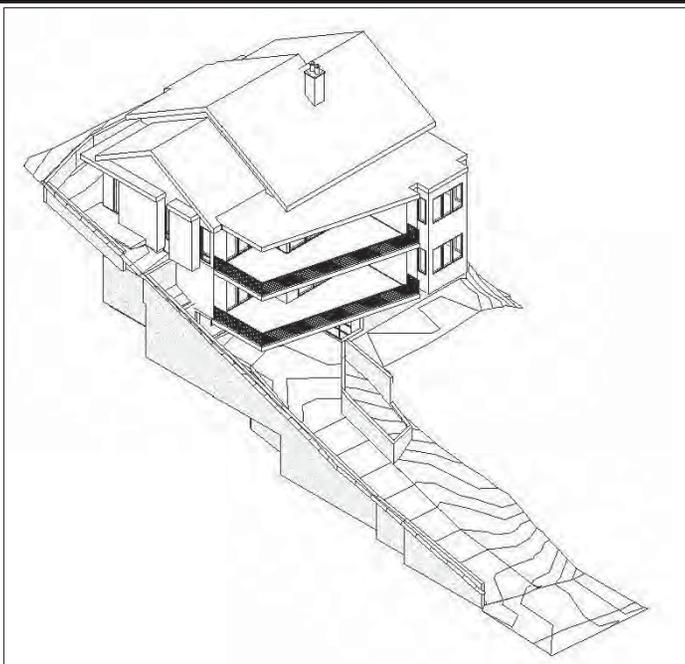
PROJECT: UTAH KAT 1103  
DRAWN DATE: 04-05-2015  
DRAWN BY: DANIEL BURROUGHS  
REVISED BY: DANIEL BURROUGHS  
REVISED DATE: 04-28-2015  
SHEET #  
DESCRIPTION: FOOTPRINT CALCS

A-0.1



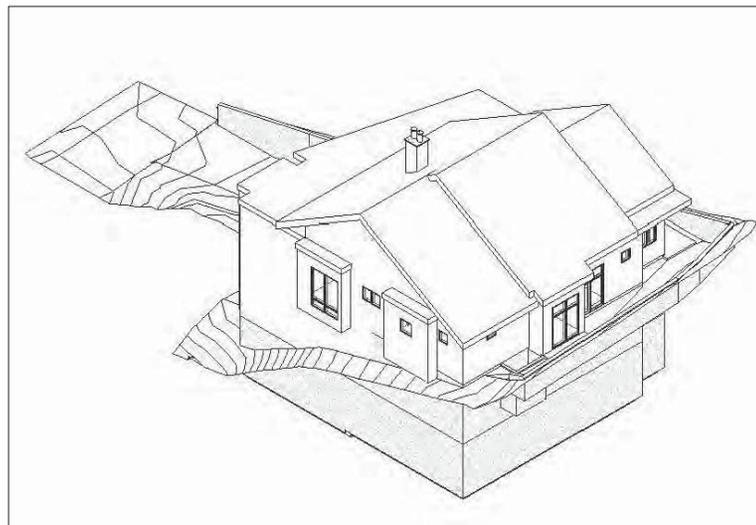
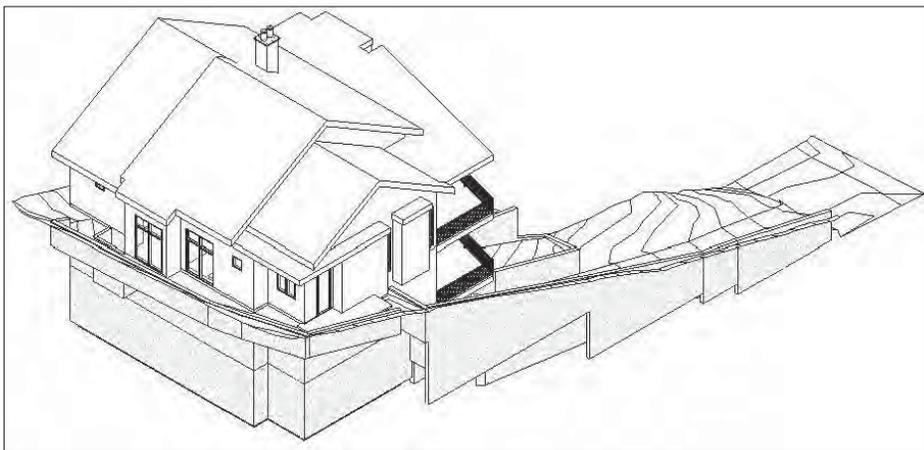
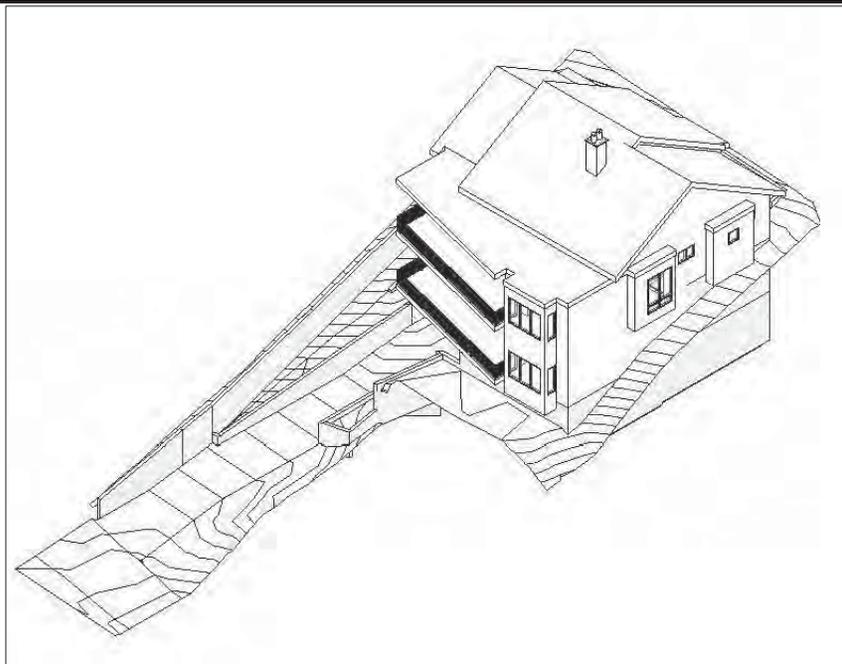


Exhibit L – Axonometric views



AXONOMETRIC VIEWS  
SCALE: NOT TO SCALE

1  
A-12



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UTAH KAT 1103

LOT #2  
1103 LOWELL AVENUE  
PARK CITY, UTAH 84060

**PROJECT:** UTAH KAT 1103  
**PLAN DATE:** 04-09-2015  
**DRAWN BY:** DANIEL BURROUGHS  
**REVISED BY:** DANIEL BURROUGHS  
**REVISED DATE:** 04-28-2015  
**DATE PLOTTED:** 04-28-2015  
**USER:** JLC  
**PLT:** JLC  
**SCALE:** AS SHOWN  
**AXONOMETRIC VIEWS**

SHEET #  
A-1.2

Exhibit M – Combined Axonometric Views



1  
A-13

COMBINED AXONOMETRIC VIEWS  
SCALE: NOT TO SCALE

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**UTAH KAT 1103**  
 LOT #2  
 1103 LOWELL AVENUE  
 PARK CITY, UTAH 84060

**PROJECT:** UTAH KAT 1103  
**DATE:** 04-09-2015  
**DRAWN BY:** DANIEL BURROUGHS  
**REVIEWED BY:** DANIEL BURROUGHS  
**REVISED DATE:** 04-29-2015  
**DATE:** 04-09-2015  
**DESIGNATION:** ARCHITECT  
**SCALE:** AS SHOWN  
**SHEET #:** A-1.3

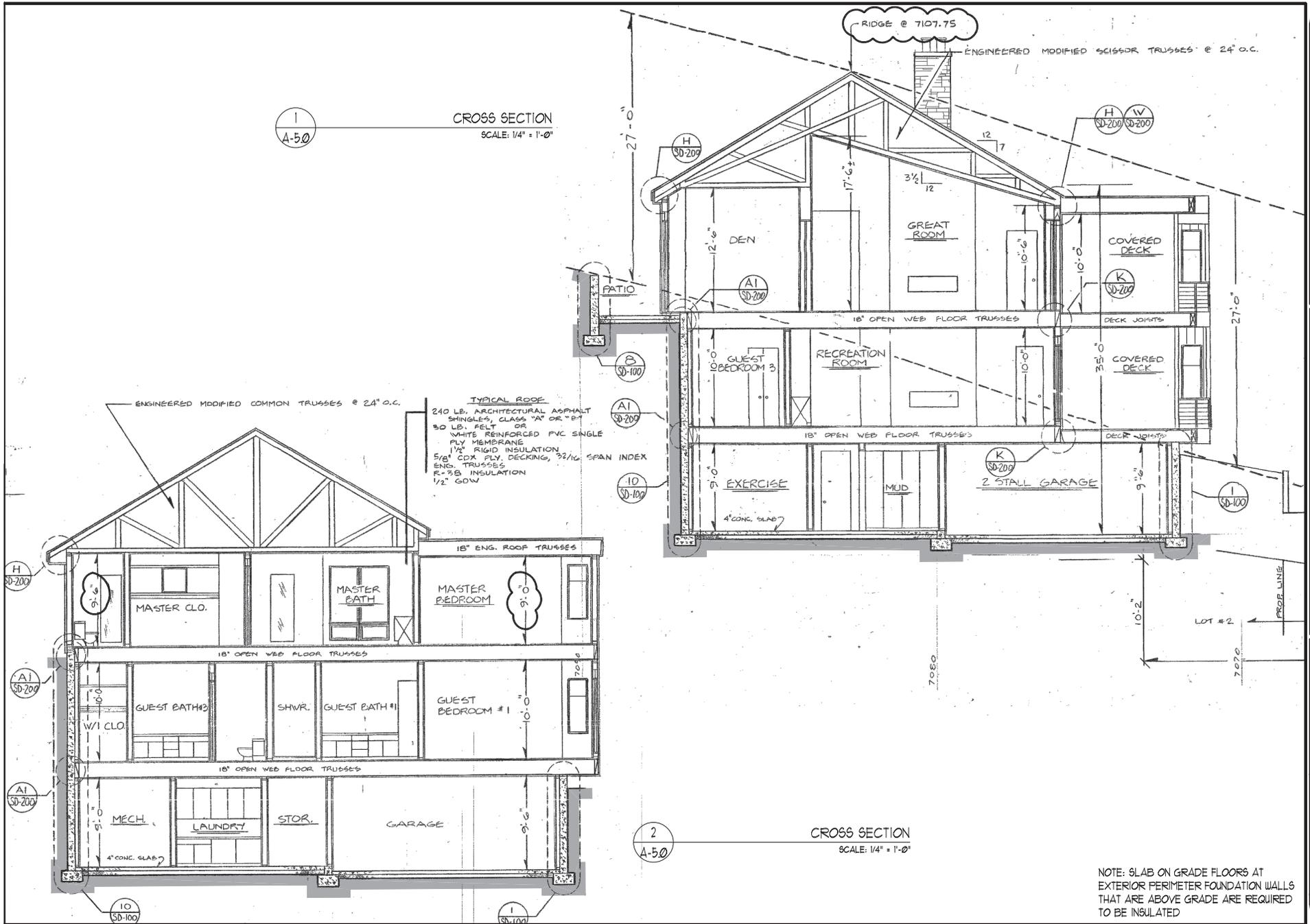
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Exhibit Q – Cross Section



1  
A-5.0  
CROSS SECTION  
SCALE: 1/4" = 1'-0"

2  
A-5.0  
CROSS SECTION  
SCALE: 1/4" = 1'-0"

NOTE: SLAB ON GRADE FLOORS AT EXTERIOR PERIMETER FOUNDATION WALLS THAT ARE ABOVE GRADE ARE REQUIRED TO BE INSULATED

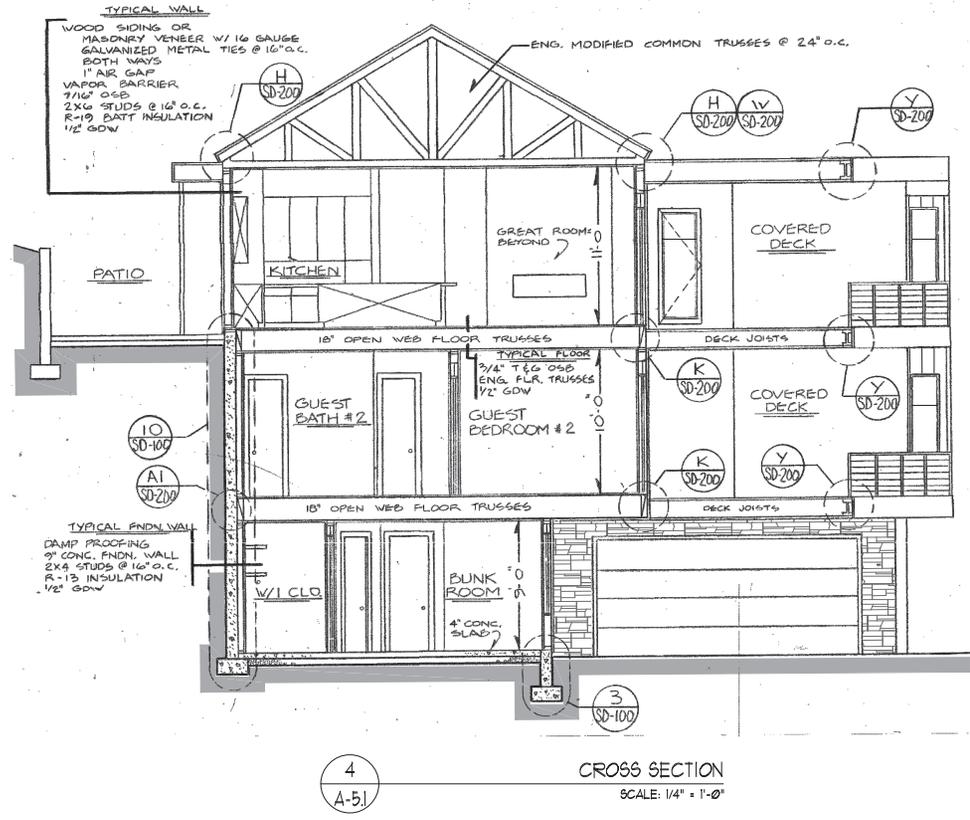
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**UTAH KAT 1103**  
 PLAN DATE: 01-28-2015  
 DRAWN BY: DANIEL BURROUGHS  
 CHECKED BY: DANIEL BURROUGHS  
 REVISION DATE: 07-14-2015  
 PLOT DATE: 07-14-2015  
 DESCRIPTION: CROSS SECTIONS  
 SHEET # A-5.0

Exhibit Q – Cross Section



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LOT #2  
1103 LOWELL AVENUE  
PARK CITY, UTAH 84060

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DESIGN PROFESSIONAL SEAL AND EXPIRATION DATE:  
JAMES L. CARROLL, ARCHITECT, LICENSE NO. 10000, EXPIRES 12/31/2015.  
DANIEL BURROUGHS, ARCHITECT, LICENSE NO. 10000, EXPIRES 12/31/2015.  
GABRIEL BURROUGHS, ARCHITECT, LICENSE NO. 10000, EXPIRES 12/31/2015.  
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OR BY THE PERSONS UNDER THEIR SUPERVISION AND CONTROL AND TO THE BEST OF THEIR KNOWLEDGE AND BELIEF THEY COMPLY WITH ALL APPLICABLE REQUIREMENTS OF THE ARCHITECTURE ACT OF 1990.  
BY THE DESIGN PROFESSIONAL SEAL AND EXPIRATION DATE:  
JAMES L. CARROLL, ARCHITECT, LICENSE NO. 10000, EXPIRES 12/31/2015.

PROJECT: **UTAH KAT 1103**  
PLAN DATE: 04-28-2015  
DRAWN BY: DANIEL BURROUGHS  
REVIEWED BY: GABRIEL BURROUGHS  
REVISION DATE: 07-14-2015  
PROJECT NO.: 1103  
DESIGNATION: CROSS SECTIONS  
SHEET # **A-51**

