

Planning Commission Staff Report

Subject: 1460 Park Avenue
Author: Anya Grahn, Historic Preservation Planner
Bruce Erickson, Planning Director
Project Number: PL-16-03161
Date: July 13, 2016
Type of Item: Administrative – Conditional Use Permit

Summary Recommendations

Staff recommends the Planning Commission conduct a public hearing, review the proposed CUP for limited access on Sullivan Road, and consider approving the CUP according to the findings of fact, conclusions of law, and conditions of approval outlined in this report.

Description

Applicant: Park City Municipal Corporation, represented by Rhoda Stauffer
Location: 1460 Park Avenue
Zoning: Historic Residential- Medium Density (HRM) District
Adjacent Land Uses: Historic and non-historic residential single family multi-family condominium developments, City Park
Reason for Review: Conditional Use Permits require Planning Commission review and approval

Proposal

The owner of 1450 and 1460 Park Avenue, the City, is requesting approval of a Conditional Use Permit (CUP) for limited access on Sullivan Road. Per Land Management Code (LMC) 15-2.4-9, Limited Access includes, but shall not be limited to an additional curb cut for an adjoining residential project; paving or otherwise improving existing access; increased vehicular connections from Sullivan Road to Park Avenue; and any other City action that otherwise increases vehicular traffic on the designated area. This application is necessary as the applicant is proposing an additional curb cut/access for a residential project adjoining Sullivan Road.

Background

On March 29, 2007, Ordinance 07-20 approved the creation of two (2) legal lots of record from two (2) metes and bounds parcels at 1450-1460 Park Avenue. Later that year, the Retreat at the Park Subdivision was recorded on August 16, 2007.

In 2009, the City purchased the properties at 1450-1460 Park Avenue through the Lower Park Redevelopment Agency with the intent of creating an affordable housing project. In March 2012, City Council began collaborating with Green Park Cohousing, LLC on the purchase of the property following an RFP process. Following the approvals of the Conditional Use Permit (CUP) and a plat amendment that was not recorded,

Green Park Cohousing withdrew their applications as they were unable to secure financing for the project.

The City has since chosen to develop these two lots at 1450-1460 Park Avenue. The applicant is proposing to rehabilitate the existing two (2) historic houses at 1450 and 1460 Park Avenue as well as build six (6) new single-family houses; there will be a total of eight (8) affordable housing units located on the two (2) properties.

This application is for the Conditional Use Permit (CUP) at 1460 Park Avenue for an additional curb cut/access for a residential project adjoining Sullivan Road. The property is located at 1460 Park Avenue within the HRM zoning district. The lot currently has an existing house, designated as Significant on the City's Historic Sites Inventory (HSI). 1460 Park Avenue is designated as Lot 1 of the Retreat at the Park Subdivision, and contains 9,083 square feet. According to LMC 15-2.4-4(A), the minimum lot size for a single family dwelling is 1,875 square feet. A development consisting of four (4) dwelling units requires a Lot Area of 5,625 square feet. The existing lot size at 1460 Park of 9,083 square feet is greater than the minimum required lot size for a development of four (4) dwelling units (5,625 SF).

On December 8, 2015, the Planning Department received a Historic District Design Review (HDDR) application for the rehabilitation and relocation of the historic house at 1460 Park Avenue; the application was deemed complete on December 17, 2015. On February 3, 2016, the Historic Preservation Board (HPB) approved the material deconstruction at 1460 Park Avenue. The relocation of the house 5'5" to the west towards Park Avenue was approved by the HPB on March 2, 2016. The HDDR application for the rehab of the historic home was approved by the Planning Department on June 14, 2016.

On May 2, 2016, the Planning Department received a CUP application for access off Sullivan Road; the application was deemed complete on May 12, 2016. No HDDR application has yet been submitted for the construction of the three (3) new single-family dwellings behind the existing historic house.

Analysis

Section I: LMC § 15-1-10(E) - Standard Conditional Use Review Criteria

The Planning Commission shall review the Application according to Conditional Use permit criteria set forth in Section 15-1-10, as follows:

1. **Size and location of the Site. No unmitigated impacts.**

The applicant is proposing to rehabilitate the existing historic house and construct three (3) additional houses on site in order to provide a total of four (4) affordable housing units at 1460 Park Avenue. The lot size required for four (4) dwelling units is 5,625 square feet. The existing lot size at 1460 Park of 9,083 square feet is greater than the minimum required lot size for a development of four (4) dwelling units (5,625 SF).

2. Traffic considerations including capacity of the existing Streets in the Area. **No unmitigated impacts.**

The applicant has divided access to the site between Park Avenue and Sullivan Road. Two (2) parking spaces will be accessible from Park Avenue and the remaining four (4) parking spaces will be accessible from Sullivan Road. Please refer to Section II: LMC § 15-2.4-9 Sullivan Road Access for more detail.

3. Utility capacity, including Storm Water run-off. **No unmitigated impacts.**

The applicant will have to accommodate the necessary utility capacity for a functioning project. The applicant is responsible for making these necessary arrangements. The applicant shall also be accountable for working with the many utility companies and City Engineer related to utility capacity. The utility capacity shall not adversely affect the project in a way that causes an unreasonable aesthetic look and feel.

4. Emergency vehicle Access. **No unmitigated impacts.**

Emergency vehicles can easily access the project off Park Avenue and/or Sullivan Road and no additional access is required.

5. Location and amount of off-Street parking. **No unmitigated impacts.**

Per LMC 15-2.4-6 existing historic structures that do not comply with off-street parking requirements are valid non-complying structures. The historic house at 1460 Park Avenue is designated as "Significant" on the City's Historic Sites Inventory (HSI), and is not required to provide parking. The three (3) new single-family dwellings proposed on the lot are required to provide two (2) parking spaces each for a total of six (6). Two (2) of these spaces will be accessible from Park Avenue, while the remaining four (4) spaces will be accessible from Sullivan Road.

6. Internal vehicular and pedestrian circulation system. **No unmitigated impacts.**

The applicant will provide vehicular access to the site from Park Avenue and Sullivan Road. A pedestrian path will straddle the property line between 1450-1460 Park Avenue and provide a pedestrian connection between Park Avenue and Sullivan Road.

7. Fencing, Screening, and landscaping to separate the Use from adjoining Uses. **No unmitigated impacts.**

Fencing, screening, and landscaping have not been proposed at this time. Staff has added Condition of Approval #10 requiring all parking areas and driveways also be screened in order to visually buffer off-street parking areas from adjacent properties and the primary rights-of-way.

8. Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots. **No unmitigated impacts.**

The surrounding neighborhood contains historic and non-historic dwellings. Many of the historic residential structures have out-of-period additions

constructed prior to the adoption of the 2009 Design Guidelines. To the north and south of the property, large multi-unit dwellings exist.

By constructing three (3) single-family residences behind the existing historic house, the applicant has significantly reduced the mass and scale of the development as compared to the previous design reviewed as part of the 2013 CUP. Each house is consistent in mass and scale to the historic structures. The low height of each house and the separation between the houses minimizes their visibility and allows the historic structure to remain the focal point of the project. Concentrating the uncovered parking spaces along Sullivan Road has eliminated the need for additional building bulk and mass to be located on the lot. Access from Sullivan Road prevents parking areas from detracting from the site's historic character along Park Avenue.

9. Usable Open Space. **No unmitigated impacts.**

There are no open space requirements for this site as the applicant is proposing to construct single-family homes, not a multi-unit dwelling. Per LMC 15-2.4-5, only Triplex and Multi-Unit dwellings are required to meet the open space requirements. If this were a Multi-Unit dwelling, it would be required to provide 30% open space as it is a deed-restricted affordable housing development.

10. Signs and lighting. **No unmitigated impacts.**

No signs and lighting are associated with this proposal. All future lighting will be subject to the LMC development standards related to lighting and will be reviewed for compliance with the LMC and Design Guidelines at the time of the building permit review. Any existing exterior lighting will be required, as part of this application, to be brought up to current standards.

11. Physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing. **No unmitigated impacts.**

The surrounding neighborhood contains historic and non-historic dwellings. Many of the historic residential structures have out-of-period additions constructed prior to the adoption of the 2009 Design Guidelines. To the north and south of the property, large multi-unit dwellings exist.

The three (3) new cottages complement the mass and scale of the historic cottage at 1460 Park Avenue. The proposed design shows the new structure separated from the 1460 historic structure by approximately ten feet (10').

The Design Guidelines also specify that the scale and height of new structures should follow the predominant pattern of the neighborhood with special consideration given to Historic Sites; moreover, the size and mass of the structure should be compatible with the size of the property so that lot coverage, building bulk, and mass are compatible with Historic Sites in the neighborhood. The size, mass, and height of the new construction, as well as its proximity to the historic cottage, are consistent in size and mass to the historically significant

structure. Further, from the Park Avenue right-of-way, the new development will be largely shielded from view by the historic structure.

12. Noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site. **No unmitigated impacts.**

The proposed use does not provide noise, vibration, odors, steam, or other mechanical factors that are not already associated within the HRM District.

13. Control of delivery and service vehicles, loading and unloading zones, and Screening of trash and recycling pickup Areas. **No unmitigated impacts.**

Trash storage and recycling storage areas are designated on the rear (north) elevation of each structure. Delivery and service will occur along Park Avenue and Sullivan Road.

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. **No unmitigated impacts.**

Expected ownership of the entire project is anticipated as a single entity until the applicant files a Condominium Record of Survey to be able to sell each private unit individually. Following the sale, these will be deed-restricted affordable housing units.

Nightly rentals are an allowed use within the District; however, as affordable housing units, these units will be deed-restricted to prevent nightly rentals.

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. **Complies as mitigated.**

The site is not located within the Sensitive Lands Overlay District. There are no known physical mine hazards. The site is within the Soils Ordinance Boundary and the site will have to meet the Soils Ordinance. The site is not on any steep slopes and the proposal is appropriate for its topography.

Section II: LMC § 15-2.4-3 - Conditional Use Permit Review

Per LMC 15-2.4-3, the Planning Director shall review any Conditional Use permit (CUP) Application in the HRM District and shall forward a recommendation to the Planning Commission regarding compliance with the Design Guidelines for Park City's Historic Districts and Historic Sites and Chapter 5. The Planning Director has reviewed the plans submitted on May 2, 2016, and included as Exhibit A of this staff report. Planning Director Erickson finds that, as proposed, the project complies with the Universal Design Guidelines.

Per LMC 15-2.4-9, the Planning Commission may issue a CUP for Limited Access on Sullivan Road ("Driveway"). "Limited Access" allowed, includes, but shall not be limited

to: an additional curb cut for an adjoining residential or commercial project; paving or otherwise improving existing Access; increased vehicular connections from Sullivan Road to Park Avenue; and any other City action that otherwise increases vehicular traffic on the designated Area. Limited Access is allowed only when an Applicant proves the project has positive elements furthering reasonable planning objectives, such as Historic preservation in excess of that required in the zone.

This application is necessary as the applicant is proposing an additional curb cut for a residential project adjoining Sullivan Road. LMC 15-2.4-9(B) is not applicable in accordance with LMC 15-2.4-9(C) as the development consists of fifty percent (50%) or more deed restricted Affordable Housing Units, per the City's most current Affordable Housing Resolution; this development is proposed to be a one-hundred percent (100%) affordable housing project.

The Planning Commission shall also review the Application according to Conditional Use permit criteria set forth in Section 15-2.4-3.as

A. *Consistent with the Design Guidelines for Park City's Historic Districts and Historic Sites.*

Complies as conditioned. Staff finds that the design of the three (3) new single-family homes meets the Design Guidelines for Park City's Historic Districts and Historic Sites. The applicant has not yet submitted an HDDR for the construction of the three (3) new homes behind the historic house at 1460 Park; however, the applicant met with the Design Review Team (DRT) on February 24, 2016. Staff finds that the DRT comments have been addressed.

Additionally, staff finds that the proposed parking along Sullivan Road also complies with the Design Guidelines. The Design Guidelines encourage off-street parking within the rear yard and beyond the rear wall plane of primary structures. The applicant has minimized the appearance of the parking by consolidating the majority of the parking (four spaces) at the rear of the lot along Sullivan Road. The visibility of the parking is further visually buffered from Sullivan Road by an island separating the drive access to the parking spaces from the road. By limiting the parking along Park Avenue, the applicant will maintain the traditional pattern of development along Park Avenue by limiting parking to a single driveway. This will preserve the historic character of the site as viewed from the Park Avenue right-of-way.

The Design Guidelines require that any off-street parking area and associated vehicles be visually buffered from adjacent properties and the primary public right-of-way. At this time, no landscaping has been provided along Sullivan Road or the Park Avenue parking spaces. Staff recommends adding Condition of Approval #10 that says, "All parking areas and driveways shall be screened in order to visually buffer off-street parking areas from adjacent properties and the primary rights-of-way."

B. The applicant may not alter the Historic Structure to minimize the residential character of the Building.

Complies. The applicant is proposing to remove non-historic additions on the historic house, construct a new addition, and restore the existing historic structure. The house is currently designated as “Significant”, rather than “Landmark,” due to its incompatible materials, including the aluminum porch structure, asbestos siding, and 1970s windows. As previously mentioned, the HPB approved the applicant’s material deconstruction on February 3, 2016. The HPB also approved relocating the historic house 5’5” to the west, toward Park Avenue, on March 3, 2016. The HDDR for the work on the historic house was approved on June 14, 2016. The house will not be altered to change the residential character.

C. Dedication of a Façade Preservation Easement to assure preservation of the Structure is required.

Complies as conditioned. The applicant is to dedicate a façade preservation easement to the City following the restoration of the historic structure and prior to the sale of the historic building to a private property owner. Condition of Approval #6 has been added requiring the façade easement.

D. New Buildings and additions must be in scale and Compatible with existing Historic Buildings in the neighborhood. Larger Building masses should be located to the rear of the Structure to minimize the perceived mass from the Street.

Complies. By constructing three (3) single-family residences behind the historic house, the applicant has significantly reduced the mass and scale of the development as compared to the previous design reviewed as part of the 2013 CUP. Each house is consistent in mass and scale to the historic structures. The low height of each house and the separation between the houses minimizes their visibility and allows the historic structure to remain the focal point of the project. Concentrating the uncovered parking spaces along Sullivan Road has eliminated the need for additional building bulk and mass to be located on the lot. Access from and concentration of parking along Sullivan Road prevents parking areas from detracting from the site’s historic character along Park Avenue.

E. Parking requirements of Section 15-3 shall be met. The Planning Commission may waive parking requirements for Historic Structures. The Planning Commission may allow on-Street parallel parking adjacent to the Front Yard to count as parking for Historic Structures; if the Applicant can document that on-Street Parking will not impact adjacent Uses or create traffic circulation hazards. A traffic study, prepared by a registered Engineer, may be required.

Complies. Per LMC 15-2.4-6 existing historic structures that do not comply with off-street parking requirements are valid non-complying structures. The historic house at 1460 Park Avenue is designated as “Significant” on the City’s Historic Sites Inventory (HSI), and is not required to provide parking. The three (3) new single-family dwellings proposed on the lot are required to provide two (2) parking spaces each for a total of six (6).

The applicant complies with the required parking for the development. The applicant proposes to provide parking for four (4) vehicles along Sullivan Road, and two (2) parking spaces accessible from Park Avenue. The applicant will be including parking provisions in their CCRs. They propose to assign one (1) parking space per unit and the remainder will be shared.

- F. All Yards must be designed and maintained in a residential manner. Existing mature landscaping shall be preserved wherever possible. The Use of native plants and trees is strongly encouraged.

Complies as conditioned. The applicant will retain the residential nature of the site through their landscape plan. Most of the existing landscaping is comprised of voluntary trees and shrubs that are significantly overgrown; these plants and shrubs are largely concentrated on the north side of the property, though some also exist on the south side. The most significant vegetation on the site is the tree in the front yard, located between the Park Avenue sidewalk and the historic house.

The applicant intends to remove all of the landscaping as part of the relocation of the historic house. Due to the amount of construction that will occur on this site, existing trees and shrubs will likely be damaged by the construction of footings and foundations near root balls.

That said, staff and the HPB have found that it is important that the character of the site not be diminished because of the loss of these plantings, particularly the mature trees in the front yard. Part of the HPB’s Material Deconstruction Review included the site design, and the HPB approved the material deconstruction with the Condition of Approval that the applicant replaces any significant vegetation in-kind or a multiple of trees of the same caliper to match the dimension of the existing tree. Further, the Condition of Approval stipulated that the applicant incorporate fruit trees and lilac bushes, consistent with the current vegetation that exists on site, and the applicant would preserve the mature tree.

Staff recommends adding Condition of Approval #8 to this approval for the same purpose. It states, “Existing mature landscaping shall be preserved per a tree preservation plan submitted by a certified arborist and approved by the City prior to issuance of a building permit.”

G. *Required Fencing and Screening between commercial and Residential Uses is required along common Property Lines.*

Not applicable. The applicant is not proposing any fencing or screening between this property and 1450 Park Avenue and the properties to the north. As the property is surrounded by residential uses and no commercial uses are proposed, there is no need for screening. The applicant has indicated that snow storage will occur on-site and in front of parking spaces.

This CUP does not preclude any new fences from being installed in the future. Should the applicant request construction of a new fence at a later date, the fence will be required to comply with LMC 15-4-2 and the Design Guidelines.

H. *All utility equipment and service Areas must be fully Screened to prevent visual and noise impacts on adjacent Properties and on pedestrians.*

Complies as conditioned. The applicant is proposing to install a transformer on the northeast corner of the 1450 Park site, directly south of the sidewalk that runs from Park Avenue to Sullivan Road. Staff has added Condition of Approval #9 requiring that all ground-level equipment be screened from view using landscape elements such as fences, low stone walls, or perennial plant materials.

The proposed transformer for the site will be located in the rear yard, beyond the required 15-foot setback and on the applicant's private property. In order to comply with the Design Guidelines, all parking areas and driveways shall also be screened in order to visually buffer off-street parking areas from adjacent properties and the primary rights-of-way. Staff has added this as Condition of Approval #10.

Department Review

This project has gone through an interdepartmental review. There will be a public utilities easement that will run 21 feet along the shared lot line with 1450 Park Avenue.

Notice

The property was posted and notice was mailed to property owners within 300 feet on June 29, 2016. Legal notice was also published in the Park Record on June 25, 2016.

Public Input

Staff has not received public comment for this application at the time this report was published.

Alternatives

- The Planning Commission may approve the Conditional Use Permit as conditioned or amended, or
- The Planning Commission may deny the Conditional Use Permit and direct staff to make Findings for this decision, or

- The Planning Commission may continue the discussion on the Conditional Use Permit.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The project would not provide vehicular access for four (4) parking spaces perpendicular to Sullivan Road and two (2) off of Park Avenue. The applicant would have to reconsider their proposal and find an alternative method for parking six (6) total vehicles on site, accessible from Park Avenue. It is likely that such an arrangement would severely detract from the historic character of the site and the historic structure.

Future Process

The Planning Commission takes final action on Conditional Use permit applications. Approval or denial of a conditional use permit may be appealed 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 must be met.

Recommendation

Staff recommends the Planning Commission conduct a public hearing, review the proposed CUP for limited access on Sullivan Road, and consider approving the CUP according to the findings of fact, conclusions of law, and conditions of approval outlined in this report.

Findings of Fact

1. The property is located at 1460 Park Avenue.
2. The zoning is Historic Residential-Medium (HRM) Density District.
3. The lot at 1460 Park Avenue currently contains a historic house. The site is designated as Significant on the City's Historic Sites Inventory (HSI).
4. The Retreat at the Park Subdivision was recorded with the Summit County Recorder in 2007.
5. The City purchased the property in 2009.
6. The property is identified as Lot 1 of the Retreat at the Park Subdivision, and contains 9,083 square feet. It has street frontages along both Park Avenue and Sullivan Road.
7. The Planning Department received a Historic District Design Review (HDDR) application for the rehabilitation of the historic house on December 8, 2015. On February 3, 2016, the Historic Preservation Board (HPB) approved the material deconstruction at 1460 Park Avenue. The relocation of the historic house 5'5" to the west towards Park Avenue was approved by the HPB on March 2, 2016. The HDDR application has not yet been approved.
8. On May 2, 2016, the Planning Department received a Conditional Use Permit (CUP) application for access off of Sullivan Road; the application was deemed complete on May 12, 2016.

9. No HDDR application for the construction of the three (3) new houses on the site has been submitted to the Planning Department.
10. The existing lot size at 1460 Park of 9,083 square feet is greater than the minimum required lot size for a development of four (4) dwelling units (5,625 SF).
11. The existing site is located on Park Avenue, which is a major residential collector street. The site is immediately surrounded by multi-family dwellings.
12. To lessen traffic congestion along Park Avenue, the applicants have chosen to locate most of the parking at the rear of the lot along Sullivan Road. Two parking spaces will be accessible from Park Avenue, and the remaining four (4) spaces will be accessible from Sullivan Road.
13. The applicant will have to accommodate the necessary utility capacity for a functioning project. The applicant is responsible for making these necessary arrangements. The applicant shall also be accountable for working with the many utility companies and City Engineer related to utility capacity. The utility capacity shall not adversely affect the project in a way that causes an unreasonable aesthetic look and feel.
14. Emergency vehicles can easily access the project off Park Avenue and/or Sullivan Road and no additional access is required.
15. The applicant requests that most of the direct access to the site come from Sullivan Road. The applicant is proposing to maintain two (2) existing parking spaces accessible from Park Avenue.
16. No signs and lighting are associated with this proposal. All future lighting will be subject to the LMC development standards related to lighting and will be reviewed for compliance with the LMC and Design Guidelines at the time of the building permit review. Any existing exterior lighting will be required, as part of this application, to be brought up to current standards.
17. The proposed use does not provide noise, vibration, odors, steam, or other mechanical factors that are not already associated within the HRM District.
18. Trash storage and recycling pick areas will be located on the rear (north) elevation of the new houses. Trash collection will occur along Sullivan Road.
19. Expected ownership of the entire project is anticipated as a single entity until the applicant files a Condominium Record of Survey to be able to sell each private unit individually.
20. The site is not located within the Sensitive Lands Overlay District. There are no known physical mine hazards. The site is within the Soils Ordinance Boundary and the site will have to meet the Soils Ordinance. The site is not on any steep slopes and the proposal is appropriate for its topography.
21. Per LMC 15-2.4-3, the Planning Director shall review any Conditional Use permit (CUP) Application in the HRM District and shall forward a recommendation to the Planning Commission regarding compliance with the Design Guidelines for Park City's Historic Districts and Historic Sites and Chapter 5. The Planning Director has found that the proposed design of the three (3) new single-family dwellings, reviewed by Staff at the Design Review Team meeting, meets the Design Guidelines for Park City's Historic Districts and Historic Sites.
22. The applicant is not proposing to alter the Historic Structure to minimize the residential character of the building; rather, the applicant is proposing to remove

non-historic additions on the historic house, construct a new addition, and restore the existing historic structure.

23. The new buildings and addition to the historic structure will be in scale and compatible with existing historic buildings in the neighborhood. Larger masses will be located to the rear of the structure to minimize the perceived mass from the street. By constructing the three (3) single family residences behind the historic house, the applicant has significantly reduced the mass and scale of the development as viewed from Park Avenue. The small scale of these new houses is consistent to that of the historic structures. The low height of each house and the separation between the houses minimizes their visibility and allows the historic structure to remain the focal point of the project.
24. Parking requirements of Section 15-3 will be met. The required amount of parking for three (3) new single family homes is six (6) spaces. The applicant will provide parking for four (4) vehicles perpendicular to Sullivan Road and two (2) spaces accessible from Park Avenue.
25. All yards are designed and maintained in a residential manner. Existing mature landscaping shall be preserved to the greatest extent possible or replaced in kind per a tree preservation plan submitted by a certified arborist and approved by the City prior to issuance of a building permit.
26. As the property is surrounded by residential uses and no commercial uses are proposed, the applicant is not required to provide fencing and screening between commercial and residential uses along common property lines.
27. The staff findings in the Analysis section of this report are incorporated herein.

Conclusions of Law

1. The CUP, as conditioned, is consistent with the Park City Land Management Code.
2. The CUP, as conditioned, is consistent with the Park City General Plan.
3. The proposed use, as conditioned will be compatible with the surrounding structures in use, scale, mass and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval

1. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. The plan shall include a phasing, timing, staging, and coordination of construction with adjacent projects to address mitigation of neighborhood impacts due to the volume of construction in this neighborhood.
2. City Engineer review and approval of all construction, including grading, utility installation, public improvements and storm drainage plans, and all construction within the ROW, for compliance with City standards, is a condition precedent to building permit issuance.
3. Snyderville Basin Water Reclamation District (SBWRD) review and approval of the utility plans for compliance with SBWRD standards and procedures, is a condition precedent to building permit issuance. A 21 foot wide utilities easement shall be dedicated to SBWRD along the shared property line of 1450-1460 Park Avenue.

4. No building permits shall be issued for this project until the final plans for the proposed house are reviewed and approved by the Planning Department staff for compliance with the Design Guidelines for Historic Districts and Historic Sites.
5. A final landscape plan shall be submitted for approval by the Planning Department and the landscaping shall be complete prior to issuance of a final certificate of occupancy for the house.
6. The applicant shall dedicate a façade preservation easement to the City for the historic structure at 1460 Park Avenue following its restoration and prior to sale of the historic building to a private property owner.
7. The applicant is responsible for providing an updated landscape plan as part of the building permit application. Any significant vegetation that needs to be removed shall be replaced in-kind or a multiple of trees of the same caliper shall be provided to match the diameter of the existing tree. The updated landscape plan shall incorporate fruit trees and lilac bushes, consistent with the current vegetation that exists on site. If possible, the applicant will preserve the lilac bushes.
8. Existing mature landscaping shall be preserved per a tree preservation plan submitted by a certified arborist and approved by the City prior to issuance of a building permit.
9. All ground-level equipment shall be screened from view using landscape elements such as fences, low stone walls, or perennial plant materials.
10. All parking areas and driveways shall be screened in order to visually buffer off-street parking areas from adjacent properties and the primary rights-of-way.
11. All Standard Project Conditions shall apply.

Exhibits

Exhibit A- Plans

Exhibit B- Applicant's letter

Exhibit C- Photos



Caddis Architecture, pc.
PARK CITY MUNICIPAL CORPORATION
1450/1460 PARK AVE.
AFFORDABLE HOUSING

PARK CITY
CONDITIONAL USE PERMIT

PARK AVENUE AFFORDABLE HOUSING
1450 & 1460 PARK AVENUE

Submitted by:
PARK CITY MUNICIPAL CORPORATION
April 29, 2016

- CUP-1 COVER SHEET
- CUP-2 AREA PLAN
- CUP-3 SITE PLAN
- CUP-4 ROOF PLAN
- CUP-5 LANDSCAPE PLAN
- CUP-6 SITE ELEVATIONS
- CUP-7 HISTORIC A - 1460 PARK AVE - EXISTING AND PROPOSED PLANS
- CUP-8 HISTORIC A - 1460 PARK AVE - ELEVATIONS AND BUILDING SECTION
- CUP-9 HISTORIC B - 1450 PARK AVE - EXISTING AND PROPOSED PLANS
- CUP-10 HISTORIC B - 1450 PARK AVE - ELEVATIONS AND BUILDING SECTION
- CUP-11 UNIT TYPE 1 - PLANS AND ELEVATIONS
- CUP-12 UNIT TYPE 2 - PLANS AND ELEVATIONS
- CUP-13 UNIT TYPE 3 - PLANS AND ELEVATIONS
- CUP-14 UNIT TYPE 4 - PLANS AND ELEVATIONS
- CUP-15 PERSPECTIVE VIEWS
- CUP-16 SURVEY



CONDITIONAL USE PERMIT
CUP-1

04.29.2016
PROJECT # 1521
CADDIS PC



Caddis Architecture, pc

PARK CITY MUNICIPAL CORPORATION
1450/1460 PARK AVE.
AFFORDABLE HOUSING

MAY 02 2016

CUP-2
AREA PLAN

1" = 30'-0"

04.29.2016

PROJECT # 1521

CADDIS PC



DEVELOPMENT DATA

(C) UNIT 1 - BEDROOM HISTORIC RENOVATION
(D) UNIT 2 - BEDROOM HISTORIC RENOVATION
(E) UNIT 3 - BEDROOM SINGLE FAMILY
(F) 3-BEDROOM SINGLE FAMILY

FLOOR AREA (HISTORIC RENOVATION) 1,546 GSF
FLOOR AREA (NEW CONSTRUCTION) 6,800 GSF
TOTAL FLOOR AREA 8,446 GSF

UNIT DATA

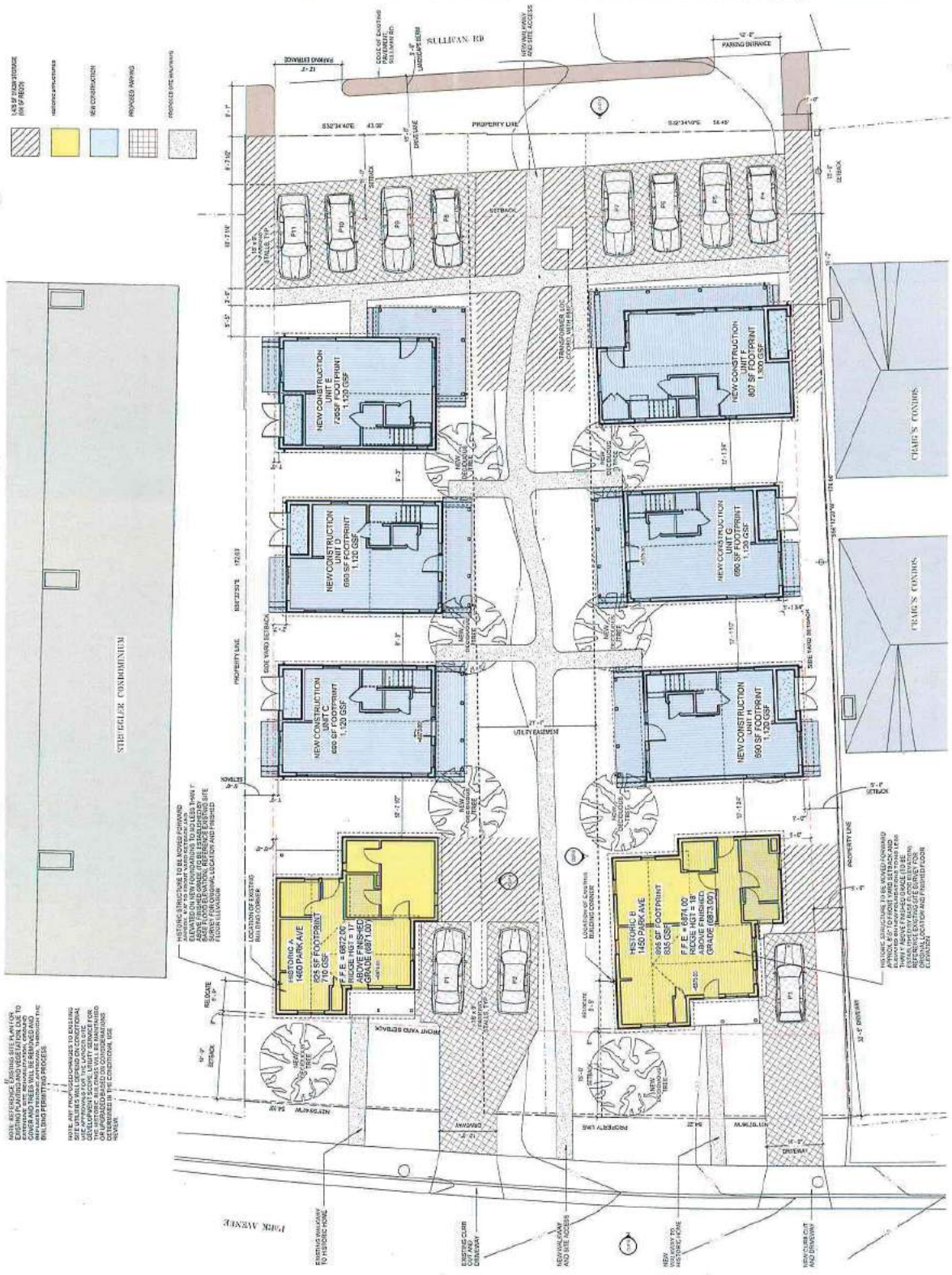
1 BR / 710 GSF
1 BR / 835 GSF
2 BR / 1,120 GSF
2 BR / 1,100 GSF
2 BR / 1,100 GSF
2 BR / 1,100 GSF
2 BR / 1,100 GSF
2 BR / 1,100 GSF
2 BR / 1,100 GSF
2 BR / 1,100 GSF

SITE DATA

LOT AREA 18,295 SF
BUILDING COVERAGE (HISTORIC RENOVATION) 9%
BUILDING COVERAGE (NEW CONSTRUCTION) 23%
PARKING AREA 2,392 SF
DRIVE LANE (ON LOT) 594 SF
DRIVE LANE (OFF LOT) 856 SF
DRIVE LANE TOTAL 1,441 SF
WALKWAYS 1,300 SF
LANDSCAPED AREA 8,107 SF
TOTAL LOT COVERAGE 10,188 SF
SNOW STORAGE REQUIRED 755 SF
SNOW STORAGE PROVIDED 1,400 SF

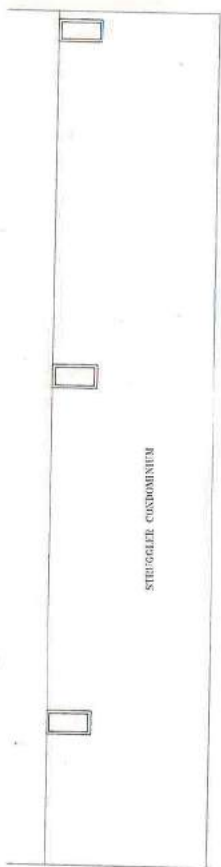
CUP-3
SITE PLAN
AS INDICATED
04.29.2016
PROJECT # 1521
CADDIS PC

MAY 0 2 2016



NOTE: EXISTING HISTORIC ARCHITECTURE IS TO BE MAINTAINED AND PRESERVED TO THE MAXIMUM EXTENT POSSIBLE. EXISTING PLAYING AREAS AND RECREATION USE TO REMAIN UNLESS OTHERWISE SHOWN. ALL UTILITIES TO BE MAINTAINED AND PRESERVED TO THE MAXIMUM EXTENT POSSIBLE. THE LOCATION OF EXISTING UTILITIES IS SHOWN FOR INFORMATION ONLY AND IS NOT TO BE CONSIDERED AS A GUARANTEE OF ACCURACY. THE LOCATION OF EXISTING UTILITIES IS SUBJECT TO FIELD VERIFICATION AND SHALL BE SHOWN AS SHOWN ON THE SITE PLAN.

RECONSTRUCTION
NEW CONSTRUCTION



STRUGGLER CONDOMINIUM



MAY 02 2016

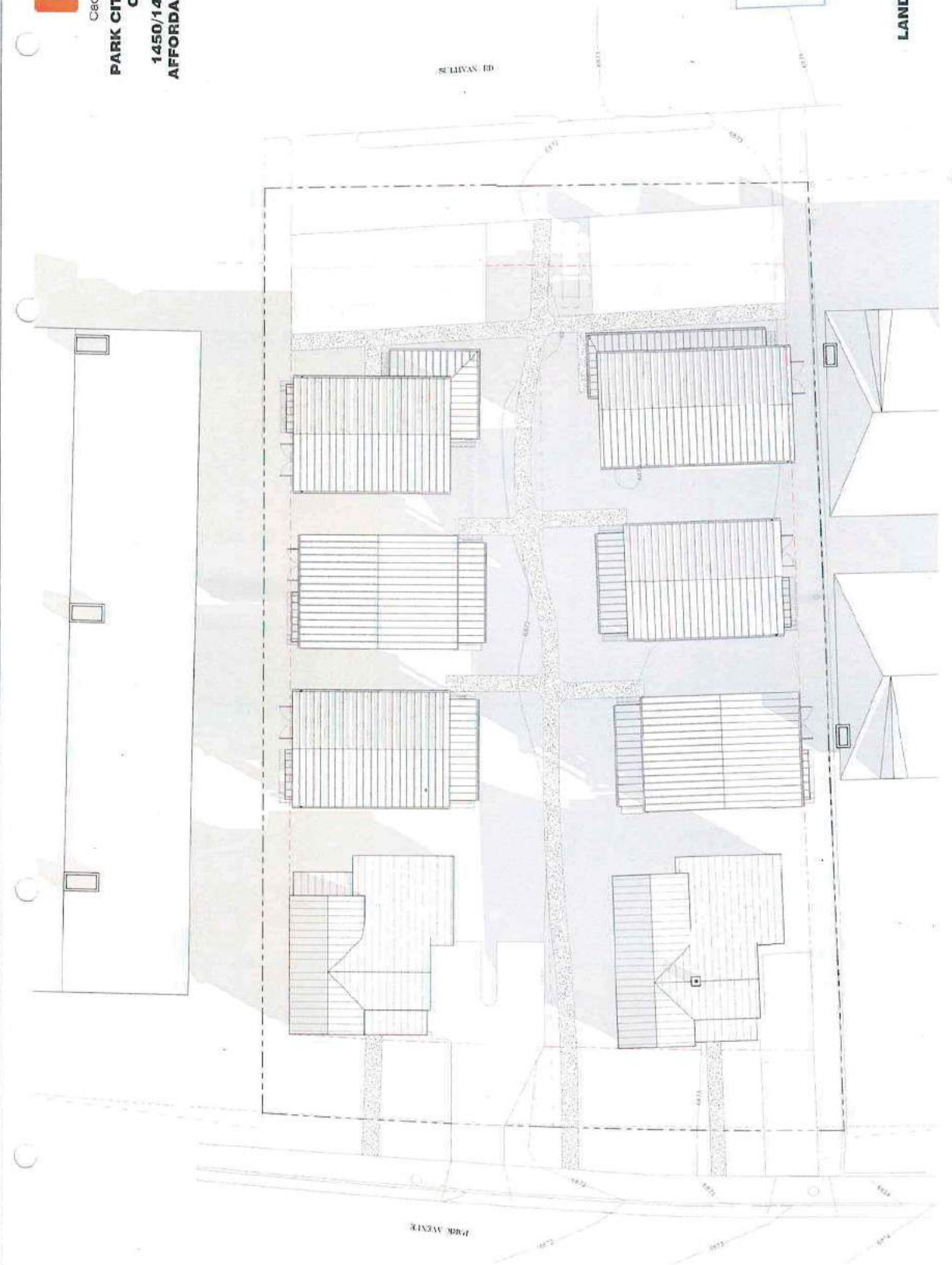
CUP-4
ROOF PLAN
1/8" = 1'-0"
04.29.2016
PROJECT # 1521
CADDIS PC



Caddis Architecture, pc.
PARK CITY MUNICIPAL CORPORATION
1450/1460 PARK AVE.
AFFORDABLE HOUSING

FILED
MAY 02 2016
 PARK CITY
 PLANNING COMMISSION

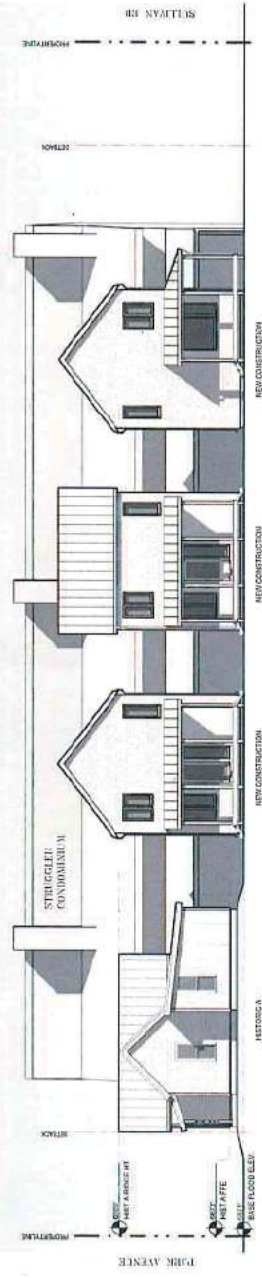
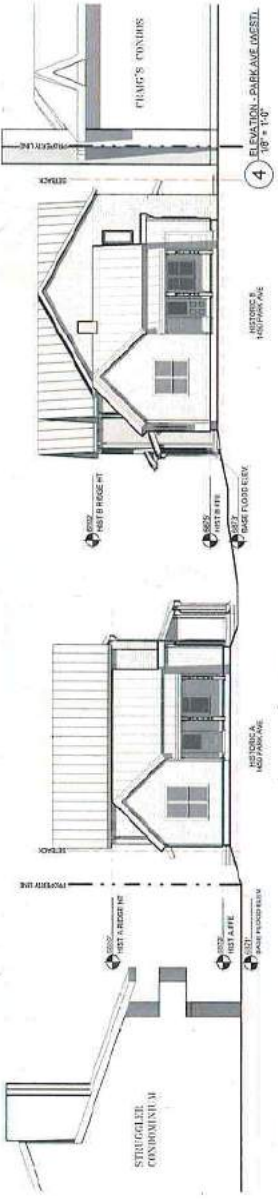
CUP-5
LANDSCAPE PLAN
 1/8" = 1'-0"
 04.29.2016
 PROJECT # 1521
CADDIS PC

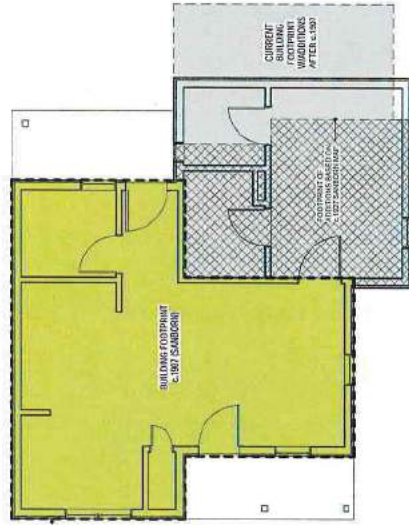


MAY 02 2016

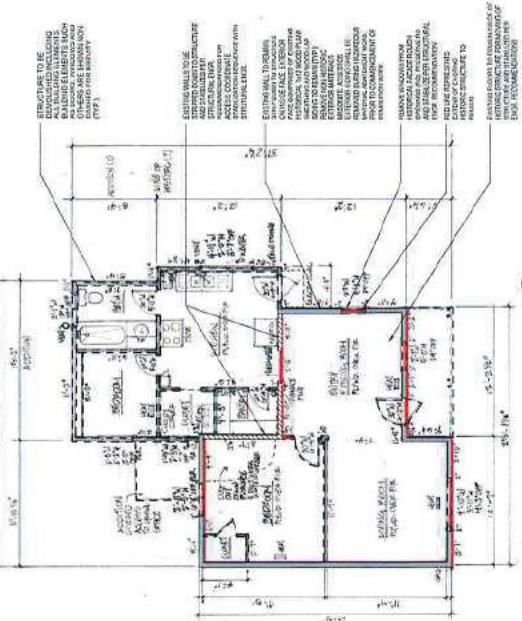
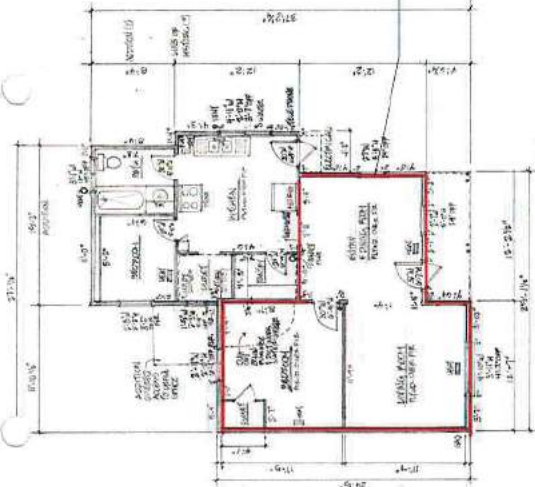


CUP-6
SITE ELEVATIONS
 1/8" = 1'-0"
 04.29.2016
 PROJECT # 1521
CADDIS PC





REVISION: HISTORIC CHARACTERISTICS OF THIS BUILDING AND ITS ORIGINAL SITE DESIGN AND LANDMARK DESIGNATION HAVE BEEN RE-EVALUATED AND ENGINEERING ASSESSMENT RECOMMENDATIONS OBTAINED. FOOTPRINT AND FLOOR ELEVATION INFORMATION HAS BEEN RE-EVALUATED AND BUILDING INFORMATION HAS BEEN CORRECTED. THESE REVISIONS WILL BE APPLIED.



UNIT DATA
 1 STORY HISTORIC
 1 BEDROOM
 1 BATH
UNIT FLOOR AREA
 FIRST FLOOR RESIDENTIAL 710 GSF

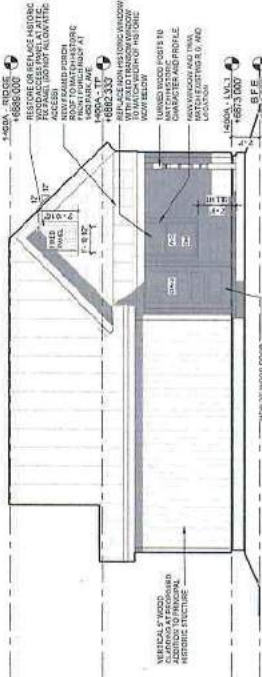


CUP - 7
HISTORIC A - 1460 PARK AVE -
EXISTING AND PROPOSED PLANS
 AS INDICATED
 04.29.2016
 PROJECT # 1521
CADDIS PC

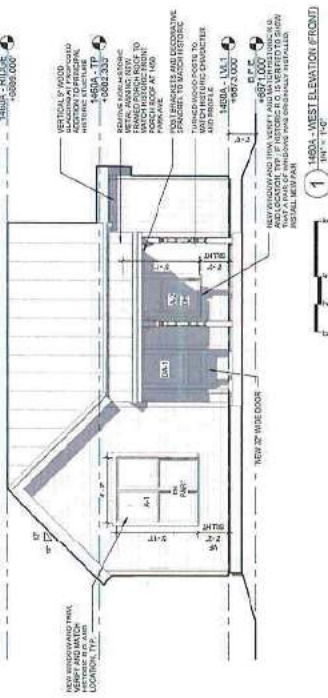
MAY 02 2016
 PLANNING COMMISSION
 REVIEW

CUP - 8
HISTORIC A 1460
 1/4" = 1'-0"
 04.29.2016
 PROJECT # 1521
CADDIS PC

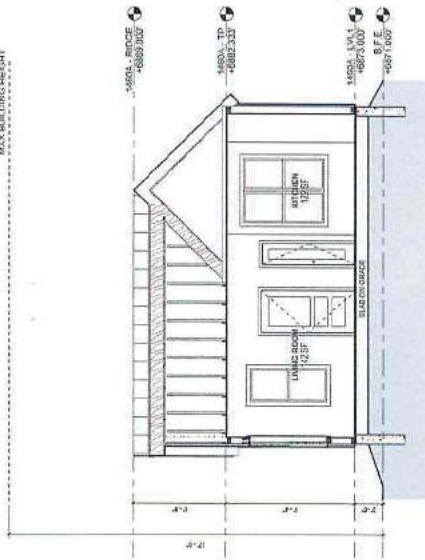
ELEVATIONS/BUILDING SECTION



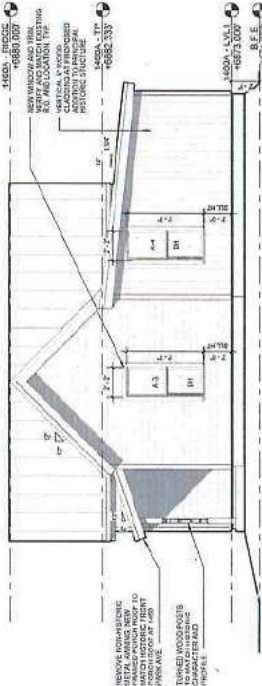
2 1460A - EAST ELEVATION (BACK)
 1/4" = 1'-0"



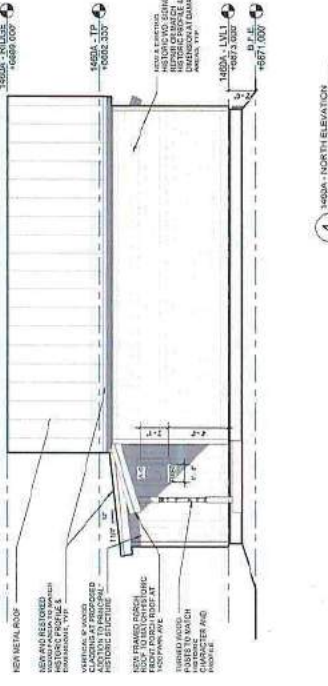
1 1460A - WEST ELEVATION (FRONT)
 1/4" = 1'-0"



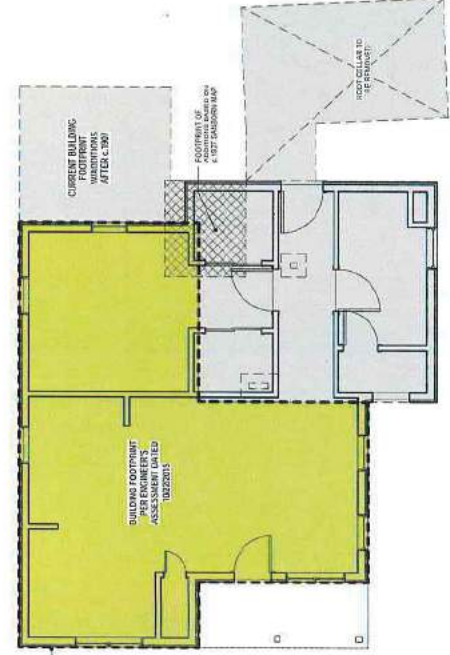
3 1460A - BUILDING SECTION
 1/4" = 1'-0"



5 1460A - SOUTH ELEVATION
 1/4" = 1'-0"



4 1460A - NORTH ELEVATION
 1/4" = 1'-0"



GENERAL FOOTPRINT COLORED
 CURRENT BUILDING FOOTPRINT
 HISTORIC BUILDING FOOTPRINT
 PROPOSED BUILDING FOOTPRINT

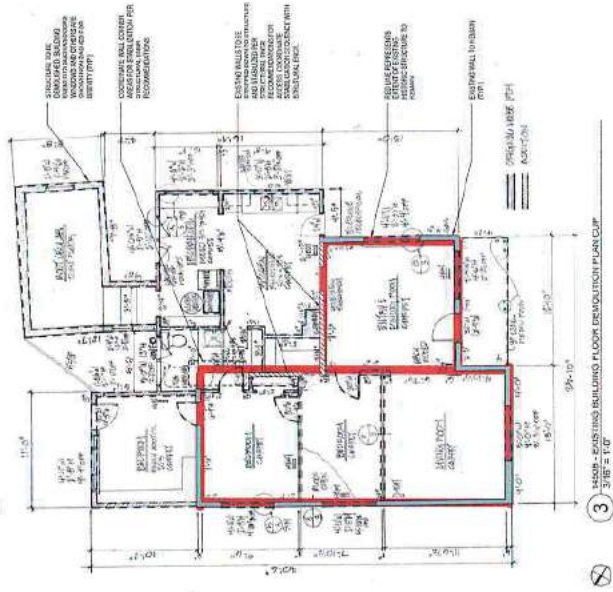
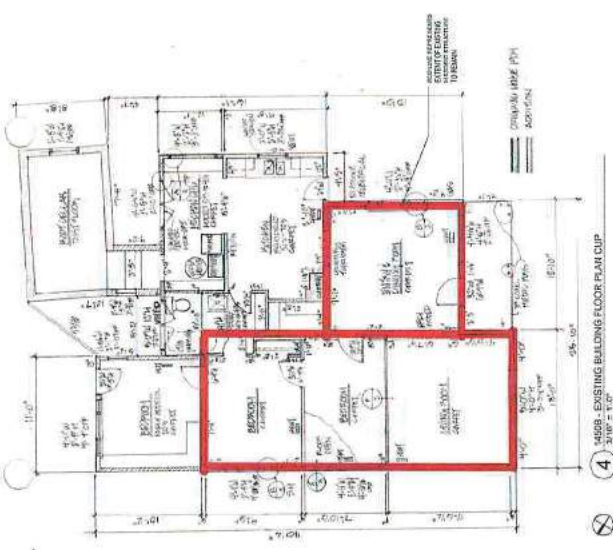
LEGEND

- HISTORIC BUILDING FOOTPRINT
- CURRENT BUILDING FOOTPRINT
- PROPOSED BUILDING FOOTPRINT

UNIT DATA
 1 STORY HISTORIC
 1 BEDROOM
 1 BATH
UNIT FLOOR AREA
 FIRST FLOOR RESIDENTIAL 836 GSF

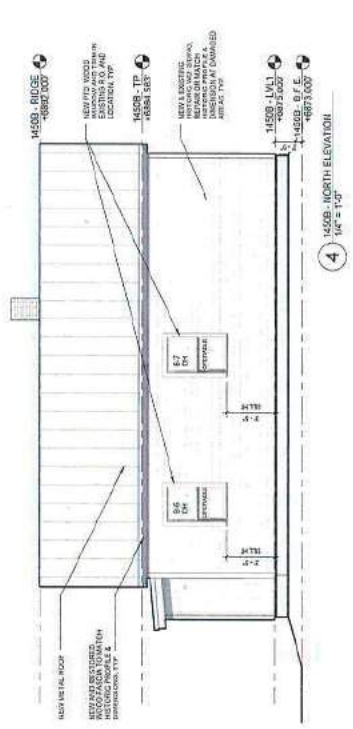
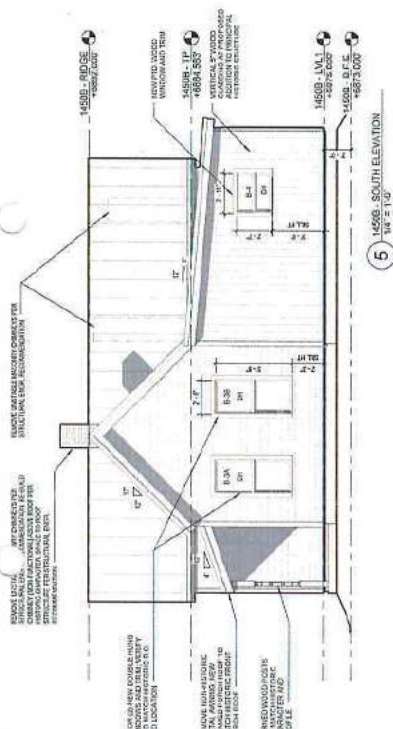
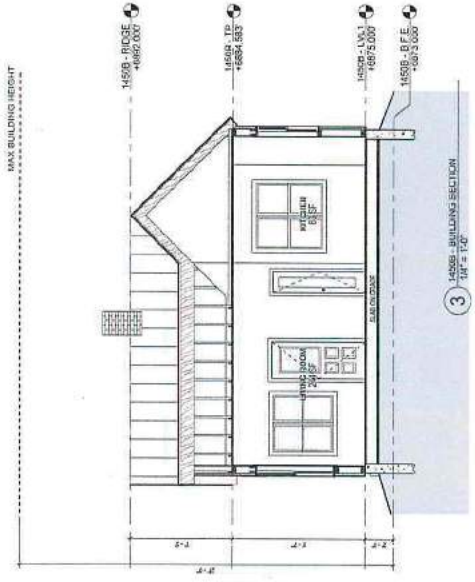
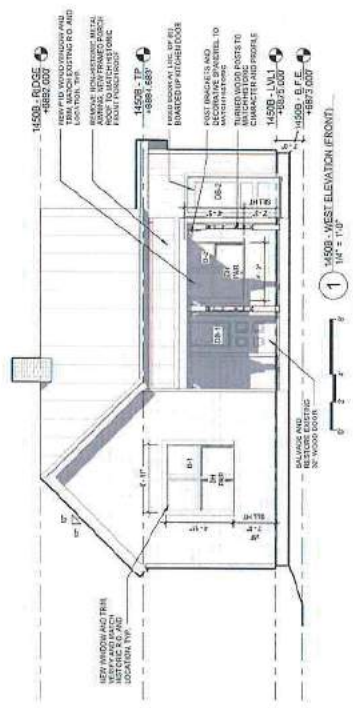


CUP - 9
HISTORIC B - 1450 PARK AVE -
EXISTING AND PROPOSED PLANS
 As indicated
 04.29.2016
 PROJECT # 1521
CADDIS PC



MAY 02 2016

CUP - 10
HISTORIC B - 1450 PARK AVE -
ELEVATIONS/SECTIONS
 1/4" = 1'-0"
 04.29.2016
 PROJECT # 1521
CADDIS PC





UNIT DATA

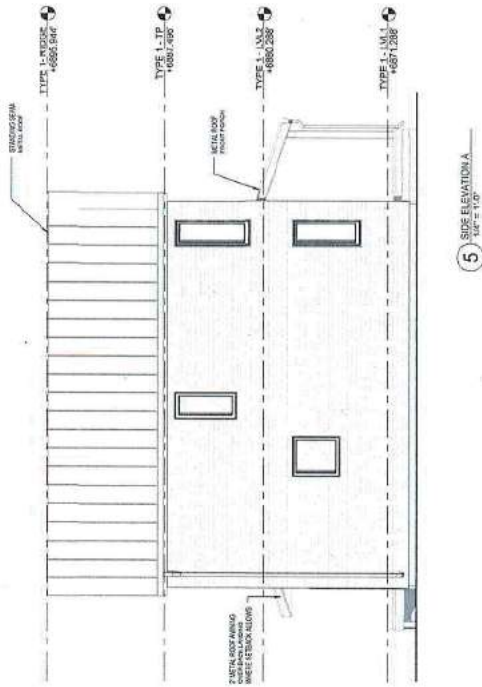
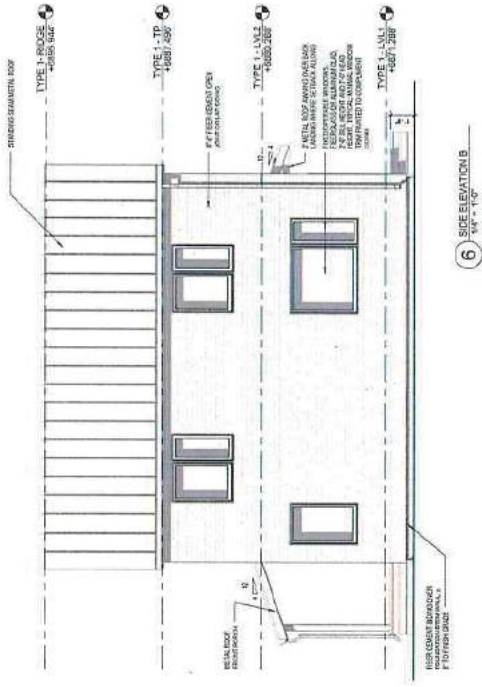
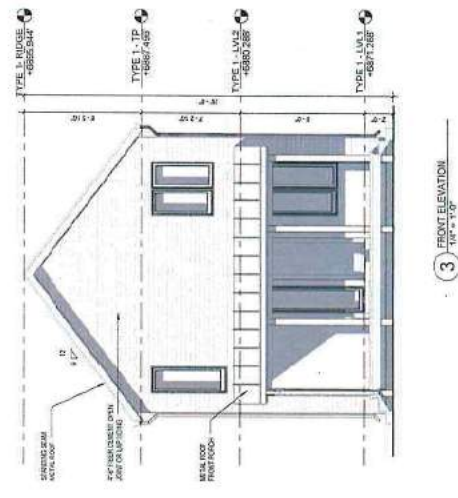
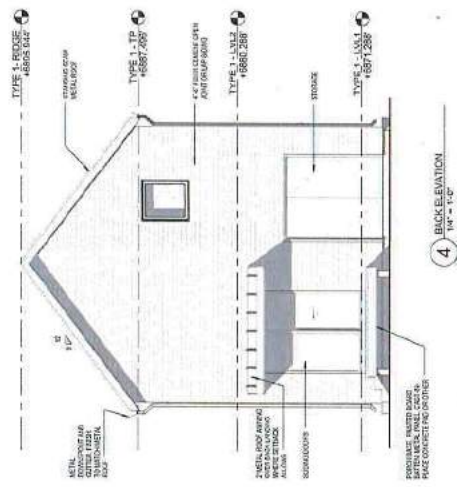
- 2 STORY
- 2 BEDROOM
- 1 BATH

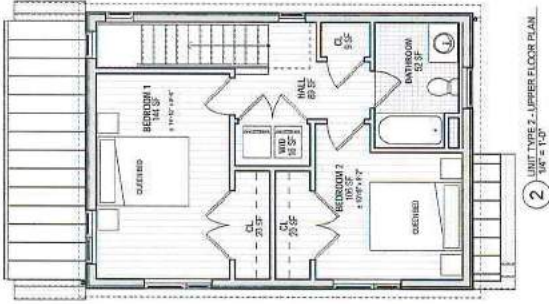
UNIT FLOOR AREA

FIRST FLOOR RESIDENTIAL	522 SF
EXTR. STORAGE	38 SF
SECOND FLOOR	560 SF
TOTAL	1,120 GSF

MAY 0 2 2016
 CUP-11
 UNIT TYPE 1 PLANS &
 ELEVATIONS

1/4" = 1'-0"
 04.29.2016
 PROJECT # 1521
CADDIS PC





2 UNIT TYPE 2 - UPPER FLOOR PLAN
1/4" = 1'-0"



1 UNIT TYPE 2 - GROUND FLOOR PLAN
1/4" = 1'-0"

UNIT DATA

2 STORY
2 BEDROOM
1 BATH

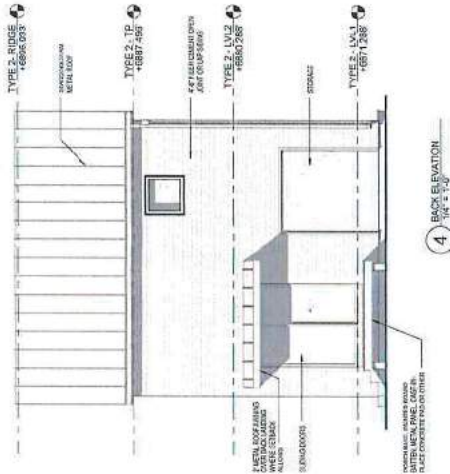
UNIT FLOOR AREA

FIRST FLOOR RESIDENTIAL 522 SF
EXTR. STORAGE 38 SF
SECOND FLOOR 560 SF
TOTAL 1,120 GSF

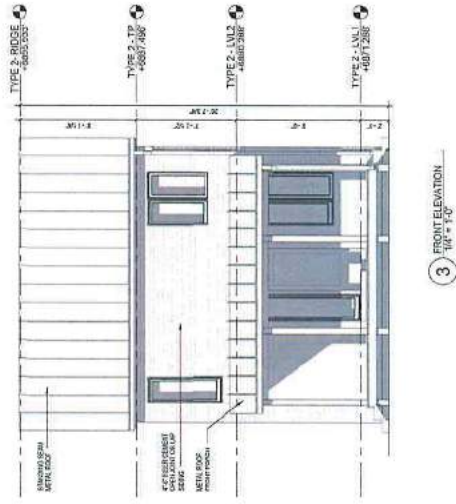


CUP-12
UNIT TYPE 2 PLANS & ELEVATIONS

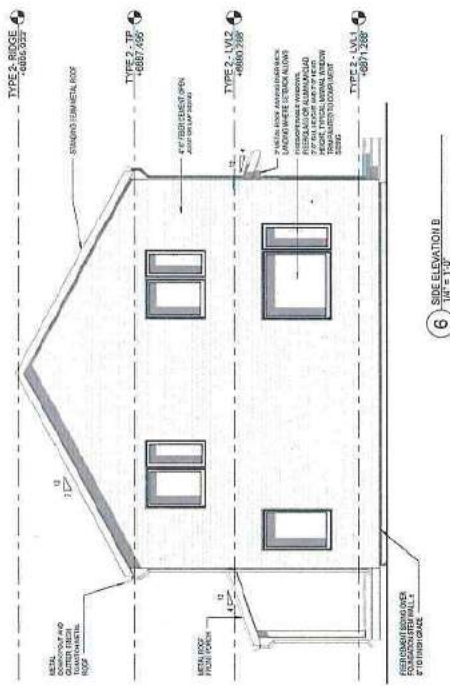
1/4" = 1'-0"
04.29.2016
PROJECT # 1521
CADDIS PC



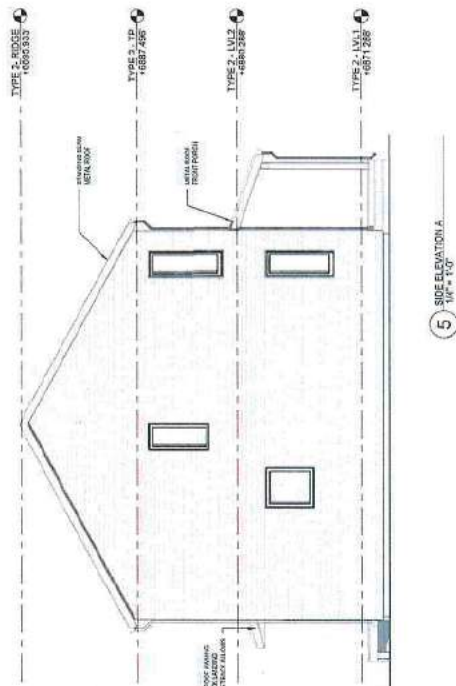
4 BACK ELEVATION
1/4" = 1'-0"



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



6 SIDE ELEVATION E
1/4" = 1'-0"



5 SIDE ELEVATION A
1/4" = 1'-0"



2 UNIT TYPE 4 - UPPER FLOOR PLAN
1/4" = 1'-0"

UNIT DATA

- 2 STORY
- 2 BEDROOM
- 1 BATH

UNIT FLOOR AREA

FIRST FLOOR RESIDENTIAL	622 SF
EXTR. STORAGE	38 SF
SECOND FLOOR	560 SF
TOTAL	1,220 GSF

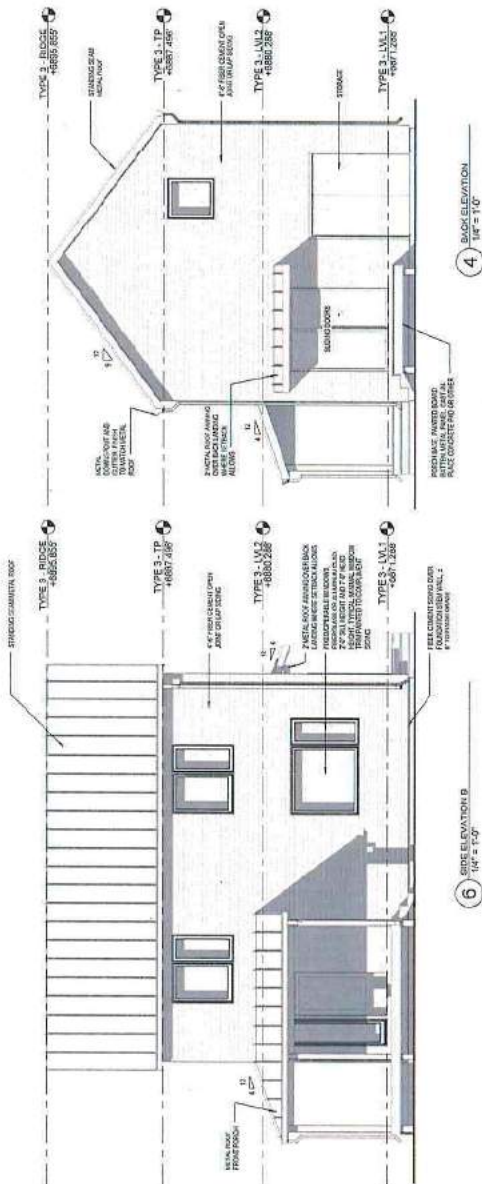
REVISED
 MAY 02 2016

UNIT TYPE 3 PLANS & ELEVATIONS

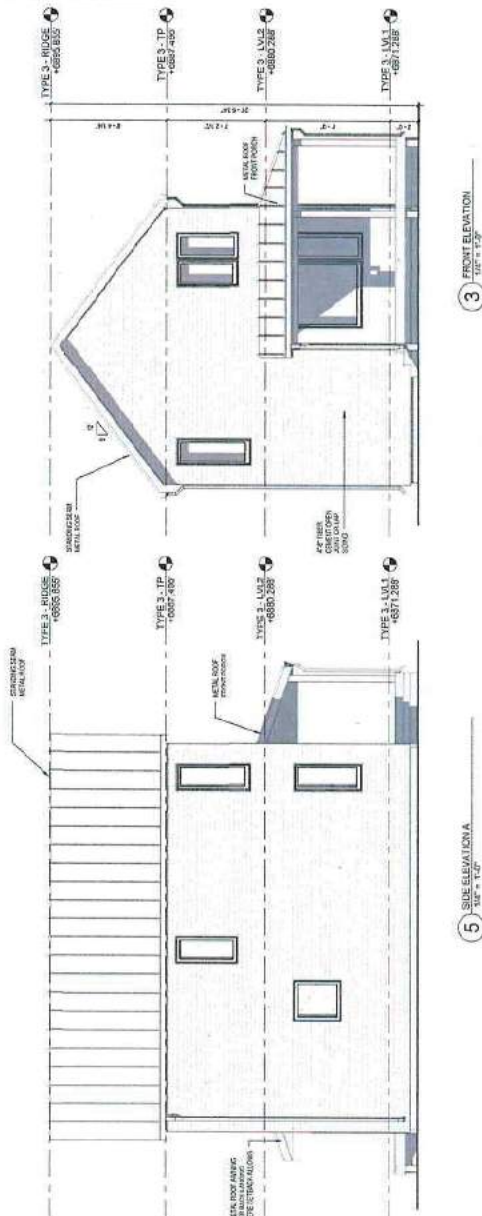
1/4" = 1'-0"
 04.29.2016
 PROJECT # 1521
CADDIS PC



1 UNIT TYPE 3 - GROUND FLOOR PLAN
1/4" = 1'-0"



6 SIDE ELEVATION B
1/4" = 1'-0"



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

5 SIDE ELEVATION A
1/4" = 1'-0"

MAY 02 2016

UNIT DATA

2 STORY
 3 BEDROOM
 1 1/2 BATH

UNIT FLOOR AREA

FIRST FLOOR RESIDENTIAL 629 SF
 EXTR. STORAGE 38 SF
 SECOND FLOOR 700 SF
 TOTAL 1,367 GSF

CUP-14
UNIT TYPE 4 PLANS & ELEVATIONS

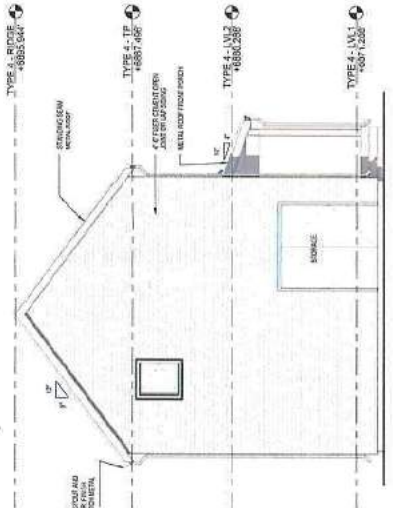
1/4" = 1'-0"
 04.29.2016
 PROJECT # 1521
CADDIS PC



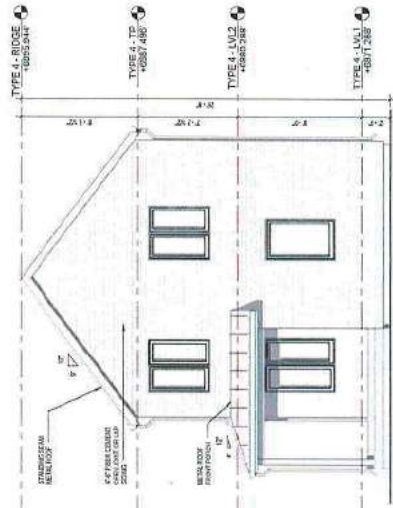
2 UNIT TYPE 4 - UPPER FLOOR PLAN
 1/4" = 1'-0"



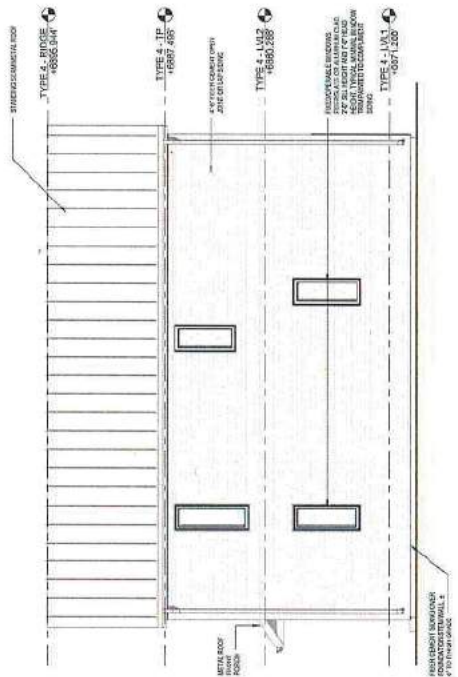
1 UNIT TYPE 4 - GROUND FLOOR PLAN
 1/4" = 1'-0"



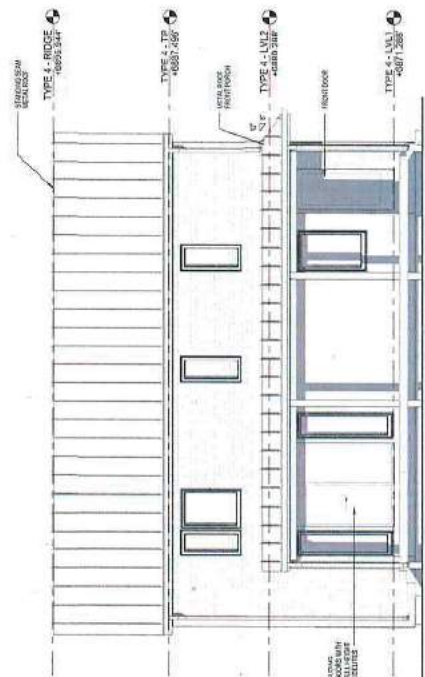
4 BACK ELEVATION
 1/4" = 1'-0"



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



6 SIDE ELEVATION B
 1/4" = 1'-0"



5 SIDE ELEVATION A
 1/4" = 1'-0"



Caddis Architecture, pc.

**PARK CITY MUNICIPAL CORPORATION
1450/1460 PARK AVE.
AFFORDABLE HOUSING**



VIEW FROM SULLIVAN RD

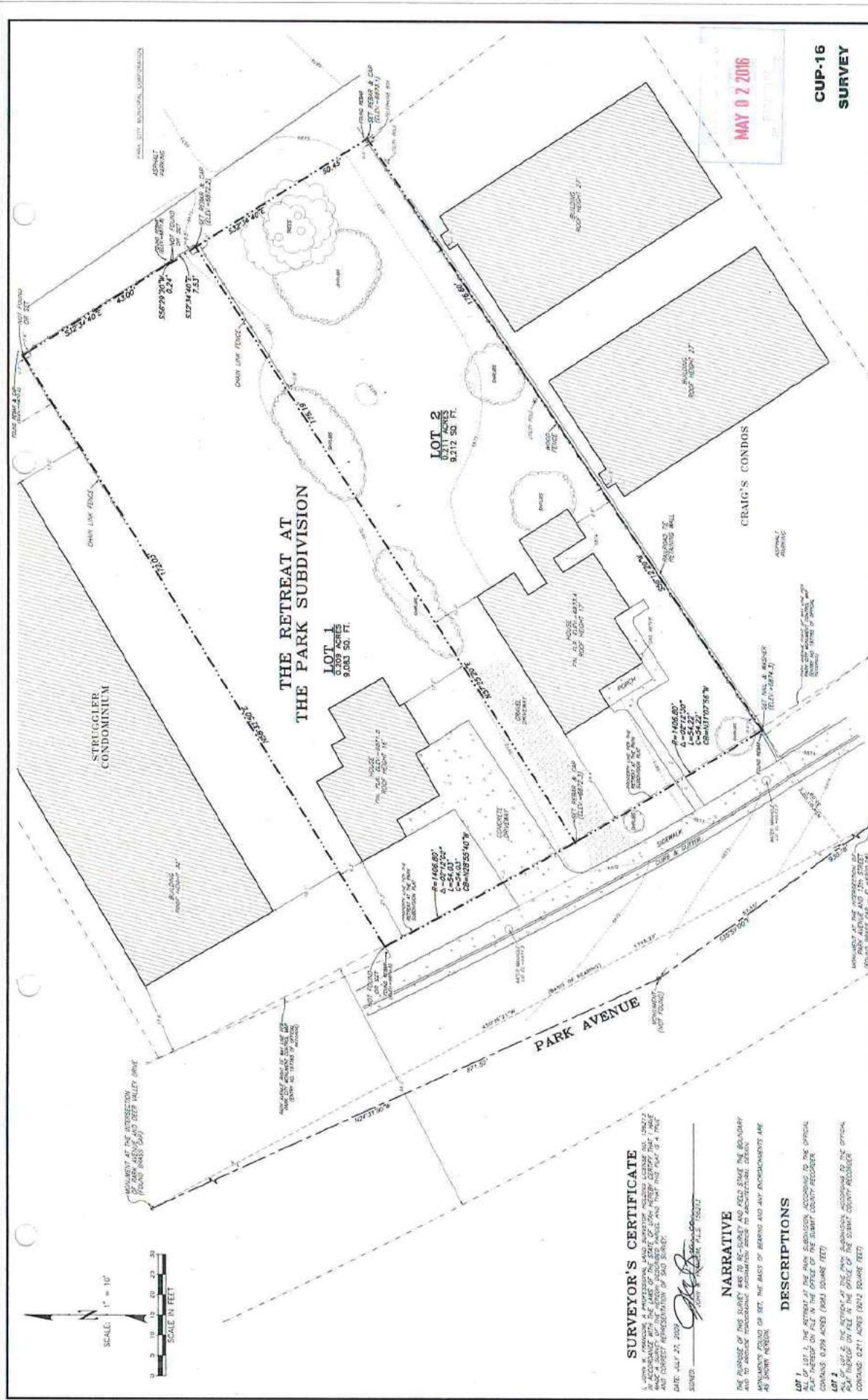


VIEW FROM PARK AVENUE

MAY 02 2016

**CUP-15
PERSPECTIVE VIEWS**

04.29.2016
PROJECT # 1521
CADDIS PC



**CUP-16
SURVEY**

MAY 02 2016

		JOHN W. FRANCOM & ASSOCIATES BOUNDARY SURVEYORS 505 SOUTH MAIN STREET, SUITE 200, SALT LAKE CITY, UT 84143 TEL: 801.462.2300 FAX: 801.462.2324	
PARK CITY REDEVELOPMENT AGENCY 1450 PARK AVENUE PARK CITY, UTAH		LOCATED IN THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 2 SOUTH, RANGE 4 EAST, 34TH JUNE BASE & MERIDIAN.	
REVISIONS: 1/2/17: ADD LOT 1	DRAWN BY: JAS CHECKED BY: JMT SURVEY: 1/22/09 DATE:	PROJECT DESCRIPTION: BOUNDARY & TOPOGRAPHIC SURVEY	SHEET NO: 1 OF ONE
SURVEYED BY: ME/JAS CALCULATED BY: ME	JOB NO: 09-025	ELEC. DATA COLLECTION DATE: RETIEFF	

SURVEYOR'S CERTIFICATE

I, John W. Francom, a professional land surveyor, hereby certify that I have made a survey of the above described lands and that this map is a true and correct representation of said survey.
 DATE: JULY 27, 2013
 SIGNED: *[Signature]*
 JOHN W. FRANCOM, LICENSE NO. 158017

NARRATIVE

THE PURPOSE OF THIS SURVEY WAS TO RE-SURVEY AND FIELD STAKE THE BOUNDARY AND TO PROVIDE TOPOGRAPHIC INFORMATION PRIOR TO ARCHITECTURAL DESIGN.
 ALL SURVEY POINTS OF SET, THE BASES OF BEARINGS AND ANY ENCUMBRANCES ARE AS SHOWN HEREIN.

DESCRIPTIONS

LOT 1
 0.211 ACRES (9,083 SQ. FT.)
 ALL OF LOT 1 OF THE RETREAT AT THE PARK SUBDIVISION, NEARLY SITUATED TO THE OFFICIAL CORNER OF 505 SOUTH MAIN STREET & SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 2 SOUTH, RANGE 4 EAST, 34TH JUNE BASE & MERIDIAN, ACCORDING TO THE OFFICIAL CORNER 0.211 ACRES (9,083 SQ. FT.)

LOT 2
 0.211 ACRES (9,212 SQ. FT.)
 ALL OF LOT 2 OF THE RETREAT AT THE PARK SUBDIVISION, NEARLY SITUATED TO THE OFFICIAL CORNER 0.211 ACRES (9,212 SQ. FT.)

**1460 Park Avenue
Application for Conditional Use Permit
Submitted by the Affordable Housing Program of
Park City Municipal Corporation**

1. How will the proposed use “fit-in” with surrounding uses?

The proposed use does not change from the historical use – residential single family homes. The proposed use maximizes the number of units that can be built within current code on the quarter acre lot. With the rehabilitation of the existing historic dwelling, three additional units will be built in the balance of the lot.. The surrounding uses are primarily larger multi-unit buildings, however the applicant proposes to retain this lot and the adjacent lot as a small pocket neighborhood for permanent, year-round residents. While small, single family homes might feel dwarfed by the larger structures, it will provide a linkage to other historic single family homes in the neighborhood.

2. What type of service will it provide to Park City?

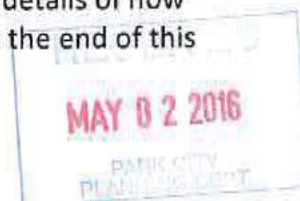
The project will provide affordable workforce housing for Park City residents.

3. Is the proposed use consistent with the current zoning district and with the General Plan?

The proposed use complies with all set-back requirements for the zoning district with one exception – one less parking space. In light of one of City Council’s critical priorities to reduce energy use and the carbon footprint of the community, rather than the six parking spots required, the applicant is requesting allowance for five. It also provides for more open space and a cozy neighborhood feel to provide more green space rather than parking areas. Buyers will need to reduce their vehicle ownership in order to purchase one of the homes.

The proposed use is consistent with the General Plan to provide infill affordable units as well as locating them near public transit nodes. One of the Park City transit systems busiest routes is Park Avenue and the bus stop is located within two hundred yards of the property. General Plan Objectives 7D, 7E, 8A & 15E:

- 7D - Facilitate the implementation of a housing plan that promotes economic diversity.
- 7E – Create housing opportunities for the City’s aging population. (Two of the houses will be adaptable and configured for age-in-place occupants.)
- 8A – Provide increased housing opportunities that are affordable to a wide range of income levels within all Park City neighborhoods.
- 15E – Encourage adaptive reuse of historic resources – please note that details of how the historic home at 1460 will be rehabilitated can be found attached at the end of this narrative.



1460 Park Avenue
CUP Application narrative, page 1

4. Is the proposed use similar or compatible with other uses in the same area?

The proposed use is both similar and compatible. The property is surrounded on all sides by residential properties. Most properties are larger structures – multi-unit buildings – however, there is still a scattering of small, historic detached houses. This property will provide additional historic context to the street with similar small detached houses.

5. Is the proposed use suitable for the proposed site?

The proposed use fits within current zoning and code requirements. It will provide a lovely, small neighborhood for permanent residents to live close to their work and to most amenities necessary for a complete lifestyle. Grocery stores, banks, medical facilities and entertainment can be found within walking distance or a short bus ride.

6. Will the proposed use emit noise, glare, dust, pollutants, and odor?

The proposed use will not contribute any of these.

7. What is the hour of operation and how many people will be employed?

The proposed use is residential and therefore will not have hours of operation, nor will people be employed on site.

8. Are other special issues that need to be mitigated?

- As was mentioned in item 3, the applicant is proposing that five parking spaces be approved rather than the six requested by code. See item 3 for the explanation.
- In addition, the project falls in the City's Soils District. The applicant has completed testing and all soils have come back very clean. Despite this, the applicant does not plan to truck any soils from the site. All soils will be contained on-site. The soils that get displaced for footings and foundations will be used to raise the houses to 24" above grade (12" is required due to the flood plain to which an additional 12" will be added for crawl space). Any remaining soils will be capped on site in the landscaping plan.



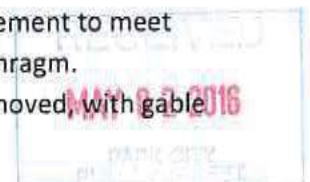
Historic Home Structural Stabilization/ Upgrades 1450 and 1460 Park Ave,

Park City, Utah.

Please find the list of stabilization / upgrade list of structural upgrades required prior to moving the structure. This Stabilization plan is a dynamic document that will change as existing conditions are uncovered through the discovery and demolition process.

The basic plan will be to reinforce the structures in place, including the roof, bearing walls, new bearing walls and floor framing prior to relocating. This will allow the structure to with stand the forces on the structure during the move and meet code requirements after they are placed on a concrete foundation.

1. Complete removal of asbestos siding, without damaging existing clapboard.
2. Roof Framing 1450: The goal to preserve as much of the existing roof framing as possible.
 - a. Remove existing masonry chimney from attic.
 - i. Cover hole left in roof to protect from weather.
 - b. Roof sheathing:
 - i. Remove existing roof covering and possible "skip" sheathing. Possible leave sheathing in place, in case framing is damage by removal.
 - ii. Plywood over existing sheathing or over new framing is required.
 - iii. Is it best to build up the roof framing from the outside of the structure or from the attic?
 1. Concerns; load carrying capacity of the "attic" floor.
 - c. Roof framing:
 - i. Convert roof framing to trusses with plywood gussets and additional members.
 - ii. Provide new ceiling framing members aligning with each roof member. These ceiling framing members will be the new "bottom" chord of the truss created with the existing roof framing members.
 - iii. Key connections are connections to walls at bearing locations, and connection at ridge.
 - d. Ceiling Framing:
 - i. Currently at approximately 48" o.c. Ceiling "sheathing" is fastened to the underside of the ceiling framing members presumably nailed from the bottom up.
 - ii. When attic loading is determined and bottom chord of the newly created attic truss sized, this will confirm the new ceiling framing installed from the attic and fastened from the bottom up.
 - e. Gable ends:
 - i. The roof gable ends will remain in place and require reinforcement to meet code and kickers from the top of the wall up to the roof diaphragm.
3. Roof Framing 1460: Due to fire damage, the roof on 1460 will be entirely removed, with gable ends and the ceiling remaining in place.



1460 Park Avenue
CUP Application narrative, page 3

- a. Prior to removal of the roof, the ceiling will be reinforced by adding members between the existing ceiling framing and fastened to the exterior wall plate.
 - b. The gable ends will be reinforced with stud framing, and kickers back to the ceiling framing.
 - c. Following items A & B, above removal of shingles, sheathing, and rafters can proceed
 - d. New ceiling framing will be installed between each existing ceiling framing member. Depth to be determined, notch at connection to wall plate.
4. Bearing and Shear walls, both structures:
- a. Wall Studs
 - i. 2x6s @ 24" proposed, this will allow bearing beneath each roof framing member, and allow for maximum insulation. Interior sheet rock may need to be 5/8" gyp.
 - b. Wall Sheathing
 - i. Existing Asbestos siding to be removed
 - ii. Existing clapboard to be saved
 - iii. Walls can be sheathed and stood up from the interior of the structure. Plate connections to roof and floor framing from the inside of walls after they are stood up.
 - c. Wall connection to floor framing / foundation
 - i. Holdowns will be required at wall ends. This will be detailed later.
 - d. Locations where non historic portions are removed from the historic portions of the building will be framed with 2x6 framing @ 24" o.c. and sheathed for bracing. Connection details to the roof and floor framing will be provided.

Floor framing both structures:

- 5. Access is the greatest issue.
 - a. Framing is practically on grade.
- 6. Existing framing is assumed to be un-salvageable, and too undersized to be used in any fashion, and discontinuous.
 - a. Are we saving the flooring? There is plywood over the tongue and groove. Can the plywood be removed prior to GC award?
 - b. Currently I'm proposing a beam, (3) 2x10s, be installed around the perimeter of the structure and continuing beneath the location of the roof ridge intersections, where the roof framing direction rotates; prior to moving the structure, sequencing needs to be established.
- 7. Foundations and Footings:
 - a. The foundation and footings will be completely new construction. The structures must be moved far enough away from the final location that any over excavation required due to the unknown material beneath the existing structure can be accomplished.
- 8. How out of plum, or out of square is existing framing, overall walls, individual windows and doors? Needs to be determined.



















Planning Commission Staff Report

Subject: Upper Norfolk Subdivision
Conditional Use Permit for Construction in Platted, un-built
City Right-of-Way

Author: Makena Hawley, Planner

Project Number: PL-16-03145

Date: July 13, 2016

Type of Item: Administrative – Conditional Use Permit

Summary Recommendation

Staff recommends the Planning Commission conduct a public hearing, review the proposed CUP for construction in platted, un-built City ROW (Norfolk Avenue), and consider approving the CUP according to the findings of fact, conclusions of law, and conditions of approval outlined in this report.

Description

Co-Applicants: Upper Norfolk 259, LLC, Mike Meza
261 Upper Norfolk, LLC, Jerry Fiat
Upper Norfolk 263, LLC, Mike Meza
Represented by Michael Demkowitz, PE, Alliance
Engineering, Inc.

Location: 259/261/263 Norfolk Avenue

Zoning: Historic Residential-1 District

Adjacent Land Uses: Residential

Reason for Review: Conditional Use Permits require Planning Commission
review and approval

Proposal

The owners of the vacant lots at 259, 261 & 263 Norfolk Avenue are requesting approval of a Conditional Use Permit (CUP) for construction of a driveway within a platted, un-built City ROW (Norfolk Avenue) to access the individual lots located at 259, 261 & 263 Norfolk Avenue. In addition to this proposal, the City is requesting with this project to implement a connection to the existing shared driveway to the south. This connection has been proposed by the Assistant Fire Chief Scott Adams and the City Engineer Matt Cassel for emergency access only.

Background

On April 18, 2016, the City received an application for a Conditional Use Permit (CUP) for "Construction in a platted, un-built City ROW" at 259, 261, & 263 Norfolk Avenue which will be a single shared drive from the northern section of the lots to lessen impact of 3 separate driveways coming through the berm to reach Norfolk Avenue. In addition the City has requested to include in the project, a connector piece to the single shared driveway towards the south side of the lots for emergency access. The application was

deemed complete on April 22, 2016. The property is located in the Historic Residential (HR-1) District. The property owners of Lots 1, 2 and 3 are currently listed as co-applicants in this Application the applicants are represented by Michael Demkowitz with Alliance Engineering, Inc.

Plat Amendment

On August 16, 2005, the City received a completed application for Upper Norfolk Subdivision plat amendment. During the plat amendment process, concern was expressed regarding the use of platted, unbuilt Norfolk Avenue right of way for a private driveway and access issues during construction.

Two Conditions of Approval were added which included:

1. Construction access to the lots is to be from King Road through the adjacent property to the west, as per the submitted construction easement agreements.
2. The construction easement agreements must be finalized and submitted to the City prior to receiving building permits.

On July 26, 2006, the Planning Commission forwarded a positive recommendation on the plat amendment, the City Council, after further staff analysis and amendments to the findings of fact and conditions of approval approved the plat on July 27, 2006. The plat (Exhibit C) was recorded on June 1, 2007, Ordinance No.06-55 (Exhibit C).

On January 20, 2011 an ordinance amendment was proposed to remove the 2 conditions of approval that were approved in the ordinance. The Conditions that were being asked to be removed are the same that were added previously:

1. Construction access to the lots is to be from King Road through the adjacent property to the west, as per the submitted construction easement agreements.
2. The construction easement agreements must be finalized and submitted to the City prior to receiving building permits.

Construction access was previously made through a temporary access agreement with the adjacent property owner with access from King Road. The agreement was executed and recorded in October 2006, with a stipulation that it would become void December 2009. The agreement terminated in December 2009 prior to construction commencing. The adjacent property ownership had changed thus making the construction access from King Road no longer an option for the property owner.

The reason for the requirement of the access agreement was to reduce the construction impact of the building of the three (3) structures at the same time on the neighborhood. Concern by neighbors was expressed about the construction mitigation plan and the construction vehicles access to the lots. At the time the plat was recorded, all 3 lots were owned by the same person, and all 3 lots were being proposed to be developed at the same time. Since the plat had been recorded the lots had been sold to different people therefore the intention was not to develop the lots all at the same time.

In order to remove the two plat notes the applicant of the ordinance amendment

proposed to provide Construction Mitigation Plan for each of the three lots in the subdivision. These showed access, staging, construction parking and generally all construction related activity to be contained within the common driveway area for each lot and within the other lots of the subdivision while they are vacant. The Building Department was supportive of the CMP with the following notes:

1. All access, staging, parking, utility connections and construction related activity shall be contained within the Limits of Disturbance Area (LODA). If the LODA includes area on any neighboring property other than the property being built on, a written letter of permission shall be provided to the Park City Building Department allowing the construction on that site. Additionally, a standard LOD bond in the amount of 75¢ per square foot shall be provided and shall include all area included within the LODA, including area on neighboring properties. Site plans should be reflective of this.
2. At no time shall construction on a site block the access to another occupied structure. (The site plans already show compliance with this issue, but Building considers this a significant issue and would like to reiterate the importance.)

Staff also recommended conditions approval which

1. Require construction access easements on the neighboring properties which will not expire until all single family dwelling structures are built;
2. Require that the lots may only be developed one at a time, and;
3. Require recordation of the CMPs.

On April 27, 2011, the ordinance amendment was requested to be continued to the Planning Commission meeting on May 25, 2011. The item was not heard again and on September 25, 2012 this application expired due to inactivity.

On January 21, 2015 the City received a new completed application for Upper Norfolk Subdivision ordinance amendment to remove the two Conditions of Approval just as the plat amendment from 2011 above and proposed access from Upper Norfolk Avenue, which is the legal access to the properties.

During the June 24, 2015, Planning Commission meeting the Commission asked the applicant if the following points from the drafted Construction Mitigation Plan to be adopted as actual Conditions of Approval:

- a. The applicant shall request to build all three (3) units at the same time.
- b. Staging area has been secured along the rear of the properties of approximately 2,000 square feet.
- c. Materials shall not be staged on the street.
- d. No parking shall be permitted anywhere other than on the shared private drive and on the lots themselves. Neighborhood parking space shall not be used. The applicant shall not request any street parking passes.
- e. No vehicles shall back up or down Upper Norfolk as there is sufficient room to turn all the vehicles around.
- f. The applicant shall store spoils from the excavation and reuse it for back fill to

- reduce the loads out of the site.
- g. The applicant shall encourage car-pooling to further reduce traffic.
- h. The applicant shall not allow any vehicles to queue on Upper Norfolk
- i. No road closures other than utility upgrades shall be needed
- j. All deliveries and unloading shall be off the shared driveway, and shall not block the street.
- k. All other normal Construction Mitigation Plan requirements in Old Town shall apply.

The applicant stipulated all of these items to serve as actual Conditions of Approval. The new Ordinance was approved on July 16, 2015 as Ordinance No. 15-56 (Exhibit D).

Steep Slope Conditional Use Permit

On April 1, 2016, after much research, the Planning Department made the determination that the three sites do not meet the criteria regarding Steep Slope Conditional Use Permit requirement.

Historic District Design Review

On April 18, 2016 the applicant submitted a Conditional Use Permit for construction of a driveway within City ROW to address the standards of Land Management Code Section 15-3-5.

Summary of Prior Applications regarding this property:

Applications	Decision	Additional Information
Plat Amendment (2005)	City Council: Approved (2007)	
Plat Amendment (2011)	Planning Commission: Continued to the next meeting, followed by lack of activity which eventually lead to the expiration of the application.	
Plat Amendment (2015)	Planning Commission: Unanimous (5-0) Positive recommendation with Conditions of approval. City Council: Approved on July 16, 2015	Mylar is going through redline process before being recorded.
Steep Slope CUP	Planning Department determination made on April 1, 2016 that lots do <u>not</u> require a SSCUP.	
Historic District Design Reviews	261 Upper Norfolk – Approved March 2, 2016	

	263 Upper Norfolk – Approved March 4, 2016 259 Upper Norfolk – Approved March 4, 2016	
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Analysis

The Land Management Code (15-3-5) sets the following standards of review for the construction of private driveways within platted, un-built City streets.

(A) The driveway shall not exceed ten percent (10%) Slope.

Complies.

The proposed driveway shall have a maximum of 10% slope to reach each of the houses. The building elevations have been raised to provide positive drainage away from the new buildings. During the interdepartmental meeting, the Engineering Department and the Fire District both indicated good cause to connect the shared driveway to the existing shared driveway to the south. The emergency vehicle access is very difficult in this area, especially during winter conditions. By connecting the proposed and existing access road/driveway together, improved emergency vehicle access is provided at both ends to the existing and new residence, and the required turn-around for emergency vehicles, as required by the Utah State Fire Code (2012 edition of the IFC) for access roads/driveways greater than 150 feet is also met. The connection shall have a gate and shall be only utilized for emergency access. In order to connect the two roads the slope from the proposed driveway and the existing driveway will be a maximum of 18% only for the connection portion. The Engineering Department is acceptable to this situation since the section greater than 10% is not part of the access driveway and will not be used on a daily basis.

(B) Adequate snow storage area along the downhill side and/or end of the driveway shall be provided.

Complies.

The driveway is 14 feet wide with a 10% max road slope. The snow storage easements will be finalized and approved by the City Engineer prior to a building permit. There is adequate snow storage between the driveways (downhill side) on the individual lots as well as to the east side of the shared drive. Snow storage will not be allowed near the gate where the roads connect. Snow storage is only for snow collected within the ROW. Snow from the individual lots must still be kept on site per our Land Management Code.

(C) The driveway must be paved with asphalt or concrete.

Complies.

The driveway will be concrete.

*(D) The driveway must not pre-empt any existing physical parking which may occur in the platted Street. If the platted Street has been improved to provide Public Parking, then any driveway proposal must replace such parking with new Public Parking of equal or better convenience and construction. **Complies.***

There are no formal and approved parking spaces within the Norfolk Avenue ROW in the immediate driveway location. The area where the driveway connects to pave Norfolk Avenue was previously used for informal parking for the previously razed structures. The driveway does not pre-empt any approved existing public parking.

*(E) The driveway and related improvements such as retaining walls shall be designed and built to minimize present and future conflicts with public utilities and stairs. **Complies.***

There are no stairs currently or proposed in this location. No existing utilities will be affected by the proposed driveway; future utilities may be affected and need to be properly addressed with utility companies. These issues will be addressed by the City Engineer during final review of the construction documents. All utilities were reviewed by the Development Review Committee.

(F) The driveway construction requires a Conditional Use Permit, Section 15-1-10. The Planning Commission must review each of the following items when considering whether or not the proposed Conditional Use, as conditioned, mitigates impacts of and addresses the following items:

(1) size and location of the Site;
No unmitigated impacts.

The CUP is for construction of a shared driveway within a portion of platted, unbuilt Norfolk Avenue ROW. The driveway is approximately 125 feet in length and 14 feet in width. The City and Fire District are requiring a connection to the southern shared driveway (also known as Upper Norfolk Avenue) for emergency access. This would cause an additional 30 feet worth of drive to complete the connection.

(2) traffic considerations including capacity of the existing Streets in the Area;
No unmitigated impacts.

Norfolk Avenue is a narrow road that links to many single-family and duplex dwellings. The driveway will minimally affect the existing capacity of Norfolk Avenue as it provides access to Upper Norfolk Avenue for three single-family houses only. It also will provide an emergency access route connecting the road with Upper Norfolk to the south; this will be for emergency access only and will be gated with bollards for emergency vehicles to remove only.

(3) utility capacity;

No unmitigated impacts.

A final utility plan and guarantee is a condition of approval of building permit issuance.

(4) emergency vehicle Access;

No unmitigated impacts.

The driveway is accessed from Norfolk Avenue from either the east (Norfolk Avenue) or the south (Upper Norfolk Avenue Avenue). Through traffic will be stopped by a gate between the middle of Upper Norfolk Avenue which will be controlled by the Fire District and the City.

(5) location and amount of off-Street parking;

No unmitigated impacts.

The narrow driveway does not require additional parking. The three houses will be required to provide on-site Code required parking. These parking requirements have been met and approved with the Historic District Design Review applications. Parking will not be permitted on the private drive.

(6) internal vehicular and pedestrian circulation system;

No unmitigated impacts.

The proposed driveway will be approximately 125 feet long and serve three houses with individual driveways serving each house individually. The connection proposal is about 35 feet long and is proposed to connect to the existing south shared driveway.

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

No unmitigated impacts.

The proposed driveway will be separated from Norfolk Avenue primarily with a berm that will be planted with native vegetation to match existing. Four retaining walls are going to be proposed for the shared driveway, all the retaining walls will be between twenty four inches (24") and forty eight inches (48") from existing grade. There will be one wall placed on the downhill side of the shared driveway; it will be sixty feet long along the shared drive. This wall will not be visible from existing Norfolk Avenue as it will be hidden by the berm. There will be three walls on the uphill side of the shared driveway; each wall will be separated by the driveway entering each house. Each of these walls will be no longer than twenty feet long along the shared driveway with a five foot return on each side. These walls will be setback thirty feet from the existing Norfolk Avenue.

At the connection point to upper Norfolk, a retaining wall is proposed to begin as southerly as possible to retain the maximum 18% grade change. The proposed

shared asphalt, heated driveway is proposed to connect to existing shared asphalt driveway. A retaining wall is going to be required on the east side of the driveway, with a length of 50 feet and a height between 24"-48" (max), anything above four feet will need to be approved by the Planning Director and City Engineer (Condition of Approval #5).

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

No unmitigated impacts.

The retaining walls for the proposed shared drive are all proposed within the City's right of way. There are several retaining walls proposed, the heights of all the retaining walls will be between twenty four inches (24") and forty eight inches (48") from existing grade. Anything above four feet will need to be approved by the Planning Director and City Engineer (Condition of Approval #5). There are three walls on the uphill side of the shared driveway; each wall will be separated by the driveway entering each house. Each of these walls will be no longer than twenty feet long along the shared driveway with a five foot return on each side. There will be one wall placed on the downhill side of the shared driveway; it will be sixty feet long along the shared drive. Finally, A retaining wall is going to be required on the east side of the driveway for the connection portion of the drive, with a length of 50 feet and a height between 24"-48" (max), this portion will run above the existing retaining wall and be set back approximately five to ten feet.

(9) usable Open Space;

No unmitigated impacts.

The driveway is 14 feet wide within the 45 foot right of way allowing for open space and snow storage on either side and at the north end. The remainder of the ROW shall be landscaped with native drought tolerant plants/trees.

(10) signs and lighting;

No unmitigated impacts.

The City will require signs on both sides of the emergency access gate saying "Emergency Access. Do not block.". No Lighting is proposed.

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

No unmitigated impacts.

A landscape plan to mitigate the visual impact has been submitted with this application, it consists of native vegetation much like what currently exists (Please see Exhibit A – landscape plan for berm). One existing 8" caliper Colorado Spruce tree is being proposed to be removed in order to complete the connection. Per LMC 15-5-5 (M) the applicant is proposing to plant four 4" fir trees

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

Not Applicable.

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

No unmitigated impacts.

Delivery and service vehicles will be able to use the driveway and the three driveways to the proposed houses without blocking Norfolk Avenue.

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

Not Applicable.

The City will still maintain ownership of the right of way with an Encroachment Permit designating maintenance as the responsibility of the adjoining property owners.

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

No unmitigated impacts.

The site is not within the Sensitive Lands Overlay zone. The retaining walls will be minimized to the extent possible.

*(G) An Encroachment Permit for the driveway, snow melt, landscaping and any retaining walls is required. **Complies.***

All encroachment agreements are required and will be approved with the City Engineer prior to a building permit.

(H) Private utilities, including snow melt devices, within the platted City Street require approval by the City Engineer.

Complies.

Any private utilities and snowmelt devices are subject to the review and approval of the City Engineer.

Department Review

This project has gone through an interdepartmental review. A final utility plan, including storm water plan, will be required to be reviewed with the building permit and which

shall have been approved by the City Engineer prior to issuance of a building permit. An Encroachment Agreement with the City Engineer is required to be executed and recorded prior to issuance of a building permit for all non-utility elements located in the Right of Way. The Fire District and the City Engineer both proposed a connection from the proposed shared drive to the existing shared drive to the south for emergency access. This connection would be blocked with bollards or a gate and would not allow any access other than emergency vehicles. No further issues were brought up other than standards items that have been addressed by revisions and/or conditions of approval.

Notice

The property was posted and notice was mailed to property owners within 300 feet on June 28, 2016. Legal notice was also put in the Park Record on June 29, 2016.

Public Input

Staff has received public input from several neighbors on this project. The general concern is the connection area and how it will affect the neighbors to the south regarding their current snow storage and parking. Additional comments have been made from neighbors further north of the applicant's properties on Norfolk regarding safety concerns and the congestion on Norfolk Avenue which has previously blocked fire trucks and emergency vehicles (Please see Exhibit E for public comment).

Alternatives

- The Planning Commission may approve the Conditional Use Permit as conditioned or amended, or
- The Planning Commission may deny the Conditional Use Permit and direct staff to make Findings for this decision, or
- The Planning Commission may continue the discussion on the Conditional Use Permit.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The driveway could not be built and the property owners at 259, 261, and 263 Norfolk Avenue would not be able to access the lots by a built City ROW without going through the CUP process again.

Future 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 must be met.

Recommendation

Staff recommends the Planning Commission conduct a public hearing, review the proposed CUP for a construction in platted, un-built City ROW (Norfolk Avenue), and consider approving the CUP according to the findings of fact, conclusions of law, and conditions of approval outlined in this report.

Findings of Fact

1. The property is located at 259, 261, and 263 Norfolk Avenue.
2. The zoning is Historic Residential – One (HR-1).
3. The approved plat is Upper Norfolk Subdivision.
4. There is one amendment to the plat which is in the process of being recorded as Ordinance 15-56.
5. The driveway is 14 feet wide. The right-of-way ranges from 13 feet to 17 feet between the proposed private drive and the existing Norfolk Avenue..
6. There will be a maximum slope of 10% for the private driveway.
7. The slope will rise to a maximum of 18% to connect the proposed drive to the existing private drive Upper Norfolk Avenue.
8. The driveway will be paved in concrete.
9. The staff findings in the Analysis section are incorporated herein.

Conclusions of Law

1. The CUP, as conditioned, is consistent with the Park City Land Management Code.
2. The CUP, as conditioned, is consistent with the Park City General Plan.
3. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. The plan shall include a phasing, timing, staging, and coordination of construction with adjacent projects to address mitigation of neighborhood impacts due to the volume of construction in this neighborhood.
3. City Engineer review and approval of all construction, including grading, utility installation, public improvements and storm drainage plans, and all construction within the ROW, for compliance with City and Fire District standards, is a condition precedent to building permit issuance.
4. The City Engineer will review the transition slopes to the 18% grade before building permit issuance.
5. Planning Director and City Engineer will review the final design and materials for the proposed road and any necessary retaining walls. No retaining wall shall exceed four (4) feet unless approved by the Planning Director and City Engineer.
6. Snyderville Basin Water Reclamation District review and approval of the utility plans for compliance with SBWRD standards and procedures, is a condition precedent to building permit issuance.

7. A final utility plan is required to be approved by the City Engineer prior to issuance of a building permit.
8. An Encroachment Permit for the driveway, snow melt, landscaping and any retaining walls will be approved with the City Engineer and recorded.
9. A building permit will be required to build the road and retaining walls.
10. The City Engineer will review the final construction documents and confirm that all existing utilities will not be impacted and anticipated utilities will be located in accordance with the plans as submitted.
11. The landscaping shall be complete prior to issuance of a final certificate of occupancy for the lots. The landscape plan shall provide mitigation of the visual impacts of the driveway and any retaining walls and mitigation for removal of any existing Significant Vegetation. Prior to removal of any trees, an arborist report shall be provided to the Planning Department for review. The arborist report shall include a recommendation regarding any Significant Vegetation proposed to be removed and appropriate mitigation for replacement vegetation.
12. Parking is restricted to the private driveways of each lot. No parking shall be allowed on the shared drive.
13. All conditions of approval of the Upper Norfolk Subdivision Plat (Ordinance No. 06-55) and the 2015 Plat Amendment (15-56) which includes the Construction Mitigation Plan must be adhered to.
14. The Conditional Use Permit will expire on July 13, 2016, if a building permit has not been granted.
15. The Planning Department and City Engineer will review any proposed guardrail and lighting considerations at time of final design.

Exhibits

Exhibit A – Civil Site plan and design

Exhibit B – Existing conditions

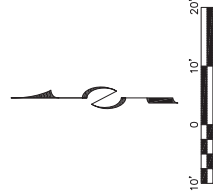
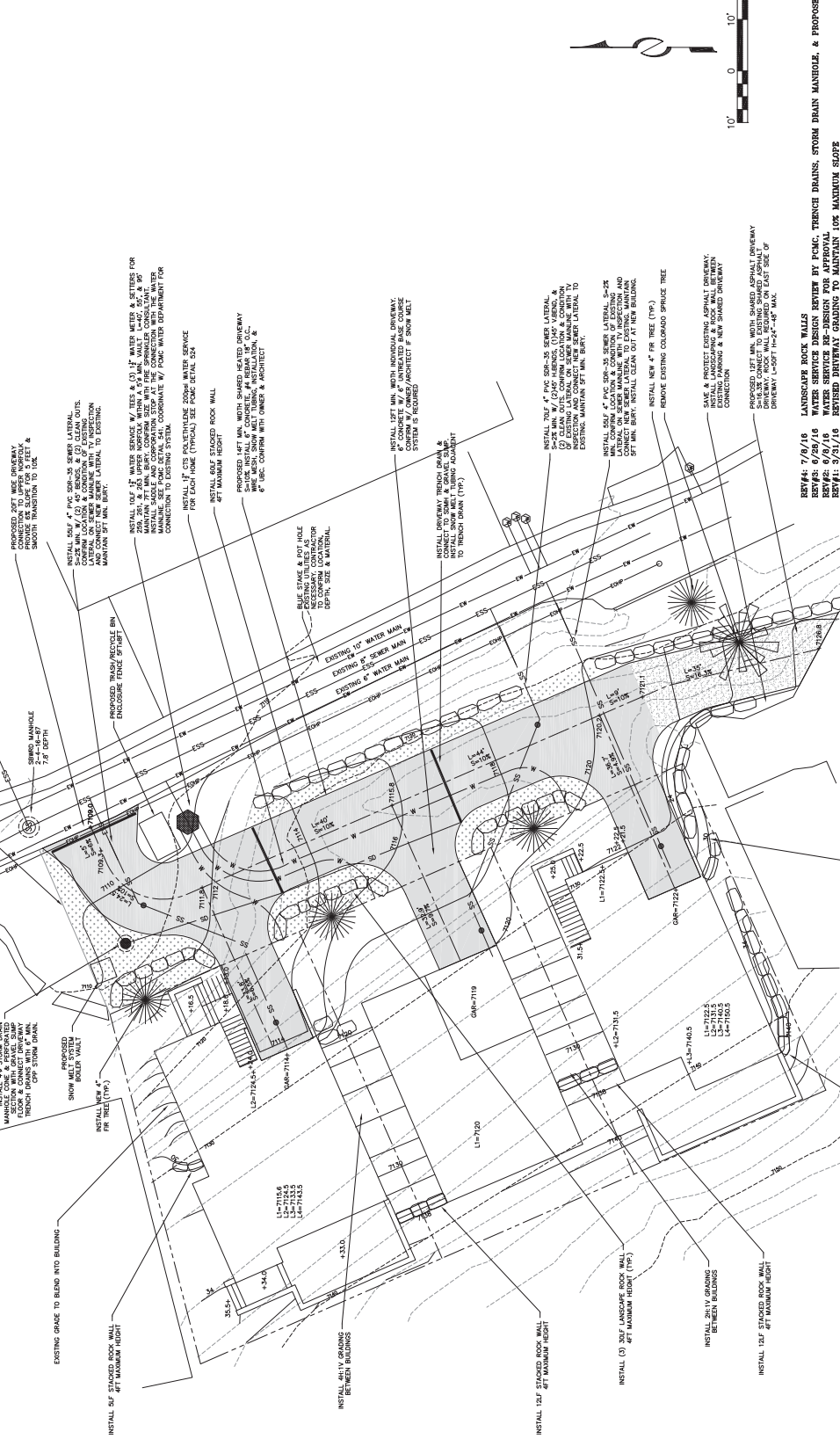
Exhibit C – Plat of Upper Norfolk Subdivision and Ordinance 06-55

Exhibit D – New Ordinance approved July 16, 2016

Exhibit E – Submitted written public input

Exhibit F – Existing Berm pictures

- NOTES:
- BOUNDARY, EXISTING CONDITION, & TOPOGRAPHY SURVEY BY OTHERS.
 - INFORMATION PROVIDED TO ENGINEER BY ARCHITECT IN PDF FORMAT.
 - INFORMATION CONVERTED TO ANNOTATED AND DIMENSIONED DRIVEWAY AND UTILITY DESIGN.
 - CONTRACTOR TO VERIFY ALL LOCATIONS FOR ALL UTILITIES, DRIVEWAY AND UTILITY DESIGN.
 - CONTRACTOR TO VERIFY ALL LOCATIONS FOR ALL UTILITIES, DRIVEWAY AND UTILITY DESIGN.
 - ENGINEER IS NOT RESPONSIBLE FOR MIS-REPRESENTATIONS OF EXISTING CONDITIONS.
 - EXISTING SEWER INFORMATION PROVIDED BY SBARD.
 - EXISTING WATER INFORMATION PROVIDED BY SBARD.
 - EXISTING WATER INFORMATION FROM AS-BUILT INFORMATION PROVIDED BY SBARD & SURVEY BY OTHERS.
 - COORDINATE WITH PDMC FOR WATER MAIN SERVICE CONNECTIONS. CONFIRM IF NEW SERVICES SHALL BE CONNECTED TO THE 6" OR 10" WATER MAIN.
 - ONE NEW HOME COORDINATE WITH GAS, POWER, & TELECOMMUNICATION PROVIDERS TO INSTALL SERVICE TO REPLACED WITH A 4" FIR TREE. INSTALL (3) ADDITIONAL FIR TREES.
 - ALL DISTURBED AREA SHALL BE RE-VEGETATED WITH NATIVE WILDFLOWERS & GRASS.



SHEET
1
of
2

UPPER NORFOLK SUBDIVISION
261 UPPER NORFOLK DRIVEWAY & UTILITY DESIGN

STAFF: MICHAEL DEMKOWICZ
 REV#4: 7/9/16
 REV#3: 6/9/16
 REV#2: 6/9/16
 REV#1: 5/31/16
 DATE: 12/1/15

(408) 445-4467
 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
 222 Main Street, 4th Floor, Norfolk, Virginia 23510-3644



LANDSCAPING ROCK WALLS
 WATER SERVICE DESIGN REVIEW BY PDMC, TERRACE DRAINS, STORM DRAIN MANHOLE, & PROPOSED TREES.
 WATER SERVICE RE-DESIGN FOR APPROVAL
 REVISED DRIVEWAY GRADING TO MAINTAIN 10% MAXIMUM SLOPE

LANDSCAPING NOTES:
 1. (1) 8" COLORADO SPRUCE SHALL BE REMOVED TO ACCOMMODATE THE DRIVEWAY CONNECTION & WILL BE REPLACED WITH A 1" (1) 8" COLORADO SPRUCE (1" (1) 8" COLORADO SPRUCE).
 2. ALL DISTURBED AREA SHALL BE RE-VEGETATED WITH NATIVE WILDFLOWERS & GRASS.

INSTALL LANDSCAPING BETWEEN SHARED DRIVEWAY & PROPOSED DRIVEWAY. USE PLANT SPECIES TO BE USED FOR SNOW STORAGE DURING WINTER.

PROPOSED 20FT WIDE DRIVEWAY CONNECTION TO UPPER NORFOLK PROVIDE 6% SLOPE FOR 5 FEET & SMOOTH TRANSITION TO 10%.

PROPOSED TRENCH DRAIN, CONNECT TO SD MANHOLE & GRAVEL SUMP.

PROPOSED TRENCH DRAIN, CONNECT TO SD MANHOLE & GRAVEL SUMP.

PROPOSED STACKED ROCK WALL 4FT MAXIMUM HEIGHT (TYPICAL)

PROPOSED 14FT MIN. WIDTH SHARED HEATED DRIVEWAY. SHALL INSTALL 6" CORBEN REBAR 15" O.C., WIRE MESH, SNOW MELT TUBING, INSTALLATION, & 6" UBC. CONFIRM WITH OWNER & ARCHITECT.

INSTALL NEW LANDSCAPING ADJACENT TO DRIVEWAY. AREA TO BE USED FOR SNOW STORAGE DURING WINTER.

PROPOSED STACKED ROCK WALL 4FT MAXIMUM HEIGHT (TYPICAL)

SEE ARCHITECT FOR BUILDING DESIGN & CONFIRM BUILDING ELEVATIONS AND SITE GRADING.

PROPOSED LANDSCAPE ROCK WALL 4FT MAXIMUM HEIGHT (TYPICAL)

PROPOSED 12FT MIN. WIDTH SHARED ASPHALT DRIVEWAY S=16.3% TO CONNECT TO EXISTING DRIVEWAY. MINIMUM WIDTH OF DRIVEWAY REQUIRED ON EAST SIDE OF DRIVEWAY. LENGTH=50FT HEIGHT=24" -48" MAX.

INSTALL NEW TREE SEE NOTE ABOVE

REMOVE EXISTING TREE SEE NOTE ABOVE

SAVE & PROTECT EXISTING ASPHALT DRIVEWAY. LANDSCAPING & PAVING TO BE BETWEEN EXISTING PARKING & NEW SHARED DRIVEWAY CONNECTION.

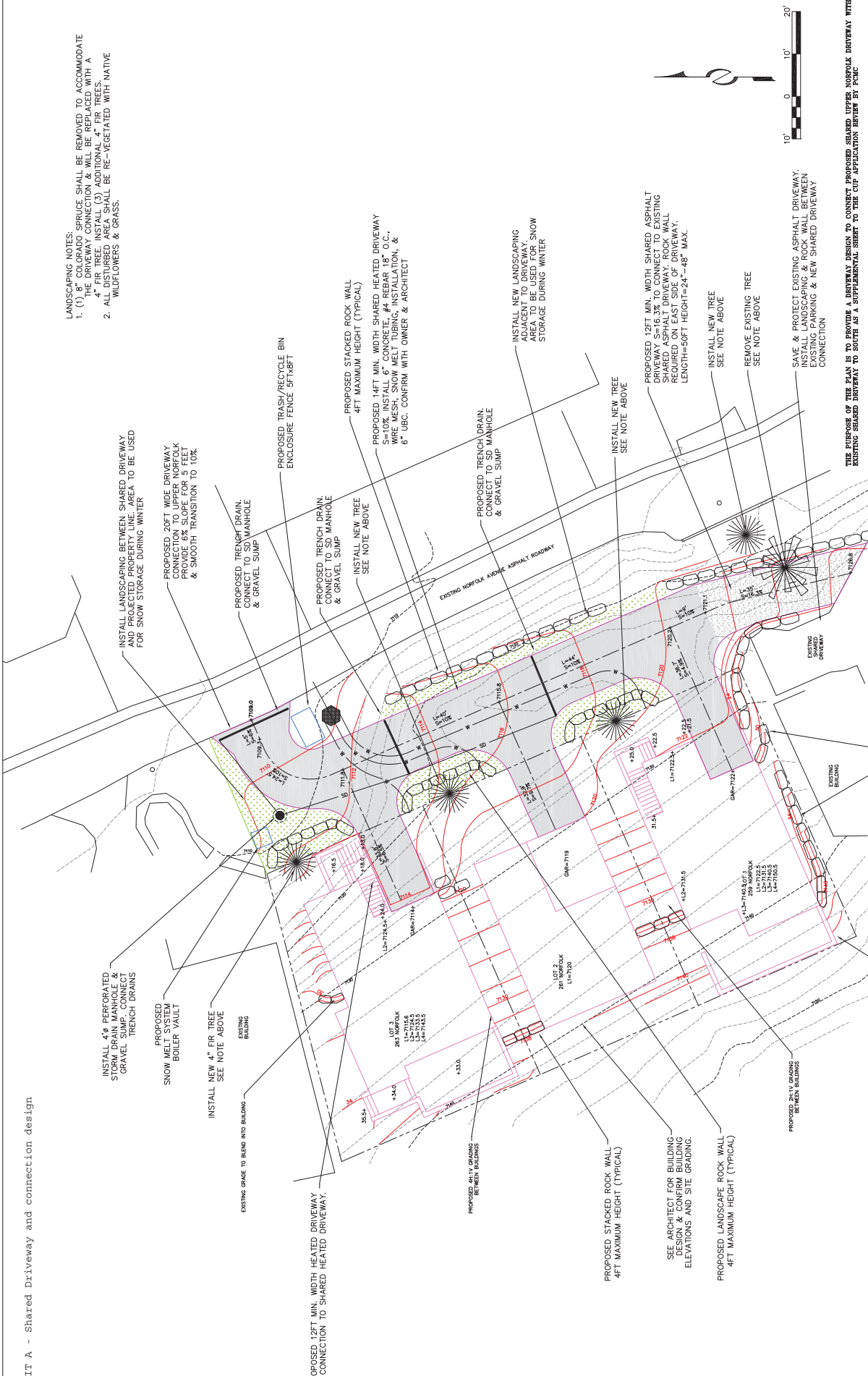
THE PURPOSE OF THE PLAN IS TO PROVIDE A DRIVEWAY DESIGN TO CONNECT PROPOSED SHARED UPPER NORFOLK DRIVEWAY WITH EXISTING SHARED DRIVEWAY TO SOUTH AS A SUPPLEMENTAL SHEET TO THE OUP APPLICATION REVIEW BY POC.

STAFF: MICHAEL DEMKOWICZ
 (408) 448-4467
 PROJECT NO: 15-0000-0004
 JOB NO: 15-0000-0004
 DATE: 7/9/16
 FILE: X:\psurvey\eng\project\26 norfolk\26 norfolk.dwg



SHEET 1 of 1

UPPER NORFOLK SUBDIVISION
 265, 261, & 259 NORFOLK AVENUE
 SHARED DRIVEWAY DESIGN CONNECTION



**EXHIBIT B -
Existing Conditions**

**259, 261, 263 UPPER NORFOLK SHARED DRIVEWAY
EXISTING VEGETATION EXHIBIT**



Upper Norfolk Subdivision An Amended Lot Line Plat in A Portion of Block 78 Millsite Reservation

OWNER'S DEDICATION AND CONSENT TO RECORD
I, the undersigned, do hereby present to the City of Park City, Utah, for its record, the attached plat of Upper Norfolk Subdivision, Millsite Reservation to the Park City Survey, and being a portion of Block 78 Millsite Reservation, as shown on the attached Plat of Subdivision No. 1 of Millsite Reservation, Park City, Utah, dated June 20, 1887.

In witness whereof, the undersigned has set his hand this 10 day of September, 2006.
By: [Signature]
Member, Upper Norfolk Properties, LLC.

- NARRATIVE**
- Survey requested by Jerry Flat, Member, Upper Norfolk Properties, LLC.
 - Plat of Upper Norfolk Subdivision, Millsite Reservation, Park City, Utah, recorded as Entry No. 199887 in the office of the Summit County Recorder, and the Plat of Subdivision No. 1 of Millsite Reservation, Park City, Utah, dated June 20, 1887.
 - Date of survey: July 29, 2005.
 - Property monuments set or found as shown.
 - Plat of Upper Norfolk Subdivision, Millsite Reservation, Park City, Utah, recorded as Entry No. 199887 in the office of the Summit County Recorder, and the Plat of Subdivision No. 1 of Millsite Reservation, Park City, Utah, dated June 20, 1887.
 - East, South, East, and West.
 - See the official plats of the Park City Survey for other items affecting the property that may appear in a title insurance report.
 - The owner of the property should be aware of any items affecting the property that may appear in a title insurance report.
 - Accessory apartments are prohibited on the newly created lots.

OLD LEGAL DESCRIPTION
Beginning at a point which lies North 23°38' West, 6.34 feet from the southeast corner of Lot 33, Block 78, Millsite Reservation, Park City, Utah; and running thence South 23°38' East, 81.34 feet to the southeast corner of Lot 30 of said Block 78; thence South 66°22' West, 65.15 feet; thence North 23°38' West, 81.34 feet; thence North 66°22' East, 69.15 feet to the point of beginning, containing 0.129 acres, more or less, of said Block 78, Millsite Reservation, Park City, Utah; and running thence South 23°38' West, 6.34 feet from the southeast corner of Lot 33, Block 78, Millsite Reservation, Park City, Utah; and running thence S 66°22' W, 69.15 feet to the northerly corner of said Lot 33; thence N 75°28'25" E, 70.03 feet to the point of beginning, contains 0.072 acres, more or less.

NEW LEGAL DESCRIPTIONS
Lot 1: Beginning at a point which lies South 23°38' East, 34.33 feet from the Southeast corner of Lot 33, Block 78, Millsite Reservation, Park City, Utah, said point also being North 23°38' West, 355.86 feet and South 66°22' West, 25.00 feet from the intersection of Norfolk Avenue & 2nd Street and running thence South 23°38' East, along the westerly right of way of Norfolk Avenue, 40.67 feet; thence South 66°22' West, 69.15 feet; thence North 23°38' West, 40.67 feet; thence North 66°22' East, 69.15 feet to the point of beginning, containing 2812.33 square feet, more or less.
Lot 2: Beginning at a point which lies North 23°38' West, 6.34 feet from the Southeast corner of Lot 33, Block 78, Millsite Reservation, Park City, Utah, said point also being North 23°38' West, 396.53 feet and South 66°22' West, 25.00 feet from the intersection of Norfolk Avenue & 2nd Street and running thence South 23°38' East, along the westerly right of way of Norfolk Avenue, 40.67 feet; thence South 66°22' West, 69.15 feet; thence North 23°38' West, 40.67 feet; thence North 66°22' East, 69.15 feet to the point of beginning, containing 2812.33 square feet, more or less.
Lot 3: Beginning at a point which lies North 23°38' West, 6.34 feet from the Southeast corner of Lot 33, Block 78, Millsite Reservation, Park City, Utah, said point also being North 23°38' West, 396.53 feet and South 66°22' West, 25.00 feet from the intersection of Norfolk Avenue & 2nd Street and running thence North 23°38' East, along the westerly right of way of Norfolk Avenue, 40.67 feet; thence South 66°22' West, 69.15 feet; thence North 23°38' West, 40.67 feet; thence North 66°22' East, 69.15 feet to the point of beginning, containing 3148.12 square feet, more or less.



ACKNOWLEDGEMENT
On this 10 day of September, 2006, David Hanson personally appeared before me, the undersigned Notary Public in and for the State of Utah, and acknowledged to me that he had signed the above Owner's Declaration and Consent to Record on the number 199887 in the office of the Summit County Recorder, and the Plat of Subdivision No. 1 of Millsite Reservation, Park City, Utah, dated June 20, 1887, and that he executed this document in his capacity as member of said Upper Norfolk Properties, LLC, for the purpose set forth herein.
My commission expires: Nov. 18, 2011.
RESIDING IN UTAH, COUNTY SUMMIT

ACKNOWLEDGEMENT
On this 10 day of September, 2006, Jerry Flat personally appeared before me, the undersigned Notary Public in and for the State of Utah, and acknowledged to me that he is a member of Upper Norfolk Properties, LLC, that he has signed the above Owner's Declaration and Consent to Record on the number 199887 in the office of the Summit County Recorder, and the Plat of Subdivision No. 1 of Millsite Reservation, Park City, Utah, dated June 20, 1887, and that he executed this document in his capacity as member of said Upper Norfolk Properties, LLC, for the purpose set forth herein.
My commission expires: Nov. 18, 2011.
RESIDING IN UTAH, COUNTY SUMMIT

ACKNOWLEDGEMENT
On this 10 day of September, 2006, Jerry Flat personally appeared before me, the undersigned Notary Public in and for said State and County, who after being duly sworn, acknowledged to me that he is a member of Upper Norfolk, L.L.C., that he has signed the above Owner's Declaration and Consent to Record on behalf of said Upper Norfolk, L.L.C., that he has been duly appointed as member by Upper Norfolk, L.L.C. and that he executed this document in his capacity as member as the act of said Upper Norfolk, L.L.C., for the purpose set forth herein.
My commission expires: Nov. 30, 2007.
RESIDING IN UTAH, COUNTY SUMMIT

SURVEYOR'S CERTIFICATE
I, J.D. Gallely, a Registered Land Surveyor as prescribed by the laws of the State of Utah and holding License No. 359005, do hereby certify that I have supervised a survey of the hereon described property and that this plat is a true representation of said property.
Date 9/12/06
J.D. Gallely
PL 059005

OWNER'S DEDICATION AND CONSENT TO RECORD
Know all men by these presents that the undersigned is a member of Upper Norfolk Properties, LLC, the owner of the Park City Survey, and being a portion of Block 78 Millsite Reservation, as shown on the attached Plat of Subdivision No. 1 of Millsite Reservation, Park City, Utah, in accordance with Utah Law. Also, the owners hereby irrevocably offer for dedication to the City of Park City all the streets, land for local government uses, utilities and easements shown on the plat in accordance with an irrevocable offer of dedication.
In witness whereof, the undersigned has set his hand this 10 day of September, 2006.
By: [Signature]
Member, Upper Norfolk, L.L.C.

PLANNING COMMISSION
APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 28th DAY OF JULY, 2006 A.D.
By: [Signature]
CHAIRMAN

ENGINEER'S CERTIFICATE
I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN THE OFFICE OF THE CITY ENGINEER ON SEPTEMBER 12, 2006 A.D.
By: [Signature]
CITY ENGINEER

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS 21 DAY OF SEPTEMBER, 2006 A.D.
By: [Signature]
PARK CITY RECORDER

CERTIFICATE OF ATTEST
I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 27th DAY OF JULY, 2006 A.D.
By: [Signature]
MAYOR

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 27th DAY OF JULY, 2006 A.D.
By: [Signature]
MAYOR

RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE OFFICE OF THE COUNTY CLERK
DATE 6-15-07 TIME 4:54 PM
FEE \$38.00
RECORDED BY: [Signature]

Ordinance No. 06-55

**AN ORDINANCE APPROVING THE UPPER NORFOLK SUBDIVISION
LOCATED AT 259-263 NORFOLK AVENUE, PARK CITY, UTAH.**

WHEREAS, the owners of the property located at 259-263 Norfolk Avenue have petitioned the City Council for approval of the Upper Norfolk Subdivision; and

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

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

WHEREAS, the Planning Commission held a public hearing on July 12, 2006, to receive input on the Upper Norfolk Subdivision;

WHEREAS, the Planning Commission, on July 26, 2006, forwarded a positive recommendation to the City Council; and,

WHEREAS, on July 27, 2006, the City Council approved the Upper Norfolk Subdivision; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Upper Norfolk Subdivision.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Upper Norfolk Subdivision as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 259-263 Norfolk Avenue.
2. Currently the property is platted as the 'Upper Norfolk Condominiums'
3. There is an existing triplex structure located on the property.
4. The existing structure does not conform to the height and setback requirements of the HR-1 zoning district.
5. The applicant is proposing demolishing the existing structure.
6. The applicant is proposing vacating the existing 'Upper Norfolk Condominiums' plat.
7. The applicant is proposing establishing three lots of record – identified on the proposed plat as Lot 1, Lot 2, and Lot 3.

8. Lot 1 and Lot 2 measure 40.67 feet by 69.15 feet and contain 2812.33 square feet.
9. Lot 3 measures 39.98 feet at the front, 51.07 feet at the rear, 69.15 feet on the south side and 70.03 feet on the north side.
10. The proposed access to the lots is from Norfolk Avenue on the north side of the property.
11. The three proposed lots would share one driveway.
12. The proposed lots are for the purposes of building single family houses.
13. The proposed lots have slopes of greater than 30% and are subject to Conditional Use Permit, Construction on a steep slope review.
14. There is not sufficient area on the property to conduct construction staging.
15. Norfolk Avenue and Upper Norfolk Avenue are substandard, narrow streets on steep hillsides.
16. On-street and off-street parking in the Norfolk / Upper Norfolk Avenue area is significantly limited due to the steep, narrow streets and lack of shoulder areas.
17. Snow removal and emergency access to the Norfolk / Upper Norfolk Avenue neighborhood is frequently difficult to maintain due to the steep, narrow streets and existing high on-street parking demand.
18. LMC Section 15-7-6: Subdivisions – General Provisions, Conditions authorizes the City to attach reasonable conditions to land subdivisions which relate to design, dedication, improvement, and restrictive land use so as to conform to the physical and economic development of Park City and to the safety and general welfare of future lot owners in the subdivision and the community at large.
19. Accessory apartments are conditional uses in the HR-1 zoning district and require one parking space per bedroom.
20. Accessory apartments will increase the parking demand in the Norfolk / Upper Norfolk Avenue neighborhood.

Conclusions of Law:

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

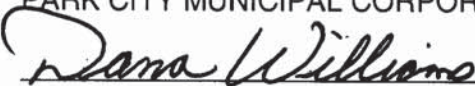
Conditions of Approval:


1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year

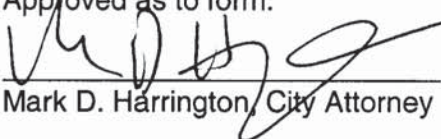
- from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. The lots are to be used for the construction of single family houses.
 4. Construction access to the lots is to be from King Road through the adjacent property to the west, as per the submitted construction easement agreements.
 5. The construction easement agreements must be finalized and submitted to the City prior to receiving building permits.
 6. A Utility / Grading Plan is required to be reviewed and approved by the City Engineer prior to the issuance of building permits.
 7. A note shall be added to the plat prior to recordation that prohibits accessory apartments on the newly created lots.

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

PASSED AND ADOPTED this 27th day of July, 2006.

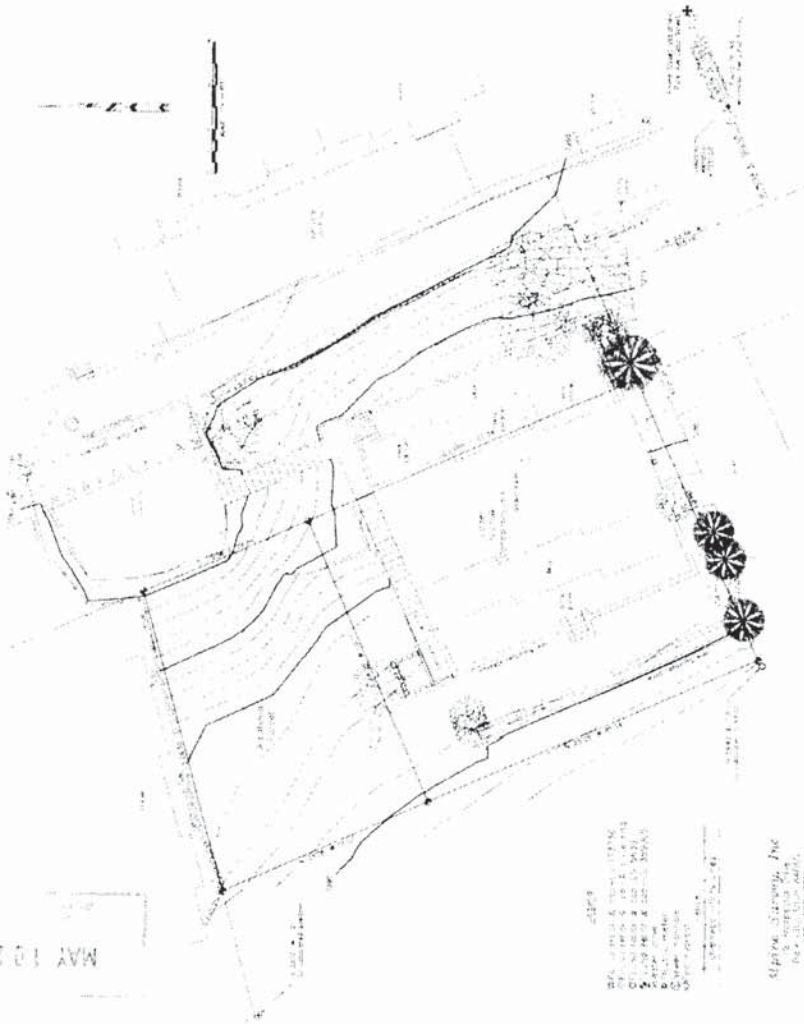
PARK CITY MUNICIPAL CORPORATION

Mayor Dana Williams

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington, City Attorney



Upper Norfolk Avenue Condominiums



MAV 10 2003

Alpha Strategy, Inc.
 1500 North 17th Street, Suite 200
 Norfolk, VA 23502
 Phone: 757-622-8877
 Fax: 757-622-8878
 Email: info@alphastategy.com

1. The Condominiums shall be owned, managed, controlled, operated, maintained, repaired, improved, and otherwise administered by the Condominium Association, a legal entity to be formed by the owners of the Condominiums, as set forth in the Condominium Documents. The Condominium Documents shall include the following:

- The Declaration of Condominiums, which shall describe the Condominiums, the boundaries of the Condominiums, the common elements, and the rights and obligations of the owners of the Condominiums.
- The Bylaws, which shall govern the internal affairs of the Condominium Association.
- The Rules and Regulations, which shall govern the use and enjoyment of the Condominiums and the common elements.
- The Architectural Guidelines, which shall govern the design and construction of any improvements to the Condominiums or the common elements.
- The Operating Agreement, which shall govern the operation and management of the Condominiums and the common elements.
- The Condominium Documents shall be recorded in the public records of the State of Virginia.

2. The Condominium Association shall be organized and operated for the benefit of the owners of the Condominiums. The Condominium Association shall have the authority to:

- Manage and operate the Condominiums and the common elements.
- Collect and disburse the common expenses.
- Enforce the Rules and Regulations.
- Obtain and maintain insurance for the Condominiums and the common elements.
- Lease or license any part of the Condominiums or the common elements.
- Bring or defend any legal action on behalf of the Condominium Association.

3. The Condominium Association shall have the authority to:

- Enter into contracts with third parties for the maintenance, repair, improvement, and operation of the Condominiums and the common elements.
- Obtain financing for the Condominium Association.
- Convey, lease, license, or otherwise dispose of any part of the Condominiums or the common elements.

4. The Condominium Association shall have the authority to:

- Adopt and amend the Rules and Regulations.
- Adopt and amend the Architectural Guidelines.
- Adopt and amend the Operating Agreement.

5. The Condominium Association shall have the authority to:

- Bring or defend any legal action on behalf of the Condominium Association.
- Bring or defend any legal action on behalf of the individual owners of the Condominiums.

6. The Condominium Association shall have the authority to:

- Bring or defend any legal action on behalf of the Condominium Association.
- Bring or defend any legal action on behalf of the individual owners of the Condominiums.

7. The Condominium Association shall have the authority to:

- Bring or defend any legal action on behalf of the Condominium Association.
- Bring or defend any legal action on behalf of the individual owners of the Condominiums.

8. The Condominium Association shall have the authority to:

- Bring or defend any legal action on behalf of the Condominium Association.
- Bring or defend any legal action on behalf of the individual owners of the Condominiums.

9. The Condominium Association shall have the authority to:

- Bring or defend any legal action on behalf of the Condominium Association.
- Bring or defend any legal action on behalf of the individual owners of the Condominiums.

10. The Condominium Association shall have the authority to:

- Bring or defend any legal action on behalf of the Condominium Association.
- Bring or defend any legal action on behalf of the individual owners of the Condominiums.



EXHIBIT D - New Ordinance approved July 16, 2016

Ordinance No. 15-56

AN ORDINANCE APPROVING THE FIRST AMENDED UPPER NORFOLK SUBDIVISION PLAT AMENDING CONDITIONS OF APPROVAL ON ORDINANCE NO. 06-55 AT 259, 261, 263 NORFOLK AVENUE, PARK CITY, UTAH.

WHEREAS, the owners of the property located at 259, 261, 263 Norfolk Avenue, have petitioned the City Council for approval of the First Amended Upper Norfolk Subdivision Plat Amendment; and

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

WHEREAS, the executed and recorded temporary construction access easement agreement (document no. 00793227) expired on December 31, 2009; and

WHEREAS, the three (3) lots need to have specific construction mitigation due to the narrowness of built Norfolk Avenue and steepness of the neighborhood; and

WHEREAS, Ordinance No. 06-44 approving the Upper Norfolk Subdivision authorized the three (3) lot Plat Amendment with specific findings of fact and conclusion of law.

WHEREAS, Ordinance No. 06-44 indicated specific conditions of approval regarding construction access from King Road through the adjacent property to the west, as per submitted construction easement agreements.

WHEREAS, this ordinance amends Ordinance No. 06-44 due to the expiration of construction easement agreements and certain facts have changed.

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

WHEREAS, the Planning Commission held a public hearing on March 25, 2015, and June 24, 2015, to receive input;

WHEREAS, the Planning Commission, on June 24, 2015, forwarded a positive recommendation to the City Council; and,

WHEREAS, on July 19, 2015, the City Council conducted a public hearing and reviewed the First Amended Upper Norfolk Subdivision Plat Amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the First Amended Upper Norfolk Subdivision Plat Amendment.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The existing plat amendment is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The properties are located at 259/261/263 Norfolk Avenue.
2. Prior to 2006, the property was platted as the 'Upper Norfolk Condominiums'
3. There was an existing triplex structure located on the property.
4. The existing structure did not conform to the height and setback requirements of the Historic Residential-1 District.
5. The applicant demolished the triplex structure in 2010.
6. The applicant vacated the existing 'Upper Norfolk Condominiums' plat.
7. Through Ordinance 06-55 the applicant established three (3) lots of record - identified on the recorded plat as Lot 1, Lot 2, and Lot 3.
8. Lot 1 and Lot 2 measure 40.67 feet by 69.15 feet and contain 2812.33 square feet.
9. Lot 3 measures 39.98 feet at the front, 51.07 feet at the rear, 69.15 feet on the south side and 70.03 feet on the north side.
10. The proposed access to the lots is from Norfolk Avenue on the north side of the property.
11. The three (3) proposed lots would share one (1) driveway.
12. The proposed lots are for the purposes of building single-family dwellings.
13. The proposed lots appear to have slopes of greater than 30%. If they do, based upon a certified survey of existing conditions at the time of Historic District Design Review application, they would be subject to Conditional Use Permit, Construction on a steep slope review by the Park City Planning Commission as indicated on the Land Management Code.
14. There is sufficient area on the Lots and the obtained temporary construction easement to conduct construction staging.
15. Upper Norfolk Avenue is substandard, narrow street on steep hillsides.
16. On-street and off-street parking in the Norfolk Avenue /Upper Norfolk Avenue area is significantly limited due to the steep, narrow streets and lack of shoulder areas.
17. Snow removal and emergency access to the Norfolk Avenue /Upper Norfolk Avenue neighborhood is frequently difficult to maintain due to the steep, narrow streets and existing high on-street parking demand.
18. LMC § 15-7-6: Subdivisions – General Provisions, Conditions authorizes the City to attach reasonable conditions to land subdivisions which relate to design, dedication, improvement, and restrictive land use so as to conform to the physical and economic development of Park City and to the safety and general welfare of future lot owners in the subdivision and the community at large.
19. Accessory apartments are conditional uses in the HR-1 District and require one parking space per bedroom.
20. Accessory apartments would increase the parking demand in the Norfolk | Upper Norfolk Avenue neighborhood
21. In July 2006 the City Council approved the Upper Norfolk Subdivision plat by Ordinance 06-55.
22. The plat was recorded at Summit County on June 01 2007.

23. The property owners request to remove the following two (2) conditions of approval from Ordinance 06-55:
 4. Construction access to the lots is to be from King Road through the adjacent property to the west, as per the submitted construction easement agreements.
 5. The construction easement agreements must be finalized and submitted to the city prior to receiving building permits.
24. All other conditions of approval in Ordinance 06-55 will remain in effect.
25. Conditions of approval 4 and 5 stipulated that construction access would be from King Road via a construction access that would cross separately owned adjacent property.
26. The access was made possible through a temporary construction access easement agreement that expired in December 2009, and the owners have not secured an extension of this easement.
27. The temporary construction access easement agreement was executed and recorded in October 2006. The easement terminated in December 2009.
28. The applicant has indicated that construction for the three (3) single-family dwellings would take place at the same time.
29. The proposed temporary construction easement over 220 King Road, behind the subject site, is set to terminate in two (2) years or less from the construction initiation.
30. Cross access easement for the three (3) lots would also need to be executed prior to construction as the lots are built upon the available space is reduced.
31. The dimension of the Lots will not change with this Plat Amendment. The only change to the Upper Norfolk Subdivision by this First Amended Upper Norfolk Subdivision will be the plat notes and conditions of approval as contained herein.
32. The remaining conditions of approval shall continue to apply to the site. These three (3) conditions include:
 - The lots are to be used for the construction of single family houses.
 - A Utility/Grading plan is required to be reviewed and approved by the City Engineer prior to issuance of a building permit.
 - A note shall be added to the plat prior to recordation that prohibits accessory apartments on the newly created lots.
33. Staff recommends adding a condition of approval that indicates that the applicant shall submit a detailed existing conditions landscape plan or survey of the staging area prior to any construction. When the work is finished, the applicant shall be responsible of re-landscaping the disturbed area.
34. The Park City Building Department has reviewed the applicant's proposed mitigation in detail and does not find that any additional items to be addressed at this time.

Conclusions of Law:

1. There is good cause for this Plat Amendment to amend the conditions of approval of executed ordinance no. 06-55 and add notes to the plat due to the expiration of the recorded temporary construction access easement.
2. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.
3. Neither the public nor any person will be materially injured by the proposed plat

amendment.

4. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. The following conditions of approval from Ordinance No: 06-55 shall continue to apply.
 - The lots are to be used for the construction of single-family houses
 - A Utility/Grading plan is required to be reviewed and approved by the City Engineer prior to issuance of a building permit
 - A note shall be added to the plat prior to recordation that prohibits accessory apartments on the newly created lots
4. An agreement must be entered into with the City Engineer concerning any construction staging which occurs within platted but un-built Upper Norfolk Right-of-Way. No access and/or staging shall take place north of a line perpendicular to platted Norfolk Avenue from the northeast corner of 263 Norfolk.
5. Prior to plat recordation, each lot will grant the other two (2) lots construction access easements which shall be executed and recorded and which will not expire until all single-family dwelling structures are built.
6. Prior to plat recordation, the Temporary Construction Access Easement on 220 King language shall be drafted appropriately, and if necessary, the applicant shall work with the easement signee to record an accurate description of the work area identified as Exhibit D on the Easement.
7. The applicant shall submit a detailed existing conditions landscape plan and survey of the staging area prior to any construction. When the work is finished, the applicant shall be responsible of re-landscaping the disturbed area.
8. The applicant shall build all three (3) units at the same time. Building permits will only be granted simultaneously for all three lots.
9. Staging area has been secured along the rear of the properties of approximately 2,000 square feet.
10. Materials shall not be staged on the street.
11. No parking shall be permitted anywhere other than on the shared private drive and on the lots themselves. Neighborhood parking space shall not be used. The applicant shall not request any street parking passes.
12. No vehicles shall back up or down Upper Norfolk as there is sufficient room to turn all the vehicles around.
13. The applicant shall store spoils from the excavation and reuse it for back fill to reduce the loads out of the site.
14. The applicant shall encourage car-pooling to further reduce traffic.
15. The applicant shall not allow any vehicles to queue on Upper Norfolk.

- 16. No road closures other than utility upgrades shall be needed.
- 17. All deliveries and unloading shall be off the shared driveway, and shall not block the street.
- 18. All other normal Construction Mitigation Plan requirements in Old Town shall apply.

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

PASSED AND ADOPTED this 16 day of July, 2015.

PARK CITY MUNICIPAL CORPORATION



Jack Thomas, MAYOR

ATTEST:



Michelle Kellogg, City Recorder



APPROVED AS TO FORM:



Mark Harrington, City Attorney

EXHIBIT E - Submitted written public input

From: [jim_murphy](#)
To: [Makena Hawley](#); [Matt Cassel](#)
Subject: Conditional Use Proposal for PL-16-03145
Date: Thursday, July 07, 2016 12:22:41 PM
Attachments: [259 Upper Norfolk 8-3-10.doc](#)
[Comments on Fiat Proposal 06-13-06.doc](#)
[Response to Fiat Public Notice 3-2015.docx](#)
[Upper Upper Norfolk Explanation Letter.doc](#)

Makena and Matt,

Makena, thanks for taking the time to talk with us yesterday. You requested that I provide you with copies of correspondence written to Park City Planning and Engineering over the years. You can find some of those attached. Unfortunately I have never received any written response from the City regarding any of my numerous letters over the years.

Maybe reading these will help provide you with some historical perspective on these issues.

Please do email me a copy of the Conditional Use proposal when you have it ready.

I just finished a good discussion with the Park City Fire Marshall, Scott Adams. He said the only reason this "connector" was proposed was because of the requirement for a turnaround on the new driveway if the drive is greater than 150 long. It was his sole opinion that the connector would cause less of an environmental impact then the required turnaround.

I do not believe that is the case, I think the connector will cause quite a bit more impact than a simple turnaround. Consider the massive retaining walls which will have to be constructed. The downhill retaining walls will of necessity be required to "toe-in" down at the Norfolk Ave. street level; they can not be simply placed above existing, un-engineered old retaining walls and be expected not to fail.

More green open space will be scarred and destroyed, also the large old willow tree and other trees will have to be removed. This open space provides us with privacy, noise abatement and quiet enjoyment of our properties. More importantly, construction of a turnaround on the Applicant's property would confine any impact to the Applicant's property and would not impact our three existing homes in any way.

Looking forward to hearing from you. Thanks Makena.

Jim Murphy

PS: Matt, I copied you to get your input on these issues and to ask what happened to your idea this spring of widening Norfolk Avenue at the street level. You explained that idea to us this April when you came up and met with Terry Louriaux and my wife Trish and myself.

--

Timber Services, Inc.
Harvest Green Working Forests
PO Box 891
Chehalis, Washington 98532
360-520-0090

Jim and Tricia Murphy
246 Brockway Road
Chehalis, Washington 98532
360-520-0090

Park City Planning Commission
Park City Planning Department
PO Box 1480
Park City, Utah 84060

Re: Conditional Use Permit relating to PL_16-03145

Dear Park City Planners:

Recently we learned that the Applicant (Jerry Fiat/or his assigns) is once again requesting permission from the City to access the existing 'private drive' immediately south of his proposed construction project at 259, 261, 263 Upper Norfolk Avenue. All of his prior building proposals which were approved, were conditioned so that access to our sub-standard, existing private drive was denied.

I assume that you are aware the City does not maintain our existing private drive portion of the City ROW. The owners here have been promised numerous times by the City (Eric DeHahn and Matt Cassel among others) that there will be no public use of this private drive unless and until the city upgrades this substandard road to current safety standards and then maintains it year around and plows the snow off the drive in the winter. I hope it is not your intention to break that promise. (Please see the Original Park City Survey Street Plat)

This morning I had a good discussion with the Park City Fire Marshall, Scott Adams. He said the only reason this "connector" was proposed was because of the requirement for a turnaround on the new driveway if the drive is greater than 150 long. It was his sole opinion that the connector would cause less of an environmental impact than the required turnaround. Emergency vehicles and firetrucks have been able to turn around at the north end of Upper Norfolk for decades, with no issues.

I think the connector will cause quite a bit more impact than a simple turnaround. Consider the massive retaining walls which will have to be constructed. The downhill retaining walls will of necessity be required to "toe-in" down at the Norfolk Ave. street level; they cannot be simply placed above existing, un-engineered old retaining walls and be expected not to fail. I would expect that Matt Cassel will weigh in on this engineering requirement.

More green open space will be scarred and destroyed, also the large old willow tree and other trees will have to be removed. This open space provides us with privacy, noise abatement and quiet enjoyment of our properties. More importantly, construction of a turnaround on the Applicant's property would confine any impact to the Applicant's property and would not impact our three existing homes in any way.

The proposed "connector" will effectively eliminate the only snow storage spot that we three homes have on the existing private drive. We cannot place plowed snow on the connector or block it in any other way, in fact the existence of the connector will also eliminate one of our parking spots; how will that impact be mitigated? Is there a condition addressing snow removal on the proposed "connector"?

Please deny this Conditional Use Permit and require that the Applicant provide the required turnaround on his own property. The Applicant's original Ordinance (#06-55) made it clear that construction would proceed one home at a time, using the remaining lots to stage construction. The Applicant was fine with the required turnaround being located on his property at that time and in every other proposal until this Conditional Use Proposal. Also the prior proposals did not conceive of this proposed "connector". I imagine that was because the City made good on their repeated promises not to allow any new users of our existing private drive.

We think the best solution for safety and improved access would be to declare Upper Norfolk Avenue proper a "No Parking Zone" and require homes to use garage or driveway parking only. That would allow for unfettered emergency vehicle access at any time. The main reason the street is so cluttered is the City has allowed some private developers (most recently 226 Norfolk) to convert parking garages into living space, effectively forcing more cars and vehicles to park on the street. The city has effectively aggravated the emergency vehicle access problem itself by approving these requests.

Please try to come to a solution whereby the Applicant confines the required turnaround to his own property.

We met with Matt Cassel in April 2016 to discuss his then proposal to widen the street level Upper Norfolk Avenue. That sounded like the best overall solution, what happened to that proposal? There is no good reason to allow his project to proceed to the detriment of the immediate neighborhood.

Sincerely,

Jim and Tricia Murphy
233 Upper Norfolk Avenue Home

From: [Chick Hill](#)
To: [Makena Hawley](#)
Subject: 259,261,& 263 Norfolk Avenue
Date: Friday, July 08, 2016 11:15:39 AM

Makena, thank you for the information regarding the new houses being built on Norfolk.

As we discussed, I am the owner of the two houses at the end of the street, 375 and 425 Norfolk.

On two previous occasions, getting an emergency vehicle to my house was difficult, and on one of those time it was impossible. This is due to the cars parked on Norfolk on both sides of the street.

During a fire at 375 Norfolk, the firetruck was able to get through, but it was difficult and slow. The other time, my grandson had a seizure and was unconscious while we were waiting for the emergency vehicles to arrive. The firetruck was unable to get to the house due the congestion on Norfolk.

Fortunately, the ambulance was able to get through and he was taken to the hospital.

I am bringing this to your attention due to the work on Norfolk which is being proposed for these new houses. I am hopeful the Planning Commission will take into consideration the existing tightness of the street when deciding what work will be required and approved. Hopefully, the problem of congestion on Norfolk can be reduced as a part of this proposed plan.

My only concern is that emergency vehicles be able to get through at all times if they are needed.

If you need to call, please feel free at anytime. My number is 901-301-6450. Your consideration of this request is appreciated.

Chick Hill

From: [Terri Loriaux](#)
To: [Makena Hawley](#)
Subject: Norfolk Ave
Date: Thursday, July 07, 2016 11:28:17 PM

Makena,

I was traveling and unable to contact you prior to today. Just landed in Portland. You said in your email that letters opposing the Norfolk Ave Fiat plan need to be received today.

Please note that we are opposed to the plan proposed by Jerry Fiat. We believe that this will not sufficiently Prevent the hillside from eroding further, nor will it provide optimal access. Our driveway has experienced sloughing after the work was done cutting into the hillside below our driveway. The fire department halted the project temporarily because they felt the digging was unsafe and destabilized the hillside. Things really are getting less safe instead of improving.

There are better options, and we would like to work with the city to properly address the Norfolk Ave problems. I have met with Matt Cassel several times over the past 3 years and have patiently awaited cooperation from the city to establish a plan that improves emergency access and stabilizes the land. This is NOT going to help us in any way! We oppose.

I will try to follow up with a phone call tomorrow.

Dr Lynn Loriaux
Teresa Loriaux

EXHIBIT F - Existing Berm Pictures





Planning Commission Staff Report



PLANNING DEPARTMENT

Subject: Creekside Well Filtration Building
Author: Makena Hawley, City Planner
Project #: PL-16-03198
Date: July 13, 2016
Type of Item: Administrative - Conditional Use Permit

Summary Recommendations

Staff recommends the Planning Commission review the Conditional Use Permit (CUP) application, conduct a public hearing, and approve the CUP for an Essential Municipal Public Utility Use, Facility, Service, and Structure greater than 600 square feet located at 2392 Holiday Ranch Loop Road. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

Description

Applicant: Park City Municipal Corporation (PCMC) Department of Public Utilities Represented by Alison Kuhlow
Location: 2392 Holiday Ranch Loop Road, aka "Creekside Park"
Zoning: Recreation Open Space (ROS) District
Adjacent Land Uses: Public parks, fire station and single-family dwellings.
Reason for Review: Conditional Use Permits require Planning Commission review and final action.

Background

On January 12, 2016, the Planning Department first received a CUP Application (PL-16-03079) for the proposal of a new Creekside Well Filtration building at 2392 Creek Drive. On March 23, 2016 the CUP for the project was reviewed by the Planning Commission and approved. During the meeting there were concerns regarding the wetlands and input given on building design (Please see Exhibit I for March 23, 2016 meeting minutes). Following the meeting, staff found that in 2007, code amendments dealing with the Sensitive Lands Overlay (SLO) were passed through City Council; however, the online update of the amended code was not completed. Therefore; the code which was being used to analyze the project was not the current amended code. Due to a these code updates not being completed in 2007, the building location was non-conforming with the Sensitive Lands Overlay zone requirements therefore could not be approved.

Since receiving notice regarding the site, the applicant, the Park City Department of Public Utilities, withdrew the application. The applicant has since evaluated other sites, analyzed impacts, discussed a preferred site with impacted parties, and with the consultants assistance developed a revised proposed plan. The main changes include a new location that respects wetland setback requirements and has slight design changes to better fit with the new location.

On April 5, 2016, the Planning Department received a complete CUP application for the updated proposal of a new Creekside Well Filtration building at 2392 Creek Drive. The Park Meadows well was declared by the Division of Drinking Water to be groundwater under the influence of surface water. On September 29, 2014, a Compliance Agreement/Enforcement Order was executed by Division of Drinking Water requiring filtration to be added to the existing well treatment process or removal of the well from the potable water system. In order to update the filtration treatment and meet the safe drinking water act treatment rule, the Park City Department of Public Utilities proposes to construct a new filtration building that will connect to the existing wells. The current well houses will be disassembled and landscaped over once the proposed structure is completed and functional. Because the wellheads will not be moving, the Wellhead Protection Zone on the Creekside Subdivision will stay in place.

The current well houses that sit at 2392 Holiday Ranch Loop Road were constructed in 1980 and 2006. For additional space for the filtration equipment, neither of the existing well houses or a combination of the two (2) would provide the necessary amount of space. The current well houses are 340 square feet (The Divide well) and 233 square feet (Park Meadows well). The additional filtration equipment needed to meet the Agreement/Enforcement order will require a minimum additional 1,000 square feet. The well houses are considered an Essential Municipal Public Utility Use greater than 600 square feet, listed as a Conditional Use in the ROS District.

The existing well buildings and proposed well building sit on Lot 2 of the Creekside Subdivision, which is owned by PCMC. The parcel of 6.71 acres currently holds the Park Meadows and the Divide well houses within a 100-foot radius well protection zone that is called out on the subdivision plat. Along with the well houses, there are two (2) parks, and the site is located next to the Park City Fire District firehouse. There is one small play area which will be required to move to a different area, it will be relocated just north of its current location (please see Exhibit J).

If this CUP is approved the new well house building would be constructed in phases beginning in 2017 with a suspension of work during the winter. The new construction would allow the current well houses to be operational with minor disruptions. Once the new structure is completed the current well houses would be demolished and landscaping improvements would be installed.

Purpose

The purpose of the Recreation and Open Space (ROS) District is to:

- (A) Establish and preserve districts for land uses requiring substantial Areas of open land covered with vegetation and substantially free from Structures, Streets and Parking Lots.
- (B) Permit recreational Uses and preserve recreational Open Space land.
- (C) Encourage parks, golf courses, trails and other Compatible public or private recreational Uses.
- (D) Preserve and enhance environmentally sensitive lands, such as wetlands, Steep Slopes, ridge lines, meadows, stream corridors, and forests.
- (E) Encourage sustainability, conservation, and renewable energy.

In addition the proposed well building also falls into the Sensitive Land Overlay zone.

The purpose of the Sensitive Land Overlay (SLO) is to:

- (A) Require dedicated Open Space in aesthetically and environmentally sensitive Areas;
- (B) Encourage preservation of large expanses of Open Space and wildlife habitat;
- (C) Cluster Development while allowing a reasonable use of Property;
- (D) Prohibit Development on Ridge Line Areas, Steep Slopes, and wetlands; and
- (E) Protect and preserve environmentally sensitive land.

Analysis

The PCMC Department of Public Utilities proposes to construct a new building in order to house pumps for both wells and have the additional space for upgrades to the filtration system as required by the Division of Drinking Water standards. With the new site proposal, adequate space would be provided to meet the standards required by the DDW. The current wells will stay inside the Wellhead Protection Zone (per plat), the existing well houses will be taken apart and landscaped over with natural vegetation and the new treatment facility meets all easements and setbacks.

The new well filtration building will be further removed from the street, abutting the Bike Jump Park, which will alleviate the current non-compliant Park Meadows well house and the Divide well house that sits inside ROS setbacks and provide more of a buffer for the neighborhood from well activities. The new site proposes an access point off the private road, Creek Drive, which will minimize neighborhood impacts as the current access to the wells are from Holiday Ranch Loop Road and crosses a pedestrian trail along the road.

The two (2) wells must stay operational during the construction; therefore, constructing a new building will allow for minor disturbances to the water filtration processes while the upgrades are being prepared for the new wells. Once the new well house is complete the two (2) existing structures will be demolished. The upgrades proposed for the new well house includes the following improvements:

- Emergency power generator fueled by natural gas (eliminating fuel storage and contaminant concerns).
- On-site chlorine generation (which affords more consistent chlorine concentration and requires fewer material deliveries reducing trips to once every 3 to 6 months).
- Provide on-site renewable energy (30kW Solar PV System which will offset approximately 5%-8% of the present baseline).
- Operational upgrades to reduce operational costs, mitigate environmental impacts, and increase building resiliency.

Finally, the proposed site for the new well house is inside the SLO zone and is in the same parcel as a wetland. The proposed well building is approximately 125 feet away from the wetlands which meet the 50 foot setback requirement from the SLO zone. It will not affect any portion of the wetlands.

The structure is 50'-8" wide by 80' in length (not adjusting for jogs in the façade) totaling an area of approximately 2,652 square feet with the height standing at approximately 19.4 feet above existing grade. The current structures stand lower than 15 feet in height and 233 square feet (Park Meadows Well) and 340 square feet (Divide Well).

The 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 as outlined in LMC § 15-1-10(E):

	Review Criteria -	Project Proposal -
1	Size and Location of the Site LMC requires a minimum of 25 foot setbacks and a maximum height of 28 feet from existing grade.	Building Size: 2,652 sq. ft. The closest property line from the Well house is 25 feet and the height stands at 19.42 feet above existing grade. Location: Please see Exhibit D. - <u>No unmitigated Impacts.</u>
2	Traffic considerations including capacity of the existing streets in the Area -	The requested use of the space is similar in nature to the existing use. The new building should slightly decrease number of monthly trips. - <u>No unmitigated Impacts.</u>
3	Utility capacity -	The site will require minimal electricity, minimal amount of needed visits, and one motion sensor exterior lighting.
4	Emergency vehicle access -	Emergency vehicles can easily access the unit and no additional access is required. - <u>No unmitigated Impacts.</u>
5	Location and amount of off-street parking -	The new well house will provide parking for the transitory vehicles providing service and will not require additional parking spaces past what exists. - <u>No unmitigated Impacts.</u>
6	Internal vehicular and pedestrian circulation system -	The well house would be directly accessed off the private driveway (this driveway is a private drive but allows public use because it is on City property) which is connected to Holiday Ranch Loop Road. The new circulation for service vehicles would no longer have the need to back out onto Holiday Ranch Loop Road or over the pedestrian walkway. - <u>No unmitigated Impacts.</u>
7	Fencing, screening, and landscaping to separate the Use from adjoining uses -	Fencing, screening, and landscaping are proposed. Please See Exhibit H - <u>No unmitigated Impacts.</u>
8	Building mass, bulk, and orientation, and the location of Buildings on the site; including orientation to buildings on adjoining lots -	The new well house will use the same materials as the surrounding structures and is generally the same size as the adjacent buildings (the fire station and single family homes). Since the new well house will be brought into compliance with the zone setbacks it will be more appropriately oriented to the property lines and adjoining lots. Although the well house holds a different use than nearby lots, the physical design and compatibility are similar. - <u>No unmitigated Impacts.</u>

9	Usable Open Space -	The area of the building is approximately 2,652 square feet. There is no open space requirement for the parcel and the location of the new building meets all Sensitive Land Overlay requirements. - <u>No unmitigated impacts.</u>
10	Signs and lighting -	Only motion sensor exterior lights have been proposed. The lighting shall remain down directed and shielded. - <u>No unmitigated Impacts.</u>
11	Physical design and compatibility with surrounding structures in mass, scale, style, design, and architectural detailing	The well house will use the same materials as the surrounding structures and is generally smaller than most of the adjacent buildings (the fire station and single family homes). - <u>No unmitigated Impacts.</u>
12	Noise, vibration, odors, steam, or other mechanical factors that might affect people and property off site -	The alternative site for the well house will be further removed from adjacent residences and the pedestrian trail than the current well house which will provide more buffers from well O&M activities. Additionally The generator is indoors with a residential muffler. - <u>No unmitigated Impacts.</u>
13	Control of delivery and service vehicles, loading and unloading zones, and screening of trash and recycling pickup areas -	There are no negative impacts expected with delivery and use of the well house as the structure is located off of a private drive and will not require many visits, usually only one visit per day. - <u>No unmitigated Impacts.</u>
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	The building shall not be used for occupancy. - <u>Not Applicable.</u>
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 property is within the Sensitive Lands Overlay (see additional analysis below).The existing landscape is comprised of low shrub vegetation growth and minimal significant vegetation that will need to be replaced in kind. The topography begins to climb a small hill towards the south/east end of the lot. The building site will respect the wetlands setback determined by the Sensitive Land Overlay Zone. This will require a new delineation through the US Army Corps of Engineers. Prior to disturbance of the site the applicant will be required to submit a letter from the Army Corp approving the structure with building plans in addition to respecting SLO zone requirements. - <u>No unmitigated Impacts.</u>

Sensitive Lands Overlay

The proposed well house (Essential Municipal Public Utility Use, Facility, Service and Structure) lies within the SLO. In addition, a note on the Creekside Subdivision plat

requires “any development on either lot shall recognize the wetlands and sensitive lands overlay regulations.” Any development within the SLO requires the applicant to minimize the disturbance of the natural features on the site. The applicant must meet the requirements outlined by the SLO Zone found in the Land Management Code (Section 15-2.21-4) and summarized below:

- No development is allowed on or within fifty vertical feet (50') of very steep slopes, areas subject to land sliding, and other hazard geological areas.
- No structure or other appurtenant device, including mechanical equipment may visually intrude on the ridge line area from any designated vantage points as depicted herein.
- No person shall disturb, remove, fill, dredge, clear, destroy or alter any area, including vegetation within significant wetlands and significant stream corridors and their respective setbacks.
- No development is to take place within 50 feet of identified wetlands.

LMC Section 15-2.21-6. SENSITIVE AREA REGULATIONS – WETLANDS AND STREAM PROTECTION - Indicates the following below regarding wetland and stream protection:

(A) **INTENT.** *The following requirements and standards have been developed to promote, preserve, and enhance Wetlands and Stream Corridors and to protect them from adverse effects and potentially irreversible impacts.*

(B) **JURISDICTION.** *All Wetlands and Stream Corridors are regulated as provided below.*

(C) **PROHIBITED ACTIVITIES.** *No person shall disturb, remove, fill, dredge, clear, destroy or alter any Area, including vegetation, surface disturbance within wetlands and Stream Corridors and their respective Setbacks, except as may be expressly allowed herein.*

(D) **BOUNDARY DELINEATIONS.** *The Applicant must provide a wetlands delineation by a qualified professional utilizing the methods of the 1987 Army Corp of Engineers Manual for Identifying and Delineating Jurisdictional Wetlands, as amended. The boundary of Stream Corridors and Wetlands shall be delineated at the Ordinary High Water Mark, as defined in LMC Chapter 15-15.*

(E) **DETERMINATION OF WETLANDS, STREAMS, AND IRRIGATION DITCHES.**

(1) **WETLAND CRITERIA.** *A Wetland that meets the criteria of the 1987 Army Corp of Engineers Manual for Identifying and Delineating Jurisdictional Wetlands is a Wetland.*

(2) **STREAM CORRIDOR.** *All Stream Corridors which exist within the Property. Irrigation ditches are not Stream Corridors.*

(3) **IRRIGATION DITCHES.** *An irrigation ditch that meets the Army Corps of Engineers definition for waters of the United States must comply with the regulations of Stream Corridors within this section.*

(F) **SETBACKS.** *The following Setbacks are required:*

(1) Setbacks from Wetlands shall extend a minimum of fifty feet (50') outward from the delineated wetland Ordinary High Water Mark.

(2) Setbacks from Stream Corridors shall extend a minimum of fifty feet (50') outward from the Ordinary High Water Mark.

(3) Setbacks from irrigation ditches that meet the Army Corps of Engineers definition for waters of the United States shall extend a minimum of twenty feet (20') from the Ordinary High Water Mark.

There is one designated wetland present in the parcel of the proposed well house. The new proposed location is 125 feet away from the delineated wetland Ordinary High Water Mark within the parcel.

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.

Department Review

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

Public Input

Please see public comment received (Exhibit L) June 15, 2016. The comment is regarding lighting and how the structure plans to meet the City's energy reduction goals. In addition, this report includes the public comment from the previous application which recommends the examining further the landscaping and walking path as well.

Consequences of not taking the Suggested Recommendation

The applicant and Staff will work together to revise the plans in order to accommodate the suggestions provided by the board.

Summary Recommendations

Staff recommends the Planning Commission review the Conditional Use Permit (CUP) application, conduct a public hearing, and approve the CUP for an Essential Municipal Public Utility Use, Facility, Service, and Structure greater than 600 square feet located at 2392 Holiday Ranch Loop Road. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

Findings of Fact:

1. Applicant requests the conditional use of an Essential Municipal Public Utility Use greater than 600 square feet to be used for the operations and storage of the Park Meadows and the Divide wells.
2. The property is located at 2392 Holiday Ranch Loop Drive but relocated would become 2392 Creek Drive.
3. The property is located within the Recreation and Open Space (ROS) District and the proposed use requires a Conditional Use Permit.
4. The property is located within the Sensitive Land Overlay Zone and is 125 feet away from the delineated wetlands within the parcel.

5. The lot is described as Parcel #CRKSD-2-X, Lot 2 of the Creekside Subdivision approved in March 2007 in the Park Meadows neighborhood.
6. The 6.71 acre parcel holds the Park Meadows well and the Divide well, along with recreational areas and is across the private street from the Park City Fire District firehouse.
7. The size of the proposed structure is 2,652 square feet.
8. The property is within the Sensitive Lands Overlay. The existing landscape is comprised of low shrub vegetation growth and minimal significant vegetation that will need to be replaced in kind.
9. The topography begins to climb a small hill towards the south/east end of the lot.
10. This building will not impact the wetlands. Prior to disturbance of the land the applicant will be required to submit a letter from the Army Corp approving the structure with building plans.
11. Access to the new well house will be from the private drive, Creek Drive accessed off Holiday Ranch Loop Road. This is a private drive that allows public use because it is on City Property.
12. The neighborhood is characterized by a mix of public parks, the Park City Fire District firehouse, and single-family dwellings.
13. The proposed structure complies with all setbacks. The minimum setbacks from all boundary lines of the lot are twenty five feet (25'). The proposed filtration building is 30 feet away from the closest lot line. According to the Building Department there are no requirements for setbacks between structures.
14. The minimum setbacks from all sensitive lands are fifty feet (50'). The proposed well house is 125 feet away from the closest wetland area.
15. The proposed structure complies with the twenty-eight feet (28') maximum building height requirement measured from existing grade. The proposed structure will be a maximum of nineteen point five feet (19.5') in height.
16. The proposed well filtration building is compatible with the surrounding structures. The well house uses the same materials as the surrounding structures and is generally similar in size to most of the adjacent buildings.
17. The building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography. There is minimal significant vegetation existing on the lot which will be required to be replaced in kind.
18. Lighting is proposed in one exterior area. The lighting on the entry door with a motion sensor which will be down lit and shielded.
19. The findings in the Analysis section of this report are incorporated herein.
20. The building size consists of 2,652 square feet.
21. The applicant will be required to submit a *Permit Application and Mitigation Plan for Wetland Impacts* prior to a building permit issuance, to comply with US Army Corps of Engineers Nationwide Permit requirements.
22. The applicant stipulates to the conditions of approval.

Conclusions of Law

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.7-2(C)(14).
2. The CUP, as conditioned, is consistent with the Park City General Plan.

3. The proposed use will be compatible with the surrounding structures in use, scale, mass, and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approvals

1. All Standard Project Conditions shall apply.
2. Construction waste should be diverted from the landfill and recycled when possible.
3. The project will be reviewed by the Park City Fire District and require approval during the building permit process.
4. Prior to building permit issuance, wetland delineation is required by a certified delineator and approved by the US Army Corps of Engineers. During construction, the edge of the wetlands shall be lined with silt fence so the contractor does not impact the wetlands.
5. Any development shall adhere to all requirements of the Sensitive Lands Overlay Zone.

Exhibits

- Exhibit A – Project Description
- Exhibit B – Creekside Subdivision Plat
- Exhibit C – Overhead view of Creekside Area
- Exhibit D – Creekside Well Filtration Layout plan
- Exhibit E – Existing Conditions
- Exhibit F – Image Proposals
- Exhibit G – Well Filtration Floor Plans
- Exhibit H – Proposed Landscape Plan
- Exhibit I – March 23, 2016 Planning Commission Meeting minutes pages 13-22
- Exhibit J – New location for small play area and patio space addition
- Exhibit K – City Council Page 9 Minutes from May 12, 2016 – Park Meadows Well Filtration Site Planning Discussion for new site proposal
- Exhibit L – Public Comment (From current application and past application PL-16-03079)

EXHIBIT A - Project Description

PROJECT DESCRIPTION

The Park Meadows Well shares the site with the existing Divide Well and each well has an individual wellhouse. Both are located within Creekside Park which is located south of Holiday Ranch Loop Road. This application proposes construction of a new wellhouse that will support both the Divide and Park Meadows Well. There is no change in use proposed.

The Park Meadows Well was declared by the Division of Drinking Water (DDW) to be groundwater under the influence of surface water (GWUDI). On September 29, 2014 a Compliance Agreement/Enforcement Order (CA/EA) was executed by DDW requiring filtration to be added to the existing well treatment process or removal of the well from the potable water system.

On February 24, 2016 the Conditional Use Permit for the project was reviewed by the Planning Commission. Staff was informed that the building location was non-conforming with the Sensitive Lands Overlay Zone requirements. Since receiving notice regarding the site the Water Department withdrew the application. The Water Department evaluated other sites, analyzed impacts, discussed a preferred site with impacted parties, and with the consultant's assistance developed a revised proposed plan

Site Constraints and Considerations:

Existing site constraints have been examined with respect to accommodating the required process modifications. A brief summary of the findings follows:

1. The space required for new filtration process equipment and the ability to incorporate the new equipment inside the existing well houses has been evaluated. The Divide Well building is 340 square feet in size and the Park Meadows Well building measures 233 square feet. The filtration equipment requires a minimum of an additional 1,000 square feet.
2. The existing Park Meadows Well building is located within current ROS zoning setbacks. The building is therefore non-conforming and expansion of the building will have restrictions.
3. Due to treatment process configuration requirements, expansion of the Divide Well building to accommodate the new Park Meadows well filtration equipment would require additional space to accommodate the relocation and incorporation of the existing Park Meadows well and existing UV equipment. UV is used, in conjunction with chlorination, to meet DDW disinfection requirements prior to placing the well water into the drinking water system.
4. Availability of both the Park Meadows and Divide wells is critical to water supply and meeting peak seasonal demands. Any construction must be phased to accommodate full operation of the wells between June 15 and September 1 and between October 15 and January 15.
5. Both well houses are located within the well protection zones for the two wells. Any improvements to the facilities will need to address well protection zone requirements.
6. The wetlands within Creekside Park further limits potential location of the new treatment facility.

Existing Site Conditions:

1. The existing well buildings are located on Lot 2 of the Creekside Subdivision plat.
2. Lot 2 is owned by Park City Municipal Corporation.
3. The site is currently zoned Recreation Open Space (ROS).
4. The existing Park Meadows Well building is partially within ROS zoning setbacks.
5. The Park Meadows Well building was constructed in 1980.
6. The Divide Well building was constructed in 2006.
7. Access to the two well buildings is from Holiday Ranch Loop Road.

Based on CH2M's space needs assessment for the addition of filtration equipment, it has been determined that the neither the existing Park Meadows wellhouse space, the Divide wellhouse space,

or a combination of the two spaces is adequate to house the additional filtration equipment and meet the project constraints. Furthermore, through the preparation a siting analysis for the immediate well building area it has been determined that expansion of either existing well building or the consolidation of both the Park Meadows and Divide wellhouse structures does not provide sufficient space to meet the project space requirements.

Alternative Siting:

To address these space limitations, the Water Department has worked with CH2M to perform siting evaluations and prepare concept layouts which will fully address the long-term facility needs. Due to well treatment process and operational considerations, any alternate site which is remote from the existing well buildings requires a well building which incorporates treatment facilities for both wells. The following location, site design, and space needs have been considered:

- Siting in close proximity to the existing wellheads;
- Sufficient site to enable incorporation of process improvements for both wells as well as potential process upgrades to the UV system and chlorination system and the addition of emergency power;
- Ability to incorporate energy reduction goals and renewable energy technology in treatment process and building systems;
- Location, orientation, and concept architecture more harmonious with the surrounding neighborhood;
- Site security;
- Safer site access from private drive vs Holiday Ranch Loop Road.

The Creekside Park area has a number of site constraints limiting the available area for a new structure. Recreational areas, wetlands, well protection zones, zoning setbacks, and powerline clearances dictate only one possible location for the new facility that could meet the required treatment operations footprint.

Powerline Setback

Rocky Mountain Power has been contacted and a 20-foot wire-to-building setback was confirmed.

Zoning Setbacks

The 25-foot property setback, in accordance with the ROS zoning requirements.

Well Protection Zone

The alternative site is located within the well protection zone, as are the existing well buildings. CH2M has confirmed that a well related structure can be located within the DDW source protection provided special design considerations are met. These requirements include restricted and/or full containment for materials storage, excavation depth limitations, site drainage restrictions, and a minimum setback distance of 10 feet from both the Park Meadows and Divide wellheads.

Access Impacts

Current access to the well houses is from Holiday Ranch Loop Road. Water Department and delivery vehicles must cross the pedestrian trail along Holiday Ranch Loop Road and again must back out into Holiday Ranch Loop Road when leaving the site. This access will eliminate the potential vehicle/pedestrian conflicts along Holiday Ranch Loop Road.

Access for the alternative site will be off the end of Creekside Court. Access to the building from Creekside Court must be kept clear at all times. A fence is proposed at the end of the road to prevent

vehicles from blocking access. The proposed access to the facility has potential for park user pedestrian conflicts.

Since the well building is not staffed and accessed only for Operations and Maintenance (O&M) purposes, the proposed driveway access should not interfere with fire district operations or park access. The PCFD and PCMC Recreation and Parks Departments have been consulted regarding the proposed driveway location. No objections were expressed.

Park Impacts

The proposed location for the new facility requires the relocation of the sandbox element further north than where it currently exists. The new facility will provide covered patio area at the north side of the building providing more shade within the park. Isolated disruptions to portions of the park during construction activities will occur:

- Restrooms will remain in service
- The majority of the play areas and parking areas will remain accessible
- Play areas immediate to the proposed building area will be closed during construction, anticipated to occur during 2017
- Access to the dirt jump park will be maintained but restricted. Short-term closures in access can be expected during Creekside Ct. access road work

Neighborhood Impacts

The alternative site is further removed from adjacent residences and placed against the hillside which further reduces visual impacts.

Restoration of Existing Well Buildings Area

Selection of the alternative site will result in the abandonment of the existing well buildings. Demolition of the existing buildings and restoration of the site is proposed to occur after the new facility is operational and tested.

The construction of a new well house at the proposed location affords several opportunities such as:

- Reduces interferences to well operations during construction.
- Addresses non-conforming existing building conditions.
- Poses potential construction cost advantages of new construction.
- Improves operational efficiencies through an integrated Park Meadows and Divide well facility.
- Provides opportunities for operational improvements.
- Provides opportunities for the incorporation of sustainable design practices and energy initiatives.

These are intended to be incorporated into the Project Approach as discussed in the following paragraphs.

Well Operations Interference

As mentioned previously, the Park Meadows and Divide well must be operational during high water demand periods. Expanding and upgrading each well house independently would require construction to occur over a number of years. This would create a substantial impact to the neighborhood and the park patrons. Construction of a new structure allows the existing wells to operate with only minor disruptions and allows for construction to occur continually. This presents not only a cost savings, but reduces the impacts to the neighborhood.

Site improvements construction is planned for 2017. At the completion of construction of the new facility, the existing well building will be demolished and site landscaping improvements installed.

Non-conforming Building

The existing Park Meadows Well building is located within current ROS zoning setbacks. Removal of the building will address non-conforming conditions.

Operational Improvements

In addition to the filtration process equipment, there are several operational related upgrades that, as a minimum, staff recommends be incorporated into the project.

These improvements include:

A. Emergency Power

To ensure well operations can continue during power outages, a generator is proposed to be included with the well house upgrades. All well building sites (existing and alternative) are within the well protection zone. To mitigate and eliminate fuel storage and containment concerns, the generator will be fueled by natural gas. Additionally, this eliminates deliveries associated with a diesel powered generator. To mitigate noise disturbance to the neighborhood, aesthetics associated with the generator, and to address security concerns the proposed generator will be located within the well building structure. This requires approximately 425 square feet of additional building space.

B. Disinfection System Upgrade

Liquid chlorine is currently used for water system disinfection process. This requires frequent deliveries to the site and storage of a large volume of liquid chlorine (in a 12% chlorine solution, chlorine bleach commonly used for household purposes is 6%). Staff has investigated the alternative of upgrading to on-site chlorine generation. This affords a more consistent chlorine concentration (yielding a more efficient and cost effective means of disinfection) and requires the delivery and storage of salt rather than liquid chlorine.

Additionally, on-site chlorine generation requires fewer material deliveries thereby reducing truck trips to once every three to six months. On-site chlorine generation requires approximately 180 square feet of additional building space.

C. Security System

Security systems will be upgraded, however the addition of exterior security lighting or fencing is not proposed.

D. Hours of Operation and Occupancy

The well, when in operation, operates 24 hours. Employees will visit the site and will be on-site for general maintenance, but will not have a daily presence in the building.

Sustainability Design Practices and Energy Initiatives

Planning for the operational upgrades and new building design will include sustainable design attributes to reduce operational costs, mitigate environmental impacts, and increase building resiliency wherever possible. These design elements generally include the ability to:

- Optimize Site Potential
- Optimize Energy Use
- Protect and Conserve Water
- Optimize Building Space and Material Use
- Optimize Operational and Maintenance Practices

In support of these elements the following considerations have also been identified and are proposed to be incorporated where effective:

- Life-cycle impact reduction

- Low impact development
- Educational opportunities
- Renewable Energy Opportunities

Renewable Energy

A project goal is to provide on-site renewable energy to reduce the environmental and economic impacts associated with fossil fuel energy use. The concept design provides enough usable roof to install approximately a 30kW Solar PV system. This solar PV solar system has the ability to offset the loads of the UV, the on-site Hypochlorite system, and the building electrical loads concurrently. Based on previous power usage and considering the new buildings and process energy requirements, this renewable energy system will offset approximately 5%-8% of the present baseline. This savings does not include the anticipated energy reduction through the proposed operational improvements.

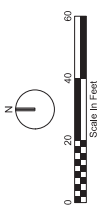
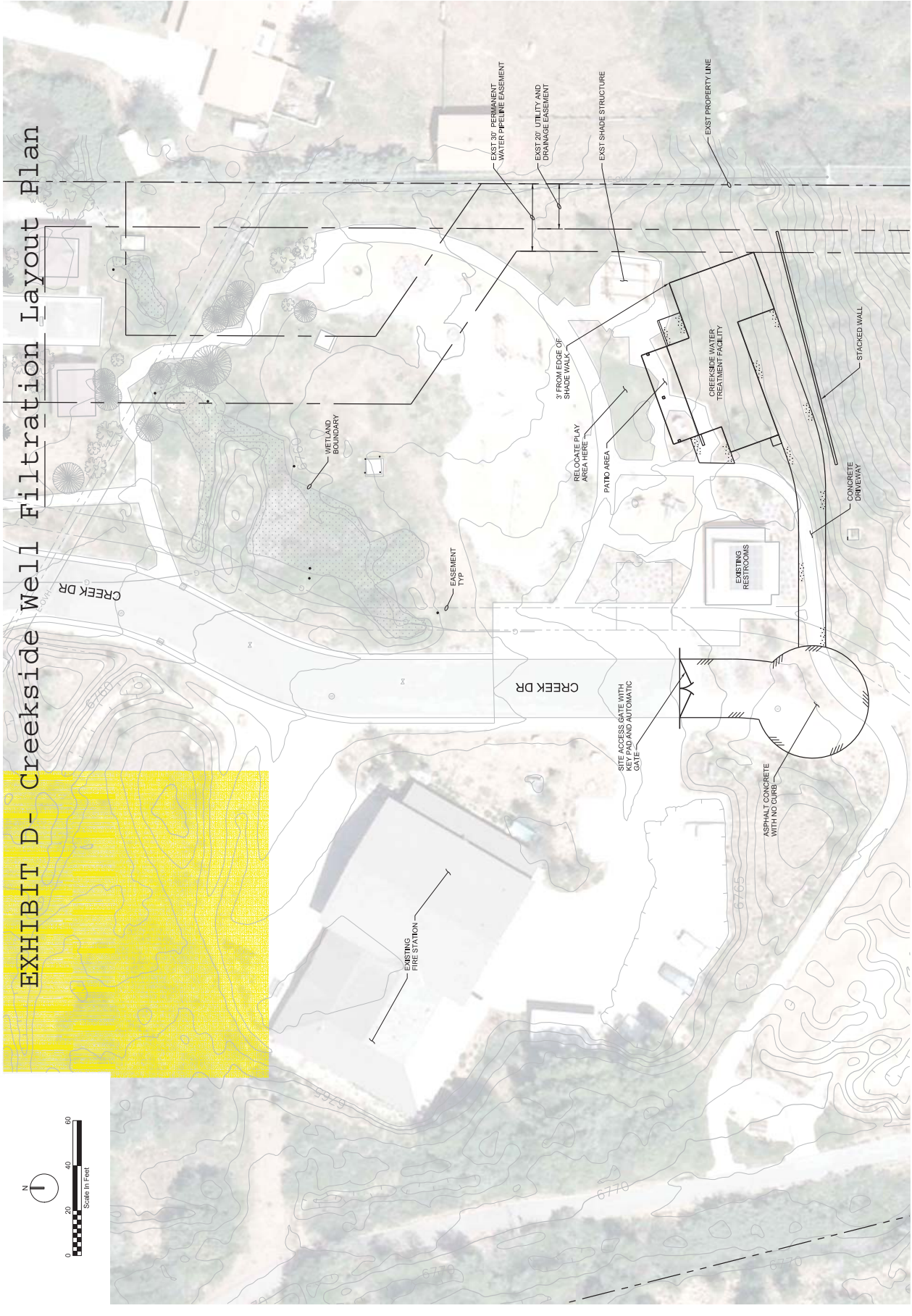
Building Materials and Systems

Concept plans for the building reflect the integration of the Creekside Park and neighborhood architectural elements. These have been integrated with the project's sustainable considerations. The concept plans and elevations are provided within.

EXHIBIT C - Overhead view of Creekside Area



EXHIBIT D- Creekside Well Filtration Layout Plan



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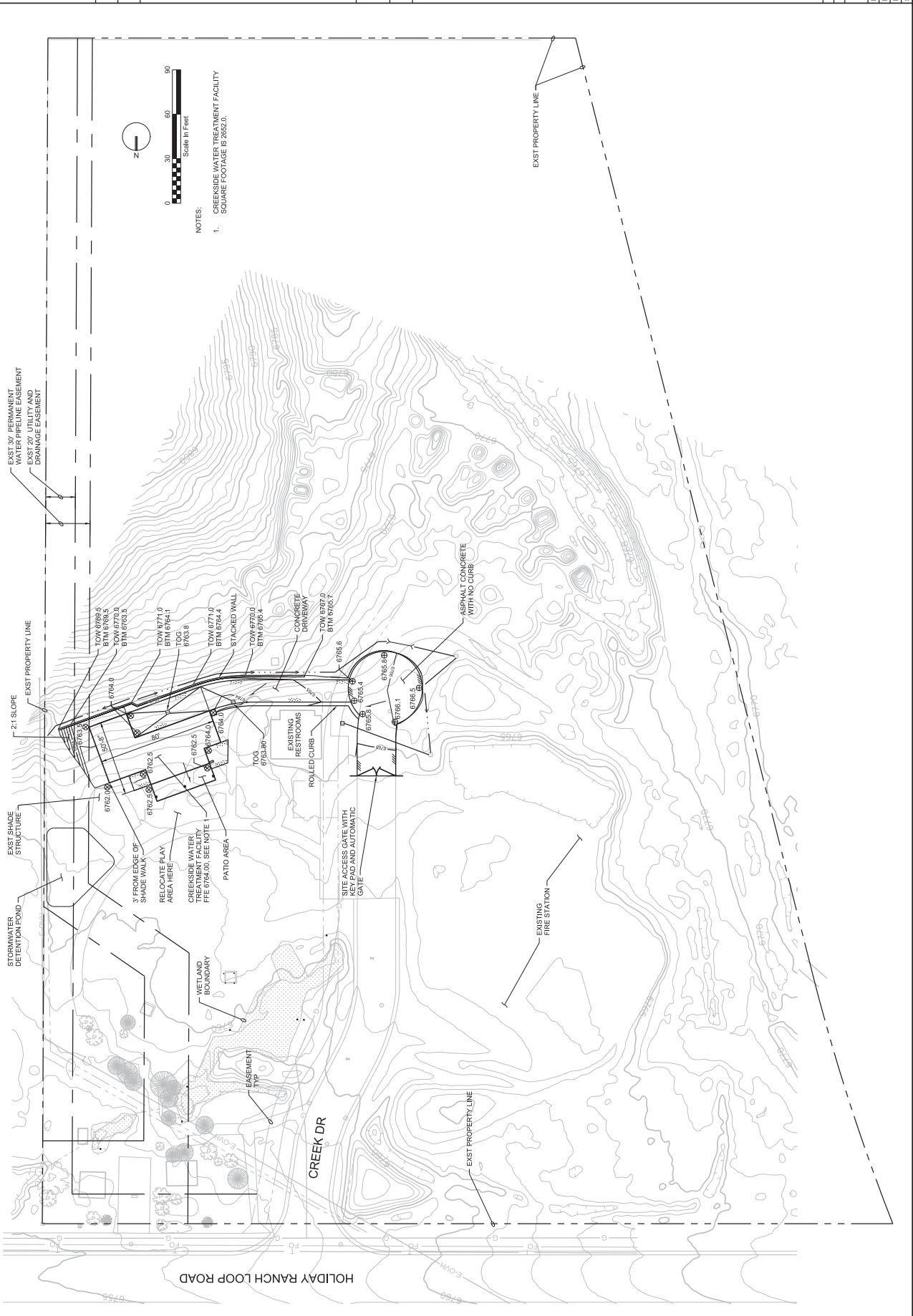


EXHIBIT E- Existing Conditions



View facing east



View facing south



View facing south/west



View facing west



View facing east



View facing south



View facing south/east



View facing east

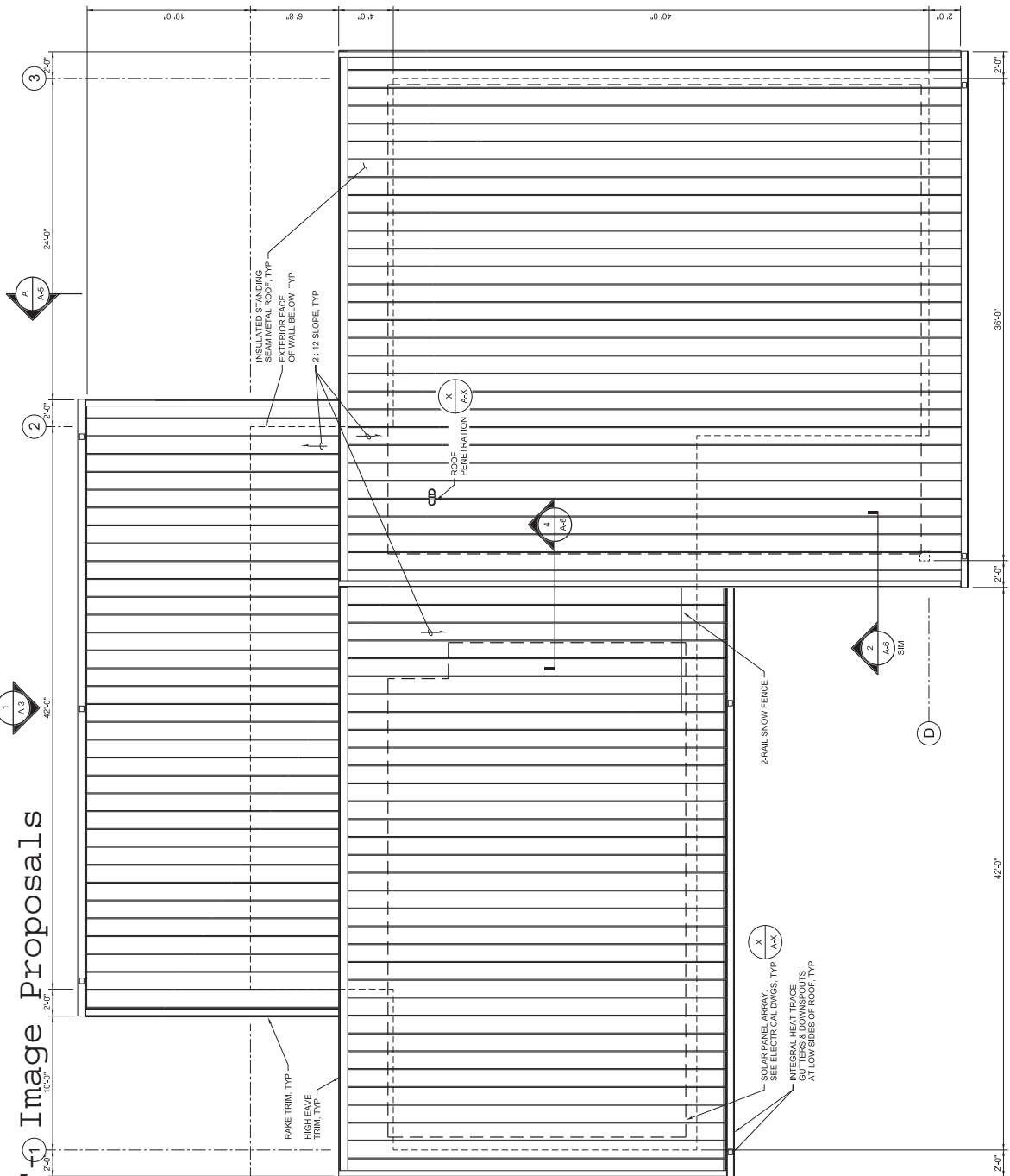


View facing north

EXHIBIT F-1 Image Proposals

GENERAL NOTES:

- A. FOR ARCHITECTURAL GENERAL NOTES, SYMBOLS, LEGENDS AND WALL TYPES, SEE SHEET G-5.
- B. SEE SHEET A-10 FOR DOOR, WINDOW, LOUVER AND FINISH SCHEDULES.
- C. FOR BUILDING CODE DATA AND LIFE SAFETY PLAN, SEE SHEET G-6.



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 Park City, Utah
 Creekside Water Treatment Plant

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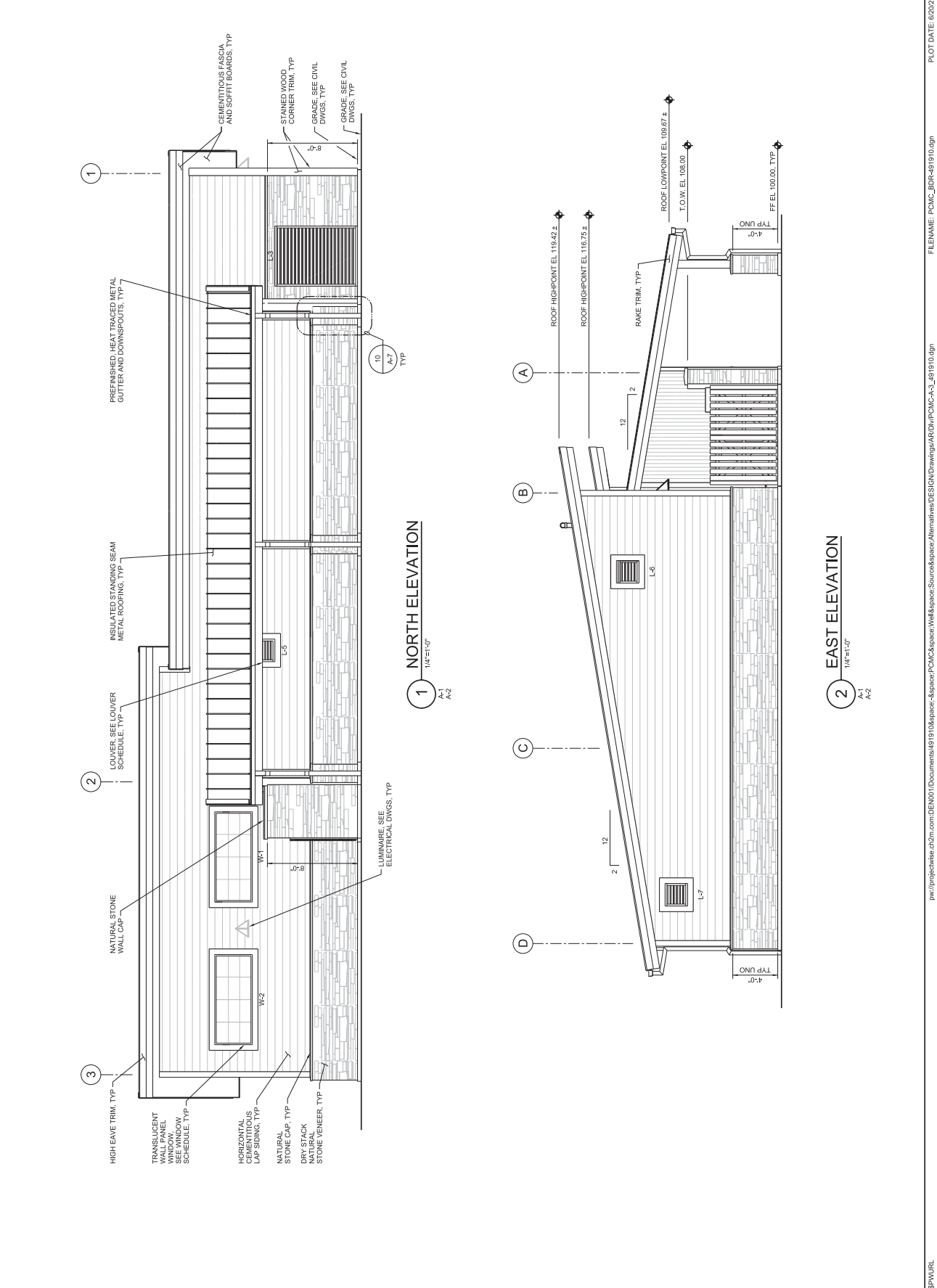
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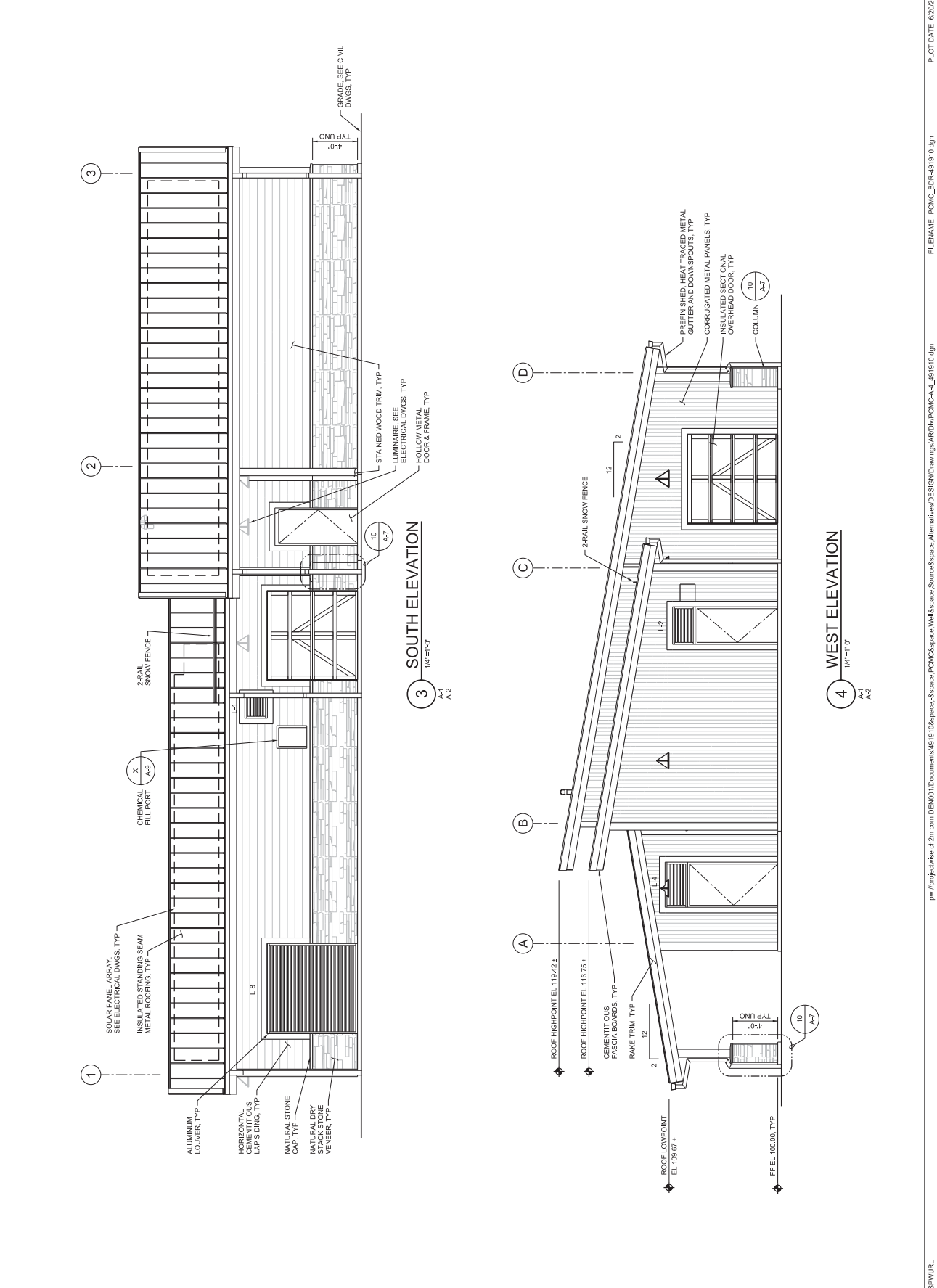
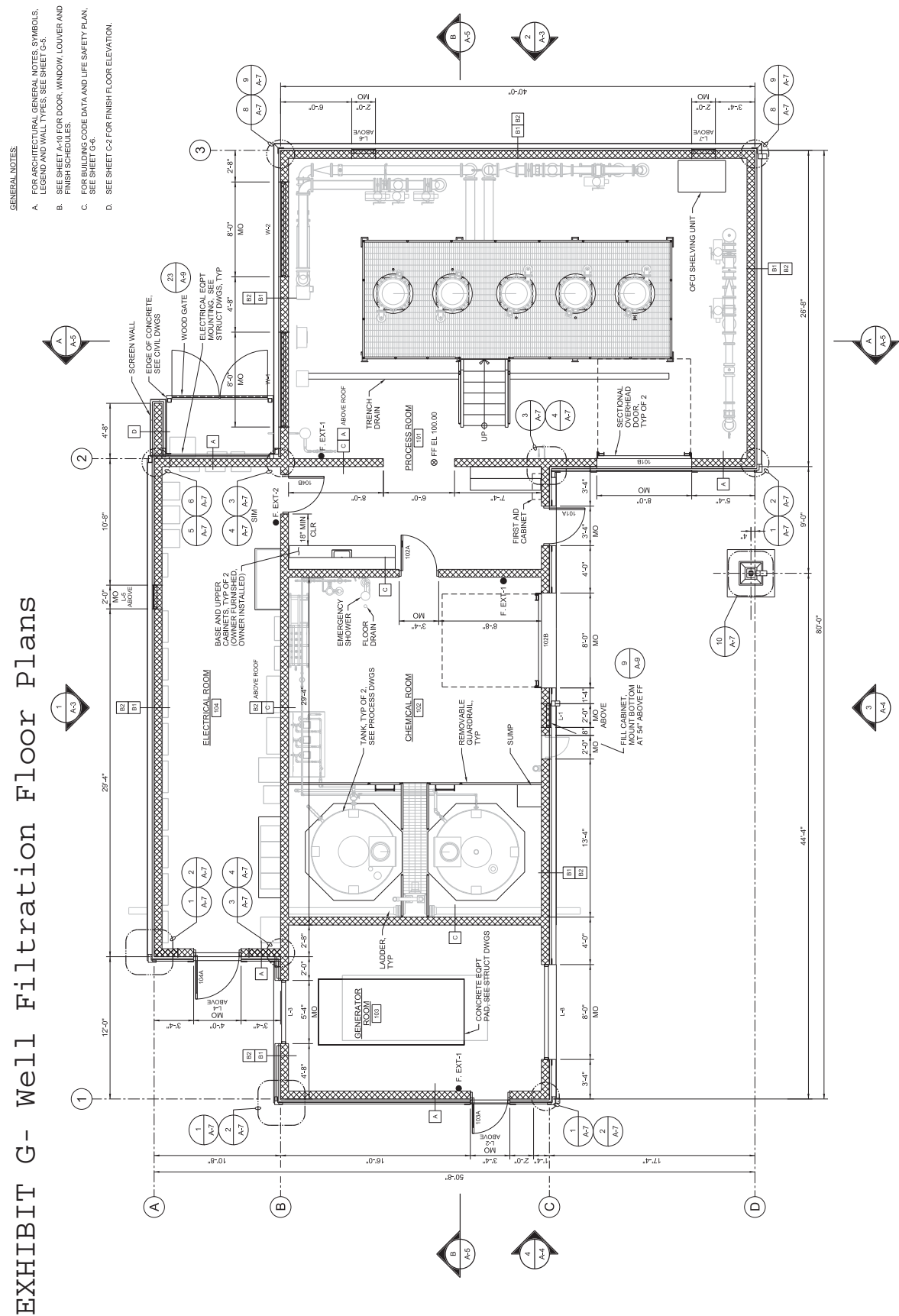


EXHIBIT G- Well Filtration Floor Plans



- GENERAL NOTES:**
- A. FOR ARCHITECTURAL GENERAL NOTES, SYMBOLS, LEGEND AND WALL TYPES, SEE SHEET G-2.
 - B. SEE SHEET A-10 FOR DOOR, WINDOW, LOUVER AND FINISH SCHEDULES.
 - C. FOR BUILDING CODE DATA AND LIFE SAFETY PLAN, SEE SHEET G-6.
 - D. SEE SHEET C-2 FOR FINISH FLOOR ELEVATION.

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ARCHITECTURAL

Ground Floor Plan

Park Meadows
Park City Municipal Corporation

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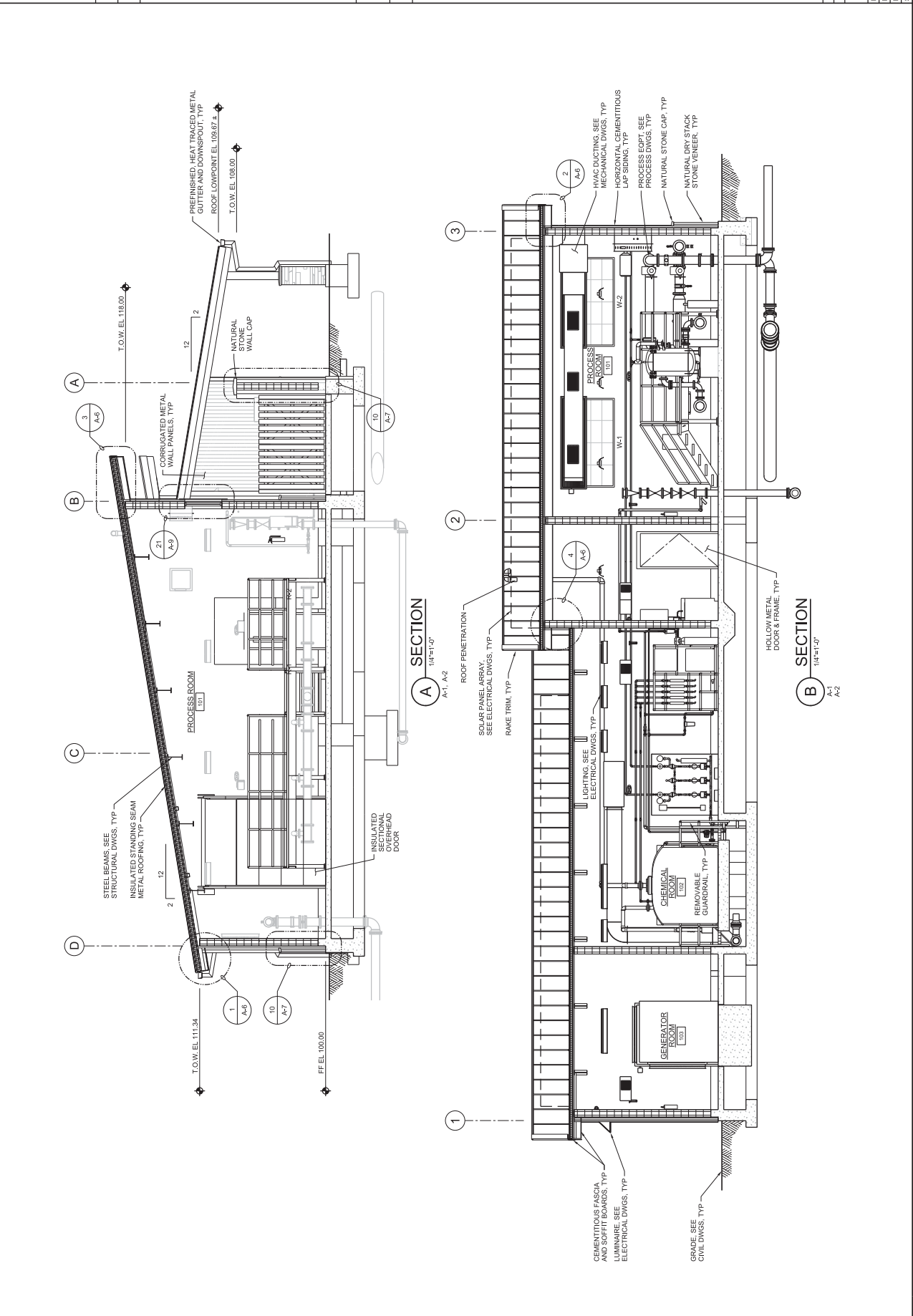


EXHIBIT H - Proposed Landscape Plan



PLANT SCHEDULE

TREES	BOTANICAL NAME / COMMON NAME	CODE	QTY	
	ABIES LASIOCARPA / ALPINE FIR	7'	5	
	ACER GLABRUM / ROCKY MOUNTAIN MAPLE	2' CAL	10	
GROUND COVERS	BOTANICAL NAME / COMMON NAME	CODE	SPACING	QTY
	DETENTION / BASIN	NONE		1,741 SF
	NATIVE AREAS / NATIVE GRASSES AND SHRUBS	SEED		11,823 SF
	NATIVE AREAS / MANICURED NATIVE	SEED		1,287 SF
	PLAYGROUND EQUIPMENT / RELOCATION	NONE		139 SF
	RESTORE LANDSCAPE / RESTORATION	NONE		2,747 SF
	SIDEWALK / NEW SIDEWALK	NONE		1,134 SF

NO.	DATE	REV. BY	DESCRIPTION

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EXHIBIT I - 3/23/16 PC meeting minutes

Planning Commission Meeting
March 23, 2016
Page 13

shall enter into an encroachment agreement with their neighbor for these improvements.

4. **2392 Holiday Ranch Loop Road – Conditional Use Permit for a new well filtration building.** (Application PL-15-03079)

Planning Tech Hawley handed out public comment she had received and she apologized for not sending it to the Commissioners prior to the meeting.

Planning Tech Hawley reviewed the application for a conditional use permit for a new well filtration building that would replace the old well filtration buildings at the Creekside park and the recreation open space. This will be considered an Essential Municipal Public Utility use, facility, service and structure greater than 600 square feet, which is a conditional use in the zone.

The Staff recommended that the Planning Commission review the conditional use permit application for 2392 Holiday Ranch Loop Road, conduct a public hearing and approve the CUP for an Essential Municipal Public Utility use Facility, service and structure greater than 600 square feet. The Staff had prepared Findings of Fact, Conclusion of Law and Condition of Approval for consideration.

Roger McClain, the Public Utilities Engineer, stated that Alison Butz was the liaison from the Public Utilities Department working with the Planning Department. He noted that the architect and engineer team were present to answer questions and address any comments. Mr. McClain stated that the project started on August 6, 2014 when the Division of Drinking Water issued a letter notifying the Water Department that the well designation was changed to ground water under the direct influence. The Park City Water Department entered into a bi-lateral compliance agreement with the State which required adding a filtration treatment to the current well. Mr. McClain explained that they looked at the options and realized that it would take longer than an 18 month period to implement the requirement. Therefore, Park City requested and was granted a four year compliance period for implementation of the filtration system.

Mr. McClain outlined the milestones that were established in that agreement. Final construction plans are to be submitted to the State by September 26, 2106. The well filtration will be active by August 30th, 2018.

Alison Butz, representing Park City Municipal, reviewed an overhead view of the site. Two yellow rectangles represented the two exiting well house buildings. They originally considered expanding those buildings to accommodate the filtration equipment, but the

buildings are non-conforming because they sit within the setback of the ROS zone. Per Code a non-conforming use cannot be expanded. Ms. Butz oriented the Commissioners to the site and indicated the well heads, the wetlands, an existing water line, a power line, and the required setback for the power line. The area where they could place a new structure was limited, but the proposed location is away from Holiday Ranch Loop Road and is accessed off of Creek Drive. Ms. Butz noted that the new location is place further south on the site and away from the residents. The building is being located in the area identified as wetlands; however, it would impact less than 1/10th of an acre of wetlands. They still needed to obtain a permit from the Army Corp of Engineers.

Ms. Butz stated that they were directed to keep the building as small as possible within a minimum footprint as well as the lowest height. The building is proposed to be 2700 square feet and the proposed height is 19-1/2 feet off of grade. The exterior elevations being proposed are a stacked dry stone with hardy board and corrugated metal. They were proposing a 30 kilowatt solar system for generating power. There will be a power generator within the building as a back-up generator for this operation. It will be fueled with natural gas which will eliminate the need for fuel deliveries to the site. They will also be generating on-site chlorine and that will also eliminate deliveries. Ms. Butz noted that no one would be officed or housed in this building but it will be monitored and visited by the Water Department Staff. No additional security is needed and motion sensor lights will be installed on the exterior. There should not be additional noise, fences, or any other impacts to the neighborhood with this new location.

Ms. Butz noted that the two existing structures along Holiday Ranch Loop Road would be demolished once the new structure is constructed. Building on a new site allows the two wells to remain in operation during construction.

Commissioner Thimm commented on the height and asked if the low point was the minimum height for the equipment it was housing. Mr. McClain noted that the building is two-stepped. The equipment housed in the higher roof are the canisters. He explained the process for the filter system within the structure and the need for a slightly higher height requirement in that area. The height was minimized in other areas even though the generator and other equipment is housed in those areas as well. Commissioner Thimm clarified that the extra height at the high slope of the roof is actually needed for access to the equipment. Mr. McClain answered yes.

Commissioner Joyce noted that page 95 of the Staff report mentions that this is in the Sensitive Lands Overlay. The language states that no development is to take place within 50 feet of identifying wetlands. He asked how they could build on top of the SLO.

Planning Tech Hawley stated that in the SLO, Chapter 15-2.21-6, there is an Intent and Jurisdiction. The Jurisdiction portion talks about “all significant wetlands and stream corridors are regulated as provided below”. Per the definition, significant wetlands are defined as, “All wetlands that occupy a surface area greater than 1/10th of an acre or are associated with permanent surface water that are adjacent to or contiguous with a stream corridor.” Ms. Hawley stated that because the wetlands being affected would be under 1/10th of an acre at 2,875 square feet, it falls under that Jurisdiction.

Commissioner Joyce thought they were stretching the definition. In his opinion, the 1/10th of an acre that would be affected is different than the total significant wetlands. He thought it was a measure of the wetlands and not what they were about to replace. He asked if the 1/10th of an acre included the total wetland and stream and everything on the property. He noted that there was a significant amount of wetlands along there independent of where they would place the concrete platform. Ms. Hawley clarified that she was talking about the actual wetlands and not just the building area. Commissioner Joyce asked if the entire wetlands was less than 1/10th of an acre. Ms. Hawley answered yes.

Director Erickson pointed to page 96 of the Staff report which identified the total acreage of the wetlands. He noted that a condition of approval requires an Army Corp of Engineers permit before this project could move forward. Director Erickson explained that the Staff was asking the Planning Commission to make a land use choice on the location of the filtration plan, and let the Army Corp of Engineers address the wetlands. Commissioner Joyce did not expect the Corp would enforce Park City’s SLO zoning. Director Erickson remarked that the Planning Commission was being asked to consider the effect of the 50’ setback from a “significant” versus the Corp of Engineers required mitigation of impacts to any wetland. Commissioner Joyce understood the Corp piece for mitigation, but he did not understand how it applied to the LMC for Sensitive Land.

Commissioner Suesser asked someone to address the concerns raised in the letter that was handed out this evening. Ms. Butz stated that when they gave their initial presentation were showing a larger building and they were asked to reduce the footprint of the building, which they did. Ms. Butz explained how the building was designed as a two-story structure as a way to add visual interest; however, they were asked to keep it as low as possible. Therefore, the design was modified to reduce the height. Ms. Butz felt that the changes made to the building met the concerns addressed in the letter. She noted that there are two driveways off Holiday Ranch Loop Road as stated in the letter, and they were willing to remove both driveways. They were also willing to add a back sidewalk into the park, recognizing that the location might change because of the wetlands. To address the last issue in the letter, Ms. Butz explained that the height is measured off of the street level because the site is at a different height. Ms. McClain explained that the entire berm adjacent to the wetlands is an isolated area that goes out from the wetlands. The building

is set off of the existing Creek Road; therefore, the berm would be removed and the elevation would be at grade off of Creek Road.

Commissioner Suesser asked if there would only be one driveway. Mr. McClain replied that it would be the one driveway adjacent to the building. The only remaining access would be off of Creek Road.

Chair Strachan asked if they had ever considered using the property across the street to the north and adjacent to the fire station. Mr. McClain replied that it was part of the Fire Station property. That location would require a more complicated piping system and it would interfere with Fire Station activities.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

Chair Strachan stated that these types of buildings are typically aesthetically unpleasant. He suggested that adding windows would be a good idea, and that kids using the park would enjoy looking into the building to see how the filtration system works. He thought windows would make the building look more inviting.

Commissioner Phillips concurred with Chair Strachan that adding windows would make the building look nicer architecturally. Mr. McClain thought that windows could present security concerns, but he would speak with the architect to investigate their options.

Commissioner Joyce referred to page 107 of the Staff report and noted that it was the view everyone would see. Ms. Butz stated that there is landscape plan and the building would not look as bare as what was showing. Mr. McClain outlined the plans for landscaping, which included berming. Chair Strachan cautioned against using berming as a "cure-all". For example, the movie studio was promised to be concealed with berming, but that was not the case. He remarked that berming is a tool but not something they should solely rely on.

Assistant City Attorney McLean asked Director Erickson to explain the Army Corp of Engineers' definition and criteria for wetlands. Director Erickson stated the Army Corp of Engineers 1987 Wetlands Delineation Manual lists three criteria for wetlands; 1) if the ground is wet more than seven days; 2) it has to have growing hybrid vegetation; 3) it has to have the correct soils. Director Erickson remarked that the way the Corp of Engineers gives jurisdiction over a piece of land that is wet and has soils and vegetation is that it

needs to be connected hydraulically to a water of the United States. The connection to water of the United States is what is being debated in the application, which states that the well is not connected hydraulically to the stream; and therefore is not jurisdictional under the Corp of Engineers 1988 Manual.

Commissioner Joyce noted that the land is in the Sensitive Lands Overlay and it is marked on the map as a wetland. Based on all the facts provided to the Planning Commission he thought it was fair to say that it is a wetland. Director Erickson explained that the difference is that through the LMC the Planning Commission can define wetland. The LMC also has a definition for wetland significant as well, including the LMC requirement for the Army Corp of Engineers 1987 Delineation. Director Erickson stated that Commissioner Joyce was correct. This application was being presented in order to enable the Water Department to determine whether or not they can move forward with this site, knowing the criteria and the issues moving forward.

Commissioner Band wanted to know what would happen if the Planning Commission approved this application and the Army Corp of Engineers denies the permit. Director Erickson replied that it could not move forward without approval by the Corp of Engineers. The applicant would have to find a different location that is still fairly close to the well heads.

Assistant City Attorney McLean asked if the Corp defines the size of the wetlands. Ms. Butz replied that the Corp of Engineers require certain mitigation efforts for above 1/10th of an acres versus below 1/10th of an acre. Commissioner Joyce clarified that it was not the definition of a wetland. It is the definition of the mitigation required for more than 1/10th. Commissioner Joyce pointed out that it does not affect whether or not it is a wetland.

Planning Tech Hawley reviewed the research which led her to the understanding that it was out of the restrictions and regulations of wetlands. She noted that the definition was from the LMC and what directed her to the LMC definition was reading the Significant Wetlands words within the SLO.

Commissioner Thimm was accustomed to seeing pump houses with four walls and a roof and made out of cinder block. The proposed building is articulated with multiple materials and from a massing standpoint is broken down into multiple pieces. Commissioner Thimm thought the building was architecturally designed to fit in with other structure in the children's park. He thought the location was superior in terms of access because it takes the driveway off of Holiday Ranch Road and puts it on a much less used street. Commissioner Thimm believed the building works well and adds some level of character. He asked if he was correct in understanding that a new delineation would be done on the wetlands as part of this application. Mr. McClain stated that delineation of wetlands was

done as part of the submittal to the Army Corp. of Engineer. They defined the wetlands boundaries. Commissioner Thimm asked if the new delineation gets the same square footage of .09. Mr. McClain answered yes and explained that the number were taken from that delineation.

Commissioner Phillips agreed with Commissioner Thimm.

Commissioner Joyce thought it was a little sketchy but technically borderline. He had concerns with the City working a technicality for why it is acceptable to build in the Sensitive Land Overlay, which is the strongest level of protection, on top of an area that is currently marked as a wetland. However, from a technicality aspect it appeared to be allowed by the LMC. He personally was interested in hearing the response from the Army Corp. of Engineers. Commissioner Joyce reiterated his previous concern that the Army Corp of Engineers does not enforce the Park City SLO because the City is responsible for that enforcement. He questioned whether they would be as lenient if the applicant was someone other than the City.

Assistant City Attorney McLean advise the Planning Commission that the City should not be treated differently than any other applicant; not harsher or lesser.

Commissioner Band noted that the rules in the LMC are different for a public facility such as this one versus building a private home in the SLO.

Commissioner Thimm referred to an earlier suggestion for adding windows. He would supports adding windows to break up the facade if the building could be kept secure. Noise was another consideration and questioned whether glass windows would generate more noise. Commissioner Thimm thought acoustics and type of glass windows should be part of the final design.

Commissioner Campbell concurred with Commissioner Joyce that this was stretching the SLO. He stated that if the City is to be treated the same as every applicant, the next time a private applicant comes in with a similar request they should remember how they treated this application for consistency moving forward.

Chair Strachan recalled that they faced this same issue when they approved the Water Treatment Facility on the Rail Trail because that was also in the wetlands. He remembered having the same uneasiness about this technicality; however, the Planning Commission at that time resolved the issue by determining that there was nowhere else to put these types of facilities because they have to be located next to the waterways due to the inherent nature of what they are.

Commissioner Campbell clarified that he was trying to protect the Legal Department from the position of having to defend this against an individual in the future who might read the minutes of this meeting and submit an application with the same request for a private residence. He suggested that they consider amending the LMC to add language stating that the SLO is trumped by civic duties. Director Erickson recommended that a better approach would be to clarify the definition of wetlands to add some precision.

Commissioner Joyce stated that the only reason he would consider voting in favor of this was based on explicit language in the Jurisdiction. They are looking at a Significant Wetland, which is defined as that which is a tenth of an acre or more. This is less than a tenth of an acre. Commission Joyce clarified that if it was one square foot over a tenth of an acre he would vote against it.

Commissioner Campbell asked who had done the square foot calculation. Mr. McClain replied that it was defined by a certified wetlands specialist who does wetlands delineation as a profession. It is then submitted to the Army Corp of Engineers.

Commissioner Phillips believed this application fits within the Code. Chair Strachan noted that sometimes the law draws lines. If this has been reliably calculated to be under a tenth of an acre, it meets the law. He agreed that it was close, but there are a lot of close calls under the Land Management Code. He thought a close reading of the LMC is what should be followed. Chair Strachan was not overly concerned about the Code reading issues. He was more concerned about the aesthetic issues, but wondered if it was too late into the process to add a condition related to beautification.

Mr. McClain stated that the architect assured him that there are secure windows that could not be broken or forcibly entered. They would entertain the idea of incorporating windows into the design and were not opposed to adding that as a condition of approval.

Director Erickson stated that the Staff would take responsibility for reviewing the windows including the glazing and security. The Staff shares the concerns regarding noise, as well as other issues such as trespassing and lights shining in the neighbors' windows. Chair Strachan suggested that they only install windows facing the BMX Park so it would not interfere with the homeowners on the other side.

Chair Strachan preferred to trust the Staff and ultimately the City Council to make sure the windows are added rather than adding it as a condition of approval. However, he was not opposed to adding it as a condition of approval if that was the preference of the other Commissioners.

Commissioner Suesser asked for the total square footage of the two existing buildings. Planning Tech Hawley believed it was 573 square feet. The Divide Well house is 340 square feet and the Park Meadows well house is 233 square feet. Commissioner Suesser noted that the new building would be 2700 square feet. Ms. McClain explained the need for the larger space, including to house the generator inside the building. Commissioner Suesser asked if there was a possibility that the building size could be reduced. Mr. McClain replied that they already made that effort at the request of a property owner and all of the non-essential space was eliminated. The building as currently proposed is as small as it can be and still be operational.

Commissioner Joyce referred to Finding of Fact #5 and corrected the word acres in the second line to correctly read **across**.

MOTION: Commissioner Thimm moved to APPROVE the CUP Application for 2392 Holiday Ranch Loop Road for the Essential Municipal Public Utility Use Building based on the Findings of Fact, as amended, the Conclusions of Law, and Conditions of Approval found in the Staff report. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 2392 Holiday Ranch Loop Road

1. Applicant requests the use of an Essential Municipal Public Utility Use greater than 600 square feet to be used for the operations and storage of the Park Meadows and the Divide wells.
2. The property is located at 2392 Holiday Ranch Loop Drive but relocated would become 2392 Creek Drive.
3. The property is located within the Recreation and Open Space (ROS) District and the proposed use requires a Conditional Use Permit.
4. The lot is described as Parcel #CRKSD-2-X, of the Creekside Subdivision approved in March 2007 in the Park Meadows neighborhood.
5. The 6.71 acre parcel holds the Park Meadows well and the Divide well, along with recreational areas and is across the private street from the Park City Fire Department.
6. The size of the proposed structure is 2,700 square feet.

7. The existing landscape is comprised of low shrub vegetation growth and a flat topography. The building site will impact 0.1 acres of wetlands. This will require permitting through the Army Corps of Engineers; however, the site area is less than the threshold limit requiring extensive mitigation efforts.

8. Access to the new well house will be from the private drive, Creek Drive accessed off Holiday Ranch Loop Road, which is the current access road for the well houses.

9. The neighborhood is characterized by a mix of public parks, the Park City Fire Department, and single-family dwellings.

10. The project will be reviewed by the Park City Fire District and require approval during the building permit process.

11. The proposed structure complies with all setbacks. The minimum setbacks from all boundary lines of the lot are twenty five feet (25'). The proposed well house is 25 feet away from the closest lot line. According to the Building Department there are no requirements for setbacks between structures.

12. The proposed structure complies with the twenty-eight feet (28') maximum building height requirement measured from existing grade. The proposed structure will be a maximum of nineteen point five feet (19.5') in height.

13. Staff finds that the proposed well filtration building is compatible with the surrounding structures. The well house uses the same materials as the surrounding structures and is generally similar in size to most of the adjacent buildings.

14. The building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography. There is no existing significant vegetation on the lot.

15. Lighting is proposed in one exterior area. The lighting on the entry door with a motion sensor which will be down lit and shielded.

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

17. The entire wetland being affected in the area is not associated with a stream corridor in any way. Additionally the wetland is approximately 4000 square feet (.09 acres) which is less than the amount specified in the definition of Significant Wetland. Due to the size of the wetland, it is not considered to be Significant; therefore, the regulations under the 15-2.21-6 portion of the LMC do not apply.

18. The applicant will be required to submit a Permit Application and Mitigation Plan for Wetland Impacts prior to a building permit issuance, to comply with US Army Corps of Engineers Nationwide Permit requirements. The applicant has proposed a new area for preserved and enhanced wetland that will cover 2,866 square feet (please see Exhibit G) to be reviewed by the Corps.

19. The applicant stipulates to the conditions of approval.

Conclusions of Law – 2392 Holiday Ranch Loop Road

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.7-2(C)(14).
2. The CUP, as conditioned, is consistent with the Park City General Plan.
3. The proposed use will be compatible with the surrounding structures in use, scale, mass, and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approvals – 2392 Holiday Ranch Loop Road

1. All Standard Project Conditions shall apply.
2. Construction waste should be diverted from the landfill and recycled when possible.
3. Prior to building permit issuance, wetland delineation is required by a certified delineator and approved by the Army Corps of Engineers. If approval determines the wetlands to be non-jurisdictional, the building permit can be issued. If approval determines the wetlands to be jurisdictional, setbacks protection and remediation of impacts, as approved by the Corps shall be required.
4. Less than a tenth of an acre of wetlands may be impacted with this Conditional Use Permit. The wetland area to be impacted shall be identified on the building plans and verified by the Planning and Engineering Departments prior to issuance of a building permit.

The Planning Commissioner reconvened the Work Session to discuss the potential Annual Work Plan, Commission Roles and Responsibilities and Priorities.

EXHIBIT J- New location for play area



EXHIBIT K- City Council minutes

PARK CITY COUNCIL MEETING

SUMMIT COUNTY, UTAH

May 12, 2016

Page | 9

over a thousand trees were down. He indicated the staff made him proud from their commitment to deal with the challenges while maintaining the customer service component of their jobs. He extended his appreciation to the Transit Department for helping move the delayed skiers from different points on the mountain. He traveled the world and had seen many ski resorts and had never seen a relationship between a resort and a municipality like Deer Valley and Park City, and expressed his appreciation for the good relationship between the two entities.

Wheaton explained the Mayflower Project that would include 1,200 housing units and many ski runs. He felt this project would help with traffic because people could park on that side of the ridge and get on a lift from that side of the mountain. That being said, he knew that visitors would want to experience Park City Main Street and the rest of the City.

The summer plan for the resort included having a flow trail, which was a green oriented, beginner trail for mountain bikers. Mayor Thomas thanked Wheaton for his support with hosting Courchevel delegates this past February.

III. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Municipal Code Online:

Foster explained that the municipal code, which had been on the website as a PDF, was now online and searchable, which helped staff and the public find desired topics more easily.

Discuss Creekside Water Treatment Plant Building Site Relocation, Within Lot 2 of the City-Owned Property at Creekside Park Along Holiday Ranch Loop Road (Continued from Work Session Agenda):

Jay Glazier and Michelle DeHaan, Water Department, and Alison Butz, Historic Park City Alliance, presented this item. Glazier reviewed that in December a site for a water treatment plant had been approved. Since then, the wetlands on the site had presented a problem for this building. So the site was reevaluated and he now recommended moving the site further back on the same lot, which would make the new building adjacent to the restroom area of the park. Glazier indicated this location would have the least impact on the site.

The Council agreed on the new location for the water treatment plant.

IV. PUBLIC INPUT (ANY MATTER OF CITY BUSINESS NOT SCHEDULED ON THE AGENDA)

No comments were given.

V. CONSIDERATION OF MINUTES

Consideration of a Request to Approve the City Council Meeting Minutes from April 14, 2016, and April 28, 2016:

EXHIBIT L- Public Comment

Makena Hawley

From: Me <megbryan@comcast.net>
Sent: Wednesday, June 15, 2016 6:24 PM
To: Makena Hawley
Subject: Holiday Loop Ranch Rd water building CUP application

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Makena:

I am a resident of Park Meadows and saw your notice on the construction of a new building to replace the 2 utility buildings on Holiday Loop Ranch Rd at the entry to the park. I would ask that any new lighting proposed for the building be not only minimized to lessen impacts to the adjacent residential structures but for compliance with lighting standards that you use for commercial buildings to have HPS lights if any are needed and down directed or shielded and not on 24 hours a day. The current structures do not have lights and are low impact to the community and we hope to keep this larger structure to a minimal impact on the neighborhood please. Also as a City building will you be using material and resources that meet the City's energy reduction goals to the best extent possible? Thanks for the chance to comment. I will not be able to attend the meeting on June 20 and ask that these comments be made as part of the public record please.

Megan Ryan
2468 Little Kate Rd

Public comment from PL-16-03079

Dear Ms. Hawley,

Thank you for providing the staff report to me. I would like to submit the following written comments as well as the attached pictures.

Dear Planning Commission,

I am writing to you regarding the Conditional Use Permit (CUP) for the Creekside Well Filtration Building, Project # PL-16-03079. I am slightly disappointed that I only received the staff report this morning a few hours prior to the meeting when I had requested to receive a copy as soon as it was available (see my email below from March 10th). I appreciate the opportunity to provide written comments on the CUP.

My address is 2418 Creek Drive and I live directly across the street from the proposed project. On a side note, I am married to Mark Harrington, the city attorney; however, the opinions expressed in my comments are solely mine. First, I agree that the safety and treatment of the City's drinking water should be a top priority of the municipal corporation and I agree with the improvements to the well filtration building (i.e., a new building).

However, I believe that the site plan and proposed location should be further examined. The staff report and the aerial picture in Exhibit B indicate that there is only one "driveway" to the two existing well houses. This is simply not true. There is also a driveway on the east side of the older building (slightly obstructed by vegetation in Exhibit B, but clearly seen on the attached photos taken today). All of the photos and exhibits to the staff report do not show this driveway, which is often used. I recommend that care be taken to only have one driveway to the new site and that the site plan should take into account avoiding illegal parking in the area (such as gravel landscaping). The current park and dirt park often have overflow parking issues with some individuals creating parking spaces by parking on the gravel, dirt pathways and sidewalks near the dirt park.

It appears that the new plan depicted on Exhibit G will remove both driveways, replacing the one on the east side with a new pathway, but also removing the current sidewalk/pathway on the west side of the property that leads to the Creekside park (see attached photo). I would encourage that any new sidewalks or paths take a direct route to the park. The current sidewalks meander and curve, which from an aerial depiction (and drawings) of the plans may be visually pleasing, but in reality they end up not being used by many people because they are not a natural path of travel.

Finally, regarding the height of the building, I recommend that it be limited to what is needed operationally and I note that the proposed location for the new building actually has a raised elevation from the current street level (see attached photo where the current berm of the wetland is at least 4-6 feet higher than street level (existing grade)). I request that the height measurements be made from the street level rather than from any berms so as to avoid a higher site elevation for the building from the street level (such as the Chamber building at the junction).

I appreciate your consideration of my comments.

Thank you,

Alison Pitt

Planning Commission Staff Report



Subject: Thaynes Canyon Subdivision No. 6,
First Amended – Amending Lot 2
Author: Makena Hawley, City Planner
Project Number: PL-16-03196
Date: July 13, 2016
Type of Item: Legislative – Plat Amendment

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing and consider forwarding a positive recommendation to the City Council for the Thaynes Canyon Subdivision No. 6, First Amended – Amending Lot 2 located at 4 Thaynes Canyon Way, based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

Description

Applicant: James and Susan Ingram, owners
Marshall King, Alliance Engineering, representative
Location: 4 Thaynes Canyon Way
Zoning: Single Family (SF) District, Master Planned Development
Adjacent Land Uses: Single-family residential, golf course, open space
Reason for Review: Plat amendments require Planning Commission review and City Council review and action

Proposal

The applicant is requesting a plat amendment for the purpose of abandoning the current temporary turnaround easement for a fire apparatus and creating a new easement to serve as a turnaround for a fire apparatus.

Purpose

The purpose of the Single Family SF District is to:

- A. maintain existing predominately Single Family detached residential neighborhoods,
- B. allow for Single Family Development Compatible with existing Developments,
- C. maintain the character of mountain resort neighborhoods with Compatible residential design; and
- D. require Streetscape design that minimizes impacts on existing residents and reduces architectural impacts of the automobile.

Background

On May 26, 2016 the applicant submitted a complete application for the Thaynes Canyon Subdivision No. 6, First Amended – Amending Lot 2. The property is located at 4 Thaynes Canyon Way in the Single Family (SF) District. This development is a

neighboring property to the Park City Golf Course and is also at a current dead-end that has a protection strip to allow for the road to continue when development is proposed for the lots to the west of the property.

The Thaynes Canyon Subdivision No. 6 was approved by City Council and was recorded on January 9, 1981, as entry No. 175075. Lot 2 is at the dead-end of Thaynes Canyon Way, which is a dead end street, therefore a means for fire trucks to turn around must be provided. The plat was recorded with a note and an easement stating that Lot 2 shall have a turnaround for fire apparatus with a 20-foot setback from the top back of curve to define the building pad. The temporary turnaround easement shown on the current plat is the top back of curve from which the 20-foot setback is taken. The temporary turnaround easement is intended to be abandoned upon the extension of Thaynes Canyon Way. As of this date, Thaynes Canyon Way has not been extended and currently there are no plans for the extension of Thaynes Canyon Way, however the property to the west can be developed therefore the existing street, Thaynes Canyon Way may be extended one day. The existing residence is approximately 8 feet from this setback and does not comply with the plat note requirement of a 20-foot setback from the top back of curve. In addition, the owners have put landscaping on part of the turnaround thereby blocking part of the easement. The current property owners are in the process of remodeling their residence, and are required to bring the property into compliance.

In 2010 the City Engineer approved for the owners of 4 Thaynes Canyon Way to change the type of emergency turnaround and allowed for a hammerhead to replace the pavement area of the turnaround shown on the subdivision plat. At the time the applicant was notified that the Fire Marshal would not release the fire access easement. Therefore the easement was still in place. Both of the turnarounds met the code therefore the intent of the code was being met by allowing one of the approved International Fire Code layouts.

Analysis

The proposed plat amendment will allow for the abandonment of the existing temporary easement for a fire apparatus turnaround and replace it with a new temporary easement which will be recorded alongside this plat amendment which will have the required Acceptable Alternative to 120' Hammerhead (See exhibit H for "recommended Fire Turnarounds). This will allow the property owners greater use of their property while still allowing for proper access in case of an emergency and for snow clearance.

The International Fire Code requires turnarounds acceptable for fire truck turning apparatus which the design chosen is referred to as Acceptable Alternative to 120' Hammerhead which includes a twenty foot (20') width and a 70 foot (70') length to allow proper turn radius for fire trucks to use (Please see Exhibit G).

The new Acceptable Alternative to 120' Hammerhead turnaround and reflected in the new temporary easement shall be constructed to City standards before a building permit of the dwelling is issued. Once the turnaround is constructed to City standards it will be the responsibility of the Park City Streets Department to maintain as long as the easement is in place. This is also specified in the easement agreement that will be

signed between the owners of 4 Thaynes Canyon Way and the City if this plat amendment is approved. Maintenance includes treating this easement like all other “priority III residential streets and pavement standards include 5 inches of pavement over 8 inches of compacted base. Due to the City maintaining the turnaround; a public snow storage easement of five feet deep shall be provided at the north end of the Acceptable Alternative to 120’ Hammerhead as well as a ten foot (10’) snow storage easement along the ROW.

Before a building permit is issued, the City Engineer must qualify the Acceptable Alternative to 120’ Hammerhead is constructed to meet Fire Code and City Standards. All plat notes from the original Thaynes Canyon Sub. No. 6 shall continue to apply. The proposed plat amendment does not create any new non-compliance. This plat amendment is consistent with the Park City LMC and applicable State law regarding subdivision plats.

Good Cause

Planning Staff finds there is good cause for this plat amendment. Memorializing the new easement will eliminate any issues with further use of the property in terms of building into platted setbacks. Additionally, the plat will help clear up the non-compliance with the current structure on the lot.

Department Review

This project has gone through interdepartmental review. The Fire District discussed recommended turnarounds to be used and the appropriate measurements were included for the new easement. In addition, the Park City Streets Department needed to address the maintenance and snow removal which was further addressed and mentioned in the analysis portion of this report. Other than these items there were no issues raised by any other departments or service providers regarding this proposal that have not been addressed by the drafted conditions of approval.

Notice

On June 29, 2016, the property was posted and notice was mailed to property owners within 300 feet in accordance with the requirements in the LMC. On June 29, 2016, legal notice was published in the Park Record and on the public notice website in accordance with the requirements of the LMC.

Public Input

Staff has only received written support from the neighbors of 4 Thaynes, whom are owners of the Lot 1 on the original Thaynes Canyon Subdivision plat. Public input may be taken at the regularly scheduled Planning Commission and City Council public hearings.

Process

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

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council for the Thaynes Canyon Subdivision No. 6, First Amended – Amending Lot 2 as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the plat amendment and direct staff to make findings for this decision; or
- The Planning Commission may continue the discussion on the plat amendment to a date certain and provide direction to the applicant and/or staff to provide additional information necessary to make a decision on this item.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The proposed plat amendment would not be recorded and the existing plat would remain as is. The site, 4 Thaynes Canyon Way, would remain non-complaint due to the built home into the plat required setbacks and would not be able to received building permits for future renovations within the plat required setbacks.

Recommendation

Staff recommends the Planning Commission hold a public hearing and consider forwarding a positive recommendation to the City Council for the Thaynes Canyon Subdivision No. 6, First Amended – Amending Lot 2 located at 4 Thaynes Canyon Way, based on the findings of fact, conclusions of law, and conditions of approval as stated in the draft ordinance.

Exhibits

- Exhibit A – Draft Ordinance with Proposed Plat
- Exhibit B – Current Plat
- Exhibit C – Aerial Photograph
- Exhibit D – Project Intent Letter
- Exhibit E – Neighbor consent letter
- Exhibit F– Photos
- Exhibit G – Recommended Turnarounds

Exhibit A – Draft Ordinance with Proposed Plat

Ordinance 16-XX

AN ORDINANCE APPROVING THE THAYNES CANYON SUBDIVISION NO. 6, FIRST AMENDED – AMENDING LOT 2 LOCATED AT 4 THAYNES CANYON WAY, PARK CITY, UTAH.

WHEREAS, the owners of the property known as the 4 Thaynes Canyon Way, have petitioned the City Council for approval of the Thaynes Canyon Subdivision No. 6, First Amended – Amending Lot 2; and

WHEREAS, on June 29, 2016 proper legal notice was sent to all affected property owners according to the Land Management Code; and

WHEREAS, on June 29, 2016 the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on July 14, 2016 to receive input on the proposed plat amendment; and

WHEREAS, on July 14, 2016 the Planning Commission forwarded a _____ recommendation to the City Council; and,

WHEREAS, on August 4, 2016 the City Council held a public hearing on the proposed Thaynes Canyon Subdivision No. 6, First Amended – Amending Lot 2; and

WHEREAS, it is in the best interest of Park City, Utah to approve the proposed Thaynes Canyon Subdivision No. 6, First Amended – Amending Lot 2.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Thaynes Canyon Subdivision No. 6, First Amended – Amending Lot 2, as shown in Exhibit A, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 4 Thaynes Canyon Way within the Single Family (SF) District.
2. The Current structure on 4 Thaynes Canyon Way does not comply with the 20 foot setback per the plat and lies 8 feet into the 20 foot setback.

3. The existing easement for 4 Thaynes Canyon Way will be abandoned and replaced with a new easement for the proposed Acceptable Alternative to 120' Hammerhead turnaround if this plat amendment is approved.
4. The Thaynes Canyon Subdivision No. 6 was originally approved by City Council and was recorded on January 9, 1981 as entry No. 175075.
5. The total area of the Lot 2 Thaynes Canyon Subdivision No. 6 is 24,952 square feet.
6. On May 26, 2016, the applicant submitted an application to amend the existing Thaynes Canyon Subdivision No. 6 Plat.
7. The application was deemed complete on May 26, 2016.
8. The proposed plat amendment would memorialize the new Acceptable Alternative to 120' Hammerhead easement for the fire apparatus turnaround.
9. At the time the plat amendment is recorded, an abandonment of the existing temporary easement and a new temporary easement reflecting the hammerhead will be recorded.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. All notes and conditions of approval of Thaynes Canyon Subdivision No. 6, recorded January 9, 1981, as Entry No. 175075 in the office of the Summit County Recorder shall continue to apply.
4. The Acceptable Alternative to 120' Hammerhead turnaround shall be approved and constructed to Fire Code and City Standards and shall meet the requirements of Appendix D Fire Apparatus Access Road from the international fire code prior to building permit issuance.
5. The final easement will be adjusted to meet IFC requirements. Physical adjustments (length, width, squaring of turnaround, pavement standards) to the existing turnaround will be required to be completed by the owner.
6. The turnaround space shall not be used for parking and shall not be signed as private.

7. A public snow storage easement of five feet deep shall be provided at the north end of the turnaround.
8. Once completed, turnaround will be maintained by the City.
9. At the time the plat amendment is recorded, an abandonment of the existing temporary easement and a new temporary easement reflecting the hammerhead will be recorded.

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

PASSED AND ADOPTED this ____ day of _____, 2016

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

ATTEST:

Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

SURVEYOR'S CERTIFICATE

I, Martin A. Morrison, certify that I am a Registered Land Surveyor and that I hold Certificate No. 4938739, as prescribed by the laws of the State of Utah, and that by authority of the owners, this plat is a true and correct representation of the facts shown thereon. I further certify that the information on this plat is accurate.

BOUNDARY DESCRIPTION

Lot 2, **THAYNES CANYON SUBDIVISION**, is being recorded to the official plat thereof, recorded in the Office of the County Recorder of Summit County, Utah.

OWNER'S DEDICATION AND CONSENT TO RECORD

I, James A. Ingram, husband & wife, hereby certify that they have consented to the recording of this instrument and that they have consented to the recording of this instrument in the name of James A. Ingram & Susan Ingram, husband & wife, as shown on this plat.

In witness whereof, the undersigned set his hand this 10th day of July, 2016, at Summit, Utah.

By: James A. Ingram
 State of _____
 County of _____

ACKNOWLEDGMENT

Notary Public:
 Printed Name _____
 Residing in _____
 My commission expires _____

ACKNOWLEDGMENT

State of _____
 County of _____

On this 10th day of July, 2016, James A. Ingram & Susan Ingram, husband & wife, personally appeared before me, the undersigned Notary Public, for the purpose of executing this instrument, and that they signed the above Owner's Dedication and Consent to Record freely and voluntarily.

Notary Public:
 Printed Name _____
 Residing in _____
 My commission expires _____

State of _____
 County of _____

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State of _____
 County of _____

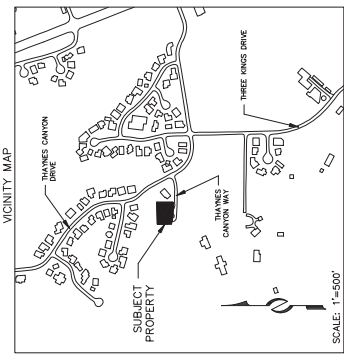
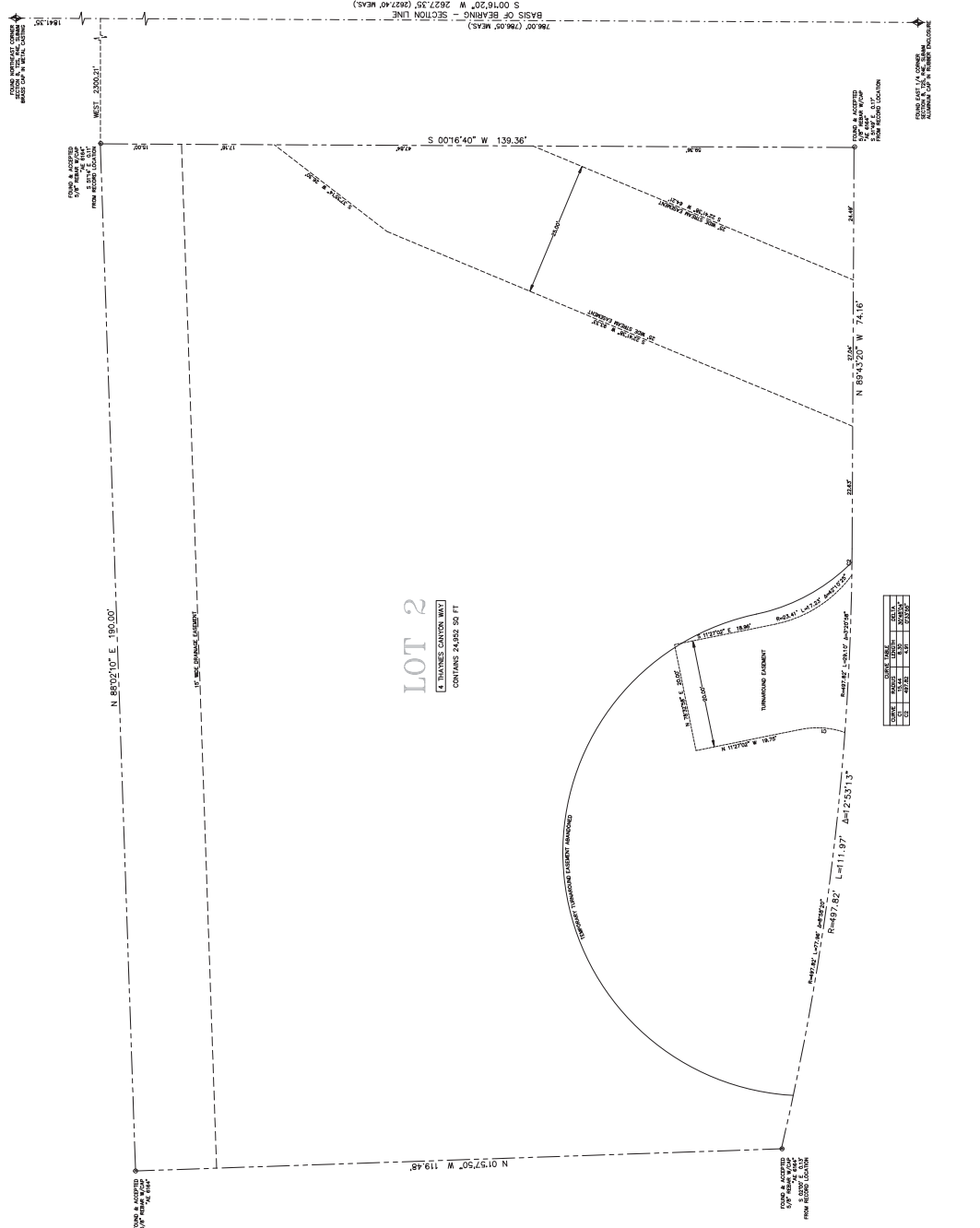
On this 10th day of July, 2016, James A. Ingram & Susan Ingram, husband & wife, personally appeared before me, the undersigned Notary Public, for the purpose of executing this instrument, and that they signed the above Owner's Dedication and Consent to Record freely and voluntarily.

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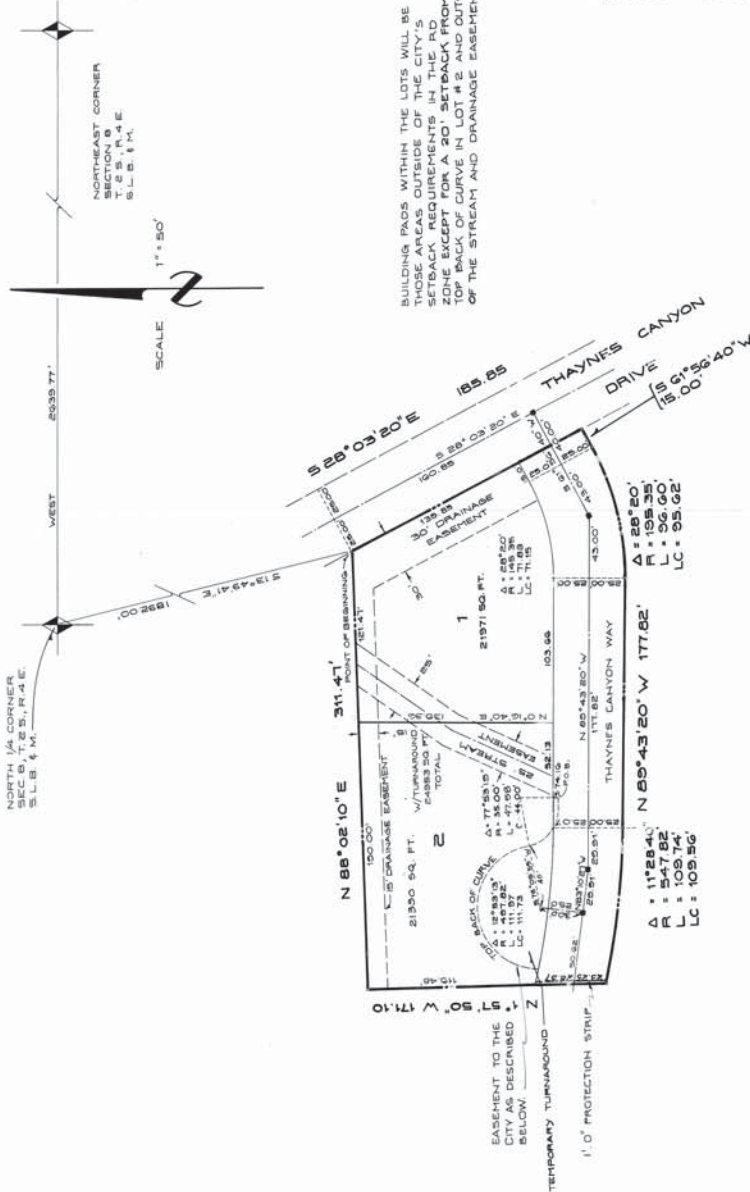
THAYNES CANYON SUBDIVISION NO. 6, LOT 2

FIRST AMENDED
 LOCATED IN THE NORTHEAST QUARTER OF SECTION 8
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
 PARK CITY, SUMMIT COUNTY, UTAH

<p>RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ ENTRY NO. _____ BY _____ FEE _____</p>	<p>CERTIFICATE OF ATTEST I, _____, County Clerk of Summit County, Utah, do hereby certify that this instrument was duly recorded in the office of the County Recorder of Summit County, Utah, on this _____ day of _____, 2016.</p>	<p>COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2016. BY _____ MAYOR</p>	<p>APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2016. BY _____ PARK CITY ATTORNEY</p>	<p>ENGINEER'S CERTIFICATE FIND THIS PLAT TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE ENGINEERING PROFESSIONAL ACT AS AMENDED BY THE ENGINEERING BOARD OF UTAH. FILED IN MY OFFICE THIS _____ DAY OF _____, 2016. BY _____ PARK CITY ENGINEER</p>	<p>PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2016. BY _____ CHAIR</p>	<p>SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2016. BY _____ S.B.W.R.D.</p>	<p>(435) 646-4467 CONSULTING ENGINEERS LAW PLANNERS SURVEYORS 322 Main Street 4th Floor 2004 Park City, Utah 84050-2684</p>
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EXHIBIT B - Current Plat

Planning Commission Packet July 13, 2016



LEGEND

- ① 15' DRAINAGE EASEMENT ON BACK LOT LINE AS SHOWN.
- ② 30' DRAINAGE EASEMENT ON SIDE LOT LINE OF LOT 1 AS SHOWN.
- ③ 10' DRAINAGE EASEMENT ON FIRE HYDRANT.
- ④ EXISTING MONUMENT.
- ⑤ MONUMENT TO BE SET.

SURVEYOR'S CERTIFICATE

I, JAMES G. WEST, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT I HOLD CERTIFICATE NO. 3086 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW AND HAVE THEREON PLACED THE CORNERS AND STAKES AND STREETS, HEREFTER SET FORTH, IN ACCORDANCE WITH THE CANYON SUBDIVISION NO. 6 ACT, AND THAT THE SAME HAVE BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT.

BEGINNING AT A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THAYNES CANYON DRIVE, SAID POINT BEING THE POINT OF BEGINNING OF SECTION 8, TOWNSHIP 2 SOUTH, RANGE 4 EAST, S.L.B. & M. LAKE BASE AND MERIDIAN, AND RUNNING THENCE SOUTH 28° 03' 20" EAST ALONG SAID WESTERLY RIGHT-OF-WAY LINE 185.85 FEET; THENCE SOUTH 61° 56' 40" WEST 15.00 FEET TO THE POINT OF A 195.35 FOOT RADIUS CURVE TO THE RIGHT, RADIUS POINT BEARS NORTH 28° 03' 20" WEST 95.35 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE 66.50 FEET; THENCE NORTH 05° 43' 20" WEST 177.82 FEET TO THE POINT OF BEGINNING OF LOT 1 AND LOT 2. THE CENTER BEARS NORTH 0° 16' 40" EAST 547.82 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CURVE 103.74 FEET.

THENCE NORTH 1° 57' 50" WEST 171.10 FEET; THENCE NORTH 88° 02' 10" EAST 311.47 FEET TO THE POINT OF BEGINNING, ALSO TOGETHER WITH A 25 FOOT WIDE STREAM EASTERN THROUGH LOTS 1 AND 2, THE CENTER LINE OF SAID STREAM BEARS NORTH 88° 02' 10" EAST 42.453 FEET FROM THE NORTHWEST CORNER OF LOT 1 AND 02° 10' EAST 42.453 FEET FROM THE NORTHWEST CORNER OF LOT 1 AND RUNNING THENCE SOUTH 35° 00' WEST 82.900 FEET; THENCE SOUTH 25° 00' WEST 80.151 FEET TO A POINT WHICH IS NORTH 89° 43' 20" WEST 38.371 FEET FROM THE SOUTHWEST CORNER OF LOT 2. CONTAINS 1.523 ACRES IN SUBDIVISION.

JAMES G. WEST - LICENSE No. 3086 DATE Aug 11, 1980

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT I, THE UNDERSIGNED OWNER OF THE HEREIN DESCRIBED TRACT OF LAND HAVING CAUSED SAME TO BE SUBDIVIDED INTO LOTS AND STREETS TO BE HEREAFTER KNOWN AS THAYNES CANYON SUBDIVISION NO. 6, DO HEREBY DEDICATE SAID LOTS AND STREETS TO THE PUBLIC AND I HEREBY AGREE THAT THIS PLAT IS INTENDED FOR PUBLIC USE. IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND THIS 26th DAY OF NOVEMBER, A.D., 1980.

Herbert S. Armstrong
 HERBERT S. ARMSTRONG
 WILLIAM WELBOURN ARMYSTRONG

ACKNOWLEDGEMENT

STATE OF UTAH }
 COUNTY OF SUMMIT }
 I, _____, DO HEREBY ACKNOWLEDGE THAT I AM THE UNDERSIGNED OWNER OF THE ABOVE DESCRIBED TRACT OF LAND AND THAT I HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS AND STREETS AS SHOWN ON THIS PLAT AND THAT I HEREBY AGREE THAT THIS PLAT IS INTENDED FOR PUBLIC USE. IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND THIS 26th DAY OF NOVEMBER, A.D., 1980.
 MY COMMISSION EXPIRES _____

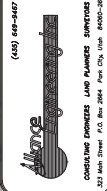
THAYNES CANYON SUBDIVISION No. 6

LOCATED IN THE NORTHEAST QUARTER OF SECTION 8 TOWNSHIP 2 SOUTH, RANGE 4 EAST, S. L. B. & M.

Prepared By: J.J. Johnson & Associates Civil Engineering Planning Surveying 1700 Park Avenue P.O. Box 1661 Park City, Utah 84060	City Planning Commission Approved & Accepted by the Park City Planning Commission this 26th Day of Nov. A.D. 1980 <i>Bernice Mathis</i> Chairman	Engineers Certificate Approved & Accepted by the Park City Engineering Department this 26th Day of Nov. A.D. 1980 <i>John Carbes</i> Park City Engineer	Approval as to Form Approved as to Form this 26th Day of Nov. A.D. 1980 <i>John Carbes</i> Park City Attorney	Certificate of Attest Attest this 26th Day of Nov. A.D. 1980 <i>John Carbes</i> Park City Recorder	Council Approval & Acceptance Approved & Accepted by the Park City Council this 26th Day of Nov. A.D. 1980 <i>John Carbes</i> Mayor	No. 175075 Recorded State of Utah, County of Summit, Recorded and Filed at the request of: James G. West Date 11-26-80 Time 4:10 PM Summit County Recorder
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EXHIBIT C - Aerial Photograph



STAFF:
MARSHALL KING
JESSE WATSON

DATE: 4/26/16

ABRIAL PHOTOGRAPH
THAYNES CANYON NO. 6, LOT 2
4 THAYNES CANYON WAY

FOR: OTTO-WALKER ARCHITECTS
JOB NO: 7-15-16
FILE: X:\ThaynesCanyon\dwg\wibbika\Thaynes Canyon No6 Lot 2-ortho.dwg

SHEET
1
OF
1

EXHIBIT D - Project Intent Letter

First Amended Thaynes Canyon Subdivision No. 6, Lot 2

(4 Thaynes Canyon Way)

Project Intent and Scope of Work

Thaynes Canyon Subdivision No. 6 is a two-lot subdivision recorded January 9, 1981, as Entry No. 175075. Lot 2 is at the dead-end of Thaynes Canyon Way and therefore requires a turnaround for fire apparatus. This plat was recorded with a note stating that Lot 2 shall have a 20-foot setback from the top back of curve to define the building pad. The temporary turnaround easement shown on the current plat is the top back of curve from which the 20-foot setback is taken. The temporary turnaround easement was intended to be abandoned on the extension of Thaynes Canyon Way. As of this date, Thaynes Canyon Way has not been extended and there are no current plans for the extension of Thaynes Canyon Way. The existing residence is approximately 8 feet from this setback and does not comply with the 20-foot setback note.

The owners are in the process of remodeling the residence, and to bring the property into compliance, wish to amend the plat by abandoning the the current temporary turnaround easement and create a new easement to serve as a turnaround for fire apparatus.



EXHIBIT E- Neighbor consent letter

From: Leonard & Carol Raizin <raizin54@icloud.com>
To: captainji <captainji@aol.com>
Sent: Wed, May 25, 2016 6:39 pm
Subject: Plat Amendment application

City of Park City, Planning Commission or other Agency

To Whom it May Concern:

Leonard and Carol Raizin, trustees of the Raizin Family Trust, owner of 2 Thaynes Canyon Way, are aware of the Plat Amendment Application by James and Susan Ingram for 4 Thaynes Canyon Way and have no objection to it.

Furthermore, we hope this application can be approved as soon as possible so their construction can be completed without delay.

Sincerely,

Leonard H Raizin
Carol A Raizin

Leonard & Carol Raizin
raizin54@icloud.com

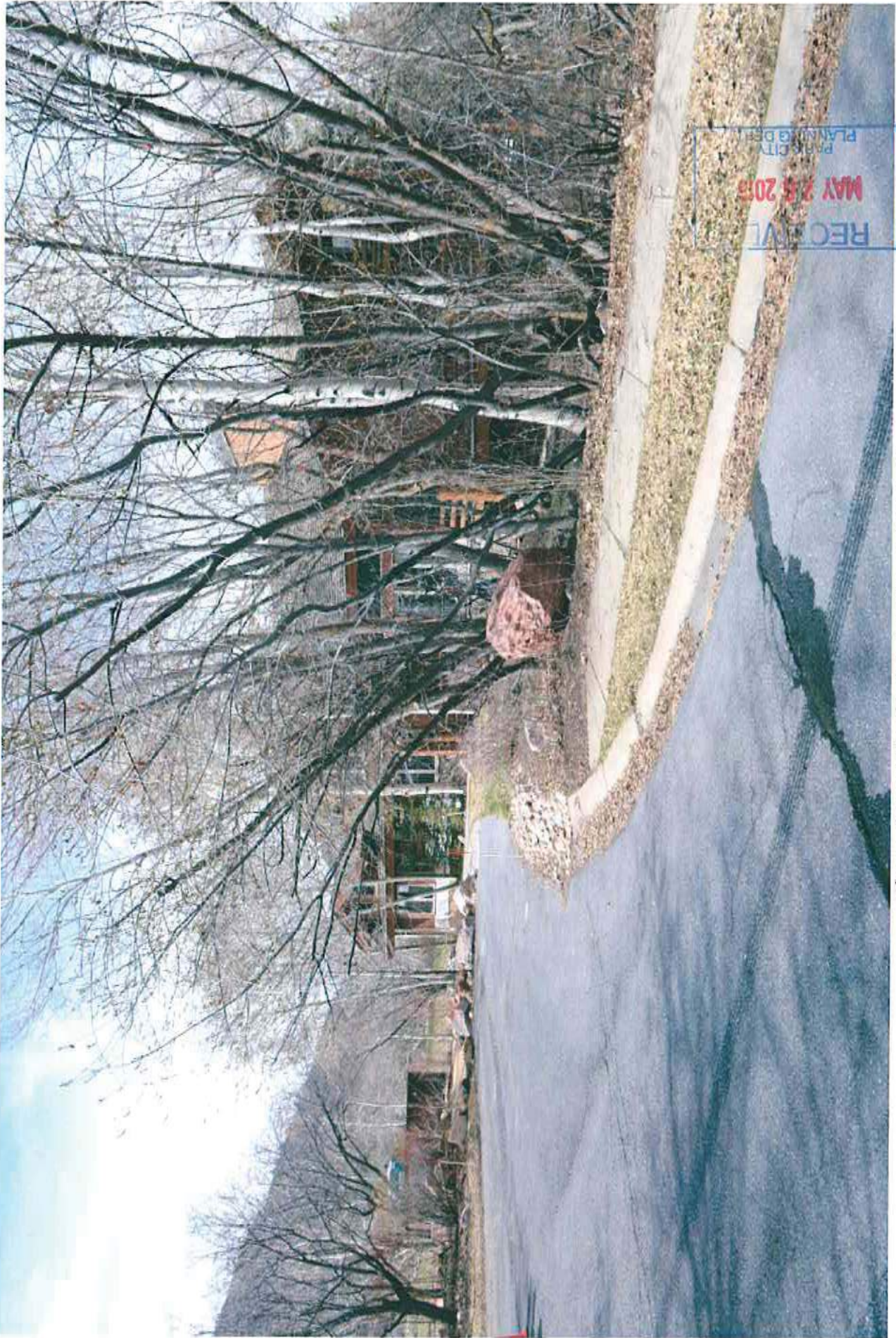
EXHIBIT F - Photos



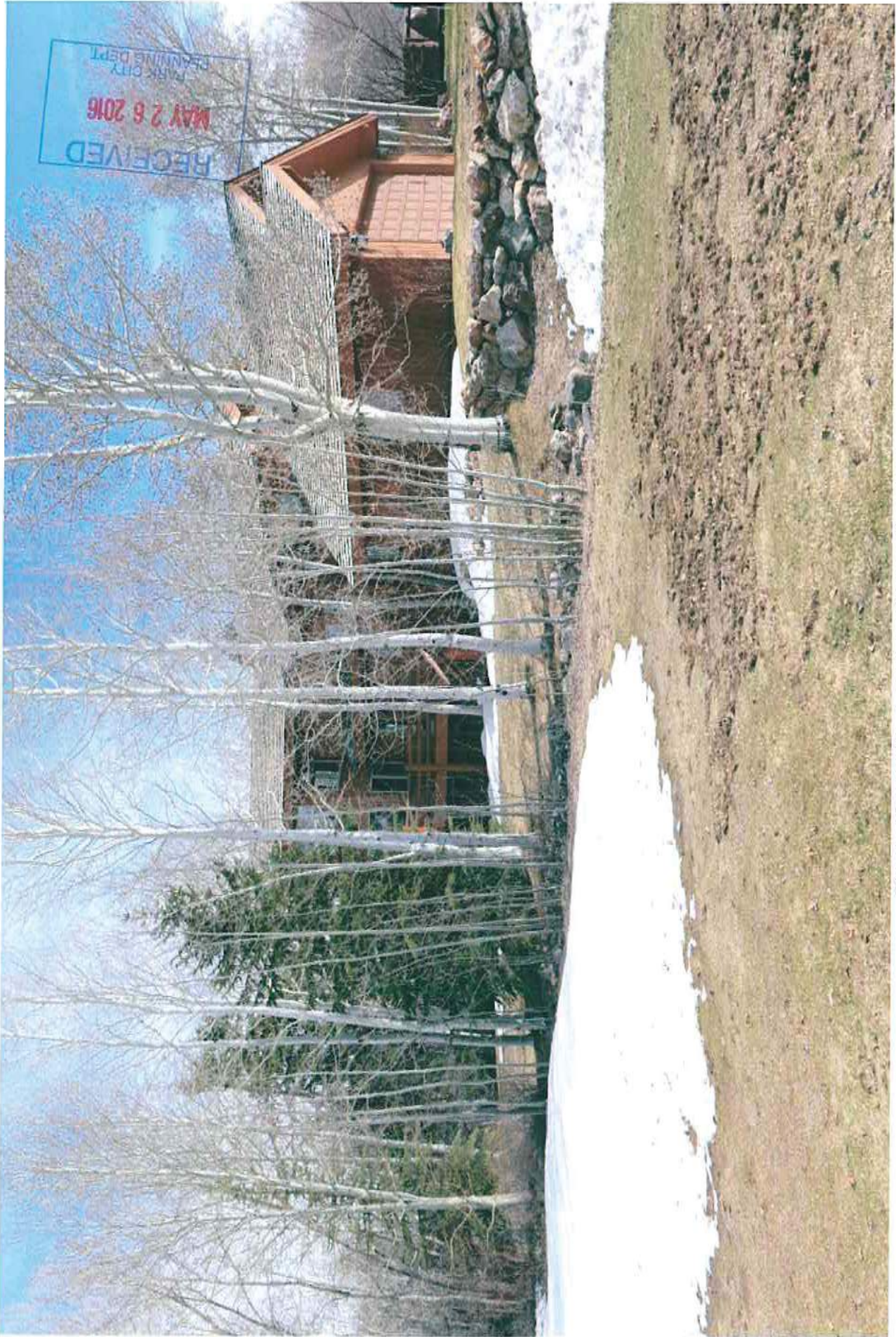
Thaynes Canyon No. 6, Lot 2 – Looking north



Thaynes Canyon No. 6, Lot 2 – Looking northeasterly



Thaynes Canyon No. 6, Lot 2 – Looking northwesterly



Thaynes Canyon No. 6, Lot 2 – Looking southeasterly



Thaynes Canyon No. 6, Lot 2 – Looking northeasterly



Thaynes Canyon No. 6, Lot 2 – Looking north



Thaynes Canyon No. 6, Lot 2 – Looking northwesterly



Thaynes Canyon No. 6, Lot 2 – Looking southeasterly

EXHIBIT G - Recommended Turnarounds

From: [Amanda Monsen](#)
To: [Makena Hawley](#)
Subject: Recommended Turnarounds for 4 Thaynes Canyon Way
Date: Tuesday, June 14, 2016 12:00:21 PM
Attachments: [1373_001.pdf](#)

Hi Makena,

I've attached our recommended turnarounds for the 4 Thaynes Canyon Way, request to abandon the current easement, from the DRC Meeting today.

Please let me know if you have any questions.

Thanks,

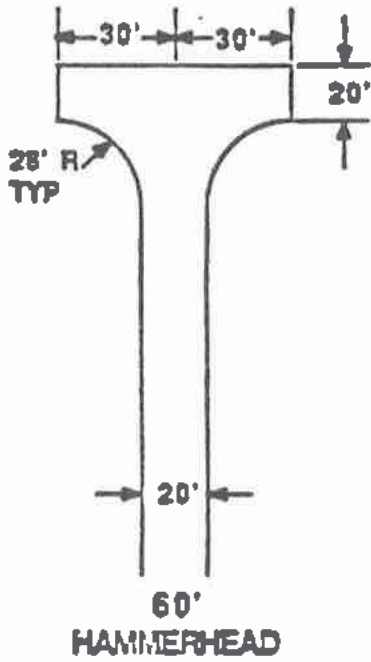
Amanda Monsen

Fire Prevention Specialist
(435) 940.2532 Reception
(435) 940.2462 Office

www.pcfcd.org



RECOMMENDED TURNAROUNDS



Residential

