

Planning Commission Staff Report



Application: PL-16-03309
Subject: Second Amended Aspen Springs Ranch Subdivision Phase II,
Author: Kirsten Whetstone, AICP, Senior Planner
Date: November 9, 2016
Type of Item: Legislative – plat amendment

Summary Recommendations

Staff recommends the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to City Council regarding the Second Amended Aspen Springs Ranch Subdivision Phase II, amending Ranch Lot 3 and Lot 46, subject to the findings of fact, conclusions of law, and conditions of approval as stated in the draft Ordinance.

Description

Owners: HH Investors, LLC and Crescent Vertical, LLC
Applicant Representative: Marshall King, Alliance Engineering
Location: 2636 and 2644 Aspen Springs Drive
Zoning: Single Family (SF) District
Adjacent Land Uses: Single family lots of the Aspen Springs Ranch Subdivisions and City open space

Background

The Aspen Springs Ranch Subdivision Phase II was approved by City Council on May 28, 1992 and recorded at Summit County on June 26, 1992. There was one previous amendment to the Phase II plat in 1995 amending Ranch Lot 4 and a lot line adjustment in 2014 amending the lot line between Lots 66 and 67. Both plats were recorded at Summit County, in January of 1996 and October 2014, respectively.

On August 30, 2016, the Planning Department received an application for a plat amendment to shift the common lot line between Ranch Lot 3 and Lot 46 approximately 50' to the west (Exhibit A). The original Aspen Springs Ranch Subdivision Phase II plat (Exhibit B) identifies Ranch Lot 3 as containing 17.353 acres and Lot 46 containing 1.857 acres. An existing conditions survey, aerial photo and photos of the site were submitted with the application (Exhibits C, D and E). The lots owned by two different LLCs but the LLCs are held by the same person(s) and there is a house and a barn on Lot 3, while Lot 46 is vacant. During construction of the barn on Lot 3 the driveway leading to the barn, as well as a fence parallel to the driveway, were partially constructed on Lot 46.

Proposal

The current owners of Lots 3 and 46 desire to move the common lot line approximately 50' to the west in order to have the fence and driveway to the barn fully on Lot 3, thereby removing these encroachments from Lot 46.

Purpose

The purpose of the Single Family (SF) Zoning 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.

Land Management Code (LMC)

The proposal complies with lot and site requirements of the SF Zoning District as described below:

	SF Zoning District
Lot Size	No minimum lot size. Proposed lots are consistent with the range of lots in the subdivision (Ranch lots range from 13.6 to 22.445 acres and lots range from 1.0 to 56.9 acres) Ranch Lot 3: existing -17.353 acres proposed - 17.633 acres (increased by 0.28 acres) Lot 46 existing - 1.857 acres proposed - 1.577 acres (decreased by 0.28 acres)
Building Footprint- Floor Area Ratio (FAR)	Plat includes notes regarding maximum limits of disturbance (LOD) and maximum floor area (FA). No changes are recommended for the new lots as existing LOD and FA are within the range for Lots of similar area. For example Lots 59, 60, and 65 are smaller than proposed Lot 46 and have the same 12,000 sf LOD and 8,250 sf FA maximums. Ranch Lot 2 is 4.8 acres larger than proposed Lot 3 with the same LOD, but smaller FA. Ranch Lot 3: existing - 50,000 sf LOD and 15,000 sf FA Lot 46: existing- 12,000 sf LOD and 8,250 sf FA
Front yard setbacks- minimum allowed	25 feet to front facing garage, 20 feet to building. Minimum of 25 foot front setbacks are proposed (or existing as is case for existing Ranch Lot 3).
Rear yard setbacks- minimum allowed	15 feet. Minimum of 15 foot rear setbacks are proposed.
Side yard setbacks- minimum allowed	12 feet. Minimum of 12 foot side setbacks are proposed.
Building Height- maximum allowed	28' height plus 5' additional for 4:12 or greater roof pitch. No exceptions or limitations proposed.
Parking- minimum required	2 spaces per house. No changes proposed.

Architectural Design	All construction is subject to Aspen Springs Design Review Board approval and LMC Chapter 15- 5- Architectural Design Guidelines with final review conducted at the time of the Building Permit. Existing house and barn on Ranch Lot 3 and Lot 46 is vacant.
Residential uses	One single family house per lot. Barn allowed on Ranch Lot 3 per platted barn LOD. No changes proposed.
Commercial space	No commercial space allowed or existing.

This application meets the necessary subdivision requirements of Land Management Code (LMC) Section 15-7 of the Park City Municipal Code for lot layout, utility easements, dedications, and street layout. No changes are proposed to existing street layout.

Public utility easements are indicated on the amended lots, consistent with existing plat notes (10' wide non-exclusive PUE (public utility easement) along all front lot lines, 5' wide non-exclusive PUE and drainage easements along all side lot lines). Staff recommends a condition of approval that prior to plat recordation, letters of approval from utility providers (SBWRD, City Water Department, Questar, Rocky Mountain Power, and communications entities) shall be submitted indicating approval of utility easements associated with the new lot line locations. SBWRD has already provided a letter indicating they have no issues with the plat amendment or relocation of utility easements (see Exhibit F).

An existing dual meter box is located on the current shared property line. The Water Department requests a plat note that prior to plat recordation, a new dual meter box at the new property line shall be installed and the old dual meter box shall be abandoned, along with the existing service, at the main (see Exhibit G).

A note shall be included on the plat indicating that all applicable conditions of approval and plat notes of the original Aspen Springs Ranch Subdivision Phase II continue to apply. A table showing the lots, lot area, maximum Limits of Disturbance (LOD), and maximum allowable building floor area shall be included on the amended plat.

Good Cause

Staff finds good cause for this plat amendment as it is consistent with the Land Management Code and conditions of approval of the Aspen Springs Ranch Subdivision Phase II, and the plat amendment resolves an existing encroachment of fence and a driveway on Lot 46 that provides access to the barn on Ranch Lot 3.

Department Review

This application has gone through an interdepartmental review. Issues raised at the review have been addressed with revisions to the application and conditions of approval.

Notice

The property was posted and notices were mailed to property owners within 300 feet on October 26, 2016. A legal notice was published in the Park Record on October 22, 2016. No public input has been received at the time of this report.

Alternatives

1. The Planning Commission may forward a positive recommendation to City Council to approve the plat amendment, as conditioned or amended, or
2. The Planning Commission may forward a negative recommendation to deny the plat amendment and direct staff to make Findings for this decision, or
3. The Planning Commission may continue the discussion to a date certain and provide Staff and the applicant with direction regarding additional information needed in order to make a recommendation to City Council.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The driveway and fence would continue to encroach from Lot 3 onto Lot 46, the adjacent property.

Recommendation

Staff recommends the Planning Commission conducts a public hearing and forwards a positive recommendation to City Council regarding the Second Amended Aspen Springs Ranch Subdivision Phase II, Amending Ranch Lot 3 and Lot 46 subject to the findings of fact, conclusions of law, and conditions of approval as stated in the draft Ordinance.

Exhibits

Ordinance

Exhibit A – Proposed plat amendment

Exhibit B – Existing recorded plat

Exhibit C – Existing conditions survey

Exhibit D – Aerial photo

Exhibit E – Photos of the Site

Exhibit F – SBWRD letter

Exhibit G – Water meter relocation diagram

Ordinance 16-XX

AN ORDINANCE APPROVING THE SECOND AMENDED ASPEN SPRINGS RANCH SUBDIVISION PHASE II PLAT AMENDMENT, AMENDING RANCH LOT 3 AND LOT 46, LOCATED AT 2636 AND 2644 ASPEN SPRINGS DRIVE, PARK CITY, UTAH.

WHEREAS, the owners of the property known as Ranch Lot 3 and Lot 46 of the Aspen Springs Ranch Phase II Subdivision, located at 2636 and 2644 Aspen Springs Drive in Park City, Utah, have petitioned the City Council for approval of a plat amendment; and

WHEREAS, legal notice of the public hearing was published in the Park Record and on the Utah Public Notice website on October 22, 2016, and the property was posted on October 26, 2016, according to the requirements of the Land Management Code; and

WHEREAS, courtesy notice was sent to surrounding property owners on October 26, 2016, according to requirements of the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on November 9th, 2016, to receive input on the plat amendment;

WHEREAS, the Planning Commission, on November 9th, 2016, forwarded a recommendation to the City Council; and,

WHEREAS, on December 1, 2016, City Council held a public hearing on the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Second Amended Aspen Springs Ranch Subdivision Phase II 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 plat amendment as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. The property is located at 2636 and 2644 Aspen Springs Drive in the Single Family (SF) District and consists of Ranch Lot 3 and Lot 46 of the Aspen Springs Ranch Subdivision Phase II. These lots are commonly owned.
2. The property is subject to conditions of approval and applicable plat notes of the Aspen Springs Ranch Subdivision Phase II plat approved by the City Council on May 28, 1992 and recorded at Summit County on June 26, 1992.

3. There was one previous amendment to the Phase II plat in 1995 amending Ranch Lot 4 and a lot line adjustment in 2014 amending the lot line between Lots 66 and 67. Both plats were recorded at Summit County, in January of 1996 and October 2014, respectively.
4. Lots 3 and 46 are recognized by Summit County as Parcel ASR-II-R-3 and Parcel ASR-II-46 (Tax ID).
5. A single family house and associated barn are located on Ranch Lot 3. Lot 46 is vacant.
6. A fence and a driveway that provides access to Lot 3 were constructed partially on Lot 46.
7. The owner of the two lots desires to shift the common lot line between Ranch Lot 3 and Lot 46 approximately fifty feet (50') to the west to resolve the encroachment of the fence and driveway for Ranch Lot 3 that is partially on Lot 46.
8. Lot 3 increases by 0.280 acres from 17.353 acres to 17.633 acres.
9. Lot 46 decreases by 0.280 acres from 1.857 acres to 1.577 acres.
10. No remnant lots or parcels are created.
11. There are no minimum or maximum lot sizes or lot widths in the SF District.
12. Ranch Lots in the Aspen Springs Subdivision range in area from 13.611 acres to 22.445 acres.
13. Non-ranch Lots in the Aspen Springs Subdivision range in area from 1.00 acres to 56.945 acres.
14. Aspen Springs Ranch Subdivision Phase II identifies maximum limits of disturbance (LOD) and maximum building floor area (FA) for each lot. Lot 3 has a maximum LOD of 50,000 sf and maximum FA of 15,000 sf. Lot 46 has a maximum LOD of 12,000 sf and a maximum FA of 8,250.
15. No changes to the maximum limits of disturbance or maximum building floor area are proposed as the existing limits of disturbance and floor area are within the range for lots of similar or smaller area.
16. All applicable requirements of Land Management Code Section 15-2.11 (SF District) apply.
17. Single-family dwellings are an allowed use in the Single Family (SF) District and barns are permitted per the Aspen Springs Ranch Subdivision Phase II when located within platted barn limits of disturbance (LOD) areas.
18. There is not a minimum or maximum lot width identified in the SF District. Access to the property is from Aspen Springs Drive, a public street.
19. Utility easements recorded on the Aspen Springs Ranch Subdivision Phase II plat are required to be shown on the amended plat, including 10' wide non-exclusive utility easements along the front lot lines and relocated 5' wide non-exclusive utility easements along the side lot lines.
20. Public utility easements are indicated on the amended lots, consistent with existing plat notes (10' wide non-exclusive PUE (public utility easement) along all front lot lines, 5' wide non-exclusive PUE and drainage easements along all side lot lines).
21. The final Mylar plat is required to be signed by the Snyderville Basin Water Reclamation District to ensure that requirements of the District are addressed prior to plat recordation.
22. An existing dual meter box is located on the current shared property line. The Water

Department requests a condition of approval that prior to plat recordation, a new dual meter box at the new property line shall be installed and the old dual meter box shall be abandoned, along with the existing service, at the main.

23. Snow storage area is required along public streets and rights-of-way due to the possibility of large amounts of snowfall in this location.
24. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Land Management Code and the Aspen Springs Ranch Phase II subdivision plat and plat notes.
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 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 written request for an extension is submitted to the City prior to the expiration date and the City Council grants an extension.
3. A note shall be included on the plat indicating that all applicable conditions of approval and plat notes of the original Aspen Springs Ranch Subdivision Phase II continue to apply.
4. A table showing Lots 3 and 46, the lot area, maximum Limits of Disturbance (LOD), and maximum allowable building floor area for each lot, shall be included on the amended plat.
5. Utility structures such as ground sleeves and transformers and other dry utility boxes must be located on the lots.
6. Non-exclusive public utility easements (PUE) shall be indicated on the plat per the Aspen Springs Ranch Subdivision Phase II plat with 10' wide easements across the front lot line and 5' wide easements, to include drainage easements, along each side lot line.
7. A financial security to guarantee for the installation of any required public improvements is required prior to plat recordation in a form approved by the City Attorney and in an amount approved by the City Engineer.
8. Prior to plat recordation, an existing water valve for Lot 3 shall be relocated to Lot 3 and a separate water valve for Lot 46 shall be installed per requirements of the City's Water Department.
9. A ten foot (10') wide public snow storage easement is required along Aspen Springs Drive.

- 10. A note shall be added to the plat requiring residential fire sprinklers for new construction as stipulated by the Chief Building Official at the time of review of any building permit on these lots.
- 11. Prior to plat recordation, letters of approval from utility providers (SBWRD, City Water Department, Questar, Rocky Mountain Power, and communications entities) shall be submitted indicating approval of utility easements associated with the new lot lines and public utility easement locations.
- 12. Prior to plat recordation, a new dual meter box at the new common property line shall be installed and the old dual meter box shall be abandoned, along with the existing service, at the main.

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

PASSED AND ADOPTED this _____ day of December, 2016.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, Mayor

ATTEST:

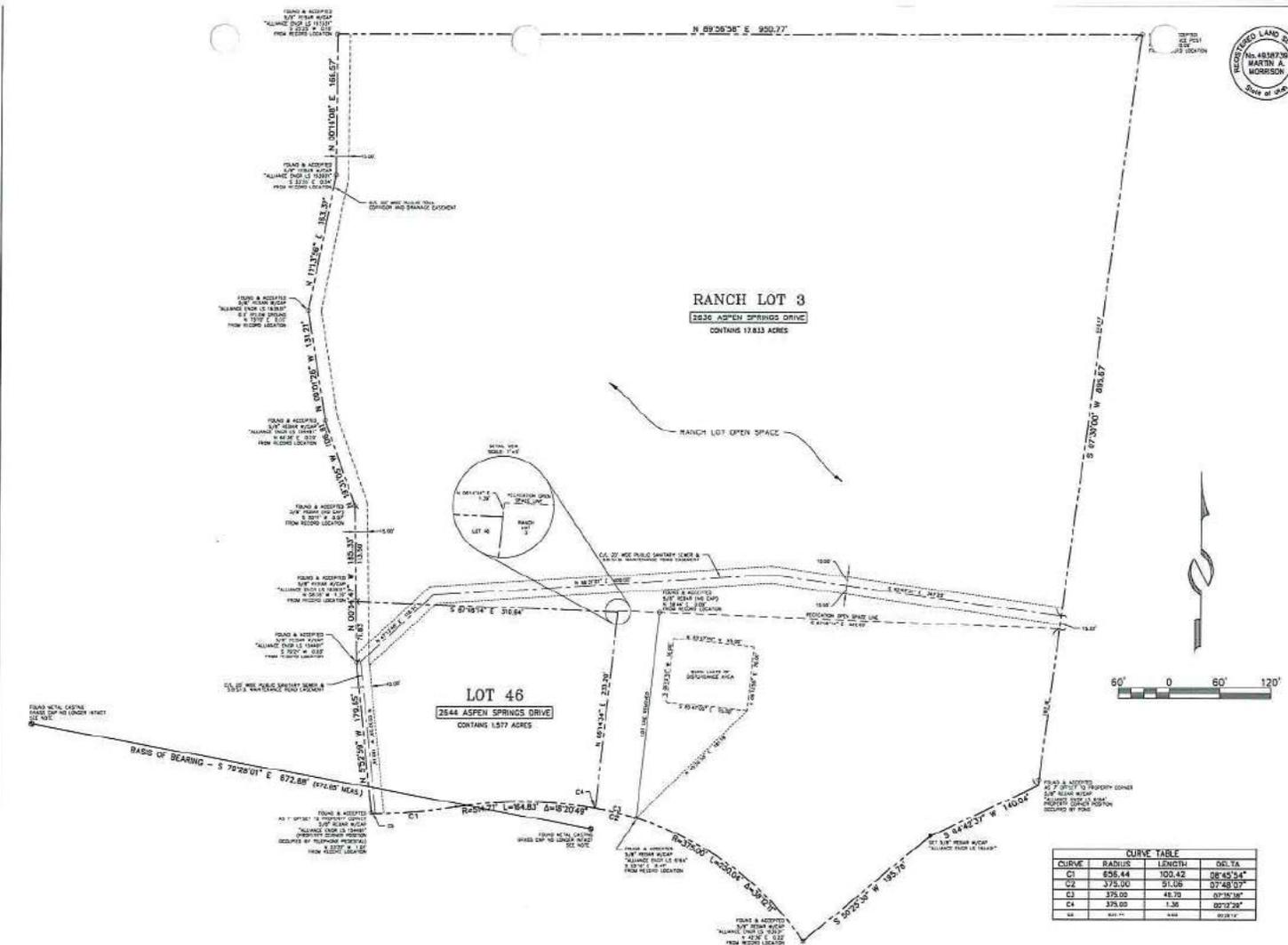
Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Exhibits

Exhibit A – Proposed plat amendment



SEAL OF THE SURVEYOR'S CERTIFICATE

I, Martin A. Morrison, certify that I am a Registered Land Surveyor and that I hold Certificate No. 4838736, as provided by the laws of the State of Utah, and that by authority of the owners, this Record of Survey map of ASPEN SPRINGS RANCH SUBDIVISION PHASE II, AMENDING RANCH LOT 3 & LOT 46 has been prepared under my direction and that the same has been or will be monumented on the ground as shown on this plot. I further certify that the information on this plot is accurate.

LEGAL DESCRIPTIONS

PARCEL 1
Ranch Lot 3, Aspen Springs Ranch Subdivision Phase II, according to the Official Plat thereof on file and of record in the Office of the Summit County Recorder.

PARCEL 2
Lot 46, Aspen Springs Ranch Subdivision Phase II, according to the Official Plat thereof on file and of record in the Office of the Summit County Recorder.

OWNER'S DEDICATION AND CONSENT TO RECORD

MH Investors, LLC, a Utah limited liability company, as to Parcel 1, does hereby certify that it has caused this Plat Amendment to be prepared, and does hereby consent to the recordation of this Plat.

MH Investors, LLC,
a Utah limited liability company

By: S & G Management LLC
a Utah limited liability company, its manager

By: Sarah Hall, Manager

ACKNOWLEDGMENT

State of _____, ss:
County of _____, ss:

On this _____ day of _____, 2016, Sarah Hall personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, did say that she is the Manager of S & G Management LLC, a Utah limited liability company, Manager of MH Investors, LLC, a Utah limited liability company, and that said document was signed by her on behalf of said limited liability company by authority of its Operating Agreement and she acknowledged to me that she executed ASPEN SPRINGS RANCH SUBDIVISION PHASE II, AMENDING RANCH LOT 3 & LOT 46.

A Notary Public commissioned in Utah

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

OWNER'S DEDICATION AND CONSENT TO RECORD

Creasant Vertical, LLC, a Utah limited liability company, as to Parcel 2, does hereby certify that it has caused this Plat Amendment to be prepared, and does hereby consent to the recordation of this Plat.

Creasant Vertical, LLC,
a Utah limited liability company

By: S & G Management LLC
a Utah limited liability company, its manager

By: Sarah Hall, Manager

ACKNOWLEDGMENT

State of _____, ss:
County of _____, ss:

On this _____ day of _____, 2016, Sarah Hall personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, did say that she is the Manager of S & G Management LLC, a Utah limited liability company, Manager of Creasant Vertical, LLC, a Utah limited liability company, and that said document was signed by her on behalf of said limited liability company by authority of its Operating Agreement and she acknowledged to me that she executed ASPEN SPRINGS RANCH SUBDIVISION PHASE II, AMENDING RANCH LOT 3 & LOT 46.

A Notary Public commissioned in Utah

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

NOTES

- This subdivision is subject to the Conditions of Approval in Ordinance 2016-_____.
- All Conditions of Approval of Aspen Springs Ranch Subdivision Phase II shall continue to apply and remain in full force and effect.

CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	656.44	100.42	08°45'34"
C2	375.00	21.06	07°48'07"
C3	125.00	49.70	07°13'39"
C4	375.00	1.36	02°12'28"
C5	607.11	666	02°18'12"

A LOT LINE ADJUSTMENT PLAT
ASPEN SPRINGS RANCH SUBDIVISION PHASE II
AMENDING RANCH LOT 3 & LOT 46

LOCATED IN THE SOUTHWEST QUARTER OF SECTION 5
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

SHEET 1 OF 1

 (435) 648-8447 CONTROLLING ENGINEERS, LAND PLANNERS, SURVEYORS 322 Main Street, P.O. Box 2044 Park City, Utah 84302-2044	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REQUESTED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2016 BY _____ S.B.W.R.D.	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2016 BY _____ CHAIR	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2016 BY _____ PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2016 BY _____ PARK CITY ATTORNEY	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2016 BY _____ MAYOR	CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2016 BY _____ PARK CITY RECORDER	FILED: X:\AspenSprings\dwg\enr\plat2016\070716.dwg JOB NO.: 7-7-16 RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ ENTRY NO. _____ FEE _____ RECORDER
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OWNER'S DEDICATION & CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENT: That the undersigned is a owner of the herein described tract of land, having caused the same to be subdivided into lots, public right-of-ways, together with easements as set forth on this Record of Survey Plat to be known hereafter as ASPEN SPRINGS RANCH SUBDIVISION PHASE II does hereby dedicate for the perpetual use of the public all parcels of land shown on this plat as intended for public use and further consent to the recordation of this Record of Survey Plat in accordance with Utah Law.

ALSO, the owner hereby dedicates to Park City Municipal Corporation, Snyderville Basin Sewer Improvement District, Park City Fire Protection District, and Summit County a non-exclusive easement over the utility easements shown on this plat for the purpose of providing access for utility installation, maintenance, use and eventual replacement.

IN WITNESS WHEREOF, the undersigned sets their hand this 19 day of June 1992.

ASPEN SPRINGS RANCH CORP.
A Utah Corporation

Gerald A. Jackson
GERALD A. JACKSON
President

OWNER'S DEDICATION & CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENT: That the undersigned is a owner of the herein described tract of land, having caused the same to be subdivided into lots, public right-of-ways, together with easements as set forth on this Record of Survey Plat to be known hereafter as ASPEN SPRINGS RANCH SUBDIVISION PHASE II does hereby dedicate for the perpetual use of the public all parcels of land shown on this plat as intended for public use and further consent to the recordation of this Record of Survey Plat in accordance with Utah Law.

ALSO, the owner hereby dedicates to Park City Municipal Corporation, Snyderville Basin Sewer Improvement District, Park City Fire Protection District, and Summit County a non-exclusive easement over the utility easements shown on this plat for the purpose of providing access for utility installation, maintenance, use and eventual replacement.

IN WITNESS WHEREOF, the undersigned sets their hand this 19 day of June 1992.

LAWRENCE K. HESTER LIVING TRUST

Lawrence K. Hester
LAWRENCE K. HESTER, TRUSTEE

OWNER'S DEDICATION & CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENT: That the undersigned is a owner of the herein described tract of land, having caused the same to be subdivided into lots, public right-of-ways, together with easements as set forth on this Record of Survey Plat to be known hereafter as ASPEN SPRINGS RANCH SUBDIVISION PHASE II does hereby dedicate for the perpetual use of the public all parcels of land shown on this plat as intended for public use and further consent to the recordation of this Record of Survey Plat in accordance with Utah Law.

ALSO, the owner hereby dedicates to Park City Municipal Corporation, Snyderville Basin Sewer Improvement District, Park City Fire Protection District, and Summit County a non-exclusive easement over the utility easements shown on this plat for the purpose of providing access for utility installation, maintenance, use and eventual replacement.

IN WITNESS WHEREOF, the undersigned sets his hand this 21 day of June 1992.

Richard M. Ringwood
RICHARD M. RINGWOOD
AN INDIVIDUAL

OWNER'S DEDICATION & CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENT: That the undersigned is a owner of the herein described tract of land, having caused the same to be subdivided into lots, public right-of-ways, together with easements as set forth on this Record of Survey Plat to be known hereafter as ASPEN SPRINGS RANCH SUBDIVISION PHASE II does hereby dedicate for the perpetual use of the public all parcels of land shown on this plat as intended for public use and further consent to the recordation of this Record of Survey Plat in accordance with Utah Law.

ALSO, the owner hereby dedicates to Park City Municipal Corporation, Snyderville Basin Sewer Improvement District, Park City Fire Protection District, and Summit County a non-exclusive easement over the utility easements shown on this plat for the purpose of providing access for utility installation, maintenance, use and eventual replacement.

IN WITNESS WHEREOF, the undersigned sets his hand this 15th day of JUNE 1992.

Thomas E. Terry
THOMAS E. TERRY
A INDIVIDUAL

ACKNOWLEDGEMENT

STATE OF UTAH)
) ss.
COUNTY OF SUMMIT)

On this 19 day, of June 1992, personally appeared before me, the undersigned Notary Public, in and for said State and County, Gerald A. Jackson, who after being duly sworn, acknowledged to me that he is the President of Aspen Springs Ranch Corp., a Utah Corporation, that he signed the foregoing Owners Dedication and Consent to Record freely and voluntarily for the purposes therein mentioned on behalf of said corporation with full authority of its bylaws.

Diane Buss
NOTARY PUBLIC
Residing at Gal ED, UT
My Commission Expires:
4/2/94



ACKNOWLEDGEMENT

STATE OF UTAH)
) ss.
COUNTY OF SUMMIT)

On this 19 day, of June 1992, personally appeared before me, the undersigned Notary Public, in and for said State and County, Lawrence K. Hester, who after being duly sworn, acknowledged to me that he is the trustee of the Lawrence K. Hester Living Trust, a owner of Aspen Springs Ranch Phase II, that he signed the foregoing Owners Dedication and Consent to Record freely and voluntarily for the purposes therein mentioned, on behalf of said living trust with full authority.

Diane Buss
NOTARY PUBLIC
Residing at Gal ED, UT
My Commission Expires:
4/2/94



ACKNOWLEDGEMENT

STATE OF UTAH)
) ss.
COUNTY OF SUMMIT)

On this 21 day, of June 1992, personally appeared before me, the undersigned Notary Public, in and for said State and County, Richard M. Ringwood, a individual, who after being duly sworn, acknowledged to me that he is a owner of Aspen Springs Ranch Phase II, that he signed the foregoing Owners Dedication and Consent to Record freely and voluntarily for the purposes therein mentioned.

Kelley Griffin
NOTARY PUBLIC
Residing at:
My Commission Expires:
2/9/94



ACKNOWLEDGEMENT

CALIFORNIA
STATE OF UTAH)
) ss.
COUNTY OF SUMMIT)

On this 15th day, of JUNE 1992, personally appeared before me, the undersigned Notary Public, in and for said State and County, Thomas E. Terry, a individual, who after being duly sworn, acknowledged to me that he is a owner of Aspen Springs Ranch Phase II, that he signed the foregoing Owners Dedication and Consent to Record freely and voluntarily for the purposes therein mentioned.

Markin Bruce Johnson
NOTARY PUBLIC
Residing at:
My Commission Expires:
Aug. 3, 1992



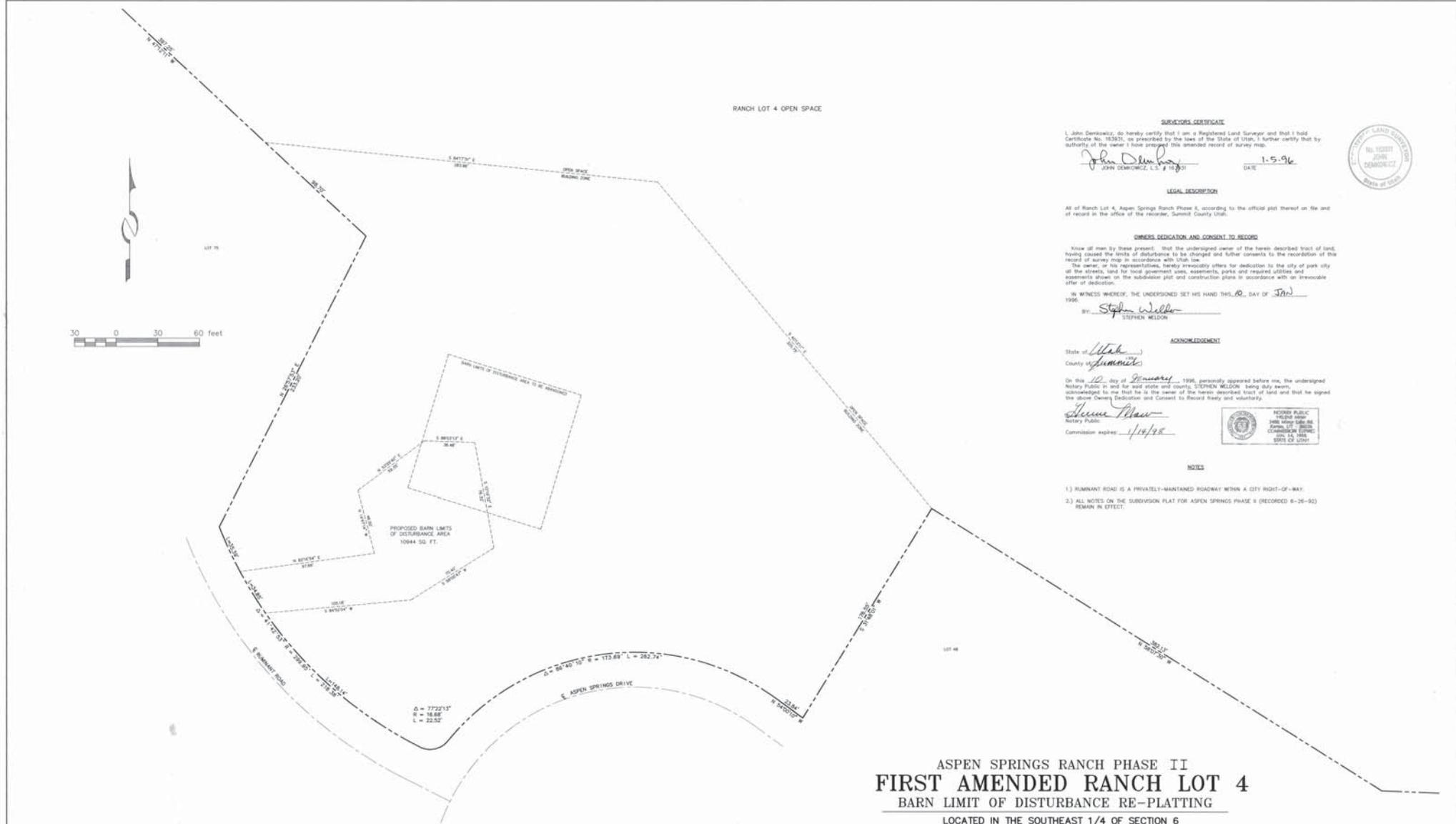
Aspen Springs Ranch Subdivision Phase II

A single family subdivision located in the Southwest 1/4 of Section 6 and the Southeast 1/4 of Section 6, T2S, R4E, S26E.

PAGE 2 OF 2

361321 RECORDED
STATE OF UTAH COUNTY OF SUMMIT AND FILED
AT THE REQUEST OF Associated Title Company
DATE 08-26-92 TIME 3:00 PM BOOK PAGE
57.50 FEE
Alan Jupp
RECORDER

JOB NO. 14-11-92\ASR\SRP



SURVEYORS CERTIFICATE
 I, John Demkowicz, do hereby certify that I am a Registered Land Surveyor and that I hold Certificate No. 162321, as prescribed by the laws of the State of Utah. I further certify that by authority of the owner I have prepared this amended record of survey map.
John Demkowicz
 JOHN DEMKOWICZ, L.S. # 162321 DATE 1-5-96



LEGAL DESCRIPTION
 All of Ranch Lot 4, Aspen Springs Ranch Phase II, according to the official plat thereof on file and of record in the office of the recorder, Summit County Utah.

OWNER DEDICATION AND CONSENT TO RECORD
 Know all men by these presents, that the undersigned owner of the herein described tract of land, having caused the limits of disturbance to be changed and further consents to the recordation of this record of survey map in accordance with Utah law.
 The owner, or his representative, hereby irrevocably offers for dedication to the city of Park City of the streets, land for local government uses, easements, parks and required utilities and easements shown on the subdivision plat and construction plans in accordance with an irrevocable offer of dedication.

IN WITNESS WHEREOF, THE UNDERSIGNED SET HIS HAND THIS 10 DAY OF JAN 1996.
 BY: Stephen Weldon
 STEPHEN WELDON

ACKNOWLEDGEMENT
 State of Utah
 County of Summit
 On this 10 day of January, 1996, personally appeared before me, the undersigned Notary Public in and for said state and county, STEPHEN WELDON, being duly sworn, acknowledged to me that he is the owner of the herein described tract of land and that he signed the above Owner Dedication and Consent to Record freely and voluntarily.

Thomas Mann
 Notary Public
 Commission expires 1/14/98



- NOTES**
- 1.) RUMMANT ROAD IS A PRIVATELY-MAINTAINED ROADWAY WITHIN A CITY RIGHT-OF-WAY.
 - 2.) ALL NOTES ON THE SUBDIVISION PLAT FOR ASPEN SPRINGS PHASE II (RECORDED 6-26-92) REMAIN IN EFFECT.

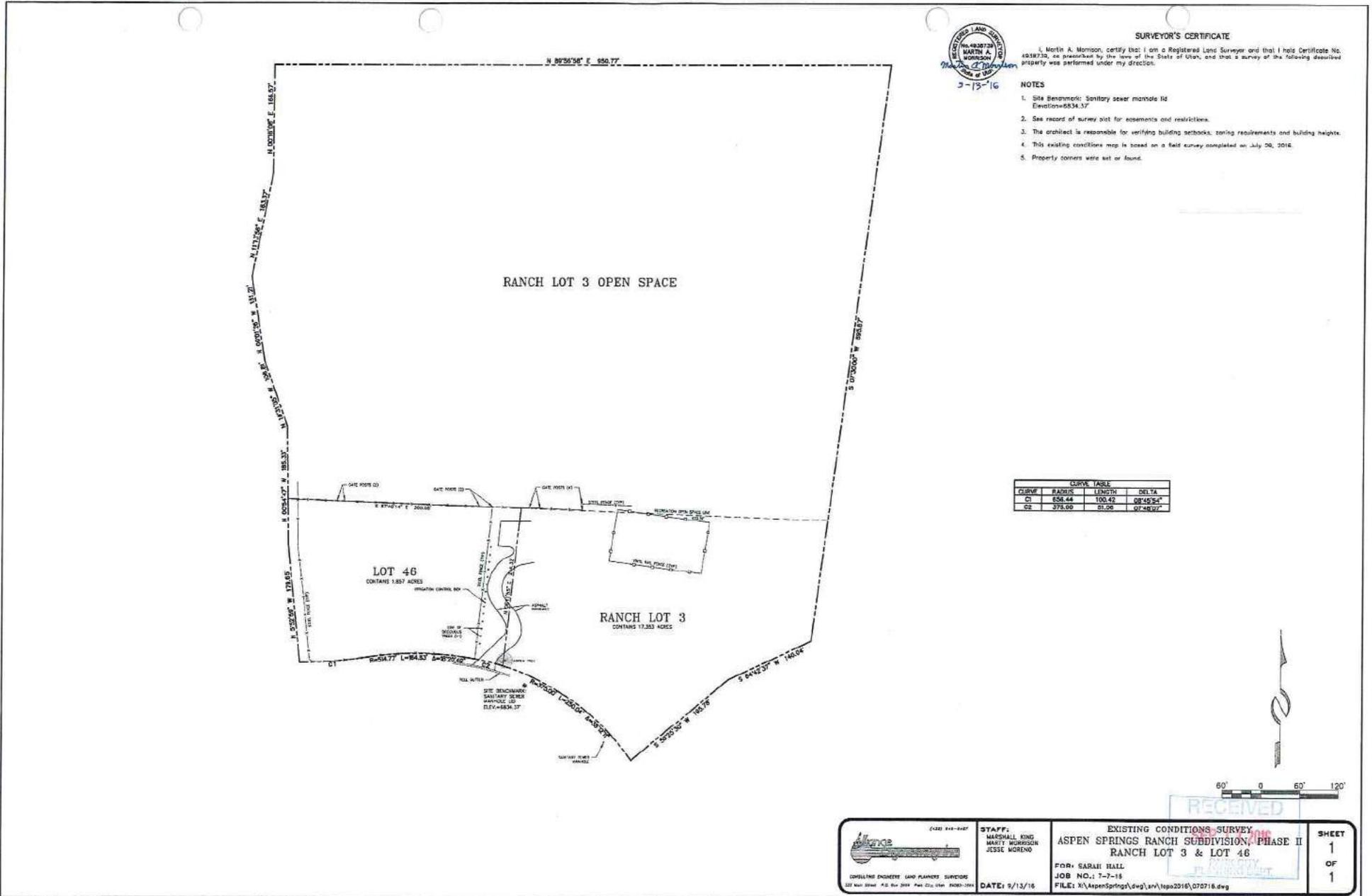
ASPEN SPRINGS RANCH PHASE II
FIRST AMENDED RANCH LOT 4
 BARN LIMIT OF DISTURBANCE RE-PLATTING
 LOCATED IN THE SOUTHEAST 1/4 OF SECTION 6
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE
 AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH



JOB NO. 15-11-95 FILE Y:\ASR\PL4-LLA

ALLIANCE ENGINEERING INC. P.O. BOX 2664 323 MAIN STREET PARK CITY, UTAH 84060 (801) 649-9467	ENGINEERS CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS <u>TENTH</u> DAY OF <u>JANUARY</u> , 1996 A.D. BY: <u>Eric W. Nelson, P.E.</u> PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS <u>12TH</u> DAY OF <u>JANUARY</u> , 1996 A.D. BY: <u>Paul D. Hays</u> PARK CITY ATTORNEY	CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS <u>22ND</u> DAY OF <u>JUNE</u> , 1995 A.D. BY: <u>Quita L. Sheldon</u> PARK CITY RECORDER	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS <u>22ND</u> DAY OF <u>JUNE</u> , 1995 A.D. BY: <u>Paul D. Hays</u> MAYOR	# <u>446463</u> RECORDED STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF <u>COALITION TITLE</u> DATE <u>01-17-96</u> TIME <u>16:03</u> BOOK <u>9</u> PAGE <u>1</u> FEE <u>3.12</u> BY: <u>Alan Spriggs</u> RECORDER FIRST AMENDED RANCH LOT 4 ASPEN SPRINGS RANCH PH II
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EXHIBIT C



SURVEYOR'S CERTIFICATE

I, Martin A. Morrison, certify that I am a Registered Land Surveyor and that I hold Certificate No. 4282732, as prescribed by the laws of the State of Utah, and that a survey of the following described property was performed under my direction.

3-13-16

NOTES

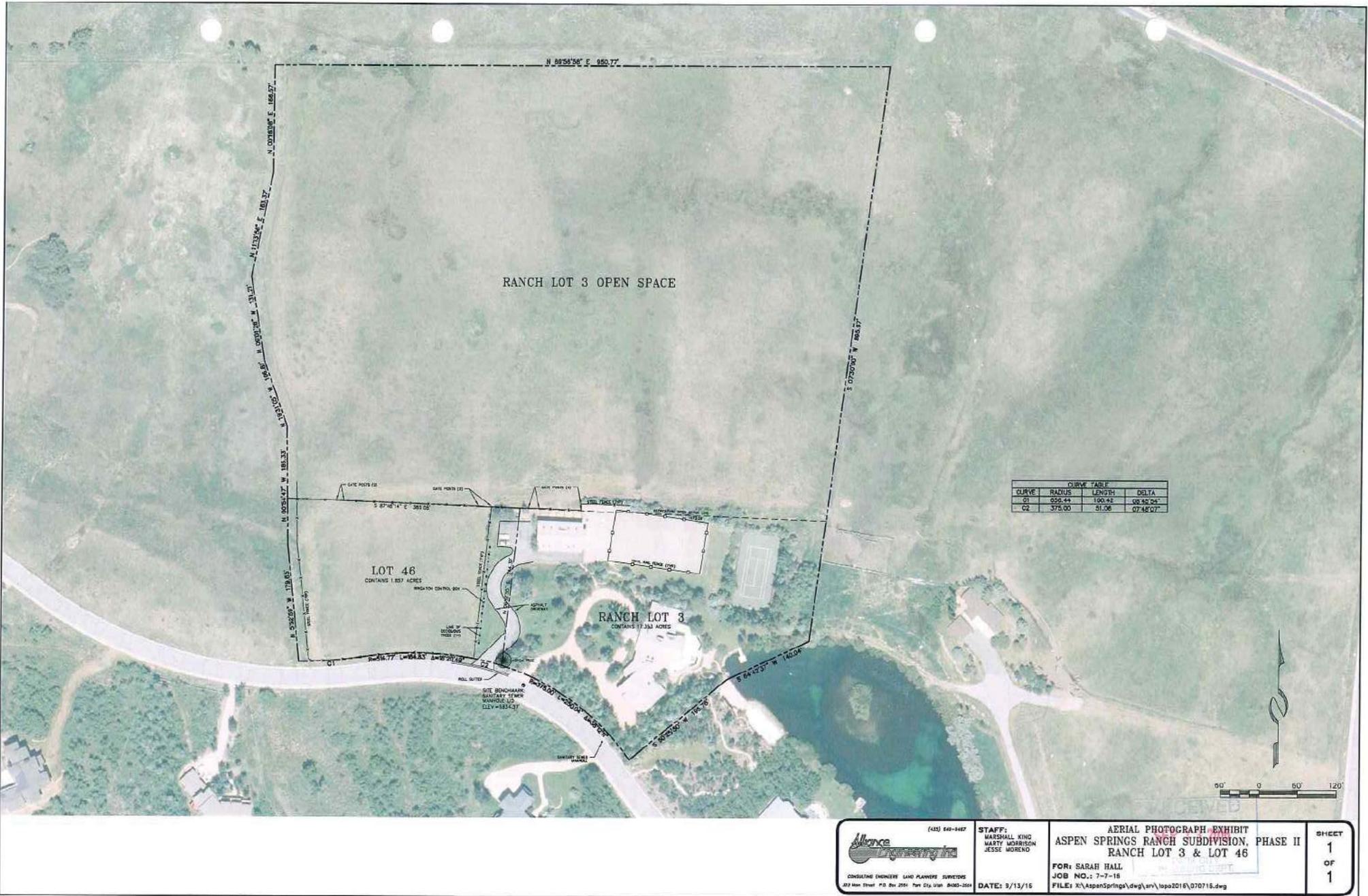
1. Site Benchmark: Sanitary sewer manhole M1 Elevation=6834.37
2. See record of survey plot for easements and restrictions.
3. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
4. This existing conditions map is based on a field survey completed on July 08, 2016.
5. Property corners were set or found.

CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	656.44	100.42	08°45'54"
C2	378.00	81.00	07°48'07"



RECEIVED

<p>CONSULTING ENGINEERS, LAND PLANNERS, SURVEYORS 222 Main Street, P.O. Box 2014, Park City, Utah 84302-2014</p>	<p>STAFF: MARSHALL KING HEAVY MORENO JESSE MORENO</p>	<p>EXISTING CONDITIONS SURVEY ASPEN SPRINGS RANCH SUBDIVISION, PHASE II RANCH LOT 3 & LOT 46</p>	<p>SHEET 1 OF 1</p>
	<p>DATE: 9/13/16</p>	<p>FOR: SARAH HALL JOB NO.: 7-7-16 FILE: X:\AspenSprings\dwg\lrv\topo2016\070716.dwg</p>	



CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	656.44	100.42	08° 52' 04"
C2	376.00	51.06	07° 46' 07"

(435) 840-8487

 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
 837 Main Street, P.O. Box 2051, Fort Collins, CO 80501-2051

STAFF:
 MARSHALL KING
 MARTY MORRISON
 JESSE MORENO
 DATE: 9/13/16

AERIAL PHOTOGRAPH EXHIBIT
 ASPEN SPRINGS RANCH SUBDIVISION, PHASE II
 RANCH LOT 3 & LOT 46
 FOR: SARAH HALL
 JOB NO.: 7-7-16
 FILE: X:\AspenSprings\dwg\asn\lsp2016\070716.dwg

SHEET
 1
 OF
 1

EXHIBIT D



 <p>(410) 818-9147 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 223 Main Street P.O. Box 2054 Park City Utah 84060-2054</p>	<p>STAFF: MARSHALL KING WARTY ANDERSON JESSE MORENO</p>	<p>ABRIAL PHOTOGRAPH EXHIBIT ONE ASPEN SPRINGS RANCH SUBDIVISION, PHASE II RANCH LOT 3 & LOT 46</p>	<p>SHEET 1 OF 1</p>
	<p>FOR: SARAH HALL JOB NO.: 7-7-15 FILE: X:\AspenSprings\dwg\env\topo2015\070715.dwg</p>	<p>DATE: 9/13/15</p>	

EXHIBIT E



Aspen Springs Ranch Subdivision, Ranch Lot 3 & Lot 46 looking east

RECEIVED
SEP 13 2015
PARK CITY
PLANNING DEPT



Aspen Springs Ranch Subdivision, Ranch Lot 3 & Lot 46 looking north





Aspen Springs Ranch Subdivision, Ranch Lot 3 & Lot 46 looking west

SEP 13 2016
PARK CITY
PLANNING DEPT.



Aspen Springs Ranch Subdivision, Ranch Lot 3 & Lot 46 looking south



Kirsten Whetstone

From: Bryan Atwood <BATwood@sbwrđ.org>
Sent: Thursday, October 20, 2016 10:43 AM
To: Kirsten Whetstone
Cc: s.m.hall@icloud.com
Subject: Aspen Springs Ranch Ph. 2, Lots 46 and R-3 Lot Line Adjustment

Kirsten,

We have reviewed the easement issue associated with the referenced lot line adjustment that we discussed in staff review meeting a few weeks ago. We have confirmed that our easement across Lot R-3 is correctly indicated on the plat. We also have no concerns with the lot line adjustment and moving the PUE with the lot line.

Please let me know if you have any questions or need additional information.

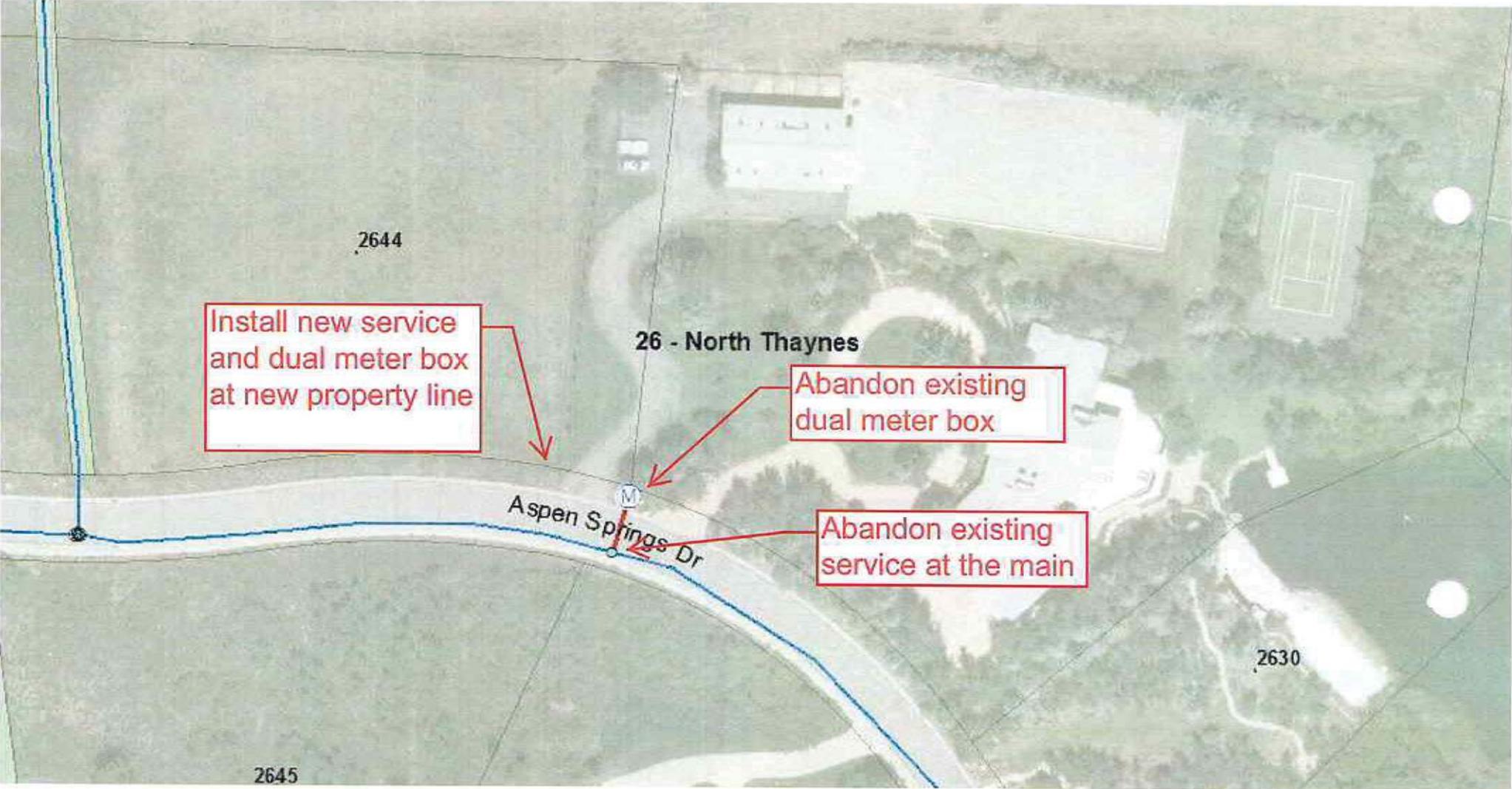
Thanks



Bryan D. Atwood, P.E.
District Engineer
Snyderville Basin Water Reclamation District
2800 Homestead Road
Park City, UT 84098
Office: 435-214-5245
Mobile: 435-731-0039
batwood@sbwrđ.org

Notice from the [Snyderville Basin Water Reclamation District \(SBWRD\)](#).

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Planning Commission Staff Report



Application: PL-16-03313
Subject: Historic Kimball Garage- 638 Park Avenue
Author: Anya Grahn, Historic Preservation Planner
Date: November 9, 2016
Type of Item: Administrative - Conditional Use Permit

Summary Recommendations

Staff recommends that the Planning Commission holds a public hearing, considers public input, and approves the Conditional Use Permit at 638 Park Avenue for the proposed Private Event Facility pursuant to the findings of fact, conclusions of law, and conditions of approval outlined in this report.

Description

Applicant: CPP Kimball LLC represented by Tony Tyler
Location: Historic Kimball Garage at 638 Park Avenue
Zoning: Historic Recreation Commercial (HRC), Heber Avenue Subzone
Adjacent Land Uses: Residential single-family and multi-family; commercial

Summary of Proposal

On September 19, 2016, the Planning Department received an application for a Conditional Use Permit (CUP) for a Private Event Facility at 638 Park Avenue. The applicant is proposing to rehabilitate the existing historic building for Retail and other Commercial uses and add a new addition to the east, adjacent to Main Street. The upper level of the addition will be reserved for a Private Event Facility.

Background

On September 19, 2016, the Park City Planning Department received a Conditional Use Permit (CUP) application requesting approval of a Private Event Facility at 638 Park Avenue; the application was deemed complete on September 28, 2016. The space will be on the top level of the new addition bordering Heber Avenue and Main Street proposed for the historic Kimball Garage. There will be 3,785 square feet of event space, connected to a lobby and warming kitchen, as well as access to a 477 square foot outdoor balcony overlooking the Heber Avenue-Main Street corner and a second level 2,530 square foot rooftop terrace over the historic Kimball Garage. Both the balcony and the terrace will be used as part of the Private Event Facility. The remainder of the rehabilitated historic structure and new development will be divided into commercial spaces on the lower levels.

The Historic District Design Review (HDDR) for the new development was originally approved on June 20, 2016; an appeal of the HDDR was submitted by the Park City

Museum and Historical Society on June 30, 2016. The Board of Adjustment met on October 18, 2016, denied the appeal and upheld staff's determination ([Staff Report](#), page 23; Draft Minutes—Exhibit E). The Park City Museum had objected to a number of issues, one being the removal of one of the two (2) barrel vaults forming the roof of the building; however, the BOA found that the removal complied with the Design Guidelines as rooftop additions are permitted on commercial buildings in the Main Street National Register District, of which the Kimball Garage is a part of. Further, because the barrel was not visible from the rights-of-way, it was appropriate to remove it to accommodate the rooftop deck addition which will sit below the parapet and will generally not be visible from the Heber Avenue right-of-way.

The BOA stressed that the rooftop terrace addition was largely permissible because it would generally not be visible from the Heber Avenue right-of-way. As designed, the rooftop terrace will be setback from the Heber Avenue façade of the building in order to minimize the visibility of the necessary railing from street view. The BOA recommended that the Planning Department and the applicant propose rules to regulate the rooftop deck and prevent umbrellas, tents, and other temporary structures from detracting from the invisibility of the deck. (See Exhibit E, BOA Draft Minutes 10.18.16)

The Park City Council also approved a Kimball on Main plat amendment for this property at 638 Park Avenue on May 19, 2016. The plat has not yet been recorded as the applicant is working with the City to dedicate sidewalk easements.

On March 20, 2016, the Planning Director found that the Kimball Art Center was current in their assessment to the Main Street Parking Special Improvement District as of January 1, 1984, for parking requirements up to a Floor Area Ratio (FAR) of 1.5. It is important to note that in 1984, the Kimball Art Center was located in the Historic Commercial Business (HCB) District; however, the zone changed in 2006 to Historic Recreation Commercial (HRC). The property is currently in the Heber Avenue Subzone of the HRC District. The proposed FAR of the proposed project with the new addition is 1.45.

Purposes of the Historic Recreation Commercial (HRC) District:

- A. maintain and enhance characteristics of Historic Streetscape elements such as yards, trees, vegetation, and porches,
- B. encourage pedestrian oriented, pedestrian-scale Development,
- C. minimize visual impacts of automobiles and parking,
- D. preserve and enhance landscaping and public spaces adjacent to Streets and thoroughfares,
- E. provide a transition in scale and land Uses between the HR-1 and HCB Districts that retains the character of Historic Buildings in the Area,
- F. provide a moderate Density bed base at the Town Lift,
- G. allow for limited retail and Commercial Uses consistent with resort bed base and the needs of the local community,
- H. encourage preservation and rehabilitation of Historic Buildings and resources.
- I. maintain and enhance the long term viability of the downtown core as a destination for residents and tourists by ensuring a Business mix that encourages

a high level of vitality, public Access, vibrancy, activity, and public/resort-related attractions.

Project Description

The applicant is proposing to rehabilitate the historic Kimball Garage and construct a new addition to the east, fronting Main Street. The Historic District Design Review (HDDR) for the proposed development was approved on June 20, 2016; appealed by the Park City Historical Society & Museum on June 30, 2016; and staff’s determination was upheld by the Board of Adjustment on October 18, 2016.

The historic Kimball Garage and the new addition will be broken into seven (7) retail spaces on the lower level of the new addition as well as the main level of the Kimball Garage and new addition. Because this property is located in the Heber Avenue Subzone, the allowed uses within the sub-zone are identical to the allowed uses of the Historic Commercial Business (HCB) District, and the Conditional Uses within the sub-zone are identical to the Conditional Uses in the HCB District. Commercial Retail and Service, Minor; Restaurant; and Bar are allowed uses in the Heber Avenue Subzone.

On the third level of the new addition, the applicant is proposing a Private Event Facility which includes access to a balcony and rooftop terrace. The LMC defines this as a facility where the primary Use is for staging, conducting, and holding Private Events. Private Events are events, gathering, party, or activity that is closed to the general public or that requires an invitation and/or fee to attend. A Private Event Facility is a Conditional Use in the Heber Avenue Sub-zone and is not permitted in storefronts along Heber, Park, and Main Street.

The Private Event Facility will be 3,785 square feet on the top floor above the street level commercial spaces as well as the adjacent rooftop terrace, and it will be accessible from an elevator and stair lobby that connects with an entrance on Heber Avenue. The event space spills out onto a 477 square foot balcony that wraps the façade of the new addition along Heber Avenue and Main Street. A second level roof terrace of 2,530 square feet is proposed over the roof of the historic Kimball Garage. The CUP addresses the interior private event space as well as the rooftop terrace and balcony.

Land Management Code (LMC) Analysis

The proposal complies with lot and site requirements of the HRC Zoning District as described in the table below:

Required	HRC Zone Designation	Proposed
Lot size	Not specified	18,550.13 SF
Setbacks		
Front (West/Park Ave.)	10 feet	.25 feet ²
Rear (East/Main St.)	10 feet	12 feet

Side (South/Heber Ave.) Side (North)	10 feet ¹ 5 feet	1 foot ² 6 feet
Height above existing grade	32 feet	30.5 feet
Floor Area Ratio	Floor Area Ratio (FAR) limitation of the HRC District does not apply. ³	1.45 FAR (Total of existing Kimball and New Addition); Existing 0.7
Parking	Exempt from parking up to an overall for both the historic and new FAR of 1.5 ¹	0 spots; applicant is proposing an FAR of 1.45

¹This is based on the Planning Director's Determination Letter, March 20, 2016

²Per LMC 15-2.5-6 Historic Structures that do not comply with Building Height, Building Setbacks, Off-Street parking, and driveway location standards are valid Non-complying Structures.

³Per LMC 15-2.5-10, within the Heber Avenue Sub-zone, all of the Site Development Standards and land use limitations of the HRC apply, except (A) the Allowed Uses within the sub-zones are identical to the Allowed Uses in the HCB District; (B) the Conditional Uses within the sub-zone are identical to the Conditional Uses in the HCB District; and (C) the Floor Area Ratio limitation of the HRC District does not apply.

On March 20, 2015, the Planning Director found that the Kimball Art Center was current in their assessment to the Main Street Parking Special Improvement District as of January 1, 1984, for parking requirements up to a Floor Area Ratio (FAR) of 1.5, which is the parking requirement of the HCB District outlined in LMC 15-2.6-9(D) Pre-1984 Parking Exception. It should be noted that in 1984, the Kimball Art Center was located in the Historic Commercial Business (HCB) District; however, the zone changed in 2006 to Historic Recreation Commercial (HRC). In 1984, the Kimball Art Center had a Gross Floor Area of approximately 13,477 square feet, which generates an FAR of 0.7. The 0.7 FAR is less than the 1.5 FAR that they paid for as part of the Main Street Parking Special Improvement District. As such, the existing building and new addition could be constructed to create an FAR of 1.5 without requiring the applicant to provide parking; an FAR of over 1.5 would have required the applicant to provide parking for the gross floor area exceeding the 1.5 FAR.

Following rehabilitation of the existing Kimball Garage and construction of an addition along Main Street, the applicant is proposing a non-residential FAR of 1.45. Gross Commercial Floor Area includes all enclosed Areas of the building, but excludes parking areas. Unenclosed porches, Balconies, patios and decks, vent shafts and courts are not calculated in Gross Commercial Floor Area. Areas below Final Grade used for commercial purposes including, but not limited to, storage, bathrooms, and meeting space, are considered Floor Area. Because 638 Park Avenue is located in the Heber Avenue Subzone, the FAR limitation of the HRC District does not apply to gross commercial floor area; however, the parking exception is only for an FAR up to 1.5.

As previously noted, Gross Commercial FAR only includes enclosed Areas; unenclosed balconies, patios and decks are not included in the Gross Commercial Floor Area. Though the rooftop terrace and balcony will be used as part of the Private Event Space, it will not impact the parking requirement analysis as these areas are not included in the Gross Commercial FAR calculation.

In the past, the Planning Department has not required additional parking for the use of outdoor spaces such as balconies that are used for outdoor dining. The reasoning behind this is that people are more likely to sit outside during warm weather than sit inside, and thus the restaurant's capacity has not changed. The applicant finds that the maximum capacity of the space will be approximately 480 occupants, and it anticipates that event goers will be moving between the interior private event space, the balcony, and the rooftop terrace.

Analysis of Conditional Use Criteria

Conditional Uses are subject to review according to the following criteria set forth in the LMC 15-1-10(E). Staff's analysis is in *italics*.

(1) Size and location of the Site;

*The property consists of 18,550.13 square feet of lot area and is currently developed with the 13,477 square foot historic Kimball Garage building. The applicant is proposing to construct a 19,381 square foot addition proposed on the east side of the existing building. The new addition will include a second level balcony that wraps the corner of the addition along Heber Avenue and Main Street as well as a new roof terrace above the existing Kimball Garage. The addition complies with setbacks, height, and density and is appropriate for the size and location of the Site. **No unmitigated impacts.***

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

The property is currently accessed by Main Street along its east side, Heber Avenue along the south side, and Park Avenue along the west side. The previous owners of the building—the Kimball Art Center—regularly used the entire building and adjacent plaza area on the southeast corner of the site for events, approved through Special Events permits. Because the current owner will be reducing the overall size of the event space compared to that of the previous owners, they did not conduct a transportation study as they found there would be reduced demand based on the size of the proposed event space.

Staff has met with the Building Department to discuss occupancy load. The occupancy load is based off of square footage, number of sanitation fixtures, and the seating plan. In talking with the Park City Fire Marshall, the exterior spaces would not necessarily be included in the occupancy load. Should they be enclosed, they would then need to be reviewed to determine a safe occupancy load. In 2015, the Kimball hosted an event with an occupant load of 697 people. The applicant finds that the proposed Private Event Facility will have an occupancy load of 480 people, a 32% reduction from past event occupancy loads.

Staff does not anticipate that the new event space will generate additional traffic to the site, compared to that of the Kimball Art Center's past events. Many of the applicant's anticipated events—meetings, cocktail receptions, weddings, etc.—will likely not meet the maximum occupancy load of the space; however, others will.

Special Events, as defined by the LMC, are those events, public or private, with either public or private venues, requiring City licensing beyond the scope of normal Business and/or liquor regulations or creates public impacts through any of the following:

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

Should the applicant host an event in the Private Event Facility that goes beyond the Private Event Facility Use and the Conditions of Approval outlined in this CUP, a Special Event permit may be required. Staff has added this as Condition of Approval #2.

No unmitigated impacts, as conditioned.

(3) Utility capacity:

A final approved storm water, utility, and grading plan is required prior to issuance of a building permit. All above ground utility infrastructure (transformers, ground sleeves, telephone boxes, cable boxes, etc.) are to be located on the property and behind the new addition, on the northwest corner of the site. The applicant has proposed to install mechanical equipment and utilities, such as heating and air conditioning units, on the rooftop of the new addition. The transformer will be located to the west of the new addition, in the rear yard.

Staff recommends Condition of Approval #6 requiring that a Utility Plan must be provided at the time of the building permit application showing the location of dry facilities on the property to ensure that the location of transformers and other utility infrastructure on the property can be adequately screened and written approval from the utility company is provided indicating that are satisfying this condition. Condition of Approval #7 addresses the screening of any ground-level or rooftop equipment from public view.

No unmitigated impacts, as conditioned.

(4) Emergency vehicle Access;

*Primary emergency access for the building is from Main Street, Heber Avenue, and Park Avenue. The entrance to the upper level event space will be limited to a lobby located along Heber Avenue. **No unmitigated impacts.***

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

*As previously noted, the Planning Director found that the Kimball Art Center was current in their assessment to the Main Street Parking Special Improvement District as of January 1, 1984, for parking requirements up to an FAR of 1.5; the applicant is proposing a total FAR of 1.45 following completion of the new addition. Any traffic generated by the private event facility will likely find parking in one of the City's public parking lots such as the Flagpole lot or China Bridge, along Park Avenue, or in one of the nearby private parking garages at Summit Watch, Gateway Mall, or the Town Lift. The applicant anticipates that most event attendees will be shuttled from off-street lodging or will be lodging in Old Town. **No unmitigated impacts.***

(6) Internal vehicular and pedestrian circulation system;

*The upper level Private Event Facility will be accessed from Heber Avenue. Event attendees will enter a lobby with stairs and an elevator that lead to the upper level event space. (Access, circulation, and lobby areas are permitted within Storefront property.) There is no vehicular access proposed. Delivery, loading, and unloading zones for the private event facility will be limited to Heber Avenue. **No unmitigated impacts.***

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

*The use is consistent with neighboring structures as it primarily faces Main Street and Heber Avenue. The upper level event space will feature a balcony that wraps around the Heber Avenue and Main Street façade of the new addition and overlooks the Main Street and Heber Avenue intersection. On the west side, the event space will lead out onto a rooftop terrace above the historic Kimball Garage. The roof terrace is setback from the parapet of the historic building in order to minimize its appearance but also further separate it from neighboring uses. On the west side, the roof terrace will be separated from the residential neighborhood along Park and Woodside by the barrel-vault roof of the Kimball. As previously noted, any outdoor dining or outdoor event use of the balcony will require an Administrative-CUP. **No unmitigated impacts.***

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

The historic Kimball Garage is a horizontally-oriented one-story brick block structure that consumes nearly half of the property. The new addition complements the visual and physical qualities of the historic building. Building components and materials used on the new addition, such as the proposed wood and brick materials as well as the windows and doors, are of scale and size to those found on the original building. Window shapes, patterns, and proportions found on the historic building are reflected in the new addition. The addition is visually separated from the historic building on the Heber Avenue façade by a transitional element and its change of materials; this is not an in-line addition. Though the historic building is characterized by its large, low mass,

the new addition has been broken up to reflect the general width of buildings on lower Main Street and complement the rhythm and pattern of the streetscape. Additionally, the lower level commercial spaces will maintain the Heber Avenue and Main Street-orientation of the buildings.

The BOA found that the proposed removal of one of the barrel-vaulted roof forms to accommodate the rooftop terrace was appropriate largely because the terrace would not be visible from the public right-of-way. The BOA recommended that the Planning Department and the applicant propose rules to regulate the rooftop deck and prevent umbrellas, heaters, tents, and other temporary structures from detracting from the invisibility of the deck. Staff finds that the use of umbrellas, portable heaters, and similar improvements may be used during an event; however, they shall not be permanently stored on the rooftop terrace or visible from the public right-of-way except when in use as indicated by Condition of Approval #8.

Any temporary structures, such as tents will require an Administrative Conditional Use Permit (CUP) which will permit staff to review the requests on a case-by-case basis and evaluate the impacts of the tents on the rooftop terrace. Further, LMC 15-4-6 Temporary Structures, Tents, and Vendors, only allow tents and other temporary structures to be installed for a duration no longer than 14 days and no more than 5 times per year on the same Property or Site. As previously discussed, the Building Department will have to re-evaluate the space's occupancy load should a tent be installed on the rooftop terrace based on the space's sanitation facilities, seating, food service/handling, snow removal, etc. At time of the Admin-CUP application, staff will review the size of the tent and mitigate its visibility by ensuring that the tent is setback from the edge of the roof deck along Heber Avenue.

No unmitigated impacts, as conditioned.

(9) Usable Open Space:

*There are no open space requirements specified for this development. The property meets the required front, rear, and side yard setbacks except for the historic property. Per LMC 15-2.5-6 historic structures that do not comply with Building Setbacks, Off-Street parking, and driveway location standards are valid non-complying structures. The lot is 18,550 square feet and the total building footprint is 13,260 square feet, which leaves 5,290 square feet of footprint. Staff finds that approximately 28.5% of the lot is open space. **No unmitigated impacts.***

(10) Signs and lighting:

*All new signs and exterior lighting must be in conformance with the Park City codes and the Design Guidelines for Historic Districts and Historic Sites. Signs require a separate sign permit issued by the City. All exterior lighting is designed to be down directed and shielded. Any existing exterior lighting not in compliance with the Code shall be modified prior to final certificate of occupancy. **No unmitigated impacts, as conditioned.***

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

Lower Main Street is characterized by large multi-story mixed use developments containing commercial and residential condominium uses. The physical design of the new development is consistent with the surrounding larger-scale developments such as the Town Lift and Summit Watch. Staff has reviewed the proposed addition for compliance with the architectural character, volumetric design, and height of this structure compared to its neighbors on Lower Main Street. The design complies with the Park City Design Guidelines for Historic Districts and Sites and complements the mass, scale, style, design, and architectural detailing of its neighbors. The mass of the building is largely hidden by breaks in its façade that reflect the typical widths of historic Main Street facades, similar to the design of the surrounding buildings.

The proposed use is similar to the ancillary uses associated with the former Kimball Art Center located on the same site. The private event space will serve as a support facility for the community, providing private event space for meetings and other events throughout the year. The private event space will support the tourism economy of Main Street and bring additional visitors to Old Town.

No unmitigated impacts, as conditioned.

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

*All uses, with the exception of the outdoor roof deck and balcony along Main and Heber, are located inside the new addition and there are no expected additional impacts on adjacent residents/visitors or Property Off-Site. The applicant anticipates that noise will be similar to the existing use of the building and glare will be minimized based on the site lines and overhang on the Heber Avenue balcony. Staff has added Condition of Approval #15 to mitigate the impacts of any unanticipated light pollution within a year's time of the Certificate of Occupancy. Additionally, no dust or odor should be created by this use. The applicant anticipates that hours of use will vary depending on the event; however, typical operating hours will be between 8am and midnight. Outdoor speakers and music will be limited to 11am to 10pm in accordance with the City's Noise Ordinance. Staff recommends conditions of approval related to the hours of use. **No unmitigated impacts, as conditioned.***

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

*Service and delivery volumes to the building will increase based on the use of the private event space; however the applicant does not anticipate additional trucks or more frequent service than the previous art center, and no additional loading areas are proposed. The applicant has proposed an acceptable screened refuse storage area along the north property line, adjacent to Main Street. Delivery, loading, and unloading zones for the private event facility will be limited to Heber Avenue. **No unmitigated impacts.***

(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 event space is intended to be privately owned and professionally managed. The applicant anticipates that the number of employees will vary from 4 to 40 based on the event; as previously noted, the applicant anticipates events no larger than an occupant load of 480. The applicant has not yet submitted a condo plat application to subdivide the spaces and sell them to private entities, which is reflected in Condition of Approval #9 **No unmitigated impacts.**

(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.

The property is located within the Sensitive Lands Ordinance boundary and flood plain Zone A. Staff recommends including a Conditions of Approval regarding the removal of soils and that the building is located in a FEMA flood Zone A (lowest occupied floor shall be at or above the base flood elevation). **No unmitigated impacts, as conditioned.**

(16) Reviewed for consistency with the goals and objectives of the Park City General Plan; however, such review for consistency shall not alone be binding.

Goal 16 of the General Plan expresses the need to maintain the Historic Main Street District as the heart of the City for residents and encourage tourism in the district for visitors. In addition to investing in the rehabilitation of one of the City's Landmark historic buildings, the private event space will support the tourism industry while also catering to locals needs. The private event space utilize Main Street as a backdrop and setting for the events while also providing an opportunity to draw more locals to Main Street. The events will draw visitors to Main Street, as well, and encourage visitation to the diverse business mix of the street-level commercial uses. The private event space will contribute to our goals of maintaining and enhancing the long term viability of the Historic District. **Complies.**

Department Review

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

Notice

The property was posted and notices were mailed to property owners within 300 feet on November 26, 2016. A legal notice was published in the Park Record on October 22, 2016. No public input has been received at the time of this report.

Alternatives

1. The Planning Commission may approve the Conditional Use Permit for the Private Event Facility as conditioned or amended, or
2. The Planning Commission may deny the Conditional Use Permit for the Private

- Event Facility and direct staff to make Findings for this decision, or
3. The Planning Commission may continue the discussion on the Conditional Use Permit for Private Event Facility to a date certain to allow the applicant and Staff to provide additional information or analysis.

Significant Impacts

There are no significant fiscal or environmental impacts from this application that have not been mitigated with conditions of approval.

Recommendation

Staff recommends that the Planning Commission holds a public hearing, considers public input, and approves the Conditional Use Permit at 638 Park Avenue for the proposed Private Event Facility pursuant to the findings of fact, conclusions of law, and conditions of approval outlined in this report.

Findings of Fact

1. The Condition Use Permit is for a private event facility at 638 Park Avenue.
2. The property is located in the Historic Recreation Commercial (HRC) District).
3. Per 15-2.5-10he property is located in the Heber Avenue Subzone; the allowed uses within the sub-zone are identical to the allowed uses of the Historic Commercial Business (HCB) District, and the Conditional Uses within the sub-zone are identical to the Conditional Uses in the HCB District.
4. The property is bound by Main Street to the east, Heber Avenue to the south, and Park Avenue to the west. These are all public streets.
5. The Park City Council also approved a Kimball on Main plat amendment for this property at 638 Park Avenue on May 19, 2016. The plat has not yet been recorded.
6. The site is designated as Landmark on the City's Historic Sites Inventory (HSI).
7. The Historic District Design Review (HDDR) for the new development was originally approved on June 20, 2016. The applicant is proposing to rehabilitate the historic Kimball Garage and construct a new addition to the east, fronting Main Street.
8. An appeal of the HDDR was submitted by the Park City Museum and Historical Society on June 30, 2016. The Board of Adjustment met on October 18, 2016, denied the appeal and upheld staff's determination. The BOA recommended that the Planning Department and the applicant propose rules to regulate the rooftop deck and prevent umbrellas, tents, and other temporary structures from detracting from the invisibility of the deck.
9. The BOA found that the rooftop deck addition above the historic Kimball Garage was appropriate as the Design Guidelines permit construction of rooftop additions and the addition would remove one of the two barrel-vaulted roof forms. The addition was permissible because it was generally not visible from the primary public right-of-way along Heber Avenue.
10. On March 20, 2016, the Planning Director found that the Kimball Art Center was current in their assessment to the Main Street Parking Special Improvement District as of January 1, 1984, for parking requirements up to a Floor Area Ratio

(FAR) of 1.5. In 1984, the Kimball Art Center was located in the Historic Commercial Business (HCB) District; however, the zone changed in 2006 to Historic Recreation Commercial (HRC). The proposed FAR of the proposed project with the new addition is 1.45.

11. In 1984, the Kimball Art Center had a Gross Floor Area of approximately 13,477 square feet, which generates an FAR of 0.7. The 0.7 FAR is less than the 1.5 FAR that they paid for as part of the Main Street Parking Special Improvement District.
12. The minimum front/rear yard setbacks are ten feet (10'). The historic structure has a 1-foot front yard setback along Park Avenue and the new addition will have a 12-foot rear yard setback along Main Street.
13. Gross Commercial Floor Area includes all enclosed Areas of the building, but excludes parking areas. Unenclosed porches, Balconies, patios and decks, vent shafts and courts are not calculated in Gross Commercial Floor Area. Areas below Final Grade used for commercial purposes including, but not limited to, storage, bathrooms, and meeting space, are considered Floor Area.
14. Because 638 Park Avenue is located in the Heber Avenue Subzone, the FAR limitation of the HRC District does not apply to gross commercial floor area; however, the parking exception is only for an FAR up to 1.5.
15. The minimum side yard setbacks are five feet (5'); the historic structure currently has a side yard setback of 6 feet along the north property line. The new addition will have a 5-foot setback from the north property line.
16. On corner lots, such as this, the side yard setback that faces a street is ten feet (10'). The historic structure has a 1-foot side yard setback along Heber Avenue; the new addition will have a 10-foot setback along Heber Avenue.
17. Per LMC 15-2.5-4, a project may have only one vehicular Access from Park Avenue, Main Street, Heber Avenue, Swede Alley, or Deer Valley Drive, unless an additional Access is approved by the Planning Commission. The applicant has provided vehicular access along Heber Avenue.
18. Per LMC 15-2.5-5, no structure shall be erected to a height greater than 32 feet from Existing Grade; the height of the roof on the new addition is a maximum of 30.5 feet.
19. Per LMC 15-2.5-5(A)(3), mechanical equipment and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building; the applicant is proposing parapets incorporated into the design of the street front facades in order to reduce the visibility of rooftop mechanical equipment. These parapets do not exceed 4.5 feet in height, for a maximum height of 35 feet above existing grade.
20. Per LMC 15-2.5-5(A)(5), an Elevator Penthouse may extend up to eight feet (8') above the Zone Height. The applicant has proposed an elevator penthouse on the northwest corner of the new addition. The height of the Elevator Penthouse does not exceed 38 feet in height from Existing Grade.
21. Per LMC 15-2.5-6, Historic Structures that do not comply with Building Setbacks, Off-Street parking, and driveway location standards are valid Non-Complying Structures.

22. Per LMC 15-2.5-8, all exterior mechanical equipment must be screened to minimize noise infiltration to adjoining Properties and to eliminate visual impacts on nearby Properties, including those Properties located above the roof tops of Structures in the HRC District. The applicant has proposed to locate mechanical equipment on the rooftop of the new addition, screening it with parapets and other rooftop screening.
23. Per LMC 15-2.5-9, all Development must provide an on-Site refuse collection and loading Area. Refuse and service Areas must be properly Screened and ventilated. Refuse collection Areas may not be located in the required Yards. The applicant has proposed an acceptable refuse storage area along the north property line, adjacent to Main Street.
24. On the third level of the new addition, the applicant is proposing a Private Event Facility. The Private Event Facility will be 3,785 square feet on the top floor above the street level commercial spaces as well as a 477 square foot outdoor balcony and 2,530 square foot rooftop terrace.
25. The LMC defines this as a facility where the primary Use is for staging, conducting, and holding Private Events. Private Events are events, gathering, party, or activity that is closed to the general public or that requires an invitation and/or fee to attend. A Private Event Facility is a Conditional Use in the Heber Avenue Sub-zone and is not permitted in storefronts along Heber, Park, and Main Street.
26. The Private Event Facility will be accessible from a street-level lobby along Heber Avenue. Access, circulation, and lobby areas are permitted within Storefront property.
27. In 2015, the Kimball hosted an event with an occupant load of 697 people. The applicant finds that the proposed Private Event Facility will have an occupancy load of 480 people, a 32% reduction from past event occupancy loads.
28. Special Events, as defined by the LMC, are those events, public or private, with either public or private venues, requiring City licensing beyond the scope of normal Business and/or liquor regulations or creates public impacts through any of the following: (A) Use of City personnel; (B) Impacts via disturbance to adjacent residents; (C) Traffic/parking; (D) Disruption of the normal routine of the community or affected neighborhood; or (E) Necessitates Special Event temporary beer or liquor licensing in conjunction with the public impacts, neighborhood block parties or other events requiring Street closure of any residential Street that is not necessary for the safe and efficient flow of traffic in Park City for a duration of less than one (1) day shall be considered a Special Event.
29. There is no vehicular access proposed. Delivery, loading, and unloading zones for the private event facility will be limited to Heber Avenue.
30. Any temporary structures, such as tents will require an Administrative Conditional Use Permit (CUP) in accordance with LMC 15-4-6.
31. The applicant anticipates that hours of use will vary depending on the event; however, typical operating hours will be between 8am and midnight. Outdoor speakers and music will be limited to 11am to 10pm in accordance with the City's Noise Ordinance.

32. There are no open space requirements specified for this development.
33. The design complies with the Park City Design Guidelines for Historic Districts and Sites and complements the mass, scale, style, design, and architectural detailing of its neighbors.
34. The applicant has proposed an acceptable screened refuse storage area along the north property line, adjacent to Main Street. Delivery, loading, and unloading zones for the private event facility will be limited to Heber Avenue.
35. The event space is intended to be privately owned and professionally managed. The applicant anticipates that the number of employees will vary from 4 to 40 based on the event; as previously noted, the applicant anticipates events no larger than an occupant load of 480.
36. The site is located within the Park City Soils Ordinance boundary and FEMA flood Zone A.
37. The site is located in a FEMA flood Zone A.
38. The CUP application was deemed complete on September 28, 2016 upon receipt of additional materials.
39. The proposed conditional use meets the criteria set forth in LMC 15-1-10(E).
40. 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 proposed use, as conditioned, will be compatible with the surrounding structures in use, scale, mass and circulation.
3. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval

1. All standard conditions of approval apply to this Conditional Use Permit.
2. Should the applicant host an event in the Private Event Facility that goes beyond the Private Event Facility Use and the Conditions of Approval outlined in this CUP, a Special Event permit may be required.
3. All exterior signs require a separate sign permit reviewed by the Planning and Building Departments and multi-tenant buildings require a Master Sign Plan.
4. The final building plans and construction details for the project shall meet substantial compliance with the HDDR approved on June 20, 2016 and the drawings reviewed by the Planning Commission on November 9, 2016.
5. Utility and grading plans, including storm water drainage plans, must be approved by the City Engineer prior to Building Permit issuance.
6. A Utility Plan must be provided at the time of the building permit application showing the location of dry facilities on the property to ensure that the location of transformers and other utility infrastructure on the property can be adequately screened and written approval from the utility company is provided indicating that are satisfying this condition
7. All exterior mechanical equipment shall be painted and/or otherwise screened and shielded from public streets. All wall and roof top vents and protruding

mechanical shall be painted to match the adjacent wall or roof and/or screened from public view.

8. The use of umbrellas, portable heaters, and similar improvements may be used during an event; however, they shall not be permanently stored on the rooftop terrace or visible from the public right-of-way except when in use during the private event.
9. The applicant must submit a condo plat in order to sell any of the individual retail/commercial units.
10. A final Construction Mitigation Plan must be approved by the Planning and Building Departments prior to issuance of a building permit.
11. All projects within the Soils Ordinance Boundary require a Soil Mitigation Plan to be submitted and approved by the Building and Planning Departments prior to issuance of a Building Permit.
12. Property is located in a FEMA flood Zone A. The lowest occupied floor shall be at or above the base flood elevation. Additionally, an H and H study must be completed showing the impacts to the flood plain. Any changes to the flood plain by 12 inches or more will require the filing of a LOMR.
13. All exterior lighting, including any existing lighting and lighting on the balcony and terrace, shall comply with the Lighting Requirements of LMC 15-5-5(I). The lighting shall be downward directed and fully shielded. Exterior lighting shall be approved by the Planning Department prior to installation.
14. A condominium plat must be recorded prior to the sale of any of the individual units.
15. One year after the Certificate of Occupancy, the applicant and the Planning Department will review any complaints regarding noise, glare, light, and traffic. The Planning Commission may add additional conditions of approval to further mitigate the impacts.

Exhibits

Exhibit A – Applicant’s Written Description

Exhibit B – Site Plan and surveys

Exhibit C – Proposed Plans

Exhibit D – Renderings of Proposed Development

Exhibit E – BOA Action Letter and Draft Minutes, 10.18.16



ELLIOTT WORKGROUP

WRITTEN STATEMENT

638 Park Avenue
Kimball Garage
August 26, 2016

Provide a written statement describing the request and any other information pertaining to the conversion of the proposed project.

This Conditional Use Permit Application is being made to request approval of the use of a "Private Event Facility". This project is located in the HRC District / Heber Avenue Sub-Zone and the Conditional Uses within the sub-zone are identical to the Conditional Uses in the HCB District. The "Private Event Facility" use is listed as a Conditional Use in the HCB District.



ELLIOTT WORKGROUP

GENERAL DESCRIPTION

638 Park Avenue
Kimball Garage
August 26, 2016

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

The existing Kimball Garage historic structure most recently housed the Kimball Arts Center and under this occupancy, it has been used as a “Private Event Facility” for decades. The proposed use is being relocated on site to the second floor of the new addition. This move brings the historic use into compliance with the HCB by removing the use from a “Storefront Property” location. This use fit-in well as it has been a standard use of the site form decades. Additionally, this move of use will open the existing historic Kimball Garage storefront for additional desired commercial and retail uses.

What type of service will it provide to Park City?

The “Private Event Space” will continue to serve as a support facility for community uses and will also support the surrounding nightly rental bed base during the shoulder seasons. During the shoulder seasons the event space will be available for meeting and other events, bringing additional visitors to Main Street, further supporting many Main Street businesses.

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

The site for the “Private Event Space” falls under the “General Plan” section “6.8 Old Town: Main Street as the Heart of Park City”. The proposed use is consistent with this section of the General Plan as it will continue to “keep the locals in the equation” and will continue to “provide local businesses with year round patrons”.

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

- a). The proposed use is similar to the ancillary uses associated with the former Kimball Arts Center located on the same site.
- b). The use is compatible with the surrounding uses of nightly rental and commercial as it will provide the opportunity for additional visitors to the surrounding uses.

Is the proposed use suitable for the proposed site?

The proposed use works well at the proposed site due to its relationships to both the adjacent existing nightly rental and the adjacent commercial uses. Additionally, it has good access for drop-off along Heber Avenue which can be

ELLIOTT WORKGROUP

accessed without creating congestion along Main Street. The new location moves the use away from the adjoining residential areas.

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

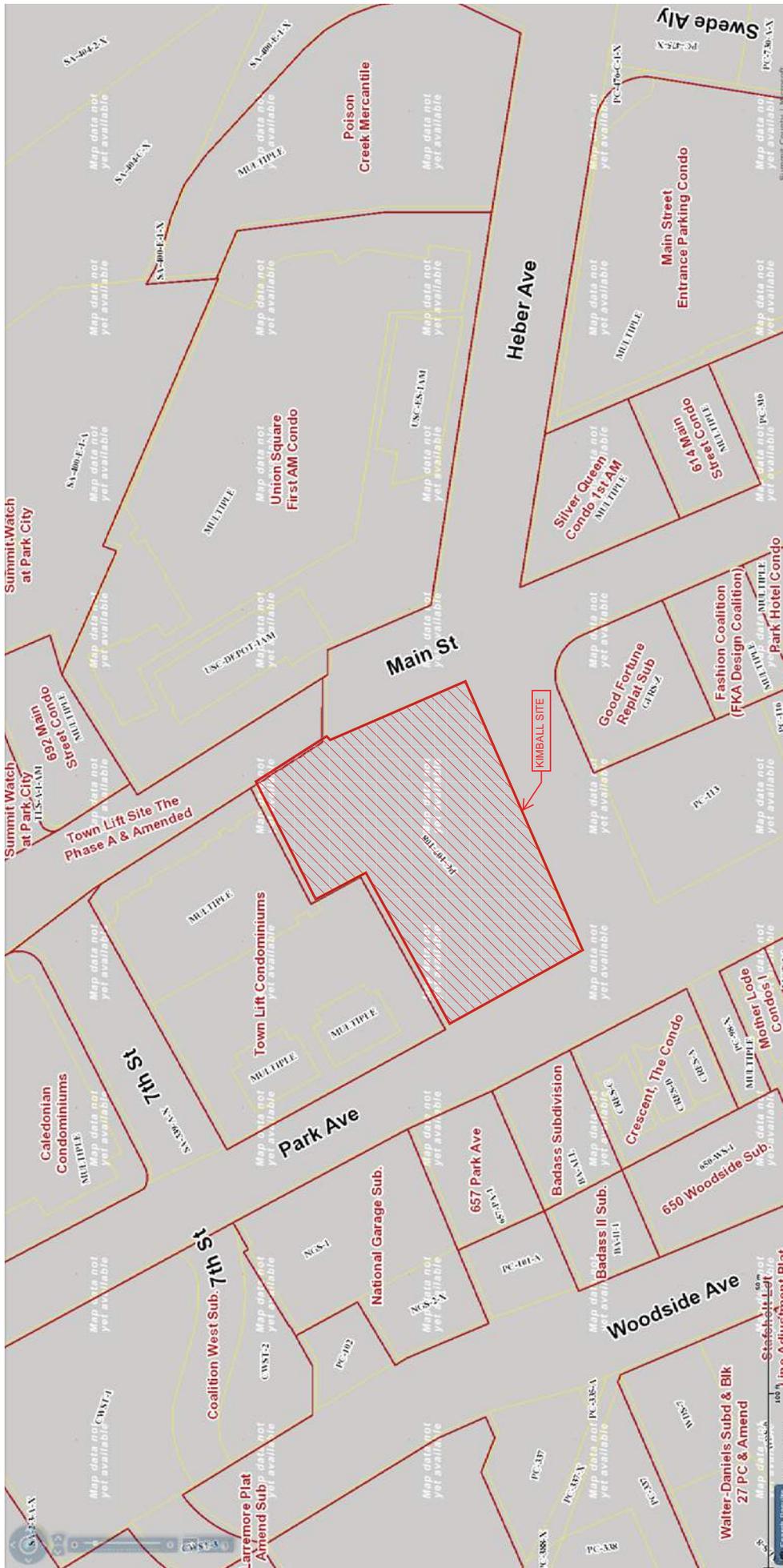
- a). Noise will be similar to the existing use.
- b). Glare will be minimal to non-existent based on the site lines and overhangs designed on the building.
- c). Dust will not be created by this use.
- d). Odor will not be created by this use.

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

- a). The hours of operation will be typical of Park City event uses and will vary based on each event. Typical operation will be between 8AM and Midnight. Exterior use will be limited to the Park City Code requirements. Outdoor speakers and music will be limited to 11AM to 10PM.
- b). The number of employees for the "Private Event Space" will vary based on the event. The number of employees will generally vary from 4 to 40.

Are (there) other special issues that need to be mitigated?

There are no new special issues required to be mitigated by the relocation of the "Private Event Space" use within this site.



SURVEYOR'S CERTIFICATE

I, Martin A. Morrison, do hereby certify that I am a registered land surveyor in the State of Utah. I further certify that I have personally supervised the surveying work shown on this plan and that the same is a correct representation of the land surveyed at the time this field work was completed. I am not aware of any errors or omissions in this plan which would affect the accuracy of the same. This plan was prepared in accordance with the standards of the Utah State Board of Surveying.

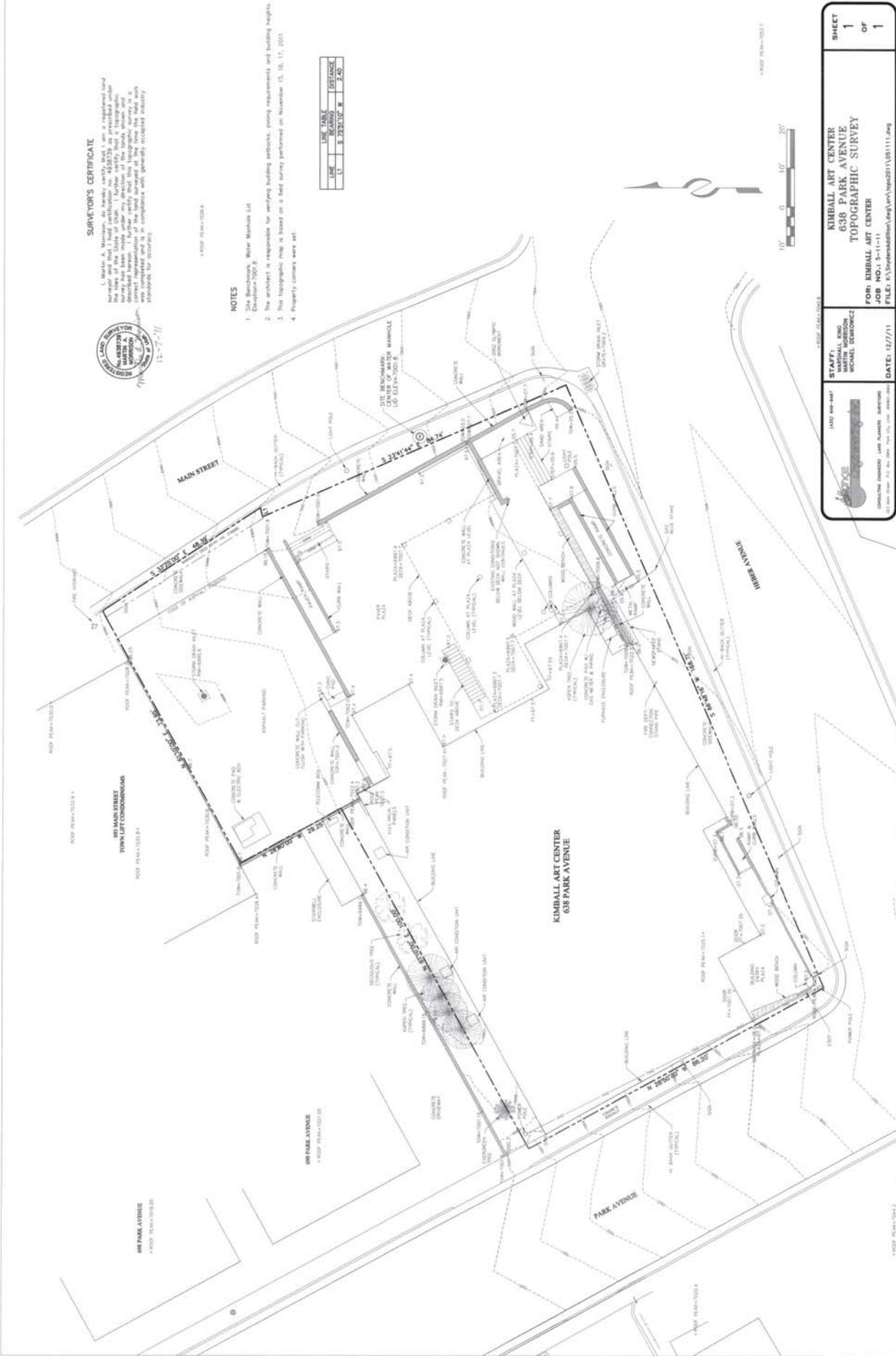


400P 16.04.2016.1

NOTES

1. Site benchmark: Water Mainline Lid (Elevation=7001.8)
2. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
3. This topographic map is based on a field survey performed on December 15, 16, 17, 2011.
4. Property corners were set.

LINE	BEARING	DISTANCE
1	S 23°11'44" W	250.0



STAFF: PROJECT MANAGER: MICHEL DEMONTECH
DATE: 12/7/11

PROJECT: KIMBALL ART CENTER
 638 PARK AVENUE
 TOPOGRAPHIC SURVEY
 FOR: KIMBALL ART CENTER
 JOB NO.: 5-11-11
 FILE: \\A:\SystemAdmin\map\topo\topo2111051111.dwg

SHEET 1 OF 1

Kimball Garage Expansion

Existing Site Plan
 CUP - 002
 SEPT 15, 2016





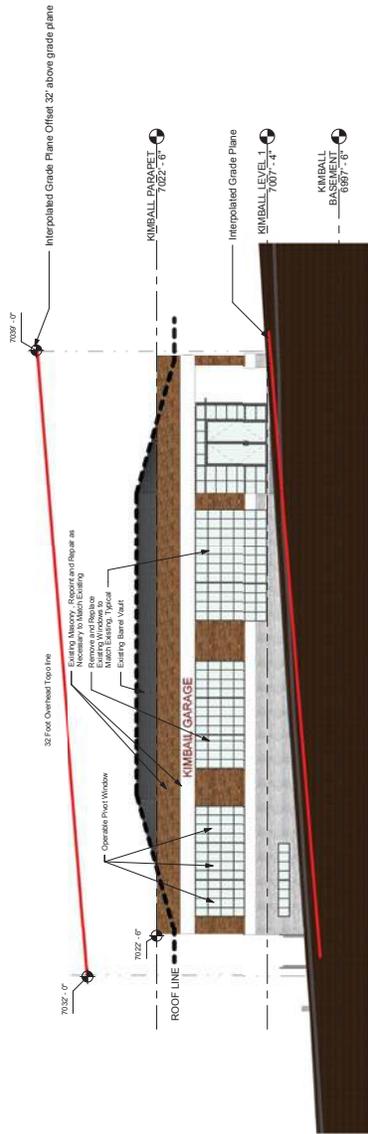




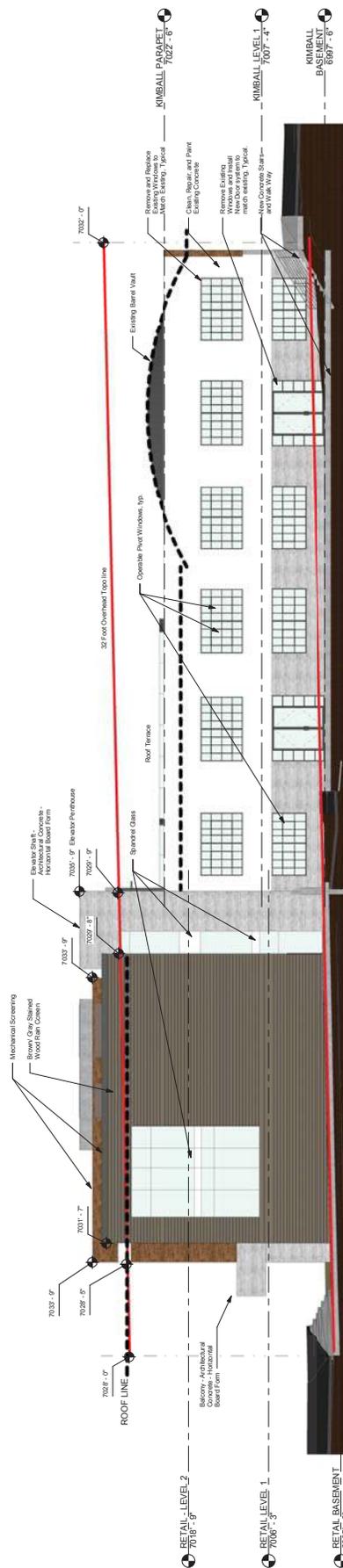
UPPER LEVEL EVENT SPACE
A103
SEPT 15, 2016





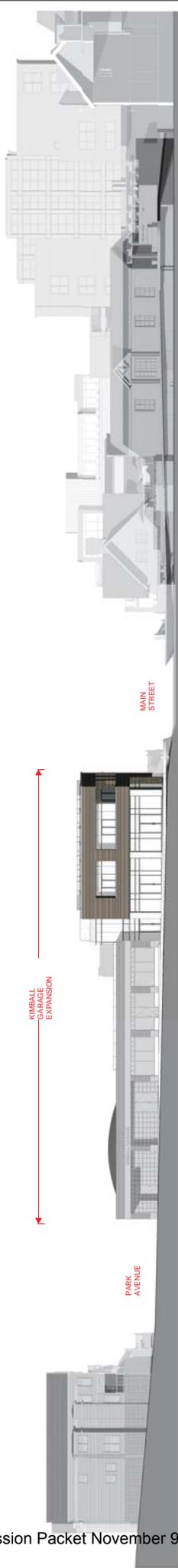


1 WEST ELEVATION



2 NORTH ELEVATION



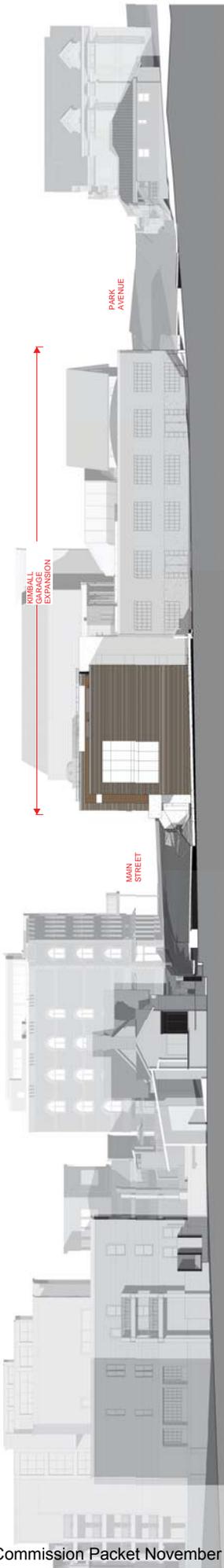


Heber Avenue Elevation

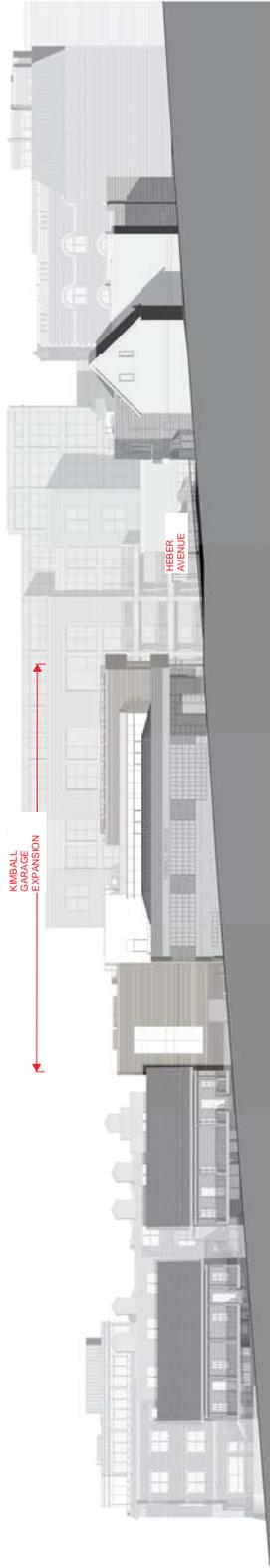


Main Street Elevation

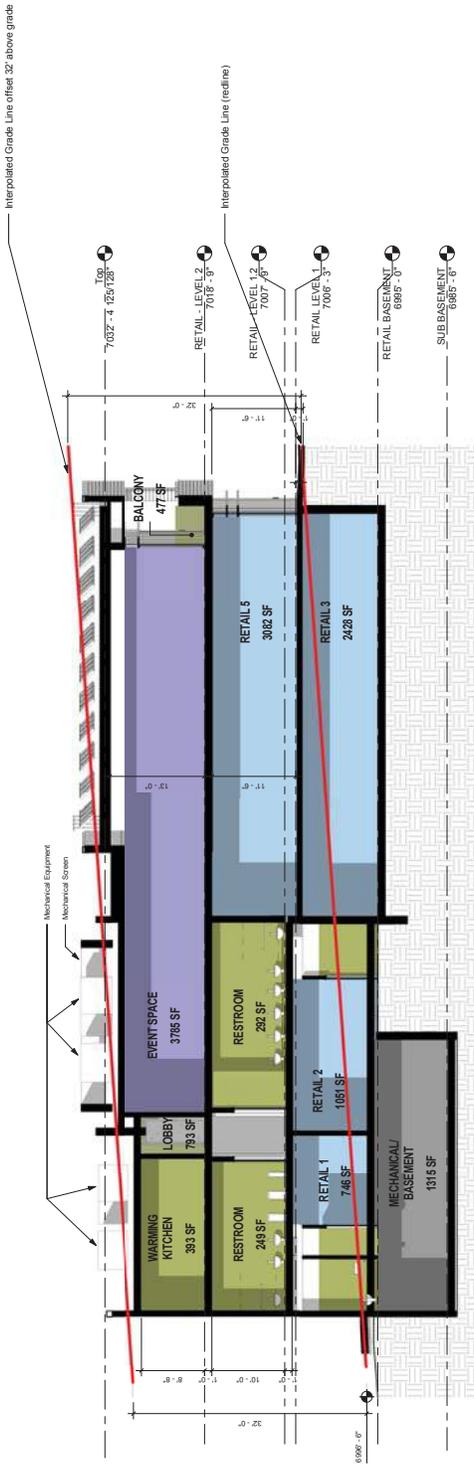




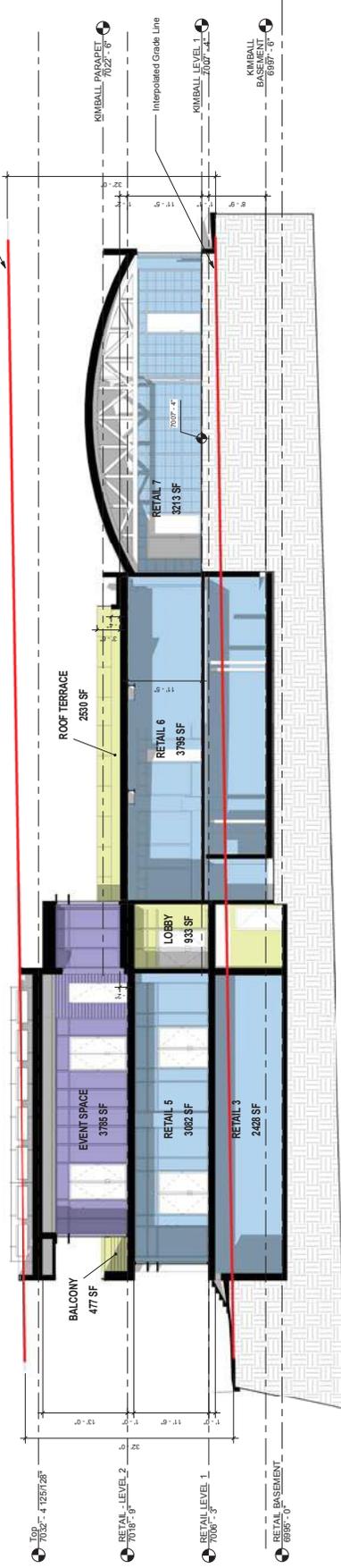
North Elevation
 0' 8' 16' 32' 64'



Park Ave Elevation
 0' 8' 16' 32' 64'



1 MAIN STREET SECTION



2 HEBER SECTION





CORNER PERSPECTIVE
A106
SEPT 15, 2016













UPPER MAIN ST. PERSPECTIVE
A111
SEPT 15, 2016

Kimball Garage Expansion







ROOF TERRACE FROM ABOVE
A113
SEPT 15, 2016



ROOF TERRACE
A114
SEPT 15, 2016





October 19, 2016

Sandra Morrison
Park City Historical Society & Museum
PO Box 555
Park City, UT 84060

NOTICE OF BOARD OF ADJUSTMENT ACTION

<u>Application:</u>	Appeal of staff's determination of compliance with Design Guidelines and the Land Management Code (LMC)
<u>Project Location:</u>	638 Park Avenue
<u>Project Number:</u>	PL-16-03106
<u>Appellant:</u>	Park City Historical Society & Museum
<u>Action Taken:</u>	Appeal is denied and staff's determination is upheld
<u>Date of Action:</u>	October 18, 2016

On October 19, 2016, the City Council called a meeting to order, a quorum was established, a public meeting was held, and the City Council approved your application based on the following:

Findings of Fact:

1. The property is located at 638 Park Avenue.
2. The site is designated as Landmark on the City's Historic Sites Inventory (HSI).
3. According to the Historic Sites Form, the historic Kimball Garage was constructed in 1929. The building underwent an extensive renovation that significantly altered the interior and exterior of the structure for use as the Kimball Art Center in 1975-1976. The structure was renovated again in 1999.
4. In 1979, the site was designated as contributory as part of the Park City Main Street Historic District nomination for the National Register of Historic Places.
5. The property is in the Historic Recreation Commercial (HRC) District and Heber Avenue Subzone.
6. On January 20, 2015, LCC Properties Group submitted a Historic District Design Review (HDDR) application for the Landmark property located at 638 Park Avenue.
7. On June 20, 2016, staff approved the Historic District Design Review (HDDR) application for the site.
8. On June 30, 2016, the City received an appeal of a Historic District Design Review (HDDR) application approved by the Planning Department on June 20, 2016 at 638 Park Avenue.
9. This appeal was submitted by Sandra Morrison, representing the Park City Historical Society and Museum.

10. Pursuant to LMC § 15-1-18 (D) Standing to Appeal, the Park City Historical Society and Museum has standing to appeal the HDDR final action because they submitted written comment and testified on the proposal before the Planning Department.
11. The proposal complies with Universal Guideline #3 in that the historic exterior features of a building will be retained and preserved.
12. The proposal complies with Universal Guideline #4 in that distinctive materials, components, finishes, and examples of craftsmanship will be retained and preserved. The owner will reproduce missing historic elements that were original to the building, but have been removed, such as the original entrance along Heber Avenue. Physical or photographic evidence will be used to substantiate the reproduction of missing features.
13. The proposal complies with Universal Guideline #5 in that deteriorated or damaged historic features and elements should be repaired rather than replaced. Where the severity of deterioration or existence of structural or material defects requires replacement, the feature or element should match the original in design, dimension, texture, material, and finish. The applicant must demonstrate the severity of deterioration or existence of defects by showing that the historic materials are no longer safe and/or serviceable and cannot be repaired to a safe and/or serviceable condition. The owner has demonstrated that the historic and early replacement steel frame windows are beyond repair and the owner will be replacing the remaining steel-frame windows along Park Avenue and the rear (north) elevation due to their poor condition.
14. The proposal complies with Universal Guideline #6 in that features that do not contribute to the significance of the site or building and exist prior to the adoption of these guidelines, such as incompatible windows, aluminum soffits, or iron porch supports or railings, may be maintained; however, if it is proposed they be changed, those features must be brought into compliance with these guidelines. The applicant will maintain a non-historic ca. 1976 glass addition beneath the overhang of the original fueling station. Staff finds that this addition was sensitively designed so as not to detract from the historic structure and is compatible with the historic building.
15. The proposal complies with Universal Guideline #10 in that the new additions and related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment could be restored.
16. The proposal complies with Specific Design Guideline B.1.1 in that the owner will maintain the original roof form, the western barrel vault, as well as any functional and decorative elements.
17. The proposal complies with Specific Design Guideline B.2.1 in that the primary and secondary facade components, such as window/door configuration, wall planes, recesses, bays, and entryways should be maintained in their original location on the façade.
18. The proposal complies with Specific Design Guideline B.4.1 in that the owner will maintain historic door openings, doors, and door surrounds on the Heber and Park Avenue facades.
19. The proposal complies with Specific Design Guideline B.5.1 in that the owner will maintain historic window openings, windows, and window surrounds on the primary facades.
20. The proposal complies with Specific Design Guideline B.5.2 in that the replacement steel windows will be allowed because the historic windows cannot be made safe and serviceable through repair. The BOA questions that certain historic windows are no longer serviceable or may be in a deteriorated state. The BOA will require that an independent window evaluation specialist will assess and report on the existing window conditions and outline options for rehabilitation or replacement. Replacement windows

will exactly match the historic window in size, dimensions, glazing pattern, depth, profile, and material.

21. The proposal complies with Specific Design Guideline MSHS3 in that traditional orientation with the primary entrance on Heber Avenue will be maintained.
22. The proposal complies with Specific Design Guideline MSHS6 in that rooftop additions may be allowed. The proposed rooftop deck does not exceed one story and will be set back from the primary façade so that it is not visible from the primary public right-of-way.
23. The proposed renovation and new addition meet all setbacks and has increased setbacks from the minimum towards the north side yard area.
24. Staff does not find that the proposed plan will substantially diminish the character of the neighborhood nor will it cause the structure to lose its local designation as a Landmark structure or its eligibility for the National Register of Historic Places.
25. The proposal complies with Universal Design Guidelines #9 in that the c.1976 exterior alteration does not destroy historic materials, features, and spatial relationships that characterize the site or building. The divided-light glass entry addition beneath the overhang on the west side of the building is visually subordinate to the historic building when viewed from the primary public right-of-way. The addition does not obscure or contribute significantly to the loss of historic materials.
26. The proposal complies with Specific Design Guidelines B.1. Roofs. The BOA has determined that the original roof form, consisting of two (2) barrel vaults running north-to-south are not character-defining features of the historic structure, and, thus, the applicant will only be required to maintain the western barrel-vault.
27. The proposal complies with Specific Design Guidelines B.5. Windows. The applicant will maintain historic window openings and window surrounds on the Park Avenue and Heber Avenue facades; the remaining historic and non-historic steel window will be replaced with new windows that exactly match the historic in size, dimensions, glazing pattern, depth, profile, and material. No storms are proposed at this time.
28. The proposal complies with Specific Design Guidelines D.1. Protection for Historic Structures and Sites. The addition will be visually subordinate to the historic building when viewed from the primary public rights-of-way of Park and Heber Avenue. The addition will not obscure or contribute significantly to the loss of historic materials as the applicant proposes to retain the west barrel-vaulted roof form.
29. The proposal complies with Supplemental Rehabilitation Guidelines—Main Street National Register Historic District. The proposed project will not cause the building or district to be removed from the National Register of Historic Places. The alignment and setback along Main Street are character-defining features of the district and will be preserved. Traditional orientation with the primary entrances of the new addition on Main Street will be maintained. The rooftop deck addition will not exceed one story in height and will be set back from the primary façade so that it is not visible from the primary public right-of-way. The BOA finds that the rooftop deck is consistent with the Historic District Guidelines as it is not generally visible from the Park Avenue and Heber Avenue rights-of-way.
30. Pursuant to LMC 15-1-18(G), the Board of Adjustment shall act in a quasi-judicial manner. The appellant has the burden of proving that the land use authority erred. The appellant fails to specifically indicate how staff erred.

Conclusion of Law

1. The proposal complies with the Park City Design Guidelines for Historic Districts and Historic Sites.
2. The proposal complies with the Land Management Code requirements pursuant to the Historic Recreation Commercial (HRC) District.

Order

1. The appeal is denied and Staff's determination is upheld.

Condition of Approval

1. An independent window evaluation specialist will assess and report on the existing window conditions and outline options for rehabilitation or replacement in satisfaction of the Planning Director.

As the appellant, this letter is intended as a courtesy to document the status of your request. The official minutes from the Board of Adjustment are available in the Planning Department office. If you have any questions regarding your application or the action taken, please do not hesitate to contact me at 435.615.5067 or anya.grahn@parkcity.org.

Sincerely,

A handwritten signature in black ink that reads "Anya E. Grahn". The signature is written in a cursive style with a large initial 'A'.

Anya Grahn
Historic Preservation Planner

PARK CITY MUNICIPAL CORPORATION
BOARD OF ADJUSTMENT
MINUTES OF OCTOBER 18, 2016

BOARD MEMBERS IN ATTENDANCE: Ruth Gezelius – Chair; Hans Fuegi, Jennifer Franklin, David Robinson, Mary Wintzer

EX OFFICIO: Planning Director Bruce Erickson, Anya Grahn, Planner; Polly Samuels McLean, Louis Rodriguez

ROLL CALL

Chair Gezelius called the meeting to order at 5:01 p.m. and noted that the Board did have a quorum.

ADOPTION OF MINUTES OF JUNE 22, 2016.

Board Member Franklin noted that the minutes had auto corrected Mary Wintzer's name to reflect Mary **Winter** and it needed to be changed to **Wintzer**.

MOTION: Board Member Hans Fuegi moved to APPROVE the minutes of June 22, 2016 as amended. Board Member David Robinson seconded the motion.

VOTE: The motion passed. Jennifer Franklin abstained from the vote since she was absent from the June 22nd meeting.

PUBLIC COMMUNICATIONS

There were no comments.

STAFF/BOARD MEMBERS COMMUNICATIONS AND DISCLOSURES

There were no reports or comments.

REGULAR MEETING – Discussion, Public Hearing and Possible Action

638 Park Avenue – Appeal of Staff's Approval of a Historic District Design Review for the Historic Kimball Garage. (Application PL-16-03106)

Planner Anya Grahn apologized for forgetting to include the action letter for the Historic District Design Review approval in the Staff report. She had it available this evening if the Board needed it.

Planner Grahn reported on public comment she had received earlier that day from Sanford Melville. She provided copies of his letter to the Board.

Planner Grahn explained why the Board of Adjustment was reviewing an appeal of the Staff determination on Design Guideline compliance since that is typically heard by the Historic Preservation Board. She reminded the Board that in December 2015 the LMC was amended to give the Historic Preservation Board more responsibilities regarding material deconstructions. When that change was made, the Board of Adjustment became the appeal body so there were no conflicts of interest. Therefore, the Board of Adjustment was the first body to appeal this application.

Planner Grahn stated that the BOA was reviewing this de Novo. She thought the Staff report was descriptive regarding the overall development of the site. However, she reminded everyone that the building was built in 1929 as the Kimball garage. It was built during Park City's mature mining era, which lasted from 1894 to 1930. The Staff report outlined the changes that have occurred as the site was developed between a gas station and into the Kimball Art Center. The site is listed as Contributory on the 1979 National Register Nomination for the Park City Main Street Historic District. The site is also listed as a Landmark on the Historic Sites Inventory, which is the highest historic designation. Landmark means the structure is National Register eligible because it retains such a high level of historic integrity.

The Staff found that the proposal complied with the LMC and Design Guidelines on June 20th, and it was appealed by the Park City Museum on June 30th. Planner Grahn stated that the Appellant primarily based their objections to the project based on the Secretary of the Interior Standards. She pointed out that the standards are set by the Federal Government and the National Park Service. The Standards are a series of concepts about maintaining, repairing, and replacing historic materials. However, the Staff does not enforce the Secretary of the Interior Standards. The Design Guidelines are Park City's interpretation of those standards; particularly the Universal Guidelines. The Design Guidelines were approved by the City Council in 2009.

The Staff found that the Appellant had four major objections to the proposal. The first is the loss of one of the barrel vaulted roof forms. Planner Grahn presented a photo showing how the Kimball garage looks now. The Staff found that overall the character defining features of the site were the horizontality of the architecture. When this building was constructed in 1929 they did not have the engineering and structural abilities of today. To have a flat roof would have been impossible to construction, which is why they designed the barrel vaults. Planner Grahn noted that the barrel vaults were designed with a flat bottom edge, which helps them to hide and disappear behind the parapet, which is another character defining feature of the site. Planner Grahn stated that other character defining features that the Staff thought related to the horizontality were the long horizontal bays that are divided by vertical columns, the coping above the cornice line, and other features outlined in the Staff report. The Staff found that the rooftop deck as proposed would remove one of the barrel vaults, but because the barrels were

designed to be hidden and were meant to disappear behind the parapet, the Staff felt the addition was appropriate. The Staff also determined that the cantilever in the deck was inappropriate because it would have more of an impact on the historic character of the building and detract from the historic building.

Planner Grahn reported that the Appellant was also objecting to an addition of a new door along Heber Avenue in this location. The Staff found that there most likely was a door in that central bay that accessed commercial space on the interior of the garage. Planner Grahn believed the door was removed in 1976 as part of the Kimball Arts Center renovation.

Planner Grahn stated that the Appellant was also concerned about the Staff allowing the applicant to maintain the glass addition beneath the overhand. This area was originally the pull-up area into the fueling station. She noted that the original walls of the Kimball garage were taken out at some point and the glass addition was put in in 1976. The Staff found that the glass addition itself was not incompatible to the design of the gas station. Planner Grahn remarked that it was largely designed to be transparent, which reflected how open the fueling pump area would have been historically. It was also designed to be behind the wall of the Heber Avenue façade, which helps that overhang cast a shadow and allow it to disappear.

Planner Grahn stated that the Appellant objected to the removal of the steel windows. She pointed out that there are historic windows on this building. One is located on Park Avenue and the remaining are located on the rear addition on the north side of the building. Planner Grahn explained that the Guidelines permit the replacement of windows when the historic windows cannot be made safe and serviceable through repair. Replacement windows must always match exactly the historic windows in size, dimension, glazing pattern, depth, profile and material.

Based on discussions with the applicant and the information he provided, the Staff concluded that the windows were in poor condition and were likely beyond repair. The Staff also allowed the applicant to install one new window on the Park Avenue façade. That area, which was a pull-in to the fueling station, was filled in in 1976 as part of the Kimball Art Center renovations. The area on the other side of the wall is interior space. It is currently covered with corrugated metal and the applicant was proposing to add glass. The Staff felt this was appropriate because it lends itself to transparency beneath the original fueling pump station.

Planner Grahn stated that the Museum would have the opportunity to give a presentation this evening. Tony Tyler and Craig Elliott, representing the applicant, were also prepared to give a presentation.

Sandra Morrison, representing the Park City Historical Society and Museum, stated that the historic Kimball Garage was one of Park City's most prominent and cherished historic buildings. Rehabilitation and the adaptive reuse of this iconic structure needs to demonstrate the best practices of historic preservation, and meet the community's desire to preserve the built environment and to honor Park City's unique history. Ms. Morrison noted that the City Council adopted the Historic Sites Inventory in 2009 to address these concerns. Landmark sites were identified on the Inventory and those sites would be protected by the strictest regulations and not suffer from decisions that are arbitrary or based on personal taste. She pointed out that the Kimball Garage is a Landmark site.

Ms. Morrison stated that the Historic Society actively attempted to participate in the Historic District Design Review process for the Kimball Garage renovation project. They attended the public hearing on February 27th, and submitted written comments during the public hearing on June 7th. Ms. Morrison felt it was important to note that this application has never gone before the Historic Preservation Board.

Ms. Morrison remarked that the Historical Society was notified of the Staff's action approving the project, but they were never given details for the basis of approval. They were informed by Staff that they would have to submit a GRAMA request for that information. Ms. Morrison apologized for a handwritten appeal, and explained that it was hastily written because they were unsure of what had exactly been approved. Their detailed statement was included in the Staff report. Ms. Morrison noted that some of the information in the detailed statement was different from what Planner Grahn represented in her presentation.

Ms. Morrison stated that the approval process occurred behind the scenes, and she appreciated this opportunity to address their concerns. Ms. Morrison thought the biggest issue was that part of the approval ignored the Historic District Design Guidelines and the LMC. The concern is whether that might have started a slippery slope in terms of what could happen in the future.

Ms. Morrison referred to page 66 of the Staff report which contained pages of the Park City Design Guidelines for historic districts and historic sites. She believed there was a tendency in Park City to think that they were nothing more than guidelines and did not need to be followed exactly. Ms. Morrison remarked that it was an untrue perception because the guidelines are part of the LMC and they are mandatory. She read from LMC Section 15-11-11, "The Design Guidelines are incorporated into this Code by reference". Ms. Morrison read from the Design Guidelines, "Whenever a conflict exists between the LMC and the Design Guidelines, the more restrictive provisions apply".

Ms. Morrison outlined their concerns. The first was the improper removal of half of the roof. She presented a photo from the historic sites inventory showing the two barrel roofs. She noted that page 30 of the Guidelines calls for maintaining

the original roof form. She pointed out that the barrel roofs were the original roof form on the Kimball Garage. Ms. Morrison believed the Staff had erred in allowing the demolition of half the roof. She referred to the Staff report and comments by Planner Grahn indicating that the barrel roof was not a character defining feature. Ms. Morrison noted that the Design Guidelines do not talk about “character defining features”. It is not listed in the glossary and the term is not defined. She felt that discussing character defining features at this point was a red herring. Ms. Morrison referred to Planner Grahn’s comment that the roof was not intended to be seen when it was built; and noted that the Code does not address that issue either. It only says to maintain the original roof form.

Ms. Morrison remarked that the barrel roofs are also features of the building. She referred to the Universal Guideline #3 on page 28 of the Design Guidelines, which states, “Historic exterior features of the building should be retained and preserved”. Ms. Morrison pointed out that the roof was obviously a historic exterior feature, and demolishing one of the two barrel roofs was not retaining the historic feature. She stated that if they ignore the Code now and determine that the roof is not important and half of it could be demolished, she questioned how they could stop demolition of the other half in the future.

Ms. Morrison stated that the next concern was removal rather than restoration of the historic windows. She referred to page 32 of the Historic District Design Guidelines for windows, and read from Guideline B.5.2, “Replacement windows should be allowed only if the historic windows cannot be made safe and serviceable through repair. She presented a slide Silver Star where the windows were damaged and the developer replaced the panes and retained the historic windows.

Ms. Morrison noted that in the Findings of Fact, the Staff did not offer any explanation as to why the historic windows would be replaced. She also noticed that the Code does not identify who should determine that the historic windows are beyond repair. Ms. Morrison thought that an impartial party with expertise in that field should make that decision.

Ms. Morrison noted that the applicant has argued the word serviceable. She looked up the word in the Merriam Webster Dictionary and “serviceable” means “ready to use, or be able to be used”. She did not believe they needed to argue that serviceable was something more complex. On the issue of single-pane, Ms. Morrison stated that a lot of single-pane windows have been preserved in Park City, one being the Museum building. She had Googled repairing historic windows and she had 8,000 hits. The National Trust talks about repairing historic windows being more economically and environmentally friendly. It noted that amount of windows that are destroyed every year and the amount of debris it generates. Ms. Morrison remarked that preserving historic windows is a greener approach than installing a new window; and historic preservation is part of the solution for reducing the carbon footprint, which is another important goal for

Park City. Ms. Morrison presented slides of other historic buildings where the historic windows were preserved.

Ms. Morrison stated that the next concern was the demolition of the historic windows openings to accommodate new doors. She presented a photo of the north façade of the Kimball Garage, and noted that the Staff had approved altering two of the historic window openings to accommodate doors. Ms. Morrison reads from page 31 of the Design Guidelines, B.2.1, “The primary and secondary façade components, such as the window door configurations, should be maintained”. She noted that Finding of Fact #25(g) states that the façade components such as the window/door configurations will be maintained. Ms. Morrison believed that was inaccurate because the applicant has proposed substituting two of the windows and that the openings will be enlarged to accommodate new doors. Ms. Morrison read from page 32 of the Design Guidelines, B.5.1, “Maintain historic window openings and window surrounds”; and B.5.2, “Replacement windows should exactly match the historic window in size, dimension, glazing, pattern, etc.” Ms. Morrison pointed out that Finding of Fact 25(j), stating that the applicant will maintain the historic window and window surrounds was also inaccurate because the window surrounds would be cut to accommodate the two new doors. Ms. Morrison noted that the applicant had agreed that these were historic windows.

Ms. Morrison stated that the next concern was the replication of the non-historic front façade. She presented a photo of the glass lobby. She remarked that the glass entry extends into the two open bays and it is not historic. She showed a picture from 1949. Ms. Morrison stated that the Universal Design Guideline #6 on page 29 of the Design Guidelines states, “Features that do not contribute to the significance of the site or the building and exist prior to the adoption of these guidelines, such as incompatible windows, etc., may be maintained. However, if it is proposed that they be changed, so features must be brought into compliance with these guidelines”. Ms. Morrison explained that the proposal is to have a new double door entering from the front façade off Heber Avenue. She thought the Findings of Fact erred once again because the non-historic addition is being changed. Per the guidelines, it should come into compliance.

Ms. Morrison commented on the replication of the non-historic Park Avenue façade. She referred to the image shown on page 44 of the Staff report, and language indicating that only one bay was open in 1944. However, a blown up version of the 1944 photo shows two open bays from Park Avenue. Another photo showed the Kimball Arts Center with the 1976 remodel. Ms. Morrison believed the bay was most likely filled in in 1976. She noted that the Guidelines state that features that do not contribute to the significance of the building and exist prior to the adoption may be maintained, but if it is proposed to be changed, those features should be brought into compliance with the guidelines. Ms. Morrison stated that Finding of Fact #24(g) was in error because it was allowing a substitution. She presented a slide of the façade, which said “remove and

replace and match existing with typical". Ms. Morrison remarked that if the applicant wanted to remove and replace, the Guidelines need to be applied, and the Guidelines say to bring it into compliance. She read from Universal Guideline #7 on page 29 of the Design Guidelines, —Owner are discouraged from introducing architectural elements or details that visually modify or alter the original building design when there is no evidence that such elements or details exist." Ms. Morrison stated that the documentary evidence is that there was no window and it was an open bay.

Ms. Morrison emphasized that the community relies heavily on the Land Management Code and the Design Guidelines to protect the historic sites for future generations; and every small concession or inconsistent approval is compounded over time. Ms. Morrison stated that remarkably the historic structures have survived from the mining era, and through their stewardship and precaution, they could survive for many more years to come.

Ms. Morrison requested that the Board of Adjustment rescind the approval for the Historic District Design Review, and to direct the Staff to draft new Findings of Fact that are consistent with the Design Guidelines, including no demolition of the historic double-barrel roof form; repair, not replacement of the historic windows; no demolition of the historic window openings to accommodate new doors; removal, not replacement, of the non-historic glass entry on Heber Avenue; removal, not replacement, of the non-historic corrugated iron Park Avenue; and the re-establishment of the historic open bays on Heber and Park Avenues.

Craig Elliott, representing the applicant, stated that he has been working on this project with the Staff and the owners for nearly two years. They have had great dialogue on the project. Mr. Elliott addressed a few comments before discussing the actual project. He noted that they did not go before the HPB because the project was initially filed before that requirement was in place. Mr. Elliott clarified that the applicant has followed the proper process and all of the rules and regulations, and they are working diligently with Staff to protect the historic nature of Park City.

Mr. Elliott stated that the Kimball Garage is an interesting building and the building itself is unique. The ownership of the building understands and respects that; however, it is different than any other structure in the Historic District because it is an industrial building. Its original use was a gas station, a service bay, and associated retail. Mr. Elliott explained that as they looked at the project they looked at how it engages with the Historic District today, and how it brings value and protects the building over the next generation. He emphasized that the new ownership was interested in being good stewards of this building.

Mr. Elliott thought it was important to understand how they addressed this project and how the Historic District Guidelines apply. When starting a project there has

to be an understanding of which approach to take with the Historic District Design Guidelines. He noted that four different approaches are available. Mr. Elliott stated that they chose to move forward with the rehabilitation project, which also encourages preservation. He summarized that the approach they took basically says that if the intent is to stabilize a building or structure, retain most or all of its historic fabric, and to keep it looking as it currently does now; preservation is the first treatment to consider and it emphasizes conservation, maintenance and repair. Mr. Elliott noted that the owners were looking to do all of those things to protect it. He pointed out that they also took a rehabilitation approach because the project is an adaptive reuse. If they were to use the more restrictive restoration and move it back into the use of a garage for car maintenance or automotive retail, they would probably look at a restoration of the building. However, that use is not their intention, nor is it the requirements of the Design Guidelines. Mr. Elliott reiterated that the owners chose to move forward with preservation and rehabilitation. Rehabilitation says that if a building is to be updated for its current or a new use, it will be rehabilitated. The second treatment also emphasizes retention and repair of historic materials, although replacement is allowed because it is assumed that the condition of existing materials is poor. Mr. Elliott noted that this was the framework within which they applied the Historic District Design Guidelines. He believed it was the appropriate approach based on the uses, the historic use, and the existing condition of the Historic District.

Mr. Elliott presented a slide showing the plaque on the building that was awarded in 2000. He noted that the new ownership is proud of the building and they want to maintain it because it adds value to the City and to the building owners.

Mr. Elliott commented on the roof analysis. One of the issues raised by the Appellant was the barrel vaults. He explained that they are referred to as barrel vaults but they are actually bow string trusses that have a burrito shaped roof because it falls away and down to the parapets, which were intended to raise up and hit the roofs. Mr. Elliott stated that there were no examples in the Design Guidelines about analyzing existing building roofs, but there are examples of how to look at additions and how it impacts the existing building. He explained how they looked at it from across the street on the sidewalk and took a view line to see what was visible, what it impacts and how to approach it. Mr. Elliott had taken photos from all the corners on neighboring properties. He reviewed slides to show what was or was not visible from various points.

Mr. Elliott noted that the Appellant had responded about historic preservation based on the Secretary of the Interior Standards on Historic Preservation. He stated that he has been working on historic preservation projects since early in his career. He commented on renovation and rehabilitation projects he had done in New York City in the 1980's and 1990's. All of those projects looked at replacing windows that were unserviceable. He understood that there were preservation briefs on how to approach that. Mr. Elliott stated that this project

falls under two different preservation briefs. They are guidelines that help to analyze and understand things are not specifically addressed in the Code. He noted that a preservation brief for roofing for historic buildings, which talks about the significance of the roof and historic roofing materials. He explained that the significance of the roof is its prominence and whether the form was there and designed to create a visual impact on the exterior appearance of the building. Based on his look at the building, he did not believe that was the case. From the streetscape on all sides it was not intended to be an important element. Mr. Elliott remarked that the second part of the preservation brief is based on materials. He stated that the materials on this roof has never been a material that would be expected to add character to a building. It is currently a built-up roof, and it may have had rolled out asphalt roofing before. However, it is not a material such as wood, clay, slate or other materials that have a decorative element that would add character. After applying the standards, they determined that that was not the intent of the design of the building.

Mr. Elliott stated that the second part of the preservation briefs talks about the reuse of historic gas stations. This particular building falls under the category of a multiple use station because it provided gasoline and additional services. Mr. Elliott noted that a section in the historic preservation brief talks about roofs on historic gas stations. It reads, "While some gas stations were defined in part by historicized roofs, other were characterized by the absence of a pitched roof. Flat roofs or very low sloped roofs concealed behind parapets were common on both articulated contemporary design, such as glass-sheathed Streamline, Moderne, and International Style gas stations, as well as basic utilitarian boxes". Mr. Elliott believed the Kimball garage falls underneath the Moderne and the basic utilitarian box as a building, which was characteristic of multiple use gas station buildings built in that era. Mr. Elliott remarked that the preservation brief talks about it not being an important character defining element. Their approach was to try and understand the expectations.

Mr. Elliott commented on the window analysis and what the existing historic windows entail and what they are made of. He presented a slide showing the windows currently in place, and the detail of the condition of the windows. In looking at the individual performance of the windows and the glazing, Mr. Elliott noted that the windows were industrial windows designed to keep out the wind and the rain, and to provide a lot of light and some ventilation. Mr. Elliott stated that the reality is that windows were upgraded over the years, but their serviceability is very minimal. Mr. Elliott presented examples of other buildings in Park City to show how these types of windows can be replaced. He noted that the owners were proposing a higher standard of care by using a steel window with a thermal break, which more closely matches the windows at the gas station than what occurred at the Library and the Marsac Building in terms of matching the original windows.

Mr. Elliott stated that in his report he had provided an analysis as to why the existing windows were not serviceable. He explained the attributes of using a proposed steel window with a thermal break. Mr. Elliott believed that installing these windows into the building would maintain its historic compatibility and protect the building because it will be a viable and usable structure.

Mr. Elliott had done a model to show what the deck would look like if it was added on top. He noted that the eye line was raised to 8-1/2 feet in order to see the barrel vaults. Another slide showed it from 13 feet off the ground so more of the barrel vault was visible. Mr. Elliott clarified that they had no interest in doing that, but they were asked to show what it would look like. He explained that what they were proposing would not be seen from the street.

Mr. Elliott presented a slide showing the existing windows on the corner. He noted that those windows were installed 40 years ago and most people understand the building from its historic use as the Kimball Arts Center. Mr. Elliott stated that those spaces have been used as an addition and in place for four decades. Nothing in the Historic District Design Guidelines require removing the additions. It talks about ways to approach it and what may be done. Mr. Elliott reiterated that the Guidelines focus more on wood frame small house structures versus industrial buildings.

Mr. Elliott stated that they tried to maintain the existing condition of the additions and use that space; and also upgrade the window system to be more compatible with the existing window systems. Mr. Elliott presented photos showing the glazing on the glass panels in the bay. They believe that bringing those windows up to current standards and matching those with the profiles of the historic windows, it becomes less noticeable and more background to the existing building without harming the historic structure. Another slide showed the door on Heber Avenue. Mr. Elliott anticipated a discussing regarding that door. He was unaware that the Appellant was also concerned about the windows on the back.

Mr. Elliott stated that the building was designed as a street front building; therefore, the two street fronts have finished brick. The two other sides were intended to be sidewalls to what he believed were other buildings that were expected to be built on the street front in those areas.

Mr. Elliott stated that in looking at the overall building, the historic significance of the building, and the two primary uses over time, he thought it was comfortable to leave the existing windows in place. It was not required to be removed, but it has been allowed and encouraged in certain instances. He believed their proposed was consistent with the Guidelines and consistent with representing the Historic District buildings. He pointed to other historic buildings that have seen significant changes and additions that affect both the roof, as well as other additions that are more contemporary, but they were still compatible. It is what keeps the City alive and keeps the activity going. Mr. Elliott thought the purpose of the Design

Guidelines was to protect the history of the buildings; and as they move forward in time and the uses adapt, create ways that protect the historic integrity.

Tony Tyler with Columbus Pacific, the building owners, stated that they were presented with a very unique opportunity on this very spectacular piece of property and spectacular building. Mr. Tyler stated that he was a history major in college and even though he is a developer, he is personally passionate about historic buildings and the Historic Main Street District. Mr. Tyler felt their proposal includes things that would permanently preserve some characteristics of the building that are critical to the reflection of the building as it was built and designed, but also looking to the future and how the building can be utilized.

Mr. Tyler stated that they have worked closely with Anya Grahn and Bruce Erickson. The process was extensive and very well thought out. He remarked that the overall goal was to rehabilitate an existing historic building with an addition that creates a link between upper and lower Main Street that has never existed in a functional way. If done right it can provide something that will become a new keystone for the City by preserving the existing building and adapting it to a new use. They would also be providing additional new space immediately adjacent to it.

Mr. Tyler stated that in terms of the barrel roof form, once a building is rehabbed more than 50%, it is required to be brought up to Seismic Code. He pointed out that the existing building currently does not meet Seismic Code. Mr. Tyler pointed out that even if they wanted to leave the barrel roof trusses as they were originally designed, it would not meet Code. He noted that in working with the City, they elected to move the barrels from the east vault to the west vault and double the trusses to retain as much of the historic character as possible and still meet Seismic Code. They had the opportunity to remove both barrels of the bow string truss, but they did not believe it was the right thing to do. Mr. Tyler emphasized the importance of retaining the historic character of the building.

Mr. Tyler thought the windows were a different issue. He wanted it clear that the only original windows were on the back of the building. The windows are not serviceable and do not meet energy code requirements. As a developer, they were trying to be as prudent as possible to provide for Sustainable Practices. They were proposing to put solar panels on the top of the roof, as well as other things to promote green building design and energy efficiency. Looking the historic windows in place would completely obliterate the possibility of the building being weather tight.

Mr. Tyler stated that Craig Elliott is an expert in all forms and facets of historic renovation, which is why they hired him. He was confident that Mr. Elliott's expertise in dealing with historic structures was very high. Mr. Tyler remarked that the goal is to create a new piece of history with the addition and to preserve a significant piece of the City's past.

Chair Gezelius opened the public hearing.

Jim Tedford, representing the group Preserve Historic Main Street, stated that the group has been involved with this project for nearly four years. He noted that the current rendition was a definite improvement over the 80' log tower that was proposed three or four years ago. However, Mr. Tedford believed some things were in direct conflict with the Historic District Design Guidelines. One is that Finding of Fact #24 states that —the proposal complies with the Universal Design Guidelines for Historic Sites. The Universal Design Guideline states, —the Historic exterior features of a building should be retained and preserved". Mr. Tedford noted that this was obviously an historic exterior feature which can be clearly seen in some of the photos that were shown. He understood that the visibility depends on the angle the photo was taken from. He walked by it this evening and the barrel vaults could definitely be seen. Mr. Tedford stated that according to the proposal, the eastern barrel vault, which is a historic exterior features, would not be retained and preserved. Mr. Tedford read from Finding #24(d), —The proposal complies with Universal Guideline #4, in that the distinctive materials, components, finishes, and example of craftsmanship will be retained and preserved". He assumed the barrel vaults would be considered a component and they were not being preserved. Mr. Tedford noted that the Findings state that the proposal complies with Historic District Design Guidelines b.1.1, roofs as conditioned. —the Planning Department has determined that the original roof form consisting of two barrel vaults running north to south are not character defining features of the historic structure, and thus the applicant will only be required to maintain the western barrel vault". Mr. Tedford remarked that the actual wording in the specific Guideline B.1.1 states that you must maintain the original roof form as well as any functional and decorative elements. Mr. Tedford stated that a lot of words get used in reference to the Lan Management Code and the Historic District Design Guidelines that tend to be gray or ambiguous, such as compatible or subordinate. However, in his opinion, this was absolute black and white. The barrel vaults on the roof maintain the original roof form. It was stated by the Planning Department that the decision to save only one of the barrel vaults was a compromise. Since there is no mention of a compromise in the Historic District Design Guidelines, he believed both barrel vaults must be treated the same. The Guidelines must be strictly adhered to, and therefore, both barrel vaults must be retained and preserved.

Mike Sweeney referred to the photo of the Coalition building. The photo shows that it was Heber Avenue and Park Avenue, but there was no Main Street that went down through that location. It was a railroad yard where the ore left and the coal came for the mining industry. Mr. Sweeney stated that the historic nature they were talking about preserving was basically on the Heber side of this building. There was nothing there, it was just a vacant lot. His family used to own the Coalition building. Mr. Sweeney believed the Staff had taken a great approach in looking at how do this and make it work. Making it work means they

will create an area where lower Main Street and upper Main Street meet and connect, and there will no longer be a lower Main or an Upper Main. It will just be Main Street, and that is a critical component part of making the street function as a district for commercialization in this particular area. Mr. Sweeney stated Sandra Morrison is a very bright person and he understands that she looks at things differently, but in this particular case, he thought it was important to look at the functionality of the building and how it will function in that location to make it better. He agreed that this was a much superior project than what they previously looked at for the Kimball Arts Center itself. Mr. Sweeney supported the Staff.

Ken Martz provided some history since he was Chair of the Historic Preservation Board when the Design Guidelines were developed. Mr. Martz recalled that the HPB spent most of the year developing those guidelines, and most of their time was spent on Main Street type properties, the different types of homes in the Park City area, and the Inventory. Mr. Martz noted that very little time was spent talking about industrial buildings such as the Kimball Garage and the Memorial Building. Mr. Martz referred to a letter in the Staff report from Kirk Huffaker talking about adaptable reuse. Mr. Elliott had also mentioned it. He remarked that the HPB had not talked at all about adaptable reuse. It was not developed in the Guidelines, but he believed there was more space for adaptable reuse, especially in the larger buildings that are more complex than a T-cottage or a Main Street building with one façade. Mr. Martz stated that he has owned historic property in Upper Park Avenue and there have been problems over the years with the Historic Sites Inventory. The biggest problem was that the Kimball Arts Center took a year and a half of time trying to develop something, and the potential of turning the property into a planned unit development which did not utilize the process of the Historic District Guidelines. A lot of time was lost in trying to format the use of that building and it left a bad taste for the process, particularly for the Preserve Historic Main Street group and the Historic Society. In his opinion, it was a process that should have never started because it was totally out of character to consider turning a Landmark structure into a planned unit development. The building has a new owner and Mr. Martz agreed that this proposal was a big improvement. Mr. Martz acknowledged that he was not a purist like Mr. Tedford and Sandra Morrison. He has been in Park City over 50 years and he remembers when it was a gas station. He has seen a lot of changes over the years, and while it is good to be purist, you still have to be flexible. Mr. Martz hoped the Museum, the owner, Mr. Elliott and the Planners could work together to make this the best project possible.

Chair Gezelius closed the public hearing.

Chair Gezelius noted that the Staff report outlined several actions that the Board could take. She requested that the Board members focus on the big picture and understand that there was an application before them that the Staff had carefully reviewed and supported in its current form. Chair Gezelius did not believe it was

necessary to go through each Finding; however, she wanted to discuss the major points of the appeal Ms. Morrison had presented, and then discuss the applicant's perspective. She prefaced their discussion with a comment by Mr. Martz, that if they get too caught up in the detail and do not look at the big picture, they will lose every historic building because they would never come a decision. She pointed out that Park City does not have earthquakes that knock building down, but they do have demolition by neglect. The intent is to prevent that with this application. The hope is to have this building be a viable functioning property in the heart of town. Chair Gezelius believed there was a way to do that and facilitate it without animosity or hard feelings.

Chair Gezelius called for Board comments regarding the roof.

Board Member Wintzer asked for clarification on the timeline for when some of the buildings Mr. Elliott had mentioned were renovated. The Egyptian and the High School were done prior to the 2009 Guidelines and she asked about City Hall. Chair Gezelius believed City Hall was renovated within the last ten years. Ms. Wintzer clarified that they did not have the Guidelines at that time.

Ken Martz noted that the building had gone through two renovations and the last one was when the windows were put in. Chair Gezelius agreed that the last renovation addressed utility considerations, seismic and fire safety. Heating and cooling with the old windows also had to be addressed in order for it to continue to be a functional office building. Ms. Wintzer pointed out that the High School was done before the 2009 Guidelines were in place, and that the old guidelines had much less detail.

Director Erickson reported that the restoration of the Park City Library was completed in 2013/2014. The last renovation of City Hall was done in 2009. Chair Gezelius remarked that the Guidelines have changed and they will be changed again. Ms. Wintzer asked if the Landmark status was affected due to the restoration and renovation of these buildings. Chair Gezelius replied that the Landmark status was maintained.

Sandra Morrison noted that the Landmark status was created after the original renovation of the High School and City Hall. Both buildings are Landmark structures.

Board Member Fuegi asked about the seismic issue with the barrel roof. He wanted to know if the roof could be reinforced and maintained in its original shape and still meet the Seismic Code.

Craig Elliott stated that they will reach the 50% threshold because the entire building was being renovated. For that reason, they have to bring the roof into compliance for snow loads, and they also have to bring the overall building into Seismic compliance. That will be done with concrete elements on the inside.

The steel ties currently visible on the outside of the parapet will be removed. Both are required in order to bring the building into compliance as they rehabilitate it. Mr. Elliott noted that they are able to use the bow string trusses from the eastern side and double them with the existing ones to achieve the increased loads for twice the capacity. It was originally designed for half the capacity of what is now required.

Board Member Wintzer asked if the doubling up would be to take the east barrel and put it on the west. Tony Tyler explained that inside the building there are individual bow string trusses at certain spacing. They would take the ones from the east bay and move them over to the west bay and put them side by side with the original ones on the west bay. In moving those, those two would create enough bearing capacity for gravity load and the required seismic.

Chair Gezelius understood that if they were required to maintain the current roof shape, it would require what Mr. Elliott had said and a new roof on the other side. Mr. Elliott replied that it would require both of the roofs on the interiors to have new structure inside to help support the existing bow string structure. Wood joists will be renovated or replaced because many are rotten and they do not meet the span distances. Those would have to be replaced in either case. Mr. Elliott explained that as they bring the building into compliance, everything has to meet the code.

Board Member Wintzer thought the double barrel shaped roof was distinctive. She agreed with Mr. Tedford because she had also walked and driven from various points and it could be seen from a number of places. Ms. Wintzer stated that as she read the Staff report, it seemed that the logic for removing the east barrel shape was simply because of the deck. If the deck was not needed that unique feature could stay. Ms. Wintzer agreed with Mr. Tedford that the Guidelines do not give wording to talk about compromises on that issue. She thought the double barrel configuration was important, and it is significant for what the building is about. Ms. Wintzer also agreed with Mr. Martz about coming to a meeting of the minds because they were chipping away at some much of the historic district. As a community they need to make the decision on whether to take a stance that puts the owners in compromising positions, or, as Chair Gezelius had said, risk losing the buildings by neglect.

Chair Gezelius understood that Board Member Wintzer felt strongly about keeping the roof shape. Ms. Wintzer replied that she personally felt it was important.

Chair Gezelius found the deck to be the least compatible to the historic use of the building. She understood the need to get in and out due to fire, and adjusting windows and doors for safety, and the earthquake codes. However, she could not see the necessity of modifying this historic building for a roof deck. Chair

Gezelius believed that maintaining the roof shape was part of maintaining the façade.

Ms. Morrison pointed out that Universal Guideline #9 states, —~~ow~~ additions, exterior alterations, or related new construction should not destroy historic materials, features, or relationships that characterize the site or building”.

Board Member Robinson could see a contradiction and he was struggling to consider both sides because of it. On one hand, if the roof is considered a character defining feature, it needs to stay. However, if it is not a character defining feature, then Guideline B.1.1 would apply, which says that the roof shape cannot be changed regardless of whether or not it is character defining. Mr. Robinson thought that would apply to a roof that was highly visible and not one that was intended to be non-existent; but they still have to follow the black and white Guidelines which says that the roof shape cannot be changed.

Ms. Morrison thought that would be a legal question since the Design Guidelines were part of the LMC. She read the language, —.nicorporated into the Code by reference.” Assistant City Attorney McLean stated that the BOA needed to interpret that Guideline the same as they would the LMC in terms of whether maintaining the original roof applies to areas that are non-visible. Ms. McLean pointed out that a question for the Board to determine was whether or not it is non-visible.

Craig Elliott commented on a section in the Design Guidelines, Supplemental Rehabilitation Guidelines, MSHS6, and read, —~~Ro~~oftop additions may be allowed. They should generally not exceed one story and should be set back from the primary façade so they are not visible from the primary public right-of-way”. Mr. Elliott pointed out that those were the things they looked at when they were determining what to do in the rehabilitation. He explained the process they had gone through to reach the project being proposed. They decided to consider a rooftop terrace as a common space because gathering spaces are being asked for throughout Old Town. After meeting with the Staff, they compromised on that element and kept the barrel roof on the corner of Heber and Park Avenue. Mr. Elliott stated that the ability to add to roofs is part of the Supplemental Rehabilitation Guidelines, and for the Main Street National Register Historic District.

Mr. Tyler noted that they went through the process of looking at whether or not they should build on top of the existing Kimball building. Even though it was more profitable, they decided not to do that for the same reasons they decided to maintain the barrel shape on the west side. The intent is to make the building look and feel similar to how it was originally constructed.

Board Member Franklin stated that based on their scope of decision-making this evening, she concurred with Sandra Morrison, the Appellant representing the

Historical Society Museum, regarding the double barrel roofs. It is a historic exterior feature of the building and it is worth keeping at it exists. Ms. Franklin appreciated Mr. Martz comment about the reuse of industrial historic buildings, and she believed the rooftop burrito was indicative of that industrial use of the Kimball garage as it was designed.

Board Member Fuegi asked if the terrace was visible at all from the Heber Avenue level. Mr. Elliott replied that generally it cannot be seen because it is pushed back, and there is a glass railing pushed back from the façade of the building. Mr. Fuegi asked what the applicant's intention was for the terrace. Mr. Elliott explained that the upper level of the addition on the corner of Main and Heber was designed to be an events facility on the second floor. When they first looked at the project they discussed whether to make it residential or another use; and they came back with the idea of supporting the Historic District with an event space on the upper level.

Mr. Tyler stated that from an economic perspective, the event space will not work without the terrace because it is not large enough to act as an event space that had practical use for everyone in the District. The only way to make it functional was to have additional outdoor space that could be utilized as part of the event space.

Board Member Fuegi was not bothered by the terrace as long as it could not be seen from Heber Avenue. However, he was concerned about the need for umbrellas to provide shade, or tents during the winter. At that point, it was questionable whether it would remain invisible on the Heber Avenue side. Mr. Elliott stated that people would be visible; and they had not discussed restrictions for use on the terrace. They were willing to have that discussion. Mr. Tyler agreed with Mr. Fuegi that some events may require umbrellas or tents. However, there would be a limited scope and no permanent impact. Mr. Fuegi did not favor tents or any similar feature for the majority of the year. Mr. Elliott clarified that there were no permanent features designed for that space.

Chair Gezelius asked for the square footage of the deck. Mr. Tyler estimated 2,000 square feet. He noted that it was pulled back from all of the ends to address the visibility issue. Chair Gezelius understood that it would only be accessed from the event space. Mr. Tyler replied that she was correct. Chair Gezelius assumed that Mr. Elliott had addressed snow and drainage issues.

Ms. Morrison address Mr. Fuegi's questions about the potential use of the deck. She noted that the Code on Main Street was recently changed to allow more permanent structures on new decks. She thought the Riverhorse was a great example of building a permanent structure on their deck every winter. She was unsure how this deck would be considered under the new Code, but tents would be acceptable.

Board Member Fuegi noted that restrictions could be put in place as part of an approval. In his opinion, neither the deck nor the roof were big issues. He went to look at the roof earlier that day and he could not see it from Heber Avenue. It could possibly be seen from higher up on Main Street, but he did not believe that would be a problem. His issue was where the majority of the public would see it, and it thought it was clear that it could not be seen from Heber Avenue, which is the most predominant view of the roof.

Chair Gezelius asked if there was agreement to keep at least one barrel? Board Member Wintzer was in agreement with Ms. Franklin that the double vaulted barrels are important for the historic. Chair Gezelius assumed that would eliminate the deck.

Board Member Franklin did not believe their purview was to decide on the deck or the design of the deck. She appreciated the deck and idea of having the deck for business practices. Her other job is to put on events all over the world. She contracts rooftop terraces everywhere and she like them. From a visual perspective, she thought the deck on top of the double barrel roof enhances the historic feature that she mentioned in her comments about looking at the industrial historical feature of this type of modern industrial buildings in Park City. She understood it raises the height, which is a separate issue, but she honors the rooftop terrace. Ms. Franklin clarified that she preferred the term “rooftop terrace” rather than “deck” because of the double barrel rooftop.

Assistant City Attorney McLean clarified that there were two items with the Appeal. One was for the double barrel roof and the other was for the deck. Item 1 of the appeal expressed concerns with the roof and Item 3 were concerns related to the deck. Ms. McLean pointed out that economic benefit is not part of the Board’s purview. Whether or not a decision affects the applicant economically should not be considered.

Director Erickson suggested that the Board discuss whether the two bay bow string arch truss roof system is part of the historic character of the building in keeping with the Design Guidelines. Following that, they should determine whether the rooftop deck complies with the Historic District Design Guidelines, and whether or not the Staff erred in their determination. The next items for discussion should be the doors on the south façade, the windows on the west façade, and the doors on the north façade.

On the issue of whether the bow string arch two bay roof system is part of the historic character of this building consistent with the Design Guidelines, he understood that Board Members Wintzer and Franklin believed it was. Chair Gezelius stated that she thought it was part of the historic character.

Board Member Robinson thought the bow string structured roofs were not intended to be an architectural feature of the building, and that was evidence by

the way they were designed to disappear behind the parapets. He was not opposed to removing one of them in order to accommodate the upper deck. He was also comfortable with the deck because it was pushed back far enough not to be visible from Heber Avenue. He has also walked the area and he agreed with Mr. Fuegi that the most important fact was what the public could see from the street level.

Board Member Fuegi agreed with Mr. Robinson that the reason for the parapet was to hide the roof structure. He did not see it as being character defining for the general view of the public.

Chair Gezelius ask Mr. Fuegi if he was in favor of saving one of the barrel roofs and allowing the deck. Mr. Fuegi replied that he was not bothered by the deck as long as it was not permanently tented and it was restricted with normal regulations.

Chair Gezelius stated that she could be convinced in terms of voting to keep one arch and allowing the rooftop deck.

Assistant City Attorney McLean asked if there was a Guideline that speaks to whether the roof should be visible or not visible. The language in the Guideline is specific that it should not be altered; however, she understood their conversation regarding visibility. Planner Grahn noted that Guideline B1.1 says, "maintain the original roof form as well as any functional or decorative elements". She explained that because the barrel vault is not visible, she did not think it was meant to be a character defining feature. However, it is a historic part of the building. That was one reason why the Staff found it was important to retain one of the barrels.

Planner Grahn stated that the next Guideline was about rooftop additions being allowed on Main Street buildings. She noted that the Guidelines are not specific as to whether the rooftop additions are limited to flat roof buildings only, or any building. The Staff had spent considerable time working through this issue. She explained that one of the reasons they allowed the rooftop terrace or deck addition was because it was so low it was not visible or adding another mass to that structure. It also allowed them to retain one of the barrel vaults. The Staff did not feel as bad about losing the second barrel because it was not visible.

Ms. Morrison noted that Planner Grahn's comments did not address Universal Guideline #9, which says new additions should not destroy historic materials. Planner Grahn asked when an addition does not destroy some historic material in order to be added on. Assistant City Attorney McLean asked if there was language that addressed visibility. Planner Grahn replied that Universal Guideline #4 talks about distinctive materials, components, finishes, and examples of craftsmanship should be retained and preserved. She did not believe it was meant to be a distinctive material and part of this building. In her

opinion, it is not a character defining feature and, therefore, it was not a distinctive feature of the building. The BOA needed to decide whether the Staff erred in that determination.

Ms. Morrison reiterated that B1.1 says to maintain the original roof form. It does not specify visible or not visible, character defining or not character defining. She stated that the Historical Society has taken the position that there are Guidelines and those Guidelines should be used to make it fair for everyone.

Chair Gezelius stated that it would never add up no matter who writes the guidelines or who interprets them. If the guidelines are so restrictive and so onerous, no one will do anything. Chair Gezelius remarked that they do not want to stop progress and they want to save historic buildings. The goal is to get the Kimball garage functional again and integrated back into the community as a useful building.

Mr. Tyler thought it was important to understand that one of the Universal Guidelines is that nothing can be done that facilitates removal from the historic district. In his letter, Kirk Huffaker states that —the Utah Heritage Foundation expresses its support for the proposal to move forward we believe that none of the alterations proposed would precipitate the site being removed from the National Register of Historic Places”. Mr. Tyler believed that was validation that they had done the right thing.

Chair Gezelius summarized that Board Members Fuegi Robinson, and herself supported the Staff’s position. Board Members Wintzer and Franklin did not.

Chair Gezelius asked for comments on the windows. She asked if they thought the Staff’s position was too generous in allowing the applicant to replace the windows, whether it was too restrictive, or whether they supported the Staff’s determination.

Board Member Fuegi thought Mr. Elliott had raised a good point regarding restoration versus rehabilitation. In his opinion, unless windows are tight and functioning properly they are worthless. He is dealing with a set of windows on Main Street that are held together with paint. It is an ongoing maintenance nightmare, it is costly and not efficient. Mr. Fuegi thought replacing the windows was necessary in order for the building to function properly. He had looked at these windows and they were not serviceable.

Chair Gezelius asked if the other Board Members concurred with Board Member Fuegi’s comments that the Staff’s determination regarding replacing the windows is acceptable from the standpoint of maintenance and preservation of the building.

Board Member Robinson thought the key word was —serviceable”. He had also looked at the windows and agreed that they were not serviceable and should be replaced.

Board Member Wintzer stated that in reading Mr. Huffaker’s letter, he said that without further information he could not definitely conclude and agree that wholesale replacement of the steel windows on the west and north facades was the best option. If those windows could be repaired, she questioned why they had not been repaired over the years. Chair Gezelius believed there was evidence of attempts to repair those windows in the form of caulking, etc. Ms. Wintzer agreed with Board Members Fuegi and Robinson that just by looking at the windows they should be replaced.

Chair Gezelius summarized that there was consensus among the Boards to support the Staff’s determination.

Chair Gezelius called for comment on the Staff’s finding that the replacement of windows in certain places is acceptable. She asked about the lower level windows being increased in size, and whether anything in the request related to egress for fire safety. Mr. Elliott stated that there is a condition where that is an issue and it would allow for access and exiting from the lower level. They looked at it as the side of the building that was not intended to be presented to the public. They felt like it was the right location to add those windows and create the exiting needed for the lower level. Chair Gezelius clarified that putting larger windows on the service side of the building would not affect the front façade or anything historical that was visible from the two streets. Mr. Elliott replied that this was correct.

Board Member Wintzer noted that Planner Grahn had written no side light on one of the drawings. Planner Grahn explained that they allowed the applicant to change the windows to doors because it was on the rear elevation where it was not noticeable and would not affect the façade. They also asked that instead of doing side lights that they use shorter side windows to maintain the line across where the original windows were located.

Chair Gezelius asked for comment or ideas about the old service station bay area on the west facade with the corrugated metal area that is proposed to have windows that resemble the rest of the building in the front. Chair Gezelius pointed out that it was currently a blank wall. She thought it would add a great deal of light, visibility and usability to that space.

Board Member Franklin understood that if they concurred with the Staff Report and the Staff Findings that they would also be agreeing with the HDDR, specifically the historic preservation plan. She noted that the proposal is for all windows, yet the physical condition reports indicates that some of the windows are in good condition, some are in poor condition and some are in fair condition.

Mr. Elliott replied that the windows identified as good condition means that the steel has not rusted through. It did not talk about thermal performance or other activity that goes with the building.

Planner Grahn clarified that there were historic windows on this building as well as replacement windows. The replacement windows along the Park Avenue façade are in good condition. Mr. Elliott indicated the addition underneath the bay that were put in 40 years ago, and noted that the windows that were installed on Heber Avenue were in good condition. He stated that they were trying to take that façade closer to its original historic representation versus the change that was made to it. Mr. Tyler noted that the windows replaced in the 1970's do not match what the historic fenestration patterns looked like. They were trying to recreate the historic imagery, but that requires replacing all of the windows.

Board Member Wintzer asked if this was more in line with what the Historical Society would agree with if the window replacement was in accordance with the Historic District Guidelines. Ms. Morrison noted that the Guidelines indicate that the windows could be replaced if they were determined to be not useful or serviceable. She asked if it was appropriate for the applicant to make that determination or whether they should bring in an impartial expert to make that determination. Ms. Morrison stated that the intent of the Code is to keep as much historic material as possible. They want to preserve these structures for future generations. If they start allowing subtle changes they will lose more and more of the historic with each renovation project over the years.

Ms. Wintzer stated that she asked the question for clarification because she thought the Historical Society was saying that absolutely none of the windows could be changed. She was pleased that Ms. Morrison had clarified that they were only asking for an independent person to help make that assessment.

Board Member Franklin concurred with Board Member Wintzer and Ms. Morrison. Her concern was the language in the Staff report stating that all of the window systems would be replaced. Chair Gezelius asked if Ms. Franklin would prefer changing the language to —~~can~~be replaced subject to professional review". Ms. Franklin answered yes. She agreed that the Silver Star did a beautiful job. However, she did not think the windows on City Hall had the same historical feature. Mr. Elliott pointed out that the windows on City Hall were aluminum. They were proposing a steel window that was much closer in profile. Mr. Tyler pointed out that if they left even one historic window that was in reasonably good condition, they would still have the thermal issue. The only way to address that is through replacement; otherwise they would never meet an energy code requirement.

Director Erickson noted that the last item was the Heber Avenue doors. The Staff had determined that the doors were consistent with the design guidelines. The Appellant had determined that those doors were not historic and should not

be installed. He clarified that it was the door on the south façade. Planner Grahn explained that one door was on the actual historic façade, and the other door was a relocation of a door on the 1970's addition.

Board Member Robinson referred to the 1949 photo on page 25 of the Staff report. Figure 1 was circa 1930, which showed a single door on the south façade. He asked if that was the door being discussed. Director Erickson answered yes. Chair Gezelius referred to it as door number one. She understood that it was removed and the applicant wanted to put it back. Ms. Morrison noted that the blow up of that photo she provided shows two open bays on Heber Avenue and two open bays on Park Avenue. Planner Grahn pointed out that they were discussing two separate doors. Chair Gezelius clarified that she was talking about the door on the right. Ms. Morrison stated that the Historical Society did not have an issue with that door.

The Board members did not have any issues and agreed with the Staff determination.

Chair Gezelius asked for comments on the gasoline bays.

Board Member Franklin referred to figure 8 on page 35 of the Staff report and figure 10 on page 37. She thought the depth of the bay enclosure looked different. Figure 8 appears to have a bit of an entryway that is open to the outside. Figure 10 looks like it comes to the sidewalk depth. Mr. Elliott stated that it was shown that way in the 3-D rendering. Figure 10 is a flat 2-dimensional representation which does not show the depth. He pointed out that what was shown in 3-D is how they proposed it on the floor plan.

The Board members were comfortable with the Staff's determination.

Planner Grahn summarized that they had discussed the barrel vault and the roof deck; the additional door opening on Heber Avenue; the retention of the 1976 addition beneath the overhang; the steel windows, as well as making the opening on Park Avenue transparent by going to a window instead of being corrugated metal; and the windows that would become doors in the back.

Planner Grahn asked if the Board wanted to amend the Finding of Fact #20 to state that the BOA finds that the windows are no longer serviceable due to their deteriorated state. She assumed from the discussion that they should add a Conditional of Approval stating that a professional will be asked to look at the windows.

Planner Grahn amended Finding of Fact #20 to say, —The proposal complies with specific Design Guideline B5.2, and that the replacement steel windows will be allowed because the historic windows cannot be made safe and serviceable through repairs. The BOA finds that the windows are no longer serviceable due

to their deteriorated state. Replacement windows will exactly match the historic windows in size, dimension, glazing pattern, depth, profile and material.”

Director Erickson pointed out that the Board of Adjustment was requesting a professional independent review of the historic windows to determine whether or not they are serviceable. The Finding of Fact would be subject to that review by an independent window professional as shown in the condition of approval.

Board Member Franklin preferred to change the language to —~~the~~ windows which are no longer serviceable”. When they talked about this being a much superior plan under the shadow of previous plans, she did not believe that much superior did not mean —superior”. She wanted to clarify language that would allow this project to move forward, but in a state that preserves the accurate historic nature of this building. Chair Gezelius suggested language stating that —~~the~~ BOA questions that certain historic windows are no longer serviceable or may be in a deteriorated state. The BOA will require that an independent window evaluation specialist will assess and report on the existing window conditions and outline options for rehabilitation or replacement.”

Mr. Tyler asked who would choose the specialist. Chair Gezelius stated that the specialist would have to be acceptable to the Staff. Director Erickson explained The Staff would approve the determination of the independent professional, agree or disagree with the recommendations, and make the changes in the HDDR.

Mr. Tyler asked if the Staff makes the determination that the condition has been satisfied. Director Erickson answered yes.

Planner Grahn amended the Condition of Approval to say, —An independent window evaluation specialist will assess and report on the existing window conditions and outline options for rehabilitation or replacement to the satisfaction of the Planning Director”.

Assistant City Attorney McLean noted that the Board had talked about placing restrictions on the rooftop deck. Chair Gezelius thought it should be subject to the same review as all other decks in the Historic District. Planner Grahn stated that a private event facility is a conditional use in the HRC zone, and it was scheduled for review by the Planning Commission in November. The Staff could let the Planning Commission know that during the appeal process the BOA was concerned about umbrellas, balcony enclosures, tents and other elements being permanently installed on the deck.

Board Member Wintzer was concerned that it would not be strong enough. She felt they whittled down the Historic District this evening for a number of reasons. Ms. Wintzer thought it was a mockery to talk about umbrellas and tents.

Chair Gezelius suggested that the Board ask the applicant and the Staff to prepare a basic set of ground rule guidelines regarding the deck use to be approved by either the Planning Director or an appropriate body. She did not believe the BOA should micro-manage that element of the deck. Director Erickson stated that the basis of their finding for the deck being in compliance with the Guidelines is that the deck had been moved back and it was not visible from public spaces. Therefore, the direction to the Planning Commission would be that as part of the conditional use process, no uses could occur on that deck which would cause visibility from those locations.

Ms. Wintzer agreed with Director Erickson's suggestion, but she pointed to Ms. Morrison's comment about the addition on the Riverhorse because the whole façade of that building was destroyed. Director Erickson stated that the Planning Commission should consider the discussion of the BOA with respect to the visibility of that deck, but he did not believe they could go more rigorous than that. He reminded everyone that one basis for the Staff to conclude that the deck was appropriate was that it did not include additional space such as a second story above the historic building. More of the historic building form was retained by not creating a second story above the bolstering truss bay, east.

The Finding of Fact is that the BOA finds that the rooftop deck is consistent with the Historic District Guidelines; however, part of the reason is that it is not generally visible from the Heber Avenue, Park Avenue, and Main Street elevations. Mr. Tyler requested that they specify permanent structures because people will be visible, as well as other things. Director Erickson suggested that they take that up with the Planning Commission.

Chair Gezelius asked about guidelines. Director Erickson stated that the Board of Adjustment action would be delivered to the Planning Commission as part of the conditional use permit. Assistant City Attorney McLean suggested that they speak to the Finding and condition it generally. Going to the Planning Commission on the special event issue is a separate impact that is not related to the Historic Guidelines. If the Board has concerns with permanent or temporary elements, and how long those items could be visible from the street are present, this would be the time to add a condition of approval with those restrictions.

Board Member Wintzer pointed out that she had not approved the removal of the double barrel roof in the discussion. She asked how that would affect her voting. Chair Gezelius stated that Ms. Wintzer could vote against the entire motion if she felt strongly about it.

Board Member Franklin asked for a condition of approval stating that in the event that this building is rehabilitated at a later time that it would be restored back to its previous double barrel roof form. Chair Gezelius replied that the BOA could not do that because they cannot tie the hands of future Board members.

MOTION: Board Member Fuegi moved to uphold the Staff Determination for 638 Park Avenue, the Kimball Garage, subject to the Findings of Fact as amended, the Condition of Approval, and the outlined Standard Project Conditions. Board Member Robinson seconded the motion.

VOTE: The motion passed 4-1. Board Members Gezelius, Fuegi, Robinson and Franklin voted in favor of the motion. Board Member Wintzer voted against the motion.

Findings of Fact – Kimball Garage

1. The property is located at 638 Park Avenue.
2. The site is designated as Landmark on the City's Historic Sites Inventory (HSI).
3. According to the Historic Sites Form, the historic Kimball Garage was constructed in 1929. The building underwent an extensive renovation that significantly altered the interior and exterior of the structure for use as the Kimball Art Center in 1975-1976. The structure was renovated again in 1999.
4. In 1979, the site was designated as contributory as part of the Park City Main Street Historic District nomination for the National Register of Historic Places.
5. The property is in the Historic Recreation Commercial (HRC) District and Heber Avenue Subzone.
6. On January 20, 2015, LCC Properties Group submitted a Historic District Design Review (HDDR) application for the Landmark property located at 638 Park Avenue.
7. On June 20, 2016, staff approved the Historic District Design Review (HDDR) application for the site.
8. On June 30, 2016, the City received an appeal of a Historic District Design Review (HDDR) application approved by the Planning Department on June 20, 2016 at 638 Park Avenue.
9. This appeal was submitted by Sandra Morrison, representing the Park City Historical Society and Museum.
10. Pursuant to LMC § 15-1-18 (D) Standing to Appeal, the Park City Historical Society and Museum has standing to appeal the HDDR final action because they submitted written comment and testified on the proposal before the Planning Department.

11. The proposal complies with Universal Guideline #3 in that the historic exterior features of a building will be retained and preserved.

12. The proposal complies with Universal Guideline #4 in that distinctive materials, components, finishes, and examples of craftsmanship will be retained and preserved. The owner will reproduce missing historic elements that were original to the building, but have been removed, such as the original entrance along Heber Avenue. Physical or photographic evidence will be used to substantiate the reproduction of missing features.

13. The proposal complies with Universal Guideline #5 in that deteriorated or damaged historic features and elements should be repaired rather than replaced. Where the severity of deterioration or existence of structural or material defects requires replacement, the feature or element should match the original in design, dimension, texture, material, and finish. The applicant must demonstrate the severity of deterioration or existence of defects by showing that the historic materials are no longer safe and/or serviceable and cannot be repaired to a safe and/or serviceable condition. The owner has demonstrated that the historic and early replacement steel frame windows are beyond repair and the owner will be replacing the remaining steel-frame windows along Park Avenue and the rear (north) elevation due to their poor condition.

14. The proposal complies with Universal Guideline #6 in that features that do not contribute to the significance of the site or building and exist prior to the adoption of these guidelines, such as incompatible windows, aluminum soffits, or iron porch supports or railings, may be maintained; however, if it is proposed they be changed, those features must be brought into compliance with these guidelines. The applicant will maintain a non-historic ca. 1976 glass addition beneath the overhang of the original fueling station. Staff finds that this addition was sensitively designed so as not to detract from the historic structure and is compatible with the historic building.

15. The proposal complies with Universal Guideline #10 in that the new additions and related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment could be restored.

16. The proposal complies with Specific Design Guideline B.1.1 in that the owner will maintain the original roof form, the western barrel vault, as well as any functional and decorative elements.

17. The proposal complies with Specific Design Guideline B.2.1 in that the primary and secondary facade components, such as window/door configuration, wall planes, recesses, bays, and entryways should be maintained in their original location on the façade.

18. The proposal complies with Specific Design Guideline B.4.1 in that the owner will maintain historic door openings, doors, and door surrounds on the Heber and Park Avenue facades.

19. The proposal complies with Specific Design Guideline B.5.1 in that the owner will maintain historic window openings, windows, and window surrounds on the primary facades.

20. The proposal complies with Specific Design Guideline B.5.2 in that the replacement steel windows will be allowed because the historic windows cannot be made safe and serviceable through repair. The BOA questions that certain historic windows are no longer serviceable or may be in a deteriorated state. The BOA will require that an independent window evaluation specialist will assess and report on the existing window conditions and outline options for rehabilitation or replacement. Replacement windows will exactly match the historic window in size, dimensions, glazing pattern, depth, profile, and material.

21. The proposal complies with Specific Design Guideline MSHS3 in that traditional orientation with the primary entrance on Heber Avenue will be maintained.

22. The proposal complies with Specific Design Guideline MSHS6 in that rooftop additions may be allowed. The proposed rooftop deck does not exceed one story and will be set back from the primary façade so that it is not visible from the primary public right-of-way.

23. The proposed renovation and new addition meet all setbacks and has increased setbacks from the minimum towards the north side yard area.

24. Staff does not find that the proposed plan will substantially diminish the character of the neighborhood nor will it cause the structure to lose its local designation as a Landmark structure or its eligibility for the National Register of Historic Places.

25. The proposal complies with Universal Design Guidelines #9 in that the c.1976 exterior alteration does not destroy historic materials, features, and spatial relationships that characterize the site or building. The divided-light glass entry addition beneath the overhang on the west side of the building is visually subordinate to the historic building when viewed from the primary public right-of-way. The addition does not obscure or contribute significantly to the loss of historic materials.

26. The proposal complies with Specific Design Guidelines B.1. Roofs. The BOA has determined that the original roof form, consisting of two (2) barrel vaults running north-to-south are not character-defining features of the historic structure, and, thus, the applicant will only be required to maintain the western barrel-vault.

27. The proposal complies with Specific Design Guidelines B.5. Windows. The applicant will maintain historic window openings and window surrounds on the Park Avenue and Heber Avenue facades; the remaining historic and non-historic steel window will be replaced with new windows that exactly match the historic in size, dimensions, glazing pattern, depth, profile, and material. No storms are proposed at this time.

28. The proposal complies with Specific Design Guidelines D.1. Protection for Historic Structures and Sites. The addition will be visually subordinate to the historic building when viewed from the primary public rights-of-way of Park and Heber Avenue. The addition will not obscure or contribute significantly to the loss of historic materials as the applicant proposes to retain the west barrel-vaulted roof form.

29. The proposal complies with Supplemental Rehabilitation Guidelines—Main Street National Register Historic District. The proposed project will not cause the building or district to be removed from the National Register of Historic Places. The alignment and setback along Main Street are character-defining features of the district and will be preserved. Traditional orientation with the primary entrances of the new addition on Main Street will be maintained. The rooftop deck addition will not exceed one story in height and will be set back from the primary façade so that it is not visible from the primary public right-of-way. The BOA finds that the rooftop deck is consistent with the Historic District Guidelines as it is not generally visible from the Park Avenue and Heber Avenue rights-of-way.

30. Pursuant to LMC 15-1-18(G), the Board of Adjustment shall act in a quasi-judicial manner. The appellant has the burden of proving that the land use authority erred. The appellant fails to specifically indicate how staff erred.

Conclusion of Law – Kimball Garage

1. The proposal complies with the Park City Design Guidelines for Historic Districts and Historic Sites.
2. The proposal complies with the Land Management Code requirements pursuant to the Historic Recreation Commercial (HRC) District.

Order

1. The appeal is denied and Staff's determination is upheld.

Condition of Approval – Kimball Garage

1. An independent window evaluation specialist will assess and report on the existing window conditions and outline options for rehabilitation or replacement in satisfaction of the Planning Director.

Chair Gezelius adjourned the meeting at 7:32 p.m.

Approved by _____

Board of Adjustment Meeting
October 18, 2016

Ruth Gezelius, Chair
Board of Adjustment



PLANNING DEPARTMENT

Planning Commission Staff Report

Subject: Tram Tower Plat Amendment located at 664, 672, and 698 Woodside Avenue
Author: Anya Grahn, Historic Preservation Planner
Project Number: PL-16-03193
Date: November 9, 2016
Type of Item: Legislative – Plat Amendment

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the Tram Tower Plat Amendment located at 664, 672, and 668 Woodside and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Description

Applicant: Matt Garretson, represented by Marshall King
Location: 664, 672, and 668 Woodside Avenue
Zoning: Historic Residential-1 (HR-1) and Historic Recreation Commercial (HRC)
Adjacent Land Uses: Residential along Woodside Avenue and Commercial to the east on Park Avenue
Reason for Review: Plat Amendments require Planning Commission review and City Council review and action.

Proposal

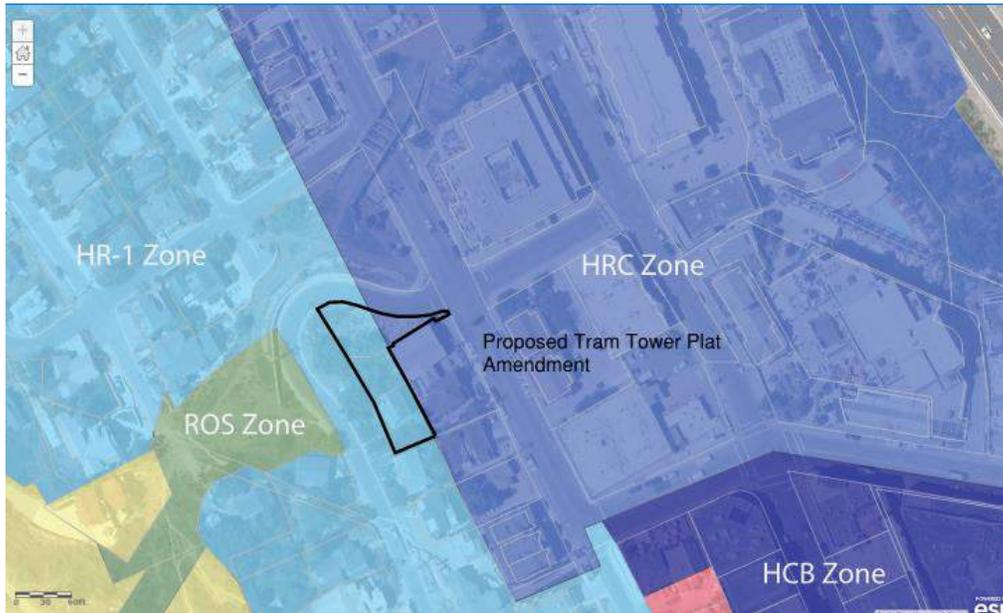
The proposed Tram Tower Plat Amendment seeks to combine the parcels/lots at 664, 672, and 698 Woodside Avenue into one lot of record. The site consists of all of three (3) parcels:

- Parcel 1: Lot 2 of the National Garage Subdivision
- Parcel 2: Lot 19 and a portion of Lot 20, Block 6 of the Park City Survey and a portion of Block 1, Snyder's Addition to Park City (Parcel PC-102)
- Parcel 3: Lot 2 of the Coalition West Subdivision

The property owner requests to combine his property into one (1) lot of record. There is a historic house, designated as Significant on the City's Historic Sites Inventory (HSI) that sits on Lot 2 of the National Garage Subdivision. The entire site contains a total area of 8,728.90 square feet. This parcel combination plat amendment combines two lots that are in two different subdivision plats with a parcel that is within the Park City Survey and the Snyder's Addition to the Park City Survey (See Exhibit A for further clarification).

Background

On May 24, 2016, the City received a Plat Amendment application for the Tram Tower Plat Amendment; the application was deemed complete on June 2, 2016. The property is located at 664, 672, and 698 Woodside Avenue. The property is in the Historic Residential (HR-1) District with the east half of Parcel 3 being zoned Historic Recreation Commercial (HRC); this portion of Parcel 3 abuts Park Avenue.



(See Exhibit G)

The purpose of the plat amendment is to remove interior lot lines to create one lot of record for an existing historic building. The existing historic building is located on Parcel 1; however, the applicant is proposing to develop the lot and add an addition that will span from the existing historic house, onto Parcels 2 and 3. The lots fronting Woodside Avenue are zoned Historic Residential (HR-1) and the portion of Lot 2 of the Coalition West Subdivision fronting Park Avenue is zoned Historic Recreation Commercial (HRC). The applicant submitted a HDDR application on September 7, 2016; it was deemed complete on September 26, 2016, and is currently under review by the Planning Department.

History of Parcel 1: 664 Woodside

664 Woodside Avenue, Parcel 1, is listed on Park City's Historic Sites Inventory (HSI) and is designated as a Significant Site. The property was built circa 1905 during the Mature Mining Historic Era (1894-1930).

In 1997, Park City Municipal Corporation purchased the Bertinelli House as part of a larger acquisition that included the National Garage at 703 Park Avenue and the Burnis Watts House (High West) at 732 Park Avenue. Six (6) years later, Council began working on a plan to rehabilitate the Watts properties (703 and 732 Park Avenue). In May 2003, the City began negotiating with the tenants of 664 Woodside, the Bertinellis, to purchase the home from the City. By December of that year, the City had found a

prospective buyer for the Watts House and Garage; however, neither party—the prospective buyer nor the Bertinellis—could secure financing to complete the sales of 664 Woodside and 732 Park Avenue.

In August 2005, City Council directed staff to begin noticing for the sale of 664 Woodside separate from the Watts properties, and the City entered into a real estate purchase contract with Pete Silvero for the sale of 664 Woodside. The sale was contingent upon Mr. Silvero receiving approvals for his Conditional Use Permit (CUP) and Historic District Design Review (HDDR) applications. Mr. Silvero received approval for a Steep Slope CUP in June 2007 and the HDDR in April 2008. The sale was scheduled to close in May 2008; however, the buyer had difficulty obtaining the necessary financing and the sale fell through. 703 and 732 Park Avenue would be purchased by High West Properties, LLC in 2010.

The property at 664 Woodside has remained vacant since 2005. The City has patched and shored the roof as well as built the wood staircase leading from Woodside Avenue in 2009. The City sold the property at 664 Woodside to Matt Garretson in 2016; a historic preservation façade easement was recorded on the property prior to its final sale.

The plat amendment for the National Garage Subdivision, of which 664 Woodside is located on Lot 2, was approved by City Council on March 23, 2006 and recorded in July 2006. The only Condition of Approval relevant to Lot 2 was Condition of Approval #3 which states that a new sewer lateral and pump system to eject the wastewater up into Woodside shall be installed on Lot 2 as part of any future development plan. Staff has addressed this as part of Condition of Approval #6 for this plat amendment.

History of Parcel 3: Lot 2 of the Coalition West Subdivision

On April 18, 2002, the Park City Council approved the Coalition West Subdivision. Lot 2 of this subdivision is subject to the Sweeney Properties Large Scale Master Plan Development (MPD) permit that was approved by City Council on October 17, 1986 and has subsequently been amended. As part of this approval, Lots 1 and 2 of the Coalition West Subdivision were developable with specific density assigned. Lot 3 was designated as open space. The subdivision approval also included the requirement for a portion of Woodside Avenue to be vacated as outlined in Ordinance 02-02. Lot 2 of the Coalition West Subdivision is regulated by the Sweeney MPD, as amended.

Current owner Matt Garretson purchased the property in January 2016. He submitted a Pre-HDDR application to the Planning Department on December 23, 2015, to discuss development options for the site, and an HDDR application was submitted on September 7, 2016, which is currently under review by the Planning Department. When the property at 664 Woodside was sold to him this year, he began looking at ways to construct a single-family home on a combination of these three (3) parcels.

Purpose

The purpose of the HR-1 District is to:

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

The purpose of the HRC District is to:

- A. maintain and enhance characteristics of Historic Streetscape elements such as yards, trees, vegetation, and porches,
- B. encourage pedestrian oriented, pedestrian-scale Development,
- C. minimize visual impacts of automobiles and parking,
- D. preserve and enhance landscaping and public spaces adjacent to Streets and thoroughfares,
- E. provide a transition in scale and land Uses between the HR-1 and HCB Districts that retains the character of Historic Buildings in the Area,
- F. provide a moderate Density bed base at the Town Lift,
- G. allow for limited retail and Commercial Uses consistent with resort bed base and the needs of the local community,
- H. encourage preservation and rehabilitation of Historic Buildings and resources.
- I. maintain and enhance the long term viability of the downtown core as a destination for residents and tourists by ensuring a Business mix that encourages a high level of vitality, public Access, vibrancy, activity, and public/resort-related attractions.

Analysis

The purpose of this application is to combine Lot 2 of the National Garage Subdivision, Parcel PC-102, and Lot 2 of the Coalition West Subdivision into one (1) lot of record by removing the interior lot lines. As previously described, the lots fronting Woodside Avenue are zoned Historic Residential (HR-1) and a portion of Lot 2 of the Coalition West Subdivision fronting Park Avenue is zoned Historic Recreation Commercial (HRC) (See Exhibit G). Per LMC 15-2.2-4, Existing Historic Structures that do not comply with Building Setbacks, Off-Street parking, and driveway location standards are Valid Complying Structures.

Per LMC 15-2.2-3(A), in the case of unusual Lot configurations, Lot width measurements shall be determined by the Planning Director. Because of the boot-shaped configuration of this lot, the Planning Director has determined the following setbacks: Front and Rear Yard, 10 feet; side yards 5 feet.

Does the Planning Commission agree with these setbacks?

When Ordinance 02-02 was passed, approving the Coalition West Subdivision, additional restrictions were placed on the plat to limit house size. Specifically, Finding of Fact #6 stipulated that “Lot 2 is designated per the MPD as a single family lot with up to 3,500 sf, including a potential accessory unit, subject to the Historic District Design Guidelines and Sweeney MPD.” Staff recommends that this condition be included with the Tram Tower Plat Amendment.

The existing building is a valid complying structure and it is located in the HR-1 zone. Lot 2 of the Coalition West Subdivision is zoned HR-1 and HRC. The zoning will remain as is. Existing non-conforming circumstances are outlined below. The following are the lot and site requirements of LMC for the HR-1 and HRC Zones.

	LMC REQUIREMENTS		EXISTING
	HR-1	HRC	
Minimum Lot Size	1,875 SF	Lot shall have the Area, Width, and depth as required, and Frontage on a Street shown as a private or Public Street on the Streets Master Plan, or on a private easement connecting the Lot to a Street shown on the Streets Master Plan	8,728.90 SF
Footprint	2,672.449 (based on lot size of 8,728.90 SF) 3,500 SF House Size Restriction due to Sweeney MPD	N/A	719 SF historic house ¹
Floor Area Ratio (FAR)	3,500 SF House Size Restriction due to Sweeney MPD House size refers to the gross residential floor area and excludes basements and up to 400 sf for a garage.	Structures built after October 1, 1985: non-residential uses limited to FAR of 1. Structures built prior to October 1, 1985: not subject to FAR	N/A Existing house is 710 square feet in gross floor area and has a detached garage and an unfinished basement/crawlspace.
SETBACKS Front Yard	10 ft. along Woodside	10 ft. 10 ft.	0 ft. Historic Garage encroaches 13 feet over the front property line and tram tower encroaches 19 feet over the front property

Rear Yard	10 ft. along east property boundary; 15 ft. along east boot		line 4 ft. to 7 ft. increasing south to north ²
Side Yard	5 ft.	5 ft.	4 ft. North side yard due to historic tram tower and 0 ft. South Side as Historic Garage encroaches 3 feet over the property line
Building Height	27 ft. from existing grade; 35' from lowest finish floor plane to point of the highest wall top plate	32 ft. from existing grade	25.5 ft. from existing grade (house only)

^{1.} Per LMC 15-2.2-3(D), accessory buildings listed on the Park City Historic Sites Inventory that are not expanded, enlarged, or incorporated into the main building shall not count in the total Building Footprint on the Lot.

^{2.} Per LMC 15-2.2-4, Existing Historic Structures that do not comply with Building Setbacks, Off-Street parking, Building Height, Building Footprint, and driveway location standards are Valid Complying Structures.

There are several existing encroachments on site. On the northwest corner of the property, the historic aerial tramway tower encroaches approximately 19 feet over the west property line of Lot 2 of the Coalition West Subdivision and into the Woodside Avenue right-of-way. To the south of the tramway tower, there is a rock retaining wall and drain pipe constructed in the right-of-way that encroach about 5 feet east of the right-of-way and into Parcel PC-102. The concrete walkway to the historic house also encroaches across the front lot line by 3 feet and there is an existing wooden staircase connecting the site to Woodside Avenue that encroaches over the lot line and into the right-of-way. The historic garage on the southwest corner of the site also encroaches over the front property line and into the City's right-of-way as well as south into the neighbor's property. Finally, there is a rock wall constructed over the side and rear property lines in the southeast corner of Lot 2 of the National Garage Subdivision.

As noted by the survey, there are a number of improvements in the City's right-of-way including a Water Department vault, fence, rock retaining wall, and asphalt driveway. The Water Department anticipates that this vault will be relocated when the site is developed. The applicant will need to enter into an encroachment agreement with the City for the vault and drain pipe are relocated, as outlined in Condition of Approval #6.

Per the Sweeney MPD, Lot 2 of the Coalition West Subdivision was designated for a single-family home up to 3,500 square feet, including a potential accessory unit, subject to the Historic District Design Guidelines and Sweeney MPD. Based on past plat amendments containing similar language, staff find that the 3,500 square foot limitation refers to the Gross Residential Floor Area. This is defined by the LMC as the Area of a Building, including all enclosed Areas; Unenclosed porches, Balconies, patios and

decks, vent shafts and courts are not calculated in the Gross Residential Floor Area. Garages, up to a maximum Area of 400 square feet, are not considered Floor Area. Basement and Crawlspace Areas below Final Grade are also not considered Floor Area. Floor Area is measured from the finished surface of the interior of the exterior boundary walls.

The plat also contained the following Conditions of Approval, applicable to Lot 2:

#10. This lot is designated as a single-family lot with up to 3,500 square feet, including a potential accessory unit, subject to the Historic District Design Guidelines and Sweeney MPD as outlined in the Coalition West Subdivision plat.

#11. All Conditions of Approval for the Sweeney Properties Master Plan, as amended and approved by the City in November 1996 continue to apply in full force and effect. A note shall be added to the plat amendment to this effect.

These Conditions of Approval have been incorporated into this plat amendment and continue to apply.

The City Engineer will also require the dedication of ten foot (10') snow storage easements along Woodside and 7th Street. Due to the poor sight lines along 7th Street, the City Engineer has also requested that access to the property be from the section of Woodside south of the aerial tower. If accessed from the section east of the tower, backing out of the drive shall be forbidden. This is outlined in Condition of Approval #11.

Staff finds that the plat, as conditioned, to combine the three parcels into one lot of record, will not cause undo harm to adjacent property owners because the proposed plat meets the requirements of the Land Management Code for the HR-1 zoned portions and all future development will be reviewed for compliance with requisite Building and Land Management Code requirements in effect at the time of application for building permits.

Good Cause

Staff finds good cause for this Plat Amendment as the City will receive encroachment agreements for the historic garage, an easement for the historic aerial tramway tower, and an easement for the water drain pipe and vault. The plat amendment will also resolve the improvements in the Woodside Avenue right-of-way by requiring the property owner to either remove the improvements or enter into an encroachment agreement with the City Engineer. Other encroachments on to neighboring private property will also be addressed. The City will also gain 10' snow storage easements along the Woodside Avenue and 7th Street frontages. Finally, removing the interior lot lines will allow some development of this property, thus ensuring the rehabilitation of the historic house and garage.

Process

The approval of this plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC §15-1-18.

Department Review

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

Notice

On October 26, 2016, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record and the Utah Public Notice Website on October 22, 2016, according to requirements of the Land Management Code.

Public Input

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

Alternatives

- The Planning Commission may forward positive recommendation to the City Council for the Tram Tower Plat Amendment at 664, 672, and 698 Woodside as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the Tram Tower Plat Amendment at 664, 672, and 698 Woodside and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on the Tram Tower Plat Amendment at 664, 672, and 698 Woodside

Significant Impacts

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

Consequences of not taking recommended action

Consequences of not taking the Planning Department's recommendation is that the encroachments would not be resolved with the plat and the site would continue to be two legal lots of record separated by a metes and bounds parcel.

Summary Recommendation

Staff recommends the Planning Commission hold a public hearing for the Tram Tower Plat Amendment located at 664, 672, and 698 Woodside and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Exhibits

Exhibit A – Draft Ordinance with Proposed Plat (Attachment 1)

Exhibit B – Survey

Exhibit C – Aerial Photographs with 500' Radius

Exhibit D – Site Photographs

Exhibit E – Ordinance 02-02 for Coalition West Subdivision

Exhibit F – Ordinance 06-14 for National Garage Subdivision

Exhibit G – Zoning Map for Tram Tower Plat Amendment

Ordinance No. 16-XX

AN ORDINANCE APPROVING THE TRAM TOWER PLAT AMENDMENT LOCATED AT 664, 672, AND 698 WOODSIDE AVENUE, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 664, 672, and 698 Woodside Avenue have petitioned the City Council for approval of the Plat Amendment; and

WHEREAS, on October 26, 2016, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on October 22, 2016, proper legal notice was published according to requirements of the Land Management Code and courtesy letters were sent to surrounding property owners; and

WHEREAS, the Planning Commission held a public hearing on November 9, 2016, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on November 9, 2016, forwarded a _____ recommendation to the City Council; and,

WHEREAS, on December 1, 2016, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve The Tram Tower Plat Amendment located at 664, 672, And 698 Woodside Avenue.

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

SECTION 1. APPROVAL. The Tram Tower Plat Amendment, as shown in Attachment 1, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 664, 672, and 698 Woodside Avenue.
2. The property consists of all of Lot 2 of the National Garage Subdivision; Lot 19 and a portion of Lot 20, Block 6 of the Park City Survey and a portion of Block 1, Snyder's Addition to Park City; and Lot 2 of the Coalition West Subdivision.
3. The property is in the Historic Residential (HR-1) District with the east half of Lot 2 of the Coalition West Subdivision being zoned Historic Recreation Commercial (HRC);

4. This site is listed on Park City's Historic Sites Inventory (HSI) and is designated as Significant.
5. The Plat Amendment removes two interior lot lines.
6. The proposed Plat Amendment combines the property into one (1) lot measuring 8,728.90 square feet.
7. A single-family dwelling is an allowed use in the District.
8. The minimum lot area for a single-family dwelling is 1,875 square feet in the HR-1 zone. The proposed lots meet the minimum lot area for single-family dwellings.
9. The proposed lot width is width is approximately 171.5 feet along Woodside Avenue and 81 feet along 7th Street; this property has two (2) frontages.
10. The minimum lot width required is twenty-five feet (25'). The proposed lot meets the minimum lot width requirement.
11. Because of the boot-shaped configuration of this lot, the Planning Director has determined the following setbacks: Front and Rear Yard, 10 feet; side yards 5 feet.
12. Ordinance 02-02, which approved the Coalition West Subdivision, included additional restrictions limiting the house size on Lot 2 to 3,500 square feet, including a potential accessory unit, subject to the Historic District Design Guidelines and Sweeney MPD.
13. House size has consistently been interpreted to mean the Gross Residential Floor Area as defined by the Land Management Code.
14. LMC § 15-2.2-4 indicates that historic structures that do not comply with building setbacks are valid complying structures.
15. The existing historic garage has a footprint of 230 square feet. LMC 15-2.2-3(D) states that Accessory Buildings listed on the HSI that are not expanded, enlarged, or incorporated into the Main Building shall not count in the total Building Footprint of the Lot.
16. The minimum front/rear yard setbacks are 10 feet (10'); the minimum total front/rear yard setbacks are twenty feet (20'). The historic house has a front yard setback of 0 feet; the garage in the front yard encroaches 13 feet into the Woodside right-of-way. The house has a 4 foot rear yard setback.
17. The minimum side yard setbacks are five feet (5'); the minimum total front/rear yard setbacks are 10 feet. The historic garage has a 0 foot setback on the south side yard, and the historic house has a 23 foot setback on the south side yard. The existing historic aerial tramway tower has a 4 foot side yard setback on the north side. The existing historic garage structure does not meet the north side yard setback or the west rear yard setback along Crescent Tram.
18. The historic garage encroaches into the neighboring property at 658 Woodside by approximately 3 feet.
19. On the northwest corner of the property, the historic aerial tramway tower encroaches approximately 19 feet over the west property line of Lot 2 of the Coalition West Subdivision and into the Woodside Avenue right-of-way.
20. There is a water drain pipe and vault constructed in the right-of-way that encroach about 5 feet east of the right-of-way and into Parcel PC-102.
21. There are several improvements in the City right-of-way including two stacked stone retaining walls, wood steps to the historic house, asphalt driveway to the garage, and a fence.

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

Conclusions of Law:

1. There is good cause for this Plat Amendment.
2. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
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 Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. The property owner shall resolve the encroachment of the stone retaining walls and fence over the front (west) property line into the City Right-of-Way (ROW) by either removing the encroachments or entering into an encroachment agreement with the City Engineer for those improvements that support the historic integrity of the Significant house and/or tramway tower.
4. An encroachment agreement for the historic garage is required with the neighbor at 658 Woodside and the City as the historic garage encroaches over the south property line and the west property line into the City right-of-way.
5. The applicant shall enter into an easement agreement with the City for the historic aerial tramway tower that encroaches approximately 19 feet into the property.
6. The Park City Water Department anticipates that the water pipe and vault will be relocated as part of the redevelopment of the site; the applicant shall be responsible for coordinating the relocation with the Water Department and recording an easement for the vault and water pipe upon completion.
7. Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final Mylar prior to recordation.
8. Ten foot (10') public snow storage easements shall be granted along the Woodside and 7th Street rights-of-way.
9. All Conditions of Approval for the Sweeney Properties Master Plan, as amended and approved by the City in November 1996 continue to apply in full force and effect. A note shall be added to the plat amendment to this effect.
10. This lot is designated as a single-family lot with up to 3,500 square feet, including a potential accessory unit, subject to the Historic District Design Guidelines and Sweeney MPD as outlined in the Coalition West Subdivision plat.

- 11. Access to the property shall be from the section of Woodside south of the aerial tower. If accessed from the section east of the tower, backing out of the drive shall be forbidden.
- 12. A 10 foot wide non-exclusive utility easement along the south edge of 7th Street/Woodside will be required from Park Avenue west to the aerial tower.

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

PASSED AND ADOPTED this 1st day of December, 2016.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

ATTEST:

City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Attachment 1 – Proposed Plat

**A Portion of
Park City Survey, Block 6 and
Snyder's Addition to Park City, Block 1**

NARRATIVE

1. Survey requested by Matt Goretzson.
2. Purpose: locate the deed description, improvements and topographic relief.
3. Date of the survey: October 8, 2015.
4. Basis of the survey: found property monuments as shown; records reviewed in the course of the survey: The Park City, Utah Monument Control Map by Bush & Gougeil, Inc., Coalition West Subdivision Plat, National Garage Subdivision Plat, record of Survey file No. S 1927 & 1928, Park City, Utah, recorded on July 10, 1927 and July 1927 by Colewell & Richards Engineers, all from the Office of the Summit County Recorder, a chain of title for 664 Woodside Ave. by Coalition Title Agency, Inc., and Historic Site Forms for 703 Park Ave. & 664 Woodside Ave. from the Park City Municipal Corporation Web Site.
5. Licensed in the Southwest Quarter of Section 16, Township 2 South, Range 12 East, and Meridian 11 North, Utah.
6. State the official plat of the Park City Survey, Snyder's Addition to Park City, Coalition West Subdivision and National Garage Subdivision for other possible easements, restrictions or setbacks.
7. The owner of the property should be aware of any items affecting the property that may appear in a title insurance report.
8. Elevations are based on an elevation of 7025.29 feet at the street monuments found at the intersection of State Street and F Avenue, from the Monument Control Map of Park City by Bush & Gougeil, Inc.

DEED DESCRIPTIONS

Lot 2, of that certain plat entitled 'Coalition West Subdivision', which plat was filed in the office of the Recorder of the County of Summit, State of Utah on January 14, 2003 as Entry No.644585.

Containing 4,146 square feet, more or less.

Lot 2, National Garage Subdivision, according to the official plat thereof, filed in the office of the Recorder of the County of Summit, State of Utah on January 14, 2003 as Entry No.644585.

Containing 2,646 square feet, more or less.

Parcel PC-102:
Beginning South 28°50' East 46 feet and South 66°52' West 75 feet from the Northeastly corner of Lot 1, Block 1, Snyder's Addition to Park City, and running thence South 66°52' West 40 feet, more or less; thence East 17.83 feet; thence South 28°50' East 40 feet, more or less, to the point of beginning, Being Lot 19, Block 6, Park City Survey, and a portion of Block 1, Snyder's Addition to Park City.

SURVEY DESCRIPTION

Parcel PC-102

Beginning South 71.04 feet and West 45.03 feet from the Northeastly corner of Lot 1, Block 1, Snyder's Addition to Park City and running thence South 58°41'06" West, along the Northwestly line of Lot 2, National Garage Subdivision, 41.99 feet to a point on the Easterly right of way of Woodside Avenue; thence North 31°44'30" West, along said right of way, 55.86 feet to the Southwestly corner of Lot 2, Coalition West Subdivision; thence North 88°56'30" East, along the Southerly line of said Lot 2, Coalition West Subdivision, 100 feet to the point of beginning of said Lot 2, Coalition West Subdivision; thence North 81°13'30" East, along said Southerly line of Lot 2, Coalition West Subdivision, 20.00 feet to a point on the extension of the Southwestly line of Lot 1, National Garage Subdivision; thence South 29°25'15" East, along said Southwestly line of Lot 1, National Garage Subdivision and the extension thereof, 40.58 feet to the point of beginning, containing 1,837 square feet, more or less.

SURVEYOR'S CERTIFICATE

I, J.D. Galley, a Registered Land Surveyor as prescribed by the laws of the State of Utah and holding License No. 3560005, do hereby certify that I have supervised a survey of the herein described property and that this plat is a true representation of said survey.

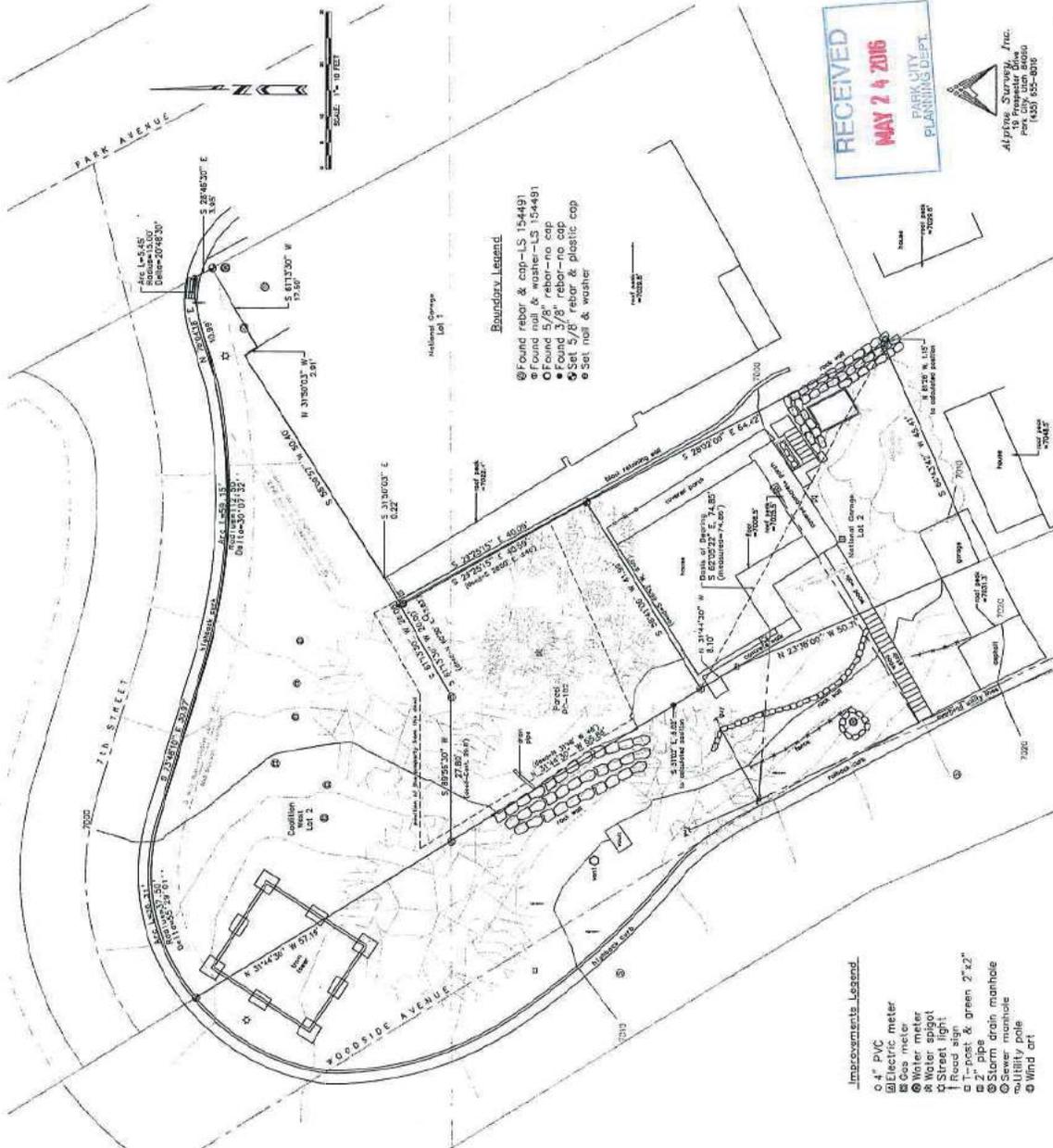


J.D. Galley
Date: Nov 30, 2016

FILE NO. S0008607

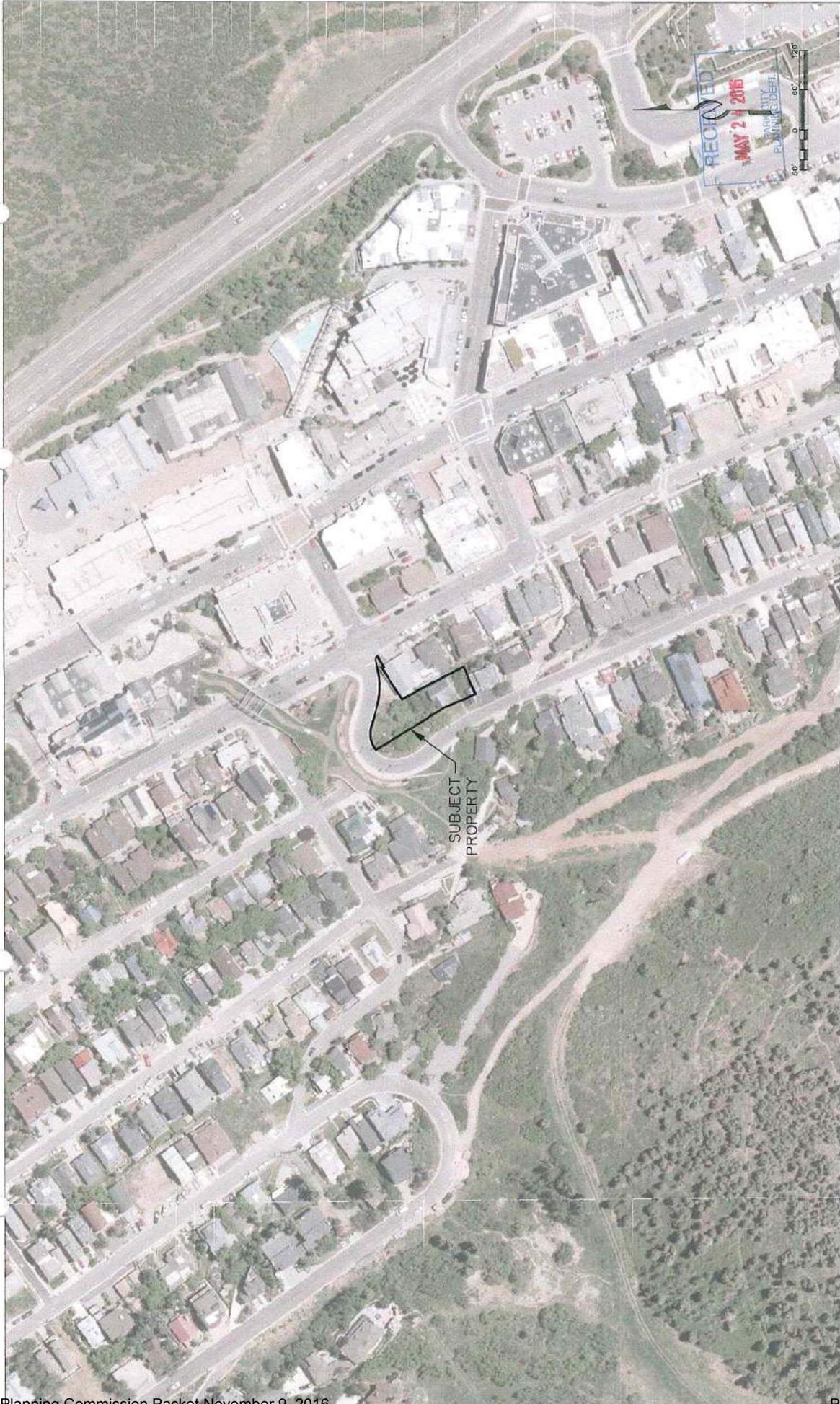


S-9607



RECEIVED
MAY 24 2016
PARK CITY
PLANNING DEPT.

Aptise Survey, Inc.
Park City, Utah 84002
(435) 655-8018



MAY 24 2016
 PARK CITY PLANNING DEPT.

STAFF: MATT GARRETTSON
 JESSE WRENDE

DATE: 3/7/16

ALPINE ENGINEERING
 CONSULTING ENGINEERS LAND SURVEYORS ARCHITECTS
 100 West Street, Suite 200, Park City, Utah 84302

AERIAL PHOTOGRAPH
 664, 672 & 698 WOODSIDE AVENUE
 BLOCK 1 & 6, PARK CITY & SNYDER'S ADDITION
 FOR: MATT GARRETTSON
 JOB NO.: 13-2-19
 FILE: \\P:\proj\07\070007\070007.dwg\070007.dwg

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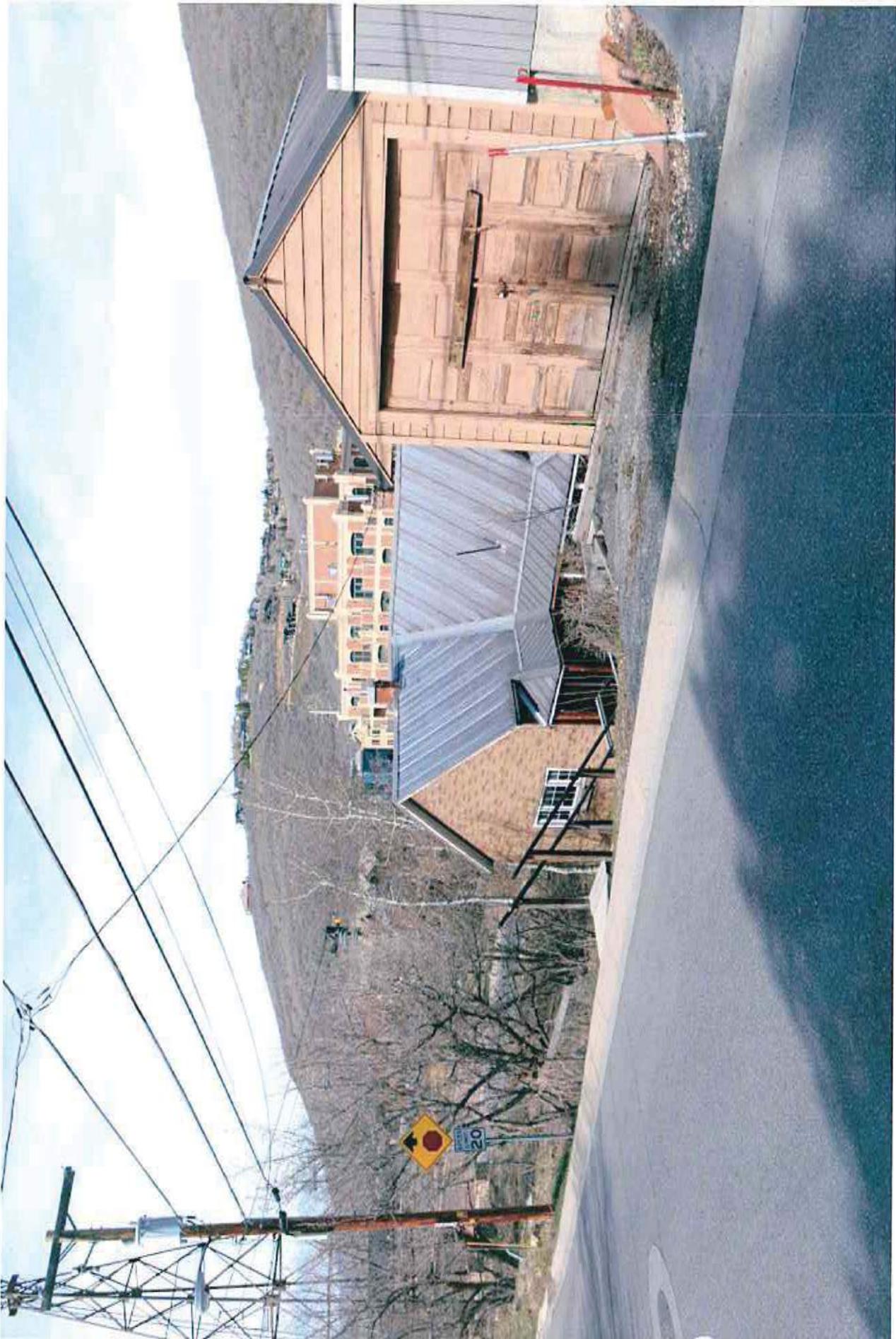
Tram Tower Parcel – Looking southwesterly



Tram Tower Parcel – Looking south



Tram Tower Parcel – Looking southeasterly



Tram Tower Parcel – Looking northeasterly

Ordinance No. 02-02

**AN ORDINANCE APPROVING A FINAL SUBDIVISION PLAT
KNOWN AS THE COALITION WEST SUBDIVISION,
LOCATED AT 777 PARK AVENUE, SECTION 16, TOWNSHIP 2 SOUTH,
RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN,
PARK CITY, SUMMIT COUNTY, UTAH**

WHEREAS, the owners, Powdr Corporation, of the property generally at 777 Park Avenue, located in Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian, Park City, Utah and known as the Coalition West Subdivision, have petitioned the City Council for approval of a final subdivision plat; and

WHEREAS, proper notice was sent and the property posted according to requirements of the Land Management Code and state law; and

WHEREAS, on March 27 and April 10, 2002, the Planning Commission held public hearings to receive public input on the proposed subdivision plat and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, on April 18, 2002 the City Council reviewed the proposed subdivision plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the proposed subdivision plat;

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

SECTION 1. FINDINGS OF FACT.

1. The property is located in the HRC-MPD, HR-1-MPD, and HCB-MPD zoning districts.
2. The property is subject to the Sweeney Properties Large Scale Master Planned Development Permit approved by the City Council on October 17, 1986 and as subsequently amended.
3. The proposed subdivision plat creates four legally subdivided lots from various metes and bounds parcels and includes Lots 1 and 2 for future development per the amended Sweeney Properties MPD, Lot 3 designated as open space to accommodate the Town Run ski run, and Lot B4 located on the east side of Park Avenue.
4. All development on these Lots is subject to the Sweeney Properties MPD as

amended, the Land Management Code, and the Historic District Design Guidelines.

5. An amended cross access and parking agreement was recorded in October of 1996 between the various property owners of the Coalition West and Coalition East properties.
6. Lot 1 is designated per the MPD for up to 5.5 u.e. of commercial uses and 2 u.e.'s of residential condominium uses (up to 4,000 sf of residential and 5,500 sf of commercial). Lot 2 is designated per the MPD as a single family lot with up to 3,500 sf, including a potential accessory unit, subject to the Historic District Design Guidelines and the Sweeney MPD. Lot 3 shall remain as open space. Lot B4 is designated per the Sweeney MPD as a potential development parcel with up to 1.6 u.e. of commercial uses at the street level with the plaza level remaining as open space as part of the plaza and to support the bridge and ramp structure.
7. Approval of the subdivision plat creates legally platted lots. Development requiring building permits on these lots is subject to the LMC, HDC Design Guidelines, and the conditions of approval of the MPD.
8. The proposed subdivision does not alter vehicular access to adjacent properties on Woodside Avenue.
9. On April 10, 2002 the Planning Commission forwarded to the City Council a positive recommendation to approve the Coalition West Subdivision plat with conditions as outlined below.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby concludes that there is good cause for the above-mentioned subdivision plat and that neither the public nor any person will be materially injured by the proposed plat. The plat is consistent with the Park City Land Management Code and applicable State law regarding subdivision plats. The plat is consistent with the Sweeney Properties Master Plan.

SECTION 3. PLAT APPROVAL. The final plat for the Coalition West Subdivision is hereby approved as shown on Exhibit A, with the following conditions:

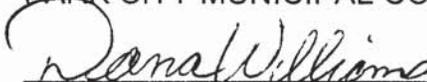
1. City Attorney and City Engineer review and approval of the final form and content of the subdivision plat, for compliance with State law, the Land Management Code, and the conditions of approval, is a condition precedent to recording the plat.
2. All conditions of approval for the Sweeney Properties Master Plan, as amended, and approved by the City in November of 1996, continue to apply in full force and effect. A note shall be added to the plat to this effect.
3. All Park City Standard Project Conditions shall apply.

4. The skier plaza level of Lot B4 shall remain as open space as part of the plaza and to support the bridge and ramp, and shall not be developed with any other type of structure without an amendment to the Master Plan approved by the Commission. Lot 3 is designated as open space and Lots 1 and 2 are subject to the conditions of approval of the amended Sweeney MPD, the Land Management Code, and the Historic District Design Guidelines. A note shall be added to the plat to this effect.
5. As a condition precedent to plat recording, a note shall be added to the plat noting the recording information for relevant maintenance agreements and encroachment agreements that apply to these parcels and lots.
6. As a condition precedent to plat recording the applicant shall deed to Park City, per agreement between GPCC and the City related to the encroachment of the Town Bridge over Park Avenue, the land under that portion of the National Garage, located at 715 Park Avenue, which encroaches onto Lot 2 of the Coalition West Subdivision.
7. As a condition precedent to plat recording the applicant shall install pedestrian directional signs, upon approval by the Planning staff, to direct pedestrians across the ski run on dedicated easements. Pedestrian access easements shown on this plat are for the benefit of the public.
8. The subdivision plat shall be recorded at the County within one year of the date of City Council approval. If recordation has not occurred within the one year time frame this approval and the record of survey shall be considered null and void.

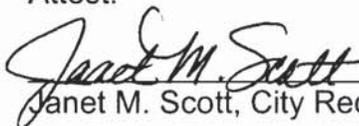
SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 18th day of April 2002.

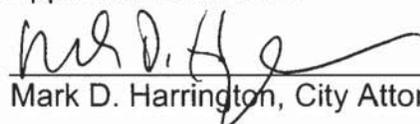
PARK CITY MUNICIPAL CORPORATION


 Mayor Dana Williams

Attest:


 Janet M. Scott, City Recorder

Approved as to form:


 Mark D. Harrington, City Attorney



OFFICE OF ENGINEERING

PLANNING COMMISSION PACKET NOVEMBER 9, 2016

GENERAL NOTES

1. SELECT TO DETERMINE
2. SELECT TO DETERMINE
3. SELECT TO DETERMINE

PLANNING COMMISSION

APPROVED AS TO FORM

ENGINEERS CERTIFICATE

APPROVAL AS TO FORM

COUNCIL APPROVAL AND ACCEPTANCE

RECORDED

STATE OF UTAH COUNTY OF SUMMIT AND FIELD

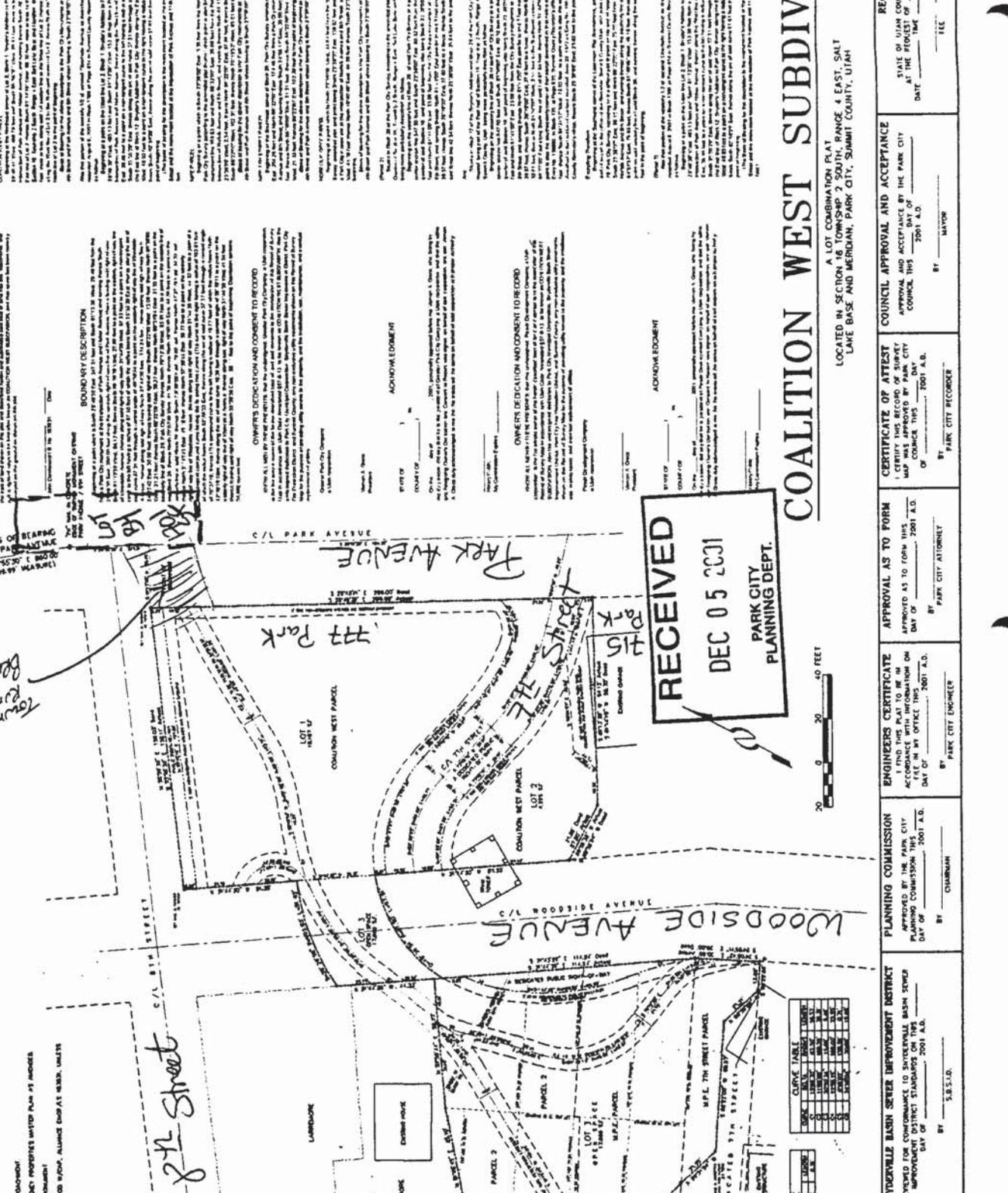
AT THE REQUEST OF

DATE TIME BOOK PAGE

FILE RECORDER

PLANNING COMMISSION

NOVEMBER 9, 2016



OWNER'S DEDICATION AND COMMENT TO RECORD
 SPECIAL USES BY THE CITY OF PARK CITY, UTAH, ARE HEREBY DEDICATED TO THE CITY OF PARK CITY, UTAH, FOR THE USE OF THE CITY OF PARK CITY, UTAH, AS SHOWN ON THE ATTACHED MAPS AND PLANS. THE CITY OF PARK CITY, UTAH, IS HEREBY REQUESTING THAT THE CITY OF PARK CITY, UTAH, RECORD THESE DEDICATIONS AND COMMENTS TO RECORD.

OWNER'S DEDICATION AND COMMENT TO RECORD
 SPECIAL USES BY THE CITY OF PARK CITY, UTAH, ARE HEREBY DEDICATED TO THE CITY OF PARK CITY, UTAH, FOR THE USE OF THE CITY OF PARK CITY, UTAH, AS SHOWN ON THE ATTACHED MAPS AND PLANS. THE CITY OF PARK CITY, UTAH, IS HEREBY REQUESTING THAT THE CITY OF PARK CITY, UTAH, RECORD THESE DEDICATIONS AND COMMENTS TO RECORD.

ACKNOWLEDGMENT
 I, the undersigned, being the owner of the above described property, do hereby acknowledge that I have read and understand the contents of the above described plat and that I have approved the same for recording.

ACKNOWLEDGMENT
 I, the undersigned, being the owner of the above described property, do hereby acknowledge that I have read and understand the contents of the above described plat and that I have approved the same for recording.

Ordinance No. 06-14

AN ORDINANCE APPROVING THE NATIONAL GARAGE SUBDIVISION OF LOTS 16, 17, 18, 21, 22 AND A PORTION OF LOT 20 OF BLOCK 6 OF THE PARK CITY SURVEY AND THE SNYDERS ADDITION TO THE PARK CITY SURVEY, LOCATED AT 703 PARK AVENUE AND 664 WOODSIDE AVENUE PARK CITY, UTAH

WHEREAS, the owner of the property known as 703 Park Avenue, and 664 Woodside Avenue has petitioned the City Council for approval of the National Garage Subdivision; and

WHEREAS, proper notice was sent and the property posted according to requirements of the Land Management Code and State Law; and

WHEREAS, on March 8, 2006 the Planning Commission held a public hearing to receive public input on the proposed Subdivision and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, on March 23, 2006 the City Council held a public hearing on the proposed subdivision; and

WHEREAS, the proposed Subdivision allows the property owner to combine five lots and a portion of another into two lots of record; and

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

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

SECTION 1. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

1. Lot 1 is located in the Historic Residential Commercial (HRC) zone.
2. The HRC zone designed to provide a transition in scale and land uses between the HR-1 and HCB districts that retains the character of historic buildings in the area.
3. Lot 2 is located in the Historic Residential (HR-1) zone.
4. The HR-1 zone is a residential zone characterized by a mix of contemporary residences and smaller historic homes.
5. The amendment will subdivide five platted lots and a portion of another into two lots of record.
6. Lot 1 is accessed from Park Avenue; Lot 2 is accessed from Woodside Avenue.
7. Proposed Lot 1 would consist of approximately 8,520 square feet.
8. Proposed Lot 2 would consist of approximately 2,175 square feet.

9. The minimum lot size for a single family home in the HR-1 zone is 1,875 square feet.
10. There are two existing historic structures on Lot 1.
11. There is an existing historic single family home and an accessory building on Lot 2.
12. Minimal construction staging area is available along Park and Woodside Avenues.
13. Snow removal is necessary for emergency access, and snow storage areas are necessary for good snow removal.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby adopts the following 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.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. As conditioned the plat amendment is consistent with the Park City General Plan.

SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

1. The City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording 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 and the plat will be void.
3. A new sewer lateral and pump system to eject the wastewater up into Woodside shall be installed on Lot 2 as part of any future development plan.
4. A financial guarantee for public improvements including road repairs from utility installation shall be provided in a form acceptable to the City Attorney and in an amount acceptable to the City Engineer prior to plat recordation.
5. A ten-foot-wide snow storage easement shall be provided along the Park Avenue and Woodside Avenue frontage of both lots.
6. No remnant lot is separately developable.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 23rd day of March 2006.

PARK CITY MUNICIPAL CORPORATION

Dana Williams

Mayor Dana Williams

Attest

Janet M. Scott

Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington

Mark D. Harrington, City Attorney



SUBMITTER'S CERTIFICATE

I, the undersigned, hereby certify that the information furnished herein is true and correct to the best of my knowledge and belief, and that I am the owner of the property described herein.

Signature: _____ Date: _____

REMARKS

LOT 1: 100' x 100' (10,000 sq. ft.)
LOT 2: 100' x 100' (10,000 sq. ft.)
LOT 3: 100' x 100' (10,000 sq. ft.)
LOT 4: 100' x 100' (10,000 sq. ft.)
LOT 5: 100' x 100' (10,000 sq. ft.)
LOT 6: 100' x 100' (10,000 sq. ft.)
LOT 7: 100' x 100' (10,000 sq. ft.)
LOT 8: 100' x 100' (10,000 sq. ft.)
LOT 9: 100' x 100' (10,000 sq. ft.)
LOT 10: 100' x 100' (10,000 sq. ft.)
LOT 11: 100' x 100' (10,000 sq. ft.)
LOT 12: 100' x 100' (10,000 sq. ft.)
LOT 13: 100' x 100' (10,000 sq. ft.)
LOT 14: 100' x 100' (10,000 sq. ft.)
LOT 15: 100' x 100' (10,000 sq. ft.)
LOT 16: 100' x 100' (10,000 sq. ft.)
LOT 17: 100' x 100' (10,000 sq. ft.)
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LOT 98: 100' x 100' (10,000 sq. ft.)
LOT 99: 100' x 100' (10,000 sq. ft.)
LOT 100: 100' x 100' (10,000 sq. ft.)

OWNER'S DECISION AND COMMENT TO RECORD

I, the undersigned, hereby certify that the information furnished herein is true and correct to the best of my knowledge and belief, and that I am the owner of the property described herein.

NOTICE

This subdivision is subject to the provisions of the Utah Subdivision Map Act, Chapter 10, Utah Code, and the rules and regulations of the Utah State Surveyor General.

ACKNOWLEDGMENT

This instrument was acknowledged before me on this _____ day of _____, 2005, by _____, the undersigned, who is the owner of the property described herein.

NOTARIAL STATEMENT

I, _____, a Notary Public in and for the State of Utah, do hereby certify that the foregoing instrument was acknowledged before me on this _____ day of _____, 2005, by _____, the undersigned, who is the owner of the property described herein.

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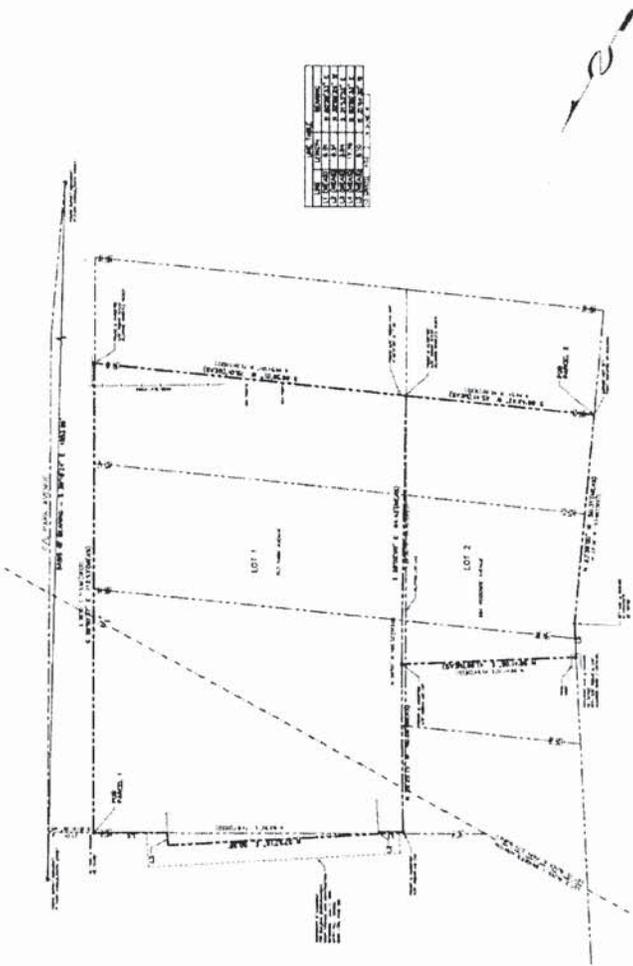
PARK CITY

PLANNING COMMISSION

100 SOUTH MAIN STREET, SUITE 200, PARK CITY, UTAH 84301

PHONE: (435) 798-1234 FAX: (435) 798-1234

WWW.PARKCITY.UTAH.GOV



NATIONAL GARAGE SUBDIVISION

SECTION 10, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SALT LAKE COUNTY, UTAH

<p>PLANNING COMMISSION APPROVED AS TO FORM AND CONTENT BY THE PLANNING COMMISSION ON _____, 2005.</p>	<p>ENGINEER'S CERTIFICATE I, _____, a Licensed Professional Engineer in the State of Utah, do hereby certify that the information furnished herein is true and correct to the best of my knowledge and belief, and that I am the owner of the property described herein.</p>	<p>APPROVAL AS TO FORM I, _____, a Notary Public in and for the State of Utah, do hereby certify that the foregoing instrument was acknowledged before me on this _____ day of _____, 2005, by _____, the undersigned, who is the owner of the property described herein.</p>	<p>CERTIFICATE OF ATTEST I, _____, the City Clerk of Park City, Utah, do hereby certify that the foregoing instrument was filed for record in the Office of the County Clerk of Salt Lake County, Utah, on this _____ day of _____, 2005.</p>	<p>COUNCIL APPROVAL AND ACCEPTANCE APPROVED AND ACCEPTED BY THE PARK CITY COUNCIL ON _____, 2005.</p>
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