



AGENDA

MEETING CALLED TO ORDER AT 5:30 PM

WORK SESSION – *Discussion and possible public hearing. No action taken.*

Fiscal 2011 Capital Improvement Project Plan		5
<i>Informational update from City Engineer</i>		
1440 Empire Avenue – Conditional Use Permit	PL-09-00725	9

ROLL CALL

ADOPTION OF MINUTES OF APRIL 28, 2010

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

STAFF/BOARD COMMUNICATIONS AND DISCLOSURES

City issued emails accounts for Commissioners

CONTINUATION(S) – *Open public hearing and continue as outlined below*

1150 Deer Valley Drive – Conditional Use Permit	PL-09-00858	
<i>Public hearing and continue to a date uncertain</i>		
1150 Deer Valley Drive – Amendment to Record of Survey	PL-09-00768	
<i>Public hearing and continue to a date uncertain</i>		
1440 Empire Avenue – Conditional Use Permit	PL-09-00725	
<i>Public hearing and continue to June 9, 2010</i>		

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

154 Marsac Avenue, Habitat for Humanity – Steep Slope	PL-08-00430	97
Conditional Use Permit		
<i>Public hearing and possible action</i>		
1110 Woodside Avenue – Plat Amendment	PL-10-00924	121
<i>Public hearing and possible recommendation to City Council</i>		

ADJOURN

Items listed on the Regular Meeting may have been continued from a previous meeting and may not have been published on the Legal Notice for this meeting. For further information, please call the Planning Department at (435) 615-5060.

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

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Park City Planning Department at (435) 615-5060 24 hours prior to the meeting.
Planning Commission - May 12, 2010



Park City Vicinity & Zoning Map

May 12, 2010
Planning Commission Meeting

1150 Deer Valley Drive - CUP
and Amendment to Record of Survey

1440 Empire Avenue
Conditional Use Permit

1110 Woodside Avenue
Plat Amendment

154 Marsac Avenue, Habitat for Humanity
Steep Slope Conditional Use Permit



WORK SESSION

Planning Commission Staff Report



Subject: FY 2011 Capital Improvement
Project Plan
Author: Matt Cassel, City Engineer
Date: May 12, 2010
Type of Item: Informational Item

Description

The City Engineer recommends that the Planning Commission review the 2011 Capital Improvement Project Plan for consistency with the General Plan.

Background

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

Process

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

Department Review

This project has not gone through an interdepartmental review.

Public Input

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

Recommendation

The City Engineer recommends that the Planning Commission review the 2011 Capital Improvement Project Plan for consistency with the General Plan.

Exhibit

Exhibit A – CIP Description Report

Project Alternative	New CIP #	Project Name	Project Description
Alternative 0	CP0010	Water Department service equipment	Replacement of vehicles and other water department service equipment that is on the timed depreciation schedule.☐
	CP0026	Motor Change-out and Rebuild Program	In order to minimize the potential for water distribution interruptions all system pumps and motors are evaluated at least yearly with those indicating a problem taken out of service and either repaired or replaced. Funded by user fees.
	CP0027	Water Recording Devices	In order to obtain accurate flow records for downstream users and State Engineer, existing flumes need to be repaired and or replaced. Funded by user fees.☐
	CP0030	Public Safety Complex	Construction of a facility that will house the police, communication and related department functions and will provide for the operational needs of the Public safety function. 4% of construction cost allocated for green building 1% of construction cos
	CP0040	Water Department Deficiency Correction Projects	This project includes all aspects of daily maintenance, improvements to water system quantity and quality, and master plan projects.
	CP0042	Gilmore Open Space Note	The City's property acquisitions often require improvements for the City's intended uses. Improvements typically include structural studies, restoration, environmental remediation, removal of debris, basic cleanup, landscaping, and
	CP0070	Meter Radio Read	This project will provide funding to upgrade meters to enable remote radio reading of water meters. This process will improve the efficiency and effectiveness of water billing.
	CP0071	JSSD Water Assessment	JSSD water assessment - This option is to provide funding for council approved agreement for water delivery.
	CP0081	OTIS Water Pipeline Replacement Projects	Funded by user fees.
	CP0095	Tennis Bubble Replacement	CIP Request for the replacement of the tennis bubble. It has about 2 more years before it needs to be retired. Request for \$75K for 04/05 and another \$75K for 05/06. Total replacement \$150K. Life of the tennis bubble is estimated to be betwe
	CP0138	Deer Valley Fire Flow Tie-In	Provide fire flow to Lower Deer Valley through tie-ins to upper zone tanks.
	CP0140	Water System Emergency Power Master Planning	Complete study to develop recommendations for emergency backup power needs for the water system.
	CP0141	Boothill Transmission Line	Construct transmission lines to deliver source water for the Empire Pass development from the Boothill zone to the Woodside Tank.
	CP0164	Park City Website Remodel	This project will address both the structural design and the presentation of the Park City web site for the purpose of ensuring adaptation to changin web technologies and enhanced flexibility to modifications.
	CP0165	Time and Attendance Software	This capital improvement project request would significantly enhance the payroll process and time management for all departments and employees. With the elimination of managing volumes of paper, greater efficiency is achieved by the reduction in errors
	CP0178	Rockport Water, Pipeline, and Storage	This project will construct upgrades to the Mt. Regional Water Pump Station at Rockport and a new pump station and intake that will be owned and operated by BWCD, all to deliver Park City's reserved water from Rockport and Smith Morehouse reservoirs. A
	CP0180	Corrosion Study of Water System	Complete study to develop recommendations on improvements of existing and future pipelines based on corrosion conditions.
	CP0218	Emergency Management Program Replacement	(description coming)
	CP0220	800 Mhz Radios	To convert Public Works radios to 800 Mhz for purposes of uniformity with Police and other emergency personnel.
	CP0227	Park City Water Infrastructure Project	Expenses related to infrastructure improvements and Rockport Water Importation.☐ ☐ This was cp0179.
	CP0228	Snow Creek Affordable Housing Project	For the planning, design, and construction of the Snow Creek Affordable Housing Project.
	CP0236	Triangle Property	No Description
	CP0237	Building Activity Stabilization Fund	No Description
	CP0238	Quinn's Junction Transmission Lines	No Description
	CP0240	Quinn's Water Treatment Plant	No Description
	CP0242	Boyer Land Purchase	For the purchase of land ownership interest at and around Quinn's Junction. The land will be co-owned with Boyer, and will be used for the PC Heights Development.
	CP0245	Osguthorpe Water Fee Credit Purchase	No Description
NEW19	Middle Silver Creek Water Shed	No Description	
Alternative 1	CP0028	5 Year CIP Funding	This account is for identified unfunded projects.
	CP0069	Judge Water Treatment Plant.	Funded by federal funds, user fees, bonds. This project will fund improvement necessary to meet EPA water quality mandates for the Judge Tunnel source. Federal funding will be utilized as available to complete this project.
	CP0108	Flagstaff Transit Transfer Fee	For Improvement/Enhancement of Park City Transit System☐
	CP0136	County Vehicle Replacment Fund	Holding account for Regional Transit Revenue dedicated to vehicle replacement.
	CP0154	Sales Tax Bond Contingency	Contingency Fund for 2005 series A Sales Tax Bond issuance.☐
Alternative 2	CP0001	Planning/Capital Analysis	Annual analysis of General Impact Fees to determine/justify formula, collection, use. Including GASB 34 planning and implementation.☐

Alternative 2	CP0006	Pavement Management Impl.	This project provides the funding necessary to properly maintain and prolong the useful life of City owned streets and parking lots. Annual maintenance projects include crack sealing, slurry sealing and overlays.☐	
	CP0007	Tunnel Improvements	Maintenance of two mine water source tunnels. Replacement of rotting timber with steel sets and cleanup of mine cave ins. Stabilization of sidewall shifting with split set of bolts and screening.☐	
	CP0009	Transit Coaches Replacement & Renewal	This program provides for the replacement of the existing transit fleet and additional vehicles for service expansions. Federal Transit Administration will be providing 80 percent of the purchase cost.☐	
	CP0019	Library Development and Donations	Project 579 also includes a category 39124. Public Library development grant. This is a grant made to all public libraries in Utah by the State, based on population and assessed needs. The uses of this money are restricted by State statute	
	CP0025	Bus Shelters	Passenger amenities such as shelters, and benches have proven to enhance transit ridership. This project will provide the funding necessary to redesign and install shelters and benches at new locations. These locations will be determined us	
	CP0033	Golf Pro Shop Acquisition	In the development agreement signed in 1997, the golf course was obligated to pay for areas of the Hotel development. City agreed to pay for 48% of the underground parking construction costs. The City agree to pay for 50% of the restroom	
	CP0038	Open Space Bond Acquisitions	In 1998 and 2002, Park City Residents, by votes of 78% and 80%, voted in support of \$20,000,000 of Open Space Bonds. These bonds are to fund the purchase of properties that contribute to the open and natural beauty of the city. It is the City's goal	
	CP0046	Golf Course Improvements	This project encompasses all golf course related projects, enlarging tees, fairways, rebuilding greens, restroom upgrade, landscaping, the construction of a fence along the road and other operational maintenance.	
	CP0051	Bus Maintenance & Operations Facility	Bus facility includes bus storage facility , bus parking & storage,and a small administration area. This will be funded 80% federal funds and 20% local land match (Iron Horse parcel).	
	CP0066	Homeland Security Improvements	This project is intended for the aquisition of items funded through the federal Homeland Security grant. This will include items such as in-car computers, camera equipment, dispatetch improvements, emergency preparedness equipment, etc.	
	CP0083	Lower Norfolk & Woodside (North of 13th)	Reconstruction in accordance with Old Town Improvement Study.☐ ☐ Scheduled for completion in FY 2008.	
	CP0090	Friends of the Farm	Use to produce events to raise money for the Friends of the Farm and use for improvements to the farm.☐	
	CP0091	Golf Maintenance Equipment Replacement	This option will move the funding of equipment from the operating line to a CIP account. This CIP will help insure adequate funding is available to meet replacement needs.	
	CP0101	BioCell Remediation	This project includes the use of BioCell remediation to mitigate zinc loads in the stream feeding the wetlands near the SR 248 entryway.	
	CP0118	Transit GIS/AVL system	GIS and AVL systems to provide real time information to passengers and managers to better manage the transit system.	
	CP0134	Impact Fees	This CIP budgets anticipated Park and Open Space Impact Fee revenue. The funds should be spent on projects identified in the May 2005 Impact Fee study (adopted on June 9, 2005).	
	CP0137	Transit Expansion	These funds are dedicated to purchasing new busses for expanded transit service.	
	CP0152	Parking Meter Replacement	For replacement of parking meters on Main St. Funded by meter fee revenues.	
	CP0155	OTIS Phase II(a)	Sandridge in FY09, Hillside in FY10, Empire and Upper Lowell in FY11.☐	
	CP0216	Park & Ride (Access Road & Amenities)	This project will provide funding to construct an access road from Wasatch County to the new park and ride at Richardson Flats.	
	CP0226	Walkability Implementation	This project funds varying projects related tot he Walkability Community program. The projects to be completed with this funding will be as outlined by the Walkability Steering and CIP committees and as approved by City Council during the 2007 Budget P	
	CP0232	Traffic Model	No Description	
	CP0239	PC Heights Capacity Upgrade	No Description	
	Alternative 3	CP0005	City Park Improvements	As Park City and surrounding areas continue to grow, there is a greater public demand for recreational uses. This project is a continuing effort to complete City Park. The funds will be used to improve and better accommodate the communit
		CP0013	Affordable Housing Program	The Housing Advisory Task Force in 1994 recommended the establishment of ongoing revenue sources to fund a variety of affordable housing programs. The city has established the Housing Authority Fund (36-49048) and a Projects Fund (31-49058).
		CP0043	Public Works Storage Parcel	This project would provide for the purchase of five acres of ground at Quinn's Junction. The estimated cost is \$500,000. A lease-purchase arrangement could be negotiated with ballon payment in year six. The estimated annual- lease-purchas
		CP0047	Downtown Enhancements/Design	In the wake of the 2003 Downtown Enhancements Task Force, this project code would be geared toward doing the appropriate design, survey and environmental planning efforts of proposed recommendations of the task force - namely, for the pl
CP0063		Historic Structure Abatement Fund	Establishment of revolving fund for abatement of dangerous buildings, fund to be replenished with recovery of city costs by owner of structure.☐	
CP0073	Marsac Seismic Renovation	Marsac seismic, HVAC, ADA and associated internal renovations.		

Alternative 3	CP0074	Equipment Replacement - Rolling Stock	This project finds the replacement of fleet vehicles based upon a predetermined schedule. The purpose of the project is to ensure the City has the funding to replace equipment that has reached the end of its useful life.
	CP0075	Equipment Replacement - Computer	The computer replacement fund is set up to ensure funding to replace computer equipment and peripheral equipment including environmental climate control systems on a 3 to 4 year cycle. The average replacement cost per year approximates \$200
	CP0092	Open Space Improvements	This project includes the improvement of Park City's open space parcels to include control of noxious weeds. For maintenance, improvements, and acquisition of Open Space.
	CP0097	Bonanza Drive Reconstruction	To accomodate new water lines, pedestrian enhancements, gutters, storm drains and landscaping. Possible UDOT small urban area funding.
	CP0128	Quinn's Ice/Fields Phase II	Additional development of outdoor playing fields and support facilities
	CP0142	Racquet Club Program Equipment Replacement	For ongoing replacement of fitness equipment.
	CP0146	Asset Management/Replacement Program	Money is dedicated to this account for asset replacement each year. Creation of schedule in FY 07 for Building replacement
	CP0150	Ice Facility Capital Replacement	For ongoing capital replacement at Quinn's Ice Facility. Funding provided by City and Basin per interlocal agreement.
	CP0160	Ice Facility Capital Improvements	For various projects related to the Ice Facility as outlined in the Strategic Plan.
	CP0163	Quinn's Fields Phase III	Construction of remaining 3 planned playing fields, sports lighting for 2 fields, scoreboards for all fields, parking spaces for 167 vehicles, parking lot lights, trails, sidewalks, and supporting irrigation system, utilities, landscaping and seeding.
	CP0171	Upgrade OH Door Rollers	Rollers for old bus barn overhead doors.
	CP0176	Deer Valley Drive Reconstruction	Total estimated project cost: \$2,000,000. Unfunded amount is the difference between \$1,000,000 in requested impact fees and local match (which is funded by Transfer from General Fund).
	CP0186	Energy Efficiency Study on City Facilities	Technical energy audit of all city facilities identifying improvements to reduce energy including grant and alternative funding mechanisms.
	CP0191	Walkability Maintenance	This funding is provided for the purpose of ongoing maintenance of completed Walkability Projects.
	CP0201	Shell Space	Construction of Shell Space
	CP0203	China Bridge Event Parking	No Description
	CP0208	Snow Plow Blade Replacement	This option will replace our snowplow blades over the next three years.
	CP0210	Salt Cover	This option will cover our road salt at Public Works
	CP0234	General Plan Update	No Description
	Alternative 4	CP0017	ADA Implementation
CP0020		City-Wide Signs Phase I	Funded in FY02 - Continue to coordinate and install way-finding and directional signs throughout the City.
CP0036		Traffic Calming	Over the last few years residents have expressed concerns with the speed and number of vehicles, safety of children and walkers. A program prioritization has been implemented. The interest of participation for traffic calming has come in fro
CP0041		Trails Master Plan Implementation	Rail Trail from Bonanza to kiosk, Round Valley Trails, Entryway Trail System including trailhead parking. Funds intended to provide a comprehensive system of bicycle, pedestrian, equestrian, cross-country skiing and hiking trails - both
CP0085		Town Plaza	This project is one of three main recommendations of the Task Force for Downtown Enhancements. A central gathering space would be created to assist in the promotion of programmed activities and events in the downtown core. Ph
CP0100		Neighborhood Parks	This project includes the creation of neighborhood parks through the use of Park and Ice bond proceeds. This includes projects in Park Meadows, Prospector, and Old Town.
CP0133		Public Works Equipment	For the purchase of new equipment and replacement of existing equipment related to the Public Works Dept
CP0205		GIS Development	This GIS Development request would provide fundamental tools and services to further benefit from Geographical Information systems; thus, facilitating department demand/needs. This request would include the purchase of survey grades GPS equipment, a rad
CP0212		Park City Ice Arena Screens and Security	In an effort to better serve users, the Park City Ice Arena would install two information screens that would be capable of displaying information that would provide users with important information in order to make their visit easier and more enjoyable.
CP0214		Racquet Club Renovation	A major remodel of the existing Racquet club. Expand group fitness; weight room; cardio; 2 additional tennis courts; walking / jogging track; aquatic center; child care; administration area, and restaurant.
CP0217		Emergency Management Program Startup	(description coming)
CP0229		Dredge Prospector Pond	No Description
NEW17		Quinn's Rec Light Visors	Install visors on the field lights @ Quinn's due to neighborhood complaints on lights
NEW5		Irrigation Controller Replacement	The Parks Dept. has a total of 38 irrigation controllers located throughout town at all City facilities including, City buildings, athletic fields, parks, school fields, etc. These electronic devices provide irrigation control to landscaped areas by radio
Alternative 5		CP0059	Cemetery Capital Replacement
	NEW15	Rink Roof for Mechanical Equipment	Roof over mechanical equipment at the Ice Rink for screening & protection

Planning Commission Staff Report



Author: Kayla S. Sintz
Application #: PL-09-00725
Subject: 1440 Empire Avenue Multi-Unit Dwelling
Date: May 12, 2010
Type of Item: Administrative – Conditional Use Permit: City Council Remand Work Session Discussion

Summary Recommendations

Staff recommends that the Planning Commission discuss the proposed redesign, provide staff with direction, and open the public hearing during the regular meeting.

Topic

Applicant: John Paul DeJoria
Applicant Representative: Mark Fischer and Craig Elliott (Architect)
Location: 1440 Empire Avenue
Zoning: Recreation Commercial (RC)
Adjacent Land Uses: Residential (Single Family and Multi-Unit)
Reason for Review: Multi-Unit Dwelling and Parking Area with five (5) or more stalls must be approved by the Planning Commission

Background

The Planning Commission approved this Conditional Use Permit on December 9, 2009, after hearing the project on September 9, 2009, and October 14, 2009. The decision was appealed to the City Council on December 21, 2009 by David and Rosemary Olsen, Rick Margolis, and Dianne and Bill Newland. The City Council heard the appeal on February 25, 2010. City Council granted the appeal in part and denied the appeal in part, and adopted the findings of fact, conclusions or law, conditions of approval and order on March 4, 2010 (Exhibits B & C).

The subject property exists as three vacant parcels located at 1440 Empire Avenue. A Multi-Unit Dwelling is a Conditional Use in the Recreation Commercial District (RC). A Plat Amendment application combining Parcels 1, 2 and 3 into Lot A, totaling 12,882.62 square feet was approved by the City Council on February 25, 2010. The plat has not yet been recorded.

The following Findings were modified and added by Council and adopted on March 4, 2010:

10. The City Council agrees with the dissenting Planning Commissioners regarding non-compliance with LMC Section 15-1-10(E)(8), particularly Commissioner's Hontz findings

regarding adverse impacts on the historic structures as incorporated on Pages 90 and 91 of the February 25, 2010 staff report. (See Exhibit D for pages 90 and 91).

11. *By utilizing maximum zone height and the 5 foot exception for roof pitches of 4:12 or greater, the design fails to transition to historic property to the east. Despite a rear setback fluctuation of approximately 10 feet as proposed structure moves north, the design creates a wall effect as viewed from the east. Both the applicant's and the appellants' supplemental visual analysis distributed at the hearing confirm that this design has unmitigated impacts on the historic property to the east, including visual impacts, loss of light and building orientation.*

The following Conclusions of Law were modified and adopted by the Council on March 4, 2010:

1. *The application satisfies all Conditional Use Permit review criteria for a Multi-Unit Dwelling and a Parking Area as established by the LMC's Conditional Use Review process [Section 15-1-10(E) (1-15)], except for subsection (8).*

3. *The effects of any differences in Use or scale have been mitigated through careful planning, except for adverse impacts on the adjacent historic property resulting from the rear façade.*

4. *The Planning Commission erred by issuing the CUP without further consideration of the design as such relates to the transition to and unmitigated impacts on the existing historic structure to the east.*

The Council indicated previous Conditions of Approval remain intact unless modified or added to based on the Planning Commission's review of subject Remand Order.

Order:

The appeal was granted in part and denied in part. The CUP was remanded to the Planning Commission for further consideration of only the following matters:

1. **The height, scale, mass and bulk of the rear of the building shall be further modified and considered under the standard in LMC 15-1-10(E)(8);**
2. **Further design changes with consideration for ensuring that the proposed development transitions to and complements the existing historic structure to the east shall be reviewed and /or further conditioned.**

Analysis

Original approved CUP Design:

The applicant's original approved CUP consisted of:

- Four levels
- Ten (10) units:

- Eight (8) two-bedroom units (averaging 624 square feet per unit based on layout)
- Two (2) four-bedroom units (1,497 and 1,507 square feet)
- Twelve (12) required parking spaces (based on size of units for Multi-Unit Dwelling use)
- FAR of 1.0 = 12,883 square feet allowable. Proposed is 12,568 square feet (315 square feet under allowable)

Proposed Remand CUP Design:

In response to Appeal Remand the applicant met with staff to discuss possible modifications to the rear of the building's rear façade, roof forms and rear mass and bulk. The applicant originally proposed an option to staff which was unacceptable and did not have adequate variation in the rear of the building. The applicant's second proposal is attached (Exhibit A) and includes the following:

- Four levels
- Ten (10) units:
 - Two (2) one-bedroom units (538 square feet per unit)
 - Six (6) two-bedroom units (538 and 624 square feet depending on layout)
 - Two (2) four-bedroom units (1,497 and 1,507 square feet)
- Twelve (12) required parking spaces, unchanged per code requirement
- FAR of 1.0 = 12,883 square feet allowable. New proposed is 12,398 square feet (reduction of 170 square feet over previous or 485 square feet under allowable)

In regards to the Order by Council listed above, the height, scale, mass and bulk of the rear of the building has been modified as can be seen below:

- Modified roof forms & pitches previously of predominate 4:12 pitch and secondary 8:12 pitch now redesigned to predominate 8-1/2:12 pitch with a small section only at 4:12 pitch, which is more in line with the Historic Guidelines and recent LMC changes in historic zones (which require all roof pitches to be between 7:12 and 12:12)
- Broken up rear façade with shed roof forms added at second floor height
- Strong differentiation in materials and forms (darker, narrower siding layout now extends vertically and horizontally across building defining form in relation to lighter color board & batten siding)
- Shift of rear building mass and bulk in section/elevation as can be seen on North and South Elevations stepping down to historic structure on Woodside Avenue
- Height reduction of roof from in the rear of the building: The Zone height is 35 feet plus an additional 5 feet for roof pitches 4:12 or greater, for a total of 40 feet.
 1. The main ridge of the roof structure has been moved back towards the west (towards Empire Avenue) 3'-6", but remains essentially at the same height (minor reduction in height of 3/8") as the previous main ridge. Moving the ridge east accommodates the steeper roof pitch to reduce ridge height on the Woodside Avenue facing façade allowing the additional modifications below.

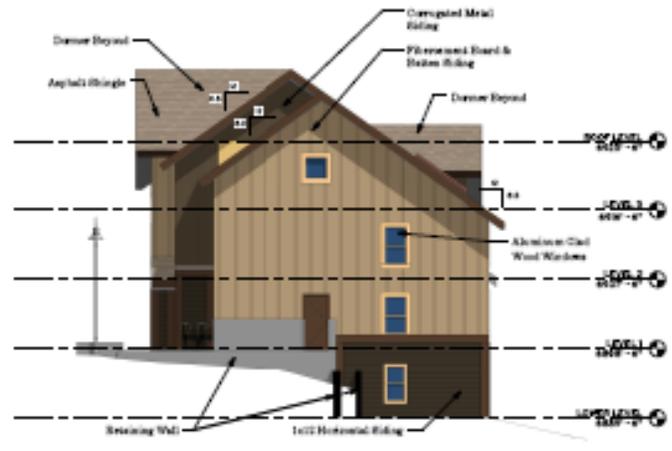
- Two large gable dormers on Woodside Avenue (rear) façade are more residential in form than previous roof form. The gable roof forms start 10 feet east of new ridge and are further down the roof slope. The gables are 7'-2" lower than new main ridge height.
- Roof eave heights at Woodside (rear) façade have been reduced from over 8'-10" to 11'-7" from previous design. Previous roof eave heights were 39'-6" and 38'-7". New eave heights on the rear façade are 27', 28' and 30'-7".

OLD DESIGN

NEW PROPOSED DESIGN



3 South Elevation
SCALE: 1/8" = 1'-0"



4 South Elevation
SCALE: 1/8" = 1'-0"

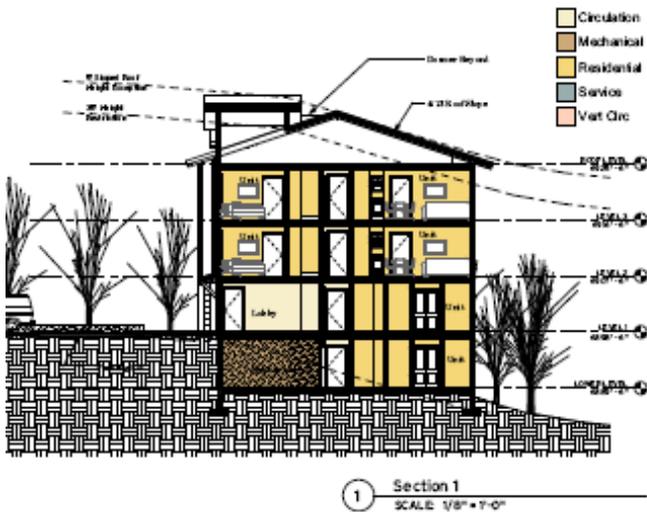


1 East Elevation
SCALE: 1/8" = 1'-0"

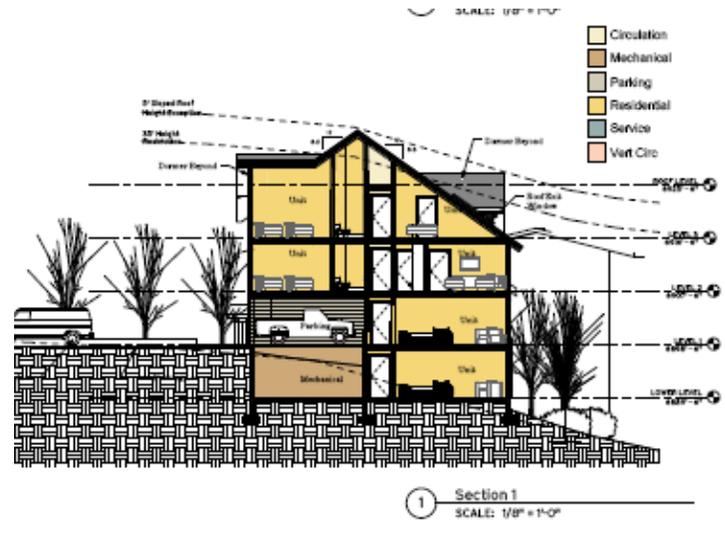


2 East Elevation
SCALE: 1/8" = 1'-0"

OLD DESIGN



NEW PROPOSED DESIGN



LMC 15-1-10(E)(8): Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots.

Direction

Staff is requesting direction:

- Does the Planning Commission agree the proposed new design is responsive to Council's remand as outlined in this report?
- Does the Commission find the rear of the building transitions to the historic structure on Woodside Avenue?
- If the Commission agrees the project does not transition appropriately or meet the intent of the Remand, what are specific design changes the Commission feels appropriate in order to meet the intent of the Remand?

Notice

The property was re-noticed to include published notification, on-site sign and courtesy letters addressed to property owners within 300 feet. The property was originally noticed for April 28, 2010. A public hearing was opened on that date and continued to May 12, 2010.

Public Input

Staff has not received new public input since the time of the writing of this report.

Exhibits

Exhibit A: Applicant's Project Drawings dated March 23, 2010

Exhibit B: City Council Meeting Minutes February 25, 2010

Exhibit C: City Council adopted Findings, March 4, 2010 with Meeting Minutes

Exhibit D: Pages 90 and 91 of February 25, 2010 Council Appeal

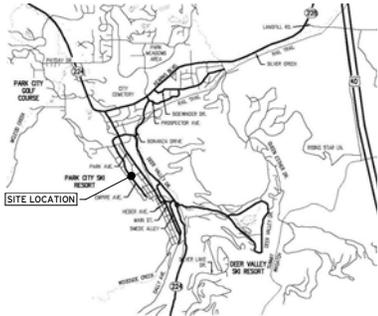
1440 Empire Avenue Affordable Housing

1440 Empire Avenue, Park City

Conditional Use Permit Set

June 11, 2009 (Revised 03.23.10)

VICINITY MAP



PROJECT CONTACT INFORMATION

OWNER	ARCHITECT	BUILDER
North of Main, LLC	Elliott Workgroup Architecture 449 Main Street, PO Box 9419 Park City, UT 84090 801.415.1839	
CIVIL ENGINEER	INTERIOR DESIGN	LANDSCAPE ARCHITECTURE
STRUCTURAL ENGINEER	PLUMBING ENGINEER MECHANICAL ENGINEER	ELECTRICAL ENGINEER

SERVICE CONTACTS

Rocky Mountain Power 201 South Main St, Suite 2300 Salt Lake City, UT 84111 (866) 870-3419	Owest Phone Company Salt Lake City, UT (800) 922-7387
Park City School District 2700 Kearns Blvd Park City, UT 84060 (435) 649-5600	Park City Fire Department 730 Bitner Rd Park City, UT 84098 (435) 649-6706
Park City Municipal Corp 1354 Park Ave Park City, UT 84060 (435) 658-9471	Comcast Cable 1777 Sun Peak Dr. #105 Park City, UT 84098 (435) 649-4020
Questar Gas P.O. Box 45360 Salt Lake City, UT 84145 (800) 541-2824	Division of Water Quality 288 South 1460 East Salt Lake City, UT 84112 (801) 538-6146
Snyderville Post Office 6440 Hwy 224 Park City, UT 84098 (800) 275-8777	Snyderville Basin Water Reclamation District 2800 Homestead Rd Park City, UT 84098 (435) 649-7993

DRAWING INDEX

CONDITIONAL USE PERMIT SET

GI - 1	Cover Sheet
SV - 1	Survey
LS - 0.1	Landscape Plan
A - 0.1	Site Plan
A - 0.2	Aerial View
A - 1.0	Lower Level/Level 1 Floor Plans
A - 1.1	2nd/3rd Floor Plans
A - 1.2	Roof Over Topo
A - 2.1	Elevations
A - 3.1	Sections
A - 4.0	Perspectives
A - 4.2	View Looking Up Empire Ave.
A - 4.3	View Looking Down Empire Ave.
A - 4.4	View Looking Down Woodside Ave.
A - 4.5	View Looking Up Woodside Ave.
A - 4.6	View from Rail Trail
E - 0.1	Parking Lot Lights



Conditional Use Permit Set

June 11, 2009 (Revised 03.23.10)



ELLIOTT WORKGROUP
architecture
Park City • Sandy

449 Main Street, PO Box 9419, Park City, Utah 84090, 801.415.1839, fax 435.649.7127, info@elliottworkgroup.com
8706 South 700 East, Suite 201, Sandy, Utah 84070, 801.415.1839, fax 801.566.5034, info@elliottworkgroup.com

SQUARE FOOT REPORT (INT.):	Level 0	Level 1	Level 2	Level 3	TOTAL
RESIDENTIAL	1681	1507	2,204	2,474	7,866 SF
CIRCULATION	78	206	252	252	788 SF
VERTICAL CIRCULATION	239	234	234	234	941 SF
MECHANICAL	199	-	-	-	199 SF
STORAGE	-	40	-	-	40 SF
SERVICE	-	95	-	-	95 SF
PARKING	-	1,064	-	-	1,064 SF
Total Net	2394	3,056	2,900	2,900	11,250 SF
Total Gross	2643	3,305	3,229	3,229	12,398 SF
Efficiency Factor (walls)	2.49	2.49	3.29	3.29	1.68 SF

SQUARE FOOT REPORT (EXT.):	Level 0	Level 1	Level 2	Level 3	TOTAL
LANDSCAPE	943	2,049	-	-	4,022 SF
ADMIN/ROAD	-	-	-	-	3,369 SF
Total	943	5,940	-	-	7,883 SF

FLOOR AREA RATIO WITH AREAS BELOW FINAL GRADE	Level 0	Level 1	Level 2	Level 3	TOTAL
SQUARE FOOT REPORT	1681	1507	2,204	2,474	7,866 SF
RESIDENTIAL	78	206	252	252	788 SF
CIRCULATION	239	234	234	234	941 SF
MECHANICAL	199	-	-	-	199 SF
SERVICE	-	40	-	-	40 SF
STORAGE	-	95	-	-	95 SF
PARKING	-	1,064	-	-	1,064 SF
Total Net	2394	3,056	2,900	2,900	11,250 SF
Total Gross	2643	3,305	3,229	3,229	12,398 SF
FLOOR AREA RATIO * FLOOR AREA LOT	12,398 SF / 2,883 SF				

FLOOR AREA RATIO WITHOUT AREAS BELOW FINAL GRADE	Level 0	Level 1	Level 2	Level 3	TOTAL
SQUARE FOOT REPORT	1681	1507	2,204	2,474	7,866 SF
RESIDENTIAL	78	206	252	252	788 SF
CIRCULATION	239	234	234	234	941 SF
MECHANICAL	199	-	-	-	199 SF
SERVICE	-	40	-	-	40 SF
STORAGE	-	95	-	-	95 SF
PARKING	-	1,064	-	-	1,064 SF
Total Net	1784	1947	2,900	2,900	9,531 SF
Total Gross	1980	2,156	2,229	2,229	10,594 SF
FLOOR AREA RATIO * FLOOR AREA LOT	10,594 SF / 2,883 SF				

RESIDENTIAL PARKING RATIO REQUIREMENTS				
USES	PARKING RATIO (Number Spaces)			
MULTI-UNIT DWELLING	Apartment/Condominium No Greater Than 80 SF Floor Area			
	1 per Dwelling Unit			
	Apartment/Condominium Not Greater Than 1000 SF Floor Area and Less Than 2500 SF			
	1 per Dwelling Unit			
	(Affordable Housing Min. Size for Dwelling Units - 650 Square Feet)			
RESIDENTIAL PARKING RATIO REQUIREMENTS				
USE	QUANT	SQ FT	Factor	REQ SPACES
RESIDENTIAL TYPE (2 Bedrooms/2 Bathrooms)	4	883	x 1.0	4.0
RESIDENTIAL TYPE (2 Bedrooms/2 Bathrooms)	4	634	x 1.0	4.0
RESIDENTIAL TYPE (4 Bedrooms/2 Bathrooms)	2	1002	x 2.0	4.0
TOTAL				12

*REQUIRED NUMBER OF PARKING SPACES = 12
**AVAILABLE NUMBER OF PARKING SPACES = 12

1440 Empire Avenue
Affordable Housing
1440 Empire Avenue, Park City

Cover Sheet

GI - 1

COPYRIGHT ELLIOTT WORKGROUP ARCHITECTURE, LLC, 2008



SURVEYOR'S CERTIFICATE

I, Robert J. McMahon, do hereby certify that I am a registered land surveyor and that I hold certification No. 349961-2201 as prescribed under the laws of the State of Utah. I further certify that a topographic survey has been made of the lands shown and described herein. I further certify that this survey is a correct representation of the lands shown at the time the field work was completed.



1440 STREET ADDRESS

NARRATIVE:

The purpose of this survey is to show the existing conditions of the subject property for a plat amendment.

The Basis of Bearing of this survey, the Amended Park City Monument Control Map by Bush & Guggel, Inc. recorded as Entry No. 199887 in the Office of the Recorder, Summit County, Utah.

Project Benchmark: SBRWD SSMH located adjacent to the subject property as shown. Elevation = 6899.80'

Property Corners were not set.

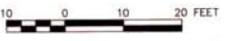
Date of survey: August 9, 2008

The architect/owner is responsible for verifying building setbacks, zoning requirements, and building heights.

The owner of the property should be aware of any items that may appear in a title insurance report. The surveyor has found no obvious evidence of easements, encroachments, or encumbrances on the property surveyed except as shown herein.

**EXISTING CONDITIONS & TOPOGRAPHIC SURVEY
1440 EMPIRE AVENUE**

FOR: MARK FISHER JOB NO.: 06-08-06





LEGEND

-  Alpine Currant
-  Bigtooth Maple
-  Quaking Aspen
-  Austrian Pine

1 **Landscape Plan**
SCALE: 1/8" = 1'-0"

Conditional Use Permit
June 11, 2009 (Revised 03.23.10)

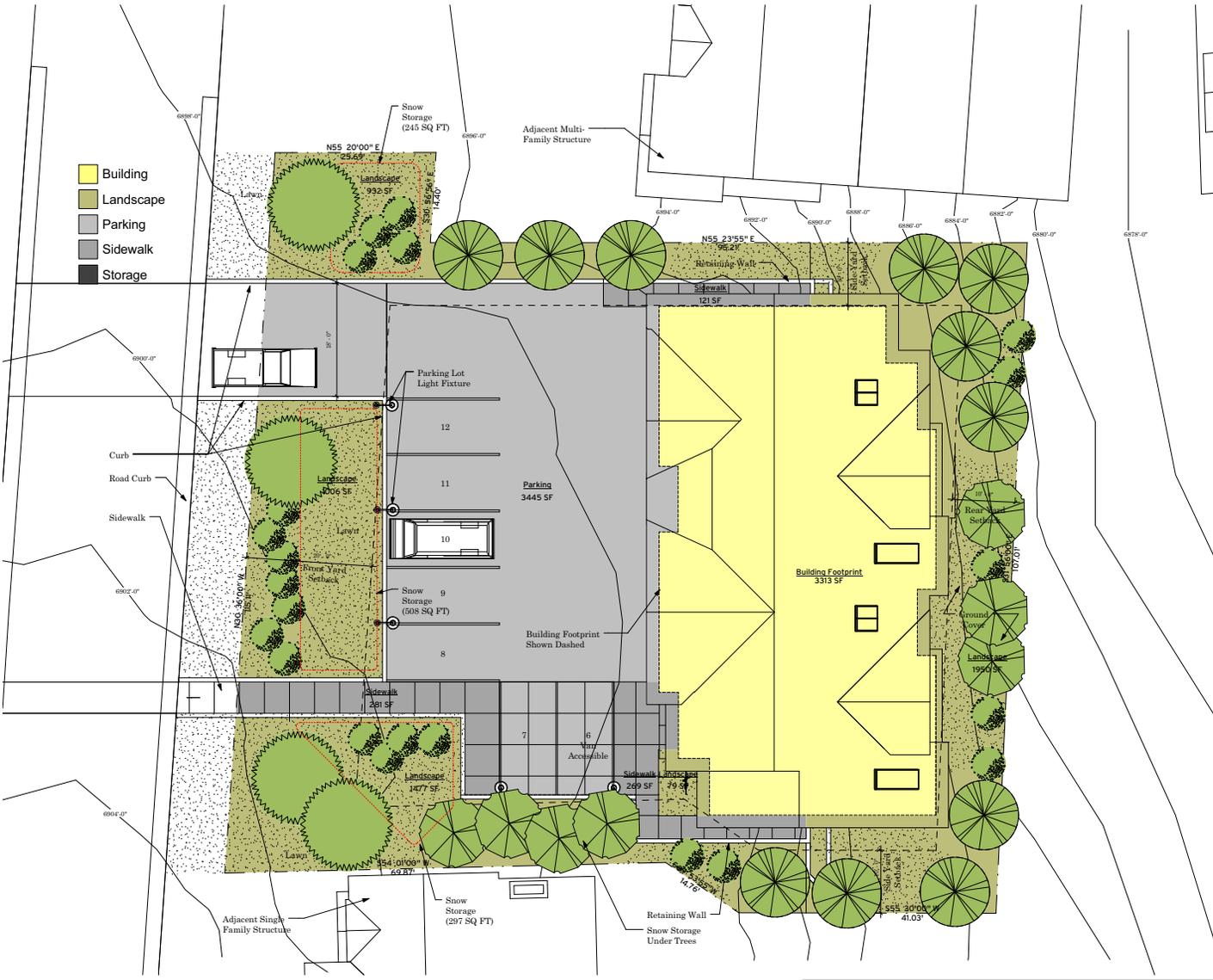
**elliott
workgroup**
architecture
354 Main Street P.O. Box 3419 Park City, Utah 84060
435.639.6032 801.415.1239 www.elliottworkgroup.com

1440 Empire Avenue
Affordable Housing
1440 Empire Avenue, Park City

Landscape Plan
LS - 0.1

COPYRIGHT ELLIOTT WORKGROUP ARCHITECTURE, LLC, 2007

3/23/2010 3:05:39 PM



- Building
- Landscape
- Parking
- Sidewalk
- Storage

2 Site Plan
SCALE: 1/8" = 1'-0"



CUP OPEN SPACE REPORT		
AREA TYPE	SQ FT TOTAL	PERCENTAGE
BUILDING FOOTPRINT	3313	25.73 %
DRIVEWAY & PARKING	3445	26.76 %
OPEN SPACE	6,715	47.50 %
LANDSCAPE	5444	42.29 %
WALKWAY	971	7.21 %
Total Gross	12874	100.00 %

Conditional Use Permit
June 11, 2009 (Revised 03.23.10)

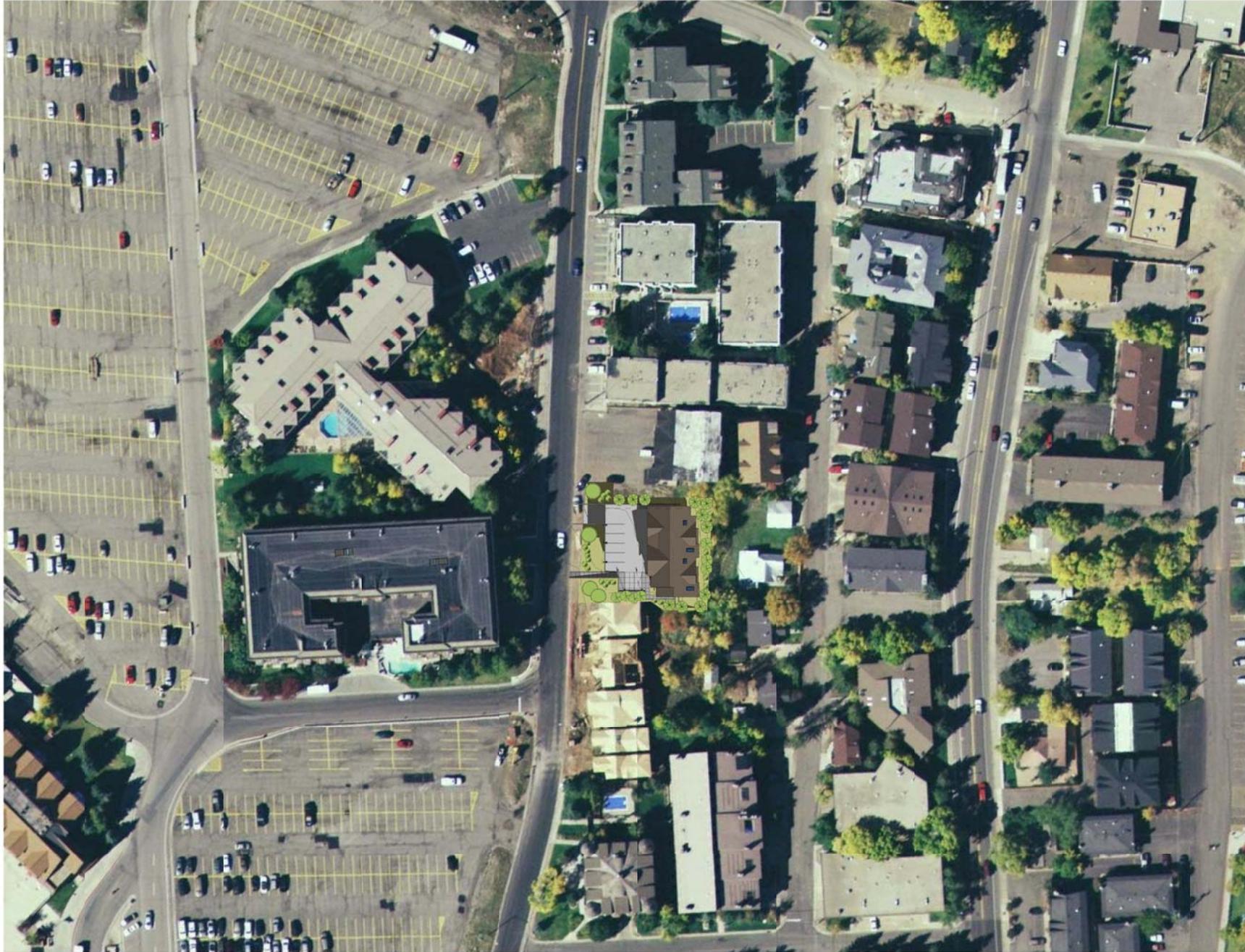


1440 Empire Avenue
Affordable Housing
1440 Empire Avenue, Park City

Site Plan

A - 0.1

COPYRIGHT ELLIOTT WORKGROUP ARCHITECTURE, LLC, 2007



1440 Empire Avenue
Affordable Housing
1440 Empire Avenue, Park City

**elliott
workgroup**
architecture
365 Main Street P.O. Box 3419 Park City, Utah 84060
435.639.6932 801.415.1839 www.elliottworkgroup.com

Conditional Use Permit
June 11, 2009 (Revised 03.23.10)

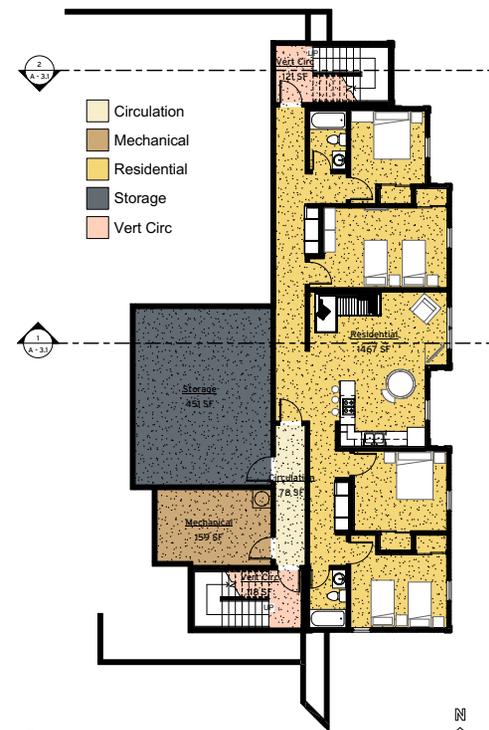
Aerial View
A - 0.2

COPYRIGHT ELLIOTT WORKGROUP ARCHITECTURE, LLC, 2007

3/23/2010 1:50:13 PM



2 LEVEL 1
SCALE: 1/8" = 1'-0"



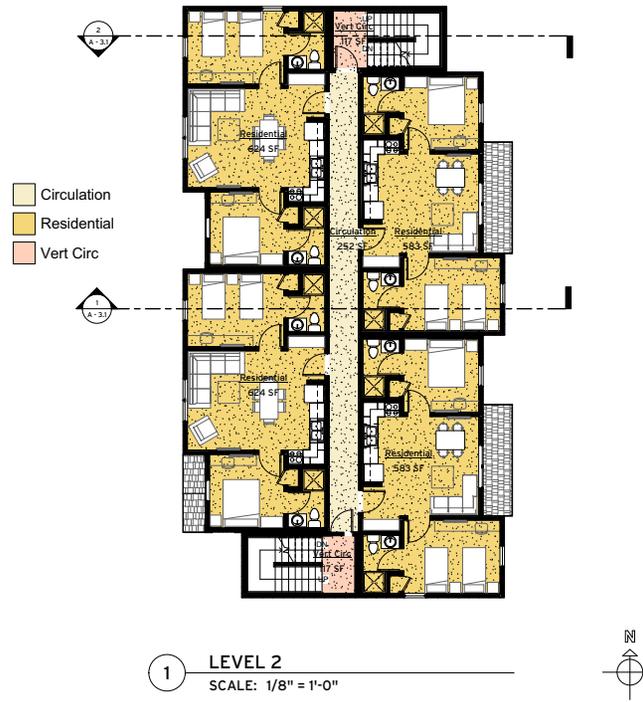
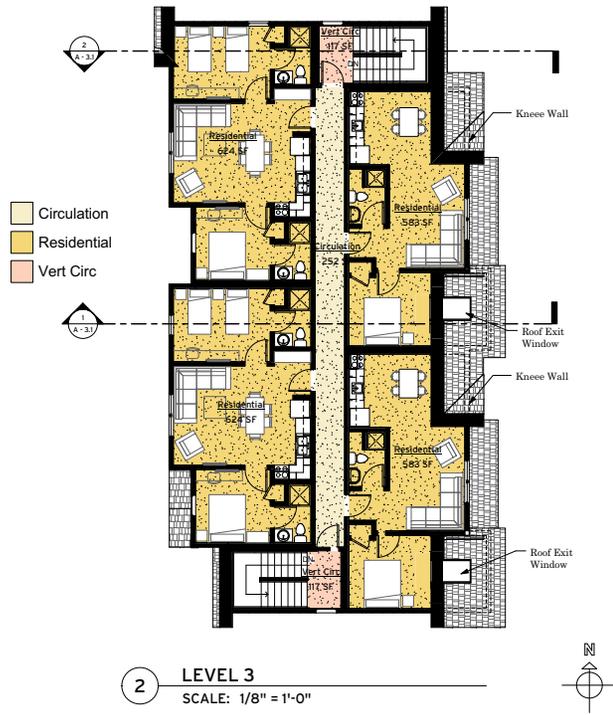
1 LOWER LEVEL
SCALE: 1/8" = 1'-0"

SQUARE FOOT REPORT (INT):	Level 0	Level 1	Level 2	Level 3	TOTAL
RESIDENTIAL	1467	1507	2,414	2,414	7,802 SF
CIRCULATION	78	296	234	234	842 SF
VERTICAL CIRCULATION	239	234	234	234	941 SF
MECHANICAL	159	-	-	-	159 SF
STORAGE	451	-	-	-	451 SF
SERVICE	-	95	-	-	95 SF
PARKING	-	1,064	-	-	1,064 SF
Total Net	2394	3,056	2,900	2,900	11,250 SF
Total Gross	2643	3,303	3,229	3,229	12,398 SF
Efficiency Factor (walls)	249	249	225	225	1,148 SF

SQUARE FOOT REPORT (EXT):	Level 0	Level 1	Level 2	Level 3	TOTAL
LEVEL WALLS	-	402	-	-	402 SF
LANDSCAPE	1943	3,056	-	-	4,999 SF
PARKING/ROAD	-	3,260	-	-	3,260 SF
Total	1943	6,940	-	-	7,663 SF

RESIDENTIAL PARKING RATIO REQUIREMENTS			
USE	QUANT.	SQ FT	Factor
MULTI-UNIT DWELLING	Apartment/Condominium Not Greater Than 650 SF Floor Area		1 per Dwelling Unit
	Apartment/Condominium Not Greater Than 1000 SF Floor Area and Less Than 2500 SF		2 per Dwelling Unit
	Affordable Housing Min. Size for Deed Units, One Bedroom - 650 Square Feet		
RESIDENTIAL PARKING RATIO REQUIREMENTS			
USE	QUANT.	SQ FT	Factor
RESIDENTIAL TYPE (2 Bedroom/2 Bathrooms)	4	583	2.10
RESIDENTIAL TYPE (2 Bedroom/2 Bathrooms)	4	524	2.10
RESIDENTIAL TYPE (4 Bedroom/2 Bathrooms)	2	1602	2.20
TOTAL			12*

*REQUIRED NUMBER OF PARKING SPACES = 12
*AVAILABLE NUMBER OF PARKING SPACES = 12



SQUARE FOOT REPORT (INT):	Level 0	Level 1	Level 2	Level 3	TOTAL
RESIDENTIAL	661	1,507	2,414	2,414	1,896 SF
CIRCULATION	76	206	252	252	786 SF
VERTICAL CIRCULATION	229	234	234	234	931 SF
MECHANICAL	199	-	-	-	199 SF
STORAGE	481	-	-	-	481 SF
SERVICE	-	95	-	-	95 SF
PARKING	-	1,014	-	-	1,014 SF
Total Net	2,394	3,056	2,900	2,900	11,250 SF
Total Gross	2643	3,305	3,225	3,225	12,398 SF
Efficiency Factor (Ratio)	2.59	2.59	3.25	3.25	1.548 SF

SQUARE FOOT REPORT (EXT):	Level 0	Level 1	Level 2	Level 3	TOTAL
BIKE WALK	-	602	-	-	602 SF
LANDSCAPE	1943	2,069	-	-	4,012 SF
PARKING/ROAD	-	3,289	-	-	3,289 SF
Total	1943	5,960	-	-	7,903 SF



- Building
- Landscape
- Parking
- Sidewalk
- Storage

2 Roof Over Topo Plan
SCALE: 1/8" = 1'-0"



Conditional Use Permit
June 11, 2009 (Revised 03.23.10)

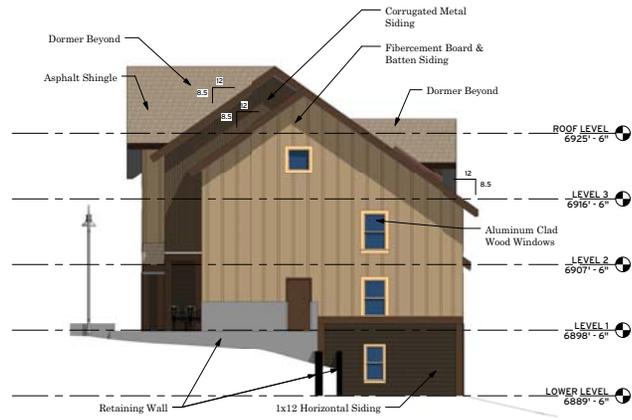


1440 Empire Avenue
Affordable Housing
1440 Empire Avenue, Park City

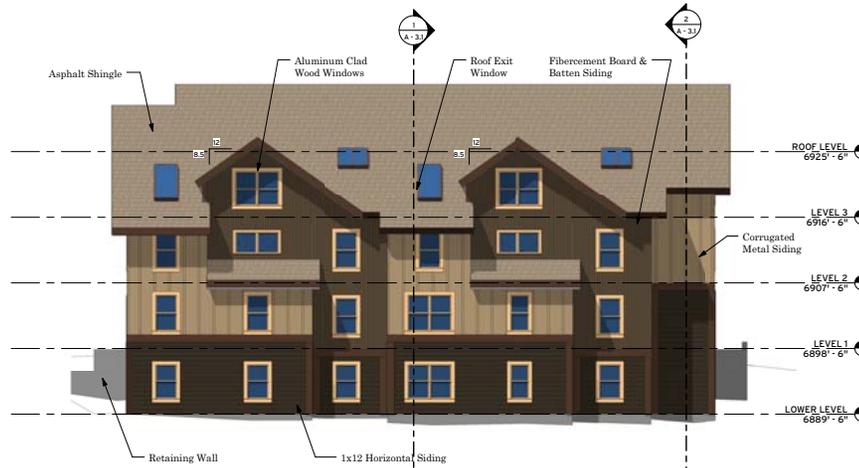
Roof Over Topo
A - 1.2

COPYRIGHT ELLIOTT WORKGROUP ARCHITECTURE, LLC, 2007

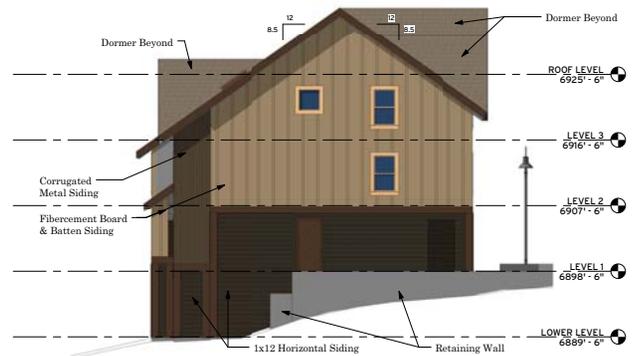
3/23/2010 3:15:57 PM



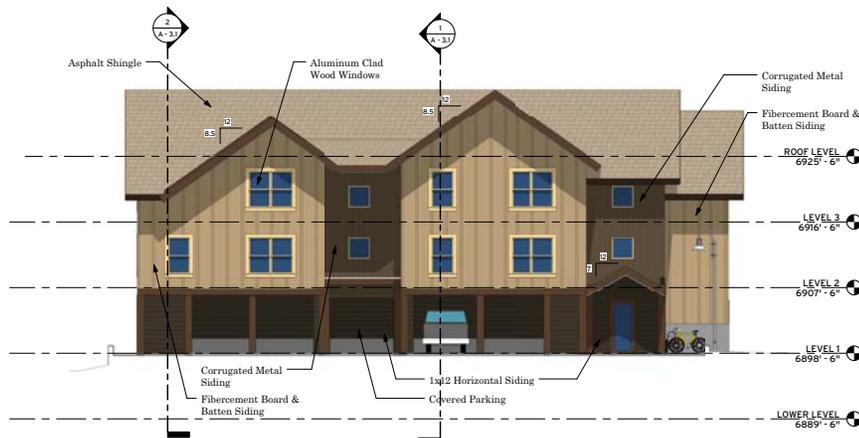
4 South Elevation
SCALE: 1/8" = 1'-0"



2 East Elevation
SCALE: 1/8" = 1'-0"



3 North Elevation
SCALE: 1/8" = 1'-0"



1 West Elevation
SCALE: 1/8" = 1'-0"

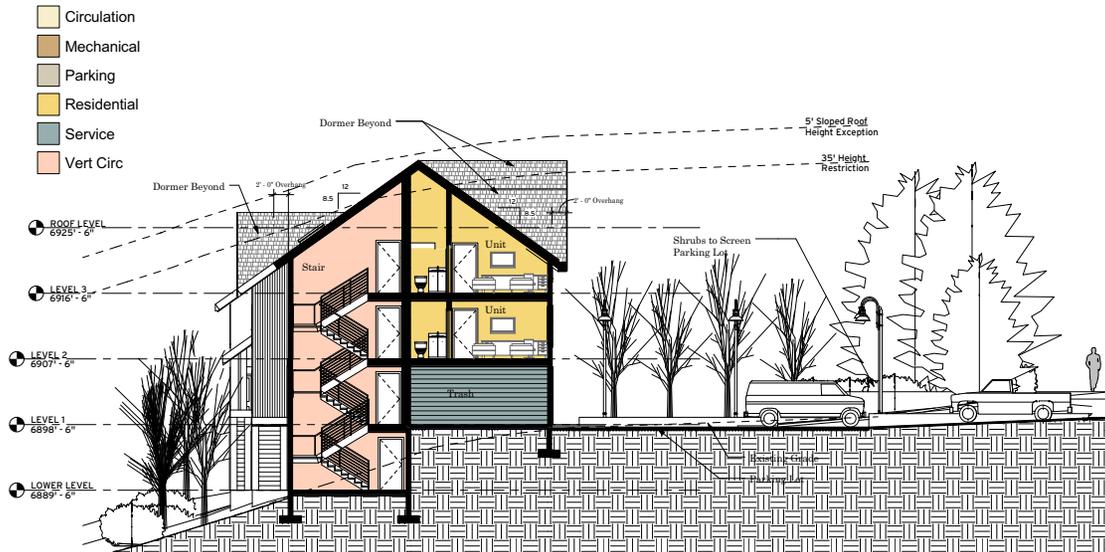
Conditional Use Permit
June 11, 2009 (Revised 03.23.10)



1440 Empire Avenue
Affordable Housing
1440 Empire Avenue, Park City

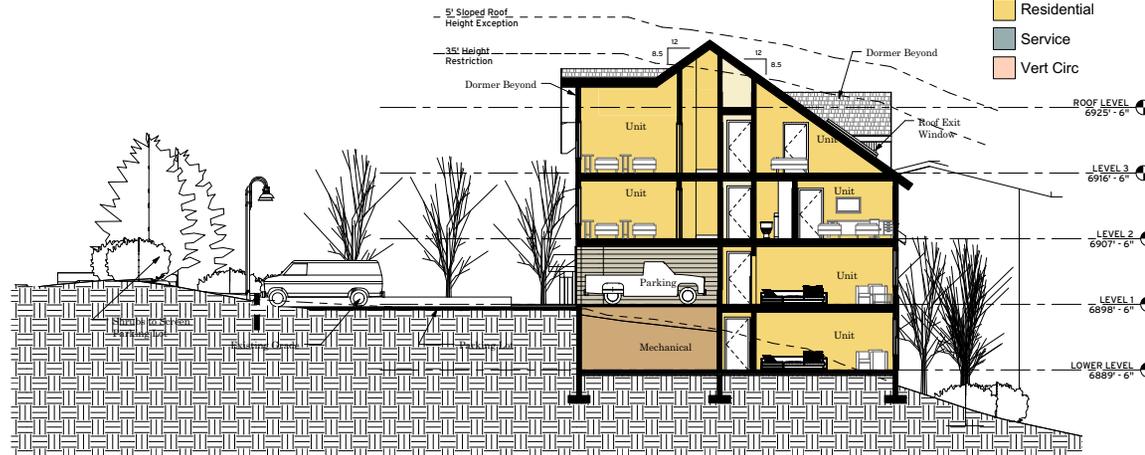
Elevations
A - 2.1

COPYRIGHT ELLIOTT WORKGROUP ARCHITECTURE, LLC, 2007



2 Section 2
SCALE: 1/8" = 1'-0"

- Circulation
- Mechanical
- Parking
- Residential
- Service
- Vert Circ



1 Section 1
SCALE: 1/8" = 1'-0"

- Circulation
- Mechanical
- Parking
- Residential
- Service
- Vert Circ

Conditional Use Permit
June 11, 2009 (Revised 03.23.10)

**elliott
workgroup**
architecture
355 Main Street P.O. Box 3419 Park City, Utah 84060
435.633.0032 801.415.1239 www.elliottworkgroup.com

1440 Empire Avenue
Affordable Housing
1440 Empire Avenue, Park City

Sections

A - 3.1

COPYRIGHT ELLIOTT WORKGROUP ARCHITECTURE, LLC, 2007

3/23/2010 2:00:05 PM



3 Rear Perspective
SCALE: N.T.S.



2 Front Entry Perspective
SCALE: N.T.S.



1 Front Perspective
SCALE: N.T.S.

Conditional Use Permit
June 11, 2009 (Revised 03.23.10)

elliott
workgroup
architecture
355 Main Street P.O. Box 3419 Park City, Utah 84060
435.633.8932 801.415.1839 www.elliottworkgroup.com

1440 Empire Avenue
Affordable Housing
1440 Empire Avenue, Park City

Perspectives

A - 4.0

COPYRIGHT ELLIOTT WORKGROUP ARCHITECTURE, LLC, 2007

3/23/2010 2:00:10 PM



EXISTING CONDITIONS



OLD OPTION



NEW OPTION

Conditional Use Permit
June 11, 2009 (Revised 03.23.10)

**elliott
workgroup**
architecture
355 Main Street P.O. Box 3419 Park City, Utah 84060
435.639.6032 801.415.1839 www.elliottworkgroup.com

1440 Empire Avenue
Affordable Housing
1440 Empire Avenue, Park City

View Looking Up Empire Ave.

A - 4.2

COPYRIGHT ELLIOTT WORKGROUP ARCHITECTURE, LLC, 2007

9/29/2010 11:14:44 AM



EXISTING CONDITIONS



OLD OPTION



NEW OPTION

Conditional Use Permit
June 11, 2009 (Revised 03.23.10)

**elliott
workgroup**
architecture
355 Main Street P.O. Box 3419 Park City, Utah 84060
435.633.0072 801.415.1839 www.elliottworkgroup.com

1440 Empire Avenue
Affordable Housing
1440 Empire Avenue, Park City

View Looking Down Empire Ave.

A - 4.3

COPYRIGHT ELLIOTT WORKGROUP ARCHITECTURE, LLC, 2007

9/29/2010 11:14:48 AM



EXISTING CONDITIONS



OLD OPTION



NEW OPTION

Conditional Use Permit
June 11, 2009 (Revised 03.23.10)

elliott
workgroup
architecture
364 Main Street P.O. Box 3419 Park City, Utah 84060
435.639.6092 801.415.1839 www.elliottworkgroup.com

1440 Empire Avenue
Affordable Housing
1440 Empire Avenue, Park City

View Looking Down Woodside Ave.

A - 4.4

COPYRIGHT ELLIOTT WORKGROUP ARCHITECTURE, LLC, 2007

8/29/2010 11:14:32 AM



EXISTING CONDITIONS



OLD OPTION



NEW OPTION

Conditional Use Permit
June 11, 2009 (Revised 03.23.10)

**elliott
workgroup**
architecture
355 Main Street P.O. Box 3419 Park City, Utah 84060
435.633.6032 801.415.1839 www.elliottworkgroup.com

1440 Empire Avenue
Affordable Housing
1440 Empire Avenue, Park City

View Looking Up Woodside Ave.

A - 4.5

COPYRIGHT ELLIOTT WORKGROUP ARCHITECTURE, LLC, 2007

8/29/2010 11:14:05 AM



EXISTING CONDITIONS



OLD OPTION



NEW OPTION

Conditional Use Permit
June 11, 2009 (Revised 03.23.10)

**elliott
workgroup**
architecture
355 Main Street P.O. Box 3419 Park City, Utah 84060
435.649.6092 801.415.1839 www.elliottworkgroup.com

1440 Empire Avenue
Affordable Housing
1440 Empire Avenue, Park City

View from Rail Trail

A - 4.6

COPYRIGHT ELLIOTT WORKGROUP ARCHITECTURE, LLC, 2007

9/29/2010 11:15:00 AM



EXISTING CONDITIONS



OLD OPTION



NEW OPTION

Conditional Use Permit
June 11, 2009 (Revised 03.23.10)

**elliott
workgroup**
architecture
365 Main Street P.O. Box 3419 Park City, Utah 84060
435.639.6092 801.415.1839 www.elliottworkgroup.com

**1440 Empire Avenue
Affordable Housing**
1440 Empire Avenue, Park City

View from Woodside Ave.

A - 4.7

COPYRIGHT ELLIOTT WORKGROUP ARCHITECTURE, LLC, 2007

9/29/2010 11:15:01 AM

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
FEBRUARY 25, 2010**

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, February 25, 2010. Members in attendance were Dana Williams, Alex Butwinski, Candace Erickson, Joe Kernan, Cindy Matsumoto, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Wade Carpenter, Chief of Police; Mark Harrington, City Attorney; Brian Anderson, Parking Manager; Matt Cassel, City Engineer; Francisco Astorga, Planner; Kayla Sintz, Planner; and Jon Weidenhamer, Economic Development Manager.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Swearing-in of Police Officers Jed Hurst and Cameron Thor – Chief Wade Carpenter introduced the City’s newly hired police officers and the Mayor administered the oath of office.

III PUBLIC INPUT (*Any matter of City business not scheduled on agenda*)

None.

IV WORK SESSION NOTES AND MINUTES OF MEETINGS OF FEBRUARY 4, AND FEBRUARY 11, 2010

Candace Erickson, “I move we approve the work session notes and minutes of the meetings of February 4 and February 11, 2010”. Alex Butwinski seconded. Motion unanimously carried.

V NEW BUSINESS (*New items with presentations and/or anticipated detailed discussions*)

1. Consideration of a Master Event License and City Services Agreement with the Park Silly Sunday Market for an initial three-year term, in a form approved by the City Attorney – Also see work session notes. The Mayor opened the public hearing.

Kevin Valaka, resident, business owner, and Chairman of the Restaurant Association, stated that he supports PSSM 100%. Anything that brings people to Main Street is a good thing. The Association includes Summit County businesses and the organization produces Savor the Summit and Libation the Nation. However, he is not in favor of a 50% increase in parking fees and feels it’s shocking. He would like to better understand the structure of the revenue plan and distribution of funds.

Condominiums and Snow Creek Cottages. He stated the applicant would be willing to condition the approval as necessary.

Mark Harrington advised that the review CUP discussion is more appropriate to address use as opposed to the lot combination. He stated by the neighbors' logic, commercially designated areas in red would be the only place for commercial uses. Clearly, that is not the intent. He pointed out that the low density areas on the map have been developed in different zoning schemes. The General Plan purpose statements can not override the more specific enabling regulations of the zoning district.

The Mayor clarified that the review criteria is the same regardless of the affordability.

Liza Simpson, "I move we approve an Ordinance approving the 1440 Empire Avenue Subdivision, located at 1440 Empire Avenue". Cindy Matsumoto seconded. Motion unanimously carried.

8. Consideration of an Appeal of the Planning Commission's December 9, 2009 approval of a Conditional Use Permit for 1440 Empire Avenue, applicant Craig Elliott AIA - Appellants David and Rosemary Olsen, Rick Margolis, and Bill and Dianne Newland – Members agreed to permit public input. Alex Butwinski, "I move we expand the scope of the appeal to include a public hearing." Candace Erickson seconded. Motion unanimously carried.

Kayla Sintz stated that on December 9, 2009, the Planning Commission approved by 4:3 vote, a conditional use permit for a multi-unit dwelling located at 1440 Empire Avenue and on December 21, 2009, the CUP approval was appealed. The Commission discussed compatibility and transitioning at its December 9 meeting and reviewed CUP criteria at the October 14, 2009 meeting. She emphasized that this project is not located in an historic zone. Staff recommends affirming the Planning Commission's decision to approve the CUP.

Liza Simpson understood this application is not being processed as an Affordable Housing MPD, but pointed out that at one time affordable housing appeared in a finding which was later removed and Kayla Sintz explained the various iterations.

Attorney Bruce Baird displayed photographs and stated that the RC area to the east serves as a transition zone to lower densities and transitioning isn't building the highest optimal density that can be crammed on the site. This area also transitions to the Historic District to Woodside Avenue. He displayed the proposed building and detailed shadow analyses and potential impacts on the Newland House. The height in the RC District is limited to 35 feet but there is a five foot exception for the roof, but it adds extra storage to the building. He asked how a building can be approved higher than the allowable height; conditional uses do not waive height restrictions and variances are not allowed. Mr. Baird displayed photos and discussed the height issue and the negative impacts to the Newland House with regard to views and light. He displayed and spoke

at length about using one of Mr. Elliott's digital renderings and editing it to reflect their impression of the look of the building. There was discussion about using the same grade for consistency and Mr. Baird indicated that they don't have access to the CAD files to verify and provide more information. It's difficult to determine what the structure will look like from the applicant's drawings.

Mr. Baird argued that none of the applicant's drawings show more than one car in the parking lot and they inserted the cars on their drawing. He insisted that it is impossible to get into the parking stalls if they are full, making them useless and alleged that a motorist has to make five point turns to exit. It is unrealistic to think that 11 parking spaces can serve 48 beds. The parking plan has no detail and should be finalized. He pointed out the three snow storage areas and stated that they simply don't work with the parking configuration.

Mr. Baird alleged that Planning Commissioner Strachan indicated that he believed that the Planning Commission's role in considering the CUP was to maximize the value of what the developer can gain from the property. He argued that that is not a matter of law. Joe Kernan interjected that that is not how the minutes read and Mr. Baird argued that he was there and heard the comment. Mr. Baird continued that a conditional use must mitigate any adverse conditions. While this project maximizes the value for the applicant, it destroys value for the Newlands and the Olsens. He indicated that the Planning Commission acted like the affordable housing was a laudatory goal. Mr. Baird stated that this is not affordable housing, but simply the densest building allowed with no guarantee that it will be anything other than a profit maximizing effort. Every bit of discussion on affordability was nothing more than a red herring or a bait and switch and he believed that made a difference in the Planning Commission's vote.

Diane Newland stated that she and her husband are really going to be impacted because the project is located directly behind their residence. They have lived in Old Town for 30 years and in their current home on Woodside Avenue for 20 years. The size, scope and scale of this project are not in keeping with the surrounding homes. Other structures on Empire Avenue are single family homes set in front on the property not on the rear property line. She stated that she and her husband could have expanded their home or sold it but they haven't. They have to follow Historic District Guidelines while they are surrounded by huge projects. She began speaking about owning a home on Sampson Avenue and her experiences there and the Mayor asked that she keep on track. Ms. Newland continued to explain that this project is so large that their home will be engulfed in shadows for most of the day and it will look out of proportion with the historic homes. Because of the slope, it will be like looking at a six story building and they will not have privacy or light. Ms. Newland believed that there will be a constant turnover in tenants since it is not deed-restricted affordable housing. There could be up to four people in an apartment and there is only one parking space per unit and she believed that tenants will use her property to park. She cited a number of illegal parking violations in the neighborhood. She didn't feel long term residents

should take a back seat to developers who are long gone after a project. Photos of illegally parked vehicles on Woodside Avenue were distributed.

Doug Willwright, land planning consultant for appellants, discussed his analysis of the drawings submitted by the Elliott Work Group and what they felt is more representative of the plan. He indicated that the project will be debilitating to the Newland property and suggested removing a story from the building or shifting the building to the west. Most of the buildings on Empire Avenue are located on the front of the parcel. Another technique is to step the building up the slope to reduce the street height. Joe Kernan pointed out that the camera angle can make a dramatic difference in arguing visual height impacts.

Rick Margolis again addressed the height and storage issue and did not believe the project meets Code requirements for vehicular and pedestrian circulation as stated in the Conclusions of Law. No vehicle is allowed to back up onto the street and he questioned how an emergency vehicle will access the parking lot and exit without backing up. He believed that one of the biggest issues resulting in the split vote was parking. There are 12 parking spaces for 48 beds and no spaces for visitors, deliveries or services or adequate circulation. Parking and circulation have not been mitigated. He reiterated that the General Plan represents goals and aspirations and not a picture of what is there now. The CUP process requires compliance with the General Plan contrary to the opinion of the City Attorney, despite the fact that it designates low density residential in this area. Low density means something and medium density requires 50% open space. There is no open space associated with the project and Mr. Harrington seems to be saying that there is no difference between low and high density because Shadow Ridge, a high density project, is within the low density area on the map. The goal and aspiration of new development outlined in the General Plan is low density residential and CUPs must be consistent with the General Plan but he is hearing that it doesn't matter. Allowed uses like a bed and breakfast are still subject to the CUP requirements. The lot's development potential is maximized and he questioned how that fits with low density. There is not enough parking for 48 beds and charging for parking will result in an empty parking lot. He read a comment from Commissioner Petit about her concern that overflow parking on the street can not be managed by the owner.

Dave Olsen, adjacent neighbor, felt that the owner is trying to do too much on the parcel at 10 units and 48 beds. The mention of residential in the General Plan is meaningful because single family residential is what has been built on Empire Avenue. The project is too dense in this transition zone. Additionally, the units lack storage and he spoke about people needing to park in the Empire Avenue neighborhood, parking in their driveway. Snow removal and storage is a problem. The developer should be forced to build something consistent with the General Plan and the transition zone should have projects with less impacts. Mr. Olsen spoke about the project overshadowing Ms. Newland's property.

Rosemary Olsen commented about living in Old Town at various locations and discussed at length the creative ways people park on private property. This is a real problem and there is not enough parking for the project on its property or the street. She felt that things will be stored in the carports and feared that if an owner has an illegally parked car towed away, the violator will retaliate. She complained about snow storage and that the project will create a burden for the neighborhood. This project is not compatible with historic structures, does not fit with the General Plan and will reduce property values.

Craig Elliott emphasized that they have followed the Code and have appropriately met all requirements. He reviewed elements of the parking lot and pointed out its compliance. He discussed meeting the purpose of the transition zone and pointed out related design elements. All of the multi-unit buildings in the area are much larger. Through illustration of renderings, he pointed out the massing of the building on the site and other buildings on the street. Mark Harrington asked about the accuracy of the renderings presented by the appellants, and Mr. Elliott explained that he can't comment since he doesn't have information on their point of reference. The floor area ratio of this project is less than the average single family unit in the neighborhood. He emphasized the goal of affordable housing and expressed that he is amenable to changes in the conditions of approval clarifying the commitment to the goal of providing transient housing that supports resort commercial. Mr. Elliott relayed that not all employees have cars because many are visiting from countries all over the world and their living requirements are minimal and simple.

Kayla Sintz referred to the LMC section on the height exception quoted by the appellant, which may have mislead listeners to believe the statement was worded that way in the Code. She read the actual wording of the five foot height allowance exception and the Mayor invited public input.

Bob McAllister, owner of the Woodside Inn, felt the proposal borders on the *insane*. Operating as a six bedroom bed and breakfast, the City required him to have one parking space for each bedroom, plus two for him and his wife as residents. Their underground garage is 2,200 square feet accommodating eight cars and the property has one off-street parking space. He remarked that the new Woodside Avenue sidewalk is used for parking. If this project is approved, the Council should approve parking on both sides of Empire Avenue, which will never happen.

Ruth Meintsma, resident, explained her perspective of the Planning Commission meeting where the *yeas* were for high density and affordable housing and the *nays* supported preserving historic character and she stated that she agrees wholeheartedly with both sides. The density is in keeping with the resort nature of the area but the homes to the east will be affected by the size and wall-like effect of the structure and the arguments are equally balanced but she felt there are issues that tip in favor of the historic homes. The proposed project is in a transition zone, intended to buffer the historic area from the resort's high density. This project creates more impact on historic

enclaves. Owners of historic structures are asked to protect them for the benefit of the community with little support. She claimed that 1445 Empire Avenue is close to its original condition and there are very few sites designated as landmarks. She believed that with balanced arguments, the historic one must have the final advantage. Affordable housing can be reconsidered; historic character is finite and irreplaceable. She spoke about the challenge of preserving the character of historic structures when the streetscape changes dramatically. Ms. Meintsma suggested that the design be broken up into two structures and proposed developing an off-site parking plan for tenants. She reiterated that the wall effect is inconsistent with the historic area.

Attorney Bruce Baird repeated concerns about the design of the parking lot with no accommodation for deliveries, guest parking, etc. and a parking plan was not resolved. The snow storage problem is serious. The parking management plan should be part of the CUP process and subject to public comment. The way the applicant is proceeding precludes public input and solving it later in private negotiations is inappropriate and illegal. It is a provision of the CUP. He clarified that they were drawing a conclusion with the statement on the height exception provision not claiming that the language was there and argued that the design violates the LMC. He spoke about the Newland's views being blocked by the massive building which is not transitional. Rick Margolis interjected that he feared the project would return to the Planning Commission as an Affordable Housing MPD and obtain more density.

David Olsen stated that he received an opinion that the value of his home would decrease not less than 25% if this project is built and he again addressed the density on the site.

Liza Simpsons asked if a triplex with the same footprint would be allowed on the site without a CUP and Kayla Sintz advised that single family, duplex or triplex are allowed uses. Cindy Matsumoto stated that she has reviewed the materials and visited the site and appreciates everyone's input. Affordable housing is not an issue for her but she finds that the building mass, bulk and orientation of the building, especially as it relates to the historic buildings, are not appropriate and she felt a better structure could be designed for the site. The land owners are asked to step up to the plate and comply with Historic District Guidelines and she felt the developer should do the same and mitigate any outstanding issues. The parking needs to be solved.

Liza Simpson stated that she shares the same concerns about parking and referred to the Planning Commission minutes where there was interest in continuing the item to discuss parking further. Other than the parking, Ms. Simpson stated that she did not feel any other aspects of the appeal have merit. She suggested remanding the project to the Planning Commission on a very narrow scope to consider breaking up the rear façade stating that she did not feel that the Commission erred in any other way. The Commission did not finish its discussion on parking.

Alex Butwinski agreed with Council members Matsumoto and Simpson and relayed that it should be remanded to the Commission for another look to review the rear façade and possibly considering moving the building forward. Candace Erickson agreed. Joe Kernan interjected that he did not believe the Planning Commission erred in any way. Discussion ensued on what specific criteria to identify and Mark Harrington advised that staff will return to Council with written findings and conclusions memorializing its direction on the appeal.

Liza Simpson, "I move that we remand 1440 Empire to the Planning Commission with direction to further mitigate Criteria #8, with specific direction to review the rear façade facing the historic homes". Cindy Matsumoto seconded. Motion carried.

Alex Butwinski	Aye
Candace Erickson	Aye
Joe Kernan	Nay
Cindy Matsumoto	Aye
Liza Simpson	Aye

9. Consideration of a Master Event License and City Services Agreement with the Park Silly Sunday Market for an initial three-year term, in a form approved by the City Attorney (continued) – Jon Weidenhamer distributed revised agreements which contains extended hours, removes references to the expansion up to 5th Street, and allows Council to approve an expanded venue based on feedback from the HMBA as part of the review of a supplemental plan. He reviewed other sections of interest in the Agreement and pointed out provision for a mid-event review, if necessary. He stated that PSSM will receive \$30,000 for marketing media and cross-promotion and \$10,000 for the expanded market, if approved, special event fees will be waived, and the \$10,000 in-kind value is still in place. The HMBA will receive \$40,000 for programming upper Main Street. PSSM would like Council to approve the Agreement tonight and he emphasized that all parties will work together on an expansion to 5th Street during the next two weeks. If a plan does not materialize, the Agreement stands as approved. Joe Kernan, "I move that we approve the contract with the Park Silly Sunday Market, as amended by Jonathan and shown on the hand-out". Liza Simpson seconded. Motion carried.

Alex Butwinski	Aye
Candace Erickson	Nay
Joe Kernan	Aye
Cindy Matsumoto	Aye
Liza Simpson	Aye

VI ADJOURNMENT

With no further business, the regular meeting of the City Council was adjourned.

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 3:30 p.m. Members in attendance were Mayor Dana Williams, Alex Butwinski, Candace Erickson, Joe Kernan, Cindy Matsumoto, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Tom Daley, Deputy City Attorney; Michael Kovacs, Assistant City Manager; Jon Weidenhamer, Economic Development Manager; and Mark Harrington, City Attorney. Joe Kernan "I move to close the meeting to discuss property and litigation". Alex Butwinski seconded. Motion carried unanimously. The meeting opened at approximately 5:00 p.m. Liza Simpson, "I move to open the meeting". Cindy Matsumoto seconded. Motion unanimously carried.

The meeting for which these minutes were prepared was noticed by posting at least 24 hours in advance and by delivery to the news media two days prior to the meeting.

Prepared by Janet M. Scott, City Recorder, City Recorder



City Council Staff Report



PLANNING DEPARTMENT

Subject: 1440 Empire Avenue
Application: PL-10-00907
Author: Kayla Sintz
Date: March 4, 2010
Type of Item: Quasi-Judicial - Appeal of CUP Application

Summary Recommendation

Staff requests that the City Council review the proposed Findings, Conclusions of Law and Order regarding the Council’s determination to partially grant the appeal of the Conditional Use Permit (CUP) and remand the matter back to the Planning Commission.

Topic

Appellant(s): David & Rosemary Olsen, Rick Margolis, Bill and Dianne Newland
Location: 1440 Empire Avenue
Zoning: Recreation Commercial (RC)
Adjacent Land Use: Ski resort area and residential (single family and multi-unit)
Reason for review: Appeals of Planning Commission are reviewed by City Council

Background

On December 21, 2009, the appellant submitted an appeal for the Conditional Use Permit (CUP) approval of 1440 Empire Avenue. The Planning Commission approved the CUP on December 9, 2009. The City Council held a hearing on February 25, 2010 and voted to expand the scope of the appeal to allow public input.

After hearing from staff, the appellants, the applicant, and the public, the Council voted 4-1 to remand the application back to the Planning Commission for the limited re-consideration of height, scale, mass and bulk of the rear façade.

Alternatives

- The City Council may adopt the Findings as proposed; or
- The City Council may make changes to the proposed Findings so long as the changes reflect the Council’s determination at the hearing and are based upon evidence on the record.

Recommendation

Staff recommends the City Council review the proposed findings, conclusions, and order as proposed below to make sure they reflect the basis of the Council's determination:

Findings of Fact

1. The subject property is at 1440 Empire Avenue, Park City, Utah.
2. The subject property is Parcel 1, Parcel 2 and Parcel 3 proposed to be combined into Lot A – 1440 Empire Avenue Replat as part of Plat Amendment application also under review.
3. The subject property is 12,882.62 square feet or 0.295 acres.
4. The property is located in the Recreation Commercial (RC) District.
5. A Multi-Unit Dwelling is permitted under a Conditional Use Permit within the RC zone.
6. The Multi-Unit Dwelling contains eight (8) two-bedroom units and two (2) four-bedroom units as currently proposed.
7. The Multi-Unit Dwelling is required to have twelve (12) parking spaces as currently proposed.
8. A Parking Area of five (5) or more parking spaces is a Conditional Use in the Recreation Commercial (RC) District.
9. The Findings in the Analysis section of the February 25, 2010 staff report and the prior report dated October 14, 2009, are incorporated herein, except as qualified below.
10. The City Council agrees with the dissenting Planning Commissioners regarding non-compliance with LMC Section 15-1-10(E)(8), particularly Commissioner's Hontz findings regarding adverse impacts on the historic structures as incorporated on Pages 90 and 91 of the February 25, 2010 staff report.
11. By utilizing maximum zone height and the 5 foot exception for roof pitches of 4:12 or greater, the design fails to transition to historic property to the east. Despite a rear setback fluctuation of approximately 10 feet as the proposed structure moves north, the design creates a wall effect as viewed from the east. Both the applicant's and the appellants' supplemental visual analysis distributed at the hearing confirm that this design has unmitigated impacts on the historic property to the east, including visual impacts, loss of light and building orientation.

Conclusions of Law

1. The application satisfies all Conditional Use Permit review criteria for a Multi-Unit Dwelling and a Parking Area as established by the LMC's Conditional Use Review process [Section 15-1-10 (E) (1-15)], except for subsection (8).
2. The Use is consistent with the Park City General Plan, as amended; and
3. The effects of any differences in Use or scale have been mitigated through careful planning, except for adverse impacts on the adjacent historic property resulting from the rear facade.

4. The Planning Commission erred by issuing the CUP without further consideration of the design as such relates to the transition to and unmitigated impacts on the existing historic structure to the east.

Conditions of Approval- the following conditions remain intact unless modified or added to by the Planning Commission upon remand:

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. Measures to protect existing vegetation shall be included in the Construction Mitigation Plan (CMP).
3. City Engineer review and approval of all appropriate grading, utility installation, public improvements and drainage plans for compliance with City standards, to include driveway and Parking Area layout is a condition precedent to building permit issuance. A shoring plan is required prior to excavation.
4. A landscape plan is required with the building permit. Changes to an approved plan must be reviewed and approved prior to landscape installation.
5. This approval will expire on February 25, 2011 if a complete building permit submittal has not been received.
6. This Conditional Use Permit is only effective upon approval of the concurrent subdivision. Recordation of Plat is required prior to building permit issuance.
7. Modified 13-D fire sprinkler system will be required.
8. Any modification of approved unit layout as shown on drawings date stamped October 21, 2009 and November 3, 2009, which changes bedroom configuration or unit size will require amendment to Conditional Use Permit.
9. A tenant/owner parking management plan will be required prior to building permit issuance that limits the occupant's vehicles per unit to those required in the LMC. Said plan must include an annual report to the City, a responsible party for enforcement and must be approved by the Planning Director and City Engineer. The Plan may also include assigning spaces to specific units.
10. If the Multi-Unit Dwelling is used to fulfill a future affordable housing obligation, then the project must meet the deed restriction and requirements of the Affordable Housing Resolution in effect at the time of the obligation.
11. Snow shedding issues must be met to the satisfaction of the Chief Building Official, per section 100 of the International Building Code, prior to building permit issuance.
12. Outside storage will be prohibited. This includes storage within the covered parking spaces under the building.

Order:

The appeal is granted in part and denied in part. The CUP is remanded to the Planning Commission for further consideration of only the following matters:

1. The height, scale, mass and bulk of rear of the building shall be further modified and considered under the standard in LMC 15-1-10(E)(8);
2. Further design changes with consideration for ensuring that the proposed development transitions to and complements the existing historic structure to

the east shall be reviewed and/or further conditioned.

Adopted March 4, 2010

Dana Williams, Mayor

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
MARCH 4, 2010**

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, March 4, 2010. Members in attendance were Dana Williams, Alex Butwinski, Candace Erickson, Joe Kernan, Cindy Matsumoto, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Craig Sanchez, Director of Golf; Michael Kovacs, Assistant City Manager; Kathy Lundborg, Water Manager; Kayla Sintz, Planner; and Mark Harrington, City Attorney.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

1. Council comments, questions and/or disclosures – Candace Erickson informed members to expect to see bills that did not pass this year, return next year in some form. Museum activities were discussed. Cindy Matsumoto reported on the School District planning committee. Liza Simpson noted that she attended the Lodging Association where members seemed optimistic about the market. She discussed a pending study of properties rented by owners rather than property management companies and hoped the City could provide some information. Alex Butwinski spoke about the Public Art Advisory Board meeting.

The Mayor commented on an environmental meeting held in Salt Lake and the importance of Utah remaining a member of the Western Governors Conference on Climate Change. He stated that the City has been working with USSA on recognizing our Olympians. A resolution will be presented to Council next week and an event will be planned once the athletes return to town. Liza Simpson added that the Ambassadors are looking at honoring the athletes at the 4th of July Parade and Craig Sanchez reported on USSA schedules. The Mayor spoke about Google's invitation to cities to apply for a build and test ultra high-speed broadband network, and Park City's application will be coming to Council in two weeks.

2. Legislative update – Michael Kovacs reported on a water rights bill and an associated City amendment, and noted that the last day of the session is March 11. He updated members on school equalization measures and felt that this bill will return next year. The status of the property transfer tax, state retirement plan, anti-trust, off-highway vehicles, and MIDA bills were discussed. Joe Kernan believed off-highway vehicles may be an efficient way to travel in Park City in milder weather and Candace Erickson pointed out the dangers of traveling SR224 or SR248 in a small unprotected vehicle. Renewable energy grants to citizens were discussed and Mark Harrington believed a program could be designed similar to the Historic District Grant Program and Ms. Erickson suggested using the special improvement district approach to utilities.

III PUBLIC INPUT (*Any matter of City business not scheduled on agenda*)

None.

IV NEW BUSINESS (*New items with presentations and/or anticipated detailed discussions*)

1. Consideration of a professional service agreement, in a form approved by the City Attorney, with Bowen, Collins and Associates for engineering services related to the design and construction management of the Judge Tunnel Pipeline in an amount of \$699,769 – Kathy Lundborg introduced Clint McAfee, project manager. She explained that the contract is for the design of the pipeline from the portal to the Quinns Junction treatment plant and will allow the City to divert or blend water. Construction is anticipated in the fall. In response to a question from the Mayor about routing to the Ontario, Ms. Lundborg explained that an analysis was conducted on this option and it was determined that costs were much higher and there is more flexibility for the City with this approach. The Mayor invited public input; there was none. Alex Butwinski, “I move that Council authorize the City Manager to execute a professional service agreement, in a form approved by the City Attorney with Bowen, Collins and Associates for engineering services related to the design and construction management of the Judge Tunnel Pipeline, in an amount of \$699,769”. Joe Kernan seconded. Motion unanimously carried.

2. Consideration of findings of fact, conclusions of law and order regarding the appeal of a Conditional Use Permit for 1440 Empire Avenue heard by the City Council on February 25, 2010 – Kayla Sintz pointed out a few recommended changes to the draft in the packet and read them into the record. Liza Simpson questioned the loss of light finding and Mark Harrington explained that it is included in the criteria for a CUP and referred to the shadow studies. Alex Butwinski felt it should be removed because he didn't feel the decision to remand was based on loss of light. After discussion, a majority of members felt the loss of light finding should remain. The Mayor invited public input.

John Stafsholt, Woodside Avenue, stated that he attended some of the hearings and encouraged the Council to look at a realistic number of parking spaces because 12 can not accommodate the number of beds.

Liza Simpson, “I move we approve the findings of fact, conclusions of law and order regarding the appeal of a Conditional User Permit for 1440 Empire Avenue heard by the City Council on February 25, as amended by Kayla”. Alex Butwinski seconded. Motion carried.

Alex Butwinski	Aye
Candace Erickson	Aye
Joe Kernan	Abstention

Cindy Matsumoto	Aye
Liza Simpson	Aye

V ADJOURNMENT

With no further business, the regular meeting of the City Council was adjourned.

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 6:30 p.m. Members in attendance were Mayor Dana Williams, Alex Butwinski, Candace Erickson, Joe Kernan, Cindy Matsumoto, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Matt Cassel, City Engineer; Michael Kovacs, Assistant City Manager; Tom Daley, Deputy City Attorney; and Mark Harrington, City Attorney. Joe Kernan, "I move to close the meeting to discuss property, litigation and personnel". Liza Simpson seconded. Motion carried unanimously. The closed session adjourned at approximately 9 p.m.

The meeting for which these minutes were prepared was noticed by posting at least 24 hours in advance and by delivery to the news media two days prior to the meeting.

Prepared by Janet M. Scott, City Recorder



In regards to this CUP criteria, the following is taken from the October 14, 2009 meeting minutes:

Commissioner Russack was comfortable with the proposed use as defined, however, he had concerns with the rear setback. He asked if the 10 foot rear setback was consistent along the rear property line. Mr. Elliott replied that it starts in one corner at 10 feet and steps back to 20 feet at the corner as it moves north. Commissioner Russack asked if a retaining wall would be necessary at the rear. Mr. Elliott answered no.

In terms of compatibility, Commissioner Strachan noted that the argument raised is to look up Empire Avenue and see all single family homes. He pointed out that if you look down Empire you see very large multi-unit dwellings and no single family homes.

Commissioner Thomas echoed Commissioner Strachan (...) Commissioner Thomas noted that the staff requested input on the massing and he believed the massing works in conjunction with the transition neighborhood. Commissioner Thomas had concerns with the rear elevation, however he realized that the rear elevation is not visible from the streets below. He believed a change in materials and the vegetation could resolve some of his issues. Commissioner Thomas stated the he could support the project.

Commissioner Peek agreed with his fellow Commissioners.

Commissioner Wintzer agreed with his fellow Commissioners.

Commissioner Hontz referred to Item J, promoting preservation of historic buildings, and noted that the photograph showing the structures at 803 and beyond helped alleviate her concern over the relationship of this building with the historic buildings on Woodside. She asked if the architect could change the massing and make it look less impactful on the backside. Commissioner Hontz stated that the CUP standards for review talk about compatible uses in scale and massing and felt that supported her previous suggestion.

In regards to this CUP criteria, the following is taken from the December 9, 2009 meeting minutes:

Mr. Elliott disputed comments about this structure being the highest building on the street because it is directly across the street from Shadow Ridge and Silver King. Those buildings are very tall right on the street and the proposed project is set back from the street. He tried to be sensitive to the neighbors by pulling back and away from the properties to allow them space, openness and light.

Commissioner Hontz struggled with the three historic homes on Woodside and noted that she had this same concern when they first saw this application. She appreciated the shadow studies. Commissioner Hontz was comfortable with the affordable housing use, the density and the scale on the west side. However, when she looks to the east

and to the shadow study and compares that against the language for general provisions and procedures of the LMC, “To allow development in a manner that encourages the preservation of scenic vistas and environmentally sensitive lands to historic structures and the integrity of the historic district”, she begins to question whether this project is appropriate. Commissioner Hontz read from the standards of review in Section 15-1-7, number 2, under letter D, “The use will be compatible with the surrounding structures in use, scale, mass and circulation.” Looking west she believes the project fits and she likes what is being proposed. Looking to the east, she was concerned about negatively impacting the historic houses.

Chair Wintzer stated that the neighbors next door chose to build a single family home in the RC zone; however, the historic houses were there before the zone was created. He felt the challenge was to protect the historic homes. Chair Wintzer believed the project fits within the purpose statement, but there are issues in terms of fitting with the neighborhood.

Commissioner Luskin agreed with Commissioner Hontz. (...) Commissioner Luskin was extremely sensitive to the historic home and how they would be impacted. He stated that the comments about seeing one thing looking west and another thing looking east demonstrates that this is a transition zone, which presents another issue.

Commissioner Russack felt the proposal complied with the RC zone. (...) He believed the purpose of the RC zone was clear and he believed this project meets the purpose. Commissioner Russack agreed that one issue they could not ignore was the relationship to the historic homes.

Commissioner Pettit stated that she had looked at the criteria they were being asked to evaluate in terms of mitigating the impacts. She struggled with finding that there were no unmitigated impacts with respect to (...) Criteria 8 and echoed comments by fellow Commissioners regarding the impact on the historic homes. Commissioner Pettit recognized that this is a unique area; but she lives in a historic home and continues to watch the erosion in her own neighborhood. She is sensitive to the impacts this project would have on the historic homes. The shadow study was illustrative in helping her understand the impacts to those homes.

Commissioner Peek agreed with Commissioner Russack.

Commissioner Strachan understood the concerns raised by Commissioners Pettit, Hontz and Luskin in terms of how this property meshes with the historic homes; but he did not think anything built on that site would mesh with those homes. He pointed out that the allowed uses would not mesh and the height, the setbacks and the mass that is available would never mesh with those historic homes. It is the nature of the zone that the City decided to enact in the LMC. Commissioner Strachan stated that if they thought properties needed to exactly match the historic structures, the Code should have been amended accordingly.

WORK SESSION NOTES – APRIL 28, 2010

**PARK CITY PLANNING COMMISSION
WORK SESSION NOTES
APRIL 28, 2010**

PRESENT: Chair Charlie Wintzer, Brooke Hontz, Dick Peek, Julie Pettit, Adam Strachan, Thomas Eddington, Brooks Robinson, Kayla Sintz, Francisco Astorga, Jacque Mauer; Polly Samuels McLean

Commissioners Luskin and Savage were excused.

Work Session Items

1555 Iron Horse Loop Road

Planner Jacquy Mauer reviewed the application for an MPD of the Iron Horse mixed use building, located at 1555 Lower Iron Horse Loop Road. She reported that on August 26, 2009 the Planning Commission held a pre-application public hearing for the Iron Horse mixed use building and found it to be in initial compliance with the General Plan.

Planner Mauer noted that the property is currently occupied by a building formerly used as the Deer Valley Lodging and the Park City Transportation building. Fuel storage tanks and pumps are also located on site. The applicant was proposing to remove the two buildings and construct three connected mixed-use building to be used for a commercial office and residential space. Planner Mauer stated that 21 residential units are proposed, ten being live/work units, and over 10,000 square feet of commercial area. Seventy-three parking spaces are required and proposed.

The Staff requested input from the Planning Commission prior to scheduling the application as an action item. Following a presentation by the project architect, Planner Mauer requested that the Planning Commission provide direction on five discussion items outlined in the Staff report.

Craig Elliott, the project architect, used a model during his presentation to show that the proposed project is actually one building that has the appearance of looking like three buildings. As they look through the project, he explained how the project changes the application of the Code. Mr. Elliott pointed out that the public view of the building would be coming from Bonanza and down Iron Horse. He noted that the building itself is approximately 250 feet long. Each piece is approximately 100 feet. Mr. Elliott explained that the lower level was designed for commercial use and the upper level would have residential uses. He indicated the access to the lower parking structure. He showed how they created a boardwalk around the building to create a traditional walking experience along the commercial uses. Many of the elements in the Rail Central remodel were mimicked in this project. However, they looked at this building in a slightly different context based on its location and the uses.

Mr. Elliott indicated that parking on the south side of the building would be accessed off of the road and provide in and out parking for commercial on the lower level. The primary use of the parking structure would be for residential. Users of the office/commercial space on the first level would also have the opportunity to use the parking structure. Mr. Elliott remarked that the facade along Bonanza Park was developed with a lower building height. It is two floors with an outdoor space on top to create additional interest with the view shed. He believed the design worked with the context and scale of the adjacent buildings.

Mr. Elliott indicated the residential units and a road that services Fireside. The plans showed the current bus pull out, but they did not have drawings for the proposed tunnel so it was not included on the plans. If the tunnel is not constructed, a bridge structure would be needed, which was shown on the plans. If the tunnel is constructed, Mr. Elliott assumed there would be other solutions to provide access across. He commented on a previously approved bridge and stated that they have been looking at where that might connect to the building. The model showed the bridge in a location that they believe is a logical and appropriate connection that links through the building structures and provides connection to the Rail Trail across. A set of stairs would come down from the Rail Trail and cross over.

Mr. Elliott stated that the intent was to design the building in ways that breaks up the mass. He noted that a building over 120 feet is required to have facade shifts and he explained what was done to meet the intent of the Code. Mr. Elliott presented the elevations showing the architectural materials.

Commissioner Pettit referred to the outside parking and asked where the pedestrian traffic links with the buses that drop off school kids. She was trying to put that into context with the location of the proposed parking. Mr. Elliott replied that a combination of things occur. Pedestrians either go down the road or walk across the Rail Trail and down across the creek. He also indicated a beaten path that comes up over the hillside. Two places are next to the building and a sidewalk runs out from the building. They worked with Engineering so they could make the parking spaces 5 feet deeper to improve the performance. This allowed more room for the cars and more visibility and created a safer environment.

Chair Wintzer understood from the report that Engineering was comfortable with cars backing out and that it complied with Code. Planner Mauer replied that this was correct.

Chair Wintzer felt the bridge location was right for the building, but he questioned whether it was the right location to encourage people to get off the bus and walk past this project to the residential area. He pointed to an alternative location that he thought would better accommodate pedestrian traffic. Mr. Elliott pointed out that the location Chair Wintzer identified was on property that the applicant did not own.

Director Eddington believed the City was working on a proposal to redo the existing bridge, which could assist this project and address the issue. Chair Wintzer stated that 30 school children walking through the project twice a day is not advantageous and he encouraged finding a way to place the bridge at the other end. Director Eddington stated that the secondary bridge is deteriorating and the City is currently discussing options. Commissioner Pettit felt that it would be helpful if the Staff could provide a general report on things planned in the area that might resolve some of their concerns.

Commissioner Pettit stated that her main parking concern was foot traffic in conflict with people backing out of parking spaces. She noted that when parking spaces are parallel rather than angled, it is difficult to see what might be coming, particularly since so many vehicles have tinted windows. From a design perspective she asked if there was an advantage to angling the parking versus making it parallel. Mr. Elliott replied that it was the same issue as making the 90 degree turn as you come in. He noted that they looked at several different orientations. He did not disagree with

the angled parking solution, but he was concerned that it may not function as well.

Mr. Elliott noted that the proposed material was vertical metal panel and composite wood panel systems. Timber structure elements would be use to create shade canopies and boardwalk covers.

The Planning Commission discussed the five points requested by Staff.

The first point was to provide feedback on the new parking configuration.

Chair Wintzer thought the parking was in the right location to make the building function, but as a community, they need to find a way to make the parking back out so it does not become a safety issue. Directing the pedestrian path down the Rail Trail or to other locations help him feel more comfortable and he believes it is a good solution for the businesses in front.

Commissioner Pettit stated that the safety issue with cars backing out was still a concern. She understood that the City Engineer had looked at the configuration, but in reading the letter it was basically recognition that the City does not have LMC oversight because it backs off on to a private road versus a public road. Commissioner Pettit remarked that the effort to move the parking forward and provide more of a buffer was a good start in the right direction and she needed to let the experts determine that the safety alternatives have been maximized in the proposed configuration. She was still unsure whether the parking proposed was the best solution.

Director Eddington stated that when the Staff worked with the City Engineer they all had the same concerns. He believed that the different material and the five foot buffer would help significantly. Director Eddington recognized that there is an inherent conflict due to the retail on the first floor. They did look at angling the parking spaces, but getting in and out creates a 3-point turn in the road, which is equally as dangerous because it requires two back-ups rather than one. Director Eddington agreed that it may not be the perfect solution, but he felt it was the best they could get and still meet the intent of servicing the retail. He clarified that the Staff had looked at every possible option.

Commissioner Pettit explained why she believed the angled scenario would provide more visibility and would be safer than the current configuration. She reiterated the visibility limitations of tinted windows. Commissioner Pettit was not convinced that there was no other solution.

Director Eddington acknowledge the challenge and offered to look for other alternatives. Mr. Elliott presented the overall aerial photograph and noted that it was all 90 degree parking to the dry lot. Everyone coming to the site would access through that driveway. He felt the proposed parking was consistent with is there.

Commissioner Peek pointed out that the parking Mr. Elliott identified was residential parking versus repetitive retail use. Chair Wintzer suggested that a solution would be to make it easier for the pedestrians to come in over the Rail Trail. He agreed that the residential parking lot is a different use from someone in a hurry to run in and out of a business.

Commissioner Peek stated that parking was the number one concern because children over decades would continue to use this route. If a bridge solution happens that uses the rail trail either at the corner of the property or the adjacent property, he was unsure if the bus would do two drop offs. Commissioner Hontz asked about the current bus drop off. Chair Wintzer replied that the bus drop off is near the crosswalk on the upper road, but it will eventually be moved down. That was his reason for suggesting that they find a way to encourage people walk on the Rail Trail and not behind the building.

Commissioner Strachan agreed with Chair Wintzer.

The second point was to discuss the proposed pedestrian bridge regarding the location and circulation it provides for the project and surrounding areas.

Planner Mauer stated that the City Council would approve the design of the pedestrian bridge; however, it was appropriate for the Planning Commission to whether the location is appropriate for the circulation of the project.

Chair Wintzer reiterated that the location of the bridge was perfect for the building, but he felt another bridge was needed in order to make the parking work. He was unsure if that would be a joint effort between the City and the applicant or all the property owners and the applicant. Chair Wintzer believed that a second bridge would resolve the parking issue.

Commissioner Peek stated that the bridge worked well for the two commercial uses across the Rail Trail. However, because the proposed project would create a more intense use adjacent to a residential intense use, they would need something to absorb the demand,

Commissioned Hontz recalled that a State agency was involved in discussions on the second bridge. Mr. Elliott recalled that a portion of the Rail Trail was purchased with City open space funds and it goes down past this project. He believed the City would be involved regarding this project. Any additional issues would be addressed with Stream Crossing.

Commissioner Pettit concurred that making an alternative access to the upper residential area more appealing and usable could be a potential mitigation factor for parking and traffic issues.

The third point was to provide feedback on the requested height exception and whether the requirements for a height exception have been met.

Planner Mauer presented a report showing what the cubic feet would be to the project if all the setbacks and height were maxed out. She used a slide to show the proposed height exception. The proposed building volume was 565,000 and the setback volume a maximum would be 870,000 cubic feet.

Mr. Elliott used the model to show the areas for the height exception. He noted that typically when requesting height exceptions, they look at compatibility to adjacent zones. He was comfortable that the height was compatible with the GC zone having a 35 foot maximum height with a five foot exception.

Chair Wintzer clarified that the applicant was requesting a two-foot height exception on two buildings. The front building would be 4 to 5 feet lower in height.

Commissioner Hontz felt that the height exception was appropriate in this location. She would not be opposed to the building being taller. Commissioner Strachan agreed that the project could be denser in this zone. Commissioner Peek stated that the toe of the slope is the place to add more height.

Commissioner Pettit understood that Criteria #5 would not apply because it was out of the Historic District. Planner Mauer clarified that it needs to comply with Chapter 5 as stated in the criteria, but not with the design guidelines. Commissioner Pettit asked for clarification as to why the Staff analysis says that the proposed height request does not comply. Planner Mauer explained that Chapter 5 - Architectural Review, states that height exceptions need to provide transitions in roof elements. The Staff found that the height exception did not comply with that statement since it was straight with no variation.

Commissioner Pettit asked if the Planning Commission could make a finding for allowing a height exception if it does not comply with one of the criteria.

Assistant City Attorney, Polly Samuels McLean, believed the criteria is clear and that it needs to be met. Mr. Elliott remarked that the determination of compliance was with the Planning Commission. The Staff made their analysis and Planning Commission determination was part of the review process.

Commissioner Pettit asked Mr. Elliott to explain how the Planning Commission could make a finding of compliance. Mr. Elliott stated that based on his interpretation of the language, they were not adding additional volume, they added different architectural character, they have stepped the building masses up and down. There are areas in the development where they could have had structure, but the pieces were removed that added volume to the project.

Chair Wintzer pointed out that this was similar to how the Planning Commission approached the potential project to the Yarrow. The Planning Commission looked at that project to see if they were trading height from one building to the other. It was done as an architectural feature and did not increase the square footage or the density

Commissioner Pettit asked if the Planning Commission could find that it provides a transition in roof elements. Assistant Attorney McLean stated that the Planning Commission needed to make the determination of whether or not there is enough of a transition to comply with Chapter 5. Ms. McLean noted that the language reads, "shall comply with the following criteria."

Director Eddington suggested that Mr. Elliott explain the upper portion of the roof. He thought there appeared to be an eave that extends out from the upper portion of the roof that provides a transition or differentiation of material. Mr. Elliott explained the changes to the building mass, identified areas of vertical circulation, and places where the building drops down and goes back up. He stated that the intent was to keep the structure in context with the neighboring buildings.

Planner Sintz reviewed the exterior elevations in the Staff report. In looking at the east elevation, she believed they could interpret the stepping of the building forms as a variation and transition in forms. She pointed out that the massing model showed that Building A was at 24 feet, which is under height. Therefore, the two buildings proposed at 32 feet would be a shift in mass and form, which is the intent of the MPD in being able to move density around and to allow for a height exception. Based on Planner Sintz comments, Director Eddington clarified that the variation required by the LMC could be the height, as opposed to having all three elements of the building at the same height. Planner Sintz believed a finding could be made that there is variation and transition in roof forms required for a height exception.

Commissioner Strachan was comfortable with that interpretation.

Commissioner Peek noted that the east elevation showed two stories. He asked Mr. Elliott to point out the third story. Mr. Elliott replied that there is a break that may not be shown as a full floor. There is a parapet around the lower roof that acts as a guardrail. Instead of having a ten foot transition, there is a six foot transition between parapets. Commissioner Peek clarified that the south elevation, which would be north, reflects three stories. The east elevation, which would be south, only reflects two stories. Mr. Elliott explained that it was showing the two story building 200 feet away.

Commissioner Hontz stated that she was never concerned with height exception and always felt there was adequate transition when looking at the entire project.

The fourth point was to discuss whether the proposed project meets the language and intent of Chapter 15-5-8 of the LMC regarding facade and building height.

Planner Mauer read from the LMC, "Structures that exceed 120 feet in length shall provide a prominent shift in the mass of the structure at each 120 foot interval, reflecting a change in function or scale. The change shall either be in the form of either a 15 foot change in building facade alignment or a 15 foot change in the building height".

Mr. Elliott used the model to explain the dimensions and design elements that they believe meets the language in the LMC.

Commissioner Pettit asked if there was a way to create a little more variation with one of the two big fitter buildings. She felt that more variation would make the buildings more aesthetically pleasing and more compliance with the goals of the LMC.

Commissioner Hontz recalled that Commissioner Strachan had made a similar comment and she concurred, particularly in terms of the height. Chair Wintzer thought it was fine as designed, but he agreed that it could be better. He suggested that they emphasize the end of one of the buildings and create a larger height exception in the corner. Chair Wintzer was confident the details could be worked out.

Planner Sintz clarified that the Commissioners concurred with having additional height on Building

C. Commissioner Peek suggested a more articulated corner towards the residential use.

The fifth point was to provide direction on whether or not additional demand for child care would be needed for the project.

Planner Mauer noted that LMC 15-6-5(K) states that the Planning Commission may determine whether or not a project would create additional demand. She explained that the Staff would conduct an analysis of the child care currently provided in the area and weigh that against the number of residential units proposed and number of bedrooms. Planner Mauer asked if the Planning Commission would like the Staff to consider anything else in that analysis.

Commissioner Pettit stated that this was the first time the Planning Commission has been asked to comment on child care. She noted that this was a mixed-use project and at this time the uses are unknown and no one knows whether any of the residents will have children. Commissioner Pettit needed a better understanding of the elements of the Land Management Code and why or how that plays into this project.

Chair Wintzer suggested that the Planning Commission wait to address this issue when they look at the different occupants of the building. He remarked that every project creates a demand for child care, but it was too early to assess whether the demand from this project would be different.

Commissioner Pettit did not want her comments this evening to indicate that she was opposed to this proposal. She supports the project and looked forward to seeing it evolve. Commissioner Pettit clarified that her issues related to parking and safety concerns. With respect to massing, she believed that more articulation would make it a better project. Commissioner Pettit stated that this was the right project for the location.

Commissioner Hontz asked if the applicant would pursue the voluntary clean up program. Mr. Elliott assumed they would need to address the tanks and other issues on the site. Commissioner Hontz understood that they would need to deal with the issues, but she was unsure of what would be required in terms of clean up. She asked the Staff to provide a history of the clean up that was done by the residential development behind this project, since that site was the Park City Dump at one time. Planner Mauer offered to research her request with Jeff Schoenbacher.

Echo Spur on Rossi Hill - Plat Amendment

Planner Francisco Astorga reviewed the plat amendment application for the Echo Spur on Rossi Hill. He presented the Echo Spur and Rossi Hill vicinity map and 2009 aerial to show where the applicant was proposing to reconfigure 13 lots into 9 lots of record. The site is located off of platted McHenry. Planner Astorga noted that the applicant was hired by the City to complete platted McHenry Road.

Planner Astorga noted that the Planning Commission had previously reviewed this application. At that time the lots were configured differently and the lots were located on the right-of-way, which required a street vacation. Based on comments at that meeting, the applicant revised the plans and

rather than a vacation, they requested a private road to service the lots. The Planning Commission was not satisfied with the revised plan and directed the Staff to prepare findings for denial. Planner Astorga stated that the application was withdrawn and the applicants have come back with a new plan for this application.

Planner Astorga reviewed a boundary survey of the project. He noted that this application was for Lots 17-29. The applicant also owns Lots 30, 31 and 32 of Block 58, but they are not requesting a change in the lot boundary for those lots at this time. Planner Astorga presented a slide showing how the preliminary proposed plat would look with nine lots of record.

The Staff requested that the Planning Commission review the Echo Spur on Rossi Hill plat amendment for compliance with the Land Management Code in regards to lot combination, access and lot layout.

Connie Bilbrey, the applicant, commented on the infrastructure that was added to the project. Last summer they added a new street with curb, gutter and sidewalk, and a large retaining wall at the end of the property. New water, sewer, power gas, etc was also added to the project, including placing all utilities underground and removing overhead power lines. Mr. Bilbrey believed the application was straightforward in its request to combine and reconfigure some of the lots. He anticipated a total of 10 dwellings on the lots. Mr. Bilbrey stated that they are homebuilders and the intention is to sell lots to people who want them to build their home.

Commissioner Hontz disclosed that at her former place of employment the applicant came in with this property. She did not work on the project and believed there was no conflict. Chair Wintzer remarked that the first eight lots were consistent with Old Town lots and the size and scale of the houses behind it. He was concerned with the last lot at the end of the road. In combining those lots, he questioned whether they would be creating something they would eventually have to fight in a Steep Slope CUP. Chair Wintzer noted that based on the purpose statement of the subdivision ordinance in the General Plan, combining lots would result in a larger structure at the most visible part of the intersection. He was not in favor of combining the lots and pushing the project further down the hill.

Chair Wintzer asked Commissioner Pettit to read the purpose statement from Chapter 15-7.3-1(D), which relates to restrictions due to character of the land. Commissioner Pettit read the purpose statement and noted that it was a tool the Planning Commission has available for subdivision and evaluating plat amendments.

Chad Bilbrey, the applicant, asked if Chair Wintzer preferred to see no development, or if he preferred that the lots remain as currently platted. Chair Wintzer replied that the owner has the right to develop each of those Old Town lots. Connie Bilbrey pointed out that these were platted lots from the Park City survey and they were not proposing a subdivision. Chair Wintzer explained that when lots are combined it is a subdivision. Mr. Bilbrey remarked that the intent in the future is to seek a CUP to build a duplex that matches the surrounding properties to the north and west. He noted that a topographical survey of the three lots was recently done and only a small portion at the very southeast corner of the property is a steep slope.

Chair Wintzer clarified that his concern was pushing the building mass further on to the ridge and down the hill. The issue would be the same regardless of whether or not it was a steep slope. Director Eddington noted that the Planning Commission has the right to place a restriction on footprint or square footage if they are concerned that the structure would be going too far to the east and down the hill.

Commissioner Peek requested an analysis of what, if anything, could be built within the Code requirements of three levels and final grade returning to within four feet of existing grade.

Commissioner Pettit remarked that the primary issue was ridge protection and these particular lots would be too visible on the ridge. She would be more comfortable if the square footage of the footprint was more consistent with the other lots and the HR-1 District. Commissioner Pettit concurred with Chair Wintzer that it was inappropriate to place the largest building at the most visible point.

Commissioner Hontz echoed all the comments from her fellow Commissioners. Without seeing the topo, she was concerned that they could end up with issues of lot size and development that they cannot foresee at this point. Commissioner Hontz agreed that regardless of the steep slope, this is a ridge and she was uncomfortable looking at the subdivision without understanding the end product. She did not believe the development would fit on the site when the other requirements are applied. At that point they would look to hardship, and she did not favor approving projects that are unbuildable within the confines of the Code.

Chair Wintzer asked how the applicant would measure the height now that the land has been disturbed. Planner Astorga understood that it was measured from existing grade. He noted that the grade was recently disturbed when the road was put in. Planner Astorga stated that with the newer changes to the LMC, the height would be 27 feet from existing grade.

Chair Wintzer asked if existing grade is considered the current grade or the grade that existed two years ago. Commissioner Peek stated that this issue was raised two years ago and he thought it was understood that the grade would be what existed two years ago and not after it was re-graded.

Chair Wintzer wanted to know if part of the hill is cut down, whether that would give them more than 27 feet from the current existing grade.

Planner Brooks Robinson stated that the Staff had the original topo survey prior to the construction that occurred and that would be used to measure height. Chair Wintzer clarified that the two year old grade would be used and not the existing grade today. Planner Robinson replied that this was correct. Planner Robinson recalled from the topo that every lot had a small amount of steep slope, but mostly towards the west end, which is likely in the rear setback and would not be developed on or over for access. He did not anticipate seeing a steep slope CUP on these lots, except possibly on the lot the Commissioners were discussing.

Chair Wintzer was interested in seeing what the final height of a building would be since a significant amount of the ground has been removed. Director Eddington suggested that the Staff bring back the proposed subdivision over the existing topo. The Staff could provide a quick analysis and work with the applicants to show the rough mass and scale and heights of the building

superimposed on the site.

Commissioner Strachan agreed with the comments on the end lot. In addition, he believed that the visual impact and the mass, scale and size would be aggravated by the fact that it would be located next to the retaining wall.

Commissioner Strachan asked if the Planning Commission approved the lot combination as proposed, if there was a way to guarantee that it would come back to the Planning Commission for a CUP if there was a change in use. Assistant City Attorney McLean stated that it would not come back to the Planning Commission if it was an allowed use. Mr. Bilbrey was not opposed to having something in writing that guarantees the use proposed with the lot combination.

Chair Wintzer stated that he was not convinced that the current proposal worked well on the site and he preferred to wait on the Staff analysis for further discussion.

The work session was adjourned.

MINUTES – APRIL 28, 2010

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
APRIL 28, 2010

COMMISSIONERS IN ATTENDANCE:

Chair Charlie Wintzer, Brooke Hontz, Richard Luskin, Dick Peek, Julia Pettit, Adam Strachan

EX OFFICIO:

Planning Director, Thomas Eddington; Principle Planner, Brooks Robinson; Katie Cattan, Planner; Francisco Astorga, Planner; Jacque Mauer, Planner; Polly Samuels McLean, Assistant City Attorney, Ron Ivie, Chief Building Official

=====

REGULAR MEETING - 5:30 p.m.

I. ROLL CALL

Chair Wintzer called the meeting to order at 6:50 p.m. and noted that all Commissioners were present except for Commissioner Savage, who was excused. Commissioner Luskin was expected to arrive later in the meeting.

II. APPROVAL OF MINUTES - March 24, 2010

MOTION: Commissioner Pettit moved to APPROVE the minutes of the March 24, 2010 meeting. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously by those who attended the meeting. Commissioner Peek abstained since he had not attended. Commissioner Luskin was not present for the vote.

II. PUBLIC COMMUNICATIONS

There was no comment.

III. STAFF & COMMISSIONERS' COMMUNICATIONS/DISCLOSURES

Planner Cattan reported that North Silver Lake was originally planned to be the first item on the agenda this evening. When the agenda was published it was inadvertently listed as the last item. The Staff requested that the Planning Commission adjust the agenda and move North Silver Lake to the first item. Planner Cattan had announced the change on the radio and sent emails to the North Silver Lake applicants.

MOTION: Commissioner Peek made a motion to move North Silver Lake to the first item on the agenda. Commissioner Pettit seconded the motion.

VOTE: The motion passed unanimously. Commissioner Luskin was not present for the vote.

Commissioner Pettit disclosed that she would be recusing herself from the 692 Main Street item, due to the fact that her firm is representing one of the applicants.

Chair Wintzer noted that Ron Ivie was leaving his position with the City. He recognized and appreciated the work Ron Ivie has done for the Planning Commission. Mr. Ivie has worked for the City for a long time and Prospector was one of many projects where his involvement greatly benefitted the City. Chair Wintzer stated that many of the historic structures in Old Town are still standing because of the fire codes Mr. Ivie implemented and he has raised the standards of construction to a higher level in Park City. Chair Wintzer thanked him for his service and acknowledged his efforts.

CONTINUATIONS AND PUBLIC HEARING

1. 1555 Iron Horse Loop Road - Master Planned Development
(Application PL-10-00899)

Chair Wintzer opened the public hearing.

There was no comment.

Chair Wintzer closed the public hearing.

MOTION: Commissioner Peek made a motion to CONTINUE 1555 Iron Horse Loop Road to a date uncertain. Commissioner Pettit seconded the motion.

VOTE: The motion passed unanimously. Commissioner Luskin as not present for the vote.

2. Echo Spur on Rossi Hill - Plat Amendment
(Application PL-0900818)

Chair Wintzer opened the public hearing.

Pam Maupin stated that she lives on Rossi Hill, west of the Echo Spur development. She remarked that the neighbors were not noticed but she had read about this meeting in the Park Record. Ms. Maupin stated that the proposed plan in 2007 had lots planned into seven buildings with eight dwellings. The 2008 plan had seven lots with eleven dwellings. She pointed out that the current proposal is for nine lots and 13 dwellings, including the three lots that were mentioned in the replat discussion during work session. Ms. Maupin had read minutes from the previous meetings and noted that at each meeting, the Planning Commission continually said that the density was not consistent with the neighborhood. She believed that all her neighbors agree that the project is too dense and it would significantly increase the traffic on Rossi Hill Drive. Ms. Maupin commented on the newest subdivisions in that neighborhood. The developer of Silver Pointe gave 15% undisturbed open space. The Gateway, which is currently under construction, gave 51% undisturbed open space. Ms. Maupin did not hear open space discussed this evening and she hoped that would be considered in future discussions.

Regarding the noticing, Director Eddington clarified that the item was only intended to be for work session. It was accidentally noticed on the agenda and, therefore, it required a public hearing. Director Eddington stated that when this item is scheduled on the regular agenda, courtesy notices would be mailed to the neighbors.

MOTION: Commissioner Pettit moved to CONTINUE the Echo Spur on Rossi Hill to a date uncertain. Commissioner Peek seconded the motion.

VOTE: The motion passed unanimously. Commissioner Luskin was not present for the vote.

3. 1440 Empire Avenue - Conditional Use Permit
(PL-09-00725)

Chair Wintzer opened the public hearing.

There was no comment.

Chair Wintzer closed the public hearing.

MOTION: Commissioner Pettit moved to CONTINUE 1440 Empire Avenue Conditional Use Permit to May 12, 2010. Commissioner Peek seconded the motion.

VOTE: The motion passed unanimously. Commissioner Luskin was not present for the vote.

CONSENT AGENDA

1. 7660 Royal Street, Sterling Lodge - Amendment to Record of Survey
(Application #PL-08-00561)

Chair Wintzer opened the public hearing. There was no comment. Chair Wintzer closed the public hearing.

2. 1059 Park Avenue - Plat Amendment
(Application #PL-10-00918)

Chair Wintzer opened the public hearing. There was no comment. Chair Wintzer closed the public hearing.

3. 352 Main Street - Plat Amendment
(Application #PL-09-00750)

Chair Wintzer opened the public hearing. There was no comment. Chair Wintzer closed the public hearing.

4. 1895 Sidwinder Drive, Marriott - Plat Amendment
(Application #PL-10-00920)

Chair Wintzer opened the public hearing. There was no comment. Chair Wintzer closed the public hearing.

MOTION: Commissioner Pettit moved to forward a POSITIVE recommendation to the City Council on all the items on the Consent Agenda based on the Findings of Fact, Conclusions of Law and Conditions of Approval found in each of the draft ordinance. Commissioner Peek seconded the motion.

VOTE: The motion passed unanimously. Commissioner Luskin was not present for the vote.

Findings of Fact - 7660 Royal Street East

1. The property is located at 7660 Royal Street East.
2. The property is within the Residential Development (RD) District with Master Planned Development (MPD) Overlay.
3. The proposed amendment is located on level seven of the building and is appurtenant to the upper level of Unit 9.
4. The proposed amendment to the record of survey plat converts approximately 92 square feet of Common area to Limited Common to be used as storage.
5. The Homeowners Association voted 78.77% affirmative to approve the proposed change.

Conclusions of Law - 7660 Royal Street East

6. There is good cause or this Amendment to Record of Survey Plat.
7. The Amendment to Record of Survey Plat is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
8. Neither the public nor any person will be materially injured by the proposed Amendment to Record of Survey Plat.
9. Approval of the Amendment to Record of Survey Plat, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval - 7660 Royal Street East

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment (or Record of Survey) for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment (of Record of Survey) 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.

Findings of Fact - 1509 Park Avenue

1. The property is located at 1059 Park Avenue within the HR-1 zoning district.
2. The plat amendment is for the existing Lot 14 and the southerly 10 feet of Lot 15 in Block 4, Snyder's Addition to the Park City Survey.
3. The proposed plat amendment will create one lot of record that is 35 feet wide by 75 feet deep. The minimum lot width in the HR-1 zone is 25 feet.
4. The area of the proposed lot is 2625 square feet. The minimum lot size in the HR-1 zoning district is 1875 square feet. There is an existing historic home located at 1059 Park Avenue.
5. The neighborhood is characterized by single family and multi-family homes and condominiums.
6. All findings within th Analysis section are incorporated herein.

Conclusions of Law - 1509 Park Avenue

1. There is good cause for this subdivision.
2. The subdivision 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 subdivision.
4. As conditioned the subdivision is consistent with the Park City General Plan.

Conditions of Approval - 1509 Park Avenue

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 subdivision 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 ten foot wide public snow storage easement is required along the front of the property.
4. No remnant parcels are separately developable.

Findings of Fact - 352 Main Street

1. The property is located at 352/354 Main Street in the Historic Commercial Business (HCB) zone.
2. The HCB District is characterized by a mix of historic commercial structures and larger contemporary commercial structures.
3. The proposed plat amendment will combine Lot 14 and a portion of Lot 13, Block 22, Park City Survey and all of the 352 Main Street plat into two lots of record.
4. Proposed Lot 1 will be 6,085 square feet. Proposed Lot 2 will be 1,520 square feet.
5. An existing 8' wide access/utility easement exists from 354 Main through the 352 Main Street subdivision of the Park City Survey.
6. There is an existing 8' wide access easement with a 6' wide utility easement overlay from 333 Main through 352 Main to Swede Alley.
7. There is an existing 5' wide access easement on the eastern side of the property running parallel to Swede Alley.

8. A new easement is being created to the rear of 354 Main Street and to connect to the existing 8' wide access easement as identified in Finding of Fact 5 above.
9. The building meets all required setbacks for the HCB zone.
10. The plat amendment will not create any remnant lots.

Conclusions of Law - 352 Main Street

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

Conditions of Approval - 352 Main Street

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

Findings of Fact - 1895 Sidewinder Drive

1. The property is located at 1895 Sidewinder Drive.
2. The Park City Marriott is located in the General Commercial (GC) zoning district.
3. The subject property combines Lots 10A, 10B, 10C, 10D, 11, 12A, 12B and 12C of the Prospector Square Subdivision into one lot of record.
4. The Park City Marriott proposes to add a second story meeting space over the Common Area of the Prospector Square Property Owners Association (PSPOA).
5. The PSPOA has signed an easement of granting permission for the addition.
6. Meeting space is considered Support Commercial not requiring additional parking. Parking is allowed in all Prospector Square lots (A-K): In addition Marriot has underground parking.

Conclusions of Law - 1985 Sidewinder Drive

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

Conditions of Approval - 1985 Sidewinder Drive

1. The City Attorney and City Engineer will review and approve the final form and content of the amended record of survey 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 amended record of survey 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.

REGULAR AGENDA/PUBLIC HEARINGS

3. North Silver Lake - Conditional Use Permit
(Application #PL-08-00392)

Planner Katie Cattan reported that the Planning Commission previously approved this application in July 2009. The approval was appealed to the City Council and the Planning Commission is currently reviewing the remand order that came from the City Council in November.

Planner Cattan noted that the remand had three orders: 1) The height, scale, mass and bulk of Building 3 shall be further reduced to meet the compatibility standard; 2) Further specificity regarding the final landscape plan and bond in consideration for Wild Land Interface regulations shall be reviewed and/or further conditioned; 3) Construction phasing and additional bonding beyond public improvement guarantee is to be required.

Planner Cattan focused her presentation on items 2 and 3. She noted that during the last meeting the Planning Commission had requested copies of the recording and the minutes from the November City Council meeting. That material had been provided and she believed it was helpful in clarifying that the City Council wanted the Building Department to be in charge of construction phasing and additional bonding for the North Silver Lake Development. Planner Cattan noted that the Planning Commission had also requested more specifics on exactly what the applicant was being asked to improve.

Planner Cattan stated that the Staff had drafted conditions of approval #16, 17 and 18. Condition #16 addressed the Wild Land Interface regulations. Condition #17 requires a phasing and bonding plan to insure site restoration in conjunction with building phasing beyond a public improvement guarantee to be improved by the Building Department. The plan shall include re-vegetation for perimeter enhancement and screening into the project, soil capping for any new disturbance and previous disturbance of the site, and clean-up of all staging areas.

Planner Cattan reported that currently the site is a pit. She noted that the Chief Building Official, Ron Ivie, felt that if a building permit is not pulled within a year, the neighbors should not have look into that pit any longer. The actual pit itself should be capped with soil and re-vegetated with grass. In addition, trees should be planted at the entry way to cover the view into the pit.

Ron Ivie addressed the Planning Commission. He has been in Park City since 1980 and in those thirty years the City was forced to sue on three projects relative to public nuisance complaints for unfinished product. He noted that the City was awarded settlement on all three projects. Mr. Ivie stated that most people generally complete their projects in an acceptable time limit, but there are exceptions. He was not opposed to bonding or making appropriate conditions for site improvements and site stabilization, which is the traditional process. However, his question was whether or not the City should go beyond that process and require a completion guarantee. After hearing arguments on both sides, he believed it was a policy question that needed to be addressed by the Planning Commission and the City Council. Mr. Ivie personally felt that the City has been served well by prior policies.

NOTE: Due to problems with the recording equipment, the applicant's presentation was not recorded. The meeting was stopped until the problem was resolved.

John Shirley, the project architect, concurred with the Staff findings. Mr. Shirley presented slides showing minute changes that had been made since the last meeting.

Commissioner Luskin arrived at 7:35.

Chair Wintzer opened the public hearing.

Bob Dillon stated that he was an attorney representing 30 adjacent homeowners in the American Flag HOA who still object to Building 3. Mr. Dillon noted that the analysis section in the Staff report talks about Building 3 and he could not dispute that the current plan was better than what the applicants originally presented. However, from the standpoint of compatibility on mass, scale and size, it is still not compatible. Mr. Dillon recalled hearing something about a 29% height reduction, but he understood from the Staff report that the height was reduced from 79 to 72 feet. He noted that the side elevations were still showing 5 to 6 stories.

Mr. Dillon commented on the size of Building 3, which he had addressed in a letter he submitted in early April, explaining why this was such a difficult process. Part of the problem is that the applicants have expressed their intent for condominiums, but they have never presented a condominium plan. Mr. Dillon pointed out that every review session he has attended with both the Planning Commission and the City Council, there have always been questions but no answers. He believed the only way they could get an answer from the applicant was to require the condo plans and a map.

Mr. Dillon referred to construction phasing section in the Staff report and language stating that the staff, the Planning Commission, the City Council did not require a phasing plan for the proposed development. He believed that statement was absolutely wrong because the order from the City Council requires a phasing plan. Mr. Dillon expressed regrets that Ron Ivie was leaving because the community has benefitted from his expertise and administration of the City building codes. He noted that Ron Ivie made the comment that timing and phasing is critical. Mr. Dillon addressed the completion bond issue. He understood that bonding would go to mitigation in the event of a failure to complete. However, the critical part of this process is timing and phasing. Mr. Dillon commented on the idea that suddenly the City Council wants to

delegate issues to the Building Department. He had listened to the audio from the City Council meeting and he believes that the Council wanted the Planning Commission to establish conditions of approval for phasing and bonding. Mr. Dillon thought it was appropriate to seek advice from the Building Department on the timing of the phasing or the amount of the bonds. However, input should be given for approval by the Planning Commission pursuant to a phasing plan and bonding plan that is mandated as a condition of approval. Mr. Dillon objected to the Building Department managing the bonding.

Mr. Dillon commented on location and amount of off-street parking and objected to the recommendation for a 25% reduction in parking spaces. He noted that the reduction was being done on the basis of a mystical unit size and configuration. It is mystical because the applicant has not submitted a condominium plat and plans. It is unknown what they will bring forward for the CUP. Mr. Dillon noted that the previous condition of approval #12, which prohibited the use of lockouts, has disappeared from the current conditions of approval. He believed that prohibiting lockouts should be added back in as a condition.

Mr. Dillon objected to Condition #7 because there has been limited discussion regarding retention areas. He was disappointed that Ron Ivie had already left the meeting because he had wanted Mr. Ivie's opinion on whether the proposed water method on the site was a workable solution.

Mr. Dillon objected to the language in Criteria 14 of the Staff analysis that talks about expected ownership and management of the project. Without a condo plan, there is no way to know what the applicant will do. Mr. Dillon questioned why two ADA units were not included as part of the 54 units. Given that they are not included, he believes they are support commercial rather than common space, because they are used in support of commercial renting. He believes they should count towards the 14,525 square feet of support commercial. By not including the ADA units in the square footage allows the applicant to blow up the scale of Building 3. Again, there are no condo plans.

Chair Wintzer clarified that the Planning Commission would not see condo plans until there were construction drawings. The applicant cannot do construction drawings until the issues of the remand are resolved. Chair Wintzer explained that a plat has never been recorded before seeing construction drawings, and the Planning Commission has always approved projects with this level of sophistication of plans. He emphasized that there would not be a condominium plat prior to this approval.

Mr. Dillon objected to Conclusions of Law 1, 2 and 4. He understood why the dates were changed in the conditions of approval, but he questioned whether that could be done, since it gives the applicant an additional six or seven months to commence construction. Mr. Dillon stated that there is no real question of law that they can impose conditions of approval requiring phasing and bonding. The Planning Commission has broad authority to administer the mitigation of compatibility problems once they have been established. He noted that the City Council in its Conclusion of Law #2 stated that "The Planning Commission erred in applying Land Management Code 15-1-10-(D)(2 and 4) and LMC 15-1-10(E)(7, 8 and 11) by failing to mitigate the height, scale, mass and bulk of building three and maintain or enhance the context

of the neighborhood, failing to consider a specific landscape plan in relation to restrictions of Wild Land interface, to better separate the use from adjoining site and failing to mitigate visual and construction impacts by requiring a specific construction phasing plan.” Mr. Dillon pointed out that the last sentence was key to support his comments.

Mr. Dillon noted that earlier in the day he had submitted a short letter of response. He apologized for getting it in late, but he had not been able to read the Staff report until 5:30 that morning. He thought it was clear that as a matter of law, the City Council has told the Planning Commission that construction use is within the defined use of the Land Management Code. He pointed out that the uniqueness of this project is that the MPD and development have been delayed for 25 years. If this project had moved forward while the surrounding residential neighborhoods were being built, the compatibility of construction use would be non-existent. However, when everything builds out around the site and the developer has the benefit of building a project in the middle of these mature neighborhoods, at that point, construction use become a compatibility issue. Mr. Dillon stated that the Planning Commission cannot let construction use adversely impact these mature, built neighborhoods without mitigation. Mitigation is construction phasing and timing and bonding. It is the required mitigation and that is the reason why the City Council directed the Planning Commission to establish conditions of approval that address phasing and bonding requirements.

Mr. Dillon reiterated that the problem with developing phasing requirements is that the Planning Commission does not know what the applicant intends to build. He remarked that as a condition of the phasing, the Planning Commission can require that prior to any construction start, the applicant needs to submit condo plans for whatever phase is specified so they can understand what will be built.

Mr. Dillon clarified that the neighbors are not concerned with when construction begins. Their concern is knowing what would be built, how much would be built, and if there is a time limit for completion.

Mr. Dillon showed that the previous condo plat was convertible land sprinkled with a few units. In order to preserve their CUP, the applicant dug a hole and for years have pursued extensions to the CUP claiming that the project had started on time. He thought the Planning Commission should make the applicant show what they intend to build and that the Planning Commission should require that the project be phased with a timing start and completion from the date the permit is pulled. Mr. Dillon clarified that the neighbors want the project built. They have been looking at a pit for nine years and do not want to look at foundations for another nine years. Mr. Dillon suggested that the Planning Commission make building the foundations for Building 3 and six of the perimeter units as Phase I. The applicants should be required to present the condo plans and map. Once that is platted, the applicants can begin to sell the units.

Mr. Dillon pointed out that this is a hard market and timing is critical. The neighbors want this project to succeed if it is allowed to start. He explained that the intent for requesting these conditions is to allow the applicant to pre-sell so they can obtain financing.

Lisa Wilson stated that she is a Park City mom and she has lived on the slopes of Deer Valley

since 1993. She purchased a lot in Silver Lake in 1994. Ms. Wilson commented on the pit in the Spring. She drives by it everyday and there is fencing around it. Sometimes when she hikes by she sees deer that have somehow managed to jump the fence. The deer get stuck but they always find their way out. Ms. Wilson stated that when she drove by today the gate to the fence was flipped over and the green netting around the fence was flipped over. The sign announcing this public hearing has been on the ground for nearly two weeks. Ms. Wilson thought the pit needed to be covered because it is unsightly.

Ms. Wilson noted that she also owns a lot in Deer Crest. Due to the number of homes have stopped construction, at the last homeowners meeting the decision was made to change the CC&Rs to require bonding. Ms. Wilson believed the Planning Commission needed to consider more than just Building 3 when looking at the height. She noted that Building 3 is at the bottom, and the second and third tower are above that. She stated that from the bottom the building will terrace up the slope and it will look like one contiguous building. It will be very visible from Main Street.

Mr. Wilson stated that during the City Council meeting, Council Member Hier spoke about the mistakes that were made the last time. She has been attending Planning Commission meetings for a long time and everyone was left with the impression that a vested right existed for density under the 2001 CUP and it was approximately 460,000 square feet. They assumed there was nothing they could do about this project. Ms. Wilson noted that Council Member Hier made it very clear that this was not the case. The Harrison Horn CUP has expired and the vested density no longer applies. In looking at this project, a 25% reduction in one building has not made much of a difference in the size of the project.

Ms. Wilson stated that during the appeal process, there was 123,000 square feet of common area. She was unsure where that would be. Using the Treasure Hill website as an example, Ms. Wilson requested a summary of residential units by size and a summary of building area by use for this project so they can understand where the 123,000 square feet of common area is located. When she purchased her lot in 1994 it was bought based on entitlements. She understood there was a lot with potentially 54 units and 14,000 square feet of commercial. However, this project meets none of those parameters. To date, what is being proposed in their neighborhood is a hotel with a spa and a restaurant. Ms. Wilson stated that the area in the restaurant is commercial. She indicated a space identified as common area, but that space is where the public would go to eat. Ms. Wilson referred to language in the LMC that defines commercial space to emphasize the fact that money would be exchanged in all the "common space" areas as defined in this project. She noted that by definition, common area is for the use and enjoyment of the residents. She pointed out that the spa, restaurant and hotel lobby would be for the public and not just for residents.

Ms. Wilson wanted to see a project like the one she understood would be built when she purchased her property, which is 54 units, 60% open space and 14,000 square feet of commercial. Ms. Wilson pointed to a new area in the LMC called accessory uses, which allows buildings to become unlimited, and noted that areas such as lobbies no longer count towards the entitlement.

Ms. Wilson stated that per State Statute, notification must be given to the affected property

owners if the size of the structure is modified or the use is changed. Her property will be affected, but she was not notified that the changes to the MPD would increase the development in her area by 123,000 square feet.

Chair Wintzer requested that Ms. Wilson focus her comments on the three issues of the remand.

Ms. Wilson was concerned that the project has grown because of the accessory uses. She would like to see something that breaks down the square footage. She noted that Council Member Hier admitted that mistakes were made and the project became so large because it was approved without knowing the actual numbers. Ms. Wilson urged the Planning Commission not to make that same mistake again.

Chair Wintzer closed the public hearing.

Doug Clyde, representing the applicant, noted that many of the comments this evening were not germane to the appeal. He has been practicing the Land Management Code in Park City over twenty years and none of those definitions have changed. He has never worked on a project where accessory uses and common areas were treated different from the way they are treated in this project. Mr. Clyde noted that he has never seen a situation where the plat was tied to the CUP.

Mr. Clyde remarked that the ADA uses have been treated as common area in all the projects in Empire Pass, as well projects outside of Empire Pass. The City has adopted that practice as a uniform way to deal with ADA units. Regarding issues related to bonding and phasing, Mr. Clyde concurred with the Staff report and believes it represents what was instructed by the City Council.

Mr. Clyde showed the change they were talking about in terms of the 29% reduction in facade. He compared the first Building 3 with the current Building 3 to show the difference.

Tom Bennett, Counsel for the applicant addressed Ms. Wilson's concern that the project would balloon in size. He noted that Condition of Approval #15 specifically requires that the final condominium plat not exceed the square footage for all the various components that have been submitted. That condition should alleviate her concern.

Mr. Bennett addressed Mr. Dillon's concern that the project would not be completed and the neighbors would be left with an eyesore. Mr. Dillon offered a solution to require that buildings be completed within a specific time frame or for the Planning Commission to approve a phasing plan. Mr. Bennett stated that once construction is started, the International Building Code has provisions that cause the project to continue without interruption. He referred to Ron Ivie's comment earlier this evening that in the past 30 years there have been three instances where the City had to file an action because an incomplete building became a nuisance. Mr. Bennett recalled Mr. Ivie saying that the procedures that are currently in place with the Building Department to review construction, construction phasing and mitigation plans have worked well over the years. Mr. Bennett read Item #3 of the Order of the City Council, "Construction phasing

and additional bonding shall be addressed with respect to site restoration.” He believed that issue had been addressed in the Staff report and in the added conditions of approval with respect to bonding. Mr. Bennett clarified that addressing the bonding issue does not mean that the Planning Commission is the body to require it. That is the responsibility of the Building Department.

Mr. Clyde commented on the statement about hidden commercial uses in this project. He noted that the applicant has requested a specific number of square feet for a commercial use. Every commercial use requires a business license. Part of the business license process is for the Planning Department to verify whether or not the license application corresponds with the approval.

Planner Cattan reported that there was a letter from Bob Dillon on her email just prior to this meeting. She would email copies of his letter to the Commissioners.

Planner Cattan stated that the ADA units are consistent with how ADA units are platted throughout Empire Pass and throughout town. The purpose allows someone with ADA needs to have access to a common unit that cannot be rented separately.

Planner Cattan explained that she had two sets of plans on her desk. If the CUP is approved, they would be stamped as the approved set of plans. The plans outline all residential areas, commercial areas, and all of the common areas. Once the CUP is approved, the applicants cannot increase the density or unit size and they cannot increase the commercial space. Planner Cattan clarified that the applicants were not requesting a blind approval.

Commissioner Strachan remarked that the plans have not changed since the last meeting. His concerns relating to the amount of excavation still remain. Commissioner Strachan did not believe the comparison between the surrounding homes and this building was fair, since the existing homes are single family and this project is a multi-unit dwelling. The height comparison was fair but it did not support compatibility. Commissioner Strachan could not find compatibility because the MPD is not compatible with the surrounding neighborhoods. In his opinion, it would be difficult to build anything on that site in compliance with the MPD that would be compatible. Therefore, he could not support Conclusions of Law 1, 2, 3 and 4. Since the project has been recommended for approval by Staff and if the Planning Commission votes to approve, he suggested revising Condition #15 to specify a total square footage ceiling and require standard compliance with that ceiling. The applicant has presented a 70,350 square foot ceiling for the North Building 3A and that should be incorporated into Condition of Approval #15. He realized that as-built conditions might not reflect that square footage, but the Planning Commission should require substantial compliance.

Commissioner Peek believed the specific items in the Order from the City Council had been addressed in the re-design of Building 3, as well as in Conditions of Approval 2, 4, 5, 7, 14, 16, 17 and 18.

Commissioner Pettit noted that Mr. Dillon had referenced a condition in the original approval regarding lock out units. Planner Cattan also recalled that it was in the original conditions and

she was unsure why it was left out. She offered to locate it on her computer so the Planning Commission could re-adopt it with this approval. Commissioner Pettit stated that the issue had been raised and if it was in the original approval they needed to make sure it was not inadvertently left out.

Commissioner Pettit concurred with Commissioner Peek, given that the Planning Commission review was limited to three issues that were remanded back from the City Council. She agreed that based on the re-design of Building 3, the applicant has met the issues of concern regarding mitigation and compatibility. Commissioner Pettit also found that the other issues remanded back with respect to the final landscape plan and the Wild Land Interface regulations had been satisfactorily addressed. She also agreed that the added conditions of approval with respect to construction phasing met the intent of the City Council. Commissioner Pettit was inclined to vote in favor of the CUP.

Commissioner Hontz stated that considering the review constraints, she agreed with Commissioners Pettit and Peek. Commissioner Hontz stated that after reviewing her comments from March 10th, she was disappointed that the Planning Commission had not seen a new staging/phasing map that identified how this would occur on site with the buildout. She did not want time frames, but she felt this important piece of information would have met what she believed the Planning Commission was required to see as part of Condition #28 from the City Council. She thought it would have benefitted the applicant to think that through as well. Her disappointment aside, Commissioner Hontz was willing to make findings and vote in favor of this application.

Commissioner Luskin appreciated the efforts of the applicant to revised this project. While he has seen a lot of improvements, he echoed Commissioner Strachan's comments. Commissioner Luskin stated that he was still troubled by a previous issue that was not mentioned this evening, which was the use of Royal Street. He reiterated his previous concern that Royal Street is continuously terrorized by the use of big trucks. It is a common recreational street that has become extremely dangerous. He understood the difficulty of walking on Marsac with construction vehicles, but Marsac does not have the same type of recreational use. Commissioner Luskin requested that the Planning Commission further discuss the matter.

Commissioner Strachan clarified that his comments directly related to Building 3A.

Regarding the issue of Royal Street versus Marsac, Chair Wintzer felt it was a toss up because construction traffic coming off a mountain is dangerous anywhere. He understood Commissioner Luskin's concerns but it would be unfair to the residents to put a hundred percent of the traffic on Marsac.

Chair Wintzer appreciated the applicant's effort to improve Building 3 and the project. He thought the project was better than it was before it was remanded back from the City Council. He applauded the City Council for their decision. Chair Wintzer remarked that being the last one in the neighborhood is never easy and it is a difficult problem to solve. He sympathized with the neighbors, but this site was always anticipated to have this type of use. Chair Wintzer believed it was time to let the project move forward.

Commissioner Pettit stated that the Marsac residents already bear adverse impacts that are borne by that neighborhood. She felt that the building department had a better understanding to determine where the flow of construction vehicles should occur. Commissioner Pettit thought it was unfair for the Planning Commission to make that determination as a condition of approval.

Planner Cattan had drafted a condition of approval to address lock out units. "Lock out units have not been included within the current conditional use permit application. The addition of lock out units would be a substantial deviation from the current plan and must be approved by the Planning Commission." She clarified that she was unable to find the exact language but recollected that it was close to the wording drafted this evening.

Chair Wintzer clarified that lock outs would be allowed, but only with Planning Commission approval. Planner Cattan stated that the applicant would have to come back to the Planning Commission to request approval of lock out units.

Commissioner Strachan asked if a request for lockout units would open the CUP for re-review. Assistant City Attorney McLean replied that it would be an amendment to the CUP. Without an actual application, it was difficult to comment on the scope of review. Commissioner Strachan stated that if a lockout would change the use, it would be different from what the Planning Commission approved. Ms. McLean clarified out that the request would be to amend the use. Commissioner Strachan pointed out that the project would already be built. Ms. McLean replied that Planning Commission could deny the amendment if it did not meet the criteria.

Planner Cattan noted that the amendment would need to occur prior to building the units to create lock out units. Therefore, it would come back to the Planning Commission before it was built.

Commissioner Strachan pointed out that nothing in the Staff report prohibits lock out units. Ms. McLean stated that the condition of approval drafted by Planner Cattan states that lock out units cannot occur without coming back to the Planning Commission for an amendment to the CUP. If that occurred, the Planning Commission would evaluate it for the lock out units, but it would not re-open the entire project. The review would be limited to the scope of the lock out units and whether or not it met the criteria of the CUP.

Commissioner Pettit requested that Planner Cattan read the drafted condition again for the record. Planner Cattan read, "Lock out units have not been included within the current conditional use permit application. The addition of lock out units would be substantial deviation from the current plan and must be approved by the Planning Commission".

MOTION: Commissioner Pettit moved to APPROVE the North Silver Lake Lodges Conditional Use Permit in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval as amended with respect to adding Condition of Approval #19 as read into the record. Commissioner Luskin seconded the motion.

Commissioner Peek referred to Condition of Approval #17 and corrected "sight" to "site".

Commissioner Pettit amended her motion to include the spelling change in Condition #17.

VOTE: The motion passed 4-1. Commissioner Strachan voted against the motion.

Mr. Clyde informed Commissioner Hontz that they had heard her request. The final site plan was produced, but it was inadvertently left out of the package. He noted that Ron Ivie had reviewed the final plan.

Findings of Fact - North Silver Lake CUP

1. The subject property is at 7101 North Silver Lake Drive. This property is also known as Lot 2B of the North Silver Lake Subdivision.
2. The proposed development is located within the Deer Valley Master Plan Development.
3. Within the Deer Valley Master Plan, the North Silver Lake Subdivision Lot 2B is permitted a density of 54 residential units and 14,552 square feet of commercial and support space.
4. The applicant has applied for a conditional use permit for the development of 54 units located on Lot 2B of the North Silver Lake Subdivision. The applicant has included 5140 square feet of support commercial space within this application. The project consists of 16 detached condominium homes and four condominium buildings containing 38 condominium units. The remaining commercial units are not transferable.
5. The North Silver Lake Subdivision Lot 2B is 5.96 acres in area.
6. The Deer Valley Master Plan requires that all developments are subject to the conditions and requirements of the Park City Design Guidelines, the Deer Valley Design Guidelines, and the conditional use review of LMC Chapter 15-1-10.
7. The Deer Valley MPD determines densities on parcels as an apartment unit containing one bedroom or more shall constitute a dwelling unit and a hotel room or lodge room shall constitute one-half of a dwelling unit. The Deer Valley MPD does not limit the size of units constructed provided that following construction the parcel proposed to be developed contains a minimum of 60% open space and otherwise complies with MPD and all applicable zoning regulations.
8. Within the Deer Valley MPD development parcels exhibit there is a note for the NSL Subdivision Lot 2D Open Space stating, "This parcel has been platted as open space, with the open space applying to the open space requirement of Lot 2B." Lot 2D is 4.03 acres in size.
9. Within the original North Silver Lake Subdivision, the Bellemont subdivision was allowed to also utilize Lot 2B towards the 60% open space requirement. The Bellemont Subdivision utilized 1/4 acre of the Lot 2B parcel to comply with the open space

requirement.

10. The current application site plan contains 70.6% of open space on the site, including the remainder 3.78 acres of open space on Lot 2D.
11. The property is located in the Residential Development zoning district (RD) and complies with the Residential Development ordinance.
12. The property is within the Sensitive Lands Overlay Zone and complies with the Sensitive Lands Ordinance.
13. The height limit for Lot 2B was established at 45 feet within the Deer Valley Master Plan. The development complies with the established height limit utilizing the exception of five feet for a pitched roof.
14. The onsite parking requirements for the four stacked flat condominiums have decreased 25% in compliance with Section 15-3-7 of the Land Management Code. The Planning Commission supports a 25% reduction in the parking for the stacked flats within the development.

Conclusions of Law - North Silver Lake - CUP

1. The application is consistent with the Deer Valley Master Planned Development and the Park City Land Management Code, particularly section 15-1-10, Conditional Use Permits.
2. The use is compatible with surrounding structures in use, scale, mass and circulation.
3. The use is consistent with the Park City General Plan.
4. The effects of any difference in use or scale have been mitigated through careful planning.

Conditions of Approval - North Silver Lake - CUP

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. This plan must address mitigation for construction impacts of noise, vibration, and other mechanical factors affecting adjacent property owners. The Arborcare Temporary Tree and Plant Protection Plan dated April 2, 2009 must be included within the construction mitigation plan.
3. City Engineer review and approval of all appropriate grading, utility installation, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.

4. The Arborcare Temporary Tree and Plant Protection Plan dated April 2, 2009 must be adhered to. A member of the Planning Staff and Planning Commission will be invited to attend the pre-installation conference. Prior to operating any excavation machinery, all operators of any excavation machinery must sign off that they have read, understand, and will adhere to the Temporary Tree and Plant Protection plan.
5. A landscape plan is required with the building permit. The landscape plan must reflect the site plan and existing vegetation plan as reviewed and approved by the Planning Commission on April 28, 2010.
6. The developer shall mitigate the impacts of drainage. The post-development run-off must not exceed the pre-development run-off.
7. Fire Marshall review and approval of the final site layout for compliance with City standards is a condition precedent to building permit issuance. The proposed development shall comply with the regulations of the Urban Wild Land Interface Code. A thirty-foot defensible space will be mandatory around the project, limiting vegetation and mandating specific sprinklers by rating and location. The Fire Marshal must make findings of compliance with the Urban Wild Land Interface regulations prior to issuance of a building permit.
8. Approval of a sign plan is required prior to installation of any signs on the property.
9. Staff review and findings of compliance with the lighting regulations of LMC Section 15-5-5(l) are required prior to the issuance of an electrical permit.
10. This approval will expire April 28, 2011, 12 months from April 28, 2010, if no building permits are issued within the development. Continuing construction and validity of building permits is at the discretion of the Chief Building Official and Planning Director.
11. Approval is based on plans reviewed by the Planning Commission on April 28, 2010. Building permit plans must substantially comply with the reviewed and approved plans. Any substantial deviation from this plan must be reviewed by the Planning Commission.
12. The SWCA wildlife mitigation plan dated April 15, 2009 must be included within the construction mitigation plan and followed.
13. The two ADA units are to be platted as common space and cannot be separately rented without renting another unit.
14. The Sustainable Design Strategies created by Living Architecture as reviewed by the Planning Commission on April 28, 2010 must be adhered to within the building permit process. Any substantial deviation from this plan must be reviewed by the Planning Commission.

15. The final condominium plat for North Silver Lake Lot 2B may not exceed the square footage for common space, private space and commercial space as shown in the plans approved by the Planning Commission on April 28, 2010.
16. A bond shall be collected prior to issuance of a grading or building permit to cover the cost of the landscape plan as approved.
17. A phasing and bonding plan to ensure site restoration in conjunction with building phasing beyond a public improvement guarantee must be approved by the Building Department. The plan shall include re-vegetation for perimeter enhancement and screening into the project, soil capping for any new disturbance and previous disturbance of the site, and clean-up of all staging areas.
18. A bond shall be collected at the time of Conditional Use Permit Approval to ensure that the existing impacts of the site will be repaired at the time of CUP expiration or extension. The existing rock area of the site shall be capped with soil and re-vegetated and new landscaping along the perimeter entrance shall screen the view into the project. If a building permit is issued within one year, this bond shall be released.
19. Lock out units have not been included within the current conditional use permit application. The addition of lock out units would be substantial deviation from the current plan and must be approved by the Planning Commission.
2. 1150 Deer Valley Drive - Conditional Use Permit
(Application #PL-09-00858)

Planner Francisco Astorga reviewed the conditional use permit application for construction within the Frontage Protection Zone at 1150 Deer Valley Drive, Snow Country condos. The applicant wishes to build two parking spaces to their existing parking lot. Planner Astorga stated that this proposal resulted from an amendment to a record of survey that the Planning Commission heard in October 2009. At that time the Planning Commission agreed with the Staff recommendation of not supporting the plat amendment, because it would increase the degree of the existing non-compliance due to the lack of parking mandated by the LMC. During the October meeting, the Planning Commission recommended that the applicant consider other options to mitigate the non-compliance issue.

Planner Astorga reported that based on that direction, the applicant decided to build two new parking spaces. He presented a site plan of the plat and noted that the LMC prohibits construction in the 0-30 foot no-build zone. Any construction beyond 30 feet to the next 100 foot requires a conditional use permit. Planner Astorga remarked that the proposal to construct two parking spaces would decrease the level of non-compliance.

The Staff report contained the Staff analysis regarding the CUP criteria. The impacts were all mitigated as described by the criteria.

Planner Astorga noted that the next item on the agenda this evening would be the amendment

to the record of survey to convert the limited common area to private. The Staff recommended that the Planning Commission hold a public hearing and consider approving the conditional use permit based on the findings of fact, conclusions of law, and conditions of approval.

Commissioner Hontz understood that the two parking spaces were proposed within the bubbled red area on the site plan. Planner Astorga replied that this was correct. Commissioner Hontz thought parking already existed in that area. Planner Astorga replied that it was not a legal parking area. Security currently parks there illegally. Commissioner Hontz asked where the security personnel are supposed to park. Planner Astorga reviewed a 2009 aerial map to show issues that are currently out of compliance that would be addressed with this CUP application. Planner Astorga noted that a condition of approval with this CUP requires landscaping, which would bring the non-compliant gravel area into compliance. Commissioner Peek clarified that the condition of approval for landscaping was only for the gravel area and not the entire site. He pointed out that Condition of Approval #5 requires the applicant to submit a landscape plan for the entire site.

Chair Wintzer noted that the wording in the condition could be misinterpreted as landscaping for the entire project. He suggested that the language be revised to indicate the entire site on the east end of the parking lot.

Planner Astorga pointed out that the language was correct because the Staff wanted to see a landscape plan for the entire site. He explained that when the area was resurfaced, the work did not require a building permit.

Commissioner Pettit asked Planner Astorga to define what he meant by entire site. Planner Astorga reiterated that the Staff wanted to see the landscape plan for the entire site area, including the areas behind and between the buildings.

Chris Haynes, representing the applicant, reserved the right to respond to public comments.

Commissioner Pettit referred to a comment in the Staff report regarding a concern by one of the residents regarding snow storage. She asked if there was snow storage currently in the gravel area where the bobcat usually sits. Planner Astorga replied that as currently written, the LMC does not require the applicant to show the snow storage. The LMC only indicates that it must be 15% of the surface area. It can be part of the 20% landscaping requirement. Planner Astorga stated that he had done an analysis and found that there is approximately 24% of landscaping proposed. Therefore, they would meet the 15% required for snow storage. Those number were also verified with help from the City Engineer.

Chair Wintzer opened the public hearing.

Neal Krasnick, an owner at Snow Country, passed around handouts that he had prepared. Mr. Krasnick requested the opportunity to come back to the Planning Commission to discuss the information provided if they did not have time for that discussion this evening. Since he has the right to public input and he should be allowed to make his presentation. Mr. Krasnick believed

his material answered many of the questions the Commissioners had just asked.

Mr. Krasnick stated that the reasons for not paving the east end of the parking at 1150 Deer Valley was due to the lack of snow storage space. The HOA wants to use the area in front of the parking stalls for snow storage. Mr. Krasnick noted that the LMC requires 15% of the total area of the parking to be used for snow storage and it must be usable, readily accessible space. He noted that the owners are allowed to leave a vehicle parked in their private stall even if they are not living at the condo. The snow storage area in front of the parking stall is not usable and readily accessible. Mr. Krasnick stated that the HOA has no way to require the owners to move their car during a storm. He noted that this is a condominium project, not a shopping area or a bank, and vehicles are parked long term. It is erroneous to say there is snow storage in front of every car in that parking lot.

Mr. Krasnick noted that the LMC says the snow storage area should not be paved. He stated that the west side of the parking lot has large stones set in the ground as landscaping. That stone has been compacted down by plows and the bobcat over the years and it may not allow water to drain into the ground. He believes that snow is stored on landscaping so the water drains into the ground and does not create runoff. Mr. Krasnick noted that the Planners want a detailed landscaping plan because the exact ratio of paved to non-paved area is not clear. He disagreed that there was the needed 15% of snow storage surface. Issues regarding the fire plug, the main water shutoff, and water meter needs to be resolved.

Mr. Krasnick stated that LMC Section 15-3-3-36 requires that the landscape perimeter should be able to accommodate snow storage. He believed this section addressed the north side of the parking lot, and that would become apparent in the detailed landscaping plan, if it includes grading. He pointed out that an 8-1/2 foot wide area between the public sidewalk and Deer Valley Drive and the parking lot slopes down hill to the sidewalk. If they push snow onto that area, they would be pushing snow on to the sidewalk at Deer Valley Drive. He did not believe the City would allow that. Mr. Krasnick stated that if that area, the stone area on the west side, and the areas in front of the cars cannot be used for snow storage, there would be even less snow storage if the area on the east side is paved. That area has been historically grandfathered as snow storage.

Mr. Krasnick outlined additional non-compatibility issues with the parking lot as it currently exists. He noted that even though a building permit was not required for the flat work, they still had to adhere to the Land Management Code. The entire parking lot that was finished in 2006 did not have compatible lighting. The lights are flood lights on the buildings. There are no islands to break up the parking lot.

Chair Wintzer requested that Mr. Krasnick direct his comments to the two parking spaces at the end.

Mr. Krasnick reiterated that the two parking spaces proposed on the end would eliminate the snow storage. Most of the area is not accessible and usable and it is not allowed by the LMC. Mr. Krasnick noted that the owners wanted to sell the laundry room. They needed an approval from the HOA to take it out of the common area, but the homeowners voted it down. They now

want to make it into a rental, but they still want to sell it. The CC&Rs prohibit that. The owners cannot change the plat. If the Planning Commission allows them to take the laundry room off the site map and the plat, that would be in direct conflict with the Utah Condominium Act.

Chair Wintzer reiterated his request to focus comments on the two parking spaces.

Mr. Krasnick stated that if it is true that there is not enough snow storage, the owners would be taking away their snow storage area by adding parking stalls. The parking stalls are not needed. Mr. Krasnick believed the applicants had misrepresented themselves to Planner Astorga, the management company and the owners, as to how they intend to use those two parking stalls. He had provided a letter that was sent to the HOA indicating that they needed to park more maintenance vehicles. He noted that they have five guest stalls and four rental stalls that could be signed for maintenance parking. Mr. Krasnick believed that maintenance parking was a false reason and that the owners only want the ability to sell the laundry room.

Chair Wintzer closed the public hearing.

Commissioner Pettit was still concerned about the snow storage issue and preferred to see additional analysis. Planner Astorga offered to come back with additional analysis. He had done some quick math and determined that the applicants would need 3600 square feet of snow storage to meet the 15% requirements. He reviewed the site plan to show areas where snow storage might be appropriate to gain the 3600 square feet. He asked if the Planning Commission was comfortable amending the condition of approval to address that issue, or if they preferred to see the exact numbers at a future meeting.

Commissioner Pettit felt it was important to see the exact calculations before making a decision. The Planning Commission needs to be satisfied that it complies with the snow storage requirements and that the addition of the two parking spaces would not create additional issues or problems. Chair Wintzer agreed. Without a plan he did not believe the Planning Commission was ready to move forward.

Commissioner Hontz stated that over the past few years the landscaping that has been put in and the overall aesthetics of the parking area that would not have been allowed under the current Code, has improved greatly. She drives by this area often and it is very visible. Commissioner Hontz was greatly concerned that constructing two parking spaces would increase the pressures that already exist on this site from parking, snow storage, and the view shed. Commissioner Hontz stated that she would not approve dumping of snow to increase the berm on the front side between Deer Valley Drive and the throwing of snow back and forth from the parking lot to Deer Valley Drive. In looking at the site plan, she believed there were very few places in this developed area where they could place snow. They already see the impacts from this parking lot and the development flowing over into the Park and she would not want those pressures increased at all.

Chris Haynes, representing the applicant, stated that basically no matter what they do at Snow Country they will never make anyone happy. First of all, the City does not want them to add

spaces because Park City is trying to be environmentally friendly. However, even though they have five visitor spaces and four rental spaces, they do not have the required parking to make the laundry room a one-bedroom complex. Ms. Haynes stated that she cannot win regardless of what she does. She has met with Planner Astorga day after day trying to do exactly what she was advised to do. She also met with Ron Ivie and he told her what she had to do to be ADA compliant. Ms. Haynes pointed out that the two parking spaces are the beginning of their ADA plan. It was never intended for maintenance parking. If she cannot add parking spaces, she no longer has an ADA plan. Ms. Haynes stated that every time she tries to comply she is continually told no. She asked if she was hearing no again.

Chair Wintzer clarified that the Planning Commission was not saying no. They were only asking for a plan so they could see what she was proposing to do and where she planned to store the snow. Once they have that information, the Planning Commission would vote on whether to approve or deny.

Ms. Haynes stated that if the triangle is taken away, she would never be able to comply, even with a landscape plan.

Brandon Bertagnole stated that snow is trucked out and there is snow storage along the north side of the building. He noted that the parking lot went through the Planning Department. He has worked with Jeff Schoenbacher on the landscape plan and the plan has been submitted.

Ms. Haynes asked the Planning Commission to outline anything else they would like to see for the next meeting so everything can be addressed at one time.

Chair Wintzer stated that the Planning Commission had made their request to see the site plan to confirm that there is 15% snow storage. There would be no further discussion until that time. He clarified that the Planning Commission would continue this item to the next meeting.

Commissioner Pettit explained to Ms. Haynes that the Planning Commission needed the necessary information to make an informed decision.

Planner Astorga summarized that the Planning Commission was requesting the snow storage plan, which would indicate the exact amount of snow storage needed and where it would be accommodated. They also wanted to see the landscape plan to see what was being proposed around that area and how it ties in to the existing landscaping. They also wanted information regarding the discussion with Ron Ivie concerning the plan for ADA compliance and how the two parking spaces fit into that ADA plan. Commissioner Pettit felt it was important for the Planning Commission to understand the discussions with Ron Ivie and what agreements were reached. It is also important for the Planning Commission to review the landscape plan to make certain that whatever they might approve would not create future issues for the residents and for people in the adjacent parking lot who access the sidewalk along Deer Valley Drive.

Commissioner Peek asked if the soils issue would be addressed. Planner Astorga stated that the Staff only raised the issue to require the applicant to landscape around it. Currently it does not comply and needs to be capped or paved.

Mr. Bertagnole stated that it has been capped and Jeff Schoenbacher tested it.

Commissioner Pettit pointed out that Planner Astorga should draft a finding of fact that ties in with Condition of Approval #1 once he confirms that the capping work was done.

MOTION: Commissioner Pettit moved to CONTINUE the CUP application for construction in the Frontage Protection Zone at 1150 Deer Valley Drive to May 12, 2010. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

3. 1150 Deer Valley Drive - Amendment to Record of Survey
(Application #PL-10-00768)

Planner Astorga noted that this application was based on the CUP application for 1150 Deer Valley Drive. He asked if the Planning Commission had issues to address concerning the amendment to the record of survey converting the laundry limited common area to private.

Mr. Bertagnole remarked that the unit would still remain common space and would be used as a manager/maintenance unit for the purpose of the HOA. Planner Astorga pointed out that if that is the case, they would only be amending the plat to remove the word "laundry".

Assistant City Attorney McLean stated that in order to use the unit as an apartment, the parking would still be required. She recalled that it was indicated as private area on the plat that was submitted. Ms. McLean stated that if the applicant is saying it would be common area, they would need to meet with the Staff to discuss the requirements.

Ms. McLean suggested that the Planning Commission open the public hearing and continue this item to May 12th to allow the applicants time to provide additional information if necessary. She would attend the meeting with the applicants and Planner Astorga so she can address the change and understand exactly what would occur.

Mr. Bertagnole pointed out that there is a parking space currently designated for this unit.

Chair Wintzer opened the public hearing.

Neal Krasnick, an owner at 1150 Deer Valley Drive, read from the LMC and noted that the owners are not allowed to run a business on site. He stated that the Planning Commission was informed that this was built as a one-bedroom unit, but that is not true. When the CC&Rs were drafted, it was identified as a laundry room, which is why the plat shows it as a laundry room. It had electrical and waste water management for a laundry room. The owners have since removed that equipment and installed a new water heater and a furnace and windows. However, they have not upgraded to the 2010 Building Code requirements for electrical and plumbing. The owners were implying that they could transform the unit into a one bedroom condo by putting in a bed and furniture, but that is not true because the unit has not been updated. Mr. Krasnick provided the page from the CC&Rs that prohibits the change in use according to the Utah Condominium Act. If the Planning Commission votes to approve this

amendment and allows them to pull a building permit, they would be helping the owners violate the Utah Condominium plat. Mr. Krasnick stated that when he sat on the HOA Board, profits from the laundry room were used to pay water and electric bills for all the common areas.

Mr. Krasnick noted that the owners claimed the area was full of cockroaches and mold, but the pest control people have said that cockroaches were not the reason the laundry room was shut down. The owners just wanted to change the use. Mr. Krasnick stated that it is common area and he purchased that area when purchased his condominium. He did not believe it was right for the owners to take that space for something else. Mr. Krasnick stated that an on-site manager would not work. He believed the purpose of the manager would be taking care of business for those who want to do nightly rentals. They are not allowed to run a business from that site per the CC&Rs and the Utah Condominium Act.

Chair Wintzer closed the public hearing.

Ms. Haynes stated that at one time the laundry room was viable and making money, but people eventually put washers and dryers in their private storage area. Over time it was an amenity that was no longer used. Ms. Haynes disagreed with Mr. Krasnick's comments. She has spoken with the owners and they all agree that the laundry room is an unsafe liability.

Commissioner Pettit asked the Assistant City Attorney for the standard review for a request of this nature, since the Planning Commission does not enforce CC&Rs or mediate disputes between a homeowner and the HOA. Assistant City Attorney McLean stated that the review would be similar to any condo plat. Since this was an unusual issue, she preferred to consider the matter and provide better direction at the next meeting.

MOTION: Commissioner Pettit moved to CONTINUE the Snow Country Condominium Administrative Amendments to the Record of Survey to May 12, 2010. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

4. Lot B of Northside Village Subdivision II, Nakoma - Amendment to Record of Survey (Application #PL-10-00898)

Planner Brooks Robinson reviewed the application for the First Amendment to the Amended and Restated record of survey plat for the Nakoma Condominiums. This project is in Empire Pass. The conditions of the original plat created what looked like a lot. One of the conditions stated that once the buildings were complete the applicant would come back to replat. This process tracks the number of actual units as well as the total square footage.

Planner Robinson noted that nine units were going through the process with this particular amended plat. There are a total of 18 units in the Nakoma project.

The Staff recommended that the Planning Commission forward a positive recommendation to the City Council for this condominium plat based on the findings of fact, conclusions of law and

conditions of approval in the draft ordinance.

Chair Wintzer opened the public hearing.

There was no comment.

Chair Wintzer closed the public hearing.

MOTION: Commissioner Peek moved to forward a POSITIVE recommendation for the condominium plat for the Nakoma Condominiums First Amendment to the Amended and Re-stated Nakoma Condominiums plat, based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - Nakoma Condominiums

1. The property is located at 8800 Marsac Avenue.
2. The Nakoma Condominiums are located in the RD-MPD zoning district.
3. The City Council approved the Flagstaff Mountain Development Agreement/Annexation Resolution 99-30 on June 24, 1999. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum densities, location of densities, and developer-offered amenities.
4. On September 11, 2002, the Planning Commission approved a Master Planned Development for the Flagstaff Mountain Resort II (Pod B-1).
5. The approved Flagstaff Mountain Resort Phase II MPD includes a maximum density assignment and conceptual site design for eighteen (18) detached single family units utilizing not more than 27 Unit Equivalents on Northside Village Subdivision II, Lot B.
6. The Planning Commission approved an MPD amendment to Lot B on October 27, 2004, in which the UE count on Lot B increased from 27 to 45, while maintaining the same footprint and maximum house size requirements as previously approved.
7. The Planning Commission approved a second amendment to the Nakoma Master Planned Development on April 23, 2008. That amendment allowed for the combination of units 17 and 18 into a single unit of 7,500 square feet and further allowed the distribution of the square to the other un-built units. Unites 1-16 still have a maximum footprint of 3,000 square feet while Unit 17 (combined unit) is allowed a maximum footprint of 5,000 square feet. The total Unit Equivalent count remained unchanged and cannot exceed 45 Ues (90,000 square feet).

8. On April 23, 2008, the Planning Commission approved the third amendment to the MPD to remove the 5,000 square foot cap on the total square footage of each unit while maintaining the total square footage cap for the project (45 Unit Equivalents or 90,000 square feet of total square footage). That amendment would allow for variations in size from 4,300 to 5,750 square feet and also maintain the cap of 3,000 square feet on the footprint. The approved maximum building footprint for the units 1-16 detached single-family units on Northside Village Subdivision II, Lot B, is 3,000 square feet with a maximum house size between 4,300 square feet and 5,750 square feet (whether considered a Basement or Floor Area by LMC definition). An additional 600 square feet is allowed for a garage.
9. Unit 17 may be up to 7,500 square feet of floor area (again, whether basement or floor area as defined by the LMC) with a footprint not to exceed 5,000 square feet.
10. On November 11, 2009, the Planning Commission approved a Fourth Amendment to the MPD. The Fourth Amended MPD allows the following:
 - Units 1 and 2 combined into a duplex configuration, maximum footprint of 6,000 square feet.
 - Unit 17 (previously combined with Unit 18 into one larger unit) with an option to become a duplex, returning the unit count back to 18. As a duplex, footprint increases from 5,000 square feet to 6,000 square feet.
 - Reduce minimum unit size from 4,300 to 4,000 square feet.
 - Maintain maximum unit size at 5,750 square feet (except if unit 18 is not constructed as a duplex with unit 17 and 17 can be 7,500 sf).
 - Maximum cap of 45 Unit Equivalents remain.
11. The proposed amended record of survey is consistent with the approved and amended Master Planned Development for the Flagstaff Mountain Resort Phase II and the previous record of survey plats requiring a replatting of the units.
12. Two parking spaces are required for each unit.
13. Each building is required to conform to the 28+5 foot height requirement of the RD Zone.
14. Each building meets or exceeds the required setbacks of the RD zone.
15. Each unit has a garage less than 600 square feet.
16. The Total Unit Equivalents consumed in these eight units are 20.7 Ues.

Conclusions of Law - Nakoma Condominiums

1. There is good cause for this amended record of survey.
2. The amended record of survey is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.

3. Neither the public nor any person will be materially injured by the proposed amended record of survey.
4. Approval of the amended record of survey, subject to the conditions state below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval - Nakoma Condominiums

1. The City Attorney and City Engineer will review and approve the final form and content of the amended record of survey 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 amended record of survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. All conditions of approval of the Flagstaff Mountain Resort Phase II (Pod B-1) Master Planned Development, as amended, and the Northside Village Subdivision II plat shall continue to apply.
5. 692 Main Street, Town Lift Project, Phase 1 - Pre Master Planned Development (Application #PL-10-00928)

Due to a conflict, Commissioner Pettit recused herself and left the room.

Planner Robinson reported that the application for 692 Main Street was part of the Marriott Summit Watch Town Lift master planned development. The building has been used by the Marriott Corporation as a sales gallery for the Summit Watch project. The building has subsequently been for sale. The contract purchaser was represented this evening by Kevin Horn, the architect and Mr. David Luber with LCC properties.

Planner Robinson reported that the original Town Lift concept included McIntosh Mill, the Sweeney Brothers and what became the Caledonia Hotel and the Town Lift as part of the Sweeney project and Treasure Hill. Through the early discussions, Main Street did not extend past Heber Avenue and there were discussions on elements that might apply to one side of Main Street but not required on the other. Planner Robinson stated that the City Council adopted a concept plan that bifurcated the agreement between the McIntosh Mill Partnership and the Sweeney Brothers and their partnership. Therefore, each party acted independently to comply with the 1991 concept plan.

Planner Robinson noted that in April 1992 the Planning Commission approved a small scale MPD, which became the Town Lift Phase I and included Buildings A1-A3. Building A-1 was 692 Main Street. Buildings A-2 and A-3 became part of the Marriott Summit Watch Project. In 1994 a building permit had been issued and the project at 692 Main was under construction. An amended concept plan was proposed and approved, at which time Marriott took over the

project. Building A-1 was constructed and what was reflected in the 1994 Concept plan was a 7200 square foot commercial building. The actual building is slightly less.

Planner Robinson stated that throughout that project, there were requirements for a Town Lift Design Review task force to review all the buildings in the project. The Task Force was comprised of members from the Historic District Commission, members of the Planning Commission and one City Council member. The Task Force was reconstituted with the Town Lift Bridge several years later.

Planner Robinson presented plans of the existing building and explained the proposed changes for a minor addition. The applicant was requesting to modify the building by adding to the 2nd story balcony and enclosing the space underneath. The modification would add 549 square feet to the building for a total of 7,105 net leasable square feet. The footprint of the building would remain the same except for the minor addition and enclosure under the deck facing Main Street.

Planner Robinson stated that the question was whether to reconstitute the Design Review Task Force in some manner, and whether that would be under the current process. Currently, any historic design review goes through the Staff Design Review Team and any appeal of that decision would go to the Historic Preservation Board. Another option would be to reconstitute the Task Force with members from the HPB, the Planning Commission and the City Council.

Planner Robinson stated that in addition to the minor addition, the applicant was proposing a major addition and a remodel which would include adding additional floors to the building, keeping under the height requirement of the LMC and the MPD. The use would be a mixed use of residential and commercial, which was contemplated in the earlier concept plan. Planner Robinson asked if the Planning Commission would want to recommend a Design Review Task Force for this phase, and in what manner.

Planner Robinson reviewed three questions on Page 195 of the Staff report for the Planning Commission to consider. The first was whether the Task Force should be comprised of the HPB. He amended that to replace HPB with the current Staff Design Team. The second question asked if the composition of the Task Force should include other members. The third question was whether an amendment to the 1991 Concept Plan be should be referred to the City Council to remove the requirement that Design Review go before the Historic Board.

Planner Robinson clarified that the application was a pre-master planned development and the Staff requested general consensus from the Planning Commission as to compliance with the General Plan.

David Luber, representing the applicant, stated that for the last several months they have worked diligently with the Staff and the Legal Department to research the history of the project back to 1992, when it was first developed by McIntosh Mill. What they learned was that the original density and configuration of buildings goes back to the 1992 MPD. Building A-1 has not had much use over the past year. They are looking at this as a reclamation project and would like to do something productive for the tax base and the user base.

Mr. Luber clarified that they do not intend to change the footprint of the existing building. The original MPD from 1992 was a mixed use of commercial and residential. In 1994 the Marriott took over this project and changed the use to a commercial sales office. An amendment was approved in 1994 and the building was turned into approximately 7200 square feet of net leasable space.

Mr. Luber stated that the applicant would like to return the building back to its original intended purpose of commercial and residential use. He pointed out that their proposal would not increase the density, they are using the existing footprint, the setbacks would remain the same, and there would be no changes to the open space. There would be no on-street parking issues because the users of the property are confined on site.

Mr. Luber requested feedback from the Planning Commission in terms of how complex or easy the MPD process would be, based on an application for an amendment to the 1994 plan to allow reconfiguration.

Mr. Luber stated that under the original 1992 and 1994 plans, design review of this project was done by the Design Review Task Force. At that time there was not a functioning Staff and functioning Historic Design Review process. Mr. Luber asked the Planning Commission whether the design review could be handled in a process with the City Staff and the existing HPB, rather than reconstituting the Task Force.

Mr. Luber requested direction from the Planning Commission regarding the MPD process. Kevin Horn, the project architect, reviewed the proposed modifications. Chair Wintzer opened the public hearing.

There was no comment.

Chair Wintzer closed the public hearing.

Commissioner Peek asked if there was a way to enhance the pedestrian plaza on 7th Street and generate pedestrian traffic on that side of the building to draw people into that plaza. He noted that the plaza is currently under utilized. Mr. Luber replied that the building has been significantly under utilized. It is intended to be as significant as the Ski Lodge Club and the members entrance would draw foot traffic to that area. Mr. Luber noted that the applicants have discussed ways to better utilize that area.

Chair Wintzer asked if this would be a private club or open to the public. Mr. Luber stated that the intent is to have a members private ski club/public restaurant and lounge. Mr. Luber remarked that the intent is to provide something that is not available on the hill at Park City Mountain Resort.

Commissioner Peek asked if there would be a sales component to the use similar to the Talisker Restaurant. Mr. Luber replied that there would be a modest sales element.

Commissioner Strachan recalled an ordinance prohibiting first floor members dining clubs.

Chair Wintzer clarified that his questions were based on that ordinance, but he was unsure where the ordinance stops. Planner Robinson explained that it is commonly called a vertical zoning ordinance and it would include this building. The ordinance prohibits office space, non-retail space, restaurant space such as what is being proposed, or a club grille.

Mr. Luber remarked that they were trying to multi-task and find the best uses for the building.

Commissioner Strachan liked the concept, particularly the idea of having a store on Main Street. That type of store is no where to be found and it is totally essential. Mr. Luber clarified that the market would be open to the public.

The Commissioners discussed the purpose of the Design Review Task Force. Chair Wintzer explained that the Task Force was set up because of the controversy of the project, not because the Staff was unable to handle the job. It was a way to ensure the public that they would have the ability to provide input. Assistant City Attorney McLean thought the Staff report clearly laid out the options for the Planning Commission to consider. She noted that the 1991 Concept Plan specifically designated the Historic District Commission as the design task force. All the documents subsequent to that were all the buildings plans to be reviewed by that task force.

Commissioner Strachan clarified that the HDC is now the HPB. Ms. McLean replied that this was correct.

Chair Wintzer asked if the Planning Commission had the ability to circumvent the requirements of the 1991 Concept Plan. Ms. McLean explained that the Planning Commission could either re-affirm the HPB as the Task Force, or they could refer this to the City Council to and recommend that the Council amend the 1991 Concept Plan so the review could just go to the Staff and no longer need to go to the HPB. Another option would be to recommend that the City Council reconvene the Task Force but include other members with the HPB.

Commissioner Strachan felt the question was whether the Planning Commission should solve the problem now so the Task Force would not need to be reconvened each time there is an issue. The Planning Commission could recommend that the City Council remove the requirement for a Task Force and allow the applicants to go through the Staff Design Review Team.

Commissioner Peek remarked that remodels of existing buildings should not rise to the standards of a Design Review Task Force. He believed it should go to the City Council for policy direction on whether the Design Review Task Force is still enforced on all applications.

Commissioner Strachan agreed. Commissioner Hontz was comfortable with reviewing the MPD and eliminating the task force.

Assistant City Attorney McLean remarked that just for the minor remodel, the Staff interpreted that as only needing approval by either the task force or another type of design review. That would not be part of the MPD. The major addition of adding stories would be part of the MPD

because it would substantially change the building. The Planning Commission has the purview to determine that filling in the balcony is also a substantial change and it should also be part of the MPD. The Staff opinion was that it was minor enough not to require opening the MPD.

Commissioner Strachan thought that was reasonable. Commissioner Peek noted that the minor addition falls under the HDDR and would still be reviewed by Staff.

Mr. Luber was unclear on what the Planning Commission would recommend to the City Council. Assistant City Attorney McLean stated that the Planning Commission would recommend to the City Council that the 1991 Concept Plan be amended. Therefore, instead of this being referred to the HPB, it would be referred to Staff for design review and the task force need not be convened. Because the 1991 Concept Plan was passed by the City Council, they would need to make that determination.

Ms. McLean clarified that the applicant would need to wait until the City Council makes their determination before moving forward with review of the minor addition. The proposal for additional stories would require an MPD.

Mr. Luber asked for a general nos from the Planning Commission as to whether they would look favorably on their proposal if it comes back as an MPD application. Commissioner Peek felt it was headed in the right direction. The Commissioners concurred. Planner Robinson noted that typically in pre-MPD meetings they look for general compliance with the General Plan.

MOTION: Commissioner Strachan made a motion to forward a POSITIVE recommendation to the City Council that the 1991 Concept Plan be amended to remove the requirement that the design review go before the Historic Board, as outlined on Page 195 of the Staff report. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously. Commissioner Pettit was recused.

The Park City Planning Commission meeting adjourned at 10:15 p.m.

Approved by Planning Commission _____

REGULAR AGENDA

Planning Commission Staff Report



Subject: Habitat for Humanity
Author: Francisco Astorga
Project Number: PL-08-00430
Date: May 12, 2010
Type of Item: Administrative – Steep Slope Conditional Use Permit

Summary Recommendations

Staffs recommends the Planning Commission review the request for a Steep Slope Conditional Use Permit at 154 & 156 Marsac Avenue, hold a public hearing, and consider approving the request according to the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the staff report.

Description

Applicant: Habitat for Humanity represented by Katherine Lofft, Bo Pitkin, and Andy Cusimano
Location: 154 & 156 Marsac Avenue
Zoning: Historic Residential (HR-1) District
Adjacent Land Uses: Residential single-family dwellings
Reason for Review: Steep Slope Conditional Use Permits require Planning Commission review and approval

Background

On July 1, 2008 the City received an application for the Habitat for Humanity Steep Slope Conditional Use Permit (CUP). The application was deemed complete on October 15, 2008. The property is located at 154 & 156 Marsac Avenue in the Historic Residential (HR-1) District. The site is currently vacant and is located on the southeast corner of Marsac and Ontario Avenues in Old Town, known as the “Pechnik Parcels.”

The Park City Redevelopment Agency currently owns the site. The City entered into an agreement with Habitat for Humanity (HFH) to donate the site to them so they could build two (2) single family-dwellings as affordable housing units. The land transfer is contingent upon HFH receiving all necessary City approvals. HFH is a non-profit organization dedicated to providing decent, affordable housing for working members of the community.

In June 2008, the Habitat Replat plat amendment application was reviewed and approved by the City Council. The approved plat amendment combined portions of the Pechnik parcels on Block 52 of the Park City Survey, a portion of Marsac Avenue (street vacation), and two (2) parcels of the Millsite Reservation into three (3) lots of record. Lot 1 and 2 will be utilized for the purpose of creating two (2) single-family affordable housing units, while Lot 3 will be dedicated to Park City as open space.

The applicant was not able to record the plat amendment within a year from the time it was approved. The applicant requested a plat amendment extension prior to the expiration date. In February 2010, the City Council approved the one year extension from the original expiration date, which it currently is June 12, 2010.

The applicant wishes to build two (2) single family-dwellings within the Habitat Replat Subdivision. The first structure is proposed on Lot 1, 154 Marsac Avenue, which is 3,787 square feet in size. The second structure is proposed on Lot 2, 156 Marsac Avenue, which is 3,145 square feet in size. Both lots contain areas of existing slope that exceed 30%. Lot 1 has an overall slope of 45% while Lot 2 has an overall slope of 48%. A Conditional Use Permit is required for any structure in excess of 1,000 square feet if said structure is and/or access is located upon any existing slope of 30% or greater. The proposed building square footage of each of the structures is 1,620. The proposed footprints are 600 square feet.

In conjunction to this Steep Slope CUP application submitted in July 2008, the Planning Department also received a Historic District Design Review application from the applicant relating to compliance with the adopted Historic District Design Guidelines (1983). In pursuit of compliance with the Land Management Code (LMC) regarding this application and the Historic District Design Guidelines the applicant has updated their design several times. They have re-submitted changes to their initial plans as requested by Staff in September 2008, September 2009, February 2010, and April 2010.

Analysis

Historic Residential District

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

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

On April 9, 2009, the City Council adopted an ordinance which made amendments to the Park City LMC 54th Edition, revised October 2007. The ordinance amended the building height parameters and steep slope criteria. The initial public hearing introducing the proposed amendments for the steep slope ordinance language for the historic districts in the LMC was held on October 22, 2008. Because this application was deemed complete prior to the initial public hearing introducing the proposed LMC

amendments, the criteria utilized for this project are those stated in the Code prior to the adoption of the April 2009 amendments.

The applicant proposes two (2) single-family dwellings at 154 & 156 Marsac Avenue, HR-1 District. If approved, two (2) structures of 1,640 square feet will be built. Staff has reviewed the proposed design and made the following LMC related findings:

Requirement	LMC Requirement	Proposed
Lot size	1,875 square feet, <u>min.</u> (for a single family dwelling)	Lot 1 - 3,787 square feet, <u>complies</u> Lot 2 - 3,145 square feet, <u>complies</u>
Building footprint	Lot 1 - 1,531 square feet, <u>max.</u> Lot 2 - 1,318 square feet, <u>max.</u>	Lot 1 - 600 square feet, <u>complies</u> Lot 2 - 600 square feet, <u>complies</u>
Front/rear setbacks	Lot 1 - 12 feet, <u>min.</u> 25 feet, <u>total</u> Lot 2 - 10 feet, <u>min.</u> 20 feet, <u>total</u>	Lot 1 - 12 feet (front), 33 feet (rear), <u>complies</u> Lot 2 - 10 feet (front), 13 feet (rear), <u>complies</u>
Side setbacks	5 feet, <u>min.</u> 14 feet, <u>total</u>	Lot 1 - 9 & 27 feet, <u>complies</u> Lot 2 - 5 & 14 feet, <u>complies</u>
Height	27 feet above existing grade, <u>max.</u> 27 feet above final grade around the perimeter, <u>max.</u>	31 feet above existing grade (both structures), <u>see criteria 10 below.</u> Various heights around the perimeter all under 27 feet, <u>complies</u>
Parking	2 spaces per dwelling unit, <u>min.</u>	2 spaces per dwelling unit, <u>complies</u>

Section 15-2.2-6 of the LMC (54th Edition, revised October 2007) provides for development on steep sloping lots in excess of one thousand square feet (1,000 sq. ft.) within the HR-1 District, subject to the following criteria:

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

Both sites have a consistent slope throughout each lot. Lot 1 has an overall slope of 45% while Lot 2 has an overall slope of 48%. Both lots start with a gentle slope towards the front which gets gradually steeper towards the rear. The first 45 feet of both lots contain approximately a 33% slope. The rear 45 feet of both lots contains slopes that are approximately 57% to 67%.

Staff finds that the proposed building pad has been sited so as to place as much of the building bulk away from the rear steeper slopes. The structure on Lot 1 will have approximately 120 square feet of floor area on the steeper slopes towards the rear. The structure on Lot 2 will have approximately 60 square feet of floor area on the steeper slopes towards the rear. Staff finds that the proposed design is consistent in size and

scale to the structures within Old Town. The building has been sited to place much of the bulk of the structure away from the steeper slopes near the rear.

Criteria 2: Visual Analysis. The Applicant must provide the Planning Department with a visual analysis of the project from key vantage points to determine the potential impacts of the proposed Access, and Building mass and design; and to identify the potential for Screening, Slope stabilization, erosion mitigation, vegetation protection, and other design opportunities. **No unmitigated impacts**

The proposed buildings are in an area of Marsac and Ontario Avenue where there is not much immediate development. The proposed structure is not visible from any of the LMC mandated vantage points. Due to the small size of the proposed structures staff finds that the proposed design is compatible with Old Town structures.

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

The proposed design consists of each structure having a twelve foot (12') wide by eighteen foot (18') long driveway accessing a one-car garage each on the front facade off Marsac Avenue. The structures were designed to accommodate a legal parking area within the garage and another on the driveway accessing the garage. Staff finds that because the proposed driveway and garage grading, the natural topography is minimized and the overall building scale is being reduced, and impacts of the access points and driveways are mitigated. A construction mitigation plan will be required where the applicant defines all parking/traffic impacts of the development during construction.

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

The lot has a relatively gentle slope at the front becoming steeper towards the rear. The only retaining walls being proposed are located towards the rear of the structures. Both walls will create a terrace for a patio which will be accessed from the rear of the third story. The retaining walls will not exceed four feet (4') in height.

Criteria 5: Building Location. Building, Access, and infrastructure must be located to minimize cut and fill that would alter the perceived natural topography of the Site. The Site design and Building Footprint must coordinate with adjacent properties to maximize opportunities for open Areas and preservation of natural vegetation, to minimize driveway and Parking Areas, and to provide variation of the Front Yard. **No unmitigated impacts**

The buildings are proposed on lots that are steep in the rear with a less steep slope towards the front. Staff finds that most of the buildings have been located in the area

with the least amount of steeper slopes and therefore the retaining has been minimized as the perceived natural topography has not been altered. Access has been located directly from Marsac Avenue. The utilities are available from the street and will require a limited amount of grading.

Criteria 6: Building Form and Scale. Where Building masses orient against the Lot's existing contours, the Structures must be stepped with the Grade and broken into a series of individual smaller components that are Compatible with the District. Low profile Buildings that orient with existing contours are strongly encouraged. The garage must be subordinate in design to the main Building. In order to decrease the perceived bulk of the Main Building, the Planning Director and/or Planning Commission may require a garage separate from the main structure or no garage. **No unmitigated impacts**

The primary roofline and mass of both structures runs perpendicular to Marsac Avenue which is very typical of historic structures throughout Old Town. Due to the size of the proposed structures staff finds the design compatible. The porch element on the front façade breaks up the building form and scale into a smaller front porch and deck component.

Criteria 7: Setbacks. The Planning Department and/or Planning Commission may require an increase in one or more Setbacks to minimize the creation of a "wall effect" along the Street Front and/or Rear Lot Line. The Setback variation will be a function of the Site constraints, proposed Building scale, and Setbacks on adjacent Structures. **No unmitigated impacts**

The structures meet and exceed all minimum setbacks. The structure on lot 1 has a twelve foot front setback while the structure on lot 2 has a ten foot setback. This change in setbacks minimizes the creation of the wall effect.

Criteria 8: Dwelling Volume. The maximum volume of any Structure is a function of the Lot size, Building Height, Setbacks, and provisions set forth in the LMC Chapter 2.2. The Planning Department and/or Planning Commission may further limit the volume of a proposed Structure to minimize its visual mass and/or to mitigate difference in scale between a proposed structure and existing structures. **No unmitigated impacts**

The proposed structures meet the minimum setbacks and footprint requirements for a single family dwelling in the HR-1 District. The footprint of the structure on lot 1 is 39% of the maximum footprint allowed in a lot this size while the footprint of the structure on lot 2 is 45% of the maximum.

Criteria 9: Building Height (Steep Slope). The maximum Building Height in the HR-1 District is twenty-seven feet (27'). The Planning Department and/or Planning Commission may require a reduction in Building Height for all, or portions, of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale

between a proposed Structure and existing residential structures. **Height Exception is requested.**

Criteria 10: Height Exceptions (Steep Slope). The Planning Department and/or Planning Commission may grant a Building Height exception for a portion or portions of a proposed Structure if the Applicant proves compliance with each of the following criteria:

(a) The height exception does not result in a height in excess of forty feet (40'). The applicant is requesting a four foot (4') height exception for both structures from the maximum building height of 27 feet. **Complies**

(b) The proposed Building includes horizontal and vertical step backs to achieve increased Building articulation and Compatibility. The Planning Commission may refer the proposal to the Historic Preservation Board, prior to taking action, for a recommendation on the extent to which the proposed articulation and design are consistent with the Historic District Design Guidelines. The design of the two (2) structures incorporates a break in the front façade which increases building articulation. The design is consistent with the Historic District Design Guidelines. The primary roofline and mass of the buildings run perpendicular to Marsac Avenue. **Complies**

(c) The proposed design and articulation of the Building mass mitigates the project's visual impacts and differences in scale between the proposed Structure and nearby residential Structures. The design is compatible with the volume of nearby residential structures and with historic single family dwellings in Old Town. **Complies**

(d) Snow release issues are resolved to the satisfaction of the Chief Building Official. The structures were designed with a roof form perpendicular to the street which creates snow shedding issues between the proposed structures. Staff requests that the snow release issues are resolved to the satisfaction of the Chief Building Official by having the applicant resolve the items or by signing a snow-shed easement agreement and having that agreement recorded at the County Recorder's office. **Complies as conditioned**

(e) A height reduction in other portions of the Building and/or increased Setbacks are incorporated. The designs include different heights throughout the structures indicating height variation. The building height ranges from 21 feet above existing grade to 31 feet. Due to the unusual lot configuration the design includes different setbacks throughout the proposed structures. The setbacks range from five feet (5') to 27 feet. **Complies**

(f) The height exception is not granted primarily to create additional Building Area. The height exception is for architectural articulation as the applicant could have selected a lesser roof pitch. The proposal currently shows a 9:12 pitch on

both main roof forms. The 9:12 roof pitch is consistent with the Historic District Design Guidelines which indicates that the majority of roofs have a steep roof pitch. **Complies**

(g) The height exception enhances the Building's compatibility with residential Structures by adding architectural interest to the garage element, front facade, porch, or other Building element. The structures have been designed to enhance the building's compatibility with Old Town structures. The structures currently show a 9:12 roof pitch which is compatible with historic structures. **Complies**

(h) The height exception is Compatible with good planning practices and good Site design. The proposed design is consistent in size and scale to historic structures within Old Town and it is compatible with the surrounding area as viewed from Marsac Avenue. **Complies**

(i) The height increase will result in a superior plan and project. The proposed design contributes to the character and scale of the neighborhood. **Complies**

(j) The project conforms to Chapter 15-1-10, Conditional Use Review. The Planning Commission must review each of the following items when considering whether or not the proposed Conditional Use mitigates impacts of and addresses the following items:

(1) size and location of the Site. The proposed structures meet the LMC building footprint requirement as well as minimum setbacks in the HR-1 District. **No unmitigated impacts**

(2) traffic considerations including capacity of the existing Streets in the Area. Marsac Avenue has sufficient capacity for the two new structures. **No unmitigated impacts**

(3) utility capacity. Marsac Avenue has sufficient utility capacity for the two new structures. **No unmitigated impacts**

(4) emergency vehicle Access. The emergency access will be from Marsac Avenue. **No unmitigated impacts**

(5) location and amount of off-Street parking. The design proposes a compliant parking space within the attached garage and a compliant parking space on the driveway leading towards the garage. The LMC currently requires a minimum of two (2) parking spaces per single-family dwelling. **No unmitigated impacts**

(6) internal vehicular and pedestrian circulation system. Internal and pedestrian circulation will be typical of a single-family dwelling. **No unmitigated impacts**

(7) fencing, Screening, and landscaping to separate the Use from adjoining Uses. The proposed dwelling will comply with all of the development standards as outlined in the LMC pertaining to fencing, screening, and landscaping. **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 design is compatible with the volume of historic structures throughout Old Town. The primary roofline and mass of the building runs perpendicular to Marsac Avenue. Staff finds that the proposed design is consistent in size and scale to the structures within Old Town. The building has been sited to place much of the bulk of the structure away from the steeper slopes near the rear. **No unmitigated impacts**

(9) usable Open Space. The proposed single-family dwellings meet the maximum building footprint. The proposed footprint of Lot 1 utilizes 39% of the maximum footprint allowed. The proposed footprint of the Lot 2 utilizes 46% of the maximum footprint allowed. The proposed improvements including the driveway, building pad and patio will cover 29% of both lots, allowing 71% of the lots to be utilized as private open space. **No unmitigated impacts**

(10) signs and lighting. There are no proposed signs with this application. Any lighting must comply with the LMC residential lighting standards. All exterior lights on porches, garage doors, or entryways shall be shielded to prevent glare onto adjacent property or public rights-of-way and light trespass in to the night sky. **No unmitigated impacts**

(11) physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing. The design is compatible with the volume of the single family homes in the area. Staff finds that the proposed structures are smaller than the contemporary structures in the neighborhood- especially those on Ontario Avenue. **No unmitigated impacts**

(12) noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site. Other than what would typically be found in a residential neighborhood there aren't any noises, vibration, odors, steam, or other mechanical factors that might affect people associated with the proposed dwelling. **No unmitigated impacts**

(13) control of delivery and service vehicles, loading and unloading zones, and Screening of trash pickup Areas. Control of delivery and service vehicles, loading and unloading zones, and screening of trash pickup area will be typical of single-family dwellings. **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 expected ownership and management of the project is not expected to change due to the specific deed restrictions placed by Habitat for Humanity and the allowed uses of the HR-1 District. **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 site does not lie within the Sensitive Lands Overlay District. **No unmitigated impacts**

The LMC required maximum height in the HR-1 District is 27 feet above existing grade. The applicant is seeking exception of four feet (4') to the required height as measured from existing grade. The height exception area is located towards the front of the main ridges.

In cases where due to excavation final grade is lower than existing grade, building height is also measured from final grade around the perimeter of the building. There are some areas around the perimeter where final grade is proposed below existing grade. This vertical distance does not exceed five and a half feet (5.5'). The structure does not exceed the standard 27 feet regulation around the perimeter of the building. There is no height exception being sought around the perimeter of the structure.

Historic District Design Review

The applicant has applied for a Historic District Design Review Guidelines application to find compliance of the guidelines. Staff has found preliminary determination of compliance with the Historic District Design Guidelines. Final determination of compliance with the guidelines will be finalized in conjunction to this application's approval.

Process

The approval of this application constitutes Final Action that may be appealed following the procedures found in LMC § 1-18. A Building Permit is publicly noticed by posting of the permit.

Department Review

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

Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record.

Public Input

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

Alternatives

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

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The site would remain as is and no construction could take place, with the exception of construction consisting of less than 1,000 square feet per lot.

Recommendation

Staffs recommends the Planning Commission review the request for a Steep Slope Conditional Use Permit at 154 & 156 Marsac Avenue, hold a public hearing, and consider approving the request according to the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the staff report.

Findings of Fact:

1. The property is located at 154 & 156 Marsac Avenue.
2. The property is within the HR-1 (Historic Residential) District.
3. Lot 1 is 3,787 square feet in size and Lot 2 is 3,145 square feet in size.
4. The maximum footprint allowed on Lot 1 is 1,531 square feet, while maximum footprint allowed on Lot 2 is 1,318 square feet.
5. The applicant proposes a footprint of 600 square feet for each lot.
6. The overall square footage of both structures will be 1,640 square feet.
7. The applicant proposes a twelve foot (12') front setback and a 33 feet rear setback on Lot 1 and a ten foot (10') front setback and a thirteen foot (13') rear setback on Lot 2.
8. The minimum front and rear yard setbacks are both for both lots. Lot 1 requires a minimum of twelve feet (12') front and rear setback with a total of 25 feet. Lot 2 requires a minimum of ten feet (10') front and rear yard setback with a total of twenty feet (20').
9. The applicant proposes two parking areas. One is to be located within the attached one car garage and the other parking area will be placed on the driveway.
10. Both lots require a minimum of two (2) parking spaces.
11. The maximum height for a single-family dwelling in the HR-1 District is 27 feet above existing grade, unless the Planning Commission grants an exception.
12. The applicant is requesting an exception of 31 feet above existing grade.

13. The proposed building pad has been sited so as to place as much of the building bulk away from the rear steeper slopes.
14. The structure on Lot 1 will have approximately 120 square feet of floor area on the steeper slopes towards the rear.
15. The structure on Lot 2 will have approximately 60 square feet of floor area on the steeper slopes towards the rear.
16. The proposed structure is not visible from any of the LMC mandated vantage points. Due to the size of the proposed structures staff finds that the proposed design is compatible with surrounding Old Town structures.
17. The proposed design consists of each structure having a twelve foot (12') wide by eighteen foot (18') long driveway accessing a one-car garage each on the front facade off Marsac Avenue.
18. The structures were designed to accommodate a legal parking area within the garage and another on the driveway accessing the garage.
19. The proposed driveway and garage grading of the natural topography is minimized and the overall building scale is being reduced.
20. The lot has a relatively gentle slope at the front becoming steeper towards the rear.
21. The only retaining walls being proposed are located towards the rear of the structures.
22. The retaining walls will not exceed four feet (4') in height.
23. The building is proposed on a lot that is steep in the rear with a gradual slope towards the front.
24. Staff finds that most of the buildings have been located in the area with the least amount of steeper slopes and therefore the retaining has been minimized as the perceived natural topography has not been altered.
25. Access has been located directly from Marsac Avenue.
26. The utilities are available from the street and will require a limited amount of grading.
27. The primary roofline and mass of both structures runs perpendicular to Marsac Avenue which is very typical of historic structures throughout Old Town.
28. Due to the size of the proposed structures staff finds the design compatible.
29. The porch element on the front façade breaks up the building form and scale.
30. The footprint of the structure on lot 1 is 39% of the maximum footprint allowed in a lot this size while the footprint of the structure on lot 2 is 45% of the maximum.
31. The applicant is requesting a four foot (4') height exception for both structures from the maximum building height of 27 feet.
32. The design of the two (2) structures incorporates a break in the front façade which increases building articulation.
33. The design is compatible with the volume of historic single family dwellings in Old Town.
34. The structures were designed with a roof form perpendicular to the street which creates snow shedding issues between the proposed structures.
35. Staff requests that the snow release issues are resolved to the satisfaction of the Chief Building Official by having the applicant sign a snow-shed easement agreement and having that agreement recorded at the County Recorder's office.
36. The structure includes different heights throughout the structure indicating height variation. The building height ranges from 21 feet above existing grade to 31 feet.

37. The height exception is for architectural articulation as the applicant could have selected a lesser roof pitch.
38. The proposal currently shows a 9:12 pitch on both main roof forms.
39. The structures have been designed to enhance the building's compatibility with Old Town structures.
40. The proposed design contributes to the unique character and scale of the neighborhood.
41. Marsac Avenue has sufficient capacity for the two new structures.
42. The emergency access will be from Marsac Avenue.
43. The proposed dwelling will comply with all of the development standards as outlined in the LMC pertaining to fencing, screening, and landscaping.
44. The design is compatible with the volume of historic structures throughout Old Town. The primary roofline and mass of the building runs perpendicular to Marsac Avenue.
45. The proposed single-family dwellings meet the maximum building footprint. The proposed improvements including the driveway, building pad and patio will cover 29% of both lots, allowing the 71% of the lots to be utilized as open space.
46. There are no proposed signs with this application. Any lighting must comply with the LMC residential lighting standards.
47. Other than what would typically be found in a residential neighborhood there aren't any noises, vibration, odors, steam, or other mechanical factors that might affect people associated with the proposed dwelling.
48. Control of delivery and service vehicles, loading and unloading zones, and screening of trash pickup area will be typical of single-family dwellings.
49. The expected ownership and management of the project is not expected to change due to the specific deed restrictions placed by Habitat for Humanity and the allowed uses of the HR-1 District.
50. The site does not lie within the Sensitive Lands Overlay District.
51. The applicant is seeking exception of four feet (4') to the required height as measured from existing grade.
52. The height exception area is located towards the front of the main ridges.
53. The proposed design does not require a height exception around the perimeter of the structures.
54. The criteria allowing the height exception is met.
55. The discussion in the Analysis section above is incorporated herein.

Conclusions of Law:

1. The application, as conditioned, complies with all requirements of Section 15-2.2(6)B of the Land Management Code 54th Edition, revised October 2007.
2. The proposed use, as conditioned, is compatible with the surrounding residential structures in use, scale, mass, and circulation.
3. The use is consistent with the Park City General Plan.
4. The effects of any differences in use and scale have been mitigated through careful planning.

Conditions of Approval:

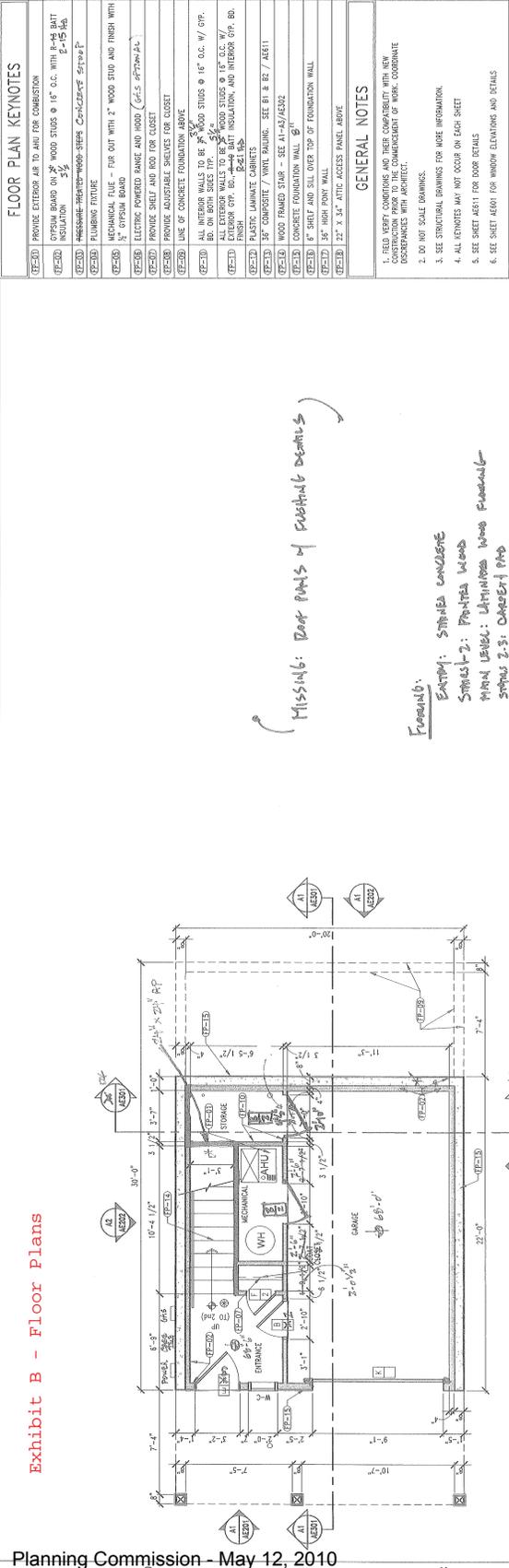
1. All Standard Project Conditions shall apply.

2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
3. City Engineer review and approval of all appropriate grading, utility installation, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
4. A final landscape plan shall be submitted for review and approval by the City Landscape Architect, prior to building permit issuance.
5. No building permits shall be issued for this project unless and until the design of the structure is reviewed and approved by the Planning Department staff for compliance with the 1983 Historic District Design Guidelines.
6. As part of the building permit review process, the applicant shall submit a certified topographical survey of the property with roof over topographic and U.S.G.S. elevation information relating to existing grade as well as the height of the proposed buildings ridges.
7. Prior to issuance of a building permit the applicant shall submit a detailed shoring plan, as required by the Building Department, with calculations that have been reviewed and approved by a licensed geotechnical/structural engineer. This plan will demonstrate how the proposed excavation will protect Marsac Avenue and Ontario Avenue from being compromised during construction.
8. A snow shed easement agreement for both lots with the each other is a condition precedent to Building Permit issuance.
9. All exterior lights on porches, garage doors, or entryways shall be shielded to prevent glare onto adjacent property or public rights-of-way and light trespass in to the night sky.
10. Modified 13-D sprinklers are required for all new structures.
11. This approval will expire on May 12, 2011, if an application for a building permit has not been submitted prior to this date.

Exhibits

- Exhibit A – Site Plan
- Exhibit B – Floor Plans
- Exhibit C – Lot 1 Front and South Elevations
- Exhibit D – Lot 1 Rear and North Elevations
- Exhibit E – Lot 2 Front and South Elevations
- Exhibit F – Lot 2 Rear and North Elevations
- Exhibit G – Schematic Streetscape
- Exhibit H – Streetscape
- Exhibit I – Vicinity Map

Exhibit B - Floor Plans



C1 | FIRST FLOOR PLAN (GARAGE)
SCALE: 1/4" = 1'-0"

100 SF - LITTLE STAIN STRIPS
510 SF - GARAGE FLOOR, STAINLESS

Missing: Door parts of precast beams

Formwork:

EXTERIOR: STRIKE CONCRETE

STRASS-2: FINISH WOOD

FRAMING: LAMINATED WOOD FORMWORK

STRAP 2-3: CHERRY-PAD

TOP LEVEL: CHERRY-PAD

TOP LEVEL: VINYL

NOTE: ALL FORMWORK TO BE GREEN WOOD

FLOOR PLAN KEYNOTES

- (FE-20) PROVIDE EXTERIOR AIR TO AIR FOR COMBUSTION
- (FE-20) EPSIOM BOARD ON 2" WOOD STUDS @ 16" O.C. WITH 4-8 BATT INSULATION 5/8"
- (FE-20) MASSIVE-RESIST-WOOD STEPS - CHALKLINE STAIRS
- (FE-20) PLUMBING FIXTURE
- (FE-20) MECHANICAL FUSE - FUR OUT WITH 2" WOOD STUD AND FINISH WITH 1/2" EPSIOM BOARD
- (FE-20) ELECTRIC POWERED RANGE AND HOOD (GAS OPTIONAL)
- (FE-20) PROVIDE SHELF AND ROD FOR CLOSET
- (FE-20) PROVIDE ADJUSTABLE SHELVES FOR CLOSET
- (FE-20) LINE OF CONCRETE FOUNDATION ABOVE
- (FE-20) ALL INTERIOR WALLS TO BE 2" WOOD STUDS @ 16" O.C. W/ GYP. BR. ON BOTH SIDES TYP.
- (FE-20) ALL EXTERIOR WALLS TO BE 2" WOOD STUDS @ 16" O.C. W/ GYP. BR. ON BOTH SIDES TYP. INSULATION, AND INTERIOR GYP. BR. FINISH
- (FE-20) PLASTIC LAMINATE CABINETS
- (FE-20) 3" COMPOSITE / VINYL RAILING. SEE B1 & B2 / ADE11
- (FE-20) WOOD FRAMED STAIR - SEE A1-A1/AE202
- (FE-20) CONCRETE FOUNDATION WALL @ 1"
- (FE-20) 6" SHEET AND SILL OVER TOP OF FOUNDATION WALL
- (FE-20) 3" HIGH POINT WALL
- (FE-20) 22" X 34" ATIC ACCESS PANEL ABOVE

GENERAL NOTES

- FIELD VERIFY CONDITIONS AND THEIR COMPATIBILITY WITH NEW DISCREPANCIES WITH ARCHITECT.
- DO NOT SCALE DIMENSIONS.
- SEE STRUCTURAL DRAWINGS FOR MORE INFORMATION.
- ALL KEYNOTES MAY NOT OCCUR ON EACH SHEET
- SEE SHEET ADE11 FOR DOOR DETAILS
- SEE SHEET ADE10 FOR WINDOW ELEVATIONS AND DETAILS

7. ALL DIMENSIONS TAKE OF EXISTING TYP. AND CONCRETE.

CLIENT

Habitat for Humanity

LOT 1
ONTARIO AVE.
PARK CITY, UTAH

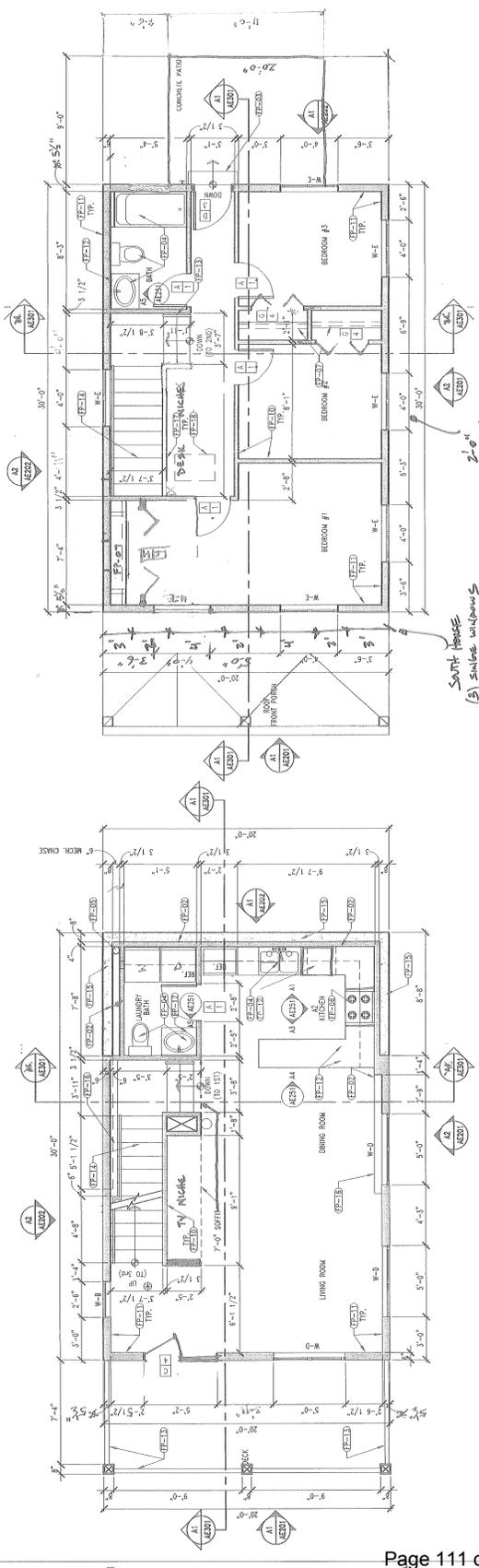
DESIGNER

ARCHITEX GROUP

255 Crested Spire
Suite 200
Park City, UT 84302
P(801) 961-0070
F(801) 961-7273

CONSULTANTS

REGISTRATION



A1 | SECOND FLOOR PLAN
SCALE: 1/4" = 1'-0"

600 SF - LAMINATE

South House
(3) subse windows

2'-0" North House

A4 | THIRD FLOOR PLAN
SCALE: 1/4" = 1'-0"

600 SF - VINYL

ISSUE

MARK	DATE	DESCRIPTION
0822.01		
PROJECT NO:		0822.01
DESIGNED BY:		W. RUSSELL
CHECKED BY:		D. FITZGERALD
SCALE:		1/4" = 1'-0"
DATE:		FEBRUARY 22, 2010

KEY PLAN

SHEET TITLE

FLOOR PLAN

AE101

© 2004 ARCHITEX GROUP

Exhibit D - Lot 1 Rear and North Elevations

GENERAL NOTES	
1.	FIELD VERIFY CONDITIONS AND THEIR COMPATIBILITY WITH NEW CONSTRUCTION PRIOR TO THE COMMENCEMENT OF WORK. COORDINATE DISCREPANCIES WITH ARCHITECT.
2.	DO NOT SCALE DRAWINGS.
3.	SEE STRUCTURAL DRAWINGS FOR MORE INFORMATION.
4.	ALL KEYNOTES MAY NOT OCCUR ON EACH SHEET
5.	SEE SHEET AE01 FOR DOOR DETAILS
6.	SEE SHEET AE01 FOR WINDOW ELEVATIONS AND DETAILS

ELEVATION KEYNOTES	
CE-20	ROOF SHINGLES =
CE-21	WINDOW SEE SHEET AE01 FOR ELEVATIONS AND DETAILS
CE-22	HARDIE PLANK BOARD
CE-23	HARDIE PLANK LAP SOING = SEE B/AE01 SAMPLE 1
CE-24	3" SQUARE COMPOSITE WOOD COLUMN = 3" x 3" x 8' 0" PAINT
CE-25	3" x 6" x 8' 0" INSULATED EXTERIOR DOOR
CE-26	3" x 6" x 7' 0" INSULATED EXTERIOR DOOR
CE-27	6" CONCRETE DRIVEWAY ON 4" GRAVEL BASE
CE-28	HARDIE PLANK BOARD & BATTEN SOING
CE-29	2" x 4" x 2" ALUMINUM ATTIC VENT
CE-30	KITCHEN HOOD EXHAUST
CE-31	GAS METER
CE-32	SPRINKLER BELL
CE-33	DRYER EXHAUST
CE-34	COMBUSTION AIR INTAKE
CE-35	WATER HEATER FUE
CE-36	FURNACE FUE
CE-37	BATHROOM EXHAUST

CONSULTANTS	
ARCHITECT	Habitat for Humanity
PLANNING	ARCHITPLEX GROUP
DESIGNER	LOT 1 ONTARIO AVE. PARK CITY, UTAH
DATE	FEBRUARY 22, 2010

REGISTRATION	
PROJECT NO:	0822.01
DRAWN BY:	W. RUSSELL
CHECKED BY:	D. FITZSIMMONS
SCALE:	1/4" = 1'-0"
DATE:	FEBRUARY 22, 2010
KEY PLAN	

SHEET TITLE	
A1	NORTH HOME REAR ELEVATION
A2	NORTH HOME LEFT SIDE ELEVATION

CLIENT	
CLIENT	Habitat for Humanity
PROJECT	LOT 1 ONTARIO AVE. PARK CITY, UTAH
DATE	FEBRUARY 22, 2010



A1 | NORTH HOME REAR ELEVATION SCALE: 1/4" = 1'-0"

A2 | NORTH HOME LEFT SIDE ELEVATION SCALE: 1/4" = 1'-0"

REGISTRATION

ISSUE

MARK DATE DESCRIPTION

PROJECT NO: 0822.01

DRAWN BY: W. RUSSELL

CHECKED BY: D. FITZSIMMONS

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

DATE: FEBRUARY 22, 2010

KEY PLAN

SHEET TITLE

EXTERIOR ELEVATIONS

AE202

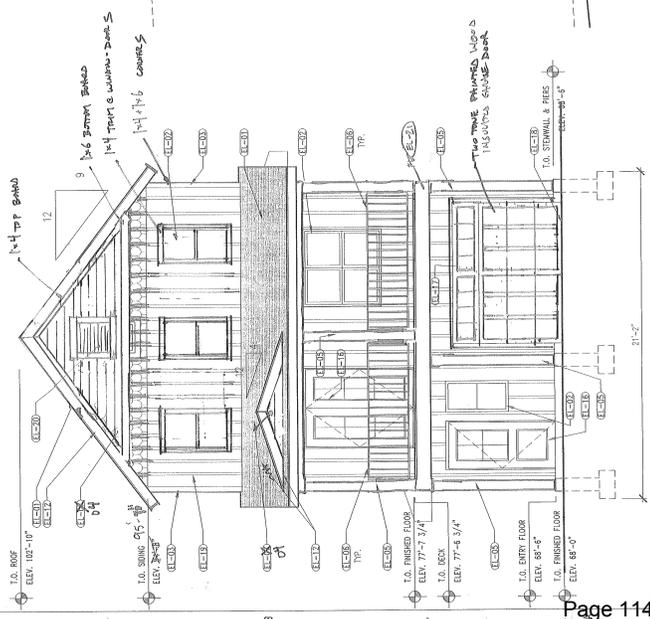
© 2004 ARCHITPLEX GROUP

Exhibit E - Lot 2 Front and South Elevations

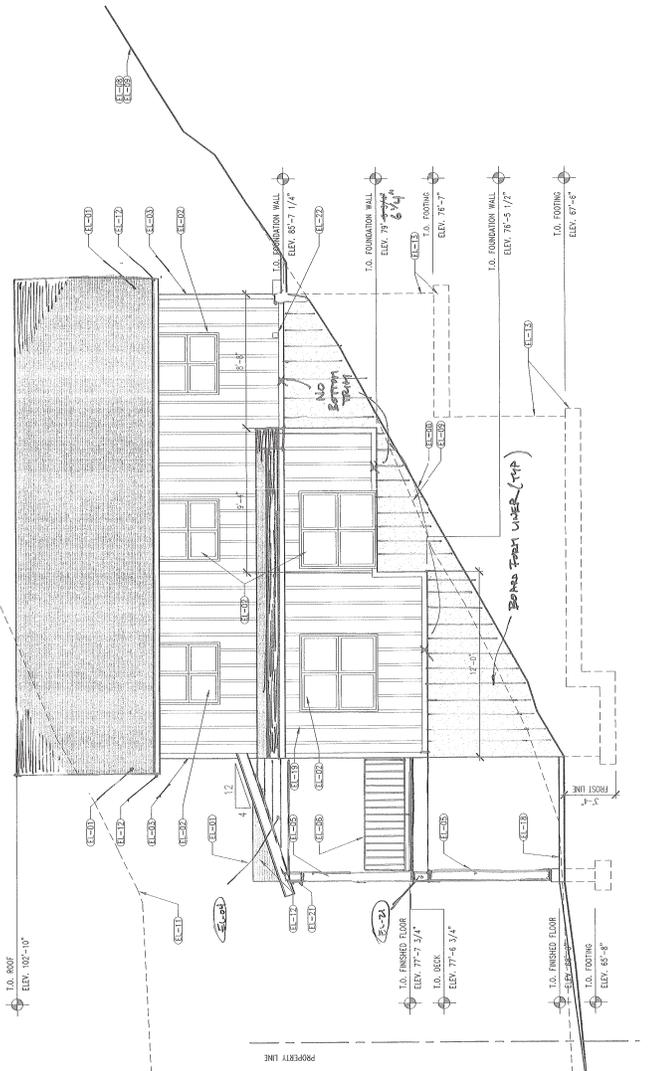
GENERAL NOTES	
1.	FIELD VERIFY CONDITIONS AND THEIR COMPATIBILITY WITH NEW CONSTRUCTION PRIOR TO THE COMMENCEMENT OF WORK. COORDINATE DISCREPANCIES WITH ARCHITECT.
2.	DO NOT SCALE DRAWINGS.
3.	SEE STRUCTURAL DRAWINGS FOR MORE INFORMATION.
4.	ALL KEYNOTES MAY NOT OCCUR ON EACH SHEET
5.	SEE SHEET A601 FOR DOOR DETAILS
6.	SEE SHEET A601 FOR WINDOW ELEVATIONS AND DETAILS

ELEVATION KEYNOTES	
KL-01	ROOF SHIRRES
KL-02	WINDOW SEE SHEET A601 FOR ELEVATIONS AND DETAILS
KL-03	HARDE PLANK BOARD 1/4" x 1/6" COMBES
KL-04	HARDE PLANK LAP SIDING - SEE B/1/AR11 SAMPLE 1
KL-05	HARDE PLANK SHIMMER WOOD COLUMN
KL-06	3" HIGH PT WOOD RAILING
KL-07	HARDENING/STRENGTHENING NOTCHED PANEL - SEE B/1/AR11
KL-08	NEW GRADE SLOPE LINE
KL-09	EXISTING GRADE SLOPE LINE
KL-10	RETAINING SYSTEM
KL-11	MEASUREMENT LINE 27" ABOVE AND PARALLEL TO EXISTING SLOPE
KL-12	WOOD PASCA - PAINT FINISH
KL-13	LINE OF FOUNDATION WALL AND FOOTING BELOW GRADE
KL-14	3'-0" x 6'-8" INSULATED EXTERIOR DOOR
KL-15	3'-0" x 7'-0" INSULATED EXTERIOR DOOR
KL-16	3'-0" x 7'-0" INSULATED GARAGE DOOR
KL-17	6" CONCRETE DRIVEWAY ON 4" GRAVEL BASE
KL-18	HARDE PLANK BOARD & BRITEN SIDING
KL-19	2'-0" x 2'-0" ALUMINUM ATTIC VENT
KL-20	KITCHEN HOOD EXHAUST
KL-21	GAS METER
KL-22	POWER METER
KL-23	SPRINKLER BELL
KL-24	DRYER EXHAUST
KL-25	COMBUSTION AIR INTAKE
KL-26	WATER HEATER FUE
KL-27	FURNACE FUE
KL-28	BATHROOM EXHAUST

ALL COLORS TO BE SUBMITTED & APPROVED BY CITY:
 SOUTH HOUSE
 COLOR #1 - BRN SHIMMER WOOD SHIRRES
 COLOR #2 - HAR PLANK BOARD COMBES
 COLOR #3 - HAR PLANK SHIMMER WOOD COLUMN
 COLOR #4 - WOOD RAILING, DOORS, SILLING AND GARAGE DOOR SIDING & PANELS



A1 SOUTH HOUSE FRONT ELEVATION
 SCALE: 1/4" = 1'-0"



A2 SOUTH HOUSE RIGHT SIDE ELEVATION
 SCALE: 1/4" = 1'-0"

CLIENT
Habitat for Humanity
 LOT 1
 ONTARIO AVE.
 PARK CITY, UTAH

DESIGNER
ARCHIPLEX GROUP
 architecture - planning - design services
 255 S. STATE ST.
 SALT LAKE CITY, UT 84115
 P (801) 961-7070
 F (801) 961-7275

CONSULTANTS

REGISTRATION

ISSUE

MARK DATE DESCRIPTION

PROJECT NO:	0822.01
DRAWN BY:	W. RUSSELL
CHECKED BY:	D. FITZSIMMONS
SCALE:	1/4" = 1'-0"
DATE:	FEBRUARY 22, 2010
KEY PLAN	

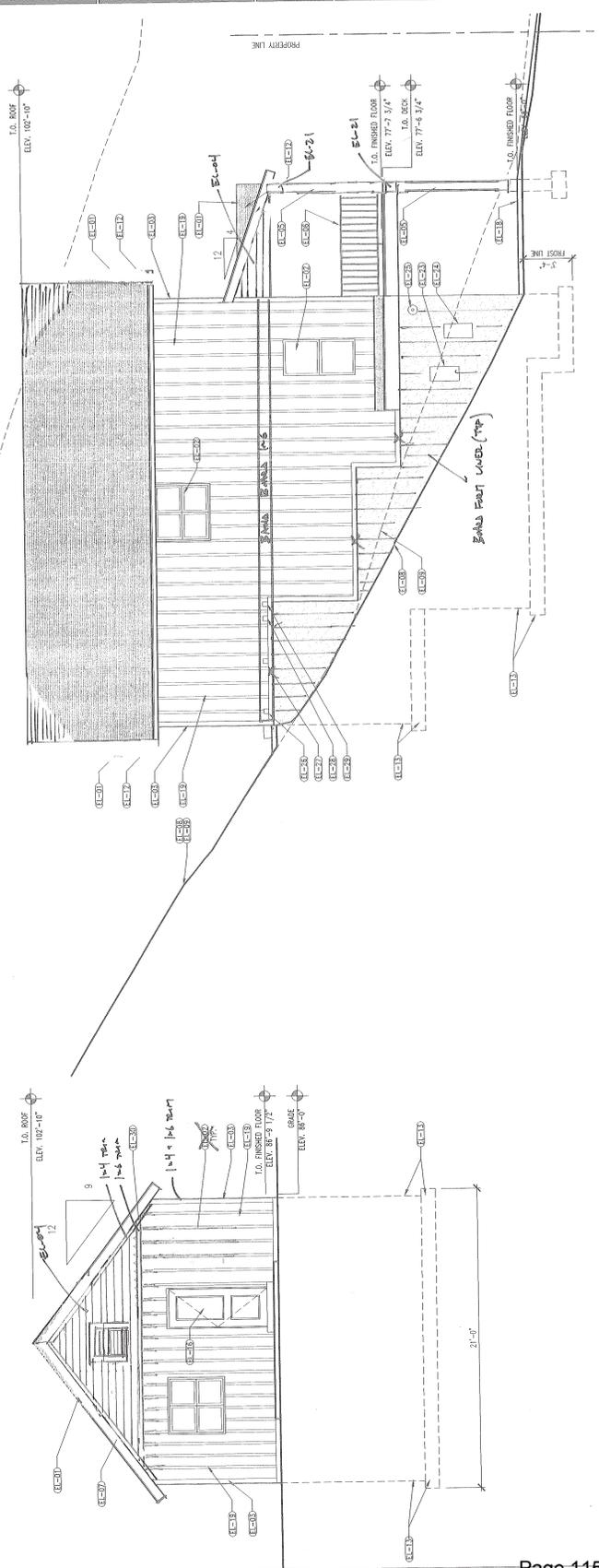
SHEET TITLE

EXTERIOR ELEVATIONS
AE204
 © 2004 ARCHIPLEX GROUP

Exhibit F - Lot 2 Rear and North Elevations

GENERAL NOTES	
1.	ALL WORK SHOWN ON THIS DRAWING SHALL BE IN ACCORDANCE WITH THE CITY OF PARK CITY ZONING ORDINANCES AND THE CITY OF PARK CITY SUBDIVISION MAP. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF ALL INFORMATION PROVIDED BY THE ARCHITECT.
2.	DO NOT SCALE DRAWINGS.
3.	SEE STRUCTURAL DRAWINGS FOR MORE INFORMATION.
4.	ALL NOTES MAY NOT OCCUR ON EACH SHEET.
5.	SEE SHEET AE01 FOR DOOR ELEVATIONS AND DETAILS.
6.	SEE SHEET AE01 FOR WINDOW ELEVATIONS AND DETAILS.

ELEVATION KEYNOTES	
CE-201	ROOF SHINGLES
CE-202	WINDOW SEE SHEET AE01 FOR ELEVATIONS AND DETAILS
CE-203	MADRID PLANK TRIM BOARD
CE-204	MADRID SQUARE COMPOSITE WOOD COLUMN
CE-205	4" HIGH FT. WOOD RAILING
CE-206	EXISTING GRADE SLOPE LINE
CE-207	REMAINING SYSTEM
CE-208	WOOD FASCIA - PAINT FINISH
CE-209	LINE OF FOUNDATION WALL AND FINISH SLOPE GRADE
CE-210	1-1/2" x 6-8" INSULATED EXTERIOR ROOF
CE-211	1-1/2" x 7-8" INSULATED EXTERIOR ROOF
CE-212	1-1/2" x 7-8" INSULATED GABLE ROOF
CE-213	1" CONCRETE BENTONITE ON 1" GRAVEL BASE
CE-214	MADRID PLANK BENTONITE SING
CE-215	2-1/2" x 2-1/2" ALUMINUM BATT INSUL
CE-216	INSULATED ROOF EXHAUST
CE-217	INSULATED ROOF EXHAUST
CE-218	INSULATED ROOF EXHAUST
CE-219	INSULATED ROOF EXHAUST
CE-220	INSULATED ROOF EXHAUST
CE-221	INSULATED ROOF EXHAUST
CE-222	INSULATED ROOF EXHAUST
CE-223	INSULATED ROOF EXHAUST
CE-224	INSULATED ROOF EXHAUST
CE-225	INSULATED ROOF EXHAUST
CE-226	INSULATED ROOF EXHAUST
CE-227	INSULATED ROOF EXHAUST
CE-228	INSULATED ROOF EXHAUST
CE-229	INSULATED ROOF EXHAUST
CE-230	INSULATED ROOF EXHAUST



A1 SOUTH HOME REAR ELEVATION
SCALE: 1/4" = 1'-0"

A2 SOUTH HOME LEFT SIDE ELEVATION
SCALE: 1/4" = 1'-0"

CLIENT
Habitat for Humanity
LOT 1
ONWARD AVE.
PARK CITY, UTAH

DESIGNER
ARCHITEX GROUP
architecture - planning - design services
235 Commercial
Suite 200
Park City, UT 84315
P: (801) 964-7070
F: (801) 964-7373

CONSULTANTS

REGISTRATION

MARK	DATE	DESCRIPTION
PROJECT NO:	0822.01	
DRAWN BY:	W. RUSSELL	
CHECKED BY:	D. FITZSIMMONS	
SCALE:	1/4" = 1'-0"	
DATE:	FEBRUARY 22, 2010	

KEY PLAN

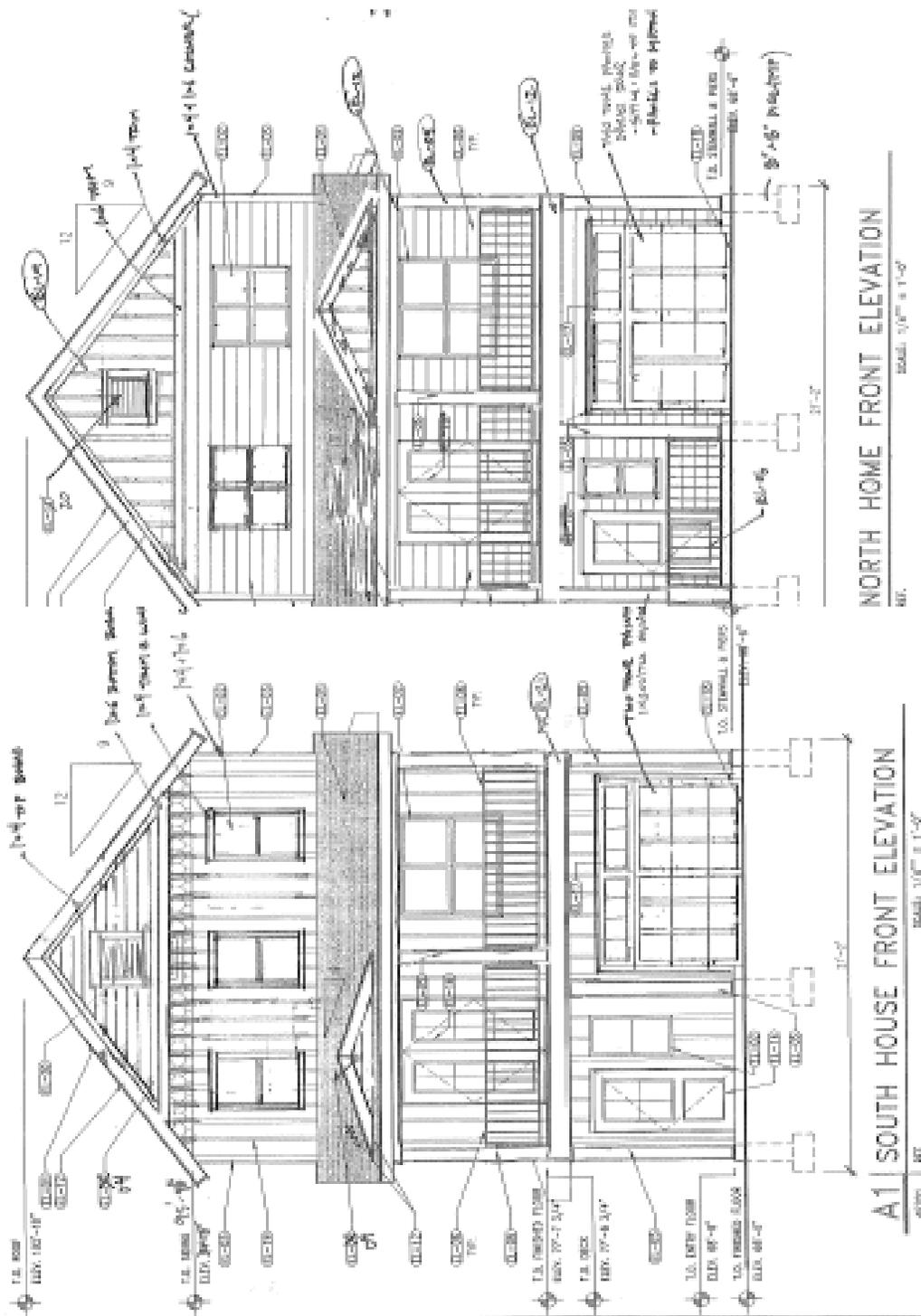
SHEET TITLE
EXTERIOR ELEVATIONS
AE205

© 2004 ARCHITEX GROUP

Exhibit H - Schematic treetscape

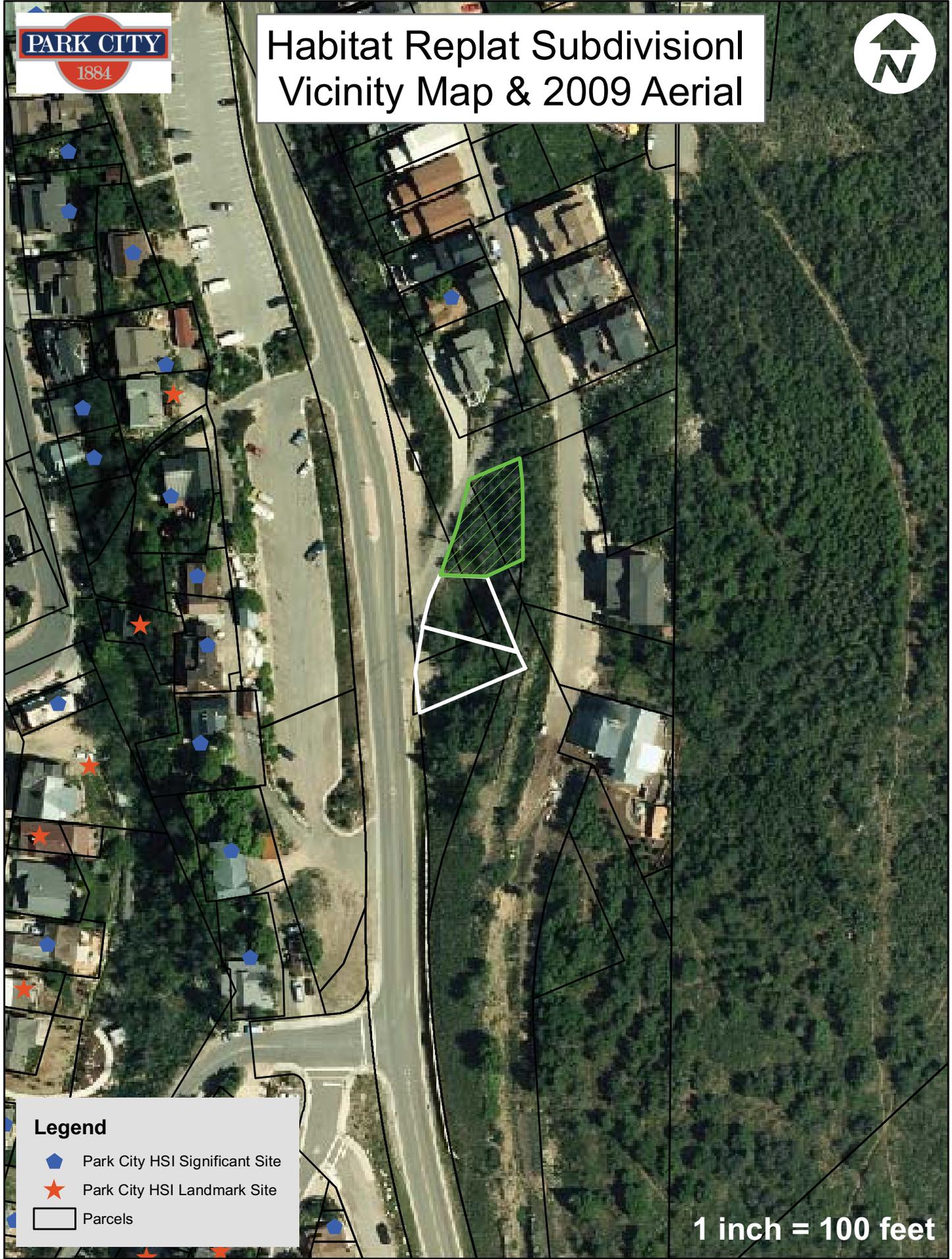


Exhibit H - Streetscape





Habitat Replat Subdivision Vicinity Map & 2009 Aerial



Legend

- Park City HSI Significant Site
- Park City HSI Landmark Site
- Parcels

1 inch = 100 feet

Planning Commission Staff Report



PLANNING DEPARTMENT

Subject: 1110 Woodside plat
Author: Kirsten Whetstone
Date: May 12, 2010
Type of Item: Administrative – Plat Amendment
Project Number: PL-10-00924

Summary Recommendation

Staff recommends the Planning Commission hold a public hearing for the 1110 Woodside Avenue plat amendment 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.

Topic

Applicant: Todd Debonis, owner
Location: 1110 Woodside Avenue
Zoning: Historic Residential (HR-1)
Adjacent Land Uses: Residential
Reason for Review: Plat amendments require Planning Commission review and City Council approval

Background

On March 3, 2010, the City received a completed application for the 1110 Woodside Avenue plat amendment. The subject property is located in the Historic Residential (HR-1) zoning district. The proposed plat combines Lots 29 and 30, Block 5, of the Snyder's Addition to the Park City Survey into one lot of record. The proposed new lot will be 3,750 square feet in area.

There is an existing historic home on the property that straddles the common lot line. The plat amendment is a request to remove the existing common lot line and create one lot of record. The house located at 1110 Woodside Avenue was constructed in the 1930's and is designated as a landmark structure on the 2009 Park City Historic Sites Inventory. At the time of the Historic District Design Review application the house was listed as a significant historic structure on the 2007 Park City Historic Building Inventory.

On June 25, 2008 a complete application for a Historic District Design Review was submitted for an addition to the rear. The application was revised based on input and direction from the Historic Preservation Board and final approval was granted on November 30, 2009, based on the Park City Historic District Design Guidelines adopted by City Council on June 16, 1983.

Approval and recordation at Summit County of a plat amendment to combine the

two lots is a condition precedent to issuance of a building permit for the addition.

Analysis

Staff finds good cause for this plat amendment as the amended plat would create a legal lot of record and bring the historic structure into compliance with the setbacks. The plat will resolve encroachment issues of the house on the common lot line, the accessory shed structure on the neighbor’s property, and the low retaining walls in the Woodside Avenue right-of-way.

Historic Structure located at 1110 Woodside Avenue

	Permitted	Existing
Front setback	10'	10'
Rear setback (lot line to south)	10'	12'
Side setbacks	5' min, 10' total	5.5' (north) 12.5' (south) – encroaching accessory structure across the south side property line onto Lot 31.
Lot size	1.875 square feet minimum	3,750 square feet
Footprint	1,519 square feet maximum	1,203 square feet
Parking	None required for historic home.	10' by 32' gravel parking area

The historic home located at 1110 Woodside is a legal non-conforming structure as the building crosses the common lot line. Section 15-2.2-4 of the Land Management Code (LMC) states: Historic Structures that do not comply with Building Setbacks, Off-Street parking, and driveway location standards are valid Complying Structures. However, new construction must comply with the LMC.

There is a 9.7' by 8.10' accessory shed located in the southeast corner. This shed encroaches onto adjacent Lot 31. There are low (less than 2' in height) non-historic stone/paver walls in the front yard that encroach approximately 2' into the undeveloped portion of the Woodside right of way. An encroachment agreement is required to be executed and recorded prior to recordation of the plat, unless these walls are relocated onto the property.

Process

Approval of this application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18. Staff review of a Building Permit is not publicly noticed nor subject to review by the Planning Commission unless appealed.

Department Review

This project has gone through an interdepartmental review. Issues raised (utility easements, encroachment agreement for the shed, retaining walls in Woodside ROW) have either been resolved by the applicant, or with conditions of approval.

Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also put in the Park Record.

Public Input

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

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council for the 1110 Woodside Avenue plat amendment as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the 1110 Woodside Avenue plat amendment and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on the 1110 Woodside Avenue plat amendment.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The lot lines would remain as they are today and the addition could not be constructed across the common lot line.

Recommendation

Staff recommends the Planning Commission hold a public hearing for the 1110 Woodside Avenue Subdivision and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval as stated in the draft ordinance.

Exhibits

Ordinance

Exhibit A- Proposed Plat

Exhibit B- Existing conditions survey

Exhibit C- Aerial photo

Exhibit D- Old town plat

Exhibit E- streetscape photo

Draft Ordinance No. 10-

**AN ORDINANCE APPROVING THE 1110 WOODSIDE AVE PLAT
AMENDMENT COMBINING LOTS 29 AND 30, BLOCK 5 OF THE SNYDER'S
ADDITION TO THE PARK CITY SURVEY, LOCATED AT 1110 WOODSIDE
AVENUE,
PARK CITY, UTAH.**

WHEREAS, the owner of the property located at 1110 Woodside Avenue have petitioned the City Council for approval of the 1110 Woodside Ave. Plat Amendment; and

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

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

WHEREAS, the Planning Commission held a public hearing on May 12, 2010, to receive input on the 1110 Woodside Ave plat amendment; and

WHEREAS, the Planning Commission, on May 12, 2010, forwarded a recommendation to the City Council; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 1110 Woodside Ave Plat Amendment to create a legal lot of record for an existing historic house.

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 1110 Woodside Ave 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 in the Historic Residential (HR-1) zone and is subject to regulations provided in Section 15-2.2 of the Land Management Code.
2. The HR-1 zone is characterized by medium to smaller sized contemporary and historic residential structures. There are also larger single family homes and condominium buildings in the neighborhood due to the adjacent HRM zoning district and larger lots in that zone.
3. The purpose of the HR-1 zone is to provide an area of lower density residential uses with the Old Town area.

4. The project is located off of Woodside Avenue where there is limited area for construction staging.
5. The property consists of Lots 29 and 30, Block 5 of the Snyder's Addition to the Park City Survey. A plat amendment to combine these lots into one lot of record is required before any building permits for new construction can be issued.
6. A building permit cannot be issued for construction across a lot line.
7. There is a 9.7' by 8.10' accessory shed located in the southeast corner. This shed encroaches onto adjacent Lot 31. An encroachment easement and agreement is required to be executed and recorded prior to recordation of the plat.
8. There are non- historic low (2' high) stone/paver walls in the front yard that encroach approximately 2' into the undeveloped Woodside right of way.
9. A complete HDDR application was submitted on June 12, 2008 prior to adoption of the 2009 Park City Historic Design Guidelines. The application was subject to the Park City Historic District Design Guidelines adopted by City Council on June 16, 1983. On November 30, 2009, a Historic District Design Review was approved for a proposed addition to the rear of the house.
10. At the time of the Historic District Design Review application the house was listed as a significant historic structure on the 2007 Park City Historic Building Inventory.
11. The house is currently listed as a landmark structure on the 2009 Park City Historic Sites Inventory.
12. The minimum number of on-site parking spaces required for an historic structure is 0. The applicant proposes 2 parking spaces on a paved off-street driveway. No garage is proposed as part of the Historic Design Review approval.
13. The minimum lot size in the HR-1 zone is 1,875 sf and the maximum building footprint is 1,511 sf. The property consists of 3,750 square feet and the existing building footprint is 1,203 sf.
14. The topography of the lot does not exceed 30% slope and therefore a Steep Slope CUP approval is not required for new construction.
15. The applicant stipulates to the conditions of approval.
16. The discussion in the Analysis section is incorporated herein.

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 plat amendments.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. Approval of the plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

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; requirements for utility, snow storage, and encroachment easements; and any conditions of approval, prior to recordation of the plat.
2. The applicant will record the subdivision 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 subdivision will be void, unless the City Council grants an extension of the approval.
3. Execution and recordation of an encroachment easement for the existing shed at the rear of the property is a condition precedent to recordation of the plat amendment.
4. The existing low stone/paver walls encroaching into the Woodside Avenue right-of-way shall be removed, or an encroachment easement shall be executed and recorded between the property owner and Park City, as a condition precedent to recordation of the plat amendment.
5. A preservation plan and a preservation guarantee, the amount to be determined by the Planning and Building Departments upon review of the construction plans, shall be provided to the City by the owner, as a condition precedent to issuance of a building permit for the addition.

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

PASSED AND ADOPTED this _____ day of May, 2010.

PARK CITY MUNICIPAL
CORPORATION

Dana Williams, MAYOR

ATTEST:

Jan Scott, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

S-6628



DATE	BY	REVISIONS



DATE: JULY 2007
 DRAWN BY: PAUL DEGROFF
 CHECKED BY: PAUL DEGROFF

RECORD OF SURVEY & ASBUILT
LOTS 29 & 30, BLOCK 5
ADDITION TO PARK CITY

BY: PAUL DEGROFF
 FILE NO: SA BLK 5 LOTS 29-30.DWG

SHEET 1 OF 1

RECORD OF SURVEY AND ASBUILT
 LOT 29 & 30, BLOCK 5 OF SNYDERS
 ADDITION TO PARK CITY LYING WITHIN
 THE NORTHWEST QUARTER OF SECTION 16,
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT
 LAKE BASE & MERIDIAN, PARK CITY,
 SUMMIT COUNTY, UTAH



SCALE: 1" = 10'

LEGEND

- FOUND OR SET REBAR & CAP (AS DESCRIBED)
- SPOT ELEVATION
- SURVEYOR'S MARKER
- STAIN MARK-ONE
- GAS METER
- IR TREE

BOUNDARY LINE (AS SHOWN)

MATERIALS

THE PURPOSE OF THIS SURVEY IS TO LOCATE THE BOUNDARY LINE OF THE SUBJECT PROPERTY AND TO SHOW THE EXISTING STRUCTURE AND LOCATION OF UTILITIES. THIS SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF THE UTAH PROFESSIONAL ENGINEERING ACT AND THE RULES AND REGULATIONS OF THE BOARD OF PROFESSIONAL ENGINEERS OF THE STATE OF UTAH.

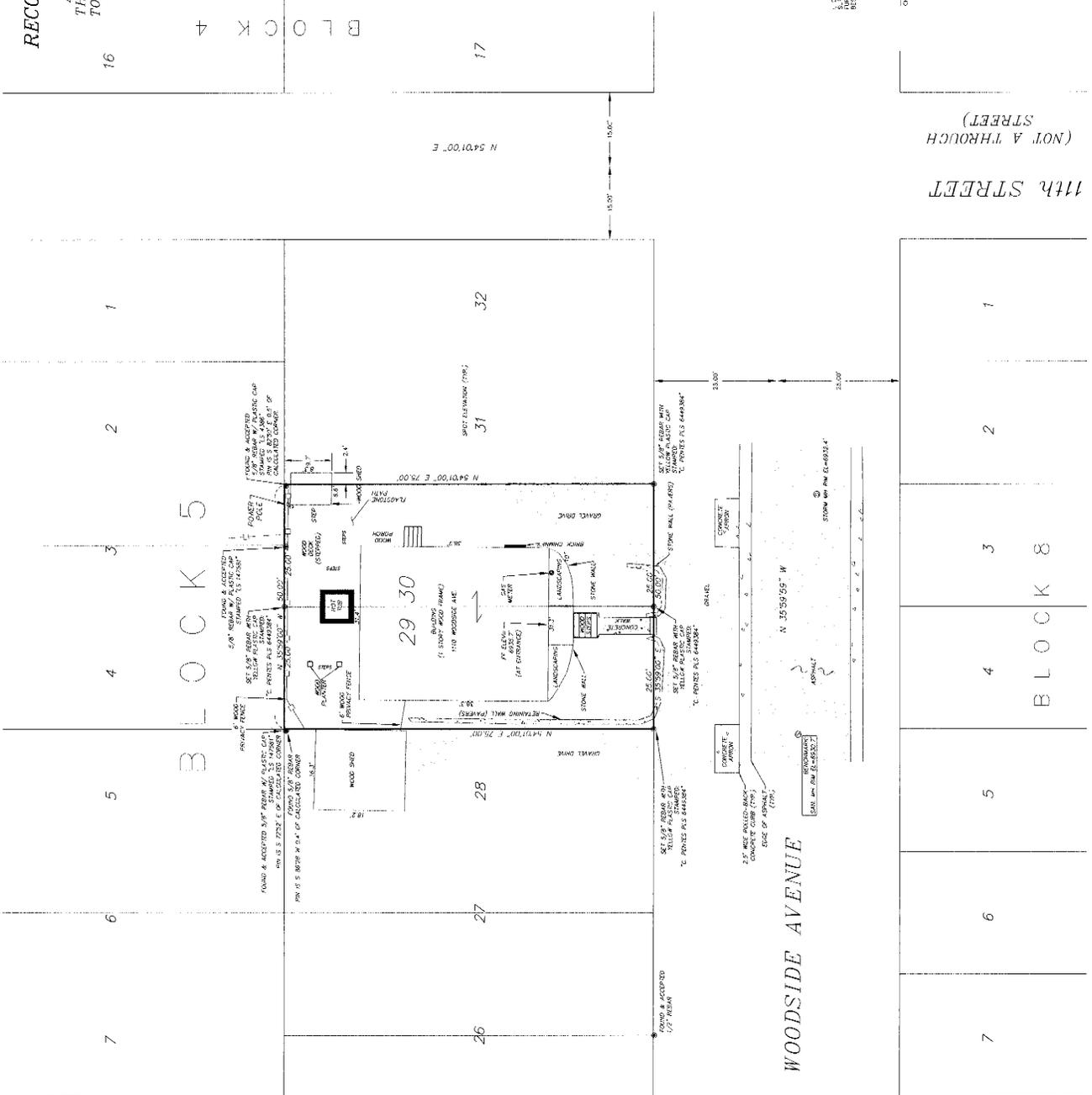
SEE SA 2006-0001 AND SA 2006-0002 FOR ANY EASEMENTS, RIGHTS OF WAY, OR OTHER INTERESTS AFFECTING THIS PROPERTY. THE SURVEYOR HAS BEEN ADVISED THAT THERE ARE NO EASEMENTS, RIGHTS OF WAY, OR OTHER INTERESTS AFFECTING THIS PROPERTY.

LEGAL DESCRIPTION

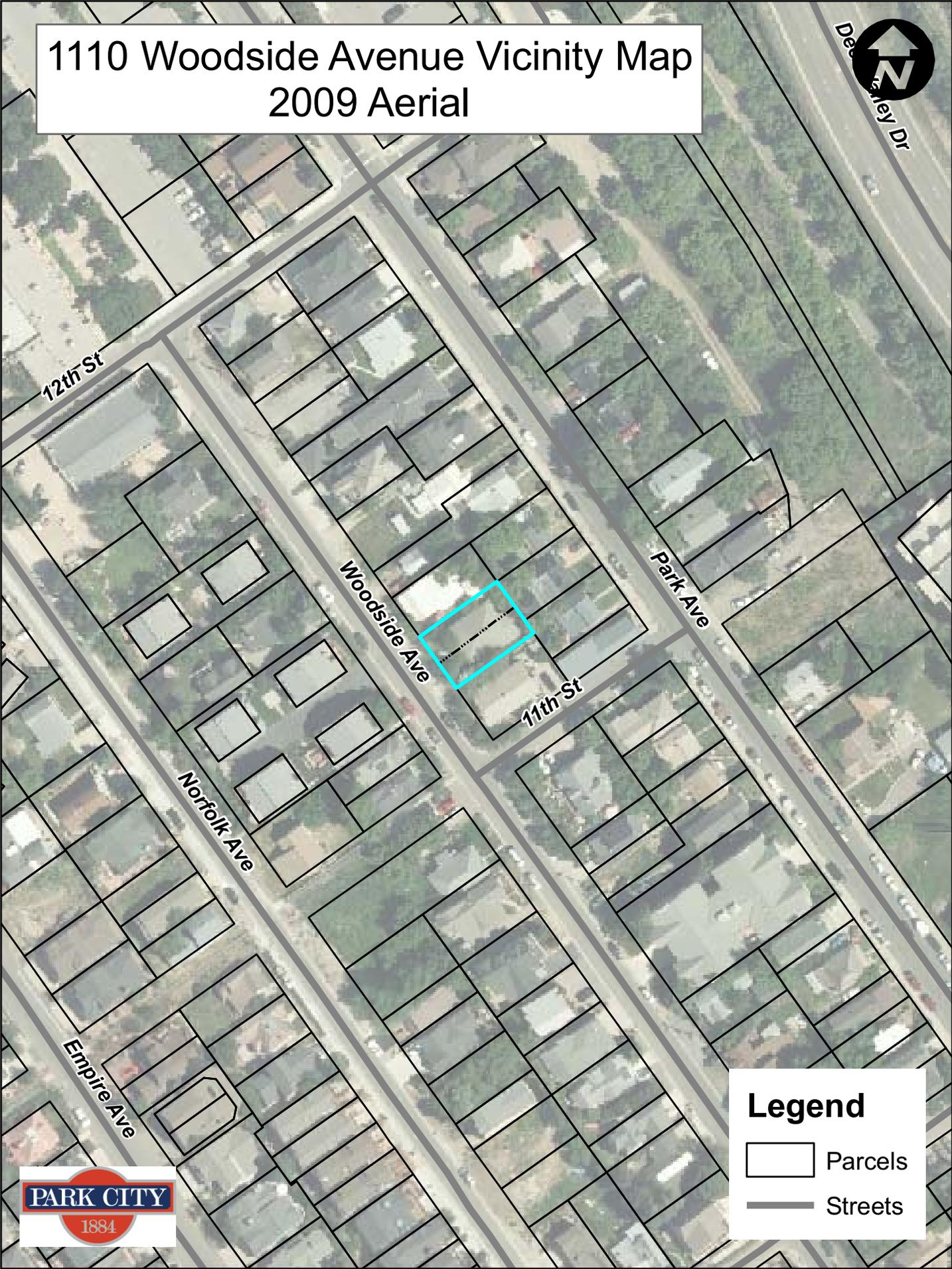
ALL OF LOT 29, BLOCK 5 OF SNYDERS ADDITION TO PARK CITY, SUMMIT COUNTY, UTAH, AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER.

THE SURVEYOR'S CERTIFICATE IS FILED IN THE OFFICE OF THE SUMMIT COUNTY RECORDER.

DATE: 7/11/07



1110 Woodside Avenue Vicinity Map 2009 Aerial



Legend

-  Parcels
-  Streets



