

**PARK CITY MUNICIPAL CORPORATION  
 PLANNING COMMISSION  
 CITY COUNCIL CHAMBERS  
 October 24, 2018**



**AGENDA**

**WORK SESSION AND SITE VISIT 4:30-5:15 PM – 3800 Richardson Flat Road – Please meet onsite at 4:30 PM**

Site visit to tour the Spiro Water Treatment Plant in preparation for a review of the 3Kings Water Treatment Plant Conditional Use Permit at 1884 Three Kings Drive. PL-18-03941  
*Planner Morlan*

**MEETING CALLED TO ORDER AT 5:30PM**

**ROLL CALL**

**ADOPTION OF MINUTES OF October 10 , 2018**

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

**STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES**

**CONTINUATIONS**

2563 Larkspur Drive - Amended Lot 39 West Ridge Subdivision Phase II - Plat Amendment request to move the platted reserved open space delineation back, decreasing it by 764 square feet. PL-18-03903    43  
*Planner Astorga and Planner Newberry*  
*Public hearing and possible recommendation for City Council on November 29, 2018.*

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

324 Woodside Avenue – Steep Slope Conditional Use Permit – The applicant is proposing to construct an addition to a historic house, designated as “Significant” on the Historic Sites Inventory, on a slope greater than 30%. PL-18-03998    44  
*Planner Newberry*  
*Public hearing and recommendation for City Council on November 29, 2018.*

180 Daly Avenue – Steep Slope Conditional Use Permit – The applicant is proposing to construct an addition to a historic house, designated as “Significant” on the Historic Sites Inventory, on a slope greater than 30%. PL-18-03085    69  
*Planner Grahn*  
*Public hearing and possible action.*

182 Daly Avenue – Steep Slope Conditional Use Permit – The applicant is proposing to construct an addition to a historic house, designated as “Significant” on the Historic Sites Inventory, on a slope greater than 30%. PL-18-03084    105  
*Planner Tyler*  
*Public hearing and possible action.*

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.

182 Daly Avenue – Conditional Use Permit – Duplex Dwelling. PL-18-03708 131  
*Public hearing and possible action.* Planner Tyler

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

675 Round Valley Drive – Plat Amendment – Request to create two (2) 2.5 acre lots of record from Lot 4 of the Third Amended IHC Park City Medical Campus/USSA Headquarters and Training Facility Subdivision plat. PL-18-03982 157  
*Public hearing and possible recommendation for City Council on November 15, 2018.* Planner Whetstone

7704 Village Way – Condominium Plat – Request for a Condominium plat for Larkspur Townhomes 6 for three attached multi-family units, on Lot A of the Second Amended Village at Empire Pass Phase 1 Subdivision plat. PL-17-03975 180  
*Public hearing and possible recommendation for City Council on November 15, 2018.* Planner Whetstone

553 Deer Valley Loop Road – Subdivision Plat – A two (2) lot subdivision replacing the Mine Cart Condominium Plat, a two (2) unit condominium that was recorded but never built. PL-18-03936 203  
*Public hearing and recommendation for City Council on November 15, 2018.* Planner Astorga

50 Shadow Ridge Road – Plat Amendment – Request to change private platted designation to common space. PL-18-03936 236  
*Public hearing and possible recommendation for City Council on November 15, 2018.* Planner Astorga

341 Woodside Avenue – Plat Amendment – The applicant is proposing to combine Lot 11 and the southerly five feet of Lot 12 of Block 30 of the Park City Survey into one new lot of record. PL-18-03985 269  
*Public hearing and possible recommendation for City Council on November 29, 2018.* Planner Morlan

Park City Back Nine Subdivision – The applicant is proposing a new 1-lot subdivision at 1884 Three Kings Drive encompassing the entire back nine holes of the Park City Golf Club. PL-18-03956 285  
*Public hearing and possible recommendation for City Council on November 29, 2018.* Planner Morlan

1884 Three Kings Drive – The applicant is requesting a Conditional Use Permit to construct the 3Kings Water Treatment Plant, a new essential municipal public utility facility greater than 600 square feet. PL-18-03941 313  
*Public hearing and possible action.* Planner Morlan

**ADJOURN**

**\*Parking validations will be provided for Planning Commission meeting attendees that park in the China Bridge parking structure.**

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PARK CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION MEETING MINUTES  
COUNCIL CHAMBERS  
MARSAC MUNICIPAL BUILDING  
OCTOBER 10, 2018

COMMISSIONERS IN ATTENDANCE:

Vice-Chair John Phillips, Sarah Hall, John Kenworthy, Mark Sletten, Laura Suesser, Doug Thimm

EX OFFICIO: Planning Director, Bruce Erickson; Planner; Anya Grahn, Planner; Hannah Tyler; Planner; Mark Harrington, City Attorney; Jody Burnett, Legal Counsel

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REGULAR MEETING

**ROLL CALL**

Vice-Chair Phillips called the meeting to order at 5:35 p.m. and noted that all Commissioners were present except Commissioner Band, who was excused.

**ADOPTION OF MINUTES**

September 26, 2018

Commissioner Thimm referred to page 17, first full paragraph, third line, and changed 20' to the garage base to correctly read **20' to the garage face**.

MOTION: Commissioner Sletten moved to APPROVE the Minutes of September 26, 2018 as amended. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

**PUBLIC COMMUNICATIONS**

There were no comments.

**STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES**

Planning Director Bruce Erickson reported that the Planning Commission would only hold one meeting in November, on November 14<sup>th</sup>, due to the Thanksgiving holiday.

Commissioner Kenworthy disclosed that as he has in the past, he would be recusing himself from the 638 Park Avenue item on the agenda this evening.

Regarding the LMC Amendment regarding Food Trucks, Commissioner Kenworthy stated that he is the President of the HPCA and he would not be voicing any HPCA opinion during the Food Truck discussion. However, he encouraged members of the HPCA to give their comments during the public hearing.

Commissioner Hall disclosed that she has been an occasional client of Snell and Wilmer, the law firm representing the applicant for 638 Park Avenue. She also disclosed that she ran into Logan, the architect for the Kimball project outside City Hall. During the site visit she had favored bike racks, and he told her that they would most likely not have bike racks. Commissioner Hall disclosed that after the last meeting she also ran into John, who is working with THINC, and he reiterated some of his points. Commissioner Hall did not believe any of these disclosures would affect her decision on the Kimball project.

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

### **1. LMC Amendments – LMC Amendments regarding Food Truck locations (Application PL-18-03846)**

Planner Hannah Tyler provided a brief background on this item. She noted that typically Food Trucks have not been allowed within the Park City limits. However, recent legislation resulted in State Code changes, which took effect in May. Planner Tyler stated that a pending ordinance came before the Planning Commission in May to address the State Code changes, and it was slated to come back to the Planning Commission after the City Council did some outreach with stakeholders. Planner Tyler stated that the City Council had provided direction and the Staff had also reached out to the stakeholders.

Planner Tyler reported that the objective this evening was to amend the LMC to align with State Code. The State Code states that if a restaurant is allowed in a zone or as a conditional use in the zone, that Food Trucks should be allowed.

Planner Tyler presented a power point presentation showing the list of zones that currently allow restaurants as either conditional or allowed uses in those zones. The City will be regulating Food Truck locations. Planner Tyler noted that the Recreation Open Space zone currently does not allow restaurants. However, it was included in the list to align the purpose statement of that zone, which is for public amenities. Planner Tyler stated that Quinn's Junction was in the zone and some City facilities. In an attempt to reduce the vehicle miles traveled during larger tournaments at Quinn's for example, because there are no services or restaurants it would be better to provide

food out there to keep people from driving into the City and contributing to traffic congestion. That was the logic for including the ROS zone.

Planner Tyler stated that since the specific of the Code changed at the State level, the City is not regulating individual food trucks in the LMC. They are only regulating the location of food trucks. Food trucks on private property will be regulated the same as public property. If the City would like to facilitate food trucks on City property it would go through the same process as a private property owner. Planner Tyler stated that food trucks will not be allowed in the right-of-way and they cannot operate from the street.

Regarding the regulation of individual food trucks, those regulations will be set forth in the Municipal Code in Title 4 as part of the business licensing. Planner Tyler stated that for purposes of the Land Management Code, they will be regulating each property owner who wishes to have a food truck in accordance with the underlying zoning requirements. The property owner will come to the Planning Department and apply for an administrative permit. They will have to specify exactly where on their land they want to locate the food truck. There needs to be sufficient room for the food truck and it has to meet the setbacks and all other requirements of a building. The Planning Director would then issue a determination letter stating whether it is or is not in compliance with the underlying zoning. Planner Tyler stated that once the private property owner has the letter showing compliance, they can have a food truck park on their property.

Planner Tyler was unsure how many property owners would be able to go through the process and facilitate a food truck on their property that would not take up required parking. If it is a common area, the HOA must sign off on the food truck. Planner Tyler pointed out that the City was not precluding food trucks from coming to Park City, and they were opening it to private property owners. However, with the current real estate market and the properties themselves, there may not be as many opportunities for food trucks.

Planner Tyler stated that the City cannot require additional health and fire inspections. If a food truck comes up from Salt Lake they will have a Salt Lake County health and fire inspection. Summit County will not be able to require an additional inspection at that level. However, Park City can require a reciprocal business license, which is a \$149 fee. The City would also require that they open up a temporary tax account so the City can collect sales tax from all the transactions that occur.

Planner Tyler stated that per State Code, the City cannot regulate food trucks that operate for less than 10 hours. For example, if a food truck comes in for two hours at a

time, two days a week, they would not be regulated under the LMC. They will have to be located on private property, but the City cannot require a business license.

Planner Tyler clarified that the State facilitating the use of public property was a City Council policy discussion that was scheduled for October 23<sup>rd</sup>. The objective this evening was only to look at the use level of the LMC to align with State Code. Planner Tyler assumed that members of the public wanted to talk about the City facilitating public property, but that was not a discussion for the Planning Commission this evening.

Planner Tyler reviewed a chart she had prepared which organized the regulations by type of property and the type of use. The chart was broken into categories of Food Trucks at Special Events; Food Trucks on private property that does not serve the public; Food Trucks on private property that serves the public; and Food Trucks on public property that serves the public. The regulations and process for each specific use were listed under the appropriate column. The last column, Food trucks on public property that serves the public, will be discussed by the City Council on October 23<sup>rd</sup>. Planner Tyler stated that if the City Council chooses to facilitate that, they would issue an RFP for interested parties wishing to operate on City property.

Planner Tyler reiterated that the City would be held to the same standard as all private property. It would have to be an allowed use in the zone, and the City would have to acquire Planning Director determination. Any food truck that operates will need business licenses and temporary tax accounts.

Planner Tyler emphasized that the objective this evening was to amend the LMC to align with the State Code through definitions of food truck, food truck locations, and the list of zones where the food trucks are allowed uses.

Director Erickson noted that this amendment has been six-months in progress. Planner Tyler and the Staff had researched food truck regulations everywhere from Monterey, California to resort towns in the west. They also attempted to respond to the commentary on the Summit County attempt on Food Trucks. That was why Planner Tyler's report had more rigor with respect to the fiscal responsibility and the comparability between a brick and mortar restaurant and a food truck restaurant in terms of sales tax.

Commissioner Sletten commented on food trucks at private parties or private events on private property as it relates to the setbacks. Using his house as an example, if someone parks a food truck in his double-wide driveway, it would violate the setbacks that would be required for a restaurant if it was allowed in the zone. Commissioner

Sletten asked if his driveway would be a permitted parking location for a food truck, or whether it would have to park somewhere else on the lot that meets the setback. Director Erickson stated that the food truck should be parked on a hard service and parking in the driveway would be permitted as long as it does not block the right-of-way. In this particular case, the setbacks would not affect the location because it is in a private driveway. He stated that the Staff was still looking for some type of leniency for a private event for a caterer.

Commissioner Suesser understood that in the scenario Commissioner Sletten described, the food truck would have to be operating for less than 10 hours. Planner Tyler answered no; however, there could only be one point of sale for a private party. Director Erickson explained that if the food truck was open to the public, it could be located on private property or somewhere else, but it would require a business license and other permits and certifications. If the food truck caters a private party, it is considered a single point of sale and a permit is not required; only a business license.

Commissioner Suesser referred to the definition of truck locations on page 63 of the Staff report. She understood that they were not addressing food truck locations on public property, but she wanted to know why the definition specifically says "on private property" if they were exploring food trucks on public property. She thought it should be removed from the definition. Planner Tyler replied that the distinction was to specify it was not a right-of-way. She asked City Attorney Harrington if the definition says private property whether it precludes it from public property or treating public property the same as private property. City Attorney Harrington offered to clarify the language. Commissioner Suesser remarked that as written, if they created different locations on public property they would have to go back and amend the LMC because the definition would be specific to private property.

Commissioner Suesser read the second sentence of the definition, "Food Truck locations may not occupy code required parking for previously approved development activity". She recommended revising the language for better clarification to say, "Food Truck locations may not occupy code required parking **areas** for previously approved development activity".

Commissioner Hall referred to the same definition and asked if one operator has four trucks and operates a different truck for 9 hours on Monday, 9 hours on Tuesday, etc., whether the physical truck is exempt or if it pertains to the company that owns many trucks. Planner Tyler replied that it is an individual truck. She clarified that ten hours a week is two hours or less each day for a total of ten hours per week. The owner could send several trucks, but each truck can only operate no more than two hours a day, ten

hours a week. Planner Tyler noted that two hours per day is in the State Code. The ten hours per week is referenced in the LMC definition.

Commissioner Kenworthy asked if a reciprocal business license was required in the City. Planner Tyler answered yes. Commissioner Kenworthy stated that health inspections were his primary concern. He understood that anyone from any county in Utah could park a food truck in Park City without a health inspection. Planner Tyler replied that per State Code the City cannot require a health inspection.

Commissioner Thimm understood that the food truck would be inspected by another municipality. Using a Salt Lake City truck as an example, Planner Tyler explained that Salt Lake County would inspect the truck under the same health and fire inspection Codes as Summit County. However, whether the inspection is done right is another issue. Planner Tyler explained that all counties use the same Health Code. It is similar to building inspections that follow the IBC and IRC wherever the inspection takes place. She understood that the same process is used for the Health Code.

Commissioner Kenworthy remarked that Wasatch County has a different process and requires a reciprocal inspection. Planner Tyler stated that she was given the direction that the City had to follow State Code and could not require an additional inspection.

Commissioner Thimm noted that the definition states that a food truck could not occupy Code required parking areas. If 22 stalls are required and there are 24 stalls in the parking lot, he presumed that a food truck could occupy the two extra stalls. Planner Tyler replied that he was correct.

Vice-Chair Phillips opened the public hearing.

There were no comments.

Vice-Chair Phillips closed the public hearing.

Director Erickson noted that Planner Tyler had prepared a recommendation for action this evening, with the amendments to the definitions as outlined by Commissioner Suesser.

**MOTION:** Commissioner Sletten moved to forward a POSITIVE recommendation to the City Council for the proposed amendments to the Land Management Code for Food Trucks as found in the draft ordinance and as amended this evening. Commissioner Hall seconded the motion.

VOTE: The motion passed unanimously.

2. **638 Park Avenue Remand – City Council Remand of a Conditional Use Permit for a Private Event Facility Back to Planning Commission for Additional Review.** (Application PL-16-03412)

Commissioner Kenworthy recused himself and left the meeting.

Vice-Chair Phillips thought there was a good likelihood that this item would be appealed. He asked the Staff to help the Commissioners understand the appeal process; as well as the unique nature of this particular application and why the Planning Commission was voting on final action.

Jody Burnett, Legal Counsel, stated that it is a ten-day appeal period for any party seeking to appeal a decision. However, sorting out the unique circumstances of an appeal going to City Council will have to be dealt with at that level. Mr. Burnett remarked that the Planning Commission is the land use authority and the thought of an appeal should not affect their decision. Mr. Burnett emphasized that the Planning Commission would be making a decision; not just a recommendation. There are unique issues and questions with respect to the success of appeals, but those would have to be with the City Attorney's Office in conjunction with the City Council.

Vice-Chair Phillips clarified that the Planning Commission would be taking final action because it is a remand, and that an appeal would go to the City Council.

Planner Anya Grahn reported that this item was a remand for a conditional use permit for a private event facility. The City Council remanded it back to the Planning Commission in March 2017. She clarified that the Commissioners would not be discussing the design of the building. The intent is to talk about the use as a private event facility. Planner Grahn explained that the Planning Commission would take final action and that action is allowed to be appealed within ten days.

Planner Grahn noted that the Planning Commission reviewed the remand in September 2017, as well as June and August 2018. At the last meeting the Planning Commission had additional comments and wanted more attention focused on noise, traffic, loading and parking. At that time the Planning Commission directed the Staff to have a third party review of both the applicant's noise study and the traffic study. The requested reviews were conducted. The City commissioned a noise study by acoustical engineer, Joe Morris of BNA consulting, as well as a traffic study by Hales Engineering. Representatives of both companies were present to answer questions.

Planner Grahn reported that the Staff has also been meeting and working with the applicant and with internal departments to make sure they addressed as many conditions of approval as possible to mitigate the impacts. She noted that internal staff included the Building Department, Code Enforcement, Engineering, Transportation, Police, Parking and others involved in developing the conditions being proposed this evening. Representatives from the Police Department, Building and Code Enforcement, Engineering, and Transportation were also present this evening.

Planner Grahn noted that any public comment that was received until 5:00 p.m. yesterday was placed online and was available to everyone. Comments received after that timeframe were provided to the Commissioners. Additional copies were available on the back table for the public.

Planner Grahn stated that the Staff and applicant had worked through as much as they believed could be mitigated, given that the project is not yet operational. She noted that several conditions of approval were drafted that were both reflective of similar conditional permits in the community; but also specific to this site. The conditions address ways to mitigate noise, amplified music and other issues of concern. Another major issue is that any event over 250 occupants should be reviewed by the City to make sure traffic mitigation and other foreseeable issues are mitigated properly. Traffic, loading, and parking were other issues addressed in the conditions of approval, as well as conditions related to operations management.

Planner Grahn reported that the Staff would like to report back to the Planning Commission at 6 months and 12 months after the facility is in operation to provide an update on how things are going and what issues are perceived. If sustained complaints are received at any point, the Planning Director has the ability to bring it back to the Planning Commission for review. If three or more complaints are received after the 6 month and 12-month reviews, it would come back to the Planning Commission.

Commissioner Thimm asked for the meaning of a sustained complaint and how it differs from an un-sustained complaint. Director Erickson replied that a sustained complaint means that either Code Enforcement or the Police documented the complaint and it was being reviewed to determine there was a Code violation. He explained that sustained is a term that requires a Notice of Violation and a review by the Legal Department. The term sustained was negotiated by City Attorney Harrington and the applicant's attorney.

Commissioner Sletten suggested that they define a sustained complaint versus a non-sustained complaint with respect to violations to clear up any ambiguity for a future

Planning Commission that may have to review this CUP. He thought both terms needed to be specifically defined.

Tony Tyler, representing the applicant, had not prepared a presentation this evening. He believed they had already gone through an extensive process that began two years ago when the application was submitted.

Mr. Tyler commented on a number of additional reports that were generated since the last meeting on both the City's behalf and the applicant's behalf in terms of review and working with Staff. The reports focused on noise and traffic. Mr. Tyler stated that when the applicant opened the building for the ability to conduct the reports, it was also open to the public to view the space. Mr. Tyler believed that was helpful to alleviate potential concerns.

Mr. Tyler believed the professional acoustical report that the City had conducted, in addition to an impromptu report that was conducted at 9:00 p.m. one evening on top of the deck, had amplified music well beyond what they anticipated having on top of the deck. He explained that it was well beyond the anticipated level because they could not get a reading on the street. Mr. Tyler believed it validated everything the applicant hoped it would in terms of providing certainty regarding the noise impacts to the surrounding areas. Mr. Tyler noted that the applicant had agreed to additional conditions related to noise that he believed were appropriate. One condition is making sure that the orientation of the equipment and the height of the speakers are away from adjacent neighbors and below the height of the railing.

From a traffic perspective, Mr. Tyler believed the single biggest mitigation the applicant has agreed to in working with the Staff, was the 250-person limit prior to an event management plan. He pointed out that the management plan includes a significant focus on traffic and load-in/load-out. The applicant felt that 250 was an appropriate number where the impacts could tip one way or the other. The applicant will have the opportunity to work with Staff to ensure that the impact an event may have with over 250 people is properly mitigated.

Mr. Tyler stated that the goal is to be a good neighbor, which is why they worked with the Staff and agreed to additional conditions. He noted that the Staff report outlined significant steps taken by the City in terms of reviewing and validating the reports that the applicant commissioned; as well as the concessions by the applicant related to the findings of those reports in an effort to ensure that the impacts associated with the site are mitigated. Mr. Tyler pointed out that the "three strikes and you're out" rule requires the applicant to come back to the Planning Commission for additional mitigation if they have three sustained complaints in a 12-month period.

Mr. Tyler remarked that it was a collaborative effort on the part of the City and the applicant to come up with the best possible approach to the use of the space.

Commissioner Suesser asked Planner Grahn to describe the loading zone that was created and whether it could be used by all Main Street businesses as a loading zone.

Planner Grahn explained that two things were done to help with the loading zone. To address the concern about bus traffic and emergency vehicles, Hale Engineering recommended extending the line further in to make sure the buses could make the turn and emergency vehicles could pull up. Planner Grahn believed the loading zone was three spaces long and the idea was that it could be used by anyone on Main Street. It is not specifically reserved for use by the Kimball.

Commissioner Suesser asked if anyone could park there or whether it was specific to business parking. Planner Grahn replied that anyone could park there. However, it is a loading zone with a 15-minute parking limit.

Commissioner Thimm referred to the physical testing that was actually performed at a noise level higher than they actually anticipate. He asked if the measurements were taken into the residential areas. Planner Grahn clarified that he was referring to the Staff's science experiment. She explained that the Staff went to the Kimball on a Tuesday night. It was a cold night and very quiet. They put two large speakers on the rooftop of the Kimball and plugged in phones playing music. She noted that they kept increasing the volume because at 65 decibels they could not hear anything. They kept increasing the volume until they reached 93 decibels. She presented the locations that were measured. Officer Jay Randall was sitting on porches across the street at the two houses along Heber and Park Avenue. She and Michelle Downard walked around to the other locations and spent several minutes with the sound meter. They recorded the measurements to create the table.

Commissioner Thimm stated that in looking at the locations it appears they also went up in elevation. Planner Grahn answered yes. They also found that the closer they were to being the same elevation as the deck, the louder the noise. It was not as noisy or obtrusive being below the deck at the street level. Planner Grahn explained that they also checked at 90 decibels because the Code allows the police to make an exception for noise during special events. When measuring at 90 decibels, the noise was incredibly intrusive. They did not notice a significant difference at 80-85 decibels, but it increased significantly at 90 decibels.

Mr. Tyler noted that the Staff did the testing before the glass railing was installed and without any landscaping. The speakers were set at 6 feet rather than 3'6". Commissioner Thimm asked for the height of the glass wall. Mr. Tyler replied that it was 3'6" above the surface.

Commissioner Suesser understood that live music would be permitted on the outdoor deck and it does not violate the noise ordinance. Planner Grahn stated that in speaking with Mr. Tyler, the goal is to have acoustical guitarists. They were no planning on having rock bands.

Vice-Chair Phillips recalled that the Planning Commission previously proposed a condition to prohibit amplified music. He was told that the Commissioners had talked about it but nothing was decided. Vice-Chair Phillips thought there was consensus among the Commissioners to prohibit amplified music. Mr. Tyler noted that it was addressed in Condition #10. The applicant had agreed to a noise limiting system that would cut-off amplified music if it exceeds a specific decibel level. He clarified that the applicant wanted the ability to have amplified music; and the Planning Commission wanted a mechanism that would automatically cut it off, rather than having an individual make that determination. The applicant agreed to that mitigation.

Commissioner Sletten recalled that the discussion related to people talking as well as music. Mr. Tyler stated that the noise level is cumulative. The input location connects to any amplified equipment, but the output only measures the ambient sound. People talking or yelling will be measured in addition to the music coming from the amplifier.

Vice-Chair Phillips opened the public hearing.

Sanford Melville, a resident on Park Avenue, thanked the Planning Commission and the Staff for conducting the additional noise and traffic studies. It was helpful and it is always good to make decisions from data. Mr. Melville specifically thanked Planner Grahn and the Staff for conducting the science experiment. It was a useful experiment to simulate the sound and to measure it. Mr. Melville also thanked the applicant for allowing access to the deck.

Mr. Melville stated that in reading over the Staff report, his most significant observation was that nothing has materially changed in the application in almost two years. The CUP proposal continues to be for an event facility up to 480 people 365 days a year from 8:00 a.m. to midnight with music and speakers allowed on the outdoor deck portion from 11:00 a.m. to 10:00 p.m. All of this in an already congested area of town adjacent to residential neighborhoods.

Mr. Melville had three main issues this evening. The first was the City Council remand that was over 18-months ago. He intended to talk about the remand issues, as well as proposed conditions of approval, which are extremely important in their decision this evening. Mr. Melville also intended to discuss some of the findings of fact.

With regard to the remand, Mr. Melville noted the three categories: 1) ongoing monitoring efforts; 2) noise; 3) traffic. He remarked that the City Council suggested ongoing monitoring by the Planning Commission to ensure compliance with the conditions of approval of the CUP. The Council also suggested an affirmative review by the City of the use more frequently than once a year. Mr. Melville noted that Conditions of Approval #28 and #29 only require a review at 6 months and one year. He believed that was insufficient. He also thought the review should continue after the first year at least on an annual basis. In addition to the three strikes clause, Mr. Melville remarked that many things will change; which include changes to ownership, changes to management, changes of City-scheduled events, and changes in the community. He believed this was a "try as you go effort", and it should come back to the Planning Commission for review and approval on a regular basis.

Mr. Melville stated that the ongoing monitoring of compliance is skirted by the Conditions of Approval to the citizens and the neighbors to make complaints, as shown in Conditions #25 and 26. He believed it placed an unreasonable burden on the ordinary citizens. On the issue of ongoing monitoring, he noted that the Park City Police made two appropriate recommendations in a report dated June 12, 2018; but those recommendations were not included in the proposed conditions of approval. One recommendation was to provide a provision for a representative of the establishment to meet with the neighbors upon request in order to attempt to resolve neighborhood complaints regarding the operations on the business premises. Mr. Melville thought there was a benefit to reaching out to the neighbors. The police department also recommended having a readily available on-site point of contact representative for conflict, mitigation, problem solving, and to act as a liaison for complaints and operational coordination. Mr. Melville thought it was a good idea to have an on-site point of contact for the neighbors. Mr. Melville noted that the police report was provided to the Planning Commission at the last meeting; however, it was not included or addressed in the current Staff report.

Commissioner Sletten informed Mr. Melville that the police report was delivered to the Planning Commission earlier in the day.

Mr. Melville commented on noise and noted that the City Council was concerned that human chattering, as well as amplified outdoor music, could violate the City's noise ordinance. He pointed out that no provision was made to control human chatter or

similar party noise. People do not have very good volume controls and that is a difficult issue to control. Mr. Melville remarked that the City Council was also concerned that the use of the rooftop deck was too unrestricted. It was too public and too impactful on the surrounding neighborhood. The Council also suggested keeping the sound inside the space and limiting the use of the outdoor deck beyond ancillary uses, including removing speakers. The City Council suggested restricting usage and hours. Mr. Melville stated that none of those concerns were addressed in the conditions of approval. Mr. Melville referred to page 69 of the Staff report and noted that the acoustic study included possible noise violations from amplified noise. He pointed out that the applicant's proposed use of technology for amplified noise from music on the deck has not been tested or shown to actually work. None of the expert studies talked about the technology. Mr. Melville read from Page 69 of the Staff report "Regardless of noise Code violations, the proximity of the site in relationship to residential properties creates a high probability of long-term noise fatigue, which the Staff does not have the ability to enforce against".

Mr. Melville noted that the City Council had traffic concerns, which included likely unmitigated bottlenecks at the street corners and streets around the event center, particularly during peak load in and load out times. Mr. Melville did not believe those concerns were adequately addressed by the proposed Condition #15, that a traffic management plan be prepared for planned events of 250 or more persons. He recalled that the number was 200 at the last meeting, and it was somehow increased to 250. He could visualize a significant amount of traffic being created by 150, depending on the event. Mr. Melville stated that any time an event is held, a city-approved person should be managing traffic at this congested section of town, and paid for by the event. Mr. Melville remarked that there was absolutely no basis or reason to allow the applicant to convert a public street into a 15-minute loading zone, as proposed in Condition #20. The lack of an on-site loading/unloading zone is a result of the applicant's own making in his decisions. The applicant chose to build square footage over the previous existing parking lot and loading area for the property. The choice by the applicant does require the City to convert a public street into a loading zone. Mr. Melville pointed out that it was not part of the packet that the City Council reviewed. Therefore, the issue was never reviewed by the City Council. Mr. Melville remarked that it was a point for discussion this evening, because he questioned whether the Planning Commission has the authority to convert public space to a use by a private entity.

Mr. Melville referred to page 72 of the Staff report and noted that this solution of a loading/unloading zone was rejected by the Planning Commission in September 2017 during a work session. Mr. Melville believed the applicant has the responsibility to limit the use of this facility and to manage traffic to fit the limitations of the event facility. Mr.

Melville noted that the CUP is for a private event facility; however, the traffic study did not take into account the other tenants who will be in the building.

Mr. Melville commented on his issues with the conditions of approval proposed in the Staff report. He stated that if the Planning Commission intends to approve the CUP, they need to add strict and enforceable conditions of approval. Mr. Melville noted that Condition #10 listed a number of owner responsibilities. He questioned how many on the list could be accomplished and how the City could ensure the responsibilities are actually carried out. Mr. Melville noted that the noise management plan was not included in the Staff report. He did not think the Planning Commission could take final action on the CUP without reviewing the noise management plan. Regarding Item E under Condition #10, Mr. Melville suggested that it be simplified by requiring everyone to be off the deck at 10:00 p.m.

Mr. Melville referred to Condition #11 and asked who would verify that the doors are kept closed when there is music on the interior space. Condition #12 talks about the elevate stage and speakers, but again, who would verify to ensure the condition is met. Mr. Melville referred to Condition #13 and asked for clarification of approved outdoor dining as it relates to speakers and music. He asked if there was a City Code for outdoor dining speakers. Condition #14 addressed noise and requires the public to measure the decibel level and complain about noise violations. Again, the burden should not be placed on the public. Condition #15 addresses written notification to the City by the operator of an event scheduled for 250 or more people. Mr. Melville questioned why an operator would voluntarily go through the work of providing an event and traffic management plan as detailed in the condition. He assumed an event operator would keep a large event to 249. Mr. Melville pointed out that multiple 249 person events could occur on the same day. He wanted to know if an event and traffic management plan would be required if there were more than 249 people in one day from separate events. Mr. Melville suggested that the event management plans should be required for all events of 100 or more. Condition #15 also talks about violations. He asked for clarification of the term and whether it relates to noise or traffic or something else.

Mr. Melville referred to Condition #20, which was the proposal to divert Heber Avenue to a loading zone. He reiterated that using public parking for the creation of a loading zone for the benefit of this applicant is unacceptable. He thought it set a precedent for other business who wish to do the same thing. Mr. Melville pointed out that the applicant has been paying the City for the space during construction. He did not understand how the City could charge the applicant for the use of the space for two years and then approve a CUP that allows them to use the space for free.

Mr. Melville appreciated the clarification of sustained complaint as mentioned in Condition #25. He had the same question when he read the condition. Mr. Melville wanted to know who a citizen would complain to and how a citizen registers a complaint. He wanted to know how the City hears about the complaint and how the Planning Department determines a legitimate nuisance versus a complaint from a cranky neighbor. Mr. Melville thought the process for making a complaint needed to be addressed and specifically outlined. It was not clear in the conditions of approval. Mr. Melville reiterated his recommendation that the CUP come back to the Planning Commission for regular reviews to address the impacts that occur. He believed a permanent approval defies common sense.

Mr. Melville had drafted additional conditions of approval that he submitted for the record. He highlighted the major points in his draft conditions, which matched the recommendations he had offered in his comments. Mr. Melville suggested that the Staff prepare a single page summary of the conditions of approval that are enforceable by the police department upon receiving a complaint. A copy of the summary should be given to the police department and another copy should be visibly posted inside the lobby of the events center at all times. Mr. Melville also provided a list of additional suggestions that he had drafted.

Mr. Melville commented on the Findings of Fact. He understood that Findings of Fact is a legal term they must be supported by factual evidence. He believed a number of Findings in the Staff report were incorrect and should be addressed. Finding #37 addressed design features in the building that mitigate noise. He thought the Finding was incorrect and misleading because it gives a false impression without showing any evidence that the elements have any impact on minimizing noise. Mr. Melville read from Finding #38, "The applicant has sufficiently addressed limiting the types of events, hours of operation, and duration of these events at the site". He thought the sentence was entirely unsupported and incorrect, because the applicant has made no changes limiting these issues since the original application. Mr. Melville read from Finding #39, "The applicant has reduced the hours of operation and occupancy load on the rooftop terrace in order to further limit noise". He stated that there has been no such reduction since the original application. Also in Finding #39 was a statement that the applicant has mitigated the effects for potential amplified music and sound on the balcony through the use of design elements. Mr. Melville did not believe that sentence was supported by evidence. Finding #39 further states that the applicant has mitigated the impacts for potential amplified music and sound on the balcony through the use of technology. He believed that statement was misleading since there has been no actual expert analysis that the mentioned technology will work. Such technology has yet to be installed, tested, or shown to be effective to limit the noise. Mr. Melville suggesting revising the language to state, "The applicant has proposed to provide technology to

mitigate the impacts for potential amplified music and sound on the outdoor rooftop balcony". Mr. Melville thought Finding #41 was also incorrect. He read, "The applicant has met the minimum requirements for loading and unloading as outlined in the Municipal Code and LMC". He noted that the applicant has provided no load and unload facilities as part of its project, and in fact, the applicant removed the previous existing loading and unloading area. Mr. Melville referred to Finding #42. He had issues with the last few sentences of the finding. He noted that the applicant had not demonstrated that any loading or unloading of guests attending private events will not add to the already congested intersection of Park Avenue, Heber and Main. He believed the opposite was inevitable. Mr. Melville stated that the applicant has also not demonstrated that loading and unloading will not impede bus traffic and circulation. He remarked that the current traffic study shows that it will impact. Mr. Melville read from Finding #45, "The proposal contributes to maintaining the historic Main Street District as the heart of the City for residents". Mr. Melville stated that nothing about this CUP will benefit neighboring residents who will have to endure the burden of noise, traffic, and other negative quality of life impacts.

Mr. Melville stated that if the Planning Commission intends to grant the CUP, the Findings of Fact must be correct. He urged the Planning Commission to deny this CUP in accordance with Land Management Code 15-1-10. The impacts of this large private event space in the heart of Park City cannot not be reasonably predicted and they cannot be substantially mitigated. Mr. Melville stated that the City has a procedure for managing and controlling large events, which is an Administrative CUP. He believed that same procedure should be utilized for this private event space.

Mr. Melville noted that he has been raising problems and concerns with the event center space for two years. He questioned why he continually puts himself through it, and the answer is that he is trying to protect his quality of life. He and his neighbors are the collateral damage on this project. They are all property owners and they have property rights. He urged the Planning Commission to use all the LMC tools at their disposal to protect the rights of the neighbors. He believed the most important tool was their power to deny the CUP.

Mr. Melville thanked the Planning Commission for allowing him additional time to make his comments.

Andy Byrne, a Park City resident for 35 years, stated that he has lived in the neighborhood near the event center. He has attended a number of these meetings and he could not understand why none of the problems they complained about have been mitigated. One issue was the lack of parking. He noted that every building on lower Main Street was required to build underground parking. This applicant did not. Instead,

they built on top of the 14 previous parking spots that also acted as a loading zone. After building out to the maximum, they want the City to give away seven free parking spots on Heber Avenue so it can be used for their loading zone. Mr. Byrne stated that public space should remain in the public realm. He could not understand why the City would allow this large events facility at the busiest corner of town without providing parking. Mr. Byrne emphasized that the seven parking spots are for the public domain and should not be used as a loading zone for trucks and buses for this facility. The noise and exhaust from these vehicles will creep into the neighborhood. Mr. Byrne was concerned about setting a precedent for the future. Mr. Byrne commented on other streets that get closed for various reasons, including the Silly Market, which creates circulation problems. He noted that within 100 yards of that busy intersection there have been five water main breaks in the last five years between Park Avenue, Heber and Park, and up to the Silver Queen Building. In addition, three large power poles blew up in the neighborhood in the last three years. Mr. Byrne stated that between utility issues and this busy intersection, there is already a lot that goes on in the area.

Mr. Byrne remarked that several neighbors were not able to attend this evening. He agreed with Mr. Melville's comments. They attend these meetings every six months but nothing changes and the problems are still not mitigated.

Angela Moschetta, an Old Town resident, thought this was a strange coincidence that in advance of this meeting and the last meeting, two dysfunctional and missing key information Staff reports were circulated. Also, in advance of the last meeting the public was not properly notified. She believed those were two unacceptable coincidences. Ms. Moschetta referred to the timeline in the Staff report and noted that the City Council was not in favor of the CUP and remanded it back to the Planning Commissioner. She stated that their role as Planning Commissioners was critically important. They are the line of defense between the onslaught of extracted development and the community they wish to preserve. Ms. Moschetta noted that she used the word extracted intentionally. These developers came from outside the Park City community and are working to exploit every loophole and extract every dollar they can; and at the same time lining up with third party developers and commercial real estate brokers to yell lawsuit every time something does not go their way. They are no different from the mining companies who stripped this town of its natural resources and laid waste that took decades to recover.

Ms. Moschetta stated that Park City has become one giant speculate opportunity. They need to use the tools, laws, ordinance, resources, and Commissions available to prevent being swallowed up. She remarked that the City fought against Vail when they attempted to trademark the town name. However, Vail relinquishing the trademark wasn't much of a win. It only slowed the inevitable of having big companies, national

chains, and third party developers aligning themselves to control the commercial tenants in town, own Main Street, set lodging and retail pricing and more. Ms. Moschetta believed there were three ways to slow this takeover and to protect the integrity and vibrancy of the community. One is the chain store market that they fought to stop, and once again, the developer threatened a lawsuit. Ms. Moschetta noted that the Planning Department worked through a well-reasoned and legally defensible ordinance that was unanimously supported by the Planning Commission. In the end they protected the Historic District's unique character to a certain degree. She stated that a notable exception is the ugly and concrete monolith that does not comport with the rhythm and scale of Main Street, and which the applicant is seeking exceptions for tonight. Ms. Moschetta remarked that the second way to slow the inevitable is by preserving Treasure Hill. The third way is by giving in on the issue before the Planning Commission this evening. They cannot succeed with only two out of three. They must achieve all three.

Ms. Moschetta commented specifically on the Kimball CUP. She noted that LMC 15-1-10, the Conditional Use Review process, talks about uses that may not be compatible to the adjacent neighbors or adjacent land uses and the associated impacts. She referred to the noise studies. The applicant had commissioned Henderson Engineers to conduct a third party noise study, which determined that 150 guests and two acoustic musicians would generate 72 decibels. The study argued that the proposed use would comply with the City's noise ordinance, which has commercial limitations at 65 dbas between 6:00 a.m. and 10:00 p.m.; and residential at 55 dbas. Ms. Moschetta noted that Mr. Melville had talked about the Staff simulated noise study, which puts the dba well in excess of what is allowed. She questioned whether either noise study was good enough. Ms. Moschetta wanted to know why no one had gone to the multiple events that took place over the past few months to measure the actual noise, usage, voice, and music levels.

Ms. Moschetta remarked that the stated conclusion is to rely on responsible management by the event managers. She did not trust the applicant nor the event operators to be responsible. CPP and their partners at the Canyons have been called before the Snyderville Planning Commission and the County Council for various issues. She reported that upon announcement that Park City Municipal Corp. would purchase Bonanza Park and turn it into an arts district, one of the principles of CPP Federal Trademark applications three days later, attempting to trademark Arts District Park City in the same way that Vail attempted to trademark the town name. Ms. Moschetta pointed out that CPP engaged commercial real estate brokers to pursue national chain tenants for the Kimball, which is how LL Bean and Ben and Jerry's are coming to Main Street. She thought it was worth noting that no one fought the community's collective wishes to cap chain stores on Main Street harder than CPP, its principles, and the

commercial brokers leasing their spaces. Ms. Moschetta remarked that CPP's principles are not giving in earnest to the Park City community. CPP is not a pillar of the community that has grown trust. They are string pullers and puppets in a scheme greater than anyone can fathom. Ms. Moschetta stated that CPP must earn trust and good will before they can be extended the benefit of any doubt.

Ms. Moschetta noted that Mr. Melville had talked about the proposed conditions of approval being very complex and probably not workable or enforceable. On the radio this morning, Director Erickson stated that the City does not like to be in the position of enforcement.

Ms. Moschetta remarked on the saying "It's better to ask for forgiveness than permission." If the Planning Commission approves the CUP as it is conditioned today, they would be putting CPP and Tony Tyler in a position to do as they wish and then ask for forgiveness. However, what is there to forgive in a town that admittedly shuns enforcements.

Ms. Moschetta echoed the previous comments regarding the issue with the parking spaces. This developer had parking spaces in its plat and chose to build over them to exploit and maximum revenue.

Ms. Moschetta urged the Planning Commission to deny the CUP and go back to the drawing board and require reasonable, clear, and enforceable conditions that require asking for permission; not forgiveness. She recommended her own conditions that the facility be limited to acoustic only music with absolutely with no amplified sound of any kind; or force the applicant to submit for approval on every event the same as other Old Town neighbors. If the technology referenced in the Staff report is proven to exist and function as intended, CPP should position a sensor on a portion of their building that is 25' from the event deck boundary, that would auto shut everything and auto report to the City and Police Department every time it is violated. The applicant should also pay for monthly and duly monitored calibration of said equipment. Ms. Moschetta thought three violations should result in automatic revocation of the CUP. She suggested that they carve out the lower portion of the Main Street facing side of the building and restore the parking spaces and loading zone they purposely built over in order to maximum the building square footage.

Ruth Meintsma, a resident at 305 Woodside, read from the Staff report regarding third party review, "The acoustical study found that the sound levels from traffic and construction noise largely masked any sounds made by people on the rooftop deck". She thought BNA Consulting had done more of a generic study because construction noise was an unlikely consideration in this situation. The events at the Kimball would

mostly take place in the evenings and on weekends when no construction takes place. Ms. Meintsma pointed out that a generic study does not address the specific concerns of the impacted residents.

Ms. Meintsma stated that even if appropriate decibel levels of music are accomplished, people tend to talk over music, and it escalates when people talk over each other and the music. It would be very difficult to control. Anyone making a complaint should complain about the noise level from talking rather than from music. However, she did not see how people talking too loud could be researched and documented.

Ms. Meintsma clarified that she lives on upper Woodside on the 300 block and not in the tight area around the Kimball. Her residence tends to be the least impacted by any noise and activity on Main Street. However, even though she lives in a quieter part of the Old Town neighborhood, she can still hear music on Main Street and the lyrics to the songs. It is a reminder of how much the sound travels in the canyon.

John Stafsholt, a resident at 633 Woodside, stated that the public hearing was taking a long time this evening because there were so many problems. Mr. Stafsholt thought the Planning Commission inherited a difficult decision because the Planning Department missed a few things and allowed the applicant to build to the maximum and eliminate parking. He thought the Board of Adjustment made an obvious error in when they allowed a change in the historic roof form to build a deck. Mr. Stafsholt believed the previous Planning Commission got it wrong when they made their decision. He reiterated that the current Planning Commission inherited a tough situation, but they could make it right through conditions of approval that could be enforced. At this point, the proposed conditions were woefully inadequate.

Mr. Stafsholt stated that 18 months ago the City Council remanded this back to the Planning Commission and highlighted a failure to mitigate CUP requirements 2, 4, 5, 6, 7, 10, 11, 12, 13, and 16. He noted that requirements 3, 9, 14 and 15 are not applicable. Therefore, the developer only met CUP requirements 1 and 8. Mr. Stafsholt pointed out that all 16 requirements must be mitigated for CUP approval. After 18 months, the developer's response shows an unwillingness to make changes. He walked through each of the criteria highlighted in the remand and explained how and why they were not mitigated or could not be mitigated. He believed that failure to meet Criteria 12, which addresses noise, vibration, odors, steam and other factors, was the most audacious and onerous impact on the residents of this 130-year-old neighborhood and residential community. There is no way to mitigate a 2500 square foot outdoor deck that faces directly at the residents with an aluminum building that will echo the sound. Criteria 16 talks about consistency with the goals and objectives of the Park

City General Plan. Mr. Stafsholt remarked there were too many inconsistencies with the General Plan.

Mr. Stafsholt stated that the Park City Police Department provided a recommendation on how noise could be mitigated; however, those recommendations were not included in the conditions of approval. One of the recommendations was to design and construct the building to ensure any sound level originating within the premises measured at the property line does not exceed the maximum permissible sound level. The police also recommended a provision stating that live entertainment is only located within the enclosed building. The police recommended prohibiting electronically amplified sound in any exterior portion of the premises. Mr. Stafsholt agreed with the conditions of approval that Mr. Melville had drafted and submitted this evening.

Mr. Stafsholt commented on current sound measuring devices that continuously measure sound. If the sound exceeds a specific level the electricity shuts off. Another mitigation would be to limit private event activities to indoor spaces at the event center, and only allow outdoor use for smoking or to get some fresh air. He recommended that no amplified music be allowed outdoors under any circumstance. Mr. Stafsholt suggested limiting lights on the rooftop terrace except lighting for safety. They could also prohibit heaters, tents, and amplification of any kind on the deck. Doors on the terrace could be kept closed with automatic closing devices. They could require shades to be pulled after sundown. They could also follow the Code and required deliveries only from 7:00 a.m. to 12:00 p.m.

Mr. Stafsholt believed there were examples of how noise enforcement actually works in town. In this case, all the onus is put on the neighbors and that is wrong. Mr. Stafsholt commented on the process he has had to follow when he previously called the police to complain about noise coming from events. One time he personally walked to an event with a decibel meter to measure the noise 180-200 feet away from the band. He had not called the police in this situation, but he was physically accosted. Based on his experiences, Mr. Stafsholt stated that there is no pro-active enforcement in Park City for noise violations. The police do not enforce noise issues unless the residents complain and put their names on the line. Mr. Stafsholt urged the Planning Commission to think this through and deny the CUP until they have real conditions.

Ed Parisian, an Old Town resident for 12 years, stated that he lives in lower Old Town and while he will hear the commotion, it will not be right above him like it will for other people. Mr. Parisian thought it was a travesty to be having this discussion today. He believed the HPB and the Board of Adjustment erred significantly when they allowed this Landmark historic building to be violated with the removal of one of the barrel vault roofs over the objection of the Park City Museum Historic Society. Mr. Parisian noted

that the architect's website shows a beautiful picture touting the amazing work that was done in preserving the Kimball building. He believed it was evident that this was all about greed and money, which is what this town has become. No consideration is given to the neighbors. Regarding the proposed conditions of approval, Mr. Parisian noted that the Staff had made a number of recommendations and refinements to the original approval; which were only included because of the citizens' voices and their strong opposition to this project. If it were not for the citizens, this project would be done. He remarked that the citizens have to attend every meeting to fight for what should be their rights, but apparently are ignored. Mr. Parisian believed the recommendations were superficial, after the fact policing conditions. It does not amount to mitigation of long-standing concerns of noise, traffic, and parking. A "let's do it and see what happens recommendation" is no way to do business when it concerns the lives of other people.

Mr. Parisian agreed with the previous comments on the aspects of this project. However, he wanted to concentrate on people noise. He could see no effort being made to determine verified sound levels generated by 150 occupants on the deck. The Henderson was paid for by the applicant and it was highly biased towards the applicant in its wording and conclusions. Mr. Parisian noted that according to the Henderson report the majority of the sound from events will be from people talking. He read from the report the high number of decibels resulting from loud talking. Mr. Parisian stated that it would be more than loud talking coming from these events. There will be high pitched screaming, laughing, and other expected noises from a party with people drinking alcohol. He referred to the Morris report that was commissioned by the City and, which he thought was a joke. It was a high-school regurgitation that supports the Henderson report. Mr. Parisian had done his own research and determined that if five people talking is 65 db, then 150 people would be talking 80 db. His calculation is based on the formula that doubling the number of people results in a 3 db increase each time it is doubled. Mr. Parisian believed these were insufficient reports for the Planning Commission to base their decision; particularly considering that all 150 people on the deck could be loudly speaking at once above each other and above the music. It is an endless cycle. Mr. Parisian reiterated that having 150 people on a rooftop deck on a summer evening with alcohol flowing freely, it will be clear that the human noise will be far greater than the impact from music. He remarked that the proximity of the site creates a higher probability for long-term noise fatigue that will not have the ability to enforce against. He read from the Municipal Code, "Minimum standards are in place for the making of loud noises that are detriment to the public comfort or welfare of the residents of the City". Per the web, listener fatigue is defined as constant, background noise. Symptoms include tiredness, discomfort, pain, irritability, and loss of sensitivity. Mr. Parisian referred to the examples Mr. Stafsholt had given when he attempted to complain or measure the noise level himself. He believed this was only the start and it

would only get worse if they continue to allow this to happen. Mr. Parisian emphasize that it is unacceptable to allow a permanent CUP running with the land with the proposed conditions that puts the onus on the public to make complaints. There will be no police presence at each of the potential 365 events per year. The onus should be on the City, and not the citizens, to draft a document that is compatible and enforceable without neighborhood involvement on a daily basis.

Mr. Parisian understood that the City was trying to do the best to allow the developer some rights and to avoid a lawsuit. It is unfortunate, because the party without deep pockets are the residents who purchased their homes and based their lifestyle on the promise of peaceful enjoyment. He believed that in addition to be the arbiters of the Code, the Planning Commission should also advocate for those who cannot afford a lawyer to protect themselves from deep pocketed, Code breaking developers. Mr. Parisian urged the Planning Commission to reject this CUP application. If they grant this CUP, the City will lose control over any future similar developments and contribute towards making upper Old Town a full-time year-round party zone; driving out the remaining residents in favor of more nightly rentals, open decks, and giving visitors total control over the City. It may not be the City's goal, but it will surely be the result if they continue down this path.

Sandra Morrison stated that she was speaking tonight as the past-president of the Historic Park City Alliance and the current Chair. She noted that the Park City Alliance has a number of position papers that their membership voted on and approved. One covers transportation and parking management. Ms. Morrison read from the documents, "The objective of the HPCA is to promote Historic Park City as a fun, friendly, and vibrant destination. We wish to foster an atmosphere that encourages visits by providing convenient transportation options to allow access into Historic Park City, as well as provide ample and convenient parking for those who wish to drive to the District. We believe that prolonged exposure to our businesses will increase sales and thereby sales tax revenues, and diversify revenues. Transportation options and parking durations should encourage longer stays that give pedestrians sufficient time to circulate throughout the District". Ms. Morrison stated that the HCPA agrees that a balance is needed between increased parking and maintaining traffic flows in town. She emphasized that the HPCA is not in favor of turning the public parking into a loading zone.

Caroline Crummel, a resident on upper Park Avenue, stated that she supported her neighbors' well-articulated comments.

Jim Tedford, a Park City resident, stated that he had nothing new to add, but he wanted the opportunity to reiterate a few points. One is that this whole can of worms could

have been avoided if the Board of Adjustment, the Planning Department, and the Planning Commission had listened. He stood in front of all three and pointed out the exact words in the Historic District Design Guidelines, "must maintain the original roof form". No one listened and now they were presented with a mess. Mr. Tedford stated that all the points raised in the previous comments this evening were all very relevant. He was concerned about the precedent. If this CUP is approved there could be ten more up Main Street impacting noise and traffic. Mr. Tedford realized that most of the Commissioners were not on the Planning Commission when this was originally approved, but they are the ones who now have to solve the problem. He believed they could only solve the problem by placing severe restrictions, and possibly considering dividing inside and outside on the deck. Mr. Tedford remarked that parking should not be any special privilege. It should be the same for everyone on Main Street. He acknowledged that the Planning Commission had a difficult decision; however, from the comments heard this evening he did not believe there was any way the Commissioners could approve this CUP.

Hope Melville stated that the Kimball events center is not a restaurant or bar, and it is not for a small number of events per year. She heard Director Erickson on the radio talking about this use as being unique, and something that does not fit into any previous category for precedent. She agreed. Ms. Melville remarked that this event center is not at a golf course or a ski area where there is group loading, access, and plenty of parking away from residential areas. Instead, this is commercial event center where they wish to operate all day, every day, 365 days a year. The facility includes indoor and outdoor components next to residential areas in an area already congested with substandard roads. Ms. Melville was sure that the Planning Commission already knows there will be traffic jams from every event, not taking into account traffic from the other tenants of this building. She assumed they also understood that there will be noise problems when events are held on the outdoor deck at night; particularly with amplified music and partying. Ms. Melville believed the Planning Commission also knew that the conditions of approval contained in the Staff report were unenforceable as written. It relies on the citizens to enforce them with no real way for the citizens to do so, and there is no mechanism for the City to enforce the provisions in a timely manner on the night of the event.

Ms. Melville understood that the applicant may claim property rights, but she wanted to know about the property rights of the neighbors. At the last meeting in June Tom Fey spoke at the public hearing and made practical suggestions. He said the use here needs to be split into two pieces. There should be a separate approval for the outdoor space and a separate approval for the indoor space. It should not be combined. Ms. Melville noted that Mr. Fey's comments were contained in the Minutes from the June 13, 2018 meeting. Ms. Melville stated that in addition to the enforcement problem,

there was also the noise issue and traffic congestions. She noted that the noise problems were due to the outdoor space on the rooftop deck for events, music, and partying. Traffic congestion is due to the indoor space and the number of attendees. Ms. Melville believed that splitting the uses into two pieces made sense. For the indoor space, the event center is unaffected by total numbers of attendees. They are limited to 480 guests with or without the outdoor space. She questioned how they could limit the outdoor deck to 140 people if they have 480 people at an event. Ms. Melville stated that one CUP would be limited to the indoor space with appropriate conditions of approval, including a traffic plan required for any significant number of attendees. She suggested a traffic plan for indoor events of 100 people or more. For the outside space, use of the deck for events, including music, activities, and partying should require a separate administrative CUP so the City could maintain monitoring and control to make sure there are no problems. Ms. Melville reiterated that separate appropriate approvals would go a long way in resolving the issues.

Vice-Chair Phillips asked whether Tom Fey was a Park City resident. Ms. Melville replied that Tom Fey is a citizen who lives in Park Meadows.

Vice-Chair Phillips closed the public hearing.

Wade Budge, Legal Counsel for the applicant, believed the Staff report was very complete, including the Findings and Conditions; and that most, if not all, of the questions raised had been answered.

Mr. Budge remarked that 95% of the comments made this evening would be directly applicable if they were here tonight seeking a text amendment to allow this event facility in this zone district. However, that was not the case. They were dealing with a use that is allowed as a conditional use permit in the HRC zone. Mr. Budge pointed out that all of the policy comments regarding compatibility with the neighboring zoning districts and uses should have occurred years ago when a prior Planning Commission and City Council made the decision to have an event facility identified as a use for this district.

Mr. Budge stated that there was a task tonight, and the effort by the Staff, the applicant, the Planning Commission and prior Planning Commissions to undertake that task resulted in a very lengthy set of conditions supported by very specific findings. Mr. Budge thought the conditions found in this CUP set a new high water mark not only for the City, but also for the State, in terms of specific requirements on how the use will be located within this building, and also how it will operate.

Mr. Budge stated that in considering this application, it has to be done against the context of the City Code. Park City does a very good job recognizing how the City

Code needs to interface with State law. In this situation, the task is recognizing that this use is allowed in the area as a conditional use, and then tailor the approval in a way that mitigates the impacts reasonably anticipated to be associated with this use. Mr. Budge explained that if anyone wanted to support an effort to deny this use, it requires carrying a different burden and no one has attempted to carry that burden. He pointed out that it is a fact that is clearly laid out in law and set forth in Ombudsmen opinions that he described in previous hearings.

Mr. Budge intended to focus on a few items that he thought merited extra consideration. He commented on five very key conditions that were recommended and that the applicant consented to. He believed it represented a significant recognition on the part of the applicant that they would all benefit as a community if they work together to make sure the use works in a way that is consistent with the zoning ordinance and all other codes.

Mr. Budge referred to Conditions 25, 26, 27, 28, 29. He stated that Condition #25 talks about how the applicant must comply and make sure that their use does not create complaints of glare, noise, smoke, odors, grease or traffic. If those complaints are registered, the Planning Department has to investigate those complaints and take necessary measures to ensure compliance with the CUP the applicant hopes to obtain from the Planning Commission. The condition further states that should the nuisance not be mitigated the Planning Commission may revoke the conditional use permit.

Mr. Budge commented on Condition #26. He explained that part of the requirement is to have a 6-month review at the Staff level and a 12-month report to the Planning Commission. After that occurs, the applicant will have the opportunity to come back and handle any issues where there are three sustained violations within a 12-month period following the annual review. Mr. Budge pointed out that there is an interest for the applicant to be hyper vigilant about how the use is operated. That obligation will be put on the guests and those who operate the facility to comply with all the particulars of the CUP. Mr. Budge noted that Condition #27 states that any violation of the ordinance may result in a criminal or civil action. It may also result in revocation of the CUP. Mr. Budge read from Condition #28, "Following the first six months of operation, the Staff shall meet with the applicant to discuss operations and report to the Planning Commission the results of that review". Mr. Budge read from Condition #29, "Following the first year of operation, the Staff shall meet with the applicant to discuss the operations and report to the Planning Commission at a regular meeting".

Mr. Budge noted that if there are situations where other issues need to be brought back, the Staff would come back to the Planning Commission for revocation. He thought it was important to understand that if the applicant does not meet the

requirements and their systems do not result in compliance, they would have to come back to the Planning Commission.

Mr. Budge stated that in carefully reviewing the various reports, they were not reports that led to a desired result. They were scientific reports. People may dispute them, but there was a report from the applicant on noise and a report done by the City. No one else had come forward with any other type of report. In situations where someone disputes a report as incorrect, the onus should be on the individual who challenged the report to bring forth their own report. Mr. Budge clarified that on the record this evening, no one came forward with evidence to support any of the contentions that the systems the applicant devised would not be successful mitigations; including the sound baffling, the glass walls, the height of the speakers, and the mechanism that turns off the system when noise exceeds the approved decibels. No one submitted evidence that the reports or the conclusions were incorrect.

Mr. Budge noted that some of the neighbors attacked specific individuals. He would not dwell on their comments other than to say they were completely false and have no place in this type of proceeding. Mr. Budge remarked that the individuals who were bringing forth this application were doing so consistent with law and in a way that is evident of working with the community, not against the community or ignoring City Codes.

Mr. Budge clarified that the loading zone was not being turned into a private loading zone. It will remain public space. The City has said it cannot be exclusive to the Kimball. Mr. Budge stated that no aspect of the project exceeds the parking requirements. As noted in the Staff report, this applicant was a participant in the Main Street parking assessment area. They are current in their participation and are entitled to have their projects designed and built in accordance with those approvals. Mr. Budge emphasized that the facility will not be operating at 2:00 a.m. As indicated in the conditions of approval, the deck will be cleared at 10:00 p.m.

Mr. Budge wanted it clear that he was not dismissing the public comments. They have heard these comments a number of times and they reflect concerns that the applicant has attempted to address as they negotiated the terms in the Staff report. Mr. Budge remarked that the applicant has been assisted by the conditions proposed through some of the comments heard this evening. He thanked the public for their effort in helping to achieve a better result. Mr. Budge stated that the applicant has benefitted from the process and they appreciate the opportunity people have had to share their views. He believed the applicant has reacted in a way that is consistent with the Code requirements as written, and also the spirit of the Code. They went beyond what was otherwise legally required because they want this use to operate in a way that is

beneficial and consistent with what was in the mind of a previous City Council many years ago when they approved an event center on Main Street.

Tony Tyler appreciated Planner Grahn and other Staff members for their time and efforts. The process has been somewhat onerous but it has also been positive. Mr. Tyler stated that he wanted to be a good neighbor. If he was not interested in being a good neighbor, he would have filed a lawsuit a long time ago. Mr. Tyler thought the implication that developers just file lawsuits was astounding. He believed they had achieved a good, manageable plan that is supportable from an enforcement perspective and with expert reports that address the concerns raised by the Planning Commission, the City Council, and the public.

Vice-Chair Phillips asked for the number of business that could operate out of the building. Mr. Tyler replied that they have not finished leasing. Currently, there was a custom knife store, a local art gallery, LL Bean, a custom clothing manufacturer, and the event space. There was still the potential for two additional spaces on the main floor of the historic building and the potential for two spaces in the basement.

Vice-Chair Phillips asked the Staff for the number of existing parking spaces. He understood there would be three parking spaces in short-term parking. Planner Grahn noted that this project did not have to provide parking because they paid into the Main Street parking improvement. Vice-Chair Phillips asked if Planner Grahn knew the total number of parking spaces. Planner Grahn did not have that number and offered to find the answer. Vice-Chair was interested in knowing the difference and the net loss of parking spaces. He stated understood that the recommendation to turn those parking spaces into temporary spaces is a direct result of this application; however, there was also a recommendation to extend no parking zones around the corners. He asked if those no parking zones would still be recommended regardless of the outcome of this application.

Mr. Tyler stated that there is approximately 100 feet in front of the Kimball that is currently available for parking. A typical parking stall is 9'x18'. He usually uses 10'x20', which would result in 5 parking stalls on Heber Avenue. On Park Avenue, up to the Town Lift back access, there are three parking stalls in a 70-foot area.

Director Erickson noted that people from the City Departments were present to answer questions. He stated that Code Enforcement was a separate issue that was addressed at the last meeting. Officer Randall was present this evening to address Code Enforcement techniques.

Commissioner Hall asked if someone from the City could address parking for the corners that would be marked red to facilitate the bus. Cory Legge, with the City Engineer's Office, stated that the LMC calls for 30 feet from any intersection to be designated as no parking. It is consistent throughout the City and in other areas of Old Town. He noted that Main Street on the west side is currently red striped, along with other areas on Main Street where they provide red striping to indicate no parking.

Commissioner Hall referred to the loading zone and asked if the time frame was 15 minutes between certain times; or whether loading and unloading is allowed 24/7 for 15 minutes. Mr. Legge stated that they had not yet looked into it in terms of the time limits for the 15-minute loading zone.

Commissioner Suesser understood that they would not be losing parking spaces on Main Street because those areas were already red striped. She clarified that there was currently no parking on the east side of Main Street. Mr. Legge replied that she was correct. He pointed out that the west side of Main Street is currently striped red. Commissioner Suesser understood that five parking spaces on Heber and three on Park Avenue would be affected. She asked if the three spaces on Park Avenue would also be part of the loading/unloading condition, or whether it would be completely no parking. Mr. Legge stated that the report they received shows a loading area on Heber but nothing on Park Avenue.

Director Erickson remarked that the red zone is a no parking area, and the City would have to enforce that. There could be no load/unload in the no parking zone. Director Erickson explained that in an effort to maintain the bus turning movements at that corner, the City agreed to delay red striping that area until the Kimball building was completed. He pointed out that prior to construction, Park Avenue was red striped in this location and there were temporary signs for no parking on the east side of Park Avenue for the first 15-20 feet along the Kimball garage. Director Erickson emphasized that those spaces did not previously exist, and it would go back to what is legally required rather than the casual parking that was tolerated prior to construction of this building.

Commissioner Suesser asked if consideration had been given to re-route the bus up 7<sup>th</sup> Street. Director Erickson replied that in the course of the redesign and reconstruction of Park Avenue, the City was looking at changing some of the bus routes. There may also be direction from the City Council to allow for additional bicycle traffic on Park Avenue; but that would require reducing some of the bus trips on Park Avenue. He anticipated that it could be considered in 2020 after the Transportation Master Plan is completed and in conjunction with the reconstruction of Park Avenue.

Commissioner Sletten recalled from the Code Enforcement discussion at the last meeting that a citizen who calls with a complaint is not required to give the police department or the responding officer their name and address; nor do they need to accompany the officer to the disturbance they complained about. However, during the public hearing one of the speakers gave opposite testimony on what occurred when he made a complaint. Commissioner Sletten asked for clarification.

Sergeant Randall with the Park City Police Department stated that there is an escalation type technique to bring the two parties together; however, the Park City Police Department does encourage it nor do they train for it. He was unable to speak to the particular situation that was mentioned by a citizen this evening because he was not on duty or a Sergeant at the time. Sergeant Randall stated that he oversees the noise ordinance training for the entire Police Department over the past year, and they set very strict protocols on how to respond to those types of ordinance violations. There is protocol for how to mirror and document those situations in an effort to be uniform and consistent.

Commissioner Sletten used the traffic example that the public speaker had mentioned, he asked if there was similar authority for decibel levels that exceed the LMC maximums to be able to intercede. Sergeant Randall answered yes. He commented on proactive enforcement and the number of times he has responded himself. Certain businesses on Main Street became an issue with excess noise, and he and his counterparts spent time in those areas issuing citations. He had spoken with most of the businesses and most reacted relatively well when they were asked to mitigate the problem. However, there are repeat offenders who refuse to comply.

Sergeant Randall stated that in conjunction with the Legal Department they were trying to work out any kind of issues with the noise ordinance. He pointed out that the noise ordinance is lengthy and they tried to simplify it to make it as easy as possible for the responding officers to follow a specific protocol. In doing so, they started with sending all the noise complaints to the City Attorney for review to determine compliance or a violation. Sergeant Randall explained that the officer takes a ten-minute reading, documents the findings, and passes it along to the City Attorney for review. However, there are time when it becomes so egregious that it affects more than one person and it becomes a health and safety concern. At that point, the officer can take action and issue a citation. If the issue cannot be mitigated at the scene, they contact the City Attorney for the next step. Sergeant Randall noted that on very rare occasions the person is told to either turn off the music or the police will turn it off.

Commissioner Suesser asked for the number of sound monitoring devices at the Police Department. Sergeant Randall stated that they only have one, but it is an expensive

device that is calibrated. He explained that typically the initial response is to gather the information and see whether the police can address it. In at least 95% of cases, having a kind word with the individual creating the noise is usually sufficient. If that does not resolve the problem and there is a second complaint, the police return with the metering device and go through the protocol. He expected that process to continue in the future.

Commissioner Hall asked Sergeant Randall to go through the process for someone who violates the conditional use permit versus a City ordinance. Director Erickson remarked that the Planning Department would handle CUP violations. Sergeant Randall agreed. Director Erickson explained that in accordance with previous meetings, the Planning Department provided a list of the conditions of approval on all outdoor event spaces. Police Dispatch will have access to the list and the conditions of approval. If the Planning Department or the Officers receive complaints after hours, the Staff will review the conditions with the City Attorney's office and make recommendations directly to the Planning Commission, consistent with the condition of approval and the LMC. Director Erickson stated that over the last two months in the Planning Department there has been closer coordination outside of the special event permit and outside the permit events for Sundance. He explained that officers are on the street and proactive all through Sundance for noise and occupancy.

Commissioner Hall noted that Chief Building Official Thacker spoke to the Planning Commission regarding CUP Code Enforcement online. She asked if that would be consistent with the three sustained complaints. Director Erickson replied that the sustained complaint would come through the Police Department because they would investigate and document the complaint. The sustained complaint could also be documented by Code Enforcement. Either one would be reviewed consistent with the Legal Department. Director Erickson stated that there was a current online complaint process; however, the new one Dave Thacker mentioned would be easier to navigate.

Commissioner Thimm expressed appreciation to the applicant for their willingness to work with the Planning Staff and the Planning Commission to find solutions. Commissioner Thimm read from the LMC, "A conditional use shall be approved if reasonable conditions are proposed or can be imposed to mitigate the reasonably anticipated detrimental of the proposed use in accordance with the applicable standards". He noted that the Planning Commission was here this evening to find a reasonable solution. Commissioner Thimm stated that in preparing for this meeting he went through a very thorough Staff report, as well as reviewing notes from prior meetings. He thought he would be in a position to discuss the application of more severe conditions beyond the conditions that were already in place to get to the heart of the LMC. However, in the course of the evening, he realized that he was not able to reach a point this evening to approve this CUP. Commissioner Thimm recommended

that this item be continued. He also recommended that the spirit of working together needed to continue because there was still a lot of work to be done.

Commissioner Thimm remarked that there were certain areas of direction that he was prepared to propose in terms of issues that were raised. He asked if a condition could be implemented having to do with measurement of sound. He thought sound projections and how many dbas are generated by 141 people standing on the deck trying to out shout a PA system were theoretical. Commissioner Thimm asked if there was a way to actually simulate certain situations and take measurements from various points. That type of testing would provide actual facts and considerations so they were not basing their decisions on theoretical projections. Commissioner Thimm remarked that in his profession he relies on consultants, but he also knows that actual facts are the final analysis. Commissioner Thimm thought it would be beneficial to have some testing done in advance of this item coming back to the Planning Commission for additional consideration.

Commissioner Thimm referred to Condition #15 and suggested that they reduce the occupancy load from 250 to 100 people. He believed the reduction would towards a workable condition. Director Erickson asked if Commissioner Thimm was suggesting 100 people as the maximum occupancy load, or the point of needing a special permit. Commissioner Thimm clarified that he would keep the language in Condition #15 as written, with the exception of changing 250 to 100.

Commissioner Thimm referred to Condition #26 and the first sentence, "Any time within the 12-month period after the first annual review...". He did not believe that was adequate because this was a significant issue that affects many of the citizenry. Commissioner Thimm thought it should be changed to three sustained violations within any 12-month period moving forward.

Commissioner Thimm recalled that one of the citizens mentioned having an on-site point of contact, and he recommended adding a condition that requires an on-site point of contact. When there is a complaint, the police would have a single source to contact. Commissioner Thimm stated that in looking through the Police Department recommendations, he was surprised that the recommendations were not incorporated into the conditions of approval; specifically, the one regarding no amplified sound on the deck. Commissioner Thimm believed that would solve the problem and they would not have to worry about an electronic system shutting off at a certain decibel level.

Director Erickson asked Planner Grahn if the previous Staff report included the operations plan that was prepared by the applicant. Planner Grahn believed it was included because it was part of the applicant's presentation in June. She noted that it

was linked when it was attached to the previous Staff report. Director Erickson stated that if the Planning Commission chooses to continue this item and direct the Staff to work on the conditions of approval, they will provide the link to the operations plan that talks about the number of people on the street, the operations manager, and where the approval will be posted. He noted that a condition of approval requires an operation plan; however, the pertinent information is provided in the operation plan; not in the conditions of approval. Director Erickson explained that it was purposely done that way so they could modify the operation plan if there were problems. The Staff thought that was a better process than having the Planning Commission modify a condition of approval. If the Commissioners were not comfortable with the operation plan, the Staff would work with the applicant.

Commissioner Thimm stated that in terms of traffic, he would like to know yes or no, black or white, whether this use will change and reduce the level of service for any of the streets and intersections in the immediate area. He would like to see that answer in the next Staff report. With regard to parking, Commissioner Thimm stated that his analysis shows that parking is satisfied. He did not believe there was any reason to keep revisiting the parking and saying there was not enough parking. The parking requirements that were put in place have been satisfied. Unless someone convinces him otherwise, he did not understand why they continue to discuss parking. Commissioner Thimm stated that he was not opposed to the 15-minute public use loading zone. He thought it would actually help resolve some of the issues on Main Street. Commissioner Thimm suggested the possibility of having a no idling tag added to the sign if there is an unloading zone.

Commissioner Suesser echoed Commissioner Thimm, with the exception of the parking issue. She was not convinced that the loading/unloading zone was a good idea. She also was not convinced that there would not significant congestion, and that people getting to and from the event space would create negative impacts on the intersections. Commissioner Suesser requested that more work be done to figure out how they can limit the number of Ubers and cars dropping people off. She suggested private shuttles as part of a regular plan.

Commissioner Suesser liked the idea of reducing the occupancy from 250 to 100 people. She liked the idea of an on-site point of contact. Commissioner Suesser thought the applicant saying that the deck would be cleared at 10:00 p.m. was a positive move to help address some of the issues. Commissioner Suesser stated that she was not prepared to completely prohibit amplified sound on the deck until further studies were done, as described by Commissioner Thimm, to determine how much sound is absorbed and how much will be disbursed up the hillside. Commissioner Suesser like the idea of the applicant potentially installing some type of monitoring

device for the sound generated from its facility. It is important to have that data so it can be reported back to the Planning Commission. She thought it would be helpful and much better than putting the burden on the citizens and relying on their complaints. Commissioner Suesser suggested that it be explored further.

Commissioner Sletten concurred with the previous comments. Commissioner Sletten thought the majority of the negative comments that were said about the developer during the public hearing were inappropriate and he apologized for it. Commissioner Sletten believed that many of the mitigation plans that were put in place are still inadequate. They were articulated by his fellow Commissioners and he would not repeat them. He favored a continuance until the mitigations could be fleshed out a little more with more detail.

Commissioner Hall echoed the previous comments. She noted that Condition 10(a) has a designated on-site management for each aspect of the event. She thought that was a good place to add the neighbor and police point of contact. Commissioner Hall favored that idea for maintaining a good working relationship, as well as reducing the burden on the City and the Police in terms of dealing with contentious relationships.

Commissioner Hall referred to Condition #17 and requested clarification on the Main Street core and how it works to notify people of the logistics of parking. She believed it was an important piece for letting guests know what to expect before they arrive at the event. Commissioner Hall agreed that the word "sustained" in Condition #25 should be defined and clarified. It is the biggest issue she has with the entire CUP, because everything hinges on three sustained complaints. She was concerned that the community would have a different interpretation than the applicant. Commissioner Hall agreed with having an annual review. She believed it was a simple way to keep everyone in check.

Commissioner Hall thanked the police department for submitting their recommendations. She had read through the recommendations and cross-referenced them with every point in the CUP. She appreciated the police for taking the initiative to work with the community to draft the recommendations. If it is based on enforcement and it all goes as planned, there should not be many issues. Commissioner Hall pointed out that the police recommendations went a little further than the CUP in terms of when CUP could be revoked. Even though it was addressed in the conditions of approval, she requested that the Staff use the police recommendation to bolster the conditions. Commissioner Hall concurred with Mr. Melville regarding bolstering the Findings of Fact to reflect some of the valid points he had made.

Commissioner Sletten noted that sustained complaints were defined and he would like to see a definition for sustained violations.

Commissioner Thimm asked if a photometric study was required to show that there was compliance. Director Erickson answered no. Commissioner Thimm requested a photometric study as well. He explained that a photometric analysis would tell them whether or not light meets the City standards. The Commissioners agreed with seeing a photometric study.

Commissioner Suesser noted that the police recommended outside smoking areas. Commissioner Hall asked if smoking would be allowed in the building or on rooftops. Tony Tyler was unsure, noting that they would comply with the City ordinance in terms of smoking restrictions. Vice-Chair Phillips did not believe smoking could be allowed indoors. Commissioner Hall stated that if smoking would be allowed anywhere indoors or outdoors at the facility, she recommended adding a condition that regulates smoking areas per the police recommendations.

Vice-Chair Phillips agreed with the comments and suggestions of his fellow Commissioners. He also agreed with Commissioner Thimm's suggestion for a continuance. Vice-Chair Phillips stated that there was a high water mark on this particular project. However, he believed it was a direct result of how complex it is to mitigate this unique project.

Vice-Chair Phillips thought it was in the best interest of everyone to continue to work on making sure the mitigation and the conditions are complete before making a decision. He pointed out that the applicant could operate the facility in the same fashion by going through the special events process; but the Planning Commission would not have a say on placing restrictions. Vice-Chair Phillips thought it was important to take the time to get it right because it will set a precedent for similar applications in the future, especially with the demand for real estate as the population around Park City grows.

Tony Tyler was disappointed. He thought it was an unfair characterization to call the project unique in terms of its use. The building and the location are unique, but he disputed the use as being unique. Mr. Tyler stated that every restaurant up and down Main Street operates like an event space year-round. Individual properties are held vacant specifically to hold events. Mr. Tyler stated that in his personal opinion, the difference is that they attempted to follow the Code. They applied for a conditional use permit, which is an allowed use in the zone. They have worked over the last two years to come up with reasonable mitigation standards for a use that two years ago was only a dream. He now has a building built and multiple millions of dollars invested in it. He has spent two years of time on just the use aspect, and he is being told to keep doing

more. Mr. Tyler pointed out that they have had three noise studies and a professional traffic study. They have already gone through the building permit process. He found it extremely frustrating to come to a meeting and hear members of the public say they should not have been able to build what they built and the Planning Commission should deny the use. Mr. Tyler felt that was completely inappropriate.

Vice-Chair Phillips informed Mr. Tyler that the Planning Commission was not basing their decision on those comments. Mr. Tyler understood. However, it was already October and a continuation on this particular use renders the project debunked, because the building is finished.

Mr. Budge asked if the Planning Commission had an idea of when they would like to meet again. He remarked that the things his client has been subjected to, including the comments tonight and on Facebook, were beyond what he has seen any client subjected to. The comments were very inappropriate and included anti-Semitic comments. Mr. Budge did not want his applicant to go through this process again. If the Commissioners intended to meet again in a timely manner, he would not be opposed to a continuance. However, if this process is going to continue to drag, they would rather have a denial. Mr. Budge stated that at some point due process requires a conclusion. He emphasized that the applicant has never approached this as a process that was not taken seriously or required their full attention and devotion of financial resources. Mr. Budge believed the comments made by the Planning Commission were fair and they would like the opportunity to respond; but he was not willing to go through another process that exposes the applicant to another round of disparaging comments that do not reflect the work that was done by serious people.

Mr. Tyler stated that they started the process on the building permit 3-1/2 years ago, and some of the current Commissioners were part of the original process. As part of that conversation he recalled asking the Planning Commission if he was given the ability to build the building, whether he would actually be able to use it. The comment at that time was "we will figure out a way that, with appropriate conditions, you can use the building that you build". Mr. Tyler noted that he relied on that comment to start the construction. Two years later the public comments are the same as they were two years ago.

Mr. Tyler thought the conditions of approval were manageable or he would not have agreed to them. He believed they were appropriate for the use and they have the demonstrated ability to be enforced and enforceable. However, his concern was that there was no more room in the conditions. He was unsure what else he could provide to convince the Commissioners that the mitigations were appropriate for the use.

Mr. Tyler appreciated the time the Planning Commission has given to this project, and he appreciated the Staff time. He wanted to move forward with the project and to use the building he built. He noted that the applicant had discussed putting in a restaurant with the Staff, and he could still do that. It would never come before the Planning Commission, and like every restaurant in town, it would be operated like an event space. He had elected not to do that because it was not the right process. He felt they had adequately and accurately mitigated the use to the extent reasonably possible, given that they could not demonstrate it yet. Mr. Tyler concurred with Mr. Budge. If they could agree on a short time period, he was willing to come back and talk about how to make it better. If that was not the case, he had no choice but to request a denial.

Director Erickson noted that they could not meet on October 24<sup>th</sup>. The Planning Commission could either request a special meeting or continue this item to November 14<sup>th</sup>. He explained that the process going forward is for the Staff to review the comments by the Commissioners and the public with the applicant. If there is no way to reach a conclusion, the Staff would need the opportunity to prepare findings for denial so the City Council or any other appeal body would have the facts behind their decision.

Commissioner Suesser stated that the City Council remanded this to the Planning Commission to come up with more conditions, to incorporate recommendations from the Police Department, and for further analysis. She thought they could do better than what they have and she wanted the opportunity to work on it and hopefully be ready to vote on November 14<sup>th</sup>.

Commissioner Suesser did not believe the Planning Commission had met the burden that was placed on them by the City Council. Commissioner Hall concurred. She was willing to stay later this evening if the others wanted to work on it.

Vice-Chair Phillips asked if the Commissioners wanted to stay late this evening or whether they felt the points they made were sufficient direction. Commissioner Suesser recommended a work session.

Jody Burnett recommended that the Planning Commission continue the item to a date certain. He believed the Staff needed time to work with the applicant to refine the conditions and determine whether it is possible to come to agreement. He understood that the Planning Commission had a full agenda on October 24<sup>th</sup>.

Vice-Chair Phillips asked if the applicant would accept a continuance to November 14<sup>th</sup> as a date certain. Mr. Tyler and Mr. Budge needed time to confer.

Director Erickson concurred with the Planning Commission direction on the two definitions of sustained, but he was not prepared to write a definition this evening. He noted that when they talked earlier about uniqueness, one of the difficulties in writing a mitigation strategy is that the use is highly variable. For example, it could be an event with 50 lawyers or an event with 400 college students. In order to meet the test of the LMC, the conditions need to accommodate that range of uses. Director Erickson stated that using the 100-person occupancy clause rather than the 250-person clause makes it easier to condition the changing use in an event space. He noted that 250 was the threshold to require a special permitting process. Reducing the occupancy to 100 people makes the strategy easier to manage for flexible events.

Commissioner Thimm believed the Commissioners had endeavored to prepare to provide the framework for the applicant to address the issues, so when they meet again they should be able to make a decision.

Mr. Budge preferred sooner than November 14<sup>th</sup>, but if there was not an earlier time they would agree to the 14<sup>th</sup>. Mr. Burnett recommended that the Planning Commission continue this item to a date certain of November 14<sup>th</sup>. The Staff could work with the applicant and know enough in advance whether they should prepare modified conditions or findings for denial.

Director Erickson stated that he would also review Planner Grahn's schedule to see if the Staff report could be distributed earlier than the normal review period. He would also work with Jody Burnett and Mark Harrington to see if there is a mechanism for an early response without violating the Open Meetings laws and other conditions of open meetings and public hearings.

Commissioner Hall asked if the Staff had sufficient direction on what the Commissioners wanted. Planner Grahn yes. She thanked the Planning Commission for being thorough in their proposed conditions of approval and the information provided.

MOTION: Commissioner Hall moved to CONTINUE 638 Park Avenue to November 14, 2018. Commissioner Suesser seconded the motion.

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

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

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

PENDING APPROVAL



PLANNING DEPARTMENT

**Planning Commission  
Staff Report**

**Subject:** Amended Lot 38 West Ridge  
Subdivision Phase II Plat Amendment  
**Author:** Laura Newberry, Planner  
Francisco Astorga, AICP, Senior Planner  
**Date:** October 24, 2018  
**Type of Item:** Legislative – Plat Amendment

<b>Project Number:</b>	PL-18-03903
<b>Applicant:</b>	Jennifer Gardner
<b>Location:</b>	2563 Larkspur Drive
<b>Zoning:</b>	Residential Development and Sensitive Lands Overlay
<b>Adjacent Land Uses:</b>	Residential
<b>Reason for Review:</b>	Plat Amendments require Planning Commission review and City Council approval.

**Proposal**

The applicant is requesting a Plat Amendment to move the existing platted Reserved Open Space line towards the back of the site. The proposal decreases the Reserved Open Space platted designation by approximately 764 square feet. **The applicant has requested to continue the item to the December 12, 2018 Planning Commission meeting.**

**Summary Recommendations**

Staff recommends the Planning Commission open and continue a public hearing for Amended Lot 38 West Ridge Subdivision Phase II Plat Amendment located at 2563 Larkspur Drive and **continue** the item to the December 12, 2018 meeting.

# Planning Commission Staff Report



**Subject:** 324 Woodside Avenue  
**Project #:** PL-18-03998  
**Author:** Laura Newberry, Planner  
**Date:** October 24, 2018  
**Type of Item:** Administrative – Steep Slope Conditional Use Permit

## Summary Recommendations

Staff recommends the Planning Commission review the application for a Steep Slope Conditional Use Permit (SS-CUP) at 324 Woodside Avenue, conduct a public hearing, and approve the Steep Slope CUP for 324 Woodside Avenue. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

## Description

**Owner/ Applicant:** Damon Navarro/Jonathan DeGray  
**Location:** 324 Woodside Avenue  
**Zoning:** Historic Residential (HR-1) District  
**Adjacent Land Uses:** Residential  
**Reason for Review:** Construction of a new single-family dwelling with driveway access projecting over an existing Slope of 30% or greater

## Proposal

This application is a request for a Steep Slope Conditional Use Permit (SS-CUP) for construction of a new single-family dwelling with driveway access projecting over an existing Slope of 30% or greater.

## Background

On October 3, 2018, the Planning Department received the current Historic District Design Review (HDDR) application for the construction of a new single family dwelling at 324 Woodside Avenue. Staff has found that the Historic District Design Review (HDDR) application complies with the Design Guidelines and Land Management Code, as redlined. The application was approved on August 2, 2018. Upon further review of the project, staff determined that a Steep Slope CUP would be necessary because of the steep grade beneath the driveway.

On October 3, 2018, the City received a complete application for a Conditional Use Permit (SS-CUP) for "Construction on a Steep Slope" at 324 Woodside Avenue. The property is located in the Historic Residential (HR-1) District. The lot contains 3,037.5 square feet. It is a downhill lot.

This application is a request for a Steep Slope Conditional Use Permit (SS-CUP) for construction of a new single-family dwelling on a vacant lot. Because the proposed access driveway is projecting over an existing slope of greater than 30%, the applicant

is required to file a Steep Slope CUP application for review by the Planning Commission, pursuant to Land Management Code (LMC) § 15-2.2-6.

**Purpose**

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

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

**Analysis**

The proposed footprint of the new single-family dwelling is approximately 1,200 square feet; the lot size currently allows a footprint of 1,201 square feet. The new development complies with all setbacks and building footprint, as outlined in the following table.

This is a downhill lot, and the average slope of the lot is approximately 32%. The average slope within the footprint area is approximately 21.7%. Nevertheless, the average slope beneath the proposed driveway is approximately 66.67%; per LMC 15-2.2-6(A)(3), a Steep Slope CUP is required for any Access driveway located on or projecting over an existing slope of 30% or greater.

The new construction meets the allowed building height. Staff reviewed the plans and made the following LMC related findings:

Requirement	LMC Requirement	Proposed
Lot Size	Minimum of 1,875 square feet	3,037.5 square feet. <u>Complies.</u>
Building Footprint	1,201 square feet maximum	1,200 square feet. <u>Complies.</u>
Front Yard	10 feet minimum, total of 20 feet	10 feet, total of 29 feet. <u>Complies</u>
Rear Yard	10 feet minimum, total of 20 feet	19 feet, total of 29 feet. <u>Complies</u>
Side Yard	3 feet minimum, 6 feet total	3 feet (north), 3 feet (south) (total of 6 feet). <u>Complies.</u>
Height	27 feet above existing grade, maximum.	Approximately 25.0125 feet. <u>Complies.</u>

Height (continued)	A Structure shall have a maximum height of 35 feet measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters.	35 feet. <u>Complies.</u>
Final grade	Final grade must be within four (4) vertical feet of existing grade around the periphery of the structure.	4 feet. <u>Complies.</u>
Vertical articulation	A ten foot (10') minimum horizontal step in the downhill façade is required unless the First Story is located completely under the finish Grade on all sides of the Structure. The horizontal step shall take place at a maximum height of twenty three feet (23') from where Building Footprint meets the lowest point of existing Grade. Architectural features, that provide articulation to the upper story façade setback may encroach into the minimum 10 ft. setback but shall be limited to no more than 25% of the width of the building encroaching no more than 4 ft. into the setback.	There is a 10 foot horizontal step in the downhill façade that has a maximum height of approximately 19.74 feet from where Building Footprint meets the lowest point of existing Grade. <u>Complies.</u>
Contributing Roof Form	The roof pitch of a Structure's Contributing Roof Form shall be between seven: twelve (7:12) and twelve: twelve (12:12) and shall occupy a minimum horizontal distance of 20 feet measured from the primary façade to the rear of the building, as viewed from the primary public right-of-way.	The roof pitch of the Contributing Roof Form is 7:12 and occupies a minimum horizontal distance of 20 feet measured from the primary façade to the rear of the building, as viewed from the primary public right-of-way. <u>Complies.</u>
Secondary Roof Form	Secondary Roof Forms may be below the required 7:12 roof pitch and located on the primary façade (such as porches, bay window roofs, etc).	The Secondary Roof Form is a projecting roof over the front entry with a roof pitch of 3:12. This is subordinate to the Contributory Roof Form. <u>Complies</u>
Parking Regulations	Two (2) parking spaces.	Two (2) parking spaces are provided, one on the driveway and one in a single-car garage. <u>Complies.</u>

The property is located outside the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore not regulated by the City for mine related impacts. If the property owner does encounter mine waste or mine waste impacted soils they must handle the material in accordance to State and Federal law. Staff has included this as Condition of Approval #12.

LMC § 15-2.1-6(A)(2) requires a Steep Slope Conditional Use Permit (SS-CUP) for construction of any access driveway that is projecting over an existing slope of 30% or greater.

Criteria 1: Location of Development.

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

*The proposed single-family dwelling is located on the lot in a manner that reduces the visual and environmental impacts. At the front of the lot, there is an existing retaining wall that holds back the grade of Woodside Avenue. Though the remainder of the lot is flat, this retaining wall holds back a significant amount of grade. The applicant has located the new house on the flatter portion of the lot, reducing visual and environmental impacts to the site; however, the new bridged driveway will need to span the 66.67% sloped grade at the front of the lot. From Woodside Avenue, the house will appear to be one-story in height; however, it will appear to be three-stories in height from the east (rear) elevation. This is consistent with neighboring houses.*

Criteria 2: Visual Analysis.

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

*The applicant submitted a photographic visual analysis, including street views, to show the proposed streetscape and cross canyon views. As demonstrated by the visual analysis, the proposed new single-family dwelling fits within the context of the slope, neighboring structures, and existing vegetation. The neighborhood consists of historic houses with one- to two-story additions, one- to two-story new houses, and a few three- to four-story new residential developments.*

*The visual analysis, streetscape, and cross canyon view demonstrate that the proposed design is visually compatible with the neighborhood, similar in scale and mass to surrounding structures, and visual impacts are mitigated. By locating the new house at the bottom of the slope, much of the mass and bulk of the structure is visually shielded from Woodside Avenue. Additionally, the applicant's design has broken up the mass and scale of the house further, allowing its massing to compliment nearby historic structures. Because the grade is much flatter to the east of the existing concrete retaining wall, only two retaining walls are needed to maintain Existing Grade within the side setbacks. These walls do not exceed a height of approximately 3.25 feet and the grade will be re-vegetated following construction of the house.*

### 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 driveway leads to one parking space in the driveway and one (1) single-car garage. By incorporating a bridged driveway, the applicant has reduced the need for grading and drastically changing the topography of the front yard. Existing grade at the front of the lot will be maintained by the existing concrete retaining wall. Within the front setback, the grade will be largely maintained. A single stone retaining wall, approximately 3.2 feet, in addition to the existing retaining wall, will be used in the front yard.*

*At the edge of curb, the applicant has incorporated a driveway with a maximum width of 12 feet. This driveway design is consistent with the width of driveways in the Historic District.*

### Criteria 4: Terracing.

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

*There is an existing concrete retaining wall in the front yard (ranging from two feet to four feet in height) that maintains the grade of Woodside Avenue. To the east of this wall, the grade drops drastically and flattens out. The applicant is proposing to construct the new house on this flatter portion of the lot. One stone retaining wall measuring approximately 3.2 feet in height will be necessary in the front setback in order to maintain the grade between the concrete retaining wall and exterior front wall of the new house. On the north and south side elevations, only two retaining walls measuring not more than 3.25 feet in height are needed to retain the grade. The applicant is not proposing to change grade more than 4 feet around the periphery of the structure and has largely maintained Natural Grade.*

### Criteria 5: Building Location.

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

*The new structure's building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography. By placing the new house on the flatter portion of the lot, the applicant has had to locate the new garage on the top story. This has allowed the applicant to bridge the driveway over the steepest portion of the lot, measuring 66.67% slope in some places. The applicant is not proposing to change grade in the Front Yard setback in order to construct this driveway, and the bridge significantly reduces the need for cut and fill of the existing topography.*

*Because the new house will be located on a flat portion of the lot, the design has greatly reduced the need for terraced retaining walls. The applicant has proposed several retaining walls less than four feet in height in order to maintain the natural topography. New vegetation will be introduced to further shield the appearance of these short walls. The areas of the structure above grade and visible from the Woodside Avenue right-of-way will appear to be one to two stories in height. On the east (rear) elevation, the house appears to be three stories in height, but steps up the hillside as it reaches Woodside Avenue. This is compatible with the existing house and the neighborhood overall.*

#### Criteria 6: Building Form and Scale.

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

*The applicant broke up the mass of the new structure by incorporating multiple roof lines and articulation of the wall planes. By breaking up the structure into a series of individual smaller components, the entire structure is more compatible with the overall mass and scale of the Historic District. The areas of the structure above grade along Woodside Avenue will appear to be one to two stories in height, which is compatible with the existing house and the neighborhood overall. On the east (rear) elevation, the design appears to step up the hill, preventing a wall effect.*

*Exterior elements of the new development—roofs, entrances, eaves, porches, windows, doors, steps, retaining walls, garages, etc.—are of human scale and are compatible with the neighborhood and the style of architecture selected. The scale and height of the new structure follows the predominant pattern of the neighborhood which is comprised of one- and two-story buildings as well as historic houses with two-story additions in the back. Further, the style of this structure is consistent with the Design Guidelines.*

#### Criteria 7: Setbacks.

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

*The new structure complies with all applicable setbacks. The applicant has worked to break up the mass and scale of the structure through incorporating smaller components, multiple roof lines, and articulation of the wall planes. By stepping the house to reflect the changes in grade, the applicant has prevented a wall effect along the Rear Lot Line.*

### Criteria 8: Dwelling Volume.

The maximum volume of any Structure is a function of the Lot size, Building Height, Setbacks, and provisions set forth in this Chapter. The Planning Commission may further limit the volume of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing Structures. **No unmitigated impacts.**

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

### Criteria 9: Building Height (Steep Slope).

The maximum Building Height in the HR-L District is twenty-seven feet (27'). The Planning Commission may require a reduction in Building Height for all, or portions, of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing residential Structures. **No unmitigated impacts.**

*The proposed new construction complies with the twenty-seven feet (27') maximum building height requirement measured from existing grade. The height of the tallest portions of the new structure is approximately 25.0125 feet above existing grade. As designed the house is compatible in mass and scale with houses in the surrounding neighborhood.*

### Process

Approval of this application constitutes Final Action that may be appealed to the City Council following appeal procedures found in LMC § 15-1-18. The applicant has submitted a Historic District Design Review (HDDR) application. The Historic District Design Review (HDDR) application for the proposed single-family dwelling is under review pending approval of the Steep Slope Conditional Use Permit (SS-CUP) by the Planning Commission.

### Department Review

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

### Notice

The property was posted and notice was mailed to property owners within 300 feet on October 10, 2018. Legal notice was also published in the Park Record in accordance with requirements of the LMC on October 6, 2018.

### Public Input

No input has been received regarding the Steep Slope CUP at the time of this report.

### Alternatives

- The Planning Commission may approve the Steep Slope Conditional Use Permit (SS-CUP) for 324 Woodside Avenue as conditioned or amended, or
- The Planning Commission may deny the Steep Slope Conditional Use Permit (SS-CUP) for 324 Woodside Avenue and provide staff with Findings for this decision, or
- The Planning Commission may request specific additional information and may continue the discussion to a date uncertain.

### **Significant Impacts**

As conditioned, there are no significant fiscal or environmental impacts from this application. The lot is an existing platted, vacant lot with landscaping consisting of native grasses and shrubs as well as an existing retaining wall.

### **Consequences of not taking the Suggested Recommendation**

The construction as proposed could not occur and the applicant would have to revise the plans.

### **Recommendation**

Staff recommends the Planning Commission review the application for a Steep Slope Conditional Use Permit (SS-CUP) at 324 Woodside Avenue, conduct a public hearing, and approve the Steep Slope CUP for 324 Woodside Avenue. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

### **Findings of Fact:**

1. The property is located at 324 Woodside Avenue.
2. On October 3, 2018, the City received an application for a Steep Slope Conditional Use Permit (SS-CUP) for "Construction on a Steep Slope" at 324 Woodside Avenue; the application was deemed complete on October 3, 2018.
3. The property is located in the Historic Residential (HR-1) District.
4. The lot contains 3,037.5 square feet. It is a downhill lot, and the average slope of the lot is approximately 32%. The average slope within the footprint area is approximately 21.7%. Nevertheless, the average slope beneath the proposed driveway is approximately 66.67%; per LMC 15-2.2-6(A)(3), a Steep Slope CUP is required for any Access driveway located on or projecting over an existing slope of 30% or greater.
5. Staff has found that the Historic District Design Review (HDDR) application complies with the Design Guidelines and Land Management Code, as redlined. The complete HDDR application was submitted on June 1, 2018.
6. A single-family dwelling is an allowed use in the HR-1 District.
7. Access to the property is from Woodside Avenue, a public street.
8. Two (2) parking spaces are proposed on site, one in a single-car garage and one on the driveway.
9. The neighborhood is characterized by a mix of historic and non-historic residential structures, single-family homes, and duplexes. The streetscape is dominated by garages, parking pads, and pedestrian entryways. The homes are a mix of one- to two-story residential developments, with a few three- to four-story houses.

10. An overall building footprint of approximately 1,200 square feet is proposed. The maximum allowed footprint for this lot is 1,201 square feet.
11. The proposed structure complies with the front and rear setbacks. The minimum front and rear setbacks are ten feet (10'), for a total of twenty feet (20'); the applicant is proposing a ten foot (10') front setback and nineteen foot (19') rear setback, for a total of twenty feet (29').
12. The proposed structure complies with the side setbacks. The minimum side setbacks are three feet (3'), for a total of six feet (6'). The structure has a three foot (3') side setback for both the north and south side yards for a total of six feet (6').
13. The proposed structure is approximately 25.0125 feet above existing grade at the tallest portions. The maximum height in the HR-1 is twenty-seven feet (27').
14. The proposed structure has an interior height of thirty-five feet (35'). The maximum interior height is thirty-five feet (35').
15. The proposed development is located on the lot in a manner that reduces the visual and environmental impacts of the structure. The majority of the mass and bulk of the building has been broken up into smaller components. Only a one- to two-story structure will appear above grade on the hillside.
16. The applicant submitted a visual analysis, cross valley views, and a streetscape showing a contextual analysis of visual impacts of this single-family dwelling on the cross canyon views and the Woodside Avenue streetscape. The proposed single-family dwelling is compatible with the surrounding structures as the majority of the mass and bulk of the single-family dwelling will be below Woodside Avenue and thus not visible from the right-of-way.
17. Access points and driveways have been designed to minimize grading of the natural topography and reduce the overall building scale. The proposed driveway leads to one (1) single-car garage and one driveway parking space.
18. There is an existing concrete retaining wall in the front yard that maintains the grade of Woodside Avenue. To the east of this wall, the grade drops drastically and flattens out.
19. The applicant is proposing to construct the new house on this flatter portion of the lot. One stone retaining wall measuring approximately 3.2 feet in height will be necessary in the front setback in order to maintain the grade between the concrete retaining wall and exterior front wall of the new house. On the north and south side elevations, only two retaining walls measuring approximately 3.25 feet in height are needed to retain the grade. The applicant is not proposing to change grade more than 4 feet around the periphery of the structure and has largely maintained Natural Grade.
20. The applicant is proposing a driveway leading to one parking space in the driveway and one (1) single-car garage. By incorporating a bridged driveway, the applicant has reduced the need for grading and drastically changing the topography of the front yard. Existing grade at the front of the lot will be maintained by the existing concrete retaining wall. Within the front setback, the grade will be largely maintained. A single stone retaining wall, in addition to the existing retaining wall, will be used in the front yard.
21. At the edge of curb, the applicant has incorporated a driveway with a maximum width of 12 feet. This driveway design is consistent with the width of driveways in the Historic District.

22. The proposed structure's building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography. The design steps with the grade of the lot which allows for the mass and scale to be compatible with development patterns in the Historic District
23. The applicant broke up the mass of the proposed structure by incorporating multiple roof lines and articulation of the wall planes. By breaking up the structure into a series of individual smaller components, the entire structure is more compatible with the Historic District. The areas of the structure above grade will appear to be one to three stories in height, which is compatible with the neighborhood overall.
24. The applicant has incorporated setback variations to prevent a wall effect and reduce the building scale and setbacks on adjacent structures.
25. The proposed design is articulated and broken into compatible massing components. The design includes setback variations and lower building heights for portions of the structure. The design minimizes the visual mass and mitigates the differences in scale between the proposed house and surrounding structures.
26. No lighting has been proposed at this time. Lighting will be reviewed at the time of the Building Permit application for compliance with the LMC lighting code standards and Design Guidelines.
27. The property was posted and notice was mailed to property owners within 300 feet on October 10, 2018. Legal notice was also published in the Park Record in accordance with requirements of the LMC on October 6, 2018.
28. The property is located outside of the Soils Ordinance.
29. The findings in the Analysis section of this report are incorporated herein.

### **Conclusions of Law**

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.2-6(B).
2. The Use is consistent with the Park City General Plan, as amended.
3. The effects of any differences in use or scale have been mitigated through careful planning.

### **Conditions of Approval**

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. The CMP shall include language regarding the method of protecting adjacent structures.
3. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
4. This approval will expire on October 24, 2019, if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval has been requested in writing prior to the expiration date and is granted by the Planning Director.
5. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission on October 24, 2018, and the Final HDDR Design.
6. All new retaining walls within the rear and side setback areas shall not exceed six feet (6') in height measured from final grade and retaining walls within the front

setback area shall not exceed four feet (4') in height measured from final grade. An exception may be granted by the City Engineer per the LMC, Chapter 4.

7. Modified 13-D residential fire sprinklers are required for all new construction on this lot.
8. All exterior lighting, on porches, decks, garage doors, entryways, etc. shall be down directed and shielded to prevent glare onto adjacent property and public rights-of-way and shall be subdued in nature. Light trespass into the night sky is prohibited. Final lighting details will be reviewed by the Planning Staff prior to installation.
9. Construction waste should be diverted from the landfill and recycled when possible.
10. To the extent possible, existing Significant Vegetation shall be maintained on Site and protected during construction. When approved by the Planning Department in writing to be removed, the Significant Vegetation shall be replaced with equivalent landscaping in type and size. Multiple trees equivalent in caliper to the size of the removed Significant Vegetation may be considered instead of replacement in kind and size.
11. All excavation work to construct the foundation of the proposed single family dwelling shall start on or after April 15<sup>th</sup> and be completed on or prior to October 15<sup>th</sup>. The Planning Director may make a written determination to extend this period up to 30 additional days if, after consultation with the Historic Preservation Planner, Chief Building Official, and City Engineer, determines that it is necessary based upon the need to immediately stabilize an existing Historic property, or specific site conditions such as access, or lack thereof, exist, or in an effort to reduce impacts on adjacent properties.
12. The property is located outside the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore not regulated by the City for mine related impacts. If the property owner does encounter mine waste or mine waste impacted soils they must handle the material in accordance to State and Federal law.

**Exhibits**

- |           |   |
|-----------|---|
| Exhibit A | Existing Conditions Survey  |
| Exhibit B | Plans (existing conditions, site plan, floor plans, elevations, etc.) |
| Exhibit C | Visual Analysis/Streetscape   |

# **Exhibit A – Existing Conditions Survey**



DATE	BY	REVISIONS

SURVEYED BY: SC/JPB  
 DATE: 08/01/2018  
 DRAWN BY: JPB  
 CHECKED BY: JPB  
 AUGUST 01, 2018

FOR: THAYNES CAPITAL  
 315 PARK AVENUE SUBDIVISION AMENDED  
 RECORD OF SURVEY & TOPOGRAPHIC MAP  
 DWG: 315 PARK AVE ROS-TOP.DWG

SHEET 2 OF 2

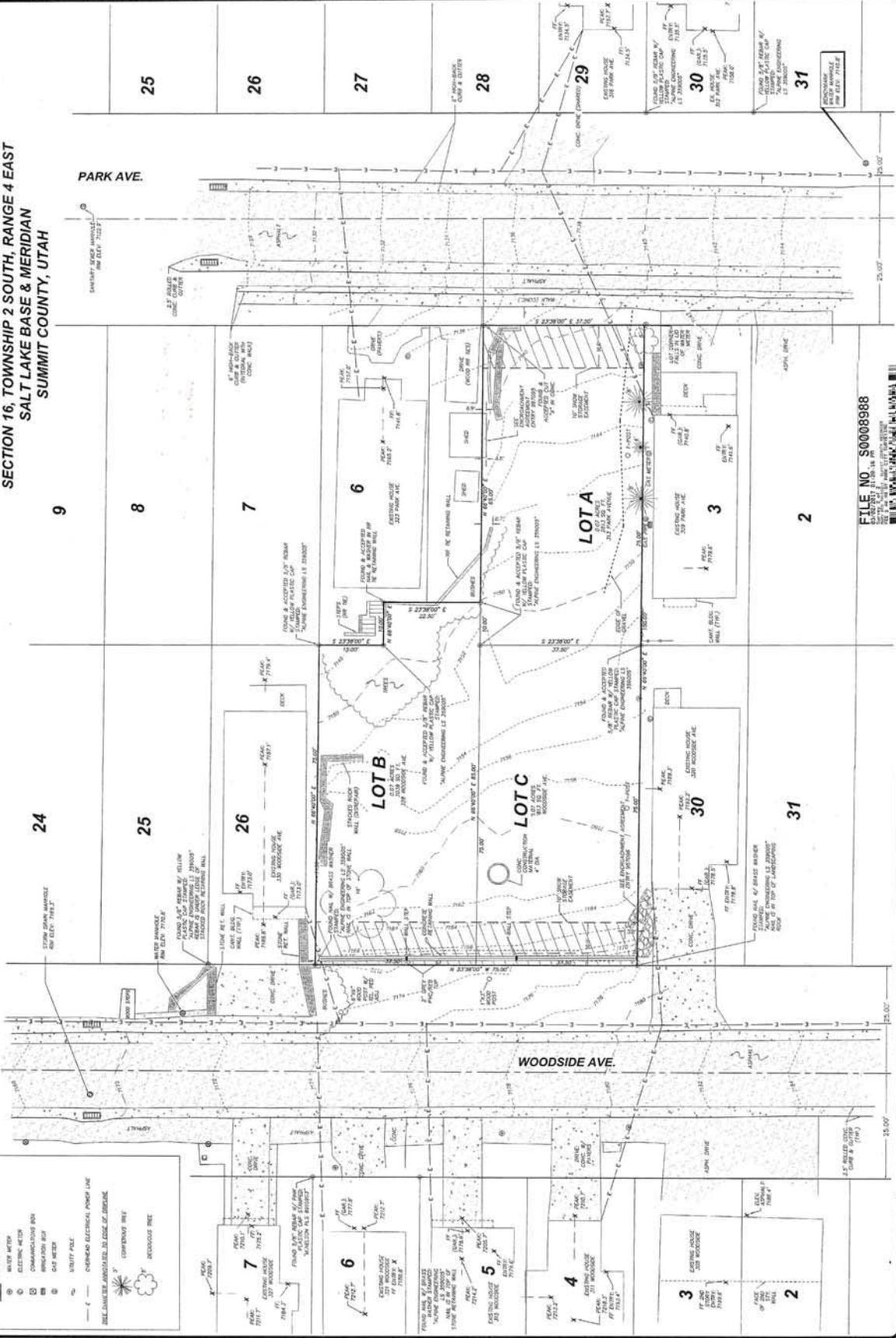
**RECORD OF SURVEY & TOPOGRAPHIC MAP**  
 LOT A AMENDED, B AMENDED & C AMENDED OF  
 315 PARK AVENUE SUBDIVISION AMENDED  
 LYING WITHIN THE SOUTHEAST QUARTER OF  
 SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST  
 SALT LAKE BASE & MERIDIAN  
 SUMMIT COUNTY, UTAH

GRAPHIC SCALE  
 THIS MAP PRINTED TO SCALE  
 AT 375 1/2" X 375" PAPER



**LEGEND**

	FOUND SHEET BOUNDARY
	FOUND REMAINING OF CAP (AS REQUIRED)
	REEF MANHOLE
	SANITARY SEWER MANHOLE
	CATCH BASIN
	WATER METER
	ELECTRIC METER
	COMMUNICATIONS BOX
	REFRIGERATION BOX
	GAS METER
	UTILITY POLE
	OVERHEAD ELECTRICAL WIRE
	UNDERGROUND ELECTRICAL WIRE
	CONCRETE WALK
	RECONSTRUCTED WALK



FILE NO. S0008988  
 11/15/2018 11:10:11 AM

3-6486

**Exhibit B – Plans (existing conditions, site plan, floor plans, elevations, etc.)**

APPROVED  
 PARK CITY MUNICIPAL CORP  
 AUG 02 2018  
 PLANNING DEPT



**(C) SNOW RETENTION BARS**  
 NO SCALE  
 SNOW RETENTION BARS TO BE ALIGNED WITH  
 GUTTER FRAMES OR EQUAL. 180° FALL PER  
 MANUFACTURER'S SPECIFICATIONS E.G. ETC.



**(A) STACKED STONE  
 RETAINING WALL**  
 NO SCALE  
 TO BE NO GREATER THAN 4'-0" TALL

**SYMBOL LEGEND**

- INDICATED SURFACE DRAINAGE
- EXISTING GRADE
- PROPOSED GRADE

SEWERAGE: THE  
 SURFACE WATER SHALL DRAIN AWAY FROM THE ROADS AT ALL  
 POINTS. DIRECT THE DRAINAGE WATER TO THE STREET OR TO  
 PROPOSED DRAINAGE SYSTEMS. ALL DRAINAGE SYSTEMS SHALL  
 BE INSTALLED WITHIN THE FIRST 8 FT.

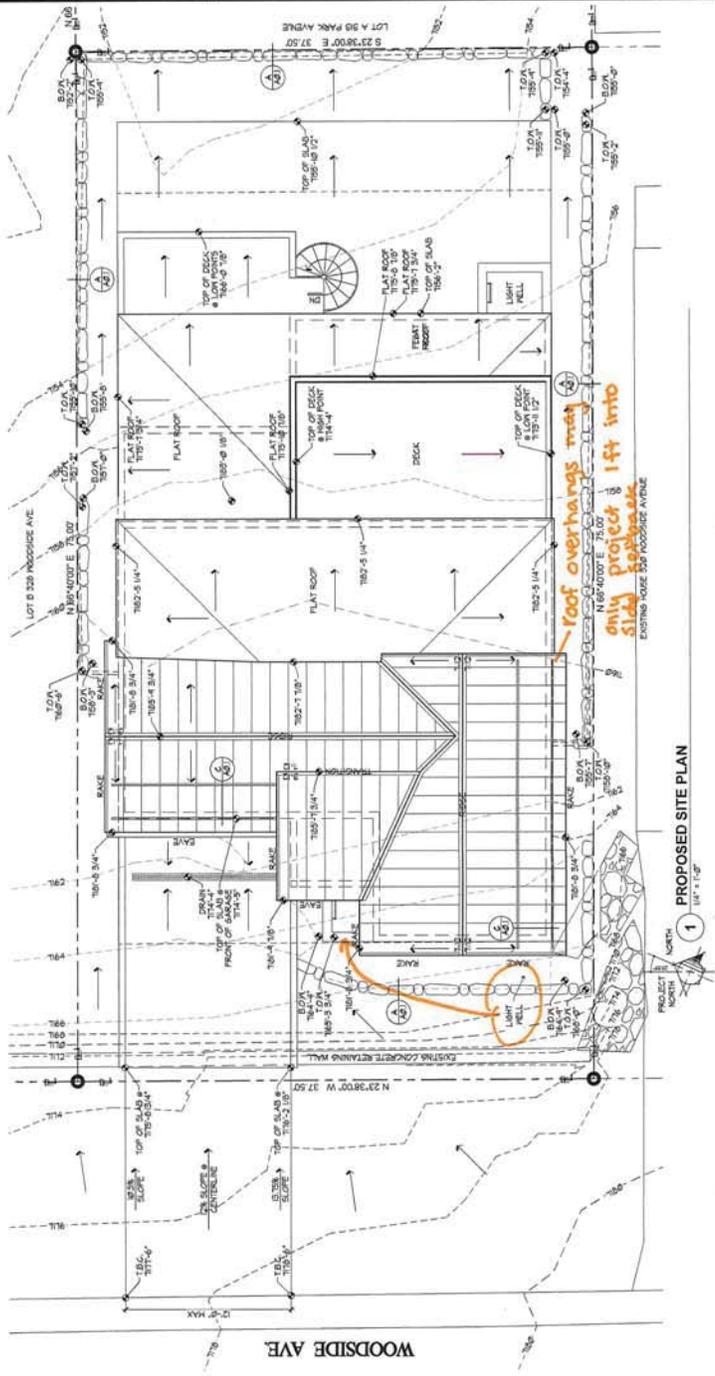


**(2) AERIAL PHOTO OF PROPOSED SITE**  
 F. = 200'

**Jonathan Degray**  
 Architect  
 P.O. Box 1624 634 Main Street, Suite 202, Park City, Utah 84060  
 Tel: 435-669-2763, Email: jon@jddesign.com

**PROPOSED SITE PLAN**  
 RESIDENCE  
 324 WOODSIDE AVENUE  
 PARK CITY, UT 84060

DATE: 01/18/18  
 PROJECT NUMBER:  
 SHEET NUMBER:  
**A0.1**



**(1) PROPOSED SITE PLAN**  
 1/4" = 1'-0"

### PLANT SCHEDULE

SYMBOL	QTY	QUANTITY	COMMON NAME	SCIENTIFIC NAME	SIZE	PLACING	COMMENTS
(1)	1	1	Colorado Blue Spruce	<i>Picea canadensis</i>	12" DBH	40' DB	4" x 6" MULCH
(2)	13	13	Alpine	<i>Alpinus montanus</i>	7" DBH	60' DB	
(3)	20	20	Red Pine	<i>Pinus resinosa</i>	4" DBH		Planting in wood or pile
(4)	1	1	Black Birch	<i>Betula nigra</i>	1.5" DBH	12' DB	Disturbance Ecology
(5)	3	3	Colorado Spruce	<i>Picea colorata</i>	1.5" DBH	12' DB	Disturbance Ecology
(6)	3	3	Yellow Pine	<i>Pinus ponderosa</i>	1.5" DBH	12' DB	Disturbance Ecology
(7)	3	3	White Pine	<i>Pinus strobus</i>	1.5" DBH	12' DB	Disturbance Ecology
(8)	3	3	White Pine	<i>Pinus strobus</i>	1.5" DBH	12' DB	Disturbance Ecology
(9)	3	3	White Pine	<i>Pinus strobus</i>	1.5" DBH	12' DB	Disturbance Ecology
(10)	3	3	White Pine	<i>Pinus strobus</i>	1.5" DBH	12' DB	Disturbance Ecology
(11)	3	3	White Pine	<i>Pinus strobus</i>	1.5" DBH	12' DB	Disturbance Ecology
(12)	3	3	White Pine	<i>Pinus strobus</i>	1.5" DBH	12' DB	Disturbance Ecology
(13)	3	3	White Pine	<i>Pinus strobus</i>	1.5" DBH	12' DB	Disturbance Ecology
(14)	3	3	White Pine	<i>Pinus strobus</i>	1.5" DBH	12' DB	Disturbance Ecology
(15)	3	3	White Pine	<i>Pinus strobus</i>	1.5" DBH	12' DB	Disturbance Ecology
(16)	3	3	White Pine	<i>Pinus strobus</i>	1.5" DBH	12' DB	Disturbance Ecology
(17)	3	3	White Pine	<i>Pinus strobus</i>	1.5" DBH	12' DB	Disturbance Ecology
(18)	3	3	White Pine	<i>Pinus strobus</i>	1.5" DBH	12' DB	Disturbance Ecology
(19)	3	3	White Pine	<i>Pinus strobus</i>	1.5" DBH	12' DB	Disturbance Ecology
(20)	3	3	White Pine	<i>Pinus strobus</i>	1.5" DBH	12' DB	Disturbance Ecology

1. CONSTRUCTOR TO VERIFY ALL LOCATIONS OF ALL UTILITIES FROM REVISIONS OF EXISTING GRADING OR PLANTING GRADINGS. ANY DAMAGE TO UTILITIES, UTILITIES OR SITE OF ADJACENT PROPERTY SHALL BE CONTACTED FOR RESPONSIBILITY.

2. AUTOMATIC IRRIGATION IS REQUIRED. PROVIDE SHED DRAWINGS FOR APPROVAL.

3. ALL PLANT MATERIAL SHALL CONFORM TO CURRENT AMERICAN ASSOCIATION OF NURSERYMEN'S STANDARD SPECIFICATIONS.

4. ALL PLANT MATERIAL SHALL BE INSTALLED AS PER DRAINAGE, DETAIL, AND SPECIFICATIONS.

5. CONTRACTOR SHALL VERIFY ALL QUANTITIES IN CASE OF A DISCREPANCY, THE ALL RELATED LOCATIONS SHALL BE RE-COUNTED.

6. CONTRACTOR SHALL COMPLY WITH ALL PLANTING WITH REGULATORY CONTRACTOR, AS NEEDED.

7. IN THE EVENT OF A DISCREPANCY VERIFY THE ARCHITECT'S DRAWINGS FOR APPROVAL.

8. NO SUBSTITUTIONS SHALL BE ALLOWED WITHOUT WRITTEN PERMISSION OF THE ARCHITECT OR OWNER.

9. SHEDS SHALL BE SET TO THE PROPER GRADE.

10. ALL SHEDS SHALL HAVE 4" OF GRANULATED RUBBER MULCH INSTALLED.

11. SHEDS SHALL BE SET TO THE PROPER GRADE AND TO THE PROPER TOLERANCE. IF SHALL BE SET TO THE PROPER GRADE AND TO THE PROPER TOLERANCE.

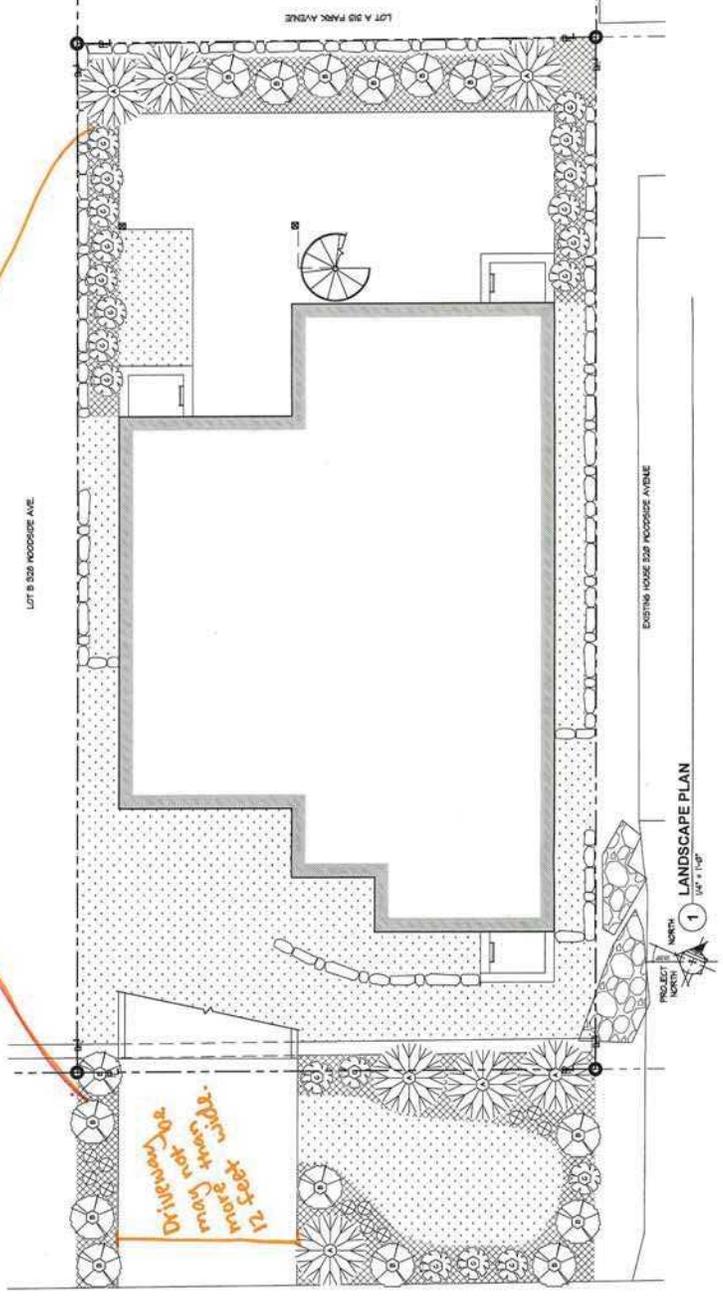
12. ALL PLANTS AND ALL PLANT MATERIALS SHALL BE SET TO THE PROPER GRADE AND TO THE PROPER TOLERANCE.

13. ALL ROOT WRAPPING MATERIAL, MADE OF SYNTHETIC OR PLASTIC SHALL BE REMOVED AT THE TIME OF PLANTING AND PROPERLY DISCARDED.

14. NO HARD ROOT STOCK SHALL BE USED.

15. FOR PLANTING BACK FILL SEE ALL SPECIFICATIONS.

*Shall have more vegetation than mulch.*



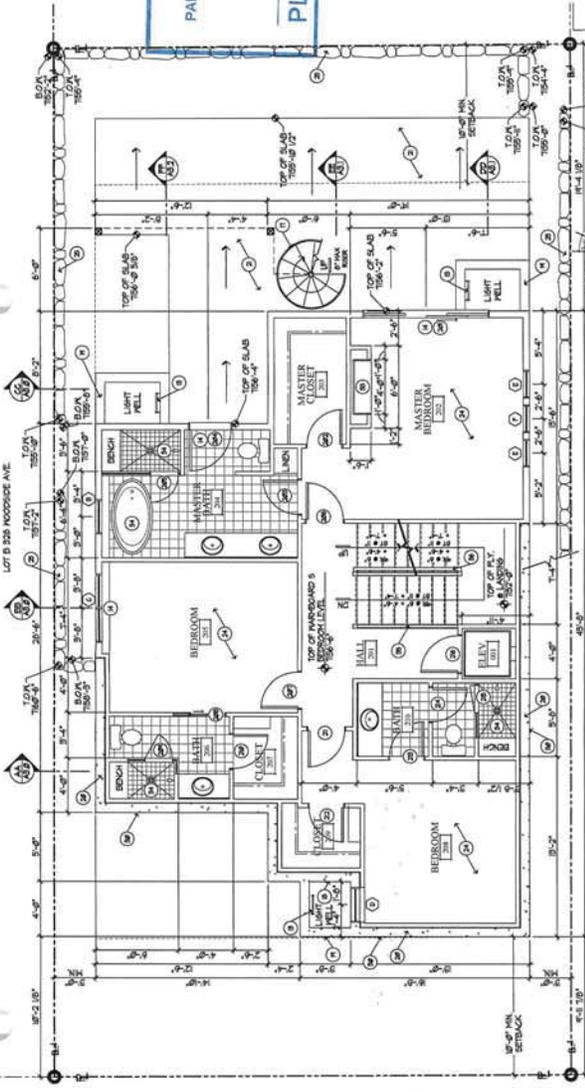
*12 feet width more than mulch. Disturbance Ecology*

1 LANDSCAPE PLAN  
 1/4" = 1'-0"

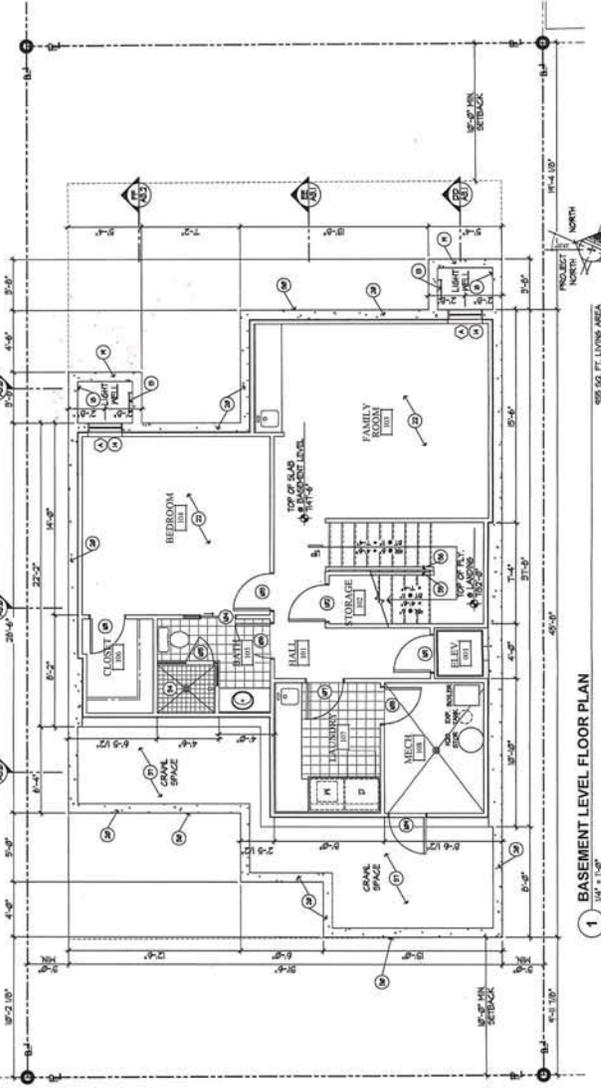
WOODSIDE AVE

EXISTING HOUSE 520 WOODSIDE AVENUE

LOT B 520 WOODSIDE AVE



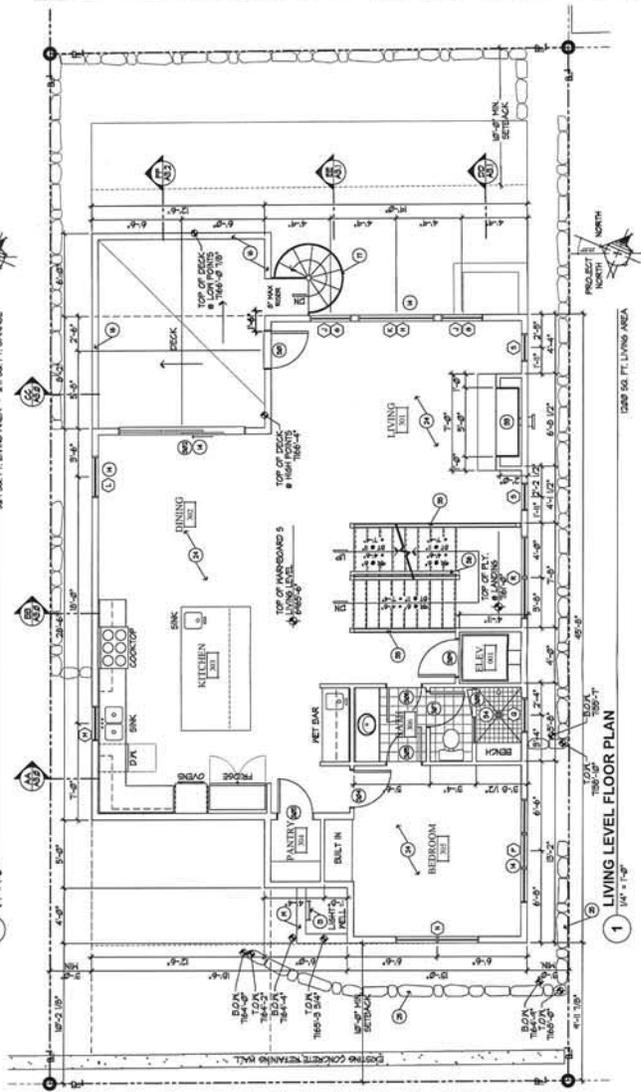
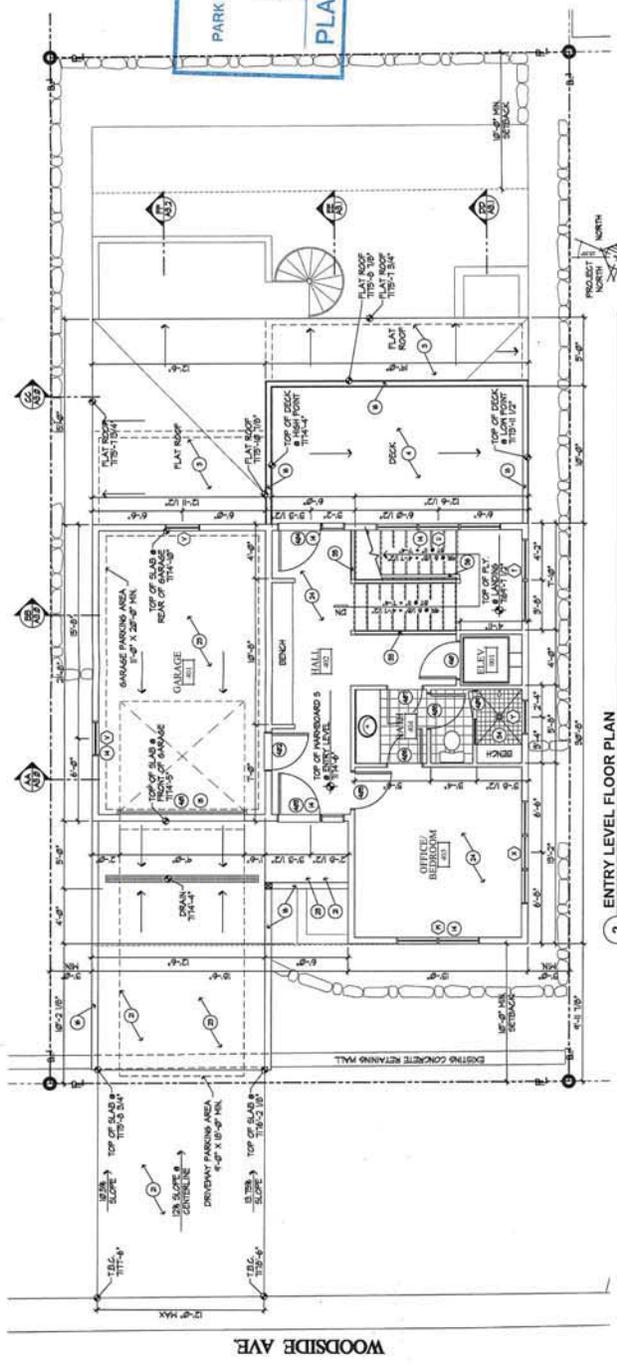
2 BEDROOM LEVEL FLOOR PLAN  
14' x 11'0"



1 BASEMENT LEVEL FLOOR PLAN  
14' x 11'0"

- KEYED NOTES**
- (1) STEEL BRASS LADDERS PERMANENTLY ATTACH TO CONCRETE FOUNDATIONS. ALL DOORS IN ISOLATED SLABS - SEE NOTES TO BE NO GREATER THAN 6" REINFORCED CONCRETE FINISH FLOORING FOR FINISH FLOORING.
  - (2) CONCRETE FOUNDATION - SEE FOUNDATION PER DENOTES.
  - (3) HEATED CONCRETE FLOOR - SEE FOUNDATION PER DENOTES.
  - (4) HEATED FLOOR - SEE FOUNDATION PER DENOTES.
  - (5) HEATED FLOOR - SEE FOUNDATION PER DENOTES.
  - (6) HEATED FLOOR - SEE FOUNDATION PER DENOTES.
  - (7) HEATED FLOOR - SEE FOUNDATION PER DENOTES.
  - (8) HEATED FLOOR - SEE FOUNDATION PER DENOTES.
  - (9) HEATED FLOOR - SEE FOUNDATION PER DENOTES.
  - (10) HEATED FLOOR - SEE FOUNDATION PER DENOTES.
  - (11) HEATED FLOOR - SEE FOUNDATION PER DENOTES.
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  - (13) HEATED FLOOR - SEE FOUNDATION PER DENOTES.
  - (14) HEATED FLOOR - SEE FOUNDATION PER DENOTES.
  - (15) HEATED FLOOR - SEE FOUNDATION PER DENOTES.
  - (16) HEATED FLOOR - SEE FOUNDATION PER DENOTES.
  - (17) HEATED FLOOR - SEE FOUNDATION PER DENOTES.
  - (18) HEATED FLOOR - SEE FOUNDATION PER DENOTES.
  - (19) HEATED FLOOR - SEE FOUNDATION PER DENOTES.
  - (20) HEATED FLOOR - SEE FOUNDATION PER DENOTES.

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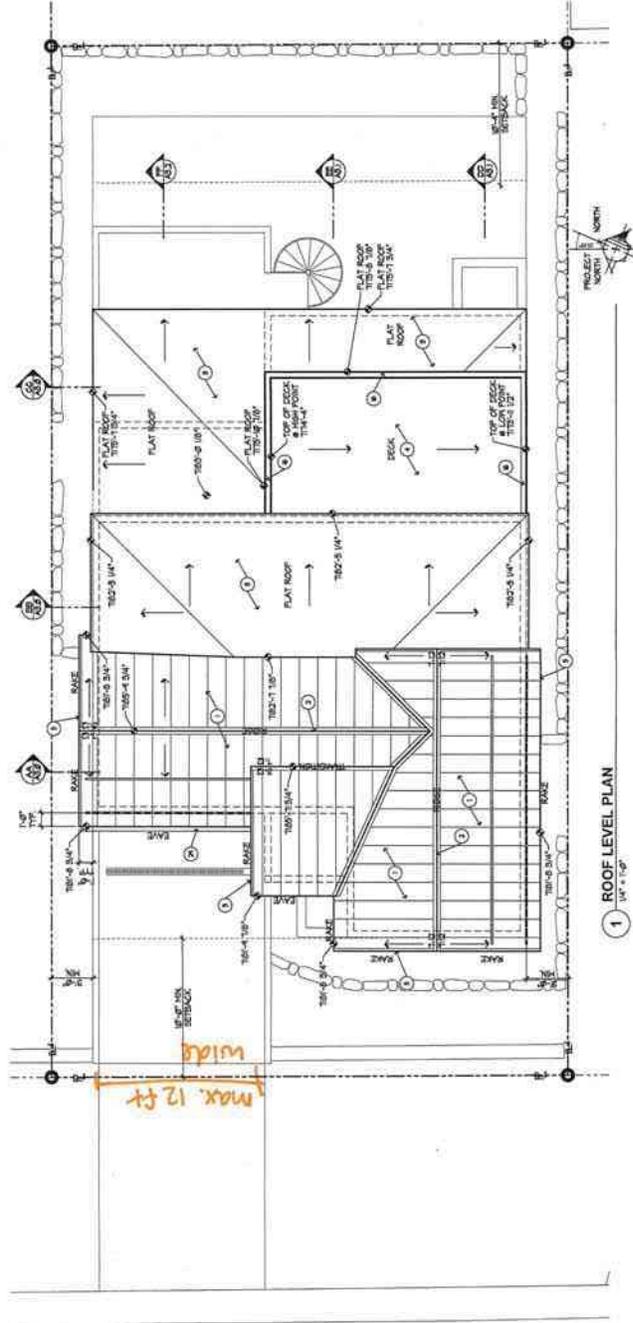


- KEYED NOTES**
- 1) 3" MIN. ROOF OVERHANG. INSTALL PER MANUFACTURER SPECIFICATIONS. PROVIDE 1/2" MIN. OVERHANG FOR ALL ROOF DECKS. USE ANCHOR BOLT FOR ALL ROOF DECKS.
  - 2) 3" MIN. ROOF OVERHANG. INSTALL PER MANUFACTURER SPECIFICATIONS. PROVIDE 1/2" MIN. OVERHANG FOR ALL ROOF DECKS. USE ANCHOR BOLT FOR ALL ROOF DECKS.
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  - 16) 3" MIN. ROOF OVERHANG. INSTALL PER MANUFACTURER SPECIFICATIONS. PROVIDE 1/2" MIN. OVERHANG FOR ALL ROOF DECKS. USE ANCHOR BOLT FOR ALL ROOF DECKS.
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  - 18) 3" MIN. ROOF OVERHANG. INSTALL PER MANUFACTURER SPECIFICATIONS. PROVIDE 1/2" MIN. OVERHANG FOR ALL ROOF DECKS. USE ANCHOR BOLT FOR ALL ROOF DECKS.
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  - 20) 3" MIN. ROOF OVERHANG. INSTALL PER MANUFACTURER SPECIFICATIONS. PROVIDE 1/2" MIN. OVERHANG FOR ALL ROOF DECKS. USE ANCHOR BOLT FOR ALL ROOF DECKS.

*\* Building height shall not exceed 27 ft from existing grade.*

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EM  
PLANNING DEPT

- KEYED NOTES**
- 1) SPACING SEAM METAL ROOF (MFR) SHALL BE 24" ON CENTER. SEAMS SHALL BE INSTALLED WITH 2" OVERLAP. SEAMS SHALL BE INSTALLED OVER THE ENTIRE ROOF AREA. ENTIRE ROOF AREA SHALL BE COVERED WITH MFR. DOUBLE INSULATION REQUIRED AT ROOF PERIMETER. 4:12 OR LESS ROOF PITCH SHALL BE COVERED WITH MFR. MANUFACTURER'S SPECIFICATIONS & 2" x 4" D.G. MANUFACTURER'S SPECIFICATIONS SHALL BE FOLLOWED. MANUFACTURER'S SPECIFICATIONS SHALL BE FOLLOWED FOR POLYURETHANE INSULATION. POLYURETHANE INSULATION SHALL BE MANUFACTURED & SUPPLIED AT 1/2" R 12' MIN. - SEE MANUFACTURER'S SPECIFICATIONS FOR MANUFACTURER'S SPECIFICATIONS. METAL FLASHING SHALL BE INSTALLED AT ALL ROOF PENETRATIONS & DOWNSPOUTS TO DRAIN TO 3/8" TYPICAL FOUNDATION DRAIN.
  - 2) SEAM METAL ROOF (MFR) SHALL BE 24" ON CENTER. SEAMS SHALL BE INSTALLED WITH 2" OVERLAP. SEAMS SHALL BE INSTALLED OVER THE ENTIRE ROOF AREA. ENTIRE ROOF AREA SHALL BE COVERED WITH MFR. DOUBLE INSULATION REQUIRED AT ROOF PERIMETER. 4:12 OR LESS ROOF PITCH SHALL BE COVERED WITH MFR. MANUFACTURER'S SPECIFICATIONS & 2" x 4" D.G. MANUFACTURER'S SPECIFICATIONS SHALL BE FOLLOWED. MANUFACTURER'S SPECIFICATIONS SHALL BE FOLLOWED FOR POLYURETHANE INSULATION. POLYURETHANE INSULATION SHALL BE MANUFACTURED & SUPPLIED AT 1/2" R 12' MIN. - SEE MANUFACTURER'S SPECIFICATIONS FOR MANUFACTURER'S SPECIFICATIONS. METAL FLASHING SHALL BE INSTALLED AT ALL ROOF PENETRATIONS & DOWNSPOUTS TO DRAIN TO 3/8" TYPICAL FOUNDATION DRAIN.
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*max. 12 ft wide*

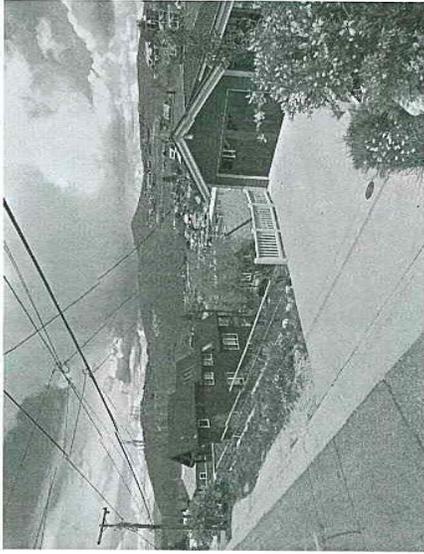
1 ROOF LEVEL PLAN  
1/4" = 1'-0"



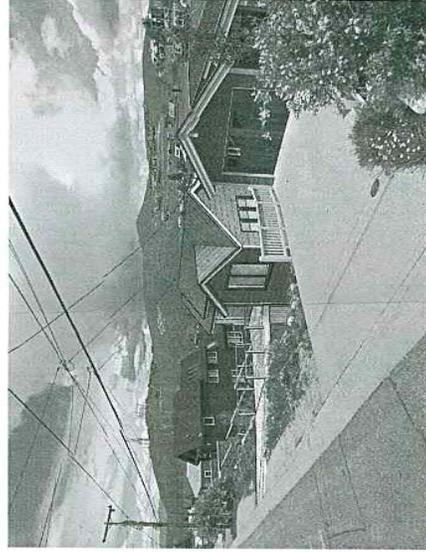


# **Exhibit C – Visual Analysis/Streetscape**

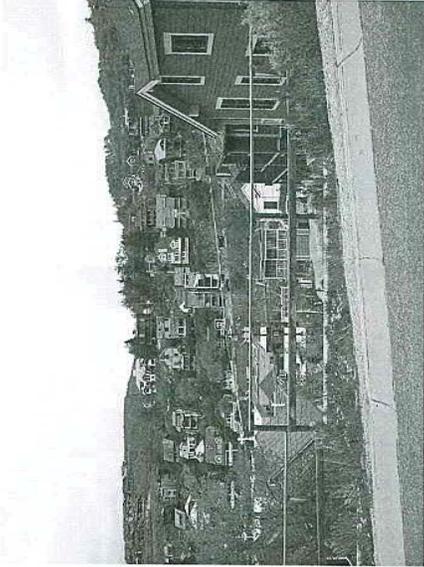
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EXISTING CONDITION 3



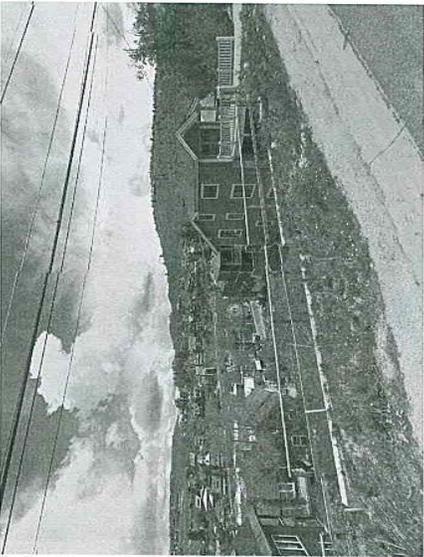
PROPOSED DESIGN 3



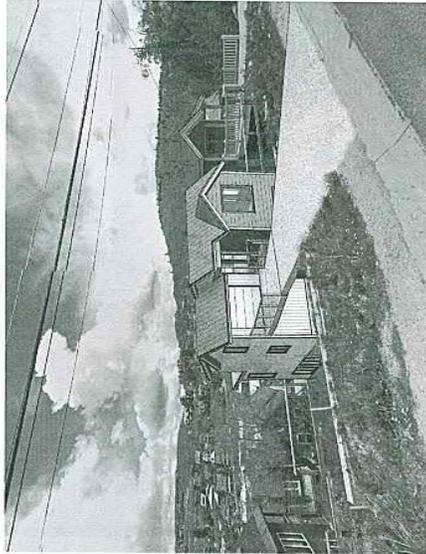
EXISTING CONDITION 2



PROPOSED DESIGN 2



EXISTING CONDITION 1



PROPOSED DESIGN 1

AI-002

SHEET NUMBER

PROJECT NUMBER

DATE

REVISION

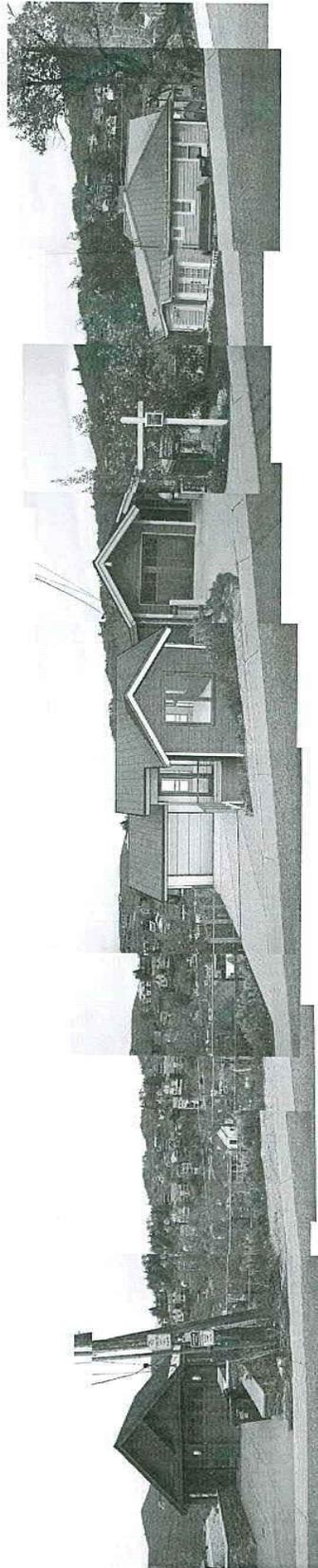
WEST VALLEY

BEFORE/AFTER IMAGES

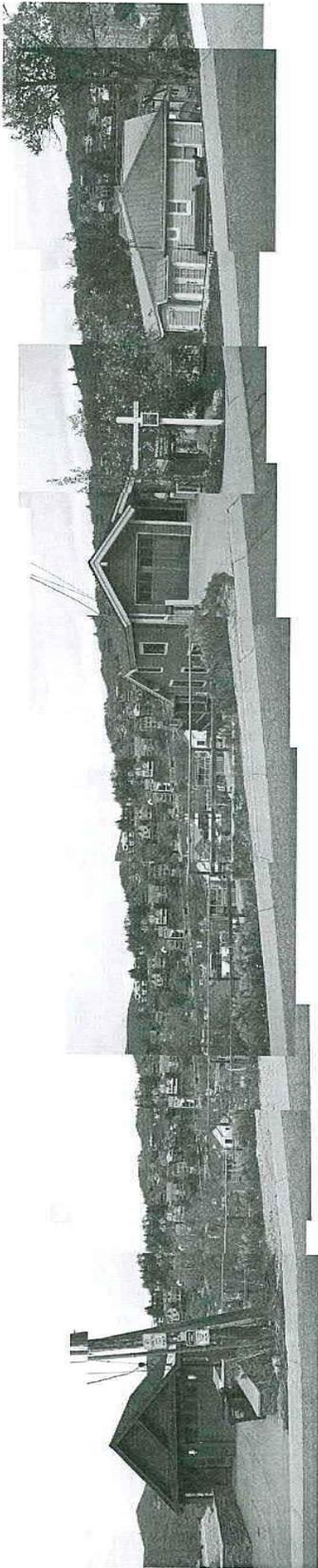
324 WOODSIDE RESIDENCE  
PARK CITY, UTAH 84060

Jonathan Degray  
Architect  
P.O. Box 104, 214 Main Street, Suite 202, Park City, Utah 84060  
Tel: (435) 625-2525, Email: jondeg@jondeg.com

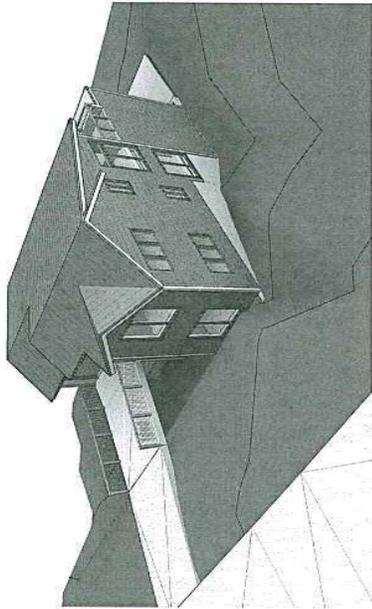
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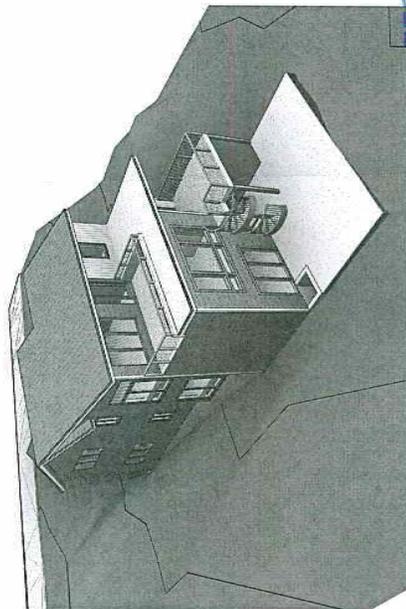
PROPOSED STREETSCAPE



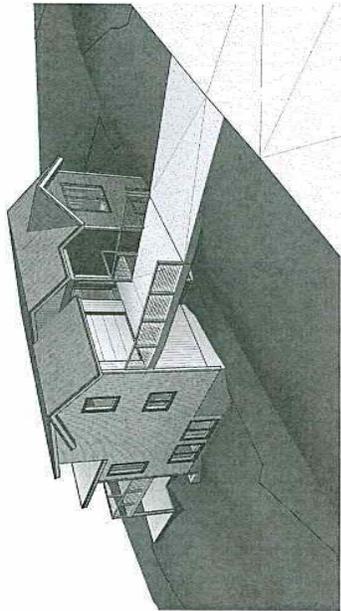
EXISTING STREETSCAPE



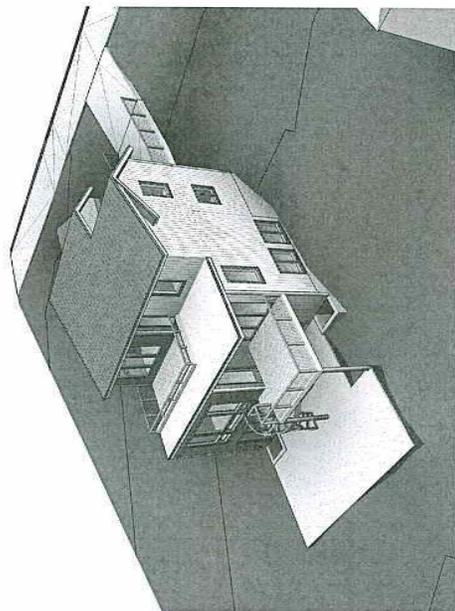
SOUTHWEST BIRDSEYE



SOUTHEAST BIRDSEYE



NORTHWEST BIRDSEYE



NORTHEAST BIRDSEYE

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# Planning Commission Staff Report



PLANNING DEPARTMENT

**Subject:** 180 Daly Avenue  
**Project #:** PL-16-03085  
**Author:** Anya Grahn, Historic Preservation Planner  
**Date:** October 24, 2018  
**Type of Item:** Administrative – Steep Slope Conditional Use Permit

## Summary Recommendations

Staff recommends the Planning Commission review the application for a Steep Slope Conditional Use Permit (CUP) at 180 Daly Avenue, conduct a public hearing, and approve the Steep Slope CUP for 180 Daly Avenue. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission’s consideration.

## Description

**Owner/ Applicant:** Dave Baglino, represented by architect Kevin Horn  
**Location:** 180 Daly Avenue  
**Zoning:** Historic Residential (HR-1) District  
**Adjacent Land Uses:** Residential  
**Reason for Review:** Construction of an addition to a historic single-family home in excess of 200 square feet of Building Footprint that will be located upon an existing slope of 30% or greater.

## Proposal

This application is a request for a Steep Slope Conditional Use Permit (CUP) for construction of an addition to a historic house, when the Building Footprint of the addition is in excess of 200 square feet and the addition is located upon an existing Slope of 30% or greater. The site is a developed site with a historic house that is designated as “Significant” on the Historic Sites Inventory. Following construction of the addition, the proposed square feet of the residence will be 3,276 square feet and the proposed footprint will be 1,568 square feet. The construction is proposed on a slope greater than 30%, and in some areas, the slope is approximately 83%.

## Background

This site has had limited applications in the past. In 1990, the historic house was re-roofed and new siding and trim was installed, per the City’s building permit files. On June 29, 1992, the Historic District Commission approved the construction of the existing two-car garage at the site and the existing garage was approved for demolition. The property was then sold to the current owners in 2016.

The site currently consists of two lots—one containing the historic house and the second containing the garage built in 1992. On July 12, 2018, City Council approved the Daly Delight Plat Amendment located at this address through [Ordinance 2018-37](#); the plat amendment has not yet been recorded with the Summit County Recorder’s Office. Following recording of the plat amendment, Lot A at 180 Daly Avenue will contain a total of 3,986 square feet.

On January 20, 2016, the City received an application for a Steep Slope Conditional Use Permit (CUP) for “Construction on a Steep Slope” at 180 Daly Avenue; the application was deemed complete on December 12, 2017. The property is located in the Historic Residential (HR-1) District.

This application is a request for a Steep Slope Conditional Use Permit (CUP) for construction of a new addition to a historic house. Because the proposed footprint of this addition is in excess of 200 square feet and the proposed footprint is located upon an existing slope of greater than 30%, the applicant is required to file a Steep Slope Conditional Use Permit application for review by the Planning Commission, pursuant to Land Management Code (LMC) § 15-2.2-6.

The property is located at 180 Daly Avenue on a developed lot, containing a historic house designated as Significant on the City’s Historic Sites Inventory. The Park City Council approved a plat amendment at this location on June 26, 2018, to adjust the lot line common to Lot 26 and Lot 27, Block 74 of the Park City Survey. The plat amendment is still undergoing our internal review and is not yet at Mylar stage. The plat amendment approval expires in June 2019.

A Historic District Design Review (HDDR) application was submitted on January 14, 2016, and deemed complete on December 12, 2017. On October 3, 2018, the Historic Preservation Board approved the applicants’ proposed Material Deconstruction [[Staff Report](#) (starting page 119)]. The application is being reviewed concurrently with this Steep Slope CUP.

### **Purpose**

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

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

### **Analysis**

The proposed house will contain a total of 3,276 square feet, including basement area. The proposed footprint of the house, following construction of the addition, will be 1,568 square feet; the lot size currently allows a footprint of 1,593 square feet. The new development complies with all setbacks and building footprint, as outlined in the following table.

The new construction meets the allowed height. Staff reviewed the plans and made the following LMC related findings:

<b>Requirement</b>	<b>LMC Requirement</b>	<b>Proposed</b>
Lot Size	Minimum of 1,875 square feet	3,966 square feet, <u>complies.</u>
Building Footprint	1,593 square feet maximum, based on lot size	1,568 square feet, <u>complies.</u>
Front Yard	12 feet minimum	11 feet, <u>complies</u> <sup>1</sup> .
Rear Yard	12 feet minimum	24 feet, <u>complies.</u>
Side Yard	5 feet minimum, total 10 feet.	5.5 feet on each side, <u>complies.</u> Total of 11 feet, <u>complies.</u>
Height	27 feet above existing grade, maximum.	18.4 feet, <u>complies.</u>
Height (continued)	A Structure shall have a maximum height of 35 feet measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters.	34.8 feet, <u>complies.</u>
Final grade	Final grade must be within four (4) vertical feet of existing grade around the periphery of the structure.	Maximum difference is 4 feet on the north and south elevations, <u>complies.</u>
Vertical articulation	A ten foot (10') minimum horizontal step in the downhill façade is required unless the First Story is located completely under the finish Grade on all sides of the Structure. The horizontal step shall take place at a maximum height of twenty three feet (23') from where Building Footprint meets the lowest point of existing Grade. Architectural features, that provide articulation to the upper story façade setback may encroach into the minimum 10 ft. setback but shall be limited to no more than 25% of the width of the building encroaching no more than 4 ft. into the setback.	The 10 foot horizontal step occurs above the historic house at the front of the lot. <u>Complies.</u>
Roof Pitch	Between 7:12 and 12:12.	The main roof has 7:12 pitch, <u>complies.</u>
Parking	No parking required for original historic structure because it is a Valid Noncomplying Structure. No	No on-site parking. Applicant is not proposing an Accessory Apartment

	parking is required for the addition unless it creates an Accessory Apartment or Lock-out Unit	or Lock-out Unit. <u>Complies.</u>
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<sup>1</sup> Per LMC 15-2.2-4 Existing Historic Structures that do not comply with the Building Footprint, Building Height, Building Setbacks, Off-Street parking, and driveway location standards are valid Non-complying Structures.

The property is located outside the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore not regulated by the City for mine related impacts. If the property owner does encounter mine waste or mine waste impacted soils they must handle the material in accordance to State and Federal law. Staff has included this as Condition of Approval #12.

LMC § 15-2.1-6(A)(2) requires a Steep Slope Conditional Use Permit (CUP) for any new construction when the Building Footprint of the addition is in excess of 200 square feet, if the building of the footprint is located upon an existing slope of 30% or greater. As previously noted, with the proposed addition, the house will have a footprint of 1,568 square feet and the construction is proposed on a slope of approximately 83%, towards the rear of the lot. The historic house is located on a fairly flat portion of the lot, but the canyon wall extends steeply uphill directly behind the house. Please recall that a 100% slope is a 45 degree angle.

Criteria 1: Location of Development.

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

*The historic house sits at the front of the lot. The three-story addition behind the historic house will be visually separated from the historic house as it will be setback beyond the rear wall plane of the historic house by about 10 feet. Though the new addition is two stories taller than the historic house, this physical separation will provide a significant visual separation between the new addition and the historic house. It will also help the new addition from appearing to overshadow and engulf the historic house.*

*The new addition will be connected to the historic house through a new one-story addition that will serve as the transitional element. Much of the mass and bulk of the new addition will be set into the canyon wall allowing the grade to shield about two stories of the addition from view. Retaining walls will be used to terrace the grade in 4 foot terraces. These terraces will then be planted to help them further blend into hillside.*

Criteria 2: Visual Analysis.

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

*The applicant submitted a photographic visual analysis, including street views, to show the proposed streetscape and cross canyon views. As demonstrated by the visual*

*analysis, the proposed addition fits within the context of the slope, neighboring structures, and existing vegetation. According to the survey, there are five (5) existing trees on this lot. The applicant proposes to retain the three (3) trees at the front of the site, along Daly Avenue. The applicant is proposing to remove the two (2) trees on the northwest corner of the lot. Per the applicant's landscape plan, seven (7) new white pine trees will be planted along the property line adjacent to Ridge Avenue*

*The visual analysis, streetscape, and cross canyon view demonstrate that the proposed design is visually compatible with the neighborhood, similar in scale and mass to surrounding structures, and visual impacts are mitigated. By reducing the size of the three-story addition and pushing into the hillside, the applicant is able to hide two stories by burying them into the hillside. Additionally, the historic house will further shield the new addition. The new retaining walls proposed will be located on the north and south side elevations where the most grade change occurs. The side yard will be re-vegetated following construction with new vegetation.*

#### Criteria 3: Access.

Access points and driveways must be designed to minimize Grading of the natural topography and to reduce overall Building scale. The garage sits below the street level reducing the fill needed to access the garage and the front door. Common driveways and Parking Areas, and side Access to garages are strongly encouraged. **No unmitigated impacts.**

*No new driveway or access to the property is proposed as part of the new addition. The applicant will retain the original front door opening on the historic house. The house is accessed from Daly Avenue.*

#### Criteria 4: Terracing.

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

*Minor retaining is necessary to regain natural grade around the proposed structure on the north and south elevations. Finished grade will be within 4 feet of existing grade following completion of the project. The retaining walls do not exceed 4 feet in height and vegetation will be planted on the terraces to allow them to better blend in with the hillside.*

#### Criteria 5: Building Location.

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

*The new structure's building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography. The placement of the new construction and its design minimizes cut and fill of the existing grade and is compatible with the neighborhood. Though taller than the historic*

*house, the new addition will be set back at least 10 feet from the rear wall of the historic house to further visually separate it from the historic house. A long shed roof will help further reduce the perceived size of the new addition and make the new addition appear to step up the hill. Because the new addition sits on the steepest portion of the lot, the applicant has been able to visually hide much of the bulk and mass of the addition underground.*

*Final Grade will be changed no more than four feet (4') from the Existing Grade. Side setbacks and building footprints are maintained consistent with the pattern of development and separation of structures in the neighborhood.*

#### Criteria 6: Building Form and Scale.

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

*The main ridge of the roof is parallel to the contours. The size of the lot allows the design not to offend the natural character of the site as seen on the submitted plans. The mass and scale of the new addition appears smaller in size because it is buried in the hillside. Further much of the bulk and mass of the structure will be not be visible from Daly Avenue, as the historic house sits in front of the addition.*

*Staff finds that the proposed design is consistent with the Design Guidelines for Historic Districts and Historic Sites. The pitch of the east side of the gable roof runs uphill with the lot, terminating at a height of only 6.4 feet above existing grade; at its tallest, the structure is only 18.4 feet above existing grade. The structure reflects the historic character of Park City's Historic Sites such as simple building forms, unadorned materials, and restrained ornamentation. The style of architecture selected and all elevations of the building are designed in a manner consistent with a contemporary interpretation of the chosen style. The Historic District Design Review (HDDR) application is currently in review.*

*Exterior elements of the new development—roofs, entrances, eaves, porches, windows, doors, steps, retaining walls, garages, etc.—are of human scale and are compatible with the neighborhood and the style of architecture selected. The scale and height of the new structure follows the predominant pattern of the neighborhood. Further, this style of this house is consistent with the Design Guidelines.*

#### Criteria 7: Setbacks.

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

*The proposed new addition meets the standard LMC setbacks for a lot this size. Along Ridge Avenue, the minimum setback is 12 feet, and the applicant is proposing 24 feet. A five foot side yard setback has been provided along the north and south elevations of the new addition. The existing historic house is Valid Non-Complying as it does not comply with the setback requirements.*

*The visual impacts of the new addition will be mitigated by staggering the mass of the new addition. The applicant has designed it so that the new three-story addition is setback 10 feet from the rear wall of the historic house. This helps visually separate the historic house and its rear addition. The historic house shields this new addition from Daly Avenue. Where the addition is visible from the side yards, the applicant has buried much of the bulk and mass of the three-story addition underground so that only one-story is visible above Final Grade. Side setbacks are consistent with the pattern of development and separation in the neighborhood. The articulation created by this massing pattern reduces the overall mass of the new structure and does not create a wall effect along the street front or rear lot line.*

#### Criteria 8: Dwelling Volume.

The maximum volume of any Structure is a function of the Lot size, Building Height, Setbacks, and provisions set forth in this Chapter. The Planning Commission may further limit the volume of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing Structures. **No unmitigated impacts.**

*The proposed design is articulated and broken into compatible massing components. The applicant has broken up the mass by introducing a 10 foot setback between the back wall of the historic house and the new addition. The design includes setback variations and lower building heights for portions of the structure to further reduce its mass and scale. The proposed massing and architectural design components are compatible with both the volume and massing of single family dwellings in the area. The design minimizes the visual mass by burying almost two stories, and it mitigates the differences in scale between the proposed addition and surrounding structures.*

#### Criteria 9: Building Height (Steep Slope).

The maximum Building Height in the HR-1 District is twenty-seven feet (27'). The Planning Commission may require a reduction in Building Height for all, or portions, of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing residential Structures. **No unmitigated impacts.**

*The proposed new construction meets the twenty-seven feet (27') maximum building height requirement measured from existing grade at the highest point; in fact, the tallest point of the building is only 18.4 feet above Existing Grade, and the remainder of the building steps down the hillside toward Park Avenue. The roof of the new addition has been designed to allow for a side-gable along the street front, consistent with adjacent structures. To break up the long shed roof visible from Daly Avenue, the applicant has introduced front-facing gable-roofed dormers.*

*The addition meets the criteria outlined in LMC 15-2.2-5(A) stating that the structure shall have a maximum height of thirty-five feet (35') measured from the lowest finished floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters. The height from the lowest finished floor plane to the highest wall plate is 34.6 feet, and the overall height of the proposed structure is only 18.4 feet in height above Existing Grade.*

### **Process**

Approval of this application constitutes Final Action that may be appealed to the City Council following appeal procedures found in LMC § 15-1-18. The applicant has submitted a Historic District Design Review (HDDR) application; however, this has not yet been approved.

### **Department Review**

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

### **Notice**

The property was posted and notice was mailed to property owners within 300 feet on October 17, 2018. Legal notice was also published in the Park Record in accordance with requirements of the LMC on October 6, 2018.

### **Public Input**

No input has been received regarding the Steep Slope CUP.

### **Alternatives**

- The Planning Commission may approve the Conditional Use Permit for 180 Daly Avenue as conditioned or amended, or
- The Planning Commission may deny the Conditional Use Permit and provide staff with Findings for this decision, or
- The Planning Commission may request specific additional information and may continue the discussion to a date uncertain.

### **Significant Impacts**

As conditioned, there are no significant fiscal or environmental impacts from this application. The lot is a platted, developed residential lot that contains native grasses and shrubs.

### **Consequences of not taking the Suggested Recommendation**

The construction as proposed could not occur and the applicant would have to revise the plans.

### **Recommendation**

Staff recommends the Planning Commission review the application for a Steep Slope Conditional Use Permit at 180 Daly Avenue and conduct a public hearing. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

### **Findings of Fact:**

1. The property is located on 180 Daly Avenue.
2. On July 12, 2018, the Park City Council approved the Daly Delight Plat Amendment located at this address through Ordinance 2018-37; the plat has not yet been recorded.
3. The property is located within the Historic Residential (HR-1) District and meets the purpose of the zone.
4. Following recordation of the plat, Lot A at 180 Daly Avenue will contain a total of 3,986 square feet.
5. A single family dwelling is an allowed use in the HR-1 District.
6. A Historic District Design Review (HDDR) application is currently under review.
7. On October 3, 2018, the Historic Preservation Board approved the applicant's proposed Material Deconstruction.
8. On January 20, 2016, the City received an application for a Steep Slope Conditional Use Permit; the application was deemed complete on December 12, 2017.
9. Access to the property is from Daly Avenue, a public street.
10. The neighborhood is characterized by a mix of historic and non-historic residential structures, single family homes, and duplexes. The streetscape on the west side of the road, is dominated by historic garages, sheds, and pedestrian entryways.
11. The proposal will create a single family dwelling of 3,276 square feet, including the basement area.
12. An overall building footprint of 1,568 square feet is proposed following construction of the addition. The maximum allowed footprint for this lot is 1,593 square feet.
13. The proposed addition complies with all setbacks. The minimum front and rear yard setbacks are 12 feet. The minimum side yard setbacks are 5 feet.
14. The historic house currently has a front yard setback of 11 feet, less than the required 12 feet. Per Land Management Code 15-2.2-4 Existing Historic Structures that do not comply with the Building Footprint, Building Height, Building Setbacks, Off-Street parking, and driveway location standards are valid Non-complying Structures.
15. The proposed addition complies with the twenty-seven feet (27') maximum building height requirement measured from existing grade. Portions of the house are less than twenty seven feet (27') in height and the tallest portion of the building is 18.4 feet above existing grade.
16. The applicant submitted a visual analysis, cross valley views, and a streetscape showing a contextual analysis of visual impacts of this house on the cross canyon views and the Park Avenue streetscape. Staff finds that the proposed house is compatible with the surrounding structures based on this analysis.
17. The lot has an average slope of 43.5% and in some areas, the slope is as much as 83%. The front portion of the lot where the historic house sits is relatively flat; however, the grade quickly steepens to form the wall of the canyon directly west of the historic house.
18. The development is located and designed to reduce visual and environmental impacts of the Structure. Because the historic house sits at the front of the lot and on a flat portion of the lot, much of the bulk and mass of the new addition is buried in the hillside and is not visible from Daly Avenue. On the north and south sides of the new addition, only one to two stories will be visible above Final Grade. Retaining walls will be used to terrace the grade in four foot segments within the side yards.

19. A visual analysis has been provided and it has been determined that the potential impacts for the project have been mitigated through screening, slope stabilization, erosion mitigation, vegetation protection, and other methods. The proposed addition fits within the context of the slope, neighboring structures and existing vegetation. According to the survey, there are five (5) existing trees on the lot. The applicant proposes to retain the three (3) trees at the front of the site and replace the other two (2) trees with seven (7) new white pine trees. The visual analysis has demonstrated that the proposed design is visually compatible with the neighborhood and is similar in mass and scale to surrounding structures.
20. Access points have been designed to minimize Grading of the natural topography and reduce overall Building Scale. No new driveway or vehicular access to the site is proposed. The site will continue to be accessible from Daly Avenue, and the front door of the building is on the historic house.
21. The applicant has incorporated terraced retaining walls to regain Natural Grade. Finished Grade will be within 4 feet of existing grade following completion of the project. The retaining walls do not exceed 4 feet in height and vegetation will be planted on the terraces to further minimize the visibility of the retaining walls.
22. The buildings, access, and infrastructure have been located to minimize cut and fill that would alter the perceived topography of the site. The new structure's building pad has been located to minimize cut and fill. Though taller than the historic house, the new addition will be set back at least 10 feet from the rear wall of the historic house to help further visually separate it from the historic house. A long shed roof on the façade will help reduce the perceived size of the new addition and make the addition appear to be stepping up the hill. The applicant has been able to hide much of the bulk and mass of the addition underground.
23. The building has is oriented along the Lot's existing contours, and the main ridge of the new three-story addition will be parallel to the grade. This allows the east side of the gable roof to slope down with the grade. The tallest portion of the structure is 18.4 feet above existing grade, and some portions of the new addition will be only 6.4 feet above existing grade. The proposed design complies with the Design Guidelines for Historic District and Historic Sites as exterior elements of the new development are of human scale and compatible with the neighborhood.
24. The design of the new addition has prevented a "wall effect" along the Street. The mass of the new addition has been staggered so that the three-story addition is visually separated from the historic house and much of its mass and bulk has been buried in the hillside. The articulation of the massing pattern reduces the overall perceived mass of the structure.
25. The volume of the Structure has been limited in order to minimize its visual mass and mitigate the differences in scale between the existing Historic House and the new addition. The taller portions of the new addition are physically and visually separated from the historic house. Setback variations and lower building heights have further reduced the overall mass and scale. The proposed mass and architectural design components are compatible with both the volume and massing of other single family dwellings in the areas. By burying much of the mass underground, the differences in scale between the new addition and surrounding structures have been minimized.
26. The proposed new addition has a height of 18.4 feet above Existing Grade, much lower than the maximum zone height of 27 feet. The roof of the new addition has

been designed to allow for a long shed roof to slope downhill towards Daly Avenue. The mass of the roof form has been broken up by gable-roofed dormers. The overall interior height of the structure is 34.6 feet.

27. No lighting has been proposed at this time. Lighting will be reviewed at the time of the HDDR and Building Permit application for compliance with the LMC lighting code standards.
28. The property was posted and notice was mailed to property owners within 300 feet on October 17, 2018. Legal notice was also published in the Park Record in accordance with requirements of the LMC on October 6, 2018.
29. The property is located outside of the Soils Ordinance.
30. The findings in the Analysis section of this report are incorporated herein.

### **Conclusions of Law**

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.2-6(B)
2. The CUP, as conditioned, is consistent with the Park City General Plan.
3. The proposed use will be compatible with the surrounding structures in use, scale, mass, and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.

### **Conditions of Approval**

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. The CMP shall include language regarding the method of protecting adjacent structures.
3. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
4. No building permit shall be issued until the Daly Delight Plat Amendment is recorded with the Summit County Recorder's Office.
5. This approval will expire on October 24, 2019, if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval has been requested in writing prior to the expiration date and is granted by the Planning Director.
6. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission on October 24, 2019, and the Final HDDR Design.
7. Residential fire sprinklers will be required for all new construction per requirements of the Chief Building Official.
8. All exterior lighting, on porches, decks, garage doors, entryways, etc. shall be shielded to prevent glare onto adjacent property and public rights-of-way and shall be subdued in nature. Light trespass into the night sky is prohibited. Final lighting details will be reviewed by the Planning Staff prior to installation.
9. Construction waste should be diverted from the landfill and recycled when possible.
10. All excavation work to construct the foundation shall start on or after April 15<sup>th</sup> and be completed on or prior to October 15<sup>th</sup>. The Planning Director may make a written

determination to extend this period up to 30 additional days if, after consultation with the Historic Preservation Planner, Chief Building Official, and City Engineer, he determines that it is necessary based upon specific site conditions such as access, or lack thereof, exist, or in an effort to reduce impacts on adjacent properties.

11. Final landscape plan shall be provided at the time of the building permit and shall include existing vegetation, and include a replacement plan for any significant vegetation proposed to be removed.
12. The property is located outside the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore not regulated by the City for mine related impacts. If the property owner does encounter mine waste or mine waste impacted soils they must handle the material in accordance to State and Federal law.

**Exhibits**

Exhibit A- Plans (existing conditions, survey, site plan, elevations, floor plans)

Exhibit B- Visual Analysis/Streetscape

Exhibit C- Existing Photographs

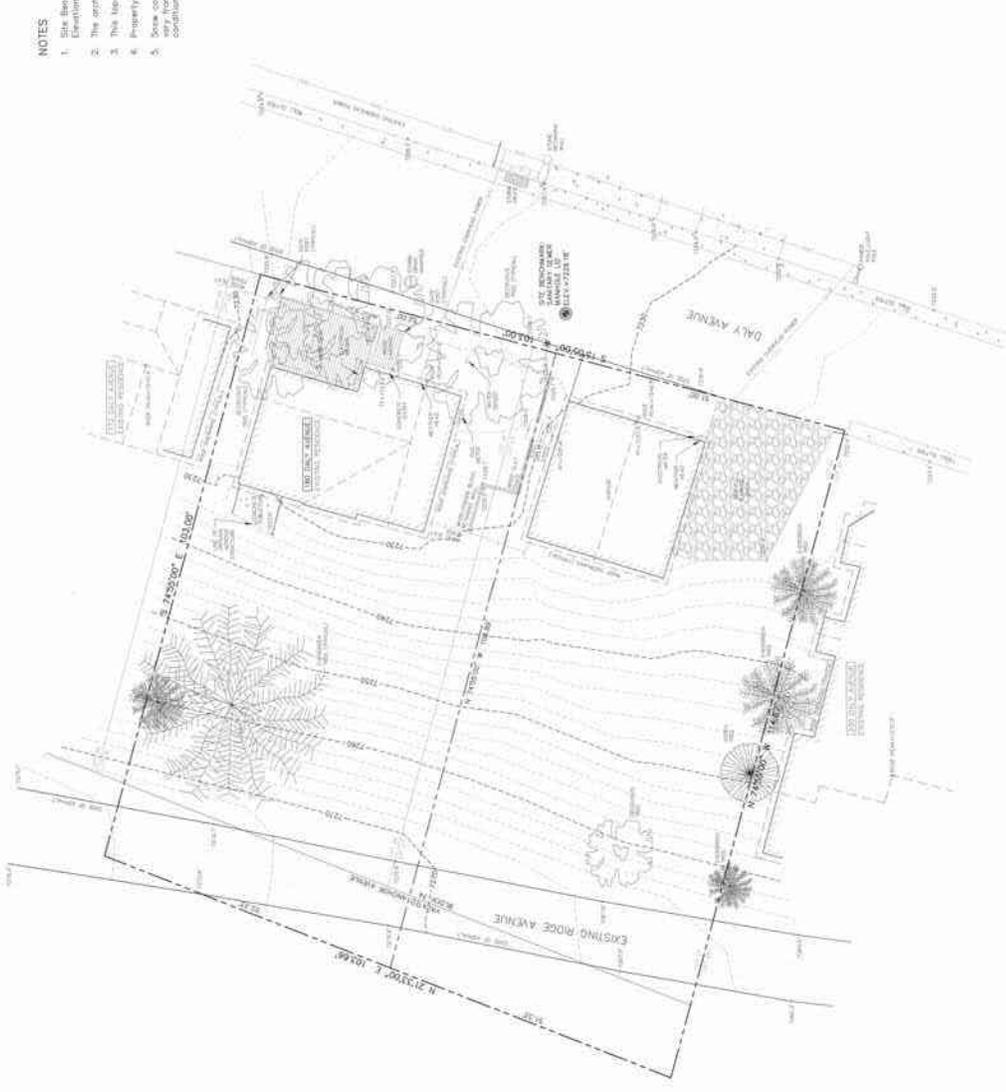


**SURVEYOR'S CERTIFICATE**

I, Martin A. Morrison, do hereby certify that I am a registered land surveyor and that I, first verification no. A435234 as prescribed under the laws of the State of Florida, have personally supervised the making of the above described map in accordance with the provisions of the Florida Topographic and Descriptive Survey Act, Chapter 469, Florida Statutes. I further certify that this topographic survey is a true and correct representation of the ground as surveyed and that the same was completed and is in compliance with generally accepted industry standards for accuracy.



12-10-15



**NOTES**

1. Site Benchmark, Sontley, sewer manhole lid Elevation=728.11'
2. The applicant is responsible for verifying building setbacks, zoning requirements and building heights.
3. This topographic map is based on a field survey performed on December 1, 2015.
4. Property corners were found.
5. Some corners of this lot have not been surveyed. If a corner is not shown on this map, it is a corner not shown on this map. In addition, measurements, measurements may exist which are not shown on this survey.



STAFF:  
 MATT MORRISON  
 JESSE MORNO

EXISTING CONDITIONS & TOPOGRAPHIC MAP  
 180 DALY AVENUE  
 BLOCK 74, PARK CITY SURVEY  
 FOR: WASATCH ENGINEERING CONTRACTORS  
 JOB NO.: 11-11-15  
 DATE: 12/16/15  
 FILE: X:\ParkCitySurvey\04-g\wp\1502015\111115.dwg



HORN PARTNERS ARCHITECTURE

DATE	
BY	
SCALE	

PROJECT NAME: STREET SCAPE  
DATE: 11.02











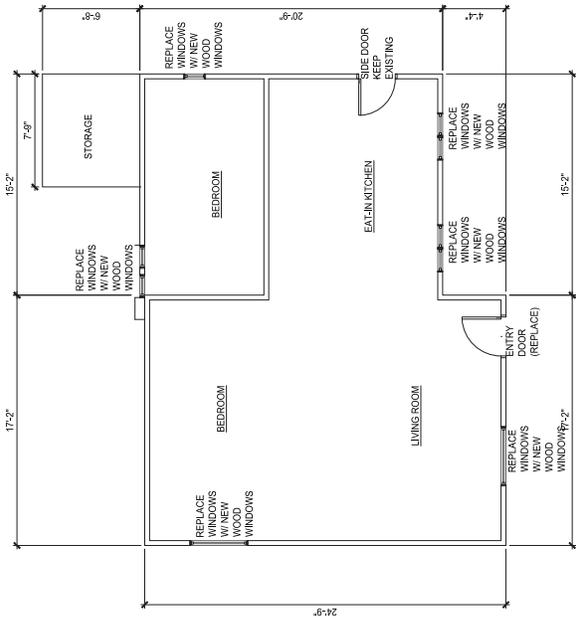


DAVE BAGLINO  
 ADDRESS  
 CITY, STATE  
 ZIP CODE  
 THE CLIENT'S MATERIAL DECISIONS ON THIS SHEET ARE REPRESENTATIVE OF SERVICE AND MATERIALS. ALL TRADES THE PROPERTY OF HORN AND PARTNERS, LLC. SPECIFICATIONS TO BE USED FOR THE MATERIALS. CONTRACTOR TO VERIFY ALL DIMENSIONS AND CONDITIONS. HORN AND PARTNERS, LLC. 801.299.4876. ALL RIGHTS RESERVED.

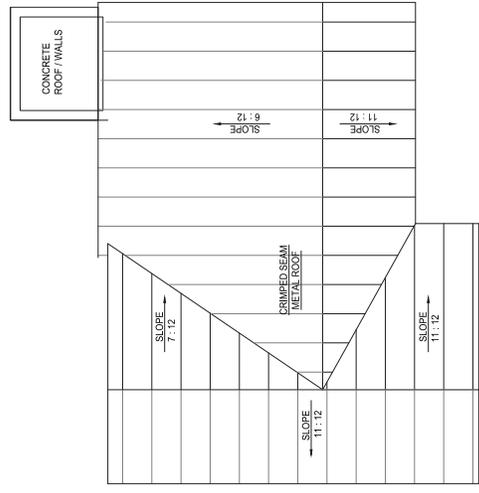
**HORN PARTNERS ARCHITECTURE**  
 P.O. BOX 386 BOUNTIFUL, UT 84011-386  
 PH: 801.334.8761 | 801.299.4876  
 FAX: 801.299.1111 | www.hornpartners.com

**DALY AVE. RESIDENCE**  
 180 DALY AVE. (HISTORIC HOME)  
 PARK CITY, UT  
 JOB NO.  
 FILE NO.  
 CHECKED BY:

**HISTORIC PLANS**  
**H2.01**



**HISTORIC FLOOR PLAN**  
 SCALE: 1/4" = 1'-0"



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



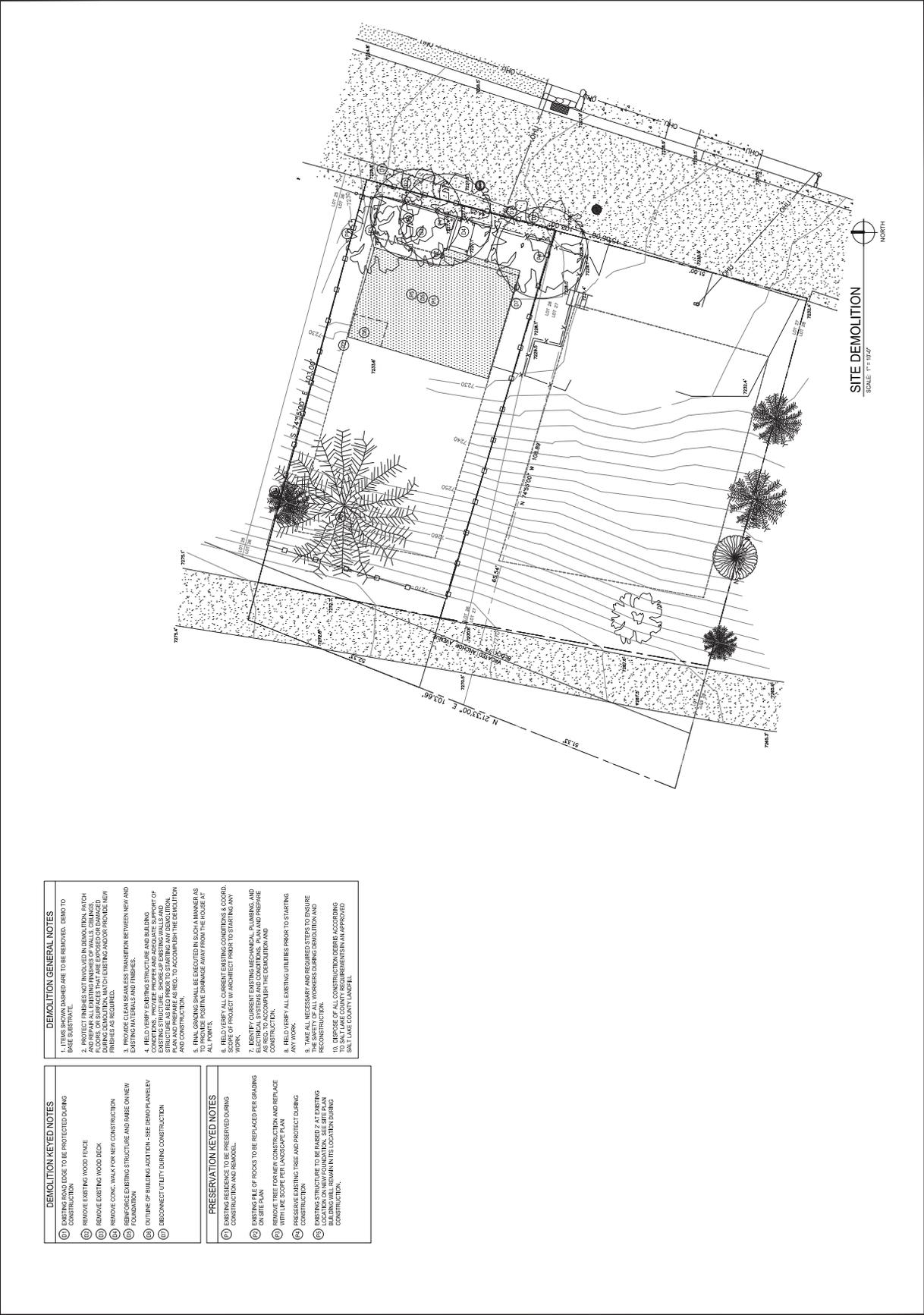


**DAVE BAGLINO**  
 ADDRESS  
 CITY, STATE

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**DALY AVE. RESIDENCE**  
 180 DALY AVE. (HISTORIC HOME)  
 PARK CITY, UT

**SITE DEMOLITION**  
**D1.01H**



- DEMOLITION GENERAL NOTES**
- ITEMS SHOWN SHARDED ARE TO BE DEMOLISHED. DEMO TO BARE SUBSTRATE.
  - PROTECT FINISHES NOT INVOLVED IN DEMOLITION. PATCH AND REPAIR ALL EXISTING FINISHES UP WALLS, CEILING, FLOORING, AND ROOFING. MATCH EXISTING AND/OR PROVIDE NEW FINISHES AS REQUIRED.
  - REMOVE ALL EXISTING MATERIALS AND FINISHES. PROVIDE A CLEAR TRANSITION BETWEEN NEW AND EXISTING MATERIALS AND FINISHES.
  - FIELD VERIFY EXISTING STRUCTURE AND BUILDING CONDITIONS. PROVIDE PROPER AND ADEQUATE SUPPORT OF EXISTING STRUCTURE AS REQ PRIOR TO STARTING ANY DEMOLITION AND CONSTRUCTION. AS REQ. TO ACCOMPLISH THE DEMOLITION AND CONSTRUCTION.
  - FINAL GRADINGS SHALL BE EXECUTED IN SUCH A MANNER AS TO PROVIDE POSITIVE DRAINAGE AWAY FROM THE HOUSE AT ALL POINTS.
  - FIELD VERIFY ALL EXISTING UTILITIES, INCLUDING COORD. ALL UTILITIES TO BE MAINTAINED OR TO BE RELOCATED AS REQ. TO ACCOMPLISH THE DEMOLITION AND CONSTRUCTION.
  - IDENTIFY CURRENT EXISTING MECHANICAL, PLUMBING, AND ELECTRICAL SYSTEMS AND PROVIDE PROTECTION AND PREPARE AS REQ. TO ACCOMPLISH THE DEMOLITION AND CONSTRUCTION.
  - FIELD VERIFY ALL EXISTING UTILITIES PRIOR TO STARTING ANY WORK.
  - REMOVE ALL EXISTING MATERIALS AND FINISHES TO ENSURE THE SAFETY OF ALL WORKERS DURING DEMOLITION AND RECONSTRUCTION.
  - DISPOSE OF ALL CONSTRUCTION DEBRIS ACCORDING TO ALL APPLICABLE REGULATIONS AND OBTAIN ALL NECESSARY APPROVED BULKY WASTE COUNTY LANDFILL.

- DEMOLITION KEYED NOTES**
- EXISTING BARS TO BE PROTECTED DURING CONSTRUCTION.
  - REMOVE EXISTING WOOD FENCE.
  - REMOVE EXISTING WOOD DECK.
  - REMOVE CONC. WALK FOR NEW CONSTRUCTION.
  - REMOVE EXISTING STRUCTURE AND RAISE ON NEW FOUNDATION.
  - OUTLINE OF BUILDING FOOTPRINT - SEE BEND PLANS/KEY.
  - DISCONNECT UTILITY DURING CONSTRUCTION.
- PRESERVATION KEYED NOTES**
- EXISTING RESIDENCE TO BE PRESERVED DURING CONSTRUCTION AND REMOVAL.
  - EXISTING FLEET OF ROOSTS TO BE REPLACED DURING CONSTRUCTION.
  - REMOVE TREE FOR NEW CONSTRUCTION AND REPLACE WITH LIVE SOURCE PER LANDSCAPE PLAN.
  - PROTECT EXISTING TREE AND PROTECT DURING CONSTRUCTION.
  - EXISTING STRUCTURE TO BE BARRIED AT EXISTING LOCATION ON NEW FOUNDATION. SEE SITE PLAN FOR EXISTING REMAINTS LOCATION DURING CONSTRUCTION.



APR 1, 2008

**DAVE BAGLINO**  
ARCHITECT  
CITY, STATE

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**DALY AVE. RESIDENCE**  
180 DALY AVE. (HISTORIC HOME)  
PARK CITY, UT

**DEMOLITION PLANS**  
**HIST. HOME**  
**D2.01**

**DEMOLITION GENERAL NOTES**

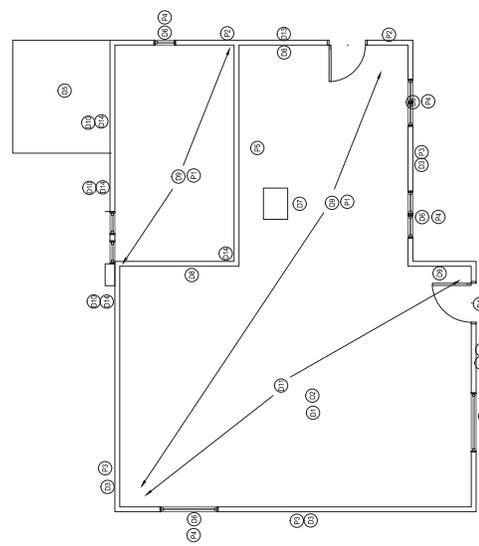
- ITEMS SHOWN HATCHED ARE TO BE REMOVED. DEMO TO BASE SUBSTANTIAL.
- REMOVE ALL EXISTING PARTITIONS, CEILING, FLOORING, FLOORS OR SURFACES THAT ARE EXPOSED OR DAMAGED AND REPAIR ALL EXISTING FINISHES OF WALLS, CEILING, FLOORS AND PARTITIONS TO MATCH EXISTING AND HISTORIC FINISHES AS REQUIRED.
- PROVIDE CLEAN SEAMLESS TRANSITION BETWEEN NEW AND EXISTING DETAILS AND FINISHES.
- FIELD VERIFY ALL EXISTING STRUCTURE AND BUILDING MATERIALS AND FINISHES. REMOVE ALL EXISTING STRUCTURE, SHORE UP EXISTING WALLS AND PARTITIONS AS NECESSARY TO MAINTAIN STRUCTURAL INTEGRITY AND CONSTRUCTION.
- FINAL GRADINGS SHALL BE EXECUTED IN SUCH A MANNER AS TO MAINTAIN THE EXISTING GRADE AND TO MAINTAIN ALL POINTS.
- FIELD VERIFY ALL EXISTING CONDITIONS & COORD. WITH ALL EXISTING UTILITIES AND RECORD ALL UTILITIES.
- IDENTIFY CURRENT EXISTING MECHANICAL, PLUMBING, AND ELECTRICAL SYSTEMS AND CONDITIONS. PLAN AND PREPARE FOR ALL EXISTING UTILITIES TO REMAIN OR TO BE REMOVED OR RECONSTRUCTED.
- FIELD VERIFY ALL EXISTING UTILITIES PAPER TO STARTING POINTS AND RECORD ALL UTILITIES.
- TAKE ALL NECESSARY AND REQUIRED STEPS TO ENSURE ALL EXISTING UTILITIES ARE PROPERLY REMOVED AND RECONSTRUCTED.
- PROPOSE ALL CONSTRUCTION PERMITS ACCORDING TO SALT LAKE COUNTY REQUIREMENTS IN AN APPROVED SALT LAKE COUNTY LANDFILL.

**DEMOLITION KEYED NOTES**

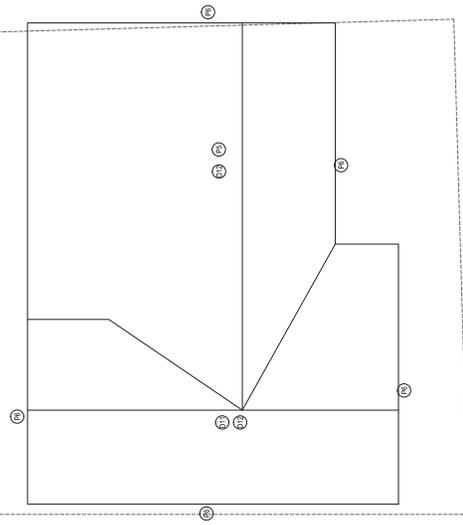
- SHORE UP MAIN FLOOR AND REMOVE LOWER FLOOR LEVEL WALLS FOR NEW FOUNDATION.
- INDICATE EXISTING FOUNDATION FOR NEW FOUNDATION.
- REMOVE NON-HISTORIC BEVELED SINGS TO BE RESTORED TO ORIGINAL SINGS.
- REMOVE EXISTING NON-HISTORIC DOOR.
- REMOVE CONCRETE CELLER STRUCTURE.
- REMOVE NON-HISTORIC WINDOW FOR NEW WOOD WINDOW PER NOTE 7A.
- REMOVE EXISTING GAS HEATING STOVE AND PARTIES.
- REMOVE EXISTING PLUMBING SYSTEM INCLUDING FRING AND PARTIES.
- REMOVE EXISTING MECHANICAL AND ELECTRICAL EQUIPMENT, CAP AND REMOVE UP PANEL.
- SHORE UP MAIN STRUCTURE AND REMOVE WALLS, BEING FINISHES, ETC. FOR ADDITION.
- SHORE UP EXISTING BATTERIES AND OPEN CENTRAL RIDGE TO BE VALUED TO INTERIOR.
- REMOVE EXISTING METAL ROOF AND SUBROOFING WITH NEW WINDOWS.
- UNCOVER EXISTING WINDOW OPENING AND REPLACE WITH NEW WINDOWS.
- REMOVE WALL FOR NEW ADDITION OR REMODEL.

**PRESERVATION KEYED NOTES**

- EXISTING FLOOR STRUCTURE TO BE PROVIDED WHERE STRUCTURE IS DAMAGED.
- REMOVE EXISTING PARTITIONS TO MAINTAIN EXISTING STILES AND ORIGINAL WOOD LAMBER AND INSULATION FROM INTERIOR.
- REPLACE NON-HISTORIC BEVELED SINGS WITH HISTORIC SINGS, BEING SINGS TO MATCH EXISTING AND HISTORIC PHOTOS.
- NEW WOOD WINDOW.
- EXISTING ROOF STRUCTURE TO REMAIN. INCREASE STRUCTURE PER STRUCTURAL DRAWINGS.
- EXISTING FRISKA AND TRIM DETAILS TO BE RETAINED. REMOVE EXISTING PARTITIONS TO MAINTAIN ORIGINAL DETAILS TO MAINTAIN EXISTING CORN.



**MAIN FLOOR**  
SCALE: 1/4" = 1'-0"



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





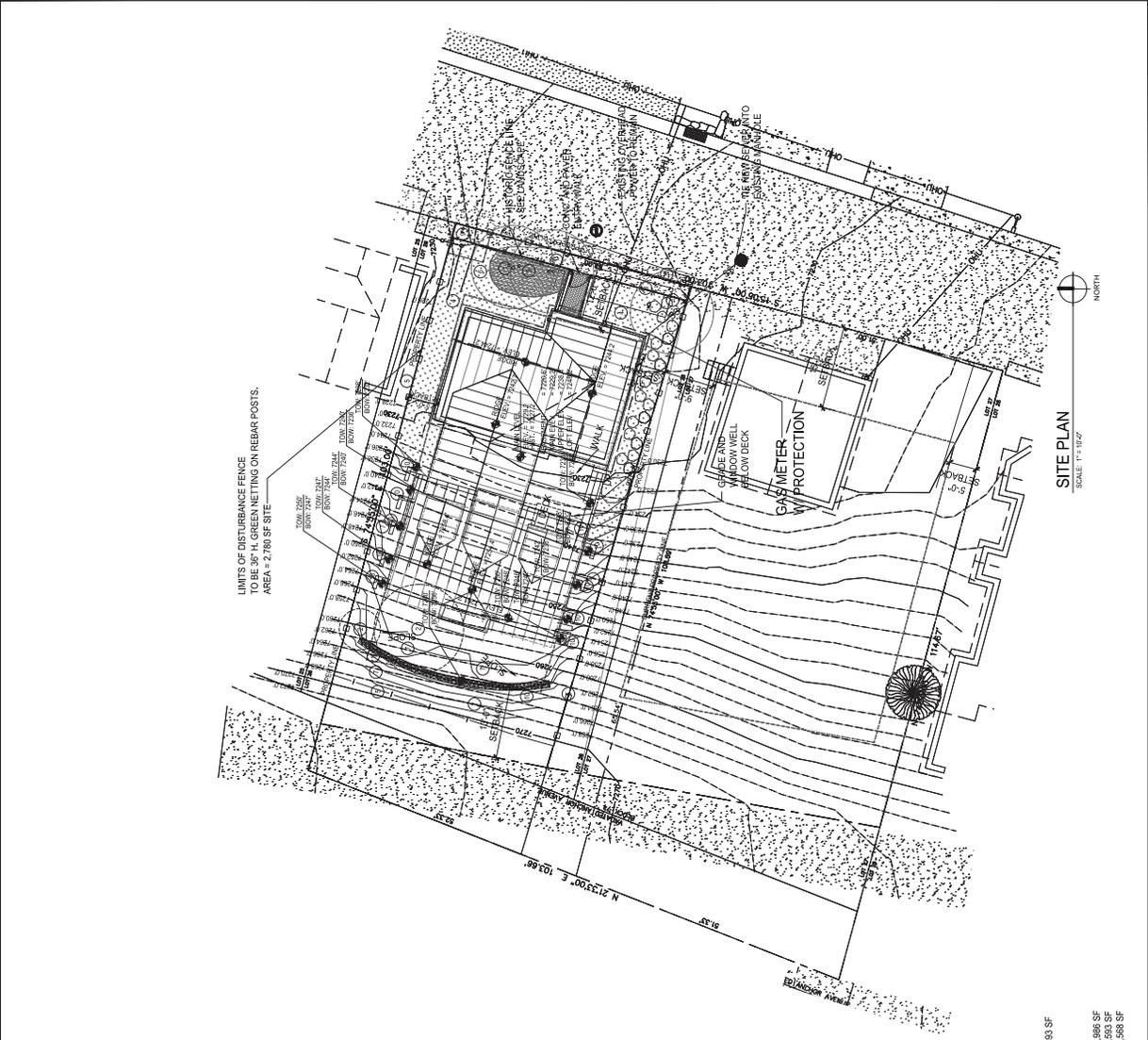
APR. 1, 2008

**DAVE BAGLINO**  
 ADDRESS  
 CITY, STATE

**HORN PARTNERS ARCHITECTURE**  
 P.O. BOX 386 BOUNTIFUL, UT 84011-386  
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 F A X 8 0 1 . 2 9 9 . 1 1 1 1  
 www.hornpartners.com

**DALY AVE. RESIDENCE**  
 180 DALY AVE (HISTORIC HOME)  
 PARK CITY, UT

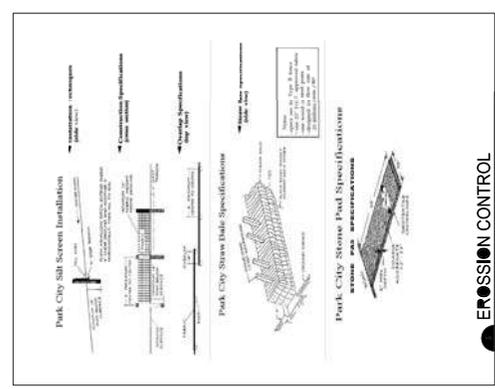
**SITE PLAN**  
 A1.01h



- SITE NOTES:**
- 1 EXISTING TREES TO REMAIN
  - 2 REMOVE EXISTING TREES FOR NEW CONSTR. TREES TO BE REPLACED PER LANDSCAPE PLAN
  - 3 NEW PERENNIAL PLANTING - SEE LANDSCAPE
  - 4 REPAIR IRRIGATION AND REPLACE LAWN - SEE LANDSCAPE
  - 5 L.O.D. SEE DETAIL FOR EROSION CONTROL
  - 6 CONSTR. ACCESS & PARKING
  - 7 EXISTING VEGETATION TO BE RESTORED - SEE LANDSCAPE
  - 8 DUMPSTER
  - 9 PORTABLE TOILET
  - 10 CONG. RETAINING WALL

**NOTE:**  
 THE CONTRACTOR IS TO ARRANGE A MEETING WITH THE PLAN CHECKER, THE GENERAL CONTRACTOR AND EXCAVATOR FOR THIS PROJECT PRIOR TO ANY PERMITS BEING ISSUED

**NOTE:**  
 APPLICATION TO WORK IN A PUBLIC RIGHT-OF-WAY IS REQUIRED PRIOR TO DRIVEWAY CURB CUT AND APRON CONSTRUCTION.



**F.A.R. CALCULATION:**  
 3986 (2 X 0.9 (DRAINAGE)) = 1593 SF

**SITE CALCULATIONS:**  
 SITE AREA 3,866 SF  
 F.A.R. COVERAGE 1,593 SF  
 PROPOSED COVERAGE 1,598 SF

PROVIDE NEW 1.12" WATER SERVICE EXISTING AT MAIN



## Landscape Notes

- All lawn areas shall receive a 4 inch depth of topsoil, all shrub planting areas a 12 inch depth of topsoil. Topsoil material is not available at the site and must be imported from an approved local source. At topsoil to be used shall be of a sandy loam consistency.
- Ex. Plant material areas shall be dug twice the diameter of the rootball and 6 inches deeper.
- Plant backfill mixture shall be composed of 3 parts topsoil to 1 part humus additive, and shall be rotary mixed on-site prior to installation.
- Upon completion of planting operations, all shrub and tree wells shall receive a 3 inch depth of appropriate mulch cover. All perennial areas (if any) shall receive a 3 inch depth of fine ground bark ("Soil Peep") tilled into the top 6 inches of topsoil.
- All lawn and shrub areas shall be separated with pvc border, to be installed per manufacturer's recommendations.
- All materials shall be of similar color to any exterior building stone, etc. that may be used by the contractor.
- The project shall be swept clean of dirt and debris prior to completion of the project.
- The landscape contractor shall be responsible for maintaining the entire project for a period through the second mowing of the lawn, or 30 days, whichever is greater.
- The contractor shall comply with all warranties and guarantees set forth by the Owner, and in no case shall that period be less than one year following the date of completion and acceptance.
- The contractor shall line all planting areas with weed barrier fabric, and bark.

## Irrigation Notes

- Provide a complete underground irrigation system including all back flow preventers piping, automated control valves, controls, sprinkler heads, and control wiring for a complete system as required to support plantings.
- Provide the following key noted irrigation systems on the cycle indicated (1 thru 12)

- Area pop-up spray heads for turf.
  - Area tall spray heads for shrubs.
  - Drip system.
- LANDSCAPE LEGEND**
- WHITE PINE (7) 4" - 8" CAL.
  - NEW DWARF MUGO PINE SHRUB (18) 2 GAL.
  - DROP SEED GRASS (8) 2 GAL.
  - EXISTING TREE
  - SHREDED MULCH
  - TURF - KENTUCKY BLUE GRASS MIX SOD
  - REVEG. - RED FESCUE AND BLUEBUNCH WHEATGRASS

### SITE NOTES:

- EXISTING TREES TO REMAIN
- REMOVE EXISTING TREES FOR NEW CONSTR. - TREE TO BE REPLACED AS NOTED
- NEW PERENNIAL PLANTING AREA WITH EDGING
- REPAIR IRRIGATION AND REPLACE LAWN
- L.O.D. SEE DETAIL FOR EROSION CONTROL
- NEW LAWN
- REVEGETATE HILLSIDE WITH NATIVE GRASSES
- NEW CONC. AND PAVEMENT HARDSCAPE AND WALK
- STONE PAVERS SET IN LAWN AREA
- CONCRETE RETAINING WALL, W/ ROCK FINISH



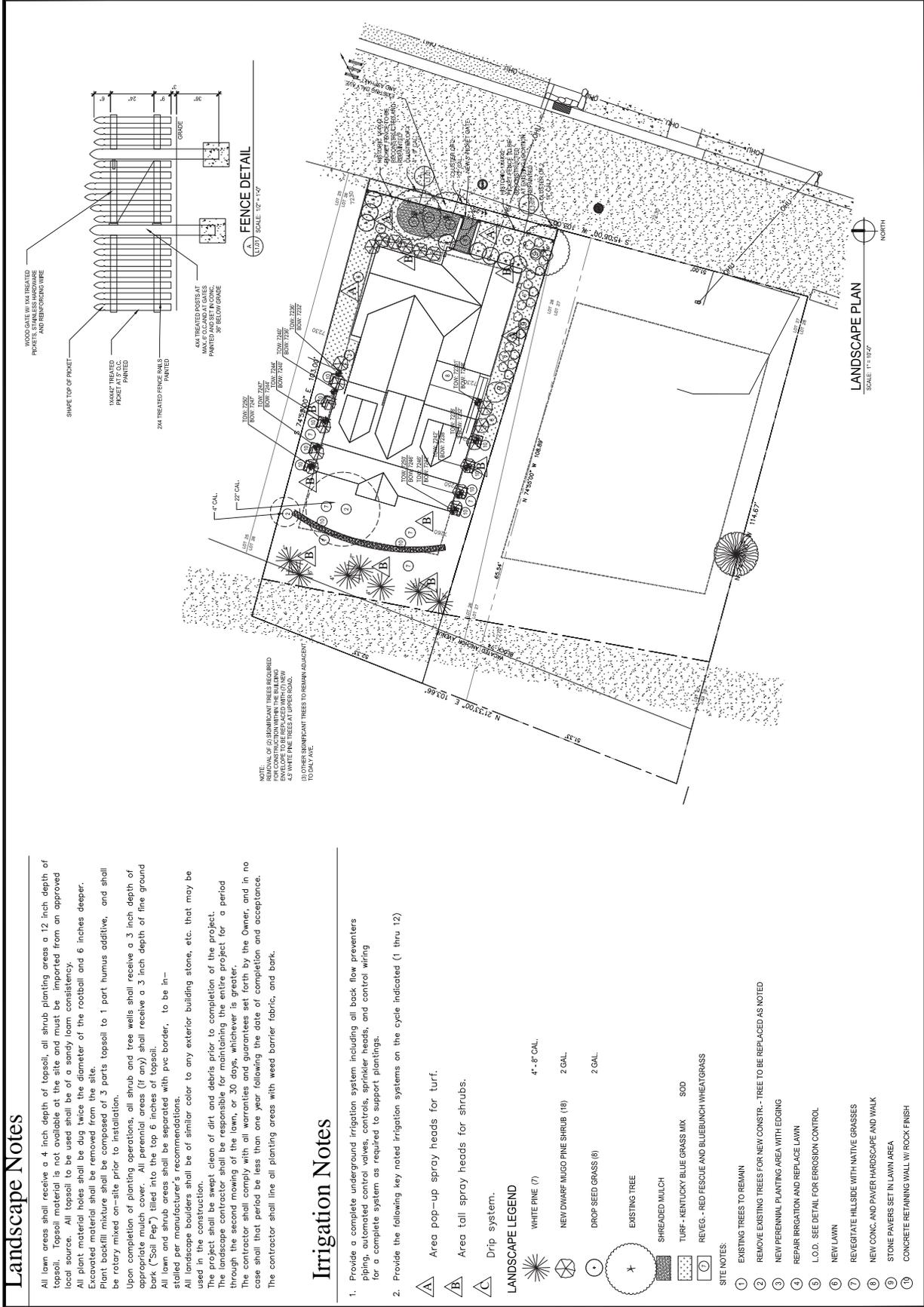
DAVE BAGLINO  
Landscape Architect  
No. 10000  
State of Utah

DAVE BAGLINO  
Landscape Architect  
CITY, STATE

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DALY AVE. RESIDENCE  
180 DALY AVE. (HISTORIC HOME)  
PARK CITY, UT

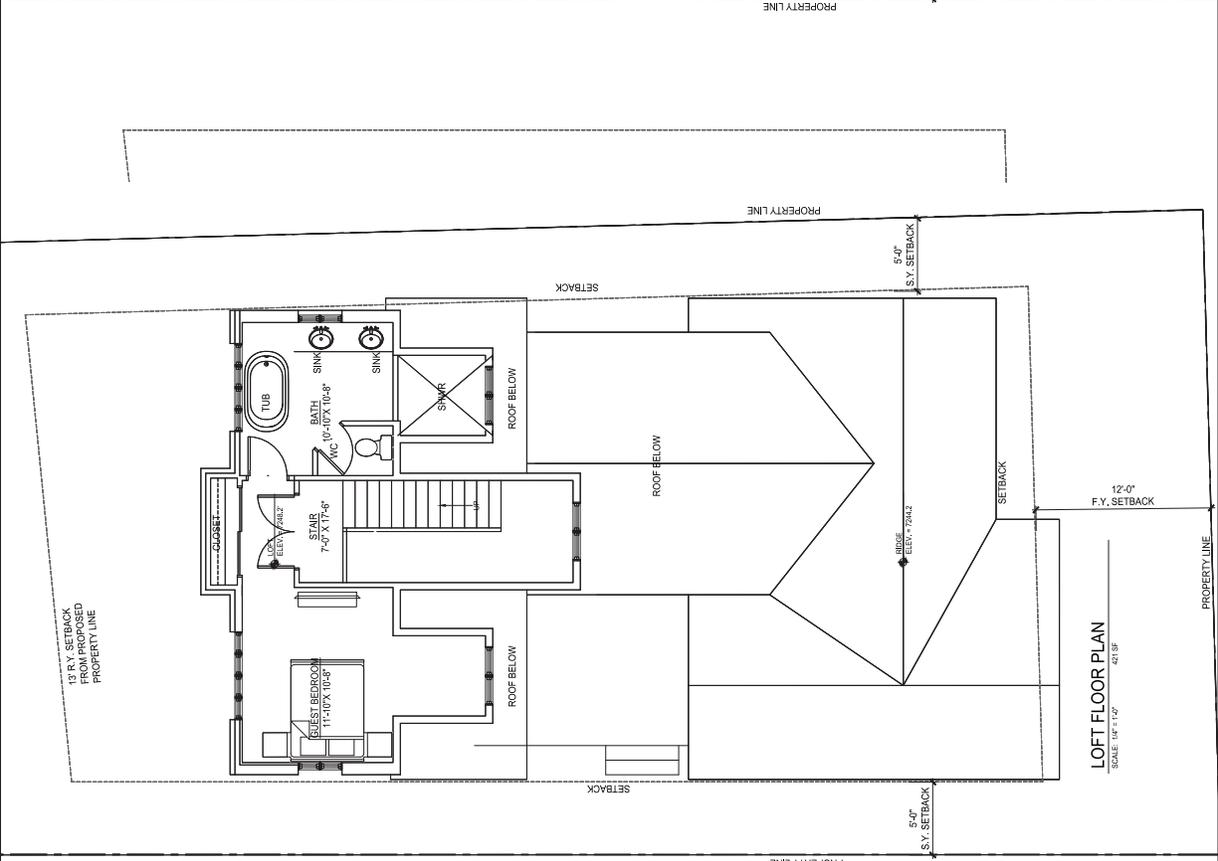
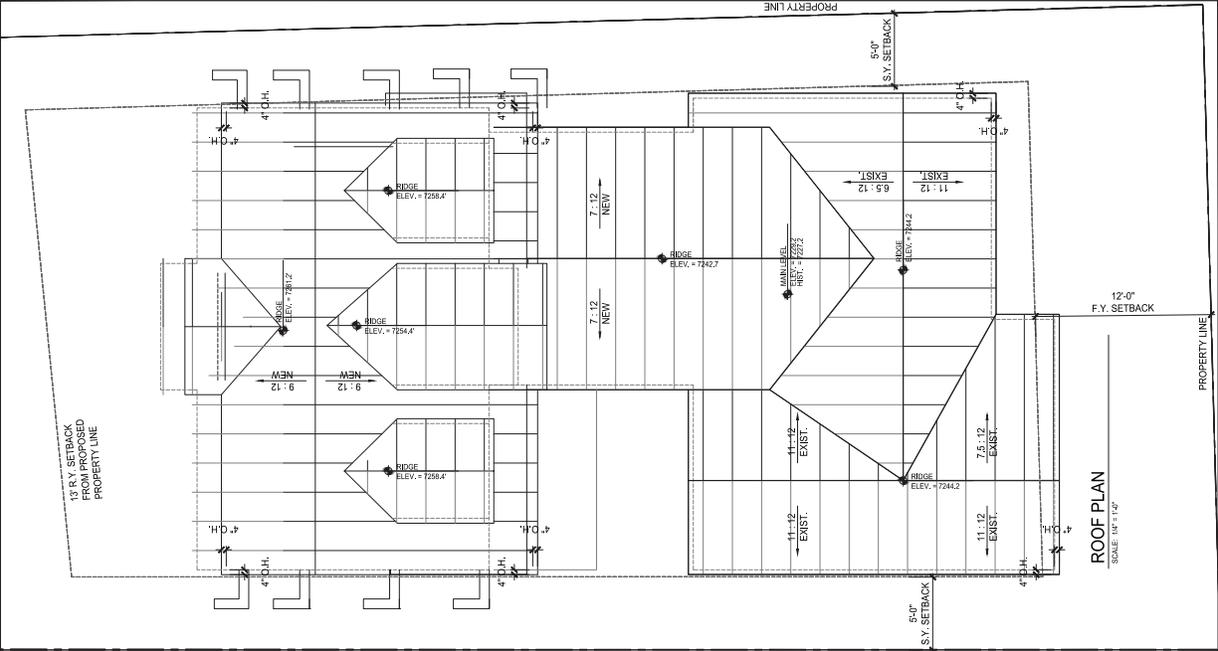
LANDSCAPE PLAN  
L1.01h





 <p>DAVE BAGLINO ADDRESS CITY, STATE</p>	<p>ARCHITECTURE HORN PARTNERS P.O. BOX 386 BOUNTIFUL, UT 84011-386 P H N 801.334.876 or 801.251.476 FAX 801.299.1111 www.hornpartners.com</p>	<p>DALY AVE. RESIDENCE 180 DALY AVE. (FIRST FLOOR HOME) DANBURY, CT</p>	<p>DATE: 8/22/2018</p>
			<p>CHECKED BY:</p>

FLOOR PLANS  
HIST. HOME  
A2.02



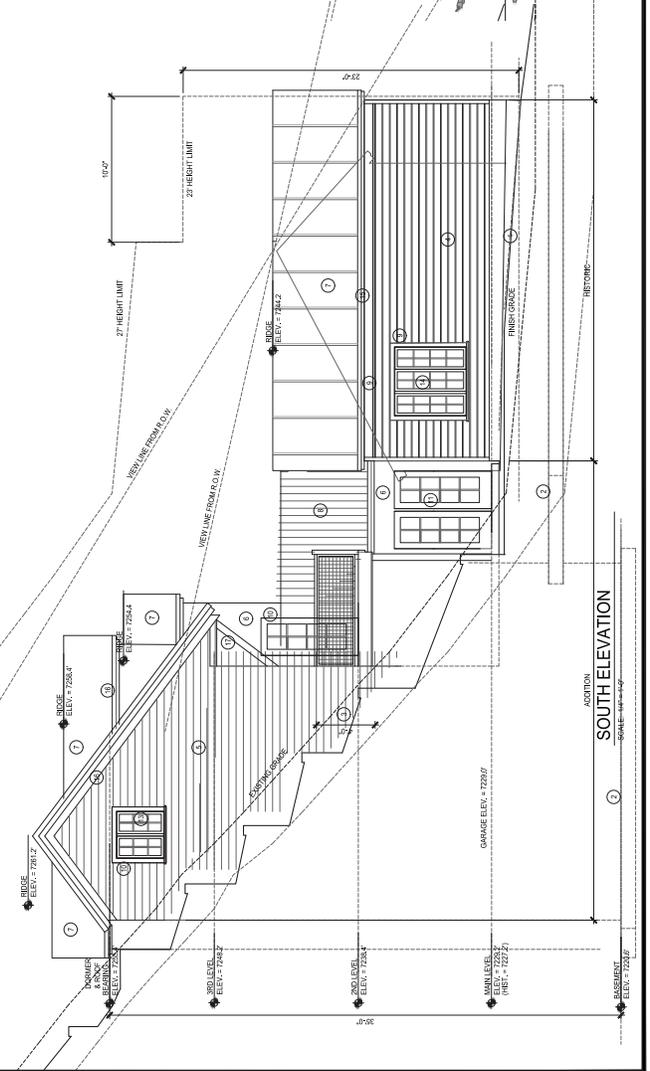
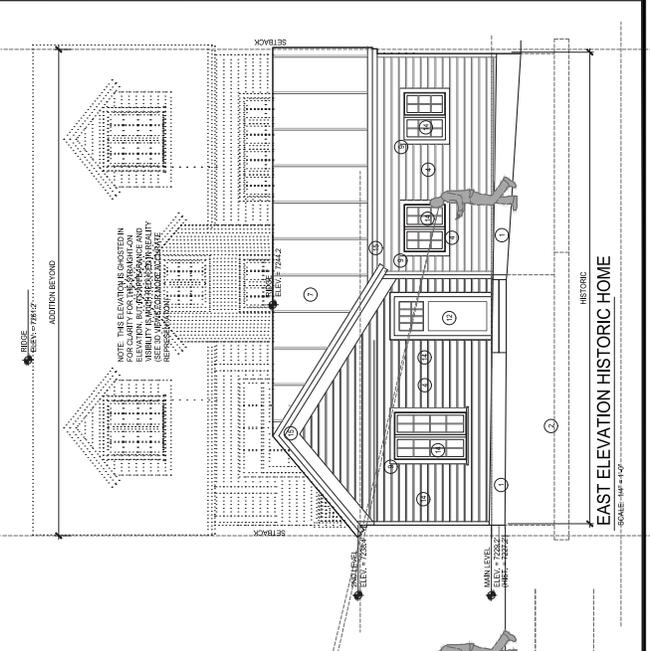
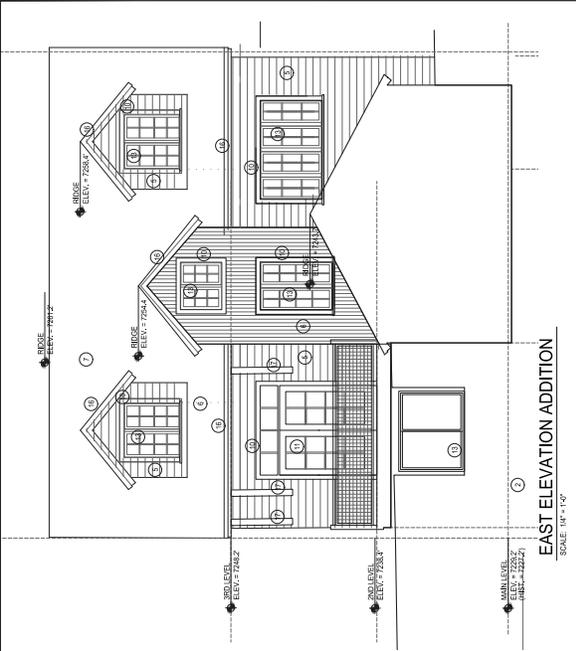


DAVE BAGLINO  
ARCHITECT  
CITY, STATE

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**DALY AVE. RESIDENCE**  
180 DALY AVE.  
PARK CITY, UT

**EXTERIOR ELEVATIONS HIST. HOME**  
**A3.01**



- EXTERIOR FINISHES:**
- ① NATURAL STONE VENEER ON FOUNDATION
  - ② CONC. FOUNDATION
  - ③ FILL
  - ④ REPLACE BEVELED SIDING WITH HISTORIC DROP NOVELTY SIDING
  - ⑤ HORIZONTAL LAP SIDING
  - ⑥ VERTICAL V-GROOVE SIDING
  - ⑦ CRIMPED METAL ROOF IN NON-REFLECTIVE FINISH (SRI > 35)
  - ⑧ NARROW CRIMPED METAL ROOF IN NON-REFLECTIVE FINISH (SRI > 35)
  - ⑨ HISTORIC TRIM
  - ⑩ 1X6 TRIM
  - ⑪ NEW WOOD DOOR
  - ⑫ HISTORIC DOOR
  - ⑬ WINDOW
  - ⑭ REPLACE W/ HISTORIC WINDOW
  - ⑮ HISTORIC FASCIA TO MATCH EXISTING
  - ⑯ ② 2X6 FASCIA
  - ⑰ 4X8 KICKER

NOTE: THE ELEVATION IS ORIENTED TO THE EAST. THE ELEVATION IS TO BE CONSIDERED AS A REPRESENTATION OF THE EXISTING CONDITION. THE ARCHITECT ASSUMES RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED.

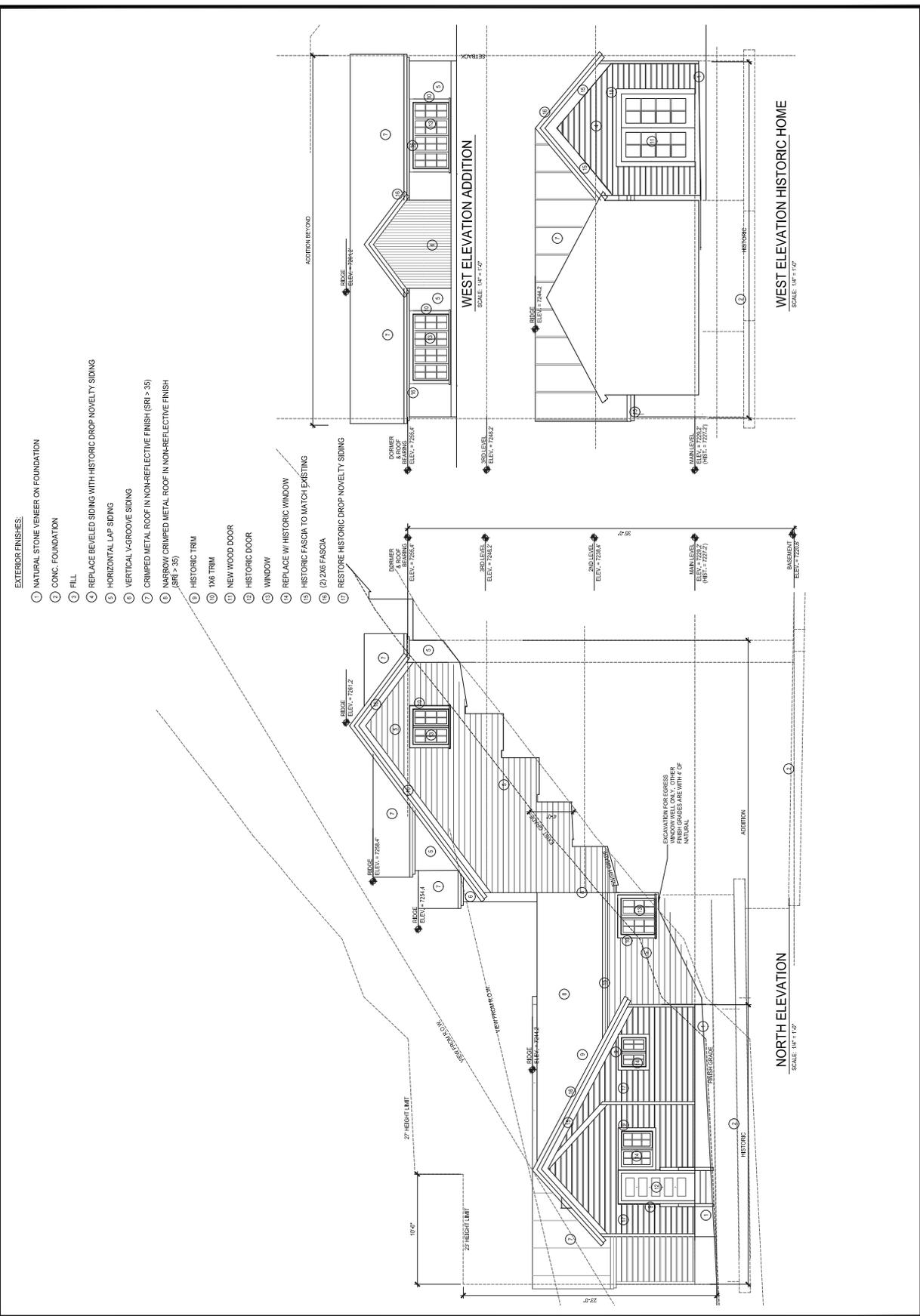


**DAVE BAGLINO**  
 ARCHITECT  
 100 S. 200 E.  
 SUITE 100  
 CANYON CITY, UT 84011

**HORN PARTNERS**  
 ARCHITECTURE  
 P.O. BOX 386 BOUNTIFUL, UT 84011-386  
 PH 801.292.4876 or 801.295.4876  
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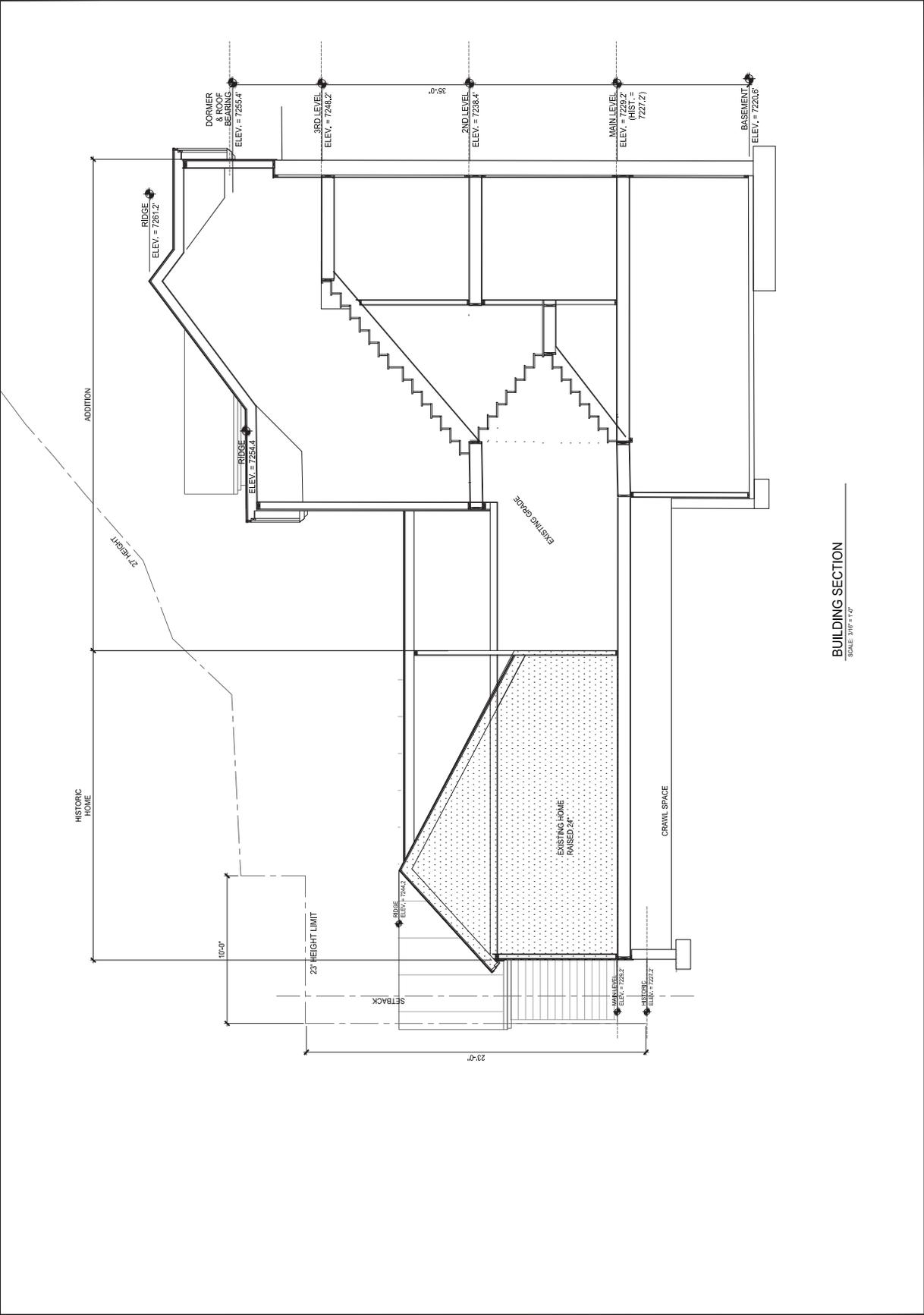
**DALY AVE. RESIDENCE**  
 180 DALY AVE. (HISTORIC HOME)  
 PARK CITY, UT  
 DRAWN BY: [ ]  
 DATE: 8/22/2018  
 CHECKED BY: [ ]  
 FILE NO.: [ ]  
 JOB NO.: [ ]

**A3.02**  
 EXTERIOR  
 ELEVATIONS  
 HIST. HOME



 AUG. 1, 2006	<b>DAVE BAGLINO</b> CITY, STATE ADDRESS	<b>HORN PARTNERS ARCHITECTURE</b> P.O. BOX 386 BOUNTIFUL, UT 84011-386 PH: 801.933.4876 or 801.255.4876 FAX: 801.299.1111 www.hornpartners.com	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%;">DRAWING DATE:</td> <td>8/22/2018</td> </tr> <tr> <td>DATE:</td> <td>8/22/2018</td> </tr> <tr> <td>DRAWN BY:</td> <td></td> </tr> <tr> <td>CHECKED BY:</td> <td></td> </tr> <tr> <td>FILE NO.:</td> <td></td> </tr> <tr> <td>JOB NO.:</td> <td></td> </tr> </table>	DRAWING DATE:	8/22/2018	DATE:	8/22/2018	DRAWN BY:		CHECKED BY:		FILE NO.:		JOB NO.:	
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<b>DAVE BAGLINO</b> 180 DALY AVE. RESIDENCE (HISTORIC HOME) PARK CITY, UT		<b>DAVE BAGLINO</b> 180 DALY AVE. RESIDENCE (HISTORIC HOME) PARK CITY, UT													

**A3.03**  
 BUILDING  
 ELEVATIONS  
 HIST. HOME



# Exhibit B



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**DALY AVE. RESIDENCE**  
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 PARK CITY, UT

**STREET SCAPE**  
**A1.02**