



AGENDA

MEETING CALLED TO ORDER AT 5:30 PM

ROLL CALL

ADOPTION OF MINUTES OF MARCH 23, 2011

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

STAFF/BOARD COMMUNICATIONS AND DISCLOSURES

Treasure Hill – Continuation of extension of Conditional Use Permit per Letter of Intent

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

2780 Telemark Drive – Appeal of Staff's Determination PL-11-01234

Public hearing and continuation to May 11, 2011

573 Main Street, Claimjumper – Plat Amendment PL-10-01105

Public hearing and continuation to May 11, 2011

Modification to Emergency Plan for Empire Pass – Amendment to Technical PL-11-01208

Report

Public hearing and continuation to May 11, 2011

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

Consideration of a General Plan Amendment – Modifications to the Park City PL-11-01225 33

General Plan Land Use map

Public hearing and possible recommendation to City Council

811 Norfolk Avenue – Plat Amendment PL-10-00988 39

Public hearing and possible recommendation to City Council

SA-139-A, 817 Norfolk Avenue – Plat Amendment PL-10-00989 55

Public hearing and possible recommendation to City Council

1409 Kearns Boulevard, coffee kiosk – Conditional Use Permit PL-10-01121 71

Public hearing and possible action

259, 261, and 263 Norfolk Avenue – Plat Amendment PL-11-01185 89

Public hearing and possible recommendation to City Council

Park City Heights – Master Planned Development PL-10-01028 131

Public hearing and possible action

ADJOURN

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.



AGENDA

MEETING CALLED TO ORDER AT 5:30 PM

WORK SESSION – *Discussion items only. No action will be taken*

- Fiscal 2012 Capital Improvement Program – Project plan update
- Transportation Plan – Informational Update
- Rocky Mountain Power master plan – Informational Update
- General Plan – Informational Update

ROLL CALL

ADOPTION OF MINUTES OF APRIL 27, 2011

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

STAFF/BOARD COMMUNICATIONS AND DISCLOSURES

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

- 1310 Lowell Avenue, wind turbine – Conditional Use Permit PL-11-01197
Public hearing and possible action
- 2780 Telemark Drive – Appeal of Staff’s Determination PL-11-01234
Quasi-Judicial hearing
- 573 Main Street, Claimjumper – Plat Amendment PL-10-01105
Public hearing and possible recommendation to City Council
- Modification to Emergency Plan for Empire Pass – Amendment to Technical Report PL-10-01208
Public hearing and possible recommendation to City Council

ADJOURN

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.

Planning Commission Meeting April 27, 2011

Park City Heights
MPD

CT

RCO
RDM

GC

LI

1409 Kearns Boulevard
Drive-Thru Coffee Kiosk
within FPZ CUP

RC HRM

HR-1

HRC

R-1

HCB

RM

HR-2A PUT

HRL

MPD

RD

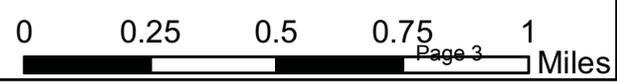
259/261/263 Upper Norfolk Avenue
Upper Norfolk Subdivision Plat Amendment
Conditions of Approval of Executed Ordinance

E



Legend

-  Road Edges
-  City Limits
-  Parcels



ROS

Modification to Emergency Plan for Empire Pass
Amendment to Technical Report

MINUTES – MARCH 27, 2011

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
March 23, 2011

COMMISSIONERS IN ATTENDANCE:

Chair Charlie Wintzer, Brooke Hontz, Richard Luskin, Dick Peek, Mick Savage, Adam Strachan

EX OFFICIO:

Planning Director, Thomas Eddington; Kirsten Whetstone Planner; Polly Samuels McLean,
Assistant City Attorney

=====

REGULAR MEETING

ROLL CALL

Chair Wintzer called the meeting to order at 5:30 p.m. and noted that all Commissioners were present except Commissioners Pettit who was excused.

PUBLIC COMMUNICATIONS

There was no comment.

ADOPTION OF MINUTES - March 9, 2011

Commissioner Savage referred to page 60 of the Staff report, page 8 of the minutes, which reflected a question he had asked as to whether the traffic mitigation issues in the original CUP had been appropriately considered with the application. The answer from Planner Whetstone was that she believed that would be addressed in the traffic study this Fall.

Commissioner Savage wanted to know when questions of that nature are asked during a meeting, if the Planner confirms that the issues have been or would be addressed. He wanted to know if asking the question was sufficient, or whether it should be turned into specific direction to the Staff.

Commissioner Savage clarified that he was looking for an explanation on matters in general and not specific to the question asked about the St. Regis in the minutes.

Director Eddington stated that during the discussion, the Planners take notes. They also and review the minutes and keep a ticker file on a project matrix sheet to make sure the issues are addressed.

Chair Wintzer stated that when the Planning Commission asks a question they would like to have verified, they need to make that known and request that the Planner report back at the next meeting. Commissioner Savage thought it was the Staff's responsibility to determine which questions or concerns need to be followed up and to provide an update to the Planning Commission in an appropriate form. The Planning Commission should not have to raise the question again after reviewing the minutes.

Commissioner Hontz made corrections to the work session. She referred to Page 44, first paragraph, and noted that an “s” should be added to Army Corp. to correctly read Army **Corps**. Also on Page 44, fourth paragraph, Commissioner Hontz corrected the second sentence to read, Summer **or** Fall. In the same paragraph, fourth line, she corrected the sentence “The study would help to further verify the threatened and endangered consensus...” to correctly read “endangered **species**...”

Commissioner Hontz referred Page 49 of the work session and the discussion on the fire protection report. She recalled that she had outlined a list of five or six items that should be included in the report. She was not able to find the list in the minutes and felt it was important to have them referenced. Commissioner Hontz requested that someone listen to the recording to see if those items could be identified for inclusion before the Planning Commission approved the work session. Commissioner Hontz was comfortable approving the minutes of the regular meeting.

MOTION: Commissioner Strachan made a motion to APPROVE the minutes of March 9, 2011 as written. Commissioner Luskin seconded the motion.

VOTE: The motion passed unanimously.

Approval of the Work Session Notes was tabled for further verification.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Director Eddington requested that the Commissioners log on to Google.com and select a preferred date for the joint meeting with the Snyderville Basin Planning Commission. They are having difficulty finding a date that works for both Commissions and he hoped to schedule a meeting in April. Commissioner Peek requested a starting time earlier than 6:00 p.m. if possible.

Commissioner Luskin thanked the Planning Staff for putting the maps back in the Staff report.

Commissioner Strachan disclosed that his firm represents Deer Valley Resort, however, his representation is unrelated to the application this evening and it would not affect his analysis of the application in any way.

Commissioner Strachan announced that a Planning Commission/Planning Staff party would be held at his house at 5:30 p.m. on Friday and everyone was invited.

CONSENT AGENDA

2. 335 Woodside Avenue - Plat Amendment
(Application #PL-11-01201)

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

MOTION: Commissioner Strachan moved to forward a Positive Recommendation to the City Council for the 335 Woodside Avenue plat amendment, according to the Findings of Fact, Conclusions of Law and Conditions of Approval found in the Staff report.

Commissioner Savage understood that the plat amendment was necessary in order to obtain a building permit for the modifications of the existing structures on the lot. He asked if approval of the modification of the structures was through the Historic Preservation Board.

Director Eddington clarified that Historic Preservation Design Review is done through Staff. It does not go to the HPB unless there is an appeal. Commissioner Savage wanted to know if it was appropriate for the Planning Commission to require that the remodel be pre-approved prior to the time the plat amendment goes into effect. Commissioner Savage was concerned that approving a plat amendment entitles the applicant to do something above and beyond what is already proposed on a lot. He preferred a mechanism that would require the applicant to come back if changes are made and suggested making that a condition of approval.

Chair Wintzer stated that the applicant could request a plat amendment to have lot lines removed without any intention of building something on the lot. Commissioner Savage clarified that the intention was not relevant to the Planning Commission's obligation to review and approve. Commissioner Strachan pointed out that the Planning Commission does not always know the intention when approving a plat amendment.

Assistant City Attorney, Polly Samuels McLean, noted that this was a common question with plat amendments. She explained that creating subdivisions or lots of record is independent of development plans. In many cases the development spurs someone to go through the process, but that applicant may end up selling the property to someone with a different idea. In order to address the issue of creating a buildable lot, the City recently implemented LMC amendments that provide further criteria to evaluate plat amendments. Ms. McLean pointed out that development on the property is a separate issue. If it is not an allowed use, it would go through the appropriate review process.

Commissioner Savage asked if a plat amendment, in any case, could create an individual lot that would allow a use significantly different from what could have existed on the lot before the plat amendment. If so, could the Planning Commission consider that difference as it relates to the allowance they are being asked to make.

Assistant City Attorney McLean noted that the LMC talks about good cause, compatibility and other related issues, and those are the ones that the Planning Commission can consider in their review. It should be tied to what is allowable on the lot and not a specific design or intent, because that could change. A plat amendment cannot be conditioned on a specific type of development.

Commissioner Strachan pointed out that the allowed uses would not change because the zone remains the same. Commissioner Savage replied that the size of development could change significantly as a consequence of a plat amendment. Ms. McLean remarked that a plat amendment can also change the density. Combining two lots allows a larger footprint and larger

building mass, versus more density if the lots were not combined. Commissioner Savage wanted to know whether the Planning Commission should be more sensitive to that particular question in considering approval, whether the Staff would provide their opinion, or if it should just be ignored.

Chair Wintzer explained that the Planning Commission should look at an existing building on the property and take into consideration that a remodel cannot be done if a lot line runs through it. They also need to consider whether a plat amendment would keep the lots in character with the adjacent lots down the street. Commissioner Savage replied that character and compatibility were his concerns. He would like the Staff's analysis and opinion on whether or not a plat amendment could create something that could be more significant. He felt that was important information to have when reviewing and approving plat amendments. Assistant City Attorney McLean noted that the Staff reports contains that information.

Chair Wintzer shared Commissioner Savage's concern. He has asked the same questions in the past about approving something without knowing the risks of development.

Director Eddington referred to pages in the Staff report for this particular lot that would address some of the concerns. He noted that the building at 335 Woodside is bifurcated by a lot line and the building cannot be altered without a plat amendment. Using the example of three lots with a building on one or two lots where the structure did not cross over the internal lot lines, he noted that the Staff would look closer at that situation and the impacts that could be created by a plat amendment. Commissioner Savage assumed that if a plat amendment approval would significantly change what is allowed in the zone, the Staff would bring those concerns to the Planning Commission. Assistant City Attorney McLean replied that the Staff reports usually include tables, Staff discussion on good cause, and purpose statements to help the Planning Commission focus their discussion.

Commissioner Savage clarified that his question was simple. He only wanted to know if a plat amendment approval would create issues related to an allowed use within the zone that the Planning Commission would need to understand as it relates to providing a condition of approval or a change to the lot line. He did not think he should have to read 20 or 30 pages to ascertain that on his own. He preferred to have the Staff provide the necessary information and an opinion on whether or not there would be consequences.

Director Eddington noted that the Staff presents that opinion when they recommend a positive recommendation after doing the appropriate analysis.

Commissioner Savage commented on a contentious development on Empire Avenue that resulted from a lot combination, and how a much larger development created impacts to the neighbors without their knowledge of what could be allowed. He was concerned about making sure that would not happen again in the future. Director Eddington understood the concern, however, he noted for the record that those neighbors had been notified.

Director Eddington stated that in addition to the typical Staff analysis, the plat amendment for 335 Woodside had also gone through a Historic District Design Review.

Chair Wintzer called for a second on the motion.

Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously.

3. 109 Woodside Avenue - Plat Amendment
(Application #PL-11-01190)

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

MOTION: Commissioner Strachan moved to forward a POSITIVE recommendation to the City Council for the plat amendment on 109 Woodside Avenue, according to the Findings of Fact, Conclusions of Law, and Conditions of Approval found in the Staff report. Commissioner Hontz seconded the motion.

Commissioner Luskin requested clarification on the dedicated right-of-way. Director Eddington explained that the Staff was proposing that the prescriptive easement be dedicated to the City and that the setbacks and all other applicable zone criteria be based upon the newly created lot.

VOTE: The motion passed unanimously.

Chair Wintzer thought the Staff reports for both lot combinations made it easier for the Planning Commission to evaluate the plat amendment in the context of being able to see a portion of the neighborhood. He encouraged the Staff to do the same for every lot combination application.

Findings of Fact - 335 Woodside Avenue

1. The property is located at 335 Woodside Avenue.
2. The property is located in the Historic Residential (HR-1) District.
3. The proposed lot is 3,750 square feet in size.
4. The minimum lot size within the HR-1 District is 1,875 square feet.
5. The lot width of the proposed lot is fifty feet (50').
6. The minimum lot width within the HR-1 District is twenty-five feet (25').
7. The existing footprint of the structure is 781.75 square feet.
8. The maximum footprint for a lot this size is 1,519 square feet.
9. There are no other violations or non-compliance found on the site.
10. The current use of the property is a single family dwelling.
11. There is a historic structure on the site.
12. No remnant parcels of land are created with this plat amendment.
13. All Findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law - 335 Woodside Avenue

1. There is good cause for this plat amendment in that the combined low will remove the lot line going through the historic structure.

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

Conditions of Approval - 335 Woodside Avenue

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. A 10' (ten foot) snow storage easement shall be dedicated to Park City across the property's frontage on Woodside Avenue.

Findings of Fact - 109 Woodside Avenue

1. The property is located at 109 Woodside Avenue.
2. The property is located in the Historic Residential (HR-1) District.
3. The recommended lot is 4,376 square feet in size.
4. The minimum lot size within the HR-1 District is 1,875 sq. ft.
5. The lot width of the recommended lot is fifty-two feet (52').
6. The minimum lot width within the HR-1 District is twenty-five feet (25').
7. The existing building footprint found on site is 754.5 square feet.
8. The maximum footprint for a lot this size is 1,711 square feet.
9. There are no other violations or non-compliances found on the site.
10. The current use of the property is a single family dwelling.
11. There are two historic structures on the site, a main building and an accessory building.
12. No remnant parcels of land are created with this plat amendment.
13. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law - 109 Woodside Avenue

1. There is good cause for this plat amendment in that the plat amendment will remove the lot lines going through both historic structures, provide an opportunity for an improvement to

the accessory structure, dedicate the portion of privately owned King Road to the City as a right-of-way, and eliminate remnant parcels.

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

Conditions of Approval - 109 Woodside Avenue

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. A 10' (ten foot) snow storage easement shall be dedicated to Park City across the property's frontage.
4. The area identified on the submitted proposed plat (and survey) as the King Road easement shall be dedicated to the City as a public right-of-way. This area is approximately 2,052 square feet.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

5. Deer Valley - 11th Amended Master Planned Development
(Application PL-11-01150)

Planner Kirsten Whetstone reviewed the request to amend the Deer Valley Master Planned Development to align the as-built density of the Silver Baron Lodge property, which is the Snow Park area, to the density permitted by the Deer Valley Master Plan Development. The request was to transfer one unit equivalent of density from the unit equivalents for the undeveloped Snow Park Village, to the existing Silver Baron Lodge. The transferred unit equivalent would be 2,000 square feet. Planner Whetstone noted that Silver Baron Lodge is located directly across from the lower parking areas at Deer Valley Resort.

The Staff had reviewed the request per the Land Management Code and the criteria of the MPD for compliance with the requirements. If this request is approved, Exhibit 1 of the Deer Valley Master Plan would be amended to reflect the 11th Amendment. The 11th Amended and Restated Master Planned Development would be finalized and recorded.

The Staff recommended that the Planning Commission conduct a public hearing, discuss the amendment and consider approving the 11th Amended and Restated Deer Valley Master Plan, according to the findings of fact, conclusions of law outlined in the Staff report.

Chair Wintzer opened the public hearing.

There was no comment.

Chair Wintzer closed the public hearing.

Commissioner Strachan stated that typically after-the-fact changes to reflect as-built conditions are done because a wall is off by a few feet or for other minor corrections. This is an entire unit and he felt that was a completely different situation. Chair Wintzer explained that this was a field change that the Building Department approved without bringing it back to the Planning Commission. He understood that they were transferring a unit, but only because of the square footage. Chair Wintzer stated that they filled in square footage above it, which gave the unit equivalent another unit. The Building Department gave approval for that second level and it was discovered after-the-fact by the Planning Department. He felt comfortable that the process works, because one party checked on another party to find the discrepancy. Chair Wintzer clarified that this amendment fills in the inside space but it does not change the overall shape of the building.

Planner Whetstone replied that Chair Wintzer was correct. His explanation related to the next item on the agenda, which was the plat amendment for the Silver Baron Lodge. Planner Whetstone further explained that a unit had a locked area. That locked area became a unit above, and the unit below lost that space. The space next to the unit resulting from the locked space was on the condominium plat and listed as convertible space. That space was never part of any UEs and the 1200 square feet was later incorporated. Planner Whetstone noted that the allowed density was 50 units, but the original plat had 49 units. However, because they were only allowed a certain square footage and specific number of unit equivalents, the as-built did not comply with either the plat or the Deer Valley Master Plan.

Commissioner Strachan asked if the new unit was plumbed and serviced with sewage. Planner Whetstone answered yes, which is why another UE was needed from Snow Park.

Commissioner Peek understood that the units were not built in compliance with the approved set of plans and the plans were amended once that fact was discovered. Planner Whetstone was unsure of the sequence of events. When it went for a certificate of occupancy, the Planning Staff discovered that the product in the field did not match the condominium plat. Chair Wintzer understood that the applicants went to the Building Department and requested an amendment to fill in the building space, at which time the Building Department re-issued another building permit without checking with the Planning Department. Director Eddington agreed that there was mis-

communication between the Building Department and the Planning Department. He explained the review process and how the discrepancy was discovered.

MOTION: Commissioner Strachan moved to APPROVE the Amended and Restated Deer Valley Master Planned Development, according to the Findings of Fact and Conclusions of Law outlined in the Staff report. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - 11th Amended and Restated Deer Valley MPD

1. The Deer Valley Master Planned Development was last amended by the Planning Commission on August 12, 2009 as the 10th amended and Restated Deer Valley MPD.
2. The existing unallocated, undeveloped residential density at Snow Park Village is 210.75 UE. The proposed transfer of one (1) UE from Snow Park Village to Silver Baron Lodge does not increase or decrease the net residential density of the Deer Valley Community of the Deer Valley MPD.
3. The allowed residential density for Silver Baron Lodge is fifty (50) condominium units as 51.75 residential UEs. Fifty (50) condominium units as 42.75 UEs were constructed at Silver Baron Lodge based on a revised building permit set of plans approved by the Building Department. The as-built conditions exceeded the permitted 411.75 UEs for Silver Baron Lodge by one (1) UE.
4. The Planning Commission and City Council approved the Silver Baron record of survey plat in two phases. Phase I was approved by the City Council on April 7th of 2005 and recorded on May 26th, 2005. Phase II was approved by the City Council on September 14, 2006 and recorded at Summit County on June 1, 2007. The total number of condominium units reflected on these existing two plats is 49 units.
5. The applicant concurrently submitted a record of survey plat amendment to correctly identify unit #6439 as a separate condominium unit and to plat correctly existing interior private and limited common space for Units 6339 and 6443.
6. The additional UE resulted from reconfiguring and converting to private area, attic space, loft area, and a 44 sf convertible space area located on Levels 4 and 5 that were not previously included in the UE calculations. These areas are located at the south end of Building B Unit 6439 (2000 sf) was created from the reconfiguration of these existing interior spaces. Unit 6443 was reconfigured from 2,027 sf to 2,460 sf. Unit 6339 was reconfigured from 2,000 sf to 1,470 sf.
7. If the plat amendment is approved and the units are re-configured, Silver Baron Lodge condominiums will consist of 50 condominium units and will have a total residential density of 42.75 UE. The undeveloped Snow Park Village parcel would be reduced in density from

210.75 UEs to 209.75 UEs. The Deer Valley MPD requires that development on the Snow Park Village parcel utilize the UE formula and does not specify a total number of dwelling units.

8. The proposed reconfiguration of units consists of built space consisting of platted common and limited common area as well as convertible space within the existing building footprint and envelope. No new density is created and no new building area is created.
9. The proposed 11th Amended and Restated Deer Valley MPD consists of amendments to Exhibits 1 and 2 of the MPD and amendments to the text to correctly refer to this MPD as the 11th Amendment.
10. The transfer of density is within the Deer Valley Community (at Lower Deer Valley) and is not a transfer from Snow Park to Silver Lake or North Silver Lake.
11. No additional utility or parking demand is created by the amendment. There are 75 parking spaces for the 50 units in compliance with the MPD approval that allowed a parking ratio of 1.5 spaces per dwelling unit. All parking is within the underground parking structure. The total number of dwelling units is not greater than the total units approved through the MPD.
12. The transfer of density is into an existing multi-family structure and the existing building footprint and the existing envelope is not increased. There are no changes to the building setbacks or building height and there is no decrease in open space or landscaped area.

Conclusions of Law - 11th Amended and Restated Deer Valley MPD

1. The 11th Amended and Restated Deer Valley MPD and Exhibits comply with previous approvals and actions.
2. The MPD, as amended, complies with all the requirements of the Land Management Code.
3. The MPD, as amended, meets the minimum requirements of Section 15-6-5 of this Code.
4. The MPD, as amended, is consistent with the Park City General Plan.
5. The MPD, as amended, does not impact provision of the highest value of open space, as determined by the Planning Commission.
6. The MPD as amended, strengthens and enhances the resort character of Park City.
7. The MPD, as amended, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible.

8. The MPD, as amended, is Compatible in use, scale and mass with adjacent properties, and promotes neighborhood compatibility.
9. The MPD provides amenities to the community so that there is no net loss of community amenities.
10. The MPD, as amended, is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the application was filed.
11. The MPD, as amended, meets the provisions of the Sensitive Lands Provisions of the Land Management Code. The project has been designed to place Development on the most Developable Land and least visually obtrusive portions of the site.
12. The MPD, as amended, promotes the use of non-vehicular forms of transportation through design and by providing trail connections. The Silver Baron Lodge utilizes a shuttle system and is located on the Park City bus route.
13. The MPD has been noticed and public hearings held in accordance with this Code.

Conditions of Approval

There are no conditions of approval for these proposed amendments to the 10th Amended and Restated Valley MPD.

2. 2800 Deer Valley Drive, Silver Baron Lodge - Amendment to Record of Survey (Application #PL-11-01151)

Planner Whetstone reviewed the request for the amendment to the record of survey, to allow the as-built conditions at the Silver Baron Lodge to be reflected on the condominium plat. Amending the plat would allow the units to be issued a certificate of occupancy.

The Staff had done the appropriate analysis and recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council, according to the findings of fact, conclusions of law and conditions of approval found in the ordinance.

Chair Wintzer opened the public hearing.

There was no comment.

Chair Wintzer closed the public hearing.

MOTION: Commissioner Strachan moved to forward a POSITIVE recommendation on the 1st Amendment to the Silver Baron Lodge at Deer Valley, Phase II, record of survey plat, according to

the Findings of Fact, Conclusions of Law and Conditions of Approval outlined in the draft ordinance. Commissioner Peek seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - 2800 Deer Valley Drive

1. On January 4, 2011, the City received a complete application for an amendment to the Deer Valley master Planned Development (MPD) (the 11th Amended MPD).
2. On January 10, 2011, the City received a complete application for an amendment to the Silver Baron Lodge at Deer Valley Phase II record of survey plat.
3. The Silver Baron Lodge is located at 2800 Deer Valley Drive within the RD-MPD zone, subject to the Deer Valley Master Planned Development, as amended.
4. The application for the Deer Valley MPD 11th Amendment is being reviewed concurrently with this application.
5. On April 15, 2005, the Planning Commission amended the 1996 The Lodges CUP, separating out the two Silver Baron Lodge buildings as a separate Silver Baron Lodge CUP.
6. On November 9, 2005, the Planning Commission amended the Silver Baron Lodge CUP combining the density from The Lodges buildings A and F with 7 UEs from unbuilt Courchevel Building A, allowing a total density of 50 units.
7. The amended Silver Baron Lodge CUP approval also included 81.55% open space, 75 parking spaces, 6,884 sf of support meeting space (3,488 sf exist) and 6,884 sf of support commercial spa and exercise area (4,991 sf exist). Parking was allowed at 1.5 spaces per condominium unit and a building height of 35' plus an additional 5' for a pitched roof was approved consistent with the Deer Valley MPD.
8. The City Council approved the Silver Baron Lodge at Deer Valley record of survey plat in two phases. Phase I was approved by the City Council on April 7th of 2005 and recorded on May 26th, 2005. Phase II was approved by the City Council on September 14, 2006 and recorded on June 1, 2007.
9. The total number of condominium units platted with Phases I and II was 49 units with a unit equivalent density of 41.404 UEs.
10. The Deer Valley MPD (10th Amended) allows a density of 41.75 UE and specifies a total of 50 dwelling units for the Silver Baron Lodge parcel.

11. The existing Silver Baron Lodge buildings, as constructed, are consistent with the silver Baron Lodge CUP in terms of uses, density, required setbacks, open space, building height, and parking.
12. Construction of Silver Baron Lodge Phase II is nearly complete. Prior to issuance of a certificate of occupancy for the units, a final condominium record of survey plat documenting the "as built" conditions is required.
13. This plat amendment application is a request to document the as-built conditions for the Silver Baron Lodge. Phase II (Building B of Silver Baron Lodge) by platting Unit #6439 as it was constructed, platting existing interior private and limited common space for Units 6339 and 6443 as they were constructed, and by platting roof deck area as limited common for Units 6324, 6437, 6439, and 6443.
14. Construction of these units was based on a revised building permit set of plans approved by the Building Department
15. As constructed the Silver Baron Lodge Condominiums (Phases I and II) consist of 50 condominium units with a total residential density of 42.75 UE. The additional UE resulted from reconfiguring and converting to private area, common and limited common attic space and loft area, as well as 400 sf of convertible space located on Level 4 and 5 that were not previously included in the UE calculations.
16. These units are located at the south end of Building B. Unit 6439 (2000sf) was created from the reconfiguration of these existing interior spaces. Unit 6443 was reconfigured from 2,027 sf to 2,460 sf. Unit 6339 was reconfigured from 2,000 sf to 1,470 sf.
17. The as-built plat is required as a condition precedent to issuance of certificates of occupancy for Silver Baron units 6339, 6443 and 6439.
18. No new density in terms of number of units is proposed as the CUP and MPD allow 50 dwelling units. One UE of density in terms of unit equivalents is proposed as the MPD allows 41.75 UE and 42.75 UE were constructed.
19. Deer Valley has agreed to transfer one (1) UE from Snow Park Village to the Silver Baron Lodge in order to bring Silver Baron Lodge into compliance with the MPD.
20. The MPD amendment would increase the UE density for the Silver Baron Lodge parcel from 41.74 UE to 42.75 UE and would decrease the UE density of the Snow Park Village parcel from 210.75 UEs to 209.75 UEs.
21. The Deer Valley MPD requires that development on the Snow Park Village parcel utilize the UE formula and does not specify a total number of dwelling units.

22. The proposed transfer of one (1) UE from Snow Park Village to Silver Baron Lodge does not increase or decrease the net residential density of the Deer Valley Community of the Deer Valley MPD because both Silver Baron Lodge and Snow Park Village are within the Deer Valley Community area.

Conclusion of Law - 2800 Deer Valley Drive

1. The First Amendment to the Silver Baron Lodge at Deer Valley Phase II record of survey plat is consistent with the proposed 11th Amended Deer Valley MPD and the November 9, 2005 amended Silver Baron CUP.
2. There is good cause for this record of survey plat amendment in that the amendments reflect the as-built conditions within the existing building envelope.
3. The plat amendment is consistent with the Park City Land Management Code, the General Plan, and applicable State law regarding condominium plats.
4. Neither the public nor any person will be materially injured by the proposed plat amendment.
5. Approval of the plat amendment, subject to the conditions state below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval - 2800 Deer Valley Drive

1. The City Attorney and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. All conditions of approval of the Amended Deer Valley master Planned Development and the November 9, 2005 amended Silver Baron Conditional Use Permit continue to apply to this property.
4. If the 11th Amendment to the Deer Valley MPD is not approved by the Planning Commission, then this plat amendment application may not proceed as drafted and an amended application would need to be submitted that is consistent with the Deer Valley MPD, as amended.
3. Modification to Emergency Plan for Empire Pass - Amendment to Technical Report (Application #PL-11-01151)

Director Eddington reviewed the application for the adoption of the revised Technical Report #7, The Emergency Response Plan for the Empire Pass/Flagstaff MPD. He noted that 15 technical reports were required as part of the Flagstaff MPD, and one was the emergency response plan. Director Eddington stated that over the years amendments and revisions have become necessary and the Staff has worked with the applicant to make those revisions.

Director Eddington stated that in 2008 concerns were raised regarding the emergency access route from the Montage down into the City. The original plan showed an emergency route between the Montage down to Daly Avenue, and there were slope concerns with that route in terms of vehicle access. In addition, the people on Daly Avenue were opposed to having the emergency access through their street.

Director Eddington referred to a map on page 150 of the Staff report, and noted that a new emergency route was worked out between the applicant, Ron Ivie, the City Engineer and the Planning Department. Director Eddington reviewed the map and indicated the newly proposed emergency route, which utilizes a portion of the vacated State Road 224 and connects to Royal Street just west of the intersection of Royal Street and Stein Way. It is a safer path and the slope is acceptable to the City Engineer and the Building Official. Director Eddington noted that the new route also services a few other areas and makes emergency access easier. He stated that the routes are not accessible by the public, except in emergency situations. The route is not plowed in the winter, but it is plowable and can be plowed to accommodate emergency access. He explained that the route is not plowed because it crosses several Deer Valley ski runs.

Director Eddington reported that Deer Valley supports the revised emergency access. He reiterated that the City worked with the applicant and the City recommends the revised route.

Commissioner Hontz referred to a misspelling of Daly Avenue and suggested that Director Eddington do a search for other misspellings.

Commissioner Hontz noted that the emergency response plan was fairly short and she was unsure why they were not using this as an opportunity to further update the report. As an example, the fire station locations are now different, as well as many other items identified in the 2004 report. Commissioner Hontz wanted to know the reasoning for only updating the map.

Director Eddington explained that the map was the outstanding issue that had not been previously updated. The Staff would work with the applicant to update the text, however, the intent this evening was to obtain approval from the Planning Commission regarding the emergency route.

Commissioner Hontz pointed out that the report did not match the map. She noted that page 4 of the emergency response plan talks about access and different routes, including Daly Avenue. She felt it was important for the verbiage to be updated. Commissioner Hontz stated that the new route was not accurately represented on page 150 of the Staff report. She referred to the dotted blue line on the map that represented the connection that would be unpaved and plowable over and around into Empire Canyon to Daly, and noted that where it turns to yellow on the map is not a

primary paved road. The pavement ends past the pump station. She would not approve paving that portion of the road if it was part of the update. Commissioner Hontz indicated the yellow lines on the map that should be changed to blue to accurately reflect the road.

Chair Wintzer asked if there was a pending deadline to update the report, or if it was only a matter of correcting discrepancies. Director Eddington replied that they were trying to clean up the discrepancies, but they would like to have the emergency route approved as soon as possible. Chair Wintzer stated that if time was not an issue, he preferred that they re-do the map and update the technical report before the Planning Commission votes for approval. It would be better for the Planning Commission to approve the actual updated technical report, as opposed to just approving the concept.

Director Eddington stated that the amendments would be easily made. Commissioner Savage asked if anything else hinged on approval of this particular revised technical report. Director Eddington replied that it was important to have approval by mid-April because they are trying to address all the issues relative to the Montage for a final certificate of occupancy. Director Eddington noted that the April 13th meeting would probably be cancelled and the Planning Commission would not meet again until April 27th.

Commissioner Hontz remarked that it is not the Staff's responsibility to update an applicant's emergency response plan. She would like to be able to approve it, but it was incorrect.

Commissioner Strachan was unsure why the Planning Commission was reviewing the report when it was an administrative exercise. Director Eddington stated that the Staff actually discussed whether or not to have the Planning Commission formally approve it. Since it was a change to a technical report, they thought it was best to have Planning Commission approval.

Commissioner Peek wanted to know how long it would take to make the emergency access accessible in the winter.

Mark, representing Talisker, stated that the road is plowed and functional today. It is plowed because of the number of cat walks. This spring, when the weather permits, they will re-grade some of the areas for drainage. Commissioner Peek pointed out that the access crosses ski runs. In the event of an emergency, he wanted to know how long it would take to make the road accessible. Mark replied that it would take several hours.

Commissioner Savage acknowledged that he was not involved with the history of the Montage, but he understood that reference to a "new road" implies that it would be a new road that does not currently exist. Mark replied that the road already exists. It is called "new" because there was an older version that required approval from Deer Valley. The term "new" was based on 2008 meetings with Deer Valley and a "new version", not the road itself.

Commissioner Savage asked if the revised plan would impact any of the existing or planned mountain biking trails. Mark stated that they used an overlay to identify the trails and found trails that Deer Valley maintain and the HOA maintains. Trails crisscross in some circumstances.

Commissioner Hontz was pleased with the update, but she preferred to see it all completed as one package.

MOTION: Commissioner Hontz moved to CONTINUE the adoption of the revised and updated Technical Report #7, the Emergency Response Plan to a date uncertain, to further amend, revise and update the technical report per the comments made this evening, and to address police and fire protection locations and access. Commissioner Peek seconded the motion.

VOTE: The motion passed unanimously.

4. Park City Heights - Master Planned Development

Planner Whetstone reviewed the application for 239 units on 239 acres, located west of US40 and South of Richard Flat Road, in the CT zone. The parcel was part of the May 27, 2010, the Park City Heights Annexation Agreement. Planner Whetstone noted that the Planning Commission has previously reviewed this application at several meetings and work sessions.

The purpose of the meeting this evening was to review the proposed MPD and to summarize the Planning Commission discussions, concern, and issues. The Staff had provided an analysis of the General Plan, the CT zone, and Master Planned Development criteria that was used to analyze the project for compliance.

Planner Whetstone noted that the Planning Commission had been provided with information regarding the fire hazard severity and the visuals that were requested for the current site plan. The cut sections that were requested at the last meeting were also provided.

The Staff requested that the Planning Commission review the discussion items in the Staff report, as well as the draft findings, conclusions and conditions, and continue the item to April 27th to allow the Staff and the applicant time to address any remaining issues.

Chair Wintzer stated that since the Planning Commission had received new information this evening, the applicant should not expect comments until the Commissioners had the opportunity to review the material.

Commissioner Luskin recalled from the last meeting that the Planning Commission was concerned that the last wildlife report was conducted in 2002, and the wildlife mitigation plan for this project had some deficiencies. He could not recall from the discussion whether or not the Planning Commission wanted another wildlife report, but he was certain that they were looking for more than just conditions. Commissioner Hontz stated that the Planning Commission asked for another wildlife report and it would be required as a condition of approval.

Based on animals he has personally seen in the area, Commissioner Luskin disagreed with some of the findings in the wildlife study and comments made by the wildlife biologist at the last meeting.

He was frustrated that every time they asked a question about this specific area, they were told about the animals at Jordanelle.

Spencer White, representing the applicant, stated that after the last meeting the wildlife biologist group added additional language to the study. He noted that the site visits mentioned in the study were conducted in December 2010. He agreed that the biologist had referenced the last study that was done in 2002. The problem is that nothing was done between 2002 and 2010, which is why the conclusion was for another study. Mr. White remarked that the findings in the revised language specifically talks about another site visit in the May to June months and updating the study. Mr. White stated that the biologist also added recommendations, based on his best opinion as a biologist.

Commissioner Luskin was comfortable with the revisions and the recommendations. He pointed out that the fact that this was done after the last meeting was not reflected in the Staff report.

Commissioner Savage recalled that the matrix provided this evening came from a request at the last meeting that the Staff prepare a matrix that listing all the topics discussed to make sure all the issues were properly referenced and reviewed. The matrix could be used as a vehicle to consolidate their concerns and communicate to Staff accordingly. The fact that the Planning Commission took exception to some of the points in the study was part of the exercise they needed to go through.

Planner Whetstone clarified that the last column that indicated "resolved" was only a recommendation from Staff as one way to resolve the issue as a condition of approval. Commissioner Luskin thought it was putting the cart before the horse. He did not think they could have a condition of approval until they have information to address. Planner Whetstone stated that the Staff had conducted an analysis of the biologist report and the information provided and found it to be accurate.

Mr. White clarified that the applicant had asked the biologist group to add to their findings and to add additional language to the report they had already done. The applicant understood from the last meeting that in addition to making the corrections and other recommendations, as part of the condition of approval of the MPD the biologist would come back in May and/or June to do additional studies.

Commissioner Savage understood that the additional studies would make a determination as to whether or not additional wildlife mitigation would be necessary above and beyond the initial recommendations. Requiring the May/June study as a condition of approval would not delay approval of the MPD. Mr. White replied that this was correct.

Mr. White stated that like the Planning Commission, he had not seen the matrix provided by Staff until this meeting. He noted that the next item on the matrix was fire protection and wildland interface, and he was prepared to have that discussion.

Commissioner Hontz remarked that the information provided this evening was an excellent tool. She noted that additional information had been provided during the week, including hazard severity and other exhibits. While the information was very helpful, she was not prepared to discuss the issues without the opportunity to review the minutes and the questions she asked, and compare the volumes of material that have been provided, to see if there are lingering issues. Commissioner Hontz stated that she could not go through the list and recall from memory whether everything had been addressed. Now that she has all the materials she could go back and review her questions and make all the connections.

Commissioner Savage felt the point of the matrix was to provide a template by which the process could take place and the discussions on specific items could occur to see if they could be finalized as a step towards final conditions of approval. He agreed that they were not prepared to begin those discussions this evening.

Mr. White stated that if the Planning Commission wanted to address some of the items discussed at the last meeting, he would be able to identify where they were inserted into the design guidelines. The Planning Commission could then take that information and provide feedback prior to the meeting on April 27th. If they could submit their comments in writing, the applicant would have responses for the April meeting.

Chair Wintzer thought it was unfair to ask the Planning Commission to make comments on any of the issues this evening based on the amount of new information provided. Mr. White offered to provide page references in the design guidelines to make it easier for the Commissioners when they do their review.

Commissioner Strachan asked of the materials received this evening was the last of what they would receive, or if more information would be coming. Mr. White replied that everything provided was final information, unless the Planning Commission requested something additional. Planner Whetstone reviewed the list of submittal documents on page 199 of the Staff report. She noted that some documents were contained in the annexation file. The Planning Commission did not have the wetlands delineation report nor the environmental study that was done on the entire property as part of the annexation. Planner Whetstone had both documents available. The physical model was still in the Planning Department and Mr. White had the computer model.

Planner Whetstone reported that all the Park City Heights minutes were available online. The Staff had reviewed the minutes and tried to summarize items where there was consensus among the Planning Commission.

Chair Wintzer opened the public hearing.

Sally Futee from Morningstar Estates wanted to make sure that there were no plans to access Park City Heights through their fire roads. She requested that it be written into the conditions to make that assurance.

Planner Whetstone read Condition of Approval #36, which prohibits access through the Deer Valley MPD subdivisions. Mr. White noted that it was also part of the annexation agreement.

Mr. White stated that the applicant tried to do everything they were asked to do and it was incorporated into the design guidelines. The applicant believed that most of the comments were positive for the project. Mr. White looked forward to additional comments that would help clearly define the guidelines and move towards action.

Commissioner Savage stated that he was unaware until this evening that the April 13th meeting would be cancelled. Director Eddington explained that a number of the Staff would be out of town at a planning conference on April 13th, and because the agenda was light, those items were moved to the April 27th meeting.

Commissioner Savage stated that the Planning Commission meetings are a planned commitment, and he would prefer earlier notice if meetings are cancelled. Secondly, people believe that the General Plan is important and having the opportunity to get the Planning Commission together for two or three hours to talk about the General Plan from a comprehensive point of view is a very value opportunity. He suggested that the Staff reconsider whether attending the planning conference is a higher purpose than focusing on the General Plan in a constructive fashion. Commissioner Savage felt the matter warranted discussion rather than just making a decision to cancel the April 13th meeting.

Director Eddington stated that the Staff has wanted to schedule a General Plan meeting. The last few months have been very busy with a number of projects and MPDs coming in. The Staff has been looking at ways to find more resources to dedicate towards the General Plan. Commissioner Savage remarked that they had resources dedicated from the Planning Commission on April 13th.

Chair Wintzer requested that the Planning Commission finish the Park City Heights discussion and then comment on the General Plan as an internal discussion.

Director Eddington stated that typically for MPDs or large scale projects, the Staff tries to encourage two or three Commissioners to come into the Planning Department and meet with the Staff to address specific issues. One on one meetings helps the Staff better understands their concerns relative to the project.

Chair Wintzer believed the biological report was a good step in the right direction. He requested that the Staff come back with conditions of approval that reflect what is contained in the biological report. Chair Wintzer understood that there were new points on grading and retaining walls to be reviewed. He would like the design guidelines to address maximum wall height and related issues.

Chair Wintzer asked if the conditions of approval addressed a limits of disturbance for doing the roads. He wanted to make sure they would not end up with a 200 foot LOD if a road is 60 feet wide. He suggested language that specifies a number that the limit of disturbance cannot exceed when building a road. Mr. White asked if Chair Wintzer wanted that number in addition to what the City Engineer requires. Chair Wintzer clarified that he wanted the LOD spelled out.

Chair Wintzer referred to the sheet showing the typical street sections and suggested that they include a drawing in the design guidelines showing the maximum dimensions of the street retaining wall.

Commissioner Peek requested that the applicant go through the street sections and add dimensions where they are missing. Commissioner Peek recommended a condition of approval for on-site construction recycling, as well as a staging area on-site for the spoils of excavation that could be taken back up to individual jobs for backfill. Commissioner Peek referred to the trail improvements in Finding of Fact #11, and suggested adding a condition of approval that requires items 1 and 2 in finding #11 to be installed prior to issuance of a certificate of occupancy. Planner Whetstone believed the condition of approval specifies a three year time line for the park and the trails from the date of issuance of the first building permit.

Planner Whetstone thought they should begin to talk about phasing the amenities. Commissioner Savage asked Planner Whetstone to provide an outline that shows the phasing of amenities. A spreadsheet would give a sense of the time line for implementation. Commissioner Peek stated that when the units are occupied, there would be immediate benefit from having the trail connection across the highway, particularly for IHC.

Commissioner Peek asked for clarification on Condition #17. Planner Whetstone stated that the condition addresses some of the issues that came up with Snow Creek, such as location of utility boxes. Director Eddington noted Rocky Mountain Power is always a challenge. The intent is to prevent certain issues from occurring and to work more with Rocky Mountain Power rather than against them.

Commissioner Peek noted that Condition #23 talks about complying with the recommendations of the Fire Protection Report; however, he could not find recommendations in the Fire Protection Report.

Mr. White explained that typically recommendations are not provided. As an example, the report might say there needs to be hydrant space within 500 feet and every home shall be sprinkled. Based on that explanation, Commissioner Peek pointed out that the condition did not make sense, and suggested revising the language to indicate that construction permits shall not increase the fire hazards severity. Planner Whetstone offered to work with the Building Department to draft an appropriate condition of approval. Mr. White felt it would be better to ask Scott Adams to write a letter with regard to the fire hazards. Chair Wintzer pointed out that if questions arise in the future, it would be easy to go back to the conditions of approval. He thought a condition of approval was the better option.

Commissioner Peek read from Condition #24, Limits of Disturbance, "Silt fencing is required during construction in areas where run-off and construction may impact adjacent wetlands and water ways". He preferred to expand the language to include undisturbed areas as determined by the Building Department. Planner Whetstone clarified that the silt fencing is additional fencing required near wetlands. The orange fencing is the construction disturbance fencing. Commissioner Peek pointed out that if a hillside is disturbed due to a road cut, there is a good chance that runoff could

occur in potentially undisturbed areas. Planner Whetstone offered to revise the language in Condition #24 to address the concern. Commissioner Peek clarified that he was only referring to the silt fencing.

Commissioner Peek noted that underground utilities were mentioned in the report, but not in the conditions of approval. He requested that Planner Whetstone draft a condition requiring the utilities to be placed underground. He understood that the big power line would still be above ground.

Commissioner Strachan reserved his comments until he had the opportunity to digest all the information provided. However, he felt that many of the conditions of approval should be findings of fact, and many of the findings were redundant. For example, Finding #1(k) was redefined in Finding #11.

Commissioner Peek suggested that they obtain an official statement from UDOT on how a neighborhood could get a sound wall. Planner Whetstone offered to research the process for sound walls. Director Eddington stated that typically the neighbors would petition for a sound wall, but he was unsure if that was the procedure in Utah.

Commissioner Hontz reserved her comments until she could read through the materials provided. After her review, she would provide the applicant with a thorough list of items and issues.

Commissioner Luskin read Condition #25, "Trail easements for all proposed trails in the MPD shall be platted on the final recorded subdivision plats. All trails shall be constructed consistent with the Park City Trails Master Plan". He has never seen previous references or documents showing where the trail easements are located. Mr. White replied that there is a map of the trails with a trails legend. Mr. White explained that within the plat itself, there would be platted easements. Outside of the recorded plats, there would be trail easements. He noted that the developer can only deed the parcels within their ownership. The City would deed the rest to itself. Mr. Spencer stated that they would coordinate the trails that tie into other trails on adjacent properties so the easements line up.

Commissioner Savage wanted to know how the trails would be maintained subsequent to completion of the development. Mr. White noted that they would be public trails, which are typically maintained by Snyderville Basin Recreation District and Mountain Trails Foundation. Commissioner Savage suggested adding a condition that specifically states how the trails would be maintained in conjunction with the other public trails systems in the future.

Commissioner Luskin clarified his first question regarding trails. The trails map shows the trail easements within the subdivision. He was looking for easements on trails outside of the subdivision that should be taken into consideration. He was concerned about visual impacts this project would have for mountain bikers.

Commissioner Savage noted that the Park City Heights plan shows all the existing points of interaction with the existing trails that are in place on the trails map. Commissioner Luskin stated that the impacts on the trails were more than just the trails that run through the subdivision. He was

talking about trails where you could see the subdivision and the visual impacts that would be created. The issue has not been addressed and he felt they should be aware of it. Commissioner Luskin suggested doing the same type of analysis from trails that was done from the highway. Director Eddington asked if a map showing the existing City trails surrounding Park City Heights and connecting to their trails would be helpful. Commissioner Luskin answered yes.

Commissioner Peek asked if it was possible to put all the submittal documents listed on page 199 of the Staff report on the website.

As they read through the documents, Chair Wintzer asked if it was appropriate for the Commissioners to email questions to Planner Whetstone or Director Eddington, and have the response emailed to all the Commissioners. Director Eddington recommended that they direct their questions to Planner Whetstone. He also requested that each Commissioner meet with the Planner Whetstone one on one, prior to April 7th. At that point, Planner Whetstone could forward any outstanding questions and concerns to the applicant to be addressed in a final report for the April 27th meeting.

Chair Wintzer asked if it was possible for the Planning Commission to receive the Staff report prior to 5:00 p.m. on the Friday before the meeting, to allow additional time to review it. Director Eddington replied that the Staff would do their best.

MOTION: Commissioner Strachan moved to CONTINUE the Park City Heights - MPD application to April 27th, 2011. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

The Planning Commission continued with their comments regarding the General Plan.

Chair Wintzer agreed with Commissioner Savage on the importance of scheduling a General Plan meeting. He understood that the planning conference came up for the Staff, but he thought it was important to have a General Plan update before applications begin to come in this summer. Director Eddington stated that previously the Planning Department tried to schedule at least one General Plan meeting every month. However, that has become difficult because applications are coming in heavily.

Commissioner Savage stated that he has been on the Planning Commission for almost a year, and he could only recall one serious meeting about the General Plan in that time. Director Eddington stated that the Staff could look at moving the schedule around beginning in May, and to have one meeting heavy with applications and the second meeting for the General Plan. Chair Wintzer thought they should schedule a General Plan meeting and make the applicants wait, since the Planning Commission had already waited a year.

Commissioner Savage noticed on the agenda for the Development Review Committee that an application was submitted for Bonanza Park. He was upset when he saw that a pre-MPD had

between submitted, because the Planning Commission has not had the opportunity to talk about Bonanza Park from a General Plan point of view, and to discuss concepts and ideas.

Director Eddington stated that preliminary planning has been done for Bonanza Park, but Commissioner Savage was right in saying that there is not a final plan for that area. Commissioner Savage remarked that Bonanza Park would end up a hodge podge if they do not act quickly and get ahead of the curve. He believed the Planning Commission has the obligation to do whatever is possible to negate the impacts of the hodge podge. He implored the Planning Department to make that a priority ahead of the other things that keep them too busy.

Director Eddington stated that submitted applications have a time limit for being reviewed and sent to the Planning Commission. Commissioner Savage suggested that the Planning Commission find a forum where they can speak with others in Park City Government to make sure they understand that the Staff has resource issues that need to be resolved.

Chair Wintzer assumed that City Council Member Butwinski had heard their discussion and would relate their frustration to the City Council regarding the Staff's lack of time to work on the General Plan. Council Member Butwinski stated that he would relay it as the Planning Commission's perception of the case. Commissioner Strachan remarked that it was not the perception of all the Commissioners.

Commissioner Savage reiterated that it was time to resolve the problem. Director Eddington concurred.

The Park City Planning Commission meeting adjourned at 7:45 p.m.

Approved by Planning Commission: _____

REGULAR AGENDA

Planning Commission Staff Report



Subject: General Plan Land Use Map
Author: Katie Cattan
Project Number: PL-11-01225
Date: April 27, 2011
Type of Item: Legislative – General Plan Amendment

Summary Recommendations

Staff recommends that the Planning Commission review the attached resolution to update the General Plan land use map and consider forwarding a positive recommendation to the City Council.

Description

Applicant: Planning Staff
Location: Park City
Zoning: Not applicable
Land Uses: Varies
Reason for Review: General Plan updates require Planning Commission Recommendation and City Council Adoption

Background

On March 20, 1997, the current Land Use section of the General Plan was adopted and has not been modified since that time. Since 1997, the City Annexation Declaration Area has changed, the City Limits have change, the City has acquired deed restricted areas of open space, and a transfer of development rights ordinance has been adopted. The Land Use map is in need of updating to reflect the changes that have occurred in Land Use since 1997. Within the rewrite of the general plan, the Land Use map will be further changed to reflect the future direction of Land Use in Park City.

The existing map includes areas outside of the City Limits and the City Annexation Declaration Area (ADA). Staff has amended the Land Use Map to remove land uses for land outside of the ADA because the Planning Commission and City Council would not have purview of that land unless the ADA is amended. Staff has also amended the map to reflect the purchased deed restricted open space areas and the correct boundaries for planning areas which have been annexed in the City to comport to how the land has been zoned as part of its annexation.

Analysis

The purpose of this General Plan Amendment is to update the General Plan Land Use map to reflect the following:

1. Current City Boundary
2. Current Annexation Declaration Area

3. Current Open Space
4. Removal of receiving areas
5. Removal of Planning Areas outside of the City Boundary and outside of the Annexation Declaration Area

The proposed Land Use Map is included within Exhibit A. The previous Land Use Map is included as Exhibit B.

Department Review

This project has gone through an interdepartmental review. No further issues were noted during this process.

Notice

Legal notice was placed in the Park Record.

Public Input

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

Alternatives

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

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The map would remain as is.

Recommendation

Staff recommends that the Planning Commission review the attached resolution to adopt the amended the Land Use map within the Park City General Plan and forward a positive recommendation to the City Council.

Exhibits

Exhibit A – Proposed Resolution including Land Use Map

Exhibit B – Existing General Plan Land Use Map

Exhibit A

Resolution No. __-11

A RESOLUTION APPROVING AN AMENDMENT TO THE PARK CITY GENERAL PLAN CHANGING THE DESCRIPTION OF THE PLANNING AREAS AND THE LAND USE MAP.

WHEREAS, the Park City General Plan was adopted by the City Council in 1985 and amended in 1997, 1999, 2000, 2001, 2002, 2007, and 2010;

WHEREAS, the Land Use map was adopted in 1997;

WHEREAS, the General Plan Land Use map identified areas outside of the City Limits and outside of the Park City Annexation Declaration Boundary as Planning Areas within the General Plan;

WHEREAS, areas outside the Park City Annexation Declaration Boundary are not under the Planning purview of the Park City Planning Commission or City Council;

WHEREAS, Park City has annexed additional land since the Land Use map was adopted in 1997;

WHEREAS, Park City has acquired additional deed restricted open space since the Land Use map was adopted in 1997;

WHEREAS, Park City has adopted a transfer of development rights ordinance;

WHEREAS, the south west corner of the junction of State Route 40 and State Route 248 is unique in character because of its importance as an entryway to Park City and highway access, visibility, adjacent low density development; relatively gentle topography, existing vegetation and agriculture, and relationship to other recreational attractions;

NOW THEREFORE, be it resolved by the City Council of Park City as follows:

The revised Land Use Map of the General Plan, as shown in Attachment 1, is adopted in its entirety.

This Resolution shall become effective upon adoption by the City Council of Park City Dated __day of May 2011.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, Mayor

Attest:

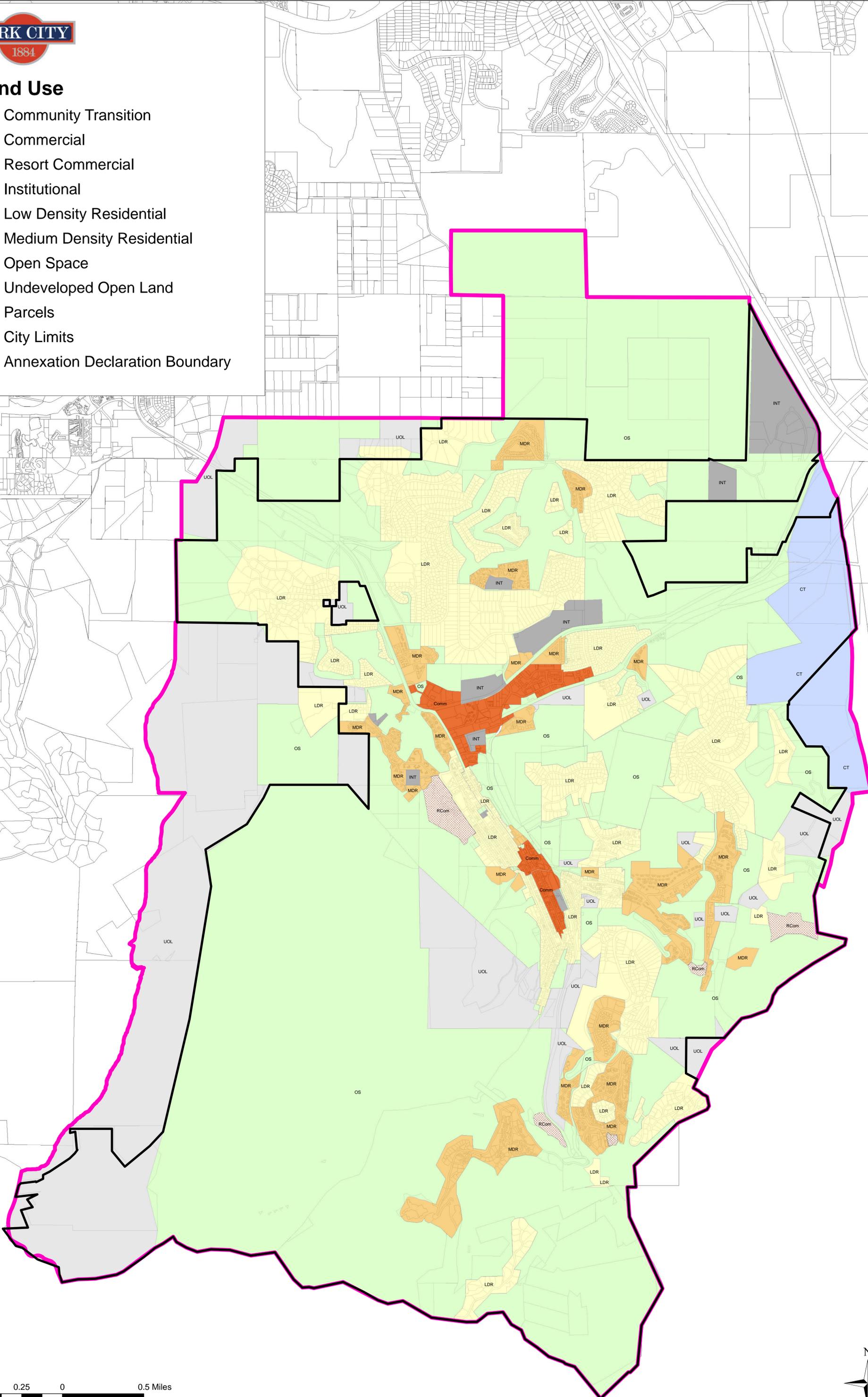
Jan M. Scott, City Recorder

Approved as to form:

Mark D. Harrington, City Attorney

Land Use

- Community Transition
- Commercial
- Resort Commercial
- Institutional
- Low Density Residential
- Medium Density Residential
- Open Space
- Undeveloped Open Land
- Parcels
- City Limits
- Annexation Declaration Boundary

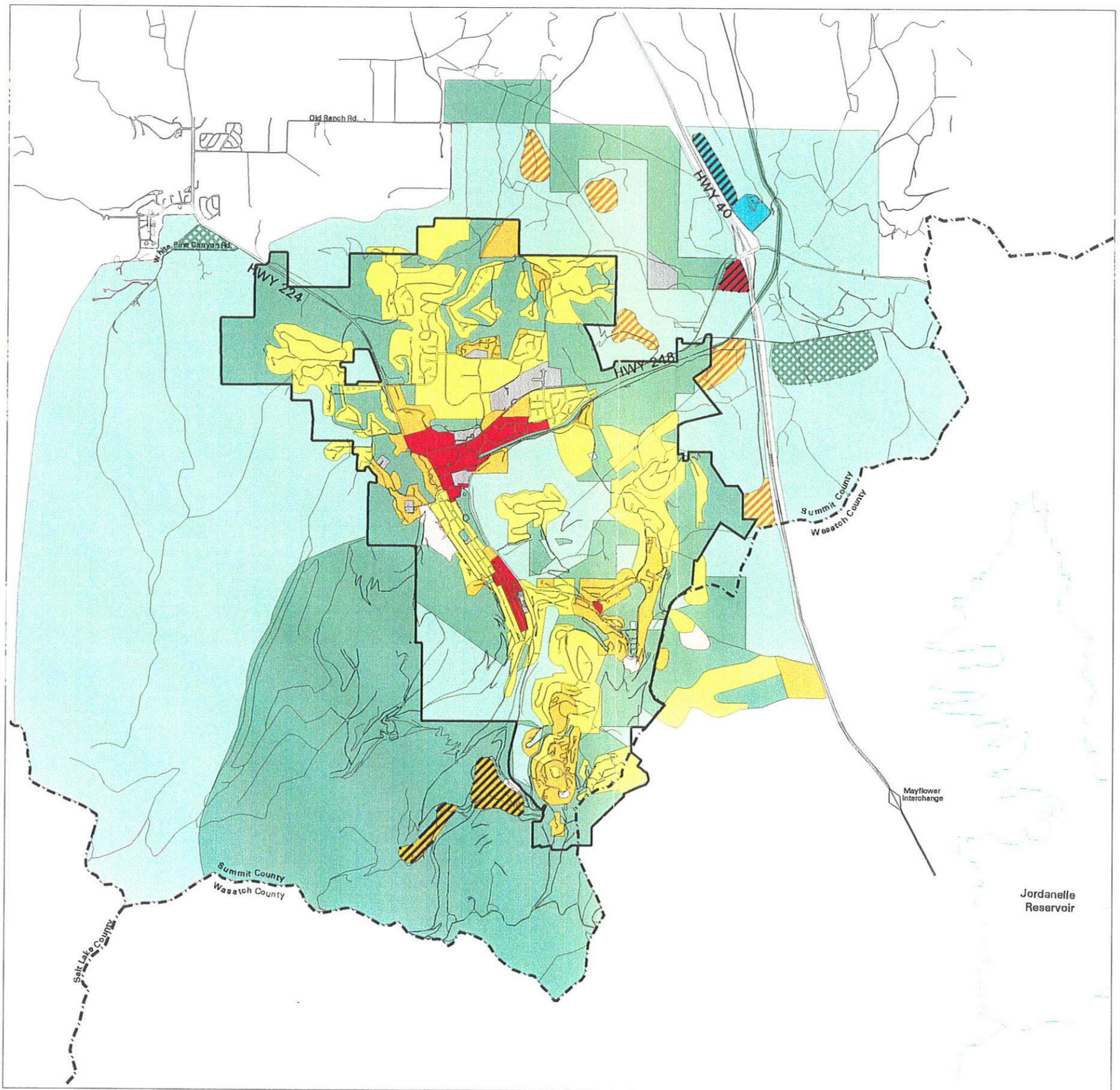


Park City Land Use Plan

Legend

Land Use Types

-  Undeveloped Open Land
-  Open Space
-  Possible Open Space
-  Low Density Residential
-  Possible Low Density Residential Receiving Zone
-  Medium Density Residential
-  Possible Medium Density Residential Receiving Zone
-  Commercial
-  Possible Commercial Receiving Zone
-  Industrial
-  Possible Industrial
-  Resort Commercial
-  Institutional
-  County Lines
-  Park City Boundary



Maps are Illustrative Only
For detailed information contact
the Park City Planning Department

Created for the Park City Comprehensive Plan
by SmartMap Systems LLC
January 14, 1997

Planning Commission Staff Report



Subject: 811 Norfolk Avenue
Author: Katie Cattan
Application #: PL-10-00988
Date: April 27, 2011
Type of Item: Administrative – Plat Amendment

Summary Recommendations

Staff recommends that the Planning Commission review the plat amendment application, conduct a public hearing, and consider forwarding a positive recommendation to the City Council for the 811 Norfolk Avenue Plat Amendment according to the findings of fact and conclusions of law outlined in the attached ordinance.

Topic

Applicant: Jeff Love, Owner
Location: 811 Park Avenue
Zoning: Historic Residential (HR-1)
Adjacent Land Uses: Residential
Reason for Review: Plat amendment require Planning Commission review and City Council approval

Proposal

- This is a request to combine one and a half lots of record for an existing historic Landmark structure located at 811 Norfolk Avenue.
- The Landmark Structure is located across a property line and will be moved 6.5 feet to the South.
- The Historic Preservation Board approved the relocation of the Landmark Structure on March 2, 2011.

Background

On June 7, 2010, the City received a completed application for a plat amendment for the existing property at 811 Norfolk Avenue. The plat amendment combines the north half of Lot 2 and all of Lot 3 in Block 14 of Snyder's Addition to the Park City survey. The resulting lot of record is 37.5 feet wide by approximately 80 feet deep.

There is an existing historic Landmark structure located on the property that is listed on the Park City Historic Sites Inventory. The Landmark structure is located across the northerly property line of the lot 3 and has historically existed two (2) to four (4) feet within Lot 4. Lot 4 is not owned by the applicant.

The applicant attended a pre-application conference on May 19, 2010. Following the pre-application meeting, a complete application for a Historic District/Site Design Review (HDDR) was received on October 28, 2010. The current 2009 Design Guidelines apply to the HDDR application. On January 26, 2011, Staff denied the revised HDDR application. Staff found that the changes in the design

complied with all of the historic district guidelines except for Guideline E.1.1 regarding relocation of the Landmark Structure.

On February 7, 2011, the applicant submitted a written appeal pursuant to Chapter 15-1-18(A) of the Land Management Code. The Historic Preservation Board (HPB) reviewed the appeal on March 2, 2011. The appeal was granted in favor of the applicant and the applicant was granted the right to move the house. The HPB ratified its findings, conclusions of law and order on April 6, 2011. An appeal was filed on April 18, 2011 and will be heard by the Board of Adjustment on May 17, 2011. Applicant has the option of moving forward on the plat amendment at his own risk. A condition of approval has been added that the appeal on the movement of the house must be resolved prior to recordation. The plat amendment application was on hold until a final decision was made regarding the movement of the house. Now that the Landmark Structure is allowed to move 6.5 feet to the south, the single encroachment issue has been addressed and a plat amendment can be reviewed. The existing garage is located on the neighboring lot and is not impacted by this application.

The property is located within the Historic Residential (HR-1) zoning district. All future applications must comply with the Land Management Code (LMC) and the Park City Design Guidelines.

The applicant cannot obtain a building permit to build an addition across an internal lot line. A plat amendment must be approved and recorded prior to issuance of a building permit.

Analysis

The application is to create one lot of record at 811 Park Avenue. Historically, the existing Landmark structure has existed across the lot line between Lots 3 and 4 in Block 14 of Snyder's Addition to the Park City survey. If a historic structure exists across a property line, either an encroachment agreement must be recorded or the historic home must be relocated to remove the encroachment.

On March 2, 2010, the HPB reviewed the appeal of the denial of the HDDR application. The HPB granted the appeal and made findings that the applicant could move the existing Landmark Structure 6.5 feet to the South to remove an encroachment. Land Management Code Section 15-11-13 discusses relocation and/or reorientation of a historic building or historic structure. The HPB found that the proposed design would retain the sites designation as a Landmark Site, that a portion of the historic structure encroached onto lot 4 and an easement could not be secured. These findings are consistent with the criteria for relocating a historic structure as outline in Guideline E.1.1 and LMC Section 15-11-13 as follows:

“15-11-13. RELOCATION AND/OR REORIENTATION OF A HISTORIC BUILDING OR HISTORIC STRUCTURE.

It is the intent of this section to preserve the Historic and architectural resources of Park City through limitations on the relocation and/or orientation of Historic Buildings, Structures, and Sites.

(A) **CRITERIA FOR THE RELOCATION AND/OR REORIENTATION OF THE HISTORIC BUILDING(S) AND/OR STRUCTURE(S) ON A LANDMARK SITE OR A SIGNIFICANT SITE.**

In approving a Historic District or Historic Site design review Application involving relocation and/or reorientation of the Historic Building(s) and/or Structure(s) on a Landmark Site or a Significant Site, the Planning Department shall find the project complies with the following criteria:

- (1) A portion of the Historic Building(s) and/or Structure(s) encroaches on an adjacent Property and an easement cannot be secured; or
- (2) The proposed relocation and/or reorientation will abate demolition of the Historic Building(s) and/or Structure(s) on the Site; or
- (3) The Planning Director and the Chief Building Official determine that unique conditions warrant the proposed relocation and/or reorientation on the existing Site; or
- (4) The Planning Director and the Chief Building Official determine that unique conditions warrant the proposed relocation and/or reorientation to a different Site.

(B) **PROCEDURE FOR THE RELOCATION AND/OR REORIENTATION OF A LANDMARK SITE OR A SIGNIFICANT SITE.**

All Applications for the relocation and/or reorientation of any Historic Building(s) and/or Structure(s) on a Landmark Site or a Significant Site within the City shall be reviewed by the Planning Department pursuant to Section 15-11-12 of this Code.”

The proposed plat amendment will create one lot of record that is 37.5 feet wide by approximately 80 feet deep. The area of the proposed lot is 3007.3 square feet. The minimum lot size in the HR-1 zoning district is 1875 square feet. The minimum lot width in the HR-1 zone is 25 feet.

The following table explains the site requirements for lots within the HR-1 zoning district and how the proposals comply with the zoning regulations:

Required	Proposed Lot
Lot Size: Minimum 1875 square feet	3007.3 square feet
Density: Minimum lot size for single family dwelling is 1875 square feet and for a duplex 3,750 square feet.	Single family dwelling is an allowed use.
Front yard. The minimum front yard is twelve feet (12') with minimum 25' combined.	Existing historic home is 17' from front property line.
Rear yard. The minimum rear yard is twelve feet (12') with minimum 25' combined.	Existing historic home is 31' from rear lot line.
Side yard. The minimum side yard is 3 feet (3') on each side.	Existing historic home is 4 feet from south side lot line. Historic home will have a three foot setback from North side lot line after being moved. It currently encroaches over

	lot line.
Footprint: based on 3007.3 square feet lot area	1270 square feet maximum. Existing footprint of historic house is 668 sf. Proposed footprint with addition 1258.25 sf

Planning Staff finds there is good cause for the plat amendment. The plat amendment will remove internal lot lines to create a single lot of record for an historic house. The plat amendment will also memorialize the historic property boundary including the remnant parcel (North ½ of Lot 2) and Lot 3. The north ½ of Lot 2 has been historically listed under the tax id number SA-138 in conjunction with Lot 3. Staff did not find evidence in the Summit County records of Lot 2 being owned separately. Historically both lots have been associated with the Landmark Structure.

Department Review

The Planning Department has reviewed this request. The request was discussed at internal Staff meetings where representatives from local utilities and City Staff were in attendance. There are no outstanding issues regarding this plat amendment.

Notice

Notice of this hearing was sent to property owners within 300 feet and the property was posted fourteen days in advance of the public hearing. Legal notice was also placed in the Park Record.

Public Input

Several letters have been submitted to the Planning Department regarding this application and concern for the existing historic Landmark structure. These letters have been included as Exhibit D. These letters were received prior to the review of the appeal by the HPB.

Alternatives

1. The Planning Commission may forward a positive recommendation to the City Council for the 811 Norfolk Avenue Subdivision according to the findings of fact, conclusions of law, and conditions of approval in the attached ordinance; or
2. The Planning Commission may forward a negative recommendation to the City Council for the 811 Norfolk Avenue Subdivision and direct staff to make findings to do so; or
3. The Planning Commission may continue the 811 Norfolk Avenue Subdivision.

Significant Impacts

There are not significant impacts from the proposed subdivision.

Consequences of not taking the Suggested Recommendation

An addition could not be built across a property line. The historic home would remain as it is and an addition could not cross over an internal lot line.

Recommendation

Staff recommends that the Planning Commission review the plat amendment application, conduct a public hearing, and consider forwarding a positive recommendation to the City Council for the 811 Norfolk Avenue Plat Amendment according to the findings of fact, conclusions of law, and conditions of approval outlined in the attached ordinance.

Exhibits

Exhibit A – Proposed Ordinance

Exhibit B – Survey

Exhibit C - Aerial

Exhibit C – Letters from the public

Ordinance No. 11-

**AN ORDINANCE APPROVING THE 811 NORFOLK AVENUE SUBDIVISION
LOCATED WITHIN LOT 3 AND THE NORTH HALF OF LOT 2 IN BLOCK 14,
SNYDER'S ADDITION TO THE PARK CITY SURVEY, PARK CITY, SUMMIT
COUNTY, UTAH**

WHEREAS, the owner of the properties known as 811 Avenue, has petitioned the City Council for approval of a plat amendment for the existing Lot 3 and the north half of Lot 2 in Block 14, Snyder's Addition to the Park City Survey; and

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

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

WHEREAS, the Planning Commission held a public hearing on April 27, 2011, to receive input on the 811 Norfolk Avenue Subdivision; and

WHEREAS, the Planning Commission, on April 27, 2011, forwarded a positive recommendation to the City Council; and

WHEREAS, on May 26, 2011, the City Council conducted a public hearing on the 811 Norfolk Avenue Subdivision; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 811 Norfolk Avenue Subdivision.

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

SECTION 1. APPROVAL The above recitals are hereby incorporated as findings of fact. The 811 Norfolk Avenue Subdivision as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 811 Norfolk Avenue within the HR-1 zoning district.
2. The plat amendment is for the existing Lot 3 and the north half of Lot 2 in Block 14, Snyder's Addition to the Park City Survey.
3. The proposed plat amendment will create one lot of record that is 37.5 feet wide by approximately 80 feet deep. The minimum lot width in the HR-1 zone is 25 feet.
4. The area of the proposed lot is 3007 square feet. The minimum lot size in the HR-1 zoning district is 1875 square feet.
5. The applicant plans to build an addition across an internal lot line. The

applicant cannot obtain a building permit to build an addition across an internal lot line. A plat amendment must be approved and recorded prior to issuance of a building permit for a future addition.

6. There is an existing historic Landmark structure on the property that is listed on the Park City Historic Sites Inventory.
7. Historically, the existing Landmark structure has existed across the lot line between Lots 3 and 4 in Block 14 of Snyder's Addition to the Park City survey.
8. On March 2, 2011, the Historic Preservation Board held a hearing and approved the movement of the Landmark Structure 6.5 feet to the south. On April 6, 2011, the HPB took final action on the application by ratifying the findings of fact, conclusions of law and the order. The encroachment will no longer exist once the home is moved.
9. Maximum footprint with the plat amendment is 1270 square feet. The footprint of the existing landmark structure is 668 square feet. The proposed footprint from the existing structure with the new addition is 1258.25 square feet.
10. The neighborhood is characterized by a mix of single family historic homes, single family non-historic homes, and multi-family homes.
11. All findings within the Analysis section are incorporated herein.

Conclusions of Law:

1. There is good cause for this subdivision.
2. The subdivision is consistent with the Park City Land Management Code and applicable State law.
3. The public will not be materially injured by the proposed subdivision.
4. As conditioned the subdivision is consistent with the Park City General Plan.

Conditions of Approval

1. The City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the amended record of survey.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. The plat may not be recorded until the Landmark Structure is moved onto Lot 3 or an encroachment agreement is signed by the property owner of Lot 4 to the North.
4. The appeal on the movement of the house must be resolved prior to recordation.
5. Any remaining remnant parcels are not separately developable.

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

APPROVED AND ADOPTED this ____ day of April 2011.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, Mayor

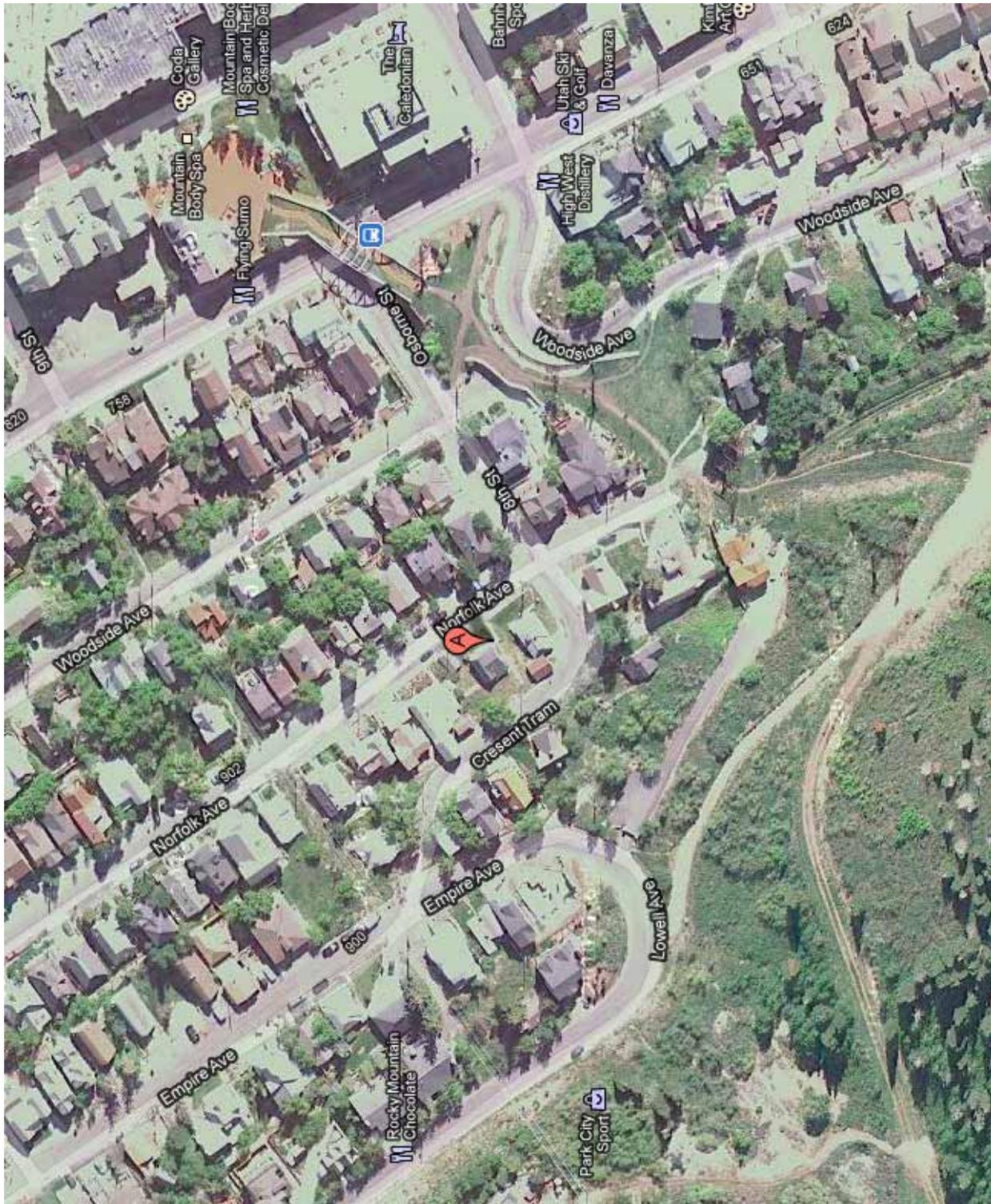
Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington, City Attorney

Exhibit C: Aerial



From: [Linda McReynolds](#)
To: [Katie Cattan](#); [Kayla Sintz](#); [Thomas Eddington](#); [Brooks Robinson](#)
Subject: 811 Norfolk Avenue
Date: Friday, June 11, 2010 12:21:47 PM
Attachments: digitalsender@summitsothebysrealty.com 20100611_121650.pdf

Dear Planning Staff: It is with great concern that I write you regarding the recent application to drastically alter the historic streetscape of Norfolk Avenue between 8th and 9th Streets. The relationship and spacing of the six historic homes on the uphill side of the street dates back to 1895 when my home at 843 Norfolk was the last one built - I have a historic photo which shows this which I will provide to you.

The Secretary of the Interior National Parks Service Standards for Rehabilitation clearly states that "...relocating historic buildings or landscape features, thus destroying their historic relationship within the setting" is NOT recommended. See attached.

The Park City Municipal Code has in its Preservation Policy "to encourage the preservation of Buildings, Structures, and Sites of Historic Significance in Park City". Also, under Section 15-11-13 Relocation and/or Reorientation of a Historic Building or Historic Structure, it states "It is the intent of this section to preserve the Historic and architectural resources of Park City through LIMITATIONS on the RELOCATION and/or orientation of Historic Buildings and Sites". See Attached.

811 Norfolk Avenue has been a .12 acre single family site for more than 115 years. The relationship of it to the other homes on the street has been historically pure throughout. All six of our uphill historic homes have always sat on multi platted lots. Mine sits in the middle of two platted lots. This is one of the last remaining original historic streetscapes in the Historic District. To allow the integrity of its spacing and history to be destroyed is against all that preservation stands for.

Since I don't know the details of the new owner's plans I can't speak to specifics; however, I do know that it was marketed and title was transferred as one parcel with one tax ID. See Attached. If the new owner is attempting to divide this parcel into two pieces, he is in effect creating his own encroachment since the home sits in the middle of the parcel. If he has procured another buyer for half the parcel, I question the motivations of any buyer who would buy a piece of property with a house encroaching on it and why.

I urge you to adhere to the intent of the guidelines that were created to protect and preserve our cherished Historic District and were not created for developers to try to manipulate in an attempt to maximize their profits by squeezing in a non-compatible new home that will forever negatively alter the character of this wonderful historic street.

Please distribute this letter with attachments to the Planning Commission and Historic Preservation Board.

Thank you so much for your attention to this matter.

Respectfully,
Linda McReynolds
843 Norfolk Avenue
435-640-6234

From: <digitalsender@summitsothebysrealty.com>
Sent: Friday, June 11, 2010 11:16 AM
To: <linda.mcreeynolds@sothebysrealty.com>
Subject: Scanned image from MX-C311

> Reply to: digitalsender@summitsothebysrealty.com
> <digitalsender@summitsothebysrealty.com>
> Device Name: Silver Lake
> Device Model: MX-C311
> Location: Silver Lake
>
> File Format: PDF (Medium)
> Resolution: 200dpi x 200dpi
>
> Attached file is scanned image in PDF format.
> Use Acrobat(R)Reader or Adobe(R)Reader(TM) of Adobe Systems Incorporated
> to view the document.
> Acrobat(R)Reader or Adobe(R)Reader(TM) can be downloaded from the
> following URL:
> Adobe, the Adobe logo, Acrobat, the Adobe PDF logo, and Reader are
> registered trademarks or trademarks of Adobe Systems Incorporated in the
> United States and other countries.
>
> <http://www.adobe.com/>
>

From: [Katherine Matsumoto-Gray](#)
To: [Katie Cattan](#)
Cc: [Ken Martz](#); [Kayla Sintz](#); [Thomas Eddington](#); [Brooks Robinson](#)
Subject: 811/817 Norfolk
Date: Monday, June 14, 2010 7:53:15 AM

Hi Katie (cc'd planning staff and Ken Martz),

My mother told me that you don't have me contact information -- here's my email; my cell number is 901-0405.

I came by and saw the survey of 811 and 817 Norfolk on Friday morning. What really alarms me about this plat amendment proposal, as you know, is that the two property owners are working together to create an encroachment issue in order to alter a landmark historic site. Although I understand that the existing lot line allowed sale of one of the lots, I strongly believe that allowing this plat amendment would grant Mr. Love and Mr. Ludlow another step on their ultimate plan to side step Historic District Guidelines purely for profit. Their profit should not come at our neighborhood's expense.

In reviewing this application, I think it will be important to consider that the lot lines in old town are not reflective of the historic property lines. The lot lines were meant to be cleaned up one-by-one, for the ease of the process. This allows Mr. Love to take advantage of an unintended loophole in selling off one lot in his parcel. The fact that lot lines were never amended to reflect the actual property lines is a coincidence of timing and need. These historic lot lines were crucially not left in place in a way that allowed dismantling of the historic district. Splitting the property at 811 Norfolk is inconsistent with any notion of historic preservation of the neighborhood.

I believe that this notion is included in the Historic District Guidelines implicitly, since it refers to built-to-unbuilt ratio and lot coverage in a number of places. It can't be that this use means lot coverage based on the still-divided plat. It refers to the existing property lines (that the City and Historic District intended to be reflected in the eventual plat of the neighborhood). Below I have listed some guidelines from the HDG that are relevant to this matter:

- Design Guidelines for Historic Sites
 - A.5 Landscaping
 - A.5.3 The historic character of the site should not be significantly altered by substantially changing the proportion of built or paved area to open space.
- Guidelines for New Construction in the Historic District
 - A.2. Lot Coverage
 - A.2.1 Lot coverage of new buildings should be compatible with the surrounding Historic Sites.
 - A.5 Landscaping
 - A.5.4 The character of the neighborhood and district should not be diminished by significantly reducing the proportion of built or paved area to open space.

Finally, I feel it is extremely important for all who are involved in reviewing this

application to understand that Mr. Love and Mr. Ludlow are working together. They are not independent landowners as it appears from the application. They have a preexisting relationship, they have joint plans to construct the two properties, and they are both aware of the encroachment of the Landmark Historic Structure and the prohibitions on moving the historic home. Furthermore, it is my impression from talking to the two men at my home last Thursday that Mr. Ludlow has no plans to construct a home on the new site of 817 Norfolk. It appears from their interactions that Mr. Love is still the man developing the plans and it is entirely his development project; Mr. Ludlow acted like a name on a piece of paper, deferring to Mr. Love for answers to any questions about the future intentions of the property at 817 Norfolk.

Because of this, I believe that the plat amendment application should be denied. It is one property owner/developer, Jeff Love, going around the recommendations and guidelines by setting up a friend as the apparent property owner of part of his new historic purchase thus creating an apparent problem to which the only solution will be to move the Landmark House. In addition, the effect of dividing this property into two platted lots, where there has always been one property, will be to significantly diminish the historic character of a neighborhood with the highest standards of historic preservation in place. Our block, on the uphill side of Norfolk between 8th and 9th has no structure that is not historic. The street view is the same as it was in the 1900s. This is truly a unique neighborhood in this way and I believe that allowing the plat amendment proposal at 811/817 Norfolk to be approved would begin the deterioration of our block's pristine record of historic preservation. Below, I have listed the sites on our street's uphill side from the Historic Site Inventory and their historic status. These are consecutive buildings all listed as significant or landmark:

- 803 Norfolk Avenue - Significant Site
- 811 Norfolk Avenue - Landmark Site
- 823 Norfolk Avenue - Landmark Site
- 827 Norfolk Avenue - Significant Site
- 835 Norfolk Avenue - Significant Site
- 843 Norfolk Avenue - Landmark Site
- 901 Norfolk Avenue - Significant Site

Thank you for your consideration of my comments. I have really appreciated the help and patience of all of the planning and other city staff during this process so far. Please feel free to contact me for further explanation of my issues with this property.

--

Katherine Matsumoto-Gray
University of Utah
Center for American Indian Languages
p (801) 587-0720
m (435) 901-0405
kmatsumotogray@gmail.com

Planning Commission Staff Report



Subject: SA139A on Norfolk Avenue
Author: Katie Cattan
Application #: PL-10-00989
Date: April 27, 2011
Type of Item: Administrative – Plat Amendment

Summary Recommendations

Staff recommends that the Planning Commission review the plat amendment application, conduct a public hearing, and consider forwarding a positive recommendation to the City Council for the 817 Norfolk Avenue Plat Amendment according to the findings of fact, conclusions of law, and conditions of approval outlined in the attached ordinance.

Topic

Applicant: Rod Ludlow, Owner
Location: SA-139A on Norfolk Avenue
Zoning: Historic Residential (HR-1)
Adjacent Land Uses: Residential
Reason for Review: Plat amendment require Planning Commission review and City Council approval

Proposal

- This is a request to combine all of Lot 4 and a three foot portion of Lot 5 in Block 14 of Snyder's Addition to the Park City survey located at 817 Norfolk Avenue.
- A Landmark Structure encroaches onto Lot 4 approximately 3.5 feet.
- One March 2, 2011, the Historic Preservation Board approved the relocation of the Landmark Structure 6.5 feet to the South.
- Landmark Structure (garage) sits on both lots.

Background

On June 7, 2010, the City received a completed application for a plat amendment for the existing property at 817 Norfolk Avenue. The plat amendment combines all of Lot 4 and the southerly 3 feet of Lot 5 in Block 14 of Snyder's Addition to the Park City survey. The resulting lot of record is 28 feet wide by approximately 79 feet deep.

There is an existing historic Landmark structure on the property that is listed on the Park City Historic Sites Inventory. The Landmark structure is located across the south property line of the lot 4. Approximately 3 to 4 feet of the structure has historically existed within Lot 4 extending from Lot 3 to the South. On March 2, 2011, the Historic Preservation Board approved the movement of the Landmark Structure 6.5 feet to the south so it will no longer encroach onto the subject property.

There is an existing historic garage that is located on the front north corner of the property. The garage is located over the lot line between Lot 4 and Lot 5. The garage encroaches onto the street right-of-way. The garage is a Landmark Structure and therefore a preservation plan must be approved along with the Historic District Design Review (HDDR) application. The garage has been identified by the Interim Building Official as a dangerous structure pursuant to Section 116.1 of the 2009 International Building Code. The Interim Building Official also found that the building cannot be made safe and/or serviceable through repair. (Exhibit C- April 5, 2011 Letter) The current proposal is to reconstruct the garage. At the time of writing this report, the applicant was in the process of amending the HDDR application to include a more complete reconstruction plan.

Staff has received a Historic District Design Application for a single family home on the site. The applicant would like to include the 3 foot portion of Lot 5 in the setback requirement for the new home. The current application can not be approved as proposed without the lot combination to meet the setback requirement. Lot 4 is a buildable lot of record. A plat amendment must be approved and recorded prior to issuance of a building permit for the current design.

All future development would have to comply with the Land Management Code and the Historic District Design Guidelines.

Analysis

The application is to create one lot of record at 817 Park Avenue. Historically, the existing Landmark structure has existed across the lot line between Lots 3 and 4 in Block 14 of Snyder's Addition to the Park City survey. On March 2, 2011, the Historic Preservation Board approved the movement of the Landmark Structure 6.5 feet to the south so it will no longer encroach onto the subject property. Once the Landmark Structure is moved onto Lot 3, the only structure on the property will be the historic garage.

There is also an existing historic accessory building on the site. The historic accessory structure has been utilized as a garage. Accessory buildings listed on the Park City Historic Structures Inventory that are not expanded, enlarged or incorporated into the Main Building do not count toward the building footprint as stated in the definition of building footprint (LMC Section 15-15.1.34):

1.34. BUILDING FOOTPRINT. The total Area of the foundation of the Structure, or the furthest exterior wall of the Structure projected to Natural Grade, not including exterior stairs, patios, decks and Accessory Buildings listed on the Park City Historic Structures Inventory that are not expanded, enlarged or incorporated into the Main Building.

The proposed plat amendment will create one lot of record that is 28 feet wide by approximately 79 – 80 feet deep. The area of the proposed lot is 2223.7 square

feet. The minimum lot size in the HR-1 zoning district is 1875 square feet. The minimum lot width in the HR-1 zone is 25 feet.

The following table explains the site requirements for lots within the HR-1 zoning district and how the proposals comply with the zoning regulations:

Required	Proposed Lot
Lot Size: Minimum 1875 square feet	2223.7 square feet
Density: Minimum lot size for single family dwelling is 1875 square feet and for a duplex 3,750 square feet.	Single family dwelling is an allowed use.
Front yard. The minimum front yard is twelve feet (12') with minimum 25' combined.	Future development must comply.
Rear yard. The minimum rear yard is twelve feet (12') with minimum 25' combined.	Future development must comply.
Side yard. The minimum side yard is 3 feet (3') on each side.	Future development must comply.
Footprint: based on 2223.7 square feet lot area	981 square feet maximum

Planning Staff finds there is good cause for the plat amendment as the plat amendment will create a clean lot of record reflecting current ownership and remove the remnant parcel of the three feet portion of Lot 5. The remaining 22 feet wide portion of Lot 5 is owned by the resident at 823 Norfolk. The resident of 823 Norfolk also owns Lot 6 to the north. No new remnant lot is created by this plat amendment.

Department Review

The Planning Department has reviewed this request. The request was discussed at internal Staff meetings where representatives from local utilities and City Staff were in attendance. All issues raised during this meeting have been resolved, including the encroachment of the Historic Structure.

Notice

Notice of this hearing was sent to property owners within 300 feet. Legal notice was also placed in the Park Record.

Public Input

Several letters have been submitted to the Planning Department regarding this application and concern for the existing historic Landmark structure. These letters have been included as Exhibit D. These letters were received prior to the March 2, 2011 HPB determination that the Landmark Structure could be moved.

Alternatives

1. The Planning Commission may forward a positive recommendation to the City Council for the 817 Norfolk Avenue Subdivision according to the findings of fact and conclusions of law in the attached ordinance; or
2. The Planning Commission may forward a negative recommendation to the City Council for the 817 Norfolk Avenue Subdivision and direct staff to make findings to do so; or
3. The Planning Commission may continue the 817 Norfolk Avenue Subdivision.

Significant Impacts

There are no significant impacts regarding this application. Lot 4 is a buildable lot in which the property owner has the right to develop a single family house.

Consequences of not taking the Suggested Recommendation

The applicant would not be able to utilize the three foot portion of Lot 5 within their building plans.

Recommendation

Staff recommends that the Planning Commission review the plat amendment application, conduct a public hearing, and consider forwarding a positive recommendation to the City Council for the 817 Norfolk Avenue Plat Amendment according to the findings of fact, conclusions of law, and conditions of approval outlined in the attached ordinance.

Exhibits

- Exhibit A – Proposed Ordinance
- Exhibit B – Survey
- Exhibit C – Letters from the public
- Exhibit D – Interim Building Official Letter

Ordinance No. 11-

**AN ORDINANCE APPROVING THE 817 NORFOLK AVENUE SUBDIVISION
LOCATED AT 817 NORFOLK AND INCLUDING ALL OF LOT 4 AND THE
SOUTHERLY 3 FEET OF LOT 5 IN BLOCK 14, SNYDER'S ADDITION TO THE
PARK CITY SURVEY, PARK CITY, SUMMIT COUNTY, UTAH**

WHEREAS, the owner of the properties known as 817 Norfolk Avenue, has petitioned the City Council for approval of a plat amendment for the existing Lot 4 and the southerly 3 feet of Lot 5 in Block 14, Snyder's Addition to the Park City Survey; and

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

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

WHEREAS, the Planning Commission held a public hearing on April 13, 2011, to receive input on the 817 Norfolk Avenue Subdivision; and

WHEREAS, the Planning Commission, on April 13, 2011, forwarded a positive recommendation to the City Council; and

WHEREAS, on April 29, 2011, the City Council approved the 817 Norfolk Avenue Subdivision; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 817 Norfolk Avenue Subdivision.

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

SECTION 1. APPROVAL The above recitals are hereby incorporated as findings of fact. The 817 Norfolk Avenue Subdivision as shown in Attachment 1 is approved subject to the following Findings of Facts and Conclusions of Law:

Findings of Fact:

1. The property is located at 817 Norfolk Avenue within the HR-1 zoning district.
2. The plat amendment is to combine the existing Lot 4 and the southerly 3 feet of Lot 5 in Block 14, Snyder's Addition to the Park City Survey.
3. The proposed plat amendment will create one lot of record that is 28 feet wide by approximately 79 feet deep. The minimum lot width in the HR-1 zone is 25 feet.
4. The area of the proposed lot is 2,223.7 square feet. The minimum lot size in the HR-1 zoning district is 1875 square feet.
5. The applicant cannot obtain a building permit to build across an internal lot

- line.
6. There is an existing historic Landmark structure that encroaches approximately 3.5 feet onto lot 4. The Landmark Structure is listed on the Park City Historic Sites Inventory.
 7. There is an existing historic accessory structure (garage) located on Lot 4 and the southerly 3 feet portion of Lot 5. Accessory buildings listed on the Park City Historic Structures Inventory that are not expanded, enlarged or incorporated into the Main Building do not count toward the building footprint as stated in the definition of building footprint (LMC Section 15-15.1.34)
 8. The applicant will not record an encroachment agreement for the existing historic Landmark structure.
 9. On March 2, 2011, the Historic Preservation Board approved the movement of the Landmark Structure 6.5 feet to the south. The encroachment will no longer exist on Lot 4 once the home is moved.
 10. The neighborhood is characterized by a mix of single family historic homes, single family non-historic homes, and multi-family homes.
 11. All findings within the Analysis section are incorporated herein.

Conclusions of Law:

1. There is good cause for this subdivision.
2. The subdivision is consistent with the Park City Land Management Code and applicable State law.
3. The public will not be materially injured by the proposed subdivision.
4. As conditioned the subdivision is consistent with the Park City General Plan.

Conditions of Approval

1. The City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the amended record of survey.
2. The applicant will record the amended record of survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. The plat may not be recorded until the Landmark Structure is moved onto Lot 3 or an encroachment agreement is signed by the property owner to the North.

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

APPROVED AND ADOPTED this ____ day of April 2011.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, Mayor

Attest:

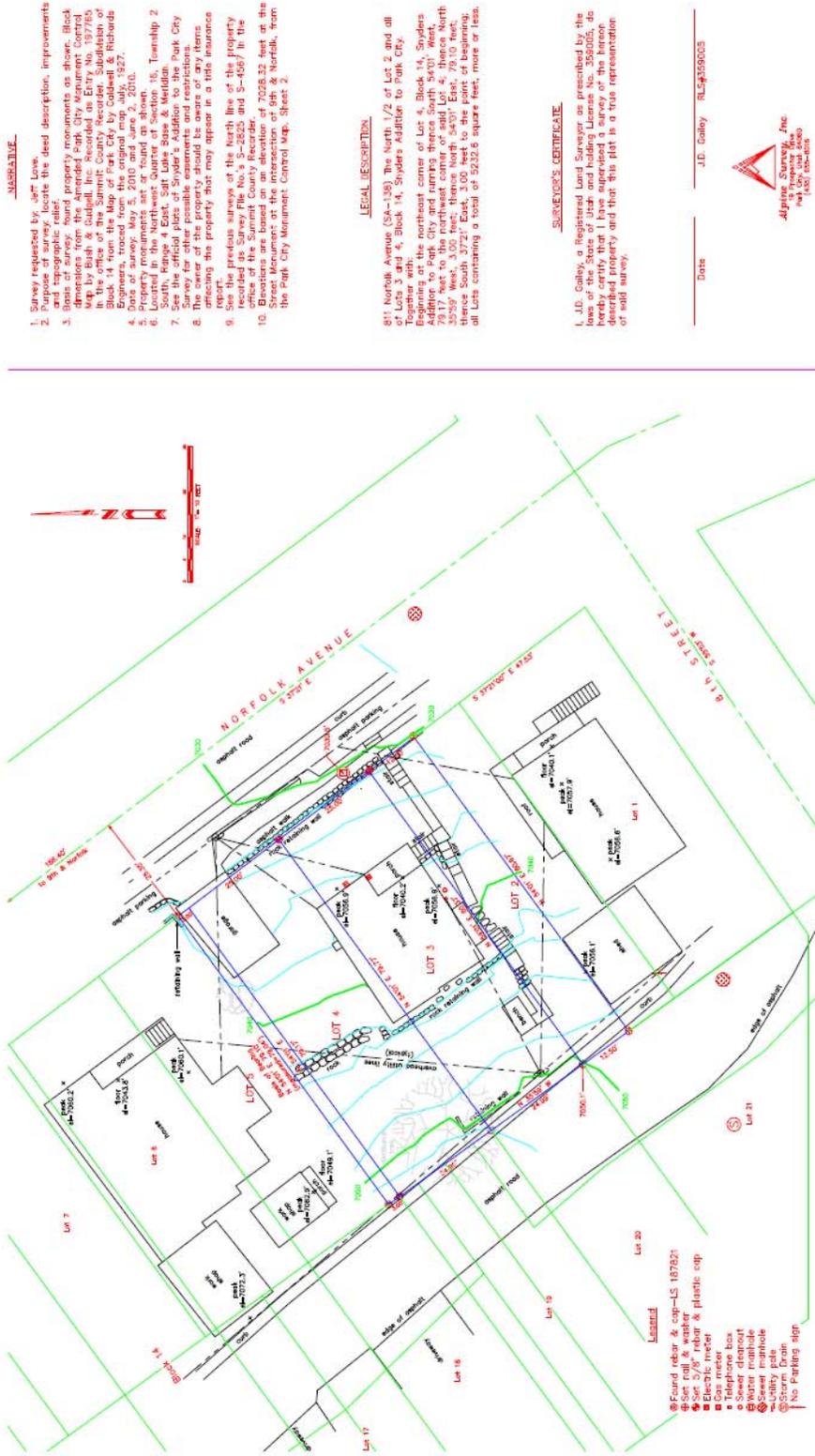
Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington, City Attorney

Exhibit B. Existing Conditions Survey

*Snyder's Addition to the Park City Survey, Block 14,
the North Half of Lot 2, all of Lots 3 & 4
and the South 3 feet of Lot 5*



MEMORANDUM

1. Survey requested by: Jeff Lane.
2. Purpose of survey: locate the deed description, improvements
3. Basis of survey: found property monuments as shown. Block dimensions from the Aerialized Park City Monument Control Map, dated 1927, as amended by the Survey of 1927.
4. In the office of the Summit County Second Subdivision Engineers, traced from the original map, July, 1927.
5. Property monuments set or found as shown.
6. Located in the Northwest Quarter of Section 16, Township 2 South, Range 4 East, of Salt Lake State & Meridian, Park City
7. Survey for other possible easements and restrictions.
8. The owner of the property should be aware of any items affecting the property that may appear in a title insurance report.
9. See the previous surveys at the North line of the property recorded as Survey File No.'s S-2825 and S-4567 in the Summit County Recorder's Office.
10. Street Monument at the intersection of 9th & Norfolk, from the Park City Monument Control Map, Sheet 2.

LEGAL DESCRIPTION

811 Norfolk Avenue (S&N 188) The North 1/2 of Lot 3 and all of Lots 3 and 4, Block 14, Snyder's Addition to Park City. Together with:

Beginning at the northeast corner of Lot 4, Block 14, Snyder's Addition to Park City, a distance of 79.10 feet, thence North 78.17 feet to the northwest corner of said Lot 4; thence North 32°59' West, 3.00 feet; thence North 54°01' East, 79.10 feet, thence South 37°21' East, 3.00 feet to the point of beginning, all Lots containing a total of 25,226.9 square feet, more or less.

SURVEYOR'S CERTIFICATE

I, J.D. Cooley, a Registered Land Surveyor, as prescribed by the laws of the State of Utah and holding License No. 256005, do hereby certify that I have supervised a survey of the hereon depicted property and that this plat is a true representation of said survey.

Date: _____ J.D. Cooley RL-256005

From: [Linda McReynolds](#)
To: [Katie Cattan](#); [Kayla Sintz](#); [Thomas Eddington](#); [Brooks Robinson](#)
Subject: 811 Norfolk Avenue
Date: Friday, June 11, 2010 12:21:47 PM
Attachments: digitalsender@summitsothebysrealty.com 20100611_121650.pdf

Dear Planning Staff: It is with great concern that I write you regarding the recent application to drastically alter the historic streetscape of Norfolk Avenue between 8th and 9th Streets. The relationship and spacing of the six historic homes on the uphill side of the street dates back to 1895 when my home at 843 Norfolk was the last one built - I have a historic photo which shows this which I will provide to you.

The Secretary of the Interior National Parks Service Standards for Rehabilitation clearly states that "...relocating historic buildings or landscape features, thus destroying their historic relationship within the setting" is NOT recommended. See attached.

The Park City Municipal Code has in its Preservation Policy "to encourage the preservation of Buildings, Structures, and Sites of Historic Significance in Park City". Also, under Section 15-11-13 Relocation and/or Reorientation of a Historic Building or Historic Structure, it states "It is the intent of this section to preserve the Historic and architectural resources of Park City through LIMITATIONS on the RELOCATION and/or orientation of Historic Buildings and Sites". See Attached.

811 Norfolk Avenue has been a .12 acre single family site for more than 115 years. The relationship of it to the other homes on the street has been historically pure throughout. All six of our uphill historic homes have always sat on multi platted lots. Mine sits in the middle of two platted lots. This is one of the last remaining original historic streetscapes in the Historic District. To allow the integrity of its spacing and history to be destroyed is against all that preservation stands for.

Since I don't know the details of the new owner's plans I can't speak to specifics; however, I do know that it was marketed and title was transferred as one parcel with one tax ID. See Attached. If the new owner is attempting to divide this parcel into two pieces, he is in effect creating his own encroachment since the home sits in the middle of the parcel. If he has procured another buyer for half the parcel, I question the motivations of any buyer who would buy a piece of property with a house encroaching on it and why.

I urge you to adhere to the intent of the guidelines that were created to protect and preserve our cherished Historic District and were not created for developers to try to manipulate in an attempt to maximize their profits by squeezing in a non-compatible new home that will forever negatively alter the character of this wonderful historic street.

Please distribute this letter with attachments to the Planning Commission and Historic Preservation Board.

Thank you so much for your attention to this matter.

Respectfully,
Linda McReynolds
843 Norfolk Avenue
435-640-6234

From: <digitalsender@summitsothebysrealty.com>
Sent: Friday, June 11, 2010 11:16 AM
To: <linda.mcreeynolds@sothebysrealty.com>
Subject: Scanned image from MX-C311

> Reply to: digitalsender@summitsothebysrealty.com
> <digitalsender@summitsothebysrealty.com>
> Device Name: Silver Lake
> Device Model: MX-C311
> Location: Silver Lake
>
> File Format: PDF (Medium)
> Resolution: 200dpi x 200dpi
>
> Attached file is scanned image in PDF format.
> Use Acrobat(R)Reader or Adobe(R)Reader(TM) of Adobe Systems Incorporated
> to view the document.
> Acrobat(R)Reader or Adobe(R)Reader(TM) can be downloaded from the
> following URL:
> Adobe, the Adobe logo, Acrobat, the Adobe PDF logo, and Reader are
> registered trademarks or trademarks of Adobe Systems Incorporated in the
> United States and other countries.
>
> <http://www.adobe.com/>
>

From: [Katherine Matsumoto-Gray](#)
To: [Katie Cattan](#)
Cc: [Ken Martz](#); [Kayla Sintz](#); [Thomas Eddington](#); [Brooks Robinson](#)
Subject: 811/817 Norfolk
Date: Monday, June 14, 2010 7:53:15 AM

Hi Katie (cc'd planning staff and Ken Martz),

My mother told me that you don't have me contact information -- here's my email; my cell number is 901-0405.

I came by and saw the survey of 811 and 817 Norfolk on Friday morning. What really alarms me about this plat amendment proposal, as you know, is that the two property owners are working together to create an encroachment issue in order to alter a landmark historic site. Although I understand that the existing lot line allowed sale of one of the lots, I strongly believe that allowing this plat amendment would grant Mr. Love and Mr. Ludlow another step on their ultimate plan to side step Historic District Guidelines purely for profit. Their profit should not come at our neighborhood's expense.

In reviewing this application, I think it will be important to consider that the lot lines in old town are not reflective of the historic property lines. The lot lines were meant to be cleaned up one-by-one, for the ease of the process. This allows Mr. Love to take advantage of an unintended loophole in selling off one lot in his parcel. The fact that lot lines were never amended to reflect the actual property lines is a coincidence of timing and need. These historic lot lines were crucially not left in place in a way that allowed dismantling of the historic district. Splitting the property at 811 Norfolk is inconsistent with any notion of historic preservation of the neighborhood.

I believe that this notion is included in the Historic District Guidelines implicitly, since it refers to built-to-unbuilt ratio and lot coverage in a number of places. It can't be that this use means lot coverage based on the still-divided plat. It refers to the existing property lines (that the City and Historic District intended to be reflected in the eventual plat of the neighborhood). Below I have listed some guidelines from the HDG that are relevant to this matter:

- Design Guidelines for Historic Sites
 - A.5 Landscaping
 - A.5.3 The historic character of the site should not be significantly altered by substantially changing the proportion of built or paved area to open space.
- Guidelines for New Construction in the Historic District
 - A.2. Lot Coverage
 - A.2.1 Lot coverage of new buildings should be compatible with the surrounding Historic Sites.
 - A.5 Landscaping
 - A.5.4 The character of the neighborhood and district should not be diminished by significantly reducing the proportion of built or paved area to open space.

Finally, I feel it is extremely important for all who are involved in reviewing this

application to understand that Mr. Love and Mr. Ludlow are working together. They are not independent landowners as it appears from the application. They have a preexisting relationship, they have joint plans to construct the two properties, and they are both aware of the encroachment of the Landmark Historic Structure and the prohibitions on moving the historic home. Furthermore, it is my impression from talking to the two men at my home last Thursday that Mr. Ludlow has no plans to construct a home on the new site of 817 Norfolk. It appears from their interactions that Mr. Love is still the man developing the plans and it is entirely his development project; Mr. Ludlow acted like a name on a piece of paper, deferring to Mr. Love for answers to any questions about the future intentions of the property at 817 Norfolk.

Because of this, I believe that the plat amendment application should be denied. It is one property owner/developer, Jeff Love, going around the recommendations and guidelines by setting up a friend as the apparent property owner of part of his new historic purchase thus creating an apparent problem to which the only solution will be to move the Landmark House. In addition, the effect of dividing this property into two platted lots, where there has always been one property, will be to significantly diminish the historic character of a neighborhood with the highest standards of historic preservation in place. Our block, on the uphill side of Norfolk between 8th and 9th has no structure that is not historic. The street view is the same as it was in the 1900s. This is truly a unique neighborhood in this way and I believe that allowing the plat amendment proposal at 811/817 Norfolk to be approved would begin the deterioration of our block's pristine record of historic preservation. Below, I have listed the sites on our street's uphill side from the Historic Site Inventory and their historic status. These are consecutive buildings all listed as significant or landmark:

- 803 Norfolk Avenue - Significant Site
- 811 Norfolk Avenue - Landmark Site
- 823 Norfolk Avenue - Landmark Site
- 827 Norfolk Avenue - Significant Site
- 835 Norfolk Avenue - Significant Site
- 843 Norfolk Avenue - Landmark Site
- 901 Norfolk Avenue - Significant Site

Thank you for your consideration of my comments. I have really appreciated the help and patience of all of the planning and other city staff during this process so far. Please feel free to contact me for further explanation of my issues with this property.

--

Katherine Matsumoto-Gray
University of Utah
Center for American Indian Languages
p (801) 587-0720
m (435) 901-0405
kmatsumotogray@gmail.com



Building • Engineering • Planning

April 5, 2011

Katie Cattan
Senior Planner
Park City Building Department

Re: Garage – 811 Norfolk Ave.

Katie,

Upon inspection and review of the garage located at 811 Norfolk Ave., I find that the structure meets the criteria of Section 15-11-15 (A) (1 & 2) of the Land Management Code. As the Interim Building Official, I find the garage to be dangerous pursuant to Section 116.1 of the 2009 International Building Code and the structure cannot be made safe and/or serviceable through repair. I have attached a copy of the permit card for the garage with this letter to provide some history.

Sincerely,

A handwritten signature in black ink, appearing to read "Roger R. Evans". The signature is fluid and cursive, written over the typed name.

Roger R. Evans
Interim Building Official

Cc: file

ADDRESS 811 Norfolk Ave ZONE _____
 SUBDIVISION _____
 OWNER Staker
 CONTRACTOR _____
 TYPE OF USE Removal of Garage
 FIRE SPRINKLERS YES NO
 TYPE OF BUILDING _____ TYPE OF CONSTRUCTION _____
 NUMBER OF BUILDINGS _____ NUMBER OF STORIES _____
 NUMBER OF UNITS _____ OCCUPANCY GROUP _____

 CONDITIONAL USE PERMIT _____
 BOARD OF ADJUSTMENT _____
 OTHER _____

DATE ISSUED _____
 CERTIFICATE OF OCCUPANCY _____

BUILDING PERMIT NO. _____
Removal of Garage BO2-07626 6/7/02
Removal BO2-07756 7/20/02
exploratory Demo BD-1045483 6/11/2010

Planning Commission Staff Report



Application no: PL-10-01121
Subject: Drive-up Coffee Kiosk
Author: Francisco Astorga
Date: April 27, 2011
Type of Item: Administrative – Conditional Use Permit

Summary Recommendations

Staffs recommends the Planning Commission hold a public hearing for Conditional Use Permit for a drive-up coffee kiosk within the Frontage Protection Zone located at 1409 Kearns Boulevard, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in this staff report, including a three (3) year expiration of the use.

Description

Applicant: Ben Buehner
Location: 1409 Kearns Boulevard
Zoning: General Commercial (GC) District with Frontage Protection Zone (FPZ) Overlay
Adjacent Land Uses: Commercial to east, south, and west; cemetery to the north
Reason for Review: Conditional Use Permits require Planning Commission review and approval

Proposal

The applicant requests to build a small drive-up coffee kiosk within the Frontage Protection Zone (FPZ) in the General Commercial (GC) District. Any construction within the FPZ requires a Conditional Use Permit (CUP). A drive-up window also requires a CUP within the GC District.

Background

On March 31, 2011 the City received a complete CUP application for construction of a small coffee kiosk with a drive-up window. The property is located at 1409 Kearns Boulevard in the General Commercial (GC) District within the Frontage Protection Overlay Zone. (Exhibit A – Vicinity Map) The site is currently undeveloped. The applicant has indicated that they would like to utilize the site for a short term use due to the property owner's desire to redevelop the area.

The applicant desires to utilize the site to build a small coffee kiosk with a drive-up window. The property owner has authorized the coffee kiosk business owner to pursue this CUP request so that the land can be utilized concurrently with the master planning of the Bonanza Park area. Staff recommends a condition of approval that the use shall expire within 3 years of approval.

The proposed coffee kiosk is sixteen feet (16') by ten feet (10') and will be placed on a concrete pad. The proposed concrete pad is twenty-two feet (22') by ten feet (10'). The height of the proposed building is approximately eighteen feet (18'). The proposed coffee kiosk is located sixty feet (60') from the front property line.

The applicant proposes to maintain the existing concrete pad connection to Kearns Boulevard. They request to install eight inch (8") recycled asphalt millings on 6" untreated base course with 96% compaction required. They proposed to maintain thirty feet (30') minimum width of two-way driveway and thirteen feet (13') lanes at one way drive-thru coffee kiosk window. The slope of driveway is not to exceed five percent (5%).

Analysis

Hours of operation are anticipated to take place seven (7) days a week from 6am to 6pm. They intend to provide coffee, tea, etc, along with limited food items.

No structure is allowed within the FPZ within thirty feet (30') of the nearest highway Right-of-Way, Kearns Boulevard. All construction activity, including permanent signs, in the setback area between thirty feet (30') and one hundred feet (100') from the nearest Right-of-Way line, Kearns Boulevard requires a CUP and is subject to all applicable review criteria as stated in LMC § 15-1-10. Applicant is proposing to place the kiosk sixty feet (60') from the right-of-way. The drive-up window also requires a conditional use permit.

Conditional Use Permit Criteria

The Planning Commission must review each of the following criteria in Land Management Code Section 15-1-10 when considering whether or not the proposed Conditional Use for construction of the kiosk and drive-up window mitigates impacts of and addresses the following items:

(1) Size and location of the Site.

No unmitigated impacts.

The entire parcel is 25,755 square feet in size. The size of the proposed concrete pad housing the structure is two hundred (200) square feet. The approximate size of the drive-thru area is 7,800 square feet. The site plan also identified a parking and snow storage location of approximately 1,286 square feet. The site is located on Kearns Blvd. (Highway 248) between a church and a clinic. See Exhibit B – Site Grading, Drainage & Utility Plan.

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

No unmitigated impacts.

The site is located on Kearns Blvd. (Highway 248). The City Engineer reviewed the site plan and required the applicant to submit an approval letter from the Utah Department of Transportation (UDOT) due to the fact that Highway 248 is a state road and any access to SR-248 requires UDOT approval. The applicant submitted

the UDOT approval letter (see Exhibit C). It is not expected that the proposed coffee kiosk will draw more traffic to the area.

(3) Utility capacity

No unmitigated impacts.

The applicant has been in contact with the several utility companies to coordinate water, gas, electrical, and sewer connections. Staff finds that the site should not have any issues due to the site being a buildable lot. As standard procedure the applicant will have to secure all the necessary utility permits to connect to the desired services.

(4) Emergency vehicle Access

No unmitigated impacts.

The proposed structure and drive-thru are within hundred feet (100') of the right-of-way making the access sufficient for emergency vehicle access.

(5) Location and amount of off-Street parking

No unmitigated impacts.

The proposed coffee kiosk is meant to provide services thru the proposed drive-thru only. No client parking is necessary. The site plan has indentified a small area south of the proposed kiosk as employee parking. Due to the size of the kiosk the applicant has indicated that the site will have no more than two (2) employees working at a time.

(6) Internal vehicular and pedestrian circulation system

No unmitigated impacts.

The proposed landscape plan shows the location of several 3'x 6' wooden planters throughout the drive-thru area. The proposed kiosk is not designed to service to pedestrians.

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

No unmitigated impacts.

The applicant proposes some landscaping to take place north of the proposed structure as shown on the submitted landscape plan. The proposed landscaping shall be in compliance with the Soil Ordinance related to landscaping care. The applicant does not proposed any fencing or screening at this time.

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

No unmitigated impacts.

The proposed structure is much smaller than all of the other structures in the area. Due to the size of the proposed kiosk staff finds no issues with the mass, bulk, orientation and location of the proposed building on the site. (See Exhibit D)

(9) Usable Open Space

No unmitigated impacts.

The site does not contain any usable open space. The site is within the Soil Ordinance Boundary and has been identified by the City as non-compliant with the Soil Ordinance. The property owner plans on submitting a soils mitigation plan that will be in full compliance with the Soils Ordinance, in conjunction with the long range plans of the site. Refer to #15 below.

(10) Signs and lighting

No unmitigated impacts.

No free-standing signs have been proposed at this time. The site is limited with the regulation of the FPZ which prohibits any structures on the first thirty feet (30'). The applicant desires to place wall signs on the proposed structure. Even though no applications have been submitted related to signs the applicant understands that the signs shall have to comply with the Park City Sign Code. Lighting has not been requested at this time. However, any lighting is required to meet requirements of LMC

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

No unmitigated impacts.

The proposed small structure will be compatible in physical design, mass, scale, style, design, and architectural detailing to the built commercial development on Kearns Blvd. The structure is small and the architecture has a mining motif.

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

No unmitigated impacts.

The applicant does not expect any issues that might affect people other than what is currently found in a commercial area. The site will need to comply with the Park City Noise Ordinance.

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

No unmitigated impacts.

The applicant expects minimum deliveries and service vehicles. No large semi-trucks are anticipated. The structure is designed to have a small covered area for loading and unloading. The business will use the trash container shared by other businesses located on the same lot south of the proposed coffee kiosk adjacent to the storage units.

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

No unmitigated impacts.

The ownership of the property is a limited liability company. The business owner will lease the land from the LLC.

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

Mitigated impacts

The site is not within the Sensitive Land Overlay Zone. The site is relatively flat land and requires no slope retention. The site is within the Soil Ordinance Boundary and has been identified by the City as non-compliant with the Soil Ordinance.

The Environmental Coordinator and Planning Director met with the applicant to discuss his temporary capping concept, which includes maintaining the existing concrete pad connection to Kearns Boulevard; installing eight inch (8") recycled asphalt millings on 6" untreated base course with 96% compaction required.

Due to the short term range of the drive-up coffee kiosk and the property owner's plans to redevelop the site the Environmental Coordinator and Planning Director found the temporary capping proposal as adequate subject to adding a yearly sealer maintenance program (seal every year) to the proposed milling making it more impermeable and allowing the City Engineer to inspect the site on a yearly basis making sure that the millings are not detrimental to the environment and remain in satisfactory condition. The Alternative to this proposal would be to change the material to asphalt, concrete, or other paving material per the Soils Ordinance; however given the temporary nature of this proposal and given the property owner's (Mark Fischer) agreement to commit to a complete remediation proposal for this site within five (5) years as part of this current pre-Master Planned Development (MPD) application.

Summary

Staff recommends allowing the applicant to build the drive-up coffee kiosk as proposed and conditioned so that the land may be utilized in short range instead of sitting vacant until the property owner redevelops the site. A lot of discussion has taken place in the last year dealing with re-development of Bonanza Park area and the pre-MPD application has been submitted for review.

Staff recommends adding an expiration date of this approval not to exceed three (3) years from the Planning Commission approval to ensure that this short range improvement does not become a long range structure.

Drive-up Criteria

Drive-up windows require a CUP to consider traffic impacts on surrounding streets (LMC § 15-2.18-6). As part of that CUP, the applicant must demonstrate that at periods of peak operation of the drive-up window, the business patrons will not obstruct driveways or streets and will not interfere with the intended traffic circulation on the site or in the area.

The current placement of the structure allows the placement of four (4) standard size vehicles to sit in cue. Staff recommends changing the location of the proposed coffee

kiosk structure to the back drive which would put the structure approximately eighty feet (80') from Kearns Blvd. This condition allows for additional room to accommodate a total of eight (8) vehicles to site in cue. The recommended vehicle circulation plan (which includes shifting the location of the structure) is an appropriate method of avoiding vehicles from spilling onto Kearns Blvd. and is in compliance with standard planning practices.

Department Review

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

Notice

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

Public Input

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

Alternatives

- The Planning Commission may approve the construction of the drive-up coffee kiosk within the Frontage Protection Zone as conditioned or amended; or
- The Planning Commission may deny the construction of the drive-up coffee kiosk within the Frontage Protection Zone and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on the construction of the drive-up coffee kiosk within the Frontage Protection Zone.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The site would remain as is and the coffee kiosk would not be able to be built on site.

Recommendation

Staffs recommends the Planning Commission hold a public hearing for Conditional Use Permit for a drive-up coffee kiosk within the Frontage Protection Zone located at 1409 Kearns Boulevard, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in this staff report, including a three (3) year expiration of the use.

Findings of Fact:

1. The property is located at 1409 Kearns Boulevard.
2. The property is in the General Commercial (GC) District within the Frontage Protection Zone (FPZ) Overlay.
3. The property is in the Bonanza Park area.
4. The site is currently undeveloped.

5. The applicant requests to build a small drive-up coffee kiosk structure with a footprint/floor area of 160 square feet.
6. Any construction within the Frontage Protection Zone Overlay requires a Conditional Use Permit.
7. A drive-up window is Conditional Use Permit within the General Commercial District.
8. The applicant requests to utilize the site as a short term use due to the property owner's desire to redevelop the area in the near future.
9. The property owner has authorized the coffee kiosk business owner to pursue this Conditional Use Permit request so that the land can be utilized concurrently with the master planning of the Bonanza Park area.
10. The proposed coffee kiosk is sixteen feet (16') by ten feet (10').
11. The proposed concrete pad is twenty-two feet (22') by ten feet (10').
12. The height of the proposed building is approximately eighteen feet (18').
13. The applicant submitted a UDOT approval letter which allows the connection onto Kearns Boulevard (SR 248).
14. As standard procedure the applicant will have to secure all the necessary utility permits to connect to the desired services.
15. The proposed structure and drive-thru are within hundred feet (100') of the right-of-way making access sufficient for emergency vehicle access.
16. The proposed kiosk is not designed to offer its services to pedestrians.
17. The proposed landscaping shall be in compliance with the Soils Ordinance related to landscaping care.
18. The proposed structure is compatible in mass, bulk, orientation and location with adjacent structures due to the size and design of the proposed structure.
19. The proposed structure is 220 square feet and the architecture has a mining motif.
20. The structure is designed to have a small covered area for loading and unloading.
21. The business will use the trash container shared by other businesses located on the same lot south of the coffee kiosk adjacent to the storage units.
22. The business owner will lease the land from the property owner.
23. The site is not within the Sensitive Land Overlay Zone.
24. The site is relatively flat land and requires no slope retention.
25. The site is within the Soil Ordinance Boundary and has been identified by the City as non-compliant with the Soil Ordinance.
26. The temporary capping proposal has been found adequate subject to adding a sealant to the proposed milling making it more impermeable and allowing the City Engineer to inspect the site on a yearly basis making sure that the millings are not detrimental to the environment or by changing the material to asphalt, concrete, or other paving material per the Soils Ordinance.
27. Staff recommends changing the location of the proposed coffee kiosk structure to the back drive which would put the structure approximately eight feet (8') from Kearns Blvd. allowing additional room to accommodate a total of eight (8) vehicles.
28. The applicant stipulates to the conditions of approval stated herein.

Conclusions of Law:

1. The application complies with all requirements of the LMC;

2. The uses will be compatible with surrounding structures in use, scale, mass, and circulation;
3. The uses are consistent with the Park City General Plan, as amended; and
4. The effects of any differences in uses or scale have been mitigated through careful planning.

Conditions of Approval:

1. This approval will expire three (3) years from the Planning Commission approval.
2. A building permit is required prior to construction of the kiosk and site improvements.
3. All landscaping and site improvements shall be installed prior to issuance of a certificate of occupancy.
4. No occupancy or use of the kiosk may occur until a certificate of occupancy is issued by the Building Department.
5. The applicant shall add a sealant to the proposed milling (temporary capping proposal) to make it more impermeable. The City Engineer will inspect the site on a yearly basis making sure that the millings are not detrimental to the environment. The applicant may change the material to asphalt, concrete, or other paving material per the Park City Soils Ordinance.
6. The applicant shall change the location of the proposed coffee kiosk structure to the back drive which would put the structure approximately eight feet (80') from Kearns Blvd.
7. The applicant shall submit a letter of commitment from the property owner reiterating future commitment to clean up the site with his long range plans dealing with the full compliance with the Soil Ordinance prior to the City issuing a certificate of occupancy.

Exhibits

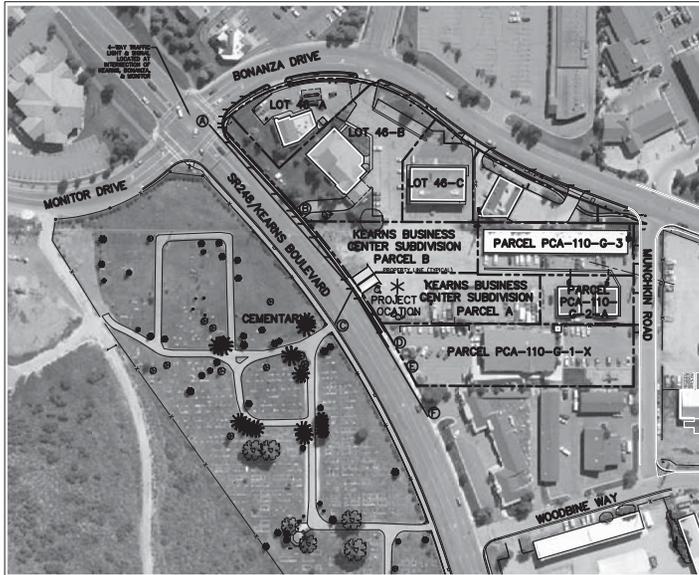
- Exhibit A – Vicinity Map
- Exhibit B – Site Grading, Drainage & Utility Plan
- Exhibit C – UDOT approval letter
- Exhibit D – Floor Plan & elevations



1409 Kearns Boulevard Vicinity Map



SITE PLAN

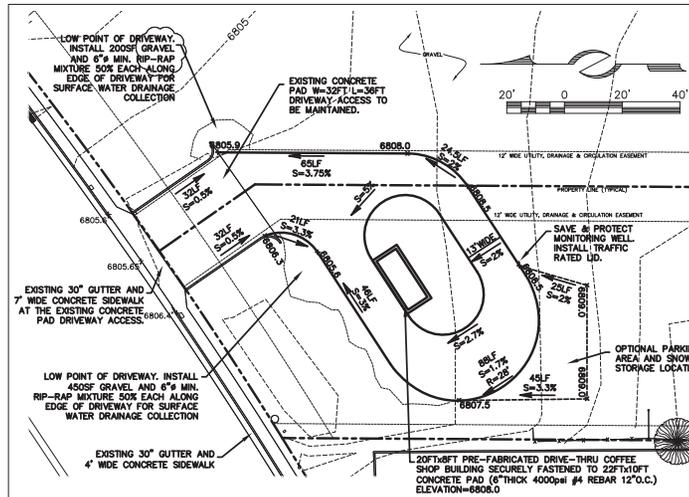


DISTANCE TABLE FROM PROPOSED DRIVEWAY ACCESS TO

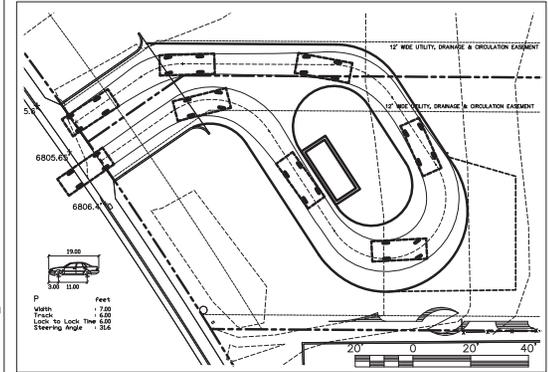
A INT. OF KEARNS(SR248)/BONANAZA/MONITOR	= 380FT
B PARK CITY CLINIC EMERGENCY DRIVEWAY (ONLY)	= 180FT
D CEMENTARY ACCESS ACROSS KEARNS(SR248)	= 70FT
D EASTERN CHURCH DRIVEWAY ACCESS	= 120FT
E WESTERN CHURCH DRIVEWAY ACCESS	= 165FT
F BUSINESS CENTER DRIVEWAY ACCESS	= 255FT



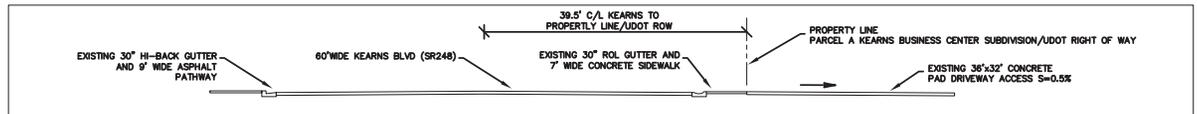
GRADING & DRAINAGE PLAN



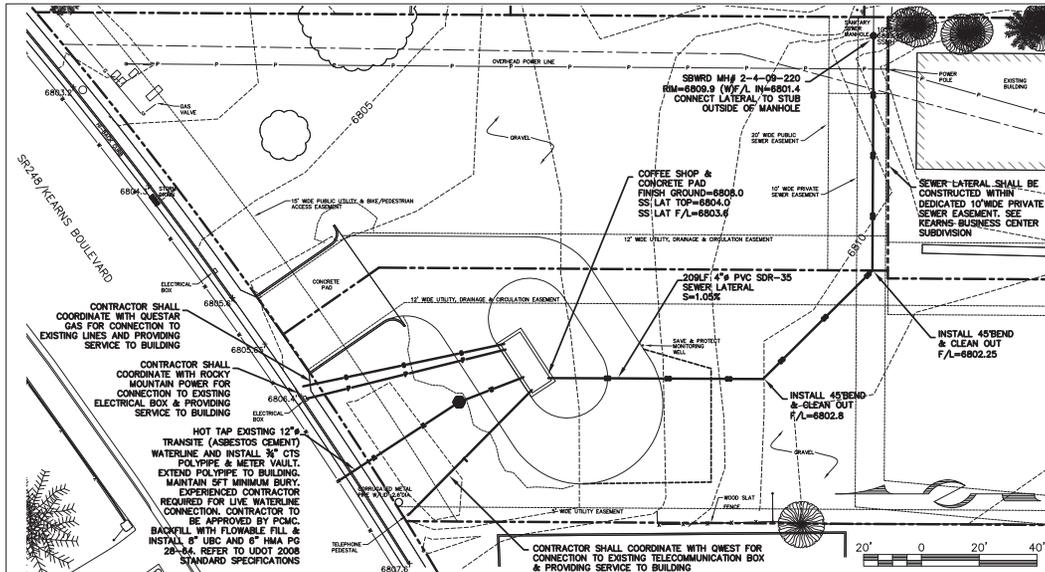
VEHICLE CIRCULATION PLAN



DRIVEWAY PROFILE



UTILITY PLAN



DRIVEWAY NOTE:
 MAINTAIN EXISTING CONCRETE PAD CONNECTION TO KEARNS BOULEVARD. INSTALL 6\"/>

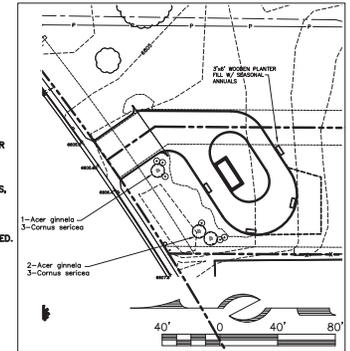
DRAINAGE NOTE:
 750SF OF DRIVEWAY AREA WITH PRECIPITATION OF 0.59IN RAIN IN 100YEAR 5MIN STORM PER NOAA ATLAS 14 POINT PRECIPITATION FREQUENCY ESTIMATES. PARK CITY RADIO, UTAH (42-6648) 40.65N 111.5W 7073 feet. TOTAL STORAGE VOLUME IS 0.01 ACRE-FT. INSTALL 650SF TOTAL GRAVEL/RIP-RAP AREA WITH 6\"/>

DRY UTILITY NOTE:
 CONTRACTOR SHALL COORDINATE WITH ROCKY MOUNTAIN POWER, QUESTAR GAS, AND QWEST TELECOMMUNICATIONS FOR SERVICES TO BUILDING. 30\"/>

SEWER NOTE:
 ALL WORK SHALL CONFORM TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT (SBWRD) DEVELOPMENT PROCEDURES, DESIGN STANDARDS, AND CONSTRUCTION SPECIFICATIONS FOR WASTEWATER FACILITIES MAY 17, 2010. SEE DETAILS P-07, LAT-01, LAT-07, SEE SECTION 402.4 FOR PIPE REQUIREMENTS, SECTION 407 FOR PIPE COUPLING REQUIREMENTS, SECTION 408 FOR PIPE BEDDING AND BACKFILL REQUIREMENTS, AND SECTION 410.0 & 410.7 FOR CLEANOUT REQUIREMENTS. CONTRACTOR SHALL COORDINATE ALL WORK WITH SBWRD. SBWRD SHALL BE ON-SITE TO INSPECTION CONSTRUCTION. 72HOURS NOTICE IS REQUIRED PRIOR TO WORK ON SEWERLINE. 48\"/>

WATER NOTE:
 ALL WORK SHALL CONFORM TO PARK CITY MUNICIPAL CORPORATION (PCMC) DESIGN STANDARDS, CONSTRUCTION SPECIFICATIONS, AND STANDARD DRAWINGS 2007. SEE SECTION 7 & DETAILS 702-A, 703-A&B, 705-A&B FOR BEDDING/BACKFILL, TRENCH AND WATER SERVICE CONNECTION REQUIREMENTS. CONTRACTOR SHALL COORDINATE ALL WORK WITH PARK CITY MUNICIPAL WATER DEPARTMENT. PCMC SHALL BE ON-SITE TO INSPECTION CONSTRUCTION. 72HOURS NOTICE IS REQUIRED PRIOR TO WORK ON WATERLINE. 60\"/>

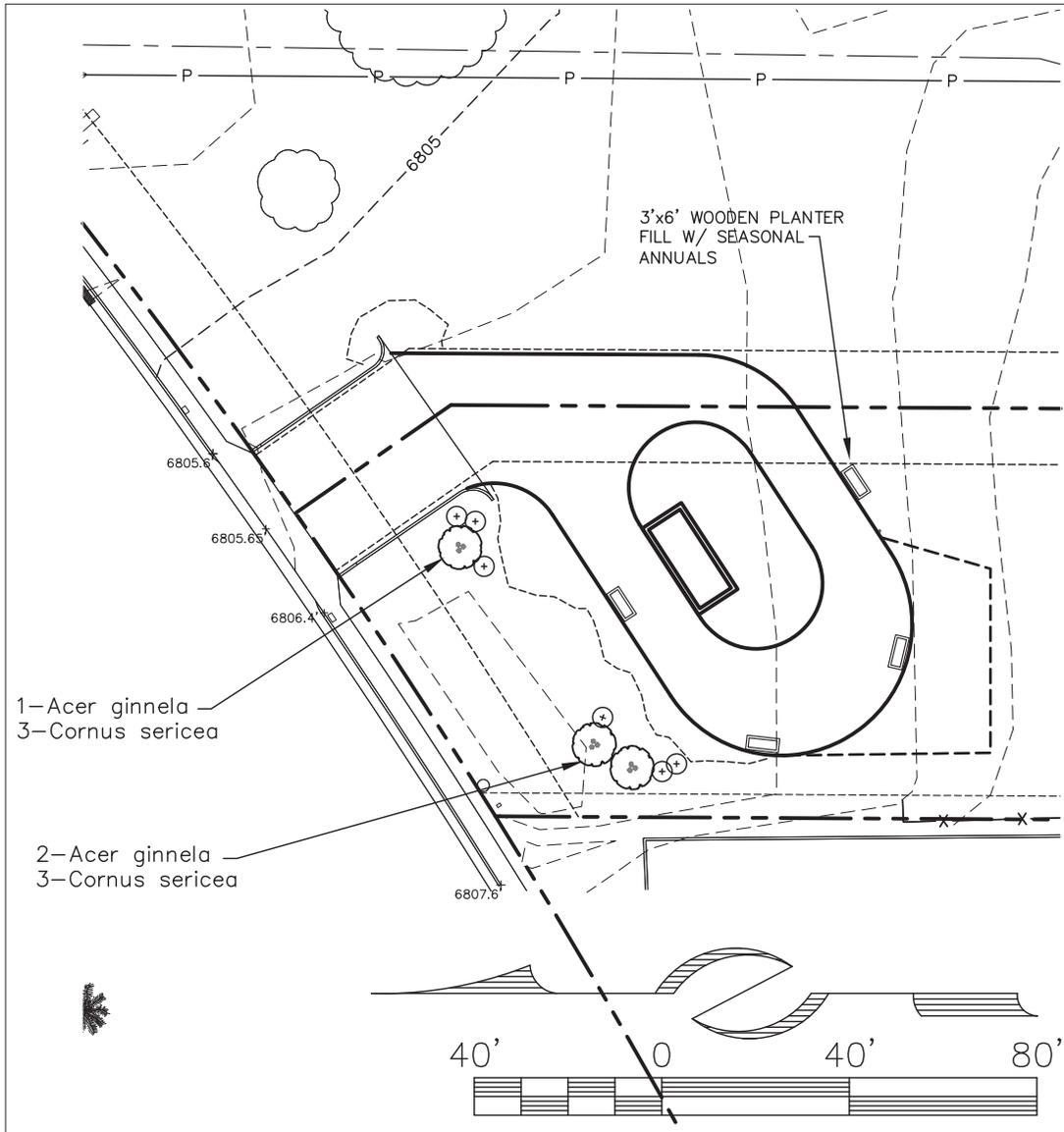
LANDSCAPE PLAN



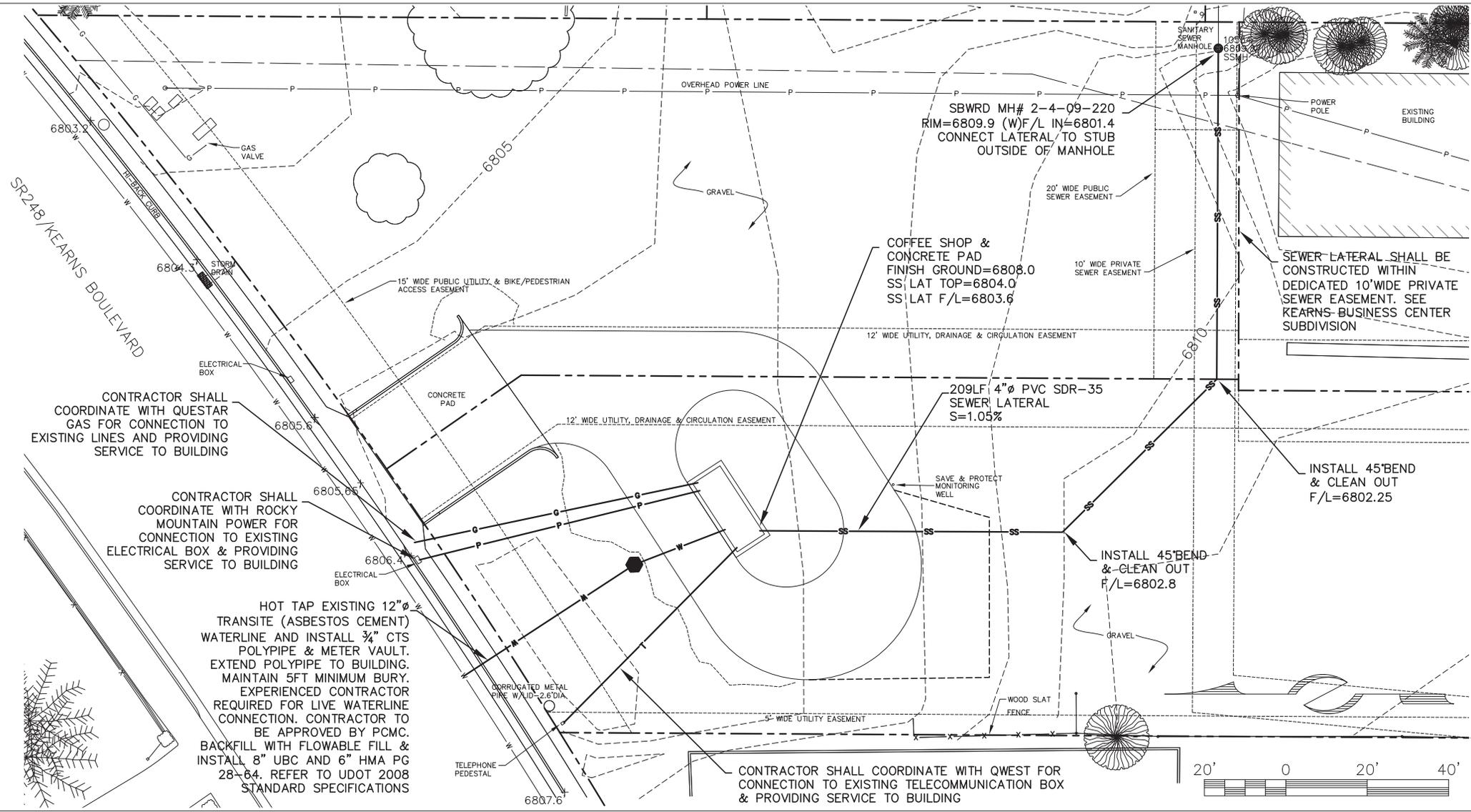
Allway (435) 640-9467
 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

STAFF: MICHAEL DEMKOWICZ STEVE SCHUELER REVISIONS: 3/15/2011 DATE: 3/9/11	SITE GRADING, DRAINAGE, & UTILITY PLAN KEARNS BUSINESS CENTER SUBDIVISION PARCEL A - 1409 KEARNS BLVD FOR: BEN BUEHNER JOB NO.: 3-3-11 FILE: X:\Prospector\dwg\coffee shop job3-3-11\3-3-11-design.dwg	SHEET 1 OF 1
--	---	------------------------------

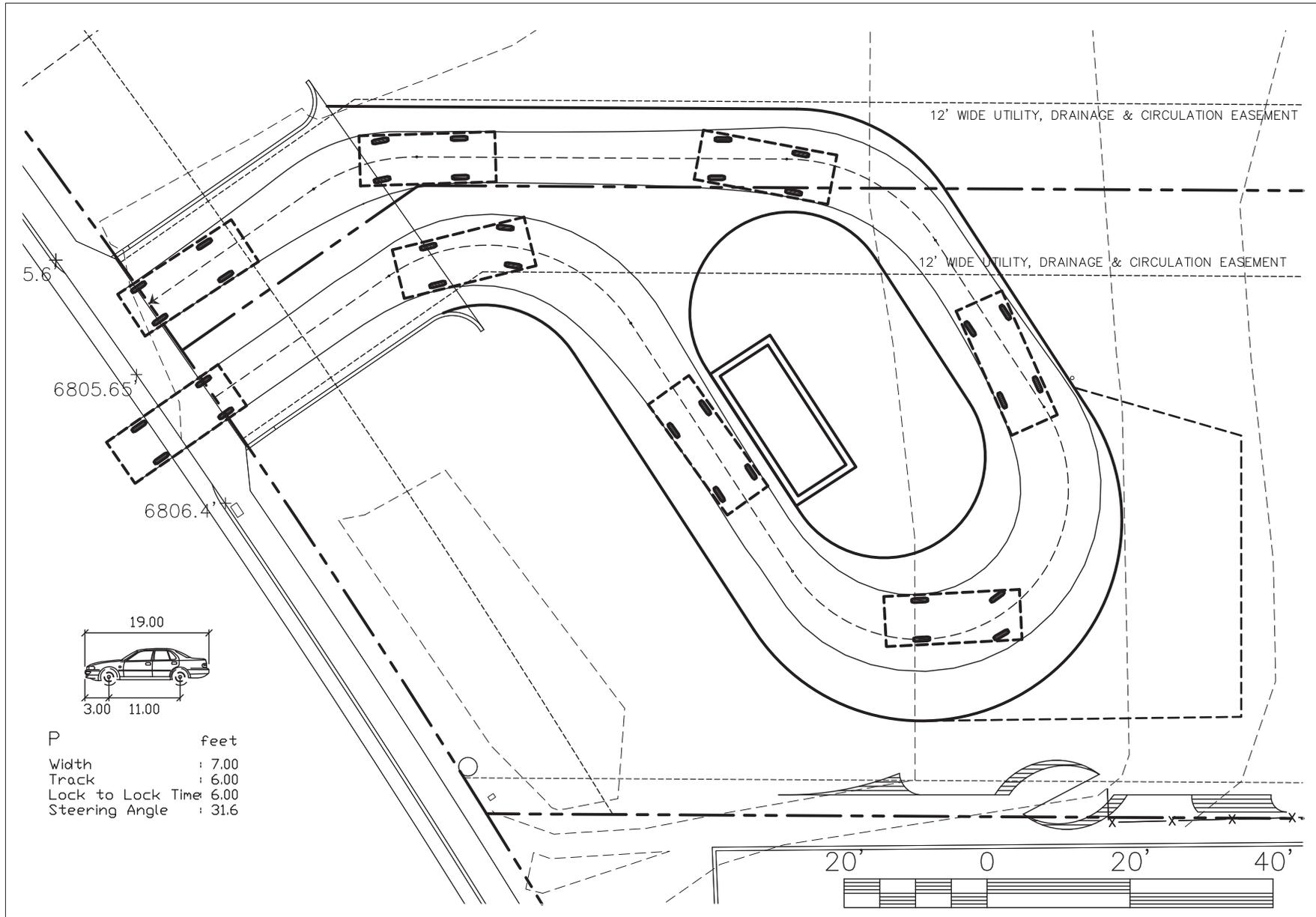
LANDSCAPE PLAN



UTILITY PLAN



VEHICLE CIRCULATION PLAN





State of Utah

GARY R. HERBERT
Governor

GREG BELL
Lieutenant Governor

DEPARTMENT OF TRANSPORTATION

JOHN R. NJORD, P.E.
Executive Director

CARLOS M. BRACERAS, P.E.
Deputy Director

March 24, 2011

Ben Buehner
Bonanza Park LLC
1 Waterloo Circle
Park City, Utah 84060

Dear Mr. Buehner:

The Utah Department of Transportation Region 2 Staff has reviewed and approved the site plan for the Drive Thru Coffee project at 1401 Kearns Blvd (SR-248).

- In order for your contractor to obtain the encroachment permit and perform the work, a copy of this letter must be presented to the UDOT Region 2 Permits officer or uploaded to the Encroachment application on the UDOT web site. <https://www.udot.utah.gov/public/olp/f?p=201:1>

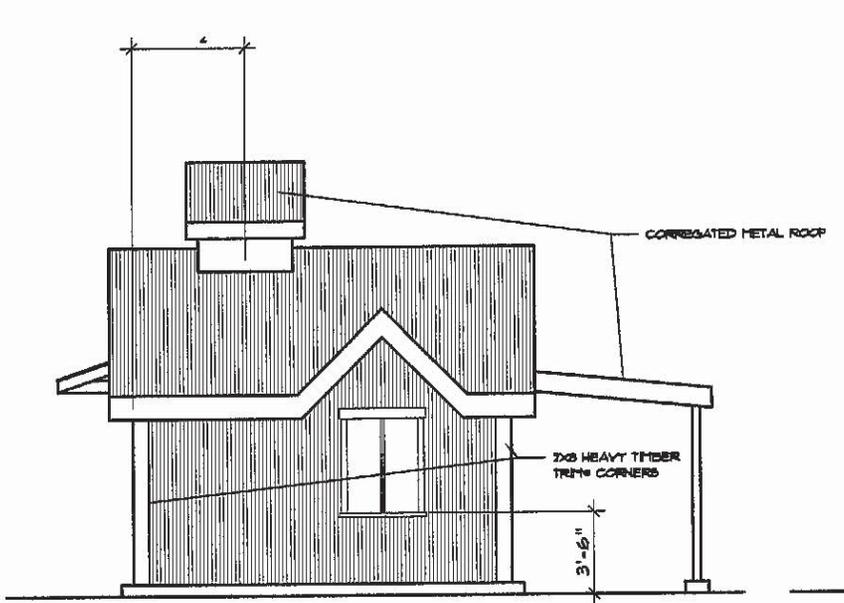
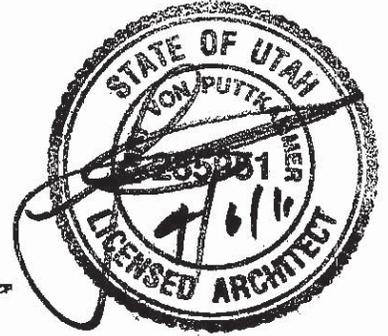
Before commencing work on the State highway, the contractor who is awarded the project must have a performance bond on file with UDOT, and obtain an encroachment permit from the Region 2 Permits Office. To obtain the encroachment permit contact the UDOT Region 2 Permits office at (801) 975-4808. Plans are approved for six months from the date signed. Work on UDOT's right-of-way is restricted from October 15 – April 15. Work is not allowed on the right-of-way during the AM/PM peak traffic hours (6:00 - 9:00 AM and 3:30 - 6:00 PM).

If you need further information regarding your project, please feel free to contact me at (801) 9754810.

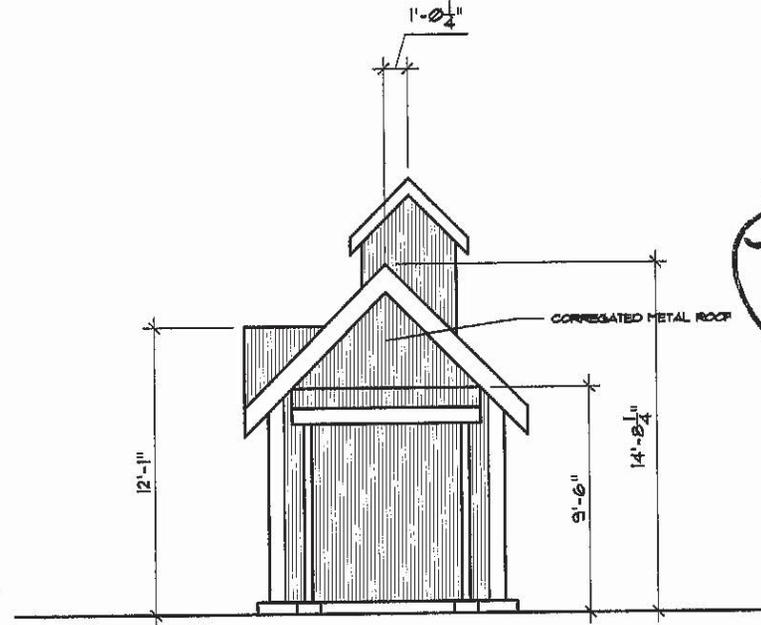
Sincerely,

A handwritten signature in black ink, appearing to read "Mark Velasquez".

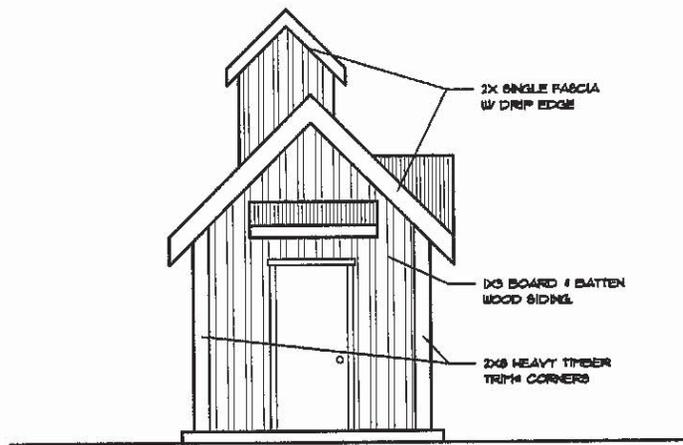
Mark Velasquez
Region Two
Access Control Coordinator



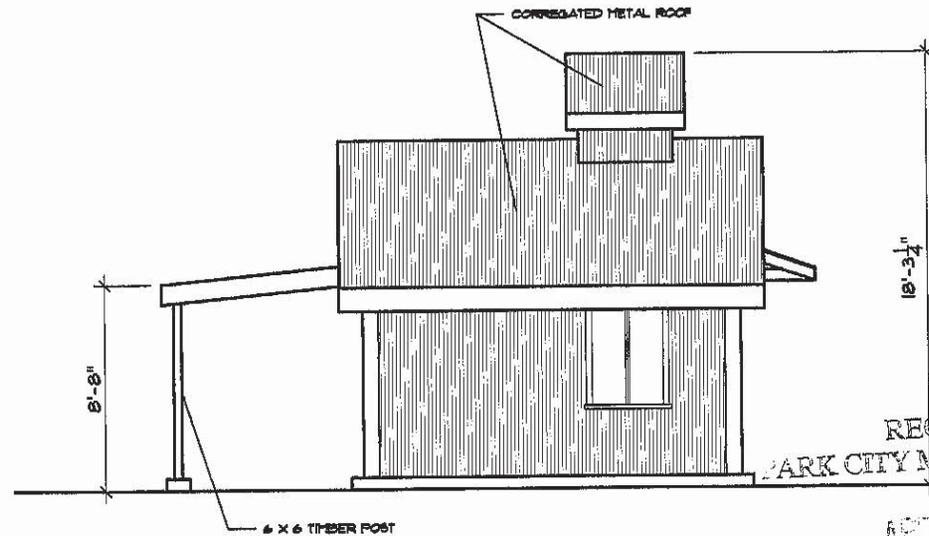
WEST ELEVATION



SOUTH ELEVATION



NORTH ELEVATION



EAST ELEVATION

RECEIVED
PARK CITY MUNICIPAL CORP

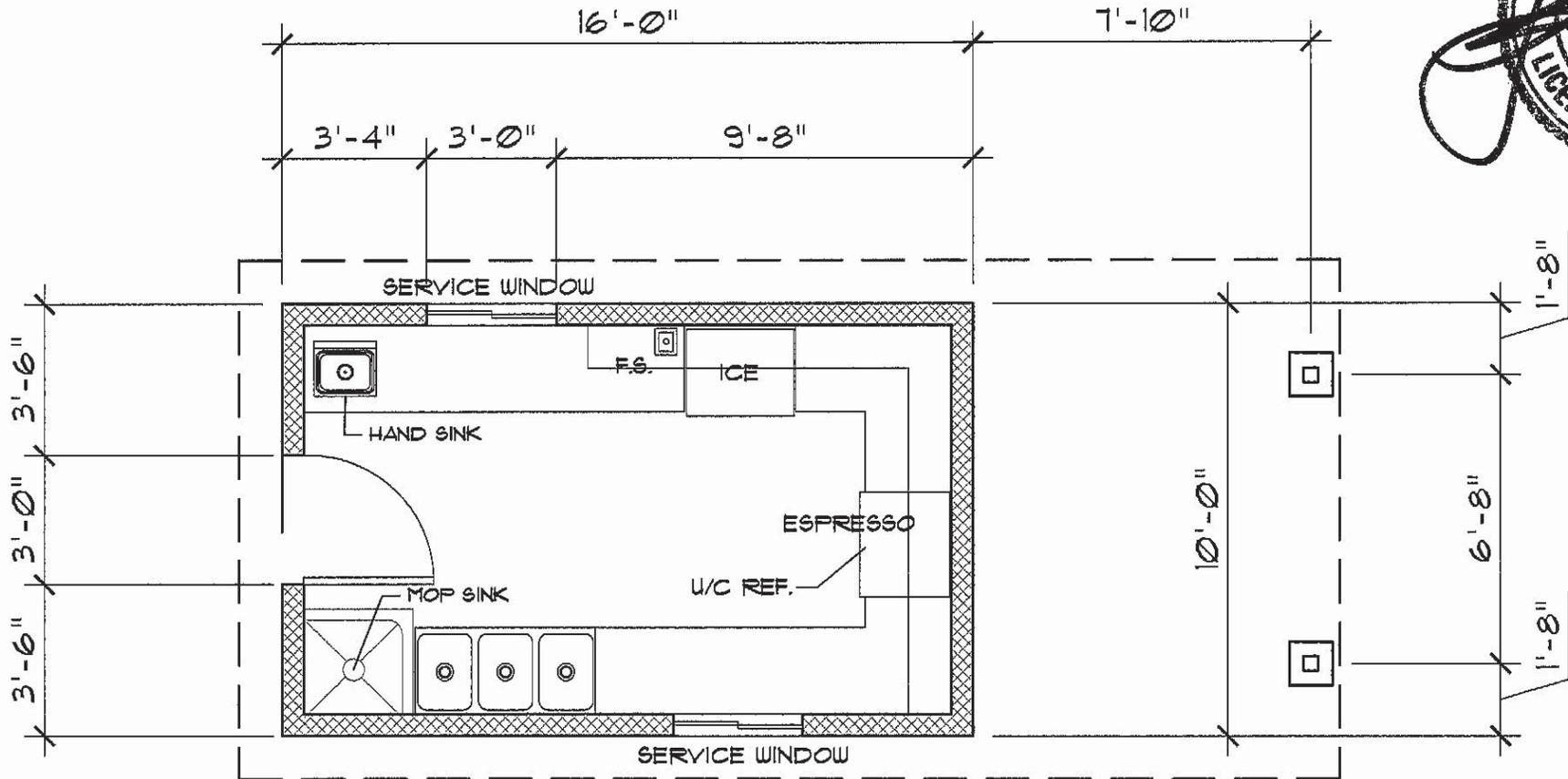
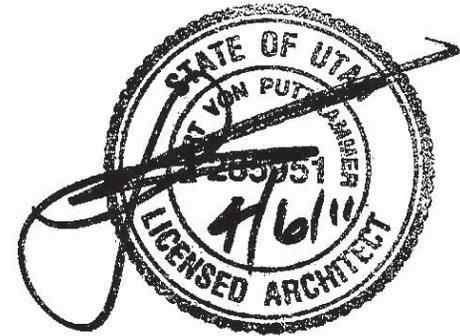
APR 06 2011

BUILDING DEPT

EXTERIOR ELEVATIONS

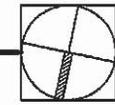
Planning Commission April 27, 2011

SCALE 1/8" = 1'-0"



FLOOR PLAN

SCALE 1/4" = 1'-0"

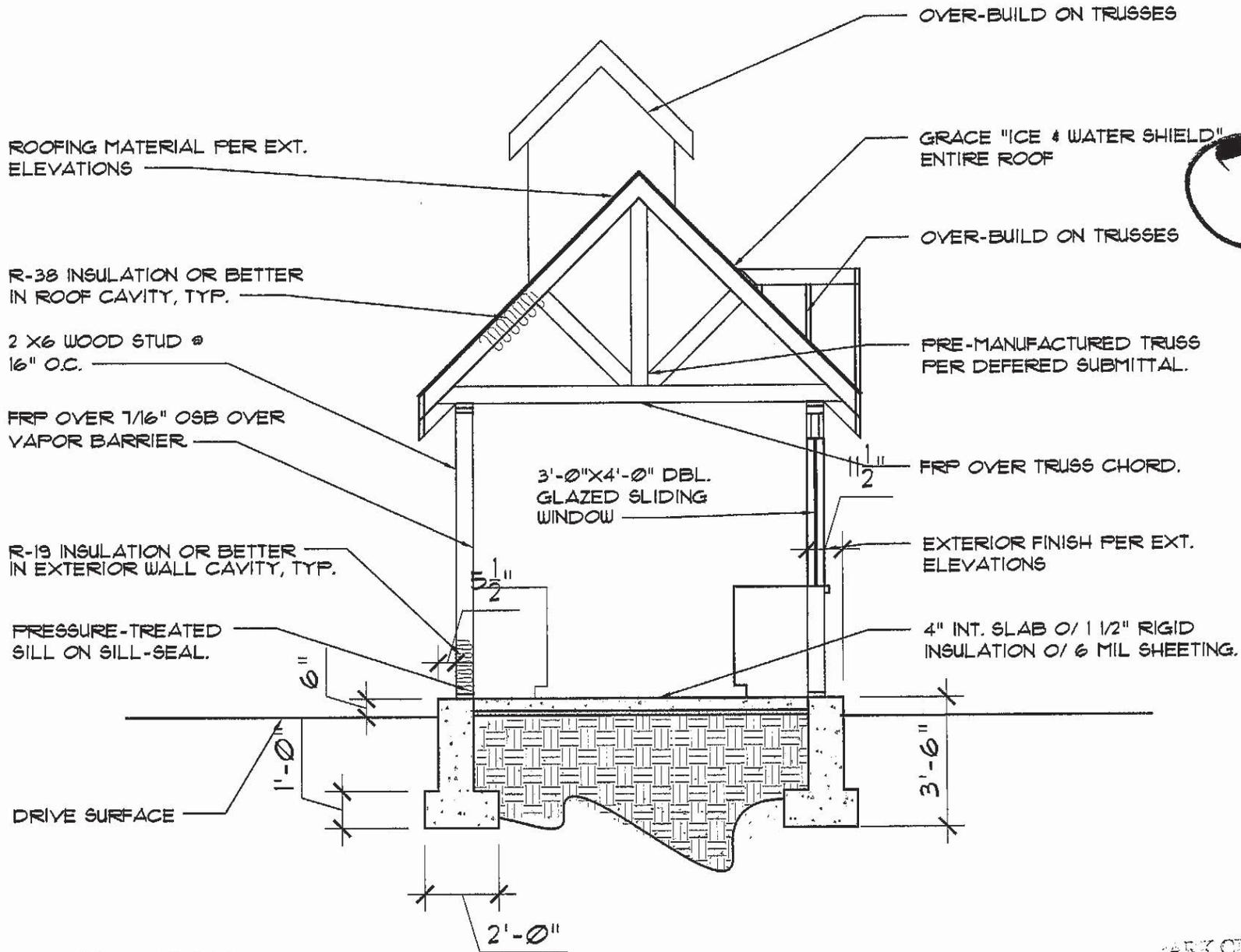
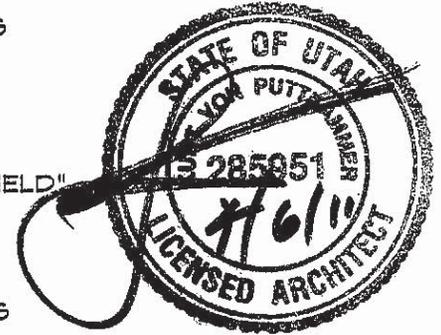


NORTH

RECEIVED
ARK CITY MUNICIPAL CORP

APR 26 2011

BUILDING DEPT



SECTION

SCALE 1/4" = 1'-0"

RECEIVED
PARK CITY MUNICIPAL CORP

APR 28 2011

BUILDING DEPT

Planning Commission Staff Report



PLANNING DEPARTMENT

Application No: PL-11-01185
Subject: First Amended Upper Norfolk
Subdivision Plat Amending
Conditions of Approval on the Executed Ordinance
Author: Francisco Astorga
Date: April 27, 2011
Type of Item: Administrative – Plat Amendment

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for Upper Norfolk Subdivision Plat Amendment, located at 259, 261, 263 Norfolk Avenue, to amend conditions of approval on the executed ordinance adopted in 2006 and the notes on the Plat and forward a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Description

Applicant: 259 Upper Norfolk, LLC, Jerry Fiat, member
261 Upper Norfolk, LLC, Jerry Fiat, member
263 Upper Norfolk LLC, John Pellouch, member
Represented by Jonathan DeGray, Architect
Location: 259/261/263 Norfolk Avenue
Zoning: Historic Residential (HR-1) District
Adjacent Land Uses: Residential
Reason for Review: Plat amendments require Planning Commission review and City Council approval

Proposal

This is a request to remove two (2) conditions of approval on the executed ordinance adopted in 2006 which approved the Upper Norfolk Subdivision plat. One of the conditions of approval in the Ordinance called for construction access to take place from King Road rather than Upper Norfolk. Construction access was made possible through a temporary access agreement with the adjacent property owner with access from King Road. The agreement was executed and recorded in October 2006, with a stipulation that it would become void December 2009. Staff recommends amending the existing Plat with updated plat notes to reflect any changes to the conditions of approval.

The agreement terminated in December 2009 prior to construction commencing. The adjacent property ownership has changed thus making the construction access from King Road no longer an option for the property owner. The Upper Norfolk Subdivision received approval in July 2006 and the plat was recorded in June 2007 (Exhibits B - Executed Ordinance and Exhibit C – Recorded Plat).

Background

On April 1, 2011 the City received a complete plat amendment application for the Upper Norfolk Subdivision Plat Amendment located at 259/261/263 Norfolk Avenue in the Historic Residential (HR-1) District. The request is to remove two (2) conditions of approvals required in the executed ordinance. The access and layout of the lots are not been amended with this application. The subdivision is comprised of Lots 1, 2, and 3. The lots are accessed from Upper Norfolk Avenue. There is a single shared drive from the northern section of the lots (Exhibit D – Vicinity Map) which is 19' wide. The property owners of Lots 1, 2 and 3 are currently listed as co-applicants in this plat amendment request to remove two (2) conditions of approval. The applicants are represented by Jonathan DeGray, architect.

In July 2006 the City Council approved the Upper Norfolk Subdivision plat amendment request in Ordinance 06-55. Because prior to the 2006 approval many Upper Norfolk Avenue residents were against the project the applicant did a good job addressing neighborhood objections including designing the driveway to retain the landscape berm and proposing the construction phasing and staging on King Road. The proposal included a request to demolish a three (3) unit non-historic condominium structure (the triplex had lockout units, therefore the reference in the minutes to a six (6) unit building), vacate the existing condominium plat, and establish three (3) lots of record with the intention of building three (3) single-family dwellings. The plat was recorded at Summit County on June 1, 2007. The Upper Norfolk Avenue Condominiums (prior triplex) was retired by Summit County on June 13, 2007. The triplex was demolished in February 2010.

The plat amendment approval contained the following conditions of approval outlined in the executed ordinance:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. The lots are to be used for the construction of single family houses.
4. Construction access to the lots is to be from King Road through the adjacent property to the west, as per the submitted construction easement agreements.
5. The construction easement agreements must be finalized and submitted to the City prior to receiving building permits.
6. A Utility/Grading plan is required to be reviewed and approved by the City Engineer prior to issue of a building permit.
7. A note shall be added to the plat prior to recordation that prohibits accessory apartments on the newly created lots.

These conditions above were not added as notes on the plat with the exception of condition no. 7. Conditions of approval 4 and 5 above stipulated that construction access would be from King Road via a construction access that would cross separately owned adjacent property. (Exhibit E – Temporary Construction Access Easement).

When the plat amendment was originally approved in 2006 the three (3) lots in the subdivision were owned by the same entity and construction of all three (3) structures was anticipated to occur at the same time. (Exhibit F – Planning Commission minutes dated 7/26/2006 and City Council minutes dated 7/27/2006). Since that time the three (3) lots have been sold to different parties

The reason for the requirement of the access agreement was to reduce the construction impact of building of three (3) structures all at the same time on the neighborhood. This access was made possible through an agreement that had a specific time frame before it became void. The time period has since lapsed and the adjacent property ownership has changed thus making the construction access from King Road no longer an option for the property owner. The easement agreement was executed and recorded in October 2006. The easement terminated in December 2009.

The 2006 Ordinance had findings of fact stating that due to the steepness of the lots, a steep slope conditional use permit would be required. Since that time, the triplex building was demolished and a more detailed analysis of the slope was evaluated by staff. Based upon that more detailed analysis, the Planning Director determined that the lots do not meet the 30% slope threshold and therefore Steep Slope Conditional Use Permits will not be required.

Currently only Historic District Design Review (HDDR) plans have been submitted to construct a single family-dwelling on Lot 1, 259 Norfolk Avenue. These plans are being reviewed against the applicable criteria of the Historic District Design Guidelines (adopted 2009). No plans have been submitted for construction on Lots 2 and 3.

Analysis

In order to remove the two (2) conditions of approval outlined in the executed ordinance dealing with the construction access agreement the applicant has provided a Construction Mitigation Plan (CMP) for each of the three (3) lots in the subdivision (Exhibit G). The CMPs show that access, staging, construction parking and generally all construction related activity will be contained within the common driveway area for each lot and within the other lots of the subdivision while they are vacant. They will also be doing some staging in the City right-of-way of Norfolk Avenue. The City Engineer reviewed the applicant's request to utilize the common driveway area on Upper Norfolk Avenue and has agreed to work out specific details with the contractor in the future prior to building permit approvals.

The Park City Building Department has reviewed the three (3) submitted CMPs and has provided the following analysis:

The Building Department is supportive of the Construction Mitigation Plans as drafted with the understanding of the items listed below:

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

It is the Building Department's belief that this subdivision is able to better absorb and accommodate construction impacts within the property than most lots located on Upper Norfolk. With proper construction management and compliance with the construction mitigation plan, this construction site will have minimal impact to the road and surrounding properties.

In the case of the first two lots to be built, they can stage in the neighboring lot allowing for a large enough amount of room for the contractors to utilize. As the lots are built the available space is reduced. At the time that the last lot is developed the area for construction related activities will be more in line with typical Old Town lots and additional care by that contractor will need to be taken to meet the requirements on the CMP. However, the CMP provides that construction staging can occur in a small portion of the driveway as well as in the un-built portion of the Upper Norfolk right-of-way.

Based on the submitted CMPs and the Building Department review staff finds that the most appropriate method to mitigate the construction access off Upper Norfolk will be by following the CMP and allowing construction of each site to take place one at a time. In order to ensure the CMP is followed, staff recommends conditions of approval which (1) require construction access easements on the neighboring properties which will not expire until all single family dwelling structures are built; (2) Require that the lots may only be developed one at a time, and; (3) require recordation of the CMPs.

Staff finds good cause for this request to remove condition of approval no. 4 and 5 from the executed ordinance 06-55 due to the expiration of the recorded temporary construction access easement and the proposed construction mitigation provided on the submitted construction mitigation plans. Staff recommends that the contractor selected to build each structure be required to follow the submitted Construction Mitigation Plan (CMP). Staff also recommends that the Park City Building Department reserve the right to include additional conditions to the CMP in the future depending on the circumstance at the time of building permit submittal and prior to issuance of any building permits.

The remaining conditions of approval shall continue to apply to the site. These three (3) conditions include that the lots are to be used for the construction of single family houses, a utility/grading plan is required to be reviewed and approved by the City Engineer prior to issuance of a building permit, and that a note is added to the plat prior to recordation that prohibits accessory apartments on the newly created lots.

Department Review

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

Notice

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

Public Input

Several neighbors have called and visited the Planning Department office requesting to see the submitted Construction Mitigation Plan. No public input has been received by the time of this report.

Alternatives

- The Planning Commission may forward positive recommendation to the City Council for the Upper Norfolk Subdivision Plat Amendment amending the conditions of approval on the executed ordinance as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for Upper Norfolk Subdivision Plat Amendment amending the conditions of approval on the executed ordinance and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on Upper Norfolk Subdivision Plat Amendment amending the conditions of approval on the executed ordinance.

Significant Impacts

There are no significant fiscal or environmental impacts from this application. They property owners would not be able to build on the lots because they wouldn't have construction access as indicated on the previous condition of approval.

Consequences of not taking the Suggested Recommendation

Condition of approval no. 4 of Ordinance 06-55 can not be met and therefore either some amendment to Ordinance 06-55 will have to occur or the existing subdivision would have to be voided and the lot lines would revert to the original configuration prior to the 2007 plat amendment which creates four (4) Old Town lots that do not meet the minimum lot size of 1,875 square feet in size and one parcel with no frontage to a City right-of-way (See Exhibit H – Original lot configuration).

Recommendation

Staff recommends the Planning Commission hold a public hearing for Upper Norfolk Subdivision Plat Amendment, located at 259, 261, 263 Norfolk Avenue, to amend conditions of approval on the executed ordinance adopted in 2006 and the notes on the Plat and forward a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Exhibits

Exhibit A – Draft ordinance

Exhibit B – Executed Ordinance 06-55

Exhibit C – Upper Norfolk Subdivision Plat

Exhibit D – Vicinity Map

Exhibit E – Temporary Construction Access Easement agreement

Exhibit F – Planning Commission minutes dated July 26, 2006

City Council minutes dated July 27, 2006

Exhibit G – Construction Mitigation Plans

Exhibit H – Original lot configuration

Exhibit A – Draft Ordinance No. 11-

AN ORDINANCE APPROVING THE FIRST AMENDED UPPER NORFOLK SUBDIVISION PLAT AMENDMENT LOCATED AT 259, 261, 263 NORFOLK AVENUE, PARK CITY, UTAH.

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

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

WHEREAS, the executed and recorded temporary construction access easement agreement expired on December 31, 2009; and

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

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

WHEREAS, the Planning Commission held a public hearing on April 27, 2011, to receive input;

WHEREAS, the Planning Commission, on April 27, 2011, forwarded a positive recommendation to the City Council; and,

WHEREAS, on May 12, 2011, the City Council approved the First Amended Upper Norfolk Subdivision Plat Amendment; and

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

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

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

Findings of Fact:

1. The properties are located at 259/261/263 Norfolk Avenue.
2. The three (3) proposed lots would share one driveway.
3. The proposed lots are for the purposes of building single family houses.
4. There is not sufficient area on the property to conduct construction staging.

5. Norfolk Avenue and Upper Norfolk Avenue are substandard, narrow streets on steep hillsides.
6. On-street and off-street parking in the Norfolk/Upper Norfolk Avenue area is significantly limited due to the steep, narrow streets and lack of shoulder areas.
7. Snow removal and emergency access to the Norfolk/Upper Norfolk Avenue neighborhood is frequently difficult to maintain due to the steep, narrow streets and existing high on-street parking demand.
8. LMC § 15-7-6: Subdivisions – General Provisions, Conditions authorizes the City to attach reasonable conditions to land subdivisions which relate to design, dedication, improvement, and restrictive land use so as to conform to the physical and economic development of Park City and to the safety and general welfare of future lot owners in the subdivision and the community at large.
9. In July 2006 the City Council approved the Upper Norfolk Subdivision plat by Ordinance 06-55.
10. The plat was recorded at Summit County on June 01 2007.
11. The property owner requests to remove the following two (2) conditions of approval from Ordinance 06-55:
 4. *Construction access to the lots is to be from King Road through the adjacent property to the west, as per the submitted construction easement agreements.*
 5. *The construction easement agreements must be finalized and submitted to the city prior to receiving building permits.*
12. All other conditions of approval in Ordinance 06-55 will remain in effect.
13. Conditions of approval 4 and 5 stipulated that construction access would be from King Road via a construction access that would cross separately owned adjacent property.
14. The access was made possible through a temporary construction access easement agreement that had a specific time frame.
15. The temporary construction access easement agreement was executed and recorded in October 2006. The easement terminated in December 2009.
16. That time period has since lapsed and the adjacent property ownership has changed thus making the construction access from King Road no longer an option for the property owner.
17. The applicant has produced a Construction Mitigation Plan for each of the three (3) lots in the subdivision.
18. The Construction Mitigation Plans show that the lots will be developed one at a time so that access, staging, construction parking and generally all construction related activity will be contained on the other lots within the subdivision and within the common driveway area.
19. The Park City Building Department has reviewed the three (3) submitted Construction Mitigation Plans.
20. The Building Department is requiring the following of the Mitigation Plans:
 - All access, staging, parking, utility connections and construction related activity shall be contained within the Limits of Disturbance Area (LODA). If the LODA includes area on any neighboring property other than the property being built on, a written letter of permission shall be provided to the Park City Building Department allowing the construction on that site. Additionally, a standard LOD bond which currently is

75¢ per square foot shall be provided and shall include all area included within the LODA, including area on neighboring properties. Site plans should be reflective of this.

- At no time shall construction on a site block the access to another occupied structure.
21. The dimension of the Lots will not change with this Plat Amendment. The only change to the Upper Norfolk Subdivision by this First Amended Upper Norfolk Subdivision will be the plat notes and conditions of approval as contained herein.
 22. The remaining conditions of approval shall continue to apply to the site. These three (3) conditions include:
 - a. The lots are to be used for the construction of single family houses.
 - b. A Utility/Grading plan is required to be reviewed and approved by the City Engineer prior to issuance of a building permit.
 - c. A note shall be added to the plat prior to recordation that prohibits accessory apartments on the newly created lots.

Conclusions of Law:

1. There is good cause for this plat amendment to amend the conditions of approval and add notes to the plat due to the expiration of the recorded temporary construction access easement and the mitigation provided on the submitted construction mitigation plans reviewed by the Park City Building Dept.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. Approval of the plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. The remaining conditions of approval from Ordinance No: 06-55 shall continue to apply.
4. The lots are to be used for the construction of single family houses
5. A Utility/Grading plan is required to be reviewed and approved by the City Engineer prior to issuance of a building permit
6. A note shall be added to the plat prior to recordation that prohibits accessory apartments on the newly created lots
7. The contractor shall follow the submitted Construction Mitigation Plan (CMP). The Park City Building Department reserves the right to include additional conditions to the CMP depending on circumstance at the time of building permit submittal. The CMPs shall be recorded in association with each Lot.

8. An agreement must be entered into with the City Engineer concerning any construction staging with occurs within platted but un-built Upper Norfolk Right of Way
9. No construction staging or parking associated with this subdivision shall occur in built Upper Norfolk Avenue
10. A plat note shall read that the property owners shall build each structure on each Lot one at a time. Before a building permit can be obtained for the second and third structure on each Lot, the property owner shall wait until the final certificate of occupancy has been issued to the prior structure.
11. All access, staging, parking, utility connections and construction related activity shall be contained within the Limits of Disturbance Area (LODA). If the LODA includes area on any neighboring property other than the property being built on, a written letter of permission shall be provided to the Park City Building Department allowing the construction on that site. Additionally, a standard LOD bond which currently is 75¢ per square foot shall be provided and shall include all area included within the LODA, including area on neighboring properties. Site plans should be reflective of this.
12. At no time shall construction on a site block the access to another occupied structure.
13. Prior to plat recordation, each lot will grant the other two lots construction access easements which shall be executed and recorded and which will not expire until all single family dwelling structures are built.

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

PASSED AND ADOPTED this 12th day of May, 2011.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, MAYOR

ATTEST:

Jan Scott, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Ordinance No. 06-55

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

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

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

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

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

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

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

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

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

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

Findings of Fact:

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

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

Conclusions of Law:

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

Conditions of Approval:

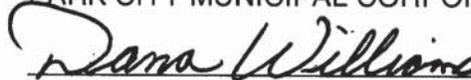
1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within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

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

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

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

PARK CITY MUNICIPAL CORPORATION



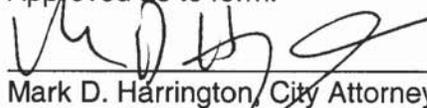
Mayor Dana Williams

Attest:



Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney



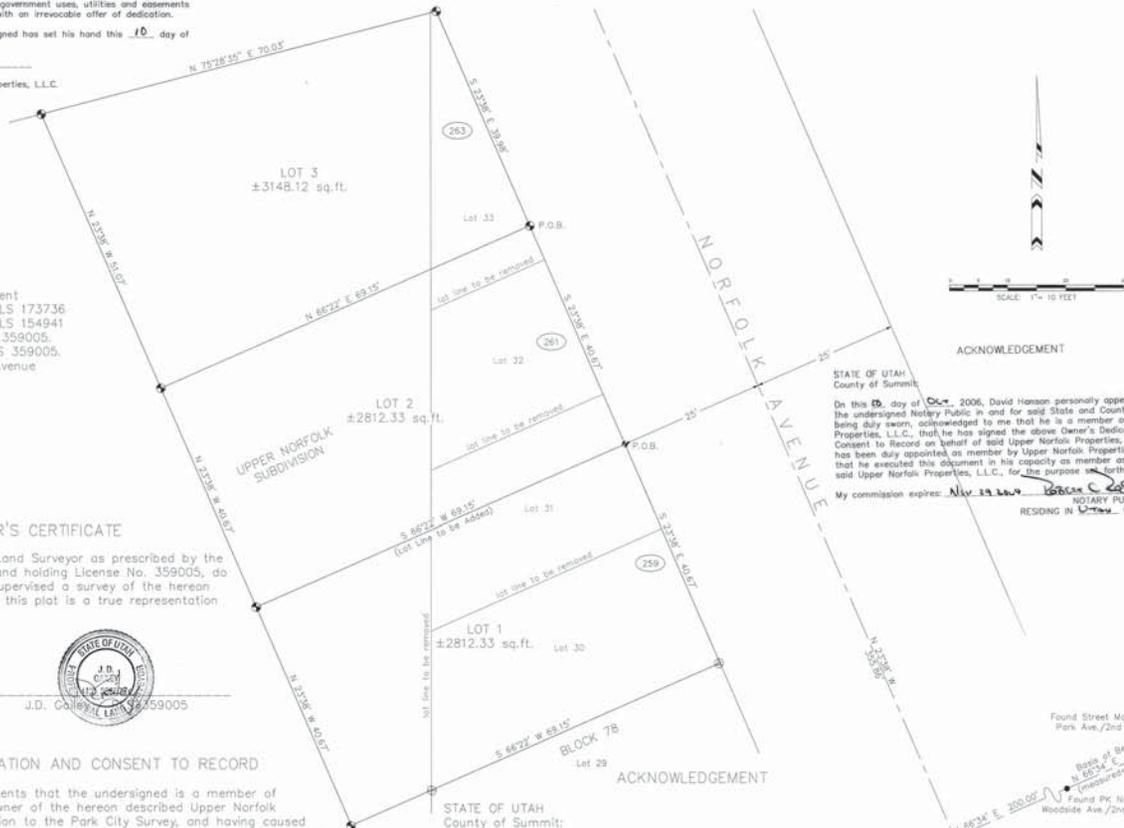
Upper Norfolk Subdivision An Amended Lot Line Plat in A Portion of Block 78 Millsite Reservation

OWNER'S DEDICATION AND CONSENT TO RECORD

Know all men by these presents that the undersigned is a member of Upper Norfolk Properties, L.L.C., the owner of the herein described Upper Norfolk Subdivision, Millsite Reservation to the Park City Survey, and having caused this Plat Amendment to be made, does hereby consent to the recording of this Record of Survey Plat in the office of the County Recorder of Summit County, Utah, in accordance with Utah Law. Also, the owners hereby irrevocably offer for dedication to the City of Park City all the streets, land for local government uses, utilities and easements shown on the plat in accordance with an irrevocable offer of dedication.

In witness whereof, the undersigned has set his hand this 10 day of October, 2006.
By: David Hanson
Member, Upper Norfolk Properties, L.L.C.

- Legend**
- ⊕ Found Street Monument
 - ⊙ Found rebar & cap-LS 173736
 - ⊙ Found rebar & cap-LS 154941
 - ⊙ Set rebar & cap-LS 359005
 - ⊙ Set nail & washer-LS 359005
 - ⊙ Address on Norfolk Avenue



SURVEYOR'S CERTIFICATE

I, J.D. Gallely, a Registered Land Surveyor as prescribed by the laws of the State of Utah and holding License No. 359005, do hereby certify that I have supervised a survey of the herein described property and that this plat is a true representation of said property.



Date 9/2/06
J.D. GALLELY
359005

OWNER'S DEDICATION AND CONSENT TO RECORD

Know all men by these presents that the undersigned is a member of Upper Norfolk, L.L.C., the owner of the herein described Upper Norfolk Subdivision, Millsite Reservation to the Park City Survey, and having caused this Plat Amendment to be made, does hereby consent to the recording of this Record of Survey Plat in the office of the County Recorder of Summit County, Utah, in accordance with Utah Law. Also, the owners hereby irrevocably offer for dedication to the City of Park City all the streets, land for local government uses, utilities and easements shown on the plat in accordance with an irrevocable offer of dedication.

In witness whereof, the undersigned has set his hand this 10 day of September, 2006.

By: Jerry Flat
Member, Upper Norfolk, L.L.C.

**STATE OF UTAH
County of Summit:**

On this 10 day of Sept, 2006, Jerry Flat personally appeared before me, the undersigned Notary Public in and for said State and County, who after being duly sworn, acknowledged to me that he is a member of Upper Norfolk, L.L.C., that he has signed the above Owner's Dedication and Consent to Record on behalf of said Upper Norfolk, L.L.C. and that he has been duly appointed as member by Upper Norfolk, L.L.C. and that he executed this document in his capacity as member as the act of said Upper Norfolk, L.L.C., for the purpose set forth hereon.

My commission expires: Nov 29 2009
Jerry Flat
NOTARY PUBLIC
RESIDING IN UTAH COUNTY, SUMMIT

**STATE OF UTAH
County of Summit:**

On this 10 day of Oct, 2006, David Hanson personally appeared before me, the undersigned Notary Public in and for said State and County, who after being duly sworn, acknowledged to me that he is a member of Upper Norfolk Properties, L.L.C., that he has signed the above Owner's Dedication and Consent to Record on behalf of said Upper Norfolk Properties, L.L.C. and that he executed this document in his capacity as member as the act of said Upper Norfolk Properties, L.L.C., for the purpose set forth hereon.

My commission expires: Nov 29 2009
David C. Cook
NOTARY PUBLIC
RESIDING IN UTAH COUNTY, SUMMIT

NARRATIVE

1. Survey requested by: Jerry Flat.
2. Purpose of survey: amended lot line plat.
3. Basis of survey: found streets monuments as shown. Block dimensions from the Amended Park City Monument Control Map by Bush & Gudgeal Inc., recorded as Entry No. 199887 in the office of the Summit County Recorder, and the Plat of Subdivision No.1 of Millsite Reservation, Park City, Utah, dated June 20, 1887.
4. Date of survey: July 29, 2005.
5. Property monuments set or found as shown.
6. Located in the Southeast Quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base & Meridian.
7. See the official plats of the Park City Survey for other possible easements and restrictions.
8. The owner of the property should be aware of any items affecting the property that may appear in a title insurance report.
9. Accessory apartments are prohibited on the newly created lots.

OLD LEGAL DESCRIPTION

Beginning at a point which lies North 23'38" West, 6.34 feet from the southeast corner of Lot 33, Block 78, Millsite Reservation, Park City, Utah; and running thence South 23'38" East, 81.34 feet to the southeast corner of Lot 30 of said Block 78; thence South 66'22" West, 69.15 feet; thence North 23'38" West, 81.34 feet; thence North 66'22" East, 69.15 feet to the point of beginning; containing 0.129 acres, more or less. Additional Land: Beginning at a point which lies N 23'38" W, 6.34 feet from the southeast corner of Lot 33, Block 78, Millsite Reservation, Park City, Utah; and running thence S 65'22" W, 69.15 feet; thence N 23'38" W, 51.07 feet; thence N 75'28'35" E, 70.03 feet to the northerly corner of said Lot 33; thence S 23'38" E, 39.98 feet to the point of beginning; contains 0.072 acres, more or less.

NEW LEGAL DESCRIPTIONS

- Lot 1: Beginning at a point which lies South 23'38' East, 34.33 feet from the Southeast corner of Lot 33, Block 78, Millsite Reservation, Park City, Utah, said point also being North 23'38' West, 355.86 feet and South 66'22' West, 25.00 feet from the intersection of Norfolk Avenue & 2nd Street and running thence South 23'38' East, along the westerly right of way of Norfolk Avenue, 40.67 feet; thence South 66'22' West, 69.15 feet; thence North 23'38' West, 40.67 feet; thence North 66'22' East, 69.15 feet to the point of beginning; containing 2812.33 square feet, more or less.
- Lot 2: Beginning at a point which lies North 23'38' West, 6.34 feet from the Southeast corner of Lot 33, Block 78, Millsite Reservation, Park City, Utah, said point also being North 23'38' West, 396.53 feet and South 66'22' West, 25.00 feet from the intersection of Norfolk Avenue & 2nd Street and running thence South 23'38' East, along the westerly right of way of Norfolk Avenue, 40.67 feet; thence South 66'22' West, 69.15 feet; thence North 23'38' West, 40.67 feet; thence North 66'22' East, 69.15 feet to the point of beginning; containing 2812.33 square feet, more or less.
- Lot 3: Beginning at a point which lies North 23'38' West, 6.34 feet from the Southeast corner of Lot 33, Block 78, Millsite Reservation, Park City, Utah, said point also being North 23'38' West, 396.53 feet and South 66'22' West, 25.00 feet from the intersection of Norfolk Avenue & 2nd Street and running thence North 23'38' West, along the westerly right of way of Norfolk Avenue, 39.98 feet; thence South 75'28'35" West, 70.03 feet; thence South 23'38' East, 51.07 feet; thence North 66'22' East, 69.15 feet to the point of beginning, containing 3148.12 square feet, more or less.

<p>Alpine Survey, Inc. 19 Prospector Dr. Park City, Utah 84060 (435) 655-8016</p> <p>BY: <u>B. D. K.</u> SNYDERVILLE BASIN WATER RECLAMATION DISTRICT</p>	<p>SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVISED FOR COMPLIANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THE 15th DAY OF <u>Sept</u>, 2006.</p> <p>BY: <u>B. D. K.</u> SNYDERVILLE BASIN WATER RECLAMATION DISTRICT</p>	<p>PLANNING COMMISSION</p> <p>APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 26th DAY OF JULY 2006 A.D.</p> <p>BY: <u>Jack Thomas</u> CHAIRMAN</p>	<p>ENGINEER'S CERTIFICATE</p> <p>I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS <u>27th</u> DAY OF <u>SEPTEMBER</u>, 2006 A.D.</p> <p>BY: <u>Chris Watson</u> PARK CITY ENGINEER</p>	<p>APPROVAL AS TO FORM</p> <p>APPROVED AS TO FORM THIS <u>21</u> DAY OF <u>September</u>, 2006 A.D.</p> <p>BY: <u>Paul Miller</u> PARK CITY ATTORNEY</p>	<p>CERTIFICATE OF ATTEST</p> <p>I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 27th DAY OF <u>July</u>, 2006 A.D.</p> <p>BY: <u>John Smith</u> PARK CITY RECORDER</p>	<p>COUNCIL APPROVAL AND ACCEPTANCE</p> <p>APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 27th DAY OF JULY, 2006 A.D.</p> <p>BY: <u>Diana Williams</u> MAYOR</p>	<p># <u>814949</u> RECORDED</p> <p>STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF <u>Coalition Title</u></p> <p>DATE <u>6-27-07</u> TIME <u>4:58 PM</u> BOOK <u>---</u> PAGE <u>---</u></p> <p><u>3300</u> FEE</p> <p><u>Diana Williams</u> RECORDER</p>
--	---	---	--	---	--	---	--



Upper Norfolk Subdivision

Legend

-  Parcels
-  Streets



ALAN SPRIGGS, SUMMIT CO RECORDER
2006 OCT 06 12:47 PM FEE \$29.00 BY BW
REQUEST: COALITION TITLE AGENCY, INC.
Electronically Recorded by Simplifile

WHEN RECORDED RETURN TO
Upper Norfolk, LLC
PO Box 244
Park City, UT 84060

TEMPORARY CONSTRUCTION ACCESS EASEMENT

This Agreement, made this 6 day of October 2006, between P.C. Estate Development, LLC., owner of legal and equitable title of the Servient Parcel, hereinafter designated Grantor, and the Upper Norfolk, LLC., hereinafter designated Grantee, owner of legal and equitable title to the Dominant Parcel.

Recitals.

1. The purpose of this Agreement is to provide an access road to the Dominant Parcels to receive construction materials and equipment. It is not intended to be used for any other purpose, including but not limited to parking, ingress and egress of construction workers.
2. Grantee intends to limit the use of the Road to the minimum and create the least possible disturbance in connection with the construction of the structures on the Dominant Parcel.
3. This Agreement is shall become effective upon approval by Park City of the plat and plans for construction on the Dominant Parcels, and the agreed consideration is paid.

NOW THEREFORE, for good and valuable consideration does hereby grant unto the Grantee, its heirs, successors, assigns, agents, contractors, subcontractors, and employees:

A. a temporary non-exclusive right of way for ingress and egress over and across the existing driveway ("Road") on the property described on Exhibit A ("Servient Parcel") for all vehicles, trucks, and construction equipment related to Grantee's performance of any and all construction activities necessary for Grantee to construct three residential homes on Grantee's three properties, which properties are more fully described on Exhibit B (the "Dominant Parcels"). Grantee will be required to construct a temporary road (the "Road") across the Servient Parcel in the approximate location as drawn on Exhibit C to gain access to the Dominant Parcel for construction purposes.

IT IS UNDERSTOOD that the Easement rights herein granted shall terminate 2 years from the date that construction begins on the Dominant Parcels, in no event later than December 31, 2009. Grantee shall use all reasonable efforts to minimize use of the Road. When the last structure on the Dominant Parcels are dried in and the exterior grading is complete, Grantor may request to vacate this Easement for the Road prior to the termination date, which request will not be unreasonably denied.

IT IS ALSO UNDERSTOOD that the Easement herein granted does not convey any right or interest in the above described property, except as stated herein, nor prevent Grantor from the use of said property; provided, however that such use does not interfere with the Grantee's rights herein granted.

In addition, the Grantee, including its successors, assigns, agents, contractors, and employees agree to

BK1822 PG0039

J

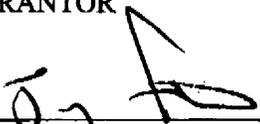
the following conditions:

1. **CONSTRUCTION OF ROAD:** Grantee shall construct the Road and take appropriate measures to control erosion and to avoid trespass on adjacent properties.
2. **DAMAGE TO PROPERTY:** Grantee shall exercise care to avoid damaging the property in any manner not consistent with the purpose for which this agreement is issued, and shall restore any damaged property to its original condition or a reasonably equivalent condition.
3. **COOPERATION WITH GRANTOR:** Grantee shall at all times cooperate with Grantor(s) and comply with reasonable requests not inconsistent with the purpose for which this agreement is issued. It is understood that Grantor is not a full time resident of the Servient Parcel. Grantee shall reasonably curtail any noise causing or dust causing construction activity on the access road, in such a way to not affect Grantor's and others' reasonable use of the ski easement and trail easement. Grantee will use its best efforts to accommodate Grantor's requests and use all reasonable efforts to limit the use and schedule the use of the access road .
4. **PARKING:** No part of the Servient Parcel may be used for parking construction vehicles or construction employee vehicles, other than for temporary loading or unloading.
5. **CLEAN-UP:** Grantee will keep the Servient Parcel free of construction related litter and debris. The construction site shall be kept clean and organized, and related litter shall be removed daily. Grantee shall inspect the site to ensure the site is free of construction debris. As necessary, during construction, Grantee shall clean the windows on Grantor's homes that face the construction site on a quarterly basis in any quarter during which the construction activities cause dust. Grantee shall clean all the ground occupied of all rubbish, excess material, temporary structures, and equipment.
6. **CONSTRUCTION MAINTENANCE.** Grantee shall comply with all applicable building codes, including but not limited to providing: silt fencing, erosion controls, maintain limits of disturbance, as well as provide a safe way for area residents, adjoining property owners, and the general public to use and access the Sweeney Master Plan Trails ("Trails"). Grantee will not disturb the Trails, and will make all necessary repairs to keep the Trails in their pre-construction condition.
7. **RE-LANDSCAPING.** Within 90 days after completion of construction (the date on which the local government grants a permanent certificate of occupancy), Grantee shall uniformly grade the Work Area, and the Road and re-landscape the Road and Work Area according the plan attached as Exhibit C.
8. **INDEMNITY & INSURANCE.** Grantee will use the Road, the Work Area and the Servient Parcel at its sole risk and expense. Grantee will indemnify and defend Grantor from and against all claims and liabilities, including reasonable attorneys' fees arising out of Grantee's use of the Servient Parcel. During construction, Grantee shall maintain a property and liability insurance policy in the amount of \$2 million, for its use of the Servient Parcels, naming Grantor as an additional insured.
9. **GATE ENCLOSURE:** All individuals accessing the property shall close and lock the gate entrance to the Servient Parcel at every entrance and exit.

10. GRANTOR'S RIGHT OF PERFORMANCE: If Grantee fails to comply with the terms of this Easement, including but not limited to cleaning up, restoring Grantor's property, obtaining insurance, and locking the gate enclosure, Grantor shall provide Grantee a written notice of any such failure and seven calendar days to cure. If Grantee fails to cure, Grantor may perform in place of Grantee and shall charge Grantee all costs of Grantor's performance, plus a fee of 20% of the costs of performance. If Grantor reasonably determines that Grantee continues to fail to comply with the terms herein after a written notice to cure, Grantor may rescind this Easement. Notwithstanding anything herein to the contrary, in the case of emergency, Grantor reserves the right to cleanup, lock up, and perform any other act required of Grantee and to charge Grantee for the same plus a fee of 20% of the cost of performance, without any prior notice.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed this 6 day of October 2006.

GRANTOR



 Jerry Fiat, Member
 P.C. Estate Development, LLC

GRANTEE

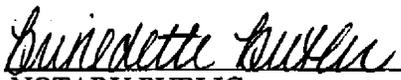


 Jerry Fiat, Member
 Upper Norfolk, LLC

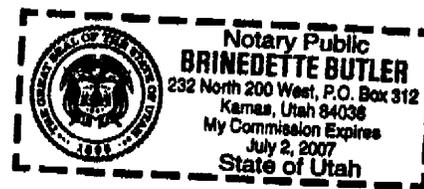
State of Utah)
) ss.
 County of Summit)

Before me, the undersigned, a Notary Public within and for said County and State, on this 6 day of October 2006, personally appeared to me Jerry Fiat, known to be the identical person(s) who executed the within and foregoing instrument stating that he had authority of P.C. Estate Development, LLC., for the uses and purposes herein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.



 NOTARY PUBLIC



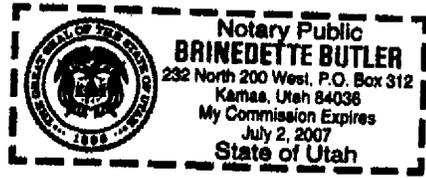
State of Utah)
) ss.
 County of Summit)

Before me, the undersigned, a Notary Public within and for said County and State, on this ___ day of October 2006, personally appeared to me Jerry Fiat, known to be the identical person(s) who executed the within and foregoing instrument, stating that he had authority of Upper Norfolk, LLC., for the uses and purposes herein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

BK1822 PG0041

Brinedette Butler
NOTARY PUBLIC



BK1822 PG0042

Exhibit A
(Servient Parcel)

LOT 1 TREASURE HILL SUBDIVISION PHASE 1; ACCORDING TO THE OFFICIAL PLAT ON
FILE IN THE SUMMIT COUNTY RECORDERS OFFICE CONT 37,283 SQ FT OR 0.86 AC 958-
299 (REF:671-90; 951-682; 1345-1078; 1413-76& 1483-1699; 1483-1702; 1484-1142; 1486-1022)
1678-1202

BK1822 PG0043

Exhibit B
(Dominant Parcels)

Lot 1

Beginning at a point which lies South 23°38' East, 34.33 feet from the Southeast corner of Lot 33, Block 78 Millsite Reservation, Park City, Utah, said point also being North 23°38' West, 396.53 feet and South 66°22' West, 25.00 feet from the intersection of Norfolk Avenue & 2nd Street and running thence South 23°38' East, along the westerly right of way of Norfolk Avenue 40.67 feet; thence South 66°22' West, 69.15 feet; thence North 23°48' West, 40.67 feet; thence North 66°22' East, 69.15 feet to the point of beginning; containing 2812.33 square feet, more or less.

Lot 2

Beginning at a point which lies South 23°38' East, 34.33 feet from the Southeast corner of Lot 33, Block 78 Millsite Reservation, Park City, Utah, said point also being North 23°38' West, 355.86 feet and South 66°22' West, 25.00 feet from the intersection of Norfolk Avenue & 2nd Street and running thence South 23°38' East, along the westerly right of way of Norfolk Avenue 40.67 feet; thence South 66°22' West, 69.15 feet; thence North 23°48' West, 40.67 feet; thence North 66°22' East, 69.15 feet to the point of beginning; containing 2812.33 square feet, more or less.

Lot 3

Beginning at a point which lies South 23°38' West, 6.34 feet from the Southeast corner of Lot 33, Block 78 Millsite Reservation, Park City, Utah, and running thence South 66°22' West, 69.15 feet; thence North 23°38' West, 51.07 feet; thence North 75°28'35" East, 70.03 feet to the northerly corner of said Lot 33, thence South 23°38' East 39.98 feet to the point of beginning; contains 0.072 acres, more or less.

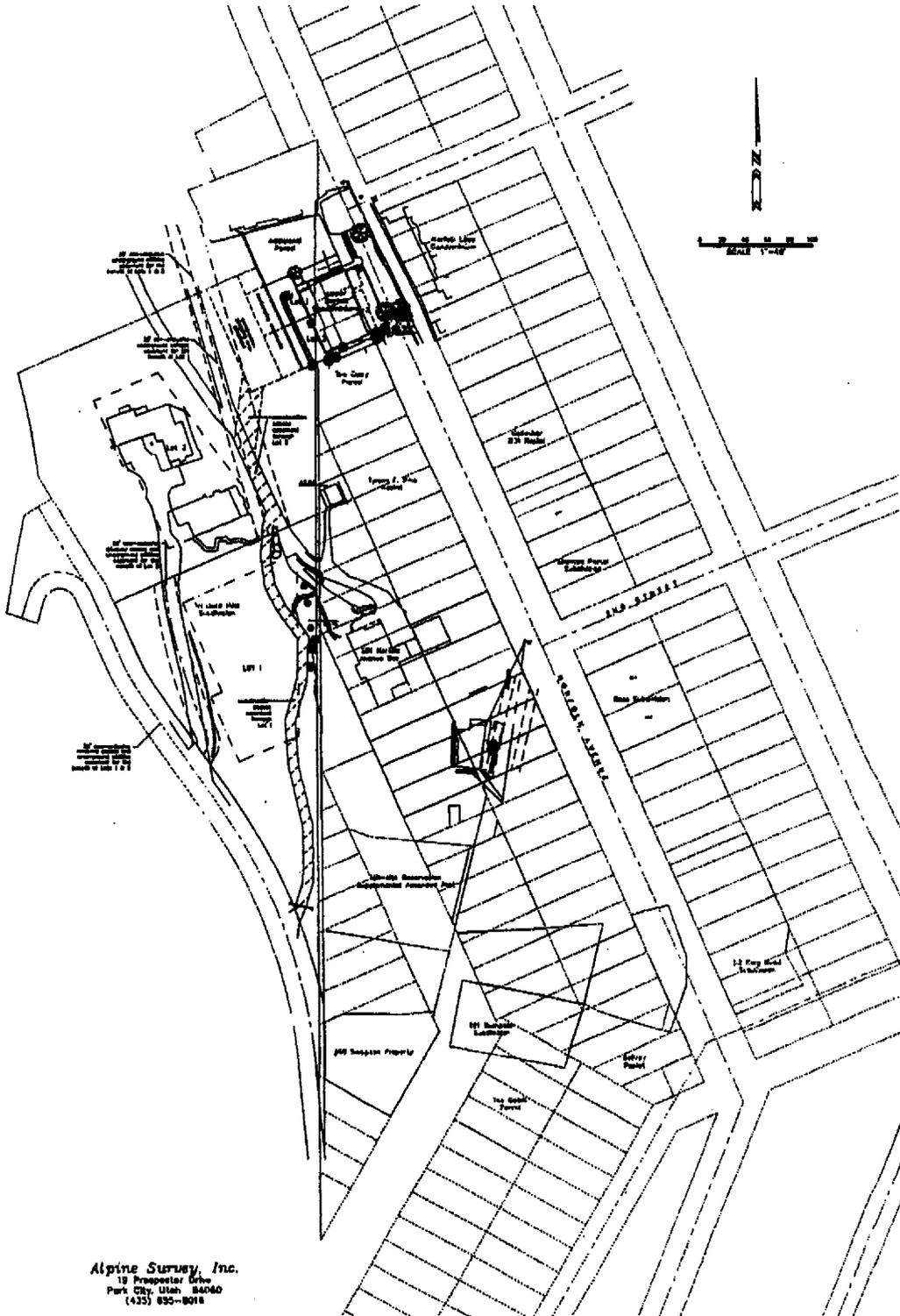
BK1822 PG0044

Exhibit C
(Map of Road and Relandscaping Plan)

BK1822 PG0045

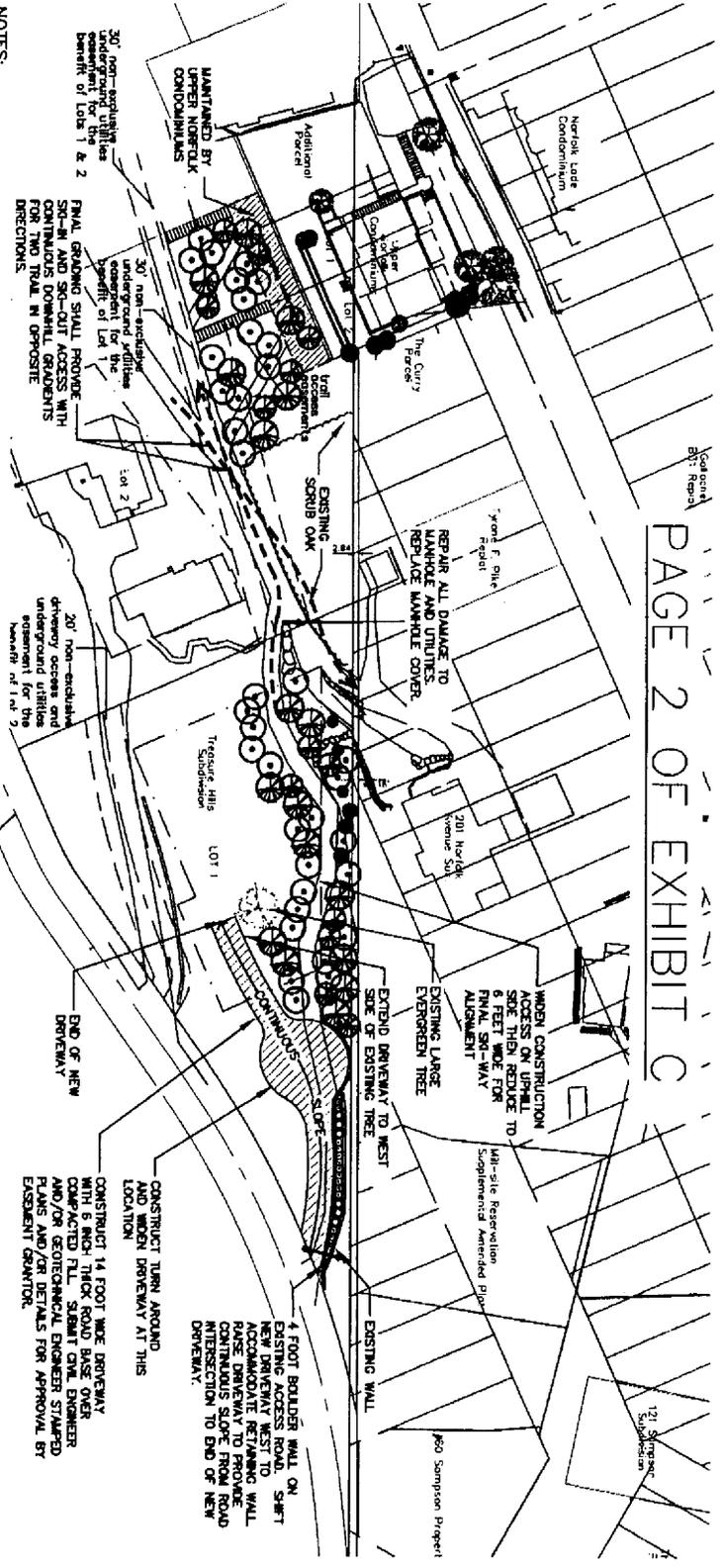


Park City Survey
Blocks 31, 32, 77, 78 & 79



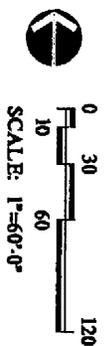
Alpine Survey, Inc.
18 Prospectors Drive
Park City, Utah 84060
(435) 835-8018

BK1822 PG0046



NOTES:

1. THIS DOCUMENT ILLUSTRATES THE DESIGN INTENT ON THE AGREEMENT. GRANTEE SHALL PROVIDE EASEMENT GRANTOR WITH CONSTRUCTION ACCESS PLANS INCLUDING ACCESS LAYOUT, EROSION CONTROL PLAN, REVEGETATION PLAN, PLANTING PLAN, AND IRRIGATION PLAN FOR APPROVAL BY EASEMENT GRANTOR PRIOR TO START OF ASSOCIATED CONSTRUCTION.
2. ALL PLANT LOCATIONS SHALL BE STAKED BY THE GRANTEE AND APPROVED BY THE EASEMENT GRANTOR PRIOR TO INSTALLATION.
3. EXISTING TREES REMOVED OR DAMAGED SHALL BE REPLACED IN KIND.
4. ALL AREAS CUT OR FILLED TO WIDEN ACCESS ROAD SHALL BE RETURNED TO ORIGINAL GRADES.
5. ALL AREAS DISTURBED BY CONSTRUCTION SHALL BE BROUGHT TO FINISH GRADES. INSTALL 6 INCHES OF TOP-SOIL, SEED WITH APPROVED NATIVE GRASS AND WILDFLOWER MIX, AND MULCHED. SLOPES 3:1 OR STEEPER AND ALL DRAINAGE SWALES SHALL BE COVERED WITH EROSION BLANKET.
6. ALL AREAS DISTURBED BY CONSTRUCTION SHALL BE IRRIGATED.
7. ALL TREES, SHRUBS, AND GROUND COVERS SHALL BE IRRIGATED.
8. GRANTEE SHALL PROVIDE 2 YEAR WARRANTY FOR ALL PLANT MATERIAL AND REVEGETATION.



	DECIDUOUS TREE (ASPEN)
	DECIDUOUS SHRUB (CURRANT)
	EVERGREEN TREE (WHITE FIR)
	EVERGREEN SHRUB (JUNIPER)

Upper Norfolk Condominiums

Planning Commission April 27, 2011

11

Page 112 BK1822 PG0047

Planning Commission Meeting
 Minutes of July 26, 2006
 Page 2

MOTION: Commissioner Barth nominated Commissioner O'Hara to be Chair and for Commissioner Thomas to continue as Vice-Chair. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously.

At this time, Commissioner O'Hara assumed the Chair.

IV CONSENT AGENDA

1. 320 Woodside Avenue - CUP for construction on a slope greater than 30%

V. REGULAR AGENDA/PUBLIC HEARINGS

1. 1104 & 1118 Lowell Avenue - Steep Slope Conditional Use Permit
2. 7745 Bald Eagle - Plat Amendment
3. 1335 Lowell Avenue, The Gables - Amendment to the Record of Survey
4. 2409 Iron Mountain Road - Plat Amendment
5. 101 Prospect Street

MOTION: Commissioner Wintzer made a motion to CONTINUE the Consent Agenda, 1104 & 1118 Lowell Avenue, 7745 Bald Eagle, and 1335 Lowell Avenue to August 9, 2006 and to CONTINUE 2409 Iron Mountain Road and 101 Prospect Avenue to August 23. Chair Barth seconded the motion.

VOTE: The motion passed unanimously.

6. 259-263 Norfolk Avenue - Condominium plat vacation/subdivision

Planner David Maloney reviewed the application for a three lot subdivision and noted that the Planning Commission has reviewed this item a number of times. The last time this was before the Planning Commission the Commissioners visited the site and discussed the contents of the Staff report and the applicant's proposal. The Planning Commission requested that the Staff return with findings and conditions for approval.

For the benefit of the public, Planner Maloney explained that an existing six unit structure on the property does not meet the Code in terms of height and setbacks, and a portion of the front decks are within the City right-of-way. The application is to demolish the existing structure and dissolve the existing condominium on the land, and to plat three new lots for the purpose of constructing three single family homes. Planner Maloney stated that the proposed access is from the north side of the lot. He presented a conceptual site plan that was submitted to the Planning Department for the purpose of verifying that it is reasonable

to access the three lots. Through Staff discussion and meetings with the applicant, the Staff has determined that the plat amendment proposed is reasonable and can be accessed from the north side of the lot.

Planner Maloney commented on concerns raised at the last public hearing about preserving the existing landscaping along the front of the site. In addition, the driveway being proposed on the conceptual site plan is 19 feet wide and issues were raised regarding the excessive width.

The Staff recommended approval of the proposed plat for the purpose of establishing lot lines and creating three lots of record. Planner Maloney noted that all three lots are on slopes greater than 30% which will require a conditional use permit prior to any development on the property. He stated that the 14 criteria listed in the Conditional Use Permit section of the Land Management Code would have to be addressed and all issues would have to be mitigated prior to the applicant receiving a conditional use permit.

The Staff recommended that the Planning Commission conduct a public hearing and forward a positive recommendation to the City Council on the proposed three lot subdivision called the "Upper Norfolk Subdivision".

Commissioner Barth wanted to know what would happen if they voted to vacate the condominium plat and adopt the ordinance but the property is never built. Planner Maloney explained that the lots would remain platted until someone applies for a conditional use permit. The applicant would demolish the existing structure before the lots would be recorded so the lots would be vacant.

Chair O'Hara opened the public hearing.

Jim Keesler, a resident at 302 Norfolk, remarked that the structure encroaches into the City right-of-way and if the applicant demolishes the building, the City would have the opportunity to do something with it. Mr. Keesler wondered why the applicant needed a 19 foot wide driveway when Norfolk Avenue is only 8 feet wide. He could not understand why the City would allow pavement in an area that could be landscaped and could give something back to the public that the structure has possessed for so long. Mr. Keesler urged the Planning Commission to address this issue before the plat amendment is granted.

Chair O'Hara closed the public hearing.

Chair O'Hara noted that the Planning Commission will address specific issues during the CUP process

Jerry Fiat, the applicant, explained that the driveway will be shared by three homes and the reason for making it 19 feet wide is to allow two cars to pass or for one car to pass if another car is parked. Mr. Fiat pointed out that the existing house encroaches 18 feet on to the public right-of-way and the new homes would sit at least 10 feet back. The area that the driveway sits in is already disturbed and the net effect is that paved space will be returned to green space with a berm and planters.

Planner Maloney stated that once the Planning Department receives proposals to build the actual structures on the lots, they will be in a better position to see how the grades will tie in and determine exactly what access makes the most sense in terms of the configuration of the driveway. They would also look at landscaping at that point.

Commissioner Barth asked if Mr. Keesler will be within the noticing boundary when those proposal are reviewed. Planner Maloney replied that he would.

Commissioner Pettit stated that she is very familiar with Upper Norfolk and the challenges it presents to the neighborhood. Her concern was tied to density and traffic. She understood that there may be a benefit in demolishing the current existing non-conforming structure and that it may resolve some of the parking issues. Ms. Pettit asked about the number of bedrooms in the six unit condominium. Mr. Fiat replied that there are 3 bedrooms per unit. There are three townhouse units and each one has a lock out. These new structures would be single family homes and most likely second homes based on the nature of Upper Norfolk. Mr. Fiat saw this as a significant decrease in density. In addition, parking will be underneath the structure, as well as in front of the homes in the setback. Mr. Fiat noted that he did not ask for the maximum density that would be allowed for the size of the lot. Planner Maloney clarified that the minimum lot size in the zone is 25' x 75' and these lots are roughly 40 feet in width and 70 feet deep.

Ms. Pettit assumed that the single family homes would have the ability to submit a CUP application for accessory apartments. What might appear to be a reduction in density could change if that happens and that presents other issues. Ms. Pettit understood that the proposal is to access the site from up above through Mr. Fiat's property, and she was very concerned about any construction vehicle access on Norfolk because of the challenges of the street.

Planner Maloney stated that a condition of the plat approval requires that the construction easement agreements be finalized and submitted to the City prior to receiving building permits. This would insure that construction access is from King Road through the adjacent properties in the rear. Ms. Fiat stated that he has tried to do everything possible to minimize the impacts through the neighborhood and every neighbor who is adversely affected supports his proposal.

To address the concerns of accessory apartments, Planner Maloney noted that the Planning Commission has the option of a plat note stating that the structures should remain single family homes without any accessory or lock out units. Ms. Pettit stated that another concern is whether or not the homes could be used as nightly rentals. Planner Maloney replied that nightly rentals are permitted in the zone.

Commissioner O'Hara clarified that accessory apartment or nightly rental constraints are typically done on the plat rather than through a condition of the CUP. Planning Director Patrick Putt stated that it would be appropriate to establish a finding that speaks to the reason for a specific condition of approval.

Planner Maloney referred to Condition of Approval #6 and requested that the language "prior to plat recordation" be replaced with "prior to issuing a building permit". This revision was made based on a recommendation from the City Engineer.

Commissioner Sletten was not interested in regulating nightly use at this point, but he felt the issue of restricting accessory apartments could be addressed in a condition of approval. Mr. Fiat was not opposed to a plat note that restricts accessory apartments.

Polly Samuels McLean, Assistant City Attorney, stated that generally the City tries to steer away from plat notes that restrict these types of uses. It is more appropriate to make findings for a condition of approval. Ms. McLean noted that if the City Council adopts their recommendation, it will become part of the ordinance and the Building Department is very careful about reading all the conditions before they issue a building permit. Planner Maloney remarked that this property is also in the Historic District and the Planning Department would review any future plans for an amendment to the design. If there appears to be an accessory apartment, it would require a conditional use permit process.

MOTION: Commissioner Sletten moved to forward a POSITIVE recommendation to the City Council for the proposed Upper Norfolk subdivision according to the Findings of Fact, Conclusions of Law, and Conditions of Approval in the Staff report and subject to the amendments as discussed; the revision to Condition of Approval #6 to delete "plat recordation" and insert "issue of a building permit", and the addition of Condition of Approval #7 that would preclude accessory apartments. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - 259-263 Norfolk Avenue

1. The property is located at 259-263 Norfolk Avenue.

2. Currently the property is platted as the "Upper Norfolk Condominiums",
3. There is an existing triplex structure located on the property.
4. The existing structure does not conform to the height and setback requirements of the HR-1 zoning district.
5. The applicant is proposing demolishing the existing structure.
6. The applicant is proposing vacating the existing "Upper Norfolk Condominiums" plat.
7. The applicant is proposing establishing three lots of record - identified on the proposed plat as Lot 1, Lot 2, and Lot 3.
8. Lot 1 and Lot 2 measure 40.67 feet by 69.15 feet and contain 281.33 square feet.
9. Lot 3 measures 39.98 feet at the front, 51.07 feet at the rear, 69.15 feet on the south side and 70.03 feet on the north side.
10. The proposed access to the lots is from Norfolk Avenue on the north side of the property.
11. The three proposed lots would share one driveway.
12. The proposed lots here for the purposes of building single family houses.
13. The proposed lots have slopes of greater than 30% and are subject to Conditional Use Permit, Construction on a steep slope review.
14. There is not sufficient area on the property to conduct construction staging.

Conclusions of Law - 259-263 Norfolk Avenue

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.

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

Conditions of Approval - 259-263 Norfolk Avenue

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. The lots are to be used for the construction of single family houses.
4. Construction access to the lots is to be from King Road through the adjacent property to the west, as per the submitted construction easement agreements.
5. The construction easement agreements must be finalized and submitted to the city prior to receiving building permits.
6. A Utility/Grading plan is required to be reviewed and approved by the City Engineer prior to issue of a building permit.

Chair O'Hara took this time to welcome Julia Pettit and Evan Russack, the new Planning Commissioners, and thanked them for their willingness to serve the City.

7. 3605 & 3615 Oakwood Drive - Plat Amendment

Planner Maloney reported that a plat amendment that was approved in July 2004 created a lot and a half from Lot 64 and half of Lot 63 in the Oaks Deer Valley Subdivision. This current proposal is to revert back to the originally platted lots within the subdivision for Lots 63 and 64. This would eliminate the lot and a half that was created in 2004. This item was presented to the Planning Commission on July 12, at which time there was some discussion regarding the reasoning behind the original approval. Planner Maloney had researched the minutes and found that the owner at that time wanted to create a lot and a half so he could build a larger house than what was allowed on Lot 64 alone. He had ownership of half of Lot 63 and combined with Lot 64 to make a lot and a half into one lot. That action increased the square footage of the house they could build per the CC&R's. Planner Maloney stated that the adjacent owners of the other half of Lot 63 and all of Lot

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JULY 27, 2006**

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, July 27, 2006. Members in attendance were Dana Williams, Marianne Cone, Candace Erickson, Roger Harlan, Jim Hier, and Joe Kernan. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; David Maloney, Planner; Kirsten Whetstone, Planner; and Ben Davis, Planning Intern.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Resolution naming and honoring Sally Elliott as the Mayor's Choice for the 2006 Award in the Humanities – The Mayor read the resolution into the record and thanked Ms. Elliott for her many contributions to the community both as a former City Council member and current Summit County Commissioner.

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

None.

IV WORK SESSION NOTES AND MINUTES OF MEETINGS OF JULY 6, 2006 AND JULY 13, 2006

Roger Harlan, "I move approval of the work session notes and minutes of the meetings of July 6 and July 13, 2006". Candace Erickson seconded. Motion unanimously carried.

V RESIGNATIONS AND APPOINTMENTS

Appointments to the Police Review and Complaint Committee – Mayor Williams recommended the reappointment of Jerry Bush, and appointments of Charles Neal and Coady Schueler for terms expiring July 2008.

VI CONSENT AGENDA PUBLIC HEARINGS

1. Ordinance amending the Prospect Street Subdivision Plat, Park City, Utah (motion to continue to September 14, 2006) – The Mayor requested a motion to continue. Candace Erickson, "I so move". Roger Harlan seconded. Motion unanimously carried.

2. Continuation of a public hearing of an Ordinance approving a subdivision plat for 259-263 Norfolk Avenue, Park City, Utah – To better understand the action, Mayor

Williams noted that he and staff walked the property today. Dave Maloney explained that the condominium plat is being vacated. The owner intends to demolish the existing structure and establish three lots of record to construct three single family homes. The lots are on steep slopes and subject to a conditional use permit prior to the issuance of a building permit. Staff finds that the conceptual site plan proposed provides reasonable access from Norfolk Avenue. He added that the existing structure doesn't meet current HR-1 height and setback requirements and encroaches 18 feet into the Norfolk Avenue right-of-way. Because of the steep slope feature, the applicant has the ability to request a height increase but no increase in the floor area. At its meeting last night, the Planning Commission recommended approval with additional findings. Mr. Maloney distributed a revised ordinance and pointed out modifications and additions, including prohibition of accessory apartments. Mayor Williams relayed that this action relates to platting property, not designing structures.

Applicant Jerry Fiat stated that the existing structure encroaches on City right-of-way and he is proposing a 19 foot driveway where disturbance already exists. One driveway will serve three homes and is wide enough to accommodate trucks. He felt it is a benefit eliminating three units of density, removing a non-conforming structure, adding on-site parking which did not exist, and providing construction access from King Road at considerable expense. Additionally, he has agreed to prohibit accessory units. The disturbed area of the existing structure is greater than the net affect of new three structures and the driveway. There will be more green space.

Mr. Maloney added that it appears that the design of the driveway will retain the landscape berm and the conditional use process will finalize the design. Roger Harlan noted that a year ago, many Upper Norfolk Avenue residents were against this project. The applicant has done a good job of addressing neighborhood objections, but he is still concerned about construction impacts. Jerry Fiat discussed proposed construction phasing and staging on King Road.

Dave Maloney stated that he received a correspondence from an adjacent neighbor, Kevin King, who wrote that his letter is a formal notice of appeal if the plat is approved tonight and referenced LMC Section 15-7.34 which deals with road design requirements. Mr. Maloney pointed out that this section of the Code deals with new subdivisions and does not apply to this application.

The Mayor opened the public hearing, and hearing no input, closed the hearing.

3. Ordinance approving the Lot 5 April Mountain Subdivision Plat Amendment, located at 1315 Mellow Mountain Road, Park City, Utah – Ben Davis, Intern Planner, explained that the application is to adjust building pads by moving the lot further north, which will preserve natural landscaping. The Planning Commission forwarded a

positive recommendation. He explained limitations on the access road for construction of the driveway. The Mayor opened the public hearing, and closed it as there were no comments from the audience.

4. Ordinance approving the Kampai Plat Amendment, located at 586 Main Street, Park City, Utah – Ben Davis explained that the request is to combine Lot 22, Lot 24 and a metes and bounds parcel into one lot of record. There is an existing historic building where the Kampai Restaurant operates. There is no impact on the pedestrian walkway easement in the area, and there are no objections by neighboring owners. The Planning Commission forwarded a positive recommendation. The Mayor opened the public hearing. There was no public input and the hearing was closed.

5. Ordinance approving a plat amendment for Lots 63 and 64, The Oaks at Deer Valley, located at 3615 and 3605 Oakwood Drive, Park City, Utah – Planner Dave Maloney explained that Lots 62, 63 and 64 were owned by two separate parties and in 2004, a plat amendment was approved to combine Lot 64 and half of Lot 63, although the property owners of the other half of Lot 63 and Lot 62 felt that they didn't receive proper notice. The plat amendment proceeded and a lot and a half was created and there was a verbal agreement between the parties that Lot 63 would remain open space. The owners of Lot 64 and half of Lot 63 could have increased the size of the residence by 150% with the lot combination. Since that time, the owners of Lot 62 and half of Lot 63 have purchased the other half of Lot 63 and Lot 64, and are requesting to revert to the way the lots were originally platted in 1989. All three lots are still vacant, the ownership is under one party, and approval eliminates remnant parcels.

The Mayor opened the public hearing and with no comments, closed the public hearing.

VII CONSENT AGENDA

Jim Hier, "I move we approve Consent Agenda Items 1 through 5". Roger Harlan seconded. Motion unanimously carried.

1. Ordinance approving a subdivision plat for 259-263 Norfolk Avenue, Park City, Utah – See staff report and public hearing.

2. Ordinance approving the Lot 5 April Mountain Subdivision Plat Amendment, located at 1315 Mellow Mountain Road, Park City, Utah - See staff report and public hearing.

3. Ordinance approving the Kampai Plat Amendment, located at 586 Main Street, Park City, Utah - See staff report and public hearing.

- 12. Other Issues – Dogs will be prohibited from construction site. Information will be provided to neighboring property owners to help them be aware of the project and to keep the lines of communication open.
- 13. Erosion Control – Storm water management plan, attachment A, will be reviewed, signed and attached to this construction mitigation plan
- 14. Noxious Weeds – Must be managed consistent with the Park City Municipal Code, Title 6, Section 6-1-1 and the Summit County Weed Management Plan

Owner or Owner Representative Signature: Dee A agent
259 Upper North LLC **Date:** 4/1/11

Approved By: _____ **Date:** _____

APR 01 2011

Job Address LOT 'A' - UPPER NORFOLK Permit # _____
SUBDIVISION

Attachment A
PARK CITY BUILDING DEPARTMENT

Storm Water Pollution Control Requirements for Construction Activities
Storm Water Quality Protection Requirements for Development Construction
Projects/Certification Statement

The following is intended as an attachment to the mitigation plan and represent the minimum standards of good housekeeping, which must be implemented on all sites that have been issued a construction permit.

- Eroded sediments and other pollutants must be retained on site and may not be transported from the site via sheet flow, swales, area drains, natural drainage course or wind. In addition, I am familiar with the practices to minimize off-site migration of sediment (i.e. silt screen fences, settling basins, installation of straw bales)
- Furthermore, I am aware of Park City Soil Ordinance and the requirements for managing and complying with soil potentially impacted with heavy metals.
- Stockpiles of earth and other construction-related materials must be protected from being transported from the site by wind or water.
- Fuels, oils, solvents and other toxic materials must be stored in accordance with their listing and are not to contaminate the soil nor the surface waters. All approved toxic storage containers are to be protected from the weather. Spills must be cleaned up immediately and disposed of in a proper manner. Spills may not be washed into the drainage system.
- Excess or waste concrete may not be washed into the public way or any drainage system. Provisions shall be made to retain concrete wastes on-site until they can be appropriately disposed of or recycled.
- Trash and construction-related solid wastes must be deposited into a covered receptacle to prevent contamination of rainwater and dispersal by wind.
- Sediments and other materials may not be tracked from the site by vehicle traffic. The construction entrance roadways must be stabilized so as to inhibit sediments from being deposited into the public ways. Accidental depositions must be swept up immediately and may not be washed down by rain or by any other means.

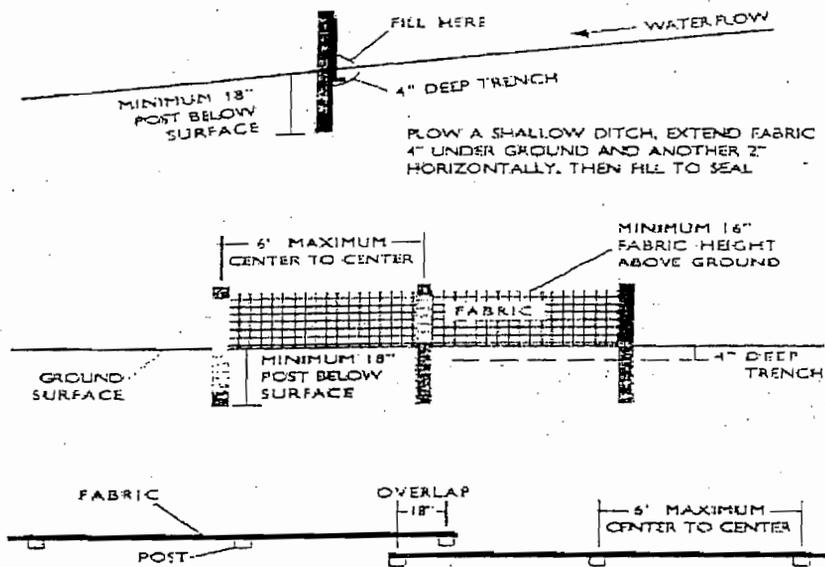
As the project owner or authorized agent of the owner, I have read and understand the requirements, listed above, necessary to control storm water pollution from sediments, erosion, and construction materials, and I certify that I will comply with these requirements.

Print Name Jerry Fiat agent Upper Norfolk LLC
(Owner or authorized agent of the owner)

Signature [Signature] Date _____
(Owner or authorized agent of the owner)

APR 01 2011

Park City Silt Screen Installation

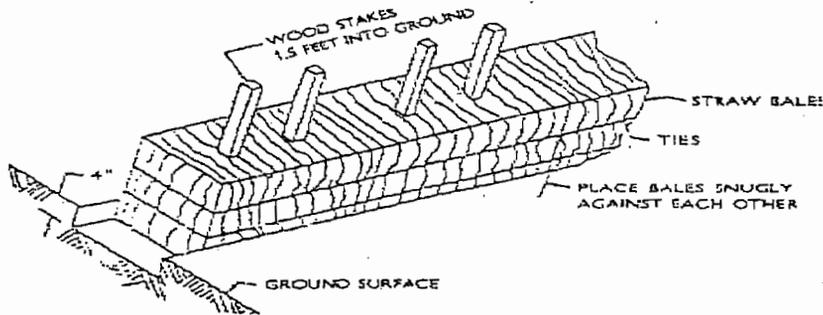


Installation Techniques (side view)

Construction Specifications (cross section)

Overlap Specifications (top view)

Park City Straw Bale Specifications

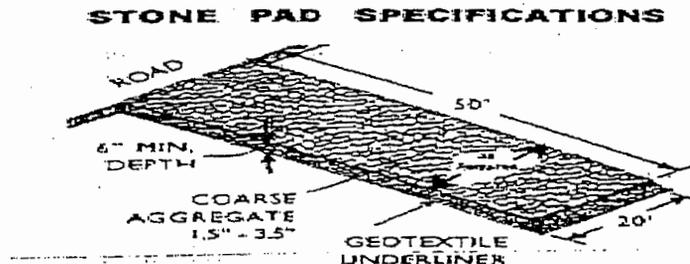


Straw Bale Specifications (side view)

Notes:

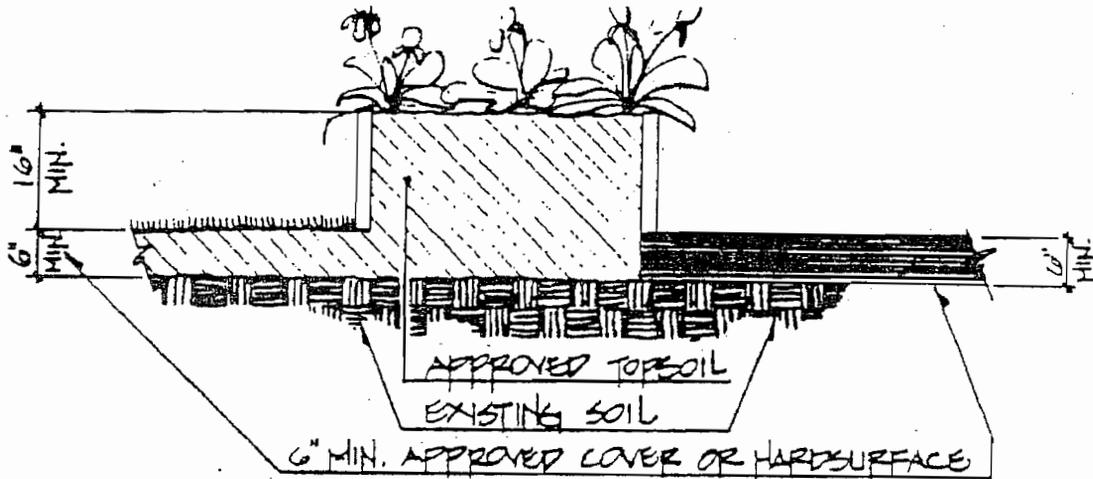
- specs are for Type B fence
- use 22" D.O.T. approved fabric
- use wood or steel posts
- designed for flow rate of 25 gallons / min / ft²

Park City Stone Pad Specifications



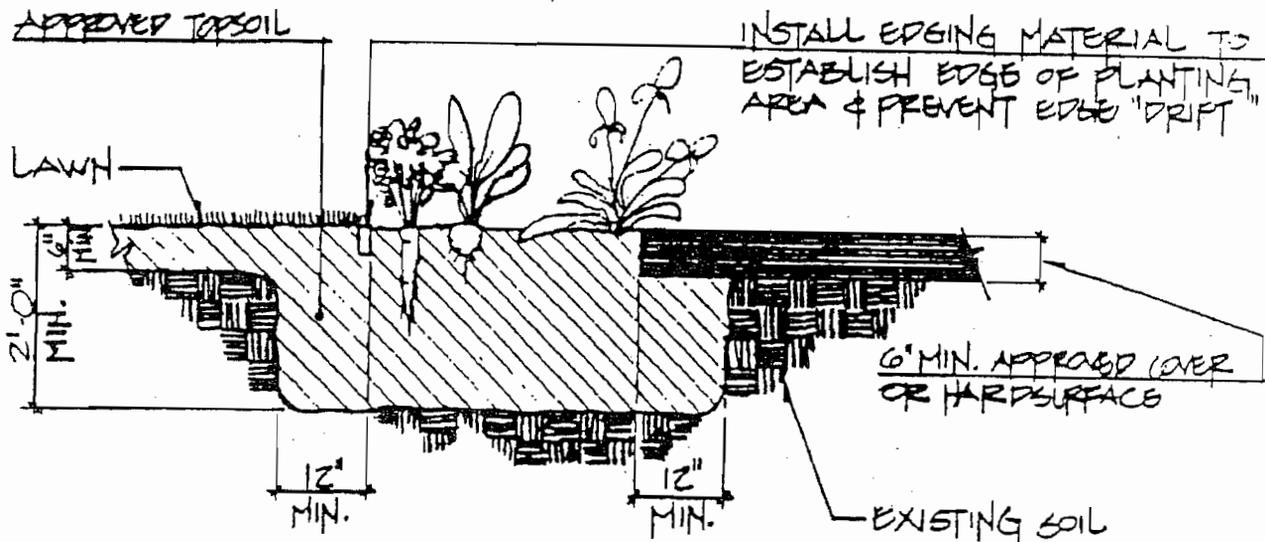
APR 01 2011

Soils Ordinance Recommended Plant Bed Diagrams



Bed Specifications for planting at above grade.

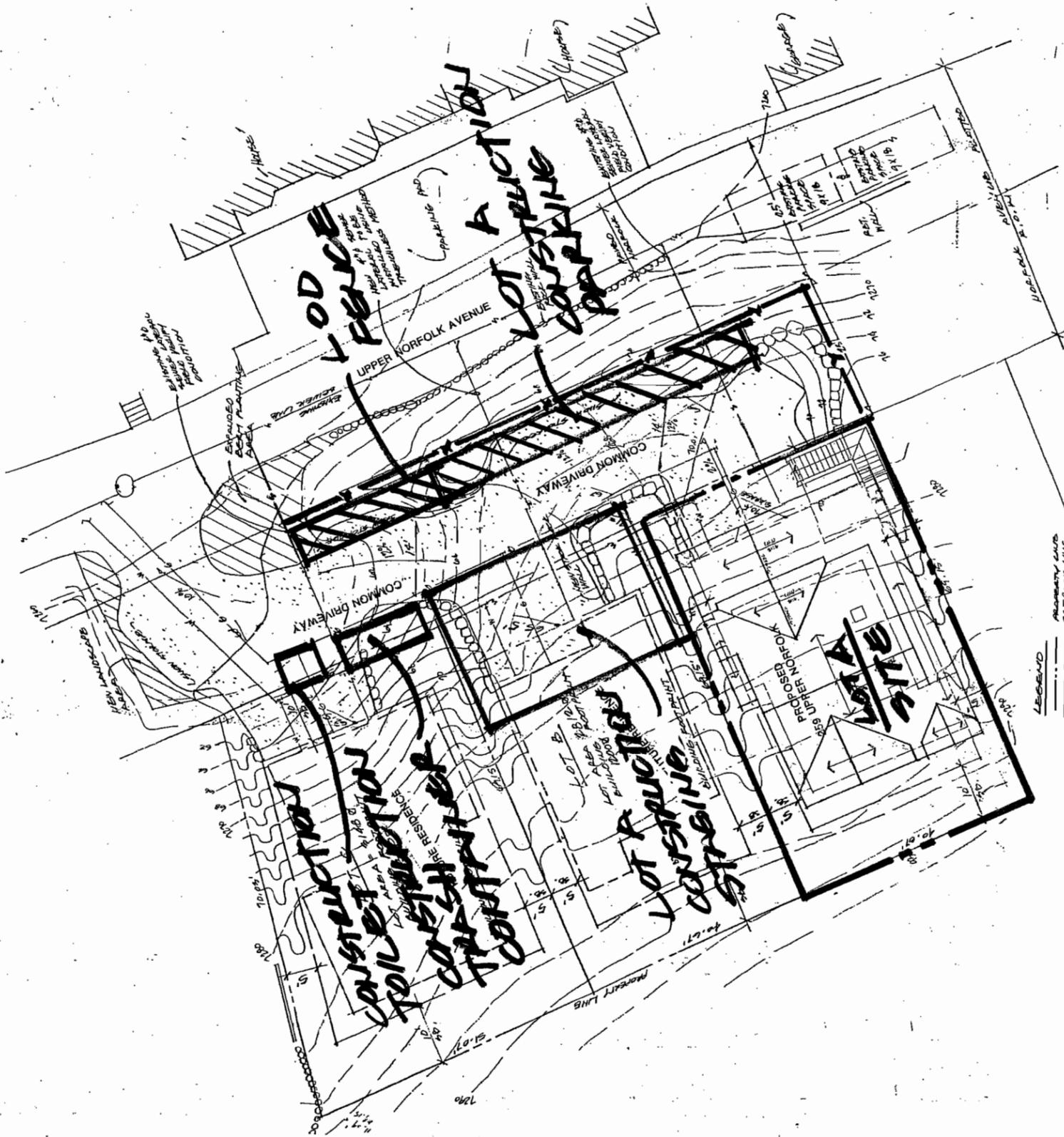
Summary: Flowers and Vegetable planting beds above grade 16" of approved topsoil. This is soil that has been tested and is below 200 ppm lead.



Bed Specifications for planting at grade.

Summary: Flowers and Vegetable planting beds at grade 24" of approved topsoil. This is soil that has been tested and is below 200 ppm lead.

APR 01 2011

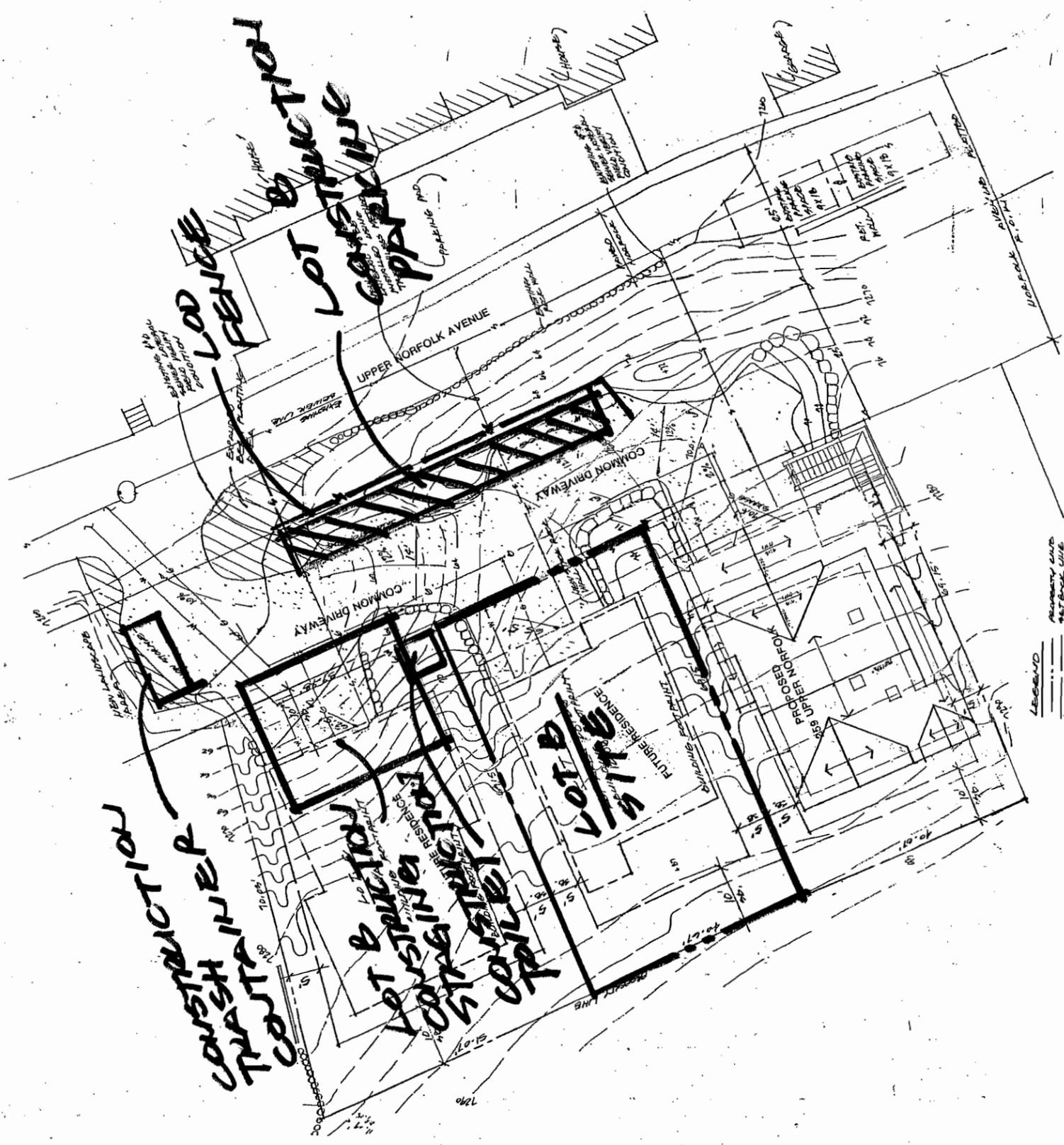


Construction Mitigation Plan, Lot "A"

Upper Norfolk Subdivision, Park City, Utah APR 01 2011

LEGEND

---	PROPERTY LINE
---	SETBACK LINE
---	BUILDING FOOTPRINT
---	NEW CONDUIT
---	EXISTING CONDUIT
---	EAS
---	WATER
---	SEWER



Construction Mitigation Plan, Lot "B"

Upper Norfolk Subdivision, Park City, Utah APR 01 2011

SUMMIT COUNTY UTAH

PARK CITY - BLOCK 78 LOTS (14-46), SECTION 16, T2S R4E, S.L.B. & M.

Exhibit H - Original lot configuration

