

**PARK CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION  
CITY HALL, COUNCIL CHAMBERS  
JULY 27, 2011**



## AGENDA

**SITE VISIT AT 4:30 PM** – *Interested parties should meet at the Planning Department, located at 445 Marsac Avenue, prior to 4:30 PM*

Upper Ridge Avenue – Plat Amendment PL-11-01238

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

**WORK SESSION** – *Items are discussion items only, public input may be taken, no action will take place*

Treasure Hill – Informational Update

General Plan – Informational Update

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**ROLL CALL**

**ADOPTION OF MINUTES OF JUNE 22, 2011**

**ADOPTION OF MINUTES OF JULY 13, 2011**

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

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

633 Woodside Avenue – Conditional Use Permit

PL-11-01270

*Public hearing and continue to August 10, 2011*

**CONSENT AGENDA** – *Public hearing, and possible action as outlined below*

1159 Empire Avenue – Record of Survey

PL-11-01228

69

*Public hearing and possible recommendation to City Council*

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

333 Main Street – Condominium Conversion

PL-11-01293

81

*Public hearing and possible recommendation to City Council*

Upper Ridge Subdivision – Plat Amendment

PL-11-01238

113

*Public hearing and discussion*

**WORK SESSION** – *Items are discussion items only, public input may be taken, no action will take place*

Annual Open and Public Meetings Act training

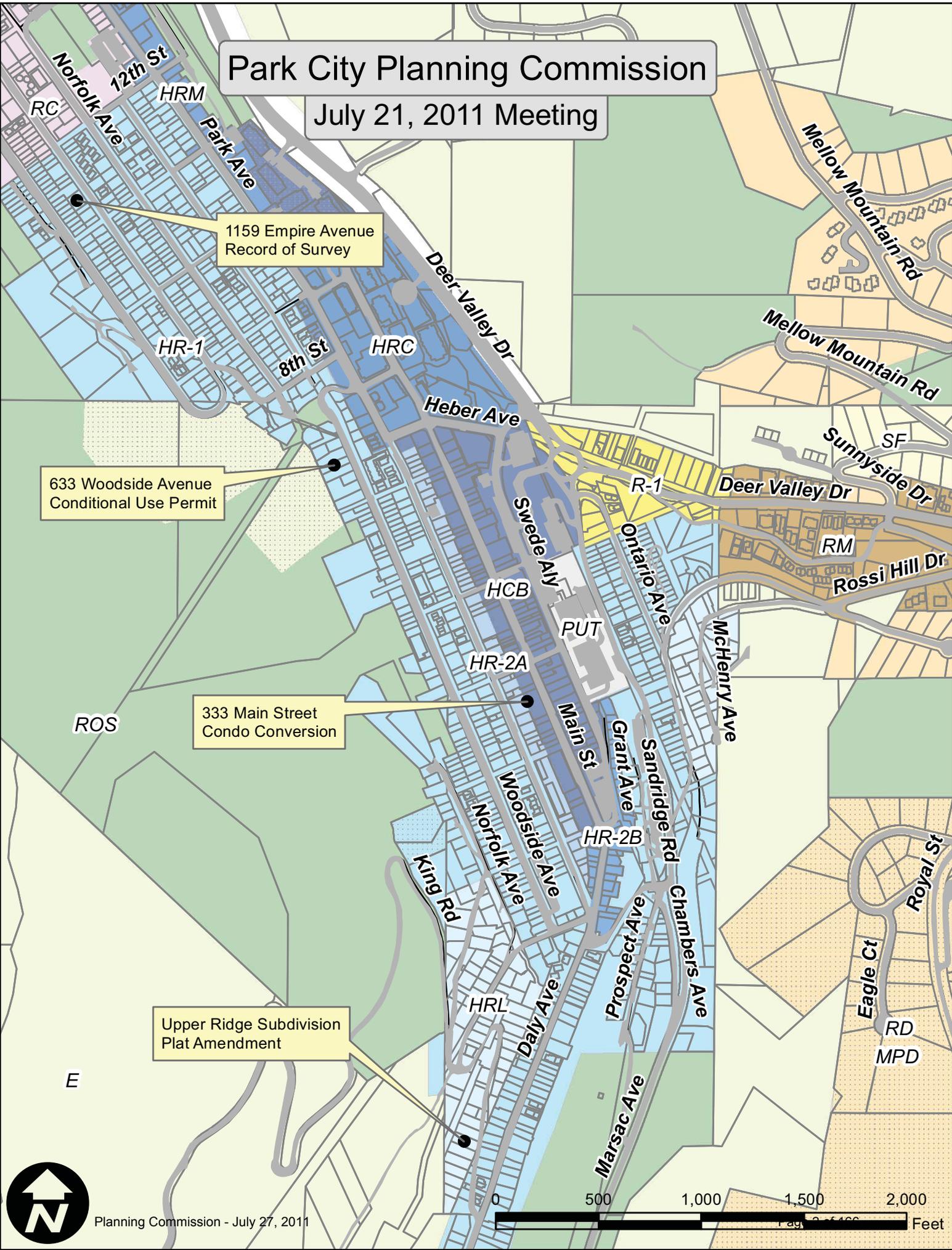
**ADJOURN**

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.

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Park City Planning Department at (435) 615-5060 24 hours prior to the meeting.  
Planning Commission - July 27, 2011

# Park City Planning Commission

July 21, 2011 Meeting



633 Woodside Avenue  
Conditional Use Permit

333 Main Street  
Condo Conversion

Upper Ridge Subdivision  
Plat Amendment

1159 Empire Avenue  
Record of Survey



## **WORK SESSION**



# Planning Commission Staff Report



**Subject:** General Plan  
**Author:** Katie Cattan  
**Date:** July 27, 2011  
**Type of Item:** Work Session – Informational  
Housing

Planning Staff is currently working on the re-write of the General Plan. Staff will be bringing updates on the progress of the General Plan to the Planning Commission and City Council monthly. The July update will focus on Housing in Park City. Staff will present the current facts and trends on housing in Park City.

Currently the Sustainability Team is working on an update to Park City's housing resolution. The most recent housing resolution was adopted in 2007. The Planning and Sustainability Departments are working together on re-evaluating the implementation strategies and goals for the updated resolution and General Plan. The Sustainability Team will be finalizing updates to the housing resolution this summer.

The purpose of the work session is to bring the Planning Commission up to date on the current trends in housing as identified in recent studies and the 2010 Census. The following trends will be discussed:

- Increased Gap in Affordability
- Location and Distribution of Affordable Housing
- Stable # of Primary Resident Population with Increase in Secondary Residents
- Increased vacancy in homes
- Shift in housing inventory type
- Aging Population
- Increase in House Size

## Draft Housing Goals

- Provide a variety of housing options to meet the socio-economic needs of people who live and work here.
- Preserve Park City Character through providing a diversity of housing types.
- Balance primary and secondary homeownership.
- Promote housing that is energy efficient, environmentally sensitive and that blends with the City's natural environment.
- Collaborate efforts with private, non-profit, and public to develop regional housing solutions.



## **MINUTES – JUNE 8, 2011**



**PARK CITY PLANNING COMMISSION  
WORK SESSION NOTES  
JUNE 22, 2011**

PRESENT: Julia Pettit, Brooke Hontz, Adam Strachan, Jack Thomas, Nann Worel, Thomas Eddington, Francisco Astorga, Kirsten Whetstone, Polly Samuels McLean, Matt Cassel

**WORK SESSION ITEMS**

**Fiscal 2012 Capital Improvement Program – Informational Update**

City Engineer, Matt Cassel, stated that on May 11, 2011 the 2012 CIP Plan was presented to the Planning Commission. At that time the Planning Commission requested an update on how the projects were prioritized. In response to their request, Mr. Cassel explained the process and the ranking system developed by the Budget Department that the CIP Committee uses to rank and score individual projects submitted by each department. A prioritization list is created from that analysis. The ranking system includes five criteria for scoring the project.

**2002 Euston Drive – Zone Change Request  
(Application #PL-11-01174)**

Planner Francisco Astorga reviewed the request for a zone change from Estate (E) to Residential Development (RD), for a five acres vacant parcel located at 2002 Euston Drive, south of the Chatham Crossing Subdivision and west of the open space area of the Canyon Crossing Condominiums. The Staff and applicant were seeking direction from the Planning Commission as to whether or not the proposed Zone change is compatible with the surrounding area. The parcel is not part of any subdivision and it is not a lot of record.

Planner Astorga noted that the subject property is surrounded on four sides by RD District. The site contains a 12' wide road and a 14" City water transmission line, as well as a 15' wide easement traversing the site from north to south. Planner Astorga reported that at one time Canyon Crossing was part of Chatham Hill, until it was developed as its own subdivision with two or three condos.

The applicant has requested to move forward with a zone change and preferred to meet with the Planning Commission during a work session prior to public hearing and action.

Planner Astorga reviewed the zoning map for the area. He indicated the required open space for the MPD that was approved for Canyon Crossing. He pointed out the ROS property to the south and the Estate zoning areas. He also reviewed the subdivision map showing the adjacent subdivisions and roads.

Planner Astorga noted that the Staff and the applicant reached out to four or five different HOAs in the area to inform them of this request and to let them know that a public hearing would be scheduled at a later date.

Planner Astorga reported that the Planning Commission reviewed a pre-application for a master plan development in 2001, at which time there were 15 affordable housing units and two single-

family dwellings. The Planning Commission found general compliance with the 2001 pre-application. In 2002 the Planning Commission reviewed the same request that is currently proposed to rezone the parcel from Estate to RD. At that time the Planning Commission requested that the Planning Department provide an analysis to determine whether the zone change from Estate to RD was appropriate for the density and the development parameters. The Staff did the analysis but was unable to make a positive recommendation for the zone change. At that time the Planning Commission directed the Staff to prepare findings for denial. However, the application was withdrawn the next day and final action was never taken.

Planner Astorga remarked that the Staff analysis on the current application indicates that the land has not changed and there have been no significant changes to the Land Management Code. The Staff finds that the analysis and findings from 2002 still apply.

Planner Astorga presented a slide that supported the Staff's findings. It would be more appropriate to keep the parcel in the Estate zone rather than changing to RD due to low density development, ridge line protection, sensitive hillsides and the actual topography of the site. Additional concerns included single access, fire safety and utilities.

Planner Astorga reviewed the findings from the 2002 minutes, which were included in the Staff report. Vice-Chair Pettit read the third bullet point on page 20 of the Staff report, "Based on the sensitivity of the site, the proposal appeared to be an over use." She asked if the 2002 proposal was a different proposal from what this applicant was requesting. Planner Astorga replied that the proposal was definitely different from the 15 affordable housing units and two single family dwellings. He understood that the applicant would like to have more than one dwelling on the property, but not as many as five or ten.

Planner Astorga stated that the first item for discussion was in regards to the Sensitive Lands Overlay District. The Code requires that seven different studies be submitted in order for the Planning Commission to make a determination for compliance with the Sensitive Lands Overlay. At this point, the Staff had only received the first one, which deals with the slope. The remaining studies had not been submitted. The seven studies were outlined on page 23 of the Staff report. Planner Astorga reported that the Staff had a small disagreement with the applicant in terms of what is defined as a development application. The Code states that for any development application within the Sensitive Lands Overlay, the applicant shall provide the seven items.

Planner Astorga remarked that the Planning Commission has the right to request additional information related to the Sensitive Lands Overlay. The studies are written in the LMC, which include the visual assessment, soil investigation, geo-technical report and fire protection report. He clarified that these were in addition to the seven studies outlined.

Planner Astorga requested discussion from the Planning Commission on whether or not they concur with the Staff determination that it would be more appropriate to keep the zoning designation of the site in the Estate District.

Robin Patterson, the applicant, stated that she has owned the property since 2003. She was unsure how Mountainlands Community Housing Trust could have put 15 condos and two homes on

this property. Ms. Patterson recognized that there are sensitive land issues and she intends to place homes in areas that would not disturb the sensitive land areas. Ms. Patterson stated that Steve Schuler from Alliance Engineering had engineered a plan to show the maximum number of lots on the property. She pointed out that the homes would be congruent with the upper homes at Chatham Hills. Her property enters up at the top on Victoria Circle, of which there would two, possibly three lots going up to that area to the one true passage on the street. Ms. Patterson thought that by itself would remove much of the distrust and the problems that occurred in 2001 and 2002. At that time, many people were concerned that the real estate values in Chatham Hills would be negatively affected. Ms. Patterson stated that she also concurred with those concerns at the time.

Ms. Patterson clarified that she was trying to do a continuation because the land is connected to the street going in and there are two accesses; one at the top and one at the bottom.

Regarding sensitive lands, Ms. Patterson referred to the engineered drawing and noted that the trees coming into Euston Drive would not be disturbed. Homes would only be placed on the flat areas. Ms. Patterson believed that four homes would be the possible maximum to match Chatham Hills at the bottom. She suggested two at the top, because she could not see how a third one would fit.

Ms. Patterson referred to the Staff recommendation and stated that unless she breaks specific rules or ordinances, personal opinions should not matter. She remarked that when Chatham Hills was developed it involved sensitive lands and some of the hills where homes were built are steeper than her property. She pointed out that within a building envelope nothing could be built on a slope steeper than 25%. Ms. Patterson emphasized that any building plan would be followed within the rules.

Ms. Patterson stated that when Chatham Hills was being developed, Mr. Cunningham, the owner of this five acres estate, lived in California. She was told that he was only contacted to be told that the parcel was being annexed and the land around him would be developed. It was with the understanding that his land could be developed when he was ready. Unfortunately, he passed away before it was developed. Ms. Patterson believed that the parcel is a continuation of Chatham Hills and it is not supposed to be saved for any other reason. Ms. Patterson tried to find out why this property was originally registered into an Estate, but no one seems to know the answer. The only assumption is that it was a result of rules and regulations that were applied in the 1970's or 1980's.

Ms. Patterson reported that Mr. Cunningham had agreed to allow the City to put a high pressure water system through the property, but to put it in the area where it is currently located. He required that the pipeline that was installed through the property at the bottom of Euston Drive was to follow the dirt road. Allowing the line to go through his property was a goodwill gesture and he did not charge the City for the easement. Ms. Patterson noted that the City Water Department approached her with a request to use her property again for water pipes. She felt like her land was being used in that fashion and she believed it was done with the intent of trying to decline development. Ms. Patterson noted that under the Estate zone she could build a house in that area and have it be the only home. Ms. Patterson remarked that the Estate zone only requires three acres. Therefore, the

five acre parcel could be divided.

Regarding the water line proposed, Ms. Patterson spoke with Clint McAfee and informed him that the easement would not be free to Park City this time. She was asking for certain accommodations, after which she might consider it. Ms. Patterson had done some research and found that the City has two other options to run the water lines that would not involve her property; however, using those options would double the cost.

Ms. Patterson pointed out that she was paying high-end taxes on her property for sensitive lands, and it is being used by the public. If she fences her property the public could no longer use it as a trail. If people want to use her property for hiking, they can purchase it from her. It is residential property that was supposed to be developed, and it was set up that way as far back as the 1970's and 1980's. When the owner died, his estate did nothing with it. Ms. Patterson stated that the individual who presented it to the City was a realtor and not the owner. He was given the property to sell and Mountainlands Community Housing Trust offered to purchase it if they could develop the land with 15 affordable housing units and two single homes.

Ms. Patterson understood that there were conversations with the previous owner about privately using the property as a trade-off so Chatham Hills could be developed and this parcel could be used as Estate and traded off. That was never documented; therefore, this piece of property could not be used for that process.

Vice-Chair Pettit asked Ms. Patterson why she had not submitted required studies 2 through 7 as outlined in the Staff report. Ms. Patterson replied that she did intend to do the studies until the Estate zone issues were resolved. She was not willing to spend the money on the chance that her request could be denied. Ms. Patterson clarified that Planner Astorga had not asked for the studies. Planner Astorga replied that he had sent her and her son an email and he had her response documented on file. Her response was that she would meet the first requirement, which was the slope analysis, but there was a disagreement as to whether or not the remaining studies were necessary. Ms. Patterson stated that she did not see where the studies were required in the original application. She could not recall the email exchange with Planner Astorga and requested that he send her a copy.

Ms. Patterson noted that Mountainlands had done many of the studies before the application was withdrawn, and she would try to obtain some of the information from them.

Commissioner Thomas asked Ms. Patterson how many lots she anticipated. Ms. Patterson replied that she asked Steve Schuler to engineer the parcel and to fit as many lots as possible based on the slope analysis and sensitive lands. Ms. Schuler went to the extreme and engineered seven lots. Ms. Patterson assumed that six lots would be the maximum; four on the bottom and two on the top.

Commissioner Thomas clarified that Ms. Patterson was referring to Lots 2, 3, 4, 5, 6, 7. Ms. Patterson passed around a sheet she had prepared with the marked lots. Commissioner Thomas stated that it would be helpful to have that delineated on the slope analysis prepared by Alliance Engineering.

Commissioner Hontz noted that the calculations in the slope analysis were not done with the correct slopes. The correct analysis would need to be done in order to follow the rules mandated by Code. Commissioner Hontz remarked that in addition to being inaccurate, the analysis was too broad.

Vice-Chair Pettit clarified that the purpose of the slope analysis is to determine site location. Ms. Patterson remarked that Chatham Hills was all sensitive lands and they built right over the top of it. She intended to be sensitive to the sensitive lands area.

Commissioner Hontz referred to the water lines and access. She noted that the development concept prepared by Alliance Engineering shows an existing easement. Ms. Patterson replied that the easement is 15 feet wide. Ms. Patterson noted that the water lines and utilities were put in place when Chatham Hills was developed. Planner Astorga clarified that the Water Department would like a 30 feet easement, recognizing that the requested easement has nothing to do with the Zone change application.

Commissioner Hontz noted that the City is allowed to use the 15 foot easement. Ms. Patterson agreed, noting that what the City wants to do will not fit within the 15 foot easement. Ms. Patterson stated that after the application was withdrawn in 2002, the property was up for sale and several groups looked at purchasing the property, including the City. For whatever reason, those groups decided again purchasing but the City is still using her property and she is paying the taxes. Ms. Patterson guaranteed the Planning Commission that something would change, whether it was the tax schedule or fencing. She is aware of the sensitive lands issue and the fact that specific requirements need to be followed. However, the issue in 2001 and 2002 was the 15 units and the two single homes, and not sensitive lands. She wanted to assure people from the Chatham hills area that her proposal is different and it would not affect their property values.

Ms. Patterson was anxious to work out the issues and she was not opposed to another work session if necessary. She pointed out that the seven studies were not requested in the application, but she was willing to do them at the appropriate time. Planner Francisco clarified that Ms. Patterson had not done a Sensitive Overlay Application. The question is whether she falls into the overlay, which would trigger the SLO.

Vice-Chair Pettit called for public input.

Carol Dalton stated that she is a member of the Chatham Hills Board. Ms. Dalton stated that there was a huge reaction to this zone change and she could not recall another time when the Board received so many emails in two days. Many of the points raised by the neighbors were the same ones raised in 2002. Ms. Dalton thought the access was a safety issue. There is one way into the neighborhood and one way out. She was concerned that allowing the zone change would open a can of worms because it is unclear how many units would be approved. Ms. Dalton understood that Ms. Patterson was talking about a maximum of seven homes, but that is still significant for a neighborhood that is built out at 143 units with only one access in and out. Ms. Dalton acknowledged that people do hike through the property, but they could live with the fact that the trails would no longer be available if the property is fenced.

Vice-Chair Pettit informed the public that this was only a work session and there would be other opportunities to make public comment.

Ms. Patterson noted that the property was set aside to be developed and the residents of Chatham Hills had the responsibility to research that before they developed their property. She was still in the process of trying to find out why that property was ever designated Estate. She was beginning to think that the original owner may not have known that it was zoned Estate when it was annexed. In her opinion, there was no reason to keep the Estate zoning because it is a private piece of residential property.

Commissioner Hontz stated that a request to change from one zoning designation to another must follow a specific process. The process that the Staff established was well documented in the Staff report. Commissioner Hontz believed all the required studies and information would need to be submitted, as well as an update to the slopes map to make it match the Code. In order for her to consider any number of lots, the applicant would also need to include the additional studies mentioned, which include the visual assessment, soil investigation report, geo-tech, fire protection and hydrological report. However, if the applicant wanted an idea of whether or not the zone change could occur before spending money on the studies, just looking at the slope map and going up into the neighborhood, Commissioner Hontz stated that she would need to weigh the information presented very carefully to see if it made sense to consider a rezone. Based on the information provided, there is no way she would rezone the property. In her opinion there was no reason to go from Estate to RD.

Ms. Patterson asked Commissioner Hontz to explain her reasoning. Commissioner Hontz referred Ms. Patterson to page 31 of the Staff report and noted that she concurred with the Staff's response as to why the property should remain Estate designation. She could not support changing the zoning from Estate to RD for those same reasons.

Commissioner Thomas agreed with Commissioner Hontz's interpretation. He also agreed with the evaluation made by the previous Planning Commission years ago, as well as the Staff's interpretation with regard to the Code and the use. Commissioner Thomas stated that it would be a long, uphill battle and only Ms. Patterson could decide whether or not to choose that fight through the process. If she chose to move forward, the Planning Commission would look at the criteria as objectively as possible.

Ms. Patterson reiterated that the person who went through the process in 2001 and 2002 was a realtor and not the property owner, working with an entity that wanted to put in moderate income housing. That created problems and concerns at the time, and she did not believe the residents in the area could get past that even though her proposal was different.

Commissioner Worel understood why Ms. Patterson was not willing to spend money on the studies without feeling that there was a reasonable chance for success. However, she agreed with her fellow Commissioners that they could not make a valid evaluation and decision without the supporting documentation.

Ms. Patterson reiterated that the studies were done by Mountainlands the land has not changed.

Those studies should be on file and she would try to find them.

Commissioner Strachan concurred with his fellow Commissioners. He believed it would be an uphill battle because nothing has changed in either the Code or the land itself from 2001 and 2002. Without a substantive change in either the law or the facts, there is no reason to change the existing zone. If Ms. Patterson submits the required materials the Planning Commission would look at them objectively and possibly discover a new reason for changing the zoning designation.

Ms. Patterson felt they were overlooking the fact that if Chatham Hills had owned that parcel, it would have already been developed.

Vice-Chair Pettit replied that regardless of the history or what might have been, the parcel was zoned Estate and the Planning Commission has the responsibility to apply the Land Management Code criteria to determine whether it is appropriate to rezone for a more intense use based on the surrounding area, the use, and other SLO criteria. Vice-Chair Pettit pointed out that the Wildlife Habitat Study may have changed since 2002 and that study would need to be updated.

#### **Upper Ridge Subdivision – Plat Amendment (Application # PL-11-01238)**

Planner Whetstone reviewed the request for a plat amendment at Upper Ridge Avenue, which is an area of Old Town located above where King Road and Ridge Avenue and Sampson all come together. The request is to reconfigure 42 lots of the Millsite Subdivision into six residential lots and two open space parcels and dedicated right-of-way areas. Planner Whetstone clarified that not all of the lots are 25' x 75 feet, even though they are full lots.

Commissioner Hontz noted that the plat showed 28 parcels with dimensions of 25' x 59', which equates to 1475 square feet. There are also eleven portions of parcel that are smaller than 25' x 59'. The smallest was 199 square feet. Planner Whetstone concurred. She reiterated that the smaller lots were still 42 individually platted lots.

Planner Whetstone noted that a project was previously submitted, however, that application expired and a new application was submitted. This item was scheduled for work session this evening and public hearing would be held on July 27<sup>th</sup>. A neighborhood meeting was scheduled for July 6<sup>th</sup>. Everyone within 300 feet would be noticed for both the neighborhood meeting and the public hearing.

Planner Whetstone reviewed items for discussion that were highlighted in the Staff report. She presented slides showing the existing site conditions and the proposed site plan, as well as the proposed utility plan. The exhibits provided to the Planning Commission included the slope analysis, a visual analysis with views from Prospect, Hillside, Alice Claim and Daly Avenue. Schematic drawings were also included showing the proposed houses on the lots.

Jeremy Pack, representing the applicant Avenues Land Co., stated that he has lived in Park City for 20 years and he has built over a hundred houses and three residential subdivisions. He explained the process they use when building in Park City to keep control over every aspect of the

development to completion.

Mr. Pack stated that when they decided to re-open the application they met with the Planning Department to discuss ideas for socially responsible development for those 42 lots. They came up with various models and determined that 6 single family home sites with limited square footage would be the best approach. In addition, three parcels would be dedicated to the City. Mr. Pack clarified that the application was for a plat amendment to achieve six lots that are accessed via a private driveway within a platted right-of-way.

Mr. Pack noted that the proposal is for actual structures and they were prepared to show the different views from all the aspects around town. Traffic studies and geo-tech studies were also completed.

Commissioner Hontz asked if Avenues Land Co., LLC was the same company as the previous applicant. Mr. Pack answered yes, noting that he purchased part of the company. Commissioner Hontz understood that Avenues Land Co. represented multiple property owners who own the parcels. Mr. Pack stated that three property owners jointly own the 42 lots.

Commissioner Hontz assumed that access would be provided up the platted Ridge to Lot 4 of the Ridge Avenue subdivision if they were able to proceed. She understood that Lot 4 was not addressed in the plat because it was not part of the application, but it would result in seven lots that would be accessed off of platted Ridge. Mr. Pack replied that access would be provided to the current lot.

Commissioner Hontz noted that the appendices to the geo-tech report were missing and she would need those for proper evaluation. Planner Whetstone replied that the appendices were not included with the exhibits, but they are on file at the City. Commissioner Hontz asked Planner Whetstone to provide those for the next meeting.

Commissioner Hontz asked if the property was within the soils ordinance area. She was told that it was not. Commissioner Hontz asked if the applicant understood the TDR process and how it works. Mr. Pack stated that he only proposed partial TDRs to see how well it was received. Planner Whetstone clarified that the comments from the Development Review Committee was that they needed to do all TDRs on the property or nothing. Commissioner Hontz recalled that when the Planning Commission discussed sending zones in the TDR process, this property and some of the surrounding area was considered one of the best locations for sending density. Being on top of a ridge with unstable soils went into understanding why this particular piece was an ideal sending zone for TDRs. Director Eddington recalled that the unit equivalents for Upper Ridge were set at 17.65. If they continue through the process and the applicants are allowed a certain number of lots, Commissioner Hontz was concerned that it would limit the potential to get back to 17 unit equivalents. Mr. Pack clarified that it was a secondary request. He did not understand that it was an all or nothing process and he was willing to strike the TDRs from the proposal. Commissioner Hontz suggested that Mr. Pack go through the exercise to understand what they would actually have with TDRs.

Commissioner Hontz reiterated that 28 parcels have dimensions of 25' x 59.15, which is 1475

square feet. She noted that the smallest Old Town lot allowed by Code in any zone is 1875 square feet. Commissioner Hontz stated that these were not lots. In the HRL zone the minimum lot size is 2,750 square feet. Based on those calculations, she believed the number could possibly be 11 without taking into consideration access, steep slopes or good cause. To people who do not understand development in Old Town, 42 lots seems excessive.

Commissioner Hontz remarked that there was a reason why the unbuilt platted roads in Old Town were never built. She read from page 2-5 of the Streets Master Plan, "Many of the platted rights-of-way are on ground too steep to allow the construction of safe roadways. Park City's long and sometimes harsh winters require that streets be passable when snow covered or icy. In many areas the cost of construction would be very expensive because of the need for extensive re-grading and retaining walls. In these instances the platted right-of-way should be deemed unbuildable". Commissioner Hontz noted that the Ridge right-of-way was listed on page 2-6, Table 1 - Existing right-of-way considered unbuildable. She stated that the Streets Master Plan was currently being updated because it is somewhat deficient, but it was not deficient in this manner. Someone had good foresight when the Streets Master Plan was developed, to recognize that the Ridge right-of-way, on a ridge in the heart of Old Town, was not a place to ram a road.

Mr. Pack argued that even though the name is Ridge Avenue, it is merely the flattened part of a slope and not an actual ridge. Any structure built would not be visible above any ridge line. Commissioner Hontz appreciated his interpretation, but when she reads topo she interprets it as a ridge. Without the hill behind it they would be able to see sky and light from everywhere.

Gus Sherry with Canyon Engineering stated that the spirit of the Code was to prevent homes and buildings from projecting into the skyline. Those are the kinds of ridges that the Code addresses; not a minor topographical instance that does not cause the buildings to project into the sky or cause the loss of view. Commissioner Hontz believed the visual and environmental impacts from this project would be enormous.

Commissioner Hontz had reviewed the traffic impact study, and if this project moves forward it would have to be looked at again. The study counted the traffic but it did not address the real issue, which is that King and Ridge are substandard roads. Ridge could not handle any additional traffic in summer and winter. In winter conditions, Daly, Ridge and King are very steep one-lane roads and Ridge is not plowed. How that would have to change and the resulting impacts to the City and taxpayers to upgrade the maintenance is something to be considered. Commissioner Hontz clarified that the issue was not the intersections that are studied in the traffic impact study, but rather how you get to the site on those substandard roads after you get through the intersection.

Mr. Pack speculated that the road impacts from 6 single-family homes would be minimal.

Commissioner Hontz stated that if this concept were to move forward, she would need to understand the difference between going wider at 10% and how the grades and the retaining would look, versus going narrow and steeper, as well as the environmental impacts that would be created. At this point she believed the impacts were too great to put development on unbuilt platted Ridge versus the existing conditions.

In terms of good cause, Commissioner Hontz had concerns with every measurement in Section 15-15-14 of the Code, Definition of Good Cause. Commissioner Hontz could not find good cause on any of the points and had copious notes on each one indicating why she could not support an application for 6 lots in this location.

Mr. Sherry clarified that they were actually proposing 10% and not 14% for the roadway slope. The turnaround would only be 5%. It is safe and well within the City guidelines. Commissioner Hontz replied that she had read 14% in the application. Planner Whetstone stated that 14% was the allowable maximum, which would require a Board of Adjustment variance. Mr. Sherry offered to provide the information requested by Commissioner Hontz.

Planner Whetstone noted that the applicants had committed to LEED for Homes Silver.

Commissioner Strachan was concerned with the amount of cut and fill required on such steep slopes. In his opinion, the geo-tech report did not do enough. Commissioner Strachan referred to page 110 of the Staff report, and Section 6.5 of the slope grading recommendation, and noted that the language indicates that an opinion on the cut and fill for the entire plat could not be given until there is a lot by lot analysis of the potential cut and fill necessary per lot. Commissioner Strachan thought it would be putting the cart before the horse if they approve the houses and then figure out the cut and fill. They first need to figure out the cut and fill for the plat itself.

Mr. Sherry stated that with the 10% profile the roadway would be completely cut and they would be exporting off site. The result would be level front yards and driveways and a convenient plateau to build on. The cuts would be on the order of 5 feet to 15 feet under the center of the access. There would be some retainage on the west side more than the east side. From the new road surface the retaining wall would come up at approximately 3 to 6 feet to get back to existing grade. The wall would zero out as it works uphill towards the end of the street.

Commissioner Strachan recommended that Mr. Sherry include that explanation in the materials submitted to the Planning Commission. He requested that he also include the cubic footage of the amount of dirt being removed. Commissioner Strachan noted that the purpose statements of the HRL zone touch on cut and fill, particularly on ridge areas. He suggested an analysis that looks at the purpose statements and tries to reduce the amount of cut and fill as much as possible.

Commissioner Strachan concurred with Commission Hontz regarding the purpose statements. Letter A of the purpose statement was to reduce the density that is accessible by only substandard streets. He believed that would be difficult to meet. Another difficult point is to provide an area of lower density in the HRL zone. Commissioner Strachan thought they may be able to satisfy the other purpose statements.

Commissioner Strachan remarked that whether or not Ridge Avenue is a ridge is a matter of interpretation. He was of the opinion that it is a ridge and there would be a skyline behind these structures if they are built. It is called Ridge Avenue for a reason. Commissioner Strachan felt the impacts could be minimized with good design.

Mr. Pack did not understand how they could not be proposing decreased density by taking lots that

front platted Ridge or Ridge Avenue and converting all the lots into 6 platted buildable lots. Commissioner Strachan replied that the proposal assumes that all the lots are buildable, which they are not. Another obstacle is that any increase in the amount of houses or unit equivalents would be an increase in density. The question is how to know that, which is a constant tug of war between the applicant and the City. It is not a given to assume that density is reduced just because the number of houses was reduced. It needs to be looked at from the viewpoint that any addition to the number in Old Town is an increase in density.

Planner Whetstone summarized that the Planning Commission wanted an analysis of the lots and square footages.

Vice-Chair Pettit thought it was clear that none of the lots meet the HRL zone for lot size as they currently exist. The Commissioner concurred. Planner Whetstone stated they are all platted lots in the Millsite subdivision. A lot combination of some type would be required in order to meet the 3750 square feet. The combined lots must be contiguous and meet other criteria.

Mr. Pack was still confused as to why their proposal was not reducing density. Regardless of whether or not there is a house, the lot is a platted lot and is technically buildable if it meets the criteria. Mr. Sherry offered to do the analysis to come up with a starting point.

Commissioner Thomas concurred with the comments of his fellow Commissioners. He referred to Exhibit C, the site plan showing the building pads, and compared that with the images in Exhibit G, etc. He wanted an idea of the distances between the building footprints. Commissioner Thomas stated that in looking at the site plan and lots 1, 2, and 3, there appeared to be a dimension of a few feet between each of the building pads.

Mr. Sherry stated that the narrowest space between the buildings is 5 feet on each side for a total of 10 feet between the building pads. Commissioner Thomas remarked that the rendering images provided were not accurate in terms of scale and the space between the buildings. He felt it was a misrepresentation of what would actually occur. Mr. Pack agreed, but he did not think the scale was that egregious. He was willing to make the images more accurate.

Commissioner Thomas stated that in looking at the elevations from Exhibit H, the lower level of the unit, there appears to be a grade platform and fill that drops off until it reaches natural grade. Mr. Pack stated that area is very steep and prone to erosion. As a mitigation measure they created a limit of disturbance line on the plat to avoid touching any of the super sensitive slopes. In response to Commissioner Thomas, Mr. Pack noted that it would be natural grade, but the color was shown wrong in the rendering. Planner Whetstone clarified that originally it was shown as meeting grade, but it was the fourth story, which is no longer allowed by Code. Commissioner Thomas pointed out that if it is a fill over four feet it would not meet the Steep Slope criteria. Mr. Pack believed those issues would be addressed in the CUP design process. Commissioner Thomas replied that it would still have an implication on whether the lots work and the mitigation of grading issues are adequate. For that reason it is helpful to see everything upfront to help make their determination.

Planner Whetstone summarized that Commissioner Thomas was requesting cross sections showing the existing grade and the proposed final grade.

Commissioner Worel concurred with her fellow Commissioners, particularly regarding access and the ridgeline. She echoed the concerns that had already been stated.

Vice-Chair Pettit believed the list of concerns and issues were longer than what they were asked to address this evening. Commissioner Thomas requested a site visit. The Planning Commission agreed to a site visit on July 13<sup>th</sup>, prior to the public hearing on July 27<sup>th</sup>. Vice-Chair Pettit asked if this item would be scheduled for work session on July 27<sup>th</sup>. Planner Whetstone replied that it would be a regular agenda item and the Staff would prepare a recommendation for action. The Commissioners requested a work session on July 27<sup>th</sup> to further address all the issues. A public hearing would be held on July 27<sup>th</sup> but no action would be taken.

Vice-Chair Pettit called for public input.

A member of the public stated that he supports the project.

Mr. Sherry asked if projection of buildings into the skyline was the issue with the ridge. Vice-Chair Pettit stated that in addition to the buildings she had concerns with the road, retainage, and other impacts associated with putting in the road to access the homes.

Director Eddington asked if the Planning Commission wanted the applicant to look at locating the houses off the ridge by utilizing actual Ridge Avenue. Vice-Chair Pettit replied that that was the direction the prior Planning Commission gave on a similar proposal. She did not believe this Planning Commissioner had a full understanding of why there is not access off of Ridge Avenue. She wanted to see a more detailed analysis of the alternatives.

The Work Session was adjourned.

PARK CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION MEETING MINUTES  
COUNCIL CHAMBERS  
MARSAC MUNICIPAL BUILDING  
JUNE 22, 2011

COMMISSIONERS IN ATTENDANCE:

Vice-Chair Julia Pettit, Brooke Hontz, Jack Thomas, Adam Strachan, Nann Worel

EX OFFICIO:

Planning Director, Thomas Eddington; Kirsten Whetstone Planner; Kayla Sintz; Francisco Astorga, Planner; Polly Samuels McLean, Assistant City Attorney

=====

REGULAR MEETING

**ROLL CALL**

Vice-Chair Pettit called the meeting to order at 7:15 p.m. and noted that all Commissioners were present except Commissioners Wintzer and Savage who were excused.

Vice-Chair Pettit welcomed the new Commissioners, Nann Worel and Jack Thomas.

**ADOPTION OF MINUTES – June 8, 2011**

The Planning Commission lacked a quorum of Commissioners who had attended the meeting on June 8, 2011. Approval of the minutes was continued to the next meeting.

MOTION: Commissioner Hontz moved to CONTINUE the minutes of June 8, 2011 to the next meeting. Commissioner Pettit seconded the motion.

VOTE: The motion passed unanimously.

**PUBLIC INPUT**

There were no comments.

**STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES**

Director Thomas Eddington reported that a joint meeting with the City Council and Planning Commission was scheduled for Thursday, July 7th at 6:30 p.m. A number of planning items will be on the agenda for discussion.

Director Eddington stated that a Temporary Zoning regulation was submitted to the City Council with regard to lot combinations and building footprint issues. That was scheduled to be heard by the City Council the next evening, June 23 at 6:00 p.m. The regulation would begin a 6 month study analysis of lot combinations and building footprints and to expand on issues that have been

complex for both the Planning Commission and the City Council. A draft ordinance had been prepared for the City Council if they decide to adopt it.

Director Eddington noted that Commissioner Pettit was the Planning Commission liaison to the Board of Adjustment and she was ready to step down. He asked if anyone was interested in assuming the role of liaison to the Board of Adjustment. Commissioner Hontz volunteered.

MOTION: Commissioner Pettit made a motion to nominate Commissioner Brooke Hontz as the Planning Commission liaison to the Board of Adjustment. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

Director Eddington reported that he was still working with Kimber at Summit County to schedule a joint meeting with the Snyderville Basin Planning Commission. That meeting would be held the end of September once the new Commissioners were in place and everyone was back from summer vacations. He would notify the Planning Commission when a date is confirmed. It was noted that the East Side Planning Commission was also interested in a joint meeting. Director Eddington would contact them as well.

### **CONTINUATION(S) – Public Hearing and Continue to Date Specified**

#### **1555 Iron Horse Loop Road – Modification of Master Planned Development** (Application #PL-10-00899)

MOTION: Commissioner Strachan moved to CONTINUE 1555 Iron Horse Loop Road – Modification to a Master Planned Development to July 23, 2011. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

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

#### **1. 929 Park Avenue – Plat Amendment** (Application #PL-11-01236)

Planner Kirsten Whetstone distributed a list of plat amendments that occurred in the HR1 or HR-L zones since 2009, as background information on what has been done in the past.

Planner Whetstone reviewed the request for 929 Park Avenue for a plat amendment to combine two 25' x 75' Old Town lots, plus two remnant parcels that are the back 25' of two lots on Woodside. She presented a slide showing surrounding properties and projects.

Planner Whetstone noted that the Planning Commission reviewed this application on June 8<sup>th</sup> and opened a public hearing. There was no public input. At that time the Planning Commission discussed the plat amendment and requested a condition of approval that would not allow the

existing historic structure to be moved. That condition was added to the June 22<sup>nd</sup> Staff report. Planner Whetstone stated that the applicant would like to put an addition on the rear. The side setback would provide access to the rear.

Planner Whetstone reported that during the June 8<sup>th</sup> meeting the applicant requested a continuation when the discussion related to the footprint identified by the LMC and the footprint in the HR1 zone. Planner Whetstone noted that in the HR-1 zone, the maximum footprint is determined by the footprint formula in Section 15-2.2-3(D) of the LMC. She referred to a graphic display in the Staff report showing how as a lot increases in size the amount of additional footprint allowed decreases. Therefore, the footprint decreases with lot combinations.

For the benefit of the new Commissioners, Planner Whetstone provided a brief history of the project. In 2007 and 2009 the Building Department deemed the existing house as unsafe and a nuisance. The Planning Staff worked with the previous owner and a preservation plan was approved to "mothball" the structure pending rehabilitation and restoration of the house. The negotiated agreement, which was included in the Staff report, allowed six years to restore the structure to make it safe and habitable. Planner Whetstone pointed out that during that six year period the property was sold to the current owner, who was also the applicant on this plat amendment.

Planner Whetstone presented slides of comparable structures in the area. The Staff had conducted a compatibility analysis of footprints in the area, shown on page 185 in the Staff report. She noted that the average in the area was 1521 square feet. Planner Whetstone stated that based on the new analysis the average footprint was 1625 square feet compared to 1500 square feet from the previous report. However, regardless of the average, the Staff did not change their previous recommendation. The Staff found no evidence in the record to recommend changing the way the footprint would be calculated for this lot combination. Planner Whetstone remarked that it was consistent with what has occurred over the past few years with lot combinations of this nature. They were standard lots that followed the formula in the LMC because the formula has a built-in footprint reduction.

The Staff recommended that the Planning Commission forward a positive recommendation to the City Council for this plat amendment according to the findings of fact, conclusions of law, and with the amended conditions of approval as listed in the draft ordinance.

Vice-Chair Pettit opened the public hearing.

Karen Keating stated that she represented the buyers when they recently purchased this home and it took many years to find the right parcel. They are seasonal residents and they own a condo at Alpine Shadows. The owners have two small children and they are big Ambassadors of Park City. When their kids go to college they plan to become full-time residents of Park City. Ms. Keating stated that the owners went through a significant process to acquire the right property. She pointed out that the owners came to the Planning Department many times to discuss different pieces of property, but nothing worked and would not meet their needs. Since they currently live on Park Avenue this was an ideal property location. She remarked that 929 Park Avenue has been abandoned for a long time and the owners were interested in acquiring the property. Mr. Keating

explained that she worked with the Sullivan family who were the inherited owners, and it took a long time for the family to agree among themselves. They also met with the Planning Department. When the property was under contract, Jonathan DeGray worked with the City on their behalf to make sure a plan was possible to accommodate their needs. Therefore, Ms. Keating was very surprised when she received a phone call from the owners, upset that they had invested in Park City to build a home to fit their needs and the footprint was being reduced.

Ms. Keating requested that the Planning Commission allow the owners to build what is allowed under the LMC and based on the size of the homes sites.

Vice-Chair Pettit closed the public hearing.

Vice-Chair Pettit was disappointed that the Staff report did not include the recommendations supported by at least three of the Planning Commissioners at the last meeting.

Jonathan DeGray, representing the applicant, reiterated that his clients worked very hard to acquire the property with certain limited expectation of what could be done with the property. They spoke with the Building and Planning Departments prior to the purchase and were not given any direction or indication that further footprint reductions would be requested at the plat amendment process. He believed the Staff looked at this as a typical replat in terms of lot size. Mr. DeGray stated that his clients did expect a possible reduction in footprint in order to meet the design guidelines in terms of mass and scale and the building design in relationship to other buildings in the area. Mr. DeGray pointed out that as previously stated, the LMC allows a footprint of 1880 square feet. He believed the analysis the Staff was asked to prepare supports that fact in terms of a reasonable square footage footprint for the site. His clients were requesting that the Planning Commission consider the application of that footprint in this case.

Mr. DeGray stated that if the historic building did not exist and they were only dealing with a lot combination of a vacant lot, being held to 1500 square feet would be more palatable than what they have with the existing historic structure. He noted that 1500 square feet on a vacant lot would yield a 3000 square foot home. With the restriction of the existing structure, 900 square feet of footprint is occupied by the historic home, and he could not build on top of it. To restrict this lot further to 1500 square feet makes his client bear the burden of renovating this structure, which they have taken on freely, but penalizes them further.

Mr. DeGray noted that the owner was not looking to build a large home. He remarked that under the 2500 square foot footprint, with the existing structure, he calculated a home between 1900 and 2000 square feet of living space. He would be comfortable with a 2400 square foot footprint. Mr. DeGray suggested a compromise to the Planning Commission and offered 1688 square feet. That would allow him enough footprint to meet his client's needs. He believed it was a fair footprint considering the the restrictions on the lot and that the historic homes takes up 900 square feet of footprint that cannot be built on. Mr. DeGray noted that the project would still need to go through an HDDR, which would further manipulate the mass and scale of the building appropriately. Mr. DeGray felt there was good cause for this plat for the reasons required by Code. With the proposed square footage footprint, the project could be built to the satisfaction of his client and the spirit of the

Code. In addition, Criteria A-E of the zoning purpose statement would be met with his proposal. Criteria F would not apply.

Mr. DeGray requested that the Planning Commission consider his proposal and allow his clients to move forward.

Vice-Chair Pettit clarified that the proposed compromise would be a footprint of 1688 square feet. Mr. DeGray replied that this was correct. It would be a reduction in footprint from 1888 to 1688.

Commissioner Strachan asked for the livable square footage area. Mr. DeGray anticipated a house approximately 2400 square feet.

Commissioner Thomas asked if the 1688 square feet included the footprint of the garage. Mr. DeGray replied that it would include all of the existing structures.

Vice-Chair Pettit stated that in looking at the plat maps and the pattern of lots that exist, she believed the remnant parcels provided the ability to increase the square footage, which could lead to a lot size inconsistent with the pattern of development in the area for single family homes. Only combining the two lots where the house currently sits results in a building footprint of 1519 square feet. Vice-Chair Pettit outlined the options available to the Planning Commission based on the proposed compromise and the average footprint outlined in the analysis based on the inclusion of the condo properties. She believed those options focused on compatibility and historic character, particularly in connection with the historic structures.

Commissioner Thomas stated that given the historic house and its awkward position on the property that limits the volumetric and form, he believed 1688 square feet was a reasonable choice.

In addition to lesser impacts on the neighborhood, establishing 2400 square feet takes away the mystery in the plat amendment process of trying to anticipate what could occur. He thought they had a much better idea with this proposal. Commissioner Thomas supported the plat amendment.

Commissioner Strachan concurred. He was comfortable that the HDDR would determine which design is suitable. The reduction was only 200 square feet, but it allowed the architect and the Design Review Team a little room to work on a compatible structure. Commissioner Strachan was surprised to see the forced inclusion of the condominiums in the Staff report as a way to increase the average square footage.

Planner Kirsten clarified that the intent was not to manipulate the average. The condos were always on the list, but she had to do the first analysis quickly and the footprint information was not available. She noted that the condominiums across the street were excluded because they did not relate at all.

Commissioner Strachan recommended that the Staff create a methodology for their analysis, particularly since other Park Avenue lots would be going through the same process. He did not think they should skew the statistics comparing multi-unit dwellings to a single-family Old Town historic structure.

Commissioner Strachan thought the compromise proposed by Mr. DeGray was a good solution.

Commissioner Hontz appreciated the compromise and echoed the comments of Commissioners Pettit and Thomas in terms of understanding the results of 2400 square feet. She was comfortable moving forward with the number proposed by Mr. DeGray.

Vice-Chair Pettit concurred. Vice-Chair Pettit disclosed that she owns a historic home in Old Town. She would not be able to put another story on her historic home and would experience the same limitations. She was sensitive to the concerns of property owners, however, that is a choice you make as a historic homeowner.

Mr. DeGray remarked that the conditions require a note on the plat to include that a house must be sprinkled with 13D modified sprinkler system. He noted that a City ordinance requires all properties in Old Town to be sprinkled, and asked if it was necessary to have that note on the plat. Planner Whetstone replied that it is a Code requirement but the Building Department prefers it on the plat.

Assistant City Attorney McLean stated that the former Chief Building Official, Ron Ivie, always asked to have it as a plat note to make sure it would show up in a title search. Because of its importance to the City, he wanted the requirement to be clear. Mr. DeGray suggested that the City revisit the plat note requirement since sprinklers are required by Code.

Commissioner Strachan referred to Finding of Fact #20 and suggested amending the finding to say, "The proposed plat amendment yields a maximum footprint of 1688 square feet" and delete the remainder of the finding.

Assistant City Attorney recommended moving Finding #20 as amended to the conditions of approval. Commissioner Strachan removed Finding of Fact #20 in its entirety and added Condition of Approval #6 to read, "The maximum footprint size is 1688 square feet. The applicant consents to the maximum."

Assistant City Attorney McLean referred to Finding #22 and suggested revising the language to read, "The proposed building footprint size as conditioned..."

After further discussion, Finding #22 was revised to read, "The proposed footprint size, as conditioned, is consistent with the pattern of development in this neighborhood and the building footprint that results is compatible with the average footprints in the neighborhood that include a mix of historic and contemporary single family homes, duplexes and condominiums".

Commissioner Strachan suggested that they delete the highlighted portions of Finding of Fact #10.

Commissioner Pettit revised Finding #8 to add a sentence, "The applicant has agreed to limit the building footprint size to 1688 square feet".

Commissioner Hontz referred to Condition of Approval #5 and changed "existing location" to "current/historic location".

MOTION: Commissioner Strachan moved to forward a POSITIVE recommendation to the City Council regarding a plat amendment for 929 Park Avenue, based on the Findings of Fact, Conclusions of Law and Conditions of Approval in the draft ordinance as amended as identified in the June 22, 2011 meeting. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 929 Park Avenue

1. The property is located at 292 Park Avenue.
2. The property is located in the Historic Residential (HR-1) District.
3. The proposed lot is 5,000 square feet in area.
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 962 square feet.
8. The maximum footprint for a lot this size is 1,888 square feet. The applicant has agreed to limit the footprint size. The applicant has agreed to limit the building footprint size to 1688 square feet.
9. The proposed plat amendment combines Lots 7 and 8 and the eastern 25' of Lots 25 and 26, Block 3 of the Park City Survey into one 5,000 sf lot of record for an existing Significant historic house. The proposed lot is 50' wide and 100' feet deep.
10. The remnant parcels of Lots 25 and 26 are the result of a 1998 lot line combination of Lots 25 and 26 at 944 Woodside, known as the Helm Replat. The Helm Replat did not include these remnants as they were owned by the 929 Park Avenue property owner at that time.
11. The existing one story historic house at 929 Park Avenue was constructed circa 1889 across the property line between Lots 7 and 8. The existing house is 39' feet and 40' deep.
12. There are no encroachments on this property. The structure does not encroach onto adjacent property.
13. The property is listed as a significant site in the Park City Historic Sites Inventory.
14. There is a 96 sf non-historic accessory shed on the property that will remain on the property. This shed is listed as an improvement to the property.

15. The existing structure complies with the lot and site requirements, with the exception of an existing non-conforming 1 foot setback on the north side yard.
16. The current use of the property is a single family dwelling.
17. The existing house is vacant. In 2009 the house was deemed un-safe and a nuisance by the Chief Building Official. Following approval of a preservation plan on October 16, 2009, the property was "mothballed" in September of 2010.
18. Pending rehabilitation and restoration of the house to meet building codes for a safe, habitable structure, the City and owner signed and recorded a maintenance agreement on September 20, 2010.
19. No remnant parcels of land are created with this plat amendment.
20. According to the compatibility study the average square footage of the structures within 300' is 2,079 sf (excluding condominiums and commercial structures.)
21. The proposed footprint size, as conditioned, is consistent with the pattern of development in this neighborhood and the building footprint that results is compatible with the average footprints in the neighborhood that include a mix of historic and contemporary single family homes, duplexes and condominiums
22. Any requested additions are required to comply with the adopted Park City Design Guidelines for Historic Districts and Sites and all additional applicable LMC criteria pertaining to additions to historic Significant structures.
23. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.
24. The existing house is approximately 39' wide on the 50' of lot width. The lot is relative flat with 5' rise in grade from front property line to rear setback line. There is a 3' rise in the area where an addition could be placed. In compliance with the Historic District Design Guidelines, any addition to the historic structure is required to be located behind and off-set from the structure. Compliant additions may not be constructed on top of the historic roofline. The 27' height limit is measured form existing grade and the grade is relatively flat. Therefore, impacts on the existing streetscape, due to this plat amendment, are minimized because the addition must be located to the rear and not over the top of the historic house.

#### Conclusions of Law – 929 Park Avenue

1. There is good cause for this plat amendment in that the combined lot 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 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 – 929 Park 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 feet) snow storage easement shall be dedicated to Park City across the property's frontage on Park Avenue.
4. Include a note on the plat that modified 13-D sprinklers are required.
5. Upon final restoration, the house shall be returned to the current/historic location.
6. The maximum footprint size is 1688 square feet. The applicant agrees to the maximum.

**2. 1200 Little Kate Road – Modification to Master Planned Development  
(Application #PL-11-01269)**

Planner Kayla Sintz introduced the Project Manager for the Sustainability Department, Matt Twombly, Project Representative, Steve Brown and Ken Fisher, Recreation Manager.

Planner Sintz noted that the request this evening related to Condition of Approval #10 of the Development Agreement, which was ratified by the Planning Commission on June 23<sup>rd</sup>, 2010. That condition of approval restricted work hours on Saturday from 9:00 a.m. to 6:00 p.m. The applicant has requested that the Planning Commission consider a modification to that condition to allow construction to begin at 7:00 a.m. Planner Sintz explained that the request was made due to significant weather delays.

Planner Sintz stated that because the Planning Commission extensively discussed restricting work hours and holiday hours during the June 2010 approval process, she felt it was important for the Commissioners to understand the reason for extending the hours. Since that time two formal complaints were submitted to the Code Enforcement Department and those were included on page 192 of the Staff report. The Code Enforcement Department indicated that any calls to the police

department are forwarded to Code Enforcement as long as they are not criminal in nature. She verified that the two complaints mentioned were the only complaints listed on the project.

Planner Sintz stated that Municipal Code Title 19, Buildings and Building Regulations, 11-14-6B, allows an extended hour special permit, in which the Chief Building Official can give an extended work hour permit. She noted that the applicant has a process in place to notify neighbors that the permit has been issued.

Planner Sintz had received a public input letter from Michele Dietrich that was included in the packet. She also received two additional emails with positive input for extending the Saturday hours that were received after the Staff report was prepared. Planner Sintz reported that the Staff also received one phone call in support. The support was based on the fact that neighbors are tired of construction and want the project completed sooner. The Staff recommended that the Planning Commission conduct a public hearing, discuss the modification to the Development Agreement to extend the work hours on Saturday mornings, and consider approving the change according to the findings of fact, conclusions of law and conditions of approval.

Planner Sintz reported that the applicants held a public input open house meeting on Monday. Matt Twombly noted that the public open house was open for two hours and no one attended.

Steve Brown stated that as they dealt with the wettest winter in 30 years and the wettest May on record, they encountered significant weather delays. Oakland Construction has registered 62 weather specific delays over the course of the year, and requested an extension of completion dates of 15 days. Mr. Brown believed Oakland Construction properly assessed typical issues of building in Park City, but could not foresee unusual weather this season. Based upon a 62 day registration and a 15 day extension, a number of meetings were held with the officials from Oakland Construction. The officials indicated that when the project was approved last year and they agreed to a delay a start work time on Saturday mornings until 9:00 a.m., it created a disincentive for the crews to work on Saturday. The standard procedure in the construction industry is a 7:00 a.m. start time. On Saturday the crews are anxious to start early and complete their job in enough time to return home, take care of their chores and have time with their families. The delayed start time impeded efficient Saturday work.

Mr. Brown clarified that the purpose for requesting a 7:00 a.m. start time was to create efficient utilization of Saturday work days. Mr. Brown emphasized that Oakland Construction was not dismissing sensitivity to the neighbors. As a consultant to the City in a third party role, he was confident in saying that Oakland Construction has done a good job on this project in spite of facing recessionary and weather circumstances.

Mr. Brown stated that in consideration of the neighbors who have been supportive of the project, if the Planning Commission grants a 7:00 a.m. start time on Saturday, they would restrict those two hours from any utilization of heavy equipment. They will not utilize cranes or any high decibel equipment during those early morning hours on Saturday. Mr. Brown acknowledged that the annoying alarms from backing equipment or equipment in active mode would have to be allowed. They would also need to utilize lifts for materials as they finish the roof and sheetrock the second

levels. He clarified that it would not be a quiet construction site from 7:00 to 9:00 a.m., but heavy equipment activity would be restricted between those hours.

Mr. Brown remarked that this was not a meaningless request and it would not pick up time lost. Extending the hours would provide a higher level of assurance that they would be able to meet the current completion date and turn the facility over to the City on November 23<sup>rd</sup>.

Vice-Chair Pettit noted that the restrictions as stated by Mr. Brown were not captured in the conditions of approval. Mr. Brown offered to work with Planner Sintz to include those in a motion. Planner Sintz referred to the third sentence of Condition #10 regarding the start up of heavy equipment and vehicles, and suggested that the language would need to be modified because the applicant only intended to restrict heavy equipment.

Vice-Chair Pettit remarked that what was missing from the condition of approval was the reference to the time period between 7:00 a.m. and 9:00 a.m. on Saturdays. Currently the language reads, "Work is restricted to Monday through Saturday, 7:00 a.m. to 6:00 p.m., but there is no reference as to what is restricted between 7:00 a.m. and 9:00 a.m.

Mr. Brown clarified that Oakland Construction talked about the restriction yesterday and he had not relayed the conversation to Planner Sintz.

Commissioner Hontz thought they should be careful in crafting the condition. She appreciated the offer to restrict heavy equipment, but she felt it was important to do what was necessary to complete the project as soon as possible.

Vice-Chair Pettit opened the public hearing.

John Halsey, a resident at 1391 Little Kate, directly across the street, stated that Oakland Construction has been a fantastic neighbor. The construction has been non-intrusive and there have not been road problems. Mr. Halsey felt he could speak on behalf of his neighbors in supporting this request.

Vice-Chair Pettit closed the public hearing.

Commissioner Thomas questioned why the Planning Commission would hinder the intent for completing construction by restricting some of the equipment. Most of the equipment is not that noisy or obstructive. He was one who would like to see the project completed early.

Commissioner Strachan concurred, particularly in light of the lack of public objection. He thought they should give the contractor full rein to complete the project.

The Commissioners concurred that heavy equipment would not be restricted between 7:00 a.m. to 9:00 a.m. on Saturdays.

Vice-Chair Pettit encouraged the contractor to continue to be a good neighbor and to use discretion. If there is the opportunity to reduce the use of heavy equipment during those early hours on Saturday it would be encouraged but not required.

Vice-Chair Pettit noted that the word "tie" should be changed to "time" in Condition #10.

MOTION: Commissioner Hontz moved to APPROVE the modifications to the Development Agreement for the MPD at the Park City Racquet Club at 1200 Little Kate Road, with the Findings of Fact, Conclusions of Law and Condition of Approval as amended per the discussion at this meeting. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

#### Findings of Fact – 1200 Little Kate Road

1. The Racquet Club MPD was approved by the Planning Commission on January 20, 2010.
2. The Planning Commission ratified the MPD development agreement on June 23, 2010.
3. Construction work hours on Saturdays were limited in the DA from 9: a.m. to 6 p.m. (Condition of Approval #10).
4. The applicant is requesting extending Saturday's work hours to begin work at 7 a.m. due to the extremely wet and cold spring weather which has caused the project to be behind schedule. The project has a completion date the end of November 2011.
5. The applicant held a public open house for the park City Racquet Club construction work hour change on June 20, 2011.
6. The Analysis section of this Staff report is incorporated herein.

#### Conclusions of Law – 1200 Little Kate Road

1. This amendment is a minor, administrative modification which does not require revision of the development agreement.

#### Conditions of Approval – 1200 Little Kate Road

All previous conditions from the DA stand, with the modification of Condition #10.

10. Work is restricted to Monday through Saturday 7: a.m. to 6: p.m. Work will not be allowed on the following holidays: New Years, Easter, Memorial Day, Labor Day, 4<sup>th</sup> of July, Thanksgiving and Christmas. This would include the time for start up of heavy equipment and start up of any vehicles. Idling of vehicles will not be allowed. Auxiliary lighting will also be restricted to these hours and work days.

**3. Park City Heights – Review of Preliminary Plat and Design Guidelines  
(Application #PL-10-01028)**

Planner Whetstone reviewed the application for a preliminary plat and approval of the Design Guidelines for Park City Heights. The MPD was approved on May 11, 2011 with a condition for platting. Planner Whetstone noted that a preliminary plat is typical as a starting point for a development as large as Park City Heights.

Planner Whetstone noted that a condition of approval also required Planning Commission approval of the final Design Guidelines. She had provided redlined copies of the draft design guidelines. A photograph related to the area history would be included in the final document.

Planner Whetstone noted that the Planning Commission received 11" x 17" drawings for the Park City Heights Subdivision, consistent with the site plan that was approved on May 11<sup>th</sup>. Per the Land Management Code, a preliminary plat review should look at the arrangement, location and width of streets. Those dimensions were included on the plat. It should also include the relation of the streets and utilities, drainage, topography, natural features and potential mine hazards and geologic hazards. Planner Whetstone pointed out that any information that was not included in the Staff report was available in the Planning Department. She had not included everything because some of the information was provided with the MPD. Additional items for preliminary plat review include relation of the streets to the lots sizes and the arrangement, and consideration of the Streets Master Plan, the General Plan and the MPD.

The Staff recommended approval of the preliminary plat as conditioned in the Staff report. She pointed out that a preliminary plat is approved by the Planning Commission and not the City Council. The document is signed by the Chair and filed in the Planning files. The applicants have one year to obtain final subdivision plat approval before the preliminary plat expires, unless an extension is granted. Planner Whetstone stated that Park City Heights intends to phase the final subdivision plat and either come in with the phase that is consistent with the Master Plan Development or come back to the Planning Commission with a revised phasing plan.

The Staff found good cause for the approval in that it provides the overall lot and layout consistent with the approved Master Plan Development, the Land Management Code, the Official Zoning Map and the General Plan and the Streets Master Plan.

Planner Whetstone referred to the design guidelines and comments that were made at a previous meeting. The Staff went through the design guidelines and verified that the list of items shown on page 19 of the Staff report was addressed in the redlined version. The red lines would be removed in the final version.

The Staff recommended approval of the design guidelines.

Vice-Chair Pettit opened the public hearing.

There was no comment.

Vice-Chair Pettit closed the public hearing.

Commissioner Thomas referred to the number of lighting sconces suggested on page 23 of the final draft of the Park City Heights design guidelines, and noted that some had exposed bulbs. He has worked in communities where exposed bulbs were not allowed and the face of the lamp must be shielded to deflect the light either up or down. Commissioner Thomas felt that was a good idea, particularly in this scenario with the houses rising up, because they could begin to see a tremendous amount of lighting on garages and front doors. He was concerned about creating negative lighting impacts. Commissioner Thomas recommended that the applicants look at different lighting sconces.

Commissioner Thomas thought the CC&Rs were well done and he liked the graphic representation.

Commissioner Hontz thanked the Staff and the applicant for adding the area history in response to her request. Commissioner Hontz stated that the edge of the property is a quarter-of-a-mile from a CERCLA site and she thought there should be language that expands on that relationship. Because of the City's involvement with this project, she felt it was imperative to let people know about that history in the region.

Commissioner Hontz referred to the preliminary plat and the second page of the 11" x 17" drawings. She noted that everything was labeled on the drawing except for the three eyebrows, which she thought should be identified.

Spencer White, representing the applicant, stated that the "eyebrow area" was located within the right-of-way and he assumed that it would be dedicated with the right-of-way. Planner Whetstone noted that the site plan calls it as landscaping. Mr. White clarified that it would be reseeded but there would be no irrigation.

Commissioner Worel understood that two lots would be accessible from the Oaks. Mr. White replied that the lots labeled Lots 84 and 85 would be accessed from the Oaks. He clarified that there is no direct access down to the rest of the project. Mr. White stated that at the request of the Hidden Oaks developer, the two homes on Lots 84 and 85 would go through the design review for Hidden Oaks to make sure they fit within the design guidelines of that subdivision.

Commissioner Thomas asked if fencing was discussed during the MPD process. He remembered from seeing the model how the site climbs up and is very visible. Commissioner Thomas was concerned about the visual impacts and visual clutter that would be created by a plethora of white fences around individual properties.

Mr. White replied that fencing was addressed on page 36 of the design guidelines. He noted that fences are not allowed within the Homestead lots, with the exception of pet enclosures or pool fencing. Mr. White stated that the intent is to minimize the use of fencing in the Homestead, Cottage and Park Homes product.

Eric Langvardt, representing the applicant, recalled that Commissioner Wintzer raised the issue of fencing early in the process. Commissioner Wintzer wanted fences to be open. Mr. Langvardt remarked that color may be the question. The front and side yard fences were limited in height and material.

Commissioner Thomas questioned the need for allowing fences at all. Mr. White stated that they felt it was appropriate to allow fences to separate the yards within the Cottage product where there is more density. However, property line fencing would not be allowed on the Homestead lots because those lots go up the hill and are more visible. Planner Whetstone recommended language prohibiting property line fences on the Cottage homes that are higher up on the hill.

Vice-Chair Pettit asked if Commissioner Thomas was comfortable with limited fencing in the lower units. Commissioner Thomas preferred to look at the terrain again to see the visual impacts. He understood the issue with the Cottage homes being on smaller properties; however, he thought the materials and color should be restricted to avoid reflective bright white fences.

Commissioner Hontz favored prohibiting property line fencing on the upper three pods of Cottage lots.

Mr. Langvardt did not believe that fences would be objectionable if they were done right. He suggested adding more specific language in the guidelines related to color and material. He noted that open picket fences or rail fences were discussed. Mr. Langvardt offered to address fences in more detail.

Mr. White summarized that vinyl white, or painted white fences should be prohibited. Solid colors should also be discouraged.

Commissioner Strachan referred to Conclusion of Law #1, "The preliminary plat is consistent with the Land Management Code". He noted that the Land Management Code requires that it be consistent with the General Plan. It has been his position from the beginning that this project is not consistent with the General Plan, and for that reason he could not vote in favor of the preliminary plat.

Commissioner Hontz asked if the Commissioners were comfortable approving the guidelines this evening and trusting that the applicants would make the requested changes. Vice-Chair Pettit did not think it needed to come back to the Planning Commission.

MOTION: Commissioner Pettit moved to APPROVE the preliminary plat for Park City Heights and the Design Guidelines associated with the MPD for Park City Heights, as discussed and amended at this meeting, in accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval as outlined in the Staff report. Commissioner Worel seconded the motion.

VOTE: The motion passed 4-1. Commissioners Pettit, Hontz, Worel and Thomas voted in favor of the motion. Commissioner Strachan voted against the motion.

#### Findings of Fact – Park City Heights

1. On June 30, 2010 the applicants submitted a complete MPD application, including a preliminary plat and draft Design Guidelines, for a 239 unit residential development on 239 acres known as the Park City Heights MPD. The property is within the Community Transition (CT) zoning district.
2. The Park City heights MPD is subject to the Park City Heights Annexation Agreement, including the Water Agreement, approved by the City Council on May 27, 2010 by Ordinance 10-24.
3. On May 11, 2011, the Planning Commission approved the Park City Heights MPD with conditions, including a condition of approval that subdivision plats and the final design guidelines are returned to the Planning Commission for review and approval.
4. The preliminary plat and design guidelines are subject to the May 11, 2011 MPD approval as conditioned.
5. Access to the site is from Richardson Flats Road, a public road previously known as Old Dump Road and from the US40 Frontage Road. No roads are provided through the Park City heights MPD to the Oaks, Royal Oaks, or any other neighborhood within the Deer Valley MPD, consistent with the Annexation Agreement.
6. Utilities are available on or adjacent to the property. Extension of utilities and utility upgrades for the development are identified on the preliminary plat. A final utility plan will be submitted with the final subdivision plats to be reviewed by the Interdepartmental, and Utility Service providers Development Review Team. City Staff will provide utility coordination meetings to ensure that utilities are provided in the most efficient, logical manner and that comply with best practices, including consideration of aesthetics in the location of above ground utility boxes.
7. The plat identifies 187 lots for detached single family dwellings, 28 lots for 28 townhome units configured as seven (7) four-plex townhouse buildings with zero lot line construction, sixteen (16) duplex lots for eight (8) duplexes consisting of two (2) units each, and one (1) 23,000 square foot lot for a multi-family building of up to 8 units. Additional parcels are identified for the Public Park (4.11 acres), support uses (31,535 sf total 2 parcels), and open space areas (approximately 170 acres in multiple parcels).
8. Locations of the proposed lots are consistent with the MPD site planning and Sensitive Lands Overlay criteria. Building setbacks are identified in the Design Guidelines and will be noted on the final subdivision plats.
9. Design Guidelines for the Park City heights MPD address site planning, architecture and design, sustainability and best practices, landscaping and water conservation, construction impacts, retaining wall design, and other requirements of the CT zoning district, Land Management Code, Park City heights Annexation Agreement and Master Planned Development approval.

10. A Geotechnical Study for the Park City Heights Development was provided by Gordon Spilker, Huber Geotechnical Consultants, Inc. (June 9, 2006). Expansive clay soils were encountered across the site in the upper two and one-half to nine and one-half feet. Shallow bedrock was found within portions of the site. Special construction methods, removal of these unsuitable soils and other mitigations are spelled out in the Study and will be noted on the final subdivision plats.
11. The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record as required by the Land Management Code.
12. On September 22, October 13<sup>th</sup>, November 10<sup>th</sup>, and December 8<sup>th</sup>, 2010 and February 9<sup>th</sup> and 23<sup>rd</sup>, March 9<sup>th</sup> and 23<sup>rd</sup>, April 27<sup>th</sup>, and May 11<sup>th</sup>, 2011, the Planning Commission conducted public hearings on the MPD, including the site plan, preliminary plat, road cross sections, grading and drainage plans, preliminary utility plans and Design Guidelines.
13. The preliminary plat provides an overall lot and street layout consistent with the approved MPD site plan, the Land Management Code, the Official Zoning Map, General Plan, and the Streets Master Plan. The preliminary plat provides a general lot, street, and utility layout from which individual phased final subdivision plats can be designed for compliance with and in consideration of the overall MPD approval.
14. Final road and utility design will be provided to the Planning Commission for review with the final subdivision plats.
15. The applicant stipulates to the conditions of approval.
16. The discussion in the Analysis section of this report is incorporated herein.

#### Conclusions of Law – Park City Heights

1. The preliminary plat is consistent with the May 11, 2011 Park City Heights MPD and the Park City Land Management Code.
2. Neither the public nor any person will be materially injured by the proposed preliminary plat.
3. Approval of the preliminary plat, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.
4. Approval of the Park City heights Design Guidelines is consistent with the conditions of the approval of the Park City Heights MPD.
5. There is good cause for this preliminary plat.

Conditions of Approval – Park City Heights

1. All future phased final subdivision plats are subject to the May 11, 2011 Park City Heights MPD approval, including the conditions of approval, and shall be consistent with the preliminary plat.
2. The City Attorney and City Engineer will review and approve the final form and content of the preliminary plat prior to filing the plat in the Planning files and returning a copy of the plat to the applicant.
3. Consistent with the LMC Section 15-7.1-5(H), approval of the preliminary plat is effective for a period of one (1) year, at the end of which time final approval of the final subdivision plat must have been obtained from the Planning Commission and City Council and the final phased plat filed with the County recorded within one (1) year of approval, unless an extension is granted by the Planning Director.
4. Public improvements, utilities, fire hydrants, landscaping, storm management facilities, trails, parks and all other public improvements as required by the Master Planned Development and the Land Management Code, shall be installed and dedicated prior to the signing of the final phased subdivision plat by the Planning Commission Chairperson, unless the Planning Commission approves a financial guarantee, in compliance with requirements of the Land Management Code and as recommended by the City Engineer, for these improvements. The financial guarantees for each phase shall be posted prior to recordation of each phased final plat.
5. Substantive revisions to the Design Guidelines are subject to approval by the Planning Commission and shall comply with the intents and purposes of the Park City Heights Master Planned Development.

The Park City Planning Commission meeting adjourned at 8:45 p.m.

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

**MINUTES – JUNE 22, 2011**



PARK CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION MEETING MINUTES  
COUNCIL CHAMBERS  
MARSAC MUNICIPAL BUILDING  
July 13, 2011

COMMISSIONERS IN ATTENDANCE:

Chair Charlie Wintzer, Brooke Hontz, Mick Savage, Adam Strachan, Jack Thomas, Nann Worel

EX OFFICIO:

Planning Director, Thomas Eddington; Katie Cattan, Planner; Francisco Astorga, Planner; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING

**ROLL CALL**

Chair Wintzer called the meeting to order at 5:35 p.m. and noted that all of the Commissioners were present except Commissioner Pettit who was excused.

**PUBLIC COMMUNICATIONS**

There was no comment.

**ADOPTION OF MINUTES**

The Planning Commissioner lacked a quorum of Commissioners present who had attended the meeting on June 8<sup>th</sup>. Assistant City Attorney McLean advised that for approving minutes, it was appropriate for the Commissioners who had not attended to rely on the ones who did attend. Therefore, all the Commissioners were eligible to vote.

June 8, 2011

MOTION: Commissioner Hontz moved to APPROVE the minutes of June 8, 2011 as written. Commissioner Wintzer seconded the motion.

VOTE: The motion passed 4-0-2. Commissioners Strachan and Thomas abstained.

June 22, 2011

Director Eddington read into the record corrections to the June 22, 2011 that Planner Whetstone had submitted in writing.

Page 8 of the work session, page 38 of the Staff report on the Upper Ridge Subdivision, first paragraph, last sentence was corrected to read, "...accessed via a private driveway within a platted ROW."

On that same page, third paragraph, the last sentence was corrected to read, "Mr. Pack stated that three property owners jointly own the 42 lots."

On page 9 of the work session, page 39 of the Staff report, second paragraph, line 5, regarding was corrected to **regrading.**"

Commissioner Strachan referred to page 9 of the minutes, page 51 of the Staff report, Condition of Approval #6 for 929 Park Avenue, and changed the last sentence "The applicant consents to the maximum" to read, "The applicant **agrees** to the maximum". He felt that was more accurate since the applicant had proposed the maximum square footage.

Commissioner Hontz referred to page 5 of the work session, page 35 of the Staff report, first paragraph, third line, and corrected to be inaccurate to read **to being inaccurate.**

Commissioner Hontz referred to page 6 of the work session, page 36 of the Staff report, third paragraph, second line, and corrected document to read **documented.**

Commissioner Hontz requested that someone re-listen to the recording to verify a comment made by Planner Whetstone during the work session. She questioned the comment made by Planner Whetstone on page 7 of the work session, page 37 of the Staff report, the second paragraph, last sentence "...the smaller lots were still 42 individually platted lots." If that was the correct statement, she would dispute the math because it does not add up to 42 platted lots, since some are portions.

In that same paragraph, Commissioner Worel corrected Commissioner Whetstone to read **Planner** Whetstone.

Commissioner Strachan recommended that the minutes be tabled so the corrections could be incorporated and the recording verified.

Commissioner Savage referred to an announcement in the June 22<sup>nd</sup> minutes regarding a joint meeting with the City Council. He noted that only five of the seven Commissioners were present at the June 22<sup>nd</sup> meeting. Commissioner Savage heard about the joint meeting by chance, and requested that the Staff make an effort to notify absent Commissioners.

## **PUBLIC INPUT**

There were no comments.

## **STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES**

Planning Director Eddington introduced Matt Evans, the new planner in the Planning Department.

Director Eddington provided a handout for the City Tour and asked any interested Commissioners to contact the Planning Department. The Tour would be to Fort Collins and Estes Park.

Director Eddington reported that the Planning Commission held a joint meeting with the City Council on Thursday, July 7<sup>th</sup>. It was a productive meeting and they discussed re-development, planning, and larger policy issues. He noted that a second joint meeting was scheduled for Thursday, July 21<sup>st</sup> at 5:30 p.m. Commissioners Thomas and Worel were unable to attend the joint meeting on July 21<sup>st</sup>.

Director Eddington provided an update on Treasure Hill. The City is continuing negotiations with Treasure Hill and they are trying to schedule a public outreach meeting to hear public input. Times were tentatively scheduled for Tuesday, July 26<sup>th</sup> between 4:00-7:00 p.m. at the Eccles Lobby. It would be an informal open house where the public could view design boards and ideas being considered. There would not be a formal presentation. The objective is to let the public know how the negotiations are proceeding and to hear public input. Director Eddington noted that the Planning Commission would see the same presentation during their July 27<sup>th</sup> work session.

Director Eddington reported that the Treasure Hill CUP was granted an extension through the end of July based on the fact that negotiations were proceeding well and everyone was making a good faith effort to reach an agreement.

**CONTINUATION(S) – Public Hearing and Continue to Date Specified**

Land Management Code – Amendments to Chapter 1, Chapter 11, and Chapter 15  
(Application #PL-11-01203)

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

The Staff requested that this item be continued to August 10<sup>th</sup>.

MOTION: Commissioner Hontz moved to CONTINUE the LMC amendments to Chapters 1, 11 and 15 to August 10, 2011. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

633 Woodside Avenue – Conditional Use Permit  
(Application #PL-11-01270)

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

MOTION: Commissioner Thomas moved to CONTINUE 633 Woodside Avenue – CUP to July 27, 2011. Commissioner Strachan seconded the motion.

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

### 1. 1159 Empire Avenue – Record of Survey (Application #PL-11-01228)

Planner Katie Cattan reviewed an application for a Condominium Record of Survey for an existing four-plex located at 1159 Empire Avenue. The application is to convert the duplex into a condominium conversion. Once the project becomes a condominium conversion the units can be sold separately.

Planner Cattan stated that the home was originally built in 1979 as a four-plex. It is a legal non-conforming use and a legal non-complying structure. At the time the structure was approved it was a legal structure under the Code. Planner Cattan explained that two elements make the structure non-conforming. The first was that the setback requirement is not met on the side yard setback. The second is that the footprint calculation is slightly over the allowed footprint. Planner Cattan stated that another issue is the non-conforming use. The LMC states that, “no conforming use may be moved, enlarged, altered or occupy additional land, except as provided in another section”, which is specific to historic.

Planner Cattan stated that although the existing non-conforming use is not being physically moved, enlarged or expanded into additional land, the ownership interest is being altered by creating a condominium in a manner which would increase the degree of non-conformity, since it would allow for individual ownership of the four units. When subdivision applications or plat amendments are reviewed, the Planning Commission must find good cause. Because this request expands on a non-conformity, the Staff could not find good cause for this application and, therefore, proposed a negative recommendation.

Marshall King, with Alliance Engineering, representing the applicant, agreed that this was a legal non-complying use. He pointed out that the Land Management Code has allowed uses as conditional uses but it does not address ownership. The only place ownership is even considered in the LMC is under condominium conversions, which only says that approval is required from all City departments. Mr. King read from the LMC, “The structure must be brought in substantial compliance with the Building Code as conditional precedent to approval”. He noted that the structure has been inspected by the Building Department and it is a solid, sound concrete structure. It has been used as a four-plex for 30+ years. Being a solid building it would continue to be used within the requirements of the Land Management Code.

Mr. King disputed with the comment in the Staff report that the condominium conversion would increase the degree of non-conformity. He believed the proposal would at least maintain the degree of non-conformity and explained why it could possibly decrease the non-conformity per Code. Mr. King remarked that the chances of someone tearing down a solidly sound structure to build something that would comply was very improbable.

Mr. King stated that the primary reason for disagreeing with the Staff recommendation was based on the fact that the LMC addresses use and not ownership. In addition, the LMC itself perpetuates

continuing a legal non-conforming use due to the fact that if the building was ever destroyed involuntarily it could be rebuilt exactly as it exists today.

Chair Wintzer opened the public hearing.

Jill Sheinberg, a resident in Old Town, questioned why the City would oppose the idea of something that could possibly provide lower income housing units in Old Town. She supported the application.

Craig Elliott, felt the word "alteration" was being twisted, and it could leave the City with a potential precedent that could restrict the ability to do good things in Old Town. Mr. Elliott stated that if the proposal would not change the use, he could not understand why the City would restrict the type of ownership. Mr. Elliott supported moving forward with the requested record of survey.

Commissioner Savage asked Mr. Elliott to elaborate on his comment about twisting the word "alteration". Mr. Elliott understood that the applicant was not making major construction changes to the building. The applicant confirmed that this was correct. Commissioner Savage clarified that Mr. Elliott's point was that the only change was in the form of ownership and not physical changes or alterations.

Chair Wintzer closed the public hearing.

Commissioner Thomas noted that the structure was built in 1979 as an approved use. Over time the Code changed and it is currently a non-complying structure based on the current Code. If the applicant was strictly requesting an ownership change, Commissioner Thomas struggled with why it should be denied. He could not understand the issue of increased non-compliance if the building does not change.

Assistant City Attorney McLean remarked that there were two issues. One is a non-conforming use under the purpose statement of 15-9-1, which states, "While non-conforming uses, non-conforming structures and improvements may continue, this chapter is intended to limit enlargement, alteration, restoration or replacement, which would increase the discrepancy between existing conditions and the development standards prescribed by this Code". Ms. McLean stated that overall, between the State Code and the City Code, the idea is that for non-conforming uses the non-conformities are eventually extinguished. She noted that the Planning Commission has the purview to decide whether or not having separate ownership would increase the likelihood of the structure ever coming into compliance or reducing the non-conformity.

Assistant City Attorney McLean stated that process was another issue. The intent of a subdivision or record of survey is to try to bring things into compliance. Since the request is to change the ownership interest, the Planning Commission needs to evaluate whether or not they want to accept the non-conformity that would exist in perpetuity.

Commissioner Savage asked if an application submitted today to build rental units would be an approved or conditional use. Planner Cattan replied that currently an applicant could apply for a master planned development in that zone, but it would require a specified amount of land and units.

A duplex structure would require a conditional use permit. A structure with more units than a duplex is prohibited in the zone. Commissioner Savage felt the question of conformity was whether they were trying to conform to one set of requirements versus another set of requirements. He noted that the current Code would not allow a four-plex with individual ownership, but it also would not allow someone to build a four-plex from scratch that was designed to be a rental. In his opinion, whether they approve or deny this condominium conversion, it would still remain non-compliant.

Planner Cattan stated that currently it is one structure that sits over three legal lots of record. If the structure was ever demolished, there would be three lots of record on which they could build homes. However, once it is condominiumized there could be four individual owners, and the degree of extinguishing the non-conformance becomes more unrealistic. Planner Cattan noted that another approach would be to apply for a conditional use permit for a duplex and convert the unit four units into two units. If that application was approved, they could condominiumize the duplex and sell those units separately.

Commissioner Savage asked if the same application that was approved in 1979 would have been in compliance if it had been submitted as a condominium with individual ownership at that time. Planner Cattan answered yes.

Commissioner Strachan felt it was a speculative analysis to determine that turning the structure into a condominium would make it less likely to come into compliance. The opposite could occur and four owners may be interested in bringing it into compliance to increase their property value. Commissioner Strachan thought it was difficult to speculate on the outcome of an ownership change because it was impossible to assume what the owners might do.

Assistant City Attorney McLean clarified that in order for a condominium to vacate the Condominium Act, all the owners would need to agree.

Chair Wintzer concurred with the public comment that if there was the possibility to have four for-sale units, 800 square feet or less, it could potentially become affordable housing. Mr. King reiterated that if the building ever came down involuntarily, the Code allows it to be perpetual. The same four units could be built and continue for another 30 years regardless of ownership.

Glen Goldman, the owner and long time resident of Park City, clarified that his intention is to provide low cost housing for people in Old Town to live and enjoy the beauty of Park City. The units are 2 bedroom, 2 bath and slightly over 800 square feet. They are nicely furnished and would be a nice low cost home. Mr. Goldman stated that the units would be much less expensive than anything on the market in Old Town.

Commissioner Thomas still could not understand why the physical building would have an increased non-compliance with four owners. He was comfortable with the plat amendment as proposed, given that the building itself would not change. He believed that through the record of survey process every square foot of the building would be surveyed and documented. That would provide a hard document for the building. Commissioner Thomas was inclined to support the plat amendment.

MOTION: Commissioner Thomas moved to forward a POSITIVE recommendation to the City Council for the record of survey based on the Findings of Fact, Conclusions of Law found in the Staff report.

Assistant City Attorney McLean noted that the findings and conclusions were for denial. If the Planning Commission wanted to forward a positive recommendation, they would need to direct Staff to prepare findings to support that recommendation. The Planning Commission could either request that this item come back at the next meeting, or the Staff could change the findings of fact and conclusions of law based on their recommendation.

Commissioner Savage thought the Planning Commission needed to find good cause for voting against the Staff recommendation. He did not believe they had established good cause.

Assistant City Attorney McLean stated that the Planning Commission must find good cause for a plat amendment, but they did not need good cause to disagree with the Staff recommendation. Commissioner Savage asked for the standards of good cause.

Director Eddington summarized that the Planning Commission had found good cause because there were no physical alterations to the building. Secondly, the Planning Commission found that rental units versus condos were equal and would not create additional impacts. Director Eddington defined good cause as providing positive benefits and mitigating negative impacts. Good cause is determined on a case by case basis, addressing public amenities, benefits, resolving existing issues, promoting excellent and sustainable design, etc.

Commissioner Hontz was comfortable with all the comments. However, she had recent memory of two condominium conversions where the units had been converted and they had to fix a number of issues that were created by the design. Because the units were owned by multiple parties, it was a huge struggle to bring the building into compliance and fix the problems for the units, as well as problems that affected the entire community in terms of sightlines, bus routing, pick-up, safety of children, and other issues. This was a different issue but she could understand how the Staff made their determination. Commissioner Hontz could see good reasons why this structure should be condominiumized, but at the same time, she was concerned about creating future problems for the neighborhood.

Planner Cattan asked Director Eddington to re-read the definition of good cause. Commissioner Eddington read the entire definition. Based on the full definition, Planner Cattan suggested that since it is an existing building it could be considered recycling under sustainable practice. One of the greenest practices is to utilize old buildings. Planner Cattan believed that could be a reason for good cause.

Commissioner Savage noted that currently the units are rentals. He asked if it was possible to mandate that the HOA set aside specific funds for property maintenance to take the financial burden off the owner. He drove the area and while the building and property were in good condition, he thought it could be better.

Mr. Goldman stated that new front and back decks were recently built and the property was re-landscaped. He assured the Planning Commission that the level and competence of the HOA would be sensitive to the needs of Park City. He wants to keep the building as nice as possible and a great amount of work was done to do so. As the current owner he guaranteed that the HOA would continue to keep the landscaping and the building exterior in the same condition that it is today.

Commissioner Worel asked if Mr. Goldman would remain an owner of one of the units. Mr. Goldman answered yes.

Commissioner Thomas revised and restated his motion.

MOTION: Commissioner Thomas made a motion to direct the Staff to prepare Findings of Fact, Conclusions of Law, and Conditions of Approval to support a POSITIVE recommendation to the City Council for the record of survey for 1159 Empire Avenue, based on the discussion this evening, and to bring it back to the Planning Commission for review. Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously.

**2. 1555 Iron Horse Loop Road – Modification of Master Planned Development and Ratification of Development Agreement. (Application #PL-10-00890)**

Commissioner Worel disclosed that she is the Executive Director of the People Health Clinic and Mark Fischer, the applicant, sits on one of the two Boards. That association would not affect her decision on this application.

Planner Cattan reported that the Master Planned Development for 1555 Iron Horse Loop Road was approved in December 2010. The Staff worked closely with Mark Fischer and his team on the development agreement. Revisions were made and one change was proposed to the plan. Planner Cattan stated that the applicant plans to convert the 25 units at Rail Central into affordable units. In order to meet the full affordable unit requirement they originally planned to build 1,124 square feet affordable unit on site. Depending on when this is built and the ownership, Mr. Fischer would like the flexibility of having the affordable unit at 1440 Empire. Planner Cattan explained that prior to signing off on a building permit for this location for the MPD, the applicant would need to go before the Housing Board, which is the City Council, for approval of their affordable housing proposal.

Mr. Fischer was requesting a change to Finding of Fact #21 as outlined in the Staff report.

Planner Cattan reported that throughout the process the application was referred to as a mixed-use development. In looking at possibly selling, the applicant was unsure whether residential units would definitely be in the proposal. She clarified that even if the uses within the MPD change, the uses within the building would comply with the uses of the District.

Chair Wintzer opened the public hearing.

There was no comment.

Chair Wintzer closed the public hearing.

MOTION: Commissioner Thomas moved to RATIFY the Development Agreement with the modified Finding of Fact #21. Commissioner Worel seconded the motion.

VOTE: The motion passed unanimously.

Modified Finding of Fact #21

The project is required to provide 6.14 units equivalents of affordable housing. One unit equivalent of affordable housing is equal to 900 square feet. The applicant is using all 24 units from the adjacent Rail Central Development (4,443 sf) to comply with 4.94 unit equivalents of the affordable housing requirement. The remaining 1.20 affordable units will be satisfied prior to certificate of occupancy, either on or off site. The applicant will deed restrict the units to comply with the 2007 Housing Resolution. The future rents will comply with the 2007 Housing Resolution.

**3. Land Management Code- Amendments to Chapter 2.1 (HRL); Chapter 2.2 (HR-1); Chapter 2.3 (HR-2); Chapter 15 (Definitions); Chapter 7 (Subdivisions); including subsections 7.1, 7.2, 7.3 and 7.4 – to limit footprint resulting from lot combinations in the HR-1, HR-2 and HRL Zoning Districts and to limit maximum building sizes in those zones. (Application # PL-11-01281)**

Planner Astorga remarked that public input contributes to good planning and he was pleased to see so many people attend the public hearing this evening.

Planner Astorga stated that the objective this evening was for the Planning Commission to review and discuss the proposed amendments to the Land Management Code for Chapters 2.1, 2.2, and 2.3 as described in the Staff report and attached ordinance. The Staff report was drafted by Planner Astorga and Planning Director Eddington and it reflected ideas and proposed changes for specific parameters within the mentioned Chapters.

Planner Astorga reported that on June 3, 2011 the City Council adopted a Temporary Zoning Ordinance, which prohibits the approval of plat amendment applications filed after June 15, 2011 within the proposed Districts.

Planner Astorga stated that in the 1990's a critical development occurred when the Chief Building Official and City Attorney determined that many of the structures were not in conformance with the Universal Building Code and State law in terms of construction across platted lots lines, even if both lots were owned by the same entity. Based on that determination, the City changed its perspective and began requiring a plat amendment whenever that occurred. Planner Astorga remarked that

recently a higher number of plat amendments have come before the Planning Commission, and were forwarded to the City Council for final authority. In reviewing these plat amendments, there was heightened concern regarding the size, volume, mass and area of structure that could be created by these lot combinations.

Planner Astorga stated that the City Council recently requested additional information as a result of lot combinations. Planner Astorga had prepared that analysis, which was included as Exhibit E in the Staff report. The analysis showed an average of structures within 300 feet, 200 feet and 100 feet. It was another method for calculating the plat amendments and the corresponding footprint in terms of averages within the neighborhood.

Planner Astorga noted that the Staff had prepared four general development parameters that were proposed with the LMC amendments. The revised parameters were only suggested for the HR-1, HR-2 and HRL District. Planner Astorga reviewed the four parameters as outlined in the Staff report. The first was lot combinations. Currently the Code does not limit the number of lots that can be combined. The Staff recommendation would be to respect the Snyder's Addition Survey and the Park City Survey, which platted approximately 90% of Old town lots in a 25' x 75' configuration at 1875 square feet. Understanding that historic homes have been built through platted lots, and in order to fix the basic issue, the Staff proposed to allow lot combinations for sites that have been identified by the Historic Sites Inventory as historically significant or landmark sites.

Planner Astorga asked if the Planning Commission could support the plat amendment/lot combination limitation to only historic structures.

The second parameter was the footprint formula. Planner Astorga reviewed an exhibit comparing the old footprint allowed per Code with the new footprint formula.

Commissioner Savage pointed out that the graph on page 159 in the Staff report was different from the graph Planner Astorga had on the screen. Director Eddington clarified that the graph shown in the Staff report was a comparison of the lot to the building footprint size. Therefore, the blue line was the building footprint and the red line was the building footprint. The graph shown by Planner Astorga was the proposed building footprint to existing allowed building footprint.

Planner Astorga pointed out that with the existing formula, as the lot gets larger, the percentage of footprint within the lot decreases. The change proposed by Staff is to leave the one lot configuration and the 1-1/2 lot configuration the same. Once it becomes a double wide lot, the Staff recommends dropping the footprint by 10%. He remarked that the most popular lot combination would be the double-wide.

Planner Astorga asked if the Planning Commission could support the decrease of footprint for any lot size over 1875 square feet and a maximum footprint of 1367 square feet for all lots measuring 3750 square feet or more.

Planner Astorga commented on a platted subdivision in the HR-1 District called the North Star Subdivision, which has very large lots. That subdivision remained in the HR-1 and because the lots ranged from 9,000 to 63,000 square feet, the Staff wrote the Code to cap it at 4500 square feet.

Planner Astorga asked if the footprint of the North Silver Lake lots should also be limited to 1367 square feet and whether the Planning Commission wanted to see additional analysis for possible zones changes for the area as part of the General Plan re-write.

The third parameter was number of stories. Planner Astorga stated that currently the maximum height in these districts is 27 feet from existing grade. In 2009 a change was made to the LMC that limits the number of stories. The adopted ordinance created a three-story maximum limitation. Based on compatibility with historic structures, the Staff proposed the possibility of limiting the number of stories from three down to two. Planner Astorga noted that historically three stories structures were not built in Park City. Historic structures with three stories resulted from additions that were added later. If the Planning Commission finds this proposal too restrictive, the Staff could explore the possibility of allowing two exposed stories and a basement. That would be similar to what is currently allowed by Code through the 27' height limitation.

The fourth parameter was increased setbacks. Planner Astorga indicated a typo on page 167 of the Staff report and removed the numbers in black on the third column. For example, 35 feet should be 5 feet. The Staff believed this parameter was beneficial due to the volume and massing of structures. Increasing the setbacks increases the separation between lots. Therefore the structures do not look as wide. The setbacks would be the same for all three districts.

Planner Astorga asked if the Planning Commission could support the increase in side yard setbacks, and whether the proposed increased setbacks allow enough design flexibility for the architect.

The Staff recommended that the Planning Commission conduct a public hearing, consider public input, provide direction, and consider continuing the public hearing to August 10, 2011.

Commissioner Strachan recalled that the last time changes were made to the LMC, the Planning Commission proposed side yard setbacks and it was reversed by the City Council. Director Eddington replied that the Planning Commission had discussed height, but there were no discussions regarding side yard setbacks.

Planner Astorga reported that in addition to the public input letters included in the Staff report, three or four additional letters were received after the Staff report was published. Those letters were provided to the Planning Commission this evening and would become part of the record.

Commissioner Hontz referred to the question about restricting lot combinations to historic structures, and asked if there was a different process for non-historic properties that currently sit on multiple lots. Planner Astorga replied that the Staff was not recommending another process, but they would be willing to explore that ability. He explained why it would be difficult to add an addition if the structure was not historic.

Planner Astorga presented slides showing examples of possible lot combinations and what could occur on the lot.

Commissioner Savage asked if the recommendations came from the Planning Department. Director Eddington replied that the recommendations were made by the Planning Department for consideration. Commissioner Savage wanted to know the rationale and logic for proposing changes, and what consequences could be expected from making such significant changes.

Director Eddington stated that the recommendations are put forth for consideration either in all or part or none. Based on recent plat applications and subdivisions, the objective was to bring forward possible Code amendments that would address issues that have appeared to be unclear relative to mass and scale of building on various lots. If there is an issue with regard to the Code analysis, these proposals would address many of those issues and concerns.

Commissioner Savage understood that the intent was to generate smaller lots, smaller footprints and shorter structures. He asked if the pendulum was swinging away from the McMansions. Director Eddington replied that it relates to compatibility. Recently a number of plat amendments and subdivisions have come before the Planning Commission and there have been requests for additional analysis with respect to neighboring properties or properties within a 100 to 300 foot radius. That has been done on an individual basis and the Staff tried to recommend a more holistic approach to address the scale and mass of buildings in Old Town as lots are combined.

Commissioner Savage asked if consideration was given to the impact the changes would make on the ongoing preservation of Old Town as it relates to older buildings, and whether there would be an economic incentive for rebuilding the deteriorating buildings that are not part of the historic guidelines. Director Eddington stated that there has not been a formal economic analysis. However, there is an understanding that limiting lot combinations to historic structures would limit what someone could do with a non-historic structure under a lot line.

Planner Astorga noted that one purpose statement of the HR-1 District is to preserve the configuration of the 25' x 75' foot layout.

Chair Wintzer opened the public hearing.

Ruth Gezelius, a 30 year resident in the Historic District, thought the entire proposal was both restrictive and punitive in nature. She felt it was misguided and misdirected based on the goals that were set for the historic district, which is to provide a viable, livable asset to the entire residential and economic community. Diversity in the Historic District is what makes your heart beat. The idea of stepping in with one more restrictive regulation continues to discourage people from maintaining, remodeling and converting very sad, old and horribly maintained properties. Ms. Gezelius stated that the template of town was not a cookie cutter, which was exemplified by the fact that they built across lot lines, and that provided diversity. There are three-story homes on Upper Park Avenue that had a root cellar and two stories above. The idea of just wanting two story houses when over half the homes already have three stories makes no sense. Ms. Gezelius remarked that asking for greater setbacks of the few undeveloped lots or unrestored historic homes is punitive in nature. She stated that 3' foot side yard setbacks on 25 foot lots have been inadequate since Park City was founded. It is part of the challenge of living in Old Town. Mr. Gezelius recalled the garage barrage issue and believes the City went too far with the one car

garage restriction. Ms. Gezelius believed the proposals presented this evening, along with the calculations, needed far more work before they could possibly recommend any type of action.

Tom Hurd, a resident at 4 Silver Queen Court, stated that he and his wife have lived in Park City for over 30 years. During those 30 years he has never encountered a Planning Commission or a City Council that was satisfied with the Historic District. As a result, the ordinance that governs the historic residential zones have been revised and re-written to the final satisfaction of absolutely no one. Mr. Hurd stated that the last permutation was enacted in April 2009 because, to quote one City Council member, "something had to be done". Mr. Hurd remarked that the City Council is once again pursuing their fanciful illusion of what constitutes acceptable historic residential zones. He stated that the Land Management Code is a moving target and what is in today is out tomorrow. Therefore, planning is nearly impossible. Mr. Hurd challenged any member of the City Council to articulate what they think the HR zones should look like. He suspected they would not be able to it. As to the current proposed changes, he did not believe any of them would accomplish any good, and one in particular would severely impact his economic freedom as a lot owner. Mr. Hurd stated that the inability to combine contiguous lots would render worthless the property that he owns in the Millsite Reservation. He questioned whether the proposed amendments were even legal, since it appeared to be a back door way of preventing owners from enjoying the economic benefit of their investments. When rules constantly change, anarchy prevails. Mr. Hurd pointed out that for many years he and his wife lived in the historic 1901 Doyle House at 339 Park Avenue. By current account, that home is four stories tall and 37-1/2 feet high. He asked if chopping off the top stories would make it more historic. Mr. Hurd wondered what standards they were trying to emulate and how much economic damage would be done along the way. This is bad rule making and it should be rejected in whole.

Mel Robertson, a part-time Park City resident, stated that she flew in from California to attend this public hearing. Ms. Robertson had written a letter that was included in the Staff report. She stated that this issue is personal in many ways because the process they went through in an effort to further their future has been railroaded by what could potentially happen with this proposed legislation. She and her husband have owned a condo since 2005 but they have been coming to Park City for over 23 years. After finding a condo they liked in Old Town and deciding that Park City was where they wanted to retire, they set out to find a home to buy or a place to build and retire. Ms. Robertson remarked that they found a boarded up home at 929 Park Avenue and spent three years trying to purchase it. She was struck by the idea that if the City really wants historic authenticity to occur, why would they allow indoor plumbing, microwaves, and more than two bedrooms, since that did not exist back then. Ms. Robertson pointed out that you can only go so far in making the way we live now conform with the way people lived then, because it is an entirely different world. The proposal is very punitive because the house that they bought as a tear down to hopefully build on someday cannot be built with enough square footage to accommodate their family. The house they could build is smaller than their condo. If the rules are changed, she could not sell her property because no one else would want those restrictions. Ms. Robertson remarked that the economic growth that occurs when people remodel would be lost because people give up and walk away. She asked the Planning Commission to use wisdom, compassion and common sense when considering these proposals and the people it would affect.

Joe Tesch, stated that he was representing owners and investors in Old Town. He encouraged the Planning Commission to do nothing. Mr. Tesch asked the Commissioner to think about why they became Planning Commission members and what they intended to do. He believed it was to take care of people. Mr. Tesch remarked that you cannot turn back the clock to a market and time that no longer exists and no longer fits with American families and the American lifestyle. He stated that when you have land use laws, it is important that they remain consistent. You should not change the laws every two years. There was a major change in 2009. He stated that a city or an area like Old Town either moves forward and improvements and remodels are evident investments, or it does not. He believed the proposal as recommended would kill Old Town. If people invest in Old Town based on one set of rules and the rules change and keep changing, no investors will come. You hurt the owners because they cannot sell, and smart investors will not want to invest in Old Town knowing that the rules might change again tomorrow. Mr. Tesch believed the current regulations were a nice balance. This Planning Commission and their predecessors spent hundreds of hours trying to get things right. To now reverse all the wisdom of the people who came before them is a bad idea. Mr. Tesch thought the current guidelines protect Old Town and historic structures, and the Historic Preservation Board makes sure that the visible facades reflect what Park City used to be. Mr. Tesch stated that the City needs to respect the owners who invested believing that they could have a legitimate project. Plat amendments and combining lots is what the market is. This proposal would force non-market conditions, which would kill Old Town and cause it to deteriorate.

Tom Peek stated that he and his wife have been investing financially and emotionally in Old Town for 24 years. He has owned some of his properties for 23 years, but with this proposal he needs to look at things differently. Each time the rules change he modifies his thoughts to conform to the guidelines. However, it is very frustrating and he is beginning to wonder about all these changes. It is a moving target and there is no institutional memory. He noted that in a recent discussion someone mentioned going to the Floor Area Ratio. Mr. Peek remarked that recently the Floor Area Ratio was abandoned because it was an ineffective method. He stated that you cannot buy property in Old Town with any level of certainty. Therefore, many good real estate agents with qualified clients either do not show the area or they direct it elsewhere because of the pending TZO and the specter of the potential change. Mr. Peek stated that he personally purchased properties based on what was approvable at the time and what was built directly adjacent. He pointed out that the guidelines that were put in place in 2009 have not been tested because the current market is as bad as he could ever recall. Therefore, there are no recent examples. The current construction is being done by people who already have approvals and are just starting to build. Mr. Peek expressed interest in being a citizen stakeholder on a committee if that would be helpful. He remarked on an earlier comment about considering two stories with the concession of a basement. He noted that two years ago they eliminated basements because of the excavation and moving dirt around. He pointed out that a high percentage of properties in Old Town are on more than one lot and this proposal would definitely affect their properties. Mr. Peek suggested differentiating between subdivisions and lot combinations. When he was at the Planning Department he heard the comment that they would start restrictive and fight from there. He found it amazing that someone could have the same size home on two lots or 18 lots.

Michael Demkowitz, a property owner at 341 Ontario, Lots 21 and 22. He is also a structural engineer with Alliance Engineering. Mr. Demkowitz believed the proposed recommendations would

affect him personally and professionally. He has two separate parcels and he would like to build a home for a five person family. The lot combination and the maximum footprint restriction would prevent him from doing that. The increased side yard setbacks proposed are too restrictive and it would make it difficult to design a home. Mr. Demkowitz stated that he is on the downhill side of Ontario and if he was limited to two stories it would be impossible to have a garage. To realistically build a home on the downhill side of Ontario, it would have to be two stories. Mr. Demkowitz echoed previous comments about this proposal being a bad idea. He did not want to be restricted from selling this property in the future because of this action.

John Watkins owns property at 335 Woodside. Mr. Watkins is from Utah, but he currently resides in California and comes to Park City four or five times each year. In 2009 he purchased property in Park City and did his due diligence. He visited the Planning Department and talked about the historic guidelines, and he spoke with an architect and a builder before purchasing the property. He has been working with the Planning Department for 18 months and from his understanding, not a single home has been completed under the 2009 guidelines. His home is listed as a landmark structure on the Historic Site Inventory. He has a family of five and family members who want to visit him and enjoy Park City. His objective is to retire in Park City. Mr. Watkins understood that the City Council was pushing this proposal and the Planning Department does not necessarily support it. They are only following direction from the City Council. Mr. Watkins stated that his plat amendment was approved. The existing structure is 26 feet wide and it cannot fit on a 25 foot lot. He was aware of that when it bought it and he was told what he would and would not be able to do. He believes this is a bad recommendation. He wants to restore his house and contribute to the City, but he could not carry out his plans under this proposal. He did not understand why the application he submitted was put on hold, but was beginning to find that other people are experiencing the same frustration. Mr. Watkins requested that the Planning Commission rescind the proposal and allow the 2009 guidelines to be tested.

Jerry Fiat stated that this proposal is very significant and has deep ramifications to property owners, residents, and those wanting to live in Park City in the future. Mr. Fiat recalled a previous meeting regarding density transfers. At that meeting Commissioner Savage was concerned about how the density transfer would affect the neighbors in the area where density would be transferred. Mr. Fiat recognized that the City met the legal requirement by posting a notice in the paper, but 50% of the property owners live out of town and those people have no idea that this proposal is being considered. He finds that very problematic when something this big threatens their investment or future retirement plans. Mr. Fiat pointed out that property owners who live and work in Park City are also unaware of this proposal. He had checked the website on Friday at 5:00 p.m. and the minutes were not posted. Those who were aware only had three days to figure out the ramifications and what it all means. Mr. Fiat stated that in addition to giving property owners enough time to understand how they would be impacted and to have a voice, they also need to be willing to listen to people and hear all the facts. Mr. Fiat had driven up and down streets in Old Town and he was unable to find one house that would be in conformance with the proposed recommendations. They want diversity in homes, which means some are bigger and some are smaller. People who spend money to build larger homes do so because they need it for their family. Mr. Fiat believes lot combinations are necessary because many of the streets are not where they are platted. He owns many lots where a large portion of the lot is in the street. In order to meet the required footprint for

the lot size, it is necessary to combine lots. Mr. Fiat believes the process is unfair and the City should allow the market to drive what is needed.

Craig Elliott, a local architect, believed the turnout this evening said something about the proposed recommendations. Mr. Elliott concurred with the previous speakers. He spends most of his days working with the Codes in Park City. They are very restrictive and make it difficult to design anything with inspiration. He is still waiting for the day when the City allows the architects to do something great and create a great piece of architecture. Instead, every time changes are made, they are allowed to do less and less. There is no creativity in design. He has several out-of-town clients and he received many phone calls asking him about these changes. People are afraid because they do not understand what is going on. Mr. Elliott pointed out that Park City is in the middle of its construction season, yet the City has placed a temporary zoning ordinance that prohibits people from building in the worst economy in memory. Mr. Elliott suggested that the Planning Commission reject this proposal and send it back to the City Council so people can get back to work.

Brad Cahoon, an attorney representing several property owners, echoed previous comments. Mr. Cahoon stated fair and reasonable balance is needed for the competing interests; such as resort/historic/mining town interests versus public/residents/property owners. He was surprised to hear that an economic analysis was not part of this recommendation. Mr. Cahoon remarked that it unfair and unreasonable to include non-living, garage, and storage space in the calculations. He believed those areas should be excluded from the square footage, because what is proposed would create more street parking and affect the street presence. Mr. Cahoon stated that limiting the community to one-bedroom studio apartments creates an unfriendly, anti-family policy. He was certain that would not be best for Old Town. From a property rights perspective, Mr. Cahoon felt it was important to remember that reasonable investment backed expectations are tied to decades of approvals that lead to a wide variety of home sizes and different designs. Implementing heavy regulations that promote a more uniform look conflicts with decades of approvals. People justifiably relied on precedence when making their decision to purchase lots and homes. Mr. Cahoon stated that years ago he was involved in the discussion regarding Round Valley and it was made abundantly clear that Round Valley would not be developed. Therefore, the discussion turned from developing Round Valley to acquiring Round Valley and passing an open space bond. Mr. Cahoon remarked that when regulation goes too far, development becomes impossible and that changes the discussion. He questioned whether the City really wanted to acquire lots and homes and govern how they should be developed, because that would change the discussion from how to regulate to how to compensate. Mr. Cahoon believed that would occur with these proposed changes. He encouraged an extensive analysis and study before any decisions are made.

John Phillips stated that he is a third generation Parkite. His grandfather was born a "stone throw" away from where he currently lives. Mr. Phillips concurred with all the previous comments. He is trying to start a family and he has dreams for where he lives. However, he is beginning to change his mind after hearing these proposals. Mr. Phillips stated that he is part of a very small group of young Parkites who are trying to create a family and live in this neighborhood. If these recommendations are adopted, it would definitely change his thoughts about where he wants to raise his family.

David White, an architect in Park City, stated that he has been a Park City resident for over 30 years and he is a member of the Historic Preservation Board. Mr. White noted that he participated with the HPB in re-writing the new historic design guidelines in 2009. He understood that although several new projects have been reviewed under the new design guidelines, only one project is actually under construction. Mr. White remarked that the HPB endeavored to make the new guidelines more restrictive, and the preservation and documentation of old historic structures became more rigorous. Mr. White requested that the Planning Commission give the new guidelines a chance to work before making new changes.

Mark Kosac, stated that he is a real estate lawyer who lives in Prospect, and he was representing people who have an interest in Old Town. He is a process and procedure person and he objected to the noticing that was published about this meeting. He noted that the notice indicated that this would be a discussion for consideration of limiting maximum building sizes resulting from lot combinations. Mr. Kosac pointed out that from the Staff report that was publicized on Friday evening, the discussion is actually a blanket reduction in properties across the board because it increases setbacks and decreases height on all properties. That is far more reaching than what was disclosed in the noticing. Mr. Kosac stated that whoever motivated this proposal is politically tone-deaf. Placing an umbrella moratorium on the community without ten days notice and a public hearing goes back to a policy that was eliminated in 2005. Before placing moratoriums, the City Council should have a public hearing that is noticed 10 days prior to the public hearing date. He noted that notice was given five days prior to this public hearing that is before the Planning Commission. Mr. Kosac does not live in Old Town, but he had tremendous sympathy for those in the audience who were at risk of losing, 10-40% of the equity in their homes after being decimated by the worst market since the Great Depression. Mr. Kosac pointed out that if these recommendations are adopted as law, the owners would run to the Recorder's Office and file for a referendum. At that point, everything would be frozen until the next election, which would significantly harm the real estate market in Old Town Park City. He could not see out this proposal could produce a good result for anyone.

Mary Wintzer, a resident at 320 McHenry Street and a 40 year resident of Old Town, thought it was important for the Planning Commission to know that there was another contingency that has a different viewpoint. Ms. Wintzer agreed that the recommendations proposed were very extreme and she understood that it was only meant as a starting point. As a business person she knows that Old Town used to be 40% second homeowners. Statistics show that the number has slipped and only 40% are primary residents. Through the years they always talked about Old Town being the gem and Park City's largest asset. Throughout 40 years as an Old Town resident, she invested her heart and soul for quality of life, for community, and for the neighborhoods she lived in. Several years ago a large contingency of architects wanted a larger footprint and a reduction in side yard setbacks. The City lost the battle and many Old Town citizens now have to deal with snow shedding issues as larger homes were built closer to their properties. Ms. Wintzer stated that many residents have felt that their right to quality of life has been diminished. Many of her friends had mega mansions built next to them and she has seen the ramifications. Ms. Wintzer favors diversity of population. In earlier years garages were not allowed in Old Town and those who wanted garages moved to Prospect or Park Meadows. Now they try to squeeze houses into Old Town that the topography cannot accommodate. Ms. Wintzer pointed out that Park City has not always allowed lot combinations, and she believes that combining lots started the downhill slide of Old

Town. If the population of full-time residents is decreasing in Old Town, the question should be how to bring people back. Ms. Wintzer encouraged the City to promote something that allows young families to come back to Old Town and start building back the community. The result of visioning was for a small town historic community and natural settings. She was unsure how they could create a small town community if they create situations to allow 8,000 square foot homes in Old Town. Ms. Wintzer reiterated that the recommendations as proposed are too punitive; however, there is a large Old Town contingency who would like something that allows people to come back to Old Town and build the sense of community that used to exist.

Jim Keisler stated that he actively participated in the changes made in 2009. He was not entirely happy with the outcome, but he still felt they ended up with a workable solution for some of the problems in Old Town. Mr. Keisler believed that the proposal presented this evening was nothing more than a taking of rights of both individual property owners and of Park City itself. The recommendations would sentence Old Town to stagnation and dilapidation. As an example to support his comment, Mr. Keisler commented on an eyesore property that Jerry Fiat developed for the betterment of the neighborhood. He was confident that when Mr. Fiat combines lots he will build a quality product that benefits everyone. Mr. Keisler pointed out that Mr. Fiat would no longer be able to develop something that benefits the community under the proposed ordinance. Mr. Keisler stated that he and his wife own a lot at 402 Woodside. They currently live in Prospector and their plan is to eventually sell that home and build on the Woodside lot. However, if he is limited to two stories instead of three, he is faced with the choice of having a garage or a living room. He would obviously choose the living room, but that means he would be forced to have a parking pad and at least one Tuff-Shed for storage. Mr. Keisler remarked that if the ordinance is adopted, Old Town would get the same generic design and parking pads and storage sheds. He did not believe that was what the citizens would Old Town to become. Mr. Keiser thought the City should allow more time for the Code changes that were enacted in 2009 before taking more draconian steps.

Steve Maxwell, a property owner of three homes, echoed the comments expressed this evening. Mr. Maxwell was particularly interested in the noticing procedure. He lives out of town and has been an owner in Park City for seven years. He happened to get the notice on Thursday of last week after his architect visited the Planning Department for a pre-application. Mr. Maxwell stated that he has an old dilapidated house and a lot line going through his property. He had a permit to build a house three years ago when the market tanked. He re-financed three houses and all of them have lost 50% of their value. Mr. Maxwell believed he represented a culmination of everyone in attendance. He is a developer by trade and this proposal is a taking of rights based on the recommended limitations. Mr. Maxwell objected to the noticing procedure and he requested that the City do nothing with this proposal.

Jill Sheinberg, a resident at 627 Woodside, stated that whenever she attends a public meeting she finds most things inexplicable. She had a horrible experience redoing her house through the historic process. It is difficult for owners because those on the other side of the dais appear to have no idea of what people go through to have a nice house. Ms. Sheinberg stated that the home sat as a deteriorated mess without complaints, until she and her husband tried to improve it. She agreed with Mr. Kosac that there is no process or sense for doing this. Changes were made two years ago and new changes are being proposed. Property owners in Park City cannot rely on anything. They cannot rely on notice because the actual issue is much broader than what was

represented in the notice. She found that to be an insult. Ms. Sheinberg remarked that people come to public hearings because they put in their sweat and blood and money and they all care about what happens to them and their property. She recalled the controversy over the Town Bridge, which was supposed to kill Old Town. To some people Old Town should be Williamsburg, Virginia, but it is not. The Town Bridge was constructed and it has been a boon to Old Town. Ms. Sheinberg stated that the City needs to let things occur as they need to because people need the ability to make changes. Planning for what Old Town was years ago is not what Old Town is today. Changes occur every day and she agrees with some things and disagrees with others, but those changes are the spirit that Old Town represents today. It is not tiny houses that people cannot live in.

Bob Briggs owns a house at 162 Daly. He noted that his house was a one-room cabin that had an addition in the 1920's. Mr. Briggs stated that seven years ago his coal cellar collapsed, which was historic but no longer needed. It took off part of his steps and working with the HPB to rebuild those steps was a nightmare. Mr. Briggs no longer lives in the house and has renters. He would like to contemplate a project to restore the house, but he feels like a deer in the headlights. He agreed with most of the comments expressed.

Gus Sherry, a local civil engineer, thought it was encouraging to see the number of people exercising their rights this evening. Mr. Sherry felt it was clear that the decision would be made by the public and not the Planning Commission, the City Council or the City Manager. He stated that before the public makes their decision, the burden of proof is on the City in a number of key areas. The first is a detailed accounting of those who requested this change in the first place, how it was articulated to the City, and how the City initially responded. He noted that the City bodies serve the public. The City requests information from a developer or applicant when they need to make a decision, and this is the same situation in reverse. The City should provide the necessary information to the public so they can make their decision. Secondly, Mr. Sherry requested 3-dimensional models of building elevations and sample sites at 25% and 50% grades. The Staff provided text language and two graphs, but he felt it was fair for the public to see 3-dimensional models showing what the homes would look like if this initial proposal passes.

Jason Gyllenskog, a developer and property owner in Park City pointed out that in the HRL zone, the City placed overlay zoning requirements that require combining lots. None of the lots were originally platted out at 3750 square feet. The current proposal would disallow what was currently required. Mr. Gyllenskog supported all the comments this evening.

John Pelishue stated that he loves Park City and Old Town. Mr. Pelishue remarked that sometimes the best of intentions produce unanticipated consequences and results. This is most likely the case with the proposed LMC amendments. He is married with four children and he is not a developer or a realtor. He is a CPA. He purchased a raw, undeveloped lot in Old Town to build a home for his family. He purchased the property last year and the lot is approximately 45' x 70 feet. It has a slope but not a steep slope. He noted that under the 2009 LMC he could build a home with a garage, three levels, and approximately 2800 square feet. That home would be very livable for him and his family. It would be smaller than most of the structures in the neighborhood but still compatible. Under the proposed changes he could build a home with a garage and approximately 1,081 square feet of livable space. This was not livable space sufficient to contain his family. Mr. Pelishue stated

that he would have to sell his lot and build elsewhere; however, after speaking with two realtors, he found that the value of his property would be reduced by approximately one-half to one-third of what he paid for it. Therefore, if he sells the lot and pays off the loan he incurred to buy it, he would have no money left to purchase or build a replacement home. Mr. Pelishue remarked that he did a quick analysis of every home within hundreds of feet from his lot, and not one home would be in compliance if the proposed recommendations are passed. In addition to opposing the proposed changes, Mr. Pelishue felt the proposal was rushed without the proper analysis. He stated that Old Town is not a museum. It is a place where real people live and they have cars and kids. He agreed that they should keep the character that makes Old Town special, but a miners shack does not conform with today's lifestyle and the residents in the area. Mr. Pelishue suggested that all the Planning Commission and City Council members disclose any conflicts of interest that would be produced by the increase or decrease of property valuation. Mr. Pelishue remarked that the purpose for the proposed LMC changes was purely aesthetic. The economic impact on many is not fully known but certainly profound. In his case it is catastrophic.

Tracy Nielsen stated that her 16- year-old daughter encouraged her to attend this evening to speak up for her rights and their home. Ms. Nielsen remarked that she was not notified of this proposal and she did not understand what was happening or what it meant. She is a full-time mom in Old Town living in a tiny historic house that she would like to add on to some day. Ms. Nielsen opposed the proposed changes for many reasons.

Jeff Love stated that he lives at 615 Woodside Avenue and owns a nightmare property at 811 Norfolk. He agreed with all the comments, with the exception of Mary Wintzer. Mr. Love found it interesting that the City owned properties at 1450 and 1460 Park Avenue in the HRM zones were excluded from this discussion. He felt it was inappropriate for the City to exclude their properties. Those historic homes are equally as important as every other historic home and they should be impacted the same as everyone else.

Chair Wintzer continued the public hearing.

Commissioner Thomas clarified that the Planning Commission only recently received their packets and had not had time to consider all the issues. He noted that the comments for doing nothing would be taken into consideration.

The Commissioners addressed the first question from Staff regarding applying the lot combination limitation to only historic structures.

Commissioner Hontz did not support restricting the lot combinations to locations or sites with historic structures. She was willing to hear additional input from Staff on specific reasons why that would be a good recommendation. However, in looking at all the different situations for lots and structures in Old Town, she believed the problems should be rectified and cleaned up. The City should want to see lot lines replatted to avoid lot lines in the middle of parcels that create half or minor parcels within the building area. Commissioner Hontz clarified that her comment has nothing to do with building across lot lines because two lots are needed. As far back as the 1980's and 1990's people were not aware of where they were building. In her opinion, it was important to

reconsider the first recommendation or possibly take it off the table because it goes against what they want to accomplish as a community.

Commissioner Worel referred to the comments that the 2009 changes had not been tested, and asked if there were examples of where those were applied. Director Eddington replied that a number of projects went through the Historic District Design Review after the 2009 design guidelines and LMC amendments were adopted. One project is in the ground but not complete. Therefore, they do not have a completed structure to demonstrate what those guidelines effectuate. Planner Cattan reported that the example Director Eddington mentioned was 1059 Park Avenue. The addition is on the back of that building but an accessory structure was also allowed. The accessory structure has not been started. The plans were available in the Planning Department if anyone was interested in seeing them.

Commissioner Strachan could not support a restriction on lot combinations for only historic structures. He believes a lot combination can be an effective tool in the right circumstance. Commissioner Strachan thought the recommendation could be taken off the table initially. In his opinion, the geography of Park City and how the lots were originally drawn requires the ability to do a lot combination. Commissioner Strachan clarified that just because lot combinations are allowed does not mean that homes should continue on the trajectory of size they have been on for the last 30 years.

Commissioner Savage concurred that there was a big difference between continuing on the trajectory and dramatically reducing what was enabled by the Code changes a few years ago. Commissioner Savage stated that to this point, he had not heard any rationale, logic or community benefit associated with supporting the initiative to diminish the ability that already exists for doing lot line combinations. He could not support any of the recommended changes.

Chair Wintzer and Commissioner Thomas concurred with the comments of their fellow Commissioners.

Planner Astorga asked if the Planning Commission would treat lot combinations/plat amendments different for vacant lots. Commissioner Strachan was unsure if they could make a blanket statement for all vacant lots. He believed each lot combination should be considered on a case by case basis. Planner Astorga used two vacant lots at 593 Park Avenue as an example of a plat amendment that was approved but later expired because the developer never recorded the plat.

Commissioner Savage reiterated that no one had come forward with a compelling reason to change what exists in the Code. He believed the issue of vacant lots would be addressed in the second recommendation.

Planner Astorga clarified that the Planning Commission was not able to support the first parameter as contemplated to limit the lot combinations to historic sites only.

Planner Astorga requested comments on the footprint formula as proposed.

Commissioner Thomas thought they should move very carefully through the process. His previous experience on the Planning Commission led him to see negative impacts with regard to the earlier Code. He participated in the 2009 Code revision because he listened to the public complain about houses that were hugely out of scale with the immediate neighborhood. Those homes had impacts to the utilities, grading, views and overall architectural character of the community. Commissioner Thomas was unsure whether averaging things out was the way to balance the community aesthetically. Making everything smaller does not add character or art to the relationship with Old Town, and it does not allow the interest and dynamic nature they currently see as they move through Old Town. Commissioner Thomas agreed with the suggestion for massing models and elevation studies. He believed it would help them better understand the impacts. Commissioner Thomas stated that he has seen the worst and the best architecture done in Old Town, as well as the positives and the negatives. He believed that achieving the maximum square footage was market driven, but it also has the maximum negative impact on the aesthetics. Commissioner Thomas recommended moving forward with additional studies to begin to understand how they can balance the community without turning it into mediocrity. At this point, Commissioner Thomas was unsure whether he could support the 10% reduction or that a simple number would magically achieve what they want.

Commissioner Hontz concurred with Commissioner Thomas. She also wanted additional studies through massing models or other forms of analysis. Commissioner Hontz preferred to lump items 2, 3 and 4 of the recommendations. If they look at the three together, they can begin to understand how it ultimately impacts lots. It would also show them what needs to be changed to make sure they move in the right direction.

Commissioner Hontz remarked that when she looked through the design guidelines, she found illustrations of what not to do in Old Town, however, they were things that recent Code changes have allowed, but people no longer want to see replicated in the community. She felt this discussion needs to continue and they need to look at the three potential regulations to understand the full impact of what they could do. Commissioner Hontz thought the swinging pendulum needed to come back to the center. They have been going too far in a different direction and they need a way to correct that.

Commissioner Savage expressed his preference to look at the recommendations collectively. Like many of the people this evening, he was unaware about this proposal until he read the packet. He did not understand the motivation for these changes and he believed it was an extreme starting point. He also did not understand how it would manifest itself within the context of their ultimate vision for Old Town. Commissioner Savage was pleased with both the quality and the quantity of public input that was expressed. Even with the quality and quantity this evening, he implored KCPW and the Park Record to actively participate in continuing to bring this to the public forum. The quality of public input is invaluable. He also encouraged Mr. Elliott to tell his clients that they should be worried because when things like this get started without the proper process, they end up creating problems that have unforeseen consequences, not the least of which in this current environment, is the economic disincentive they impose on the community as it relates to putting people to work and creating opportunities for more economic stimulus for the community. The idea of increasing the number of full-time residents in Old Town requires a very attractive community and an opportunity for people to afford to live there. In his opinion, that manifestation can only come

about as a consequence of a competent process where they create a General Plan vision for what Old Town should look like in 20 years. Once that is accomplished they can begin to make decisions about lot line amendments and the size of footprints within that vision. He could not understand how they could change the Code without having gone through the proper process. Commissioner Savage stated that starting the process with the pendulum so far to one side was personally infuriating.

Commissioner Strachan echoed Commissioner Thomas' comments. He believed that as an architect, Commissioner Thomas offers an insightful view. Commissioner Strachan remarked that if Commissioner Thomas believes that the creativity and diversity of structures in Old Town would be negatively impacted by the proposed amendments, that opinion is enough cause not to move forward with the proposed changes. Commissioner Strachan pointed out that size is not always the problem. How the structure looks and compares to the surrounding structures is equally as important. Placing a blanket number on the size of the structure could generate ugly 1800 square foot structures. Instead of solving the problem it creates another problem. Commissioner Strachan agreed that size was a problem that could not be ignored, and that some of the homes in Old Town are incompatible. However, he did not believe the proposed amendments address that issue. He felt it was wise to wait until two or three structures are built under the 2009 before they legislate any further or supersede what was done in 2009.

Commissioner Worel concurred with her fellow Commissioners. As a new Commissioner she was trying to understand the advantage for making changes before the past has been tested. She agreed with Commissioner Hontz that the 2, 3 and 4 items should be discussed as one package and not in isolation.

Chair Wintzer concurred. He stated that in his 40 years in Park City there have been three different home heights, and every home was built to that height until the Code was changed to a new height, and the same prevailed. He was concerned that if they set a maximum height for all the lots, every house would be that size. Chair Wintzer believed it was important to have diversity of size and scale in Old Town. Larger homes are out of hand, but he would not favor everything being the same footprint.

Commissioner Thomas commented on the North Star subdivision. He believed it should be re-evaluated as a separate issue and considered for a rezone. He has personally worked in that area and there is a dramatic difference in the size of the structures. The size and space and its relationship with the surrounding neighborhoods makes North Star entirely different. Commissioner Thomas expressed support for a rezone of the North Star subdivision. The Commissioners concurred.

Planner Astorga summarized the comments and direction. They should look at an economic component, which is a process of the General Plan, before moving forward with visioning what Old Town should look like. Other comments included a request for additional analysis with regards to footprint, story and setbacks, as well as examples from the 2009 LMC changes and the Historic District Guidelines.

Commissioner Savage clarified that the intent of his comment was to do nothing until they have a chance to let the General Plan conform with the Land Management Code.

Commissioner Savage wanted to know the motivation for making changes to the existing LMC in the next 12-24 months. Planner Astorga replied that it related to inconsistencies with plat amendments that have gone before the Planning Commission and the City Council regarding specific criteria that the Staff and applicants have been asked to provide. Commissioner Savage asked if there was a solution to address those specific problems that would not require a Land Management Code modification.

Director Eddington understood that the recommendations provided by the Planning Commission were to look at items 2, 3, and 4; footprint, stories, and setbacks, and to see if the graphic analysis could provide a better and consistent result on future lot combinations that come before the Planning Commission. Commissioner Savage asked if it was possible for the Staff to find a recommendation that is consistent with the existing LMC, rather than recommendations that requires making changes. He preferred an interpretive document rather than a legislative document.

Assistant City Attorney McLean stated that the Code is what it is and people are allowed to build to the extent of the Code. Director Eddington pointed out that the guidelines adopted in 2009 are more of a qualitative document. The LMC is quantitative. Given some of the issues encountered over the last eight to ten months, the Staff recommended changes with regard to size and compatibility. He offered to bring back visual analysis so the Planning Commission could determine whether it addresses the issues. The Staff could also do nothing if the Planning Commission did not think it was important as this time.

Commissioner Thomas understood that most of the Commissioners preferred to wait until structures designed under the 2009 Code amendments are built out. He was not sure they all agreed on how fast they wanted the Staff to return with information. Commissioner Savage believed that raised the issue of what to do with the Temporary Zoning Ordinance as they wait to move forward. Commissioner Strachan replied that the City Council has the role of determining the status of the TZO. The Planning Commission does not have the authority to eliminate the TZO or to impose it.

Planner Astorga asked if the Planning Commission was willing to consider a compatibility analysis such as the one provided on Exhibit E. It was requested by the City Council at a recent plat amendment. Although the Council did not specify parameters specific to the study, it was based on Staff interpretation. Commissioner Hontz was interested in seeing additional compatibility analysis.

Commissioner Hontz noted that a number of great comments were given this evening on this restrictive proposal. However, looking beyond the past month or two, when plat amendments were on the agenda, the Planning Commission heard comments from surrounding neighbors expressing the exact opposite of what was heard this evening. In those public hearings five or ten people attend to comment on a specific application, as opposed to the turnout this evening where the proposal would affect everyone. She thought it was unfair when there is so much history, for people to only complain when it affects them. Commissioner Hontz was not comfortable slowing

down or stopping this process. The discussion needs to occur and the time to talk about it is now. She felt it was inappropriate to ignore the history of everything else they have been involved in, and the number of times they listened to equally passionate and emotional people who are impacted by larger, incompatible structures.

Commissioner Savage understood that the 2009 LMC changes were designed to mitigate those concerns. Commissioner Hontz believed there was opportunity to further discuss whether or not the 2009 changes have gone far enough and whether this proposal would further support those changes.

Director Eddington stated that if this item is continued, the Staff could come back with additional analysis relative to footprint size and house sizes. They could also come forward with analysis on the proposed setbacks and how they might change the street façade of a newly proposed building. They could provide an analysis showing how smaller footprints would appear on a lot. Planner Astorga stated that they could also come back with the few single family dwellings that were approved under the 2009 changes. He clarified that would be in the form of visual plans because the buildings have not been constructed.

MOTION: Commissioner Hontz moved to CONTINUE the Land Management Code Amendments to Chapters 2.1 – HRL District; 2.2 – HR1 District; and 2.3 - HR2 District to a date uncertain.

Assistant City Attorney McLean noted that for LMC amendments the noticing policy is to publish notice in the newspaper and on the website. She noted that the City is more proactive with noticing than what the State law requires. They heard a lot of comments from people about not being noticed, and unless the Planning Commission specifies a date in their motion, they will hear the same complaints.

Commissioner Strachan remarked that in every public hearing someone always claims they were not told something was happening. If the public has notice that LMC changes are possible, the public has the responsibility to monitor the agendas. Commissioner Savage reiterated his request to KPCW and the Park Record to proactively participate relative to this discussion because it is critical to the success of the Historic District.

Commissioner Hontz amended her motion to CONTINUE the LMC Amendments to Chapters 2.1, the HRL District; 2.2, the HR1 District; and 2.3, HR2 District to August 24, 2011. Commissioner Savage seconded the motion.

City Council Member, Alex Butwinski remarked that the goal of the City Council was to foster a discussion on this matter. They are committed to public input and he believed the turnout and the comments this evening were a great start. Council Member Butwinski agreed that the proposal recommended by Staff was more over-reaching than what the City Council had intended. However, timing is difficult, and he agreed with Commissioner Savage on the importance of defining what they want to be before they look at ways to get there. City Council Member Butwinski pointed out that the challenge is that people want to begin building now and they want certainty as to what they can do. At the same time, events can overtake what they want to happen, and building will continue to

occur in advance of answering the question of what they want to be. He favored the suggestion from Commissioner Hontz to continue with the discussion.

Council Member Butwinski stated that if the result is that people want Old Town to remain under the 2009 Code, the City Council would respect that decision. The City Council is interested in public input, recognizing that some people have a differing opinion and would like smaller structures and more restrictions, but they are hesitant to speak up. Council Member Butwinski clarified that the City Council had received a request to look at what Old Town is and whether it is on the right track.

Commissioner Savage asked Council Member Butwinski if it made sense to remove the TZO and allow the 2009 Code to operate until they have the opportunity to vet the process. Chair Wintzer believed the motion addressed his question through further discussion.

Chair Wintzer called for a vote on the motion.

VOTE: The motion passed unanimously.

The Park City Planning Commission meeting adjourned at 9:05 p.m.

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

## **CONSENT AGENDA**



# Planning Commission Staff Report



**Subject:** 1159 Empire Avenue Condominiums  
**Author:** Katie Cattan  
**Project Number:** PL-11-01228  
**Date:** July 27, 2011  
**Type of Item:** Administrative – Condominium Record of Survey Plat

## Summary Recommendations

Staff recommends the Planning Commission review the revised findings of fact, conclusions of law, and conditions of approval as drafted by staff for the positive recommendation of the 1159 Empire Avenue Condominiums Record of Survey Plat within the attached ordinance.

## Description

**Applicant:** Alliance Engineering, Inc., Owner's Representative  
**Location:** 1159 Empire Avenue  
**Zoning:** Historic Residential (HR-1)  
**Adjacent Land Uses:** Residential  
**Reason for Review:** Condominium Record of Survey Plats require Planning Commission review and City Council approval

## Background

On March 28, 2011, the City received a completed application for a Condominium Record of Survey for an existing four-plex located at 1159 Empire Ave in the Historic Residential (HR-1) District. The applicant is not proposing to change the footprint or size of the building. The approval of the Condominium Record of Survey will allow for each unit in the four-plex to be sold individually. The four-plex received a certificate of occupancy by the Park City Building Department in 1979 and is considered a legal non-conforming use and a legal non-complying structure. The four-plex is located within the HR-1 District which only allows for detached, single-family residential dwelling units, and requires a conditional use permit for a duplex. Any building with more than two attached units is prohibited within the HR-1 District. Also, the existing structure does not comply with the setback and footprint requirements of the current LMC.

On July 13, 2011, the Planning Commission reviewed this application. Staff recommended Planning Commission forward a negative recommendation for approval to the City Council. The Planning Commission reviewed staff's analysis, opened a public hearing, and voted unanimously in favor of a positive recommendation to the City Council. The Commission directed staff to draft findings for a positive recommendation and return with the amended findings of fact, conclusions of law, and conditions of approval. The Planning Commission found that the existing non-conforming use was not being expanded due to the change in ownership created by the condominium plat.

## Analysis

The purpose of the Historic Residential District is to:

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

The four-plex is located at 1159 Empire Ave. The four-unit building was originally approved and built in 1979. At that time a four-plex was an approved use in the zone. However, since that time the zoning has changed and only detached single-family dwellings are a permitted use, and duplexes (two attached units) are a conditional use. Multi-family dwellings are not listed as an allowed or conditional use in the zone and are therefore prohibited. Therefore, the use as a four-plex is a legal, non-conforming use.

The units are stacked on two floors, with two units on each floor. Each of the units is less than 1,000 square feet.

Unit 1	769 sf
Unit 2	771 sf
Unit 3	780 sf
Unit 4	826 sf

Because multi-family housing is not a permitted use within the HR-1 zone, the LMC does not identify a minimum lot size for a four-plex. The structure currently exists on three individual old town lots that are 25' x 75'. The condominium conversion would combine the three lots into one lot that would be 5625 square feet or 0.13 acres. The resulting lot would be seventy-five feet (75') wide by seventy-five feet (75') deep.

The setback requirements for a seventy-five feet (75') wide by seventy-five feet (75') deep lot are ten feet (10') front yard, ten feet (10') rear yard, and five feet (5') with a combined minimum of eighteen feet (18') side yards. The existing four-plex does not comply with the current side yard setback requirements. The structure is located five feet (5') from the property line on each side. The combined minimum of eighteen feet (18') has not been met. Therefore the structure is legal, non-complying as to the side yard setback.

Additionally, the overall footprint of the structure is 2,058.5 square feet. Per Title 15 LMC Chapter 2.2, Table 15-2.2, the maximum footprint is 2,050 square feet. Therefore

the structure is legal, non-complying as to footprint.

Parking requirements for the four-plex have been met within the site. The parking ratio requirement for a multi-unit dwelling with units between 650 -1000 sf (LMC § 15-3-6) is 1.5 parking spaces per dwelling unit, requiring a total of six (6) parking spaces. There are six interior parking spaces in the garage and two in front of the building.

Chapter 9 of the Land Management Code (LMC) regulates non-conforming uses and non-complying structures. Per LMC 15-9-1 the purpose of the chapter is to limit enlargement, alteration, restoration, or replacement which would increase the discrepancy between existing conditions and the development standards prescribed by the code. In addition, applications are reviewed to ensure that they are reducing the degree of non-conformity and improving the physical appearance of the structure and site through such measures as landscaping, building design, or the improved function of the use in relation to other uses.

Section 15-9-2 requires that the owner bears the burden of establishing the non-conforming use or non-complying structure lawfully exists. The Planning Director then determines the non-conforming or non-complying status of properties. A building department permit for a four-plex was approved in 1979. The Planning Director has determined that the use is a legal, non-conforming use as to the four units and legal, non-complying structure as to the side yard setbacks being less than 18 feet in total and the footprint being over the allowed maximum under the current code.

The application is to approve a condominium conversion for the legal, non-complying structure which contains a legal, non-conforming use. The structure is currently under one ownership. A condominium conversion will allow the four units to be sold individually. LMC Section 15-9-5, regulates that "no non-conforming use may be moved, enlarged, altered, or occupy additional land, except as provided within section 15-9-5. Although the existing non-conforming use is not being physically moved, enlarged, or expanded into additional land, the ownership interest is being altered. The change in ownership interest is not altering the legal, non-conforming use in a manner which would increase the degree of non-conformity.

During the July 13, 2011 Planning Commission meeting, the Commission found good cause for the condominium plat because the degree of the legal, non-conforming use and the legal, non-complying structure was not being moved, enlarged, expanded, or altered in a manner to increase the non-conformity. They also found that the sale of smaller units within Old Town could result in more attainable housing within the Historic District. Also, by allowing the condominium conversion, the structure is in essence being adaptively reused. Adaptive reuse of buildings is a green building technique that results in minimal waste, recycling, and minimal new consumption of goods.

### **Process**

Planning Commission will make a recommendation to City Council, and the decision by the City Council constitutes final action that may be appealed in District Court within

thirty (30) day of approval.

**Department Review**

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

**Notice**

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

**Public Input**

Public input in support of the condominium conversion was received during the public hearing on July 13, 2011.

**Significant Impacts**

There are no significant impacts from the proposed application.

**Recommendation**

Staff recommends the Planning Commission review the Findings of Fact, Conclusions of Law, and Conditions of Approval as outlined in the draft ordinance.

**Exhibits**

Exhibit A – Ordinance

Attachment 1: Proposed Condominium Record of Survey

**Ordinance No. 11-**

**AN ORDINANCE APPROVING THE 1159 EMPIRE AVENUE CONDIMINIUMS RECORD OF SURVEY LOCATED WITHIN LOTS 5,6, AND 7 IN BLOCK 27 OF SNYDERS ADDITION TO THE PARK CITY SURVEY, PARK CITY, SUMMIT COUNTY, UTAH**

**WHEREAS**, the owner of the properties known as 1159 Empire Avenue, has petitioned the City Council for approval of a condominium conversion for the existing four plex located within Lots 5, 6, and 7 in Block 27 of 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 July 13, 2011, to receive input on the 1159 Empire Ave Condominiums Record of Survey; and

**WHEREAS**, the Planning Commission, on July 13, 2011, voted unanimously to forward a positive recommendation to the City Council and directed staff to amend the findings of fact and conclusions of law; and

**WHEREAS**, the Planning Commission, on July 27, 2011 reviewed the amended findings of fact, conclusions of law, and conditions of approval; and

**WHEREAS**, on August \_\_, 2011, the City Council approved the 1159 Empire Avenue Condominiums Record of Survey; and

**WHEREAS**, it is in the best interest of Park City, Utah to approve the 1159 Empire Avenue Condominiums Record of Survey.

**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 1159 Empire Avenue Condominiums Record of Survey 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 1159 Empire Avenue.
2. The owners of the property located at 1159 Empire Avenue have petitioned the City Council for approval of the 1159 Empire Avenue Condominiums Record of Survey

## Plat

3. The property is located in the Historic Residential (HR-1) District.
4. The structure is a built multi-unit dwelling which contains four units.
5. A building permit was given to build the multi-unit dwelling in 1979.
6. A multi-unit dwelling is currently a prohibited use in the HR-1 district.
7. The multi-unit dwelling is a legal non-conforming use.
8. There is not a minimum lot size for a multi-unit dwelling in the HR-1 because a multi-unit dwelling is a prohibited use.
9. Based on Title 15 LMC, Chapter 2.2, Table 15-2.2, the maximum footprint allowed for this lot is 2,050 square feet, and the footprint of the existing structure is 2,058.5 square feet, making the structure a legal, noncomplying structure.
10. The area of the lot is 5625 square feet.
11. The setback requirements for a seventy-five (75) feet deep by seventy-five feet (75') wide lot are ten feet (10') front yard, ten feet (10') rear yard, and five feet (5') with a combined minimum of eighteen feet (18') side yards. The existing four-plex does not comply with the side yard setback requirements. The structure is located five feet (5') from the property line on each side. The combined minimum of eighteen feet (18') has not been met. Therefore, the structure is a legal, non-complying structure.
12. Parking requirements for the four-plex have been met within the site. The parking ratio requirement for a multi-unit dwelling with units between 650 -1000 sf (LMC § 15-3-6) is 1.5 parking spaces per dwelling unit, requiring a total of six (6) parking spaces. There are six interior parking spaces in the garage and two in front of the building.
13. The total size of the habitable living space is 3,146 square feet, with unit 1 being 769 square feet, unit 2 being 771 square feet, unit 3 being 780 square feet, and unit 4 being 826 square feet.
14. The four-plex is both a legal, non-conforming use and a legal, non-conforming structure. Currently, the four units can not be sold individually.
15. The Condominium Conversion will allow the four units to be sold individually.
16. Per LMC 15-9-1 the purpose of the chapter is to limit enlargement, alteration, restoration, or replacement which would increase the discrepancy between existing conditions and the development standards prescribed by the code. In addition, applications are reviewed to ensure that they are reducing the degree of non-conformity and improving the physical appearance of the structure and site through such measures as landscaping, building design, or the improved function of the use in relation to other uses.
17. LMC Section 15-9-5, regulates that "no non-conforming use may be moved, enlarged, altered, or occupy additional land, except as provided within section 15-9-5. The change in ownership interest is not altering the non-conforming use in a manner which would increase the degree of non-conformity.
18. During the July 13, 2011 Planning Commission meeting, the Commission found good cause for the condominium plat because: the degree of the legal, non-conforming use and the legal, non-complying structure was not being moved, enlarged, expanded, or altered in a manner to increase the non-conformity; the sale of smaller units within Old Town could result in more attainable housing within the Historic District; and the structure is in essence being adaptively reused. Adaptive

reuse of buildings is a green building technique that results in minimal waste, recycling, and minimal new consumption of goods.

19. The findings within the Analysis section are incorporated within.

Conclusions of Law:

1. There is good cause for this condominium Record of Survey.
2. The Record of Survey Plat is consistent with the Park City Land Management Code and applicable State law regarding Condominium Record of Survey Plats.
3. Neither the public nor any person will be materially injured by the proposed condominium record of survey.
4. As conditioned the condominium record of survey 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 plat.
2. The applicant will record the subdivision at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
3. A ten foot wide public snow storage easement is required along the front of the property.
4. No remnant parcels are created.

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

PASSED AND ADOPTED this \_\_\_<sup>th</sup> day of July 2010.

PARK CITY MUNICIPAL CORPORATION

\_\_\_\_\_  
Dana Williams, Mayor

Attest:

\_\_\_\_\_  
Janet M. Scott, City Recorder

Approved as to form:

\_\_\_\_\_  
Mark D. Harrington, City Attorney



**SURVEYOR'S CERTIFICATE**

I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 154491, as prescribed by the laws of the State of Utah, and that by authority of the owner, I have prepared this Record of Survey map of the 1159 EMPIRE AVENUE CONDOMINIUMS, a Utah Condominium Project in accordance with the provisions of Section 57-8-13(1) of the Utah Condominium Ownership Act. I further certify that the information on this plat is accurate.

John Demkowicz \_\_\_\_\_ Date \_\_\_\_\_

**BOUNDARY DESCRIPTION**

LOTS 5, 6 and 7 of BLOCK 27, SNYDERS ADDITION TO PARK CITY, according to the official plat thereof on file in the office of the Summit County Recorder.

**OWNER'S DEDICATION AND CONSENT TO RECORD**

KNOW ALL MEN BY THESE PRESENTS that the undersigned owner of the herein described tract of land, to be known hereafter as 1159 EMPIRE AVENUE CONDOMINIUMS, does hereby certify that he has caused this Plat to be prepared, and I, Glenn Goldman, Manager of 1159 Empire Avenue, LLC, a Utah limited liability company, do hereby consent to the recordation of this Plat.  
 ALSO, the owner or its representative, hereby irrevocably offers for dedication to the city of Park City all the streets, land for local government uses, easements, parks, and required utilities and easements shown on the plat in accordance with an irrevocable offer of dedication.

In witness whereof, the undersigned set his hand this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

Glenn Goldman  
 Manager, 1159 Empire Avenue, LLC, a Utah limited liability company

**ACKNOWLEDGMENT**

State of \_\_\_\_\_ ss: \_\_\_\_\_  
 County of \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 2011, \_\_\_\_\_ personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Glenn Goldman acknowledged to me that he is the Manager of 1159 Empire Avenue, LLC, a Utah limited liability company, and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

A Notary Public commissioned in Utah

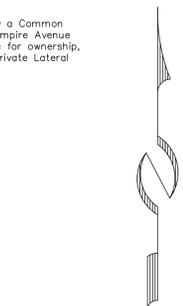
Printed Name \_\_\_\_\_  
 Residing in: \_\_\_\_\_  
 My commission expires: \_\_\_\_\_

**NOTE**

The units of this condominium are served by a Common Private Lateral Wastewater Line. The 1159 Empire Avenue Condominium Association shall be responsible for ownership, operation and maintenance of all Common Private Lateral Wastewater Lines.

**OWNERSHIP DESIGNATIONS**

	PRIVATE OWNERSHIP
	COMMON OWNERSHIP
	LIMITED COMMON OWNERSHIP

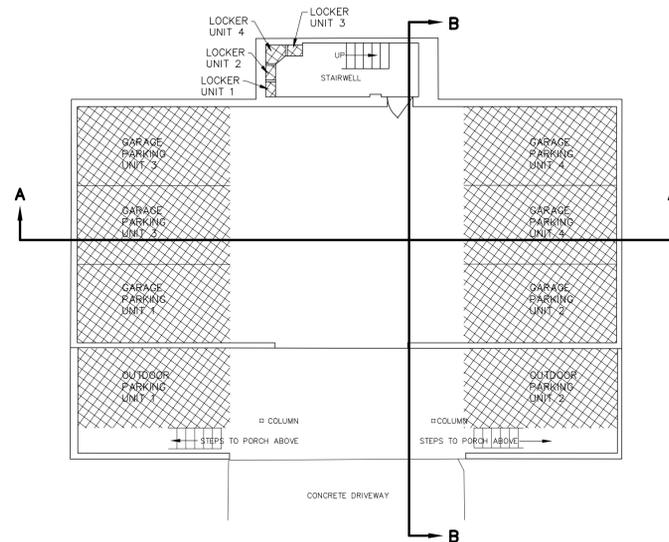


# 1159 EMPIRE AVENUE CONDOMINIUMS

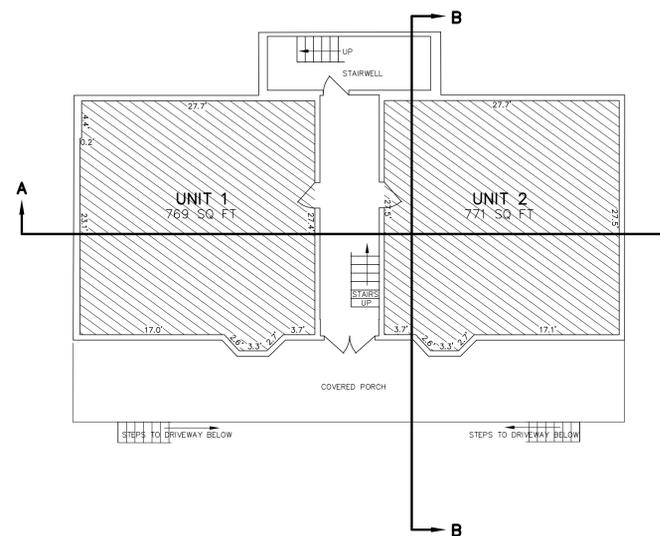
A COMBINATION OF LOTS 5, 6 AND 7 IN BLOCK 27, SNYDER'S ADDITION TO PARK CITY

LOCATED IN THE NORTHWEST QUARTER OF SECTION 16  
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN  
 PARK CITY, SUMMIT COUNTY, UTAH

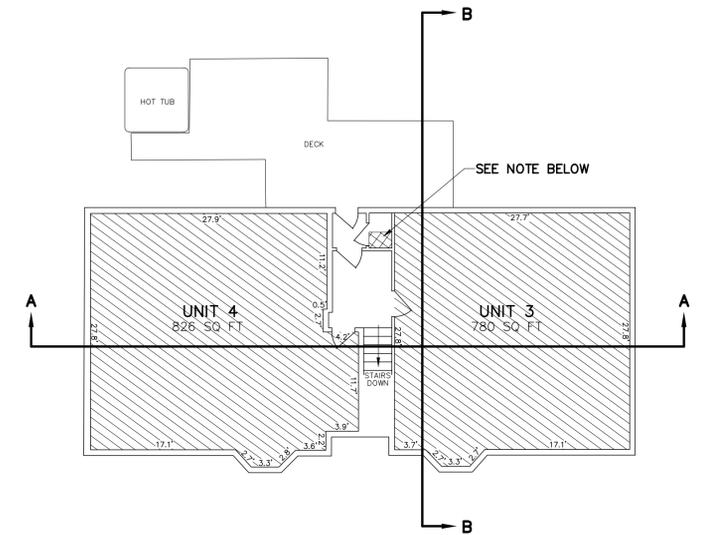
 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2011 A.D. BY _____ S.B.W.R.D.	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2011 A.D. BY _____ CHAIRMAN	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2011 A.D. BY _____ PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2011 A.D. BY _____ PARK CITY ATTORNEY	CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2011 A.D. BY _____ PARK CITY RECORDER	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2011 A.D. BY _____ MAYOR	RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ BOOK _____ PAGE _____ FEE _____ RECORDER _____
	Planning Commission - July 27, 2011 <span style="float: right;">Page 76 of 166</span>						



LEVEL 1

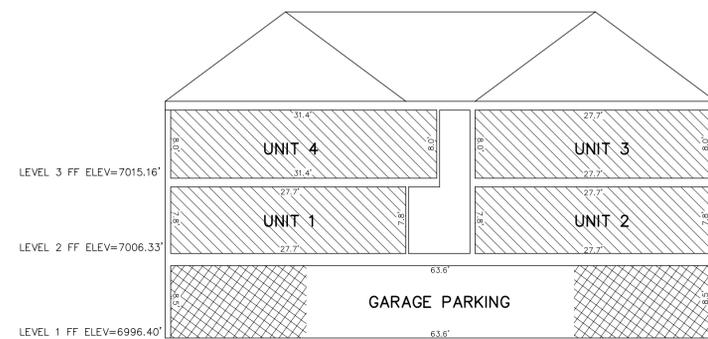


LEVEL 2

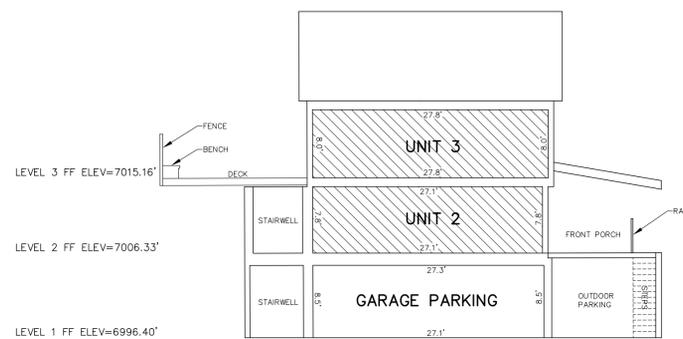


LEVEL 3

**NOTE**  
This area is Limited Common Ownership subject to use by Unit 3 for purposes of maintaining a water heater for Unit 3 as set forth more fully in the Declaration of Condominium.



SECTION A-A



SECTION B-B

OWNERSHIP DESIGNATIONS

	PRIVATE OWNERSHIP
	COMMON OWNERSHIP
	LIMITED COMMON OWNERSHIP





## **REGULAR AGENDA**



# Planning Commission Staff Report



**Subject:** 333 Main Street, Condominium plat  
**Author:** Kirsten A Whetstone, AICP  
**Date:** July 27, 2011  
**Type of Item:** Administrative – Condominium Plat  
**Project Number:** PL-11-01293

## Summary Recommendations

Staff recommends the Planning Commission discuss the proposed condominium plat, conduct a public hearing, and consider forwarding to City Council a positive recommendation based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

## Topic

**Applicant:** Michael Scrogam with Park City 333 Main Development LLC  
**Location:** 333 Main Street (Main Street Mall)  
**Zoning:** Historic Commercial Business (HCB) and Historic Residential 2 (HR-2)  
**Adjacent Land Uses:** Main Street retail and residential, Park Avenue residential  
**Reason for Review:** Condominium plats require Planning Commission review and recommendation to City Council with final action by the City Council.

## Proposal

This application is a request to create two condominium units (Unit A and Unit B) within the existing space of the Main Street Mall building (Exhibit A). Unit A is all of the space on the basement level combined with all of the space on the two floors above it. Unit B is all of the space above Unit A. This plat provides two separate ownership units that allow the proposed Main Street Mall renovation and financing to occur in separate phases. No residential uses or residential condominiums are proposed with this plat and the plat is consistent with the approved Historic Design Review, including approved changes to the front façade and proposed convertible space within the building and in the proposed penthouse. This application is to change the ownership interest in those spaces.

## Background

The property is located between Main Street and Park Avenue and consists of Lots 7-15 and 18-26, Block 11 of the Amended Park City Survey. The building was constructed across the zone boundary between the Historic Commercial Business (HCB) on the Main Street side and Historic Residential Two (HR2) on the Park Avenue side. Current uses within the HCB are allowed uses in the zone. Current office and retail uses within

the HR2 are legal non-conforming uses. Future residential uses within the HCB zone are allowed uses. Future residential uses within the HR2 zone are allowed uses, however a Master Planned Development is required for future construction of HCB uses into the HR2 zone (below the street level of Park Avenue) and if single family or duplex homes are constructed fronting Park Avenue at the street level.

On March 26, 2009, the City Council approved a plat amendment to create a single lot of record from the multiple underlying lots for the existing Main Street Mall building. On March 8, 2010, the Council extended the approval for one year to allow the applicants additional time to finalize the plat in preparation for signatures and recordation at Summit County. The 333 Main Street one lot subdivision plat was recorded at Summit County on April 12, 2011 (Exhibit B). The building currently has a single owner with multiple leased spaces.

Included with the previous plat amendment were five (5) easements for existing emergency and pedestrian access, utility, and parking easements as described in the title report and land title of survey for 333 Main Street. These easements are also included on the proposed condominium plat. All conditions of the one lot plat amendment continue to apply (Exhibit C).

On May 2, 2011, a revised Historic District Design Review application was approved for modifications to the interior space and exterior skin of the building in compliance with the current revised 2009 Design Guidelines for Historic Districts and Sites (Exhibit D). Under the approved HDDR and as permitted in the zones, they may construct these interior and exterior changes to the building which condo plat will be memorializing)

On June 27, 2011, the City received a complete application for a condominium plat to create 2 (two) condominium units (Unit A and Unit B) and convertible space within the existing space of the Main Street Mall building in conformance with the approved Historic District Design Review. Unit A is all of the space on the basement level combined with all of the space on the two floors above it. Unit B is all of the space above Unit A. This plat provides two separate ownership units that allow the proposed Main Street Mall renovation and financing to occur in separate phases.

No residential uses or condominiums are proposed with this condominium plat, however 2 residential units, approved with the May 2, 2011, HDDR, are contemplated within the convertible space in HCB zoned penthouse area. A condominium plat amendment would be required when any convertible space is converted for use and ownership is changed. Some of that space may used to create residential condominium units. As shown, these residential units are within the HCB zoned portion and are allowed uses by the zone. Any residential units requested for the HR2 zoned portions require a conditional use permit and/or a Master Planned Development. The proposed plat reflects approved changes to the front façade as described in the HDDR (Exhibit D).

**Analysis**

	CODE REQUIREMENT	EXISTING
FRONT SETBACKS	0' in HCB and 10' in HR-2	Varies, 4' to 23' in HCB <b><u>Complies</u></b> and 15' in HR-2- <b><u>Complies.</u></b>
SIDE SETBACKS	0' in HCB and depends on Lot width in HR-2 (100' width requires 10' minimum and 30' total side setbacks)	0' in HCB- <b><u>Complies</u></b> 0'- 3' in HR-2- <b><u>Legal Non-complying.</u></b>
REAR SETBACKS	0' in HCB and 10' in HR-2 for single family	There is no rear property line because the center property line was removed with the plat amendment and the lot has frontage on Park Ave and Main Street (2 front setbacks no rear setbacks).
HEIGHT	30' at property line on Main following a 45 degree angle to a maximum height of 45' in HCB. 27' in HR2	Constructed in compliance with the maximum height requirements and allowed volumetric in HCB and HR2 zones. <b><u>Complies.</u></b>
MINIMUM LOT SIZE	1,250 sf in HCB 1,875 sf in HR-2 for SF and 3,750 sf for duplex	33,709 sf* <b><u>-Complies.</u></b>
MINIMUM LOT WIDTH	25'	224.73'* <b><u>-Complies.</u></b>
FLOOR AREA RATIO	4.0 (134,836 sf)	89,942 sf (gross floor area) 70,738 commercial/retail <b><u>Complies.</u></b>
PARKING	56 spaces per 1986 Parking Agreement and Special Improvement District for the existing space and uses.	56 Spaces per existing parking agreement plus 10 private spaces. Further review of parking with any additions or changes in use. <b><u>Complies</u></b>

\*Actual surveyed square footage and lot width, based on the actual survey and monumentation.

Based on the analysis, Staff recommends a condition of approval that prior to issuance of any building permits for reconfiguration of the interior spaces, a parking analysis shall be presented to the Planning Department, identifying compliance with parking requirements of the 1986 Parking Agreement and the LMC. The parking analysis shall identify and discuss all existing parking agreements associated with the property.

In addition to parking required for the existing building, the property is encumbered with a lease agreement to provide a garage for the property at 364 Park Avenue. This lease

agreement is identified on the subdivision plat because of the 99-year duration. This parking is currently provided within a garage in the Main Street Mall building with access to Park Avenue. The lease agreement addresses relocation of this garage in the event of construction/remodel of the building. This garage is identified on the condominium plat as well.

Staff finds that the condominium plat, as conditioned, will not cause undo harm to adjacent property owners because the proposed plat meets the requirements of the Land Management Code (excepting the legal non-complying side setback in the HR2 zone), is consistent with the approved HDDR, and all future development will be reviewed for compliance with requisite Building and Land Management Code requirements in effect at the time of application for building permits. The plat also memorializes required access, parking, and utility easements and is consistent with the recorded one lot subdivision plat that removed the underlying property lines.

### **Good Cause**

Staff finds good cause for this condominium plat as it creates 2 ownership units to allow separate financing and remodel of the building to occur in two distinct phases. The condominium plat is consistent with the State condominium act and complies with the Land Management Code and is consistent with the approved Historic District Design Review that provides for improved architectural design, building energy efficiency, and a positive visual and vital impact on Main Street.

### **Department Review**

This project has gone through an interdepartmental review on July 12, 2011, and issues were raised pertaining to the requested plat have been addressed with conditions of approval or revisions to the submitted plat.

### **Notice**

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

### **Public Input**

Staff has not received any public input at the time of this report.

### **Future Process**

Approval of this condominium plat application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 15-1-18. Prior to issuance of a building permit, a building application and plans must be submitted to the Building Department consistent with the approved HDDR and this plat.

### **Alternatives**

- The Planning Commission may recommend that the City Council approve the condominium plat as conditioned or amended, or
- The Planning Commission may recommend that the City Council deny the condominium plat and direct staff to make Findings for this decision, or

- The Planning Commission may continue the discussion on the condominium plat and provide Staff and the Applicant with specific direction regarding additional information necessary to find compliance with the criteria listed in this report.

### **Significant Impacts**

There are no negative fiscal or significant environmental impacts to the city from this application.

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

The entire building would continue to be owned by one entity and alternative financing may have to be obtained in order to proceed with the remodel resulting in further delay of the proposed construction.

### **Recommendation**

Staff recommends the Planning Commission discuss the proposed condominium plat, conduct a public hearing, and consider forwarding to City Council a positive recommendation of approval, based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance

### **Exhibits**

Exhibit A- Proposed condominium plat

Exhibit B- Recorded 333 Main Street one lot plat amendment

Exhibit C- Action letter/conditions of approval of the 333 Main Street plat

Exhibit D- Approved Historic Design Review

**Ordinance No. 11-**

**AN ORDINANCE APPROVING THE CONDOMINIUM PLAT LOCATED AT 333 MAIN STREET, PARK CITY, UTAH.**

WHEREAS, the owners of the property known as the Main Street Mall, located at 333 Main Street, have petitioned the City Council for approval of a condominium plat to create two non-residential condominium units (Unit A and Unit B) and convertible within the Main Street Mall building (Exhibit A). Unit A is all of the space on the basement level combined with all of the space on the two floors above it. Unit B is all of the space above Unit A.

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 27, 2011, to receive input on the 333 Main Street condominium plat;

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

WHEREAS, on August 11, 2011, the City Council held a public hearing on the 333 Main Street condominium plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 333 Main Street condominium plat.

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 condominium plat 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 333 Main Street between Main Street and Park Avenue and consists of Lots 7-15 and 18-26, Block 11, of the Amended Park City Survey. There is an existing four story commercial building on the property.
2. The existing building, known as the Main Street Mall, was constructed in 1984 across property lines and zone lines.
3. On March 26, 2009, the City Council approved a plat amendment to create a single lot of record from the multiple underlying lots for the existing Main Street Mall building. On March 8, 2010, the Council extended the approval for one year to allow the applicants additional time to finalize the plat in preparation for signatures

and recordation at Summit County. The 333 Main Street one lot subdivision plat was recorded at Summit County on April 12, 2011.

4. The Main Street portion of the building is located in the Historic Commercial Business District (HCB) with access to Main Street and the Park Avenue portion of the building is located in the Historic Residential 2 (HR-2) zoning district with limited access to Park Avenue. The building has legal non-complying side yard setbacks within the HR2 zone.
5. Main Street is important to the economic well being of the Historic Commercial business district and is the location of many activities important to the vitality and character of Park City. The Main Street Mall architecture is out dated and not in compliance with the 2009 Design Guidelines for Historic Sites and Districts and the owners are proposing a renovation and improvement to the building.
6. On May 2, 2011, a revised Historic District Design Review application was approved for modifications to the exterior in compliance with the 2009 Design Guidelines for Historic Districts and Sites.
7. The property is encumbered with a recorded 99 year lease agreement to provide parking for the property at 364 Park Avenue. This lease agreement is identified on the plat because of the duration of the lease. The parking subject to the lease is currently provided within a garage in the Main Street Mall building with access to Park Avenue.
8. Five (5) easements for existing emergency and pedestrian access, utility, and parking easements as described in the title report and land title of survey for 333 Main Street were memorialized with the recorded subdivision plat. These easements are also included on the proposed condominium plat.
9. On June 27, 2011, the City received a complete application for a condominium plat to create 2 two non-residential condominium units (Unit A and Unit B) within the existing space of the Main Street Mall building and consistent with the May 2011, approved Historic District Design Review plans. Unit A is all of the space on the basement level combined with all of the space on the two floors above it. Unit B is all of the space above Unit A. This plat provides two separate ownership units that allow the proposed Main Street Mall renovation and financing to occur in separate phases. No residential uses or condominiums are proposed.
10. No changes to the existing parking are proposed with this condominium plat and all parking agreements and easements continue to apply unless and until they are amended by both parties. A review of parking requirements and parking agreements associated with additions to the building or changes of use of this building shall be reviewed at the time of building permit application.
11. A condominium plat amendment would be required when any convertible space is converted for use and ownership is changed. Some of that space may be used to create residential condominium units. As shown, these residential units are within the HCB zoned portion and are allowed uses by the zone. Any residential units requested for the HR2 zoned portions require a conditional use permit and/or a Master Planned Development.

#### Conclusions of Law:

1. There is good cause for this condominium plat.
2. The condominium plat is consistent with the Park City Land Management Code and

- applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed condominium plat.
  4. Approval of the condominium plat, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the condominium plat for compliance with State law, the Land Management Code, the recorded subdivision plat, and any conditions of approval, prior to recordation of the plat.
2. The applicant will record the condominium 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 an extension request application has been filed with the City prior to expiration.
3. All conditions of approval of the 333 Main Street Subdivision plat and approved Historic District Design Review shall continue to apply.
4. All new construction at this property shall comply with all applicable building codes and any current non-compliance issues for tenant spaces, such as ADA access and bathrooms, restaurant grease traps, etc. within the building shall be addressed with tenant improvement building permits for those spaces.
5. Prior to issuance of any building permits for reconfiguration of interior spaces that result in additional floor area or residential uses, a detailed parking analysis shall be presented to the Planning Department, identifying compliance with requirements of the 1986 Parking Agreement and the LMC. The parking analysis shall identify and discuss all existing parking agreements associated with the property.

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

PASSED AND ADOPTED this \_\_\_th day of \_\_\_\_, 2011.

PARK CITY MUNICIPAL CORPORATION

\_\_\_\_\_  
Dana Williams, MAYOR

ATTEST:

\_\_\_\_\_  
Jan Scott, City Recorder

APPROVED AS TO FORM:

\_\_\_\_\_  
Mark Harrington, City Attorney

MEMORANDUM

TO Park City Planning Department  
FROM Thomas G. Bennett  
DATE June 27, 2011  
RE 333 Main Street Condominiums

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This Memo is written as a brief introduction to the condominium plat ("Plat") and declaration of condominium ("Declaration") being submitted for the 333 Main Street Condominiums (the "Project"). The Project is commonly known as the Main St. Mall. The exterior of the Project is being significantly modified and upgraded. The plans for this modification received Historic District Design Review approval on May 2, 2011.

The Plat simply creates two units in the existing space: Unit A is all of the space on the basement level and the two floors above that. Unit B consists of all of the space above Unit A. Units A and B will be renovated as separate phases.

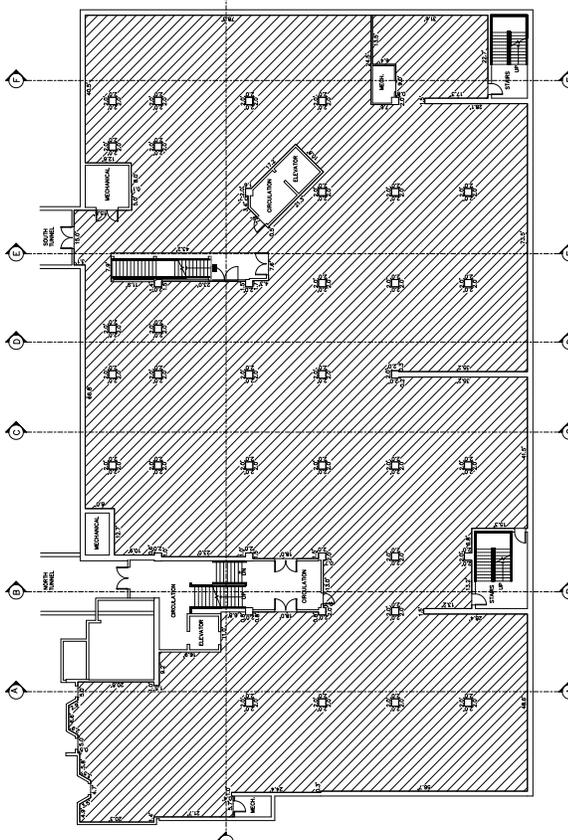
The sole purpose for creating Units A and B is to accommodate the recapitalization and renovation of the Project. The current lender has a deed of trust lien on the entire Project, which is being modified to accommodate the recapitalization. With a new institutional investor, DDRM will be paying off a portion of the existing loan. In return, the existing lender will release its security interest in the Unit A space, which will be the first phase, but will retain an encumbrance on the Unit B space. In order to allow for the separate financing of the two phases, it is necessary to divide the space into two legally recognized parcels of property, Unit A and Unit B. These financing arrangements are contingent upon the Plat being amended as submitted.

The Plat does not impact any of the existing zoning approvals, other entitlements or uses of the Project. It simply creates two condominium units out of the current improved space in the Project. It is anticipated that a future MPD application will be filed to address the second phase of the renovation (Unit B).

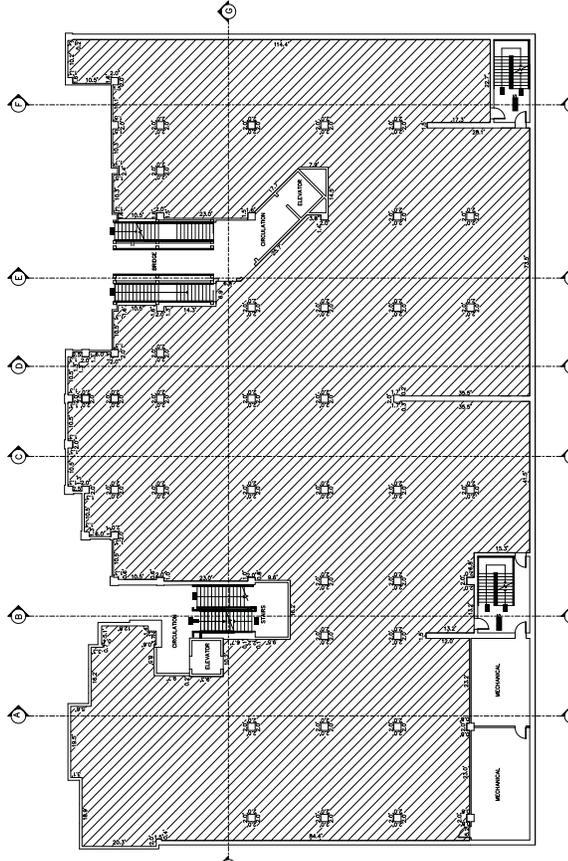
DMWEST #8340336 v2







**UNIT A—LOWER LEVEL**  
PRIVATE OWNERSHIP AREA = 22,884 SQ. FT.



**UNIT A—FIRST LEVEL**  
PRIVATE OWNERSHIP AREA = 22,417 SQ. FT.

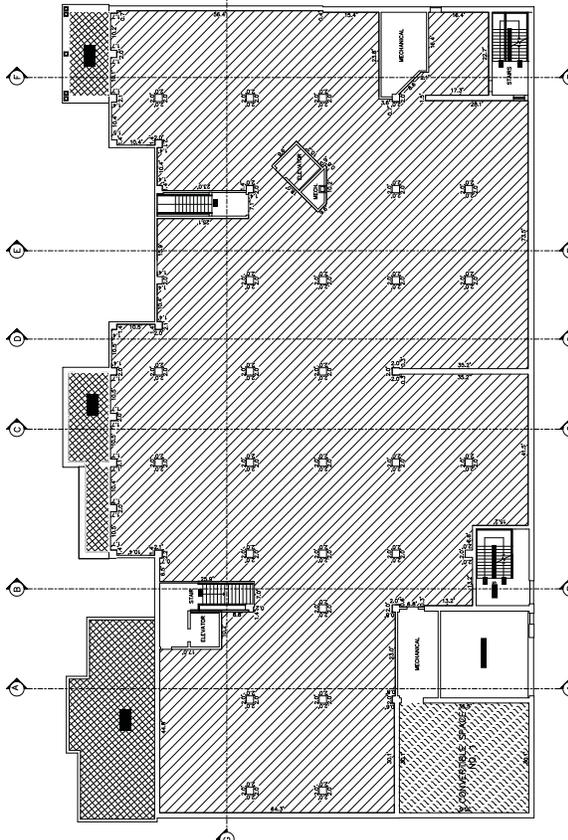
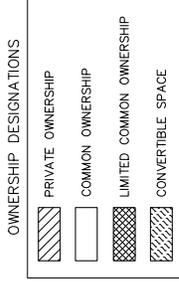
UNIT AREA TABLE

UNIT	AREA	TOTAL
A — LOWER LEVEL	22,884 SQ. FT.	64,935 SQ. FT.
A — FIRST LEVEL	22,417 SQ. FT.	
A — SECOND LEVEL	19,634 SQ. FT.	
A — THIRD LEVEL	12,999 SQ. FT.	
B — PENTHOUSE LEVEL	2,347 SQ. FT.	15,176 SQ. FT.

CONVERTIBLE SPACE AREA TABLE

CONVERTIBLE SPACE	AREA	TOTAL
NO. 1	1,068 SQ. FT.	6,206 SQ. FT.
NO. 2	4,542 SQ. FT.	
NO. 3	542 SQ. FT.	

**NOTE**  
The dimensions of the units shown on this plot and the areas of the units are based on the measurements provided by Elliott Workgroup. Therefore, no as-built measurements were taken.



**UNIT A—SECOND LEVEL**  
PRIVATE OWNERSHIP AREA = 19,634 SQ. FT.  
CONVERTIBLE SPACE = 1,068 SQ. FT.

# 333 MAIN STREET CONDOMINIUMS

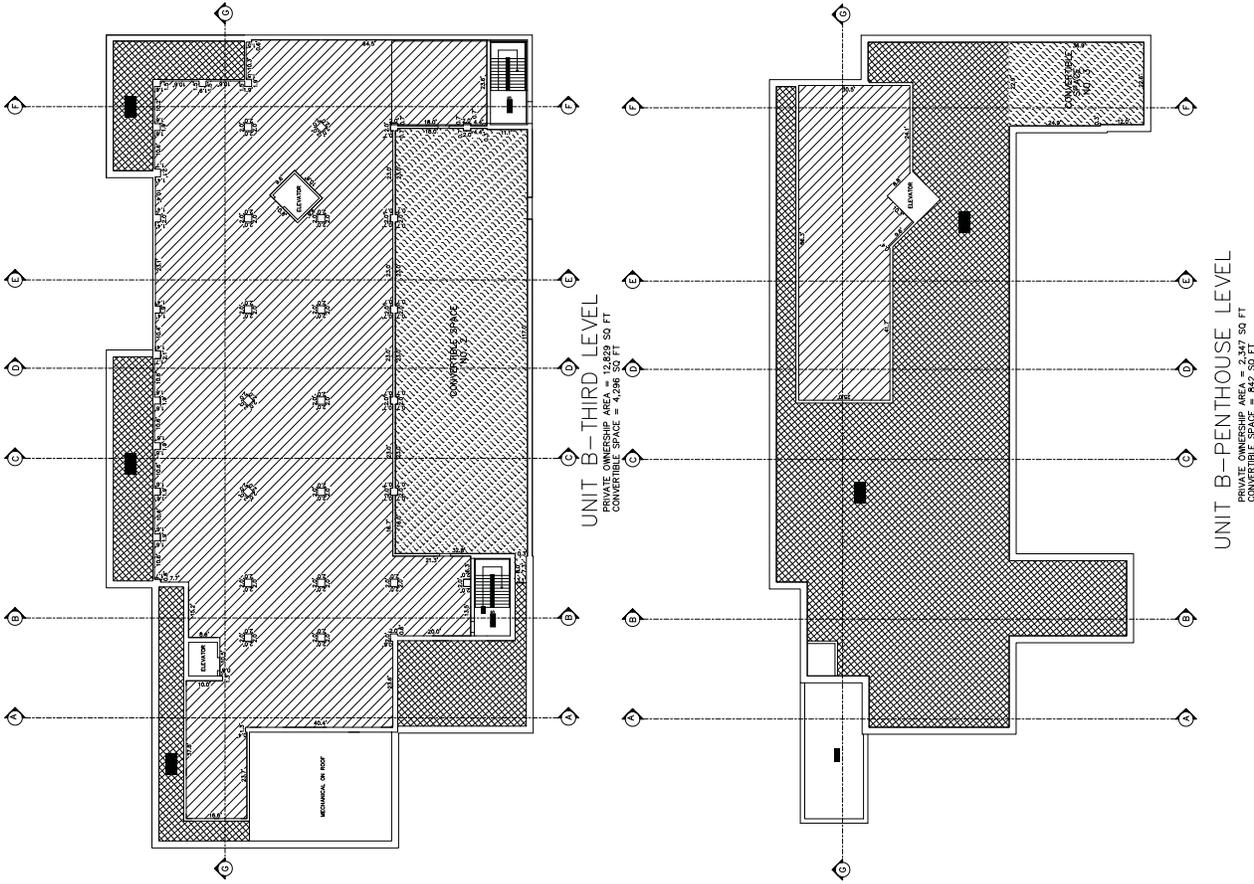


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SHEET 2 OF 5  
RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED  
AT THE REQUEST OF \_\_\_\_\_  
DATE \_\_\_\_\_ TIME \_\_\_\_\_ BOOK \_\_\_\_\_ PAGE \_\_\_\_\_  
FEE \_\_\_\_\_ RECORDER \_\_\_\_\_

(435) 644-4467

**MTC**  
CONSULTING ENGINEERS ARCHITECTS LAND PLANNERS SURVEYORS  
333 Main Street P.O. Box 2664 Park City, Utah 84002-2664



UNIT AREA TABLE

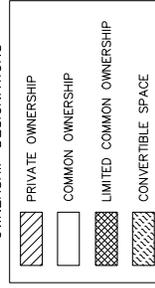
UNIT	AREA	TOTAL
A - LOWER LEVEL	22,884 SQ. FT.	64,935 SQ. FT.
A - SECOND LEVEL	22,814 SQ. FT.	
B - THIRD LEVEL	12,829 SQ. FT.	15,176 SQ. FT.
B - PENTHOUSE LEVEL	2,347 SQ. FT.	

CONVERTIBLE SPACE AREA TABLE

CONVERTIBLE SPACE	AREA	TOTAL
NO. 1	1,068 SQ. FT.	6,206 SQ. FT.
NO. 2	4,296 SQ. FT.	
NO. 3	542 SQ. FT.	

NOTE  
The dimensions of the units shown on this plan and the square footage calculations are based on drawings provided by Elliott Workgroup. Therefore, no as-built measurements were taken.

OWNERSHIP DESIGNATIONS



# 333 MAIN STREET CONDOMINIUMS

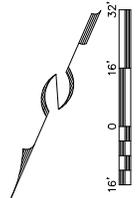
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SHEET 3 OF 5  
RECORDED

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AT THE REQUEST OF \_\_\_\_\_ PAGE \_\_\_\_\_  
DATE \_\_\_\_\_ TIME \_\_\_\_\_ BOOK \_\_\_\_\_

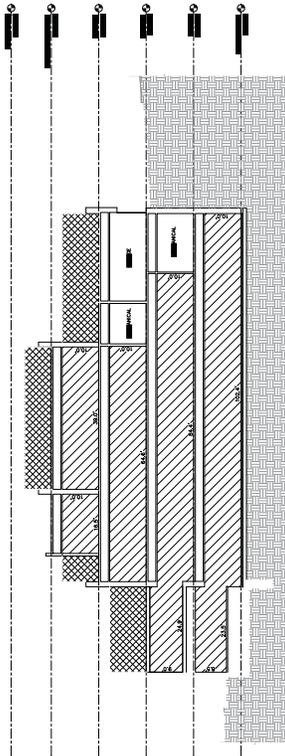
RECORDER

UNIT B-THIRD LEVEL  
PRIVATE OWNERSHIP AREA = 12,829 SQ. FT.  
CONVERTIBLE SPACE = 4,296 SQ. FT.

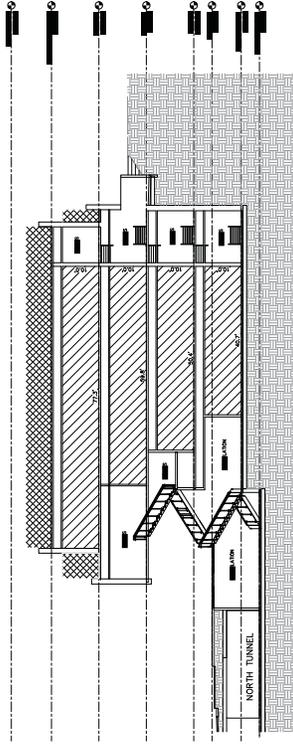
UNIT B-PENTHOUSE LEVEL  
PRIVATE OWNERSHIP AREA = 2,347 SQ. FT.  
CONVERTIBLE SPACE = 842 SQ. FT.



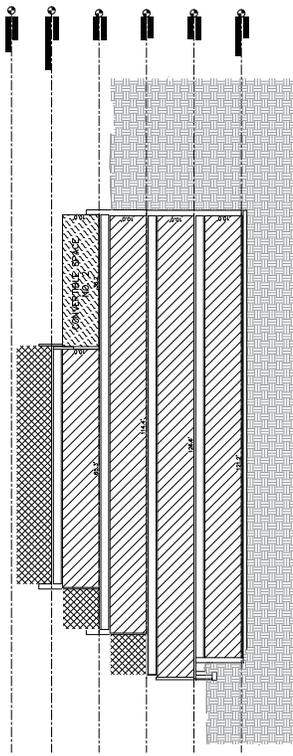
(435) 644-4477  
**MTG**  
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS  
333 Main Street P.O. Box 2664 Park City, Utah 84002-2664



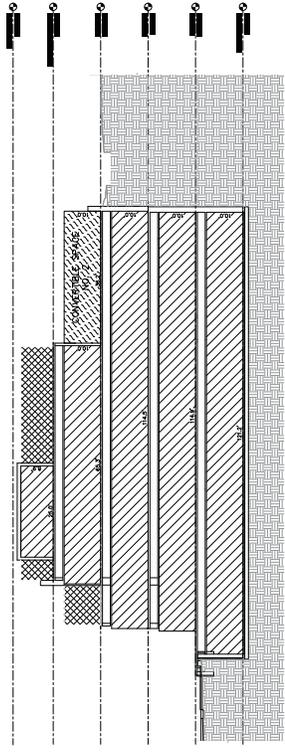
SECTION A



SECTION B



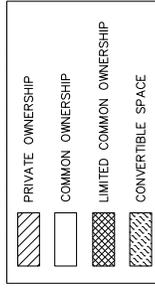
SECTION C



SECTION D

NOTE  
The dimensions of the units shown on this plan and the structural details are based on the information provided by Ernst Woodgroup. Therefore, no default measurements were taken.

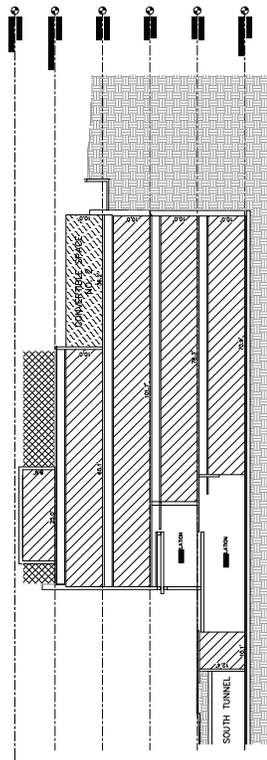
OWNERSHIP DESIGNATIONS



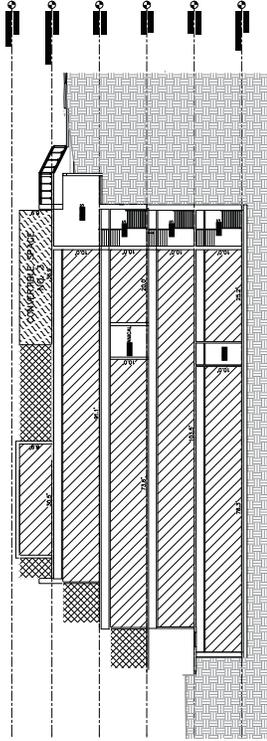
JOB NO.: 6-11-08 FILE: X:\Projects\Summit\460\460.dwg DATE: 08/11/08  
RECORDED AT THE REQUEST OF DATE TIME BOOK PAGE

333 MAIN STREET CONDOMINIUMS

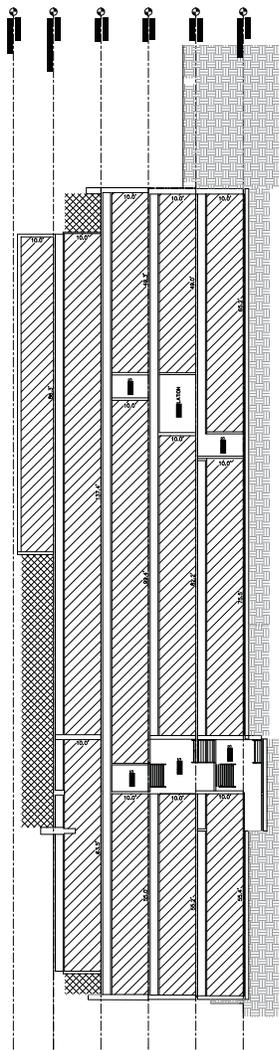




SECTION E



SECTION F



SECTION G

NOTE  
 The dimensions of the building shown in this section and the  
 square footage calculations are based on drawings  
 provided by Elliott Workgroup. Therefore, no as-built  
 measurements were taken.

OWNERSHIP DESIGNATIONS

	PRIVATE OWNERSHIP
	COMMON OWNERSHIP
	LIMITED COMMON OWNERSHIP
	CONVERTIBLE SPACE



333 MAIN STREET CONDOMINIUMS





April 3, 2009

Park City Main 333 Main Street Development. LLC  
PO Box 4151 Suite 325  
Park City, UT 84060

## **NOTICE OF CITY COUNCIL ACTION**

**Project Name:** 333 Main Street  
**Project Description:** Plat amendment  
**Date of Action:** March 26, 2009

**Action Taken by City Council:** The City Council APPROVED the plat amendment for 333 Main, based on the following findings of fact, conclusions of law, and conditions of approval:

### Findings of Fact

1. The property is located between Main Street and Park Avenue and consists of Lots 7-15 and 18-26, Block 11 Amended Park City Survey. Also included in the plat amendment are 5 easements on the plat for existing emergency and pedestrian access, utilities, storm drainage, and parking as described in the title report and title survey for 333 Main Street.
2. The existing building, known as the Main Street Mall, was constructed in 1984 across property lines and zone lines and is an existing legal non-conforming building.
3. The plat amendment creates one lot of record for the existing building.
4. The Main Street fronting lots are located in the Historic Commercial Business District (HCB) and the Park Avenue fronting lots are located in the Historic Residential Two (HR-2) zoning district.
5. The lot configuration meets minimum standards of the HCB and HR-2 Districts.
6. Main Street is important to the economic well being of the Historic Commercial business district and is the location of many activities important to the vitality and character of Park City. It is important to carefully consider impacts of construction on the vitality and character of Main Street and the residential nature of Park Avenue.
7. The property is encumbered with a recorded 99 year lease agreement to provide parking for the property at 364 Park Avenue. This lease agreement is identified on the plat because of the duration of the lease. The parking is currently provided within a garage in the Main Street Mall building with access

to Park Avenue.

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

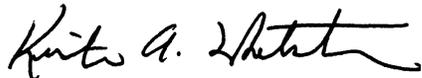
#### Conditions of Approval

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment 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 provide the City with a signed mylar plat for recordation at the County, within one year from the date of City Council approval.
3. The plat shall be recorded prior to issuance of any building permits associated with the remodel and Historic Design Review application for 333 Main Street, the Main Street Mall. Approval of an Historic Design Review is required as a condition precedent to building permit issuance.
4. As a condition precedent to issuance of any building permits a detailed parking analysis shall be submitted for City review, identifying compliance with parking requirements of the 1986 Parking Agreement and the LMC. A revised parking analysis shall be submitted with any reconfiguration of tenant spaces, sizes, or uses. The parking analysis shall identify and discuss all existing parking agreements associated with the property.
5. A Construction Mitigation Plan (CMP) shall be submitted to the City for review and approval prior to issuance of any building permits for remodel or construction on or within the building. The CMP, in addition to the standard mitigation measures, shall address construction staging areas and access, a detailed construction phasing plan, road and sidewalk closures, timing of utility interruptions, timing of construction during times of high activity (Arts Festival, 4<sup>th</sup> of July, Miners Day, Sundance Film Festival, President's Day weekend, and other similar high activity dates and events), construction deliveries (time, place, type), worker parking and transportation alternatives, environmental issues regarding soil removal and erosion, disposal/recycling of removed materials, a schedule of meetings with the neighborhood and affected owners to keep them informed of construction progress, a relocation plan or plan to work around existing businesses, and other items that address mitigation of construction impacts on the activities, commerce, viability and livability of the surrounding commercial and residential neighborhoods.
6. Fire sprinkler systems, in accordance with the International Building Code in effect at the time of building permit application, are required prior to issuance of certificates of occupancy for the building.

7. A condominium record of survey plat is required prior to individual sale of any commercial tenant space or residential unit on this Lot.
8. As a condition precedent to issuance of a certificate of occupancy associated with any building permit, all exterior mechanical equipment and vents shall be painted to match the adjacent building materials and mechanical equipment shall be enclosed and /or adequately screened from public view. Sound baffles shall be installed to attenuate noise and all mechanical equipment shall comply with the City's noise ordinance requirements.
9. As a condition precedent to plat recordation, all signs shall comply with the City's Sign Ordinance, including any signs on Park Avenue.
10. City Engineer review and approval of all appropriate grading, utility installation, public improvements, erosion control, and drainage plans for compliance with City standards is a condition precedent to building permit issuance, this includes any plans to place utilities underground. All required permits or approvals from these utility providers shall be provided to the City Engineer prior to commencing any utility work.
11. As a condition precedent to issuance of any building permits a landscape plan shall be submitted for City approval. The Park Avenue landscaping and frontage shall be included on the landscape plans and shall mitigate impacts of the rear building elevation.

If you have any questions or if I can be of additional assistance, please do not hesitate to call me at 435-615-5066, or e-mail me at [Kirsten@parkcity.org](mailto:Kirsten@parkcity.org).

Sincerely,



Kirsten A. Whetstone, AICP  
Senior Planner

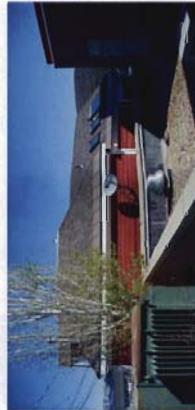
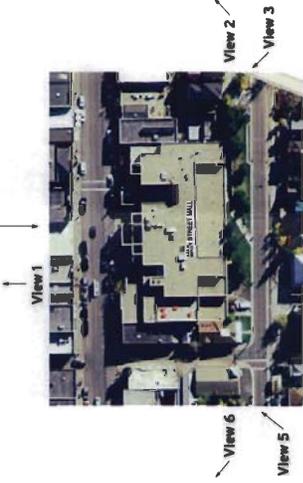
Cc File

**HISTORIC DISTRICT DESIGN REVIEW**  
March 07, 2011 Revised



1 Main Street Panoramic View Looking East  
SCALE: Not to Scale

See 3/A-006  
for Main Street Mall Elev.



6 Panoramic View Looking North  
SCALE: Not to Scale



2 Panoramic View Looking South  
SCALE: Not to Scale

See 1/A-006  
for Main Street Mall Elev.

0 Main Street Mall Aerial Key Plan  
SCALE: Not to Scale



5 Panoramic View Looking South to Mall  
SCALE: Not to Scale



4 Park Avenue Panoramic View Looking West  
SCALE: Not to Scale



3 Panoramic View Looking North to Mall  
SCALE: Not to Scale

DOMR  
Main Street Mall  
Renovation  
333 Main Street  
Park City, Utah 84060



EXISTING PANORAMIC VIEWS

A-005

COPYRIGHT ELLIOTT WORKGROUP ARCHITECTURE, LLC 2010



① Existing Streetscape Elevation - Main Street  
SCALE: Not to Scale



② Proposed Streetscape Elevation - Main Street  
SCALE: Not to Scale



③ Existing Streetscape Elevation - Park Avenue  
SCALE: Not to Scale



④ Proposed Streetscape Elevation - Park Avenue  
SCALE: Not to Scale

HISTORIC DISTRICT DESIGN REVIEW  
March 07, 2011 Revised

elliott  
workgroup  
architecture

DOB#  
Main Street Mall  
Renovation  
333 Main Street  
Park City, Utah 84303

RECEIVED  
JUN 27 2011  
PARK CITY  
PLANNING DEPT.

STREETSCAPE ELEVATIONS

A-006

COURTESY ELLIOTT WORKGROUP ARCHITECTURE, LLC 2011



HISTORIC DISTRICT DESIGN REVIEW

March 07, 2011 Revised

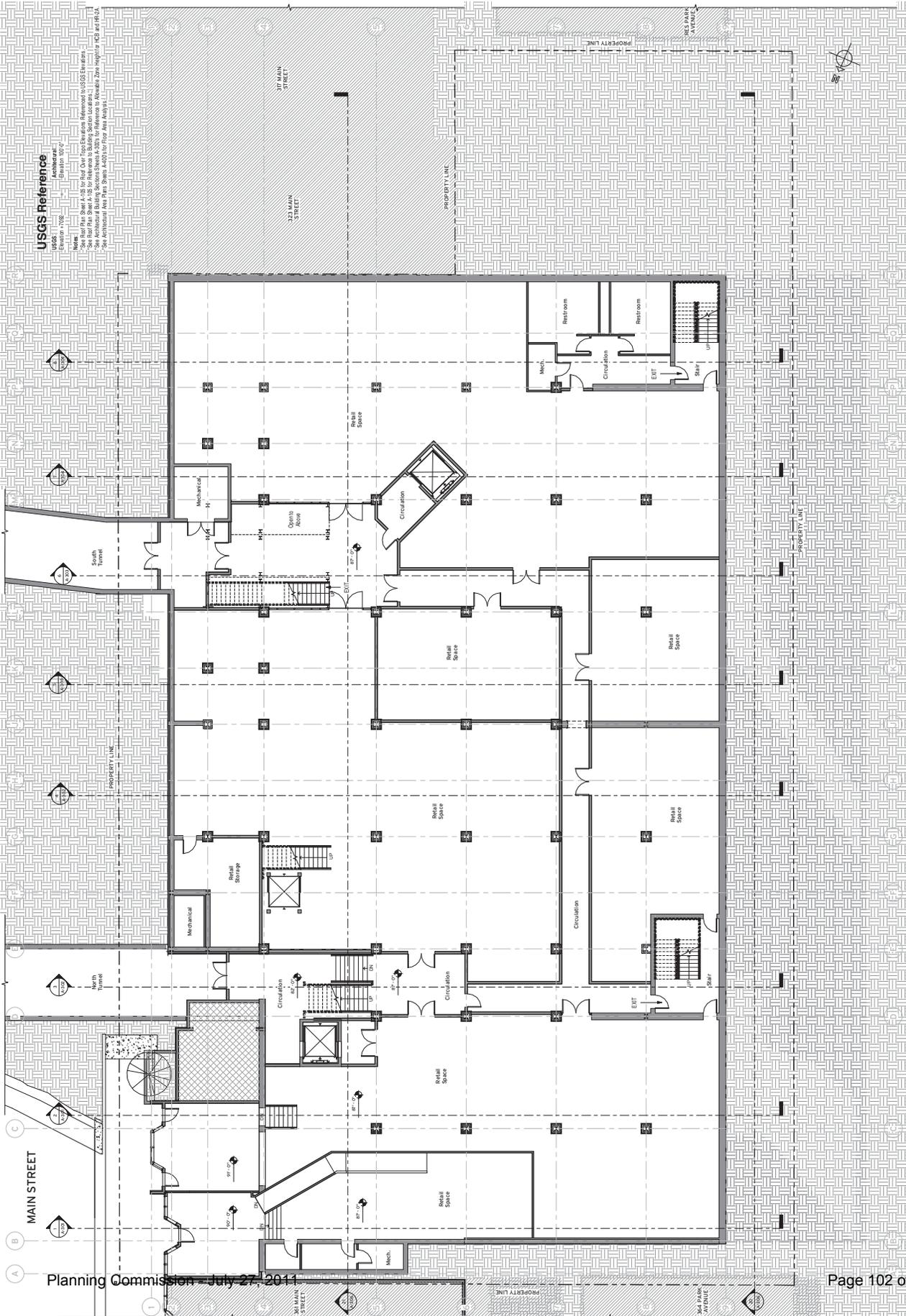
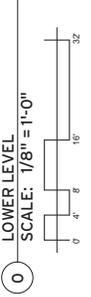


Main Street Mall  
Renovation  
333 Main Street  
Park City, Utah 84050

DDRM

LOWER LEVEL - FLOOR PLAN

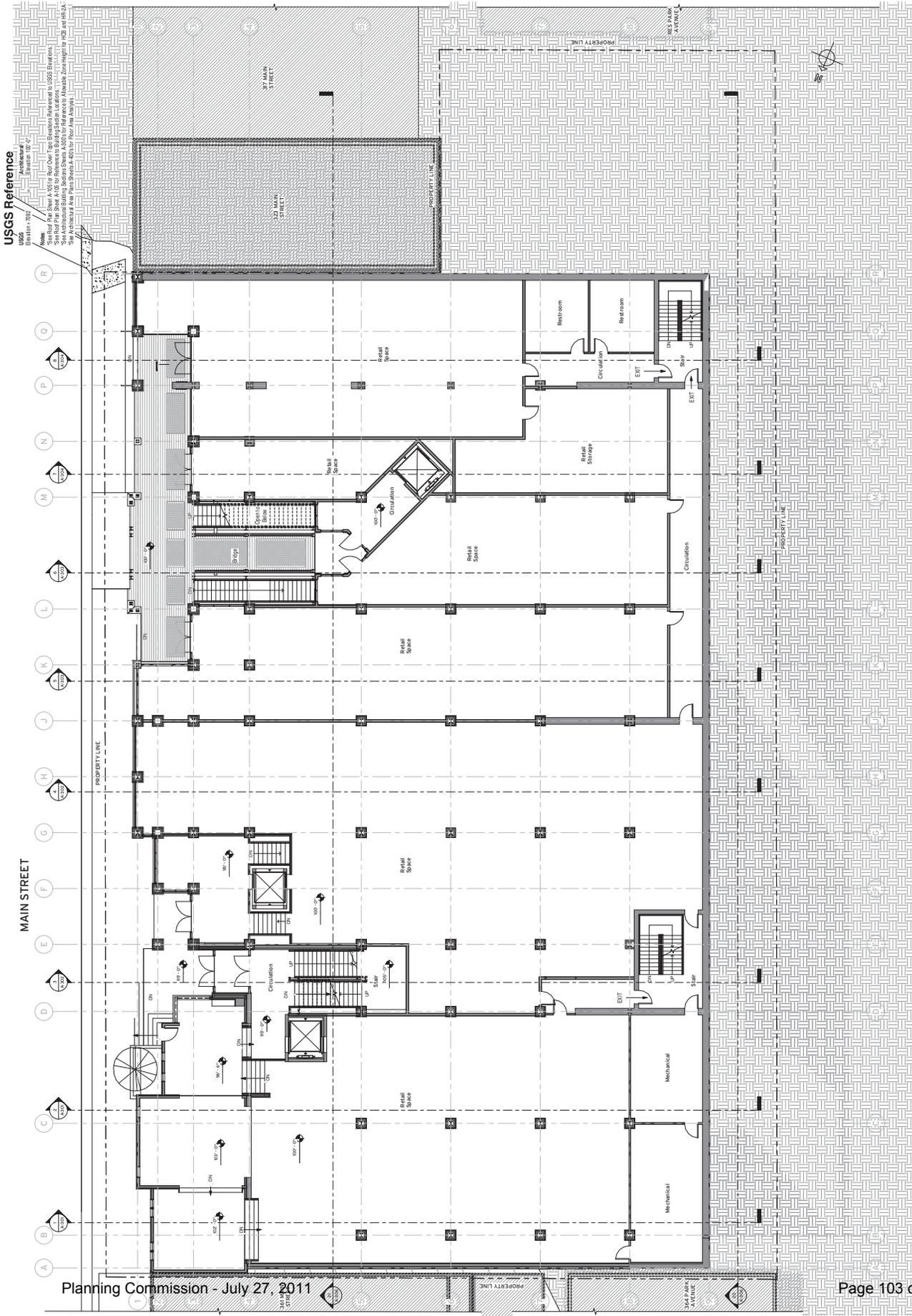
A-100



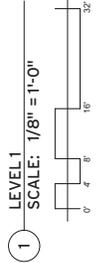
USGS Reference

USGS - Elevation 7100 - Contour 100' / Slope 100:1  
 Notes:  
 - See Architectural Building Section Sheet A-100 for Reference to USGS Elevation  
 - See Roof Plan Sheet A-105 for Reference to Building Section Location  
 - See Architectural Area Plan Sheet A-106 for Reference to Building Section Location  
 - See Architectural Area Plan Sheet A-107 for Reference to Building Section Location  
 - See Architectural Area Plan Sheet A-108 for Reference to Building Section Location  
 - See Architectural Area Plan Sheet A-109 for Reference to Building Section Location  
 - See Architectural Area Plan Sheet A-110 for Reference to Building Section Location

DDRM



**USGS Reference**  
 USGS  
 1:50,000  
 7.5 Minute  
 10' Contour  
 1983  
 Note: A USGS 1:50,000 Scale Topographic Map is referenced to USGS Benchmarks. See the Sheet A-100 for Reference to Building Station Locations. The USGS 1:50,000 Scale Topographic Map is not a substitute for a professional survey. Aerial photography is not available for this area.





HISTORIC DISTRICT DESIGN REVIEW

March 07, 2011 Revised



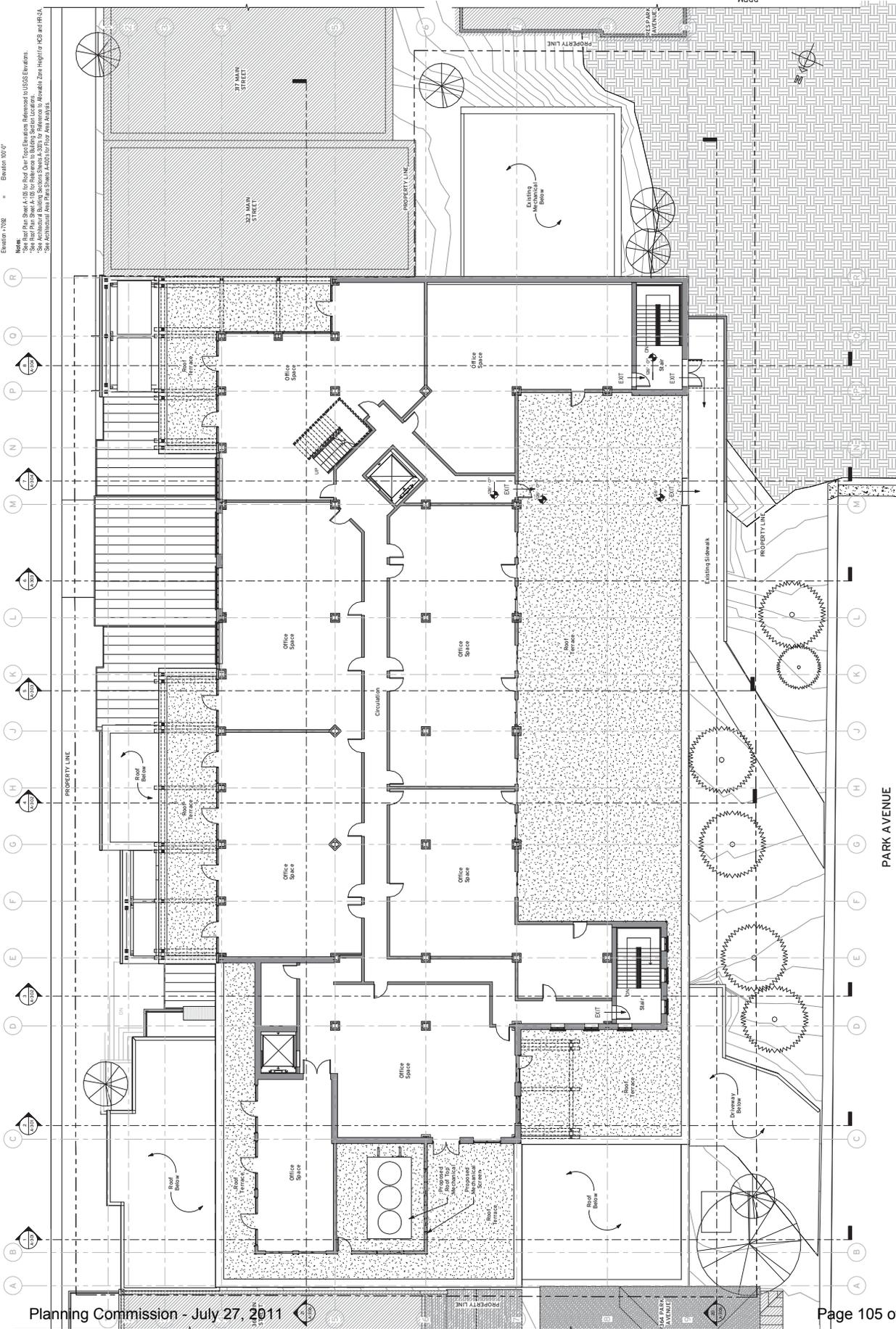
Main Street Mall  
Renovation  
333 Main Street  
Park City, Utah 84050

USGS Reference

Blotter 1702 = Elevation 500'  
Main: See Roof Plan Sheet A-105 for Roof Over Top Elevation Referenced to USGS Elevations.  
Side: See Roof Plan Sheet A-105 for Reference to Building Elevation.  
Spot: See Architectural Area Plans Sheets A-101 for Floor Area Analysis.

MAIN STREET

PARK AVENUE



3 LEVEL 3  
SCALE: 1/8" = 1'-0"



THIRD LEVEL - FLOOR PLAN

A-103

CONSULTANT ELLIOTT WORKGROUP ARCHITECTURAL, LLC 2010



HISTORIC DISTRICT DESIGN REVIEW  
March 07, 2011 Revised



DRM  
Main Street Mall  
Renovation  
333 Main Street  
Park City, Utah 84060

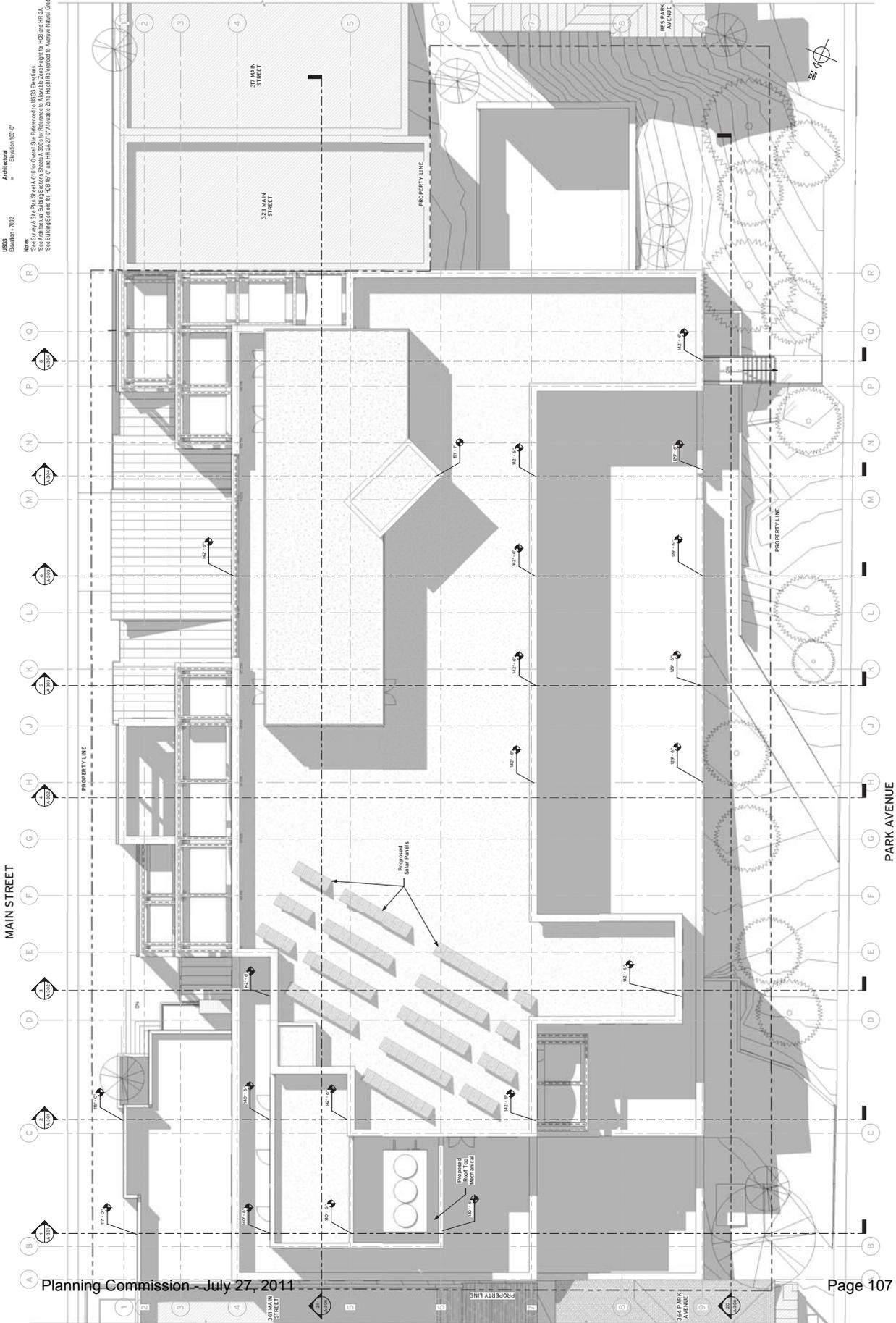
ROOF LEVEL - FLOOR PLAN

A-105

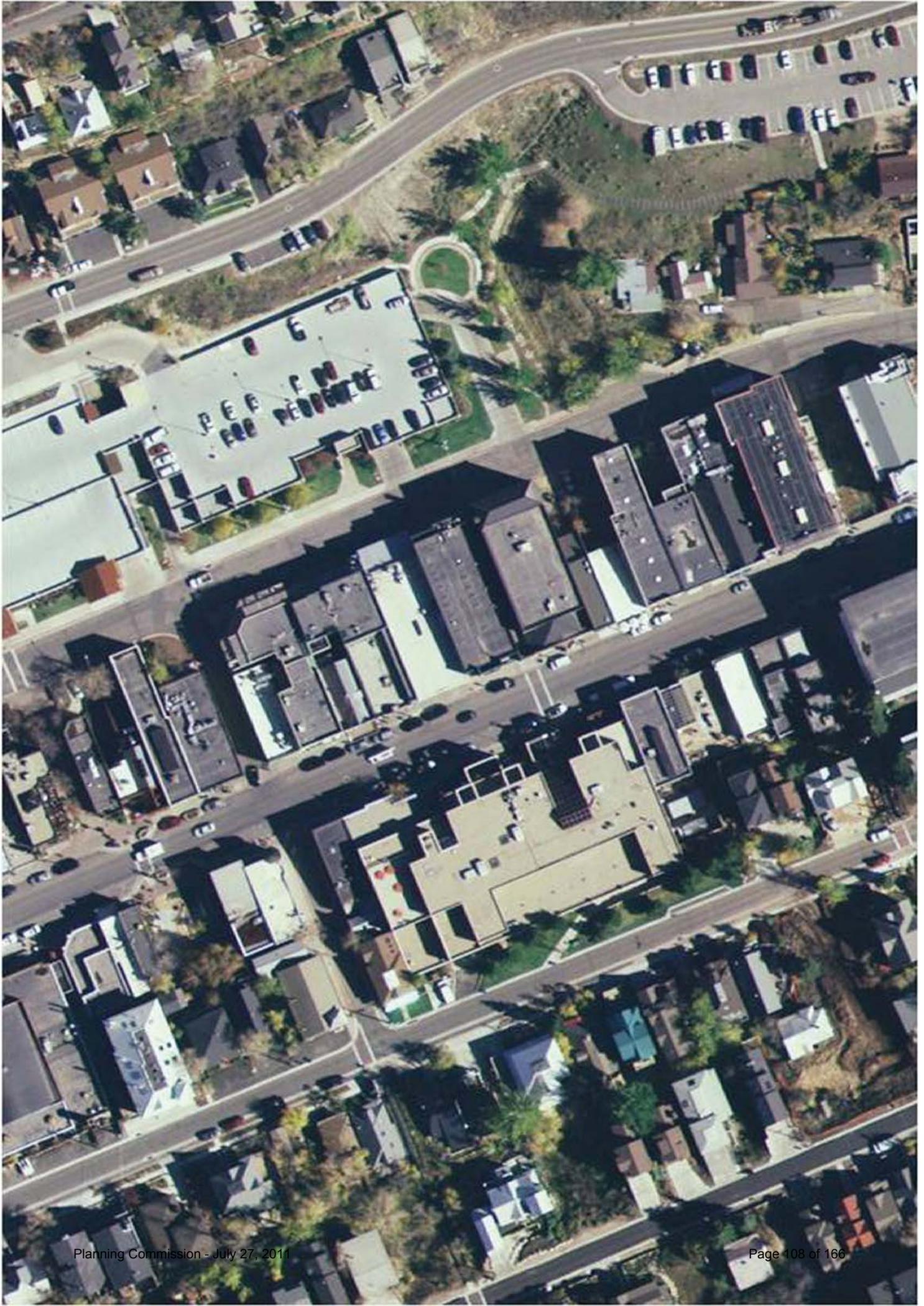
CONSULTANT ELLIOTT WORKGROUP ARCHITECTURE, LLC 2010

**USGS Reference**  
Elevation 7052  
Architectural  
Elevation 10'-0"

**Note:**  
See Survey & Station Sheet A-01 for Overall Site Reference to USGS Elevation.  
See Building Station for ACS 45° 0' and HR 342.7°; All other Zone High Referenced to Average Natural Grade.



5 ROOF LEVEL  
SCALE: 1/8" = 1'-0"





May 2, 2011

Craig Elliott  
Elliott Workgroup Architecture  
PO Box 3419  
Park City, Utah 84060

NOTICE OF PLANNING STAFF ADMINISTRATIVE ACTION

Project Address: 333 Main Street  
Project Description: Historic District Design Review  
Date of Action: May 2, 2011  
Project Planner: Kayla Sintz  
Project Number: PL-10-01139

SUMMARY OF STAFF ACTION

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Staff has reviewed this project for compliance with the Historic District Design Guidelines, and approved the proposed modifications to a non-historic site at 333 Main Street and related historic sites at 347, 355 and 357 Main Street pursuant to the following Findings of Fact, Conclusions of Law and Conditions of Approval:

FINDINGS OF FACT

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The findings discussed in the Background and Analysis Sections of this report are incorporated herein.

1. The existing structure at 333 Main Street, previously known as the Main Street Mall, is non-historic.
2. The property is zoned HCB and is subject to the conditions of approval of the historic district design guidelines.
3. The proposed footprint is not being modified.
4. There are no minimum setbacks in the HCB zone.
5. Access to the property is from Main Street, a public street. Swede Alley access also exists through private parking areas and two access tunnels which connect to the lower level of the building at 333 Main Street.

6. The building's exterior skin is being modified. The building is not being demolished. A 2,626 square foot penthouse office space and elevator addition are proposed on the top floor.
7. The building modifications meet the height limits and height envelopes for the HCB zone.
8. A plat amendment to combine eighteen (18) lots was recorded on April 12, 2011.
9. Related structures tied into current re-design and ownership of 333 Main Street include 347, 355 and 357 Main Street. 347, 355 and 357 Main Street are historic significant structures as defined in the Historic Sites Inventory.
10. The new total gross square footage is 37,455.
11. New roof top solar panels are proposed.

#### CONCLUSIONS OF LAW

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1. The proposed work complies with the Park City Historic District Design Guidelines as conditioned.
2. The proposed work complies with the Land Management Code requirements pursuant to the HCB district.

#### CONDITIONS OF APPROVAL

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#### **CONDITIONS #1 AND #2 MODIFIED BY ASSISTANT CITY ATTORNEY, POLLY SAMUELS McLEAN, AND APPLICANT ATTORNEY, THOMAS BENNETT**

---

1. Receipt and approval of a Construction Mitigation Plan (CMP) by the building Department is a condition precedent to the issuance of any building permit.
2. Final building plans and construction details shall reflect substantial compliance with the drawings stamped in on May 2, 2011. Any changes, modifications, or deviations from the approved design shall be reviewed and approved by the Planning Director prior to their construction. ~~Any formal request for design modifications submitted during construction may result in a stop work order by the Chief Building Official until the modifications are approved.~~ Any changes, modifications, or deviations from the approved design that have not been approved by the Planning and Building Departments may result in a stop work order.
3. The designer and/or applicant shall be responsible for coordinating the approved architectural drawings/documents with the approved construction drawings/documents. The overall aesthetics of the approved architectural drawings/documents shall take

precedence. Any discrepancies found among these documents that would cause a change in appearance to the approved architectural drawings/documents shall be reviewed and approved prior to construction. ~~Failure to do so, or any request for changes during construction may require the issuance of a stop-work order for the entire project by the Chief Building Official until such time that the matter has been resolved.~~ Any changes, modifications, or deviations from the approved design that have not been approved by the Planning and Building Departments may result in a stop work order.

4. All standard conditions of approval shall apply.

5. If a complete building permit has not been obtained by May 2, 2012 this HDDR approval will expire.

6. The historically significant connected structures located at 347, 355 and 357 Main are under the same plat amendment and ownership and will not be modified externally except for repairs (paint and exterior window and siding repair). Any modifications to these historic structures shall trigger an additional Historic District Design Review application.

7. Any modifications to landscaping will require a Landscape Plan to be reviewed prior to building permit issuance. Such plan will include water efficient landscaping. No landscaping plan has been reviewed as part of this application.

8. Construction waste should be diverted from the landfill and recycled when possible.

9. Lighting has not been submitted, included or reviewed as part of this application. All exterior lighting cut sheets and locations shall be submitted to the Planning Department for review and approval prior to building permit issuance. All exterior lighting shall meet Park City's lighting ordinance and be downward directed and shielded.

10. City Engineer review and approval of all appropriate grading, utility installation, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.

11. All electrical service equipment and sub-panels and all mechanical equipment, except those owned and maintained by public utility companies and solar panels, shall be painted to match the surrounding wall color or painted and screened to blend with the surrounding natural terrain. Roof mounted equipment and vents shall be painted to match the roof and/or adjacent wall color and shall be screened or integrated into the design of the structure.

12. Because the building faces the residential HR-2 zone, commercial features along Park Avenue are not appropriate. No new commercial entrances or access is proposed in the rear of the building.

13. Exterior surfaces that are painted should have an opaque rather than transparent finish. Provide a weather protective finish to wood surfaces that were not historically painted. Low VOC paints and paints are recommended to be used.

14. The applicant is current in their assessment to the Main Street Special Improvement District. Therefore, only the square footage above the 1.5 FAR is required to meet the parking obligation. Upon submittal for a full building permit, staff will calculate the remaining FAR and the applicant will pay in lieu fees for that area.

Exhibit A – Standard Conditions

# Planning Commission Staff Report



**Project Number:** PL-11-01238  
**Subject:** Upper Ridge Plat Amendment  
**Author:** Kirsten Whetstone, MS, AICP  
**Date:** July 27, 2011  
**Type of Item:** Administrative – Site Visit, Work Session, and Initial Public Hearing

## Summary Recommendations

Staff recommends the Planning Commission visit the Upper Ridge plat site, return to the Council Chambers for a debriefing at work session, and conduct an initial public hearing on this item at the regular meeting. The public hearing should be continued to August 10, 2011.

## Topic

**Applicant:** Jeremy Pack, Avenues Land Co, LLC  
**Location:** Block 75 Lots 1-18 and 88-109, Block 76 Lots 15-17  
**Zoning:** Historic Residential Low Density (HRL)  
**Adjacent Land Uses:** Residential zones to north, east and west. Open space to south.  
**Reason for Review:** Plat amendments require Planning Commission recommendation with final action by the City Council.

## Proposal

This application is a request for a plat amendment to reconfigure all or parts of 42 platted lots and vacated ROW totaling 65,575 sf into six (6) residential lots ranging in size from 3,759 sf to 8,105 sf with dedication of the remaining 31,043 sf as open space and right-of-way for existing Ridge Avenue, Sampson Avenue, and King Road (Exhibit A). The total property area is equivalent to 17.65 standard 50' by 75' HRL lots. The minimum lot size in the HRL zone is currently 3,750 sf.

The property is legally described as Block 75, Lots 1-18 and 88-108 and Block 76, Lots 15, 16, and 17 of the Subdivision No 1 of the Millsite Reservation. The Subdivision No 1 of the Millsite Reservation consists of about 338 lots and was recorded on August 13, 1887 (Exhibit B). These existing platted lots range in area from 125 sf to 2,750 sf with most of the lots 1,450 sf.

Access to the six lots is proposed from existing Ridge Avenue via King Road by improving the southern extent of platted Ridge Avenue ROW as either a private road or private driveway (provided a conditional use permit is granted for this use). This road/driveway would connect to existing City streets at the intersection area of King Road, Ridge Avenue and Sampson Avenue (see Exhibits C and D). Utilities are located in the general area and could be extended to the lots using the Ridge Avenue ROW (Exhibit E). The applicants propose to build the six single family homes to LEED-for-homes standards and certification and agree to condition the plat approval with this stipulation.

### **Purpose of the site visit and work session**

The purpose of the site visit is to:

- Review the proposed location of the access and intersection with existing City streets of King, Ridge, and Sampson.
- Review the proposed private road/driveway location.
- Review the proposed lots from existing Ridge Avenue.
- Review possibility of access from existing Ridge Avenue
- Identify trees, existing houses and driveways, and other existing features and challenges on the site that will need to be addressed.
- View the site from several vantage points.

### **Background**

On April 13, 2011, a complete application for a plat amendment was submitted to the Planning Department. This is a new application on the same property the Planning Commission previously reviewed at a special meeting on December 10, 2008 and at a work session on July 22, 2009. The previous application, which expired prior to final action, was for eight (8) lots of record and contemplated a private street in the Ridge Avenue ROW. Property ownership has not changed, however the group of owners now have a different applicant representative and are bringing forward a new application. The minutes of these earlier meetings were Exhibits to the June 22<sup>nd</sup> staff report. The June 22<sup>nd</sup> staff report and exhibits are available at the City Planning Department or on the City website at [www.parkcity.org](http://www.parkcity.org) (under Community Development/Upper Ridge Subdivision).

### **Work session- June 22, 2011**

On June 22, 2011, the Planning Commission discussed the proposed plat amendment at a work session (see minutes in the June 22<sup>nd</sup> packet). In the June 22<sup>nd</sup> Staff report the purpose of the June 22<sup>nd</sup> work session was outlined as follows:

- Provide information ahead of time for the Commission to read in preparation for the July 27<sup>th</sup> public hearing (traffic study, geotechnical investigation, proposed plat, preliminary utility plans, topographic survey and slope analysis, visuals, and building schematics);
- Discuss specific items outlined in the report (purpose statements, lot size and building footprints, access and concept of private driveway, and Good Cause); and
- Provide input on additional information to be provided prior to the public hearing.

The Planning Commission provided initial input on the above 3 items and requested a site visit. Staff provided a summary of the work session notes to the applicant (Exhibit H). The following are highlights of the summary:

- Commission requested appendices of the geo tech report.
- Suggested applicant understand the TDR process.
- Requested detailed density analysis- full disclosure regarding the existing platted lots. Demonstrate decrease in density.
- City Engineer to respond to questions/issues regarding Streets Master Plan

- Topography of the location of Ridge Avenue- characteristic of a ridge, SLO definitions
- Additional traffic study info, not just intersection, but nature of the streets- mitigation to improve situation
- Further describe private street/private driveway vs. city street scenario and analysis of platted Ridge access versus existing Ridge access- full understanding of each option.
- Need visual to explain cut and fill, limit of disturbance, retaining walls, etc.
- Address environmental impacts of street, utility, house construction
- Further justification, explanation of Good Cause (public benefit, etc.)
- Relook at visual analysis for scale and accuracy.
- Consider the rule regarding not changing grade by more than 4'.
- Requested site visit at next meeting before further discussion.
- Asked about public input opportunities.

Appendices to the geotechnical report are provided in this report as requested by the Commission (Exhibit G). The applicant is working to address the other requested items. Staff will present additional analysis at the August 10<sup>th</sup> meeting.

### **Neighborhood Meeting- July 6, 2011**

On July 6, 2011, staff facilitated a neighborhood meeting with the applicant and neighbors of the proposed plat amendment. The following issues were raised:

- Access from platted Ridge versus access from existing Ridge Avenue.
- Concern of creating an island of the 135 Ridge Avenue property if it ends up with a street or driveway for this project on the east, a street or driveway for Alice Claim on the west, a connecting street to the south, and the existing Ridge/King/Sampson streets to the north.
- City needs to be mindful of the access issues in this entire area.
- Need analysis of building off of existing Ridge Avenue, why it isn't possible.
- Who will own the southern open space parcel and will the trail be re-routed?
- Downside of using platted Ridge is the disturbance to established landscaping, retaining walls, and driveways of existing houses.
- Validity of the 1887 plat and why hold to the platted streets now as it defies common sense.
- Construction traffic on King Road in the winter needs to be addressed.
- King Road itself as an access road is difficult, narrow, steep, icy, and generally will be difficult.
- Construction impacts to the neighborhood- timing, duration, winter, summer, etc.
- Need to relook at the location of the driveway to avoid existing trees if at all possible. There are some big trees. Is it possible to go around them?
- Concerns about notice to the owners and residents before any activities, such as disturbance, bulldozing, removing vegetation, etc. or anything (i.e. construction mitigation concerns).
- Additional concerns were provided by an attorney representing the owner of 135 Ridge Avenue and a document previously presented to the Planning Commission in 2009 (Exhibit F).

### Density Clarification

The plat amendment includes a total of 65,575 square feet of property. The property consists of 42 platted lots that are part of the 338 lot Subdivision No 1 of the Millsite Reservation and adjacent portions of vacated Anchor Avenue. The HRL zone requires a minimum lot size (area) of 3,750 square feet. The gross density of the property is 17.65 single family dwellings based just on the number of 3,750 sf lots the property could be divided into. Duplexes are not a permitted use in the zone. This does not account for steep slopes, geotechnical issues, topographic challenges for access and utilities, etc.

The total lot area with frontage on platted Ridge Avenue, not including the property being dedicated for existing Ridge or the open space parcel, is 34,527 sf. This area could be divided into 9.21 lots of 3,750 sf. Again, this figure does not take into consideration steep slopes, geotechnical issues, etc. The 7,846 sf dedication parcel B is encumbered by existing streets and utilities and no lots are proposed on this parcel, even though there is sufficient lot area for two 3,750 sf lots.

The approximately 300 linear feet of platted Ridge Avenue frontage is divided into 6 lots with varying lot widths from 44' to 61'. If divided into standard 50' wide lots the frontage could accommodate the six (6) proposed lots.

The applicant is also proposing to reduce building footprints from the current LMC maximum footprints to further reduce density in terms of less massing (although the plat amendment application is vested prior to the current TZO for lot combinations, any building on the lots would be subject to the pending ordinance). Table 1 below illustrates the applicants proposed reductions. The applicant is preparing a compatibility analysis for lot size, footprints, and house sizes in the neighborhood. This analysis will be presented at the August 10<sup>th</sup> meeting.

Table 1

Lot/Parcel	Lot Area (sf)	Max LMC Footprint (sf)	Proposed Footprint (sf)	% of allowable footprint utilized
Lot 1	3759	1522	1428	94%
Lot 2	4171	1650	1428	87%
Lot 3	4583	1771	1428	81%
Lot 4	7034	2364	1700	72%
Lot 5	6875	2336	1644	70%
Lot 6	8105	2570	1700	66%
Parcel B (for ROW)	7,846	x	x	x
Parcel Y (for existing Ridge Avenue)	4,840	x	x	x
Parcel Z (for open space)	18,357	x	x	x
TOTAL	65,570			

### **Department Review**

This application has been reviewed by the Development Review Committee. Issues discussed include the private driveway versus private street, location of existing trails and proposal to relocate a section of trail to a dedicated easement, proposed density and density transfer options, house size/building footprint, street interconnectivity options with adjacent property, access options off of existing built Ridge Avenue, view points for the visual analysis, utility issues, snow storage, requirements for the Steep Slope Conditional Use Permit and Historic Design Review applications, and additional information required. Additional items requested included a geotechnical investigation; a traffic study; a preliminary utility plan; a site plan to identify building envelope and proposed footprint areas; limits of disturbance areas (LOD); and easements for shared driveways, utilities, and trails; topography as it relates to the proposed lots and street; a visual analysis; and revised renderings to remove the 4 story from the renderings/visual analysis. The applicant addressed many of these items with revisions to the submittal.

### **Notice**

The property was posted and notice provided in accordance with the Land Management Code. Legal notice was published the Park Record.

### **Public Input**

Staff hosted a neighborhood meeting in the Council Chambers on July 6<sup>th</sup>. Staff outlined public input received (see above). A public hearing was noticed for the July 27<sup>th</sup> meeting.

### **Future Process**

Plat amendments require a public hearing with a recommendation forwarded from the Planning Commission to the City Council. Approval or denial of a plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18. Prior to building permit issuance, a Historic District Design Review application is required and any lot with a slope of 30% or greater requires a Steep Slope CUP application.

The private driveway in a public ROW requires a conditional use permit with a public hearing and final action by the Planning Commission. A variance from the Board of Adjustment is required for an increase in driveway grade up to the maximum of 14%. The applicant is not proposing to increase the grade over 10%.

### **Recommendation**

Staff recommends the Planning Commission visit the Upper Ridge plat site, return to the Council Chambers for a debriefing at work session, and conduct an initial public hearing on this item at the regular meeting. The public hearing should be continued to August 10, 2011.

### **Exhibits**

- Exhibit A- Proposed subdivision plat
- Exhibit B- Existing platted situation
- Exhibit C- Site Plan
- Exhibit D- Aerial photo overlay with proposed lots

Exhibit E- Preliminary utility plan

Exhibit F- Letter from Mark Gaylord representing property owner of 135 Ridge Ave

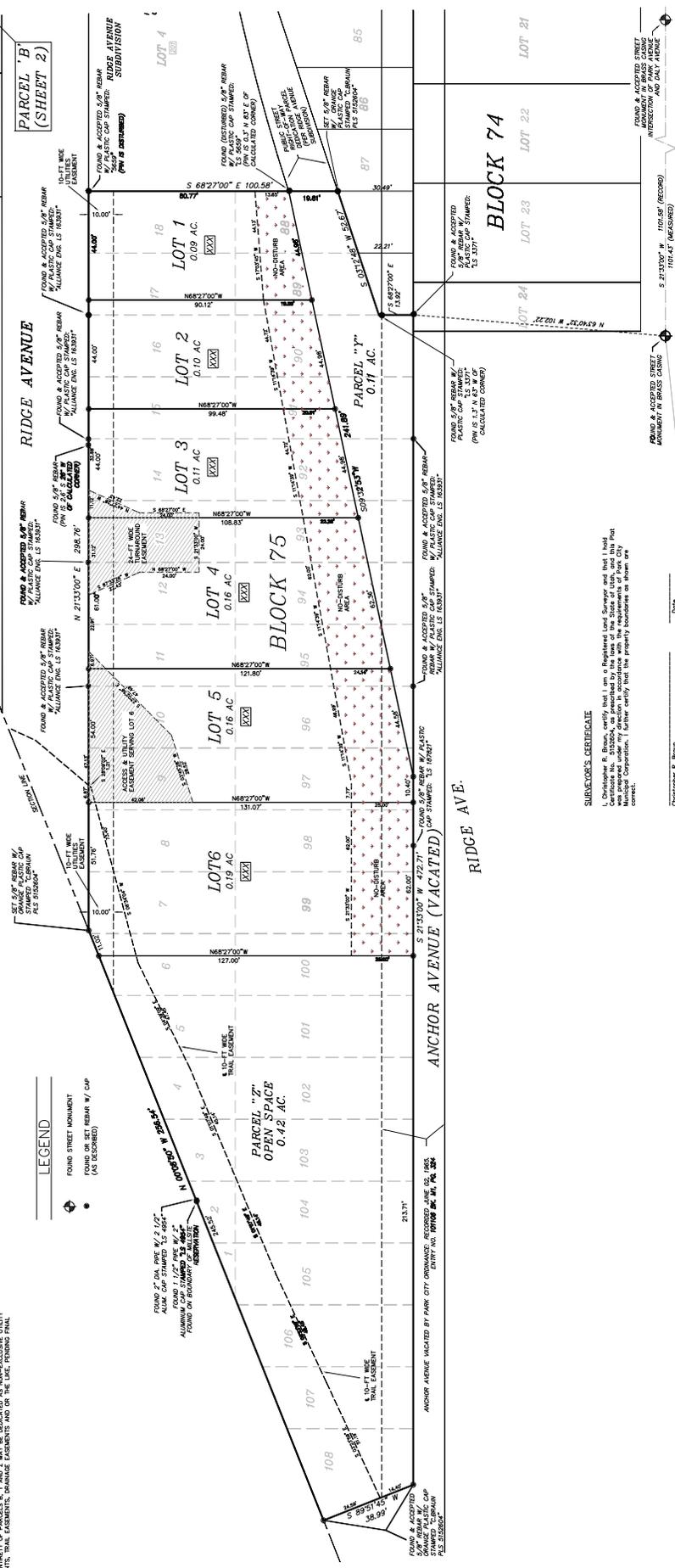
Exhibit G- Geotechnical report appendices only, see June 22<sup>nd</sup> packet for report

Exhibit H- Summary of June 22, 2011 work session

UPPER RIDGE AVENUE PLAT  
AN AMENDMENT TO A PORTION OF BLOCK 75  
& BLOCK 76 OF SUBDIVISION NO. 1 MILLISITE RESERVATION  
LYING WITHIN THE NORTHWEST QUARTER OF  
SECTION 21, TOWNSHIP 2 SOUTH, RANGE 4 EAST  
SALT LAKE BASE & MERIDIAN,  
PARK CITY, SUMMIT COUNTY, UTAH



- PLAT NOTES:**
1. ALL LOTS WITHIN THIS SUBDIVISION ARE BEHOLDEN. ANY FURTHER SUBDIVISION OF SUCH LOTS, WHETHER BY DEED OR OTHERWISE, SHALL BE VOID AND OF NO EFFECT UNLESS THE SAME HAS BEEN APPROVED IN ACCORDANCE WITH THE PARK CITY LAND USE ORDINANCE.
  2. TREES SHALL HAVE THE RIGHT TO INSTALL, MAINTAIN, AND OPERATE THEIR EQUIPMENT ABOVE AND BELOW THE PLAT AS MAY BE NECESSARY OR DESIRABLE IN PROVIDING UTILITY SERVICE WITHIN AND WITHOUT THE BOUNDARIES OF THIS PLAT. THE PLAT IS NOT TO BE CONSIDERED AS A RESTRICTION ON THE RIGHT OF UTILITY COMPANIES TO REMOVE OR TO INSTALL SUCH EQUIPMENT, TRENCHES, TUBES, AND VESTIBLES IN ANY MANNER NECESSARY TO THE PROVISION OF UTILITY SERVICE. THE PLAT AT THE LOT OWNER'S EXPENSE. THE UTILITY COMPANIES SHALL BE RESPONSIBLE FOR THE INSTALLATION, MAINTENANCE, AND USE OF THE UTILITY SERVICE WITHIN THE PLAT WITHIN THEIR WRITTEN APPROVAL OF ANY UTILITIES WITHIN THE AFFECTED PLAT.
  3. THE PLAT IS NOT TO BE CONSIDERED AS A RESTRICTION ON THE RIGHT OF UTILITY COMPANIES TO REMOVE OR TO INSTALL SUCH EQUIPMENT, TRENCHES, TUBES, AND VESTIBLES IN ANY MANNER NECESSARY TO THE PROVISION OF UTILITY SERVICE. THE PLAT AT THE LOT OWNER'S EXPENSE. THE UTILITY COMPANIES SHALL BE RESPONSIBLE FOR THE INSTALLATION, MAINTENANCE, AND USE OF THE UTILITY SERVICE WITHIN THE PLAT WITHIN THEIR WRITTEN APPROVAL OF ANY UTILITIES WITHIN THE AFFECTED PLAT.
  4. THE PLAT IS NOT TO BE CONSIDERED AS A RESTRICTION ON THE RIGHT OF UTILITY COMPANIES TO REMOVE OR TO INSTALL SUCH EQUIPMENT, TRENCHES, TUBES, AND VESTIBLES IN ANY MANNER NECESSARY TO THE PROVISION OF UTILITY SERVICE. THE PLAT AT THE LOT OWNER'S EXPENSE. THE UTILITY COMPANIES SHALL BE RESPONSIBLE FOR THE INSTALLATION, MAINTENANCE, AND USE OF THE UTILITY SERVICE WITHIN THE PLAT WITHIN THEIR WRITTEN APPROVAL OF ANY UTILITIES WITHIN THE AFFECTED PLAT.
  5. UNIMPROVED LOTS ARE NUMBERED 1-6.
  6. PARCEL B IS HEREBY DEDICATED TO PARK CITY AS A PUBLIC STREET AND RIGHT-OF-WAY.
  7. PARCEL Z IS HEREBY DEDICATED TO PARK CITY AS OPEN SPACE.
  8. NO REMAINT PARCEL CREATED HEREBY IS SEPARATELY DEVELOPABLE.
  9. CONSTRUCTION ON LOTS 1 THROUGH 6 IS RESTRICTED BY CONDITIONS SPECIFIC TO THE SUBDIVISION.
  10. THE PLAT IS NOT TO BE CONSIDERED AS A RESTRICTION ON THE RIGHT OF UTILITY COMPANIES TO REMOVE OR TO INSTALL SUCH EQUIPMENT, TRENCHES, TUBES, AND VESTIBLES IN ANY MANNER NECESSARY TO THE PROVISION OF UTILITY SERVICE. THE PLAT AT THE LOT OWNER'S EXPENSE. THE UTILITY COMPANIES SHALL BE RESPONSIBLE FOR THE INSTALLATION, MAINTENANCE, AND USE OF THE UTILITY SERVICE WITHIN THE PLAT WITHIN THEIR WRITTEN APPROVAL OF ANY UTILITIES WITHIN THE AFFECTED PLAT.



**SURVEYOR'S CERTIFICATE**  
I, Christopher B. Brown, certify that I am a Registered Land Surveyor and that I hold Certificate No. 002020, as prescribed by the laws of the State of Utah, and that this Plat was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer in the State of Utah, License No. 15,337.

DATE: \_\_\_\_\_ TIME: \_\_\_\_\_  
 COUNTY: \_\_\_\_\_  
 APPROVAL AS TO FORM: \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ A.D.  
 APPROVED AS TO FORM THIS PLAT: \_\_\_\_\_  
 PARK CITY ATTORNEY: \_\_\_\_\_ DATE: \_\_\_\_\_

ENGINEER'S CERTIFICATE  
 I FIND THIS RECORD OF SURVEY MAP WAS REVIEWED FOR CONFORMANCE TO SNYDERVILLE RECLAMATION DISTRICT REGULATIONS ON \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ A.D.  
 SNYDERVILLE BASIN WATER RECLAMATION DISTRICT  
 PARK CITY ENGINEER: \_\_\_\_\_ DATE: \_\_\_\_\_

CERTIFICATE OF ATTEST  
 I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL ON \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ A.D.  
 PARK CITY RECORDER: \_\_\_\_\_ S.B.W.R.D. \_\_\_\_\_

PARK CITY PLANNING COMMISSION  
 APPROVAL AND ACCEPTANCE BY THE PARK CITY PLANNING COMMISSION ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ A.D.  
 CHAIRMAN: \_\_\_\_\_ MAYOR: \_\_\_\_\_

COUNCIL APPROVAL & ACCEPTANCE  
 APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ A.D.  
 MAYOR: \_\_\_\_\_















LAW OFFICES

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September 4, 2009

**Via Federal Express**

Park City Planning Commission  
 1255 Iron Horse Drive  
 PO Box 1480  
 Park City, Utah 84060  
 Attn: Jack Thomas, Chairman

Re: Objections to Alice Claim Subdivision and Ridge Avenue Subdivision  
(Shari Levitin)

Dear Planning Commission:

This firm represents Shari Levitin, a resident of Old Town whose home is located at 135 Ridge Avenue. We are writing this letter on behalf of Ms. Levitin to raise her concerns and objections to the proposed development of The Alice Claim Subdivision ("Alice Subdivision") and the proposed Ridge Avenue Development ("Ridge Subdivision" and, together with the Alice Subdivision, the "Subdivisions"). The Alice Subdivision is being developed by King Development Group, LLC (the "Alice Developer") and the Ridge Development is being developed by Avenues Land Company, LLC ("Ridge Developer"). The Subdivisions are adjacent to Ms. Levitin's home and she is deeply concerned about the impact the Subdivisions will have on her and the neighborhood.

Specifically, Ms. Levitin believes that: (i) the Alice Subdivision cannot be developed as planned because the Alice Developer does not have legal access necessary to connect the Alice Subdivision to King Road ("King Access Road"); (ii) the proposed location of the King Access Road will result in excessive road cuts and have a negative visual impact within the neighborhood and Ridge Road (directly behind Ms. Levitin's property); (iii) the construction of the King Access Road at the Access Point is dangerous and violates Chapter 7.3 of the Land Management Code ("LMC"); and (iv) construction of Ridge Road directly behind Ms. Levitin's home for the Ridge Development will result in Ms. Levitin's property fronting two streets in violation of the LMC. For the foregoing reasons which are discussed in further detail below, Ms. Levitin objects: (i) to the proposed Alice Subdivision site plans (the "Alice Site Plans") attached hereto as Exhibit A and requests that the Commission reject the Alice Subdivision as currently designed; and (ii) to the proposed Ridge Development and requests that the Commission reject the Ridge Development as currently designed.



## I. No Legal Access (Alice Subdivision)

As shown on the Alice Site Plans, the Alice Developer proposes that the point (“Access Point”) where the King Access Road will connect the Alice Subdivision to King Road be located approximately 50 feet west of the horseshoe where King Road and Ridge Avenue intersect (the “Horseshoe”). The Alice Developer does not have an easement over the diamond area (the “Diamond”) shown on Exhibit A and does not have the right to construct the King Access Road at the Access Point. Page 11 of the Planning Staff Work Session Notes dated March 11, 2009 (“March Staff Report”) state that legal access for the Access Point is “gained through the platted but unbuilt Sampson Avenue (aka King Road) right of way.” However, contrary to the Planning Staff’s conclusion, there is not a public right-of-way over the Diamond because Sampson Avenue/King Road was not established in accordance with the 1887 plat attached hereto as Exhibit B (“1887 Plat”) and there is not any language on the 1887 Plat dedicating Sampson Avenue/King Road to Park City (the “City”).

For a dedication to be effective, Utah law currently requires dedicatory language on the plat. See Utah Code Annotated Section 10-9a-603(1)(b) (stating that “the owner of the land shall provide an accurate plat that describes or specifies . . . whether the owner proposes that any parcel of ground is intended to be used as a street or for any other public use, and whether any such area is reserved or proposed for dedication for a public purpose”). Where there is not an express dedication of property to the public, then courts have analyzed whether there is intent to dedicate property and whether the government entity to which the property was allegedly dedicated actually accepted the dedication. See *William H. Lemp Brewing Co. v. P.J. Moran, Inc.*, 169 P. 459, 461 (Utah 1917) (stating that “it is fundamental, always, that there must be an intention to dedicate” and “acceptance must be made within a reasonable time after the dedication”). Even if there was intent to dedicate property to a governmental entity and the entity originally accepted such dedication, the governmental entity may be estopped from claiming that land was dedicated if it allowed others to place improvements on the land. See *Premium Oil Co. v. Cedar City*, 187 P.2d 199, 204 (Utah 1947) (stating that “[i]n many cases where cities attempt to open dedicated streets for the benefit of the public, the courts have estopped the city from enforcing a dedication because the city authorities and the public itself has taken no action over a period of years to prevent the erection of valuable improvements”).

The foregoing cases combined with the facts surrounding the Diamond calls into serious question whether there is a public right of way over the Diamond. As stated above, there is no dedication language on the 1887 Plat. The pink highlighted portions of the attached Exhibit C show where Sampson Avenue/King Road was platted on the 1887 Plat in the area of the Horseshoe. The yellow highlighted portions of Exhibit C show the actual location of Sampson Avenue/King Road at the Horseshoe and how Sampson Avenue/King Road as-built deviates significantly from where it is platted. As evident on Exhibit C, the platted portions of Sampson Avenue/King Road currently run through houses and lots. The fact that Sampson Avenue/King Road was not dedicated to the City on the 1887 Plat coupled with the fact that the Diamond has not been developed, is currently not part of Sampson Avenue/King Road and that improvements have been made over the platted location of Sampson Avenue/King Road, casts significant doubt



on whether there is a public right-of-way over the Diamond. Absent any evidence of there being intent to dedicate the Diamond to the City and/or the City accepting such dedication, it is unlikely that the Alice Developer has the right to construct the King Access Road on the Diamond.

Another portion of the King Access Road which the Alice Developer does not currently have access over is shown on Exhibit A and is a portion of the easement (i.e. dirt road) that the City uses to maintain the water tank ("Water Tank Easement"). The City only has an easement over the Water Tank Easement and the scope of this easement is limited to maintaining the water tank. Accordingly, the Alice Developer cannot expand the use of the Water Tank Easement above and beyond its historical use which was limited to providing access to and from the water tank. *See 25 Am. Jur. 2d Easements and Licenses § 71* (stating "the principle that the owner of the easement cannot materially increase the burden of the servient estate or impose thereon a new and additional burden underlies the use of all easements"); *see also Conatser v. Johnson*, 194 P.3d 897, 903 (Utah 2008) (quoting 25 AM. Jur. 2d *Easements and Licenses* § 71). Hence, the Water Tank Easement cannot be used for access to and from the Alice Subdivision because such use would be greater in scope than that permitted by the Water Tank Easement.

One alternative that the Alice Developer previously contemplated was connecting the King Access Road to a dirt road located on Ms. Levitin's property. However, as correctly stated on Page 26 of the March Staff Report, "access has not been perfected over the private property at 135 Ridge Avenue." Not only would the Alice Developer need to obtain an easement over Ms. Levitin's property in order to pursue this alternative, the Alice Developer would also need to obtain an easement over the Water Tank Easement because, as discussed in the previous paragraph, the Alice Developer's use of the Water Tank Easement is beyond the scope of the City's easement. As a citizen of Park City, Ms. Levitin objects to expanding the use of this public easement beyond its current use.

Accordingly, Ms. Levitin requests that the Planning Commission not approve the Alice Subdivision until such time as the Alice Developer establishes that it has legal access to construct the King Access Road at the Access Point and over the Water Tank Easement.

## **II. Excess Road Cuts and Visual Impact on Neighborhood (Alice Subdivision)**

In January of 2006, the Planning Commission requested that the Alice Developer consider an alternative access "due to the excessive road cuts that would be required and the visual impacts on the neighborhood." *See* page 2 of January 11, 2006 Work Session Notes. Based on this recommendation, Ms. Levitin believes that the Alice Developer approached her in an effort to secure access rights from her and comply with the Planning Commission's recommendations. Although the Alice Developer was able to successfully negotiate the



purchase of the property from the adjacent owner, it was unable to reach an agreement with Ms. Levitin.<sup>1</sup>

Accordingly, the Alice Developer's current plans do not properly address the Planning Staff's concerns. Construction of the Access Point will "require retaining walls on the western side as the road would cut into the toe of the slope" and such retaining walls would be over 20 feet tall. See Pages 11 and 25 of the March Staff Report. These retaining walls would be constructed less than 100 feet from Ms. Levitin's property. Moreover, because most of the proposed lots in the Alice Subdivision are located on Very Steep Slopes or Steep Slopes, additional retaining walls will be constructed around the houses in the Alice Subdivision which will further scar the hillside of the canyon. The Planning Commission should closely examine all alternatives before allowing such excessive road cuts which will forever change this pristine area of Old Town.

### III. Safety of Access Point and Violation of Land Management Code (Alice Subdivision)

The proposed location of the Access Point is also unsafe and violates the LMC. Undoubtedly, the Alice Subdivision will increase traffic on King Road and Ridge Avenue which are narrow roads that some consider to be the most dangerous in Park City, particularly during the Winter. See Page 4 of the January 11, 2006 Work Session Notes (indicating that former Commissioner Volkman believes that King Road is clearly one of the most dangerous streets in Park City); see also Page 17 of January 28, 2009 Planning Commission Meeting (indicating that Vice-Chair Russack believes that the road is extremely steep and can be a nightmare during the winter.) Construction of the King Access Road at the Access Point results in five roads (Ms. Levitin's driveway, the Access Point, Ridge Avenue, King Road and Sampson Avenue) intersecting at or near the sharp curve of the Horseshoe. This layout appears to violate the following safety standards in the LMC: (i) Section 15-7.3-2(F) of the LMC states that roads "should be designed to work with Existing Grade and cut and fill slopes should be minimized." (ii) Section 15-7.3-4(A)(3)(a) requires that a "Combination of steep Grades and curves shall be avoided." (iii) Section 15-7.3-4(G)(1) requires that "[s]treets be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new Streets at an angle within ten degrees of perpendicular is required. An oblique Street should be curved approaching an intersection and should be approximately at right angles for at least one hundred feet (100') therefrom." Based on the current plans for the Alice Subdivision, it appears these safety standards are being disregarded.

More importantly, as currently designed and proposed, Ms. Levitin and others may be unable to see cars driving out of the Access Point and onto Ridge Avenue. The Access Point drivers may not be able to clearly see Ms. Levitin when she pulls out of her driveway.

---

<sup>1</sup> As the City knows, the Alice Developer, with the City's consent, used the public easement and proceeded with the environmental cleanup of the tailings site at no cost to the City. However, it was at a substantial cost to Ms. Levitin who was displaced from her home (without compensation) due to environmental and health concerns due to the hundreds of trucks passing in front of her home.



With limited visibility around the Horseshoe, the Access Point drivers may not have enough time, distance or space to avoid an accident. Of course, Winter conditions further exacerbate this hazardous condition.

#### IV. Double Frontage Lot (Ridge Subdivision)

Finally, as shown on Exhibit A, the Alice Developer leaves open the possibility of connecting the Alice Subdivision with the Ridge Development. As further illustrated on Exhibit A, the Ridge Road proposed for construction is directly behind Ms. Levitin's home. Construction of Ridge Road and the road proposed by the Alice Developer would violate Section 15-7.3-3(E)(1) of the LMC which states that "[l]ots fronting two (2) Streets, except a Corner Lot, shall be avoided." In fact, upon closer examination (*see* Exhibit A) Ms. Levitin's home actually would be surrounded by roads on three sides creating a virtual island parcel via the Horseshoe, Access Point and proposed Ridge Road. The Planning Commission should prohibit such a circumstance.

In conclusion, as stated in the March Staff Report, Section 15-7.3-1(D) of the LMC states that if the Planning Commission finds land to be unsuitable for development due to (among other things) Steeps Slopes, adverse earth formations or other features, including ridgelines, "which will be unreasonably harmful to the safety, health and general welfare of the inhabitants of the Alice Subdivision and/or its surrounding Areas" then such land shall not be subdivided or developed unless the Alice Developer and the Commission agree upon adequate methods to "solve the problems created by the unsuitable land conditions." Because the Access Point creates hazardous conditions at the Horseshoe, violates safety standards in the LMC, will require excessive road cuts and the construction of retaining walls over 20 feet in height which will visually impact the neighborhood, and because the Alice Developer does not have legal access over the Diamond or Water Tank Easement, Ms. Levitin believes that Alice Developer has not solved any of the problems created by the "unsuitable land conditions" and that the proposed Alice Subdivision should be rejected by the Planning Commission. Furthermore, because the Ridge Development violates the LMC and will result in her home being an island surrounded by roads, Ms. Levitin also requests that the proposed Ridge Development be rejected by the Planning Commission.

Very truly yours,



Mark R. Gaylord

MRG/sjn

cc: Park City Planning Department  
Park City Building Department  
Mr. Ron Ivie  
Mark O. Harrington, Esq.  
Joseph Tesch, Esq.  
Mr. Shawn Peterson



**EXHIBIT A**

Alice Site Plans

(attached)

RECEIVED

JUL 06 2011

PARK CITY  
PLANNING DEPT.



# ALICE CLAIM

## SITE PLAN B

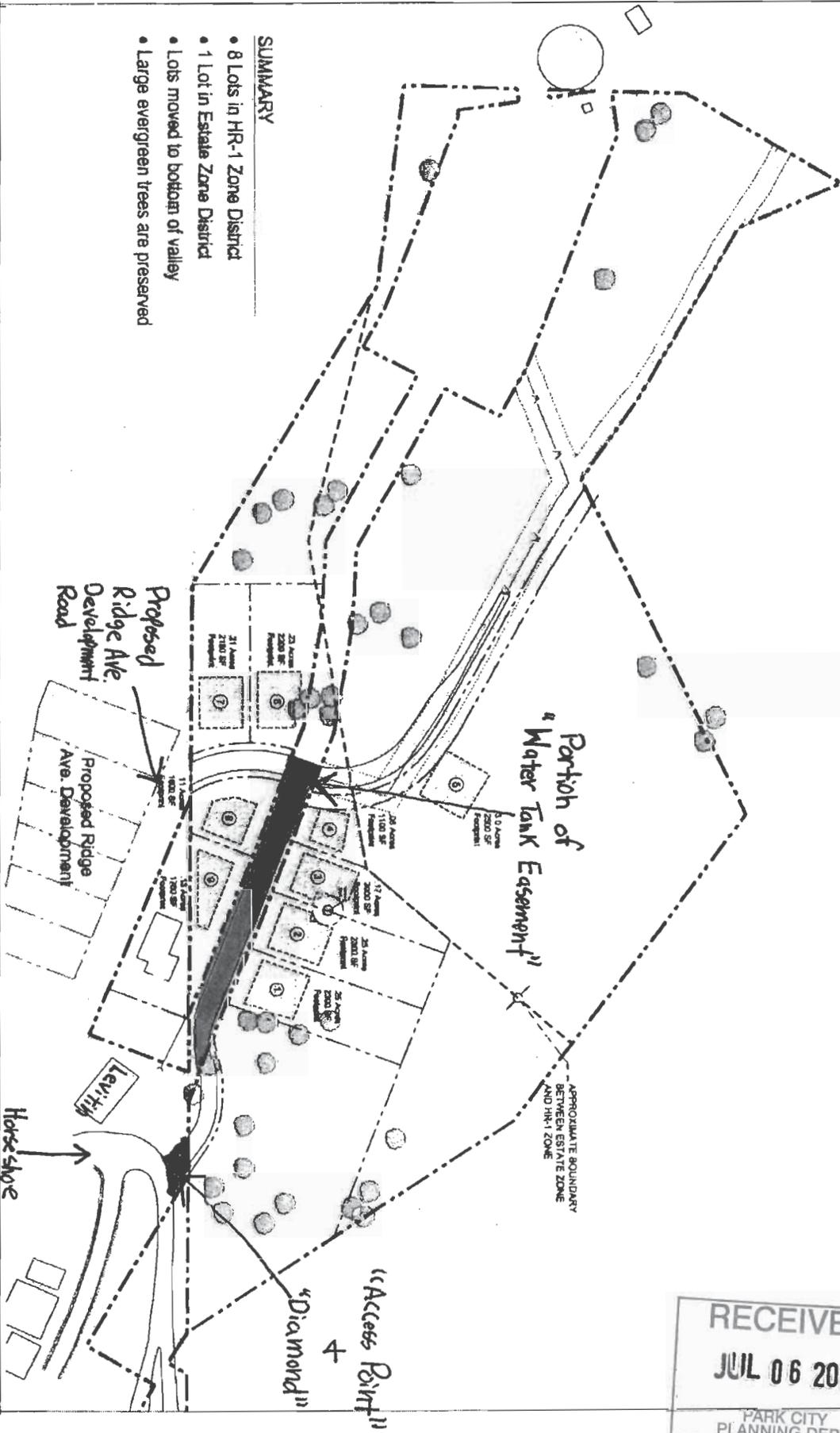
END DEVELOPMENT GROUP LLC  
823 832 34  
PARK CITY, UTAH 8400



SCALE 1"=40'  
DATE: MARCH 8, 2011



- SUMMARY**
- 8 Lots in HR-1 Zone District
  - 1 Lot in Estate Zone District
  - Lots moved to bottom of valley
  - Large evergreen trees are preserved



RECEIVED  
 JUL 06 2011  
 PARK CITY  
 PLANNING DEPT.

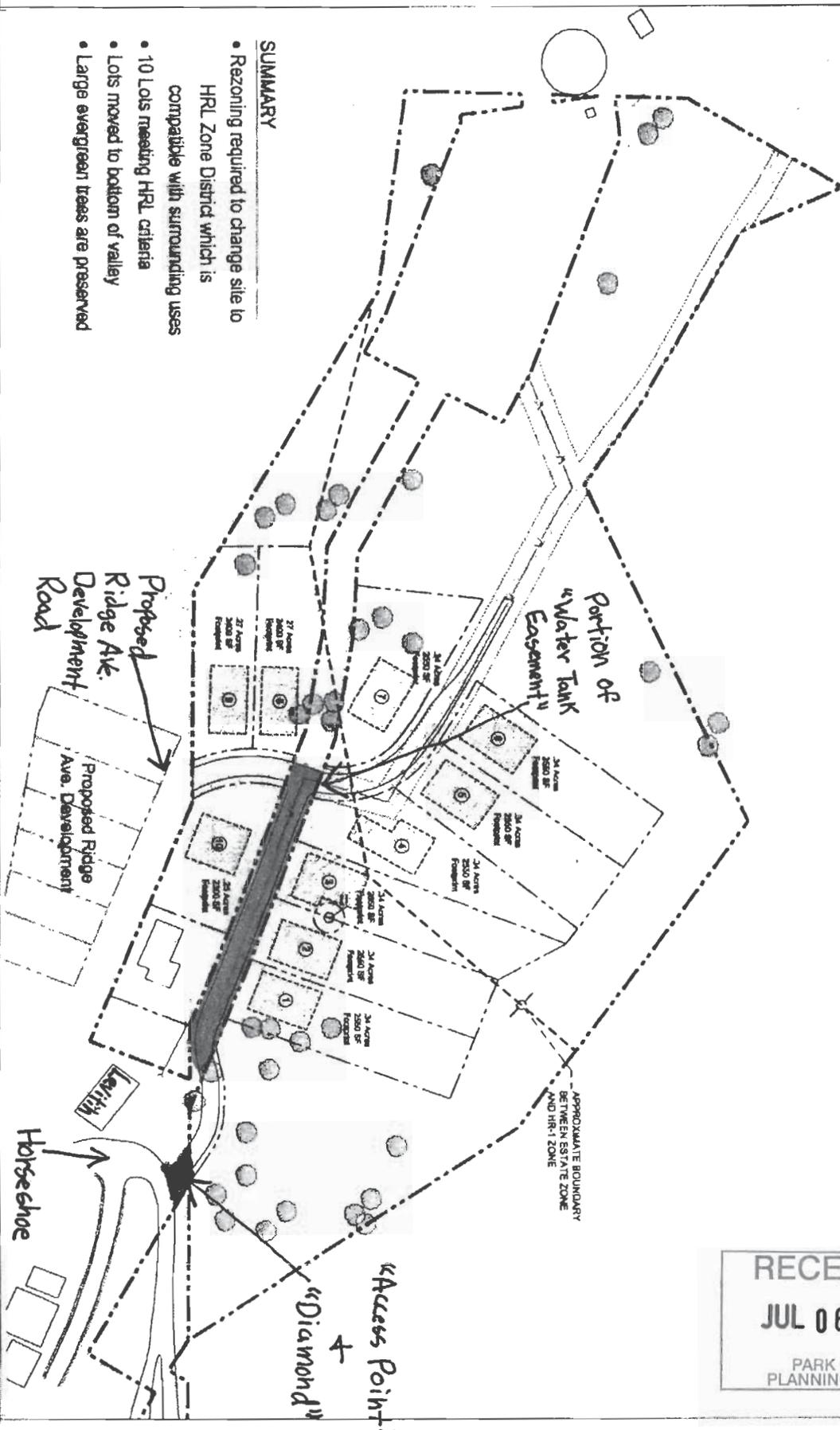
# Alice Claim

## SITE PLAN C

ENR DEVELOPMENT GROUP LLC  
PO BOX 24  
PARK CITY, UTAH 84302



- SUMMARY**
- Rezoning required to change site to HRL Zone District which is compatible with surrounding uses
  - 10 Lots meeting HRL criteria
  - Lots moved to bottom of valley
  - Large evergreen trees are preserved



RECEIVED  
 JUL 06 2011  
 PARK CITY  
 PLANNING DEPT.

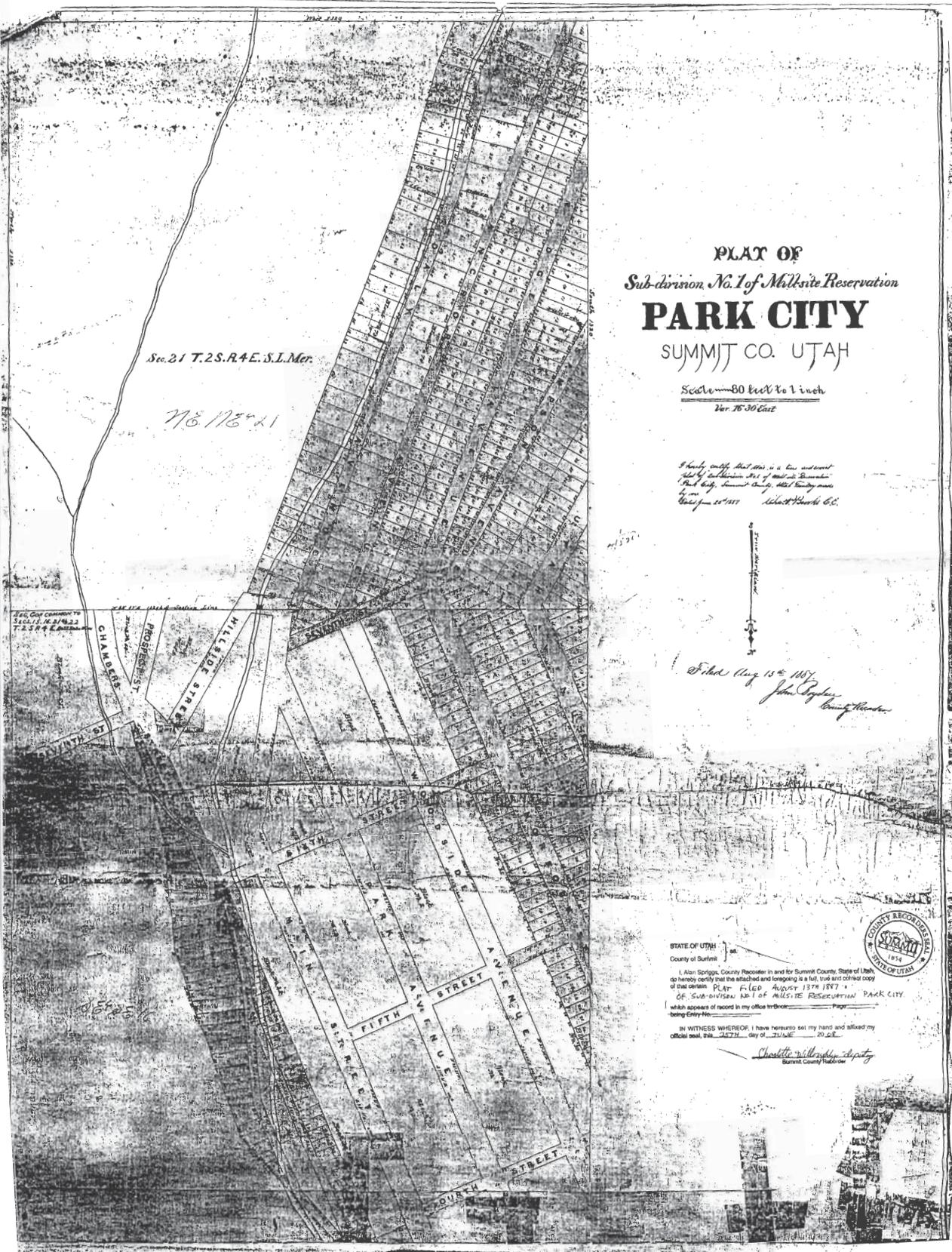
**EXHIBIT B**

1887 Plat

(attached)



RECEIVED  
JUL 06 2011



PLAT OF  
Sub-division No. 1 of Millrite Reservation  
**PARK CITY**  
SUMMIT CO. UTAH

Scale - 80 feet to 1 inch  
Mer. 76-30 East

I hereby certify that this is a true and correct  
plat of Sub-division No. 1 of Millrite Reservation  
Park City, Summit County, Utah Territory  
dated August 15, 1887  
Albert H. Smith, C.R.

Filed Aug 15 1887  
Albert H. Smith, C.R.

STATE OF UTAH )  
County of Summit )  
I, Albert H. Smith, County Recorder in and for Summit County, State of Utah,  
do hereby certify that the attached and foregoing is a full, true and correct copy  
of the certain PLAT FILED August 15th 1887  
OF SUB-DIVISION NO. 1 OF MILLRITE RESERVATION PARK CITY,  
which appears of record in my office books: Page \_\_\_\_\_  
-being Entry No. \_\_\_\_\_  
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my  
official seal, this 15th day of August, 1887.  
Albert H. Smith, County Recorder



**EXHIBIT C**

Sampson/King As Platted And As Actually Built

(attached)



CHECKED:  
B-4-08

PRELIMINARY SITE PLAN  
KING ROAD SUBDIVISION  
Proposed By: JERRY FIAT

RECEIVED  
JUL 06 2011  
REVISOR:  
PLANNING DEPT.

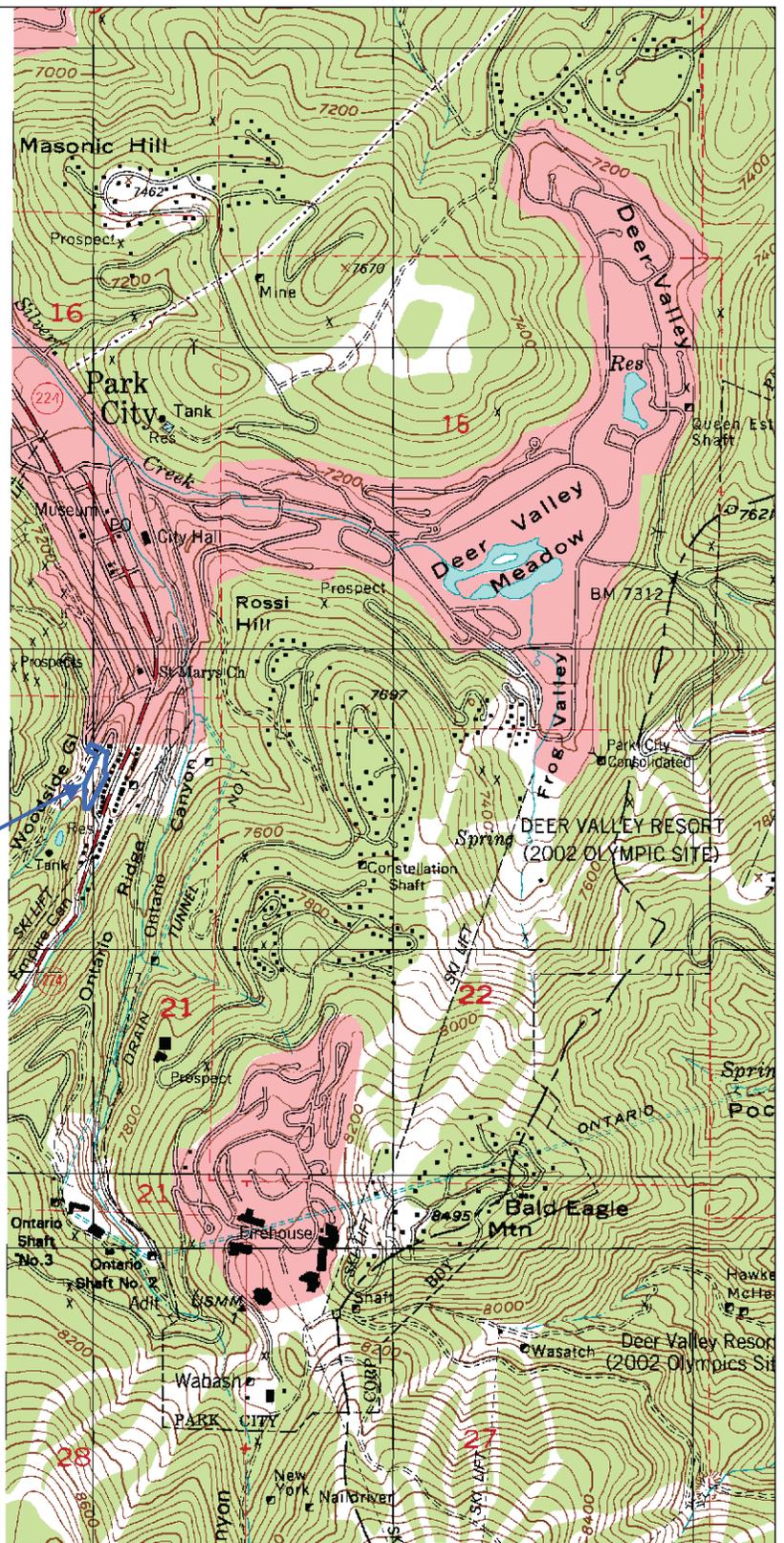
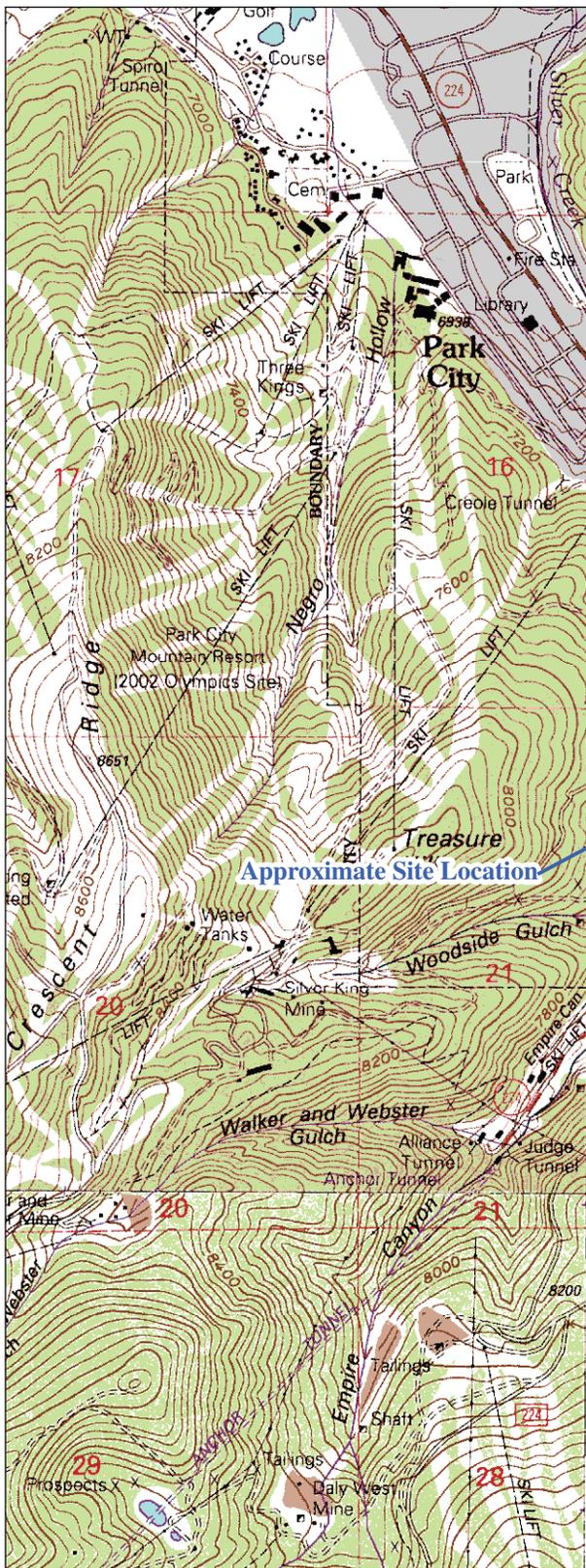
SDI  
614 Main Street, Suite 404  
Post Office Box 4560, Park City, Utah 84090  
435-649-4499



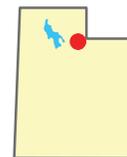
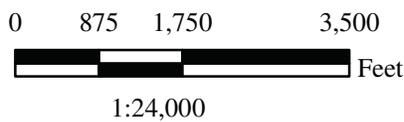
SHEET NO.  
SP.1



# APPENDIX A



BASE MAPS:  
 BRIGHTON, UTAH  
 HEBER CITY, UTAH  
 PARK CITY EAST, UTAH  
 PARK CITY WEST, UTAH  
 U.S.G.S. 7.5 MINUTE QUADRANGLES

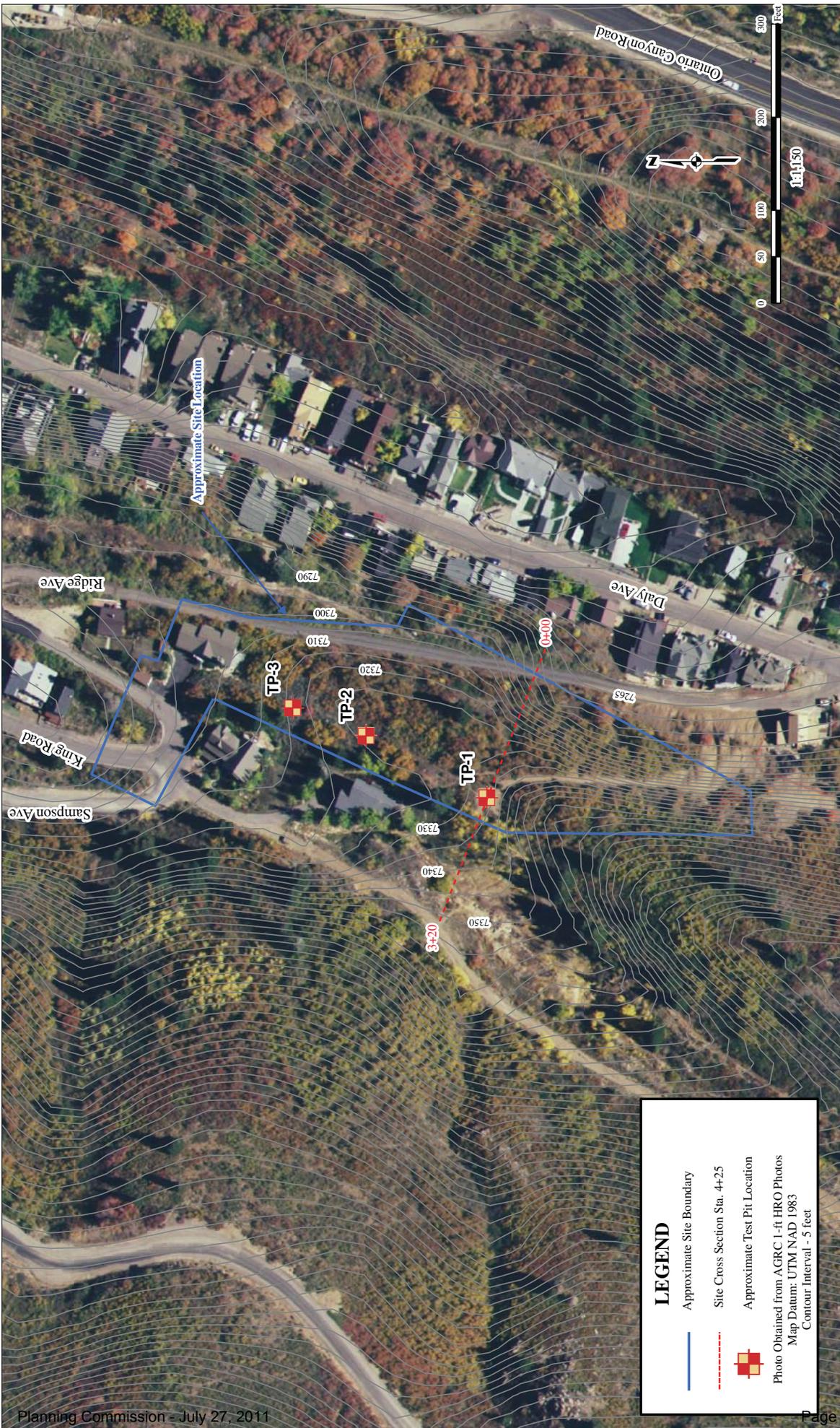


IGES  
 Planning Commission - July 27, 2011  
 Project Number - 01293-001

Geotechnical Investigation  
 Upper Ridge Subdivision  
 Ridge Avenue  
 Park City, Utah

**SITE VICINITY MAP**

Plate  
**A-1**  
 Page 140 of 166



**LEGEND**

- Approximate Site Boundary
- - - Site Cross Section Sta. 4+25
- Approximate Test Pit Location

Photo Obtained from AGRC 1-ft HRO Photos  
 Map Datum: UTM NAD 1983  
 Contour Interval - 5 feet

Plate  
A-2

**GEOTECHNICAL MAP**

Geotechnical Investigation  
 Upper Ridge Subdivision  
 Ridge Avenue  
 Park City, Utah



Project Number - 01293-001

LOG OF TEST PITTS (A) - (4 LINE HEADER) 01293-001.GPJ IGES.GDT 8/26/09

DATE		STARTED: 8/13/09		Geotechnical Investigation Upper Ridge Subdivision Ridge Avenue Park City, Utah				IGES Rep: KAH		TEST PIT NO: TP - 1							
		COMPLETED: 8/13/09						Project Number 01293-001		Rig Type:		Sheet 1 of 1					
		BACKFILLED: 8/13/09															
DEPTH				LOCATION						Moisture Content and Atterberg Limits							
METERS	FEET	SAMPLES	WATER LEVEL	GRAPHICAL LOG	UNIFIED SOIL CLASSIFICATION	MATERIAL DESCRIPTION				Dry Density(pcf)	Moisture Content %	Percent minus 200	Liquid Limit	Plasticity Index	Plastic Limit	Moisture Content	Liquid Limit
0	0				GC	@0' - TOPSOIL, Clayey GRAVEL with sand, dense, moist, dark brown									10	20	30
					GC	@ 1 1/2' - Clayey GRAVEL with sand, dense, moist, red-brown, small cobbles, occasional boulders, moderate excavation effort									40	50	60
1															70	80	
															90	100	
5																	
2																	
3																	
	10					No Groundwater Encountered				8.8	31.0	29	13				
						Bottom of Test Pit @ 11 Feet											



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**SAMPLE TYPE**

- - GRAB SAMPLE
- ▣ - 3" O.D. THIN-WALLED HAND SAMPLER

**WATER LEVEL**

- ▼ - MEASURED
- ▽ - ESTIMATED

**NOTES:**

**Plate**

**A - 3**



LOG OF TEST PITTS (A) - (4 LINE HEADER) 01293-001.GPJ IGES.GDT 8/26/09

DATE		STARTED: 8/13/09		<b>Geotechnical Investigation</b> <b>Upper Ridge Subdivision</b> <b>Ridge Avenue</b> <b>Park City, Utah</b>			IGES Rep: <b>BMJ</b>		TEST PIT NO:				
		COMPLETED: 8/13/09					Project Number 01293-001		Rig Type:		<b>TP - 3</b>		
		BACKFILLED: 8/13/09											Sheet 1 of 1
DEPTH				LOCATION					Moisture Content and Atterberg Limits				
METERS		FEET		UNIFIED SOIL CLASSIFICATION		NORTHING 458,011.00 EASTING 4,498,614.00 ELEVATION			Plastic Limit Moisture Content Liquid Limit				
SAMPLES		WATER LEVEL		GRAPHICAL LOG		MATERIAL DESCRIPTION							
0		0		GC		@0' - TOPSOIL, Clayey GRAVEL with sand, dense, moist, dark brown							
				GC		@1' - Clayey GRAVEL with sand, dense, moist, red-brown, large cobbles and boulders, clasts range from approximately 1/2-inch to 3-feet in diameter, moderate excavation effort							
1									8.0 23.0 35 17 ●				
5						No Groundwater Encountered							
2						Bottom of Test Pit @ 5 Feet							
3													
10													



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**SAMPLE TYPE**

- ☐ - GRAB SAMPLE
- ⊠ - 3" O.D. THIN-WALLED HAND SAMPLER

**WATER LEVEL**

- ▼ - MEASURED
- ▽ - ESTIMATED

**NOTES:**

**Plate**

**A - 5**

# UNIFIED SOIL CLASSIFICATION SYSTEM

MAJOR DIVISIONS		USCS SYMBOL	TYPICAL DESCRIPTIONS
COARSE GRAINED SOILS  (More than half of material is larger than the #200 sieve)	GRAVELS  (More than half of coarse fraction is larger than the #4 sieve)	CLEAN GRAVELS WITH LITTLE OR NO FINES	GW WELL-GRADED GRAVELS, GRAVEL-SAND MIXTURES WITH LITTLE OR NO FINES
		GRAVELS WITH OVER 12% FINES	GP POORLY-GRADED GRAVELS, GRAVEL-SAND MIXTURES WITH LITTLE OR NO FINES
			GM SILTY GRAVELS, GRAVEL-SILT-SAND MIXTURES
		GC CLAYEY GRAVELS, GRAVEL-SAND-CLAY MIXTURES	
	SANDS  (More than half of coarse fraction is smaller than the #4 sieve)	CLEAN SANDS WITH LITTLE OR NO FINES	SW WELL-GRADED SANDS, SAND-GRAVEL MIXTURES WITH LITTLE OR NO FINES
		SANDS WITH OVER 12% FINES	SP POORLY-GRADED SANDS, SAND-GRAVEL MIXTURES WITH LITTLE OR NO FINES
			SM SILTY SANDS, SAND-GRAVEL-SILT MIXTURES
		SC CLAYEY SANDS SAND-GRAVEL-CLAY MIXTURES	
FINE GRAINED SOILS  (More than half of material is smaller than the #200 sieve)	SILTS AND CLAYS  (Liquid limit less than 50)	ML INORGANIC SILTS & VERY FINE SANDS, SILTY OR CLAYEY FINE SANDS, CLAYEY SILTS WITH SLIGHT PLASTICITY	
		CL INORGANIC CLAYS OF LOW TO MEDIUM PLASTICITY, GRAVELLY CLAYS, SANDY CLAYS, SILTY CLAYS, LEAN CLAYS	
		OL ORGANIC SILTS & ORGANIC SILTY CLAYS OF LOW PLASTICITY	
		MH INORGANIC SILTS, MICACEOUS OR DIATOMACEOUS FINE SAND OR SILT	
	SILTS AND CLAYS  (Liquid limit greater than 50)	CH INORGANIC CLAYS OF HIGH PLASTICITY, FAT CLAYS	
		OH ORGANIC CLAYS & ORGANIC SILTS OF MEDIUM-TO-HIGH PLASTICITY	
		PT PEAT, HUMUS, SWAMP SOILS WITH HIGH ORGANIC CONTENTS	

## LOG KEY SYMBOLS

	BORING SAMPLE LOCATION		TEST-PIT SAMPLE LOCATION
	WATER LEVEL (level after completion)		WATER LEVEL (level where first encountered)

## CEMENTATION

DESCRIPTION	DESCRIPTION
WEAKLY	CRUMBLES OR BREAKS WITH HANDLING OR SLIGHT FINGER PRESSURE
MODERATELY	CRUMBLES OR BREAKS WITH CONSIDERABLE FINGER PRESSURE
STRONGLY	WILL NOT CRUMBLE OR BREAK WITH FINGER PRESSURE

## OTHER TESTS KEY

C	CONSOLIDATION	SA	SIEVE ANALYSIS
AL	ATTERBERG LIMITS	DS	DIRECT SHEAR
UC	UNCONFINED COMPRESSION	T	TRIAXIAL
S	SOLUBILITY	R	RESISTIVITY
O	ORGANIC CONTENT	RV	R-VALUE
CBR	CALIFORNIA BEARING RATIO	SU	SOLUBLE SULFATES
COMP	MOISTURE/DENSITY RELATIONSHIP	PM	PERMEABILITY
CI	CALIFORNIA IMPACT	-200	% FINER THAN #200
COL	COLLAPSE POTENTIAL	Gs	SPECIFIC GRAVITY
SS	SHRINK SWELL	SL	SWELL LOAD

## MODIFIERS

DESCRIPTION	%
TRACE	<5
SOME	5 - 12
WITH	>12

## GENERAL NOTES

- Lines separating strata on the logs represent approximate boundaries only. Actual transitions may be gradual.
- No warranty is provided as to the continuity of soil conditions between individual sample locations.
- Logs represent general soil conditions observed at the point of exploration on the date indicated.
- In general, Unified Soil Classification designations presented on the logs were evaluated by visual methods only. Therefore, actual designations (based on laboratory tests) may vary.

## MOISTURE CONTENT

DESCRIPTION	FIELD TEST
DRY	ABSENCE OF MOISTURE, DUSTY, DRY TO THE TOUCH
MOIST	DAMP BUT NO VISIBLE WATER
WET	VISIBLE FREE WATER, USUALLY SOIL BELOW WATER TABLE

## STRATIFICATION

DESCRIPTION	THICKNESS	DESCRIPTION	THICKNESS
SEAM	1/16 - 1/2"	OCCASIONAL	ONE OR LESS PER FOOT OF THICKNESS
LAYER	1/2 - 12"	FREQUENT	MORE THAN ONE PER FOOT OF THICKNESS

## APPARENT / RELATIVE DENSITY - COARSE-GRAINED SOIL

APPARENT DENSITY	SPT (blows/ft)	MODIFIED CA. SAMPLER (blows/ft)	CALIFORNIA SAMPLER (blows/ft)	RELATIVE DENSITY (%)	FIELD TEST
VERY LOOSE	<4	<4	<5	0 - 15	EASILY PENETRATED WITH 1/2-INCH REINFORCING ROD PUSHED BY HAND
LOOSE	4 - 10	5 - 12	5 - 15	15 - 35	DIFFICULT TO PENETRATE WITH 1/2-INCH REINFORCING ROD PUSHED BY HAND
MEDIUM DENSE	10 - 30	12 - 35	15 - 40	35 - 65	EASILY PENETRATED A FOOT WITH 1/2-INCH REINFORCING ROD DRIVEN WITH 5-LB HAMMER
DENSE	30 - 50	35 - 60	40 - 70	65 - 85	DIFFICULT TO PENETRATED A FOOT WITH 1/2-INCH REINFORCING ROD DRIVEN WITH 5-LB HAMMER
VERY DENSE	>50	>60	>70	85 - 100	PENETRATED ONLY A FEW INCHES WITH 1/2-INCH REINFORCING ROD DRIVEN WITH 5-LB HAMMER

## CONSISTENCY - FINE-GRAINED SOIL

CONSISTENCY	SPT (blows/ft)	TORVANE	POCKET PENETROMETER	FIELD TEST
		UNTRAINED SHEAR STRENGTH (tsf)	UNCONFINED COMPRESSIVE STRENGTH (tsf)	
VERY SOFT	<2	<0.125	<0.25	EASILY PENETRATED SEVERAL INCHES BY THUMB. EXUDES BETWEEN THUMB AND FINGERS WHEN SQUEEZED BY HAND.
SOFT	2 - 4	0.125 - 0.25	0.25 - 0.5	EASILY PENETRATED ONE INCH BY THUMB. MOLDED BY LIGHT FINGER PRESSURE.
MEDIUM STIFF	4 - 8	0.25 - 0.5	0.5 - 1.0	PENETRATED OVER 1/2 INCH BY THUMB WITH MODERATE EFFORT. MOLDED BY STRONG FINGER PRESSURE.
STIFF	8 - 15	0.5 - 1.0	1.0 - 2.0	INDENTED ABOUT 1/2 INCH BY THUMB BUT PENETRATED ONLY WITH GREAT EFFORT.
VERY STIFF	15 - 30	1.0 - 2.0	2.0 - 4.0	READILY INDENTED BY THUMBNAIL.
HARD	>30	>2.0	>4.0	INDENTED WITH DIFFICULTY BY THUMBNAIL.



# Key to Soil Symbols and Terminology

Plate  
A-6



Photos Taken on August 13, 2009



Project Number 01293-001  
Planning Commission - July 27, 2011

Geotechnical Investigation  
Upper Ridge Subdivision  
Ridge Avenue  
Park City, Utah

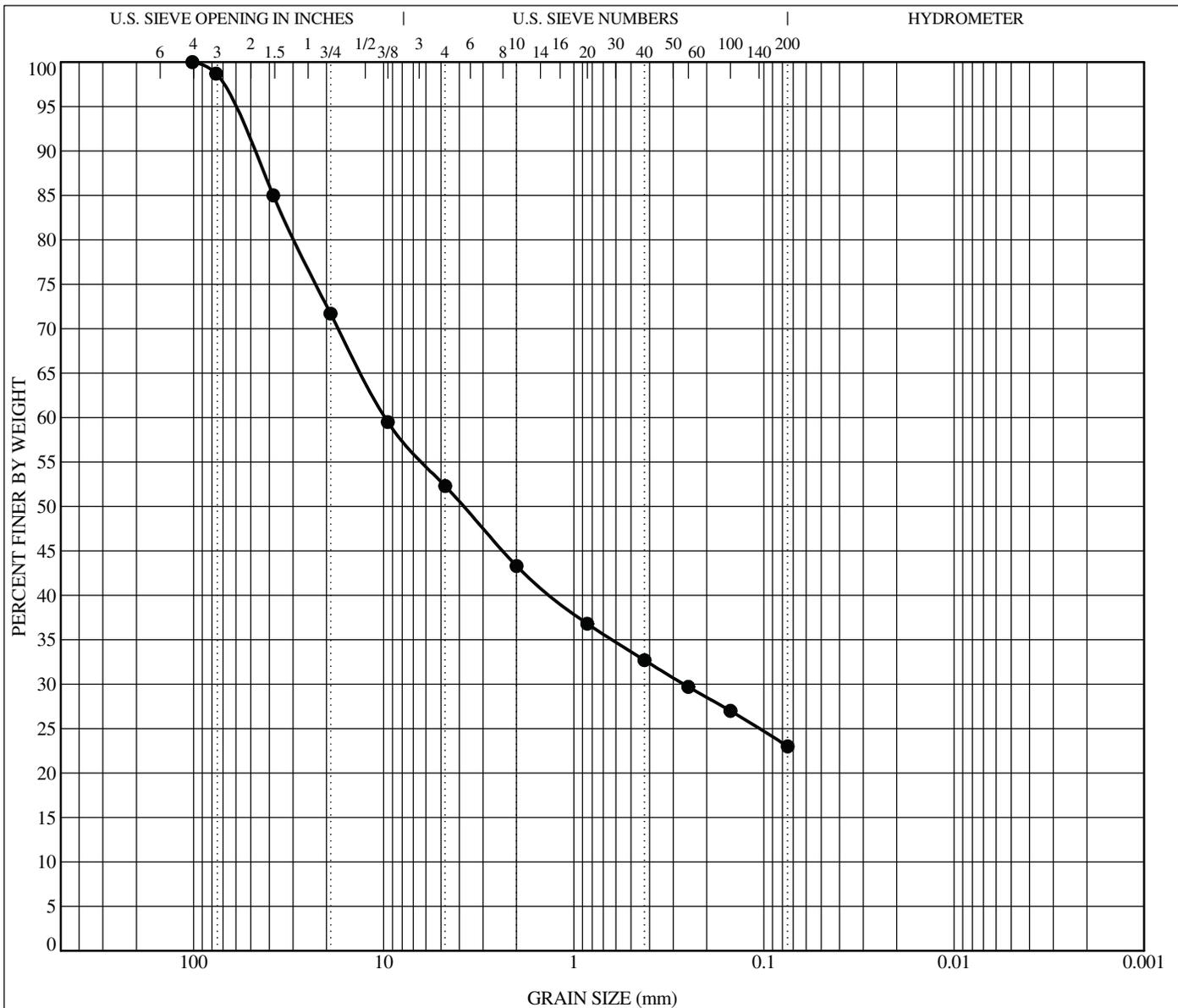
**SOIL  
OBSERVATION  
PHOTOS**

**Plate**

**A-7**

# **APPENDIX B**





COBBLES	GRAVEL		SAND			SILT OR CLAY
	coarse	fine	coarse	medium	fine	

Sample Location	Depth	Classification	LL	PL	PI	Cc	Cu
● TP - 3	2.0	Clayey GRAVEL with sand (GC)	35	18	17		

Sample Location	Depth	D100	D60	D30	D10	%Gravel	%Sand	%Silt	%Clay
● TP - 3	2.0	101.6	9.799	0.264		46.4	29.3	23.0	

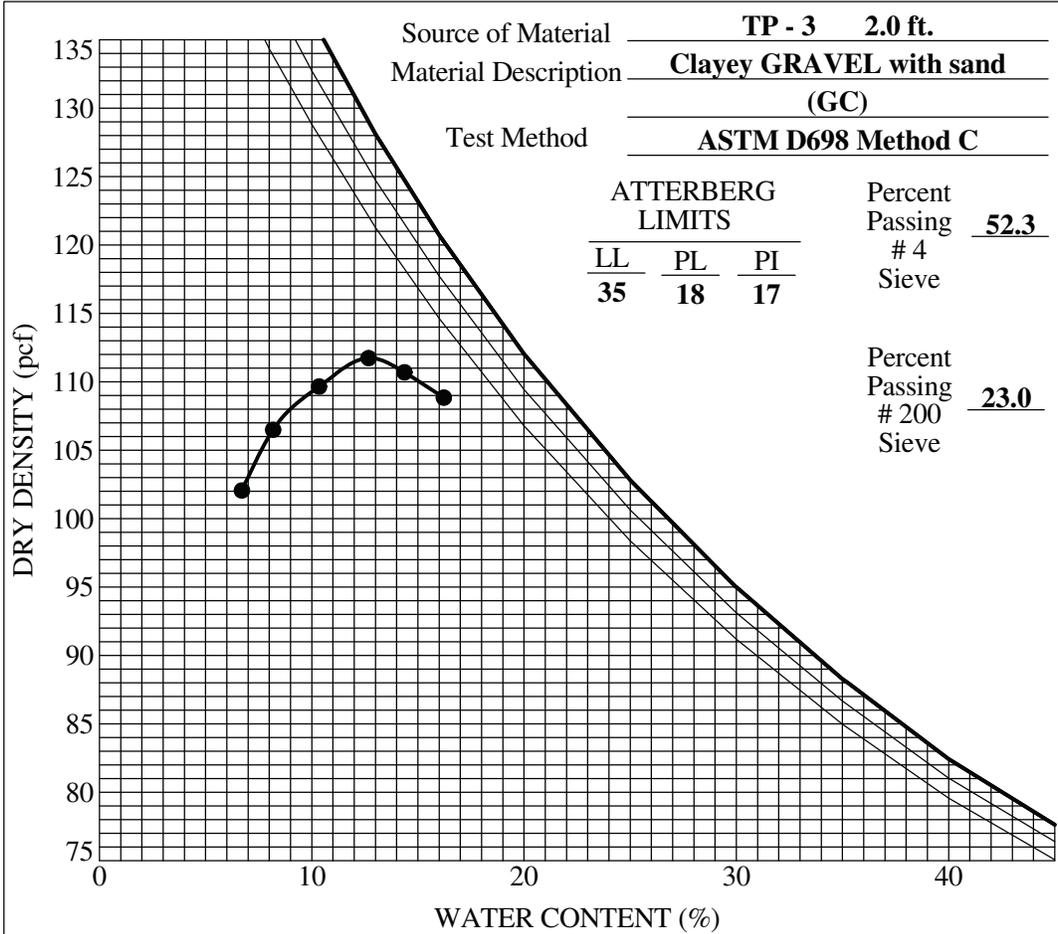
### GRAIN SIZE DISTRIBUTION



Geotechnical Investigation  
 Upper Ridge Subdivision  
 Ridge Avenue  
 Park City, Utah  
 Project Number: 01293-001

**Plate**  
**B - 2**

B\_GSD 01293-001.GPJ IGES.GDT 8/26/09



Source of Material TP - 3 2.0 ft.  
 Material Description Clayey GRAVEL with sand (GC)  
 Test Method ASTM D698 Method C

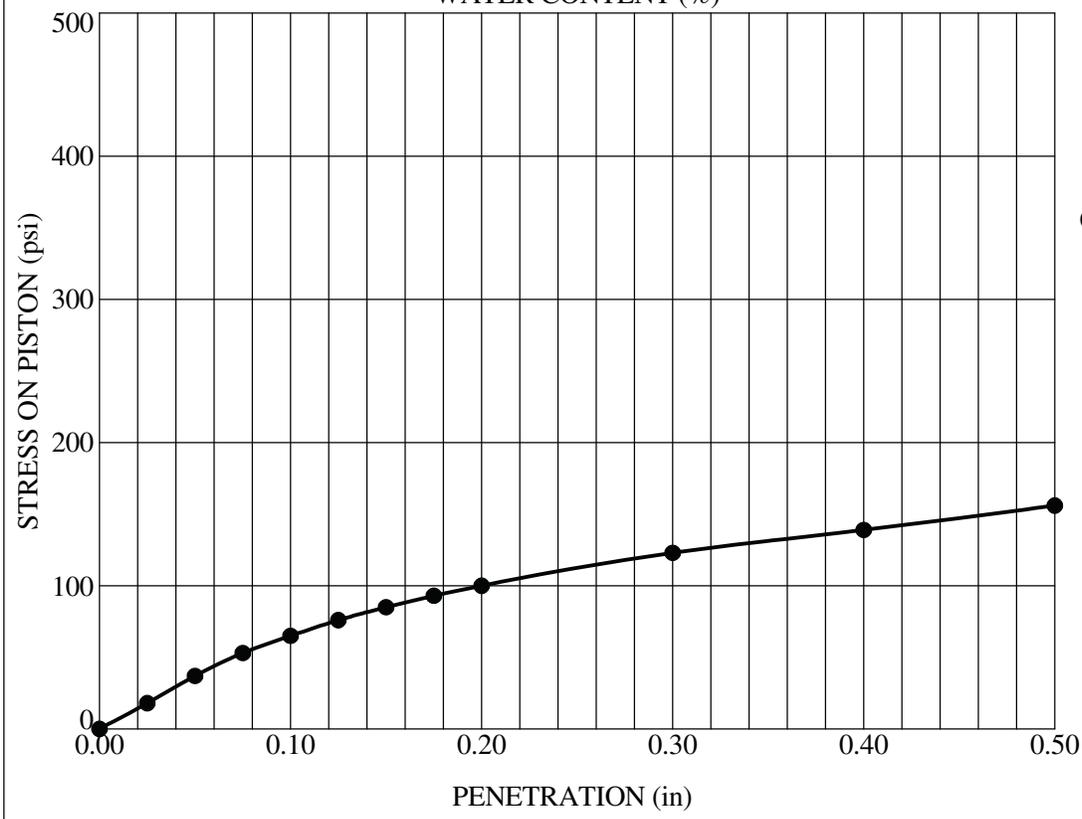
ATTEBERG LIMITS  

LL	PL	PI
35	18	17

 Percent Passing # 4 Sieve 52.3  
 Percent Passing # 200 Sieve 23.0

TEST RESULTS	
Maximum Dry Density	<u>111.9 (pcf)</u>
Optimum Water Content	<u>13.1 (%)</u>
Percent Rock	<u>28.3 (%)</u>
Corrected Maximum Dry Density	<u>123.2 (pcf)</u>
Corrected Optimum Water Content	<u>10.0 (%)</u>

Curves of 100% Saturation for Specific Gravity Equal to:  
2.60, 2.70, 2.80



Dry Density	<u>111.9 (pcf)</u>
Relative Compaction	<u>100 (%)</u>
Surcharge	<u>50 (psf)</u>
% Standard CBR	<u>6.50</u>
Swell	<u>0.11 (%)</u>

B-COMPACTION\_SPLIT 01293-001.GPJ IGES.GDT 8/26/09



### COMPACTION AND CBR TEST

Geotechnical Investigation  
 Upper Ridge Subdivision  
 Ridge Avenue  
 Park City, Utah  
 Project Number: 01293-001

**Plate**  
**B - 3**

**SUMMARY OF LABORATORY TEST RESULTS TABLE**

Upper Ridge Subdivision		Ridge Avenue, Park City, Utah						Project Number 01293-001							
SAMPLE LOCATION	Depth (ft)	NATURAL MOISTURE CONTENT %		GRADATION (%)		ATTERBERG LIMITS		PROCTOR		CBR (%)	CHEMICAL TESTS			UNIFIED SOILS CLASSIFICATION	
				Gravel #4	Sand	Silt and Clay <#200	Liquid Limit	Plasticity Index	Maximum Dry Density (pcf) STD		Optimum Moisture (%) *STD	Soluble Sulfate (ppm)	Resistivity (Minimum ohm-cm)		pH
TP - 1	10	8.8				Silt and Clay <#200	29	13							Clayey GRAVEL with sand (GC)
TP - 2	8	9.2					36	19							Clayey GRAVEL with sand (GC)
TP - 3	2	8	46.4	29.3	23		35	17	123.2	10	6.5	27	3400	7.1	Clayey GRAVEL with sand (GC)

# APPENDIX C

**SITE GROUND MOTION [IBC SECTION 1613]**

**Project:** Upper Ridge Subdivision  
**Latitude =** 40.6369  
**Longitude =** -111.4965

**Number:** 01293-001  
**Date:** 8/26/09  
**By:** BMJ

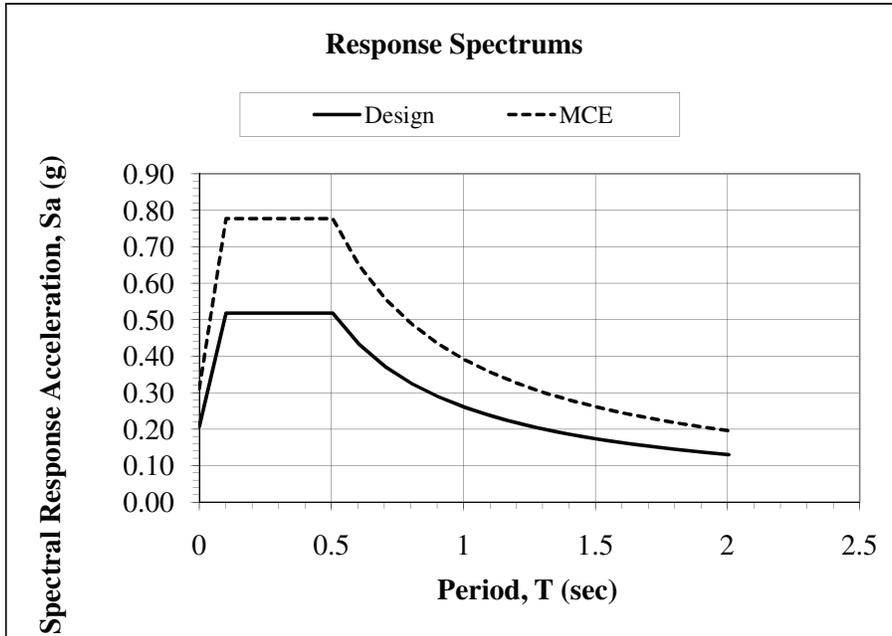
$S_s = 0.692$  (g) The mapped spectral acceleration for short periods [1613.5]  
 $S_1 = 0.254$  (g) The mapped spectral acceleration for a 1-second period

Site Class = C Table 16.13.5.2  
 $F_a = 1.12$  Table 1613.5.3(1)  
 $F_v = 1.55$  Table 1613.5.3(2)

$S_{MS} = 0.777$   $S_{MS} = F_a * S_s$  \*The maximum considered E.Q. spectral resonance accelerations  
 $S_{M1} = 0.393$   $S_{M1} = F_v * S_1$  for short and 1-second periods [1613.5.3]  
**MCE/PGA = 0.311**  **$0.4 * S_{MS}$  [In accordance with 1802.2.7]**

$S_{DS} = 0.518$   $S_{DS} = 2/3 * S_{MS}$  \*The design spectral response acceleration  
 $S_{D1} = 0.262$   $S_{D1} = 2/3 * S_{M1}$  at short and 1-second periods

$T_0 = 0.101$   $T_0 = 0.2 * S_{D1} / S_{DS}$   
 $T_s = 0.505$   $T_s = S_{D1} / S_{DS}$   
 $\Delta T = 0.1$  Time step for diagram



T (sec)	Sa (g)	Sa (MCE) (g)
0	0.21	0.31
0.10	0.52	0.78
0.51	0.52	0.78
0.61	0.43	0.65
0.71	0.37	0.56
0.81	0.33	0.49
0.91	0.29	0.43
1.01	0.26	0.39
1.11	0.24	0.36
1.21	0.22	0.33
1.31	0.20	0.30
1.41	0.19	0.28
1.51	0.17	0.26
1.61	0.16	0.24
1.71	0.15	0.23
1.81	0.15	0.22
1.91	0.14	0.21
2.01	0.13	0.20

**SUMMARY OF GEOLOGIC HAZARDS**

Upper Ridge Subdivision, Park City, Utah

Project Number 01293-001

Hazard	Hazard Rating*				Further Study Recommended**
	Not Assessed	Probable	Possible	Unlikely	
<b>Earthquake</b>					
Ground Shaking		X			See Geotechnical Report
Surface Faulting				X	
Tectonic Subsidence				X	
Liquefaction				X	
Slope Stability				X	
Flooding (Including Seiche)				X	
<b>Slope Failure</b>					
Rock Fall				X	
Landslide			X		See Geotechnical Report
Debris Flow				X	
Avalanche	X				
<b>Problem Soils</b>					
Collapsible				X	
Soluble				X	
Expansive				X	
Organic				X	
Piping				X	
Non-Engineered Fill				X	
Erosion				X	
Active Sand Dune				X	
Mine Subsidence				X	
Shallow Bedrock		X			See Geotechnical Report
Shallow Groundwater				X	
<b>Flooding</b>					
Streams				X	
Alluvial Fans				X	
Lakes				X	
Dam Failure				X	
Canals/Ditches				X	
Radon	X				

\* Hazard Rating :

Not assessed - report does not consider this hazard and no inference is made as to the presence or absence of the hazard at the site

Probable - Evidence is strong that the hazard exists and mitigation measures should be taken

Possible - hazard may exist, but the evidence is equivocal, based only on theoretical studies, or was not observed and further study is necessary as noted

Unlikely - no evidence was found to indicate that the hazard is present, hazard not known or suspected to be present

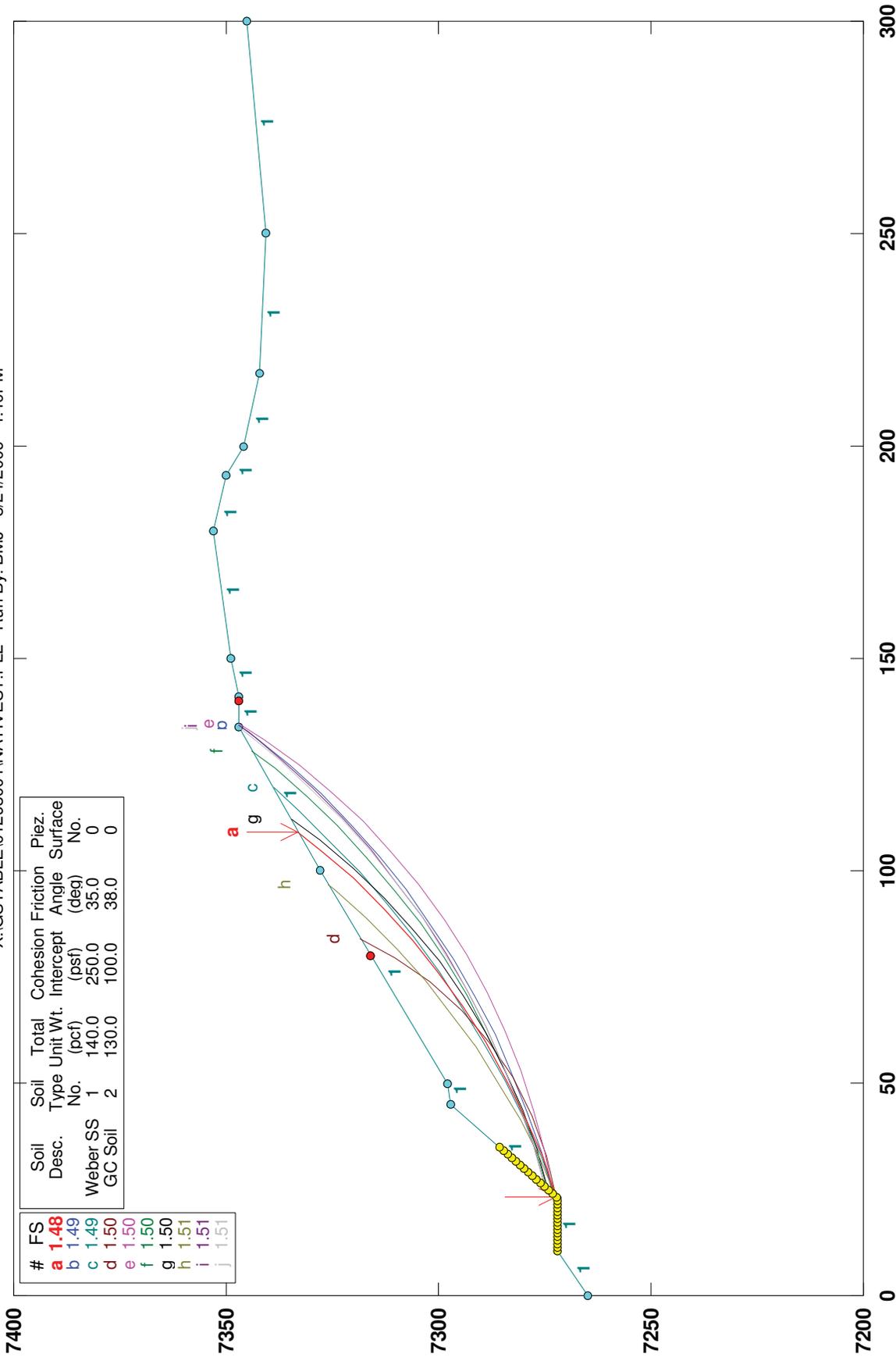
Further Study :

E - geotechnical/engineering, H - hydrologic, G - Additional detailed geologic hazard study out of the scope of this study, to be addressed in future Geologic Hazards Study

# **APPENDIX D**

# Upper Ridge Subdivision - Ridge Avenue, Park City, UT - Sta. 4+25 Native Static

X:\GSTABLE\01293001\NATIVE\EST.PL2 Run By: BMJ 8/24/2009 4:40PM



GSTABL7 v.2 FSmin=1.48  
Safety Factors Are Calculated By The Modified Bishop Method



\*\*\* GSTABL7 \*\*\*  
 \*\* GSTABL7 by Garry H. Gregory,  
 P.E. \*\*  
 \*\* Original Version 1.0, January 1996; Current Version  
 2.002, December 2001 \*\*  
 (All Rights Reserved-Unauthorized Use  
 Prohibited)

6 100.00 7328.00 134.00 7347.00 1  
 7 134.00 7347.00 141.00 7347.00 1  
 8 141.00 7347.00 150.00 7349.00 1  
 9 150.00 7349.00 180.00 7353.00 1  
 10 180.00 7353.00 193.00 7350.00 1  
 11 193.00 7350.00 200.00 7346.00 1  
 12 200.00 7346.00 217.00 7342.00 1  
 13 217.00 7342.00 250.00 7340.50 1  
 14 250.00 7340.50 300.00 7345.00 1

User Specified Y-Origin = 7200.00(ft)

ISOTROPIC SOIL PARAMETERS

2 Type(s) of Soil  
 Soil Total Saturated Cohesion Friction Pore Pressure Piez.  
 Type Unit Wt. Unit Wt. Intercept Angle Pressure Constant Surface  
 No. (pcf) (pcf) (psf) (deg) Param. (psf) No.  
 1 140.0 0.0 250.0 35.0 0.00 0.0 0  
 2 130.0 0.0 100.0 38.0 0.00 0.0 0

A Critical Failure Surface Searching Method, Using A  
 Random  
 Technique For Generating Circular Surfaces, Has Been  
 Specified.

900 Trial Surfaces Have Been Generated.

30 Surface(s) Initiate(s) From Each Of 30 Points  
 Equally Spaced

Along The Ground Surface Between X = 10.50(ft)  
 and X = 35.00(ft)  
 Each Surface Terminates Between X = 80.00(ft)  
 and X = 140.00(ft)

Unless Further Limitations Were Imposed, The Minimum  
 Elevation  
 At Which A Surface Extends Is Y = 0.00(ft)  
 10.00(ft) Line Segments Define Each Trial Failure  
 Surface.

Following Is Displayed The Most Critical Of The Trial  
 Failure Surfaces Evaluated.

\* \* Safety Factors Are Calculated By The Modified Bishop  
 Method \* \*

Total Number of Trial Surfaces Evaluated = 900  
 Statistical Data On All Valid FS Values:  
 FS Max = 2.882 FS Min = 1.481 FS Ave

= 1.883  
 Standard Deviation = 0.186 Coefficient  
 of Variation = 9.88 %

Failure Surface Specified By 12 Coordinate Points  
 Point X-Surf Y-Surf  
 No. (ft) (ft)

1 23.17 7272.20

SLOPE STABILITY ANALYSIS SYSTEM  
 Modified Bishop, Simplified Janbu, or GLE Method  
 of Slices.

(Includes Spencer & Morgenstern-Price Type

Including Pier/Pile, Reinforcement, Soil Nail,

Nonlinear Undrained Shear Strength, Curved Phi

Anisotropic Soil, Fiber-Reinforced Soil,

Boundary Loads, Water

Surfaces, Pseudo-Static Earthquake, and Applied

Force Options.

\*\*\*\*\*  
 Analysis Run Date: 8/24/2009  
 Time of Run: 4:40PM  
 Run By: BMJ  
 Input Data Filename: X:NATIVEST.  
 Output Filename: X:NATIVEST.OUT  
 Unit System: English  
 Plotted Output Filename: X:NATIVEST.PLT  
 PROBLEM DESCRIPTION: Upper Ridge Subdivision - Ridge  
 Avenue,

Park City, UT - Sta. 4+25 Native

BOUNDARY COORDINATES

14 Top Boundaries

14 Total Boundaries

Boundary No.	X-Left (ft)	Y-Left (ft)	X-Right (ft)	Y-Right (ft)	Soil Type
1	0.00	7265.00	10.50	7272.00	Below Bnd
2	10.50	7272.00	23.00	7272.00	1
3	23.00	7272.00	45.00	7297.00	1
4	45.00	7297.00	50.00	7298.00	1
5	50.00	7298.00	100.00	7328.00	1

2	32.59	7275.55
3	41.81	7279.44
4	50.79	7283.84
5	59.51	7288.74
6	67.93	7294.12
7	76.04	7299.97
8	83.81	7306.27
9	91.21	7313.00
10	98.21	7320.13
11	104.80	7327.65
12	109.00	7333.03

Circle Center At X = -31.22 ; Y = 7439.90 ; and  
 Radius = 176.31

Factor of Safety  
 \*\*\* 1.481 \*\*\*

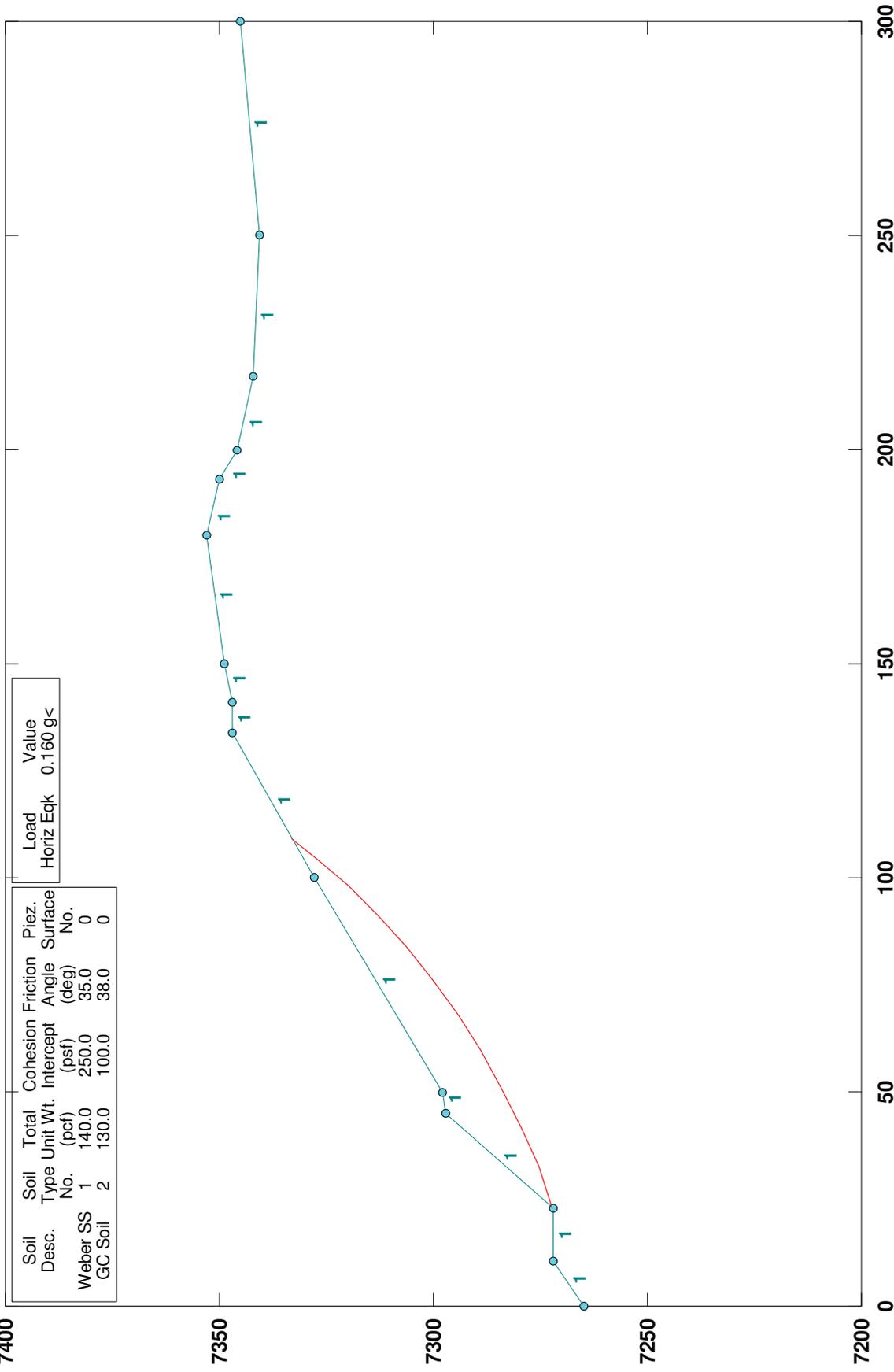
Individual data on the 14 slices

Slice No.	Width (ft)	Weight (lbs)	Water Force		Tie Force		Earthquake Force		Surcharge Load	
			Top (lbs)	Bot (lbs)	Norm (lbs)	Tan (lbs)	Hor (lbs)	Ver (lbs)	Hor (lbs)	Ver (lbs)
1	9.4	4844.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
2	9.2	13727.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
3	3.2	6689.8	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
4	5.0	10691.7	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
5	0.8	1609.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
6	8.7	18066.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
7	8.4	17466.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
8	8.1	16062.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
9	7.8	13954.7	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
10	7.4	11258.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
11	7.0	8100.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
12	1.8	1579.4	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
13	4.8	2977.8	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
14	4.2	891.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

\*\*\*\* END OF GSTABL7 OUTPUT \*\*\*\*

# Upper Ridge Subdivision - Ridge Avenue, Park City, UT - Sta. 4+25 Native Seismic

X:\GSTABLE\01293001\NATIVEEQ.PLT Run By: BMJ 8/24/2009 4:41PM



Soil Desc.	Total Unit Wt. (pcf)	Cohesion Intercept (psf)	Friction Angle (deg)	Piez. Surface No.
Weber SS	140.0	250.0	35.0	0
GC Soil	130.0	100.0	38.0	0

Load Horiz Eqk	Value
0.160 g<	

GSTABL7 v.2 FSmin=1.11  
Factor Of Safety Is Calculated By The Modified Bishop Method



\*\*\* GSTABL7 \*\*\*  
 \*\* GSTABL7 by Garry H. Gregory,  
 P.E. \*\*  
 \*\* Original Version 1.0, January 1996; Current Version  
 2.002, December 2001 \*\*  
 (All Rights Reserved-Unauthorized Use  
 Prohibited)

\*\*\*\*\*  
 \*\*\*\*\*  
 SLOPE STABILITY ANALYSIS SYSTEM  
 Modified Bishop, Simplified Janbu, or GLE Method  
 of Slices.

(Includes Spencer & Morgenstern-Price Type  
 Analysis)  
 Including Pier/Pile, Reinforcement, Soil Nail,  
 Tieback,  
 Nonlinear Undrained Shear Strength, Curved Phi  
 Envelope,  
 Anisotropic Soil, Fiber-Reinforced Soil,  
 Boundary Loads, Water  
 Surfaces, Pseudo-Static Earthquake, and Applied  
 Force Options.

\*\*\*\*\*  
 \*\*\*\*\*  
 Analysis Run Date: 8/26/2009  
 Time of Run: 3:26PM  
 Run By: BMJ  
 Input Data Filename: X:finishst.  
 Output Filename: X:finishst.OUT  
 Unit System: English  
 Plotted Output Filename: X:finishst.PLT  
 PROBLEM DESCRIPTION: Upper Ridge Subdivision - Ridge  
 Avenue,  
 Static  
 Park City, UT - Sta. 4+25 FG

BOUNDARY COORDINATES  
 Note: User origin value specified.  
 Add 0.00 to X-values and 7200.00 to Y-values  
 listed.

14 Top Boundaries  
 16 Total Boundaries  
 Boundary X-Left Y-Left X-Right Y-Right Soil Type  
 No. (ft) (ft) (ft) (ft) Below Bnd

	Soil Type	Total Unit Wt. (pcf)	Saturated Unit Wt. (pcf)	Intercept (psf)	Cohesion (psf)	Friction Angle (deg)	Pore Pressure Param. (psf)	Constant Surface No.	Piez. No.
1		135.0	0.0	250.0	10.50	35.0	0.00	0.0	0
2		120.0	0.0	100.0	23.00	34.0	0.00	0.0	0
3		117.00	0.00	130.00	65.00	117.00	137.00	137.00	1
4		117.00	0.00	130.00	72.00	117.00	137.00	137.00	1
5		117.00	0.00	130.00	72.00	117.00	137.00	137.00	1
6		117.00	0.00	130.00	72.00	117.00	137.00	137.00	1
7		117.00	0.00	130.00	72.00	117.00	137.00	137.00	1
8		117.00	0.00	130.00	72.00	117.00	137.00	137.00	1
9		117.00	0.00	130.00	72.00	117.00	137.00	137.00	1
10		117.00	0.00	130.00	72.00	117.00	137.00	137.00	1
11		117.00	0.00	130.00	72.00	117.00	137.00	137.00	1
12		117.00	0.00	130.00	72.00	117.00	137.00	137.00	1
13		117.00	0.00	130.00	72.00	117.00	137.00	137.00	1
14		117.00	0.00	130.00	72.00	117.00	137.00	137.00	1
15		117.00	0.00	130.00	72.00	117.00	137.00	137.00	1
16		117.00	0.00	130.00	72.00	117.00	137.00	137.00	1

Default Y-Origin = 0.00 (ft)

ISOTROPIC SOIL PARAMETERS

2 Type(s) of Soil

Soil Type	Total Unit Wt. (pcf)	Saturated Unit Wt. (pcf)	Intercept (psf)	Cohesion (psf)	Friction Angle (deg)	Pore Pressure Param. (psf)	Constant Surface No.	Piez. No.
1	135.0	0.0	250.0	10.50	35.0	0.00	0.0	0
2	120.0	0.0	100.0	23.00	34.0	0.00	0.0	0

BOUNDARY LOAD(S)

1 Load(s) Specified

Load No.	X-Left (ft)	X-Right (ft)	Intensity (psf)
1	60.05	90.00	2000.0

NOTE - Intensity Is Specified As A Uniformly Distributed Force Acting On A Horizontally Projected Surface.  
 A Critical Failure Surface Searching Method, Using A Random Technique For Generating Circular Surfaces, Has Been Specified.  
 900 Trial Surfaces Have Been Generated.  
 30 Surface(s) Initiate(s) From Each Of 30 Points Equally Spaced  
 Along The Ground Surface Between X = 10.50(ft) and X = 55.00(ft)  
 Each Surface Terminates Between X = 63.00(ft) and X = 200.00(ft)  
 Unless Further Limitations Were Imposed, The Minimum Elevation At Which A Surface Extends Is Y = 0.00(ft)  
 5.00(ft) Line Segments Define Each Trial Failure

13	0.0	12.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0
14	0.0	86.8	0.0	0.0	0.0	0.0	0.0	0.0	0.0
15	2.7	5266.1	0.0	0.0	0.0	0.0	0.0	0.0	5328.5
16	0.5	795.7	0.0	0.0	0.0	0.0	0.0	0.0	908.3
17	2.8	4191.9	0.0	0.0	0.0	0.0	0.0	0.0	5516.3
18	3.1	3348.4	0.0	0.0	0.0	0.0	0.0	0.0	6165.2
19	2.9	1792.6	0.0	0.0	0.0	0.0	0.0	0.0	5898.9
20	2.1	378.9	0.0	0.0	0.0	0.0	0.0	0.0	4145.9

\*\*\*\* END OF GSTABL7 OUTPUT \*\*\*\*

Surface.  
 Following Is Displayed The Most Critical Of The Trial  
 Failure Surfaces Evaluated.  
 \* \* Safety Factors Are Calculated By The Modified Bishop  
 Method \* \*

Total Number of Trial Surfaces Evaluated = 900  
 Statistical Data On All Valid FS Values:

FS Max = 7.700 FS Min = 0.983 FS Ave  
 = 3.374

Standard Deviation = 1.380 Coefficient  
 of Variation = 40.90 %

Failure Surface Specified By 15 Coordinate Points

Point No.	X-Surf (ft)	Y-Surf (ft)
1	24.31	73.49
2	28.60	76.06
3	32.80	78.77
4	36.91	81.61
5	40.93	84.60
6	44.84	87.71
7	48.64	90.96
8	52.34	94.33
9	55.91	97.82
10	59.38	101.43
11	62.71	105.15
12	65.93	108.98
13	69.01	112.92
14	71.96	116.95
15	74.03	120.00

Circle Center At X = -50.41 ; Y = 203.25 ; and  
 Radius = 149.74

Factor of Safety

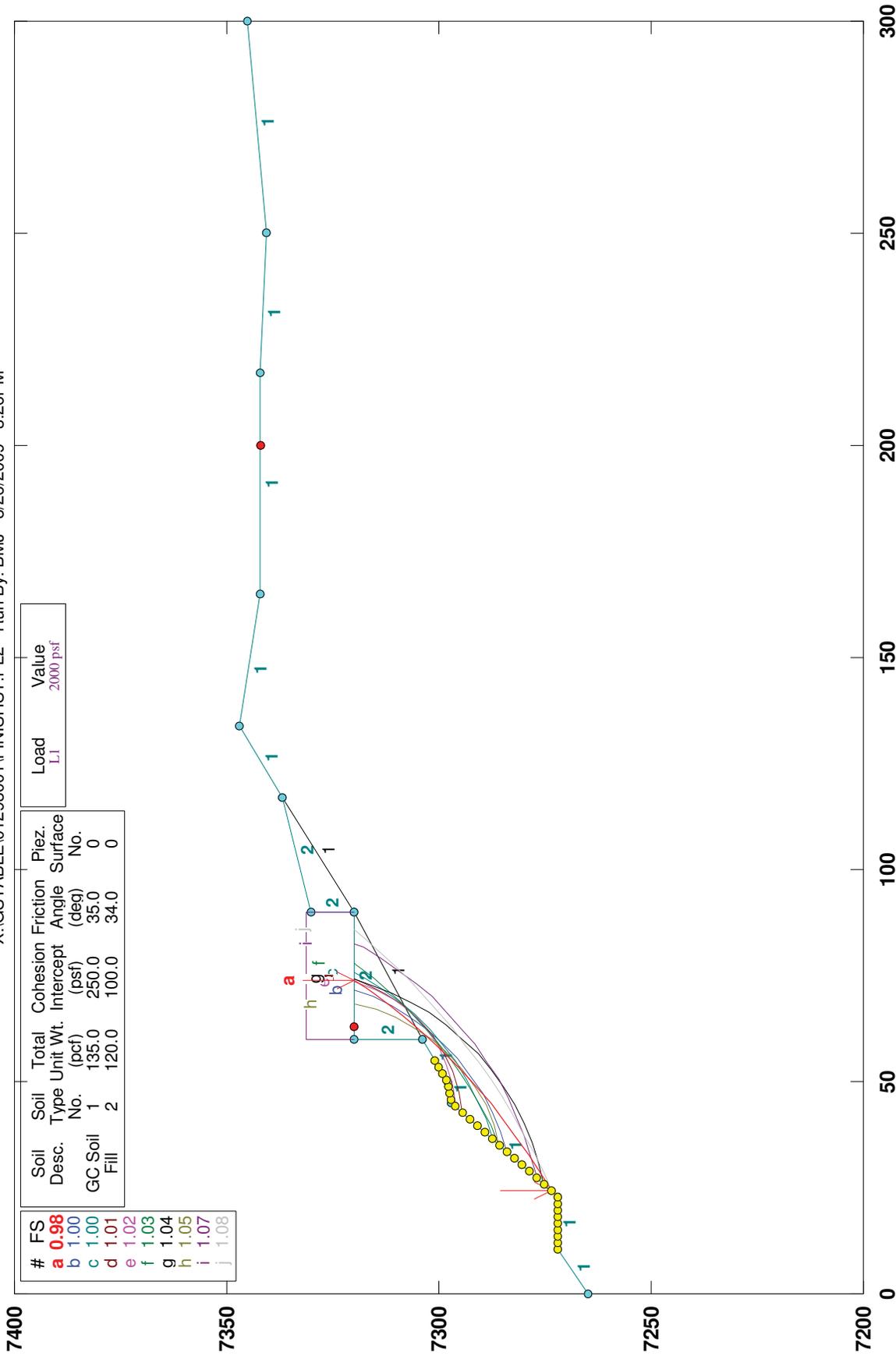
\*\*\* 0.983 \*\*\*

Individual data on the 20 slices

Slice No.	Width (ft)	Weight (lbs)	Water Force		Tie Force		Earthquake Force		Surcharge Load (lbs)
			Top (lbs)	Bot (lbs)	Norm (lbs)	Tan (lbs)	Hor (lbs)	Ver (lbs)	
1	4.3	668.7	0.0	0.0	0.0	0.0	0.0	0.0	0.0
2	4.2	1896.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0
3	4.1	2933.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0
4	4.0	3784.4	0.0	0.0	0.0	0.0	0.0	0.0	0.0
5	3.9	4455.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0
6	0.2	200.7	0.0	0.0	0.0	0.0	0.0	0.0	0.0
7	3.6	3913.4	0.0	0.0	0.0	0.0	0.0	0.0	0.0
8	1.4	1153.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0
9	2.3	1715.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0
10	3.6	2127.8	0.0	0.0	0.0	0.0	0.0	0.0	0.0
11	3.5	1385.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0
12	0.6	171.8	0.0	0.0	0.0	0.0	0.0	0.0	0.0

# Upper Ridge Subdivision - Ridge Avenue, Park City, UT - Sta. 4+25 FG Static

X:\GSTABLE\01293001\FINISHST.PL2 Run By: BMJ 8/26/2009 3:26PM



GSTABL7 v.2 FSmin=0.98  
Safety Factors Are Calculated By The Modified Bishop Method



\*\*\* GSTABL7 \*\*\*  
 \*\* GSTABL7 by Garry H. Gregory,  
 P.E. \*\*  
 \*\* Original Version 1.0, January 1996; Current Version  
 2.002, December 2001 \*\*  
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 Prohibited)

\*\*\*\*\*  
 \*\*\*\*\*  
 SLOPE STABILITY ANALYSIS SYSTEM  
 Modified Bishop, Simplified Janbu, or GLE Method  
 of Slices.  
 (Includes Spencer & Morgenstern-Price Type  
 Analysis)  
 Including Pier/Pile, Reinforcement, Soil Nail,  
 Tieback,  
 Nonlinear Undrained Shear Strength, Curved Phi  
 Envelope,  
 Anisotropic Soil, Fiber-Reinforced Soil,  
 Boundary Loads, Water  
 Surfaces, Pseudo-Static Earthquake, and Applied  
 Force Options.

\*\*\*\*\*  
 \*\*\*\*\*  
 Analysis Run Date: 8/24/2009  
 Time of Run: 4:41PM  
 Run By: BMJ  
 Input Data Filename: X:NATIVEEQ.  
 Output Filename: X:NATIVEEQ.OUT  
 Unit System: English  
 Plotted Output Filename: X:NATIVEEQ.PLT  
 PROBLEM DESCRIPTION: Upper Ridge Subdivision - Ridge  
 Avenue,  
 Park City, UT - Sta. 4+25 Native

Seismic  
 BOUNDARY COORDINATES  
 14 Top Boundaries  
 14 Total Boundaries

Boundary No.	X-Left (ft)	Y-Left (ft)	X-Right (ft)	Y-Right (ft)	Soil Type
1	0.00	7265.00	10.50	7272.00	Below Bnd
2	10.50	7272.00	23.00	7272.00	1
3	23.00	7272.00	45.00	7297.00	1
4	45.00	7297.00	50.00	7298.00	1
5	50.00	7298.00	100.00	7328.00	1

No.	Type	Total Unit Wt. (pcf)	Saturated Unit Wt. (pcf)	Intercept (psf)	Friction Angle (deg)	Cohesion (psf)	Friction Angle (deg)	Pore Pressure Param. (psf)	Pressure Constant (psf)	Piez. Surface No.
6	1	100.00	7328.00	134.00	134.00	7347.00	134.00	0.00	7347.00	1
7	1	134.00	7347.00	141.00	141.00	7347.00	141.00	0.00	7347.00	1
8	1	141.00	7347.00	150.00	150.00	7349.00	150.00	0.00	7349.00	1
9	1	150.00	7349.00	180.00	180.00	7353.00	180.00	0.00	7353.00	1
10	1	180.00	7353.00	193.00	193.00	7350.00	193.00	0.00	7350.00	1
11	1	193.00	7350.00	200.00	200.00	7346.00	200.00	0.00	7346.00	1
12	1	200.00	7346.00	217.00	217.00	7342.00	217.00	0.00	7342.00	1
13	1	217.00	7342.00	250.00	250.00	7340.50	250.00	0.00	7340.50	1
14	1	250.00	7340.50	300.00	300.00	7345.00	300.00	0.00	7345.00	1

User Specified Y-Origin = 7200.00(ft)  
 ISOTROPIC SOIL PARAMETERS  
 2 Type(s) of Soil  
 Soil Total Saturated Cohesion Friction Angle Pressure Constant Piez. Surface  
 Type Unit Wt. Unit Wt. Intercept (psf) (deg) Param. (psf) No.  
 1 140.0 0.0 250.0 35.0 0.00 0.0 0  
 2 130.0 0.0 100.0 38.0 0.00 0.0 0  
 A Horizontal Earthquake Loading Coefficient  
 Of0.160 Has Been Assigned  
 A Vertical Earthquake Loading Coefficient  
 Of0.000 Has Been Assigned  
 Cavitation Pressure = 0.0 (psf)  
 Trial Failure Surface Specified By 12 Coordinate Points

Point No.	X-Surf (ft)	Y-Surf (ft)
1	23.17	7272.19
2	32.59	7275.55
3	41.81	7279.44
4	50.79	7283.84
5	59.51	7288.74
6	67.93	7294.12
7	76.04	7299.97
8	83.81	7306.27
9	91.21	7313.00
10	98.21	7320.13
11	104.80	7327.65
12	109.00	7333.03

Circle Center At X = -31.26 ; Y = 7439.94; and Radius = 176.36  
 \* \* Factor Of Safety Is Calculated By The Modified Bishop Method \* \*  
 Factor Of Safety For The Preceding Specified Surface = 1.111

\*\*\*Table 1 - Individual Data on the 14 Slices\*\*\*

Slice No.	Width (ft)	Weight (lbs)	Water Force		Tie Force		Earthquake Force		Surcharge Load	
			Top (lbs)	Bot (lbs)	Norm (lbs)	Tan (lbs)	Hor (lbs)	Ver (lbs)	Hor (lbs)	Ver (lbs)
1	9.4	4845.0	0.0	0.0	0.0	0.0	0.0	775.2	0.0	0.0
2	9.2	13736.2	0.0	0.0	0.0	0.0	0.0	2197.8	0.0	0.0
3	3.2	6683.7	0.0	0.0	0.0	0.0	0.0	1069.4	0.0	0.0
4	5.0	10690.4	0.0	0.0	0.0	0.0	0.0	1710.5	0.0	0.0
5	0.8	1613.7	0.0	0.0	0.0	0.0	0.0	258.2	0.0	0.0
6	8.7	18067.6	0.0	0.0	0.0	0.0	0.0	2890.8	0.0	0.0
7	8.4	17448.3	0.0	0.0	0.0	0.0	0.0	2791.7	0.0	0.0
8	8.1	16061.4	0.0	0.0	0.0	0.0	0.0	2569.8	0.0	0.0
9	7.8	13961.9	0.0	0.0	0.0	0.0	0.0	2233.9	0.0	0.0
10	7.4	11262.4	0.0	0.0	0.0	0.0	0.0	1802.0	0.0	0.0
11	7.0	8096.0	0.0	0.0	0.0	0.0	0.0	1295.4	0.0	0.0
12	1.8	1581.7	0.0	0.0	0.0	0.0	0.0	253.1	0.0	0.0
13	4.8	2977.1	0.0	0.0	0.0	0.0	0.0	476.3	0.0	0.0
14	4.2	891.5	0.0	0.0	0.0	0.0	0.0	142.6	0.0	0.0

\*\*\*Table 2 - Base Stress Data on the 14 Slices\*\*\*

Slice No.	Alpha (deg)	X-Coord. (ft)	Slice Cntr Leng. (ft)	Base Shear Strength		Available Shear Strength		Mobilized Shear Stress	
				(psf)	(psf)	(psf)	(psf)	(psf)	(psf)
1	19.61	27.88	10.00	498.23	171.33	1021.48	542.31		
2	22.88	37.20	10.01	1021.48	542.31	1311.86	852.38		
3	26.10	43.40	3.55	1334.79	860.44	1283.74	906.16		
4	26.10	47.50	5.57	1283.74	906.16	1255.87	893.64		
5	26.10	50.40	0.88	1255.87	893.64	1212.57	948.93		
6	29.33	55.15	10.00	1125.11	948.93	998.03	887.77		
7	32.58	63.72	9.99	10.00	1125.11	998.03	887.77		
8	35.80	71.99	10.00	836.23	766.28	645.41	586.91		
9	39.04	79.93	10.00	645.41	586.91	505.24	470.08		
10	42.29	87.51	10.00	505.24	470.08	397.98	319.40		
11	45.53	94.71	9.99	397.98	319.40	220.54	115.73		
12	48.77	99.10	2.72	220.54	115.73				
13	48.77	102.40	7.28						
14	52.02	106.90	6.82						

Sum of the Resisting Forces (including Pier/Pile, Tieback, Reinforcing

Soil Nail, and Applied Forces if applicable) =

94965.44 (lbs)

Average Available Shear Strength (including Tieback, Pier/Pile, Reinforcing,

Soil Nail, and Applied Forces if applicable) =

889.00(psf)

Sum of the Driving Forces = 85501.87 (lbs)

Average Mobilized Shear Stress = 800.41(psf)

Total length of the failure surface = 106.82(ft)

CAUTION - Factor Of Safety Is Calculated By The Modified

Bishop

Method. This Method Is Valid Only If The

Failure Surface

Approximates A Circular Arc.

\*\*\*\* END OF GSTABL7 OUTPUT \*\*\*\*

Summary of June 22, 2011 Planning Commission Work Session  
 RE: Upper Ridge Subdivision  
 Project # PL-11-01293

1. Commission requested appendices of the geo tech report
2. Commission suggested applicant understand TDR issue as it relates to these lots.
3. Commission requested an understanding of the actual lots and density based on the square footage of the lots and a full recognition that these platted lots are not standard "old town" lots ie. full disclosure that while these are platted lots of the Mill Site Subdivision they don't conform to the lots platted with the Park City Survey. Detailed density analysis. Consider- number of platted lots, lot sizes, total lot area, total 3,750 sf lots possible by sf, total practical 3, 750 sf lots with access, etc.
4. Have City Engineer respond to Commission comments regarding the Streets Master Plan.
5. Issues raised regarding the topography as a ridge- needs additional clarification/interpretation as it relates to the Sensitive Lands Ordinance definitions.
6. Commission requested additional information regarding the traffic study to not just focus on the capacity of intersections and streets but to address "how you get to the sites on the substandard roads after you go through the intersections?" Brainstorm mitigation measures, additional info from your traffic consultant. What can be done to improve access as a community benefit?
7. Commission requested analysis to help understand the different impacts of private street vs private/city street (10% grade and narrower width versus the steeper grade and wider street).
8. Need cut sections through the private driveway as a visual... (Planning comments- needs to be to scale, large enough to see the detail, and lay person friendly... ie not just a boring engineering cut section!! Show the vegetation, stepping retaining walls, the amount of disturbance, how the final grade area blends in with the area that isn't disturbed... ie make it look as it will when constructed... then what does that driveway, fill, retaining, cuts,,, look like from the vantage points... also looking up and looking down the street.)
9. Address environmental impacts of the driveway and the houses, and the utility installation. Prepare a plan view showing total disturbance. Where can you shift construction to save trees, reduce cuts, save vegetation, etc.?
10. Review the definition of Good Cause in the LMC- Chapter 14 and provide justification for good cause for this plat amendment.
11. Commission concerned with cut fill slopes on the steep slope and requested additional information from the geo-tech report. Lot by lot analysis needed now – not at the time of the steep slope or building permits. Requested that the geo tech report look at all proposed cut and fill areas for the entire plat. Can this be visually shown as well as with numbers... ie how much soil is moved, moved around....
12. Demonstrate the difference between the cut/fill for the driveway and construction of houses as proposed versus the cut fill required if the houses are built off of existing Ridge (where you have ownership) including any private driveways required to get to lots that are not adjacent to the existing street. Further explain these challenges.
13. Address purpose statement regarding "reduce density".
14. Commission requested you relook at the visual analysis- for scale and accuracy.
15. Commission requested you relook at the grading around the foundations and be mindful of the requirement that you are not allowed to change grade by more than 4' at the foundation.
16. Demonstrate that the proposed lots are buildable according to the rules of the LMC (Steep Slope CUP), etc. and if the grading issues can be mitigated. They would like to see that at this platting stage.
17. Requested a site visit (for July 13<sup>th</sup> ... but that date was too difficult to schedule with other items) so it is scheduled for July 27<sup>th</sup>.

18. Public hearing is scheduled for July 27<sup>th</sup> with discussion only. Staff will not provide a recommendation at the July 27<sup>th</sup> meeting.
19. Commission had concerns with the houses, visually, and well as with the construction of the road, retaining of the site (houses and road), and other impacts with putting the road in.
20. Commission would like to more fully understand the reason that the houses are not proposed to be built off of existing Ridge (visually, construction impacts, site plan, geo tech, visual,...)
21. Demonstrate why you conclude that it is a better plat with lots off of platted Ridge and there is good cause for the houses to access from a private driveway within the platted Ridge Ave ROW.