



AGENDA

MEETING CALLED TO ORDER AT 5:30 PM

ROLL CALL

ADOPTION OF MINUTES OF SEPTEMBER 28, 2011

ADOPTION OF MINUTES OF OCTOBER 26, 2011

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

STAFF/BOARD COMMUNICATIONS AND DISCLOSURES

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

8200 Royal Street, Unit 47 & Unit 48, Stag Lodge –

PL-11-01367

39

Amendment to Record of Survey

PL-11-01368

Public hearing and possible recommendation to City Council

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

3715 Morning Star Estates – Plat Amendment

PL-11-01341

61

Public hearing and possible recommendation to City Council

335 Woodside Avenue – Steep Slope Conditional Use Permit

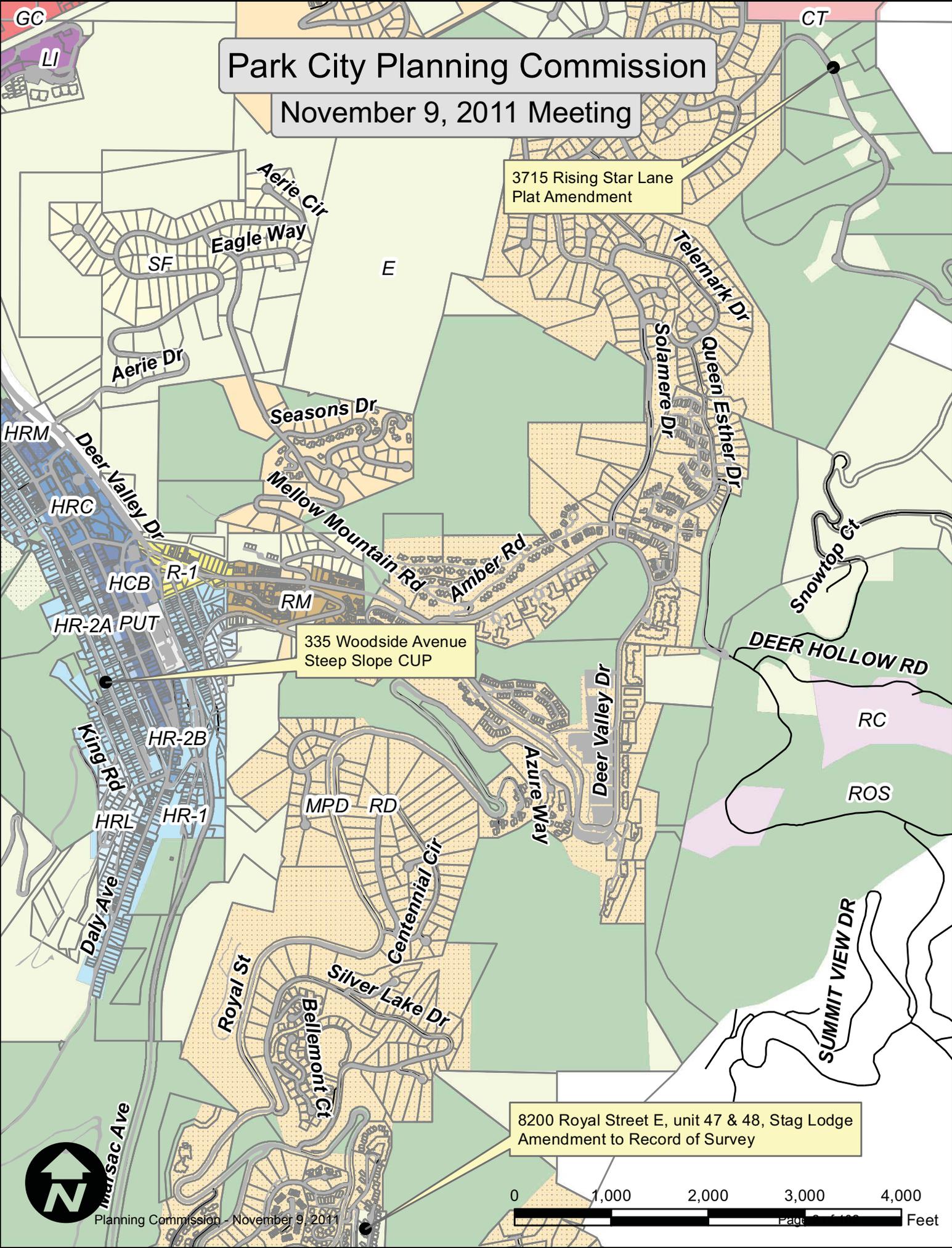
PL-11-01214

77

Public hearing and possible action

ADJOURN

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



Park City Planning Commission

November 9, 2011 Meeting

3715 Rising Star Lane
Plat Amendment

335 Woodside Avenue
Steep Slope CUP

8200 Royal Street E, unit 47 & 48, Stag Lodge
Amendment to Record of Survey



MINUTES – SEPTEMBER 28, 2011

**PARK CITY PLANNING COMMISSION
WORK SESSION NOTES
September 28, 2011**

PRESENT: Charlie Wintzer, Brooke Hontz, Julia Pettit, Mick Savage, Adam Strachan, Jack Thomas, Nann Worel, Katie Cattan, Polly Samuels McLean

WORK SESSION ITEMS

General Plan Update and Site Visit of Old Town

Planner Katie Cattan reported that the Planning Commission would be having a site visit this evening to various locations in Old Town.

Planner Cattan remarked that the Old Town Charrette that was conducted two weeks earlier was very successful and 120 people attended. The Staff received great feedback. The Staff Report contained a summary of some of the comments for different neighborhoods. The Staff would prepare a more in-depth and professional document at a later date.

Planner Cattan stated that the objective of the site visit this evening would focus more on the area north of the Town Lift, including Park Avenue, the resort transition area, and the Lowell to Empire area.

Planner Cattan commented on a goal task force for the General Plan with an October 1st deadline. She had provided the Planning Commission with a list of 20 potential participants that was compiled by the Staff, which included every constituency possible. Planner Cattan did not believe that all 20 people would be effective. She requested feedback from the Planning Commission on direction for the task force. If they could agree on ten must-haves, they could work internally to choose the final five.

Commissioner Savage asked if Planner Cattan was suggesting a five member task force. Planner Cattan clarified that she was thinking of possibly fifteen people. Commissioner Hontz suggested choosing between five and ten must-haves and then completing the task force with citizens at large. Commissioner Hontz had reviewed the list of potential participants and crossed out a number of people she thought would not benefit the task force. She thought it might be more effective to have a member of the City Staff with expertise in some of the areas, as opposed to someone who only wears one hat as a citizen representative. Planner Cattan pointed out that currently an internal City Staff group meets every other week on the General Plan to brainstorm ideas and get a general direction.

Chair Wintzer read the names of people who were involved when the General Plan was revised in 1996. The group consisted of citizens at large, Planning Commissioners, City Council Members, and Staff members. Chair Wintzer thought it was important to have citizens at large on the task force.

Planner Cattan asked if the Planning Commission thought all three resorts should be represented. Chair Wintzer replied that all three resorts should be represented if the intent is to emphasize a resort community.

Commissioner Savage clarified that having your name on the list would not obligate anyone to participate, but it would obligate the City to provide an invitation. Planner Cattan replied that this was correct. Commissioner Savage believed that it would be beneficial to invite Talisker to participate because as a developer they have a large interest in the future of the community.

Chair Wintzer pointed out that in looking at the names on the list, no one was a property owner other than the ski resorts. Commissioner Hontz thought it was important to have one member with historic preservation background. The Main Street Alliance, Summit Land Conservancy, and the Chamber of Commerce were also suggested. Planner Cattan noted that if a group was not initially included on the task force, it would not mean that the Staff had not already reached out to them for information and review. Chair Wintzer suggested finding a core group for the task force, and compiling a list of resource people or organizations that could be consulted. Commissioner Hontz suggested that they include one representative from an environmental organization. Commissioner Hontz believed the bottom three bullet points could be one person and a citizen at large. It could be a young person who owns a business and is also an architectural planner or engineer. Therefore, the member of the Park City Young Professionals, a business owner and local architect should be a citizen at large.

Commissioner Savage asked if the Staff had drafted a definition of expectations from the task force in terms of time and effort. Planner Cattan answered no. She acknowledged that it should be done. The Staff anticipated that the task force would meet every other month until April 15th, which is three to four meetings, but the goal has not been outlined. Commissioner Savage asked if there was a deadline for extending invitations and recruiting participants. Planner Cattan replied that the intent was to meet the October 1st deadline.

Chair Wintzer asked if a requirement should be that a task force representative must live in Park City. Planner Cattan explained that the representative would be asked to represent whatever role they play for that particular group, organization or resort. As an example, she would not want Jennie Smith with PCMR to be excluded because she might live outside of the City.

Commissioner Worel favored the citizen at large idea and asked if they were looking for diversity or had specific criteria. Planner Cattan replied that they would like some diversity. Currently 25% of the community is Latino. Therefore, a member of the Latino community was on the list. Commissioner Worel believed that senior citizen input was also important. Commissioner Hontz clarified that she was trying to make the list smaller rather than larger, but the list did not include the restaurant association or lodging association. In the interest of all-inclusive, those should probably be considered and put into the category of citizen at large. Commissioner Hontz also recommended the Park City Foundation.

Commissioner Savage commented on the purpose statement and the purpose of the task force. The objective is to have a quality General Plan as an end product. The General Plan needs to reflect certain key attributes that they learned from the visioning process and incorporate those qualities into the General Plan. He felt it would be worthwhile to look at the qualities more than constituency, to make sure they have the proper representation.

Chair Wintzer suggested that the Staff contact a few people on the list he read from 1996, to see if they could provide insight based on their experience having gone through the process.

Commissioner Worel asked if the second homeowner had ever been included. Commissioner Pettit stated that in the past they sought input from second homeowners but the response was minimal. Commissioner Savage stated that the second homeowner was his reason for suggesting that they include Talisker.

Site Visit

The Planning Commission left for the Old Town site visit. The Staff would provide a summary of their discussion during the site visit at the next meeting.

The work session was adjourned.

DRAFT

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
SEPTEMBER 28, 2011

COMMISSIONERS IN ATTENDANCE:

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

EX OFFICIO:

Kirsten Whetstone Planner; Katie Cattan Planner; Polly Samuels McLean, Assistant City Attorney

=====

REGULAR MEETING

ROLL CALL

Chair Wintzer called the meeting to order at 5:40 p.m. and noted that all of the Commissioners were present.

ADOPTION OF MINUTES

August 24, 2011

MOTION: Commissioner Savage moved to APPROVE the minutes of August 24, 2011. Commissioner Pettit seconded the motion.

VOTE: The motion passed unanimously.

September 14, 2011

Commissioner Worel referred to page 33 of the Staff report, page 1 of the minutes and the statement by Jonathan Weidenhamer that "Park City was the first city to use an RDA." She asked if that was the first city in Utah or the first city anywhere. Commissioner Hontz recalled having that same thought when Mr. Weidenhamer made the statement. Chair Wintzer assumed it was the first city in Utah. Assistant City Attorney McLean remarked that the minutes should reflect the statement as it was said. She suggested that the Planning Commission approve the minutes as written and ask the Staff to clarify what Mr. Weidenhamer actually meant.

MOTION: Commissioner Hontz moved to APPROVE the minutes of September 14, 2011 as written. Commissioner Pettit seconded the motion.

VOTE: The motion passed 5-1. Commissioner Strachan abstained from the vote since he was absent on September 14, 2011.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Chair Wintzer reported that several of the Commissioners had questions regarding the flame at the entrance of Bonanza and Iron Horse. He had spoken with Planning Director Thomas Eddington who had a file on the Administrative CUP approval. Director Eddington would update the Planning Commission at the next meeting and explain how the process worked.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. 50 Shadow Ridge – Condominium Conversion (Application #PL-10-00938)

Planner Kirsten Whetstone reviewed the application to amend a condominium plat at 50 Shadow Ridge. The application requested five basic changes to the current plat.

Planner Whetstone reported that the primary change was a request to divide Unit 4119, which is a non-residential condominium on the main level that was designated as private. The request was to divide Unit 4119 into four individual condominiums for the same type of support commercial uses. The four units would continue to be designated as private.

Planner Whetstone stated that the second change was to combine the existing Unit 4119A, directly below on Level A. The third change was to convert a small area of private space in the lobby back to common space. The fourth change was to convert units on Level A from private area to common area.

Planner Whetstone stated that a fifth change was to show the location of the 90 existing parking spaces within the limited common area on Levels A and B. She noted that the current plat designated that area as limited common area and it was identified in the CC&Rs as parking for the units. Planner Whetstone stated that the Staff requested that the plat show the parking spaces so they could see the spaces and identify code violations. She was informed by the Building Department that the file was closed and the issues have been resolved. Planner Whetstone remarked that it is typical to identify the parking spaces on a condominium plat.

Planner Whetstone noted that another change not identified in the Staff report was that the elevator area would be common space.

Planner Whetstone stated that page 43 of the Staff report indicated that the project was approved with 66.6 spaces. She corrected that to read 67 spaces because numbers are rounded up. She also noted that the current LMC would require 112 parking spaces for 56 units, unless the Planning Commission found valid reason to reduce the parking requirement. Planner Whetstone pointed out that the proposed changes do not increase the parking requirements. A total of 90 parking spaces were constructed and 67 were approved for the units. All non-residential spaces are for support

commercial uses. Planner Whetstone remarked that the corrections to the Staff report would not affect the ordinance.

Planner Whetstone referred to Finding of Fact #7 and corrected the date of February 24, 2010 to correctly read, "On January 22, 2010 the Shadow Ridge Owners Association voted to approve the proposed plat amendments".

The Staff recommended that the Planning Commission conduct a public hearing, consider public input and consider forwarding a positive recommendation to the City Council according to the findings of fact, conclusions of law and conditions of approval as outlined in the draft ordinance, with the change noted to Finding of Fact #7.

Chair Wintzer opened the public hearing.

There were no comments.

Chair Wintzer closed the public hearing.

MOTION: Commissioner Pettit moved to forward a POSITIVE recommendation to the City Council on the Shadow Ridge Condominiums Seconded Amended plat in accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval in the draft ordinance. Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – Shadow Ridge Condominiums

1. The property is located at 50 Shadow Ridge Drive.
2. The property is subject to the 1979 Shadow Ridge Conditional Use Permit.
3. The proposed plat amendment amends Shadow ridge Condominium Units 4119, 4004, 4005, 4006, 4120, 3121, 4122 and 4123 and amends associated common and limited common areas within the plat. These are non-residential private units.
4. Shadow Ridge Condominium plat created 56 residential units on 4 floors; convertible space on the first floor (10,980 sf) and convertible space on the lower level (9,770 sf); 30, sf of limited common parking area (spaces were not designated on the plat); limited common area for decks, balconies, and other common area for circulation, access, entry, lobby, etc. The first plat was approved by City Council and recorded at Summit County on May 1, 1980.
5. The plat amendment is not changing the building height, setbacks, floor area, parking configuration or making any exterior changes. The building complies with the rear 10' setbacks and the 20' front setbacks of the Recreation Commercial (RC) zone, with the exception that all decks and balconies extend into the 20' front yard area by 2' to 4'. These decks and balconies were permitted as an exception in the setback area with the Conditional Use Permit. The building height is 40' and in compliance with the height

permitted with the Conditional Use permit, however, the building is non-complying with respect to the current 35' building height of the RC zone, as mansard roofs do not qualify for the 5' height exception in the current LMC.

6. In June of 1984 a first amended plat was approved. The plat was recorded at Summit County on June 21, 1984. The first amended plat created, from the convertible space, eight commercial condominium units (units 4116 to 4123) on the first floor and six commercial condominium units (units 4001 to 4006) on the lower level. These units were all designated as private area for non-residential uses.
7. On January 22, 2010 the Shadow Ridge Condominium Owners Association voted to approve the proposed plat amendments.
8. On March 25, 2010, the City received a completed application for a condominium record of survey plat amendment requesting these amendments to the First Amended Shadow Ridge Condominium plat.
9. On March 4, 2011, the City received a revised plat.
10. There is no change to any residential unit and no change in the overall building floor area. No exterior changes are proposed with this plat amendment.
11. Ninety (90) parking spaces exist within the parking structure and the plat amendment identifies these spaces within the limited common area on the lower levels. No additional parking is proposed.
12. The project was approved with 67 parking spaces per the Land Management Code at the time of Conditional Use approval. The current Land Management Code requires 2 parking spaces for each unit greater than 1,000 sf and 3 spaces per 1,000 sf of commercial space (support commercial and common areas do not require parking).
13. The current LMC would require 112 parking spaces for the 56 units, unless a parking reduction is granted by the Planning Commission at the time of approval of a Master Planned Development. At the time of CUP approval, it was determined that 67 parking spaces were required for the units.
14. No additional floor area or new residential units are created with the plat amendment and no additional parking is required.
15. The commercial areas within the Shadow Ridge condominium building are restricted to support commercial uses. The current proposal is a request to divide up one of the existing commercial condominium units into four separate units and does not create new support commercial space.

16. At the time of business license review, proposed uses within the Shadow Ridge condominium building will be reviewed by Planning, Building, and Finance for compliance with the Building and Fire Codes and the RC zone requirements.

Conclusions of Law – Shadow Ridge Condominiums

1. There is good cause for this plat amendment.
2. The record of survey is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed 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 – Shadow Ridge Condominiums

1. The City Attorney and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval.
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 amendment will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. All construction requires a Building Permit and approvals from the Building and Planning Departments.
4. The commercial areas within the Shadow Ridge condominium building are restricted to support commercial uses as provided in the Recreation Commercial (RC) zone.
5. Any change of use requires a business license with review by the Planning, Building, and Finance Departments.
6. All conditions of approval of the 1979 Shadow Ridge Conditional Use Permit and the 1984 First Amended Shadow Ridge Condominium plat continue to apply.

The Park City Planning Commission meeting adjourned at 6:10 p.m.

MINUTES – OCTOBER 26, 2011

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
October 26, 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; Matthew Evans, Planner; Mark Harrington, City Attorney; Polly Samuels McLean, Assistant City Attorney

=====

REGULAR MEETING

ROLL CALL

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

ADOPTION OF MINUTES – September 28, 2011

Commissioner Hontz referred to page 5 of the Staff report, page 1 of the minutes, the fifth paragraph, and questioned the use of the word “people” in reference to her comments regarding the task force. She recalled using the word “task force” or “group”, and requested that her comments be verified with the recording.

The minutes of September 28, 2011 were tabled to the next meeting pending verification.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Director Eddington reported that the next Joint Work Session with the City Council and Planning Commission was scheduled for Thursday, December 8 at 6:00 p.m. The discussion would focus primarily on Lower Park Avenue redevelopment.

Director Eddington stated that during the last joint meeting, the City Council and Planning Commission raised questions regarding the Rocky Mountain Power substation relocation. He noted that the Staff was trying to schedule a separate work session to discuss the issues with Rocky Mountain Power. Tentative dates were November 17th or December 1st. The Planning Commission would be notified when a date is confirmed.

Commissioner Worel asked about a joint meeting with the Snyderville Basin Planning Commission. Director Eddington stated that the Staff has been trying to schedule a joint meeting. Due to scheduling conflicts, as well as a significant workload relative to the BOPA and the General Plan, Director Eddington remarked a joint meeting would not be scheduled until late February. The Staff was also working with the Snyderville Planning Department to see if the next joint meeting could include Ted Knowlton and the Planning Group that is working on TDRs for the County.

Vice-Chair Pettit recalled an item on the City Council agenda related to expanding the oversight of the HPB on reconstruction projects. The Planning Commission previously discussed the matter and forwarded a recommendation to the City Council. She requested an update on the status and what action had occurred. Assistant City Attorney McLean stated that the City Council sent the matter to the HPB for their input. The item was scheduled to go before the City Council on November 3rd. Director Eddington clarified that the issue was whether or not to have the HPB review applications for reconstructions. Vice-Chair Pettit requested that the Planning Commission continue to be updated on the matter.

Vice-Chair Pettit suggested a joint meeting between the Planning Commission and the HPB to discuss how they could do a better job being liaisons to each another. She thought that having the HPB join the walking tour was very beneficial and it would be nice to have more of those joint opportunities.

Vice-Chair Pettit asked about the City Council decision regarding the two properties on Park Avenue. She recalled hearing from radio reports that the plan was not to tear down or reconstruct, and that the City Council was looking at other options. Director Eddington replied that the City Council would be discussing those two properties the following evening. He noted that the City Council directed the Staff to come back with a recommendation that the preferred option was rehabilitation and not reconstruction. Council Member Butwinski clarified that the City Council would be looking at the RFP for those properties the following evening.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. 1530 Empire Avenue, Snowcrest Condominiums – Amendment to Record of Survey (Application #PL-11-01227)

Planner Matthew Evans reviewed the application for an amendment to the Record of Survey. He reported that the applicant was requesting to drop the name “hotel” from the recorded plat. The current name on the plat is the Snowcrest Condominium Hotel. The structure is a 51 unit existing development on the corner of Empire Avenue and Snow King, a block in from Park Avenue.

Planner Evans stated that the application was received on March 24th and there was some confusion related to issues with the Building Department regarding two of the units; Unit 316 and 317. At one time both units were owned by one entity and in 1997 the loft of the two units were combined into one. Due to that change, the entry that was created between the two units broke into a firewall and that issue was never resolved. In discussing the matter with the Building Department, the Staff agreed that the issue could be mitigated and the application could move forward with a condition that the owners of two units fix the problem.

The Staff found good cause for the plat amendment. It is an existing structure and new construction is not proposed. The only change would be to drop the word "hotel" from the name.

Planner Evan remarked that the application went through the Development Review process. He noted that the only issue raised was the possibility of increased nightly rentals. However, the RC zone allows nightly rentals as a permitted use and individual owners would not be required to apply for a CUP. Planner Evans stated that the purpose of removing the word "hotel" from the name better reflects its current use, which is primarily individual ownership condominiums as opposed to a hotel setting.

The Staff had received no public communication or objections.

The Staff recommended that the Planning Commission forward a positive recommendation the City Council based on the findings of fact, conclusions of law and conditions of approval found in the draft ordinance.

Commissioner Worel wanted to know why the owner of Unit 317 was responsible for mitigating the door situation. Planner Evans replied that Units 316 and 317 used to have the same own. In 1997 the owner sold off Unit 316 and it was replatted without the loft. Therefore, both loft areas were contained within Unit 317. The owner of 316 purchased a unit without a loft. Planner Evans clarified that both units were owned by one owner when the door was cut into the firewall.

Vice-Chair Pettit opened the public hearing.

There was no comment.

Vice-Chair Pettit closed the public hearing.

MOTION: Commissioner Hontz moved to forward a POSITIVE recommendation to the City Council based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 1530 Empire Avenue

1. The property is located at 1530 Empire Avenue within the Residential Commercial (RC) Zoning District.
2. There are no proposed changes to the building footprint or any of the existing units within the building, including the exterior elevation, parking, amenities, or otherwise.
3. The applicants proposed to drop the name "Hotel" from the recorded name of the condominium plat.

4. Per Section 15-2.16-2(A)(7), Chapter 2.16 Recreational Commercial District of Title 15 of the LMC, nightly rentals are permitted, and would be permitted regardless if the name of the condominiums changes or stays the same.
5. There are no known non-conformities associated with the existing building or the uses therein.
6. Multi-family dwellings are a conditional use within the RC Zone District.

Conclusions of Law – 1530 Empire Avenue

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

Conditions of Approval – 1530 Empire 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 complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. The owner of Unit 317 shall work with the building department to the building department's satisfaction to mitigate the issues related to the opening of the firewall between the loft areas prior to plat recordation.
2. **57 King road – Steep Slope Conditional Use Permit.**
(Application #PL-11-01327)

Planner Kirsten Whetstone reviewed the application for construction on a vacant lot located at 57 King Road. The lot is Lot 1 of the Anchor Development, second amended of the Millsite Reservation subdivision #1. The lot is approximately 70,300 square feet. The lot is vacant, but there is existing vegetation on the southwest side and larger trees that the applicant would like to keep if possible.

Planner Whetstone noted that the site is a knoll that comes off of a private shared driveway with 55 King Road. The lot has a flat area at the beginning that eventually rises up. Since the area proposed for construction is a slope greater than 30% and the proposed structure is greater than a 1,000 square feet, additional steep slope CUP review is required by the Planning Commission.

Page 35 of the Staff report contained the nine criteria for a Steep Slope CUP. The Staff found that the request complied with the nine criteria. The applicant was proposing less than the allowed footprint in the LMC. The proposal is less than the allowed total of 2400 square feet above ground floor area by a plat note. Planner Whetstone summarized that the applicant proposed greater setbacks, less height, less footprint, less square footage, and a larger lot. In addition, a vertical articulation to the third story is required to be a minimum of ten feet. The applicant was proposing 23 feet to where a shed roof begins and 35 feet to the third story ridge. Additional criteria in the LMC for the HR1 zone was a change of grade by no more than 4 feet from existing, and the project proposes 3 feet or less, except for the front of the garage and window wells.

Planner Whetstone pointed out that the Staff had drafted a condition of approval requiring that the driveway be minimized to the greatest extent possible and that the width at the easement edge not exceed 20 feet. Planner Whetstone noted that the Staff was in the process of finding compliance with the Design Guidelines. To this point, other than the Steep Slope CUP, they found that the design complies. The Staff was pleased that the application did not maximize the various parameters.

The Staff recommended that the Planning Commission review the proposal, conduct a public hearing, and consider approving the Steep Slope CUP for 57 King Road, according to the Findings of Fact, Conclusions of Law, and Conditions of Approval stated in the Staff report.

Warren Lloyd, the architect/agent for the applicant, stated that he worked with Staff on the conditions and he agreed with the recommendations. Mr. Lloyd believed the project was compatible in size and architectural character. He understood the recommendation to narrow the roadway and felt they could accommodate safe, access to the site.

Mr. Lloyd presented and reviewed a site context model.

Commissioner Hontz referred to Sheet SD1.1 and noted that she was unable to find the distance from where the garage door begins and ends and the edge of the drive. She could see the width but not the length. Commissioner Hontz wanted to make sure there was enough space between the public utility and access easement and the front of the garage. Mr. Lloyd replied that it would be possible to park a car in front of the garage door and keep the shared driveway accessible.

Commissioner Hontz again referred to Sheet SD1.1 and asked if there was a difference between a non-exclusive access and utility easement and a public utility and access easement, since both were shown. Mr. Lloyd stated that it was taken off the recorded plat and both were designated in that manner on the plat. He noted that a utility easement is required for both conditions.

Assistant City Attorney McLean explained that non-exclusive means that it is not limited to just the sewer district or a specific entity. Commissioner Hontz noted that the City has been cleaning up

the plats to make sure they have the access correct. With the public access, she questioned the reason for a non-exclusive easement. Planner Whetstone thought the non-exclusive easement may provide access across the property for the second lot.

Assistant City Attorney McLean suggested that the Planning Commission schedule time at another meeting to discuss the different types of easements.

Vice-Chair Pettit opened the public hearing.

Kevin Reilly, a resident at 84 Daly Avenue, thought his property may be directly below the proposed project. If that is the case, he was concerned about soil erosion coming down on his property.

Mr. Lloyd provided a site map and Mr. Reilly was pleased to learn that the property at 57 King Road was not close to his home on Daly Avenue.

Vice-Chair Pettit closed the public hearing.

Commissioner Thomas asked Mr. Lloyd if the plans had gone through engineering. Mr. Lloyd replied that it had gone through structural engineering. Commissioner Thomas referred to Drawing A2.1 which showed a large overhang, and asked if the thickness relative to snow loads had been considered in drawing the elevations. Mr. Lloyd replied that the intent was to design a roof that was compatible with the miners sheds, keeping the same scale and elements. He noted that the structural aspect had been considered in the design.

Commissioner Thomas assumed the project and the details would be consistent with the design guidelines. Planner Whetstone stated that a condition of approval with the Steep Slope states that the building set that comes back must be consistent with the plans that were reviewed by the Planning Commission.

Commissioner Thomas complimented Mr. Lloyd on submitting a nice application with a complete historical context. It was great work, particularly since Mr. Lloyd had not done much work in the community.

Commissioner Hontz concurred. She was impressed by the well thought out and complete package, and commended Mr. Lloyd and the Staff. Commissioner Hontz complimented Mr. Lloyd on his thoroughness, particularly the way the model dropped the house into the existing landscape. Commissioner Hontz liked how Mr. Lloyd worked to make the project fit the site as opposed to making the site fit the project. She suggested a stronger presentation on the two main massing pieces so they would stand out and look like two separate elements.

Commissioner Worel also thought the application was complete and thorough. She appreciated the fact that the design was so compatible with the surrounding structures and with the environment. It was very well done.

Commissioner Strachan concurred with all previous comments. The issue is compatibility and his only concern was that the design may not be compatible with the two structures below it. He was unsure how those homes would be impacted but he trusted the Staff to make sure any impacts were mitigated by the design. Aside from that, Commissioner Strachan was comfortable with the application.

Vice-Chair Pettit asked if there was an arrangement between the property owners for clearing the shared driveway. Mr. Lloyd stated that the owner of 57 King Road had spoken with the other owner. At this point there is one parcel that plows, and that would continue moving forward. Mr. Lloyd noted that at 55 King Road the driveway widens out quite a bit and he was unsure where they have been pushing the snow. They would need to make sure there is adequate room.

Vice-Chair Pettit asked if it was appropriate to include a condition of approval regarding snow clearing. Given the amount of snow that falls in that area, she was concerned about where the snow would go and how it would impact the adjacent properties.

Planner Whetstone noted that the issue was not addressed in the plat. It only talks about a shared access road that provides access to 57 King Road over 55 King Road. She could not find a recorded agreement between the two property owners. Mr. Lloyd was not aware of any written agreement between the two property owners.

Assistant City Attorney McLean suggested adding a condition of approval that requires a recorded agreement prior to issuance of a building permit or a certificate of occupancy.

Planner Whetstone drafted Condition #13 to read, "An agreement between the owners of 55 and 57 King Road regarding maintenance, snow removal and use of the easement shall be recorded at Summit County prior to issuance of a Certification of Occupancy".

Commissioner Thomas believed there was enough massing break in the building and enough variation with the footprint of the building and roof lines that color may not be as critical as it would be on a larger building mass.

Director Eddington stated that the Staff would look at colors and materials as part of the Historic District Design Review. Planner Whetstone clarified that the guidelines do not specifically address a color and a color is not specifically approved. It addresses the use of color in terms of breaking up a mass with a different hue or shade of the chosen color. The Staff would have the ability to address that issue and the use of materials.

Commissioner Hontz stated that the only time she likes to see a significant variation in color is for gray on gray on silver gray.

MOTION: Commissioner Strachan moved to APPROVE the application for 57 King Road for a Steep Slope Conditional Use Permit, according to the Findings of Fact, Conclusions of Law, and Conditions of Approval found in the Staff report and as amended. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 57 King Road

1. The property is located at 57 King Road within the Historic Residential Low Density (HRL) zoning district. The HRL zone is characterized by historic residential structures and larger contemporary houses on larger lot.
2. The property is subject to the Anchor Development S3econd amended subdivision plat of the Millsite Reservation Subdivision No. 1. The amended subdivision plat was recorded on December 11, 1998 includes plat notes regarding 1) shared access from King Road with adjacent lots; 2) limits on above ground floor area; 3) requires residential fire sprinklers; and 4) prohibits the re-subdivision of lots.
3. The plat notes regarding floor area state that “above ground building square footage for Lot 1 is 2,400 square feet (not including the garage) and 3,400 square feet (not including the garage) for Lot 2”. The notes further clarify that “above ground square footage are considered to be the floor area of the building that is 80% or more above finished grade. Above ground square footage does not include the floor area associated with a true basement or crawl space.”
4. The lot is currently vacant and contains oak, deciduous trees, and a large white fir tree. The lot contains areas of greater than 30% slope.
5. The proposal is for a new single family house consisting of 3,768 square feet of total space (including the garage), with 2,540 square feet of heated space and 1,228 square feet of unheated garage and basement space. The total above ground floor area (excluding the garage areas) is 2,180 square feet (1,190 sf on the main level and 990 sf on the upper level). The proposal complies with the plat note limiting above ground floor area to 2,400 sf, excluding the garage.
6. The lot area is 7,305 sf with an LMC allowed building footprint of 2,411 sf. A building footprint of 1,878 sf is proposed.
7. Access to the property is by a shared driveway with 55 King Road accessing King Road.
8. Under the current LMC, the minimum front and rear yard setbacks are 12 feet. The house is proposed with a 27’ front setback and a 15’ rear setback to the property lines.
9. Under the current LMC, the minimum side yard setback is 5 feet for this lot, with a total of 14 feet. The proposed house includes a 25’3” left (east) side setback and 12’ and 11’1” setbacks on the two right sides (west) to the property lines.
10. Under the current LMC, the maximum building height in the HR-L zone is 27 feet. No height exceptions are allowed. The proposed house does not exceed 27 feet in height. The upper

portion is 27' on the east side and 23'7" on the west side. The shed roof portions are 22' from existing grade and the gable over the garage is 25' from existing grade.

11. Under the current LMC the maximum number of stories allowed is three stories. Three stories are proposed.
12. Under the current LMC a 10' horizontal step is required between the second and third floors. Thirty-five (35') feet of horizontal stepping is proposed.
13. The applicant is proposing two parking spaces within a two car garage with two separate garage doors.
14. Utilities are located within a public utility and access easement recorded in the plat. The easement is shared with 55 King Road.
15. The findings in the Analysis section of this report are incorporated herein.
16. The applicant stipulates to the conditions of approval.

Conclusions of Law – 57 King Road

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.1-6(B).
2. The CUP, as conditioned, is consistent with the Park City General Plan.
3. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval – 57 King Road

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
3. A final utility plan, including a drainage plan for utility installation, public improvements, storm water drainage, etc. shall be submitted with the building permit submittal and shall be review and approved by the City Engineer and utility providers prior to issuance of a building permit.
4. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.

5. A final landscape plan shall be submitted for review and approval by the City Planning Department, prior to building permit issuance. The landscape plan shall include shrubs and trees of sufficient number and size to provide additional screening of the building façade as viewed from King Road. The existing significant evergreen tree (White Fir) located behind 81 King road and shown on the plans shall remain. The existing deciduous trees to the south of the driveway shall remain.
6. No building permits shall be issued for this project unless and until the design reviewed and approved by the Planning Department staff for compliance with this Conditional Use Permit and the June 19, 2009 Design Guidelines for Historic Districts and Historic Sites.
7. As part of the building permit review process, the applicant shall submit a certified topographical survey of the property with roof elevations over topographic and U.S.G.S. elevation information relating to existing grade as well as the height of the proposed building ridges to confirm that the building complies with all height restrictions.
8. If required by the Chief Building official based on a review of the soils and geotechnical report submitted with the building permit, the applicant shall submit a detailed shoring plan prior to the issue of a building permit. If required by the Chief Building Official, the shoring plan shall include calculations that have been prepared, stamped and signed by a licensed structural engineer.
9. This approval will expire on October 26, 2012 if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval has been granted by the Planning Commission.
10. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission, subject to additional changes made during the historic District Design Review.
11. The driveway width shall be minimized to the greatest extent possible in order to minimize hard surface area and maintain existing vegetation. The driveway width at the access easement edge shall not exceed 20 feet. The garage doors shall not exceed the dimensions of 9' x 9' consistent with the design guidelines.
12. Modified residential 13-D fire sprinklers are required.
13. An agreement between the owners of 55 and 57 King Road regarding maintenance, snow removal and use of the easement shall be recorded at Summit County prior to issuance of a Certification of Occupancy.

3. Park City Heights – Ratification of Development Agreement

Planner Whetstone stated that the Planning Commission was being asked to ratify the Development Agreement for the Park City Heights Master Planned Development. The MPD was

approved by the Planning Commission on May 11, 2011. The Development Agreement was submitted to the City in August. The agreement was included on page 73 of the Staff report, along with various exhibits such as the annexation agreement and its conditions of approval, the water agreement, the MPD site plan, the action letter with the Findings of Fact, Conclusions of Law and Conditions of Approval of The MPD.

Planner Whetstone noted that a phasing plan was required and that plan was attached. During the MPD approval the Planning Commission addressed the timing of certain amenities and public improvements. Those issues are addressed by the Master Planned Development. The language of the phasing was included in the text of the development agreement.

The Development Agreement had been reviewed by the Planning Department, the Legal Staff, and the City's representative as a co-owner. The Planning Staff also reviewed the Development Agreement against LMC, Section 15-6-4(G), which requires eight elements to be contained in the Development Agreement.

The Staff recommended that the Planning Commission review the Development Agreement, consider ratifying the agreement as written or amended, and allow for public input at their discretion. Planner Whetstone clarified that this would be an administrative action that ratifies the May 11, 2011 final Park City Heights MPD approval. Once ratified, the Development Agreement would be signed by the Mayor and recorded at Summit County.

Commissioner Strachan asked about the standard of review. He wanted to know if the Planning Commission was only supposed to determine whether the Development Agreement accurately reflects what was decided in the MPD. Assistant City Attorney McLean replied that ratification was only memorializing the MPD and whether or not it includes the eight elements from the LMC that were outlined in the Staff report. The Planning Commission could not go back and re-review the MPD other than to make sure the Development Agreement reflects what the Planning Commission voted on and approved.

Commissioner Strachan questioned whether the Planning Commission could suggest amendments. Assistant City Attorney McLean stated that amendments could be suggested but only within the parameters of what was approved by the MPD.

Vice-Chair Pettit opened the public hearing.

There was no comment.

Vice-Chair Pettit closed the public hearing.

Commissioner Hontz referred to page 73 of the Staff report, the first paragraph of the Development Agreement, and pointed out a number of grammatical and typographical errors. She requested that the Legal Department review that paragraph because it was confusing as written.

Commissioner Hontz referred to page 76 of the Staff report, Item 6 - Phasing, and read the second sentence, "The final plat including utility plans for the last phase of the Project shall be

recorded no later than ten years from the date of this agreement". She noted that the sentence was repeated in the middle of that same paragraph, and suggested that one sentence be removed to avoid being redundant.

Commissioner Hontz referred to page 78 of the Staff report, 9.1 Signalize Intersection Improvements. She was unclear on the relationship of who pays what. The second paragraph talks about assigning the cost of improvements, but there was no reference as to whether the City would assume 100% of the signalized intersection improvements.

City Attorney Mark Harrington noted that the language was intentionally left unclear because they did not have the answers. Currently it is a federally funded project and they were proceeding under that assumption. If that changes, a partnership would need to be addressed and the City reserved the right to request that in the future if necessary.

Commissioner Strachan asked about the bike lane. He noted that the MPD approval was conditioned on the developer paying for the bike lane. Mr. Harrington replied that the bike lane was a requirement of the development, as opposed to an intersection improvement by definition. He noted that currently it is the responsibility of the City and Boyer Company and it would remain such unless it is assigned to someone else. Commissioner Strachan recalled that Boyer was the responsible party as the developer. Mr. Harrington clarified that the City would be involved as an owner.

Commissioner Hontz referred to page 87, Finding #21, and noted that there were two periods after Administrative Conditional Use Permit. On page 87, Finding #24, Commissioner Hontz noted that the Planning Commission had been updated on the short range Transit Development Plan, but it was not in relationship to this project. She requested an update on this specific condition of approval #24.

Commissioner Hontz referred to page 95 of the Staff report, Condition #43, which indicated that the Planning Commission had requested an additional site visit by a certified biologist in May or June 2011. Planner Whetstone replied that the site visit was done and the report was submitted. Commissioner Hontz noted that the report had not been provided to the Planning Commission. She would have a problem approving subdivisions or anything else related to this project without seeing that document to make sure she was comfortable with the results.

Planner Whetstone pointed out that the condition required that the Planning Commission see the report prior to the issuance of a grading and building permit. Commissioner Hontz recognized the problem with the condition in hindsight, but she knew exactly what she wanted and she would have liked the information when it was submitted. She provided an example to show why it was important to have that information before approving the subdivision. Commissioner Hontz believed this was a lesson learned. While trying to be accommodating, the last sentence of the condition was not sufficient language to address her concerns. She was pleased that the report was completed as requested, but it was important for the Planning Commission to have the opportunity to review it. Planner Whetstone remarked that the biologist report and the housing plan would be provided to the Planning Commission.

Commissioner Hontz referred to page 94 of the Staff report, Condition #30, which related to construction of the public park, trails, and other amenities related to the first phase. She was concerned about having those in tandem and occur at the same time. The condition indicates that the commencement would happen at the 40th building permit of the first subdivision. Commissioner Hontz remarked that she only counted 32 building permits that would be pulled in the first phase. Therefore, the first phase would not trigger the condition. She found that to be problematic.

Assistant City Attorney McLean clarified that the Development Agreement is more than a rubber stamp of the MPD. Parts of the Development Agreement reflect exactly what was in the MPD; however, other parts address elements that were not discussed as part of the MPD but were required as part of the Development Agreement.

Commissioner Strachan believed the Development Agreement reflected the MPD. Even though he had voted against the MPD, he believed it met the eight components required in the LMC. Commissioner Strachan still disagreed with the approval of the MPD.

Vice-Chair Pettit thought the challenge with language was that Park City was acting as the developer and in a municipal capacity. In looking at the first paragraph of the Development Agreement, she disagreed with Commissioner Hontz that the language was written inaccurately. Vice-Chair Pettit remarked that the first reference to Park City Municipal Corporation was in the capacity of the developer. The second reference was in its capacity of a Municipality. She suggested adding language after the second Park City Municipal Corporation to read "**acting in its capacity** as a municipality and political subdivision..." to clarify why Park City Municipal is on both sides of the agreement.

Vice-Chair Pettit remarked that the content of the Development Agreement was consistent with the MPD. She thought Commissioner Hontz had raised good questions from the standpoint of lessons learned, and also in thinking about the path forward. It would be helpful if the Planning Commission could have a timeline that shows each of the different phases of the project so they can understand how the conditions of approval fit with each phase when being asked to make a decision. Vice-Chair Pettit thought it would keep them on task to make sure the project moves through the process in the way they had intended.

Commissioner Hontz noted that the next item was approval of the subdivision. With the knowledge of the subdivision plat, she asked if it was appropriate to change the requirement regarding the 40th building permit. In her opinion, there was no way to reach 40 building permits with what was being proposed in the first phase.

Assistant City Attorney McLean stated that the conditions of approval of the MPD could not be revised or changed. However, the issue could be addressed as part of the phasing section in the Development Agreement or as part of the subdivision. Planner Whetstone noted that all the trails would be completed with the subdivision associated with Phase 1 of the plat.

Spencer White, representing the applicant, reminded the Planning Commission that the 28 affordable units in Phase 1 were the IHC units. He pointed out that those 28 units were brought in

by direction from the City. Mr. White recalled having a discussion about the 40th unit, and at that point they are fully vested. However, having to front all of the improvements for the 28 affordable units that were already accepted in was part of the reason for having the discussion. Mr. White clarified that the applicant was not trying to get away from putting in the improvements, but from a financial standpoint, it never made sense to do until the 40th unit. Mr. White remarked that the applicant had originally said 50 units and later backed down to 40 units.

Commissioner Hontz remembered the discussions and how they reached 40 units. If the Planning Commission was comfortable moving forward on the Development Agreement, they would still have a potential future discussion on the subdivisions.

Mr. White stated that part of the issue was that they were getting pushback from IHC on getting those affordable units built. The units would either get built where they were originally approved on the five acre parcel next to IHC, or they would come into Park City Heights. Whether the affordable units are built in Park City Heights or on the five acre parcel next to IHC, they would still get the amenities in either location. The only issues for Park City Heights was that once they reach the 40th building permit, all the improvements would be constructed in Phase 1.

City Attorney Harrington stated that the characterization of IHC was accurate. He noted that the IHC annexation agreement has its own separate requirement and the affordable units need to be constructed within a certain time frame. Mr. Harrington remarked that the IHC units were driving the issue and not the developer. Mr. Harrington suggested that the Planning Commission consider addressing the matter in the subdivision item. He suggested that they could address the issue as they would with any developer, which is through a public improvement guarantee for the first phase. That would insure that if something happens with the rest of the development, the public improvements are still there.

Director Eddington clarified that Phase 1 as it was identified in Condition 30, was also identified in the Annexation Agreement, Phase 1, which was up to the 90 UEs. Commissioner Hontz clarified that her only concern was having a Phase I that was the only phase of the project that would not achieve the goals. Regardless of the number, she wanted to see those improvements occur in case this is the only phase that gets built. She was comfortable addressing that with the subdivision.

MOTION: Commissioner Thomas moved to ratify the Development Agreement for the Park City Heights Master Plan Development as amended. Commissioner Worel seconded the motion.

VOTE: The motion passed unanimously.

4. Park City Heights - Subdivision

City Attorney Harrington disclosed that due to the conflict of interest, the City Council had removed itself as the appellant authority. An appeal of the Planning Commission decision would be sent to an independent appeal authority. However, per Code, plats must go to a legislative body and the City Council would continue as the appeal body with the appropriate disclosures.

Planner Whetstone reviewed the request for approval of a final subdivision plat for the first phase of the Park City Heights master planned development. The first phase consists of 28 townhouse units, which are the IHC housing units for fulfillment of their affordable housing requirement for the Park City Medical Center, and four cottage home lots, for a total of 32 dwelling units. The application also includes a plat for the City park parcel, the HOA clubhouse parcel, open space parcels, support commercial parcels, dedication of the first phase streets, utility easements, trail easements, and a parcel for a future multi-unit affordable housing project at the north end of the project.

Planner Whetstone noted that the parcels and streets layout was consistent with the Park City Heights MPD that was approved on May 11, 2011. The conditions of the MPD and the Park City Heights Annexation Agreement continue to apply in this phase.

The Staff had conducted an analysis against the LMC criteria. The property is located in the Community Transition Zone. The various requirements of the zone were outlined in a table on page 137 of the Staff report. Planner Whetstone noted that master planned developments allow zero setbacks, which is proposed for the townhouse units. There would be a zero setback where the units attach with common walls. The setbacks along the street side would be 10 feet, and 12 feet along the sides between structures. The setbacks were identified with the plat as required by the MPD.

The Planning Staff conducted a general subdivision analysis on requirements A through N, as well as the general lot design requirements A through K in the LMC, as outlined in the Staff report. The Staff also did an analysis of the general road design requirements. Planner Whetstone noted that the City Engineer still needed to approve the final form of the plat in terms of the final utility and drainage plans.

The Staff recommended that the Planning Commission conduct a public hearing on the Park City Heights Phase 1 subdivision plat, consider public input and any discussion or amendments, and consider forwarding a positive recommendation to the City Council pursuant to the Findings of Fact, Conclusions of Law and Conditions of Approval stated in the draft ordinance.

Vice-Chair Pettit opened the public hearing.

There was no comment.

Vice-Chair Pettit closed the public hearing.

It was noted that the text did not print on some of the documents that were provided to the Planning Commission. Planner Whetstone read the plat notes from her copy, and new copies were printed and given to the Commissioners.

Commissioner Thomas referred to L1.0 and the notes on the right hand side of the page that indicated that the trees are spaced 60 feet on center. He thought that was excessive. Mr. White noted that the applicant originally proposed 30 feet on center and it came back from the City

redlined to 60 feet. Planner Whetstone replied that during the development review the recommendation for 60 feet came from the City's arborist for the Honey Locust trees. The trees are 2 to 2-1/2 inch caliper. The trees would be a mix of Honey Locust and Norway Maple. Director Eddington was unsure why the arborist would have recommended 60 feet on center. Commissioner Thomas thought that should be changed if the applicant was willing to go to 30 feet. Director Eddington concurred. Mr. White reiterated that the applicant originally proposed 30 feet and they were willing to do 30 feet or 60 feet. Commissioner Thomas clarified that the recommendation was to space the trees at 30 feet on center.

Planner Whetstone noted that the primary purpose of the landscape plan was to identify the limits of disturbance, and how and when that would be reseeded after construction.

Vice-Chair Pettit questioned the streets names and asked who had named them. Planner Whetstone believed it was the City Engineer in consultation with the Postmaster. Since this was a co-development with the City, Vice-Chair Pettit preferred that the names be significant to people, places or events in Park City. Phyllis Robinson explained that significant time was spent trying to list appropriate street names, and they ended up submitting a list of avalanche dogs that are used at PCMR and Deer Valley resort, as well as some of the service dogs that have been raised in Park City. The streets were named after dogs associated with Park City.

Vice-Chair Pettit commented on the public improvement bond to address Commissioner Hontz concerns. City Attorney Harrington stated that the Planning Commission could ask if the applicant was willing to accept a condition of approval that requires a public improvement guarantee that includes the full Phase 1 trail and other amenities. He did not believe the requested improvements were so cost prohibitive that it would be a problem.

Mr. White stated that the applicant has always been willing to construct the amenities. They were only following the development agreement. He wanted to know if the improvements were the ones listed in Condition #30. Commissioner Hontz thought the improvements outlined in Condition #30 were sufficient at a minimum.

City Attorney Harrington suggested amending Condition of Approval #17 of the subdivision to read, "A financial guarantee, in a form and amount acceptable to the City and in conformance with the LMC and MPD conditions of approvals, for the value of all public improvements, **including those identified in the MPD condition of approval #30**, shall be provided to the City prior to building permit issuance for new construction within each phase. All public improvements shall be completed according to City standards and accepted by the City Council prior to release of this guarantee".

Commissioner Hontz thought the Planning Commission had specified the park design. Planner Whetstone remarked that because it is a City Park, the design and function would be per the Parks and Recreation Board recommendation to the City Council. She recalled that the Planning Commission specified that the Park not be designed in a way that would prohibit or affect the placement of the soccer field.

Commissioner Hontz read from page 84 of the Staff report, Finding #1 of the MPD, letter H. "A dedicated 3.55 acre (155,000 sf) public neighborhood City Park with field, tot lot and playground equipment, shade structure, paths, natural area, and other amenities to be designed and constructed by the developer and maintained by the City This park is included in open space calculations. Bathrooms are proposed in the club house with exterior access for the park users". She thought that language was very important.

Commissioner Hontz pointed out that the trail connections were described in Letter K of Finding #1. She asked about the community gardens identified in Letter I. Mr. White clarified that the community garden was in a subsequent phase and not part of the subdivision.

Commissioner Strachan incorporated his comments from past meetings on this project, and voiced his objections to conclusions of law 1,2 ,5 and 6. He would be voting nay on any motions for approval that find compliance with conclusions of law 1, 2, 5, and 6. He would not vote for a continuance because no amount of time could resolve that issue.

MOTION: Commissioner Thomas moved to forward a POSITIVE recommendation to the City Council for the Park City Heights Phase I Subdivision plat, pursuant to the corrections discussed at this meeting and with the Findings of Fact, Conclusions of Law and Conditions of Approval as amended.

Commissioner Hontz asked Planner Whetstone to read Condition of Approval #17 as amended.

Planner Whetstone read, "A financial guarantee, in a form and amount acceptable to the City and in conformance with the LMC and MPD conditions of approval for the value of all public improvements, including those public improvements identified in the Park City Heights master planned development Condition #30 and further described in Finding #1, letter H, shall be provided to the City prior to building permit issuance for new construction within this phase. All public improvements shall be completed according to City standards and accepted by the City Council prior to release of this guarantee."

Commissioner Worel seconded the motion.

Commissioner Hontz was concerned that the condition as written would trigger the improvements at 40 units rather than 32 units. Planner Whetstone pointed out that the guarantee would be in conformance with the LMC and MPD conditions. City Attorney Harrington explained that the guarantee would give the City money to make those improvements if the developer fails to do it. Commissioner Hontz was comfortable with the condition as written.

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

Findings of Fact – Park City Heights Subdivision

1. The property is located on Richardson Flat Road east of SR248 and west of US Highway 40.

2. The property was annexed into Park City with the Park City Heights Annexation on May 27, 2010, and was zoned Community Transition (CT).
3. On May 11, 2011, the Park City Planning Commission approved the Park City Heights MPD for a mixed residential development consisting of 160 market rate units and 79 affordable units on 239 acres.
4. On June 22, 2011, the Planning Commission reviewed and approved a preliminary subdivision plat as being consistent with the Park City Heights MPD. The proposed plat is consistent with the preliminary subdivision plat.
5. Park City Municipal Corporation and Boyer Park City Junction are joint owners of the property. The property was not purchased with open space revenues.
6. The property is restricted by the Land Management Code, the Park City Heights Annexation Agreement, and the Park City Heights Master Planned Development conditions of approval and Development Agreement, and other applicable codes and regulations.
7. The lots are not within the Entry Corridor Protection Overlay zone (ECPO) and no portion of this plat is within the Park City Soils Ordinance boundary.
8. The proposed subdivision plat creates lots of record for 28 townhouse units to be constructed for IHC as fulfillment of the required affordable housing for the Park City Medical Center. The subdivision plat also includes four (4) cottage home lots of record, a City Park parcel, HOA clubhouse parcel, open space parcels, support commercial parcels, dedication of first phase streets, utility easements, trail easements, and a parcel for a future multi-unit affordable housing building.
9. The townhome lots range in area from 1,898 sf to 4,779 sf for Lot T16, a corner lot with 3 front yard setbacks. The cottage lots range in area from 4,431 sf to 6,051 sf. These lots are consistent with the Lot and Site Requirements of the Community Transition (CT) zone as conditioned by the Park City Heights MPD.
10. No non-conforming conditions are created by the subdivision.
11. An existing 50' wide power line easement for PacifiCorp traverses parcels G and D. An additional 10' is being dedicated with this plat for a total width of 60' as requested by PacifiCorp to meet future anticipated utility easement needs.
12. The property is accessed from Richardson Flat Road, a public county road.
13. Access to all lots and parcels within the proposed subdivision is from local public drives and streets. No lots or parcels access directly to Richardson Flat Road. All streets and drives are public.

14. The subdivision complies with the Land Management Code regarding final subdivision plat, including CT zoning requirements, general subdivision requirements, and lot and street design standards and requirements.
15. General subdivision requirements related to 1) drainage and storm water; 2) water facilities; 3) sidewalks and trails; 4) utilities such as gas, electric, power, telephone, cable, etc.; 5) public uses, such as parks and playgrounds; and 6) preservation of natural amenities and features have been addressed through the Master Planned Development process as required by the Land Management Code.
16. Sanitary sewer facilities are required to be installed in a manner prescribed by the Snyderville Basin Water Reclamation District (SBWRD).
17. There is good cause for this subdivision plat in that it creates legal lots and parcels of record from metes and bounds described parcels; memorializes and expands utility easements and provides for new utility easements for orderly provision of utilities; provides a parcel to be dedicated as a public park; provides for open space areas within and around the subdivision; dedicates trail easements and public streets, provides for future support commercial parcels; and provides for future development parcels for affordable housing and market rate units consistent with the approved Park City Heights Annexation Agreement and Master Planned Development.
18. The findings in the Analysis section are incorporated herein.

Conclusions of Law – Park City Heights Subdivision

1. The subdivision complies with LMC 15-7.3 s conditioned.
2. The subdivision is consistent with the Park City Land Management Code and applicable State law regarding subdivision plats.
3. The subdivision is consistent with the Park City Heights Annexation and the Park City heights PD, as conditioned.
4. The subdivision is consistent with the Park City Heights preliminary plat approved by the Planning Commission on June 22, 2011.
5. Neither the public nor any person will be materially injured as a result of approval of the proposed subdivision plat, as conditioned herein.
6. Approval of the proposed subdivision plat, subject to the conditions stated herein, will not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – Park City Heights Subdivision

1. City Attorney and City Engineer review and approval of the final form and content of the subdivision plat for compliance with State law, the Land Management Code, and the conditions of approval, is a condition precedent of recordation of the plat.
2. The applicant will record the subdivision plat a Summit 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 amendment will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Conditions of approval of the Park City Heights Annexation, as stated in the Annexation Agreement, continue to apply.
4. Conditions of approval of the Park City Heights MPD, as memorialized in the Development Agreement, continue to apply.
5. Final approval of the sewer facilities/utility plan by the Snyderville Basin Water Reclamation District is required prior to final plat recordation.
6. All streets and drives, but not driveways on individual lots and parcels, within the subdivision plat shall be dedicated as public streets. Final acceptance of these streets by the City shall occur upon completion and acceptance of the public improvements. The City will commence maintenance and snow removal from public streets once 50% of the units within this phase are complete and certificates of occupancy have been issued.
7. The City Park parcel shall be dedicated to the City upon recordation of the plat.
8. All construction, including streets, utilities, and structures shall comply with recommendations of the June 9, 2006 Geotechnical Study provided by Gordon, Spiller Huber Geotechnical Consultants, Inc. Additional soils studies and geotechnical reports may be required by the City Engineer and Chief Building Official prior to issuance of any building permits for structures, utilities, and roads. The report shall be reviewed by the City Engineer and Chief Building Official and may recommendations for utilization of special construction techniques to mitigate soils issues, such as expansive clays, shall be incorporated into conditions of the building permit and ROW Permit approval.
9. A landscape and irrigation plan shall be submitted for City review and approval for each lot, prior to building permit issuance. Landscaping and irrigation shall be consistent with the Park City Heights Design Guidelines and the MPD conditions of approval
10. All applicable requirements of the LMC regarding top soil preservation, final grading and landscaping shall be completed prior to issuance of a certificate of occupancy.
11. A storm water run-off and drainage plan shall be submitted with each phase of the project and with the building plans consistent with the MPD conditions of approval and shall be approved prior to building permit issuance.

12. Prior to issuance of a building permit for any units within this plat, all building plans shall be reviewed for compliance with the Park City heights Design Guidelines.
13. Confirmation of street names shall be provided by the local postmaster and City Engineer prior to plat recordation.
14. An industry standard Third Party inspector shall be mutually agreed upon by the Chief Building Official and the applicant prior to issuance of a building permit to provide third party inspection for compliance with LEED for Homes Silver rating, as stated in the Annexation Agreement, MPD conditions of approval and as noted on the plat.
15. A construction mitigation plan (CMP) shall be submitted and approved by the City for compliance with the Municipal Code, LMC, and the MPD conditions of approval prior to building permit issuance.
16. A construction recycling area and excavation materials storage area within the development shall be utilized for this phase as required by the MPD conditions of approval.
17. A financial guarantee, in a form and amount acceptable to the City and in conformance with the LMC and MPD conditions of approval, for the value of all public improvements, including those public improvements identified in the Park City Heights master planned development Condition #30 and further described in Finding #1, letter H, shall be provided to the City prior to building permit issuance for new construction within this phase. All public improvements shall be completed according to City standards and accepted by the City Council prior to release of this guarantee.
18. All standard project conditions shall apply.

The Park City Planning Commission meeting adjourned at 7:30 p.m.

Approved by Planning Commission: _____

CONSENT AGENDA

Planning Commission Staff Report



PLANNING DEPARTMENT

Subject: Fifth Amended Stag Lodge Phase III condominium plat for Units 47 and 48 located at 8200 Royal Street East
Author: Kirsten A Whetstone, AICP
Date: November 9, 2011
Type of Item: Administrative – Condominium Record of Survey Amendment
Project Numbers: PL-11-01367 and PL-11-01368

Summary Recommendations

Staff recommends the Planning Commission conduct a public hearing, consider input and consider forwarding a positive recommendation to City Council on the Fifth Amended Stag Lodge Phase III amended condominium plat for Units 47 and 48 based on the findings of fact, conclusions of law and conditions of approval as stated in the draft ordinance.

Topic

Applicant: Rogge Dunn, Owner of Unit 47
Jay Shaw, Owner of Unit 48
Location: 8200 Royal Street East.
Zoning: Estate (E) as part of the Deer Valley MPD
Adjacent Land Uses: Stag Lodge Condominium units, ski terrain of Deer Valley Resort, single family homes.
Reason for Review: Plat amendments require Planning Commission review and recommendation to City Council for final action.

Proposal

This is an application to amend the existing Stag Lodge Phase III record of survey plat for Units 47 and 48. These units are detached, single family units. The amendment is a request to identify additional basement and sub-basement areas for these units as private area. This area is currently considered common area because it isn't designated as either private or limited common on the plats. This additional basement area exists and is located within the existing building footprint. The area was not identified on the plat as common or private. This is a request to document the as-built condition of these units. If approved, the private area of Units 47 and 48 increases by 1,082.2 sf and 1,553.6 sf, respectively. The footprint of the Units will not change and no additional parking is required.

Background

On September 30, 2011, the City received a complete application for an amended record of survey for the Stag Lodge Phase III condominiums. The applicant seeks to amend the plat to identify additional basement areas as private area for Units 47 and 48, to allow the owners to finish the basement areas for private living space. The lower level basement areas will have a walkout to the exterior finished grade.

Stag Lodge Phase III plat was approved by City Council on December 7, 1989 and

recorded at Summit County on March 1, 1990. Stag Lodge Phase III plat, consisting of Units 36-43 and Unit 47, was first amended on November 29, 1990 and recorded at the County on December 3, 1990. The first amendment added private area to Units 36-43 and added Unit 48 to Phase III. Unit 47 was already part of this plat.

The Stag Lodge Phase III second amendment was approved on December 5, 1991 and recorded at the County on January 6, 1992. The second amendment increased the private area of Unit 43 to be equal to Units 40-42 at 4,595 sf.

A third amendment to the Stag Lodge Phase III plat was approved on June 6, 2002 and recorded at the County on January 17, 2003. The third amendment added private area to units 36-39 to make all of the units the same size at 4453.4 sf.

A subsequent fourth amendment correctly identified a portion of the upper floor area as private for Units 36-39 and designated a small deck area as private. The total floor area of these units remained at 4453.4. This amendment was approved on July 1, 2004 and recorded on May 25, 2005.

In summary, the private area of Units 47 and 48 was not previously amended by the various plat amendments. Unit 47 was originally part of Phase III and Unit 48 was added to Phase III during the first amendment in 1990.

Stag Lodge is subject to the 11th Amended Deer Valley Master Plan Development (DVMPD) that allows 52 units for Stag Lodge. There are 52 existing Stag Lodge units and the proposed amendments do not create additional units. Within the DVMPD, a developer can utilize either the City's Unit Equivalent (UE) formula of 2,000 square feet per or develop the allowed number of units without a stipulated unit size.

In the case of Stag Lodge the developer utilized the number of units with no size restriction. The Stag Lodge Condominium project consists of 52 units ranging in size from 2,213 sf to 4,595 sf. Units 47 and 48 are currently platted as 3,367.49 sf units. If approved, the private basement area of Units 47 and 48 increases by 1,082.2 sf and 1,553.6 sf, respectively. Approval of the basement area as private area would increase Unit 47 to 4449.69 sf and Unit 48 to 4,921.09 sf

The proposed amendment does not change the number of units. Exterior changes include adding natural stone veneer, French doors, and windows to the exposed foundation wall beneath the decks. The parking requirement for these units is 2 spaces. Each unit has an attached two car garage No additional parking is required.

Unit 47 was constructed in 1989 and Unit 48 was constructed in 1990. At the time of initial construction, the subject basement areas included partially excavated, unfinished crawl space, with unpaved floors. In 2004 a building permit was issued for the creation of basement areas (excavation and paved floors) from the existing unfinished crawl space area for Unit 48. Similar work was permitted in 2010 for Unit 4. A portion of the proposed basement area was shown as private area, but a portion had no clear designation.

On October 19, 2011, building permits were issued for both units with conditions that

certificates of occupancy for the finished basement areas would not be issued until the plat amendment was recorded at Summit County.

Analysis

The zoning for Units 47 and 48 within the Deer Valley MPD is Estate (E). The area was not part of the original Deer Valley MPD that was zoned RD-MPD during the approval of that Master Planned Development. The Estate area of Stag Lodge was included in the Deer Valley MPD during the approval process for the Stag Lodge Condominiums. The property is subject to the following criteria:

	Permitted through MPD/CUP	Proposed
Height	28'-35'	No changes area proposed.
Setbacks	Per the record of survey plat.	No changes area proposed.
Units/ UE	52 units	No change proposed to the allowed number of units.
Condominium units	94 units	84 units
Parking	2 spaces for each of Units 47 and 48	2 spaces for each of the Units 47 and 48. No changes are proposed

Good Cause

Staff finds good cause for this amended record of survey to reflect the as-built conditions and allow the owners to utilize basement area as private living area without increasing the building footprint or parking requirements, consistent with provisions of the Deer Valley MPD.

Department Review

This project has gone through an interdepartmental review on October 11, 2011, and no issues were raised pertaining to the requested plat amendments.

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

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

Process

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

Alternatives

- The Planning Commission may recommend that the City Council approve the Fifth Amended Stag Lodge Phase III record of survey plat for Units 47 and 48 as conditioned or amended, or

- The Planning Commission may recommend that the City Council deny the plat amendment application and direct staff to make Findings for this decision, or
- The Planning Commission may continue the discussion and provide Staff and the Applicant with specific direction regarding additional information necessary to make a recommendation on this item.

Significant Impacts

There are no significant fiscal or environmental impacts from this application. Water and sewer impact fees, and other fees associated with increased floor area, are evaluated during the building permit process and collected prior to issuance of any building permits.

Consequences of not taking the Suggested Recommendation

The additional basement areas will not be identified as private areas and will remain as common area. This area will not be considered to be part of Units 47 and 48 for the exclusive use of Units 47 and 48.

Recommendation

Staff recommends the Planning Commission conduct a public hearing, consider input and consider forwarding a positive recommendation to City Council on the Fifth Amended Stag Lodge Phase III plat for Units 47 and 48 based on the findings of fact, conclusions of law and conditions of approval as stated in the draft ordinance.

Exhibits

Ordinance

Exhibit A- Amended plat

Exhibit B- Existing plats for Units 47 and 48

Exhibit C- Elevations and photos

Ordinance No. 11-

AN ORDINANCE APPROVING THE FIFTH AMENDMENT TO THE STAG LODGE PHASE III CONDOMINIUMS FOR UNITS 47 AND 48, LOCATED AT 8200 ROYAL STREET EAST, PARK CITY, UTAH.

WHEREAS, owners of the property known as the Stag Lodge Phase III condominium Units 47 and 48, have petitioned the City Council for approval of a request for amendments to the record of survey plat to designate additional basement areas as private area; 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, on November 9, 2011, held a public hearing to receive input on the amended record of survey plat;

WHEREAS, the Planning Commission, on November 9, 2011, forwarded a recommendation to the City Council; and,

WHEREAS, on December 1, 2011, the City Council held a public hearing on the amended record of survey plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Fifth Amended Stag Lodge Phase III record of survey plat for Units 47 and 48 to reflect as-built conditions and allow the owners to utilize basement area as private living area without increasing the building footprint or parking requirements, consistent with provisions of the Deer Valley MPD, as amended (11th Amended MPD).

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 Fifth Amended Stag Lodge Phase III condominium record of survey plat for Units 47 and 48, 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 8200 Royal Street East, Units 47 and 48.
2. The property is located within the Estate (E) zone and is subject to the Eleventh Amended Deer Valley MPD (DVMPD).
3. Within the DVMPD, a project can utilize either the City's Unit Equivalent (UE) formula of 2,000 square feet per UE or develop the allowed number of units without a stipulated unit size.
4. The Deer Valley MPD allowed 50 units to be built at the Stag Lodge parcel in addition to the 2 units that existed prior to the Deer Valley MPD. A total of 52 units are allowed per the Eleventh Amended Deer Valley MPD and 52 units exist within

the Stag Lodge parcel. The Stag Lodge parcels are all included in the 11th Amended Deer Valley Master plan and are not developed using the LMC unit equivalent formula.

5. Stag Lodge Phase III plat was approved by City Council on December 7, 1989 and recorded at Summit County on March 1, 1990. Stag Lodge Phase III plat, consisting of Units 36-43 and Unit 47, was first amended on November 29, 1990 and recorded at the County on December 3, 1990. The first amendment added private area to Units 36-43 and added Unit 48 to Phase III. Unit 47 was already part of the Phase III plat.
6. The Stag Lodge Phase III second amendment was approved on December 5, 1991 and recorded at the County on January 6, 1992. The second amendment increased the private area of Unit 43 to be equal to Units 40-42 at 4,595 sf.
7. A third amendment to the Stag Lodge Phase III plat approved on June 6, 2002 and recorded at the County on January 17, 2003. The third amendment added private area to units 36-39 to make all of the units the same size at 4453.4 sf.
8. A subsequent fourth amendment correctly identified a portion of the upper floor area as private for Units 36-39 and designated a small deck area as private. The total floor area of these units remained at 4453.4. This amendment was approved on July 1, 2004 and recorded on May 25, 2005.
9. The private area of Units 47 and 48 was not previously amended by the various plat amendments. Unit 48 was added to the Phase III plat during the first amendment to the Stag Lodge Phase III plat.
10. On September 30, 2011, a complete application was submitted to the Planning Department for amendments to the Stag Lodge Phase III record of survey plat for Units 47 and 48.
11. The plat amendment identifies additional basement areas for Units 47 and 48 as private area for these units. The areas are currently considered common area because they are not designated as either private or limited common on the plats.
12. The additional basement area is located within the existing building footprints and crawl space area and there is no increase in the footprint for these buildings.
13. Units 47 and 48 contain 3,367.49 sf of private area. If approved, the private area of Units 47 and 48 increases by 1,082.2 sf and 1,553.6 sf, respectively. Approval of the basement area as private area would increase Unit 47 to 4449.69 sf and Unit 48 to 4,921.09 sf
14. As detached units, the parking requirements are 2 spaces per unit. Each unit has an attached two car garage. The plat amendment does not increase the parking requirements for these units.
15. Unit 47 was constructed in 1989 and Unit 48 was constructed in 1990. Building permits were issued by the Building Department for the work. At the time of initial construction, the subject basement areas were partially excavated, unfinished crawl space, with unpaved floors.
16. In 2004 a building permit was issued for the creation of basement areas from the existing unfinished crawl space area for Unit 48. Similar work was permitted in 2010 for Unit 4.
17. On October 19, 2011, building permits were issued for both units for tenant improvement of the basement areas, including the new windows and doors, with conditions that certificates of occupancy for the finished basement areas will not be issued until the amended plat is recorded at Summit County.
18. The findings in the analysis section are incorporated herein.

Conclusions of Law:

1. There is good cause for this amendment to the record of survey.
2. The amended record of survey plat is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. The amended record of survey plat is consistent with the 11th Amended and Restated Deer Valley Master Planned Development.
4. Neither the public nor any person will be materially injured by the proposed record of survey amendment.
5. Approval of the record of survey amendment, subject to the conditions of approval, will 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 amended record of survey plat for compliance with State law, the Land Management Code, the recorded plats, and the conditions of approval, prior to recordation of the amended 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 amendment will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. All conditions of approval of the Stag Lodge Condominium record of survey plats as amended shall continue to apply.
4. The plat shall be recorded at Summit County as a condition precedent to issuance of certificates of occupancy for the interior basement finish work, as permitted by the Building Department on October 19, 2011.

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

PASSED AND ADOPTED this ___ day of ____, 2011.

PARK CITY MUNICIPAL CORPORATION

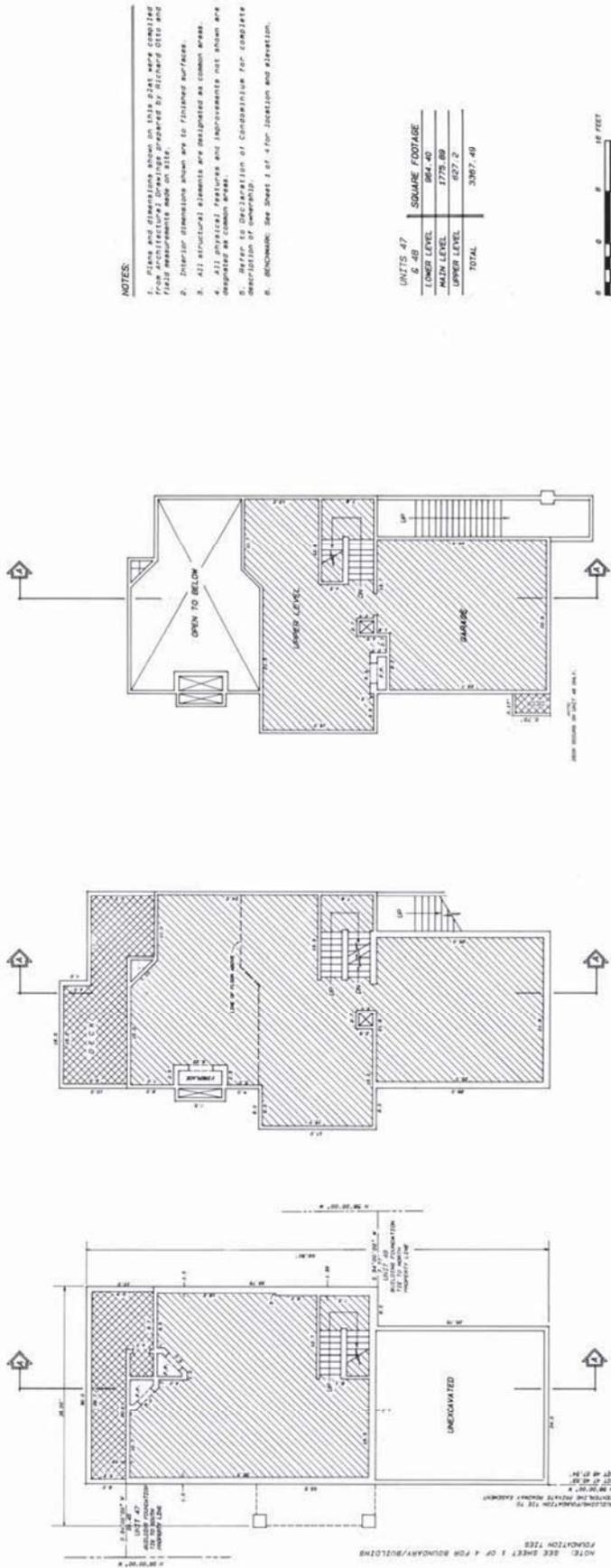
Dana Williams, MAYOR

ATTEST:

Jan Scott, City Recorder

APPROVED AS TO FORM:

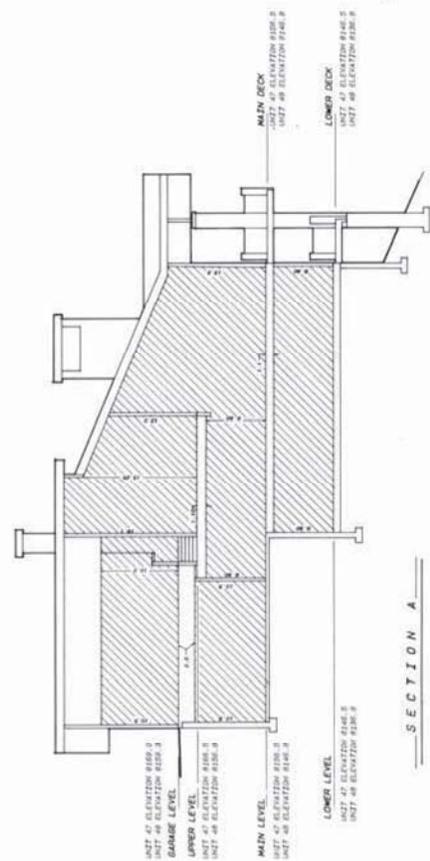
Mark Harrington, City Attorney



UNITS 47	SQUARE FOOTAGE
LOWER LEVEL	864.40
MAIN LEVEL	1775.89
UPPER LEVEL	627.2
TOTAL	3267.49

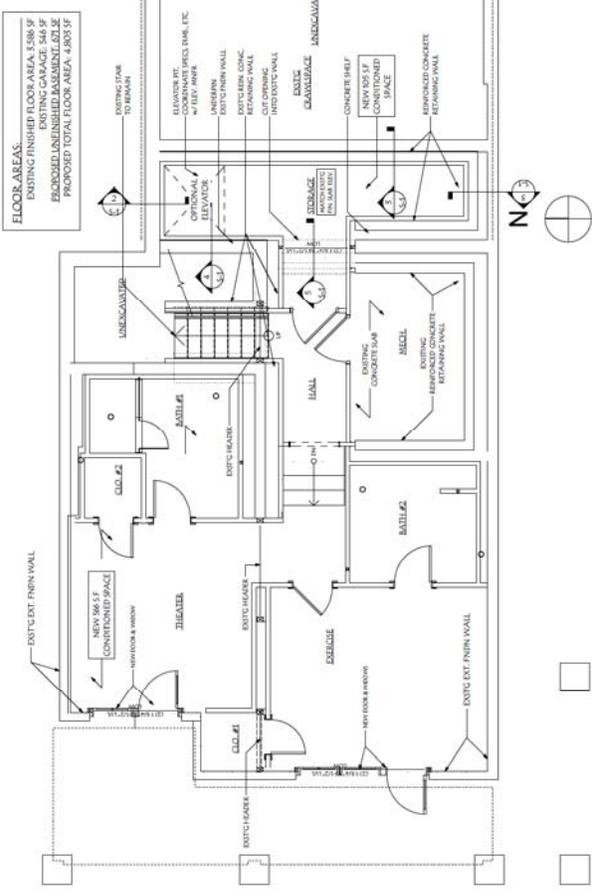
- NOTES:**
1. Plans and dimensions shown on this sheet were compiled from architectural drawings prepared by Richard Otto and field measurements made on site.
 2. Interior dimensions shown are to finished surfaces.
 3. All structural elements are designated as common walls.
 4. All physical features and improvements not shown are designed as common areas.
 5. Refer to Declaration of Condominium for complete description of components.
 6. DIMENSIONS: See Sheet 1 of 4 for location and elevation.

0 5 10 FEET



UNITS 47 & 48

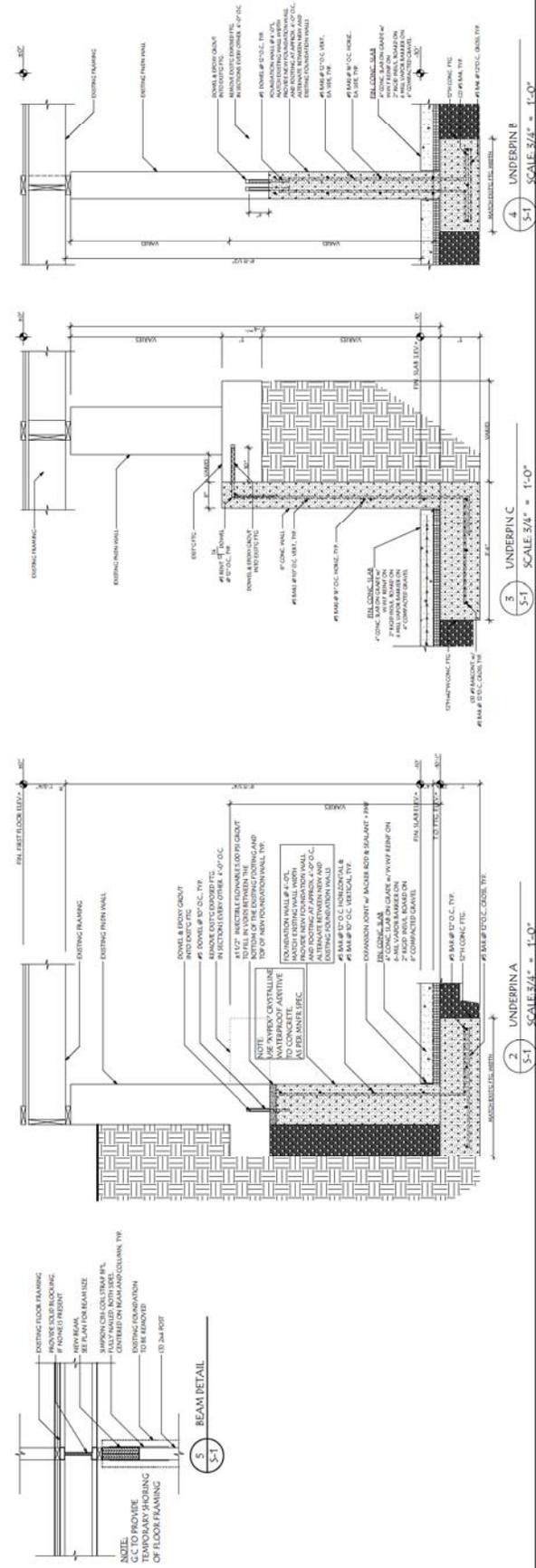
FIRST AMENDED STAG LODGE PHASE III
 A UNIT CONDOMINIUM DEVELOPMENT LOCATED IN SECTION 16, T4E, R4E, S4E
 SHEET 4 OF 4
 RECORDED 33844
 REQUEST OF: REFCOUNTY TITLE
 DATE: 02.28.2011 TIME: 2:30 PM
 FEE: 85.00
 RECORDS: [Signature]



FLOOR AREAS:
 EXISTING FINISHED FLOOR AREA: 5,800 SF
 EXISTING UNFINISHED FLOOR AREA: 5,500 SF
 PROPOSED UNFINISHED FLOOR AREA: 5,500 SF
 PROPOSED TOTAL FLOOR AREA: 4,800 SF

- FOUNDATION & STRUCTURAL NOTES:**
1. THERE IS NO EXISTING UTILITY OR DRAINING SYSTEM
 2. STRUCTURAL CONCRETE SHALL HAVE A MINIMUM COMPRESSIVE STRENGTH OF 5,000 PSI PER IBC 802.2
 3. FIRE BLOCK STOP SPACES AT SOFFITS, FLOOR AND CEILING JOINT LINES, AT IR VERT. & HORIZ. PENETRATIONS THROUGH EXISTING WALLS, CHIMNEYS, AND AT ANY OTHER LOCATIONS NOT SPECIFICALLY MENTIONED WHICH COULD AFFORD PASSAGE FOR FLAMES - IBC 802.11

1 FOUNDATION & FRAMING PLAN w/ DEMOLITION
 S-1 SCALE: 1/4" = 1'-0"



- 2 UNDERPIN A
 S-1 SCALE: 3/4" = 1'-0"
- 3 UNDERPIN C
 S-1 SCALE: 3/4" = 1'-0"
- 4 UNDERPIN B
 S-1 SCALE: 3/4" = 1'-0"
- 5 BEAM DETAIL
 S-1

UPDATED BLDG PERMIT APPL. 09-29-11
 BLDG PERMIT APPL. 09-07-11

Interior Renovations to the
SHAW RESIDENCE
 BEACH UNIT #8
 8200 S. 1000 E. APT. 8
 POKAHOA, HI 96738

HUESTIS TUCKER
 ARCHITECTS
 1100 W. 10TH AVE. SUITE 110
 POKAHOA, HI 96738

TITLE
**FOUNDATION & FRAMING
 PLAN & DETAILS**

SCALE: AS NOTED
 DATE: S-1

These drawings are the property of Huestis Tucker Architects. Any use for any purpose other than that authorized by Huestis Tucker Architects, Inc. is prohibited.







STAFF: MERRILL, ENG
 (602) 968-8888

 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
 107 West Street, P.O. Box 2001, Tempe, AZ 85281

DATE: 9/27/11

AERIAL PHOTOGRAPH III
 STAG LODGE PHASE III
 UNITS 47 & 48
 FOR: ROGGE DUNN & JAY SBAR
 JOB NO.: 2-5-11 & 5-6-11
 FILE: S:\Shelton\Stag\Eng\Aerial\Stag_47and48-aerial.dwg

SHEET 1 OF 1
 EXHIBIT C

100' 0 100' 200'


REGULAR AGENDA

Planning Commission Staff Report



Subject: Morning Star Estates Lot 2
Author: Mathew W. Evans, Senior Planner
Date: November 9, 2011
Type of Item: Administrative – Plat Amendment

Summary Recommendations

Staff recommends that the Planning Commission hold a public hearing for the Morning Star Estates Lot 2 Plat Amendment and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Description

Applicant: Robert Dillon on behalf of John and Donna Cummings
Location: 3715 Rising Star Lane
Zoning: Estate (E) and Residential Open Space (ROS)
Adjacent Land Uses: Residential and Open Space.
Reason for Review: Plat amendments require Planning Commission review and City Council approval

Background

Lot 2 of the Morning Star Estates subdivision is a vacant building lot within the recorded development. The Morning Star property was officially annexed into Park City on June 18, 1992. On March 31, 1993, the Morning Star Estates Subdivision was recorded. The original subdivision, which was processed as a Master Plan Development (MPD), consisted of 12 lots on 178.36 acres, and four (4) "exception" parcels and one (1) Water Tank parcel. The subdivision was also recorded with 16 "General Notes", some of which are requirements related to the development to lots within the Morning Star Subdivision. The building envelopes for each parcel zoned "Estate" (E), and the non-buildable areas are zoned "Residential Open Space" (ROS) as originally approved by the MPD. These zones are reflected on the City's official zoning map.

Lot 2 of the Morning Star Estates subdivision, as recorded, is a 3.264 acre parcel of property. The recorded plat shows water utility and access easements to the City's Solamere water tank, as well as a general note showing an "Easement Area" in a triangular shape inside of the recorded lot. The recorded plat does not show the location of an existing water discharge detention pond or any reference to the pond, which existed prior to the recording of the plat.

In August 2011, Robert Rodman from Coalition Title met with City Staff to discuss an issue that they were just made aware of with regards to Lot 2 Morning Star Estates. Coalition Title was acting as representative of the owners, John and Donna Cummings.

Coalition's research showed that Park City owned a portion of the property uphill from the easement area which was not reflected on the plat. This portion of the lot contains a water catch basin (detention basin) for the adjacent water tank. Immediately uphill from the property owned by Park City is an area zoned Restricted Open Space, which still is owned by the Cummings. The quitclaim deed for the City property predates the recording of the Morning Star Estates plat. The recorded plat does not show that Park City owns that portion of the land, only the "Water Tank Parcel" adjacent to Lot 2.

The owners became aware of this situation through their efforts to sell the property. A potential buyer's real estate agent was performing a routine title search on the property when the discovery was made. The owners of Lot 2 then notified Coalition Title, who verified it through their own research.

A small piece of City's property (123 sf) that is being used for the catch basin also extends into Lot 1 of the Morning State Estates. The City has been in contact with the Title Company who completed the title work for Lot 1. They have agreed to speak with the owners to determine if they would be interested in amending their lot at the same time in order to fix the remedy the property of ownership with one plat amendment, rather than just bringing the problem to their attention to have them try and fix it at a later date. Staff is hoping to hear back from the Title Company by Wednesday, and more information may be forthcoming at the Planning Commission meeting.

This plat amendment is being proposed in order to correct the error in the recorded subdivision plat. The amended plat correctly reflects the City's ownership of the parcel which had been represented as part of the recorded Lot 2, and to adjoin it with the Water Tank Parcel. However, due to the City's ownership of the parcel, the Cummings property is no longer contiguous. Therefore, the amended plat re-plats Lot 2 to the area around the building pad, reflects the City's parcel, and shows the "upper parcel" as Parcel "A". Staff also recommended that a note be placed on the plat indicating that Parcel "A" is adjoined with Lot 2 by ownership and is not separately developable. The development rights on Parcel "A" are limited to accessory uses allowed in the ROS zone. For example, it cannot be used as a separate parcel to construct an additional home. Its uses are limited to those that are accessory to the future development of a single-family dwelling on Lot 2 as permitted within the ROS zone.

Proposal:

The applicant is proposing to amend the Lot 2 of the Morning Star Estates Subdivision as follows:

1. Remove a small section of property owned by Park City Municipal Corporation that dissects the recorded lot.
2. Create an amended Lot 2, which includes the buildable parcel with street frontage, and "Parcel A", a remnant non-buildable parcel that must be sold with Lot 2.
3. Combine the original "Water Tank Parcel" that is adjacent to Lot 2 with the portion of property owned by the City which is now a part of Lot 2, and is used as

- an overflow detention basin for the water tank.
4. Designate an easement on the City parcel for the owners of Lot2 to access Parcel A.

Analysis

Staff finds good cause for this plat amendment. The original subdivision was recorded without the acknowledgement or reflection of Park City's ownership of the property next to the water tank. The original application simply showed easements on the plat to account for the city's access to the water tank, easements for the water line and the overflow detention basin. The amendment is necessary to correctly reflect the ownership and property description of Lot 2, Morning Star Estates Subdivision.

The proposed amendment does not change any of the current conditions related to the property. The property is a vacant parcel of property with entitlements for one single-family dwelling unit. The amended plat does not change recorded easements or the building envelope as shown on the original plat, and no portion of the lot within the "Estate" zone designation will change.

The overall size of Lot 2 does change with the proposal. Once the City owned property is removed from the ownership of Lot 2, the lot size will drop from 3.26 acres to 2.87 acres in total. Lot 2 is proposed to have a size of 2.3 acres, and Parcel "A" will have a lot size of .51 acres (1/2 acre). Although the minimum lot size in the "Estate" zone designation is 3 acres, the overall development was approved as a MPD which allows clustering and small lots so long as the overall density does not change. Lots within the Morning Star Estates as recorded, currently range in size from 2.9 to 61.2 acres. The adjacent Lot 1 is currently the smallest at 2.9 acres.

Process

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

Department Review

This project has gone through an interdepartmental review. All of the issues raised by the Development Review Committee (DRC) have been addressed, and the original proposal was altered to reflect the changes requested by the DRC.

Notice

The property was posted and notice was mailed to property owners within 300 in accordance with the requirements in the LMC. Legal notice was also put in the Park Record.

Public Input

No public input has been received by the time of this report; public input may be taken at the regularly scheduled Planning Commission public hearing.

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council for the Morning Star Estates Lot 2 Plat Amendment as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the Morning Star Estates Lot 2 Plat Amendment and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on Morning Star Estates Lot 2 Plat Amendment to a date certain.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The error reflected in the subdivision plat showing City Property as part of Lot 2 will continue and the applicants will face challenges in selling their property.

Recommendation

Staff recommends the Planning Commission hold a public hearing for the Morning Star Estates Lot 2 Plat Amendment and forward a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Exhibits

Ordinance

Exhibit A – Draft Ordinance with Proposed Plat

Exhibit B – Existing Plat

Exhibit C – Original Staff Report for the Morning Star Estates Development

Draft Ordinance

Ordinance No. 11-

AN ORDINANCE APPROVING THE MORNING STAR ESTATES LOT 2 PLAT AMENDMENT LOCATED AT 3715 RISING STAR LANE, PARK CITY, UTAH.

WHEREAS, the owners of property located at 3715 Rising Star Lane have petitioned the City Council for approval of the Morning Star Estates Lot 2 Plat Amendment; and

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

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

WHEREAS, the Planning Commission held a public hearing on November 9, 2011, to receive input on the Morning Star Estates Lot 2 Plat Amendment;

WHEREAS, the Planning Commission, on the aforementioned date, forwarded a positive recommendation to the City Council;

WHEREAS; the City Council, held a public hearing on December 3, 2011; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the Morning Star Estates Lot 2 Plat Amendment.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Morning Star Estates Lot 2 Plat Amendment as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 3715 Rising Star Lane within the Estate (E) and Residential Open Space (ROS) zoning districts.
2. There are no proposed changes to the building envelope as recorded on the original plat or any other physical changes proposed to the lot.
3. The applicants are requesting to remove a parcel of property owned by Park City and used as an overflow detention basin as part of the adjacent water tank property and that is incorrectly shown as a part of the recorded Lot 2, Morning Star Estates recorded plat.

4. The applicant proposes no changes to the current easements recorded on the property which are necessary for the City to gain access to the water tank and overflow detention basin.
5. The applicant is entitled to construct one single-family dwelling on the proposed Lot 2 as amended, within the recorded building envelope.
6. Parcel A is a non-buildable (for primary structures) parcel permanently associated with Lot 2.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Future development is subject to the notes on the original plat associated with Lot 2, and as noted on the amended plat to read "All conditions of approval of the original plat, Morning Star Estates, recorded March 31, 1993, as Entry No. 376621 will remain in full force and effect."
4. Parcel A is not separately buildable or developable, and shall remain a part of the ownership of Lot 2 in perpetuity.

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

PASSED AND ADOPTED this 3rd day of December, 2011.

PARK CITY MUNICIPAL CORPORATION

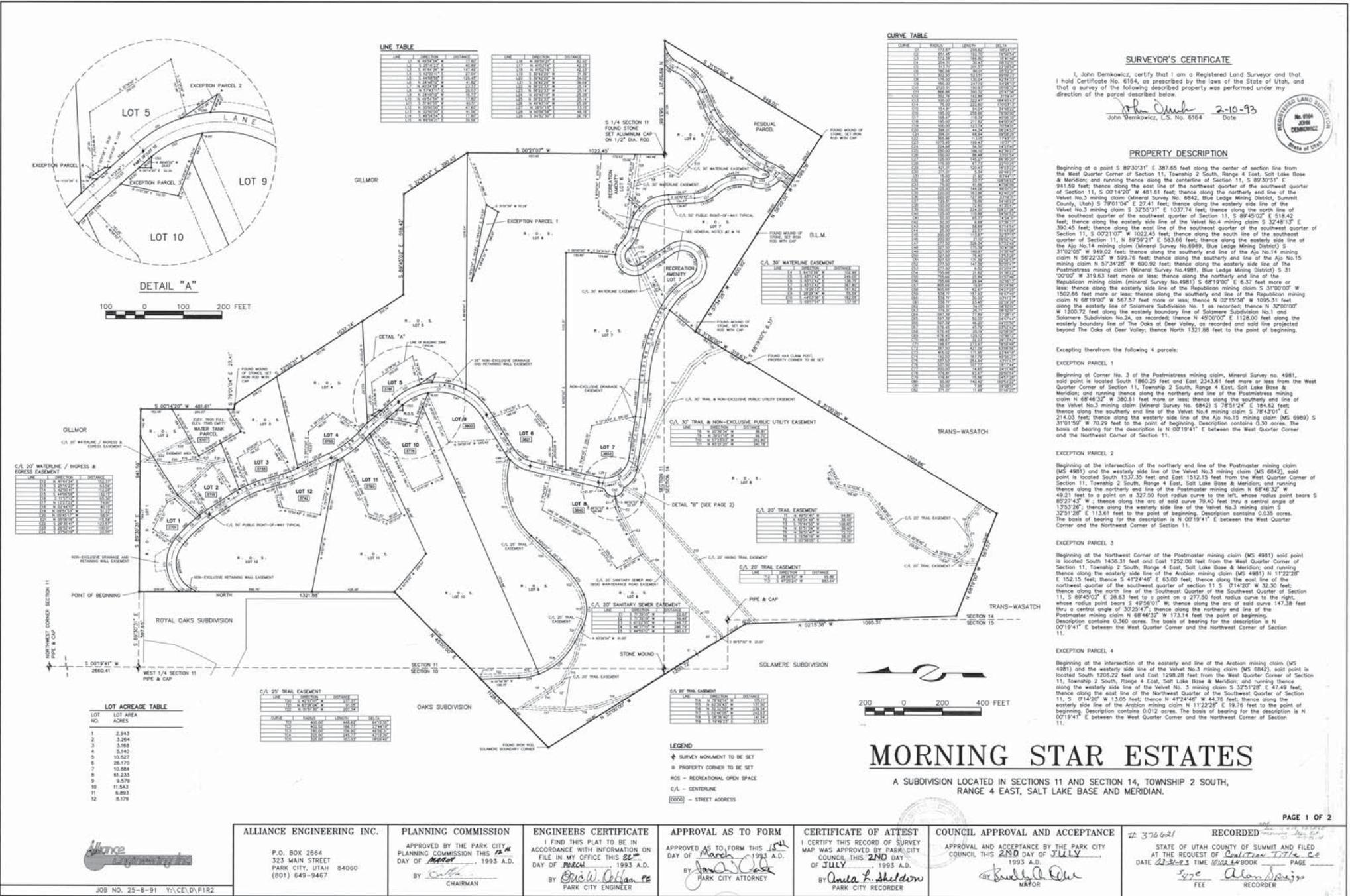
Dana Williams, MAYOR

ATTEST:

Jan Scott, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney



LINE TABLE

LINE NO.	DESCRIPTION	BEARING	DISTANCE
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

CURVE TABLE

CURVE NO.	BEARING	CHORD	ARC LENGTH	AREA
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

SURVEYOR'S CERTIFICATE

I, John Demkowicz, certify that I am a Registered Land Surveyor and that I have Certificate No. 6164, as prescribed by the laws of the State of Utah, and that a survey of the following described property was performed under my direction of the parcel described below.

John Demkowicz 2-10-93
John Demkowicz, L.S. No. 6164 Date

REGISTERED LAND SURVEYOR
No. 6164
JOHN DEMKOWICZ
State of Utah

PROPERTY DESCRIPTION

Beginning at a point S 89°30'31" E 387.85 feet along the center of section line from the West Quarter Corner of Section 11, Township 2 South, Range 4 East, Salt Lake Base & Meridian; and running thence along the centerline of Section 11, S 89°30'31" E 941.59 feet; thence along the east line of the southwest quarter of the southwest quarter of Section 11, S 00°14'20" W 481.61 feet; thence along the northerly and line of the Velvet No.3 mining claim (Mineral Survey No. 8842, Blue Lodge Mining District, Summit County, Utah) S 79°01'04" E 274.1 feet; thence along the easterly side line of the Velvet No.3 mining claim S 32°55'31" E 1037.74 feet; thence along the north line of the southwest quarter of the southwest quarter of Section 11, S 89°45'00" E 518.42 feet; thence along the easterly side line of the Velvet No.4 mining claim S 32°48'13" E 390.45 feet; thence along the east line of the southwest quarter of the southwest quarter of Section 11, S 00°21'07" W 1022.45 feet; thence along the south line of the southwest quarter of Section 11, N 89°52'21" E 583.68 feet; thence along the easterly side line of the Ajo No.14 mining claim (Mineral Survey No.6989, Blue Lodge Mining District) S 31°00'00" W 319.63 feet more or less; thence along the southerly and line of the Republic mining claim (Mineral Survey No.6811) S 68°19'00" E 6.57 feet more or less; thence along the easterly side line of the Republic mining claim S 31°00'00" W 1502.66 feet more or less; thence along the southerly and line of the Republic mining claim N 68°19'00" W 567.57 feet more or less; thence N 02°15'30" E 1056.31 feet along the easterly line of Solomere Subdivision No. 1 as recorded; thence N 32°00'00" W 1200.72 feet along the easterly boundary line of Solomere Subdivision No.1 and Solomere Subdivision No.2A, as recorded; thence N 49°00'00" E 1128.00 feet along the easterly boundary line of the Oaks at Deer Valley, as recorded and said line projected beyond the Oaks at Deer Valley; thence North 1521.88 feet to the point of beginning.

Excepting therefrom the following 4 parcels:

EXCEPTION PARCEL 1

Beginning at Corner No. 3 of the Postmaster mining claim, Mineral Survey No. 4981, said point is located South 1860.25 feet and East 2343.61 feet more or less from the West Quarter Corner of Section 11, Township 2 South, Range 4 East, Salt Lake Base & Meridian; and running thence along the northerly and line of the Postmaster mining claim N 68°46'32" W 380.61 feet more or less; thence along the southerly and line of the Velvet No.3 mining claim (Mineral Survey No. 8842) S 79°01'04" E 184.62 feet; thence along the southerly and line of the Velvet No.4 mining claim S 78°43'01" E 214.03 feet; thence along the westerly side line of the Ajo No.15 mining claim (MS 6989) S 31°01'50" W 70.29 feet to the point of beginning. Description contains 0.30 acre. The basis of bearing for the description is N 00°19'41" E between the West Quarter Corner and the Northwest Corner of Section 11.

EXCEPTION PARCEL 2

Beginning at the intersection of the northerly and line of the Postmaster mining claim (MS 4981) and the westerly side line of the Velvet No.3 mining claim (MS 6842), said point is located South 1537.35 feet and East 1512.15 feet from the West Quarter Corner of Section 11, Township 2 South, Range 4 East, Salt Lake Base & Meridian; and running thence along the northerly and line of the Postmaster mining claim N 68°46'32" E 152.15 feet; thence S 41°24'46" E 63.00 feet; thence along the east line of the northeast quarter of the southwest quarter of section 11, S 01°42'07" W 32.30 feet; thence along the north line of the Southwest Quarter of the Southwest Quarter of Section 11, S 89°40'02" E 28.63 feet to a point on the 327.50 foot radius curve to the right, whose radius point bears S 47°56'01" W; thence along the arc of said curve 147.38 feet thru a central angle of 32°25'47"; thence along the northerly and line of the Postmaster mining claim N 68°46'32" W 173.14 feet to the point of beginning. Description contains 0.360 acres. The basis of bearing for the description is N 00°19'41" E between the West Quarter Corner and the Northwest Corner of Section 11.

EXCEPTION PARCEL 3

Beginning at the Northwest Corner of the Postmaster mining claim (MS 4981) said point is located South 1436.31 feet and East 1252.00 feet from the West Quarter Corner of Section 11, Township 2 South, Range 4 East, Salt Lake Base & Meridian; and running thence along the easterly side line of the Ardon mining claim (MS 4981) N 11°22'28" E 152.15 feet; thence S 41°24'46" E 63.00 feet; thence along the east line of the northeast quarter of the southwest quarter of section 11, S 01°42'07" W 32.30 feet; thence along the north line of the Southwest Quarter of the Southwest Quarter of Section 11, S 89°40'02" E 28.63 feet to a point on the 327.50 foot radius curve to the right, whose radius point bears S 47°56'01" W; thence along the arc of said curve 147.38 feet thru a central angle of 32°25'47"; thence along the northerly and line of the Postmaster mining claim N 68°46'32" W 173.14 feet to the point of beginning. Description contains 0.360 acres. The basis of bearing for the description is N 00°19'41" E between the West Quarter Corner and the Northwest Corner of Section 11.

EXCEPTION PARCEL 4

Beginning at the intersection of the easterly and line of the Ardon mining claim (MS 4981) and the westerly side line of the Velvet No.3 mining claim (MS 6842), said point is located South 1206.22 feet and East 1288.28 feet from the West Quarter Corner of Section 11, Township 2 South, Range 4 East, Salt Lake Base & Meridian; and running thence along the westerly side line of the Velvet No.3 mining claim S 32°51'28" E 47.49 feet; thence along the east line of the Northwest Quarter of Section 11, S 01°42'07" W 13.05 feet; thence N 41°24'46" W 44.76 feet; thence along the easterly side line of the Ardon mining claim N 11°22'28" E 19.76 feet to the point of beginning. Description contains 0.012 acres. The basis of bearing for the description is N 00°19'41" E between the West Quarter Corner and the Northwest Corner of Section 11.

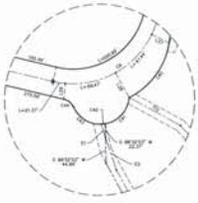
LOT ACREAGE TABLE

LOT NO.	LET AREA ACRES
1	2.943
2	3.264
3	3.168
4	5.140
5	10.527
6	26.170
7	10.884
8	81.233
9	9.579
10	11.543
11	6.893
12	8.179

MORNING STAR ESTATES

A SUBDIVISION LOCATED IN SECTIONS 11 AND SECTION 14, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN.

<p>ALLIANCE ENGINEERING INC.</p> <p>P.O. BOX 2664 323 MAIN STREET PARK CITY, UTAH 84060 (801) 649-9467</p>	<p>PLANNING COMMISSION</p> <p>APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 29th DAY OF <u>March</u>, 1993 A.D.</p> <p>BY <u>[Signature]</u> CHAIRMAN</p>	<p>ENGINEERS CERTIFICATE</p> <p>I FIND THIS PLAN TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 22nd DAY OF <u>March</u>, 1993 A.D.</p> <p>BY <u>[Signature]</u> PARK CITY ENGINEER</p>	<p>APPROVAL AS TO FORM</p> <p>APPROVED AS TO FORM THIS 15th DAY OF <u>March</u>, 1993 A.D.</p> <p>BY <u>[Signature]</u> PARK CITY ATTORNEY</p>	<p>CERTIFICATE OF ATTEST</p> <p>I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 2ND DAY OF <u>JULY</u>, 1993 A.D.</p> <p>BY <u>[Signature]</u> PARK CITY RECORDER</p>	<p>COUNCIL APPROVAL AND ACCEPTANCE</p> <p>APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 2ND DAY OF <u>JULY</u>, 1993 A.D.</p> <p>BY <u>[Signature]</u> MAYOR</p>	<p>RECORDED</p> <p># 376621</p> <p>STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF <u>ALLIANCE ENGINEERING INC.</u> DATE <u>03-02-93</u> TIME <u>10:24 AM</u> PAGE</p> <p>BY <u>[Signature]</u> FEE <u> </u> RECORDER</p>
---	---	--	---	---	---	--



DETAIL "B"



GENERAL NOTES:

- A Declaration of Covenants, Conditions and Restrictions is recorded concurrently herewith. All development within the Morning Star Estates Subdivision is subject to said Declaration and the Land Management Code of Park City Municipal Corporation.
- Double dashed outlined areas shown within each Lot indicates the "Building Zone". Within each building zone the maximum area of house, caretaker's house, footprint of main house, footprint of caretaker's house, irrigated landscape disturbance, and barn footprint is determined by the Table shown herein. A minimum required front setback is also determined by said table. See Covenants, Conditions and Restrictions for more complete descriptions. Dotted outlined areas shown on Lots #6 and 7 and noted "Recreation Amenity Site" are for the purpose of constructing barns, paddocks, tennis courts, swimming pools, or similar recreation amenities on the designated site. No dwelling may be constructed on the Recreation Amenity Site.
- The Declaration of Covenants, Conditions, and Restrictions create an "Architectural Committee". No improvements of any kind, including without limitation the construction of any Dwelling Unit, Caretaker Unit, barn, garage, out building, or addition to any of them; or any parking area, driveway, tennis court, walkway, or other hard surfaced area in excess of 100 square feet, swimming pools, outdoor hot tubs or spas, fences, walls, curbs, flag pole, trampolines, satellite dishes or antennas, solar panels or any other permanent structure may be constructed, erected, or installed in the Subdivision without written approval of the Morning Star Estates "Architectural Committee".
- Driveway access from the public way to the Building Zone must be specifically approved by the Morning Star Estates Architectural Committee. Each Lot Owner, at his/her sole expense shall construct the driveway/sidewalk/curb intersection to comply with applicable Park City Municipal Corporation specifications.
- A 10' wide non-exclusive public utility easement is hereby dedicated along all front and rear Lot lines. A 5' wide non-exclusive public utility and drainage easement is hereby dedicated along all side Lot lines.
- The Recreation Open Space Zone Line shown on all Lots indicates a non-disturbance zone which expressly prohibits the construction of pools, tennis courts, gazebos, or any other structures or facilities, provided that on Lot 6, the owner may construct a private, non-commercial sail law and sail run subject to the conditions set forth in the Conditions, Covenants, and Restrictions of the Subdivision and applicable city ordinances.
- Park City ordinances in effect at the time of approval of Morning Star Estates Subdivision require payment of substantial water development and water connection fees at the time of building permit issuance. Park City does not plow snow until such time as 6 of 12 lots have legally occupied single family dwellings. The total cost of snow removal until that time shall be exclusively born by the Morning Star Estates Homeowner's Association.
- Owners of downhill Lots may encounter difficulty in designing a home with gravity flow to the sanitary sewer lateral. Owner's of such lots at their sole expense will be required to install private individual ejector systems. Lots #1 and #7 will probably require such ejectors.
- The Lot owner shall be required to identify and maintain historic drainage channels (if any) in conjunction with construction on the property.
- The maximum Floor Area for Dwellings in the Subdivision, including the area of any Accessory Dwelling Unit, is set forth in the Declaration of Covenants, Conditions, and Restrictions and on the Table herein. A maximum floor area of 10,000 square feet is allowed on Lot #1 thru 5 and #9 thru 12. A maximum floor area of 15,000 square feet is allowed on Lot #6 thru 7. A maximum floor area of 25,000 square feet is allowed on Lot #8.
- The City requires that a modified type 130 fire sprinkler system as per Park City's Modifications be installed in all residences constructed in the Morning Star Estates Subdivision.
- Because of water pressure limitations, no residential structure may be constructed with a habitable floor elevation higher than 7537 feet above sea level. Depending on the positioning and floor elevations of the dwellings constructed on Lots #1, 2, 3, 4, and 12 the owners may be required at their expense to augment the resultant water pressure within the structure to a level, acceptable to the chief building official for the modified type 130 fire sprinkler system. No home construction, footing and foundation or building permits shall be issued until operable water system and hydrants and a graded gravel road base sufficient to accommodate emergency vehicles have been installed, further no Certificate of Occupancy shall be issued until a paved roadway has been completed.
- Lot owner/s constructing dwellings with any portion of the structure greater than 150 feet from the public way may be required by the City to install and connect a dry stand pipe from the edge of the public roadway (Blazing Star Lane) to the fire sprinkler system within the dwelling. The residences shall be constructed to conform to the Park City's "modified 130" fire protection standards including but not limited to interior and exterior sprinkler heads, and a fire retardant roof.
- The 20' wide back lot public sewer easement shown on Lot #8 provides Snyderville Basin Sewer Improvement District with a right-of-access to said back lot sewer including ingress or egress along any reasonable route of access for the purpose of maintenance, operation, repair, or eventual replacement.
- Horses and cattle which are collectively referred to as "livestock" may be kept on Lots #6, 7, and 8. No more than a total of 4 head of livestock may be kept on the Lot at any time.
- The "Recreation Amenity" areas shown on Lots 6 and 7 are not provided with sanitary sewer laterals. Depending upon the owner's desired amenity use and wastewater disposal needs, the owner's of said lots at their sole expense shall be required to install the appropriate waste disposal system conforming to applicable provisions of the Utah Uniform Plumbing Code, most recent edition, Summit County Health Department requirements, and Snyderville Basin Sewer Improvement District rules and regulations.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS: That the undersigned is the owner or holder of perpetual easement of the herein described tract of land, having caused the same to be subdivided into lots, public right-of-ways, together with easements as set forth on this Record of Survey Plat to be known hereafter as, MORNING STAR ESTATES does hereby dedicate for the perpetual use of the public use all parcels of land shown on this plat as intended for public use and further consent to the recordation of this Record of Survey Plat in accordance with Utah Law. ALSO, the owner hereby dedicates to Park City Municipal Corporation, Snyderville Basin Sewer Improvement District, Park City Fire Protection District, and Summit County a non-exclusive easement over the utility easements shown on this plat for the purpose of providing access for utility installation, maintenance, use and eventual replacement.

IN WITNESS WHEREOF, the undersigned set his hand this 10th day of February, 1993.

BLUE LEDGE CORPORATION
A Utah Corporation
Hank Rothwell
Hank Rothwell
Its President

ACKNOWLEDGEMENT

STATE OF UTAH)
COUNTY OF SUMMIT)

On the 10th day of February, 1993, Hank Rothwell, appeared before me and acknowledged that he is the President of Blue Ledge Corporation, A Utah Corporation, and that he executed the same on behalf of the Corporation with proper authority.

Bethann Nelson
Bethann Nelson
Notary Public
Residing at: Park City, UT
Commission Expires: 11-6-96



OWNER'S CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS: That the undersigned is a owner of a portion of the land herein described and further to the extent of it's interest consent to the recordation of this Record of Survey Plat in accordance with Utah Law.

IN WITNESS WHEREOF, the undersigned set his hand this 10th day of March, 1993.

PARK CITY MUNICIPAL

Bethann Nelson *Anita L Sheldon*
Bethann Nelson Anita L Sheldon
City Clerk City Clerk



ACKNOWLEDGMENT

STATE OF UTAH)
COUNTY OF SUMMIT)

On the 10th day of March, 1993, Bradley A. Otch and Anita L. Sheldon appeared before me and acknowledged that he is the Mayor and she is the Recorder of Park City Municipal respectively and that they executed the same on behalf of said Park City Municipal.

Janet M. Scott
Janet M. Scott
Notary Public

Residing at: Park City, UT
Commission Expires: 4/6/96



MORNING STAR ESTATES

Lot #	Maximum House Size	Maximum Detached Caretaker's House Size	Maximum Area of Footprint Main House	Maximum Area of Footprint Caretaker's House (B)	Additional Area of Footprint Irrigated Landscape Disturbance	Front Yard Setback from Blazing Star Right-of-way	Maximum Barn Footprint if Located Near Main House	Maximum Barn Size on Recreation Amenity Site
1.	10,000	-0-	10,000	-0-	10,000	40	-0-	n/a
2.	10,000	-0-	10,000	-0-	10,000	25	-0-	n/a
3.	10,000	-0-	10,000	-0-	10,000	25	-0-	n/a
4.	10,000	-0-	10,000	-0-	10,000	30	-0-	n/a
5.	10,000	-0-	10,000	-0-	10,000	30	-0-	n/a
6.	15,000	1,500	20,000 (C)	900	10,000	40	720	2,000
7.	15,000	1,500	20,000 (C)	900	10,000	25	720	2,000
8.	25,000	1,500	30,000 (C)	900	10,000	50	720	n/a
9.	10,000	-0-	10,000	-0-	10,000	40	-0-	n/a
10.	10,000	1,500	10,000	900	10,000	180	-0-	n/a
11.	10,000	-0-	10,000	-0-	10,000	200	-0-	n/a
12.	10,000	-0-	10,000	-0-	10,000	25	-0-	n/a

Notes:

- All quantities are in square feet.
- Quantities do not include main driveways. Quantities do not include other internal structure within the lots, these internal drives are limited to a ten foot width of surface or paving.
- Quantities include area of disturbance for barns allowed on these lots only. Lots 6 and 7 have separate remote recreation amenity alternative locations shown on the plat. If these remote locations are used instead of a location near the Main House the barns shall be limited to 400 square feet in size, unless fire hydrants have been installed, then see CCM's.
- Livestock allowed on Lots 6, 7, & 8 only, see CCM's. On Lot 8 any stock fencing constructed across the sewer maintenance road easement must provide vehicle gates.
- On lots 6, 7, & 8, if caretaker's office is located within the main house the maximum main house size shall not be increased.

MORNING STAR ESTATES

A SUBDIVISION LOCATED IN SECTIONS 11 AND SECTION 14, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN.

376021
RECORDED
STATE OF UTAH COUNTY OF SUMMIT AND FILED
AT THE REQUEST OF *Coalition Title Co.*
DATE *03-30-93* TIME *10:02* A.M. BOOK
PAGE
470
FEE
Alan Spriggs
RECORDER

NORTHWEST CORNER SECTION 11, T2S, R4E, S1B&M PIPE & CAP
 BASIS OF BEARING - SECTION LINE
 S 00°19'41" W 2660.41'
 EAST 1/4 CORNER SECTION 11, T2S, R4E, S1B&M PIPE & CAP



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 owners, I have prepared this Record of Survey map of FIRST AMENDED MORNING STAR ESTATES LOT 2 and that the same has been or will be monumented on the ground as shown on this plat.

John Demkowicz _____ Date _____

BOUNDARY DESCRIPTION

LOT 2, MORNING STAR ESTATES, according to the official plat thereof on file and of record in the Summit County Recorder's Office.

Less and excepting:

Beginning at a point located North 5,235.21 feet and East 6,446.09 feet more or less from the east quarter corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point lying within the boundary of a twenty-foot (20') wide water tank access roadway; thence South 26°17'11" East 219.67 feet to a point on the northerly boundary line of the above-described water tank site; thence along said water tank site boundary North 60°00'00" East 90.01 feet; thence leaving said water tank site boundary North 26°20'02" West 169.21 feet; thence South 89°49'46" West 100.17 feet to the point of beginning.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that by virtue of a corporate resolution, Park City Municipal Corporation, owner of the herein described tract of land, to be known hereafter as FIRST AMENDED MORNING STAR ESTATES LOT 2 AND WATER TANK PARCEL, does hereby certify that it has caused this plat to be prepared, and does hereby consent to the recordation of this plat.

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

Dana Williams, Mayor
 Park City Municipal Corporation

ACKNOWLEDGMENT

State of Utah:

County of Summit:

On this _____ day of _____, 2011, Dana Williams personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Dana Williams acknowledged to me that he is Mayor of Park City Municipal Corporation and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily on behalf of Park City Municipal Corporation and that said corporation executed the same.

Notary Public commissioned in _____

Printed Name _____

Residing in: _____

My commission expires: _____

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that the undersigned owners of the herein described tract of land, to be known hereafter as the FIRST AMENDED MORNING STAR ESTATES LOT 2, do hereby certify that we have caused this Subdivision Plat to be prepared, and we, John J. Cummings and Donna S. Cummings, husband and wife as joint tenants, hereby consent to the recordation of this Subdivision Plat.

In witness whereof, the undersigned set their hands this _____ day of _____, 2011.

John J. Cummings, Owner

Donna S. Cummings, Owner

ACKNOWLEDGMENT

State of _____:

County of _____:

On this _____ day of _____, 2011, John J. Cummings personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, John J. Cummings acknowledged to me that he is an owner of the herein described tract of land and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

Notary Public commissioned in _____

Printed Name _____

Residing in: _____

My commission expires: _____

ACKNOWLEDGMENT

State of _____:

County of _____:

On this _____ day of _____, 2011, Donna S. Cummings personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Donna S. Cummings acknowledged to me that she is an owner of the herein described tract of land and that she signed the above Owner's Dedication and Consent to Record freely and voluntarily.

Notary Public commissioned in _____

Printed Name _____

Residing in: _____

My commission expires: _____



LEGEND

XXXX Street address on Rising Star Lane

CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	676.45	45.79	03°52'42"
C2	597.39	46.20	04°25'50"

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 42°00'41" E	27.04
L2	S 27°56'16" E	20.05

NOTE

- All conditions of approval of the original plat, MORNING STAR ESTATES, recorded March 31, 1993, as Entry No. 376621 will remain in full force and effect.
- Parcel A is not separately developable.

FIRST AMENDED
**MORNING STAR ESTATES LOT 2
 & WATER TANK PARCEL**

LOCATED IN SECTION 11
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
 PARK CITY, SUMMIT COUNTY, UTAH

SHEET 1 OF 1

10/17/11 JOB NO.: 6-8-11 FILE: X:\TheOaks\dwg\sr\plat2011\060811.dwg



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 _____

**PARK CITY PLANNING DEPARTMENT
STAFF REPORT**

TO: Planning Commission
FROM: Planning Staff
DATE: March 25, 1992
RE: Morning Star Estates - Small Scale MPD and Sketch Plat
Approval of 12 Lot Single Family Subdivision

=====

I. PROJECT STATISTICS:

Applicant:	Hank Rothwell for Blue Ledge Corporation & Steve Deckert for Alliance Engineering
Project Address:	East of Solamere & The Oaks
Request:	Small Scale MPD & Sketch Plat
Zoning:	To Be Established: RD-MPD, E, and ROS
Parcel Size:	177 acres+
Adjacent Land Uses:	SF, open space
Date of Application:	January 10, 1992
Date of Staff Report:	March 17, 1992
Staff Planner:	Suzanne McIntyre
Staff Recommendation:	<u>APPROVE with conditions</u>

II. BACKGROUND INFORMATION:

The Planning Department has received an application for annexation and subdivision of 177+ acres to the east of the City limits. The parcel is adjacent to the Oaks and Solamere subdivisions on the east side of the hill behind the Oaks, and north of the Telemark Park parcel. The northern boundary of the parcel is in the approximate location of the Solamere water tank.

The parcel consists of varied terrain and includes steep slopes, benches, and knolls. The vegetation includes varieties of oak and grasses interspersed with pockets of aspens and conifers. The soils are stable in most areas and suitable for development.

The parcel is of interest due to its varied terrain, proximity to existing development, and visibility. It is frequently used by hikers and cyclists. The hillsides include habitats for many animal species including deer, porcupines, and the occasional moose.

In conjunction with this application, the City is pursuing the annexation of a portion of BLM land adjacent to this parcel within Summit County. This supplemental annexation will follow the same schedule as Morning Star Estates.

III. PROJECT DESCRIPTION:

Site Plan. The applicant is requesting annexation of 177+ acres, 172 of which will be subdivided into 12 large single family lots. The lots range in size from 3 acres to 61.1 acres, averaging 12 acres. The proposal is for large estate-type lots with designated limits of disturbance. The proposed maximum house size is 25,000 square feet on lot 8; 15,000 on lots 6 and 7; and 10,000 on the remaining lots.

Areas outside the limits of disturbance on each lot will be designated ROS, although not dedicated to the City. The balance of the developed area will be zoned RD-MPD consistent with the lower Deer Valley area, except that one additional 3 acre parcel will be zoned Estate and left undeveloped and unsubdivided as there are no services and it is not contiguous to any of the lots.

Restrictions will be placed on the ROS areas to prohibit grazing, perimeter fencing and construction of ancillary uses such as tennis courts, gazebos, and swimming pools.

Sewer Access/Trail Location. Sewer service will be provided by a gravity system which exits the parcel on the west and which proceeds to Queen Esther Drive through an easement in Solamere. The sewer easement will be shared by a 12' wide trail surfaced with compacted roadbase. It has been designed in a location acceptable to the Solamere HOA.

Water Rights. This issue was negotiated as part of the annexation. The applicant has paid for excess storage in the Solamere tank. The tank capacity was set so that the minimum fire flow requirements for this area could be met.

Fire Sprinkling Requirement. Due to the location of this area in relation to the response-time radius and the limited secondary access, the dwellings will be required to have 13-D fire sprinkler systems.

Snow Drift Zone and Snow Storage Issues. This area tends to have significant snow drifting problems making snow plowing expensive. Adequate areas for snow storage should be indicated along the road. These issues must be resolved to the satisfaction of the Public Works Director prior to Final Plat approval.

Open Space, Parks Dedication, & Trails Plan. The large areas of open space will include trail easements. The open space areas will not be dedicated public open space but will be zoned ROS. The Parks Development Fees of \$1035 per subdivided lot will be required.

Water Tank Access and Tank Site Dedication on Lot 1. Due to the location of the Solamere water tank on Lot 1, the tank site must be dedicated to PCMC and an easement must be dedicated for the access road.

Water Pressure Zones and Maximum Building Heights. Prior to Preliminary Plat approval maximum building heights/elevations must

be specified for Lots 1-4 & 12 due to limited water pressure.

Access Issues - Secondary Access, Road Widths. Primary access is from Oakwood Drive in the Oaks. Secondary access will be provided on a seasonal basis south and east to the frontage road paralleling US 40. A 4'-wide trail will provide pedestrian access and a firebreak around the knoll above and behind the Oaks. The short term maintenance of the unimproved road to the Highway 40 frontage road shall be the responsibility of the developer. The City will take over the responsibility once the road has been improved which will depend largely upon the improvements to the Gilmor and Telemark Park properties.

Maximum Irrigated Areas. Maximum areas of irrigated landscape disturbance and maximum building footprints (houses, barns, and guest house/caretakers quarters) have been set in the attached exhibit. Due to Park City's water system capabilities and the need for limitations on irrigation the Staff is recommending irrigated areas be limited to 10,000 square feet on all parcels. The applicant has agreed to this limitation.

Possibility of Rope Tow on Lot 8. The Staff Review Team discussed the request for a rope tow on Lot 8 and determined that the appropriate course of review is through a Conditional Use Permit. At the time of application, the applicant will be required to demonstrate the ability to meet the conditions of the Conditional Use permit section of the Land Management Code. The Staff recommended the applicant not be permitted to receive approval of a rope tow without Conditional Use Permit review and the applicant has agreed.

Wildlife Impacts. Concerns have been raised about the impacts of development in this relatively undisturbed area. There is little doubt that construction and development will affect the natural ecosystems. In an attempt to reduce the impacts somewhat, all construction is limited and restricted to a definable area, and perimeter fencing is not permitted.

IV. ISSUE FOR DISCUSSION:

1. Employee Housing Requirement. The Annexation Policy Declaration requires provision of moderately priced employee housing with annexations. The guideline is 10% of the total number of lots or 1.2 units in this instance. The developer has suggested small accessory units be allowed on Lots 6-8 and 10 which could be used as either guest houses or long-term rentals for caretakers. These units could not be used for nightly or short-term rentals. Members of the Planning Commission have stated the need for a "guaranteed" employee housing commitment in the event that none of the individual property owners choose to build the caretaker's quarters. The Staff therefore recommends the payments of fees equal to 1 unit, as determined by the City Council in addition to the

allowance for the accessory units.

- V. **PUBLIC INPUT STATEMENT:** The property has been noticed and legal notice sent and as of March 17, 1992 no input has been received.

VI. **STAFF RECOMMENDATION:** The Planning Staff has reviewed this application for Small Scale MPD and Sketch Plat approval of a 12-lot single family subdivision and recommends the Planning Commission **APPROVE** the application based upon the findings and conditions that:

FINDINGS:

1. The sketch plat is consistent with the Park City Comprehensive Plan and Land Management Code;
2. The parcel can be used safely for building without danger to health, and public facilities and improvements are being provided for; and
3. The Small Scale MPD is consistent with Chapter 10 of the Land Management Code - Master Plan Developments; and,
3. The sketch plat is in accordance with the general provisions, policies and purposes of Section 15 of the Land Management Code regulating subdivisions.

CONDITIONS:

1. The subdivision shall comply with the City's Standard Conditions of Approval;
2. Prior to Preliminary Plat approval the project shall be reviewed and approved by the Public Works Director for snow removal and storage conditions;
3. Prior to Preliminary Plat approval a trails plan shall be approved by the Community Development Director.
4. A note shall be placed on the Final Plat indicating requirements for the following items:
 - 13-D Fire Sprinklers
 - Grazing is not permitted in the ROS Zones
 - Size limitations consistent with the attached table limiting houses, barns, irrigated area, **employee housing units**/caretakers' units, & building footprints
5. Prior to Final Plat approval CC&Rs and Architectural Standards

- shall be reviewed and approved by the Planning Staff.
6. Prior to Final Plat recordation the City Engineer shall review and approve the design for the trail/fire break to be constructed around the knoll in the western area of the site. The Final Plat shall show a 25' wide easement in this location.
 7. The Final Plat shall show a public utilities easement on Lot 1 for the road to the water tank.
 8. The requirement for secondary access shall be provided for by the extension of Oak Wood Drive, a public street, which shall be improved as a public street to Lot 7. Beyond Lot 7 the road shall be graded and its maintenance shall be the responsibility of the developer until such time as the City determines the developer shall complete the road, at which time the City will assume responsibility for its maintenance.
 9. Prior to Preliminary Plat approval maximum building heights/elevations must be specified for Lots 1-4 & 12 due to limited water pressure.
 10. Prior to Final Plat approval the Planning Commission shall review and approve the language within the CC&Rs regarding the employee housing units/caretakers quarters restrictions and regulations.

Planning Commission Staff Report



Subject: 355 Woodside Avenue
Project #: PL-11-01214
Author: Francisco Astorga
Date: November 9, 2011
Type of Item: Administrative – Steep Slope Conditional Use Permit

Summary Recommendations

Staff recommends the Planning Commission review a request for a Steep Slope Conditional Use Permit at 355 Woodside Avenue. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

Description

Applicant/Owner: John Watkins
Architect: David White
Location: 355 Woodside Avenue
Zoning: Historic Residential (HR-1)
Adjacent Land Uses: Residential
Reason for Review: Construction of structures greater than 1,000 sf on a steep slope requires a Conditional Use Permit

Proposal

This application is a request for a Steep Slope Conditional Use Permit for an addition to a single family dwelling, identified by the Historic Site Inventory, as landmark site.

Background

On July 19, 2011, the City received a completed application for a Conditional Use Permit (CUP) for "Construction on a Steep Slope" at 335 Woodside Avenue. The property is located in the Historic Residential (HR-1) District. The property, Lot 1 of the 335 Woodside Avenue Subdivision, a parcel combination plat amendment approved by the Park City Council in April 2011 and recorded at Summit County in October 2011. The lot contains 3,750 square feet. The Historic Site Inventory identifies the site as a Landmark site due to the historic single family dwelling on the lot.

This application is a request for a Conditional Use Permit for construction of an addition to a single family dwelling including a basement addition with a garage. Because the total proposed structure square footage is greater than 1,000 square feet, and would be constructed on a slopes greater than thirty percent (30%), the applicant is required to file a Conditional Use Permit application for review by the Planning Commission, pursuant to LMC § 15-2.2-6.

A Historic District Design Review (HDDR) application is being reviewed by staff for compliance with the Design Guidelines for Historic Districts and Historic Sites adopted in 2009.

Analysis

The existing structure is approximately 768 square feet. The proposed structured will be 3,726 square feet. The overall addition will be 2,958 square feet. Once the non-historic portion on the rear of the structured is removed the historic structure will be 649.25 square feet. The table below provides a breakdown of the square footage per floor:

Floor	Proposed floor area
Main	1,494.25 square feet <ul style="list-style-type: none"> ▪ 649.25 square feet, existing historic structure ▪ 845 square feet, addition
Lower	1,494.25 square feet, addition
Upper	737.5 square feet, addition
Overall area	3,726 square feet

The proposed structure will be 3,726 square feet in size. The area of the lot is 3,750 square feet which allows an overall building footprint of 1,519 square feet. A building footprint of 1,494.25 square feet is proposed. Approximately 1,725 square feet of the total 3,726 square feet of building space is above ground, which equates to forty-six percent (46%), the remaining 2001 square feet of building space is under ground, which equates to fifty-four percent (54%). Staff made the following LMC related findings:

Requirement	LMC Requirement	Proposed
Building Footprint	1,519 square feet (based on lot area) <u>maximum</u>	1,494.25 square feet, <u>complies.</u>
Front and Rear Yard	10 feet minimum (20 feet total)	11 feet (front), <u>complies.</u> 10 feet (rear), <u>complies.</u>
Side Yard	5 feet minimum, (10 feet total)	6.5 feet, south side, 6 feet, north side; <u>complies.</u>
Height	27 feet above existing grade, <u>maximum.</u>	Various heights all under 27 feet, <u>complies.</u>
Number of stories	A structure may have a maximum of three (3) stories.	3 stories, <u>complies.</u>
Final grade	Final grade must be within four (4) vertical feet of existing grade around the periphery of the structure.	4 feet or less, <u>complies.</u>
Vertical articulation	A ten foot (10') minimum horizontal step in the downhill façade is required for a for third story	Third story starts 29 feet behind the front façade of the existing structure, <u>complies.</u>
Roof Pitch	Roof pitch must be between 7:12 and 12:12 for primary roofs. Non-primary roofs may be less than 7:12.	7:12 for all primary roofs with minor roof elements over the transition at 4:12 <u>complies.</u>
Parking	Additions to historic structures are exempt from off-street parking requirements.	1 interior space, exempt from the LMC, <u>complies.</u>

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

Criteria 1: Location of Development.

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

The proposed design consists of an addition to a single family dwelling. The proposed addition includes three (3) stories located towards the rear of the historic structure as well as a basement addition underneath the historic structure, which includes a one (1) car garage.

The house steps with the grade and is proposed with greater setbacks than required due to the original location of the existing structure. The applicant is not requesting to move or lift the existing structure from its current location. The proposed lot coverage is forty percent (40%). The large existing evergreen tree located on the front yard area will remain. The other evergreen tree located to the south, also in the front yard area, will be removed and a comparable evergreen tree will be placed further south of the existing location to accommodate the proposed driveway. All other trees will remain in their existing locations.

Criteria 2: Visual Analysis.

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

The applicant submitted a visual analysis, including a model, and renderings showing a contextual analysis of visual impacts.

The proposed structure cannot be seen from the key vantage points as indicated in the LMC Section 15-15-1.283, with the exception of a cross canyon view. The cross canyon view contains a back drop of three (3) story buildings. Visual impacts from this vantage point are mitigated by placing the addition behind the historic structure, by stepping the house with the existing grade, and by maintaining existing vegetation to the greatest extent possible.

Criteria 3: Access.

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

The proposed design incorporates a driveway from Woodside Avenue towards the area underneath the historic structure. Due to the steepness of the front yard area the applicant is not requesting lifting the historic structure. The only proposed retaining

walls are incorporated directly around the driveway and towards the rear of the property. The retaining wall adjacent to driveway on the south side does not exceed six feet (6') feet in height within the front yard setback area. There is portion of this same wall that is approximately eight and half feet (8.5') in height, located within the building pad.

The retaining wall adjacent to driveway on the north side starts at approximately two feet above existing grade as it gradually increases. There are portions of this retaining wall six and a half feet (6.5') behind the front property line which is seven feet (7') above final grade, which currently exceeds the maximum wall height limitation of six feet (6') within the front yard area. Staff recommends adding a condition of approval that states that retaining wall in the front yard area shall not exceed six feet (6') in height above final grade. Staff finds that the final height of this retaining wall can be mitigated to comply with the LMC to minimize both grading of the natural topography and reducing the overall building scale.

The driveway has a minimal slope nine percent (9%). The current location of the proposed driveway, which is ten feet (10') in width, minimizes the amount of on-street parking by one (1) parking area.

Criteria 4: Terracing.

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

Limited retaining is necessary at the rear of the proposed addition to create a small patio which can be accessed through the upper floor only. Limited retaining is also being requested around the driveway located in the front yard area. Both of these areas will meet the LMC development standards of retaining wall maximum height of six feet (6') above final grade.

Criteria 5: Building Location.

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

The building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography. The house steps with the slope and the existing and final grades are well within the required four feet (4') separation. The house conforms to the natural topography of the property.

The site design, stepping of the building mass, reduced building footprint, and increased setbacks maximizes the opportunity for open area and natural vegetation to remain.

Criteria 6: Building Form and Scale.

Where Building masses orient against the Lot's existing contours, the Structures must be stepped with the Grade and broken into a series of individual smaller components that are Compatible with the District. Low profile Buildings that orient with existing

contours are strongly encouraged. The garage must be subordinate in design to the main Building. In order to decrease the perceived bulk of the Main Building, the Planning Commission may require a garage separate from the main Structure or no garage. **No unmitigated impacts.**

The proposed addition is proposed to step with the slope as it rises with the depth of the lot. The lower story is situated below the existing historic structure and it also extends towards the rear. The only exposure of the basement is the access to the one (1) car garage on the front. The front of the garage is directly underneath the front façade of the existing structure, not the front of the porch. The rear portion of the main level is also situated into the hillside.

The upper level (3rd story) consists of approximately 738 square feet, approximately one half (½) of the total footprint, indicating that the exposed massing significantly steps with the hillside. Approximately 1,725 square feet of the total 3,726 square feet of building space is above ground, the remaining 2001 square feet of building space is under ground. The main floor of the rear addition is within or less than four feet (4') of existing grade creating a low profile building than orients with the existing contours. The garage is below existing grade and is fifteen feet (15') from the property line. The adopted Historic District Design Guidelines have specific guidelines that need to be met for basement additions with a garage. Staff recommends a condition of approval that a Historic District Design Review (HHDR) approval is necessary for the proposed addition including the basement addition, prior to issuance of a building permit.

Criteria 7: Setbacks.

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

The proposed house exceeds the front and side yard minimum setbacks. The existing structure is setback fifteen feet (15') away from the front property line. The minimum setback is ten feet (10'). Due to the existing porch covering the entire front façade the basement addition façade will be minimized and no wall effect will be created at the front lot line. The structure is broken into compatible massing components, and no wall effect is created by the proposed setbacks and massing.

Criteria 8: Dwelling Volume.

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

The proposed house is both horizontally and vertically articulated and broken into compatible massing components. The design includes setback variations and lower building heights for portions of the structure. The proposed massing and architectural

design components are compatible with both the volume and massing of single family dwellings in the area.

Criteria 9: Building Height (Steep Slope).

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

The proposed structure meets the twenty-seven feet (27') maximum building height requirement measured from existing grade. Portions of the house are less than 27' in height.

Process

Approval of this application constitutes Final Action that may be appealed to the City Council following the procedures found in LMC § 15-1-18. Approval of the Historic District Design Guideline compliance is noticed separately and is a condition of building permit issuance.

Department Review

This project has gone through an interdepartmental review. No further issues were brought up at that time other than standards items that would have to be addressed during building permit review.

Public Input

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

Alternatives

- The Planning Commission may approve the Conditional Use Permit for 335 Woodside Avenue as conditioned or amended, or
- The Planning Commission may deny the Conditional Use Permit and direct staff to make Findings for this decision, or
- The Planning Commission may request specific additional information and may continue the discussion to a date uncertain.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

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

Recommendation

Staff recommends the Planning Commission review a request for a Steep Slope Conditional Use Permit at 355 Woodside Avenue. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

Findings of Fact:

1. The property is located at 335 Woodside Avenue.
2. The property is within the Historic Residential (HR-1) District.
3. The property is Lot 1 of the 335 Woodside Avenue Subdivision, a parcel combination plat amendment.
4. The Lot contains 3,750 square feet.
5. A Historic District Design Review (HDDR) application is currently being reviewed by staff for compliance with the Design Guidelines for Historic Districts and Historic Sites adopted in 2009.
6. The Historic Site Inventory identifies the site as a Landmark site due to the historic single family dwelling on the lot.
7. The proposal consists of an addition to single family dwelling of 3,076.75 square feet. The historic structure is approximately 649.25 square feet. The overall proposed square footage is 3,726 square feet.
8. The area of the lot is 3,750 square feet which allows an overall building footprint of 1,519 square feet.
9. A building footprint of 1,494.25 square feet is proposed.
10. The proposed addition includes three (3) stories located towards the rear of the historic structure as well as a basement addition underneath the historic structure, which includes a one (1) car garage.
11. The applicant submitted a visual analysis, including a model, and renderings showing a contextual analysis of visual impacts.
12. The proposed structure will not be viewed from the key vantage points as indicated in the LMC Section 15-15-1.283, with the exception of a cross canyon view.
13. The cross canyon view contains a back drop of three (3) story buildings.
14. The proposed design incorporates a driveway from Woodside Avenue towards the area underneath the historic structure.
15. Retaining is necessary at the rear of the proposed addition to create a small patio which can be accessed through the upper floor only. This retaining wall does not exceed six feet (6') in height from final grade within the front yard area.
16. Retaining is also being requested around the driveway located in the front yard area. This retaining wall will not exceed six feet (6') in height from final grade within the front yard area.
17. The building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography.
18. The site design, stepping of the building mass, reduced building footprint, and increased setbacks maximize the opportunity for open area and natural vegetation to remain.
19. The proposed addition steps with the slope as it rises with the depth of the lot. The lower story is situated below the existing historic structure and it also extends towards the rear.
20. The upper level (3rd story) consists of approximately one half (½) of the total footprint and is set back thirty-three feet (33') from the front façade by.
21. Approximately 1,725 square feet of the total 3,726 square feet of building space is above ground, which equates to forty-six percent (46%).

22. Approximately 2,001 square feet of building space is under ground, which equates to fifty-four percent (54%).
23. The garage is below existing grade and is fifteen feet (15') from the front property line.
24. The adopted Historic District Design Guidelines have specific guidelines that need to be met for basement additions with a garage.
25. The proposed minimum side yard setback is five feet (5').
26. The side yard setback of the addition to the north is six feet (6').
27. The side yard setback of the addition to the south is six and a half feet (6.5').
28. Due to the existing porch covering the entire front façade the basement addition façade will be minimized and no wall effect will be created at the front lot line.
29. The design includes setback variations and lower building heights for portions of the structure.
30. The proposed massing and architectural design components are compatible with both the volume and massing of single family dwellings in the area.
31. The proposed structure meets the twenty-seven feet (27') maximum building height requirement measured from existing grade. Portions of the house are less than 27' in height.
32. The findings in the Analysis section of this report are incorporated herein.
33. The applicant stipulates to the conditions of approval.

Conclusions of Law:

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

Conditions of Approval:

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
3. A final utility plan, including a drainage plan for utility installation, public improvements, and drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers prior to issuance of a building permit.
4. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
5. A final landscape plan shall be submitted for review and approval by the City Planning Department, prior to building permit issuance.
6. No building permits shall be issued for this project unless and until the design is reviewed and approved by the Planning Department staff for compliance with this Conditional Use Permit and the 2009 Design Guidelines for Historic Districts and Historic Sites.
7. As part of the building permit review process, the applicant shall submit a certified

topographical survey of the property with roof elevations over topographic and U.S.G.S. elevation information relating to existing grade as well as the height of the proposed building ridges to confirm that the building complies with all height restrictions.

8. If required by the Chief Building official based on a review of the soils and geotechnical report submitted with the building permit, the applicant shall submit a detailed shoring plan prior to the issue of a building permit. If required by the Chief Building official, the shoring plan shall include calculations that have been prepared, stamped, and signed by a licensed structural engineer.
9. This approval will expire on November 9, 2012, if a building permit has not issued by the building department before the expiration date, unless an extension of this approval has been granted by the Planning Commission.
10. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission, subject to additional changes made during the Historic District Design Review.
11. All retaining walls within any of the setback areas shall not exceed more than six feet in height measured from final grade.

Exhibits

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

Exhibit B - Model and Visual Analysis

SURVEYOR'S CERTIFICATE

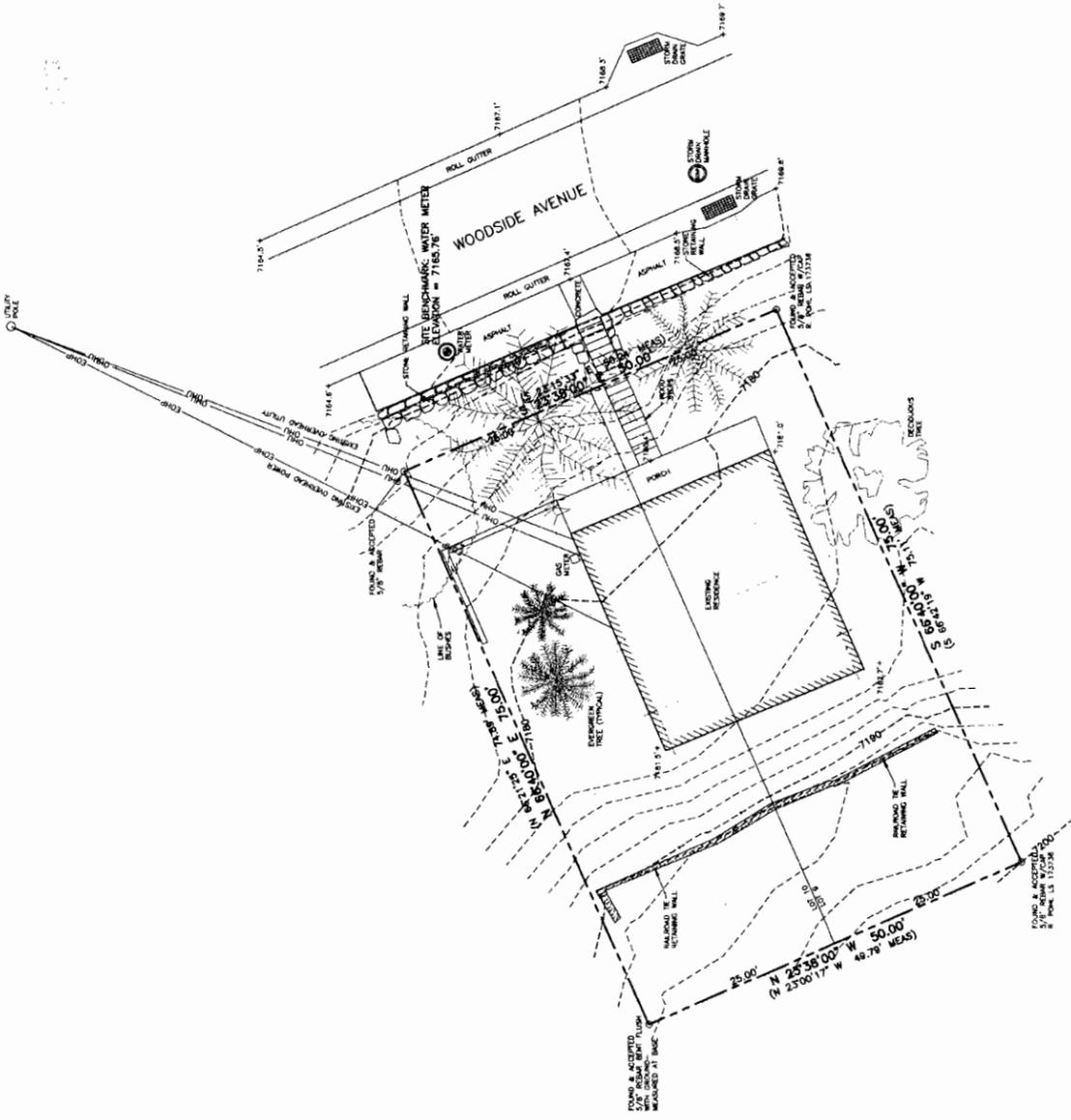
I, Martin A. Morrison, do hereby certify that I am a registered land surveyor and that I hold certification no. 4938739 as prescribed under the laws of the State of Utah. I further certify that a copy of the original survey plat and description of the lands shown and described hereon is on file in the office of the county clerk and that this topographic survey is a correct representation of the land surveyed at the time the field work was completed and is in compliance with generally accepted industry standards for accuracy. I also certify that the boundary shown hereon is in accordance with the description in that Warranty Deed recorded on December 15, 2010, as Entry No. 888443.



12-7-10

NOTES

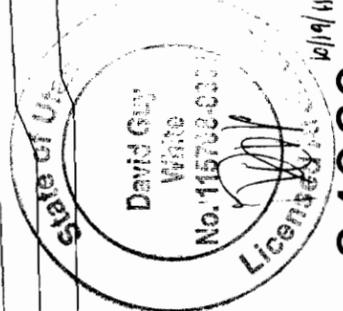
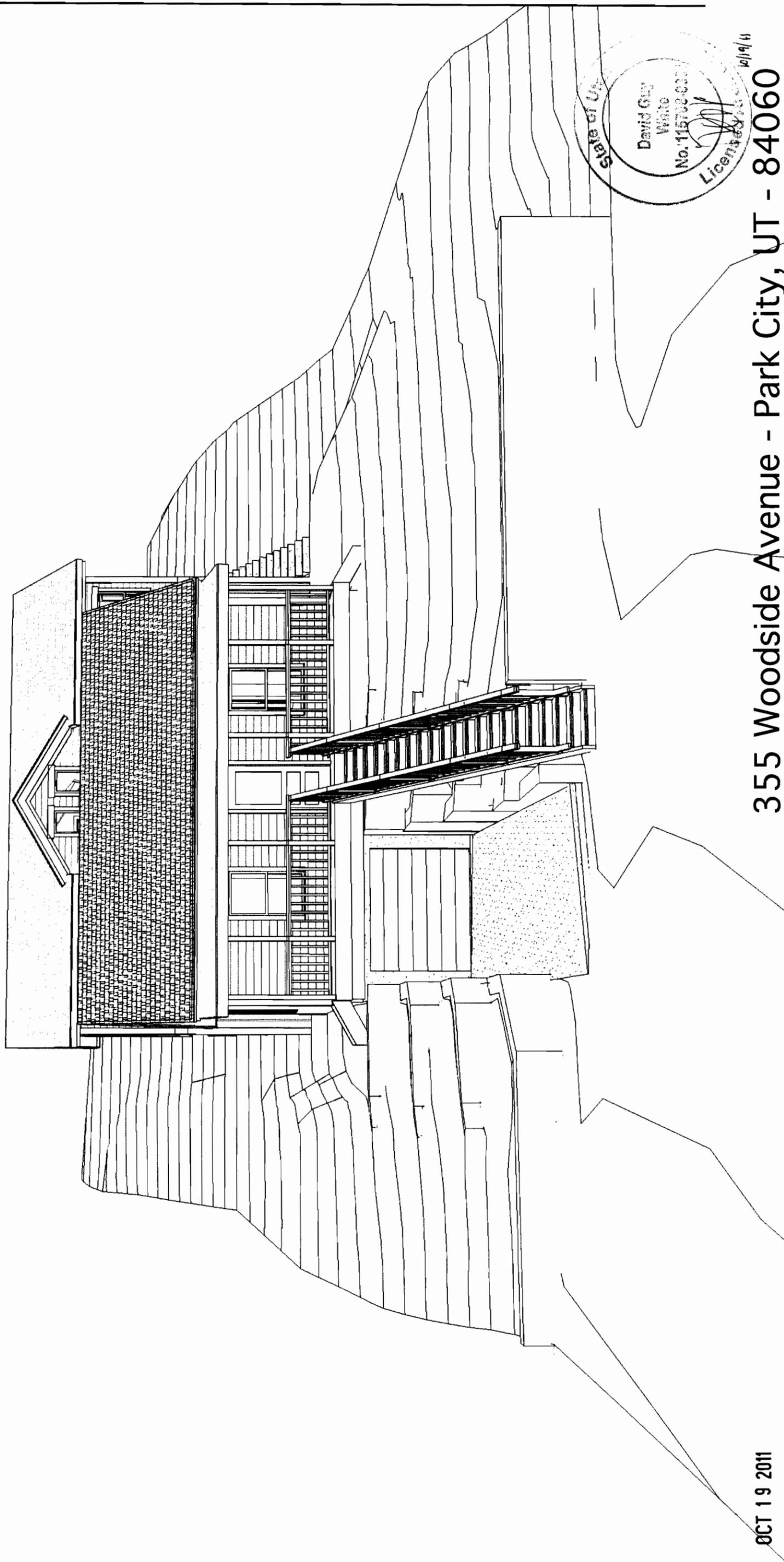
1. Site Benchmark: Water meter
Elevation=7165.76
2. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
3. This topographic map is based on a field survey performed on August 13, 2010.
4. Property corners were found.



EXISTING CONDITIONS

 (435) 648-8487 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 823 South Street, P.O. Box 2664 Provo, UT 84602-2664	STAFF: MARSHALL KING MARTY MORRISON	TOPOGRAPHIC SURVEY 335 WOODSIDE AVENUE LOTS 9&10, BLOCK 30, PARK CITY SURVEY	SHEET 1 OF 1
	REVISED: 12/7/10 DATE: 8/16/10	FOR: KINCAID DESIGN JOB NO.: 4-2-10 FILE: X:\ParkCitySurvey\dwg\topo2010\040210.dwg	

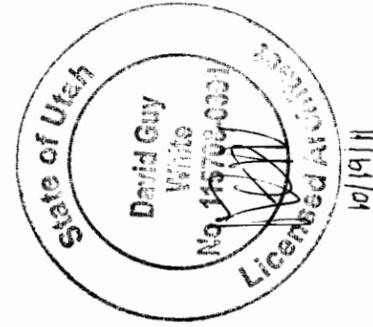
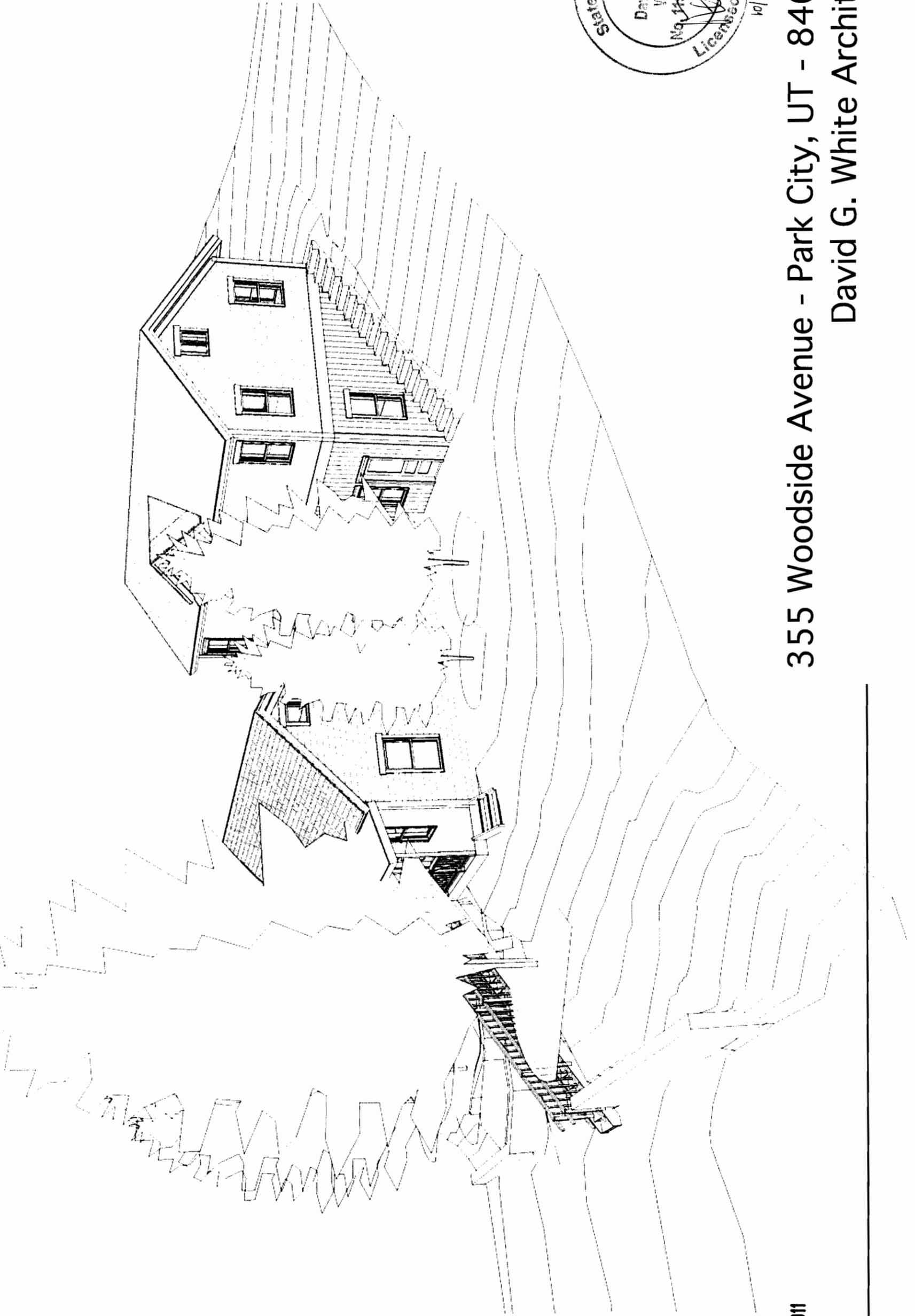
Northeast Elevated Perspective



355 Woodside Avenue - Park City, UT - 84060
David G. White Architect

OCT 19 2011

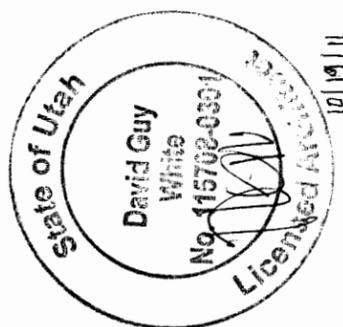
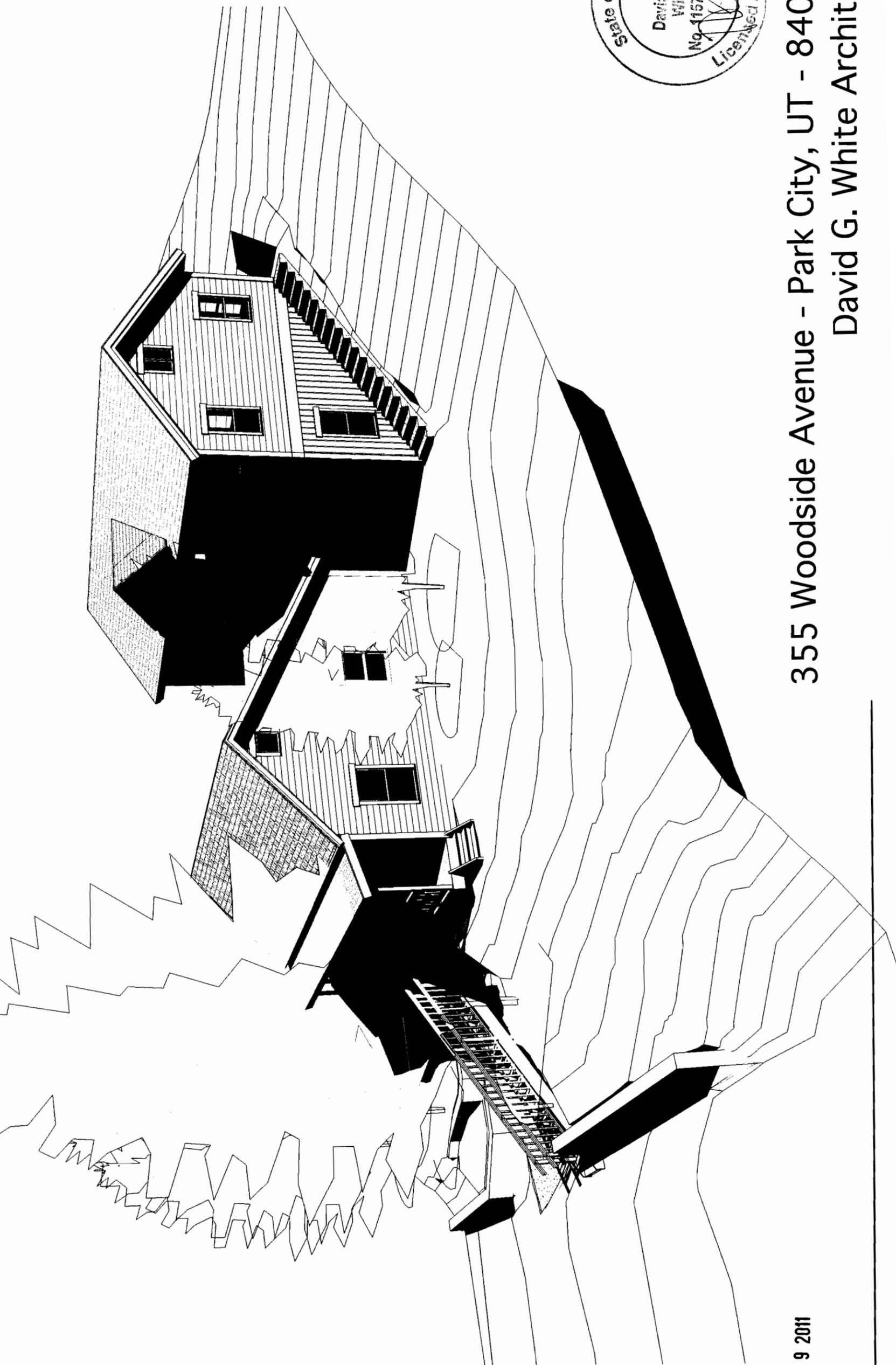
Northeast Elevated Perspective



OCT 19 2011

355 Woodside Avenue - Park City, UT - 84060
David G. White Architect

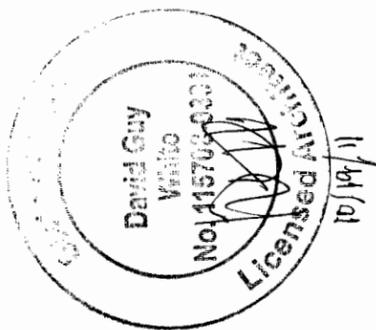
Northeast Elevated Perspective



OCT 19 2011

355 Woodside Avenue - Park City, UT - 84060
David G. White Architect

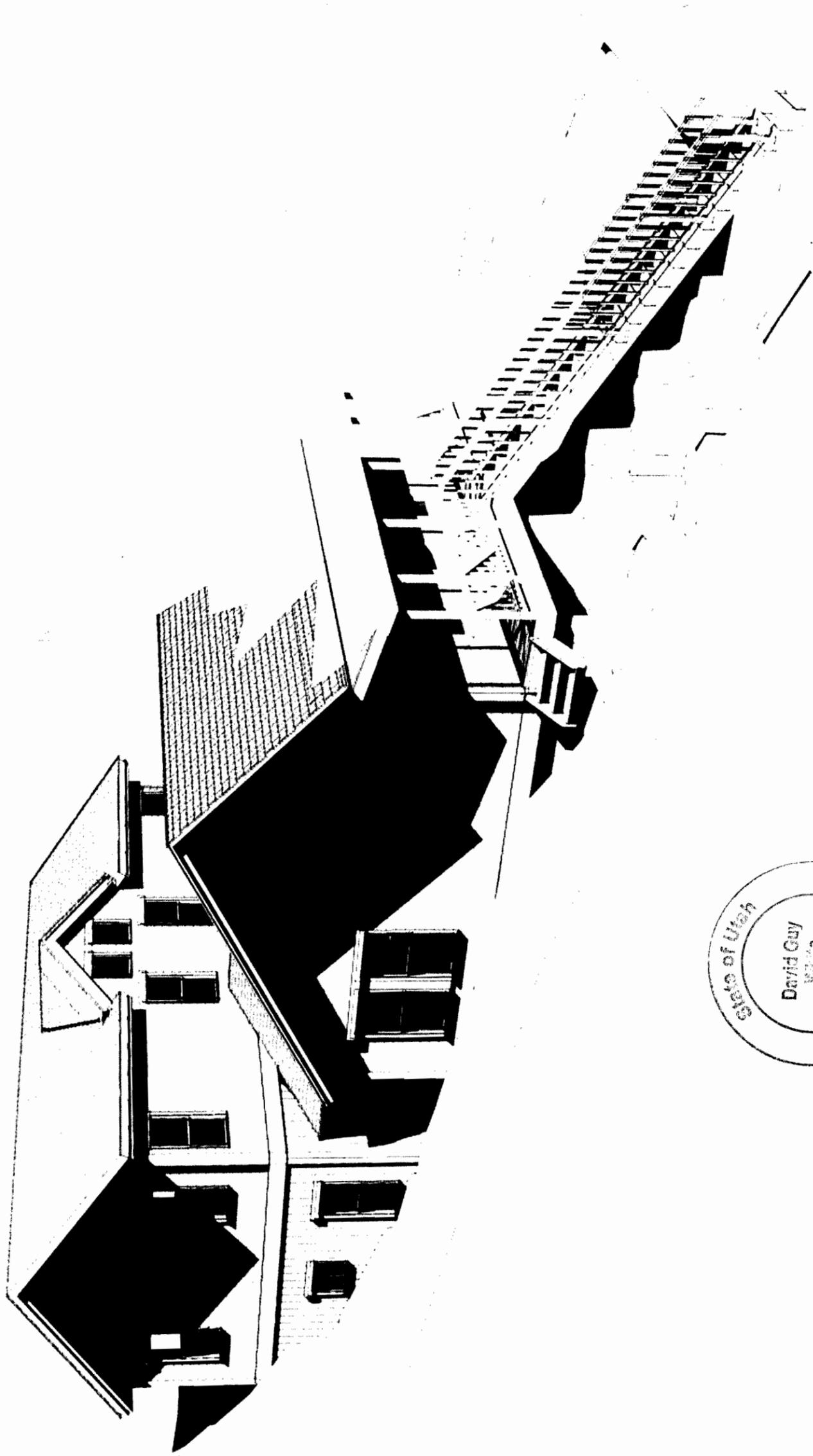
Southeast Elevated Perspective



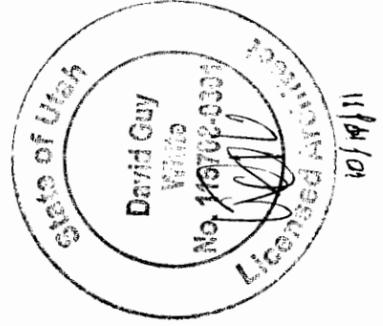
355 Woodside Avenue - Park City, UT - 84060
David G. White Architect

OCT 19 2011

Southeast Elevated Perspective

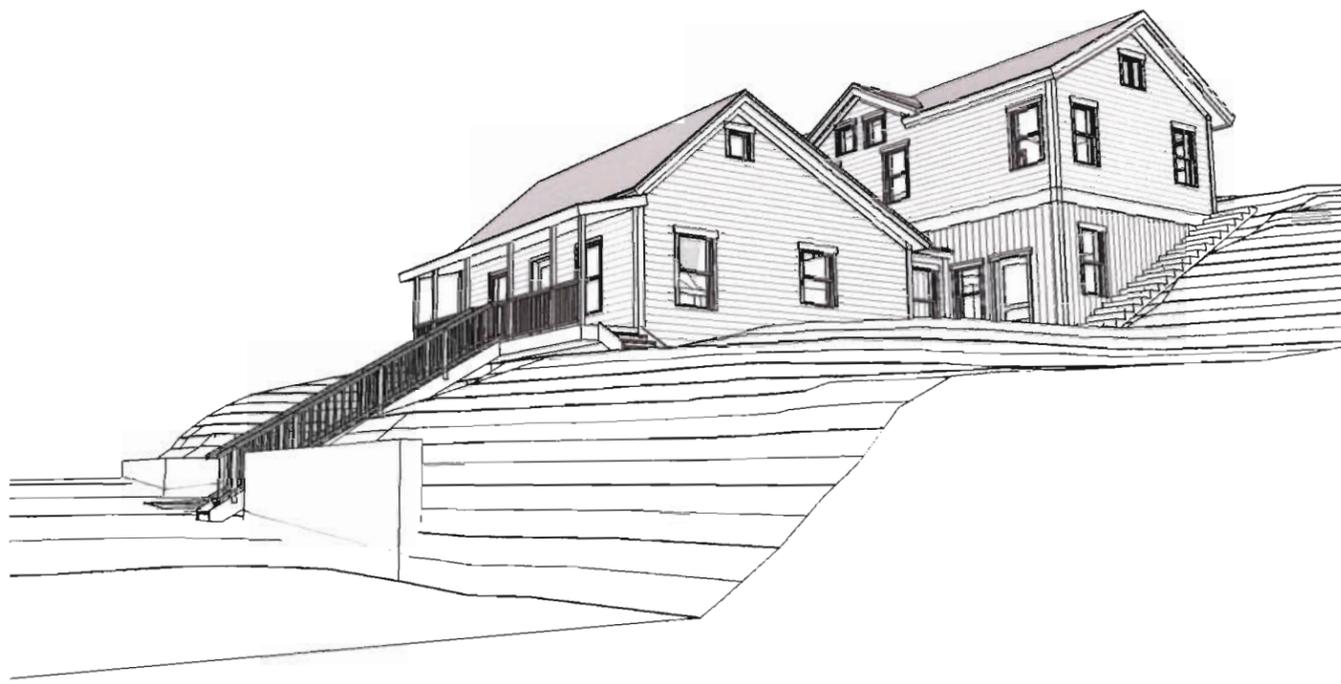


OCT 19 2011



355 Woodside Avenue - Park City, UT - 84060
David G. White Architect

RECEIVED
OCT 19 2011
CITY OF PARK CITY
PLANNING DEPARTMENT



Existing



New



State of Utah
David Guy White
No. 145708-0301
Licensed Architect
10/18/11

Northeast Perspective
355 Woodside Avenue - Park City, UT - 84060
David G. White Architect

Existing



New



Southeast Perspective - Long
355 Woodside Avenue - Park City, UT - 84060
David G. White Architect



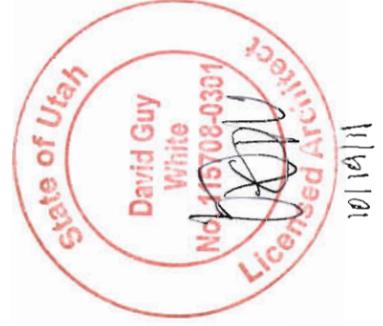
Existing



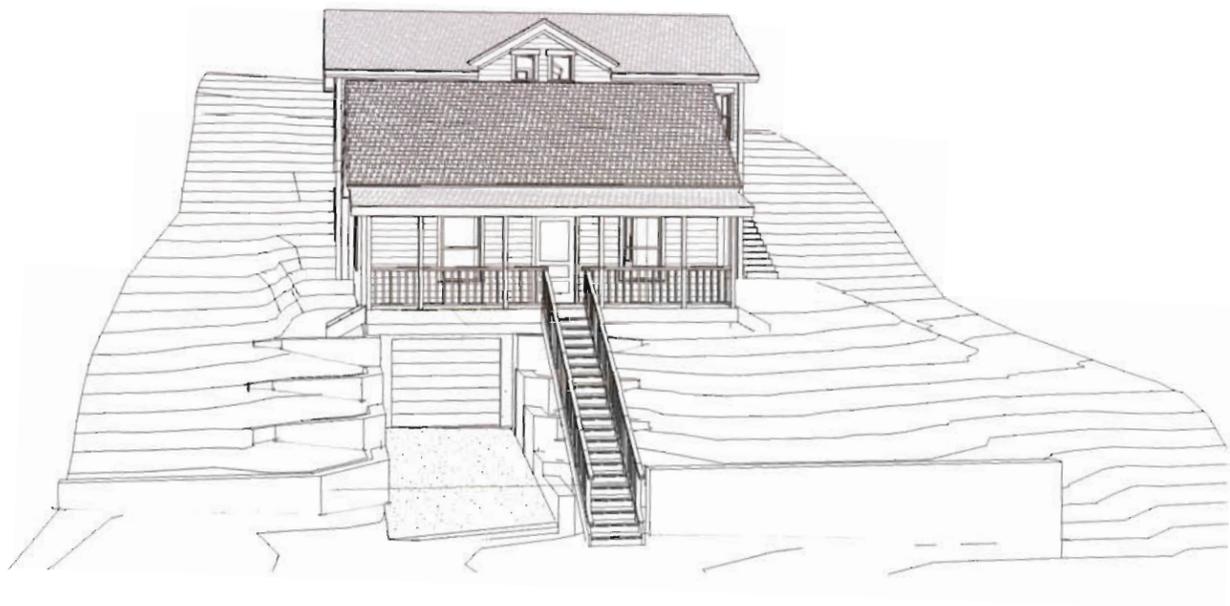
New



Southeast Perspective
355 Woodside Avenue - Park City, UT - 84060
David G. White Architect



RECEIVED
OCT 19 2011
PARK CITY
PLANNING DEPT.



Existing



State of Utah
David Guy
White
No. 415703-0301
Licensed Architect
10/19/11

New



Across Valley View
355 Woodside Avenue - Park City, UT - 84060
David G. White Architect

RECEIVED
OCT 19 2011
PARK CITY
PLANNING DEPT.



Existing



State of Utah
David Guy
White
No. 115708-0301
Licensed Architect

10/19/11

New



East Perspective
355 Woodside Avenue - Park City, UT - 84060
David G. White Architect