

**PARK CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION  
CITY HALL, COUNCIL CHAMBERS  
JUNE 27, 2012**



## AGENDA

<b>MEETING CALLED TO ORDER - 5:30 PM</b>			<i>pg</i>
<b>ROLL CALL</b>			
<b>ADOPTION OF MINUTES OF MAY 30, 2012</b>			5
<b>ADOPTION OF MINUTES OF JUNE 13, 2012</b>			19
<b>PUBLIC COMMUNICATIONS</b> – <i>Items not scheduled on the regular agenda</i>			
<b>STAFF AND BOARD COMMUNICATIONS/DISCLOSURES</b>			
<b>CONTINUATION(S)</b> – <i>Public hearing and continuation as outlined below</i>			
Richards/PCMC Parcel – Annexation Petition	PL-12-01482		
<i>Public hearing and continuation to August 8, 2012</i>			
30 Sampson Avenue – Steep Slope Conditional Use Permit	PL-12-01487		
<i>Public hearing and continuation to July 11, 2012</i>			
80 Daly Avenue – Plat Amendment	PL-12-01488		
<i>Public hearing and continuation to July 11, 2012</i>			
<b>REGULAR AGENDA</b> – <i>Discussion, public hearing, and possible action as outlined below</i>			
2700 Deer Valley Drive #B-304 – Amendment of Record of Survey	PL-12-01545	45	
<i>Public hearing and possible recommendation to City Council</i>			
455 Park Avenue – Conditional Use Permit for a garage in the setback	PL-12-01505	75	
<i>Public hearing and possible action</i>			
543 Woodside Avenue – Steep Slope Conditional Use Permit	PL-12-01507	95	
<i>Public hearing and possible action</i>			
573 Main Street, Claimjumper – Plat Amendment	PL-10-01105	131	
<i>Public hearing and possible recommendation to City Council</i>			
<b>ADJOURN</b>			

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.



## **MINUTES – MAY 30, 2012**



**PARK CITY PLANNING COMMISSION  
SNYDERVILLE BASIN PLANNING COMMISSION  
JOINT WORK SESSION  
MAY 30, 2011**

Present: Mick Savage, Adam Strachan, Brooke Hontz, Jack Thomas, Nann Worel  
Chuck Klingenstein, Annette Velarde, Martyn Kingston, Mike Franklin Colin Deford, Bassam Salem

Ex Officio: Gabe Epperson, Facilitator; Don Sargent, Thomas Eddington, Katie Cattan, Amir Cause, Charlie Brennan, Kirsten Whetstone, Kayla Sintz, Kimber Gabryszak, Diane Foster, Jennifer Strader, Patricia Abdullah

The Joint Work Session of the Park City Planning Commission and the Snyderville Basin Planning Commission was called to order at 6:06 p.m.

Don Sargent, Summit County Community Development Director, welcomed everyone to the Regional collaboration meeting. He noted that joint meetings provide an opportunity for both Commissions to collaborate on issues that affect their jurisdictions in Summit County and Park City.

Thomas Eddington, Park City Planning Director, reported that the last joint meeting was held in December 2012. Since Summit County and Park City were working through their General Plans, this was an ideal time to meet jointly and collaborate on major topics. Director Eddington asked the Planners from both jurisdictions to introduce themselves.

Mr. Eddington introduced Gabe Epperson with Envision Utah, who would facilitate the meeting this evening. Mr. Epperson has worked with various communities throughout Utah to see how those areas were working through their regional planning issues. He believed the County and Park City could build off some of the examples Mr. Epperson would present this evening.

Mr. Epperson stated that he has worked all over the State working with similar issues in places such as Tooele County, Washington County, all Wasatch Front Communities, Cache, Morgan County and Rich County. Mr. Epperson clarified that was not claiming to be an expert or offering an opinion on what Summit County and Park City should be doing as a region. His objective this evening was to share his experiences from other counties and areas.

Mr. Epperson would speak about two different projects. The first was what was happening along the Wasatch Front and the second was a case study of the Cache Valley regional planning work that was done. He thought both would set a context and stimulate ideas on some of the best practices that other regions were doing.

Mr. Epperson stated that growth was driving everything statewide and along the Wasatch Front. All the different issues to be addressed are within that context. He presented Wasatch Front and State projections. Approximately 75% growth was expected Statewide, and nearly 70% growth in the four major Wasatch Front Counties. This would have profound impacts on Summit County, Wasatch County and Tooele County. As the Wasatch Front grows the other areas take a lot of pressure as well. Mr. Epperson noted that the Wasatch Front alone expects to have 1.5 million residents by 2014, which has profound impacts on other quality of life indicators. For example, the miles that are driven annually is expected to double in the next 30 years from 50 million miles driven to 90 million

miles driven. Additional miles would create major impacts on air quality, which is already a current issue. It also impacts critical lands and agricultural lands. Mr. Epperson stated that over the next 30 years, 300 square miles of new development is projected in the four Counties along the Wasatch Front. Approximately 100 square miles of agricultural land will be developed and lost with the patterns of growth and development experienced over the last several decades.

Mr. Epperson remarked that growth was putting tremendous pressure on local governments and their resources. Residents, as part of the local government, have to pay taxes. A recent study by the University of Utah found that the cost of infrastructure to support the growth has gone from what had traditionally been a third of local government budgets to over 60%. Increases in property taxes and other funds are spent on growth related infrastructure costs.

Mr. Epperson stated that in an effort to find a better way to accommodate growth along the Wasatch Front, Envision Utah put together a regional vision called "The Wasatch Choice for 2040", as a strategy to grow and preserve the quality of life. He noted that this was done as a grass roots effort by thousands of Utahns. It was facilitated by Envision Utah through open houses, mapping, surveys, etc. Mr. Epperson outlined some of the benefits of the 2040 Vision. They looked at infrastructure costs regionally and found that if they followed this vision they would save almost 20% on the cost of infrastructure for local government, which was approximately 4.5 billion dollars. In addition, they found that it would enhance mobility and economic growth. By growing differently they can reduce traffic and congestion by almost 20%. Mr. Epperson explained how they analyzed 15-20 transportation systems for the projected growth. The conclusion was that no set of transportation systems would reduce traffic congestion with the expected growth. However, one way to reduce traffic congestion impacts was to change land use and development patterns strategically.

Mr. Epperson pointed out that the solutions were projected 30-40 years from now; and not what they were dealing with today. The issue is the quality of life they would leave to their kids and grandkids. Mr. Epperson stated that the main strategy is centers. If future growth could be focused in either historic centers or new centers near regional transportation infrastructure, public transit systems and regional roads, it would have a huge impact on improving main quality of life indicators. He noted that there were several types of historic and future regional centers. In looking forward at the expected growth, it is important to understand key demographic shifts. In 30 years the population will be fundamentally different. Two of the largest population segments are the baby boomers, who started retiring last year, and the millennial generation, who started to come of age this year. Both of those groups have different demands, needs and interests in the types of housing and the types of communities they want to live in. Mr. Epperson presented housing surveys and market and demand surveys which showed that one-third of the future households would prefer to live in new walkable developments. They want smaller homes, townhomes, condos and apartments, with access to transit, jobs and amenities. Currently they were far short of meeting those demands. The vision projects that 70% of the population would still be living in single family traditional neighborhoods.

Mr. Epperson presented conceptual examples showing different types of household and housing scenarios.

Mr. Epperson reported on a process they went through for Envision Cache Valley in an effort to address the growth in that area. He noted that the process involved a diverse group of stakeholders. The steering committee in Cache Valley represented the water district, agricultural interests, business owners, environmental groups, chambers of commerce, Utah State University and any other entity or group who would have a stake in implementing growth and development over the next several decades. Mr. Epperson stated that Cache Valley was projecting to double their population very rapidly.

The process for Cache Valley started with an initial set of public workshops and a baseline scenario of where they are today and where they are headed with current plans. He showed an aerial of Cache Valley with yellow dots representing current structures or current development. They looked at the population projections and combined that with the current to identify the baseline, which were shown in pink dots. The result added the footprint of three new Logan's; one in each decade. During the public workshops the discussion focused on whether there were other ways to grow that should be considered. People were asked to solve the problem rather than philosophize on whether or not growth should occur. People were asked about land conservation, areas where development was appropriate, and how to create great places to live over time. Another piece was transportation and how people would get around.

Mr. Epperson noted that information from the public workshops was used to develop a set of scenarios that the public and the stakeholders could work through to see how they played out. Mr. Epperson reviewed the different scenarios. Scenario A was the baseline scenario that represents recent growth patterns. Scenario B was development along the benches in that valley. Scenario C focused that growth in all of the existing towns. Scenario D placed as much growth as possible in or around Logan to maintain an urban core. An additional round of public workshops were held to share information and ask people which elements of the different scenarios they favored. They found that nearly 90% of the citizens that were involved said they wanted something different than what was currently happening in the baseline scenario. In addition, 90% preferred that a large portion of that future development be mixed use in the existing communities.

Mr. Epperson stated that the next step used in the process, both generally and in Cache Valley, was to distill all the input into a vision statement, vision principles, and an implementation plan. The steering committee, with public input, developed a statement that they felt captured the values of the communities. They wanted to keep the city a city, invest in their towns and centers for living, industry and culture, and keep the country areas country by protecting agricultural and natural lands. The identified principles and guidelines for moving forward included living close to work, shop and play, provide a variety of housing options that better meet market demand, mixed uses, and recycled land. Mr. Epperson stated that the desire was to focus investment in existing towns as opposed to developing new infrastructure that would add an additional tax burden for construction and maintenance. They also wanted to create diverse new neighborhoods within walking distance of services.

Mr. Epperson remarked that in addition to a vision statement, part of the process was to develop a series of maps that represent that vision. He presented slides of the different maps and explained

how each met the vision scenarios. He noted that these were aspirations and goals. They may not meet the targets but they were working towards them. Mr. Epperson pointed out that if they implement the vision scenario they would have a 40% reduction of developed land, which would conserve 21 square miles of farmland; 61% reduction of convergence of prime farm land to urbanized use; 27% reduction on residential water demand; 30% reduction of impervious surface; 10% reduction in vehicle miles traveled; over 100% increase in public transit; 20% reduction in emission, and 20% reduction in local infrastructure costs.

Mr. Epperson stated that this was a two-county process. Logan was actively involved and a key stakeholder. All the work was done in coordination with all the cities in Cache Valley; with Logan playing a very primary role.

Mr. Epperson remarked that an implementation process was set up with the steering committee, local elected officials, planning commissions, and others. Forums were set up to talk about ways to implement the vision and what actions different agencies could take to achieve it. Mr. Epperson presented images that illustrated some of the strategies. He noted that the Cache Valley report was available online and he recommended that this group review it. Mr. Epperson reviewed the tangible outcomes and results of implementing this type of process that would not be possible otherwise.

Mr. Epperson outlined the agenda for the remainder of the meeting. Both Summit County and Park City Planning Departments would share slides regarding planning work that has already been done. Following that, the participants would be divided into groups to address specific issues. They would then come back together to discuss some of their thoughts.

Thomas Eddington from Park City and Adryan Slaughter from Summit County presented slides that went back and forth from balanced growth to the preferred growth strategy that Summit County had worked on. Mr. Eddington echoed Mr. Epperson's comment that growth is coming. Utah is one of the fastest growing states and the mountain region will be the fastest growing region in the Country. For that reason, they will see tremendous changes for the Summit County area over the next 40-60 years. Growth is coming and it is important to plan for it. They need to look at which areas should be protected and where growth should be funneled.

Mr. Slaughter pointed out that they continue to see a fear of sprawl and density. At some point they need to address where growth happens if they do not want sprawl and/or density.

Mr. Eddington stated that as Park City looked at the balanced growth study, one of the primary objectives was to stay true to the vision of Park City, which was sense of community, natural setting, small town and historic character. That the vision was no too different from what Summit County wants and it was similar to what Mr. Epperson had demonstrated for Cache Valley. Mr. Eddington presented the growth trends and noted that growth in Park City would be a little slower because it is more built out than Summit County/Snyderville Basin.

Katie Cattan with the Park City Planning Department, pointed out that Park City has brought in many homes and opportunities; however, the cost is so high that they were not gaining a primary

residential population. It creates a harsh affordable housing situation in Park City and puts a greater pressure on Summit County. It is important for the City and the County to work together on that issue. Mr. Eddington remarked that housing was only one of the many challenges for Park City and the County.

Mr. Sargent noted that information from years and years of public input from neighborhood meetings and the preferred growth concept study mirrored Mr. Eddington's presentation in terms of identifying areas where growth should occur. It is now a matter of the Planning Commissions trying to decide how to make that happen. Mr. Sargent believed a key question was whether they should look at new growth or just reorganize the existing density that would be allowed per zoning.

Mr. Eddington presented a slide illustrating what a sending and receiving zone would look like and how density could be clustered in a receiving area. Mr. Eddington noted that collaboration and inter-jurisdictional opportunities were key elements, as well as keeping the regulatory market clear and helping to expedite planning and development for those who follow what the General Plans and Codes recommend. It is important to figure out the gives and gets as they work through development in the future, recognizing that there are going to be gives on the City and County side as they prepare for this growth. As they plan for the future they need to understand how to balance the gives and gets, some of which were identified in the balanced growth study. Mr. Eddington stated that most of the discussion points are regulatory in nature, but in the end, the main point is about preserving the magic of Summit County and Park City. The formula is using quantitative analysis to preserve the qualitative way of life they all appreciate.

Kimber Gabryszak with the Summit County Planning Department, remarked that the words "sprawl" and "density" have a negative connotation for the public. People do not realize that both cannot be avoided in development. If it's not dense it's sprawling and if it's not sprawling it's dense.

Commissioner Kingston understood that the major difference between the TDR and the "as is" was simply a shift of freeing up the space off Highway 40 and condensing growth at the junction of 248. Otherwise the maps seemed very similar. Mr. Eddington replied that the maps were similar. He noted that the area north of I-80 maintains more density as the purple dots are taken from areas along Old Ranch Loop Road. He pointed out a clustering of the purple dots with the TDRs, as opposed to not having them.

Commissioner Klingenstein noted that the information Mr. Eddington presented came from a City financed study and the County had not yet provided input. It was a concept of possibilities to illustrate available choices as opposed to continuing with the status quo. Mr. Eddington concurred that it was one alternative and one scenario and recommendation. The possibilities were many and they would be asked for input on other scenarios when they break into smaller groups. Mr. Epperson remarked that there were many tools. The alternative concept showed the impact that one tool could have. Additional tools could have greater impact.

Mr. Epperson requested that the participants break into three discussion groups. The agenda outlined the following topics for discussion: 1) Preferred Growth Areas; 2) Kimball Junction –

additional growth potential; 3) Route 40 – future growth or preservation; 4) Bonanza Park – redevelopment potential - vertical density; 5) Use of Transfer Development Rights (within jurisdiction or inter-jurisdictional).

The participants reconvened as one group following their small group discussions. A spokesperson for each group summarized the key points that were discussed.

Commissioner Klingenstein spoke for the first group and outlined bullet points of their discussion. The first was fixed infill provisions and the idea to create more incentives infill. Most population growth is in the Basin and not on the East side. They were looking at the entire County and more focus needed to be on Snyderville. There is a strong desire for more activity from the East side, but so far they have been resistant. In terms of Park City, the question was how to diversify the population of Park City proper since they were losing young families rapidly. Everyone in the group agreed that they needed to start going vertical in the current existing density nodes. Due to traffic lights and other impediments, US40 and SR248 would likely become Park City's front door. It is important to rethink the entire transportation demand management before the Urban Solutions for SR224 from Kimball's Junction to the Canyons go into place. They discussed going denser in existing nodes and future nodes of development, such as Quinn's Junction and Silver Creek Junction. They also talked about a coalition where all municipalities look at the region, get a dialogue going and maybe do a better job. As an example, when the TDR study was done, the East side was adamant about not wanting growth, but did they really understand the alternatives.

Commissioner Kingston spoke for the next group, which started by looking at the growth projections. They realized that they do not have to receive all the growth that is projected, and they certainly do not have to move quickly to alter land use zoning to receive growth to 2050. It is important to tie existing inventory and zoning with the projections before deciding where growth should go. They also wanted to look at the quality of the relationship of the existing inventory in the Basin and in Park City, keeping TDRs in mind. They talked about approximately 3,000 lots in both areas, taking into account the redevelopment of Bonanza. Throwing out rough numbers, they assumed that possibly 20,000 people were already satisfied by the existing distribution inventory that is already zoned. Commissioner Kingston remarked that the intent was to raise awareness and not to forget that they have history and the existing inventory, and to think hard about those relationships. The group also talked about quality versus quantity. People fear density because they moved here and live here for quality and lifestyle. The public's fears might be allayed by quality planning and quality relationships between jurisdictions, applicants and developers; particularly if they could project the quality of growth as well as the scale and the quantity. Also important are the Park City jurisdictional conflicts and the fact that the document for the consultants was for Park City and not the region. It is more about how people experience the space and land use, and not the political jurisdictions and client relationships, which clearly colors the document. As public entities they serve the public and the public does not know where Park City ends and Snyderville begins. Mr. Kingston stated that the group also talked about the idea of the TDR. With the help of staff they looked at why transferring one unit of development to three units somewhere else potentially creates a problem for the public or residents living in the "somewhere else". In order to create financial incentives to vacate one unit, they have to promise three units somewhere else, and that creates problems in negotiating deals. They talked about looking at certain land that

is not heavily invested with governmental or planning rights. Rezoning land gives financial incentives that make it more difficult to transfer rights in the second scenario from the first scenario. It is important to anticipate and plan ahead to avoid elevating the cost of transferring rights from one place to another. In terms of where to put growth, they all came to similar conclusions about Silver Creek, I-80/US40, Bonanza and areas near the East Canyon campus. This group was more resistant to revisiting the question of permitting elevation.

Planner Katie Cattan spoke for the last group. The initial conversation started off with the inventory question. It would be helpful to see on the map the current inventories and how they were laid out in units per acre to understand where growth should be directed. The group talked about intersections and the connection between transportation, land use, greater communities, and aesthetic experience. They talked a lot about the wildlife corridor along US40 and how it connects to the open space. One area of possibly expanding new growth would be along the nodes and on/off ramps for US 40, with a buffer in between to continue the green space across. The group identified Kimball Junction for infill and discussed height. The ideas were to fill in the parking lots and go vertical over Smiths and that area, and place cars underneath the buildings. Ideas for US40 were to keep development near the on/off ramp and in the existing neighborhoods, and to clean up the Quinn's Junction area and possible development across the street. Planner Cattan noted that the map showed the green space for Round Valley. Currently, the issue is to make sure that green space connects across and protects the wildlife. She thought they could go as far as talking about a wildlife overpass in that area in the future. Vertical height could go in Bonanza Park and in the Snow Creek Plaza area to create more potential for growth in the location of The Market. The group favored the idea of going regional for TDRs.

Commissioner Jack Thomas asked if Envision Utah supports TDRs on a regional level. Mr. Epperson replied that Envision Utah supports it as one tool that can help achieve what a community envisions. When working with a community, they identify their values and vision and offer five or six tools to accomplish that vision. Different tools are used on a case by case basis and it should be market based and voluntary.

Mr. Epperson noted that each of the groups had raised good points. However, the fundamental question was whether there was a consensual vision about where growth should occur and what areas should be preserved; or if the City and County plans were too contradictory. Mr. Epperson asked if the group was ready for implementation or if they needed time for more planning work.

Commissioner Salem felt that Mr. Kingston's group had addressed his point of obligation to the community. He believed the natural question was an inventory of what is already entitled but has not been developed, and the location of those entitled areas. Commissioner Salem pointed out that density is not artificially created. It has to be already vested or there needs to be agreement that increasing density would be in the best interest of the community. He believed the real issue regarding density was "wanting" it in the community rather than "having to", and to what extent. Commissioner Salem believed that the fundamental connection between the Basin and Park City was too tight to ignore. A lot of the needs of one stem from the other and you cannot treat them as completely separate. There needs to be some type of value exchange between the two entities. Commissioner Salem stated that if they want to think regional and one big community, they need to

plan regionally and have one process that applies to everyone instead of the three separate pockets of Park City, the Basin and Eastern Summit County. He believed they should act as one County because they impact each other.

Commissioner Thomas remarked that part of the problem is that Planning Commissions do not control the money in the community. Therefore, a question for the City and County Councils and the public is whether money should be spent on serious professional planning. They are all concerned citizens, but they are not planners. They are a group of individuals with ideas. They all have a passionate interest, but they keep making the same mistakes and they never move forward with a plan. Commissioner Thomas thought it would be in the best interest of the community to hire professional planners.

Mr. Epperson stated that as someone coming in from the outside, he could see evidence of some plans that were done. If they were to put forth a new planning effort, he wanted to know what they would do different to avoid repeating what was done in the past.

Commissioner Hontz stated that she took part in a County/City financed consultant based study for Quinn's Junction. A lot of hard work and effort went into developing outcomes that were based on key parameters set by the Councils and the Planning Commissions. In the end, both the City and County did not want to follow what the study proposed and nothing was implemented. For her personally it was a huge frustration because they agreed on the parameters upfront and everyone was supposed to have buy-in. Those involved in the study did the work and made tough calls about the same issues being discussed today. She believed the study was rejected because the City and the County had to do different things to accomplish the goals. Commissioner Hontz was not opposed to hiring a professional planner as long as the City and the County are willing to implement the outcome. To another point, Commissioner Hontz thought they already knew what was entitled and where that development would occur, and it was time to accept it. In addition to making decisions on sprawl or density, they have to decide what they want. If they do not want density or sprawl or height, then the jurisdictional entity needs to buy the land.

Mr. Epperson referred to the baseline projections and noted that someone had paid money for consultants to go through and look at what the entitlements were, which lots have already been platted with the current zoning, and where that development would occur. He was not involved with that process but it appeared the work had already been done. He suggested that it was time to study the projections to better understand it. They cannot predict exactly what will happen because someone could request a rezone; but the baseline has been examined, as reflected in the dot maps.

Based on Mr. Epperson's comment, Commissioner Salem wanted someone in the room to tell him how many units were currently approved but had not yet been developed. Commissioner Klingenstein replied that the total inventory was 9,000 units of approved density. Commissioner Salem asked if 9,000 inventory was the appropriate level; and whether they would be comfortable as a community doubling that to 18,000 or dropping it down to 4,000. He thought it was important to clearly delineate whether they were building above the "as is" threshold. Commissioner Kingston thought they would need to talk with the other jurisdictions because Park City and Eastern Summit County have their own inventory. It is a regional issue that goes beyond Snyderville Basin. In

addition to knowing the numbers, another question is the cost to shift the movement if there is a better place for development. Mr. Epperson thought it was more important to have a nuance understanding of the projections.

Commissioner Klingenstein commented on the frustration the Snyderville Planning Commissioners expressed over the past month when looking at future growth maps to try to understand what they have. The information was available, but it was not presented by Staff in a cohesive format so they could know what they were dealing with. They were working on the General Plan and they were behind the City in that process. Understanding that the workload gets in the way, he had suggested bringing in a consultant team to move things forward.

Commissioner Klingenstein pointed out that they also need to consider legal issues in terms of whether the zoning is defensible. They need to be careful about property rights and surrounding rural zoning with suburban development. It is not always a choice of wanting or not wanting development, and he emphasized the problems that could arise if they do not come up with long-term solutions.

Commissioner Salem commented on the saying that the person who misses a meeting is the one assigned all the action items. He remarked that if they have multiple jurisdictions, each looking within their own perspective, the other jurisdiction is always the person missing from the meeting. It is natural that each jurisdiction would want the density outside of their jurisdiction and away from their neighborhoods. Commissioner Salem believed in planning regionally but taking into account that each piece is a separate center. They should all work together from a planning and interest perspective and balance those together as opposed to individually. Commissioner Salem applauded this meeting, and the fact that they were talking together. He wished that all planning could be conducted in this manner.

Commissioner Strachan stated that the best way to evolve that would be for the Basin and the City to have a General Plan. They each have their own General Plan and they are not too different. The values are almost identical and he did not believe it would be difficult to come up with an over-arching plan. The difficulty would be communication between the two bodies so when a plan comes to issue with an application, both bodies enforce them consistently. This would only work if they have a plan that takes into account the interests of the community as a whole and a document they can enforce.

Commissioner Velarde thought it begged the question of why not just one body. Mr. Epperson stated that they do have shared values and the plans are trying to achieve the same thing. However, the problem is in how the two plans were drafted and created and how the different planning entities meet separately. He asked if anyone in the group did not think there should be better coordination between the two bodies.

Commissioner Strachan thought there should be better coordination but he did not think Mr. Epperson was right in saying that there were problems in the way the two general plans were drafted. Mr. Epperson clarified that he was implying that there was no coordination between the City and the County when each plan was drafted.

Commissioner Velarde pointed out that Park City was finishing up their General Plan re-write, and Snyderville was three years out from completing theirs. If they intend to coordinate the General Plans, then the County should work off of Park City's.

Based on their discussion, Mr. Epperson had written down two items in terms of the next steps. He believed there was some understanding of current entitlements and what is permitted or could be developed, but that issue needed to be better presented or understood. Secondly, there was agreement that planning efforts should be coordinated. He asked if the group was interested in meeting again, and if so, how frequently. The group definitely favored joint meetings more often.

Commissioner Hontz pointed out that when the two Planning Commissions met 18 months ago, they had the same two goals that Mr. Epperson outlined. She would have preferred more meetings in the last 18 months to accomplish those goals. Commissioner Hontz pointed out that issues are resolved within the City, but the two Commissions were still not communicating to answer the questions or resolve the issues.

Mr. Epperson clarified that the group was interested in scheduling another meeting in the near future to discuss Item 1. Mr. Kingston did not agree that Item 1 was the next step. The second item, coordinated planning efforts, should involve other stakeholders besides the Planning Commissioners. Before they start looking at an action schedule, he thought it would be worth hearing from a consultant on the models and best practices for actually integrating across the entire County, including Park City.

Mr. Epperson asked if it would be helpful if he invited a county-wide planner, a County Commissioner from Cache County, and a Council person from Logan to attend their next meeting and talk about how they coordinate and work together.

Commissioner Salem thought it would be more helpful to hear from Mr. Epperson based on his experience in these types of situations where the political minds do not match the thinking of the neighborhood and community. Mr. Epperson stated that in order to move beyond that they need to create an entity that covers the jurisdictional extent that they want to plan for. For example, Cache Valley set up a Regional Council and agreed on the objective. In the Wasatch Front, he did a project on the Jordan River, which was 18 jurisdictions doing their own thing, and they agreed to set up a Jordan River Commission with one person staff. Mr. Epperson suggested that Park City and Snyderville could keep their regular individual meetings, but agree to meet jointly as a group two or three times a year to discuss coordinated planning.

Commissioner Velarde did not think two or three times a year was enough. She questioned why Park City and Snyderville Basin could not have one Planning Commission. Commissioner Klingenstein thought it was regulated by State legislation. Mr. Epperson stated that the Jordan River Commission had to set up an inter-local agreement under the State subdivision law to create the new entity. Regional Councils have to follow the same process.

Commissioner Velarde asked if the City and the County agreed that a larger body was necessary to

begin coordinated planning for the two entities, whether that could be done legally. She was told that it would be appropriate and legal for Park City and Snyderville Basin to form a sub-committee that meets on a regular basis. Commissioner Kingston pointed out that it was not as simple as having the two Planning Commissions meet jointly. If they set up a schedule to meet and share information on a regular basis, it also involves the public and coordination between the two Planning Departments. Mr. Epperson agreed. They would need to identify items or issues they wanted to informally discuss, as well as the expectations of how that arrangement would work.

Commissioner Klingenstein stated that in the 1990's there was an interlocal agreement between Summit County and Park City that dealt with land use issues. It did not establish a formal board but it established a relationship and meetings between Staff. Commissioner Klingenstein was unsure whether the Interlocal Act that Mr. Epperson mentioned allows jurisdictions to give up their planning authority, but it does allow for coordination and interlocal cooperation.

Commissioner Salem pointed out that they were talking about a population from two jurisdictions that share schools, playgrounds and recreation areas and it is becoming more evident that Park City needs the Basin and the Basin needs Park City. Mr. Epperson stated that if they choose to assign a staff person to coordinate efforts, there is no reason why that person could not invite a planner from Wasatch County or from other agencies involved in regional issues.

Commissioner Strachan recommended another joint meeting in the near future because both Planning Commissions would have to make recommendations to their respective Councils. If they were committed to collaborating and assigning a staff member, they need to have a convincing presentation for the Councils that outline the Staff member's scope of employment and what they propose to pay that person.

Commissioner Deford thought Snyderville needed a sustainability person who could help them catch up with Park City. He noted that currently the General Plan did not address sustainability. Commissioner Velarde was certain that one person could do both. Mr. Epperson stated that they should craft the job description based on what they want from that individual. If sustainability is important, it should be targeted in the job description.

Commissioner Velarde could see no reason to reinvent the wheel if Snyderville could use Park City's General Plan as their template.

Mr. Epperson asked if the group felt they had identified visioning and shared values for the direction the two communities wanted to go and were ready to move forward; or whether they needed additional visioning work prior to the next step.

Commissioner Velarde stated that although it was done separately, both entities had done significant visioning work that runs parallel to each other. They may need another meeting to work on some things, but she thought the visioning was complete.

Commissioner Salem thought it would be beneficial to brainstorm how collaboration would work and how interests could be more closely aligned.

Mr. Epperson believed they had narrowed the discussion in terms of the issues that need to be resolved or discussed in more detail. He thought it made sense for the Staff to work together and come up with two or three options to discuss at the next meeting.

Commissioner Hontz was prepared to make that proposal this evening. She would like to meet as soon as possible and definitely within the next two months. At the next meeting she would like to see a presentation based on the visioning that was done in the County and in the City so they could compare the visions and identify the similarities and differences. That would help this group achieve their own consensus on what the vision says about the community as a County and City blended together.

Mr. Epperson summarized that for the next meeting they need to focus on understanding what has been done in each jurisdiction; and then determine the right model going forward to coordinate the implementation of that vision or whether additional visioning needs to be done.

Commissioner Kingston did not think the vision discussion was critical. They were given one tool for inter-jurisdictional collaboration and he would like to have a meeting on best practices. He thought it would be more beneficial to search through America to see what other jurisdictions in this type of situation have done to see if they can duplicate some of that structure.

Mr. Epperson remarked that the two ideas were not contradictory and it was not a matter of having one or the other. The next meeting needed to accomplish two things. One was understanding the planning work that has already been done in both the City and the County. The second addressed logistics in terms of the model or alternatives to achieve better coordination.

Commissioner Deford thought another key issue was money and the ability to pay for it.

Mr. Sargent noted that the Planning Staff from both entities typically meet twice a year for Staff collaboration. They discussed both General Plans at their last meeting to understand the similarities and differences. He thought they could do a better job of collaboration at the staff level.

Mr. Sargent stated that he and Mr. Eddington could bring their teams together more frequently to discuss in more detail what is going on in their respective jurisdictions. They would try to come up with something that could be presented to both Planning Commissions for feedback on how to address some of the concerns.

Mr. Eddington suggested that the Staff could work on the entitlement issues, as well as the model and alternatives and report back at a joint meeting in two months. A meeting was tentatively scheduled for the first week in August.

The meeting adjourned at 8:19 p.m.

## **MINUTES – JUNE 13, 2012**



PARK CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION MEETING MINUTES  
COUNCIL CHAMBERS  
MARSAC MUNICIPAL BUILDING  
JUNE 13, 2012

COMMISSIONERS IN ATTENDANCE:

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

EX OFFICIO:

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

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REGULAR MEETING

**ROLL CALL**

Chair Wintzer called the meeting to order at 5:35 p.m. and noted that all of the Commissioners were present.

**PUBLIC INPUT**

There were no comments.

**ADOPTION OF MINUTES**

April 25, 2012

MOTION: Commissioner Pettit moved to APPROVE the minutes of April 25, 2012, including the transcript that was provided. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

May 9, 2012

MOTION: Commissioner Pettit moved to APPROVE the minutes of May 9, 2012. Commissioner Worel seconded the motion.

VOTE: The motion passed unanimously by those who were present on May 9<sup>th</sup>. Commissioner Thomas abstained since he was absent from that meeting.

**PUBLIC INPUT**

There were no comments.

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

Director Thomas Eddington thanked the Commissioners who were able to attend the joint meeting with the Snyderville Basin Planning Commission to discuss regional planning. A commitment was made to meet again within the next two months. Director Eddington stated that the Staff would build off that discussion and incorporate it into the General Plan. Based on direction from both Planning Commissions, the Staff would make sure they coordinate with the County and cross over on their General Plans as they work on them simultaneously.

Director Eddington announced that a joint meeting with the City Council was scheduled for July 12<sup>th</sup> at 5:30 p.m. Charles Buki would be in town to go over the balanced growth study.

Director Eddington reported that Kayla Sintz had submitted her resignation and would be leaving the Planning Department in mid-July. Kayla was moving into the private sector to do residential design.

Chair Wintzer noted that Julia Pettit had resigned from the Planning Commission and this was her last meeting. He personally thanked Commissioner Pettit for all she has done in her six years on the Planning Commission. It was a pleasure working with her and a lot of fun. Chair Wintzer stated that Commissioner Pettit comes to every meeting prepared, she knows the Code, and in his opinion, she is the ideal Planning Commissioner.

Commissioner Pettit thanked the Staff for their hard work. The Commissioners would not be able to do their job without the efforts of the Staff. They do not always see eye to eye on things, but she appreciated how hard they work for the Planning Commission and for the community. Commissioner Pettit thanked her fellow Planning Commissioners. In all the time she served, she could not think of a more dedicated body. The Commission has changed over time and different personalities have come together. Most important is that they bring different viewpoints based on their involvement and membership in the community. Commissioner Pettit felt it was important to maintain diversity of opinion so they could work together to find solutions for the community that benefit everyone.

Commissioner Pettit encouraged the Planning Commission to continue to safeguard Old Town. It is one of her greater passions and she worries that it is still slipping away. She asked that the City Council, the Staff and the Planning Commission continue thinking about the importance of Old Town in terms of their identity. That came out in the visioning process, and she believes the town as a whole values Old Town. Commissioner Pettit hoped that people would continue to be careful about decisions that affect Old Town and look for improvements in the Code and the guidelines to keep on that path.

Commissioner Pettit remarked that one aspect she was able to bring to the Planning Commission, along with Commissioner Hontz and Chair Wintzer, is that when you live in Old Town you walk the streets, you feel the experience and you understand it better than anyone could possibly imagine. Old Town is not an easy place to live. There are a number of impacts that the residents feel on a regular basis and have continued to experience over time as things have changed. Commissioner Pettit felt it was important for people to listen carefully to those who actually live in town and have

that day to day experience, because even small changes can have a greater impact than what you might think. She commented on the tendency to look at one project and think it would not impact Old Town or the neighbors. However, each little project that has an impact collectively has a greater impact on a place that is already challenged and is sensitive to incompatibility and a stressed road system, which was never designed for the type of car traffic that exists today.

Commissioner Pettit asked everyone to consider her comments. She hopes to be back as a citizen to continue to be an advocate for Old Town. It is important and they need to safeguard it.

Commissioner Pettit thanked the community for their involvement over the years and for their perspective when the Planning Commission was making important decisions. She encouraged public attendance so people could feel like their voice is heard. She wanted them to know that the Planning Commission does listen. Commissioner Pettit stated that it has been a pleasure to serve and she would like the opportunity to do it again in the future.

Commissioner Thomas stated that he does not always agree with Commissioner Pettit but he has never had so much fun disagreeing with someone. She has a rare ability to be firm about issues but gracious with people. He stated that when someone leaves, the Greeks ask one significant question; did that person have passion. He remarked that Commissioner Pettit has passion to the highest degree and he has enjoyed that aspect of her personality.

Council Member Alex Butwinski thanked Commissioner Pettit on behalf of the City Council and as a private citizen. He noted that the Mayor had sent her a nice letter accepting her resignation. Council Member Butwinski stated that like Commissioner Thomas he has not always agreed with Commissioner Pettit, but it has always been civil and they have always been able to discuss it afterwards. He wanted her to know that they heard her and value her opinion. She will be missed.

#### 1825 Three Kings Drive, Silver Star – Parking Update

Commissioner Hontz disclosed that she and Rory Murphy were partners, but not in anything related to Silver Star.

Planner Whetstone stated that 1825 Three Kings Drive is the location of the Silver Star projects, which was first approved as the Spiro Tunnel Annexation and the Spiro Tunnel MPD with a conditional use permit. One of the conditions of the conditional use permit required the applicant to report back to the Planning Commission with an annual review of their traffic and parking situation for day skier parking associated with the Spiro Tunnel MPD, for three consecutive years upon issuance of their certificates of occupancy. The report was to identify any impacts that had occurred and make recommendations for mitigating these impacts.

Planner Whetstone noted that an annual report was submitted in 2010 and presented to the Planning Commission. The applicant submitted a combined 2011/2012 report which was reviewed by Staff. Steve Perkins, representing the HOA and the project in general, and Rory Murphy would present the report and answer any questions.

Planner Whetstone reported that last Thursday the City Council approved a special events permit for the Silver Star Plaza for this summer allowing 8 to 10 events with additional events that could be requested administratively. Part of the approval allows on-street parking on Three Kings Drive for Thursday evening concerts. The parking would be managed by the Silver Star Resort. Planner Whetstone pointed out that this was a test event and the permit was only good for this year. If they want events in the future, they would be required to come back to the City Council.

Steve Perkins clarified that the parking for concerts would be in the front of the property on the property side of the street. Parking would not be allowed south or north of the property. People could access the concert via the public elevator. The permit was for every Thursday from June 14 through early September. Six additional events could take place during that time period. A potential event would be a half-marathon that would end at Silver Star. Mr. Perkins noted that during the Spring a memorial service was held on site and that had been their biggest parking issue.

Planner Whetstone remarked that additional signs were posted as a result of the Staff review of the parking situation. The new trail is extremely popular and started impacting the upper plaza area. The MPD allowed for 10-20 trailhead parking spaces, but that has been exceeded several times. Mr. Perkins noted that they have had 70-80 cars days already this year. Planner Whetstone stated that Silver Star made arrangement to park at Park City Mountain Resort when the trailhead lot is full. New signage would provide that direction.

Chair Wintzer recalled that during the last review he had asked Mr. Murphy how the parking was working. At that time Mr. Murphy believed he had too much underground and not enough above ground parking. He asked if that was still his opinion. Mr. Murphy replied that he felt even stronger about it. He stated that the Armstrong Trail is a challenge. Chair Wintzer agreed, but thought more parking would create a bigger challenge.

Before they continued with the discussion, Mr. Murphy wanted to say that Julia Pettit was the best Commissioner. No one has been more dedicated or did more research. She came to every meeting prepared and he did not think the community could thank her enough for what she has done for the town and for the Planning Commission. She would be would be sorely missed.

Mr. Murphy returned to the parking discussion. Aside from the trailhead traffic, Chair Wintzer asked Mr. Murphy if the City parking requirements accurately reflected his need. Mr. Murphy replied that the LMC was written to accommodate permanent residents. With the ebbs and flows in town, he was not prepared to say that was wrong. He pointed out that Silver Star is 95% vacation, as is almost everything directly adjacent to the resorts. Mr. Murphy remarked that most do not want the hassle of a rental car so they shuttle to and from the airport and use public transportation around town. As a resort project Silver Star never uses its full parking capacity. However, he believed it was a fine line and commented on other places where parking is an issue. It is a function of true resort versus something that was designed to be true resort but becomes permanent. Mr. Murphy believed that was what the LMC was trying to address. He stated that if Silver Star was permanent residency they would not have enough parking.

Commissioner Pettit thought the annual reports were helpful. The Planning Commission struggles with how to design parking for projects that are being considered for approval. The main point is to make sure they are not over parking a project because it adds to the mass, size and scale and creates additional hardscape. Commissioner Pettit thought this was a helpful exercise and she hoped it also helped Silver Star as they try to deal with some of the issues. Commissioner Pettit asked if there was a role for the City or Mountain Trails to assist with the trailhead parking situation. She suggested that it was more about educating people to use bikes or public transportation because the parking is limited.

Mr. Murphy gave credit to Steve Perkins. It is an active effort and Mr. Perkins takes the soft approach. Recreational users have their own ideas and they will park where they want. Mr. Perkins politely reminds people when they do something wrong. Mr. Murphy stated that the City and Mountain Trails have been very helpful. They have met several times in an effort to keep it managed and to educate people.

Planner Whetstone stated that originally it was shared parking and spaces were not assigned. However, there was never enough parking for the residents because the spaces were taken by trail users. Resident parking was identified to leave spaces open for the affordable housing. The other parking was underground and those residents did not have a problem.

#### **CONTINUATIONS – PUBLIC HEARING AND MOTION TO CONTINUE**

Chair Wintzer opened the public hearing on all the items being continued. There were no comments. Chair Wintzer closed the public hearing.

1. Richards/PCMC Parcel – Annexation Petition  
(Application #PL-12-01482)

MOTION: Commission Pettit moved to CONTINUE the Richards/PCMC Parcel Annexation Petition to June 27, 2012. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

2. 30 Sampson Avenue – Steep Slope Conditional Use Permit  
(Application #PL-12-01487)

MOTION: Commissioner Pettit moved to CONTINUE the 30 Sampson Avenue Steep Slopes Conditional Use Permit to June 27, 2012. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

3. 543 Woodside Avenue – Steep Slope Conditional Use Permit  
(Application #PL-12-01507)

MOTION: Commissioner Pettit moved to CONTINUE the 543 Woodside Avenue Steep Slope Conditional Use Permit to June 27, 2012. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

4. 80 Daly Avenue – Plat Amendment  
(Application # PL-10-00977)

MOTION: Commissioner Pettit made a motion to CONTINUE the 80 Daly Avenue Plat Amendment to June 27, 2012. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

5. 200 Ridge Avenue – Plat Amendment  
(Application #PL-10-00977)

Commissioner Hontz noted that this item had a continuation to a date uncertain. She commented on the State Ripcord Provision that allows an applicant to mandate a decision after so many days in the process. She was uncomfortable with a date uncertain and asked if the applicant was technically still in the process or if the clock would restart.

Assistant City Attorney McLean stated that an applicant has to initiate the 45 day Ripcord Provision by submitting a written letter to the City requesting an answer within 45 days. She noted that typically these continuations are due to the applicant's fault, so the time lapse does not count against the City.

Planner Matt Evans stated that the project would be re-noticed and the applicant was aware of that. Chair Wintzer questioned why they would continue if the matter would be re-noticed. Ms. McLean explained that a public hearing and action was required because the item was on the agenda. Because it was still an open application, the continuation was to a date uncertain.

Commissioner Strachan questioned whether the applicant could invoke the Ripcord Provision without a complete application. Assistant City Attorney McLean replied that the applicant may have submitted a full application, but during the process other issues may arise that require additional information before the application is considered complete. Commissioner Strachan clarified that the applicant had not submitted a letter mandating a decision. Ms. McLean replied that this was correct.

MOTION: Commissioner Pettit moved to CONTINUE the 200 Ridge Avenue plat amendment to a date uncertain. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

6. 573 Main Street, Claimjumper – Plat Amendment  
(Application #PL-10-01105)

MOTION: Commissioner Pettit moved to CONTINUE the 573 Main Street Claimjumper Plat Amendment to June 27, 2012. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

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

### **1. 2175 Sidewinder Drive - Prospector Square – Amended Record of Survey (Application #PL-12-01522)**

Planner Evans reported that the Staff had requested additional information from the applicant related to the authority of the Homeowners Association to execute the amendment to the plat. The applicant had not submitted the required information and the Staff was requesting that the item be continued.

Chair Wintzer opened the public hearing.

Alan Freigenberg stated that he owns four units at the Prospector Square Condos. He was also a landowner on Sunrise Circle and Monarch Drive. Mr. Freigenberg asked for an explanation of Plat Addendum 4. He requested that the Planning Commission suggest that this become a separate parcel and break it away from the Association. It is in financial ruins and causing property values to decrease. It is commercial property that should stand on its own as a business.

Chair Wintzer was unsure whether the Planning Commission had the purview to consider Mr. Freigenberg's request. He suggested that Mr. Freigenberg meet with the Staff to discuss his concerns and the Staff could report back to the Planning Commission. Planner Evans stated that the Staff also questioned whether there was authority to execute the request. He would look into that further and report back.

Planner Evans explained that it was called Supplemental #4 because the plat was executed as Supplement #2 and Amended as #3. This would be the fourth Supplemental. It is directly tied to the rest of those units and technically it is the clubhouse for the Prospector Square Condominiums.

Commissioner Strachan recommended that Mr. Freigenberg submit his comments in writing to the Staff. Most of his suggestions were technical and it would be easier to read it and digest the information.

Planner Evans requested a continuation to July 11<sup>th</sup>. If additional time was needed, it could be addressed at the July 11<sup>th</sup> meeting.

MOTION: Commissioner Pettit moved to CONTINUE the 2175 Sidewinder Drive Amended Record of Survey to July 11, 2012. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

**2. 14 Silver Strike Trail, Belles at Empire Pass – Amended Record of Survey (Application #PL-12-01527)**

Planner Whetstone reported that the application was a second supplement plat for the Belles at Empire Pass, Unit 9. Supplemental plats are stipulated by the Silver Strike Subdivision, which then requires an overall Amended Consolidated Re-stated Condominium plat of the Belles where every unit was platted. Planner Whetstone presented the original configuration of how the units were originally platted. The first supplemental plat was for units 1, 2, and 12, which identified the private area within a condo unit, so the unit could be sold. However, the plat note required it to come back after the unit was built to create what was private and what was common, and specific conditions needed to be met. Planner Whetstone noted that the Staff report reiterated some of the conditions of approval from the underlying plats and the MPDs at the Belles at Empire Pass.

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

Commissioner Worel asked if a plat amendment was required each time a unit is built. Planner Whetstone answered yes. She explained that the UEs are tightly controlled in the Flagstaff area, which is why the Belles have so many UEs. The house size needs to meet the LMC, but everything, including the basement but excluding 600 square feet for the garage, counts in the UEs. The supplemental plat is one way to make sure the UEs are being tracked to document exactly what is there.

Commissioner Thomas clarified that there is a difference between developments in Empire Pass. Each one has its own set of plat notes so they are all a little different. Planner Whetstone agreed.

Chair Wintzer opened the public hearing.

There was no comment.

Chair Wintzer closed the public hearing.

**MOTION:** Commissioner Savage moved to forward a POSITIVE recommendation to the City Council for the 14 Silver Strike Trail, Belles at Empire Pass Amended Record of Survey. Commissioner Thomas seconded the motion.

**VOTE:** The motion passed unanimously.

**Findings of Fact – 14 Silver Strike Trail – Belles at Empire Pass**

1. The property, Unit 9 of the Amended, Consolidated, and Restated Condominium Plat of the Belles at Empire Pass and associated common areas, is located at 14 Silver Strike Trail. The property is located on portions of Lot 1 of the Silver Strike subdivision and is within Pod A of the Flagstaff Mountain Development, in an area known as the Village at Empire Pass.

2. The property is located within the RD – MPD zoning district and is subject to the Flagstaff Mountain Development Agreement and Village of Empire Pass MPD.
3. The City Council approved the Flagstaff Mountain Development Agreement and Annexation Resolution 99-30 on June 24, 1999. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum densities, location of densities, and developer-offered amenities.
4. On July 28, 2004, the Planning Commission approved a Master Planned Development (MPD) for the Village at Empire Pass, aka Pod A. The MPD identified the area of the proposed condominium plat as the location for the 18 PUD-style detached single family homes and duplexes.
5. On June 29, 2006, the City Council approved the Silver Strike Subdivision creating two lots of record. Unit 9 is located on Lot 1 of the Silver Strike Subdivision.
6. On August 17, 2007, the City Council approved 4 units on Lot 2 as the Christopher Homes at Empire Pass Phase 1 condominium plat. The plat was recorded at Summit County on October 3, 2007.
7. On November 29, 2007, the City Council approved the first amended Christopher Homes at Empire Pass Phase II condominium plat creating an additional 4 units on Lot 2. The plat was recorded at Summit County on February 20, 2008.
8. On April 23, 2008, the City Council approved two more condominium units on Lot 1 of the Silver Strike subdivision as Christopher Homes at Empire Pass Phase III condominium plat. The plat was recorded at Summit County on December 1, 2008.
9. On August 28, 2008, the City Council approved the Christopher Homes at Empire Pass Phase IV plat for eight additional condominium units on Lots 1 and 2, specifically units 5/6, 7/8, 13/14 and 17/18 in duplex configurations. The plat was recorded at Summit County on November 19, 2008.
10. March 24, 2011, the City Council approved the Amended, Consolidated, and Restated Condominium Plat of the Belles at Empire Pass amending, consolidating, and restating the previously recorded Christopher Homes at Empire Pass condominium plats Phases I, II, III and IV. Also, on March 24, 2011, the City Council approved the First Supplemental Plat for Constructed Units 1, 2, and 12 of the Belles at Empire Pass Condominiums. These plats were recorded November 28, 2011.
11. On April 11, 2012, the Planning Department received a complete application for the Second Supplemental Plat for Constructed Units for Unit 9.
12. The purpose of the supplemental plat is to describe and document the as-built conditions and the UE calculations for constructed Unit 9 at the Belles Condominium prior to issuance

- of a certificate of occupancy and to identify private, limited common and common area for this unit.
13. The supplemental plat complies with the conditions of approval of the underlying plats, namely the Silver Strike Subdivision plat and the Amended, Consolidated, and Restated Condominium plat of the Belles at Empire Pass. The plat is consistent with the development pattern envisioned by the Village at Empire Pass MPD and the 14 Technical Reports of the MPD and the Flagstaff Development Agreement.
  14. Unit 9 is located on Lot 1 of the Silver Strike subdivision plat.
  15. The approved maximum house size is 5,000 square feet of Gross Floor Area, as defined by the LMC. Gross Floor Area exempts basement areas below final grade and 600 square feet of garage area. Unit 9 contains 4,968 sf Gross Floor Area.
  16. The Flagstaff Development Agreement requires calculation of unit equivalents (UE) for all Belles units, in addition to the maximum house size. The UE formula includes all interior square footage “calculated from the inside surfaces of the interior boundary wall of each completed unit, excluding all structural walls and components, as well as all shafts, ducts, flues, pipes, conduits and the wall enclosing such facilities. Unit Equivalent floor area includes all basement areas. Also excluded from the UE square footage are garage space up to 600 square feet per unit and all space designed as non-habitable on this plat.” Within the Flagstaff Development Agreement one residential unit equivalent equals 2,000 sf.
  17. Unit 9 contains a total of 5,738 square feet and utilizes 2.869 UE. The total UE to date for constructed units 1, 2, 12 and 9 is 11.818 Unit Equivalents of the 45 total UE allocated for the Belles at Empire Pass.
  18. As conditioned, this supplemental plat is consistent with the approved Flagstaff Development Agreement, the Village at Empire Pass MPD, and the conditions of approval of the Silver Strike Subdivision.
  19. The findings in the analysis section are incorporated herein.

Conclusions of Law – 14 Silver Strike Trail – Belles at Empire Pass

1. There is good cause for this supplemental plat as it memorializes the as-built conditions for Unit 9.
2. The supplemental plat is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed supplemental plat.

4. Approval of the supplemental plat, subject to the conditions of approval stated below, will not adversely affect the health, safety and welfare of the citizens of park City.

Conditions of Approval – 14 Silver Strike Trail – Belles at Empire Pass

1. The City Attorney and City Engineer will review and approve the final form of the supplemental plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
  2. The applicant will record the pat at Summit County within one year from the date of City Council approval. If recordation has not occurred within the one year time frame, this approval 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 Village at Empire Pass Master Planned Development, the Silver Strike Subdivision plat, and the Amended, Consolidated, and Restated Condominium Plat of the Belles at Empire Pass shall continue to apply.
  4. As a condition precedent to issuance of a final certificate of occupancy for Unit 9, the supplemental plat shall be recorded at Summit County.
3. **2700 Deer Valley Drive #B-202 – Amendment of Record of Survey**  
**(Application #PL-12-01513)**

Planner Evans reviewed the request for the Courchevel Condominiums at Deer Valley. The applicant was proposing to convert an area within the attic of the existing building to living space, including one bedroom and one bathroom. The area is currently not platted. Planner Evans identified the area that would be part of the condominium unit.

Planner Evans remarked that proposal would increase the square footage of Unit B-202 by 470 square feet. The increase in square footage requires one additional parking space. The applicant had provided adequate information showing that two spaces could be made available by restriping the existing parking garage.

Planner Evans presented an exhibit showing how the plat was recorded originally. The attic space was unplatted, which is typical in that type of condominium unit. Another exhibit showed the proposed plat. He reiterated that the additional square footage would be used as a bedroom and bathroom.

Planner Evans noted that this type of proposal was not uncommon. There have been others and there will be others in the future. The Staff was confident that the applicant could meet the conditions of approval identified in the Staff report.

The Staff recommended that the Planning Commission conduct a public hearing and forward a positive recommendation to the City Council for the requested plat amendment.

Chair Wintzer asked how the parking spaces were achieved. Planner Evans replied that the garage is quite large with excess space. The excess areas would be re-stripped to provide the two additional spaces. Planner Evans pointed out that once those two spaces are provided, there would be no room for additional parking and future conversion of the attic spaces would encounter parking issues.

Planner Evans remarked that a concern raised by the Development Review Committee is that this has been piecemealed as requests are submitted by owners. The Staff had recommended that the HOA look at converting all the attic spaces in one plat amendment. However, many of the owners are not interested in doing that or do not want to incur the expense of providing additional parking.

Commissioner Savage stated that if they approve this plat amendment with the understanding that the parking is at maximum capacity, and an owner comes forward in the future requesting to convert, they would not have the same privilege as the earlier homeowners. He wanted to know how that would be resolved.

Planner Evans explained that this proposal provides two additional parking spaces, but the conversion only requires one parking space. Therefore, one additional parking space would be available for future conversions. He clarified that there is only one potential conversion.

Assistant City Attorney McLean stated that the unit owners and the HOA would make that determination. The HOA is the applicant since common area was being converted to private area; and is up to them to work out how they would do it fairly.

Director Eddington pointed out that even though they would be at capacity for parking, they do have UE capacity in terms of square footage. Once the last parking space is used, any subsequent request would have to find additional parking via the HOA. Planner Evans remarked that this particular development was not built to capacity so there is still land available for additional parking in the future.

Commissioner Hontz pointed out that the same thing could be done above B-302 and B-304, so theoretically there could be 12 more. Commissioner Hontz recommended tracking how the garage was being used so they know what is available. Commissioner Pettit agreed. Her questions would be how much they utilize the current parking and whether additional parking is necessary. Planner Evans replied that the Code dictates the additional parking requirement.

Commissioner Savage asked if the parking requirement was on the radar for the General Plan. Director Eddington stated that it was on for the General Plan and for the next round of LMC amendments in July or August. They would be looking at minimums, maximums and changing it entirely.

Chair Wintzer opened the public hearing.

There were not comments.

Chair Wintzer closed the public hearing.

MOTION: Commissioner Hontz moved to APPROVE the Condominium Record of Survey Amendment for the Courchevel Condominiums at Deer Valley, Third Amendment.

Commissioner Pettit noted that action was to forward a positive recommendation.

Commissioner Hontz amended the motion to forward a POSITIVE recommendation to the City Council. Commissioner Pettit seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – Courchevel Condominiums at Deer Valley

1. The Courchevel Condominium is located at 2700 Deer Valley Drive East within the Deer Valley Community portion of the Deer Valley Resort Master Planned Development (MPD).
2. The Courchevel Condominium at Deer Valley record of survey was approved by the City Council on December 27, 1984 and recorded at Summit County on December 31, 1984.
3. The Courchevel Condominiums at Deer Valley record of survey plat recorded 40 residential condominium units of 759 square feet each with 60 parking spaces in a shared underground garage.
4. There are two (2) access driveways from the garage to Deer Valley Drive East.
5. In November of 1989, an amended record of survey plat was approved and recorded increasing the number of residential condominium units to forty-on (41).
6. In February of 2012, a second amendment record of survey plat was recorded. This second amendment converted 608 square feet total, to private area.
7. Two of the three approved Courchevel buildings (Buildings B and C) were constructed beginning in 1984 and completed in 1988. Building A was never constructed.
8. The second amendment reflected that Building A was not built and removed it from the record of survey.
9. Currently there are 27 condominium units and 29 parking spaces.
10. Each existing condominium unit contains 759 square feet, except for Units B301 and B303, which contain a total of 1,367 square feet for a grand total of 21,709 square feet and a developed unit equivalent (UE) of 10.86.
11. The property is subject to requirements and restrictions of the Deer Valley Resort 10<sup>th</sup> Amended and Restated Large Scale MPD.

12. The MPD originally allowed up to 20.5 UEs for the Courchevel parcel.
13. The MPD was amended in 2001 to transfer seven (7) UEs as 14,000 square feet to the Silver Baron Condominium project, adjacent to the north, leaving 13.5 UEs for the Courchevel property.
14. At 2,000 square feet per UE, the total allowable residential square footage is 27,000 square feet and the existing residential square footage for the 27 condominium units is 21,709 square feet.
15. On March 29, 2012, the City received a completed application for a third amendment to the Courchevel Condominium at Deer Valley record of survey requesting conversion of 470 square feet of common attic area above Unit B202 to private area for an additional bedroom and bathroom.
16. Unit B202 is located on the second floor of Building B.
17. In January 2011, Courchevel Condominium owner's association voted to approve construction of additional floor area and the transfer 470 square feet of common space to private space for unit B202.
18. The only exterior change proposed is the addition of a window on the south side of Building B.
19. The proposed amendment is consistent with the purpose statements of the district.
20. Unit B202 would increase by 470 square feet from 759 square feet to 1,229 square feet.
21. The total proposed increase in residential floor area equates to 0.235 UE increase to 11.1 UE total.
22. The current Deer Valley MPD allows 13.5 UE for Courchevel Condominiums.
23. The building does not exceed the allowable 35' building height and there are no non-conforming setback issues.
24. All construction is proposed within the existing building envelope.
25. The current application also requests to add two (2) parking stalls in the existing garage.
26. Twenty-nine (29) parking spaces exist in the underground parking structure beneath the existing buildings.
27. The current number of units and the size of the enlarged units approved with the second amendment triggered a total of twenty-nine (29) parking spaces.

28. The current LMC requires two (2) spaces for each of the amended units greater than 1,000 square feet and less than 2,500 square feet.
29. The current LMC requires one and half (1.5) spaces for each unit greater than 650 square feet and less than 1,000 square feet.
30. The existing development is currently short 12.5 parking spaces per the current Land Management Code (LMC).
31. Thirty (30) parking spaces will be required and thirty-one (31) spaces will exist with approval of this plat amendment and restriping of the garage.
32. There is undeveloped land on the property available for construction of additional off-street surface parking; however, lack of parking for this property has not been an issue in the past and sufficient parking for the proposed addition to Unit B202 can be provided within the parking structure.
33. The property is located at the base area for Deer Valley Ski Resort and on the Park City bus route.
34. Given the relatively smaller unit size, it appears that the single parking space per unit is adequate.
35. The expanded unit would comply with the current Code.

#### Conclusions of Law – Courchevel Condominiums at Deer Valley

1. There is good cause for this record of survey.
2. The record of survey is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. As conditioned, the record of survey plat is consistent with the Deer Valley Resort MPD, 10<sup>th</sup> amended and restated.
4. Neither the public nor any person will be materially injured by the proposed record of survey.
5. Approval of the record of survey, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

#### Conditions of Approval – Courchevel Condominiums at Deer Valley

1. The City Attorney and City Engineer will review and approve the final form and content of the record of survey for compliance with State law, the Land Management Code, and conditions of approval, including the removal of Building A, prior to recordation of the plat.

2. The applicant will record the record of survey at the County within one (1) year from the date of City Council approval. If recordation has not occurred within one (1) year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. All construction requires a Building Permit and approvals from the Building and Planning Departments. No certificate of occupancy for the addition to Unit B202 shall be issued until this plat amendment is recorded.
4. All conditions of approval of the Deer Valley Resort 10<sup>th</sup> Amended and Restated Large Scale MPD and the Second Amended Courchevel Condominiums at Deer Valley shall continue to apply.
4. **7700 Marsac Avenue - Subdivision**  
**(Application #PL-10-01070)**

Commissioner Strachan disclosed that he works with Christie Babalis, a representative for the applicant. Ms. Babalis is in-house Counsel for the Canyons and they work together on matters unrelated to this application. Their relationship would not affect his vote.

Planner Evans handed out an amended Staff report with highlighted areas.

Planner Evans reported that the applicant was requesting to subdivide an existing parcel of property into two lots to reflect ownership of property that was conveyed to a different owner. It was primarily a clean-up project and no new development was being proposed at this time. Planner Evans pointed out that the requested subdivision would result in a condominium plat, which was the next item on the agenda.

Planner Evans noted that the Staff report detailed the history of the project. The highlighted areas identified issues that came to the Staff's attention after the first Staff report was written. The first issue was to make sure the applicant was assessed properly by the State and the County to reflect the actual use of the property. The Staff understood that it was being assessed as a mining claim, which is not the current use of the property. The Staff report highlighted the existing uses. The Staff also learned that the master water line that services this property and others owned by the applicant were possibly not assessed the proper impact fees when the City began servicing that property after it was annexed. The Staff suggested that the applicant meet with the Water Department to make sure they had the proper assessments and that the proper impact fees have been paid to reflect the use of the property and how the water is being used. Planner Evans stated that the tax and water assessment issues were addressed as conditions of approval in the Staff report.

The Staff recommended that the Planning Commission conduct a public hearing and forward a positive recommendation to the City Council for final action.

Chair Wintzer opened the public hearing.

There was no comment.

Chair Wintzer closed the public hearing.

Commissioner Hontz referred to page 165 of the Staff report and the paragraph that talked about Park City Municipal having access to the Judge Tunnel water source. She wanted to know how the easement would be conveyed and whether it could be addressed in the conditions of approval.

Patrick Putt, representing the applicant, stated that the easement would be identified on the surface of the plat. Commissioner Hontz stated that she was looking for clarification that it would be platted. She was comfortable with the explanation and assumed that it was not necessary to reference it again in the conditions of approval.

Patrick Putt, representing the applicant, stated that they had reviewed the Staff report and were in agreement. They also supported the revisions to the Staff report and the conditions of approval that were highlighted and handed out this evening. Mr. Putt stated that the applicants would work with both the Water Department, the County and other necessary agencies to make sure they have clarity on the two issues outlined.

Mr. Putt offered slight refinements to some of the findings drafted in the Staff report for purposes of clarity. He read Finding #8, and stated that technically there is another means of access the Judge Tunnel. Their understanding was that the primary access being utilized is through the Mine Bench and down. He suggested that striking the language, "not otherwise accessible by other means" would help clarify that fact.

Mr. Putt read Finding #12 and suggested additional words to the language to read, "...with the exception of the kitchen/bakery, as determined by the Planning Director to be a legal non conforming used as is currently used for as a resort support function." He thought the added wording would help clarify that the use is very limited in its scope and that the particular function inside the building is not a broader commercial activity.

Mr. Putt reiterated that they were in agreement with Findings #16 and 17 as written in the revised Staff report.

Commissioner Hontz stated that she had questioned Finding #12, but she was satisfied with the revised language proposed by Mr. Putt.

Commissioner Strachan read the second sentence in Condition #5 and changed "their concerns" to "the City's concerns" for better clarification. Commissioner Pettit suggested that they revise the entire sentence to read, "Prior to the recordation of the plat, the Water Department shall be satisfied that the proper impacts fees have been assessed". Director Eddington noted that the issue needs to be resolved and suggested that the sentence read, "Prior to the recordation of the plat, this issue shall discuss this issue with the Water Department and the Building Department to resolve concerns regarding proper impacts fees and insuring

that they have been assessed and paid. He pointed out that the Water and Building Departments work together on this particular issue.

Assistant City Attorney McLean felt better language was to say that, "The plat cannot be recorded unless the required impact fees imposed by the Building and Water Departments have been met". The Commissioner revised the condition as stated by the Assistant City Attorney.

Commissioner Hontz asked for the number of square feet in the bakery. Mr. Putt replied that the combined area of the bakery/kitchen/walk-in cooler and an associated office and prep area was approximately 1800 square feet. Commissioner Hontz referred to the ROS Code which states that Administrative Conditional Uses would limit the purview of the Planning Director to only 600 square feet. Director Eddington clarified that it was not an Administrative CUP. It was an existing non-conforming use that came in with the annexation. He noted that the square footage was actually larger than 1800 square feet when it came in as part of the Mine Bench kitchen facility.

Commissioner Hontz recommended that in the near future the Planning Commission revisit the allowed uses, conditional uses and administrative uses in the ROS zone. She was uncomfortable with the number of uses that could potentially exist on the site. Commissioner Strachan agreed that they needed to have that discussion at a different time.

Mr. Putt read the first sentence of Condition #4, Satisfaction of the Snyderville Basin Reclamation District requirements will be required prior to plat recordation; and the last sentence, "...or an extension of the public waste water system to allow any new structures to be connected separately and directly to the public waste water system shall be required. Since they have to satisfy the Reclamation District, he felt it was more appropriate to replace the word shall with "may be required" because there may be some other condition or mechanism to satisfy that requirement.

Commissioner Savage asked Mr. Putt to expand on the reason for replacing shall with may in the last sentence. Mr. Putt stated that if the Planning Commission determines that shall is more appropriate they were willing to leave the written language. He noted that Snyderville Basin may accept other possible design considerations or there may be policy changes that would allow the existing lateral situation to remain. He clarified that the intent and commitment by the applicant is to satisfy the substantive part of the condition, which is satisfaction to Snyderville Basin. The change in language would open up the opportunity to satisfy that in a number of ways and not necessarily through separate laterals.

Commissioner Savage was comfortable changing "shall" to "may" as requested. Commissioner Thomas concurred. Commissioner Pettit thought they should change the "will" in the first sentence to shall be required to more accurately reflect the intent. Mr. Putt was comfortable with that change.

MOTION: Commissioner Pettit moved to forward a POSITIVE recommendation to the City Council on the 7700 Marsac Avenue Subdivision, in accordance with the Findings of Fact,

Conclusions of Law and Conditions of Approval with amendments to Finding of Fact 8 and 12, and amendments to Conditions of Approval 4 and 5.

Commissioner Strachan seconded the motion with clarification that it was subject to the revised Staff report dated June 13, 2012 that was distributed this evening.

Commissioner Pettit amended her motion to include that clarification.

VOTE: The motion passed unanimously.

Findings of Fact – 7700 Marsac - Subdivision

1. The property is located at 7700 Marsac Avenue within the Recreation Open Space (ROS) Zoning District.
2. The property was annexed into the City in 1999 under the June 24, 1999 Flagstaff Mountain area annexation, which was subject to 14 technical reports.
3. The applicants are proposing to create two new lots which were previously split through the recording of a deed. The subdivision will allow the applicant to proceed with a condominium plat that will memorialize the transfer/conveyance of property to the Jordanelle Special Services District.
4. The subdivision is necessary to correct the noncompliance issue with the previous deed.
5. The subdivision will split the existing 30.56 acre parcel into two lots, Lot 1 being 2.01 acres, and Lot 2 being the balance of the property at 28.55 acres.
6. There are three (3) existing structures on the property including the original mine-shaft building which is now the Jordanelle Special Services District Hoist and Office Building, a maintenance building and additional offices. The hoist building will be located on Lot 1, the other two buildings on Lot 2.
7. Both proposed lots have frontage onto Marsac Avenue, but share a common driveway to access each. Said driveway is also the location of several existing utility and access and cross access easements.
8. The proposed plat will grant a twenty-foot (20') wide access easement to Park City Municipal Corporation for the purpose of memorializing the access road used by the Water Department to gain access to our existing water source located on an adjacent parcel of property.
9. The property is not proposed for further development at this time. Any future development will be subject to the allowed or conditional uses listed in the ROS zone under Section 15-2.7 of the LMC.

10. The applicants are also proposing a Condominium Plat to split the ownership of the existing mine bench building, which is a separate application.
11. The proposed subdivision will not cause any nonconformity with respect to lot size or setbacks.
12. Current uses of the property are consistent with the allowed and conditional uses section of the ROS zone designation, and such uses were acknowledged during the original annexation of the property in 1999, with the exception of the kitchen/ bakery that was determined by the Planning Director to be a legal non-conforming use as it is currently used for as a resort support function.
13. There is good cause for the approval of this subdivision plat in that the proposed Subdivision will meet the lot requirements as outlined in the ROS zone designation, the subdivision will correct a previous deed transfer that was not recognized by the City, and that the subdivision will not cause nonconformity with respect to existing setbacks, etc.
14. The proposal does not result in new development and thus requires no removal of vegetation or grading of the site. There is no anticipate increased level of intensity of uses on the site, and thus there is no additional mitigation measures necessary at this time. Any future development of the property will require property permits and compliance with the ROS zone.
15. There are no public trails located on the site.
16. Water impact fees originally collected for the water line that services the property and the Mine Bench building may need to be adjusted to reflect current uses within the Mine Bench Building and the general water usage of the property and other properties owned by the applicant that are served by the same water line.
17. Property tax assessment for this property may be incorrect based on old mining claim designation, and not based on current use. This issue must be resolved prior to the recording of the plat.

Conclusions of Law – 7700 Marsac Avenue - Subdivision

1. There is good cause for this subdivision amendment.
2. The plat 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 subdivision plat.
4. Approval of the subdivision plat, subject to the conditions state below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – 7700 Marsac Avenue - Subdivision

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. Modified 13-D sprinklers will be required for any future renovation of the existing structures located on the property.
4. Satisfaction of the Snyderville Basin Reclamation District requirements shall be required prior to the recordation of the plat. The Structures located on Lot 2 at the time of this plat recording are connected to a Common Private Lateral Wastewater Line that services both Lots 1 and 2. At the time Lot 2 is redeveloped or (a ) new structures(s) are constructed on the lot a reconfiguration of the private sewer lateral or an extension of the Public Wastewater System to allow any new structures to be connected separately and directly to the Public Wastewater System may be required.
5. Addition water impact fees to reflect current uses of the property and general water usage on the property may be required. The plat cannot be recorded unless the required impact fees imposed by the Building and Water Departments have been met.
6. Prior to the recording of the subdivision plat, the applicant shall resolve the property tax assessment issues related to the property and shall accurately reflect the current uses of the property.

5. **7700 Marsac Avenue – Condominium Conversion**  
**(Application #PL-10-01071)**

Planner Evans reviewed the request for approval of a 3 unit condominium. If approved, it would split ownership of an existing building, which is contained wholly within Lot 1 of the previous subdivision that was just approved. The request splits the ownership of the building to reflect the conveyance which was already done to Jordanelle Special Services District.

The Staff recommended that the Planning Commission conduct a public hearing and forward a positive recommendation to the City Council based on the findings of facts, conclusions of law and conditions of approval.

Chair Wintzer opened the public hearing.

There were no comments.

Chair Wintzer closed the public hearing.

MOTION: Commissioner Savage moved to forward as POSITIVE recommendation to the City Council for the Ontario Mine Bench Condominium based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 7700 Marsac – Ontario Mine Bench Condominiums

1. The property is located at 7700 Marsac Avenue within the Recreation Open Space (ROS) Zoning District.
2. The property was annexed into the City in 1999 under the June 24, 1999 Flagstaff Mountain area annexation.
3. The applicants are proposing to create a three-unit condominium plat that will separate the ownership of the existing Mine Bench (number 3 shaft) building.
4. The condominium plat is necessary to correct the non-compliant issue with the previous deed to split the ownership of the building.
5. The condominium plat consists of one parcel of 2.01 acres which has one building connected by common walls and infrastructure and surrounding open space that will be held in common for the use of all property owners.
6. Any expansion of the existing building will require an amendment to the condominium plat.
7. The building is accessed through an existing recorded access easement and common use driveway that traverses Lot 2 of the Ontario Mine Bench Subdivision which leads to Marsac Avenue. The driveway is also the location of an easement for several utilities including water and sewer.
8. The condominium plat consists of one building with 3 units, one of which is attached by infrastructure, and there is no further development proposed at this time. Any future development will be subject to the allowed or conditional uses listed in the ROS zone under Section 15-2.7 of the LMC.
9. The proposed condominium plat will not create any nonconformity with respect to unit size or setbacks permitted by the ROS zone.

10. Current uses of each unit is consistent with the allowed and conditional uses section of the ROS zone designation, and such uses were acknowledged during the original annexation of the property in 1999.
11. There is good cause for the approval of this condominium plat in that the proposed plat will meet the requirements as outlined in the ROS zone designation, the plat will memorialize a previous deed transfer that was not recognized by the City, and that the condominiums will not cause nonconformity with respect to existing setbacks, etc.
12. The proposal does not result in new development and thus requires no removal of vegetation or grading of the site. There is no anticipated increased level of intensity of uses within the building, and thus there is no additional mitigation measures necessary at this time.

Conclusions of Law – 7700 Marsac Avenue – Ontario Mine Bench Condominium

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

Conditions of Approval – 7700 Marsac Avenue – Ontario Mine Bench Condominium

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 condominium plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless 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. Modified 13-D sprinklers will be required for any future renovation of the existing structures located on the property.
4. The applicant will need to obtain a building permit from the Park City Building Department to make necessary improvements to the existing building required to separate the ownership of each unit, prior to the recordation of the condominium plat.
5. Compliance with applicable conditions of approval for the Ontario Mine Bench Subdivision shall also apply. The units of the Ontario Mine Bench Condominiums are served by a

Common Private Lateral Wastewater Line. The Ontario Mine Bench Condominium Association shall be responsible for ownership, operation and maintenance of the Common Private Lateral Wastewater Line.

The Park City Planning Commission meeting adjourned at 6:45 p.m.

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

DRAFT

## **REGULAR AGENDA**



# Planning Commission Staff Report



**Subject:** Courchevel Condominiums at Deer Valley Fourth Amendment  
**Author:** Kirsten Whetstone, MS, AICP  
**Project Number:** PL-12-01545  
**Date:** June 27, 2012  
**Type of Item:** Administrative – Condominium Record of Survey Amendment

## Summary Recommendations

Staff recommends the Planning Commission open a public hearing, discuss a request for the fourth amendment to the Courchevel Condominiums at Deer Valley record of survey plat, 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:** Jono Goodchap and Tonya Felton, owners; and Courchevel Homeowners Association represented by Toby Tolpinrud.  
**Zoning:** Residential Development (RD-MPD), Deer Valley Master Planned Development  
**Adjacent Land Uses:** Condominiums, Deer Valley resort parking, open space  
**Reason for Review:** Planning Commission review and recommendation to City Council

## Proposal

This is a record of survey amendment request to convert existing common area attic space into private area for unit B-304 for an additional bedroom and bathroom (See Exhibit A).

## Purpose

The purpose of the Residential Development RD District is to:

- A. Allow a variety of Residential Uses that are Compatible with the City's Development objectives, design standards, and growth capabilities,
- B. Encourage the clustering of residential units to preserve natural Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of municipal services,
- C. Allow commercial and recreational activities that are in harmony with residential neighborhoods,
- D. Minimize impacts of the automobile on architectural design,
- E. promote pedestrian connections within Developments and between adjacent Areas; and

F. Provide opportunities for variation in architectural design and housing types.

### **Background**

The Courchevel Condominiums are located at 2700 Deer Valley Drive East within the Deer Valley community portion of the Deer Valley Resort Master Planned Development (MPD). The Courchevel Condominium at Deer Valley record of survey was initially approved by the City Council on December 27, 1984 and recorded at Summit County on December 31, 1984 (See Exhibit B).

The Courchevel Condominiums at Deer Valley record of survey plat recorded 40 residential condominium units of 759 square feet each with 60 parking spaces in a shared underground garage. There are two (2) access driveways from the garage to Deer Valley Drive East. In November of 1989, an amended record of survey plat was approved and recorded increasing the number of residential condominium units to forty-one (41). (See Exhibit C).

In February of 2012, a second amendment record of survey plat was recorded. This second amendment converted 608 square feet of common attic area above each of Units B301 and B303, 1,216 square feet total, to private area. The only exterior changes during this second amendment were the addition of windows on the south side of Building B. (See Exhibit D).

Two of the three approved Courchevel buildings (Buildings B and C) were constructed beginning in 1984 and completed in 1988. Building A was never constructed. The second amendment mentioned on the paragraph above also reflected that Building A was not built and removed it from the record of survey. Currently there are 27 condominium units and 29 parking spaces. Each existing condominium unit contains 759 square feet, except for Units B301 and B303, which contain a total of 1,367 square feet for a grand total of 21,709 square feet and a developed unit equivalent (UE) of 10.86.

On March 29, 2012 the City received a complete application for a third amendment to the Courchevel Condominiums at Deer Valley record of survey (Exhibit E) requesting conversion of 470 square feet of common attic area above Unit B202 to private area for an additional bedroom and bathroom.

In January 2011, Courchevel Homeowners association voted to approve construction of the additional floor area and the transfer 470 square feet of common space to private space for units B202 (third amendment) and B304 (fourth amendment). On June 13<sup>th</sup> the Planning Commission conducted a public hearing on the Third Amendment and forwarded a positive recommendation to City Council. The Council is scheduled to hear the item and make a final decision on June 28<sup>th</sup>.

On May 9, 2012, the City received a complete application for a fourth amendment to the Courchevel Condominiums at Deer Valley record of survey plat (Exhibit A). This current application requests conversion of 608 sf of common attic area above Unit B304 to

private area for an additional bedroom and bathroom. The only exterior change proposed is the addition of a matching window on the south side of Building B.

The property is subject to requirements and restrictions of the Deer Valley Resort 10<sup>th</sup> Amended and Restated Large Scale MPD. The MPD originally allowed up to 20.5 UEs for the Courchevel parcel, under the unit equivalent formula. (See Exhibit F). The MPD was amended in 2001 to transfer seven (7) UEs as 14,000 square feet to the Silver Baron condominium project, adjacent to the north, leaving 13.5 UEs for the Courchevel property. At 2,000 square feet per UE, the total allowable residential square footage is 27,000 square feet. The existing residential square footage for the 27 condominium units is 21, 709 sf plus 470 sf proposed with the Third amendment (22,179 sf). The additional 608 sf of floor area, as requested by this application, would result in a total of 22,787 sf (11.39 UE) for the project.

**Analysis**

The proposed amendment is consistent with the purpose statements of the district in that the use as residential condominiums is unchanged, the additional floor area is proposed within the existing structure minimizing site disturbance, preserving the existing natural open space, and minimizing impacts of development. The additional floor area exists as attic area and the only exterior change is the addition of a window on the south side of Building B.

Unit B304 would increase by 608 square feet from 759 square feet to 1,367 square feet. The total proposed Unit Equivalents for the project would be 11.39. As the current Deer Valley MPD allows 13.5 UE for Courchevel, these increases are allowed under the existing MPD (Exhibit F). Staff reviewed the proposal for compliance with the LMC as shown in the following table below:

	Permitted through MPD	Proposed
Height	Height allowed in the Deer Valley Master Plan for the Courchevel parcel is 35' from existing grade.	No additional building height is proposed. All proposed construction is within the existing building envelope and roof. Building complies with the 35' height allowance.
Front setback	Twenty feet (20')	No construction is proposed into the existing 20' front setbacks.
Rear setback	Fifteen feet (15')	No construction is proposed into the existing 15' rear setbacks.
Side setbacks	Twelve (12')	No construction is proposed into the existing 12' side setbacks.
Residential Unit Equivalents	Allowed: 13.5 UEs Existing: 10.85 UEs (11.09 UE with 3 <sup>rd</sup> amendment)  25 units at 759 square feet and 2	Proposed increase of 608 square feet totaling 22,787 square feet. (11.39 UE).  Unit B304 will be 1,367 square

	units at 1367 square feet results in 21,709 square feet plus 470 for 3 <sup>rd</sup> amendment for an existing total of 22,179 sf	feet in area with approval of this plat amendment.
Commercial and Office uses Support uses	No commercial or office uses exist	No commercial or office uses are proposed.
Parking	Existing: 29 spaces for 27 units, 1 space per unit plus 2 spaces for the 2 enlarged units (2 <sup>nd</sup> amendment) Adding 2 spaces in garage for total of 31 spaces (30 spaces required).	One space required for the additional square feet. No additional parking is required to be provided as there was 1 extra space provided with the Third Amendment. However the applicant will stripe one space on the driveway to the right of the main garage door for guest and drop off parking.

In reviewing the density and unit equivalent calculations, staff finds that there are currently 10.86 UEs, 11.09 UE if the Third Amendment is approved. The proposed plat amendment would increase the total residential floor area by 608 square feet to 22,787 square feet (11.39 UEs); therefore the request would not exceed the allowed 13.5 UEs (27,000 square feet) for the property.

There are 4,213 square feet (2.1 UE) remaining for future conversion of common area to private area. This could be 7 units adding 600 square feet or 6 units adding 700 square feet, etc. An additional parking space would be required for each unit that exceeds 1,000 sf unless a parking reduction is approved by the Planning Commission per LMC Section 15-3- 7 (see explanation of Parking below).

The building does not exceed the allowable 35' building height and there are no non-conforming setback issues. All construction is proposed within the existing building envelope.

### Parking

Twenty-nine (29) parking spaces exist in the underground parking structure beneath the existing buildings. The Third Amendment proposes to add two (2) parking stalls by re-configuring and re-striping in the existing garage for a total of 31 spaces. The current number of units and the size of units pending approval with the two recent plat amendments, the Third and Fourth Amendments, require a total of 31 spaces.

Prior to the 1984 LMC one (1) parking space was required for each one bedroom unit. In 1984 the LMC required two (2) spaces per one (1) bedroom apartment not exceeding 1,000 square feet. The current LMC requires two (2) spaces for each of the amended units greater than 1,000 square feet and less than 2,500 square feet and allows the existing units to conform to the 1984 Code. Thirty-one (31) parking spaces will be

required and thirty-one (31) spaces will exist within the parking garage. The applicant will stripe one exterior guest parking spaces on the driveway outside of the garage door (see Exhibit G) for one additional space, for a total of 32 spaces. The City Engineer and Fire Marshall have reviewed and approved this parking layout. The expanded unit would comply with the current code.

An additional parking space would be required for any future addition to any unit if the addition created more than 1,000 square feet of floor area, unless a parking exception is approved by the Planning Commission per LMC Section 15-3- 7.

There is undeveloped land on the property available for construction of additional off-street surface parking should it be necessary; however lack of parking for this property has not been an issue in the past and sufficient parking for the proposed addition to Unit B304 can be provided within the existing parking structure. The property is located at the base area for Deer Valley Ski Resort and on the Park City bus route. Given the relatively small unit size, it appears that the single parking space per unit is adequate.

### **Process**

Prior to issuance of any building permits for these lots, the applicant will have to submit a Building Permit application. The approval of this plat amendment 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. No additional issues were raised.

### **Notice**

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

### **Public Input**

Staff has not received any public input regarding this plat amendment.

### **Alternatives**

- The Planning Commission may forward a positive recommendation to the City Council for the Courchevel Condominium at Deer Valley Fourth Amendment as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for Courchevel Condominium at Deer Valley Fourth Amendment and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on Courchevel Condominium at Deer Valley Fourth 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 unit and attic would remain as is and no construction could take place across the existing lot lines or into the common area.

### **Recommendation**

Staff recommends the Planning Commission open a public hearing, discuss a request for the fourth amendment to the Courchevel Condominiums at Deer Valley record of survey plat, 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

### **Exhibits**

Draft Ordinance

- Exhibit A- Proposed Plat – Courchevel Condominiums Fourth Amendment
- Exhibit B- Courchevel Condominiums record of survey plat
- Exhibit C- Courchevel Condominiums Amended (sheet 2 of 3) plat
- Exhibit D- Courchevel Condominiums Second Amended plat
- Exhibit E- Courchevel Condominiums Third Amended plat
- Exhibit F- Deer Valley MPD Density Chart
- Exhibit G- Aerial and Site photographs
- Exhibit H- HOA Letter
- Exhibit I- Applicant letter

Ordinance 12-

**AN ORDINANCE APPROVING THE COURCHEVEL CONDOMINIUM AT DEER VALLEY FOURTH AMENDMENT LOCATED AT 2700 DEER VALLEY DRIVE EAST, PARK CITY, UTAH.**

WHEREAS, the owners of the property known as the Courchevel Condominiums, located within the Deer Valley Community of the Deer Valley Resort Tenth Amended and Restated Large Scale Master Planned Development, have petitioned the City Council for approval of amendments to convert to private area the common attic area above Unit B304; 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 June 27, 2012, to receive input on the proposed amendments to the record of survey plat;

WHEREAS, the Planning Commission forwarded a \_\_\_\_\_ recommendation to the City Council; and,

WHEREAS, on \_\_\_\_\_, 2012, the City Council held a public hearing on the proposed amendments to the record of survey plat; and

WHEREAS, it is in the best interest of Park City, Utah and consistent with the Deer Valley Resort 10th Amended and Restated Master Planned Development to approve the proposed amendments to the Courchevel Condominiums record of survey plat.

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

**SECTION 1. APPROVAL.** The above recitals are hereby incorporated as findings of fact. The Fourth Amended Courchevel Condominiums record of survey plat as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

**Findings of Fact:**

1. The Courchevel Condominiums are located at 2700 Deer Valley Drive East within the Deer Valley Community portion of the Deer Valley Resort Master Planned Development (MPD).

2. The Courchevel Condominium at Deer Valley record of survey was approved by the City Council on December 27, 1984 and recorded at Summit County on December 31, 1984.
3. The Courchevel Condominiums at Deer Valley record of survey plat recorded 40 residential condominium units of 759 square feet each with 60 parking spaces in a shared underground garage.
4. There are two (2) access driveways from the garage to Deer Valley Drive East.
5. In November of 1989, an amended record of survey plat was approved and recorded increasing the number of residential condominium units to forty-one (41).
6. In February of 2012, a second amendment record of survey plat was recorded. This second amendment converted 608 square feet of common attic area above each of Units B301 and B303, 1,216 square feet total, to private area.
7. Two of the three approved Courchevel buildings (Buildings B and C) were constructed beginning in 1984 and completed in 1988. Building A was never constructed.
8. The second amendment reflected that Building A was not built and removed it from the record of survey.
9. On June 13, 2012, a third amendment record of survey plat was reviewed by the Planning Commission and is scheduled for a public hearing by City Council on June 28, 2012. This third amendment proposes to convert 470 square feet of common attic area above Unit B202 to private area for an additional bedroom and bathroom.
10. Currently there are 27 condominium units and 29 parking spaces. The third amendment proposes to create 2 additional parking spaces within the existing garage for a total of 31 parking spaces.
11. Each existing condominium unit contains 759 square feet, except for Units B301 and B303, which contain a total of 1,367 square feet and Unit B202 is proposed to contain 1,229.
12. The property is subject to requirements and restrictions of the Deer Valley Resort 10<sup>th</sup> Amended and Restated Large Scale MPD.
13. The MPD originally allowed up to 20.5 UEs for the Courchevel parcel.
14. The MPD was amended in 2001 to transfer seven (7) UEs as 14,000 square feet to the Silver Baron condominium project, adjacent to the north, leaving 13.5 UEs for the Courchevel property.
15. At 2,000 square feet per UE, the total allowable residential square footage is 27,000 square feet. The existing residential square footage for the 27 condominium units is 22,179 square feet, including the pending 470 for Unit B202 subject to approval of the third amendment.
16. On May 9, 2012 the City received a completed application for a fourth amendment to the Courchevel Condominiums at Deer Valley record of survey requesting conversion of 608 square feet of common attic area above Unit B304 to private area for an additional bedroom and bathroom.
17. Unit B304 is located on the second floor of Building B.

18. In January 2011, Courchevel Condominium owner's association voted to approve construction of additional floor area and the transfer 470 square feet of common space to private space for unit B202 and 608 square feet for unit B304.
19. The only exterior change proposed is the addition of a matching window on the south side of Building B.
20. The proposed amendment is consistent with the purpose statements of the district.
21. Unit B304 would increase by 680 square feet from 759 square feet to 1,367 square feet and the total floor area would be 22,787 square feet.
22. The total proposed UE for the project, including the pending third amendment and this fourth amendment, would be 11.39 UE.
23. The current Deer Valley MPD allows 13.5 UE for Courchevel Condominiums. If this amendment is approved and recorded there will be 4,213 square feet (2.1 UE) of floor area remaining for future conversion of common area to private area. An additional parking space would be required for each unit that exceeds 1,000 square feet, unless a parking exception is approved by the Planning Commission per LMC Section 15-3-7.
24. The building does not exceed the allowable 35' building height and there are no non-conforming setback issues.
25. All construction is proposed within the existing building envelope.
26. The current LMC requires two (2) spaces for each of the amended units greater than 1,000 square feet and less than 2,500 square feet. The proposed fourth amendment complies with this requirement.
27. The current LMC would require one and half (1.5) spaces for each unit greater than 650 square feet and less than 1,000 square feet. The existing development would be short 12.5 parking spaces if developed under the current Land Management Code (LMC).
28. Thirty-one (31) parking spaces will be required and thirty-one (31) spaces will exist with approval of the third amendment and restriping of the garage.
29. There is undeveloped land on the property available for construction of additional off-street surface parking; however lack of parking for this property has not been an issue in the past and sufficient parking for the proposed addition to Unit B304, as well as B202, proposed with the third amendment, can be provided within the parking structure. One guest drop off parking spaces will be striped outside of the garage on the southern portion of the west entrance driveway.
30. The property is located at the base area for Deer Valley Ski Resort and on the Park City bus route.
31. The expanded unit would comply with the current parking code.

Conclusions of Law:

1. There is good cause for this record of survey.
2. The record of survey is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. As conditioned, the record of survey plat is consistent with the Deer Valley Resort MPD, 10<sup>th</sup> amended and restated.

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the record of survey for compliance with State law, the Land Management Code, and conditions of approval.
2. The applicant will record the record of survey at the County within one (1) year from the date of City Council approval. If recordation has not occurred within one (1) year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. All construction requires a Building Permit and approvals from the Building and Planning Departments. No certificate of occupancy for the addition to Unit B304 shall be issued until this plat amendment is recorded. Residential fire sprinklers are required.
4. All conditions of approval of the Deer Valley Resort 10<sup>th</sup> Amended and Restated Large Scale MPD and the amended Courchevel Condominiums at Deer Valley record of survey plats shall continue to apply.
5. Recordation of this fourth amendment shall occur after recordation of the third amendment.

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

PASSED AND ADOPTED this \_\_\_\_\_ day of July, 2012.

PARK CITY MUNICIPAL CORPORATION

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

ATTEST:

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

APPROVED AS TO FORM:

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









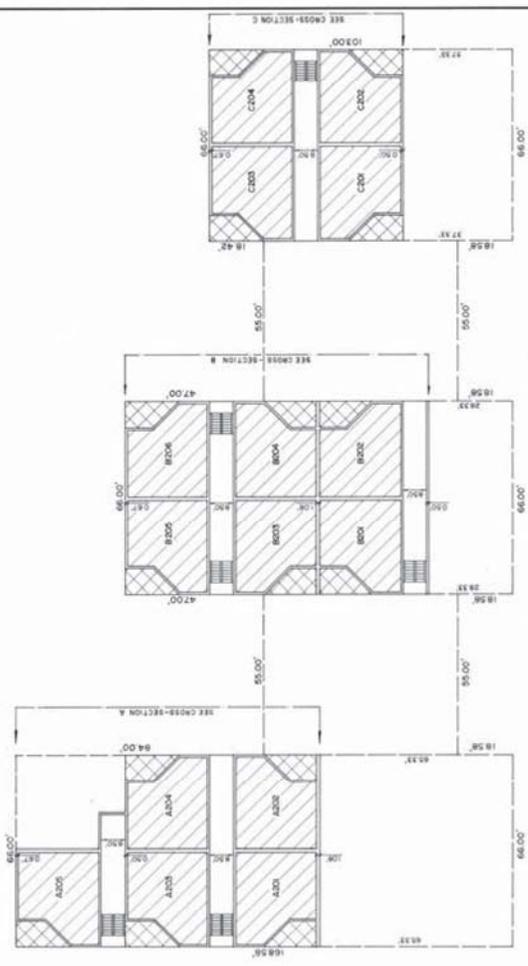
LEVEL 4 FLOOR PLAN SCALE: 1"=20'



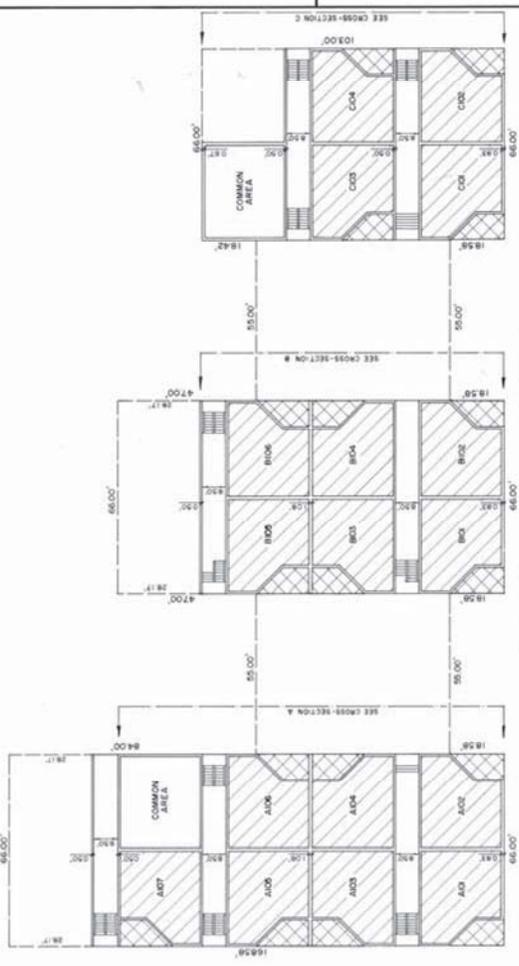
LEVEL I PARKING SCALE: 1"=30'



TYPICAL UNIT DETAIL



LEVEL 3 FLOOR PLAN SCALE: 1"=20'

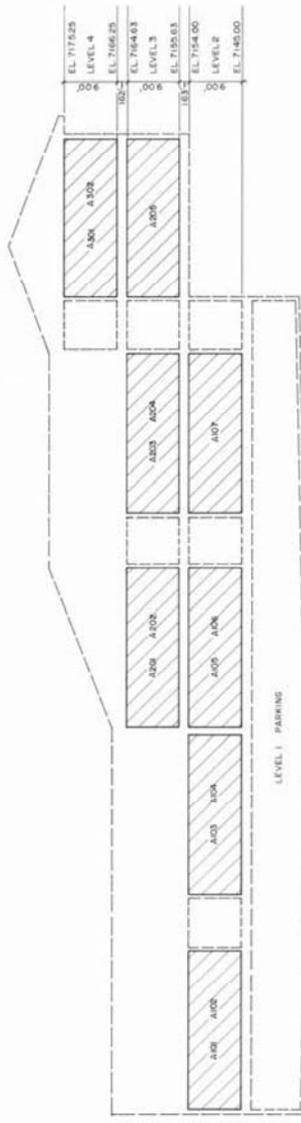


LEVEL 2 FLOOR PLAN SCALE: 1"=20'

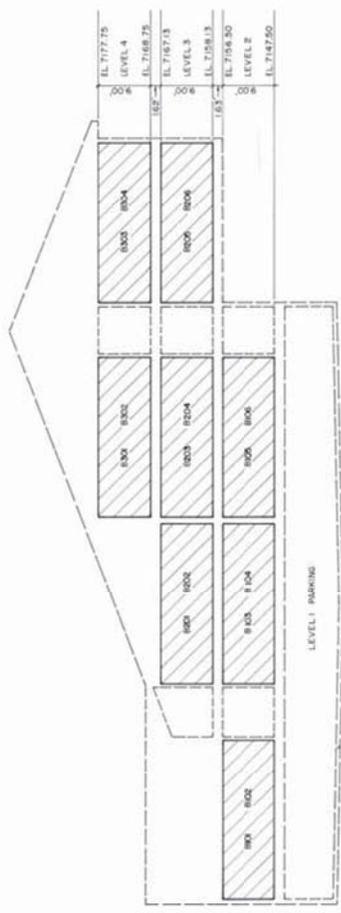
COURCHEVEL CONDOMINIUMS SHEET 2 OF 3

RECORDED  
 AS 20130304  
 STATE OF UTAH  
 COUNTY OF SUMMIT  
 RECORDED AND FILED AT THE REQUEST OF:  
 Summit Landmark, LLC  
 COUNTY RECORDER  
 FEB 15 2013

J.J. Johnson & Associates  
 Park Meadows Plaza,  
 Highway 248  
 Park City, Utah 84080  
 (801) 649-9811  
 JOB NO. 1-022-84



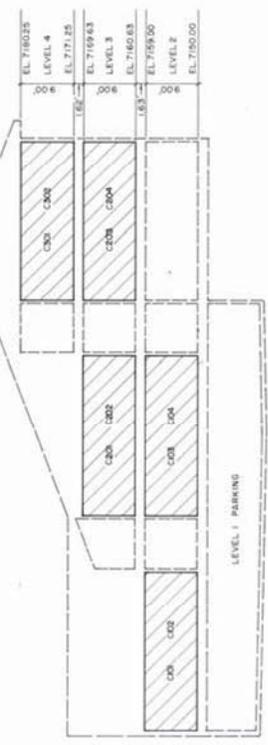
CROSS-SECTION A SCALE 1"=10'



CROSS-SECTION B SCALE 1"=10'

**OWNERSHIP LEGEND**  
 PRIVATE  
 COMMON

**BENCH MARK**  
 THE BENCH MARK IS MONUMENT 8401 COASTS AT THE INTERSECTION OF DEER VALLEY DRIVE EAST AND ODESSA PASS ROAD. ELEVATION: 7149.42.  
**CCS NUMBERS - NORTH**  
**EVEN NUMBERED UNITS - SOUTH**



CROSS-SECTION C SCALE 1"=10'

**COURCHEVEL CONDOMINIUMS SHEET 3 OF 3**

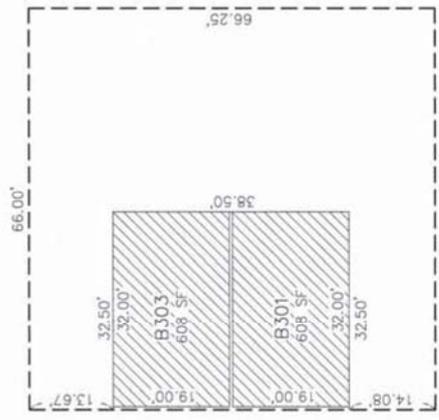
RECORDED  
 NO. 2009038  
 STATE OF UTAH  
 COUNTY OF SUMMIT  
 RECORDED AND FILED AT THE REQUEST OF:  
 Shawnae Crandall  
 JLS  
 FEES COUNTY RECORDERS

**J.J. Johnson & Associates**  
 Park Meadows Plaza,  
 Highway 248  
 Park City, Utah 84080  
 (801) 649-9811  
 JOB NO. 1-402-84



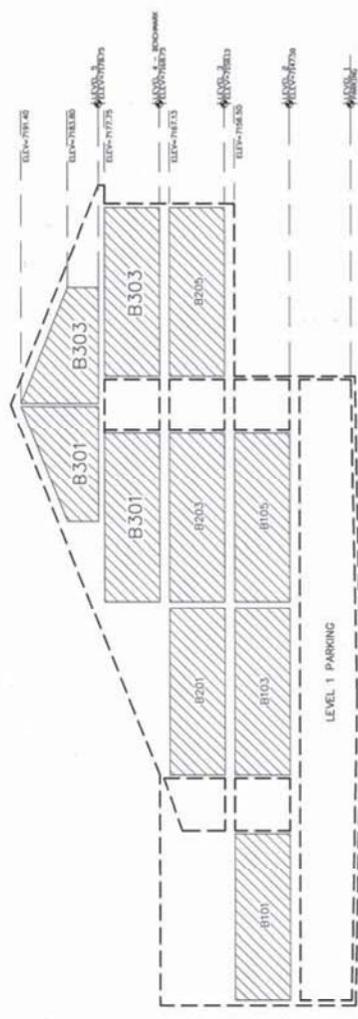






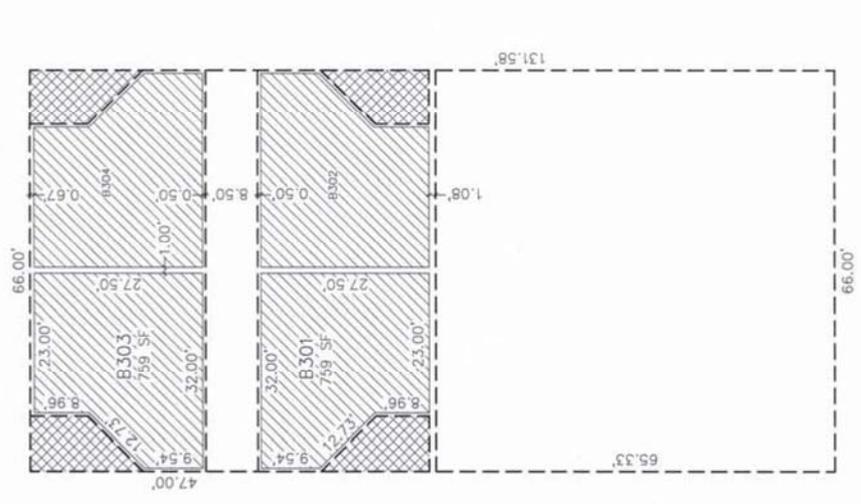
**HATCHING LEGEND**  
 COMMON AREA  
 LIMITED COMMON AREA  
 PRIVATE AREA

**FLOOR PLAN - LEVEL 5  
 UNIT B301 / UNIT B303**



**SECTION -  
 B BLDG. B**

NO. 0929912 RECORDED Date 1/26/12  
 DATE 1/26/12 TIME 1:48 PM  
 STATE OF COLORADO  
 RECORDED AT THE REQUEST OF **Arch City Title Company**  
 C. Williams - Agency



**FLOOR PLAN - LEVEL 4  
 UNIT B301 / UNIT B303**



## Deer Valley MPD Density Chart

**DEER VALLEY RESORT  
TENTH AMENDED AND RESTATED  
LARGE SCALE MASTER PLANNED DEVELOPMENT PERMIT  
EXHIBIT 1  
DEVELOPMENT PARCELS  
12-Aug-09**

PARCEL NAME	PERMITTED DENSITY (UNITS)	DEVELOPED DENSITY (UNITS)	NOTES	HEIGHT (FEET)	PARCEL SIZE (ACRES)
<b>DEER VALLEY COMMUNITY</b>					
Stonebridge & Boulder Creek Multi-Family	50	54	1	28	10.23
Aspenwood Multi-Family	30	30		28	9.21
Pine Inn & Trails End Multi-Family	40	45	1	35	8.52
In The Trees (South Multi-Family) Multi-Family	14	14		28-45	2.87
Black Diamond Lodge (Snow Park Lodge Multi-Family)	29	27		28-75	5.70
Courcheval Multi-Family	13.5	27	1	35	1.82
Daystar Multi-Family	24	24		28	9.84
Fawngrove Multi-Family	50	50		28	12.05
Chateaux Fawngrove Multi-Family	10.5	11	2	28	Incl
Bristlecone Multi-Family	20	20		28	Incl
Lakeside Multi-Family	60	60		28	6.49
Solamere Single Family (includes Oaks, Royal Oaks & Hidden Oaks)	274	274		28	237.81
Pinnacle Multi-Family	86	86		28	36.80
Comstock Lodge (East Bench Multi-Family)	10.5	21	1	35	3.50
Red Stag Lodge	8.5	11	1	35	Incl
Powder Run Multi-Family	25	33	1	35	3.20
Wildflower (Deer Valley North Lot 1 Multi-Family)	11	14	1	28	1.04
Glenfiddich (Deer Valley North Lot 2 Multi-Family)	12	12		28	1.45
Chapparal (Deer Valley North Lot 3 Multi-Family)	15	20	1	28	1.44
Lodges @ Deer Valley (Northeast Multi-Family)(includes Silver Baron Lodge)	115	109	3	28-35	12.65
Snow Park Village (Snow Park Hotel & Parking Sites)	210.75	0	4	28-45	14.93
Total Deer Valley Community	1108.75				
<b>AMERICAN FLAG COMMUNITY</b>					
American Flag Single Family	93	93		28	83.04
LaMaconnerie Multi-Family	15	15		28	6.19
Total American Flag Community	108				
<b>NORTH SILVER LAKE COMMUNITY</b>					
Westview Single Family	15	1		28	40.69
Evergreen Single Family	36	36		28	27.60
NSL Homesite Parcel #1	1	1		35	1.90
Belleterre Single Family	10	10		28	11.42
Bellevue Townhomes (NSL Subdivision Lot 1)	24	14	10	28	4.62
Bellemont Townhomes (NSL Subdivision Lots 2A and 2A-1)	18	12	10	28	3.75
NSL Subdivision Lot 2B	54	0		45	5.96
BelleArbor Townhomes (NSL Subdivision Lot 2C)	43	21	10	28-35	8.25
NSL Subdivision Lot 2D Open Space Lot	0	0	5	0	4.03
Total North Silver Lake Community	201				
<b>SILVER LAKE COMMUNITY</b>					
Stag Lodge Multi-Family	50	52	6	28-35	7.34
Cache Multi-Family	12	12		28	1.77
Sterlingwood Multi-Family	18	18		28-35	2.48
Deer Valley Club	20	30	1	28-45	1.53
Double Eagle (SL East Parcel 2 Multi-Family)	18	18		28-35	2.26
Stein Eriksen Lodge Multi-Family	66.75	65	11	28-35	10.86
Little Belle Multi-Family	20	20		28	3.66
Chateaux At Silver Lake Lot 23 Deer Valley Club Estates Subdivision)	65	78	1	28-45	3.24
Sterling Lodge (Lot 2 Silver Lake East Subdivision)	14	14		28-45	0.61
Royal Plaza Multi-Family (Silver Lake Village Lot A)	7.6215	13	1	59 (A)	0.48
Mt. Cervin Plaza Multi-Family (Silver Lake Village Lot B)	7.5	7		59 (A)	0.54
Inn at Silver Lake (Silver Lake Village Lot C)	10	8		59 (A)	0.50
Goldener Hirsch Inn (Silver Lake Village Lot D)	6	20	1	59 (A)	0.35
Mt Cervin Multi-Family (Silver Lake Village Lot E)	16	15		59 (A)	0.53
Silver Lake Village Lot F	11	0		59 (A)	0.35
Silver Lake Village Lot G	11	0		59 (A)	0.38
Silver Lake Village Lot H	12	0		59 (A)	0.44
SL Knoll Condominiums	4	4		35	0.76
Knoll Estates Single Family	21	21		35	9.90
Black Bear Lodge (Lot 22 Deer Valley Club Estates Subdivision)	51	51		35	1.39
Knollheim Single Family	20	5	7	35	1.84
Alpen Rose Single Family	2	2		35	0.66
Silverbird Multi-Family	6	6		35	0.80
Ridge Multi-Family	24	24		35	2.34
Enclave Multi-Family	17	17		28-35	1.79
Twin Pines Multi-Family	8	8		28-35	1.33
Cottages Single Family	11	11		28	7.06
Alta Vista Subdivision	7	7		35	6.02
Planning Commission	16	7	8	28-35	1.95

**DEER VALLEY RESORT  
TENTH AMENDED AND RESTATED  
LARGE SCALE MASTER PLANNED DEVELOPMENT PERMIT**

**EXHIBIT 1  
DEVELOPMENT PARCELS  
12-Aug-09**

PARCEL NAME	PERMITTED DENSITY (UNITS)	DEVELOPED DENSITY (UNITS)	NOTES	HEIGHT (FEET)	PARCEL SIZE (ACRES)
Trailside Multi-Family	9	9		28-35	1.46
Aspen Hollow Multi-Family	16	16		28-35	3.18
Ridgepoint Multi-Family	30	30		20-35	5.60
Total Silver Lake Community	614.8715				
<b>BALD EAGLE COMMUNITY</b>					
Bald Eagle Single Family	78	58	9	28	35.65
Total Bald Eagle Community	78				
<b>TOTAL CONVENTIONAL UNITS</b>	2110.6215				
<b>EMPLOYEE HOUSING UNITS</b>					
Little Belle	1				
Stag Lodge	1				
Sterlingwood	1				
Bald Eagle	2				
Mt. Cervin	1				
Deer Valley Club	1				
<b>TOTAL EMPLOYEE HOUSING UNITS</b>	7				

**NOTES:**

1. These projects have been approved under the Unit Equivalent Formula contained in Section 10.12 of the Code, resulting in a different developed density than base permitted density.
  2. One small unit was separately permitted in this project using .5 unit of density.
  3. This project has been approved under the Unit Equivalent Formula contained in Section 10.12 of the Code, resulting in a different developed density (132) than base permitted density (115). Additional phases consisting of 23 units are in process.
  4. This parcel is required to use the Unit Equivalent Formula contained in Section 10.12 of the Code.
  5. This parcel has been platted as open space, with the open space applying to the open space requirement of Lot 2B.
  6. Two additional units were permitted in this project on land that was not a part of the Deer Valley MPD.
  7. This parcel was originally permitted as 20 MF units but subsequently developed as 5 single family homesites.
  8. This parcel was permitted as 16 units. Subsequently 9 of the unit development rights were acquired by the homeowners and dedicated as open space.
  9. This parcel was originally permitted as a combination of single family and multi-family. The multi-family uses were converted to single family with a density reduction from 78 to 58 units.
  10. The development density on these parcels is less than the original permitted density at the election of the developer.
  11. The transfer of 1.75 Unit Equivalents to this parcel from the Snow Park Village parcel was authorized by the Planning Commission on June 28, 2006.
- A. Lots in the Silver Lake Village Subdivision have a development height limitation tied to a base elevation of 8122' with peak of roof not to exceed elevation 8186'.

**CONDOMINIUM PLAT  
COURCHEVEL CONDOMINIUMS  
AT DEER VALLEY  
THIRD AMENDMENT  
-A UTAH CONDOMINIUM PROJECT-**  
A PARCEL OF LAND LOCATED  
IN THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST  
SALT LAKE BASIN 8 MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH



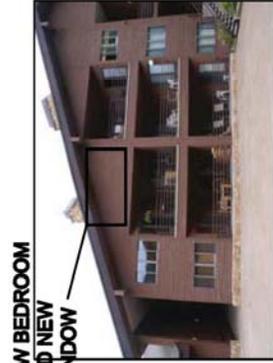
**NORTH ELEVATION**



**WEST ELEVATION**



**EAST ELEVATION**



**NEW BEDROOM  
AND NEW  
WINDOW**

**EAST ELEVATION CLOSE-UP**

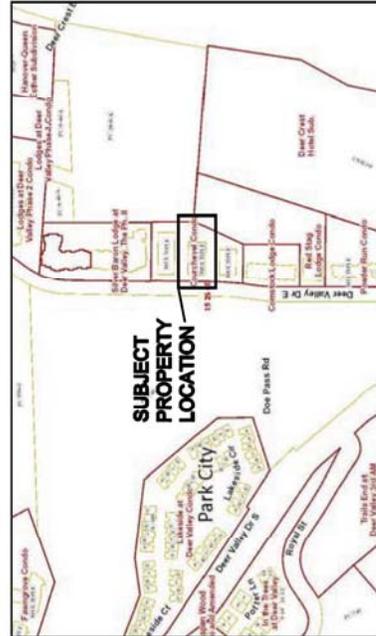


**PARKING GARAGE**



**SUBJECT  
PROPERTY  
LOCATION**

**AERIAL PHOTO OF SUBJECT PROPERTY**



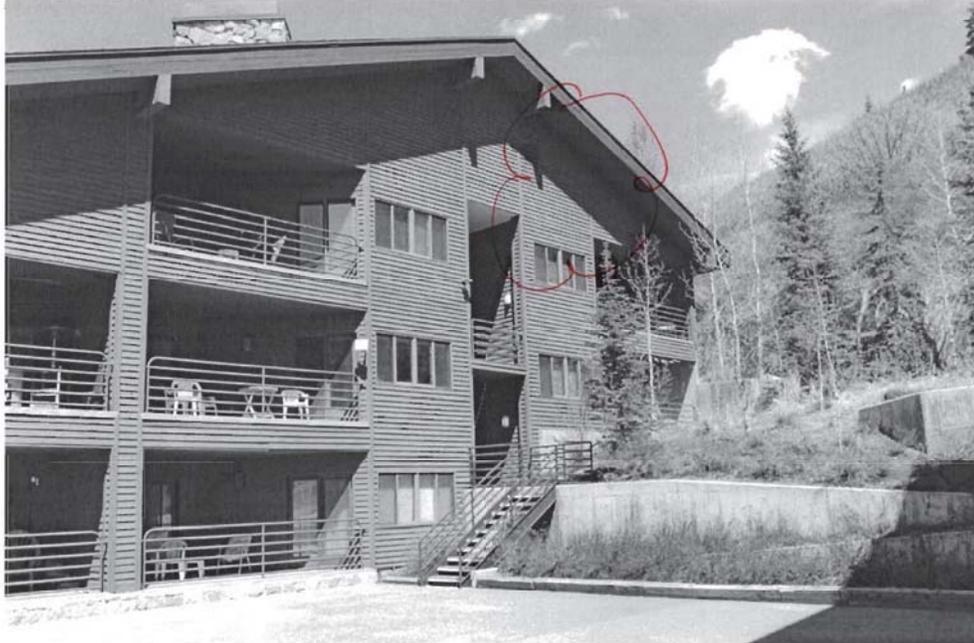
**SUBJECT  
PROPERTY  
LOCATION**

**SURROUNDING PROPERTIES MAP**

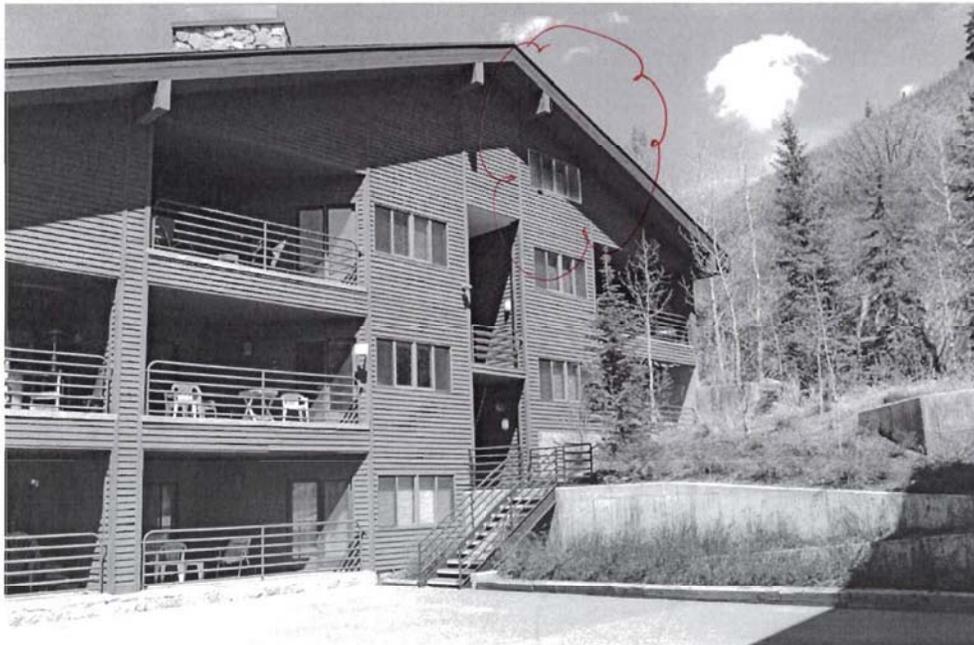
Courchevel Condominiums Unit B304 – Proposed Amendment

Building B Exterior Exhibit

Courchevel Building B - Existing Exterior:



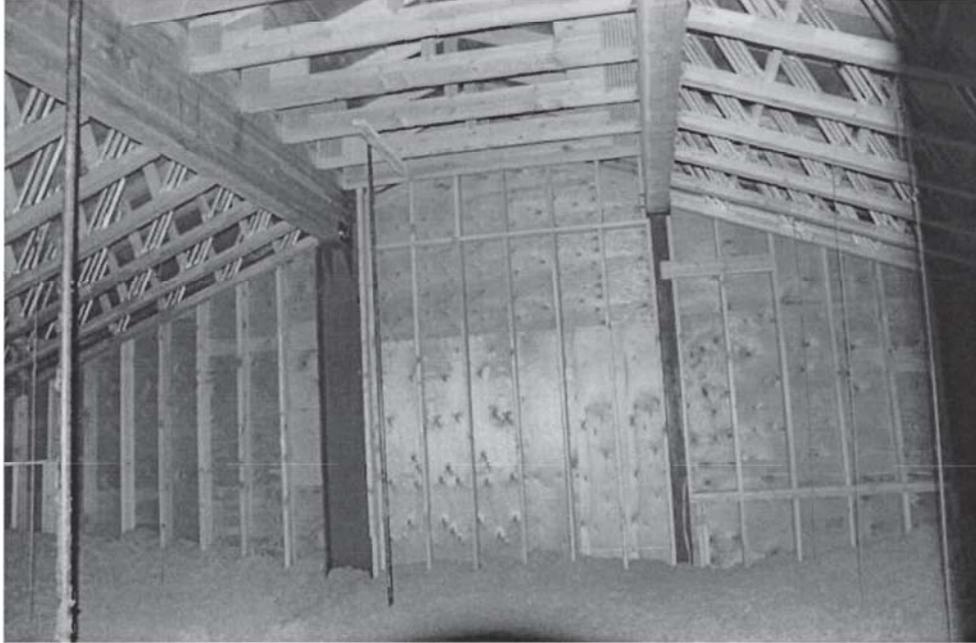
Courchevel Building B - Proposed Exterior with Loft Expansion (matching window shown):



Courchevel Condominiums Unit B304 – Proposed Amendment

Building B Existing Loft Expansion Exhibit

Courchevel Building B - Existing Loft Expansion Area:



Courchevel Building B – Existing Loft Expansion Area:



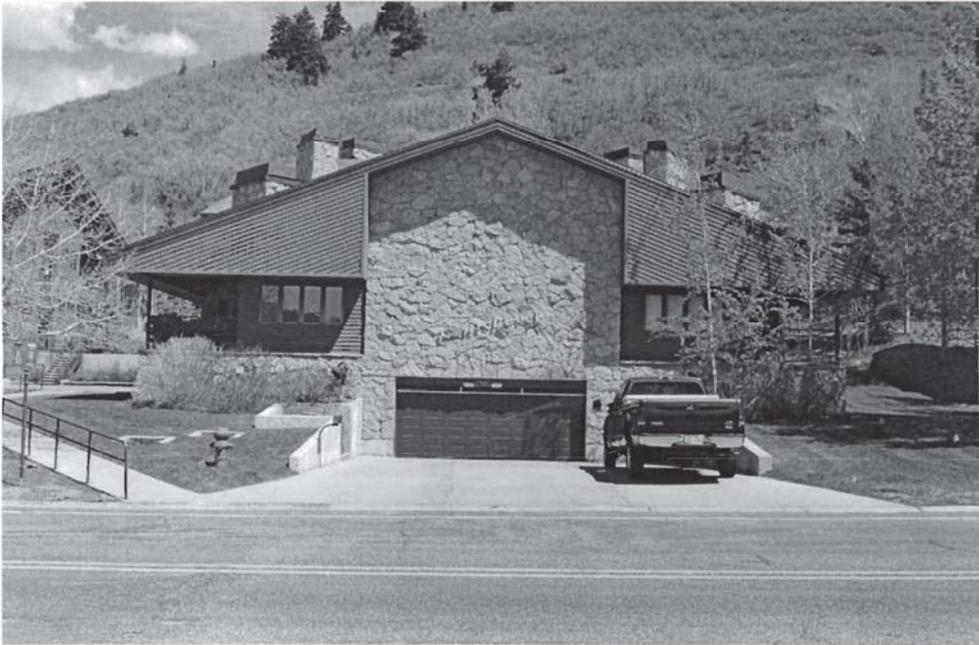
Courchevel Condominiums Unit B304 – Proposed Amendment

Parking Exhibit

Courchevel – West Garage Entrance Existing Surface Parking (1-space):



Courchevel – West Garage Entrance Existing Surface Parking (1-space):



Courchevel Homeowners Association  
Box 680876  
Park City, Utah 84068  
(435) 645-7888

June 14, 2012

Ms. Kirsten Whetstone  
Park City Municipal Corp.  
Planning Department  
Park City, Utah 84060

RE: Courchevel B-304

Dear Ms. Whetstone:

This letter is to confirm that the owners of Courchevel B-304, John Goodchap and Tanya Felton applied to the association for a loft expansion and permission to expand into the common area dead space over the hallway. Attached is a copy of the ballot sent to the membership and tally of the votes by unit.

Information and a ballot were sent out to all owners on March 10, 2012. The deadline for the votes to be returned was March 30, 2012. Pursuant to the Courchevel By-Laws, a vote of 2/3rds or more of the ownership is required.

The votes were tallied and the required 2/3rds vote of the ownership was received. Based on this vote and the requirement being met, the association granted permission for the owners to move forward with the remodel and re-plat.

If you have any questions, please feel free to call me.

Sincerely,



Toby Tolpinrud  
Association Manager

COURCHEVEL CONDOMINIUM OWNERS ASSOCIATION  
PO BOX 680876 – PARK CITY, UTAH 84068  
Phone: (435) 645-7888 – Fax: (435) 645-7890  
[toby@pmaparkcity.com](mailto:toby@pmaparkcity.com)

March 19, 2012

BALLOT

\_\_\_\_\_  
Print Name of Homeowner(s)

\_\_\_\_\_  
Unit #

Mandatory vote by each HOA member (unit):

I grant permission to allow the board to change the ownership of the common space above unit B-304 (non-accessible attic dead space) and add approximately 140 square feet above the hallway from common area to respective unit space per the attached plan.

\_\_\_\_\_ YES

\_\_\_\_\_ NO

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 2012

\_\_\_\_\_  
Signature of Homeowner(s)

NOTE: BALLOT MAY BE FAXED TO: (435) 645-7890 OR EMAILED TO:  
[VALERIE@PMAPARKCITY.COM](mailto:VALERIE@PMAPARKCITY.COM)

ALL BALLOTS MUST BE RETURNED NO LATER THAN FRIDAY, MARCH 30, 2012.

		YES	NO
Unit #	Owner	18	2
B101	Michael Deasy Diane Glean	1	
B102	Roseanne Bowman Pete Bowman	1	
B103	Michael & Peggy Lewis	1	
B104	Richard G. Bates  Nicole Matthews	1	
B105	Chad & Linda Duncan	1	
B106	David & Luann Bolk	1	
B201	Richard A Brown	1	
B202	Roberta (Bobby) Slusar & Richard Morse	1	
B203	Ann Stewart & Jeff Steiman		1
B204	Mark Olson		1
B205	David G. Cave Kristen McCloud	1	
B206	Chris H. Reddish		
B301	Richard Allaye-Chan, Jr	1	
B302	Greg & Kathy Leitzke	1	
B303	Powell Capital Partners GCP Scott Powell	1	
B304	John Goodchap & Tanya Felton The Argo Superfund	1	
C101	David & Lachele Kawala	1	
C102	Claudio Vianello	1	
C103	Russ & Cindy Curtis	1	
C104	Shirley M. Zehner	1	
C105	Ronald & Jacqueline DuPratt		

Unit #	Owner	18	2
C201	James E. Baldwin III also owns C203		
C202	Dennis M. Nelson		
C203	James (Jebby) Baldwin also owns C201		
C204	Urasaki, Dang & Ishihara		
C301	Dan & Jenna Adler		
C302	Robert P. Deyerberg **new owner 6/11	1	

# Evergreen Engineering, Inc.

Civil Engineering - Land Surveying - Land Planning  
 1670 Bonanza Drive, Suite 104  
 P.O. Box 2861  
 Park City \* Utah \* 84060  
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June 13, 2012

Park City Municipal Corporation  
 Planning & Zoning Department  
 445 Marsac Avenue – PO Box 1480  
 Park City, Utah 84060  
 435-615-5060

## RE: Proposed “Courchevel Condominiums at Deer Valley Fourth Amended”

The purpose of this Amended Condominium plat is to convert existing Common Area attic space above Unit B304 to Private Area attic space for the unit. The attic space over the adjacent Unit B301 and Unit B303 was converted in the same manner, as shown on the existing “Courchevel Condominiums at Deer Valley Second Amended” Plat of Record. The associated Limited Common Area for this unit remains unchanged by this amendment. Unit B304 is located on Level 4 as shown on the existing “Courchevel Condominiums at Deer Valley” Plat of Record and on the existing “Courchevel Condominiums at Deer Valley Second Amended”. The converted or additional Private Area is located on Level 5 as shown on the on the proposed “Courchevel Condominiums at Deer Valley Fourth Amended”.

### Existing Development Information:

Courchevel Condominiums at Deer Valley, Record No. 229039 (12-31-84)

Courchevel Condominiums at Deer Valley Amended Sheet 2 of 3, Record No. 315605 (11-9-89)

Courchevel Condominiums at Deer Valley Second Amended, Record No.

\* 27 Existing Residential Condominium Units

\* 1.8226 acre parcel of land

\* 32 parking spaces (31 Common Area Garage and 1 Surface Driveway Space)

August 12, 2009 “Deer Valley Resort Tenth Amended and Restated Large Scale Master Planned Development Permit, Exhibit 1 – Development Parcels” Includes Courchevel Multi-Family

- Maximum Permitted Density (Units) = 13.5 (2,000sf/UE) = 27,000sf

- Maximum Developed Density (Units) = 27 (1,000sf/UE) = 27,000sf

\* Existing Developed (25 Units x 759sf) + (2 Units x 1,367sf) = 21,709sf total

• Available Remaining Permitted square feet for project = 5,291sf (27,000sf – 21,709sf)

• Amended Unit B304 at 1,367sf : added 608sf

\* Post Plat Amendment: Remaining Permitted square feet for project = 4,683sf

### Private Area (Unit) Comparison (Existing – Proposed):

<b><u>Unit B304</u></b>	*	Existing	*	Proposed	*	Change/
		Private Area	*	Private Area	*	Difference
		759 SF	*	1,367 SF	*	+ 608 SF

# Planning Commission Staff Report



**Application #:** PL-12-01505  
**Subject:** 455 Park Avenue  
**Author:** Francisco Astorga, Planner  
**Date:** June 27, 2012  
**Type of Item:** Administrative – Conditional Use Permit

## Summary Recommendations

Staff recommends that the Planning Commission review the proposed Conditional Use Permit for an exception to the side yard building setback at 455 Park Avenue and consider approving the requested proposal based on the findings of fact, conclusion of law, and conditions of approval found in this staff report.

## Description

**Applicant:** Michael Phillips represented by Rick Otto, Architect  
**Location:** 455 Park Avenue  
**Zoning:** Historic Residential (HR-1) District  
**Adjacent Land Uses:** Residential  
**Reason for Review:** Conditional Use Permits require review and final action by the Planning Commission

## Proposal

This is a Conditional Use Permit (CUP) request to grant an exception to reduce the north side yard building setback of five feet (5') to two feet three inches (2'-3"). In order to achieve new construction consistent with the Historic District Design Guidelines, the Planning Commission may grant an exception to the building setback for additions to historic structures upon approval of a CUP.

## Background

On March 20, 2012 the City received a completed CUP application requesting that the Planning Commission grant an exception to the building setback to accommodate an addition to an existing historic structure at 455 Park Avenue. The property is located within the Historic Residential (HR-1) District. The proposed addition includes 1,008.5 square feet to be added to the lower, main, and upper level. The existing structure has a building footprint of 1,087.3 square feet. The proposed addition will expand the building footprint to 1,493 square feet. The site also contains a small shed in the back of the site of 96 square feet. The applicant is will remove this deck in conjunction with their proposal. The maximum building footprint is 1,519 square feet.

The Park City Historic Sites Inventory (HSI) classifies the site as a Landmark. According to the HSI, the structure is eligible for listing on the National Register of Historic Places and is listed in the Mining Boom Era Residences Thematic National

Register Historic District. Currently the 2½-story frame T cottage retains its historic integrity. The structure was built circa 1881.

The existing structure consists of a total of 2,916 square feet. The applicant proposes to build a garage addition to the lower level as well as adding additions and reconfiguring the layout of the main and upper levels by expanding the building footprint. The proposed main and upper level additions meet the minimum setback of five feet (5'), however, the lower addition is being proposed at two feet three inches (2'-3") from the property line to accommodate the new one (1) car garage.

In February 7, 2012 the City received a Plat Amendment application requesting to combine the two (2) Old Town lots into one (1) lot of record. The Planning Commission reviewed this plat amendment on March 28, 2012. The City Council reviewed and approved this request on April 19, 2012. The plat has not yet been recorded.

On March 26, 2012 the City received a completed Historic District Design Review (HDDR) application, to be reviewed by the Planning Department, with the same proposal. After minor revisions and a couple meetings with the applicant and the Planning Department's design review team, Staff approved the submitted HDDR on June 12, 2012. The approved HDDR found that the addition was compatible with the Design Guidelines for Historic Districts and Historic Sites

The approved HDDR has a specific condition of approval that indicates that the reduced setback exception request will need to be reviewed and approved by the Planning Commission per the Land Management Code (LMC) prior to issuance of any building permits. Any possible changes to the approved HDDR, that are a result of the Planning Commission's review of this CUP, shall be incorporated into the building plans prior to final building permit issuance and the HDDR will have to be amended.

### **Purpose of the HR-1 District**

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

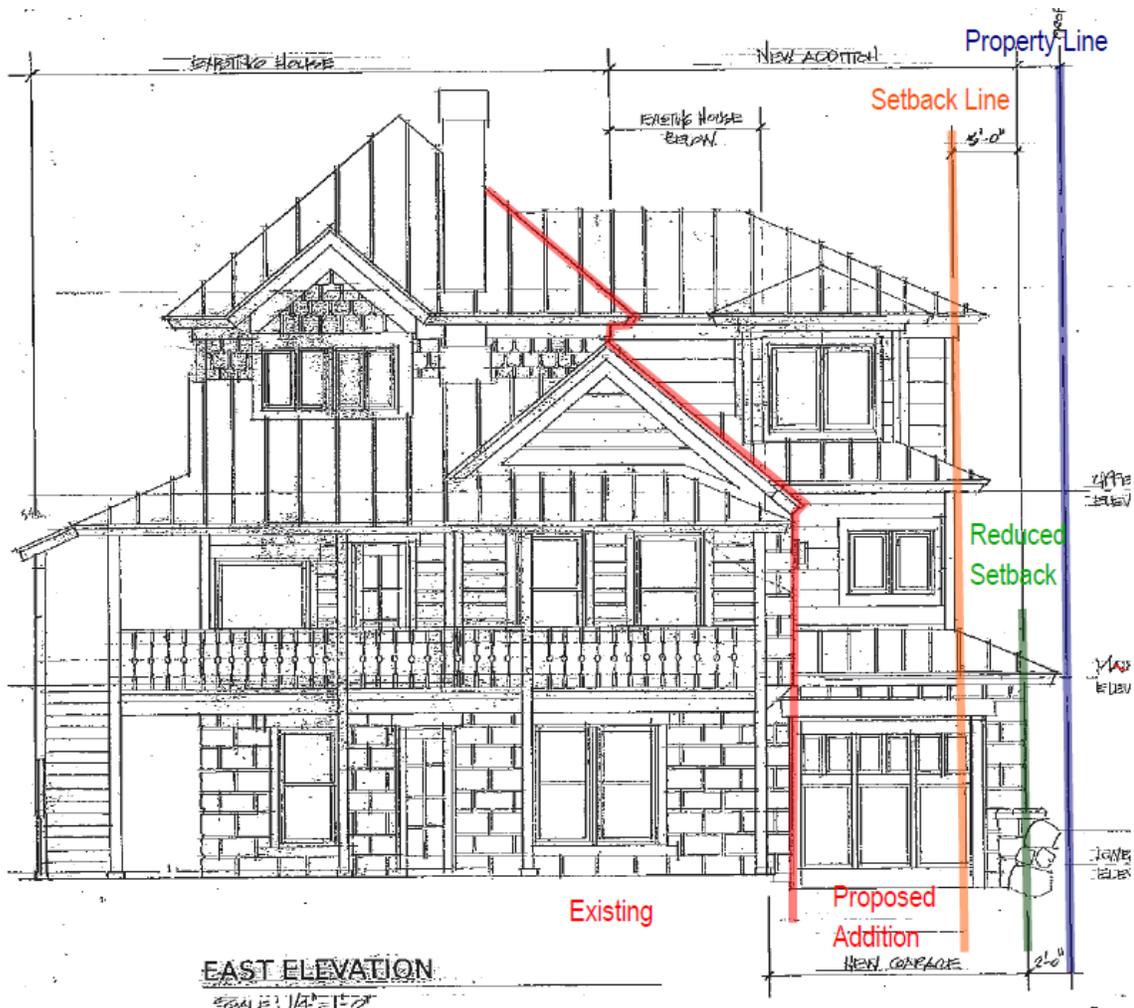
- a) preserve present land Uses and character of the Historic residential Areas of Park City,
- b) encourage the preservation of Historic Structures,
- c) encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing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

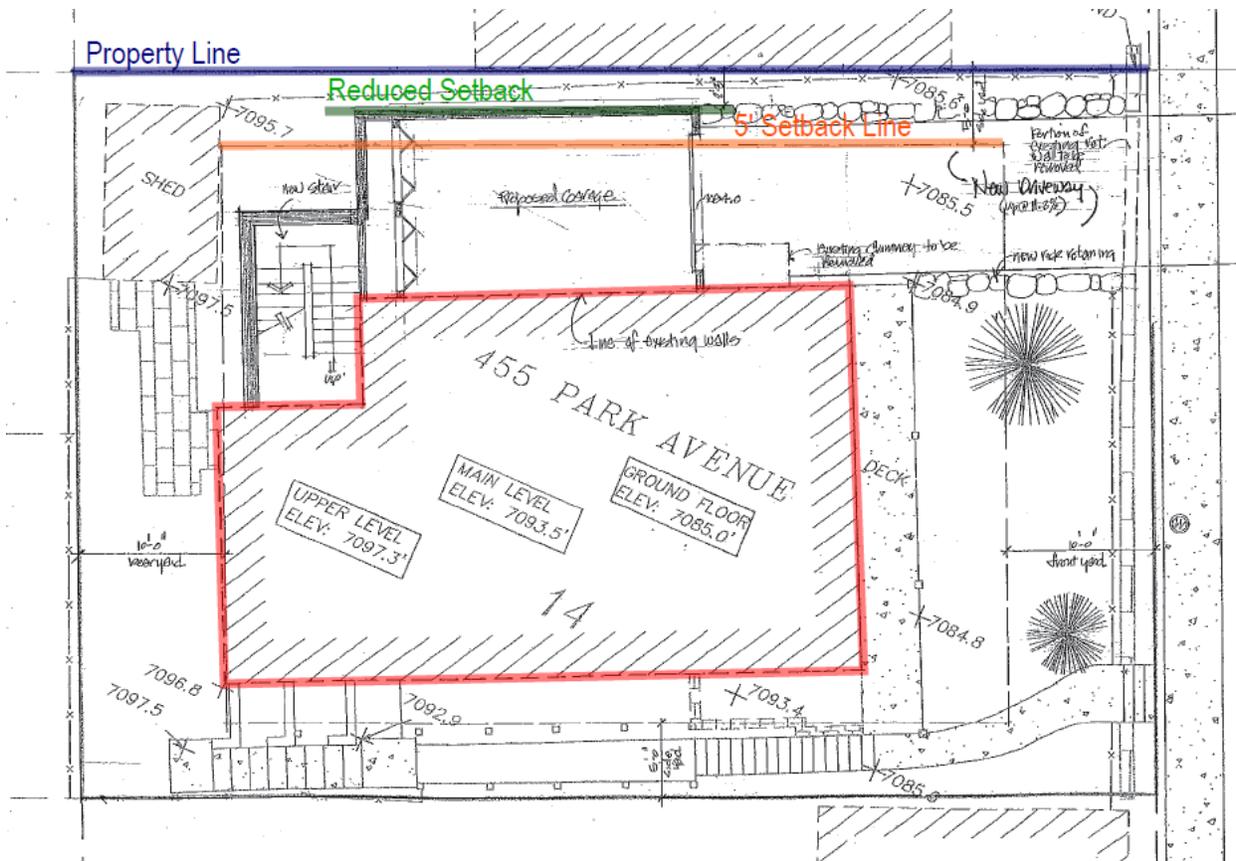
### **Analysis**

LMC § 15-2.2-4 (A) indicates that in order to achieve new construction consistent with the Historic District Design Guidelines, the Planning Commission may grant an exception to the Building Setback and driveway location standards for additions to Historic Buildings:

- 1) Upon approval of a Conditional Use permit,
- 2) When the scale of the addition or driveway is Compatible with the Historic Structure,
- 3) When the addition complies with all other provisions of this Chapter, an
- 4) When the addition complies with the International Building and Fire Codes.

The applicant is requesting a reduction of the north side yard setback from five feet (5') to two feet (2'). The following exhibits below indicate the requested setback reduction:





CUP criteria

The Planning Commission must review each of the following items when considering whether or not the proposed conditional use mitigates impacts of and addresses the following items as outlined in LMC § 15-1-10(E):

- 1) Size and location of the site.

**No unmitigated impacts.** The lot is 3,750 square feet in size located in the heart of historic residential Old Town. The reduced setback is for a one (1) car garage addition to the existing single family dwelling. The main and upper level additions comply with the standard side yard setback of five feet (5'). The portion of the garage addition that necessitates the side yard setback exception encroaches approximately two and a half feet (2½') into the standard setback of five feet (5'), the entire length of the proposed garage, approximately twenty-three feet (23) in length.

The front of the garage addition is setback thirty-feet (30') from the front property line and fourteen feet (14') from the front façade of the front porch. The interior measurements of the proposed garage are eleven and half feet (11½') in width and twenty-two feet (22') in length. The garage door will be nine foot (9') wide.

The neighboring structure north of this site, 463 Park Avenue, is also a historic landmark structure, which was built right on the subject property line. This

neighboring structure is setback fourteen feet (14') from the front property line. The front of the proposed garage addition is setback seventeen feet (17') from the front façade of this neighboring historic structure. The different setbacks of the existing structure, proposed garage addition, and north neighboring structure break a perceived wall that could have been created and add a different rhythm to the front setbacks compatible in Old Town.

LMC § 15-2.2-3(J) indicates that site plans and building designs must resolve snow release issues to the satisfaction of the Chief Building Official. The applicant shall comply with this snow release requirement.

2) Traffic considerations.

**No unmitigated impacts.** The use of the site would remain the same as single family dwelling, however off-street parking would be provided.

3) Utility capacity.

**No unmitigated impacts.** No additional utility capacity is required for this project.

4) Emergency vehicle access.

**No unmitigated impacts.** Emergency vehicles can easily access the project and no additional access is required.

5) Location and amount of off-street parking.

**No unmitigated impacts.** LMC § 15-2.2-4 indicates that historic structures that do not comply with off-street parking are valid complying structures and additions to historic structures are exempt from off-street parking requirements provided the addition does not create a lockout unit or an accessory apartment. The proposed addition does not create a lockout unit or an accessory apartment. The proposed addition does provide a one (1) car garage and its corresponding driveway accessed directly off Park Avenue. The driveway is thirty feet (30') in length and ten feet (10') in width. The driveway also provides another legal parking area.

6) Internal circulation system.

**No unmitigated impacts.** The parking area/driveway is directly accessed off Park Avenue, a residential street.

7) Fencing, screening and landscaping to separate uses.

**No unmitigated impacts.** Fencing, screening, and landscaping are not proposed at this time.

8) Building mass, bulk, orientation and the location on site, including orientation to adjacent buildings or lots.

**No unmitigated impacts.** The applicant requests an addition to all three (3) levels. The addition has been deemed appropriate in terms of mass, bulk,

orientation and location on the site. Staff found the addition to be consistent with the Design Guidelines for Historic Districts and Historic Sites. The scale of the addition is compatible with the structure because it is setback fourteen feet (14') from the front façade of the existing porch. The addition has been carefully design to read as an addition to a historic structure. The increased setback and the vertical step-back break up the building mass of the proposed addition.

9) Usable open space.

**No unmitigated impacts.** No useable open space will be affected with the requested use from what is currently found on site.

10) Signs and lighting.

**No unmitigated impacts.** No signs and lighting are associated with this proposal. All future lighting will be subject to the LMC development standards related to lighting and will be reviewed for compliance with the LMC and Design Guidelines at the time of the building permit review. Any existing exterior lighting will be required, as part of this application, to be brought up to current standards.

11) Physical design and compatibility with surrounding structures in mass, scale and style.

**No unmitigated impacts.** The applicant requests an addition to all three (3) levels. The additions have been deemed appropriate in terms of physical design and compatibility with surrounding structures in mass, scale, and style. Staff has found the addition to be consistent with the Design Guidelines for Historic Districts and Historic Sites. The scale of the addition is compatible with the structure because it is setback fourteen feet (14') from the front façade of the existing porch. The addition has been carefully design to read as an addition to a historic structure. The increased setback and the vertical step-back allow the proposed addition to be compatible with the structure in terms of mass, scale, and style.

12) Noise, vibration, odors, steam, or other mechanical factors that might affect people and property off-site.

**No unmitigated impacts.** Noise, vibration, odors, steam or mechanical factors are anticipated that are normally associated within the residential use.

13) Control of delivery and service vehicles, loading and unloading zones, and screening.

**No unmitigated impacts.** The proposal will not affect any control of delivery and service vehicles, loading and unloading zones that customarily associated with the residential use.

14) Expected ownership and management of the property.

**No unmitigated impacts.** The expected ownership and management of the property is not projected to add impacts that would need additional mitigation.

15) Sensitive Lands Review.

**No unmitigated impacts.** The proposal is not located within the Sensitive Lands Overlay.

Historic District Design Review

Staff has found the proposed addition to be consistent with the Design Guidelines for Historic Districts and Historic Sites. After minor revisions and a couple meetings with the applicant and the Planning Department's design review team, Staff approved the submitted HDDR on June 12, 2012. The approved HDDR found that the addition was compatible with the Design Guidelines for Historic Districts and Historic Sites

The approved HDDR has a specific condition of approval that indicates that the reduced setback exception request will need to be reviewed and approved by the Planning Commission per the LMC prior to issuance of any building permits. Any possible changes to the approved HDDR, that are a result of the Planning Commission's review of this Conditional Use Permit, shall be incorporated into the building plans prior to final building permit issuance and the HDDR will have to be amended.

Other LMC provisions and International Building and Fire Codes

Staff has reviewed the proposed addition and finds that it complies with all other provisions outlined in LMC Chapter 2.2 Historic Residential District. The proposed additional shall also comply with all application International Building and Fire Codes.

Process

The applicant will have to submit a Building Permit application for the addition and interior remodel. Approval of this application constitutes Final Action that may be appealed following the procedures found in LMC 1-18. A Building Permit is publicly noticed by posting of the permit.

Department Review

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

Notice

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

Public Input

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

Recommendation

Staff recommends that the Planning Commission review the proposed Conditional Use Permit for an exception to the side yard building setback at 455 Park Avenue and consider approving the requested proposal based on the findings of fact, conclusion of law, and conditions of approval found in this staff report.

## **Findings of Fact**

1. The site is located at 455 Park Avenue.
2. The site is within the HR-1 District.
3. The applicant requests an exception to the north side yard building setback of five feet (5') to two feet three inches (2'-3") for an addition.
4. In order to achieve new construction consistent with the Historic District Design Guidelines, the Planning Commission may grant an exception to the building setback for additions to historic structures per LMC § 15-15-2.2-4(A).
5. The proposed addition includes 1,008.5 square feet to be added to the lower, main, and upper level.
6. The existing structure has a building footprint of 1,087.3 square feet.
7. The proposed addition will expand the building footprint to 1,493 square feet.
8. The site contains a non-historic shed in the back of the site of 96 square feet which will be removed in conjunction with this proposal.
9. The maximum building footprint is 1,519 square feet.
10. The Park City HSI classifies the site as a Landmark.
11. The existing structure consists of a total of 2,916 square feet.
12. The proposed main and upper level additions meet the minimum setback of five feet (5').
13. The lower level addition is being proposed at two feet three inches (2'-3") from the property line to accommodate the width of a new one car garage.
14. Planning Department Staff approved a submitted HDDR on June 12, 2012.
15. The approved HDDR has a specific condition of approval that indicates that the reduced setback exception request will need to be reviewed and approved by the Planning Commission per the LMC prior to issuance of any building permits.
16. Any possible changes to the approved HDDR, that are a result of the Planning Commission's review of this Conditional Use Permit, shall be incorporated into the building plans prior to final building permit issuance and the HDDR will have to be amended.
17. The portion of the garage addition that necessitates the side yard setback exception encroaches approximately two and a half feet (2½') into the standard setback of five feet (5'), the entire length of the proposed garage, approximately twenty-three feet (23) in length.
18. The front of the garage addition is setback thirty-feet (30') from the front property line
19. The front of the garage addition is setback fourteen feet (14') from the front façade of the front porch.
20. The structure north of this site, 463 Park Avenue, is a historic landmark structure built right on the subject property line and is setback fourteen feet (14') from the front property line.
21. The front of the garage addition is setback seventeen feet (17') from the front façade of the neighboring historic structure, 463 Park Avenue.
22. The different setbacks of the existing structure, proposed garage addition, and neighboring north neighboring structure break a perceived wall that could have been created and add a different rhythm to the front setbacks compatible in Old Town.

23. Site plans and building designs must resolve snow release issues to the satisfaction of the Chief Building Official. The applicant shall comply with this snow release requirement.
24. The use of the site would remain the same as single family dwelling, however off-street parking would be provided.
25. No additional utility capacity is required for this project.
26. Emergency vehicles can easily access the project and no additional access is required.
27. The current LMC indicates that historic structures that do not comply with off-street parking are valid complying structures and additions to historic structures are exempt from off-street parking requirements provided the addition does not create a lockout unit or an accessory apartment.
28. The proposed addition does not create a lockout unit or an accessory apartment.
29. The proposed addition does provide a one (1) car garage and its corresponding driveway accessed directly off Park Avenue and a legal parking space on the driveway.
30. The driveway is thirty feet (30') in length and ten feet (10') in width.
31. The addition has been deemed appropriate in terms of mass, bulk, orientation and location on the site.
32. The addition has been carefully designed to read as an addition to a historic structure.
33. The increased setback and the vertical step-back break up the building mass of the proposed addition.
34. No useable open space will be affected with the requested use from what is currently found on site.
35. No signs and lighting are associated with this proposal.
36. All future lighting will be subject to the LMC development standards related to lighting and will be reviewed for compliance with the LMC and Design Guidelines at the time of the building permit review.
37. Any existing exterior lighting will be required, as part of this application, to be brought up to current standards.
38. The additions have been deemed appropriate in terms of physical design and compatibility with surrounding structures in mass, scale, and style.
39. The increased setback and the vertical step-back allow the proposed addition to be compatible with the structure in terms of mass, scale, and style.
40. Noise, vibration, odors, steam or mechanical factors are anticipated that are normally associated within the residential use.
41. The proposal will not affect any control of delivery and service vehicles, loading and unloading zones that customarily associated with the residential use.
42. The expected ownership and management of the property is not projected to add impacts that would need additional mitigation.
43. The proposal is not located within the Sensitive Lands Overlay.
44. Staff has reviewed the proposed addition and finds that it complies with all other provisions outlined in LMC Chapter 2.2 Historic Residential District.
45. The proposed additional shall also comply with all application International Building and Fire Codes.

**Conclusion of Law:**

1. The proposed application as conditioned complies with all requirements of the Land Management Code.
2. The use as conditioned will be compatible with surrounding structures in use, scale, mass, and circulation.
3. The use as conditioned is consistent with the Park City General, as amended.
4. The effects of any differences in use or scale have been mitigated through careful planning.

**Conditions of Approval:**

1. All standard conditions of approval shall continue to apply.
2. All conditions of approval of the 455 Park Avenue Plat Amendment shall continue to apply.
3. The setback reduction shall be reduced for the current proposal. Future expansions are not anticipated as part of this review and any future additions expanding onto the minimum setback shall be reviewed by the Planning Commission as a conditional use.
4. All future lighting will be subject to the LMC development standards related to lighting.
5. Any existing lighting will be required, as part of this application, to be brought up to current standards prior to issuance of a certificate of occupancy for the addition.
6. The proposed addition shall comply with all other provisions outlined in LMC Chapter 2.2 Historic Residential District.
7. The proposed addition shall comply with all application International Building and Fire Codes.
8. The applicant shall remove the shed located in the rear yard in conjunction with this proposal.
9. The building permit plans shall resolved snow release issues to the satisfaction of the Chief Building Official.

**Exhibits**

- Exhibit A – Vicinity Map
- Exhibit B – Existing Survey
- Exhibit C – Existing Floor Plans
- Exhibit D – Existing Elevations
- Exhibit E – Proposed Site Plan
- Exhibit F – Proposed Floor Plans
- Exhibit G – Proposed Elevations
- Exhibit H – Site Photograph



# 455 Park Avenue Vicinity Map



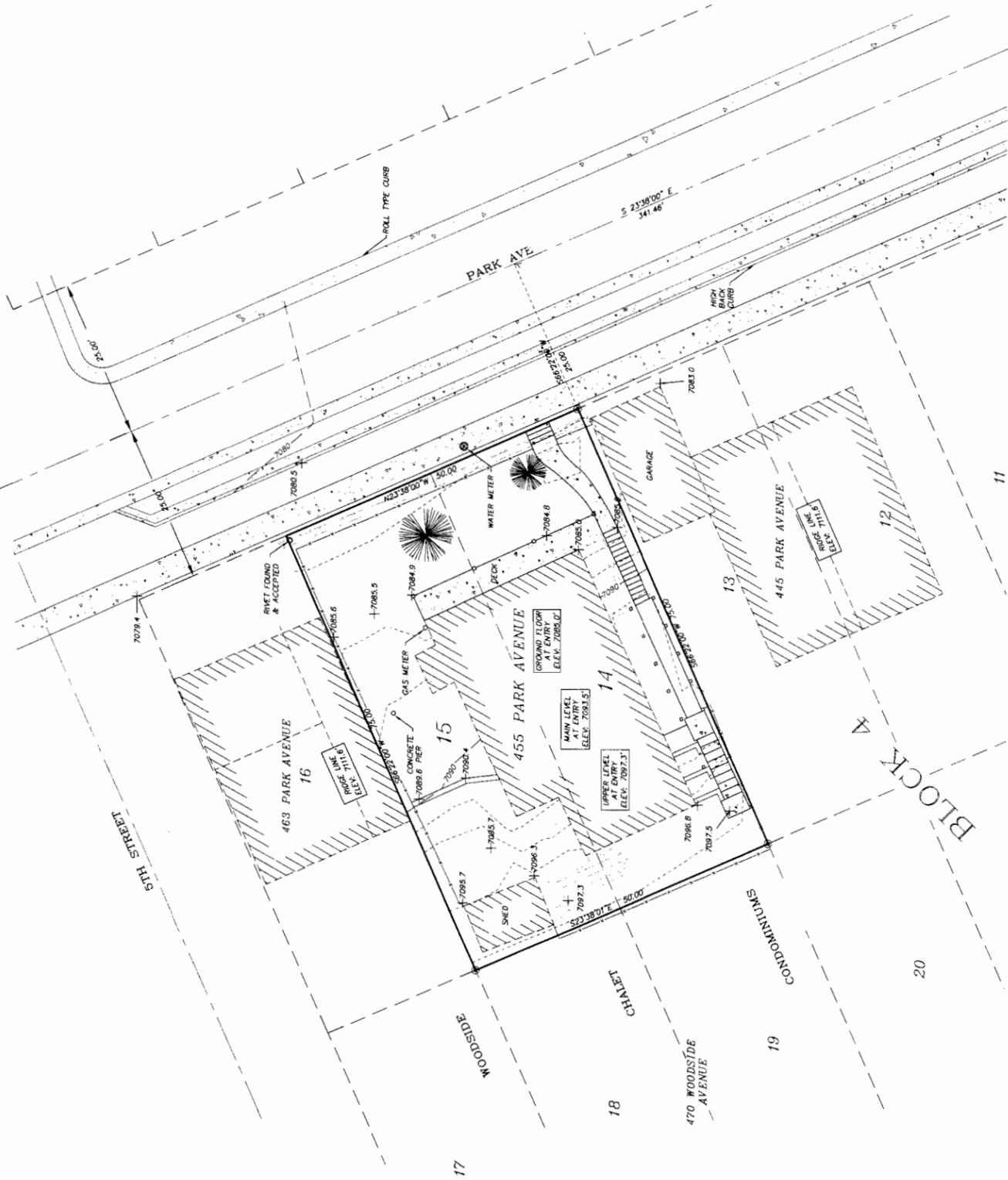
### Legend

- Road Edges
- Address
- Parcels
- Park City HSI Significant Site
- Park City HSI Landmark Site
- Streets

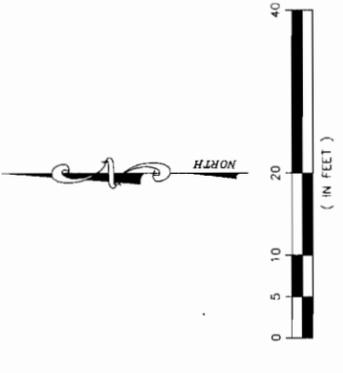
0 30 60 90 Feet  
Planning Commission June 27, 2012

TOPOGRAPHIC SURVEY  
 LOT 14 & 15, BLOCK 4, AMENDED PLAT OF  
 PARK CITY SURVEY

FOUND METAL DISC IN CONCRETE  
 MONUMENT WITH RING/LID  
 IN PARK AVENUE/SOUTH STREET



FOUND METAL DISC IN CONCRETE  
 MONUMENT WITH RING/LID  
 IN PARK AVENUE/SOUTH STREET  
 BENCH MARK ELEV. 7099.67



**NARRATIVE:**

THE PURPOSE OF THIS SURVEY IS TO LOCATE THE LOT LINES AND OF THE  
 ELEVATION DATUM FOR THIS SURVEY WAS TAKEN FROM THE CENTERLINE  
 OF THE PARK AVENUE MONUMENT CONTROL POINT ON THE  
 FOURTH STREET, HELD AS 7099.68 PER THE PARK CITY MONUMENT CONTROL  
 MAP, (AMENDMENT OF SHEET 3)

SURVEY COMPLETED 01/17/12

CONTOUR INTERVALS ARE TWO FOOT LABELED ON THE MAJOR TEN FOOT  
 CONTOUR.

THE ELEVATION DATUM FOR THIS SURVEY WAS TAKEN FROM THE CENTERLINE  
 OF THE PARK AVENUE MONUMENT CONTROL POINT ON THE  
 FOURTH STREET, HELD AS 7099.68 PER THE PARK CITY MONUMENT CONTROL  
 MAP, (AMENDMENT OF SHEET 3)

MAR 26 2012

LYING WITHIN THE NORTH HALF OF SECTION 16,  
 TOWNSHIP 2 SOUTH, RANGE 4 EAST  
 SALT LAKE BASE & MERIDIAN  
 SUMMIT COUNTY, UTAH

**LEGEND**

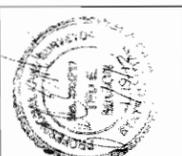
---7000---	MINOR CONTOUR	+	SPOT ELEVATION
-----	MAJOR CONTOUR	+	STREET MONUMENT
-----	EASEMENT	⊙	PROPERTY CORNER SET (SEE NOTE)
-----	ROAD CENTERLINE	○	PROPERTY CORNER FOUND (AS NOTED)



3100 PINEBROOK RD,  
 PARK CITY, UT 84098  
 (435) 865-0958

AMENDED PLAT OF PARK CITY SURVEY  
 LOT 14 & 15, BLOCK 4,  
 SUMMIT COUNTY, UTAH

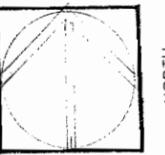
SURVEY PREPARED  
 FOR  
 OTTO/WALKER ARCHITECTS



PROJECT NO.	8610-01
DATE	1/9/2012
DRAWN BY	TMA
CHECKED BY	TMA
SHEET NO.	1

MAR 25 2012

# Floor Plan



NORTH

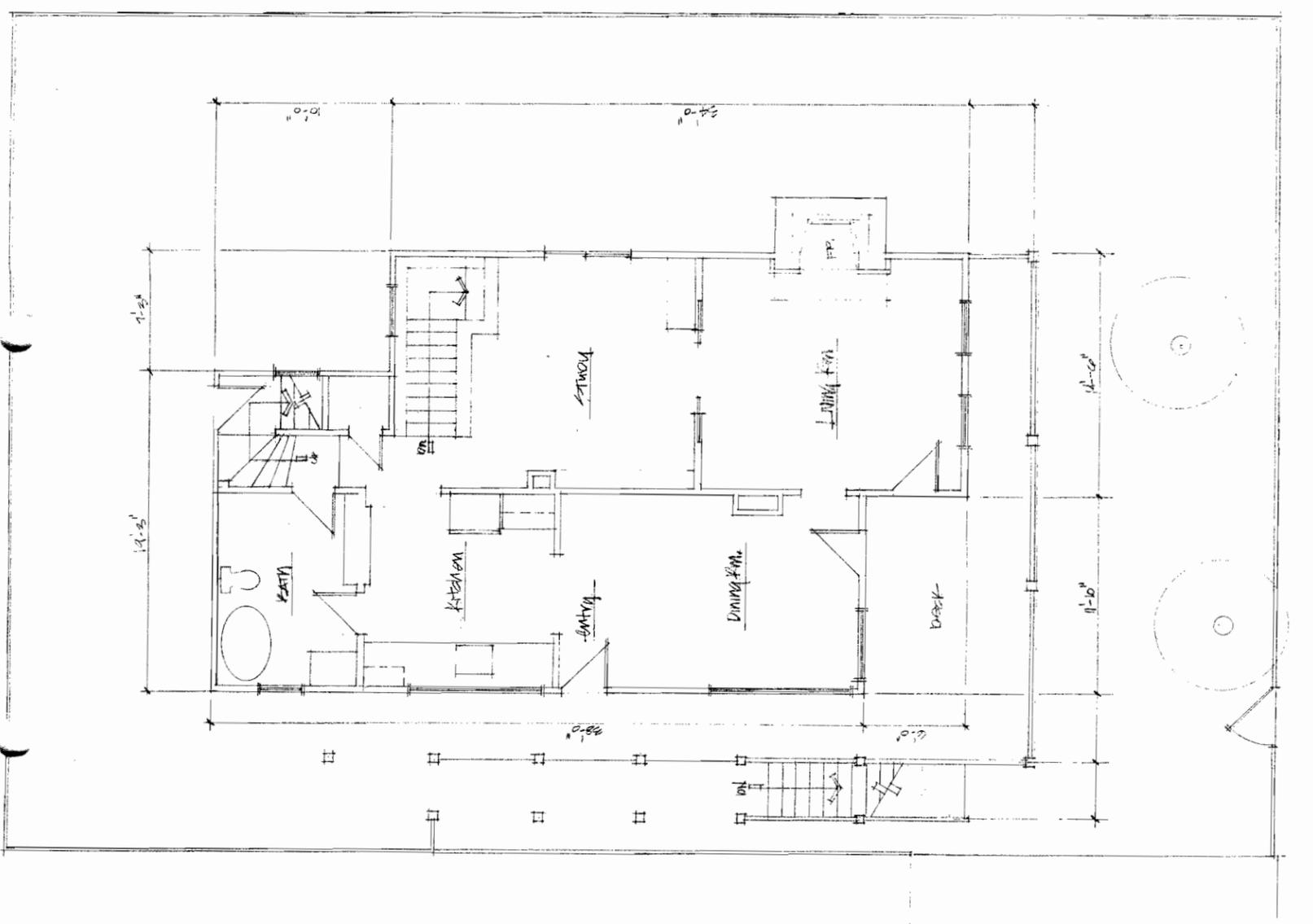
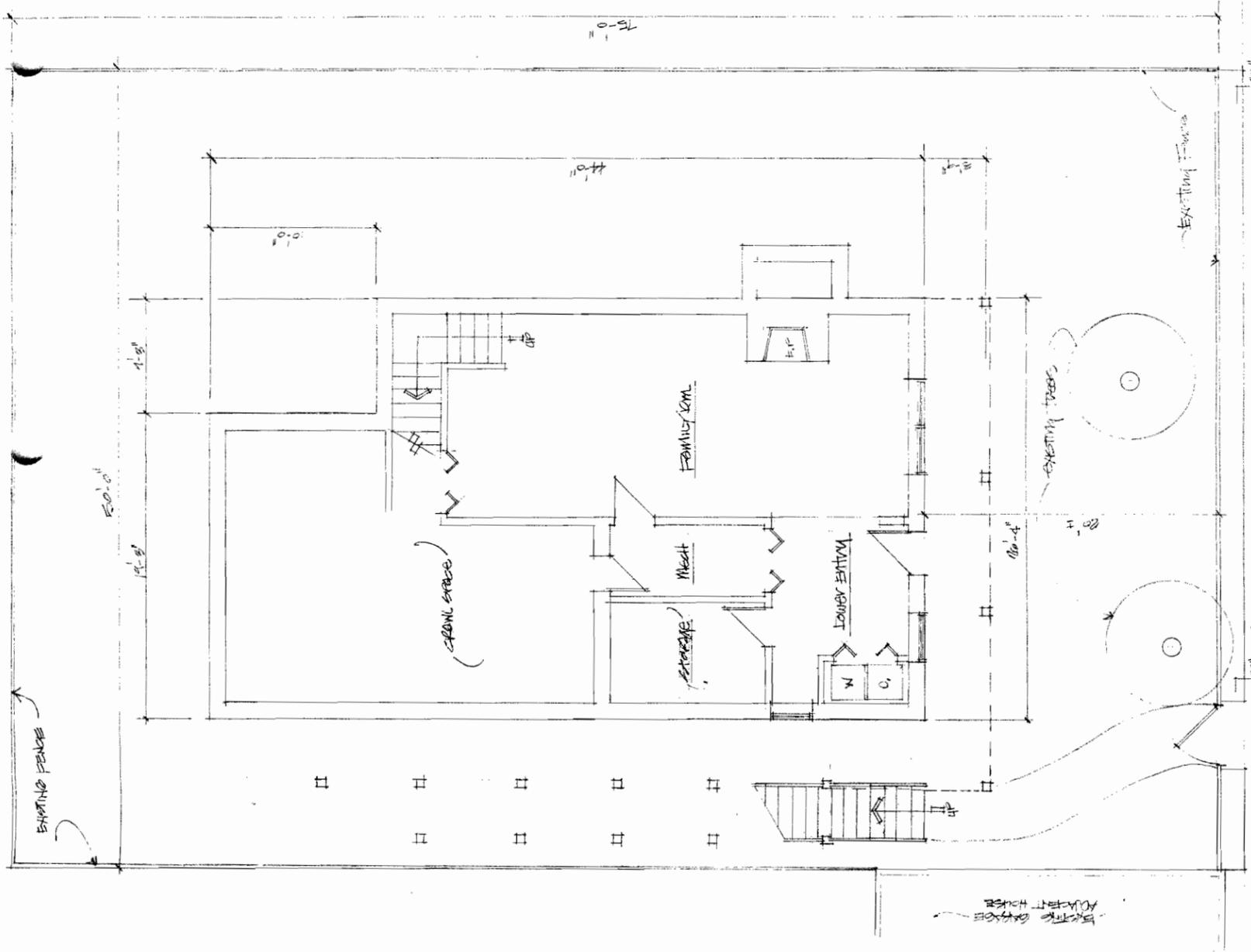
THE PHILLIPS RESIDENCE - 455 PARK AVE, PARK CITY, UT

OTTO  
WALKER  
architects  
2200 Highway 224, Suite C-201, P.O. Box 2572, Park City, Utah 84060 (435) 449-6373

MAR 26 2012

MAR 25 2012

DATE 10.14.11



LOWER LEVEL FLOOR PLAN - EXISTING  
SCALE 1/4" = 1'-0"

MAIN LEVEL FLOOR PLAN - EXISTING

# Floor Plan

THE PHILLIPS RESIDENCE - 455 PARK AVE, PARK CITY, UT



NORTH

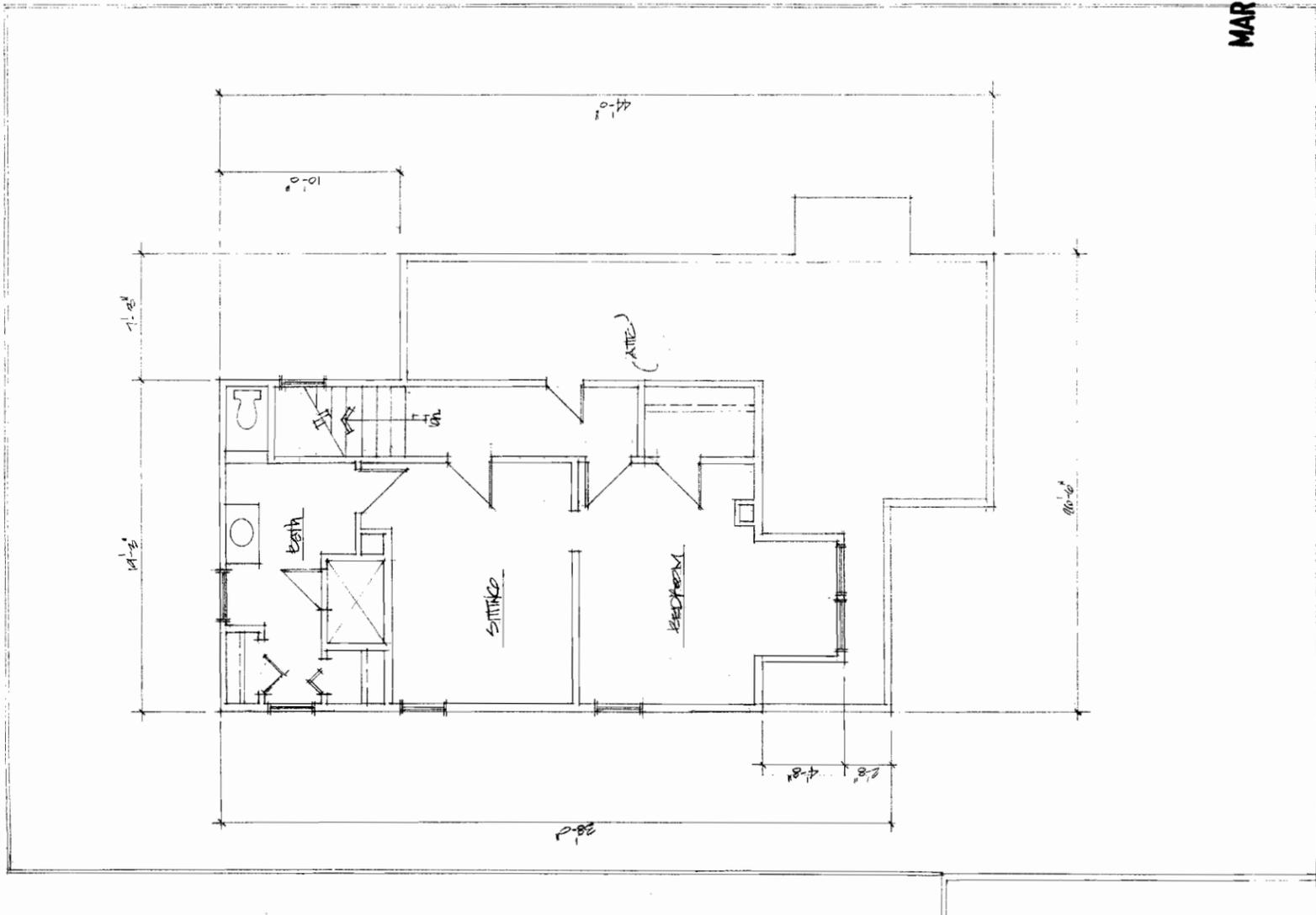
2200 Highway 224, Suite C-201, P.O. Box 2672, Park City, Utah 84090 (435) 649-6373  
OTTO WALKER Architects

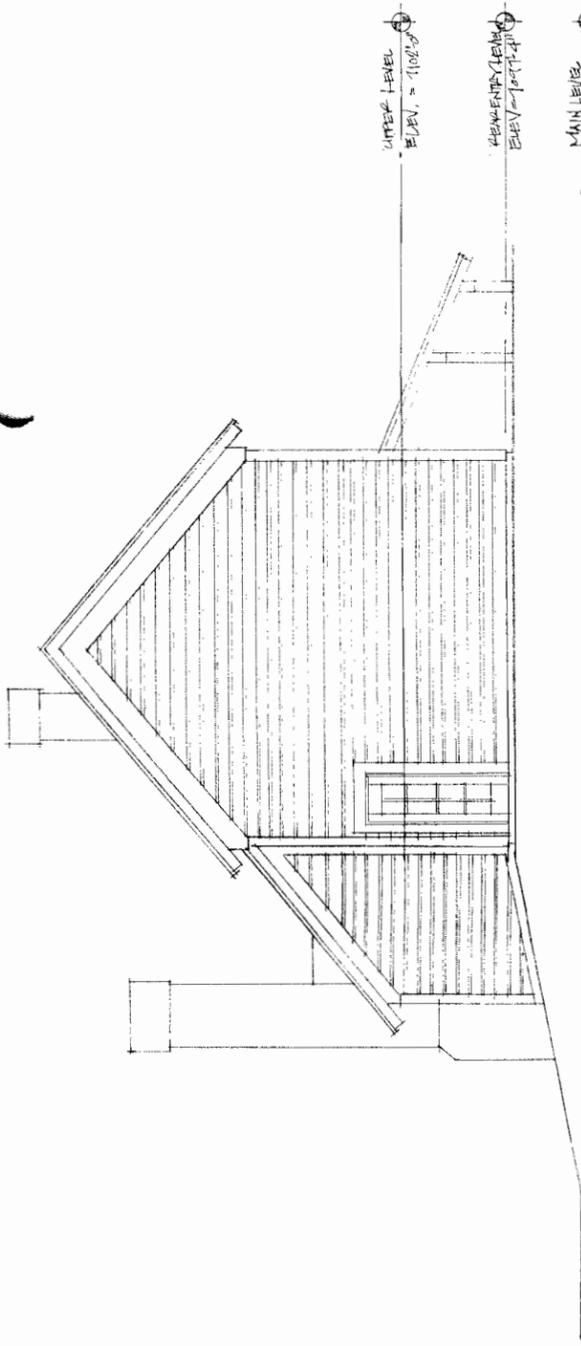
MAR 26 2012

MAR 26 2012

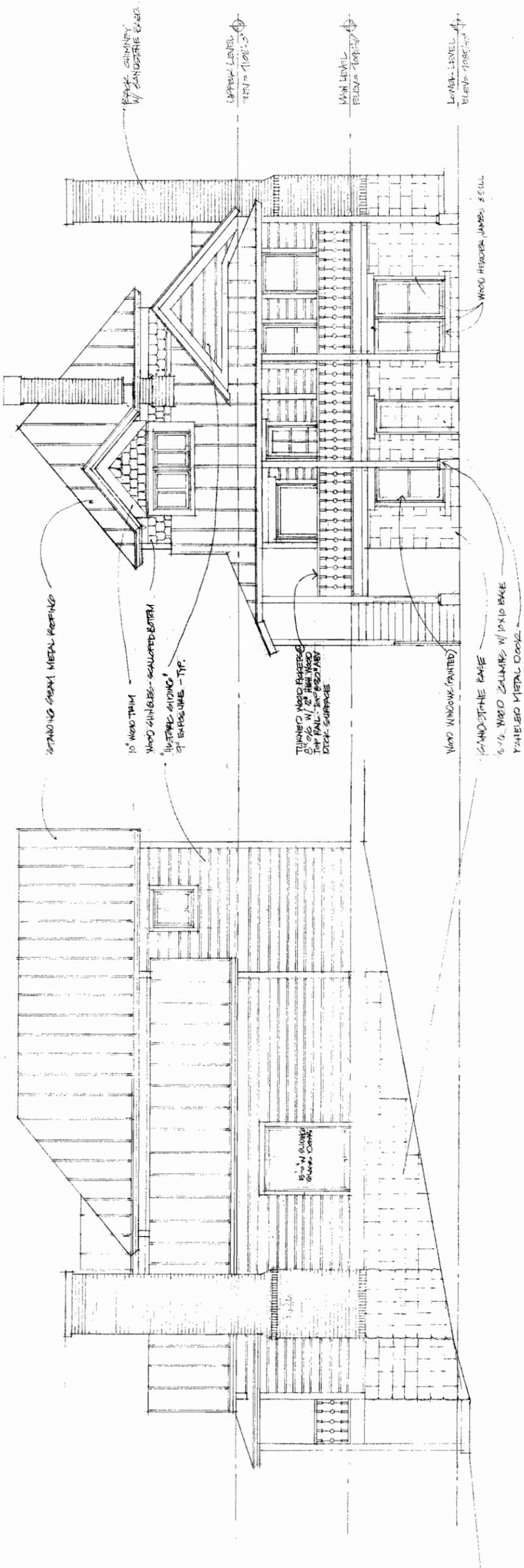
DATE 10-03-11

SCALE 1/4" = 1'-0"  
UPPER LEVEL FLOOR PLAN - EXISTING





WEST ELEVATION - EXISTING



NORTH ELEVATION - EXISTING

EAST ELEVATION - EXISTING

MAR 26 2012

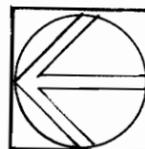
MAR 25 2012

SCALE: 1/4" = 1'-0" DATE: 10.14.11

# Elevation

THE PHILLIPS RESIDENCE - 455 PARK AVE, PARK CITY, UT

# Site Plan



NORTH

MAR 26 2012

MAR 25 2012

DATE: 12-7-11

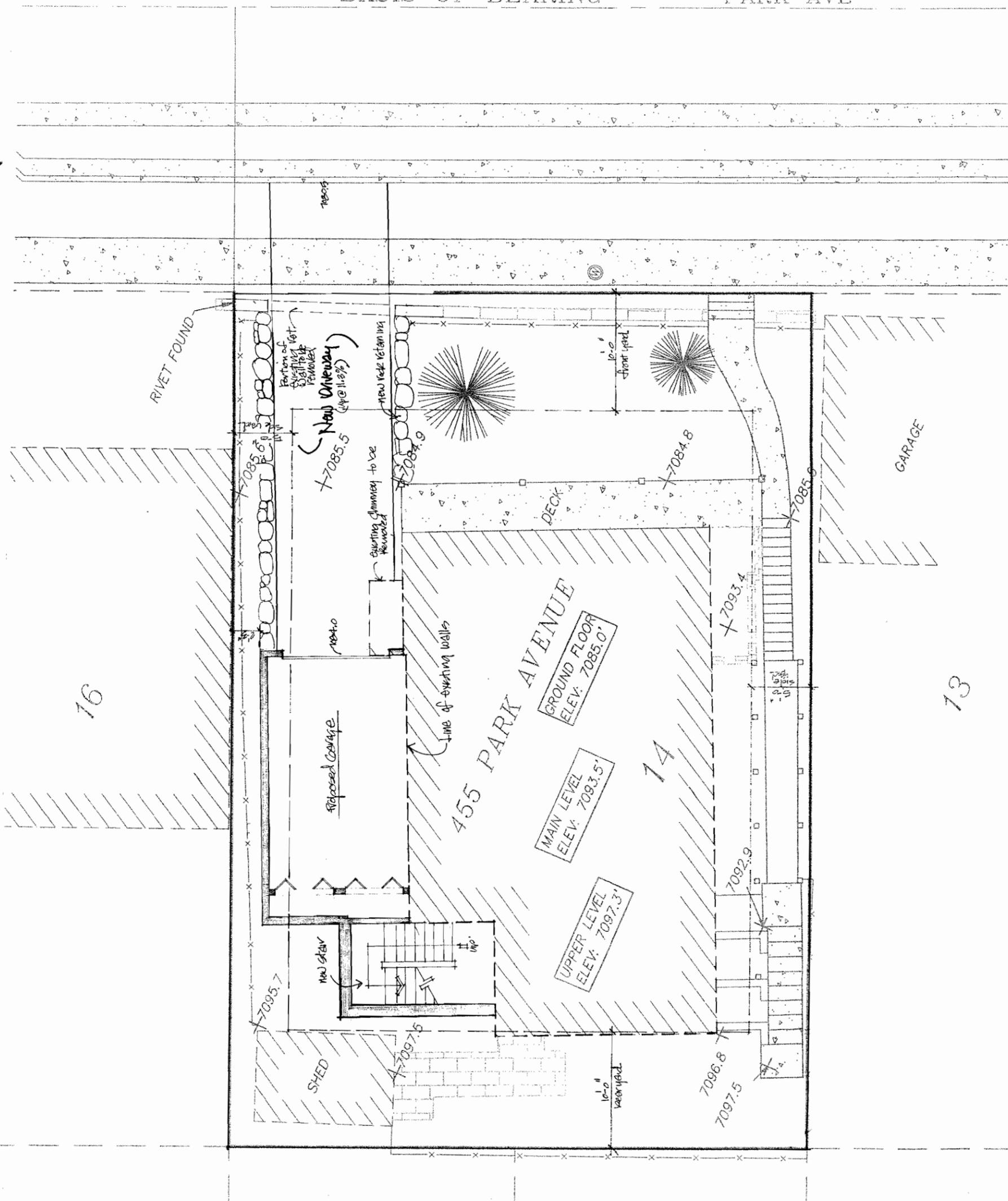
SCALE: 1/4" = 1'-0"

2200 Park Ave., Suite C201, Park City, Utah 84098 (435) 649-6373

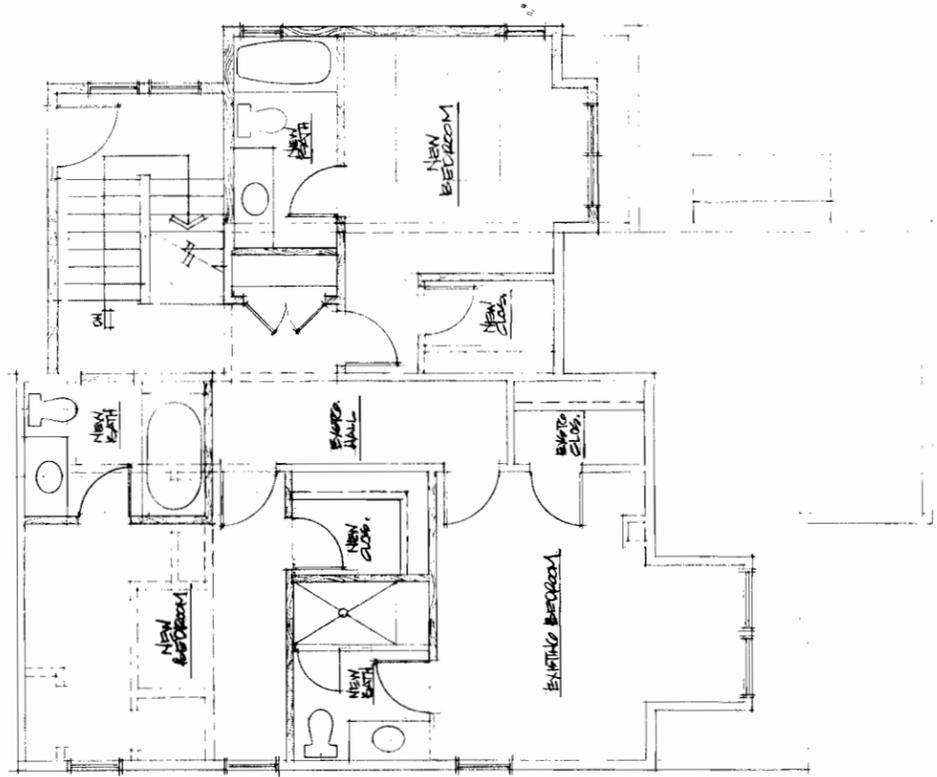
OTTO WALKER architects

~ BASIS OF BEARING ~

PARK AVE





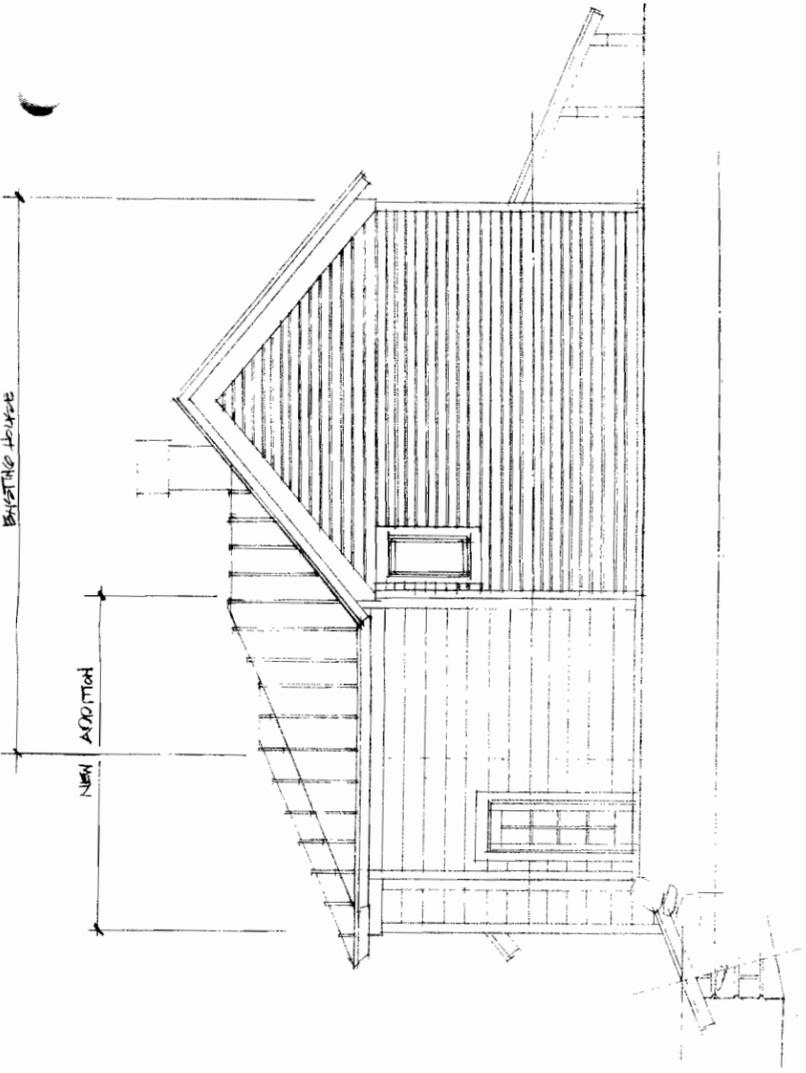


MAR 26 2012

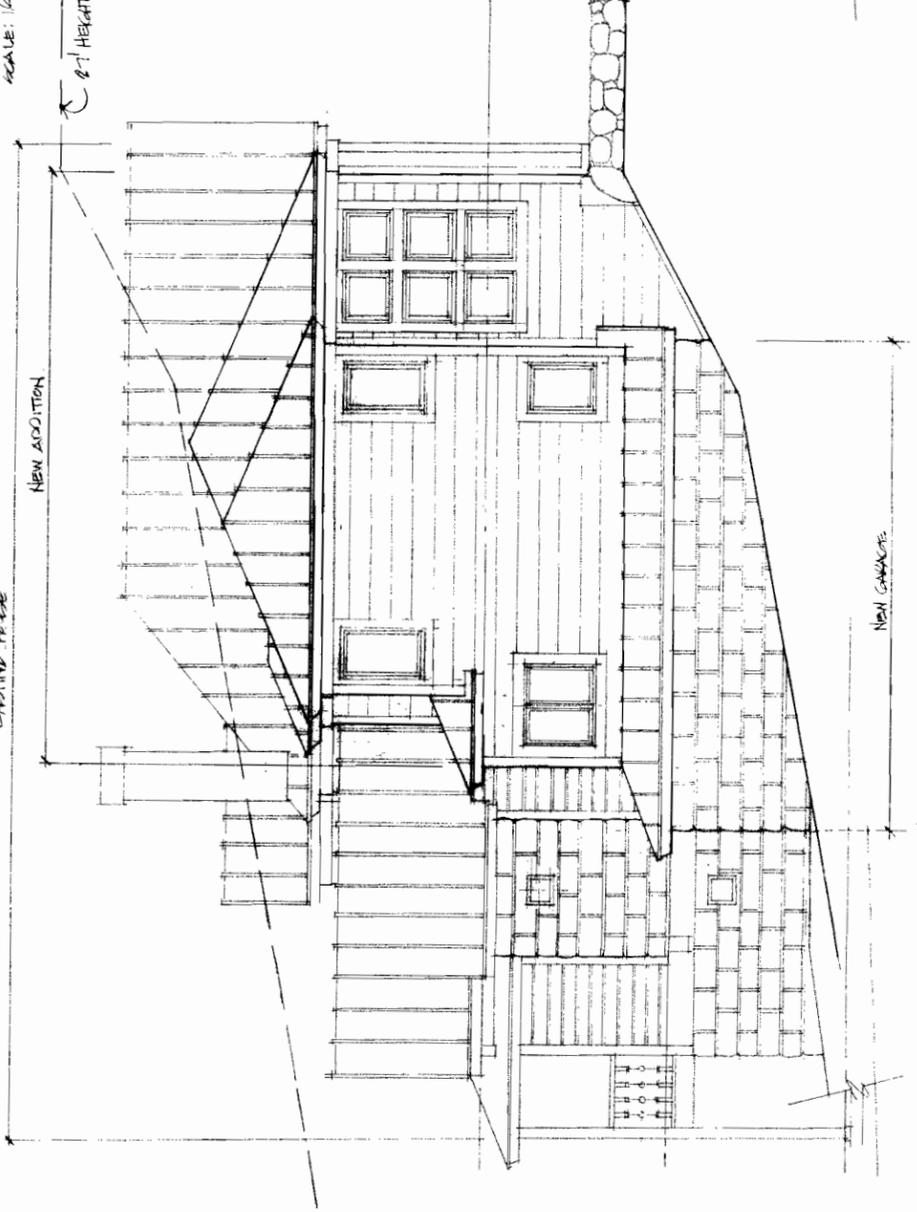
MAR 25 2012

WALL LEGEND:  
 ———— EXISTING WALLS REMAIN  
 - - - - EXISTING WALL TO BE REMOVED  
 [Pattern] NEW FRAMED WALL

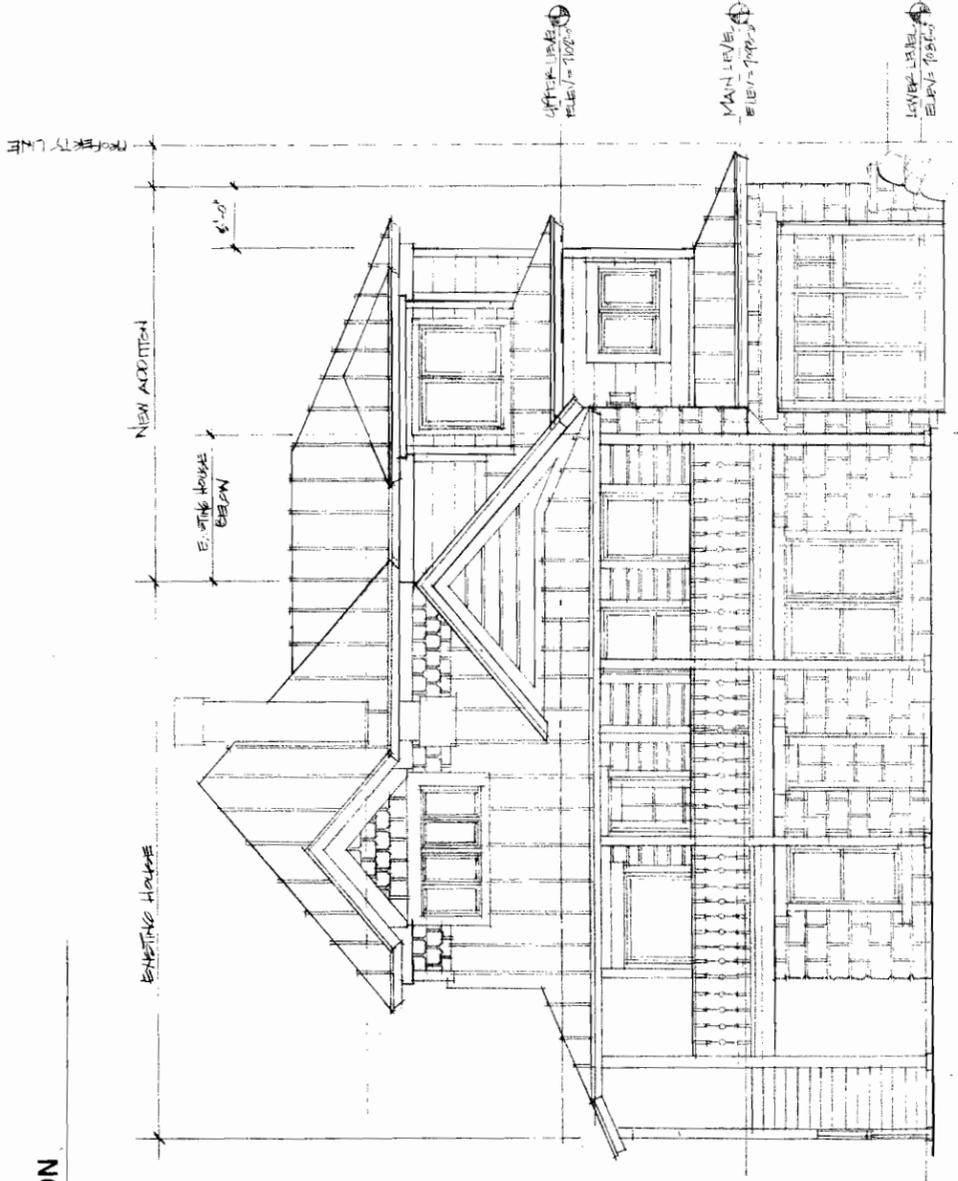
UPPER LEVEL FLOOR PLAN  
 SCALE: 1/4" = 1'-0"  
 NORTH



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



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



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

MAR 25 2012

MAR 26 2012

OTTO WALKER Architects  
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Project: THE PHILLIPS RESIDENCE ADDITION  
455 PARK AVE, PARK CITY, UT

Date:  
Revisions:

Sheet No.:



RESIDENTIAL  
PARKING  
BY PERMIT ONLY  
455 PARK AVE

455

# Planning Commission Staff Report



**Subject:** 543 Woodside Avenue  
**Project #:** PL-12-01487  
**Author:** Mathew Evans, Senior Planner  
**Date:** June 27, 2012  
**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 543 Woodside Avenue. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

## Description

**Applicant/Owner:** Steve Maxwell  
**Architect:** Jonathan DeGray  
**Location:** 543 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

The applicant is proposing an addition to an existing Landmark Structure located within the HR-1 Zone designation. The applicant's proposal includes a subterranean (basement) level underneath the existing home as well as a new rear addition. The existing home is 2,025 square feet, and the proposed addition adds 2,155 square feet. The existing footprint of the home is 1,072 square feet, and the allowed total footprint is 1,519 square feet. The proposed additional footprint is 446 square feet equaling a total footprint of 1518. All additions to homes or new construction that exceeds 1,000 square feet on a "steep slope" lot as defined by the LMC require a Conditional Use Permit.

## Background

Originally constructed in 1894, the 543 Woodside Avenue home is shown on the Historic Sites inventory as a "Landmark Site". The original mining-era home was originally noted to be a one-story home of 1,000 square feet with a 940 square foot basement, but has been altered overtime to include additions totaling 72 square feet. There is also a detached accessory structure located in back of the historic home. On September 3, 2008, the Historic Preservation Board (HPB) determined that the rear "outbuilding" met the criteria for being historically significant due to the fact it was originally constructed sometime between 1900 to 1927, and was noted on the Sanborn Insurance maps from that era.

The steepest portion of the lot is the rear where the slope is approximately forty percent (40%) within 20 feet of the rear property between the home and the property line. The overall slope of the lot is approximately twenty-eight percent (28%), and the lowest

slope area is within the front yard between the property line and the home which is approximately ten percent (10%).

On June 16, 2011, the applicant applied for a Historic District Design Review (HDDR) pre-application meeting before the Design Review Team (DRT). The applicant proposed adding a garage below the ground level floor of the home, as well as other improvements to the existing home. The DRT noted that a plat amendment would be necessary due to the fact that the home was built over two lots.

On March 29, 2012, the Park City Council approved a lot combination that had original reviewed by the Planning Commission on March 14, 2012. The lot combination was necessary due to the fact that the existing home straddled two old-town lots. As a condition of approval, the Plat must be recorded within one year of approval and prior to the issuance of any building permits.

**Analysis**

The existing building footprint is 1,072 square feet. Based on the lot size the allowed building footprint is 1,519. With the proposed additions the final building footprint will be 1,518. The existing structure is 1,942 square feet with a total of 2,025 square feet including the historic accessory building. Per LMC Section 15-15-1.35 (Building Footprint definition), accessory buildings listed on the Park City Historic Structures Inventory that are not expanded, enlarged or incorporated into the main building, are exempt from the building footprint calculation and maximum.

The total proposed home, accessory structure and addition will be a combined total of 4,180 square feet. The overall addition will be 2,155 square feet. The table below provides a breakdown of the square footage per floor:

Floor	Proposed floor area
Basement/ Garage	<ul style="list-style-type: none"> <li>▪ 752 square feet of living space</li> <li>▪ 486 square feet garage</li> </ul>
Lower (first floor)	1,486 square feet
Upper (second floor)	<ul style="list-style-type: none"> <li>▪ 278 square feet for accessory structure</li> <li>▪ 1,386 square feet of living space</li> </ul>
Overall area	4,180 square feet (includes basement area and accessory structure)

The proposed use of the accessory structure is home theater on the main level and a ski preparation room with a bathroom and closet on the upper level. These uses are considered accessory to the main structure.

**Existing Conditions - 543 Woodside Home**

- Lot Size: 3,750 square feet (lots 11 and 12 combined)
- Existing Home Size: 1,942 square feet
- Existing Footprint 1,072 square feet

- Accessory Structure: 278 square feet<sup>1</sup>
- Total Building Footprint: 1,350 square feet<sup>2</sup>
- Stories: 2 (Main level at grade, basement) table below says 3
- Setbacks: Front – 11'  
Rear - 29'  
Side (north) 3-4' (non-complying)  
Side (south) 9'
- Height: 26' (approximate)

Staff has made the following LMC related findings:

Requirement	LMC Requirement	Proposed
Building Footprint	1,519 square feet (based on lot area) <u>maximum</u>	1,518 square feet, <u>complies.</u>
*Front and Rear Yard	10 feet minimum (20 feet total)	15 feet (front), <u>complies.</u> 15 feet (rear), <u>complies.</u>
*Side Yard	5 feet minimum, (10 feet total)	*Various – see notes
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	The garage at is basement level and is exposed, basement is subterranean with distance of 37 feet away, <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.	9:12 for all primary roofs with minor roof elements ranging from 4:12 to 11:12 <u>complies.</u>
Parking	Two (2) off-street parking spaces required	There is no parking requirement for Historic homes in the HR-1 zone. Proposed is 1 - <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:

<sup>1</sup> Accessory Structure is “Historic” and does not count against the maximum allowed footprint per LMC Section 15-15-1.35 “Building Footprint” definition.

<sup>2</sup> Not calculated against the maximum allowed footprint (see above).

### Criteria 1: Location of Development.

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

The proposal is an addition to an existing landmark home. The addition includes a basement and garage, and rear addition to the home. The addition of the basement and garage will raise the home one foot (1) to accommodate the garage. The Historic District Design Standards allow for the home to be raised no more than two feet. The applicant is not requesting to move the existing structure from its current location. The proposed coverage is 47% of the overall lot. The rear basement addition will extend into an area that is current used as an at grade patio that extends from the rear accessory building. This at-grade area will now be a deck that is accessible from both the home and the accessory building. The applicant is not proposing to remove any existing trees or significant vegetation, and is proposing to plant 5 new trees and various shrubs and plants on the property (sheet A02 of Exhibit A).

### 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. The existing structure is an "up-hill" lot on the lower-end up "upper" Park Avenue. There are other buildings and structures further up-hill and to the south from the subject property. The home will only be raised by one additional foot and is below the maximum allowed height. There are no visual impacts to mitigate, and there are no additional measures that could be imposed to offer relief of any perceived impacts.

### 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 existing home has no current on-site parking. The proposed plans would provide one additional legal parking space. However, the proposed garage could provide space for two smaller cars parked in tandem, but the spaces as calculated would only provide for one legal space. Since the driveway will be built on the up-sloped side of the front of the lot, this will minimize the need to have a steep slope grade leading to the garage. The driveway will slope between 5.7% to 13.3" from the street to garage. The maximum slope allowed from the street to the parking space is 14%. The average grade of the driveway from the street to the garage is 9.5%. The grade of the driveway is mitigated by the use of "wing" walls or side retaining walls.

The stair case located on the front is being changed from the current layout as indicated on the site plan (Exhibit A). An encroachment agreement for the stairs will be required by the City Engineer prior to the issuance of a building permit for the portion of the staircase on the right-of-way.

#### Criteria 4: Terracing.

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

The only area that will be graded is the space between the existing historic home and the existing historic accessory structure, and between the accessory building and the north property line, thus causing some terracing between the rear property line and the north side-yard sloping toward the front. Other grading and terracing will accommodate the rear addition, and the applicant is proposing a new patio within the remaining area. Other than those areas noted above, no additional grading outside of the new driveway area will be necessary.

#### 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.**

Grading will be minimized by the fact that the majority of the addition to the existing home will be in the rear. The area that will be filled is minimal only to accommodate an approximately 100 square foot patio between two existing structures (the main home and the accessory structure). The proposal 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 underneath and to the rear of the home. The existing home sits above the street with a sloping front yard away from the home. The form of the historic home does not change, and the garage, which is a two-car garage, is subordinate in design to the main building as it will sit below the historic house. The prominence of the historic home on the lot will not change; the garage is a single-car garage and is completely covered by the existing structure with no protrusions out towards the street.

#### 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.**

With exception to the side-yard setback on the north property line, the existing home exceeds the front, side and rear yard minimum setbacks. The existing structure is setback eleven feet (11') away from the front property line, nine feet (9') from the south property line, and approximately twenty-nine (29') from the rear property line. The north side-yard setback is three to four feet (3-4') where five feet (5') is required. The reduced setback is due to the historic house, and is considered “valid complying” due to the historic designation of the home under Section 15-2.2-4 of the LMC. The addition to the home is along the south-side of the property with the nine-foot (9') setback is, and the applicant is proposing a five-foot (5') setback to the new foundation for the addition, as well as deck above it. The new foundation wall and deck will meet the minimum setback requirements, which is five-feet (5'). The rear addition will have a ten-foot (10') setback to the new foundation and deck.

The accessory structure, which is not proposed be moved, expanded or enlarged, and there is no proposed addition to, is approximately three feet (3') from the rear property line. Under the current standards as outlined in Section 15-2.2-3(G)(6) of the LMC, the required setbacks for accessory structures is five feet (5') behind the front façade of the main building, one-foot (1') setback from the rear property line, three feet (3') from any side-yard, and comprise of no more than fifty percent (50%) of the rear yard. The existing historic accessory building meets the minimum requirements under the current standards, and the addition to the main dwelling unit will still maintain all mi.

#### 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 existing house is horizontally situated on the lot. The majority of the addition to the home will be underneath (and below final grade) and not visible with the exception of the proposed garage. The addition to the rear of the home is not visible from the street, and the accessory structure nor it's roof peak are also visible from the street or by cross-canyon views. The existing 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 addition and the existing 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. The existing accessory building has an overall height of 24 feet from the existing grade, and thus is also compliant with current height requirements.

### **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 543 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 543 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 543 Woodside Avenue.
2. The property is within the Historic Residential (HR-1) District.
3. The property was recently approved as the 543 Woodside Avenue Subdivision, a parcel combination plat amendment.
4. The overall slope of the lot is approximately twenty-eight percent (28%) with the steepest portion of the lot within twenty-feet of the rear property line which has a slope of approximately forty percent (40%).

5. The Lot contains 3,750 square feet.
6. 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.
7. The Historic Site Inventory identifies the site as a Landmark site with a historic single family dwelling and historic accessory building on the lot.
8. Per LMC Section 15-15-1.35 (Building Footprint definition) the existing accessory structure is exempt from the maximum footprint calculations due to the fact that it was previously determined to be a historic structure.
9. The proposed use of the accessory structure is home theater on the main level and a ski preparation room with a bathroom and closet on the upper level. These uses are considered accessory to the main structure
10. The proposal consists of a 2,155 square feet addition to the existing single family dwelling. The historic structure is 2,025 square feet. The overall proposed square footage is 4,180 square feet which includes the accessory structure.
11. The area of the lot is 3,750 square feet which allows an overall building footprint of 1,519 square feet.
12. A building footprint of 1,518 square feet is proposed.
13. With the proposed addition the home will be three (3) stories, including a basement addition underneath the historic structure, which includes a one (1) car garage, as well as a rear addition.
14. The applicant submitted a visual analysis, including a model, and renderings showing a contextual analysis of visual impacts.
15. The proposed structure cannot be seen from the key vantage points as indicated in the LMC Section 15-15-1.283.
16. The property has one (1) side-yard setback between the historic existing main dwelling and the north side property line which is less than the zone minimum of 5'. However, the current setback of is considered "valid complying" due to the historic designation of the home under Section 15-2.2-4 of the LMC.
17. The rear addition is proposed along the south side-yard setback that is currently nine-feet (9') and the new proposed foundation to the rear of the home will extend to within five feet (5'), which is the minimum setback.
18. The proposed design incorporates a driveway from Woodside Avenue towards the area underneath the historic structure.
19. Retaining is necessary only at the front-yard where the driveway leads to the garage. This retaining wall does not exceed six feet (6') in height from final grade within the front yard area.
20. 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.
21. The site design, stepping of the building mass, building footprint, and increased setbacks maximize the opportunity for open area and natural vegetation to remain.
22. The proposed addition steps with the slope as it rises with the depth of the lot.
23. 3,150 square feet of the total 4,180 square feet of building space is above ground, which equates to 75%.
24. Approximately 1,238 square feet of building space is under ground, which equates to twenty-five percent (25%).

25. The garage is below existing grade and is eleven feet (11') from the front property line.
26. The proposed minimum south side-yard setback is five feet (5') to the new foundation wall.
27. There is no addition to the north side-yard property line which is currently four feet (4').
28. The rear-yard setback to the rear addition is ten feet (10').
29. The proposed massing and architectural design components are compatible with both the volume and massing of single family dwellings in the area.
30. 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.
31. The findings in the Analysis section of this report are incorporated herein.
32. 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 June 27, 2013, if a building permit has not been issued by the Building Department before the expiration date, unless a complete application for an extension of this approval is made in writing and the extension has been granted by the Planning Director. A second extension may be requested from the Planning Commission.
10. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission.
11. All retaining walls within any of the setback areas shall not exceed more than six feet in height measured from final grade.
12. The 543 Woodside Avenue Plat must be recorded prior to the issuance of any building permits for the addition to the home.
13. An encroachment agreement for the stairs will be required by the City Engineer prior to the issuance of a building permit.

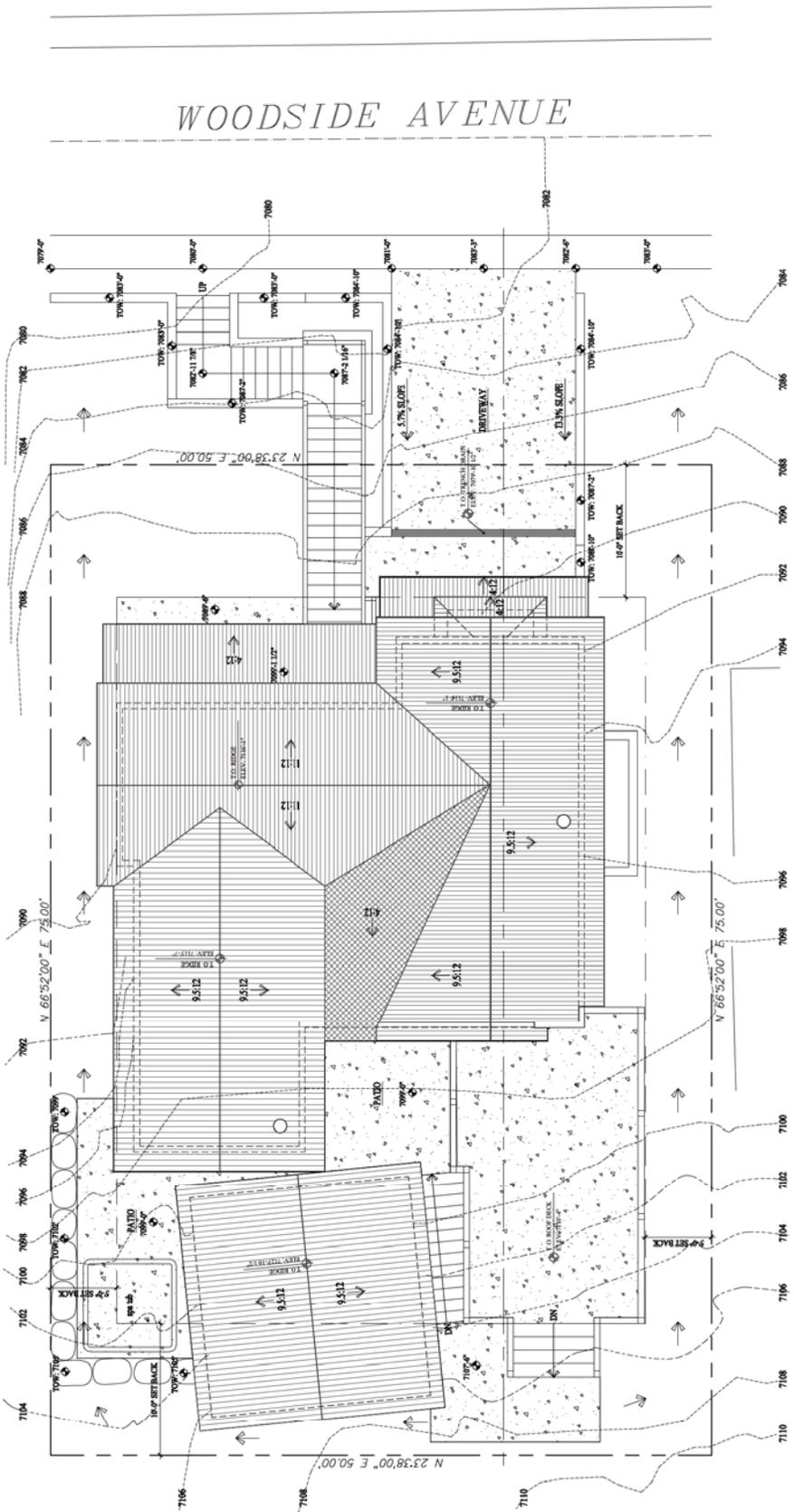
### **Exhibits**

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

Exhibit B - Visual Analysis







ARCHITECTURAL SITE PLAN  
SCALE: 1/4" = 1'-0"

THE SEED PALETTE SHALL BE UTILIZED IN AREAS SPECIFIED ON THIS PLAN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE SELECTION OF SPECIES AND VARIETALS TO BE PLANTED. THE SEED PALETTE SHALL BE UTILIZED IN AREAS SPECIFIED ON THIS PLAN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE SELECTION OF SPECIES AND VARIETALS TO BE PLANTED.

### PERENNIAL PLANTING & HYDROSEEDING PALETTE

SYMBOL	REF #	QUANTITY	SCIENTIFIC NAME	COMMON NAME	SIZE	SPACING	COMMENTS
(1)	1	5	AGAVE PARVIFLORA	SMALL AGAVE	1 GAL.	12" x 12" O.C.	
(2)	2	5	AGAVE PARVIFLORA	SMALL AGAVE	1 GAL.	12" x 12" O.C.	
(3)	3	5	AGAVE PARVIFLORA	SMALL AGAVE	1 GAL.	12" x 12" O.C.	
(4)	4	5	AGAVE PARVIFLORA	SMALL AGAVE	1 GAL.	12" x 12" O.C.	
(5)	5	5	AGAVE PARVIFLORA	SMALL AGAVE	1 GAL.	12" x 12" O.C.	
(6)	6	5	AGAVE PARVIFLORA	SMALL AGAVE	1 GAL.	12" x 12" O.C.	
(7)	7	5	AGAVE PARVIFLORA	SMALL AGAVE	1 GAL.	12" x 12" O.C.	
(8)	8	5	AGAVE PARVIFLORA	SMALL AGAVE	1 GAL.	12" x 12" O.C.	
(9)	9	5	AGAVE PARVIFLORA	SMALL AGAVE	1 GAL.	12" x 12" O.C.	
(10)	10	5	AGAVE PARVIFLORA	SMALL AGAVE	1 GAL.	12" x 12" O.C.	
(11)	11	5	AGAVE PARVIFLORA	SMALL AGAVE	1 GAL.	12" x 12" O.C.	
(12)	12	5	AGAVE PARVIFLORA	SMALL AGAVE	1 GAL.	12" x 12" O.C.	
(13)	13	5	AGAVE PARVIFLORA	SMALL AGAVE	1 GAL.	12" x 12" O.C.	
(14)	14	5	AGAVE PARVIFLORA	SMALL AGAVE	1 GAL.	12" x 12" O.C.	
(15)	15	5	AGAVE PARVIFLORA	SMALL AGAVE	1 GAL.	12" x 12" O.C.	
(16)	16	5	AGAVE PARVIFLORA	SMALL AGAVE	1 GAL.	12" x 12" O.C.	
(17)	17	5	AGAVE PARVIFLORA	SMALL AGAVE	1 GAL.	12" x 12" O.C.	
(18)	18	5	AGAVE PARVIFLORA	SMALL AGAVE	1 GAL.	12" x 12" O.C.	
(19)	19	5	AGAVE PARVIFLORA	SMALL AGAVE	1 GAL.	12" x 12" O.C.	
(20)	20	5	AGAVE PARVIFLORA	SMALL AGAVE	1 GAL.	12" x 12" O.C.	
(21)	21	5	AGAVE PARVIFLORA	SMALL AGAVE	1 GAL.	12" x 12" O.C.	
(22)	22	5	AGAVE PARVIFLORA	SMALL AGAVE	1 GAL.	12" x 12" O.C.	
(23)	23	5	AGAVE PARVIFLORA	SMALL AGAVE	1 GAL.	12" x 12" O.C.	
(24)	24	5	AGAVE PARVIFLORA	SMALL AGAVE	1 GAL.	12" x 12" O.C.	
(25)	25	5	AGAVE PARVIFLORA	SMALL AGAVE	1 GAL.	12" x 12" O.C.	
(26)	26	5	AGAVE PARVIFLORA	SMALL AGAVE	1 GAL.	12" x 12" O.C.	
(27)	27	5	AGAVE PARVIFLORA	SMALL AGAVE	1 GAL.	12" x 12" O.C.	
(28)	28	5	AGAVE PARVIFLORA	SMALL AGAVE	1 GAL.	12" x 12" O.C.	
(29)	29	5	AGAVE PARVIFLORA	SMALL AGAVE	1 GAL.	12" x 12" O.C.	
(30)	30	5	AGAVE PARVIFLORA	SMALL AGAVE	1 GAL.	12" x 12" O.C.	
(31)	31	5	AGAVE PARVIFLORA	SMALL AGAVE	1 GAL.	12" x 12" O.C.	
(32)	32	5	AGAVE PARVIFLORA	SMALL AGAVE	1 GAL.	12" x 12" O.C.	
(33)	33	5	AGAVE PARVIFLORA	SMALL AGAVE	1 GAL.	12" x 12" O.C.	
(34)	34	5	AGAVE PARVIFLORA	SMALL AGAVE	1 GAL.	12" x 12" O.C.	
(35)	35	5	AGAVE PARVIFLORA	SMALL AGAVE	1 GAL.	12" x 12" O.C.	
(36)	36	5	AGAVE PARVIFLORA	SMALL AGAVE	1 GAL.	12" x 12" O.C.	
(37)	37	5	AGAVE PARVIFLORA	SMALL AGAVE	1 GAL.	12" x 12" O.C.	
(38)	38	5	AGAVE PARVIFLORA	SMALL AGAVE	1 GAL.	12" x 12" O.C.	
(39)	39	5	AGAVE PARVIFLORA	SMALL AGAVE	1 GAL.	12" x 12" O.C.	
(40)	40	5	AGAVE PARVIFLORA	SMALL AGAVE	1 GAL.	12" x 12" O.C.	
(41)	41	5	AGAVE PARVIFLORA	SMALL AGAVE	1 GAL.	12" x 12" O.C.	
(42)	42	5	AGAVE PARVIFLORA	SMALL AGAVE	1 GAL.	12" x 12" O.C.	
(43)	43	5	AGAVE PARVIFLORA	SMALL AGAVE	1 GAL.	12" x 12" O.C.	
(44)	44	5	AGAVE PARVIFLORA	SMALL AGAVE	1 GAL.	12" x 12" O.C.	
(45)	45	5	AGAVE PARVIFLORA	SMALL AGAVE	1 GAL.	12" x 12" O.C.	
(46)	46	5	AGAVE PARVIFLORA	SMALL AGAVE	1 GAL.	12" x 12" O.C.	
(47)	47	5	AGAVE PARVIFLORA	SMALL AGAVE	1 GAL.	12" x 12" O.C.	
(48)	48	5	AGAVE PARVIFLORA	SMALL AGAVE	1 GAL.	12" x 12" O.C.	
(49)	49	5	AGAVE PARVIFLORA	SMALL AGAVE	1 GAL.	12" x 12" O.C.	
(50)	50	5	AGAVE PARVIFLORA	SMALL AGAVE	1 GAL.	12" x 12" O.C.	

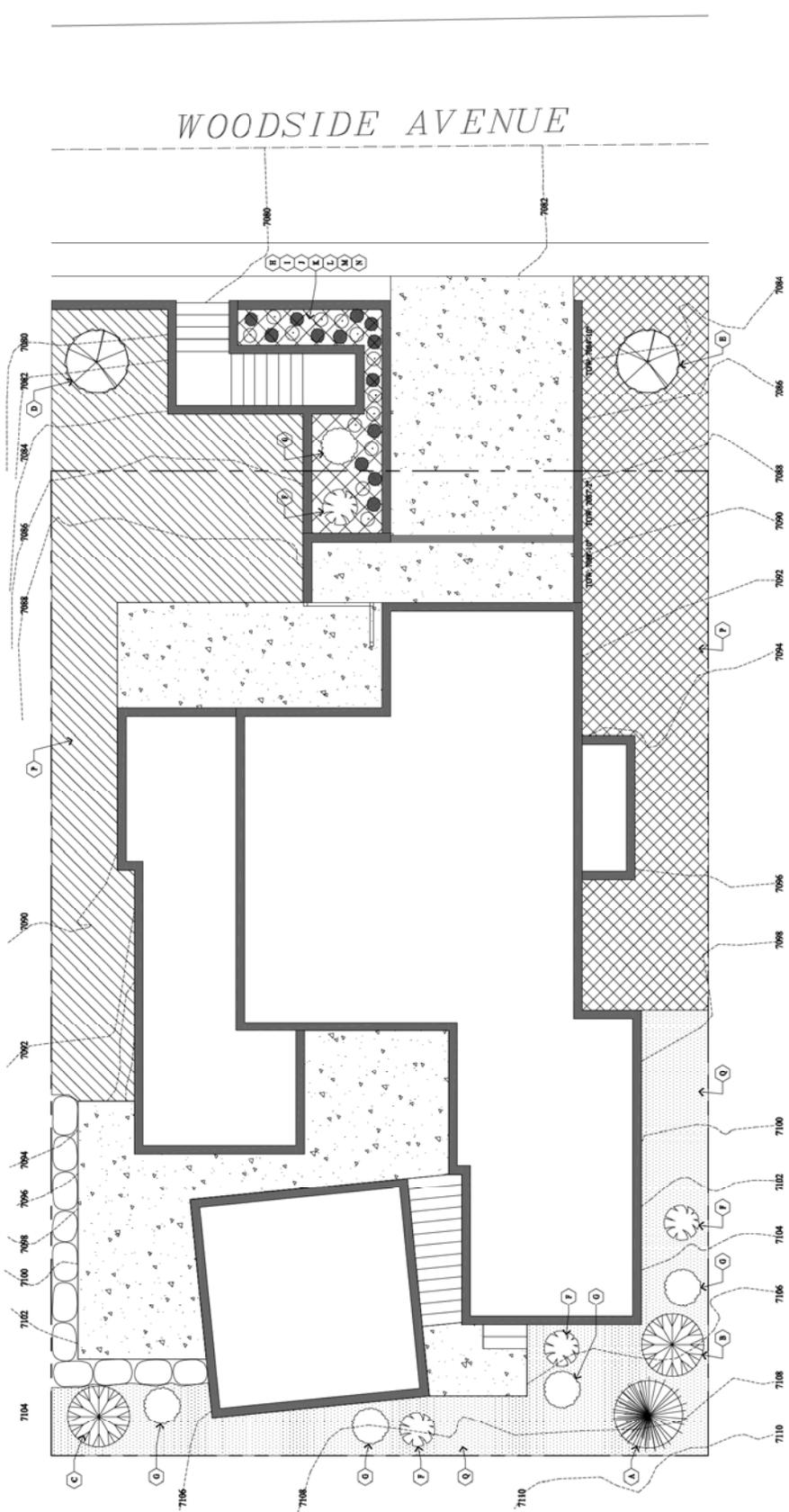
### PLANT SCHEDULE

#### TREES AND SHRUBS

SYMBOL	REF #	QUANTITY	SCIENTIFIC NAME	COMMON NAME	SIZE	SPACING	COMMENTS
(A)	1	1	ABIES CONCOLOR	WESTERN WHITE PINE	14" x 14"	12" O.C.	
(B)	2	1	ABIES CONCOLOR	WESTERN WHITE PINE	14" x 14"	12" O.C.	
(C)	3	1	ABIES CONCOLOR	WESTERN WHITE PINE	14" x 14"	12" O.C.	
(D)	4	1	ABIES CONCOLOR	WESTERN WHITE PINE	14" x 14"	12" O.C.	
(E)	5	1	ABIES CONCOLOR	WESTERN WHITE PINE	14" x 14"	12" O.C.	
(F)	6	1	ABIES CONCOLOR	WESTERN WHITE PINE	14" x 14"	12" O.C.	
(G)	7	1	ABIES CONCOLOR	WESTERN WHITE PINE	14" x 14"	12" O.C.	
(H)	8	1	ABIES CONCOLOR	WESTERN WHITE PINE	14" x 14"	12" O.C.	
(I)	9	1	ABIES CONCOLOR	WESTERN WHITE PINE	14" x 14"	12" O.C.	
(J)	10	1	ABIES CONCOLOR	WESTERN WHITE PINE	14" x 14"	12" O.C.	
(K)	11	1	ABIES CONCOLOR	WESTERN WHITE PINE	14" x 14"	12" O.C.	
(L)	12	1	ABIES CONCOLOR	WESTERN WHITE PINE	14" x 14"	12" O.C.	
(M)	13	1	ABIES CONCOLOR	WESTERN WHITE PINE	14" x 14"	12" O.C.	
(N)	14	1	ABIES CONCOLOR	WESTERN WHITE PINE	14" x 14"	12" O.C.	
(O)	15	1	ABIES CONCOLOR	WESTERN WHITE PINE	14" x 14"	12" O.C.	
(P)	16	1	ABIES CONCOLOR	WESTERN WHITE PINE	14" x 14"	12" O.C.	
(Q)	17	1	ABIES CONCOLOR	WESTERN WHITE PINE	14" x 14"	12" O.C.	
(R)	18	1	ABIES CONCOLOR	WESTERN WHITE PINE	14" x 14"	12" O.C.	
(S)	19	1	ABIES CONCOLOR	WESTERN WHITE PINE	14" x 14"	12" O.C.	
(T)	20	1	ABIES CONCOLOR	WESTERN WHITE PINE	14" x 14"	12" O.C.	
(U)	21	1	ABIES CONCOLOR	WESTERN WHITE PINE	14" x 14"	12" O.C.	
(V)	22	1	ABIES CONCOLOR	WESTERN WHITE PINE	14" x 14"	12" O.C.	
(W)	23	1	ABIES CONCOLOR	WESTERN WHITE PINE	14" x 14"	12" O.C.	
(X)	24	1	ABIES CONCOLOR	WESTERN WHITE PINE	14" x 14"	12" O.C.	
(Y)	25	1	ABIES CONCOLOR	WESTERN WHITE PINE	14" x 14"	12" O.C.	
(Z)	26	1	ABIES CONCOLOR	WESTERN WHITE PINE	14" x 14"	12" O.C.	
(AA)	27	1	ABIES CONCOLOR	WESTERN WHITE PINE	14" x 14"	12" O.C.	
(AB)	28	1	ABIES CONCOLOR	WESTERN WHITE PINE	14" x 14"	12" O.C.	
(AC)	29	1	ABIES CONCOLOR	WESTERN WHITE PINE	14" x 14"	12" O.C.	
(AD)	30	1	ABIES CONCOLOR	WESTERN WHITE PINE	14" x 14"	12" O.C.	
(AE)	31	1	ABIES CONCOLOR	WESTERN WHITE PINE	14" x 14"	12" O.C.	
(AF)	32	1	ABIES CONCOLOR	WESTERN WHITE PINE	14" x 14"	12" O.C.	
(AG)	33	1	ABIES CONCOLOR	WESTERN WHITE PINE	14" x 14"	12" O.C.	
(AH)	34	1	ABIES CONCOLOR	WESTERN WHITE PINE	14" x 14"	12" O.C.	
(AI)	35	1	ABIES CONCOLOR	WESTERN WHITE PINE	14" x 14"	12" O.C.	
(AJ)	36	1	ABIES CONCOLOR	WESTERN WHITE PINE	14" x 14"	12" O.C.	
(AK)	37	1	ABIES CONCOLOR	WESTERN WHITE PINE	14" x 14"	12" O.C.	
(AL)	38	1	ABIES CONCOLOR	WESTERN WHITE PINE	14" x 14"	12" O.C.	
(AM)	39	1	ABIES CONCOLOR	WESTERN WHITE PINE	14" x 14"	12" O.C.	
(AN)	40	1	ABIES CONCOLOR	WESTERN WHITE PINE	14" x 14"	12" O.C.	
(AO)	41	1	ABIES CONCOLOR	WESTERN WHITE PINE	14" x 14"	12" O.C.	
(AP)	42	1	ABIES CONCOLOR	WESTERN WHITE PINE	14" x 14"	12" O.C.	
(AQ)	43	1	ABIES CONCOLOR	WESTERN WHITE PINE	14" x 14"	12" O.C.	
(AR)	44	1	ABIES CONCOLOR	WESTERN WHITE PINE	14" x 14"	12" O.C.	
(AS)	45	1	ABIES CONCOLOR	WESTERN WHITE PINE	14" x 14"	12" O.C.	
(AT)	46	1	ABIES CONCOLOR	WESTERN WHITE PINE	14" x 14"	12" O.C.	
(AU)	47	1	ABIES CONCOLOR	WESTERN WHITE PINE	14" x 14"	12" O.C.	
(AV)	48	1	ABIES CONCOLOR	WESTERN WHITE PINE	14" x 14"	12" O.C.	
(AW)	49	1	ABIES CONCOLOR	WESTERN WHITE PINE	14" x 14"	12" O.C.	
(AX)	50	1	ABIES CONCOLOR	WESTERN WHITE PINE	14" x 14"	12" O.C.	

### PLANTING NOTES

1. ALL PLANT MATERIAL SHALL BE INSTALLED AS PER DRAWINGS, DETAILS, AND SPECIFICATIONS.
2. ALL PLANT MATERIAL SHALL BE INSTALLED AS PER DRAWINGS, DETAILS, AND SPECIFICATIONS.
3. ALL PLANT MATERIAL SHALL BE INSTALLED AS PER DRAWINGS, DETAILS, AND SPECIFICATIONS.
4. CONTRACTOR SHALL VERIFY ALL QUANTITIES. IN CASE OF A DISCREPANCY, THE ILLUSTRATED LOCATIONS SHALL PREVAIL.
5. CONTRACTOR SHALL COORDINATE ALL PLANTING WITH IRRIGATION CONTRACTOR, AS NEEDED.
6. IN THE EVENT OF A DISCREPANCY, THE ARCHITECT OR OWNER'S REPRESENTATIVE SHALL BE NOTIFIED IMMEDIATELY.
7. NO SUBSTITUTIONS SHALL BE ALLOWED WITHOUT WRITTEN PERMISSION OF THE ARCHITECT OR OWNER.
8. SHRUBS SHALL BE RECEIVED AT THE SITE.
9. ALL SHRUBS SHALL BE SET IN 18" x 18" x 18" HOLE WITH 18" x 18" x 18" MULCH. IT SHALL BE SEPARATE FROM ALL OTHER PLANTING MATERIALS.
10. ALL PLANTING MATERIAL SHALL BE SET IN 18" x 18" x 18" HOLE WITH 18" x 18" x 18" MULCH. IT SHALL BE SEPARATE FROM ALL OTHER PLANTING MATERIALS.
11. ALL PLANTING MATERIAL SHALL BE SET IN 18" x 18" x 18" HOLE WITH 18" x 18" x 18" MULCH. IT SHALL BE SEPARATE FROM ALL OTHER PLANTING MATERIALS.
12. ALL PLANTING MATERIAL SHALL BE SET IN 18" x 18" x 18" HOLE WITH 18" x 18" x 18" MULCH. IT SHALL BE SEPARATE FROM ALL OTHER PLANTING MATERIALS.
13. ALL PLANTING MATERIAL SHALL BE SET IN 18" x 18" x 18" HOLE WITH 18" x 18" x 18" MULCH. IT SHALL BE SEPARATE FROM ALL OTHER PLANTING MATERIALS.



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

Jonathan DeGray  
Architect  
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MAXWELL RESIDENCE  
Historic District Design Review Application  
543 WOODSIDE AVENUE  
PARK CITY, UTAH 84060

LANDSCAPE PLAN

DATE: FEBRUARY 29, 2012  
PROJECT NUMBER: 1201-01  
SHEET NUMBER: A0.2



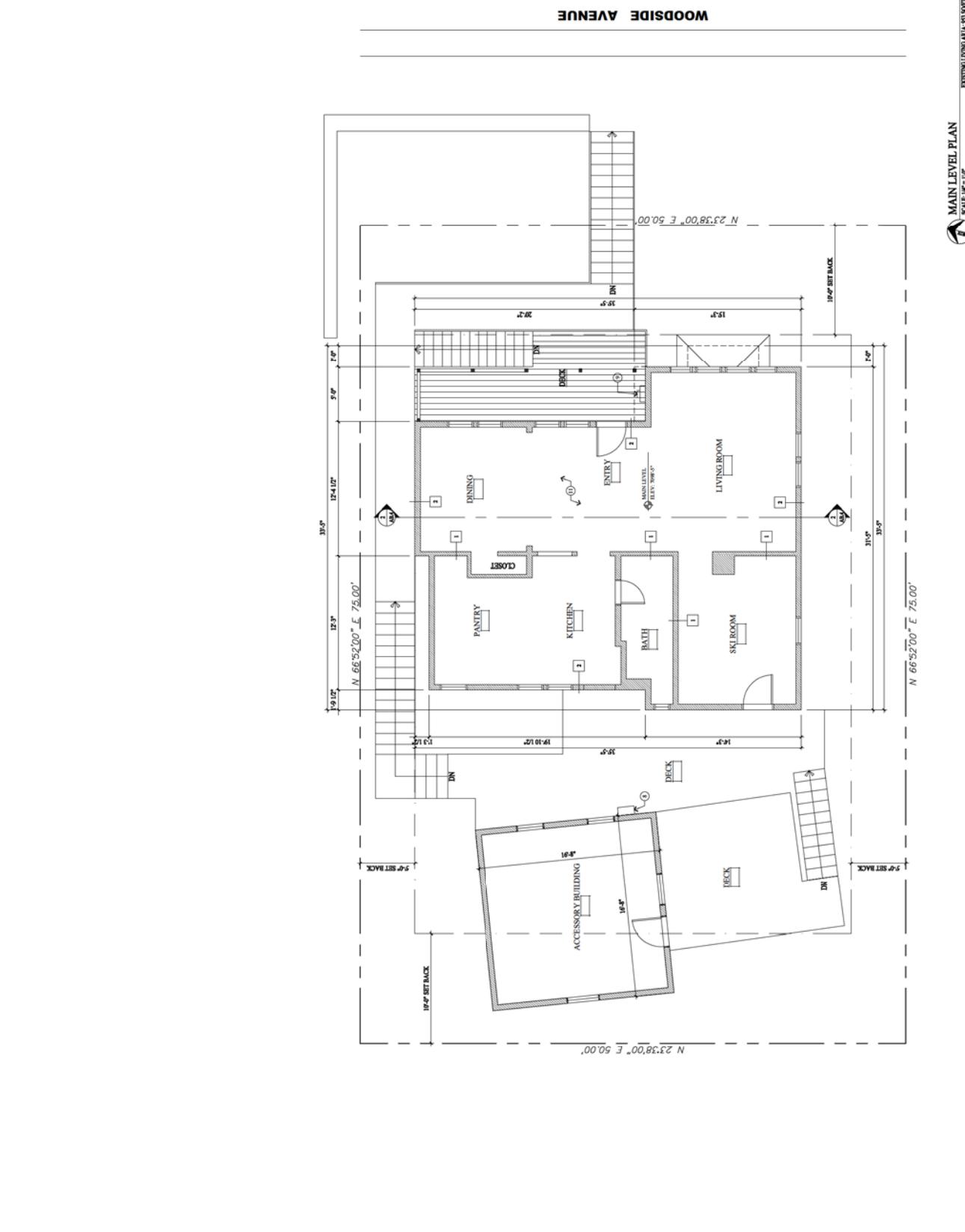
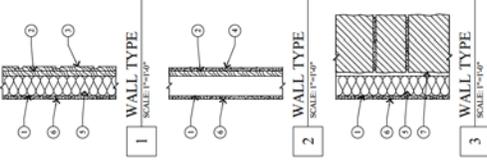
**GENERAL NOTES**

- 1 ALL DIMENSIONS ARE APPROXIMATE AND ARE TO BE FIELD VERIFIED PRIOR TO ANY CONSTRUCTION
- 2 EXISTING FRAMED WALL
- 3 EXISTING NON-HISTORIC CMU WALL
- 4 EXISTING HISTORIC STONE WALL

**KEY NOTES**

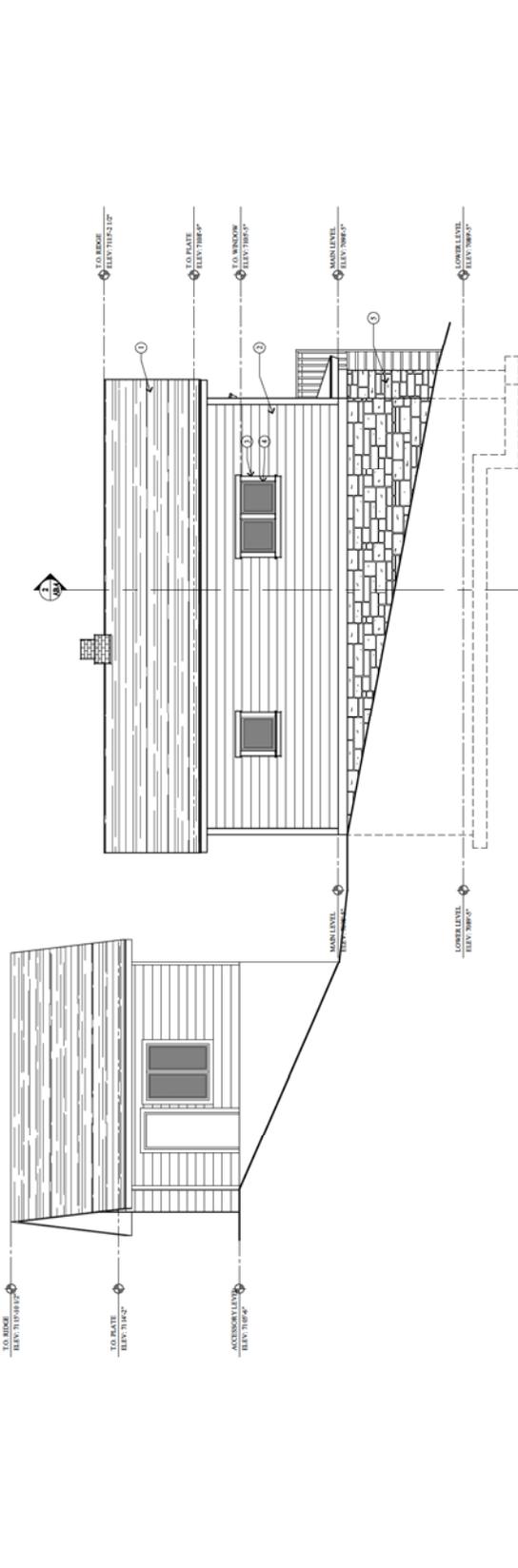
- 1 2x11 STUD @ 16" O.C.
- 2 1/2" MIN. INSULATION - HISTORIC
- 3 1/2" MIN. INSULATION - NON-HISTORIC
- 4 1/2" MIN. INSULATION - NON-HISTORIC
- 5 1/2" MIN. INSULATION - NON-HISTORIC
- 6 1/2" MIN. INSULATION - NON-HISTORIC
- 7 1/2" MIN. INSULATION - NON-HISTORIC
- 8 1/2" MIN. INSULATION - NON-HISTORIC
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- 75 1/2" MIN. INSULATION - NON-HISTORIC
- 76 1/2" MIN. INSULATION - NON-HISTORIC
- 77 1/2" MIN. INSULATION - NON-HISTORIC
- 78 1/2" MIN. INSULATION - NON-HISTORIC
- 79 1/2" MIN. INSULATION - NON-HISTORIC
- 80 1/2" MIN. INSULATION - NON-HISTORIC
- 81 1/2" MIN. INSULATION - NON-HISTORIC
- 82 1/2" MIN. INSULATION - NON-HISTORIC
- 83 1/2" MIN. INSULATION - NON-HISTORIC
- 84 1/2" MIN. INSULATION - NON-HISTORIC
- 85 1/2" MIN. INSULATION - NON-HISTORIC
- 86 1/2" MIN. INSULATION - NON-HISTORIC
- 87 1/2" MIN. INSULATION - NON-HISTORIC
- 88 1/2" MIN. INSULATION - NON-HISTORIC
- 89 1/2" MIN. INSULATION - NON-HISTORIC
- 90 1/2" MIN. INSULATION - NON-HISTORIC
- 91 1/2" MIN. INSULATION - NON-HISTORIC
- 92 1/2" MIN. INSULATION - NON-HISTORIC
- 93 1/2" MIN. INSULATION - NON-HISTORIC
- 94 1/2" MIN. INSULATION - NON-HISTORIC
- 95 1/2" MIN. INSULATION - NON-HISTORIC
- 96 1/2" MIN. INSULATION - NON-HISTORIC
- 97 1/2" MIN. INSULATION - NON-HISTORIC
- 98 1/2" MIN. INSULATION - NON-HISTORIC
- 99 1/2" MIN. INSULATION - NON-HISTORIC
- 100 1/2" MIN. INSULATION - NON-HISTORIC

**WALL TYPES**

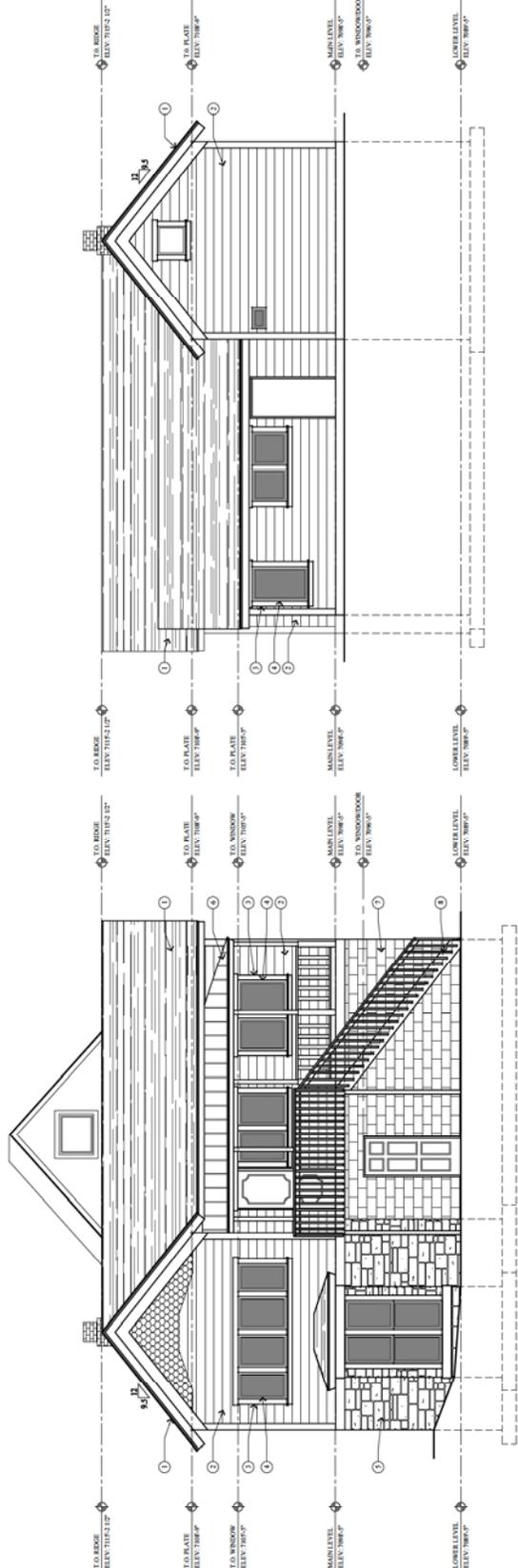


**KEY NOTES**

1. REMOVE ORIGINAL ROOF MEMBRANE OVER ALL WOOD OVER HISTORIC 2x8 SIP PLANK ROOF JOISTS @ 24" O.C.
2. REMOVE ORIGINAL ROOF MEMBRANE ON BRICKING. USE VERTICAL PLANK ON 2x4 STUDS @ 24" O.C.
3. REMOVE ALL TRIM, LACED DOORS AND WINDOWS WERE REPLACED AFTER IFR.
4. ALL ORIGINAL DOORS AND WINDOWS WERE REFRAMED TO MATCH ORIGINAL.
5. REBRICKED FRONT WALL - HISTORIC.
6. METAL ROOF OVER ROOF MEMBRANE OVER 2x8 SIP PLANK ROOF JOISTS @ 24" O.C. USE 3/8" PLANK.
7. 4" CMU WALL - NON HISTORIC.
8. WOOD STAIR AND RAILING.



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

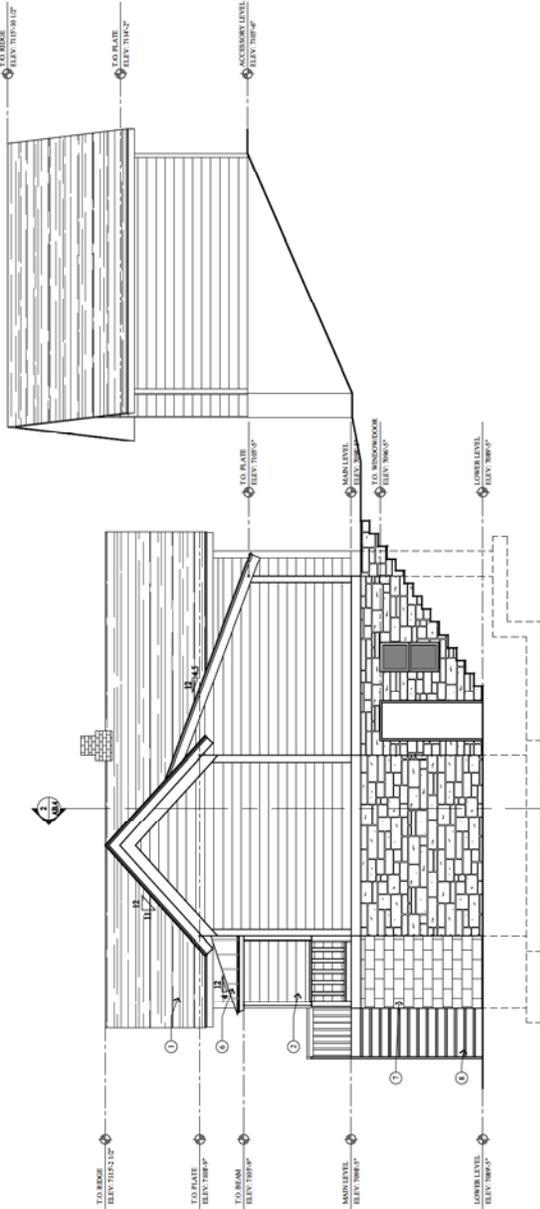


2 WEST ELEVATION  
SCALE: 1/4" = 1'-0"

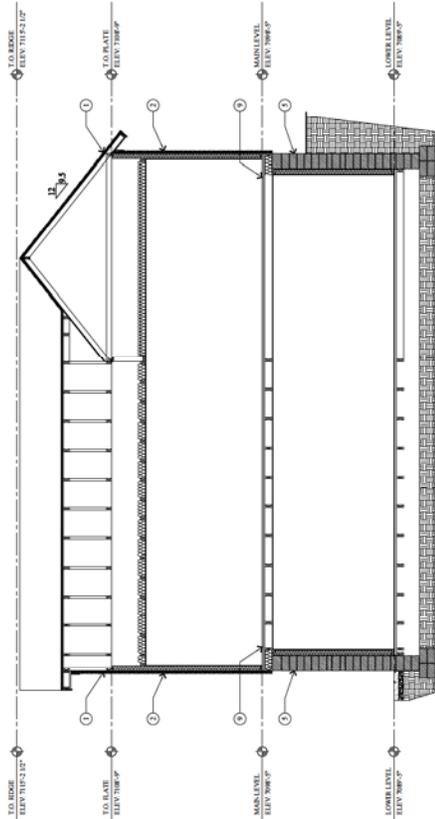
3 EAST ELEVATION  
SCALE: 1/4" = 1'-0"

**KEY NOTES**

1. REMOVE BRICKWORK OVER ROOF ADJACENT TO ROOF OVER 12" OF BRICKWORK OVER HISTORIC TO KEEP PLANK CORNER JOISTS @ 24" O.C.
2. BRICKWORK OVER HISTORIC TO KEEP HISTORIC HIST VERTICAL PLANK ON THE STUDS @ 24" O.C.
3. EXISTING WALL WITH LACED DOORS AND WINDOWS WERE REPLACED AFTER 1778.
4. ALL ORIGINAL DOORS AND WINDOWS WERE REBRICKED FROM WALL - HISTORIC.
5. METAL ROOF OVER ROOF ADJACENT OVER 12" OF BRICKWORK OVER HISTORIC TO KEEP PLANK @ 24" O.C.
6. WOOD STAIR AND RAILING.
7. 1/2" BRICK VENEER ON THE HISTORIC PLANKS ON THE HISTORIC FLOOR JOISTS @ 24" O.C.

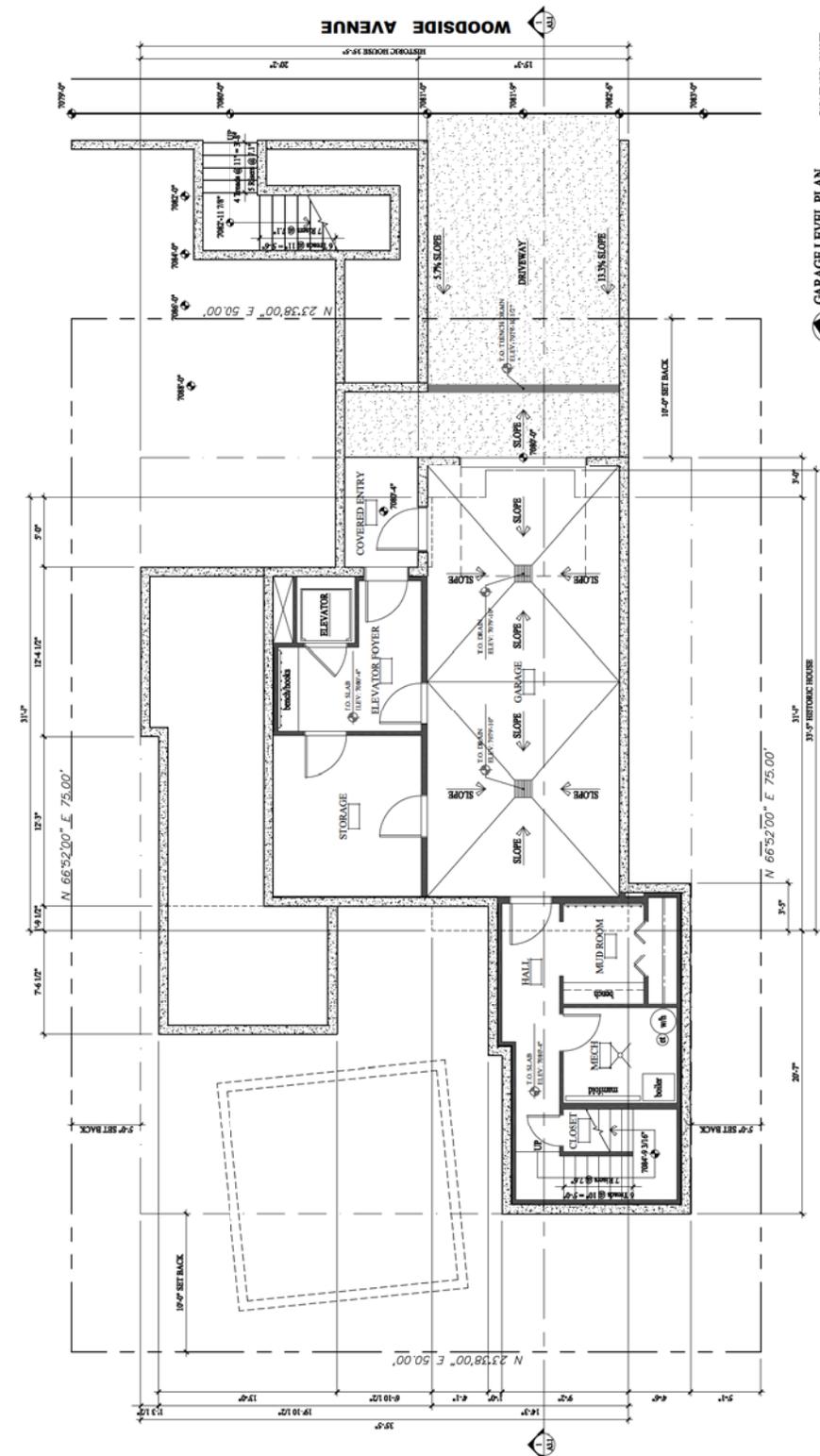


1 NORTH ELEVATION  
AB.4 SCALE: 1/8" = 1'-0"



2 WEST ELEVATION  
AB.4 SCALE: 1/8" = 1'-0"

**GENERAL NOTES**  
ALL DIMENSIONS ARE APPROXIMATE AND ARE TO BE FIELD VERIFIED PRIOR TO ANY CONSTRUCTION.  
EXISTING 24" FRAMED WALL  
NEW 24" FRAMED WALL  
NEW 8" CONCRETE WALL  
**KEY NOTES**

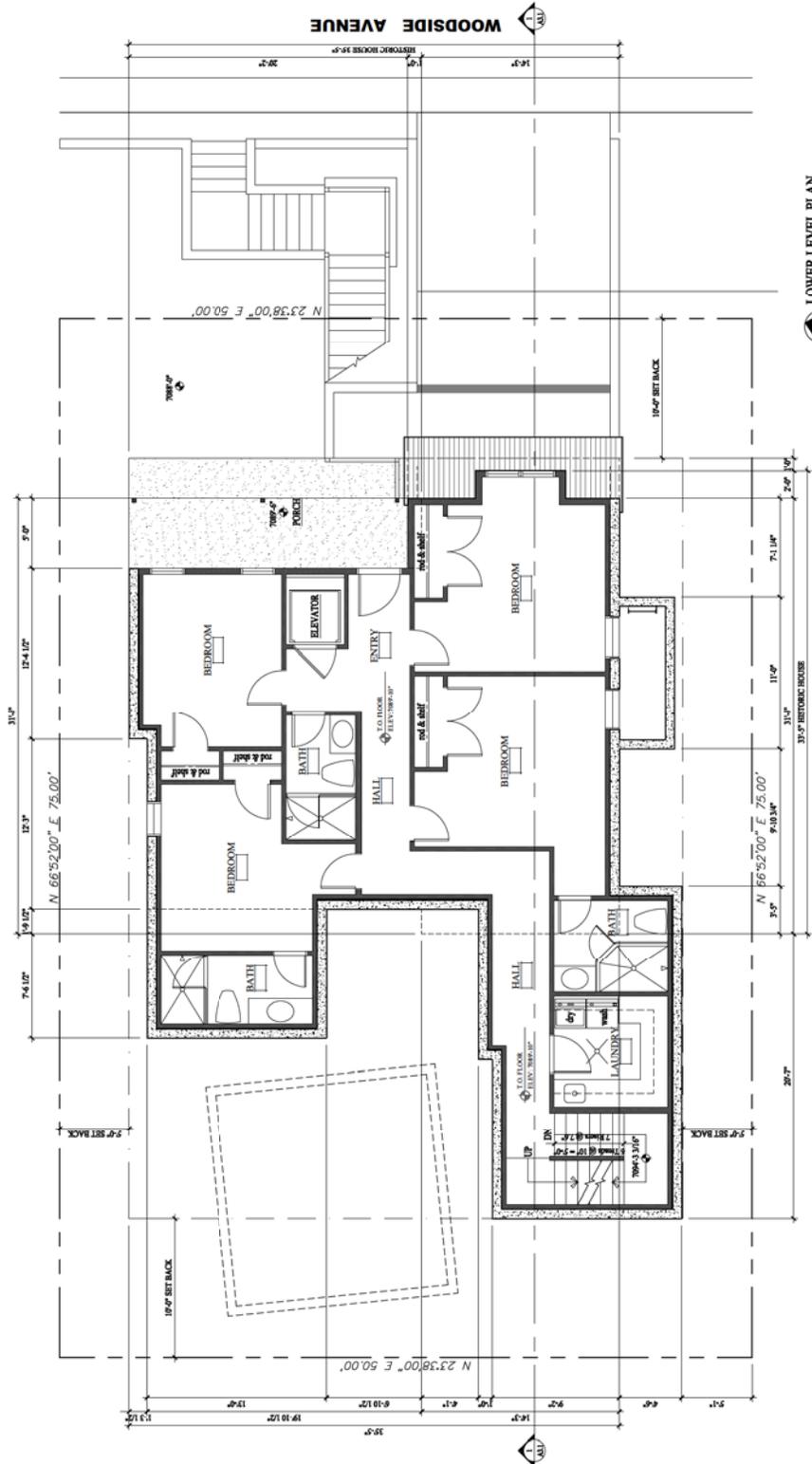


GARAGE LEVEL PLAN  
SCALE 1/4" = 1'-0"  
GARAGE AREA NOT TO SCALE

GENERAL NOTES

- ALL DIMENSIONS ARE APPROXIMATE AND ARE TO BE FIELD VERIFIED PRIOR TO ANY CONSTRUCTION
- EXISTING 2" FRAMED WALL
- NEW 2" FRAMED WALL
- NEW 8" CONCRETE WALL

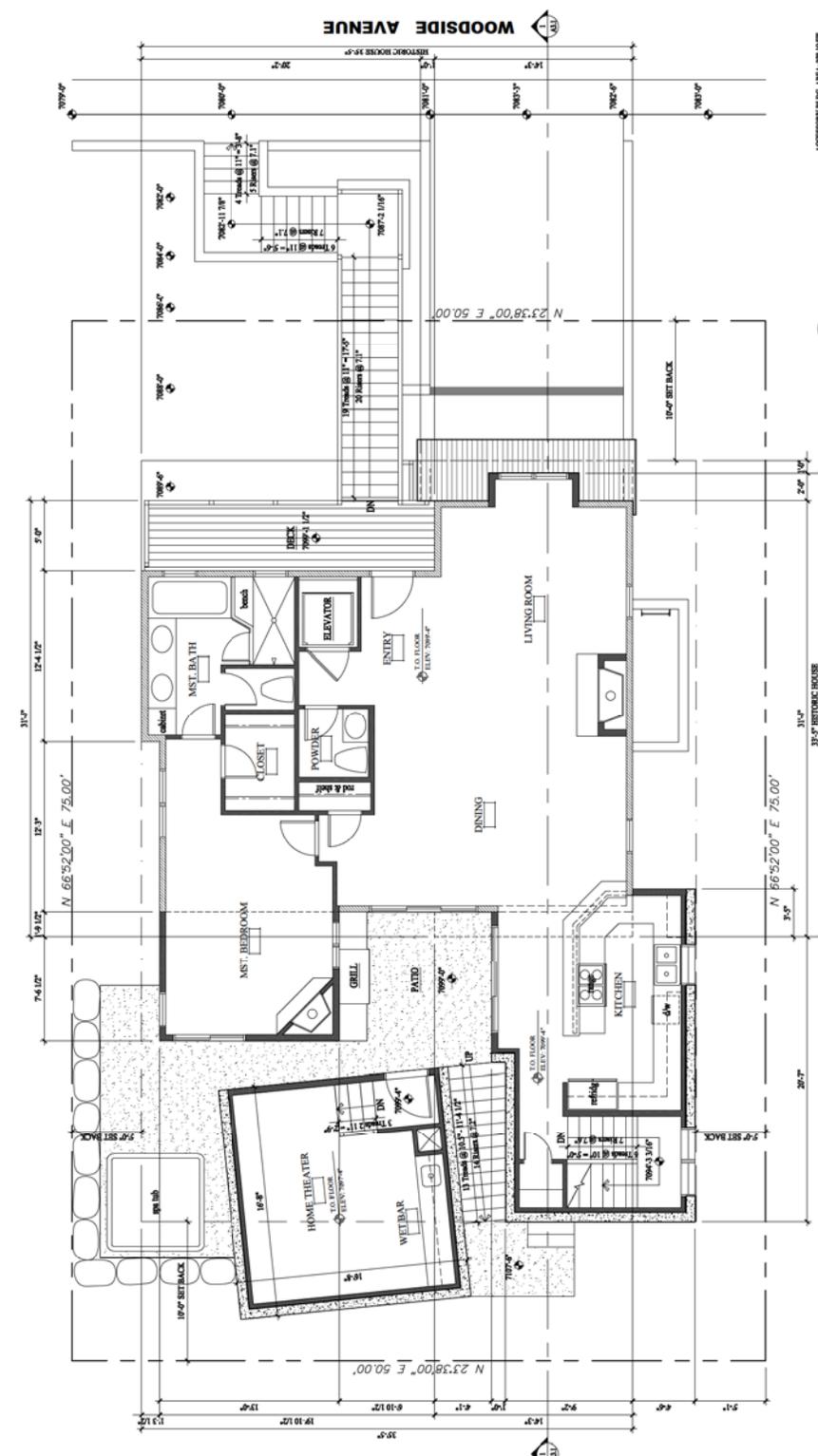
KEY NOTES



LOWER LEVEL PLAN  
SCALE: 1/4" = 1'-0"

**GENERAL NOTES**  
ALL DIMENSIONS ARE APPROXIMATE AND ARE TO BE FIELD VERIFIED PRIOR TO ANY CONSTRUCTION.  
EXISTING 24" FRAMED WALL  
NEW 24" FRAMED WALL  
NEW 8" CONCRETE WALL

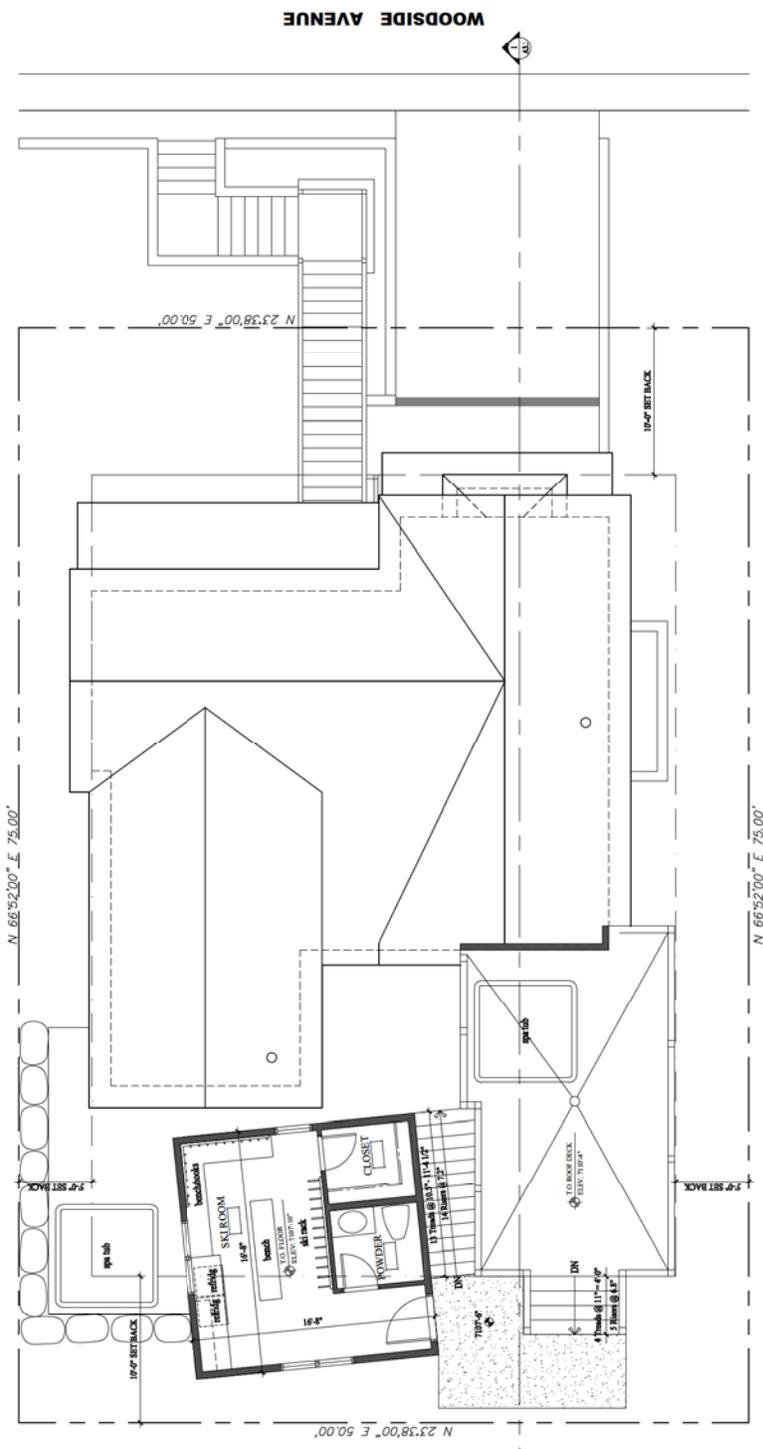
**KEY NOTES**



MAIN LEVEL PLAN  
SCALE: 1/4" = 1'-0"  
ACCESSORY BLDG. LAB. 24' X 30'  
EQUIPMENT BLDG. 12' X 18'  
LIVING ADJ. 12' X 18'

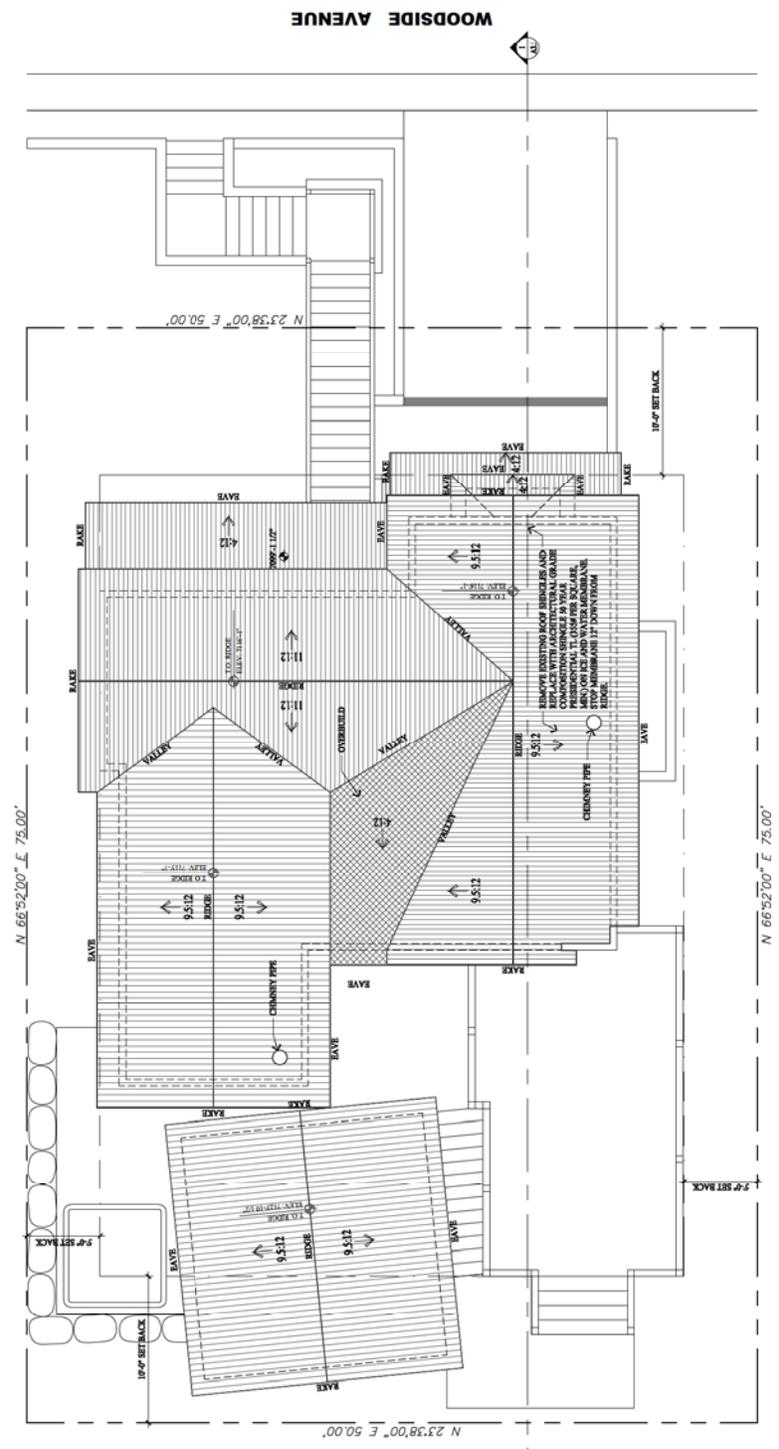
**GENERAL NOTES**  
ALL DIMENSIONS ARE APPROXIMATE AND ARE TO BE FIELD VERIFIED PRIOR TO ANY CONSTRUCTION.  
EXISTING 2x4 FRAMED WALL  
NEW 2x4 FRAMED WALL  
NEW 8" CONCRETE WALL

**KEY NOTES**



UPPER LEVEL PLAN  
SCALE: 1/4" = 1'-0"  
ACCESSORY BLDG. AREA: 75.00 SF  
ROOF TOP BLDG. AREA: 59.00 SF

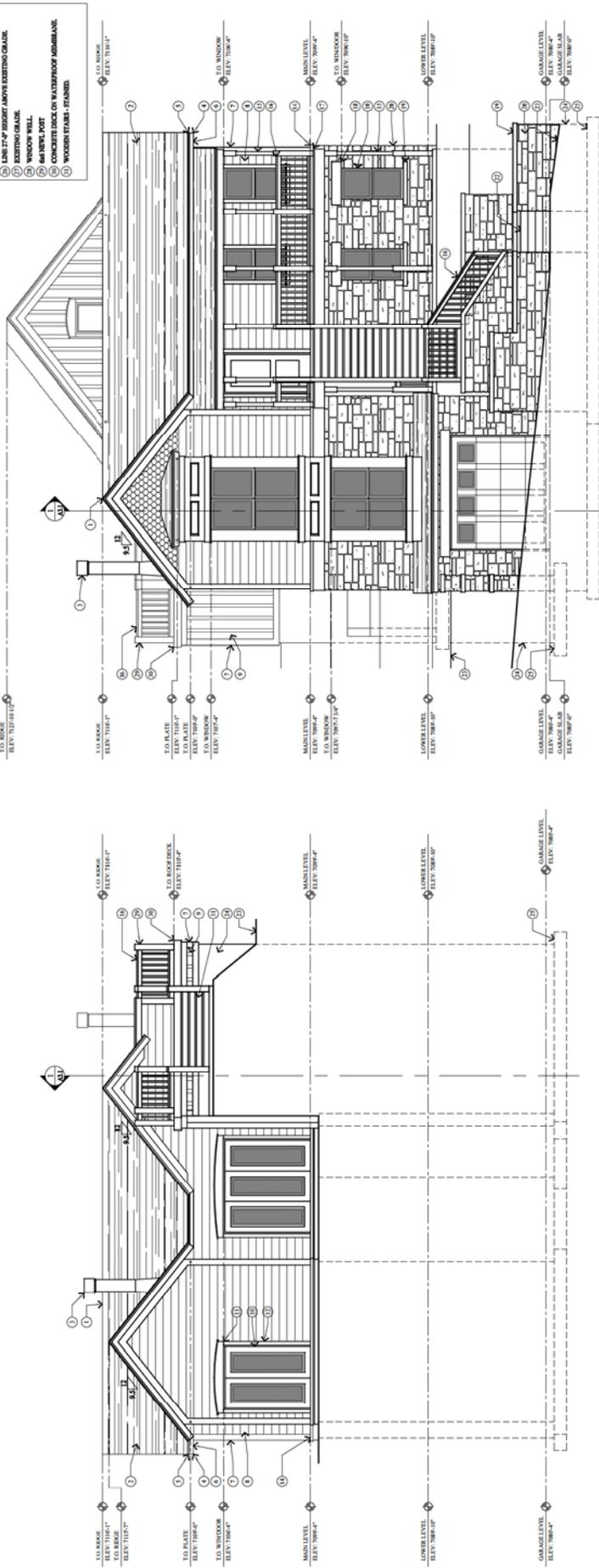
**GENERAL NOTES**  
ALL DIMENSIONS ARE APPROXIMATE AND ARE TO BE FIELD VERIFIED PRIOR TO ANY CONSTRUCTION



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

KEY NOTES

- 1) COMPLETE BRICK VENEER CORNER OR KEYS.
- 2) ARCHITECTURAL GRAZE COMPOSITION BRICKS AS YEAR APPROPRIATE. 11" COMP FOR SQUARE WORK ON EXTERIOR WALLS. 11" COMP FOR RECTANGULAR BRICKS ON ROOF TO MATCH EXISTING.
- 3) CEMENT NET.
- 4) 2x4 FASCIA - PAINTED.
- 5) 1 1/2" x 1/2" CONTINUOUS METAL Drip EDGE.
- 6) 1/2" x 1/2" CONTINUOUS ROOFIT.
- 7) 1/2" x 1/2" CONTINUOUS ROOFIT.
- 8) 2x4 CEDAR OUTSIDE CORNER BOARD. 2x4 CEDAR INSIDE CORNER BOARD - PAINTED.
- 9) 2x4 CEDAR TRIM BOARD - PAINTED.
- 10) 2x4 CEDAR TRIM BOARD - PAINTED.
- 11) 2x4 CEDAR TRIM BOARD - PAINTED.
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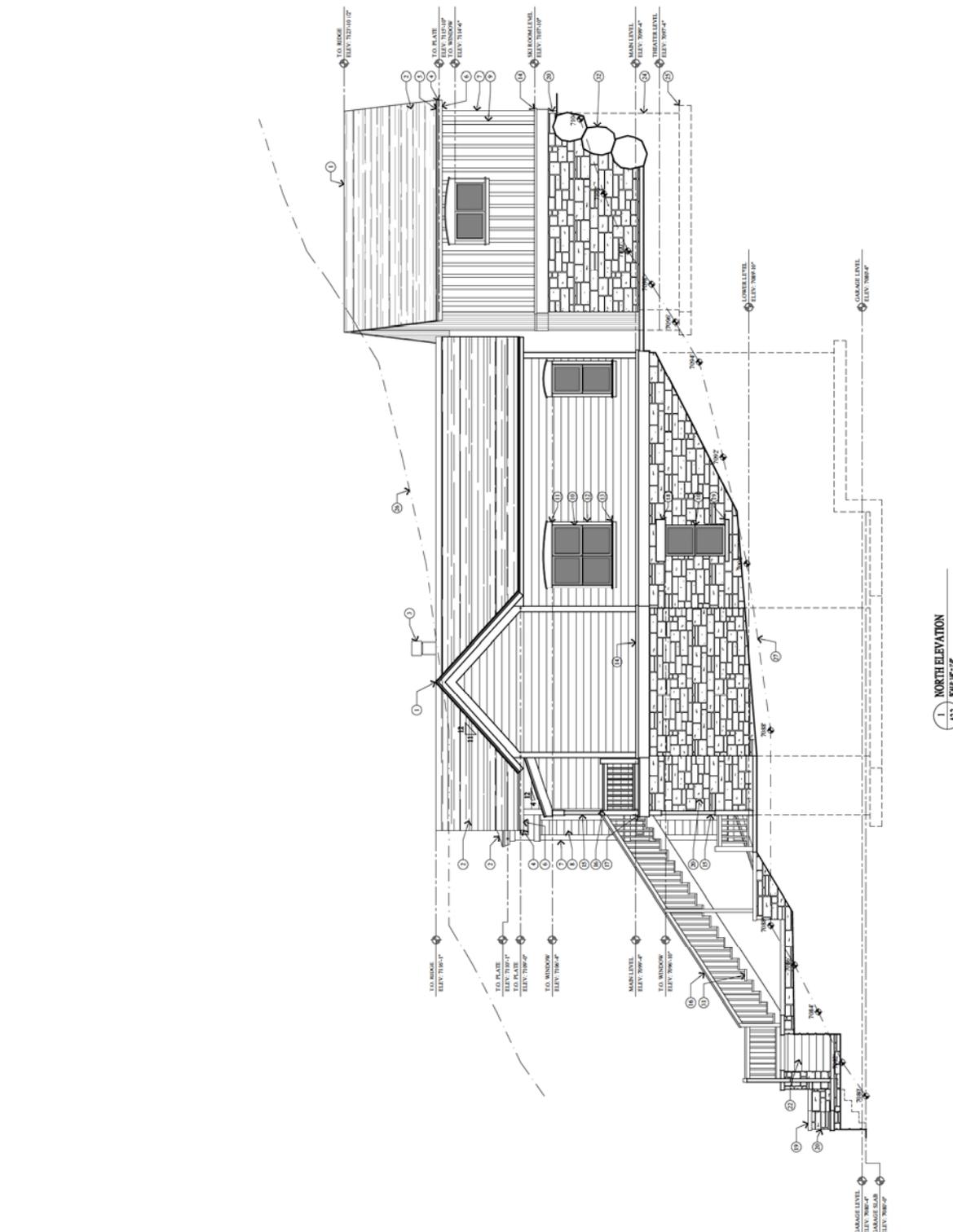


1 WEST ELEVATION  
A2.1 SCALE 1/4"=1'-0"

2 EAST ELEVATION  
A2.1 SCALE 1/4"=1'-0"

KEY NOTES

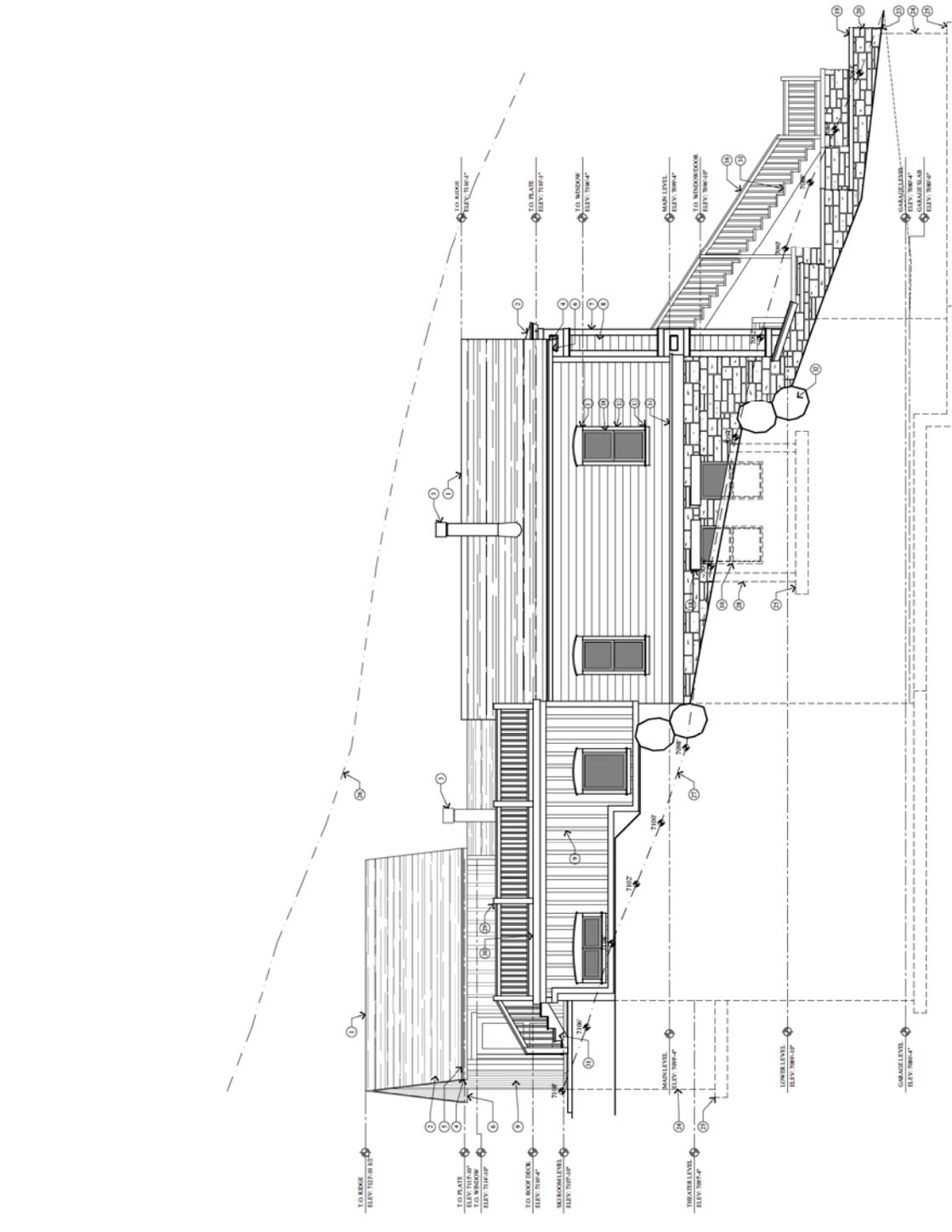
- 1) COMPLETE BRICK CONCRETE OR RETAIL
- 2) ARCHITECTURAL GRAZE COMPOSITION BRICKS AS YEAR APPROPRIATE. 11' HIGH FOR EXTERIOR WALLS ON DOWNY FROM EDGE
- 3) CERAMIC TILE
- 4) 2x4 FASCIA - PAINTED
- 5) 1 1/2" x 1/2" CONTINUOUS METAL Drip EDGE
- 6) 1/2" x 1/2" CONTINUOUS SOFFIT
- 7) 2x4 CEILING - PAINTED
- 8) 2x4 CEILING OUTSIDE CORNER BOARD - 2x4 CEILING INSIDE CORNER BOARD - PAINTED
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1 NORTH ELEVATION  
SCALE: 1/4" = 1'-0"

KEY NOTES

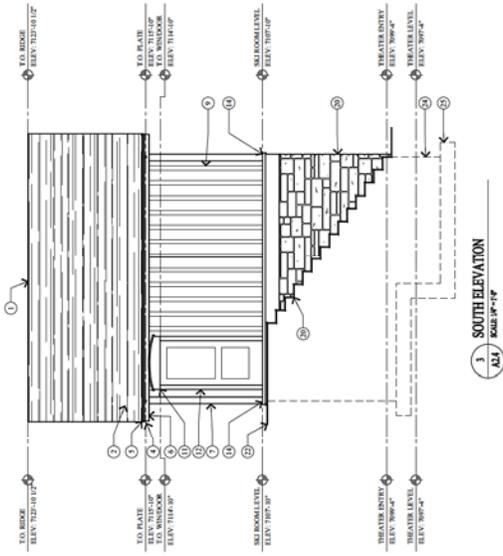
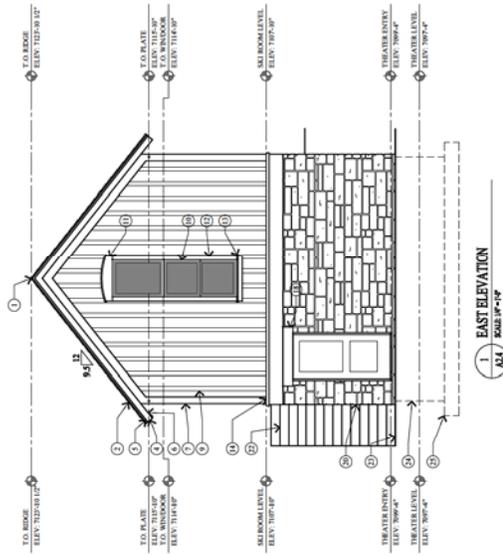
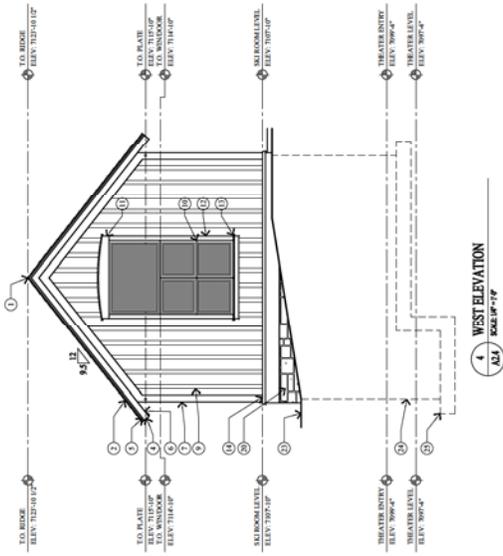
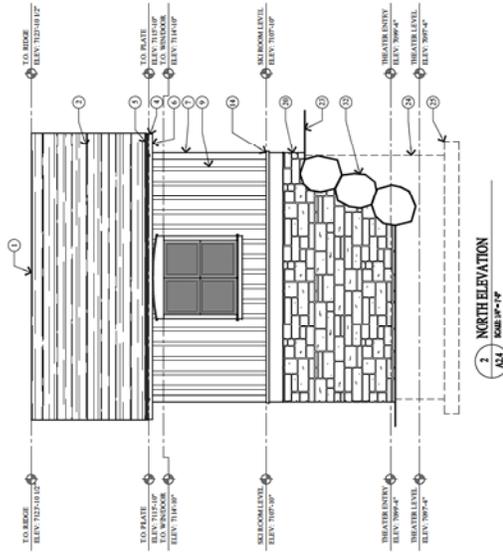
- 1) COMPLETE BRICK FINISH, CORNER OR KEYS.
- 2) ARCHITECTURAL GRAZE COMPOSITION BRICKS AS YEAR APPROPRIATE. 11" COMP FOR SQUARE JOINT ON DOWN TO FINISH. 5/8" RADIUS BELL SHAPED ON 1/2" DOWN TO FINISH EDGE.
- 3) CERAMIC TILE.
- 4) 2x4 FASCIA - PAINTED.
- 5) 1 1/4" x 1/4" CONTINUOUS METAL Drip EDGE.
- 6) 1/2" x 1/4" CONTINUOUS ROOFING FASCIA.
- 7) 2x4 CEILING INSULATION - FINISHED W/ CONTINUOUS ROOFING FASCIA.
- 8) 2x4 CEILING OUTSIDE CORNER BOARD, 2x4 CEILING INSIDE CORNER BOARD - PAINTED.
- 9) 2x4 CEILING BOARD - PAINTED.
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1 SOUTH ELEVATION  
SCALE: 1/4" = 1'-0"

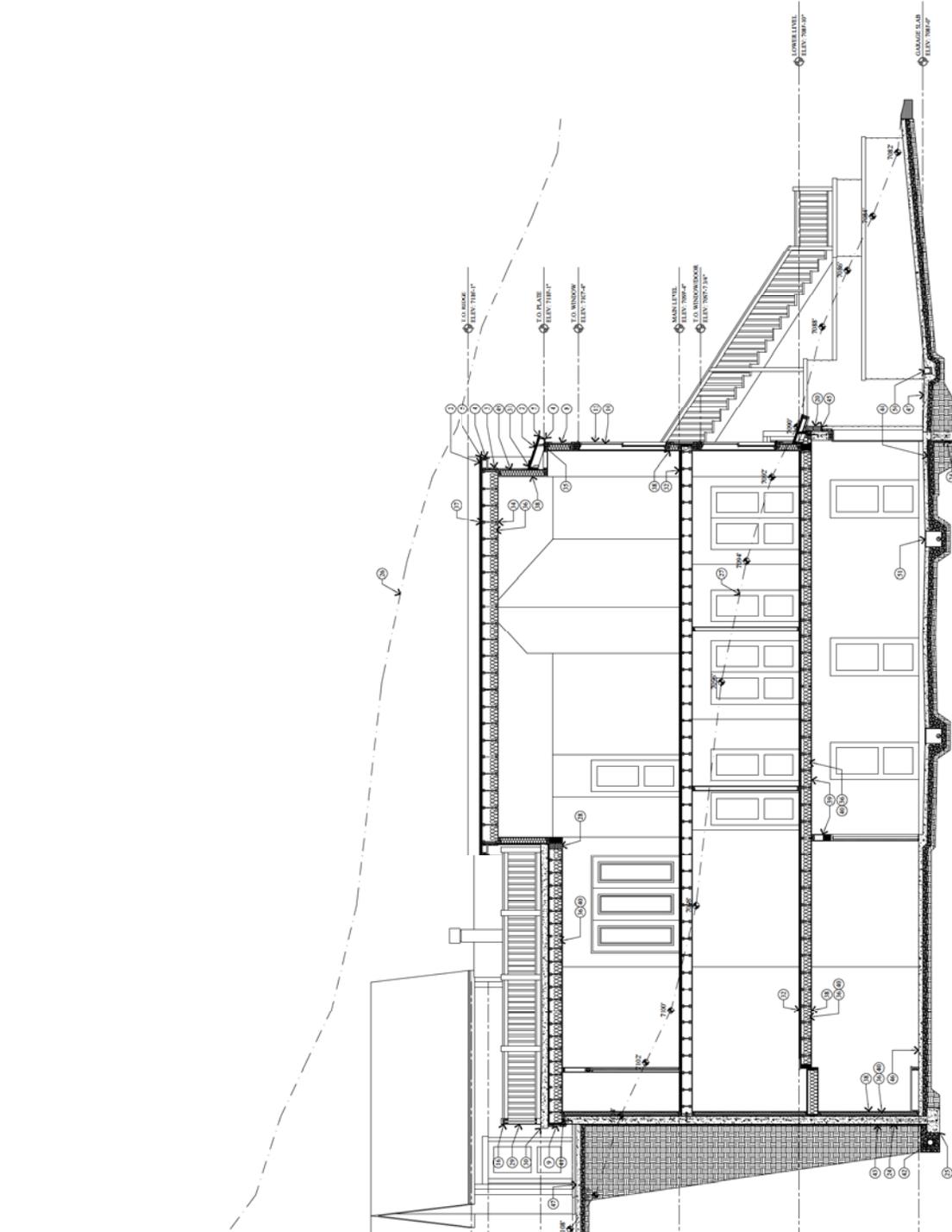
**KEY NOTES**

- 1) COMPLETE BRICK VENEER CORNER OR KEYS.
- 2) ARCHITECTURAL GRAZE COMPOSITION BRICKS AS YEAR REPRESENTATIVE TO USE FOR SQUARE WORK ON EXTERIOR FROM EDGE.
- 3) CHIMNEY PIPE.
- 4) 2x4 FASCIA - PAINTED.
- 5) 1 1/2" x 1/2" CONTINUOUS METAL Drip EDGE.
- 6) 1/2" x 1/2" CONTINUOUS ROOFIT.
- 7) 2x4 CEILING INSULATION - PAINTED WITH CONTINUOUS ROOFIT.
- 8) 2x4 CEILING OUTSIDE CORNER BOARD, 2x4 CEILING INSULATION ON 1/2" EXT. BRACKETS.
- 9) 2x4 INSULATION @ 12" O.C. ON EXISTING BOARD PROFILE WITH BRACKETING ON 1/2" EXT. BRACKETS ON 2x4 STUDS @ 16" O.C.
- 10) 2x4 INSULATION @ 12" O.C. ON EXISTING BOARD - GLASS - AS SCHEDULE.
- 11) 2x4 INSULATION @ 12" O.C. ON EXISTING BOARD @ 12" @ CENTER WITH BRACKETING ON 1/2" EXT. BRACKETS ON 2x4 STUDS @ 16" O.C.
- 12) 2x4 WINDOW DOOR LAMB - PAINTED.
- 13) 2x4 WINDOW DOOR LAMB - PAINTED.
- 14) BRICKED IN ON 2x4 CEILING TRIM BOARD - 44 HOLE - PAINTED.
- 15) 3/8" IRON BALLING, 2x4 TOP RAIL, W/ 2x2 BALLAST @ 12" O.C. W/ 2x4 BOTTOM RAIL.
- 16) 2x4 WINDOW DOOR LAMB - PAINTED.
- 17) 2x4 WINDOW DOOR LAMB - PAINTED.
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KEY NOTES

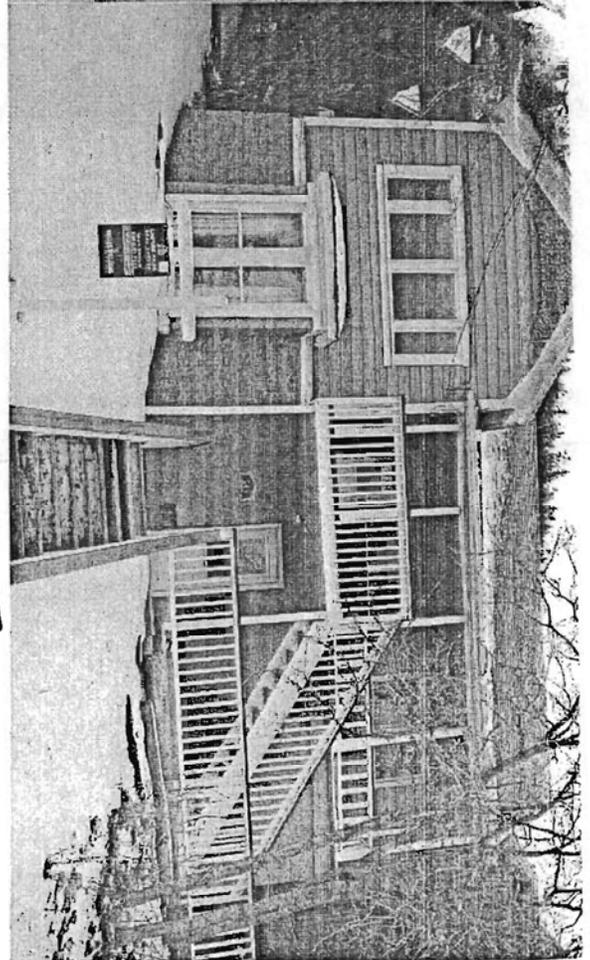
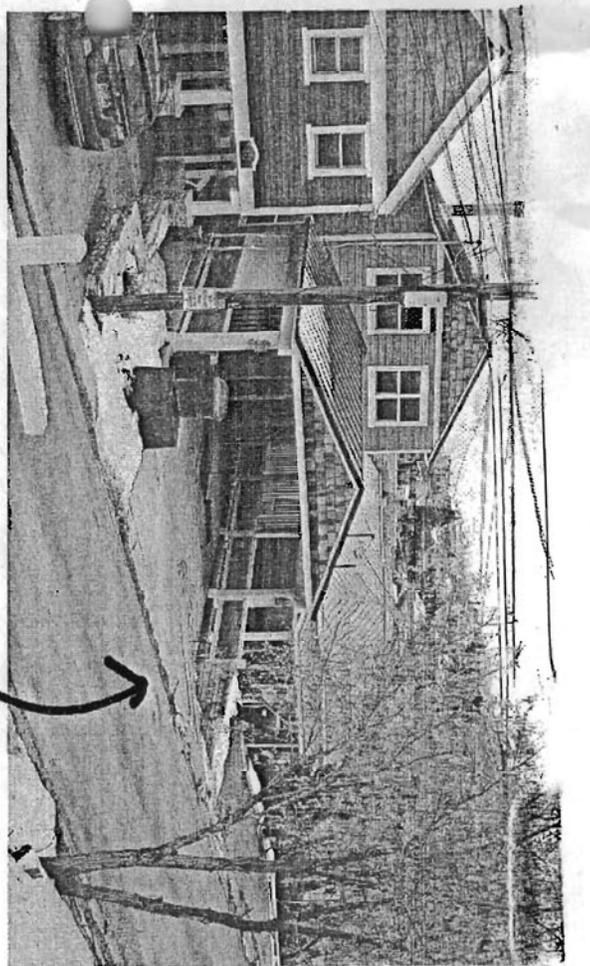
- 1) COMPLETE BRICK VENEER CORNER OR KEYS.
- 2) ARCHITECTURAL GRAZE COMPOSITION BRICKS AS YEAR PRESIDENTIAL 11, 1200 PER SQUARE FOOT ON 1/2" SAND. BRICKS TO BE FIELD SUBSTITUTION 1/2" DOBBY TRIM EDGE.
- 3) 2x4 TRIM BOARD - PAINTED.
- 4) 2x4 FANCA - PAINTED.
- 5) 1 1/2" x 1/2" CONTINUOUS METAL Drip EDGE.
- 6) 1/2" x 1/2" CONTINUOUS ROYFTRIM.
- 7) 2x4 CEILING OUTSIDE CORNER BOARD, 2x4 CEILING INSIDE CORNER BOARD - PAINTED.
- 8) 2x4 TRIM BOARD ON 1/2" EXT. BRICKWORK.
- 9) 2x4 TRIM BOARD ON 1/2" EXT. BRICKWORK.
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1 SOUTH ELEVATION  
A1 SCALE: 1/4" = 1'-0"

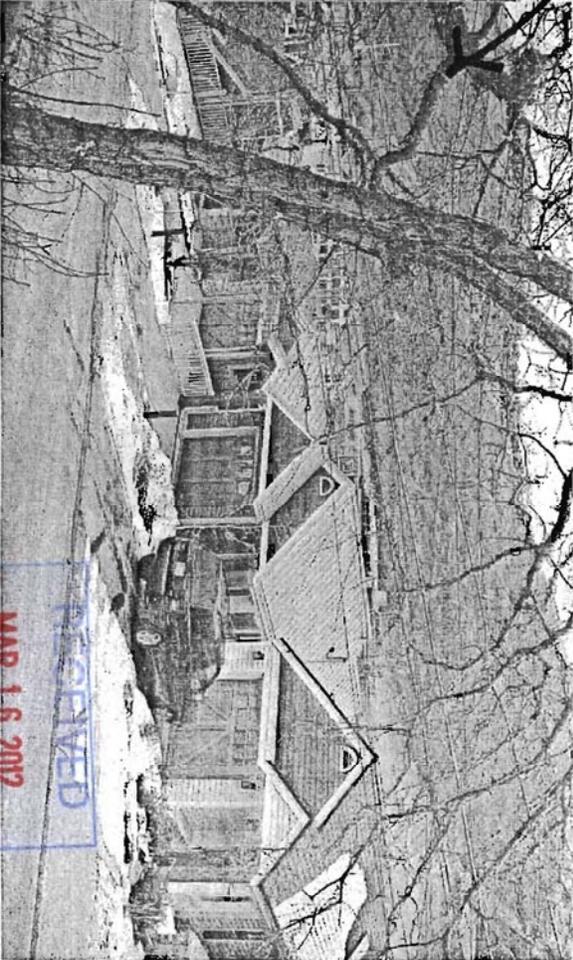


## **View from 445 Marsac Ave**



VIEW ACROSS ST.  
FROM BURK STEPS  
@ 543 WOODSIDE.

543 WOODSIDE - FRONT

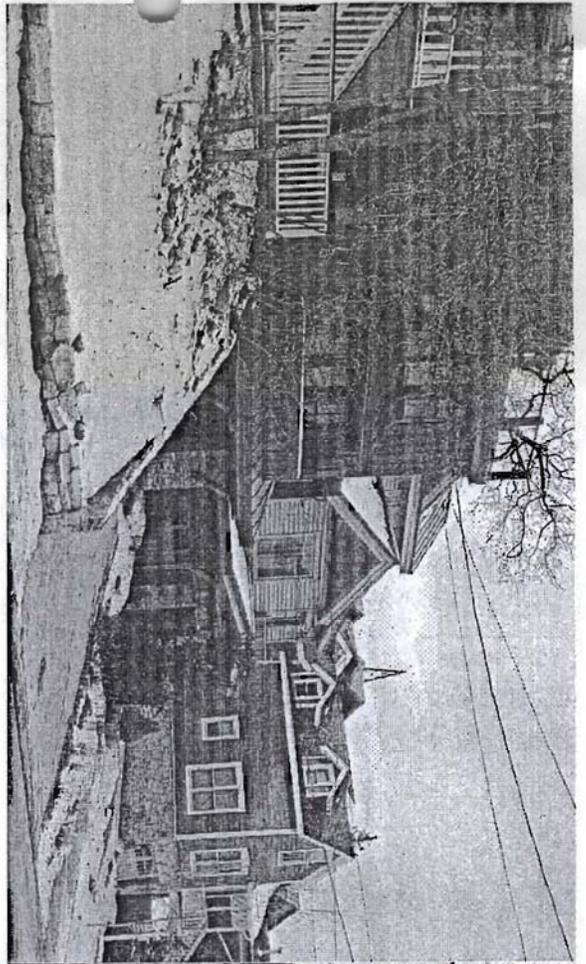


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PARK CITY  
PLANNING DEPT.

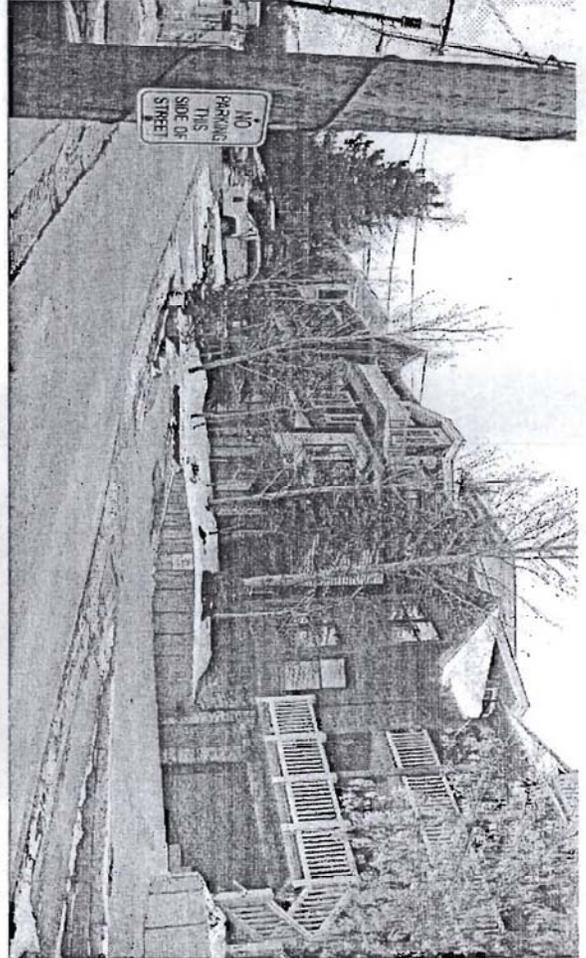
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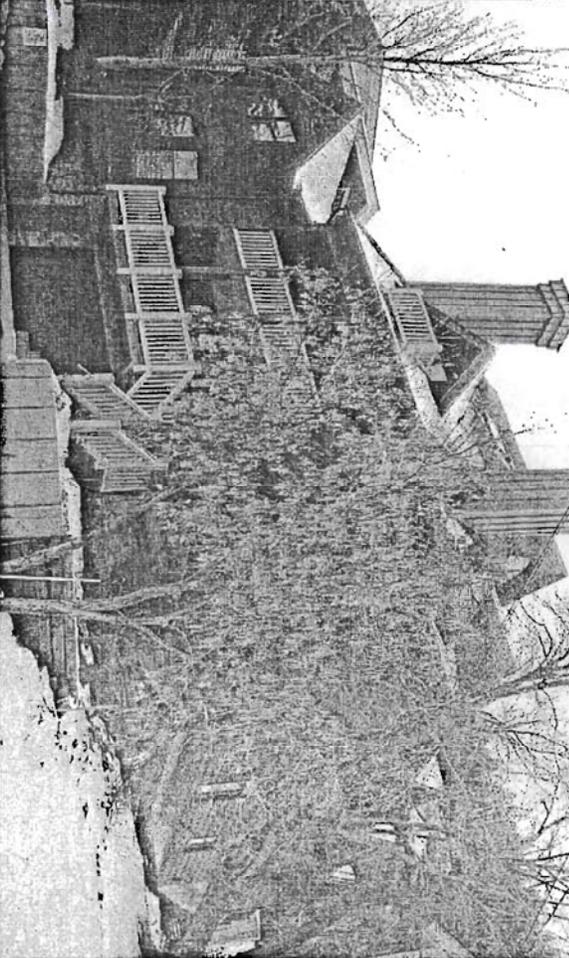
VIEW TO NORTH



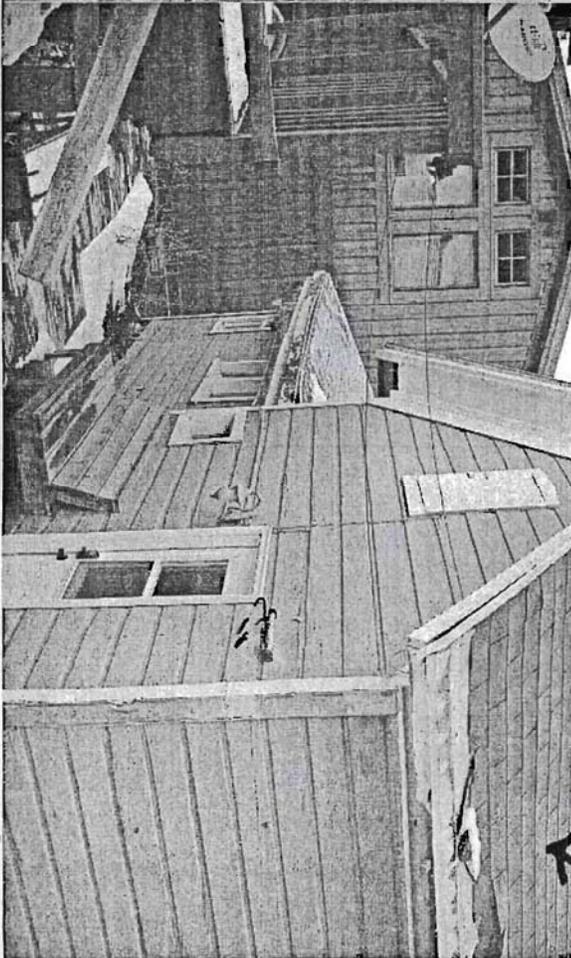
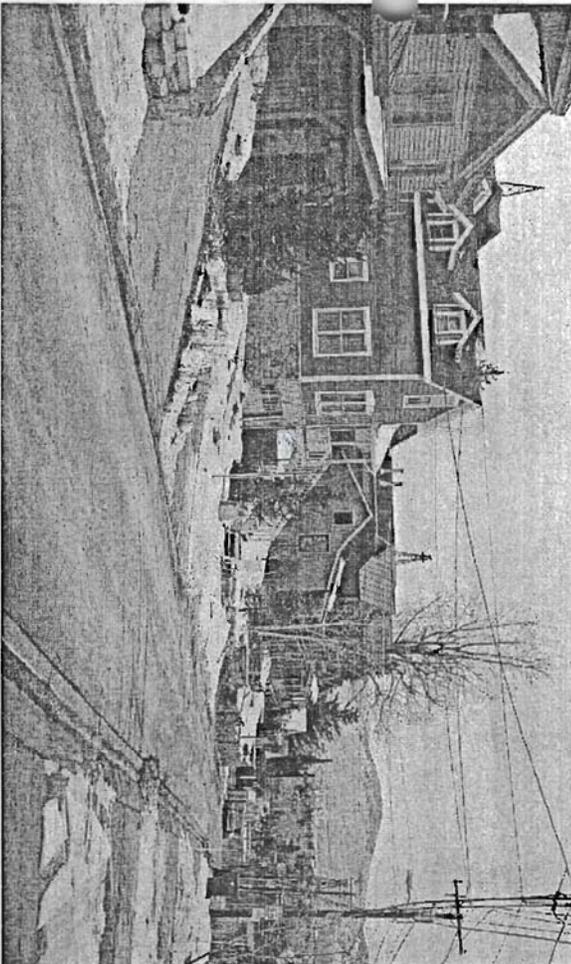
VIEW UP ST. TO SOUTH



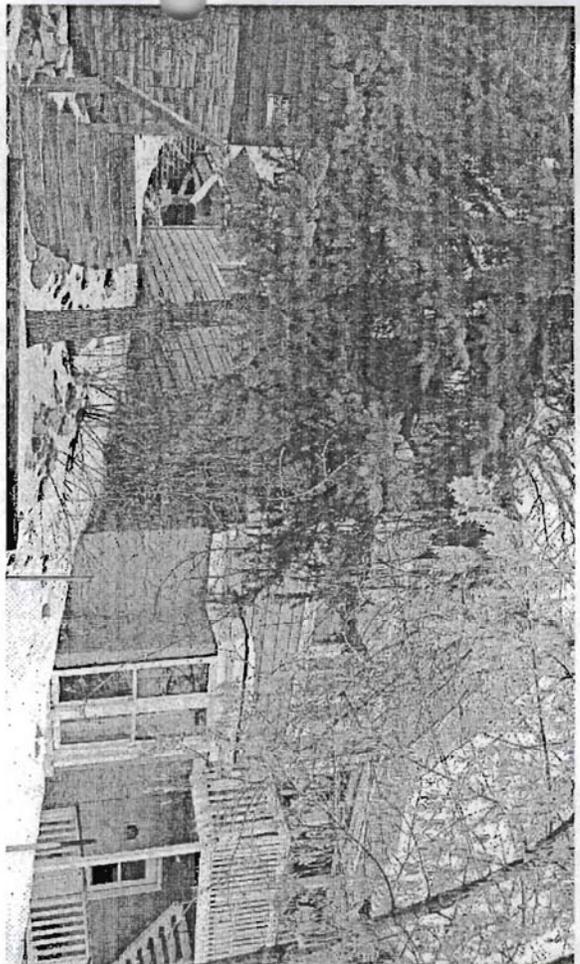
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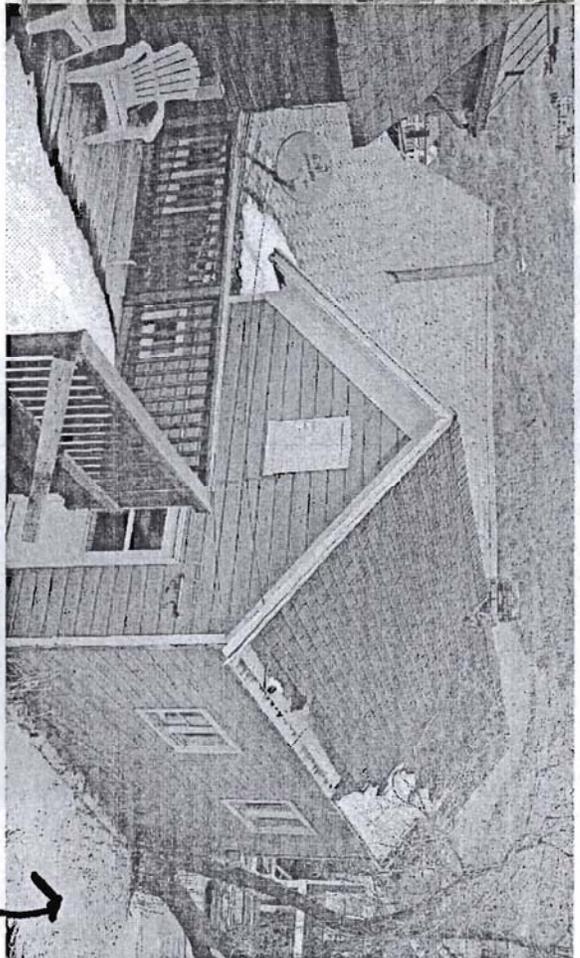
VIEW DOWN WOODSIDE - NORTH

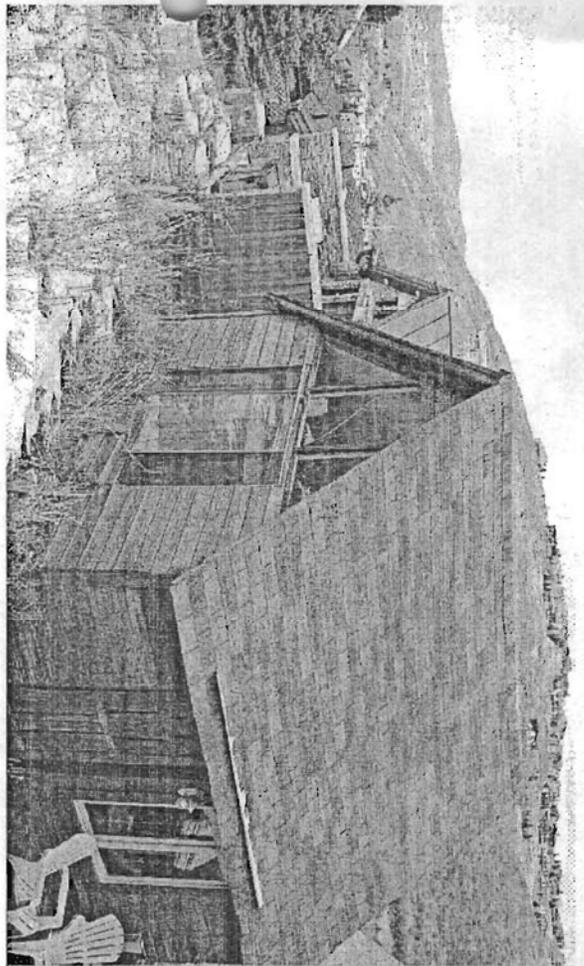


543 WOODSIDE - FRONT

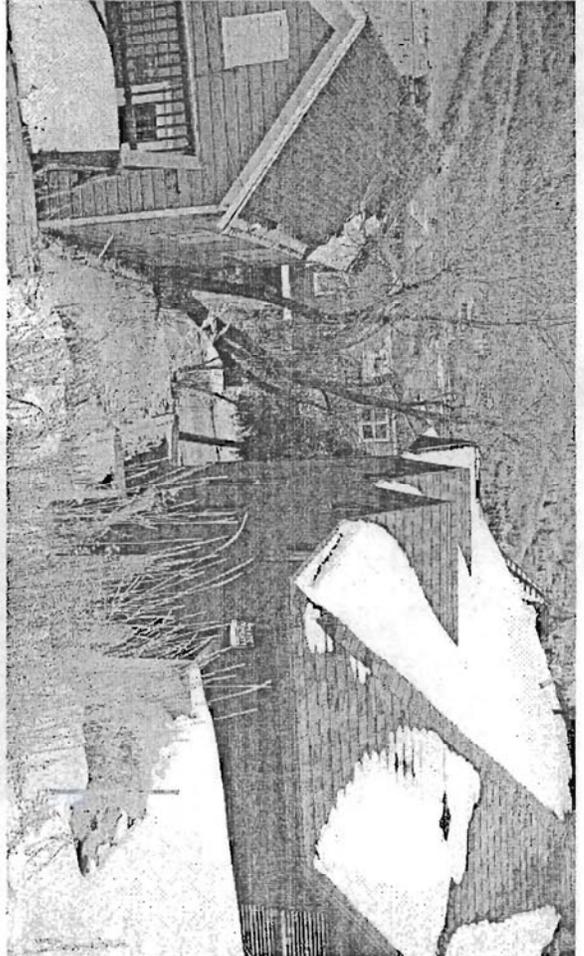


548 WOODSIDE - REAR

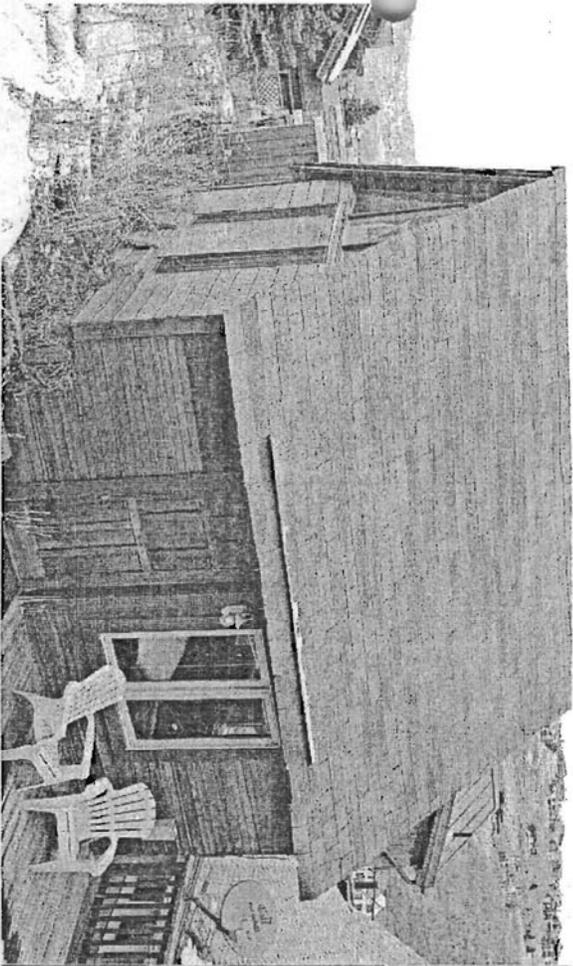




EXISTING SHED - 549 WOODSLOE



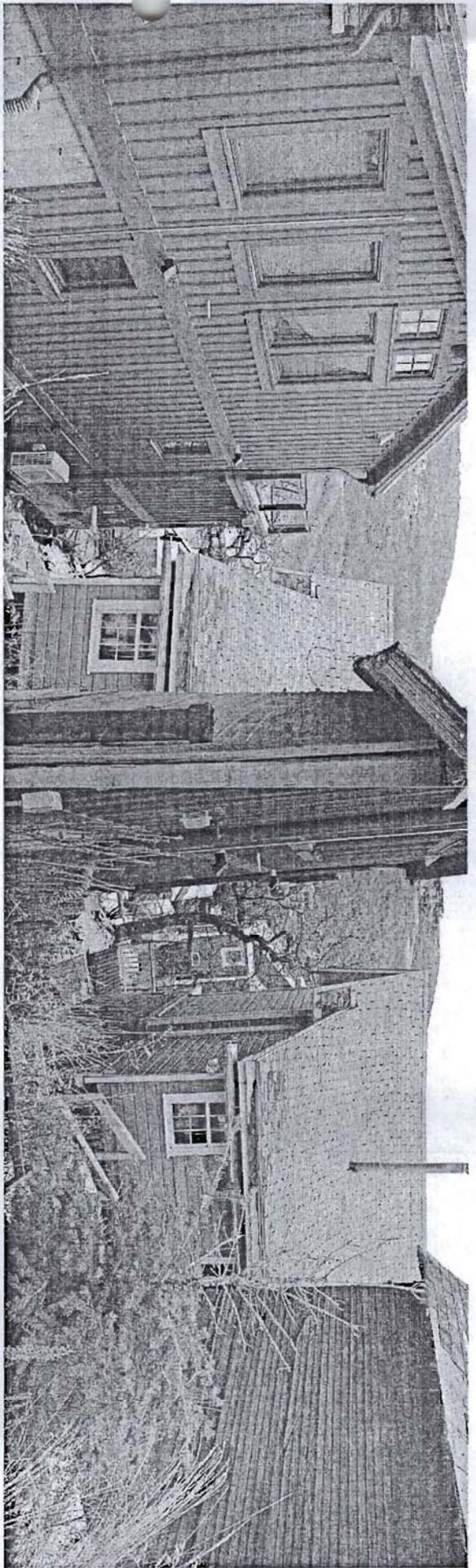
REAR OF ADJACENT BLDGS



543 WOODSLOE - NECESSARY BLDG.

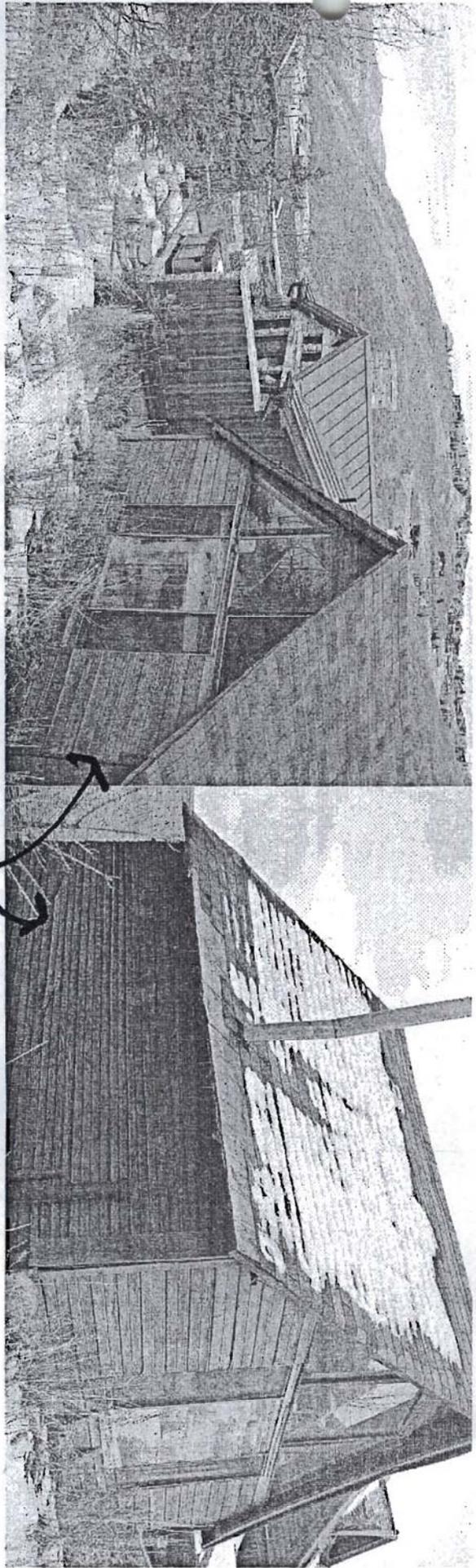


REAR OF ADJACENT BLDGS

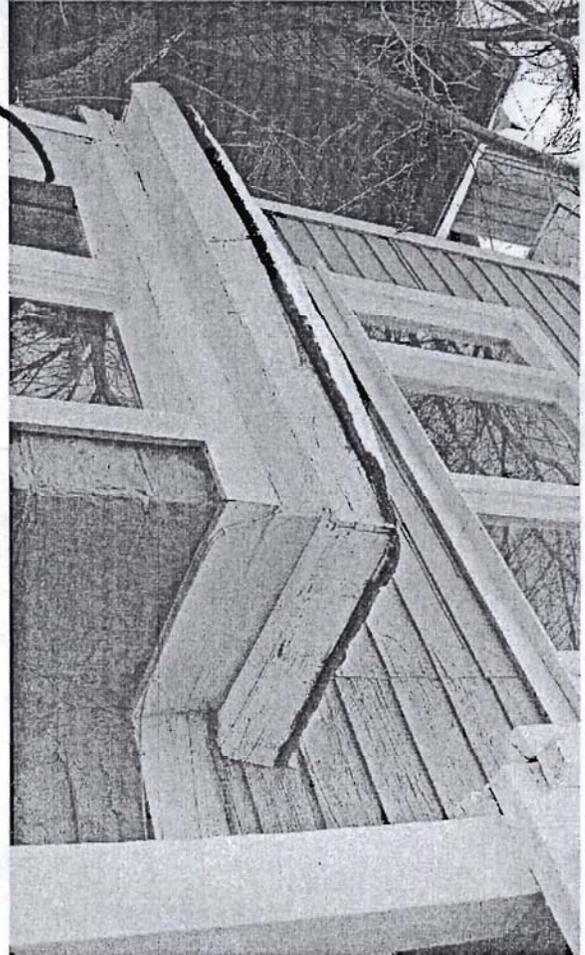
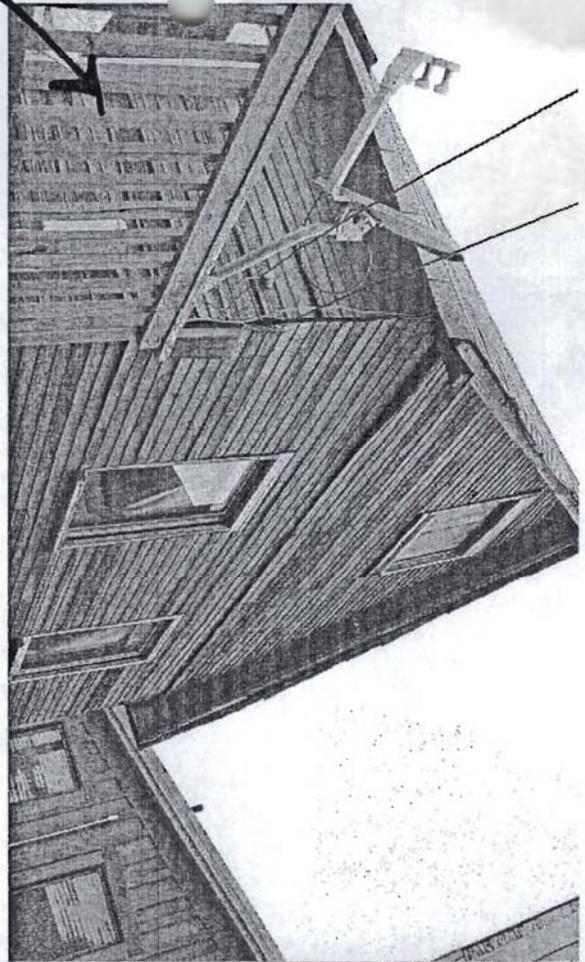
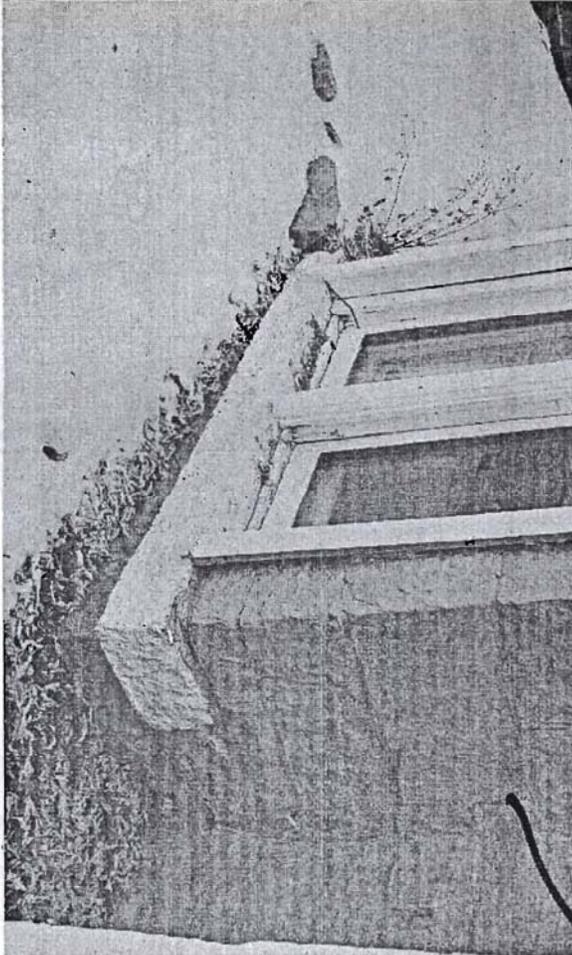
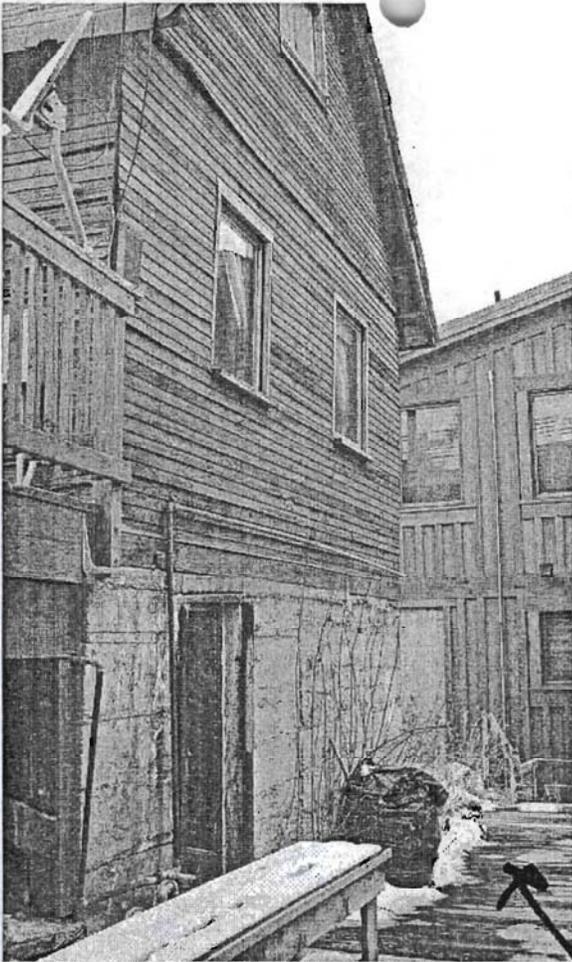


543 WOODSIDE + ADJACENT BLDG. TO NORTH

543 WOODSIDE - REAR



543 WOODSIDE - ACCESSORY BLDG



543 WOODSIDE - NECESSARY BLDG.

543 WOODSIDE FRONT BRN



# Planning Commission Staff Report



**Application No:** PL-10-01105  
**Subject:** 573 Main Street – A Three Lot  
Subdivision  
**Subject:** Francisco Astorga  
**Date:** June 27, 2012  
**Type of Item:** Administrative – Plat Amendment

## **Summary Recommendations**

Staff recommends the Planning Commission hold a public hearing for 573 Main Street - A Three Lot Subdivision 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.

## **Description**

**Applicant:** CSA10-573 Main, LLC represented by Billy Reed  
**Location:** 573 Main Street and 564 & 572 Park Avenue (approximate)  
**Zoning:** Historic Commercial Business (HCB) & Historic Residential (HR-2)  
**Adjacent Land Uses:** Commercial / Residential  
**Reason for Review:** Plat amendments require Planning Commission review and City Council approval

## **Proposal**

This is a request to reconfigure six (6) Old Town lots and portions of two (2) lots into three (3) lots of record through a plat amendment request. The subject property contains a historic building which was constructed across existing lot lines. This is a revised application to the original one-lot subdivision application submitted in 2010 which was not approved or recorded. The applicant is currently proposing to combine the area they own on Main Street with the lots on Park Avenue to create a three (3) lot subdivision. The entire area is identified with Summit County as parcel no. PC-133. Proposed Lot 1 located off Main Street consists of the site of the Claimjumper building. Proposed Lots 2 and 3 located off Park Avenue consists of two (2) residential lots.

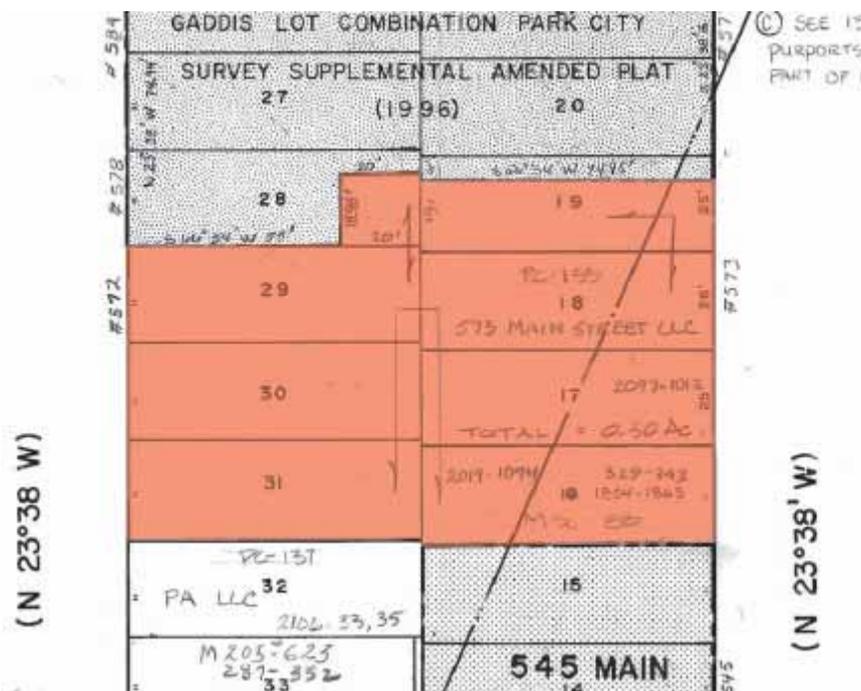
## **Background**

On December 3, 2010, the City received a complete plat amendment application for 573 Main Street - A Single Lot Subdivision, which only included the Main Street lots. The property is located at 573 Main Street within the Historic Commercial Business (HCB) District. The applicant, CSA10-573 Main, LLC is the owner of Lots 16, 17, 18 and a portion of Lot 19 (south 19') of Block 9 of the Park City Survey.

The applicant has submitted a HDDR application for systems upgrade including structural stability of the building. The applicant indicated a desire to remodel the

interior walls to create a night club/bar/restaurant on the basement level, a restaurant with a lobby for access to the living units above on the main level, and the two (2) upper levels for residential use with one (1) living unit on each floor. The requested work does not include removal of the rear addition.

In February 2011, the applicant requested to place the application on hold due to issues involving the large encroachment of in the rear of the structure over the lots fronting Park Avenue. Because the rear Park Avenue lots where the building encroachment occurs is also owned by the same property owner, the applicant is required to bring all of their contiguous land into their plat amendment application pursuant to Land Management Code (LMC) § 15-7.1-6(A)(2). Graphically, the ownership can be represented in the following exhibit shaded in red below:

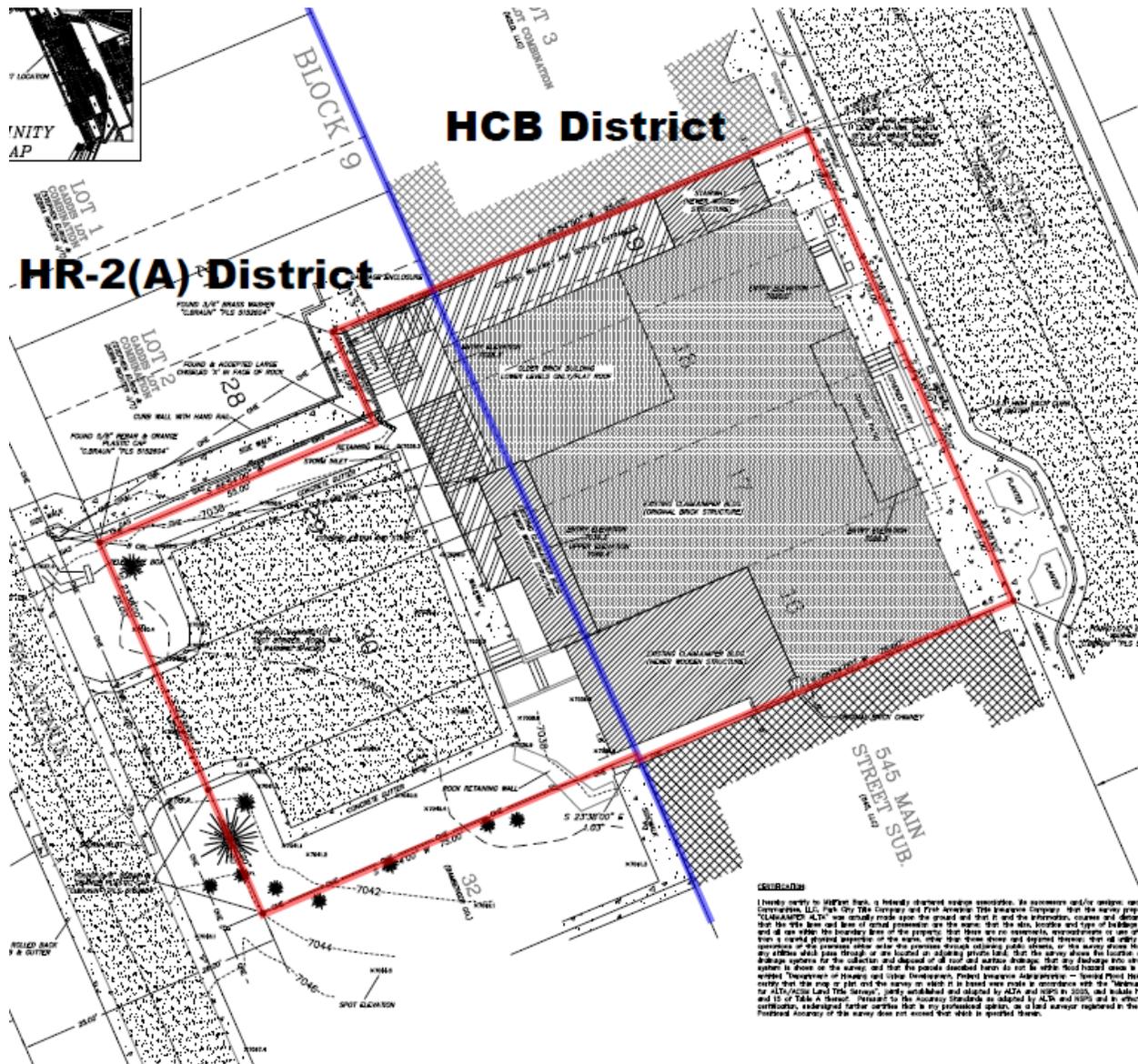


In December 2011, the applicant amended its application request by submitting the revised 573 Main Street – A Three Lot Subdivision plat amendment. This revised plat amendment includes the same lots fronting Main Street where the Claimjumper Building is mostly located as well as the rear Park Avenue lots. This revised plat amendment application was deemed complete on January 12, 2012.

The Claimjumper Building is also known as the New Park Hotel. The Historic Site Inventory (HSI) identifies the site as a Landmark site. The site is also listed in the National Register of Historic Places. The property fronts on, and receives legal access from Main Street.

The property is split by a zone line as shown by the following exhibit below which shows the property line in red, the dividing zone line in blue and the existing improvements shown on an Alta/ACSM Land Title Survey. The Main Street lots are currently within

the HCB District while the Park Avenue lots are currently within the Historic Residential (HR-2) District. Additions to the Claimjumper Hotel building were constructed across existing property and zone lines. These additions consist of a newer wooden structure with a walkway, covered entry, and stairs as well as a small portion of an older brick building addition.



The Planning Commission reviewed this plat amendment application at the April 25, 2012 meeting. At the meeting, after the staff presentation, the applicant requested to continue the item so they could discuss the neighbors' concerns prior to moving forward with the Planning Commission. On June 7, 2012 the Planning Staff met with Joe Wrona, representing the applicant, and Joe Tesch, representing the neighboring lot owners, where the City officially learned that no amendments to the application were proposed. Because of the delays, Staff required the applicant to re-notice the item

which was done for this June 28<sup>th</sup> meeting.

### 2007 Applications

In March 2007 the Historic Preservation Board (HPB) reviewed a Determination of Historical Significance whether or not the wooden rear additions identified below were historically significant. See exhibit containing 2007 photographs below:



The HPB determined that the wooden additions were added in 1987 and therefore were not historically significant. There was no request for review of the “older brick building” addition. This determination guided the proposed renovation of the historic structure through the submittal of a Historic District Design Review (HDDR) and plat amendment application.

In April 2007 the City Council approved a single lot subdivision of the Main Street lots only upon which the historic structure sits. The Park Avenue lots were not included in this plat amendment request and there was a condition of approval to remove the non-historic additions which encroached over the lot line. This condition of approval was not met and the approval was voided because it expired.

In June 2007 the Planning Department reviewed and approved a HDDR application to remove the non-historic additions and include a roof addition of two (2) penthouse units. The applicant did not meet the condition of approval of obtaining a building permit within a year’s time from the approval date and the HDDR approval was also voided because it expired.

In September 2007 the Planning Department reviewed and approved an administrative Conditional Use Permit (CUP) for a Private Residence Club and Conversion, a form of fractional or interval ownership for ten (10) residential club units. The applicant did not meet the condition of approval of obtaining a building permit within a year’s time from the approval date. The administrative CUP approval expired.

In 2009 the City Council approved an ordinance approving amendments to the Land Management Code which changed the criteria for designation of historic sites. Also the City Council adopted the Design Guidelines for Historic Districts and Historic Sites and

the HPB adopted, by resolution, the Historic Site Inventory. The site was listed as a contributing building on the National Register of Historic Places in 1979 as part of the *Park City Main Street Historic District*. It was built within the historic period (1868-1929), is associated with the mining era, and retains its historic integrity. As a result, it meets the criteria set forth in LMC Chapter 15-11 for designation as a Landmark Site.

As indicated on the submitted site plan survey, the Park Avenue lots currently contain an asphalt parking lot with a concrete gutter. This parking area is not striped and has room for ten (10) parking spaces. Through conversations with the neighboring lot owners it has been estimated that the parking area was built between the late 1980's and early 1990's. There is also a building permit found in the Building Department which has simply been labeled as a *grading* permit issued in January 1993. The parking area located rear of the building was built to accommodate the various uses in the building, such as offices, restaurants, and bars, etc.

**Analysis**

The site is located within the Historic Commercial Business (HCB) District and the Historic Residential (HR-2) District. Staff has reviewed the proposed plat amendment request and found compliance with the following Land Management Code (LMC) requirements:

**Lot 1 (HCB)**

HCB District	LMC Requirement	Proposed Lot 1, Main Street
Minimum lot area	1,250 square feet	8,999.8 square feet, <u>complies</u>
Minimum lot width	25 feet	94.97 feet, <u>complies</u>
Minimum lot depth	50 feet	75 feet, <u>complies</u>

There is no minimum required front, rear, or side yard dimensions in the HCB District. The maximum height envelope for the zone is thirty feet (30') at property line traversing at a forty-five degree (45°) angle back to a maximum of forty-five feet (45') above existing grade. The existing historic building does not comply with the height envelope and therefore the building is a legal non-complying structure.

The existing rear additions to the historic building which currently encroach onto the adjacent lots which front onto Park Avenue will be part of Lot 1 and are located within the HR-2 zoning district.

**Lots 2 and 3 (HR-2)**

The Park Avenue lots are also under the same ownership, CSA10-573 Main, LLC, currently identified by the same parcel no. PC-133 and have been included in this plat amendment request. The proposed lots are reconfigured so that there are no improvements encroaching over the rear lot line. All commercial access to the Claimjumper Building, 573 Main Street, is required to be off Main Street. Both Lots 2 and 3 are the same dimensions.

HR-2 District	LMC Requirement	Proposed Lot 2 & 3, Park Avenue
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Minimum lot area	1,875 square feet	2,060.97 square feet, <u>complies</u>
Minimum lot width	25 feet	37.47 feet, <u>complies</u>
Minimum lot depth	None	55 feet

The minimum front/rear yard setbacks of proposed Lot 2 & 3 are ten feet (10'). The minimum side yard setbacks are three feet (3'). The maximum height is twenty-seven feet (27') with a total of three (3) stories. The building footprint is limited to 917.8 square feet. Each lot will require two (2) off-street parking spaces for their residential use.

Parking

The Claimjumper Building site is current in Main Street Parking Special Improvement District and therefore is exempt from the parking requirement.

The Park Avenue lots currently contain an asphalt parking lot with a concrete gutter. This existing parking area is currently not striped and has room for ten (10) parking spaces, per the submitted survey.

Currently the HR-2 District allows a *Residential Parking Area or Structure with four (4) or fewer spaces*. A *Residential Parking Area or Structure with five (5) or more spaces, associated with a residential Building on the same Lot* is allowed through a Conditional Use Permit. The existing ten (10) car parking area is non-conforming use because it does not comply with the current regulation. The property owner proposes to reconfigure the existing ten (10) car parking lot to an area to only consist of two (2) parking spaces total for the exclusive use of the residential units to be located within the Claimjumper interior remodel through a parking easement over the two (2) proposed Park Avenue lots.

Historic District Commission (HDC) minutes of their October 5, 1992 meeting discussed a design review of renovation and addition at Claimjumper Hotel. These minutes were submitted by Joe Tesch as part of an extensive packet containing various comments on April 25, 2012 (See Exhibit E - Public Input - Joe Tesch). As indicated in these minutes, the building was being threatened with condemnation unless it could be brought up to acceptable safety level. This application was for design review of two (2) additions to the building for stairs, including the addition off the back. The Chief Building Official of the time advised the HDC that if the additions could not be made to work, the building would have to be demolished.

There were several permits issued by the Building Department in 1992 which include partial demolition, footing and foundation, shell, and a remodel improvement (interior only). Also indicated on the minutes, the applicant stated that four (4) existing parking spaces would be lost with the proposed plan but the site plan calls for additional parking on the Park Avenue side. Also a condition of approval indicated that the additions were to meet all other requirements of the Land Management Code and Building Code.

The HR-2 District was created from the HR-1 District in 2000. In 1988 the City created the Historic Residential – Low Intensity Commercial Overlay (HR-2) District, for clarity

this District will be identified on this staff report as HR-2 Overlay. When the HR-2 District was created in 2000 it changed the base zone where this property is located from HR-1 to HR-2 and it removed both the HR-2 Overlay and the HTO (Historic Transition Overlay), which were both overlay zones at the time. Therefore, the parking area currently on proposed Lots 2 and 3 is legally non-conforming since it was created before the CUP requirement for such parking was part of the LMC and would have been legal under the code at the time it was built.

The parking easement proposed to be dedicated with this plat amendment is for the benefit of the two proposed residential units in the 573 Main Street building. The owner finds it will be important to create parking to ensure residential occupants in the Claimjumper Building have an off-street parking space. The parking easement consists of two (2) parking spaces and a six foot (6') access straddling the shared common property line of the two (2) Park Avenue lots towards the Main Street lot. The proposed parking area platted as an easement over lot 2 and 3 consist of legal parking space standards measuring nine feet (9') in width and eighteen feet (18') in length.

#### Special HR-2A requirements

Sub-Zone A (HR-2A) consists of Lots in the HR-2 Districts that are west of Main Street, excluding those lots within Block 13. The LMC outlines special requirements to Lots in the HR-2A zone are part of a Master Planned Development, a Conditional Use Permit, or a Plat Amendment that combines a Main Street, HCB zoned, Lot with an adjacent Park Avenue, HR-2 zoned, Lot or portion of a Lot, for the purpose of restoring an Historic Structure, constructing an approved addition to an Historic Structure, constructing a residential dwelling or Garage on Park Avenue, or expanding a Main Street Business into the HR-2 zoned Lot (LMC § 15-2.3-8).

The site is located within the HR-2A sub-zone. After careful review staff has made a determination that the requested plat amendment does falls under this category above as the plat amendment is for the purpose of restoring a historic structure and "clean up" the lot lines and building encroachments and to recreate 2 lots of record which will permit construction of residential dwellings on Park Avenue. Therefore, the following special HR-2A requirements are applicable to this plat amendment request:

- 1. All Commercial Uses extending from Main Street into the HR-2 Zone are subject to the Conditional Use Permit review requirements of Section 15-1-10 and the Master Planned Development requirements of Section 15-6 if the development is part of a Master Planned Development. These Commercial Uses must be located below the Grade of Park Avenue projected across the HR-2 Lot and beneath the Main Floor of a residential Structure or Structures facing Park Avenue. Occupancy of the below Grade Floor Area is conditioned upon completion of the residential structure on the HR-2 Lot.*

The development is not part of a Master Planned Development (MPD). The commercial use which is within the HR-2 zone consists of a wooden structure with a walkway, covered entry, and stairs as well as a small portion of an older brick building addition. The area only consists of the stairway and entry and its purpose is to ensure an

emergency exit from the building. The stairway was likely built in 1992 and therefore would be a legal non-conforming use and exempt from the conditional use permit requirement.

- 2. All Buildings within the HR-2 portion of the development must meet the minimum Side and Front Yard Setbacks of the HR-2 District as stated in Section 15-2.3-4, unless the Planning Commission grants an exception to this requirement during the MPD review and the development is consistent with the MPD Section 15-6-5(C). Below Grade Structures, such as parking structures and Commercial Floor Area extending from Main Street beneath a residential Structure or Structures on Park Avenue may occupy Side Yard Setbacks subject to Building and Fire Codes and trespass agreements.*

There is no request to extend any of the existing buildings toward Park Avenue from its current location. The current additions of the building located on the HR-2 portion of the development where built before this specific regulation and *therefore is considered legal non-compliant*. Any new residential structures built on Lots 2 and 3 will have to comply with all HR-2 setbacks and requirements.

- 3. All Buildings within the HR-2 portion of the development must meet the Building Height requirements of the HR-2 District as stated in Section 15-2.3-6.*

There is no request to extend any of the existing buildings toward Park Avenue from its current location. The current additions of the building located on the HR-2 portion of the development where built before this specific regulation and therefore is considered legal non-compliant. Any new residential structures built on Lots 2 and 3 will have to comply with HR-2 height requirements

- 4. Existing and new Structures fronting on Park Avenue may not contain Commercial Uses, except as permitted in Section 15-2.3-8 (B) (1).*

The current additions of the building located on the HR-2 portion of the development where built before this specific regulation and therefore is considered legal non-compliant. No new structures are requested at this time.

- 5. A Floor Area Ratio of 4.0 shall be used to calculate the total Commercial Floor Area. Only the Lot Area within the HCB Lot may be used to calculate the Commercial Floor Area.*

The Claimjumper Building site is current in Main Street Parking Special Improvement District and therefore is exempt from the parking requirement.

- 6. The number of residential units allowed on the HR-2 portion of the Development is limited by the Lot and Site Requirements of the HR-2 District as stated in Section 15-2.3-4.*

The two (2) proposed lots on the HR-2 portion of the development comply with

the lot and site requirements such as lot size and width, etc.

7. *All entrances and Access, including service and delivery, for the Commercial Use must be off of a Street or easement within the HCB District. The Commercial Structure must be designed to preclude any traffic generation on residential Streets, such as Park Avenue. Any emergency Access, as required by the Uniform Building Code (UBC), onto the HR-2 portion of the Property must be designed in such a manner as to absolutely prohibit non-emergency Use. Alarms shall be installed on all emergency doors that provide access to Park Avenue.*

The plat amendment complies with this requirement as no access is proposed from Park Avenue including service and delivery. The proposed plat reduces the number of parking spaces from ten (10) to two (2) for the exclusive use of the residential units and not for the commercial use of the site. Staff recommends adding a condition of approval that the existing parking lot be removed as proposed before the plat is recorded.

8. *Commercial portions of a Structure extending from the HCB to the HR-2 District must be designed to minimize the Commercial character of the Building and Use and must mitigate all impacts on the adjacent Residential Uses. Impacts include such things as noise, odor and glare, intensity of activity, parking, signs, lighting, Access and aesthetics.*

The plat amendment does not include the any addition extension from the HCB to the HR-2 District. The current additions of the building located on the HR-2 portion of the development where built before this specific regulation and therefore is considered legal non-compliant.

9. *No loading docks, service yards, exterior mechanical equipment, exterior trash compounds, outdoor storage, ADA Access, or other similar Uses associated with the HCB Uses are allowed within the HR-2 portion of the Property, and all such Uses shall be screened for visual and noise impacts.*

The plat amendment complies with this requirement as no loading docks, service yards, exterior mechanical equipment, exterior trash compounds, outdoor storage, ADA access, or similar use associated with the HCB use is being proposed.

10. *The Property Owner must donate a Preservation Easement to the City for any Historic Structures included in the Development.*

Staff recommends that a condition be added so that the property owner donates a preservation easement to the City for the Historic Structure before the plat is recorded.

11. *Any Historic Structures included in the development shall be restored or rehabilitated according to the requirements of the LMC Chapter 11- Historic Preservation.*

The applicant submitted a Historic District Design Review application for systems

upgrade including structural stability which has been approved per LMC Chapter 11.

12. *Any adjoining Historic Structures under common ownership or control must be considered a part of the Property for review purposes of the Conditional Use permit and/or Master Planned Development.*

There are no adjoining historic structures under common ownership or control that would trigger a CUP or MPD review.

13. *The allowed Building Width of any Structure above Final Grade is up to forty (40) feet. Building Widths shall reflect the typical variation, pattern and Historic character of the surrounding residential neighborhood.*

There is no request to extend any of the existing buildings toward Park Avenue from its current location. The current additions of the building located on the HR-2 portion of the development where built before this specific regulation and therefore is considered legal non-compliant.

14. *Residential Density transfers between the HCB and HR-2 Zoning Districts are not permitted. A portion of the Gross Floor Area generated by the Floor Area Ratio of the HCB Zoning District and applied only to Lot Area in the HCB Zone, may be located in the HR-2 Zone as allowed by this Section.*

There is no request to transfer any residential density. The current additions of the building located on the HR-2 portion of the development where built before this specific regulation and therefore is considered legal non-compliant.

15. *Maximum allowed Building Footprint for the HR-2 Lot is subject to Section 15-6-5(B).*

The proposed Park Avenue lots building footprint will comply with this regulation.

Furthermore, in June 2007 the property owner of that time executed a covenant no to build. See Exhibit F - Recorded Covenant Not to Build. As indicated on this recorded document the property owner agreed not to build on certain portions of the property identified as the "No-Build Portion" area. These areas are the building additions over the HR-2 District identified throughout this staff report as Park Avenue lots encroachments.

#### Code Enforcement Issues

At the April 25, 2012 meeting, Mr. Tesch clarified that as citizens, his clients were happy about the Claimjumper and believed the applicant was doing the right thing. However, they had concerns regarding neighborhood impacts and impacts to Old Town in general.

Staff recognizes that Claimjumper site can be difficult to manage and that the City has received many complaints with the Building Department's Code Enforcement Officers as

shown below:

<b>Complaint</b>	<b>Date of Complaint</b>	<b>Status</b>	<b>Issue</b>
Removing covered walkway.	3/26/2008	Closed, 3/26/08	Covered walkway was temporarily required for construction and then removed.
Commercial activity on Park Avenue during Sundance.	4/22/2011	Closed, 6/14/12	Activity was already completed and a letter was sent to the responsible party advising them of the concern of a violation
Dust and dirt on the backside of building (Park) that should be covered.	10/18/2011	Closed, 10/31/11	Dirt was placed in the parking lot during excavation, dirt was required to be cleaned up.
Sundance-Park Avenue access.	1/25/2012	Closed, 6/14/12	Sundance 2012 complaints regarding Park Avenue access. Proper communication has been implemented between special events coordinator, code enforcement officer, and Planning Department.
Commercial activity in residential zone, unloading out of event onto Park Ave	1/26/2012	Pending	Citation issued to tenant.
Construction site using a lot on Park Ave.	4/10/2012	Closed, 6/14/12	Construction activity utilizing the lot to the north- removed construction material from site and obtained agreement from neighboring property owner.
Working beyond the scope of the permit.	4/23/2012	Pending	Construction Plans red-lined to show the additional construction work on the rear of the structure.

Good Cause

Staff finds good cause for this plat amendment as the historic structure will no longer encroach on the rear lots and the Park Avenue lots will be combined to meet the minimum lot area. The proposed plat amendment will also eliminate two (2) remnant parcels, portion of Lot 19 and a portion of Lot 28. There are no remnant parcels created with this plat amendment request. Additionally, the proposed use and renovation of the building will provide an adaptive reuse to one of Park City's most historically significant

buildings ensuring its use into the future and a parking easement is provided for the residential uses within the historic building.

### **Process**

The applicant will have to submit a Historic District Design Review application for new construction on Lots 2 and 3, and any improvements on the three (3) lots. HDDR applications are reviewed administratively by the Planning Department. The approval of this plat amendment 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. No further issues were brought up at that time.

### **Notice**

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

### **Public Input**

Staff has received general inquiries about the proposed plat amendment. Public input has also been received. See Exhibit E & G Public Input.

### **Alternatives**

- The Planning Commission may forward positive recommendation to the City Council for the 573 Main Street - A Three Lot Subdivision Plat Amendment as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for 573 Main Street - A Three Lot Subdivision Plat Amendment and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on 573 Main Street - A Three Lot Subdivision Plat Amendment to a date certain and request specific information be provided in order to make a recommendation.

### **Significant Impacts**

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

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

The historic building would remain as is and no additional construction could take place across the existing lot lines. Construction includes interior remodeling of the historic building for adaptive reuse.

### **Recommendation**

Staff recommends the Planning Commission hold a public hearing for 573 Main Street - A Three Lot Subdivision 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**

Exhibit A - Draft ordinance with Attachment 1 - Proposed Plat Amendment

Exhibit B - Site Survey

Exhibit C - Vicinity Map

Exhibit D - County Plat Map

Exhibit E - Public Input - Joe Tesch

Exhibit F - Recorded Covenant Not to Build

Exhibit G - Public Input - Additional

Exhibit H - Applicant Response

Exhibit I - Response to Applicant Response

**Exhibit A – Draft Ordinance No. 12-**

**AN ORDINANCE APPROVING THE 573 MAIN STREET A THREE LOT  
SUBDIVISION PLAT AMENDMENT LOCATED AT 573 MAIN STREET, PARK CITY,  
UTAH.**

WHEREAS, the owners of the property located at 573 Main Street, All of Lots 16, 17, 18, 29, 30, 31 and the South 19 feet of Lot 19 and the Southerly 18.98 feet of the Easterly 20 feet of Lot 28, Block 9, PARK CITY SURVEY, AMENDED, according to the official plat thereof on file and of the record in the Summit County Recorder's Office. PC-133, have petitioned the City Council for approval of the 573 Main Street - A Three Lot Subdivision Plat Amendment; and

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

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

WHEREAS, the Planning Commission held a public hearing on April 25, 2012, to receive input;

WHEREAS, the Planning Commission, on June 27, 2012, forwarded a recommendation to the City Council; and,

WHEREAS, on July 12, 2012, the City Council conducted a public hearing on the 573 Main Street - A Three Lot Subdivision Plat Amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 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 plat amendment as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

**Findings of Fact:**

1. The property is located at 573 Main Street and 564 & 572 Park Avenue.
2. This is a request to reconfigure six (6) Old Town lots and portions of two lots into three (3) lots of record through a plat amendment request.
3. The entire area is identified with Summit County as parcel no. PC-133.
4. Proposed Lot 1 located off Main Street consists of the site of the Claimjumper building.
5. Proposed Lots 2 and 3 located off Park Avenue consists of two residential lots.
6. The owner desires to remodel the interior walls to create a night club/bar/restaurant

on the basement level, a restaurant with a lobby for access to the living units above on the main level, and the two (2) upper levels for residential use with one (1) living unit on each floor.

7. The Main Street lots are currently within the HCB District.
8. The Park Avenue lots are currently within the HR-2 District.
9. The Claimjumper Hotel building is located on the property and was constructed across existing property lines.
10. The Historic Site Inventory (HSI) identifies the site as a landmark site.
11. The site is listed in the National Register of Historic Places.
12. The property fronts on, and receives legal access from Main Street.
13. The Park Avenue lots currently contain an asphalt parking lot with a concrete gutter.
14. The asphalt parking area is not striped with room for ten (10) parking spaces.
15. The Park Avenue lots also contains portion of the current Claimjumper Building consisting of a newer wooden structure with a walkway, covered entry, and stairs.
16. In March 2007 the Historic Preservation Board (HPB) determined that the structure contained additions that were added in 1987 that were not historically significant.
17. In April 2007 the City Council approved a single lot subdivision over the historic structure, Main Street lots only. This approval was voided because the conditions of approval were not met and the plat was not recorded within a year.
18. In June 2007 the Planning Department reviewed and approved a HDDR application to remove the non-historic additions and replace them with new additions including a roof addition of two (2) penthouse units.
19. The applicant did not meet the condition of approval of obtaining a building permit within a year's time from the approval date and the HDDR approval was voided because the approval expired.
20. In 2009 the City Council approved an ordinance approving amendments to the Land Management Code which changed the criteria for designation of historic sites.
21. The subject site was listed as a contributing building on the National Register of Historic Places in 1979 as part of the *Park City Main Street Historic District*.
22. The historic building was built within the historic period (1868-1929), is associated with the mining era, and retains its historic integrity.
23. The site meets the criteria set forth in LMC Chapter 15-11 in 2009 for designation as a Landmark Site.
24. The minimum lot area within the HCB is 1,250 square feet.
25. The proposed lot area for lot 1 is 8,999.8 square feet.
26. The minimum lot width within the HCB is twenty-five feet (25')
27. The proposed lot width for lot 1 is 94.97 feet.
28. The minimum lot depth within the HCB is fifty feet (50').
29. The proposed lot depth for lot 1 is 75 feet.
30. The maximum height envelope for the HCB District is thirty feet (30') at property line traversing at a forty-five degree (45°) angle back to a maximum of forty-five feet (45') above existing grade.
31. The existing historic building does not comply with the height envelope and therefore the building is a legal non-complying structure.
32. The existing rear additions to the historic building currently encroach onto the adjacent lots which front onto Park Avenue and are located within the HR-2 zoning

- district. They consist of a newer wooden structure with a walkway, covered entry, and stairs.
33. The proposed lots are reconfigured so that there are no improvements encroaching over the rear lot line.
  34. All commercial access to the Claimjumper Building, 573 Main Street, will be off Main Street.
  35. The minimum lot area within the HR-2 is 1,875 square feet.
  36. The proposed lot area for lot 2 and 3 is 2,060.97 square feet.
  37. The minimum lot width within the HR-2 is twenty-five feet (25')
  38. The proposed lot width for lot 2 and 3 is 37.47 feet.
  39. It has been estimated that the parking area was built between the late 1980's and early 1990's.
  40. The parking area located rear of the building was built to accommodate the various uses in the Claimjumper Hotel building.
  41. Currently the HR-2 District allows a *Residential Parking Area or Structure with greater than four (4) spaces* with a conditional use permit.
  42. The existing ten (10) car parking area is non-conforming because it does not comply with the current regulation.
  43. The property owner proposes to reconfigure the existing ten (10) car parking lot to an area to only consist of two (2) parking spaces total for the exclusive use of the residential units to be located within the Claimjumper interior remodel through a parking easement over the two (2) proposed Park Avenue lots.
  44. The proposed parking easement is allowed in the HR-2 District.
  45. The building footprint of the two Park Avenue lots will be limited to 917.8 square feet.
  46. Each lot will require two (2) off-street parking spaces for their residential use.
  47. In 1992 the Claimjumper Hotel building was being threatened with condemnation unless it could be brought up to acceptable safety level.
  48. The 1992 the current property owner applied for design review of two (2) additions to the building for stairs, including the addition off the back, to be reviewed by the Historic District Commission (HDC).
  49. In 1992 the Chief Building Official advised the HDC that if the additions could not be made to work, the building would have to be demolished.
  50. In 1992 the HDC approved the proposed building improvements.
  51. In 1992 four existing parking spaces will be lost with the proposed plan but the site plan called for additional parking on the Park Avenue side.
  52. In 1992 a design review condition of approval indicated that the additions were to meet all other requirements of the Land Management Code and Building Code.
  53. The HR-2 District was created from the HR-1 District in 2000.
  54. In 1988 the City created the Historic Residential – Low Intensity Commercial Overlay (HR-2) District.
  55. In this neighborhood when the HR-2 District was created in 2000 it changed the base zone from HR-1 to HR-2 and it removed both the HR-2 (Historic Residential Low Intensity Commercial Overlay and HTO (Historic Transition Overlay) which were both overlay zones at the time.
  56. The Claimjumper Building site is current in Main Street Parking Special Improvement District and therefore is exempt from the parking requirement.

57. The parking easement proposed to be dedicated with this plat amendment is for the benefit of the two proposed residential units in the 573 Main Street building.
58. The parking easement consists of two (2) parking spaces and a six foot (6') access straddling the shared common property line of the two (2) Park Avenue lots towards the Main Street lot.
59. The proposed parking area platted as an easement over lot 2 and 3 consist of legal parking space standards measuring nine feet (9') in width and eighteen feet (18') in length.
60. This plat amendment request complies with the special HR-2A requirements.
61. The development is not part of a Master Planned Development (MPD).
62. There is no request to extend any of the existing buildings toward Park Avenue from its current location.
63. The current additions of the Claimjumper building located on the HR-2 portion of the development were built before this specific regulation and therefore is considered legal non-compliant.
64. The plat amendment complies with this requirement as no access is proposed from Park Avenue including service and delivery.
65. The proposed plat reduces the number of parking spaces from ten (10) to two (2) for the exclusive use of the residential units and not for the commercial use of the site. Staff recommends adding a condition of approval that the existing parking lot be removed as proposed before the plat is recorded.
66. The plat amendment complies with this requirement as no loading docks, service yards, exterior mechanical equipment, exterior trash compounds, outdoor storage, ADA access, or similar use associated with the HCB use is being proposed.
67. Staff recommends that a condition be added so that the property owner donates a preservation easement to the City for the Historic Structure before the plat is recorded.
68. The applicant submitted a Historic District Design Review application which has been approved per LMC Chapter 11.
69. There is no adjoining historic structure under common ownership or control that would trigger a CUP or MPD review.
70. The current additions of the building located on the HR-2 portion of the development where built before this specific regulation and therefore is considered legal non-compliant.
71. There is no request to transfer any residential density.
72. In June 2007 the property owner of that time executed a covenant no to build over a specific area were the building encroaches over the HR-2 District.
73. There are many filed code enforcement issues at the subject site.
74. These complaints have been and are currently handled by the Building Department.

#### Conclusions of Law:

1. There is good cause for this plat amendment as the historic structure will no longer encroach on the rear lots and the Park Avenue lots will be combined to meet the minimum lot area. The proposed plat amendment will also eliminate a remnant parcel, portion of Lot 19 and Lot 29.
2. The proposed use and renovation of the building will provide an adaptive reuse to

one of Park City's most historically significant buildings ensuring its use into the future.

3. As conditioned, the plat amendment is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.
4. The plat amendment is consistent with the Park City Land Management Code HR-2A special requirements.
5. Neither the public nor any person will be materially injured by the proposed plat amendment.
6. 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 request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Modified 13-D sprinklers will be required for new residential construction along Park Avenue.
4. A 10 foot wide public snow storage easement shall be provided along Park Avenue.
5. The parking easement on Lots 2 and 3 for the benefit of Lot 1 is only permitted to be used for the residential units. The parking easement shall not be used for commercial purposes.
6. The existing parking lot shall be removed as proposed prior to the plat recordation. The existing parking lot shall be removed before July 12, 2012 per condition of approval no. 1.
7. The property owner shall donate a preservation easement to the City for the Historic Structure before the plat is recorded.

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

PASSED AND ADOPTED this 12<sup>th</sup> day of July, 2012.

PARK CITY MUNICIPAL CORPORATION

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Dana Williams, MAYOR

ATTEST:

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Jan Scott, City Recorder

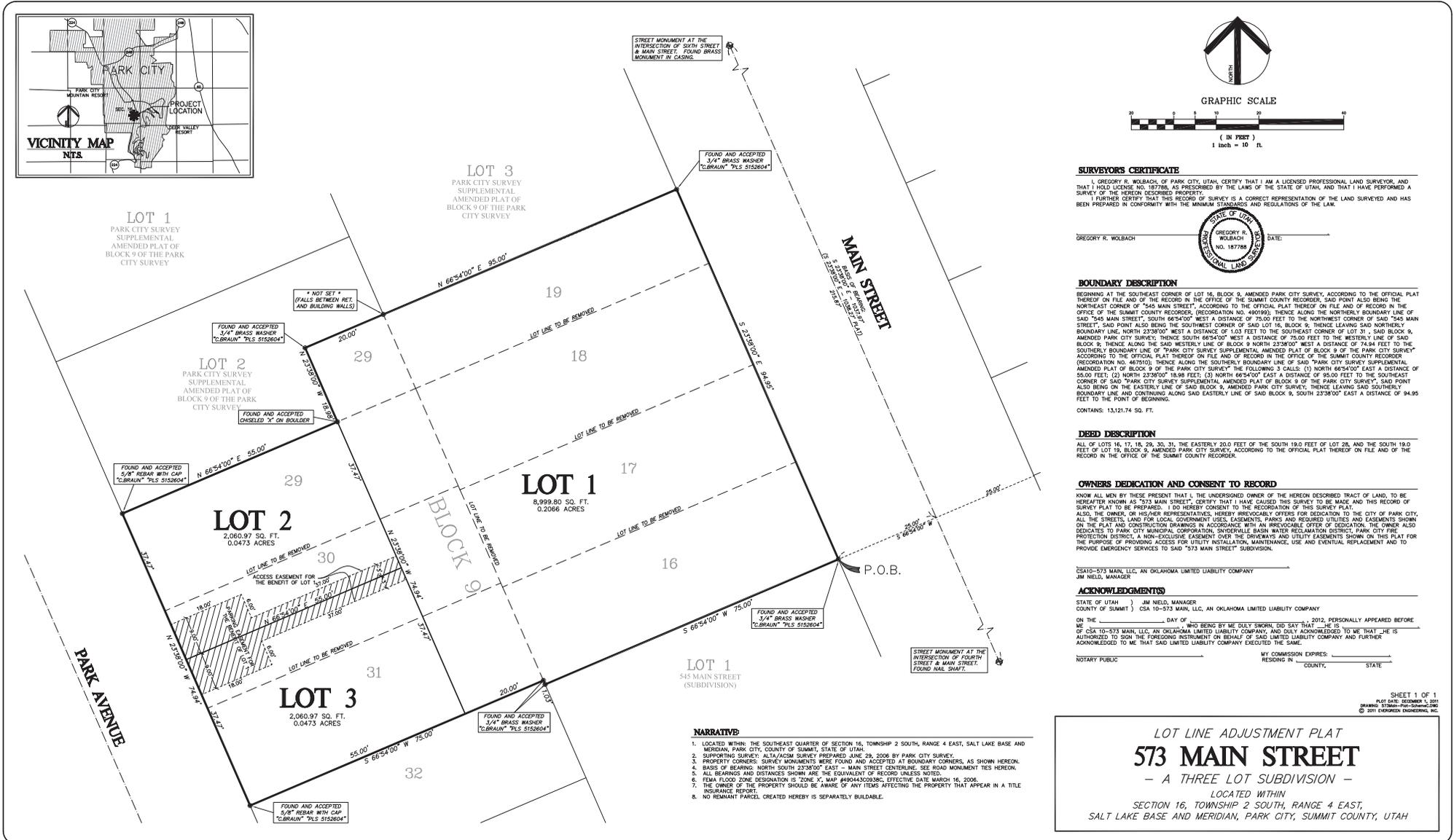
APPROVED AS TO FORM:

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Mark Harrington, City Attorney

Attachment A – Proposed Plat Amendment

# Attachment 1 – Proposed Plat Amendment



**SURVEYOR'S CERTIFICATE**  
I, GREGORY R. WOLBACH, OF PARK CITY, UTAH, CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD LICENSE NO. 187768, AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, AND THAT I HAVE PERFORMED A SURVEY OF THE HEREIN DESCRIBED PROPERTY.  
I FURTHER CERTIFY THAT THIS RECORD OF SURVEY IS A CORRECT REPRESENTATION OF THE LAND SURVEYED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REGULATIONS OF THE LAW.

GREGORY R. WOLBACH  
DATE: \_\_\_\_\_  
PROFESSIONAL LAND SURVEYOR  
STATE OF UTAH  
LICENSE NO. 187768

**BOUNDARY DESCRIPTION**  
BEGINNING AT THE SOUTHWEST CORNER OF LOT 16, BLOCK 9, AMENDED PARK CITY SURVEY, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF THE RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER, SAID POINT ALSO BEING THE NORTHEAST CORNER OF "545 MAIN STREET", ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER, (RECORDATION NO. 490199), THENCE ALONG THE NORTHERLY BOUNDARY LINE OF SAID "545 MAIN STREET", SOUTH 66°54'00" WEST A DISTANCE OF 75.00 FEET TO THE NORTHEAST CORNER OF SAID "545 MAIN STREET", SAID POINT ALSO BEING THE SOUTHWEST CORNER OF SAID LOT 16, BLOCK 9, THENCE LEAVING SAID NORTHERLY BOUNDARY LINE, NORTH 23°38'00" WEST A DISTANCE OF 1.03 FEET TO THE SOUTHWEST CORNER OF LOT 31, SAID BLOCK 9, AMENDED PARK CITY SURVEY, THENCE SOUTH 66°54'00" WEST A DISTANCE OF 75.00 FEET TO THE WESTERLY LINE OF SAID BLOCK 9, THENCE ALONG THE SAID WESTERLY LINE OF BLOCK 9 NORTH 23°38'00" WEST A DISTANCE OF 74.84 FEET TO THE SOUTHERLY BOUNDARY LINE OF "PARK CITY SURVEY SUPPLEMENTAL AMENDED PLAT OF BLOCK 9 OF THE PARK CITY SURVEY" ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER (RECORDATION NO. 467000), THENCE ALONG THE SOUTHERLY BOUNDARY LINE OF SAID "PARK CITY SURVEY SUPPLEMENTAL AMENDED PLAT OF BLOCK 9 OF THE PARK CITY SURVEY" THE FOLLOWING 3 CALLS: (1) NORTH 66°54'00" EAST A DISTANCE OF 56.00 FEET; (2) NORTH 23°38'00" WEST 18.88 FEET; (3) NORTH 66°54'00" EAST A DISTANCE OF 95.00 FEET TO THE SOUTHWEST CORNER OF SAID "PARK CITY SURVEY SUPPLEMENTAL AMENDED PLAT OF BLOCK 9 OF THE PARK CITY SURVEY", SAID POINT ALSO BEING ON THE EASTERLY LINE OF SAID BLOCK 9, AMENDED PARK CITY SURVEY, THENCE LEAVING SAID SOUTHERLY BOUNDARY LINE AND CONTINUING ALONG SAID EASTERLY LINE OF SAID BLOCK 9, SOUTH 23°38'00" EAST A DISTANCE OF 94.95 FEET TO THE POINT OF BEGINNING.  
CONTAINS: 13,121.74 SQ. FT.

**DEED DESCRIPTION**  
ALL OF LOTS 16, 17, 18, 19, 30, 31, THE EASTERLY 20.0 FEET OF THE SOUTH 19.0 FEET OF LOT 26, AND THE SOUTH 19.0 FEET OF LOT 19, BLOCK 9, AMENDED PARK CITY SURVEY, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF THE RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER.

**OWNERS DEDICATION AND CONSENT TO RECORD**  
KNOW ALL MEN BY THESE PRESENT THAT I, THE UNDERSIGNED OWNER OF THE HEREIN DESCRIBED TRACT OF LAND, TO BE HEREAFTER KNOWN AS "573 MAIN STREET", CERTIFY THAT I HAVE CAUSED THIS SURVEY TO BE MADE AND THIS RECORD OF SURVEY PLAT TO BE PREPARED. I DO HEREBY CONSENT TO THE RECORDATION OF THIS SURVEY PLAT.  
ALSO, THE OWNER OR HIS/HER REPRESENTATIVES, HEREBY REQUESTS FOR DEDICATION TO THE CITY OF PARK CITY, UTAH, ALL THE STREETS, LAND FOR LOCAL GOVERNMENT USES, EASEMENTS, PARKS AND REQUIRED UTILITIES AND EASEMENTS SHOWN ON THE PLAT AND CONSTRUCTION DRAWINGS IN ACCORDANCE WITH AN PREVIOUS OFFICE OF DESIGNATION. THE OWNER ALSO DEDICATES TO PARK CITY MUNICIPAL CORPORATION, SNYDERVILLE BASIN WATER RECLAMATION DISTRICT, PARK CITY FIRE PROTECTION DISTRICT, A NON-EXCLUSIVE EASEMENT OVER THE UNDERSIGNED AND UTILITY EASEMENTS SHOWN ON THIS PLAT FOR THE PURPOSE OF PROVIDING ACCESS FOR UTILITY INSTALLATION, MAINTENANCE, USE AND EVENTUAL REPLACEMENT AND TO PROVIDE EMERGENCY SERVICES TO SAID "573 MAIN STREET" SUBDIVISION.

573-10-573 MAIN, LLC, AN OKLAHOMA LIMITED LIABILITY COMPANY  
JIM NEELD, MANAGER  
**ACKNOWLEDGMENTS**  
STATE OF UTAH ) JIM NEELD, MANAGER  
COUNTY OF SUMMIT ) CSA 10-573 MAIN, LLC, AN OKLAHOMA LIMITED LIABILITY COMPANY  
ON \_\_\_\_\_ DAY OF \_\_\_\_\_, 2010, PERSONALLY APPEARED BEFORE ME \_\_\_\_\_, WHO BEING BY ME DULY SWORN, DID SAY THAT \_\_\_\_\_ HE IS OF SAID 573-10-573 MAIN, LLC, AN OKLAHOMA LIMITED LIABILITY COMPANY, AND DULY ACKNOWLEDGED TO ME THAT HE IS AUTHORIZED TO SIGN THE FOREGOING INSTRUMENT ON BEHALF OF SAID LIMITED LIABILITY COMPANY AND FURTHER ACKNOWLEDGED TO ME THAT SAID LIMITED LIABILITY COMPANY EXECUTED THE SAME.  
BY COMMISSION EXPIRES: \_\_\_\_\_  
RESIDING IN: \_\_\_\_\_ COUNTY, STATE \_\_\_\_\_  
NOTARY PUBLIC

SHEET 1 OF 1  
PLAT DATE: OCTOBER 1, 2011  
DRAWN: STANLEY, PETERSON & CO., INC.  
© 2011 EVERGREEN ENGINEERING, INC.

- NARRATIVE**
1. LOCATED WITHIN: THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, COUNTY OF SUMMIT, STATE OF UTAH.
  2. SUPPORTING SURVEY: ALTA/ACOM SURVEY PREPARED, JUNE 29, 2006 BY PARK CITY SURVEY.
  3. PROPERTY CORNERS: SURVEY MONUMENTS WERE FOUND AND ACCEPTED AT BOUNDARY CORNERS, AS SHOWN HEREON.
  4. BASIS OF BEARING: NORTH SOUTH 23°38'00" EAST - MAIN STREET CENTERLINE, SEE ROAD MONUMENT TIES HEREON.
  5. ALL BEARINGS AND DISTANCES SHOWN ARE THE EQUIVALENT OF RECORD UNLESS NOTED.
  6. FEMA FLOOD ZONE DESIGNATION IS ZONE X; MAP PARANATMOSISIC, EFFECTIVE DATE MARCH 16, 2006.
  7. THE OWNER OF THE PROPERTY SHOULD BE AWARE OF ANY ITEMS AFFECTING THE PROPERTY THAT APPEAR IN A TITLE INSURANCE POLICY.
  8. NO REMNANT PARCEL CREATED HEREBY IS SEPARATELY BUILDABLE.

**Evergreen Engineering, Inc.**  
Civil Engineering • Land Surveying • Land Planning  
1670 Business Drive • Suite 104  
P.O. Box 2861 • Park City • Utah • 84060  
Phone: (435) 648-1667 • Fax: (435) 648-9219  
E-mail: office@evergreen-eng.com

**CITY ENGINEER**  
THIS PLAT IS IN CONFORMANCE WITH INFORMATION ON FILE IN THE OFFICE OF THE PARK CITY ENGINEERING DEPARTMENT ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 2012.

CITY ENGINEER \_\_\_\_\_

**SNYDERVILLE BASIN W.R.D.**  
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 2012.

BY: \_\_\_\_\_  
SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

**CITY PLANNING COMMISSION**  
APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 2012.

CHAIRMAN \_\_\_\_\_

**APPROVAL AS TO FORM**  
APPROVED AS TO FORM ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 2012.

CITY ATTORNEY \_\_\_\_\_

**CITY COUNCIL APPROVAL**  
PRESENTED TO THE BOARD OF PARK CITY CITY COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 2012 AT WHICH TIME THIS RECORD OF SURVEY WAS APPROVED.

MAYOR \_\_\_\_\_  
CITY RECORDER \_\_\_\_\_

**RECORDED**  
NO. \_\_\_\_\_  
STATE OF \_\_\_\_\_  
COUNTY OF SUMMIT  
RECORDED AND FILED AT THE REQUEST OF: \_\_\_\_\_  
COUNTY RECORDER \_\_\_\_\_



# 573 Main Street - A Three Lot Subdivision Vicinity Map



**Legend**

- Parcels
- Streets

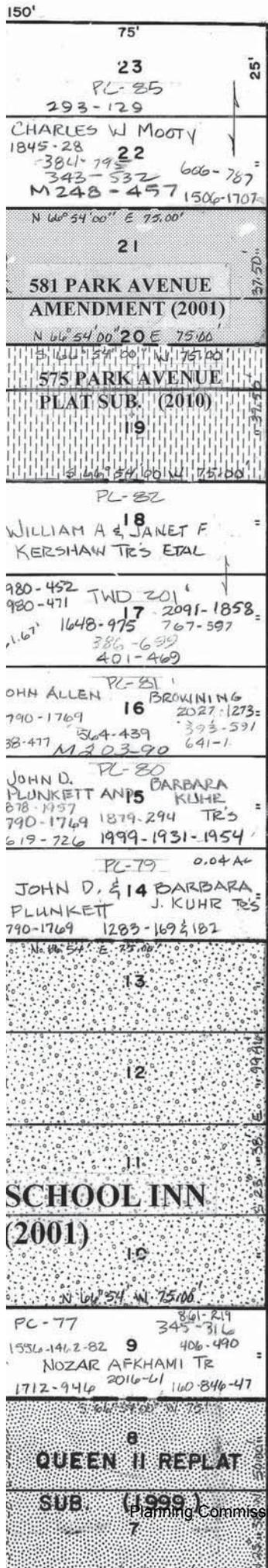
Planning Commission - June 27, 2012



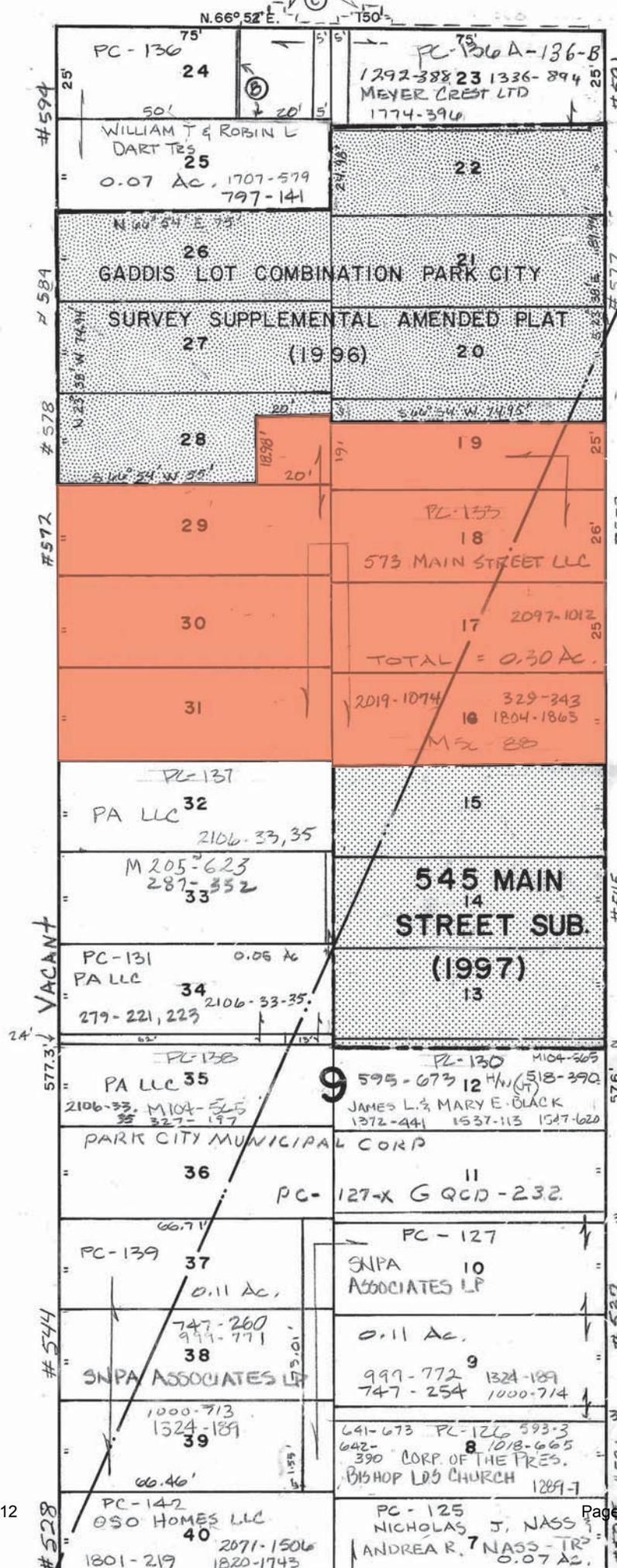
STREET

60TH STREET

Exhibit D - County Plat Map



PARK AVENUE (N 23°38' W)



MAIN STREET (N 23°38' W)

SEE 1336-894 PURPORTS TO PART OF 60TH STREET



PARK CITY

314 Main Street, Suite 200  
P.O. Box 3390  
Park City, Utah 84060-3390  
Telephone: (435) 649-0077  
Facsimile: (435) 649-2561

SALT LAKE CITY

Telephone: (801) 363-5111

HEBER CITY

2 South Main Street, Suite 2-D  
Heber City, Utah 84032  
Telephone: (435) 654-1550  
Facsimile: (435) 654-1554

April 25, 2012

Park City Planning Commission

*RE: PLAT AMENDMENT 573 MAIN STREET AND 572 PARK AVENUE (CLAIMJUMPER)*

Dear Planning Commission Members:

All you have to do here is your job—Protect Old Town.

I represent several homeowners who live on Park Avenue in the HR-2 Zone and whose residences are directly impacted by this proposed plat amendment. See Exhibit A attached.

My clients are cognizant of the benefits to Main Street vitality which may be brought about by the new commercial uses proposed and they applaud that effort.

However, an equally important objective of the Land Management Code (“LMC”) is to protect Old Town and preserve its residential flavor. In fact, listed as one of the purposes of the HR-2 Historic Residential District is:

“encourage and promote Development that supports upper Park Avenue as a pedestrian friendly residential street...that is compatible with the historic character of the surrounding residential neighborhood.”

Fortunately, this objective can be met, and it doesn't require, nor is there good cause, for this proposed plat amendment. except to clean up the lot lines beneath the historic building in the HCB zone, on Main Street and that would require a new application.

A. NO GOOD CAUSE EXISTS

Some history is in order. Attached hereto as Exhibit B is a photograph of most recent use of the HR-2 lot behind the Claimjumper as photographed during this year's Sundance Film Festival. Hardly compatible with the purposes of the HR-2 zone and a true erosion of the residential quality of life for my clients. Everything you see in this photo is expressly prohibited in the HR-2 zone. For the last two Sundance festivals, the Applicant has turned the building into a night-club called the Bing Bar, and used the building's rear entrance for deliveries during the day, as shown in the photo. At night though, the rear, emergency-only exit becomes a vip-only entrance, complete with guards, a line of limos, and a velvet rope. Attached as Exhibit C is a

photo of what the HR-2 code requires to be a single, emergency-only, Exit door, with an alarm on it. It is apparent that the Applicant views these double-doors as an entrance to the Bing Bar, regardless of any zoning regulation that prohibits use of the door.

You could say that 10 days a year for Sundance is ok, and for the most part my clients have tried to live with it for those two weeks. But now the Applicant says they want to turn this into a year-round situation, with a 'bar/nightclub' in the basement, a 'restaurant/special event space' on the main floor, and two full-floor, open plan living spaces on the top two floors, both of which could easily be used for events in the same way as the rest of the building, and in much the way that the Applicant has tried to use the entire building for the last two Film Fests. In short what is being proposed here is a lot like the Harry O's nightclub up the street, that caused so much trouble for the City and the Historic District's residents, for so many years. While the Applicant may have a right to these Uses in the HCB, on Main Street, these same uses are prohibited in HR-2, on Park Ave. The proposed plat amendment is likely to continue to enable these abuses and code enforcing is severely stretched during Sundance.

Also attached hereto as Exhibit D is the proposed plat site plan, but color coded to show the following:

1. The heaviest red line is the most easterly lot line of lots 16, 17 and 18 in the HBC zone. It is also the line which defines the two zones.
2. The pink structure is the historic brick building which is the Claimjumper (the "Historic Building").
3. The cross-hatched blue line is an addition made to the Historic Building in 1992 (the "1992 Addition"), but it is not part of the Historic Building and it can and should be eliminated as part of this renovation. As noted below, in the spring of 2007, the City Approved similar applications with the requirement that the non-historic additions be removed.

If the 1992 Addition is eliminated, there is no impact on the commercial uses, it eliminates the abuses shown as Exhibit B, it eliminates the need for any plat amendments between the HCB and HR-2 zones, and it preserves the three current historic sized lots in the HR-2 zone for future compatible residential development.

As proof that the 1992 addition is not part of the Historic Building, we need only look to two sources:

- a. The Staff Report. As set forth on page 76 of the Staff Report in the "Additional background" section, in March 2007 the Historic Preservation Board made a determination that the additions to the Historic Building made were not historically significant.

In April 2007 “the City Council approved a similar request being reviewed today... The Applicant did not meet the condition of approval of removing the non-historic additions...” Therefore the plat amendment expired [and was not “voided” as set forth in the Staff Report].

In June of 2007 the Planning Department again reviewed and approved a Historic District Design Review Application to remove the non-historic additions and replace them. This approval also expired.

So, on three separate occasions the 1992 Additions were ruled to be not part of the Historic Building.

- b. The minutes of the approval of the 1992 Addition. Attached hereto are the minutes of the Historic District Commission for October 5, 1992, as Exhibit E. They deserve to be read in full. However, what is very clear is that the 1992 Addition was approved for the singular purpose of preserving the Historic Building from demolition since the then owner was without the financial resources necessary: “Jacquie Cote interjected that Mr. Ivie had advised the Historic District that if these additions cannot be made to work, the building will go.”

This is no longer the case. The current Applicant has fixed the building so that it can now accommodate access inside the Historic Building for all four floors. Indeed, there is an elevator servicing all four floor and inside stairways are easily included in future building plans.

In short, there is no justification for a plat amendment that encroaches into the HR-2 lots, since only the 1992 addition, the non-historically significant addition, needs to be removed to cure the non-conforming encroachment onto the HR-2 lots.

The fact that the Applicant voluntarily chooses not to remove those non-historically significant additions, do not create “good cause” for approving the requested plat amendment. The encroachment is self imposed and unnecessary.

- B. The proposed plat amendment creates lots which do not meet the minimum lot size of 1875 sq. ft.

To begin with, we believe that the Staff Report is in error when it concluded that the requested plat amendment is not subject to HR-2A Sub-A and its requirements. It incorrectly concludes that this plat amendment does not combine a Main Street HBC lot with an adjacent HR-2 zoned lot for the purpose of restoring an historic structure. In fact, that is the only purpose and the proposed plat amendment incorporates parking on the HR-2 lots in order to convert the upper two floors to residential use—what could be more clear? See LMC §15-23-8.

Here simple logic takes over. HR-2 lots require a minimum of 1,875 sq. ft. Residential uses in the HRC require two parking spaces per unit, or a minimum of 4 spaces. Each parking space must be a minimum of 9' x 18' which computes to 162 sq. ft. each or 324 sq. ft for two. 2,060.75 sq. ft. (see proposed size of the two HR-2 lots) minus 324 sq. ft. = 1,736.75 sq. ft, a non conforming lot.

Why this computation? Clearly the new residential uses require two parking spaces each. See LMC §§15-23-2 (A) and (B) and 15-3-6. This is a requirement and not simply some sort of voluntary act by the Applicant as alluded to in the Staff Report. The LMC also requires each space to be a minimum of 9' x 18', not 9' x 12' as proposed by the Applicant.

The fact that the Applicant uses an easement for parking spaces rather than including those spaces in the historic lot should be seen for what it is—somewhat of a slight-of-hand. In fact, a permanent parking easement removes that property from the underlying lot just as effectively as a deed transferring that property. Therefore, while the newly proposed lots 2 and 3 may show 2,060.75 sq. ft, the truth is they, in the real world, are only effectively 1,736.75 sq. ft.—insufficient.

In short, you should not allow these technically adequate, but in practical terms inadequate sized lots to provide good cause for approval.

Moreover, the three current 25 feet by 75 feet sized lots are the preferable size for building lots if we are to preserve Old Town., and uphold the goals of our own HR-2 zoning.

- C. This approval appears perhaps greased and it should be continued. Sometimes requested approvals seem a bit greased so that your approval is solicited by Staff rather than supported by solid facts and certain analysis intended to engage your best reasoning, judgment and reflection over time. That may be occurring here. Several unusual deferences to the Applicant and errors in the Staff Report point in this direction, some of which are the following:
1. The Staff Design Review Summary dated November 2, 2011, concludes as a Finding of Fact the following: “7. A plat amendment combining these multiple lots will be required prior to building permit issuances.” However, a building permit was issued without the plat amendment and work on that permit has progressed for several months. See recent photo of work in progress as Exhibit F attached.
  2. In my experience, it is only after my clients receive Planning Commission action that the matter is then scheduled on the City Council Agenda. Here Staff is so overly confident of your approval that it has already scheduled for it final action by the City Council on the May 17, 2012 agenda. Why is this being rushed without sufficient time for analysis and reflection?

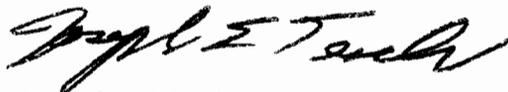
3. Lip service has been given that the Applicant desires to work with its neighbors. But those words are empty. Working with the neighbors would have occurred before the requested plat amendment was filed and before a building permit was issued, not after.
4. The Staff Report (“Report”) is slanted and full of errors.
  - a. The Report wrongly concludes that the plat amendment is not governed by the HR-2 Sub-A requirements. It is subject to those code requirements.
  - b. In more than one place, the Report concludes that there are no structures on the HR-2 lots. As Exhibits F and G show (dark blue), this is incorrect. Moreover, the HR-2 lots have a nonconforming parking lot constructed around 1993-1994.
  - c. Staff has advised me that it cannot require the Applicant to remove the non-historic 1992 Addition that encroaches into the HR-2 lots. A different result occurred in the spring of 2007 when the City did require it and this discrepancy needs to be resolved.
  - d. Both the HBC and HR-2 zones permit only a single emergency-only exit door from the HBC to the HR-2 lots. The 1992 Addition has four (4) doors. Why?

### CONCLUSION

No good cause exists for the requested plat amendment. All that has to happen is for the Applicant to construct its improvements in a way so that all of the pedestrian and parking traffic are funneled to Main Street. This is easy to do as the Historic Building is now in the process of reconfiguration including an elevator servicing all four floors and it can easily accommodate a stairway as a secondary emergency exit. Of course, as part of the approval process, the 1992 non-historic addition encroaching onto the HR-2 lots, now unnecessary, should be removed as should the nonconforming parking lot. Therefore, this Application should be denied as failing to demonstrate good cause.

However, if you are not yet ready to deny it, it should be continued for an additional public input meeting until these issues can be resolved.

Sincerely,  
Tesch Law Offices, P.C.



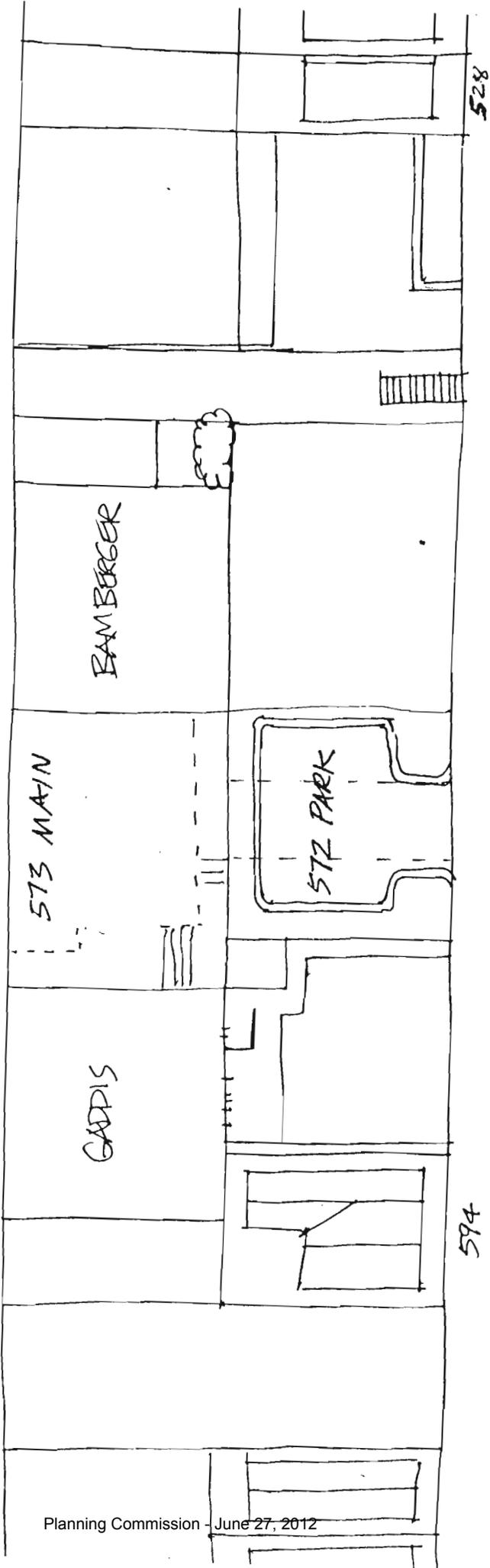
Joseph E. Tesch

JET/tw  
Enclosures

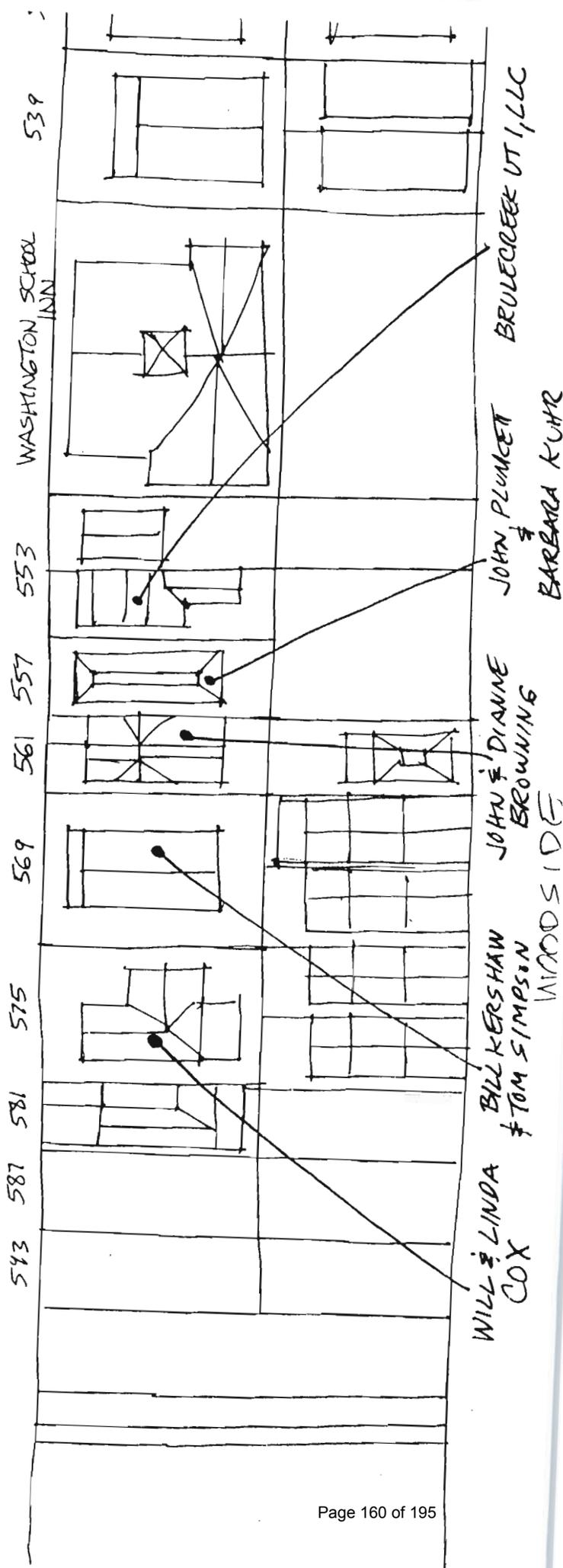
cc: Francisco Astorga  
Polly Samuels McLean

# **EXHIBIT A**

MAIN STREET



PARK AVENUE

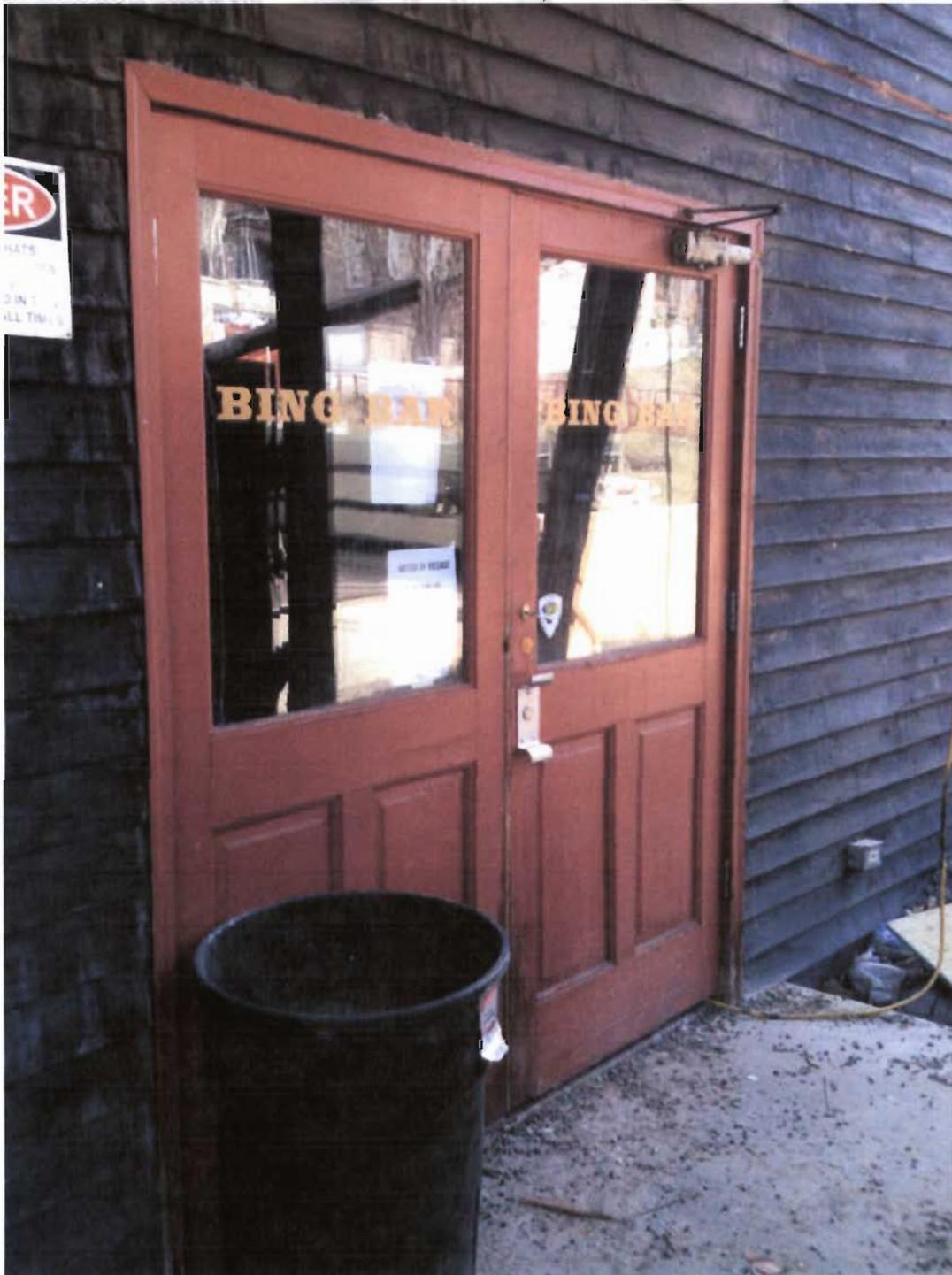


WILL & LINDA COX  
 BILL KERSHAW & TOM SIMPSON  
 JOHN & DIANNE BROWNING  
 JOHN PLUMMET & BARBARA KUHR  
 BRUCECREEK UT, LLC

# **EXHIBIT B**



# **EXHIBIT C**



# **EXHIBIT D**



# **EXHIBIT E**

Planner Lykes volunteered to call the applicants when an appraisal was received and emphasized that this should be ready for further review or a possible decision on October 19.

Since this was an update only no motion was required.

2. Continued design review of single family residence at 405 Ontario, Lance Kincaid

Planner Lykes reminded the HDC that, as pointed out in the packets, plans had not been received in time for this meeting so this application will be tentatively scheduled for October 19, 1992.

Chairperson Cote asked that Planner Lykes update Mr. Kincaid about where he is with his approvals so that he will know how to proceed if he waits until next year.

MOTION: David White moved to continue the design review of single family residence at 405 Ontario. Motion seconded by Chris Larson. Motion carried.

VI. NEW BUSINESS

1. Design review of renovation and addition at Claimjumper Hotel, 573 Main Street, Gary Accord

Planner Lykes commented that Chief Building Official Ron Ivie had come in during the work session that evening and updated the HDC on the history of this building and what is currently happening with it.

Planner McIntyre advised the HDC that Gary Accord had brought in revised plans which were slightly different from those in the packet. Planner McIntyre reminded the HDC that the building is being threatened with condemnation unless it can be brought up to an acceptable safety level.

Planner McIntyre stated that this application is for design review of two additions to the building for stairs. One addition is on the north side of the building, the other is on the back. Both additions are the result of life/safety requirements.

Jacque Cote interjected that Mr. Ivie had advised the HDC that if these additions cannot be made to work, the building will go.

Planner McIntyre reminded the HDC when she had reviewed this preliminarily with them, they had been concerned over the use of the siding materials and why brick could not be used to match the

existing exterior walls. Both Gary Accord and Ron Ivie agree that the building does not have the strength to accommodate brick.

Mr. Accord explained that it is a seismic issue. Sheer block tests were done on the walls to determine their strength in all directions. Brick veneer or masonry construction would add substantially more dead weight or mass to the building. Mr. Accord explained that much of the old plaster is being torn out of the upper two floors to eliminate dead weight.

Mr. Accord stated that the stair tower additions are wood frame with wood siding. The wood siding will be detailed to be reflective of the Main Street elevation.

A discussion followed prompted by Mr. White on whether the use of masonry would be impossible to use or prohibitively expensive to use. The owner is operating with a \$500,000 budget for structural improvements. Gary Accord commented that masonry could be used if costs were not a factor and in that case the back stair tower would need to be free-standing and the other have a seismic joint against the building so as not to further burden the existing structure. In response to Mr. White, Mr. Accord verified that the frame stairways will be fastened to the building.

Mr. Accord gave a brief description of the condition of the masonry around the building. He explained that sheer block tests had been done on the building to analyze the strength of the existing bricks. He advised that if the stair tower additions are wood-frame and they eliminate all of the old plaster, asbestos ceilings, and as much other dead weight and mass as is feasible, then the structural work inside the building will be to attach the floor diaphragms and the roof diaphragms to the exterior brick walls. This will make the exterior brick walls the sheer resisting elements in the building.

In response to Jacquie Cote, Mr. Accord advised that they will tuck-point the existing brick on the front of the building. The towers will be painted an accent color to match the accent brick which currently exists on the building.

Mr. Accord went over the various elevations with the HDC, explaining where the stair tower additions would be located. He explained that the second and third floors of the building would be used as office space.

Mr. Accord advised that the north side of the building is the only area where a stair tower can be constructed which goes from the basement to the top of the building. Not only will this give the upper levels of the building a main street access but will leave enough space for an elevator shaft for ADA requirements.

Historic District Commission  
Meeting of October 5, 1992  
Page 5

In response to Chairperson Cote, Mr. Accord stated that four existing parking spaces will be lost with this plan but the site plan calls for additional parking on the Park Avenue side.

Since there was no further discussion, Chairperson Cote asked for a motion.

MOTION: Chris Larson moved to approve the design for two stair additions for the Claimjumper Hotel at 573 Main Street with the following conditions:

1. The architectural details of the building shall match the existing in terms of colors, windows, and trim. Materials shall not be required to match, but will meet the requirements of the Building Code.
2. This approval is for design only. The additions shall meet all other requirements of the Land Management Code and Building Code.

Motion seconded by David White. Motion carried.

At approximately 6:00 PM the meeting was adjourned.

Approved: \_\_\_\_\_ Date: \_\_\_\_\_  
Chairman

10/5.

1. Get clarification on vesting to HDC. when filed complete bldg permit app.
2. Notes to file:

< Ron re: Claim jumper:

2 years in negotiation of upgrade or condemnation structural & fire code upgrades = \$500,000.  
He is satisfied public-safety-wise with what they are doing. Meets the "old building" codes. It built of masonry (stairs), economics is a problem - have already spent half million dollars. Frame vs. masonry = \$10,000 of dollars.

3. Juice hired.
4. Just conference
5. Work Session projects

Chris - demolition proactive - advertising -

- who are lot owners ~~interested~~ interested in moving in a house?

- groups which renovate.

Ⓐ ← do a mailing.

Ⓑ public service announcement.

Ⓒ loan guarantees / construction loans & in concert w/ employee housing / rent restrictions. formalize the process.

Jacqui

Ⓐ ~~landmark~~ landmark bldgs. protection  
Uxaru's mansion, etc.

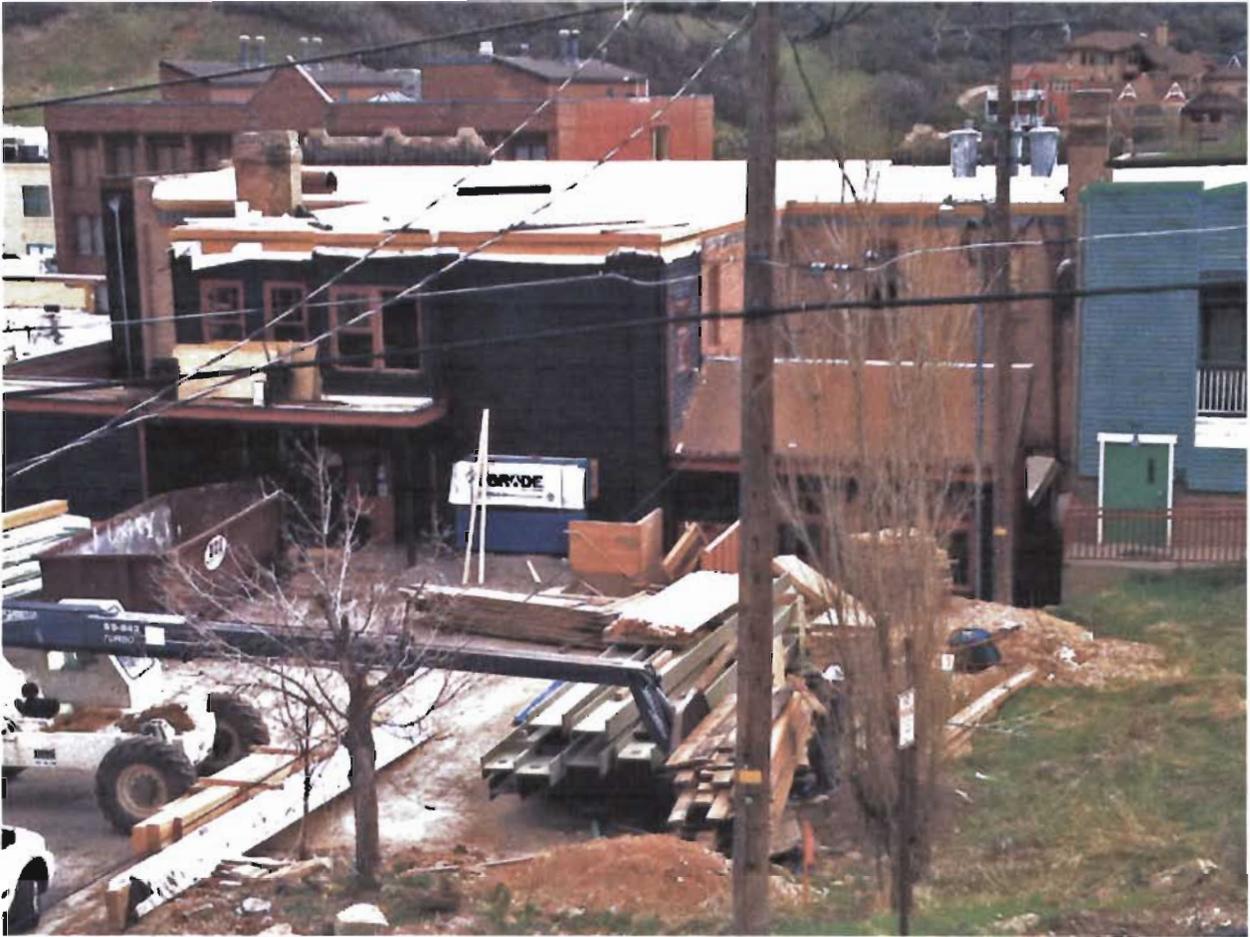
Ⓑ ID historic structures outside of HD -  
or extend HD.

Ⓒ no paint on second grants - promote  
people doing their own upkeep. no grants

# **EXHIBIT F**



# **EXHIBIT G**



**WHEN RECORDED RETURN TO:**

Thomas G. Bennett  
Ballard Spahr Andrews & Ingersoll, LLP  
201 South Main Street, Suite 600  
Salt Lake City, Utah 84111

**ENTRY NO. 00815455**

06/07/2007 02:30:24 PM B: 1870 P: 0082

Covenant PAGE 1 / 4

ALAN SPRIGGS, SUMMIT COUNTY RECORDER

FEE \$ 16.00 BY PARK CITY TITLE



**COVENANT NOT TO BUILD**

THIS COVENANT NOT TO BUILD (this "Covenant") is made as of this 23<sup>rd</sup> day of May 2007, by 573 MAIN STREET, LLC, an Arizona limited liability company ("Grantor").

**RECITALS**

A. Grantor is the owner of the real property located in Park City, Summit County, Utah as more particularly described on Exhibit "A" attached hereto and incorporated herein (the "Grantor Property").

B. As a condition for receiving a building permit for improvements at the Grantor Property, Park City has requested that Grantor agree not to build on certain portions of the Grantor Property as indicated on Exhibit "A" (the "No-Build Portion").

NOW, THEREFORE, in consideration of the foregoing, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Grantor covenants as follows:

**COVENANT**

1. Covenant Not To Build. Grantor hereby covenants not to build any vertical improvements on the No-Build Portion of the Grantor Property. This covenant applies only to improvements above ground and does not apply to any improvements below grade.

2. Reservation of Rights. Grantor reserves unto itself forever the right to place or grant easements, including, but not limited to, easements for utilities and maintenance, along, above, below or across the No-Build Portion of the Grantor Property.

3. Run with the Land. All provisions of this Covenant shall run with the land and be binding on Grantor and its respective successors in title to the Grantor Property.

4. Descriptive Headings. The descriptive headings of the sections hereof are inserted for convenience only and shall not control or affect the meanings or construction of any provisions hereof.

5. Governing Law. This Covenant is entered into in and shall be governed by and construed in accordance with the laws of the State of Utah, without giving effect to its conflict of laws principles.

6. Recitals and Exhibits Incorporated. The Recitals set forth above are true and correct and are incorporated herein by this reference. The Exhibit attached to this Covenant is incorporated herein by this reference.

7. Counterparts. This Covenant may be executed in two or more counterparts, all of which shall constitute one and the same instrument.

**IN WITNESS WHEREOF**, this Covenant has been entered into as of the day and year first above written.

**GRANTOR:**

573 MAIN STREET, LLC, an Arizona limited liability company

By: 573 Main Street Investments, LLC, an Arizona limited liability company

By: \_\_\_\_\_  
Name: David C. Dewar  
Its: Manager

STATE OF Arizona )  
:ss.  
COUNTY OF Maricopa )

The foregoing instrument was acknowledged before me this 23<sup>rd</sup> day of May, 2007 by David C. Dewar, the Manager of 573 Main Street, LLC, an Arizona limited liability company, on behalf of the company.

Stephanie Lee Martensen  
Notary Public

My Commission Expires:  
Mar. 25, 2010



Exhibit "A"

Depiction of No Build Portion

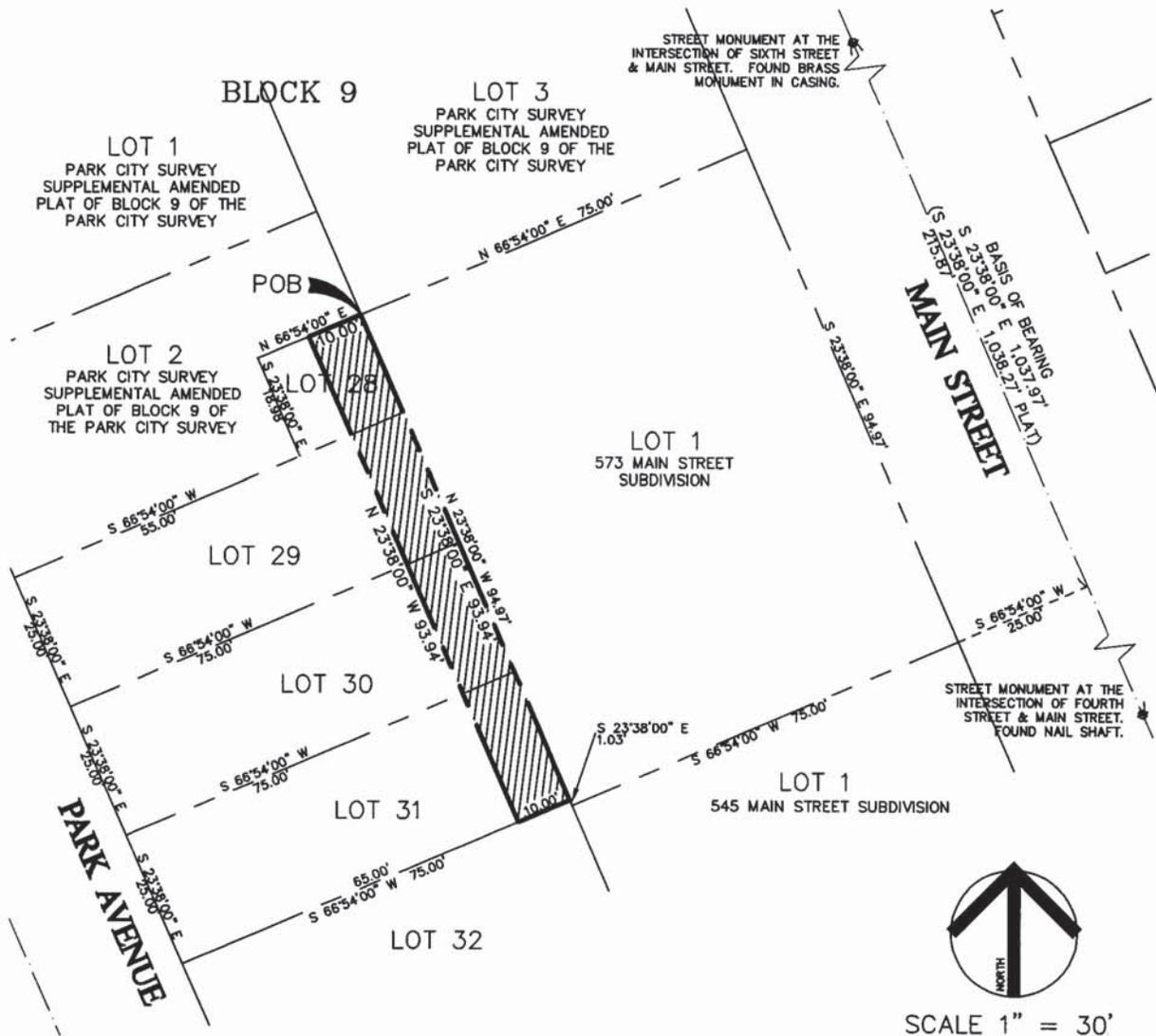
**10.00 FOOT WIDE NO BUILD EASEMENT**

BEGINNING AT THE EASTERLY MOST CORNER OF LOT 2 OF GADDIS LOT COMBINATION PARK CITY SURVEY SUPPLEMENTAL AMENDED PLAT OF BLOCK 9 OF THE PARK CITY SURVEY, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER (ENTRY NO. 467510), SAID POINT ALSO BEING ON THE NORTHEASTERLY PROPERTY LINE OF LOT 28 OF BLOCK 9 OF THE PARK CITY SURVEY; AND RUNNING THENCE SOUTH 23°38'00" EAST ALONG THE NORTHEASTERLY PROPERTY LINE OF SAID LOT 28 AND LOTS 29, 30 AND 31, A DISTANCE OF 93.94 FEET TO THE EASTERLY MOST CORNER OF LOT 31 OF SAID BLOCK 9; THENCE ALONG THE SOUTHEASTERLY PROPERTY LINE OF SAID LOT 31, SOUTH 66°54'00" WEST A DISTANCE OF 10.00 FEET; THENCE NORTH 23°38'00" WEST A DISTANCE OF 93.94 FEET TO THE SOUTHEASTERLY PROPERTY LINE OF SAID LOT 2; THENCE NORTH 66°54'00" EAST ALONG SAID SOUTHEASTERLY PROPERTY LINE A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

PC-133

**10.00 FOOT WIDE NO BUILD EASEMENT**

BEGINNING AT THE EASTERLY MOST CORNER OF LOT 2 OF PARK CITY SURVEY SUPPLEMENTAL AMENDED PLAT OF BLOCK 9 OF THE PARK CITY SURVEY, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER (ENTRY NO. 467510), SAID POINT ALSO BEING ON THE NORTHEASTERLY PROPERTY LINE OF LOT 28 OF BLOCK 9 OF THE PARK CITY SURVEY; AND RUNNING THENCE SOUTH 23°38'00" EAST ALONG THE NORTHEASTERLY PROPERTY LINE OF SAID LOT 28 AND LOTS 29, 30 AND 31, A DISTANCE OF 93.94 FEET TO THE EASTERLY MOST CORNER OF LOT 31 OF SAID BLOCK 9; THENCE ALONG THE SOUTHEASTERLY PROPERTY LINE OF SAID LOT 31, SOUTH 66°54'00" WEST A DISTANCE OF 10.00 FEET; THENCE NORTH 23°38'00" WEST A DISTANCE OF 93.94 FEET TO THE SOUTHEASTERLY PROPERTY LINE OF SAID LOT 2; THENCE NORTH 66°54'00" EAST ALONG SAID SOUTHEASTERLY PROPERTY LINE A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.



PLOTTED: MAY 25, 2007

<p><b>10 FOOT WIDE NO BUILD EASEMENT EXHIBIT</b> <b>573 MAIN STREET SUBDIVISION</b></p>	<p>DESIGNED BY: ADM</p> <p>DRAWN BY: ADM</p> <p>CHECKED BY: ADM</p>		<p>REVISION</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>DATE</th> <th>BY</th> <th>COMMENTS</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>	DATE	BY	COMMENTS																<p><b>Evergreen Engineering, Inc.</b></p> <p><small>Civil Engineering • Land Surveying • Land Planning 300 South 200th Street • Suite 200 P.O. Box 2000 • Park City • UT • 84002 Phone: (435) 486-0807 • Fax: (435) 486-0226 Email: info@evergreen-eng.com</small></p>
DATE	BY	COMMENTS																				

## Francisco Astorga

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**From:** John Browning <jb@poplar.com>  
**Sent:** Wednesday, April 25, 2012 5:49 AM  
**To:** Francisco Astorga  
**Cc:** Thomas Eddington; Kayla Sintz  
**Subject:** Plat Amendment Application PL-10-01105, 573 Main Street and 572 Park Avenue

Dear Sirs,

We have been homeowners at 561 Park Avenue for three years and I am writing to oppose the proposed Plat Amendment PL-10-0110 and associated change of use for the Park Ave lots. I am particularly opposed to granting parking permissions for a Main Street lot on Park Ave. This is contrary to both the letter and spirit of planning regulations, and it represents further encroachment of Main Street's commercial activities on to what is zoned to be an historic residential area on Park Avenue.

While I understand that the developer of 573 Main proposes to reserve the parking for residential use, our experience of the informal parking now taking place on 572 Park Avenue suggests that this restriction will be unenforceable. In theory, as I understand it, the parking and use of the rear entrance of 573 Main was meant to be for special events at Sundance only. In practice, the lot is used year-round, for commercial, construction and I-just-can't-find-anywhere-else-to-put-the-car casual use. It considerably increases traffic and congestion on Park Avenue, and should be eliminated -- not legitimised. Things would only get worse in time if the Park Avenue lots in this plat amendment were ever developed, as they too would presumably bring their own parking. Park Avenue already struggles to manage its own cars, bringing in Main Street's would threaten the historical nature of the district -- which we homeowners are investing to maintain -- and the quiet enjoyment of our homes.

I further believe the proposed plat amendment to be based on an error of fact. 573 Main Street is proposed to be allowed to encroach on Park Avenue lots because it is "an historic structure." The Claimjumper certainly is an historic structure, and I would be delighted to see it brought back to something of its former glory. But the bits encroaching on to Park Ave lots are not. They are ad hoc modern additions. Strict enforcement of planning regulations would have them torn down. Even if the City does not wish to be that draconian, it seems very wrong to use past violations of planning regulations to try to legitimise future violations of the spirit of the code. In theory, planning is meant to maintain the distinction between commercial Main Street and residential Park Avenue. This would blur it.

I grew up in Ogden, and have been visiting Park City since the opening of the then-shiny-new gondola in the mid-1960s. We hope, over time, to become more than part-time residents. I am also well aware of the difficult trade-offs planning must make between preservation and development. But the historic town center is what makes Park City distinctive. As residents, we try very hard to keep our houses in a way that preserves the traditions of the place, and is alluring for visitors as well as nice for us. But we need the City's help in ensuring that the specialness of the neighborhood isn't eroded away, planning compromise by planning compromise. I would therefore ask the Planning Department to:

\* Deny the requested plat amendment for additional parking on Park Avenue. Even for residential use, it would seem against the spirit and letter of the code to shift Main Street traffic on to Park Avenue. Worse, experience suggests that it would be impossible to restrict usage to residential purposes only. And in the longer term, development of the Park Avenue lots would create a wall of parking on the eastern side of Park Avenue that would harm to historic beauty of the neighborhood.

\* Amend the planning report and relevant documents to note that the structures pushing over the boundary line from the Main Street to the Park Avenue plats are not historic, but 1980s and 1990s additions. Without clarity on what is and is not historic, the compromises and violations of the past will be compounded into the future, until there is no historic character left.

\* Continue to work closely with the developer of 573 Main to ensure that the development of the ClaimJumper is one that we can all be proud of, rather than a constant source of complaint. That includes maintaining and enhancing the historic character of the building, preventing future noise issues, and also preventing structure and usage violations that would encourage commercial and service traffic on Park Avenue.

For the long term, everybody's interest -- and property values -- lie in maintaining the unique historic character of Park City: the quiet liveability of Park Avenue, the commercial bustle of Main Street and the dividing line between them. The City's planning regulations devote considerable detail to this task. I would ask you to enforce them.

with best regards,

John and Dianne Browning

.....

John Browning

t: +44 20 7700 1230 f: +44 20 7700 5255

## Francisco Astorga

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**From:** Will & Linda Cox <wlcox@northrock.bm>  
**Sent:** Tuesday, April 24, 2012 5:58 PM  
**To:** Francisco Astorga  
**Cc:** Thomas Eddington; Kayla Sintz  
**Subject:** Fwd: Plat Amendment Application PL-10-01105 - 573 Main Street and 572 Park Avenue

Attn: Planning Dept

Fairy Isles Ltd. owns 575 Park Ave across from 572 Park Ave since 2002. We completed a substantial renovation a year ago and willingly complied with many Historic issues throughout the construction. It is incumbent on the Planning Department to insist any construction on the upper Park Ave also adhere and conform to the Historic code. We are concerned that the LMC has not been properly applied to this plat amendment application. Likewise, there are a number of incorrect facts and omissions in the Staff Report. These mistakes have led to incorrect analysis, recommendations and Findings of Fact. We urge The City to get the facts corrected before any meaningful analysis and recommendations can take place. In an effort to protect ourselves and other owners on the street, we have engaged Joe Tesch, who will represent the homeowners in the immediate area.

Some of our specific concerns are:

- The report claims incorrectly that the Historic Building encroaches into the HR-2 lots. That is incorrect, as is clearly noted on the applicant's site plan. Only the non-historic addition encroaches into HR-2.
- The report states that the HR-2 lots currently exist without any structures. That is incorrect as can also be seen on the site-plan. Both the non-historic addition and the 1993 commercial parking lot are non-conforming uses and structures on the HR-2 lots.
- The existence of the non-historic encroachments triggers the Special HR-2A Requirements, contrary to the Staff Analysis.
- The report omits the fact that there are currently 4 rear doors to the building, when only one is permitted by code.

We are hopeful The City will do the due diligence on this Plat Amendment application in question on the East side of Park Ave (HR-2, Sub-Zone A) and where to the code that is in place.

Respectfully,

Will and Linda Cox  
[lcox@northrock.bm](mailto:lcox@northrock.bm)

## Francisco Astorga

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**From:** kirsten ehrich <kirstenehrich1@gmail.com>  
**Sent:** Wednesday, April 25, 2012 8:14 AM  
**To:** Francisco Astorga  
**Cc:** Thomas Eddington; Kayla Sintz  
**Subject:** Plat Amendment concerns re: 573 Main Street

Park City Municipal Corporation  
443 Marsac Avenue  
Park City, UT 84060

To: Park City Planning Commission  
c/o Francisco Astorga

Re: Plat Amendment Application PL-10-01105  
573 Main Street and 572 Park Avenue

We are the future owners of 553 Park Avenue, facing the rear of 573 Main Street. We are currently investing a substantial sum to rebuild and preserve the historic building, before we move in and take full ownership. As such, we are also part of the group represented by Joe Tesch, and are concerned that the LMC is not being properly applied to this plat amendment application.

There are a number of incorrect facts and omissions in the Staff Report. We believe these mistakes have led to incorrect analysis, recommendations and Findings of Fact. These errors, if left unchecked, will drastically affect the quality, value and use of our residential neighborhood. We ask the City to re-examine and correct these facts before any meaningful analysis and recommendations can take place.

Here are a few examples of the reports inaccuracies:

- The report claims incorrectly that the Historic Building encroaches into the HR-2 lots. That is incorrect, as is clearly noted on the applicant's site plan. Only the non-historic addition encroaches into HR-2.
- The report states that the HR-2 lots currently exist without any structures. That is incorrect as can also be seen on the site-plan.
- Both the non-historic addition and the 1993 commercial parking lot are non-conforming uses and structures on the HR-2 lots.
- The existence of the non-historic encroachments triggers the Special HR-2A Requirements, contrary to the Staff Analysis.
- The report omits the fact that there are currently 4 rear doors to the building, when only one is permitted by code.

The Code commits to "ensure improved livability of residential areas around the historic commercial core" (15-2.3-1G) and to "minimize impacts of Commercial Uses on surrounding residential neighborhood" (15-2.3-1K) For years, Park Avenue residents have had to live with the commercial code violations on the East Side of Park Avenue (HR-2, Sub-Zone A). We believe this Plat Amendment application presents the best, and perhaps the only opportunity, for the City to Fix all the code violations in HR-2, which is, after all, the intent of the code.

Our five homes directly face the rear of 573 Main, and collectively represent a \$6 to \$8M investment spent over 20 years, to help preserve and improve Park City's Historic District. This section of Park Avenue has become a jewel in Old Town, frequently being photographed and used for materials promoting the beauty and quality of life in Park City. The decision the City now faces could compromise the future of a quintessentially historic and quaint Park City neighborhood.

All of us as home-owners, taxpayers, and voters rely on the City to enforce the LMC as strongly as possible, both to preserve and improve the residential quality of life on Park Ave, and to equally protect the value of our investments. Our investments are based on the strength of the LMC prohibitions against commercial activity on upper Park Avenue. We expect City enforcement of the code to be equally strong.

Sincerely,

Peter and Kirsten Ehrich

## Francisco Astorga

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**From:** John Plunkett <john@plunkettkuhr.com>  
**Sent:** Wednesday, April 25, 2012 11:43 AM  
**To:** Francisco Astorga  
**Cc:** Thomas Eddington; Kayla Sintz  
**Subject:** Plat Amendment concerns re: 573 Main Street

Park City Municipal Corporation  
443 Marsac Avenue  
Park City, UT 84060

To: Park City Planning Commissioners  
  
c/o Francisco Astorga

Re: Plat Amendment Application PL-10-01105  
573 Main Street and 572 Park Avenue

Dear Commissioners,

We are the owners of the historic home at 557 Park Avenue, where we've lived and worked since moving to Park City, in 1991.

During these 20 years, we've restored five historic homes on Park Avenue and Woodside, and are currently redoing the house next door at 553 Park Avenue for a client. We also worked closely with the City for five years, to help get upper Park Avenue rebuilt with sidewalks and a dedicated parking lane.

The renovation of the street in 1994 spurred others to reinvest in the historic homes on Park Avenue, and we're proud to have had in hand in making the street a better place to live, and perhaps the most intact and well-maintained street in Park City's Historic District.

But during these 20 years we've also had to fight to keep the HR-2 zone across the street from becoming just another Swede Alley for service, parking and deliveries to Main Street. The code is clear: HR-2 (Sub-zone A) is meant to have residential only Uses, and all Commercial Uses are Prohibited. The problem is, there has been very little enforcement of the code.

Right now with this Plat Amendment application, the Planning Commission has a great opportunity to set things right, and bring this 573 Main St property back into compliance with the HBC and HR-2 zones, the way it was when we moved here in 1991. We'll let Joe Tesch speak to that, as he represents us and our neighbors in this Public Hearing.

What we'd like to do though, is point out that the Planning Commission also has an opportunity to make sure that the proper, legal Public Process is followed by the City. The LMC is clear: 15-1 -11.(C) states that "Plat Amendments and Subdivisions must be reviewed pursuant to LMC Chapter 15-7". **No Building Permit may be issued prior to such an approval."**

Somehow, in spite of the code, this applicant has already received an HDDR approval and several Building Permits, and is well under way to completing the project that you and the Public are only seeing for the first time tonight. This makes a mockery of Park City's public process, and undercuts the powers of the Planning Commission as well.

We hope you will take the opportunity tonight to correct this terrible mistake, and instruct the Building Department to rescind these clearly illegal Building Permits. The applicant should be required to wait to apply for a building permit until AFTER they receive an approved Plat Amendment, just like the LMC requires and just like everybody else in town has to do.

Thanks for your consideration,

Sincerely,

John Plunkett and Barbara Kuhr

## Francisco Astorga

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**From:** Rick Van Dresser <Rick.VanDresser@huntington.com>  
**Sent:** Wednesday, May 23, 2012 7:48 AM  
**To:** Francisco Astorga; Thomas Eddington  
**Subject:** Developer proposal for 573 Main Street

Dear Mr. Eddington and Mr. Astorga,

I understand the commercial project at 573 Main Street will be reviewed by the Planning Commission on this day.

As a homeowner with members of my family of 568 Woodside, the back of our vacation home overlooks the back entrance and parking area of 573 Main Street, and we are very concerned that traffic and noise could become a problem. Our vacation home stays busy between family use and vacationers who rent our home to come and enjoy Park City's wonderful combination of outdoor activities followed by dining and shopping on Main Street. Our home has a rear deck which affords a wonderful view of much of Old Town, and yet is not exposed directly to the noise and traffic of Main Street.

We strongly encourage that the developers of 573 Main Street be restricted to offering only the Main Street entrance to visitors, that the HVAC equipment on the roof be shielded, and that the noise and activity that will surely result from customers having a good time all be directed towards the Main Street side of the building and not the residences behind on Park Avenue and Woodside.

Thank you for your consideration.

Rick Van Dresser  
Birmingham, Michigan

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## Francisco Astorga

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**From:** John Plunkett <john@plunkettkuhr.com>  
**Sent:** Tuesday, June 19, 2012 3:25 PM  
**To:** Francisco Astorga  
**Cc:** Patricia Abdullah  
**Subject:** Public Input re: 573 Main St and 572 Park Ave Plat Amendment

To the Park City Planning Commission, c/o Francisco Astorga

Dear Planning Commission Members,

We're writing on behalf of the five Park Ave property owners whose homes face the rear of this Main Street commercial building. We are all also represented by attorney Joe Tesch.

At the April 25 hearing we were pleased that the applicant requested a continuance from you, so that they could 'work with the neighbors' to address our concerns. Imagine our dismay then, when over a month later they informed us that they're not willing to change a thing.

At this point, all we can do is place our trust in the Planning Department and Commissioners to require this applicant to comply with Park City's LMC. If there is going to be a year-round Main Street nightclub like the Bing Bar, surely the LMC should be applied to mitigate its impacts on the surrounding residential neighborhoods as much as possible. That's all we ask.

We'd like to respond here to attorney Joe Wrona's May 31 letter. We'll address his specific points lower down, but first it is important to note that his letter fails to address the newly-discovered facts we provided the Commission regarding the 1992 non-conforming addition. It also fails to address our contention that No Good Cause exists for allowing the addition to continue to encroach onto the HR-2 lots, and to cover the rear of the historic building.

But most importantly, Mr Wrona fails to address the underlying reason for our concerns, namely the illegal use of the Park Avenue rear exit-only doors as Commercial Entrances and Service Doors for the Bing Bar nightclub, during the last two Sundance Film Festivals.

In fact it would be helpful in considering this Plat Amendment, if the applicant could confirm that they either do or don't intend to use the entire building for special events on a year-round basis, as they have for the Bing Bar, and as appears to be the case from viewing their plans.

For the Commission's reference, here is a summary of our concerns:

1. Adjusting lot lines does not cure the Structure and Use encroachments that run across the underlying zoning, from the HCB zone into HR-2, Sub-Zone A.
2. The 1992 addition is non-historic and should be removed. Now that the historic building has been stabilized, the stairway can be safely put inside it, rather than outside on the Park Ave lots. This will cure the 1992 encroachment that was made for The Purpose of Preserving the Historic Structure in the HCB.
3. The double-door, rear 'entrance' must revert to an exit-only door with an alarm, as per code. It should also be a single door, the same as it is in the historic building.

4. Therefore the exit door cannot also double as a 'residential only' entrance — Residential parkers will need to access the HCB building from a legal entrance within the HCB, which they can access via the covered walkway that connects the Park Ave lots to Main Street.

5. There is Good Cause to Remove the 1992 addition and restore the Hist Building and Site within the HBC zone, which will in turn make all three Park Ave residential lots once again legal, buildable lots – instead of the two sub-standard lots proposed.

6. Most importantly, given the last two year's Bing Bar experience, there is Good Cause to mitigate the effects of a Main St nightclub's noise and outdoor mechanical systems on the surrounding, uphill neighborhoods.

(LMC 15-2.6-10 speaks to this: "Mechanical Service. All exterior mechanical equipment must be Screened to minimize noise infiltration to adjoining Properties and to eliminate visual impacts on nearby Properties, including those Properties **located above the roof tops of Structures in the HCB District.**")

Regarding the potential impacts that Mr Wrona's letter refers to, Lighting, Noise and Traffic, there is no way to evaluate his claims at this time, as the applicant has not yet filed a Proposed Site Plan, Lighting Plan, or Outdoor Mechanical Equipment Plan. These will be of great concern to us though, once they have been submitted.

Lastly, regarding Mr Wrona's opinion of Visual Impact, the only eyesore that we Homeowners face is the 1992 wooden addition that hides the historic brick hotel. We would welcome the reappearance of the Historic brick Building, the restoration of the three HR-2 residential lots, and especially the return of all commercial uses back inside the HCB zone where they are allowed.

Thank you for your consideration of our concerns.

Sincerely,

John Plunkett & Barbara Kuhr, 557 Park Ave, on behalf of:

Will & Linda Cox, 575 Park Ave  
Bill Kershaw & Tom Simpson, 569 Park Ave  
John & Dianne Browning, 561 Park Ave  
Brulecreek UT 1, LLC, 553 Park Ave



May 31, 2012

Joe Tesch  
TESCH LAW FIRM  
314 Main Street  
2<sup>nd</sup> Floor  
POB 3390  
Park City, UT 84060

*Re: 573 Main Street Plat Amendment*

Dear Joe:

My clients have carefully reviewed the staff report, and they have considered your clients' requests. Unfortunately, it appears that your clients want to use the Plat Amendment Application as an opportunity to essentially demolish substantial portions of the ClaimJumper Building. The purpose of the Plat Amendment is to enhance the ClaimJumper, not to tear it down.

In my opinion, the ClaimJumper Plat Amendment mitigates the impact of the ClaimJumper's presence on Park Avenue. For instance, the proposed Plat Amendment reduces three (3) building lots on Park Avenue down to two (2) building lots, and the Plat Amendment reduces an eight (8) car parking lot down to two (2) restricted parking stalls. These changes directly benefit the Park Avenue neighborhood behind the ClaimJumper Building.

With regard to the impact of the ClaimJumper on Park Avenue, I perceive four (4) categories of potential impacts: 1) light; 2) noise; 3) traffic; and 4) visual appearance. I will address the Plat Amendments' effect on each of those potential impacts below.

1. Lighting. With regard to night lighting, the ClaimJumper Plat Amendment will not increase night light on Park Avenue; therefore, I do not perceive that lighting is even an issue.
2. Noise. The Plat Amendment will not increase noise on Park Avenue. If anything, the Plat Amendment reduces noise on Park Avenue because the eight stall parking lot is being replaced with two dedicated parking stalls, and three building lots are being reduced to two lots. These changes reduce the noise on Park Avenue, not the other way around.
3. Traffic. Traffic on Park Avenue is mitigated by the Plat Amendment. Currently, automobiles are able to access an uncontrolled eight car parking lot on Park Avenue and those automobiles travel up and down Park Avenue at will. The Plat Amendment proposes to replace the existing eight car lot with two dedicated stalls. The net effect of the Amendment on Park Avenue traffic is that ClaimJumper automobile traffic is dramatically reduced. I assume your clients think that is a good thing.

4. Visual Impact. The ClaimJumper Building is currently in sad condition, to say the least. No one likes looking at an abandoned building with a crumbling exterior. Re-platting the ClaimJumper Building and allowing it to be brought back to life with exterior resurfacing is precisely what Park City needs, and I hazard to say your Park Avenue clients are excited by this positive change.

In summary, I do not perceive how the 573 Main Street Plat Amendment adversely impacts the Park Avenue neighborhood in any way. The Plat Amendment benefits Park Avenue, and the Applicant would appreciate the support of its Park Avenue neighbors for the Plat Amendment.

Thank you for your attention and courtesy.

Very truly yours,

WRONA LAW FIRM, P.C.



Joseph E. Wrona

/nw

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June 19, 2012

VIA EMAIL AND US MAIL

Joe Wrona  
Wrona Law Firm, PC  
1745 Sidewinder Drive  
Park City, Utah 84060

Re: Claimjumper and Bingo Bar 573 Main Street Plat Amendment

Dear Joe:

Thank you for your letter dated May 31, 2012. I thought it deserves a response paragraph by paragraph so you are not left with any misunderstanding from lack of response that my clients agree or disagree with your positions.

With regard to your first paragraph wherein you indicate that the plat amendment process presented an opportunity for my clients to essentially demolish substantial portions of the Claimjumper building, that is a gross misstatement. The purpose of my clients objections to the retention of the non historic rear portion of the current Claimjumper building is that it is not historic and visually distracts from the original architecture and therefore removal will restore, in a more perfect way, the original Claimjumper building. A second reason is that it is an illegal addition since it violates the current ordinances and unlawfully encroaches onto the HR-2 Zone which does not permit commercial buildings. We are at a loss as to why your client does not wish to remove this unsightly addition and restore the original historic building. Lastly, as you know, the multiple doorways and double doorways in the unlawful addition also violate current Land Management Code. Under the Land Management Code, only a single door is permitted with sufficient barriers to eliminate the possibility of that door being used for commercial purposes.

With regard to your second paragraph indicating that in your opinion the plat amendment mitigates the impact of Claimjumper's presence on Park Avenue by reconfiguring their lots into two larger lots. We understand your opinion. However, my clients are in total disagreement.

My clients prefer the three building lots that are currently platted which are the usual, ordinary and preferred lot sizes for this zone. It adds to the smaller home visual objective of Old Town. The restriction of eight parking stalls down to two can be an advantage if, and only if, there are attractive barriers erected (landscaping, etc.) which would physically limit any more than two automobiles. In addition, the two parking spots must be physically restricted from any commercial traffic and that could only come from using a locked gate or some other device which permits only residential occupants of the residential condominiums to use those spaces. Otherwise, my clients believe that the ongoing abuses of the parking lot that have occurred with the same owners of the last few years will continue. There is an additional problem. Either the residential uses already have dedicated parking from locations other than Park Avenue or the proposal of two parking spaces only, is less than minimum required for residential units and could well increase the traffic and parking problems on Park Avenue.

With regard to your third paragraph which explains your perception of the impacts on Park Avenue residence, I will address those one at a time.

1. Lighting. Lighting is an issue, especially when the parking lot is being abused by use for commercial traffic. Your proposal does nothing to remedy this problem, but only indicates that it will not exacerbate it. When you ask for plat amendment, the conditions for that amendment should improve the situation, not simply allow a bad situation to continue.
2. Noise. Again, you indicate that a plat amendment will not “increase the noise” on Park Avenue. The problem is that the noise on Park Avenue has been a nuisance and an unnecessary and unlawful irritant to the residents of Park Avenue and also Woodside Avenue (as much of a noise flows uphill into the homes on Woodside Avenue). Your comments seem to concentrate only on traffic. That hardly begins to address major components of the problem. For instance, because there are four doors in the non historic portion of the Claimjumper building which encroach on the HR-2 Zone lots, during use of the commercial portion of the business and even after hours, employees and guests gather on the parking lot to smoke, tell jokes and generally engage in loud talking into the wee hours in the morning (and sometimes not so wee). That is why there must be absolute barriers which deny access to the back of the building currently protruding onto the HR-2 Zone lots from loitering, etc. Physical barriers are imperative. The Land Management Code allows only one single door. All of these issues need to be addressed in order to address the noise problem.
3. Traffic. Your conclusion that traffic will be “dramatically reduced” on Park Avenue is not shared by my clients as a result of past experience and a potential for continued abuse of even two parking spaces by use for commercial purposes. In addition, since one parking spot does not meet code requirements for each of the two residential units, it is likely that it will increase the traffic and parking problems along Park Avenue unless absolutely procedures are put into place which limit the use of those two parking spots.

4. Visual Impact. My clients are in full support of the Applicant in bringing the Claimjumper building “back to life” with “exterior resurfacing” as you note in your letter. We have no intention of interfering with that improvement of the historic structure. Unfortunately, the non historic addition on the back of the building actually detracts from bringing the historic building back to life. It also accommodates all of the problems that I have outlined above.

My clients also disagree with your summary. We agree that a plat amendment should and must occur with regard to the HCB Zone lots. As a condition, the Applicant should be required to come current with the Code in every other way. Since the Applicant continues to demand exceptions to the current Code, as we view it, which negatively impact them and the continued viability of Old Town, I believe that my clients oppositions are not only in your best interest, but in the interest of all of the residents of Park City.

Thank you for your letter dated May 31st and we hope that your client seriously considers these responses to the impact on the neighborhood and is willing to henceforth, meet the requirements of all Land Management and Building Code requirements and be good neighbors, as my clients are attempting to also be.

Sincerely,  
Tesch Law Offices, P.C.



Joseph E. Tesch

JET/tw

cc: Park City Planning Commission  
Francisco Astorga