

**PARK CITY MUNICIPAL CORPORATION
 PLANNING COMMISSION
 CITY HALL, COUNCIL CHAMBERS
 AUGUST 22, 2012**



AGENDA

MEETING CALLED TO ORDER - 5:30 PM		pg
ROLL CALL		
ADOPTION OF MINUTES OF AUGUST 8, 2012		5
PUBLIC COMMUNICATIONS – <i>Items not scheduled on the regular agenda</i>		
STAFF AND BOARD COMMUNICATIONS/DISCLOSURES		
CONTINUATION(S) – <i>Public hearing and continuation as outlined below</i>		
Richards/PCMC Parcel – Annexation Petition	PL-12-01482	
<i>Public hearing and continuation to September 12, 2012</i>		
200 Ridge Avenue – Subdivision	PL-10-00977	
<i>Public hearing and continuation to September 12, 2012</i>		
Land Management Code Amendments - Chapter 1- General Provision and Procedures, Chapter 2- Zoning, Chapter 3- Off- Street Parking, Chapter 4- Supplemental Regulations, Chapter 5- Architecture Review, Chapter 6- Master Planned Development, Chapter 7- Subdivisions, Chapter 8- Annexation, Chapter 10- Board of Adjustment, Chapter 11- Historic Preservation, Chapter 12- Planning Commission, Chapter 15- Definitions	PL-12-01631	
<i>Public hearing and continuation to September 12, 2012</i>		
REGULAR AGENDA – <i>Discussion, public hearing, and possible action as outlined below</i>		
429 Woodside Avenue – Plat Amendment	PL-12-01550	27
<i>Public hearing and possible recommendation to City Council</i>		
916 Empire Avenue – Steep Slope Conditional Use Permit	PL-12-01533	101
<i>Public hearing and possible action</i>		
543 Park Avenue, Washington School Inn – Modification to a Conditional Use Permit	PL-12-01535	143
<i>Public hearing and possible action</i>		
30 Sampson Avenue – Steep Slope Conditional Usa Permit	PL-12-01487	201
<i>Public hearing and possible action</i>		
WORK SESSION – <i>Discussion items only. No action taken.</i>		
Land Management Code Amendments – General Discussion	PL-12-01631	
ADJOURN		

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

MINUTES – AUGUST 22, 2012

**PARK CITY PLANNING COMMISSION
WORK SESSION MINUTES
August 8, 2012**

PRESENT: Charlie Wintzer, Brooke Hontz, Mick Savage, Adam Strachan, Jack Thomas, Thomas Eddington, Polly Samuels McLean

WORK SESSION ITEMS

Discussion and Overview of National Planning Trends

Planning Director Eddington gave a slide presentation to show different types of planning and projects around the Country. He stated that the American Planning Association recently did a study of "Walk Appeal". Planning ideology typically assumed that the farthest an American will walk is a quarter of a mile, which averages five or ten minutes. That assumption has changing based on the idea that how far people walk depends on the appeal of the area in which they would walk.

Director Eddington provided six scenarios from the Walk Appeal Analysis.

The first scenario is called the London Standard because it was first presented in London. In a tight city such as London or any area that has building fabric that is built on adjacent buildings, people are willing to walk two miles.

The second scenario is a Main Street Standard. On an American main street people will walk approximately three-quarters of a mile. Fabric is pulled up to the sidewalk and buildings are adjacent to each other.

The third scenario is a Neo-traditional neighborhood, which is a tightly knit neighborhood, and people will walk a quarter of a mile. The buildings are close to the sidewalk but not right up to it. As you walk down the road the views change every second and people tend to walk farther than they would in a suburban neighborhood.

The fourth scenario is a Suburban neighborhood and people tend to only walk a tenth of a mile because there is very little visual interest. In a typical subdivision people will walk approximately 250 feet, primarily because there is no reason to walk.

The fifth scenario is a Power Center. If people are shopping they will not walk from one store to another. It comes down to sense of space, sense of safety and no visual interest.

The sixth scenario is a Parking Back Standard where cars are parked right up to the street. In those cases people generally will not walk 25 feet according to the new Walk Appeal Index.

Director Eddington noted that the study only came out this year and it is quite accurate.

Director Eddington presented the UK Bio-diversity Action Plan. They did a tremendous job preparing for the Olympics and it provided an opportunity to redevelop the east side of London. Director Eddington commented on various aspects of the Olympic planning for London, which included preparing for global warming and creating species habitat. He thought it was interesting how they had gone with ideological things rather than things that would produce instant monetary

return. Director Eddington indicated the Green Belt that the Olympic venue was tied into, and how green infrastructure is part of their national mentality. He noted that London was ahead of America on the green aspect.

Director Eddington presented slides of New York City and explained how the Staff had researched New York for opportunities to incorporate some of their ideas into the General Plan in terms of transportation and bicycles. He noted that New York City has taken the lead on true bike paths, and explained how they made the streets safer for cyclists.

Commissioner Hontz pointed out that Salt Lake has started doing bike corridors. The Commissioners commented on bike days promoted in other cities around the Country to encourage people to ride bikes and get out of their cars. Commissioner Thomas thought there were many interesting ideas and the question is whether they want to lead or follow.

Commissioner Thomas pointed out that UDOT was proposing to add two additional lanes each way on SR224 from Park City to the Junction. Director Eddington agreed that it was not forward thinking when the objective is to reduce the amount of traffic. He stated that the questions was how to address planning and whether they wanted to react to the traffic issue or plan to mitigate the issue using other opportunities. He believed they were still on the cusp.

Director Eddington presented photos of the New York City Highline that was built in the area where the train tracks used to run over the city. He explained how one group fought City hall against development and did what they needed to do to raise funds and generate interest to reuse it rather than demolish it. People use the New York Highline for commuting and exercise. Bikes are not allowed on it. Chair Wintzer pointed out that the New York Highline was possible because of TDRs. They started transferring density rights around the area and let the owners sell their density rights. Assistant City Attorney stated that a concerted effort was made to keep the Highline park-like and to make it narrow to maintain the park feel. She noted that it is very popular and very crowded.

Commissioner Thomas felt the demonstrated principle was that if something is no longer in use, there is always the possibility for an adaptive reuse. Director Eddington stated that adaptive reuse was true sustainable development and planning. Ms. McLean pointed out that Park City did that with the Rail Trail.

Commissioner Thomas stated that too many times they design based upon traffic flow and engineering principles, and trying to move more people in and out of the community. None of that takes into consideration the visual impacts and aesthetics. As planners, they need to start factoring in the beauty of the community. Commissioner Thomas appreciated this presentation and discussion and he thought they should do it more often.

The Work Session was adjourned.

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
AUGUST 8, 2012

COMMISSIONERS IN ATTENDANCE:

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

EX OFFICIO:

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

=====

REGULAR MEETING

ROLL CALL

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

ADOPTION OF MINUTES

July 25, 2012

MOTION: Commissioner Hontz moved to APPROVE the minutes of July 25th, 2012 as written. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Planning Director Thomas Eddington reported that the City Council had made the appointments for the Planning Commission. Those appointments would be formally announced the next evening at the City Council meeting. Director Eddington congratulated Adam Strachan and Nann Worel on their re-appointment, and he congratulated Stewart Gross on his appointment and welcomed him as the new Planning Commissioner.

Chair Wintzer announced that Mary Cook had passed away. He stated that Ms. Cook provided public input numerous times with great comments. It is very rare that someone from the public talks to the Planning Commission about items of concern without getting overly excited and provides

productive comments. Chair Wintzer thanked Mary Cook and her family for the positive experience the Planning Commission had working with her. Ms. Cook will be missed.

Chair Wintzer disclosed that he needed to recuse himself from the 1053 Iron Horse Drive discussion. Commissioner Strachan would act as Chair Pro Tem.

Chair Thomas disclosed that he joint ventured with another party to design the 1053 Iron Horse Drive project. Even though he was not awarded the project; he believed he could be objective and professional with regard to his comments this evening.

Commissioner Hontz remarked that the unintended consequence of the new trash and recycling policy in Old Town has made the City look unsightly. On a non-garbage and recycling day on Upper Park Avenue, she counted 44 garbage cans. She was concerned about the ability to navigate the roads during the winter when there is snow, garbage and recycling. Commissioner Hontz stated that she had already addressed her concern to the City Council. She also understood that it was the responsibility of the owners and property managers to take care of the problem, but that was not happening. In addition to being an annoying problem, it gives Old Town a negative image for visitors and guests.

CONTINUATION(S) – PUBLIC HEARING AND CONTINUE

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

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

MOTION: Commissioner Thomas moved to CONTINUE the Richards/PCMC Parcel annexation petition to August 22, 2012. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

2. 429 Woodside Avenue – Plat Amendment
(Application #PL-12-01550)

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

MOTION: Commissioner Thomas moved to CONTINUE the 429 Woodside Avenue Plat Amendment to August 22, 2012. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

3. 916 Empire Avenue – Steep Slope Conditional Use Permit

(Application #PL-12-01533)

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

MOTION: Commissioner Thomas moved to CONTINUE the 916 Empire Avenue Steep Slope conditional use permit to August 22, 2012. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. **1053 Iron Horse Drive, Public Works – Conditional Use Permit for Affordable Housing** (Application #PL-12-01576)

Chair Wintzer recused himself and left the room. Chair Pro Tem Strachan assumed the chair.

Planner Matt Evans reviewed the application for a conditional use permit for a multi-unit dwelling in the General Commercial Zone. The official property address is 1053 Iron Horse Drive at the City's Public Works Yard; however the actual multi-unit dwelling would be on the Short Line Road side of the project.

The applicant, Park City Municipal Corp., was requesting a conditional use permit for a 13-unit residential building with five at-grade parking spaces on the first floor. The 13th unit would be an ADA accessible unit required by Code. The building does not have an elevator. The remaining 12 units range in size from 200 to 250 square feet. There would also be common space on each floor with seating areas, a laundry facility and closet space.

Planner Evans stated that the purpose of the building is to provide housing for transit employees as a tool to recruit and retain seasonal employees. He noted that the City currently provides housing in the Old Fire Station on Park Avenue; however, another type of project is contemplated for the location in the future.

Planner Evans reported that in 2009 when the conditional use permit came before the Planning Commission for the expansion of the Public Works Facilities, a residential building for transit employees was contemplated and discussed. At that time it was noted that funding was not available for the housing component. Since then the City has secured money for the project and would like to move forward.

Planner Evans stated that the proposal was for a three-story residential structure with a tower element on top. It would have seating on the very top and a green roof, photovoltaic, and solar panels for hot water. It will also have a stairway landing on the top for the top tower element.

Planner Evans presented a conceptual rendering of the proposed structure. He noted that the building is located in the Bonanza Park District. These types of projects have been contemplated by the City for the Bonanza Park area. It is surrounded by other commercial uses as noted in the Staff report.

Planner Evans remarked that a key element of the proposal is that there would be no parking on-site for tenants, and that would be specified in the lease agreement. The applicant was requesting a parking waiver for that location. Planner Evans stated that Section 15-3-7 in the LMC, Parking Standards, allows the Planning Commission to consider a waiver of parking for conditional use and master planned developments based on three criteria; 1) parking uses that overlap; 2) spaces within a project will serve those residing in the project rather than the general public; 3) factors that support the conclusion that the project will generate less parking than the Code would otherwise require. Planner Evans noted that the exception in the Code typically requires that the applicant provide a parking study to analyze whether or not the three conditions could be met. In this case, the parking study is simply that the applicant will require that the tenants do not have parking on site.

Planner Evans pointed out that the proposed building is located where there is a bus terminal for shift changes. It is anticipated that all the residents would utilize mass transit and there would be no need to provide tenant parking.

As indicated in the Staff report, the Staff reviewed this conditional use permit per the criteria in the Land Management Code and found no unmitigated impacts. Planner Evans reported that the applicant had concerns with Condition of Approval #3, which prohibits nightly rentals.

Commissioner Savage asked for clarification on the intended use. Brooks Robinson, the Senior Transportation Planner for the City, explained that Park City has a sub-culture of transit drivers and a number of them are housed at the Park Avenue fire station. These are seasonal drivers who travel around and work in different places from season to season. They do not have cars and they basically live out of suitcases and duffle bags. The ability to provide housing at the fire station has been a good recruiting tool for the City, but they would like to provide housing on-site where the buses are maintained and the shift changes occur.

Commissioner Hontz asked if anyone could apply to live in those units if they are not filled with transit workers. Mr. Robinson believed other City employees could live there, but it would be on a seasonal basis. Commissioner Hontz assumed the rental contracts would be seasonal rather than nightly. Mr. Robinson stated that the City did not want to be precluded from nightly rentals since it is an allowed use in the zone. That was the basis for objecting to Condition of Approval #3. They do not anticipate nightly rentals, but if a circumstance arises where someone would live there for less than 30 days, they would like to have that opportunity.

Rhoda Stauffer, the City Affordable Housing Specialist, stated that the fire station has been full for three years in a row, and there is always the need for more. Eleven people can be accommodated in the fire station and two additional people can be placed in the house next door. Seasonal workers have also been placed in other City-owned units on Cook Drive. However, if Park City has

a bad year and cannot hire as many transit employees, the housing would be opened to other seasonal employees. She did not believe it would ever be opened to the general public. Commissioner Hontz assumed the City would create a qualification standard for the units. Ms. Stauffer replied that this was correct.

Commissioner Hontz noted that the Staff report refers to the ADA unit as a guest unit. The other 12 units are classified as dwelling units. Mr. Robinson stated that it should read an accessible ADA unit, and the word guest should be stricken. Commissioner Hontz stated that the analysis indicates that there are only 12 units and therefore 12 parking spaces are required. She asked about the ADA unit. Planner Evans replied that parking is not required for an ADA unit.

Mr. Robinson reported that Park City Municipal Corp. received a Federal FTA grant. The City will be doing the interior finish and the FTA money will be used for the exterior. The FTA funds have allowed the City to move forward with a green building. There would also be a rooftop patio and ground floor patio for the residents, and a screening fence would help separate the residents from their workplace. Parking underneath the building would be for transit vehicles used by the City and not for residents.

Mr. Robinson requested that Conditions of Approval #3 and #4 be stricken because the lease agreement would prohibit residents from having a car. Chair Pro Tem Strachan thought it was better to save a few spots for tenants who might have a rental car for a few days or have visitors. Mr. Robinson anticipated that as the transit operation grows incrementally, parking would become a problem. To alleviate the problem, they were targeting a culture of bus drivers who do not have cars. In the event that a resident needs a place to park for himself or a visitor, there is on-street parking and the Rite-Aid parking lot that is used by many people who are not patrons of Rite-Aid. The resident could also make arrangement with some other property owner.

Commissioner Savage understood that the prohibition of car ownership was a perpetual restriction associated with the right to lease these particular facilities. Mr. Robinson replied that this was correct. Commissioner Savage asked if a maximum lease term would be defined. Ms. Stauffer stated that in the past, the leases have been six month leases. However, if a transit driver stays on for the next season and wants to keep living there, he would renew the lease for another six months.

Commissioner Savage stated that because the affordable housing initiative has a strong focus on fairness, he was concerned that the restriction of these units being available only to transit workers would create a fairness issue for others are employed elsewhere but would be willing to accept the terms of the lease. Ms. Stauffer replied that there are several properties in town that are strictly seasonal housing and it has never been an issue. One is at Silver Star and it is restricted to Sundance employees in the winter and to the Arts program in the summer. Silver Star is not owned by the City and to her knowledge the restriction has never been a problem.

Commissioner Savage asked if the concept of this housing project would be embraced by the City for a private ownership concept. Ms. Stauffer replied that the housing she described at Silver Star was privately owned and the City had signed off on it.

Commissioner Savage asked if the units would be available for married couples. Mr. Robinson stated that there was no prohibition against married couples; however, they have never had couples apply. The units are small at approximately 250 square feet and they are furnished with a queen or double bed. Two people could share a room but it would be crowded. There have never been children, but that would also not be precluded. Commissioner Savage thought it was conceivable that a three or four people could occupy one unit. He was told that the number of people would be restricted by the Building Code based on square footage.

Chair Pro Tem Strachan asked if any of the current residents at the fire station have cars. Ms. Stauffer was not aware of anyone with a car. She believed that Steve Reese from Transit would be able to answer that question.

Planner Evans pointed out that anyone with a car could get a parking permit at China Bridge.

Chair Pro Tem Strachan opened the public hearing.

Mary Wintzer stated that she is a general partner of Wintzer Wolfe Properties, and owner of the Iron Horse District across from Public Works where the residential building is proposed. Ms. Wintzer stated that for over 20 years they have had three two-bedroom apartments that were put in for affordable housing. Their tenants know that they have to deal with the noise element and they have adjusted to it. The City built two new buildings and in November a new salt shed was built closer to Iron Horse than the previous operation. The salt was loaded in November and by January she received calls from her tenants about a significant salinity in the air and salt on the cars and windows. Salt clouds were visible as the salt was mixed and hauled. Ms. Wintzer stated that she contacted the City and City has tried to help mitigate the problem. Vacuums will be used this winter to decrease the salt clouds.

Ms. Wintzer suggested that it might be premature to build anything more on the Public Works site until they know the outcome of the City's mitigation efforts. Secondly, she questioned whether was a disconnect in the overall planning. The City is talking about Bonanza Park and creating a vibrant neighborhood and shopping district; and at the same time they are proposing this affordable housing which locks in the City even more to having the Public Works operation in the middle of the newly proposed BOPA area. Ms. Wintzer felt the two discussions were contrary to each other. She realized that a significant amount of effort was put into the new bus garage and the salt shed, but then to add something else that might not be compatible is one more thing that will need to be rectified down the road. Ms. Wintzer asked the Planning Commission to consider those two issues and the overall picture for the Bonanza Park area.

Regarding the parking, Ms. Wintzer stated that during the winter cars are towed routinely every night because they have to plow their parking lots for 22 businesses. The people towed are usually up at Fireside or Iron Horse. Now that the parking issue has been raised, there was no doubt in her mind that to park behind Rite-Air, Park City Ski Boot or Right Angle Frame Shop would be a very small walk for any resident with a car, but without a parking space. It would mean more cars to tow. Ms. Wintzer urged the Planning Commission to require some parking on on-site to address the

possibility of someone having a car. She noted that due to budget cuts, enforcement is a problem and enforcement falls on the land owner.

Commissioner Savage asked Ms. Wintzer if she had a solution for addressing the parking problem. Ms. Wintzer thought at least one parking spot should be provided for each unit.

Planner Evans stated for the record that Ruth Meintsma was unable to attend the meeting this evening and had submitted her public comment in writing. Ms. Meintsma supported the project and believes it is a great location. Her only concern was that the sun shade element was too small.

Chair Pro Tem Strachan closed the public hearing.

Commissioner Thomas remarked that the way the façade was broken down fits into the neighborhood, and he liked the massing and the orientation and the feel of the building. He had no primary issues with the proposal. Commissioner Thomas recalled that when the last transportation building was approved the rendering and materials were called out. He understood that the materials were changed after the Planning Commission reviewed and approved the finishes.

Mr. Joe Malilo, the project architect, explained that changes were made on one of the buildings. They were proposing to use the same green roof throughout to unify the façade and the same set of stucco on the salt storage bin and the new maintenance facility. Based on the comments, it was determined that it was better to make it a product of its own time rather than to copy the existing building. Materials changes were studied and eventually accepted.

Commissioner Thomas asked if Mr. Malilo would provide a sample board of materials for the proposed structure. Mr. Malilo stated that he would come up with a color board and corrugated metal that ties back to the transit use. Commissioner Thomas stated that he would be comfortable with Mr. Malilo submitting the sample board to the Staff for review. He encouraged a digital materials board.

Regarding parking, Commissioner Thomas did not understand why they would not provide one or two parking spaces on site. He agreed that it would be problematic to not have at least one resident parking space.

Commissioner Hontz stated that she would have liked this proposal to mesh more into the timing of the BOPA Planning because it is one of the elements they would like to see built in the District. The use fits, but it would have been beneficial to see this when they were looking at the overall picture for the entire District.

Commissioner Hontz struggled with the parking. She would like to agree that no one would ever use a car, but that was unrealistic and it would push parking into other places within the District. Commissioner Hontz thought there may be an opportunity to say that the residents cannot park on site, but they are required to get a China Bridge parking pass.

In terms of nightly rentals, Commissioner Hontz wanted the units occupied. She was concerned about having empty units because the Planning Commission put prohibitions on how it could be used. She preferred to strike Condition #3, but recommended adding a condition of approval that tenants will not be permitted to sublease their units.

Commissioner Hontz thought the mass, scale and height fits the District. She concurred with the importance of providing the Staff with a materials board, including the color and glazing of the windows and the garage doors. Commissioner Hontz emphasized that the materials and colors need to relate to the other structures.

Commissioner Hontz believed the proposed landscaping could be softened a little. She referred to page 49 of the Staff report and asked if a fence was shown in front. Mr. Malilo stated that it was a residential scale wood or wood product fence. The fence would provide a residential feel and give privacy. There would be landscaping within the fence. Mr. Malilo believed the landscaping along the street had already been done. He noted that the picture on page 49 was an old picture. Any landscaping missing around the base of the building would be replaced on the roof.

Commissioner Hontz asked for the height of the fence. Mr. Malilo stated that it was a 6-foot fence. It was designed at that height to allow for privacy. He noted that the fence could be lowered if the height was a concern. Commissioner Thomas thought the fence felt tall and foreboding. Commissioner Hontz concurred.

Planner Evans noted that the zoning code dictates the fence height within the setback. He was unsure of the exact height, but recalled that it was lower than 6 feet.

Commissioner Savage thought this item should be continued until they had a satisfactory solution to the parking issue. He suggested that the applicant give more consideration to the parking situation and find a mechanism to deal with the certainty that there would be times when a resident would have a car. He did not believe that a lease prohibiting cars was sufficient.

Mr. Robinson explained that cars were only prohibited on-site. If a resident has a car, he could still sign the lease as long as he provides written permission from another property owner allowing him to park on their property. That could be addressed in a condition of approval.

Commissioner Savage asked if there was a way for the applicant to come up with a solution to help mitigate the issue directly, as opposed to pushing it off on to other property owners and non-transit related parking facilities. He suggested the idea of shared parking. Commissioner Savage thought the situation needed a modeling approach to address people who may have cars.

Commissioner Savage understood that the project provided 12 parking spaces but it was allocated to a different use than for those residing in the building. He did not believe 12 spaces were needed for 12 units in this building; but he felt strongly that there should be a better solution than "all or nothing". There needs to be a mechanism that plans for eventual vehicles that may be guest driven or resident driven. Commissioner Savage suggested an internal agreement within the transit organization that enables the residents or their guests to obtain a parking permit from Public Works.

They could still mandate no cars; but if a parking space is necessary for a defined period of time, a permit could be easily issued for a parking space contiguous with the property.

Commissioner Savage addressed the concerns expressed by Mary Wintzer regarding the salt. He asked if the City was willing to make the statement that the issues associated with the salt movement do not create a health issue for the building occupants. Mr. Robinson pointed out that the City has been working on ways to mitigate the impacts. In addition, they have done air quality testing, and looked at operations and how the salt bins are managed.

Chair Pro Tem Strachan thought it would be wise for the City to allocate at least two of the twelve parking spaces for the residents. The City could implement a lottery system to determine how those spaces would be allotted amongst the tenants. Chair Pro Tem Strachan did not think prohibiting cars was a workable solution. He suggested adding a condition of approval stating that the City shall take all reasonable efforts to insure parking on adjacent private property.

Chair Pro Tem Strachan thought the lease should include language that restricts the housing to either transit or City employees or others who qualify; similar to what is required for affordable housing. That language should be addressed in a condition of approval.

Chair Pro Tem Strachan did not favor the idea of asking unrelated adjacent property owners for permission to park on their property as potential mitigation for the parking problem. In terms of the salt, Chair Pro Tem Strachan thought the City had an obligation to disclose the issue and let the tenant decide whether or not they want to live there. The salt facility was already built and the issue could not be regulated as a condition of this approval.

Commissioner Savage questioned why the Planning Commission could not request a safety assessment associated with the environmental impact. Commissioner Hontz stated that the salt could be more of a nuisance than a safety issue. Commissioner Savage agreed, and suggested that the nuisance could be made clear as a disclosure in the lease agreement. Commissioner Savage had no knowledge as to whether or not there were health issues related to the salt powder. Commissioner Thomas thought that issue was beyond the purview of the Planning Commission.

Assistant City Attorney, Polly Samuels McLean stated that health and safety were reasonable requests and it could be tied into the criteria for safe residential living. Ms. McLean commented on the suggestion for a condition of approval requiring that tenants meet the affordable housing qualifications if they are not City employees. In reviewing the criteria she could find nothing that would tie it to affordable housing. However, the applicant could agree to that stipulation since it is the intended purpose for those units.

Director Eddington asked if these units would be deed restricted as part of the FTA or City funding. He was told that there was no deed restriction. Commissioner Savage clarified that the FTA funding prohibits the building from ever being sold to a private party. Mr. Robinson replied that this was correct.

The Planning Commission discussed a condition to address the parking issue. Commissioner Hontz recommended language to state, "A minimum of two resident and/or visitor parking spaces shall be

allowed to park on-site seven days a week/24 hours per day as permitted by the City. Assistant City Attorney McLean recommended that to reduce the parking to make the exemption, the Planning Commission should find that a parking plan was discussed and that the use is primarily for transit drivers. Those findings support the fact that parking is not needed.

Assistant City Attorney McLean noted that a parking study was done when the original CUP was approved in 2009. She understood that for 2010 it was projected that there was an excess of 80 parking spots for the area. The issue was that by 2030 there would be a deficiency of two spots for individual cars due to an increase in bus drivers. At that point there would be a need for additional parking for bus drivers. Ms. McLean remarked that for this application they were talking about providing two spots, and there were adequate reasons to find for exempting a certain number of spots. She noted that the calculations in the study made clear that 11.5 were allocated for the residential units when the CUP was reviewed.

The Planning Commission amended the Findings of Fact and Conditions of Approval as follows:

Commissioner Hontz recommended a search and replace to correct every reference to the ADA accessible unit being a “guest” unit. The applicant indicated that it would be a “dwelling” unit and she preferred that the Findings and Conditions indicate the correct reference.

Findings 4 and 5 – Correct “ADA accessible guest unit” to read, “ADA accessible dwelling unit”.

Finding 6 - It is anticipated by the applicant that each unit will be leased to seasonal drivers who work for Park City. **In the event that the units cannot be leased to Park City employees, the applicant consents to seeking out tenants who would meet the affordable housing requirements.**

Finding 9 - Each tenant will be required to sign a rental agreement that prohibits the tenant from keeping a personal vehicle on-site **without a permit**. It is anticipated that the tenants will not have personal vehicles kept on the site, and thus there are minimal traffic impacts associated with the use.

Finding 11 – Because nightly rentals are 30 days or less, Commissioner Hontz did not want to preclude a 28 or 29 days stay. She revised the finding by striking the first sentence No rooms are anticipated to be available for nightly rental or lockout purposes. The second sentence, **Tenants will not be permitted to sublease their rented units at any time** remained as the finding.

Condition 2 – Correct ADA “accessible guest unit” to read, “ADA accessible dwelling unit”.

Condition 3 – was stricken as written, Nightly rental are prohibited and replaced with **Tenants will not be permitted to sublease their rented units at any time.**

Condition 4 - Twelve (12) on-site parking spaces shall be provided for the use of the tenants, as shown on the plans, shall be provided, **unless prohibited by the lease agreement between the**

City and the tenant. In no event shall fewer than two parking spaces be allowed for tenant and/or visitor use with a permit; seven days a week/24 hours per day.

Added Conditions

Condition 10 - Each unit will be leased to seasonal drivers who work for Park City. In the event that the units cannot be leased for seasonal drivers, they may be available for affordable housing for the City.

Condition 11 - A final landscape plan, including amenities such as fencing, shall be submitted to the Planning Department for approval.

Condition 12 - A materials board for the proposed building shall be submitted to the Planning Department for approval.

Condition 13 – The completion of air testing on-site for the salt storage facility is required.

Commissioner Savage asked if the City would be willing to consider a one year lease if they have a vacancy situation and want to allow someone else to reside in the unit. He wanted to know how the renewal process would work. Mr. Robinson stated that there is a strong seasonal component for Transit, the Park Department and other departments within the City. He did not anticipate any problems with filling seasonal units. He pointed out that a six-month lease could be renewed if a tenant wanted to stay for another six months.

MOTION: Commissioner Thomas moved to APPROVE the conditional use permit for 1053 Iron Horse with the Findings of Fact, Conclusions of Law and Conditions of Approval, with the modifications as stated. Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 1053 Iron Horse Drive

1. The site is located at 1053 Iron Horse Drive; the building will face Short Line Road.
2. The proposed Multi-Unit Dwelling is located within the Bonanza Park Specific Plan Area and within the General Commercial (GC) Zone District.
3. The applicant is requesting a Multi-Unit Dwelling which is listed as a Conditional Use within LMC Section 15-2.18-2(B)(4).
4. The proposed Multi-Unit Dwelling will be a three story building with a parking garage on the main level along with one ADA accessible dwelling unit, and with 6 units for each of the additional floors.

5. The LMC defines a Multi-Unit Dwelling as “a building containing four (4) or more Dwelling Units”. The proposed building would have twelve (12) dwelling units with one (1) ADA accessible “dwelling” unit, for a total of thirteen (13) units.
6. It is anticipated by the applicant that each unit will be leased to seasonal drivers who work for Park City. In the event that the units cannot be leased to Park City employees, the applicant consents to seeing out tenants who would meet the affording housing requirements.
7. As proposed, each unit will be 200-250 square feet and will include a compact kitchen and sanitary facilities. A common area on each floor is also anticipated, and will include a washer and dryer (clothing), a storage closet and seating.
8. The structure has a total of 6,750 square feet and is comprised of three (3) stories with a roof top which includes an enclosed landing and doorway to a partially covered rooftop patio for the enjoyment of the tenants.
9. Each tenant will be required to sign a rental agreement that prohibits the tenant from keeping a personal vehicle on-site without a permit. It is anticipated that the tenants will not have personal vehicles kept on the site, and thus there are minimal traffic impacts associated with the use.
10. The parking ratio requirements found in LMC 15-3-6(a) residential uses, multi-unit dwellings, indicates that one (1) parking space per unit is required, thus a total of twelve (12) parking spaces is necessary to comply with the code. The applicant is proposing five (5) covered parking spaces and there are in excess of seven (7) additional uncovered parking spaces to meet this minimum requirement, although it is not anticipated that tenants will park personal vehicles on-site due to the lease restrictions proposed by the applicant.
11. Tenants will not be permitted to sublease their rented units at any time.
12. The proposed use is located on Short Line Road which is designated on the City’s Transportation Master Plan as a “Commercial Collector Street”, which is within a block of two (2) “arterial Streets”, Bonanza Drive and Park Avenue.
13. No additional utility capacity is required for this project. Snyderville Basin Water Reclamation District has indicated to Staff that they anticipated this project when they were updating the sewer lines in the area and previously installed a sewer lateral to the property at the desired location of the new multi-unit dwelling.
14. Emergency vehicles can easily access the project because of its central location and proximity to two large collector streets.

15. Street parking in front of the building is not anticipated or allowed. The area directly in front of the proposed building on Short Line Road has been constructed as a bus stop with a transitional lane taking up the entire frontage of the existing parking lot.
16. The parking area is directly accessed off of Short Line Road directly adjacent to the existing Iron Horse Administrative Building and in front of the Iron Horse Bus Terminal Building.
17. Fencing, screening is not anticipated with this project. Landscaping is currently being installed between the parking lot and Short Line Road within the existing landscape strip. This proposal will actually remove some of the landscaped areas, but rooftop landscaping on the proposed building will help to mitigate the loss of ground-level landscaping.
18. The building mass, bulk, orientation and the location on the site are not out of character with other existing buildings within the general vicinity. Most of the buildings in the area are characterized as quasi-industrial and commercial in nature, mostly using split-faced/smooth-faced block and wood siding.
19. The proposed height of the building is three (3) full stories (roughly thirty-two feet) with an overall height of 45 feet to the top of the roof structure over the top landing that leads to the roof deck. The Planning Director has determined that Section 15-18-4(A)(4) of the LMC applies to the proposal, which allows for a height exception up to 50% of the allowed zone height. In this case, the tower is a staircase landing required by building code for rooftop access, and is not considered habitable space.
20. No signs or signage is anticipated, and any future signs will be subject to the Park City Sign Code.
21. All future lighting will be subject to the LMC development standards related to lighting.
22. Park City Municipal Corporation will own and maintain the proposed Multi-Unit Building, and a lease agreement with seasonal drivers will be monitored and management of the residential building will be contracted as with other City owned housing units.
23. Due to the size of the existing buildings surrounding the proposed side, there are no issues with the physical design and compatibility with surrounding structures in mass, scale and style.
24. The applicant has indicated that no noise, vibration, odors, steam or mechanical factors are anticipated that are not normally associated within the GC District.
25. The applicant has indicated that the proposed use as a Multi-Unit Dwelling generate a negligible amount of increase in delivery and service vehicles to the area. Tenants are within reasonable walking distance to retail commercial uses, banks, recreation facilities, restaurants, etc.

26. The proposal is not located within the Sensitive Lands Overlay zone, but is located within the Soils Boundary and thus any removal of excavated soils are regulated by the EPA must be disposed of in an approved manner. According to the applicant, it is anticipated that the soils will be retain on-site and capped.

Conclusion of Law – 1053 Iron Horse Drive

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 Plan, as amended.
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval – 1053 Iron Horse Drive

1. All standard conditions of approval shall continue to apply.
2. The proposed Multi-Unit Dwelling will have a maximum of twelve (12) units with one (1) required ADA accessible dwelling unit for a total of thirteen (13) units.
3. Tenants will not be permitted to sublease their rented units at any time.
4. Twelve (12) on-site parking spaces shall be provided for the use of the tenants, as shown on the plans, shall be provided, unless prohibited by the lease agreement between the City and the tenant. In no event shall fewer than two parking spaces be allowed for tenant and/or visitor use with a permit, seven days a week/24 hours per day.
5. Substantial compliance with the preliminary plans submitted in terms of scale, massing, height, general location, rooftop amenities, building materials, etc, shall be required. Any substantial changes to the plans submitted for review with this Conditional Use Permit shall require a modification to the approved Conditional Use Permit through the application process for such.
6. Because the property is located within the Soils Boundary, any removal of excavated soils are regulated by the EPA must be disposed of in an approved manner or retained on-site and capped appropriately.
7. Roof-top installed mechanical equipment shall be screened in back of and below the parapet wall.
8. Any future signs will be subject to the Park City Sign Code.

9. All future lighting will be subject to the LMC development standards related to lighting.
 10. Each unit will be leased to seasonal drivers who work for Park City. In the event that the units cannot be leased for seasonal drivers, they may be available for affordable housing for the City.
 11. A final landscape plan, including amenities such as fencing, shall be submitted to the Planning Department for approval.
 12. A materials board for the proposed building shall be submitted to the Planning Department for approval.
 13. The completion of air testing on-site for the salt storage facility is required.
2. **2175 Sidewinder Drive, Prospector Square**
(Application #PL-12-1522)

Commissioner Wintzer resumed the Chair.

Planner Evans reviewed the application to amend the Prospector Square supplemental plat for the Prospector Square Condominiums Conference Center. The proposal was submitted by the owners to redo the entrance to the existing HOA conference center/clubhouse. Planner Evans noted that it was originally platted as a one unit condominium; therefore, a plat amendment is necessary in order to remodel the entrance.

Planner Evans reported that the proposal swaps the square footage, with the addition of 170 square feet internally, as well as a 467 square foot balcony.

Planner Evans stated that the Staff was informed by the applicant's representative that it was unlikely that they would obtain the two-thirds vote required by the HOA to accomplish the plat amendment. Planner Evans pointed out that there was no way to get around that requirement. The plat amendment requires a two-thirds vote because it is owned by the Homeowners Association and it is common space. The bylaws specify the necessary voting related to common space.

Planner Evans stated that parking would be another major issue. He noted that 23 spaces are associated with this building. He was told that there was a shared parking agreement with Silver Mountain; however, the City was not aware of such an agreement. Based on the uses within the building, approximately 100 parking spaces would be required under the current Code. It was uncertain what was allowed when the structure was built in 1981. Planner Evans stated that the records from that time were limited and he had very little background on the original approval. He noted that there were 23 parking spaces on-site, 50 spaces at Silver Mountain and 24 spaces along the back side of this property.

Planner Evans stated that the proposal would result in a Staff level review of a new front to the building. However, because the plat amendment is tied to the project, the Planning Commission has the ability to comment on the plan. Height issues were discussed in the Staff report, including a tower element. Planner Evans noted that the Planning Director can grant a height exception to the tower element. The chimney may need to be lowered a couple of feet.

Planner Evans reiterated that before anything moves forward the applicant needs to overcome the issue of obtaining two-thirds of the vote from the Homeowners just to amend the plat. He noted that according to the bylaws, if enough people come to the meeting and vote in the affirmative they could bond to do the remodel of the building front. However, moving any of the platted building lines would still require a two-thirds vote of all the owners. That would need to occur prior to recording the plat.

Commissioner Strachan questioned why the Staff was recommending a positive recommendation if there was non-compliance with the parking requirements and they did not have the required two-thirds vote for a plat amendment. Planner Evans read the submittal requirements. He noted that the information the Staff originally received from the applicant only said that they held a vote in the affirmative. He later found out that the affirmative vote was to bond for the building front remodel. It had nothing to do with the plat amendment, because at the time the applicants were unaware that a plat amendment was necessary before they could do the remodel. Planner Evans pointed out that they were swapping square footage for square footage, and as long as they do not increase the square footage of the building, the parking was considered legal non-conforming.

Chair Wintzer noted that the proposal did increase the square footage. Planner Evans replied that it was only increasing the interior by 170 square feet. That space is unclassified at this point and the use is undetermined. If that space is shown as storage it would not require a parking space. The square footage of the balcony would not be subject to a parking requirement because balconies are non-habitable space.

Director Eddington stated that the issue of the two-thirds vote would need to be resolved prior to recordation of the plat. If the Planning Commission chose to move forward with the plat amendment, the applicant would have one year to obtain two-thirds approval. If that could not be done, the approval would expire.

Commissioner Savage asked if there were concerns regarding adequacy of the existing parking at that location. Planner Evans was not aware of any concerns. Commissioner Savage stated that he goes to that location frequently and he never thought parking was an issue.

Commissioner Thomas vouched for the fact that getting a plat recorded was an arduous and careful process for the City. He was confident that the City would be as careful with this plat amendment. Commissioner Thomas was not concerned that something might slip through the cracks if the Planning Commission moved forward with approval.

Assistant City Attorney McLean clarified that she had advised the Planning Department that this was not a complete application because the applicant did not have the authority of the owners.

Chair Wintzer opened the public hearing.

There was no comment.

Chair Wintzer closed the public hearing.

Michael Upwall, representing the applicant, stated that he was the architect for the proposed addition. Mr. Upwall remarked that they recently found out that the building footprint was platted, and unfortunately they were now discovering the challenges associated with it. He stated that the proposal was presented at the last HOA meeting and there was almost unanimous support to move forward. There was an analysis of the additional cost per homeowner and the relative increase in rents and opportunity that could be achieved from this expansion. It was favorably received. Mr. Upwall stated that there is a minority contingent who are satisfied with how things are do not want to make changes. They are dealing with that issue, coupled with two buildings that hold a good percentage of the homeowners in low income housing; one for Talisker and one for Deer Valley. They also have different thoughts and do not look at this as investment property. Mr. Upwall stated that the intent is to make good sense of two buildings that are close to each other by swapping footprint to allow for public gathering between the two buildings.

Mr. Upwall could not argue with the law. He was certain they would not get the two-thirds vote, and he asked if the Planning Commission could recommend a creative solution that would allow them to proceed with the remodel.

Chair Wintzer did not believe there was any way to bypass the voting issue because it is required by State law. Until that matter is resolved, there was no reason for the Planning Commission to move forward.

Assistant City Attorney McLean understood from the letter that a fast majority of the owners present voted in favor. The problem was that only 30% of the ownership was represented at the meeting. Since the proposal affects 100% of the owners, State law requires approval by 66% of the owners.

Commissioner Hontz suggested that the HOA could re-write their bylaws and designate that this building would only be assessed a certain percentage by one group of homeowners; and have this plat only be supported by the group who benefits. Commissioner Strachan pointed out that a two-thirds vote would still be required to amend the bylaws.

Commissioner Thomas suggested a continuance. Commissioner Strachan noted that the Planning Commission could not continue an incomplete application. He recommended that the Planning Commission forward a negative recommendation and let the applicant come back with a complete application for a CUP.

Director Eddington stated that if the Planning Commission intended to deny the request, the applicant may want to withdraw the application. Otherwise they would have to come back with a substantially different proposal.

On behalf of the applicant, Mr. Upwall withdrew the application. He noted that he has been directed to redesign the building in its current footprint.

The Planning Commission moved into Work Session for discussion and overview of National Planning Trends. That discussion can be found in the Work Session minutes of August 8, 2012.

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

Approved by Planning Commission: _____

DRAFT

REGULAR AGENDA

Planning Commission Staff Report



Application #: PL-12-01550
Subject: 429 Woodside Ave
Author: Kirsten Whetstone, MS, AICP
Date: August 22, 2012
Type of Item: Administrative – Plat Amendment

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the 429 Woodside Avenue plat amendment and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

Description

Applicant: Steven Koch (owner), represented by David White (architect)
Location: 429 Woodside Avenue
Zoning: Historic Residential (HR-1) District
Adjacent Land Uses: Residential single family, condominiums, open space, ski runs
Reason for Review: Plat amendments require Planning Commission review and City Council action

Proposal

This is a request to amend the Elder Park Subdivision to combine Lot B of the Elder Park Subdivision with a 6,853 sf adjacent metes and bounds described remnant parcel. The property is located within Block 29 of the Park City Survey. The parcel is a vacant, undeveloped, land locked property. Both the Lot and parcel are zoned Historic Residential (HR-1) and under common ownership.

Purpose

The purpose of the plat amendment is to combine a remnant, landlocked rear parcel with an adjacent Lot (Lot B of the Elder Subdivision) having frontage on Woodside Avenue. The land is owned in common and the owner desires to remove the common lot line in order to consolidate his property.

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.

Background

On June 4, 2012, the City received a completed application for the 429 Woodside Avenue plat amendment. The proposed plat amendment combines Lot B of the Elder Park Subdivision (4,573 sf) with a 6,853 sf adjacent Parcel, resulting in an 11,426 sf lot. The property is located in Block 29 of the Park City Survey.

The Elder Park Subdivision, recorded on January 4, 1996, combined Lots 5 and 6, Block 1 with Lots 1- 4 of Block 29, Park City Survey creating Lot A (2,925 sq. ft.) at 421 Woodside and the subject Lot B (4,573 sq. ft.) at 429 Woodside. (Exhibit M Ordinance-95-8.)

There is a Significant historic home located on Lot B. The home is being reconstructed with an addition approved in September of 2008 under the previous Historic Design Guidelines and LMC. A Steep Slope CUP was approved by the Planning Commission on September 10, 2008 (Exhibit I- Minutes of the Planning Commission meetings regarding the 429 Woodside Avenue Steep Slope CUP).

The proposed plat amendment creates one (1) lot from an existing lot and the adjacent landlocked Parcel. Both the Lot and adjacent parcel are within the HR-1 District. Although bounded by open space on three sides, the adjacent Parcel is not a designated open space parcel. The plat amendment will result in an 11,426 square foot lot.

Lots in this neighborhood on the west side of Woodside range in size from 2,925 to 9,375 sq. ft. and lots on the east side of Woodside range in size from 1,875 to 9,375 sq. ft. With the proposed limits of disturbance and the restricted building pad on the parcel, the buildable lot area of the proposed lot is approximately 5,377 sq. ft. with the remainder as unbuildable area.

Other adjacent parcels were owned by the Sweeney Land Company at the time the surrounding area was platted as part of the Treasure Hill Phase One Subdivision plat (1996), and subsequently zoned ROS from HR-1 in accordance with the Sweeney MPD. Norfolk Avenue was vacated during the Sweeney MPD and platting, thus removing street access from lots and parcels fronting on the east side of Norfolk Avenue. With the exception of the subject Parcel and two other lots to the rear of 401/403 Woodside (commonly owned by 401/403 Woodside), the remaining lots on Norfolk in this Block were owned by the Sweeney Land Company and were subject to the Sweeney MPD and Treasure Hill plat.

The rear Parcel was owned by a third party when the previous owner of Parcel B, the Elders submitted the application for the Elder Park Subdivision.

July 11, 2012 Meeting and Analysis

On July 11, 2012, the Planning Commission conducted a public hearing and discussed the current plat amendment application. No public input was provided. The Commission expressed concerns regarding the rear Parcel and requested staff to research whether this parcel was open space. The Commission also requested the minutes of the Steep Slope Conditional Use permit application meetings, recalling that it was a controversial application that was reviewed over several meetings. The Commission also requested to see a cross-section through the property from the street to the future accessory structure (see Exhibit K).

Staff reviewed the status of the rear parcel. The remnant parcel is not designated, platted or zoned as open space according to the County plat maps, Assessor’s office records, the title report submitted with the application, or the City Zoning map. The property is not part of the Treasure Hill Subdivision plat as demonstrated on Exhibits F and L. This parcel is identified on the Assessor’s plats as PC-364-A-1.

During the 2008 Steep Slope CUP review, the Commission expressed concern with the massing of the addition with respect to the Historic Structure and whether the proposed reconstruction of the historic structure with the addition would allow it to remain on the Historic Inventory. The Planning Commission requested that the Historic Preservation Board (HPB) review the plans. After three reviews by the Planning Commission and two reviews by the HPB, and multiple revisions by the applicant, the Planning Commission approved the Conditional Use Permit. (Exhibit J minutes of the Planning Commission and Historic Preservation Board meetings on the Steep Slope CUP application). (The current owner and current architect were not involved with the Steep Slope CUP) A building permit was pulled on November 11, 2011 for the addition and construction is proceeding according to the approved plans. The house is on the Historic Sites inventory as a Significant Structure (see Exhibit N for approved plans and history of approval).

Analysis

Staff reviewed the proposed plat amendment request and found compliance with the following Land Management Code (LMC) requirements for lot size and width:

	LMC requirement	Existing Lot B	Proposed Lot 1
Minimum lot size	1,875 sq. ft.	4,573	11,426 sq. ft.
Minimum lot width	25 ft.	60.98 ft.	60.98 ft. (no change in width)

The resulting Lot will meet the minimum lot and site requirements of the HR-1 District. The plat amendment allows improvements to the existing house, such as a deeper patio, hot tub, stairs, decks, and a revised entry way. The recommended conditions of approval restrict the total square footage of these additions on the existing Lot B to 270 square feet.

In addition, the owner has indicated that in the future he would like to construct a detached, accessory structure for the purpose of ski access, ski storage, ski preparation, exercise room, family room, and other uses that would be accessory to the main house at 429 Woodside. The accessory structure is limited to twenty-four (24') in height from existing grade per the recommended conditions of approval of this plat.

As conditioned, any accessory structure on the rear parcel, which is the equivalent of 3.65 "Old Town" lots, is restricted to a 660 sq. ft. footprint to fit within a platted 804 square foot building pad located directly behind the existing house, with a 24' height limit.

For comparison, the lot area of the remnant parcel on its own could theoretically yield a building footprint of 2,331 sf based on the lot size and HR-1 building footprint formula. The conditions of approval restrict the building footprint to 660 sf for the accessory structure and 270 sf for the revisions to the historic house for a total of 930 sf.

There is an encroachment of a wooden step associated with the Quittin' Time condominiums onto the rear Parcel (see below and also Exhibit B). There is also an informal path on the property that is not part of the City's Master Trail plan and is not within a recorded trail easement. The applicant proposes to identify the northwest section of the Parcel as "winter ski access permitted". A ski access, trail, and wooden step easement for the benefit of Quittin' Time condominiums is proposed to incorporate the wooden step and informal pathway from the step to the north property line. The informal path is utilized by Quittin' Time residents. Existing evergreen trees as shown on the existing conditions survey will be preserved by the platted limits of disturbance area.

The applicant has agreed to plat a maximum future building envelope, limit the area that can be disturbed, limit the total building footprint, increase the north side and rear setbacks, provide the general winter ski access across the northwest corner of the Parcel, and provide a step and trail easement for Quittin' Time condominiums. As proposed and conditioned, the plat amendment complies with the HR-1 zone by limiting the development, providing access to open space, and providing open space by identifying a no-build area.

All utility services (water, sewer, power, etc.) for any future use or accessory structure are required to be extended from the existing house. No separate services, meters, or hook-ups are allowed. Any future accessory structure would be considered an extension of the main house and may not be separately rented, leased, or sold. Any future accessory structure shall not be an accessory dwelling unit, guest house, secondary quarters, or accessory apartment, but can be accessory to the main house.

Any construction of more than 1,000 sf of floor area within the platted building pad would require approval of a Steep Slope conditional use permit prior to issuance of a building permit. Construction on the Parcel would be in accordance with the development standards of the HR-1 District as summarized below:

Parameter	Permitted/Restricted by this plat amendment
Height	27 feet maximum from existing grade (maximum height of accessory structure is 24' from existing grade) Approved addition to the historic house received a 6'1" height exception through the Steep Slope CUP.
Front setback	10 feet minimum (no change to setbacks on Woodside Avenue- due to existing historic house)
Rear setback	30 feet minimum (34.85 feet proposed)
Side setbacks	5 feet minimum (8 feet proposed on south, 49' proposed on north)
Footprint	<p>Maximum for lot combination- 3,006 sq. ft. Maximum for existing lot- 1,768.5 sf. Maximum for rear Parcel- 2,331 sf. Maximum if each developed separately- 4099.5 sf</p> <p>Restricted total maximum per conditions of approval of this plat amendment- 2,698 sf ft.</p> <ol style="list-style-type: none"> 1. Existing house with approved additions-1768 sf 2. Future possible additions to existing house- Maximum of 270 sf. 3. Future accessory structure- Maximum of 660 sf.
Building Pad	The plat restricts the Building pad area on the rear parcel to a maximum of 804 sf.
Parking	No parking required for historic, 2 constructed with approved addition.
Stories/horizontal articulation	3 stories maximum, with a 10' horizontal step for the third story.
Construction on 30% or greater slope	Requires a Steep Slope CUP for construction greater than 1,000 sf of floor area.



Existing Conditions- for illustration only (See Exhibit B for 11" by 17" submitted with packet)

Footprint Analysis

If the 6,853 sf rear parcel were to be separately developed (provided access could be provided) the LMC building footprint formula would allow a footprint of 2,331 sf on the rear parcel. The accessory structure footprint on that rear parcel is limited by recommended conditions of approval to a maximum of 660 sq. ft. within a proposed 804 sq. ft. building pad.

The maximum footprint for the lot combination (based on the total lot size and LMC) is 3,006 sq. ft. The maximum footprint for the existing lot is 1,768.5 sf. The maximum footprint for the rear parcel is 2,331 sf. If each were developed separately (provided rear parcel had access) the total footprint could be 4,099.5 sf.

This plat amendment, through the recommended conditions of approval, restricts the total combined footprint to 2,698.5 sf.

Footprint is allocated and restricted as follows:

	Footprint per LMC based on Lot Size
Existing Lot	1,768.5 sf
Rear parcel	2,331 sf
Lot and Parcel combined	3,006 sf
Lot and Parcel if developed separately (total)	4,099.5 sf

	Footprint restricted per this Plat Amendment
Existing house with approved additions	1,768.5 sf
Max additional footprint for house	270 sf
Max future for rear parcel	660 sf
Total combined as restricted	2,698.5 sf

The total footprint increase for this combination of lots, as restricted by the conditions of approval, is 930 sf, including the 270 sf increase specifically allocated for additions to the existing house as depicted on Exhibit N.

Good Cause

Staff finds good cause for this plat amendment as it will combine all of the property owned by this owner at this location. As proposed and conditioned with the above stated restrictions, the plat amendment is consistent with the purposes of the zone and complies with the Land Management Code. "Good cause", is defined in the Land Management Code as "Providing positive benefits and mitigating negative impacts, determined on a case by case basis to include such things as: providing public amenities and benefits, resolving existing issues and non-conformities, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and Park City and furthering the health, safety, and welfare of the Park City community."

With the proposed plat restrictions, proposed ski access, and trail and wooden step encroachment easement, much of the property will continue to be used as it is today, as visual open space behind the Quittin' Time condos and for winter ski access to Woodside. The area of the Parcel located directly behind the Quittin' time condos is proposed to be designated as a "no-build" zone. The plat amendment and easements granted through the amendment resolve an existing issue and non-conforming situation (that of a land locked remnant parcel is combined with a lot with access to Woodside and giving an easement to Quittin Time Condominiums for access to the Ski Resort behind their property). The proposed restrictions on building footprint, building location, and building height are specifically recommended to address density and preservation of the character of the neighborhood.

Process

This application is only to combine the properties and remove the interior lot line. This process does not approve any future construction. Prior to issuance of any building permits, the applicant would have to submit a Historic District Design Review application, which is reviewed administratively by the Planning Department and requires noticing of the adjacent property owners. A Steep Slope Conditional Use Permit (CUP) application is also required for construction consisting of more than 1,000 square feet of floor area and on a slope of 30% or greater. Steep Slope CUPs are reviewed by the Planning Commission and public notice is provided.

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. The Snyderville Water Reclamation District (SBWRD) will review the final plat prior to signing and recordation. Any sewer service for the rear portion of the lot is required to be extended from the current service. No separate service to the rear lot is allowed. Additional sewer and water fees for any proposed construction would be required at the time of building permit issuance. Encroachments have been addressed.

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

The Planning Department received public input from owners of Quittin Time condominiums (see Exhibit H). No further public input was received at the July 11th meeting.

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council for the 429 Woodside Avenue plat amendment as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for 429 Woodside Avenue plat amendment and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on the 429 Woodside Avenue plat amendment and provide specific direction regarding additional information needed to make a recommendation.

Significant Impacts

There are no significant fiscal or environmental impacts from this application, with the exception that the property will be taxed higher as improved property.

Consequences of not taking the Suggested Recommendation

A separate lot of record for the metes and bounds parcel could not be created because there is no access to a public or private street and no access easements leading to a public or private street. The parcel is land locked. No construction could take place across the existing lot lines, all setbacks from existing lot lines would have to be met, and additions to the existing house could not be constructed.

Recommendation

Staff recommends the Planning Commission hold a public hearing for the 429 Woodside Avenue plat amendment and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

Exhibits

Ordinance

Exhibit A- Proposed Plat

Exhibit B- Existing conditions survey

Exhibit C- Vicinity map

Exhibit D- Aerial Photograph

Exhibit E- Existing subdivision plat

Exhibit F- County plat map

Exhibit G- Photographs

Exhibit H- Letter from the adjacent neighbor

Exhibit I- Minutes of the July 11, 2012 Commission meeting.

Exhibit J- Minutes of the Commission and HPB meetings for the 2008 Steep Slope CUP application

Exhibit K- Cross Section plan from the Street to the future accessory structure

Exhibit L- Treasure Hill plat

Exhibit M- Elder plat Ordinance

Exhibit N- Plan approval and history (Design Options)

Exhibit A – Draft Ordinance
Ordinance No. 12-__

**AN ORDINANCE APPROVING THE 429 WOODSIDE AVENUE PLAT AMENDMENT,
LOCATED AT 429 WOODSIDE AVENUE, PARK CITY, UTAH.**

WHEREAS, the owner of the property located at 429 Woodside Avenue has petitioned the City Council for approval of the plat amendment; and

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

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

WHEREAS, the Planning Commission held a public hearing on July 11th and August 22nd, 2012, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on August 22nd, 2012, forwarded a recommendation to the City Council; and,

WHEREAS, on September -----, 2012, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 429 Woodside Avenue plat amendment as it combines adjacent property owned in common into a single lot of record; resolves a “land locked” parcel issue; restricts the footprint, height, setbacks, and limits of disturbance on the parcel; and provides a winter ski access across the property for use by neighborhood; and resolves an encroachment issue.

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

SECTION 1. APPROVAL. The 429 Woodside Avenue plat amendment as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 429 Woodside Avenue.
2. The property is located in the Historic Residential (HR-1) District.
3. The property is subject to the June 19, 2009 Design Guidelines for Historic Districts and Site.
4. The property is subject to the conditions of The Elder Park Subdivision, recorded on January 4, 1996, combined Lots 5 and 6, Block 1 with Lots 1- 4 of Block 29, Park City Survey creating a Lot A (39' by 75') at 421 Woodside and the subject Lot B

(60.98' by 75') at 429 Woodside.

5. Access to the property is from Woodside Avenue.
6. The proposed plat amendment combines the 4,573 sf Lot B of the Elder Park Subdivision with a 6,853 sf adjacent metes and bounds described Parcel (PC-364-A-1), resulting in an 11,426 sf lot. The property is located in Block 29 of the Park City Survey.
7. The minimum lot size within the HR-1 District is 1,875 square feet.
8. The minimum lot width within the HR-1 District is twenty-five feet (25').
9. The width of the proposed combined lot does not change with the addition of the Parcel to the rear.
10. The maximum allowed building footprint for the combined lot is 3,006 square feet. The plat restricts the maximum building footprint to 2,698 sf. The existing Historic house with additions is allowed a maximum footprint of 2,038 sq. ft. (1,768 sf existing and 270 sf of future additions). The future accessory structure is allowed a maximum of 660 sq. ft. of footprint.
11. There is a Significant historic home located on Lot B. The home is being reconstructed with an addition, approved in September of 2008 under the previous Historic Design Guidelines and LMC. A Steep Slope CUP was approved by the Planning Commission on September 10, 2008.
12. The submitted certified survey of existing conditions indicates that there is a wooden step associated with the Quittin' Time condominiums that encroaches on the Parcel. There is also an informal foot path on the Parcel that is used by Quittin' Time to access the open space to the north. The applicant agrees to plat an encroachment easement for the wooden step and path and to allow winter ski access across the northwest corner of the Parcel. The survey identifies three evergreen trees on the Parcel.
13. The Snyderville Basin Water Reclamation District (SBWRD) has reviewed the proposed plat and identified that all services for any future accessory structure on the Parcel will have to be extended from the existing house. No individual or separate services or meters, including water or electricity, will be allowed.
14. The property owner will need to comply with the requirements of the Snyderville Basin Water Reclamation District (SBWRD) before the District will sign the plat. All utility services (water, sewer, power, etc.) for any future use or accessory structure are required to be extended from the existing house. No separate services, meters, or hook-ups are allowed.
15. Any future accessory structure shall be an extension of the main house and may not be separately rented, leased, or sold. Any future accessory structure shall be an accessory dwelling unit, guest house, secondary quarters, or accessory apartment, and shall be accessory to the main house.
16. No remnant parcels of land are created with this plat amendment.
17. Any future construction on the Parcel for an accessory structure greater than 1,000 square feet in floor area and proposed on a slope of 30% or greater requires a Conditional Use Permit Application review by the Planning Commission.
18. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

19. This application is only to combine the properties and remove the interior lot line and does not provide approvals for the construction of any Structure or addition on the property.
20. Staff finds good cause for the plat amendment as conditioned, including footprint and height restrictions; proposed ski access allowance for historic use by the public; trail and wooden step encroachment easements for the neighbors; and designation of "no-build" zone behind the Quittin Time condominium units.
21. Staff finds good cause in that much of the property will continue to be used as it is today, as visual open space behind the Quittin' Time condos and for winter ski access to Woodside.
22. Staff finds good cause that the plat amendment and easements granted through the amendment resolve an existing issue and non-conforming situation (that a land locked remnant parcel is combined with a lot with access to Woodside and giving an easement to Quittin Time Condominiums for access to the Ski Resort behind their property).
23. Staff finds good cause that proposed restrictions on building footprint, building location, and building height are specifically recommended to address density and preservation of the character of the neighborhood.
24. The applicant consents to all conditions of approval.

Conclusions of Law:

1. There is good cause for this plat amendment in that the combined lot will remove the lot line between the commonly owned Lot and Parcel and will combine into one lot all of the Property owned by this owner at this location. The plat notes and restrictions resolve encroachments and access issues, limit building pad and footprint, increase setbacks, and preserve significant vegetation.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. Approval of the plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. A 10' (ten foot) snow storage easement shall be dedicated to Park City across the property's frontage on Woodside Avenue.
4. The maximum building footprint on the combined Lot shall be restricted to 2,698.5 square feet with a maximum additional footprint for the existing house of 270 sf and a maximum footprint of 660 sf for the accessory structure on the rear parcel.

5. The building pad is limited to an area of 804 square feet as depicted on the plat. Any area outside of the building pad area is a no build zone.
6. The accessory structure is limited to twenty-four (24') in height from existing grade and is limited to a maximum of two stories.
7. If the accessory structure contains more than 1,000 square feet of Floor Area, as defined by the Land Management Code at the time of building permit application, then a Steep Slope Conditional Use permit is required prior to permit issuance. Historic District Design Review is a condition precedent to building permit issuance.
8. Modified residential 13-D sprinklers shall be required for all new construction.
9. The property owner shall comply with applicable requirements of the Snyderville Basin Water Reclamation District (SBWRD).
10. The plat shall include an encroachment easement for the Quittin' Time condominiums wooden step and foot path from the step to the north property line.
11. The plat shall contain a note indicating that the northwest area of the Lot is identified as "winter ski access permitted".
12. Receipt and approval of a Construction Mitigation Plan (CMP) by the Building Department is a condition precedent to the issuance of any building permit. The CMP shall include the method and means of protecting the historic house during construction.
13. All utility services (water, sewer, power, etc.) for any future use or accessory structure are required to be extended from the existing house.
14. A note shall be added to the plat indicating that any detached, accessory structure constructed on the rear portion of the Lot must be used as a part of the existing house and may not be rented, sold, or leased separately from the main house.
15. Conditions of approval of the Elder Subdivision (Ordinance 95-7) and the 429 Woodside HDDR and Steep Slope Conditional Use Permit continue to apply.
16. All standard conditions of approval shall apply.

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

PASSED AND ADOPTED this _____ day of September, 2012.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, MAYOR

ATTEST:

Jan Scott, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

**AN ORDINANCE APPROVING THE 429 WOODSIDE AVENUE PLAT AMENDMENT,
LOCATED AT 429 WOODSIDE AVENUE, PARK CITY, UTAH.**

WHEREAS, the owner of the property located at 429 Woodside Avenue has petitioned the City Council for approval of the plat amendment; and

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

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

WHEREAS, the Planning Commission held a public hearing on July 11, 2012, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on July 11, 2012, forwarded a recommendation to the City Council; and,

WHEREAS, on August 9, 2012, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 429 Woodside Avenue plat amendment as it combines adjacent property owned in common into a single lot of record; resolves a “land locked” parcel issue; restricts the footprint, height, setbacks, and limits of disturbance on the parcel; and provides a winter ski access across the property for use by neighborhood; and resolves an encroachment issue.

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

SECTION 1. APPROVAL. The 429 Woodside Avenue plat amendment as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 429 Woodside Avenue.
2. The property is located in the Historic Residential (HR-1) District.
3. The property is subject to the June 19, 2009 Design Guidelines for Historic Districts and Site.
4. The property is subject to the conditions of The Elder Park Subdivision, recorded on January 4, 1996, combined Lots 5 and 6, Block 1 with Lots 1- 4 of Block 29, Park City Survey creating a Lot A (39' by 75') at 421 Woodside and the subject Lot B (60.98' by 75') at 429 Woodside.

5. Access to the property is from Woodside Avenue.
6. The proposed plat amendment combines the 4,573 sf Lot B of the Elder Park Subdivision with a 6,853 sf adjacent metes and bounds described Parcel (PC-364-A-1), resulting in an 11,426 sf lot. The property is located in Block 29 of the Park City Survey.
7. The minimum lot size within the HR-1 District is 1,875 square feet.
8. The minimum lot width within the HR-1 District is twenty-five feet (25').
9. The width of the proposed combined lot does not change with the addition of the Parcel to the rear.
10. The maximum allowed building footprint for the combined lot is 3,006 square feet. The plat restricts the maximum building footprint to 2,698 sf. The existing Historic house with additions is allowed a maximum footprint of 2,038 sq. ft (1,768 sf existing and 270 sf of additions). The future accessory structure is allowed a maximum of 660 sq. ft. of footprint.
11. There is a Significant historic home located on Lot B. The home is being reconstructed with an addition, approved in September of 2008 under the previous Historic Design Guidelines and LMC. A Steep Slope CUP was approved by the Planning Commission on September 10, 2008.
12. The submitted certified survey of existing conditions indicates that there is a wooden step associated with the Quittin' Time condominiums that encroaches on the Parcel. There is also an informal foot path on the Parcel that is used by Quittin' Time to access the open space to the north. The applicant agrees to plat an encroachment easement for the wooden step and path and to allow winter ski access across the northwest corner of the Parcel. The survey identifies three evergreen trees on the Parcel.
13. The Snyderville Basin Water Reclamation District (SBWRD) has reviewed the proposed plat and identified that all services for any future accessory structure on the Parcel will have to be extended from the existing house. No individual or separate services or meters, including water or electricity, will be allowed.
14. The property owner will need to comply with the requirements of the Snyderville Basin Water Reclamation District (SBWRD) before the District will sign the plat. All utility services (water, sewer, power, etc.) for any future use or accessory structure are required to be extended from the existing house. No separate services, meters, or hook-ups are allowed.
15. Any future accessory structure shall be an extension of the main house and may not be separately rented, leased, or sold. Any future accessory structure shall be an accessory dwelling unit, guest house, secondary quarters, or accessory apartment, and shall be accessory to the main house.
16. No remnant parcels of land are created with this plat amendment.
17. Any future construction on the Parcel for an accessory structure greater than 1,000 square feet in floor area and proposed on a slope of 30% or greater requires a Conditional Use Permit Application review by the Planning Commission.
18. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

19. This application is only to combine the properties and remove the interior lot line and does not provide approvals for the construction of any Structure or addition on the property.
20. The applicant consents to all conditions of approval.

Conclusions of Law:

1. There is good cause for this plat amendment in that the combined lot will remove the lot line between the commonly owned Lot and Parcel and will combine into one lot all of the Property owned by this owner at this location. The plat notes and restrictions resolve encroachments and access issues, limit building pad and footprint, increase setbacks, and preserve significant vegetation.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. Approval of the plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. A 10' (ten foot) snow storage easement shall be dedicated to Park City across the property's frontage on Woodside Avenue.
4. The maximum building footprint on the Lot shall be restricted to 2,700 square feet.
5. The building pad is limited to an area of 804 square feet as depicted on the plat. Any area outside of the building pad area is a no build zone. The accessory structure is limited to twenty-four (24') in height from existing grade.
6. If the accessory structure contains more than 1,000 square feet of Floor Area, as defined by the Land Management Code at the time of building permit application, then a Steep Slope Conditional Use permit is required prior to permit issuance. Historic District Design Review is a condition precedent to building permit issuance.
7. Modified residential 13-D sprinklers shall be required for all new construction.
8. The property owner shall comply with applicable requirements of the Snyderville Basin Water Reclamation District (SBWRD).
9. The plat shall include an encroachment easement for the Quittin' Time condominiums wooden step and foot path from the step to the north property line.
10. The plat shall contain a note indicating that the northwest area of the Lot is identified as "winter ski access permitted".
11. Receipt and approval of a Construction Mitigation Plan (CMP) by the Building Department is a condition precedent to the issuance of any building permit. The

CMP shall include the method and means of protecting the historic house during construction.

12. All utility services (water, sewer, power, etc.) for any future use or accessory structure are required to be extended from the existing house.
13. A note shall be added to the plat indicating that any detached, accessory structure constructed on the rear portion of the Lot must be used as a part of the existing house and may not be rented, sold, or leased separately from the main house.
14. Conditions of approval of the Elder Subdivision (Ordinance 95-7) and the 429 Woodside HDDR and Steep Slope Conditional Use Permit continue to apply.
15. All standard conditions of approval shall apply.

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

PASSED AND ADOPTED this _____ day of August, 2012.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, MAYOR

ATTEST:

Jan Scott, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

SURVEYOR'S CERTIFICATE

I, Martin A. Morrison, do hereby certify that I am a registered land surveyor in the State of Utah. I further certify that a topographic survey has been made under my direction of the lands shown and that the same is a true and correct representation of the land surveyed at the time the field work was completed and is in compliance with generally accepted industry standards for accuracy.

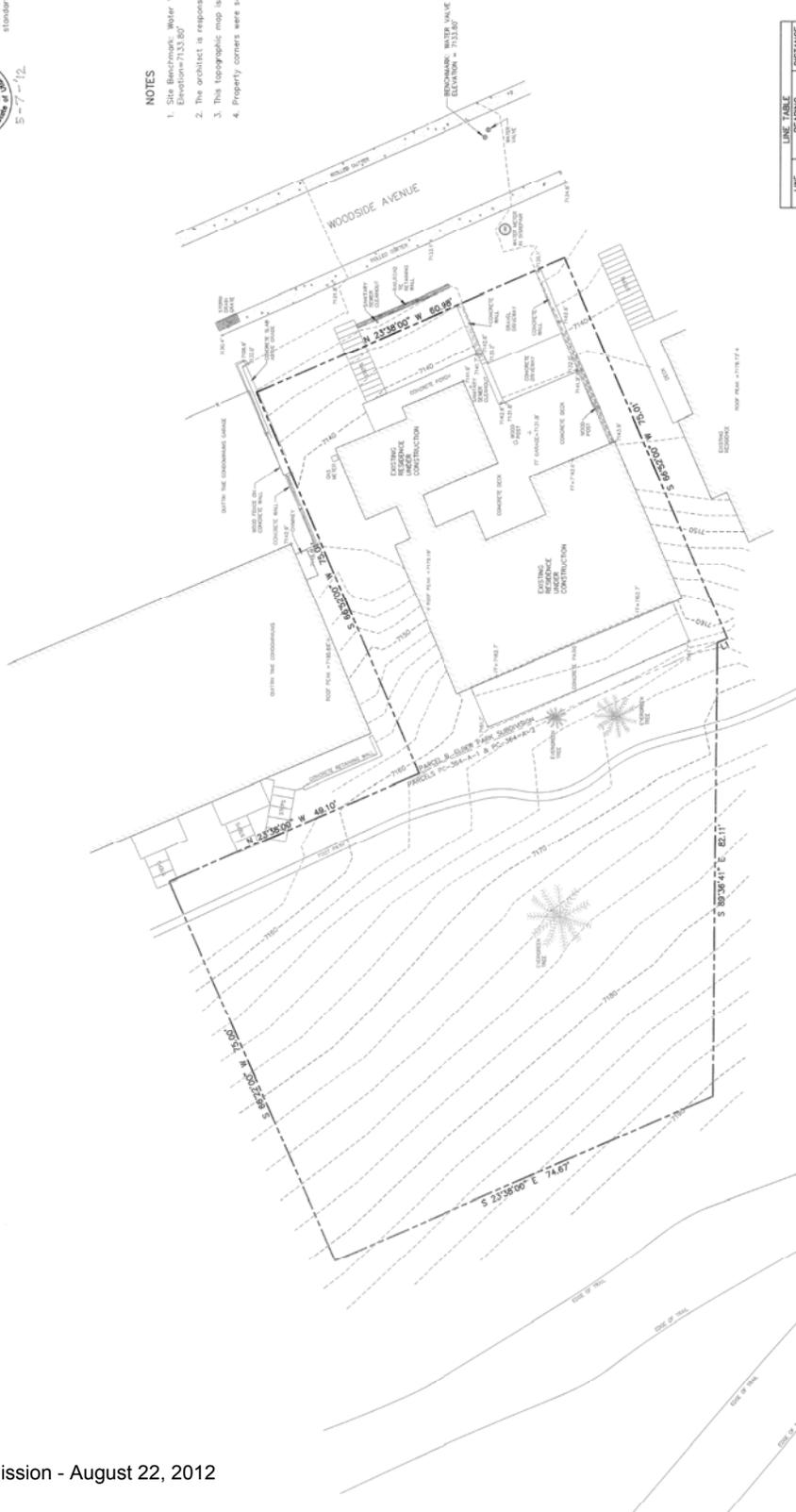


5-7-12

NOTES

1. Site Benchmark: Water Valve Elevation=7133.87'
2. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
3. This topographic map is based on a field survey performed on April 25, 2012.
4. Property corners were set.

EXHIBIT B




 (435) 88-8487
 STAFF: TULL KING
 MARTY MORRISON
 EXISTING CONDITIONS & TOPOGRAPHIC SURVEY
 429 WOODSIDE AVENUE
 BLOCK 29, PARK CITY SURVEY
 FOR: STEVEN KO'EH
 JOB NO.: 1-4-12
 DATE: 5/7/12
 FILE: X:\ParkCitySurvey\log\map012\010412.dwg
 SHEET 1 OF 1

EXHIBIT D



EXHIBIT F

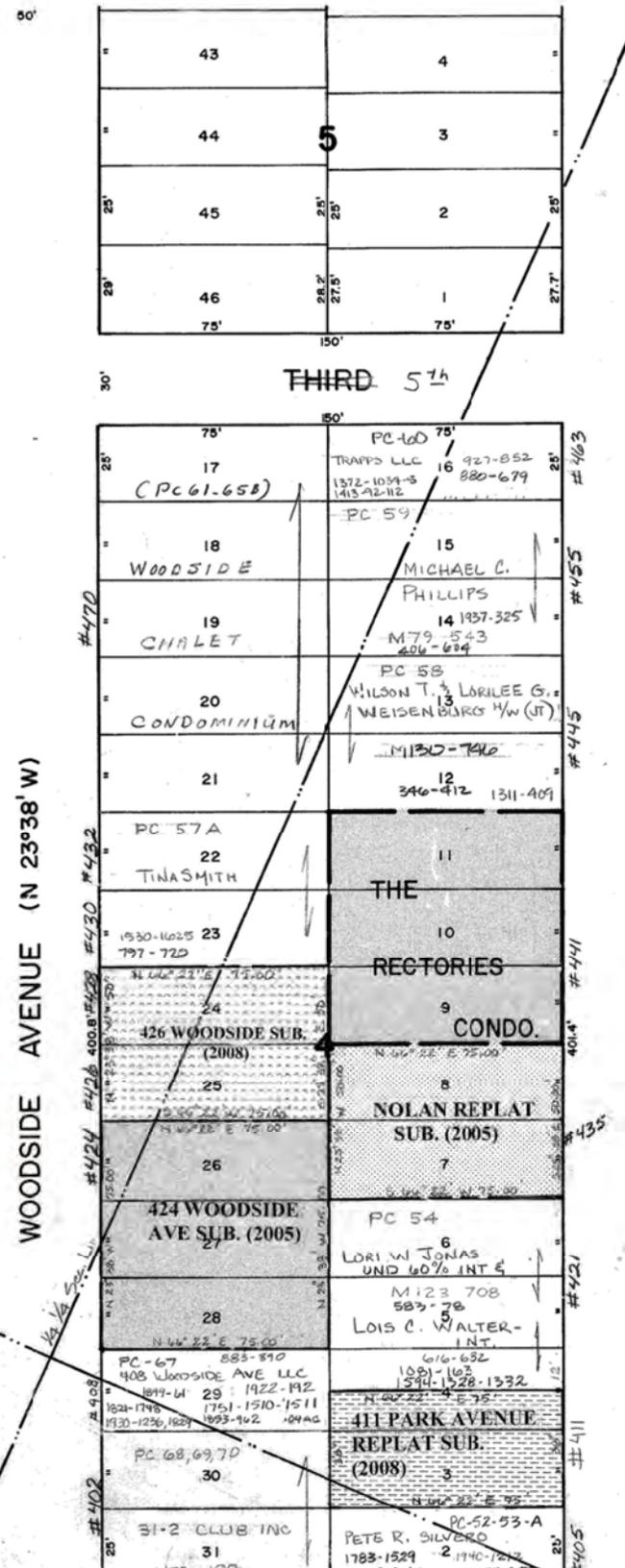
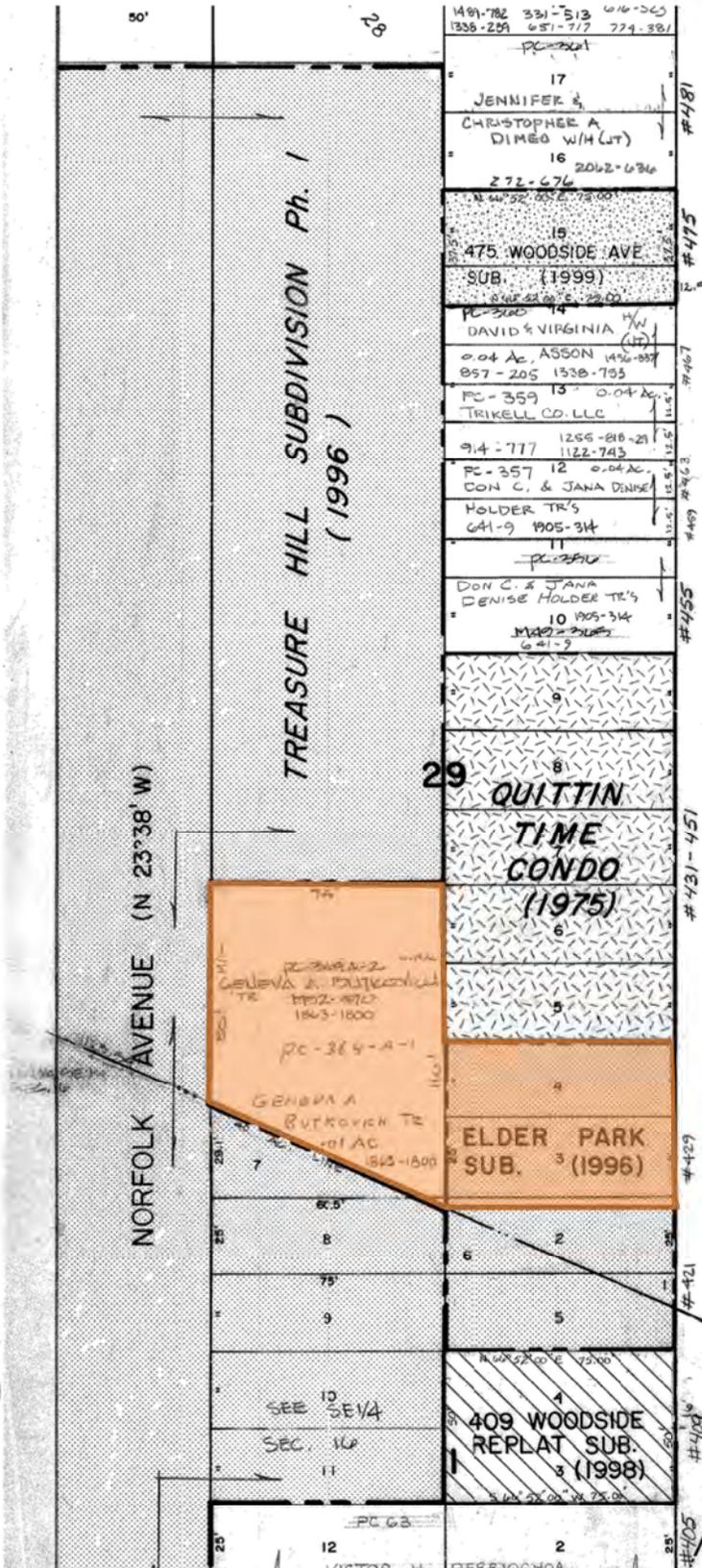








EXHIBIT H

STEVEN KOCH

June 1, 2012

Mr. Christer Whitworth
President
Quittin Time Condominium Home Owners Association
P. O. Box 58549
Salt Lake City, UT 85158

Dear Mr. Whitworth:

Thank you for your letter of May 29. I wanted to correct some of your impressions for our letter seeking consent. I don't know if you will come to agree to give consent, but, at a minimum, as your new next door neighbor, I wanted to make sure you understood what we are doing and why. I also look forward to having the opportunity to meet you in the future.

We are simply seeking to have the lot line that currently exists between the two pieces of contiguous property that I own removed. This would have two main effects on the overall site – both of which I would view as neutral or positive to you.

First, eliminating the lot line allows me to add a small amount of buildable floor area to enclose the center section of the house built at 429 Woodside Avenue. This change is almost entirely invisible from the street, does not increase or in any way affect the perimeter of the existing house on the back, front or sides, and makes the house substantially more livable. I assume that this is not objectionable to you. If you like, I, of course, would be willing to send you a floor plan that illustrates this change from the unfinished house that is on the site now.

Second, we currently, as I understand the legal situation and land use regulations, have the right to build a free standing house on the empty lot that I own that is uphill from 429 Woodside Avenue. Importantly from your perspective, I understand that the effect of eliminating the lot line is to actually decrease the potential size of the structure that I could build now without seeking a variance. I do not currently plan to build a second structure on this lot, but I might at some point in the future.

I certainly understand that the Quittin Time Association might prefer that nothing ever be built on this land, but as the land in question is privately, not publicly, owned, I hope you will appreciate my position of using my land in accordance with the zoning and planning rules that are in place.

I am sympathetic to your interest in wanting to access the ski run. If you would like to discuss this, I would be open to a discussion of exploring how the members of the Quittin Time Association could access the ski run over some portion of my land. Obviously, I am interested in how my land is used, and will act to make sure that I have knowledge of access across my land and control that access:

If you would like to discuss this, I can be reached at (312) 750-3011 (Office) or (312) 848-0447 (Cell).

All the best,



Steven Koch
2012 North Mohawk Street
Chicago, IL 60614

David G. White, Architect, PC
PO BOX 1313
2703 Estates Drive
Park City, UT 84060

May 29, 2012

Dear Mr. White,

In your letter of 10 May, you asked for the consent of the owners of Quittin Time Condominiums to your proposal to annex lots PC-364A-1&2 to lot ELP-B at 429 Woodside in order increase the allowable footprint of 429 sufficiently for construction of a guest house connected via a covered stairway to the house currently under construction at that address.

This proposal came as quite a shock to us. It has been our understanding that, with the approval by the Planning Commission of the construction of the 2 houses by Pat Sweeney on the southern flank of the Quittin-Time ski run some 25 years ago, there was to be no further construction in the area behind our building.

I am writing this letter on behalf of the Quittin Time Homeowners Association to express our collective opposition to your proposal. It will severely restrict the privacy, view, sunlight, ventilation and ski in/ski out access of at least 3 of our condos -- especially so because they have only front and back exposure -- as well as pose a fire hazard to our building due to the inaccessibility of fire-fighting equipment.

I trust you and the owners of 429 Woodside will respect our concerns, build nothing on Lots PC-364A-1&2, and retain the current amount of open space behind both our buildings.

Sincerely,

Chris Whitworth
President, Quittin Time HOA

David G. White, Architect, PC

PO Box 1313 2703 Estates Drive

Park City, UT 84060

435-649-8379

dgwarch@xmission.com

May 10, 2012

STATEMENT OF INTENT

The intent of this project is to combine the property at 429 Woodside Ave. with the open lot behind. The 429 Woodside lot has an existing home which consists of a re-constructed Historic home with new addition behind. When the two lots are combined, the new owner will have the flexibility to work on the existing home and take advantage of a small increase in allowable footprint. With the increased allowable footprint, the owner would also like to plan for a future small guest quarters on the property to the rear. This structure would be totally separate from the main house and accessed only by a covered stairway on grade. The owner would like to set aside an agreed building pad and footprint for the new guest area and leave the remainder of the rear lot as open space. The owner would also consider granting an easement for a hiking/ski trail access to the adjacent properties.

Kirsten Whetstone

From: Sheldon Lewis <shelewis3@gmail.com>
Sent: Thursday, July 05, 2012 7:13 AM
To: Kirsten Whetstone
Cc: Chris Whitworth; Rob Corson; Kelley Green
Subject: PUBLIC HEARING: PL-112-01550
Attachments: Koch Letter to QTHOA.pdf; White Statement of Intent to QT Owners.pdf

Hi Kirsten,

Chris Whitworth, President of the Quittin Time Homeowners Association, forwarded to me your Notice of Public Hearing regarding Application #: PL-12-01550 for 429 Woodside Avenue. As you know, Sue and I traveling and cannot receive regular mail.

While the Owners of Quittin Time Condominiums have no objection to this Application's stated objective of "combining Lot B of the Elder Park Subdivision with an adjacent parcel" for the purpose of further modification of his "unfinished house" at 429 Woodside, it is our understanding from letters to us from both Mr. Koch and his architect, Mr. White, that Mr. Koch also intends to construct a slab on the adjacent parcel for the purpose of building a "guest house" on it. These letters are attached. It is this, perhaps unstated objective, that we vigorously oppose.

At Mr. Koch's invitation, Chris Whitworth requested more information on his plans. Mr. Koch has not responded. We believe that Mr. Koch's acquisition of this adjacent parcel and his subsequent request to remove the property line between this parcel and 429 Woodside is simply a ruse to codify the completion of his house at 429 Woodside that is larger than was permitted by City Code and then, at a later time, construct yet another house on the previously landlocked adjacent parcel. We have summarized the reasons for our opposition to Mr. Koch's proposal in our previous correspondence with you.

Are we correct in concluding that this Application, if approved without modification and deed restriction, will pave the way for the construction of this second house? We would very much like your advice and counsel on how to proceed in this matter.

Planning Commission Meeting
July 11, 2012
Page 7

**2. 429 Woodside Avenue – Plat Amendment
(Application #PL-12-01550)**

Planner Astorga reviewed the application for a plat amendment to combine Lot B of the Elder Park Subdivision with an adjacent metes and bounds parcel, described in the survey as the rear parcel. The entire area is identified as one tax ID number. The combined area would yield a maximum footprint of 3,006 square feet. The applicant proposed to reduce the maximum footprint by 10% to approximately 2700 square feet.

Planner Astorga noted that page 64 of the Staff report listed the parameters and what is permitted by Code. The existing house is 1768 square feet. The applicant was requesting additions to the existing main structure totaling 270 square feet, which would allow the remaining footprint to be 660 square feet. Planner Astorga remarked that the plat amendment has a platted building envelope to build an accessory structure in the future. The building envelope for the accessory structure is approximately 804 square feet, and it would be further limited to 660 square feet per the remaining footprint on the added restriction. However, the applicant may choose to exercise the right to use that footprint for other additions in the main structure. Planner Astorga clarified that it was not specifically specified that the 660 square feet would be for the accessory structure. It could be one or the other, but not both.

David White, the project architect, clarified that the applicant was not proposing to add more than 270 square feet to the existing structure. Planner Astorga agreed that it was not being proposed. He was only pointing out that the applicant had the right to exercise that option in the future.

Mr. White reminded the Planning Commission that the proposal for a future accessory structure was only behind the existing house. The rest of the lot is a no-build zone. This was done at the request of the Quittin Time Condos, directly to the north. That stipulation would prevent anything from being built behind Quittin Time and nothing could be disturbed. Mr. White stated that an easement was added in the proposal because two rear decks from Quittin Time empty onto this lot. The applicant provided an easement for those two decks to come out and move to the north to property that is designated open space.

Chair Wintzer stated that he was on the Planning Commission when the original project was approved, and he would like to see the minutes and the Staff Reports from that approval. He recalled that the process was long and extensive and he wanted to refresh his memory on the events that led to that approval before making a decision on the plat amendment. He was particularly hesitant about adding 270 square feet to the existing structure and the potential for an accessory building in the rear without a better understanding of the original project.

Mr. White referred to the existing conditions survey and pointed out that the plat of the existing house showed a center portion that was referred to as a concrete deck. He explained that this was the area of the proposed addition. It would only be for the main level and it would not change any of the elevations. Mr. White stated that they were only proposing to work in that center area. If they are allowed to do that, that area would have a flat roof only at the main level area that would not be visible from any other elevation.

Commissioner Savage clarified that the applicant was basically covering an enclosed area. Mr. White replied that they would be covering the center enclosed deck. It currently does nothing for the home and it collects moisture and snow. The owner would like to develop that one portion into living space.

Commissioner Hontz concurred with Chair Wintzer. When she first read the Staff report she assumed there was history and discussion regarding the relationship of the two lots. After hearing from Mr. White, if enclosing the center portion was all that was being proposed, they would not be looking at Exhibit A, which showed a building envelope preserved for the future. That concerned her because in looking at page 77 of the Staff report, it was evident that the entire area, based mostly upon the Treasure Hill subdivision, is probably dedicated open space.

Assistant City Attorney McLean believed that the Treasure Hill area was dedicated open space. Mr. White clarified that this particular lot was not dedicated open space, but anything beyond it was.

Commissioner Hontz stated that she was referring to Exhibit F, page 77 of the Staff report, which clearly delineates the location of the Treasure Hill subdivision versus the subject lot. Looking at that in conjunction with page 75, it is clear that one portion of a structure off of Woodside is in that strip of open space. Commissioner Hontz also requested to see the minutes and some of the history. She was concerned that a building envelope for future development could be in that strip of open space. Commissioner Hontz understood that the applicant believes he has development rights associated with that lot; and if that is true, she wanted to see how they got there.

Planner Astorga remarked that Planner Whetstone was the project planner, and she mentioned in the Staff report that a Steep Slope CUP was approved in September 2008. He assumed that it was for the addition to the historic structure, and those were the minutes that Chair Wintzer was requesting. Chair Wintzer answered yes.

Chair Wintzer clarified that he was not suggesting any wrongdoing. He just wanted to make sure that allowing this plat amendment would not undo something that was done in the past. He recalled a contentious discussion with the applicant and that the Planning Commission thought it was too big for the site. The proposal eventually passed and he did not want to overlook anything. Chair Wintzer referred to the purpose statement of trying to preserve the character of 25' x 75' lots. He was concerned about creating a large L-shaped lot in the back and how that fits with intent of the original approval.

Commissioner Savage stated that the prior approval was for the existing lot configuration. The current requested plat amendment would combine the lots. Chair Wintzer replied that lots were also combined in the original approval. Commissioner Savage understood that the lots combined in the original approval were different lots and it did not involve the subject lot. The applicant now wants to combine the subject lot with the other, and as a consequence of that combination the applicant would then be entitled to some additional square footage. Commissioner Savage understood that the applicant was proposing to restrict the building pad to a modest area relative to what could be done in an effort to preserve the neighborhood.

Commissioner Thomas stated that if the Planning Commission chooses to continue this item, he would like Mr. White to cut a cross section through the site starting from the street all the way through the lots, to give a sense of the grade and where the building pad may occur visually. Mr. White remarked that the back lot is quite steep. He pointed out that the proposed accessory structure would not be attached to the existing house. There would be a patio between the existing house and the new accessory structure. Commissioner Thomas assumed that the accessory structure could be a guest house. Mr. White preferred to call it guest quarters because it would not have a kitchen and it would not be rentable, leasable or sellable. The applicant has a large family and his intent is to have an accessory structure to the main house. He would like ski storage, a possible exercise area and one or two bedrooms. Commissioner Thomas stated that if the accessory structure is connected to the house it would be completely inconsistent with the Code. However, if it is not attached, it would be Code compliant.

Mr. White stated that the applicant also agreed to a reduction in the maximum height from 27' to 24', which would limit it to a maximum of two stories.

Chair Wintzer opened the public hearing.

There was no comment.

Chair Wintzer closed the public hearing.

Commissioner Worel stated that she was not on the Planning Commission at the time of the original approval and she would like more background from the minutes. In her opinion, it appeared that they already had a four story structure, and they were proposing to add another story plus an accessory building. Chair Wintzer pointed out that it was all totally separate. Theoretically they could have two three-story buildings and still meet the Code. That was the difficult part of the process.

MOTION: Commissioner Hontz moved to CONTINUE the 429 Woodside Avenue plat amendment.

Director Eddington did not believe the Staff would have time to pull the requested documents for the July 25th meeting. He recommended Continuing to the August 8th meeting.

Mr. White stated that he only learned the day before that the approval of the lower house had gone through a lot of consternation. He questioned whether that approval was applicable to the request to erase the property line. Chair Wintzer stated that the only way to verify whether or not it was applicable was to research the minutes.

Commissioner Hontz continued her motion to CONTINUE the 429 Woodside Avenue Plat Amendment to August 8, 2012, with direction to Staff to provide any minutes related to the previous approval of the property and direction to Mr. White to provide a cross section through the entire site, including the existing house in its current state. Commissioner Thomas seconded the motion.

Commissioner Savage clarified that this was an application for a lot line amendment. He asked if the application requested any other structure changes or whether it was simply a recommendation to the City Council for a lot line amendment. Director Eddington stated that it was simply a recommendation for the plat amendment that would, based on the applicant's recommendation, set the footprint at a reduced level. A steep slope conditional use permit was not attached to this request. Commissioner Savage understood that anything done on this lot subsequent to the plat amendment would require separate approval. Director Eddington replied that this was correct. Mr. White pointed out that the accessory structure would also come back to the Planning Commission. Commissioner Savage pointed out that the accessory structure was not the subject of this plat amendment. The application was for the lot line amendment only, with the agreement of a reduction in footprint allowance.

Commissioner Savage stated that he was asking the questions because he thought it was important to do whatever they could to help applicants get their applications through. He wanted to make sure the decision to continue this item to a later meeting was based on relevance of this particular application. Chair Wintzer believe it was relevant because once the Planning Commission allows a lot line adjustment they open the door to certain things and it was important to understand what that could be.

VOTE: The motion passed unanimously.

**3. 573 Main Street, Claimjumper – Plat Amendment
(Application #PL-10-01105)**

Planner Astorga reviewed the application for a plat amendment at 573 Main Street for a three lot subdivision consisting of a commercial lot on the Main Street site, known as the Claimjumper building, and the reconfiguration of two lots on Park Avenue for two residential units in the future.

The Planning Commission reviewed the application on June 27, 2012 and directed the Staff to analyze and study the conditions of approval drafted in the Staff report, as well as additional conditions of approval presented by Joe Tesch to address the concerns raised by the neighbors. Mr. Tesch had been retained by a number of residents on Park Avenue to represent them in this matter. Mr. Tesch was not present this evening and his partner, Joseph Barrett was in attendance.

Planner Astorga reported that the Staff received another letter from Tesch Law Offices with an attached exhibit. The Planning Commissioners were handed a copy this evening. The exhibit highlighted suggested minor changes to the conditions of approval contained in the Staff report dated July 11, 2012. Planner Astorga was comfortable with the recommended changes submitted.

Billy Reed, Joe Wrona, Jonathan DeGray, and Evergreen Engineering were present to represent the applicant and answer questions.

The Staff recommended that the Planning Commission review the draft ordinance and the additional exhibit provided by Tesch Law Offices, and forward a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law and Conditions of Approval in the draft ordinance.

Work Session Notes
November 28, 2007
Page 5

Commissioner Pettit was more comfortable interpreting the term "maximum house size" by using the 1993 LMC definition versus applying the current Code.

Chair O'Hara asked the Planning Commission to voice their opinion on whether or not they would consider changing the plat note.

Commissioner Wintzer did not favor changing the plat note. All Commissioners concurred. Chair O'Hara clarified that he was not in favor of changing the plat note. He also expressed his preference for applying the current Land Management Code to a new application. Commissioners Thomas and Wintzer agreed.

Commissioner Russack pointed out that there was not enough information in the minutes to determine the intent at the time. He believed it was possible that the intent could have been to create a correlation between lot size and house size. Commissioner Russack was not opposed to applying the current LMC to this application. He did not favor adjusting the plat note.

Commissioner Wintzer and Thomas agreed with applying the current Land Management Code.

Planner Robinson stated that the Staff would take the direction given this evening and come back with changes to the Land Management Code and a definition for the maximum house size as defined by the gross floor area.

429 Woodside Avenue - Steep Slope CUP

Planner Milliner reviewed the application for a steep slope conditional use permit for 429 Woodside Avenue. The applicant is the current owner of the historic home. He noted that the Historic Preservation Board determined the structure to be historically significant in December 2006.

Planner Milliner reviewed plans submitted by the applicant. The Staff reviewed the application and had concerns with the massing and the separation between the historic home and the proposed addition. The applicant was requesting direction from the Planning Commission.

William Elder, the applicant, presented their plans. He noted that the proposed materials and design complies with the Historic District Guidelines.

Mr. Elder stated that he and his father are disabled and the house design would accommodate an elevator to facilitate their ability to move about the structure freely without having to negotiate the stairs. Mr. Elder believed the house would be in scale with the Quitting Time Condos on one side and a larger home on the other side.

Planner Milliner stated that because the proposed dwelling square footage is greater than 1,000 square feet and would be constructed on a slope greater than 30%, the applicant was required to file a steep slope CUP.

Chair O'Hara clarified that the Staff and applicant were looking for direction on volume, form, and

scale. He asked for the distance between the applicant's house and the house to the south. Planner Milliner replied that it was a 5 foot side yard.

Commissioner Thomas asked if the vertical element shown on the east elevation was a chimney. Planner Milliner answered yes. He noted that the elevator is located indoors on the north side of the house.

Commissioner Thomas noted that as the cross section of the building steps back there is a stair element and several dormers that step forward, in addition to the chimney element. He assumed the applicant was asking for more verticality towards the front of the house because that is where the elevator is located. Commissioner Thomas did not believe the structure was excessive in context with the rest of the neighborhood. He understood the need for verticality and the need to keep the elevator core forward and near the stairs. Commissioner Thomas felt the building stepped back reasonably well with regard to the south and north elevations.

Commissioner Thomas was unclear about the existing historic building. He would have preferred to see a set of drawings showing how that building morphs into this larger building.

Commissioner Wintzer agreed and requested that as-built drawings be a requirement in the future. He would like to be able to see a point of reference that shows the existing structure in relation to the new addition. As presented, it is hard to delineate between old and new.

Planner Robinson stated that as-built drawings will be added to the requirements for design review of any historic structure that exists on a property. He noted that this application still needed to go through a Historic District Design Review.

Commissioner Russack remarked that his biggest issue is the delineation between old versus new. He understood the needs of the applicant and given the existing streetscape he believed the verticality could work. The question is how to make sure there is a separation between the historic house and the new addition.

Commissioner Wintzer was not totally convinced that the elevator could not be pushed back in the building to allow separation in the design.

Commissioner Pettit understood the need for the elevator; however, she was concerned that the design was a step backwards in their goal for historic preservation. She would like to see the plans modified to create more separation and distinction or be provided with something that visually shows the separation under the current plan. Commissioner Pettit requested additional analysis on whether the elevator shaft could be pushed back.

Commissioner Thomas stated that without the information identified by Commissioner Pettit, it is hard to get a good sense of everything. At this point, he had a problem with the mass of the addition with regard to the historic form. Chair O'Hara agreed. Commissioner Thomas thought it was an exceptionally large and bulky mass in relationship to his perception of what a historic building should be.

Work Session Notes
November 28, 2007
Page 7

Chair O'Hara stated that in the absence of a historic structure on the lot, he would have no problem with the form, mass and scale of the home. His concern was how this addition relates to the historic building.

The Commissioners left the dias to look at the applicant's plans.

Planner Milliner stated that he would work with the applicant to differentiate between the old and the new and revise the design to move the elevator.

MOTION: Commissioner Pettit moved to REMOVE 429 Woodside Avenue from the Consent Agenda for discussion and clarification on some of the criteria. Commissioner Murphy seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Wintzer moved to APPROVE the one remaining item on the Consent Agenda. Commissioner Murphy seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA/PUBLIC HEARINGS

1. 429 Woodside Avenue - Steep Slope CUP

Due to a conflict, Commissioner Peek recused himself from this item.

Planner Katie Cattan reviewed the application for 429 Woodside Avenue Steep Slope CUP. She noted that because the proposed home is larger than 1,000 square feet and will be built upon a slope greater than 30% a conditional use permit is required. Planner Cattan stated that the Staff received this application for a steep slope CUP on March 12, 2007. The current application has been reviewed by Staff and complies with the Historic District Design Guidelines. Planner Cattan noted that many modifications were made during the design review process.

The Planning Commission reviewed this application during a previous work session, at which time they requested that the applicant come back with additional side elevations and drawings. After working with Staff, the applicant chose to go in a different direction and the original design was modified. Planner Cattan explained that the modified design separates the historic home from the new addition with a small connection in-between.

Planner Cattan reported that the applicant was requesting a height exception for the center ridge off the new addition in the back to help break up the massing of the building.

The Staff had reviewed the application and found that it meets the requirements for the Land Management Code for the HR-1 District, with the exception of a small portion that is over the height limit. Planner Cattan noted that the criteria review was included in the Staff report, including the criteria for the height exception.

The Staff recommended that the Planning Commission review the proposed steep slope conditional use permit and consider approving the application based on the findings of fact, conclusions of law and conditions of approval, including the height exception.

Commissioner Pettit requested additional information on the reconstruction since the Planning Commission has not previously seen this aspect. From the Staff report, she thought it was difficult to know what the original home looked like and what aspects of the existing home are not reinstated as part of the reconstruction.

Planner Cattan stated that one of the historic district guidelines speaks to reconstruction when appropriate. The guideline states that you must reconstruct the home to its historic nature. She noted that the applicant used a 1940 photo of the home. The house as it exists today has had so many modifications that a small portion of the front is all that is left of the existing home. Planner Cattan referred to a letter contained in the Staff report from an engineer outlining his concerns with the structural condition of the building.

Planner Cattan stated that she visited the site with the Building Department and they also have concerns about the building sliding off its foundation. Because there is only a small portion of the original material left on the building, the Staff found that this home would be appropriate for reconstruction. Planner Cattan noted that a preservation plan was submitted that documents the historic footprint of the building, the exact dimensions of the original siding and the exact slope of the roof pitches. Every aspect of this building and the materials have been documented to bring it back to its state in 1940.

Commissioner Pettit asked if the 1940 photo was available. Planner Cattan passed around the photo to the Planning Commission. She noted that the preservation plan was also available if the Commissioners were interested. Commissioner Pettit noted that the Staff reported indicated that the home would be moved slightly to the north. She wanted a better understanding of how much movement there would be from the original footprint and why that was being done. Vice-Chair Russack asked what distance a historic structure could be moved. Planner Cattan replied that there is no set in stone rule for moving a house. She believed this proposal was to move the house two to four feet.

Planner Robinson clarified that there is no Code requirement or restriction on how far a historic house may be moved. He recalled that a discussion point for the new design guidelines and LMC changes was how much up and over an existing historic structure should be moved. Planner Murphy understood that the movement for this home at 429 Woodside is minimal. Planner Robinson agreed that the proposal is to move this house a couple of feet to the north.

Commissioner Wintzer remarked that in the past, the biggest issue with reconstruction is the difficulty in making siding look old. He asked about the finish of this building. Planner Cattan stated that the proposal is for lap siding. She noted that in some preservation plans siding has been milled to look old. Commissioner Wintzer stated that a lap siding is made that looks similar to what was used during that period. The problem is that it is new wood versus a piece of wood that has been painted and weathered. He was curious whether there were any restrictions to make the building look older or if it would just be a new building that was made to look like an old photo. Planner Cattan replied that it is a new building built to an old drawing.

Commissioner Murphy appreciated the efforts towards the historic aspect of this project. He visited the site today and it was obvious how much the existing structure has been altered over the years. Commissioner Murphy liked the project and felt the applicants did a nice job of making the historic home the prominent structure and having the addition blend into its surroundings. He thought this was one of the better examples of this type of development he has seen so far.

Commissioner Strachan asked if there was any possibility that the addition could cause the structure to be removed from the historic register. Planner Cattan did not think the addition would have any affect because it is not on top of the structure. She understood that during the original analysis of the historic inventory many building were taken off the list because additions were built on top of the historic structure. This proposed addition will be separated from the historic home. Planner Robinson noted that the Staff directed the applicant to keep the form and shape and scale of the original house with a minor attachment with the addition behind.

Commissioner Murphy pointed out that the new guidelines state that as long as the original structure appears to be a stand alone structure from the streetscape, it would meet the guidelines of the Department of Interior for historic additions. Planner Cattan clarified that this proposal was reviewed under the current guidelines and there is a provision about maintaining the roof and the ridges.

Vice-Chair Russack asked if the Historic Preservation Board had reviewed this application. Planner Cattan replied that the review is conducted at a Staff level during the historic district design review process. An HPB review is not required.

Commissioner Pettit understood that under the steep slope CUP process, the Planning Commission has the ability to refer certain aspects of an application to the HPB for determination. Vice-Chair Russack personally felt the massing was significant and dwarfed the historic home. He thought it was worthwhile for the Planning Commission to seek input from the Historic Preservation Board.

Commissioner Strachan asked if this proposal runs afoul of the moratorium. He asked if reconstructing the home in its entirety would be considered a demolition. Assistant City Attorney, Polly Samuels McLean remarked that the application came in prior to the moratorium so it would not apply. Commissioner Strachan was concerned that the addition could knock the home of the historic register. He agreed with referring this to the HPB since they apply the guidelines regularly and would be the most knowledgeable on whether or not it would have any affect.

Commissioner Murphy did not think it was unreasonable to ask the HPB for their input. He generally supports the proposal but thought it would be beneficial to hear feedback on how the reconstruction affects its historic register status, as well as other issues.

Commissioner Pettit clarified that this home is not on the historic register; however it has been determined to be historically significant as part of the historic inventory. She noted that there is a difference between the two lists.

Assistant Attorney McLean, stated that Vice-Chair Russack comment regarding building form and scale speaks to Criteria 6 and 8 of the steep slope criteria. She needed clarification on the issue and asked if the concern is whether the dwelling volume creates visual massing and difference in scale between the proposed structure and the existing structure. Vice-Chair Russack replied that his concern relates to the relationship of the old structure to the new structure.

Ms. McLean recommended that the Planning Commission continue this item rather than approve the Steep Slope CUP subject to feedback from the HPB since the HPB analysis could result in a different design.

Planner Robinson stated that the Planning Commission could continue this item to a date certain with direction for an HPB review; and the Staff would get it on the HPB agenda as soon as possible.

Planner Cattan asked for specific clarification on what the Planning Commission would like the HPB to review. Commissioner Wintzer noted that the existing home is approximately one-quarter of the entire elevation and he wanted to know if the scale and mass was in keeping with the direction they are taking. Vice-Chair Russack requested input from the HPB on Criteria 8 - the dwelling volume, Criteria 6 - building form and scale, and the relation of the existing versus the proposed.

Planner Cattan noted that Criteria 6 and 8 were matters for the Planning Commission and she was hesitant to take steep slope criteria issues to the HPB. Commissioner Murphy clarified that the Planning Commission was looking for input from the HPB on whether the mass and scale of the addition is appropriate for the existing historic structure. He was also interested in hearing comments from the HPB regarding reconstruction and what it means relative to future designations.

MOTION: Commissioner Murphy moved to CONTINUE 429 Woodside Avenue to August 27, 2008 and forward it to the Historic Preservation Board for their input on how reconstruction affects future designations relative to historic significance; and whether the building mass and scale of the proposed addition is appropriate for the existing historic structure. Commissioner Wintzer seconded the motion.

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

2. Silver Lake Drive, Lot 2B of North Silver Lake Subdivision, North Silver Lake Lodges Conditional Use Permit

The Planning Commission discussed this item during work session.

Doug Clyde, representing the applicant, presented a slide presentation of the proposed project and surrounding and adjacent developments. One slide was a rendering taken inside the project looking from the road at the downhill PUD's and townhomes. Mr. Clyde clarified that a duplex is classified as a townhome in this project. Another slide was a rendering taken from the entry way looking into the project.

Kelly Peart, representing the applicant, noted that a few trees that were missing from the rendering would help block the views. He stated that the landscape plan proposed a number of large trees as a buffer from Silver Lake Drive to within the project.

Mr. Clyde presented slides showing the downhill units to the east of the project. These units are slightly larger in the 7,000 square foot range. These are typical downhill units where only one story is visible from the ground level. Mr. Clyde presented a slide with the previously approved plan superimposed over the currently proposed plan to show the difference between the two. He also reviewed section drawings. Mr. Clyde indicated that the taller buildings were moved to the center of the project and 115 feet away from the property line.

PARK CITY MUNICIPAL CORPORATION
HISTORIC PRESERVATION BOARD
MINUTES OF AUGUST 20, 2008

BOARD MEMBERS IN ATTENDANCE: Ken Martz, Todd Ford, Puggy Holmgren, Gary Kimball, Sara Werbelow, David White

EX OFFICIO: Tom Eddington, Brooks Robinson, Kirsten Whetstone, Katie Cattan, Dina Blaes, Gary Hill, Patricia Abdullah, Polly Samuels McLean

WORK SESSION – 6:06 p.m.

429 Woodside Avenue – Advice and Guidance

Planner Katie Cattan reported that last Wednesday she had presented 429 Woodside Avenue to the Planning Commission, at which time they expressed concerns regarding the historic building. Planner Cattan noted that the existing home has had significant alterations and a number of additions have been placed on the building. The applicant would like to reconstruct this historic structure to resemble its historic nature in the 1930's. The applicant is proposing to separate the reconstruction of the new building from the new addition, which would be behind the reconstructed historic building.

Planner Cattan remarked that reconstruction is within the guidelines. The Staff felt this was a good project for reconstruction because there is very little original material left on the building.

Planner Cattan stated that the Planning Commission was looking for guidance from the HPB on whether the mass of the addition is appropriate for the historic structure and whether the historic home would remain on the Park City Building Inventory if the proposed design is approved.

Planner Cattan remarked that in terms of appropriate massing for the historic structure, the Staff had worked with the applicants over the past year and found preliminary compliance with the Historic District Design Guidelines. She noted that the Staff has not yet issued an approval yet pending Steep Slope CUP review by the Planning Commission. Planner Cattan pointed out that there is a clear transition from the historic building to the new addition. In evaluating the proposed design, the Staff found that the historic house was physically and visually distinct from the large addition, thereby maintaining its character in spite of the large-scale addition. She requested direction from the HPB as to whether or not they concur with that finding and if the mass of the addition is appropriate for the historic building.

Planner Cattan commented on the second issue of whether the home will remain on the historic inventory if the design is approved. She outlined the six criteria the HPB would use to make that determination. The Staff believes the historic integrity would not be jeopardized because there is a clear separation between old and new and the reconstructed historic home would still demonstrate a quality of significance for the mining era.

Planner Cattan stated that once the HPB makes their findings she would take that back to the Planning Commission.

Board Member White understood that even though the exterior of the existing historic home has been significantly changed, this home is still on the historic register. Planner Cattan clarified that the structure is on the current Park City Inventory but not on the National Historic Register. She read the evaluation for 429 Woodside Avenue outlining why it was placed on the Historic Inventory.

Chair Martz recalled that the HPB visited the structure at 429 Woodside Avenue two years ago under the determination of significance process. At that time he believed the HPB found the building to be historically significant; although based on the structural and material changes to the building, it was a borderline significance. Chair Martz was surprised this building was placed on the inventory.

Board Member Kimball asked if any of the original siding exists. Planner Cattan replied that some of the original siding still exists on the north elevation. The Board reviewed the plans for reconstruction and the proposed new design.

Board Member Ford felt this home was a candidate for reconstruction because it has been significantly modified. He requested that the applicant utilize an original photo during the reconstruction.

In looking at the tax photo, Board Member Ford indicated what looked like a porch element off the south side of the historic structure. He felt that something like that on the site plan would go over the garage entry and replace the vertical element on the west of the east elevation with a more consistent, lower height elevation for the front. Board Member Ford noted that Guideline 71 and 73 of the current guidelines talks about the typical size and shape of historic facades and that new construction should be of similar widths and heights. It also talks about whether rooflines should be perpendicular or parallel to the street. Board Member Ford stated that in his opinion, the main elevation suffers because the parallel roofline is massive and contributes to the bulk of the structure. He thought it would be helpful to break up the roofline with a more perpendicular roofline. He also found the typical vertical structure over the garage to be distracting and inconsistent with the guidelines. Board Member Ford stated that seeing the porch element on the tax photo presents the idea for keeping the entire front façade at a low profile and not allow the large tower element that is close to the front. The garage can remain where it is. He felt the way to detract from the mass of the east elevation would be to bring a lower, more historically appropriate element to the front. He suggested that they make the entire front façade consistent with the width and height of historic structures and then allow the house to grow off the back. In his opinion, the front façade over the garage is not consistent with #71 of the historic design guidelines.

Board Member White liked the fact that the historic home sits by itself and the proposed addition is completely behind it. He thought it was worth having the applicant's architect look at Board Member Ford's suggestion. Board Member White stated that in looking at the streetscape, he was comfortable that the mass of the addition is appropriate with regards to the existing home. Chair Martz thought another mitigating factor is that the adjoining properties are rather large and not historic.

Board Member Holmgren commented on the complaints regarding noticing and public involvement and she wanted to know why the surrounding properties were not notified. Planner Cattan remarked that the public was noticed for the steep slope conditional use permit with the Planning Commission. Because this item was directed to the HPB by the Planning Commission, any public who attended that meeting would have known that this was coming to the HPB today. Planner Cattan explained that based on the format of the design guidelines, the property is not posted until the Staff finds compliance with the design guidelines.

Board Member Holmgren stated that she was particularly sensitive about this matter. With the moratorium on demolition, she urged the Staff to keep the public informed. Planner Cattan reiterated that anyone within 300 feet was noticed for the steep slope CUP. Board Member Holmgren stated that noticing was a major complaint expressed during the public hearings and she felt they should pay particular attention to what the public wants.

Board Member Ford suggested an amendment to the landscape plan to add tall trees near the entry to detract from the vertical element. Chair Martz suggested that the landscape plan also include a stone retaining wall from the street and a yard surrounding it. He noted that the photo shows a wall and that wall should be put back. Planner Cattan stated that the Staff has been talking to the architect to make sure that the slope as shown on the survey comes back as it exists today.

Planner Cattan understood that there was consensus from the Board that the Staff's findings are accurate concerning the mass but they would like the architect to look at the suggested changes proposed by Board Member Ford regarding the front façade. The Board concurred. The Board Members also supported reconstructing the historic home. If it is reconstructed properly it would not affect its status on the Park City Inventory.

Training

Assistant City Attorney, Polly Samuels McLean, stated that the training this evening was relative to open public meetings Act Annual training. She noted that Utah State law requires the City to provide this training on an annual basis. Ms. McLean explained that open meetings are required as a public policy in Utah. A purpose statement says that all Boards shall make their deliberations in the public eye as part of the public process. Actions and deliberations should be made in open forum. As a public body, the Historic Preservation Board needs to abide by this policy.

Ms. McLean clarified that a chance encounter is not considered a public meeting. If a quorum of Board members find themselves in the same location or event outside of their meetings, they should not discuss HPB matters. Ms. McLean stated that emails are also considered a meeting if it is sent as a group email to everyone. She clarified that any communication on HPB issues should be in an open public meeting. If a Board member needs to email another Board member, they should do so through the Planning Department so they can make sure it is appropriate and does not involve a quorum of Board Members.

Ms. McLean distinguished between public comments versus an open meeting. She clarified that an open meeting means the public has a right to listen to their deliberations. It does not mean they have to take public input. She noted that items such as appeals

do not require a public hearing, although the HPB can choose to allow public comment. Ms. McLean stated that if a member of the public becomes disruptive, the Board has the right to ask them to leave.

Ms. McLean stated that the public is noticed under the law. The requirements for an open meeting is that the property must be posted 24 hours prior to the meeting. Park City has its own noticing requirement, which is a longer period than the 24 hours required by the State law. Ms. McLean noted that all meetings are recorded and minutes are taken, which is all part of the public record.

Ms. McLean stated that if a Board member knowingly or intentionally violates an open public meeting policy, he or she could be liable for a Class B misdemeanor. If a Board member has any questions, their best protection is to contact the legal department for clarification.

REGULAR MEETING

ROLL CALL

Chair Martz called the meeting to order at 6:52 p.m. and noted that all Board Members were present except for Mark Huber who was excused.

PUBLIC COMMUNICATIONS

There was no comment.

STAFF/BOARD MEMBERS COMMUNICATION

Tom Eddington was introduced as the new Planning Director.

Chair Martz requested an update on the building moratorium. Ms. McLean stated that the Temporary Zoning Ordinance (TZO) was adopted by the City Council on August 7, 2008. This TZO places a six month moratorium on all demolitions of buildings built after 1962. Chair Martz asked about the process for enforcing this moratorium.

City Council Member, Liza Simpson stated that the direction from the City Council was for the Staff to compile a contributing list.

Elect Chairperson

Ms. McLean noted that the HPB should have re-elected a new Chair in March 2008. Ken Martz was elected in March 2007 and an election should occur every year. She noted that a Chairperson may not serve for more than two consecutive years. A proposed amendment to the Land Management Code will track the appointment period so future elections will occur in July. Because they are extended beyond the March date for this year, McLean recommended that the HPB hold elections this evening.

Chair Martz stated that due to other commitments, he would like to pass the baton of chairman to another Board member.

MOTION: Chair Martz nominated Todd Ford as the next HPB chairman. Board Member White seconded the motion.

Commissioner Wintzer asked if the public would be noticed on the site visit. Planner Cattan stated that the site visit would be listed on the agenda that is published in the newspaper. She has been in communication with the public and many people who came this evening had asked her about the next step in the process.

Vice-Chair Russack stated that as he thought about the Deer Valley master plan and the density assigned to this parcel, he was struck by the fact that if the project was a hotel the impacts would be much different from the impacts of this proposed project. He understood that the proposal for PUD style homes with stacked flats in the center was an appeasement to the neighborhood. Vice-Chair Russack noted that square footage was not assigned to the density. When the master plan was done in the early 1980's, he believed the vision at that time was probably 3,000 square foot homes and not 5,000+ square foot homes. He understands the assigned density based on the MPD; however, he struggles with the limits of disturbance on the site, which is due to the square footage of the units.

Vice-Chair Russack opened the public hearing.

There was no comment.

Vice-Chair Russack continued the public hearing.

MOTION: Commissioner Peek moved to CONTINUE this item and the public hearing to September 24, 2008. Commissioner Wintzer seconded the motion. Commissioner Thomas was recused.

2. 429 Woodside Avenue - Steep Slope CUP

Due to a conflict of interest, Commissioner Peek recused himself from this item.

Commissioner Thomas resumed the Chair.

Planner Cattan reviewed the application for a steep slope conditional use permit for 429 Woodside Avenue. The Planning Commission discussed this item on August 13th and during that meeting two issues were raised. The first issue was whether the mass of the addition was appropriate for the historic structure. The second issue was whether the historic home would remain on the Park City Historic Inventory if the home is reconstructed.

Planner Cattan stated that the Planning Commission remanded this proposal to the Historic Preservation Board for their input on the two issues of concern. The HPB addressed those issues during their meeting on August 20th. Planner Cattan stated that on the question of whether the mass of the addition is appropriate for the historic structure, the HPB was concerned about the massing above the garage and suggested that it be designed more in context with the historic home. They also had concerns about the existing wall and wanted to make sure the wall was brought back and kept in context with the site. The HPB also requested additional landscaping so the front door would remain as the main entrance to the house.

Planner Cattan stated that based on the HPB recommendations, the architect had provided three options for consideration. Option A was the original plan presented. During the HPB discussion, a recommendation was made to remove the front porch element on the second story above the garage and to add a shed roof. Planner Cattan noted that Option B includes the shed roof element and takes away the second story porch. Planner Cattan remarked that Option C brings back the gable end instead of the shed roof and brings the second story more in line with the historic home.

Planner Cattan remarked that on the issue of whether the historic home would remain on the historic inventory if the home is reconstructed and the current design is approved, the HPB concluded that reconstruction was appropriate due to the alterations that have taken place and the structural integrity of the building. The HPB also found that the addition is in keeping with the criteria for the determination of historic significance based on the separation proposed between the two structures.

Commissioner Wintzer clarified that if the historic home remains on the Park City Historic Building Inventory, any work done on the building after reconstruction would go through the design review process. Planner Cattan replied that this was correct.

The project architect commented on the massing and understood that the HPB and the Planning Commission had concerns with scale and massing. In an effort to address those comments, three options were presented. The architect stated that all three options do not lower the ridgeline; however she felt it still fit nicely with the streetscape. In trying to address the left side of the building they did a shed roof option that extended the roof down. The architect felt that taking away the porch on Option B and putting on a shed roof created a more vertical element, which did not do much towards bringing down the scale. Option C did bring it down so it appears to be a single story structure and relates more to the historic portion. On the other hand, Option C also increases the size of the roof. Therefore, the options exchange two stories of siding for two stories of roof. The architect and the applicant thought the original design was still better than Options B and C. The architect reviewed the three options and identified the pros and cons of each one.

Commissioner Murphy asked if there was a height exception on all three options. The architect replied that the height exception would be made on the central gable on all three designs. She noted that the height exception for Options B and C would be increased by an additional foot in order to make that element work better. She explained the reasons for why that would happen.

Assistant Attorney, Polly Samuels McLean was not comfortable with the Planning Commission discussing options with the architect because it leads the Commissioners to designing the project for the applicant. She advised the Planning Commission to apply the criteria and associate it to any issues they have with the design.

Commissioner Russack noted that the Planning Commission has three options before them and he asked which one they should comment on. Ms. McLean felt it was up to the architect to determine which option they wanted to present for discussion. She noted that the HPB provided their recommendations on the original design. She was nervous about having three options.

The architect stated that in trying to design this house, they are being sensitive to the existing historic portion. They added the gables within the first option to keep the element strong. She felt

the shed roof watered that down. She pointed out that the applicant preferred the first option because the gables relate to the elements of the historic house.

Commissioner Murphy was unclear about the process and asked if the applicant needed to declare which option they wanted the Planning Commission to discuss. Ms. McLean expressed her preference for the Planning Commission to review one option to see if it meets the criteria. She understood that the applicant prefers Option A and suggested that the Planning Commission focus their comments on that design. They can use the other options as examples but the primary review should be for Option A.

Planner Robinson stated that the Planning Commission expressed concerns on Option A at the last meeting and remanded it to the HPB. The HPB offered suggestions that the applicant addressed in Options B and C to meet those concerns.

Chair Thomas opened the public hearing.

There was no comment.

Chair Thomas closed the public hearing.

Commissioner Russack felt the process worked in terms of getting input from the HPB. He thought it was a worthwhile effort. Commissioner Russack asked if the HPB has seen the options that resulted from their comments. Planner Cattan replied that the HPB had not seen Options B and C. Commissioner Russack stated that in his opinion, the concerns related to Option A have not been mitigated. He suggested that either the HPB look at all three options to see if their comments have been addressed or the architect should just choose one option to submit to the Planning Commission. He thought the mass and scale were mitigated in Options B and C but not in Option A.

Commissioner Pettit requested that the applicant provide a massing model to help the Commissioner's get a better sense of the orientation of the historic structure and the connection with the proposed addition. Looking at the plan in one dimension makes it difficult to understand the two elements redesigned in Options B and C and the verticality on the left hand side. Commissioner Pettit still struggled with whether or not the plan meets the criteria, specifically Criteria 6 and 8.

Commissioner Murphy appreciated the efforts of the HPB and the efforts of the applicant to preserve the historic home. Commissioner Murphy was concerned about the height exception and whether or not it is appropriate. He felt the height exception may not be necessary if they made the house smaller.

Commissioner Wintzer felt there was less mass on Option B from the side view. He thought Option B would be a workable design if they could find a way to make the front element shorter and uninterrupted. He was concerned with the amount of snow that would dump on the deck below or on to the driveway.

Chair Thomas agreed that Option A has concerns and considerations. If the applicants thinks that Option A is still the best, he was not satisfied that the concerns have been addressed. Chair Thomas thought Options B and C were a toss up; however, if he had to choose, he would probably

prefer Option C. Chair Thomas thought it was logical to allow the HPB the opportunity to see the response to their input.

MOTION: Commissioner Murphy made a motion to CONTINUE 429 Woodside Avenue until the Historic Preservation Board has had a chance to review the results of the suggestions they made to mitigate some of the questions and concerns relayed at the last public hearing. Commissioner Wintzer seconded the motion.

Planner Robinson asked if the matter could be continued to a specific date. He noted that the HPB meets again on September 3rd.

Commissioner Murphy amended his motion to continue this item to September 10, 2008. Commissioner Wintzer seconded the amended motion.

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

3. 1183, 1185, 1195 Empire Avenue - Plat Amendment

Planner Jeff Davis reviewed the application for a plat amendment to combine three and three-fourths lots of record into two lots. The property is located at 1183, 1185 and 1195 Empire Avenue. Currently lot lines cross through two of the properties and runs through an existing duplex located at 1183 and 1185 Empire Avenue. A lot line also runs through the middle of a non-historic home located at 1195 Empire Avenue. The applicant has received a CAD permit for that structure.

Planner Davis noted that the project went through an inter-departmental review and no issues were raised at that time. No public input had been received at the time the Staff report was written. 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 as found in the draft ordinance.

Chair Thomas opened the public hearing.

David O'dell, a resident on Lowell Avenue, asked if a height variance is being contemplated. A previous decision provided a height variance for residences in the 1200 Block of Empire and Lowell and he wanted to be pro-active and make that inquiry now.

Planner Davis was not aware of a height variance. Planner Robinson explained that design plans are not part of the plat amendment process. The house plans will be evaluated at the time of the steep slope CUP process. He noted that the steep slope CUP criteria would allow the Planning Commission to grant a height exception if appropriate. Planner Robinson stated that Mr. O'dell would have the opportunity to provide further comment during that public process.

Chair Thomas closed the public hearing.

In looking at the proposed plat, Commissioner Murphy thought the proposed amended plat line bisects the duplex, which is contrary to the language in the Staff analysis.

PARK CITY MUNICIPAL CORPORATION
HISTORIC PRESERVATION BOARD
MINUTES OF SEPTEMBER 3, 2008

BOARD MEMBERS IN ATTENDANCE: Todd Ford, Puggy Holmgren, Mark Huber, Gary Kimball, Ken Martz, David White

EX OFFICIO: Brooks Robinson, Katie Cattan, Kayla Sintz, Dina Blaes, Polly Samuels McLean, Patricia Abdullah

WORK SESSION

Planner Katie Cattan reported that at the last meeting, per the request of the Planning Commission, the HPB discussed two issues related to a project at 429 Woodside Avenue. Following that discussion the HPB provided their recommendations to the Planning Commission. Planner Cattan noted that the Planning Commission wanted to know if the HPB was comfortable with the mass and scale proposed for the project and whether the structure would remain on the Historic Inventory if the proposed addition was allowed to move forward.

Planner Cattan stated that she took the matter back to the Planning Commission on August 27th along with the recommendations from the HPB. During that meeting the applicant presented three options that responded to the recommendations made by the HPB. The Planning Commission felt the correct procedure was to allow the HPB the opportunity to review the options and provide comment.

Planner Cattan stated that Option A was the original proposal. During the last meeting the HPB requested several changes, which included additional landscaping to focus the front as the primary entrance, to remove the porch on the second story above the garage and introduce a shed roof to reduce the massing, and to extend the porch more to the front to change the presence of the garage.

Planner Cattan stated that Option B introduces a shed roof and takes away the porch on the second level. She noted that all three options introduce the requested landscaping. Option B also extends the porch above the garage.

Planner Cattan remarked that Option C removes the porch element on the second story and reintroduces a gable at a lower elevation to break up the massing. This option creates a larger roof over the rear portion of the building.

The Staff recommended that the HPB review the request by the Planning Commission and provide further input.

Board Member White stated that he would like to see a combination of Options B and C. He liked the break in the shed roof at the street in Option B because the unbroken shed roof in Option C is too much. Board Member White also liked the gable over the porch in Option C and how the front of that gable is set back at the rear of the historic house.

Board Member Martz referred to Option C and suggested that a transom over the three doors would break it up better. He thought a transom would work with either of the options. He agreed with Board Member White on the combination of Options B and C with the addition of the transom.

Chair Ford asked if it was architecturally possible to combine Options B and C per Board Member White's suggestions.

Michael Stoker, representing the applicant, felt there was an absolute possibility without manipulating the floor plan. He noted that the owner sent a letter to Planner Cattan indicating that the home needed to be handicap accessible. Mr. Stoker felt the Planning Commission remanded this back the HPB because they did not want to redesign the project and the Assistant City Attorney had recommended that they not choose options. He believed the Commissioners had their personal favorite and Mr. Stoker assumed that the end result would be to combine elements from each option into the design.

Planner Cattan clarified that she could only take one option back to the Planning Commission to be reviewed against the steep slope criteria. Board Member White asked if the combined options could go back to the Planning Commission as Option D.

Assistant City Attorney, Polly Samuels McLean, stated that there needs to be one application for the Planning Commission to consider and it get tricky when there are different options. She believed that an Option D would be acceptable if that is what the applicant wants to present to the Planning Commission. She did not think Option D would need to come back to the HPB as long as they provide specific direction on which elements are necessary to meet the requirements of their review.

Board Member Huber clarified that the HPB favored Option B with the gable over the porch in Option C.

Planner Brooks Robinson did a quick sketch of what he thought the Board was asking for. The Board concurred with the sketch.

Planner Cattan stated that this application is a steep slope conditional use permit and the applicant was requesting a height exception for the center gable. Mr. Stoke noted that there was discussion among the Planning Commission to make that smaller. Planner Cattan reported that the Planning Commission did not agree with the need for a height exception.

Board Member Huber thought the design would look dreary without that height. Chair Ford felt it complies more with the guidelines in trying to get a perpendicular roof line as opposed to one line. Mr. Stoker asked that their comments been included in the report to the Planning Commission so they know that the HPB is comfortable with the height exception.

Planner Cattan noted that the ridge on the original building was one foot under the 27 foot height, but due to architectural changes, the main ridge is now 27 feet. She pointed out that it is within the zone height but there is a one foot change in ridge elevation.

REGULAR AGENDA

identified on the site plan.

4. The portion of the lot which is located under the existing home, the addition or access to the home which can be considered steeper than 30%, is not under the existing home but is located adjacent to the existing historic home whose footprint is not being altered, is approximately 4 feet wide and 5 feet in length and appears to be the result of manipulated conditions (e.g. the existing rock retaining wall). The Planning Director's determination was that the manipulated length of slope less than four feet wide did not meet the requirement as stated above. The entire square footage of the adjacent area is less than 20 square feet. There is also an area of steep slope along the rear property line. This area is not being built upon.
5. The Planning Director made a determination on August 4, 2008, that the proposed structure does not require a Steep Slope Conditional Use Permit pursuant to LMC Section 15-2.2-6(B).
6. The applicant appealed the Planning Director decision on August 13, 2008.
7. A conditional use permit is required for any structure in excess of one thousand square feet if said structure and/or access is located upon any existing slope of thirty percent or greater. The proposed addition is in excess of one thousand square feet. The existing structure, the new addition and access to the structure is **not** located upon an existing slope of 30% or greater according to the site plan submitted with the application.

Conclusions of Law - 130 Sandridge Avenue

1. The Steep Slope Conditional Use Permit is not applicable to this application pursuant to the Park city Land Management Code, specifically Section 15-2.2-6(B).
2. The Planning Director did not err in the application of the Land Management Code.

Order

1. The Planning Directors decision to not require the Steep Slope CUP for 130 Sandridge Avenue is upheld and the appeal for the 130 Sandridge Avenue application of Steep Slope Conditional Use Permit is denied.
6. 429 Woodside Avenue - Steep Slope Conditional Use Permit

Due to a conflict of interest, Commissioner Peek recused himself from this item.

Planner Robinson reported that the Planning Commission has reviewed this application and couple of times. Based on their concerns and pursuant to the LMC, the Planning Commission remanded it to the Historic Preservation Board for their review relative to the Historic District Design Guidelines.

Planner Robinson noted that at the last meeting the applicant had presented several options, which responded to the first review by the Historic Preservation Board. The Planning Commission asked the HPB to look at those options to see which one was more compliant with the guidelines. He stated that the HPB had some preference for Option B and some for Option C. Based on Board member comments, Planner Robinson sketched out a plan during the meeting and asked if that sketch met their intent on the guidelines in terms of breaking up the front facade into smaller components. The HPB agreed with the hand drawn sketch and left it to the architects to draw it up by noon the next day to meet the time line for the Planning Commission packet.

Planner Robinson presented Option D, which was the preferred design by the HPB. Planner Robinson commented on a concern expressed by the Planning Commission regarding a dormer element in the center back of the house that breaks the height restriction. The Staff and the HPB felt this element helped break up a fair amount of roof and they were comfortable that it met the design guidelines. Planner Robinson stated that the Planning Commission has the discretion of whether or not to allow the height exception.

Michael Stoker, representing the applicant, stated that the height breaks the maximum by approximately four feet at the most.

There was some confusion over the options and Chair Thomas explained that Option D was a revised iteration of Option B with the gable element from Option C. The HPB also added a transoms window.

Chair Thomas opened the public hearing.

There was no comment.

Chair Thomas closed the public hearing.

Commissioner Wintzer stated that this was the first since he has been on the Commission that he has heard a response from the HPB. Considering how complicated it became, he felt it would have been easier to involve the HPB at the beginning. Commissioner Wintzer appreciated the process and felt they ended up with a better project.

Commissioner Pettit echoed Commissioner Wintzer and also thanked the applicant for their patience and willingness to work with the HPB.

Chair Thomas thought the elevation worked in terms of the commonality with the historic structure in front and with the adjacent buildings. Commissioner Strachan echoed all comments. He applauded the HPB for working on this in a timely manner.

MOTION: Commissioner Murphy moved to APPROVE the Steep Slope CUP for 429 Woodside Avenue, Option D, as outlined in the Staff report and in accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval in the Staff report. Commissioner Wintzer seconded the motion.

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

Findings of Fact - 429 Woodside Avenue

1. The property is Parcel B of the Elder Park Subdivision within Block 29 of the Park City Survey located at 429 Woodside Avenue.
2. The zoning is Historic Residential (HR-1).
3. The property is located within the HR-1 zone. Therefore, all future applications must meet the criteria in the Historic District Design Guidelines, per LMC Section 15-2.16.7(B).
4. Because of the proposed dwelling square footage is greater than 1,000 square feet, and would be constructed on a slope greater than 30%. The applicant is required to file a Conditional Use Permit Application for review by the Planning Commission, pursuant to Section 1502.1-6 of the LMC.
5. The Historic Residential Zone is characterized by a mix of single family homes, multi-family homes and smaller historic homes.
6. There is one existing historic home on the property.
7. Access to the property is from Woodside Avenue.
8. The area of the lot is 4573.5 square feet in size.
9. The minimum lot size for a single family home in the HR-1 zone is 1,875 square feet.
10. The maximum building footprint for the proposed lot is 1,768.5 square feet. The proposed footprint of the home is 1,768.5 square feet.
11. The maximum height limit in the HR-1 zone for a single family home is 27 feet above existing grade. The applicant is requesting a height exception to allow 13 feet of ridge line to exceed the 27 feet height limit. The applicant is requesting a height exception of up to 33 feet 1 inch above existing grade.
12. Setbacks for the lot are 5' minimum on the sides with a combined minimum of 14' and 10' minimum in the front and rear yards.
13. All other facts within the Analysis section of this report are incorporated within.

Conclusions of Law - 429 Woodside Avenue

1. The application complies with all requirements of Section 15-2.1-6 of the Land

Management Code.

2. The proposed use, as conditioned, is compatible with the surrounding residential and commercial structures in use, scale, mass and circulation.
3. As conditioned the use is consistent with the Park City General Plan.

Conditions of Approval - 429 Woodside Avenue

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. Measures to protect existing vegetation shall be included in the Construction Mitigation Plan (CMP).
3. City Engineer review and approval of all appropriate grading, utility installation, public improvements and drainage plans for compliance with City Standards is a condition precedent to building permit issuance.
4. A landscape plan is required with the Building Permit. Changes to an approved plan must be reviewed and approved prior to landscape installation.
5. No building permits shall be issued for this project unless and until the design of the house is reviewed and approved by the Planning Department Staff for compliance with the Historic District Design Guidelines.
6. A soils study must be submitted to the building department prior to issuance of a full building permit.
7. Prior to the issue of any building permits, the Chief Building Official will require the applicant to submit a structural engineer stamped detailed shoring plan which is in compliance with the International Building Code. This shoring plan will be included in the building permit plans prior to the issue of a building permit. The shoring plan is required to protect the stability of the soil and neighboring properties.
8. This approval will expire on September 10, 2009, if a building permit has not been issued.
9. The height exception is granted for a maximum height of 33 feet 1 inch over existing grade.
10. Approval is based on plans dated September 4, 2008 and reviewed by the Planning Commission on September 10, 2008. Building Permit plans must substantially comply with the reviewed and approved plans.

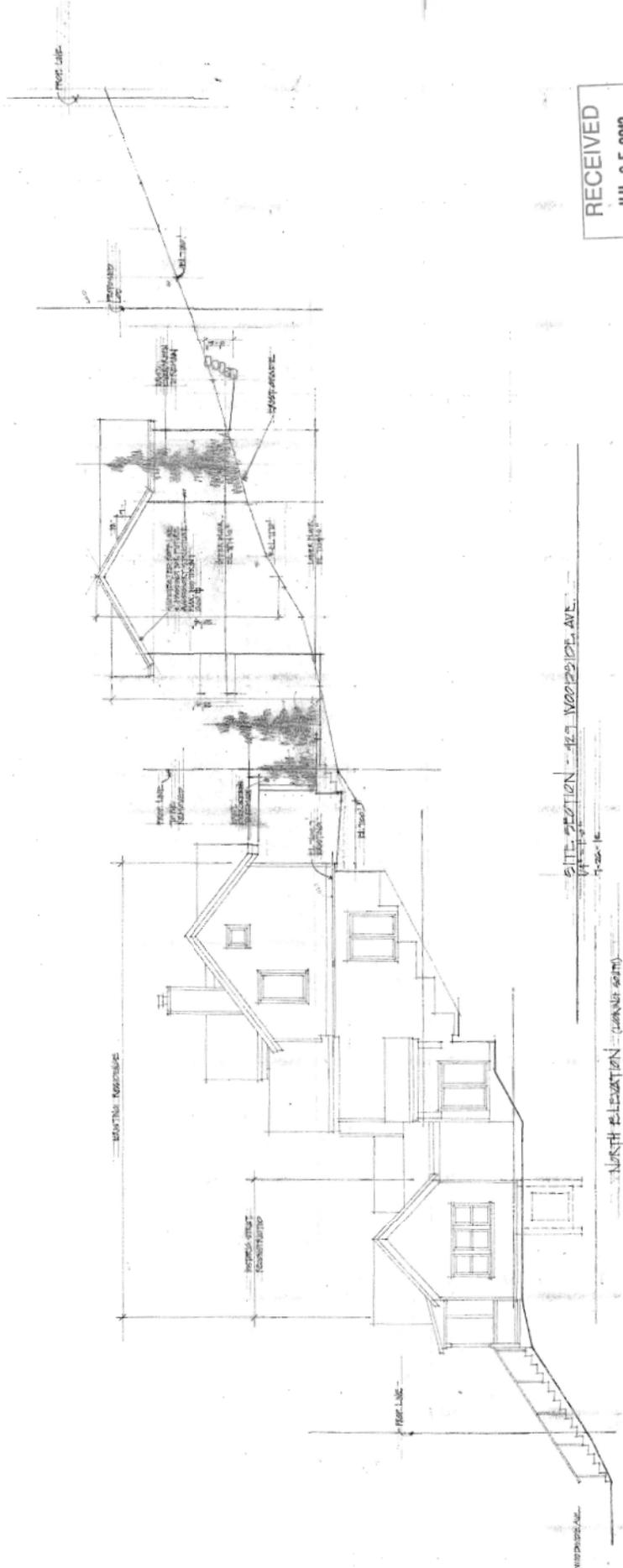
7. 154 McHenry Avenue - Plat Amendment

EXHIBIT K - CROSS SECTION PLAN OF
ACCESSORY STRUCTURE

DAVID G. WHITE, ARCHITECT

RECEIVED
JUL 25 2012
PARK CITY
PLANNING DEPT.

EXHIBIT K



Ordinance No. 95-8

**AN ORDINANCE APPROVING THE AMENDMENT TO THE
PARK CITY SURVEY PLAT
429 WOODSIDE AVENUE, PARK CITY, UTAH**

WHEREAS, the owner of property indicated above, William Elder, petitioned the City Council for approval of the amendment to the Park City Survey Plat; and

WHEREAS, proper notice was sent and the Planning Commission held a public hearing on February 8, 1995 and the City Council conducted a public hearing on February 16, 1995 to receive testimony on the proposed plat amendment; and

WHEREAS, the plat is consistent with the Land Management Code and subdivision ordinance and the newly created parcel exceeds the minimum square footage of 1,875 provided in the Code; and

WHEREAS, it is in the best interest of Park City, Utah to approve the amended plat;

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

SECTION 1. CONCLUSIONS OF LAW. The City Council hereby concludes that there is good cause for the above-mentioned amendment and that neither the public nor any person will be materially injured by the proposed plat amendment.

SECTION 2. PLAT APPROVAL. The amendment of the Park City Survey Plat of 429 Woodside Avenue is approved as shown on the attached Exhibit A with the following conditions:

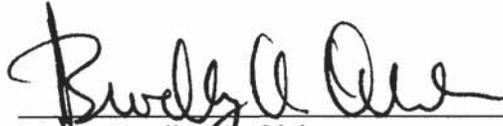
1. The location of the existing structure in relation to the new lot lines shall be verified prior to final plat recordation and minor adjustments to the plat shall be made, if necessary, to remedy any discrepancy between existing conditions and current setback requirements.
2. The City and applicant shall execute the required easement agreements to determine floor area for the undeveloped parcel prior to final plat recordation.

3. All Standard Project Conditions shall apply.

SECTION 3. EFFECTIVE DATE. This Ordinance shall become effective upon adoption.

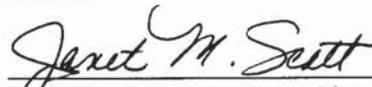
PASSED AND ADOPTED this 16th day of February, 1995.

PARK CITY MUNICIPAL CORPORATION



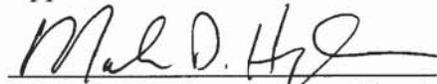
Mayor Bradley A. Olch

Attest:



Janet M. Scott, Deputy City Recorder

Approved as to form:



Mark D. Harrington, Asst. City Attorney



OPTION 'D'
(APPROVED OPTION)



EAST ELEVATION

9/4/08

2
A-2J

bump wall
out 2', under existing
roof.

Possible revisions



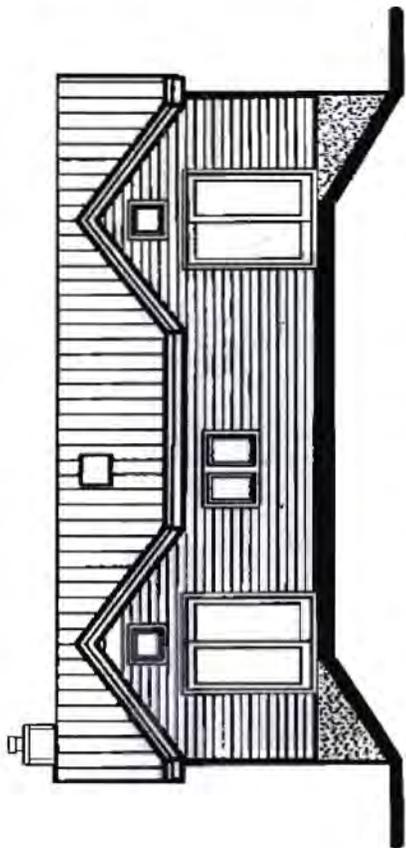
SOUTH ELEVATION

9/4/08

1
A-2J



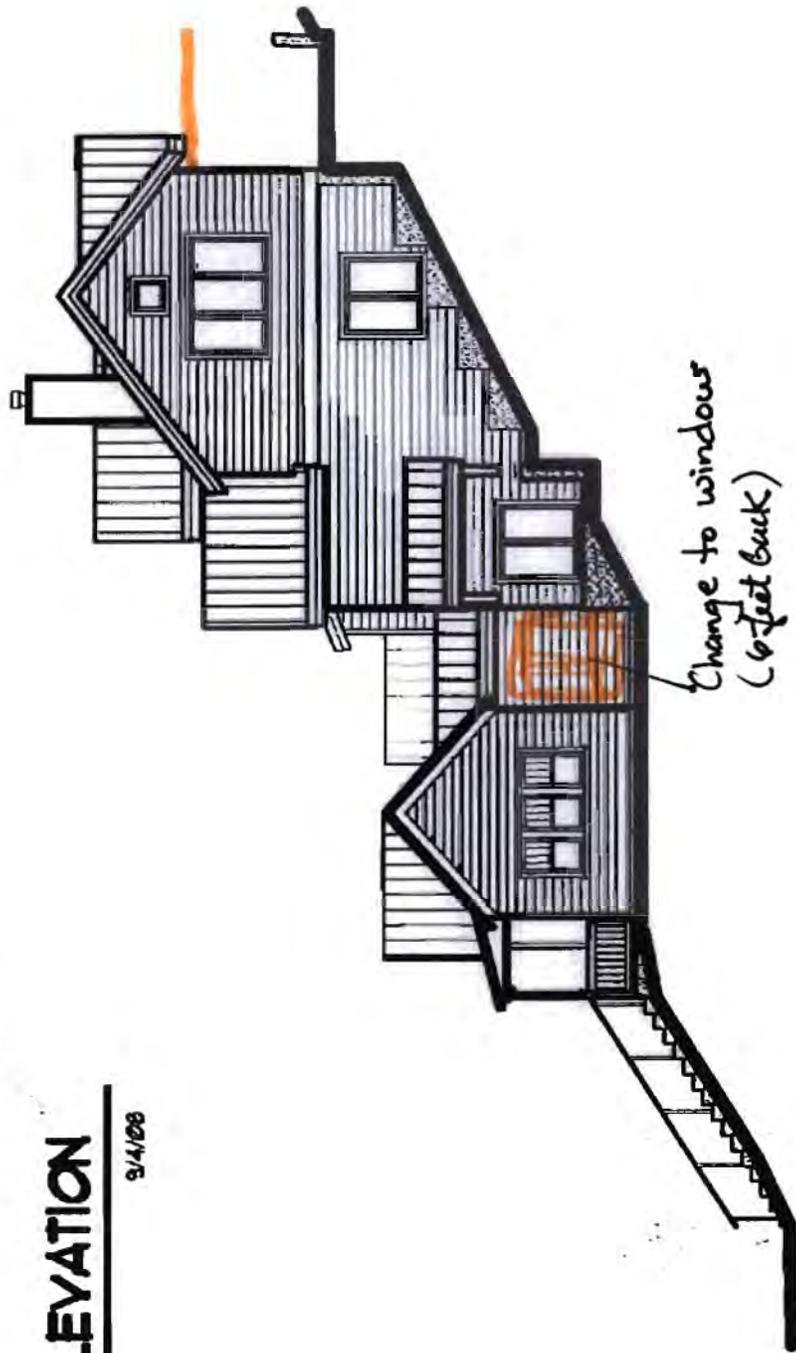
ELDER RESIDENCE
429 WOODSIDE AVENUE



OPTION 'D'
(APPROVED OPTION)

WEST ELEVATION

9/4/08



Change to windows
(6 feet back)

NORTH ELEVATION

9/4/08



MS

STOKER ARCHITECTURE, INC.
www.stokerarch.com

ELDER RESIDENCE
429 WOODSIDE AVENUE

430 BOODSIDE AVE

LOT AREA - 48,133 SF
 ALLOWED BUILDING FOOTPRINT - 11,883 SF
 ACTUAL BUILDING FOOTPRINT - 11,883 SF
 TOTAL FINISHED SQUARE FOOTAGE - 4715 SF

GARAGE TO SLAB - 10'6" x 6" UACB
 (GARAGE SLAB - REFERENCE ELEVATION 1, 800'-0")
 LOWER LEVEL TO SLAB 10'-0" UACB
 MAIN LEVEL TO FINISHED WOOD - 14'-0" UACB
 UPPER LEVEL TO FINISHED WOOD - 18'-0" UACB
 LOWER LEVEL TO FINISHED WOOD - 18'-0" UACB

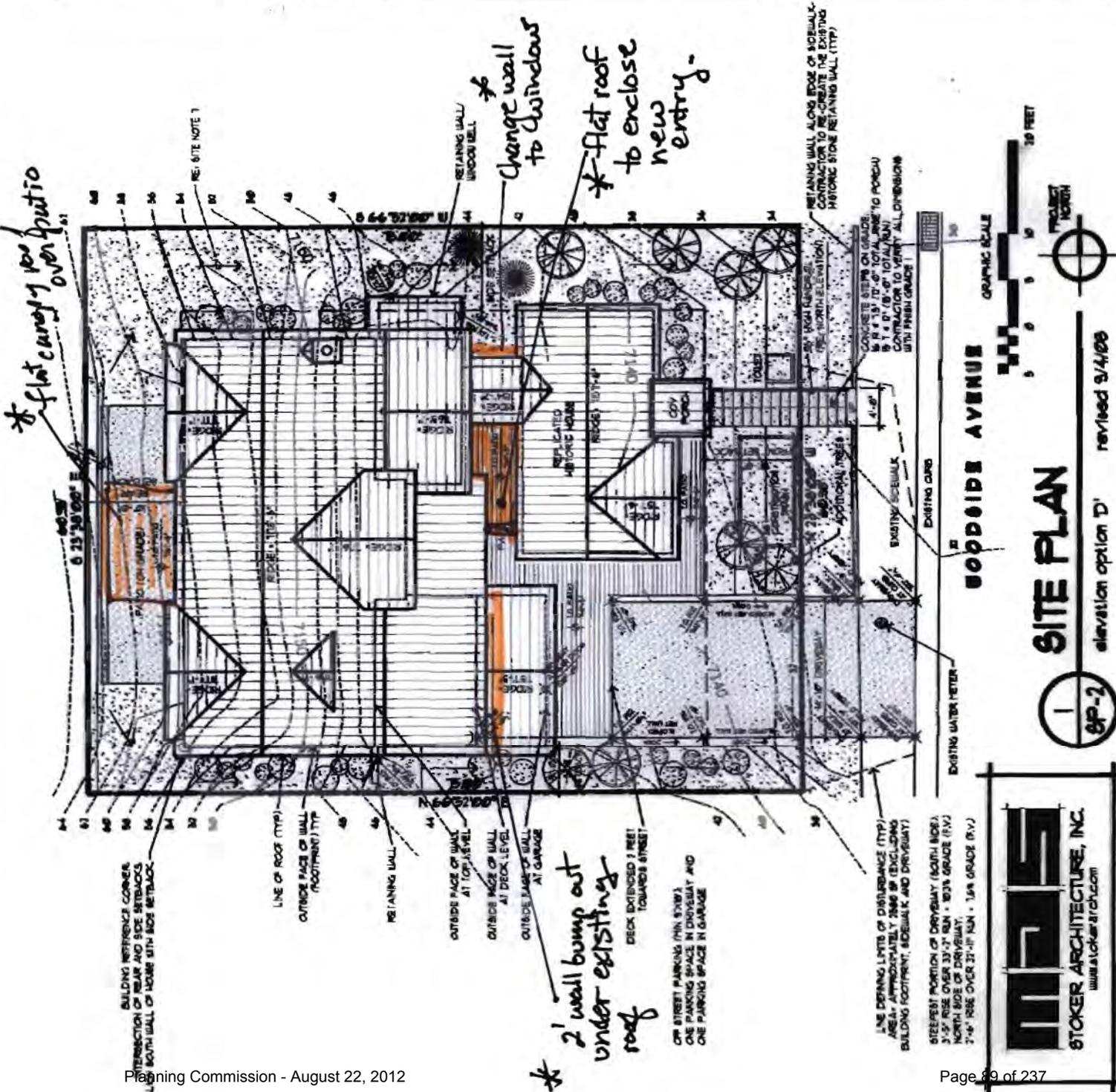
SITE NOTES

1. REFER TO SITE SURVEY (SHEET NOT SHOWN) PREPARED BY JACK BIRCHALL AND SURVEYED FOR LOCAL DESCRIPTION BENCHMARKS, UTILITY LINES, CONTIGUOUS VEGETATION, STRUCTURES, FENCES, RETAINING WALLS, ETC.
2. EXISTING RESIDENCE AND GARAGE SHOWN ON SITE SURVEY TO BE DEMOLISHED.
3. LIMITS OF DISTURBANCE TO BE DETERMINED BY THE AREA CONTAINED WITHIN THE PROPERTY LINES AND BOUNDARIES AS SHOWN.
4. CONTRACTOR TO PROVIDE SALT FENCE REFER TO DETAIL THIS SHEET.
5. FINISHED GRADE OF DRIVEWAYS NOT TO EXCEED 1% SLOPE.
6. RETAINING WALLS SHALL NOT EXCEED 1 FEET IN HEIGHT WHEN LOCATED WITHIN FRONT YARD. RETAINING WALLS SHALL NOT EXCEED 6 FEET ELSEWHERE.
7. SURFACE WATER SHALL DRAIN AWAY FROM THE HOUSE AT ALL POINTS DURING THE LIFE OF THE HOUSE. CONTRACTOR TO LOCATE UTILITY LINES FROM PUBLIC WAY TO HOUSE.
8. CONTRACTOR TO VERIFY EXISTING SITE CONDITIONS, INCLUDING ELEVATIONS.
9. REFER TO SHEET A-1 FOR GENERAL NOTES.
10. CONTRACTOR TO RESTORE LANDSCAPING TO DISTURBED AREAS OF ADJACENT PROPERTIES.

LANDSCAPE LEGEND

- DECIDUOUS TREE
- CONIFEROUS TREE
- SHRUB
- NATIVE GRASS AND COVER CROPPERS

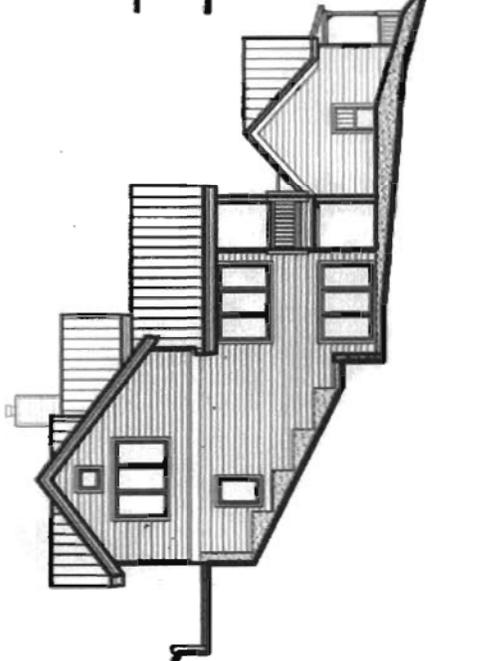
NOTES:
 1. LANDSCAPE LEGEND: THESE PLANT LANDSCAPING PLAN IS TO BE SUBMITTED BY CONTRACTOR FOR APPROVAL BY THE PLANNING COMMISSION PRIOR TO INSTALLATION.
 2. PLANTS SHALL BE LIMITED TO DECIDUOUS TREES, PALMS, WILLOW, BIRCH, AND BIRCH. CONTRACTOR SHALL BE ACCOUNTABLE FOR THE MAINTENANCE OF THE PLANTING AND WATERING.



OPTION 'A'
(ORIGINAL DESIGN)



EAST ELEVATION
1/8/08



SOUTH ELEVATION
1/8/08



MAS
STOKER ARCHITECTURE, INC.
www.stokerarchitecture.com
ELDER RESIDENCE
425 WOODSIDE AVENUE

AUG. 27 2008



STREET ELEVATION

1/4"=1'-0"

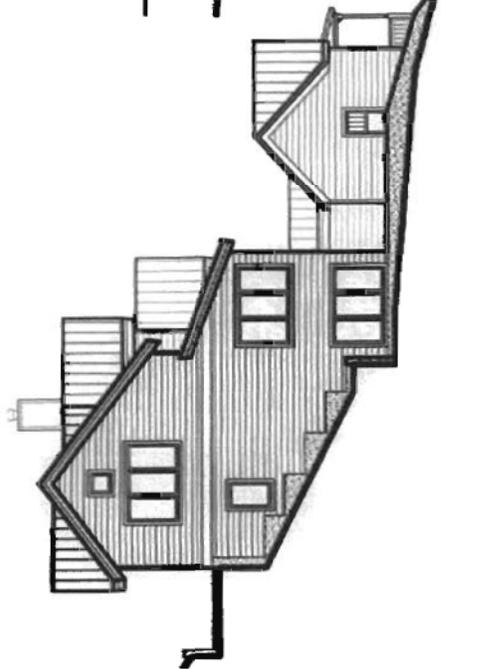


(of OPTION A)



AUG 27 2008 ELDER RESIDENCE
425 WOODSIDE AVENUE

OPTION 'B'



SOUTH ELEVATION
5/26/08



EAST ELEVATION
5/26/08

AUG 27 2008

MAS
STOKER ARCHITECTURE, INC.
www.stokerarch.com

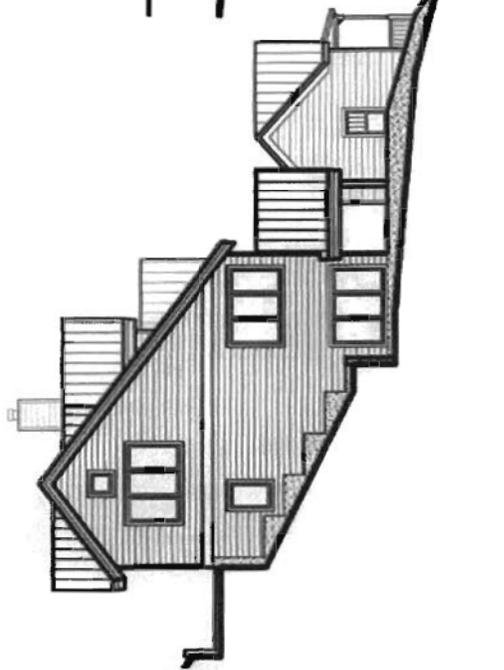
ELDER RESIDENCE
429 WOODSIDE AVENUE

OPTION 'C'



EAST ELEVATION

8/26/08



SOUTH ELEVATION

8/26/08



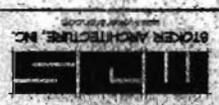
AUG 27 2008

MAS
STOKER ARCHITECTURE, INC.
ARCHITECTS

ELDER RESIDENCE
429 WOODSIDE AVENUE



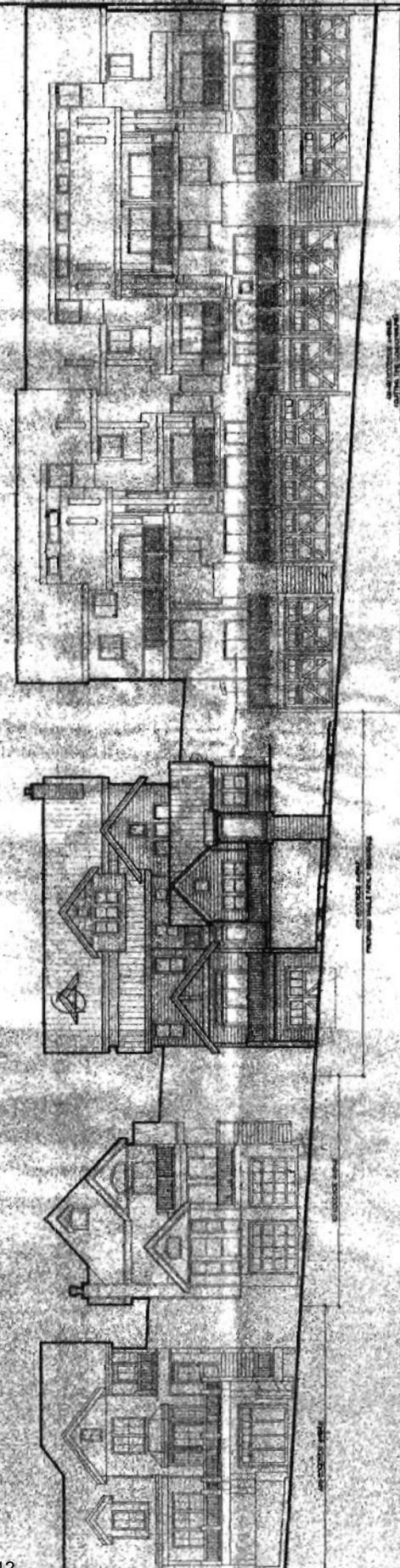
STOKER ARCHITECTURE, INC.
 1715 BROADWAY DRIVE
 FARMINGTON, ALA. 35238
 TEL: 205.833.8888



ELDER RESIDENCE
 A RESIDENCE FOR WILLIAM ELDER
 PARCEL B, ELDER PARK SUBDIVISION, 475 WOODPARK AVENUE, PARK CITY, UTAH

SCALE	DATE	NO.
1" = 10'-0"	10/1/10	1
1" = 10'-0"	10/1/10	2
1" = 10'-0"	10/1/10	3
1" = 10'-0"	10/1/10	4
1" = 10'-0"	10/1/10	5
1" = 10'-0"	10/1/10	6
1" = 10'-0"	10/1/10	7
1" = 10'-0"	10/1/10	8
1" = 10'-0"	10/1/10	9
1" = 10'-0"	10/1/10	10

HADR APPROVAL



PLANNING DEPT.
 APPROVED
 DATE 12/14/10
 APPROVED BY: [Signature]

STREET ELEVATION
 10/1/10

TOPOGRAPHIC MAPPING

ELDER PARK SUBDIVISION
PARCEL "B"
429 WOODSIDE AVENUE

LYING WITHIN THE SOUTHWEST QUARTER
OF SECTION 18, TOWNSHIP 2 SOUTH,
RANGE 4 EAST
SALT LAKE BASIN & MERIDIAN
SUMMIT COUNTY, UTAH

NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO OBTAIN
AN ACCURATE ELEVATION FOR A CONCRETE
FLOOR TO BE CONSTRUCTED BY THE OWNER.

SURVEY COMPLETED 04/01/08

THE OPERATOR SAID THIS SURVEY WAS
FOR ANY ELEVATION SETBACK RESTRICTIONS
BUILDING ENVELOPE AND BUILDING LOT
RESTRICTIONS.

NO ELEVATION MEASUREMENTS

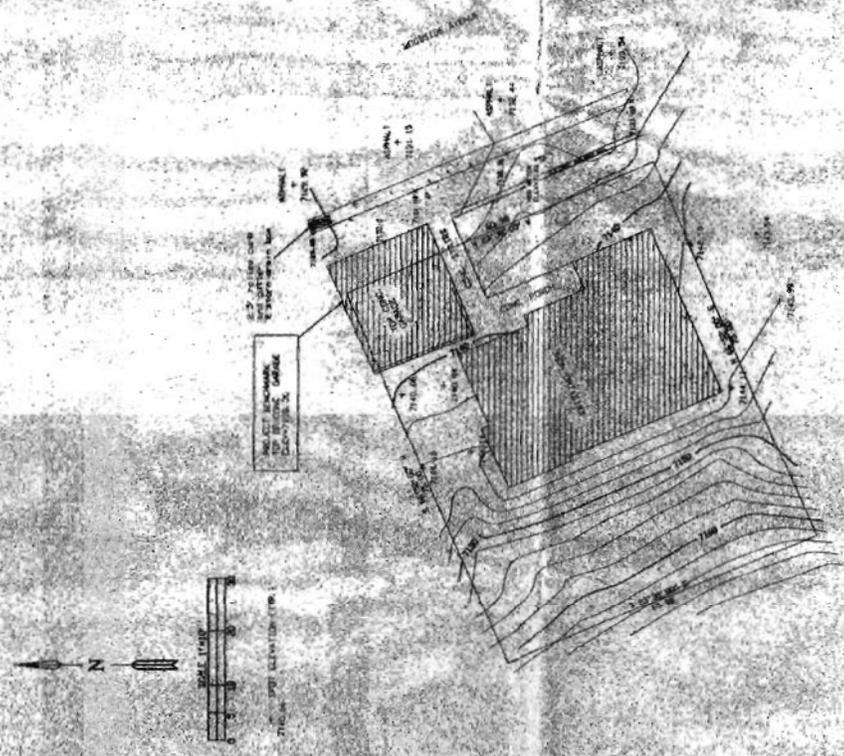
THE OWNERS OF THE PROPERTY SHOULD BE AWARE
OF ANY ITEMS AFFECTING OR PROPERTY THAT
MAY APPEAR IN A TITLE INSURANCE REPORT.
THE SURVEYOR HAS FOUND NO DIVISIBLE EVIDENCE
OF EASEMENTS, EMBODIMENTS, OR ENCUMBRANCES
ON THE PROPERTY SURVEYED, EXCEPT AS SHOWN
HEREIN.

JACK HARMON DO HEREBY CERTIFY THAT I AM A
REGISTERED PROFESSIONAL SURVEYOR AND THAT THE
RESULTS OF THIS SURVEY WERE PREPARED UNDER THE
LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT
A SURVEY HAS BEEN MADE OF THE LANDS SHOWN AND
DESCRIBED HEREIN.
I FURTHER CERTIFY THAT THIS SURVEY IS A CORRECT
REPRESENTATION OF THE LAND SURVEYED AND HAS BEEN
PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS

04/01/08



JACK HARMON LAND SURVEYING
725 REDDEN ROAD
PARK CITY, UTAH 84098
435-649-6511



NOTICE: THIS SURVEY WAS PREPARED FOR THE PURPOSE OF OBTAINING ELEVATION DATA FOR A CONCRETE FLOOR TO BE CONSTRUCTED BY THE OWNER.

NOTE: THE SURVEYOR HAS FOUND NO DIVISIBLE EVIDENCE OF EASEMENTS, EMBODIMENTS, OR ENCUMBRANCES ON THE PROPERTY SURVEYED, EXCEPT AS SHOWN HEREIN.



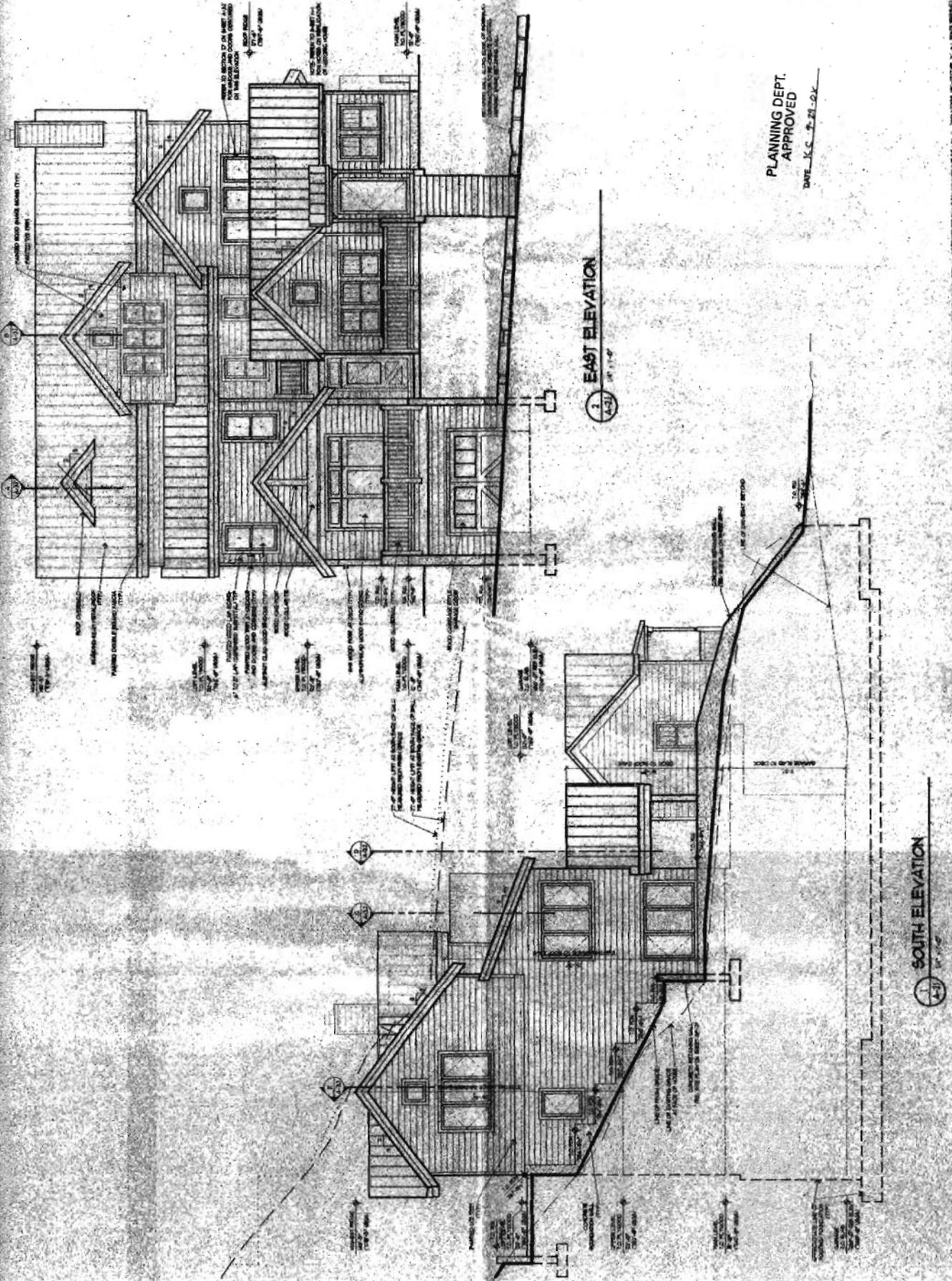
FRANK L. STOKER, AIA - ARCHITECT
 10000 BOARD OF ARCHITECTURE
 STATE OF KANSAS
 NO. 10000

STOKER ARCHITECTURE, INC.
 10000 BOARD OF ARCHITECTURE
 STATE OF KANSAS
 NO. 10000

ELDER RESIDENCE
 A RESIDENCE FOR WILLIAM ELDER
 PARCEL B1, ELDER PARK RECREATION, 438 WOODSIDE AVENUE, PARK CITY, ILL.

DATE	NO.	DESCRIPTION
	1	
	2	
	3	
	4	
	5	

Sheet: **A-2J**





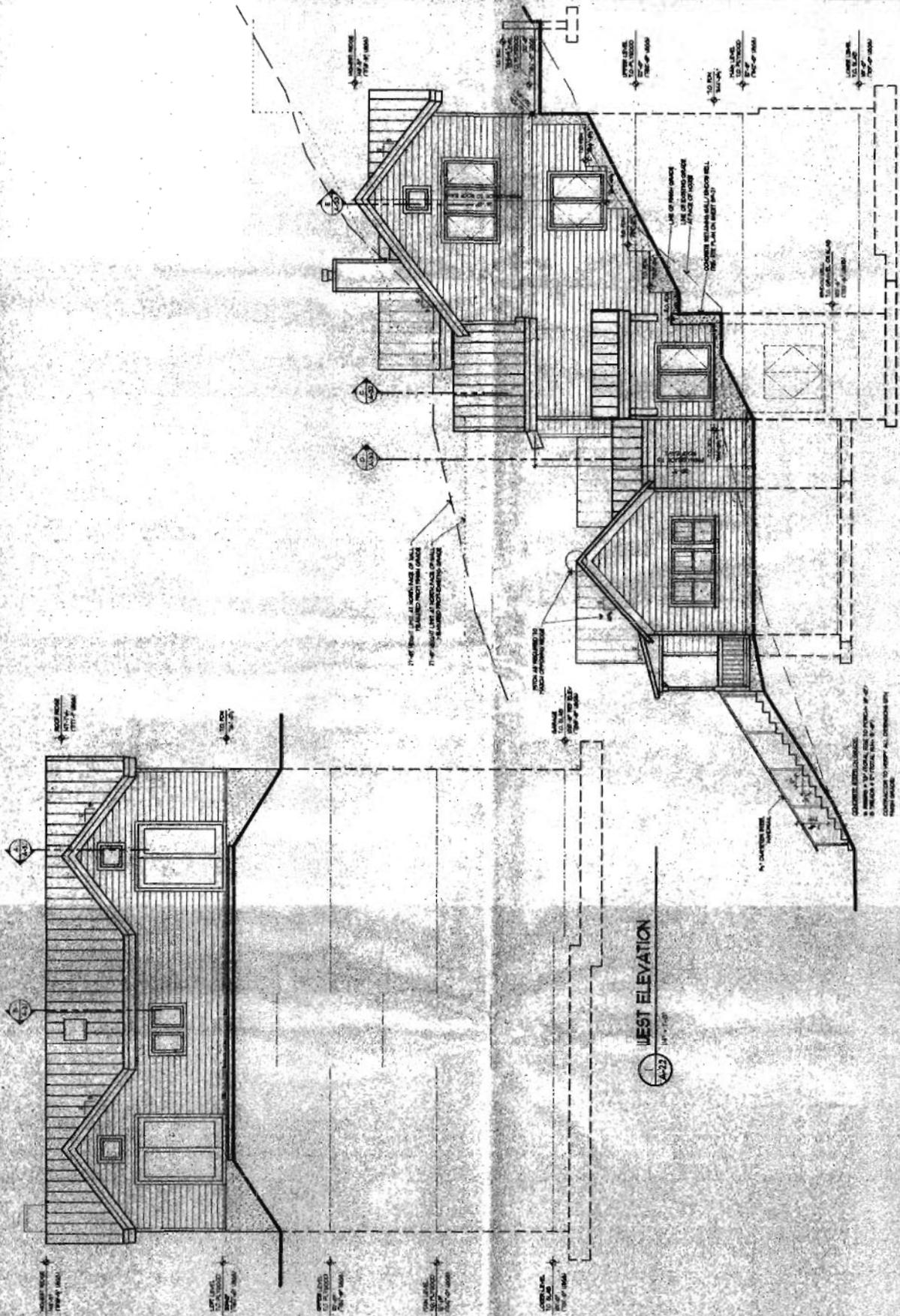
FRANK S. STOKER, AIA - ARCHITECT
 110 S. BROADWAY
 RALEIGH, NC 27601
 PHONE: 919.833.8888
 FAX: 919.833.8889

MJS
 STOKER ARCHITECTURE, NC
 110 S. BROADWAY
 RALEIGH, NC 27601
 PHONE: 919.833.8888
 FAX: 919.833.8889

ELDER RESIDENCE
 A RESIDENCE FOR WILLIAM ELDER
 PARCEL 31, ELDER PARK SUBDIVISION 49 BLOSSOM AVENUE PARK CITY, TN 37144

DATE	REVISION

A-22



PLANNING DEPT.
 APPROVED
 DATE: 10.1.12

NORTH ELEVATION
 A-22

WEST ELEVATION
 A-22

Planning Commission Staff Report



Subject: 916 Empire Avenue
Project #: PL-12-01533
Author: Kirsten Whetstone, MS, AICP
Date: August 22, 2012
Type of Item: Administrative – Steep Slope Conditional Use Permit

Summary Recommendations

Staff recommends the Planning Commission review the application for a Steep Slope Conditional Use Permit at 916 Empire Avenue and conduct a public hearing. Staff requests discussion of the revised plans regarding 1) the driveway design and 2) the split level design. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

Description

Applicant/Owner: Chuck Heath, Owner
Architect: Craig Kitterman, Architect
Location: 916 Empire Avenue
Zoning: Historic Residential (HR-1)
Adjacent Land Uses: Residential
Reason for Review: Construction of structures with greater than 1,000 square feet of floor area and located on a steep slope (30% or greater) requires a Conditional Use Permit

Proposal

This application is a request for a Steep Slope Conditional Use Permit for a new single family home containing 2,303 square feet (including basement) on a vacant 1,875 square foot lot located 916 Empire Avenue. The total floor area exceeds 1,000 square feet and the construction is proposed on a slope of 30%.

Background

On April 23, 2012, the City received an application for a Conditional Use Permit (CUP) for "Construction on a Steep Slope" at 916 Empire Avenue. The application was deemed complete on June 18, 2012. The property is located in the Historic Residential (HR-1) District.

This application is a request for a Conditional Use Permit for construction of a new single family dwelling containing 2,303 square feet (including the basement) on a single "Old Town" lot. The property is described as Lot 28, Block 15 of the Snyder's Addition to the Park City Survey. Because the total proposed structure is greater than 1,000 square feet, and the slope within the first 30' of the lot is thirty percent (30%), the applicant is required to file a Conditional Use Permit application for review by the Planning Commission, pursuant to LMC § 15-2.2-6 prior to issuance of a building

permit. The lot has an average slope, across the entire depth, of sixteen percent (16%). The lot is a vacant, infill developable lot with no existing vegetation present. There are existing wooden and concrete stairs located partially on the lot, shared with 920 Empire (Lot 27, Block 15). An encroachment agreement and access easement will need to be recorded at Summit County prior to issuance of a building permit, unless these encroachments are removed and alternative access is provided for the house at 920 Empire Avenue, consistent with an approved HDDR application for that structure. This applicant is also the owner of 920 Empire Avenue.

There are existing six (6') foot wide Right of Way shown on 920 Empire (Lot 27) and on 916 Empire (Lot 28). The ROW only extends to the rear lot line and does not extend to the Lots behind. The ROW does not connect to a second public street or to another ROW on another lot. No construction may occur in the ROW unless said ROW are removed or vacated. If not vacated, the house design, and north side setback, will have to be modified to accommodate the ROW as a condition precedent to issuance of a building permit.

This property is required to have separate utility services, independent from 920 Empire Avenue, for water, sewer, etc. Stubbing of these utilities is subject to a Utility plan to be approved by the City Engineer and applicable utility providers, such as SBWRD. The stubs for new services need to be installed prior to the final paving of Empire Avenue, unless otherwise allowed by the City Engineer.

A Historic District Design Review (HDDR) application is being reviewed concurrently for compliance with the Design Guidelines for Historic Districts and Historic Sites adopted in 2009. An initial review of the HDDR application has occurred, however staff has not made a final determination of compliance with the Design Guidelines with regards to architectural detailing, e.g. materials, windows, doors, trim, etc. The applicant has provided several iterations of revisions.

July 11, 2012 Planning Commission Meeting

On July 11, 2012, the Planning Commission conducted a public hearing and discussed this application (see Exhibit D- minutes). No public input was provided. The Commission had two primary concerns and requested the applicant address 1) the driveway grade and 2) the split level that creates an overall three and one-half stories. The City Engineer has reviewed the driveway and finds that the proposed driveway plan (see Exhibit E- cross section) meets the Land Management Code. The applicant has revised the plans to remove the additional half level, by reducing the space over the garage to a half story instead of a full story. The split level remains in order to reduce excessive grading of the lot (see Exhibit F- revised plans).

Staff requests discussion of the revised plans, including the calculation of stories- see Analysis and Discussion of Revised Plans section (found after review of the Steep Slope Criteria).

Purpose

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

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

Analysis

The proposed house contains a total of 2,303 square feet, including the basement and a single car garage. The proposed building footprint is 844 square feet. The house complies with all setbacks, building footprint, and building height requirements of the HR-1 zone. The third story includes horizontal stepping of fifteen feet (15') which is greater than the required ten feet (10') of stepping. See below for description of each floor:

Floor	Proposed floor area
Main	844 square feet
Basement	844 square feet
Upper	615 square feet
Overall area	2,303 square feet

Staff reviewed the plans and made the following LMC related findings:

Requirement	LMC Requirement	Proposed
Lot Size	Minimum of 1,875 sf	1,875 sf, <u>complies.</u>
Building Footprint	844 square feet (based on lot area) <u>maximum</u>	844 square feet, <u>complies.</u>
Front and Rear Yard	10 feet minimum (20 feet total)	10 feet (front), <u>complies.</u> 10 feet (rear), <u>complies.</u>
Side Yard	3 feet minimum (6 feet total)	3 feet on each side, <u>complies.</u>
Height	27 feet above existing grade, <u>maximum.</u>	Various heights all at or less than 27 feet, <u>complies.</u>
Number of stories	A structure may have a maximum of three (3) stories.	As revised, the house has 2 full stories and 2 half stores= 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 upper floor contains a fifteen (15') step horizontal step back from the lower two levels. <u>complies.</u>
Roof Pitch	Roof pitch must be between 7:12 and 12:12 for primary roofs. Non-primary roofs may be less than 7:12.	7:12 for all primary roofs with a 5:12 pitch for the rear roof form. <u>complies.</u>
Parking	Two (2) off-street parking spaces required	One (1) space within a single car garage and one uncovered space on the driveway, within the lot area, compliant with required dimensions. <u>complies.</u>

LMC § 15-2.2-6 provides for development on steep sloping lots (30% or greater) if the structure contains more than one thousand square feet (1,000 sq. ft.) of floor area, including the garage, within the HR-1 District, subject to the following criteria:

Criteria 1: Location of Development.

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

The proposed single family house is located on the standard “Old Town” development lot in a manner that reduces the visual and environmental impacts of the Structure, to the degree possible on a 25' by 75' lot. The downhill lot was previously disturbed for prior construction of a wooden parking plat form, therefore excavation is minimized. The parking platform was removed this past Spring. The main level is set below the grade of the street to minimize visual impacts on the Streetscape (Exhibit B). Excavation is minimized due to the existing topography. There is no vegetation present on this infill lot.

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 cross valley view, streetscape and photographs showing a contextual analysis of visual impacts (Exhibit B). The proposed structure cannot be seen from the key vantage points as indicated in the LMC Section 15-15-1.283, with the exception of a cross canyon view. The cross canyon view contains a back drop of two (2) and three (3) story houses and a large condominium building. Visual impacts of this proposed house are minimized by the presence of larger buildings around it and setting it lower than the street level and providing a greater horizontal step in roofline and massing. This is an infill site that was previously developed with a wooden parking platform. There is no vegetation on this lot. The visual

analysis and streetscape indicate that the proposed design is visually compatible with the neighborhood and impacts are mitigated.

Criteria 3: Access.

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

The proposed design incorporates a driveway from Empire Avenue. Due to the previous construction/excavation, the 30% slope of the lot at the street, and the 25' lot width, side access is not feasible. The proposed driveway has a maximum slope of 14% with sections at 5% and 10% (see Exhibit E- Driveway cross section). This slope is due to setting the house lower into the lot to be compatible with the historic structure to the north and to accomplish the required 7:12 roof pitch. The driveway is designed to minimize Grading of the natural topography and to reduce overall Building scale.

Criteria 4: Terracing.

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

The lot has a steeper grade at the front becoming relatively gentle at the rear. Overall, the slope is 16%. The only retaining walls that are proposed are on the sides at the front portion of the lot to regain Natural Grade and to create the driveway, front porch, and landscaped area. New retaining walls will not exceed six feet (6') in height, with the majority of the walls less than four feet (4'). There is an existing retaining wall along the front lot line that will be removed. There is an existing railroad tie retaining wall on the south property line associated with the non-historic house to the south. This wall will remain as it is not on this property and retains the walkway and access to the adjacent house to the south. The lot to the north has a similar slope as the subject lot and retaining between them is not necessary. There exists a set of shared concrete steps in the common side yards between the subject lot and 920 Empire to the north. The lot to the north is also owned by this applicant. These stairs may remain if an encroachment agreement and access easement are recorded, or if removed and alternative access is provided to 920 Empire in conjunction with an approved HDDR application.

Criteria 5: Building Location.

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

The building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography, which has already been modified by previous construction and excavation. The house is proposed on the down- hill side of Empire Avenue approximately five feet (5') below the street. There is no existing vegetation on the lot. The driveway width and length are minimized

(12' by 18') to the greatest extent possible to accomplish the required legal parking space on the driveway entirely on the property while connecting the driveway to the paved street. A front yard area adjacent to the driveway is proposed to be properly landscaped.

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 house steps with the grade and is broken into a series of smaller components that are compatible with the District. The stepping creates the half story levels and allows the lower level to meet existing grade. The garage is subordinate in design in that it is partially below 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.**

The garage portion of the house is setback 18' to accommodate the code required parking space, placing it over 20' back from the face of the historic structure to the north and 8' back from the non-historic structure to the south. No wall effect is created with the proposed design.

Criteria 8: Dwelling Volume.

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

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

Criteria 9: Building Height (Steep Slope).

The maximum Building Height in the HR-1 District is twenty-seven feet (27'). The Planning Commission may require a reduction in Building Height for all, or portions, of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale

between a proposed Structure and existing residential Structures. **No unmitigated impacts.**

The proposed 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 tallest portion of the house (27') is midway back from the front and the roof height at this location is not visually apparent from the front, back, or sides of the house. The proposed height steps down from the taller house to the south and steps up from the shorter house to the north and the differences in scale between the proposed Structure and existing Structures are mitigated.

Analysis and Discussion of Revised Plans- Staff requests discussion

Downhill lots present a unique challenge for development on steep slopes. One of the main challenges results from the location of two fixed points on the property, namely 1) the grade of the street at the front property line and 2) the existing grade at the rear of the property. Connecting these fixed points in concert with requirements of the HR-1 zone (height restriction of 27', limit of 4' difference in final versus existing grade, and limit of three stories) increases the challenge of designing a house that both functions and complies with the Historic District Design Guidelines.

The revised design proposed for 916 Empire Avenue continues to include a split level configuration; however the full story above the garage has been reduced to a half story. The applicant has identified his design objectives as to why the split level design is desired (Exhibit G), including interior aesthetics and function as well as concerns to minimize exterior grading and retaining walls.

From a Steep Slope Conditional Use criteria perspective, a true stepped foundation that breaks the massing into smaller sections (a lower and upper section) is encouraged. The split level allows the existing grade at the rear to remain with little disturbance. If the house were to be stacked as three stories, the rear of the house would have to be raised or lowered to stack the floors. Raising the house would introduce a significant amount of fill to bring grade (4' max) up to the level of the rear exit. Lowering the house creates issues with driveway steepness and excavating the back yard to bring final grade down to the rear exit, and also pushes the house further below the level of the street (due to height concerns).

There are also issues in the middle transition area where the roofline has to drop with the grade to not exceed the 27' height at the middle of the lot. The design aesthetic of this transition area is critical- in the past it has been either a ski slope roof or a complete break in the roof line with the lower part of the house practically disconnected from the top. There is no provision for a height exception during the Steep Slope CUP review.

In reviewing the revised plans, including the Streetscape, Staff finds that the split level design meets the intent of the Land Management Code and complies with the Steep Slope conditional use criteria and allows additional design aesthetics, results in less disturbance of existing grade, provides compatibility of design at the street view, and reduces massing at the rear of the structure.

Inherent to this split level is the creation of half stories within the building envelope. The design indicates two full stories and two half stories, with the half stories being floor area that is within the roof area of that story. The full story above the garage has been reduced to a half story with wall heights of three (3') and four (4') feet.

In counting floors, staff agrees with the method utilized by the Commission at the previous meeting, where the previous design was 3 and a half stories, the current design is 3 stories (2 full stories, one half due to the stepping and one half above the garage and under the roof).

The applicant requests that this item be presented for Discussion and will be prepared to provide further explanation of the revised design.

Staff recommends the following items be discussed as they relate specifically to the revised design:

1. Does the Commission agree that the revised plans contain three stories?
2. Does the Commission agree that the split level configuration is consistent with the Steep Slope CUP criteria?

Process

Approval of this application constitutes Final Action that may be appealed to the City Council following appeal procedures found in LMC § 15-1-18. Approval of the Historic District Design Review application 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 have to be addressed by revisions and conditions of approval.

Notice

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

Public Input

Staff received a call from an adjacent property with questions about the proposal. The property owner indicated he would stop by the Planning Department to review the plans.

Alternatives

- The Planning Commission may approve the Conditional Use Permit for 916 Empire Avenue as conditioned or amended, or
- The Planning Commission may deny the Conditional Use Permit for 916 Empire Avenue and direct staff to make Findings for this decision, or
- The Planning Commission may request the applicant provide revisions and continue the discussion to a date certain (September 12th).

Significant Impacts

There are no significant fiscal or environmental impacts from this application. The lot is an existing infill residential lot that contains no vegetation. A house on this lot would be a significant improvement over the existing situation.

Consequences of not taking the Suggested Recommendation

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

Recommendation

Staff recommends the Planning Commission review the application for a Steep Slope Conditional Use Permit at 916 Empire Avenue and conduct a public hearing. Staff requests discussion of the revised plans regarding 1) the driveway design and 2) the split level design. 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 916 Empire Avenue. The lot is vacant.
2. The property is within the Historic Residential (HR-1) District and meets the purpose of the zone.
3. The property is described as Lot 28, Block 15 of the Snyder's Addition to the Park City Survey.
4. The Lot area is 1,875 square feet.
5. A Historic District Design Review (HDDR) application is currently being reviewed by staff for compliance with the Design Guidelines for Historic Districts and Historic Sites adopted in 2009.
6. This is an infill "Old Town" lot. There is no existing vegetation on this lot. A previous, non-historic wooden parking platform was demolished and removed in 2012.
7. There is an existing significant historic structure, in poor condition, located on the adjacent lot to the north. A wooden walkway and concrete steps located on the adjacent property (920 Empire) encroach onto this lot. This adjacent property is also owned by this applicant and the shared stairs will remain as they are, reconstructed to maintain shared access along the shared lot line with 920 Empire, or removed if alternative access for 920 Empire is approved in conjunction with an approved HDDR application for 920 Empire Avenue.
8. The proposal consists of a single family dwelling of 2,303 square feet, including the basement and single car garage. A second code required parking space is proposed on the driveway in front of the garage on the property. The driveway is designed with a maximum width of twelve feet.
9. An overall building footprint of 844 square feet is proposed. The maximum allowed footprint for this lot is 844 square feet.
10. The proposed home includes three (3) stories. There are two full stories and 2 half stories due to the split levels created by stepping the foundation and massing with the topography of the lot. There is a fifteen feet (15') step back from the first two stories.
11. The applicant submitted a visual analysis, cross valley views and a streetscape showing a contextual analysis of visual impacts.

12. Retaining is necessary around the home on the upper, steeper portion of the lot. There will be no free-standing retaining walls that exceed six feet in height with the majority of retaining walls proposed at 4' (four) feet or less. Retaining of grade at rear is minimized by the stepping foundation.
13. 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. There is no existing vegetation on the lot.
14. The site design, stepping of the foundation and building mass, increased horizontal articulation, and decrease in the allowed difference between the existing and final grade mitigates impacts of construction on the 30% slope areas.
15. The design includes setback variations and lower building heights for portions of the structure.
16. The proposed massing and architectural design components are compatible with both the volume and massing of other single family dwellings in the area. No wall effect is created with adjacent structures.
17. 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.
18. This property is required to have separate utility services, independent from 920 Empire Avenue, for water, sewer, etc. Stubbing of these utilities is subject to a Utility plan to be approved by the City Engineer and applicable utility providers, such as SBWRD. Empire Avenue is currently being reconstructed and will be paved when the final project is complete. Utility stubs put in after the final paving of Empire would require a paving patch.
19. The findings in the Analysis section of this report are incorporated herein.
20. 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. The CMP shall include language regarding the method of protecting the historic house to the north from damage.
3. A final utility plan, including a drainage plan, for utility installation, public improvements, and storm drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers, including Snyderville Basin Water Reclamation District, prior to issuance of a building permit.
4. Separate utility service is required for 916 Empire Avenue; services may not be shared with 920 Empire Avenue.

5. New services shall be stubbed into 916 Empire Avenue prior to the final paving of the Empire Avenue construction project, unless otherwise allowed by the City Engineer.
6. 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.
7. A final landscape plan shall be submitted for review and approval by the City Planning Department, prior to building permit issuance.
8. 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.
9. 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 and that the driveway complies with the required slope restrictions.
10. 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. The shoring plan shall take into consideration protection of the historic structure to the north and existing retaining wall on the south property line.
11. This approval will expire on August 22, 2013, if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval has been requested in writing prior to the expiration date and the request is granted.
12. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission on August 22, 2012, subject to additional changes made during the meeting or during the final Historic District Design Review.
13. All retaining walls within any of the setback areas shall not exceed more than six feet in height measured from final grade.
14. An access easement for the wooden walkway and concrete stairs shall be recorded at Summit County prior to issuance of a building permit, unless these encroachments are removed and alternative access is provided to the house at 920 Empire Avenue, consistent with an approved HDDR application for that structure.
15. Modified 13-D residential fire sprinklers are required for all new structures on the lot.
16. All exterior lighting, on porches, garage doors, entryways, etc. shall be shielded to prevent glare onto adjacent property and public rights-of-way. Light trespass into the night sky is prohibited.

Exhibits

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

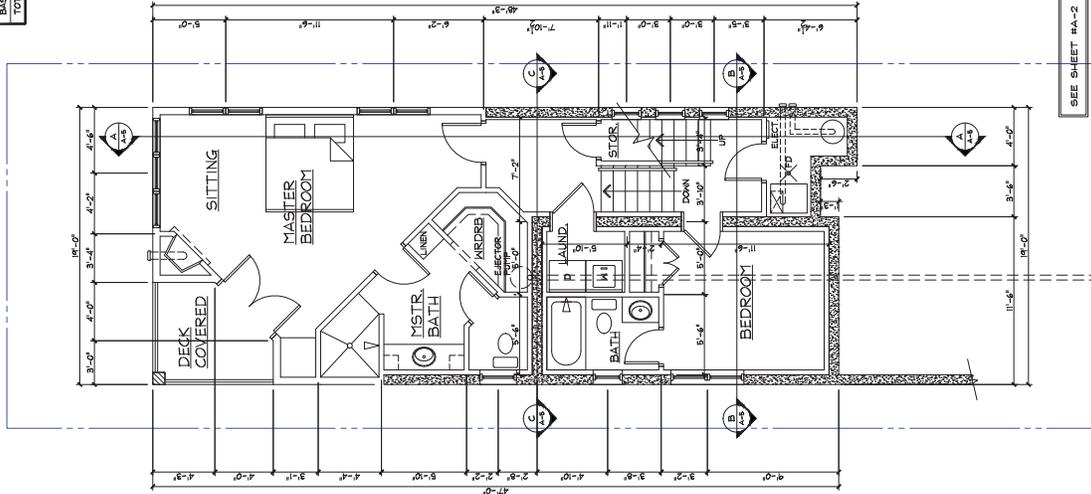
Exhibit B- Visual Analysis and Streetscape

Exhibit C- Photographs

Exhibit D- Minutes of the July 11, 2012 meeting

Exhibit E- Driveway cross – section
Exhibit F- Revised plans
Exhibit G- Architect’s letter- design objective

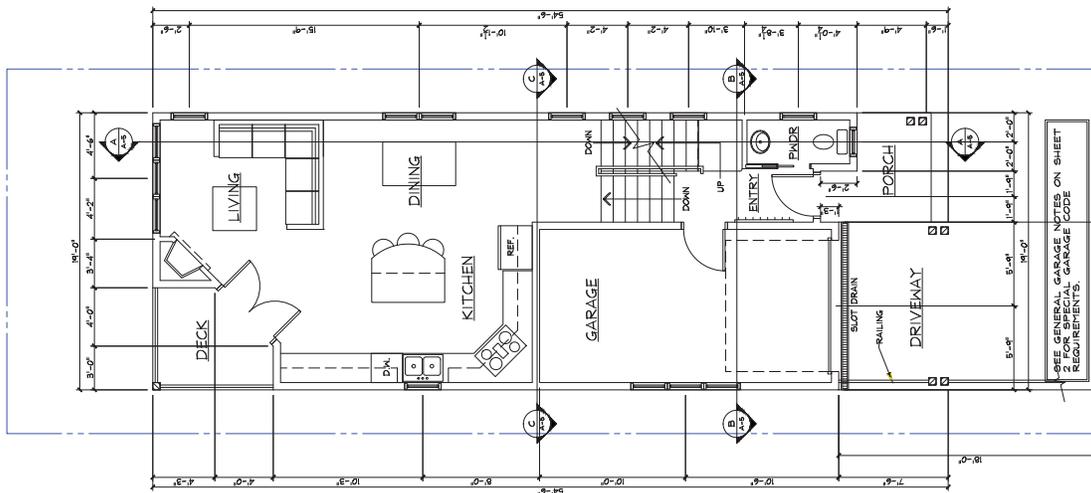
SQUARE FOOTAGE	
CEILING	644 SQ. FT.
MAIN	644 SQ. FT.
UPPER	65 SQ. FT.
BASMENT	644 SQ. FT.
TOTAL	2,003 SQ. FT.



SEE SHEET #A-2 FOR ADD. NOTES

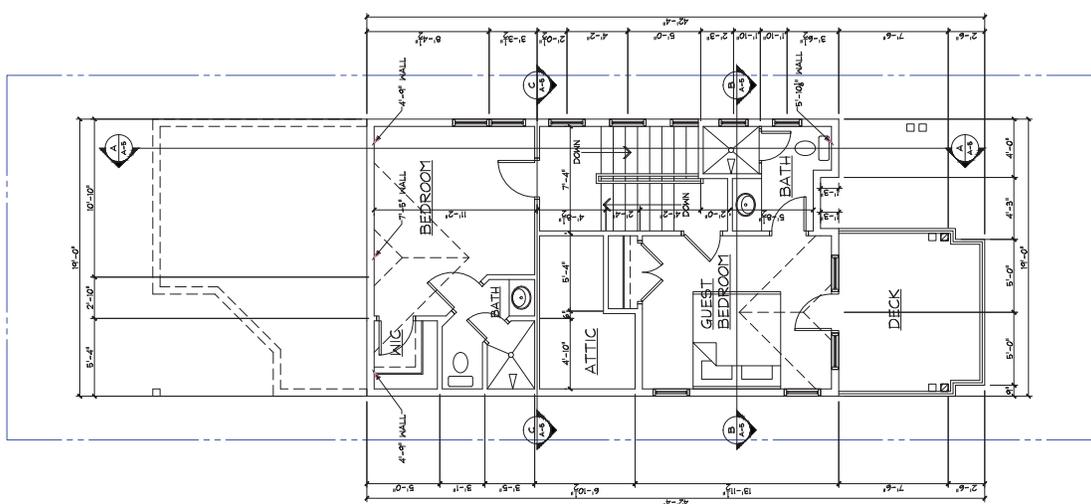
PRELIMINARY DRAWINGS ONLY
 NOT RELEASED FOR CONSTRUCTION

BASEMENT FLOOR PLAN
 SCALE: 1/4"=1'-0" 844 #

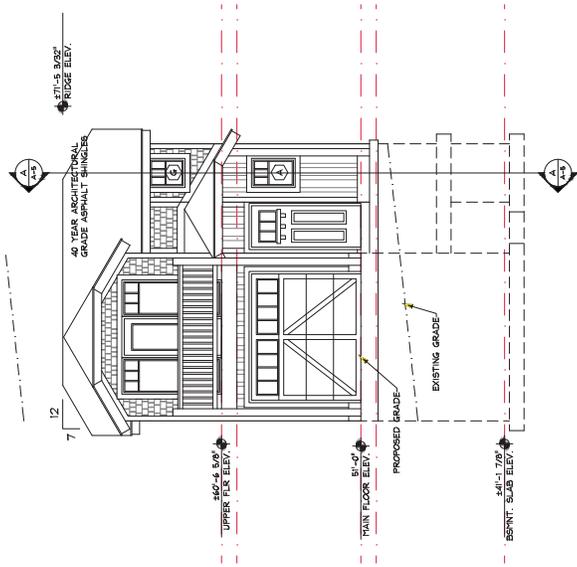


SEE GENERAL GARAGE NOTES ON SHEET
 REQUIREMENTS.

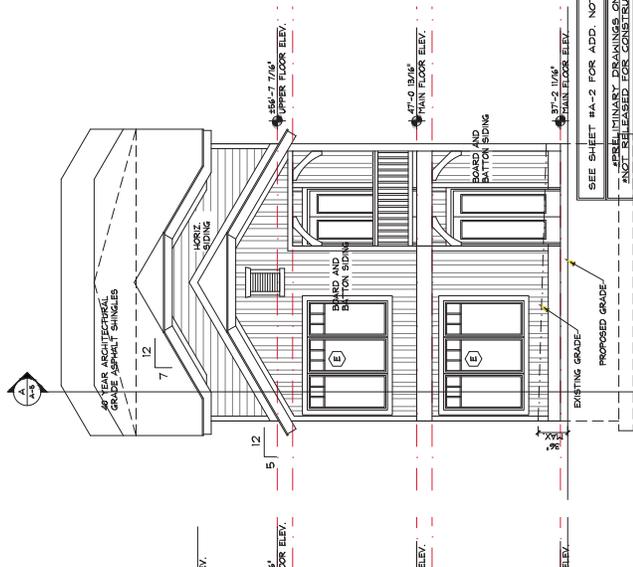
MAIN FLOOR PLAN
 SCALE: 1/4"=1'-0" 844 #



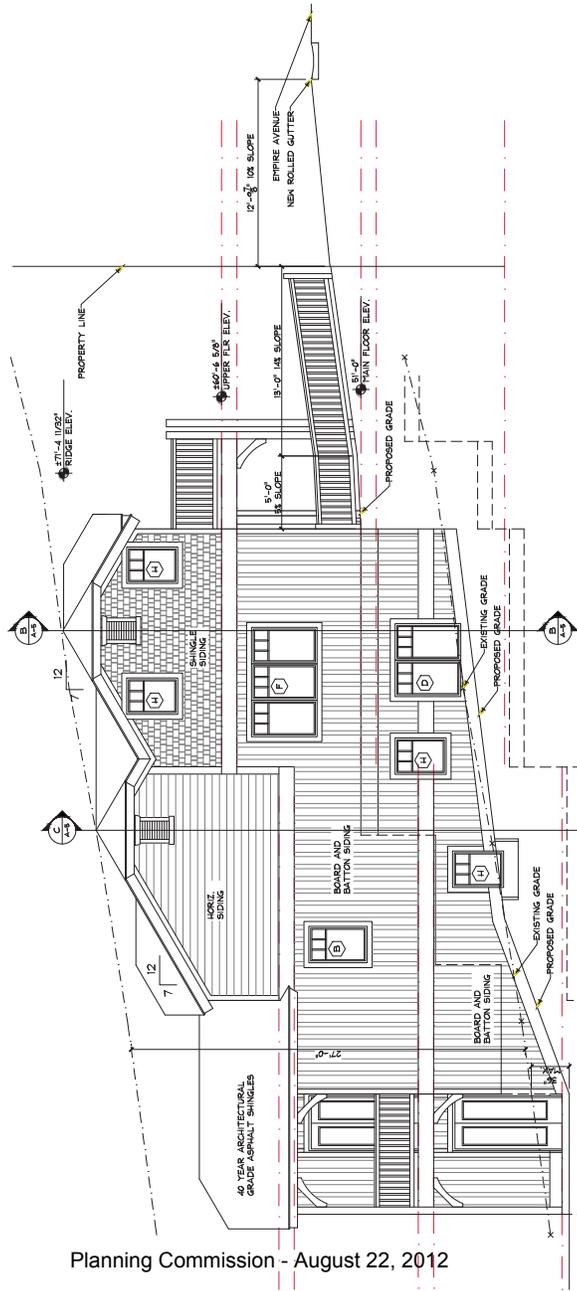
UPPER FLOOR PLAN
 SCALE: 1/4"=1'-0" 615 #



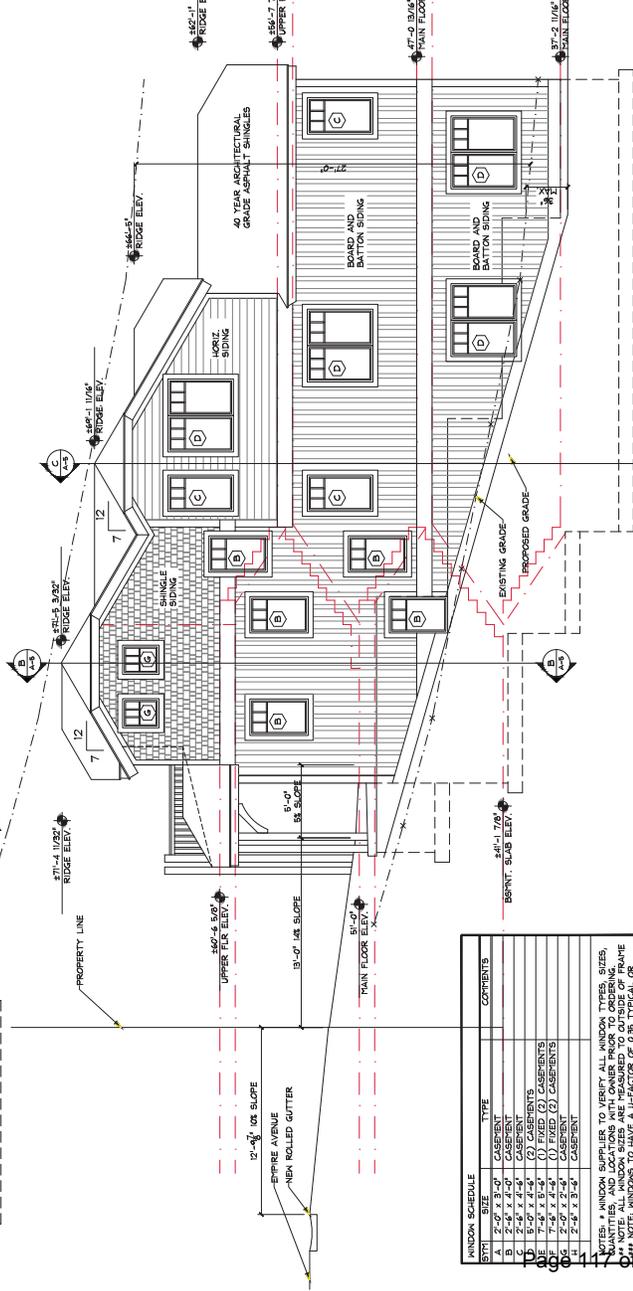
FRONT ELEVATION
 SCALE: 1/4"=1'-0"



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



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



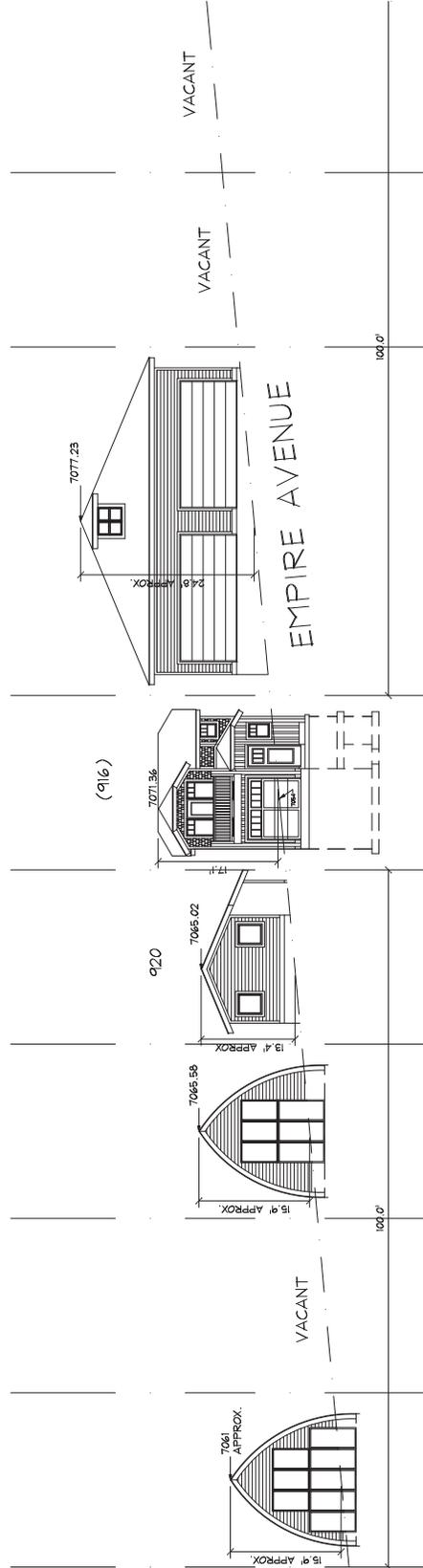
RIGHT ELEVATION
 SCALE: 1/4"=1'-0"

WINDOW SCHEDULE	TYPE	COMMENTS
A	2'-0" x 3'-0" CASERMENT	
B	2'-4" x 4'-0" CASERMENT	
C	2'-0" x 3'-0" CASERMENT	
D	2'-0" x 3'-0" CASERMENT	
E	2'-0" x 3'-0" CASERMENT	
F	2'-0" x 3'-0" CASERMENT	
G	2'-0" x 3'-0" CASERMENT	
H	2'-0" x 3'-0" CASERMENT	

ALL WINDOW LOCATIONS TO CENTER UNLESS NOTED OTHERWISE.
 UNLESS OTHERWISE NOTED, ALL WINDOW UNITS ARE TO BE MEASURED TO OUTSIDE OF FRAME.
 NOTE: ALL WINDOW SIZES ARE MEASURED TO OUTSIDE OF FRAME.
 UNLESS OTHERWISE NOTED, ALL WINDOW UNITS ARE TO BE MEASURED TO OUTSIDE OF FRAME.
 UNLESS OTHERWISE NOTED, ALL WINDOW UNITS ARE TO BE MEASURED TO OUTSIDE OF FRAME.

EXHIBIT B

PRELIMINARY DRAWINGS ONLY
NOT RELEASED FOR CONSTRUCTION



EMPIRE AVENUE
STREETSCAPE
SCALE: 1/8" = 1'-0"







Monday, April 16, 2012
1:55 PM



Screen clipping taken: 4/16/2012 1:55 PM



New Section 1 Page 1



Screen clipping taken: 4/16/2012 1:56 PM



Screen clipping taken: 4/16/2012 1:56 PM



Screen clipping taken: 4/16/2012 1:56 PM

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
JULY 11, 2012

COMMISSIONERS IN ATTENDANCE:

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

EX OFFICIO:

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

=====

REGULAR MEETING

ROLL CALL

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

ADOPTION OF MINUTES – June 27, 2012

MOTION: Commissioner Worel approved the minutes of June 27, 2012. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously by those present on June 27, 2012. Commissioner Savage abstained since he was absent from that meeting.

PUBLIC INPUT

Jim Tedford stated that he was unfamiliar with the process of applying for building permits. He was trying to keep updated on the Kimball Arts Center addition and asked about the process and whether the public is notified.

Director Eddington explained that the applicant would submit a plan to the Planning Commission for approval prior to applying for a building permit through the Building Department. It would be noticed to the public. Director Eddington also anticipated a meeting with the City Council to discuss issues related to the Kimball Arts Center. The City Council agenda would be published in the newspaper. He expected that would occur in late August.

Director Eddington noted that anyone could register for e-notification on the webpage and provide their email address to automatically receive all the agendas for all meetings.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Director Eddington reminded the Commissioners of the joint meeting with the City Council the following evening at 5:30 p.m.

Director Eddington reported that a General Plan update and discussion was scheduled for the July 25th Planning Commission meeting.

Planner Astorga noted that Friday was Kayla Sintz last day with the Planning Department. She has been with the Planning Department since 2008.

Chair Wintzer disclosed that his company has done work with Joe Wrona, the attorney representing the applicant on the Claimjumper application. He did not believe that association would influence his decision on the project.

Election of Chair and Vice-Chair

Chair Wintzer felt it was important to have other Commissioners besides the Chair speak on the radio. He encouraged the other Commissioners to step up and take a turn. Diversity is healthy for the community and the radio is a great resource for putting out information.

Commissioner Hontz pointed out that Commissioner Strachan was absent this evening. She was certain that he would be comfortable with whomever they elected, but she asked if the Commissioners preferred to wait until Commissioner Strachan could participate in the decision.

Assistant City Attorney thought it was premature to elect a Chair and Vice-Chair this evening. She recommended that they wait until the new Commissioner was appointed and could participate.

The election of Chair and Vice-Chair was postponed until August.

CONTINUATION(S) – Discussion, Public Hearing and Possible Action

30 Sampson Avenue – Steep Slope Conditional Use Permit **(Application #PL-11-01487)**

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

MOTION: Commissioner Savage moved to CONTINUE the 30 Sampson Avenue Steep Slope CUP to July 25, 2012. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

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

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

MOTION: Commissioner Hontz moved to CONTINUE the 2175 Sidewinder Drive Amended Record of Survey to a date uncertain. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. 916 Empire Avenue – Steep Slope Conditional Use Permit (Application #PL-12-01533)

Planner Astorga reported that Planner Whetstone was the project planner; however she was out of town and he was filling in this evening.

Planner Francisco Astorga reviewed the application for a conditional use permit for construction on a steep slope at 916 Empire Avenue. He noted that 916 Empire Avenue is a single Old Town lot of record 25' x 75' feet. The applicant was requesting to build a new single family dwelling, approximately 2300 square feet. Planner Astorga stated that construction over slopes 30% or greater require a conditional use permit to be reviewed and approved by the Planning Commission.

The Staff analysis was provided in the Staff report. Planner Astorga reviewed the drawings attached to the Staff report.

The Staff recommended that the Planning Commission conduct a public hearing and approve the Steep Slope CUP based on the findings of fact, conclusions of law and conditions of approval for consideration.

Craig Kitterman, the project architect, stated that they had worked with the Staff on the massing of the house and to step it down the hill. The Staff had clarified the current requirements regarding the use of historical siding and trim compatible with the existing historic homes in the area. Mr. Kitterman acknowledged that the proposed home is larger than the historic homes, but they tried to use vertical and horizontal trim on massing areas of the house in an effort to be compatible with the size of the existing homes. Mr. Kitterman commented on the size of the adjacent structures, which included a duplex on one side and a larger home at 920 Empire to the north. Mr. Kitterman noted that the proposed house was stepped down the hill to fit in with the heights on either side.

Planner Astorga noted that the applicant and Mr. Kitterman had met with Planner Whetstone and the Design Review Team as required for the Historic District Design Review pre-application. Information was given to the applicant in terms of potential items that must be mitigated; however, the pre-application had not been finalized. Planner Astorga stated that the applicant recently submitted the paperwork for the noticing requirements for the application. Planner Whetstone would be working with the architect to finalize the pre-application as part of the administrative approval.

Chair Wintzer referred to page A4 and questioned how floors are counted. He noted that per the LMC there is a height restriction and a limit of no more than three floors.

Planner Astorga explained that for the HR-1 and other HR Districts, the section related to Building Height simply indicates that structures shall be limited to three stories and that the lowest story counts as the first story.

Chair Wintzer referred to the right elevation and counted three floors. However, moving to the far left there was a half floor shown above the existing third floor. Chair Wintzer recalled that when the LMC was amended, they were very definite about limiting the number of stories to a maximum of three floors in a structure.

Planner Astorga reviewed the cross-sections on page A5. The Staff had noticed that the half story was identified on a cross-section through the length of the structure. However, cutting through the width, the stories are three and three. Planner Astorga believed this was the first structure to be built under the revisions of 2009 with the Old Town split level design.

Chair Wintzer remarked that the half story might not be critical on this particular lot, but if the lot was steeper it could end up being a full fourth story based on the definition. Planner Astorga agreed. Chair Wintzer explained that the idea for the 3-story limitation was that the more the house steps up the hill the more massing there is to the house. Chair Wintzer clarified that his concern was less with this house and more with the precedent they would set if they allow it with this project.

Commissioner Thomas stated that he sat on the Planning Commission throughout the evolution of the steep slope process and he believed the proposed project was inconsistent with the intent. It is a 3-1/2 story house and he could not support it based on the Code.

Planner Astorga read from Section 15-2-5, paragraph A of the LMC, "A structure may have a maximum of 3 stories. A basement counts as a first story within this zone. Attics that are not habitable space do not count as a story."

Commissioner Savage thought the language was ambiguous. He pointed out that in no particular location was it a 3-1/2 story house. Commissioner Thomas stated that stories are counted starting with the lowest level and that was how the Code was established. The intent was to get away from houses stepping up the mountain. Commissioner Thomas explained why he believed this was clearly a 3-1/2 story house.

Commissioner Thomas felt it was unfortunate that the issue had not been addressed at the Staff level. In his opinion, it did not meet the test of the Code.

Director Eddington remarked that the definition of a story in the HR-1 definitions was ambiguous; however, it specifically says a maximum of three stories. Director Eddington noted that the drawings showed a shift in floor plates and he agreed that the top could be construed as a half-story.

Commissioner Worel stated that the Code does not count the attic because it is not habitable space. She pointed out that the half story in this project was clearly habitable space.

In response to a question about the definition of a story, Director Eddington replied that a story is plate to plate.

Commissioner Savage stated that when he looked at the plan and read the Code, he understood that the spirit of the intent was to control the height of the building as it relates to the steepness of the slope. He believed this proposal was consistent with that objective. When he saw that the structure was no higher than three stories in any particular location, in his opinion it appeared to meet Code. Commissioner Savage acknowledged that he did not have the background or history of how the limitation was established.

Chair Wintzer suggested that the Planning Commission continue this item and ask the Staff to come back with a ruling on what constitutes three stories. Director Eddington replied that the Staff could do research and formulate that ruling in conjunction with the final design review. He noted that the Code allows a height exception for a downhill lot for a garage on a steep slope, but there is no exception for stories.

Commissioner Hontz remarked that the proposed house fits the site and the architect had done a good job designing the house on an Old Town downhill lot. Commissioner Hontz wanted to see a cross section of how the slopes drawn to scale would work coming into the garage. She indicated the grade changes of the driveway coming into the garage and noted that the same layout was used in other places in Old Town and it does not appear to work well.

Commissioner Hontz asked about the required front yard setback. Director Eddington stated that it was a minimum 10' front yard setback. Commissioner Hontz pointed out that the house sits nicely back, but it creates a longer and steeper entry into the garage. Since the setback exceeds the 10' minimum, she suggested that they move the house forward to reduce the grade into the garage.

Mr. Kitterman explained that they need to room to provide the parking space between the house and the property.

Commissioner Thomas agreed that the grade was steep, but he has personally designed similar garage entrances and it can work as long as there are transition slopes. He believed the Code allowed up to 14% grade. Commissioner Thomas noted that Mr. Kitterman had created a transition slope of 10% over 13 feet and he was comfortable with that design. Mr. Kitterman stated that he has designed other homes with that same type of driveway and it works well. He noted that in those circumstances the driveway needs to be heated.

Mr. Kitterman stated that in the past, the important issues for the Planning Commission was that the house fits the site, and even though it can be 27' above grade, that it does not look too massive. He chose traditional styles that help bring the mass of the house down in scale. Mr. Kitterman stated that in any one place the house looks only two stories. Mr. Kitterman stated that because he is the first to design a house on the downhill, he tried to work through the goals of the Code. Stepping the house down the lot was an important goal to make it fit the property and still reflect a 2

or 2-1/2 story from grade. Mr. Kitterman remarked that in the past they were allowed to excavate all the way back under and they ended up with four stories and a 22' deep excavation at the garage. He was able to avoid that with this particular house by the vertical placed in the mass. He believed the three story set meets the Code and the goals behind the Code.

Chair Wintzer apologized to Mr. Kitterman and the owner that the issue was not raised until this evening. He personally wanted a ruling from Staff on the definition of three stories and whether approving this design would set a precedent. Chair Wintzer agreed that the house fits the lots and the scale of the area. The issue is the elevation of 3-1/2 stories on the downhill side. Mr. Kitterman remarked that the advantage of the extra step in the conditional use permit is that the Planning Commission can look at each site individually and review each set of circumstances individually. Chair Wintzer stated that sometimes applicants accept rulings on a case by case basis, but most times they question why someone else was allowed to do it but they cannot.

Commissioner Thomas thought Mr. Kitterman had done a nice job of breaking up the building, stepping it down and responding to other considerations.

Commissioner Savage proposed that the Planning Commission continue this item and direct Staff to provide an interpretation of the Code on the basis of this specific application, and to also think about how the definitions could be strengthened to eliminate the ambiguity for future applications.

The applicant, Chuck Heath, was confused about the comment that the objective was not to step up the structure. It was indicated by Staff that the goal was to step it up the hill as opposed to having a large block building. He wanted clarification because the comments differed from what they were told. Chair Wintzer replied that the objective is to have the house fit the topography of the ground. The concern relates to the definition of three stories because that objective was to stop massive stepping up the hill.

Chair Wintzer opened the public hearing.

There were no comments.

Chair Wintzer closed the public hearing.

MOTION: Commissioner Savage moved to CONTINUE the Steep Slope CUP for 916 Empire Avenue to July 25, 2012, and direct Staff to provide an interpretation of the Code with reference to this specific application having to do with the definition of story. In addition, also provide a recommendation for a future amended version of the LMC that would eliminate the ambiguity associated with the interpretation discussed this evening.

Commissioner Thomas requested an amendment to the motion for the architect to provide cross sections through the garage and show a car entering the garage for analysis.

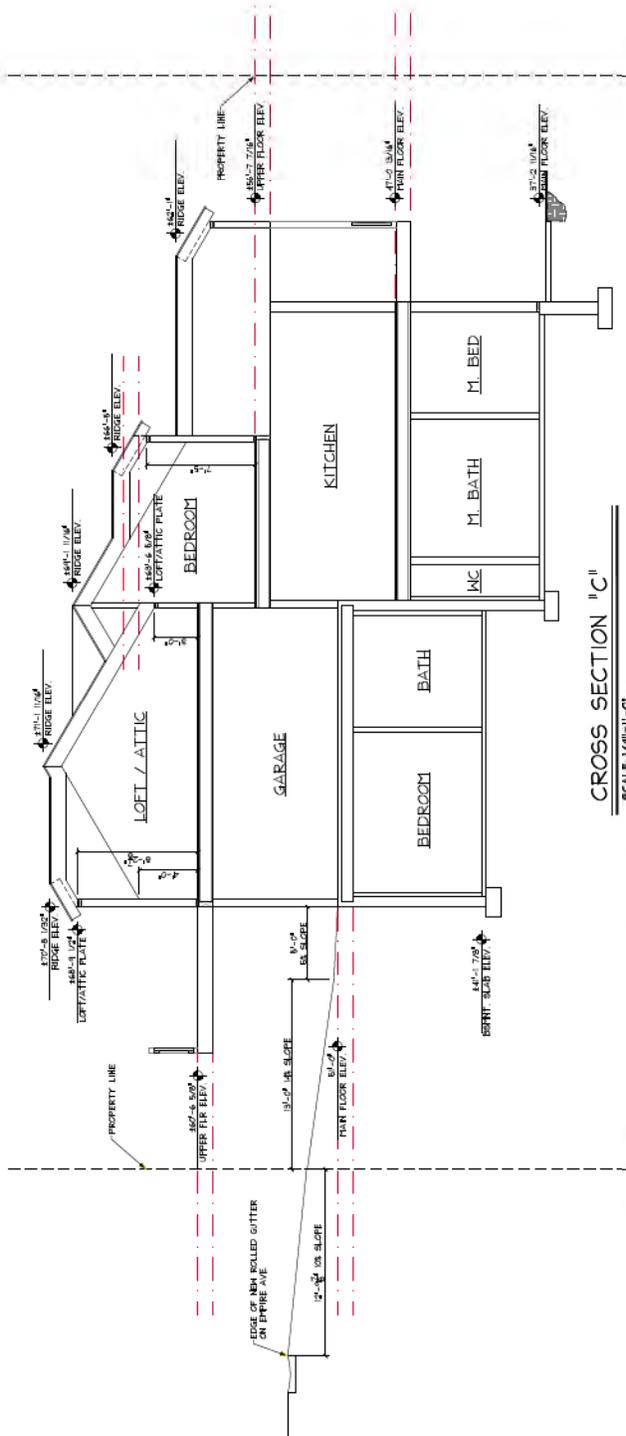
Commissioner Savage accepted the amendment to the motion. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

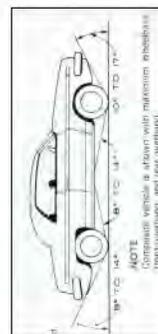
EXHIBIT E - DRIVEWAY CROSS SECTION

SEE SHEET 84-2 FOR ADD. NOTES

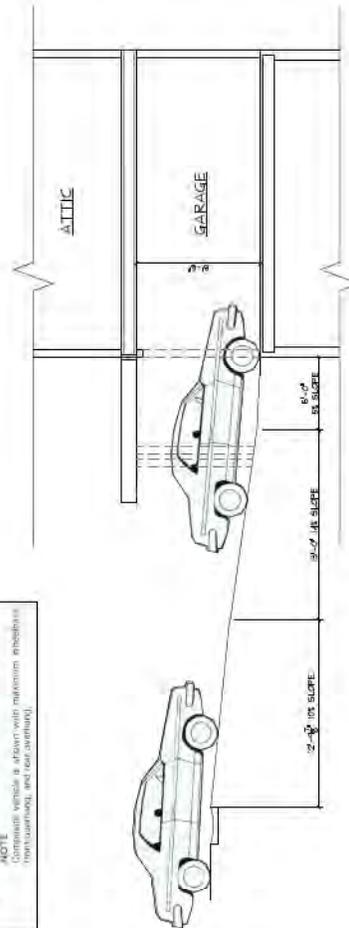
PRELIMINARY DRAWINGS ONLY
 NOT RELEASED FOR CONSTRUCTION



CROSS SECTION 'C'
 SCALE: 1/4"=1'-0"



NOTE: AUTOMOBILE DATA FROM
 NHTSA SMALL GRAPHICAL STANDARDS
 NINTH EDITION

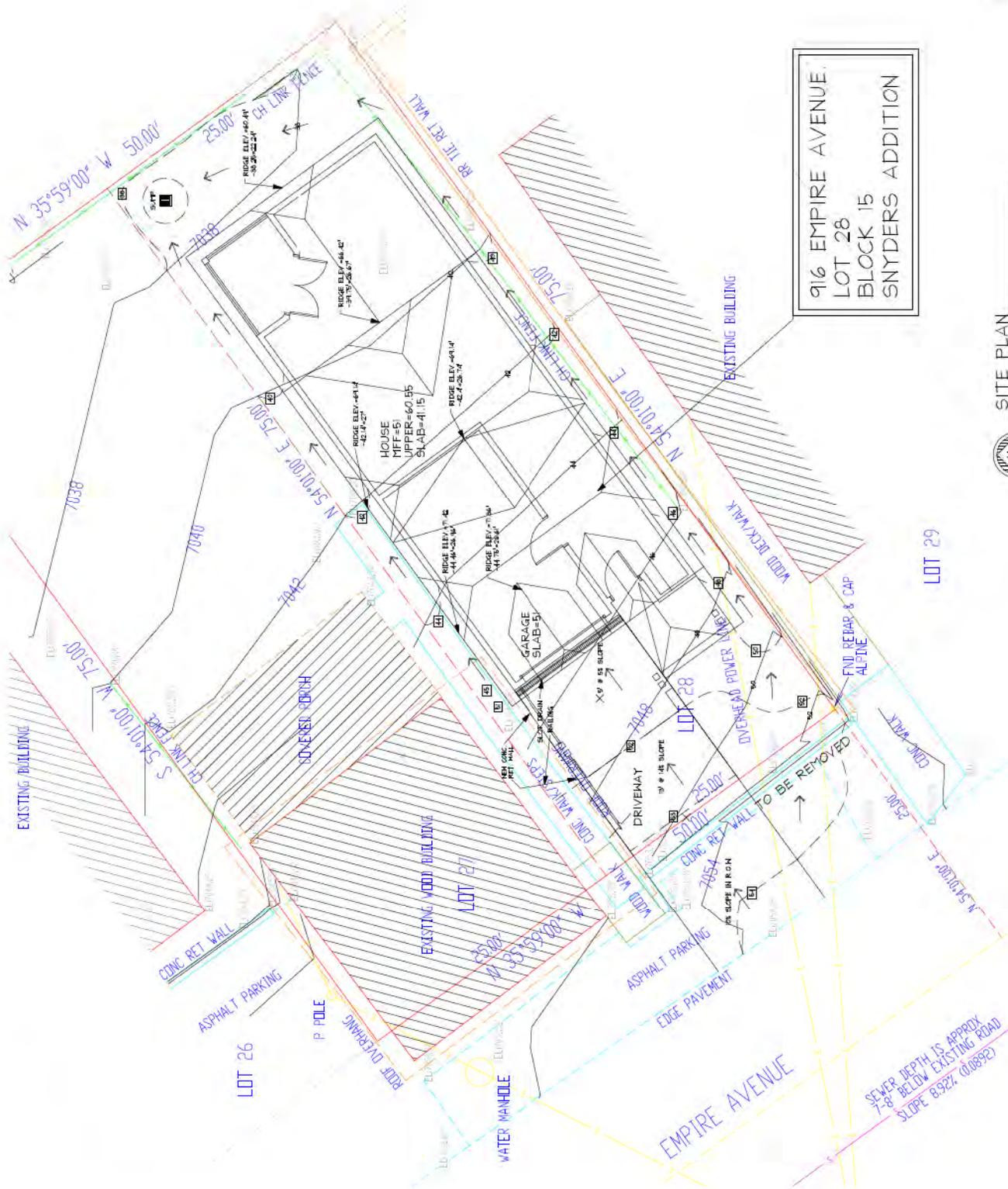


VEHICLE ACCESS DIAGRAM
 SCALE: 1/4"=1'-0"

PRELIMINARY DRAWINGS ONLY
 NOT BE RELEASED FOR CONSTRUCTION

EXHIBIT F - REVISED PLANS

INDEX	
PG.	DESCRIPTION
A-1.0	SITE PLAN
A-1.1	GRADING PLAN
A-1.2	LANDSCAPE PLAN
A-1.3	EMPIRE AVENUE STREETSCAPE
A-2	GENERAL NOTES
A-3	FLOOR PLANS
A-4	ELEVATIONS
A-5	SCREENS AND WALL SECTIONS
A-6	SCREEN DETAIL
A-7	SCREEN DETAIL
A-8	SCREEN DETAIL
A-9	WEATHER BARRIER DETAILS
A-10	WEATHER BARRIER DETAILS
A-11	FOOTING AND FOUNDATION PLAN
A-12	FLOOR PLAN DETAILS
A-13	UPPER FLOOR FINISHING PLAN
A-14	UPPER FLOOR FINISHING PLAN
A-15	UPPER FLOOR FINISHING PLAN
A-16	UPPER FLOOR FINISHING PLAN
A-17	UPPER FLOOR FINISHING PLAN
A-18	UPPER FLOOR FINISHING PLAN
A-19	UPPER FLOOR FINISHING PLAN
A-20	UPPER FLOOR FINISHING PLAN
A-21	UPPER FLOOR FINISHING PLAN
A-22	UPPER FLOOR FINISHING PLAN
A-23	UPPER FLOOR FINISHING PLAN
A-24	UPPER FLOOR FINISHING PLAN
A-25	UPPER FLOOR FINISHING PLAN
A-26	UPPER FLOOR FINISHING PLAN
A-27	UPPER FLOOR FINISHING PLAN
A-28	UPPER FLOOR FINISHING PLAN
A-29	UPPER FLOOR FINISHING PLAN
A-30	UPPER FLOOR FINISHING PLAN
A-31	UPPER FLOOR FINISHING PLAN
A-32	UPPER FLOOR FINISHING PLAN
A-33	UPPER FLOOR FINISHING PLAN
A-34	UPPER FLOOR FINISHING PLAN
A-35	UPPER FLOOR FINISHING PLAN
A-36	UPPER FLOOR FINISHING PLAN
A-37	UPPER FLOOR FINISHING PLAN
A-38	UPPER FLOOR FINISHING PLAN
A-39	UPPER FLOOR FINISHING PLAN
A-40	UPPER FLOOR FINISHING PLAN
A-41	UPPER FLOOR FINISHING PLAN
A-42	UPPER FLOOR FINISHING PLAN
A-43	UPPER FLOOR FINISHING PLAN
A-44	UPPER FLOOR FINISHING PLAN
A-45	UPPER FLOOR FINISHING PLAN
A-46	UPPER FLOOR FINISHING PLAN
A-47	UPPER FLOOR FINISHING PLAN
A-48	UPPER FLOOR FINISHING PLAN
A-49	UPPER FLOOR FINISHING PLAN
A-50	UPPER FLOOR FINISHING PLAN
A-51	UPPER FLOOR FINISHING PLAN
A-52	UPPER FLOOR FINISHING PLAN
A-53	UPPER FLOOR FINISHING PLAN
A-54	UPPER FLOOR FINISHING PLAN
A-55	UPPER FLOOR FINISHING PLAN
A-56	UPPER FLOOR FINISHING PLAN
A-57	UPPER FLOOR FINISHING PLAN
A-58	UPPER FLOOR FINISHING PLAN
A-59	UPPER FLOOR FINISHING PLAN
A-60	UPPER FLOOR FINISHING PLAN
A-61	UPPER FLOOR FINISHING PLAN
A-62	UPPER FLOOR FINISHING PLAN
A-63	UPPER FLOOR FINISHING PLAN
A-64	UPPER FLOOR FINISHING PLAN
A-65	UPPER FLOOR FINISHING PLAN
A-66	UPPER FLOOR FINISHING PLAN
A-67	UPPER FLOOR FINISHING PLAN
A-68	UPPER FLOOR FINISHING PLAN
A-69	UPPER FLOOR FINISHING PLAN
A-70	UPPER FLOOR FINISHING PLAN
A-71	UPPER FLOOR FINISHING PLAN
A-72	UPPER FLOOR FINISHING PLAN
A-73	UPPER FLOOR FINISHING PLAN
A-74	UPPER FLOOR FINISHING PLAN
A-75	UPPER FLOOR FINISHING PLAN
A-76	UPPER FLOOR FINISHING PLAN
A-77	UPPER FLOOR FINISHING PLAN
A-78	UPPER FLOOR FINISHING PLAN
A-79	UPPER FLOOR FINISHING PLAN
A-80	UPPER FLOOR FINISHING PLAN
A-81	UPPER FLOOR FINISHING PLAN
A-82	UPPER FLOOR FINISHING PLAN
A-83	UPPER FLOOR FINISHING PLAN
A-84	UPPER FLOOR FINISHING PLAN
A-85	UPPER FLOOR FINISHING PLAN
A-86	UPPER FLOOR FINISHING PLAN
A-87	UPPER FLOOR FINISHING PLAN
A-88	UPPER FLOOR FINISHING PLAN
A-89	UPPER FLOOR FINISHING PLAN
A-90	UPPER FLOOR FINISHING PLAN
A-91	UPPER FLOOR FINISHING PLAN
A-92	UPPER FLOOR FINISHING PLAN
A-93	UPPER FLOOR FINISHING PLAN
A-94	UPPER FLOOR FINISHING PLAN
A-95	UPPER FLOOR FINISHING PLAN
A-96	UPPER FLOOR FINISHING PLAN
A-97	UPPER FLOOR FINISHING PLAN
A-98	UPPER FLOOR FINISHING PLAN
A-99	UPPER FLOOR FINISHING PLAN
A-100	UPPER FLOOR FINISHING PLAN
A-101	UPPER FLOOR FINISHING PLAN
A-102	UPPER FLOOR FINISHING PLAN
A-103	UPPER FLOOR FINISHING PLAN
A-104	UPPER FLOOR FINISHING PLAN
A-105	UPPER FLOOR FINISHING PLAN
A-106	UPPER FLOOR FINISHING PLAN
A-107	UPPER FLOOR FINISHING PLAN
A-108	UPPER FLOOR FINISHING PLAN
A-109	UPPER FLOOR FINISHING PLAN
A-110	UPPER FLOOR FINISHING PLAN
A-111	UPPER FLOOR FINISHING PLAN
A-112	UPPER FLOOR FINISHING PLAN
A-113	UPPER FLOOR FINISHING PLAN
A-114	UPPER FLOOR FINISHING PLAN
A-115	UPPER FLOOR FINISHING PLAN
A-116	UPPER FLOOR FINISHING PLAN
A-117	UPPER FLOOR FINISHING PLAN
A-118	UPPER FLOOR FINISHING PLAN
A-119	UPPER FLOOR FINISHING PLAN
A-120	UPPER FLOOR FINISHING PLAN
A-121	UPPER FLOOR FINISHING PLAN
A-122	UPPER FLOOR FINISHING PLAN
A-123	UPPER FLOOR FINISHING PLAN
A-124	UPPER FLOOR FINISHING PLAN
A-125	UPPER FLOOR FINISHING PLAN
A-126	UPPER FLOOR FINISHING PLAN
A-127	UPPER FLOOR FINISHING PLAN
A-128	UPPER FLOOR FINISHING PLAN
A-129	UPPER FLOOR FINISHING PLAN
A-130	UPPER FLOOR FINISHING PLAN
A-131	UPPER FLOOR FINISHING PLAN
A-132	UPPER FLOOR FINISHING PLAN
A-133	UPPER FLOOR FINISHING PLAN
A-134	UPPER FLOOR FINISHING PLAN
A-135	UPPER FLOOR FINISHING PLAN
A-136	UPPER FLOOR FINISHING PLAN
A-137	UPPER FLOOR FINISHING PLAN
A-138	UPPER FLOOR FINISHING PLAN
A-139	UPPER FLOOR FINISHING PLAN
A-140	UPPER FLOOR FINISHING PLAN
A-141	UPPER FLOOR FINISHING PLAN
A-142	UPPER FLOOR FINISHING PLAN
A-143	UPPER FLOOR FINISHING PLAN
A-144	UPPER FLOOR FINISHING PLAN
A-145	UPPER FLOOR FINISHING PLAN
A-146	UPPER FLOOR FINISHING PLAN
A-147	UPPER FLOOR FINISHING PLAN
A-148	UPPER FLOOR FINISHING PLAN
A-149	UPPER FLOOR FINISHING PLAN
A-150	UPPER FLOOR FINISHING PLAN
A-151	UPPER FLOOR FINISHING PLAN
A-152	UPPER FLOOR FINISHING PLAN
A-153	UPPER FLOOR FINISHING PLAN
A-154	UPPER FLOOR FINISHING PLAN
A-155	UPPER FLOOR FINISHING PLAN
A-156	UPPER FLOOR FINISHING PLAN
A-157	UPPER FLOOR FINISHING PLAN
A-158	UPPER FLOOR FINISHING PLAN
A-159	UPPER FLOOR FINISHING PLAN
A-160	UPPER FLOOR FINISHING PLAN
A-161	UPPER FLOOR FINISHING PLAN
A-162	UPPER FLOOR FINISHING PLAN
A-163	UPPER FLOOR FINISHING PLAN
A-164	UPPER FLOOR FINISHING PLAN
A-165	UPPER FLOOR FINISHING PLAN
A-166	UPPER FLOOR FINISHING PLAN
A-167	UPPER FLOOR FINISHING PLAN
A-168	UPPER FLOOR FINISHING PLAN
A-169	UPPER FLOOR FINISHING PLAN
A-170	UPPER FLOOR FINISHING PLAN
A-171	UPPER FLOOR FINISHING PLAN
A-172	UPPER FLOOR FINISHING PLAN
A-173	UPPER FLOOR FINISHING PLAN
A-174	UPPER FLOOR FINISHING PLAN
A-175	UPPER FLOOR FINISHING PLAN
A-176	UPPER FLOOR FINISHING PLAN
A-177	UPPER FLOOR FINISHING PLAN
A-178	UPPER FLOOR FINISHING PLAN
A-179	UPPER FLOOR FINISHING PLAN
A-180	UPPER FLOOR FINISHING PLAN
A-181	UPPER FLOOR FINISHING PLAN
A-182	UPPER FLOOR FINISHING PLAN
A-183	UPPER FLOOR FINISHING PLAN
A-184	UPPER FLOOR FINISHING PLAN
A-185	UPPER FLOOR FINISHING PLAN
A-186	UPPER FLOOR FINISHING PLAN
A-187	UPPER FLOOR FINISHING PLAN
A-188	UPPER FLOOR FINISHING PLAN
A-189	UPPER FLOOR FINISHING PLAN
A-190	UPPER FLOOR FINISHING PLAN
A-191	UPPER FLOOR FINISHING PLAN
A-192	UPPER FLOOR FINISHING PLAN
A-193	UPPER FLOOR FINISHING PLAN
A-194	UPPER FLOOR FINISHING PLAN
A-195	UPPER FLOOR FINISHING PLAN
A-196	UPPER FLOOR FINISHING PLAN
A-197	UPPER FLOOR FINISHING PLAN
A-198	UPPER FLOOR FINISHING PLAN
A-199	UPPER FLOOR FINISHING PLAN
A-200	UPPER FLOOR FINISHING PLAN

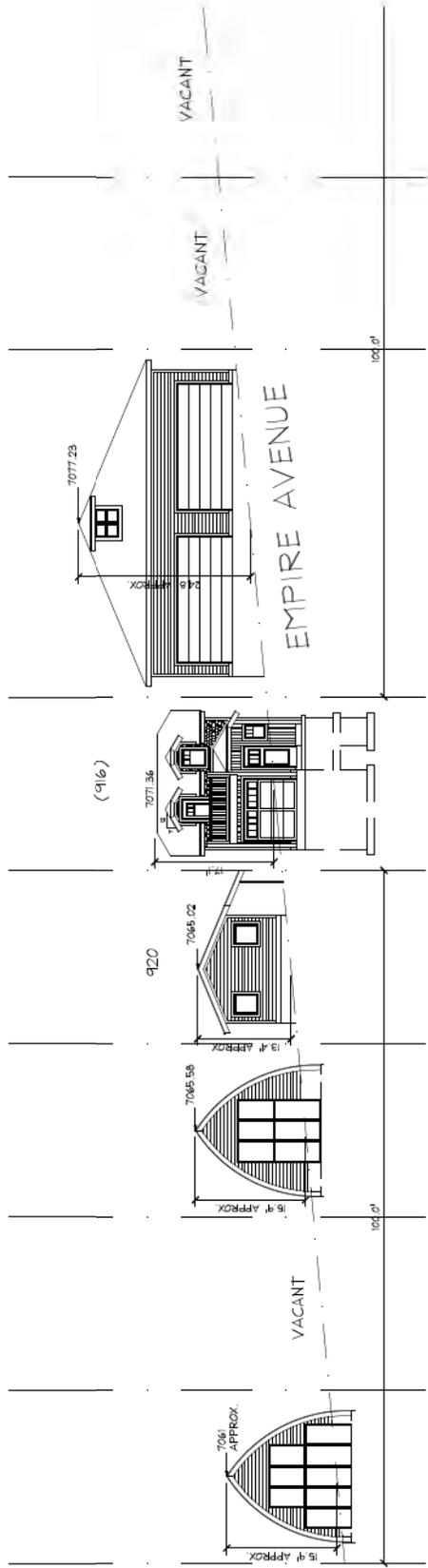


916 EMPIRE AVENUE
 LOT 28
 BLOCK 15
 SNYDERS ADDITION

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

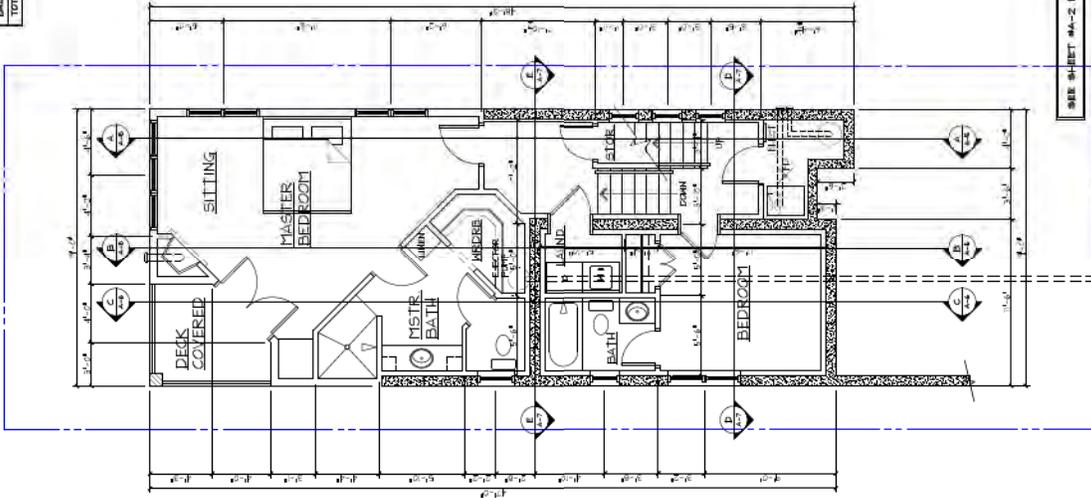


PRELIMINARY DRAWINGS ONLY
 NOT BELEASSED FOR CONSTRUCTION



EMPIRE AVENUE
 STREETSCAPE
 SCALE: 1/8"=1'-0"

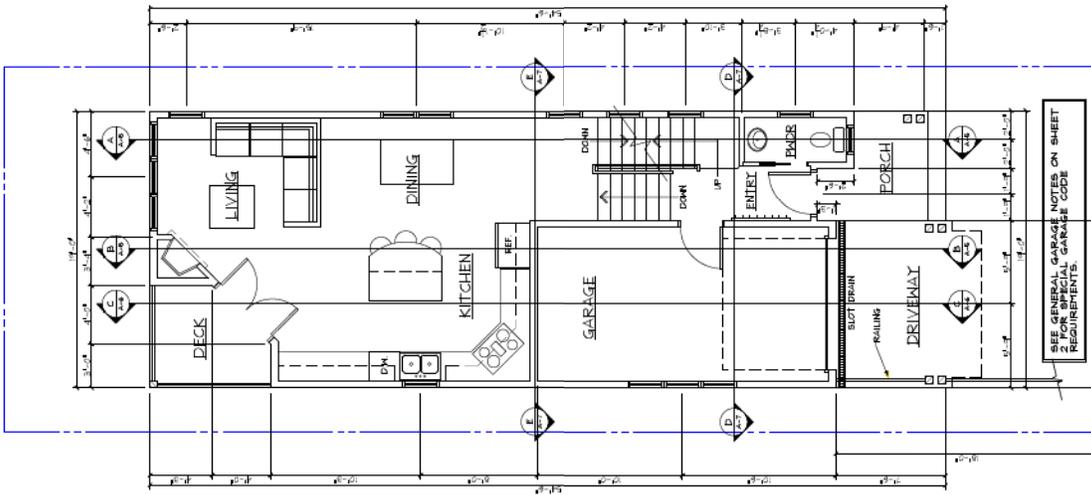
SQUARE FOOTAGE	
GROSS	844 SQ. FT.
MAIN	641 SQ. FT.
UPPER	65 SQ. FT.
BASEMENT	844 SQ. FT.
TOTAL	2,395 SQ. FT.



SEE SHEET #A-2 FOR ADD. NOTES.

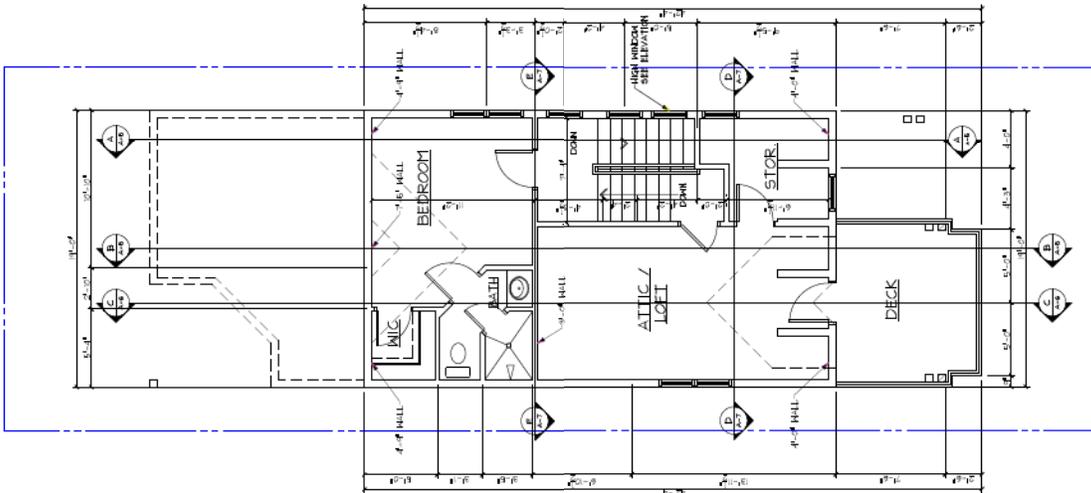
PRELIMINARY DRAWINGS ONLY
NOT RELEASED FOR CONSTRUCTION

BASEMENT FLOOR PLAN
SCALE 1/4"=1'-0" 844 #



SEE GENERAL GARAGE NOTES ON SHEET
2 FOR SPECIAL GARAGE CODE
REQUIREMENTS.

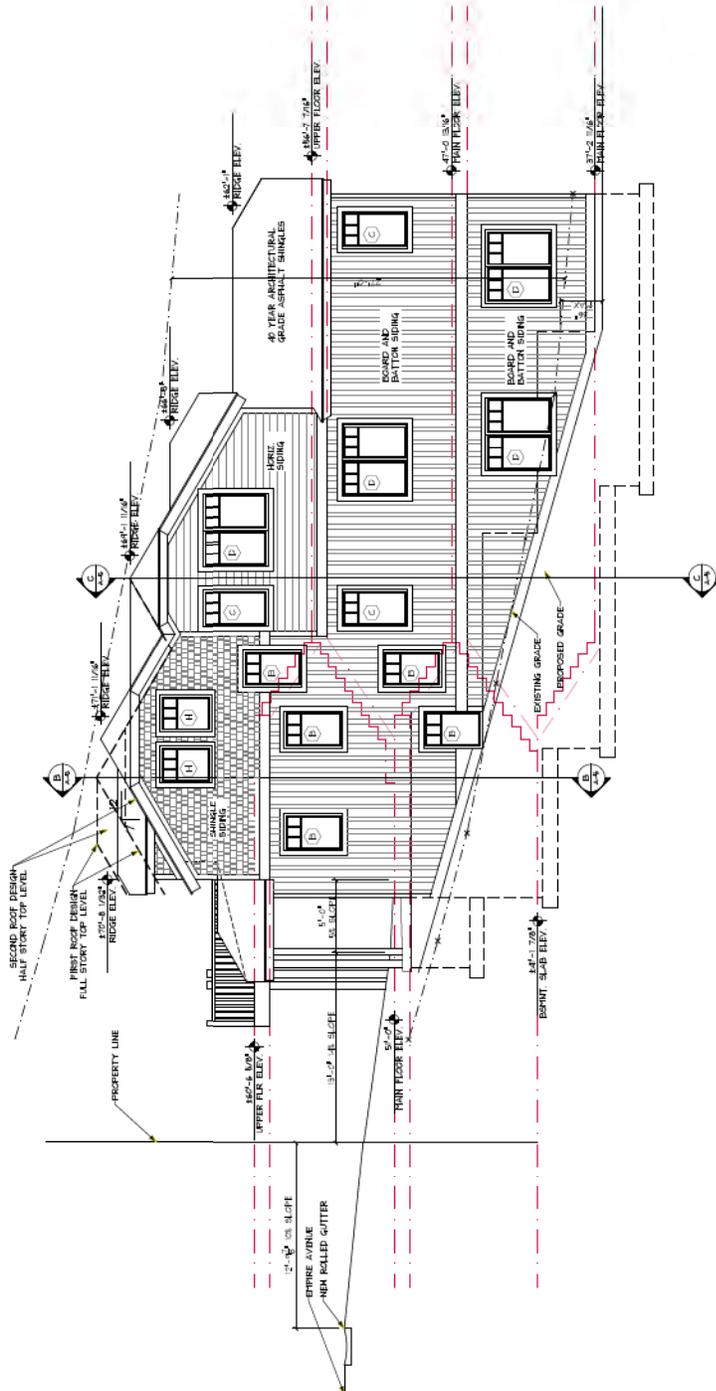
MAIN FLOOR PLAN
SCALE 1/4"=1'-0" 844 #



UPPER FLOOR PLAN
SCALE 1/4"=1'-0" 615 #

SEE SHEET 9A-2 FOR ADD. NOTES

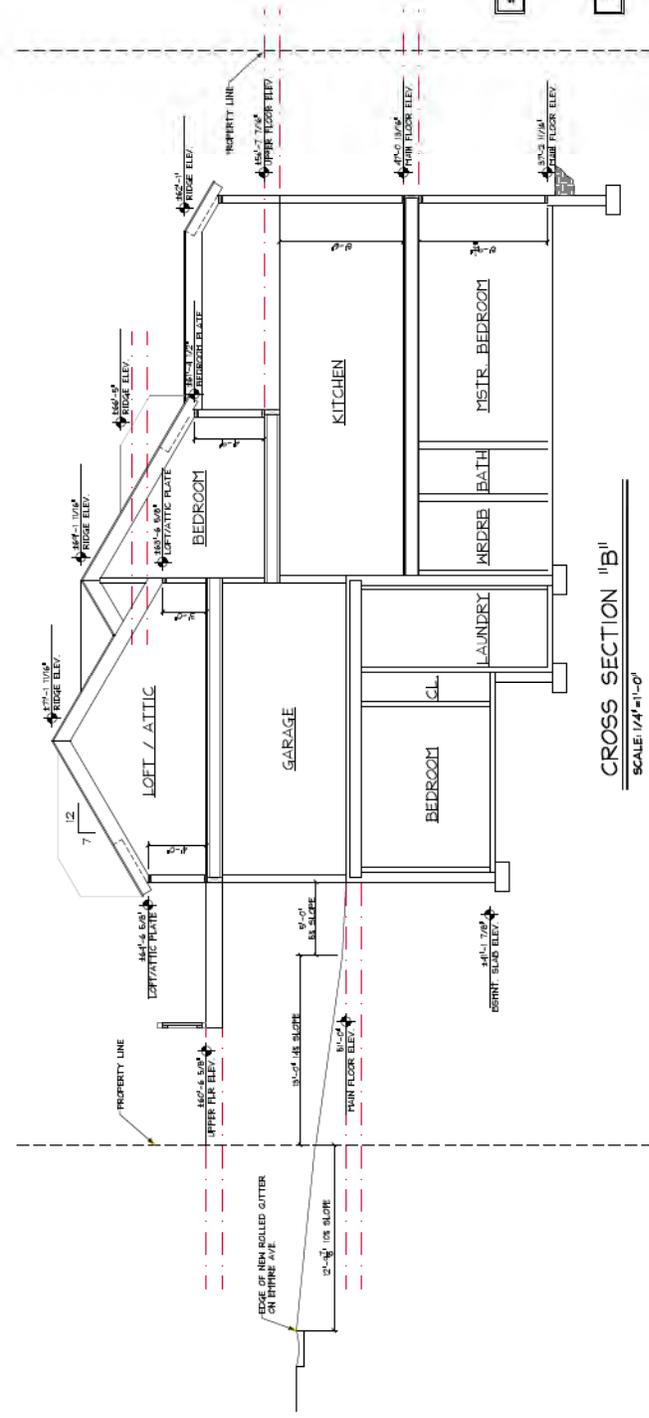
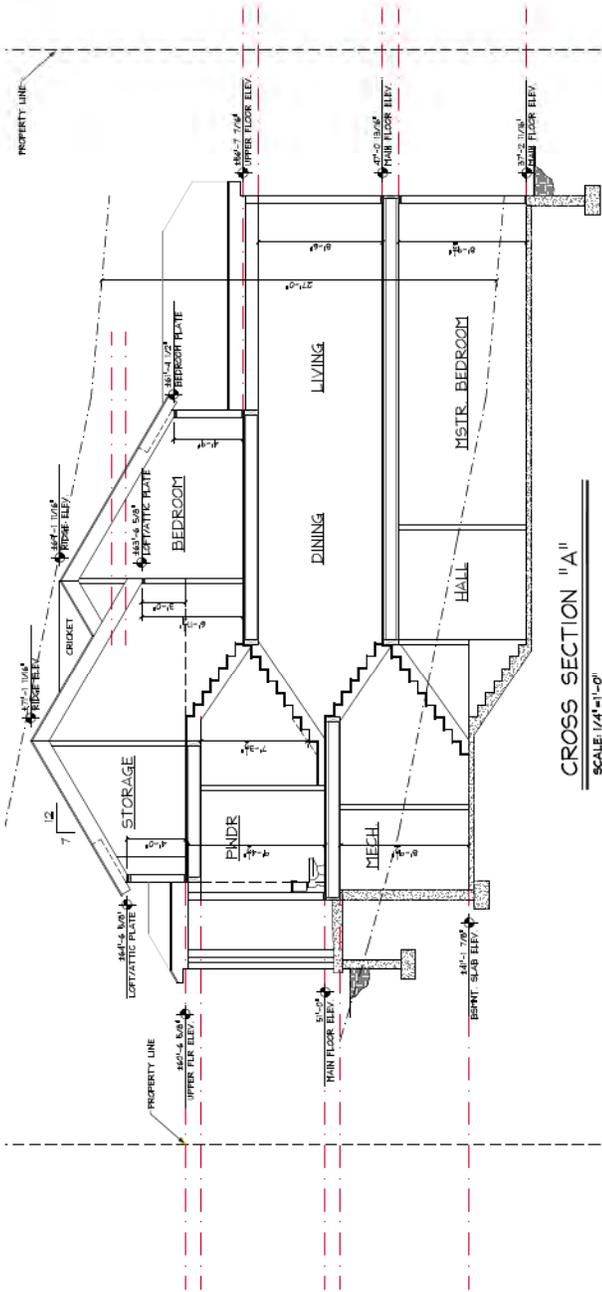
PRELIMINARY DRAWINGS ONLY
 NOT RELEASED FOR CONSTRUCTION



RIGHT ELEVATION COMPARISON OF HALF STORY TOP LEVEL TO FULL STORY TOP LEVEL
 SCALE 1/4"=1'-0"

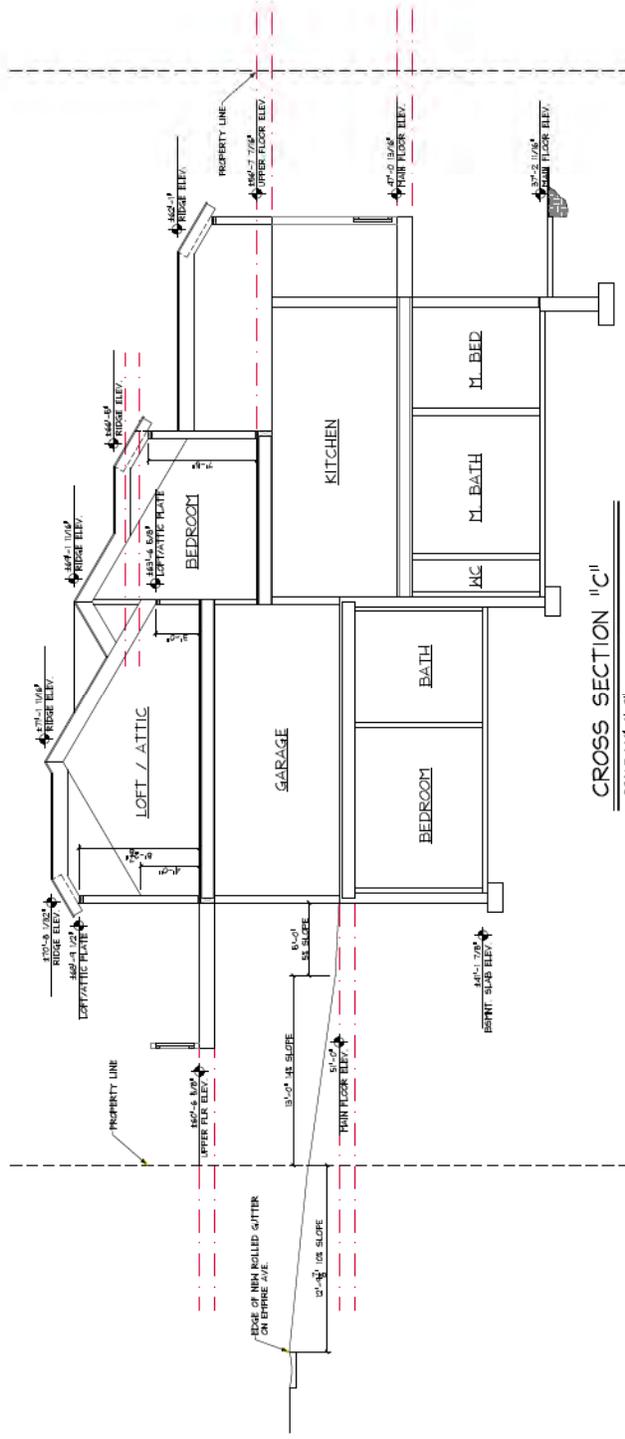
SEE SHEET #A-2 FOR ADD. NOTES

PRELIMINARY DRAWINGS ONLY
 NOT RELEASED FOR CONSTRUCTION

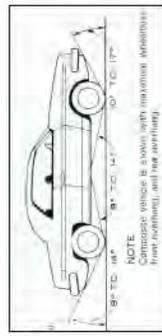


SEE SHEET #A-2 FOR ADD. NOTES

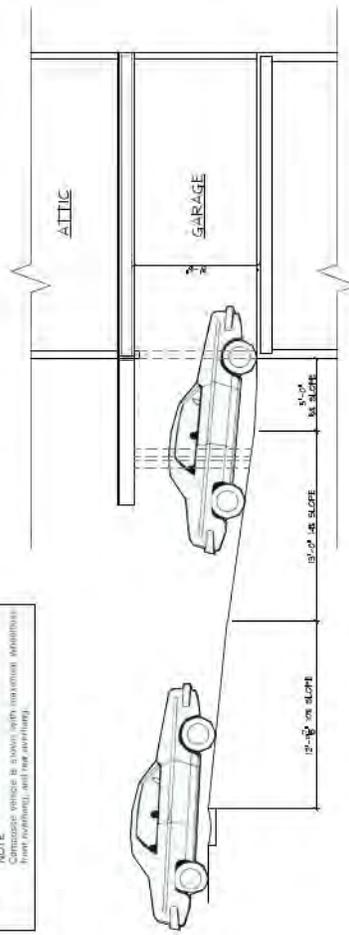
PRELIMINARY DRAWINGS ONLY
 NOT RELEASED FOR CONSTRUCTION



CROSS SECTION "C"
 SCALE: 1/4"=1'-0"



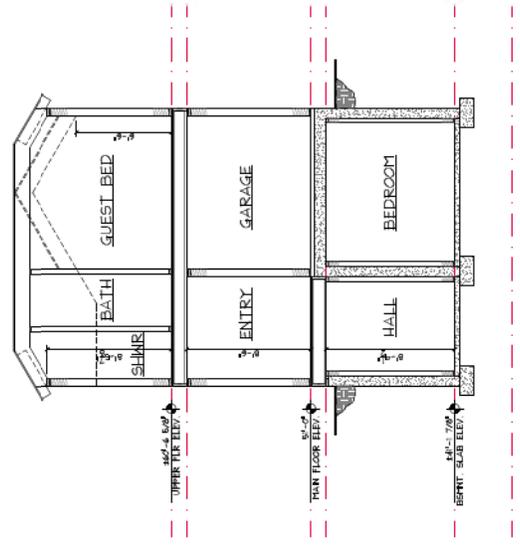
NOTE: AUTOMOBILE DATA FROM ARCHITECTURAL GRAPHICAL STANDARDS, NINTH EDITION



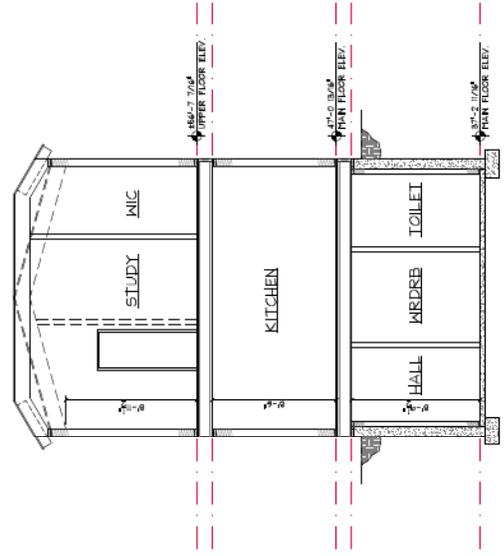
VEHICLE ACCESS DIAGRAM
 SCALE: 1/4"=1'-0"

SEE SHEET #A-2 FOR ADD. NOTES

PRELIMINARY DRAWINGS ONLY
 NOT RELEASED FOR CONSTRUCTION



CROSS SECTION "D"
 SCALE 1/4"=1'-0"



CROSS SECTION "E"
 SCALE 1/4"=1'-0"

Kirsten Whetstone

From: Craig Kitterman <kittermanarchitect@gmail.com>
Sent: Tuesday, August 14, 2012 9:01 AM
To: Kirsten Whetstone
Subject: Re: 916 Empire eom

Kirsten

Our understanding of the main goals of the newest Land Management Code are to keep the overall mass of homes more in keeping with the surrounding homes as well as better reflect the design characteristics of those homes. Sometimes those are smaller historic homes and sometimes larger newer homes with or without much style. In addition a big goal as we see it is to fit the home to the topography of the site.

The original home design does that nicely by addressing the street level for easy car and foot access. The lower level is positioned to be level with the rear yard without much cut or fill outside the home or under the lower slab.

The home has a two story portion at the rear and a two story portion at the street level. In between, it steps back from the rear before increasing to a three level portion in the middle. Due to the slope of the site. nowhere does the home appear to be more that two and a half stories.

The issue appears to be that in order to match the grade both at the front and the rear, there is a half level split in the middle. I have designed more that 40 homes in Old Town and that step down from the entry to the main living level is by far the most pleasing interior approach.

Since these homes are quite small by the average new home standard, and increase in openness is a big advantage to livability.

We could raise the rear of the home staying under the height limit so that there is no question about three or three and a half storey.

While meeting the letter of the Code, that would increase the mass of the home and require over 4 ft of retaining to be able to realize a usable rear yard. Sheet 4.2 shows the comparison.

We can reduce the front and rear wall of the top story to less that 5 feet to meet the criteria of a half storey being built under the roof with a dormer to the front street side for architectural interest, light and fire egress. That brings the home to meeting the letter of the Code. There is slight change in mass but a large change in usability of the interior volume. Sheet 4.1 shows this comparison.

The Code was written to allow for individual study of each steep slope situation.

Given the site, the neighboring homes etc each site can be evaluated without setting a precedence. The only precedence that would be set is that Staff and the Commission evaluate each project on it's own merits and allowing for some attractive logical architectural license. That is a great precedence and increases rapport with the design community..

We are emailing the plans to you in two emails. We have included comparisons of building mass for the half storey to full storey upper floor as well as a comparison of building mass if there were no split in the middle and the rear portion is a half level higher (providing a max. of three levels with no split/step down to the rear).

That got a little wordy but We thing it identifies the issues.

Thank you,

Craig Kitterman

On Mon, Aug 13, 2012 at 3:44 PM, Kirsten Whetstone <kirsten@parkcity.org> wrote:

> Thanks Craig,

>

> Can you tell me in a short paragraph (couple of sentences) what the main differences are between the previous/proposed plan/design and the revised design?

> Maybe highlight the changes in terms of :

>

> Raising/lowering the building, height, modification of finished grade (ie. how close to existing grade- how much change each requires), internal volume, floor area change, % driveway grade, etc.

>

> Thanks!!

>

> Kirsten

>

> -----Original Message-----

> From: Craig Kitterman [<mailto:kittermanarchitect@gmail.com>]

> Sent: Monday, August 13, 2012 1:00 PM

> To: Kirsten Whetstone

> Subject: 916 Empire eom

>

> --

> Craig Kitterman & Associates Architects

> 1079 E. Murray Holladay Rd.

> Salt Lake City, Utah 84117

> (801) 270-8606 Office

> (801) 263-3989 Fax

> <http://www.craigkittermanarchitects.com/>

--

Craig Kitterman & Associates Architects

1079 E. Murray Holladay Rd.

Salt Lake City, Utah 84117

(801) 270-8606 Office

(801) 263-3989 Fax

<http://www.craigkittermanarchitects.com/>

Planning Commission Staff Report



Subject: 543 Park Avenue
Author: Katie Cattan, AICP
Date: August 22, 2012
Type of Item: Administrative – Conditional Use Permit Modification

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing and consider approving the Conditional Use Permit Modification for 543 Park Avenue based on the findings of fact, conclusions of law, and conditions of approval.

Topic

Applicant: F.H. Bennett III, Architect
Location: 543 Park Avenue (Washington School House)
Zoning: HR-1 Historic Residential
Adjacent Land Uses: Single Family, Multi Family, and Commercial
Reason for Review: Modification of a Conditional Use Permit must be approved by the Planning Commission

Proposal

The current application is a modification of the November 10, 2010 Conditional Use Permit (CUP) approval of a private recreation facility. The proposed modification is a change to the site to include Lot 34 on the North West corner of the site plan. The vacant lot is owned by the owner of the Washington School Inn. The modification also introduces changes to the screening for mechanical equipment and removes a staircase leading to the patio above the garage.

Background

On April 24, 2012, the City received a complete application for a *modification* of a Conditional Use Permit (CUP) for a private recreation facility. (Exhibit A – Modification Request and New Site Plan) The property is located at 543 Park Avenue in the Historic Residential (HR-1) zoning district and is home of the historic Washington School House. In the HR-1 zone, a Conditional Use Permit is required for a private recreation facility. A private lap pool for the bed and breakfast falls under the definition of a private recreation facility within the Land Management Code (LMC).

On November 10, 2012, the Planning Commission approved a CUP for a private recreation facility, allowing the lap pool behind the Washington School House. (Exhibit B – November 10, 2010 Staff Report and Action Letter) The applicant is requesting a modification to the approved CUP to expand the site plan to include Lot 34 which previously was not included in the CUP approval. The modification also introduces changes to the screening of mechanical equipment on site.

It is worthy to note that the original CUP application included landscape improvements on Lot 34. On November 10, 2010, the day of the Planning Commission meeting, the applicant revised the submittal to remove Lot 34 from the submittal. The Planning Commission was given a new site plan during the meeting that did not include improvement to Lot 34. (Exhibit C – approved site plan).

During the November 10, 2012 Planning Commission meeting the Commission requested that the applicant return after one year to review the Conditional Use Permit. The purpose for the review was to ensure that maintenance of the private recreation facility was not causing issues within the residential area. Planning staff has checked with Code Enforcement and no complaints have been filed.

Analysis

The site is within the HR-1 zoning district, which allows private recreation facilities as a conditional use reviewed by the Planning Commission. The applicant is requesting approval of a modification of the CUP which expands the site of the CUP to include Lot 34 within the fenced area of the site. Lot 34 of Block 5 of the Park City survey is located on the north-west corner of the property. Lot 34 is owned by the owners of the Washington School Inn. The lot is a single lot of record, dimensioned twenty-five feet wide by seventy-five feet long. The lot is vacant and contains no structures.

The site plan approved on November 10, 2010 within the approved CUP did not include Lot 34. The November 10, 2010 approved CUP site plan identified Lot 34 as “Separate Lot- not part of WSI property”. The approved site plan included a fence around the pool area, which did not extend around Lot 34.

During the recent renovation of the Washington School House, the owner violated the approved CUP site plan and fenced in Lot 34 with the private recreation facility. The vacant lot was landscaped with evergreens, wild flowers, and tall grasses. There are stepping stones leading from the front of the Washington School Inn, through Lot 34, to the pool area.

The November 10, 2010 Action Letter included the Park City Municipal Corporation Standard Project Conditions. During construction, the following conditions were violated:

4. All construction shall be completed according to the approved plans on which building permits are issued. Approved plans include all site improvements shown on the approved site plan. Site improvements shall include all roads, sidewalks, curbs, gutters, drains, drainage works, grading, walls, landscaping, lighting, planting, paving, paths, trails, public necessity signs, and similar improvements, as shown on the set of plans on which final approval and building permits are based.
5. All modifications to plans as specified by conditions of approval and all final design details, such as materials, colors, windows, doors, trim dimensions, and exterior lighting shall be submitted and approved by the Planning Department,

Planning Commission, or Historic Preservation Board prior to issuance of any building permits. Any modifications to approved plans after the issuance of a building permit, must be specifically requested and approved by the Planning Department, Planning Commission and/or Historic Preservation Board in writing prior to execution.

Due to the violation, the City will not issue a Certificate of Occupancy for the building until either 1) The applicant obtains an approval of a modification of the CUP to *expand* the Site Plan to include Lot 34, or 2) the fence is removed and placed in the approved location.

The site of a conditional use permit can include more than one lot of record. There is not a requirement within the LMC for combination of lots within a Conditional Use Permit. The LMC does not require a subdivision for a fence enclosing multiple lots.

The current proposal is to keep Lot 34 vacant with landscape improvements. No subdivision is required. If the owner plans to build a structure on lot in the future, the conditional use permit will have to be modified to review any proposed changes. If the owner chooses to develop the lot separately, the CUP should be modified to no longer include Lot 34.

To approve a CUP, the Planning Commission must make findings of compliance with the CUP Standards for Review of LMC 15-1-10(D) as follows:

1. The application complies with all requirements of the LMC.
2. The use is compatible with surrounding structures in Use, Scale, Mass, and Circulation.
3. The use is consistent with the Park City General Plan, as amended.
4. The effects of any differences in Use or scale have been mitigated through careful planning.

Per LMC 15-1-10(E), 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:

1. Size and location of the Site;

No unmitigated impacts

The Washington School Inn owns the single lot located to the north of the property. By fencing the vacant lot in with the approved landscape modifications, the property size has increased by 1,875 square feet. The applicant is not proposing any improvements beyond landscaping on the vacant site. The landscape improvements comply with the Land Management Code.

2. Traffic considerations including capacity of the existing Streets in the area;

No unmitigated impacts

The proposed use of the vacant lot as landscaping will not increase the existing traffic in the area. The landscaping does not require additional parking per the requirements of the Land Management Code.

3. Utility capacity;

No unmitigated impacts

No additional utilities are necessary for the proposed use.

4. Emergency vehicle access;

No unmitigated impacts

The proposed landscaping will not interfere with existing access routes for emergency vehicles.

5. Location and amount of off-street parking;

No unmitigated impacts

The proposed landscaping will not require additional parking. The original CUP for approval of a bed and breakfast required 11 parking spaces. These parking spaces exist across the street from the Bed and Breakfast. On October 9, 1984 an easement agreement (entry #225977) granted the Washington School Inn a private easement for the 11 automobile parking spaces within the existing parking structure.

6. Internal vehicular and pedestrian circulation system;

No unmitigated impacts

The pedestrian circulation system was modified during construction. Stepping stones were introduced leading from the front porch, through lot 34, to the pool area. Also, the steps proposed from the front walkway to the concrete deck over the garage were not built. This deck is accessed through the stepping stones and soft landscaping.

7. Fencing, Screening, and Landscaping to separate the use from adjoining uses;

No unmitigated impacts

The original plan included a six (6) foot high fence around the pool area. This is required for safety. During construction, the fence was installed around the entire backyard of the property, including the vacant Lot 34 to the north. This fence is 6' square steel tubing powder coated Brown and appropriate within the historic district. The details of the fence is included as Exhibit E.

Screening of mechanical equipment is a requirement of the Land Management Code. The applicant installed a large air conditioning unit off of the front south entry patio to the hotel. The applicant built a rock wing wall and is installing custom made planters to screen the air conditioning units.

Also, the existing gas and electric utilities were visible along the south and north sides of the historic structure, respectively. The architect is proposing to shield the mechanical equipment from impacts of snowfall with custom covers. The structures include four post set 1 foot apart on the sides and introduce a metal roof to shed the

snow. They are complimentary to the historic structure and provide shielding from the sides while remaining accessible for the utility companies.

8. Building mass, bulk, and orientation, and the location of Buildings on the site; including orientation to Buildings on adjoining lots;

No unmitigated impacts

No external changes to the Building are proposed.

9. Usable open space;

No unmitigated impacts

The vacant lot was originally not included as part of the approved site plan. Lot 34 adds to the total open space of the WSI without introducing any impacts. Lot 34 is not landscaped to facilitate gathering of people. The lot could be utilized to take photos within the landscape but otherwise is not oriented towards activity. There are no benches or seating areas.

10. Signs and Lighting;

No unmitigated impacts

There are no signs or lighting proposed at this time. Any new exterior signs or lighting must be approved by the planning department prior to installation. Condition of approval #5 states "Any modifications to signs, lighting, or landscaping shall be reviewed under separate application."

11. Physical Design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing;

No unmitigated impacts

No external changes to the Building are proposed.

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

No unmitigated impacts

There are no additional impacts that might affect people and property off-site by enclosing the vacant lot. Lot 34 is not landscaped to facilitate gathering of people. The lot could be utilized to take photos within the landscape but otherwise is not oriented towards activity. There are no benches or seating areas.

13. Control of delivery and service vehicles, loading and unloading zones, and screening of trash pickup areas;

No unmitigated impacts

Delivery and service vehicles will not be impacted.

14. Expected ownership and management of the project as primary residences, condominiums, time interval ownership, nightly rental, or commercial tenancies, how the form of ownership affects taxing entities

No unmitigated impacts

Ownership of the current building business use will not change.

15. Within and adjoining the site, impacts on Environmentally Sensitive Lands, slope retention, and appropriateness of the proposed structure to the topography of the site.

No unmitigated impacts

The vacant lot is steep. By enclosing the vacant lot, no additional impacts are created.

Department Review

This project has gone through an interdepartmental review. No issues have been identified with the expansion of the fences area around the vacant lot.

Notice

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

Public Input

Neighbors met with Planner Cattan to discuss concerns that the CUP might move 25 feet closer to residential property than was approved in 2010. They also expressed concern that the proposal was in violation of LMC15-1-10(F) - Transferability (of a CUP).

LMC 15-1-10(F) states “A Conditional Use permit is transferable with the title to the underlying Property so that an Applicant may convey or assign an approved project without losing the approval. The Applicant may not transfer the permit off the Site on which the approval was granted.”

Staff is requiring the CUP to be modified to include Lot 34 within the site. This modification to the site plan is not “transferring the permit off the Site” it is modifying the site to include the vacant parcel of land.

Alternatives

1. The Planning Commission may approve the 543 Park Avenue modification of the Conditional Use Permit as conditioned or amended, or
2. The Planning Commission may reject the 543 Park Avenue modification of the Conditional Use Permit and direct staff to make Findings for this decision, or
3. The Planning Commission may continue the discussion on the 543 Park Avenue modification of the Conditional Use Permit.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The fence would have to be removed around the vacant lot and placed in the area approved within the original conditional use permit.

Future Process

Approval of the Conditional Use Permit is required for the prior to issuance of a building permit. Approval of this application by the Planning Commission constitutes Final Action that may be appealed following the procedures found in LMC 1-18.

Recommendation

Staff recommends the Planning Commission hold a public hearing for the 543 Park Avenue Conditional Use Permit and approve the application based on the findings of fact, conclusions of law, and conditions of approval.

Findings of Fact:

1. The property is located at 543 Park Avenue.
2. The zoning is Historic Residential (HR-1).
3. On November 10, 2010, the Planning Commission approved a Conditional Use Permit for a private recreation facility. In the HR-1 zone, a Conditional Use Permit is required for a private recreation facility. A private lap pool for the bed and breakfast falls under the definition of a private recreation facility within the Land Management Code (LMC). The approved CUP allowed a lap pool behind the Washington School Inn.
4. On April 24, 2012, the City received a request for a modification to the November 10, 2010 approved CUP to expand the site to include Lot 34 of Block 5 of the Park City survey.
5. Lot 34 of Block 5 of the Park City survey is located on the north-west corner of the property. It is owned by the owner of the Washington School Inn. The lot is a single lot of record, dimensioned twenty-five feet wide by seventy-five feet deep.
6. The proposed modification encloses Lot 34 with the site of the Washington School Inn within a six foot high fence.
7. A conditional use permit can include more than one lot of record.
8. Multiple lots of record may be enclosed by a fence.
9. The fence was installed in violation of the Conditional Use Permit. The fence enclosed the entire rear yard of the Washington School Inn including Lot 34 of Block 5 of the Park City survey. Lot 34 was not included in the site for the November 10, 2010 CUP approval.
10. A modification of the CUP is required to allow the fence to stay in the current location and for the owner to receive a Certificate of Occupancy from the City.
11. No structures are proposed on Lot 34. Stepping stones, vegetation, and the extension of the fence around the lot are the only improvement proposed on Lot 34.
12. If the owner plans to build a structure on lot 34 in the future, the conditional use permit will have to be modified to review the proposed change. If the owner chooses to develop the lot separately, the CUP must be modified to no longer include Lot 34.
13. The Washington School Inn is a landmark structure listed on the Park City Historic Sites Inventory and the National Register for Historic Places (listed 1978). The stone building was built in 1889. According the Park City Historic

Sites Inventory, when the site was nominated to the National Register in 1978, the building was vacant and in disrepair.

14. On September 21, 1983, the Historic District Commission granted a conditional use permit for the site to be rehabilitated and adaptively reused as a bed and breakfast. The site continues the use as a bed and breakfast.
15. On March 22, 1984, Park City Municipal Corporation entered a non-exclusive easement agreement for the parking access and use of the staircase located as the north 21.5 feet of Lot 11 and all of Lot 36, Block 9 of the amended plat of Park City Survey.
16. On October 9, 1984 an easement agreement (entry #225977) granted the Washington School Inn a private easement for the 11 automobile parking spaces.
17. On June 7, 2001, the City Council approved a plat amendment to combine seven old town lots into one lot of record.
18. Parking requirements for the site are not affected by this application.
19. The exterior of the existing historic Landmark Structure will not be modified.
20. Passive use of the Washington School Inn garden and grounds by patrons of the Inn are a permitted use in the HR1 zone and consistent with the 1983 conditional use permit approval.
21. Organized events for the Washington School Inn patrons and/or the general public including parties, weddings, or other public assemblies, are not permitted in the HR1 zone and are outside the scope of the 1983 conditional use permit.

Conclusions of Law:

1. There is good cause for this Conditional Use Permit.
2. The Conditional Use Permit is consistent with the Park City Land Management Code and applicable State Law.
3. Neither the public nor any person will be materially injured by the proposed Conditional Use Permit.
4. Approval of the Conditional Use Permit 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 conditions of approval within the November 10, 2010 Conditional Use Permit continue to apply.
2. If the owner plans to build a structure on lot 34 in the future, the conditional use permit must be modified to review the proposed change. If the owner chooses to develop the lot separately, the CUP must be modified to no longer include Lot 34.
3. This approval is for a private recreation facility. Any additional uses, including public assemblies, must be reviewed independently and are outside the scope of the 1983 bed and breakfast conditional use permit and the present private recreation facility conditional use permit.
4. Any modifications to signs, lighting, or landscaping shall be reviewed under the appropriate application.

Exhibits

Exhibit A – Modified Site Plan

Exhibit B – November 10, 2010 Staff Report and Action letter

Exhibit C – Approved Site Plan

Exhibit D – November 10, 2010 minuet

Exhibit E – Fence detail

Exhibit A:
Modification
WASHINGTON SCHOOL HOUSE
543 PARK AVE. PARK CITY, UTAH

Reason for Request for Extension or Modification of Approval of
C.U.P.

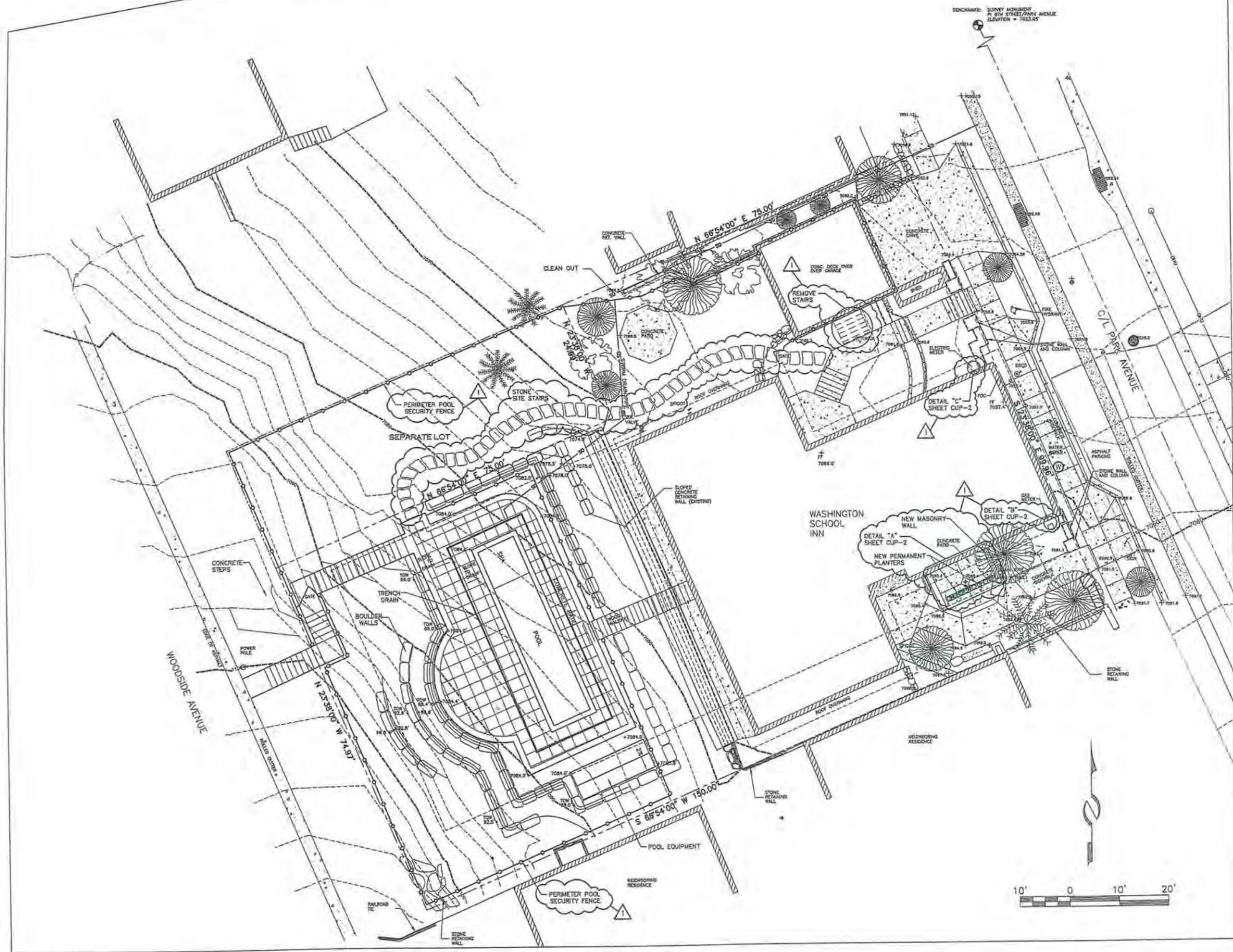
April 5, 2012

1. The Existing CUP would be amended to allow use of the adjacent vacant residential lot for WSH access and landscape improvements ONLY.
 - a. The existing site stone steps and fencing would remain as currently installed and extended to lower portion of property.
 - b. With exception of the retaining walls, there would be no structures of any kind, built on the residential lot.
 - c. Modify 6 ft. high fence, to meet all pool enclosure regulations, to incorporate residential lot and add security gate at lower portion of property.
 - d. There would **not** be a fence and gate separating the pool area and residential lot, nor any signage or locked gates preventing access to the stone steps.
 - e. The single residential lot would remain a separate legal lot. The Owners would retain the future right(s) to develop as a single family residence, at which time the modification of the CUP would cease; allowed use of WSH would be removed or easements obtained; and all appropriate separation fencing, barriers, and etc to reinforce the separate uses would be installed. The fence between the WSH property and the vacant residential lot to be modified to meet City regulations of the prevailing code, to restore the 2 but separate uses.
2. Existing stair from front walk way up to garage roof deck to removed. To meet all pool enclosure regulations, where stair is removed, the opening at Garage roof deck to be in-filled with metal railing/fencing to match existing.

3. At existing exterior Gas and Electric Meters, provide small roof structure to protect from snow fall, as required by the utility companies that provide both gas and electrical service to property.
4. At South elevation of original school house building, at low exterior mechanical equipment required to service the building, provide permanent screen element(s) to conceal equipment from street/public view.

END

Modified Site Plan Modifications in Clouded Area.



Bennett+assoc.
Architects
7755 Park Avenue Suite C
Salt Lake City, UT 84120
Tel: 801-487-1111
Fax: 801-487-1111
P. H. BENNETT, M. Architect

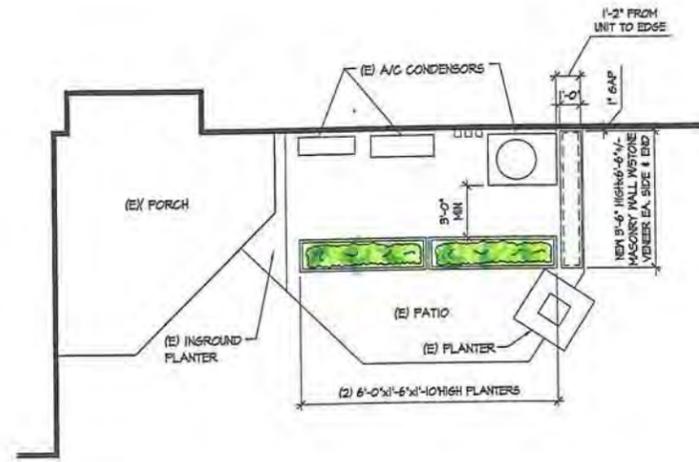


**WASHINGTON SCHOOL HOUSE
543 PARK AVENUE
PARK CITY, UTAH 84060**

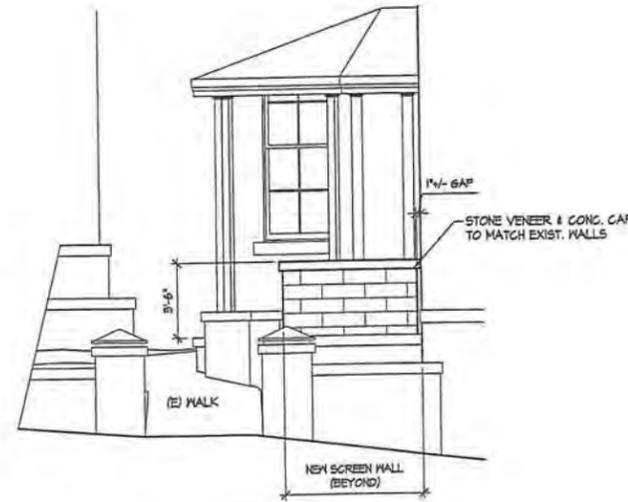
ISSUE DATES
04-25-2012
REVISION DATES

DRAWN BY
PLOT SCALE
AS NOTED
SHEET NUMBER
CUP-1

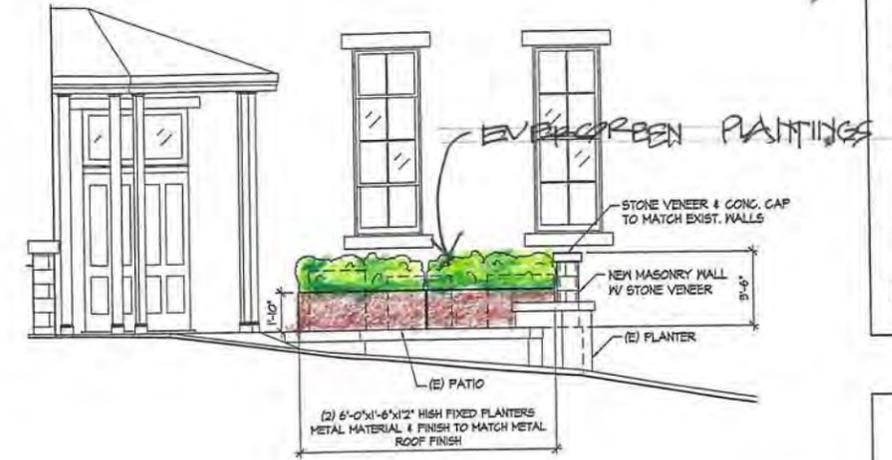
Modified Screening



SCREEN WALL PLAN
1/4" = 1'-0"

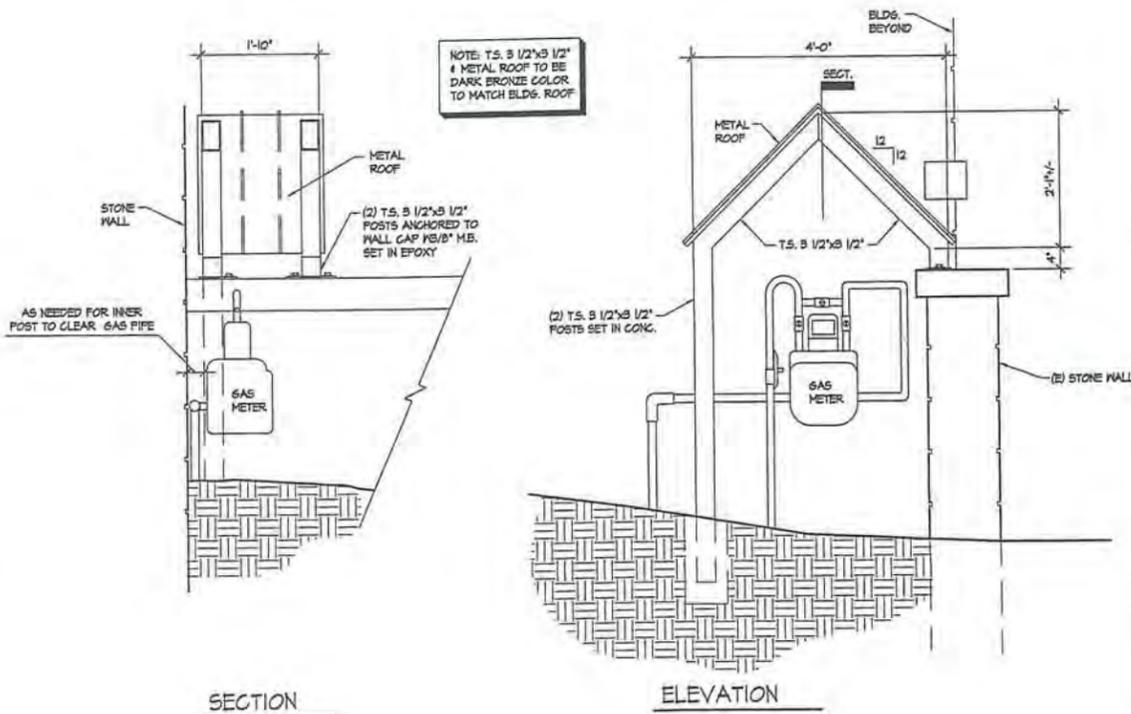


SCREEN WALL (E) ELEVATION
1/4" = 1'-0"



SCREEN WALL (S) ELEVATION
1/4" = 1'-0"

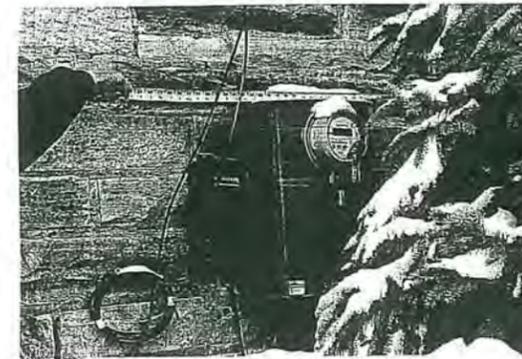
A SCREEN WALL



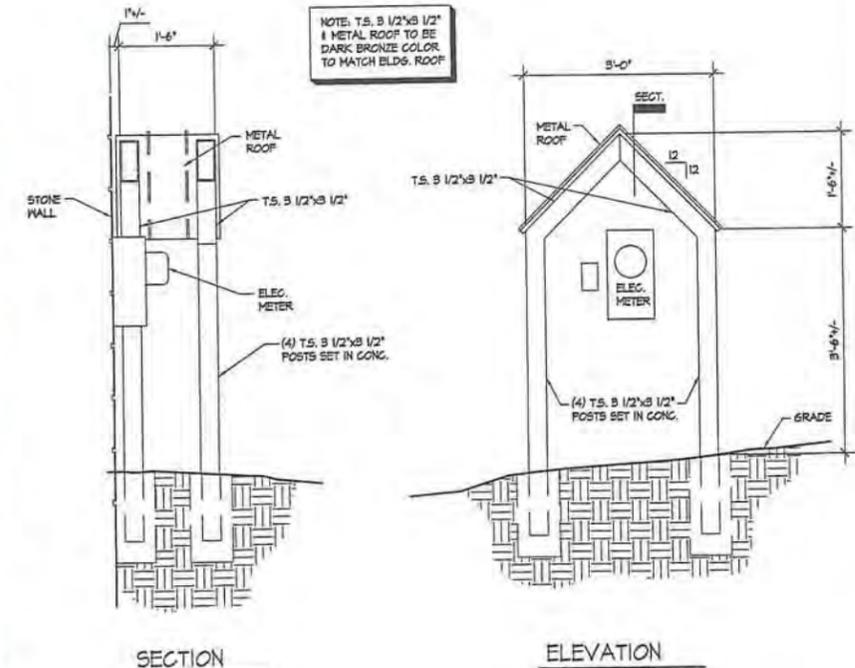
B GAS METER COVER
3/4" = 1'-0"



EXISTING GAS METER



EXISTING ELECTRICAL METER



C ELEC. METER COVER
3/4" = 1'-0"

Bennett+ASSOC.
Architects
7255 Roy Avenue Suite C
La Jolla, CA 92037
Tel: 858-481-8833
Fax: 858-481-1154
P. H. BENNETT, II, Architect

WASHINGTON SCHOOL HOUSE
543 PARK AVENUE
PARK CITY, UTAH 84060

ISSUE DATES
04-05-2012
REVISION DATES

DRAWN BY
PLOT SCALE AS NOTED
SHEET NUMBER
CUP-2
SHEET OF

Planning Commission Staff Report



Subject: Washington School Inn at 543 Park Avenue
Author: Kayla Sintz
Date: November 10, 2010
Type of Item: Administrative – Conditional Use Permit

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing and consider approving the Conditional Use Permit based on the findings of fact, conclusions of law, and conditions of approval.

Topic

Applicant: Washington School House, LLC / PCE
Representative: Steve Schueler (Alliance Engineering) & Michael Elliott (Project Manager)
Architect: F.H. Bennett III, (Bennett and Associates architect)
Location: 543 Park Avenue
Zoning: HR-1 Historic Residential
Adjacent Land Uses: Single Family and Multi Family and vacant lot to the north
Reason for Review: Conditional Use Permits must be approved by the Planning Commission

Background

On September 9, 2010, the City received a completed application for a Conditional Use Permit (CUP) for a private recreation facility. The property is located at 543 Park Avenue in the Historic Residential (HR-1) zoning district and is home of the historic Washington School Inn, a bed and breakfast. In this zone a Conditional Use Permit is required for a 'private recreation facility'. The applicant is requesting approval of a 10 foot by 40 foot lap pool (which includes an attached hot tub/spa) at the Washington School Inn. A private lap pool for the bed and breakfast guests falls under the definition of a private recreation facility within the Land Management Code (LMC). Approval of a CUP would allow a lap pool behind the Washington School Inn.

The Washington School Inn is a landmark structure listed on the Park City Historic Sites Inventory and the National Register for Historic Places (listed 1978), and has a recorded Façade Easement with the State of Utah. The stone building was built in 1889. According the Park City Historic Sites Inventory, when the site was nominated to the National Register in 1978, the building was vacant and in disrepair. On September 21, 1983, the Historic District Commission granted a conditional use permit for the site to be

rehabilitated and adaptively reused as a bed and breakfast. The site continues to be used as a bed and breakfast.

During the 1983 approval of the CUP for a bed and breakfast, two conditions of approval were placed on the permit. They were:

1. That an agreement acceptable to the City Attorney that commits the developer to provide 11 parking stalls for the Washington School be recorded.
2. That if the land to the north of the Sun Classics building is under City ownership, that the developer reach an acceptable agreement with the City for the use of the land for stairways and parking access. The agreement should protect the possibility of closing the driveway to Main Street if necessary.

Both conditions were satisfied in 1984. On March 22, 1984, Park City Municipal Corporation entered a non-exclusive easement agreement for the parking access and use of the staircase located as the north 21.5 feet of Lot 11 and all of Lot 36, Block 9 of the amended plat of Park City Survey. Also, on October 9, 1984 an easement agreement (entry #225977) granted the Washington School Inn a private easement for the 11 automobile parking spaces.

On June 7, 2001, the City Council approved a plat amendment to combine seven old town lots into one lot of record for the historic building. Following the plat amendment, the owners submitted a Historic District Design Review (HDDR) application for the renovation of the existing, non-historic detached two car garage located adjacent (to the north of) the Washington School Inn. During the application review, the Community Development Director made a finding that the Washington School Inn's two car garage was an allowed use as an Accessory Building due to 1983 CUP approval. This determination was appealed by neighboring resident, John Plunkett. The Planning Commission reviewed the appeal on December 21, 2001 and affirmed the Community Development Directors application of the LMC.

Within the December 21, 2001 appeal, discussion on large assemblies was raised. During the Planning Commission appeal an additional finding of fact was added to prevent large assemblies of people at the Washington School Inn. The additional finding of fact is "Passive use of the Washington School Inn garden and grounds by patrons of the Inn are a permitted use in the HR1 zone and consistent with the 1983 conditional use permit approval. Organized events for the Washington School Inn patrons and/or the general public including parties, weddings, or other public assemblies, are not permitted in the HR1 zone and are outside the scope of the 1983 conditional use permit." Staff has added this finding of fact to the current CUP application. Staff has also added a condition of approval (#3) that states "This approval is for a private recreation facility. Any additional uses, including public assemblies, must be reviewed independently and are outside the scope of the 1983 bed and breakfast conditional use permit and the 2010 private recreation facility conditional use permit."

Analysis

The site is within the HR-1 zoning district, which allows private recreation facilities as a conditional use reviewed by the Planning Commission. The applicant is requesting approval of a year-round heated lap pool with connected hot tub/spa behind the Washington School Inn. A private recreation facility is defined by the LMC 15-15-1.203(B) as "Recreation facilities operated on private Property and not open to the general public. Including Recreation Facilities typically associated with a homeowner or Condominium association, such as pools, tennis courts, playgrounds, spas, picnic Areas, similar facilities for the Use by Owners and guests."

Setbacks are based on the lot size. The front yard setback is 15 feet. The side yard setbacks are a 5 foot minimum for a total of 18 feet. The applicant has identified one 5 foot setback and one 13 foot setback, which complies.

The passive lap pool is proposed to be located behind (to the west of) the Washington School Inn. The pool is approximately ten feet wide by forty feet long and includes a connected hot tub/spa. Included in the plans are a new patio area with shade structure and fireplace, rock retaining walls and landscaping, pathways, and mechanical pad enclosure for pool equipment. A wood walkway will lead up to the patio from the Inn. The proposed pool will be heated and used year-round. Various rock retaining walls are proposed within the project area. New concrete steps will lead from the patio up to Woodside Avenue. An Encroachment Agreement must be obtained for the steps proposed in the City right-of-way (Condition of Approval #12). The Washington School Inn owners also have ownership of the single vacant lot located to the north of the property off of Woodside Avenue. This lot is under a separate entity and is not part of the Washington School Inn plat. A new boulder retained walkway is proposed through the vacant lot connecting to the Washington School Inn property.

The property is currently over the allowed footprint for the lot configuration with the existing historic structure and accessory building located to the north. No additional enclosed building could be placed on this site.

Proposed interior modifications and exterior historic building renovations are not part of this application and would not trigger review by the Planning Commission. A Historic District Design Review would be required for any exterior building modifications which would be handled at a staff review level.

To approve a CUP, the Planning Commission must make findings of compliance with the CUP Standards for Review of LMC 15-1-10(D) as follows:

1. The application complies with all requirements of the LMC
2. The use is compatible with surrounding structures in Use, Scale, Mass, and Circulation.
3. The use is consistent with the Park City General Plan, as amended.

4. The effects of any differences in Use or scale have been mitigated through careful planning.

Per LMC 15-1-10(E), 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:

1. Size and location of the Site;

No unmitigated impacts

The lap pool and connected hot tub/spa is to be located behind the Washington School Inn. It is proposed to be ten feet wide by forty feet long. Included in the plans are a new patio area with non-enclosed shade structure, mechanical equipment slab/ fenced-in area, rock retaining walls, pathways, and landscaping. A wood walkway will lead up to the patio from the Inn. Rock retaining walls are proposed within the area with heights up to six feet. New concrete steps will lead from the patio up to Woodside Avenue. A new boulder retained walkway is proposed through the vacant lot. The proposed pool will be heated and used year round. All proposed improvements comply with the Land Management Code in terms of size and location on the Site.

2. Traffic considerations including capacity of the existing Streets in the area;

No unmitigated impacts

The proposed use is not expected to increase the existing traffic in the area. The proposed lap pool does not require additional parking per the requirements of the Land Management Code. Adherence to previously approved associated parking with the original Bed & Breakfast conditional use permit will be followed. Guests and employees will not be allowed to park on Woodside Avenue. Deliveries and servicing of the pool and rear yard area will occur off of Park Avenue per existing servicing of the Inn.

3. Utility capacity;

No unmitigated impacts

Additional utility usage will occur with the addition of the heated year-round pool/spa and landscape patio enhancements. The applicant is proposing solar collectors on top of the shade structure roof for partial utility offsets.

4. Emergency vehicle access;

No unmitigated impacts

The proposed lap pool will not interfere with existing access routes for emergency vehicles. The most direct emergency access to the pool would be from Woodside Avenue.

5. Location and amount of off-street parking;

No unmitigated impacts

The proposed lap pool will not require additional parking. See also Criteria #2 above. The original CUP for approval of a bed and breakfast required 11 parking spaces. These parking spaces exist across the street from the Bed and Breakfast. On October 9, 1984 an easement agreement (entry #225977) granted the Washington School Inn a

private easement for the 11 automobile parking spaces within the existing parking structure.

6. Internal vehicular and pedestrian circulation system;

No unmitigated impacts

Minor modifications to the pedestrian circulation are proposed. New concrete stairs are proposed leading down from Woodside Avenue to the back yard of the Washington School Inn. This is for private use of the guests staying at the Bed and Breakfast and provides pedestrian access to public ski access via stairs from Woodside Avenue. As the proposed stairs are in the City right-of-way, an Encroachment Agreement with the City must be in place prior to building permit issuance (Condition of Approval #12).

7. Fencing, Screening, and Landscaping to separate the use from adjoining uses;

No unmitigated impacts

The applicant is proposing terraced bolder rock walls to retain the steep slope in the back yard. Extensive landscaping (consisting of trees and shrubs) is proposed which will screen the pool, shade structure and mechanical pad from adjacent uses. Metal fencing is proposed around the entire rear pool area and is a requirement for safety in the use of the pool. Wood fencing and/or rock walls are proposed around the mechanical pad. (See additional discussion on Criteria 15.)

8. Building mass, bulk, and orientation, and the location of Buildings on the site; including orientation to Buildings on adjoining lots;

No unmitigated impacts

No external changes to the main Building are proposed. The proposed shade structure meets accessory structure setbacks and has been designed to be bunkered in to the adjacent hill side with the stepping of retaining walls.

9. Usable open space;

No unmitigated impacts

Not applicable.

10. Signs and Lighting;

No unmitigated impacts

Building signage modifications have not been proposed. All exterior signs must be approved by the planning department prior to installation. Condition of approval #5 has been added to address signage modifications. Lighting of the pool, pool deck and shade structure have been proposed. Lighting of the pool and pool decking will be specifically required by the Summit County Health Department. The applicant has provided cut sheets for proposed fixtures, fixture heights, and fixture layout. Landscaping has been proposed to mitigate the effects of lighting requirements and shielded fixtures have been selected to mitigate unwanted light in other areas. Extra lighting of the proposed pool area outside of the requirements of the Health Department will be restricted to hours of pool operation, 7 am to 10 pm. Condition of Approval #8 has been added to address lighting.

11. Physical Design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing;

Discussion requested

No external changes to the Building are proposed as part of this CUP. Staff met onsite with the architect and project representatives to discuss the proposed retaining walls and site layout. Retaining walls have been stepped in the steepest areas of the site to avoid large retaining walls. Concern has been given to the proposed boulder retaining walls and adjacent properties. Retaining wall stone sizes will be reviewed as part of the Historic District Design Review application, a requirement outlined in Condition of Approval #7. Retaining wall heights are regulated to a maximum of six feet within the side and front yards. (See additional discussion on Criteria 15).

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

Discussion Requested

Currently, there is a hot tub located inside the Washington School Inn (basement level) which will be removed along with other interior renovations. The new hot tub/spa will be connected to the lap pool. Mechanical equipment for the pool and spa will be located on an exterior mechanical pad to the south of the pool. The mechanical pad is proposed to be screened by fencing and/or stone walls. Landscape screening is also indicated. The noise level emitted by the equipment is mandated by the Park City Municipal Code, Chapter 6-3-9 (Condition of Approval #10). The location of the mechanical pad and pool designed lower on the site will be blocked by the site slope massing to the west and the Inn itself to the east. In order to mitigate noise by users of the pool after hours, Staff recommends condition of approval #2 that states "The outdoor pool and spa shall only be used from 7 am to 10 pm. A sign must be posted by the pool area stating the operating hours of the pool."

As stated previously, during the December 21, 2001 appeal, discussion on large assemblies was raised. During the Planning Commission appeal an additional finding of fact was added for the clarification of preventing large assemblies of people in relation to the original Bed & Breakfast CUP. The additional finding of fact is "Passive use of the Washington School Inn garden and grounds by patrons of the Inn are a permitted use in the HR1 zone and consistent with the 1983 conditional use permit approval. Organized events for the Washington School Inn patrons and/or the general public including parties, weddings, or other public assemblies, are not permitted in the HR1 zone and are outside the scope of the 1983 conditional use permit." Staff has added this finding of fact to the current CUP application. Staff has also added a condition of approval #3 that states "This approval is for a private recreation facility. Any additional uses, including public assemblies are outside the scope of the 1983 bed and breakfast conditional use permit and the 2010 private recreation facility conditional use permit."

13. Control of delivery and service vehicles, loading and unloading zones, and screening of trash pickup areas;

No unmitigated impacts

Delivery and service vehicles will continue to operate for the Washington School Inn from Park Avenue. Condition of Approval #9 has been added to address concerns of vehicles and deliveries from Woodside Avenue.

14. Expected ownership and management of the project as primary residences, condominiums, time interval ownership, nightly rental, or commercial tenancies, how the form of ownership affects taxing entities

No unmitigated impacts

Ownership of the current building business use will not change. The use is limited to owners and guests of the property.

15. Within and adjoining the site, impacts on Environmentally Sensitive Lands, slope retention, and appropriateness of the proposed structure to the topography of the site.

No unmitigated impacts

The use is proposed on a steep slope but does not trigger Steep Slope CUP review as defined in LMC 15-2.2-6 due to improvements being under 1,000 sq. ft. The pool and improvements are proposed towards the flattest portions of the lot for easiest access from the existing Inn rear entry. An approximate ten foot (10') natural grade change occurs across the portion of the lot planned for the pool and patio. Retaining will be necessary to create a level area for the pool and decking. Stepped retaining walls have been proposed to the west of the shade structure to mitigate a single vertical retaining wall. Stepped retaining also gives the opportunity for planting beds, which are proposed.

Section 15-4-2 allows fences and retaining walls to be six feet (6') in the side and rear yard setbacks and four foot (4') high in the front yard setback (as measured from final grade). Exception (1) allows fences and retaining walls in the front yard to increase from 4 feet to 6 feet, subject to approval by the Planning Director and City Engineer (added as Finding of Fact #10). Additionally, the exception allows an increase over 6 feet as part of an Administrative CUP or CUP. Staff would be in agreement on a maximum of 6 feet in the front yard (along Woodside Avenue). Condition of approval #11 has been added to address fences and retaining walls.

Department Review

This project has gone through an interdepartmental review. Issues pertaining to the proposed private recreational facility were discussed and have been highlighted as discussion items within the CUP. Staff has suggested conditions of approval to mitigated issues.

Notice

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

Public Input

Staff met with an adjacent property owner(s) to discuss the application. Public input is provided for your review. Adjacent owners have concerns regarding usage noise,

mechanical noise and light fixture pollution generated from the pool, as well as, user access off of Woodside Avenue. These concerns are discussed within the report.

Alternatives

1. The Planning Commission may approve the 543 Park Avenue Conditional Use Permit as conditioned or amended, or
2. The Planning Commission may deny the 543 Park Avenue Conditional Use Permit and direct staff to make Findings for this decision, or
3. The Planning Commission may continue the discussion on the 543 Park Avenue Conditional Use Permit to December 8, 2010

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The lap pool would not be built. A patio could be built in the proposed location without a conditional use permit provided the uses are consistent with the approved bed and breakfast CUP.

Future Process

Approval of the Conditional Use Permit is required for the prior to issuance of a building permit. Approval of this application by the Planning Commission constitutes Final Action that may be appealed following the procedures found in LMC 1-18. The applicant must also submit a Historic District Design Review application for compliance with the Historic District Design Guidelines.

Recommendation

Staff recommends the Planning Commission hold a public hearing for the 543 Park Avenue Conditional Use Permit and approve the application based on the following findings of fact, conclusions of law, and conditions of approval:

Findings of Fact:

1. The property is located at 543 Park Avenue.
2. The zoning is Historic Residential (HR-1).
3. The proposed Conditional Use Permit is for a private recreation facility (lap pool).
4. The Washington School Inn is a landmark structure listed on the Park City Historic Sites Inventory and the National Register for Historic Places (listed 1978). The stone building was built in 1889. According the Park City Historic Sites Inventory, when the site was nominated to the National Register in 1978, the building was vacant and in disrepair.
5. On September 21, 1983, the Historic District Commission granted a conditional use permit for the site to rehabilitated and adaptively reused as a bed and breakfast. The site continues to be used as a bed and breakfast.
6. On March 22, 1984, Park City Municipal Corporation entered a non-exclusive easement agreement for the parking access and use of the staircase located as

the north 21.5 feet of Lot 11 and all of Lot 36, Block 9 of the amended plat of Park City Survey.

7. On October 9, 1984 an easement agreement (entry #225977) granted the Washington School Inn a private easement for the 11 automobile parking spaces.
8. On June 7, 2001, the City Council approved a plat amendment to combine seven old town lots into one lot of record on the site where the Inn is located.
9. The dimensions of the proposed lap pool are ten feet wide by forty feet long.
10. Retaining walls are necessary due to the steepness of the existing grade in the rear yard. The proposed retaining walls exceed six feet in height in some locations within the building pad area. Six foot high retaining walls and fences within the side yard setbacks and four foot high retaining walls and fences within the front setbacks are permitted by the code. 15-4-2 (1) allows an increase to six foot high retaining walls and fences in the front yard setback.
11. Additional parking requirements for the site are not affected by this application. Parking by guests or employees shall only occur in designated parking associated with the original Conditional Use Permit for the bed & breakfast.
12. The lap pool is for the use of the Washington School Inn guests. No additional traffic will be produced by the addition of a lap pool on the property.
13. The heated lap pool will not be enclosed. No enclosed structures are included within this application. The pool will be fenced.
14. The application includes an open shade structure and landscape improvements. Approval for compliance with the historic district design guidelines is required prior to issuance of a building permit.
15. Passive use of the Washington School Inn garden and grounds by patrons of the Inn are a permitted use in the HR1 zone and consistent with the 1983 conditional use permit approval. Organized events for the Washington School Inn patrons and/or the general public including parties, weddings, or other public assemblies, are not permitted in the HR1 zone and are outside the scope of the 1983 condition use permit.
16. The Washington School Inn is identified as a Landmark Structure on the Historic Sites Inventory with a recorded Façade Easement with the State of Utah.

Conclusions of Law:

1. There is good cause for this Conditional Use Permit.
2. The Conditional Use Permit is consistent with the Park City Land Management Code and applicable State Law.
3. Neither the public nor any person will be materially injured by the proposed Conditional Use Permit.
4. Approval of the Conditional Use Permit 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. New retaining walls and fences proposed within the private recreation facility conditional use permit may not exceed six feet (6') in height.

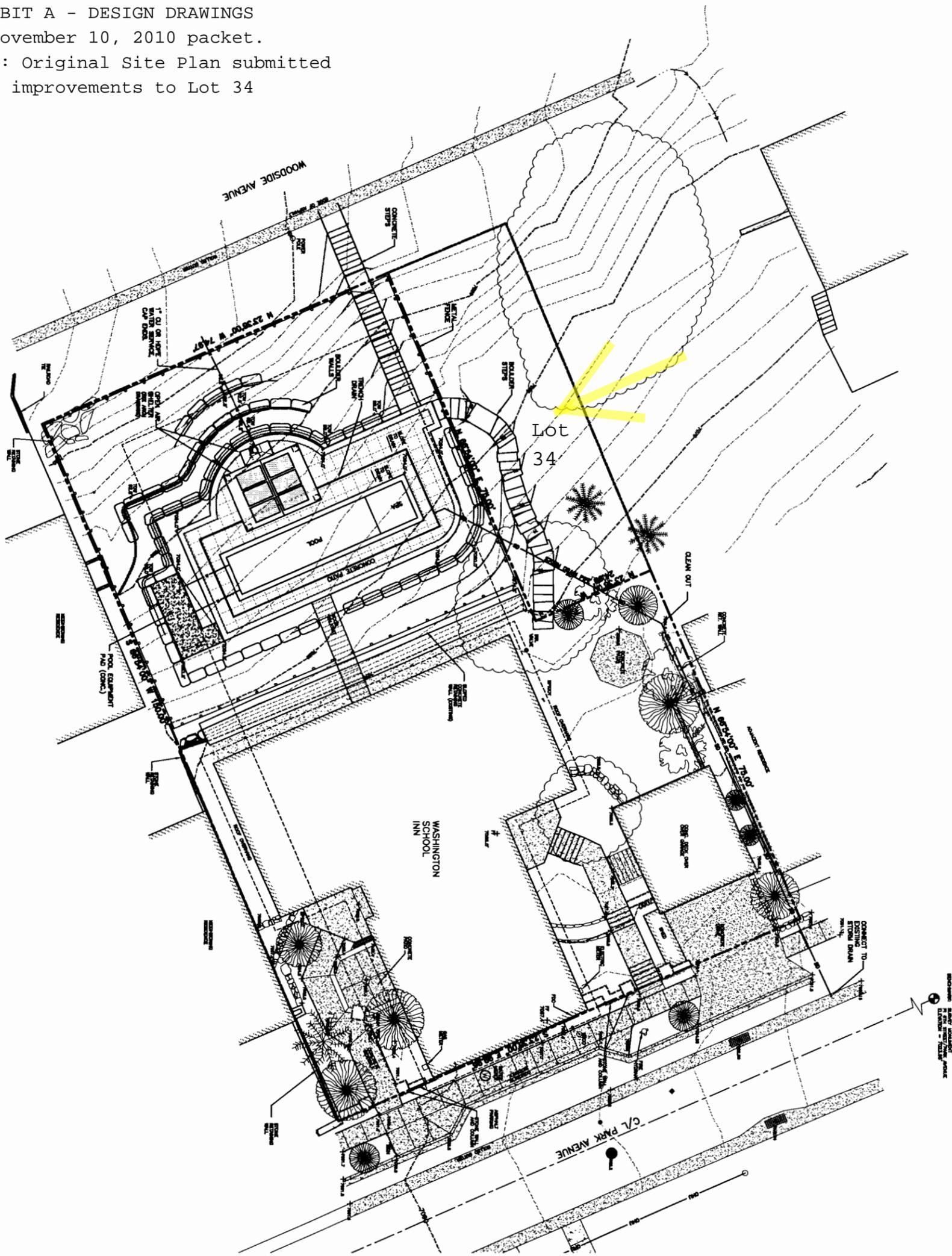
2. The outdoor pool and spa shall be restricted to use between the hours of 7 am to 10 pm. A sign must be posted by the pool area stating the operating hours of the pool.
3. This approval is for a private recreation facility. Any additional uses, including public assemblies, must be reviewed independently and are outside the scope of the 1983 bed and breakfast conditional use permit and the present private recreation facility conditional use permit.
4. No guest or employee parking shall occur on Woodside Avenue or Park Avenue. Guest and employee parking shall adhere to the 1983 Bed & Breakfast conditional use permit approval.
5. The applicant will apply for a building permit from the City within one year from the date of Planning Commission approval. If a building permit has not been granted within one year's time, this Conditional Use Permit will be void.
6. Any modifications to signs shall be reviewed under separate application.
7. An approved Historic District Design review is required prior to building permit issuance.
8. Lighting of the proposed pool area outside of the requirements of the Health Department will be restricted to hours of pool operation, 7 am to 10 pm.
9. Delivery and service vehicles to the Washington School Inn and related pool area will occur off of Park Avenue. Woodside Avenue shall not be used for delivery or maintenance vehicles.
10. Noise Levels will comply with 6-3-9 of the Park City Municipal Code.
11. Retaining walls and fences up to six feet (6') in height will be allowed in the front yard setback and side yard setbacks.
12. Improvements in the City right-of-way will require an Encroachment Agreement with the City prior to building permit issuance.

Exhibits

Exhibit A - Proposed Plans

Exhibit B – Public Input with attachment

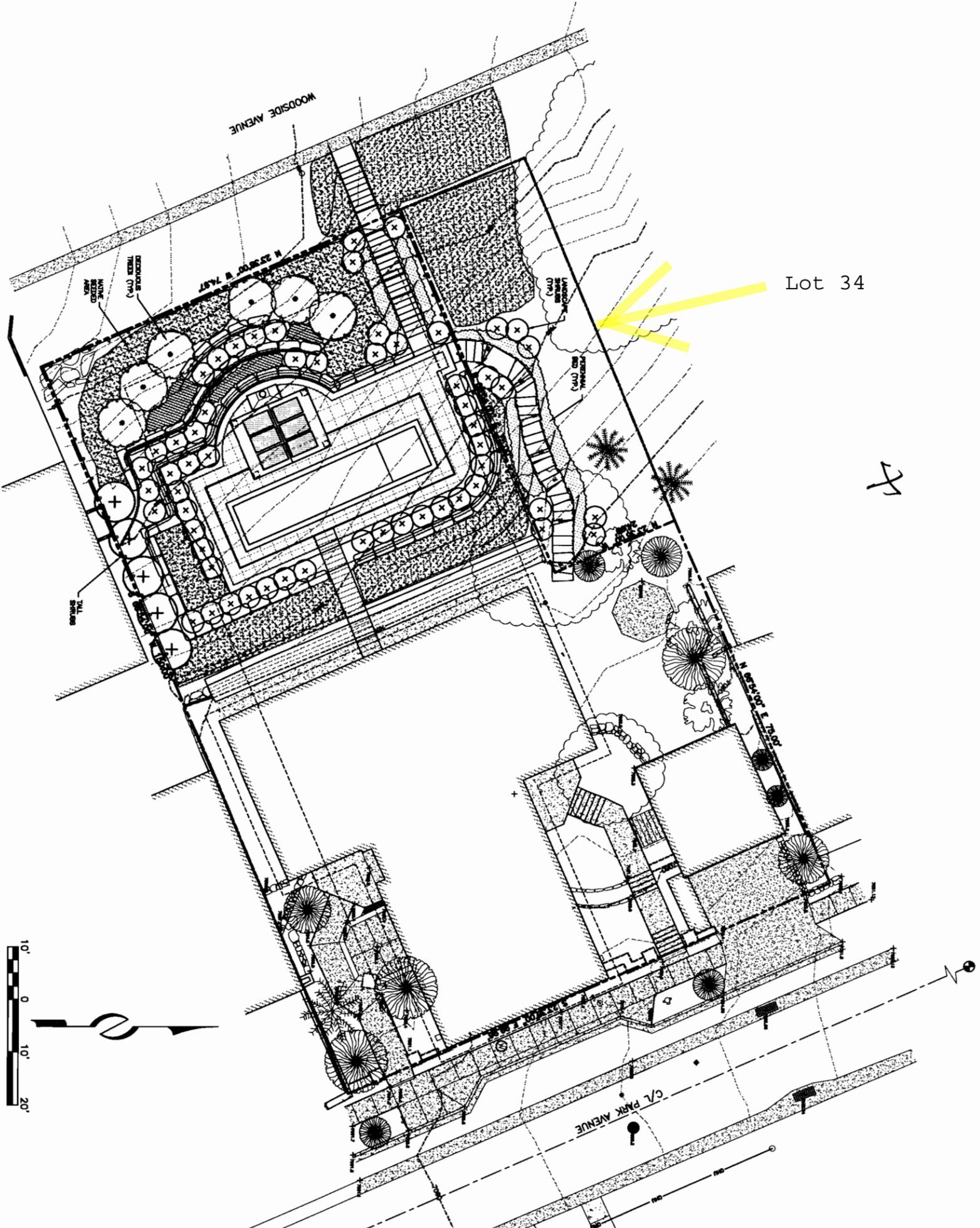
EXHIBIT A - DESIGN DRAWINGS
of November 10, 2010 packet.
Note: Original Site Plan submitted
with improvements to Lot 34



SEP 09 2010



<p>(408) 548-4447 CONSULTING ENGINEERS, L.L.C. 222 Main Street, P.O. Box 2000, A Beverly Hills, CA 90208-2000</p>	<p>STAFF: JOHN DEMKOWICZ STEVE SCHUELER</p>
	<p>DATE: 9/8/10</p>
<p>FOR: JOB NO. 17-4-10 FILE: X:\Punch\Server\Draw\10\0110 SITE AND GRADING PLAN.dwg</p>	
<p>GRADING AND UTILITY PLAN 543 PARK AVENUE WASHINGTON SCHOOL INN</p>	
<p>SHEET 1 of 4</p>	



RECOMMENDED PLANT MATERIALS

QTY.	SYMBOL	BOTANICAL NAME	
EMERGENCY TREES			
EMC		Fraxus americana	18 ft. BAB
SAB		Alnus incana	18 ft. BAB
PERENNIAL TREES			
AGL		Acer glabrum	20 gal.
CHD		Prunus virginiana	10 gal. container, Tree-form
ASP*		Populus tremuloides	3" cal. BAB
ASP*		Populus tremuloides	2" cal. BAB
ASP*		Populus tremuloides	1.5" cal. BAB
SHRUBS			
OQ		Potentilla fruticosa 'Veitchii Dwarf'	5 GAL.
LP		Prunus nigra 'magnifica parviflora'	14"-18" BAB
DO		Cornus alba 'Rubra'	5 GAL.
AI		Amelanchier canadensis 'Brookwood'	5 GAL.
SU		Ribes tibeticum	5 GAL.
SN		Symphoricarpos alba	5 GAL.
PERENNIALS & GROUNDCOVER			
CL		Aquilegia canadensis	1 Gal. 18" cal.
AS		Asarum canadense	1 Gal. 14" cal.
CF		Echinacea purpurea	1 Gal. 18" cal.
GR		Lithospermum erythrorhizon	4" Pots 12" cal.
RS		Rudbeckia hirta 'Goldstrum'	1 Gal. 18" cal.
SE		Sedum rubrum 'Blue Spruce'	1 Gal. 14" cal.
PC		Psychotria caribaea	1 Gal. 18" cal.
MAINT. GRASS SEED MIX			
		Hard Fescue	50%
		Sheep Fescue	25%
		Creeping Fescue	20%
		Rocky Mountain Penstemon	10%
		Blue Fescue	5%
		White Yarrow	5%

Seed mix shall be applied at a rate of 70 lbs. P.L.S. (Pure live seed) per acre. Contact Genesis Seed 1687 W. 2100 S. LAK, UT 84043-8551 (801) 788-4422 www.geniusseed.com

SEP 09 2010

Worce
CONSULTING ENGINEERS, LANDSCAPE ARCHITECTS, SURVEYORS
222 East Street, P.O. Box 8888, Provo, Utah 84602-8888
(435) 846-8487

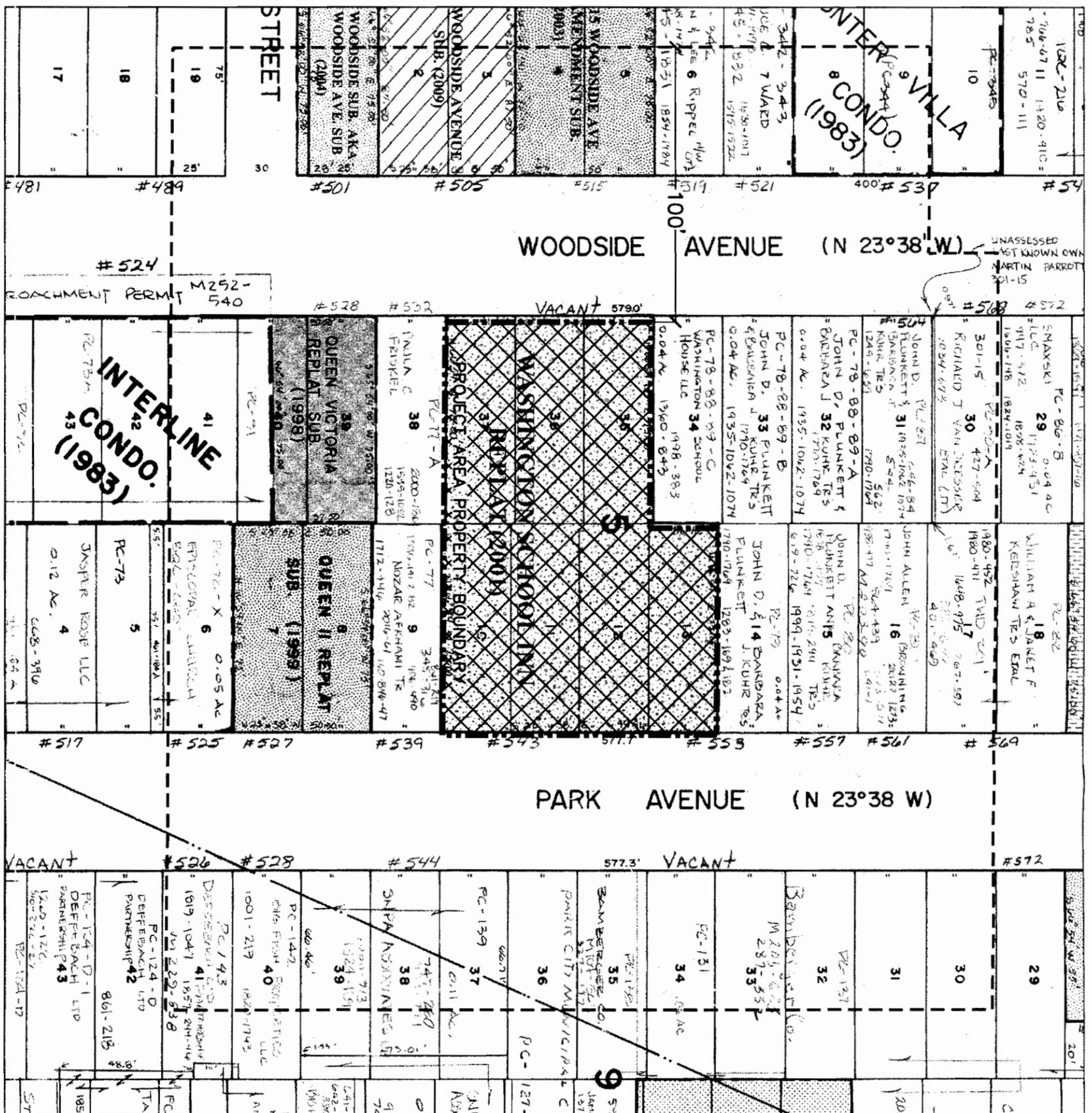
STAFF:
MARSHALL KING
STEVE SCHUELER

DATE: 9/9/10

FOR:
JOB NO.: 17-4-10
FILE: X:\Venchy\Survey\dwg\..._Rfp02010\070410.dwg

LANDSCAPE PLAN
543 PARK AVENUE
WASHINGTON SCHOOL INN

SHEET
2
OF
4



NOTES:
 ALL PROPERTIES WITHIN 100 FEET OF THE PROJECT AREA CONSIST OF OVERNIGHT ACCOMMODATIONS AND RESIDENTIAL USES.



SEP 09 2010

Worce
 CONSULTING ENGINEERS, L.L.C.
 222 1/2 N. 1st St., Ste. 200
 Fargo, ND 58102-2000
 (701) 546-4447
 FAX: (701) 546-4448
 www.worce-engineers.com

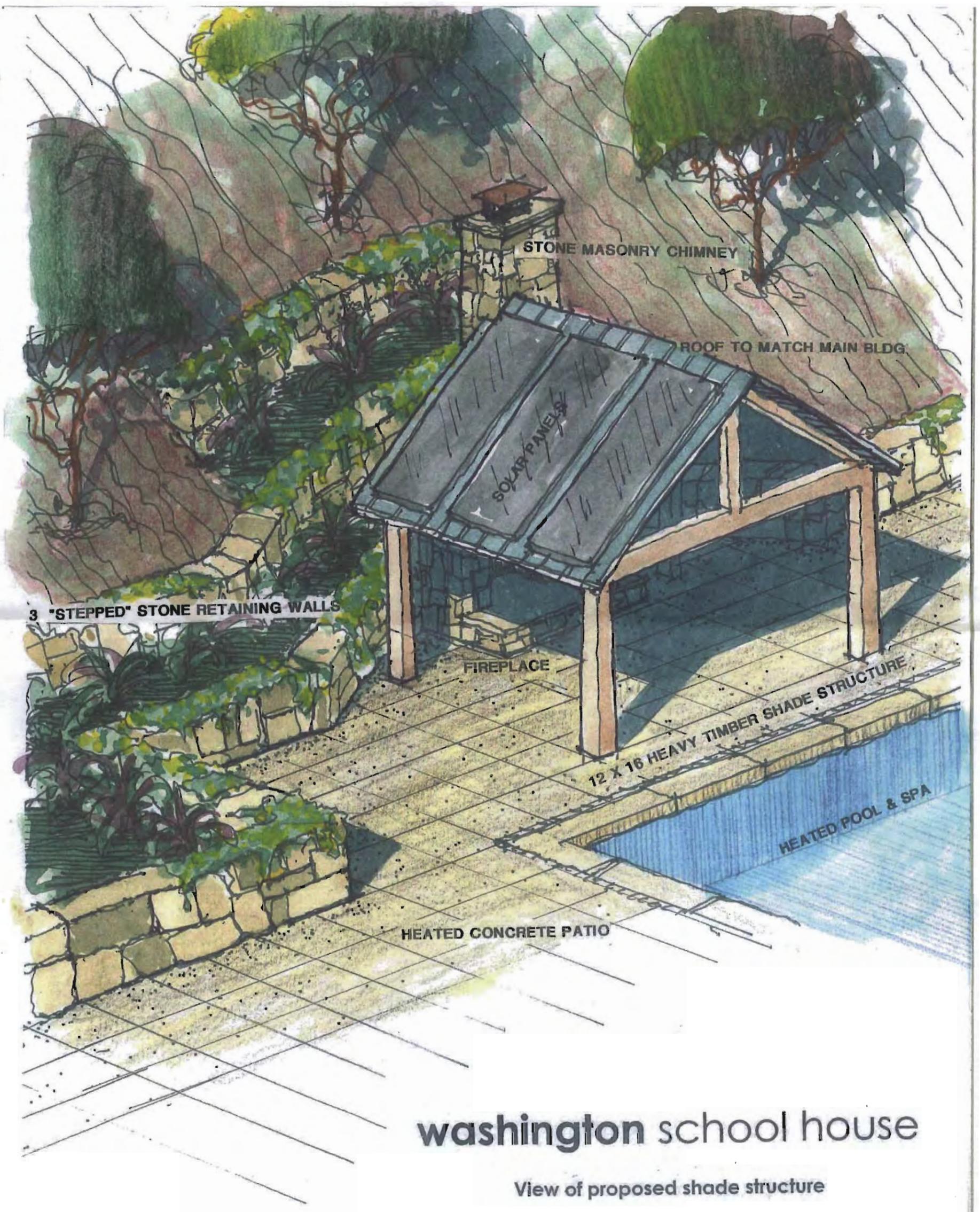
STAFF:
 JOHN DENKOWICZ
 STEVE SCHUELER

DATE: 6/9/10

FOR:
 JOB NO. 17-4-10
 FILE: X:\Venchy\Survey\eng_10\1010 SITE AND GRADING PLAN.dwg

100-FOOT ADJOINING NEIGHBORS
 543 PARK AVENUE
 WASHINGTON SCHOOL INN

SHEET
 4
 OF
 4



washington school house

View of proposed shade structure

RECEIVED
SEP 09 2010
PARK CITY
PLANNING DEPT.

washington school house

Proposed Lighting for Pool and Rear Yard Areas

October 26, 2010

General lighting for pool and rear area yard is meet all requirements of required by the Health Department of Summit County and the Utah Administrative Code, Rule R392-302. The exterior general lighting is comprised of 4 different type of fixtures.

A Pathways and Stairways:

- 30 inch high, Low Voltage, Bollard type with downward reflector. Fixtures to be arranged and spaced to provide a lumen output to provide an average 5 foot candles minimum – 8 foot candles maximum over pathways and stairways, only.

B Pool Deck:

- 48 inch high, Low Voltage, Bollard Type with downward reflector. Fixtures to be arranged and spaced to provide a lumen output to provide an average 5 foot candles minimum – 8 foot candles maximum over entire deck area, only.

C Shade Structure:

- 1-2 ceiling hung, 120 volt, decorative exterior light fixtures, with dimmable ballast, to provide an average of 5 foot candles minimum – 10 foot candles maximum, underneath roofed area, only.

D Pool Interior:

- Water proof incandescent pool light fixtures, mounted to inside face of pool wall, to be arranged and spaced to provide a minimum of 15 lamp lumens to a maximum of 18 lamp lumens per sq.ft. pool surface area. (minimum is per UT Administrative code, Section RS392-302-23)

C Shade Structure:

- 1-2 ceiling hung, 120 volt, decorative exterior light fixtures

D Pool Interior:

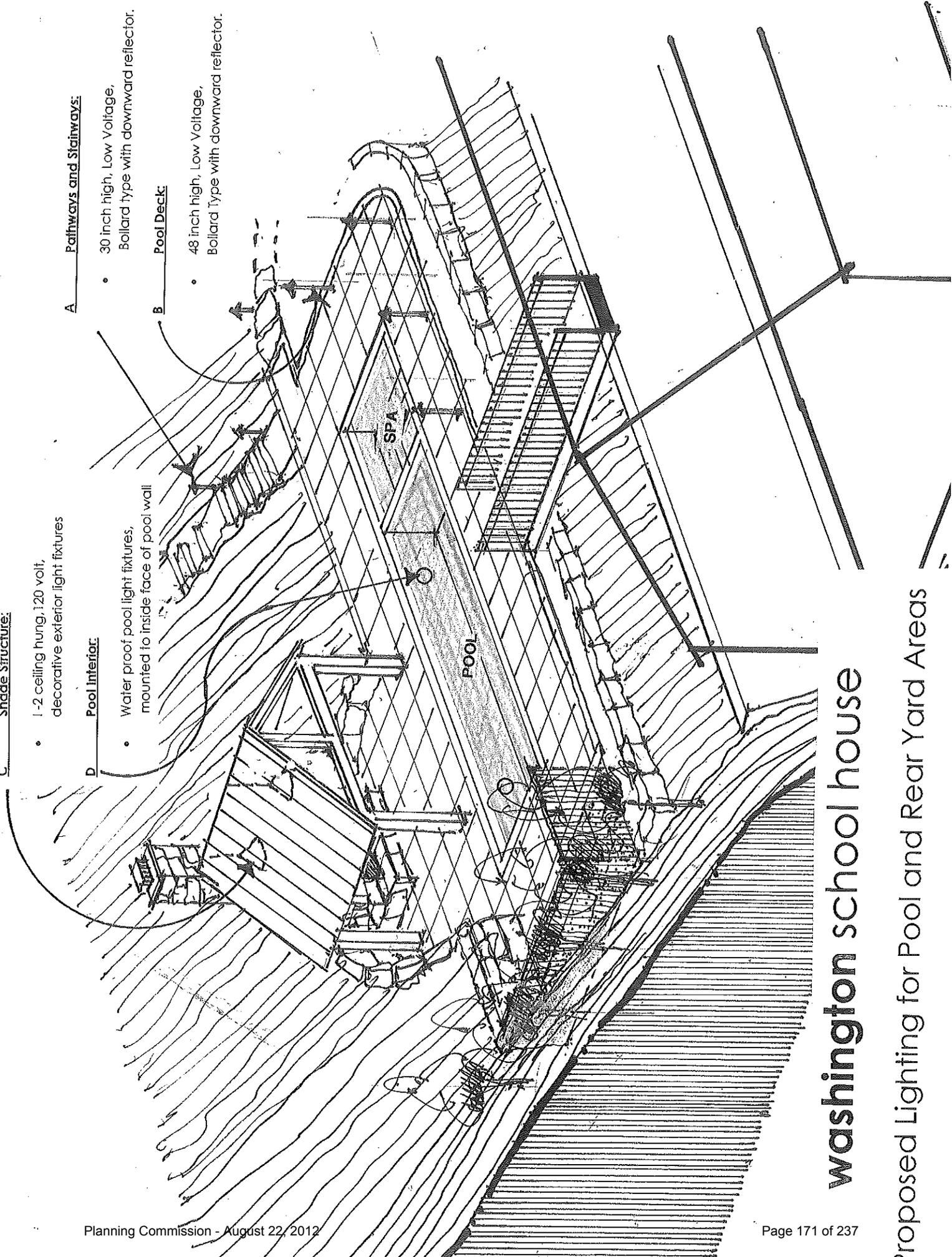
- Water proof pool light fixtures, mounted to inside face of pool wall

A Pathways and Stairways:

- 30 inch high, Low Voltage, Bollard type with downward reflector.

B Pool Deck:

- 48 inch high, Low Voltage, Bollard Type with downward reflector.



washington school house

Proposed Lighting for Pool and Rear Yard Areas

washington school house

Samples of Bollard style lighting Fixture

October 26, 2010



Type: _____
 Model: _____
 Project: _____

SPECIFICATION SHEET

MODEL: 1441 - 120-Volt Series: Bollards and Beacons

SPECIFICATIONS:

LAMP TYPE:

A19- Incandescent, 75W Maximum. Lamp not included with fixture, order separately.

(See back page for LED lamp specifications)

HOUSING:

Die-cast, copper-free aluminum.

POST:

3" diameter, heavy-gauge, extruded aluminum (1/8" wall thickness).

FINISH:

Polyester powder-coated finish available in Black, Verde, Architectural Brick, Architectural Bronze, Granite, Pewter, Terracotta, Rust, Hunter Green, Mocha, Weathered Bronze, Weathered Iron, and White.

SOCKET/LAMP HOLDER:

Top grade porcelain, medium base 4KV pulse rated socket with spring center contact and a silicone rubber jacket protector to prevent moisture/debris from entering socket.

LENS:

Clear, frosted or prismatic threaded and gasketed, tempered glass vapor globe.

MOUNTING:

Direct-burial post. (Post extended 12" for in-ground or concrete mounting.)

FASTENERS:

All fasteners are stainless steel.

WIRING:

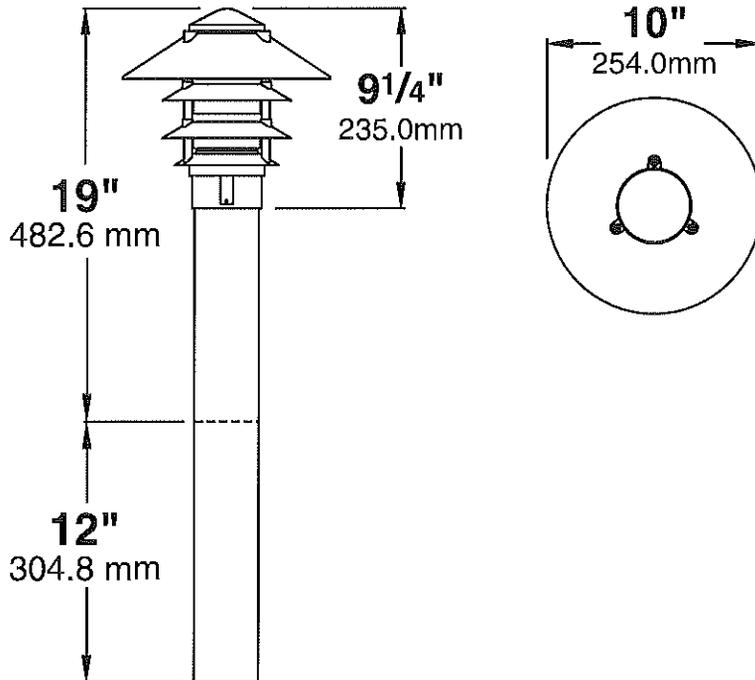
Prewired with 200°C-rated wire along with a grounded lead.

CERTIFICATION:

UL Listed to U.S. and Canadian safety standards for line voltage landscape luminaires (UL 1598). The maximum wattages allowed by Underwriters Laboratories (UL) for the U.S. and Canadian markets may vary. Maximum wattages specified are Underwriters Laboratories U.S. standard. Please contact Vista for any questions about the maximum wattages allowed by UL Canadian standards.

All Vista luminaires are **MADE IN THE U.S.A.**

DIMENSIONS:



In an effort to improve product design U.S.T.E., Inc. reserves the right to modify the specifications of this fixture.

1625 Surveyor Avenue • Simi Valley, CA 93063 • (805) 527-0987 • (800) 766-VISTA (8478)

FAX: (888) 670-VISTA (8478) • email@vistapro.com • www.vistapro.com

1441 (10/06)



**VISTA
PROFESSIONAL
OUTDOOR
LIGHTING**

Type: _____

Model: _____

Project: _____

SPECIFICATION SHEET

MODEL: 9225 - 12V SERIES: Bollards and Beacons

SPECIFICATIONS:

HOUSING:

Die-cast, copper-free aluminum with a silicone gasket to provide a superior weather-tight seal.

POST:

Heavy-gauge extruded aluminum (1/8" wall thickness).

FINISH:

Polyester powder-coated finish available in Black, Verde, Architectural Brick, Architectural Bronze, Granite, Pewter, Terracotta, Rust, Hunter Green, Mocha, Weathered Bronze, Weathered Iron, and White.

SOCKET/LAMP HOLDER:

Top grade ceramic socket with nickel contacts, stainless steel springs, and Teflon-jacketed wire leads.

LENS:

Clear, prismatic, high-impact, polycarbonate lens fitted to the housing with a flat neoprene gasket to provide a superior weather-tight seal.

LAMP TYPE:

T3 - 20W maximum, LN-10 T3 Halogen (10W) Standard.

(See back page for LED lamp specifications)

OPTICS/AIMING:

Adjustable lamp bracket provides up to $\pm 25^\circ$ of tilt for precise beam control. Lamp bracket can be locked into

place to prevent disrupting lamp position when relamping.

MOUNTING:

Direct-burial post. (Post extended 12" for in-ground or concrete mounting.)

FASTENERS:

All fasteners are stainless steel.

WIRING:

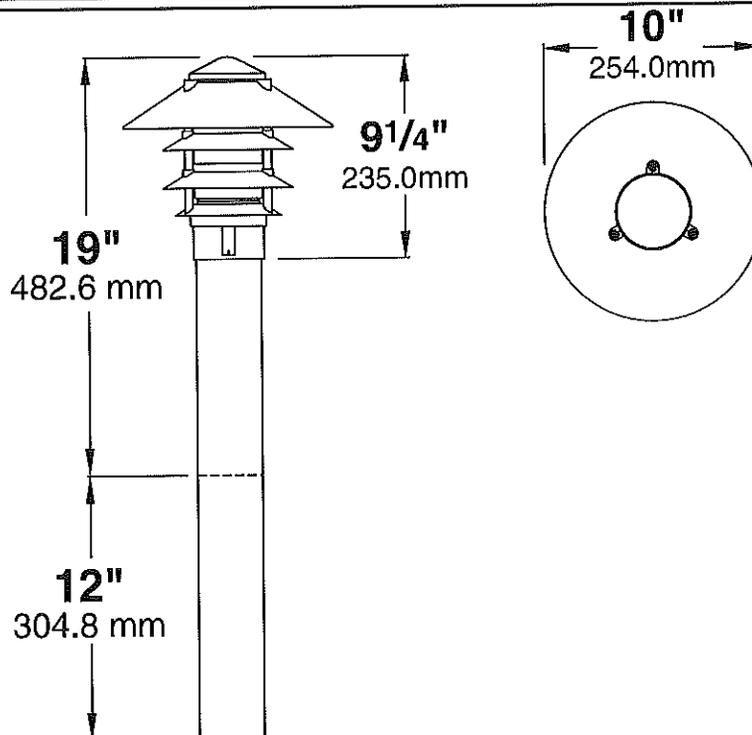
Provided with a three-foot pigtail of 18-2 direct-burial cable and underground connectors for a secure connection to the supply cable.

CERTIFICATION:

UL Listed to U.S. and Canadian safety standards for low voltage landscape luminaires (UL 1838). The maximum wattages allowed by Underwriters Laboratories (UL) for the U.S. and Canadian markets may vary. Maximum wattages specified are Underwriters Laboratories U.S. standard. Please contact Vista for any questions about the maximum wattages allowed by UL Canadian standards.

All Vista luminaires are **MADE IN THE U.S.A.**

DIMENSIONS:



In an effort to improve product design U.S.T.E., Inc. reserves the right to modify the specifications of this fixture.

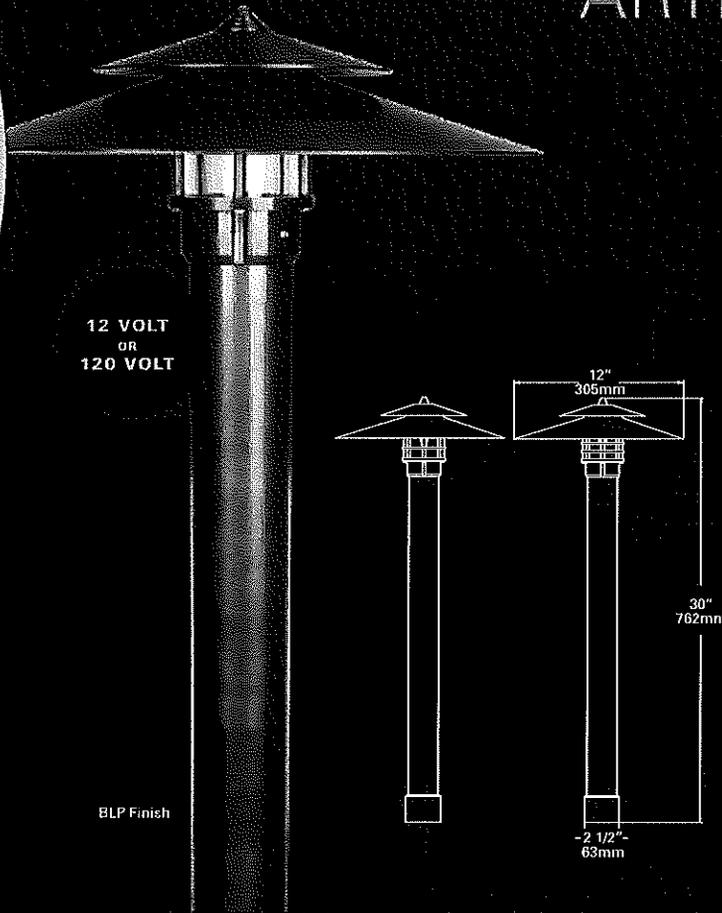
1625 Surveyor Avenue • Simi Valley, CA 93063 • (805) 527-0987 • (800) 766-VISTA (8478)

FAX: (888) 670-VISTA (8478) • email@vistapro.com • www.vistapro.com

9225 (11/06)

ARTEMIS 12 BOLLARD

ARTEMIS 12 BOLLARD



The grand styling and regal beauty of the Artemis series make it at home in the finest of estates. This is our flagship product sure to capture everyone's attention. For those familiar with Auroralight, the quality engineering and performance will come as no surprise. The Artemis is engineered and manufactured without compromise, it is assembled with stainless fasteners, Pyrex™ glass and high-temperature silicone O-rings so unwanted moisture is completely sealed out. The larger Artemis 12 is suitable for lighting driveways or large lawn areas with the 10" Artemis used on smaller scale areas of the same project. The Artemis features an indirect light source with a segmented micro-reflector for exceptional performance without glare. Available with three, two, or no discs, external shielding, frosted or clear lens, a choice of five mounting options to include: an oversized ground stake, standard ground stake, a leveling pedestal with copper trim, 1/2" universal adapter, or a 4" surface mount with copper trim.

ORDERING GUIDE: BD-A-300-12

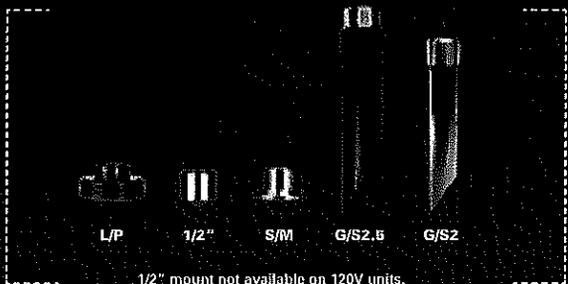
BD (BOLLARD) A (ARTEMIS) 300 (3" DIAMETER) 12 (12" SHADE SIZE)

LAMP OPTIONS	# OF DISCS	VOLTAGE OPTIONS	MOUNT OPTIONS	FINISHES	ACCESSORIES
[11] 10W 10° MR11 (2,000 hr)	[3] THREE DISCS	[12V] 12 VOLT	[G/S2] GROUND STAKE	[NAT] NATURAL	[ES180°] EXTERNAL GLARE SHIELD
[21] 20W 10° MR11 (2,000 hr)	[2] TWO DISCS	[120V] 120 VOLT	[G/S2.5] GROUND STAKE	[BLP] BRONZE LIVING PATINA	[F] FROSTED LENS
[31] 35W 10° MR11 (2,000 hr)	[0] NO DISCS		[L/P] LEVELING PEDESTAL		
			[S/M] SURFACE MOUNT		
			[1/2"] UNIVERSAL 1/2" MALE ADAPTER*		

*Not recommended for 24" & 30" models

EXAMPLE

BD-A-300-12-11-3-12V-G/S2-NAT-ES180°



1/2" mount not available on 120V units.

Utah Administrative Code

The Utah Administrative Code is the body of all effective administrative rules as compiled and organized by the Division of Administrative Rules (Subsection [63G-3-102 \(5\)](#); see also Sections [63G-3-701](#) and [702](#)).

NOTE: For a list of rules that have been made effective since October 1, 2010, please see the [codification segue](#) page.

NOTE TO RULEFILING AGENCIES: Use the RTF version for submitting rule changes.

Download the [RTF file](#)

Rule R392-302. Design, Construction and Operation of Public Pools.

As in effect on October 1, 2010

Table of Contents

- [R392-302-1. Authority and Purpose of Rule.](#)
- [R392-302-2. Definitions.](#)
- [R392-302-3. General Requirements.](#)
- [R392-302-4. Water Supply.](#)
- [R392-302-5. Sewer System.](#)
- [R392-302-6. Construction Materials.](#)
- [R392-302-7. Bather Load.](#)
- [R392-302-8. Design Detail and Structural Stability.](#)
- [R392-302-9. Depths and Floor Slopes.](#)
- [R392-302-10. Walls.](#)
- [R392-302-11. Diving Areas.](#)
- [R392-302-12. Ladders, Recessed Steps, and Stairs.](#)
- [R392-302-13. Decks and Walkways.](#)
- [R392-302-14. Fencing.](#)
- [R392-302-15. Depth Markings and Safety Ropes.](#)
- [R392-302-16. Circulation Systems.](#)
- [R392-302-17. Inlets.](#)
- [R392-302-18. Outlets.](#)
- [R392-302-19. Overflow Gutters and Skimming Devices.](#)
- [R392-302-20. Filtration.](#)
- [R392-302-21. Disinfectant and Chemical Feeders.](#)
- [R392-302-22. Safety Requirements and Lifesaving Equipment.](#)
- [R392-302-23. Lighting, Ventilation and Electrical Requirements.](#)
- [R392-302-24. Dressing Rooms.](#)
- [R392-302-25. Toilets and Showers.](#)
- [R392-302-26. Visitor and Spectator Areas.](#)
- [R392-302-27. Disinfection and Quality of Water.](#)
- [R392-302-28. Cleaning Pools.](#)
- [R392-302-29. Supervision of Pools.](#)
- [R392-302-30. Supervision of Bathers.](#)
- [R392-302-31. Special Purpose Pools.](#)
- [R392-302-32. Hydrotherapy Pools.](#)
- [R392-302-33. Advisory Committee.](#)
- [R392-302-34. Cryptosporidiosis Watches and Warnings.](#)

(5) Where no lifeguard service is provided in accordance with Subsection R392-302-30(2), a warning sign must be placed in plain view and shall state: WARNING - NO LIFEGUARD ON DUTY and BATHERS SHOULD NOT SWIM ALONE, with clearly legible letters, at least 4 inches high, 10.16 centimeters. In addition, the sign must also state CHILDREN 14 AND UNDER SHOULD NOT USE POOL WITHOUT RESPONSIBLE ADULT SUPERVISION.

(6) Where lifeguard service is required, the facility must have a readily accessible area designated and equipped for emergency first aid care.

TABLE 2

Safety Equipment and Signs

	POOLS WITH LIFEGUARD	POOLS WITH NO LIFEGUARD
Elevated Chair 1,000 through 2,999 sq. ft., 92.9 through 278.61 sq. meters, of surface area	1	None
Each additional 2,000 sq. ft., 185.8 sq. meters, of surface area or fraction	1 additional	None
Backboard	1 per facility	None
Room for Emergency Care	1 per facility	None
Ring Buoy with an attached rope equal in length to the maximum width of the pool plus 10 feet, 3.05 meters	1 per 2,000 sq. ft., 185 sq. meters, of pool area or fraction	1 per 2,000 sq. ft., 185 sq. meters, of pool area or fraction
Rescue Tube	1 per 2,000 sq. ft., 185 sq. meters, of pool area or fraction	None
Life Pole or Shepherds Crook	1 per 2,000 sq. ft. 185, sq. meters, of pool area or fraction	1 per 2,000 sq. ft. 185, sq. meters, of pool area or fraction
First Aid Kit	1 per facility	1 per facility

(7) A spa pool is exempt from Section R392-302-22, except for Section R392-302-22(3).

(8) The water temperature in a spa pool may not exceed 105 degrees Fahrenheit.

R392-302-23. Lighting, Ventilation and Electrical Requirements.

(1) A pool constructed after September 16, 1996 may not be used for night swimming in the absence of underwater lighting. The local health officer may grant an exemption to this if it can be demonstrated to him that a 6 inch, 15.24 centimeters, diameter black disk on a white background placed in the deepest part of the pool can be clearly observed from the pool deck during night time hours. The local health department shall keep a record of this exemption on file. The pool operator shall keep a record of this exemption on file at the facility.

(2) Where night swimming is permitted and underwater lighting is used, refer to Table 3 for illumination requirements.

TABLE 3

Underwater Illumination Requirements

Class	Application	Lamp lumens per square foot of pool surface area- Indoor	Lamp lumens per square foot of pool surface area- <u>Outdoor</u>	Illuminance Uniformity: Maximum to Minimum
I	International, Professional, Tournament	100	60	2.0 : 1
II	College and Diving	75	50	2.5 : 1
III	High School Without Diving	50	30	3.0 : 1
IV	Recreational	30	15	4.0 : 1

(3) Where night swimming is permitted and underwater luminaires are used, area lighting must be provided for the deck areas and directed away from the pool surface as practical to reduce glare. The luminance must be at least 5 horizontal foot candles of light per square foot, 929 square centimeters, of deck area, but less than the luminance level for the pool shell.

(4) Electrical wiring must conform with Article 680 of the National Electrical Code, as adopted by the State.

(a) Wiring may not be routed under a pool or within the area extending 5 feet, 1.52 meters, horizontally from the inside wall of the pool as provided in Article 680 of the National Electric Code, without the written approval of the department. The department may deny the installation and use of any electrical appliance, device, or fixture, if its power service is routed under a pool or within the area extending 5 feet, 1.52 meters, horizontally from the inside wall of the pool, except in the following circumstances;

- (i) For underwater lighting,
- (ii) electrically powered automatic pool shell covers, and
- (iii) competitive judging, timing, and recording apparatus.

(5) Buildings containing indoor pools, bathhouses, dressing rooms, shower rooms, and toilet spaces must be ventilated in accordance with American Society of Heating, Refrigerating and Air-Conditioning Engineers Standard 62.1-2004, which is incorporated and adopted by reference.

R392-302-24. Dressing Rooms.

(1) All areas and fixtures within dressing rooms must be maintained in a clean and sanitary condition. Dressing rooms must be equipped with minimum fixtures as required in Subsection R392-302-25(1). The local health department may exempt any bathers from the total number of bathers used to calculate the fixtures required in Subsection R392-302-25(1) who have private use fixtures available within 150 feet, 45.7 meters of the pool.

(2) A separate dressing room must be provided for each sex. The entrances and exits must be designed to break the line of sight into the dressing areas from other locations.

(3) Dressing rooms must be constructed of materials that have smooth, non-slip surfaces, and are impervious to moisture.

(4) Floors must slope to a drain and be constructed to prevent accumulation of water.

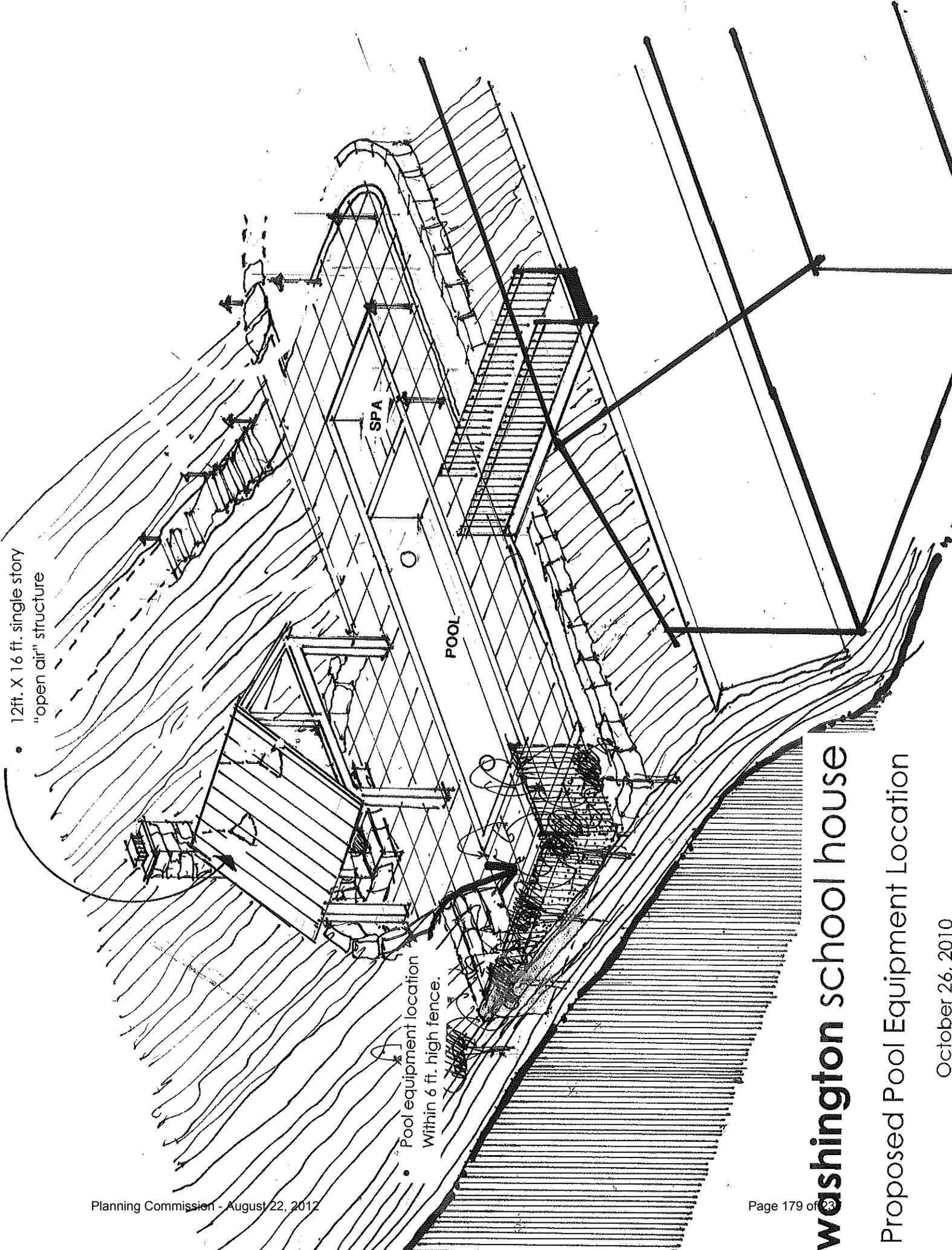
(5) Carpeting may not be installed on dressing room floors.

(6) Junctions between walls and floors must be coved.

(7) Partitions between dressing cubicles must be raised at least 10 inches, 25.4 centimeters, above the floor or must be placed on continuous raised masonry or concrete bases at least 4 inches, 10.16 centimeters, high.

(8) Lockers must be set either on solid masonry bases 4 inches, 10.16 centimeters, high or on legs elevating the bottom locker at least 10 inches, 25.4 centimeters, above the floor.

• 12ft. X 16 ft. single story
"open air" structure



• Pool equipment location
Within 6 ft. high fence.

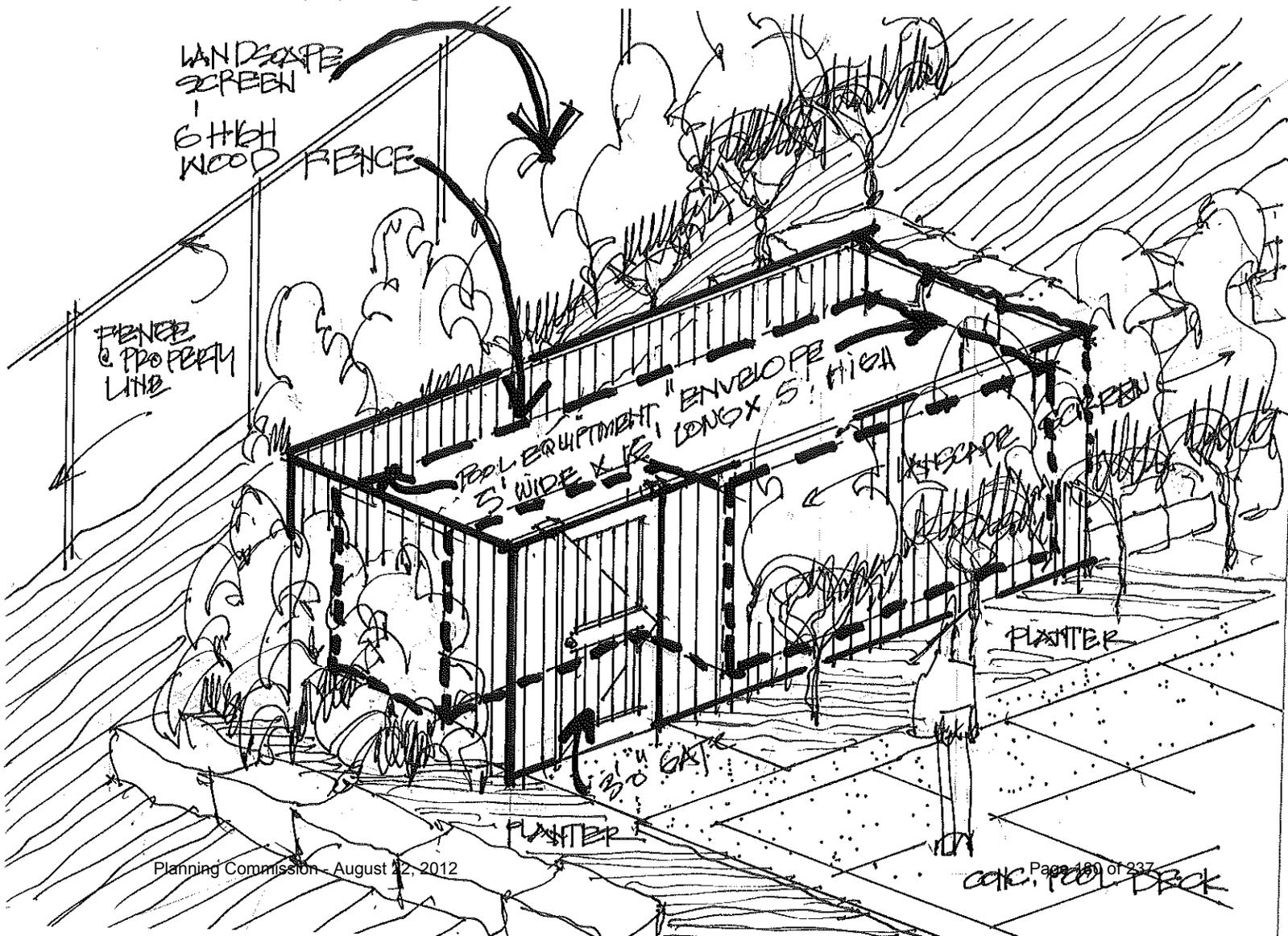
washington school house
Proposed Pool Equipment Location

washington school house

Proposed Pool Equipment Location

October 26, 2010

- Pool equipment for new pool and spa to be located at south end of pool on a 6ft. X 16ft. concrete slab.
- All pool equipment will fit inside a 5 ft. wide x 15ft. long X 5ft. high "envelope".
- Sound generated from pool equipment will not exceed allowed decibel maximum, per the Park City Municipal code for the R-1 Zone.
- Pool equipment to be screen on all 4 sides with 6 ft. high (above concrete slab) solid wood fencing or stone retaining wall, with a 3ft. wide, solid wood, access gate. (to screen visually and attenuate equipment sound).
- Wood fencing to be further "screened" from south property and pool to the west with landscape plantings.



Kayla Sintz

From: John Plunkett [john@plunkettkuhr.com]
Sent: Thursday, November 04, 2010 8:26 AM
To: Kayla Sintz
Cc: Kuhr Barbara
Subject: 543 Park Avenue -- Washington School Inn C.U.P Application

Attachments: 1983_WSI CUP application.pdf; ATT106856.txt



1983_WSI CUP
application.pdf (...)



ATT106856.txt
(248 B)

Dear Planning Commissioners:

We are the property owners immediately downhill (north) of the Washington School Inn and as such, we're probably the residents who will be most directly affected by the Inn's plans. We've lived here for nearly 20 years now, and over time have purchased and improved the

5 lots with three houses next to the Inn, between Park and Woodside Avenues. We live at 557 Park, work at 564 Woodside, and rent out the house at 553 Park to local residents on a yearly lease. Our two vacant Woodside lots form a communal backyard for all three houses, and connect with the Inn's back yard.

One reason we've spent a lot of time and money improving these properties, with their views of the Washington School, is that we think it's the most beautiful building in town (and one of Park City's very few national landmark buildings). So its safe to say that we're fully 'invested', in almost every sense of the word, in what happens on the grounds surrounding the Inn and us.

We had a contentious -- and litigious -- relationship with the Inn's previous owners. To gain their CUP in 1983 (at a time when B&Bs were a Prohibited use in HR-1), they made promises in both their written application and verbal presentations to the City that were never kept, even though the CUP approval was based upon them. But because many elements of their presentation were not written up as Conditions of Use, the City had no way to enforce them, we've been told.

Then in 2001, the previous owners told us of their plans to construct a 'Victorian Wedding Chapel' on the grounds. This eventually led to a Public Hearing before the Planning Commission in 2001, which found that organized events for WSI patrons like parties or weddings are not permitted in the HR-1 zone.

So it may surprise you that we are writing today in support of the applicant's project. The Inn's new owners, Marcy and Tom Holthus, have made sure to inform us of their plans. Marcy and her architect Trip Bennett have worked with us to address most of our concerns. And working with the Planning Department, the final details seem to have fallen into place this week.

However we'd still like to state our concerns here for the record. We believe they have all been addressed as Conditions of Use. As long as that is the case then the project has our support.

Our concerns are all related to Use; not appearances. We're sure that whatever is built will be beautiful -- we just want to make sure that it's also quiet and dark at night (after 10pm).

The original owners promised in their 1983 CUP application letter (copy attached) that the Woodside lots would be "dedicated green space". That's what we and others have enjoyed for the last 27 years, without any illumination at all. So we hope it can still remain dark and quiet, at least after 10pm, going forward.

1. Type of Use. Its our understanding that use will be governed by the Dec, 2001 Planning Commission Action.
2. Hours of Use. We're assuming Park City's normal 7am to 10pm hours will apply here.
3. Low, Shielded Lighting. This may seem straight-forward, but because of all the property's steep hillsides it's actually a real challenge to prevent us from staring up at bare light-bulbs. The WSI has proposed short, vented bollards, which make sense to us. As long as that is all that is required by the City and County then we support it.
4. Hours of Lighting. Its our great hope that the lighting will not have to remain on all night. This one thing could make the biggest difference in how well a commercial business with a CUP continues to fit into this Historic Residential neighborhood, and is worth a special legal exception if needed.
5. Mechanical Noise. We hope that our homes will be as shielded as possible from any mechanical equipment that can't be located within the Inn itself, as it all has been up to now. Our understanding is that the Only mechanical equipment outside of the Inn's walls will be located in an enclosure at the south end of the pool. We'd appreciate it if this could be made an explicit Condition, that any and all mechanical systems outside of the original Inn must be located within this enclosure.
6. The Proposed Stairway to Woodside Ave. There has never been a stairway up to Woodside from the Inn. All access and parking is required to come via Park Avenue. Its our understanding that Conditions will prohibit parking or deliveries from Woodside by the Inn's suppliers, employees and guests. But the potential for abuse is high. It's our hope that the Inn will propose landscaping the City's Right-of-Way as a way to prevent any parking (and improve the street's appearance), as we've done with our property next door.

We appreciate your consideration of our concerns, and regret that we'll be unable to attend the November hearing because of business obligations on the east coast. Please email or call if you have any questions or wish to discuss further: 435-901-2980.

Sincerely,

John Plunkett and Barbara Kuhr

attachment: copy of original 1983 CUP application letter

RECEIVED
SEP 06 1983
PARK CITY
MUNICIPAL CORP.



CUSTOM BUILDERS/DEVELOPERS

HDC-rec-Sept.
Bl. HJ. Oct. 4th

September 1, 1983

Mr. Bill Ligety
Director of Planning
Park City, Utah 84060

Re: Washington School Application for
Conditional Use Permit #378

Dear Mr. Ligety:

Regarding our application yesterday for restoration of the Washington School, we would like to provide some additional information for your consideration. Please be advised that we are working closely with the Utah State Historical Society, the Utah Heritage Foundation and the National Trust for Historical Preservation on this project.

Our purpose is to renovate the 100 year old historic school house to the Washington School Inn in order to save the building from demolition or accidental loss, to provide overnight lodging facilities for guests, and to provide education and pleasure for the community in the preservation of an important and beautiful Park City landmark.

The exterior of the building will be restored as completely as possible to the original detail of the building including the fabulous roof and bell tower. The building sits on a lot 75' x 75'. The adjacent lot on Woodside Avenue of 75' x 75' will be dedicated green space and provide garden area for the restored building. Total site square footage is 11,250.

The interior of the building will be refurbished and professionally decorated to reflect the historical value of the structure and to meet all current building and safety codes for lodging of overnight guests.

Parking will be provided in an adjacent parking structure provided by agreement with Old Town Associates.

The Inn will provide overnight lodging facilities with 14 rental bedrooms, public rooms such as lounge, spa, sauna, locker rooms and dining room for serving continental breakfast to guests. The

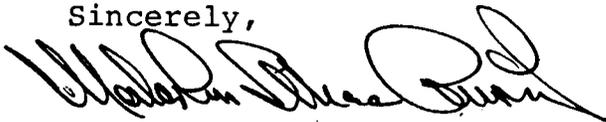
Mr. Bill Ligety
Page two
September 1, 1983

Inn will also contain living quarters for the innkeeper.

The Inn should influence other property owners in the neighborhood to restore and maintain buildings. The use of the school house as the Washington School Inn will not be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity.

We are appreciative of your assistance with this project.

Sincerely,



Malcolm S. MacQuoid

MSM/nb



**THE PLANNING COMMISSION
PARK CITY, SUMMIT COUNTY, UTAH**

**RE: CONDITIONAL USE PERMIT FOR A 'RECREATION FACILITY, PRIVATE'
IN THE (HR-1) HISTORIC RESIDENTIAL ZONE**

The Planning Commission of Park City, Utah met on Wednesday, November 10, 2010 for a regularly scheduled and duly noticed meeting. After determining that a quorum was present, the Commission conducted its scheduled business. Among the items heard by the Commission was the 543 Park Avenue Conditional Use Permit application.

NOTICE OF PLANNING COMMISSION ACTION:

Project Address: 543 Park Avenue
Project Number: PL-10-01066
Type of Hearing: Conditional Use Permit – Recreation Facility, Private (swimming pool) for Bed & Breakfast
Hearing Date: November 10, 2010

Commission Action: **APPROVED** the request pursuant to the findings of fact, conclusions of law and conditions of approval as written below.

Findings of Fact - 543 Park Avenue

1. The property is located at 543 Park Avenue.
2. The zoning is Historic Residential (HR-1).
3. The proposed Conditional Use Permit is for a private recreation facility (lap pool).
4. The Washington School Inn is a landmark structure listed on the Park City Historic Sites Inventory, when the site was nominated to the National Register in 1978, the building was vacant and in disrepair.
5. On September 21, 1983, the Historic District Commission granted a conditional use permit for the site to be rehabilitated and adaptively reused as a bed and breakfast. The site continues to be used as a bed and breakfast.
6. On March 22, 1984, Park City Municipal Corporation entered a non-exclusive easement agreement for the parking access and use of the staircase located as the north 21.5 feet of Lot 11 and all of Lot 36, Block 9 of the amended plat of Park City Survey.
7. On October 9, 1984 an easement agreement (entry #225977) granted the Washington School Inn a private easement for the 11 automobile parking spaces.

8. On June 7, 2001, the City Council approved a plat amendment to combine seven old town lots into one lot of record on the site where the Inn is located.
9. The dimensions of the proposed lap pool are ten feet wide by forty feet long.
10. Retaining walls are necessary due to the steepness of the existing grade in the rear yard. The proposed retaining walls exceed six feet in height in some locations within the building pad area. Six foot high retaining walls and fences within the side yard setbacks and four foot high retaining walls and fences within the front setbacks are permitted by the Code. 15-4-2(1) allows an increase to six foot high retaining walls and fences in the front yard setback.
11. Additional parking requirements for the site are not affected by this application. Parking by guests or employees shall only occur in designated parking associated with the original Conditional Use Permit for the bed and breakfast.
12. The lap pool is for the use of the Washington School Inn guests. No additional traffic will be produced by the addition of a lap pool on the property.
13. The heated lap pool will not be enclosed. No enclosed structures are included within this application. The pool will be fenced.
14. The application includes an open shade structure and landscape improvements. Approval for compliance with the historic district design guidelines is required prior to issuance of a building permit.
15. Passive use of the Washington School Inn garden and grounds by patrons of the Inn are a permitted use in the HR1 zone and consistent with the 1983 conditional use permit approval. Organized events for the Washington School Inn patrons and/or the general public including parties, weddings, or other public assemblies, are not permitted in the HR1 zone and are outside the scope of the 1983 conditional use permit.
16. The Washington School Inn is identified as a Landmark Structure on the Historic Sites Inventory with a recorded Facade Easement with the State of Utah.
17. The stone walkway and landscape improvements through adjacent lot have been removed and are reflected in the drawings dated November 10, 2010.

Conclusions of Law - 543 Park Avenue

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

Conditions of Approval - 543 Park Avenue

1. New retaining walls and fences proposed within the private recreation facility conditional use permit may not exceed six feet (6') in height.
2. The outdoor pool and spa shall be restricted to use between the hours of 7 am to 10 pm. A sign must be posted by the pool area stating the operating hours of the pool.
3. This approval is for a private recreation facility. Any additional uses, including public assemblies, must be reviewed independently and are outside the scope of the 1983 bed and breakfast conditional use permit and the present private recreation facility conditional use permit.
4. No guest or employee parking shall occur on Woodside Avenue or Park Avenue. Guest and employee parking shall adhere to the 1983 Bed & Breakfast conditional use permit approval.
5. The applicant will apply for a building permit from the City within one year from the date of Planning Commission approval. If a building permit has not been granted within one year's time, this Conditional Use Permit will be void.
6. Any modifications to signs shall be reviewed under separate application.
7. An approved Historic District Design review is required prior to building permit issuance.
8. Lighting of the proposed pool and deck will be restricted to hours of pool operation, 7 am to 10 pm.
9. Delivery and service vehicles to the Washington School Inn and related pool area will occur off of Park Avenue. Woodside Avenue may be used by maintenance vehicles to service pool only. Two or more complaints will require Planning Commission review. An administrative review will be conducted by Staff one year from the date of approval.
10. Noise levels will comply with 6-3-9 of the Park City Municipal Code.
11. Retaining walls and fences up to six feet (6') in height will be allowed in the front yard setback and side yard setbacks.
12. Improvements in the City right-of-way will require an Encroachment Agreement.
13. Mechanical equipment pad shall have roof structure shielding the mechanical equipment from view above.

Best Regards,



Kayla Sintz
Planning Department

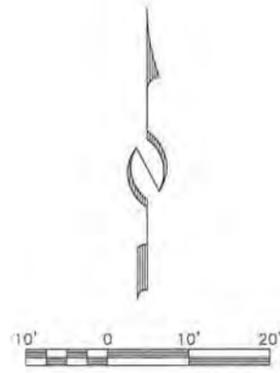
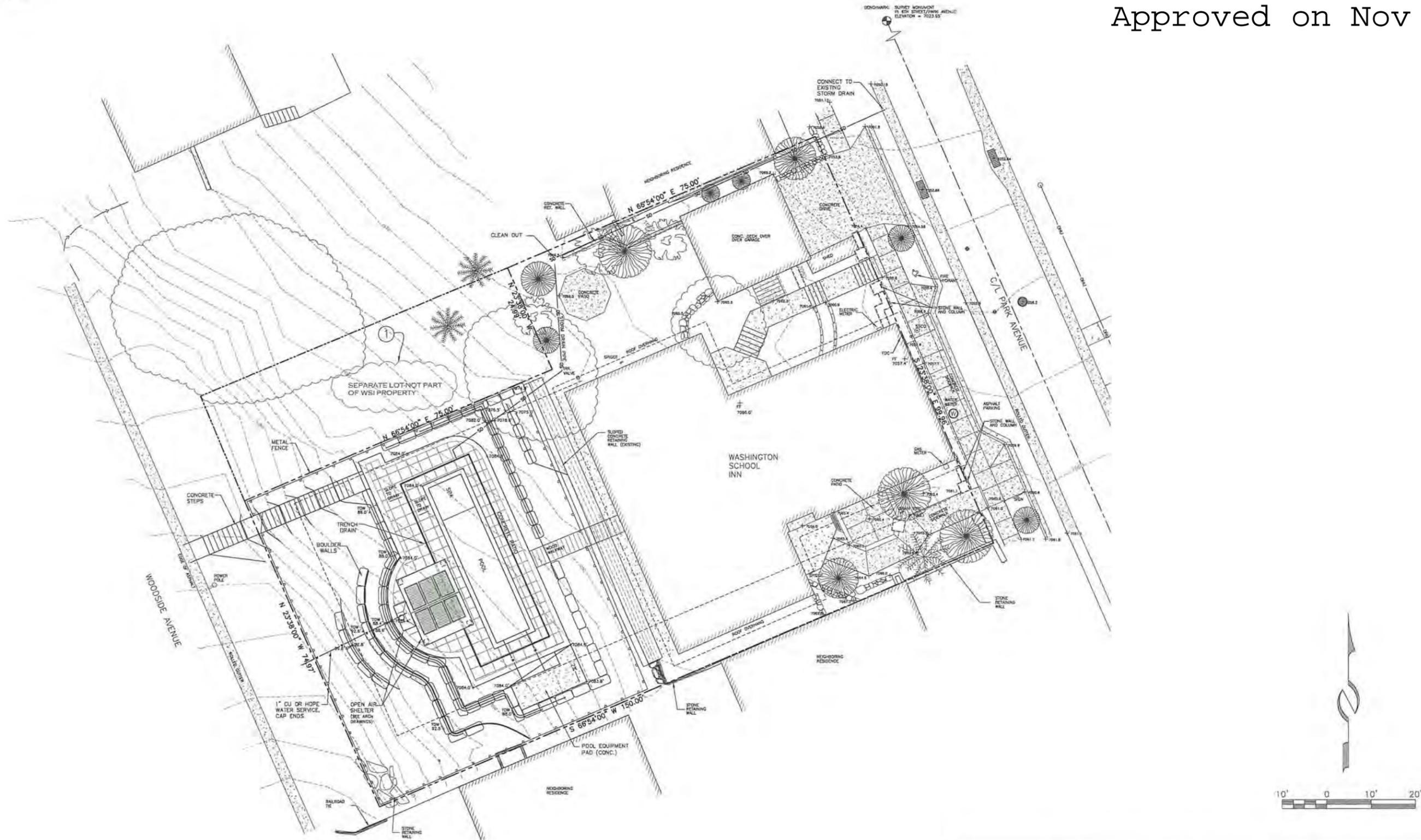
PARK CITY MUNICIPAL CORPORATION
STANDARD PROJECT CONDITIONS

1. The applicant is responsible for compliance with all conditions of approval.
2. The proposed project is approved as indicated on the final approved plans, except as modified by additional conditions imposed by the Planning Commission at the time of the hearing. The proposed project shall be in accordance with all adopted codes and ordinances; including, but not necessarily limited to: the Land Management Code (including Chapter 5, Architectural Review); International Building, Fire and related Codes (including ADA compliance); the Park City Design Standards, Construction Specifications, and Standard Drawings (including any required snow storage easements); and any other standards and regulations adopted by the City Engineer and all boards, commissions, agencies, and officials of the City of Park City.
3. A building permit shall be secured for any new construction or modifications to structures, including interior modifications, authorized by this permit.
4. All construction shall be completed according to the approved plans on which building permits are issued. Approved plans include all site improvements shown on the approved site plan. Site improvements shall include all roads, sidewalks, curbs, gutters, drains, drainage works, grading, walls, landscaping, lighting, planting, paving, paths, trails, public necessity signs (such as required stop signs), and similar improvements, as shown on the set of plans on which final approval and building permits are based.
5. All modifications to plans as specified by conditions of approval and all final design details, such as materials, colors, windows, doors, trim dimensions, and exterior lighting shall be submitted to and approved by the Planning Department, Planning Commission, or Historic Preservation Board prior to issuance of any building permits. Any modifications to approved plans after the issuance of a building permit, must be specifically requested and approved by the Planning Department, Planning Commission and/or Historic Preservation Board in writing prior to execution.
6. Final grading, drainage, utility, erosion control and re-vegetation plans shall be reviewed and approved by the City Engineer prior to commencing construction. Limits of disturbance boundaries and fencing shall be reviewed and approved by the Planning, Building, and Engineering Departments. Limits of disturbance fencing shall be installed, inspected, and approved prior to building permit issuance.
7. An existing conditions survey identifying existing grade shall be conducted by the applicant and submitted to the Planning and Building Departments prior to issuance of a footing and foundation permit. This survey shall be used to assist the Planning Department in determining existing grade for measurement of building heights, as defined by the Land Management Code.
8. A Construction Mitigation Plan (CMP), submitted to and approved by the Planning, Building, and Engineering Departments, is required prior to any construction. A CMP shall address the following, including but not necessarily limited to: construction staging, phasing, storage of materials, circulation, parking, lights, signs, dust, noise, hours of operation, re-vegetation of disturbed areas, service and delivery, trash pick-up, re-use of construction materials, and disposal of excavated materials. Construction staging areas shall be clearly defined and placed so as to minimize site disturbance. The CMP shall include a landscape plan for re-vegetation of all areas disturbed during construction, including but not limited to: identification of existing vegetation and replacement of significant vegetation or trees removed during construction.

9. Any removal of existing building materials or features on historic buildings, shall be approved and coordinated by the Planning Department according to the LMC, prior to removal.
10. The applicant and/or contractor shall field verify all existing conditions on historic buildings and match replacement elements and materials according to the approved plans. Any discrepancies found between approved plans, replacement features and existing elements must be reported to the Planning Department for further direction, prior to construction.
11. Final landscape plans, when required, shall be reviewed and approved by the Planning Department prior to issuance of building permits. Landscaping shall be completely installed prior to occupancy, or an acceptable guarantee, in accordance with the Land Management Code, shall be posted in lieu thereof. A landscaping agreement or covenant may be required to ensure landscaping is maintained as per the approved plans.
12. All proposed public improvements, such as streets, curb and gutter, sidewalks, utilities, lighting, trails, etc. are subject to review and approval by the City Engineer in accordance with current Park City Design Standards, Construction Specifications and Standard Drawings. All improvements shall be installed or sufficient guarantees, as determined by the City Engineer, posted prior to occupancy.
13. The Snyderville Basin Water Reclamation District shall review and approve the sewer plans, prior to issuance of any building plans. A Line Extension Agreement with the Snyderville Basin Water Reclamation District shall be signed and executed prior to building permit issuance. Evidence of compliance with the District's fee requirements shall be presented at the time of building permit issuance.
14. The planning and infrastructure review and approval is transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
15. When applicable, access on state highways shall be reviewed and approved by the State Highway Permits Officer. This does not imply that project access locations can be changed without Planning Commission approval.
16. Vesting of all permits and approvals terminates upon the expiration of the approval as defined in the Land Management Code, or upon termination of the permit.
17. No signs, permanent or temporary, may be constructed on a site or building without a sign permit, approved by the Planning and Building Departments. All multi-tenant buildings require an approved Master Sign Plan prior to submitting individual sign permits.

April 2007

Approved on Nov 10.2010



① REVISION 11-9-10

 (435) 645-9487 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2684 Park City, Utah 84099-2684	STAFF: JOHN DEMKOWICZ STEVE SCHUELER	GRADING AND UTILITY PLAN 543 PARK AVENUE WASHINGTON SCHOOL INN	SHEET 1 OF 4
	DATE: 11/9/10	FOR: JOB NO.: 7-4-10 FILE: X:\ParkCitySurvey\dwg\7-4-10\C1.0 Site and Grading Plan-4.dwg	Page 100 of 207

Planning Commission Meeting
November 10, 2010
Page 4

8. All findings within the Analysis section are incorporated herein.

Conclusions of Law - 7175 Little Belle Court - Unit 3

1. There is good cause for this amended record of survey.
2. The amended record of survey is consistent with the Park City Land Management Code and applicable State law.
3. Neither the public nor any person will be materially injured by the proposed amended record of survey.
4. As conditioned, the amended record of survey is consistent with the Park City General Plan.

Conditions of Approval - 7175 Little Bell Court - Unit 3

1. The City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the amended record of survey.
2. The applicant will record the amended record of survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.

REGULAR AGENDA/PUBLIC HEARINGS

3. 543 Park Avenue - Conditional Use Permit
(Application #PL-10-01066)

Planner Sintz reviewed the application for a private lap pool for a bed and breakfast at the Washington School Inn located at 543 Park Avenue. Under the Land Management Code, a lap pool for this use would be considered a private recreation facility, which is a conditional use in the HR-1.

Planner Sintz noted that significant interior modifications and exterior historic building restoration was not part of the application being reviewed this evening. Those would be reviewed by Staff as part of the Historic District Design Review. The building is an extremely important landmark structure on the Historic Sites Inventory. It is one of the only structures in the State of Utah that has a facade easement with the State. The building has significant history and the applicants are going to great efforts to make these modifications.

As part of the CUP, Planner Sintz requested discussion on items 11 and 12 as outlined in the Staff report.

Planner Sintz reported that the facility received a CUP for a bed and breakfast in 1983. In 2001 a plat amendment occurred which added one lot and combined all the lots into one lot of record. She

noted that a single 25' x 75' lot referenced in the Staff report was not included in the plat. Planner Sintz commented on two public input letters from adjacent property owners, John Plunkett and Barbara Kuhr, and indicated the proximity of their lots to the Washington School Inn.

Planner Sintz handed out copies of a modification that was received that day. She noted that based on significant public input, the applicant had chosen to remove the boulder walkway that occurred in the separate lot. She reviewed the modified drawing without the walkway, which also modified the landscaping plan.

Commissioner Peek clarified that the separate lot was still part of the Washington School Inn property, but not part of this application. Planner Sintz replied that it is owned by the same owners under a separate LLC, and it is not a platted lot in the Washington School Inn plat. It is a separate residential lot. The applicants would have the ability to build any allowed use on that lot in the future. Commissioner Peek asked if that lot was included in the original CUP. Planner Sintz replied that the original CUP did not contemplate that lot.

Planner Sintz commented on the impacts referenced in the CUP criteria and the concern regarding the lighting levels required by Utah State Code and Summit County for a pool. She explained that Summit County and State Code have different designations for commercial pools versus private pools. Assuming that night swimming would be permitted, the Staff proposed restricting the hours from 7:00 a.m. to 10:00 p.m. Where night swimming is permitted, lighting must be provided in the pool as well as in the deck area. When the pool is closed and secured, the lights would be turned off. Planner Sintz remarked that noise issues and lighting levels were the major impacts that needed to be mitigated.

Chair Wintzer wanted to know how much light is generated from 5 foot candles. Planner Sintz believed that parking lot light globes are approximately 1 foot candle.

Planner Sintz noted that the applicant was requesting a 10 x 40 pool with connected hot tub/spa, a shade structure with a possible gas fire element, a designated mechanical equipment pad, and a connecting stair that goes up to Woodside Avenue.

Planner Sintz stated that the applicant had obtained a grading permit to get a road staging area in place for extensive interior construction beginning in the Spring. The LOD fencing is currently in place and she had personally reviewed that with the City Engineer and the Chief Building Official. If the CUP is approved, the applicant would have a construction staging plan if these improvements are approved.

Commissioner Pettit commented on the stairs going up to Woodside and public concern that servicing of the pool area could be accessed from Park Avenue rather than Woodside. She asked for clarification on the intent of the stairway up to Woodside. Mike Elliott, representing the applicant, replied that it was strictly access for skiers coming down. Adding the elevator to the building would allow people to come down, take off their skies and walk into the building. Commissioner Pettit wanted it clearly understood that the purpose was not to access the pool for servicing.

Planner Sintz pointed out that the applicant was requesting a modification of the second sentence to Condition of Approval #9. The proposed sentence would read, "Woodside Avenue may be used by maintenance vehicles to service rear landscaping and pool area only." She explained that the

applicants were unsure if the equipment could be brought through to service the pool effectively, particularly if the boulder walkway is removed. For that reason, the applicant asked the Planning Commission to consider allowing special circumstances for rear yard landscaping and for the pool itself.

Commissioner Savage wanted to know why the Planning Commission would be concerned with that allowance. Planner Sintz explained that there are significant concerns in the HR1 Zone for any type of business activity that occurs on Park Avenue in terms of delivery and servicing. Commissioner Savage thought they were talking about restricting Woodside Avenue. Planner Sintz replied that this was correct. However, the adjacent neighbor is concerned that with the walkway there would be deliveries to the Washington Inn that came off of Park Avenue in the past, but would now occur off of Woodside. Planner Sintz stated that the condition of approval was initially written to state that deliveries and service would still need to occur off of Park Avenue. Commissioner Savage clarified that all of the requirements were new with this application and do not currently exist. Planner Sintz replied that this was correct. Commissioner Savage asked if there was any spatial hindrance about allowing service vehicles to be on Woodside. Planner Sintz stated that this is already a conditional use in the HR-1, and Park Avenue is in the HR-1. The intent is to make sure they mitigate the impacts of service vehicles off of Park Avenue or Woodside.

Commissioner Pettit asked if the Park Avenue residents who would be impacted by the service vehicles were noticed for this application. If they were not noticed, those residents were not given the opportunity to make comment regarding their concerns. Commissioner Pettit stated that Woodside is very narrow and difficult to navigate in the winter. Any vehicle parked there for an extended period of time would create traffic issues. Mr. Elliott pointed out that there is a wide shoulder in that area to keep the parking off the street. Commissioner Pettit believed that would address the issue as long as the snow is cleared in the winter time. Planner Sintz remarked that the City prohibits parking on the downhill side. Therefore no parking would be allowed on the downhill side of Woodside Avenue.

Commissioner Savage referred to the plat map and understood that at some point the area being turned into the swimming pool presumably be two or more 25 foot single family lots. Planner Sintz replied that it was single family lots until the plat amendment was done. Because the building is so large they cannot increase the footprint. Commissioner Savage remarked that the separate lot would be suitable for a single family residence, which would have to accommodate parking. Planner Sintz stated that in that scenario, two parking stalls would have to be accommodated on site.

Commissioner Savage remarked that as a Planning Commissioner, he believed it was in the best interest of the applicant and guests of the Washington Inn to find a mechanism to accommodate the allowance so the service people do not have to park on Park Avenue and haul their equipment through the building. He recommended that the Planning Commission and Staff find a way to accomplish that.

Commissioner Peek stated that he previously lived on the 400 Block of Woodside and in the winter it is brutal and the road is nearly impassable. He felt it was important to maintain access for the residential users.

Chair Wintzer suggested that the Planning Commission could review the condition of approval in one year to see if the City receives any complaints and how well they were able to service the pool off the back of the building. The Staff could conduct the one year review to see if the condition was abused. Commissioner Savage agreed.

Commissioner Hontz suggested that they implement the three strike policy for neighbor complaints rather than waiting a year to address any impacts. The Commissioners concurred. The applicant was comfortable adding that policy as a condition of approval. Commissioner Pettit noted that the policy should be limited to pool servicing.

Commissioner Peek asked about the fence line shown on the site plan. Mr. Elliott stated that it was a continuous fence with a required 5 foot barrier. Planner Sintz remarked that Utah Code requires a 6 foot height for a pool. Commissioner Peek noted that typically there would be a 10 foot snow storage easement for residential property. However, that would not be allowed in this case because of the 6 foot fence. Planner Sintz noted that the plat approved in 2001 did not indicate snow storage on this lot. Commissioner Peek understood the health and safety requirements related to the pool, but he suggested terracing the fence to reduce the visual impacts. He pointed out that the back of this historic structure would be hidden by the fence. Chair Wintzer asked if the fence could be lowered at the edge of the pool deck. Mr. Elliott believed the fence could be dropped down in slope to even out the elevation.

Commissioner Peek wanted to know the elevation change being retained on the east side of the pool. Mr. Elliott replied that each tier is 4 feet. Commissioner Peek asked about the span of the cat walk. Mr. Elliott indicated that there is a sloped retaining wall on the back side of the building that he believed to be historic, and the causeway goes across the top. Commissioner Peek clarified that the foundation of the Washington School Inn was isolated from the retaining wall. He assumed a geo-technical analysis was done to know the pool would not impact the foundation. Mr. Elliot replied that a geo-technical report was done and the existing sloped retaining wall is currently retaining most of the slope. He noted that all the water on the patio would be captured with a trench grade and run out to the storm drain.

Planner Sintz modified Condition of Approval #8 to read, "Lighting of the proposed pool **and deck area** will be restricted to hours of pool operation, 7 a.m. to 10, p.m".

Commissioner Savage noticed that the mechanical area for equipment to operate the pool and Jacuzzi is open at the top. He asked if the applicant would consider some type of roofing over the top to screen the equipment that would compliment the roof over the outdoor patio area. Commissioner Strachan agreed and further suggested soundproofing efforts to reduce the noise impacts to the neighbors on the south. Planner Sintz explained that currently mechanical equipment is allowed in the side yard setback if it is screened and three feet from the property line. She noted that there is a 13 foot side yard setback in that area due to the width of the lot. The Staff would support enclosing the mechanical area and adding a cover as long as it can be done in compliance with the Park City Municipal Code. Commissioner Strachan reiterated his request for soundproofing if possible. Mr. Elliott was willing to look into soundproofing.

Planner Sintz clarified that the building is currently over footprint and adding an enclosed structure would further increase the footprint. Another option may be to request a concrete stone faced wall surrounding that structure with a roof structure on top. It would still need to be partially open as opposed to completely enclosed due to the footprint requirements. Commissioner Strachan assumed the applicants would want to reduce the noise impacts for their own guests.

Director Eddington asked if the applicants had concerns about darkness if a roof was put over the mechanical equipment and walls to help with noise mitigation. Mr. Elliott did not believe the enclosure would be tall enough to cast large shadows. They had originally discussed enclosing it for sound and the life span of the equipment.

Commissioner Peek asked about language to address the "three strike" issue for complaints. Assistant City Attorney, Polly Samuels McLean, recalled that when this policy was implemented with the Yard, it was subject to a one year review. For this project, they could add language requiring that the CUP come back to the Planning Commission after two complaints. If no complaints are received, there would be an administrative review after one year.

Commissioner Savage recommended that if there are more than two unresolved complaints pertaining to the service use of that entrance, it would come back to the Planning Commission for review. However, if a complaint could be satisfactorily resolved between the applicant and the neighbors, it would not come back to the Planning Commission. Commissioner Pettit pointed out that there is always dispute as to whether or not a problem has been resolved. Commissioner Savage replied that whether or not the problem was resolved would be at the discretion of the one who filed the complaint.

Assistant City Attorney McLean recommended that the condition should state that if the City receives two or more complaints, the CUP would come back before the Planning Commission for review. After one year, the Staff would administratively review the CUP. The Planning Commission concurred with that language.

Chair Wintzer opened the public hearing.

There was no comment.

Chair Wintzer closed the public hearing.

Commissioner Hontz referred to the original landscape plan with the stairway and stated that she liked that design solution better than the retaining wall. She asked if the Planning Commission would have the opportunity to review that plan in the future. Assistant City Attorney McLean believed that it would come in as a CUP, since it would be related to the Inn use. Planner Sintz pointed out that typically a CUP would not be required for a walkway.

Planner Sintz summarized the modified conditions of approval. Condition #8, "Lighting of the proposed pool and deck will be restricted to hours of pool operation, 7 a.m. to 10 p.m. Condition #9, "Delivery and service vehicles to the Washington School Inn and related pool area will occur off of Park Avenue. Woodside Avenue may be used by maintenance vehicles to service pool only. Two

or more complaints will require Planning Commission review. An administrative review would be conducted by Staff one year from the date of approval". Add Condition #13, "Mechanical equipment pad shall have roof structure shielding the mechanical equipment from view above." Add Finding of Fact #17, "The stone walkway and landscape improvements through adjacent lot have been removed and are reflected in the drawings dated November 10, 2010".

Commissioner Pettit expressed concern with the parking issue. Based on current parking regulations, people would be required to park on the opposite side of the street. Planner Sintz clarified that the City was not advocating parking on the downhill side of Park Avenue during the winter months as part of servicing the pool during the winter months.

MOTION: Commissioner Peek moved to APPROVE the conditional use permit for the Washington School Inn at 543 Park Avenue according to the Findings of Facts, Conclusions of Law, and Conditions of Approval as amended. Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - 543 Park Avenue

1. The property is located at 543 Park Avenue.
2. The zoning is Historic Residential (HR-1).
3. The proposed Conditional Use Permit is for a private recreation facility (lap pool).
4. The Washington School Inn is a landmark structure listed on the Park City Historic Sites Inventory, when the site was nominated to the National Register in 1978, the building was vacant and in disrepair.
5. On September 21, 2003, the Historic District Commission granted a conditional use permit for the site to be rehabilitated and adaptively reused as a bed and breakfast. The site continues to be used as a bed and breakfast.
6. On March 22, 1984, Park City Municipal Corporation entered a non-exclusive easement agreement for the parking access and use of the staircase located as the north 21.5 feet of Lot 11 and all of Lot 36, Block 9 of the amended plat of Park City Survey.
7. On October 9, 1984 an easement agreement (entry #225977) granted the Washington School Inn a private easement for the 11 automobile parking spaces.
8. On June 7, 2001, the City Council approved a plat amendment to combine seven old town lots into one lot of record on the site where the Inn is located.
9. The dimensions of the proposed lap pool are ten feet wide by forty feet long.
10. Retaining walls are necessary due to the steepness of the existing grade in the rear yard. The proposed retaining walls exceed six feet in height in some locations within the building.

pad area. Six foot high retaining walls and fences within the side yard setbacks and four foot high retaining walls and fences within the front setbacks are permitted by the Code. 15-4-2(1) allows an increase to six foot high retaining walls and fences in the front yard setback.

11. Additional parking requirements for the site are not affected by this application. Parking by guests or employees shall only occur in designated parking associated with the original Conditional Use Permit for the bed and breakfast.
12. The lap pool is for the use of the Washington School Inn guests. No additional traffic will be produced by the addition of a lap pool on the property.
13. The heated lap pool will not be enclosed. No enclosed structures are included within this application. The pool will be fenced.
14. The application includes an open shade structure and landscape improvements. Approval for compliance with the historic district design guidelines is required prior to issuance of a building permit.
15. Passive use of the Washington School Inn garden and grounds by patrons of the Inn are a permitted use in the HR1 zone and consistent with the 1983 conditional use permit approval. Organized events for the Washington School Inn patrons and/or the general public including parties weddings, or other public assemblies, are not permitted in the HR1 zone and are outside the scope of the 1983 conditional use permit.
16. The Washington School Inn is identified as a Landmark Structure on the Historic Sites Inventory with a recorded Facade Easement with the State of Utah.
17. The stone walkway and landscape improvements through adjacent lot have been removed and are reflected in the drawings dated November 10, 2010.

Conclusions of Law - 543 Park Avenue

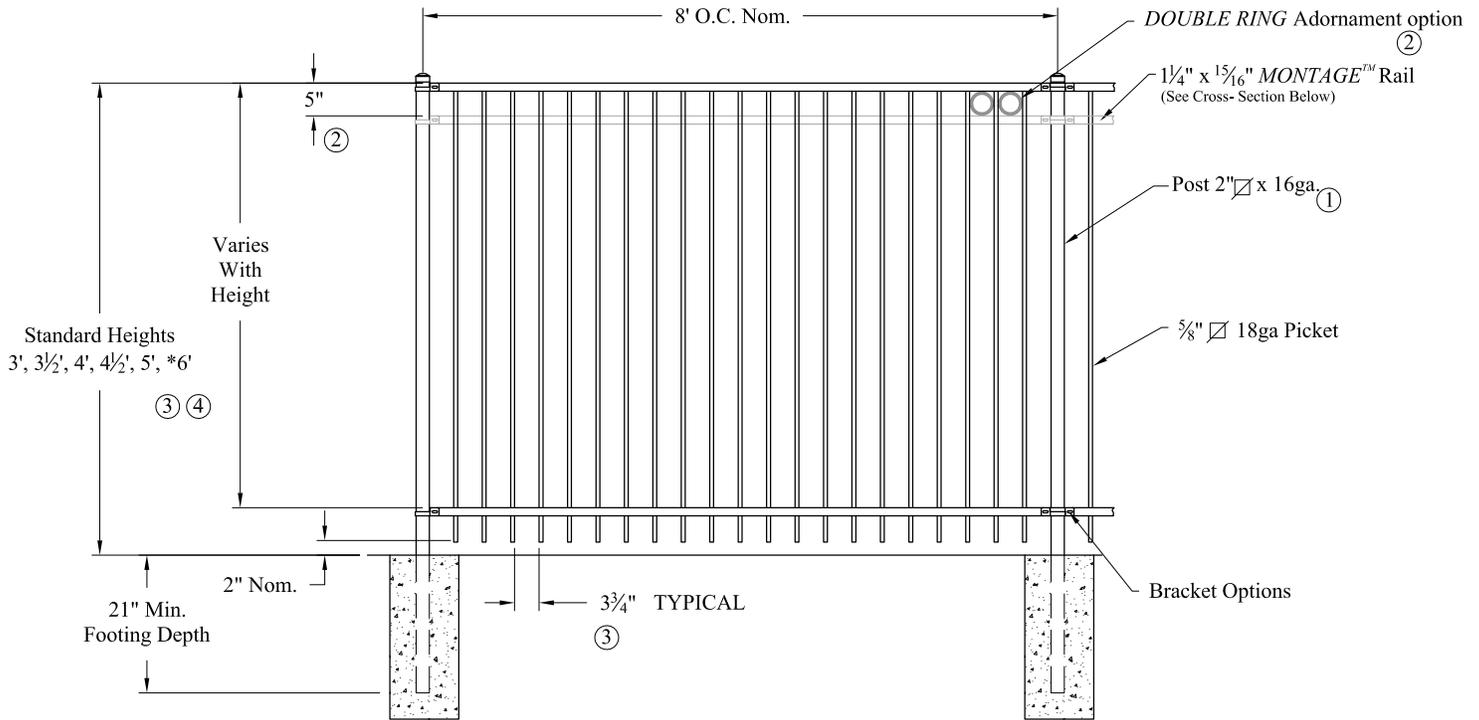
1. There is good cause for this Conditional Use Permit.
2. The Conditional Use Permit is consistent with the Park City Land Management Code and applicable State law.
3. Neither the public nor any person will be materially injured by the proposed Conditional Use Permit.
4. Approval of the Conditional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

Conditions of Approval - 543 Park Avenue

1. New retaining walls and fences proposed within the private recreation facility conditional use permit may not exceed six feet (6') in height.
2. The outdoor pool and spa shall be restricted to use between the hours of 7 am to 10 pm. A sign must be posted by the pool area stating the operating hours of the pool.
3. This approval is for a private recreation facility. Any additional uses, including public assemblies, must be reviewed independently and are outside the scope of the 1983 bed and breakfast conditional use permit and the present private recreation facility conditional use permit.
4. No guest or employee parking shall occur on Woodside Avenue or Park Avenue. Guest and employee parking shall adhere to the 1983 Bed & Breakfast conditional use permit approval.
5. The applicant will apply for a building permit from the City within one year from the date of Planning Commission approval. If a building permit has not been granted within one year's time, this Conditional Use Permit will be void.
6. Any modifications to signs shall be reviewed under separate application.
7. An approved Historic District Design review is required prior to building permit issuance.
8. Lighting of the proposed pool and deck will be restricted to hours of pool operation, 7 am to 10 pm.
9. Delivery and service vehicles to the Washington School Inn and related pool area will occur off of Park Avenue. Woodside Avenue may be used by maintenance vehicles to service pool only. Two or more complaints will require Planning Commission review. An administrative review will be conducted by Staff one year from the date of approval.
10. Noise levels will comply with 6-3-9 of the Park City Municipal Code.
11. Retaining walls and fences up to six feet (6') in height will be allowed in the front yard setback and side yard setbacks.
12. Improvements in the City right-of-way will require an Encroachment.
13. Mechanical equipment pad shall have roof structure shielding the mechanical equipment from view above.
2. Park City Heights - Master Planned Development
(Application #PL-10-01028)

Planner Kirsten Whetstone recommended that the Planning Commission conduct a public hearing and discuss the revised site plan and overall mix of housing types. The applicant was also looking

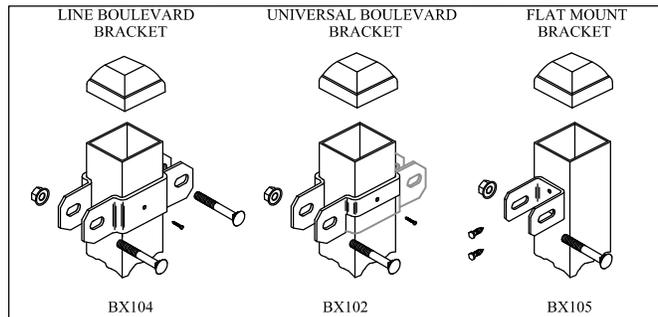
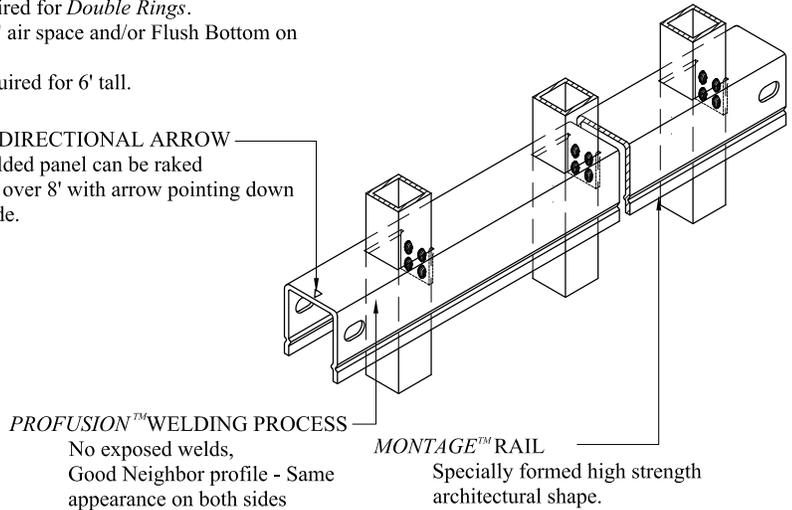
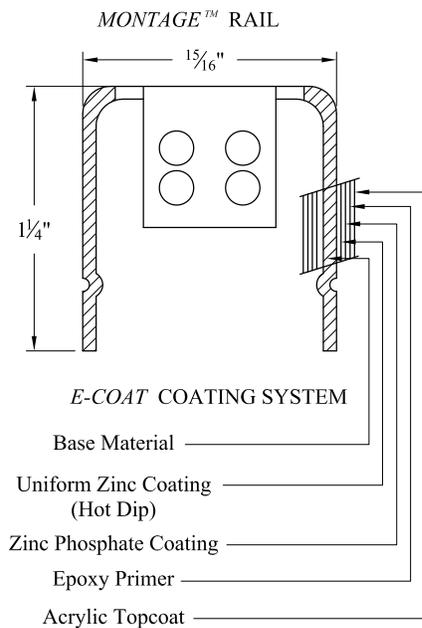
Exhibit E.
Fence Detail



NOTES:

- 1.) Post size depends on fence height and wind loads. See MONTAGE™ specifications for post sizing chart.
- 2.) Third rail required for Double Rings.
- 3.) Available in 3" air space and/or Flush Bottom on most heights.
- 4.) Three rails required for 6' tall.

RAKING DIRECTIONAL ARROW
Welded panel can be raked 45° over 8' with arrow pointing down grade.



RESIDENTIAL WELDED STEEL PANEL
PRE-ASSEMBLED

Values shown are nominal and not to be used for installation purposes. See product specification for installation requirements.

RMISO

Title: MONTAGE MAJESTIC 2/3-RAIL		
DR: CI	Shining Commission August 20, 2012	NOT SCALE
CK: ME	Date 7-19-11	REV: c



AMERISTAR®

1555 N. Mingo
Tulsa, OK 74116
Page 199 of 237
1-888-533-3422
www.ameristarfence.com

Planning Commission Staff Report



Subject: 30 Sampson Avenue
Project #: PL-12-01487
Author: Mathew Evans, Senior Planner
Date: August 22, 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 30 Sampson Avenue. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

Description

Applicant/Owner: Michael Jorgensen
Architect: Jonathan DeGray
Location: 30 Sampson Avenue
Zoning: Historic Residential - Low (HRL)
Adjacent Land Uses: Residential, Vacant
Reason for Review: Construction of structures greater than 1,000 sf on a steep slope requires a Conditional Use Permit

Proposal

This application is a request for a Steep Slope Conditional Use Permit for new 4,587 square foot home (4,041 total living space minus garage) to be located at 30 Sampson Avenue. The lot is currently vacant. The property is located within the Historic Residential Low (HRL) Zone designation, and requires that any new construction 1,000 square feet or greater, on slopes exceeding 30%, first obtain a Conditional Use Permit for steep slope construction prior to the issuance of a building permit.



Background

On January 5, 1995, the City Council approved the “30, 40, and 50 Sampson Avenue Amended Plat” also known the Millsite Supplemental Plat Amended Subdivision, which was a combination of 13 whole and partial lots, and a portion of “Utah Avenue” within the original Millsite addition to Park City Subdivision Plat. The Plat was recorded with a note that limited the “maximum size for residential structures” to 3,000 square feet for Lots 1 and 3, and 3,500 square feet for lot two. The conditions of approval reflect that there would be a 400 square foot “credit” for garages (see Exhibit “C”). This application is for Lot 3 of the Millsite Supplemental Plat Subdivision.

On March 30, 1998, a letter was written by Richard E. Lewis, acting Community Development Director, to the owners of Lots 1, 2, and 3, which clarifying that the maximum size for residential structures note on the plat excluded basements as defined by the LMC, so long as no portion of the basement was above ground. The letter also clarified the additional 400 square feet of floor area allowance to the total square feet allowed. This letter is attached hereto as Exhibit “D”.

On February 14, 2012, the City received a completed application for a Conditional Use Permit (CUP) for “Construction on a Steep Slope” at 30 Sampson Avenue. The property is located in the Historic Residential Low (HRL) District. On April 9, 2012, the application was deemed “complete” and scheduled as a public hearing before the Planning Commission.

This application is a request for a Conditional Use Permit for construction of a new single family dwelling including a detached garage. Because the total proposed structure square footage is greater than 1,000 square feet, and would be constructed on a slopes greater than thirty percent (30%), the applicant is required to file a Conditional Use Permit application for review by the Planning Commission, pursuant to LMC § 15-2.1-6.

A Historic District Design Review (HDDR) application is being reviewed concurrently by staff for compliance with the Design Guidelines for Historic Districts and Historic Sites adopted in 2009. Originally the applicant proposed a sub-basement level entrance from the garage, however it was determined by Staff that such a proposal would violate Section 15-2.1-5 (Building Height – Maximum of three [3] stories) of the LMC. Since that time, the applicant has revised his plans to show a detached garage and a subterranean walk-way (tunnel) that leads to an elevator, which leads to a patio area in front of the house. Since the garage is detached, it does not violate the 3 stories height restriction in the code.

Purposes of the HRL District

The purpose of the Historic Residential Low-Density (HRL) District is to:

- (A) Reduce density that is accessible only by substandard Streets so these Streets are not impacted beyond their reasonable carrying capacity,
- (B) Provide an Area of lower density Residential Use within the old portion of Park City,
- (C) Preserve the character of Historic residential Development in Park City,

- (D) Encourage the preservation of Historic Structures,
- (E) Encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District, and maintain existing residential neighborhoods.
- (F) Establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment, and
- (G) Define Development parameters that are consistent with the General Plan policies for the Historic core.

Analysis

The proposed home is three (3) stories, including a basement level, a main level, and a top level. There is also a detached garage and a subterranean (underground) tunnel that leads to an ADA accessible elevator building. The garage is not directly connected to the home, and is thus considered a detached accessory structure which is proposed to be built within the required setbacks for the main structure. The garage is setback from the elevator building by ten feet (10') and is setback thirty-two feet (32') from the main building. The highest point of the building is 27 feet, but at no point does the building exceed this height.

The total maximum allowed footprint per the LMC is 2,355.5 square feet. There is a plat note on the Millsite Reservation Supplemental Plat that restricts the maximum size of the structure to 3,000 square feet. In a 1998 letter from former Community Development Director, Richard E. Lewis, written to the owners of the Millsite Reservation Supplemental plat clarified that the City Council granted an additional 400 square feet for a garage. In addition, Mr. Lewis determined that basements were permitted in addition to the maximum house size provided that the basement meets the definition in the Land Management Code. At the time Basement was defined as having all four walls at least 80% underground and may not have an outside door visible from the public right of way. Our current Code defines Basement as "Any floor level below the First Story in a Building." The Basement level of the Main House meets this definition.

The total proposed structure is 4,587 total square feet which includes a proposed 546 square foot garage, a 331 garage entryway, and a 109 square foot mud room which is attached to an elevator building totaling 346 square feet. The main home/living quarters has a footprint of 1,189 square feet with a total of 3,601 square feet, and the total size of the structure (excluding basements and 400 square feet for garage is 2,998 square feet. The total living space is 4,041 square feet. Below is an analysis of each floor and accounts for the total square footage of the entire project:

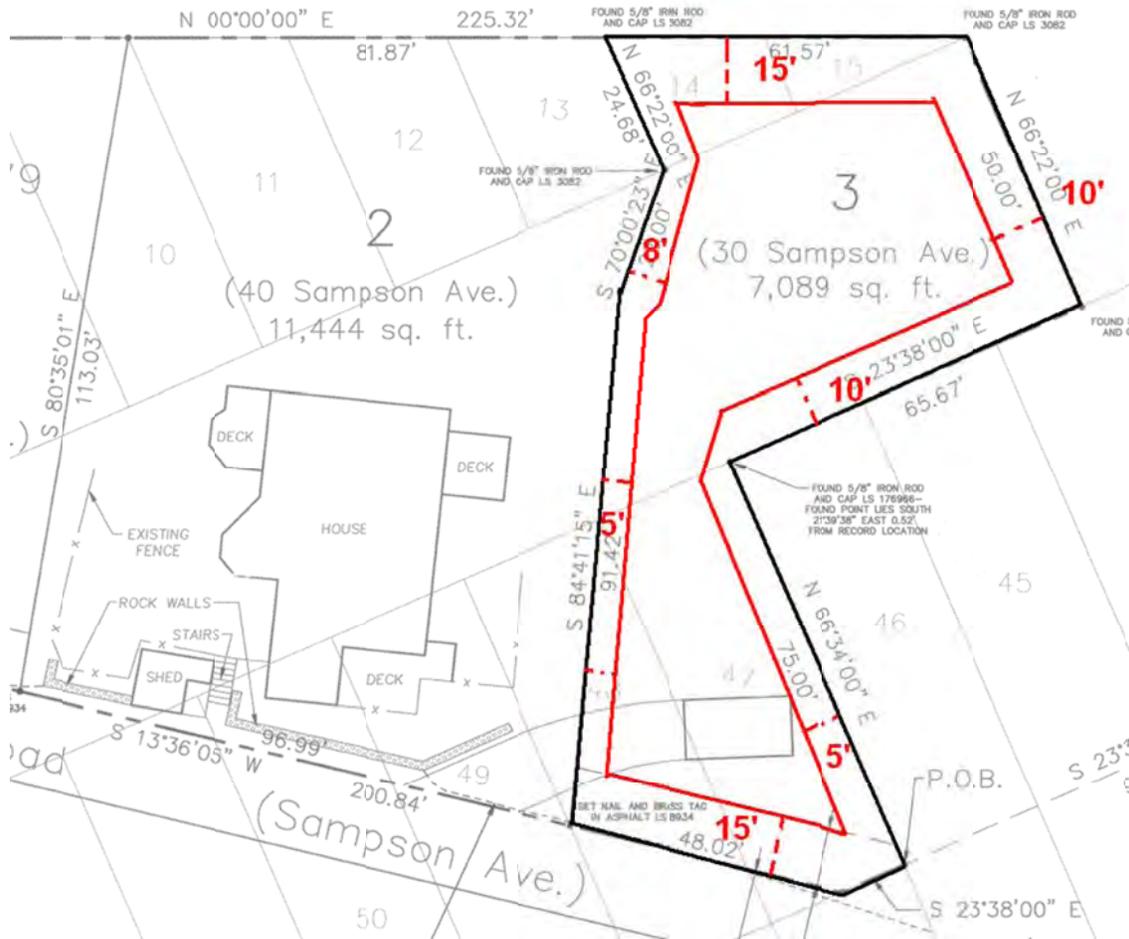
Floor	Proposed floor area
3 rd Story	1,209 square feet – Main (top) Level
2 nd Story	1,203 square feet – Lower Level
1 st Story	1,189 square feet – Basement
Garage	546 square feet garage 331 square feet – Garage Entry Area

	109 square feet – Mud Room
Overall area	4,587 grand total square feet + garage
Overall size	2,998 square feet (3,398 - 400 allowed for garage)

The proposed maximum building footprint size is determined by the LMC. The area of the lot is 7,089 square feet and under the LMC an overall building footprint of 2,380 square feet is allowed. A building footprint of 2,272 square feet is proposed, which includes Garage entry Area.

Per Section 15-4-17 (Supplemental Regulations – Setback Requirements for Unusual Lot Configurations) it has been previously determined by the Planning Director, Thomas Eddington that the lot has eight sides, and all lots with more than four sides require a “Setback Determination” by the Planning Director. On October 11, 2011, the Planning Director made the following setback determination for the subject property:

Setback Determination	
Required Setbacks	Proposed Setbacks
1. Front Yard – 15 feet	Front – 15 feet (complies)
2. Side Yard south property line to “tapper” area (see diagram below) – 5 Feet	Side-yard south – 5 feet (complies)
3. Side Yard north property line to the southwest corner of Lot 46, Block 78 of the Subdivision #1 of the Millsite Reservation – 5 feet	Side-yard north – 5 feet (complies)
4. Combined Side Yards (north and south) of main portion of lot – 18 feet total, south-side shall be 8 feet; north-side shall be 10 feet	Combined north/south side-yard for main body of lot – 18 feet total (complies)
5. Rear Yard – 15 feet	Rear yard – 15 feet (complies)
6. Side Yard north property line – 10 feet	Side-yard north for main portion - 10 feet (complies)
7. Side Yard west property line – 10 feet	Side-yard west property line – 10 feet (complies)



Of the total 4,587 total square feet, 2,998 square feet is above ground excluding the 400 square feet for the garage (from the garage allowance). The total living space is 4,041 square feet. The above ground square footage equates to sixty-nine percent (69%) of the total building size with the remaining 1,189 square feet of building space is under ground. The total square footage above ground is 3,396 square feet which is compliant with the 1998 clarification letter written by Community Development Director Lewis.

Staff made the following LMC related findings:

Requirement	LMC Requirement	Proposed
Building Footprint	2,355.5 square feet (based on lot area) <u>maximum</u>	2,272 square feet, <u>complies.</u>
Building Square Foot Maximum	No LMC Requirement – 3,000 square feet per plat note	4,587 square feet, does not comply with plat note, however, does comply with exceptions provided
*Front and Rear Yard	10 feet minimum (20 feet total) 15 feet per Planning Director	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 less than 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	1 st story completely under finished grade, garage is detached, <u>complies.</u>
Roof Pitch	Roof pitch must be between 7:12 and 12:12 for primary roofs. Non-primary roofs may be less than 7:12.	7:12 for all primary roofs with a minor "green roof" for the garage between the primary roof pitch, <u>complies.</u>
Parking	Two (2) off-street parking spaces required	2 covered + two additional uncovered spaces, <u>complies.</u>

* Planning Director Determination of setbacks based on the fact that the lot has more than four sides. Planning Director can require greater setbacks in this instance.

Existing Home Size Analysis – Sampson Avenue and Surrounding Properties

Address	House Size (total sq ft)	Garage Size (total sq ft)	Footprint (total sq ft. estimate)	Total Size (sq ft)
40 Sampson Ave	1,746	n/a	1,746	1,746
41 Sampson Ave	908	n/a	908	908
50 Sampson Ave	3,674	n/a	1,830	3,674
60 Sampson Ave	3,800	300	1,900	4,100
99 Sampson Ave	2,990	n/a	1,500	2,990
121 Sampson Ave	1,854	n/a	680	1,854
131 Sampson Ave	2,085	n/a	750	2,085
133 Sampson Ave	2,593	626	1,200	3,219
205 Norfolk Ave	7,711	400 (+/-)	3,200	8,111
220 King Road	6,011	954	3,000	6,965

Based on the analysis above, the average total home size for Sampson Avenue is 3,566, and the average footprint, based on estimates only, is roughly 1,680 square feet.

This number is likely skewed by two larger homes on Norfolk Avenue and King Road. However, the Norfolk home has direct access to Sampson and is the neighboring property to the applicant, and the King Road property is also a direct adjacent neighbor, thus they were included in the analysis.

LMC § 15-2.1-6 provides for development on steep sloping lots in excess of one thousand square feet (1,000 sq. ft.) within the HR-1 District, subject to the following criteria:

Criteria 1: Location of Development.

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

The proposal is for a new single family dwelling with a proposed footprint of 1,189 square feet. The proposal includes a two car garage at the bottom of the slope along the frontage of the lot. The home will be built uphill from the street. The lot is wide at the street level but narrows before opening up to the most substantial portion of the lot. Unlike most home build in steep slope areas of city, the lot does not “step” with the grade. The garage and main portion of the home will not appear connected since the subterranean corridor will not be exposed. The proposed coverage of the building is 31 percent (%) of the overall lot. The applicant is proposing to plant twenty (20) new trees on the property, and there is some existing native vegetation located on the lot, some of which will be disturbed, however there are no large native trees or evergreens identified on the property, and the level of disturbance of existing vegetation will be mitigated by the planning of new vegetation as shown on the attached plans (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 (see exhibit “B”). The proposed structure cannot be seen from the key vantage points as indicated in the LMC Section 15-15-1.283, with the exception of a cross canyon view. The cross canyon view contains a back drop of two (2) story building. Visual impacts from this vantage point are mitigated by the amount of vegetation surrounding this area and on the subject property.

Criteria 3: Access.

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

The proposed design incorporates a driveway from Sampson Avenue. Unlike other properties on the “up-hill” side of Sampson, the applicants will not need a retaining wall, and instead propose a gentle slope away from the garage and parking area to the

street. The driveway access will be located on the south side of the lot where the finished grade of the street and the natural grade of the lot are closest in elevation. This location will reduce the need for retaining walls and other stabilization usually associated with development on Sampson Avenue.

The driveway has a maximum slope of nine percent (9%). The applicant is proposing a side loading two-car garage and additional parking pad which should provide a total of four parking spaces, two of which are covered spaces. The LMC requires two off-street parking spaces. Because Sampson Avenue is an extremely narrow street, there is no available on-street parking. This means that the owners and guests will need to park on-site.

Criteria 4: Terracing.

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

No terracing is proposed. The applicants are proposing to build on the two flat areas of the lot, with a subterranean (underground) walk-way from the garage to the house. This will require some initial grading and site stabilization, but the end result will be that the grading between the garage and the house will be put back to its natural state. Grading around the home will be utilized to stabilize the ground around the foundation and to help separate the back-yard area from the front-yard area.

Criteria 5: Building Location.

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

The building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography. The house sits on the up-hill side of the lot where there is area with less than 30% slope on which to build. The existing eight-sided lot was approved 1995 as a recorded subdivision lot. The lot is some-what hourglass shaped with a vast majority of the buildable area located in the rear of the lot. The street-side of the lot has limited building area available which has dictated the location of the proposed home. The site design, reduced building footprint (than what is allowed per code), and increased setbacks maximizes the opportunity for open area and natural vegetation to remain.

Criteria 6: Building Form and Scale.

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

The top floor of the home walks out to the existing grade of the top of the lot, and the main floor walks out to the existing down-hill side of the lot. There is a minimal retaining wall on each side of the home to differentiate the rear and front yard.

The garage is detached and completely subordinate to the main home and the design of the main building. The home and garage/elevator building are separated by a ten-foot (10') setback. Only the elevator building connects directly to the garage, and is only accessible to the home by a patio area, which is considered flatwork and is not connected by foundation. The connection between the garage the elevator building is completely underground and not visible. Only two stories of the proposed home are exposed, with the basement completely underground with no portion thereof expose.

The top level (3rd story) consists of approximately 1,209 square feet, approximately one half (½) of the total allowed above-ground square feet, and the exposed massing significantly steps with the hillside. The lower level contains 1,203 square feet which is above ground, the remaining 1,189 square feet of building space is under ground. The garage is 546 square feet which is above ground and steps between 17-24 feet in height. Only 2,958 square feet is visible from any vantage point on the property.

Criteria 7: Setbacks.

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

The proposed location of the home on the property, including the placement of the garage angled to parallel the lot line, avoids the “wall effect” along the street. The actual dwelling is approximately seventy-seven feet (77') from the front property line.

Criteria 8: Dwelling Volume.

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

The proposed house is both horizontally and vertically articulated and broken into compatible massing components. The design includes setback variations and lower building heights for portions of the structure. The proposed massing and architectural design components are compatible with both the volume and massing of single family dwellings in the area.

Criteria 9: Building Height (Steep Slope).

The maximum Building Height in the HR-1 District is twenty-seven feet (27'). The Planning Commission may require a reduction in Building Height for all, or portions, of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale

between a proposed Structure and existing residential Structures. **No unmitigated impacts.**

The proposed structure meets the twenty-seven feet (27') maximum building height requirement measured from existing grade. Portions of the house are less than 27' in height. The tallest portion of the house is on the front (uphill) side of the lot facing the street view. The garage building has a maximum height of 24 feet to accommodate the access to the ADA compliant elevator.

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. The Building Department determined that due to the narrow lot configuration between the front and rear, a construction mitigation plan will be required prior to construction that details how the applicant will protect and stabilize all adjacent property lines so that disturbance of other properties will not occur. This shall be a condition of approval.

Public Input

Staff had received various inquires and comments regarding the proposed Conditional Use Permit. Neighboring property owner, Debbie Schneckloth, has meet with Staff on three occasions to raise various concerns, including:

- The need for retaining walls between her property and the subject property – Debbie is concerned the proposal inadequately addresses on-site retention.
- Incorrect driveway grades – Debbie is concerned that the plans do not accurately reflect existing grades and is incredulous that a driveway that starts at Sampson Avenue with a rise of 10% can be achieved. She is worried that the architect's drawing are inaccurate, and the grade at Sampson is greater than shown on the plans.
- Future subdivision plans – Debbie is concerned that the applicant may try and acquire more property to the west and attempt to subdivide the lot at some point in the future creating a frontage on King Road (there is none at this point), and that the plans are designed in such a manner that will accommodate future subdivision plans.

Alternatives

- The Planning Commission may approve the Steep Slope Conditional Use Permit for 30 Sampson Avenue as conditioned or amended, or
- The Planning Commission may deny the Steep Slope 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 30 Sampson 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 30 Sampson Avenue.
2. The property is within the Historic Residential (HRL) District and meets the purpose of the zone.
3. The property is Lot 3 of the Millsite Reservation Supplemental Plat, which was recorded in 1995.
4. The Lot area is 7,088 square feet.
5. A Historic District Design Review (HDDR) application is currently being reviewed by staff for compliance with the Design Guidelines for Historic Districts and Historic Sites adopted in 2009.
6. The proposal consists of single family dwelling of 4,041 square feet which includes a 546 square foot detached garage, a 331 square foot garage entry and a 106 square foot access tunnel which is located below ground.
7. Plat notes indicate the maximum square footage allowed for this lot is 3,000 square feet with an additional allowance of 400 square foot for a garage.
8. A subsequent 1998 letter from the (then) Community Development Director determined that the 3,000 square foot maximum only applied to the above ground portion of the future dwelling, and that fully exposed basement areas would not count against the 3,000 square foot maximum. This letter was recorded on the title of the property.
9. An overall building footprint of 2,272 square feet is proposed. Under the current LMC, the maximum allowed footprint is 2,355.5 square feet.
10. The proposed home includes three (3) stories including a completely below grade basement level attached to the garage by a basement level walkway.
11. The applicant submitted a visual analysis, including a model, and renderings showing a contextual analysis of visual impacts.
12. The proposed structure will not be liked not be seen from the key vantage points as indicated in the LMC Section 15-15-1.283, with the exception of a cross canyon view which is largely mitigated by the presents of dense vegetation and trees.
13. The cross canyon view contains a back drop of a two (2) story building and a garage below the home.
14. The proposed design incorporates a driveway from Sampson Avenue on the top slope of the street to avoid excessive cuts and grading for the proposed driveway.

15. Retaining is necessary around the home on the upper-side of the lot. The plans as shown indicate that there will be no free-standing retaining walls that exceed six feet in height.
16. 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 and will leave more than half of the lot undeveloped.
17. The site design, stepping of the building mass, reduced building footprint, and increased setbacks maximize the opportunity for open area and natural vegetation to remain.
18. The applicant is providing approximately four (4) off street parking spaces, including two covered spaces. There is no on-street parking available on Sampson Avenue due to its narrow width.
19. The garage level is set back fifteen feet (15') from the front property line, and the main portion of the building (the habitable portion of the overall dwelling) is located approximately 100 feet from the street.
20. 2,996 square feet of the total 4,041 square feet of building space is above ground.
21. 1,594 square feet of building space is under ground, which equates to thirty-six percent (36%) of the overall square footage.
22. The lot has been deemed to have eight (8) different sides, and thus a Planning Director determination for setbacks has previously been determined and calculated as outlined within the analysis section of the report.
23. The design includes setback variations and lower building heights for portions of the structure.
24. The proposed massing and architectural design components are compatible with both the volume and massing of other single family dwellings in the area.
25. 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.
26. The findings in the Analysis section of this report are incorporated herein.
27. The applicant stipulates to the conditions of approval.
28. The necessary removal of vegetation from the site to accommodate the building will be mitigated by the installation of approximately forty-four (44) trees, seventy (70) shrubs and other plantings mixed with ground cover. A final landscape plan addressing the removal of existing vegetation and a replacement plan is required prior to the granting of a building permit.

Conclusions of Law:

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

Conditions of Approval:

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 and vegetation replacement plan shall be submitted for review and approved 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. 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.
8. This approval will expire on July 25, 2013, if a building permit has not issued by the building department before the expiration date, unless an extension of this approval is applied for before the expiration and is granted.
9. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission.
10. All retaining walls within any of the setback areas shall not exceed more than six feet in height measured from final grade.

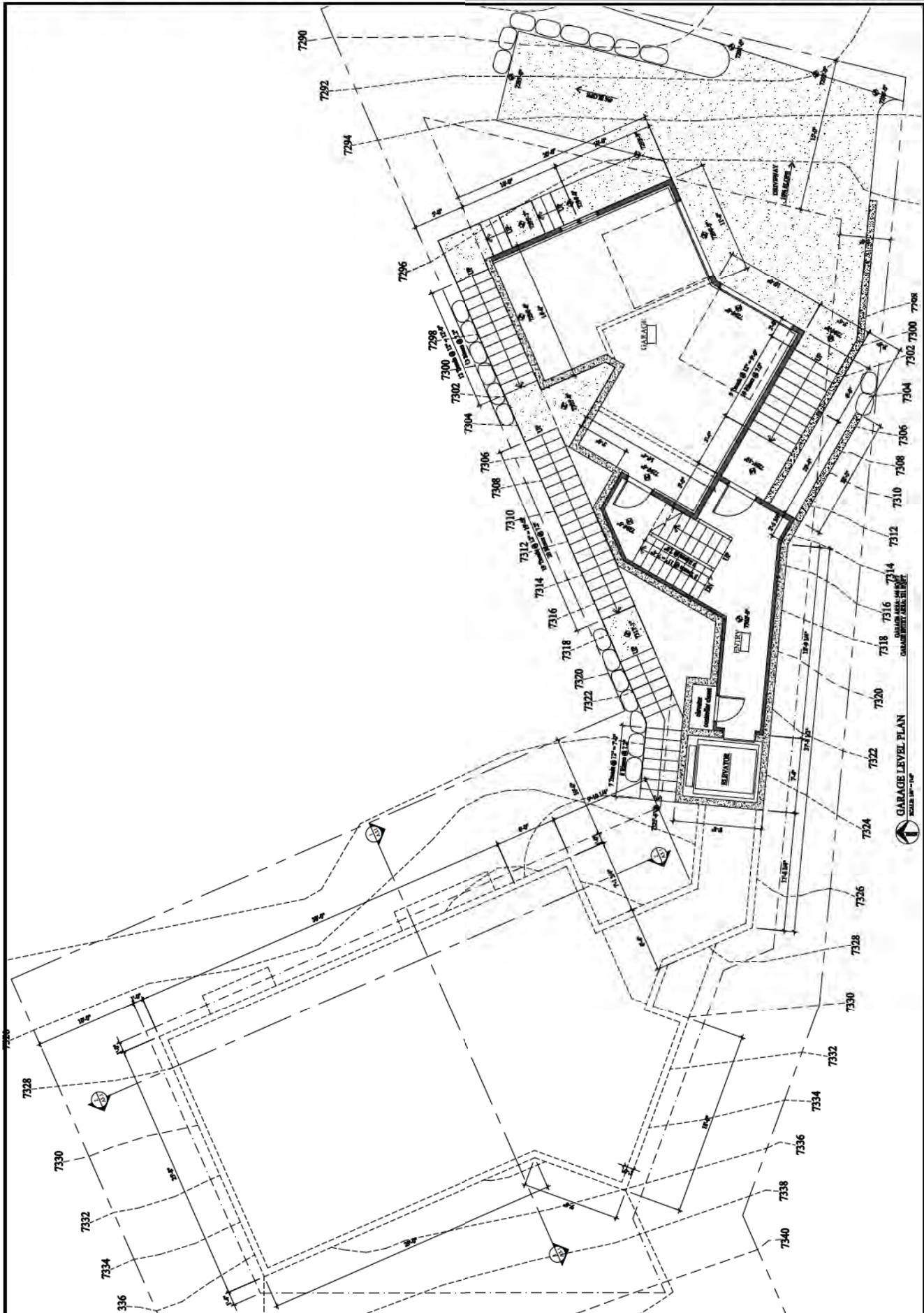
Exhibits

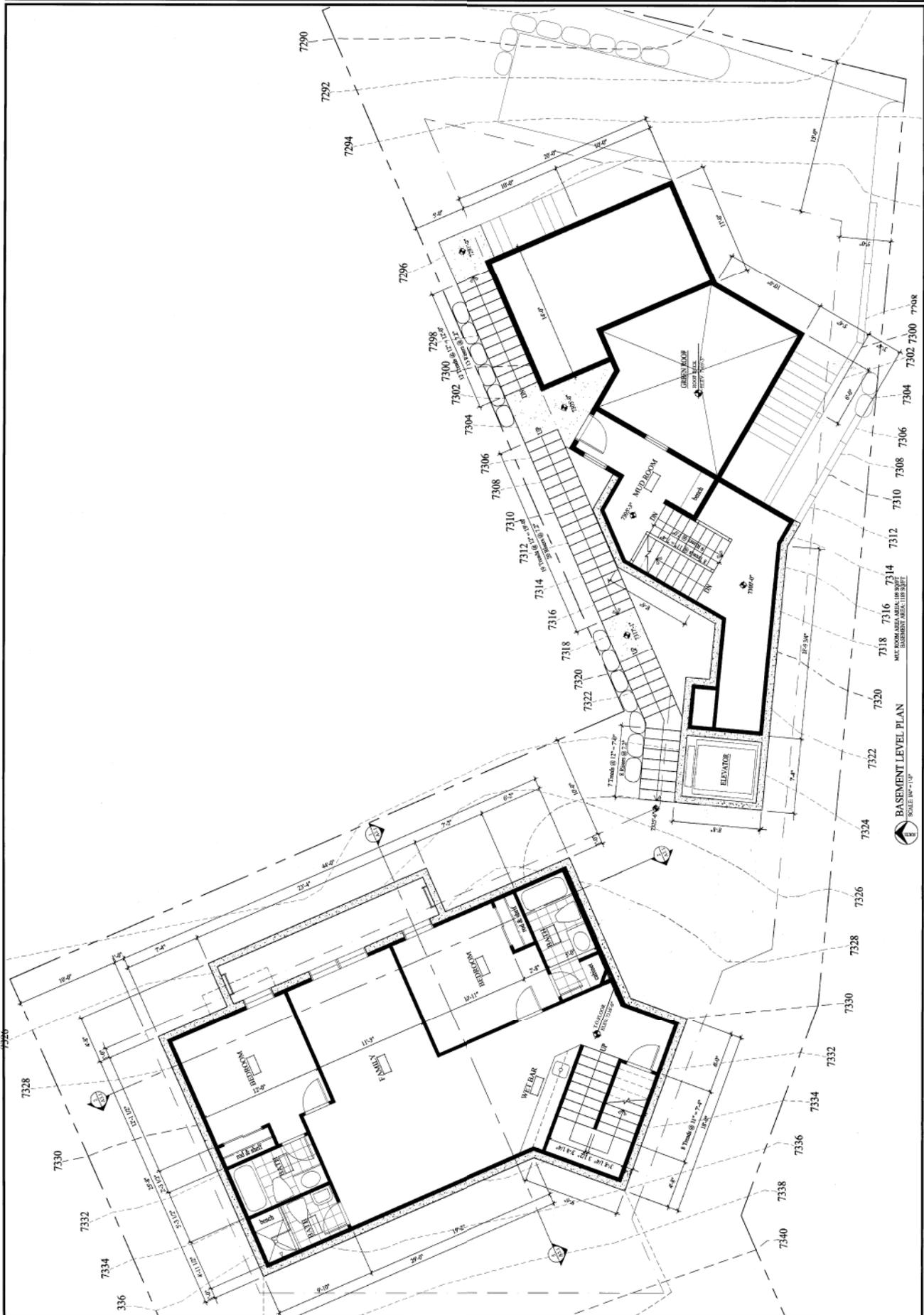
Exhibit A – Stamped Survey and Plans (site plan, elevations, floor plans, landscape plan)

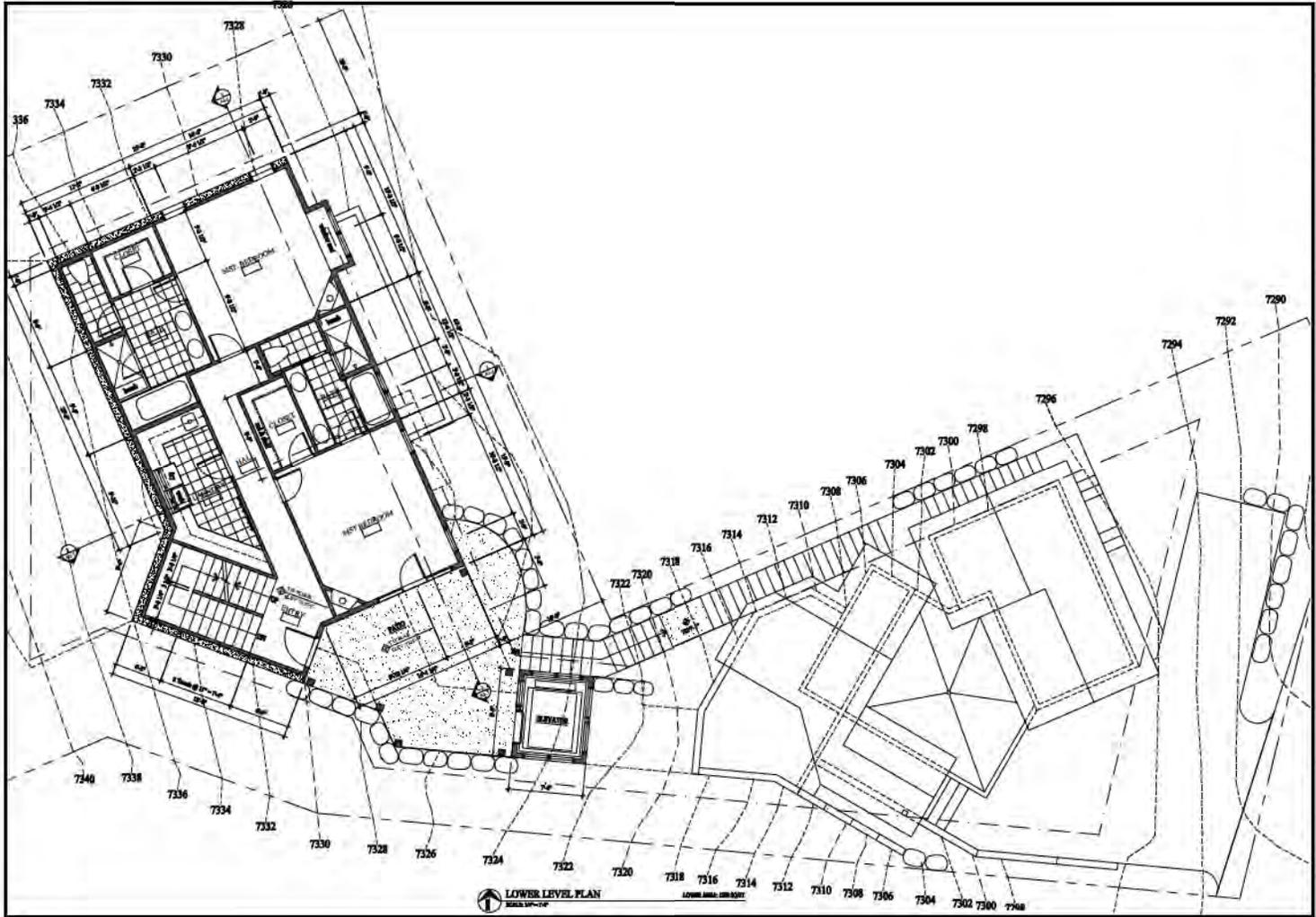
Exhibit B - Model and Visual Analysis

Exhibit C – City Council Meeting Minutes for the Millsite Reservation Supplemental Plat.

Exhibit D – Richard E. Lewis letter to property owner(s) of the Millsite Reservation Supplemental Plat.







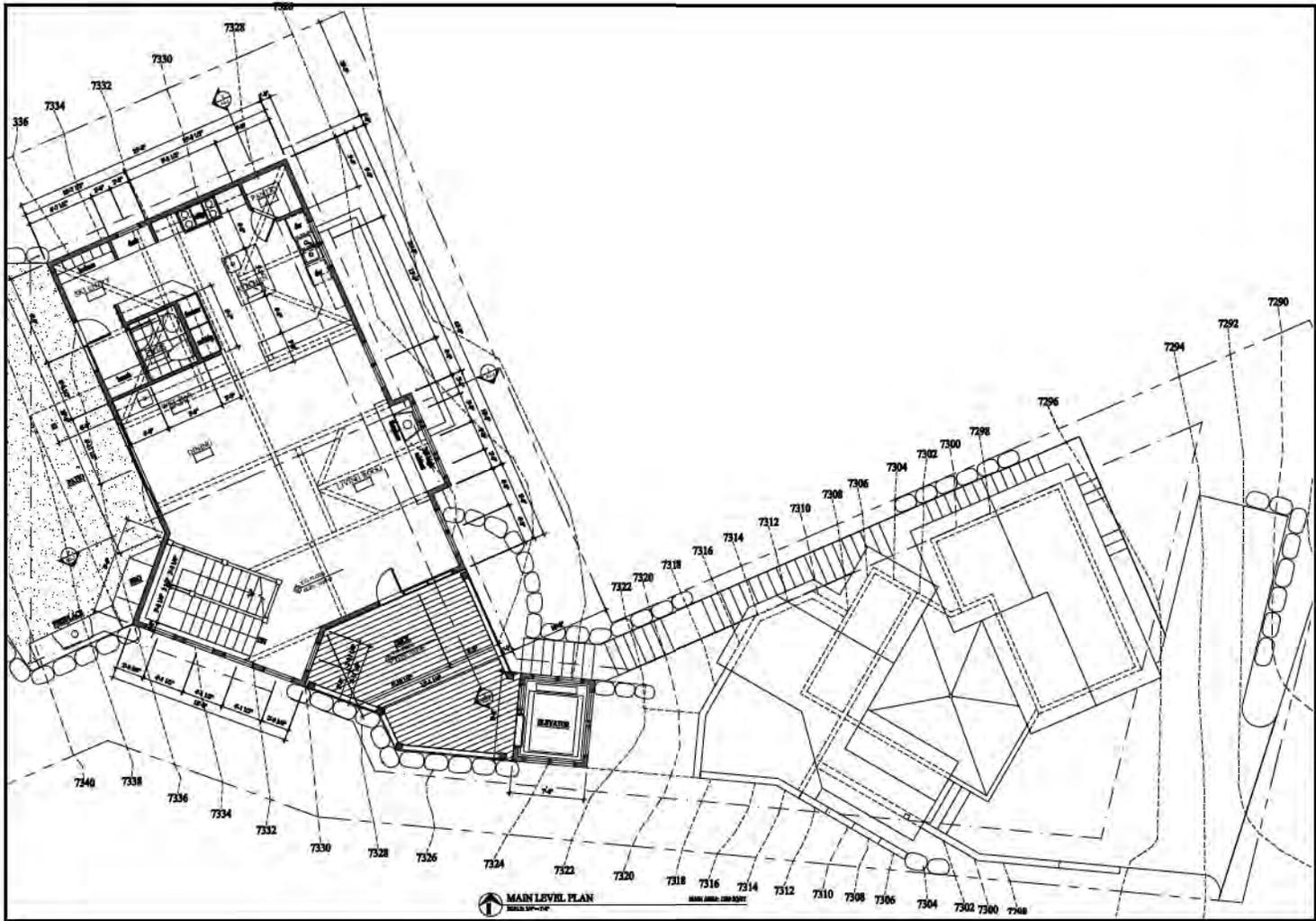
Jonathan DeGray
Architect

JORGENSEN RESIDENCE
HISTORIC DISTRICT DESIGN REVIEW AND
STEP 2/3 OF CONDITIONAL USE APPLICATION SET
39 LAMAR AVENUE, PARK CITY, UTAH 84400

LOWER LEVEL PLAN

DATE: 08.17.12
SCALE: 1/8" = 1'-0"

A1.3



Jonathan DeGray
Architect

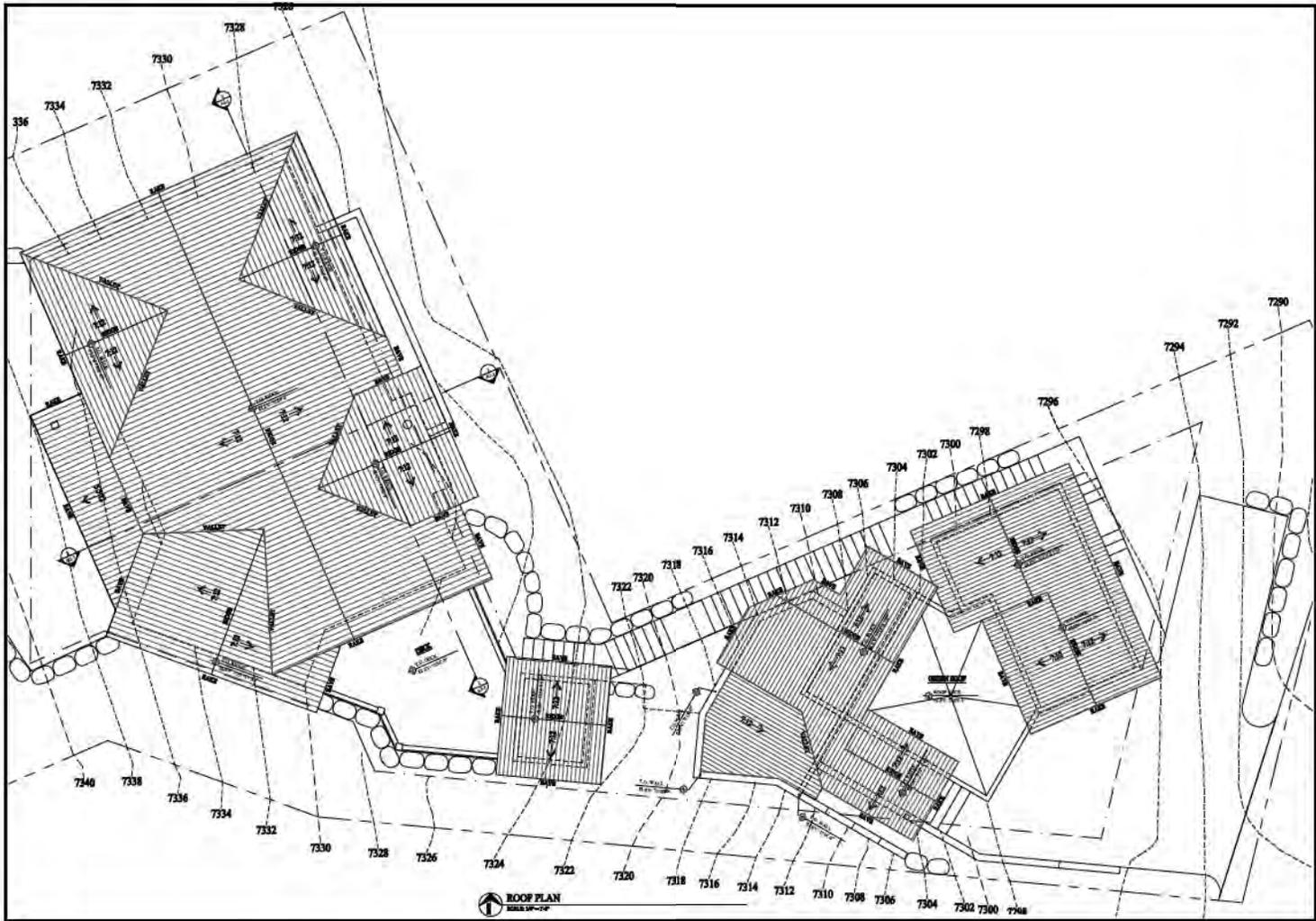
101 W. 102 S. Salt Lake City, UT 84115, Utah
Tel: 320-944-2225 Email: jonathandegray.com

JORGENSEN RESIDENCE
HISTORIC DISTRICT DESIGN REVIEW AND
STEP 2 OF CONDITIONAL USE APPLICATION SET
39 LAMARSON AVENUE, PARK CITY, UTAH 84400

MAIN LEVEL PLAN

DATE: 03.17.2012
SCALE: 1/8" = 1'-0"
SHEET: 110-01

A1.4

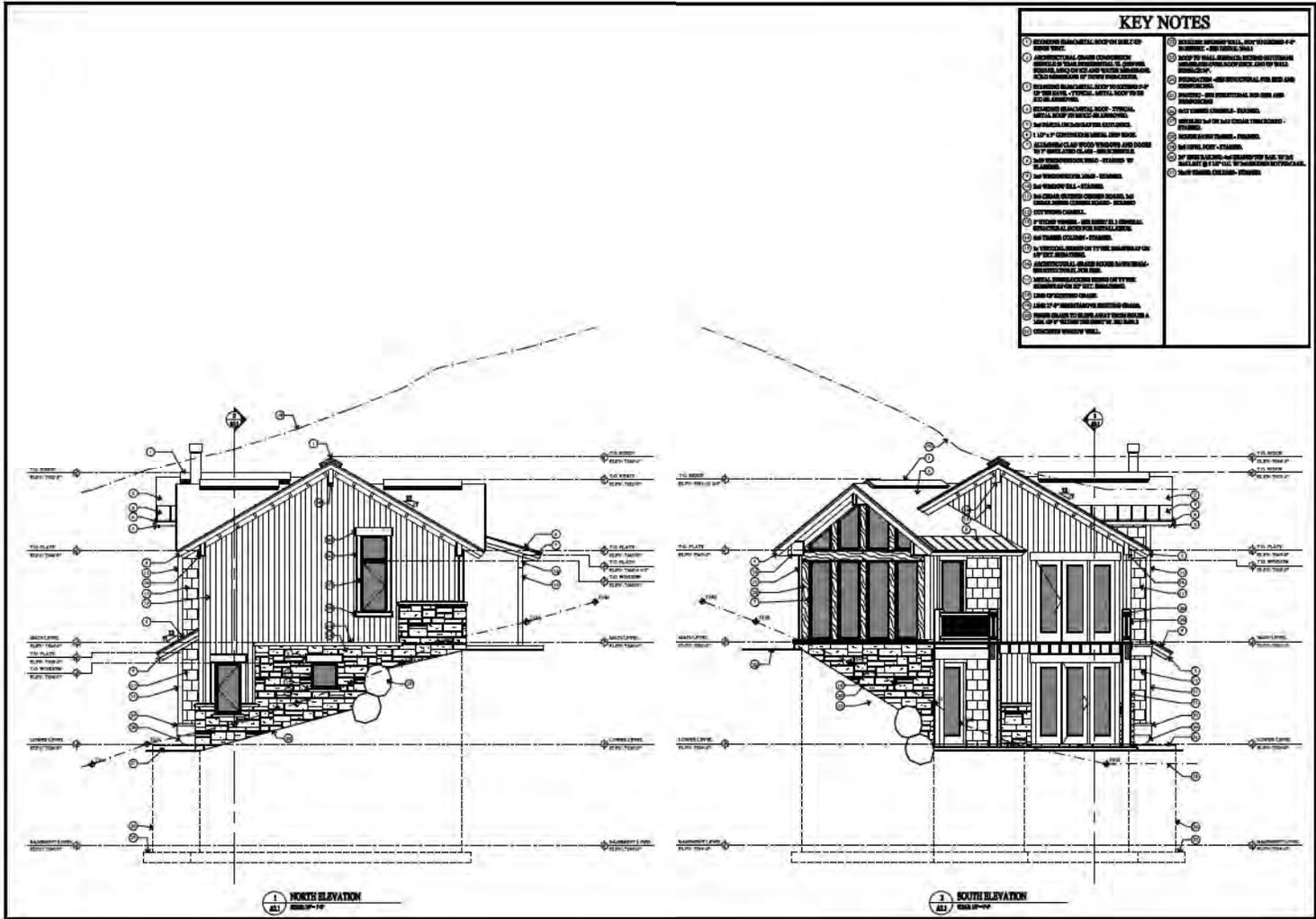


Jonathan DeGray
Architect

JORGENSEN RESIDENCE
HISTORIC DISTRICT DESIGN REVIEW AND
STEP 2 CLUE CONDITIONAL USE APPLICATION SET
39 LAMPSON AVENUE, PARK CITY, UTAH 84400

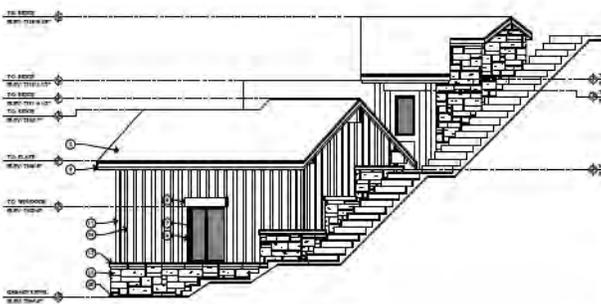
ROOF PLAN

A1.5



KEY NOTES

- | | |
|---|--|
| <ul style="list-style-type: none"> 1. EXISTING FOUNDATIONAL FOOTING ON SITE - CONFORM TO THE 2. ARCHITECTURAL FRAME CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2009 INTERNATIONAL RESIDENTIAL CODE AND THE 2009 INTERNATIONAL ENERGY EFFICIENCY CODE. ALL EXISTING FOUNDATIONAL FOOTING SHALL BE REINFORCED WITH STEEL REBAR AND CONCRETE. 3. EXISTING FOUNDATIONAL FOOTING SHALL BE REINFORCED WITH STEEL REBAR AND CONCRETE. 4. EXISTING FOUNDATIONAL FOOTING SHALL BE REINFORCED WITH STEEL REBAR AND CONCRETE. 5. EXISTING FOUNDATIONAL FOOTING SHALL BE REINFORCED WITH STEEL REBAR AND CONCRETE. 6. EXISTING FOUNDATIONAL FOOTING SHALL BE REINFORCED WITH STEEL REBAR AND CONCRETE. 7. EXISTING FOUNDATIONAL FOOTING SHALL BE REINFORCED WITH STEEL REBAR AND CONCRETE. 8. EXISTING FOUNDATIONAL FOOTING SHALL BE REINFORCED WITH STEEL REBAR AND CONCRETE. 9. EXISTING FOUNDATIONAL FOOTING SHALL BE REINFORCED WITH STEEL REBAR AND CONCRETE. 10. EXISTING FOUNDATIONAL FOOTING SHALL BE REINFORCED WITH STEEL REBAR AND CONCRETE. 11. EXISTING FOUNDATIONAL FOOTING SHALL BE REINFORCED WITH STEEL REBAR AND CONCRETE. 12. EXISTING FOUNDATIONAL FOOTING SHALL BE REINFORCED WITH STEEL REBAR AND CONCRETE. 13. EXISTING FOUNDATIONAL FOOTING SHALL BE REINFORCED WITH STEEL REBAR AND CONCRETE. 14. EXISTING FOUNDATIONAL FOOTING SHALL BE REINFORCED WITH STEEL REBAR AND CONCRETE. 15. EXISTING FOUNDATIONAL FOOTING SHALL BE REINFORCED WITH STEEL REBAR AND CONCRETE. 16. EXISTING FOUNDATIONAL FOOTING SHALL BE REINFORCED WITH STEEL REBAR AND CONCRETE. 17. EXISTING FOUNDATIONAL FOOTING SHALL BE REINFORCED WITH STEEL REBAR AND CONCRETE. 18. EXISTING FOUNDATIONAL FOOTING SHALL BE REINFORCED WITH STEEL REBAR AND CONCRETE. 19. EXISTING FOUNDATIONAL FOOTING SHALL BE REINFORCED WITH STEEL REBAR AND CONCRETE. 20. EXISTING FOUNDATIONAL FOOTING SHALL BE REINFORCED WITH STEEL REBAR AND CONCRETE. | <ul style="list-style-type: none"> 21. EXISTING FOUNDATIONAL FOOTING SHALL BE REINFORCED WITH STEEL REBAR AND CONCRETE. 22. EXISTING FOUNDATIONAL FOOTING SHALL BE REINFORCED WITH STEEL REBAR AND CONCRETE. 23. EXISTING FOUNDATIONAL FOOTING SHALL BE REINFORCED WITH STEEL REBAR AND CONCRETE. 24. EXISTING FOUNDATIONAL FOOTING SHALL BE REINFORCED WITH STEEL REBAR AND CONCRETE. 25. EXISTING FOUNDATIONAL FOOTING SHALL BE REINFORCED WITH STEEL REBAR AND CONCRETE. 26. EXISTING FOUNDATIONAL FOOTING SHALL BE REINFORCED WITH STEEL REBAR AND CONCRETE. 27. EXISTING FOUNDATIONAL FOOTING SHALL BE REINFORCED WITH STEEL REBAR AND CONCRETE. 28. EXISTING FOUNDATIONAL FOOTING SHALL BE REINFORCED WITH STEEL REBAR AND CONCRETE. 29. EXISTING FOUNDATIONAL FOOTING SHALL BE REINFORCED WITH STEEL REBAR AND CONCRETE. 30. EXISTING FOUNDATIONAL FOOTING SHALL BE REINFORCED WITH STEEL REBAR AND CONCRETE. 31. EXISTING FOUNDATIONAL FOOTING SHALL BE REINFORCED WITH STEEL REBAR AND CONCRETE. 32. EXISTING FOUNDATIONAL FOOTING SHALL BE REINFORCED WITH STEEL REBAR AND CONCRETE. 33. EXISTING FOUNDATIONAL FOOTING SHALL BE REINFORCED WITH STEEL REBAR AND CONCRETE. 34. EXISTING FOUNDATIONAL FOOTING SHALL BE REINFORCED WITH STEEL REBAR AND CONCRETE. 35. EXISTING FOUNDATIONAL FOOTING SHALL BE REINFORCED WITH STEEL REBAR AND CONCRETE. 36. EXISTING FOUNDATIONAL FOOTING SHALL BE REINFORCED WITH STEEL REBAR AND CONCRETE. 37. EXISTING FOUNDATIONAL FOOTING SHALL BE REINFORCED WITH STEEL REBAR AND CONCRETE. 38. EXISTING FOUNDATIONAL FOOTING SHALL BE REINFORCED WITH STEEL REBAR AND CONCRETE. 39. EXISTING FOUNDATIONAL FOOTING SHALL BE REINFORCED WITH STEEL REBAR AND CONCRETE. 40. EXISTING FOUNDATIONAL FOOTING SHALL BE REINFORCED WITH STEEL REBAR AND CONCRETE. |
|---|--|



1 **NORTHEAST ELEVATION**
SCALE: 1/8" = 1'-0"



1 **SOUTHEAST ELEVATION**
SCALE: 1/8" = 1'-0"

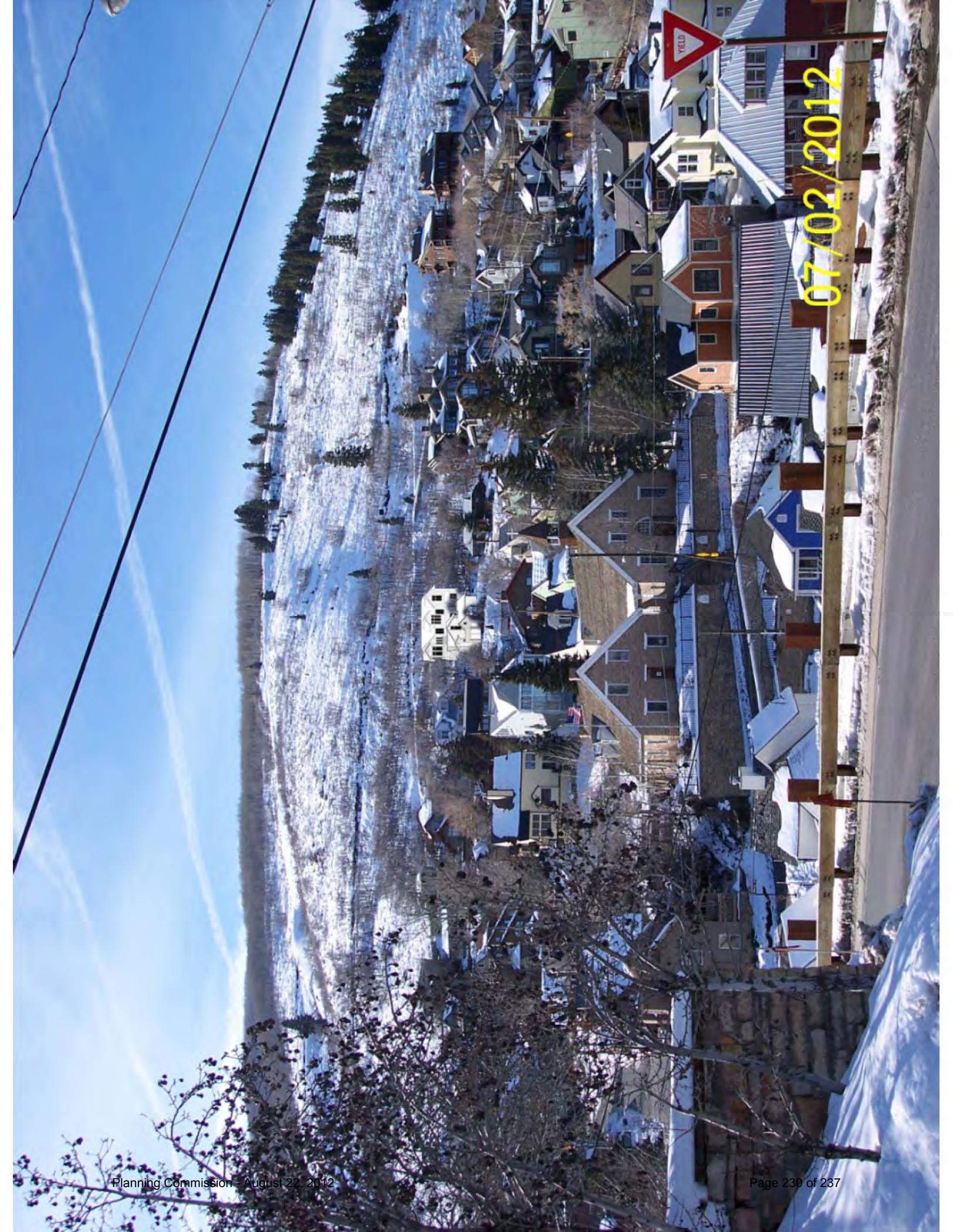
Jonathan DeGray
Architect
P.O. Box 1074, Salt Lake City, Utah 84111, Utah, U.S.A.
Tel: 313-248-2251, Email: jonathan@jonathandegray.com

JORGENSEN RESIDENCE
HISTORIC DISTRICT DESIGN REVIEW AND
STEP-BY-STEP CONDITIONAL USE APPLICATION SET
30 CAMPBELL AVENUE, PARK CITY, UTAH 84402

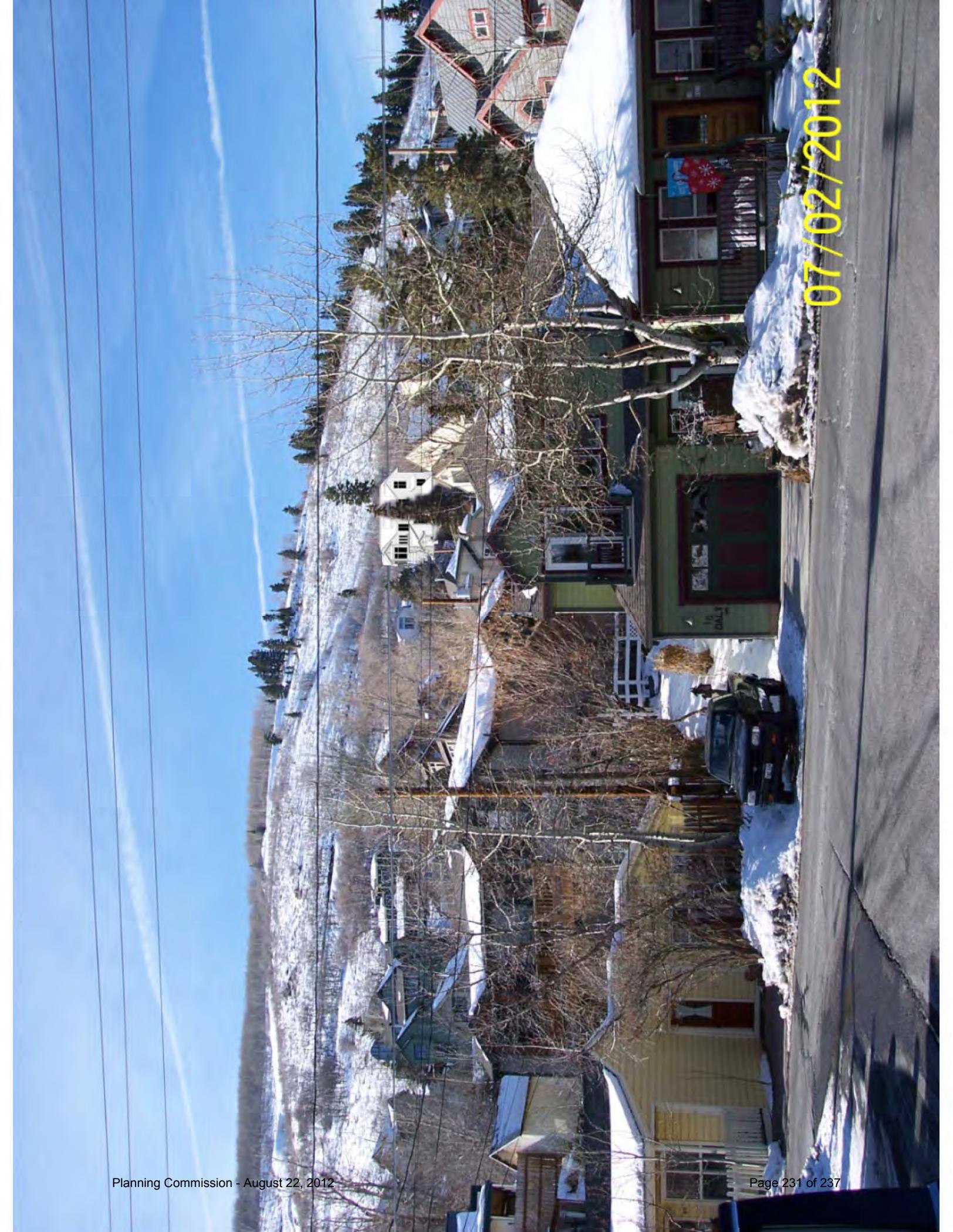
GARAGE
SOUTHEAST & NORTHEAST
ELEVATIONS

DATE: 02.27.12
PROJECT: 110-02
A2.4





07/02/2012



07/02/2012

6. The buildings on the newly created lots shall not exceed a Floor Area ratio of 2.0.

V. PUBLIC HEARINGS/ACTION ITEMS

1. 30, 40, 50 Sampson Avenue Plat Amendment

Planner Janice Lew reported that the applicant was requesting an amendment to a portion of the Park City Survey Plat. The amendment would combine several Old Town lots into three larger parcels, thereby reducing the density and providing access to each lot from Sampson Avenue. The parcel is located in the HRL District, and the minimum lot size in the area is 3,750 square feet. The parcels are subject to floor area ratios and Historic District design standards. A number of issues listed in the Staff report were addressed in the conditions of approval or notes shown on the plat. The Planning Commission had discussed building size during the work session, and there was concern about maintaining compatibility with the smaller Old Town lots and the Historic District in that area. The Staff had not received public input other than phone calls from John Hayes and Jon DeGray requesting information about the proposal. The Staff recommended that the Planning Commission forward a positive recommendation to the City Council based upon the findings and conclusions of law and conditions of approval outlined in the Staff report.

Chair Child opened the public hearing.

The applicant, Craig Schneckloth, noted the concerns expressed by the Commissioners regarding house size on Lot 3 and suggested the possibility of two smaller houses rather than one larger home. Lot 1 would remain at 3,336 square feet, Lot 2 would be reduced to 3,230 square feet, and Lot 3 would have one house on the bottom half at 2,400 square feet and one house on the top half. Parking for four cars would be provided underneath the bottom house, and access for both houses would be from Sampson Avenue.

Since the Staff review was based on the proposal for three homes on three lots, Chair Child indicated that the Planning Commission should base their review on that proposal. Mr. Schneckloth preferred the proposal for one house on Lot 3 and explained that he had only offered the alternative as a possibility to satisfy the Planning Commission.

Commissioner Joe Tesch explained the issues involved for the benefit of the public. The applicant had taken six Old Town lots and suggested that they be reconfigured into three larger lots. The applicant had also requested home sizes that would fit within the code requirement for maximum size homes on the newly configured

lots, but the Planning Commission was struggling with the idea that the homes might be too large to be compatible with other structures in the neighborhood. Commissioner Tesch noted the possible traffic dangers involved with increased density on Sampson Avenue and noted that reducing the number of lots was a decent trade-off.

Chair Child clarified that the Commissioners favored the reduction in the number of lots, and the only obstacle was determining a reasonable house size. Commissioner Tesch was not certain that three lots was the right number. He felt the applicant had the misconception that the lower number of lots would receive more favorable review. Commissioner Tesch felt the Planning Commission wished to allow Mr. Schneckloth fair use of the property.

Commissioner Klingenstein was concerned with setting a precedent for incremental build-up in the area and suggested reducing the home sizes to 3,000 square feet on Lot 1, 3,500 square feet on Lot 2, and 3,000 square feet on Lot 3 in order to assure neighborhood compatibility.

Commissioner Jones concurred with Commissioner Klingenstein and remarked that the real issue was compatibility. The FAR's are maximum limits, and often applicants believe they are allowed to build homes to the maximum size without regard to the neighborhood. He requested that the conditions of approval reiterate that the overriding criteria for house size is neighborhood compatibility in both design issues and how the home fits on the lot relative to the neighborhood.

Commissioner Erickson noted that the proposed height did not meet the new height ordinance recommended at the previous Planning Commission meeting and questioned which height would be required. Director Lewis explained that the applicant would be required to comply with the height restriction in place at the time of building permit issuance. Commissioner Erickson clarified that the proposal would be reviewed by the Development Department for compliance with the Historic District Commission guidelines, and any appeal would be to the Historic District Commission.

Chair Child asked Director Lewis if the findings and conclusions of law should be changed if the Planning Commission approved the project with specified house sizes. Director Lewis explained that the matter would go to a public hearing before the City Council, and the information would be added as notes on the plat. The conditions approved by the Planning Commission would list all the information on the plat regarding house sizes and the Planning Commission's conclusions and findings would be included in the City Council report.

MOTION: Commissioner Chuck Klingenstein moved to APPROVE the Sampson Avenue Plat Amendment for 30, 40 and 50 Sampson Avenue as outlined by the Staff with an additional condition of approval stating that Lot 1 would have a maximum house size of 3,000 square feet, Lot 2 a maximum house size of 3,500 square feet, and Lot 3 a maximum house size of 3,000 square feet.

Chair Child clarified that the numbers pertained to the house size only and did not include a garage limit. Commissioner Klingenstein replied that a 400-square-foot garage was allowed.

Commissioner Diane Zimney seconded the motion.

The applicant stated that he had no objection and agreed to comply with the house sizes as stated in the motion.

VOTE: The motion passed unanimously.

Conditions of Approval - 30, 40, 50 Sampson Avenue

1. A note shall be required on the plat indicating that a modified 13-D sprinkler system shall be required and wood roofs are prohibited.
2. Prior to individual building permit issuance, complete plans for construction staging, construction parking, grading, erosion control and vegetation protection (LOD) shall be approved by the Community Development Department.
3. Prior to individual building permit issuance, the City Engineer shall review and approve all utility and construction plans. A 10-foot public non-exclusive utility easement shall be provided along Sampson Avenue for Lots 1 and 3. The following note shall be placed on the plat in regard to Lot 2:

"In the event the house which exists on Lot 2 as of the date this plat is recorded is demolished or lost due to fire, earthquake, or other catastrophe, the owner of Lot 2 will, as a condition precedent to rebuilding a new structure, grant to Park City Municipal Corporation a 10-foot-wide non-exclusive public utility easement along and abutting Sampson Avenue."
4. Prior to plat recordation, the City Council, City Attorney, and City Engineer shall review and approve the plat.
5. All Standard Project Conditions shall apply.

6. The maximum house sizes shall be:
Lot 1 - 3,000 square feet
Lot 2 - 3,500 square feet
Lot 3 - 3,000 square feet

2. Blockbuster Video CUP for Signage

Planner Janice Lew reported that years earlier the Planning Commission spent some time reviewing signage for PayLess Drug located at 950 Ironhorse Drive. A total of 49 square feet of signage was approved by the Planning Commission with the following conditions:

- Only one sign was permitted.
- The Staff would approve final colors consistent with the color requirements of the Park City sign code.
- The sign would be externally illuminated.

The PayLess Drug sign consists of 24" letters painted a burnt red. Blockbuster Video is leasing a portion of the PayLess Drug building and is requesting approval of a master sign plan. The Blockbuster Video signage would include a primary sign. The applicants have proposed individual letters 24" in height with a yellow face totalling 46 square feet of signage. The sign would be located above the windows on the front facade of the building. An awning was proposed across the front of the building which would be burnt red to match the color scheme of the PayLess signage and would have the Blockbuster ticket logo in yellow. The signage on the awning would total 12.5 square feet.

Planner Lew indicated that the Staff had spent a great deal of time with the applicant working on the signage and was concerned with the proposal. The intent of the master sign plan was to create a common theme to tie design elements together. The Staff preferred that the Blockbuster Video signage match the color of the PayLess sign. She suggested that the Planning Commission consider a reduction in size so the Blockbuster sign would be subordinate to the main tenant signage. The Staff was also concerned with the awning which would create a dominant architectural feature on the left side of the building and an imbalance with no awning on the opposite side of the building. The Staff recommended that a smaller awning replace the large awning above the door and that the logo be permitted there for signage. The Staff also recommended that the yellow color be consistent with the Park City sign code.

Public input had not been received, and the Staff recommended approval of the master sign plan for the PayLess building with the findings, conclusions of law, and conditions of approval outlined in the staff report.

Debra M. Schneckloth
P.O. Box 234
Park City, UT 84060



March 30, 1998

Debra M. Schneckloth
P.O. Box 234
Park City, UT 84060

Dear Debra:

Your plat amendment to the Park City Survey regarding 30, 40 and 50 Sampson Avenue, which was approved by the City Council, with conditions, on February 2, 1995 specified the following maximum sizes for residential structures on the lots:

Lot 1 - 3000 square feet

Lot 2 - 3500 square feet

Lot 3 - 3000 square feet

An additional 400 square feet may be added to the total floor area for a garage for each of the lots.

You recently inquired about the possibility of allowing basements in addition to the maximum house sizes specified on the lots. Since your plat amendment does not specifically prohibit basements, it is my determination that basements would be allowed provided they can meet the definition in the Land Management Code. A basement is defined as having all four walls at least 80% underground. Basements may not have an outside door (including a garage door) visible from the public right-of-way.

I apologize for any confusion the Community Development Department may have caused as we reviewed this issue. It took a few days to research how the building size has been determined on other plats. My determination is consistent with our present practice of calculating house sizes when they are specified on plats.

Sincerely,

A handwritten signature in dark ink, appearing to read "Richard E. Lewis".

Richard E. Lewis
Community Development Director

M CDD RL LETTER 1998 SCHNECL001

00503794 Bk01134 Pg00399-00400

ALAN SPRIGGS, SUMMIT COUNTY RECORDER
1998 APR 07 11:28 AM FEE \$12.00 BY DMG
REQUEST: DEBRA M SCHNECKLOTH

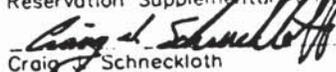
LEGAL DESCRIPTION

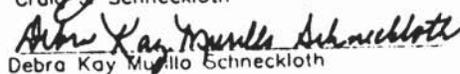
Beginning at the Northeast Corner of Lot 47, Block 78, Mill-site Reservation, The Park City Survey, and as recorded in Summit County, Utah, and running thence South 23°38' East along the Easterly line of said Lot 47, a distance of 11.67 feet to the Westerly edge of an existing road, thence South 13°36'05" West along said Westerly edge, a distance of 200.84 feet; thence South 84° 42' 13" West, a distance of 26.80 feet; thence North 89°14'40" West, a distance of 54.85 feet to the Southerly line of Lot 8, Block 79, Mill-site Reservation; thence South 66°22' west along said Southerly line, a distance of 18.39 feet to a point being the common back corner of Lots 6 and 8, thence due North 225.32 feet along the Westerly line of Block 79, Mill-site Reservation, to the Westerly line of Utah Avenue as dedicated; thence North 66°22' East, a distance of 50.00 feet to the Easterly line of said Utah Avenue as recorded; thence South 23°38' East, a distance of 65.67 feet along said Easterly line to the Northwest Corner of Lot 47, Block 78, Mill-site Reservation as recorded, thence North 66°34' East along the Northerly line of said Lot 47, a distance of 75.00 feet to the Point of Beginning.

Contains 0.58 acres more or less

OWNER'S DEDICATION AND CONSENT TO RECORD

Know all men by these presents: That the undersigned are the owners of the herein described tract of land, and hereby causes the same to be divided into lots as set forth and shown hereon, hereafter to be known as Mill-site Reservation Supplemental Amended Plat.


Craig J. Schneckloth


Debra Kay Muello Schneckloth

00503794 Bk01134 Pg00400

Joint Tenants